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VOLUME 21 NUMBER 128

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TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 1—FEDERAL REGISTER

ELIMINATION OF REQUIREMENT FOR LEGAL SIZE PAPER

In order to eliminate the requirement that documents submitted to the Federal Register Division be prepared on legal size paper, Title 1, Part 1, Code of Federal Regulations is amended as follows, effective upon publication in the FEDERAL REGISTER:

1. In § 1.63, the figure "12½" is changed to read "10½."

2. The second sentence of § 1.81 (a) is amended by inserting the word "substantially" between the words "not" and "greater," and by changing the figure "12½" to read "10½."

3. In § 1.81 (b) the words "legal size" are deleted.

As amended, §§ 1.63 and 1.81 read as follows:

§ 1.63 *Typewritten originals.* All documents shall be typewritten on white bond paper approximately 8 by 10½ inches, shall have a left-hand margin of approximately 1½ inches, and a right-hand margin of approximately 1 inch, and shall be double-spaced.

§ 1.81 *Illustrations and tabular material.* Whenever possible documents should be so drafted as to make the inclusion of illustrations and tabular material unnecessary. If their inclusion cannot be avoided the following provisions shall apply:

(a) *Illustrations.* The original drawings of all maps, charts, graphs, or other illustrations shall be submitted to the Division at least six working days before the date on which publication is desired. A legible reproduction of the original drawing, reduced to a size not substantially greater than 8 by 10½ inches, shall appear as part of the original document and the three certified copies.

(b) *Tabular material.* Tabular material comprising more than two typewritten pages must be forwarded to the Division at least six working days before the date on which publication is desired.

The requirements of § 1.91 respecting the form of Executive Orders and Proclamations are not affected by the foregoing amendments.

(Sec. 6, 49 Stat. 501, as amended; 44 U. S. C. 306. E. O. 10530, 19 F. R. 2709; 3 CFR, 1954 Supp.)

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,
By: WAYNE C. GROVER,
Chairman.

Approved:

HERBERT BROWNELL, Jr.,
Attorney General.
FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 56-5314; Filed, June 29, 1956; 4:08 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

REVISION OF PART

Regulations are hereby revised and reissued for the operation of a Special Milk Program for Children pursuant to the authority contained in section 201 (c) of the Agricultural Act of 1949, as amended.

Sec.
502.200 General purpose and scope.
502.201 Administration.
502.202 Advance of funds to State agencies.
502.203 Accounting for program funds by State agencies.
502.204 Use of funds.
502.205 Agreements between CCC and State agencies.
502.206 Agreements between State agencies and schools and child-care institutions.
502.207 Agreements between CCC and private schools and child-care institutions.
502.208 Reimbursement.
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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

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AUTHORITY: §§ 502.200 to 502.217 issued under sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interpret or apply sec. 201, 63 Stat. 1052, as amended, 70 Stat. 87; 7 U. S. C. 1446.

§ 502.200 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operation of the Special Milk Program under section 201 (c) of the Agricultural Act of 1949, as amended, and sets forth the general requirements for participation in the program beginning July 1, 1956. The pertinent part of section 201 (c), as amended, reads as follows:

• • • for each of the two fiscal years in the period beginning July 1, 1956, and ending June 30, 1958, not to exceed $75,000,000, of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children in (1) nonprofit schools of high-school grade and under; and (2) such nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions as are devoted to the care and training of underprivileged children on a public welfare or charitable basis.

§ 502.201 *Administration.* (a) Within the United States Department of Agriculture, the Agricultural Marketing Service (hereinafter referred to as AMS) shall act for and on behalf of the Commodity Credit Corporation (hereinafter referred to as CCC) in connection with the operation of this program. Within AMS, and under the general supervision of the Administrator of AMS, the Food Distribution Division (hereinafter referred to as FDD–AMS) shall be responsible for program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this program in schools and child-care institutions within the States shall be in the respective educational agency of the State: *Provided, however,* That another agency of the State, upon request by an appropriate State official, may be approved by FDD–AMS to administer the program in child-care institutions.

(c) FDD–AMS shall administer the program in any class of schools (hereinafter referred to as private schools) and in child-care institutions in which the program is not administered by the State.

§ 502.202 *Advance of funds to State agencies.* (a) For each Federal fiscal year FDD–AMS shall initially reserve for advance to a State educational agency entering into agreement with CCC an amount equal to 115 percent of the expenditures of that agency under the program in the Federal fiscal year ending June 30, 1956. Expenditures in that year shall be determined by FDD–AMS on the basis of the latest information available to FDD–AMS at the time the initial annual reserves for each State are developed.

(b) This initial reserve shall be advanced to the State educational agency on a quarterly basis. FDD–AMS reserves the right to request any State educational agency to justify its need for any scheduled quarterly payment prior to its advancement. In the event that a State educational agency does not justify the need for the full amount of any scheduled quarterly payment, FDD–AMS shall withhold from such payment the amount determined to be in excess of program needs.

(c) In the event that a State educational agency justifies the need for funds in excess of the amount of its initial reserve, additional funds shall be made available, at such times as needed, up to an amount that will provide a total payment for the year equal to 130 percent of its expenditures in the Federal fiscal year ending June 30, 1956. Any needed funds in excess of 130 percent of its expenditures in that Federal fiscal year, when justified, will be provided to the extent funds are available for such purpose.

(d) For each Federal fiscal year FDD–AMS shall initially reserve for advance to a State agency, other than the State educational agency, entering into an agreement with CCC an amount equal to one hundred dollars for each one thousand children between the ages of 5 and 17 years residing in the State. This initial reserve shall be advanced quarterly to such State agency in an amount estimated to meet anticipated quarterly reimbursement obligations. In the event that such State agency justifies the need for funds in excess of its initial annual reserve, such funds will be provided to the extent funds are available for such purpose.

(e) Following the close of the Federal fiscal year, any funds advanced under this program to an educational or other agency of a State that remain unobligated under the program shall be returned to AMS within 30 days after a demand is made by FDD–AMS. The State shall also pay to AMS any interest paid or credited to it by reason of the deposit of any funds advanced to it under this program.

§ 502.203 *Accounting for program funds by State agencies.* Each State agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this program shall be used to encourage the increased consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State agencies.* CCC shall enter into written agreements with State agencies for the administration of the program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State agency is assuming responsibility.

§ 502.206 *Agreements between State agencies and schools and child-care institutions.* State agencies shall enter into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD-AMS will administer the program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program. The maximum rate of reimbursement

shall be 4 cents per half pint for schools serving Type A or Type B meals under the National School Lunch Program. For all other schools and for child-care institutions, the maximum reimbursement rate shall be 3 cents per half pint.

(b) Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) In child-care institutions; and in schools operating a food service outside the National School Lunch Program or serving more than one meal a day, a portion of the milk served to children may be excluded from reimbursement if such action is deemed advisable in order to encourage the continued expansion of the service of complete school lunches or to accomplish the objectives of this program.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

(f) A school or child-care center which does not offer milk to children as a separately priced item shall, at the time it applies for participation, submit for approval the methods and practices under which it plans to encourage increased consumption of milk by children. Assigned rates of reimbursement shall be subject to adjustment if there is a substantial variation between actual and planned performance with respect to increased milk consumption by children.

§ 502.209 *Requirements for participation.* (a) Schools and child-care institutions shall make written application for participation to the State agency, except that in those States in which FDD–AMS administers the program in private schools or child-care institutions, application shall be made to FDD–AMS. In approving the application, the State agency or FDD–AMS shall determine that the applicant is a school or child-care institution as defined in § 502.215 and shall designate the effective date on which the school or child-care institution may begin operations. Schools and child-care institutions whose applications are approved shall execute agreements with the State agency or CCC.

(b) Schools and child-care institutions participating in the program shall meet the following minimum requirements, which requirements shall be included in the agreements entered into between the schools and child-care institutions and State agencies and between the private schools and child-care institutions and CCC:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provision of § 502.208;

(3) Submit claims for reimbursement in accordance with procedural requirements established by FDD-AMS; and

(4) Maintain such records and furnish such reports and documents as are prescribed by the State agency or by FDD-AMS. All invoices, receipts and records pertaining to the program shall be maintained for a period of three years after the end of each Federal fiscal year's operations. Records shall be made available for audit purposes to the State agency and AMS, or to AMS in the case of a private school or child-care institution which contracts directly with CCC.

§ 502.210 *Effective dates for reimbursement.* A State agency or AMS may grant written approval to begin operations under this program prior to the processing of the application from a school or child-care institution. Such approval shall be attached to the subsequently filed application and the agreement executed by the school or child-care institution. Reimbursement shall be made for any milk served in accordance with the requirements of this part from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That no reimbursement shall be made for milk that was served more than 30 days prior to the receipt of the application by the State agency or AMS: *Provided, further,* That in no event shall reimbursement be made by any State agency for milk served prior to the effective date of the State agency's agreement with CCC.

§ 502.211 *Administrative analyses and audits.* The State agency shall provide AMS with full opportunity to conduct administrative analyses and audits of all operations of the State agency under this program. The State agency shall make available its records, including the receipt and expenditure of funds under the program, upon reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any participating school or child-care institution.

§ 502.212 *State agency reports and records.* Within 30 days after the end of each calendar month, the State agency shall make a report to FDD–AMS concerning the operation of the program for that month, on a form provided by FDD–AMS. The State agency shall maintain for a period of three years after the end of each Federal fiscal year's operations, all records pertaining to the program.

§ 502.213 *Investigations.* The State agency shall promptly investigate all complaints received or irregularities noted in connection with the operation of the program in participating schools and child-care institutions and shall take appropriate action to correct any irregularities.

§ 502.214 *Overclaims.* (a) Excess payments resulting from overclaims made by schools or child-care institutions which are discovered by the State agency during audits, administrative visits or by other means, shall be collected by the State agency either by direct refund or by deduction from subsequently filed claims. Any amounts thus recovered by the State agency may be used to pay other claims of the same Federal fiscal year.

(b) The State agency shall likewise recover all excess payments made by it to schools and child-care institutions discovered by AMS administrative analyses or audits of State agency operations or during AMS audits of participating schools and child-care institutions. However, before a final determination is made in such cases, the State agency shall have full opportunity to submit additional information, explanation or information concerning such excess payments.

(c) Excess payments resulting from overclaims made by schools or child-care institutions in which the program is administered by FDD–AMS, discovered by AMS during audits, administrative visits or by other means, shall be collected by AMS either by direct refund or by deduction from subsequently filed claims.

§ 502.215 *Definitions*—(a) *State.* The 48 States, the District of Columbia, and the Territory of Hawaii.

(b) *School.* (1) Any school which is a public school of high school grade and under within the definition of the statutes of the State, and

(2) Any private school of high school grade and under exempt from income tax under the Internal Revenue Code, as amended. The term "school" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under this program for the school.

(c) *Child-care institution.* Any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp, or similar nonprofit institution devoted to the care and training of underprivileged children on a public welfare or charitable basis.

(d) *Nonprofit food or milk service.* Food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(e) *Milk.* Fluid whole milk, flavored or unflavored, which meets the State and local standards for unflavored whole milk as to butterfat content and sanitation.

(f) *Cost of milk.* The purchase price paid by the school or child-care institution to the milk distributor for milk delivered to the school. This does not include any amount paid to the milk distributor for the rental of or installment purchase of milk service equipment.

(g) *Distribution costs.* Direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

§ 502.216 *Miscellaneous provisions*—(a) *Disqualifications and compliance clause.* Any State agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of the regulations in this part, its agreement with CCC or the State agency, or other pertinent rules, regulations or instructions. This does not preclude the possibility of other action being taken through other means available where considered necessary. Fraud in the payment of, or claiming for, reimbursement under the program will be prosecuted under applicable Federal statutes. If any part of the money received by the State agency in connection with the program, by any improper or negligent action, is diminished, lost, misapplied, or diverted from the program by the State agency, or by any school or child-care institution to which funds are disbursed, FDD-AMS may order such money to be replaced with funds from sources within the State and, until replaced, may direct that no subsequent payments shall be made to the State agency or to such school or child-care institution. The State agency shall have full opportunity to submit additional evidence, explanation or information concerning instances of noncompliance or diversion of funds, before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be waived, withdrawn, or amended, at any time by AMS: *Provided, however,* That such action shall not be taken without prior notice to State agencies having agreements with CCC.

§ 502.217 *Program information.* Schools and child-care institutions desiring information concerning the program should write to their State educational agency or to the appropriate Area Office of FDD-AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 506, New York 13, New York.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta, Georgia.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 226 West Jackson Boulevard, Room 1412, Chicago 6, Illinois.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 1114 Commerce Street, Room 1812, Dallas 2, Texas.

(e) In the States of Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 404 Appraisers Building, 630 Sansome Street, San Francisco 11, California.

Effective date. This part, as revised, shall become effectively July 1, 1956.

Issued: June 29, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5294; Filed, July 2, 1956; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

SUBPART B—STANDARDS

REVISED OFFICIAL GRADE STANDARDS FOR AMERICAN EGYPTIAN COTTON

On May 15, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 3186) regarding a proposed revision of the official cotton standards of the United States for the grade of American Egyptian cotton (7 CFR 27.251 through 27.260), pursuant to authority contained in section 6 of the United States Cotton Standards Act, as amended (42 Stat. 1518; 7 U. S. C. 56) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C. 4854).

The proposed revised standards for grade of American Egyptian cotton were unanimously approved by representatives of producers, spinners, and merchants at a meeting held in Washington on June 5, 1956. An earlier meeting to discuss these standards was held in Washington on May 23, 1956.

The grade standards now in effect for American Egyptian cotton were prepared from cotton of the Pima 32 and Amsak varieties. Practically all American Egyptian cotton now produced is of the Pima S–1 variety. The revised standards are based on a survey of the 1955–56 American Egyptian cotton crop which indicated a need for a revision of the standards to reflect the varietal characteristics of current American Egyptian crops.

After consideration of all relevant matters presented pursuant to the notice and at the meetings on May 23 and June 5, the following official cotton standards of the United States for the grade of American Egyptian cotton are hereby promulgated to supersede on August 1, 1957, the present provisions of §§ 27.251 through 27.260 of Title 7 of the Code of Federal Regulations:

§ 27.251 *Grade No. 1.* Grade No. 1 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 1, effective August 1, 1957."

§ 27.252 *Grade No. 2.* Grade No. 2 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 2, effective August 1, 1957."

§ 27.253 *Grade No. 3.* Grade No. 3 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 3, effective August 1, 1957."

§ 27.254 *Grade No. 4.* Grade No. 4 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 4, effective August 1, 1957."

§ 27.255 *Grade No. 5.* Grade No. 5 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 5, effective August 1, 1957."

§ 27.256 *Grade No. 6.* Grade No. 6 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 6, effective August 1, 1957."

§ 27.257 *Grade No. 7.* Grade No. 7 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Stand-

ards of the United States, American Egyptian, Grade No. 7, effective August 1, 1957."

§ 27.258 *Grade No. 8.* Grade No. 8 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 8, effective August 1, 1957."

§ 27.259 *Grade No. 9.* Grade No. 9 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 9, effective August 1, 1957."

§ 27.260 *Grade No. 10.* American Egyptian cotton which in grade is inferior to grade No. 9 shall be designated as "American Egyptian Grade No. 10."

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854)

Done at Washington, D. C., this 28th day of June 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-5251; Filed, July 2, 1956; 8:48 a. m.]

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

PART 28—COTTON STANDARDS

MISCELLANEOUS AMENDMENTS

On May 18, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 3283) concerning proposed amendments to the regulations under cotton futures legislation (7 CFR Part 27, Subpart A, as amended) and the regulations under the United States Cotton Standards Act (7 CFR Part 28, Subpart A, as amended) pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863), and in section 4 of the United States Cotton Standards Act (42 Stat. 1517; 7 U. S. C. 54).

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, effective upon publication in the FEDERAL REGISTER:

1. Section 27.10 is amended to read:

§ 27.10 *Supervisor of cotton inspection.* The Administrator or the chairman of a board of cotton examiners may when necessary designate an official or employee of the Department of Agriculture to supervise the inspection and sampling and the preparation of samples of cotton for classification by a board of cotton examiners, and to perform such other duties as may be required of him for the purposes of this subpart.

2. Section 27.13 is amended to read:

§ 27.13 *Micronaire determination request incidental to classification request.* The classification request may include a request for Micronaire determination.

3. Paragraph (b) of § 27.28 is amended to read:

(b) The sample may be removed, by the current holder of the cotton classification certificate covering the cotton represented by such sample, at any time within 30 days after whichever of the following occurs first: (1) Such certificate becomes invalid as provided in § 27.42, or (2) the certificate (covering tenderable cotton) is surrendered for cancellation without the issuance of a new certificate in lieu thereof, or (3) the cotton is classified as untenderable and an application for review is not filed within the time specified in § 27.62, or (4) the cotton is classified as untenderable in review classification, or (5) the cotton is found untenderable in an official Micronaire determination: *Provided,* That the chairman of the board of cotton examiners may for good cause retain the samples for a longer period.

4. Section 27.44 is amended to read:

§ 27.44 *Invalidity of cotton class certificates.* Any cotton class certificate shall become invalid for use in the tender or delivery of the cotton covered thereby on a section 4863 contract whenever such cotton shall be removed from the place of storage specified therein, except when it is handled and re-stored or transferred to a different place of storage and restored under the supervision of an exchange inspection agency.

5. Section 27.48 is deleted.

6. The third sentence in § 27.64 (a), which reads as follows, is deleted: "A copy of each such application shall be mailed by the person receiving it under this section to the other party in interest."

7. Section 27.68 is deleted.

8. Section 27.69 is amended to read:

§ 27.69 *Classification review; notation on certificate.* If upon review the classification of the cotton is found to be the same as shown by the cotton class certificate, there shall be placed upon the certificate a notation, which shall be signed by the chairman of the board and dated, to the effect that the classification of the cotton covered by such certificate has been reviewed and determined to be as stated in such certificate. Thereupon the certificate shall be returned to the person who requested the review.

9. Sections 27.73 through 27.79 are deleted and the following is substituted for § 27.73:

§ 27.73 *Supervision of transfers of cotton.* Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which he holds valid cotton class certificates, desires to transfer such cotton to a different place, or to a different warehouse at the same place, for the purpose of having it made available for delivery upon a section 4863 contract, such transfer shall be effected under the supervision of the exchange inspection agency in accordance with procedures approved by the Administrator or his representative. For transfers of cotton between different places the owner of the cotton shall surrender the cotton class certificates for the cotton involved to the exchange inspection agency at the place from which the cotton is being transferred. The exchange inspection agency shall cancel the cotton class certificates and forward them, together with other necessary transfer papers, to the exchange inspection agency at the location to which the cotton is being transferred. When the cotton has been delivered for storage at the place of its destination and new warehouse receipts have been issued therefor, the exchange inspection agency at that point shall surrender the cancelled cotton class certificates, other transfer papers, and the new warehouse receipts for the cotton to the board of cotton examiners. Thereupon the board will issue a new cotton class certificate for each bale involved, valid for use at such destination without the reclassification of the cotton or a new Micronaire determination with respect to the cotton. Transfers between different warehouses at the same place shall be under the supervision of the exchange inspection agency at that place and the procedure as nearly as possible shall be the same as that for transfers between different places. The exchange inspection agency shall report the facts of all transfers to the board of cotton examiners in accordance with § 27.46. Supervision of transfers in accordance with this subpart shall not be granted, nor shall any certificate be issued with respect to any bale which appears, upon examination by the exchange inspection agency, or by a supervisor of cotton inspection or other authorized representative of the Service, to be in such condition that its grade or staple length or fiber fineness and maturity is different from that shown by the cotton class certificate, until such bale has been reclassified, and, if a Micronaire determination is shown on such certificate, until a new Micronaire determination has been made for the bale in accordance with this subpart.

10. Section 27.81 is amended to read:

§ 27.81 *Fees; certificates.* For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton as provided in § 27.73, the person making the request shall pay a fee of 15 cents for each certificate issued, to cover the cost of such service and the handling of samples incident thereto.

11. Section 27.84 is deleted.

12. Section 28.64 is deleted.

13. Paragraph (b) (1) of § 28.115 is amended to read:

(1) That no practical form of any of the official cotton standards for grade, the 6-sample guide boxes for the grade of American upland cotton, or the tentative standards for the preparation of long-staple cotton shall be considered or used as representing such standards after the date of its cancellation in accordance with this section or in any event after the expiration of 12 months following the date of its certification: *Provided,* That sets of practical forms stored, protected, and preserved in accordance with certain agreements for the adoption of universal standards may be used for such periods as may be prescribed in such agreements.

A proposed revision of paragraph (b) (1) of § 28.115 was not included in the notice of proposed rule making but the sole purpose of the amendment as shown above is to provide that the validity period of practical forms of standards or guide boxes for grade or preparation of any cotton shall be 12 months rather than 18 months. Tests and studies conducted by the Department show that such practical forms deteriorate with age and usage and that shortening the validity period will help insure their representativeness. The Department announced a proposal to limit the validity period of the practical forms to 12 months at the Universal Cotton Standards Conference in Washington in May 1956 and no objections were voiced. In order to be of maximum benefit to the affected persons, the amendment should be made effective for the practical forms to be distributed for the 1956–57 season. This amendment will impose no hardship and require no preparation by any affected person. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that to issue a notice of rule making or to delay the effective date for this amendment until 30 days after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

The other amendments (1) relieve restrictions on removal of samples from Department custody after classification and restrictions in both the cotton futures and Cotton Standards Act regulations which provide that the original classification shall be changed upon review "only when it shall appear upon the review that such classification was clearly erroneous;" (2) clarify procedures for submitting requests for classification and Micronaire determinations for cotton futures purposes; (3) simplify procedures for the transfer of certificated bales of cotton from one futures delivery location to another delivery location; and (4) delete obsolete provisions in cotton futures regulations. The amendments will impose no hardship and require no advance preparation by any affected person. In order to be of maximum benefit to the affected persons, the amendments should be made effective promptly. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that the amendments should be made effective upon publication in the FEDERAL REGISTER.

(Sec. 4, 42 Stat. 1517, sec. 4863, 68A Stat. 582; 7 U. S. C. 54, 26 U. S. C. 4863)

Done at Washington, D. C., this 28th day of June 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-5250; Filed July 2, 1956; 8:48 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 577, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT SPECIES AND VARIETIES OF BARBERRY, MAHOBERBERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38–5 of the regulations (7 CFR, 1954 Supp., 301.38–5) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR, 1954 Supp., 301.38) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Chief of the Plant Pest Control Branch hereby revises the administrative instructions in 7 CFR, Supp., 301.38–5a (20 F. R. 2150) to read as follows:

§ 301.38–5a *Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.* (a) The Chief of the Branch, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:
- Berberis arido-calida.
- B. beaniana.
- B. buxifolia.
- B. buxifolia nana.
- B. calliantha.
- B. candidula.
- B. chenaulti.
- B. circumserrata.
- B. concinna.
- B. darwini.
- B. formosana.
- B. franchetiana.
- B. gagnepaini.
- B. giligiana.
- B. horvathi.
- B. hybrido-gagnepaini.
- B. insignis.
- B. julianae.
- B. koreana.
- B. lempergiana.
- B. lepidifolia.
- B. linearifolia.
- B. linearifolia var. Orange King.
- B. lologensis.
- B. mentorensis.
- B. paliens.
- B. potanini.
- B. Renton.
- B. replicata.
- B. sanguinea.
- B. sargentiana.
- B. stenophylla.
- B. stenophylla diversifolia.
- B. stenophylla gracilis.
- B. stenophylla irwini.
- B. stenophylla nana compacta.
- B. telomaica artisepala.
- B. thunbergi.
- B. thunbergi atropurpurea.
- B. thunbergi atropurpurea nana.
- B. thunbergi erecta.
- B. thunbergi "globe".
- B. thunbergi "golden".
- B. thunbergi maximowiczi.
- B. thunbergi minor.
- B. thunbergi pluriflora.
- B. thunbergi "thornless".
- B. thunbergi "variegata".
- B. thunbergi xanthocarpa.
- B. triacanthophora.
- B. verruculosa.
- B. virgatorum.
- B. xanthoxylon.
- Mahoberberis aqui-candidula.
- M. aqui-sargentiae.
- M. miethkeana.
- Mahonia aquifolium.
- M. bealei.
- M. compacta.
- M. dictyota.
- M. fortunei.
- M. lomariifolia.
- M. nervosa.
- M. pinnata.
- M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruits of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on July 3, 1956, when they shall supersede P. P. C. 577, revised, effective April 6, 1955 (7 CFR, Supp., 301.38–5a).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following two additional species and varieties: Mahoberberis aqui-candidula and Mahoberberis aqui-sargentiae. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Branch. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these

instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of June, 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-5254; Filed, July 2, 1956; 8:49 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

REVISION OF QUARANTINE AND REGULATIONS

On May 4, 1956, there was published in the FEDERAL REGISTER (21 F. R. 2987) a notice of proposed rule making concerning an amendment of notice of quarantine No. 45 relating to the gypsy moth and brown-tail moth and the regulations supplemental to said quarantine (7 CFR, and 1954 Supp., 301.45, 301.45-1 et seq.). After due consideration of all matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act (7 U. S. C. 143), the notice of quarantine and supplemental regulations are hereby amended to read as follows:

QUARANTINE

Sec.
301.45 Notice of quarantine.

REGULATIONS

301.45-1 Definitions.
301.45-2 Designation of regulated areas.
301.45-3 Regulated articles.
301.45-4 Conditions governing the movement of regulated articles.
301.45-5 Certificates, limited permits and certificates of exemption.
301.45-6 Marking.
301.45-7 Relieving restrictions of regulations.
301.45-8 Assembly of regulated articles.
301.45-9 Inspection and disposition.
301.45-10 Treatment of means of conveyance and containers.
301.45-11 Nonliability of Department.
301.45-12 Shipments for scientific purposes.

AUTHORITY: §§ 301.45 to 301.45-12 issued under secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 163.

QUARANTINE

§ 301.45 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after public hearing required thereby, the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont have been and hereby are continued to be quarantined to prevent the further spread of the gypsy moth (Porthetria dispar L.) and the brown-tail moth (Nygmia phaeorrhoea Donov.), dangerous insects of foreign origin notoriously injurious to forest and shade trees and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), supplemental regulations are hereinafter prescribed (§§ 301.45-1 to 301.45-12) governing the movement of gypsy and brown-tail moths and carriers thereof. Hereafter (a) live gypsy moths and brown-tail moths in any stage of development; (b) timber and timber products; (c) plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees), and parts thereof; (d) stone and quarry products; and (e) any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading the gypsy moth or the brown-tail moth as determined in accordance with the supplemental regulations (§§ 301.45-1 to 301.45-12), shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the supplemental regulations, as from time to time amended; *Provided,* That the requirements of this quarantine and of the supplemental regulations, except as otherwise provided in the regulations, are hereby limited to the areas in any quarantined State which may be designated as within the gypsy moth regulated area or the brown-tail moth regulated area as provided in the regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of the gypsy and brown-tail moths, except that such limitation is further conditioned upon the affected State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon the State's enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the infestations of said insects: *Provided, further,* That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the supplemental regulations apply, except live gypsy or brown-tail moths in any stage of development, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.45-1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *Gypsy moth.* The insect known as the gypsy moth, Porthetria dispar L., in any stage of development.

(b) *Brown-tail moth.* The insect known as the brown-tail moth, Nygmia phaeorrhoea Donov. (formerly referred to as Euproctis chrysorrhoea), in any stage of development.

(c) *Infestation.* The presence of either the gypsy moth or the brown-tail moth.

(d) *Regulated area.* The counties, cities, townships, towns, plantations, villages, and other minor civil divisions, or parts thereof, in any quarantined State, designated in administrative instructions under § 301.45-2 as coming within the area regulated because of the gypsy moth or within the area regulated because of the brown-tail moth.

(e) *Regulated articles.* Articles the movement of which is controlled under the regulations in this subpart as provided in § 301.45-3.

(f) *Suppressive area.* That part of a regulated area in which suppressive measures are cooperatively carried out with the objective of eradicating infestations in this area, as designated in administrative instructions under § 301.45-2.

(g) *Generally infested area.* All of a regulated area, exclusive of the suppressive area, as designated in administrative instructions under § 301.45-2.

(h) *Inspector.* An inspector of the United States Department of Agriculture.

(i) *"Moved" ("movement," "move").* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly, from or within a regulated area. "Movement" and "move" shall be construed accordingly.

(j) *Interstate.* From one State, Territory, or District of the United States into or through another.

(k) *Certificate.* A valid document issued by an inspector authorizing the movement of regulated articles.

(l) *Certificate of exemption.* A valid document issued by an inspector certifying to the eligibility for movement of regulated articles from specified inspected or treated premises in accordance with the provisions of administrative instructions under § 301.45-7.

(m) *Limited permit.* A valid document issued by an inspector to allow controlled movement of noncertified regulated articles to a designated and authorized destination for processing, utilization, or other regulated safe handling.

(n) *Dealer-carrier agreement.* A document constituting an agreement to comply with stipulated quarantine conditions, executed by persons or firms engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

§ 301.45-2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch shall, from time to time, in administrative instructions promulgated by him, list the counties, cities, townships, towns, plantations, villages, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation of the gypsy moth or brown-tail moth has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate the counties, cities, and other civil divisions, or parts thereof, listed because of the gypsy moth, as constituting the gypsy moth regulated area and shall designate the counties, cities, and other civil divisions, or parts thereof, listed because of the brown-tail moth, as constituting the brown-tail moth regulated area. Civil divisions, or parts thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the gypsy moth or brown-tail moth therein, as the case may be, and that regulation of such civil divisions, or parts thereof, is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil divisions, or parts thereof, as coming within the gypsy moth regulated area or the brown-tail moth regulated area, as the case may be. The Chief of the Plant Pest Control Branch may, in said administrative instructions promulgated by him, divide a regulated area into a suppressive area and a generally infested area.

§ 301.45-3 *Regulated articles*—(a) *Articles the removal of which is prohibited.* The removal of live gypsy moths or brown-tail moths from any State or Territory into any other State or Territory or the District of Columbia, or from said District into any State or Territory, except for scientific purposes, is prohibited. Provisions for such removal of live gypsy moths or brown-tail moths, for scientific purposes, are set forth in § 301.45-12.

(b) *Articles the movement of which is regulated.* The movement of the following articles from or within the respective regulated area indicated below is regulated as provided in this subpart.

(1) *Gypsy moth regulated area.* (i) Timber and timber products, including but not limited to lumber, planks, poles, logs, cordwood, and pulpwood;

(ii) Plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees) and parts thereof;

(iii) Stone and quarry products;

(iv) Any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure are determined by an inspector to constitute a hazard of spreading the gypsy moth.

(2) *Brown-tail moth regulated area.* (i) Deciduous trees and shrubs, and branches and other parts thereof, with leaves attached;

(ii) Any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure are determined by an inspector to constitute a hazard of spreading the brown-tail moth.

§ 301.45-4 *Conditions governing the movement of regulated articles*—(a) *Movement from either regulated area.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45-12, regulated articles designated in § 301.45-3 (b) shall not be moved from the respective regulated area into or through any point outside thereof unless accompanied by a certificate or limited permit.

(b) *Movement from the generally infested area into the suppressive area.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45-12, regulated articles designated in § 301.45-3 (b) shall not be moved from the generally infested area into or through the suppressive area, within the respective regulated area, unless accompanied by a certificate or limited permit.

(c) *Articles originating outside the regulated area.* No certificates or limited permits are required under paragraph (a) or (b) of this section for the movement of regulated articles designated in § 301.45-3 (b) (1) or (2) originating outside of the respective regulated area and moving within or through such regulated area when the point of origin is clearly indicated, when their identity has been maintained, and when the articles have been protected against infestation while in such regulated area, in a manner satisfactory to the inspector.

§ 301.45-5 *Certificates, limited permits and certificates of exemption*—(a) *Certification of regulated articles.* Certificates may be issued for the movement of the regulated articles designated in § 301.45-3 (b) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(4) When they have been grown, produced, processed, manufactured, stored or handled in such a manner that, in the judgment of the inspector, no infestation could be transmitted thereby.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section, the regulated articles may be moved under this subpart only if they are loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles designated in § 301.45-3 (b) to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of such articles and to the cleaning or treatment of aircraft, trucks, wagons, railway cars, boats, and other means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(d) *Cancellation of certificates, limited permits, and certificates of exemption.* Certificates, limited permits, and certificates of exemption issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certificates, limited permits, or certificates of exemption refused whenever, in his judgment, the further use thereof might result in the dissemination of infestation.

§ 301.45-6 *Marking.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45-12, and except for means of conveyance, every container of articles designated in § 301.45-3 (b) the movement of which is subject to the regulations in this subpart, or if there is no container, the articles themselves, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a certificate or limited permit as required by § 301.45-4: *Provided,* That (a) in the case of less-than-carlot freight or express shipments a certificate or limited permit attached to one of the containers or articles and another certificate attached to the waybill will be sufficient, and in the case of carlot freight or express shipments, either in containers or in bulk, only a certificate or limited permit attached to the waybill is required and (b) in the case of shipments by road vehicle, the certificate or limited permit shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

§ 301.45-7 *Relieving restrictions of regulations.* (a) In relieving restrictions of the regulations in this subpart pursuant to the second proviso in § 301.45, the Chief of the Plant Pest Control Branch may, in administrative instructions, provide for the issuance of certificates of exemption covering premises in the regulated areas which have been inspected or treated in accordance

with procedures approved by said Chief as adequate to assure that the movement of regulated articles from such premises will not disseminate infestation and permit the movement of regulated articles designated in § 301.45–3 (b) (1) (i) through (iii) or (2) (i) directly from such premises without restriction under §§ 301.45–4, 301.45–6, and 301.45–8.

(b) Said Chief from time to time will notify the persons concerned as to the premises for which certificates of exemption are in effect under this section. The Chief may also, in administrative instructions, relieve restrictions of the regulations in such other manner and under such other conditions as he shall deem proper in accordance with § 301.45.

§ 301.45–8 *Assembly of regulated articles.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45–12, persons intending to move any of the regulated articles designated in § 301.45–3 (b) shall make application for inspection as far in advance as possible and may be required to prepare and assemble materials at such points and times and in such manner as the inspector shall designate, so that thorough inspection may be made or approved treatments may be applied as required under the regulations in this subpart.

§ 301.45–9 *Inspection and disposition.* Any aircraft, truck, wagon, railway car, boat, or other means of conveyance, or container, which is moving (interstate) and which an inspector has probable cause to believe carries or contains any gypsy moth or brown-tail moth or other regulated article the movement of which is prohibited or restricted under this subpart, may be inspected by the inspector at any time or place. When regulated articles are found to be moving or to have been moved in violation of the provisions in this subpart, the inspector may seize, destroy, or otherwise dispose of such articles as he deems necessary to eliminate the danger of dissemination of the gypsy moth and the brown-tail moth. If found to be infested, such articles must be freed of infestation.

§ 301.45–10 *Treatment of means of conveyance and containers.* When in the judgment of the inspector a hazard of spread of the gypsy moth or brown-tail moth is presented, thorough cleaning or other treatment of aircraft, railway cars, trucks, wagons, boats, and other means of conveyance, and containers, may be required by the inspector before movement thereof from a regulated area, or from a generally infested area into or through a suppressive area.

§ 301.45–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, other than for the services of the inspector.

§ 301.45–12 *Shipments for scientific purposes.* Live gypsy moths and brown-tail moths in any stage of development may be removed from any State or Territory into any other State or Territory or the District of Columbia or from said District into any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved from a regulated area into or through any point outside thereof or from a generally infested area into or through a suppressive area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be required by the Chief of the Plant Pest Control Branch. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

The foregoing quarantine and regulations shall be effective on and after July 20, 1956, on which date they shall supersede notice of quarantine No. 45 and supplemental regulations effective October 10, 1945, as amended effective August 30, 1948, and August 9, 1952 (7 CFR, and 1954 Supp., 301.45, 301.45–1 et seq.).

This amendment authorizes the Chief of the Plant Pest Control Branch to publish, from time to time, in administrative instructions a list of the minor civil divisions or parts thereof, in quarantined States, in which infestation of either the gypsy moth or brown-tail moth has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested districts, and to designate such civil divisions or parts thereof as a regulated area. Civil divisions or parts thereof so designated will, under the amendment, continue in a regulated status until the Chief of the Plant Pest Control Branch has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the infestation therein and that regulation of such area is not otherwise necessary for quarantine enforcement purposes, and has issued administrative instructions revoking the designation of such civil divisions or parts thereof as a regulated area. The amendment also authorizes the Chief to divide the regulated area into a generally infested area and a suppressive area wherein measures to eradicate infestation are being conducted.

The amendment further authorizes the Chief to provide for the issuance of certificates of exemption for premises which have been inspected or treated in accordance with approved procedures and permit the movement of regulated articles from such premises without compliance with restrictions otherwise applicable.

The amendment also makes the provisions of these regulations conform as closely as possible in phraseology with similar domestic plant quarantine regulations and makes numerous clarifying changes.

In order to be of maximum protection to the public the foregoing quarantine and regulations should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE: Under the Plant Quarantine Act of August 20, 1912, as amended, the movement of regulated articles except as permitted by the foregoing quarantine and regulations is a misdemeanor punishable by a fine not exceeding $500 or imprisonment not exceeding one year, or both. Under the Insect Pest Act of March 3, 1905, the removal of live gypsy or brown-tail moths except as permitted in the regulations is a felony punishable by a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

Done at Washington, D. C., this 25th day of June 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5252; Filed, July 2, 1956; 8:49 a. m.]

[P. P. C. 386, 2d Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

On May 4, 1956, there was published in the FEDERAL REGISTER (21 F. R. 2989) a notice of proposed rule making concerning an amendment of administrative instructions exempting certain articles from requirements of the regulations supplemental to the gypsy moth and brown-tail moth quarantine (7 CFR, 1954 Supp., 30145a, B. E. P. Q. 386, revised). After due consideration of all matters presented, and pursuant to the authority conferred on him by the second proviso of the gypsy moth and brown-tail moth quarantine (Notice of Quarantine No. 45, 7 CFR 301.45, supra) and by § 301.45–7 (a) of the regulations supplemental to said quarantine (7 CFR 301.45–7 (a), supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Chief of the Plant Pest Control Branch hereby issues such amended administrative instructions to read as follows:

§ 301.45a *Administrative instructions exempting certain articles from requirements of regulations.* (a) The Chief of the Plant Pest Control Branch has found that facts exist as to the pest risk involved in the movement of the following regulated articles making it safe to modify, by making less stringent, the requirements of the regulations supplemental to the gypsy moth and brown-tail moth quarantine as follows. The movement of the following articles, when meeting the conditions specified, is hereby exempted from the requirements of §§ 301.45–4, 301.45–6 and 301.45–8 of the regulations supplemental to the gypsy moth and brown-tail moth quarantine with respect to both the gypsy moth regulated area and the brown-tail moth regulated area, insofar as such requirements apply to such areas.

(1) *Timber products.* (i) Manufactured wood products such as box shooks, shingles, laths, flooring, furniture, containers, crates, handles, dowels, staves, and new industrial shoring and blocking, if they have not been exposed to infestation.

(ii) Lumber that has been (*a*) dressed four sides with ends clipped, or (*b*) square edged sawed four sides with ends clipped, and freed from surface bark, or (*c*) kiln dried; when such lumber is shipped direct after processing from planer, log saw or kiln; and when waybills or other transportation papers are marked to show that the lumber was so processed and is being so shipped: *Provided, however,* That this exemption does not apply to piled or stuck lumber.

(iii) Shavings, sawdust, wood flour, excelsior, and cedar bedding.

(iv) Wood and bark novelties, when waxed, polished or otherwise treated.

(2) *Woody plants and plant parts.* (i) Plants of the following kinds (and parts thereof):

Clubmoss ("ground pine") (Lycopodium spp.).
Partridgeberry (Mitchella repens).
Trailing arbutus (Epigaea repens).
Wintergreen (Gaultheria procumbens, Pyrola spp.).

(ii) Plants and parts thereof that have been grown in the greenhouse throughout the year, when so labeled on the outside of each container.

(iii) Herbarium specimens, when dried and pressed, and when so labeled on outside of each container.

(iv) Leaves of deciduous or evergreen trees that have been treated or dyed, when so labeled on outside of each container.

(v) Seeds, fruits, and cones.

(vi) Cuttings:

Acacia (Acacia spp.).
Boxwood (Buxus sempervirens).
California pepper tree (Schinus molle).
Eucalyptus (Eucalyptus globulus).
Evergreen smilax (Smilax lanceolata).
Galax (Galax aphylla).
Heather (Erica spp., Calluna spp.).
Mistletoe (Phoradendron flavescens, Viscum album, etc.).
Western red cedar (Thuja plicata).
Oregon holly (Ilex aquifolium).
Oregon huckleberry (Vaccinium ovatum).
Salal (known to the trade as lemon cuttings) (Gaultheria shallon).

(vii) Scions.

(viii) Tip cuttings of deciduous plants without leaves or blossoms, or tip cuttings of evergreen plants, when not more than 12 inches in length, and articles constructed of such tip cuttings, such as wreaths, sprays, and roping.

(3) *Stone and quarry products.* (i) Stone and quarry products when processed by crushing, grinding, or pulverizing.

(ii) Feldspar, granite, marble, quartz, or slate moving from premises covered by a certificate of exemption issued under paragraph (b) of this section and originating on premises covered by such a certificate or from other sources approved in advance by an inspector.

(4) *Pulpwood.* Pulpwood moving from a regulated area to a nearby pulp mill in a contiguous nonregulated area, or from a generally infested area to a nearby pulp mill in a contiguous suppressive area, if such mill has entered into a written agreement with the Plant Pest Control Branch to apply such treatments and to maintain such sanitation safeguards as will, in the judgment of the inspector, prevent the establishment of gypsy moth infestation on or surrounding the mill premises; and if such mill has been approved by the Chief of the Plant Pest Control Branch to receive such pulpwood.

(b) A certificate of exemption will be issued by an inspector for any premises in the gypsy moth regulated area which have been inspected or treated in accordance with procedures approved by the Chief of the Plant Pest Control Branch as adequate to assure that movement from such premises of regulated articles will not disseminate infestation, if the person in possession of such premises agrees in writing (1) that he will move regulated articles under the certificate of exemption pursuant to paragraph (a) (3) (ii) of this section only from such premises and only if the articles originate on premises certified under this paragraph or from other sources approved in advance by the inspector and (2) that no regulated articles of the kinds specified in paragraph (a) (3) (ii) of this section will be brought to his certified premises except from other premises certified under this paragraph or from such other sources as are approved in advance by the inspector.

These amended administrative instructions shall become effective July 20, 1956, on which date they shall supersede B. E. P. Q. 386, as revised effective November 5, 1951 (7 CFR, 1954 Supp., 301.45a).

These instructions exempt the movement of pulpwood, under specified conditions, from certain requirements of the regulations supplemental to the gypsy moth and brown-tail moth quarantine and make various modifications in the exemptions previously provided for various articles by changing some of the conditions of exemption and more specifically identifying certain exempted articles. Exemption is provided for treated or dyed leaves of evergreen trees, when properly labeled. The previous exemptions for excelsior waste and mica have been eliminated.

Provisions are made in the amended instructions for the issuance of certificates of exemption for inspected or treated premises and for the movement of certain stone and quarry products from such premises without compliance with restrictions otherwise applicable.

Primarily the instructions relieve restrictions and to this extent are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER. Insofar as the instructions impose stricter requirements they should be made effective promptly to prevent the spread of the gypsy moth and the brown-tail moth and good cause is found under section 4 of the Administrative Procedure Act for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 27th day of June 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-5255; Filed, July 2, 1956; 8:49 a. m.]

[P. P. C. 617]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On May 4, 1956, there was published in the FEDERAL REGISTER (21 F. R. 2990) a notice of proposed rule making concerning the issuance of administrative instructions designating regulated areas in conformity with § 301.45–2 of amended gypsy moth and brown-tail moth quarantine regulations (7 CFR 301.45–2, supra). After due consideration of all matters presented, and pursuant to the said § 301.45–2, under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Chief of the Plant Pest Control Branch hereby issues such administrative instructions to appear in 7 CFR 301.45–2a as follows:

§ 301.45–2a *Administrative instructions designating regulated areas under the gypsy moth and brown-tail moth quarantine and regulations.* Infestations of either the gypsy moth or the brown-tail moth have been determined to exist, in the quarantined States, in the respective counties, cities, towns, plantations, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated, as follows, respectively, as a single, continuous gypsy moth regulated area and a single, continuous brown-tail moth regulated area within the meaning of the provisions in this subpart:

GYPSY MOTH REGULATED AREA

Connecticut. All counties in the State.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, LaGrange, Levant, Milford,

Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. All counties in the State.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

New York. Counties of Albany, Clinton, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington, in Essex County; towns of Benson, Hope, and Wells in Hamilton County; all of Herkimer County except the towns of Ohio, Russia, and Webb; town of Brookfield in Madison County; towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica, Westmoreland, and Whitestown, in Oneida County.

Rhode Island. All counties in the State.

Vermont. Counties of Addison, Bennington, Chittenden, Grand Isle, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; all of Franklin County except the towns of Bakersfield, Berkshire, Enosburg, Montgomery, and Richford; and the town of Elmore in Lamoille County.

BROWN-TAIL MOTH REGULATED AREA

All of the above described gypsy moth regulated area, exclusive of that in the State of New York, constitutes the brown-tail moth regulated area.

These administrative instructions shall become effective July 20, 1956.

These instructions list the localities that are regulated under a revision of the gypsy moth and brown-tail moth notice of quarantine and supplemental regulations. The former gypsy moth generally infested area and gypsy moth suppressive area are combined into a single, continuous regulated area. The instructions also include in that regulated area for the first time a number of additional civil divisions in Connecticut, Maine, New York and Vermont. Further, they redefine and enlarge the area regulated because of the brown-tail moth.

Both the revised notice of quarantine and supplemental regulations and these instructions must be made concurrently effective in order to carry out the purposes thereof. The quarantine and regulations are to become effective less than 30 days after the publication hereof in the FEDERAL REGISTER. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the effective date of the instructions less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 27th day of June 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-5253; Filed, July 2, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.314 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 5, 1956, through September 20, 1956, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean", which means that at least 90 percent of such potatoes are "fairly clean," and (i) if they are of the red skin varieties, such potatoes meet the requirements of the U. S. No. 2 or better grade, $1\frac{7}{8}$ inch minimum diameter, *Provided*, That such potatoes meeting the requirement of U. S. No. 1, size B, may be shipped, and (ii) if they are of the White Rose or Kennebec varieties, such potatoes meet the requirements of the U. S. No. 2 or better grade, size A, $1\frac{7}{8}$ inch minimum diameter, and (iii) if they are of any other variety, including, but not limited to, Russet Burbank and Early Gem varieties, such potatoes meet the requirements of the U. S. No. 2 or better grade, size A, 2-inch minimum diameter or 4-ounce minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Pototoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from July 5, 1956, through September 20, 1956, and subject to the requirements set forth in subparagraph (1) of this paragraph no handler shall ship (i) any lot of potatoes of the Kennebec and White Rose varieties if more than 30 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered", as such terms are used in the said United States Standards, or (ii) any lot of potatoes of any other varieties if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided*, That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirement: *Provided further*, That, in addition to the above, any lot of potatoes may be handled for any producer without regard to the aforesaid skinning requirement if (*a*) such lot of potatoes previously failed, upon inspection by a Federal-State inspector, to meet grade and size requirements but met the aforesaid skinning requirements applicable to such lot of potatoes, (*b*) such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes, and (*c*) such potatoes failing to meet the aforesaid skinning requirements are not in excess of 100 hundredweight in any such lot. Prior to each shipment of potatoes exempt from the above skinning requirements, the handler thereof shall report the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(3) Each handler may make one shipment of not in excess of 5 hundredweight per week without regard to the regulatory, assessment and inspection requirements of this part.

(4) For the purpose of determining who shall be entitled to the exemption, set forth in the maturity requirements: (i) "Producer" means any individual, partnership, corporation, association, landlord-tenant crop sharing relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; (ii) it is intended that each 100 hundredweight exemption to the aforesaid maturity requirements shall apply only to the potatoes grown on each farm of a producer.

(5) The grade, size and maturity limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided*, That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2 or better grade, $1\frac{1}{2}$ inch minimum diameter; (iii) canning, freezing, dehydration or manufacture or conversion into starch, flour, meal, or alcohol, and (iv) charity.

(6) Each handler making shipments of potatoes pursuant to subparagraph (5) of this paragraph shall with respect to such shipments other than certified seed potatoes: (i) Obtain a Certificate of Privilege, (ii) have each of such shipments inspected, (iii) pay assessments on such shipments, (iv) with respect to each shipment furnish a copy of the bill of lading or appropriate record of movement in case of trucks, applicable thereto, to the committee, (v) with respect to each shipment for export, include in his application for the Certificate of Privilege, therefor, the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, or in the event no export license is required on such shipment, the handler shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment, and (vi) accompany each application for a Certificate of Privilege to ship potatoes (except for shipment for export) with the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application.

(7) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of June 1956, to become effective July 5, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5324; Filed, July 2, 1956; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PORT OF NEW YORK, N. Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.155 establishing and regulating the use of anchorage grounds in the Port of New York is hereby amended with respect to paragraph (d) (5), redesignating the boundaries of Anchorage 21 in Upper Bay, as below. The regulations shall become effective 10 days after publication in the FEDERAL REGISTER to eliminate promptly existing hazards to navigation.

§ 202.155 *Port of New York.* • • •

(d) *Upper Bay.*

• • • • • •

(5) *Anchorage No. 21.* North of the east-west line passing through Gowanus Flats Lighted Gong Buoy 22 and Bay Ridge Channel Lighted Bell Buoy 1; east of a line bearing 355° 45′ from Gowanus Flats Lighted Gong Buoy 22 to Gowanus Flats Lighted Bell Buoy 24, thence bearing 26° 08′ through Gowanus Flats Lighted Bell Buoy 26 and Gowanus Flats Lighted Bell Buoy 28 to Gowanus Flats Lighted Bell Buoy 30; south of a line bearing 65° 38′ from Gowanus Flats Lighted Bell Buoy 30 to Red Hook Channel Lighted Bell Buoy 11, thence bearing 118° 46′ to Red Hook Channel Lighted Bell Buoy 9; west of a line bearing 172° 50′ from Red Hook Lighted Bell Buoy 9 to Bay Ridge Channel Lighted Bell Buoy 7, thence 218° 28′ through Bay Ridge Channel Buoy 5 and Bay Ridge Channel Lighted Bell Buoy 3 to a point at latitude 40°38′41.5″, longitude 74°02′34″ and thence 197° 47′ to Bay Ridge Channel Lighted Bell Buoy 1. A fairway 600 feet wide crossing the anchorage, marked by buoys at each entrance, shall be excluded therefrom. Its northerly side is on range with Claremont Terminal Lighted Buoy 1, at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the Long Island Railroad Terminal at the foot of 64th Street, Bay Ridge, Brooklyn. Anchorage No. 21 is divided into Anchorages Nos. 21-A and 21-B.

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[Regs., 22 June 1956, 800.212 (New York Harbor)-ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5236; Filed, July 2, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (Formerly NPA Reg. 2), Direction 7 of June 29, 1956]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

REG. 2, DIR. 7—LIMITATION ON USE OF RATINGS TO OBTAIN NICKEL

This direction under BDSA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many industries.

Sec.
1. What this direction does.
2. Definitions.
3. Limitation on the acquisition of nickel with the use of ratings.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO-I-7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this direction does.* This direction requires a person filling mandatory acceptance orders by producing alloys containing nickel to determine the quantity of primary nickel he is authorized to acquire with the use of ratings to fill such orders by deducting the quantity of usable nickel contained in scrap generated by him in such production from his gross requirements of primary nickel for these purposes.

SEC. 2. *Definitions.* (a) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(b) "Mandatory acceptance order" means a delivery order which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(c) "Primary nickel" means primary nickel in the following forms or shapes:

Electrolytic cathodes.
Ingots.
Pigs.
Rondelles.
Cubes and pellets.
Shot.
Oxide (including sintered oxide).
Powder.

(d) "Gross requirements of nickel" means the total quantity of nickel, whether primary or contained in scrap, required to be put into the charge for melting to produce a specified quantity of a particular alloy containing nickel.

(e) "Alloys containing nickel" means nickel alloys as defined in Direction 6 to DMS Regulation No. 1 and alloys of iron, steel, copper, aluminum or any other material which contain any quantity of nickel by specification.

SEC. 3. *Limitation on the acquisition of nickel with the use of ratings.* (a) Notwithstanding the provisions of any BDSA regulation or order, no person shall place rated orders for primary nickel for use in the production of alloys containing nickel to fill mandatory acceptance orders in an amount greater than the difference between his gross requirements of nickel for such production and the amount of nickel contained in scrap generated by him in production

of alloys containing nickel to fill mandatory acceptance orders and which is usable in melting to produce such alloys.

(b) If at any time any person who has generated scrap in the course of producing alloys containing nickel to fill mandatory acceptance orders has on hand such scrap containing a quantity of usable nickel which exceeds the quantity of such nickel needed by him to fill mandatory acceptance orders received by him, he shall promptly notify BDSA of the quantity and location of such scrap, and his proposed use, sale or disposition thereof. Pending receipt of written instructions from BDSA he may use such scrap only to fill mandatory acceptance orders.

This direction shall take effect June 29, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-5300; Filed, July 2, 1956; 8:54 a. m.]

[DMS Regulation No. 1, Direction 6 of June 29, 1956]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DMS REG. 1, DIR. 6—DESIGNATION OF NICKEL ALLOYS AS CONTROLLED MATERIALS BEGINNING WITH OPERATIONS FOR THE FOURTH CALENDAR QUARTER OF 1956

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many different industries.

Sec.
1. What this direction does.
2. Definition.
3. Applicability of this direction.
4. Applicability of other regulations and orders.
5. Designation of nickel alloys as controlled materials.
6. Conversion of orders and other special rules.
7. Application for allotment of nickel alloys.
8. General explanatory provisions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583, 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I-7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this direction does.* The purpose of this direction is to designate nickel alloys as controlled materials beginning with operations for the fourth calendar quarter of 1956, under the Defense Materials System regulations and all other regulations and orders of BDSA, with respect to production, construction, and all other uses. It also establishes rules to provide for an orderly transition in the accomplishment of this objective. Those alloys of steel, copper, or aluminum which contain nickel, and which pursuant to the provisions of DMS Regulation No. 1 (as amended April 1, 1954) are controlled materials, continue as steel, copper, or aluminum controlled materials and do not become nickel alloy controlled materials. The designation of nickel alloys as controlled materials will result in these materials being subject to the same quantitative controls and other applicable procedures that relate to the existing controlled materials—steel, copper and aluminum. BDSA order M-1B which is issued concurrently with this direction establishes rules affecting suppliers of nickel alloys.

SEC. 2. *Definition.* As used in this direction, "nickel alloys" means those alloys for which the specified nickel content is 5 percent or more, up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the following mill and foundry shapes and forms:

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars, pipe, tubing, and shapes (rolled, drawn, or extruded).
Wire and wire rod.
Powder.
Castings (less gates and risers, rough as cast).
Anodes (rolled or cast).

It also includes cast iron (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

SEC. 3. *Applicability of this direction.* The provisions of this direction are applicable to orders for nickel alloys which call for delivery only after the third calendar quarter of 1956, and to all actions taken in connection therewith. The provisions of all DMS regulations and all other BDSA regulations and orders, including the directions and amendments thereto, as heretofore issued, shall continue to apply to orders for nickel alloys which call for delivery prior to the fourth calendar quarter of 1956, and to all actions taken in connection therewith.

SEC. 4. *Applicability of other regulations and orders.* The provisions of all DMS regulations and all other BDSA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects the provisions of such regulations, orders, directions, and amendments shall remain in full force and effect.

SEC. 5. *Designation of nickel alloys as controlled materials.* (a) Notwithstanding the provisions of DMS regulations and any other BDSA regulations and orders, including the directions and amendments thereto, nickel alloys are hereby designated as controlled materials for operations during the fourth calendar quarter of 1956 and succeeding calendar quarters.

(b) With respect to operations beginning with the fourth calendar quarter of 1956, all DMS regulations and all other BDSA regulations and orders, including the schedules, directions, amendments, forms, and instructions thereto, and in addition the "Official Class B Product List" of BDSA, shall be deemed to be amended to provide that nickel alloys are controlled materials.

(c) Beginning with operations for the fourth calendar quarter of 1956, the following shall be the 4 basic controlled materials under regulations and orders of BDSA:

(1) Steel.
(2) Copper.
(3) Aluminum.
(4) Nickel alloys.

Beginning with operations for the fourth calendar quarter of 1956, the following shall be the 8 kinds of controlled materials for the purposes of allotments, actions related to allotments, delivery orders, and shipments under regulations and orders of BDSA:

(1) Carbon steel (including wrought iron).
(2) Alloy steel (except stainless steel).
(3) Nickel-bearing stainless steel.
(4) Copper and copper-base alloy brass mill products.
(5) Copper wire mill products.
(6) Copper and copper-base alloy foundry products and powder.
(7) Aluminum.
(8) Nickel alloys.

SEC. 6. *Conversion of orders and other special rules.* (a) DO or DX rated orders placed pursuant to regulations and orders of BDSA prior to August 1, 1956, calling for delivery of nickel alloys after September 30, 1956, shall be deemed to be authorized controlled material orders for purposes of all regulations and orders of BDSA. Beginning August 1, 1956, no person shall place and no person shall accept any DO or DX rated order calling for delivery of nickel alloys after September 30, 1956.

(b) Beginning August 1, 1956, any person who is authorized to acquire nickel alloys pursuant to allotment or self-authorization under any regulation or order of BDSA, for preferential delivery after September 30, 1956, shall place an authorized controlled material order or authorized controlled material orders therefor.

(c) Any prime consumer or secondary consumer (as defined in DMS Regulation No. 1) and any prime contractor or subcontractor (as defined in DMS Regulation No. 2) who, pursuant to orders placed or to be placed by him after July 31, 1956, requires delivery of nickel alloys after September 30, 1956, to complete an authorized production schedule or an authorized construction schedule for which he has not received an allotment of nickel alloys, shall immediately submit an application for an allotment in accordance with section 7 of this direction. The submission of such an application shall, subject to the adjustments called for in paragraph (d) of this section, constitute authorization to place an authorized controlled material order or authorized controlled material orders for the quantity of nickel alloys requested in such application for allotment, and to make allotments, where appropriate, for the production of Class A products or for the performance of construction.

(d) Any person who receives an allotment of nickel alloys for the fourth calendar quarter of 1956 or subsequent calendar quarters and who has previously placed a rated order or an authorized controlled material order for the purpose for which such allotment is made must charge the quantity of nickel alloys covered by such order against the appropriate quarterly allotment. In no event shall such allotment be exceeded and to the extent that orders previously placed are in excess of such allotment they shall be promptly cancelled or reduced. However, if such cancellation or reduction would result in failure by a person to fill an order or a contract which he is required to accept by BDSA, he shall immediately apply for an additional allotment to the person who made the allotment of nickel alloys to him. He need not cancel nor reduce such outstanding orders pending receipt by him of a response to his application for an additional allotment.

SEC. 7. *Application for allotment of nickel alloys.* (a) Applications for allotment of nickel alloys shall be made on Form DMS-4A for production of Class A products; Form DMS-4C for construction; or Form DMS-4 (APRA) for production of APRA B products. Revised versions of these forms, showing nickel alloys as a controlled material, will be available at Department of Commerce field offices and at offices of the Department of Defense and the Atomic Energy Commission.

(b) Any person who is required to submit an application for an allotment of nickel alloys pursuant to paragraph (c) of section 6 of this direction shall do so on the appropriate form referred to in paragraph (a) of this section. If such form is not available, he shall submit his application on Form DMS-4S set forth in Schedule I of this direction in accordance with the instructions contained in that Schedule. In using Form DMS-4S, the applicant shall duplicate the form as provided in such instructions. Printed copies of this form will not be available because it is intended for temporary use only, pending the availability of the standard DMS application forms referred to in paragraph (a) of this section.

SEC. 8. *General explanatory provisions.* The changes effected by this direction in the Defense Materials System and the supporting regulations and orders of BDSA are comprehensive in scope. Some of the more significant changes include, but are not limited to, the following:

(a) The definition of controlled material in section 3 (c) of DMS Regulation No. 1 and in other regulations and orders of BDSA has been expanded to include nickel alloys as well as steel, copper, and aluminum.

(b) Class A and Class B products (sections 3 (i) and 3 (j) of DMS Regulation No. 1 and sections 3 (f) and 3 (g) of DMS Regulation No. 2) become such by virtue of incorporation therein of controlled materials. Since nickel alloys have been designated as controlled materials the "Official Class B Product List", issued May 1, 1953, will cover products containing nickel alloys even though they do not contain steel, copper, or aluminum.

(c) Applications for allotments for Class A products (section 9 of DMS Regulation No. 1) and for construction (section 8 of DMS Regulation No. 2) will include requirements for nickel alloys as well as requirements for steel, copper, and aluminum.

(d) In addition to the 7 kinds of controlled materials used for the purposes of making allotments (section 11 (b) of DMS Regulation No. 1 and section 10 (b) of DMS Regulation No. 2), a new kind, nickel alloys, will be employed in making allotments.

(e) The rules for designation and use of allotment numbers (section 12 of DMS Regulation No. 1 and section 11 of DMS Regulation No. 2), including calendar quarter identification in placing authorized controlled material orders, apply to nickel alloys.

(f) The so-called "85 percent rule" (section 13 (b) of DMS Regulation No. 1 and section 12 (b) of DMS Regulation No. 2) will apply to nickel alloys as well as to the other 7 kinds of controlled materials.

(g) The short form of allotment (section 13 (g) and Schedule II of DMS Regulation No. 1 and section 12 (h) of DMS Regulation No. 2) when reproduced and utilized by persons making allotments shall include a separate line for nickel alloys.

(h) The rules for cancellation or reduction of allotments and for changes in requirements (sections 14 and 15 of DMS Regulation No. 1 and sections 13 and 14 of DMS Regulation No. 2) apply to nickel alloys, except as modified in paragraph (d) of section 6 of this direction.

(i) The prohibition on making allotments of controlled materials for the production of Class B products (section 17 (a) of DMS Regulation No. 1) extends to nickel alloys. Persons who receive rated orders for Class B products requiring nickel alloys will, by self-authorization, obtain their requirements of nickel alloys by placing authorized controlled material orders therefor.

(j) The rules for placement of authorized controlled material orders (section 20 of DMS Regulation No. 1 and section 18 of DMS Regulation No. 2) apply to delivery orders for nickel alloys.

(k) The rules applicable to controlled materials suppliers (sections 21, 22, and 23 of DMS Regulation No. 1), except to the extent modified or supplemented by the provisions of BDSA Order M-1B which is issued concurrently with this direction, apply to suppliers of nickel alloys.

(l) The rules regarding maintenance of records of allotments received, made, or used (section 25 of DMS Regulation No. 1 and section 21 of DMS Regulation No. 2) apply to nickel alloys.

(m) The self-authorization procedure for defense contract laboratories (Direction 3 to DMS Regulation No. 1) is changed to the extent that requirements of nickel alloys will be obtained by placing authorized controlled material orders, rather than rated orders, therefor.

(n) The self-authorization procedure for MRO (Direction 4 to DMS Regulation No. 1 and Direction 3 to DMS Regulation No. 2) is changed to the extent that requirements of nickel alloys will be obtained by placing authorized controlled material orders, rather than rated orders, therefor.

(o) Manufacturers of APRA B products (Direction 5 to DMS Regulation No. 1) will apply for and receive allotments of nickel alloys, in addition to allotments of steel, copper, and aluminum.

(p) Amendment 2 (June 1, 1954) to BDSA Reg. 2 provides that holders of certain listed forms of nickel acquired by use of ratings must notify BDSA under specified conditions before use or disposition of same. The rules in said Amendment 2 continue to apply to the forms of nickel listed therein even though certain forms have been designated as controlled materials by this direction and will be acquired by the placement of authorized controlled material orders rather than by the placement of rated orders.

(q) Section 3 (k) of BDSA Order M-1A defines high-temperature alloys which, under the provisions of that order, are not controlled materials. To the extent that such high-temperature alloys fall within the definition of nickel alloys in section 2 of this direction, they become controlled materials.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect June 29, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS F. HONEYWELL,
Administrator.

SCHEDULE I OF DIRECTION 6 TO DMS REGULATION NO. 1

(See Section 7 (b))

Form DMS–4S U. S. Department of Commerce Business and Defense Services Administration APPLICATION FOR ALLOTMENT OF NICKEL ALLOYS	Item 3. Supplement to: Check Which: Form DMS–4A ☐ Form DMS–4C ☐ Form DMS–4 (APRA) ☐
	Item 4. Control Number (if any).
Item 1. Name and Address of Applicant (Street, City, Zone, State)	Item 5. Name and Address of Government Agency or Company to Which Application is Submitted.
Item 2. Name, Address, Title of Your Company Representative:	Item 6. Allotment Symbol Previously Received (if any).
	Item 7. Product to be made by Applicant.

SECTION I—For previously authorized construction schedule insert identification of Project.

For previously authorized production schedule show unit of measure ----------

Previously Authorized Production Schedule

4th qtr. 1956	1st qtr. 1957	2d qtr. 1957	3d qtr. 1957

SECTION II—Allotment of Nickel Alloys Requested for Production Schedule or Construction Schedule Shown in Section I.

Item No.	Controlled material	Unit of measure	4th qtr. 1956	1st qtr. 1957	2d qtr. 1957	3d qtr. 1957
80	Nickel Alloys	Pounds				

CERTIFICATION: The undersigned company and the official executing this certification on its behalf, hereby certify that the information contained in this application or report is correct and complete to the best of their knowledge and belief.

---------- (Name of Company) By ---------- (Signature of authorized official)

---------- (Date) ---------- (Title)

The U. S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, formerly Section 80, makes it a criminal offense to make a wilfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. The individual company information reported on this form is for use in defense mobilization activities. The unauthorized publication or disclosure of individual company information is prohibited by law, and persons having access to such information are subject to fine and imprisonment for unauthorized disclosure.

INSTRUCTIONS FOR USE OF APPLICATION FOR ALLOTMENT OF NICKEL ALLOYS—DMS–4S

DMS–4S may only be used as an application for an allotment of nickel alloys by those persons who have received an authorized production schedule or an authorized construction schedule and an allotment of controlled materials for the fourth quarter of 1956. In these cases, Form DMS–4S will represent a supplemental application for an allotment of nickel alloys.

Form DMS–4S may be duplicated by such applicants. Printed copies of this form will not be reproduced and made publicly available. The size of the form may be varied but all of the information called for by the form must be supplied.

In lieu of submitting Form DMS–4S, such applicants may use the revised Forms DMS–4A, DMS–4C, or DMS–4 (APRA) which list nickel alloys as a controlled material. These revised forms are dated June 1956 and will be available at the Department of Commerce Field Offices.

If a person is required to submit an application for an allotment of nickel alloys and has not received an authorized production or construction schedule with related allotments of steel, copper, or aluminum, he should submit a revised Form DMS–4A for production of Class A products, DMS–4C for construction, or Form DMS–4 (APRA) for production of APRA B products.

[F. R. Doc. 56–5301; Filed, July 2, 1956; 8:55 a. m.]

[BDSA Order M–1B of June 29, 1956]

M–1B—NICKEL ALLOYS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this order has been rendered impracticable because it affects many different industries.

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AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I–7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this order does.* This order supplements DMS regulations, particularly Direction 6 to DMS Regulation No. 1 which is issued concurrently with this order and which designates nickel alloys as controlled materials for operations beginning with the fourth calendar quarter of 1956. This order applies to all producers and distributors of nickel alloys. It requires producers to accept authorized controlled material orders and further converter orders for nickel alloys. It also provides for the acceptance of authorized controlled material orders by distributors and for replacement in inventory of nickel alloys delivered by them pursuant to authorized controlled material orders.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the following mill and foundry shapes and forms:

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars, pipe, tubing, and shapes (rolled, drawn, or extruded).
Wire and wire rod.
Powder.
Castings (less gates and risers, rough as cast).
Anodes (rolled or cast).

It also includes cast iron (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

(d) "Nickel alloy products" means those nickel alloy forms and shapes listed under Column A of Table I of this order.

(e) "Nickel" means primary nickel in following forms or shapes:

Electrolytic cathodes.
Ingots.
Pigs.
Rondelles.
Cubes and pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Powder.

(f) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 20 of DMS Regulation No. 1, or which is specifically designated to be such an order by any regulation or order of BDSA.

(g) "Producer" means a person who produces one or more nickel alloy products, as defined in paragraph (d) of this section.

(h) "Allocation directive" means a directive issued by BDSA to a producer-supplier providing for the shipment by him of certain quantities of nickel alloy products to further converters.

(i) "Production directive" means a directive issued by BDSA to a producer directing the production by him of the quantities of nickel alloy products indicated therein.

(j) "Distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any nickel alloy product at one or more locations regularly maintained by him for such purpose, for sale or resale, in the form or shape as received or after performing the operations described in the next sentence of this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch-cutting to length, size, or shape; pipe threading; sorting and grading; and the like. A person who in connection with any sale of any nickel alloy product from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of any nickel alloy product for resale, does not take physical delivery of any such nickel alloy product into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(k) "Further conversion" means the further processing of one nickel alloy item into another nickel alloy item for resale by operations other than those described in the second sentence of paragraph (j) of this section.

(l) "Further converter" means a producer who receives a nickel alloy item from a producer-supplier for further conversion, and who, by further processing, converts such nickel alloy item into another nickel alloy item for resale.

(m) "Further converter order" means an authorized controlled material order for a nickel alloy product placed by a further converter with a producer-supplier.

(n) "Producer-supplier" means a producer of a nickel alloy product who ships the same to a further converter for further conversion.

(o) "Nickel alloy item" means nickel alloy in any of the forms or shapes listed in Column A of Table I of this order which is different from all other items of nickel alloy by reason of one or more of its specifications, such as composition, form, shape, width, thickness, temper, or finish.

SEC. 3. *Applicability of this order.* The provisions of this order are applicable to orders for nickel alloys which call for delivery only after the third calendar quarter of 1956, and to all actions taken in connection therewith. The provisions of all DMS regulations and all other BDSA regulations and orders, including the directions and amendments thereto, as heretofore issued, shall continue to apply to orders for nickel alloys which call for delivery prior to the fourth calendar quarter of 1956, and to all actions taken in connection therewith.

SEC. 4. *Applicability of other regulations and orders.* The provisions of all DMS regulations and all other BDSA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this order. In all other respects the provisions of such regulations, orders, directions, and amendments shall remain in full force and effect.

SEC. 5. *Directives.* BSDA may, from time to time, issue production, allocation, and other directives to producers. Each producer who receives such a directive shall comply therewith.

SEC. 6. *Opening of order books.* (a) Each producer shall open his order books for the acceptance of authorized controlled material orders and further converter orders for nickel alloy products for each calendar quarter not later than the number of days prior to the first day of the quarter as shown in the following schedule:

For nickel alloy products with lead time of (days) (see Table I of this order):	*Books opened prior to first day of quarter, not later than (days)*
60	105
75	120
90	135
105	150
120	165

(b) A producer may open his order books for the purpose of accepting authorized controlled material orders and further converter orders for any calendar quarter as long in advance of the periods set forth in paragraph (a) of this section as he may choose, but after his order books are opened he shall accept such orders as provided in section 7 of this order.

SEC. 7. *Acceptance of orders.* (a) During the period extending from the date of opening his books until the commencement of lead time for the particular nickel alloy product involved, each producer shall, unless otherwise directed by BDSA, accept authorized controlled material orders and further converter orders for nickel alloy products produced by him, except as provided in section 8 of this order.

(b) Each producer shall, after receipt of any authorized controlled material order tendered to him, promptly accept or reject such order. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, by letter or by telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 10 consecutive calendar days after receipt.

SEC. 8. *Rejection of authorized controlled material orders.* Unless otherwise specifically directed by BDSA, a producer may reject an authorized controlled material order in any of the following cases:

(a) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(b) If the order tendered by a distributor is not in accordance with section 11 (b) of this order, or if the order tendered by a further converter is not in accordance with section 10 of this order.

(c) If the order calls for delivery of any nickel alloy product in a particular month and is received after the commencement of lead time for that product for the month involved, as set forth in column B of Table I of this order.

SEC. 9. *Priority status of delivery orders.* (a) Except as provided in paragraph (b) of this section, authorized controlled material orders and further converter orders for nickel alloy products shall take precedence over all other delivery orders for such products, and shall be shipped during the accepted shipment month, or in accordance with section 21 (f) of DMS Regulation No. 1 within 15 days prior to such month. All authorized controlled material orders and further converter orders shall have equal preferential status: *Provided, however,* That, if due to circumstances beyond the control of a producer, or for any other reason, shipment of all such orders during the accepted shipment month is not made, then authorized controlled material orders and further converter orders carried over from any previous month, shall take precedence over other authorized controlled material orders and further converter orders for the same nickel

alloy product calling for delivery during the current month involved.

(b) A delivery order for nickel alloy products placed pursuant to a directive issued by BDSA shall take precedence over any other delivery order previously or subsequently received, unless a contrary instruction appears in the directive.

SEC. 10. *Further converters.* In obtaining nickel alloy products to fill authorized controlled material orders or to replace in his inventory such products used by him to fill authorized controlled material orders, a further converter shall place further converter orders with his regular supplier or suppliers of such products. Such further converter orders are hereby designated as authorized controlled material orders and shall be certified by the further converter as provided in section 20 of DMS Regulation No. 1. In placing such orders, the further converter shall indicate thereon the allotment symbol "FC" and the calendar quarter in which delivery of the nickel alloy products is required: *Provided, however,* That such orders may be placed only for the purpose of obtaining material required to fill authorized controlled material orders already accepted at the time of placement thereof, or for the purpose of replacing in inventory material used within the same calendar quarter or the immediately preceding calendar quarter to fill authorized controlled material orders.

SEC. 11. *Acceptance of orders and replacement of inventory by distributors.* (a) Subject to the limitations set forth in this order and in applicable DMS regulations, every distributor shall accept all authorized controlled material orders.

(b) Commencing October 1, 1956, and during each succeeding calendar month thereafter, any distributor who has delivered nickel alloy products from his inventory after September 30, 1956, to fill authorized controlled material orders or any distributor located in the Dominion of Canada or in any province thereof who has delivered nickel alloy products from his inventory to fill atomic energy or defense orders, may obtain nickel alloy products to replace in inventory the nickel alloy products delivered pursuant to such orders, by affixing the allotment number D-8 to the purchase order he places with his regular supplier of such products in the United States. Such purchase orders are hereby designated as authorized controlled material orders and shall be certified by the distributor as provided in section 20 of DMS Regulation No. 1, except that in the case of a Canadian distributor, they shall be certified as provided in section 5 of BDSA Reg. 3. In placing such authorized controlled material orders, the distributor shall indicate thereon the allotment number D-8 and the calendar quarter in which delivery of the nickel alloy products is required: *Provided, however,* That authorized controlled material orders placed by a distributor pursuant to this section shall call only for delivery of a quantity of each nickel alloy product no greater than the quantity of such product which such distributor delivered from his inventory pursuant to authorized controlled material orders or to fill atomic energy or defense orders in the case of Canadian distributors: *And provided further,* That the allotment number D-8 may be used to place orders for nickel alloy products pursuant to this paragraph only in the calendar quarter in which they were taken from inventory or in the immediately succeeding calendar quarter.

SEC. 12. *Direct shipments by distributors.* Nothing in this order shall prevent a distributor who normally acts as authorized agent of a producer from acting not only in the capacity of a distributor as defined in section 2 of this order, but also as an agent of a producer for the purpose of receiving and transmitting to such producer authorized controlled material orders for direct shipment by the producer to the person placing such order.

SEC. 13. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make, and preserve for at least 3 years thereafter, accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 14. *Requests for adjustment or exception.* Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 15. *Communications.* All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington 25, D. C., Ref: BDSA Order M-1B.

SEC. 16. *False statements.* The furnishing of false information or the concealment of any material fact in the course of operation under this order constitutes a violation of this order.

SEC. 17. *Violations.* Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to require compliance with this order and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

This order shall take effect June 29, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

TABLE I OF BDSA ORDER M-1B—NICKEL ALLOYS TO WHICH THIS ORDER APPLIES

Column A Name of Product	Column B Number of days in advance of first day of month in which shipment is required
Rods and bars:	
Hot rolled	90
Forging quality	105
Cold finished	120
Sheet and strip:	
Hot rolled	90
Cold rolled	120
Foil	120
Plate	120
Pipe, tubing	120
Wire	120
Other mill forms:	
Ingots	75
Blooms, slabs, billets	75
Wire rod	(1)
Anodes:	
Rolled	(1)
Cast	(1)
Powder (produced mechanically from nickel shot)	(1)
Castings (less gates and risers, rough as cast)	(1)
Shapes and forms not listed above	(1)

[1] By direct negotiation between producer and customer.

[F. R. Doc. 56-5302; Filed, July 2, 1956; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.2005, paragraph (a) (1) is amended to read as follows:

§ 21.2005 *Definitions.* (a) • • •

(1) The term "basic service period" means the period beginning on June 27, 1950, and ending on January 31, 1955, except that with respect to persons in the active service in the Armed Forces on January 31, 1955, such term for the purpose of initiating a program of education or training (sec. 212 (a), Public Law 550, 82d Cong., as amended by Public Law 610, 83d Cong.) means the period beginning on June 27, 1950, and ending on the date of the person's first unconditional discharge or release from such service after January 31, 1955. As to a person who was in the active service in the Armed Forces on January 31, 1955, and whose first discharge or release from such service after that date was of a conditional nature, i. e., exclusively for administrative purposes, the term "basic service period" for the purpose of determining the duration of entitlement to education and training (sec. 214 (a), Public Law 550, 82d Cong.) means the period beginning June 27, 1950, and ending as of the date such person's enlistment or obligated period of service would ordinarily have expired had he not been so conditionally discharged or released. The term "unconditional discharge or release" is interpreted to mean a discharge or release from active service which relieves the recipient thereof from any obligation for continued active service. A discharge or release from active service given solely for administrative purposes, such as acceptance of appointment as a commissioned or warrant officer, or to reenlist in the Regular Establishment, etc. is a conditional discharge. A discharge which does not relieve a recipient from obligation for continued active service must be considered as a conditional discharge.

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2. Section 21.2013 is amended to read as follows:

§ 21.2013 *Expiration of all education and training.* (a) No education or training shall be afforded an eligible veteran beyond 8 years after his discharge or release from active service, and in no event beyond January 31, 1965.

(b) The date of discharge or release from active service means the date of discharge or release from the last period of active service, any part of which occurs during the basic service period. The date of discharge or release for a person on active duty in the armed forces on January 31, 1955, will be fixed as of the date of his first unconditional discharge or release from active service occurring after the date of January 31, 1955.

3. In § 21.2014, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.2014 *Duration of veteran's education or training.*—(a) *Computation of entitlement.* Each eligible veteran shall have a period of basic entitlement to education or training under Public Law 550, 82d Congress, measured in months and days (or the equivalent thereof in part-time training). The basic entitlement shall be computed by multiplying one and one-half times the duration of the veteran's active service, whether performed in one or more active duty assignments during his basic service period. In computing the duration of his active service, the following periods of time will be excluded:

• • • • •

4. Section 21.2901 is revoked:

§ 21.2901 *Entitlement to education or training benefits under the provisions of Title II, Public Law 550, 82d Congress, as amended, based upon active service occurring in the Armed Forces after the date January 31, 1955.* (Instruction 1, Public Law 7, 84th Cong.) [Revoked.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12A)

This regulation is effective July 3, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 56-5204; Filed, July 2, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-406C]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL-AIR-REGULATION; APPLICATION OF TRANSPORT CATEGORY REQUIREMENTS TO C-46 TYPE AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June, 1956.

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-406, effective July 1, 1954, which provided for the modification and operation of C-46 type airplanes in passenger service. On June 7, 1955, the Board adopted Special Civil Air Regulation No. SR-406A, effective June 7, 1955, which added certain substantive and clarifying amendments to SR-406. On March 30, 1956, the Board adopted Special Civil Air Regulation No. SR-406B, effective April 1, 1956, which extended the date for modification of C-46 airplanes in passenger service from April 1, 1956, to July 1, 1956. The preamble material of these three Special Civil Air Regulations is incorporated herein by reference.

SR-406B provided only temporary relief from those provisions of Special Civil Air Regulation No. SR-406A which prevented the use of C-46 airplanes in passenger operations under Part 42 of the Civil Air Regulations on and after April 1, 1956, unless recertificated in accordance with the regulation. In SR-406B, the Board indicated, that subject to persuasive reasons for failing, type certification had to be accomplished before July 1, 1956, and that, within the effective period of the regulation, the Board would determine a later end effective date by which recertification of these airplanes in the transport category must be completed. It was expressly stated that the later end effective date for recertification would depend on a bona fide showing of meeting the type certification requirements.

Since the adoption of Special Civil Air Regulation No. SR-406B, two type certificates have been issued under its provisions and one application for a type certificate has been received although complete data has not been submitted to the Civil Aeronautics Administration as of the date of adoption of this regulation, SR-406C.

In adopting SR-406B, the Board anticipated obtaining a schedule of modification of C-46 airplanes from the applicants for type certification. In its attempt to obtain this information, not only has the Board not received such a schedule, but has been advised that only a comparatively few operators have actual contractual agreements with holders of type certificates to accomplish the required modification.

The Board has previously stated that a final compliance date for modification would depend on a bona fide showing that the aircraft certification requirements will be met in the reasonably near future. However, in the absence of such a showing by more than a few operators, the Board must establish an end compliance date without the benefit of any complete and detailed modification schedules. In the only formal request for an extension of the effective date of these regulations which the Board has received, it is indicated that required modifications are expected to be completed by January 1, 1957. No other information available to the Board indicates that this is not a reasonable end effective date; therefore, January 1, 1957, is hereby established as the date when recertification is required.

Since October 1, 1955, the Administrator has been authorized to permit the continued operation of C-46 aircraft in passenger service on a showing by operators that "genuine and diligent efforts" have been made to accomplish the required modifications. In the light of the fact that there now exist at least two persons possessing type certificates on the basis of which such modifications may be made, there no longer appears to be any reason for not requiring the showing of a firm contract between the operator and the holder of such a type certificate indicating that the required modifications will be completed prior to January 1, 1957, prior to such operations. Accordingly, this Special Civil Air Regulation contains a requirement that before the Administrator is authorized to continue to permit operation of C-46 airplanes in passenger service, between July 1, 1956, and January 1, 1957, there must be a showing by the operator that he has a firm contract with the holder of a type certificate to complete modifica-

tions prior to January 1, 1957, except that the Administrator may authorize during the period July 1, 1956, through July 15, 1956, such operations without a showing of such firm contract where the Administrator has previously permitted such operations based on genuine and diligent efforts to complete the required modifications. In other words, the Administrator may authorize continued operations of C–46 airplanes in passenger service from July 1, 1956, to July 16, 1956, where he has previously given such authority. However, on and after July 16, 1956, the Administrator may authorize such continued operations only upon a showing by the operator that he has a firm contract with the holder of a type certificate to complete modifications prior to January 1, 1957.

As stated hereinbefore, all the preamble material pertinent to the application of transport category requirements to C–46 type airplanes appearing in SR–406, SR–406A, and SR–406B is incorporated herein by reference. However, in order to obviate any possible confusion as to which specific regulations are presently applicable to accomplish the recertification of the C–46 in passenger service, all such regulations are included in this Special Civil Air Regulation.

Since this regulation continues in effect the same rules as are presently applicable to C–46 type airplanes, with the exception of the compliance date listed herein, without diminution in safety standards, and since it would be in the public interest to prescribe rules to become effective on July 1, 1956, to permit the continuation of operation of C–46 type airplanes in passenger service, the Board finds that omission of notice and public procedure is not contrary to public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 1, 1956:

1. Contrary provisions of the Civil Air Regulations notwithstanding (in particular the provisions of § 42.15 (b) of Part 42), C–46 airplanes may be used in passenger operations conducted under Part 42 of the Civil Air Regulations. Such airplanes shall be operated in accordance with § 42.15 (a) of Part 42 and the provisions of this special regulation.

2. C–46 type airplanes, when used in passenger operations in accordance with paragraph 4 of this regulation, shall not be operated at weights exceeding those which are demonstrated to the Administrator will allow compliance with the performance requirements of Part 4b, except that in determining the maximum take-off weight, such weight shall be limited only to a value at which the airplane has a rate of climb equal to 0.035 V_{s_1} in the take-off configuration at sea level with the landing gear retracted but with the propeller of the inoperative engine feathered rather than windmilling.

3. Provisionally, pending a determination by the Administrator of the weights at which C–46 airplanes will meet the standards prescribed by paragraph 2 of this regulation, the maximum take-off weight of such airplanes, when used in the manner herein referred to, shall not exceed 44,300 pounds: *Provided*, That in the case of C–46 airplanes equipped with Hamilton Standard propellers with blades Model Number 6491A–9 or approved equivalent which have been clipped in accordance with specifications approved by the Administrator, such provisional maximum weight shall be increased by 1,000 pounds until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers, and thereafter by such other value.

4. The Administrator of Civil Aeronautics may authorize continued operation of C–46 airplanes in passenger service in accordance with paragraphs 2 and 3 of this regulation until January 1, 1957, if he finds that the applicant for such authorization has a bona fide, firm contract with the holder of a type certificate indicating that the required modifications will be completed prior to January 1, 1957, except that the Administrator may authorize during the period July 1, 1956, through July 15, 1956, such continued operation without a showing of such firm contract where the Administrator has previously permitted such operations based on genuine and diligent efforts to complete the required modifications. Such type certificate shall indicate that it meets the transport category requirements of Part 4b of the Civil Air Regulations in effect on July 20, 1950, with the exceptions authorized in SR–406A.

5. On and after July 1, 1956 (except as provided in paragraph 4), C–46 airplanes in passenger service shall comply with the provisions of Part 4b as in effect on July 20, 1950, except as otherwise provided hereinafter:

a. The provisions of §§ 4b.0 through 4b.19 of Part 4b, effective May 18, 1954, shall be complied with.

b. The provisions of §§ 4b.100 through 4b.190 need not be complied with.

c. The birdproof windshield requirements of § 4b.352 need not be complied with.

d. The provisions of §§ 4b.480 through 4b.490 effective May 16, 1953, shall be complied with in lieu of §§ 4b.480 through 4b.489 effective July 20, 1950, with the exception of subparagraph 4b.484 (a) (1) which shall be applicable as effective July 20, 1950, and paragraph 4b.487 (e) which has no counterpart in the 1950 regulations.

6. On and after January 1, 1957, C–46 airplanes in passenger service shall be recertificated in the transport category in accordance with paragraph 5 of this regulation, and shall comply with the provisions of §§ 4b.100 through 4b.190 with the following exception: In determining the take-off path in accordance with § 4b.116 and the one-engine-inoperative climb in accordance with § 4b.120 (a) and (b), the propeller of the inoperative engine may be assumed to be feathered if there is installed either an approved means for automatically indicating when the particular engine has failed or an approved means for automatically feathering the propeller of the inoperative engine.

7. In applying the provisions of paragraph 5 and 6 of this regulation, where literal compliance with the requirements of §§ 4b.130 through 4b.190 of Subpart B and Subparts C, D, E, and F of Part 4b is extremely difficult to accomplish, and where the Administrator finds that service experience with the C–46 type airplane so justifies, the Administrator may authorize deviations from specific details of these requirements, taking into account the effect of design changes.

8. On or after January 1, 1957, C–46 airplanes in passenger service shall be operated in accordance with the performance operating limitations applicable to transport category airplanes.

9. C–46 airplanes which comply with the provisions of paragraphs 5 and 6 of this regulation may be used in passenger operations conducted under the provisions of Parts 40 and 41 provided they are operated in accordance with paragraph 8.

10. This Special Civil Air Regulation supersedes Special Civil Air Regulation SR–406B.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–5273; Filed, July 2, 1956; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by changing the portion which reads: "excluding the portion which overlaps the Fort Lewis, Wash., restricted area (R–244);" to read: "excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–503) and the portion below 5,000 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–504);".

2. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended between the Charleston, S. C., and Raleigh, N. C., radio range stations to read: "Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the south course of the Florance, S. C., radio range; Florence, S. C., radio range station; the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, radio range; Raleigh, N. C., radio range station;".

3. Section 600.216 is amended by changing caption to read: *"Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.)"* and by changing the last portion to read: "From the Augusta, Ga., radio range station via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the south course of the Florence, S. C., radio range; Florence, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon; the intersection of a line bearing 21° True from the Lumberton, N. C., nondirectional radio beacon and a line bearing 191° True from the Raleigh, N. C., radio range station to the Raleigh, N. C., radio range Station."

4. Section 600.274 is amended to read:

§ 600.274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* From the intersection of the east course of the New Orleans, La., radio range with a line bearing 225° True from the Bay Minette, Ala., nondirectional radio beacon to the Bay Minette, Ala., nondirectional radio beacon.

5. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste Marie, Mich.)* is amended by changing the portion which reads: "Cross City, Fla., radio range to the intersection of the northwest course of the Cross City, Fla., radio range and the east course of the Tallahassee, Fla., radio range." to read: "Cross City, Fla., radio range station to the Tallahassee, Fla., radio range station, excluding the portion above 19,000 feet mean sea level which lies within the Tyndall AFB restricted area (R–336) between sunset and sunrise."

6. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C. to New York, N. Y.)* is amended by changing the first portion to read: "From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; New Bern, N. C., omnirange station; Cofield, N. C., omnirange station; intersection of the Cofield omnirange 058° true radial and the southwest course of the Norfolk, Va., ILS localizer; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course, excluding the portion of this airway above 5,500 feet mean sea level within 60 statute miles of a point at latitude 34°54'30", longitude 76°53'00", daily from sunset to sunrise."

7. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing all before the Muscle Shoals, Ala., omnirange station to read: "From the Miami, Fla., omnirange station via the Fort Myers, Fla., omnirange station; Lakeland, Fla., omnirange station, including an east alternate via the intersection of the Fort Myers omnirange 035° True and the Lakeland omnirange 161° True radials; Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials; Tallahassee, Fla., omnirange station; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° True and the Marianna omnirange 141° True radials; Dothan, Ala., terminal omnirange station; intersection of the Dothan terminal omnirange 336° True and the Montgomery omnirange 123° True radials; Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station, including an east alternate via the intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 138° True radials and also a west alternate; intersection of the Birmingham omnirange 358° True and the Muscle Shoals omnirange 129° True radials; Muscle Shoals, Ala., omnirange station;".

8. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by adding a new last sentence to read: "The portion of this airway below 1,500 feet above mean sea level which overlaps the Fort Lewis restricted area (R–503) and the portion of this airway below 5,000 feet above mean sea level which overlaps the Fort Lewis restricted area (R–504) are excluded."

9. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.)* is amended by changing the portion which reads: "Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the intersection of the Tampa omnirange 331° True and the Cross City omnirange 182° True radials, the Cross City, Fla., omnirange station and the intersection of the Cross City omnirange 287° True and the Tallahassee omnirange 150° True radials;" to read; "Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the intersection of the Tampa omnirange 331° True and the Cross City omnirange 182° True radials and the Cross City, Fla., omnirange station;".

10. Section 600.6099 *VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia)* is amended by changing the portion which reads: "to the Vancouver, British Columbia, radio range station, excluding the portion which overlaps the Fort Lewis restricted area." to read: "to the Vancouver, British Columbia, radio range station, excluding the portion of this airway, below 14,000 feet above mean sea level, which overlaps the Fort Lewis restricted area (R–505)."

11. Section 600.6194 *VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.)* is amended by changing all after the Charlotte, N. C., omnirange station to read: "Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station, including a south alternate via the intersection of the Raleigh omnirange 116° True and the Rocky Mount omnirange 237° True radials; Cofield, N. C., omnirange station; point of intersection of the Cofield omnirange 058° True and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course."

12. Section 600.6208 is amended to read:

§ 600.6208 *VOR civil airway No. 208 (Los Angeles, Calif., to Needles, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 185° True and the Oceanside omnirange 280° True radials; Oceanside, Calif., omnirange station; point of intersection of the Oceanside 101° True and the San Diego, Calif., omnirange 046° True radials; Thermal, Calif., omnirange station; to the Needles, Calif., omnirange station.

13. Section 600.6241 is added to read:

§ 600.6241 *VOR civil airway No. 241 (Kinston, N. C., to Cofield, N. C.).* From the point of intersection of the Wilmington, N. C. omnirange 005° True and the New Bern, N. C., omnirange 297° True radials to the Cofield, N. C., omnirange station.

14. Section 600.6243 is added to read:

§ 600.6243 *VOR civil airway No. 243 (Chattanooga, Tenn. to Bowling Green, Ky.).* From the Chattanooga, Tenn., omnirange station to the Bowling Green, Ky., omnirange station.

15. Section 600.6244 is added to read:

§ 600.6244 *VOR civil airway No. 244 (Crestview, Fla., to Dothan, Ala.).* From the Crestview, Fla., omnirange, station via the intersection of the Crestview omnirange 076° true and the Dothan terminal omnirange 240° true radials; to the Dothan, Ala., terminal omnirange station. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB restricted area (R–336), is excluded daily between sunset and sunrise.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 26, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–5237; Filed, July 2, 1956; 8:45 a. m.]

[Amdt. 11]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.216 is amended to read:

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Raleigh, N. C.).* All of Red civil airway No. 16.

2. Section 601.1025 *Control area extension (New Orleans, La.)* is amended by changing the words which read: "and on the north by Green civil airway No. 6;" to read: "and on the north by Red civil airway No. 30;".

3. Section 601.1086 is amended to read:

§ 601.1086 *Control area extension (Memphis, Tenn.).* That airspace within a 50-mile radius of the Memphis

radio range station lying in the southeast, southwest and northwest quadrants of the radio range and that airspace within an arc 45 miles in radius from the Memphis NAS radio range station bounded on the west and northwest by VOR civil airway No. 11 and on the southeast by Green civil airway No. 5.

4. Section 601.1125 is amended to read:

§ 601.1125 *Control area extension (Tallahassee, Fla.).* That airspace bounded on the north by VOR civil airway No. 22, on the east by VOR civil airway No. 159 and on the south and west by VOR civil airway No. 7W, excluding the portion above 19,000 feet mean sea level between sunset and sunrise which lies within Tyndall AFB restricted area (R–336).

5. Section 601.1133 is amended to read:

§ 601.1133 *Control area extension (Seattle, Wash.).* That airspace within a 30-mile radius of the Seattle-Tacoma International Airport, excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lies over Fort Lewis restricted area (R–504), and below 14,000 feet mean sea level which lies over Fort Lewis restricted area (R–505); that airspace southsouthwest of Seattle bounded on the south by latitude 46°35′00″, on the west by longitude 123°03′00″ and on the northnortheast by Blue civil airway No. 71; that airspace north of Seattle bounded on the south by Red civil airway No. 79, on the east by Green civil airway No. 10, and on the northwest by a line extending from a point at latitude 48°02′00″, longitude 122°26′00″ to a point at latitude 47°55′00″, longitude 122°32′00″.

6. Section 601.1265 is added to read:

§ 601.1265 *Control area extension (Edenton, N. C.).* That airspace bounded on the west by Amber civil airway No. 9, on the north by the Norfolk, Va., control area extension (§ 601.1149), on the northeast by Red civil airway No. 34 and the Elizabeth City, N. C., control area extension (§ 601.1181), on the southeast by the northwest shore of Pamlico Sound, and on the south by the Cherry Point restricted area (R–123), excluding the portions which overlap Albemarle Sound restricted areas R–1, R–2, R–3, R–6, R–7, R–8 and R–9.

7. Section 601.1283 is amended to read:

§ 601.1283 *Control area extension (Toledo, Wash.).* Within 5 miles either side of the east course of the Toledo radio range extending from the radio range station to a point 20 miles east and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west, excluding the portion which overlaps restricted areas.

8. Section 601.1320 *Control area extension (Cross City, Fla.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 242° True radial of the Cross City omnirange extending from the omnirange station to the eastern boundary of VOR civil airway Nos. 35 and 97."

9. Section 601.1331 is amended to read:

§ 601.1331 *Control area extension (Tacoma, Wash.).* That airspace within a 40-nautical-mile radius of McChord Air Force Base excluding the following: the portions which overlap Hood Canal Caution Area (C–243) and VOR civil airway No. 27, the portion which conflicts with Olympic Peninsula restricted area (R–241), the portions below 1,500 feet mean sea level which lie over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lie over Fort Lewis restricted area (R–504) and below 14,000 feet mean seal level which lie over Fort Lewis restricted area (R–505).

10. Section 601.1387 *Control area extension (Fayetteville, N. C.)* is revoked.

11. Section 601.1387 is added to read:

§ 601.1387 *Control area extension (Blytheville, Ark.).* That airspace northwest of the Blytheville Air Force Base bounded on the east by VOR civil airway No. 9, on the south by VOR civil airway No. 140, on the west by VOR civil airway No. 69, and on the north by a line extending through a point at latitude 36°21′00″, longitude 90°04′00″ and a point at latitude 36°32′00″, longitude 90°40′00″.

12. Section 601.1403. *Control area extension (Yakataga, Alaska)* is amended by changing the last word from "southwest." to "Southeast."

13. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport: Memphis, Tenn.: Naval Air Station.

14. Section 601.2180 *Oakland, Calif., control zone,* is amended by changing the name "Newark fan marker." to read: "Fremont fan marker."

15. Section 601.2199 is amended to read:

§ 601.2199 *Syracuse, N. Y., control zone.* Within a 5-mile radius of the Clarence E. Hancock Airport, within 2 miles either side of the Syracuse ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker, within 2 miles either side of a direct line extending westward from the airport to the Syracuse radio range station thence within 2 miles either side of the west course of the radio range extending from the radio range station to a point 10 miles west, and the airspace within 2 miles either side of the 120° True and 300° True radials of the Syracuse omnirange extending to a point 10 miles northwest of the omnirange station.

16. Section 601.2251 is amended to read:

§ 601.2251 *Albany, Ga., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station, within a 5-mile radius of Turner Air Force Base, within 2½ miles either side of a line extending from Turner AFB to the Doles nondirectional beacon, and within 2 miles either side of the east and south courses of the Albany radio range extending from the radio range station to points 10 miles east and south of the radio range station.

17. Section 601.2281 is amended to read:

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord Air Force Base, Tacoma, Wash., excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis restricted area (R–503).

18. Section 601.2383 is added to read:

§ 601.2383 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Memphis Naval Air Station and within 2 miles either side of the southwest and northeast courses of the Memphis NAS radio range extending from the 5-mile radius control zone to the Gainsville nondirectional radio beacon.

19. Section 601.2384 is added to read:

§ 601.2384 *Blytheville, Ark., control zone.* Within a 5-mile radius of the Blytheville Air Force Base and within 2 miles either side of a line exterding from the Air Force Base to a point 2 miles north of the Blytheville nondirectional radio beacon.

20. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended by deleting the following reporting point: "Lumberton, N. C., nondirectional radio beacon;".

21. Section 601.4216 is amended to read:

§ 601.4216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).* Albany, Ga., radio range station; Columbia, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon.

22. Section 601.6007 is amended to read:

§ 601.6007 *VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).* All of VOR civil airway No. 7 including east and west alternates, but excluding all that airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its west alternate between the Cross City, Fla., omnirange station and the Marianna, Fla., omnirange station.

23. Section 601.6097 is amended to read:

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Alexandria, Minn.).* All of VOR civil airway No. 97 including east and west alternates, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

24. Section 601.6208 is amended to read:

§ 601.6208 *VOR civil airway No. 208 control areas (Los Angeles, Calif., to Needles, Calif.).* All of VOR civil airway No. 208.

25. Section 601.6241 is added to read:

§ 601.6241 *VOR civil airway No. 241 control areas (Kinston, N. C., to Cofield, N. C.).* All of VOR civil airway No. 241.

26. Section 601.6243 is added to read:

§ 601.6243 *VOR civil airway No. 243 control areas (Chattanooga, Tenn., to Bowling Green, Ky.).* All of VOR civil airway No. 243.

27. Section 601.6244 is added to read:

§ 601.6244 *VOR civil airway No. 244 control areas (Crestview, Fla., to Dothan, Ala.).* All of VOR civil airway No. 244.

28. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points to read:

Dothan, Ala., terminal omnirange station.
Cofield, N. C., omnirange station.

by changing the following reporting point to read:

Avalon Intersection: The intersection of the Oceanside, Calif., omnirange 280° True and the Long Beach, Calif., omnirange 200° True radials.

and by revoking the following reporting point:

Harrelsville Intersection: The intersection of the Williamston, N. C., VAR north course and the Rocky Mount, N. C., omnirange 064° True radial.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 26, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5238; Filed, July 2, 1956; 8:45 a. m.]

[Amdt. 168]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.20 The Craters of the Moon, Idaho, area (R–458 formerly D–458), published on May 29, 1954, in 19 F. R. 3183, is rescinded.

2. In § 608.34, A Virgelle, Mont., area (R–507), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Virgelle Bombing and Gunnery Range (R–507) (Butte, Glacier Park).	Beginning at latitude 48°07′45″, longitude 110°04′00″; thence to latitude 47°46′50″, longitude 109°53′40″; thence to latitude 47°44′00″, longitude 110°06′00″; thence to latitude 48°07′45″, longitude 110°17′30″; thence to point of beginning.	50,000 feet mean sea level.	Daylight hours.	Malmstrom Air Force Base, Mont.

3. In § 608.55, the Coulee Dam, Wash., area (R–248 formerly D–248), amended on October 31, 1951, in 16 F. R. 11066, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Coulee Dam, Wash. (R–248) (Spokane, Kootenai, Seattle).	Beginning at Tonasket, Wash.; thence on a direct line to Colville, Wash.; thence due south to latitude 48°21′00″, longitude 117°54′00″; thence counterclockwise along an arc of 45 nautical miles radius centered on Fairchild Air Force Base to a point at latitude 47°44′35″, longitude 118°44′00″; thence on a direct line to Entiat, Wash.; thence northeasterly along the Columbia River to its junction with the Okanogan River, thence northerly along the Okanogan River to point of beginning.	All airspace above 20,000 feet mean sea level.	Continuous.	Ninth Air Division (Defense), Geiger Field, Spokane, Wash.

4. In § 608.52, the Wendover, Utah, No. 3 area (R–508) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Wendover, Restricted Area No. 3 (R–508) (Elko).	Beginning at latitude 40°36′30″, longitude 114°14′00″; thence to latitude 40°38′00″, longitude 114°07′40″; thence to latitude 40°38′00″, longitude 114°00′00″; thence to latitude 40°26′00″, longitude 114°00′00″; thence to latitude 40°26′00″, longitude 114°08′00″; thence to latitude 40°29′00″, longitude 114°08′00″; thence to latitude 40°20′00″, longitude 114°18′00″; thence to point of beginning.	Surface to 50,000 feet mean sea level.	Continuous.	Wendover Air Force Base, Utah.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 20, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5239; Filed, July 2, 1956; 8:46 a. m.]

[Amdt. 169]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.30, the Camp Lucas, Mich., area (R–467), amended on April 12, 1956, in 21 F. R. 2373, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 46°58′15″ North, longitude 85°03′00″ West; thence to latitude 46°53′30″ North, longitude 84°51′30″ West; thence to latitude 46°52′30″ North, longitude 84°51′15″ West; thence to latitude 46°49′00″ North, longitude 84°54′30″ West; thence to latitude 46°53′30″ North, longitude 85°07′00″ West; thence to point of beginning", and by changing the "Time of Designation" column to read: "Days, April 1 to November 30 annually".

2. In § 608.55, the Fort Lewis, Wash., area (R–244 formerly D–24), amended on January 3, 1951, in 16 F. R. 4 is rescinded.

3. In § 608.58, the Casper, Wyo., area (R–461 formerly D–461), amended on June 26, 1954, in 19 F. R. 3906, is further amended by changing the "Controlling Agency" column to read: "Adjutant General, Wyoming National Guard, Cheyenne, Wyo."

4. In § 608.55, a Fort Lewis, Wash., area (R–503), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Fort Lewis, Wash. (R-503) (Seattle).	From a point on Highway U. S. 99 at latitude 47°06'35", longitude 122°34'05"; southeasterly along road to Northern Pacific Railroad at latitude 47°05'22", longitude 122°30'15"; thence southerly along railroad to latitude 47°03'10", longitude 122°31'25"; thence northwesterly to the western edge of Victor Airway No. 23 at latitude 47°04'25", longitude 122°35'15"; thence northerly along the western edge of Victor Airway No. 23 to point of beginning at latitude 47°06'35", longitude 122°34'05".	Surface to 1,500 feet mean sea level.	Continuous.	Commanding General, Fort Lewis, Wash.

5. In § 608.55, a Fort Lewis, Wash., area (R-504), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Fort Lewis, Wash. (R-504) (Seattle).	From a point on the Northern Pacific Railroad at latitude 47°03'10", longitude 122°31'25", southerly along railroad to latitude 47°02'30", longitude 122°31'40"; thence east to latitude 47°02'30", longitude 122°31'00"; thence southerly to latitude 47°00'50", longitude 122°31'25"; thence west to the Northern Pacific Railroad at latitude 47°00'50", longitude 122°32'10"; thence southerly along the railroad to latitude 46°51'30", longitude 122°39'20"; thence northeasterly along the western edge of Victor Airway No. 23 to latitude 47°04'25", longitude 122°35'15"; thence southeasterly to point of beginning at latitude 47°03'10", longitude 122°31'25".	Surface to 5,000 feet mean sea level.	Continuous	Commanding General, Fort Lewis, Wash.

6. In § 608.55, a Fort Lewis, Wash., area (R-505), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Fort Lewis, Wash. (R-505) (Seattle).	From a point along Highway U. S. 99 at latitude 47°05'25", longitude 122°38'10"; thence southeasterly to the western edge of Victor Airway No. 23 at latitude 47°04'25", longitude 122°35'15"; thence southwesterly along the western edge of Victor Airway No. 23 to latitude 46°54'30", longitude 122°39'20"; thence southwesterly along the Northern Pacific Railroad to town of Ranier, Washington at latitude 46°53'12", longitude 122°41'15"; thence northwesterly along road to road junction at latitude 46°57'12", longitude 122°46'47"; thence due north to Northern Pacific Railroad at latitude 46°59'52", longitude 122°46'47"; thence northeasterly along Railroad to Highway U. S. 99 at latitude 47°05'00", longitude 122°40'01"; thence northeasterly along Highway 99 to point of beginning at latitude 47°05'25", longitude 122°38'10".	Surface to 14,000 feet mean sea level.	Continuous.	Commanding General, Fort Lewis, Wash.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 26, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5240; Filed, July 2, 1956; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 73—BIOLOGIC PRODUCTS

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

On February 9, 1956, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (21 F. R. 906) inviting any interested parties to present written views or arguments respecting the proposed regulations there published. Notice was also given that it was proposed, for the protection of the public health, to make any regulations that were adopted effective upon their publication in the FEDERAL REGISTER.

Several views and suggestions have been received from representatives of drug manufacturers relating particularly to that portion of the proposed regulations that would establish additional standards for poliomyelitis vaccine. All of the views expressed have been carefully considered. On the basis of these and other considerations, it is deemed necessary, in order to assure the continued safety, purity and potency of biological products, to issue at this time the following amendents to Part 73 and, in the public interest for the protection of the public health, to make such amendments effective upon their publication in the FEDERAL REGISTER.

1. Part 73 is hereby amended so that wherever in such part reference is made to "Federal Security Administrator" or "Administrator", such reference is changed to, respectively, "Secretary of Health, Education, and Welfare" or "Secretary".

2. Section 73.2 is amended to read as follows:

§ 73.2 *Applications.* To obtain a license for any establishment, biologic product or trivalent organic arsenical, the manufacturer shall make application to the Surgeon General on forms prescribed for such purpose, and in the case of an application for a product license, shall submit a description of the production methods, samples of the product and specimens of the labels, enclosures, and containers proposed to be used for such product. No product shall be licensed if any production method relating to such product would, in the judgment of the Surgeon General, impair the assurances of continued safety, purity and potency as provided by the regulations of this part.

3. Part 73 is further amended by the addition of the following new provisions constituting §§ 73.100 to 73.105, inclusive:

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

§ 73.100 *The product*—(a) *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliomyelitis viruses types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method, and combined in equal proportions with a tolerance of five percent of the total volume, applied to one or more of the three components.

(b) *Strains of virus.* Strains of poliomyelitis virus used in the production of vaccine shall be identified by historical records, infectivity tests and immunological methods. Any strain of virus may be used that produces a vaccine meeting the safety and potency requirements of §§ 73.101, 73.102 and 73.103, but the Surgeon General may from time to time prohibit the use of any specific strain whenever he finds that it is practicable to use another strain of the same type that is potentially less pathogenic to man and that will produce a vaccine of equivalent safety and potency.

(c) *Monkeys.* Only cynomolgus or rhesus monkeys, or other species of equal suitability, in overt good health that have reacted negatively to tuberculin within two weeks prior to use, shall be used as the source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease and, if there is any gross pathological lesion of significance to their use in the preparation of the vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests with negative clinical findings (§§ 73.102 and 73.103) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period.

§ 73.101 *Production of poliomyelitis vaccine*—(a) *Cultivation of virus.* Virus for preparing vaccine shall be grown with aseptic techniques in monkey kidney cell tissue cultures. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(c) *Virus titer.* The 50 percent end-point ($TCID_{50}$) of the virus fluids after filtration shall be 10^{-6} or greater as confirmed by comparison in a simultaneous test (using groups of 10 tubes at 1 log steps or groups of 5 tubes at 0.5 log steps) with a reference virus distributed by the National Institutes of Health. Acceptable titrations of the reference virus shall not vary more than ±10-fold from its labeled titer using 0.5 milliliter inoculum in tissue culture.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the tests prescribed in § 73.102, through the use of an agent or method which has been demonstrated to the satisfaction of the Surgeon General to be consistently effective in the hands of the manufacturer in inactivating a series of lots of poliomyelitis virus. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U. S. P. solution of formaldehyde of 1:4000, and the inactivation conducted under controlled conditions of pH and time, at a temperature of 36 to 38° C. Three or more virus titers, suitably spaced to indicate rate of inactivation, shall be determined during the inactivation process. Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches 10°), but prior to sampling for the first single strain tissue culture test required in § 73.102 (b).

(e) *Additional processing.* Single strain or trivalent pools that have failed to pass safety tests prescribed in § 73.102 (b), (c), or (e) may be treated as follows:

(1) Filtration of clarification by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(2) Negative tests performed as described in § 73.102 (b) and (c) must be obtained on each of two successive samples taken so as to be separated by an interval of at least three days while the material is being subjected to treatment with 1:4000 U. S. P. formaldehyde solution and heat at 36°–38° C. The first sample may be taken before incubation is begun and the second sample is to be taken after the incubation of at least 3 days is completed. In the case of single strain pools, the volume tested for each tissue culture safety test shall be at least 500 milliliters and in the case of trivalent pools, at least 1,500 milliliters.

(3) Pools which are positive following such additional processing shall not be used for the preparation of poliomyelitis vaccine.

(f) *Supplemental inactivation.* Supplemental inactivation employing a method capable of reducing the titer of a similarly produced virus suspension by a factor of 10^{-5} may be applied at any point after the filtration step described in paragraph (d) or (e) (1) of this section.

§ 73.102 *Tests for safety.* In the preparation of the product, the following tests relating to safety shall be conducted by the manufacturer.

(a) *The virus pool.* Prior to inactivation each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods.

(b) *Single strain pool tissue culture tests for poliomyelitis virus.* (1) During inactivation, before pooling to make the final poliomyelitis vaccine, each monovalent bulk strain pool shall be tested for the presence of virus by tissue culture methods. Two samples separated by an interval of at least three days during inactivation at 36°–38° C. shall be tested.

(2) No less than 500 milliliters of each sample shall be subjected to the complete testing process and each test shall be performed on a different monkey kidney tissue culture cell preparation. Each sample shall be inoculated into five or more tissue culture bottles of a suitable capacity, the ratio of the vaccine to the nutrient fluid being approximately 1:1 to 1:3, and the area of the surface growth of cells being at least 3 square centimeters per milliliter of vaccine. The tissue culture bottles shall be observed at least 14 days.

(3) A first subculture shall be made at the end of seven days from date of inoculation by planting at least 2 percent of the volume from each original bottle into suitable tissue culture containers, followed by refeeding.

(4) A second subculture shall be made from each original bottle in the same manner at the end of 14 days from date of inoculation.

(5) The first and second subcultures shall be each observed for at least seven days.

(6) If cytopathogenic effects occur either in the original bottles of the two tests or in the subcultures from them, or if cellular degeneration appears in the original bottles or in the subcultures before degeneration occurs in uninoculated cultures, the pool shall be held until the matter is resolved. If active poliomyelitis virus is indicated, the strain pool shall not be used for inclusion in a final vaccine unless effectively reprocessed as described in § 73.101 (e). If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses have originated from other than the strain pool being tested.

(c) *Trivalent vaccine pool tissue culture test.* No less than 1,500 milliliters of the trivalent vaccine pool, without final preservative, prepared by pooling the three type pools, each of which has passed all tests described in paragraph (b) of this section, shall be subjected to the complete tissue culture test prescribed in such paragraph in at least two approximately equal tests in separate monkey kidney tissue culture preparations.

(d) *Trivalent vaccine pool lymphocytic choriomeningitis test.* The final vaccine shall be shown to be free of lymphocytic choriomeningitis virus by intracerebral inoculation into 10 or more mice which shall be observed daily for at least 21 days and a negative test shall not be valid unless at least 8 mice survive for this period.

(e) *Final vaccine test for active virus in monkeys.* (1) Vaccine from a sufficient number of final containers selected at random from each filling of each lot shall be pooled to provide a test sample of at least 100 milliliters representing the filling.

(2) Where the number of fillings in a lot is four or more, a test sample from each filling shall be inoculated into a group of five or more monkeys. Where the number of fillings in a lot is less than four, test samples from the several fillings shall be inoculated into a total of not less than twenty monkeys. A preinjection serum sample must contain no neutralizing antibody against the three poliomyelitis virus types in a dilution of 1:4 when tested against not more than 1,000 $TCID_{50}$ doses of virus. At least 80 percent of the test animals representing each filling must survive the test period without significant weight loss, except that if at least 60 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48 hour period may be replaced by an equal number of test animals. If less than 60 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals representing each filling survive the test period without significant weight loss, the test must be repeated.

(3) Vaccine is injected by combined intracerebral, intraspinal, and intramuscular routes into rhesus or cynomolgus monkeys in overt good health, under deep barbiturate anesthesia. The intracerebral injection consists of 0.5 milliliter into the thalamic region of each hemisphere. The intraspinal injection consists of 0.5 milliliter into the lumbar spinal cord enlargement. The intramuscular injection consists of 1.0 milliliter into the right leg muscles. At the same time, an injection of 200 milligrams of cortisone acetate is given into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The monkeys are observed for 17 to 19 days and symptoms suggestive of poliomyelitis are recorded.

(4) At the end of the observation period, samples of nervous tissue are taken for virus recovery and identification. Histological sections are prepared from both spinal cord enlargements and examined.

(5) The monkeys inoculated as described in § 73.103 (a) are sacrificed at the time of collection of the final serum samples described in § 73.103 (b). Histological sections are prepared from both spinal cord enlargements and examined.

(6) Doubtful histopathological findings necessitate (i) examination of a sample of sections from several regions of the brain in question, and (ii) attempts at virus recovery from the nervous tissues previously removed from the animal. The test is considered negative if the histological and other studies leave no doubt that poliomyelitis infection did not occur.

§ 73.103 *Potency test.* Each lot of vaccine shall be subject to a potency test which permits an estimation of the antigenic capacity of the vaccine. This is done by means of a simultaneous comparison of the antibody levels produced in monkeys by the vaccine under test with the antibody levels of reference serums distributed by the National Institutes of Health. The potency test shall be performed on samples taken after final processing of the trivalent pool including addition of preservative, and shall be conducted as follows:

(a) *Inoculation of monkeys.* A group of 12 or more rhesus or cynomolgus monkeys shall be used. Animals shall weigh between 4 and 8 pounds and shall be in overt good health. Animals that become ill and then remain ill during the course of immunization shall be excluded from the group. The test shall not be valid unless at least 8 survive the test period. The test vaccine shall be given intramuscularly to each monkey in 3 doses of 1.0 milliliter each at seven day intervals. Only undiluted vaccine shall be used. The initial intramuscular injection is accompanied by the intracerebral injection of 0.5 milliliter into the thalamic region of each hemisphere.

(b) *Serum samples.* A blood sample shall be taken from each monkey prior to vaccination and then again 7 days after the last injection. Serum shall be separated aseptically, and stored under refrigeration.

(c) *Serum-virus neutralization test.* The titers of individual monkey serums shall be determined in comparison with N. I. H. reference serums in tests designed to include controls for all the variables of significance including the following:

(1) Serum toxicity control;

(2) Cell control and cell titration;

(3) Virus titration control (at least 4 tubes/dilution at 1/2 log steps); and

(4) Serum controls using type-specific serums to identify the type of virus used in the neutralization test.

(d) *Interpretation of the test.* Animals showing preinoculation titers of 1/4 or over when tested against not more than 1,000 $TCID_{50}$ of virus, shall be excluded from the test. The geometric mean titer of antibody induced in the monkeys surviving the course of immunization and bleeding, shall be calculated. A comparison of the value so obtained shall be made with the values for the reference serums that were tested simultaneously and expressed as ratios between the mean titer values of the serums under test and the mean titer value of the reference serums.

(e) *Potency requirements.* A lot of vaccine tested against National Institutes of Health reference serums IIA, IIA 1/4, and IIA 1/16 shall be satisfactory if the geometric mean value of the group of individual monkey serums representing the lot of vaccine tested is at least 0.86 times the geometric mean value of the three reference serums for type 1, at least 0.75 times for type 2, and at least 0.48 times for type 3. In applying the foregoing requirements, a variation of 66⅔ percent is acceptable.

§ 73.104 *General requirements*—(a) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility in accordance with §73.70. In addition, the lot shall not be released unless the test for the presence of living poliomyelitis virus described in § 73.102 (e) is negative.

(b) *Extraneous protein.* Extraneous protein, capable of producing allergenic effects on injection into human subjects, shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(c) *Dose.* These additional standards are based on a human dose of 1.0 milliliter for a single injection and a total human immunizing dose of three injections of 1.0 milliliter given at appropriate intervals.

(d) *Labeling.* In addition to compliance with the requirements of §§ 73.50 to 73.55, inclusive, the label or the package enclosure shall include an appropriate statement indicating the type and amounts of antibiotics added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition and method of inactivation of the viruses.

(e) *Dating.* The expiration date shall not be more than six months after the date of manufacture or the date of issue. The date of issue shall not be more than three months after the date of manufacture as defined in § 73.78 (c).

(f) *Requirements for samples and reports.* For each lot of vaccine, the following material shall be submitted to the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final preservative, taken at the latest possible stage of production before the addition of such preservative.

(2) A 200 milliliter bulk sample of the final vaccine containing final preservative.

(3) A total of not less than 200 milliliter sample of the final vaccine in final labeled containers.

(4) Protocols showing the history of the lot and the results of the tests prescribed in these additional standards.

§ 73.105 *Equivalent methods.* Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.104, inclusive) shall be permitted whenever the manufacturer presents evidence to demonstrate that such modification will provide equal or greater assurances of the safety, purity and potency of the vaccine as the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

4. The additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.105, inclusive) shall be applicable to all virus pools and vaccine in process on the date of publication of these amendments in the FEDERAL REGISTER and thereafter: *Provided, however,* That compliance with any test, method or procedure otherwise required by such additional standards shall be waived as to such material to the extent the Surgeon General of the Public Health Service determines (i) that the production or processing of such material has proceeded to a stage at which it is impossible to comply with any such requirement, and (ii) that the manufacturer has provided evidence satisfactory to the Surgeon General of the use of tests, methods or procedures equivalent to such requirements in assuring the safety, purity and potency of the vaccine.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U. S. C. 262)

Issued jointly by:

[SEAL] LEONARD A. SCHEELE,
Surgeon General,
Public Health Service.

S. B. HAYS,
Surgeon General of the Army.

B. E. BRADLEY,
Acting Surgeon General of the Navy.

Approved: June 27, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-5241; Filed, July 2, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

LOSSES AND BAD DEBTS

Notice is hereby given, pursuant to the Adminstrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations relating to lossses and bad debts are hereby prescribed under sections 165 and 166, respectively, of the Internal Revenue Code of 1954, and are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.165 Statutory provisions; losses.
1.165-1 Losses.
1.165-2 Amount of deduction in general.
1.165-3 Limitations on losses of individuals.
1.165-4 Wagering losses.
1.165-5 Theft losses.
1.165-6 Capital losses.
1.165-7 Worthless securities.
1.166 Statutory provisions; bad debts.
1.166-1 Bad debts.
1.166-2 Examples of bad debts.
1.166-3 Uncollectible deficiency upon sale of mortgaged or pledged property.
1.166-4 Worthless securities.
1.166-5 Bonds.
1.166-6 Reserve for bad debts.
1.166-7 Nonbusiness bad debts.
1.166-8 Guarantors, endorsers, or indemnitors of certain noncorporate obligations.

§ 1.165 *Statutory provisions; losses.*

SEC. 165. *Losses*—(a) *General rule.* There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) *Amount of deduction.* For purposes of subsection (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property.

(c) *Limitation on losses of individuals.* In the case of an individual, the deduction under subsection (a) shall be limited to—

(1) Losses incurred in a trade or business;

(2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. No loss described in this paragraph shall be allowed if, at the time of the filing of the return, such loss has been claimed for estate tax purposes in the estate tax return.

(d) *Wagering losses.* Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(e) *Theft losses.* For purposes of subsection (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) *Capital losses.* Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in sections 1211 and 1212.

(g) *Worthless securities*—(1) *General rule.* If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) *Security defined.* For purposes of this subsection, the term "security" means—

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation; or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

(3) *Securities in affiliated corporation.* For purposes of paragraph (1), any security in a corporation affiliated with a taxpayer which is a domestic corporation shall not be treated as a capital asset. For purposes of the preceding sentence, a corporation shall be treated as affiliated with the taxpayer only if—

(A) At least 95 percent of each class of its stock is owned directly by the taxpayer, and

(B) More than 90 percent of the aggregate of its gross receipts for all taxable years has been from sources other than royalties, rents (except rents derived from rental from properties to employees of the corporation in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, and gains from sales or exchanges of stocks and securities.

In computing gross receipts for purposes of the preceding sentence, gross receipts from sales or exchanges of stocks and securities shall be taken into account only to the extent of gains therefrom.

(h) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g) (2) (C) applies, if issued by a political party or similar organization, see section 271.

§ 1.165-1 *Losses*—(a) *Allowance of deduction in general.* (1) Losses sustained by individual citizens or residents of the United States and by domestic corporations which are not compensated for by insurance or otherwise are deductible under section 165 (a) if deduction of such losses is not prohibited or limited by any other provisions of the Internal Revenue Code. See, for example, section 165 (c), relating to individuals; sections 165 (g) and 1211, relating to capital losses; section 165 (d), relating to wagering losses; section 267 (a), relating to losses from sales or exchanges of property between related taxpayers; section 271, relating to debts owed by political parties; section 931, relating to income from sources within possessions of the United States; section 932, relating to citizens of possessions of the United States; and subchapter O, relating to gain or loss on disposition of property. See also sections 871, 873, and 876 as to limitation upon losses sustained by nonresident aliens.

(2) In general, losses for which an amount may be deducted from gross income must be evidenced by closed and completed transactions, fixed by identifiable events, bona fide and actually sustained during the taxable year for which allowed. Substance and not mere form will govern in determining deductible losses. Full consideration must be given to any salvage value and to any insurance or other compensation received in determining the amount of losses actually sustained. See section 1016.

(b) *Voluntary removal of buildings.* Subject to the provisions of § 1.167 (a)-8, an abnormal retirement loss due to the voluntary removal or demolition of old buildings, the scrapping of old machinery, equipment, etc., incident to renewals and replacements is deductible from gross income. When a taxpayer buys real estate upon which is located a building, which he proceeds to raze with a view to erecting thereon another building, it will be considered that the taxpayer has sustained no deductible loss by reason of the demolition of the old building, and no deductible expense on account of the cost of such removal. It will be presumed that the value of the real estate, exclusive of old improvements, is equal to the purchase price of the land and building plus the cost of removing the useless building.

(c) *Loss of useful value.* (1) When, through some change in business conditions, the usefulness in the business of some or all of the assets is suddenly terminated, so that the taxpayer discontinues the business or discards such assets premanently from use in such business, he may claim as a loss for the year in which he takes such action the difference between the basis (adjusted to the extent provided in section 1016 or as otherwise specifically provided for under applicable provisions of internal revenue laws) and the salvage value of the property. This exception to the rule requiring a sale or other disposition of property in order to establish a loss requires proof of some unforeseen cause by reason of which the property has been prematurely discarded, as, for example, where an increase in the cost or change in the manufacture of any product makes it necessary to abandon such manufacture, to which special machinery is exclusively devoted, or where new legislation directly or indirectly makes the continued profitable use of the property impossible.

This exception does not extend to a case where the useful life of property terminates solely as a result of those gradual processes for which depreciation allowances are authorized. It does not apply to inventories. The exception applies to buildings only when they are permanently abandoned or permanently devoted to a radically different use, and to machinery only when its use as such is permanently abandoned. Any loss to be deductible under this exception must be fully explained in the return of income. The limitations provided in sections 1211 and 1212 with respect to the sale or exchange of capital assets have no application to losses due to the discarding of capital assets.

(2) The method of computing the allowable deduction resulting from a casualty loss to business and nonbusiness property is provided for in the regulations under § 1.165–3 (c). For special rules relating to losses due to the retirement or abandonment of depreciable property used in a trade or business or held for the production of income, see § 1.167 (a)–8.

(d) *Shrinkage in value of stocks.* A person possessing stock of a corporation cannot deduct from gross income any amount claimed as a loss merely on account of shrinkage in value of such stock through fluctuation of the market or otherwise. The loss allowable in such cases is that actually suffered when the stock is disposed of. If stock of a corporation becomes worthless, its cost or other basis as determined under section 1012 and adjusted to the extent provided in section 1016 or as otherwise specifically provided for under applicable provisions of internal revenue laws is deductible by the owner for the taxable year in which the stock becomes worthless, provided a satisfactory showing is made of its worthlessness. See § 1.165–7. Federal or State authorities, incident to the regulation of banks and certain other corporations, may require that stock be charged off as worthless or written down to a nominal value. If, in any such case, the basis of the requirement is the worthlessness of the stock, such charging off or writing down will, for income tax purposes, be considered prima facie evidence of worthlessness; but if the charging off or writing down is due to market fluctuations, or if no reasonable attempt has been made to determine worthlessness, no deduction for income tax purposes of the amount so charged off or writen down can be allowed. For dealers in securities, see section 471 and the regulations thereunder. For limitations on deductions for losses from sales or exchanges of capital assets generally, including stocks and bonds, see sections 1211 and 1212.

(e) *Losses in farming.* Losses incurred in the operation of farms as busines enterprises are deductible from gross income. If farm products are held for favorable markets, no deduction on account of shrinkage in weight or physical value or by reason of deterioration in storage shall be allowed, except as such shrinkage may be reflected in an inventory if used to determine profits. The total loss by frost, storm, flood, or fire of a prospective crop is not a deductible loss in computing taxable income. A taxpayer engaged in raising and selling stock, such as cattle, sheep, horses, etc., is not entitled to claim as a loss the value of animals that perish from among those animals that were raised on the farm, except as such loss is reflected in an inventory if used. If livestock has been purchased for any purpose, and afterwards dies from disease, exposure, or injury, or is killed by order of the authorities of a State or the United States, the actual purchase price of such livestock, less any depreciation allowable as a deduction in respect of such perished livestock, may be deducted as a loss if the loss is not compensated for by insurance or otherwise. The actual cost of other property (with proper adjustment for depreciation) which is destroyed by order of the authorities of a State or of the United States, may in like manner be claimed as a loss. If reimbursement in whole or in part is made by a State or the United States on account of stock killed or other property destroyed in respect of which a loss was claimed for a prior year, the amount received shall be reported as income for the year in which reimbursement is made. The cost of any feed, pasture, or care which has been deducted as an expense of operation shall not be included as part of the cost of the stock for the purpose of ascertaining the amount of a deductible loss. If gross income is ascertained by inventories, no deduction can be made for livestock or products lost during the year, whether purchased for resale or produced on the farm, as such losses will be reflected in the inventory by reducing the amount of livestock or products on hand at the close of the year. If a taxpayer owns and operates a farm, in addition to being engaged in another trade, business, or calling, and sustains a loss from such operation of the farm, then the amount of loss sustained may be deducted from gross income received from all sources, provided the farm is not operated for recreation or pleasure. As to losses claimed as deductions for estate tax purposes, see § 1.165–3 (a) (1). See also sections 61 and 162 and the regulations thereunder.

§ 1.165–2 *Amount of deduction in general.* In ascertaining the amount of the deduction for a loss allowed under section 165 (a), the amount of the loss realized and recognized is determined under sections 1001 and 1002, by reference to the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property. Adjustments to basis shall be made in accordance with section 1016. For example, proper adjustment under section 1016 must be made for any expenditure, receipt, loss, or other item properly chargeable to capital account and for depreciation, obsolescence, amortization, and depletion.

§ 1.165–3 *Limitation on losses of individuals*—(a) *In general.* (1) In the case of an indivdual, the deduction under section 165 (a) shall be limited to:

(i) Losses incurred in trade or business;

(ii) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(iii) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. No loss described in this subdivision shall be allowed, if at the time the return is filed, such loss has been claimed for estate tax purposes in the estate tax return. Where a loss described in this subdivision would be allowable in computing the taxable estate of a decedent under section 2054, such loss shall be allowed in computing the taxable income of a taxpayer if the taxpayer establishes that such loss has not been, and will not be, allowed as a deduction under section 2054. This requirement is satisfied if the taxpayer files a statement to the effect that such loss has not been allowed as a deduction under section 2054 and a waiver of the right to have such loss allowed at any time as a deduction under section 2054. Such statement and waiver must be signed by the executor or administrator of the decedent's estate. For the time, manner, and form of filing such statement and waiver see section 642 (g) and the regulations thereunder.

(2) A loss occasioned by damage to an automobile maintained for pleasure, where such damage results from the faulty driving of the taxpayer or other person operating the automobile, but is not due to the willful act or negligence of the taxpayer, is a deductible loss in the computation of taxable income. If damage to a taxpayer's automobile results from the faulty driving of the operator of an automobile with which the automobile of the taxpayer collides, the loss occasioned to the taxpayer by such damage is likewise deductible.

(3) No loss is realized by the transfer of property by gift or by death. But see sections 453 (d) and 691.

(b) *Sale of residential property.* A loss on the sale of residential property purchased or constructed by the taxpayer for use as his personal residence and so used by him up to the time of the sale is not deductible. If, however, property so purchased or constructed is before its sale rented or otherwise appropriated to income-producing purposes and is used for such purposes up to the time of its sale, a loss from the sale of the property, computed as provided in section 1001, is, subject to the limitations provided in sections 1211 and 1212, an allowable deduction in an amount not to exceed the lesser of:

(1) The fair market value of the property at the time it was appropriated to income-producing purposes (with proper adjustment for depreciation), or

(2) The adjusted basis of the property at the time it was appropriated to income-producing purposes (with proper adjustment for depreciation),

over the amount realized from the sale. Similarly, the basis for computing depreciation shall be the fair market value of the property at the time it was appropriated to income-producing purposes, or the adjusted basis on that date, whichever is the lesser. See § 1.167 (f)–1.

Example (1). Residential property was purchased by a taxpayer in 1940 for use as his personal residence at a cost of $25,000, of which $15,000 was allocable to the building. The property was so used by the taxpayer until January 1, 1949. From that date to January 1, 1955, when the property was sold, it was rented by the taxpayer. The fair market value of the property at the time it was rented on January 1, 1949, was $22,000, of which $12,000 was allocable to the building. The building had an estimated life of 20 years on January 1, 1949. The property was sold on January 1, 1955, and the amount realized was $16,000. The loss from the sale allowable as a deduction, except as limited by section 1211, is $2,400, computed as follows:

Cost of property in 1940	$25,000
Less depreciation allowed (not less than amount allowable) in respect of the building (depreciation for 6 years at 5 percent on the straight-line method of depreciation based on $12,000, value of building when converted to business use)	3,600
	21,400
Amount realized	16,000
Loss computed as provided in section 1001	5,400
Value of property at time it was rented on Jan. 1, 1949	22,000
Less depreciation allowed or allowable	3,600
	18,400
Amount realized	16,000
Portion of $5,400 loss which is deductible except as limited by section 1211	2,400

Example (2). If, under the circumstances set forth in example (1), the property had been purchased at a cost of $21,000, of which $10,000 was allocable to the building, but otherwise the facts assumed are the same, the deductible loss, except as limited by section 1211, is $2,000, computed as follows:

Cost of property in 1940	$21,000
Less depreciation allowed (not less than amount allowable) in respect of the building (depreciation for 6 years at 5 percent on the straight-line method of depreciation based on $10,000, cost of building)	3,000
	18,000
Amount realized	16,000
Loss computed as provided in section 1001	2,000
Deductible loss, except as limited by section 1211	2,000

(c) *Casualty losses*—(1) *Casualty losses under section 165 (c) (1) and (2).* In the case of a casualty loss incurred in a trade or business, or in connection with any transaction entered into for profit, where the destroyed or damaged property has at all times been devoted to business or income-producing purposes in the hands of the taxpayer, the deductible loss will be the proportion of the adjusted basis determined under section 1011 which the value of the destroyed property bears to the value of the entire property, reduced by any insurance or other compensation received in respect of the property. For limitations on the amount of the deductible loss where property was devoted to personal use prior to its devotion to use in the trade or business or in connection with a transaction entered into for profit, see § 1.165–3 (b).

Example. A purchased an automobile for $4,200 on January 1, 1955, and at once devoted it to business use. The expected life of the automobile was 6 years. On January 1, 1957, the automobile sustained damages through casualty. The value of the automobile immediately before the casualty was $2,000. The value of the automobile immediately after the casualty is $1,500. A is compensated by insurance in the amount of $300. The amount of the allowable deduction to A is $400 (loss of $700 less insurance of $300), computed as follows:

Cost	$4,200
Less: Depreciation for 1955 and 1956 at $700 per year	1,400
Adjusted basis at time of casualty	2,800
Value before casualty	2,000
Value after casualty	1,500
Value of destroyed property	500
Allowable loss $\left(\frac{\$500}{\$2,000 \times \$2,800}\right)$	700
Less: Insurance received	300
Allowable deduction	400

(2) *Casualty losses under section 165 (c) (3).* In the case of property described in section 165 (c) (3) the amount of the deduction for any casualty loss is the lesser of—

(i) The difference between the value of the property before the casualty and after the casualty (including any salvage value), or

(ii) The amount of the adjusted basis of the property determined under section 1011,

reduced by any insurance or other compensation received in respect of the property. This method may be used in computing the amount of casualty damage to buildings and to ornamental and fruit trees where the buildings and trees are integral parts of the realty, in which case the loss may be measured by considering the decrease in fair market value of the entire property (including the land and improvements) as a unit.

Example (1). A purchased a residential estate containing ornamental trees and shrubbery at a cost of $100,000 in 1955. In 1960 the estate was damaged by hurricane and many of the ornamental trees were destroyed. The value of the estate immediately before the casualty was $210,000. The value of the estate immediately after the casualty is $60,000. A is compensated by insurance in the amount of $40,000. A is entitled to a deduction of $60,000 for casualty loss under section 165 (c) (3), computed as follows:

Value of property immediately before casualty	$210,000
Less: Value of property immediately after casualty	60,000
Value of property destroyed	150,000
Allowable loss (limited to adjusted basis)	100,000
Less: Insurance received	40,000
Allowable deduction	60,000

Example (2). A purchased land and a building in 1955 for $20,000 to be used as a personal residence. In 1960 the building was damaged by fire. The fair market value of the property immediately before the casualty was $30,000. The fair market value of the property immediately after the casualty is $18,000. Insurance received in respect of the property damaged is $8,000. The amount of the allowable deduction is $4,000 (loss of $12,000 less insurance of $8,000) computed as follows:

Value of property immediately before casualty	$30,000
Less: Value of property immediately after casualty	18,000
Value of destroyed property	12,000
Allowable loss (but not in excess of adjusted basis)	12,000
Less: Insurance received	8,000
Allowable deduction	4,000

Example (3). A purchased an automobile for $3,600. Later, the automobile was partially damaged through casualty. The value immediately before the casualty was $2,000, while the value immediately after the casualty is $1,500. Insurance received in respect to the property damage is $300. The allowable deduction is $200 (loss of $500 less insurance of $300), computed as follows:

Value of automobile immediately before casualty	$2,000
Less: Value of automobile immediately after casualty	1,500
Value of destroyed property	500
Allowable loss (but not in excess of adjusted basis)	500
Less: Insurance received	300
Allowable deduction	200

(3) *Valuation.* In general, in determining the amount of loss resulting from casualty under this section, the difference between the fair market value of the property immediately before the casualty and the fair market value of the property immediately after the casualty shall be ascertained by competent appraisal. However, the cost of repairs may be accepted instead of such appraisal where (but only to the extent that) such repairs are necessary to restore the property to its condition immediately before the casualty.

§ 1.165–4 *Wagering losses.* (a) No deduction shall be allowed for losses from wagering transactions except to the extent of the gains during the taxable year from such transactions. In the case of a husband and wife making a joint return, the combined losses of the spouses as a result of wagering transactions shall be allowed to the extent of the combined gains of the spouses from such transactions during the taxable year.

(b) In the case of a taxpayer who is not engaged in the trade or business of gambling, losses from wagering transactions are not deductible from adjusted gross income in determining taxable income where the taxpayer has elected under section 144 to use the standard deduction.

(c) The application of paragraph (b) of this section may be illustrated by the following example:

Example. G, an individual taxpayer not engaged in the trade or business of gambling, realized wagering gains of $300 in 1955 and sustained wagering losses of $375. G is required, under the provisions of section 61, to include the $300 wagering gains in his gross income. If G itemizes his deductions

on his income tax return, a deduction for wagering losses may be taken to the extent of $300, the amount of wagering gains included in gross income. If G elects under section 144 to use the standard deduction, no part of the $375 wagering losses is deductible.

§ 1.165–5 *Theft losses.* (a) For purposes of section 165 (a), any loss arising from theft (including embezzlement, larceny, etc.) shall be treated as sustained during the taxable year in which the taxpayer discovers such loss, and is deductible only in that year.

(b) If any loss from theft is treated as sustained in the year in which the taxpayer discovers such loss, there can be no deduction for such loss for a prior year under section 165 or any provision of the Internal Revenue Code of 1939. Similarly, if any loss from theft is taken into account in computing a tax under any provisions of the Internal Revenue Code of 1339, there shall be no deduction for such loss under this provision. See section 7852 (c), relating to the disallowance of double deductions.

§ 1.165–6 *Capital losses.* Deductions allowed to individuals and to corporations under section 165 for losses sustained on the sale or exchange of a capital asset shall be limited to the extent provided in sections 1211 and 1212.

§ 1.165–7 *Worthless securities*—(a) *In general.* Any loss sustained by virtue of a security becoming worthless during the taxable year is, under section 165 (g), made subject to the limitations provided in sections 1211 and 1212 with respect to sales or exchanges, provided the security is a "capital asset" as that term is defined in section 1221. For the purposes of computing the taxable income of any taxpayer, other than a bank as defined in section 581, such loss is to be considered as being sustained from the sale or exchange of the security on the last day of the taxable year, irrespective of when during the taxable year such security actually became worthless. No deduction shall be allowed on account of the worthlessness of any security, as defined in section 165 (g) (2) and paragraph (b) of this section, which is recoverable only in part. For special rule for banks with respect to worthless securities, see section 582. For disallowance of deduction for worthlessness of securities to which section 165 (g) (2) (C) applies, if issued by a political party or similar organization, see section 271.

(b) *Definition of security.* As used in section 165 (g) and this section, the term "security" means a share of stock in a domestic or foreign corporation; a right to subscribe for or to receive such a share; or a bond, debenture, note, or certificate, or other evidence of indebtedness to pay a fixed or determinable sum of money, which has been issued at any time by a domestic or foreign corporation (including those issued by any government or political subdivision thereof), in registered form or with interest coupons.

(c) *Loss on securities of affiliate*—(1) *In general.* If a taxpayer is a domestic corporation and is affiliated, within the provisions of section 165 (g) (3) and subparagraph (2) of this paragraph, with another corporation, a security in such affiliated corporation owned by the taxpayer shall not be deemed to be a "capital asset" for the purpose of determining the loss under section 165 (g) from the worthlessness of such security. No deduction shall be allowed to the taxpayer with respect to any security which is recoverable only in part.

(2) *Affiliated corporation defined.* For the purpose of section 165 (g), a corporation shall be deemed to be affiliated with the taxpayer only if all the following factors are present:

(i) The taxpayer is a domestic corporation;

(ii) The taxpayer owns directly at least 95 percent of each class of the stock of such corporation; and

(iii) More than 90 percent of the aggregate of the gross receipts of such corporation for all the taxable years during which it has been in existence has been from sources other than royalties, rents (except rents derived from rental of properties to employees of the corporation in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, and gains from sales or exchanges of stocks and securities. For the purposes of section 165 (g) (3) (B), gross receipts is the total amount of receipts before deduction of cost of goods sold. In computing gross receipts for the purposes of section 165 (g) (3) (B), gross receipts from sales or exchanges of stocks and securities shall be taken into account only to the extent of gains therefrom.

(3) *Example.* The application of this paragraph may be illustrated by the following example:

Example. Corporation P, a domestic manufacturing corporation which makes its income tax returns on the calendar year basis, owns 100 percent of each class of the stock of Corporation S, and, in addition, 4 percent of the common stock (the only class of stock) of Corporation R which it acquired in 1948. Corporation S, a domestic manufacturing corporation which makes its income tax returns on the calendar year basis, owns 96 percent of the common stock of Corporation R which it acquired in 1952. It is established that the stock of Corporation R which has from its inception derived all its gross receipts from manufacturing operations, became worthless during 1956. Since Corporation P does not own directly at least 95 percent of the stock of Corporation R, and thus for purposes of section 165 (g) (3) and this section is not affiliated with Corporation R, the stock of Corporation R is a capital asset. The loss upon the worthlessness of such stock will, under section 165 (g), be considered to be a loss from the sale or exchange of a capital asset. Since such stock was held for more than six months, such loss shall be considered a long-term capital loss as defined in section 1222 (see also section 1211). Since Corporation R is deemed to be affiliated with Corporation S for the purposes of section 165 (g) (3) and this paragraph, the stock of Corporation R is not a capital asset in the hands of Corporation S for the purposes of section 165 (g). Consequently, the loss upon such stock may, under section 165, be deducted as an ordinary loss and is not limited by the provisions of section 165 (g) or sections 1211 and 1212.

(4) *Special rule.* If a loss from the worthlessness of securities of an affiliated corporation would, under the provisions of section 165 (g) (1) and paragraph (a) of this section, be treated as a capital loss, the taxpayer may not convert such loss into an ordinary loss under this paragraph by the acquisition of additional securities in the affiliated corporation solely for the purpose of bringing the holdings of the taxpayer up to the minimum stock ownership requirement provided in section 165 (g) (3).

§ 1.166 *Statutory provisions; bad debts.*

SEC. 166. *Bad debts*—(a) *General rule*—(1) *Wholly worthless debts.* There shall be allowed as a deduction any debt which becomes worthless within the taxable year.

(2) *Partially worthless debts.* When satisfied that a debt is recoverable only in part, the Secretary or his delegate may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

(b) *Amount of deduction.* For purposes of subsection (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property.

(c) *Reserve for bad debts.* In lieu of any deduction under subsection (a), there shall be allowed (in the discretion of the Secretary or his delegate) a deduction for a reasonable addition to a reserve for bad debts.

(d) *Nonbusiness debts*—(1) *General rule.* In the case of a taxpayer other than a corporation—

(A) Subsection (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale of exchange, during the taxable year, of a capital asset held for not more than 6 months.

(2) *Nonbusiness debt defined.* For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a taxpayer's trade or business; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) *Worthless securities.* This section shall not apply to a debt which is evidenced by a security as defined in section 165 (g) (2) (C).

(f) *Guarantor of certain noncorporate obligations.* A payment by the taxpayer (other than a corporation) in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation the proceeds of which were used in the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subsection (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

(g) *Cross references.* (1) For disallowance of deduction for worthlessness of debts owed by political parties and similar organizations, see section 271.

(2) For special rule for banks with respect to worthless securities, see section 582.

(3) For special rule for bad debt reserves of certain mutual savings banks, domestic building and loan associations, and cooperative banks, see section 593.

§ 1.66–1 *Bad debts*—(a) *In general.* Bad debts may be treated in either of two ways:

(1) By a deduction from income in respect of debts which become worthless in whole or in part, or

(2) By a deduction from income of an addition to a reserve for bad debts.

Taxpayers were given the option of selecting either of these two methods under the corresponding provisions of prior law, and the method elected under such corresponding provisions must be used in returns for all subsequent years unless permission is granted by the Commissioner to change to the other method. A taxpayer filing a first return of income may select either of the two methods subject to approval by the Commissioner upon examination of the return. If the method selected is approved, it must be followed in returns for all subsequent years except as permission may be granted by the Commissioner to change to another method. Application for permission to change the method of treating bad debts shall be made at least 30 days prior to the close of the taxable year for which the change is to be effective. (See also § 1.166-6.)

(b) *Amount of deduction.* The basis for determining the amount of the deduction under section 166 for any bad debt shall be the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property.

(c) *Partial and total worthlessness.* (1) If, from all the surrounding and attending circumstances, the Commissioner is satisfied that a debt is partially worthless, the amount which has become worthless, to the extent charged off during the taxable year, shall be allowed as a deduction in computing taxable income. If a taxpayer claims a deduction for a part of a debt for the taxable year within which such part of the debt is charged off and such deduction is disallowed for such year and the debt becomes partially worthless subsequent to such year, a deduction may be allowed for a subsequent taxable year, not in excess of the amount charged off in the prior year plus any amount charged off in the subsequent year, the chargeoff in the prior year, if consistently maintained as such, being sufficient to that extent to meet the chargeoff requirement. Before a taxpayer may deduct a debt in part, he must be able to demonstrate to the satisfaction of the Commissioner the amount thereof which is uncollectible and the part thereof which was charged off.

(2) If a debt becomes wholly worthless during the taxable year, the amount thereof which has not been allowed as a deduction for any prior taxable year shall be allowed as a deduction for the taxable year.

(3) There should accompany the return a statement of facts substantiating any deduction claimed for bad debts. Any amount subsequently received on account of a bad debt or on account of a part of such debt previous allowed as a deduction for income tax purposes must be included in gross income for the taxable year in which received, except to the extent excludable from gross income under the provisions of section 111. In determining whether a debt is worthless in whole or in part the Commissioner will consider all pertinent evidence, including the value of the collateral, if any, securing the debt and the financial condition of the debtor. Partial deductions will be allowed with respect to specific debts only.

(d) *Evidence of worthlessness.* Where the surrounding circumstances indicate that a debt is worthless and uncollectible and that legal action to enforce payment would in all probability not result in the satisfaction of execution on a judgment, a showing of these facts will be sufficient evidence of the worthlessness of the debt for the purpose of deduction. Bankruptcy is generally an indication of the worthlessness of at least a part of an unsecured and unpreferred debt. In bankruptcy cases a debt may become worthless before settlement in some instances, and in others only when a settlement in bankruptcy shall have been had. In either case the mere fact that bankruptcy proceedings instituted against the debtor are terminated in a later year, confirming the conclusion that the debt is worthless, will not authorize shifting the deductions to such later year. If a taxpayer computes his income upon the basis of valuing his notes or accounts receivable at their fair market value when received, which may be less than their face value, the amount deductible for bad debts in any case is limited to such original valuation.

(e) *Rules for banks and banking corporations.* Where banks or other corporations which are subject to supervision by Federal authorities (or by State authorities maintaining substantially equivalent standards) in obedience to the specific orders of such supervisory officers charge off debts in whole or in part, such debts shall, to the extent charged off during the taxable year, be conclusively presumed, for income tax purposes, to have become worthless or worthless only in part, as the case may be, during the taxable year. But no such debt shall be so conclusively presumed to be worthless or worthless only in part, as the case may be, if the amount so charged off is not claimed as a deduction by the taxpayer at the time of filing the return for the taxable year in which such chargeoff takes place. If a taxpayer does not claim a deduction in its return for such a totally or partially worthless debt for the year in which such chargeoff takes place, but claims such deduction for a later year, then such chargeoff in the prior year will be deemed to have been involuntary and the deduction shall be allowed for the year for which claimed, if the taxpayer produces sufficient evidence to show (1) that the debt became wholly worthless in such later year or became recoverable only in part subsequent to the year of such involuntary chargeoff, as the case may be, and (2) that, to the extent that the deduction claimed in the later year for a debt partially worthless was not involuntarily charged off in prior years, it was charged off in the later year.

(f) *Applicability of rules.* The provisions of paragraphs (a) to (d), inclusive, of this section apply generally to all taxpayers. However, they do not apply in the case of a taxpayer, other than a corporation, with respect to a nonbusiness debt as defined in section 166 (d) and § 1.166–7. Nor shall any deduction be allowed on account of the worthlessness of any debt of the type described in section 165 (g) (3) which is recoverable only in part. In the case of taxpayers other than banks as defined in section 581, the term "debts" as used in paragraphs (a) to (d), inclusive, of this section means obligations to pay fixed or determinable sums of money which are not evidenced by a security as defined in section 165 (g) (2) and § 1.165–7 (b). For disallowance of deduction for worthlessness of debts owed by political parties and similar organizations, see section 271.

§ 1.166–2 *Examples of bad debts.* Worthless debts arising from unpaid wages, salaries, rents, and similar items of taxable income will not be allowed as a deduction unless the income such items represent has been included in the return of income for the year for which the deduction as a bad debt is sought to be made or for a previous year. Only the difference between the amount received in distribution of the assets of a bankrupt and the amount of the claim may be deducted as a bad debt. The difference between the amount received by a creditor of a decedent in distribution of the assets of the decedent's estate and the amount of his claim may be considered a worthless debt. A purchaser of accounts receivable which become worthless is entitled to deduct them, the amount of deduction to be based upon the price he paid for them and not upon their face value.

§ 1.166–3 *Uncollectible deficiency upon sale of mortgaged or pledged property.* (a) If mortgaged or pledged property is lawfully sold (whether to the creditor or another purchaser) for less than the amount of the debt, and the portion of the indebtedness remaining unsatisfied after such sale is wholly or partially uncollectible, the mortgagee or pledgee may deduct such amount (to the extent that it constitutes capital or represents an item the income from which has been returned by him) as a bad debt for the taxable year in which it has become wholly worthless or is charged off as partially worthless. In addition, if the creditor buys in the mortgaged or pledged property, loss or gain is realized measured by the difference between the amount of those obligations of the debtor which are applied to the purchase or bid price of the property (to the extent that such obligations constitute capital or represent an item the income from which has been returned by him) and the fair market value of the property. The fair market value of the property shall be presumed to be the amount for which it is bid in by the taxpayer in the absence of clear and convincing proof to the contrary. If the creditor subsequently sells the property so acquired, the basis for determining gain or loss is the fair market value of the property at the date of acquisition.

(b) Accrued interest may be included as part of the deduction only if it has previously been returned as income.

§ 1.166–4 *Worthless securities.* No deduction is allowable under section 166 and this section to any taxpayer with respect to a debt evidenced by a security as defined in section 165 (g) (2) (C) which has become worthless in whole or in part. See, however, section 582 and the regulations thereunder for special rule for banks with respect to worthless securities.

§ 1.166–5 *Bonds.* (a) A bond issued by an individual, if it has become worthless, may be treated as a bad debt. A bond (whether or not a security) of an insolvent corporation secured only by a mortgage from which nothing is realized for the bondholders on foreclosure is regarded as having become worthless not later than the year of the foreclosure sale, and no deduction is allowable under either section 165 or 166 in computing a bondholder's income for a subsequent year.

(b) A taxpayer (other than a dealer in bonds or other similar obligations) possessing debts evidenced by bonds or other similar obligations (which are not securities as defined in section 165 (g) (2) (C)) cannot deduct from gross income any amount merely on account of market fluctuation. On the other hand, the taxpayer may, in computing taxable income, deduct the uncollectible part of a debt evidenced by bonds or other similar obligations if, owing to the financial condition of the debtor or to conditions other than market fluctuations, he will recover upon maturity only a part of the debt evidenced by such bonds or other similar obligations and he so demonstrates to the satisfaction of the Commissioner. In addition, the taxpayer must have made a proper chargeoff with respect to that part of the debt which is uncollectible. For deduction of bad debts of banks, see section 582.

§ 1.166–6 *Reserve for bad debts*—(a) *In general.* Taxpayers who have established the reserve method of treating bad debts and maintained proper reserve accounts for bad debts, or who, in accordance with § 1.166–1, adopt the reserve method of treating bad debts, may deduct from gross income a reasonable addition to a reserve for bad debts in lieu of a deduction for specific bad debt items.

(b) *Reasonable addition to a reserve for bad debts.* What constitutes a reasonable addition to a reserve for bad debts must be determined in the light of the facts, and will vary as between classes of business and with conditions of business prosperity. It will depend primarily upon the total amount of debts outstanding as of the close of the taxable year, those arising currently as well as those arising in prior taxable years, and the total amount of the existing reserve. In case subsequent realizations upon outstanding debts prove to be more or less than estimated at the time of the creation of the existing reserve, the amount of the excess or inadequacy in the existing reserve should be reflected in the determination of the reasonable addition necessary in the taxable year. A taxpayer using the reserve method should make a statement in his return showing the volume of charge sales (or other business transactions) for the year and the percentage of the reserve to such amount, the total amount of notes and accounts receivable at the beginning and close of the taxable year, and the amount of the debts which have become wholly or partially worthless and have been charged against the reserve account. For special rules for bad debt deserves of certain mutual savings banks, domestic building and loan associations, and cooperative banks, see section 593 and the regulations thereunder.

§ 1.166–7 *Nonbusiness bad debts*—(a) *In general.* In the case of a taxpayer, other than a corporation, if a nonbusiness bad debt becomes entirely worthless within the taxable year, the loss resulting therefrom shall be treated as a loss from the sale or exchange of a capital asset held for not more than six months. Such a loss is subject to the limitations provided in sections 1211 and 1212 with respect to gains and losses from the sale or exchange of capital assets. A loss with respect to such a debt will be treated as sustained only if and when the debt has become totally worthless, and no deduction shall be allowed for a nonbusiness debt which is recoverable in part during the taxable year.

(b) *Definition.* A nonbusiness debt is a debt other than one created or acquired in connection with a taxpayer's trade or business, without regard to the relationship of the debt to a trade or business of the taxpayer at the time that it becomes worthless, or other than a debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business. The question whether a debt is one the loss from the worthlessness of which is incurred in the taxpayer's trade or business is a question of fact in each particular case. The determination of this question is substantially the same as that which is made for the purpose of ascertaining whether a loss from the type of transaction covered by section 165 is "incurred in trade or business" under section 165 (c) (1).

(c) *Character of the debt.* The application of this section shall depend upon the existence of a bona fide debt as distinguished from a gift or a contribution to the capital of a corporation. Once it is determined that there is a bona fide debt, the debt may be characterized either as a business bad debt or a nonbusiness bad debt depending upon the circumstances. The character of the debt for purposes of this section is controlled either by the circumstances attending its creation or by its subsequent acquisition by the taxpayer. Further, the character of the debt is determined by whether or not the loss resulting from the debt's becoming worthless was incurred in taxpayer's trade or business.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

A, an individual engaged in the grocery business and who makes his income tax returns on the calendar year basis, extends credit on an open account to B in 1955:

(1) In 1956 A sells the business, but retains the claim against B. The claim becomes worthless in A's hands in 1957. A's loss is not controlled by the nonbusiness debt provisions. Since the original consideration was advanced by A in his trade or business, the loss is treated as a business bad debt.

(2) In 1956 A sells the business to C, but sells the claim against B to the taxpayer, D. The claim becomes worthless in D's hands in 1957. D's loss is controlled by the nonbusiness debt provisions, even though the original consideration was advanced by A in his trade or business, since the debt was not related to any trade or business of D either at the time he acquired it or at the time it became worthless.

(3) In 1956 A dies, leaving the business, including the accounts receivable, to his son, C, the taxpayer. The claim against B becomes worthless in C's hands in 1957. C's loss is not controlled by the nonbusiness debt provisions. While C did not advance any consideration for the claim or acquire it in carrying on his trade or business, it was a debt the loss from the worthlessness of which was incurred in the taxpayer's trade or business.

(4) In 1956 A dies, leaving the business to his son, C, but leaves the claim against B to another son, D, the taxpayer. The claim against B becomes worthless in D's hands in 1957. D's loss is controlled by the nonbusiness debt provisions, even though the original consideration was advanced by A in his trade or business, since the debt was not related to any trade or business of D either at the time he acquired it or at the time it became worthless.

(5) In 1956 A dies and while his executor, C, is carrying on the business, the claim against B becomes worthless in 1957. The loss sustained by A's estate is not controlled by the nonbusiness debt provisions since the debt was acquired in connection with a trade or business of A's estate and it was also related to such trade or business at the time it became worthless.

(6) In 1956, A, in liquidating the business, attempts to collect the claim against B but finds that it has become worthless. A's loss is not controlled by the nonbusiness debt provisions, since a loss incurred in liquidating a trade or business is related thereto at the time it became worthless.

§ 1.166–8 *Guarantors, endorsers, or indemnitors of certain noncorporate obligations.* There may be deducted from gross income losses sustained by a noncorporate taxpayer through payment during the taxable year of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation. In order to obtain a business bad debt deduction, the taxpayer must establish that the proceeds of the loan were used in the trade or business of the borrower and that the obligation of the borrower, to the person to whom the taxpayer made payment in discharge of his guarantor's obligation, was worthless at the time of such payment without regard to the guaranty, endorsement, or indemnity. The terms guarantor, endorser, and indemnitor include not only those persons having collateral obligations as guarantors or endorsers but also those persons having direct obligations as indemnitors. The application of this section may be illustrated by the following examples:

Example (1). A is a guarantor of an obligation of B, an individual, to C, the proceeds of which were used in B's trade or business. B defaults on his obligation. A makes payment in discharge of his obligation as guarantor at a time when the obligation of the borrower to C is worthless. A may claim a business bad debt deduction.

Example (2). A is a guarantor of an obligation of B, an individual, to C, the proceeds of which were used in B's trade or business. B pays a portion of the obligation but defaults on the remainder. A makes payment, in discharge of his obligation as guarantor, of the remaining unpaid portion of the debt at a time when the obligation of the borrower as to such unpaid balance is worthless. A may claim a business bad debt deduction for the remaining portion of the debt which he pays in discharge of his obligation.

Example (3). A is a guarantor of an obligation of B, an individual, to C, the proceeds of which were used for B's personal use. B defaults on the obligation. A makes payment in discharge of his obligation as guarantor for the entire amount of the debt. Assuming that A is not regularly engaged in the business of lending money, A may not take a business bad debt deduction because the proceeds of the loan were not used in B's trade or business.

[F. R. Doc. 56–5259; Filed, July 2, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 193]

COAL PERMITS, LEASES AND LICENSES

MISCELLANEOUS AMENDMENTS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 2 to 8, inclusive, of the act of February 25, 1920 (41 Stat. 438 et seq., 30 U. S. C. 201, 202–208), as amended, it is proposed to amend certain sections of the coal regulations approved March 27, 1951, as amended September 7, 1955. The proposed amendment of the sections is set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JUNE 27, 1956.

Sections 193.9 and 193.14 are revised; §§ 193.10 and 193.17 are amended; the present text of § 193.24 is designated as paragraph (a) and a new paragraph (b) added thereto; and paragraph (c) of § 193.25 is amended and new paragraphs (d) and (e) added thereto, as follows:

1. Section 193.9 is revised to read:

§ 193.9 *Lease bond.* A compliance bond, in no event less than $1,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.13 of this subchapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Bureau of Land Management deems it proper to do so.

2. Section 193.10 is amended to read:

§ 193.10 *Minimum production.* Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, except when operation is interrupted by strikes, the elements, or casualties not attributable to the lessee, unless, on application and showing made, operations shall be suspended when market conditions are such that the lease cannot be operated except at a loss or for the other reasons specified in section 39 of the act.[1] Operations under the lease shall be continuous except in the circumstances described or unless the lessee shall pay a royalty, less rent, on the minimum production for one year in advance, in which case operations may be suspended for that year.

3. Section 193.14 is revised to read:

§ 193.14 *Sale; bidding requirements, action by successful bidder.* (a) When the sale is by public auction, before bidding is commenced by those persons present, the Manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of lease offer. The successful bidder at a sale by public auction must on the day of sale deposit with the Manager or other officer conducting the sale and each bidder at a sale by sealed bid must submit with his bid, the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in § 193.11 (a) (2) and (3).

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is surveyed, four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 193.13, and file a bond as required by § 193.9. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with the requirements of this subsection until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder, is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence, such as specified in § 193.24 (b), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

[1] See showing required under § 191.26 of this subchapter.

4. Section 193.17 is amended to read:

§ 193.17 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

5. The present text of § 193.24 is designated paragraph (a) and a new paragraph (b) added, as follows:

§ 193.24 *Reward for discovery.* (a) • • •

(b) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittees and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 193.11 (a) (2) and (3).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittees and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 193.11 (a) (2) and (3), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 193.11 (a) (2) and (3).

6. Paragraph (c) of § 193.25 is amended and new paragraphs (d) and (e) added, as follows:

§ 193.25 *Transfers, including subleases.*

* * * * *

(c) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(d) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(e) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 193.-24 (b).

[F. R. Doc. 56-5246; Filed, July 2, 1956; 8:47 a. m.]

Fish and Wildlife Service

[50 CFR Parts 101, 103, 104, 105, 106, 109, 110, 115, 117, 130]

ALASKA COMMERCIAL FISHERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to Section 4 of the Administrative Procedure Act of June 11, 1946 (5 U. S. C. 1003) notice is hereby given that the Secretary of the Interior, under the authority of the act of June 18, 1926 (44 Stat. 752; 48 U. S. C. 221 et seq.), as amended, and the act of August 12, 1954 (68 Stat. 698; 48 U. S. C. 1021 et seq.), on the basis of successful exploratory net fishing for salmon native to Alaska on the high seas of the North Pacific Ocean, and after consultation with the United States section of the International North Pacific Fisheries Commission, proposes to:

1. Add the following section to Part 101:

§ 101.19 *Waters of Alaska.* For the purpose of this part, the term "waters of Alaska" north and west of the International Boundary at Dixon Entrance are defined as including those extending three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

2a. To amend § 103.1 so as to define the Kotzebue-Yukon-Kuskokwim area to include all waters of Alaska between Point Hope and Cape Newenham;

b. To amend § 104.1 so as to define the Bristol Bay area to include all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Menshikof;

c. To amend § 105.1 so as to define the Alaska Peninsula area to include all waters of Alaska from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiukta Bay;

d. To amend § 106.1 so as to define the Aleutian Islands area to include all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass;

e. To amend § 109.1 so as to define the Cook Inlet area to include all waters of Alaska in Cook Inlet north of Cape Douglas and west of Point Gore, including the Barren Islands;

f. To amend § 110.1 so as to define the Resurrection Bay area to include all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield;

g. To amend §§ 115.1, 116.1, 117.1, 118.1, 119.1, 120.1, 121.1, 122.1, 123.1, and 124.1 so as to define the Southeastern Alaska area to include all waters of Alaska in Southeastern Alaska between Cape Fairweather and Dixon Entrance;

h. To amend §§ 117.2, 118.2, 119.2, 121.2, 122.2, 123.2, and 124.2 by deleting the words "territorial waters" and substituting in lieu thereof the words "waters of the area."

3. To add a new part reading as follows:

PART 130—NORTH PACIFIC AREA

§ 130.1 *Definition.* The North Pacific Area is defined to include all waters of the North Pacific Ocean and Bering Sea north of Dixon Entrance and east of 175 degrees west longitude, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, in the North Pacific Area, as defined in this part.

Interested persons are invited to participate in the proposed rule making by submitting their views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JUNE 29, 1956.

[F. R. Doc. 56-5276; Filed, July 2, 1956; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 973]

[Docket No. AO-178-A8]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the order amending the order, as amended, were formulated was conducted at Minneapolis, Minnesota, on April 26, 1956, pursuant to notice thereof which was issued on April 18, 1956 (21 F. R. 2604).

The only material issues of record related to modifying the definition of "base milk" and revising the base rules to make the base plan more effective in leveling out seasonal production in the market.

Findings and conclusions. The following findings and conclusions on the issues of record are based upon the evidence in the record.

1. In § 973.17 which defines the term "base milk", the phrase "on which the milk was produced" should be deleted.

The order now requires that a volume of milk at least equal to his earned base be delivered to a pool plant from each day's production if the producer is to receive the maximum return for his base milk. The intent of this requirement was to prevent producers from shipping a volume of milk equal to their bases for the entire delivery period during a portion of the delivery period and sending their milk to a nonpool plant for the remainder of the delivery period. This practice should not develop to any great extent, certainly not to the point where it would endanger a supply of milk for the month. Since the base plan is effective only during the months of relatively flush production, it is unlikely that a producer could find a market for such milk, other than at a manufacturing plant, as his milk would be available to such an outlet during only a portion of the month. Since manufacturing plants would pay approximately the excess price provided by the order there would be little incentive for producers to seek such an outlet.

The proponents of the amendment stated that the deletion of this phrase would effect very great savings in the man hours required to compute producer payrolls. The market administrator testified that a similar savings would be made in his office and that elimination of the phrase in question would greatly expedite the computation of the pool each month. It is now necessary to check each producer's deliveries for each day to determine whether he shipped for that particular day an amount equal to his daily base. Under the amendment, it would be necessary only to check the producer's total deliveries for the month against the producer's daily base multiplied by the number of days in the delivery period.

The savings that would be accomplished in the offices of the handlers and of the market administrator would outweigh any disadvantages that might occur as a result of the amendment.

2. The base-forming period should be changed to include the month of July.

The month of July is now a month of relatively short production and in some years July production is no greater than production during the month of October. The addition of July to the base-forming period will provide an incentive for producers to increase their production at this season of the year and help to eliminate the shortage which sometimes has made it necessary to import emergency supplies during July in years past. Since it is too late for producers to change their production pattern for the year 1956, the addition of July to the base-forming period should be postponed until the year 1957. This will provide producers with a whole year's notice that their deliveries during July will be used in computing their bases for the following year.

3. The elimination of the provision under which a new producer, who commences to deliver his milk to the market after the base-forming period, is allotted a base, was proposed. Its proponents argued that since several weeks and perhaps months, may elapse between the time the farmer decides to equip his farm to produce Grade A milk and the issuance of his Grade A permit, a farmer contemplating such a move should plan to do so only when the market is in short supply and in need of additional production, and that permitting such a producer to acquire a base other than by the purchase of an existing base would be unfair to base-holding producers and would lower their returns by increasing the supply of milk going into manufacturing dairy products.

A market as short of milk as the Minneapolis-St. Paul market has been in recent years might well need milk which might be furnished by a new producer at the end of the base-forming period. It should be noted that dairy farmers, already producing Grade A milk, may become producers under the order if the plant to which they have been furnishing milk qualifies as a pool plant. This may happen without the prior knowledge of these farmers. It would be inequitable to penalize them by requiring them to take the excess price for their entire production because the plant to which they shipped their milk became a pool plant under the Minneapolis-St. Paul order during the base-paying period or so late in the base-forming period that such producer would have shipped only a few days' production on which to establish a base. Accordingly, it is concluded that producers who do not ship to a pool plant during the base-forming period or who ship during only a small portion of it should be allotted bases. These bases, however, should be somewhat less than those provided in the current order for new producers.

The present provisions of the order have, with respect to the bases allotted to new producers, worked against the purpose of the base plan. Payment to a new producer for 40 percent of his deliveries at the base price will afford a more workable basis for distinguishing between producers who have supplied the market in the fall as compared with those who have not. Such a percentage will encourage the individual farmer who chooses to become a producer to do so during the base-forming period in order that he may secure as large a base as possible. At the same time, it will permit producers coming on the market at other times to obtain a base and will not constitute a deterrent to nonpool plants to qualify as pool plants, as might be the case if all of the milk received from farmers at any such plant were to be priced as excess milk.

A new producer who ships less than 40 days' production during the base-forming period (32 days during the base-forming period of 1956) should be allotted the same base as a producer who commences delivery of milk to the market after the base-forming period has ended. Otherwise, the producer who delivered less than 40 days' milk to the market during the base-forming period would have a base equal to less than 40 percent of his deliveries since the bases are determined by dividing a producer's deliveries by the number of days for which delivery is made but not less than 90 (78 in 1956). A base thus computed would be smaller than the producer would obtain by waiting until the end of the base-forming period to commence deliveries to the market. This would create inequity and would increase the difficulty of the market's securing additional milk should it be needed in late September or October.

4. It was also proposed that the provision whereby a producer could relinquish his base earned during the base-forming period and earn a new base as a new producer should be deleted.

The effectiveness of the base plan in leveling out production has been adversely affected by the ease with which producers could establish a new base. Many producers who produce little or no milk during the base-forming period when the market is in short supply and importing emergency milk have been able to secure new bases substantially greater than those of producers who have produced milk during the months when the market needs it. Producers who have permitted their herds to dry up during the summer and fall when field work and harvest are at their peaks, and produced very substantial quantities of milk during the winter and spring months when production is flush, have greatly increased the amount of base milk on the market during the present base-paying period and have substantially decreased the price of base milk. This has created considerable unrest among those producers who have adjusted their production to the needs of the market.

Unless some modification of the present provision is effected, many of these producers will be encouraged to abandon the practices they have followed to level out their production in accordance with the requirements of the market and will tend to become "grass producers" again. Continuation of the present provision would threaten the supply of milk for the market during the summer and fall months.

Preventing any producer from establishing a new base would work an undue hardship on producers who, through circumstances beyond their control such as fire, lightening, disease, etc., were unable to establish a satisfactory base in the base-forming period. Such a producer should be permitted to establish a base equal to that granted to a new producer. Because of the difficulty of identifying or defining what constitutes a hardship, the provision should apply to all producers who have earned a base. The much smaller base provided in the proposed amendment will not provide the incentive for relinquishment that is found in the present order. Likewise it should be provided that a producer who desires to relinquish his base shall notify the market administrator prior to the beginning of the base-paying period. This will provide ample protection to the producer who suffered hardship during the base-forming period and will eliminate the consent recomputation of bases which occurred during the entire base-paying period this year.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in their respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed containing statements of fact, proposed findings and conclusions and arguments with respect to the provision of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

1. Amend § 973.17 by deleting the words "on which the milk was produced" at the end of said section.

2. Amend § 973.75 to read as follows:

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk representing at least 40 days' production to a pool plant during the delivery periods of July, August, September and October shall have a base computed by the market administrator to be applicable during the following January through June equal to the total pounds of milk delivered in the four-month period divided by the number of days of production represented by such deliveries during such period but not less than 90: *Provided*, That for the year 1956 the base-forming period shall be the delivery periods of August, September and October and the base of a producer shall be determined by dividing his total deliveries during the three-month period by the number of days of production represented by such deliveries but not less than 78, and

(b) Any producer who commences delivery to a pool plant less than 40 days prior to the end of the base-forming period (32 days during the base-forming period of 1956), or who commences delivery to a pool plant after the base-forming period, shall have a base for each of the months of January through June equal to 40 percent of such producer's deliveries to a pool plant during such month.

3. Delete § 973.76 and substitute therefore the following:

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

Filed at Washington, D. C., this 28th day of June 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5272; Filed, July 2, 1956; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

GOVERNOR OF GUAM

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department has authorized the Governor of Guam to consider and act upon applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.100–500.808) to export from Guam merchandise held there because of the Foreign Assets Control import restrictions.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-5258; Filed, July 2, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER, GENERAL SUPPLY OFFICER; AREA II

REDELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

JUNE 22, 1956.

Pursuant to authority delegated by Order No. 619 of the Director of the Bureau of Land Management, the following redelegations of authority are made in accordance with sections 1 (a), 1 (b), and 1 (d), to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

AUTHORITY OF CERTAIN OFFICERS TO ENTER INTO CONTRACTS AND LEASES

SECTION 1. The area administrative officer is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate as provided in secs. 50 and 52 of Order No. 2509, and amendment No. 21, November 9, 1954, of the Secretary of the Interior.

SEC. 2. The area general supply officer is authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

NEAL D. NELSON,
Area Administrator.

[F. R. Doc. 56-5242; Filed, July 2, 1956; 8:46 a. m.]

[1] Where the amount involved is in excess of $10,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memoranda of March 2, 1954, and October 17, 1955.

[Amdt. 3]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 13

JUNE 25, 1956.

Pursuant to the authority delegated to me under section 2.5 of Bureau Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, Alaska Public Sale Classification No. 13 of December 29, 1953, as amended, is hereby further amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in Lot 12 of Tract B of U. S. Survey No. 3292 is revised to include in addition classification for housing purposes. This amendment will take effect immediately.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-5243; Filed, July 2, 1956; 8:47 a. m.]

ADMINISTRATIVE OFFICER ET AL.; AREA I

DELEGATIONS OF AUTHORITY

1. Under authority conferred by Director's Order No. 615, June 12, 1956, the Acting Area Administrator and the Area Administrative Officer are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate.

2. Also pursuant to the above order, the following classes of employees of Area I are hereby authorized to enter into procurement contracts with limitations on individual transactions as indicated.

	Special purpose leases (buildings)	Equipment rental agreement	4-140 purchase orders	SF-44 purchases	Imprest funds
Acting Area Administrative Officer and Area Property and Supply Officer	$10,000	$10,000	$10,000	$500	$100
Washington State Supervisor, California State Supervisor and Oregon State Supervisor	----------	500	500	500	100
District Range Managers and District Foresters	----------	500	500	500	100
Manager Land Office, Los Angeles, and Manager Land Office, Sacramento	----------	----------	[1] 200	50	25
Office Cadastral Engineers (Sacramento)	----------	----------	500	500	100
Cadastral Engineers (in field)	----------	----------	500	500	100

[1] To be used only for purchases of routine office supplies from General Services Administration. Such purchases are subject to the availability of California State Office funds, quarterly apportionments, and such other limitations as may be imposed by the State Supervisor.

JAMES F. DOYLE,
Area Administrator, Area I.

[F. R. Doc. 56-5244; Filed, July 2, 1956; 8:47 a. m.]

Bureau of Reclamation

CASTLE PEAK PROJECT, UTAH

ORDER OF REVOCATION

MAY 4, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of March 12, 1918, October 18, 1918, and September 20, 1920, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

UINTAH SPECIAL MERIDIAN, UTAH

T. 3 S., R. 5 W.,
Sec. 20, S½;
Sec. 21, SE¼SW¼, SE¼;
Sec. 28, NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 29, NE¼SE¼, S½SE¼;
Sec. 31, SE¼NE¼, NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 32, N½NE¼, SW¼NE¼, S½NW¼, N½SW¼.
T. 1 N., R. 6 W.,
Secs. 4, 5, 8, 9 and 16, all.
T. 2 N., R. 6 W.,
Secs. 31, 32 and 33, all.
T. 3 S., R. 6 W.,
Sec. 25, NW¼.
T. 4 S., R. 6 W.,
Sec. 1, lots 1, 2, SW¼NE¼, S½NW¼;
Sec. 2, Lot 1, S½N½;
Sec. 3, SE¼NE¼, S½SW¼, SE¼;
Sec. 4, S½SE¼;
Sec. 9, NE¼;
Sec. 10, NE¼.
T. 3 S., R. 8 W.,
Sec. 19, all;
Sec. 30, N½NE¼.
T. 2 N., R. 9 W.,
Secs. 13, 14, 15 and 34, all;
Sec. 35, E½NE¼, NE¼SE¼;
Sec. 36, NW¼SW¼, S½SW¼.
T. 3 S., R. 9 W.,
Sec. 23, NW¼, N½S½;
Sec. 24, N½, N½S½, SE¼SE¼;
Sec. 25, N½, S½SW¼, SW¼SE¼;
Sec. 26, S½NW¼, S½S½;
Sec. 27, S½NE¼, N½NW¼, SE¼NW¼, S½S½.

The above areas aggregate approximately 13,234.23 acres.

E. G. NIELSEN,
Acting Commissioner.

[769639]

JUNE 27, 1956.

I concur.

1. The following-described lands are within the Ashley National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations, as are permitted on national forest lands effective at 10:00 a. m. on August 2, 1956:

UINTAH SPECIAL MERIDIAN

T. 1 N., R. 6 W.,
Sec. 4;
Sec. 5, SE¼NE¼, N½NE¼, and W½;
Sec. 8, W½ and SE¼.
T. 2 N., R. 6 W.,
Sec. 31, N½, SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregate approximately 2,160 acres.

2. The following-described lands have been patented without a reservation of minerals to the United States:

UINTAH SPECIAL MERIDIAN

T. 3 S., R. 5 W.,
Sec. 20, S½;
Sec. 21, SE¼SW¼ and SE¼;
Sec. 28, NE¼, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 29, NE¼SE¼ and S½SE¼;
Sec. 31, SE¼NE¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, N½NE¼, SW¼NE¼, S½NW¼, and N½SW¼.
T. 1 N., R. 6 W.,
Sec. 5, SW¼NE¼ and SE¼;
Sec. 8, NE¼.
T. 2 N., R. 6 W.,
Sec. 31, NE¼SE¼;
Sec. 32, W½SW¼.
T. 3 S., R. 6 W.,
Sec. 25, NW¼.
T. 4 S., R. 6 W.,
Sec. 1, lots 1, 2, SW¼NE¼, and S½NW¼;
Sec. 2, lot 1 and S½N½;
Sec. 3, SE¼NE¼, S½SW¼, and SE¼;
Sec. 4, S½SE¼;
Sec. 9, NE¼;
Sec. 10, NE¼.
T. 3 S., R. 8 W.,
Sec. 19;
Sec. 30, N½NE¼.
T. 2 N., R. 9 W.,
Sec. 35, E½NE¼ and NE¼SE¼;
Sec. 36, NW¼SW¼ and S½SW¼.
T. 3 S., R. 9 W.,
Sec. 23, NW¼ and N½S½;
Sec. 24, N½, N½S½, and SE¼SE¼;
Sec. 25, N½, S½SW¼, and SW¼SE¼;
Sec. 26, S½NW¼ and S½S½;
Sec. 27, S½NE¼, N½NW¼, SE¼NW¼, and S½S½.

The areas described aggregate approximately 5,990 acres.

The remaining lands, aggregating approximately 5,084 acres, were restored to tribal ownership (Uintah and Ouray Reservation) by departmental order of August 25, 1945.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-5245; Filed, July 2, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS, DENVER, COLO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 30, 1955 (14 A. D. 472), continuing in effect to and including July 31, 1956, the order of July 20, 1954 (13 A. D. 688), which authorized the respondents to put into effect and assess the current schedule of rates and charges. A further order was issued on May 15, 1956, authorizing respondents to modify such schedule in certain respects.

On June 21, 1956, respondents filed a petition requesting authority to make certain additional modifications in the current schedule of rates and charges and that such schedule as so modified be continued in effect beyond July 31, 1956. The modifications requested in the current schedule are set forth below.

1. To change Article 2, Section A, to read as follows:

ARTICLE 2

SELLING, RESELLING AND BUYING CHARGES

Section A

	Per head
Cattle:	
Consignments of one head and 1 head only	$1.50
Consignments of more than 1 head:	
First 5 head in each consignment	1.20
Next 10 head in each consignment	1.15
Each head over 15 in each consignment	1.10

2. To change Article 2, Section E, to read as follows:

Section E

	Per head
Sheep:	
Consignments of 1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 10 head in each 250 head in each consignment	.40
Next 50 head in each 250 head in each consignment	.22
Next 60 head in each 250 head in each consignment	.18
Next 130 head in each 250 head in each consignment	.10

3. To change paragraph (c) of the provisions relating to deductions made by selling agencies at Denver for the account of others to read as follows:

(c) For the National Live Stock and Meat Board, on cattle, calves, hogs and sheep as follows:

	Cents per head
Cattle	02
Calves	01
Hogs	01
Sheep (per car)	[1] 50

[1] Or ⅔ cent per head on less than carlots.

Such collections, however, to be optional with shippers.

The modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 27th day of June 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-5271; Filed, July 2, 1956; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

RICHARD FLESCHNER IMPORT-EXPORT AND HANS WOLFF EXPORT-IMPORT

ORDER TEMPORARILY REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of Richard Fleschner Import-Export, Uhlandstrasse 52, Berlin W. 15—Wilmersdorf, Federal Republic of Germany. Hans Wolff Export-Import, Nussbaumallee 33 W., Berlin—Charlottenburg 9, Federal Republic of Germany, respondents.

The Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, applied to the Compliance Commissioner, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter C, Code of Federal Regulations), for an order temporarily suspending Richard Fleschner Import-Export and Hans Wolff Export-Import from all United States export privileges pending completion of an investigation of violations of the export regulations involving said individuals.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has recommended that the temporary suspension order requested by the Investigation Staff be issued. There is reasonable ground to believe from the supporting evidence and the memorandum of the Compliance Commissioner that the respondents Fleschner and Wolff, with knowledge that Fleschner had contracted to sell certain automobiles, trucks and equipment to a firm in Moscow, Russia, and with knowledge that such commodities might not be exported to that destination without a validated United States export license, ordered and had shipped from the United States the said commodities under general license upon the representation that the purchaser and ultimate consignee thereof was Fleschner in West Germany, and further, that Fleschner and Wolff, having obtained control of three automobiles so shipped and being in a position where they may obtain control of five trucks and equipment, intend to ship the said vehicles and equipment to Moscow in defiance of warnings that such shipment will be in violation of United States Export Control Regulations.

It appears further that an investigation of the foregoing matters is presently being conducted by the Investigation Staff and that pending the completion thereof it would be contrary to the public interest to permit said respondents or persons and firms associated with them to participate in any further exportations from the United States; and that the temporary suspension hereinafter provided is reasonable and necessary to protect the public interest pending completion of the aforementioned investigation: Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses in which respondents, Fleschner and Wolff, appear or participate as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The said respondents, Fleschner and Wolff, their agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(4) This order shall take effect forthwith and shall remain in effect pending the completion of the investigation and the determination of any compliance proceeding which may be instituted against respondents, except insofar as it may be hereafter extended, amended, or modified in accordance with the provisions of the export regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the said respondents.

(7) In accordance with the provisions of § 382.11 (c) of the export regulations, the respondents may move at any time to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: June 25, 1956.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 56-5257; Filed, July 2, 1956; 8:50 a. m.]

Office of the Secretary

HENRY S. KLINGENSTEIN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Henry S. Klingenstein.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 29, 1956.
4. Title of position: Scrap Copper Consultant.

5. Name of private employer: Keystone Metal Company, Pittsburgh, Pa.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Keystone Metal Co. of Alabama.
Radio Corp. of America.
Sacony Mobil Co.
Granite City Steel Co.
American Metal Co.
Rockwell Spring & Axle Co.
Wheeling Steel Corp.
Bank Deposits.

Dated: June 9, 1956.

HENRY S. KLINGENSTEIN.

[F. R. Doc. 56-5256; Filed, July 2, 1956; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 7942, 7943]

AERO FINANCE CORP. AND ATWOOD AIR SERVICE, INC.

NOTICE OF HEARING; ENFORCEMENT PROCEEDING

In the matter of Aero Finance Corporation enforcement proceeding; Docket No. 7942.

In the matter of Atwood Air Service, Inc., enforcement proceeding; Docket No. 7943.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled matters is assigned to be held on July 11, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 27, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5274; Filed, July 2, 1956; 8:53 a. m.]

[Docket No. 8055]

RAILWAY EXPRESS AGENCY, INC.; VALUATION CHARGES

NOTICE OF PREHEARING CONFERENCE

In the matter of the increased valuation and C. O. D. charges proposed by Railway Express Agency Incorporated.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on July 12, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., June 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5275; Filed, July 2, 1956; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 2684 etc.]

JOHN G. ANDERSON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field and Purchaser

G-2684; John G. Anderson and William F. Cooke, a partnership, M. Thompson, H. M. Thompson, Joseph R. Busk, Rosser Reeves, C. M. Carter, Mrs. C. M. Carter, C. B. Carter, Acco Oil and Gas Company, C. J. Brown, D. D. Raymond, Jr., J. I. Roberts and C. H. Murphy, Partners, Colorado Oil and Gas Corporation, Evelyn S. Blum and George E. Blum, Houston, Tex.; 9-7-54, and supplemented 11-22-54, 11-21-55; North Louise, Wharton County, Tex., Tennessee Gas Transmission Company.

G-3029; Paul J. Fly, J. D. Wrather, Jr., Mazie Wrather, Goliad Royalty Company, and Pool & Stofer, Victoria, Tex.; 9-24-54; Terrel Point and West Terrel Point, Goliad County, Tex.; Trunkline Gas Company.

G-3761; Argo Oil Corporation, Denver, Colo.; 9-30-54; Southeast Liberal Light, Seward County, Kans.; Panhandle Eastern Pipe Line Company.

G-3875; Argo Oil Corporation, Denver, Colo.; 10-1-54; Southeast Liberal Light, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G-4272; Monterey Oil Company, San Antonio, Tex.; 10-8-54; Kelly-Snyder, Scurry County, Tex.; Kelly-Snyder Gasoline Plant Owners.

G-4789; Alvin H. Howard and D. E. Vasser, New Orleans, La.; 11-10-54; Benedum Spraberry, Upton County, Tex.; Texas Gas Products Corporation.

G-5967; Wilbur D. Roush, Cleveland, Ohio; 11-26-54; Sutton Township, Meigs County, Ohio, Ohio Fuel Gas Company.

G-7258; Hiawatha Oil and Gas Company, Pittsburgh, Pa.; 12-1-54, amended 1-26-56; Driftwood Pool, Cameron County, Pa.; New York State Natural Gas Corporation.

G-7696; Orville Eberly, Bortz Coal Company, Katherine E. Fawcett Lawrence Parshall, Arthur Guseman, J. H. Beerits, Ross Pile Estate, William E. Snee, Sally D. Augustine, Robert E. Eberly, Uniontown, Pa.; 12-2-54; Summit, Fayette County, Pa.; Manufacturers Light and Heat Company.

G-8147; Earl S. Godwin et al., Fairmont, W. Va.; 12-13-54; Union District, Upshur County, W. Va.; Watson Oil and Gas Company.

G-8149; Earl S. Godwin et al., Fairmont, W. Va.; 12-13-54; Union District, Upshur County, W. Va.; Watson Oil and Gas Company.

G-8407; Swan-Finch Gas Development Corporation, New York, N. Y.; 1-26-55; Benezette, Jay and Lawrence Townships, Elk and Clearfield Counties, Pa.; Manufacturers Light and Heat Company and New York State Natural Gas Corporation.

G-9877; A. D. Shorts and L. R. Shorts, Shippenville, Pa.; 1-16-55; Millcreek Township, Clarion County Pa.; United Natural Gas Company.

A public hearing will be held on the 26th day of July 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

JUNE 27, 1956.

[F. R. Doc. 56-5266; Filed, July 2, 1956; 8:51 a. m.]

[Docket No. G-9688]

PERMIAN BASIN PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 27, 1956.

Take notice that Permian Basin Pipeline Company (Applicant), a Delaware corporation with principal office at 2223 Dodge Street, Omaha, Nebraska, filed, on April 23, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant

to construct and operate certain natural gas facilities as hereinafter described in addition to those heretofore authorized in this docket for the purpose of taking natural gas from Phillips Petroleum Company at its Andrews Gasoline Plant, Andrews County, Texas, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Said application was filed as a petition to amend the findings and order of the Commission issued on March 30, 1956, In the Matters of Permian Basin Pipeline Company et al. in Docket No. G–9688 et al. This order authorized Permian, inter alia, to construct and operate five 1,350 horsepower compressor units at the aforesaid Gasoline Plant.

In Docket No. G–10450 Permian seeks authorization to remove five of its existing 1,350 horsepower compressor units now located at its Spraberry Compressor Station as authorized in Docket No. G–1928 for the purpose of complying with the authorization granted by Commission order on March 30, 1956 in Docket No. G–9688.

Applicant now proposes in Docket No. G–9688 to construct and operate an additional five 1,350 horsepower compressor units at the aforesaid Gasoline Plant.

Applicant states that the estimated cost of the proposed compressor facilities is approximately $1,276,000 which will be financed by short-term borrowing; that approximately 50,000 Mcf of gas per day will be available to Applicant in 1956; that these five additional units will enable Applicant to receive a total of 50,000 Mcf of residue gas per day from Phillips in Andrews County; that the additional volumes of gas so obtained will be used to further supplement Applicant's existing gas supply; and that the purchase of this additional gas by Applicant provides a market for residue gas which would otherwise either remain in the ground or, if permitted, be flared.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, July 19, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–5264; Filed, July 2, 1956; 8:51 a. m.]

[Docket Nos. G–10203, G–10204]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 27, 1956.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. G–10203 on April 5, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing United to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open for public inspection.

Concurrently therewith, Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with principal place of business at Commerce Building, Houston, Texas, filed in Docket No. G–10204 on April 5, 1956, an application for permission to abandon service, pursuant to section 7 (b) of the Natural Gas Act, authorizing Tennessee to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

United proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by United, and, to sell and deliver natural gas in interstate commerce pursuant to its Form A Service Agreement and G–C Rate Schedule, FPC Gas Tariff, First Revised Volume No. 1, to the Town of Chatham (Chatham), Jackson Parish, Louisiana, for resale in said Town. Chatham is presently being served by Tennessee.

The facilities proposed to be constructed and operated by United out of current working funds at an estimated cost of $4,615 consist of a 2-inch tap together with a meter and regulator station and appurtenant facilities to be located near Milepost No. 410 on United's 30-inch Magasco-Sterlington line.

United estimates its proposed sale of natural gas to Chatham at 14.73 p. s. i. a. for the first three years as follows: First year, 29,394 Mcf; second year, 30,396 Mcf; third year, 30,750 Mcf.

Tennessee proposes, at the request of Chatham, to abandon the sale of natural gas in interstate commerce to Chatham for resale in said Town and to dismantle its existing natural gas facilities installed at the Chatham sales meter station which represents a total investment of approximately $5,718. This natural gas service is proposed to be abandoned as soon as other substitute gas service is made available to Chatham.

The applications state that this change of service is mutually agreeable to United, Tennessee and Chatham and that Tennessee is presently serving Chatham under the terms of a Gas Sales Contract dated March 30, 1955, which provides for the sale and delivery of Chatham's requirements up to a maximum of 250 Mcf per day.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, July 19, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–5265; Filed, July 2, 1956; 8:51 a. m.]

[Docket No. G–10646]

R. W. FAIR ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

R. W. Fair et al. (Applicant), on June 8, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation and Effective Date[1]

Notice of change, dated June 5, 1956; Mississippi River Fuel Corporation; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1; July 9, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until December 9, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: June 26, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–5267; Filed, July 2, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1011]

B. S. F. Co.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

JUNE 27, 1956.

Notice is hereby given that B. S. F. Company ("BSF"), a registered management closed-end, non-diversified investment company, has filed an application and an amendment thereto, pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act"), for an order declaring it to be engaged primarily in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

The application states that BSF is a Delaware corporation, organized on August 10, 1955, and is the surviving corporation of the merger of B. S. F. Company, a Pennsylvania corporation ("Pennsylvania Corporation") into BSF on September 30, 1955. On December 13, 1954, Pennsylvania Corporation changed its name from Birdsboro Steel Foundry & Machine Company to B. S. F. Company. Prior to a sale of its assets in December 1954, Pennsylvania Corporation was engaged in business as a steel foundry and machine manufacturer. Following the sale of assets, it was decided to continue Pennsylvania Corporation in existence.

From the proceeds of the sale of assets, $236,030 was expended to purchase 12,300 shares of stock of the company on the American Stock Exchange, and $1,881,030 was expended to purchase 93,564 shares as a result of a tender offer, invitations for which were issued April 20, 1955. The tender offer specifically stated that the remaining cash and other assets would be employed to purchase securities and, if appropriate opportunity were presented, substantial, controlling, or entire interests in one or more going businesses.

BSF filed its Notification of Registration on August 12, 1955, and in its registration statement filed in December 1955, made the following statement:

> Registrant's primary purpose is to control and operate various industries, either by registrant itself or through subsidiaries. Registrant's intent is to cease to be an investment company and to enter a business other than investment in securities. Control of industrial operations, specifically factoring and hardware, is registrant's primary activity—not the business of investing. Accordingly, registrant specifically intends to apply for an exemption order under Section 3 (b) (2) of the Act, since registrant is not engaged in the business of investing, reinvesting, borrowing, holding, or trading in securities.

In the prospectus covering a recent offering of 92,636 additional shares of capital stock, reference was made to the above-quoted statement.

The company announced to its stockholders on August 29, 1955, that it was the intention that its assets be devoted to the acquisition of "control of various businesses, as and when such businesses are available."

In March 1955, the company began acquiring common stock of The American Hardware Corporation ("Hardware"). As of May 1, 1956, the company's holdings of Hardware stock totalled 151,961 shares, or 25.56 percent of the outstanding stock thereof.

It is stated in the application that BSF is the largest single stockholder of Hardware, that Hardware has a total of 5,000 stockholders, and except for BSF no stockholder owns more than 5 percent of the outstanding stock. Four members of the Board of Directors of BSF are also on the twelve man Board of Directors of Hardware and one of these directors is also President of Hardware. It is also stated that the officers and directors of BSF have developed a close working relationship with the management and management directors of Hardware; take an active part in the affairs of Hardware and have conducted various negotiations on Hardware's behalf and have actively participated in the making of its important policy decisions.

BSF also contends that through its subsidiary, New York Factors, Inc., the company is engaged in the business of factoring. The company has invested $361,512 to acquire all the preferred stock and 78 percent of the common stock of New York Factors, Inc., and the remaining 22 percent is under contract to the company. BSF is contingently liable for all present and future debts and liabilities of the subsidiary and recently loaned $300,000 to the subsidiary.

Section 3 (a) (3) of the act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3 (b) (2) of the act provides, that, notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

BSF is an investment company in accordance with the statistical definition of section 3 (a) (3) of the act. At April 30, 1956, BSF's total assets (exclusive of Government securities and cash items) had a value of $3,691,893. The value of its majority-owned subsidiary, as determined by the Board of Directors, was $500,000 or approximately 13.5 percent of total assets (exclusive of Government securities and cash items). Investment securities (mainly the stock of Hardware), had a value of $3,162,222 or 85.7 percent of total assets.

For the three months ending March 31, 1956, BSF's total income was $47,932, of which $17,600 or 36.7 percent was derived from its investment in its majority-owned subsidiary and $30,333 or 63.3 percent from its investment in Hardware.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3 (b) (2);

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the

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[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

[2] Commissioner Digbey dissenting in opinion.

aforesaid application under the applicable provisions of the act, and of the rules of the Commission thereunder be held on the 12th day of July 1956, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Edward C. Johnson, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether BSF is an investment company within the definition of section 3 (a) (3) of the act;

(2) Whether BSF is primarily engaged in the hardware business through its ownership of 25.56 percent of the voting stock of American Hardware;

(3) Whether BSF is primarily engaged in the factoring business through its ownership of 78 percent of the voting stock of New York Factors, Inc.; and

(4) Whether, pursuant to the terms of section 8 (f) of the act, an order should be issued declaring that BSF has ceased to be an investment company and that its registration as such shall cease to be in effect and whether it is necessary for the protection of investors that any appropriate conditions should be provided in such order.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commisson shall give notice of the aforesald hearing by mailing a copy of this notice and order by registered mail to BSF and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5247; Filed, July 2, 1956; 8:48 a. m.]

[File No. 811-714]

HELSER FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

JUNE 27, 1956.

Notice is hereby given that The Helser Fund, Inc. ("applicant"), registered under the Investment Company Act of 1940 ("act") as a closed-end investment company, has filed an application pursuant to section 8 (f) of the act for an order declaring that applicant has ceased to be an investment company under the act.

Applicant was organized under the laws of the State of Maryland on September 26, 1955. Its Notification of Registration under the act was filed on February 28, 1956.

Applicant represents that it filed a registration statement under the Securities Act of 1933 on February 29, 1956, and withdrew said registration statement on April 20, 1956. Applicant further represents that for the present it is unable to engage in the business of investing, reinvesting or trading in securities and acting as an investment company.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 16, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5248; Filed, July 2, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32279: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities loaded in highway motor trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., Indianapolis, Ind., on one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32280: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities loaded on highway motor trailers and transported on railroad flat cars between Chicago, Ill., and Kearny, N. J.

Grounds for relief: Motor carrier competition.

FSA No. 32281: *Anti-knock Compound—Louisiana points to Chicago district.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on motor fuel anti-knock compound from Baton Rouge and North Baton Rouge, La., to Chicago, Ill., district points, also Lemont and Lockport, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32282: *Plant and Office Equipment—Cleveland, Ohio, to Lawrenceburg, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on equipment, plant and office, including used machinery, supplies and office records, straight or mixed carloads from Cleveland, Ohio to Lawrenceburg, Tenn.

Grounds for relief: Carrier competition and circuity.

FSA No. 32283: *Grain and Products to Beaumont and Port Arthur, Tex.* Filed by The Wabash Railroad Company, for itself, and interested rail carriers. Rates on grain, grain products and related commodities, carloads from specified points on the Wabash in Illinois (East St. Louis), Iowa and Missouri to Beaumont and Port Arthur, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 11 to Wabash Railroad Company's I. C. C. 7752.

FSA No. 32284: *Substituted service—motor-rail-motor—Pa. R. R. and N. & W. Ry.* Filed by Interstate Household Goods Movers Tariff Bureau, Inc., Agent, for interested rail and motor carriers. Rates on various commodities, loaded in highway trailers on railroad flat cars (1) between Chicago and East St. Louis, Ill., to Kearny, N. J., and Pittsburgh, Pa., (2) between Pittsburgh, Pa., and Kearny, N. J., and (3) between Bristol, Va.-Tenn., and Roanoke, Va., and Kearny, N. J., and Philadelphia, Pa.

Grounds for relief: Motor truck competition.

Tariff: Supplement 14 to Interstate Household Goods Movers Tariff Bureau, Inc., Agent, tariff MF-I. C. C. 15.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-5268; Filed, July 2, 1956; 8:51 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 72]

LACKAWANNA & WYOMING VALLEY RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Lackawanna & Wyoming Valley Railroad Company (E. McClain Watters, Trustee), because of derailment, is unable to transport traffic routed over and to points on its line: *It is ordered*, That:

(a) Rerouting traffic: The Lackawanna & Wyoming Valley Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., June 25, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., June 27, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 25, 1956.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56-5269; Filed, July 2, 1956; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 129

Washington, Wednesday, July 4, 1956

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 2d Revision, Supp. 6]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956, March 14, 1956, April 17, 1956, May 9, 1956, and June 7, 1956 (21 F. R. 573, 1575, 2463, 3073, 3897), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Capital Feed & Seed Fertilizer Plant, 11th Avenue and Buchanan Street, Phoenix.

Farmer's Coop. Marketing Association, 401 Eighth Street, Yuma.

Hayden Flour Mills, 119 Mill Avenue, Tempe.

South Central Feed & Supply (warehouse), 3710 South Central Avenue, Phoenix.

P. E. Sterner Farm, Box 1782, Goodyear.

Weaver Auto Upholstery Shop, 751 West Main Street, Mesa.

CALIFORNIA

Charles C. Causey (small farm used for storage and farm feeding), 653 South Imperial Avenue, northwest corner intersection County Roads East M and 46, Brawley.

Desert Edge Farms Packing Shed, 340 East Main, Calipatria.

R. S. Garewal & Mary G. Gill Ranch, on east side of Road East Z, one-fifth mile south of County Road 27, three miles east and two and one-half miles north of Holtville. Mail address P. O. Box 245, Holtville.

Hangover Farms, located northwest corner Road 20 (Highway 80) and West E, Box 418, El Centro.

Gilbert Hayden Ranch, located at northwest corner of West 26 and F Road. Mail address P. O. Box 195, Imperial.

Alvin A. Immel property, northeast corner 11th and Melon Streets, Holtville.

Kern County Land Company, Gosford Feed Yard, 2920 M Street, Bakersfield.

Estle Lain Ranch, located one-eighth mile west of intersection of Road West C and Road 21, north side of Road 21, Route 1, Box 9, El Centro.

Fritz Lehman Ranch, Route 1, Box 99, northeast of El Centro.

M. L. McFarland (small farm), County Road West A, one-fourth mile north of County Road 28, P. O. Box 327, Imperial.

S. C. McGonagle Ranch, two miles east of El Centro from Highway 80 on the Dogwood Canal. Mail address Box 978, El Centro.

Keith Mets Feed Lot, Route 1, Box 83, Holtville.

Keith Mets Branch (headquarters), located on Bonds Corner Road, four miles south of Holtville, Route 1, Box 83, Holtville.

I. F. Porter (small farm), Route 2, Box 9A, Brawley.

K. K. Sharp (small farm and storage), Route 1, Box 44, southeast corner intersection County Roads East R and 26, on Pampas Canal, Holtville.

Wildlife Refuge Unit No. 1, at northeast corner of intersection of West I and County Road 60, Brawley.

Wildlife Refuge Unit No. 2, on east side of West I, one-fourth mile north of County Road 74, Brawley.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist, such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Joe Wiehl Farm, Route 1, Box 127, Gilbert.

CALIFORNIA

Oscar Rudnick property (Soldier Wells Camp), located near junction of Highways 178 and 6, vicinity of Freeman. Mail address P. O. Box 548, Bakersfield.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administration Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 28th day of June 1956.

[SEAL] E. D. BURGESS,
Chief, Plant Pest Control Branch.

[F. R. Doc. 56-5297; Filed, July 3, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

§ 959.314 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59 as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 9, 1956, through June 30, 1957, no handler shall ship potatoes (i) if they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum diameter, and (ii) if they are of the long varieties, (including, but not limited to White Rose, Russet Burbank, and Early Gem varieties), unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 1559 of this title), including the tolerances set forth therein.

(2) During the period from July 9, 1956, through June 30, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph no handler shall ship (i) any lot of potatoes of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties) if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, (ii) any lot of potatoes of the White Rose variety if more than 35 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, or (iii) any lot of potatoes of the Netted Gem varieties (including, but not limited to Russet Burbank and Early Gem varieties) if such potatoes are more than "moderately skinned," as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered." *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may make one shipment of not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph and §§ 959.42 and 959.60.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato chipping; (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period July 9, 1956, through June 30, 1957: (i) No handler shall ship (a) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, 1½ inches minimum diameter, or (b) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, 1½

inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; and (iv) potatoes grown in a particular district and which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof for use for potato chipping.

(6) Each handler making shipments of potatoes authorized pursuant to subparagraph (4) of this paragraph shall with respect to such shipments other than those for grading or storing and for livestock feed: (i) File an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131; (ii) pay the required assessments pursuant to § 959.42; (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60; and (iv) for each such shipment (except shipments of certified seed potatoes) furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes for export, for canning or freezing, for dehydration or manufacture or conversion into starch, flour, or alcohol, for charity, or for potato chipping, shall be accompanied by a copy of the applicable bill of lading and the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further*, That each handler agrees, in his application to make shipments for canning or freezing, or for dehydration or manufacture or conversion into starch, flour, or alcohol, or for potato chipping, to bill each such shipment directly to the applicable processor and, if a particular shipment is not so billed, to furnish copies of the bill of lading and related diversion orders covering such shipment.

(7) Pursuant to § 959.60 (b), the inspection requirements of § 959.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this § 959.314 with respect to any such potatoes which prior to the regrading, resorting, or repacking thereof, were inspected pursuant to § 959.60 (a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(8) For the purpose of operations under this part, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate.

(9) Except as otherwise provided, the various grades and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein, and the terms "District No. 1," "District No. 2," District No. 3," District No. 4," and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 29, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5325; Filed, July 3, 1956; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter C—Federal Savings and Loan System

[No. 9764]

PART 147—APPOINTMENT OF CONSERVATOR, RECEIVER AND SUPERVISORY REPRESENTATIVE IN CHARGE

MISCELLANEOUS AMENDMENTS

JUNE 29, 1956

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), §§ 147.3 and 147.7 of the rules and regulations for the Federal Savings and Loan System (24 CFR 147.3 and 24 CFR 147.7) are hereby amended to read as follows:

§ 147.3 *Possession by supervisory representative in charge.* A supervisory representative in charge shall forthwith upon appointment as such for a Federal association, or at such time as may be fixed by the Board, take possession of such association and, at the time he shall demand possession, shall serve a certified copy of the resolution of the Board appointing him as supervisory representative in charge upon the officer or employee of the association, if any, who shall be in the home office of the association and appear to be in charge of such office. Immediately upon taking possession of such Federal association the supervisory representative in charge shall succeed to all the rights, powers and privileges of the members of the Federal association, its officers and directors, or any of them. Such members, officers and directors shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however*, That the board of directors of such association, as such, shall have the right to appear and be heard at any administrative hearing fixed by the Board for a determination upon the question of whether or not a conservator or receiver should be appointed for such Federal association, and the officers, directors, or the members of the Federal association, or any of them, may, from time to time, communicate with the Board with respect to the discharge of such supervisory representative in charge and the release of the association from his control: *Provided further*, That the members of the association or the board of directors thereof, may by resolution consent to the appointment of a conservator or receiver for such association. The Board may, at any time, direct the supervisory representative in charge to return the Federal association to its management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, an increase in the number of directors, the election of additional directors or an entire new board, and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the election of new officers, or both. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. Such supervisory representative in charge shall furnish bond in form and amount and with surety acceptable to the Director. The expenses incurred by a supervisory representative in charge during the period that he continues in charge of any Federal association, including the cost of his bond and charges for his services, as determined by the Director, shall be paid out of the assets of the Federal association. In addition, all expenses incurred by the Board arising out of the appointment and affecting such appointment shall be paid by the association to the Board. The term "Director", when used in this part, shall mean the Director and any Associate or Assistant Director of the Division of Supervision of the Board and the term Secretary to the Board shall also mean any Assistant Secretary to the Board.

§ 147.7 *Possession by conservator or receiver.* A conservator or receiver shall take possession of the Federal association for which he has been so appointed in accordance with the terms of such appointment and, at the time he shall demand possession, notify the officer or employee of the association, if any, who shall be in the home office of the association and appears to be in charge of such office, of the action of the Board. Immediately upon taking possession of such Federal association, such conservator or receiver shall forthwith take possession of the books, records and assets of every description of such association and (a) a conservator shall succeed to all the rights, powers and privileges of its members, its officers and directors, or any of them, and (b) a receiver, by operation of law and without any conveyance and other instrument, act or deed shall succeed to all the rights, titles, powers and privileges of the Federal association and shall succeed to the rights, powers and privileges of its members, its officers and directors, or any of them. Such members, officers, or directors, or any of them, shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however*, That the members of the association shall have the right from time to time to communicate with the Board with respect to such conservatorship or receivership. Such conservator or receiver shall furnish bond in form and amount and with surety acceptable to the Director. The Board may, at any time, direct the conservator or receiver to return the Federal association to its previous or a newly constituted management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, the election of directors or an increase in the number of directors, or both, or the election of an entire new board; and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the removal of officers, and the election of new officers, or for any of such purposes. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. The Board may, without further hearing, replace a conservator by appointing the Federal Savings and Loan Insurance Corporation as receiver for the purpose of liquidation, whether such conservator was appointed pursuant to a hearing or by consent.

Resolved further that, whereas the amendment to § 147.3 is a rule of procedure and practise, and the amendment to § 147.7 is an interpretative rule, and since these amendments do not impose any additional obligations, the deferment of the effective date of each such amendment would serve no useful purpose, and notice and public procedure is unnecessary. Good cause is found, therefore, for issuing these amended sections without notice and public procedure thereon to be effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

(Sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interprets or applies sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

This amendment shall be effective July 4, 1956.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Assistant Secretary.

[F. R. Doc. 56-5323; Filed, July 3, 1956; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 171]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.30, a Manistique, Mich., Temporary Area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Manistique, Mich., temporary restricted area (Green Bay).	Beginning at latitude 45°12'00", longitude 86°01'00"; thence to latitude 45°39'00", longitude 86°35'00"; thence to latitude 45°50'00", longitude 86°12'00"; thence to latitude 45°17'00", longitude 85°46'00"; thence to point of beginning.	Surface to 18,000 feet mean sea level.	Daylight only...	COM 9, NAS, Glenview, Ill.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall be in effect on the following dates: July 6, 18 and 19; August 1, 2, 15, 16, 29 and 30; and September 12, 13, 26 and 27, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5277; Filed, July 3, 1956; 8:45 a. m.]

[Amdt. 5]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Adminstrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.16 *Green Civil Airway 6* is amended to read in part:

From Alice, Tex., LFR; to Agua Dulce INT, Tex.; MEA 1,600.
From Agua Dulce INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,700.

Section 610.19 *Green Civil Airway 9* is amended to read in part:

From Honolulu, T. H., LFR to North Maui INT, TH; MEA 6,000.

Section 610.102 *Amber Civil Airway 2* is amended to read in part:

From Delta, Utah, LFR; to *Salt Lake City, Utah, LFR; MEA 12,000. *10,000—MCA Salt Lake City LFR, southbound.
From Riverton, Calif., FM; to Salt Lake City, Utah, LFR, northbound only; MEA 11,000.

Section 610.107 *Amber Civil Airway 7* is amended to read in part:

From Key West, Fla., LFR; to Marathon, Fla., LF/RBN; MEA 1,300.
From Marathon, Fla., LF/RBN; to Homestead, Fla., LF/RBN; MEA 1,100.
From Homestead, Fla., LF/RBN; to Miami, Fla., LFR; MEA 1,200.
From Charleston, S. C., LFR; to Florence, S. C., LFR; MEA 1,300.
From Florence, S. C., LFR; to Raleigh, N. C., LFR; MEA 2,000.
From Daytona Beach, Fla., LFR; to Jacksonville, Fla., LFR; MEA 1,500.

Section 610.108 *Amber Civil Airway 8* is amended to read in part:

From Redmond, Oreg., LFR; to *The Dalles, Oreg., LFR; MEA 7,000. *6,000—MCA The Dalles LFR, northbound.

Section 610.108 *Amber Civil Airway 8* is amended to delete:

From Bradley INT, Calif.; to Salinas, Calif., LFR; MEA 5,000.
From Salinas, Calif., LFR; to Lightship INT, Calif.; MEA 5,000.
From Lightship INT, Calif.; to Golden Gate INT, Calif.; MEA 3,000.

Section 610.213 *Red Civil Airway 13* is amended to delete:

From Sunbury, Pa., LFR; to Wilkes-Barre, Pa., LFR; MEA 4,000.

Section 610.214 *Red Civil Airway 14* is amended to read in part:

From Chicago, Ill., LFR; to Rensselaer INT, Ind.; MEA 2,000.

Section 610.215 *Red Civil Airway 15* is amended by adding:

From Tonopah, Nev., LFR; to Fallon, Nev., LFR; MEA 11,000.

Section 610.216 *Red Civil Airway 16* is amended to read in part:

From Columbia, S. C., LFR; to Florence, S. C., LFR; MEA 1,500.
From Florence, S. C., LFR; to Lumberton, N. C., LF/RBN; MEA 1,500.
From Lumberton, N. C., LF/RBN; to Raleigh, N. C., LFR; MEA 2,000.

Section 610.220 *Red Civil Airway 20* is amended to read in part:

From Flint, Mich., ILS/LOM; to Goodrich INT, Mich.; MEA 2,200.
From Goodrich INT, Mich.; to *Windsor, Ontario, Canada; MEA 2,300. *For that airspace over U. S. territory.

Section 610.265 *Red Civil Airway 65* is amended to read in part:

From *Oceanside, Calif., LF/RBN; to Julian, Calif., LF/RBN, eastbound, MEA 9,000; westbound, MEA 7,000. *5,000—MCA Oceanside LF/RBN, eastbound.

Section 610.289 *Red Civil Airway 89* is amended to read in part:

From Quincy, Ill., LF/RBN; to Peoria, Ill., LFR; MEA 2,000.

Section 610.309 *Red Civil Airway 109* is amended to read in part:

From *Portland, Oreg., LFR; to **The Dalles, Oreg., LFR; MEA 7,000. *4,000—MCA

Portland LFR, eastbound. ••6,000—MCA The Dalles LFR, northbound.

From The Dalles, Oreg., LFR; to Saw Mill INT, Wash., MEA 6,000.

From Saw Mill INT, Wash.; to Yakima, Wash., LFR, southwestbound, MEA 6,000; northeastbound, MEA 4,000.

Section 610.603 *Blue Civil Airway 3* is amended to delete:

From Cross City, Fla., LFR; to Drifton INT, Fla.; MEA 1,300.

Section 610.603 *Blue Civil Airway 3* amended by adding:

From Cross City, Fla., LFR; to Tallahassee, Fla., LFR; MEA 1,400.

Section 610.618 *Blue Civil Airway 18* is amended to read in part:

From Ridgewood INT, N. J.; to Spring Valley INT, N. J.; MEA 2,000.

From Spring Valley INT, N. J.; to West Point INT, N. Y.; MEA 2,500.

From West Point INT, N. Y.; to Poughkeepsie, N. Y., LFR; MEA 2,600.

Section 610.630 *Blue Civil Airway 30* is amended to read in part:

From Driscoll INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,700.

Section 610.648 *Blue Civil Airway 48* is added to read:

From Marathon, Fla., LF/RBN; to Gulfstream INT, Fla.; MEA 1,100.

From Gulfstream INT, Fla.; to Miami, Fla., LFR; MEA 1,200.

Section 610.1001 *Direct Routes, U. S.* is amended to delete:

From Silver Lake, Calif., LFR; to Granite INT, Calif.; MEA 9,000.

Section 610.1001 *Direct Routes, U. S.* is amended by adding:

From Medford, Oreg., VOR; to Rogue River INT, Oreg.; MEA 11,000.

From Wichita, Kans., VOR; to North Fork, Kans., LF/RBN; MEA 3,000.

From Witchita, Kans., LFR; to North Fork, Kans., LF/RBN; MEA 3,000.

Section 610.1002 *Direct Routes, Alaska* is amended to delete:

From Wichita, Kans., VOR; to North Fork, Kans., LF/RBN; MEA 3,000.

From Wichita, Kans., LFR; to North Fork, Kans., LF/RBN; MEA 3,000.

Section 610.6001 *VOR Civil Airway 1* amended to read in part:

From New Bern, N. C., VOR; to Cofield, N. C., VOR; MEA •1,300. •1,200—MOCA.

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA •1,500. •1,200—MOCA.

From Corapeake INT, Va.; to Norfolk, Va., ILS loc.; MEA 1,500.

Section 610.6003 *VOR Civil Airway 3* is amended by adding:

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,300.

From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 1,400.

Section 610.6005 *VOR Civil Airway 5* is amended to read in part:

From Folkston INT, Ga.; to •Waycross INT, Ga.; MEA 1,600. •2,000—MRA.

From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Atlanta, Ga., VOR via W alter.; to Kennesaw INT, Ga., via W alter.; MEA 3,000.

From Kennesaw INT, Ga., via W alter.; to Chattanooga, Tenn., via W alter.; MEA •4,000. •3,500—MOCA.

Section 610.6006 *VOR Civil Airway 6* is amended to read in part:

From Rock River, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500. Via N alter.; MEA 10,500. (Deletes MCA at Rock River VOR.)

Section 610.6007 *VOR Civil Airway 7* is amended to delete:

From Marianna, Fla., VOR, via W alter.; to •Gantt INT, Ala., via W alter.; MEA ••5,500. •5,500—MRA. ••2,900—MOCA.

From •Gantt INT, Ala., via W alter.; to Montgomery, Ala., VOR via W alter.; MEA 2,500. •5,500—MRA.

Section 610.6007 *VOR Civil Airway 7* is amended to read in part:

From Cross City, Fla., via W alter.; to Lobster INT, Fla., via W alter.; MEA •2,000. •1,500—MOCA.

From Lobster INT, Fla., via W alter.; to Bristol INT, Fla., via W alter.; MEA •5,000. •1,200—MOCA.

From Bristol INT, Fla., via W alter.; to Marianna, Fla., VOR via W alter.; MEA •2,000. •1,500—MOCA.

From Marianna, Fla., VOR; to Dothan, Ala., TVOR; MEA 1,800.

From Dothan, Ala., TVOR; to •Saco INT, Ala.; MEA ••2,000. •2,000—MRA. ••1,700—MOCA.

From Saco INT, Ala.; to •Shady Grove INT, Ala.; MEA 1,800. •3,500—MRA.

From Shady Grove INT, Ala.; to Montgomery, Ala., VOR; MEA 1,700.

From Katy INT, Fla.; to Dade City INT, Fla.; MEA •1,500. •1,200—MOCA.

From Dade City INT, Fla.; to •Homo INT, Fla.; MEA ••2,000. •2,000—MRA. ••1,200—MOCA.

From Homo INT, Fla.; to Cross City, Fla., VOR; MEA •2,000. •1,300—MOCA.

Section 610.6012 *VOR Civil Airway 12* is amended to delete:

From Anthony, Kans., VOR via N alter.; to Wichita, Kans., VOR via N alter.; MEA 2,900.

Section 610.6013 *VOR Civil Airway 13* is amended to read in part:

From Mason City, Iowa, VOR via W alter.; to Prior INT, Minn., via W alter.; MEA •3,400. •2,600—MOCA.

Section 610.6018 *VOR Civil Airway 18* is amended to read in part:

From Anniston, Ala., VOR; to Temple INT, Ga., MEA 4,000.

From Temple INT, Ga., to Campbellton INT, Ga., MEA 2,700.

From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA 2,200.

From Atlanta, Ga., VOR via S alter.; to •McDonough INT, Ga., via S alter.; MEA 2,200. •2,500—MRA.

From McDonough INT, Ga., via S alter.; to •Eatonton INT, Ga., via S alter.; MEA ••3,700. •3,500—MRA. ••2,200—MOCA.

From Eatonton INT, Ga., via S alter.; to Thomson INT, Ga., via S alter.; MEA •3,500. •2,200—MOCA.

From Thomson INT, Ga., via S alter.; to Augusta, Ga., VOR via S alter.; MEA 1,800.

Section 610.6020 *VOR Civil Airway 20* is amended to read in part:

From Alice, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 1,700.

From Atlanta, Ga., VOR; to Rex INT, Ga.; MEA 2,200.

From Rex INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

Section 610.6021 *VOR Civil Aiway 21* is amended to read in part:

From •Ogden, Utah, VOR; to Malad City, Idaho, VOR; MEA 11,000. •9,000—MCA Ogden VOR, northbound.

From Corinne, Utah, FM; to Ogden, Utah, VOR, southbound only; MEA 8,000.

Section 610.6025 *VOR Civil Airway 25* is amended to read in part:

From Point Reyes, Calif., VOR; to Geyserville INT, Calif.; MEA 6,000.

From •Geyserville INT, Calif.; to Lakeport INT, Calif.; MEA ••13,500. •13,500—MCA Geyserville INT, northbound. ••7,000—MOCA.

From Lakeport INT, Calif.; to •Red Bluff, Calif., VOR, southbound, MEA 13,500. Northbound, MEA 9,000. •5,000—MCA Red Bluff VOR, southbound.

Section 610.6026 *VOR Civil Airway 26* is amended to delete:

From Muskegon, Mich., VOR via S alter.; to Lansing, Mich., VOR via S alter.; MEA 2,200.

Section 610.6027 *VOR Civil Airway 27* is amended to read in part:

From Point Reyes, Calif., VOR; to Ukiah, Calif., VOR; MEA 6,000.

Section 610.6035 *VOR Civil Airway 35* is amended to read in part:

From Macon, Ga., VOR; to •Eatonton INT, Ga.; MEA ••2,600. •3,500—MRA. ••2,000—MOCA.

From Eatonton INT, Ga.; to •Madison INT, Ga.; MEA ••2,600. •3,500—MRA. ••2,000—MOCA.

From Madison INT, Ga.; to Athens INT, Ga.; MEA •2,600. •2,000—MOCA.

From Athens INT, Ga.; to Royston, Ga., VOR; MEA 2,000.

From Royston, Ga., VOR; to Clemson INT, S. C.; MEA 2,200.

From Clemson INT, S. C.; to Cleveland INT, S. C.; MEA 4,000.

From Cleveland INT, S. C.; to Asheville, N. C., VOR; MEA 6,000.

Section 610.6051 *VOR Civil Airway 51* is amended to read in part:

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,300.

From Folkston INT, Ga.; to •Waycross INT, Ga.; MEA 1,600. •2,000—MRA.

From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Atlanta, Ga., VOR via W alter.; to Kennesaw INT, Ga., via W alter.; MEA 3,000

From Kennesaw INT, Ga., via W alter.; to Chattanooga, Tenn., VOR via W alter.; MEA •4,000. •3,500—MOCA.

Section 610.6054 *VOR Civil Airway 54* is amended by adding:

From Muscle Shoals, Ala., VOR; to Huntsville, Ala., VOR; MEA 2,200.

From Huntsville, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 4,000.

Section 610.6054 *VOR Civil Airway 54* is amended to read in part:

From Murphy INT, N. C.; to Harris INT, N. C.; MEA •6,600. •5,700—MOCA.

From Harris INT, N. C.; to Cleveland INT, S. C.; MEA •8,000. •7,500—MOCA.

Section 610.6056 *VOR Civil Airway 56* is amended to read in part:

From Columbus, Ga., VOR; to •Hamilton INT, Ga.; MEA 1,800. •2,400—MRA.

From Hamilton INT, Ga.; to •Junction City INT, Ga.; MEA ••3,000. •3,000—MRA. ••2,400—MOCA.

From Junction City INT, Ga.; to Macon, Ga., VOR; MEA •3,000. •2,400—MOCA.

Section 610.6059 *VOR Civil Airway 59* is amended to delete:

From Evansville, Ind., VOR; to •Farina INT, Ill.; MEA 2,000.

From •Farina INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000. •3,100—MRA.

From Evansville, Ind., VOR via E alter.; to Vandalia, Ill., VOR via E alter.; MEA 2,000.

From Springfield, Ill., VOR; to Peoria, Ill., VOR, MEA 2,000.

From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,000.

From Bradford, Ill., VOR; to Moline, Ill., VOR; MEA 2,000.

Section 610.6066 *VOR Civil Airway 66* is amended to read in part:

From •San Diego, Calif., VOR; to Jamul, Calif., LF/RBN; MEA 8,000. •4,000—MCA San Diego VOR, eastbound.

From Jamul, Calif., LF/RBN; to •Seeley INT, Calif., MEA ••13,000. •10,000—MCA Seeley INT, westbound. ••8,000—MOCA.

From Seeley INT, Calif.; to Yuma, Ariz., VOR; MEA •8,000. •4,000—MOCA.

From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.

From Jamul, Calif., LF/RBN; to San Diego, Calif., VOR, westbound only; MEA 4,500.

Section 610.6068 *VOR Civil Airway 68* is amended to read in part:

From Corpus Christi, Tex., VOR; to Kingsville INT, Tex.; MEA 1,700.

From Kingsville INT, Tex.; to Brownsville, Tex., VOR; MEA 1,400.

Section 610.6077 *VOR Civil Airway 77* is amended to read in part:

From San Angelo, Tex., VOR; to Abilene, Tex., VOR; MEA 3,800.

Section 610.6095 *VOR Civil Airway 95* is amended to read in part:

From •Phoenix, Ariz., VOR; to Verde River INT, Ariz., northbound, MEA,11,000; southbound, MEA 7,500. •7,000—MCA Phoenix VOR, northeastbound.

From Verde River INT, Ariz.; to Winslow, Ariz., VOR; MEA 11,000.

Section 610.6097 *VOR Civil Airway 97* is amended to read in part:

From Albany, Ga., VOR; to •Junction City, INT, Ga.; MEA ••3,500. •3,000—MRA. ••1,600—MOCA.

From Junction City INT, Ga.; to Concord INT, Ga.; MEA •2,800. •2,200—MOCA.

From Concord INT, Ga.; to Atlanta, Ga., VOR; MEA •2,500. •2,000—MOCA.

From Norcross, Ga., VOR via E alter.; to Silver City INT, Ga., via E alter.; MEA 3,000.

From Silver City INT, Ga., via E alter.; to Harris INT, N. C., via E alter.; MEA 6,800.

From Harris INT, N. C., via E alter.; to •Rasar INT, Tenn., via E alter.; MEA 7,600. •7,000—MCA Rasar INT, southbound.

From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,500.

From Lake Forest INT, Ill.; to Fox Lake INT, Ill.; MEA •3,600. •2,100—MOCA.

Section 610.6105 *VOR Civil Airway 105* is amended to delete:

From Phoenix, Ariz., VOR; to Knob INT, Ariz., northbound, MEA 8,000; southbound, MEA 6,500.

From Knob INT, Ariz.; to Ranch INT, Ariz.; MEA 8,000.

From Ranch INT, Ariz.; to Prescott, Ariz., VOR; MEA 9,000.

Section 610.6105 *VOR Civil Airway 105* is amended by adding:

From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.

From Phoenix, Ariz., VOR via E alter; to Knob INT, Ariz., via E alter., northbound, MEA 8,000; southbound, MEA 6,500.

From Knob INT, Ariz., via E alter.; to Ranch INT, Ariz., via E alter.; MEA 8,000.

From Ranch INT, Ariz., via E alter.; to Prescott, Ariz., VOR via E alter.; MEA 9,000.

Section 610.6120 *VOR Civil Airway 120* is amended by adding:

From Augusta INT, Mont.; to •Great Falls, Mont., VOR eastbound only; MEA 7,000. •6,800—MCA Great Falls VOR, eastbound.

Section 610.6134 *VOR Civil Airway 134* is amended to read in part:

From Evergreen, Ala., VOR; to •Shady Grove INT, Ala.; MEA ••3,500. •3,500—MRA. ••2,100—MOCA.

From Shady Grove INT, Ala.; to Columbus, Ga., VOR; MEA •3,500. •2,100—MOCA.

Section 610.6140 *VOR Civil Airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to •Hartsville INT, Tenn.; MEA ••5,000. •5,000—MRA. ••3,400—MOCA.

From Hartsville INT, Tenn.; to Corbin, Ky., VAR; MEA •5,000. •3,400—MOCA.

Section 610.6154 *VOR Civil Airway 154* is amended to read in part:

From Columbus, Ga., VOR; to •Hamilton INT, Ga.; MEA 1,800. •2,400—MRA.

From Hamilton INT, Ga.; to •Junction City INT, Ga.; MEA ••3,000. •3,000—MRA. ••2,400—MOCA.

From Junction City INT, Ga.; to Macon, Ga., VOR; MEA •3,000. •2,400—MOCA.

Section 610.6174 *VOR Civil Airway 174* is amended by adding:

From Scotland, Ind., VOR; to •Mitchell INT, Ind.; MEA 2,000. •3,000—MRA.

Section 610.6185 *VOR Civil Airway 185* is amended to delete:

From Scotland, Ind., VOR; to •Mitchell INT, Ind.; MEA 2,000. Via E alter.; MEA 8,000. •3,000—MRA.

Section 610.6185 *VOR Civil Airway 185* is amended by adding:

From Asheville, N. C., VOR via E alter.; to Ottway INT, Tenn., via E alter.; MEA 8,000.

Section 610.6194 *VOR Civil Airway 194* is amended to read in part:

From Rocky Mount, N. C., VOR; to Cofield, N. C., VOR; MEA •1,400. •1,200—MOCA.

From Cofield, N. C., VOR; to Norfolk, Va., ILS Loc.; MEA 1,500.

Section 610.6208 *VOR Civil Airway 208* is amended by adding:

From •Oceanside, Calif., VOR; to Mesa Grande INT, Calif., eastbound, MEA 9,000; westbound, MEA 7,000. •5,000—MCA Oceanside VOR, eastbound.

From Mesa Grande INT, Calif.; to •Thermal, Calif.; VOR; MEA 11,000. •11,000—MCA Thermal VOR, southwestbound.

Section 610.6240 *VOR Civil Airway 240* is amended to read:

From •Dog INT, La.; to Mobile, Ala., VOR; MEA ••1,500. •3,900—MRA. ••1,400—MOCA.

Section 610.6241 *VOR Civil Airway 241* is added to read:

From La Grange INT, N. C.; to Cofield, N. C., VOR; MEA •3,000. •1,400—MOCA.

Section 610.6242 *VOR Civil Airway 242* is amended to read:

From Mobile, Ala., VOR; to Bon Secour INT, Ala.; MEA 1,600.

Section 610.6243 *VOR Civil Airway 243* is added to read:

From Chattanooga, Tenn., VOR; to Smithville INT, Tenn.; MEA 4,400.

From Smithville INT, Tenn.; to •Hartsville INT, Tenn.; MEA ••4,000. •5,000—MRA. ••3,500—MOCA.

From Hartsville INT, Tenn.; to Bowling Green, Ky., VOR; MEA •4,000. •3,500—MOCA.

Section 610.6404 *Hawaii VOR Civil Airway 4* is amended to read in part:

From Barbers Point, T. H., FM; to Honolulu, T. H., VOR; MEA 2,000.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 26, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-5278; Filed, July 3, 1956; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 778—OVERTIME COMPENSATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and General Order No. 45–A (15 F. R. 3290), Part 778, Subchapter B, Title 29, Code of Federal Regulations, is amended as follows:

1. Section 778.0 (a), 20th line, delete the word "new".

2. Footnote 1 to § 778.0 (a) is amended to read:

[1] 29 U. S. C. 201–219, 251–262.

3. Footnote 2 to § 778.0 (a) is amended to read:

[2] 29 U. S. C. 201–208, 211–217.

4. Footnote 4 to § 778.0 (a) is amended to read:

[4] 29 U. S. C. 251–262.

5. Footnote 6 to § 778.0 (c) is amended to read:

[6] Section 16 (c) of the Fair Labor Standards Amendments of 1949 (set out as note under 29 U. S. C. 208) provides:

Any order, regulation, or interpretation of the Administrator of the Wage and Hour Division or of the Secretary of Labor, and any agreement entered into by the Administrator or the Secretary, in effect under the provisions of the Fair Labor Standards Act of 1938, as amended, on the effective date of this act, shall remain in effect as an order, regulation, interpretation, or agreement of the Administrator or the Secretary, as the case may be, pursuant to this act, except to the extent that any such order, regulation, interpretation, or agreement may be inconsistent with the provisions of this act, or may from time to time be amended, modified, or rescinded by the Administrator or the Secretary, as the case may be, in accordance with the provisions of this act.

6. In footnote 12 to § 778.3 (a) delete the number and word "75 cents" and insert in place thereof the symbol and number "$1.00."

7. Section 778.3 (b) (1) is amended to read:

(1) *Hourly rate employee.* If the employee is employed solely on the basis of a single hourly rate, the hourly rate is his "regular rate." For his overtime work he must be paid, in addition to his straight-time hourly earnings, a sum determined by multiplying one-half the hourly rate by the number of hours worked in excess of 40 in the week. Thus, a $1.40 hourly rate will bring, for an employee who works 46 hours, a total weekly wage of $68.60 (46 hours at $1.40 plus 6 hours at 70 cents). In other words, the employee is entitled to be paid an amount equal to $1.40 an hour for 40 hours and $2.10 an hour for the 6 hours of overtime, or a total of $68.60.

If, in addition to the earnings at the hourly rate, a production bonus of $4.60 is paid, the regular hourly rate of pay is $1.50 an hour (46 hours at $1.40 yields $64.40; the addition of the $4.60 bonus makes a total of $69; this total divided by 46 hours yields a rate of $1.50). The employee is then entitled to be paid a total wage of $73.50 for 46 hours (46 hours at $1.50 plus 6 hours at 75 cents, or 40 hours at $1.50 plus 6 hours at $2.25).

8. Section 778.3(b)(2) is amended to read:

(2) *Pieceworker.* When an employee is employed on a piece-rate basis, his regular hourly rate of pay is computed by adding together his total weekly earnings from piece rates and all other sources (such as production bonuses) and any sums paid for waiting time or other hours worked (except statutory exclusions). This sum is then divided by the number of hours worked in the week for which such compensation was paid, to yield the pieceworker's "regular rate" for that week. For his overtime work the pieceworker is entitled to be paid, in addition to his total weekly earnings, a sum equivalent to one-half this regular rate of pay multiplied by the number of hours worked in excess of 40 in the week.[14] Only additional half-time pay is required in such cases since the employee has already received straight-time compensation at piece rates for all hours worked. Thus, if the employee has earned $66 at piece rates for 46 hours of productive work and in addition has been compensated at $1. an hour for 4 hours of waiting time, his total compensation—$70—must be divided by his total hours of work—50—to arrive at his regular hourly rate of pay—$1.40. For the 10 hours of overtime the employee is entitled to additional compensation of $7 (10 hours at 70 cents). For the week's work he is thus entitled to a total of $77 (which is equivalent to 40 hours at $1.40 plus 10 overtime hours at $2.10).

In some cases an employee is hired on a piece-rate basis coupled with a minimum hourly guaranty. Where the total piece-rate earnings for the week fall short of the amount that would be earned for the total hours at the guaranteed rate, the employee is paid the difference. In such weeks the employee is in fact paid at an hourly rate and the minimum hourly guaranty which he was paid is his regular rate in that week. In the example just given, if the employee was guaranteed $1.50 an hour for productive working time, he would be paid $69 (46 × $1.50) for the 46 hours of productive work (instead of the $66 earned at piece rates). In a week in which no waiting time was involved, he would be owed an additional 75 cents (half-time) for each of the 6 overtime hours worked, to bring his total compensation up to $73.50 (46 hours at $1.50 plus 6 hours at 75 cents or 40 hours at $1.50 plus 6 hours at $2.25). If he is paid at a different rate for waiting time, his regular rate is the weighted average of the two hourly rates.[15]

9. Section 778.3 (b) (4) is amended to read:

(4) *Salaried employees—general.* If the employee is employed solely on a weekly salary basis, his regular hourly rate of pay, on which time and a half must be paid, is computed by dividing the salary by the number of hours which the salary is intended to compensate. If an employee is hired at a salary of $56 and if it is understood that this salary is compensation for a regular workweek of 35 hours, the employee's regular rate of pay is $56 divided by 35 hours, or $1.60 and hour, and when he works overtime he is entitled to receive $1.60 for each of the first 40 hours and $2.40 (one and one-half times $1.60) for each hour thereafter. If an employee is hired at a salary of $56 for a 40-hour week, his regular rate is $1.40 an hour. If his salary is $56 for a 50-hour week, his regular rate is $1.12 per hour. Where the salary covers a period longer than a workweek, such as a month, it must be reduced to its workweek equivalent. A monthly salary is subject to translation to its equivalent weekly wage by multiplying by 12 (the number of months) and dividing by 52 (the number of weeks). A semimonthly salary is translated into its equivalent weekly wage by multiplying by 24 and dividing by 52. Once the weekly wage is arrived at, the regular hourly rate of pay will be calculated as indicated above.[16] Under regulations of the Administrator, pursuant to the authority given to him in section 7 (f) (3) of the act, the parties may provide that the regular rate shall be determined by dividing the monthly salary by the number of working days in the month and then by the number of hours of the normal or regular workday. Of course, the resultant rate in such a case must not be less than the statutory minimum of $1 per hour.

10. Section 778.3 (b) (5) is amended to read:

(5) *Salaried employees; irregular hours.* If an employee earns $66 per week with the understanding that the salary is to cover all hours worked and if his hours of work fluctuate from week to week, his regular rate of pay will vary from week to week and will be the average hourly rate each week. Suppose that during the course of four weeks the employee works 40, 44, 50, and 47 hours. His regular hourly rate of pay in each of these weeks is approximately $1.65, $1.50, $1.32, and $1.40, respectively. Since the employee has already received straight-time compensation on a salary basis for all hours worked, only additional half-time pay is due. For the first week the employee is entitled to be paid $66; for the second week $69 ($66 plus 4 hours at 75 cents) or (40 hours at $1.50 plus 4 hours at $2.25); for the third week $72.60 ($66 plus 10 hours at 66 cents) or (40 hours at $1.32 plus 10 hours at $1.98); for the fourth week approximately $70.90 ($66 plus 7 hours at 70 cents) or (40 hours at $1.40 plus 7 hours at $2.10).

11. In § 778.3 (c) delete the number and word "75 cents" and insert in place thereof the symbol and number "$1.00".

12. Section 778.5 (b), delete the second paragraph which begins with word "Thus", and ends with the word "act", and insert in place thereof the following:

Thus, if an employee is hired at the rate of $1.20 an hour and receives, as overtime compensation under his contract, $1.60 per hour for each hour actually worked in excess of 8 per day, his employer may credit the total of the extra 40-cent payments thus made for daily overtime hours against the overtime compensation which is due under the statute for hours in excess of 40 in that workweek. If the same contract further provided for the payment of $2 for hours in excess of 12 per day, the extra 80-cent payments could likewise be credited toward overtime compensation due under the act. Similarly, where the employee's normal or regular daily or weekly working hours are greater or less than 8 hours and 40 hours respectively and his contract provides for the payment of premium rates for work in excess of such normal or regular hours of work for the day or week (such as 7 in a day or 35 in a week) the extra compensation provided by such premium rates, paid for excessive hours, is a true overtime premium to be excluded from the regular rate and it may be credited towards overtime compensation due under the act.[20]

[14] For an alternative method of complying with the overtime requirements of the act as far as pieceworkers are concerned, see § 778.19 (b).

[15] See § 778.3 (c).

[16] The regular rate of an employee who is paid a regular monthly salary of $173.34, or a regular semimonthly salary of $86.67 for 40 hours a week, is thus found to be $1.00 per hour. The Administrator has announced that, as an enforcement policy, he will consider that payment of such regular monthly or semimonthly salary is in accordance with the minimum wage requirements of the Act.

[20] To qualify as overtime premiums under section 7 (d) (5), the daily overtime premium payments must be made for hours in excess of 8 hours per day or the employee's normal or regular working hours. If the normal workday is artificially divided into a "straight time" period to which one rate is assigned, followed by a so-called "overtime" period for which a higher "rate" is specified, the arrangement will be regarded as a device to contravene the statutory purposes and the premiums will be considered part of the regular rate. For a fuller discussion of this problem, see § 778.22.

13. Section 778.5 (c) (1) is amended to read:

(1) *Premiums for weekend and holiday work.* The application of section 7 (d) (6) may be illustrated by the following example: Suppose an agreement of employment calls for the payment of $1.65 an hour for all hours worked on a holiday or on Sunday in the operation of machines whose operators are paid a bona fide hourly rate of $1.10 for like work performed during nonovertime hours on other days. Suppose further that the workweek of such an employee begins at 12:01 a. m. Sunday, and in a particular week he works a schedule of 8 hours on Sunday and on each day from Monday through Saturday, making a total of 56 hours worked in the workweek. Tuesday is a holiday. The payment of $70.40 to which the employee is entitled under the employment agreement will satisfy the requirements of the act since the employer may properly exclude from the regular rate the extra $4.40 paid for work on Sunday and the extra $4.40 paid for holiday work and credit himself with such amount against the statutory overtime premium required to be paid for the 16 hours worked over 40.

14. Section 778.5 (c) (2) is amended to read:

(2) *Premiums for work outside basic workday or workweek.* The effect of section 7 (d) (7) where "clock pattern" premiums are paid may be illustrated by reference to provisions typical of the applicable collective-bargaining agreements traditionally in effect between employers and employees in the longshore and stevedoring industries. These agreements specify straight-time rates applicable during the hours established in good faith under the agreement as the basic, normal, or regular workday and workweek. Under one such agreement, for example, such workday and workweek are established as the first six hours of work, exclusive of mealtime, each day, Monday through Friday, between the hours of 8 a. m. and 5 p. m. Under another typical agreement, such workday and workweek are established as the hours between 8 a. m. and 12 noon and between 1 p. m. and 5 p. m., Monday through Friday. Work outside such workday and workweek is paid for at premium rates not less than one and one-half times the bona fide straight-time rates applicable to like work when performed during the basic, normal, or regular workday or workweek. The extra compensation provided by such premium rates will be excluded in computing the regular rate at which the employees so paid are employed and may be credited toward overtime compensation due under the Fair Labor Standards Act. For example, if an employee is paid $1.40 an hour under such an agreement for handling general cargo during the basic, normal, or regular workday and $2.10 per hour for like work outside of such workday, the extra 70 cents will be excluded from the regular rate and may be credited to overtime pay due under the act. Similarly, if the straight-time rate established in good faith by the contract should be higher because of handling dangerous or obnoxious cargo, recognition of skill differentials, or similar reasons, so as to be $2 an hour during the hours established as the basic or normal or regular workday or workweek, and a premium rate of $3 an hour is paid for the same work performed during other hours of the day or week, the extra $1 may be excluded from the regular rate of pay and may be credited toward overtime pay due under the act. Similar principles are applicable where agreements following this general pattern exist in other industries.

15. Section 778.7 (d) (1) is amended to read:

(1) An employee whose rate of pay is $1.30 an hour and who usually works a 6-day 48-hour week is entitled, under his employment contract, to a week's paid vacation in the amount of his usual straight-time earnings—$62.40. He foregoes his vacation and works 50 hours in the week in question. He is owed $65 as his total straight-time earnings for the week, and $62.40 in addition as his vacation pay. Under the statute he is owed an additional $6.50 as overtime premium (additional half-time) for the 10 hours in excess of 40. His rate of $1.30 per hour has not been increased by virtue of the payment of $62.40 vacation pay, but no part of the $62.40 may be offset against the statutory overtime compensation which is due. (Nothing in this example is intended to imply that the employee has a statutory right to $62.40 or any other sum as vacation pay.[20] This is a matter of private contract between the parties who may agree that vacation pay will be measured by straight-time earnings for any agreed number of hours or days, or by total normal or expected take-home pay for the period or that no vacation pay at all will be paid. The example merely illustrates the proper method of computing overtime for an employee whose employment contract provides $62.40 vacation pay.)

16. Section 778.7 (d) (2) is amended to read:

(2) An employee, who is entitled, under his employment contract, to 8 hours' pay at his rate of $1.30 an hour for the Christmas holiday, foregoes his holiday and works 9 hours on that day. During the entire week he works a total of 50 hours. He is paid, under his contract, $65 as straight-time compensation for 50 hours plus $10.40 as idle holiday pay. He is owed, under the statute, an additional $6.50 as overtime premium (additional half-time) for the 10 hours in excess of 40. His rate of $1.30 per hour has not been increased by virtue of the holiday pay but no part of the $10.40 holiday pay may be credited toward statutory overtime compensation due.

The latter example should be distinguished from a situation in which an employee is entitled to idle holiday pay only when he is actually idle on the holiday, and who, if he foregoes his holiday also, under his contract, foregoes his idle holiday pay. The typical situation is one in which an employee is entitled by contract to 8 hours' pay at his rate of $1.30 an hour for certain named holidays when no work is performed. If, however, he is required to work on such days, he does not receive his idle holiday pay. Instead he receives a premium rate of $1.95 (time and one-half) for each hour worked on the holiday. If he worked 9 hours on the holiday and a total of 50 hours for the week, he would be owed, under his contract, $17.55 (9 × $1.95) for the holiday work and $53.30 for the other 41 hours worked in the week, a total of $70.85. Under the statute (which does not require premium pay for a holiday) he is owed $71.50 for a workweek of 50 hours at a rate of $1.30 an hour. Since the holiday premium qualifies as an overtime premium under section 7 (d) (6)[21] the employer may credit it toward statutory overtime compensation due and need pay the employee only the additional sum of 65 cents to meet the statutory requirements.

If all other conditions remained the same but the contract called for the payment of $2.60 (double time) for each hour worked on the holiday, the employee would receive, under his contract, $23.40 (9×$2.60) for the holiday work in addition to $53.30 for the other 41 hours worked, a total of $76.70. Since this holiday premium is an overtime premium under section 7 (d) (6), the employer may credit it toward statutory overtime compensation due. Since the total paid exceeds the statutory requirements, no additional compensation is due under the act. In distinguishing this situation from that in example (2) above, it should be noted that the contract provisions in the two situations are different and result in the payment of different amounts. In example (2) the employee received a total of $22.10 attributable to the holiday (8 hours' idle holiday pay at $1.30 an hour and $11.70 pay for 9 hours' work on the holiday). In the situation discussed in this paragraph the employee received $23.40 pay for the holiday—double time for 9 hours of work. Thus, clearly, all of the pay in this situation is paid for and directly related to the number of hours worked on the holiday.

17. Section 778.7 (e) is amended to read:

(e) *"Show-up" and "call-back" pay.* Under some employment agreements, an employee may be paid a minimum of a specified number of hours' pay at the applicable straight-time or overtime rate on infrequent and sporadic occasions when, after reporting to work at his scheduled starting time on a regular workday or on another day on which he has been scheduled to work, he is not provided with the expected amount of work. The amounts that may be paid under such an agreement over and above what the employee would receive if paid at his customary rate only for the number of hours worked are paid to compensate the employee for the time wasted by him in reporting for work and to prevent undue loss of pay resulting from the employer's failure to provide ex-

[20] On the requirements of the act, see Part 777 as to minimum wage; §778.2 (b) of this chapter as to overtime pay.

[21] See § 778.5 (c).

pected work during regular hours. One of the primary purposes of such an arrangement is to discourage employers from calling their men in to work for only a fraction of a day when they might get full-time work elsewhere. Pay arrangements of this kind are commonly referred to as "show-up" or "reporting" pay. Under the principles and subject to the conditions set forth in §§ 778.3 to 778.5, that portion of such payment which represents compensation at the applicable rates for the straight-time or overtime hours actually worked, if any, during such period may be credited as straight-time or overtime compensation, as the case may be, in computing overtime compensation due under the act. The amount by which the specified number of hours' pay exceeds such compensation for the hours actually worked is considered as a payment that is not made for hours worked. As such, it may be excluded from the computation of the employee's regular rate and cannot be credited toward statutory overtime compensation due him.

To illustrate, assume that an employee whose workweek begins on Monday and who is paid $1.30 an hour reports for work on Monday according to schedule and is sent home after being given only 2 hours of work. He then works 8 hours each day on Tuesday through Saturday, inclusive, making a total of 42 hours for the week. The employment agreement covering the employees in the plant, who normally work 8 hours a day, Monday through Friday, provides that an employee reporting for scheduled work on any day will receive a minimum of 4 hours' work or pay. The employee thus receives not only the $2.60 earned in the 2 hours of work on Monday but an extra 2 hours' "show-up" pay, or $2.60 by reason of this agreement. However, since this $2.60 in "show-up" pay is not regarded as compensation for hours worked, the employee's regular rate remains $1.30 and the overtime requirements of the Act are satisfied if he receives, in addition to the $54.60 straight-time pay for 42 hours and the $2.60 "show-up" payment, the sum of $1.30 as extra compensation for the 2 hours of overtime work on Saturday.

In the interest of simplicity and uniformity, these principles will be applied also with respect to typical minimum "call-back" or "call-out" payments made pursuant to employment agreements. Typically, such minimum payments consist of a specified number of hours' pay at the applicable straight-time or overtime rates which an employee receives on infrequent and sporadic occasions when, after his scheduled hours of work have ended and without prearrangement, he responds to a call from his employer to perform extra work.

The application of these principles to call-back payments may be illustrated as follows: An employment agreement provides a minimum of 3 hours' pay at time and one-half for any employee called back to work outside his scheduled hours. The employees covered by the agreement normally work 8 hours each day, Monday through Friday, inclusive, in a workweek beginning on Monday, and are paid overtime compensation at time and one-half for all hours worked in excess of 8 in any day or 40 in any workweek. Assume that an employee covered by this agreement and paid at the rate of $1.30 an hour works 1 hour overtime or a total of 9 hours on Monday, and works 8 hours each on Tuesday through Friday, inclusive. After he has gone home on Friday evening he is called back to perform an emergency job. His hours worked on the call total 2 hours and he receives 3 hours' pay at time and one-half, or $5.85, under the call-back provision, in addition to $52 for working his regular schedule and $1.95 for the overtime worked on Monday evening.

In computing overtime compensation due this employee under the act, the 43 actual hours (not 44) are counted as working time during the week. In addition to $55.90 pay at the $1.30 rate for all these hours, he has received under the agreement a premium of 65 cents for the one overtime hour on Monday and of $1.30 for the 2 hours of overtime work on the call, plus an extra sum of $1.95 paid by reason of the provision for minimum call-back pay. For purposes of the act, the extra premiums paid for actual hours of overtime work on Monday and on the Friday call (a total of $1.95) may be excluded as true overtime premiums in computing his regular rate for the week and may be credited toward compensation due under the act, but the extra $1.95 received under the call-back provision is not regarded as paid for hours worked; therefore, it may be excluded from the regular rate, but it cannot be credited toward overtime compensation due under the act. The regular rate of the employee, therefore, remains $1.30, and he has received an overtime premium of 65 cents an hour for 3 overtime hours of work. This satisfies the requirements of section 7 of the act. The same would be true, of course, if, in the foregoing example, the employee was called back outside his scheduled hours for the 2-hour emergency job on another night of the week or on Saturday or Sunday, instead of on Friday night.

18. Footnote 32 to § 778.7 (f) is amended to read:

[32] See Part 785 (Interpretative Bulletin on "hours worked"). For a discussion of travel time in particular and preliminary and postliminary activities in general as working time see Part 790 (statement on effect of Portal-to-Portal Act of 1947).

19. Section 778.9 (b) is amended to read:

(b) *Effect on salary for fixed workweek.* If an employee was hired at a salary of $56 for a fixed workweek of 40 hours, his regular rate at the time of hiring was $1.40 per hour. If his workweek is later reduced to a fixed workweek of 35 hours while his salary remains the same, it is the fact that it now takes him only 35 hours to earn $56, so that he earns his salary at the average rate of $1.60 per hour. His regular rate thus becomes $1.60 per hour; it is no longer $1.40 an hour. Overtime pay is due under the act only for hours worked in excess of 40, not 35, but if the understanding of the parties is that the salary of $56 now covers 35 hours of work and no more, the employee would be owed $1.60 per hour under his employment contract for each hour worked between 35 and 40. He would be owed time and one-half of $1.60 ($2.40) per hour, under the statute, for each hour worked in excess of 40 in the workweek. In weeks in which no overtime is worked only the provisions of section 6 of the act, requiring the payment of not less than $1.00 per hour, apply, so that the employee's right to receive $1.60 per hour is enforceable only under his contract. However, in overtime weeks the Administrator has the duty to insure the payment of time and one-half the employee's regular rate of pay for hours in excess of 40 and overtime cannot be said to have been paid until all straight-time compensation due the employee under the statute or his employment contract has been paid. Thus if the employee works 41 hours in a particular week, he is owed his salary for 35 hours—$56, 5 hours pay at $1.60 per hour for the 5 hours between 35 and 40—$8, and one hour's pay at $2.40 for the one hour in excess of 40—$2.40, or a total of $66.40 for the week.

20. Section 778.9 (c) is amended to read:

(c) *Effect if salary is for variable workweek.* The discussion in the prior paragraph sets forth one result of reducing the workweek from 40 to 35 hours. It is not either the necessary result or the only possible result. As in all cases of employees hired on a salary basis, the regular rate depends in part on the agreement of the parties as to what the salary is intended to compensate. In reducing the workweek to 35 hours the parties may agree to change the basis of the employment arrangement by providing that the salary which formerly covered a fixed workweek of 40 hours now covers a variable workweek up to 40 hours. If this is the new agreement, the employee receives $56 for workweeks of varying lengths, such as 35, 36, 38, or 40 hours. His rate thus varies from week to week, but in weeks of 40 hours or over, it is $1.40 per hour (since the agreement of the parties is that the salary covers up to 40 hours and no more) and his overtime rate, for hours in excess of 40, thus remains $2.10 per hour. Such a salary arrangement presumably contemplates that the salary will be paid in full for any workweek of 40 hours or less. The employee would thus be entitled to his full salary if he worked only 25 or 30 hours. No deductions for hours not worked in short workweeks would be made.[33]

21. Section 778.9 (e) is amended to read:

(e) *Effect on salary covering more than 40 hours' pay.* The same reasoning applies to salary covering straight-time pay for a longer workweek. If an employee was hired at a fixed salary of $77 for 55 hours of work, he was entitled to statutory overtime for the 15 hours in excess of 40 at the rate of 70 cents per hour (half-time) in addition to his salary. If the workweek is later reduced to 50 hours, with the understanding between the parties that the salary covers all hours up to 55, his regular rate in any week of 55 hours or less is determined by dividing the salary by the number of hours worked to earn it in that particular week, and additional half-time, at that rate, is due for each hour in excess of 40. In weeks of 55 hours or more, his regular rate is $1.40 per hour. If the understanding of the parties is that the salary now covers a fixed workweek of 50 hours, his regular rate is $1.54 per hour in all weeks. This assumes that when an employee works less than 50 hours in a particular week, deductions are made at the rate of $1.54 per hour for the hours not worked.

[33] For a discussion of the effect of deductions on the regular rate, see § 778.12.

The reasoning does not, of course, apply to a situation in which the former earnings at both straight-time and overtime are paid to the employee for the reduced workweek. Suppose an employee was hired at an hourly rate of $1.40 an hour and regularly worked 50 hours, earning $77 as his total straight-time and overtime compensation, and the parties now agree to reduce the workweek to 45 hours without any reduction in take-home pay. The parties in such a situation may agree to an increase in the hourly rate from $1.40 per hour to $1.62 so that for a workweek of 45 hours (the reduced schedule) the employee's straight-time and overtime earnings will be $77. The parties cannot, however, agree that the employee is to receive exactly $77 as total compensation (including overtime pay) for a workweek varying, for example, up to 50 hours, unless he does so pursuant to contracts specifically permitted in section 7 (e) of the act, as discussed in § 778.18. An employer cannot otherwise discharge his statutory obligation to pay overtime compensation to an employee who does not work the same fixed hours each week by paying a fixed amount purporting to cover both straight-time and overtime compensation for an "agreed" number of hours. To permit such a practice without proper statutory safeguards would result in sanctioning the circumvention of the provisions of the act which require that an employee who works more than 40 hours in any workweek be compensated, in accordance with express Congressional intent, at time and one-half his regular rate of pay for the burden of working long hours. In arrangements of this type, no additional financial pressure would fall upon the employer and no additional compensation would be due to the employee under such a plan until the workweek exceeded 50 hours.

22. Section 778.9 (f) is amended to read:

(f) *Temporary or sporadic reduction in schedule.* The problem of reduction in the workweek is somewhat different where a temporary reduction is involved. Reductions for the period of a dead or slow season follow the rules announced above. However, reduction on a more temporary or sporadic basis presents a different problem. It is obvious that as a matter of simple arithmetic an employer might adopt a series of different rates for the same work, varying inversely with the number of overtime hours worked in such a way that the employee would earn no more than his straight-time rate no matter how many hours he worked. If he set the rate at $1.40 per hour for all workweeks in which the employee worked 40 hours or less, approximately $1.38 per hour for workweeks of 41 hours, approximately $1.37 for workweeks of 42 hours, approximately $1.27 for workweeks of 50 hours, and so on, the employee would always receive (for straight time and overtime at these "rates") $1.40 an hour regardless of the number of overtime hours worked. This is an obvious bookkeeping device designed to avoid the payment of overtime compensation and is not in accord with the law. The regular rate of pay of this employee for overtime purposes is, obviously, the rate he earns in the normal non-overtime week—in this case, $1.40 per hour.

The situation is different in degree but not in principle where employees who have been hired at a bona fide $1.60 rate usually working 50 hours and taking home $88 as total straight-time and overtime pay for the week are, during occasional weeks, cut back to 42 hours. If the employer raises their rate to $2 for such weeks so that their total compensation is $86 for a 42-hour week the question may properly be asked, when they return to the 50-hour week, the $1.60 rate and the gross pay of $88, whether the $1.60 rate is really their regular rate. Are they putting in 8 additional hours of work for that extra $2 or is their "regular" rate really now $2 an hour since this is what they earn in the short workweek? It seems clear that where different rates are paid from week to week for the same work and where the difference is justified by no factor other than the number of hours worked by the individual employee—the longer he works the lower the rate—the device is evasive and the rate actually paid in the shorter or non-overtime week is his regular rate for overtime purposes in all weeks.

23. Section 778.10, computation number (3), is amended to read:

(3) Suppose that, in the example given, the employee worked 5 hours on Sunday, March 11, 1956. His workweek commenced at 7 a. m. on Monday, March 5th, and he worked 40 hours March 5th through 10th so that for that week he would be owed straight-time and overtime compensation for 45 hours. The proposal is to commence the workweek at 7 a. m. on March 11th. In the week from Sunday, March 11, through Saturday, March 17, the employee worked a total of 40 hours, including the 5 hours worked on Sunday. It is obvious that the allocation of the Sunday hours to the old workweek will result in higher total compensation to the employee for the 13-day period. He should, therefore, be paid (if his rate were $1.40 an hour) $66.50 for the period from March 5th through March 11th, and $49 for the period from March 12th through March 17th.

The fact that this method of compensation is permissible under the Fair Labor Standards Act will not alter any obligation the employer may have under his employment contract to pay a greater amount of overtime compensation for the period in question.

24. Section 778.12, paragraph beginning with the words "the reductions" and ending with the word "altered" is amended to read:

The reductions in pay described in category (4) are not, properly speaking, "deductions" at all. If an employee is compensated at a fixed salary for a fixed workweek and if this salary is reduced by the amount of the average hourly earnings for each hour lost by the employee in a short workweek, the employee is, for all practical purposes, employed at an hourly rate of pay. This hourly rate is the quotient of the fixed salary divided by the fixed number of hours it is intended to compensate. If an employee is hired at a fixed salary of $56 for a 40-hour week, his hourly rate is $1.40. When he works only 36 hours he is therefore entitled to $50.40. The employer makes a "deduction" of $5.60 from his salary to achieve this result. The rate is not altered.

25. Section 778.12, last paragraph beginning with the words "where deductions," 3d from last line, delete the number and symbol "75¢" and insert in place thereof the symbol and number "$1.00".

26. Footnote 39 to § 778.13 (b) is amended to read:

[39] The time spent by the employee in competing for such a prize (whether successfully or not) is working time and must be counted as such in determining overtime compensation due under the act.

27. Section 778.14 is amended to read:

§ 778.14 *Lump sum attributed to overtime.* Section 7 of the act requires the payment of overtime compensation for hours worked in excess of 40 at a rate not less than one and one-half times the regular rate. The overtime rate is a rate per hour.

Where employees are paid on some basis other than an hourly rate, the regular hourly rate is derived by dividing the total compensation (except statutory exclusions) by the total hours of work for which the payment is made. To qualify as an overtime premium under section 7 (d) (5), (6) or (7), however, the extra compensation must be paid pursuant to a premium rate which is a rate per hour.[40] To qualify under section 7 (d) (5) this rate must be greater than the regular rate, either a fixed amount per hour or a multiple of the rate, such as time and one-third. To qualify under section 7 (d) (6) or (7) the rate may not be less than time and one-half the bona fide rate established in good faith for like work performed during nonovertime hours. It may not be less than time and one-half but it may be more. It may be a standard multiple greater than one and one-half (for example, double time); or it may be a fixed sum of money per hour which is,

[40] Sections 7 (e) and 7 (f) of the act provide for special exceptions from this rule. These are discussed in §§ 778.18, 778.19, and 778.20.

as an arithmetical fact, at least time and one-half the regular rate (for example, if the regular rate is $2 per hour, the overtime rate may not be less than $3 but it may be set at a higher arbitrary figure such as $3.20 per hour).

Where an employee works a regular fixed number of hours each week, it is, of course, proper to pay him a fixed sum, for his overtime work, determined by multiplying his overtime rate by the number of overtime hours, regularly worked. However, a premium in the form of a lump sum which is paid for work performed during overtime hours without regard to the number of overtime hours worked does not qualify as an overtime premium even though the amount of money may be equal to or greater than the sum owed on a per-hour basis. For example, an agreement that provides for the payment of a flat sum of $20 to employees who work on Sunday does not provide a premium which will qualify as an overtime premium, even though the employee's straight-time rate is $1 30 an hour and the employee always works less than 10 hours on Sunday. Likewise, where an agreement provides for the payment for work on Sunday of either the flat sum of $20 or time and one-half the employee's regular rate for all hours worked on Sunday, whichever is greater, the $20 guaranteed payment is not an overtime premium. The reason for this is clear. If the rule were otherwise, an employer desiring to pay an employee a fixed salary regardless of the number of hours worked in excess of 40 in the workweek could merely label as overtime pay a fixed portion of such salary sufficient to take care of compensation for the maximum number of hours that would be worked. The Congressional purpose to effectuate a maximum hours standard by placing a penalty upon the performance of excessive overtime work would thus be defeated. For this reason, where extra compensation is paid in the form of a lump sum for work performed in overtime hours, it must be included in the regular rate and may not be credited against statutory overtime compensation due.

The same reasoning applies where employees are paid a flat rate for a special job performed during overtime hours, without regard to the time actually consumed in performance.[41] The total amount paid must be included in the regular rate; no part of the amount may be credited toward statutory overtime compensation due.

It may be helpful to give a specific example illustrating the results of paying an employee on the basis under discussion.

An employment agreement calls for the payment of $1.50 per hour for work during the hours established in good faith as the basic workday or workweek; it provides for the payment of $2.25 per hour for work during hours outside the basic workday or workweek. It further provides that employees doing a special task outside the basic workday or workweek shall receive 6 hours' pay at the rate of $2.25 per hour (a total payment of $13.50) regardless of the time actually consumed in performance.

Suppose an employee works the following schedule. (The hours marked by an asterisk were spent in the performance of the special work.)

	M	T	W	T	F	S	S
Hours within basic workday	8	8	7	8	8	0	0
Pay under contract	$12	$12	$10.50	$12	$12	0	0
Hours outside basic workday	2	*2	1	0	0	4	0
Pay under contract	$4.50	$13.50	$2.25	0	0	$9	0

To determine the regular rate, the total compensation (except statutory exclusions) must be divided by the total number of hours worked. The only sums to be excluded in this situation are the extra premiums provided by a premium rate (a rate per hour) for work outside the basic workday and workweek, which qualify for exclusion under section 7 (d) (7) of the act.[42] The $4.50 paid on Monday, the $2.25 paid on Wednesday and the $9 paid on Saturday are paid pursuant to rates which qualify as premium rates under section 7 (d) (7) of the act. The total extra compensation (over the straight-time pay for these hours) provided by these premium rates is $5.25. The sum of $5.25 should be subtracted from the total of $87.75 paid to the employee. No part of the $13.50 paid for the special work performed on Tuesday qualifies for exclusion. The remaining $82.50 must thus be divided by 48 hours to determine the regular rate—$1.72 per hour. The employee is owed one-half this rate for each of 8 overtime hours worked—$6.88. The extra compensation in the amount of $5.25 paid pursuant to premium rates which qualify as overtime premiums may be credited toward the $6.88 owed. No part of the $13.50 premium may be so credited. The employer must pay the employee an additional $1.63 as statutory overtime pay—a total of $89.38 for the week.

28. In § 778.15 delete from the paragraph beginning with the words "The employment agreement establishes a basic hourly rate" to the end of the section, and insert in place thereof the following:

The employment agreement establishes a basic hourly rate of $1.50 per hour, provides for the payment of $2.25 per hour for overtime work (in excess of the basic workday or workweek) and defines the basic workday as 8 hours, and the basic workweek as 40 hours, Monday through Friday. It further provides that the assembling of a machine constitutes a day's work. An employee who completes the assembling job in less than 8 hours will be paid 8 hours' pay at the established rate of $1.50 per hour and will receive pay at the "overtime" rate for hours worked after the completion of the task.

Suppose an employee works the following hours in a particular week:

	M	T	W	T	F	S	S
Hours spent on task	6	7	7	9	8½	6	0
Day's pay under contract	$12	$12	$12	$12	$12	$18	0
Additional hours	2	----	2	----	½	----	----
Additional pay under contract	$4.50	----	$4.50	$2.25	$2.25	----	----

The employee has actually worked a total of 48 hours and has received a total of $91.50 for the week. The only sums which can be excluded from this total before the regular rate is determined are the extra 75-cent payments for the extra hour on Thursday and Friday made because of work actually in excess of 8 hours. The other premium rates were paid either without regard to whether or not the hours they compensated were in excess of a bona fide daily or weekly standard or without regard to the number of overtime hours worked. Only the sum of $1.50 is excluded from the total. The remaining $90 is divided by 48 hours to determine the regular rate—$1.875 per hour. One-half this rate is due as extra compensation for each of the 8 overtime hours—$7.50. The $1.50 paid for excessive hours may be credited and the balance—$6.00—is owed in addition to the $91.50 due under the contract.

29. In § 778.16 delete the third paragraph which begins with the words "An agreement not" and ends with the words "under the Act", and insert in place thereof the following:

An agreement not to compensate employees for certain nonovertime hours stands on no better footing since it would have the same effect of diminishing the employee's total overtime compensation. An agreement, for example, to pay an employee $1.50 an hour for the first 35 hours, nothing for the hours between 35 and 40 and $2.25 an hour for the hours in excess of 40 would not meet the overtime requirements of the act. The employee would have to be paid $7.50 for the 5 hours worked between 35 and 40 before any sums ostensibly paid for overtime could be credited toward overtime compensation due under the act.

30. Section 778.18 (d), second paragraph which begins with the words "The regular rate of pay", delete the number and word "75 cents" and insert in place thereof the symbol and number "$1.00".

31. Section 778.18 (f), delete the fourth paragraph which begins with the words "the amount of weekly pay", and insert in place thereof the following:

The amount of weekly pay guaranteed may not exceed compensation due at the specified regular rate for 40 hours and at the specified overtime rate for 20 additional hours. Thus, if the specified regular rate is $1.50 an hour the weekly guaranty cannot be greater than $105. This does not mean that an employee employed pursuant to a guaranteed pay contract under this section may not work more than 60 hours in any week; it means merely that pay in an amount

[41] This situation is to be distinguished from "show-up" and "call-back" pay situations discussed in § 778.7 (e). It is also to be distinguished from payment at time and one-half the applicable rate to pieceworkers for work performed during overtime hours, as discussed in § 778.19.

[42] As discussed in § 778.5 (d).

sufficient to compensate for a greater number of hours cannot be covered by the guaranteed pay. If he works in excess of 60 hours he must be paid, for each hour worked in excess of 60, overtime compensation as provided in the contract, in addition to the guaranteed amount.

32. Section 778.18 (f), delete the 6th paragraph which begins with the words "The guaranty of pay", and insert in place thereof the following:

The guaranty of pay must be "based on the rates so specified," in the contract. If the contract specified a regular rate of $1.50, and an overtime rate of $2.25 and guarantees pay for 50 hours, the amount of the guaranty must be $82.50, if it is to be based on the rate so specified. A guaranty of $100 in such a situation would not, obviously, be based on the rates specified in the contract.

33. Section 778.18 (f), in the 7th paragraph which begins with the words "Moreover, a contract", delete the symbol and number "$75" and insert in place thereof the symbol and number "$100".

34. Section 778.18 (g), in the 2d paragraph which begins with the words "As a guide to employers", delete the symbol, number, and words "$1.30 per hour" and insert in place thereof the symbol, number, and words $1.50 per hour.

35. Section 778.18 (g), delete the 3d paragraph which begins with the words "The X company" and insert in place thereof the following:

The X Company hereby agrees to employ John Doe as a claims adjuster at a regular hourly rate of pay of $1.50 per hour for the first 40 hours in any workweek and at the rate of $2.25 per hour for all hours in excess of 40 in any workweek, with a guarantee that John Doe will receive, in any week in which he performs any work for the company, the sum of $82 50 as total compensation, for all work performed up to and including 50 hours in such workweek.

36. Section 778.19 (b), in subparagraph (4) which begins with the words "the compensation paid" delete the symbol and number "$1.125" and insert in place thereof the symbol and number "$1.50".

37. Section 778 20, delete the last paragraph which begins with the words "Regulations issued pursuant" and insert in place thereof the following:

Regulations issued pursuant to this section are published in the Code of Federal Regulations as 29 CFR 548. Payments made in conformance with these regulations satisfy the overtime requirements of the act.

38. Section 778.22 is amended to read:

§ 778.22 *The "split-day" plan.* Another device designed to evade the overtime requirements of the act was a plan known as the "Poxon" or "split-day" plan. Under this plan the normal or regular workday is artificially divided into two portions one of which is arbitrarily labeled the "straight-time" portion of the day and the other the "overtime" portion. Under such a plan, an employee who would ordinarily command an hourly rate of pay well in excess of the minimum for his work is assigned a low hourly rate (often the minimum) for the first hour (or the first 2 or 4 hours) of each day. This rate is designated as the regular rate; time and one-half such rate is paid for each additional hour worked during the workday. Thus, for example, an employee is arbitrarily assigned an hourly rate of $1.40 per hour under a contract which provides for the payment of so-called "overtime" for all hours in excess of 4 per day. Thus, for the normal or regular 8-hour day the employee would receive $5.60 for the first 4 hours and $8.40 for the remaining 4 hours; a total of $14 for 8 hours. (This is exactly what he would receive at the straight-time rate of $1.75 per hour.) On the sixth 8-hour day the employee likewise receives $14 and the employer claims to owe no additional overtime pay under the statute since he has already compensated the employee at "overtime" rates for 20 hours of the workweek.

Such a division of the normal 8-hour workday into 4 straight-time hours and 4 overtime hours is purely fictitious. The employee is not paid at the rate of $1.40 an hour and the alleged overtime rate of $2.10 per hour is not paid for overtime work. It is not geared either to hours "in excess of the employee's normal working hours or regular working hours" (section 7 (d) (5)) or for work "outside of the hours established in good faith • • • as the basic, normal, or regular workday" (section 7 (d) (7)) and it cannot therefore qualify as an overtime rate. The regular rate of pay of the employee in this situation is $1.75 per hour and he is owed additional overtime compensation, based on this rate, for all hours in excess of 40. This rule was settled by the Supreme Court in the case of Walling v. Helmerich & Payne, 323 U. S. 37, and its validity has been reemphasized by the definition of the term "regular rate" in section 7 (d) of the act as amended.

39. Section 778.23 (a) is amended to read:

§ 778.23 (a) *Artificially labeling part of the regular wages a "bonus."* The term "bonus" is properly applied to a sum which is paid as an addition to total wages, usually because of extra effort of one kind or another, or as a reward for loyal service or as a gift. The term is improperly applied if it is used to designate a portion of regular wages which the employee is entitled to receive under his regular wage contract.

For example, if an employer has agreed to pay an employee $66.50 a week without regard to the number of hours worked, the regular rate of pay of the employee is determined each week by dividing the $66.50 salary by the number of hours worked in the week. The situation is not altered if the employer continues to pay the employee the same $66.50 each week but arbitrarily breaks the sum down into wages for the first 40 hours at an hourly rate of $1.00 an hour, overtime compensation at $1.50 per hour and labels the balance a "bonus" (which will vary from week to week, becoming smaller as the hours increase and vanishing entirely in any week in which the employee works 57⅔ hours or more). The situation is in no way bettered if the employer, standing by the logic of his labels, proceeds to compute and pay overtime compensation due on this "bonus" by prorating it back over the hours of the workweek. Overtime compensation has still not been properly computed for this employee at his regular rate.

An illustration of how the plan works over a three-week period may serve to illustrate this principle more clearly:

In the first week the employee works 40 hours and receives $66.50. The books show he has received $40 (40 hours × $1 an hour) as wages and $26.50 as bonus. No overtime has been worked so no overtime compensation is due.

In the second week he works 50 hours and receives $66.50. The books show he has received $40 for the first 40 hours and $15 (10 hours × $1.50 an hour) for the 10 hours over 40, or a total of $55 as wages, and the balance as a bonus of $11.50. Overtime compensation is then computed by the employer by dividing $11.50 by 50 hours to discover the average hourly increase resulting from the bonus—23 cents per hour—and half this rate is paid for the 10 overtime hours—$1.15. This is improper. The employee's regular rate in this week is $1.33 per hour. He is owed $73.15, not $67.65.

In the third week the employee works 55 hours and is paid $66.50. The books show that the employee received $40 for the first 40 hours and $22.50 (15 hours × $1.50 per hour) for the 15 hours over 40, or a total of $62.50, and the balance as a bonus of $4. Overtime pay due on the "bonus" is found to be 54 cents. This is improper. The employee's regular rate in this week is $1.21 and he is owed $75.58, not $67.04.

Similar schemes have been devised for piece-rate employees. The method is the same. An employee is assigned an arbitrary hourly rate (usually the minimum) and it is agreed that his straight-time and overtime earnings will be computed on this rate but that if these earnings do not amount to the sum he would have earned had his earnings been computed on a piece-rate basis of "x" cents per piece, he will be paid the difference as a "bonus". This subterfuge does not serve to conceal the fact that this employee is actually compensated on a piece-rate basis, that there is no bonus and that his regular rate is the quotient of piece-rate earnings divided by hours worked.[42]

The general rule may be stated that wherever the employee is guaranteed a fixed or determinable sum as his wages each week, no part of this sum is a true bonus and the rules for determining overtime due on bonuses do not apply.

40. Section 778.23 (b), delete all paragraphs preceding the paragraph beginning with the words "The total amount earned by each employee is" and insert in place thereof the following:

(b) *Pseudo "percentage bonuses."* The device does not improve when it becomes more complex. If no true bonus in a flat sum amount can be legitimately separated out of the employee's wages, certainly no bonus in the form of a percentage of total earnings can be so de-

[42] See Walling v. Youngerman-Reynolds Hardwood Company, 325 U. S. 419, where this scheme was struck down by the Supreme Court.

rived. Yet some employers, seeking to evade the overtime requirements of the act entirely while apparently complying with every requirement, have devised schemes of this kind. Like the employer described in the preceding paragraph, such an employer pays his employee $66.50 a week without regard to the number of hours worked. He also sets up a fictitious regular rate of $1.00 an hour. In a week in which the employee works 50 hours his records show the following:

(The material in bracketa does not usually appear in the final records.)

Straight time for 40 hours at $1 an hour	$40.00
Overtime for 10 hours at $1.50 an hour	15.00
	$55.00
[$66.50−$55.00=$11.50, total amount to be distributed as a bonus]	
[$11.50/$55.00=20.9 percent]	
Percentage of total earnings bonus at 20.9 percent of $55	11.50
Total	66.50

Obviously, this employee can no more be said to be receiving proper overtime than the employee in the previous example. This employee's regular rate in this week is $1.33 per hour and he is owed a total of $73.15 for the week.

No better claim of compliance can be made by an employer who arbitrarily pieces out a bonus from all or part of group wages. The scheme tends to be more complex, but the principle is the same and the same results follow:

One relatively simple example of such a scheme is the following: Two employees are hired as salesmen on an hourly-rate-plus-commission basis. Each is hired at the rate of $1.40 an hour for the first 40 hours and $2.10 an hour for overtime and, in addition, is entitled to a share in commissions earned by each at the rate of one percent of sales. In a given week one employee works 40 hours and the other works 50. Together they sell $1,330 worth of merchandise and are thus entitled to $13.30 as commissions. In order to avoid payment of overtime on the commissions, the employer decides to distribute the $13.30 in the form of a percentage of total earnings. The total wages of the two employees is $133 in the particular week. The $13.30 commissions represent 10 percent of this figure. The employer therefore pays a 10 percent "bonus" to each employee on his total earnings. One receives $5.60 as bonus, the other, $7.70. The employer claims that no additional overtime is due because the "bonus" was a percentage of total earnings and the percentage was determined before the amount due any individual employee had been determined.

If the commissions were a "bonus" at all, the method of distribution might be proper. But a bonus, as has been stated, is a sum paid in addition to regular wages and not as a part of such wages. The employees have contracted to work on a wage-plus-group-commission basis. No extra pay—over and above the contract wage—is involved. As a regular part of their duties, the employees make sales and regularly receive a one-percent commission on the amount of the sale. Moreover, since the employees are owed the commissions in an amount related only to the amount of total sales and without regard to the number of hours worked, no part of such commissions is paid as overtime compensation.

In the example just given the employer sought only to relieve himself of the burden of paying proper overtime on part of the wages. The example must grow more complex but the principle does not change when the employer seeks to relieve himself of the entire burden of overtime by a fictitious division of regular group wages into hourly earnings and "bonus". This scheme is usually tried with respect to employees who work solely on a group piece rate or group commission basis. For simplicity we will assume that the two employees in the previous example receive no base hourly rate but are working solely on a commission basis—11 percent of total sales. In order for the scheme to function the employer must provide a minimum hourly guarantee. The minimum rate of $1.00 is best suited to his purpose for it provides the greatest leeway as to the number of hours that may be worked without the payment of any additional overtime compensation whatever. In a week in which the total sales amount to $950 the two employees are together entitled to $104.50 (11%). They will receive this amount regardless of the number of hours they have worked individually or collectively. If they work the same number of hours, each will get half—$52.25. This would be true whether the hours worked by each were 40, 43, 45, or 48 hours. Only the bookkeeping is altered. If each works 40 hours the record will show for each:

Wages at $1 per hour	$40.00
Bonus	12.25
Total	52.25

If each works 45 hours, the record will show:

Wages at $1 per hour for 40 hours	40.00
Overtime pay at $1.50 per hour for 5 hours	7.50
Bonus at 10 percent of total earnings (10 percent of $47.50)	4.75
Total	52.25

41. Section 778.25, delete from the paragraph beginning with the words "under this provision" to the end of the section, and insert in place thereof the following:

Under this provision, where an employee works both in excess of twelve hours in a day and in excess of fifty-six hours in the aggregate in a particular workweek, the employer must pay overtime compensation computed on either the daily or the weekly basis, whichever is greater, but not both. It may be helpful to illustrate this opinion by specific examples.

(a) Suppose an employee paid $1.20 an hour works the following schedule:

	M	T	W	T	F	S	S
Hours	14	14	14	14	10	0	0

On a daily basis the employee is entitled to 8 hours of overtime pay, or a total of $84, for the week (12 hours at $1.20 plus 2 hours at $1.80 for each of the first 4 days ($72) plus 10 hours at $1.20 for the fifth day). On a weekly basis the employee is entitled to 10 hours of overtime pay or a total of $85.20, for the week (56 hours at $1.20 plus 10 hours at $1.80). The employer must pay $85.20 to satisfy the requirements of the act.

(b) Suppose the employee paid $1.20 an hour works the following schedule:

	M	T	W	T	F	S	S
Hours	16	14	14	14	6	0	0

On a daily basis the employee is entitled to 10 hours of overtime pay, or a total of $82.80, for the week. On a weekly basis the employee is entitled to 8 hours of overtime pay, or a total of $81.60, for the week (56 hours at $1.20 plus 8 hours at $1.80). The employer must pay $82.80 to satisfy the requirements of the act.

42. Section 778.27 is amended to read:

§ 778.27 *Retroactive effect.* Section 16 (e) of the Fair Labor Standards Amendments of 1949 (29 U. S. C. 216b) provides:

No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended (in any action or proceeding commenced prior to or on or after the effective date of this act), on account of the failure of said employer to pay an employee compensation for any period of overtime work performed prior to July 20, 1949, if the compensation paid prior to July 20, 1949, for such work was at least equal to the compensation which would have been payable for such work had section 7 (d) (6) and (7) and section 7 (g) of the Fair Labor Standards Act of 1938, as amended, been in effect at the time of such payment.

For the period between July 20, 1949, and January 25, 1950, the provisions of the former section 7 (e) of the act, as added by the act of July 20, 1949 (63 Stat. 446) provided virtually identical protection.

43. Section 778.6 (g) (4) is amended to read:

(4) *Plans under section 401 (a) of the Internal Revenue Code.* Where the benefit plan or trust has been approved by the Bureau of Internal Revenue as satisfying the requirements of section 401 (a) of the Internal Revenue Code, in the absence of evidence to the contrary, the plan or trust will be considered to meet the conditions specified in subparagraphs (3), (i), (iii), (iv), and (v) of this paragraph.

(52 Stat. 1060; 29 U. S. C. 201–219)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of June 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-5280; Filed, July 3, 1956; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter G—Defense Contract Financing

PART 84—PAYMENTS ON INCENTIVE-TYPE AND PRICE REDETERMINATION-TYPE CONTRACTS

Sec.
84.1 Purpose.
84.2 Policy and action.
84.3 Refunds and adjustments.
84.4 Contract administration.

AUTHORITY: §§ 84.1 to 84.4 issued under sec. 202, 61 Stat. 500, as amended, secs. 2–12, 62 Stat. 21–26, sec. 638, 66 Stat. 537; 5 U. S. C. 171a, 41 U. S. C. 151–162.

NOTE: This part supersedes and cancels Part 84 published 20 F. R. 9179, subject: "Payments on Incentive-Type and Price Redetermination-Type Contracts."

§ 84.1 *Purpose.* It is the purpose of this part to assure payment of amounts fairly due for items delivered and accepted under incentive-type and price redetermination-type contracts, to reduce the need for refunds by contractors under such contracts, to facilitate timely adjustment of provisional billing prices and prompt completion of final pricing under these types of contracts, and to reaffirm the policy on progress payments.

§ 84.2 *Policy and action.* (a) To accomplish the purpose of this part, all new contracts of the incentive-type and price redetermination-type, all definitive contracts of the incentive- or price redetermination-type replacing or superseding letter contracts, all amendments providing an incentive- or price redetermination-clause in contracts not previously containing such a clause, and all amendments to contracts of the incentive- or price redetermination-type providing for new or additional procurement, entered into on or after July 1, 1956, shall contain one or the other of the provisions set out in subparagraphs 1 or 2 of this paragraph.

(1) Incentive-type contracts:

Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (1) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (2) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (3) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in (2), above, differs from the applicable target costs. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess (less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954) shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof. When, after submission by the Contractor of cost data and price-redetermination offer, the Contractor and the Contracting Officer (a) have agreed in writing upon revised billing prices in the light of the cost experience and anticipated future trend (and provided that such revised prices are not higher than the smallest of (1) the existing contract price, (ii) the Contractor's price-redetermination offer and (iii) a price based upon the most recent quarterly statement), and (b) the contractor agrees to promptly make the necessary adjustments to bring payments for past deliveries of items into alignment with the revised billing prices, and (c) so long as the Contractor bills at the agreed revised billing prices (or lower prices thereafter negotiated as final prices preliminary to confirmation by formal contract supplement), the prices so agreed upon or negotiated shall be deemed to be final prices for the purpose of this paragraph until final prices are established by supplement. For any quarter in which only the numbered (1), above, is applicable, the Contractor may furnish a written statement to that effect instead of the quarterly statement above required.

(2) In price revision—or redetermination-type contracts, not of the incentive type:

Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments), until final price revision has been made to the full extent permitted by this contract, shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (1) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (2) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to (for services performed for) and accepted by the Government for which final prices have not been established, and (3) the total amount of interim profit used in establishing the initial contract price and allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess (less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954) shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof. When, after submission by the Contractor of cost data and price-redetermination offer, the Contractor and the Contracting Officer (a) have agreed in writing upon revised billing prices in the light of the cost experience and anticipated future trend (and provided that such revised prices are not higher than the smallest of (1) the existing contract price, (ii) the Contractor's price-redetermination offer and (iii) a price based upon the most recent quarterly statement), and (b) the contractor agrees to promptly make the necessary adjustments to bring payments for past deliveries of items into alignment with the revised billing prices, and (c) so long as the Contractor bills at the agreed revised billing prices (or lower prices thereafter negotiated as final prices preliminary to confirmation by formal contract supplement), the prices so agreed upon or negotiated shall be deemed to be final prices for the purpose of this paragraph until final prices are established by supplement. For any quarter in which only the numbered (1), above, is applicable, the Contractor may furnish a written statement to that effect instead of the quarterly statement above required.

(b) In connection with amendments providing for new procurement, and amendments providing an incentive- or price redetermination-clause in contracts not previously containing such a clause, the above provisions shall be made applicable to the entire contract.

(c) Where the contracting officer has discretion to control payments through withholding provisions under an existing contract of the incentive- or price redetermination-type not containing the above provisions, the contract shall be administered hereafter, to the maximum extent permitted by such withholding provisions, so that on and after January 1, 1956, the total aggregate payments will be limited in the manner provided in paragraph (a) of this section.

(d) In the case of outstanding contracts of the incentive-type or price redetermination-type, where payments cannot be limited within a reasonable time as provided above, the contracting officer shall take prompt action to obtain by mutual agreement amendments of such contract incorporating the above provisions.

(e) Ordinarily, unless the contracting officer has good cause to doubt or question the accuracy of statements furnished in accordance with paragraph (a) of this section, such statements will be relied upon and prompt payments under the contract will continue to be made pending any post-audit or post-review that may be necessary to protect the interests of the Government.

§ 84.3 *Refunds and adjustments.* (a) (1) It is essential in all cases that the amount of any indebtedness of contractors to the Government be ascertained promptly, and that the amount of each contractor's indebtedness to the Government be collected expeditiously.

(2) Government personnel will take prompt action so that amendments and supplemental agreements, where appro-

priate, will be prepared expeditiously and executed without delay.

(b) For use in expediting and controlling adjustments and refunds, current inventory and control lists shall be established and maintained with regard to all incentive-type and price redetermination-type contracts. Aggressive and continuing efforts shall be made to eliminate any unnecessary delays.

(c) All incentive-type and price redetermination-type contracts shall be reviewed systematically and periodically to obtain voluntary interim billing price adjustments and prompt refunds as appropriate. The making of voluntary refunds in anticipation of retroactive price reductions shall be systematically encouraged. No proposed voluntary refund shall be refused or delayed, and all such refunds shall be tendered and accepted without prejudice to final pricing. In connection with voluntary refunds, minimum refunds proposed by contractors in connection with final pricing proposals, and refunds incident to quarterly statements, contractors shall not be required to furnish concurrent itemization of adjustments to be made on past billings, nor to furnish adjusted bills concurrently. Such adjustments as may be essential in connection with refunds will be accomplished by appropriate Government personnel, with such information as may be essential from contractors after refunds are made, and the making, acceptance and deposit of refunds will not be delayed pending the making of any necessary accounting adjustments. When reductions in billing prices are proposed by contractors, they will be made effective immediately without prejudice to further adjustment, and billings voluntarily reduced by contractors shall if otherwise proper be paid at the reduced amounts without awaiting contract amendments.

§ 84.4 *Contract administration.* (a) The contracting officer will exercise every effort to bring about prompt redetermination of prices and setting of firm target prices by vigilant and timely attention to the contract administration aspects of each contract, and nothing contained herein will dimish his responsibilities.

(b) Section 1481 of the Internal Revenue Code of 1954 and Section 3806 of the Internal Revenue Code of 1939 provide for certain tax credits in connection with contract price refunds. The contract provisions set out in this part and in superseded Part 84 (20 F. R. 9179) do not alter the effect of those statutory provisions. Contracts containing either one of the provisions set out in § 84.3 (a) of superseded Part 84 (20 F. R. 9179) shall be administered in such manner as to allow this statutory tax credit whenever applicable under the circumstances. Whenever there is a "gross excess" under those contract provisions, the amount of such tax credit shall be allowed in partial settlement of the gross excess determined without reference to such tax credit, and only the remainder of the excess after such tax credit allowance shall be subject to refund by the Contractor. Also, applicable previous tax credits shall be excluded in computing refunds previously made, and the amount of tax credits shall be deducted from the "gross excess" in computing the amount that may be added or restored to the unliquidated progress payment amount.

(c) It was intended by superseded Part 84 (20 F. R. 9179) that subject to the quarterly adjustment required by the contract provisions set out therein, payments at contract billing prices would be made before submission of the first required quarterly statement, and thereafter during the intervals between quarterly statements. Hence, contracts containing the provisions required by superseded Part 84 (20 F. R. 9179) will be administered in the same manner as if they contained the first sentence of the contract provisions set out above.

[SEAL] REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

[F. R. Doc. 56-5304; Filed, July 3, 1956; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1309]

[69696]

NEW MEXICO

REVOKING DEPARTMENTAL ORDERS OF MAY 2, 1908 AND MARCH 2, 1909, WHICH RESERVED LANDS FOR USE OF THE FOREST SERVICE AS THE FRESNOL ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The departmental orders of May 2, 1908 and March 2, 1909, reserving the following-described public lands within the Sacramento (now Lincoln) National Forest, New Mexico, for use of the Forest Service, Department of Agriculture, as the Fresnol Administrative Site, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 11 E.,
Sec. 6, lots 9, 10, 11, 13, 14, 15, 16, and 17.

The areas described aggregate 265.23 acres.

The released lands are within the Lincoln National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations, as are permitted on national forest lands effective at 10:00 a. m., on .

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico. Other inquiries shall be addressed to the Regional Forester, Post Office Building, Alamogordo, New Mexico.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JUNE 28, 1956.

[F. R. Doc. 56-5279; Filed, July 3, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11532; FCC 56-587]

[Rules Amdt. 3-16]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

1. Prior to November 10, 1955, when this proceeding was initiated (Notice of Proposed Rule Making, FCC 55-1124), television broadcasters and other elements of the television industry had submitted numerous suggestions and, in some cases, formal petitions for revisions of the television allocation plan.

2. The scope of these proposals and the methods employed varied widely. They ranged from channel reassignments affecting a single city to major revisions affecting the entire country. The methods included such diverse and mutually inconsistent approaches as conversion to an all-VHF system, conversion to an all-UHF system, and continued use of both bands under a wide variety of proposals. Some of the latter envisaged the more or less extensive increase of the number of VHF channel assignments through the use of new VHF channels, the use of the present 12 VHF channels under reduced spacings, or both. Others contemplated the elimination or transfer elsewhere of VHF commercial channels and the substitution, locally, of UHF channels. Some proposals were based on the revision of the existing engineering standards and policies, notably with respect to minimum spacings, maximum antenna heights and powers, the directionalizing of antennas, and the use of cross polarization. Other proposals advocated the maintenance of present standards. In short, the Commission was called upon to consider an extensive array of widely differing remedies for the difficulties which had hindered the further expansion of the nation's television service and the fuller achievement of the objectives of the Sixth Report and Order.

3. Briefly stated, those objectives were to encourage the development of a nationwide, competitive television system in which:

(a) All areas would have at least one service;

(b) The largest possible number of communities would have at least one local television station; and

(c) Multiple services would be available in as many communities and areas as possible to provide adequate program choice to the public and encourage the development of competition—among broadcasters, networks and other elements of the industry.

4. Among these three basic objectives, the greatest progress has been made in achieving the first. It is estimated that over 90 percent of the population can receive service from at least one television station. Less progress has been realized toward achievement of the second objective. Of the 1,260 communities to which at least one television channel is assigned, fewer than 300 have 1 or more stations on the air. As for the third objective, approximately 75 percent of the population receive service from two or more television stations. Slightly over 100 communities have two or more television stations in operation, as compared with 348 communities to which two or more television channels are assigned.

5. The foregoing reflects substantial progress during the four years which have elapsed since the present television allocation plan and engineering standards were adopted. Serious problems have arisen, however, which are impeding the continued expansion of the nation's television services. There is general agreement on the sources of these problems. In brief, they are:

(a) The limitation to 12 channels in the VHF band; and

(b) Difficulties which have been experienced in achieving fuller utilization of the 70 UHF channels. These difficulties have been ascribed chiefly to:

(1) The large numbers of VHF-only receivers in use and the high proportion of VHF-only receivers which continue to be manufactured.

(2) Performance deficiencies of UHF transmitting and receiving equipment during the initial 4-year period of the utilization of UHF for television broadcasting.

(3) The consequent preference of program and revenue sources for VHF outlets.

6. While some of the numerous suggestions, proposals and petitions before the Commission last November appeared to merit consideration, none was sufficiently free from disadvantage and difficulty to warrant adoption without extensive study and evaluation. Therefore this proceeding was initiated on November 10, 1955, to provide an orderly basis for examining and comparing the proposals and comments of all interested parties. Because the problems were nationwide in scope, and because widely divergent approaches to their solution required evaluation initially on a broad, nationwide basis, the Commission stated, in its Notice of Proposed Rule Making, that it would be premature at the outset to consider proposals whose scope was limited to action affecting only single communities or local areas.

7. Accordingly, the Commission requested the submission of proposals and comments relating to overall solutions on a broad, nationwide basis. At the same time the Commission terminated five rule making proceedings which had been initiated earlier on petitions for the deintermixture of five individual communities (Report and Order), November 10, 1955, Dockets 11238, 11333, 11334, 11335 and 11336, FCC 55-1125), and denied a number of other similar petitions on which rule making had not been initiated (Memorandum Opinion and Order, November 10, 1955, FCC 55-1126).

8. Aided by the proposals, comments and data submitted in this proceeding, the Commission has now had an opportunity to examine and compare the different basic approaches which are advocated by members of the television industry. The material filed has been painstakingly studied and evaluated in the endeavor to accomplish the object of the proceeding, which was to reach a decision as to the basic lines on which it would be in the public interest to revise the nationwide television system, and thus provide a basis for determining the specific reassignments which could usefully be made in individual communities in conformity with the nationwide policies adopted herein.

9. In evaluating the proposals before us it has been necessary to recognize that, while actions by this Commission determine the numbers of channels which are available for television broadcasting, the extent to which they are actually utilized depends upon the construction and operation of stations by qualified brodcasters who are able and willing to enter this field of private, free enterprise and to cope, as entrepreneurs, with the conditions of the marketplace. The opportunity for profit is accompanied by the risk of loss. Whether broadcast operations yield one or the other is dependent on economic and technical factors, many of which are beyond the Commission's control. One important economic factor is the high cost of the construction, operation and programming of television stations as compared with similar costs for radio stations. Because of this, under the present economies of television, fewer communities are able, at this stage, to support television stations than can support radio stations. Also, because of the dependence of television stations on network and other nationally distributed programming, the techniques, developed over the years in the aural broadcasting service, which enable numerous radio stations to operate successfully with a high proportion of local, non-network programming, have not so far been developed to as great an extent in the television field. This has meant that both VHF and UHF stations which have not been able to secure their principal programs from a major network have found survival difficult, if not impossible. But since it has also meant that the stations able to offer the largest viewing audience in any given community will normally secure the principal network affiliations, many UHF stations which normally cannot provide a viewing audience comparable to those of their VHF competitors have been forced to operate on a marginal or submarginal basis or cease operation.

10. Disparities which occur frequently between the audiences which VHF and UHF stations are able to offer advertising program sponsors and national spot advertisers have resulted from the serious problem of receiver incompatibility and from limitations which have been experienced to date in the power of UHF transmitters and in the sensitivity and selectivity of UHF receivers as well as the different propagation characteristics of the UHF band.

11. While we are cognizant of the jurisdictional and practical limitations which restrict the extent to which the Commission can ameliorate the foregoing economic and technical conditions, we have endeavored to determine the realistic possibilities for improvement through revision of existing television allocations. It has become apparent that the construction and successful operation of a larger number of stations has been impeded in numerous markets by the absence of a greater number of more nearly competitive facilities, despite the need for and the capacity of such markets to support a larger number of television outlets. Accordingly, in our evaluation of the numerous, diverse proposals before us, and in our determination of the course which in our judgment offers the best possibilities for both the immediate and long range expansion of the nation's television services, we have kept in mind the paramount need for more competitive services.

Remedial action proposed by the parties. 12. Some of the proposals submitted under this proceeding were based on the allocation of additional VHF spectrum space to television broadcasting and on the assignment of new VHF channels which this would make possible. Before this proceeding was initiated the Commission had undertaken negotiations with the Office of Defense Mobilization to ascertain whether any of the VHF frequencies allocated to governmental services might be made available for television broadcasting. The Office of Defense Mobilization made a careful study of the matter but concluded, in a report issued by that Office on April 13, 1956, that "national security requirements and the needs of air navigation and air communications preclude the release for non-Government use of any of the very high frequencies now utilized by the Federal Government." Moreover, this Commission has concluded that it would not be practicable to obtain a significant number of additional VHF channels using VHF frequencies under our control and now allocated to other services. In these circumstances, the proposals looking toward revision of the allocation plan on the basis of additional VHF channels must now be rejected. Moreover, the fact that additional VHF frequencies cannot be made available for television broadcasting precludes revision of the allocation plan looking toward an all-VHF television system. As the Commission has recognized from the outset, and has frequently reaffirmed, the 12 VHF channels alone are not adequate to make possible sufficient outlets for a fully competitive television system.

13. Other proposals before the Commission are based on the widespread use of additional VHF assignments, particularly in the larger markets, using the 12 VHF channels now available, but at spacings substantially shorter than the present minimum spacings. While this method appears to offer limited possibilities for meeting present needs for more stations in some areas, careful analysis of these proposals discloses difficulties which raise very serious doubt that this method would adequately serve our long range objectives. VHF stations at substandard spacings would reduce the service areas of existing VHF stations and create new interference areas within which satisfactory signals might not be received either from existing stations or from the new stations. Our studies disclose that, unless the existing minimum spacings were reduced very substantially, the number of additional outlets which could be provided over the country by

this method would be very limited. Thus, in order to permit the construction of a significant number of new VHF stations it would be necessary to make very substantial in-roads in the service areas of existing stations. We recognize as urged by parties to this proceeding that the interference problems might be limited to some extent by requiring the "squeezed-in" stations to employ lower heights and powers and directional antennas, and by the use of cross polarization. But we do not believe that the creation of numerous small VHF stations with very limited service areas would further the objectives of our nationwide television system. Similar proposals were submitted to the Commission when the present television allocation plan was under consideration. They were rejected, for reasons set out in the Sixth Report and Order (Paragraphs 136 et seq.). In our opinion those reasons remain essentially valid today. There is little likelihood, moreover, that even with the maximum possible utilization of VHF "squeeze-ins", assignments could be made available in sufficient numbers to accommodate the maximum number of television stations for which it may be expected there will eventually be economic support in the United States. Yet it is clear that the widespread use of new VHF assignments at sub-standard spacings would discourage the building of additional UHF stations, and in many instances would reduce the opportunities for successful operation of UHF stations now on the air. Thus in most of the larger markets the assignment of a VHF station at substandard spacings would operate to place an artificial ceiling on the number of stations which could eventually be established. For all of these reasons we have been unable to find that the addition of new VHF assignments at substandard spacings would serve the public interest. For reasons which are discussed later, we believe, however, that it may be desirable to relax the present rules concerning minimum assignment separations to the extent necessary to permit the assignment of additional channels which do not meet the separation from the new city, provided all separations will be met from the new transmitter on these channels.

14. Some of the proposals before us advocate the deintermixture of VHF and UHF channel assignments in order to more nearly equalize competitive opportunities in individual markets while at the same time utilizing both the VHF and UHF bands in the nationwide television system. Citing competitive difficulties of UHF broadcasters, particularly in markets which are served by two or more satisfactory VHF signals, the proponents of deintermixture have advocated the elimination of some or all of the VHF channel assignments in designated cities. It is contended that this would improve the opportunities of the local UHF broadcasters to obtain, or in some cases to retain sufficient network programming and national advertising revenue to support successful station operation which, it is alleged, would be impossible for a good many UHF stations obliged to compete with two or more VHF broadcasters. The deintermixture proposals also envisage, at least in some instances, the transfer of some VHF channels to other cities where they could be used to increase the number of local VHF services. Thus, deintermixture has the dual aspect of reducing or eliminating VHF assignments in some communities and of increasing the number of VHF assignments in others.

15. It does not appear, however, that deintermixture at this stage would be practicable in a sufficient number of communities representing a sufficiently large segment of the total population to provide significantly enhanced opportunities for the fuller utilization of the UHF channels on a nationwide basis. We believe that in some types of situations, which are discussed later, deintermixture merits careful consideration as a means of increasing the opportunity for effective competition among a greater number of stations in certain individual areas. Most of the deintermixture proposals [1] have been confined to communities where UHF stations commenced operating before the advent of one, and in some cases before the advent of a second VHF service, and where a high percentage of receivers in the hands of the local residents can receive UHF signals. There are serious obstacles to a more extensive nationwide program of deintermixture at this stage. Thus there is little support for the elimination of VHF assignments in areas with little UHF set saturation. In other instances the elimination of local VHF channel assignments would not accomplish effective deintermixture owning to the local reception from VHF stations located in neighboring communities. In still other cases the elimination of local VHF assignments would be impracticable at this stage owing to the fact that substantial "white areas" would be created. It seems doubtful for these reasons that the elimination of VHF channel assignments would be practicable at this stage in a sufficient number of communities to encourage significantly increased nationwide use of the UHF band. Nor would this technique alone satisfy the need for increasing the number of outlets in many markets, both large and small, which are at present inadequately served, and which accordingly offer only limited opportunities for competition among stations, among networks, and among other program and revenue sources.

16. Because deintermixture, alone, cannot solve the entire problem, we have found it necessary to consider additional means for making possible the full utilization of the UHF band for television broadcasting. As early as 1945,[2] recognizing the inadequacy of 13 VHF channels for a fully developed nationwide television system, Commission policy has looked toward the extensive use of the UHF band for television broadcasting. The expectation that ultimately the major part of television broadcasting would be carried on in the UHF band was implicit in the allocation, in the Sixth Report and Order, of 70 UHF channels to supplement 12 previously available VHF channels. But so far this expectation has not been realized owing to difficulties which none of the proposals already discussed can sufficiently overcome. One of the proposals whose consideration has been recommended in this proceeding and has been advocated in the past by industry representatives in submissions to the Commission and to Congress, should be examined. That is the proposal to shift all television broadcasting in the United States, or in a substantial portion of the country, to the ultra-high frequency band.

17. Although it would be premature at this stage for the Commission to adopt final conclusions concerning the feasibility of transferring television to the UHF band throughout the United States, or, alternatively, in a major portion of the country, we believe that our effort to find a solution to the nationwide television allocation problem should not be concluded without a careful and thorough exploration of this approach. Another major consideration is involved. As discussed later in more detail, there are growing indications that the needs of other services for additional spectrum space are increasing rapidly. The fact that the lower part of the VHF spectrum seems well suited to their needs indicates the likelihood that it will be possible to make effective use of the VHF frequencies now allocated to television, for other nonbroadcast services.

18. If suitable means could be found to overcome the difficulties inherent in so major a frequency reallocation as moving television to UHF, and if UHF could be sufficiently developed to permit the elimination of VHF channels without loss of service, a number of basic advantages would result. All stations would be able to compete on a much more nearly comparable basis technically, since there is much less disparity between the lower and upper UHF channels than between the VHF and UHF television channels. Thus the coverage of competing stations would be much more comparable than at present, and competitive opportunities among broadcasters, among networks and among other program and revenue sources would be considerably enhanced. It may be expected that this would encourage the building of numerous additional stations which would bring a first local service to some communities and much needed additional services in others. These achievements would be aided by the fact that broadcasting in a single band would, after a suitable transition period, eliminate the crucial problem of receiver incompatibility. As compared with alternative solutions which have been considered, the use of the UHF band exclusively would raise the ceiling of the maximum number of television stations which could eventually be built and successfully operated. And, as stated above, after the discontinuance of VHF television broadcasting, additional VHF frequencies would be made available to meet the growing needs of other services for VHF spectrum space.

[1] A petition filed on April 18, 1955, by Mr. Albert J. Balusek of San Antonio, Texas, proposed that the Commission deintermix UHF and VHF channel assignments in all communities throughout the United States. We are obliged to deny this petition for the reasons set out in paragraph 15.

[2] Report of Allocations from 25,000 kc to 30,000,000 kc, May 25, 1945, Docket No. 6651.

19. Before it would be possible, however, to achieve these impressive advantages it would be necessary to find solutions for numerous problems which a transition to all-UHF television would involve. These problems fall into several major groups. The first group relates to the technical transmission and reception potentialities of UHF. It will be necessary to ascertain the extent to which UHF transmission and reception can be improved, in order to make a realistic determination as to whether conversion to all-UHF television throughout the United States or in a major portion of the country would or would not result in the loss of services available now or potentially available with the use of VHF channels. In order to ascertain the capacity of UHF transmitting and receiving equipment to render satisfactory service without the concurrent use of the VHF band for television broadcasting, the Commission believes that a program of expedited research and development should be launched without delay with the object of achieving the maximum possible increase in the range of, and the reduction of the shadow areas of UHF stations. This research and development program should be concentrated on:

(a) UHF transmitters, with emphasis on increased transmitting power and the feasibility of the use of such techniques as UHF boosters and satellites.

(b) Receivers and receiving antennas, with the object of increasing the sensitivity of and reducing the noise factors of receivers; and improving their selectivity in order to permit the reassignment of UHF channels with a minimum number of restrictions on station separations.

20. The Commission will cooperate fully with all interested groups in organizing the orderly conduct of the foregoing research and development program. While it would be premature to anticipate the results of this program, the Commission believes that considerable encouragement is offered by recent notable advances in increasing the power of UHF transmitters and in tubes for improving the characteristics of UHF receivers. Notwithstanding the disadvantages frequently associated with UHF broadcasting there are some respects in which the UHF band is superior to the VHF channels allocated to television. UHF reception, for one thing, is freer than VHF from interference caused by local noise generators such as ignition systems, electrical appliances and switches, and is less susceptible to interference due to multipath reflections. Also, if future developments result in the production of single-band UHF receivers they could be simpler in design, less costly, and more efficient than present VHF-only or combination UHF-VHF receivers, owing to the fact that the ratio between the top and bottom UHF television frequencies is smaller than between the top and bottom VHF frequencies now allocated to television. The Commission believes, therefore, that despite disappointments that have been experienced during this initial four year period of development of UHF transmitting and receiving equipment, it would be erroneous to base our policies on an assumption that UHF transmission and reception is not susceptible of significant improvement. On the other hand, additional facts and data are needed in order to make a sound determination as to whether the fullest possible exploitation of UHF's technical potentialities will enable UHF to render a service which will justify elimination of VHF broadcasting in a major part or throughout the United States.

21. The answer to this question will not depend on whether all the disparities between UHF and VHF transmission and reception can be completely eliminated. We recognize that some differences inhere in the essential characteristics of the two frequency bands and that it may never be possible to eliminate them entirely. The problem is not, however, whether these disparities can be totally eliminated, but whether UHF transmission and reception can be perfected sufficiently to enable an all-UHF system to render service to the public at least as good as or better than the service that can be provided to the public under the present system. It may very well be that owing to the opportunities which a one-band system with 70 channels will open up for increased competition, and for the construction and operation of a greater number of stations and successful operation of more networks and other program sources, a one-band system would permit more communities to have local service and would provide a larger number of multiple services to a greater portion of the population than would be possible with the combined use of the UHF and VHF bands. This may be possible despite certain advantages in the use of VHF frequencies for television broadcasting. The critical factor is that there is an inadequate number of these frequencies, and the use of the 12 VHF channels has discouraged the utilization of more than a fraction of the UHF assignments which were made available for television broadcasting in 1952.

22. When we learn the results of the suggested program of UHF research and development, we will be better able to ascertain the full practical capabilities of UHF. On that basis we will then be able to evaluate UHF's capacity to supplant VHF broadcasting without loss of service. We will also be in a better position to determine whether UHF alone would render adequate service throughout the country, or whether it would be necessary to confine all-UHF television to areas, such as east of the Mississippi River, where owing to the greater population density, and the larger number of cities able to support stations, service areas need not be as large as in the less densely populated areas to the west.

23. The second major group of problems involved in an all-UHF television system concerns the need to establish methods and timing for transition from the present system which will minimize cost and dislocation to the public and to the television industry. It would appear that a transition period would have to be sufficiently long to cover the useful life of VHF-only receivers in the hands of the public, and to permit the amortization, over a reasonable period, of VHF transmitting equipment whose use would be discontinued when VHF broadcasting would be terminated in designated portions of the United States. One method which may merit consideration is to require VHF stations to broadcast simultaneously on UHF channels during all or some part of the transition period. It would seem probable that if it should be decided to go to an all-UHF system, the announcement of a decision that VHF broadcasting would be discontinued on a fixed future date, coupled with interim simultaneous UHF broadcasting by VHF stations, would lay the necessary basis for discontinuance of the manufacture of VHF-only receivers.

24. The problem of getting UHF equipped sets into the hands of the public is not, however, subject to complete control, under existing law, by either the Commission or the industry. For even if it were to be determined that on a mass production basis improved all-channel sets can be developed at only a moderate cost differential from VHF-only sets, the forces of price competition in the industry are such as to magnify the effects of such slight differentials and in the absence of some additional spur or protection, to have the cheaper, less-complete set drive out the all-channel sets. Any private agreement among manufacturers to manufacture only UHF equipped sets would run the risk of violating the anti-trust laws. And in view of this fact, and the public's reluctance to spend additional sums in anticipation of future developments in the television art, we believe it may be essential for the Congress, contemporaneously without explorations of the technical problems of UHF operation, to examine the advisability of legislation to relieve the situation. Such legislation might take the form of special tax relief, such as that already suggested, to equate all-channel receiver costs with those of VHF-only sets, or perhaps more drastic remedies such as the prohibition of the shipment in interstate commerce of other than UHF-equipped receivers might be found to be necessary. We can make no definite recommendations at this time as to specific legislation; we do believe, however, that this is an important facet of the overall problem which cannot be overlooked.

25. For all the foregoing reasons the Commission is convinced that it should now undertake a thorough, searching analysis of the possibilities for improving and expanding the nationwide television system through the exclusive use of the UHF band throughout or in a major portion of the United States. In order, however, to lay the basis for the formulation of a definite plan or proposal in a form suitable for consideration in a formal rule making proceeding, it will be necessary first to obtain facts and data relating to the basic problems, discussed in paragraphs 19 through 24 concerning UHF's capacity to provide a complete television service without the concomitant use of VHF channels, and the best means of effecting a transition to an all-

UHF system. The Commission will welcome the submission of comments and data on these problems by all interested parties. The comments should refer to "FCC Inquiry Into The Feasibility Of Transferring Television Broadcasting To The UHF Band," and should be submitted, in an original and 14 copies, by October 1, 1956. The Commission will decide what further proceedings will be appropriate after considering those comments.

26. Concerning the first group of problems relating to the technical performance of UHF transmitters and receivers we believe that it will be necessary to achieve some progress with the suggested program of research and development before it will be useful to establish an extensive record on these subjects. The Commission will, however, accept any comments which interested parties may feel it may be useful to submit on this aspect of the matter at this time. We will especially welcome comments at this time concerning the most effective methods for conducting and expediting this suggested research and development program.

27. An additional group of problems concerns the question of the most efficient utilization of the VHF frequencies now allocated to television broadcasting, taking into account both the problems of television allocations and the uses to which these frequencies might be put by other services. It would be premature to examine the latter uses in detail, at this stage, since even assuming the successful disposition of the technical problems of an all-UHF system developments in the interim may considerably alter the present circumstances of the other services. At the same time, it may be useful to note briefly several developments which indicate growing need of additional space in the VHF portion of the spectrum for other services.

28. Recently there has been considerable development of techniques employing ionospheric scatter from point-to-point or fixed communication. It is in use outside the United States and appears to offer possibilities for domestic use and for international use between the United States and other countries. The useful frequency range is between about 30 and 60 mc. As the sunspot cycle advances widespread interference is caused to the mobile services which are now using the same frequencies for domestic operation. Whether the use of ionospheric scatter circuits is limited to foreign areas or in the event that there will be domestic demands for this service, the question is raised whether frequencies in the range of 30 to 60 mc should be set aside for this service within the next 5 or 10 years.

29. The conditions of use and the characteristics of radio systems employed by the land mobile services indicate that the lower VHF spectrum may be well adapted to their needs. Many of these services are related to trading areas in much the same manner as the broadcast service. Thus they have need for substantially the same coverage areas. However, only the base transmitting and receiving antennas can be raised above rooftop and treetop levels, and in general the base station uses lower antennas and lesser powers than broadcast stations. The governing factor, however, is the severely restricted powers and antenna heights which are available to mobile units. Only in exceptional cases do they operate from clear sites, and it is imperative that for longer ranges they have frequencies suited to their needs. The lower VHF frequencies are less affected by hills, structures and vegetation. They also permit longer mobile antennas and more sensitive receivers. These factors indicate the desirability of considering the allocation of lower VHF frequencies to the land mobile services.

30. It is evident that the need and demand for more accommodation for land mobile services has been increasing substantially in the recent past and promises to increase further as the industrial uses of radio continue to develop. These factors raise basic questions concerning spectrum allocation which go further than the requirements of television broadcasting alone, and which take into account the rising needs of other services. Thus the question of the transfer of television broadcasting to UHF has the dual aspect of the possible improvement it may provide in the opportunity for achieving the goals of the nationwide television system upon the one hand and of accommodating expanding needs and requirements of industry on the other.

Interim action. 31. There remains the problem of interim action which should be taken pending resolution of the long range problems already discussed. Since some years would be required in any event for the full implementation of an all-UHF system, the Commission believes that steps should be taken in the meantime to improve the opportunities for effective competition among a greater number of stations. As already indicated, a basic choice in many markets at this time lies between the elimination of VHF channel assignments to create improved opportunities for UHF broadcasting and, alternatively, the assignment of additional local VHF channels. Because of the widely varying circumstances in individual markets and the numerous factors which bear on the choice of techniques in any individual community or area, it is not possible to formulate rigid criteria whose perfunctory application to individual cases will automatically indicate the course which would best serve the public interest in each community during the interim period. We have concluded, however, after extensive review of all the proposals which have been submitted to us for the elimination or addition of commercial VHF assignments, that the following considerations will have important bearing on decisions in specific communities or areas. In markets with one or more commercial VHF assignments, the merits of proposals to eliminate a VHF commercial assignment would depend to a large extent on such factors as:

1. Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

2. Whether one or more UHF stations are operating in the area.

3. Whether a reasonably high proportion of the sets in use can receive UHF signals.

4. Whether the terrain is reasonably favorable for UHF coverage.

5. Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

The desirability of assigning a first VHF channel or of adding an additional VHF channel would depend principally upon:

1. Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.

2. Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

3. Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

32. In appropriate instances it may be desirable, in order to attain the objectives stated in the preceding paragraph, to add an additional VHF assignment which meets all requirements of the present rules with the exception that the minimum spacing from the city where the new assignment is proposed would not be met. It would be feasible, however, in these instances, by appropriate location of the new transmitter, to meet all transmitter spacing requirements. Since it is the spacing from the transmitter that is critical, we believe, that it will be in the public interest to relax the present rules in order to permit new assignments that can be utilized within reasonable distance from the city in conformity with the minimum transmitter spacing requirement. In this way additional service can be provided without departing from the engineering standards.

Implementation of interim revisions of the table of assignments. 33. This proceeding has served the purpose for which it was instituted, i. e., determination of the basic lines on which revisions of the existing television allocation plan should be considered. It can therefore now be terminated. We announced in the Notice of Proposed Rule Making adopted on November 10, 1955, that after this determination had been made we would proceed to the consideration of proposals for such channel reassignments as might be made in conformity with the general policies adopted herein.

34. Accordingly, we are adopting today a number of Notices of Proposed Rule Making in which we will consider a series of proposed channel reassignments which appear to merit consideration in conformity with the objectives outlined in this Report and Order. For example, in a number of communities, including Madison [3] and Elmira,[4] we are proposing to delete a VHF channel or reserve it for educational use. It appears on the basis of the facts before us that such action offers reasonable prospect for improving the opportunities for effective competition among a greater number of stations in these areas. In other communities, such as Fresno [4] and Peoria,[4] we are proposing to shift VHF channels to other communities, which would have the added advantage of making additional comparable facilities available in VHF markets. In several other areas, such as New Orleans [4] and Albany,[5] it appears that similar objectives can be achieved by deleting or shifting one of the two VHF channels assigned in the area.

[3] Chairman McConnaughey and Commissioners Doerfer and Mack dissented from this proposed rule making.

35. In communities such as Charleston and Duluth-Superior, which have two VHF channels assigned and no UHF stations in operation, we find that it is possible to add a third VHF channel by "drop-in" or by shifting an unused educational assignment for which there appears to be no realistic prospect of early use. In Miami,[6] which already has three commercial VHF assignments, we are proposing to add a 4th which it appears can be accomplished in accordance with minimum transmitter spacing requirements. We believe this course of action is more meritorious than deletion of two or all-VHF channels from Miami, as some petitioners and parties to this proceeding have proposed. Where a 4th VHF channel can be employed without violating our engineering standards, deletion of VHF channels would not appear to be warranted.

36. In some markets such as Toledo, where there are only two commercial VHF assignments and no UHF stations operating, we find that despite the apparent capacity of such markets to support additional stations, it is not possible to assign an additional VHF channel because there are none available which would meet minimum transmitter spacings. Nor would it be practicable to encourage the expansion of local services on locally assigned UHF channels by eliminating a local VHF assignment because, apart from the absence of significant UHF conversion in the area, the reception of signals from VHF cities located elsewhere (in this case, Detroit) would make it doubtful that effective deintermixture could be achieved.

37. Parties interested in these proceedings will have full opportunity to submit comments in support of or in opposition to these proposals, and to submit counterproposals. The proposals put out for rule making at this time do not cover all the amendments to the present Table of Assignments which have been proposed in petitions now before us. We will endeavor to act on all petitions as rapidly as possible, including those already before us which have not yet been acted on and in those on which rule making proceedings have been initiated but not yet concluded. Parties desiring to file petitions for additional or alternative amendments to the Table of Assignments may do so.

[4] Commissioners Doerfer and Mack dissented from this proposed rule making.

[5] Chairman McConnaughey and Commissioners Doerfer and Mack dissented from this proposed rule making. Commissioners Webster, Bartley and Lee concurring but would propose the deletion of Channel 6 also.

[6] Commissioners Webster and Mack dissented from this proposed rule making.

38. In order to assist the Commission in evaluating proposals for channel reassignments which involve the removal of an existing VHF assignment for which an application is on file or a construction permit has been granted, it is requested that the parties furnish data, in accordance with the procedure set out in paragraphs 39 and 40, showing the service of all stations in the area involved.

39. As the Commission pointed out in the Sixth Report and Order and other documents, there is no available means for predicting precisely the service areas of a specific television station which will take into account time variations and variations in location, with particular reference to uneven terrain. Propagation data gathered since the Sixth Report and Order are now available. These latest data, as analyzed by the Commission's staff and others, should be used, since they improve somewhat the predictions which can now be made in the average case. The new data [7] and methods for employing them are set out below.

40. The data supplied should be based on the following assumptions:

(1) In computing coverage, stations should be assumed to be operating with maximum power at 1,000 feet above average terrain, with the transmitter located in the center of the principal community, except where the minimum transmitter separations proposed require transmitter location elsewhere.

(2) 1,000 feet antenna height above average terrain should be used for all pertinent directions.

(3) Service should be drawn for the limit of the Grade B contour as limited by noise or interference, as the case may be.

(4) The extent of Grade B service should be computed in accordance with the tables set out below.

(5) Only co-channel interference need be considered.

(6) Single station method of interference should be employed, i. e., the station causing the greatest penetration is assumed to mask the interference of other stations.

(7) In computing interference or service, all stations presently on the air or authorized, and pending applications, should be taken into account, whether UHF or VHF. However, where a station that is not yet operating is considered, this fact should be indicated.

If the parties desire, data based on other assumptions may be submitted in addition to the foregoing.

41. In a Notice of Proposed Rule Making adopted June 22, 1955 (Docket No. 11433, FCC 55–705), the Commission requested comments on a proposal to raise the maximum power of UHF television stations from 1,000 kw to 5,000 kw, and to substitute new curves in Figures 3 and 4 of § 3.699 of the rules governing reduction of power for antenna heights exceeding 2,000 feet. In a Further Report and Order adopted on December 14, 1955, the foregoing rule making proceeding was incorporated as part of the general television allocation proceeding under Docket No. 11532, and the proposal is accordingly before us for review in the instant proceeding. After careful examination of the comments which have been submitted in support of and in opposition to these proposals the Commission has concluded, in the light of the decisions reached in this proceeding, that the public interest would be served by increasing the maximum power of UHF stations to 5,000 kw. It has accordingly decided to amend the relevant rules, including the curves already mentioned, in Figures 3 and 4 of § 3.699. Equipment is now available and in use which yields effective radiated power of 1,000 kw for UHF stations. Encouraging experiments have been conducted with UHF transmissions at 4,500 kw and even higher power. The increase at this time in the maximum power authorized for UHF stations seems particularly appropriate in view of the importance which is attached to the research and development program already discussed.

42. In a Further Report and Order adopted November 30, 1955 (Docket Nos. 11181 and 11532, FCC 55–1198), the Commission brought within this general television allocation proceeding the proposal to increase the antenna height at which maximum power could be authorized for VHF television stations in Zone I. Previously, on July 20, 1955 (Report and Order, Docket No. 11181, FCC 55–802), the Commission had announced the adoption of an amendment to § 3.614 (b) of the rules which would permit VHF television stations in Zone I to use maximum power at antenna heights up to 1,250 feet, instead of up to 1,000 feet as provided in the rules. The effective date for that amendment was designated as August 31, 1955. This effective date was subsequently extended in a series of Orders issued prior to November 30, 1955, at which time the Commission vacated the Report and Order of July 20, 1955, and made the record in Docket No. 11181 part of this general television allocation proceeding. The rule making proposal under the former Docket No. 11181 is accordingly before us for decision.

43. In re-examining this proposal we have again carefully reviewed the comments, supporting and opposing the change. We have also considered a number of petitions for reconsideration or for stay of our Report and Order of July 20, 1955 (Docket No. 11181).[1] We also have considered the issues concerning maximum antenna heights and powers for VHF stations in Zone I in the light of the conclusions reached in this proceeding concerning the measures which will best facilitate the building and operation of greater numbers of television stations in both large and small markets. This objective is paramount, and furnishes the basis for our conclusion that it would be undesirable to alter the an-

[7] Filed by Elm City Broadcasting Corporation, The Air Transport Association of America, the Ultra High Frequency Coordinating Committee, Greylock Broadcasting Company (WMGT), Springfield Television Broadcasting Corporation (WWLP), Plains Television Corporation (WICS), The Helm Coal Company (WNOW–TV), Rossmoyne Corporation (WCMB–TV), Southern Connecticut and Long Island Television Company (WICC-TV).

tenna height and power maxima at this time. As we pointed out in our Report and Order of July 20, 1955, there were cogent reasons for rejecting, in the Sixth Report and Order, proposals to permit all stations to use maximum power at 2,000 feet, irrespective of location. In that document the Commission adverted to the lower separations in Zone I, the shorter distances between cities, and the need for more data on operations over 1,000 feet. The pattern of VHF stations in Zone I is now well established on the basis of the height and power rules adopted in 1952 when the Sixth Report and Order was issued.

44. The comments and data submitted in the instant proceeding also indicate that to some extent, the overlap of service areas tends to diminish the opportunities for the building and successful operation of a larger number of stations, both in the VHF and UHF bands, in smaller communities neighboring the larger metropolitan areas. The power increases sought for Zone I would tend to augment these effects of overlapping of service areas. In these circumstances, taking into account the objective of facilitating the construction and operation of a larger number of television stations, the Commission has come to the conclusion that it would be preferable not to adopt even the compromise increase contemplated in our Report and Order of July 20, 1955. In reaching this decision, the Commission has borne in mind not only the possible impact of the change on UHF stations in Zone I, but also the needless burdens which would be thrust on VHF stations, which would be faced with the alternatives of sustaining increased interference from co-channel stations taking advantage of the proposed rule change, or of increasing the heights of their own antennas in order to offset it. Owing to the added cost, local zoning restrictions and air space considerations not all VHF stations in Zone I would find it possible to increase their antenna heights. Thus this proposal would tend to unbalance the established pattern of VHF service in Zone I, a result which would not be justified by the extension of service areas which the amendment might make possible in a relatively few cases.

45. In our Memorandum Opinion and Order adopted December 14, 1955, we listed five petitions which related directly to the matters under review in the general television allocation and which we announced we would, accordingly, consider in these proceedings. It is now appropriate to consider these petitions in the light of the decisions reached herein. The petition filed April 18, 1955, by Albert J. Balusek of San Antonio, Texas, has already been disposed of. The remaining four are dealt with in the succeeding paragraphs.

46. On June 21, 1955, the UHF Industry Coordinating Committee requested that the Commission amend the rules so as to permit the authorization of VHF stations on a case-to-case basis at lower separations than are permitted at present. Whether such authorizations were processed on a case-to-case basis or on the basis of a general reduction of minimum separations, the Commission has concluded, for the reasons already given, that the authorization of additional VHF stations at sub-standard transmitter spacings would not be desirable.

47. On October 17, 1955, the Ultra High Frequency Industry Coordinating Committee filed a separate petition requesting, inter alia, that the Commission consider the television allocations problem under a broad rule making proceeding. The instant rule making proceeding corresponds with that requested by the petitioner. The Ultra High Frequency Industry Coordinating Committee also requested the deferment of authorizations or modifications of authorizations which would increase intermixture pending the conduct of the general proceeding. That portion of the petition is now moot, since we are now terminating this proceeding.

48. On October 7, 1955, the American Broadcasting Company filed a petition requesting the deintermixture of some communities, the reduction of VHF separations and other revisions to the present rules. These proposals of the American Broadcasting Company have been superseded by comments filed under the instant proceeding. It is not necessary, therefore, to give separate consideration to this petition.

49. On November 9, 1955, Scharfeld and Baron of Washington, D. C., filed a petition proposing that channel assignments be made on the basis of individual applications rather than under a fixed Table of Assignments. The Commission has given careful consideration to this proposal, but is not persuaded that it would be in the public interest to abandon the Table of Assignments at this time. Before the Sixth Report and Order was adopted the Commission considered proposals to assign television channels on the basis of individual applications. It was decided, however, for reasons set out in that document, that it would be preferable to establish a table of assignments subject to modification through rule making proceedings. Although not all the reasons given at that time are applicable now to the full extent they were in 1952, when a large backlog of applications would have rendered the application basis almost unmanageable, the Commission hesitates to discard the table and thereby incur delays which may occur in cases where applications propose conflicting assignments. Moreover, retention of the present system of fixed assignments subject to modification in rule making proceedings is desirable for implementation of the policies adopted in this Report and Order.

50. In our Further Report and Order adopted in this proceeding on November 30, 1955, the Commission gave notice that it would consider herein the petition which Northern Pacific TV Corporation of Spokane, Washington, filed on November 17, 1954, requesting the amendment of §3.614 (b) of the rules so as to permit stations operating on Channels 2–6 in Zone II to operate with maximum power of 100 kw irrespective of antenna height. On the basis of careful consideration of this proposal the Commission has concluded that it would not serve the public interest to remove the maximum limitations set out in the present rules at the present time. The basic considerations which apply here are similar to those already discussed in paragraphs 43 and 44, above, relating to the proposal to increase the antenna height at which VHF stations in Zone I are permitted to use maximum power.

51. In accordance with the decision reached on the proposal to increase the maximum power of UHF stations to 5000 kilowatts, discussed in paragraph 41 above, *it is ordered*, That effective August 1, 1956, Part 3 of the Commission's rules is amended as follows:

A. Section 3.614 (b) is amended by deleting in the table the expression "30 dbk (1000 kw)" and substituting therefor "37 dbk (5000 kw)".

B. Section 3.699 is amended by the deletion of Figures 3 and 4 and the substitution therefor of the attached Figures 3 and 4.

52. Authority for the foregoing amendment is contained in sections 303 (a), (b), (c), (e), (f), (g), (h) and (r) and 4 (i) of the Communications Act of 1934, as amended.

53. In accordance with the conclusions reached herein: *It is ordered*, That this proceeding is terminated, including that portion of this proceeding concerning amendment of the rules governing maximum antenna heights and powers in Zone I, which was formerly considered under Docket No. 11181.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

The accompanying Tables, which have been drawn up on the basis of new propagation data,[1] provide the basis for determining the Grade B service contours of television stations in the presence of noise and co-channel interference.

In order that rapid determinations may be reached, an abbreviated method is to be used in employing the Tables. In constructing the Tables it has been assumed that a contour which reflects the effect of each interfering station separately will approximate that derived from computing the simultaneous effect of several interfering signals since the interference from the nearest station will predominate.

The Tables are based on new minimum local field intensities of 35, 44, and 53 dbu in the presence of noise for low VHF, high VHF and UHF, respectively, and on a maximum receiving antenna discrimination of 6 db for VHF and 13 db for UHF. These new figures are employed in light of experience and improvement in the art since the Sixth Report and Order. They represent the following changes from the values employed at the time of the Sixth Report and Order. A 6 db improvement in the receiver noise figure for low VHF, a 4 db improvement in the receiver noise figure and a 3 db improvement in the receiving antenna gain for high VHF, and a 5 db improvement in the receiver noise figure and a 2 db improvement in transmission line loss for UHF. Maximum power for VHF stations, 1,000 kw for UHF stations and 1,000 foot transmitting antenna heights have been assumed in compiling the Tables. All of the data underlying the Tables are based on the foregoing assumptions and on 90 percent service time probability.

Table I gives the distance of a television station's signal as limited by noise for 50 percent and 70 percent of the locations for the low band VHF, high band VHF and UHF in the presence of noise only.

Table II gives the minimum spacing between co-channel stations in order that their Grade B contours will be limited by noise only. When stations are spaced at distances less than those indicated, their service areas will be limited by the resulting interference.

Table III gives the point, on a direct line between stations, at which Grade B service will be limited by co-channel in-

[1] See "Present Knowledge of Propagation in the VHF and UHF TV bands," W. C. Boese and H. Fine TRR 2.4.15, November 15, 1955.

[3] Concurring statements of Commissioners Hyde, Webster, Bartley and Mack and dissenting statement of Commissioner Doerfer filed as part of original document.

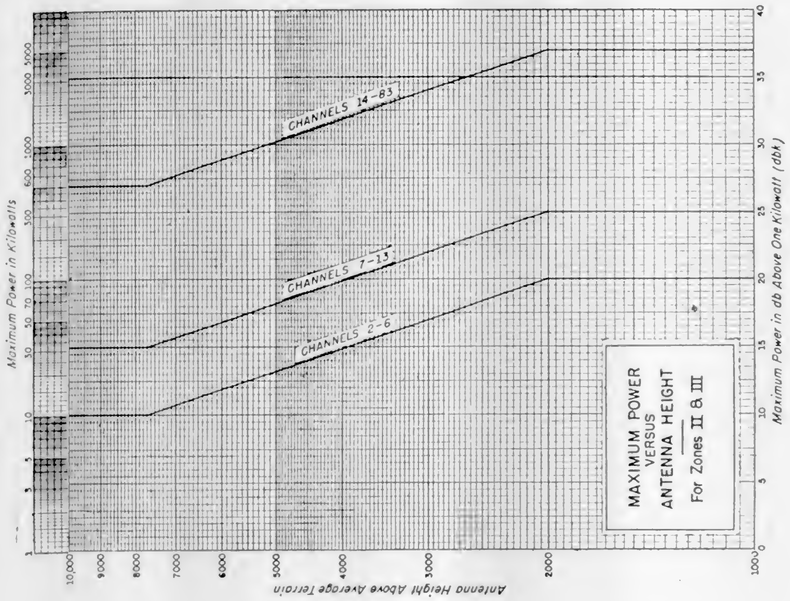


Figure 4

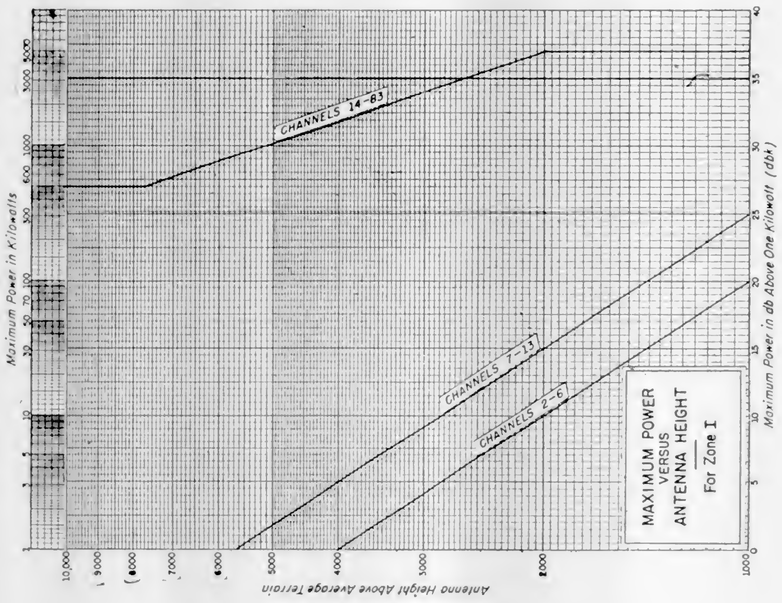


Figure 3

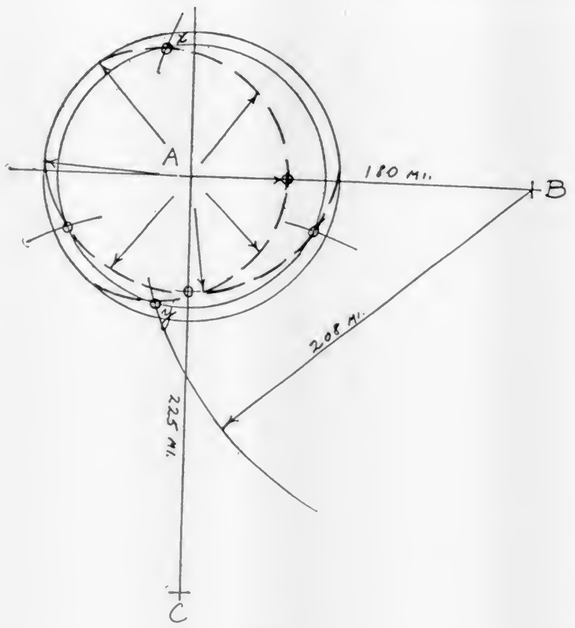
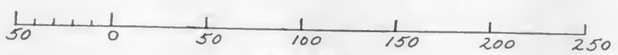


FIGURE 1.

Example of Service Computation—Low VHF.



Scale in Miles.

terference on the basis of the single station method of computation.[1] Linear interpolations may be used for distances between those listed.

Table IV gives the radii of the interfering signals which reduce the 70 percent noise limitation to an overall limitation of 50 percent.

The following example explains how the tables should be used:

Consider three co-channel TV stations in the low VHF band: Stations A, B and C (see fig. 1). The stations are offset. Station A is 180 miles from Station B and 225 miles from Station C. Station B is 290 miles from Station C. The problem is to determine the limitations of the Grade B contour of Station A in the presence of noise and the interfering signals from Stations B and C.

From Table I draw the 50 percent and 70 percent location contours as limited by noise. These are found to be circles of 78 and 71 mile radii, respectively. The contour limitation of Station A in the direction of Station B can be obtained by finding from Table III the distance to the interference-free Grade B contour d_1 for a spacing of 180 miles for low VHF stations operating on an offset basis. This contour is found to fall 50 miles from Station A, and this point should be plotted on a line between Stations A and B.

Two additional points should now be located to determine the limitation of the Grade B contour of Station A in the presence of noise and interference from Station B. These additional two points may be located from Table IV. From this Table find the pertinent distance d_2. The required points will be this distance from Station B—the undesired station—and will lie on the 70 percent location noise-limited contour of Station A, i. e., at points x and y in the diagram. In the example d_2 is 208 miles. These points will be positioned symmetrically with relation to the point already determined above and will indicate where noise will limit service to 70 percent of the locations and the interfering signal will limit service to 70 percent of the locations. The cumulative effect would thus be a limitation of service to 50 percent of the locations.

The Grade B contour of Station A as limited by noise, and interference from Station B will be determined by an arc of a circle drawn through the three points which have been located. The above procedure should be repeated for Station C.

The Grade B contour limitations for Station A are shown in the figure as indicated by the arrows.

TABLE I—DISTANCE TO NOISE LIMITED CONTOUR FOR LOCATIONS INDICATED

	Low VHF	High VHF	UHF
	Miles	*Miles*	*Miles*
At 50 percent locations	78	70	49
At 70 percent locations	71	66	45

TABLE II—MINIMUM SPACING REQUIRED SO THAT GRADE B SERVICE CONTOUR IS LIMITED BY NOISE ONLY

	Low VHF	High VHF	UHF
	Miles	*Miles*	*Miles*
Offset	271	247	155
Nonoffset	364	326	239

TABLE III—DISTANCE (d_1 IN MILES) TO GRADE B INTERFERENCE FREE SERVICE CONTOUR IN THE DIRECTION OF AN INTERFERING STATION AT SPACING INDICATED

Spacing (miles)	Low VHF		High VHF		UHF	
	Offset	Non-offset	Offset	Non-offset	Offset	Non-offset
100	26.5	.....	31.0	.....	37.0	.....
110	30.0	.....	34.0	.....	40.5	.....
120	32.5	.....	37.5	.....	43.0	.....
130	35.5	.....	40.0	.....	45.0	.....
140	38.5	.....	43.0	.....	47.0	.....
150	41.0	.....	46.0	.....	48.0	.....
155	.....	.....	.....	.....	49.0	.....
160	44.0	.....	48.5	.....	.....	.....
170	47.0	.....	51.0	.....	.....	.....
180	50.0	.....	53.5	.....	.....	.....
190	52.5	.....	56.5	.....	.....	41.5
200	55.5	37.5	58.5	42.5	.....	43.0
210	58.5	40.0	61.0	45.5	.....	44.5
220	61.5	42.5	63.5	48.0	.....	46.5
230	64.5	45.0	66.0	51.0	.....	48.0
240	67.5	48.0	68.5	53.5	.....	49.0
250	70.5	50.5	70.0	55.0	.....	.....
260	74.0	53.0	.....	57.0	.....	.....
270	77.5	55.5	.....	59.0	.....	.....
280	78.0	57.5	.....	61.0	.....	.....
290	.....	60.0	.....	63.0	.....	.....
300	.....	62.0	.....	65.0	.....	.....
310	.....	65.0	.....	67.0	.....	.....
320	.....	67.0	.....	69.0	.....	.....
330	.....	69.0	.....	70.0	.....	.....
340	.....	72.0	.....	.....	.....	.....
350	.....	74.0	.....	.....	.....	.....
360	.....	77.0	.....	.....	.....	.....
370	.....	78.0	.....	.....	.....	.....

TABLE IV—DISTANCE (d_2) FROM UNDESIRED STATION AT WHICH INTERFERING SIGNAL WILL REDUCE THE 70% LOCATION NOISE LIMITATION OF DESIRED STATION TO AN OVERALL GRADE B LIMITATION

	Low VHF	High VHF	UHF
	Miles	*Miles*	*Miles*
Offset	208	188	124
Nonoffset	307	274	210

[F. R. Doc. 56-5213; Filed, July 3, 1956; 8:45 a. m.]

[1] The figures in the Table were computed by obtaining the point on a line between stations at which the desired field exceeds the undesired by the required ratio. This does not give the precise point at which Grade B service is limited since receiver noise factor is not considered. In dealing with stations in the low VHF band, it would be necessary to consider nonoffset stations as far removed as 650 miles in order to take noise also into account. When using the simple method employed here for the spacings usually encountered the results may place the service contours from 1 to 4 miles beyond the actual figure that will be obtained if noise were also taken into account. Nevertheless, we believe the suggested method affords results of sufficient accuracy for present purposes.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 897, Amdt. 4]

PART 97—ROUTING

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of June 1956.

Upon further consideration of Service Order No. 897 (19 F. R. 3762; 20 F. R. 4, 4688; 20 F. R. 9825), and good cause appearing therefor: It is ordered, that:

Section 97.897 *Service Order No. 897* be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1956.

It is further ordered, that copies of this order and direction shall be served upon the Nebraska State Railway Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-5322; Filed, July 3, 1956; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 107—CHIGNIK AREA

WEEKLY CLOSED PERIODS

Basis and purpose. In compliance with paragraph (c) of § 104.5, announcement is made that registrations of units of gear by districts in Bristol Bay for the week ending July 7 were as follows:

1. Nushagak district, 270 units; Naknek-Kvichak district, 276 units; Egegik district, 99 units; Ugashik district, 45 units.

2. On the basis of improved runs in the Chignik area, it has been determined that additional fishing time can be permitted. Accordingly, § 107.3 is amended in paragraph (b) by deleting "Tuesday" and substituting in lieu thereof "Wednesday."

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.) and they shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY, *Director.*

JULY 2, 1956.

[F. R. Doc. 56-5358; Filed, July 2, 1956; 2:46 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

[Hearing Clerk Docket No. SH-145]

ALLOTMENT OF 1956 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF REOPENED HEARING

Pursuant to the provisions of the Sugar Act of 1948 as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. 1100 et seq.) hereinafter referred to as the "act", the 1956 quota for the Domestic Beet Sugar Area as established by Sugar Regulation 811 (20 F. R. 9848) amounting to 1,800,000 short tons, raw value, was allotted in Sugar Regulation 814.32, Amendment 1 (21 F. R. 2589). Thereafter, the act was amended by Public Law 545, 84th Congress, approved May 29, 1956, which provided, among other things, for increases in the quota for the Domestic Beet Sugar Area above the previously fixed level of 1,800,000 tons, when total sugar requirements exceed 8,350,000 short tons, raw value. In accordance therewith, Sugar Regulation 811, Amendment 2 (21 F. R. 4653), effective June 27, 1956 increased the 1956 quota for the area by 63,731 short tons, raw value, to total 1,863,731 short tons, raw value.

In view of such increase in the 1956 sugar quota for the Domestic Beet Sugar Area and to provide a basis for the allotment thereof and any further changes in such quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such quota identified as Hearing Clerk Docket No. SH-145, to permit evidence, limited to the subjects and issues hereinafter stated, to be introduced into such record. Accordingly, pursuant to section 205 of the act (62 Stat. 926, as amended by sec. 10, Pub. Law 545, 84th Cong.) and in accordance with the applicable rules of practice and procedure (21 F. R. 4251) notice is hereby given that a public hearing will be held in Room 2W, Administration Building, United States Department of Agriculture on July 16, 1956 beginning at 10:30 a. m., e. d. t.

The scope of such hearing will be limited to the presentation of evidence relevant and pertinent to the following subjects and issues.

1. The allotment, in accordance with section 205 of the act, of the increase of 63,731 short tons, raw value, in the 1956 sugar quota for the Domestic Beet Sugar Area and the allotment of any further increases or reductions of that part of the quota in excess of 1,800,000 short tons, raw value.

2. The limiting of marketings of each processor to permit an appropriate distribution of the 1956 sugar quota for the Domestic Beet Sugar Area in the event of any decreases in that part of the quota in excess of 1,800,000 short tons, raw value.

At the hearing, the Department of Agriculture will propose (1) that the increase of 63,731 short tons, raw value, in the 1956 sugar quota for the Domestic Beet Sugar Area, and any further increases or reductions of that part of the quota in excess of 1,800,000 short tons, raw value, be allotted in the manner proposed by the industry and set forth in Exhibit 6 of the record of the proceeding identified as Hearing Clerk Docket No. SH-145, and (2) that marketings of each allottee be limited to 98% of its allotment through November 30, 1956 and that after that date, total marketings of each allottee in the calendar year 1956 shall not exceed its allotment for such year.

Issued at Washington, D. C., this 28th day of June 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 56-5295; Filed, July 3, 1956; 8:49 a. m.]

[7 CFR Part 814]

[Hearing Clerk Docket No. SH-144]

ALLOTMENT OF 1956 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF REOPENED HEARING

Pursuant to the provisions of the Sugar Act of 1948 as amended (61 Stat. 318, 7 U. S. C. 1100 et seq.) hereinafter referred to as the "act" and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a notice of hearing was issued (20 F. R. 10167) and a hearing was held to receive evidence for the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area. Thereafter, the act was amended by Public Law 545, 84th Congress, approved May 29, 1956, which provided, among other things, for increases in the quota for the Mainland Cane Sugar Area above the previously fixed level of 500,000 tons, when total sugar requirements exceed 8,350,000 short tons, raw value. In accordance therewith, Sugar Regulation 811, Amendment 2, (21 F. R. 4653) effective June 27, 1956 increased the 1956 quota for the area by

60,019 short tons, raw value, to total 560,019 short tons, raw value.

In view of such increase in the 1956 sugar quota for the Mainland Cane Sugar Area and to provide a basis for the allotment thereof and any further changes in such quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such quota identified as Hearing Clerk Docket No. SH–144, to permit evidence, limited to the subjects and issues hereinafter stated, to be introduced into such record. Accordingly, pursuant to section 205 of the act (62 Stat. 926, as amended by section 10, Pub. Law 545, 84th Cong.) and in accordance with the applicable rules of practice and procedure (21 F. R. 4251) notice is hereby given that a public hearing will be held in Room 2W, Administration Building, United States Department of Agriculture on July 16, 1956 beginning at 9:30 a. m., e. d. s. t.

The scope of such hearing will be limited to the presentation of evidence relevant and pertinent to the following subjects and issue:

1. The allotment, in accordance with section 205 of the act, of the increase of 60,019 short tons, raw value, in the 1956 sugar quota for the Mainland Cane Sugar Area and the allotment of any further increases or reductions of that part of the quota in excess of 500,000 short tons, raw value.

2. The limiting of marketings of each processor to permit an appropriate distribution of the 1956 sugar quota for the Mainland Cane Sugar Area in the event of any decreases in that part of the quota in excess of 500,000 short tons, raw value.

At the hearing, the Department of Agriculture will propose (1) that the increase of 60,019 short tons, raw value, in the 1956 sugar quota for the Mainland Cane Sugar Area, and any further increases or reductions of that part of the quota in excess of 500,000 short tons, raw value, be allotted in the same manner as finally adopted for the allotment of the 500,000 tons pursuant to the record of the hearing held in this proceeding identified as Hearing Clerk docket No. 144, and (2) that marketings of each allottee be limited to 95 percent of its allotment through November 30, 1956 and that after that date, total marketings of each allottee in the calendar year 1956 shall not exceed its allotment for such year.

It also will be appropriate at the hearing to present evidence of any corporate merger or consolidation or of any transfer of sugar-processing facilities on the basis of which the Secretary may attribute the production, marketing and inventory history of one processor to another and establish allotments accordingly or may permit marketings to be made by one allottee, or other person, within the allotment of another. A Government witness will propose that a paragraph be included in the allotment order as follows:

The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

Issued at Washington, D. C., this 28th day of June 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5296; Filed, July 3, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11703]

FIXED SERVICE UTILIZING TROPOSPHERIC SCATTER TECHNIQUES

EXTENSION OF TIME TO FILE COMMENTS

In the matter of amendments of Part 2 of the Commission's rules to provide specifically for the fixed service utilizing tropospheric scatter techniques.

1. The Commission having under consideration the request filed in the above entitled proceeding by the Radio-Electronics-Television Manufacturers Association (RETMA) requesting an extension of time from July 1, 1956, to January 2, 1957, in which to file comments to the Commission's Notice of Proposed Rule Making in this Docket;

2. It appearing that good and sufficient reasons have been advanced by the RETMA in its request for an extension of time in which to file comments, and that the public interest would be served by a grant of that request;

3. *It is ordered*, That the time for filing comments in the above entitled proceeding is hereby extended from July 1, 1956, to January 2, 1957.

Adopted: June 27, 1956.

Released: June 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5316; Filed, July 3, 1956; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 11747; FCC 56–588]

TELEVISION BROADCAST STATIONS; SPRINGFIELD, ILL., ST. LOUIS, MO.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Springfield, Ill.–St. Louis, Mo.).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Springfield, Ill.	2, 20, *66	20, 39, *66
St. Louis, Mo.	4, 5, *9, 11, 30, 36, 42	2, 4, 5, *9, 11, 30, 36, 42, 49
Lincoln, Ill.	53	

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5214; Filed, July 3, 1956; 8:45 a. m.]

[47 CFR Part 3]

[Docket No. 11748; FCC 56–589]

TELEVISION BROADCAST STATIONS; HARTFORD, CONN., PROVIDENCE, R. I.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Hartford, Connecticut–Providence, Rhode Island).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Hartford, Conn.	3, 18, *24	18, *24, 61
Meriden, Conn.	65	
Easthampton, Mass.	61	
Providence, R. I.	10, 12, 16, *36	3, 10, 12, 16, *36

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 3 is being proposed for Providence even though the minimum spacing from the city would not be met. However, as noted in the above Report and Order, in the utilization of Channel 3, the transmitter will have to be located so as to meet the minimum transmitter spacing requirement.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5215; Filed, July 3, 1956; 8:45 a. m.]

[1] Commissioners McConnaughey, Chairman, and Mack dissenting and Commissioner Doerfer dissenting and issuing a statement, which is filed as part of the original document.

[47 CFR Part 3]

[Docket No. 11749; FCC 56–590]

TELEVISION BROADCAST STATIONS; PEORIA, ILL., DAVENPORT, IOWA-ROCK ISLAND-MOLINE, ILL.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Peoria, Illinois, Davenport, Iowa-Rock Island-Moline, Illinois.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Galesburg, Ill.	40	77
Peoria, Ill.	8, 19, *37, 43	19, 25, *37, 43
Rock Island, Ill.	(1)	8

[1] See Davenport, Iowa.

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 8 is being proposed for Rock Island even though the minimum spacing from the city would not be met. However, as noted in the above Report and Order, in the utilization of the channel the transmitter will have to be located so as to meet the minimum spacing requirements.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5216; Filed, July 3, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11750; FCC 56–591]

TELEVISION BROADCAST STATIONS; NORFOLK, PORTSMOUTH, NEWPORT NEWS, VA., AND NEW BERN, N. C.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Norfolk-Portsmouth-Newport News, Virginia and New Bern, North Carolina).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and

[1] Commissioners Doerfer and Mack dissenting.

in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
New Bern, N. C.	13	12
Norfolk-Portsmouth-Newport News, Va.	3, 10, 15, *21, 33	3, 10, 13, 15, *21, 33

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 12 is being proposed for New Bern and Channel 13 for Norfolk-Portsmouth-Newport News even though the minimum spacing from the city would not be met. However, as noted in the above Report and Order, in the utilization of the channels the transmitters will have to be located so as to meet the minimum spacing requirements.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–5217; Filed, July 3, 1956; 8:46 a. m.]

[1] Commissioners Hyde, Webster, and Mack dissenting.

[47 CFR Part 3]

[Docket No. 11751; FCC 56–592]

TELEVISION BROADCAST STATIONS; ALBANY, SCHENECTADY, TROY, N. Y., AND VAIL MILLS, N. Y.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Albany-Schenectady-Troy, New York and Vail Mills, New York).

1. Notice is hereby given or rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Albany - Schenectady - Troy, N. Y.	6, *17, 23, 35, 41	6, *17, 23, 35, 41, 47
Vail Mills, N. Y.	10	

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 47 is being proposed for Albany-Schenectady-Troy even though the minimum city-to-city spacing would not be met. However, as noted in the above Report and Order, in the utilization of Channel 47 the transmitter will have to be located so as to meet the minimum spacing.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–5218; Filed, July 3, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11752; FCC 56–593]

TELEVISION BROADCAST STATIONS; NEW ORLEANS, LA.-MOBILE, ALA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (New Orleans, Louisiana-Mobile, Alabama).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Mobile, Ala.	5, 10, *42, 48	4, 5, 10, *48
New Orleans, La.	4, 6, *8, 20, 26, 32, 61	6, *8, 20, 26, 32, 42, 61

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 4 is being proposed for Mobile even though the minimum spacing from the city would not be met. However, as noted in the above Report and Order, in the utilization of Channel 4 the transmitter will have to be located so as to meet the minimum spacing requirements.

[1] Commissioners McConnaughey, Chairman; Doerfer and Mack dissenting.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–5219; Filed, July 3, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11753; FCC 56–594]

TELEVISION BROADCAST STATIONS; CHARLESTON, S. C.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Charleston, South Carolina).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Charleston, S. C.	2, 5, *13, 17	2, 4, 5, *13, 17

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–5220; Filed, July 3, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11754; FCC 56–595]

TELEVISION BROADCAST STATIONS, MADISON, WIS.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Madison, Wisconsin).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21, 27, 33	*3, 21, 27, 33

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–5221; Filed, July 3, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11755; FCC 56–596]

TELEVISION BROADCAST STATIONS; DULUTH, MINN., SUPERIOR, WIS.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broad-

[1] Commissioners McConnaughey, Chairman; Doerfer and Mack dissenting.

cast Stations (Duluth, Minn.-Superior, Wis.).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Duluth, Minn.-Superior, Wis.	3, 6, *8, 32, 38	3, 6, 8, *32, 38

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5222; Filed, July 3, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11756; FCC 56-597]

TELEVISION BROADCAST STATIONS; MIAMI, FLA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Miami, Florida).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Miami, Fla.	*2, 4, 7, 10, 23, 33	*2, 4, 6, 7, 10, 23, 33

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. In accordance with the policies adopted in the Commission's Report and Order issued today in Docket No. 11532, Channel 6 is being proposed for Miami even though the minimum spacing from the city would not be met. However, as noted in the above Report and Order, in the utilization of Channel 6, the transmitter will have to be located so as to meet the minimum spacing requirements.

4. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

6. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communication Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5223, Filed, July 3, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11757; FCC 56-598]

TELEVISION BROADCAST STATIONS; EVANSVILLE, IND.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Station A (Evansville, Indiana).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Evansville, Ind.	7, 50, *56, 62	*7, 50, 56, 62

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

[1] Commissioners Webster and Mack dissenting.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5224; Filed, July 3, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11758; FCC 56-599]

TELEVISION BROADCAST STATIONS; ELMIRA, N. Y.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Elmira, New York).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Auburn, N. Y.	37	
Elmira, N. Y.	9, 18, 24	18, 24, 30

(Offset carrier designations for the various channels will be specified in the final Report and Order).

3. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5225; Filed, July 3, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11759;[1] FCC 56-600]

TELEVISION BROADCAST STATIONS; FRESNO-SANTA BARBARA, CALIF.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Fresno-Santa Barbara, California).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission today adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with the view to improving the immediate television situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general objectives outlined in the above Report and Order, the Commission is proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	12, *18, 24, 47, 53	*18, 24, 30, 47, 53
Madera, Calif.	30	59
Santa Barbara, Calif.	3, 20, 26	3, 12, 20, 26

(Offset carrier designations for the various channels will be specified in the final Report and Order.)

3. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

4. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued today in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38–40 of the above Report and Order.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5226; Filed, July 3, 1956; 8:47 a. m.]

[1] Commissioners Doerfer and Mack dissenting.

[2] Commissioners McConnaughey, Chairman; Doerfer and Mack dissenting.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

NOTICE OF PROPOSED RULEMAKING

JUNE 6, 1956.

Having under consideration rearrangement of the form of the general balance sheet statement prescribed for railroad companies, and changes in account numbers, titles, and texts, necessary to implement the rearrangement, the Commission has approved the modifi-

cations which are set forth below. These changes in the form of the balance sheet will, when formally ordered, have the effect of (1) showing the current assets and the current liabilities as the first items in the list of assets and liabilities, respectively; and (2) showing the capital stock, capital surplus, and retained income, in the same group under "Shareholders Equity" at the end of the balance sheet.

Any interested person may on or before August 1, 1956, file with the Commission's Secretary written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, and giving effect to any changes found necessary because of them, it is contemplated that this revision of the balance sheet accounts and the form of balance sheet statement will become effective January 1, 1957.

[SEAL] HAROLD D. McCOY,
Secretary.

MODIFICATIONS

1. In § 10.790 *Form of general balance sheet statement,* cancel the form of general balance sheet statement and substitute the following form for it:

ASSETS

CURRENT ASSETS

701. Cash.
702. Temporary cash investments.
703. Special deposits.
704. Loans and notes receivable.
705. Traffic and car-service balances—Dr.
706. Net balances receivable from agents and conductors.
707. Miscellaneous accounts receivable.
708. Interest and dividends receivable.
709. Accrued accounts receivable.
710. Working fund advances.
711. Prepayments.
712. Material and supplies.
713. Other current assets.
Total current assets.

SPECIAL FUNDS

715. Sinking funds.
716. Capital and other reserve funds.
717. Insurance and other funds.
Total special funds.

INVESTMENTS

721. Investments in affiliated companies.
722. Other investments.
723. Reserve for adjustment of investment in securities—Cr.
Total investments.

PROPERTIES

731. Road and equipment property.
732. Improvements on leased property.
733. Acquisition adjustment.
734. Donations and grants—Cr.
Total transportation property.
735. Accrued depreciation—Road and equipment.
736. Accrued amortization of defense projects—Road and equipment.
Total transportation property less recorded depreciation and amortization.
737. Miscellaneous physical property.
738. Accrued depreciation—Miscellaneous physical property.
Miscellaneous physical property less recorded depreciation.
Total properties less recorded depreciation and amortization.

OTHER ASSETS AND DEFERRED CHARGES

741. Other assets.
742. Unamortized discount on long-term debt.
743. Other deferred charges.
Total other assets and deferred charges.
Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

CURRENT LIABILITIES

751. Loans and notes payable.
752. Traffic and car-service balances—Cr.
753. Audited accounts and wages payable.
754. Miscellaneous accounts payable.
755. Interest matured unpaid.
756. Dividends matured unpaid.
757. Unmatured interest accrued.
758. Unmatured dividends declared.
759. Accrued accounts payable.
760. Taxes accrued.
761. Other current liabilities.
Total current liabilities.

LONG-TERM DEBT

	Total issued	Held by or for Company
765. Funded debt unmatured		
766. Equipment obligations		
767. Receivers' and Trustees' securities		
768. Debt in default		
769. Amounts payable to affiliated companies		
Total long-term debt (due within 1 year $_____)		

RESERVES

771. Pension and welfare reserves.
772. Insurance reserves.
773. Equalization reserves.
774. Casualty and other reserves.
Total reserves.

OTHER LIABILITIES AND DEFERRED CREDITS

781. Interest in default.
782. Other liabilities.
783. Unamortized premium on long-term debt.
784. Other deferred credits.
785. Accrued depreciation—Leased property.
Total other liabilities and deferred credits.

SHAREHOLDERS' EQUITY

	Total issued	Held by or for Company
Capital stock (par or stated value):		
791. Capital stock issued		
792. Stock liability for conversion		
793. Discount on capital stock		
Total capital stock		
Capital surplus:		
794. Premiums and assessments on capital stock		
795. Paid-in surplus		
796. Other capital surplus		
Total capital surplus		
Retained income:		
797. Retained income—Appropriated		
798. Retained income—Unappropriated		
Total retained income		
Total shareholders' equity		
Total liabilities and shareholders' equity		

2. Cancel the numbers, titles and texts, of § 10.702½C *Accrued depreciation; road* and § 10.702½D *Accrued depreciation; equipment,* and substitute the following:

§ 10.735 *Accrued depreciation; road and equipment.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of depreciable road and equipment property. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account 733, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of depreciable property, this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for property. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts.

3. Cancel the numbers, titles and texts of § 10.702½E *Accrued amortization of defense projects; road* and § 10.702½F *Accrued amortization of defense projects; equipment* and substitute the following:

§ 10.736 *Accrued amortization of defense projects; road and equipment.* (a) This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property," or account 732, "Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired.

(b) The accounting company shall maintain subaccounts separately for accrued amortization of (1) road property and (2) equipment.

4. Change the title of § 10.712 *Loans and bills receivable,* to read: *"Loans and notes receivable."*

5. Change the account number of § 10.720 *Working fund advances,* to 710 and add the following note to the text of the account:

§ 10.710 *Working advances.* • • •

NOTE: Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, Investments in Affiliated Companies, or 722, Other Investments, as may be appropriate.

6. Cancel the account number, title and text of § 10.722 *Other deferred assets,* and substitute the following:

§ 10.741 *Other assets.* This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; other deferred assets; and assets not otherwise provided for in general balance sheet accounts. (See § 10.08–7 *Current assets.*)

7. Change the account number of § 10.723 *Prepayments,* to 711 and add the following note to the text of the account:

§ 10.711 *Prepayments.* • • •

NOTE: Expenditures, in the nature of additional rental, borne by a carrier for improvements to office buildings and other facilities rented for more than one year shall be included in account 743, Other deferred charges.

8. Cancel the account numbers, titles and texts of § 10.726 *Property retired chargeable to operating expenses,* and § 10.727 *Other unadjusted debits,* and substitute the following:

§ 10.743 *Other deferred charges.* (a) This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries"; unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

(b) This account also is intended as a suspense account in which may be included deferred amounts for property retired chargeable to operating expenses as follows:

(1) Amounts representing the service value of nondepreciable road property retired which are relatively so large that their inclusion in the accounts for a single year would distort those accounts. (See § 10.04–6 *Distribution of charges for nondepreciable road property retired.*)

(2) Amounts representing the service value of depreciable road property retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(3) Amounts representing the service value of equipment retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(4) This provision covering property retired is to be used only after permission of the Commission has been asked and given. The carrier in its application to the Commission shall give full particulars concerning the property retired, the amount which it is proposed to charge to operating expenses, and the period over which, in its judgment, the amount of such charge shall be distributed.

9. Cancel the numbers, titles and texts of § 10.728 *Securities issued or assumed; unpledged,* and § 10.729 *Securities issued or assumed; pledged.*

10. Cancel the account number, title, and text of § 10.770 *Other deferred liabilities,* and substitute the following:

§ 10.782 *Other liabilities.* This account shall include assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks; other deferred liabilities; and liabilities not otherwise provided for in general balance sheet accounts.

NOTE: The amount of assessments for public improvements, if payments are to be made within one year, shall be included in account 761, "Other current liabilities."

11. Add the following account number, title and text:

§ 10.774 *Casualty and other reserves.* This account shall include reserves created by charges to operating expenses to provide for estimated liability for injuries to persons and loss and damage claims; estimated liability for revenue overcharges, such as those covered by reparation claims; and reserves not otherwise provided for in balance sheet accounts.

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

12. Cancel the account number, title and text of § 10.778 *Other unadjusted credits,* and substitute the following:

§ 10.784 *Other deferred credits.* This account shall include the amount of credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds; amounts collected from the sale of damaged, unclaimed and overfreight held pending claim; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; unadjusted credit items not otherwise provided for and similar items, the proper disposition of which is uncertain.

13. Change numbers of accounts as follows:

From—	To—
701	731
702	732
702½A	733
702½B	734
702½C, D	Cancel
New account	735
702½E, F	Cancel
New account	736
703	715
704	716
705	737
705½	738
706	721
707	722
707½	723
708	701
709	702
711	703
712	704
713	705
714	706
715	707
716	712
717	708
718	709
719	713
720	710
721	717
722	Cancel
723	711
725	742
New account	741
726–727	Cancel
New account	743
728–729	Cancel
751	791
752	792
753	794
754	793
755	765
755½	768
756	767
756½	766
757	769
758	751
759	752
760	753
761	754
762	755
763	756
764	757
765	758
766	759
767	760
768	761
769	771
769½	781
770	Cancel
772	783
773	772
773½	773
New account	774
New account	782
778	Cancel
New account	784
779	785
784	Cancel
784.1	795
784.2	796
785	797
786	798

[F. R. Doc. 56–5283; Filed, July 3, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

DYED HOG BRISTLE OF GERMAN ORIGIN

AVAILABILITY OF LICENSES FOR IMPORTATION

Notice is hereby given that the Treasury Department is now prepared to consider applications on Form TFAC–1 for licenses under the Foreign Assets Control Regulations, 31 CFR 500.101 to 500.808, to consummate contracts for the purchase and importation from Germany, in appropriate cases, of dyed hog bristles of German origin, provided that such bristles were dyed and dressed pursuant to such contract or contracts entered into between the applicant and the German exporter prior to April 14, 1955, and in reliance upon the German certificate of origin procedure, which was announced in the FEDERAL REGISTER on September 22, 1953 (18 F. R. 5655), and which is no longer in effect. Licenses issued pursuant to such applications will authorize the importation of bristle for entry into warehouse. The release from warehouse of bristle imported pursuant to such licenses will be authorized only after the Foreign Assets Control is satisfied by physical inspection of the merchandise, and such other measures as may be appropriate, that the merchandise consists solely of dyed bristle of German origin.

Applicants are advised that the fact that a licensee has paid for bristle under a license will not be considered a factor which would warrant the release from warehouse of bristle which is not found by Foreign Assets Control to consist entirely of dyed bristle of German origin.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D. C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56–5305; Filed, July 3, 1956; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

SMALL TRACT CLASSIFICATION ORDER PARTIALLY REVOKED; LAND RECLASSIFIED

JUNE 26, 1956.

Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, issues April 21, 1954, by the Director, Bureau of Land Management, I hereby revoke Small Tract Classification Order No. 1, Utah, published October 12, 1954, as to that part of Sec. 21, T. 26 S., R. 22 E., Salt Lake Meridian, lying northeast of the county road. This area has been designated on the supplemental plat of survey, not yet approved, as lots 5, 6, 7, 8, 9, 10, 11, Sec. 21, T. 26 S., R. 22 E., Salt Lake Meridian, and contains approximately 23 acres.

The above described land is hereby reclassified as suitable for disposal under the act of September 30, 1890 (26 Stat. 502) to accommodate the requirements of the City of Moab, Utah. The reclassification is for a public purpose and is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 56–5303; Filed, July 3, 1956; 8:51 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 27, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 011497, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as sites for camp and picnic grounds and recreation areas in the White River National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

Cliff Lake Campground:
T. 2 S., R. 90 W.,
Sec. 30: SW¼SW¼;
Sec. 31: NW¼NW¼.
South Fork Campground:
T. 2 S., R. 90 W.,
Sec. 19: SW¼NE¼, W½SE¼.
Sweetwater Campground:
T. 3 S., R. 87 W.,
Sec. 16: Lot 5 (SE¼NE¼), NE¼SE¼.
Clark Cabin Picnic Ground:
T. 3 S., R. 91 W.
Sec. 3: SE¼SE¼SW¼, SW¼SW¼SE¼;
Sec. 10: NW¼NW¼NE¼, NE¼NE¼NW¼.
East Elk Campground:
T. 4 S., R. 90 W.,
Sec. 31: E½NE¼.
Gore Campground:
T. 5 S., R. 79 W.,
Sec. 18: NW¼NE¼.
Bighorn Picnic Ground:
T. 5 S., R. 79 W.,
Sec. 18: NE¼NW¼.
Hornsliver Picnic Ground:
T. 6 S., R. 80 W.,
Sec. 29: SW¼SW¼SW¼;
Sec. 32: W½NW¼NW¼.
Camp Tigawon Recreation Area:
T. 6 S., R. 81 W.,
Sec. 14: SW¼SW¼;
Sec. 22: NE¼NE¼;
Sec. 23; NW¼NW¼.
Blodgett Campground:
T. 7 S., R. 80 W.,
Sec. 5: Lot 8 (NW¼NW¼), N½SW¼NW¼;
Sec. 6: Lot 8 (NE¼NE¼).
Rocky Fork Campground:
T. 8 S., R. 84 W.,
Sec. 18: W½NW¼NE¼, NE¼NW¼;
Sec. 7: S½SE¼SW¼.
Dinkle Lake Campground:
T. 9 S., R. 87 W.,
Sec. 4: E½ Lot 9, Lot 10 (E½SW¼NW¼, SE¼NW¼).
Janeway Picnic Ground:
T. 9 S., R. 88 W.,
Sec. 28: W½NE¼SW¼, E½NW¼SW¼.
Avalanche Creek Campground:
T. 9 S., R. 88 W.,
Sec. 34: S½SW¼NE¼, NW¼SE¼, SW¼NE¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
Snowmass Creek Campground:
T. 10 S., R. 86 W.,
Sec. 4: SE¼SE¼;
Sec. 9: NE¼NE¼;
Sec. 10: NW¼NW¼.
Redstone Picnic Ground:
T. 10 S., R. 88 W.,
Sec. 9: SW¼SW¼SW¼;
Sec. 16: NW¼NW¼NW¼.
Grottos Campground:
T. 11 S., R. 83 W.,
Sec. 6: SE¼SE¼.
Bogan Flats Campground:
T. 11 S., R. 88 W.,
Sec. 18: S½S½NE¼, N½N½SE¼.
Lost Creek Campground:
T. 1 N., R. 90 W.,
Sec. 15: S½ Lot 1 (SW¼SE¼), SE¼SE¼SW¼.

Total area, 1,269.24 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 56–5315; Filed, July 3, 1956; 8:53 a. m.]

Bureau of Mines

VARIOUS OFFICIALS OF REGION V

[Regional Administrative Order 77]

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau of Mines Manual, the following officials of Region V, Bureau of Mines, may, subject to the limitations appearing in Bureau of Mines Manual, paragraph 205.2.4A (1) and those herein prescribed including approval by higher authority, execute contracts and purchase orders for equipment, supplies or services, including maintenance in conformity with applicable regulations and statutory requirements: Assistant Regional Director, Chief, Division of Administration, Chief, Branch of Property Management, Superintendents of stations, administrative officers, administrative assistants, purchasing agents and certain other employees designated by name at College Park, Maryland; Pittsburgh, Pennsylvania; Morgantown, West Virginia; Norris, Tennessee; Tuscaloosa, Alabama; Gorgas, Alabama; and Minneapolis, Minnesota.

2. In accordance with the provisions and limitations listed in Paragraph 1, preceding, the following officials of Region V may approve contracts and purchase orders for equipment, supplies, or services, including maintenance:

(A) Purchases or services (leases excluded) not exceeding $500.00, microfilming not exceeding $100.00, alterations and repairs to buildings not exceeding $500.00, purchases from General Services Administration or its contractors not exceeding $2,000.00: All officials named in paragraph 1, above, as having authority to execute contracts and purchase orders.

(B) Acquirement by lease within the area under the administrative jurisdiction of the Office of the Regional Director, Region V, space in buildings, consistent with the provisions of Bureau of Mines Manual, Volume IV, paragraph 2.8.30: Assistant Regional Director, Chief, Division of Administration, Chief, Branch of Property Management.

(C) Purchases from General Services Administration or its contractors in the range $2,000–$10,000, and other purchases in the range $500–$1,000: Assistant Regional Director.

3. Change orders and extra work orders—With respect to any contract (including a contract approved by the Director or the Regional Director, Region V) the following officials may, up to $500.00, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized: Assistant Regional Director, Chief, Division of Administration, Chief, Branch of Property Management, Superintendents of stations at College Park, Maryland; Pittsburgh, Pennsylvania; Morgantown, West Virginia; Norris, Tennessee; Tuscaloosa, Alabama; Gorgas, Alabama; and Minneapolis, Minnesota.

4. Authorities delegated by this order may be redelegated only with the approval of the Regional Director, Region V.

5. The delegations contained herein supersede those in Paragraph 4 of Administrative Order No. 3, Region V, pertaining to purchases and contracts and restates and redelegates the authority to execute leases delegated by the Secretary of the Interior to heads of Bureaus in section 52 of Secretary's Order 2509 (17 F. R. 6793), subdelegated to the Regional Director and Chief, Branch of Property Management by the Director of the Bureau of Mines in Bureau Administrative Order 666–B (19 F. R. 3483) and on reorganization of the Bureau transferred to the Regional Director, Region V, by Bureau of Mines Administrative Order 696, Part B, Section II, Paragraph 4 (a).

H. P. GREENWALD,
Regional Director,
Region V.

Approved: June 26, 1956.

THOS. H. MILLER,
Acting Director,
Bureau of Mines.

[F. R. Doc. 56–5299; Filed, July 3, 1956; 8:50 a. m.]

Office of the Secretary

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

Correction

The land descriptions in the order of the Secretaries of Agriculture and of the Interior, appearing as FEDERAL REGISTER Document 56–5018 at pages 4525–4530 of the issue for June 23, 1956, are corrected in the following particulars:

In Part I of the order:

(a) T. 33 S., R. 5 W. (Josephine County), sec. 32, change "N½SE¼" to read "SW¼SE¼."

(b) T. 33 S., R. 10 W. (Curry County), sec. 2, change "NW¼SE¼, NE¼" by deleting the comma which appears at the end of the last line, first column, page 4526.

(c) By eliminating the third group of lands in column 2, page 4526 headed "Douglas County" which is an incorrect duplication. The correct grouping for Douglas County commences near the bottom of column 2.

(d) By eliminating the second grouping of lands in column 2, page 4526 headed "Klamath County," which is a duplication of the lands described in the fourth group of that column.

(e) T. 28 S., R. 3 W. (Douglas County), sec. 30, change "S½NW¼" to read "E½NW¼."

(f) T. 34 S., R. 2 E. (Jackson County), sec. 20, "W¼SW¼" should read "W½SW¼."

(g) T. 39 S., R. 2 W. (Jackson County), sec. 25, "SE¼NS¼" should read "SE¼NE¼."

(h) T. 40 S., R. 2 W. (Jackson County), sec. 10, change "NW¼SE¼, NW¼NW¼" and "S½SE¼, NW¼NW¼" by deleting the comma in each instance.

(i) T. 38 S., R. 3 W. (Jackson County), sec. 16, "NE¼SW½" should read "NE¼SW¼."

In Part II of the order:

(a) T. 34 S., R. 9 W. (Josephine County), sec. 21, change "W½SE¼SE¼SE¼" to read "W½SE¼, SE¼SE¼."

(b) T. 35 S., R. 9 W. (Josephine County), sec. 33, "E½, E½," delete the duplication.

(c) T. 35 S., R. 10 W. (Josephine County), sec. 13, "NE¼NW¼ NE¼NW¼," delete the duplication.

(d) T. 12 S., R. 8 W. (Lincoln County), sec. 13, change "NE¼E½SW¼" to read "NE¼, E½SW¼." In sec. 17, change "SW¼NE¼S½" to read "SW¼NE¼, S½."

(e) T. 30 S., R. 1 W. (Douglas County), sec. 33, change "N½SW¼" to read "N½, SW¼."

(f) Add "T. 73 S., R. 3 E.," just prior to the third line, from the bottom, third column, page 4529 (Jackson County) to indicate that the lands following sec. 1 and preceding sec. 35, now listed under T. 40 S., R. 1 E., are in the former township.

(g) T. 3 S., R. 8 W. (Tillamook County), sec. 25, "N½N¼" should read "N½N½."

DEPARTMENT OF COMMERCE

Federal Maritime Board

SANTIAGO DE CUBA CONFERENCE AND BUCCANEER LINE, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7650–B, between the member lines of the Santiago de Cuba Conference and Buccaneer Line, Inc., covers the admission of Buccaneer Line to associate membership in that conference. As an associate member, Buccaneer Line will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shippers; and will be exempt from posting of the usual surety bond. Agreement No. 7650 covers the trade between U. S. Atlantic and Gulf ports and Santiago de Cuba.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 29, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–5326; Filed, July 3, 1956; 8:55 a. m.]

JAMES LOUDON & CO., INC., AND D. C. ANDREWS & CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8074 between James Loudon & Co., Inc. (Los Angeles) and

D. C. Andrews & Company, Inc. (New York) is a cooperative working arrangement whereby freight forwarding services are to be performed by the parties for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 29, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-5327; Filed, July 3, 1956; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-2210, G-9547, and G-10592]

UNITED GAS PIPE LINE CO.

ORDER FURTHER CONSOLIDATING PROCEEDINGS FOR PURPOSE OF ORAL ARGUMENT ONLY AND SUPPLEMENTING ORDER ISSUED JUNE 22, 1956

By order issued June 22, 1956, the Commission consolidated the proceding in Docket No. G-9547 with the proceedings in Docket Nos. G-1142 and G-2210 for purpose of oral argument upon the matters involved in and the issues presented by (1) the May 15, 1956, motion of Tyler Gas Service Company (Tyler Gas) and the answer of United Gas Pipe Line Company (United) in Docket Nos. G-1142 and G-2210; (2) the petitions to intervene of Tyler Gas and the City of Tyler, Texas, in such proceedings; and (3) the motion of Tyler Gas and the answer of United in Docket No. G-9547. We fixed July 13, 1956, as the date of oral argument thereon.

United, on May 15, 1956, filed increased rates, including increased rates and charges applicable to the sales of gas to Tyler Gas. These increased rates and charges were suspended until November 16, 1956, by order of the Commission issued June 15, 1956, in Docket No. G-10592.

Tyler Gas and the City of Tyler, Texas, on June 15, 1956, filed a joint petition in Docket No. G-10592 for an order of the Commission rejecting the May 15, 1956, filing of United insofar as it applied to sales of gas to Tyler Gas.

Petitioner state, and the petition so shows, that the joint petition in Docket No. G-10592 and the other pleadings hereinabove referred to are grounded upon the same basic facts and principles of law, namely, the rule of the United States Supreme Court in Federal Power Commission v. Mobile Gas Service Corporation, 350 U. S. 332, and Federal Power Commission v. Sierra Pacific Power Company, 350 U. S. 348. They request that these matters be consolidated and set for oral argument.

In its answer in Docket No. G-10592, United adopted its answer to the motion of Tyler Gas in Docket No. G-9547 and, in addition, denied that it had or has any contract with the City of Tyler, Texas. United again points to the decisions in its favor in Tyler Gas Service Company v. United Gas Pipe Line Company, C. A. No. 1622, United States District Court for the Eastern District of Texas, Tyler Division, decided December 29, 1953, affirmed by the United States Court of Appeals for the Fifth Circuit, 217 F. 2d 73, as being final judgments and obligatory upon Tyler Gas, City of Tyler, Texas, and United.

The joint petition and the answer of United in Docket No. G-10592 raise substantially the same question posed in the proceedings in Docket Nos. G-1142, G-2210, and G-9547, and it appears appropriate that the matters involved and the issues presented by such pleadings be resolved at the same time.

The Commission finds it is necessary and appropriate in carrying out the provisions of the Natural Gas Act and for the proper administration thereof that oral argument be had concerning the matters involved and the issues presented by the joint petition filed on June 15, 1956 by Tyler Gas and the City of Tyler, Texas, in the proceeding in Docket No. G-10592; and that the proceeding in Docket No. G-10592 be consolidated with the proceedings in Docket Nos. G-1142, G-2210, and G-9547 solely for purpose of oral argument upon the pleadings described above.

The Commission orders:

(A) The proceeding in Docket No. G-10592 be and it is hereby consolidated with the proceedings in Docket Nos. G-1142, G-2210, and G-9547, solely for the purpose of the oral argument provided in Paragraph (B) hereof.

(B) The order of the Commission issued June 22, 1956, in the proceedings in Docket Nos. G-1142, G-2210, and G-9547, be and it is hereby supplemented to provide that the oral argument fixed to be had on July 13, 1956, also shall concern the matters involved in and the issues presented by the joint petition filed June 15, 1956, in Docket No. G-10592 by Tyler Gas Service Company and the City of Tyler, Texas, and by the answer of United Gas Pipe Line Company.

Issued: June 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-5281; Filed, July 3, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11673, 11674; FCC 56M-640]

MISSISSIPPI BROADCASTING CO. (WCOC-TV), AND LAUREL TELEVISION CO., INC. ET AL.

STATEMENT AND ORDER AFTER PREHEARING CONFERENCES

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit and Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT-2031, for television construction permit (Channel 7).

1. Prehearing conferences under Rule 1.813 and 1.841 were held on April 30, May 7, May 24, June 11 and June 27, 1956, the transcript of which is incorporated by reference. The following schedule is prescribed (Tr. 233):

a. Exchange of written direct cases under Rule 1.841, July 20, 1956, 5:00 p. m.

b. Further conference under Rule 1.841, July 30, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

c. Commencement of hearing, September 17, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C. (continued from originally scheduled date of June 25, 1956).

So ordered, This 27th day of June 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5317; Filed, July 3, 1956; 8:53 a. m.]

[Docket No. 11743; FCC 56M-631]

CONFEDERATE RADIO CO. (WPGA)

ORDER SCHEDULING HEARING

In re application of Confederate Radio Company (WPGA), West Point, Georgia, Docket No. 11743, File No. BMP-7066; for modification of construction permit.

It is ordered, This 21st day of June 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 10, 1956, in Washington, D. C.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5318; Filed, July 3, 1956; 8:54 a. m.]

[Docket No. 11761; FCC 56-609]

AMERICAN CABLE AND RADIO CORP.

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of American Cable and Radio Corporation, Docket No. 11761; revision of Joint Tariff F. C. C. No. 7, to provide tie-line indications without charge.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1956;

The Commission, having under consideration a revised tariff schedule, filed by American Cable and Radio Corporation, to become effective July 1, 1956, designated as follows: American Cable and Radio Corporation, Joint Tariff F. C. C. No. 7, 1st Revised Page 70.

which amends Rule 31 by adding paragraph .04 reading as follows:

.04 Subject to admissibility at oversea points, telegrams addressed to customers having tie-line connections with either Company may bear a non-chargeable routing instruction consisting of the addressee's tie-line number. Overseas senders must insert such routings at the time the message is filed. Such routings will not form part of the chargeable address which must comply with Rule 11.

It appearing that the Commission is unable to determine from an examination of the aforesaid amendment whether it will be lawful under the Communications Act of 1934, as amended, insofar as the provision at issue purports to permit one class of users to insert matter without charge whereas other classes of users are required to pay for the matter of a similar nature which they insert;

It further appearing that if the aforesaid amendment is permitted to become effective on the date specified in the revised tariff schedule, the rights and interests of the public may be adversely affected thereby;

It is ordered, That pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the classifications, regulations, and practices set forth in the aforesaid amendment;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the aforesaid amendment is hereby suspended until the 1st day of October 1956, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such suspended amendment unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following issues:

(a) Whether the classifications, practices, and regulations provided for in said tariff amendment are lawful under section 201 of the Communications Act of 1934, as amended;

(b) Whether the classifications, practices, and regulations provided for in said tariff provision are lawful under section 202 of the Communications Act of 1934, as amended;

It is further ordered, That a copy of this order be filed in the offices of the Commission with the tariff schedule containing the amendment herein suspended; that the American Cable and Radio Corporation, with its subsidiaries, Mackay Radio and Telegraph Company, Commercial Cable Company, and All America Cables and Radio, Inc., are hereby made party respondents to the proceeding, and that a copy hereof be served upon said respondents;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order; and that the presiding officer shall certify the record to the Commission without preparing either a recommended or initial decision.

Released: June 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5319; Filed, July 3, 1956; 8:54 a. m.]

[Docket No. 11761; FCC 56M-643]

AMERICAN CABLE AND RADIO CORP.

ORDER SCHEDULING HEARING

In the matter of American Cable and Radio Corporation, Docket No. 11761; revision of Joint Tariff F. C. C. No. 7, to provide tie-line indications without charge.

It is ordered, This 28th day of June 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 17, 1956, in Washington, D. C.

Released: June 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5320; Filed, July 3, 1956; 8:54 a. m.]

[Mexican Change List 191]

MEXICAN RADIO STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CHANGES IN ASSIGNMENTS

MAY 31, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of Changes, Proposed Changes, and Corrections in Assignments of Mexican Broadcast Stations Modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN BROADCAST STATIONS

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		570 kilocycles				
XETJ	Torreon, Coahuila (assignment of call letters).	1 kw D/100 w N	ND	U	IV	Apr. 30, 1956
		600 kilocycles				
XEEH	Monterrey, Nuevo Leon (assignment of call letters).	500 w	ND	D	III	Do.
		650 kilocycles				
XEEK	Oaxaca, Oaxaca (assignment of call letters).	1 kw	ND	D	II	Do.
XEEI	Los Mochis, Sinaloa (assignment of call letters).	250 w	ND	D	II	Do.
XEEJ	Puerto Vallarta, Jalisco (assignment of call letters).	250 w	ND	D	II	Do.
		660 kilocycles				
XEEL	Fresnillo, Zacatecas (assignment of call letters).	250 w	ND	D	II	Do.
XEEM	Rio Verde, San Luis Potosi (assignment of call letters).	100 w	ND	D	II	Do.
		690 kilocycles				
XEEO	Monterrey, Nuevo Leon (assignment of call letters).	250 w D/200 w N	ND	U	II-D, IV-N	Do.
XEEN	Progreso, Yucatan (assignment of call letters).	50 kw	ND	U	II	Do.
		750 kilocycles				
XEEQ	San Luis Potosi, San Luis Potosi (assignment of call letters).	250 w	ND	D	II	Do.
		760 kilocycles				
XEEG	Torreon, Coahuila (change in call letters from XETJ).	1000 w	ND	D	II	Do.
		820 kilocycles				
XEES	Sta. Barbara, Chihuahua (assignment of call letters).	500 w	ND	D	II	Do.
XEET	Fortin de las Flores, Veracruz (assignment of call letters).	1 kw	ND	D	III	Do.
XEEU	Tepic, Nayarit (assignment of call letters).	1 kw	ND	D	II	Do.
		870 kilocycles				
XEEV	Villahermosa, Tabasco (assignment of call letters).	1 kw	ND	D	II	Do.
		920 kilocycles				
XEEX	Culiacan, Sinaloa (assignment of call letters).	5 kw	DA-N	U	III	Do.
XEEY	Ensenada, Baja California (assignment of call letters).	250 w	ND	D	IV	Do.
		970 kilocycles				
XEEZ	Caborca, Sonora (assignment of call letters).	250 w D/100 w N		U	IV	Do.
		1080 kilocycles				
XEGO	Irapuato, Guanajuato (assignment of call letters).	1 kw	ND	D	II	Do.

MEXICAN BROADCAST STATIONS—Continued

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		1100 kilocycles				
XEQP	Cosamaloapan, Veracruz (assignment of call letters).	1 kw	DA-N	U	II	Apr. 30, 1956
		1110 kilocycles				
XEQQ	San Luis de la Paz, Guanajuato (assignment of call letters).	500 w	ND	D	II	Do.
		1160 kilocycles				
XEQR	Coatepec, Veracruz (assignment of call letters).	1 kw	DA-N	U	II	Do.
		1170 kilocycles				
XEQV	Nogales, Sonora (assignment of call letters).	250 w	ND	D	II	Do.
		1540 kilocycles				
XEHC	Ensenada, Baja California (assignment of call letters).	100 w	ND	U	IV	Do.
		1570 kilocycles				
XEHN	Nogales, Sonora (assignment of call letters).	250 w N/100 w N	ND	U	IV	Do.
		1280 kilocycles				
XEHS	Los Mochis, Sinaloa (assignment of call letters).	250 w	ND	U	IV	Do.
		1300 kilocycles				
XEHU	Martinez de la Torre, Veracruz (assignment of call letters).	250 w D/100 w N	ND	U	IV	Do.
XEYJ	Nueva Rosita, Coahuila (correction of error in nighttime power).	1000 w D/100 w N	ND	U	IV	May 30, 1956
		1320 kilocycles				
XEHW	Montemorelos, Nuevo Leon (assignment of call letters).	250 w D/100 w N		U	IV	Apr. 30, 1956
		1350 kilocycles				
XEHY	Oaxaca, Oaxaca (assignment of call letters).	1 kw	ND	D	III	Do.
XEJF	Tierra Blanca, Veracruz (assignment of call letters).	250 w D/100 w N		U	IV	Do.
XEHZ	Alvarado, Veracruz (delete assignment).	250 w D/150 w N		U	IV	Do.
		1570 kilocycles				
XEFY	Fortin de las Flores, Veracruz (assignment of call letters).	500 w D/250 w N	ND	U	IV	Do.
		1380 kilocycles				
XEJH	La Paz, Baja California (assignment of call letters).	250 w	ND	U	IV	Do.
		1590 kilocycles				
XEJI	Tehuantepec, Oaxaca (assignment of call letters).	2.5 kw D/350 w N	ND	U	III	Do.
		1400 kilocycles				
XESB	Sta. Barbara, Chihuahua (increase power).	200 w	ND	U	IV	Do.
		1440 kilocycles				
XEJL	Rosario, Sinaloa (assignment of call letters).	250 w		U	IV	Do.
XEJQ	Parras, Coahuila (assignment of call letters).	5 kw	ND	D	III	Do.
		1460 kilocycles				
XEJT	Tampico, Tamaulipas (assignment of call letters).	1 kw	ND	U	III	Do.
		1490 kilocycles				
XEJU	Culiacan, Sinaloa (assignment of call letters).	250 w	ND	U	IV	Do.
		1500 kilocycles				
XEJV	Ensenada, Baja California (assignment of call letters).	500 w	ND	D	II	Do.
		1500 kilocycles				
XEEB	Esperanza, Sonora (new)	250 w	ND	D	II	Nov. 31, 1956
		1540 kilocycles				
XEJY	El Grullo, Jalisco (assignment of call letters).	500 w	ND	D	II	Apr. 30, 1956
		1560 kilocycles				
KEKA	Tonanzintla, Puebla (assignment of call letters).	250 w D/100 w N	ND	U	II-D, IV-N	Do.
		1590 kilocycles				
XEKB	Atemajac, Jalisco (assignment of call letters).	250 w D/125 w N	ND	U	IV	Do.
XEKC	Mexicali, Baja California (assignment of call letters).	5 kw	ND	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5321; Filed, July 3, 1956; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

R. W. PORTER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Reese Wade Porter, dba R. W. Porter, 500 West Panola Street, Carthage, Tex.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of June 1956.

I. The Commission's public official files disclose that Reese Wade Porter, a sole proprietor, bda R. W. Porter, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 2d day of August 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to August 2, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5285; Filed, July 3, 1956; 8:47 a. m.]

[1] Filed as part of the original document.

ANDREW STEWART MESSICK & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Andrew Stewart Messick & Co., 308 Cotton Exchange Building, New Orleans, La.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of June 1956.

I. The Commission's public official files disclose that Andrew Stewart Messick & Co., a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m., on the 2d day of August 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to August 2, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5286; Filed, July 3, 1956; 8:48 a. m.]

[1] Filed as part of the original document.

[File No. 812-1013]

DREXEL & CO. ET AL.

NOTICE OF APPLICATION FOR ORDER EXEMPTING ACCEPTANCE OF FEES BY AFFILIATED PERSONS OF AN INVESTMENT COMPANY

JUNE 28, 1956.

In the matter of Drexel & Co., Phillip A. Roth, Baldwin Securities Corporation and General Industrial Enterprises, Inc., File No. 812-1013.

Notice is hereby given that Baldwin Securities Corporation ("Baldwin"), a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("act") and General Industrial Enterprises, Inc. (formerly The Midvale Company and herein designated "General"), a company controlled by Baldwin, Phillip A. Roth, an affiliated person of Baldwin and General, and Drexel & Co. ("Drexel"), an affiliated person of an affiliated person of Baldwin and General, have filed an application pursuant to section 6 (c) of the act for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act, the receipt by Roth and Drexel of a commission in connection with the sale by General of certain of its assets.

Baldwin owns 62 percent of the outstanding stock of General. General therefore is a controlled company of Baldwin.

On August 25, 1955, the Board of Directors of General adopted a resolution authorizing Roth and Drexel to conduct negotiations on behalf of General with one or more prospective purchasers looking toward a sale by General of its operating assets. The services on behalf of Drexel were to be performed by Edward Hopkinson, Jr., a partner in the Drexel firm, who also was and is a director and officer of both Baldwin and General. Since May 7, 1953, Roth has been a director of Baldwin and since March 7, 1956, an officer of Baldwin, and since June 25, 1953, a director of General and since April 3, 1956, an officer of General. Roth is therefore an affiliated person of Baldwin and General and Drexel is an affiliated person of an affiliated person of Baldwin and General within the terms of section 2 (a) (3) of the act.

Both before and subsequent to the resolution dated August 25, 1955, Roth and Hopkinson conducted negotiations with several prospective purchasers and these negotiations culminated in a sale on December 30, 1955, by General of all its operating assets to Midvale-Heppenstall Company for a base consideration of $6,100,000.

On March 7, 1956, a disinterested majority of the Board of Directors of General adopted a resolution authorizing, subject to the granting of the instant application, the payment by General to Roth and Drexel of $75,000 each for the services performed.

The receipt by an affiliated person of a registered investment company or by an affiliated person of such a person of any compensation for the sale of property for such investment company is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is

granted by the Commission pursuant to section 6 (e) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 16, 1956, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 16, 1956, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5287; Filed, July 3, 1956; 8:48 a. m.]

[File No. 70-3465]

UNION ELECTRIC COMPANY OF MISSOURI AND HEVI-DUTY ELECTRIC CO.

SUPPLEMENTAL ORDER RELATING TO DIRECTORS

JUNE 28, 1956.

Union Electric Company of Missouri ("Union Electric"), a registered holding company, and Hevi-Duty Electric Company ("Hevi-Duty"), a wholly owned non-utility subsidiary company of Union Electric, having filed an application and declarations with this Commission pursuant to sections 6 (a) (1), 6 (a) (2), 7, 9 (a) (1), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-46 promulgated thereunder, proposing, among other things, the distribution by Union Electric to its stockholders of the common stock of Hevi-Duty and thereby divesting itself of its interest in Hevi-Duty as heretofore directed by this Commission (Holding Company Act Release No. 11530 (October 31, 1952)); and

The Commission, in granting and permitting to become effective the aforementioned application and declarations (Holding Company Act Release No. 13170 (May 4, 1956)), having ordered that, promptly after the distribution by Union Electric of the Hevi-Duty common stock, the names of the proposed membership of the boards of directors of Hevi-Duty and of Anchor Manufacturing Company ("Anchor"), Hevi-Duty's wholly owned non-utility subsidiary, should be submitted to this Commission for its approval; and

Hevi-Duty having submitted the proposed membership of its board of directors and the board of directors of Anchor to this Commission as follows:

Directors of Hevi-Duty: H. E. Koch, L. B. Lattin, G. W. Armstrong, Carl L. A. Beckers, John N. Worcester.

Directors of Anchor: G. W. Armstrong, K. H. Foskett, H. E. Koch, Carl L. A. Beckers, John N. Worcester.

Hevi-Duty and Union Electric having also notified this Commission that they will consent to the inclusion in an order of the Commission, in connection with the approval of the proposed boards of directors of Hevi-Duty and Anchor, of a condition that (1) at the next annual meeting of the stockholders of Hevi-Duty, in the spring of 1957, Hevi-Duty shall submit to its stockholders a charter amendment to increase the number of its directors so that a majority of such directors shall be persons who shall be neither officers nor employees of either Hevi-Duty or Anchor; and (2) the names of nominees for such additional directors shall be submitted to this Commission for approval; and

The Commission having examined the proposed membership of the boards of directors of Hevi-Duty and Anchor and finding that no adverse action need be taken with respect to such boards; and it appearing to the Commission in the public interest that Hevi-Duty should increase its board of directors and submit its nominees thereto to this Commission for its approval;

It is ordered, That the proposed membership of the boards of directors of Hevi-Duty and Anchor be, and hereby is, approved.

It is ordered, That (1) at the next annual meeting of its stockholders, Hevi-Duty shall submit to its stockholders a charter amendment to increase the number of its board of directors so that a majority of such directors shall be persons who shall be neither officers nor employees of either Hevi-Duty or Anchor; and (2) the names of nominees for such additional directors shall be submitted to this Commission for approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5288; Filed, July 3, 1956; 8:48 a. m.]

[File No. 24NY-3357 etc.]

DEAL SHORE ESTATES ASSOCIATION, SECTION II ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 28, 1956.

In the matter of Deal Shore Estates Association, Section II, File No. 24NY-3357; Acryvin Corporation of America, Inc., Nash S. Eldridge, File No. 24NY-3367; Segal Lock & Hardware Company, Inc., File No. 24NY-3429, File No. 24NY-3468; National Foods Corporation, Weber-Milligan Co., File No. 24NY-3440; Oil Finance Corp., Anderson Oil Company, File No. 24NY-3442; Marco Industries, Inc., File No. 24NY-3458; Charles D. Adams and Joseph H. Neebe as "The Friendly Persuasion Company," File No. 24NY-3460; Air Research and Exploration, Inc., File No. 24NY-3480; Verschoor and Davis, Inc., File No. 24NY-3489.

Deal Shore Estates Association, Section II, Charms Building, Asbury Park, New Jersey; Acryvin Corporation of America, Inc., 464-72 East 99th Street, Brooklyn 12, New York for Nash S. Eldridge as selling stockholder, 302 West 12th Street, New York City, New York; Segal Lock & Hardware Company, Inc., 395 Broadway, New York City, New York; National Foods Corporation, 131 Dahlem Street, Pittsburgh, Pennsylvania for Weber-Milligan Co. as selling stockholder, 50 Broadway, New York 4, New York; Oil Finance Corporation, 217 Hickory Street, Warren, Pennsylvania for Anderson Oil Company as selling stockholder, Warren, Pennsylvania; Marco Industries, Inc., 786 Terrace Blvd., Depew, New York; Charles D. Adams, 26 East 92d Street, New York City, New York and Joseph H. Neebe, 430 East 63d Street, New York City, New York, as "The Friendly Persuasion Company"; Air Research & Exploration, Inc., 458-57th Street, Brooklyn, New York; Verschoor and Davis, Inc., 550 Fifth Avenue, New York City, New York, having each filed with the Commission a notification on Form 1-A relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that each issuer has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily suspended in each instance.

Notice is hereby given that any person having any interest in the matter with respect to any aforesaid company or companies may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent for any such company, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5289; Filed, July 3, 1956; 8:48 a. m.]

[File No. 70-3483]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES TO BANKS

JUNE 28, 1956.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a nonutility subsidiary of American Natural Gas Company, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Michigan Wisconsin proposes to enter into a Credit Agreement providing for the borrowing from banks at one or more times subsequent to June 30, 1956, of up to $25,000,000 on notes maturing January 1, 1957. The names of the banks and their respective commitments are as follows:

Name of bank	Amount of commitment
The First National City Bank of New York	$7,000,000
The Hanover Bank, New York	7,000,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	7,000,000
National Bank of Detroit	4,000,000
Total	25,000,000

The Credit Agreement will commit the banks to lend to the company from time to time, on and after July 1, 1956, sums aggregating a maximum of $25,000,000 and will provide that the company shall pay a stand-by charge calculated at the rate of one-fourth of one percent per annum on the average daily unused balance of the commitment from July 1, 1956, until the entire $25,000,000 shall have been taken down or the Agreement terminates, whichever is earlier. The company may reduce the amount of the commitment at any time without penalty.

The notes issued pursuant to the Credit Agreement will mature January 1, 1957, and will bear interest at the prime rate prevailing at the First National City Bank of New York for commercial loans on the date of each borrowing. The company will have the right to prepay at any time without penalty, in amounts of $1,000,000 or multiples thereof, notes so issued, except that a prepayment penalty of one-fourth of one per cent per annum for the unexpired terms of the notes will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the Credit Agreement.

Michigan Wisconsin will covenant in the Credit Agreement, among other things, that it will not without prior consent of the banks pay dividends on its common stock in excess of the amount permitted by the company's Mortgage and Deed of Trust; incur other borrowings unless subordinated to the notes issued under the Credit Agreement except first mortgage bonds issued under said mortgage or any mortgage indenture supplementing or replacing the same; or merge or consolidate with or into any other company.

At March 31, 1956, Michigan Wisconsin had outstanding $14,000,000 of notes to banks due July 1, 1956, issued pursuant to a Credit Agreement dated June 17, 1955. The first borrowing under the proposed Credit Agreement will be on July 1, 1956, and the company will apply the proceeds therefrom, to the extent required, to the retirement of notes issued and then outstanding under the 1955 Credit Agreement.

The proposed borrowings will provide Michigan Wisconsin with funds for the construction of additional facilities, the cost of which, together with normal construction, is estimated to be approximately $12,500,000. Thus, a total of about $26,500,000 is required to finance construction this year and retire the presently outstanding bank loans.

The notes to be issued under the proposed Credit Agreement will be retired from proceeds of the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $25,000,000 principal amount of First Mortgage Bonds, -- Percent Series due 1976, as to which an application is now pending before this Commission (File No. 70-3488). To provide sufficient time to carry out the bond financing and obtain adequate protection against unforeseeable contingencies, the company desires, in its present application, to have authorization to execute the proposed Credit Agreement for a period of six months, with the right of the company at its option and with the approval of the Commission, to renew the notes for a period of six months beyond January 1, 1957.

The fees, commissions and other remuneration to be paid by the company in connection with the proposed transaction are estimated by Michigan Wisconsin as follows:

Sidley, Austin, Burgess & Smith, legal fees	$1,000
American Natural Gas Service Co., services at cost	500
Miscellaneous telephone, telegraph, duplicating, traveling and other expenses and contingency fund	500
Total	2,000

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5290; Filed, July 3, 1956; 8:49 a. m.]

[File No. 70-3484]

SOUTHERN ELECTRIC GENERATING CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING EFFECTIVENESS TO DECLARATION REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT; ISSUE AND SALE OF COMMON STOCK BY NEW GENERATING COMPANY AND ACQUISITION THEREOF BY ASSOCIATE UTILITY COMPANIES; AND PAYMENT OF DEBT OF SUBSIDIARY OWING TO PARENT

JUNE 28, 1956.

In the matter of Southern Electric Generating Company, Alabama Power Company, Georgia Power Company, Alabama Property Company, The Southern Company; File No. 70-3480.

The Southern Company ("Southern"), a registered holding company and four of its subsidiaries, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Southern Electric Generating Company ("SEGCO") a newly organized company, and Alabama Property Company ("Property Company"), having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (b), 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder regarding the following proposed transactions:

Alabama and Georgia will each issue and sell 10,000 shares of their common stock, without par value, and Southern will acquire such stocks at $100 per share, or an aggregate consideration of $2,000,000. SEGCO will issue and sell 20,000 shares of its capital stock $100 par value, and Alabama and Georgia will each acquire 10,000 shares of such stock at par, or an aggregate consideration of $2,000,000.

SEGCO will apply the proceeds of the sale of its shares, to the extent necessary, to purchase from Property Company, a direct subsidiary of Alabama, certain coal reserves and one or more sites for a steam electric generating plant located in the State of Alabama and reimburse Property Company for its expenses theretofore incurred in test drilling. The amount to be paid to Property Company will be limited to the costs incurred, which it is estimated will approximate $500,000. The balance of the proceeds will be used by SEGCO to complete the acquisition of coal reserves and plant sites and to pay for any necessary test drillings and other expenditures incident to commencement of construction of a steam electric generating plant.

Property Company proposes to apply the amount obtained from SEGCO in satisfaction of an open account advance previously made by Southern.

The Georgia Public Service Commission has authorized the proposed issuance and sale of common stock by Georgia and the Alabama Public Service Commission has authorized the issuance and sale of common stock by Alabama and SEGCO.

The following estimated fees, commissions and expenses are to be incurred in connection with the proposed transactions:

	Alabama	Georgia	SEGCO
Federal original issue tax	$375	$320	$2,200
State charter fees			2,000
Legal fees and expenses			10,400
Miscellaneous	500	500	2,500
Total	875	820	17,100

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5291; Filed, July 3, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 119]

MOTOR CARRIER APPLICATIONS

JUNE 29, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 83, filed June 4, 1956, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between junction U. S. Highway 20 and Oregon Highway 201 (near Ontario, Oreg.) and junction U. S. Highway 95 and Idaho Highway 72 (near Marsing, Idaho): from junction U. S. Highway 20 and Oregon Highway 201 (near Ontario) over U. S. Highway 20 to Parma, Idaho, thence over U. S. Highway 95 to junction U. S. Highway 95 and Idaho Highway 72 (near Marsing), and return over the same route, serving all intermediate points; (2) between Nyssa, Oreg., and Homedale, Idaho: from Nyssa over Oregon Highway 201 to the Idaho-Oregon State line, thence over Idaho Highway 19 to Homedale, and return over the same route, serving all intermediate points; (3) between Parma, Idaho, and Caldwell, Idaho: from Parma over U. S. Highway 20 to Caldwell, and return over the same route, serving all intermediate points; (4) between junction U. S. Highway 95 and Idaho Highway 19 (near Wilder, Idaho), and Caldwell, Idaho: from junction U. S. Highway 95 and Idaho Highway 19 near Wilder over Idaho Highway 19 to Caldwell, and return over the same route, serving all intermediate points; (5) between Homedale, Idaho, and Caldwell, Idaho: from Homedale over unnumbered county road to Caldwell, and return over the same route, serving all intermediate points; (6) between junction Idaho Highways 44 and 16 (near Star, Idaho) and junction Idaho Highway 52 and U. S. Highway 30 at Hamilton Corners (near New Plymouth, Idaho): from junction Idaho Highways 44 and 16 near Star over Idaho Highway 16 to junction with Idaho Highway 52, thence over Idaho Highway 52 to junction with U. S. Highway 30 at Hamilton Corners near New Plymouth, and return over the same route, serving all intermediate points; (7) between Weiser, Idaho, and Payette, Idaho: from Weiser over U. S. Highway 30N to Payette, and return over the same route, serving all intermediate points; (8) between Weiser, Idaho, and Ontario, Oregon: From Weiser over U. S. Highway 30N to junction with U. S. Highway 30, thence over U. S. Highway 30 to Ontario, and return over the same route, serving all intermediate points; (9) between Payette, Idaho, and junction Oregon Highway 90 and U. S. Highway 30 (near Payette, Idaho): from Payette over Idaho Highway 52 to the Idaho-Oregon State line near Payette, thence over Oregon Highway 90 to junction with U. S. Highway 30 near Payette, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Montana, California, Utah, Oregon, Nevada, Colorado, and New Mexico.

No. MC 891 Sub 7, filed June 18, 1956, GERARD MOTOR EXPRESS, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America plant, located in Warrick County, Ind., near Newburgh, Ind., approximately ten (10) miles from Evansville, Ind., as an off-route point in connection with applicant's regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 936 Sub 25, filed June 4, 1956, VALLEY MOTOR LINES, INC., 2470 South Cherry Avenue, Fresno, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Oakdale, Calif. and Donnells Dam Site, Calif., from Oakdale over California Highway 120 to Yosemite Junction, thence over California Highway 108 to its junction with unnumbered highway approximately twelve and one-half (12½) miles east of Strawberry, Calif., and thence over the unnumbered highway to Donnells Dam Site, and return over the same route, serving all intermediate points and the off-route points of Donnells Warehouse, Beardsley Dam Site, Pinecrest, Soulsbyville, Tuolumne, Standard, and Knights Ferry; (2) between intermediate and off-route points as outlined in (1) hereof; (3) between the intermediate and off-route points outlined in (1), on the one hand, and, on the other, points Valley Motor Lines, Inc. is authorized to serve. Applicant is authorized to conduct operations in California.

No. MC 8948 Sub 35 (Second Amendment), published on Page 3706, issue of May 30, 1956, filed April 16, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's attorney: Lloyd R. Guerra, 2835 Santa Fe Avenue, Los Angeles, Calif. For authority to operate as a *common carrier*, transporting: *Class A, B, and C explosives, ammunition*, not included in Class A, B, and C explosives, and *component parts* of Class A, B, and C explosives, and of ammunition not included in Class A, B, and C explosives, between Phoenix, Ariz., on the one hand, and, on the other, points in Arizona, California and Nevada, in connection with applicant's authorized regular and irregular route operations in Certificate No. MC 8948 and sub-numbers thereunder, in the transportation of general commodities, with exceptions. Applicant is authorized to conduct operations in Texas, California, Nevada and Arizona.

No. MC 9895 Sub 85, filed June 16, 1956, R. B. "DICK" WILSON, INC., P. O. Box 838, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and Chemicals*, as described by the Commission, in bulk, in tank vehicles, between points in Wyoming, Colorado, Kansas, Nebraska, Utah, and those in that part of South Dakota west of a line beginning at the North Dakota-South Dakota State line and extending along the eastern boundaries of Perkins, Meade, Pennington, Washabough, and Shannon Counties, S. Dak.

No. MC 15808 Sub 18, filed June 14, 1956, GIRTON BROS., INC., P. O. Box 341 (U. S. 40 East), Brazil, Ind. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the site of the Socony-Mobile Oil Company pipe line terminal near new U. S. Highway 150 north of New Goshen, Vigo County, Ind., to points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana and Missouri.

No. MC 29566 Sub 43, filed June 13, 1956, SOUTHWEST FREIGHT LINES, INC., 1415 Commerce Building, Kansas City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between St. Louis, Mo., and Weldon Springs, Mo., over combined U. S. Highways 40 and 61; (2) between St. Charles, Mo., and Weldon Springs, Mo., over Missouri Highway 94; (3) between Wentzville, Mo., and Weldon Springs, Mo., over combined U. S. Highways 40 and 61, and return over the above specified routes, serving no intermediate points; and (4) serving points within ten miles of Weldon Springs as off-route points in connection with applicant's authorized regular route operations between East St. Louis, Ill., and Kansas City, Kans. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming.

No. MC 30897 Sub 8, filed June 14, 1956, CONSOLIDATED FREIGHT COMPANY, a Corporation, 100 Carroll Street, Saginaw, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company (Sheet Metal Stamping Plant) located at the intersection of Cottage Grove and U. S. Highway 30 (Lincoln Highway) approximately two miles east of the incorporated city limits of Chicago Heights in Cook County, Ill., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill., and the Commercial Zone thereof.

No. MC 31600 Sub 409, filed June 20, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, moving on Government bills-of-lading, from Melville and East Providence, R. I., to West Trenton, N. J. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont.

No. MC 31600 Sub 410, filed June 20, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gelva emulsion*, in bulk, in tank vehicles, from Springfield, Mass., to Branchville, Md. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

No. MC 37620 Sub 9, filed June 14, 1956, FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio. Applicant's attorney: Ralph W. Sanborn, Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, in containers, and in bulk, and *liquid sugar*, in tank vehicles, from Findlay, Fremont and Toledo, Ohio, to points in that part of the Southern Peninsula of Michigan on and south of a line commencing at the western terminus of Michigan Highway 46 in Muskegon, thence over Michigan Highway 46 to Michigan Highway 37, thence over Michigan Highway 37 to Michigan Highway 57 to Michigan Highway 15, thence over Michigan Highway 15, to Michigan Highway 21, thence over Michigan Highway 21 to Port Huron, Mich., and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Indiana, Ohio, and Michigan.

No. MC 41635 Sub 31 (Amended) published on page 4332, issue of June 20, 1956, filed June 11, 1956, DEALERS TRANSPORT COMPANY, 1368 Riverside Blvd., P. O. Box 2482, DeSoto Station, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, tractors, bodies, cabs and chassis*, and *automobile show paraphernalia, equipment and supplies*, and *parts and accessories* at the same time and with the vehicle of which they are a part and on which they are to be installed, in initial movements, in truck-away and driveaway service, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, on and north of U. S. Highway 24, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, except Moffett, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, except Texarkana, Utah, Vermont, Washington, Wisconsin, Wyoming and Kentucky. Applicant is authorized to conduct operations in Missouri, Tennessee, Arkansas, Mississippi, Kentucky, Louisiana, Alabama, Oklahoma, Texas, Virginia, West Virginia, Ohio, Indiana, Georgia, Florida, North Carolina, South Carolina, and Illinois.

No. MC 48974 Sub. 1, filed March 16, 1956, A. L. JOHNSON, doing business as JOHNSON MOTOR FREIGHT, 589 Van Buran Avenue, Barberton, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gasses* (including movements in special trailers of the shipper or otherwise), from Euclid and Barberton, Ohio, to points in Allegheny, Beaver, Washington and Westmoreland Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 50069 Sub 175, filed June 20, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, and *dry chemicals and acids*, in bulk, from Chicago Heights, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Ohio and Wisconsin.

No. MC 50069 Sub 176, filed June 20, 1956, REFINERS TRANSFER & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, from Mogadore, Ohio, to points in Jefferson County, Ohio, and Brooke County, W. Va.

NOTE: Applicant states that service is to be limited to transportation of shipments stopped in transit for partial delivery in both counties.

No. MC 52657 Sub 489, filed June 22, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G.

W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Transit or truck mixers, and integral component parts thereof* when moving together with the mixers, from Bryan, Ohio and points within five (5) miles of Bryan, to Los Angeles, Calif., the District of Columbia, and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; *truck cabs*, (1) from Chicago, Ill., to Los Angeles, Calif., and Bryan, Ohio and points within five (5) miles of Bryan, and (2) from Bryan, Ohio and points within five (5) miles of Bryan, to Los Angeles, Calif. Applicant is authorized to conduct operations throughout the United States.

No. MC 58923 Sub 24, filed March 19, 1956 (Amended), published April 4, 1956, on Page 2161, GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Thomaston, Ga., and Americus, Ga., over U. S. Highway 19, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations (a) between Thomaston, Ga., via Atlanta, and Columbus, Ga., and (b) applicant's proposed regular route operations between Americus, Ga., and Columbus, Ga., described in (3) below; (2) between Albany, Ga., and Thomasville, Ga., over U. S. Highway 19, serving all intermediate points, and points within five (5) miles of Albany, Ga., as off-route points; and (3) between Americus, Ga., and Columbus, Ga., from Americus over U. S. Highway 19 to Ellaville, Ga., thence over Georgia Highway 26 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: This case is directly related to MC-F 6226. Applicant states it proposes to tack the authority sought to its present authority.

No. MC 60785 Sub 5, filed June 14, 1956, RODGERS MOTOR LINES, INC., Gilligan Street and South Avenue, Scranton, Pa. Applicant's attorney: Robert H. Shertz, 811–19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Retsof, N. Y., as an off-route point in connection with applicant's regular route operations as authorized in MC 60785 Sub 4. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Maryland, and Delaware.

NOTE: Applicant states that it is presently authorized to serve Retsof, N. Y., under its irregular route authority but such authority is subject to cancellation if and when Certificate in MC 60785 Sub 4 is issued.

No. MC 60868 Sub 8, filed June 22, 1956, RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Kraut*, in containers, and *canned goods*, from Newark, N. Y., and points within 75 miles of Newark, N. Y., to Easton, Williamsport, Milton, Sunbury, Harrisburg, Lancaster, Coatesville, Philadelphia, Wilkes-Barre, Scranton, Pittston, Allentown, Reading, York, Norristown, Bridgeport and Primos, Pa. Applicant is authorized to conduct operations in New Jersey and New York and Pennsylvania.

No. MC 65451 Sub 15, filed June 18, 1956, ALABAM FREIGHT LINES, 546 West Madison Street, Phoenix, Ariz. Applicant's attorney: James F. Haythornewhite, Phoenix National Bank Building, Phoenix, Ariz. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Theba, Ariz., and the Painted Rock Dam Site located on the Gila River, near Theba, Ariz., from Theba approximately three miles west on U. S. Highway 80, thence in a northwesterly direction over an unnumbered county highway approximately 27 miles to the site of the Painted Rock Dam, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, New Mexico, and Texas.

No. MC 69236 Sub 7, filed June 15, 1956, SCHIEN TRUCK LINES, INC., 416 West Main Street, Sedalia, Mo. Applicant's attorney: B. W. La Tourette, 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving points in Hickory County, Mo., except Weaubleau, Preston, Cross Timbers, Hermitage, and Wheatland, Mo., as off-route points in connection with applicant's authorized regular route operations between Warsaw, Mo. and Springfield, Mo. over unnumbered highway and U. S. Highway 65. Applicant is authorized to conduct operations in Missouri, Kansas, and Illinois.

No. MC 76032 Sub 102, filed June 14, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Glen Canyon Dam Site, located approximately fifteen (15) miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, and points within ten (10) miles thereof, and construction sites located at points on access roads thereto, as off-route points in connection with applicant's regular route operations between Los Angeles, Calif., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, New Mexico, and Texas.

No. MC 76032 Sub 103, filed June 19, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (not including those requiring refrigeration), serving the site of the United States Air Force Academy, located on the west side of Combined U. S. Highways 85 and 87, near Husted, Colo., which lies about sixty (60) miles south of Denver, Colo., and ten miles north of Colorado Springs, Colo., as an off-route point in connection with applicant's regular route operations between Denver, Colo., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, New Mexico, and Texas.

No. MC 80430 Sub 80, filed June 13, 1956, GATEWAY TRANSPORTATION CO., A Corporation, 2130–2150 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Chrysler Corporation Stamping Plant at Twinsburg, in Summit County, Ohio, as an off-route point in connection with carrier's regular route operations between (1) Chicago, Ill., and Akron, Ohio, over Ohio Highway 8, (2) Cleveland, Ohio, and Youngstown, Ohio, over U. S. Highway 422, (3) Chicago, Ill., and Youngstown, Ohio, over U. S. Highways 30 and 62, (4) Mansfield, Ohio, and Cleveland, Ohio, over U. S. Highway 42, and (5) Bryan, Ohio and Youngstown, Ohio over U. S. Highway 224.

No. MC 83881 Sub 1, filed May 21, 1956, VIRGIL A. ANDERSON, Centerville, S. Dak. Applicant's attorney: R. G. May, Security Bank Bldg., Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery, farm machinery parts* therefor and moving with and as an integral part thereof, and *feed* (animal, poultry and livestock), from Sioux City, Iowa, to Centerville, S. Dak. *Damaged shipments* of the described commodities, on return. Applicant is authorized to transport livestock, feed, grain and seeds between Sioux City, Iowa and points in South Dakota.

No. MC 86687 Sub 42, (amended June 25, 1956) filed May 29, 1956, published at page 4061 issue of June 13, 1956, SEABOARD AIR LINE RAILROAD COMPANY, a corporation, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's representative: James S. Cremins, Seaboard Air Line Railroad Company, Norfolk 10, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities of unusual value*, and *Class A and B explosives*, but excluding household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Hamlet, N. C., and Andrews, S. C., from Hamlet over U. S. Highway 74 to junction North Carolina Highway 381, thence over North Carolina Highway 381 to North Carolina-South Carolina State Line, thence over South Carolina Highway 381 to Clio, thence over South Carolina Highway 9 to Dillon, thence over South Carolina Highway 57 to junction South Carolina Highway 41 and thence over South Carolina Highway 41 to Andrews, and return over the same route, serving the intermediate and off-route points of Gibson, N. C., McColl, Clio, Little Rock, Dillon, Floydale, Mullins, Johnsonville, Hemingway, Rains, Centenary, Gresham, Poston and Nesmith, S. C. and (2) between McColl, S. C., and Laurinburg, N. C., over U. S. Highway 15, serving no intermediate points, as an alternate route in connection with applicant's authorized regular route operations between Hamlet and Wilmington, N. C., and in connection with the proposed regular route outlined above. RESTRICTION: Authority applied for herein to be limited to service which is auxiliary to, or supplemental of, applicant's rail service and applicant shall not serve any point not a station on its rail line. Shipments to be transported shall be limited to those moving on a through bill of lading or Railway Express receipt. Applicant is authorized to conduct motor carrier operations in Florida, Georgia, North Carolina, South Carolina, and Virginia.

No. MC 88454 Sub 1, filed June 21, 1956, GERALD G. QUIST, 720 Sixth Avenue SW., Pipestone, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, from Sioux City, Iowa, to Pipestone, Minn.

No. MC 92722 Sub 10, filed June 14, 1956, ROBERT R. WALKER, INC., 1818 West Sample Street, P. O. Box 206, South Bend, Ind. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, station wagons, busses, and ambulances*, new; *new automobile, truck, station wagon, bus, and ambulance bodies, chassis, and cabs; parts and accessories of new automobiles, trucks, station wagons, busses, and ambulances, and of automobile, truck, station wagon, bus and ambulance bodies, chassis and cabs* when accompanying shipments thereof; *new automobile, truck, station wagon, bus and ambulance parts and accessories; automobile, truck, station wagon, bus, and ambulance show equipment and paraphernalia; vehicles, except trailers, designed for transportation of passengers or property, or both*, and *new bodies, chassis, cabs, parts and accessories, and show equipment and paraphernalia pertaining thereto*, in initial movement, in truckaway service, from South Bend, Ind. to points in Alabama, Georgia, New Mexico, and Tennessee, and in that part of North Carolina east of a line commencing at the Virginia-North Carolina State line and extending along U. S. Highway 21 to Statesville, N. C., thence along U. S. Highway 70 to Salisbury, N. C., and thence along U. S. Highway 52 to the North Carolina-South Carolina State line; *all the afore-mentioned commodities*, in secondary movement, in truckaway service, from South Bend, Ind., to points and places in Alabama, Georgia, New Mexico, and Tennessee, and the above-described area of North Carolina, subject to the stipulation that this secondary truckaway service is to be restricted to transportation of such traffic as has been transported by applicant or other carriers in initial movements from South Bend, Ind., and further restricted against the transportation of such traffic as has had an immediately prior movement by water. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, Ohio, South Carolina, Pennsylvania, Tennessee, Texas, Wisconsin, Montana, and Wyoming.

No. MC 94265 Sub 55, filed June 22, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Norfolk, Va. Applicant's representative: Harry C. Ames, Jr., 238 Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats* and *packing-house products*, as defined by the Commission, from Norfolk and Suffolk, Va., to points in Maryland, Pennsylvania, New Jersey, and New York. Applicant is authorized to conduct operations in Iowa, Minnesota, Illinois, Nebraska, Virginia, West Virginia, Ohio, Kentucky, Missouri, Indiana, Wisconsin, North Carolina, Maryland, Tennessee, and the District of Columbia.

No. MC 95211 Sub 1 (Amended), filed April 5, 1956, published page 2904, issue of May 2, 1956, JOE FORTUNER, 17 Devine Street, Carbondale, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, and *office equipment*, between points in Lackawanna, Pike, Susquehanna, and Wyoming Counties, Pa., bounded by a line beginning at Olyphant, Pa., and extending in an easterly direction to Greeley, Pa., thence northwest to Hallstead, Pa., thence southwest to Tunkhannock, Pa., and thence southeast to point of beginning, and points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Tennessee, Alabama, Illinois, Wisconsin, Missouri, Mississippi, Indiana, Michigan, Arkansas, and Iowa.

No. MC 107515 Sub 231, filed June 15, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 204 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candies*, from Kansas City, Mo., to points in Tennessee, North Carolina, South Carolina, Alabama, and Mississippi. Applicant is authorized to conduct operations in Missouri, Georgia, and Florida.

No. MC 109640 Sub 15, filed June 18, 1956, BICE TRUCK LINES, INC., Laurel, Mont. Applicant's attorney: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Big Horn County, Mont., to points in Wyoming, and *contaminated shipments* on return. Applicant is authorized to conduct operations in Montana, Idaho, and Wyoming.

No. MC 110436 Sub 24, filed June 18, 1956, ROBERTSON TRANSPORTS, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton seed oil, vegetable oils, animal oils, animal fats* and *fats*, in bulk, in tank vehicles, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, New Mexico, and Texas.

No. MC 110505 Sub 26, filed June 15, 1956, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs*, canned, preserved or prepared (not frozen), and beverages, non-alcoholic, from Rochelle, De Kalb, Mendota, Belvidere, Lanark, and Pecatonica, Ill., and Frankfort, Ind., to points in Pennsylvania, Ohio, West Virginia, Indiana, Kentucky, Illinois, Iowa, and St. Louis County, Mo. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, West Virginia, Wisconsin, Iowa, Missouri, Tennessee, Nebraska, Iowa, and Alabama.

No. MC 110920 Sub 1, filed June 8, 1956, JOHN PERVIN, doing business as PERVIN GRAIN & TRANSIT CO., 1819 Third Avenue SE., Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horsemeat*, fresh or fro-

zen, from Duluth, Minn., to points in Massachusetts, New York, New Jersey, Ohio, and Pennsylvania.

No. MC 110920 Sub 2, filed June 18, 1956, JOHN PERVIN, doing business as PERVIN GRAIN & TRANSIT CO., 1819 Third Avenue SE., Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated houses*, knocked down, including *parts therefor*, as more fully described in the application, from Litchfield, Minn. to points in North Dakota, South Dakota, Missouri, Wisconsin, Illinois, Iowa, Indiana, and Montana.

No. MC 112272 Sub 3, filed June 12, 1956, REISS TRANSPORTATION, INC., 24–60 28th Street, Long Island City, N. Y. Applicant's attorney: Richard F. Brennan, Jr., 36 Waldron Avenue, Staten Island 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Grease*, in bulk, in tank vehicles, between New York, N. Y., on the one hand, and, on the other, Newark, N. J., and Kearny, N. J. The application is accompanied by *motion to dismiss* on the grounds that applicant holds in Certificate No. MC 112272 the authority sought herein. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 113388 Sub 17 (AMENDED), filed April 9, 1956, published April 25, 1956, LESTER C. NEWTON TRUCKING CO., Bridgeville, Del. Applicant's attorney: Glenn F. Morgan, 1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Houston, Del., to Dover, Del., and *empty containers or other such incidental facilities* (not specified), on return. Applicant is authorized to conduct operations in Virginia, Delaware, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina, and the District of Columbia.

NOTE: Applicant holds a certificate authorizing transportation of frozen foods from Dover to various states. The purpose of this application is to extend authority to Houston, Del., from which point the same destinations may be served as now from Dover. It is proposed to tack the proposed authority to the present authority from Dover.

No. MC 113779 Sub 44, filed June 21, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma (except Healdton, Miami, Lillard Park, Guymon, Enid, Seminole, and Pauls Valley, Okla., and Bossier City and Shreveport, La., and (2) *acids*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Arkansas, Kansas, Missouri, New Mexico, and Texas. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Oklahoma, New Mexico, and Texas.

No. MC 114052 Sub 4, filed June 18, 1956, HOWARD CATENCAMP, doing business as CATENCAMP TRANSFER & STORAGE, 303 East Stephens Street, Shawano, Wis. Applicant's attorney: Claude J. Jasper, 1 West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Calumet City, Ill., to Shawano, Wis.

No. MC 115162 Sub 10, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery and equipment*, and *parts for farm machinery and equipment*, from Louisville, Ky., Memphis, Tenn., Richmond, Ind., and Moline, Ill., Hooperton, East Moline, and Chicago, Ill., Waterloo, Des Moines, Dubuque, and Ottumwa, Iowa, Horicon, Wis., and Chamblee, Ga., to points in Alabama, and Pensacola, Fla.

No. MC 115408 Sub 2, filed June 19, 1956, GELAS COURCHESNE, St. Cyrille De Wendover, Drummondville, Quebec, Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hardwood dimension stock*, in bundles, from ports of entry on the International Boundary line between the United States and Canada located at or near Jackman, Maine, and Norton and Derby Line, Vt., to Auburn, Freedom, Locke Mills, Mechanic Falls, Old Town, and Orono, Maine, and Baldwinville, Gardner, Marlboro, and Templeton, Mass., and *damaged shipments* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return movements.

No. MC 115490 Sub 1, filed June 20, 1956, BERNARD KLEIN, SAMUEL KLEIN, and EMANUEL KLEIN, a partnership, doing business as BERNARD'S EXPRESS & TRUCKING, 48–20 30th Street, Long Island City, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Toilet paper, facial tissue, paper towels, paper napkins, paper containers, paper plates, sanitary napkins, wrapping paper* and *paper bags*, from Long Island City, N. Y. to points in Nassau and Suffolk Counties, N. Y., transporting *returned shipments* on return, operations to be *restricted* to prior movements by rail.

No. MC 115523 Sub 8, filed June 15, 1956, CLARK TANK LINES COMPANY, (a corporation), 1450 Beck Street, P. O. Box 1895, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road oil, asphalt* and other *petroleum products*, in bulk, in tank vehicles, from Salt Lake City, Utah and points within fifteen miles of Salt Lake City, to points in Coconino County, Ariz. Applicant is authorized to conduct operations in Colorado and Utah.

No. MC 115825, filed February 20, 1956, GLEN O. ATWOOD, doing business as ATWOOD TRANSPORT, Box 134, Cardston, Alberta, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock* and *lumber*, from port of entry on the International boundary between the United States and Canada at or near Sweetgrass, Mont., to Salt Lake City, Utah; *hay* (race horse), from port of entry on the international boundary between United States and Canada at or near Sweetgrass, Mont., to points in California; *stone* and *salt*, from points in Utah to port of entry on the international boundary between United States and Canada at or near Sweetgrass, Mont., *machinery*, from points in California, to port of entry on the international boundary between United States and Canada at or near Sweetgrass, Mont.

No. MC 115884 Sub 1, filed June 21, 1956, CECIL E. STIERNAGLE, doing business as MOBILE HOME TOWING SERVICE, Albers Trailer Court, P. O. Box 22, R. R. No. 2, Rantoul, Ill. Applicant's attorney: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, towed by motor vehicle, between Rantoul, Ill., and points in Missouri, Arkansas, Texas, Oklahoma, New Mexico, and Arizona.

No. MC 115941 (Amended), published page 2907, issue of May 2, 1956, filed April 19, 1956, WILLARD CALVERT AND OSCAR CALVERT, doing business as CALVERT BROS. TRANSFER, 102 Trumbo Avenue, Morehead, Ky. Applicant's attorney: Thomas R. Burns, Morehead, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Rowan County, Ky., to points in Ohio, West Virginia, Indiana, and Michigan, and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

No. MC 115956, filed April 26, 1956, L. A. WHITE, doing business as WHITE TRANSFER CO., 714 Reed Street, Biltmore, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wax*, in bulk, in specially constructed tank vehicles, between points in New Jersey, Maryland, Delaware, and Pennsylvania, on the one hand, and, on the other, points in Tennessee, North Carolina, South Carolina, Georgia, and Florida.

No. MC 115970, filed June 21, 1956, JAY LOGAN, 736 Skyline Drive, Lancaster, Pa. Applicant's attorney: Williams Livengood, Jr., 25 South Front Street, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, excluding products transported in bulk in tank vehicles, from Freedom, Pa., to New York, N. Y., Philadelphia, Pa., including the Philadelphia, Pa. Commercial Zone as defined by the Commission, and Baltimore, Md., for delivery to docks at said ports for shipment in foreign commerce. *Empty containers or other such incidental facilities* used in transporting the commodities specified, and *damaged shipments* of the commodities specified, on return.

No. MC 116042, filed June 7, 1956, WHOLESALE TRAILER CONVOY, INC., 6839 Southeast 82d Avenue, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* and *trailer houses*, in initial and secondary movements, between points in Oregon, Washington, and California, and *trailers* and *trailer houses*, as may be available for transportation on return.

No. MC 116050, filed June 15, 1956, ROBERT H. CARR, SR., doing business as RAMBACH DISTRIBUTING, 3–21 27th Street, Fairlawn, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Frozen desserts*, from the site of the plant of Rambach Farms in Hawthorne, N. J., to retail stores in New York, N. Y., and points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, N. Y., and those in Fairfield County, Conn., and *returned shipments* on return.

No. MC 116054, filed June 15, 1956, McKENZIE TRANSPORT LEASING, CO., INC., 6601 South Broadway, St. Louis, Mo. Applicant's attorney: William J. Lippman, 1413 K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives, empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *shell cases*, and *pallets*, between the site of Savanna Ordnance Depot, located 12 miles north of Savanna, Ill., and Camp McCoy, Wis., located 10 miles east of Sparta, Wis., on State Highway 21.

No. MC 116055, filed June 15, 1956, ORPHA M. ROBBINS and HERBERT S. ROBBINS, doing business as H. K. ROBBINS COMPANY, 508 West Third Avenue, Ellensburg, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Van Nuyes, and San Francisco, Calif., to points in Washington and Oregon, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 116056, filed June 18, 1956, LEO CAIN and CECIL LAKE, a partnership, doing business as CAIN & LAKE, Mill City, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Lincoln and Tillamook Counties, Oreg., to Rail and Steamship loading docks in Lincoln, Tillamook, Yamhill, Marion, Multnomah, and Polk Counties, Oreg.

No. MC 116059, filed June 20, 1956, RAYMOND BROWN AND BERNARD FRIEDMAN, doing business as BROWN BROTHERS CARTAGE SERVICE, 2900–2908 West Taylor Street, Chicago, Ill. Applicant's attorney: Edward G. Baselon, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are dealt in by retail furniture dealers*, in delivery service, from Chicago and Waukegan, Ill., to points in Illinois, Indiana, Michigan, Wisconsin, and those in Iowa on and east of U. S. Highway 69, and *damaged, defective, returned, used, repossessed and trade-in shipments* on return.

NOTE: Applicant has common carrier authority under Certificate No. MC 96121 to transport household goods, among other authority, and section 210 may be involved.

No. MC 116065, published on Page 3711, issue of May 30, 1956 under Docket No. MC 108340 Sub 8, filed May 8, 1956 (see note), HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *lumber mill products*, from points in Washington, Tillamook and Yamhill Counties, Oreg., to points in California; *cottonseed meal*, between points in California, on the one hand, and, on the other, points in Washington, Tillamook, Yamhill, and Multnomah Counties, Oreg.; *glass containers*, from points in Washington, to points in Washington County, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

NOTE: Applicant seeks, by letter dated June 18, 1956, from Attorney Hickson, to amend its application filed May 8, 1956, for common carrier authority by changing such authority to contract carrier authority; therefore, Docket MC 116065 has been assigned to cover the contract carrier authority sought and Docket MC 108340 Sub 8 originally assigned to common carrier authority, is canceled.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1002 Sub 10 filed June 11, 1956, ASBURY PARK-NEW YORK TRANSIT CORPORATION, Broadway and State Highway No. 35, Keyport, N. J. Applicant's attorney: Edward W. Carrie, 123 Main Street, Matawan, N. J. For authority to operate as a *common carrier*, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Newark, N. J., and Jersey City, N. J., from the junction of New Jersey Turnpike and Newark Bay-Hudson County Extension of the New Jersey Turnpike in Newark, over the Newark Bay-Hudson County Extension of the New Jersey Turnpike to its junction with U. S. Highway No. 1 in Jersey City, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 3647 Sub 201, filed June 15, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, from Irvington, N. J., over city streets and access roads leading to and from the Garden State Parkway, thence over the Garden State Parkway to access roads leading to and from New Jersey Highway 3, Clifton, N. J., and return over the same route, serving all intermediate points except those in East Orange, Bloomfield and Nutley, N. J. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 52476 Sub 3, filed June 18, 1956, MORRIS SAYLOR (PAUL SAYLOR, ADMINISTRATOR), AND FANNIE SAYLOR, doing business as CUMBERLAND COACH LINES, Cumberland, Ky. For authority to operate as a *common carrier*, over a regular route,, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Hazard, Ky., and Jenkins, Ky., from Hazard over Kentucky Highway 15 to junction U. S. Highway 119, thence over U. S. Highway 119 to Jenkins (also from junction Kentucky Highways 7 and 15, near Lothair, Ky., over Kentucky Highway 7 to junction Kentucky Highways 7 and 15, near Isom, Ky.), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky and Virginia.

APPLICATIONS UNDER SECTION 5 (2) AND 210 (a) (b)

No. MC–F 6222, published in the March 21, 1956, issue of the FEDERAL REGISTER on page 1761. Supplemental application filed June 22, 1956, to show M. C. BENTON, JR., and PAUL P. DAVIS as the persons in control of vendee. Hearing assigned July 9, 1956, at Charlotte, N. C.

No. MC–F 6312. Authority sought for purchase by UTAH PARKS COMPANY, Cedar City, Utah, of a portion of the operating rights and certain property of THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill. UTAH PARKS COMPANY is controlled by LOS ANGELES & SALT LAKE RAILROAD COMPANY and UNION PACIFIC RAILROAD COMPANY, both of Omaha, Nebr. Applicants' attorney: W. R. Rouse, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Cedar City, Utah, and Lund, Utah, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Colorado, New Mexico, California, Arizona, Nevada, and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6313. Authority sought for control by KENNETH HUDSON, 70 Union Street, Medford, Mass. of the operating rights and property of McINTIRE BUS LINES, INC., 450 Main Street, Stoneham, Mass. Applicant's attorney: James H. Sullivan, 52 Maple St., Danvers, Mass. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at the points indicated, in special or charter service, as a *common carrier* over irregular routes from points in Middlesex County, Mass., to points in Maine, Massachusetts, New Hampshire and Rhode Island, and return. Applicant holds no authority from the Commission but owns controlling stock interest in Kenneth Hudson, Inc., doing business as Hudson Bus Lines, and Canton & Blue Hill Bus Line, Inc., which are authorized to oper-

ate in New Hampshire, Massachusetts, Rhode Island, Connecticut, Maine and New York. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6314. Authority sought for purchase by GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson Street, Jacksonville, Fla., of the operating rights and property of K. S. MOFFETT, doing business as MOFFETT TRANSIT LINES, 461 Oak Street, Macon, Ga., and for acquisition by RYDER SYSTEM, INC., JAR CORPORATION, and JAR NO. 2 CORPORATION, all of Miami, Fla., J. A. RYDER, R. N. REEDY and A. E. GREENE, JR., all of Jacksonville, of control of such operating rights and property through the purchase. Applicants' attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between Macon, Ga., and Eastman, Ga., between Macon, Ga., and Dublin, Ga., and between Macon, Ga., and Americus, Ga., serving all intermediate points. Vendor also operates in Georgia under the Second Proviso of section 206 (a) (1). Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, South Carolina, North Carolina, Tennessee, and Florida. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6315. Authority sought for purchase by CENTRAL NEW YORK FREIGHTWAYS, INC., 344 Sixth North Street, Syracuse, N. Y., of the operating rights and property of MOHAWK EXPRESS, INC., Progress Street, Union, N. J., and for acquisition by W. W. PATTERSON, JR., also of Syracuse, of control of such rights and property through the purchase. Applicants' attorneys: Frank J. Foley, 80 Broad Street, New York 4, N. Y., and Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over irregular routes between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N. J., and points in the New York, N. Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, certain points in New York. Vendee is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6316. Authority sought for purchase by CENTRAL SWALLOW COACH LINES, INC., 724 North Capital Avenue, Indianapolis, Ind., of a portion of the operating rights of TRANSIT SERVICE COMPANY, INC., 724 North Capital Avenue, Indianapolis, Ind., and for acquisition by CHARLES SECONDINO, STANLEY MILLER, JOHN GIOVANNI, JR., LESSIE A. BUFFO and B. C. HALL, all of Indianapolis, of control of such rights through the purchase. Applicants' attorney: Harry J. Harman, 219 Bankers Trust Building, Indianapolis, Ind. Operating rights sought to be transferred: *Passengers and their baggage,* restricted originating in the territory indicated, in charter operations, as a *common carrier,* over irregular routes, from points in Indiana to the District of Columbia, and points in Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and return. Vendee is authorized to operate as a *common carrier,* in Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6318. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis, Ind., of the operating rights of G. EVAN REELY, doing business as REELY'S STORAGE AND FREIGHT TERMINAL, 734 West Broadway, Missoula, Mont., and for acquisition by CLARENCE KISSEL, also of Indianapolis, of control of such rights through the purchase. Applicants' representatives: Rice, Carpenter and Carraway, 618 Perpetual Building, Washington 4, D. C. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier,* over irregular routes, between points in Montana, between points in Montana on the one hand, and, on the other, points in Idaho, Oregon, Washington, California, and Nevada, and between points in Montana on and west of U. S. Highway 89, on the one hand, and, on the other, points in Wyoming, Colorado, Utah, Arizona, and North Dakota. Vendor is retaining a broker's license. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6319. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of the operating rights of A. F. GERMANN, doing business as BIRNEY FREIGHT LINE, 918 Adair Street, Route No. 3, Sheridan, Wyo., and a portion of the operating rights and certain property of EDWARD J. NESTOR, doing business as POWDER RIBER BUS LINES, 1200 Ivy, Miles City, Mont., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the purchase. Applicants' representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: (Germann) *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes between Sheridan, Wyo., and Lame Deer, Mont., between junction unnumbered Montana Highways approximately 14 miles north of Decker, Mont., and Busby, Mont., and between Busby, Mont., and Lame Deer, Mont., serving certain intermediate and off-route points; *stockfed* and *heavy machinery,* over irregular routes, between points within 40 miles of Sheridan, Wyo., including Sheridan, and between Sheridan, Wyo., and points within 40 miles of Sheridan, on the one hand, and, on the other, certain points in Montana; and *livestock,* between Sheridan, Wyo., and points in Wyoming within 100 miles of Sheridan, between Sheridan and points in Wyoming within 100 miles of Sheridan, on the one hand, and, on the other, certain points in Montana, and between points in Montana within 40 miles of Sheridan, Wyo.; (Nestor) *General commodities,* except Class A and B explosives, as a *common carrier* over irregular routes, between Miles City, Mont., on the one hand, and, on the other, points in Montana within 150 miles of Miles City; *general commodities,* in collection-and-delivery service, between points in Wibaux, Mont.; and *general commodities,* including livestock, between points in Montana and North Dakota located within 50 miles of Wibaux, Mont. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Wisconsin, Illinois, Utah, Washington, California, Nevada, Arizona, Idaho, and Oregon. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5284; Filed, July 3, 1956; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 29, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32285: *Coke and related products—Chicago district to points in Ontario.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on petroleum coke, coke breeze, coke screenings, and pitch coke, carloads from Chicago, Ill., Whiting, Ind., and other points in Illinois and Indiana in the Chicago district named in the application, to Chippewa, Niagara Falls, Port Colborne, Thorold, and Welland, Ont., Canada.

Grounds for relief: Water competition and circuitous routes.

Tariffs: Supplement 33 to Baltimore and Ohio Railroad Company tariff I. C. C. 24272 and other tariffs listed in appendix A of the application.

FSA No. 32286: *Petroleum products to Ladora, Derby, and Denver, Colo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on refined petroleum products, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to Ladora, Derby and Denver, Colo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 58 to Agent Kratzmeir's I. C. C. 4193.

FSA No. 32287: *Trailer-on-flat-car service between Central and Southwestern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, in highway trailers transported on railroad flat cars between specified points in Ohio, and Pennsylvania, also Louisville, Ky., on the Erie Railroad Company, on the one hand, and points in Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 2 to Agent Kratzmeir's tariff I. C. C. 4196.

FSA No. 32288: *Barytes, etc., from New Mexico to interstate points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes), celestite ore, carloads from Limitar, McNierney, San Acacia and Socorro, N. Mex., to various interstate destinations as described in the application.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 32289: *Old bags—Official Territory to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on bags, old, worn out, carloads from specified points in official territory to Memphis, Tenn.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5282; Filed, July 3, 1956; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 107]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about June 17, 1956, because of the disastrous effects of a flood, damage resulted to residences and business property located in certain areas in the State of Pennsylvania;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Allegheny County (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pennsylvania.

Small Business Administration Branch Office, Fulton Building, Rooms 801–802, 107 Sixth Street, Pittsburgh 22, Pennsylvania.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1956.

Dated: June 20, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc 56-5292; Filed, July 3, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

A. A. KISSLING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

A. A. Kissling, Bern, Switzerland, $1,147.94 in the Treasury of the United States. Claim No. 41268, Vesting Order No. 5585.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5306; Filed, July 3, 1956; 8:52 a. m.]

EMILIE KRATZKE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Emilie Kratzke, Kreis Soltau, Hannover, Germany, $2,312.11 in the Treasury of the United States. Claim No. 59294, Vesting Order No. 17156.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5307; Filed, July 3, 1956; 8:52 a. m.]

NETHERLANDS FOR THE BENEFIT OF ALICE KARELINE DE JONG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Alice Kareline de Jong, L. S. Claim No. 239, Cities Service Company 5/58 Debenture No. 12146, in the principal amount of $1,000.

Carolina Eltje, L. S. Claim No. 376, Cities Service Company 5/69 Debenture No. 10958, in the principal amount of $1,000.

Albert and Sally Elzas, Cato Sjouwerman, Cornelis, Simon, Bertha and Bernard de Vries, Lydia Kroonenberg, and Constance Muyen, L. S. Claim No. 380, Cities Service Company 5/58 Debenture No. 27522, in the principal amount of $1,000.

Herman Judell, Eduard Elias, and Joel Goudsmit, L. S. Claim No. 413, Cities Service Power and Light Company 5½/52 Debenture No. 18589, in the principal amount of $1,000.

Adriana Beversluis, Jacques and Maria Hamburger, L. S. Claim No. 462, Cities Service Company 5/58 Debenture No. 107, in the principal amount of $500.

Netherlands-Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5308; Filed, July 3, 1956; 8:52 a. m.]

NETHERLANDS FOR THE BENEFIT OF THEA CELINE ELIAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Thea Celine Elias, L. S. Claim No. 378, Union Pacific Railroad Company 4/47 Bond No. 16830, in the principal amount of $500.

Gretha Elias, L. S. Claim No. 408, Cities Service Company 5/66 Debenture No. 3006, in the principal amount of $1,000.

Erich Theodor Gelber, L. S. Claim No. 419, Cities Service Company 5/58 Debenture No. 18514, in the principal amount of $1,000.

Freddy Gompertz, L. S. Claim No. 439, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 3057, in the principal amount of $500.

Antonia Maria Wilhelmina Gosschalk-Bergen, L. S. Claim No. 442, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 3368, in the principal amount of $100.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5309; Filed, July 3, 1956; 8:52 a. m.]

NETHERLANDS FOR THE BENEFIT OF JOHANNA VAN DE RUIT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Johanna, Cornelia, Gerardus and Heeltje van de Ruit; Anna de Jonge; and Johanna van Tongeren, L. S. Claim No. 142, Cities Service Company 5/58 Debenture Nos. 7726 and 13776, in the principal amount of $1,000 each; and Southern Pacific Company 4½/69 Bond No. 12259, in the principal amount of $1,000.

Philip Arnold Hartog, L. S. Claim No. 469, Cities Service Company 5/69 Debenture No. 45862, in the principal amount of $1,000.

Mrs. Suze Christine Leopold, L. S. Claim No. 570, Cities Service Company 5/69 Debenture No. 1461, in the principal amount of $1,000.

Jonas, Chawa and Betty Loopuit, L. S. Claim No. 586, Southern Pacific Company 4/49 Bond No. 107, in the principal amount of $500.

Mozes Jacob Nieuwendijk, L. S. Claim No. 623, Cities Service Company 5/50 Debenture No. 89930, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5310; Filed, July 3, 1956; 8:52 a. m.]

NETHERLANDS FOR THE BENEFIT OF JOSEPHINE VAN ADELBERGEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Josephine van Adelbergen, nee Godschalk, sole heiress of Bertha Godschalk (deceased), L. S. Claim No. 431, Cities Service Company 5/69 Debenture No. 49031, in the principal amount of $1,000.

Marie Hauer-Hertz, Ellen Zollikofer-Hauer, and Lotte van den Bergh-Hauer, L. S. Claim No. 472, Cities Service Company 5/69 Debenture No. 21329, in the principal amount of $1,000.

Theodoor Helmans, L. S. Claim No. 474, Cities Service Company 5/69 Debenture No. 34932, in the principal amount of $1,000.

Dr. Jacob H. van der Hoeden, L. S. Claim No. 489, Cities Service Company 5/58 Debenture No. 19883, in the principal amount of $1,000.

Albert Jules Keizer, L. S. Claim No. 531, Atchison, Topeka and Santa Fe Railway Company, 4/95 Bond No. 96519, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5311; Filed, July 3, 1956; 8:52 a. m.]

NETHERLANDS FOR THE BENEFIT OF NICOLAAS DE VRIES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Nicolaas and Hugo de Vries, L. S. Claim No. 519, Southern Pacific Railroad Company 4.55 Bond No. 30288, in the principal amount of $1,000.

Naatje and Rudolf Sanders, L. S. Claim No. 534, Southern Pacific Company 4/49 Bond Nos. 21931 and 16240, in the principal amount of $1,000 each.

M. Kleerekoper-de Jong and M. Granaada-de Jong, L. S. Claim No. 535, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 15198, in the principal amount of $1,000.

Betty Jessurun and Elvire Veenhuys, L. S. Claim No. 587, Cities Service Company 5/69 Debenture No. 41651, in the principal amount of $1,000.

Arthur Menko, L. S. Claim No. 599, Cities Service Company 5/69 Debenture No. 19886, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5312; Filed, July 3, 1956; 8:53 a. m.]

NETHERLANDS FOR THE BENEFIT OF JOHANNES VAN BURKEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Johannes van Burken, L. S. Claim No. 543, Cities Service Company 5/66 Debenture No. 9864, in the principal amount of $1,000.

Alice Loebel, L. S. Claim No. 545, Cities Service Company 5/69 Debenture No. 14123, in the principal amount of $1,000.

Celine Kosturkiewicz and Helena Noordenbos, L. S. Claim No. 547, Cities Service Company 5/58 Debenture No. 39179, in the principal amount of $1,000.

Leon and Karel van Leer, L. S. Claim No. 559, Cities Service Company 5/69 Debenture No. 48222, in the principal amount of $1,000.

Saar Frisco, L. S. Claim No. 569, Cities Service Company 5/69 Debenture No. 47616, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 27, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5313; Filed, July 3, 1956; 8:53 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
JUL 9 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 21 NUMBER 130

Washington, Friday, July 6, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3145

MODIFICATION OF RESTRICTIONS ON IMPORTS OF LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351; 54 Stat. 2640), limiting imports of cotton having a staple length of $1\frac{1}{8}$ inches or more to an annual quota of 45,656,420 pounds, which proclamation was amended by Proclamation No. 2450 of December 19, 1940 (54 Stat. 2769), suspending the quota on cotton having a staple length of $1\frac{11}{16}$ inches or more, and by Proclamation No. 2856 of September 3, 1949 (14 F. R. 5517), changing the opening date from September 20 to February 1 for the annual quota for cotton having a staple length of $1\frac{1}{8}$ inches or more but less than $1\frac{11}{16}$ inches;

WHEREAS section 202 (a) of the Agricultural Act of 1956 (Public Law 540, 84th Congress), approved May 28, 1956, provides as follows:

SEC. 202 (a). Hereafter the quota for cotton having a staple length of one and one-eighth inches or more, established September 20, 1939, pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended, shall apply to the same grades and staple lengths included in the quota when such quota was initially established. Such quota shall provide for cotton having a staple length of one and eleven sixteenths inches and longer, and shall establish dates for the quota year which will recognize and permit entry to conform to normal marketing practices and requirements for such cotton.

WHEREAS I find and declare that the termination of the said Proclamation No. 2450 of December 19, 1940, and the modifications hereinafter indicated of the said Proclamation No. 2351 of September 5, 1939, are necessary in order to carry out the provisions of the said section 202 (a) of the Agricultural Act of 1956:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 202 (a) of the said Agricultural Act of 1956, do hereby terminate the said Proclamation No. 2450 of December 19, 1940, and do hereby further modify the said Proclamation No. 2351 of September 5, 1939, so that (1) the quota year for cotton having a staple length of $1\frac{1}{8}$ inches or more shall hereafter commence on August 1, and (2) the quantity of such cotton which may be entered or withdrawn from warehouse for consumption during the period May 28, 1956, to July 31, 1956, inclusive, together with the quantity of cotton having a staple length of $1\frac{1}{8}$ inches or more but less than $1\frac{11}{16}$ inches which was entered or withdrawn from warehouse for consumption during the period February 1, 1956, to May 27, 1956, inclusive, shall not exceed 22,828,210 pounds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of June in the year of our Lord nineteen hundred [SEAL] and fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56-5410; Filed, July 5, 1956; 11:07 a. m.]

PROCLAMATION 3146

MODIFYING PROCLAMATION NO. 3140 CARRYING OUT THE SIXTH PROTOCOL OF SUPPLEMENTARY CONCESSIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Proclamation No. 3140 of June 13, 1956 (21 F. R. 4237), the President has proclaimed such modifications of existing duties and other import restrictions of the United States, or such continuance of existing customs or excise treatment of articles imported into the United States as were found to be re-

(Continued on p. 4997)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25), Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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quired or appropriate to carry out the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade, including the schedule of United States concessions (House Doc. 421, 84th Cong., 2d Sess.);

WHEREAS the description of products in item 806 (a) in Part I of Schedule XX annexed to the said Sixth Protocol of Supplementary Concessions reads as follows:

Cherry juice, and other fruit juices and fruit sirups, not specially provided for, containing less than ½ of one per centum of alcohol (not including prune juice, prune sirup, or prune wine, and except pineapple juice or sirup and naranjilla (*solanum quitoense lam*) juice or sirup);

WHEREAS the said item 806 (a) was not intended to cover citrus fruit juices, but such juices other than naranjilla juice inadvertently were not excepted from the description of products set forth in the said item 806 (a);

WHEREAS that portion of the description of products in item 1510 [second] in Part I of the said Schedule XX which follows the last semicolon therein, was erroneously worded to provide for buttons "wholly or in chief value of textile material" instead of for buttons "wholly or in part of textile material":

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the Statutes, including section 350 of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269, 63 Stat. (pt. 1) 698, ch. 585, 69 Stat. 165, ch. 169), do proclaim, effective June 30, 1956:

(a) That the said Proclamation No. 3140 of June 13, 1956, is hereby terminated, to the extent that it shall be applied as though the description of products in item 806 (a) in Part I of Schedule XX to the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade were stated as follows:

Cherry juice, and other fruit juices and fruit sirups, not specially provided for, containing less than ½ of one per centum of alcohol (not including prune juice, prune sirup, or prune wine, and except pineapple juice or sirup, naranjilla (*solanum quitoense lam*) and other citrus fruit juices, and naranjilla sirup).

(b) That item 1510 [second] in Part I of the said Schedule XX shall be applied as though that portion of the description of products therein which follows the last semicolon read as follows: "or wholly or in part of textile material".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of June in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighteenth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56-5411; Filed, July 5, 1956; 11:30 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

Subchapter D—Soil and Water Conservation Loans

[FHA Instructions 442.2 and 442.4]

PART 352—PROCESSING LOANS TO INDIVIDUALS

PART 354—PROCESSING LOANS TO ASSOCIATIONS

AUTHENTICATION OF SIGNATURES FOR INSURED LENDERS

Sections 332.13 (g); 352.4 (c) (2), and 354.8 (b) (1) of Title 6, Code of Federal Regulations (20 F. R. 8657, 21 F. R. 1227, 20 F. R. 7214), are amended to provide for authentication of the signature of the County Supervisor who signs the insurance endorsement on the promissory note when someone else signed the request for issuance of the loan check by an insured lender, and to read as follows:

§ 332.13 *Action by County Supervisor following receipt of closing instructions.* • • •

(g) *Insurance endorsement for insured loan.* The County Supervisor is authorized to execute the insurance endorsement on the reverse of Form FHA–240, "Promissory Note (Insured Farm Ownership Loan)," or 240A, "Bond (Insured Farm Ownership Loan)." The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan. If for any reason it is not possible for the same County Supervisor who signed Form FHA–971 to sign the insurance endorsement on the promissory note, the original of the completed note will be sent to the State Office, instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on the reverse of the note the signature of the different County Supervisor before sending the note to the lender. This will not be necessary when a local lender has no objection to a different signature on the insurance endorsement than that which appeared on Form FHA–971.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

§ 352.4 *Loan closing.* • • •

(c) *Preparation of promissory note.* • • •

(2) The County Supervisor is authorized to sign the insurance endorsement on Form FHA–965 and Form FHA–965B. The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan. If for any reason it is not possible for the same County Supervisor who signed Form FHA–971 to sign the insurance endorsement on the promissory note, the original of the completed note will be sent to the State Office, instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on the reverse of the note the signature of the different County Supervisor before sending the note to the lender. This will not be necessary when a local lender has no objection to a different signature on the insurance endorsement than that which appeared on Form FHA–971.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x–3 (a) (7))

§ 354.8 *Loan closing.* • • •

(b) *Preparation of promissory note.* • • •

(1) The County Supervisor is authorized to sign the insurance endorsement on Form FHA–520. The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan. If for any reason it is not possible for the same County Supervisor who signed Form FHA–971 to sign the insurance endorsement on the promissory note, the original of the completed note will be sent to the State Office, instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on the reverse of the note the signature of the different County Supervisor before sending the note to the lender. This will not be necessary when a local lender has no objection to a different signature on the insurance endorsement than that which appeared on Form FHA–971.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x-3 (a) (7))

Dated: July 2, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-5361; Filed, July 5, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

ORDER DESIGNATING TOBACCO AUCTION MARKETS OF SWAINSBORO AND THOMASVILLE, GA., AND MADISON, FLA.

Upon referenda conducted, pursuant to prior notice (21 F. R. 4258), during the period June 21, 1956–June 23, 1956, both dates inclusive, among tobacco growers, who, during the 1955 marketing season, sold tobacco at auction on the market at Swainsboro, Ga., on the market at Thomasville, Ga., and on the market at Madison, Fla., it is found that more than two-thirds of the growers voting in each such referendum favor the designation of each such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on each such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (tt):

§ 29.601 *Designation of tobacco markets.* • • •

(tt) *The tobacco markets at Swainsboro, Georgia, Thomasville, Georgia, and Madison, Florida.* Effective 30 days after the date of publication in the FEDERAL REGISTER no tobacco of any type shall be offered for sale at auction on the market at Swainsboro, Georgia, on the market at Thomasville, Georgia, and on the market at Madison, Florida, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* that such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Issued this 29th day of June 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-5347; Filed, July 5, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.537 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1956. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 26, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 26, 1956, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 13, 1956; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1956, and ending at 12:01 a. m., P. s. t., January 1, 1957, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U. S. No. 2;

(ii) At least 75 percent by count of the pears contained in any box or container grade at least U. S. No. 1, except that such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) All such pears are of a size not smaller than the size known commercially as size 180.

(2) Section 936.143, sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty-one smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in § 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. No. 2," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (summer and fall), §§ 51.1260–51.1278 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc 56-5360; Filed, July 5, 1956; 8:52 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 16]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

ESTABLISHMENT OF ADDITIONAL ACREAGES OF VEGETATIVE COVER FOR GREEN MANURE AND FOR PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494), June 10, 1955 (20 F. R. 4209), June 14, 1955 (20 F. R. 4281), July 22, 1955 (20 F. R. 5340), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), February 21, 1956 (21 F. R. 1261), March 14, 1956 (21 F. R. 1717), and April 20, 1956 (21 F. R. 2651), is further amended as follows:

Section 1101.687 is amended by changing the period at the end of the third sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 311; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 29th day of June 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-5348; Filed, July 5, 1956; 8:49 a. m.]

[ACP-1956, Supp. 6]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

ESTABLISHMENT OF VEGETATIVE COVER FOR SUMMER PROTECTION FROM EROSION; ESTABLISHMENT OF VEGETATIVE COVER FOR GREEN MANURE AND FOR PROTECTION FROM EROSION; EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, and Public Law 875, 81st Congress, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), April 9, 1956 (21 F. R. 2372), and April 20, 1956 (21 F. R. 2651), is further amended as follows:

1. Section 1101.786 is amended by changing the period at the end of the second sentence to a comma and adding the following "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

2. Section 1101.787 is amended by changing the period at the end of the third sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

3. Section 1101.797 (a) is amended by deleting the first sentence and substituting therefor the following:

This practice is applicable in the following counties:

Colorado. Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Prowers, Pueblo, Washington, Weld, Yuma.

Kansas. Barber, Barton, Cheyenne, Clark, Cloud, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, McPherson, Meade, Mitchell, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace, Wichita.

New Mexico. Colfax, Curry, Harding, Lea, Roosevelt, Quay, Socorro, Torrance, Union, Santa Fe.

Oklahoma. Beaver, Cimarron, Ellis, Roger Mills, Texas.

Texas. Andrews, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Tom Green, Wheeler, Wilbarger, Yoakum.

Wyoming. Goshen, Platte.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55, 64 Stat. 64; 16 U. S. C. 590g–590q, 42 U. S. C. 1855)

Done at Washington, D. C., this 29th day of June 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-5349; Filed, July 5, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 24]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ALTERNATE AIRPORT LANDING MINIMUMS

This supplement is issued to permit the authorization of alternate airport landing minimums of as low as 600–2 at airports where the ILS is not equipped with approach lights.

Section 40.390–3 is added to read as follows:

§ 40.390–3 *Establishment of alternate airport landing minimums at airports served by ILS (CAA policies which apply to § 40.390 (a)).* The landing minimums prescribed in § 40.390 (a) may be authorized at airports where the ILS is not equipped with approach lights.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 12, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5330; Filed, July 5, 1956; 8:45 a. m.]

[Supp. 27]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

ALTERNATE AIRPORT LANDING MINIMUMS

This supplement is issued to permit the authorization of alternate airport landing minimums of as low as 600–2 at airports where the ILS is not equipped with approach lights.

Section 41.1–4 is amended by adding a paragraph (d) to read as follows:

§ 41.1–4 *Ceiling and visibility minimums (CAA policies which apply to § 41.1).* • • •

(d) *Establishment of alternate airport landing minimums at airports served by ILS.* Alternate airport landing minimums of 600–2, 700–1½, or 800–1 may be authorized at airports where the ILS is not equipped with approach lights.

(Sec. 205, 52 Stat. 984, as amended 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 12, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5331; Filed, July 5, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SYSTOX

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Systox in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 301) are amended by changing § 120.105 to read as follows:

§ 120.105 *Tolerances for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers).* Tolerances for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical Systox as a standard (this standard effects 50-percent inhibition of pooled human plasma cholinesterase at a concentration of 0.3±0.025 part per million in water as a medium) are established as follows:

(a) 5 parts per million in or on almond hulls.

(b) 1.25 parts per million in or on grapes.

(c) 0.75 part per million in or on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, grapefruit, lemons, lettuce, mushmelons, oranges, pears, pecans, potatoes, strawberries, walnuts.

(d) 0.3 part per million in or on beans.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds or the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 28, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-5333; Filed, July 5, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6189; Regs. 111, 118]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

CONTRIBUTIONS OF AN EMPLOYER TO AN EMPLOYEES' TRUST OR ANNUITY PLAN AND COMPENSATION UNDER A DEFERRED-PAYMENT PLAN

In order to conform Regulations 118 (26 CFR (1939) Part 39) and Regulations 111 (26 CFR (1939) Part 29), relating to income taxes, to the decisions in Saalfield Publishing Company v. Commissioner (1948) 11 T. C. 756 (A., C. B. 1952-2, 3), Philadelphia Suburban Transportation Company v. Smith (1952) 105 F. Supp. 650, Lincoln Electric Co. Profit-Sharing Trust, et al. v. Commissioner (CA 6th, 1951) 190 F. 2d 326, Commissioner v. Produce Reporter Company (CA 7th, 1953) 207 F. 2d 586, and McClintock-Trunkey Company v. Commissioner (CA 9th, 1954) 217 F. 2d 329, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 39.23 (p)-6 (e) of Regulations 118 is amended by striking the last sentence thereof.

PAR. 2. Section 39.165-1 (a) (2) of Regulations 118 is amended by striking the sixth, seventh, and eighth sentences thereof and substituting the following: "A profit-sharing plan, on the other hand, is a plan established and maintained by an employer to provide for the participation in his profits, by his employees or their beneficiaries, based on a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, or severance of employment. A formula for allocating the contributions among the participants is definite if, for example, it provides for an allocation in proportion to the basic compensation of each participant. A plan (whether or not it contains a definite predetermined formula for determining the profits to be shared with the employees) does not qualify under section 165 (a) if the contributions to the plan are made at such times or in such amounts that the plan in operation discriminates in favor of officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. For the rules with respect to discrimination, see §§ 39.165-3 and 39.165-4."

PAR. 3. The last undesignated paragraph of § 29.23 (p)-6 of Regulations 111, as amended by Treasury Decision 5666, approved November 2, 1948, is further amended by striking the last sentence thereof.

PAR. 4. The second paragraph, which is undesignated, of § 29.165-1 (a) of Regulations 111, as amended by Treasury Decision 5422, approved December 13, 1944, and Treasury Decision 6033, approved July 27, 1953, is further amended by striking the sixth, seventh, and eighth sentences thereof and substituting the following: "A profit-sharing plan, on the other hand, is a plan established and maintained by an employer to provide for the participation in his profits, by his employees or their beneficiaries, based on a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, or severance of employment. A formula for allocating the contributions among the participants is definite if, for example, it provides for an allocation in proportion to the basic compensation of each participant. A plan (whether or not it contains a definite predetermined formula for determining the profits to be shared with the employees) does not qualify under section 165 (a) if the contributions to the plan are made at such times or in such amounts that the plan in operation discriminates in favor of officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. For the rules with respect to discrimination, see §§ 39.165-3 and 39.165-4."

Because the purpose of this Treasury decision is merely to eliminate from the regulations provisions which the courts have held to be invalid, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interpret or apply sec. 211, 53 Stat. 867, as amended; 26 U. S. C. 23)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 2, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-5359; Filed, July 5, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6188]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

BANKING INSTITUTIONS

On October 25, 1955, notice of proposed rule making regarding the regulations under subchapter H of chapter 1 of the Internal Revenue Code of 1954, approved August 16, 1954, was published in the FEDERAL REGISTER (20 F. R. 7992). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

BANKING INSTITUTIONS

RULES OF GENERAL APPLICATION TO BANKING INSTITUTIONS

Sec.
1.581 Statutory provisions; definition of bank.
1.581-1 Tax on banks.
1.581-2 Mutual savings banks, building and loan associations, and cooperative banks.
1.582 Statutory provisions; bad debt and loss deduction with respect to securities held by banks.
1.582-1 Bad debt and loss deduction with respect to securities held by banks.
1.583 Statutory provisions; deductions of dividends paid on certain preferred stock.
1.584 Statutory provisions; common trust funds.
1.584-1 Common trust funds.
1.584-2 Income of participants in common trust fund.
1.584-3 Computation of common trust fund income.
1.584-4 Admission and withdrawal of participants in the common trust fund.
1.584-5 Returns of banks with respect to common trust funds.
1.584-6 Net operating loss deduction.

MUTUAL SAVINGS BANKS, ETC.

1.591 Statutory provisions; deduction for dividends paid on deposits.
1.591-1 Deduction for dividends paid on deposits.
1.592 Statutory provisions; deduction for repayment of certain loans.
1.592-1 Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.
1.593 Statutory provisions; additions to reserve for bad debts.
1.593-1 Additions to reserve for bad debts.
1.593-2 Additions to reserve for bad debts where surplus, reserves, and undivided profits equal or exceed 12 percent of deposits or withdrawable accounts.
1.594 Statutory provisions; alternative tax for mutual savings banks conducting life insurance business.
1.594-1 Mutual savings banks conducting life insurance business.

BANK AFFILIATES

1.601 Statutory provisions; special deduction for bank affiliates.
1.601-1 Special deduction for bank affiliates.

AUTHORITY: §§ 1.581 to 1.601-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 584, 68 Stat. 203; 26 U. S. C. 7805.

BANKING INSTITUTIONS

RULES OF GENERAL APPLICATION TO BANKING INSTITUTIONS

§ 1.581 *Statutory provisions; definition of bank.*

SEC. 581. *Definition of bank.* For purposes of sections 582 and 584, the term "bank" means a bank or trust company incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia), of any State, or of any Territory, a substantial part of the business of which consists of receiving deposits and making loans and discounts, or of exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act (38 Stat. 262; 12 U. S. C. 248 (k)), and which is subject by law to supervision and examination by State, Territorial, or Federal authority having supervision over banking institutions. Such term also means a domestic building and loan association.

§ 1.581-1 *Tax on banks.* A bank, as defined in section 581, is subject to the tax on corporations imposed by section 11.

§ 1.581-2 *Mutual savings banks, building and loan associations, and cooperative banks.* (a) Mutual savings banks, building and loan associations, and cooperative banks not having capital stock represented by shares are subject to tax as in the case of other corporations. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 594 and § 1.594-1.

(b) While the general principles for determining the taxable income of a corporation are applicable to a mutual savings bank, a building and loan association, and a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See section 593 and § 1.593-1 for special rules concerning additions to reserves for bad debts. See section 591 and § 1.591-1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors or holders of withdrawable accounts as dividends. See also section 592 and § 1.592-1, relating to deductions for repayment of certain loans.

(c) For the purpose of computing the net operating loss deduction provided in section 172, any taxable year for which a mutual savings bank, building and loan association, or a cooperative bank not having capital stock represented by shares was exempt from tax shall be disregarded. Thus, no net operating loss carryover shall be allowed from a taxable year beginning before January 1, 1952, and, in the case of any taxable year beginning after December 31, 1951, the amount of the net operating loss carryback or carryover from such year shall not be reduced by reference to the income of any taxable year beginning before January 1, 1952.

§ 1.582 *Statutory provisions; bad debt and loss deduction with respect to securities held by banks.*

SEC. 582. *Bad debt and loss deduction with respect to securities held by banks*—(a) *Securities.* Notwithstanding sections 165 (g) (1) and 166 (e), subsections (a), (b), and (c) of section 166 (relating to allowance of deduction for bad debts) shall apply in the case of a bank to a debt which is evidenced by a security as defined in section 165 (g) (2) (C).

(b) *Worthless stock in affiliated bank.* For purposes of section 165 (g) (1), where the taxpayer is a bank and owns directly at least 80 percent of each class of stock of another bank, stock in such other bank shall not be treated as a capital asset.

(c) *Bond, etc., losses of banks.* For purposes of this subtitle, in the case of a bank, if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

§ 1.582-1 *Bad debt and loss deduction with respect to securities held by banks.* (a) A bank, as defined in section 581, is allowed a deduction for bad debts to the extent and in the manner provided by subsections (a), (b), and (c) of section 166 with respect to a debt which has become worthless in whole or in part and which is evidenced by a security (a bond, debenture, note, certificate, or other evidence of indebtedness to pay a fixed or determinable sum of money) issued by any corporation (including governments and their political subdivisions), with interest coupons or in registered form.

(b) For purposes of section 165 (g) (1), relating to the deduction for losses involving worthless securities, if the taxpayer is a bank (as defined in section 581) and owns directly at least 80 percent of each class of stock of another bank, stock in such other bank shall not be treated as a capital asset.

(c) With respect to the taxation under subtitle A of a bank (as defined in section 581), if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

§ 1.583 *Statutory provisions; deductions of dividends paid on certain preferred stock.*

SEC. 583. *Deductions of dividends paid on certain preferred stock.* In computing the taxable income of any national banking association, or of any bank or trust company organized under the laws of any State, Territory, possession of the United States, or the Canal Zone, or of any other banking corporation engaged in the business of industrial banking and under the supervision of a State banking department or of the Comptroller of the Currency, or of any incorporated domestic insurance company, there shall be allowed as a deduction from gross income, in addition to deductions otherwise provided for in this subtitle, any dividend (not including any distribution in liquidation) paid, within the taxable year, to the United States or to any instrumentality thereof exempt from Federal income taxes, on the prefered stock of the corporation owned by the United States or such instrumentality. The amount allowable as a deduction under this section shall reduce the deduction for dividends paid otherwise computed under section 561.

§ 1.584 *Statutory provisions; common trust funds.*

SEC. 584. *Common trust funds*—(a) *Definitions.* For purposes of this subtitle, the term "common trust fund" means a fund maintained by a bank—

(1) Exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; and

(2) In conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks.

(b) *Taxation of common trust funds.* A common trust fund shall not be subject to taxation under this chapter and for purposes of this chapter shall not be considered a corporation.

(c) *Income of participants in fund*—(1) *Inclusions in taxable income.* Each participant in the common trust fund in computing its taxable income shall include, whether or not distributed and whether or not distributable—

(A) As part of its gains and losses from sales or exchanges of capital assets held for not more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for not more than 6 months;

(B) As part of its gains and losses from sales or exchanges of capital assets held for more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for more than 6 months;

(C) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in subsection (d).

(2) *Dividends and partially tax exempt interest.* The proportionate share of each participant in the amount of dividends to which section 34 or section 116 applies, and in the amount of partially tax exempt interest on obligations described in section 35 or section 242, received by the common trust fund shall be considered for purposes of such sections as having been received by such participant. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

(d) *Computation of common trust fund income.* The taxable income of a common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(1) There shall be segregated the gains and losses from sales or exchanges of capital assets;

(2) After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(A) An ordinary taxable income which shall consist of the excess of the gross income over deductions; or

(B) An ordinary net loss which shall consist of the excess of the deductions over the gross income;

(3) The deduction provided by section 170 (relating to charitable, etc., contributions and gifts) shall not be allowed; and

(4) The standard deduction provided in section 141 shall not be allowed.

(e) *Admission and withdrawal.* No gain or loss shall be realized by the common trust fund by the admission or withdrawal of a participant. The withdrawal of any participating interest by a participant shall be treated as a sale or exchange of such interest by the participant.

(f) *Different taxable years of common trust fund and participant.* If the taxable year of the common trust fund is different from that of a participant, the inclusions with respect to the taxable income of the common trust fund, in computing the taxable income of the participant for its taxable year, shall be based upon the taxable income of the common trust fund for any taxable year of the common trust fund ending within or with the taxable year of the participant.

(g) *Net operating loss deduction.* The benefit of the deduction for net operating losses provided by section 172 shall not be allowed to a common trust fund, but shall be allowed to the participants in the common trust fund under regulations prescribed by the Secretary or his delegate.

§ 1.584–1 *Common trust funds*—(a) *Method of taxation.* A common trust fund maintained by a bank is not subject to taxation under this chapter and is not considered a corporation. Its participants are taxed on their proportionate share of income from the common trust fund. Except as otherwise provided in §§ 1.584–1 to 1.584–6, inclusive, the term "participant" refers to any trust or estate, the moneys of which have been contributed to the common trust fund.

(b) *Conditions for qualification.* Under section 584, two conditions must be satisfied by a fund maintained by a bank (as defined in section 581) before such fund may be designated as a "common trust fund." These conditions are that such fund must be maintained by such a bank:

(1) Exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank, whether acting alone or in conjunction with one or more co-fiduciaries, but solely in its capacity: (i) As a trustee of a trust created by will, deed, agreement, declaration of trust, or order of court, (ii) as an executor of the will of, or as an administrator of the estate of, a deceased person, or (iii) as a guardian (by whatever name known under local law) of the estate of an infant, of an incompetent individual, or of an absent individual; and

(2) In conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks, whether or not the bank maintaining such fund is a national bank or a member of the Federal Reserve System.

§ 1.584–2 *Income of participants in common trust fund.* (a) Each participant in a common trust fund is required to include in computing its taxable income for its taxable year within which or with which the taxable year of the fund ends, whether or not distributed and whether or not distributable:

(1) Its proportionate share of the gains and losses from sales or exchanges of capital assets held for not more than six months, computed as provided in § 1.584–3, as part of its gains and losses from sales or exchanges of capital assets held for not more than six months;

(2) Its proportionate share of the gains and losses from sales or exchanges of capital assets held for more than six months, computed as provided in § 1.584–3, as part of its gains and losses from sales or exchanges of capital assets held for more than six months; and

(3) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in § 1.584–3.

(b) (1) Each participant's proportionate share in the amount of dividends to which section 34 or section 116 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends.

(2) Each participant's proportionate share in the amount of partially tax exempt interest described in section 35 or section 242 received by the common trust fund shall be deemed to have been received by such participant as such interest. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of each participant of such interest received by the fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such shares. See section 171 and the regulations thereunder.

(3) Any tax withheld at the source from income of the fund shall be deemed to have been withheld proportionately from the participants to whom such income is allocated.

(c) (1) The proportionate share of each participant in gains and losses from sales or exchanges of capital assets held for not more than six months, gains and losses from sales or exchanges of capital assets held for more than six months, ordinary taxable income or ordinary net loss, dividends received, partially exempt interest, and tax withheld at the source shall be determined under the method of accounting adopted by the bank in accordance with the written plan under which the common trust fund is established and administered, provided such method clearly reflects the income of each participant.

(2) The items of income and deductions are, therefore, to be allocated to the periods between valuation dates within the taxable year established by such plan in which they were realized or sustained, and the ordinary taxable income or ordinary net loss, gains and losses from sales or exchanges of capital assets held for not more than six months, and gains and losses from sales or exchanges of capital assets held for more than six months computed for each such period. The proportionate shares of the participants in such items are then to be determined.

(3) The provisions of subparagraph (2) of this paragraph may be illustrated by the following example:

Example. (i) The plan of a common trust fund provides for quarterly valuation dates and for the computation and the distribution of the income upon a quarterly basis, except that there shall be no distribution of capital gains. The participants are as follows: Trusts A, B, C, and D for the first quarter; Trusts A, B, C, and E for the second quarter; and Trusts A, B, F, and G for the third and fourth quarters, the participants having equal participating interests. As computed upon the quarterly basis, the ordinary taxable income, the short-term capital gain, and the long-term capital loss for the taxable year were as follows:

	First quarter	Second quarter	Third quarter	Fourth quarter	Total
Ordinary taxable income	$200	$300	$200	$400	$1,100
Short-term capital gain	200	100	200	100	600
Long-term capital loss	100	200	100	200	600

(ii) The participants' shares of ordinary taxable income are as follows:

PARTICIPANTS' SHARES OF ORDINARY TAXABLE INCOME

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$50	$75	$50	$100	$275
B	50	75	50	100	275
C	50	75	-------	-------	125
D	50	-------	-------	-------	50
E	-------	75	-------	-------	75
F	-------	-------	50	100	150
G	-------	-------	50	100	150
Total	200	300	200	400	1,100

(iii) The participants' shares of the short-term capital gain are as follows:

PARTICIPANTS' SHARES OF SHORT-TERM CAPITAL GAIN

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$50	$25	$50	$25	$150
B	50	25	50	25	150
C	50	25	-------	-------	75
D	50	-------	-------	-------	50
E	-------	25	-------	-------	25
F	-------	-------	50	25	75
G	-------	-------	50	25	75
Total	200	100	200	100	600

(iv) The participants' shares of the long-term capital loss are as follows:

PARTICIPANTS' SHARES OF LONG-TERM CAPITAL LOSS

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$25	$50	$25	$50	$150
B	25	50	25	50	150
C	25	50	-------	-------	75
D	25	-------	-------	-------	25
E	-------	50	-------	-------	50
F	-------	-------	25	50	75
G	-------	-------	25	50	75
Total	100	200	100	200	600

(4) If in the above example the common trust fund also had short-term capital losses and long-term capital gains, the treatment of such gains or losses would be similar to that accorded to the short-term capital gains and long-term capital losses in the above example.

(d) The provisions of Subparts A, B, C, D, and E of Part I of Subchapter J are applicable in determining the extent to which each participant's proportionate share of the income of the common trust fund is taxable to the participant, or to the beneficiaries or the grantor of the participant.

§ 1.584–3 *Computation of common trust fund income.* The taxable income of the common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that:

(a) No deduction shall be allowed under section 170 (relating to charitable, etc., contributions and gifts);

(b) The gains and losses from sales or exchanges of capital assets of the common trust fund are required to be segregated. A common trust fund is not allowed the benefit of the capital loss carryover provided by section 1212;

(c) The ordinary taxable income (the excess of the gross income over deductions) or the ordinary net loss (the excess of the deductions over the gross income) shall be computed after excluding all items of gain and loss from sales or exchanges of capital assets; and

(d) The standard deduction provided in section 141 shall not be allowed.

§ 1.584–4 *Admission and withdrawal of participants in the common trust fund*—(a) *Gain or loss.* The common trust fund realizes no gain or loss by the admission or withdrawal of a participant, and the basis of the assets and the period for which they are deemed to have been held by the common trust fund for the purposes of section 1202 are unaffected by such an admission or withdrawal. If a participant withdraws the whole or any part of its participating interest from the common trust fund, such withdrawal shall be treated as a sale or exchange by the participant of the participating interest or portion thereof which is so withdrawn. A participant is not deemed to have withdrawn any part of its participating interest in the common trust fund so as to have completed a closed transaction by reason of the segregation and administration of an investment of the fund, pursuant to the provisions of subdivision (c) (7) of section 17 of Regulation F of the Board of Governors of the Federal Reserve System, as amended, for the benefit of all the then participants in the common trust fund. Such segregated investment shall be considered as held by, or on behalf of, the common trust fund for the benefit ratably of all participants in the common trust fund at the time of segregation, and any income or loss arising from its administration and liquidation shall constitute income or loss to the common trust fund apportionable among the participants for whose benefit the investment was segregated.

(b) *Basis for gain or loss upon withdrawal.* The participant's gain or loss upon withdrawal of its participating interest or portion thereof shall be measured by the difference between the amount received upon such withdrawal and the adjusted basis of the participating interest or portion thereof withdrawn plus the additions prescribed in paragraph (c) of this section and minus the reductions prescribed in paragraph (d) of this section. The amount received by the participant shall be the sum of any money plus the fair market value of property (other than money) received upon such withdrawal. The basis of the participating interest or portion thereof withdrawn shall be the sum of any money plus the fair market value of any property (other than money) contributed by the participant to the common trust fund to acquire the participating interest or portion thereof withdrawn. Such basis shall not be reduced on account of the segregation of any investment in the common trust fund pursuant to the provisions of subdivision (c) (7) of section 17 of Regulation F of the Board of Governors of the Federal Reserve System, as amended. For the purpose of making the adjustments, additions, and reductions with respect to basis as prescribed in this paragraph, the ward, rather than the guardian, shall be deemed to be the participant; and the grantor, rather than the trust, shall be deemed to be the participant, to the extent that the income of the trust is taxable to the grantor under subpart E of part I of subchapter J.

(c) *Additions to basis.* As prescribed in paragraph (b) of this section, in computing the gain or loss upon the withdrawal of a participating interest or portion thereof, there shall be added to the basis of the participating interest or portion thereof withdrawn an amount equal to the aggregate of the following items (to the extent that they were properly allocated to the participant for a taxable year of the common trust fund and were not distributed to the participant prior to withdrawal):

(1) Wholly exempt income of the common trust fund for any taxable year,

(2) Net income of the common trust fund for the taxable years beginning after December 31, 1935, and prior to January 1, 1938,

(3) Net short-term capital gain of the common trust fund for each taxable year beginning after December 31, 1937,

(4) The excess of the gains over the losses recognized to the common trust fund upon sales or exchanges of capital assets held (i) for more than 18 months for taxable years beginning after December 31, 1937, and before January 1, 1942, and (ii) for more than 6 months for taxable years beginning after December 31, 1941, and

(5) Ordinary net or taxable income of the common trust fund for each taxable year beginning after December 31, 1937.

(d) *Reductions in basis.* As prescribed in paragraph (b) of this section, in computing the gain or loss upon the withdrawal of a participating interest or portion thereof, the basis of the participating interest or portion thereof withdrawn shall be reduced by such portions of the following items as were allocable to the participant with respect to the participating interest or portion thereof withdrawn:

(1) The amount of the excess of the allowable deductions of the common trust fund over its gross income for the taxable years beginning after December 31, 1935, and before January 1, 1938, and

(2) The amount of the net short-term capital loss, net long-term capital loss, and ordinary net loss of the common trust fund for each taxable year beginning after December 31, 1937.

§ 1.584–5 *Returns of banks with respect to common trust funds.* For rules applicable to filing returns of common

trust funds, see section 6032 and the regulations thereunder.

§ 1.584–6 *Net operating loss deduction.* The net operating loss deduction is not allowed to a common trust fund. Each participant in a common trust fund, however, will be allowed the benefits of such deduction. In the computation of such deduction, a participant in a common trust fund shall take into account its pro rata share of items of income, gain, loss, deduction, or credit of the common trust fund. The character of any such item shall be determined as if the participant had realized such item directly from the source from which realized by the common trust fund, or incurred such item in the same manner as incurred by the common trust fund.

MUTUAL SAVINGS BANKS, ETC.

§ 1.591 *Statutory provisions; deduction for dividends paid on deposits.*

SEC. 591. *Deduction for dividends paid on deposits.* In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, there shall be allowed as deductions in computing taxable income amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

§ 1.591–1 *Deduction for dividends paid on deposits*—(a) *In general.* (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 591 is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the following business day are deductible under section 591 in the year subsequent to the taxable year in which they were credited. A deduction under this section will not be denied by reason of the fact that the amounts credited as dividends, otherwise deductible under section 591, are subject to the terms of a pledge agreement between the institution and the depositor or holder of account. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares.

(b) *Serial associations, bonus plans, etc.* If a building and loan association operates in whole or in part as a serial association, maintains a bonus plan, or issues shares subject to fines, penalties, forfeitures, or other withdrawal fees, it may deduct under section 591 the total amount credited as dividends upon such shares, credited to a bonus account for such shares, or allocated to a series of shares for the taxable year, notwithstanding that as a customary condition of withdrawal:

(1) Amounts invested in, and earnings credited to, series shares must be withdrawn in multiples of even shares, or

(2) Such association has the right, pursuant to by-law, contract, or otherwise, to retain or recover a portion of the total amount invested in, or credited as earnings upon, such shares, such bonus account, or series of shares, as a fine, penalty, forfeiture, or other withdrawal fee.

In any taxable year in which the right referred to in subparagraph (2) of this paragraph is exercised, there is includible in the gross income of such association for such taxable year amounts retained or recovered by the association pursuant to the exercise of such right.

§ 1.592 *Statutory provisions; deduction for repayment of certain loans.*

SEC. 592. *Deduction for repayment of certain loans.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, there shall be allowed as deductions in computing taxable income amounts paid by the taxpayer during the taxable year in repayment of loans made before September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.

§ 1.592–1 *Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.* There is deductible, under section 592, from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by such institutions during the taxable year in repayment of loans made before September 1, 1951, by the United States or any agency or instrumentality thereof which is wholly owned by the United States, or by any mutual fund established under the authority of the laws of any State. For example, amounts paid by such institution in repayment of loans made by the Reconstruction Finance Corporation before September 1, 1951, are deductible under this section. Section 592 is not applicable, however, in the case of amounts paid in repayment of loans made by an agency or instrumentality not wholly owned by the United States.

§ 1.593 *Statutory provisions; additions to reserve for bad debts.*

SEC. 593. *Additions to reserve for bad debts.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts under section 166 (c) shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a taxpayer described in the preceding sentence, the reasonable addition to a reserve for bad debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of—

(1) The amount of its taxable income for the taxable year, computed without regard to this section, or

(2) The amount by which 12 percent of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year.

§ 1.593–1 *Additions to reserve for bad debts*—(a) *In general.* A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income under section 166 (a) for specific debts which become worthless in whole or in part, deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section and § 1.593–2. In the case of such an institution, the selection of either of the alternative methods for treating bad debts may be made by the taxpayer in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. If the method selected is approved, it must be followed in returns for subsequent years, unless permission is granted by the Commissioner to change to another method. Application for permission to change the method of treating bad debts shall be made at least 30 days prior to the close of the taxable year for which the change is to be effective.

(b) *Addition to reserve.* Except as otherwise provided in § 1.593–2, the reasonable addition to a reserve for bad debts shall be any amount determined by the taxpayer which does not exceed the lesser of:

(1) The amount of its taxable income for the taxable year, computed without regard to section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income (such as section 170, relating to charitable, etc., contributions and gifts), or

(2) The amount by which 12 percent of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year.

(c) *Adjustments to reserve.* Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. Recoveries of debts charged against the bad debt reserve during a prior taxable year in which the institution was subject to tax under this chapter or under chapter 1 of the Internal Revenue Code of 1939 shall be credited to the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution at the close of the taxable year, or as soon as practicable thereafter. Minimum amounts credited in compliance with Federal or State statutes, regulations, or supervisory orders to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissive under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by an institution, will be deemed to have been credited to the bad debt reserve.

(d) *Definitions.* When used in this section and in § 1.593–2:

(1) *Institution.* The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 7701 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(2) *Surplus, undivided profits, and reserves.* (i) The phrase "surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed the amount of the total liabilities of such an institution.

(ii) For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money, held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See sections 1011 through 1022, and the regulations thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see section 1016 (a) (3) and the regulations thereunder.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining taxable income and to the rules applicable in determining its earnings and profits.

(iii) The term "total liabilities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The total deposits or withdrawable accounts, as defined in subparagraph (3) of this paragraph, shall be considered a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the paid-in amount of such stock shall also be considered a liability. Reserves for contingencies and other reserves, however, which are mere appropriations of surplus, are not liabilities.

(3) *Total deposits or withdrawable accounts.* The phrase "total deposits or withdrawable accounts" means the aggregate of (i) amounts placed with an institution for deposit or investment and (ii) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends upon such accounts prior to the close of the taxable year, except that such term, in the case of a building and loan association, does not include permanent nonwithdrawable capital stock represented by shares, or earnings credited thereon.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). (i) Institution X, which keeps its books on the basis of the calendar year, has surplus, reserves, and undivided profits of $800,000 as of January 1, 1955, and total deposits or withdrawable accounts of $10,000,000 as of December 31, 1955. During 1955 the institution credits $30,000, as required by a Federal agency, to a Federal insurance reserve for the sole purpose of absorbing losses. Likewise, it credits $25,000, as permitted by State statute, to another reserve fund for the purpose of absorbing losses. In 1955 Institution X charges $5,000 against its bad debt reserve for losses sustained during the taxable year.

(ii) The taxable income of Institution X for the taxable year 1955, computed without regard to section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is $200,000.

(iii) Upon the basis of the facts as stated in subdivision (i) above, the amount by which 12 percent of the total deposits or withdrawable accounts of Institution X at the close of taxable year 1955 exceeds the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year is $400,000 (12% of $10,000,000, minus $800,000).

(iv) Institution X, therefore, may deduct, for the taxable year 1955, as an addition to a reserve for bad debts, any amount it may determine that does not exceed the lesser of the amounts determined in subdivision (ii) or (iii) above. That amount is $200,000 (as determined in subdivision (ii) above). Since under paragraph (c) of this section, the $30,000 credited to the reserve as required by the Federal agency and the $25,000 credited to the reserve as permitted by the State statute are regarded as amounts credited to a reserve for bad debts account, Institution X can credit an additional $145,000 ($200,000 minus $55,000) to a general reserve for bad debts account at any time during the taxable year.

(v) The loss of $5,000 charged to the bad debt reserve during the taxable year does not affect the amount of the addition to the bad debt reserve provided for in paragraph (b) of this section. It is of significance only in determining the surplus, undivided profits, and reserves of Institution X as of January 1, 1956.

Example (2). The taxable income of Institution Y for the taxable year 1955, computed without regard to the deduction under section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is determined to be $250,000. The amount by which 12 percent of the total deposits or withdrawable accounts of Institution Y at the close of the taxable year exceeds the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year is $500,000. Institution Y credits $250,000 to its bad debt reserve in 1955. In 1957, it is determined that the correct taxable income of Institution Y for 1955, computed without regard to any deduction under section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is $275,000 and not $250,000. Assuming that Institution Y credits the additional $25,000 to its bad debt reserve, $275,000 is allowable as a deduction from gross income for such institution for the taxable year 1955.

§ 1.593–2 *Additions to reserve for bad debts where surplus, reserves, and undivided profits equal or exceed 12 percent of deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year, a reasonable addition to the reserve for bad debts as determined under the general provisions of section 166 (c) may be allowable as a deduction from gross income. In making such determination, there shall be taken into account (a) surplus or bad debt reserves existing at the close of December 31, 1951 (i. e., the amount of surplus, undivided profits, and reserves accumulated prior to January 1, 1952, and in existence at the close of December 31, 1951), and (b) changes in the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. A deduction for an addition to the reserve for bad debts pursuant to this section will be authorized only in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants an addition to the reserve for bad debts in excess of that provided in § 1.593–1 (b). For definitions, see § 1.593–1 (d).

§ 1.594 *Statutory provisions; alternative tax for mutual savings banks conducting life insurance business.*

SEC. 594. *Alternative tax for mutual savings banks conducting life insurance business*—(a) *Alternative tax.* In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be imposed in lieu of the taxes imposed by section 11 or section 1201 (a), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed on the taxable income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section had not been enacted; and

(2) A partial tax computed on the income of the life insurance department determined without regard to any items of gross income or deductions not properly allocable to such department, at the rates and in the manner provided in subchapter L (sec. 801 and following) with respect to life insurance companies.

(b) *Limitations of section.* Subsection (a) shall apply only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 801.

[Sec. 594 as amended by sec. 5 (3), Life Insurance Company Tax Act for 1955]

§ 1.594–1 *Mutual savings banks conducting life insurance business*—(a) *Scope of application.* Section 594 applies to the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if:

(1) The conduct of the life insurance business is authorized under State law,

(2) The life insurance business is carried on in a separate department of the bank,

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank would, if it were treated as a separate corporation, qualify as a life insurance company under section 801.

(b) *Computation of tax.* In the case of a mutual savings bank conducting a life insurance business to which section 594 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under section 11 upon the taxable income of the bank determined without regard to any items of income or deduction properly allocable to the life insurance department, and

(2) A partial tax computed on the income (or, in the case of taxable years beginning before January 1, 1955, the taxable income (as defined in section 803)) of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department, at the rates and in the manner provided in subchapter L (section 801 and following) with respect to life insurance companies.

BANK AFFILIATES

§ 1.601 *Statutory provisions; special deduction for bank affiliates.*

SEC. 601. *Special deduction for bank affiliates.* In the case of a holding company affiliate (as defined in section 2 of the Banking Act of 1933; 12 U. S. C. 221a (c)), there shall be allowed as a deduction, for purposes of section 535 (b) (8) (relating to the computation of accumulated taxable income) and section 545 (b) (6) relating to the computation of undistributed personal holding company income), the amount of the earnings and profits which the Board of Governors of the Federal Reserve System certifies to the Secretary or to his delegate has been devoted by such affiliate during the taxable year to the acquisition of readily marketable assets other than bank stock in compliance with section 5144 of the Revised Statutes (12 U. S. C. 61). The amount of the deduction under this section for any taxable year shall not exceed the taxable income for such year computed without regard to the special deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.). The aggregate of the deductions allowable under this section and the credits allowable under the corresponding provision of any prior income tax law for all taxable years shall not exceed the amount required to be devoted under such section 5144 to such purposes.

§ 1.601–1 *Special deduction for bank affiliates.* (a) The special deduction described in section 601 is allowed:

(1) To a holding company affiliate of a bank, as defined in section 2 of the Banking Act of 1933 (12 U. S. C. 221a), which holding company affiliate holds, at the end of the taxable year, a general voting permit granted by the Board of Governors of the Federal Reserve System,

(2) In the amount of the earnings or profits of such holding company affiliate which, in compliance with section 5144 of the Revised Statutes (12 U. S. C. 61), has been devoted by it during the taxable year to the acquisition of readily marketable assets other than bank stock.

(3) Upon certification by the Board of Governors of the Federal Reserve System to the Commissioner that such an amount of the earnings or profits has been so devoted by such affiliate during the taxable year.

No deduction is allowable under section 601 for the amount of readily marketable assets in excess of what is required by section 5144 of the Revised Statutes (12 U. S. C. 61) to be acquired by such affiliate, or in excess of the taxable income for the taxable year computed without regard to the special deductions for corporations provided in sections 241–247, inclusive. Nor may the aggregate of the deductions allowable under section 601 and the credits allowable under the corresponding provision of any prior income tax law for all taxable years exceed the amount required to be devoted under such section 5144 to the acquisition of readily marketable assets other than bank stock.

(b) Every taxpayer claiming a deduction provided for in section 601 shall attach to its return a supplementary statement setting forth all the facts and information upon which the claim is predicated, including such facts and information as the Board of Governors of the Federal Reserve System may prescribe as necessary to enable it, upon the request of the Commissioner subsequent to the filing of the return, to certify to the Commissioner the amount of earnings or profits devoted to the acquisition of such readily marketable assets. A certified copy of such supplementary statement shall be forwarded by the taxpayer to the Board of Governors at the time of the filing of the return. The holding company affiliate shall also furnish the Board of Governors such further information as the Board shall require. For the requirements with respect to the amount of such readily marketable assets which must be acquired and maintained by a holding company affiliate to which a voting permit has been granted, see section 5144 (b) and (c) of the Revised Statutes (12 U. S. C. 61).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: June 29, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56–5351; Filed, July 5, 1956; 8:50 a. m.]

[T. D. 6187]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

WITHHOLDING OF TAX ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE COVENANT BONDS; RECOVERY OF EXCESSIVE PROFITS ON GOVERNMENT CONTRACTS

On January 26, 1956, notice of proposed rule making regarding the regulations under chapters 3 and 4 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 583). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted, the regulations under chapter 3 being effective with respect to payments made after December 31, 1954:

WITHHOLDING OF TAX ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE COVENANT BONDS

NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

Sec.
1.1441 Statutory provisions; withholding of tax on nonresident aliens.
1.1441–1 Requirement for withholding of tax on nonresident aliens and foreign corporations.
1.1441–2 Income subject to withholding.
1.1441–3 Exceptions and rules of special application.
1.1441–4 Exemptions from withholding.
1.1441–5 Claiming United States citizenship or residence.
1.1442 Statutory provisions; withholding of tax on foreign corporations.
1.1442–1 Withholding of tax on foreign corporations.
1.1443 Statutory provisions; foreign tax-exempt organizations.
1.1443–1 Rents paid to foreign tax-exempt organizations.

TAX-FREE COVENANT BONDS

1.1451 Statutory provisions; tax-free covenant bonds.
1.1451–1 Tax-free covenant bonds issued before January 1, 1934.
1.1451–2 Exemptions from withholding under section 1451.

APPLICATION OF WITHHOLDING PROVISIONS

1.1461 Statutory provisions; return and payment of withheld tax.
1.1461–1 Ownership certificates for bond interest.
1.1461–2 Return and payment of tax withheld.
1.1462 Statutory provisions; withheld tax as credit to recipient of income.
1.1462–1 Withheld tax as credit to recipient of income.
1.1463 Statutory provisions; tax paid by recipient of income.
1.1463–1 Tax paid by recipient of income.
1.1464 Statutory provisions; refunds and credits with respect to withheld tax.
1.1464–1 Refunds and credits.
1.1465 Statutory provisions; definition of withholding agent.
1.1465–1 General provisions relating to withholding agents.

RULES APPLICABLE TO RECOVERY OF EXCESSIVE PROFITS ON GOVERNMENT CONTRACTS

RECOVERY OF EXCESSIVE PROFITS ON GOVERNMENT CONTRACTS

1.1471 Statutory provisions; recovery of excessive profits on government contracts.
1.1471–1 Recovery of excessive profits on government contracts.

MITIGATION OF EFFECT OF RENEGOTIATION OF GOVERNMENT CONTRACTS

1.1481 Statutory provisions; mitigation of effect of renegotiation of government contracts.

AUTHORITY: §§ 1.1441 to 1.1481 issued under sec. 7805, 68 Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 1441, 1443, 6041, 68A Stat. 357, 358, 745; 26 U. S. C. 1441, 1443, 6041.

WITHHOLDING OF TAX ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE COVENANT BONDS

NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

§ 1.1441 *Statutory provisions; withholding of tax on nonresident aliens.*

SEC. 1441. *Withholding of tax on nonresident aliens*—(a) *General rule.* Except as otherwise provided in subsection (c), all persons, in whatever capacity acting (including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States) having the control, receipt, custody, disposal, or payment of any of the items of income specified in subsection (b) (to the extent that any of such items constitutes gross income from sources within the United States), of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and composed in whole or in part of nonresident aliens, shall (except in the cases provided for in section 1451 and except as otherwise provided in regulations prescribed by the Secretary or his delegate under section 874) deduct and withhold from such items a tax equal to 30 percent thereof.

(b) *Income items.* The items of income referred to in subsection (a) are interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets.

(c) *Exceptions*—(1) *Dividends of foreign corporations.* No deduction or withholding under subsection (a) shall be required in the case of dividends paid by a foreign corporation unless (A) such corporation is engaged in trade or business within the United States, and (B) more than 85 percent of the gross income of such corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under part I of subchapter N of chapter 1.

(2) *Owner unknown.* The Secretary or his delegate may authorize the tax under subsection (a) to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(3) *Bonds with extended maturity dates.* The deduction and withholding in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within subsections (a), (b), and (c) of section 1451 were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934, and the liability assumed by the debtor exceeds 27½ percent of the interest, shall not exceed the rate of 27½ percent per annum.

(4) *Compensation of certain aliens.* Under regulations prescribed by the Secretary or his delegate, there may be exempted from deduction and withholding under subsection (a) the compensation for personal services of nonresident alien individuals who enter and leave the United States at frequent intervals.

(5) *Special items.* In the case of amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets, the amount required to be deducted and withheld shall, if the amount of such gain is not known to the withholding agent, be such amount, not exceeding 30 percent of the proceeds from such sale or exchange, as may be necessary to assure that the tax deducted and withheld shall not be less than 30 percent of such gain.

(d) *Alien resident of Puerto Rico.* For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico.

§ 1.1441–1 *Requirement for withholding of tax on nonresident aliens and foreign corporations.* Except as otherwise provided in §§ 1.1441–3 and 1.1441–4, withholding of a tax of 30 percent is required in the case of the items of income specified in § 1.1441–2 (to the extent that such items constitute gross income from sources within the United States) paid to a nonresident alien individual, a nonresident partnership composed in whole or in part of nonresident alien individuals, or a nonresident foreign corporation. The rate of 30 percent shall be reduced as may be provided by treaty with any country. See section 894, relating to income exempt under treaty. For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico.

§ 1.1441–2 *Income subject to withholding*—(a) *Fixed or determinable annual or periodical income.* (1) The gross amount of fixed or determinable annual or periodical income is subject to withholding. Section 1441 specifically includes in such income interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, and emoluments; but other kinds of income are included, as, for instance, royalties. The term "fixed or determinable annual or periodical" income is merely descriptive of the character of a class of income. If an item of income falls within the class of income contemplated by the statute, it is immaterial whether payment of that item is made in a series of repeated payments or in a single lump sum. Thus, $5,000 in royalty income would come within the meaning of the term, whether paid in 10 payments of $500 each or in one payment of $5,000.

(2) Income is fixed when it is to be paid in amounts definitely predetermined. Income is determinable whenever there is a basis of calculation by which the amount to be paid may be ascertained. The income need not be paid annually if it is paid periodically; that is to say, from time to time, whether or not at regular intervals. The fact that a payment is not made annually or periodically does not, however, necessarily prevent its being fixed or determinable annual or periodical income. That the length of time during which the payments are to be made may be increased or diminished in accordance with someone's will or with the happening of an event does not make the payments any the less determinable or periodical. A salesman working by the month for a commission on sales which is paid or credited monthly receives determinable periodical income. The share of the fixed or determinable annual or periodical income of an estate or trust from sources within the United States which is required to be distributed currently, or which has been paid or credited during the taxable year, to a nonresident alien beneficiary of such estate or trust constitutes fixed or determinable annual or periodical income. Such items as taxes, interest on mortgages, or premiums on insurance paid to or for the account of a nonresident alien landlord by a tenant, pursuant to the terms of the lease, constitute fixed or determinable annual or periodical income.

(3) Income derived from the sale in the United States of property, whether real or personal, is not fixed or determinable annual or periodical income. However, the consideration received from the transfer of property is fixed or determinable annual or periodical income if for purposes of the income tax the consideration is treated as rentals or royalties and not as the proceeds of a sale of property.

(b) *Amounts considered to be gains from the sale or exchange of capital assets.* Withholding is also required on the gross amount of the items described in section 402 (a) (2), relating to treatment of total distributions from certain employees' trusts; section 631 (b) and (c), relating to treatment of gain on disposal of timber or coal with a retained economic interest; and section 1235, relating to treatment of gain on sale or exchange of patents, which are considered to be gains from the sale or exchange of capital assets.

§ 1.1441–3 *Exceptions and rules of special application*—(a) *Income from sources without the United States.* To the extent that items of income constitute gross income from sources without the United States, they are not subject to withholding under § 1.1441–1. For rules governing the determination of the sources of income, see sections 861 to 864, inclusive, and the regulations thereunder.

(b) *Corporate distributions*—(1) *Nontaxable portion.* The tax shall be withheld at the source under § 1.1441–1 on the gross amount of any distribution made by a corporation other than—

(i) A nontaxable distribution payable in stock or stock rights, and

(ii) A distribution which is treated as a distribution in part or full payment in exchange for stock.

This rule shall apply without regard to any claim that all or a portion of the distribution is not taxable under section 871 or 881. The tax shall be withheld on the gross amount of the distribution even though the payee may be entitled to the benefits of section 34, relating to the credit for dividends received by individuals, or section 116, relating to partial exclusion of dividends received by individuals. Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

(2) *Dividends paid by a foreign corporation.* No withholding under

§ 1.1441–1 is required in the case of dividends paid by a foreign corporation unless (i) the corporation is engaged in trade or business within the United States, and (ii) more than 85 percent of the gross income of the corporation for the 3-year period ending with the close of its taxable year preceding the declaration of the dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of sections 861–864, inclusive, and the regulations thereunder.

(3) *Dividends paid by a China Trade Act corporation.* Withholding is required under § 1.1441–1 on dividends paid by a corporation organized under the China Trade Act of 1922 (15 U. S. C., c. 4) if the dividends are treated as income from sources within the United States under sections 861–864, inclusive, and are distributed to—

(i) A nonresident alien other than a resident of Formosa or Hong Kong at the time of the distribution, or

(ii) A nonresident partnership composed in whole or in part of nonresident aliens (other than a partnership resident in Formosa or Hong Kong), or

(iii) A nonresident foreign corporation (other than a corporation resident in Formosa or Hong Kong).

(4) *Dividends paid to shareholder whose status is not definite.* When a payer corporation or any other person, including a nominee, having the control, receipt, custody, disposal, or payment of dividends has no definite knowledge of the status of a shareholder, the tax shall be withheld under § 1.1441–1 if the shareholder's address is outside the United States. If the shareholder's address is within the United States, it may be assumed for the purpose of withholding on dividends that the shareholder is a citizen or resident of the United States. Unless the name and style of the shareholder are such as to indicate clearly that he is a nonresident alien, an address in care of another person in the United States does not of itself warrant treating the shareholder as a nonresident alien for such purpose. If a shareholder changes his address from a place without the United States to a place within the United States, the tax shall be withheld on dividends unless proof is furnished showing that he is a citizen or resident of the United States. For general provisions for claiming United States citizenship or residence, see § 1.1441–5.

(c) *Interest*—(1) *Government obligations.* Withholding is required under § 1.1441–1 in the case of interest paid on obligations issued on or after March 1, 1941, by the United States or any agency or instrumentality thereof. See section 103 and the regulations thereunder, relating to the taxation of such interest, and § 1.1461–1, relating to ownership certificates.

(2) *Assumed obligations.* If, in connection with the sale of a corporation's property, payment of the bonds or other obligations of the corporation is assumed by the assignee, the assignee, whether an individual, partnership, or corporation, shall deduct and withhold such taxes under § 1.1441–1 as would be required to be withheld by the assignor had no such sale or transfer been made.

(3) *Defaulted interest coupons.* The tax shall be withheld at the source under § 1.1441–1 on the gross amount of interest without regard to whether or not the payment constitutes a return of capital or the payment of income within the meaning of section 61. Thus, for example, the tax shall be withheld in accordance with § 1.1441–1 from defaulted interest payments upon bonds which were purchased flat at quotations representing the price of both the bonds and the defaulted matured interest coupons. Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

(4) *Unknown owner.* Withholding is required under § 1.1441–1 in the case of interest upon all bonds or securities the owners of which are not known to the withholding agent unless such bonds or securities were issued by a corporation before January 1, 1934, contain a tax-free covenant, and do not have a maturity date which was extended on or after that date. For withholding under section 1451 in the case of unknown owners, see paragraph (a) (2) of § 1.1451–1.

(5) *Tax-free covenant bonds*—(i) *Issued on or after January 1, 1934.* Withholding is required under § 1.1441–1 in the case of interest upon bonds or other corporate obligations issued on or after January 1, 1934, and containing a tax-free covenant.

(ii) *Issued before January 1, 1934.* Withholding is not required under § 1.1441–1 in the case of interest upon bonds or other corporate obligations issued before January 1, 1934, containing a tax-free covenant, and not having a maturity date which was extended on or after that date. A domestic or resident fiduciary is required, however, to withhold tax under § 1.1441–1 in the case of so much of such interest as is properly allocable under section 652 or 662 to a nonresident alien beneficiary. See paragraph (f) of this section and of § 1.1451–1. For general rules respecting the withholding of tax under section 1451 in the case of such interest, see § 1.1451–1.

(iii) *Extended maturity date.* Withholding is required under § 1.1441–1 in the case of interest upon bonds or other corporate obligations issued before January 1, 1934, and containing a tax-free covenant, if the maturity date of the bonds or obligations has been extended on or after that date. See paragraph (c) of § 1.1451–1.

(iv) *Special rate of 27½ percent.* The rate of tax to be withheld at the source under § 1.1441–1 shall not exceed 27½ percent in the case of interest on bonds, mortgages, or deeds of trust, or other similar obligations of a corporation if—

(*a*) The liability assumed by the debtor exceeds 27½ percent of the interest, and

(*b*) The interest would be subject to withholding under the provisions of subsections (a), (b), and (c) of section 1451 except for the fact that the maturity date of the obligations has been extended on or after January 1, 1934. See paragraph (c) of § 1.1451–1.

(d) *Amounts considered to be gains from the sale or exchange of capital assets.* (1) If, in the case of the amounts enumerated in paragraph (b) of § 1.1441–2 which are considered to be gains from the sale or exchange of capital assets, the withholding agent does not know the amount of recognized gain, he is required to deduct and withhold such amount under § 1.1441–1 as may be necessary to assure that the tax withheld will not be less than 30 percent of the recognized gain. For this purpose the recognized gain shall be determined without regard to the deduction allowed by section 1202 in respect of capital gains. The amount so withheld shall not exceed 30 percent of the gross proceeds from the transaction giving rise to the recognized gain, except that the gross proceeds may be determined by excluding the net unrealized appreciation described in section 402 (a) (2). Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

(2) The withholding agent may rely upon the written statement of the person entitled to the income described in this paragraph as to the amount of gain recognized on the transaction involved. This statement shall show the computation of the gain and shall be furnished to the withholding agent in duplicate. The duplicate copy of the statement shall be forwarded with a letter of transmittal to the District Director of Internal Revenue, Baltimore 2, Maryland; except that on and after January 1, 1957, such copy shall be forwarded to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(e) *Personal exemption.* (1) The taxation of nonresident alien individuals is provided for in sections 871 to 877, inclusive. Section 874 (a) makes the filing of a return a prerequisite to the allowance of deductions, including deductions of personal exemptions. Except in the circumstances described in subparagraph (2) of this paragraph, personal exemptions do not serve to reduce the amount of tax to be withheld under § 1.1441–1.

(2) In the determination of the tax to be withheld at the source under § 1.1441–1 from remuneration paid for labor or personal services performed within the United States by a nonresident alien, the benefit of the deduction for one personal exemption provided in section 151 shall be allowed, prorated upon a daily basis for the period of employment during any portion of which labor or personal services are performed within the United States by the alien. The proration is on the basis of $1.70 per day. Thus, if A, a nonresident alien seaman employed by X Shipping Corporation, is paid in 1955 upon the termination of a voyage covering 100 days and A performs personal services within the United States during, or incident to, the voyage, the amount of $170 will be allocated as the portion of the deduction to be allowed against the remuneration for personal services performed within the United States during that voyage; and withholding at 30 percent shall be applied against the balance, if any, of the remuneration. If, for example, the total remuneration paid to A for that voyage is $2,000, of which the amount of $800 is allocable to sources within the United States, a tax in the amount of $189 is required to be withheld under § 1.1441–1. As to what constitutes remuneration for labor or personal services performed within the United States, see section 861 (a) (3) and the regulations thereunder.

(f) *Fiduciaries.* Resident or domestic fiduciaries are required to withhold the tax at source under § 1.1441–1 on all items of income specified in § 1.1441–2 of nonresident alien beneficiaries, to the extent that such items constitute gross income from sources within the United States. Such income paid to a nonresident alien fiduciary is subject to withholding under § 1.1441–1 even though the beneficiaries of the estate or trust are citizens or residents of the United States.

(g) *Trust income taxable to grantor.* The income of a trust created by a nonresident alien individual and taxable to the grantor under the provisions of subpart E of part I of subchapter J is subject to withholding under § 1.1441–1, even though the fiduciary or beneficiaries of the trust are citizens or residents of the United States and regardless of whether the beneficiaries are exempt from income tax.

(h) *Claims for refund.* Notwithstanding § 301.6402–2 of this chapter, any claim for refund referred to in paragraphs (b), (c), and (d) of this section which is filed on and after January 1, 1957, shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. For special rules permitting the use of the income tax return as a claim for refund, see § 301.6402–3 of this chapter.

(i) *Rents paid to foreign tax-exempt organizations.* For the rule for withholding on rents paid to foreign tax-exempt organizations, see § 1.1443–1.

§ 1.1441–4 *Exemptions from withholding*—(a) *Interest*—(1) *Interest on bank deposits.* Interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States is not subject to withholding under § 1.1441–1.

(2) *Sale of bonds between interest dates.* The tax is not required to be withheld under § 1.1441–1 on accrued interest paid by the buyer in connection with the sale of bonds between interest dates, even though the interest is subject to tax under section 871 or 881. The exemption from withholding granted by this subparagraph is not a determination that the accrued interest is not fixed or determinable annual or periodical income.

(b) *Compensation for personal services*—(1) *Exemption under section 1441.* The salary or other compensation for personal services of a nonresident alien individual who enters and leaves the United States at frequent intervals shall not be subject to withholding of tax under § 1.1441–1 if—

(i) The nonresident alien is a resident of Canada or Mexico, or

(ii) The nonresident alien is engaged in agricultural labor as defined in section 3121 (g) and the regulations thereunder.

(2) *Withholding of tax under section 3402.* For collection of the income tax at source under section 3402 upon remuneration paid for services performed by a nonresident alien individual who is a resident of Canada or Mexico and who enters and leaves the United States at frequent intervals, see section 3401 (a) (7) and the regulations thereunder.

(3) *Proration of personal exemption.* For provisions allowing the benefit of the deduction for the personal exemption on a prorated basis, see paragraph (e) of § 1.1441–3.

(c) *Dividends paid by China Trade Act corporations.* Withholding is not required under § 1.1441–1 upon dividends distributed by a corporation organized under the China Trade Act of 1922 (15 U. S. C., c. 4) to or for the benefit of a resident of Formosa or Hong Kong and which are exempt from taxation by section 943.

(d) *Inhabitants of Virgin Islands*—(1) *Allowance of exemption.* No withholding is required under § 1.1441–1 upon any item of income paid to any person who at the time of payment reasonably expects to satisfy his income tax obligations with respect to that item under section 28 (a) of the Revised Organic Act of the Virgin Islands. That section provides that all persons whose permanent residence is in the Virgin Islands "shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the Treasury of the Virgin Islands." For the purpose of this paragraph, the term "person" shall include an individual, partnership, and corporation.

(2) *Claiming exemption.* To avoid withholding of tax at source under § 1.1441–1 the payee of the income shall notify the withholding agent by letter in duplicate that he expects to satisfy his income tax obligations under section 28 (a) of the Revised Organic Act of the Virgin Islands with respect to all income to be paid to him by the withholding agent during the current calendar year. This letter of notification shall constitute authorization to the payer of the income to pay income to the payee during that year without deduction of the tax at source under § 1.1441–1.

(3) *Disposition of letter.* The duplicate copy of each letter of notification shall be forwarded with a letter of transmittal to the District Director of Internal Revenue, Baltimore 2, Maryland; except that on and after January 1, 1957, such copy shall be forwarded to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

§ 1.1441–5 *Claiming United States citizenship or residence*—(a) *Individuals.* For purposes of chapter 3 an individual's written statement that he is a citizen or resident of the United States may be relied upon by the payer of the income as proof that such individual is a citizen or resident of the United States. This statement shall be furnished to the withholding agent in duplicate. An alien may claim residence in the United States by filing Form 1078 with the withholding agent in duplicate in lieu of the above statement.

(b) *Partnerships and corporations.* For purposes of chapter 3 a written statement from a partnership or corporation claiming residence in the United States may be relied upon by the payer of the income as proof that such partnership or corporation is a resident of the United States. This statement shall be furnished to the withholding agent in duplicate. It shall contain the address of the taxpayer's office or place of business in the United States and shall be signed by a member of the partnership or by an officer of the corporation. The official title of the corporate officer shall also be given.

(c) *Manner of filing statement or form.* (1) The statement of citizenship or residence, or Form 1078 in the case of residence, shall be filed with the withholding agent for each successive three-calendar-year period during which the income is paid in respect of which the statement or form is furnished. The statement or form shall be filed with the withholding agent not later than 20 days preceding the date of the first payment within the three-calendar-year period for which the statement or form is furnished, or, if that is not possible because of special circumstances, as soon as possible after such first payment.

(2) Once a statement or form has been filed in respect of any three-calendar-year period, no additional statement or form is required to be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional statement or form shall be filed by the taxpayer. If, after filing a statement or form, the taxpayer ceases to be a citizen or resident of the United States, he shall promptly notify the withholding agent.

(3) Upon the expiration of any three-calendar-year period, the statement or form filed in respect of that period may not be relied upon by the payer of the income as proof of citizenship or residence.

(d) *Disposition of statement and form.* The duplicate copy of each statement and form filed pursuant to this section shall be forwarded with a letter of transmittal to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(e) *Definitions.* As to who are nonresident alien individuals, see sections 871, 7701, and the regulations thereunder. As to what partnerships and corporations are deemed to be nonresident, see sections 881, 882, 7701, and the regulations thereunder.

(f) *Effective date.* This section shall apply with respect to payments made after December 31, 1956. The provisions of §§ 39.143–3 (a) and 39.144–2 of Regulations 118 corresponding to the provisions of this section, which were made applicable to chapter 3 of the 1954 Code by Treasury Decision 6091, 19 F. R. 5167,

shall be deemed to apply under such chapter with respect to all payments made after December 31, 1954, and before January 1, 1957.

§ 1.1442 *Statutory provisions; withholding of tax on foreign corporations.*

SEC. 1442. *Withholding of tax on foreign corporations.* In the case of foreign corporations subject to taxation under this subtitle not engaged in trade or business within the United States, there shall be deducted and withheld at the source in the same manner and on the same items of income as is provided in section 1441 or section 1451 a tax equal to 30 percent thereof; except that, in the case of interest described in section 1451 (relating to tax-free covenant bonds), the deduction and withholding shall be at the rate specified therein.

§ 1.1442–1 *Withholding of tax on foreign corporations.* For regulations respecting the withholding of tax at source under section 1442 in the case of nonresident foreign corporations, see §§ 1.1441–1 and 1.1451–1.

§ 1.1443 *Statutory provisions; foreign tax-exempt organizations.*

SEC. 1443. *Foreign tax-exempt organizations.* In the case of income of a foreign organization subject to the tax imposed by section 511, this chapter shall apply to rents includible under section 512 in computing its unrelated business taxable income, but only to the extent and subject to such conditions as may be provided under regulations prescribed by the Secretary or his delegate.

§ 1.1443–1 *Rents paid to foreign tax-exempt organizations.* The gross amount of rents paid to a foreign organization subject to the tax imposed by section 511, which are includible under section 512 in computing its unrelated business taxable income, is subject to withhodling of a tax of 30 percent in the manner prescribed for withholding of the tax under § 1.1441–1, even though the organization is engaged in trade or business within the United States.

TAX-FREE COVENANT BONDS

§ 1.1451 *Statutory provisions; tax-free covenant bonds.*

SEC. 1451. *Tax-free covenant bonds.*—(a) *Requirement of withholding.* In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, issued before January 1, 1934, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this subtitle on the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 percent (regardless of whether the liability assumed by the obligor is less than, equal to, or greater than 2 percent) of the interest on such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, if payable to—

(1) An individual,

(2) A partnership, or

(3) A foreign corporation not engaged in trade or business within the United States.

(b) *Payments to foreigners.* Notwithstanding subsection (a), if the liability assumed by the obligor does not exceed 2 percent of the interest, then the deduction and withholding shall be at the rate of 30 percent in the case of—

(1) A nonresident alien individual,

(2) Any partnership not engaged in trade or business within the United States and composed in whole or in part of nonresident aliens, and

(3) A foreign corporation not engaged in trade or business within the United States.

(c) *Owner unknown.* If the owners of such obligations are not known to the withholding agent, the Secretary or his delegate may authorize such deduction and withholding to be at the rate of 2 percent, or, if the liability assumed by the obligor does not exceed 2 percent of the interest, then at the rate of 30 percent.

(d) *Benefit of personal exemptions.* Deduction and withholding under this section shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the deduction for personal exemptions provided in section 151; nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the Secretary or his delegate under section 874.

(e) *Alien residents of Puerto Rico.* For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico.

(f) *Income of obligor and obligee.* The obligor shall not be allowed a deduction for the payment of the tax imposed by this subtitle, or any other tax paid pursuant to the tax-free covenant clause, nor shall such tax be included in the gross income of the obligee.

§ 1.1451–1 *Tax-free covenant bonds issued before January 1, 1934.*—(a) *Rates of withholding.*—(1) *Rate of 2 percent.* Withholding of a tax equal to 2 percent is required in the case of interest upon bonds or other corporate obligations containing a tax-free covenant and issued before January 1, 1934, paid to an individual, a fiduciary, or a partnership, whether resident or nonresident, or to a nonresident foreign corporation, regardless of whether the liability assumed by the obligor is less than, equal to, or greater than 2 percent.

(2) *Rate of 30 percent.* Notwithstanding subparagraph (1) of this paragraph, if the liability assumed by the obligor does not exceed 2 percent of the interest, withholding is required at the rate of 30 percent in the case of payments to a nonresident alien individual, a nonresident partnership composed in whole or in part of nonresident aliens, a nonresident foreign corporation, or an owner who is unknown to the withholding agent.

(3) *Obligations of resident payers.* The rates of withholding specified in subparagraphs (1) and (2) of this paragraph are applicable to interest on such tax-free covenant bonds issued by a domestic corporation or by a resident foreign corporation.

(4) *Obligations of nonresident payers.* A nonresident foreign corporation having a fiscal or paying agent in the United States is required to withhold a tax of 2 percent in the case of interest upon its tax-free covenant bonds issued before January 1, 1934, which is paid to an individual or fiduciary who is a citizen or resident of the United States, to a partnership any member of which is a citizen or resident, or to an unknown owner.

(5) *Interest from sources without the United States.* Withholding is not required under section 1451 in the case of interest upon bonds or other corporate obligations issued before January 1, 1934, and containing a tax-free covenant if the interest is not to be treated as income from sources within the United States and the payments are made to a nonresident alien, a partnership composed wholly of nonresident aliens, or a nonresident foreign corporation.

(6) *Tax treaties.* The rates of tax to be withheld in accordance with this paragraph shall be reduced as may be provided by treaty with any country. See section 894, relating to income exempt under treaty.

(b) *Date of issue.* The withholding provisions of section 1451 are applicable only to bonds, mortgages, or deeds of trust, or other similar obligations of a corporation which were issued before January 1, 1934, and which contain a tax-free covenant. For the purpose of section 1451, bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, are issued when delivered. If a broker or other person acts as selling agent of the obligor, the obligation is issued when delivered by the agent to the purchaser. If a broker or other person purchases the obligation outright for the purpose of holding or reselling it, the obligation is issued when delivered to such broker or other person.

(c) *Extended maturity date.* In cases where on or after January 1, 1934, the maturity date of bonds or other obligations of a corporation is extended, the bonds or other obligations shall be considered to have been issued on or after January 1, 1934. The interest on such obligations is not subject to the withholding provisions of section 1451 but falls within the class of interest described in section 1441. See paragraph (c) (5) (iii) of § 1.1441–3.

(d) *Covenant in trust deed.* Bonds issued under a trust deed containing a tax-free covenant are treated as if they contain such a covenant. If neither the bonds nor the trust deeds given by the obligor to secure them contained a tax-free covenant, but the original trust deeds were modified before January 1, 1934, by supplemental agreements containing a tax-free covenant executed by the obligor corporation and the trustee, the bonds issued before January 1, 1934, are subject to the provisions of section 1451, provided appropriate authority existed for the modification of the trust deeds in this manner. The authority must have been contained in the original trust deeds or actually secured from the bondholders.

(e) *Notation showing date of issue.* In order that the date of issue of bonds, mortgages, deeds of trust, or other similar corporate obligations containing a tax-free covenant may be readily determined by the owner for the purpose of preparing the ownership certificates required by § 1.1461–1, the issuing or debtor corporation shall indicate the date of issue by an appropriate notation, or use the phrase "issued on or after January 1, 1934," on each such obligation or in a statement accompanying the delivery of the obligation.

(f) *Effect of withholding on income taxes of bondholder and issuing corporation.*—(1) *Federal tax.* In the case of corporate bonds or other corporate obligations issued before January 1, 1934, and containing a tax-free covenant, the corporation paying a Federal tax, or any part of it, for someone else pursuant to its agreement is not entitled to deduct such payment from its gross income on any ground; nor shall the tax so paid be included in the gross income of the bondholder. The amount of the tax so paid may, nevertheless, be claimed by the bondholder in accordance with paragraph (a) of § 1.1462–1 as a credit against the total amount of income tax due. See also section 32. The tax so paid by the corporation upon tax-free covenant bond interest payable to a domestic or resident fiduciary and allocable to any nonresident alien beneficiary under section 652 or 662 is allowable, pro rata, as a credit against—

(i) The tax required to be withheld by the fiduciary in accordance with paragraph (f) of § 1.1441–3 from the income of the beneficiary, and

(ii) The total income tax computed in the return of the beneficiary, as indicated in paragraph (a) of § 1.1462–1.

(2) *State taxes.* In the case of corporate bonds or other obligations containing an appropriate tax-free covenant, the corporation paying for someone else, pursuant to its agreement, a State tax or any tax other than a Federal tax may deduct such payment as interest paid on indebtedness.

(g) *Alien resident of Puerto Rico.* For purposes of this section the term "nonresident alien individual" includes an alien resident of Puerto Rico.

(h) *Other rules for withholding of tax under section 1451.* The rules for withholding stated in paragraphs (c) (2) and (3), (f), and (g) of § 1.1441–3 shall also apply for purposes of withholding the tax under this section.

§ 1.1451–2 *Exemptions from withholding under section 1451.*—(a) *Claiming personal exemptions.* Withholding under § 1.1451–1 from interest on bonds or other obligations of corporations issued before January 1, 1934, and containing a tax-free covenant shall not be required if there is filed with the withholding agent when presenting coupons for payment, or not later than February 1 of the following year, an ownership certificate on Form 1000 stating—

(1) In the case of a citizen or resident of the United States, that his taxable income does not exceed his deductions for personal exemptions allowed under section 151; or

(2) In the case of an estate or trust the fiduciary of which is a citizen or resident of the United States, that its taxable income does not exceed the deduction for the personal exemption allowed under section 642 (b).

(b) *Claiming residence in United States.* To claim residence in the United States for purposes of section 1451, see § 1.1441–5.

(c) *Other exemptions.* The exemptions allowed by paragraphs (a) (2) and (d) of § 1.1441–4 shall also apply for purposes of section 1451.

APPLICATION OF WITHHOLDING PROVISIONS

§ 1.1461 *Statutory provisions; return and payment of withheld tax.*

SEC. 1461. *Return and payment of withheld tax.* Every person required to deduct and withhold any tax under this chapter shall, on or before March 15, of each year, make return thereof and pay the tax to the officer designated in section 6151. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

§ 1.1461–1 *Ownership certificates for bond interest.*—(a) *Citizens and residents of the United States.* In accordance with section 6041, citizens, resident individuals, fiduciaries, and partnerships, and nonresident partnerships all of the members of which are citizens or residents, owning bonds, mortgages, or deeds of trust, or other similar obligations issued by a domestic corporation, a resident foreign corporation, or a nonresident foreign corporation having a fiscal or paying agent in the United States, shall, when presenting interest coupons for payment, file ownership certificates for each issue of such obligations issued before January 1, 1934, and containing a tax-free covenant. This rule shall apply without regard to the amount of the interest coupons.

(b) *Nonresident aliens and foreign corporations.* (1) In accordance with section 6041, nonresident alien individuals, nonresident partnerships composed in whole or in part of nonresident aliens, nonresident foreign corporations, and unknown owners, owning bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, shall, when presenting interest coupons for payment, file ownership certificates for each issue of all such obligations whether or not the obligation contains a tax-free covenant. This rule shall apply without regard to the amount of the interest coupons and without regard to the date on which the obligations were issued.

(2) Ownership certificates are not required to be filed, however, by a nonresident alien individual, a partnership composed wholly of nonresident aliens, or a nonresident foreign corporation in connection with interest payments on bonds, mortgages, or deeds of trust, or other similar obligations of a nonresident foreign corporation or of any domestic or foreign corporation which qualifies under section 861 (a) (1) (B) (relating to interest from payers deriving substantially all their income from sources without the United States).

(3) Ownership certificates shall also be filed in the case of interest paid on obligations of the United States or of any agency or instrumentality thereof, irrespective of the date on which the obligations are issued or of the amount of the interest, if the obligations are owned by a nonresident alien individual, nonresident partnership composed in whole or in part of nonresident aliens, nonresident foreign corporation, or an unknown owner.

(c) *Overdue coupon bonds.* In the case of interest payments on overdue coupon bonds, the interest coupons of which have been exhausted, ownership certificates are required to be filed when collecting the interest in the same manner as if interest coupons were presented for collection.

(d) *Information shown on ownership certificate.* The ownership certificate shall show the name and address of the obligor, the name and address of the owner of the obligations, a description of the obligations, the amount of interest and its due date, the rate at which tax is to be withheld, and the date upon which the interest coupons were presented for payment.

(e) *Ownership certificates not required.* Ownership certificates are not required to be filed in the case of interest payments on—

(1) Obligations of a State, Territory, or possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia;

(2) Bonds, mortgages, or deeds of trust, or other similar obligations issued by an individual or a partnership; and

(3) Obligations owned by a domestic corporation, resident foreign corporation, or foreign government.

(f) *Interest coupons unaccompanied by ownership certificates.* (1) When interest coupons detached from corporate bonds, or from obligations of the United States or of any agency or instrumentality thereof, are received unaccompanied by ownership certificates, the first bank to which the coupons are presented for payment shall require of the payee a statement showing the name and address of the person from whom the coupons were received by the payee and alleging that the owner of the bonds is unknown to the payee. This rule shall not apply if the owner of the bonds is known to the bank and the bank is satisfied that the owner is a person who is not required to file an ownership certificate.

(2) The bank shall also require the payee to prepare an ownership certificate on Form 1001, which shall be modified by crossing out "owner," inserting "payee," stamping or writing across the face of the certificate "Statement furnished," and adding the name of the bank.

(3) The statement furnished pursuant to this paragraph shall be forwarded to the District Director of Internal Revenue, Baltimore 2, Maryland, with the quarterly return on Form 1012.

(g) *Noncoupon bonds.*—(1) *General rule.* Ownership certificates on Form 1000 or Form 1001 are required in connection with interest payments on noncoupon bonds as in the case of coupon bonds. If an ownership certificate is not furnished by the owner of a noncoupon bond, the certificate shall be prepared by the withholding agent but is not required to be signed by the owner.

(2) *Application of tax treaties.* Ownership certificates are not required, however, when claiming the benefit of an exemption from tax, or reduced rate of tax, granted by an applicable tax convention in respect of interest payments on noncoupon bonds. Regulations under the various income tax conventions require, in lieu of an ownership certificate, the use of an exemption (or reduced rate) certificate (or corresponding letter) in the case of such interest payments. Such a certificate may not be

prepared by the withholding agent but must be signed by the owner of the interest, or by his trustee or agent, in accordance with the applicable tax treaty regulation.

(h) *Form of ownership certificate for citizens and residents.* Form 1000 shall be used in preparing ownership certificates of individuals or fiduciaries who are citizens or residents of the United States, of resident partnerships, and of nonresident partnerships all of the members of which are citizens or residents. If the obligations are issued by a nonresident foreign corporation having a fiscal or paying agent in the United States, Form 1000 shall be modified to show the name and address of the fiscal agent or the paying agent in addition to the name and address of the debtor corporation.

(i) *Form of ownership certificate for nonresident aliens and foreign corporations.* Form 1001 shall be used in preparing ownership certificates of nonresident alien individuals, nonresident partnerships composed in whole or in part of nonresident aliens, nonresident foreign corporations, and unknown owners. A special variation of Form 1001 (designated by a letter or letters following the number 1001) shall be used, however, in preparing ownership certificates of persons claiming the benefit of an exemption from tax, or reduced rate of tax, granted by an applicable income tax convention in respect of interest payments on coupon bonds. See the applicable tax treaty regulation.

(j) *Ownership certificates in the case of fiduciaries and joint owners.* (1) Fiduciaries having the control and custody of more than one estate or trust, the assets of which include bonds of corporations and other securities, shall execute a certificate of ownership for each estate or trust even though the bonds are of the same issue. The ownership certificate shall show both the name of the estate or trust and the name and address of the fiduciary.

(2) Separate ownership certificates shall be executed in behalf of each person owning bonds jointly with another.

§ 1.1461–2 *Return and payment of tax withheld*—(a) *Interest on certain bonds*—(1) *Form 1013.* Every withholding agent shall make on or before March 15 an annual return on Form 1013 of the tax withheld under chapter 3 from interest (other than interest on noncoupon bonds with respect to which a reduced rate certificate (or corresponding letter) has been filed with the withholding agent in accordance with regulations under a tax convention) on (i) bonds or other obligations of corporations and (ii) obligations issued on or after March 1, 1941, by the United States or any agency or instrumentality thereof. This return shall be filed with the District Director of Internal Revenue, Baltimore 2, Maryland.

(2) *Form 1012.* The withholding agent also shall make and file with the District Director of Internal Revenue, Baltimore 2, Maryland, a quarterly return on Form 1012 of the tax so withheld from such interest, on or before the last day of the month following the termination of the quarter for which the return is made. The ownership certificates (Form 1000, Form 1001, and all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1) shall be forwarded with the quarterly return, even though the interest in respect of which the certificate is filed is exempt from withholding of tax. Forms 1001 shall be listed on the quarterly return. All special variations of Form 1001 (referred to in paragraph (i) of § 1.1461–1) which have been used to secure a reduction in the rate of tax withheld at source shall also be listed on the quarterly return. While Forms 1000 need not be listed on the return, the number of such forms submitted, the total amount of interest paid, and the total amount of the tax required to be withheld in respect of such forms shall be entered in the spaces provided on Form 1012.

(3) *Modification of Forms 1012 and 1013.* If Form 1000 is modified in accordance with paragraph (h) of § 1.1461–1 to show the name and address of a fiscal or paying agent in the United States, Forms 1012 and 1013 shall be likewise modified.

(b) *Payments other than interest on certain bonds*—(1) *Form 1042.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax withheld under chapter 3 from income other than bond interest in respect of which the tax is required to be reported on Form 1012. This return shall be filed with the District Director of Internal Revenue, Baltimore 2, Maryland. The return shall show the amount of tax required to be withheld from each nonresident alien, nonresident partnership composed in whole or in part of nonresident aliens, and nonresident foreign corporation, to which income other than such bond interest was paid during the previous calendar year.

(2) *Income exempt from tax.* The withholding agent shall also report on Form 1042—

(i) All such items of income, otherwise required to be returned thereon pursuant to subparagraph (1) of this paragraph, upon which the tax has not been withheld at source because of an income tax convention which is in effect between the United States and a foreign country, and

(ii) Interest paid to such persons on noncoupon bonds with respect to which an exemption certificate (or corresponding letter) has been filed with the withholding agent in accordance with regulations under a tax convention.

(3) *Proration of personal exemption.* In a case where the personal exemption is prorated in accordance with paragraph (c) of § 1.1441–3 the amount of the compensation allocable to labor or personal services performed within the United States, together with the amount of the deduction for the prorated personal exemption, shall be shown on a separate statement attached to the annual return on Form 1042.

(c) *Date of payment; penalties.* The tax required to be returned on Forms 1012, 1013, and 1042 shall be paid to the district director on or before March 15 of the following year. For penalties and additions to the tax attaching upon failure to make returns or such payments, see sections 6651, 6653, 7202, and 7203.

(d) *Information returns.* For the extent to which ownership certificates and returns filed by withholding agents will constitute, and be treated as, returns of information required by section 6041, see the regulations issued pursuant to that section.

§ 1.1462 *Statutory provisions; withheld tax as credit to recipient of income.*

SEC. 1462. *Withheld tax as credit to recipient of income.* Income on which any tax is required to be withheld at the source under this chapter shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

§ 1.1462–1 *Withheld tax as credit to recipient of income*—(a) *Return of income from which tax was withheld.* The entire amount of the income from which the tax is required to be withheld shall be included in gross income in the return required to be made by the recipient of the income, without deduction for the amount required to be withheld, but the tax so withheld shall be allowed as a credit against the total income tax computed in the taxpayer's return.

(b) *Amounts paid to fiduciaries.* Tax withheld at the source under chapter 3 upon income paid to any fiduciary is deemed to have been paid by the taxpayer ultimately liable for the tax upon such income. Thus, for example, if any taxpayer is subject to the taxes imposed by section 1, 2, 3, or 11 upon any portion of the income of a nonresident alien estate or trust, the part of any tax withheld at the source which is properly allocable to the income so taxed to such taxpayer shall be credited against the amount of the income tax computed upon his return, and any excess shall be credited against any income, war profits, or excess profits tax, or installment thereof, then due from the taxpayer, and any balance shall be refunded.

§ 1.1463 *Statutory provisions; tax paid by recipient of income.*

SEC. 1463. *Tax paid by recipient of income.* If any tax required under this chapter to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed on or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

§ 1.1463–1 *Tax paid by recipient of income.* If the tax required to be withheld under chapter 3 is paid by the recipient of the income or by the withholding agent, it shall not be re-collected from the other, regardless of the original liability therefor; and, in such event, no penalty will be asserted against either person for failure to return or pay the tax where no fraud or purpose to evade payment is involved.

§ 1.1464 *Statutory provisions; refunds and credits with respect to withheld tax.*

SEC. 1464. *Refunds and credits with respect to withheld tax.* Where there has been an overpayment of tax under this chapter, any refund or credit made under chapter 65 shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

[Section 6414, which is contained in chapter 65, provides as follows: "In the case of an overpayment of tax imposed by chapter 24, or by chapter 3, refund or credit shall be made to the employer or to the withholding agent, as the case may be, only to the extent that the amount of such overpayment was not deducted and withheld by the employer or withholding agent."]

§ 1.1464–1 *Refunds and credits.* The refund or credit under chapter 65 of an overpayment of tax which has actually been withheld at the source under chapter 3 shall be made to the taxpayer from whose income the amount of such tax was in fact withheld. To the extent that the overpayment under chapter 3 was not in fact withheld at the source, but was paid, by the withholding agent the refund or credit under chapter 65 of the overpayment shall be made to the withholding agent. Thus, where a debtor corporation assumes liability pursuant to its tax-free covenant for the tax required to be withheld under chapter 3 upon interest and pays the tax in behalf of its bondholder, and it can be shown that the bondholder is not in fact liable for any tax, the overpayment of tax shall be credited or refunded to the withholding agent in accordance with chapter 65 since the tax was not actually deducted and withheld from the interest paid to the bondholder. In further illustration, where a withholding agent who is required by chapter 3 to withhold $300 tax from rents paid to a nonresident alien individual mistakenly withholds $320 and mistakenly pays $350 as internal revenue tax, the amount of $30 shall be credited or refunded to the withholding agent in accordance with chapter 65 and the amount of $20 shall be credited or refunded in accordance with such chapter to the person from whose income such amount has been withheld.

§ 1.1465 *Statutory provisions; definition of withholding agent.*

SEC. 1465. *Definition of withholding agent.* The term "withholding agent" means any person required to deduct and withhold any tax under this chapter.

§ 1.1465–1 *General provisions relating to withholding agents*—(a) *Withholding agents in case of United States obligations.* In the case of interest on obligations of the United States or of any agency or instrumentality thereof the withholding agents shall be—

(1) The Commissioner of the Public Debt, for interest paid by checks issued through the Bureau of the Public Debt;

(2) The Treasurer of the United States, for all interest paid by him, whether by check or otherwise; and

(3) Each Federal Reserve bank, for all interest paid by it, whether by check or otherwise.

(b) *Person designated to act for withholding agent.* (1) A debtor corporation having an issue of bonds or other similar obligations which appoints a duly authorized agent to act on its behalf under the withholding provisions of chapter 3 is required to file a notice of such appointment with the District Director of Internal Revenue, Baltimore 2, Maryland, giving the name and address of the agent; except that on and after January 1, 1957, such notice shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(2) If the person designated by a debtor corporation to act for it as withholding agent has not withheld any tax from the income nor received any funds from the debtor corporation to pay the tax which the debtor corporation assumed in connection with its tax-free covenant bonds, then that person cannot be held liable for the tax assumed by the debtor corporation merely by reason of the designee's appointment as withholding agent.

(3) If a duly authorized withholding agent has become insolvent or for any other reason fails to make payment under section 1461 of money deposited with it by the debtor corporation to pay taxes, or of money withheld from bondholders, the debtor corporation is not discharged of its liability under chapter 3 since the withholding agent is merely the agent of the debtor corporation.

(c) *Payments other than money.* In any case where income is payable in any medium other than money the withholding agent shall not release the property so received until the property has been converted into funds sufficient to enable the withholding agent to pay over in money the tax required to be withheld under chapter 3 with respect to such income.

RULES APPLICABLE TO RECOVERY OF EXCESSIVE PROFITS ON GOVERNMENT CONTRACTS

RECOVERY OF EXCESSIVE PROFITS ON GOVERNMENT CONTRACTS

§ 1.1471 *Statutory provisions; recovery of excessive profits on government contracts.*

SEC. 1471. *Recovery of excessive profits on government contracts*—(a) *Method of collection.* If the amount of profit required to be paid into the Treasury under section 3 of the Act of March 27, 1934, as amended (34 U. S. C. 496), with respect to contracts completed within taxable years subject to this code is not voluntarily paid, the Secretary or his delegate shall collect the same under the methods employed to collect taxes under this subtitle.

(b) *Laws applicable.* All provisions of law (including penalties) applicable with respect to the taxes imposed by this subtitle and not inconsistent with section 3 of the Act of March 27, 1934, as amended, shall apply with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by subsection (a), and to refunds by the Treasury of overpayments of excess profits into the Treasury.

§ 1.1471–1 *Recovery of excessive profits on government contracts.* The inclusion of the statutory provisions of section 1471 of the Internal Revenue Code of 1954 in this part does not supersede the provisions of Treasury Decision 4906, 26 CFR (1939) Part 17, and Treasury Decision 4909, 26 CFR (1939) Part 16, as made applicable to section 1471 of the 1954 Code by Treasury Decision 6091, 19 F. R. 5167.

MITIGATION OF EFFECT OF RENEGOTIATION OF GOVERNMENT CONTRACTS

§ 1.1481 *Statutory provisions; mitigation of effect of renegotiation of government contracts.*

SEC. 1481. *Mitigation of effect of renegotiation of government contracts*—(a) *Reduction for prior taxable year*—(1) *Excessive profits eliminated for prior taxable year.* In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for a taxable year (referred to in this section as "prior taxable year") is eliminated and, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated or the amount of excessive profits eliminated is applied as an offset against other amounts due the taxpayer, the part of the contract or subcontract price which was received or was accrued for the prior taxable year shall be reduced by the amount of excessive profits eliminated. For purposes of this section—

(A) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of the Federal renegotiation act applicable to such transaction, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

(B) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by the applicable Federal renegotiation act, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

(C) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by the applicable Federal renegotiation act.

(D) The term "Federal renegotiation act" includes section 403 of the Sixth Supplemental National Defense Appropriation Act (Public Law 528, 77th Cong., 2d Sess.), as amended or supplemented, the Renegotiation Act of 1948, as amended or supplemented, and the Renegotiation Act of 1951, as amended or supplemented.

(2) *Reduction of reimbursement for prior taxable year.* In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and the taxpayer is required to repay the United States or any agency thereof the amount disallowed or the amount disallowed is applied as an offset against other amounts due the taxpayer, the amount of the reimbursement of the taxpayer under the contract for the taxable year in which the reimbursement for such item was received or was accrued shall be reduced by the amount disallowed.

(3) *Deduction disallowed.* The amount of the payment, repayment, or offset described in paragraph (1) or paragraph (2) shall not constitute a deduction for the year in which paid or incurred.

(4) *Exception.* The foregoing provisions of this subsection shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the Secretary or his delegate that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect

to the taxable year provided for under such method, which for the purposes of subsections (b) and (c) shall be considered a prior taxable year.

(b) *Credit against repayment on account of renegotiation or allowance*—(1) *General rule.* There shall be credited against the amount of excessive profits eliminated the amount by which the tax for the prior taxable year under this subtitle is decreased by reason of the application of paragraph (1) of subsection (a); and there shall be credited against the amount disallowed the amount by which the tax for the prior taxable year under this subtitle is decreased by reason of the application of paragraph (2) of subsection (a).

(2) *Credit for barred year.* If at the time of the payment, repayment, or offset described in paragraph (1) or paragraph (2) of subsection (a), refund or credit of tax under this subtitle for the prior taxable year is prevented (except for the provisions of section 1311) by any provision of the internal revenue laws other than section 7122, or by rule of law, the amount by which the tax for such year under this subtitle is decreased by the application of paragraph (1) or paragraph (2) of subsection (a) shall be computed under this paragraph. There shall first be ascertained the tax previously determined for the prior taxable year. The amount of the tax previously determined shall be the excess of—

(A) The sum of—

(i) The amount shown as the tax by the taxpayer on his return (determined as provided in section 6211 (b) (1) and (3)), if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus

(ii) The amounts previously assessed (or collected without assessment) as a deficiency, over—

(B) The amount of rebates, as defined in section 6211 (b) (2), made.

There shall then be ascertained the decrease in tax previously determined which results solely from the application of paragraph (1) or paragraph (2) of subsection (a) to the prior taxable year. The amount so ascertained, together with any amounts collected as additions to the tax or interest, as a result of paragraph (1) or paragraph (2) of subsection (a) not having been applied to the prior taxable year, shall be the amount by which such tax is decreased.

(3) *Interest.* In determining the amount of the credit under this subsection no interest shall be allowed with respect to the amount ascertained under paragraph (1); except that if interest is charged by the United States or the agency thereof on account of the disallowance for any period before the date of the payment, repayment, or offset, the credit shall be increased by an amount equal to interest on the amount ascertained under such paragraph at the same rate and for the period (prior to the date of the payment, repayment, or offset) as interest is so charged.

(c) *Credit in lieu of other credit or refund.* If a credit is allowed under subsection (b) with respect to a prior taxable year no other credit or refund under the internal-revenue laws founded on the application of subsection (a) shall be made on account of the amount allowed with respect to such taxable year. If the amount allowable as a credit under subsection (b) exceeds the amount allowed under such subsection, the excess shall, for purposes of the internal revenue laws relating to credit or refund of tax, be treated as an overpayment for the prior taxable year which was made at the time the payment, repayment, or offset was made.

(d) *Renegotiation of government contracts affecting taxable years prior to 1954.* If a recovery of excessive profits through renegotiation as described in this section relates to profits of a taxable year subject to the Internal Revenue Code of 1939, the adjustments in respect of such renegotiation shall be made under section 3806 of such code.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: June 29, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-5350; Filed, July 5, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

VOLUNTARY ENTRY ON EXTENDED ACTIVE DUTY

In Part 864, §§ 864.51 to 864.64 are rescinded and the following substituted therefor:

Sec.
864.51 Purpose.
864.52 Use of reserve personnel.
864.53 Eligibility.
864.54 Submission of applications.

AUTHORITY: §§ 864.51 to 864.54 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 233d, 66 Stat. 490; 50 U. S. C. 961d.

DERIVATION: AFR 45-21, March 20, 1956.

§ 864.51 *Purpose.* Sections 864.51 to 864.54 explain how warrant officers and airmen of the Air Force Reserve and the Air National Guard may volunteer for extended active duty. It does not apply to airmen retired and transferred to the Reserve after twenty years of active military service.

§ 864.52 *Use of reserve personnel.* (a) The needs for specific grades and skills throughout the Air Force determine the recall requirement.

(1) Airmen selected for extended active duty must possess an Air Force Specialty in needed, needed overseas only, scarce, or scarce overseas only categories.

(2) Master Sergeants and Technical Sergeants are eligible for recall provided they possess a 7-skill level in the Air Force Specialty in which they will be ordered to extended active duty.

(3) Applicants who possess the 5-skill level in the Air Force Specialty in which they will be ordered to extended active duty are eligible for recall in a grade no higher than Staff Sergeant.

(4) Airmen in pay grades E–1 through E–4 who reside in the Zone of Interior and who do not possess an Air Force Specialty in one of the categories listed in subparagraph (1) of this paragraph, may apply for entry on extended active duty for the purpose of attending technical training which leads to the award of an Air Force Specialty in the scarce or needed category.

(b) Section 233d, Armed Forces Reserve Act of 1952 (66 Stat. 490; 50 U. S. C. 961 (d)) is the statutory authority governing the voluntary entry on extended active duty by reservists.

§ 864.53 *Eligibility.* The approval of an application by a unit commander indicates only that the reservist concerned meets the general requirements established by §§ 864.51 to 864.54. This approval does not mean the applicant possesses the qualifications required by the Air Force at any given time. The factors listed in this section affect eligibility as indicated:

(a) *Extended active duty for purpose of technical training.* In addition to other requirements of §§ 864.51 to 864.54, airmen applying for extended active duty to attend technical training as outlined in § 864.52 (a) (4) must have an Airman Classification Battery or Airman Qualifying Examination aptitude index equal to or higher than those desired minimums as shown in the USAF training prospectus for the appropriate course. However, airmen who possess the minimum desired aptitudes only in equipment operator or craftsman of the Airman Classification Battery are not eligible for recall for technical training. Airmen who do not have a recorded Airman Classification Battery or Airman Qualifying Examination test on their records will be required to take an Airman Qualifying Examination. Individuals scoring below the desired minimums will not be accepted for extended active duty.

(b) *Dependents*—(1) *Male airmen.* (i) In pay grade E–1, E–2 or E–3, having more than one dependent, are not eligible.

(ii) In pay grade E–4, having more than two dependents, are eligible if at least four years of service for pay purposes have accrued.

(iii) In pay grade E–5, E–6 or E–7, having one or more dependents, are eligible.

(2) *Female airmen.* (i) The provisions of subparagraph (1) of this paragraph apply to female airmen.

(ii) Women with minor dependents as indicated in (a) through (c) of this subdivision are not eligible.

(a) Women who are parents by birth or adoption of a child under 18 years of age of whom they have legal or personal custody.

(b) Women who are stepparents of a child under 18 years of age and if the child is within their household for a period of more than 30 days a year.

(c) Women who have personal custody of any child under 18 years of age.

(3) Waivers of any of the restrictive conditions of subparagraph (2) of this paragraph will not be granted.

(c) *Previous release for hardship or dependency reasons.* Reservists whose last release from active duty resulted for hardship or dependency factors are not normally eligible for recall within 1 year from date of release. They may request waivers if they can furnish sworn statements and other evidence that the conditions which caused the release no longer exist.

(d) *Reserve airmen residing outside of the Zone of Interior.* Reserve airmen who are bona-fide residents of the territories and possessions of the United States may apply for extended active duty. However, reserve airmen residing in other areas outside the Zone of Interior will not be ordered to extended active duty under the provisions of §§ 864.51 to 864.54.

(e) *Medical standards.* All applicants must meet the medical standards for general service. Warrant officers on active duty as airmen will undergo examinations at the installations to which they are assigned. All other applicants may request examination at any convenient installation. Appointments should be made in advance of reporting to the installation. Travel required for this purpose must be accomplished without any expense to the Government.

(f) *Purpose of extended active duty.* Sections 864.51 to 864.54 do not authorize the recall to extended active duty of reservists to:

(1) Stand trial by court martial.

(2) Appear as a witness in a military trial.

(3) Correct an error made by the individual during a previous tour of active duty.

(4) Complete a job left unfinished at the time of last release from active duty.

(5) Appear before a physicial evaluation board.

(g) *Tours of duty*—(1) *A warrant officer applicant.* (i) With a minimum of one year extended active duty in W/O or commissioned grade, must agree to serve in a voluntary indefinite status and submit the following statement:

I agree to remain on active duty for an indefinite period. I understand that this does not preclude my requesting separation from active military service under applicable directives and that approval of any request for separation will be dependent upon the requirements of the Air Force.

(ii) With less than one year extended active duty in W/O or commissioned grade, must agree to serve three years and sign a written agreement.

(2) *An airman applicant.* (i) With a minimum of 90 days active duty, must agree to serve four years and sign a written agreement. Short, special or school tours may be credited.

(ii) With a minimum of 30 days active duty and a minimum of 18 consecutive months satisfactory training in Training Category "A" or an Air National Guard United States unit, must agree to serve four years and sign a written agreement. Short, special or school tours may be credited.

(3) No previous duty or training is required for an airman applicant to enter technical training. He must serve four years and sign a written agreement.

(4) Applicants in the Reserve who have fewer than four year remaining in their enlistment may be discharged and reenlist for a period of five years upon authorization by Headquarters Air Reserve Records Center, 3800 York St., Denver 5, Colorado. Members of Air National Guard United States, whose term of enlistment is limited by the National Defense Act of 1916 to three years, may apply for a conditional release to enlist in the Air Force Reserve for five years.

(h) *Reserve grade and date of rank.* Applicants must agree to enter extended active duty in their Reserve grades. Date of rank will be determined in accordance with existing instructions and entered on extended active duty orders.

(i) *Security clearance.* Warrant officer applicants must possess favorable National Agency Check. Unless there is reason to believe that an up-to-date National Agency Check would be in the best interest of the Air Force, the completion of a favorable National Agency Check at any time in the past, as indicated in the master personnel record, will satisfy this requirement.

§ 864.54 *Submission of applications.* Reservists are responsible for the accuracy of all information furnished on their applications for extended active duty. If any of the information changes after submission of the application, they must report this in writing to the commander to whom the data was originally sent. Reservists cannot withdraw applications after extended active duty orders have been issued.

(a) Warrant officers must submit AF Form 125, Application for Extended Active Duty with the United States Air Force in Commissioned Officer Grade.

(b) Airmen must submit a typewritten letter of application including the following:

(1) Full name _____
(2) Permanent home address _____
(3) Mailing address _____
(4) Primary Air Force specialty code and title _____
(5) Education level _____
(6) Number of months of overseas duty _____
(7) Date of birth _____
(8) Marital status _____ Number of dependents, and their relationship _____
(9) Dates of prior active military service, including tours of active duty for training _____
(10) Present unit of reserve assignment _____
(11) List Three Zone of Interior Station Choices: (No assurance of assignment to Station of choice may be given since recalls are based on Air Force-wide requirements.)
(12) My skill is in the scarce only overseas or needed only overseas category and providing Air Force requirements permit, my choice of oversea theater is:

( ) FEAF ( ) USAFE ( ) NEAC ( ) AAC

I clearly understand that recall for a specific area within an overseas theater is not authorized.

(13) If I am selected for assignment overseas, I understand that my dependents are not authorized to accompany or join me at the personnel processing activity to which I am being assigned for overseas processing. I understand also that concurrent travel or advance application for movement of my dependents overseas is not authorized prior to my arrival overseas. I understand application may be submitted subsequent to my arrival at my overseas destination in accordance with applicable directives of the oversea command.

(14) I understand that I will be retained at the first station to which I am sent for processing and further assignment provided that I can be utilized in my Air Force Specialty. I also understand that no assurance can be given that I will be retained for the duration of my active duty tour at my first station of assignment.

(15) Subparagraphs (11), (12), (13) and (14) of this paragraph do not apply to personnel applying for extended active duty to enter technical training courses.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force, Air Adjutant General.

[F. R. Doc. 56-5328; Filed, July 5, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

SUPPLEMENTAL LOANS

In § 36.4355, paragraph (b) is amended to read as follows:

§ 36.4355 *Supplemental loans.* • • •

(b) Such loans shall be secured as required in §§ 36.4337 and 36.4351: *Provided*, That a lien of lesser dignity than therein specified will suffice if the lien obtained is immediately junior to the lien of the original guaranteed or insured obligation: *Provided further*, The liens of successive supplemental loans may be of lesser dignity so long as they are immediately junior to the lien of the last previous guaranteed or insured obligation having a lien of required dignity.

• • • • • •

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective July 6, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans' Affairs.

[F. R. Doc. 56-5346; Filed, July 5, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1310]

[68027]

UTAH

POWER SITE RESTORATION NO. 515; PARTIALLY REVOKING TEMPORARY POWER SITE WITHDRAWAL NO. 1 OF MAY 4, 1909, AND EXECUTIVE ORDERS OF JULY 2, 1910 AND JANUARY 23, 1912, WHICH ESTABLISHED POWER SITE RESERVES NO. 1 AND NO. 243, RESPECTIVELY.

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The order of the Secretary of the Interior of May 4, 1909, described as Temporary Power Site Withdrawal No. 1, temporarily withdrawing certain lands in Utah in aid of proposed legislation affecting the disposal of the water-power

sites on the public domain, and the Executive order of July 2, 1910, ratifying, confirming, and continuing the said order of May 4, 1909, in full force and effect, and reserving the lands so withdrawn for water-power sites as Power Site Reserve No. 1, are hereby revoked so far as they affect the following-described lands:

UINTA SPECIAL MERIDIAN

T. 2 S., R. 5 W.,
Sec. 19, lots 1, 4, and SE¼NE¼;
Sec. 20, N½SE¼;
Sec. 21, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼;
Sec. 29, NE¼NE¼ and S½NW¼;
Sec. 30, lot 1, S½NE¼, NW¼NE¼, and E½NW¼;
Sec. 33, N½NE¼, and SE¼NE¼;
Sec. 34, SE¼NW¼, W½NW¼, N½SW¼, SE¼SW¼, and S½SE¼.
T. 3 S., R. 5 W.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 3, lots 1, 2, and SE¼NE¼;
Sec. 11, W½NE¼, E½NW¼, and NW¼SE¼;
Sec. 12, W½E½;
Sec. 13, W½E½.

T. 2 S., R. 6 W.,
Sec. 13, N½SW¼ and S½SE¼;
Sec. 14, NE¼SE¼ and N½SW¼;
Sec. 15, N½S½;
Sec. 16, N½S½ and S½SW¼;
Sec. 17, N½S½ and S½SE¼;
Sec. 18, lot 3, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 19, lots 1, 2, SE¼NW¼, and S½NE¼;
Sec. 20, S½N½;
Sec. 21, S½N½;
Sec. 22, S½N½;
Sec. 23, S½N½;
Sec. 24, S½NW¼.
T. 2 S., R. 7 W.,
Sec. 10, W½SW¼ and SE¼SW¼;
Sec. 13, SW¼SW¼ and NE¼SE¼;
Sec. 14, SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, S½NE¼, NW¼NE¼, and NE¼NW¼;
Sec. 23, N½NE¼;
Sec. 24, N½N½ and SE¼NE¼.

The areas described aggregate 5,079.96 acres.

2. The Executive order of January 23, 1912, reserving certain lands in Utah for water-power sites as Power Site Reserve No. 243, is hereby revoked so far as it affects the following-described lands:

UINTA SPECIAL MERIDIAN

T. 2 S., R. 7 W.,
Sec. 9, SW¼NE¼ and NE¼SE¼.
T. 1 S., R. 8 W.,
Sec. 3, W½SW¼;
Sec. 4, NE¼SE¼;
Sec. 10, NE¼NW¼;
Sec. 14, SW¼NW¼.

The areas described aggregate 280 acres.

3. The lands described in paragraphs 1 and 2 above are undisposed of opened lands of the Uintah and Ouray Indian Reservation restored to tribal ownership for use and benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah, and added to and made a part of the existing reservation by the order of the Secretary of the Interior of August 25, 1945 (10 F. R. 12409).

This order shall be known as Power Site restoration No. 515.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JUNE 29, 1956.

[F. R. Doc. 56-5334; Filed, July 5, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF EXEMPTION FROM NECESSITY OF TOLERANCE FOR RESIDUES OF DIPHENYL

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Crown Zellerbach Corporation, 343 Sansome Street, San Francisco 19, California, proposing that the pesticide chemical diphenyl be exempted from the requirement of a tolerance when it is applied as a post-harvest treatment to grapefruit, lemons, and oranges.

Three analytical methods are proposed in the petition for determining residues of diphenyl, as follows:

1. The method published in the Journal of Agricultural and Food Chemistry, Volume 2, page 1031 (1954).

2. The method published in Analytical Chemistry, Volume 26, page 1234 (1954).

3. A method in which diphenyl is extracted in a liquid-liquid extractor (modified Clevenger) so constructed that the distillate from citrus juice or from a water slurry of the sample is continuously extracted by heptane during the operation. Interfering substances are removed from the heptane extract by oxidizing with a solution of potassium permanganate in 50-percent acetic acid. The diphenyl in the heptane fraction is then determined spectrophotometrically at 248 mμ by comparison with a standard solution of diphenyl in heptane that has been treated in the same way as the sample.

Dated: June 28, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-5332; Filed, July 5, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Anchorage 023002, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for use as a training and impact area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official for the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT RICHARDSON—TRACT M

Beginning at the northeast corner of Section 6, Township 12 North, Range 2 West, Seward Meridian, Alaska; thence South along the East line of Section 6 for one mile; thence East two miles; thence South one mile; thence East one mile; thence South one mile; thence East two miles; thence South one mile; thence East one mile to the top of the ridge separating the Campbell and Ship Creek drainages; thence in a northerly direction along said ridge line for a distance of approximately five miles to a point that will be the northeast corner of Section One, Township 12 North, Range 2 West, when surveyed; thence West five miles to the Point of Beginning.

Containing approximately 8,465.94 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-5336; Filed, July 5, 1956; 8:46 a. m.]

[Group 294]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 29, 1956.

Notice is given that the plat of survey accepted October 25, 1955, of T. 35 N., R. 5 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 35 N., R. 5 W.,
Lots 1, 2, 3, 4, S½N½, S½ (all),
Sec. 2.

Within the above-described areas are 639.96 acres of non-public lands.

Available data indicates that this land in T. 35 N., R. 5 W. is gently rolling, and the soil is sandy and gravelly clay loam.

Subject to valid, existing rights, the State's title attached to all of the subject land upon the acceptance of the plat of survey.

In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

THOS. F. BRITT,
Manager.

[F. R. Doc. 56-5339; Filed, July 5, 1956; 8:47 a. m.]

[Document 132]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 29, 1956.

The Department of Agriculture has filed an application, Serial No. AR-011738, for the withdrawal of the lands described below, from all forms of appropriation including the general mining laws.

The applicant desires the land for research purposes in the improvement and management of semi-desert grassland ranges and for protection of a reservoir, its catchment area and the springs which supply water for the Headquarters of the Santa Rita Experimental Station.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

Santa Rita Experimental Range:
T. 17 S., R. 15 E.,
Sec. 33: All;
Sec. 34: All.
T. 18 S., R. 13 E.,
Sec. 24: All;
Sec. 25: All;
Sec. 36: All.
T. 18 S., R. 14 E.,
Sec. 29: All;
Sec. 30: All;
Sec. 31: All;
Sec. 32: All;
Sec. 33: SW¼.
T. 18 S., R. 15 E.,
Sec. 3: All;
Sec. 4: N½, SE¼.
T. 19 S., R. 14 E.,
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 9: All;
Sec. 10: S½, NW¼;
Sec. 15: All;
Sec. 16: All;
Sec. 22: E½NE¼, NE¼SE¼.
Florida Canyon, Coronado National Forest:
T. 19 S., R. 15 E.,
Sec. 19: W½W½, NE¼;
Sec. 20: W½SW¼;
Sec. 29: W½NW¼, SW¼;
Sec. 30: N½NE¼, SE¼NE¼, NE¼NW¼.
T. 20 S., R. 15 E. (unsurveyed),
Sec. 5: NW¼NW¼.

The areas described total 751.04 acres in the Coronado National Forest and 10,536.44 acres in the Santa Rita Experimental Range.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-5341; Filed, July 5, 1956; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 28, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 013297, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as picnic and camp grounds in the Uncompahgre National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

UNCOMPAHGRE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN, COLORADO

Carson Hole Picnic Ground:
T. 15 S., R. 101 W.,
Sec. 24: E½NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Sunshine Campground:
T. 42 N., R. 9 W.,
Sec. 20: E½E½SW¼NW¼, SE¼NW¼, less small acreage included in MS 1495 Gilden Age Placer in the E½E½SW¼NW¼.
Canyon Creek Picnic Ground:
T. 43 N., R. 8 W.,
Sec. 12: NW¼NE¼SW¼, NE¼NW¼SW¼ (less any portion included within mining patents).
Antone Springs Picnic Ground:
T. 47 N., R. 12 W.,
Sec. 15: SW¼NE¼, W½SE¼NE¼.
Iron Springs Picnic Ground:
T. 47 N., R. 12 W.,
Sec. 23: S½NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼.
Smokehouse Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 9: SE¼NE¼.
Columbine Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 11: E½SW¼NE¼SW¼, W½SW¼NE¼SW¼, NE¼SE¼SW¼.
Cobb Springs Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 14: SE¼SE¼.
T-Bone Springs Picnic Ground:
T. 49 N., R. 15 W.,
Sec. 32: NE¼SE¼NE¼NE¼, SE¼NE¼NE¼NE¼;
Sec. 33: SW¼NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

Total area, 375 acres, more or less.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 56-5337; Filed, July 5, 1956; 8:46 a. m.]

[Montana 021637]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 28, 1956.

1. In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 3 N., R. 61 E.,
Sec. 19: Lot 12.
T. 26 N., R. 38 E.,
Sec. 36: All.
T. 26 N., R. 39 E.,
Sec. 16: All.
T. 27 N., R. 34 E.,
Sec. 30: E½SW¼;
Sec. 31: NE¼NW¼.
T. 28 N., R. 34 E.,
Sec. 26: S½.
T. 33 N., R. 27 E.,
Sec. 11: W½;
Sec. 14: N½;
Sec. 15: NE¼.
T. 9 S., R. 12 W.,
Sec. 10: NE¼SW¼.
T. 5 S., R. 60 E.,
Sec. 24: W½NE¼, SE¼NE¼.
T. 5 S., R. 61 E.,
Sec. 19: S½N½, NE¼NW¼.
T. 7 S., R. 49 E.,
Sec. 26: E½SW¼;
Sec. 27: Lot 1.

2. The areas described above total 3,040 acres of lands. The lands produce grass and other forage that are used for support of livestock and wildlife. The

topography varies from flat to rough and broken areas. All the tracts are classified as grazing lands as they are unsuited to a more intensive type of agricultural development.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described as the S½ Sec. 26, T. 28 N., R. 34 E., W½NE¼, SE¼NE¼ Sec. 24, T. 5 S., R. 60 E., S½N½, NE¼NW¼ Sec. 19, T. 5 S., R. 61 E., E½SW¼ Sec. 26, Lot 1, Sec. 27, T. 7 S., R. 49 E., have been open for location and entry under the general mining laws and mineral leasing laws. On other lands affected by this order for opening the minerals have been reserved to former owners.

5. Subject to any existing rights and the requirements of applicable law, the lands described in paragraph 1, above, are hereby opened to filing of applications and selections in accordance with the following:

(a) Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 3, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 2, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 56-5335; Filed, July 5, 1956; 8:46 a. m.]

ACTING AREA ADMINISTRATOR ET AL.; AREA I

DELEGATION OF AUTHORITY WITH RESPECT TO REAL PROPERTY AND RELATED PERSONAL PROPERTY

Under authority conferred by Director's Order No. 614, dated June 12, 1956, the Acting Area Administrator, the Area Administrative Officer, and the Area Property and Supply Officer are authorized to transfer, donate, or dispose of real property and related personal property excess to the needs of the Bureau of Land Management, Area I.

Dated this 26th day of June 1956.

JAMES F. DOYLE,
Area Administrator, Area I,
Bureau of Land Management.

[F. R. Doc. 56-5338; Filed, July 5, 1956; 8:47 a. m.]

[Classification 56-2, Amdt.]

OREGON

SMALL TRACT OPENING

JUNE 27, 1956.

Effective June 8, 1956, paragraphs 4, 8 and 9, of the Federal Register Document No. 56-4709 appearing on page 4233 of the issue for June 15, 1956, are hereby amended or revoked as follows:

A. The items listed in the tabulation contained in paragraph 4, under the heading "Advance Rentals 3-years," are amended to read: $30.00.

B. Paragraph 8 is revoked in its entirety and the following paragraph substituted:

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, P. O. Box 3861, 1001 N. E. Lloyd Blvd., Portland 8, Oregon.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official prior to 10:00 a. m. Thursday, August 2, 1956. A public drawing will be held on that date but persons filing cards need not be present to qualify. Any person who submits more than one card will be declared ineligible to participate in the drawing. The successful drawees will be awarded the tracts in the order in which they are drawn. Persons who file cards will be notified of the results of the drawing. Successful drawees will be allowed 15 days in which to execute the lease forms (Form 4–776), in accordance with instructions and return them with the payment of filing fees and rentals.

Any tracts for which lease forms have not been filed and accompanied by the required payments within the 15 day period will immediately thereafter become available to alternate drawees in the order in which their cards were drawn.

C. Paragraph 9 is revoked in its entirety and the following paragraph substituted:

9. The Oregon State Highway Commission has waived its right to apply for any part or portion of the lands described in paragraph 1 of the above cited document for highway right-of-way or material site as allowed by the act of May 28, 1948 (16 Stat. 275).

RUSSELL E. GETTY,
Acting State Supervisor.

[F. R. Doc. 56-5340; Filed, July 5, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. AND FRED. OLSEN & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8058–2, between Matson Navigation Company and Fred. Olsen & Co. (Fred. Olsen Line), modifies approved transhipment agreement (No. 8058), (1) to include ports in Africa as ports of destination, and (2) to provide through rates to additional ports as specified. Agreement No. 8058, as amended, presently covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transhipment at U. S. Pacific Coast ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 29, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-5362; Filed, July 5, 1956; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-27]

STATE COLLEGE OF WASHINGTON

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on June 22, 1956 State College of Washington, Pullman, Washington, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a "swimming pool" type nuclear reactor designed to operate at 100 KW and to be located on the University's campus, Pullman, Washington.

Dated at Washington, D. C., this 28th day of June 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 56-5353; Filed, July 5, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2207]

MOSINEE PAPER MILLS CO.

NOTICE OF APPLICATION FOR LICENSE

JUNE 29, 1956.

Public notice is hereby given that the Mosinee Paper Mills Company of Wausau, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed Project No. 2207 located on Wisconsin River in the city of Mosinee, Marathon County, Wisconsin, which consists of a rock-filled timbercrib spillway section about 356 feet long with flash boards and a 20-foot concrete spillway section on each end; a timber dam about 47 feet long with rock-filled timber-crib abutment sections on each end; a concrete guard lock section, which comprises the main spillway, with 9 vertical gate sections and 5 sections equipped with stop logs; a reservoir with a normal elevation of 1138.5 feet (USGS) and an area of 674 acres; a powerhouse and dam section located about 1500 feet downstream from the main structures comprised of two rock-filled timber crib sections, one concrete gated spillway section, two separate concrete powerhouse sections and earth fill abutment sections; the West powerhouse containing a 2500-horsepower turbine connected to an 1800-kilowatt generator (2250 KVA, 80 percent PF); the East powerhouse containing two 884-horsepower turbines connected to 625-kilowatt generators (625 KVA, 100 percent PF); the center powerhouse section which contains operating and switching equipment; two 5 KV transmission lines each about 2000 feet long extending to the Paper Mill; and appurtenant mechanical and electrical equipment. The energy generated by this project is utilized by the applicant in the manufacture of paper products.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is August 22, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5356; Filed, July 5, 1956; 8:51 a. m.]

[Project No. 2000]

DEPARTMENT OF PUBLIC UTILITIES OF COMMONWEALTH OF MASSACHUSETTS v. POWER AUTHORITY OF STATE OF NEW YORK

ORDER INVESTIGATING COMPLAINT AND FIXING HEARING

The Department of Public Utilities of the Commonwealth of Massachusetts (the Department) filed a complaint on February 24, 1956, stating that the commonwealth of Massachusetts has designated the Department as the bargaining agency on behalf of the Commonwealth for the procurement of a portion of the power capacity and power output of Project No. 2000, that the Power Authority of the State of New York (the Power Authority) has disapproved application made by the Department for a portion of such power in the amount of 250,000 Kw of firm demand, and that consequently the Department is requesting that the Federal Power Commission determine and fix the applicable portion of power capacity and power output of project No. 2000 to be made available to the Commonwealth of Massachusetts by the Power Authority, as Licensee for Project No. 2000, pursuant to Article 28 of the license.

A copy of the complaint was served on the Power Authority which filed its answer thereto on May 3, 1956. In its answer the Power Authority states among other things, that there is no valid reason to extend the market area of Project No. 2000 beyond a 150-mile area from the Project at Massena, New York. Article 28 of the license issued to the Power Authority for the construction, operation, and maintenance of Project No. 2000 in the International Rapids section of the St. Lawrence River, reads as follows:

ARTICLE 28. The Licensee shall make a reasonable portion of the power capacity and a reasonable portion of the power output available for use within the economic market area in neighboring States and shall cooperate with agencies in such States to insure compliance with this requirement. In the event of disagreement between the Licensee and the power marketing agencies (public and private) in any of the other States within the economic market area, the Licensee further agrees that the Commission may determine and fix the applicable portion of power capacity and power output to be made available hereunder and the terms applicable thereto: *Provided*, That if any State shall have designated a bargaining agency for the procurement of such power capacity and power output on behalf of such State, the Licensee shall cooperate and deal only with such agency in that State.

In addition to its view that no part of the Commonwealth of Massachusetts is within the economic market area of Project No. 2000, it appears that the Power Authority is also of the view that the request made by the Department was not for a reasonable portion of the power capacity and power output of the project.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Federal Power Act, and the provisions of the license for project No. 2000 issued thereunder, that a hearing be held on the aforesaid complaint and answer, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 306 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on September 11, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purpose of investigating the matters involved and the issues presented by the aforesaid complaint and answer and determining and fixing the applicable portion of power capacity and power output of Project No. 2000, if any, to be made available to the Department of Public Utilities of the Commonwealth of Massachusetts, and the terms applicable thereto, pursuant to Article 28 of the license.

(B) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8) on or before August 20, 1956.

Issued: June 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5354; Filed, July 5, 1956; 8:50 a. m.]

[Docket No. G-2281]

OHIO FUEL GAS CO.

FINDINGS AND ORDER DENYING MOTION TO DISMISS, REVERSING DECISION OF PRESIDING EXAMINER AND PRESCRIBING THE FILING OF TARIFF SHEETS

This is a rate proceeding under the Natural Gas Act involving our review of a rate filing by the Ohio Fuel Gas Com-

pany (Ohio Fuel). On September 18, 1953, Ohio Fuel tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1, embodying an increase in the then effective rates and charges to its wholesale customers. The tariff would increase the rates then being collected subject to refund in Docket No. G–1965 by approximately $1,418,940, or 7.6 percent annually, based on sales for the year ended June 30, 1953. Importantly, the filing also would apply a contract demand (CD), rate form to sales made to Ohio Fuel's distribution company customers. Under this rate form, determination of billing demand would be based on the customer's single day peak during the twelve-month period ending with the current billing month but would not be less than 90 percent of the customer's contract demand nor more than the contract demand. The customers would be required to pay for at least 90 percent of the contract demand over the life of the service agreement, usually twenty years.

By order issued October 16, 1953, as amended by order of October 26, 1953, we suspended the use of the proposed tariff until March 1, 1954, and fixed a date for public hearing concerning the lawfulness of the rates, charges, classifications and services set forth therein. The rate schedule contained in the tariff (Rate Schedule CDS–1), which would be applicable to Ohio Fuel's twenty-five wholesale customers, was composed of a demand charge of $1.85 per Mcf and a commodity charge of 32.5 cents per Mcf. This compared with a rate of $1.75 per Mcf of demand and 30.0 cents per Mcf of commodity in effect subject to refund in Docket No. G–1965 at the time of the filing.

Subsequently, by order issued March 26, 1954, we permitted Ohio Fuel to substitute a revised tariff sheet which reduced the demand charge to $1.75 per Mcf without changing the commodity charge of 32.5 cents per Mcf. By the same order we made Ohio Fuel's FPC Gas Tariff, Second Revised Volume No. 1, as revised, effective subject to refund as of March 1, 1954.

As we have indicated, at the time of Ohio Fuel's filing in this docket, the Commission had under consideration earlier rate increase filings of Ohio Fuel. Those proceedings resulted in our Opinion No. 273, issued July 26, 1954, and an order on rehearing issued December 22, 1954, in Dockets Nos. G–1786 and G–1965 approving a settlement agreement. We there rejected the proposed use of the CD rate form and prescribed rates for the refund period March 1, 1952, through February 28, 1953 ($2.00/29.80 cents), and for the refund period March 1, 1953, through February 28, 1954 ($2.00/33.38 cents), both subject to further refunds and adjustments as therein provided. These rates utilized a billing demand based upon the greatest average daily delivery of gas to Buyer during any billing month in the twelve (12) billing months ending with the close of the current billing month (hereinafter referred to as the "average demand" basis).

Extensive hearings were held in this docket (No. G–2281) and, after briefs were filed by interested parties[1] and Commission Staff Counsel, the Presiding Examiner issued his initial decision on April 2, 1956.

In his decision, the Presiding Examiner found the proposed increase in the rate level and the proposed application of the CD rate form to be unjust and unreasonable. For the period March 1, 1954 (the date on which the proposed rates went into effect subject to refund), through the December 1954 billing month, the Presiding Examiner would prescribe a rate of $1.52 per Mcf of demand and 34.90 cents per Mcf of commodity, using the average demand basis. For the next twelve months, the January 1955 billing month through the December 1955 billing month, he would prescribe a rate of $1.60 per Mcf of demand and 35.76 cents per Mcf of commodity, likewise on the average demand basis. Without applicable adjustments for refunds, the latter rate for all wholesale sales as a group would result in the same rate level as the $2.00/33.33 cents rate which we accepted as just and reasonable upon a different record in our order issued December 22, 1954, in Docket Nos. G–1786 and G–1965. However, since the refund relates only to a past period, the Presiding Examiner recommends a balanced unit rate so that the demand and commodity components would recover only the amounts classified in each category. From the January 1956 billing month for the remainder of the refund period and for the future, the Presiding Examiner would prescribe a rate of $2.00 per Mcf of demand and 33.38 cents per Mcf of commodity. Absent applicable refund adjustments this is identical, both as to level and as to form, with the rate we accepted by our order issued December 22, 1954, in Docket Nos. G–1786 and G–1965 and results from the Presiding Examiner's finding that Ohio Fuel failed to sustain its burden of proof in justifying its proposed rate schedule changes.

Exceptions to the initial decision of the Presiding Examiner were filed by Ohio Fuel, The Cincinnati Gas & Electric Company, and the City of Cincinnati (referred to herein collectively as Cincinnati) and The Dayton Power and Light Company (Dayton). The exceptions raise several issues for our determination, the most important of which is the question of rate form. We also determine the question of the proper rates for the future and for the refund period, including the rate of return for that period. Additionally, we resolve questions as to the proper classification of costs between the demand and commodity components as they are associated with (a) gas purchased from Texas Eastern Transmission Corporation, (b) LPG Plant—Depreciation, Return and Taxes, and (c) Natural Gas Production Plant—Depreciation, Return and Taxes.

[1] By order issued March 12, 1954, we permitted the following to intervene: The Dayton Power and Light Company, The Cincinnati Gas & Electric Company, City of Lancaster, Ohio, and Ohio Gas Company.

Finally, in arriving at a cost of service, we resolve herein two adjustments to Ohio Fuel's cost of service which are questioned by Dayton.

After contesting Ohio Fuel's rate filing on its merits over a period of two and one-half years, Dayton, on June 1, 1956, filed a motion to dismiss and reject Ohio Fuel's filing so far as it relates to a change in rate form. Dayton now claims that the Commission has no jurisdiction to entertain the filing, basing its contention on the theory that the filing constitutes a unilateral change in its contract with Ohio Fuel forbidden by the recent decisions in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U. S. 332, and F. P. C. v. Sierra Pacific Power Co., 350 U. S. 348. Ohio Fuel, by answer filed on June 11, 1956, opposes the motion principally on the ground that the billing demand provision proposed to be changed in its filing had previously, in itself, altered and superseded the billing demand provision in the original contract now relied upon by Dayton. Ohio Fuel therefore contends that the billing demand provision in the contract is no longer applicable.

In the circumstances of these proceedings we deem it unnecessary for the purposes of our decision herein to decide between the foregoing opposing contentions. It is our opinion that the Sierra Pacific and Mobile decisions do not require us, at this stage of the proceedings where we have a complete record before us, to undo the work of the last two and one-half years. Significantly, the Supreme Court modified the instructions of the Court of Appeals in the Sierra Pacific case which would have required the Commission to begin anew with a proceeding under Section 206 of the Federal Power Act (comparable to section 5 of the Natural Gas Act). The Supreme Court directed that (350 U. S. at 353):

> If the proceedings here satisfied in substance the requirements of § 206 (a), it would seem immaterial that the investigation was begun as one into the reasonableness of the proposed rate rather than the existing contract rate.

Here, the proceedings satisfy, in substance, the requirements of section 5 of the Natural Gas Act. As we show below, continued billing by Ohio Fuel under the average demand basis heretofore used is no longer in the public interest. Since our order approves the CD rate form for the future only, no change in rate form is made effective prior to the date of issuance of our order.

We have given careful consideration to each of the issues presented to us by the exceptions of the various parties and by the motion to dismiss. We have decided that, for the reasons hereinafter stated, the decision of the Presiding Examiner in its major aspects should be reversed and the motion should be denied. The extent of our reversal of the Presiding Examiner's decision is clear from our findings and conclusions which follow.

Rate form. The Presiding Examiner rejected Ohio Fuel's proposal to make the CD rate form applicable to its jurisdictional customers.[1] He apparently felt bound by our previous decision in Opinion No. 273, where we rejected the use of the CD rate form by Ohio Fuel. He found the CD rate form to be unjust and unreasonable even though by his own statement the record contains "facts and expert opinions extant upon which a different result could be based." Those facts, and the conclusions we draw from them, lead us to reverse the Presiding Examiner and to find that the use of CD rate form for the future is just and reasonable under the circumstances of this case.

We have had recent occasion In the Matter of United Fuel Gas Company, et al., Docket No. G–2451 et al., order issued May 11, 1956, to pass upon application of the CD rate form to the sales of natural gas by United Fuel and Central Kentucky to their distribution company customers. The significant factors leading to our approval of the CD rate form as applied to the jurisdictional sales of those affiliates of Ohio Fuel in the Columbia Gas System are also present in this case.

The primary factor, as disclosed in the record, which influences our decision is the effect of the tremendous increase in the space-heating load by ultimate consumers purchasing gas from the distribution company customers of Ohio Fuel. As an example, the record shows that the space-heating saturation on Dayton's system was approximately 77 percent in 1955, representing 110,800 residential customers. This compares with a 21 percent saturation in 1946. The peak-day requirements of Dayton, as shown by actual experience and as projected into the future, illustrate a comparable increase. The same condition pertains to the rate of growth of the space-heating load of other wholesale customers of Ohio Fuel.

It is characteristic of this space-heating load to fluctuate widely with changing weather conditions. These fluctuations are not only winter peaks but, more importantly, year-to-year variations in peak loads. When demand revenues accruing to Ohio Fuel are made dependent upon actual purchases by the wholesale customers which, in turn, are dependent upon the weather, it is clear that Ohio Fuel will be subjected to a "feast or famine" recovery of costs collected through demand charges. As the space-heating load with consequent high-peak requirement increases, the year-to-year fluctuations in recovery of costs collected through demand charges would become more accentuated by the weather conditions. In our judgment, a rate form which does not recognize this situation and bring a measure of stability in recovery of those costs collected through demand charges is no longer just and reasonable.

The CD rate form, as proposed by Ohio Fuel and which we find just and reasonable under the circumstances of this case, will tend to stabilize recovery of demand charges collected from the distribution company customers.[2] Additionally, the CD rate form, with its 90 percent ratchet provision, will encourage control of the peak demands by distribution company customers either thorugh construction and use of peak-shaving facilities or through use of other means available to them. Since distribution company customers will be obligated to pay for 90 percent of their contract demands over the period of the contract term they will be encouraged not only to keep their load factors high, but also to avoid year-to-year fluctuations in requirements from Ohio Fuel.[4] To the extent economical, the customers will stabilize peak demands from Ohio Fuel and Ohio Fuel will not be required to absorb, through varying demand revenues, the entire effect of year-to-year fluctuations.[5] At the same time, customers companies are afforded considerable protection in the provision of the tariff permitting them to reduce their contract demands in two successive 5 percent stages as a matter of right. The tariff further provides that the contract quantity can be reduced by additional amounts provided the capacity so released can be otherwise used.

Further, the uniform application of CD rate form will tend to reduce discrimination among customers. A rate form geared to average demand would work to the advantage of the low-load factor customer. Under the fluctuating weather conditions shown in this record to exist, we can anticipate that without the control afforded by the CD rate form this discrimination would be aggravated in the future.

Rate level. Since Ohio Fuel's proposed rate increase went into effect subject to refund as of March 1, 1954, our prescription of just and reasonable rates relates back to that date. Of course, the rate prescribed for periods prior to the effective date of this order will determine the amount of refunds to be paid to the jurisdictional customers.[6]

In order to prescribe the just and reasonable rates for the refund period and for the future it is necessary, of course, to determine the proper amount includible in cost of service for jurisdictional customers and to classify those costs between demand and commodity components. Exceptions to the initial decision of the Presiding Examiner raise several issues, both in regard to items properly includible in the cost of service and to the classification of certain costs between demand and commodity. There are set forth on sheets appended to this order (Appendices A and B) the costs of service, classified to demand and commodity, which we find to be proper upon evidence of record. Appendix A shows the cost of service based upon the year 1954, actual. In arriving at the cost of service in Appendix B we used the same allocation and classification procedures that form the basis for the cost of service for the year 1954, actual. However, Appendix B reflects pro forma changes from the actual cost experience.

Examination of Appendix B will show the extent to which the allocation and classification we deem to be proper result in a rate different from that prescribed by the Presiding Examiner. It should be noted that the total cost of service allocated to jurisdictional customers which we find to be proper, $21,127,008, varies slightly from the cost of service of $21,157,044 used by the Presiding Examiner. This adjustment results from our exclusion of $16,388 Documentary Stamp Tax expense from the cost of service and from the effect of our different cost classification. The Presiding Examiner included the Documentary Stamp Tax likening it to a financing cost. Exception was properly taken by Dayton on the ground that FPC Balance Sheet Account No. 140, FPC Balance Sheet Instruction No. 6C, and Income Account No. 531 of our Uniform System of Accounts prohibit its inclusion as an expense item in the cost of service. Therefore, we have reduced the cost of service by $16,388 and made the consequent adjustments.

The only other item relating to cost of service which merits specific mention here is the inclusion of $126,979, reflecting one-half the increase in the 1955 property tax over the 1954 property tax. This is an adjustment for known increases over the 1954 test year. The Presiding Examiner included this adjustment proposed by Ohio Fuel in its exhibit showing the cost of service. Since it reflects a known cost, we find that its inclusion is reasonable.

In determining the break-down between demand and commodity, there is one item which we would classify in a manner different from the Presiding Examiner. Under Purchased Gas Expense—purchases from Texas Eastern Transmission Corporation—we classify all demand charges to the demand component. The Presiding Examiner included the demand charges in the rate for gas purchased from Texas Eastern in the commodity component. This difference in classification results in a significant shift of costs from the commodity to the demand side. The amount involved is $6,296,373 prior to adjustments to gas placed in and withdrawn from storage.

[1] Pursuant to Ohio Fuel's proposal, jurisdictional customers taking less than 5,000 Mcf on peak day are eligible to purchase under the Small General Service (SGS) Rate Schedule containing a straight commodity rate. Twenty of the twenty-five jurisdictional customers are eligible for service under this rate schedule instead of under the CDS–1 Rate Schedule with its contract demand rate form. Our findings with respect to the rate level of the SGS Rate Schedule are set forth in a later portion of this order.

[2] It should be noted that although only 26 percent (by revenue) of Ohio Fuel's sales are made at wholesale, they are, nevertheless, significant. See Appendices A and B.

[4] A CD rate with a short-term commitment, such as a one-year contract, would not provide long-term stability in demand revenues.

[5] In time the reduction of the year-to-year fluctuations in Ohio Fuel's demand revenues should reflect a salutary effect on future financing by the Columbia Gas System which, in turn, will also redound to the benefit of Ohio Fuel's wholesale customers.

[6] It should be noted that all rates prescribed herein are based on costs of service which have not yet been finally determined because rate case proceedings of Ohio Fuel's suppliers have not been finally concluded. Hence, the rates prescribed herein are contingent upon refunds from suppliers of Ohio Fuel.

The record shows that during the test year purchases from Texas Eastern were made at significantly less than 100 percent load factor. Under this situation, we come to a different decision from the Presiding Examiner. The fact that Ohio Fuel is purchasing jointly with its affiliate, The Manufacturers Light and Heat Company, does not eliminate the effect of Texas Eastern's demand charges to Ohio Fuel. We find that the demand charges in the cost of gas purchased from Texas Eastern are properly classified as a demand element in Ohio Fuel's cost of service.

With respect to two items Ohio Fuel takes exception to the classification by the Presiding Examiner. These are Depreciation, Return and Taxes relating to its LPG Plant and Depreciation, Return and Taxes relating to its own production. The first, the Presiding Examiner classified entirely to demand; the second, entirely to commodity. We agree with each classification. The record shows that the LPG plant is used for peaking purposes. We find that all costs of LPG production, including over-head costs, should be classified to demand. We also uphold the Presiding Examiner in finding that there is no justification in the record for classifying part of Ohio Fuel's own production costs to demand. Its own production, serving a commodity function like that of gas purchased in the field on a straight commodity basis, should be classified entirely to commodity.

The Presiding Examiner used a 6¼ percent rate of return in determining rates both for the refund period and for the future. In its exceptions, Dayton argues for a 5¼ percent rate of return for the refund period but does not except to the use of the 6¼ percent rate of return for the future. Dayton presented no rate of return evidence in support of its position.

For the refund period, from March 1, 1954, through the June 1956 billing month, the substantial evidence supports a 6¼ percent rate of return for Ohio Fuel. Importantly, the 6¼ percent rate of return is coupled with billing on an average demand basis. We have previously held in our Opinion No. 273 in Dockets Nos. G–1786 and G–1965, issued July 26, 1954, that a rate of return of 6¼ percent was appropriate for Ohio Fuel for the refund periods there involved. The reasons for approving a 6¼ percent rate of return for the refund periods involved in the earlier proceedings are equally applicable to the refund period here. Of particular note is the fact that in both instances we approve the use of the average demand form of billing as distinguished from the contract demand rate form.

We have recognized in our recent order In the Matter of United Fuel Gas Co. et al., Docket No. G–2451 et al., that approval of the CD rate form will tend to shift the risk of weather fluctuations to the distribution company customers. Therefore, we stated we would give consideration to that shift in the risk in determining the rate of return in the rate level stage of those proceedings. While the record here supports a rate of return of 6¼ percent for the refund period on an average demand billing basis, there is not sufficient evidence in the record to show the effect our approval of the CD rate form will have upon the elements of risk affecting rate of return for the future. Therefore, we shall reopen the record in this proceeding for the purpose of taking additional rate of return evidence, including the effect of the application of the CD rate form to sales by Ohio Fuel to its resale customers.

Ohio Fuel and United Fuel are affiliates, both part of the Columbia Gas System. In many aspects, the elements entering into the determination of rates of return of both affiliates are common because both Ohio Fuel and United Fuel are dependent upon the Columbia Gas System for their financial requirements.

It is appropriate, therefore, since this same issue is involved in the proceedings In the Matter of United Fuel Gas Co. et al., Docket No. G–2451 et al., scheduled for hearing on July 5, 1956, that the record in this Docket No. G–2281 be consolidated with those proceedings for the purpose of taking evidence with respect to the reasonable rate of return for Ohio Fuel for the future to be effective prospectively from the date our order issues upon conclusion of the reopened proceeding.

With the adjustments to the wholesale cost of service mentioned above and the change in classification of costs, we arrive at a total cost of service for wholesale sales for the year 1954, pro forma, of $21,127,008. (Appendix B). This is classified $5,967,176 to demand and $15,159,832 to commodity. Using the billing units based upon wholesale sales for the year 1954, as shown on Ohio Fuel's Exhibit No. 33, we arrive at a rate for the future of $1.56 per Mcf of demand and 32.45 cents per Mcf of commodity on a contract demand basis. We find that this rate which covers Ohio Fuel's wholesale cost of service, including a 6¼ percent rate of return, is the just and reasonable rate for the future, to take effect as of the July 1956 billing month.

Calculation of the rates to be prescribed for the refund period presents an added problem in that refunds from suppliers of Ohio Fuel have yet to be determined in several proceedings. We stated in our order issued December 22, 1954, in Dockets Nos. G–1786 and G–1965, that a $2.00/33.38 cents rate, as adjusted by possible refunds from Ohio Fuel's suppliers, should be the underlying rate for this proceeding.[1] The Presiding Examiner would divided the refund period into three parts: (1) From March 1, 1954, through the December 1954 billing month; (2) the January 1955 billing month through the December 1955 billing month; and (3) the January 1956 billing month to the effective date of this order (for which he would prescribe the same rate as that for the future). For the first period he would prescribe a rate of $1.52/34.90 cents; for the second period, $1.60/35.76 cents; and for the third period, $2.00/33.38 cents. In its exceptions, Ohio Fuel objects to the $1.52/34.90 cents rate for the first portion of the refund period and proposes use of the $2.00/33.38 cents rate for that period. For the remainder of the refund period Ohio Fuel would abandon the underlying rate for a rate of $1.75/30.96 cents under the CD rate form.

In prescribing rates for the refund period, it should be kept clearly in mind that it is the dollar amount received by Ohio Fuel that is important—the rate level, not the rate form. As the record shows (compare Appendix A with Appendix B), a substantially different cost situation could be expected to prevail after the December 1954 billing month as compared with the costs actually incurred during the ten-month period in 1954. Therefore, we have prescribed different rates for the two parts of the refund period. The two rates result in a rate level closely approximating costs of service and at least equal to the contingent level of the underlying $2.00/32.75 cents rate.

As shown in Appendix A, the cost of service for the year 1954, actual, allocated to jurisdictional customers is $20,504,805. Our classification of costs results in $5,759,992 in demand and $14,744,813 in commodity. The resultant balanced unit rate, on an average demand basis, is $2.08 per Mcf of demand and 31.52 cents per Mcf of commodity. We prescribe this rate to apply to Ohio Fuel's jurisdictional sales for the period March 1, 1954, through the December 1954 billing month.

Appendix B shows the cost of service for the year 1954, pro forma, to be $21,127,008, classified $5,967,176 to demand and $15,159,832 to commodity. On an average demand basis this results in a balanced unit rate of $2.15 per Mcf of demand and 32.43 cents per Mcf of commodity. We prescribe this rate as applicable to the volumes sold during the remainder of the refund period. In combination with the $2.08/31.52 cents rate for the ten months in 1954, it will result in a rate level for the entire refund period at least equal to the underlying $2.00/32.75 cents rate after adjustments. Both of the foregoing rates for the refund period are subject to reductions giving effect to any reductions in the respective costs of service arising from refunds which Ohio Fuel has received or may receive from its suppliers and which are allocable to the refund period here involved.

Another matter remains for our consideration. Although the initial decision of the Presiding Examiner does not deal with this issue, Ohio Fuel proposes to make a Small General Service (SGS) Rate Schedule available to wholesale customers, the maximum daily takes of which do not exceed 5,000 Mcf, on an optional basis with the CD rate. Ohio Fuel proposes a straight commodity rate under the SGS schedule of 48 cents per Mcf, which is equivalent to its CD rate at a 35 percent load factor.

We find that a 48-cent rate would impose an undue burden upon the small wholesale customers which will be eligible for this service. The record shows that a straight commodity rate for all wholesale customers would be slightly in excess of 45 cents per Mcf (see Appendix B). However, if the large wholesale customers which would not be eligible for service under the SGS Rate Schedule are excluded from the computation, the rate would average slightly under 45 cents per Mcf (44.865 cents per Mcf). The 48-cent rate proposed by Ohio Fuel would impose too heavy a burden upon the small customer which is less able to protect itself through installation of peak-shaving equipment. We find 45 cents per Mcf to be the just and reasonable rate for service under the SGS Rate Schedule to be effective prospectively.

Consistent with our decision herein, customer companies should be permitted to negotiate new contract quantities under the contract demand rate form.

For the reasons stated above and based upon consideration of the substantial evidence of the entire record, the Commission further finds:

(1) Ohio Fuel owns and operates an integrated natural gas system located in the State of Ohio through which it transports and sells natural gas for resale in interstate commerce, and is a natural-gas company within the meaning of the Natural Gas Act.

(2) The granting of Dayton's motion to dismiss the proceedings with respect to the change in rate form as applied to sales to Dayton would not be in the public interest and should be denied.

(3) The rates and charges contained in Ohio Fuel's FPC Gas Tariff, Second Revised Volume No. 1, as filed on September 18, 1953, and as modified by revised tariff sheets permitted to be filed by Commission order issued March 26, 1954, are unjust and unreasonable and should be disallowed from March 1, 1954, the date upon which the filing first became effective subject to a corporate undertaking to refund.

(4) Continued billing by Ohio Fuel under the rate form previously prescribed does not give sufficient firmness to the demand revenues nor provide long-term commitments by the customers, both of which are essential for continued financial stability of Ohio Fuel; nor does such billing encourage use of peak shaving by the customers. Therefore, further use of this rate form, prospective from the July 1956 billing month, would not be in the public interest.

(5) Continued billing by Ohio Fuel at the rate level prescribed in Dockets Nos. G–1786 and G–1965 would result in rates for the future which would not return to Ohio Fuel all costs associated with rendering service to its jurisdictional customers thus impairing Ohio Fuel's financial ability to continue service. Therefore, continued billing at the rate level prescribed in Dockets Nos. G–1786 and G–1965 would not be in the public interest.

(6) For purposes of refund from March 1, 1954, through the June 1956 billing month, the rates and charges (on the average demand basis) set forth herein are just and reasonable for the periods noted:

(i) For the period March 1, 1954, through the December 1954 billing month, a demand charge of $2.08 per Mcf and a commodity charge of 31.52 cents per Mcf;

(ii) For the period beginning with the January 1955 billing month through the June 1956 billing month, a demand charge of $2.15 per Mcf, and a commodity charge of 32.43 cents per Mcf.

(7) Subject to the limitations imposed by the ultimately effective underlying rate set forth in our order issued December 22, 1954, in Dockets Nos. G–1786 and G–1965, Ohio Fuel should refund to each of its customers with interest at 6 percent (6%) per annum, from the date of payment to Ohio Fuel to date of refund, the excess of the total amounts charged from March 1, 1954, under the rates in effect subject to refund, over the total amount which would have been charged for sales to such customers under the rates found just and reasonable in Finding (6) above, for the respective portions of the refund period.

(8) Ohio Fuel should refund to its wholesale customers on an equitable basis the proper part of any reductions in costs of service as used herein, received by it as refunds or otherwise which are not already reflected in rates herein determined, which it already has received or may receive in the future from its suppliers, as a result of disposition of proceedings involving the rates of its suppliers applicable to the period from March 1, 1954.

(9) Ohio Fuel should file revised tariff sheets reflecting rates and charges, to be effective commencing with the July 1956 billing month, of $1.56 per Mcf of demand and 32.45 cents per Mcf of commodity, based upon a contract demand rate form including the modifications proposed by Ohio Fuel in Exhibit No. 38 to this proceeding.

(10) Ohio Fuel should file revised tariff sheets reflecting rates and charges, to be effective commencing with the July 1956 billing month, of 45 cents per Mcf on a straight commodity basis to be available on an optional basis to small general service customers, the maximum daily takes of which do not exceed 5,000 Mcf.

(11) Ohio Fuel should make refunds and file changes in rates prescribed in Finding (9) above in the event that United Fuel Gas Company and Panhandle Eastern Pipe Line Company, or either of these, are required by any final orders of the Commission in Dockets Nos. G–2451, G–2506, and G–5475, to make refunds to Ohio Fuel or to make any reductions in the rates applicable to their sales of natural gas to Ohio Fuel; Ohio Fuel should also make refunds and file changes in rates prescribed in Finding (9) above at such time as Texas Gas Transmission Corporation gives effect to the Commission's order in Docket No. G–2017 and Texas Eastern Transmission Corporation gives effect to the Commission's order in Docket No. G–1964.

(12) In the event that the corporate income tax rate for the year 1956 is fixed at less than the current rate of fifty-two percent (52%) used in the Ohio Fuel cost-of-service statements, Ohio Fuel shall file changes in its cost of service occasioned by the reduction of the Federal Income Tax rate, and such changes shall have the same effective date as the mission the amount of refunds to each date upon which such tax rate reduction becomes effective.

(13) The record in this proceeding should be reopened for the purpose of taking additional evidence concerning the effect upon rate of return of Ohio Fuel of our approval of the application of the CD rate form to the sales to Ohio Fuel's resale customers. For the purpose of taking this additional evidence this proceeding should be consolidated with the hearing In the Matter of United Fuel Gas Co. et al., Docket No. G–2451 et al., commencing on July 5, 1956.

The Commission orders:

(A) Dayton's motion to dismiss filed June 1, 1956, is hereby denied.

(B) The rates and charges contained in Ohio Fuel's Second Revised Volume No. 1, as filed on September 18, 1953, and modified pursuant to the order of March 26, 1954, which were in effect subject to refund from March 1, 1954, are unjust and unreasonable and are hereby disallowed.

(C) Within 45 days from the effective date of this order, Ohio Fuel shall file revised tariff sheets to its FPC Gas Tariff consistent with this order, satisfactory to the Commission, reflecting rates as follows:

Period	Demand	Commodity
		Cents
Mar. 1, 1954, through the December 1954 billing month (average demand basis)	$2.08	31.52
January 1955 billing month through the June 1956 billing month (average demand basis)	2.15	32.43
July 1956 billing month and the future (contract demand rate form and in conformity with exhibit No. 38)	1.56	32.45
July 1956 billing month (SGS rate schedule) and the future		.45

(D) Subject to the limitations imposed by the ultimately effective underlying rate as set forth in the order issued December 22, 1954, in Dockets Nos. G–1786 and G–1965, Ohio Fuel shall refund to each wholesale customer, with interest at six percent (6%) per annum from the date of payment to Ohio Fuel to the date of refund by it, the difference between the amounts which would have been collected by Ohio Fuel under the rates found herein to be just and reasonable and set forth in (C) above and the amounts actually received. Ohio Fuel shall bear all costs of refunding.

(E) Ohio Fuel shall refund to its wholesale customers, on an equitable basis to be approved by the Commission, the proper part of any reductions in purchased gas costs used in costs of service herein received by it as refunds or otherwise which are not already reflected in the rates herein determined and which it already has or may receive in the future from its suppliers. Ohio Fuel shall make refunds applicable to sales for the period beginning with March 1, 1954, to reflect any reductions in costs of gas purchased as used herein, which reductions would result from the disposition of proceedings involving rates of its suppliers. Ohio Fuel shall file revisions of its tariff sheets reflecting such refunds in the commodity component of its rates.

(F) Within 45 days from the effective date of this order Ohio Fuel shall report, in writing and under oath, to the Comcustomer for each of the periods, March 1, 1954, through the December 1954 bill-

[1] We take administrative notice that on May 9, 1956, Ohio Fuel tendered for filing revised tariff sheets which would reduce the $2.00/33.38 cents tentative rate to $2.00/32.75 cents. Further downward adjustments may be anticipated.

ing month and the January 1955 billing month through the June 1956 billing month.

(G) For the purpose of taking additional evidence referred to in finding (13), the record in this proceeding shall be reopened and this proceeding shall be consolidated with the hearing in Docket No. G-2451 et al., In the Matter of United Fuel Gas Co. et al., commencing on July 5, 1956.

Issued: June 29, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A—THE OHIO FUEL GAS COMPANY WHOLESALE COST OF SERVICE, YEAR 1954—ACTUAL

	Total	Demand	Commodity
Produced and purchased gas:			
Gas purchased:			
United Fuel Gas Co	$16,624,510	$3,068,460	$13,556,050
Panhandle Eastern Pipe Line Co	4,648,962	1,310,000	3,338,962
Texas Eastern Transmission Corp	21,407,679	6,296,373	15,111,306
Texas Gas Transmission Corp	6,842,535	1,950,376	7,455,502
	2,563,143		
Chicago Corp	1,028,104		1,028,104
Field purchases	1,894,864		1,894,864
Subtotal	55,009,997	12,625,209	42,384,788
Gas to storage—net	(4,290,379)	(984,642)	(3,305,737)
Total	50,719,618	11,640,567	39,079,051
Purchased gas expense	232,209		232,209
Gas used by company	(206,741)		(206,741)
Total	50,745,086	11,640,567	39,104,519
Administrative and general	50,428		50,428
Total	50,795,514	11,640,567	39,154,947
Depreciation	1,690		1,690
Federal income tax	12,150		12,150
Return at 6¾ percent	13,137		13,137
Taxes—other	4,117		4,117
Natural gas production	50,826,608	11,640,567	39,186,041
Products extraction	4,981,727		4,981,727
	36,479		36,479
Total produced and purchased gas	55,844,814	11,640,567	44,204,247
L-P gas air	302,446	302,446	
Underground storage	7,835,250	3,821,902	4,010,348
Transmission	12,555,963	5,990,502	6,565,461
Total	76,538,473	21,758,417	54,780,056
Percent applicable to wholesale sales		26.24	26.68
Amount applicable to wholesale sales	20,321,728	5,709,409	14,615,319
Rate case expense	23,430	6,581	16,849
State excise tax	156,647	44,002	112,645
Total	20,501,805	5,759,992	14,744,813
Mcf billing units at 14.73# (data from Company Ex. No. 33)		2,774,192	46,756,900
Units costs		$2.076277	31.53505¢
Balanced unit rates—rounded (average demand basis)		$2.08	31.52¢

APPENDIX B—THE OHIO FUEL GAS COMPANY WHOLESALE COST OF SERVICE, YEAR 1954—PRO FORMA

	Total	Demand	Commodity
Produced and purchased gas:			
Gas purchased			
United Fuel Gas Co	$18,752,400	$3,887,233	$14,865,167
Texas Eastern Transmission Corp	21,528,257	6,296,374	15,231,883
Texas Gas Transmission Corp	9,382,257	1,950,102	7,432,155
Panhandle Eastern Pipe Line Co.—Regular	4,779,284	1,260,000	3,519,284
Manufacturers Light & Heat Co	1,042,401		1,042,401
Subtotal	55,484,596	13,393,708	42,090,888
The Preston Oil Co	53,411		53,411
Local Purchases	1,841,453		1,841,453
Panhandle Eastern Pipe Line Co.—Rural	4,604		4,604
Total gas purchased	57,384,064	13,393,708	43,990,356
Gas placed in storage—Cr	(13,626,601)		
Gas withdrawn from storage—Dr	9,133,636		
Net gas placed in storage—Cr	(4,492,965)	(1,084,602)	(3,408,361)
Other expenses	5,053,801		5,053,801
Total produced and purchased gas	57,944,900	12,309,106	45,635,794
L-P gas air	310,258	310,258	
Underground storage	7,929,157	3,871,543	4,057,614
Transmission	12,676,311	6,049,465	6,626,846
Total	78,860,626	22,540,372	56,320,254
Percent applicable to wholesale sales		26.24	26.68
Amount applicable to wholesale sales	20,940,838	5,914,594	15,026,244
Rate case expense	25,000	7,061	17,939
State excise tax	161,170	45,521	115,649
Total cost of service—wholesale sales	21,127,008	5,967,176	15,159,832
Mcf billing units at 14.73# (data from Company Ex. No. 33)		3,816,887	46,756,900
Unit costs	45.1848¢	$1.56336	32.42266¢
Unit rates	45¢ (SGS)	$1.56 (CD)	32.45¢
Unit costs (average demand basis)		$2.15096	32.42266¢
Balanced unit rates (average demand basis)		$2.15	32.43¢

[F. R. Doc. 56-5355; Filed, July 5, 1956; 8:51 a. m.]

[Docket No. G-3822 etc.]

OIL ASSOCIATES, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser

G-3822; Oil Associates, Inc. Reading, Pa.; 9-30-54; Weesatche, Goliad County, Tex.; Texas Eastern Transmission Corporation.

G-3823; General Crude Oil Company, Houston, Tex.; 9-30-54; Keyes, Cimarron County, Okla.; Colorado Interstate Gas Company.

G-4024; Delta Drilling Company, M. Ascher and M. Ascher Trustee, Tyler, Tex.; 10-4-54; Bill Hill, Jefferson County, Tex.; Texas Gas Corporation.

G-4111; Adams & Haggarty, a partnership; The City National Bank of Houston, Executor of Ernest Adams; Louise Dickson Adams; George A. Schilling; George T. Schilling; Nancy Schilling Cheney; Richard John Schilling; William G. Lerchen, Jr.; Robert J. Byrnes; Alfred L. May; Milton F. McCaffrey; Frank R. Dimond; H. T. Williams; N. C. Ginther; H. C. Warren; W. L. Ginther; James Edward Adams and William McMillan, Houston, Tex.; 10-4-54; West Bill Hill, Jefferson County, Tex.; Texas Eastern Transmission Corporation.

G-4776; Amerada Petroleum Corporation, Tulsa, Okla.; 11-9-54; South Lewisburg, Acadia and St. Landry Parishes, La.; Texas Northern Gas Corporation.

G-6593; Watson Oil & Gas Company, Inc., Jane Lew, W. Va.; 11-30-54; Murphy District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

G-6594; Watson Oil & Gas Company, Inc.; 11-30-54; Union District, Marion County, W. Va.; Equitable Gas Company.

G-6595; Watson Oil & Gas Company, Inc.; 11-30-54; Court House District, Lewis County, W. Va.; Equitable Gas Company.

G-6596; Watson Oil & Gas Company, Inc.; 11-30-54; Washington and Union Districts, Upshur County, W. Va.; Cumberland & Allegheny Gas Company.

G-6597; Watson Oil & Gas Company, Inc.; 11-30-54; Washington District, Upshur County, W. Va.; Cumberland & Allegheny Gas Company.

G-6598; Watson Oil & Gas Company, Inc.; 11-30-54; Court House District, Lewis County, W. Va.; Cumberland & Allegheny Gas Company.

G-6599; Watson Oil & Gas Company, Inc.; 11-30-54; Salt Lick District, Braxton County, W. Va.; Equitable Gas Company.

A public hearing will be held on the 30th day of July, 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

JUNE 29, 1956.

[F. R. Doc. 56-5357; Filed, July 5, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 54-89, 54-184]

UNITED CORP.

ORDER REGARDING PAYMENT OF FEES AND EXPENSES

JUNE 28, 1956.

The Commission having by orders dated November 29, 1944, and June 26, 1951 approved amended plans filed by The United Corporation in the above proceedings pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and having in such orders reserved jurisdiction over the payment of fees and expenses in connection with such plans;

Applications for the allowance of fees and reimbursements of expenses having been filed, public hearings having been held, a recommended decision having been filed by the Hearing Examiner and exceptions thereto and briefs having been filed, and the Commission having heard oral argument; and

The Commission having considered the record and having this day issued its findings and opinion, on the basis of such findings and opinion

It is ordered, That the application of Randolph Phillips for the allowance of a fee for services and the reimbursement of expenses alleged to have been rendered and incurred in connection with the plan approved by order dated November 29, 1944 (File No. 54-89) be, and it hereby is, denied;

It is further ordered, That the payment by The United Corporation of the following fees and expenses in connection with the plan approved by order dated June 26, 1951 (File No. 54-184) be, and hereby is, approved, and said company be, and it hereby is, authorized to make payment of such amounts thereof as have not already been paid:

	Fees	Expenses
Whitman, Ransom & Coulson	$238,500.00	$4,301 72
Burns, Blake & Rich	18,500.00	917 47
First Boston Corp	30,000.00	
Franklin Cole & Co	10,000.00	
Moody's Investors Service	19,952 29	
Arthur Young & Co	12,500.00	
J. P. Morgan & Co., Inc	29,885.82	(1)
Expenses of registration of shares of Niagara Mohawk Power Corp. and South Jersey Gas Co		26,219 62
Printing and related services		28,219 13
Miscellaneous expenses paid by the United Corp		18,614 46
Randolph Phillips	50,000.00	(1)
Joseph B. Hyman	7,000.00	

[1] Included in fee.

It is further ordered, That the application of Sheldon Preschel for the allowance of a fee for services and the reimbursement of expense be, and it hereby is, denied; and

It is further ordered, That the application of the General Protective Committee for Holders of Option Warrants for an interim allowance for reimbursement of expenses be, and it hereby is, denied, without prejudice to a further application for the allowance of such expenses at a later time.

By the Commission.

[SEAL] OVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5343; Filed, July 5, 1956; 8:48 a. m.]

[File No. 27-107]

KEY OIL & GAS (1955) LTD. (N. P. L.)

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENTS OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 29, 1956.

I. Key Oil & Gas (1955) Ltd. (hereinafter referred to as the "issuer"), 800 Hall Building, 789 West Pender Street, Vancouver, British Columbia, Canada, having filed with the Commission on May 4, 1956, a Notification on Form 1-D relating to a proposed public offering of not exceeding 300,000 shares of its 50 cents par value stock at 30 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation D have not been complied with in that:

1. The Notification on Form 1-D, Item 5, fails to disclose that Raymond Shaw is an affiliate of the issuer;

2. The non-resident officers and directors of the issuer failed to furnish the Commission at the time of the filing of the Notification on Form 1-D consents to service of process required by Rule 507 (a);

3. The offering circular fails to describe the method by which the securities are to be offered as required by Rule 504 (b) (4);

4. The offering circular fails to state in tabular form on the outside front cover page of the offering circular the price to the public, underwriting commissions, and proceeds to the issuer as to the securities covered by the notification and securities concurrently to be offered in Canada, as required by Rule 504 (b) (5);

5. The offering circular fails to disclose the respective amounts of proceeds from the sale to be applied for each purpose for which the net cash proceeds from the sale of the securities are to be used, the priority of application of such amounts, and the disposition of proceeds in the event that the proceeds are insufficient for the purposes stated;

6. The offering circular fails to state, as required by Rule 504 (b) (7) and Supplemental Instructions to Regulation D referred to therein, the nature of issuer's interest in the properties to be developed and the development which has occurred to date on or near the properties held;

7. Issuer has failed to file for the information of the Commission, as required by the Supplemental Instructions to Regulation D, copies of pertinent reports and other data to support statements made in the offering circular concerning geology and engineering;

8. The offering circular fails to include financial statements in appropriate form as required by Rule 504 (b) (10).

B. That the offering circular is false and misleading in the following particulars:

1. In stating, "The most noted discoveries of oil producing lands have usually been preceded by indications of oil or gas seepages on, or very close to the surface";

2. In characterizing gamma ray surveys and aerial photography as "the finest exploration methods obtainable today";

3. In stating that "oil of commercial proportions is obtainable" upon drilling to the so-called "lower Burrard Formation";

4. In stating that according to many experts the issuer's property "could be the more productive extremity of the same formation producing oil in such abundance 2,500 miles farther south in California";

5. In stating that many years of exploratory work and past experience together with modern methods of geological surveying "enable us to minimize risk and abortive effort and locate our drillings in the more logical places";

6. In omitting to state in connection with promises of continuous and complete exploration of the properties the estimated cost of such a program and the proposed method of financing it;

7. In omitting to state that the State of Washington has issued a cease and desist order against the issuer, making it illegal to sell or offer to sell the securities in that state until further order.

C. That the use of said offering circular in connection with the offering of the issuer's securities would operate as a fraud and deceit upon the purchasers of such securities.

It is ordered, Pursuant to Rule 509 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5342; Filed, July 5, 1956; 8:47 a. m.]

[File No. 70-3488]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSALS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY TO ISSUE AND SELL AT COMPETITIVE BIDDING ADDITIONAL FIRST MORTGAGE BONDS, TO INCREASE ITS AUTHORIZED COMMON STOCK, AND TO ISSUE AND SELL ADDITIONAL COMMON STOCK; AND PROPOSAL BY PARENT TO ACQUIRE SUCH STOCK

JUNE 29, 1956.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-public-utility company, and its parent, American Natural Gas Company ("American Natural"), a registered holding company, have filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration regarding a proposal by Michigan Wisconsin to issue and sell $25,000,000 principal amount of its first mortgage bonds, and 60,000 shares of its $100 par value common stock. Applicants-declarants designate sections 6 (b), 9, 10, and 12 (f) of the act and Rules U-43 and U-50 (a) (3) thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Wisconsin proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of its First Mortgage Pipe Line Bonds, __ percent Series due 1976. The interest rate (which shall be a multiple of ⅛ of 1 percent and the price to be received by the company for the bonds (which, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated September 1, 1948, as heretofore supplemented, and as to be further supplemented by an Eighth Supplemental Indenture to be dated August 1, 1956.

Michigan Wisconsin also proposes, prior to or simultaneously with the issuance of the new bonds, to increase the authorized number of shares of its $100 par value common stock from 255,000 to 310,000, and to issue and sell to American Natural, and American Natural proposes to acquire, 60,000 additional shares of Michigan Wisconsin's authorized but unissued common stock for a cash consideration of $6,000,000. Prior to the purchase by American Natural of the additional shares of common stock, Michigan Wisconsin proposes to declare and pay American Natural a cash dividend of $6,000,000. The effect of this dividend declaration and contemporaneous purchase of stock is to convert $6,000,000 of retained earnings into common stock.

Michigan Wisconsin has outstanding $14,000,000 principal amount of notes due July 1, 1956, issued under a credit agreement heretofore approved by the Commission (File No. 70-3382) and has obtained approval of a new credit agreement under which it could borrow up to $25,000,000 on short-term bank notes, of which $14,000,000 will be used to pay the outstanding notes due July 1, 1956 (File No. 70-3483). The remainder will be applied to the payment of costs of construction, estimated at $12,500,000, of needed additional facilities to enable Michigan Wisconsin to deliver to its markets the additional gas which will become available upon completion of the new pipe line being constructed by American Louisiana Pipe Line Company, an associate company.

Applicants-declarants state that the Michigan Public Service Commission may be deemed to have jurisdiction over the proposed issuance of the securities by Michigan Wisconsin; that an application for approval thereof will be filed with such commission, and a copy thereof and of any order entered thereon, will be filed as an amendment herein. It is further stated that, apart from the foregoing, no regulatory authority other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 19, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5344; Filed, July 5, 1956; 8:48 a. m.]

[File No. 70-3482]

STANDARD SHARES, INC.

ORDER PERMITTING DECLARATION REGARDING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

JUNE 29, 1956.

Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder regarding a proposal by Standard Shares to make a cash distribution of $0.40 per share, in part out of earned surplus to the full extent thereof which at May 31, 1956, amounted to $178,857 and the balance out of capital surplus which as of the same date was $22,046,157, to each holder of record on June 29, 1956, of its outstanding 1,430,000 shares of common stock. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,500, including counsel fees not in excess of $500, which do not appear to be unreasonable.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission, and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that, as requested by declarant, the declaration should be permitted to become effective upon issuance:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject to the following additional terms and conditions:

That Standard Shares shall:

(1) Notify its shareholders to what extent the payment is being made out of capital or unearned surplus;

(2) Notify its shareholders that the Commission's action in permitting the declaration to become effective is not to be construed as a determination by the Commission that all or any portion of such payment is or is not taxable to the recipients pursuant to the provisions of the Internal Revenue Code; and

(3) Disclose in all published financial statements the extent to which the payment was made out of capital or unearned surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5345; Filed, July 5, 1956; 8:48 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 21 NUMBER 131

Washington, Saturday, July 7, 1956

UNIVERSITY OF MICHIGAN JUL 19 1956 MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 1—COVERAGE AND DEFINITIONS

PART 2—FILLING COMPETITIVE POSITIONS

PART 10—EMPLOYMENT WITH REEMPLOYMENT RIGHTS

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER ACTIVE MILITARY DUTY

MISCELLANEOUS AMENDMENTS

The following amendments are effective August 1, 1956:

1. Section 1.102 (n) and (o) are amended as set out below.

§ 1.102 *Definitions.* • • •

(n) "Obligated position" means a position to which an employee has a statutory restoration right based on active military duty or reemployment rights based on Part 10 of this chapter.

(o) "Active military duty" means active duty in full pay status in the armed forces of the United States, including an initial period of active duty for training in the armed forces in accordance with section 262 of the Armed Forces Reserve Act of 1952, as amended by the Reserve Forces Act of 1955 (69 Stat. 600).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Subpart E of Part 2 is redesignated "Promotion, Demotion, Reassignment, and Transfer" and §§ 2.109 (b), 2.501 (b) and 2.503 (a) are amended as set out below.

§ 2.109 *Limitation on career appointments.* • • •

(b) "Obligated positions." No obligated position shall be filled on a permanent basis, except as otherwise provided in § 2.503 (Sec. 1310, 65 Stat. 757, as amended.)

§ 2.501 *Agency authority.* • • •

(b) *Transfer.* The Commission hereby delegates authority to agencies to appoint by transfer career or career-conditional employees of other agencies.

• • • • •

§ 2.503 *Status and tenure after position change or transfer.* (a) The status and tenure of an employee shall not be changed by promotion, demotion, reassignment, or transfer under this subpart, except as provided in paragraph (b) of this section. However, no position change or transfer to an obligated position may be made on a permanent basis, except as follows:

• • • • •

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

3. Part 10 is revised as follows:

EMPLOYMENT WITH REEMPLOYMENT RIGHTS

Sec.
10.101 Basic eligibility for reemployment rights.
10.102 Letter of Authority.
10.103 Standards for issuing Letters of Authority.
10.104 Request for Letter of Authority.
10.105 Appeal of losing agency.
10.106 Expiration of reemployment rights.
10.107 Exercise or termination of reemployment rights.
10.108 Agency's obligation to reemploy.
10.109 Employee appeals to the Commission.
10.110 Exercise or termination of reemployment rights granted under previous regulations.

AUTHORITY: §§ 10.101 to 10.110 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 1310, 65 Stat. 757, as amended; 5 U. S. C. 631, 633; 43 note.

§ 10.101 *Basic eligibility for reemployment rights*—(a) *Employees eligible.* The following groups of employees in the executive branch of the Government are eligible to be granted reemployment rights when they are hired by another executive agency without break in service of a full work day by transfer or reinstatement, or by excepted appointment, in a position which the agency is currently authorized to fill with reemployment rights:

(1) Employees serving in competitive positions under career or career-conditional appointments.

(2) Nontemporary excepted employees.

(b) *Employees not eligible.* Reemployment rights shall not be granted to any employee who:

(1) Is serving a trial or probationary period;

(Continued on p. 5029)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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(2) Is serving in an obligated position;

(3) Is serving with reemployment rights granted under this chapter;

(4) Has received a notice of involuntary separation because of reduction in force or otherwise; or

(5) Has already submitted a resignation.

§ 10.102 *Letter of Authority*—(a) *Definition.* A Letter of Authority is an authorization from the Commission to an agency appointing officer to grant reemployment rights.

(b) *Scope of authority.* A Letter of Authority shall specify the conditions under which it may be used, including the types of positions covered and the organizational and geographic areas to which it is restricted.

(c) *Time limit of authority.* A Letter of Authority shall remain in force for one year from date of issuance unless previously revoked by the Commission. Renewals or extensions will not be issued unless justified by exceptional circumstances.

§ 10.103 *Standards for issuing Letters of Authority.* The Commission will determine the standards to be used in issuing Letters of Authority, which shall include the following:

(1) The positions to be filled must be related to emergency situations for which the usual recruiting methods are inadequate;

(2) The positions must be a part of a specific program immediately essential to the national interest;

(3) The positions must be essential to the functioning of the program;

(4) There must be substantial basis for the belief that reemployment rights will be a significant and reasonable aid in meeting the emergency situation.

§ 10.104 *Request for Letter of Authority.* When an agency believes that the emergency situation is so critical as to justify offers of reemployment rights, it may request the Commission to issue a Letter of Authority. In submitting such a request, the agency shall present its justification in terms of the foregoing standards.

§ 10.105 *Appeal of losing agency.* An appointing officer who intends to employ with reemployment rights an employee of another executive agency must give the losing agency written notice at least ten (10) work days before the effective date of the proposed action. If the losing agency believes the grant of reemployment rights would be detrimental to the public interest, it may appeal the proposed grant to the Commission within five (5) work days after receipt of such notice. The losing agency shall, at the same time, furnish a copy of the appeal to the prospective appointing officer, who shall withhold the proposed grant pending decision on the appeal. The Commission will determine whether the employee will be given reemployment rights and notify both agencies accordingly. If the losing agency does not appeal within five (5) work days, the employee shall be granted reemployment rights.

§ 10.106 *Expiration of reemployment rights.* Reemployment rights granted under a Letter of Authority shall expire at the end of two (2) years following the date of the personnel action, unless exercised or otherwise terminated before that time, except that the reemployment rights of an employee serving outside continental United States shall extend for an additional period of three (3) months.

§ 10.107 *Exercise or termination of reemployment rights*—(a) *Exercise.* An employee must apply for reemployment within the time limits set forth below.

(1) Within thirty (30) calendar days prior to the expiration of the term of reemployment rights.

(2) Within thirty (30) calendar days after receipt of notice of involuntary separation.

(3) At least thirty (30) calendar days in advance of his scheduled entry into active military duty. In such cases the person shall be reemployed and separated or furloughed for military service by the reemploying agency.

(4) At any time prior to the expiration of the term of reemployment rights with the written consent of the current employing agency if application for reemployment is made within thirty (30) days after date of separation, or after receipt of advance notice of proposed demotion by the current employing agency.

(b) *Termination.* An employee's rights shall be terminated if:

(1) He fails to apply within the time limits stated above,

(2) He resigns without the written consent of the current employing agency, or

(3) Within ten (10) calendar days, he fails to accept an offer of reemployment made under section 10.108 which is determined to be a proper offer of reemployment by the reemploying agency or by the Commission upon appeal.

§ 10.108 *Agency's obligation to reemploy.* (a) An employee entitled to reemployment shall be reemployed by the responsible agency as promptly as possible, but not more than thirty (30) calendar days after receipt of his application. The employee is entitled to reemployment in the occupational field and at the same grade or level and in the same geographical area as the position which the employee last held in that agency. If the reemployment would cause the separation or demotion of another employee, the applicant shall then be considered an employee for the purpose of applying the Retention Preference Regulations to determine to what, if any, position he is entitled.

(b) The reemploying agency may reemploy the employee in a position of higher grade than that to which he is entitled, but not if such reemployment would cause the displacement of another employee.

(c) Upon reemployment in the Postal Service, the employee shall be given the seniority he would have attained had he remained in the Postal Service.

(d) An agency may refuse action to reemploy under this section only when the employee was last separated for serious cause evidencing his unsuitability for reemployment.

§ 10.109 *Employee appeals to the Commission.* Any employee with reemployment rights who is denied reemployment must be so informed in writing by the agency. In the same notice, the agency must inform him of his right to appeal to the Commission within ten (10) calendar days after receipt of the notice. This time limit may be extended upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the time limit. Final decision of his right to reemployment shall be made by the Commission.

§ 10.110 *Exercise or termination of reemployment rights granted under previous regulations.* (a) Reemployment rights granted upon defense transfer prior to August 1, 1956, under authority of Executive Order 10180 or 10577 shall terminate on January 31, 1957, except as provided below. Employees serving with such rights on August 1, 1956, or who are on active military duty on that date, may apply for reemployment at any time prior to February 1, 1957. Reemployment rights of the classes of employees listed below shall be terminated if not exercised within the time limits specified:

(1) Employees restored under Part 35 of this Chapter must exercise their reemployment rights by February 1, 1957, or at the end of any statutory retention period, whichever is later.

(2) Employees serving outside the continental United States under a transportation agreement must exercise such rights by February 1, 1957, or three (3) months after the date they become eligible for return transportation at Government expense, whichever is later.

(3) Persons notified that they cannot be restored under Part 35 to their latest grades or levels in the agencies they left to enter active military duty must apply for reemployment within forty (40) calendar days after receipt of such notification.

(4) Employees who enter upon active military duty on or after August 1, 1956, must apply for reemployment at least thirty (30) calendar days in advance of their scheduled entry upon active military duty. In such cases, these persons will be reemployed and separated or furloughed for military service by the reemploying agency.

(b) Employees who were involuntarily separated by a defense activity prior to August 1, 1956, must apply for reemployment within forty (40) calendar days after the date of separation or their reemployment rights shall be terminated.

(c) Application for reemployment under this section shall be honored by responsible agencies in accordance with § 10.108. Denial of reemployment shall be subject to appeal under § 10.109.

4. Section 20.4 (c) (1) and (2) are amended as set out below.

§ 20.4 *Order of selection.* • • •

(c) *Determination of tenure groups.* • • •

(1) *Group I.* This group consists of career employees who have completed probation and who are not indefinite because they occupy obligated positions. Career employees serving under temporary or indefinite promotions shall be considered in this group with respect to positions at and below the grade in which they last served on a permanent basis.

(2) *Group II.* This group includes career employees who are serving probationary periods, all career-conditional employees, and career employees who are indefinite because they occupy obligated positions.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

5. Paragraph (c) of § 35.5 is revoked.

(Sec. 9, 62 Stat. 614, as amended; 50 U. S. C. App. 459. E. O. 10180, 15 F. R. 7745; 3 CFR 1950 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-5404; Filed, July 6, 1956; 8:56 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (15) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* • • •

(15) One Assistant to the Secretary (Public Relations).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-5403; Filed, July 6, 1956; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Oats; Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 56-5172, appearing at page 4792 of the issue for June 29, 1956, "Nenard" County, Texas, should read "Menard".

In Federal Register Document 56-5173, page 4796, the following changes should be made:

1. In the table under paragraph (d) (1) the rate per bushel for Milwaukee, Wis., should be "1.55".

2. Under Illinois, "Bonne" County should read "Boone".

3. Under Ohio, the item "Columbiana ____ 1.38" following Carroll should read "Champaign ____ 1.34"; the item "Columbiana ____ 1.36" following Clinton should read "Columbiana ____ 1.38".

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH CRANBERRIES [1]

On May 16, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 3229) regarding a proposed issuance of United States Consumer Standards for Fresh Cranberries.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Consumer Standards for Fresh Cranberries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.2775 General.

GRADES

51.2776 U. S. Grade A.

OFF-GRADE

51.2777 Off-grade.

DEFINITIONS

51.2778 Similar varietal characteristics.
51.2779 Clean.
51.2780 Mature.
51.2781 Damage.
51.2782 Fairly well colored.
51.2783 Fairly uniform in color.
51.2784 Diameter.

AUTHORITY: §§ 51.2775 to 51.2784 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2775 *General.* These standards apply only to the commonly cultivated cranberry (Vaccinium macrocarpon).

GRADES

§ 51.2776 *U. S. Grade A.* "U. S. Grade A" consists of fresh cranberries of one variety or similar varietal characteristics which are clean, mature, firm, and not soft or decayed and which are free from damage caused by moisture, bruises, freezing, smothering, scarring, sunscald, foreign material, disease, insects, or mechanical or other means.

(a) Individual cranberries shall be at least fairly well colored, and the cranberries in the container shall be fairly uniform in color.

(b) Unless otherwise specified, each cranberry shall be not less than $\frac{13}{32}$ of an inch in diameter.

(c) Incident to proper grading and handling, the following tolerances, by count, shall be permitted in any lot:

(1) 3 percent for cranberries which fail to meet the size requirements;

(2) 5 percent for cranberries which fail to meet the remaining requirements of the grade, but not more than three-fifths of this amount, or 3 percent, shall be allowed for cranberries which are soft or decayed at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 5 percent, shall be allowed for soft or decayed berries en route or at destination; and,

(3) 5 percent for containers in which the cranberries fail to meet the requirements of fairly uniform in color.

OFF-GRADE

§ 51.2777 *Off-grade.* "Off-grade" consists of cranberries which fail to meet the requirements of the foregoing grade.

DEFINITIONS

§ 51.2778 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cranberries in the container are similar in color and shape.

§ 51.2779 *Clean.* "Clean" means that the cranberries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2780 *Mature.* "Mature" means that the cranberry has reached the stage of development which will insure the proper completion of the ripening process. Cranberries which show more than a slight amount of green color shall be considered immature.

§ 51.2781 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual cranberry or the general appearance of the cranberries in the container.

(a) Cranberries shall be considered damaged by foreign material when the appearance of the cranberries in the container is materially affected.

(b) Cranberries shall be considered damaged by moisture when the cranberries in the container are wet from moisture caused by crushed, leaking or decayed berries or from rain or flooding. Cranberries which are moist from condensation such as that caused by removing cranberries from a refrigerator car or cold storage to a warmer location, shall not be considered as damaged by moisture.

(c) Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Bruises which materially affect the appearance of the individual cranberry;

(2) Scarring when the appearance of the individual cranberry is materially affected, or when the appearance of the cranberry is affected to a greater extent than that of a cranberry $\frac{18}{32}$ inch in diameter which has an aggregate area of scars equivalent to the area of a circle $\frac{1}{4}$ inch in diameter; and,

(3) Insects when worms or worm holes are present, or when any insect injury affects an area greater in diameter than that of a circle $\frac{1}{8}$ inch in diameter.

§ 51.2782 *Fairly well colored.* "Fairly well colored" means that 75 percent of the surface of the individual cranberry, in the aggregate, shows pink or red color characteristic of the variety.

§ 51.2783 *Fairly uniform in color.* "Fairly uniform in color" means that the berries in the individual containers do not show sufficient variation in color to materially affect the general appearance of the berries.

§ 51.2784 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the berry.

The United States Consumer Standards for Fresh Cranberries contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 2, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56-5378; Filed, July 6, 1956; 8:49 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, 2nd Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78–2, 21 F. R. 3214), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78–2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956 (21 F. R. 3722), are hereby amended to read as follows:

§ 301.78–2a *Administrative instructions designating regulated area under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions listed below. Accordingly, such civil divisions are hereby designated as the Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart:

Florida. The counties of Broward, Collier, Dade, Hendry, Lee, and Palm Beach.

These amended administrative instructions shall become effective July 7, 1956.

The purpose of the amendment is to add the Florida counties of Collier, Hendry, and Lee to the list of counties in which Mediterranean fruit fly infestations have been determined to exist, and designate these three counties as part of the area regulated under the Mediterranean fruit fly quarantine and regulations.

Recent survey and trapping records show that Mediterranean fruit fly infestation is more prevalent in Lee County than was apparent earlier. Hendry and Collier counties are not infested to the same extent as Lee County, but it is considered necessary to add these two counties to the regulated area because of their inseparability for quarantine enforcement purposes from other infested localities. Although there are spot infestations north of the six counties included in the extended regulated area, all of these have been treated with a malathion bait spray and are under regulation by the State in accordance with their Florida Plant Act of 1927. Consequently, it is not necessary to designate these isolated infestations as part of the regulated area.

This amendment imposes restrictions supplementing Mediterranean fruit fly quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 2d day of July 1956.

[SEAL] L. F. CURL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56–5380; Filed, July 6, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 76]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.376 *Valencia Orange Regulation 76*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on July 5, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 8, 1956, and ending at 12:01 a. m., P. s. t., July 15, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 6, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–5458; Filed, July 6, 1956; 11:25 a. m.]

[Lemon Reg. 649]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.756 *Lemon Regulation 649*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 3, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 8, 1956, and ending at 12:01 a. m., P. s. t., July 15, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 5, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–5438; Filed, July 6, 1956; 8:59 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Correction

In Federal Register Document 56–5150, appearing at page 4800 of the issue for June 29, 1956, the following changes should be made:

1. In each of the last three sentences of § 989.158 (a) (3) the word "pellet" should read "pallet".

2. In paragraph (d) of § 989.158 the word "standards" should read "standard".

3. In the eighth line of paragraph (e) of § 989.159 the word "of" should read "or".

4. In the 19th line of § 989.166 "conditions" should read "condition".

5. In the third sentence of § 989.166 (d) "indentifiable" should read "identifiable".

[Lime Order 3]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

§ 1001.303 *Lime Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the cirumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 1, as amended (§ 1001.301; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872, 4256), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of lime shipments subsequent to July 7, 1956, and in the manner herein provided, were promptly submitted to the Department after a telephone poll of the Florida Lime Administrative Committee on June 29; such poll was made following a request therefor by the District 2 members of the committee and after an assembled discussion of the current and prospective supply and demand conditions for limes by the District 1 members of the committee on June 28, 1956; the regulatory provisions of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Lime Order 1, as amended (20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872, 4256), is hereby terminated at 12:01 a. m., e. s. t., July 8, 1956.

(2) During the period beginning at 12:01 a. m., e. s. t., July 8, 1956, and ending at 12:01 a. m., e. s. t., May 1, 1957, no handler shall handle:

(i) Any limes, including the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the State of Florida, except the area West of the Suwannee River, unless such limes grade at least U. S. No. 2 Mixed Color: *Provided,* That, no requirement as to color shall be applicable to any limes except those known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

(ii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contains limes that do not grade at least U. S. Combination Mixed Color or that do not measure at least 1⅝ inches in diameter: *Provided,* That, not to exceed 5 percent by count, of the limes in any container may be smaller than 1⅝ inches in diameter; or

(iii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contains more than five percent, by count, of limes smaller than 1¾ inches in diameter unless the limes in such container have an average juice content of not less than 46 percent, by volume.

(2) As used in this section "handler" and "handle" shall have the same meaning as when used in said marketing agreement and order; the term "U. S. No. 2 Mixed Color," and "U. S. Combination Mixed Color," shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes, as recodified (§ 51.1001 of this title; 18 F. R. 7107); and "diameter" shall mean the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5407; Filed, July 6, 1956; 8:57 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBART—1957

Our agricultural resources produce about two-thirds of the raw materials on which our national economy is based. As our nation grows, an expanding economy and the raw materials essential to it become ever increasingly important to the welfare of every citizen.

Through the Agricultural Conservation Program, all the people of the nation share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great. Full utilization of the 1957 Agricultural Conservation Program should be made in every county in the nation.

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AUTHORITY: §§ 1101.800 to 1101.896 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, Pub. Law 554, 84th Cong.; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1101.800 *Introduction.* (a) Through the 1957 Agricultural Conservation Program (referred to in this subpart as the "1957 program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the continental United States the cost of carrying out approved soil and water conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

GENERAL PROGRAM PRINCIPLES

§ 1101.801 *General program principles.* The 1957 National Agricultural Conservation Program has been developed and is to be carried out on the basis of the following general principles:

(a) The national program contains broad authorities to help meet the varied soil and water conservation problems of the Nation. State and county committees and participating agencies shall design a program for each State and county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the State or county.

(b) The State and county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) That rates of cost-sharing in a county or State are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the national program.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the unkeep and maintenance of those practices through their life span. The State and county programs shall specify the life span of eligible practices.

DISTRIBUTION OF FUNDS

§ 1101.802 *State funds.* Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1956 distribution.

§ 1101.803 *County funds.* The State committee will allocate the funds available for conservation practices among the counties within the State, taking into consideration, to the extent practicable, the conservation needs in the counties within the State.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1101.804 *Agencies to participate in development of State programs.* (a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The President of the Land-Grant College and the State Director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The chairman of the State committee shall invite representatives of the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, and other State and Federal agricultural agencies to participate in its deliberations on the State program.

(b) The program for the State shall be that recommended by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and approved by the Administrator, ACPS.

§ 1101.805 *Agencies to participate in development of county programs.* (a) A county agricultural conservation program (referred to in this subpart as "county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county committee with the community committeemen, the designated representative of the Soil Conservation Service in the county with the governing body of the Soil Conservation District, and the Federal Forest Service representative having jurisdiction of farm forestry in the county with the farm forestry representatives of the State, working with the County Agricultural Extension Agent for the county (if he is not included in the foregoing group as ex officio member of the county

committee) and the County Supervisor of the Farmers Home Administration, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the county committee, the local Soil Conservation Service technician, and the Forest Service representative having jurisdiction of farm forestry in the county, in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county and, especially, on the work plans of the Soil Conservation District and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and upon such approval shall become the 1957 program for the county. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the Soil Conservation District.

§ 1101.806 *Selection of practices.* Practices to be included in the State program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1101.807 *Adaptation of practices.* (a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Provisions shall be made in the State program for the adaptation of practices in the county program for effective use in meeting the conservation problems in the county, consistent with recognized performance standards and program policies and requirements.

§ 1101.808 *Practice specifications.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where applicable, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. The needed liming materials, rock phosphate, and gypsum may be applied under the practice contained in § 1101.852 or under a practice which includes all of the measures essential to the successful establishment or improvement of the vegetative cover. For mechanical or construction type practices, the specifications shall include, where applicable, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

§ 1101.809 *Use of liming materials and commercial fertilizers.* (a) For practices which authofize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State committee determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State committee in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

§ 1101.810 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1101.863 and 1101.871 to 1101.883, This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1101.868, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1101.862, 1101.864, and 1101.870, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, ACPS, and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1101.855 and 1101.866. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1101.811 *Rates of cost-sharing.* (a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that:

(1) For the practices contained in §§ 1101.853 to 1101.855, 1101.866, 1101.868, 1101.869, 1101.871 to 1101.874, and 1101.883, which have long lasting conservation benefits and from which the returns to the farmer or rancher are remote, the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State may establish rates of cost-sharing in excess of 50 percent of the average cost of performing the practices.

(2) Upon justification by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and approval of the Administrator, ACPS, rates of cost-sharing in excess of 50 percent of the average cost of performing the practices may be established for other practices having long lasting conservation benefits and from which the returns to the farmer or rancher are remote.

(3) Upon justification by the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the State and county levels, the Administrator, ACPS, may approve a rate of cost-sharing for one or more additional practices in a county in excess of 50 percent of the average cost of performing the practice, but only if the increased rate of cost-sharing is essential to introduce a greatly needed new conservation practice into the county or to bring about a greatly needed increase in the extent to which the practice otherwise would be carried out.

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 1101.812 *Items of cost on which rates of cost-sharing may be based.* Except as otherwise provided by the wording of the practices or elsewhere in this subpart, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 1101.813 *State handbooks, bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1957 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1957 program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS OR RANCHES

§ 1101.814 *Opportunity for requesting cost-sharing.* Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1101.815 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started, except that for the practices contained in §§ 1101.892 and 1101.896, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording. For practices for which (a) approval was given under the 1956 Agricultural Conservation Program, (b) performance was started but not completed during the 1956 program year, and (c) the county committee believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirement of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1101.816 *Method and extent of approval.* The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1957. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started.

§ 1101.817 *Initial establishment or installation of practices.* Federal cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1101.818 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1101.819 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1101.822 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1101.823 to 1101.825, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1101.823 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1101.824 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1957 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the county committee, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The county committee determines that under the circumstances prevailing on the farm in 1957, completion of that component is a reasonable attainment in 1957 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time pre-

scribed by the county committee, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1101.825 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 1101.826 *Failure to meet minimum requirements.* Notwithstanding other provisions of the 1957 program, costs may be shared for practices treating with the establishment or improvement of vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the State committee or its designee (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

Federal Cost-Shares

§ 1101.827 *Conservation materials and services*—(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(2) Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the county committee, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1957 program will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1101.828 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1101.829 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1101.830 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the Agricultural Conservation Program and the Naval Stores Conservation Program shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00

Amount of cost-share computed—Con.	Increase in cost-share
$16 to $16.99	$6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1101.831 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1101.832 *Persons eligible to file application for payment of Federal cost-shares.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1101.833 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, 1958, or such earlier date as is prescribed by the Administrator, ACPS. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1101.834 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The county committee or State committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State committee. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

General Provisions Relating to Federal Cost-Sharing

§ 1101.835 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustained because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1101.836 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1101.837 *Practices defeating purposes of programs.* If the county committee finds, with the concurrence of the State committee, that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1101.838 *Depriving others of Federal cost-share.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which other-

wise would be due him under the 1957 program.

§ 1101.839 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.840 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.841 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1101.842, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1101.842 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1101.845 *Definitions.* For the purposes of the 1957 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means any one of the continental United States,

(d) "State committee" means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County" means parish or county.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(h) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land, and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm or ranch, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(i) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (*a*) bearing orchards and vineyards (except the acreage of cropland therein), (*b*) plowable noncrop open pasture, and (*c*) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(j) "Program year" means the period, designated in the State handbook, during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year may begin on or after July 1, 1956, and end not later than December 31, 1957.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1101.846 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1956, the powers now conferred on him by section 8 of the act.

§ 1101.847 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1958.

§ 1101.848 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (7) of this section; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms outside the continental United States.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES

CONSERVATION PRACTICES WITH ENDURING BENEFITS—WHERE PROPERLY APPLIED AND MAINTAINED

Practices Primarily for Establishment of Permanent Protective Cover

§ 1101.849 *Practice A–1: Initial establishment of a permanent vegetative cover in orchards and vineyards for control of erosion.* Volunteer stands and acreages cut for hay are not eligible for cost-sharing.

§ 1101.850 *Practice A–2: Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.* This practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. This practice is not applicabe to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of cultivated crops. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

§ 1101.851 *Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.* This practice is applicable only to land which needs such cover to retard erosion or to improve soil structure, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what would be the normal plantings of eligible crops on the farm in 1957 under the normal crop rotation for the farm. In making this determination, consideration should be given to the need for this practice on cropland which the farmer or rancher intends to divert from the production of crops for which allotments are established for the farm for 1957.

§ 1101.852 *Practice A–4: Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.* This practice is applicable only to farmland devoted in 1957 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses in 1958. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum.

§ 1101.853 *Practice A–5: Initial establishment of contour stripcropping to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 1101.854 *Practice A–6: Initial establishment of field stripcropping to protect soil from wind or water erosion.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

§ 1101.855 *Practice A–7: Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.* No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

Practices Primary for Improvement and Protection of Established Vegatative Cover

§ 1101.857 *Practice B–1: Improvement of an established vegatative cover for soil or watershed protection.* This practice is applicable only to land in permanent vegetative cover which needs more than normal maintenance measures in order to provide adequate soil or watershed protection. The improvement measures approved for cost-sharing shall be those which will extend materially the life of the vegetative cover. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover.

§ 1101.858 *Practice B–2: Improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* No Federal cost-sharing will be allowed if it is determined that the area seeded is grazed before the stand is well established.

§ 1101.859 *Practice B–3: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.* On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 1101.860 *Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.* The operation must be performed as nearly as practicable on the contour.

§ 1101.861 *Practice B–5: Constructing wells for livestock water as a means of protecting vegetative cover.* The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

§ 1101.862 *Practice B–6: Developing springs or seeps for livestock water as a means of protecting vegetative cover.* The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.863 *Practice B–7: Constructing or sealing dams, pits, or ponds as a means of protecting vegetative cover.* The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.864 *Practice B–8: Installing pipelines for livestock water as a means of protecting vegetative cover.* The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.865 *Practice B–9: Constructing permanent fences as a means of protecting vegetative cover.* This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing.

§ 1101.866 *Practice B–10: Improvement of a stand of forest trees for erosion control, watershed protection, or forestry purposes.* Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails.

The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the areas is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

Practices Primarily for the Conservation and Disposal of Water

§ 1101.868 *Practice C–1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.*

§ 1101.869 *Practice C–2: Initial establishment of permanent vegetation as protection against erosion.* Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditch banks, farm roadsides, filter strips, and field borders. Consideration should be given to choice of plants favorable to wildlife.

§ 1101.870 *Practice C–3: Initial establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.* All cultural operations must be performed as nearly as practicable on the contour.

§ 1101.871 *Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.872 *Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.873 *Practice C–6: Constructing erosion control, detention, or sediment retention dams to prevent or heal gullying or to retard or reduce runoff of water.*

§ 1101.874 *Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.*

§ 1101.875 *Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 1101.876 *Practice C–9: Constructing permanent open drainage systems to dispose of excess water.* Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way. Federal cost-sharing may be authorized for the spreading of spoil banks where this is necessary for the effective utilization of the drainage system. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring additional land into agricultural production, or for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.877 *Practice C–10: Installing underground drainage systems to dispose of excess water.* No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.878 *Practice C–11: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops.

§ 1101.879 *Practice C–12: Reorganizing irrigation systems to conserve water and prevent erosion.* The practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe.

§ 1101.880 *Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring new land into agricultural production. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 1101.881 *Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production.

§ 1101.882 *Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.* This practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

§ 1101.883 *Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.*

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION—GENERALLY REQUIRING PERIODIC REPETITION

Practices Primarily for Establishing Temporary Protective Vegetative Cover

§ 1101.885 *Practice D–1: Establishment of vegetative cover for winter protection from erosion.* A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter of 1956 or 1957 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101 886 *Practice D–2: Establishment of vegetative cover for summer protection from erosion.* A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.887 *Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.* Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the 1957 program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the green manure or cover crop.

§ 1101.888 *Practice D–4: Establishment of vegetative cover to protect cropland throughout the 1957 crop year.* This practice is applicable only to cropland which is being shifted for the entire 1957 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1957. No annual crop seeded in the fall of 1957 may be harvested for seed in 1958 if such seeding is one of the two required seedings of such annual crops. No crop may be harvested for hay or silage in 1957 and no annual crop seeded in the fall of 1957 may be harvested for hay or silage in 1958 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

Practices Primarily for the Temporary Protection of Soil From Wind and Water Erosion

§ 1101.890 *Practice E–1: Stubble mulching to improve soil permeability and to protect soil from wind and water erosion.* Tillage operations must be such as to leave sufficient crop or weed residue on the surface or mixed in the upper part of the soil to provide protection against wind and water erosion.

§ 1101.891 *Practice E–2: Initial establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under § 1101.853. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 1101.892 *Practice E–3: Wind erosion control operations in serious wind erosion areas.* Applicable only in areas where the Administrator, ACPS, upon the recommendation of the State committee and the designated representatives of the Soil Conservation Service and the Forest Service at the State level, determines there is a serious wind erosion problem for 1957. Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

Practices to Meet Special County Conservation Needs

§ 1101.894 *Practice F–1: Special conservation practices.* Consistent with the principles set forth in § 1101.801, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to review by the Administrator, ACPS, as to compliance with the provisions contained in this subpart.

§ 1101.895 *Practice F–2: County conservation practices.* Consistent with the principles set forth in § 1101.801, the Administrator, ACPS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed to the desired extent without Federal cost-sharing, (e) that the proposed practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed practice is one on which the offering of financial assistance is fully justified as being in the public interest, and (g) that the proposed practice meets the standards and requirements of comparable practices contained in this subpart. Costs will not be shared under this practice for elements of performance for which cost-sharing is specifically precluded by the wording of a similar practice or elsewhere in this subpart.

§ 1101.896 *Practice F–3: Practices to meet new conservation problems.* Consistent with the principles set forth in § 1101.801, the Administrator, ACPS, may approve for use in a county, practices for the treatment of critical conservation problems, primarily those which have arisen subsequent to the initiation of the program in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed to the desired extent without Federal cost-sharing, (e) that the offering of Federal cost-sharing for the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

Done at Washington, D. C., this 2d day of July 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56–5379; Filed, July 6, 1956; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 81]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9,

Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (lxxvi) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxvi) Lot 12, Block 39, in Deptford Township, owned and operated by Arthur and Hattie Williams.

2. New subdivisions (xii) and (xiii) are added to subparagraph (8) of paragraph (d), relating to Middlesex County in New Jersey, to read:

(xii) That part of Monroe Township lying south of Mount Mills Road, west of Spotswood Road, and northeast of County Road No. 522; and

(xiii) That part of South Brunswick Township lying north of Davidsons-Mill Road, west of Fresh Ponds Road, south of the South Brunswick Township line, and east of the High Tension line running between Davidsons-Mill Road and the South Brunswick Township line.

3. A new subdivision (xxv) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xxv) That part of New Shrewsbury Boro lying west of Hamilton Avenue and Wayside Avenue, north of Murphy Street, south of Tinton Avenue and Water Street, and east of the lane running between Water Street and Murphy Street.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 2d day of July 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5408; Filed, July 6, 1956; 8:57 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE[1]

Chapter II—Small Business Administration

PART 101—LOAN POLICY STATEMENT[2]

Sec.
101.1 Introduction.
101.2 Business loans.
101.3 Terms and conditions of loans to small business concerns.
101.4 Limited loan participation plan.
101.5 Disaster and drought loans.

AUTHORITY: §§ 101.1 to 101.5 issued under sec. 204, 67 Stat. 233; 15 U.S. C. 634. Interpret or apply sec. 207, 69 Stat. 548; 15 U. S. C. 636.

§ 101.1 *Introduction.* This general policy statement is established by the Loan Policy Board of the Small Business Administration pursuant to section 204 (d) of Public Law 163, 83d Congress (Small Business Act of 1953), as amended by Public Law 268, 84th Congress, 1st Session. It sets forth the principles and policies which will be followed by the Small Business Administration in the granting and denial of applications by small-business concerns for financial assistance. It is not intended that this General Policy Statement provide answers to all questions which may arise in connection with specific applications. This general policy statement supersedes the consolidated loan policy statement dated August 16, 1954 (19 F. R. 5440).

§ 101.2 *Business loans.* Basic principles governing and granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required credit has been obtained from:

(i) The applicant's bank of account;

(ii) If the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for, and

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit.

Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The funds required do not appear to be obtainable on reasonable terms through the public offering or private placing of securities of the applicant.

(3) The funds required do not appear to be obtainable through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth.

(4) The funds required do not appear to be obtainable without undue hardship, through utilization of the personal credit or resources of the owner, partners, management or principal shareholders of the applicant.

(5) V-loan, or other applicable Government financing, is not available to the applicant.

(b) All loans made shall be of such sound value or so secured as reasonably to assure repayment. No such loan shall be made unless there exists reasonable assurance that it can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the loan is of sound value, or is adequately secured in the judgment of the Small Business Administration. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(c) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a loan must show that a participation by a bank or other lending institution is not available; no immediate participation may be purchased unless it is shown that a deferred participation is not available.

(2) Agreements by the Small Business Administration to participate in any loan on a deferred basis shall not obligate the Administration to advance in excess of 90 percent of the balance of the loan.

(3) No agreement to participate shall establish any preferences in favor of the bank or other lending institution participating in the loan with the Small Business Administration.

(d) Financial assistance will not be granted by the Small Business Administration:

(1) If the direct or indirect purpose or result of granting such assistance would be to:

(i) Pay off a creditor or creditors of the applicant who are inadequately secured or are in position to sustain a loss, or

(ii) Provide funds for distribution or payment to the owner, partners, or shareholders of the applicant, or

(iii) Replenish working capital funds theretofore used for either of such purposes;

(2) If the purpose of the applicant in applying for such assistance is to effect a change in ownership of a business.[3]

(3) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(4) If the applicant is an eleemosynary institution;

(5) If the purpose of the loan is to finance the construction, acquisition, conversion or operation of facilities which are or will be used for recreational or amusement purposes: *Provided, however,* That this subparagraph shall not prohibit financial assistance for such facilities when they are or will be incidental and appropriate to the business of the applicant;

(6) If the applicant is a newspaper, magazine, radio broadcasting company or television broadcasting company or similar enterprise;

(7) If any substantial portion of the gross income of the applicant (or of any of its principal owners) is derived from the sale of alcoholic beverages;

(8) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling purposes;

(9) If the loan is to provide capital to an enterprise primarily engaged in the business of lending or investment;

(10) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise.

§ 101.3 *Terms and conditions of loans*—(a) *Maturities.* The maturity of each loan shall be restricted to the minimum consistent with sound business practice.[4]

(b) *Charges and interest* — (1) *Charges.* In deferred participation loans (those made by bank in which Small Business Administration has entered into an agreement with the bank to purchase thereafter a participating share in the Loan), a participation charge shall be payable by the bank to Small Business Administration for the latter's agreement to purchase a share in the loan. The participation charges shall be on a sliding scale, depending upon the percentage of the loan which Small Business Administration is obligated to purchase. Such participation charges, which shall not be reimbursable by borrower, shall be as follows:

(i) For an amount not in excess of 50 percent of the loan, 1 percent per annum on the portion of the loan which Small Business Administration is obligated to purchase;

(ii) For an amount in excess of 50 percent of the loan, but not in excess of 75 percent of the loan 1½ percent per annum on the portion of the loan which Small Business Administration is obligated to purchase; and

(iii) For an amount in excess of 75 percent of the loan but not in excess of 90 percent of the loan, 2 percent on the portion of the loan which Small Business Administration is obligated to purchase.

(2) *Interest*—(i) *Deferred and immediate participation loans.* Except as provided in subdivision (iii) of this subparagraph, interest on all loans in which the Small Business Administration participates with a bank or other lending institution, whether the participation is on a deferred or immediate basis, and whether in the first instance the bank or the Small Business Administration makes the loan in which the other purchases an immediate participation, shall not exceed 6 per cent per annum, fixed by the bank or other lending institution if not disapproved by the Small Business Administration.

(ii) *Direct loans.* Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by the Small Business Administration shall be at the rate of 6 percent per annum, except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on construction loans which may be made or participated in by the Small Business Administration to group corporations shall be at the rate of 5 percent per annum.

§ 101.4 *Limited loan participation plan.* Limited participation loans are authorized for maturity of not more than five years with a monthly repayment schedule including interest at the rate of not more than 6 percent per annum with the following limitations:

(a) The share of the Small Business Administration participation in any such loan shall not exceed $15,000 or 75 percent of the total amount of the loan whichever is the smaller.

(b) The bank shall participate to a minimum of 25 percent of the total amount of the loan which participation shall be composed of new exposure by the bank: *Provided,* That there may be included in computing the participation percentage of the bank any short-term loans or long-term loans on which payments have been made according to the original schedule if the bank participates to the extent of its present exposure and if, in the case of a short-term loan, it has been outstanding not more than six months.

(c) Emphasis shall be on the repayment ability of the borrower as determined from the record of past earnings.

(d) All such loans shall be secured; however, the participating bank shall be responsible for obtaining the pledge of collateral as well as determining the adequacy thereof. Security may include, but shall not be limited to, mortgage on real or personal property, assignment of accounts receivable or monies due on contracts, pledge of warehouse receipts, negative pledge agreements, and corporate guaranties or personal endorsements.

(e) Except as provided in this section all other provisions of this Loan Policy Statement shall apply to loans considered under the Limited Loan Participation Plan.

§ 101.5 *Disaster and drought loans.* (a) Disaster and drought loans will be considered on an individual basis in the light of circumstances of the applicant and of the particular flood, drought or other catastrophe. Such loans will be made to relieve the distress and hardships attendant upon the disasters.

(b) Interest on the Small Business Administration share of disaster and drought direct and participation loans shall be at the rate of 3 percent per annum, except that where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the Borrower, the interest rate on both Small Business Administration's share and bank's share of such loan shall be at the rate of 3 percent per annum.[5]

(c) Agreements by the Small Business Administration to participate in disaster and drought loans on a deferred basis shall not obligate the Administration to advance in excess of 90 percent of the balance of the loan.

(d) In deferred participation loans to disaster or drought victims in which the interest rate on the Bank's portion thereof is fixed at 3 percent per annum, no participation charge shall be made on the portion of such loans which the Small Business Administration is obligated to purchase. In deferred participation loans to such victims in which the interest rate on Bank's portion of the loan exceeds 3 percent per annum, Bank shall pay to Small Business Administration a participation charge of ¼ percent per annum on that portion of the loan which the Small Business Administration is obligated to purchase, which charge shall not be reimbursable by Borrower.[6]

Dated: June 29, 1956.

SMALL BUSINESS ADMINISTRATION
LOAN POLICY BOARD,
WENDELL B. BARNES,
Administrator,
Chairman.

[F. R. Doc. 56-5384; Filed, July 6, 1956; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 3]

PART 384—GENERAL ORDERS

AUTHORITY OF CUSTOMS COLLECTORS TO EXERCISE EXPORT CONTROL IN EVENT OF ENEMY ATTACK

Part 384 General orders is amended by adding a new § 384.3 to read as follows:

§ 384.3 *Authority of Collectors of Customs to exercise export control authority in event of enemy attack.* (a) Each Collector of Customs is hereby authorized and directed in the event of an enemy attack on any part of continental United States to prohibit completely or curtail to the extent deemed necessary and advisable by each Collector any exports through ports under the Collector's jurisdiction.

(b) This general authorization shall be subject to any orders or directives transmitted from the Bureau of Foreign

[1] Formerly designated as Title 13—Business Credit.

[2] Includes Loan Policy Statement, Revised as of December 31, 1955, and Amendments 1, 2, 3 thereto.

[3] Amended as of February 20, 1956 (Amendment 2).

[4] Amended as of February 20, 1956 (Amendment 3).

[5] Amended as of January 18, 1956 (Amendment 1).

Commerce of the Department of Commerce or the Bureau of Customs of the Treasury Department, either prior to or subsequent to any enemy attack.

(c) In the exercise of this authority, consideration should be given for the safety of any vessels in port, loading or having aboard export cargo, as well as the necessity for maintaining loading or unloading facilities for emergency purposes.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

Approved:

H. C. MCCLELLAN,
Assistant Secretary of Commerce for International Affairs.

[F. R. Doc. 56-5385; Filed, July 6, 1956; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

The amendments to Part 19, published in the FEDERAL REGISTER of June 22, 1956 (21 F. R. 4402), are corrected in the following respects: In the amendments to paragraph (a) (6) in §§ 19.750 and 19.785, the word "quality" is corrected to read "quantity" in the third sentence of both subparagraphs.

In § 51.11 (21 CFR (1955 Edition), Part 51), the first sentence in paragraph (b) (3) is corrected by changing the citation "paragraph (a) (3) of this section" to read "§ 51.10 (a) (3)".

Dated: July 2, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5394; Filed, July 6, 1956; 8:53 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 3-(*p*-CHLOROPHENYL)-1,1-DIMETHYLUREA

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea (also known as monuron) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 2614) are amended by changing § 120.108 to read as follows:

§ 120.108 *Tolerances for residues of 3-(p-chlorophenyl)-1,1-dimethylurea.* A tolerance of 1 part per million for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea is established in or on the following raw agricultural commodities: Asparagus, citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: July 2, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5393; Filed, July 6, 1956; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54123]

PART 75—IMPORTATION OF ARTICLES IN CONNECTION WITH THE AMERICAS' NEW FRONTIERS EXPOSITION AT OKLAHOMA CITY, OKLAHOMA, UNDER PUBLIC LAW NO. 566, 84TH CONGRESS [1]

The following regulations under Public Law No. 566, 84th Congress, approved June 4, 1956, relate to the entry of articles in connection with the Americas' New Frontiers Exposition to be held at Oklahoma City, Oklahoma, May 1, 1956, to January 1, 1958.

Sec.
75.1 Invoices; marking; bond.
75.2 Entry; appraisement; procedure.
75.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.
75.4 Detail of customs officers to protect revenue; expenses.
75.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 75.1 to 75.5 issued under sec. 7, Pub. Law 566, 84th Cong.

[1] "Any article which is imported from a foreign country for the purpose of exhibition at the Eleventh Annual Instrument-Automation (International) Conference and Exhibit (hereinafter in this Act referred to as 'exposition'), to be held at New York, New York, from September 17 to September 21, 1956, inclusive, by the Instrument Society of America, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at such exposition, upon which there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

"SEC. 2. It shall be lawful at any time during or within three months after the close of such exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law.

"SEC. 3. Imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, and accounting for, articles imported under cept when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

"SEC. 4. At any time within three months after the close of the exposition, any article entered hereunder may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such article shall be remitted.

"SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such exposition, under such regulations as the Secretary of the Treasury shall prescribe.

"SEC. 6. The Instrument Society of America, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charge for salaries of customs officers and employees in connection with the supervision, custody of, the provisions of this Act, shall be reimbursed by the Instrument Society of America, a corporation, to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

"SEC. 7. Any article which is imported from a foreign country for the purpose of exhibition at the Americas' New Frontiers Exposition to be held in connection with the celebration of the fiftieth aniversary of the admission of the State of Oklahoma into the Union, at Oklahoma City, Oklahoma, from May 1, 1956, to January 1, 1958, inclusive, by the Americas' New Frontiers Exposition, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the Americas' New Frontiers Exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe. Each provision of sections 1 to 6 inclusive of this Act shall apply with respect to the Americas' New Frontiers Exposition and all rights and privileges extended by such sections and all duties and obligations imposed thereby and each and every requirement thereof shall extend to the Americas' New Frontiers Exposition, Incorporated, which shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the authority of this section."

§ 75.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 566, 84th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The Americas' New Frontiers Exposition, Incorporated, shall give to the collector of customs at St. Louis, Missouri, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 563, 84th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 75.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Kansas City, Missouri, in the name of the Americas' New Frontiers Exposition, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the Americas' New Frontiers Exposition, Incorporated, to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Kansas City, Missouri, shall be entered for immedaite transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Kansas City, Missouri, of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. .....

Entry at the port of Kansas City, Mo., of articles consigned or transferred to the Americas' New Frontiers Exposition, Incorporated, under ..... I. T. No. ..... ex. S. S. ..... from ..... on the ..... day of ..... 19 .., for exhibition purposes under Public Law No. 566 of the 84th Congress, approved June 4, 1956.

Mark	No.	Package and contents	Quantity	Invoice value

AMERICAS' NEW FRONTIERS EXPOSITION, INC.

By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 75.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. It not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under § 75.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 75.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of this chapter.

§ 75.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151–164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 75.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at St. Louis, Missouri, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Americas' New Frontiers Exposition, Incorporated, to the Government, payment to be made monthly to the collector of customs, St. Louis, Missouri, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 75.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or ex-

posure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 566 of the 84th Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 27, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–5389; Filed, July 6, 1956; 8:52 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sales of Minerals, Restricted Indian Lands

PART 183—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

PART 186—LEASING OF TRIBAL LANDS FOR MINING

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

PART 192—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYO., FOR OIL AND GAS MINING

PART 195—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONT., FOR MINING

LEASE SALES

1. Section 183.4 is amended to read as follows:

§ 183.4 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, the Area Director shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid.

Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the Area Director the lease in completed form. The Area Director may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) In cases where any part of the bonus bid for a lease is paid directly to the Indian lessor, upon his signing the lease, the lessee must procure and file with the lease an affidavit of the lessor, sworn to before a United States Commissioner, Postmaster, Area Director, local representative of the Area Director, county or district judge, Federal judge or clerk of a Federal court, showing the amount of bonus so paid, and the balance thereof must be paid into the office of the Area Director upon filing the lease. Where possible lessees are requested to take the lessor to the nearest United States field clerk who will render all proper assistance in the execution of leases, and before whom the bonus affidavit may be executed in cases where any part of bonus consideration is paid directly to the lessor. Where leases are executed by guardians, under order of court, the affidavit of lessor may be executed before a notary public.

(c) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

2. Section 186.3 is amended to read as follows:

§ 186.3 *Sale of oil and gas leases.* (a) At such times as the Secretary of the Interior may direct, after being authorized by the tribal council, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid.

Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

3. Section 189.4 is amended to read as follows:

§ 189.4 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(35 Stat. 783; 25 U. S. C. 396)

4. Section 192.4 is amended to read as follows:

§ 192.4 *Lease sales.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(Sec. 1, 39 Stat. 519)

5. Section 195.4 is amended to read as follows:

§ 195.4 *Lease sales.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that mineral leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of mineral leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(Sec. 6, 41 Stat. 753, 44 Stat. 659)

FRED A. SEATON,
Secretary of the Interior.

JULY 2, 1956.

[F. R. Doc. 56–5366; Filed, July 6, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 170]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.41, the Cherry Point, North Carolina, area No. 2 (R–125), amended on August 12, 1955, in 20 F. R. 5850, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 35°46′30″, longitude 76°47′00″; southwesterly along the east edge of Amber Civil Airway No. 9 to latitude 34°21′40″, longitude 77°41′30″; clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54′30″, longitude 76°53′00″; to latitude 34°26′50″, longitude 77°46′35″; thence north to latitude 35°20′30″, longitude 77°40′50″; thence northeast to latitude 35°40′00″, longitude 77°23′40″; clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54′30″, longitude 76°53′00″; to latitude 35°46′30″, longitude 76°47′00″ point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 26, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–5365; Filed, July 6, 1956; 8:45 a. m.]

[Amdt. 202]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
CASPER, WYO. Natrona County, 5,348'. SBRAZ-DTV-CPR. Procedure No. 1. Amendment No. 6. Effective date: June 28, 1956. Supersedes Amendment 5, dated January 27, 1955. Major changes: Change missed approach procedure and add alternate; reduce straight-in minimums 2 engine—more than 65 knots.	Parkertown FM (final)	256—13.2	6,500	N side of E course: 076° outbound. 256° inbound. 7,000' within 10 miles.	6,500	256—6.6	T-dn C-dn *S-d Runway 25 *S-n Runway 25 A-dn	300-1 500-2 400-1 400-1½ 800-2	300-1 500-2 400-1 400-1½ 800-2	200-½ 500-2 500-1½ 500-2 800-2	Within 6.6 miles, climb to 7,500' on W course LFR or ILS within 20 miles of LFR. Alternate missed approach: When directed by ATC turn right, climb to 7,500' on N course LFR within 20 miles. *Straight-in minimums less than 500-2 authorized only when LMM operating and utilized. NOTE: 5,900' terrain 5 miles S, SW and W of airport.
	CPR VOR	170—10.9	7,000								
CORPUS CHRISTI, TEX. Cliff Mans, 42'. SBMRLZ-CRP. Procedure No. 1. Amendment No. 11. Effective date: July 28, 1956 Supersedes Amendment 10, dated March 12, 1955. Major changes: Missed approach altitude raised.	Odem FM (final)	139—10.2	800	W side of NW course: 319° outbound. 139° inbound. 1,400' within 10 miles.	800	136—2.5	T-dn C-d C-n S-d S-n 12 A-dn	300-1 400-1 400-1½ 400-1 400-1½ 800-2	300-1 500-1 500-1½ 400-1 400-1½ 800-2	200-½ 500-1½ 500-1½ 400-1 400-1½ 800-2	Within 2.5 miles, turn right and climb to 1,700' on SW (231) course within 20 miles. AIR CARRIER NOTE: Authorization for local visibility reduction and sliding scale not applicable for night landings.
	Corpus Christi BVOR	183—6.1	1,300								
OKLAHOMA CITY, OKLA. Will Rogers, 1,283'. SBRAZ-OKC. Procedure No. 1. Amendment No. 7. Effective date: July 28, 1956. Supersedes Amendment 6, September 24, 1955. Major changes: Revise altitude columns 4, 5 and 6.	Mustang FM (final)	075—7.0	2,000	S side of course: 255° outbound. 075° inbound. 2,500' within 10 miles.	2,000	078—1.4	*T-dn C-dn A-dn	300-1 400-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2	Within 1.4 miles, climb to 2,700' on E course of OKC LFR within 20 miles. *300-1 required for takeoff runways 8-26.
	Bethany Intersection	180—6.7	2,500								
	Oklahoma City VOR	102—6.9	2,500								
	Radar transition altitudes within 20 nautical miles of Will Rogers Field: 0-90°—3,800', 90-180°—2,700', 180-360°—2,800'.										

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4		6	7	8	9	10	11	12
CORPUS CHRISTI, TEX. Cliff Maus, 42'. BVOR-CRP. Procedure No. 1. Amendment No. 3. Effective date: July 28, 1956. Supersedes Amendment 2, dated March 12, 1956. Major changes: Revise missed approach altitude	Corpus Christi, LFR	003—6.1	1,300	W side of course: 349° outbound. 169° inbound. 1,400' within 10 miles.	900	169—7.8	T-dn C-d C-n A-dn	300-1 700-1 700-1½ 800-2	300-1 700-1 700-1½ 800-2	200-½ 700-1½ 700-2 800-2	Within 7.8 miles turn right, climb to 1,700' on radial 229 within 20 miles. CAUTION: 360' antenna 2.1 miles NE of airport. AIR CARRIER NOTE: Authorization for local visibility reduction and sliding scale not applicable for night landings.
MASON CITY, IOWA. Mason City, 1,216'. BVOR-MCW. Procedure No. 1. Amendment No. 4. Effective date: July 28, 1956. Supersedes Amendment 3, dated May 5, 1954. Major changes: (1) Transition deleted from Mason City "H"; (2) new form on conversion to knots; (3) columns 5 and 7 courses and distances revised; (4) column 12 revised.				E side of course: 176° outbound. 356° inbound 2,200' within 10 miles.	1,700	356—3.4	T-dn C-dn S-dn 35 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 3.4 miles, climb to 2,800' on 353R outbound within 20 miles. CAUTION: Tower 1,453' mean sea level 3.1 miles E of airport. Tower 1,580' mean sea level 4.5 miles W of airport. Tower 1,755' mean sea level 12.5 miles NNE.
WALNUT RIDGE, ARK. Municipal, 275'. BVOR-DTV-ARG. Procedure No. 1. Amendment No. 2. Effective date: July 28, 1956. Supersedes Amendment 1, dated April 2, 1955. Major changes: Delete straight-in minima.				S side of course: 238° outbound. 058° inbound. 1,500' within 10 miles.	1,000	058—1.1	T-dn C-dn A-dn	300-1 400-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2	Within 1.1 miles climb to 1,500' on radial 058° within 20 miles.

3. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceilings and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
SAN FRANCISCO, CALIF. International, 11'. TVOR-SFO. TVOR-19 L/R. Amendment No. 1. Effective date: June 28, 1956. Supersedes original, dated June 9, 1956. Major changes: Change name of Newark FM/HW to Fremont FM/HW; correct distances column 3.	Stinson Beach Intersection	105—17.7	2,500	E side of course: 011° outbound. 191° inbound. Or Teardrop type: 036° outbound. 191° inbound. 1,000' within 5 miles. Beyond 5 miles (N of VSF 301-R) not authorized.	500	191 Final approach course parallel and between runways 19 L/R	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 600-1½ 500-1 800-2	Immediate left climbing turn to 2,000' on 101° radial from SFO TVOR within 10 miles. Circling minimums do not provide standard clearance W and SW of airport. This approach predicated on radar monitoring. *300-1 required for takeoff runway 19 L/R.
	Half Moon Bay Intersection	018—10.0	3,000								
	Richmond VHF Intersection	161—18.5	2,500								
	VSF VOR	288—22.9	2,500								
	Fremont FM/HW	263—16.5	2,500								
	Oak VOR to Intersection 224° radial OAK and 011° radial SFO.	224—3.4	2,000								
	Intersection of 224° radial OAK VOR and 011° radial SFO TVOR (final).	191—6.2	500								
SAN FRANCISCO, CALIF. International, 11'. TVOR-SFO. TVOR-28 L/R. Amendment No. 1. Effective date: June 28, 1956. Supersedes Original, dated June 9, 1956. Major changes: Change name of Newark FM/HW to Fremont FM/HW; correct distances column 3; missed approach altitude changed.	Stinson Beach Intersection	105—17.7	2,500	No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern (1 minute, left turns, 2,000' minimum altitude); final approach course: 101° outbound, 281° inbound.	400	281 Final approach course parallel and between runways 28 L/R	T-dn C-dn S-dn A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	*200-½ 600-1½ 400-1 800-2	Climb to 3,000' on 292° radial from SFO TVOR within 20 miles. Circling minimums do not provide standard clearance W and SW of airport. *300-1 required for takeoff runway 19 L/R.
	Half Moon Bay Intersection	018—10.0	3,000								
	Richmond VHF Intersection	161—18.5	2,500								
	VSF VOR	288—22.9	2,500								
	OAK VOR	203— 9.3	2,500								
	Fremont FM/HW	263—16.5	2,500								
	VSF VOR to SFO LOM (final).	291—17.0	1,700								

4. The very high frequency omnirange distance measuring equipment (VOR/DME) procedures prescribed in § 609.9 are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.

If a VOR-DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

Oklahoma City, Okla.; Will Rogers Field Airport; elevation 1,283'; facility BVOR-DME; identification OKC; Amendment No. 2; effective date July 28, 1956; supersedes Amendment No. 1, dated November 12, 1955.

Transition to facility or transition to DME orbit: From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	Procedure turn, side of approach radial; altitudes; limiting distances	Minimum altitude on approach radial: From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	Procedure No., direct or right or left turn to final approach orbit Runway No.	Minimum altitude on final approach orbit: From radial	To radial	Minimum altitude (ft.)	Condition	Ceiling and visibility minimums: Two engines or less: 65 knots or less	Two engines or less: More than 65 knots	More than two engines: More than 65 knots	If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
DME not required for Procedure No. 1.				S side 277°, 2,500' within 10 miles.	10 0	0 8.1	277 097	2,000 1,800 final	Procedure No. 1 direct to airport runway 12.	------	------	------	T-dn C-dn S-dn 12 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1 800-2	Within 8.1 miles, climb to 2,700' on radial 97° within 20 miles.
					20 15	15 8.9	100 100	2,700 1,700 final	Procedure No. 2 back course to runway 30.	------	------	------	T-dn C-dn S-dn 30 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	*200-½ 500-1½ 400-1 800-2	Within 8.9 miles, climb to 3,100' on N course of OKC ILS (350° outbound) within 20 miles.
				S side 277°, 2,500' within 10 miles.	10 0	0 8.6	277 068	2,000 1,900	Procedure No. 3 right 8.6, runway 17.	068	096	1,700	T-dn C-dn S-dn 17 A-dn	300-1 400-1 400-1 800-1	300-1 500-1 400-1 800-2	*200-½ 500-1½ 400-1 800-2	After passing radial 096° turn left, climb to 2,700' on radial 097° within 20 miles.
				S side 277°, 2,500' within 10 miles.	10 0	0 8.7	277 068	2,000 1,900	Procedure No. 4 right 8.7, runway 21.	068	096	1,700	T-dn C-dn S-dn 21 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	*200-½ 500-1½ 400-1 800-2	After passing radial 096°, turn right, climb to 3,100' on N course OKC ILS (350° outbound) within 20 miles.
				S side 277°, 2,500' within 10 miles.	10 0	0 8.3	277 133	2,000 1,900	Procedure No. 5 left 8.3, runway 3.	133	101	1,800	T-dn C-dn S-dn 03 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1 800-2	After passing radial 101° turn right, climb to 2,700' on radial 097° within 20 miles.
				S side 277°, 2,500' within 10 miles.	10 0	0 9.0	277 133	2,000 1,900	Procedure No. 6 left 9.0, runway 35.	133	103	1,800	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1 800-2	After passing radial 103° climb to 3,100' on N course of OKC ILS (350° outbound) within 20 miles.
10	8.6	068	1,900	------	------	------	------	------	Procedure No. 7 left 8.6, runway 17.	068	096	1,700	T-dn C-dn S-dn 17 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	*200-½ 500-1½ 400-1 800-2	After passing radial 096°, turn left, climb to 2,700' on radial 097° within 20 miles.
10	8.7	068	1,900	------	------	------	------	------	Procedure No. 8 left 8.7, runway 21.	068	096	1,700	T-dn C-dn S-dn 21 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	*200-½ 500-1½ 400-1 800-2	After passing radial 096°, turn left, climb to 2,700' on radial 097° within 20 miles.
10	9.0	133	1,900	------	------	------	------	------	Procedure No. 9 right 9.0, runway 35.	133	103	1,800	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 400-1 800-2	After passing radial 103°, climb to 3,100' on N course of OKC ILS (350° outbound) within 20 miles.
10	8.3	133	1,900	------	------	------	------	------	Procedure No. 10 right 8.3, runway 3.	133	101	1,800	T-dn C-dn S-dn 03 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1 800-2	After passing radial 101°, turn right, climb to 2,700' on radial 097° within 20 miles.

Major changes: Revise altitudes columns 9 and 13. Revise minima columns 15, 16, and 17.
*300-1 required on runways 8-26.
NOTE: When authorized by ATC, DME may be used within 10 nautical miles at 2,400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS Instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure for such aircraft authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course; outbound and inbound tracks; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to MAP-proach end of runway at—		Ceiling and visibility minimums			
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)
										65 knots or less	More than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12	13
JACKSONVILLE, FLA. Imeson, 52'. ILS-JAX. LOM-JAX. Combination ILS and ADF. Procedure No. 1. Amendment No. 13. Effective date: June 28, 1956. Supersedes Amendment 12, dated May 26, 1956. Major changes: Add transition and radar procedure turn altitudes. Revise caution note and radar transition procedure.	Carl's Intersection	LMM	224—5.2	1,900	N side of SW course; 226° outbound, 044° inbound. 2,000' within 4.3 miles of LOM. Beyond 4.3 miles not authorized.	1,900	ILS 1,200	1,170—4.0	T-dn	300-1	300-1	200-½
	JAX LFR	LMM	252—3.0	1,300					C-dn	400-1	500-1	500-1½
	JAX VOR	LMM	241—5.2	1,300			ADF 880 over LOM		S-dn 5 ILS	200-½	200-½	200-½
	Bryceville Intersection (LF).	LMM	095—13.4	1,300					ADF	400-1	400-1	400-1
	Bryceville Intersection (VHF).	LMM	102—15	1,200	Procedure turn nonstandard and limited to 4.3 miles due restricted area. #CAUTION: 995' mean sea level tower 4.3 miles SE of LOM.	1,200			A-dn ILS	600-2	600-2	600-2
	Sunbeam Intersection (LF).	LMM	321—12.8	2,000					ADF	800-2	800-2	800-2
	Sunbeam Intersection (VHF).	LMM	330—13.4	2,000								
	Blue Jacket Intersection	LMM	328—12.2	2,000								
	Callahan Intersection	LMM	160—7.8	1,200								
	Radar terminal area transition altitude 1,500' within 25 nautical miles except 2,000' required when within 3 miles of 063° course 4.3 miles SE of LOM radar control must provide 3 miles separation from restricted area 161.											
TULSA, OKLA. Municipal, 674'. ILS-TUL. LOM-TUL. Procedure No. 1. Amendment No. 4. Combination ILS and ADF. Effective date: July 28, 1956. Supersedes Amendment 3, May 14, 1955. Major changes: Delete air carrier notes.	Intersection SE course LFR and 250° bearing to LOM.	LOM	250—10.2	2,100	E side of S course: 154° outbound, 334° inbound. 2,400' within 10 miles. Beyond 10 miles not authorized.	2,100	ILS 2,400	2,360—5.3	T-dn	300-1	300-1	#300-½
									C-dn	400-1	500-1	500-1½
	TUL VOR	OM	165—11.1	2,200					S-dn 33R ILS	*200-½	*200-½	*200-½
	TUL LFR	LOM	182—7.2	2,200			ADF 880 over LOM		ADF	400-1	400-1	400-1
	Red Fork FM	LOM	073—7.6	2,400					A-dn ILS	600-2	600-2	600-2
	Skiatook FM	LOM	140—20.0	2,400					ADF	800-2	800-2	800-2
	Verdigris River FM	LOM	299—14.2	2,200								

Climb to 1,600' on N course, ILS within 20 miles, 5.3 miles after passing LOM (ADF), climb to 1,900' on course of 334° within 20 miles. Caution: 1,100' tower 2 miles NW of LOM.
NOTES: *400-3/4 required when glide slope not utilized.
#300-1 required on runways 3L, 21R, 17R, 35L.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5040; Filed, July 6, 1956; 8:58 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R. 156]

[Order 189]

PART 1—RULES OF PRACTICE AND PROCEDURE

TYPEWRITTEN FORM

The Commission has under consideration in this proceeding the amendment of § 1.15 (c) (1) of its rules of practice and procedure (18 CFR 1.15 (c) (1)). The purpose of this amendment is to permit typewritten pleadings, documents, or other papers filed in proceedings before the Commission to be typed or otherwise impressed on both sides of the paper where they are more than four pages in length.

It appears that adoption of such an amendment is a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds the amendment hereinafter adopted is appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act and to aid in the discharge of the Commission's duties under other statutory provisions and executive orders conferring powers or duties upon the Commission.

The Commission, acting pursuant to the authority vested in it by law including sections 308 and 309 of the Federal Power Act (49 Stat. 858, 16 U. S. C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act (52 Stat. 829, 830, 15 U. S. C. 717n, 717o) orders: § 1.15 (c) (1) is hereby amended by inserting in the second sentence thereof after the words "one side of the paper" the following: ", unless there are more than four pages, ".

As so amended § 1.15 (c) (1) will read as follows:

(c) *Form—(1) Typewritten.* Pleadings, documents, or other papers filed in proceedings, if not printed, shall be typewritten on paper cut or folded to letter size, 8 to 8½ inches wide by 10½ to 11 inches long, with left-hand margin not less than 1½ inches wide and other margins not less than 1 inch. The impression shall be on only one side of the paper, unless there are more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Mimeographed, multigraphed, hectographed, or planographed copies will be accepted as typewritten, provided all copies are clearly legible.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 170 *o*)

Issued: July 6, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5382; Filed, July 6, 1956; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

AMENDMENT OF DETERMINATION REGARDING CLEANING AND PREPARING OF CERTAIN GRASS AND FORAGE SEEDS

In a determination published in the July 23, 1940, issue of the FEDERAL REGISTER (5 F. R. 2640) it was found that the cleaning and preparing of certain specified grass, clover and other forage seed crops in cleaning plants engaged primarily in such cleaning and preparing is a branch of an industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938.

Applications were filed, under § 526.5 of the regulations (29 CFR Part 526), by the Southern Seedmen's Association, Northrup, King and Company, and by other parties for the amendment of that determination to include the cleaning and preparation of additional seeds. Upon consideration of the facts stated in the applications the Administrator determined that a prima facie case had been shown for the amendment of the determination made on July 23, 1940, to include the cleaning and preparing of all varieties of alfalfa, bermuda grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, sudan grass, vetch and wheat grass seeds. The Administrator also stated that it appeared desirable to incorporate into this determination the determination issued on March 19, 1940, for the cleaning and processing of redtop seed (5 F. R. 1096), and the determination issued on March 21, 1940 for the cleaning, bagging, and handling in cleaning plants of sugar beet seed (5 F. R. 1117). This preliminary determination was published in the FEDERAL REGISTER on March 10, 1956 (21 F. R. 1543), and interested persons were given a period of 15 days in which to submit objections and to request a hearing.

No request for hearing or objection to the preliminary determination has been received.

One request was made for the revision of the determination which inadvertently did not include the curing of bluegrass seed at curing yards. Bluegrass seed is received directly from farmers immediately after harvesting and is cured by country cleaning plants (in curing yards located some distance from the plants) before cleaning operations take place in the plants. Operations at such curing yards are clearly within the industry and do not affect the finding that the industry is seasonal in nature within the meaning of the regulations.

A request was also made to include timothy and brome grass seeds in the group specified in the preliminary determination. In the absence of sufficient information to justify the inclusion of these seeds, action on this request is deferred until such information is received.

Accordingly, pursuant to authority under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and as provided in § 526.6 (b) (2) of the regulations (29 CFR Part 526), the determination of July 23, 1940, is amended as proposed in the preliminary determination except as herein modified to specifically include the curing of bluegrass seed at curing yards.

As amended, the determination applies to the receiving, cleaning and preparing of all varieties of alfalfa, Austrian winter peas, bermuda grass, bent grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, redtop, ryegrass, sudan grass, sugar beet, vetch and wheat grass seeds by country cleaning plants primarily engaged in such cleaning and preparing, and at bluegrass seed curing yards; the receiving, cleaning and preparing of other kinds of seeds by such plants; and any operations or services necessary or incident to the foregoing, including packing and shipping, during the period or periods when seeds are being received, cleaned and prepared.

For the purpose of this determination, the term "cleaning and preparing" means curing, cleaning, purifying, sorting, drying, grading and otherwise conditioning seed for planting purposes. The term "country cleaning plant primarily engaged in such cleaning and preparing" means a seed cleaning and preparing establishment in which all the seeds cleaned and prepared are received directly from farmers or farm assemblers (and no part of which is shipped from other cleaning plants), and in which the specifically named seeds either individually or in combination constitute 75 percent or more of the seeds cleaned and prepared.

Since the cleaning and preparing of grass, clover, and other forage seed crops, specified herein, will have commenced at the time this amendment is published, I find good cause to waive the 30-day period provided in § 526.10 of the regulations, and this amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 52 Stat. 1063, as amended; 29 U. S. C. 207)

Signed at Washington, D. C., this 3d day of July 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-5386; Filed, July 6, 1956; 8:51 a. m.]

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS

After conferences with interested persons and on examination of available evidence, including an economic study of the trade, notice was published in the FEDERAL REGISTER (20 F. R. 8425) on November 10, 1955 that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 779, Code of Federal Reg-

ulations (29 CFR Part 779). Interested persons were given 30 days in which to submit views, arguments or data on the proposal.

Comments have been received from several interested persons. After consideration of all relevant matter presented, I conclude that the proposal should be adopted except for changes which may be noted in §§ 779.36 (b) (3) (a), 779.36 (b) (3) (b), 779.36 (b) (4) (b) and by the addition of § 779.36 (c).

Accordingly, pursuant to General Order No. 45–A (15 F. R. 3290) and under its authority, Part 779 of Title 29, Code of Federal Regulations is amended by adding § 779.36 to read as follows:

§ 779.36 *Application of the 13 (a) (2) exemption to the automotive trade.* (a) It is the purpose of this section to show generally how the principles governing the application of the section 13 (a) (2) exemption apply to establishments engaged in the sale of automobiles, trucks, parts, accessories and repair services.

(b) All sales of automobiles, trucks, automobile parts, accessories, servicing and repair work will be considered retail except those set out below:

(1) Sales for resale: For example, sales for resale include sales to garages, service stations, repair shops and automobile dealers where these establishments resell the various items or where they use them in repairing customers' vehicles or in reconditioning used cars for resale. However, this does not apply to transfers of such items between departments within the dealer's establishment. Thus, transfers of parts from the parts department to the service department of the automobile dealer's establishment are not sales to the service department and are not, therefore, sales for resale. Such transfers from one department to another will be disregarded in computing the establishment's sales for determining the applicability of the 13 (a) (2) exemption. So also accommodation transfers of automobiles between dealers will be disregarded in computing the establishment's sales under section 13 (a) (2). Accommodation transfers refer to occasional exchanges or transfers of automobiles between dealers and not to situations wherein a dealer supplies cars to other dealers as part of what may be described as a distribution system.

(2) Sales made pursuant to a formal invitation to bid: Such sales are made under a procedure involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications. Sales to the Federal, State, and local governments are typically made in this manner.

(3) Fleet sales:

(i) *Automobiles and trucks.* Sales of automobiles and trucks to national fleet accounts as designated by the various automotive manufacturers, at fleet discounts, and sales to other fleet accounts (customers operating five or more automobiles or trucks for business purposes) at discounts equivalent to those provided in sales to national fleet owners.

(ii) *Automotive parts and accessories.* Sales of parts and accessories to fleet accounts (customers operating five or more automobiles or trucks for business purposes) at wholesale prices. Wholesale prices are prices equivalent to, or less than, those typically charged on sales for resale.

(4) Sales of specialized heavy motor vehicles or bodies (16,000 pounds and over gross vehicle weight): The following is a complete list of these items:

(i) Single unit trucks:

Armored (money carrying).
Buses (integral).
Coal.
Drilling.
Dump.
Hook and ladder (fire department).
Chemical wagons (fire department).
Garbage.
Mixer.
Refrigerator.
Rotary snowplow.
Special public utility.
Street cleaning.
Tank.
Wrecker.

(ii) Full trailers and semitrailers (tractor and semitrailer and truck and trailer combinations):

Auto carrier.
Coal.
Dump.
Garbage.
House carrier.
Low bed carry all.
Pole (lumber).
Refrigerator.
Tank.
Van.

(5) Sales of servicing and repair work performed under a fleet maintenance arrangement on trucks and other automotive vehicles whereby the establishment undertakes to maintain a customer's fleet at a price below the prevailing retail price.

(c) If 50 percent or more of the establishment's annual dollar volume of sales of goods and services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 26th day of June 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-5369; Filed, July 6, 1956; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1956

JULY 1, 1956.

§ 129.19 *Calendar year, 1956.* * * *

(c) *Quarter beginning July 1, 1956.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1956, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law 1367 effective Oct. 19, 1951.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15½ grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[F. R. Doc. 56–5391; Filed, July 6, 1956; 8:52 a. m.]

PART 786—MISCELLANEOUS EXEMPTIONS

SUBPART A—CARRIERS BY AIR

ENFORCEMENT POLICY CONCERNING PERFORMANCE OF NONEXEMPT WORK

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611) and General Order No. 45–A (15 F. R. 3290), Title 29, Code of Federal Regulations, Part 786, § 786.1 is hereby amended to read as follows:

§ 786.1 *Enforcement policy concerning performance of nonexempt work.* The Division has taken the position that the exemption provided by section 13 (b) (3) of the Fair Labor Standards Act of 1938, as amended, will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 26th day of June 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-5369; Filed, July 6, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–24]

DMO I–24—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE SMALL BUSINESS ADMINISTRATION

Introduction. The purpose of this Defense Mobilization Order is to assign certain mobilization functions to the Small Business Administration, to clarify the relationship of the Small Business Administration to other departments and agencies having assigned mobilization functions, and to provide for measures designed to broaden the mobilization base.

1. The Small Business Administration, pursuant to the Small Business Act of 1955, is concerned with the welfare of small business in all areas of activity and empowered to coordinate and ascertain the means by which the productive capacity of small business concerns can be most effectively utilized for war or defense production.

Statement of policy. 2. It is the policy of the Federal Government that:

a. Mobilization planning and operating responsibilities will be assigned to the departments and agencies regularly charged with similar peacetime functions;

b. These departments and agencies, before issuing orders or policies significantly affecting small business, will consult with the Small Business Administration in order that small business enterprises may make the fullest possible contributions to the mobilization program;

c. These departments and agencies will extend appropriate mobilization programs to the small business sector of the economy and the Small Business Administration will make its facilities available to the other departments and agencies in extending their mobilization programs to all segments of small business.

Assignment of responsibilities. By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 14, 1953; and in order to facilitate the development and coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it is hereby ordered:

3. The Administrator of the Small Business Administration will be responsible for developing and recommending plans and programs designed to assure the maximum utilization of the productive facilities and capabilities of small business concerns in carrying out mobilization programs, including mobilization under conditions of attack on the United States.

Specifically the Administrator of the Small Business Administration shall:

(a) Obtain information on the productive capabilities of small business to contribute to mobilization programs;

(b) Consult and cooperate with other delegate agencies in developing mobilization plans and procedures designed to bring the productive facilities of small businesses to bear on mobilization requirements;

(c) Assist other delegate agencies in providing guidance and leadership to small businesses in taking necessary actions to insure their ability to participate in mobilization readiness programs;

(d) Develop and maintain specific plans to assure the continuity of the essential functions of the Small Business Administration in the event of attack on the United States; and

(e) Cooperate with the Office of Defense Mobilization in developing a method of assessing the damage sustained by the small business productive facilities of the Nation in the event of attack and the capacity remaining available for mobilization purposes.

4. The above measures will be undertaken on a basis consistent with defense mobilization assumptions, objectives and responsibilities for the Government as a whole. To assure such consistency and coordinated planning, proposed measures and programs will be developed in consultation with the appropriate delegate agencies and will be submitted to the Director of the Office of Defense Mobilization for review and approval. Periodic reports of progress shall be submitted as requested.

5. This order shall not affect any delegation of authority heretofore conferred upon the Small Business Administrator.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–5363; Filed, July 6, 1956; 8:45 a. m.]

Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Regulation No. 1, Direction 7 of July 6, 1956]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 7—RESTRICTIONS ON STEEL SHIPMENTS BY DISTRIBUTORS AND ACCEPTANCE OF DELIVERIES

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Prohibition on shipments and acceptance of deliveries.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I–7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this direction does.* The purpose of this direction is to reduce disruption to the national defense program resulting from the work stoppage in the steel producing industry. This will be accomplished by prohibiting shipments by distributors and acceptance of deliveries of specified kinds of steel controlled materials for other than defense and atomic energy orders.

SEC. 2. *Prohibition on shipments and acceptance of deliveries.* From the ef-

fective date of this direction until a date to be specified in an amendment to or by revocation of this direction, no person shall accept delivery of steel controlled materials in the forms and shapes as indicated in Schedule I of this direction (except such steel which was in transit to him or for his account on the effective date of this direction) from a steel distributor as defined in BDSA Order M–1A, unless such steel was ordered pursuant to an authorized controlled material order. No such steel distributor shall make shipment of such steel if he knows or has reason to believe that its acceptance will constitute a violation of the provisions of this section.

This direction shall take effect July 6, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. McCOY,
Acting Administrator.

SCHEDULE I OF DIRECTION 7 TO DMS REGULATION NO. 1

FORMS AND SHAPES OF STEEL CONTROLLED MATERIALS

Aircraft quality steel:
All forms and shapes.
Nickel-bearing stainless steel:
All forms and shapes[1] except ingots, blooms, billets, slabs, tube rounds, sheet bars, wire rods.
Alloy steel (except stainless steel):
All forms and shapes[2] except ingots, blooms, billets, slabs, tube rounds, sheet bars, wire rods.
Carbon steel:
Plate[2] except floor plate, abrasion resistant plate, and plate less than one-half inch in thickness.

[F. R. Doc. 56–5448; Filed, July 6, 1956; 11:14 a. m.]

[1] May be shipped and delivery accepted if 500 pounds or less for each form or shape.
[2] May be shipped and delivery accepted if 2,000 pounds or less for each form or shape.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

NARRAGANSETT BAY, R. I.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 41), § 202.145 defining and establishing anchorage grounds for vessels in Narragansett Bay, Rhode Island, is hereby amended redefining and extending an anchorage area in East Passage off the west shore of Aquidneck Island, as follows:

§ 202.145 *Narragansett Bay, R. I.*—(a) *East Passage.* * * *

(2) *Anchorage B.* Off the west shore of Aquidneck Island from Coasters Harbor Island to north Coggeshall Point, northeast of a line ranging 303° from the north end of the breakwater west of Coasters Island toward torpedo range buoy 1; east of a line ranging 19° from the easternmost of the Dumplings through Dyer Island North Point Shoal lighted bell buoy 12A to latitude 41°36'16", longitude 71°17'48", thence northeast to latitude 41°36'53", longitude 71°17'07.5", thence east to latitude 41°36'53", longitude 71°16'40", thence southwesterly to latitude 41°35'54", longitude 71°17'17.5", thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the area between the south limit of the cable area to Gould Island and latitude 41°32'15", the area between latitude 41°33'12", and latitude 41°33'30", which parallels pass through points 490 yards south and 117 yards north of the north end of Midway Pierhead, respectively; and the cable area in the vicinity of Coggeshall Point.

(i) In this area the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for making anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

* * * * *

[Regs., 21 June 1956, 800.212 (Narragansett Bay, R. I.)–ENGWO]

(Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56–5364; Filed, July 6, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

SERVICES PROVIDED BY RAILROADS

In § 92.8 *Services provided by railroads* (20 F. R. 10099), amend the last sentence of subdivision (i) of paragraph (d) (2) to read as follows: "Claims for pay covering the months following that in which changes in mileage distances occurred shall properly reflect the revised mileage distances."

(R. S. 161, 396, as amended; secs. 1, 5, 39 Stat. 419, 425–431; 5 USC 22, 369, 39 USC 523–541, 542–568)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56–5372; Filed, July 6, 1956; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 15–2; FCC 56–615]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES.

POWER LINE INTERFERENCE LIMIT AND CERTIFICATION REQUIREMENT WITH RESPECT TO NEW MODEL TELEVISION RECEIVERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1956;

The Commission having under consideration a request from the Radio-Electronics - Television Manufacturers Association to extend the time within which television receivers must comply with the power line interference limits of Part 15 of the Rules governing Incidental and Restricted Radiation Devices; and

It appearing that § 15.68 (c) of the Rules provides that the power line interference limit and the certification requirement with respect thereto shall be met by all new models of television broadcast receiver chassis placed in production after June 30, 1956, and by all television broadcast receivers manufactured after December 31, 1956; and

It further appearing that a series of tests conducted by the Institute of Radio Engineers and the Radio-Electronics-Television Manufacturers Association on sample receivers under various conditions and in various locations resulted in reasonably good correlation on frequencies below 3 Mc but resulted in wide variations (from 6 db. to 16 db.) on frequencies between 3 and 25 Mc; and

It further appearing that this large variation does not allow the determination of compliance with the Commission's power line interference limit with sufficient accuracy; and

It further appearing that the manufacturers have been making reasonable efforts to meet the power line interference limitations of Part 15; and

It further appearing that the public interest would be served by granting an extension of time to allow a suitable solution of the measurement problem; and

It further appearing that in view of the time element involved compliance with the notice provisions of section 4 of the Administrative Procedures Act would be impracticable, and that because the amendment relieves a restriction, it may be made effective immediately;

It is ordered, That pursuant to the authority of section 4 (i), 301 and 303 (f) of the Communications Act, § 15.68 (c) of the Commission's rules is amended as set forth below, effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: July 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The provisions of § 15.68 (c) of the Commission's rules are amended to revise the effective date of the rules with respect to the power line interference limit on frequencies between 3 and 25 Mc applicable to television broadcast receivers.

As amended § 15.68 (c) reads as follows:

(c) The power line interference limit and the certification requirement with respect thereto shall be met by all new models of television broadcast receiver chassis placed in production after June 30, 1956, and by all television broadcast receivers manufactured after December 31, 1956: *Provided, however,* That this limit and certification thereof for frequencies between 3 and 25 Mc shall be met by all new models of television broadcast receiver chassis placed in production after December 31, 1956, and by all television broadcast receivers manufactured after June 30, 1957.

[F. R. Doc. 56–5397; Filed, July 6, 1956; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

MISCELLANEOUS AMENDMENTS

Basis and purpose. On the basis of showings in the salmon runs in Bristol Bay and to facilitate enforcement, it has been determined that the following actions are justified.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Notwithstanding the provisions of paragraph (a) of § 104.5, fishing will be allowed 3 days per week in the Naknek-Kvichak district and 2 days per week in the Nushagak district commencing Thursday, July 5, 1956.

2. Section 104.5 is amended in paragraph (b) in the third sentence of text to read as follows: "When the allowable fishing time is between 2 days and 4 days, fishing will commence at 9 o'clock antemeridian Monday and 9 o'clock antemeridian Thursday and will be continuous thereafter for one-half of the total time allowed."

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 5, 1956.

[F. R. Doc. 56–5435; Filed, July 5, 1956; 5:13 p. m.]

PART 130—HIGH SEAS SALMON FISHERY

Basis and purpose. The red salmon runs of Bristol Bay, once the most important in the world, are seriously depleted, yielding only about one-third their former production. As a consequence, severe regulations have been imposed on the established fishery, greatly restricting the number of fishing boats and fishing time. These measures have been necessary to reserve a breeding population and prevent further depletion.

It has been determined that a fishery beyond the Territorial waters of Alaska and not subject to existing protective regulations, would nullify such conservation measures and cause irreparable damage to the already depleted red salmon runs to Bristol Bay. It was learned on July 3 that such high seas fishing was planned by certain operators, although there has been adequate notice at public hearings, in trade journals, and press notices that such fishing would be prohibited, and it was generally accepted by all segments of the Alaska fishing industry.

The United States Section of the International North Pacific Fisheries Commission has recommended that fishing for salmon on the high seas off the Alaska coast, except by trolling, be prohibited. Furthermore, the Chairman of the U. S. Section, by telephone July 4, urged emergency action to provide this protection to the Bristol Bay runs now.

Since an emergency has arisen and immediate action is necessary, further notice and public procedure on these regulations are impracticable and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 54 U. S. C. 1001 et seq.).

A new part, designated Part 130, is added to read as follows:

§ 130.1 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, on the high seas north of the Alaska Peninsula east of 162 degrees west longitude, including Bristol Bay.

(Sec. 12, 68 Stat. 700; 16 U. S. C. 1031)

FRED A. SEATON,
Secretary of the Interior.

JULY 5, 1956.

[F. R. Doc. 56–5449; Filed, July 6, 1956; 10:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CLAIM OF RIGHT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under parts V and VI of subchapter Q of chapter 1 of the Internal Revenue Code of 1954:

Sec.
1.1341 Statutory provisions; computation of tax where taxpayer restores substantial amount held under claim of right.
1.1341–1 Restoration of amounts received or accrued under claim of right.
1.1342 Statutory provisions; computation of tax where taxpayer recovers substantial amount held by another under claim of right.
1.1342–1 Computation of tax where taxpayer recovers substantial amount held by another under claim of right; effective date.
1.1346 Statutory provisions; recovery of unconstitutional Federal taxes.
1.1346–1 Recovery of unconstitutional taxes.
1.1347 Statutory provisions; claims against United States involving acquisition of property.
1.1347–1 Tax on certain amounts received from the United States.

CLAIM OF RIGHT

§ 1.1341 *Statutory provisions; computation of tax where taxpayer restores substantial amount held under claim of right.*

SEC. 1341. *Computation of tax where taxpayer restores substantial amount held under claim of right*—(a) *General rule.* If—

(1) An item was included in gross income for a prior taxable year (or years) because it appeared that the taxpayer had an unrestricted right to such item;

(2) A deduction is allowable for the taxable year because it was established after the close of such prior taxable year (or years) that the taxpayer did not have an unrestricted right to such item or to a portion of such item; and

(3) The amount of such deduction exceeds $3,000,

then the tax imposed by this chapter for the taxable year shall be the lesser of the following:

(4) The tax for the taxable year computed with such deduction; or

(5) An amount equal to—

(A) The tax for the taxable year computed without such deduction, minus

(B) The decrease in tax under this chapter (or the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the exclusion of such item (or portion thereof) from gross income for such prior taxable year (or years).

For purposes of paragraph (5) (B), the corresponding provisions of the Internal Revenue Code of 1939 shall be chapter 1 of such code (other than subchapter E, relating to self-employment income).

(b) *Special rules.* (1) If the decrease in tax ascertained under subsection (a) (5) (B)

exceeds the tax imposed by this chapter for the taxable year (computed without the deduction) such excess shall be considered to be a payment of tax on the last day prescribed by law for the payment of tax for the taxable year, and shall be refunded or credited in the same manner as if it were an overpayment for such taxable year.

(2) Subsection (a) does not apply to any deduction allowable with respect to an item which was included in gross income by reason of the sale or other disposition of stock in trade of the taxpayer (or other property of a kind which would properly have been included in the inventory of the taxpayer if on hand at the close of the prior taxable year) or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. This paragraph shall not apply if the deduction arises out of refunds or repayments made by a regulated public utility (as defined in section 1503 (c) without regard to paragraph (2) thereof) if such refunds or repayments are required to be made by the government, political subdivision, agency, or instrumentality referred to in such section.

§ 1.1341–1 *Restoration of amounts received or accrued under claim of right*—(a) *In general.* (1) If, during the taxable year, the taxpayer is entitled under other provisions of chapter 1 to a deduction of more than $3,000 because of the restoration to another of an item which was included in the taxpayer's gross income for a prior taxable year (or years) under a claim of right, the tax imposed by chapter 1 for the taxable year shall be the tax provided in paragraph (b).

(2) For the purpose of this section "income included under a claim of right" means an item included in gross income because it appeared from all the facts available in the year of inclusion that the taxpayer had an unrestricted right to such item, and "restoration to another" means a restoration resulting because it was established after the close of such prior taxable year (or years) that the taxpayer did not have an unrestricted right to such item (or portion thereof).

(b) *Determination of tax.* (1) Under the circumstances described in paragraph (a), the tax imposed by chapter 1 for the taxable year shall be the lesser of—

(i) The tax for the taxable year computed under section 1341 (a) (4), i. e., with the deduction taken into account, or

(ii) The tax for the taxable year computed under section 1341 (a) (5), i. e., without taking such deduction into account, minus the decrease in tax (under chapter 1 of the Internal Revenue Code of 1954 or under chapter 1 (other than subchapter E) of the Internal Revenue Code of 1939 or under the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the exclusion from gross income of all or that portion of the income included under a claim of right to which the deduction is attributable. For the purpose of this subdivision, the amount of the decrease in tax is not limited to the amount of the tax for the taxable year. See paragraph (h) of this section where the decrease in tax for the prior taxable year (or years) exceeds the tax for the taxable year.

(2) If the taxpayer computes his tax for the taxable year under the provisions of section 1341 (a) (5) and subdivision (ii) of subparagraph (1), the amount of the restoration shall not be taken into account in computing taxable income or loss for the taxable year, including the computation of any net operating loss carryback or carryover or any capital loss carryover.

(3) If the tax determined under subparagraph (1) (i) is the same as the tax determined under subparagraph (1) (ii), the tax imposed for the taxable year under chapter 1 shall be the tax determined under subparagraph (1) (i), and section 1341 and this section shall not otherwise apply.

(c) *Application to deductions which are capital in nature.* Section 1341 and this section shall also apply to a deduction which is capital in nature otherwise allowable in the taxable year. If the deduction otherwise allowable is capital in nature, the determination of whether the taxpayer is entitled to the benefits of section 1341 and this section shall be made without regard to the net capital loss limitation imposed by section 1211. For example, if a taxpayer restores $4,000 in the taxable year and such amount is a long-term capital loss, the taxpayer will, nevertheless, be considered to have met the $3,000 deduction requirement for purposes of applying this section, although the full amount of the loss might not be allowable as a deduction for the taxable year. However, if the tax for the taxable year is computed with the deduction taken into account, the deduction allowable will be subject to the limitation on capital losses provided in section 1211, and the capital loss carryover provided in section 1212.

(d) *Determination of decrease in tax for prior taxable years*—(1) *Prior taxable years.* The prior taxable year (or years) referred to in paragraph (b) of this section is the year (or years) in which the income included under a claim of right to which the deduction is attributable was included in gross income and, in addition, any other taxable year (or years) the tax for which will be affected by the exclusion from gross income in such prior taxable year (or years) of such income.

(2) *Amount of exclusion from gross income in prior taxable years.* (i) The amount to be excluded from gross income for the prior taxable year (or years) in determining the decrease in tax under section 1341 (a) (5) (B) and paragraph (b) (1) (ii) of this section shall be the amount restored in the taxable year, but shall not exceed the amount included in gross income in the prior taxable year (or years) under the claim of right to which the deduction for the restoration is attributable, and shall be adjusted as provided in subdivision (ii) of this subparagraph.

(ii) If the amount included in gross income for the prior taxable year (or years) under the claim of right in question was reduced in such year (or years) by a deduction allowed under section 1202 (or section 117 (b) of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws), then the amount determined under subdivision (i) of this subparagraph to be excluded from gross income for such year (or years) shall be reduced in the same proportion that the amount included in gross income under a claim of right was reduced.

(3) *Determination of amount of deduction attributable to prior taxable years.* (i) If the deduction otherwise allowable for the taxable year relates to income included in gross income under a claim of right in more than one prior taxable year and the amount attributable to each such prior taxable year cannot be readily identified, then the portion attributable to each such prior taxable year shall be that proportion of the deduction otherwise allowable for the taxable year which the amount of the income included under the claim of right in question for the prior taxable year bears to the total of all such income included under the claim of right for all such prior taxable years.

(ii) The rule provided in subdivision (i) of this subparagraph may be illustrated as follows:

Example. Under a claim of right, A included in his gross income over a period of three taxable years an aggregate of $9,000 for services to a certain employer, in amounts as follows: $2,000 for taxable year 1952, $4,000 for taxable year 1953, and $3,000 for taxable year 1954. In 1955 it is established that A must restore $6,750 of these amounts to his employer, and that A is entitled to a deduction of this amount in the taxable year 1955. The amount of the deduction attributable to each of the prior taxable years cannot be identified. Accordingly, the amount of the deduction attributable to each prior taxable year is:

$$1952—\$6{,}750 \times \frac{\$2{,}000}{\$9{,}000} = \$1{,}500$$

$$1953—\$6{,}750 \times \frac{\$4{,}000}{\$9{,}000} = \$3{,}000$$

$$1954—\$6{,}750 \times \frac{\$3{,}000}{\$9{,}000} = \$2{,}250$$

(4) *Computation of amount of decrease in tax.* (i) In computing the amount of decrease in tax for a prior taxable year (or years) resulting from the exclusion from gross income of the income included under a claim of right, there must first be ascertained the amount of tax previously determined for the taxpayer for such prior taxable year (or years). The tax previously determined shall be the sum of the amounts shown by the taxpayer on his return or returns, plus any amounts which have been previously assessed (or collected without assessment) as deficiencies or which appropriately should be assessed or collected, reduced by the amount of any refunds or credits which have previously been made or which appropriately should be made. After the tax previously determined has been ascertained, a recomputation must then be made to determine the decrease in tax, if any, resulting from the exclusion from gross income of all or that portion of the income included under a claim of right to which the deduction otherwise allowable in the taxable year is attributable. The determination of the amount of the exclusion from gross income of the prior taxable year shall be made without regard to the capital loss limitation contained in section 1211 applicable in computing taxable income for the current taxable year. The amount of the exclusion from gross income in a prior taxable year (or years) shall not exceed the amount which would, but for the application of section 1211, be allowable as a deduction in the taxable year of restoration. For example, in 1952, an individual taxpayer had long-term capital gains of $50,000 and long-term capital losses of $10,000, a net long-term gain of $40,000. He also had other income of $5,000. In 1956, taxpayer restored the $50,000 of long-term gain. He had no capital gains or losses in 1956 but had other income of $5,000. If his tax liability for 1956, the taxable year of restoration, is computed by taking the deduction into account, the taxpayer would be entitled to a deduction under section 1211 of only $1,000 on account of the capital loss. However, if the taxpayer computes his tax under section 1341 (a) (5) and paragraph (b) (1) (ii) of this section, it is necessary to determine the decrease in tax for 1952. In such a determination, $50,000 is to be excluded from gross income for that year, resulting in a net capital loss for that year of $10,000, and a capital loss deduction of $1,000 under section 117 (d) of the 1939 Code (corresponding to section 1211 of the 1954 Code) with carry-over privileges. The difference between the tax previously determined and the tax as recomputed after such exclusion for the years affected will be the amount of the decrease.

(ii) No item other than the exclusion of the income previously included under a claim of right shall be considered in computing the amount of decrease in tax if reconsideration of such other item is prevented by the operation of any provision of the internal revenue laws or any other rule of law. However, if the amounts of other items in the return are dependent upon the amount of adjusted gross income, taxable income, or net income (such as charitable contributions, foreign tax credit, deductions for depletion, and net operating loss), appropriate adjustment shall be made as part of the computation of the decrease in tax. For the purpose of determining the decrease in tax for the prior taxable year (or years) which would result from the exclusion from gross income of the item included under a claim of right, the exclusion of such item shall be given effect not only in the prior taxable year in which it was included in gross income but in all other prior taxable years affected by the inclusion of the item (for example, prior taxable years affected by a net operating loss carryback or carryover or capital loss carryover).

(iii) The rules provided in this subparagraph may be illustrated as follows:

Example (1). For the taxable year 1954, a corporation had taxable income of $35,000, on which it paid a tax of $12,700. Included in gross income for the year was $20,000 received under a claim of right as royalties. In 1957, the corporation is required to return $10,000 of the royalties. It otherwise has taxable income in 1957 of $5,000, so that without the application of section 1341 it has a net operating loss of $5,000 in that year. Facts also come to light in 1957 which entitle the corporation to an additional deduction of $5,000 for 1954. When a computation is made under § 1.1341–1 (b) (1) (i), the corporation has no tax for the taxable year 1957. When a computation is made under § 1.1341–1 (b) (1) (ii), the tax for 1957, without taking the restoration into account, is $1,500, based on a taxable income of $5,000. The decrease in tax for 1954 is computed as follows:

Tax shown on return for 1954	$12,700
Taxable income for 1954 upon which tax shown on return was based	35,000
Less: Additional deduction (on account of which credit or refund could be made)	5,000
Total	30,000
Tax on $30,000 (adjusted taxable income for 1954)	10,100
Tax on $30,000 (adjusted taxable income for 1954)	10,100
Taxable income for 1954, as adjusted $30,000 Less exclusion of amount restored 10,000	
Taxable income for 1954 by applying § 1.1341–1 (b) (1) (ii) 20,000	
Tax on $20,000	6,000
Decrease in tax for 1954 by applying § 1.1341–1 (b) (1) (ii)	4,100
Tax for 1957 without taking the restoration into account	1,500
Amount by which decrease exceeds the tax for 1957 computed without taking restoration into account	2,600

(The $2,600 is treated as having been paid on the last day prescribed by law for the payment of the tax for 1957 and is available as a refund. In addition the taxpayer has made an overpayment of tax for 1954 because of the additional deduction of $5,000.)

Example (2). For the taxable year 1946 a married man with no dependents, who kept his books on the cash receipts and disbursements basis, filed a return (claiming two exemptions) disclosing adjusted gross income of $42,000, deductions amounting to $12,000, and a net income of $30,000. Gross income included among other items salary in the amount of $15,000 and rental income in the amount of $5,000. During the taxable year he donated $10,000 to the American Red Cross and in his return claimed a deduction of $6,300 on account thereof, representing the maximum deduction allowable under the 15-percent limitation imposed by section 23 (o) of the Internal Revenue Code of 1939 for the year 1946. In computing his net income he omitted interest income amounting to $6,000 and neglected to take a deduction for interest paid in the amount of $4,500. The return disclosed a tax liability of $11,970, which was assessed and paid. In 1955, after the expiration of the period of limitations upon the assessment of a deficiency or the allowance of a refund for 1946, the taxpayer had to restore the $5,000 included in his gross income in 1946 as rental income. The amount of the decrease in tax for 1946 is $2,467.62, computed as follows:

Tax previously determined for 1946	$11,970.00
Net income for 1946 upon which tax previously determined was based	30,000.00
Less: Rents included under claim of right	5,000.00
Balance	25,000.00
Adjustment for contributions (add 15 percent of $5,000)	$750.00
Net income as adjusted	25,750.00
Tax on $25,750	9,502.38
Amount of decrease in tax for 1946:	
Tax previously determined	11,970.00
Tax as recomputed	9,502.38
Decrease in tax	2,467.62

The recomputation to determine the amount of the decrease in tax for 1946 does not take into consideration the item of $6,000 representing interest received, which was omitted from gross income, or the item of $4,500 representing interest paid for which no deduction was allowed.

(e) *Method of accounting.* The provisions of section 1341 and this section shall be applicable in the case of a taxpayer on the cash receipts and disbursements method of accounting only to the taxable year in which the item of income included in a prior year (or years) under a claim of right is actually repaid. Such provisions shall be applicable in the case of other taxpayers only to the taxable year which is the proper taxable year (under the method of accounting used by the taxpayer in computing taxable income), for taking into account the deduction resulting from the restoration of the item of income included in a prior year (or years) under a claim of right. For example, if the taxpayer is on the accrual method of accounting, the provisions of this section shall apply to the year in which the obligation for the repayment of the item included under a claim of right properly accrues, without regard to the time when repayment is actually made.

(f) *Inventory items, stock in trade, and property held primarily for sale in the ordinary course of trade or business.* (1) Except for amounts specified in subparagraph (2) of this paragraph the provisions of section 1341 and this section do not apply to deductions attributable to items which were included in gross income by reason of the sale or other disposition of stock in trade of the taxpayer (or other property of a kind which would properly have been included in the inventory of the taxpayer if on hand at the close of the prior taxable year) or property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business. This section is, therefore, not applicable to sales returns and allowances and similar items.

(2) The provisions of section 1341 and this section apply to deductions which arise out of refunds or repayments made by a regulated public utility, as defined in section 1503 (c) (1) or (3) and § 1.1502–2 (g), if such refunds or repayments are required to be made by the government, political subdivision, agency, or instrumentality referred to in such section. Thus, deductions attributable to refunds of charges for the sale of natural gas under rates approved temporarily by a proper governmental authority are eligible for the benefits of section 1341 and this section, if such refunds are required by the governmental authority.

(g) *Bad debts.* The provisions of sections 1341 and this section do not apply to deductions attributable to bad debts.

(h) *Refunds.* If the decrease in tax for the prior taxable year (or years) determined under section 1341 (a) (5) (B) and paragraph (b) (1) (ii) of this section exceeds the tax imposed by chapter 1 for the taxable year computed without the deduction, the excess shall be considered to be a payment of tax for the taxable year of the deduction. Such payment is deemed to have been made on the last day prescribed by law for the payment of tax for the taxable year and shall be refunded or credited in the same manner as if it were an overpayment of tax for such taxable year.

§ 1.1342 *Statutory provisions; computation of tax where taxpayer recovers substantial amount held by another under claim of right.*

SEC. 1342. *Computation of tax where taxpayer recovers substantial amount held by another under claim of right*—(a) *General rule.* If—

(1) An item was deducted from gross income for a prior taxable year (or years) because it appeared that another person held an unrestricted right to such item as a result of a court decision in a patent infringement suit (whether or not the taxpayer is a party to such suit); and

(2) Gross income is increased for the taxable year because it was established after the close of such prior taxable year (or years) that such other person did not have an unrestricted right to such item or to a portion of such item because of the subsequent reversal of such court decision on the ground that such decision was induced by fraud or undue influence; and

(3) The amount of such increase in gross income exceeds $3,000, then the tax imposed by this chapter for the taxable year shall be the lesser of the following:

(4) The tax for the taxable year computed with the gross income so increased; or

(5) An amount equal to—

(A) The tax for the taxable year computed without such increase in gross income, plus

(B) The increase in tax (including interest) under this chapter (or the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the elimination of such item (or portion thereof) as a deduction from gross income for such prior taxable year (or years).

(b) *Special rule.* For purposes of subsection (a) (5) (B) interest shall be computed from the due date of the return for such prior taxable year to the due date of the return for the taxable year.

[Added to the Internal Revenue Code of 1954 by sec. 3 of P. L. 386, 84th Congress, effective for taxable years beginning after December 31, 1954.]

§ 1.1342–1 *Computation of tax where taxpayer recovers substantial amount held by another under claim of right; effective date.* Section 1342 shall apply with respect to taxable years beginning after December 31, 1954.

OTHER LIMITATIONS

§ 1.1346 *Statutory provisions; recovery of unconstitutional Federal taxes.*

SEC. 1346. *Recovery of unconstitutional Federal taxes.* Income (excluding interest) attributable to the recovery during the taxable year of a tax imposed by the United States which has been held unconstitutional, and in respect of which a deduction was allowed in a prior taxable year, may be excluded from gross income for the taxable year, and the deduction allowed in respect thereof in such prior taxable year treated as not having been allowable, if—

(1) The taxpayer elects in writing (at such time and in such manner as may be prescribed by regulations prescribed by the Secretary or his delegate) to treat such deduction as not having been allowable for such prior taxable year, and

(2) The taxpayer consents in writing to the assessment, within such period as may be agreed on, of any deficiency resulting from such treatment, even though the statutory period for the assessment of any such deficiency had expired before the filing of such consent.

§ 1.1346–1 *Recovery of unconstitutional taxes*—(a) *In general.* (1) A taxpayer who recovers unconstitutional Federal taxes which were paid or accrued and for which a deduction was allowed in a prior taxable year may elect, as provided in paragraph (b) of this section, to exclude the income (exclusive of interest) attributable to such recovery from his gross income in the taxable year of recovery. Any such exclusion of income is subject to the requirements of section 1346 and this section.

(2) If a taxpayer elects to receive the benefits of section 1346, the income (exclusive of interest) attributable to the recovery of the unconstitutional Federal tax will be treated as an offset to the deduction allowed therefor in a prior taxable year (or years). The taxpayer's return for the prior taxable year (or years) with respect to which the statutory period for the assessment of a deficiency has expired will be opened only for the purpose of reducing the deduction allowed for the unconstitutional Federal tax and assessing the resulting deficiency or deficiencies, if any. (An election under section 1346 may be made only if the taxpayer consents in writing to such assessment. See paragraph (b) of this section.) No other adjustment will be allowed.

(3) If the disallowance of the deduction allowed in respect of a prior taxable year results in a deficiency for that year, the deficiency will be assessed against the taxpayer within the period agreed upon between the taxpayer and the district director with respect to the taxable year of the prior deduction, even though the statutory period for the assessment may have expired prior to the filing of the consent.

(4) If a taxpayer does not elect under the provisions of section 1346 and this section to exclude the tax recovered from gross income in the taxable year of recovery, the tax recovered shall, from the standpoint of its inclusion in or exclusion from gross income, be governed by the provisions of section 111.

(b) *Manner of making election.* (1) The election provided for in paragraph (a) of this section shall be made by the taxpayer filing a statement in writing that he elects to treat the deduction allowed in a prior taxable year for the unconstitutional tax as not having been allowable for such taxable year. Such a statement must be filed with the taxpayer's return for the taxable year in which the recovery of the unconstitutional tax or taxes occurs. No other method of making the election is permitted. The statement of election must contain a description of the tax recovered, the date of recovery, the taxable year in which paid or accrued, and the taxable year for which the deduction was allowed. The statement of election must also contain a statement signifying the taxpayer's consent (i) to treat the deduction or portion thereof allowed in a prior year with respect to the unconstitutional tax as not allowable for that year and (ii) to the assessment, in respect of the taxable year for which the deduction was allowed, of any deficiency, together with interest thereon as provided by law, resulting from disallowance of the deduction or portion thereof, even though the statutory period for the assessment of any such deficiency may have expired before the filing of such consent.

(2) The term "recovery," as used in this section, includes not only refund or credit of taxes previously paid, but also the cancellation of a purported tax liability which was accrued and deducted for a prior taxable year but never actually paid.

§ 1.1347 *Statutory provisions; claims against United States involving acquisition of property.*

SEC. 1347. *Claims against United States involving acquisition of property.* In the case of amounts (other than interest) received by a taxpayer from the United States with respect to a claim against the United States involving the acquisition of property and remaining unpaid for more than 15 years, the tax imposed by section 1 attributable to such receipt shall not exceed 30 percent of the amount (other than interest) so received.

§ 1.1347–1 *Tax on certain amounts received from the United States.* (a) In the case of an amount (other than interest) received from the United States by an individual under a claim involving acquisition of property and remaining unpaid for more than 15 years, the tax imposed by section 1 attributable to such amount shall not exceed 30 percent of the amount (other than interest) so received. For the purpose of section 1347 and this section, such amount shall not include any amount received from the United States which constitutes interest, whether such interest was included in the claim or in any judgment thereon or has accrued on such judgment.

(b) To determine the application of section 1347 and this section to a particular amount, the taxpayer shall first compute the tax imposed by section 1 upon his entire taxable income, including the amount specified in paragraph (a) of this section, without regard to the limitation on tax provided in section 1347. The proportion of the tax, so computed, indicated by the ratio which the taxpayer's taxable income attributable to the amount specified in paragraph (a), computed as prescribed in paragraph (c) of this section, bears to his total taxable income, is the portion of the tax attributable to such amount. If this portion of the tax exceeds 30 percent of the amount specified in paragraph (a), that portion of the tax shall be reduced to 30 percent of such amount.

(c) In determining the portion of the taxable income attributable to any amount specified in paragraph (a), the taxpayer shall allocate to such amount received and to the gross income derived from all other sources, the expenses, losses, and other deductions properly attributable thereto, and shall apply any general expenses, losses, and other deductions (which cannot be properly apportioned otherwise) ratably to the gross income from all sources. The amount specified in paragraph (a), less the deductions properly attributable thereto and less its proportion of any general deductions, shall be the taxable income attributable to such amount. The taxpayer shall submit with his return a statement fully explaining the manner in which such expenses, losses, and deductions are allocated or apportioned.

[F. R. Doc. 56–5390; Filed, July 6, 1956; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

FEDERAL MEAT GRADING REGULATIONS

EXTENSION OF TIME FOR FILING COMMENTS ON PROPOSED REVISION

On May 18, 1956, there was published in the FEDERAL REGISTER (21 F. R. 3284) a notice that the Agricultural Marketing Service is considering revising the Federal meat grading regulations (7 CFR Part 53, Subpart A, as amended) under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624) as amended by Public Law 272, 84th Congress, and under the general language in the item for the Agricultural Marketing Service in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (Pub. Law 40, 84th Congress). The proposed revision is intended to clarify the Federal meat grading regulations and make various changes therein found advisable on the basis of experience in conducting the Federal meat grading service. The notice provided a 45-day period after the date of publication of the notice within which interested persons could submit written data, views, or arguments to the Chief, Meat Grading Branch, concerning the proposed revision. It is now deemed advisable to provide additional time for such submission. Any person who wishes to do so may file written data, views, or arguments relating to the proposed revision with the Chief, Meat Grading Branch, Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after date of publication of this document in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of July 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56–5377; Filed, July 6, 1956; 8:49 a. m.]

[7 CFR Part 943]

(Docket No. A0231–A8)

MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED EMERGENCY AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Dallas Hotel, Dallas, Texas, beginning at 10:00 a. m., July 11, 1956.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the handling of milk in the North Texas, milk marketing area. More specifically consideration will be given to the pricing of Class I milk to determine (1) the extent to which drought conditions, shortage of hay and feeds, and increasing prices of available supplies of hay and feeds, constitute a threat to the adequacy of supplies of pure and wholesome milk, and (2) whether temporary emergency price relief is necessary to promote orderly marketing.

This request for emergency action has been received from the North Texas Milk Producers Association whose members constitute a majority of the producers supplying milk to the North Texas marketing area.

Copies of this notice of hearing may be procured from the Market Administrator, 6619 Denton Drive, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Dated: July 3, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–5409; Filed, July 6, 1956; 8:57 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1957 CROP OF UPLAND COTTON

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1388), hereinafter referred to as the "act", including amendments contained in the Agricultural Act of 1956 (Pub. Law 540, 84th Cong., approved May 28, 1956), the Secretary of Agriculture is preparing to determine, as soon as possible after August 8, 1956, whether a national marketing quota is required to be proclaimed for the 1957 crop of upland cotton. If such a quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national acreage allotment for the 1957 crop of upland cotton, and will issue regulations providing for apportionment of the national acreage allotment to States and the State acreage allotment to counties, for establishing farm acreage allotments, and for other related matters.

Section 342 of the act requires the proclamation of the national marketing quota to be made by the Secretary not later than October 15. In past years the proclamation has not been made until the October 8 crop report is available, in order that the latest official estimate of production during the current year could be used in calculating the "total supply" of cotton and the amount of the national marketing quota. However, because of the additional work and determinations which are required in connection with the 1957 crop by amendments contained in the Agricultural Act of 1956, it will be necessary for the Secretary to issue his proclamation with respect to the national marketing quota and to determine the national, State, and county acreage allotments as soon as possible after the first official estimate of the 1956 cotton crop is made on August 8, 1956. By beginning the 1957 program work at an earlier date, the State and county Agricultural Stabilization and Conservation Committees should be able to perform their assigned functions under the program in an orderly manner and to issue notices of individual farm allotments prior to the referendum to be held not later than December 15, 1956, even though the workload this year in the offices of these committees will be substantially heavier than in past years.

Section 342 of the act provides that whenever during any calendar year the Secretary of Agriculture determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. This section provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton adequate, together with (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year and (2) the estimated imports during such marketing year, to make available a normal supply of cotton. Under the provisions of this section of the act the national marketing quota for any year may not be less than 10 million bales or 1 million bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending in the calendar year in which such quota is proclaimed, whichever is smaller. Section 302 of the Agricultural Act of 1956 amended section 342 to provide that the national marketing quota for 1957 and 1958 shall be not less than

the number of bales required to provide a national acreage allotment for 1957 and 1958 equal to the national acreage allotment for 1956. The proclamation of the national marketing quota is required to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply.

As defined in section 301 of the act, for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carry-over" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for cotton is the period August 1–July 31.

Section 344 (a) of the act provides that whenever a national marketing quota is proclaimed under section 342, the Secretary shall determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The national acreage allotment for cotton is that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, is required to make available from such crop an amount of cotton equal to the national marketing quota.

As indicated above in connection with section 342 of the act, the national acreage allotment for 1957 is required to be at least as large as the 1956 national acreage allotment, which was 17,391,304 acres.

If a national acreage allotment is proclaimed for the 1957 crop of upland cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1951, 1952, 1953, 1954, and 1955, with adjustments for abnormal weather conditions during such period. However, section 342 of the act, as amended by section 302 of the Agricultural Act of 1956, provides that if the acreage allotment for any State for 1957 or 1958 is less than its allotment for the preceding year by more than 1 percent, such State allotment shall be increased so that the reduction shall not exceed 1 percent per annum. Therefore, the 1957 cotton acreage allotment for each State will be at least 99 percent of the 1956 State acreage allotment. The additional acreage which a State receives under this minimum allotment provision will be in addition to the national acreage allotment and will not be taken into account in establishing future State allotments.

There appear below the language of several additional amendments to the act which are contained in the Agricultural Act of 1956. These amendments are applicable only to the 1957 and 1958 crops of upland cotton.

1. Section 344 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That there is hereby established a national acreage reserve consisting of one hundred thousand acres which shall be in addition to the national acreage allotment; and such reserve shall be apportioned to the States on the basis of their needs for additional acreage for establishing minimum farm allotments under subsection (f) (1), as determined by the Secretary without regard to State and county acreage reserves (except that the amount apportioned to Nevada shall be one thousand acres), and the additional acreage so apportioned to the State shall be apportioned to the counties on the same basis and added to the county acreage allotment for apportionment to farms pursuant to subsection (f) of this section (except that no part of such additional acreage shall be used to increase the country reserve above 15 per centum of the county allotment determined without regard to such additional acreage). Additional acreage apportioned to a State for any year under the foregoing proviso shall not be taken into account in establishing future State acreage allotments. Needs for additional acreage under the foregoing proviso and under the last proviso in subsection (e) shall be determined as though allotments were first computed without regard to subsection (f)-(1)."

2. Section 344 (e) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That if the additional acreage allocated to a State under the proviso in subsection (b) is less than the requirements as determined by the Secretary for establishing minimum farm allotments for the State under subsection (f) (1), the acreage reserved by the State committee under this subsection shall not be less than the smaller of (1) the remaining acreage so determined to be required for establishing minimum farm allotments or (2) 3 per centum of the State acreage allotment; and the acreage which the State committee is required to reserve under this proviso shall be allocated to counties on the basis of their needs for additional acreage for establishing minimum farm allotments under subsection (f) (1), and added to the county acreage allotment for apportionment to farms pursuant to subsection (f) of this section (except that no part of such additional acreage shall be used to increase the county reserve above 15 per centum of the county allotment determined without regard to such additional acreages)."

3. Section 344 (f) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing paragraph (1) to read as follows: "Insofar as such acreage is available, there shall be allotted the smaller of the following: (A) four acres; or (B) the highest number of acres planted to cotton in any year of such three-year period."

4. The first sentence of section 344 (f) (6) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "Notwithstanding the provisions of paragraph (2) of this subsection, if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county, the remainder of the county acreage allotment (after making allotments as provided in paragraph (1) of this subsection) shall be alloted to farms other than farms to which an allotment has been made under paragraph (1) (B) of this subsection so that the allotment to each farm under this paragraph together with the amount of the allotment of such farm under paragraph (1) (A) of this subsection shall be a prescribed percentage (which percentage shall be the same for all such farms in the county) of the average acreage planted to cotton on the farm during the three years immediately preceding the year for which such allotment is determined, adjusted as may be necessary for abnormal conditions affecting plantings during such three-year period: *Provided*, That the county committee may in its discretion limit any farm acreage allotment established under the provisions of this paragraph for any year to an acreage not in excess of 50 per centum of the cropland on the farm, as determined pursuant to the provisions of paragraph (2) of this subsection: *Provided further*, That any part of the county acreage allotment not apportioned under this paragraph by reason of the initial application of such 50 per centum limitation shall be added to the county acreage reserve under paragraph (3) of this subsection and shall be available for the purposes specified therein."

The regulations which the Secretary will issue to govern the apportionment of the 1957 national acreage allotment to States, counties, and farms, as well as related matters, will contain such provisions as are necessary to implement the four amendments set out above. Otherwise, except as discussed herein, such regulations are expected to be substantially the same as the regulations issued for the 1956 crop of upland cotton (20 F. R. 8247, 8737, 8951).

Section 344 (e) of the Agricultural Adjustment Act of 1938, as amended, provides that "the State committee may reserve not to exceed 10 per centum of its State acreage allotment (15 per centum if the State's 1948 planted acreage was in excess of one million acres and less than half its 1943 allotment) which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments and to prevent hardship." This State reserve provision was added to the act by amendments enacted in 1949 and 1953 (63 Stat. 670, 68 Stat. 4). Acreage allotments have been in effect for the 1954, 1955, and 1956 crops of cotton, and, in view of the data and information now available in connection with the use of State reserves during the three years specified, it is proposed that the regulations for the 1957 crop will limit the size of the State acreage reserve (except the acreage reserved for small farms) to two percent of the State acreage allotment unless the Secretary, on the basis of recommendations and data submitted by the State committee, approves the use of a larger State reserve for the State. Under section 344 (f) (3) of the act the county committee is authorized to reserve not to exceed 15 percent of the county acreage allotment for establishing new farm allotments and adjusting allotments established for old farms. It is expected that the regulations for the 1957 crop will leave the county committees largely free to decide the percentage of the county acreage allotment to be reserved for the specified uses. The Secretary will provide for the approval and publication in the FEDERAL REGISTER of the State and county acreage allotments and the acreages reserved by the State and county committees. The regulations for the 1957 crop will also contain provisions implementing section 377 of the Agricultural Adjustment Act of 1938, as amended, which provides that a farm owner or operator may preserve the allotment for his farm by complying with certain provisions regarding notice to the county committee. In addition, the regulations for 1957 will implement section 106 (a) of the Agricultural Act of 1956, which provides, in effect, that in the establishment of 1957 farm acreage allotments, any acreage placed in the acreage reserve and conservation reserve programs for 1956 shall be credited to the farm as though such acreage had actually been devoted to the production of cotton in 1956, except that no such acreage credit shall be given to a farm for acreage allotments reapportioned to it under the provisions of the Agricultural Adjustment Act of 1938, as amended, that have been placed in the acreage reserve program.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum, by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1957 crop of cotton, it is expected that the Secretary will fix the date of the referendum reasonably close to the final date of December 15, 1956, for holding it in order to allow maximum time for establishing 1957 farm acreage allotments and issuing notices thereof to farmers. Section 362 of the act provides that notice of the farm acreage allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national acreage allotment, the apportionment of the national acreage allotment to States and the State, acreage allotments to counties, and the formulation of regulations for the measurement of farms, for the establishment of farm acreage allotments for the 1957 crop of upland cotton, and other related matters, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 3d day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56-5440; Filed, July 6, 1956; 8:58 a. m.]

Agricultural Research Service

[9 CFR Part 82]

PSITTACOSIS OR ORNITHOSIS IN POULTRY

PROPOSED RESTRICTIONS ON INTERSTATE MOVEMENT

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of section 6 of the act of May 29, 1884, as amended (21 U. S. C. 115), and sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), it is proposed to amend Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding a new Part 82 to read:

PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

§ 82.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Branch.* The Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture.

(g) *Chief of Branch.* The Chief of the Branch, or any other official of the Branch to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(h) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(i) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(j) *Accredited veterinarian.* A veterinarian specifically approved by the United States Department of Agriculture to perform the function involved.

§ 82.2 *General restrictions.* Except as provided in § 82.3, poultry from flocks in which psittacosis or ornithosis has been determined to exist, carcasses and parts and offal of such poultry, eggs for hatching produced by such poultry, and manure and litter from such poultry, shall not be moved interstate for any purpose.

§ 82.3 *Movement of poultry from flocks which have been infected.* Poultry from flocks in which psittacosis or ornithosis has been determined to exist may be moved interstate under this subpart to an establishment specifically approved for the purpose by the Chief of the Branch for immediate slaughter at such establishment if accompanied by a permit obtained by the owner or shipper from a Federal inspector, a State inspector, or other inspector who may be approved by the Chief of Branch for this purpose, and a certificate of a veterinarian of the Agricultural Research Service, a veterinarian employed by a State or a political subdivision thereof, or an accredited veterinarian, showing that he has made an inspection of the flock on the premises of origin just prior to the interstate movement of such poultry, and that the flock no longer shows any clinical evidence of acute infection of psittacosis or ornithosis.

§ 82.4 *Cleaning and disinfecting vehicles, premises, and accessories.* (a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with psittacosis or ornithosis shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however*, That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian; *And provided, further*, That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Branch, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of interstate movements of poultry affected with psittacosis or ornithosis shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State in-

spector, or accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Branch, such an accessory may be forwarded to a point at which such supervision and facilities are available and there clean and disinfect the accessory.

(c) Coops, containers, troughs, and other accessories used in the handling of intrastate movements of poultry affected with psittacosis or ornithosis shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of July 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5381; Filed, July 6, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11665]

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 1 and 17 of the Commission's rules and regulations.

The Commission having under consideration a petition dated June 28, 1956, filed on behalf of Deep South Broadcasting Company, Selma, Alabama, requesting further extension of time in which to submit comments directed to the Commission's Notice of Proposed Rule Making in the above-captioned matter:

It appearing that the Commission's proposal to encourage the grouping of antenna towers and the multiple use of structures for supporting antennas is related to the air hazard criteria for determining antenna height and location presently being developed by the Joint Industry/Government Tall Structures Committee (JIGTSC) of the Air Coordinating Committee; and

It further appearing that in view of the relationship between the above-captioned proceeding and the continuing work of the JIGTSC, the public interest would be served by further extension of the time for reception of comments in this Docket in the manner requested:

It is ordered, This 29th day of June 1956, that pursuant to authority contained in § 0.322 (b) of the Commission's rules, the time for filing comments in the above-captioned matter is hereby extended from July 2, 1956, to September 3, 1956, and that rebuttal comments may be filed within 20 days from the extended closing date for original comments.

Released: July 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5398; Filed, July 6, 1956; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 615, Amdt. 1]

DELEGATION OF AUTHORITY; CONTRACTS AND LEASES

REVOCATION

JULY 2, 1956.

Section 3 of Order No. 15, dated June 12, 1956, is amended to read:

SEC. 3. *Revocation.* Bureau Order No. 498 and Amendment No. 1 thereof are revoked effective July 15, 1956.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 56-5387; Filed, July 6, 1956; 8:51 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 28, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. 012317, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as camp grounds, recreation areas and administrative sites in the Routt National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Rock Creek Campground:
T. 1 N., R. 82 W.,
Sec. 7: Lot 15.
T. 1 N., R. 83 W.,
Sec. 12: E½SE¼SE¼.
Shoe and Stocking Campground:
T. 1 N., R. 83 W.,
Sec. 13: NW¼SW¼.
Stillwater Campground:
T. 1 N., R. 86 W.,
Sec. 20: N½NW¼.
Cold Spring Campground:
T. 1 N., R. 87 W.,
Sec. 26: W½NE¼NE¼, E½NW¼NE¼.
Morrison Creek Campground:
T. 2 N., R. 83 W.,
Sec. 6: S½SE¼.
Little Oak Creek Campground:
T. 3 N., R. 86 W.,
Sec. 31: Lots 16 and 17.
Trout Creek Campground:
T. 3 N., R. 86 W.,
Sec. 18: Lots 20 and 21.
Jack Creek Campground:
T. 5 N., R. 77 W.,
Teller Townsite Tract in Sections 2 and 3.
Rabbit Ears Lake Recreation Area:
T. 5 N., R. 82 W.,
Sec. 8: S½SW¼, NW¼SW¼, S½NE¼SW¼.
Aspen Campground:
T. 6 N., R. 77 W.,
Sec. 4: NW¼SE¼.
Upper South Fork Campground:
T. 6 N., R. 77 W.,
Sec. 26: SW¼SW¼NW¼, NW¼NW¼SW¼;
Sec. 27: SE¼SE¼NE¼, NE¼NE¼SE¼.
Grizzly Creek Administrative Site:
T. 7 N., R. 82 W.,
Sec. 21: SE¼NE¼.
Roxy Ann Lake Recreation Area:
T. 8 N., R 82 W.,
Sec. 7: Lot 4;
Sec. 18: Lots 1 and 2.
T. 8 N., R. 83 W.,
Sec. 12: SE¼SE¼;
Sec. 13: E½NE¼.
Slide Lake Recreation Area:
T. 8 N., R. 83 W.,
Sec. 24: NE¼.
Bear Lake Recreation Area:
T. 9 N., R. 82 W.,
Sec. 5: SE¼SW¼, SW¼SE¼;
Sec. 8: NW¼NE¼.
Bighorn Lakes Recreation Area:
T. 9 N., R. 82 W.,
Sec. 18: SE¼NW¼.
Lake Katherine Recreation Area:
T. 9 N., R. 82 W.,
Sec. 18: SE¼SE¼;
Sec. 19: N½NE¼.
Blue Lake Recreation Area:
T. 10 N., R. 82 W.,
Sec. 21: N½SW¼.

Twin Lakes Recreation Area:
T. 10 N., R. 82 W.,
Sec. 28: E½NW¼.
Helena Campground:
T. 11 N., R. 82 W.,
Sec. 27: SE¼.
Ute Lake Recreation Area:
T. 10 N., R. 82 W.,
Sec. 33: NW¼NE¼.
King Solomon Campground:
T. 11 N., R. 85 W.,
Sec. 16: SW¼SW¼.
Silver City Campground:
T. 11 N., R. 85 W.,
Sec. 24: NW¼SW¼NE¼.
Big Red Park Campground:
T. 11 N., R. 85 W.,
Sec. 24: NE¼NE¼SW¼.
Lower Whiskey Creek Campground:
T. 12 N., R. 85 W.,
Sec. 33: SE¼NE¼.

Total area, 2,140.84 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 56-5388; Filed, July 6, 1956; 8:52 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat., 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 21 E.,
Secs. 1, 2, 3, 4, 7, 8 and 9, all.
T. 3 N., R. 21 E.,
Sec. 36, all.
T. 2 N., R. 22 E.,
Sec. 1, E½, E½W½, N½N½NW¼NW¼, S½SW¼NW¼ and W½SW¼;
Secs. 2, 5, 11 and 12, all;
Sec. 20, Lots 1, 2, 3, and 4, N½, NE¼SW¼, N½SE¼ and SE¼SE¼;
Secs. 21 and 22, all.
T. 3 N., R. 22 E.,
Secs. 31, 32, 33, 34, 35 and 36, all.
T. 2 N., R. 23 E.,
Secs. 6, 7, 8, 9 and 10, all.

The above areas aggregate 17,453.53 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71676]

JULY 2, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Utah

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the proposed Flaming Gorge Unit, Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-5367; Filed, July 6, 1956; 8:45 a. m.]

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 23 E.,
Sec. 15: lots 1, 2, 3, 4, 7 and 8, N½N½ and SE¼SE¼;
Sec. 16: lots 1 to 8, incl., N½NE¼, NW¼SW¼ and S½S½;
Sec. 21: N½, SW¼, NE¼SE¼ and W½SE¼;
Sec. 22: E½ and E½SW¼.

The above areas aggregate 1,960.40 acres.

E. G. NIELSEN,
Acting Commissioner.

[70773]

JULY 2, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The vacant public lands shall be administered by the Bureau of Land Management until they are needed for reclamation purposes.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Utah

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the proposed Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addresesd to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be field, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Acting Commissioner.

[F. R. Doc. 56-5419; Filed, July 6, 1956; 8:57 a. m.]

Office of the Secretary

[Cheyenne 044948-052923]

WYOMING

RESTORING TO TRIBAL OWNERSHIP MINERALS RESERVED TO UNITED STATES

By virtue of the authority vested in the Secretary of the Interior by section 5 of the act of July 27, 1939 (53 Stat. 1128), it is ordered as follows:

The minerals reserved to the United States in the following-described lands, which lands have heretofore been patented by the United States and reacquired by it in trust for the Shoshone and Arapahoe Tribes of Indians of the Wind River Reservation, are hereby restored to tribal ownership for the benefit of said tribes of Indians and are hereby added to and made a part of the existing reservation:

WIND RIVER MERIDIAN

T. 6 N., R. 3 W.,
Sec. 6, SW¼NE¼ and W½SE¼;
Sec. 7, NW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 17, N½N½;
Sec. 18, NE¼NE¼.

The areas described aggregate 480 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 2, 1956.

[F. R. Doc. 56-5368; Filed, July 6, 1956; 8:46 a. m.]

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

Correction

In the notice of correction (21 F. R. 4977) to Federal Register Document 56-5018 (21 F. R. 4525), item (f) correcting Part II of the order should read as follows:

(f) Add "T. 37 S., R. 3 E.," just prior to the third line, from the bottom, third column, page 4529 (Jackson County) to indicate that the lands following sec. 1 and preceding sec. 35, now listed under T. 40 S., R 1 E., are in the former township.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

CROSS REFERENCE: For corrections to the joint notice of the Secretary of the Interior and the Secretary of Agriculture (F. R. Doc. 56-5018, 21 F. R. 4525), see 21 F. R. 4977, issue of July 4, 1956, and under Department of the Interior, Office of the Secretary, *supra*.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167-21]

[CGFR 56-27]

COMMANDANT, U. S. COAST GUARD

DELEGATIONS OF FUNCTIONS

By virtue of the authority vested in me as Secretary of the Treasury and the authority in Reorganization Plan No. 26 of 1950 (15 F. R. 4935), there is hereby delegated to the Commandant, U. S. Coast Guard, the function vested in the Secretary of the Treasury by section 207 of the Reserve Officer Personnel Act, as amended, of ordering Reserve officers to active duty or active duty for training in any temporary grade in which serving above that of their permanent grades.

All action taken by the Commandant prior to the effective date of this order is hereby ratified. The Commandant is authorized to redelegate the function herein delegated.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

JUNE 18, 1956.

[F. R. Doc. 56-5392; Filed, July 6, 1956; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 11107, Amdt.]

FRED R. KUHNE

In re: Estate of Fred R. Kuhne, deceased.

Vesting Order 11107 dated April 26, 1948, is hereby amended as follows and not otherwise:

By changing paragraph 1 thereof to read as follows:

1. That Rosa Kuhne and Otto Kuhne, also known as Georg Otto Kuhne, if living, or if dead their domiciliary representatives, heirs at law, next of kin, and distributees including Martha Kuhne and Ilse Kuhne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 11107 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56-5395; Filed, July 6, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11417, 11418; FCC 56M-648]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439 and Garden of the Gods Broadcasting Company, Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration a request for continuance filed by Taylor Broadcasting Company on June 27, 1956;

It appearing that the applicants in this proceeding are now completing work relating to the taking of additional measurements by means of a test transmitter but that this work cannot be completed in time for the applicants to be ready for further hearing conference on July 2, 1956, as presently scheduled;

It further appearing that Garden of the Gods Broadcasting Company joins in the petition for continuance and the other parties to the proceeding consent thereto and also consent to immediate consideration of the petition for continuance, waiving § 1.745 of the Commission's rules;

It is ordered, This 29th day of June 1956, that the petition of Taylor Broadcasting Company for continuance is granted and the date for further hearing conference is continued from July 2 to July 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5399; Filed, July 6, 1956; 8:54 a. m.]

[Docket Nos. 11492, 11719; FCC 56M-647]

CITIZENS BROADCASTING CO. AND SALEM BROADCASTING CO.

STATEMENT AND ORDER GOVERNING HEARING

In re applications of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford, d/b as Citizens Broadcasting Company, Terre Haute, Indiana, Docket No. 11492, File No. BP-9195 and Thomas S. Land and Bryan Davidson, d/b as Salem Broadcasting Company, Salem, Illinois, Docket No. 11719, File No. BP-10199; for construction.

Appearances. Paul D. Ford, on behalf of Citizens Broadcasting Company; Neville Miller, on behalf of Salem Broadcasting Company; and Thomas B. Fitzpatrick, on behalf of the Broadcast Bureau.

Pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on June 26, 1956. Agreements among the parties, as set forth in the transcript of the pre-hearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon; and accordingly,

It is ordered, This 26th day of June 1956, that an informal conference will be held by the parties on or before July 23, 1956; the drafts of the proposed engineering exhibits will be exchanged by the parties and furnished to counsel for the Broadcast Bureau on or before August 9, 1956; and the completed exhibits will be exchanged and furnished to counsel for the Broadcast Bureau on or before September 11, 1956.

It is further ordered, That, pursuant to oral motion and agreement thereto made during the course of the pre-hearing conference, the hearing in this proceeding be and it is hereby continued from July 31, 1956 to September 26, 1956, at 10 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5400; Filed, July 6, 1956; 8:54 a. m.]

[Docket No. 11760; FCC 56-607]

KTAR BROADCASTING CO. (KVAR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KTAR Broadcasting Company (KVAR), Mesa, Arizona, Docket No. 11760, File No. BMLCT-33; for modification of license to change main studio location to Phoenix, Arizona.

1. The Commission has before it for consideration (1) a "Protest and Petition for Reconsideration" filed on May 28, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Arizona Television Company, permittee of Television Station KTVK, Channel 3, Phoenix, Arizona, directed against the Commission's action of April 25, 1956, granting without hearing the above-entitled application of KTAR Broadcasting Company, licensee of Television Station KVAR, Channel 12, Mesa, Arizona, to move the main studio from approximately one mile outside of Mesa to within the Phoenix city limits; and (2) a "Motion to Dismiss", filed on June 7, 1956, by KTAR Broadcasting Company.

2. KVAR is currently operating, pursuant to a license issued on March 11, 1955, with visual effective radiated power of 31.5 kw and antenna height of 1,550 feet above average terrain from a location approximately 8.7 miles from the center of Phoenix. On April 25, 1956, the Commission granted the above-entitled application for modification of license to move main studio from a location approximately one mile west of Mesa to a location in downtown Phoenix.

3. The protestant claims standing as a "party in interest" under section 309 (c) and as a "person aggrieved" under section 405 of the Communications Act, because, as a result of the Commission's action granting the subject application, Television Station KVAR will for the first time "* * * be able to compete with the existing Phoenix stations for national and regional advertising on a basis which is recognized by the advertisers." KTVK alleges that, as the newest Phoenix station, it will be the hardest hit by such competition, and that it will suffer "immeasurably increased competition" and resultant economic injury. In its "Motion to Dismiss", KVAR denies that the competitive situation has been changed in any way by the Commission's action. It points out that the transmitters of KVAR and KTVK are located in the same place, and that each provides city grade service to Phoenix. It further contends that the protestant has alleged no facts in support of its claim to standing and that, therefore, its protest and petition for reconsideration must be dismissed.

4. In support of its pleading, KTVK alleges that the relocation of a station's main studio from one community to another within the service area of the station constitutes reassignment of the station to the latter community in the Commission's Table of Assignments; that a change in the Table of Assignments can be accomplished only through appropriate rule making proceedings, which were not instituted in this case; and that, therefore, the Commission's action is inconsistent with § 3.606 (b) (Table of Assignments) of the rules, which lists Channel 12 as a Mesa assignment, and with § 3.607, which provides that applications may be filed only for channels listed in the Table of Assignments. The protestant contends, further, that § 3.613 (b) of the Commission's rules,[1] pursuant to which the subject application was granted, cannot be used to accomplish a result inconsistent with §§ 3.606 and 3.607, since channel assignments were made under the mandate of section 307 (b) of the Communications Act[2] and may not be reassigned on the basis of "another or inferior standard". In other words, the protestant urges that the Commission has moved to Phoenix the only channel assigned to Mesa without taking into account any of the factors relevant to section 307 (b) determinations. Finally, KTVK alleges that KVAR, in prosecuting its application before the Commission, filed misleading information and omitted pertinent data. In view of the above, KTVK requests that the Commission dismiss the above-entitled application, or designate the application for hearing upon specified issues, make KTVK a party to the proceeding, stay the effective date of the grant pending a final decision after hearing, and place the burden of proof and of proceeding under each of the specified issues upon KVAR.

5. KTVK has specified the following issues:

(1) To determine whether the application of KTAR Broadcasting Company is inconsistent with Rules 3.606 and 3.607 and should be dismissed.

(2) To determine whether the Commission had the legal authority to grant the application of KTAR Broadcasting Company based upon waiver of Rule 3.613.

(3) To determine whether the provisions for waiver in Rule 3.613 are consistent with Rules 3.606 and 3.607.

(4) To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, § 3.613 of the Commission's rules, and the policy and legal standards set forth in the Sixth Report and Order, whether a grant of KTAR Broadcasting Company's application would serve the public interest, convenience, and necessity.

(5) To determine whether KTAR Broadcasting Company and its principals have acted in good faith in the prosecution of their applications for assignment of license and for waiver of § 3.613 of the Commission's rules, and, whether, in the light of the facts adduced, the Commission should, pursuant to section 312 of the Communications Act of 1934, as amended, issue an order to KTAR Broadcasting Company to show cause why its license should not be revoked.

(6) To determine, in the light of the above issues, whether a grant of the KTAR Broadcasting Company application will serve the public interest, convenience, and necessity.

6. Inasmuch as the protestant is the permittee of Television Station KTVK in Phoenix and has alleged that it will suffer economic injury by reason of more effective competition from Television Station KVAR as a result of the Commission's action granting the above-entitled application, we find KTVK to be a "party in interest" and a "person aggrieved" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (c) Pike and Fischer RR 2008. The Commission's decision in Southwestern Publishing Company, Inc., 11 Pike and Fischer RR 466, cited by KVAR as authority on the issue of standing, is not here controlling because of the material distinction between the respective factual situations.

7. We further find that the protestant has with sufficient particularity taken issue with the basis upon which the grant without hearing was made and that designation for hearing is warranted. In appraising the nature of the hearing required, it is apparent that Issues 2 and 3 raise questions of law only. But since we are herein ordering an evidentiary hearing with respect to other issues, we are, in the interest of expedition including, with the qualification noted below, all the issues specified by the protestant. Issue 5, as framed by the protestant, is in part directed against the June 16, 1954, grant of an application for the assignment of the authorization for Television Station KVAR, a grant which cannot at this late date be brought into issue via the section 309 (c) protest procedure. Accordingly, we are redrafting Issue 5 to restrict its scope to the matters alleged with respect to KVAR's representations to the Commission in connection with its prosecution of the subject application. We do not believe that the allegations in support of the issues contemplating proof on disputed facts justify shifting the burden of proceeding with the introduction of evidence and the burden of proof to the applicant, and, therefore, we are not adopting these issues. With respect to the other issues, too, we are imposing upon the protestant the burden of demonstrating error.

8. In view of the foregoing: *It is ordered*, That the subject Protest and Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final decision by the Commission in the hearing described below; that the above-captioned application is designated for hearing, at a date to be specified later, at the offices of the Commission in Washington, D. C., upon the following issues:

(1) To determine whether the application of KTAR Broadcasting Company is inconsistent with Rules 3.606 and 3.607 and should be dismissed.

(2) To determine whether the Commission had the legal authority to grant the application of KTAR Broadcasting Company based upon waiver of Rule 3.613.

(3) To determine whether the provisions for waiver in Rule 3.613 are consistent with Rules 3.606 and 3.607.

[1] Section 3.613 (b): In cases where an adequate showing is made that there is good cause for locating a main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. The licensee or permittee of a television broadcast station shall not move his main studio outside the principal community in which it is located without first securing a modification of construction permit or license. Such licensee or permittee shall notify the Commission promptly of any change of the location of the main studio within the community. In any case where the main studio is located outside the principal community to be served, the licensee or permittee of a television broadcast station shall not move his main studio without first securing a modification of construction permit or license.

[2] Section 307 (b): In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

(4) To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, § 3.613 of the Commission's rules, and the policy and legal standards set forth in the Sixth Report and Order, whether a grant of KTAR Broadcasting Company's application would serve the public interest, convenience, and necessity.

(5) To determine whether KTAR Broadcasting Company and its principals have acted in good faith in the prosecution of their application for waiver of § 3.613 of the Commission's rules.

(6) To determine, in the light of the above issues, whether a grant of the KTAR Broadcasting Company application will serve the public interest, convenience, and necessity.

It is further ordered, That Arizona Television Company, permittee of Television Station KTVK, Channel 3, Phoenix, Arizona, and the Chief, Broadcast Bureau, are made parties to the above-ordered hearing; and that

1. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

2. The parties intending to participate in the hearing shall file their appearances not later than July 9, 1956.

Adopted: June 27, 1956.

Released: July 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5401; Filed, July 6, 1956; 8:54 a. m.]

[Docket No. 11762; FCC 56-610]

O. R. MITCHELL MOTORS ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of O. R. Mitchell Motors, San Antonio, Texas, Docket No. 11762, File No. BTC-2203; for transfer of control to McLendon Investment Corporation, Dallas, Texas, of Sunshine Broadcasting Company (KTSA), San Antonio, Texas.

1. The Commission has before it for consideration (a) a "Protest of Radio KITE, Incorporated" filed June 1, 1956, pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed against the Commission's action of May 3, 1956, granting without hearing the above-entitled application for consent to the voluntary transfer of control of Sunshine Broadcasting Company (hereinafter referred to as the licensee), licensee of Stations KTSA, KTSA-FM [2] and remote pickup KB-6894, San Antonio, Texas, from O. R. Mitchell Motors to McLendon Investment Corporation (hereinafter sometimes referred to as McLendon or the transferee); (b) an "Opposition to 'Protest of Radio KITE, Incorporated'" filed on June 11, 1956, by McLendon Investment Corporation; (c) a letter dated June 13, 1956, transmitting an affidavit dated June 12, 1956, of O. R. Mitchell; and (d) a "Reply of Radio KITE, Incorporated to Opposition to Protest" filed June 18, 1956.

2. On October 27, 1954, the Commission granted its consent to the transfer of control of the licensee from the Express Publishing Company to O. R. Mitchell Motors by sale to the latter of all of the licensee's issued and outstanding stock (3,000 shares) for $175,000 cash, which stock, as of April 30, 1954, had a net book value, exclusive of goodwill, of approximately $170,762. On May 3, 1956, the Commission granted its consent to the transfer of control of said licensee from O. R. Mitchell Motors to McLendon Investment Corporation (hereinafter referred to as the transferee) by the sale of the said 3,000 shares for $306,000, which stock, as of January 31, 1956, had a net book value of $111,350 (excluding goodwill of $127,180.92). The agreement of sale calls for payment of the purchase price by cash payments of $15,000 immediately and $60,000 at the time of closing (within 45 days from the date of Commission approval of the subject transfer). The balance of $231,000 is payable by the delivery of secured 5 percent promissory notes (endorsed by Messrs. Gordon and B. R. McLendon) in that amount, payable in quarterly installments of $15,000 each beginning 90 days after the closing date. The notes are "secured by all of the stock being transferred to the buyer" who, following consummation of the transfer, shall have the right as sole owner of the licensee corporation to liquidate such corporation and transfer its assets to the transferee. Consent to such liquidation was given by the transferor which agreed to surrender the stock "held as collateral securities," at which time the transferee shall then secure the indebtedness due the transferor by giving it a first mortgage on all the assets transferred from the licensee as security in lieu of the stock that the transferor shall surrender. In the event of default on the notes, "the said shares of mortgaged assets shall be sold at public sale" subject to Texas law and Commission approval. The transfer was consummated on the closing date of May 4, 1956, at which time the above-mentioned sums of $15,000 and $60,000 were paid to the transferor who now holds the stock as security for payment of the said notes totalling $231,000.

3. The transferee is a Texas corporation 50 percent of the stock of which is owned by B. R. McLendon, the corporation's Vice President and a director, and 49.98 percent of which is owned by B. R. McLendon's son, Gordon B. McLendon, who is President and a director. The remaining stock (1 share) is owned by the corporation's Secretary, Treasurer and director, Dorothy Manning. In addition to the subject stations (KTSA, which was established in 1928 and KOKE-FM), the transferee corporation and/or Messrs. McLendon own a controlling interest in four AM stations and one TV station.[3] Gordon McLendon is married to the daughter of James A. Noe who is the licensee of two AM stations and one TV station.[4]

4. The protestant corporation, licensee of Station KITE, San Antonio, Texas, is owned 94.49 percent by Charles W. Balthrope who is also the individual owner of Station KENN, Kennedy, Texas, and approximately 4 percent owner of Stations KPAR (AM and TV), Sweetwater, Texas, and KDUB (AM and TV), Lubbock, Texas. In San Antonio, Texas there are presently in operation two VHF television stations and one UHF television station [5] (a construction permit for a third VHF station, KONO-TV, has been granted by a Commission decision of May 23, 1956), and eight AM and three FM stations [6] in addition to KTSA (5 kw, unlimited time, on 550 kc) and KOKE-FM.

5. Protestant claims to be a "party in interest" under section 309 (c) of the Communications Act and in support of such claim alleges, in substance that KITE started operation in 1947 with its programing including Spanish, Negro and western-music programs, all of which it has been forced to discontinue because of ensuing competition from other San Antonio stations (not KTSA) which broadcast such programs; that KITE became "essentially, a music-and-news station" and that another San Antonio station (KONO) expanded its activities to a 24-hour a day operation, with still another station (KMAC) becoming a full time music-and-news station; that "the competition has thus become increasingly keen in the KITE specialized field of programing;" that protestant has been unable to determine any practical method whereby it may extend its hours of operation to unlimited time and "thus improve its competitive position;" that "KTSA becomes eighth in the group of so-called 'NOEMAC' [8] stations owned and/or operated by the McLendon Investment Corporation" (named were all stations listed hereinabove in footnotes 2 and 3, except KILT-TV which is not yet in operation); that the transferee

because of its multiple-purchasing power as the operator of seven standard stations and one television station, will be able to buy and/or produce broadcast materials at a much lower rate than protestant, including such services as wire news, singing jingles both for program production and commercial sponsors, specially-produced spot announcements, which can be offered as an extra production aid to advertisers, and more economical per-station advertising through the use of page ads in national trade publications covering all eight stations in the NOEMAC group. Also, through the promise of their use on all NOEMAC stations, McLendon will be in a position to induce record manufacturers to give KTSA better disc jockey service than protestant and also to obtain free records for promotional purposes.

As further support for the claim of "party in interest," protestant alleges that "because of the operation of eight stations and the attendant ability to switch personnel and equipment from one station to another, McLendon can effect savings in operation which will put it in better position to compete unfairly;" that McLendon has changed the programming of KTSA to be substantially like that of KITE; that KTSA announcers "ask listeners not to listen to specific programs which are carried over other San Antonio stations, but to listen instead to KTSA;" that "through the McLendon policy of double-spotting commercials, KTSA is in a position to offer time which is not available elsewhere;" that instead of following a commercial policy of three spots in a 14½ minute period, "by double-spotting announcements" during the "preferred hours" and by use of "shortie tunes," which are specifically made for over-commercialized periods and run from 1½ minutes instead of the normal 3 minutes per record, KTSA can attract from protestant spot announcements on a basis that is not generally accepted by the industry or by the Commission; that certain newspaper advertising statements or phrasing used by KITE, such as "color radio" were substantially copied in radio broadcasts by KTSA, as was a certain audience participation program of KITE, all of which "will cause serious economic injury to Station KITE by improperly influencing both advertisers and audiences to leave KITE in favor of KTSA."

6. Protestant refers to the fact that the transferor and transferee were advised on April 27, 1956 (before the grant of Commission consent to the subject transfer), by a letter from the Commission "that a complaint had been filed relating to the improper prior manifestations of control by McLendon" [7] and states that the "immediate transfer of control was affected at the peril of a protest which the parties were obviously forewarned might be filed and result in an indefinite postponement of the effective date of the Commission's action." Protestant contends that the transfer is not in the public interest, alleging that prior to Commission action in granting its consent to the transfer, McLendon "manifested control over the operation of the station;" that "McLendon arbitrarily cancelled, or caused to have cancelled, all agricultural, sports, and news programs, both local and network, that interfered with the NOEMAC station format followed in other cities;" that both ABC and Mutual Network programs were abandoned on May 20, "only 16 days after the transfer was consummated;" that these changes "were made to conform to the normal pattern of NOEMAC station operation in other cities and were occasioned by McLendon influence before the Commission consent was given" (emphasis added); that McLendon's prior assumption of control was evidenced by publication of full-page ads in two Broadcasting-Telecasting magazine issues [8] wherein KTSA was listed among the NOEMAC stations, thus being "an effort to cause the average reader to believe that KTSA was already in the NOEMAC group even though • • • at the bottom of the page appeared the statement 'FCC approval of transfer pending;'" that the transferor, realizing a profit of approximately $131,000 on the sale of the station, "had a responsibility as a licensee to determine whether or not the operation proposed by the purchaser-transferee would serve the public interest • • • but the facts submitted with the application were an insufficient disclosure to that end" in that the "standardized, non-localized, NOEMAC station programming, as substituted by McLendon at KTSA, does not serve the San Antonio public interest because several of the same types of programming services are available" whereas certain "public-interest" program features which were needed by the community, such as agricultural programs, were cancelled by the station. Protestant also alleges by giving samples that "under McLendon operational policies, there are deliberately broadcast over KTSA remarks which are of questionable propriety, if not indecent, and contrary to the best interests of the public and of the broadcasting industry;" that "the NOEMAC programming, as already followed by KTSA, does not conform to the program representations made to the Commission" in the transfer application.

7. Protestant requests the Commission to designate the subject application for hearing on the following four issues:

(a) To determine whether or not the transferee improperly manifested control over the operation of Station KTSA pending the granting of the Commission's consent to the transfer of control.

(b) To determine whether or not the transferee has carried out, or made arrangements to carry out, the programming representations made in the application.

(c) To determine whether or not the transferee's method of operating the station is and will be in the San Antonio public interest.

(d) To determine whether or not the granting of the application would serve the public interest, convenience, and necessity as required by section 310 (b) of the Communications Act.

8. In its Opposition, McLendon "concedes the technical 'standing' of protestant" to file its Protest under section 309 (c) of the act. However, it is argued that in regard to every issue, the protestant has failed to comply with the requirement of such section of the act to "specify with particularity the facts relied upon by the protestant as showing that the grant was improperly made or would otherwise not be in the public interest" since the protest contains nothing "but bald conclusionary statements" and "generalized objections (which) are obviously insufficient under the Statute without some specifications of events and circumstances;" that in regard to the first issue, the statement of protestant that the cancellation of the network contracts, 16 days after the transfer was consummated "were (sic) occasioned by McLendon influence before Commission consent was given" does not give any facts as to when, by whom, and where the alleged influence was exercised and, furthermore, since the contracts were cancelled after McLendon took over, "either the alleged influence never did exist or if it did exist then obviously it was ineffectual."

9. In regard to the second issue, McLendon insists that there is not one word of fact, conclusion or allegation anywhere in the Protest which would support or give any credence to the issue; that there is no reference to the subject application or the program proposals of McLendon therein; that, in fact, in submitting a new program schedule, McLendon "explicitly and implicitly represented to the Commission that some programs would be cancelled;" and that, for example, McLendon specifically states in the application that it would not any longer be affiliated with any networks whatsoever.

10. In regard to the third issue, McLendon states that with respect to the remarks of "questionable propriety" broadcast by KTSA, McLendon has, since the filing of the Protest, ascertained that such remarks were made but that they were made by a youthful announcer who has, along with all other announcers, since been informed that should such an incident occur again, the announcer would be summarily dismissed. McLendon categorically denies that the remarks were made "under McLendon operational policies" and insists that there is not one iota of allegation of fact or conclusions in the Protest supporting such a charge or the charge that the remarks were "deliberately broadcast." It is then argued that there is not one fact stated to support protestant's allegation that the "NOEMAC programming, as already followed by KTSA, does not conform to the program representations" made in the application; that as to the "color radio" and audience participation program charges (see paragraph 5 herein), McLendon first

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[1] Commissioner Doerfer abstaining from voting.

[2] KTSA-FM call letters were changed to KOKE (FM) pursuant to consent granted by the Commission on May 25, 1956.

[3] KLIF, Dallas, Texas; KELP and KILT-TV (formerly KOKE (TV)), El Paso, Texas; WRIT, Milwaukee, Wisconsin; and WTAM (formerly WGLS), Decatur, Georgia.

[4] KNOE and KNOE-TV, Monroe, Louisiana; and WNOE, New Orleans, Louisiana. There is no question of overlap between these stations and those of McLendon. James A. Noe sold his 50 percent interest in Station KOTN, Pine Bluff, Arkansas, pursuant to Commission consent of May 3, 1956 (BTC-2206).

[5] KENS-TV (Ch. 5), WOAI-TV (Ch. 4) and KCOR-TV (Ch. 41).

[6] KITE, 1 kw, daytime only on 930 kc and KITE-FM (protestant's stations). KCOR, KENS, KEXX, KIWW, KMAC, KISS (FM), KONO, KONO-FM and WOAI.

[7] A "complaint" was filed on April 23, 1956, in the form of an unverified letter to the Commission which alleged that McLendon had manifested control over the licensee prior to Commission consent to the transfer of control. The Commission on April 27, 1956, requested full explanations from the applicants. A response was filed in the form of affidavit-supported representations which were submitted as an amendment to the application and which denied the allegations in the "complaint."

[8] April 23 and April 30, 1956, on pages 101 and 47, respectively.

used these two promotions on its Dallas Station, KLIF, long before they were even used by any station in San Antonio and that KTSA has "simply adopted promotions which other McLendon stations have used in the past;" that in regard to protestant's allegation that "the McLendon policy of double-spotting commercials" proved that "KTSA is in a position to offer time which is not available elsewhere," such words obviously lacked the required specificity of facts.

11. In regard to the fourth issue, McLendon contends that it is impossible to ascertain upon "what statement of 'fact' this issue is requested;" that assuming it is based on the allegation of quick profit made by the transferor, it is hardly sufficient as a basis for denial of an application; that in regard to the protestant's references to "NOEMAC," and examination of the applications and license records of all of such designated stations will show that they are not stations of "standardized non-localized programming," nor is KTSA the eighth in the group of so-called "NOEMAC" stations owned and/or operated by the McLendon Investment Corporation; that neither B. R. or Gordon McLendon has any proprietary interest of any kind, nature, or description in any of Mr. Noe's stations; that none of such stations is directly or indirectly operated in any manner whatsoever by McLendon; that "there are no contracts, agreements, or understandings of any kind, nature or description" between the transferee (or the two McLendons) and the licensee of the Noe stations, "whereby the former receive or pay any consideration;" that Gordon McLendon, in response to his father-in-law's request (about 15 months ago), has discussed with Mr. Noe his operating problems but did not exercise any control over Mr. Noe's operations nor did he receive reimbursement for the expenses incurred; that the only "format which is common to the seven radio stations is that they emphasize music, news, and the respective indigenous and respective local events and community interests;" that all of the McLendon stations "have the same general type of format but each emphasizes the coverage of the particular local needs;" that there are no combination or discount rates of any kind, nature or description as between the McLendon and the Noe stations; that there is no joint buying or selling between these two groups of stations; and, finally, that as to joint magazine advertising, "the eight stations together cannot buy full-page ads for a lesser sum than can the protestant, if it desired to do so."

12. In regard to the request for postponement of the effective date of Commission action, McLendon asserts that the transferor has completely divorced itself from the operations of KTSA; that "it would, as a practical matter, be impossible for the transferor and transferees to now cancel the consummation of the transaction;" that stock has been transferred, money exchanged, taxes paid, new officers and directors of licensee elected, payroll increased, contracts cancelled pursuant to program representations in the application, cash expenditures made and/or contracted for in the amount of more than $100,000 toward the acquisition and operation, unrecoupable payments made which are directly related to construction work in the O. R. Mitchell Motor Company building and to studio installations, etc., and that several new employees have been hired away from other broadcast positions who would be out of work if the station operation had to revert to the transferor. McLendon then contends that the Congressional intent in amending section 309 (c) so as to give the Commission discretion not to stay the effectiveness of protested grants "clearly indicates that Congress had in mind the very type of situation involved in the instant proceeding." McLendon further contends that the protestant offers no reason how or why a stay would be in the public interest; that "the only interest which would be served would be a private one: the temporary elimination of McLendon as a competitor;" and that a stay would defeat the fundamental purpose behind the recent revision of section 309 (c)—"to deprive those who have economic standing from using that position to harass licensees and permittees;" and that protestant's statement that the consummation prior to 30 days involved the peril of a protest with the resultant indefinite postponement of the effective date of the Commission's action when read in the light of protestant's complaints that it had been unable to improve its competitive position and that McLendon's acquisition would increase the competition could only mean that the very purpose of the protest was to cause an "indefinite postponement" of competition which has arisen by McLendon's acquisition. Finally, McLendon contends that if the Commission concludes that facts have been set forth with the required "particularity" then this is exactly the kind of a case that Congress had in mind where the only relief that protestant should be granted is the right of oral argument.

13. An affidavit was filed by Mr. O. R. Mitchell two days after the timely filing of the Opposition ("due to the fact that Mr. Mitchell was on the West Coast and unavailable from May 28 to June 11, 1956") which states, in the event a stay is granted, Mr. Mitchell "would have grave doubts" as to whether he would want to continue to operate the station during the interim period; that a stay would create serious economic and programming confusion; and that operation by the transferee "would insure to the public that the station would be operating continuously and there could be no possibility of a temporary suspension."

14. In its Reply to the Opposition, protestant reiterates and reemphasizes certain of its allegations, such as the fact that the transferor and transferee should have known that all consummation action and change of position effectuated by them prior to the expiration of the 30-day protest period was done at their own risk and could not justify denial of a stay in spite of the resultant private economic loss or confusion which would be caused by such a stay; that Mitchell does not contend that he "cannot or would not resume the operation of KTSA" but only that he would have doubts as to whether he wanted to continue operation. The following statements were also made in the Reply:

> The only question is whether, as alleged in the Protest (Pars. 8–13), McLendon unlawfully manifested control prior to Commission consent by causing cancellation of network agreement and of local programs, and then proceeded to operate KTSA contrary to the public interest;
>
> The question is not whether specific cancellations violated the program representations but whether they or any of them were due to improper McLendon influence manifested prior to the giving of consent by the Commission, and also whether the resulting operation is in the public interest;
>
> • • • the public interest is paramount to McLendon's interest and may only be served through the medium of a hearing for the introduction of evidence relating to the allegations of improper manifestations of control by McLendon and of operation contrary to the public interest.

The Reply also contains other and new matter which is apparently designed to expand or supplement the allegations set forth in the protest in light of arguments contained in the Opposition. Such new matter has not been considered herein since it was not submitted within the 30-day period provided for in the Communications Act.

15. In view of the fact that the protestant is the licensee of standard broadcast Station KITE, San Antonio, Texas, where Station KTSA (and KTSA-FM, now KOKE-FM) will operate and that it has alleged facts showing that it will suffer economic injury as a result of the grant complained of, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. FCC v. Sanders Brothers Radio Station, 309 U. S. 470 (1940); Camden Radio, Inc. v. FCC, 220 F. 2d 191, 94 U. S. App. D. C. 312; *In re Application of General-Times Television Corporation*, 13 Pike & Fischer RR 1049. We find further that protestant has specified with particularity the facts relied upon so as to warrant designating the application for hearing on Issues (a), (c) and (d) as specified by protestant. See Federal Broadcasting System v. Federal Communications Commission, — U. S. App. D. C., —, 231 F. 2d 246 (1956). However, we are not adopting these issues and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on protestant. As to protestant's Issue (b), we find that no facts have been specified in the Protest with any degree of particularity to support such an issue.

16. The protestant has requested that the effective date of the grant be postponed until a decision is handed down after a hearing on the matter. Section 309 (c) presents two tests controlling the question of when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." No facts have been presented which would dictate such a finding. The inability of the transferor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KTSA has not been shown to be inevitable under the circumstances. The second is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit such a finding. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. They were on notice that a change in the status quo might result in financial loss, confusion, inconvenience, personnel displacement or other problems. While we appreciate the extent to which private interests will be affected by a stay of our grant, we are of the view that such circumstance was not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay.

17. In light of the above: *It is ordered*, That the subject protest is granted to the extent provided for below and is denied in all other respects; that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether or not the transferee improperly manifested control over the operation of Station KTSA pending the granting of the Commission's consent to the transfer of control.

(2) To determine whether or not the transferee's method of operating the station is and will be in the San Antonio public interest.

(3) To determine whether or not the granting of the application would serve the public interest, convenience, and necessity as required by section 310 (b) of the Communications Act.

The burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein, and that:

1. The hearing on the above issues shall commence at 10:00 a. m. on September 10, 1956, before an Examiner to be designated by subsequent order;

2. The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exception thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than September 4, 1956.

It is further ordered, That the parties to the above-entitled application shall have until July 16, 1956, to return control of Sunshine Broadcasting Company to O. R. Mitchell Motors.

Adopted: June 27, 1956.

Released: July 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5402; Filed, July 6, 1956; 8:55 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF CERTAIN ADDITIONS AND IMPROVEMENTS TO PLANT OF WESTINGHOUSE ELECTRIC CORPORATION, SUNNYVALE, CALIFORNIA, N–CAL–561

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter referred to as "the act"), authority is hereby delegated to the Secretary of Defense to dispose of the industrial property which was generated under two facilities contracts between the Bureau of Ordnance, Navy Department, and the Westinghouse Electric Corporation at the Corporation's Sunnyvale, California, plant. The property was reported excess March 19 and May 1, 1956, Holding Agency No. 391. Included are three leantos, two prefabricated steel buildings, a covered bridge passageway, and certain interior alterations and rearrangements, all of which improvements were constructed at a cost to the Government of $127,015.00. It has been determined that the property is surplus to Federal Government needs.

2. The authority conferred herein shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto pertaining to the disposal of surplus real property.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 29, 1956.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F. R. Doc. 56-5447; Filed, July 6, 1956; 10:02 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–8970, G–9173]

BLACKWELL OIL & GAS CO. AND T. L. JAMES AND CO. ET AL.

ORDER GRANTING FURTHER POSTPONEMENT OF HEARING

By order issued March 20, 1956, the Commission consolidated these proceedings for the purpose of hearing, and directed that hearing in these matters be commenced on May 21, 1956. By notice of continuance of hearing the Secretary of the Commission postponed the hearing from May 21, 1956 to June 4, 1956. On May 16, 1956, T. L. James and Company filed a motion for reconsideration of the postponement and the Commission, by order issued May 29, 1956, postponed the hearing to July 9, 1956.

On June 15, 1956, Blackwell Oil & Gas Company (Blackwell) filed a motion for continuance of hearing which was denied by the Commission by order issued June 25, 1956. On June 25, 1956, T. L. James and Company, et al. (James Company) filed a motion for continuance of hearing and on June 27, 1956, Blackwell filed a motion for reconsideration of the June 25, 1956 order.

The Commission finds good cause has been shown for granting a reconsideration of the Commission's order issued June 25, 1956, and for a postponement of hearing.

The Commission orders the hearing set for July 9, 1956, be and the same is hereby postponed until September 10, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: July 2, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-5383; Filed, July 6, 1956; 8:50 a. m.]

* Commissioner Doerfer abstaining from voting and Commissioner Mack not participating.

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

FORT WORTH REGIONAL OFFICE

Section I *Description of Agency and Programs*, is amended as follows:

Subparagraph 3 of paragraph G is amended to read as follows:

3. *Fort Worth Regional Office.* Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

Date approved: June 28, 1956.

[SEAL] JOHN D. CURRIE, *Acting Commissioner.*

[F. R. Doc. 56-5370; Filed, July 6, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3473]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER AUTHORIZING BANK BORROWINGS AND ISSUANCE BY SUBSIDIARIES OF SHORT-TERM AND LONG-TERM NOTES AND ACQUISITION THEREOF BY PARENT

JULY 2, 1956.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation,

The River Gas Company, File No. 70–3473.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 7, 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43, U-45 and U-50 thereunder as applicable to various proposed transactions including those summarized as follows:

Consolidated proposes to provide funds to meet the construction requirements of its subsidiaries for 1956 through the sale of debentures at competitive bidding and by loans from banks and has requested that an order be issued forthwith granting and permitting to become effective the joint application-declaration as amended, in so far as it relates to the proposed borrowings from banks and intercompany transactions with its subsidiaries as indicated below:

As a standby arrangement and pending completion of the debenture financing Consolidated proposes to borrow, as required, up to $30,000,000 from banks before the debenture financing takes place. This borrowing would be made on a promissory note or notes having a maturity of one year or less from July 5, 1956, without collateral at the prime interest rate and with a repayment privilege upon five days' notice. Consolidated presently plans to make an initial borrowing of $10,000,000 on July 5, 1956, under this arrangement.

If Consolidated should postpone the issue and sale of the debentures beyond August 1, 1956, Consolidated would obtain additional amounts from the banks as required on various dates to September 30, 1956, up to the total of $30,000,000. The total amount borrowed on such bank loans would be repaid from the proceeds of the debenture issue when sold.

Consolidated proposes to use the funds obtained from these bank loans to make short-term standby loans to its subsidiaries up to the same amounts as is indicated above on notes of one year maturity or less from the date the first note is issued by each company, with interest at the prime interest rate obtained by Consolidated on its related bank loan, said notes to be issued from time to time as funds are needed, up to December 31, 1956. The amounts borrowed by the subsidiaries on the short-term standby loans will be repaid through the issuance of their long-term notes upon completion of Consolidated's proposed sale of debentures.

Consolidated also proposes to provide funds to finance seasonal storage gas purchases by its subsidiaries through borrowing $25,000,000 from banks on various dates between the period September 15, 1956, and December 31, 1956. These funds will be obtained through the issuance of an unsecured promissory note or notes, at the prime interest rate, maturing one year from the date of the first borrowing with a repayment privilege upon five days' notice.

The funds thus obtained together with treasury funds will be loaned to Consolidated's subsidiaries on notes of one year or less from the date of the first note issued by each subsidiary with interest at the prime rate obtained by Consolidated and in the following amounts:

East Ohio	$6,000,000
Hope	5,500,000
New York Natural	14,000,000
Peoples	1,000,000
Total	26,500,000

The banks from which Consolidated proposes to borrow and the amounts to be borrowed from each bank are as follows:

Banks	$30,000,000 standby loan	$25,000,000 gas storage loan	Total
The Chase Manhattan Bank (New York)	$10,000,000	$8,200,000	$18,200,000
The National City Bank of Cleveland (Ohio)	2,000,000	2,000,000	4,000,000
Bankers Trust Co. (New York)	1,600,000	1,200,000	2,800,000
Guaranty Trust Co. of New York	1,600,000	1,200,000	2,800,000
J. P. Morgan & Co. Inc. (New York)	1,600,000	1,200,000	2,800,000
Chemical Corn Exchange Bank (New York)	1,600,000	1,200,000	2,800,000
The First National City Bank of New York	1,600,000	1,200,000	2,800,000
The Hanover Bank (New York)	1,600,000	1,200,000	2,800,000
Irving Trust Co. (New York)	1,600,000	1,200,000	2,800,000
Manufacturers Trust Co. (New York)	1,600,000	1,200,000	2,800,000
Mellon National Bank & Trust Co. (Pittsburgh, Pa.)	1,600,000	1,200,000	2,800,000
Union Bank of Commerce (Cleveland, Ohio)	1,350,000	1,250,000	2,600,000
Peoples First National Bank & Trust Co. (Pittsburgh, Pa.)	1,050,000	1,250,000	2,300,000
The Union National Bank of Pittsburgh, Pa.	1,100,000	1,100,000	2,200,000
First National Bank (Akron, Ohio)	400,000	400,000	800,000
The Dime Bank (Akron, Ohio)	200,000	150,000	350,000
The Firestone Bank (Akron, Ohio)	200,000	100,000	300,000
First National Bank of Canton (Ohio)	150,000	100,000	250,000
The Harter Bank & Trust Co. (Canton, Ohio)	100,000	100,000	200,000
The Mahoning National Bank (Youngstown, Ohio)	100,000	100,000	200,000
Union National Bank (Youngstown, Ohio)	100,000	100,000	200,000
The Dollar Savings & Trust Co. (Youngstown, Ohio)	100,000	100,000	200,000
The Empire National Bank of Clarksburg (West Virginia)	75,000	75,000	150,000
The Union National Bank of Clarksburg (West Virginia)	75,000	75,000	150,000
The Canton National Bank (Ohio)	50,000	50,000	100,000
United States National Bank in Johnstown (Pennsylvania)	50,000	50,000	100,000
Johnstown Bank & Trust Co. (Pennsylvania)		50,000	50,000
Central Trust Co. (Altoona, Pa.)		50,000	50,000
Total	30,000,000	25,000,000	55,000,000

The State Commissions of West Virginia, Pennsylvania, and Ohio have issued orders authorizing certain of the proposed transactions by Hope, Peoples, East Ohio and River.

The fees and expenses to be incurred in connection with the above transactions are to be supplied by amendment.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the Act and the Rules thereunder are satisfied, and that no adverse findings are necessary in respect of the proposed issuance, sale and acquisition of securities described above; and the Commission deeming it in the public interest and in the interest of investors and consumers that said joint application-declaration, insofar as it relates to the issuance, sale and acquisition of said securities should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, to the extent that it relates to the issuance, sale and acquisition of securities described above, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and hereby is reserved with respect to the payment of any fees and expenses incurred or to be incurred in respect of the various proposals set forth in the joint application-declaration, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5374; Filed, July 6, 1956; 8:48 a. m.]

[File No. 70–3487]

MONONGAHELA POWER CO. AND MARIETTA ELECTRIC CO.

NOTICE OF PROPOSED INCREASE IN AUTHORIZED CAPITAL STOCK, AND ISSUANCE AND SALE OF 7,500 SHARES THEREOF BY SUBSIDIARY, AND ACQUISITION AND PLEDGE OF SUCH SHARES BY PARENT COMPANY

JULY 2, 1956.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a public-utility company and an exempt holding company which is a subsidiary of The West Penn Electric Company, a registered holding company, and Monongahela's wholly owned public utility subsidiary, The Marietta Electric Company ("Marietta"), have filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, 10 and 12 of the act and Rules U-43 and U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

Pursuant to an amendment of its Articles of Incorporation effective April 18, 1956, Marietta proposes to increase its authorized capital stock from 12,500 to 32,500 shares of $100 par value each, and to issue and sell 7,500 of such additional shares, and Monongahela proposes to acquire same for a cash consideration of $750,000, the aggregate par value thereof.

Marietta will apply the proceeds of sale (1) to repay open account advances in the amount of $100,000 made to it by Monongahela for temporarily financing the construction of facilities during the period December 1955 through March 1956, and (2) to provide funds for further property additions and improvements. Marietta's construction budget for the last nine months of 1956 is stated at $688,800 and for 1957 at $348,200.

Monongahela will purchase the additional shares from available treasury funds, and will forthwith pledge such shares with City Bank Farmers Trust Company as Trustee (along with the presently outstanding 12,500 shares of Marietta's capital stock, heretofore pledged) pursuant to the terms of the Indenture dated August 1, 1945, as supplemented, securing Monongahela's First Mortgage Bonds.

The fees and expenses in connection herewith are estimated at $1,250, including Federal stamp taxes $825, and miscellaneous expenses $425—of which $1,200 will be allocated to Marietta and $50 to Monongahela.

Monongahela renders electric utility service in West Virginia, and Marietta serves a contiguous area in Ohio. The issuance and sale of the additional shares by Marietta have been appoved by the Public Utilities Commission of Ohio; and the acquisition of said shares by Monongahela has been approved by the Public Service Commission of West Virginia.

The applicants request that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than July 16, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rule U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5373; Filed, July 6, 1956; 8:47 a. m.]

[File No. 70–3490]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; AND ISSUANCE AND SALE BY SAID SUBSIDIARY AND ACQUISITION BY ITS PARENT COMPANY OF COMMON STOCK

JULY 2, 1956.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its direct subsidiary, Jersey Central Power & Light Company ("Jersey Central"), an operating public utility company, have made a joint filing with this Commission designating sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Jersey Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, -- Percent Series, due 1986. These bonds will be dated August 1, 1956, and will mature August 1, 1986, and will be issued under Jersey Central's Indenture of Mortgage dated March 1, 1946, as heretofore supplemented and amended and as to be further supplemented and amended by a further Supplemental Indenture to be dated August 1, 1956. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be received by Jersey Central (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102¾ percent of the principal amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

From time to time, but in no event later than the issuance and sale of the above-described bonds, Jersey Central will issue and sell to GPU and GPU will buy from Jersey Central an aggregate of 50,000 additional shares of Jersey Central's common stock, par value $10 per share, for an aggregate purchase price of $500,000.

It is represented in the filing that the proceeds from the sale of these securities (estimated at $10,500,000) will be used as follows: (i) $3,750,000 will be applied to the prepayment of the principal amount of Jersey Central's Notes maturing December 31, 1957; and (ii) the balance of $6,750,000 will be applied to the costs of Jersey Central's 1956 construction program estimated at approximately $14,650,000.

It is stated in the joint application that the proposed transactions are subject only to the jurisdiction of this Commission and to the Board of Public Utility Commissioners of the State of New Jersey.

It is estimated by the applicants that the fees and expenses applicable to these transactions and to be borne by them will aggregate $54,380 of which not to exceed $500 will be paid by GPU. The estimated fees and expenses to be borne by Jersey Central include: $13,080 for Federal and State filing fees and taxes; $23,250 for printing and engraving; $12,300 legal fees and expenses; $3,000 accounting services; $5,250 for indenture trustee, registrar, and transfer agent services; and $1,000 miscellaneous.

Notice is further given that any interested person may, not later than July 19, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5375; Filed, July 6, 1956; 8:48 a. m.]

UNITED STATES INFORMATION AGENCY

[Delegation of Authority 19A]

CERTAIN OFFICIALS OF ADMINISTRATIVE SERVICES DIVISION

DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

1. Pursuant to the provisions of Reorganization Plan No. 8, 1953, and by virtue of the delegation of authority dated July 31, 1953, signed by Russell Forbes, Acting Administrator, General Services Administration; and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below authority to make purchases and contracts chargeable to any allotment made to an organizational element of the United States Information Agency, and to sign and issue purchase orders, contracts, Government Bills of Lading, and certificates of awards in connection therewith. This delegation includes authority to make purchases and contracts, and determinations and decisions in connection therewith, pursuant to the provisions of Title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Acting Administrator, General Services Administration and specific limitations below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may

be issued hereafter by the United States Information Agency, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

Chief and Deputy Chief, Administrative Services Division.
Special Assistant, Administrative Services Division.
Chief and Assistant Chief, Procurement Branch.
Chief, Contract Service and Expediting Staff.
Chief, Contract and Procurement Section A.
Chief, Contract and Procurement Section B.
Head, IBS Contract Unit.
Head, IMS Contract Unit.
Head, IPS-ICS Contract Unit.
Head, General Contract Unit.

Limitations. No authority is delegated to make determinations or decisions specified in Public Law 152, as amended, section 305 (a) or in paragraphs (11) and (12) of section 302 (c). Authority to make determinations or decisions specified in paragraph (10) of section 302 (c) is delegated only to the Chief, Administrative Services Division and only with respect to contracts which will not require the expenditure of more than $25,000. Authority to authorize cost, cost-plus-a-fixed fee contracts, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b) is delegated to the Chief, Administrative Services Division only.

2. The Chief, Administrative Services Division, may, in his own discretion, impose such limitations on the authorities granted to his subordinates listed above, as may be administratively necessary. Such limitations shall be made in writing and a copy filed with the Management Division.

3. The Chief, Administrative Services Division, may designate in writing and delegate to appropriate officers of the Agency authority (a) to make purchases under open-end contracts chargeable to appropriate allotments of the Agency, and (b) purchase supplies and services provided no single purchase may be in excess of $500.

4. The Chief, Administrative Services Division, may designate in writing and delegate to the appropriate officers of the Agency authority to sign and issue Government Bills of Lading.

This delegation of authority shall be effective as of January 12, 1956, and supersedes Delegation of Authority No. 19 of September 29, 1953, published in the FEDERAL REGISTER, 18 F. R. 6798.

THEODORE C. STREIBERT,
Director.

[F. R. Doc. 56-5376; Filed, July 6, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32300: *Tin and terne plate—Fairfield, Ala., to Arkansas and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on tin and terne plate, and tin mill black plate, carloads from Fairfield, Ala., to Ft. Smith, Springfield, Ark., and Mt. Vernon, Mo.

Grounds for relief: Commercial competition with Arlington, Dallas and Farmers Branch, Tex., and circuitous routes.

Tariff: Supplement 64 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 32301: *Coal—Lake Superior Docks to Minnesota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on anthracite and bituminous coal, carloads from Superior, Wis., and other specified points in Wisconsin on Lake Superior to specified points in Minnesota.

Grounds for relief: Market competition with Duluth, Minn., and circuitous routes.

Tariff: Supplement 17 to Chicago, Milwaukee, St. Paul and Pacific railroad tariff I. C. C. B-7711, and other tariffs listed in section B of exhibit 1 of the application.

FSA No. 32303: *Class rates—Between Official Territory and Ontario, Canada Groups.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on commodities moving on class rates, carloads, and less-than-carloads between points in official (including Illinois) territory on one hand, and points in the Manitouwadge group in eastern Canada in the Province of Ontario, on the other.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariffs: Supplement 76 to H. R. Hinsch's tariff I. C. C. 3814; Supplement 104 to C. W. Boin's tariff I. C. C. A-721; Supplement 85 to O. E. Swenson's tariff I. C. C. 384.

FSA No. 32304: *Automobile parts—Alma, Mich., to Cleveland, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts straight or mixed, carloads from Alma, Mich., to Cleveland, Ohio.

Grounds for relief: Carrier competition and circuity.

FSA No. 32305: *Coal—Argo, Ala., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from Argo, Ala., to specified points in southern territory.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 34 to Agent H. L. Marston's tariff I. C. C. A-11166.

FSA No. 32306: *Electrode binder, to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on electrode binder, in bulk, carloads from specified points in Illinois, Michigan, Minnesota, Ohio, Wisconsin, and West Virginia to specified points in Arkansas, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 147 to Agent Kratzmeir's I. C. C. 4109; Supplement 28 to Agent Kratzmeir's I. C. C. 4178; Supplement 4 to Agent Kratzmeir's I. C. C. 4204.

FSA No. 32307: *Anhydrous ammonia—Houston, Tex., to West Memphis, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to West Memphis, Ark.

Grounds for relief: Competition of carriers by water and circuitous routes.

Tariff: Supplement 154 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32309: *Magnesite—Gulf, South Atlantic and Virginia Ports to Norton, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on dead burned and/or calcined magnesite, carloads from Gulf, south Atlantic and Virginia ports to Norton, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 145 to Agent Spaninger's tariff I. C. C. 1369.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32302: *Rough rice—Arkansas Points to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rough rice, carloads from specified points in Arkansas to Memphis, Tenn.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

Tariff: Supplement 51 to Agent Kratzmeir's tariff I. C. C. 4037.

FSA No. 32308: *Anhydrous ammonia—Houston, Texas, to West Memphis, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to West Memphis, Ark.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

Tariff: Suplement 154 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 32310: *Passenger compartment charges between East and West.* Filed by M. B. Duggan, Agent, for interested rail carriers. Rates on passenger railway charges between Certain points on the Seaboard Air Line Railroad Company south of Hamlet, N. C. on the one hand, and points on the Pennsylvania and New Haven railroads, on the other.

Grounds for relief: Maintenance of depressed charges to and from Hamlet, N. C., not applicable in constructing lower combination charges.

Tariff: Supplement 2 to Agent Duggan's I. C. C. H-4890 and other schedules.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-5371; Filed, July 6, 1956; 8:47 a. m.]

[Rev. S. O. 562; Taylor's I. C. C. Order 73]

DULUTH, WINNEPEG AND PACIFIC RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Duluth, Winnepeg and Pacific Railway Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines: *It is ordered*, That:

(a) Rerouting traffic: The Duluth, Winnepeg and Pacific Railway Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a. m., June 30, 1956.

(g) Expiration date: This order shall expire at 12:01 a. m., July 1, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 30, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 56-5406; Filed, July 6, 1956; 8:56 a. m.]

[I. C. C. S. O. 911, Taylor's Car Distribution Order 2]

RAILROADS SERVING PORTS WHERE ORE IS TRANSFERRED FROM VESSELS TO CARS

ISSUANCE AND REVOCATION OF PERMITS

Pursuant to authority vested in me by paragraph (a) (8) of I. C. C. Service Order No. 911: *It is ordered*, That:

(a) Any railroad serving ports, where ore is transferred from vessels to cars, may furnish cars for ore loading, when delivery is impracticable, because of work stoppage in the steel industry, only after a permit shall have been issued.

(b) Permits will be issued or revoked as authorized in paragraph (a) hereof upon certification of the Car Service Division, Association of American Railroads.

(c) Effective date: This order shall become effective at 12.01 a. m., July 1, 1956.

(d) Expiration date: This order shall expire at 11:59 p. m., July 31, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 30, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 56-5405; Filed, July 6, 1956; 8:56 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 2, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32290: *Crude rubber—Louisiana and Texas to Michigan and Pennsylvania.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Houston and Port Neches, Tex., to Monroe, Mich., Ambler and Phoenixville, Pa.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 156 to Agent Kratzmeir's I. C. C. 4087; Supplement 208 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32291: *Muriatic acid—Chattanoga, Tenn., to Chicago, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on acid, muriatic (hydrochloric), tank-car loads from Chattanooga, Tenn., to Chicago, Ill.

Grounds for relief: Competition of barge lines, and circuitous routes.

Tariff: Supplement 217 to Agent Spaninger's I. C. C. 1351.

FSA No. 32292: *Grain and products—central to trunk line and New England territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grain and grain products, carloads and less-than-carloads from specified points in states in central (including Illinois) territory named in the aforesaid tariff to specified points in states in trunk-line and New England territories named in the aforesaid tariff.

Grounds for relief: Grouping and circuitous routes.

FSA No. 32293: *Pig iron—Buffalo, N. Y., group to Chicago, Ill., and district.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads from Buffalo, Black Rock, Niagara Falls and Suspension Bridge, N. Y., to Chicago, Ill., and points in the Chicago district, also Gary, Ind.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 28 to Baltimore and Ohio Railroad tariff I. C. C. 23932 and supplemental schedules of other carriers listed in appendix A of the application.

FSA No. 32294: *Carbolic acid—Marietta, Ohio, to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbolic acid (phenol), tank-car loads from Marietta, Ohio, to Houston, Tex.

Grounds for relief: Water-truck competition and circuitous routes.

Tariff: Supplement 142 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 32295: *Stone—Dan, Ga., to points in Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on stone, broken or crushed, carloads from Dan, Ga., to specified points in Georgia.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 69 to Agent Spaninger's I. C. C. 1469.

FSA No. 32296: *Caustic soda—Memphis, Tenn., to Louisiana points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Memphis, Tenn., to Baton Rouge, Chalmette, New Orleans, and Norco, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 291 to Agent Spaninger's I. C. C. 1062.

FSA No. 32297: *Stone—Dan, Ga., to Lakeland, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on stone, broken or crushed, carloads from Dan, Ga., to Lakeland, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 69 to Agent Spaninger's I. C. C. 1469.

FSA No. 32298: *Commodities to Northern, Southern and Western Points.* Filed jointly by C. W. Boin and O. E. Swenson,

Agents, for interested rail carriers. Rates on various commodities, carloads, as described in exhibit A of the application from specified points in official territory to specified points in official, southern and western trunk-line territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32299: *Sugar—Minnesota Points to Points in Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, carloads from Bingham, East Grand Forks, and Wilds, Minn., to specified points in Illinois.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 63 to Agent V. P. Brown's tariff I. C. C. 2.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5352; Filed, July 5, 1956; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 132

Washington, Tuesday, July 10, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 Cotton Bulletin 1, Amdt. 4]

PART 427—COTTON

SUBPART—1955 COTTON LOAN PROGRAM

CARRYING LOANS IN PAST-DUE STATUS AND PURCHASE OF COTTON

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 4353 and containing the instructions and requirements with respect to the 1955 Cotton Loan Program are hereby amended as follows:

1. Section 427.617 is amended to provide for carrying loans in a past-due status through December 31, 1956, and to provide that CCC will purchase, as of close of business on December 31, 1956, any cotton on which loans have not been repaid, so that the amended section reads as follows:

§ 427.617 *Maturity.* (a) Loans mature July 31, 1956, but will be carried in a past-due status through December 31, 1956. If a producer or the purchaser of his equity does not repay a loan before the close of business on December 31, 1956, CCC will purchase the cotton securing the loan in accordance with the provisions of the loan agreements.

(b) Any sum due the producer as a result of the purchase of the cotton or collection of insurance proceeds therefrom shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his farm-storage loan on or before maturity, he may deliver the cotton in accordance with the provisions of Form FF, or he may retain possession of the cotton until December 31, 1956, unless delivery of the cotton is requested sooner. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to March 1, 1957, a new Consent for Storage must be secured from the owner of the premises. If the cotton is not delivered to a warehouse or the loan repaid by the close of business on December 31, 1956, he will be required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not so delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may purchase the cotton in accordance with the provisions of this section.

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 3d day of July 1956.

[SEAL] WALTER C. BERGER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-5439; Filed, July 9, 1956; 8:50 a. m.]

PART 475—1956 EMERGENCY FEED PROGRAM

This bulletin contains regulations pertaining to the 1956 Emergency Feed Program and is issued by the Commodity Credit Corporation.

Sec.
475.25 General statement.
475.26 Administration.
475.27 Definitions.
475.28 Farmer's Purchase Orders.
475.29 Dealer's Certificates.
475.30 Presentation of Dealer's Certificates to CCC.
475.31 Limitations on rights of transferees.
475.32 Suspension of Feed Dealer's Agreements.
475.33 Maintenance of books and records.
475.34 Extension of time.
475.35 Termination.

AUTHORITY: §§ 475.25 to 475.35 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, as amended; 7 U. S. C. 1427.

§ 475.25 *General statement.* The program provided for in this part will be carried out by the United States De-

(Continued on p. 5081)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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partment of Agriculture through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter called CCC and CSS, respectively) and is a part of the 1956 Emergency Feed Program formulated by the Department of Agriculture. The eligibility of applicants for assistance under the 1956 Emergency Feed Program will be determined by the Farmers Home Administration pursuant to the regulations contained in §§ 388.1 to 388.6 of this title (19 F. R. 5199). The regulations contained in this part state the terms and conditions (a) under which approved applicants in designated areas will be issued Farmer's Purchase Orders which may be tendered to dealers as part payment for designated surplus feed grains for use as livestock feed, (b) under which dealers who accept Farmer's Purchase Orders will be issued Dealer's Certificates, and (c) under which Dealer's Certificates may be presented to CCC for the purchase of available designated CCC-owned surplus feed grains.

§ 475.26 *Administration.* The program provided for in this part will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county ASC Committees) and CSS commodity offices. Each county ASC committee will authorize in writing one or more representatives to approve and issue documents on behalf of the county ASC committee. State and county ASC committees and CSS commodity offices and representatives and employees of any of the above, do not have authority to modify or waive any of the provisions of this part or any amendments or supplements hereto.

§ 475.27 *Definitions.* Unless the context or subject matter otherwise requires, as used in all forms and documents in connection herewith, except as otherwise specifically defined in the "Feed Dealer's Agreement—1956 Emergency Feed Program," and as used in this part the following terms shall have the following meanings:

(a) "Designated surplus feed grains" means barley, corn, grain sorghums and oats as such terms are defined in the Official Grain Standards of the United States. The term "corn" includes ear corn. At the time of issuance of a Farmer's Purchase Order, the county ASC committee will enter on such Purchase Order the conversion factor to be used to convert the quantity of ear corn, which may be delivered, to shelled corn. Such conversion factor shall be the one used in the locality as determined by the county ASC committee, except that if the county ASC committee determines that no recognized conversion factor is used in the locality or that the conversion factor used is out of line with prevailing conditions, the conversion factor entered on the Purchase Order shall be that established by the State ASC Committee.

(b) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of designated surplus feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of designated surplus feed grain(s), or both. Prior to delivery to farmers, bags containing approved mixed feeds must be appropriately labeled to show substantially as follows, depending on the type of approved mixed feed involved.

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)," or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)."

(c) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats.

(d) "Farmer" means a farmer, rancher or stockman whose application (Form FHA 937) for assistance under the 1956 Emergency Feed Program has been approved by a Farmers Home Administration county committee.

(e) "Dealer" means any person (including but not limited to an individual, partnership, corporation, cooperative, or other business entity) engaged in selling designated surplus feed grains or approved mixed feeds.

(f) "Eligible Dealer" means a dealer who has entered into a Feed Dealer's Agreement with CCC and is entitled to present Purchase Orders to county ASC committees in exchange for Dealer Certificates.

(g) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC Binsites.)

§ 475.28 *Farmer's Purchase Order*—(a) *Area.* Farmer's Purchase Orders (hereinafter referred to as "Purchase Orders") will be issued only in areas which have been designated by the President under Public Law 875, 81st Congress, as areas of major disaster, and also by the Secretary of Agriculture under Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, as areas in which assistance of the nature provided for herein is needed.

(b) *Issuance.* (1) The original of an application (Form FHA 937) approved by a Farmers Home Administration county committee pursuant to the regulations contained in 19 F. R. 5199 (§§ 388.1 to 388.6 of this title) shall be presented within fifteen calendar days after the date of approval shown on such application to the office of the county ASC committee of the county in which such application was filed.

(2) Upon receipt of such an approved application within the time specified in subparagraph (1) of this paragraph, the county ASC committee will issue a Purchase Order to the farmer named in the application. At the farmer's request, the county ASC committee may issue two or more Purchase Orders based on one application. If only one Purchase Order is issued with respect to an application, the Purchase Order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one Purchase Order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such Purchase Orders shall not exceed the number of hundredweight for which the application was approved. If a Purchase Order has been issued and the farmer requests two or more Purchase Orders in lieu thereof, the first Purchase Order must be returned to the county ASC committee for voiding prior to the issuance of the new Purchase Order. In the event that more than one Purchase Order is issued with respect to one application, all such Purchase Orders shall show the same date of issuance as the first Purchase Order, and, as required by paragraph (c) (2) of this section, all such Purchase Orders will be invalid unless transferred by the farmer to the dealer within 60 calendar days after the date of issuance shown thereon. It shall be solely the responsibility of the farmer to request the issuance of additional Purchase Orders with respect to an application in sufficient time to permit transfer by him of such Purchase Orders within the required period of time.

(c) *Transfer by farmer.* (1) A Purchase Order may be used by the farmer to whom issued only for purchases made on or after the date of approval of the application (Form FHA 937), of designated surplus feed grains or approved mixed feed by his transfer of such Purchase Order to a dealer as part payment on the purchase price of such grains and feed. A dealer to whom a Purchase Order is transferred is re-

quired, in order to obtain a Dealer's Certificate based thereon, to accept such Purchase Order as part payment to the full extent of the value thereof, as specified in paragraph (d) of this section, for each hundredweight of designated surplus feed grains and approved mixed feed shown thereon, up to the maximum value of the Purchase Order.

(2) The date of transfer of a Purchase Order by a farmer to a dealer shall not be later than 60 calendar days after the date of issuance shown on the Purchase Order. The date of transfer shall be that date on which the farmer signed Section IV of the Purchase Order, which must be on or after the actual sale by the dealer and purchase by the farmer, and delivery, either physical or constructive, to the farmer of all of the designated surplus feed grains or approved mixed feeds specified in Section III of the Purchase Order.

(i) An actual sale shall be deemed to have been made when the dealer and farmer have agreed on the kinds, quantities and prices of designated surplus feed grains and approved mixed feed, the proper value of the purchase order has been credited on the purchase price for each hundredweight of such feed grains and feed, and the balance of the total price has been paid in cash by the farmer to the dealer or charged by the dealer against the farmer.

(ii) Physical delivery shall be deemed to have been completed when the farmer has permanently removed from the dealer's premises the total quantity of designated surplus feed grains and approved mixed feed included in an actual sale.

(iii) Constructive delivery shall be deemed to have been made when an actual sale has been made and some indicia of ownership of the designated surplus feed grains and approved mixed feed has been given to the farmer by the dealer. Such indicia of ownership shall be in the form of a non-negotiable warehouse receipt, a dealer's due bill or other comparable document, evidencing transfer of ownership from the dealer to the farmer.

(d) *Value.* The maximum total value of any purchase order shall be an amount equal to the number of hundredweight shown in Section I of the purchase order multiplied by $1.00. Subject to such maximum, the actual total value of a purchase order shall be determined by the number of hundredweight of designated surplus feed grains or approved mixed feed listed in the table set forth in Section III of the purchase order. Each such hundredweight of designated surplus feed grains or approved mixed feed shown therein shall be evaluated as follows:

(1) Designated surplus feed grains (excluding ear corn and approved mixed feed): $1.00.

(2) Ear corn: the conversion factor (e. g., if the conversion factor is 70 percent, the value shall be $0.70).

(3) Mixed Feed A: $0.75.

(4) Mixed Feed B: $0.60.

Mixed feeds containing less than sixty percent of designated surplus feed grain(s) shall have no value whatsoever. Eligible dealers shall not be entitled to a Dealer's Certificate based in whole or part on any such mix. In the event that a Dealer's Certificate is issued based on any such mix the dealer shall not be entitled to any credit or allowance whatsoever for the quantity of designated surplus feed grain(s) contained in any such mix, and if credit or allowance has been made, the dealer will be obligated to reimburse CCC for the amount of such credit. Approved mixed feed may contain more than the minimum percentage of designated surplus feed grains, but approved mixed feed will in no event be valued at other than the amounts stated in subparagraphs (3) and (4) of this paragraph.

§ 475.29 *Dealer's Certificates*—(a) *Basis of issuance.* An eligible dealer may present a Purchase Order transferred to him by a farmer to the county ASC committee which issued it and obtain a Dealer's Certificate based thereon, provided he has entered into a "Feed Dealer's Agreement—1956 Emergency Feed Program" signed on behalf of CCC by an authorized representative of the county ASC committee which issued the Purchase Order, and is entitled under the terms and conditions of such Agreement to present such Purchase Order. A dealer must enter into a separate "Feed Dealer's Agreement—1956 Emergency Feed Program" for each county in which he presents Purchase Orders. A dealer who accepts the transfer of a Purchase Order prior to the time that he enters into an applicable "Feed Dealer's Agreement—1956 Emergency Feed Program" does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an Agreement with the dealer. There must be compliance with the following conditions with respect to each Purchase Order presented:

(1) The date of transfer of a Purchase Order from a farmer to the dealer must have been within 60 calendar days after the date of issuance shown on the Purchase Order. The date of transfer shall be determined as specified in § 475.28 (c) (2).

(2) A Purchase Order must be received at the office of the county ASC committee which issued it within 30 calendar days after the date of transfer of the Purchase Order from the farmer to the dealer.

(3) The dealer must have actually sold and the farmer must have actually purchased and received delivery, either physical or constructive, of the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in Section III of the Purchase Order. In the event that any designated surplus feed grains were delivered trackside to the farmer named in the Purchase Order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the State ASC Committee to be reasonable. (Information as to the handling margin determined by the State ASC Committee to be reasonable will be available at the county ASC committee office and should be obtained from such office).

(4) The dealer must have accepted the transfer of the Purchase Order in part payment for the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in Section III of the Purchase Order to the full extent of the value, as specified in § 475.28 (d) for each hundredweight so listed up to the maximum value of the Purchase Order.

(5) The dealer must submit to the county ASC office with each Purchase Order copies of sales tickets, sales slips, invoices, or other appropriate documents, for the designated surplus feed grains or approved mixed feed purchased by the farmer, showing the kinds and quantities of grains or feeds purchased, the date of such purchase, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the Purchase Order.

(6) Sections III and IV of the Purchase Order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the actual total value of the Purchase Order or Purchase Orders which form the basis for issuance of the Dealer's Certificate.

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and the date of the endorsement.

§ 475.30 *Presentation of Dealer's Certificates to CCC.* Subject to all of the provisions of this part, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of available designated CCC-owned surplus feed grains.

(a) *Where to purchase.* Holders of Dealer's Certificates (1) may purchase carload lots of designated CCC-owned surplus feed grains from any CSS Commodity Office which has such surplus feed grains available for sale, or (2) may purchase carload lots or less of designated CCC-owned surplus feed grains stored in CCC storage sites from any county ASC committee located in a designated disaster area, as defined in § 475.28 (a), which has such surplus feed grains available for sale. Information as to CSS Commodity Offices having such surplus feed grains available for sale may be obtained from the following CSS Commodity Offices: Chicago CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois; Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Texas; Kansas City CSS Commodity Office, Federal Office Bldg., 911 Walnut Street, Kansas City 6, Missouri; Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota, and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oregon. Information as to the location of CCC storage sites within the State in the designated disaster area may

be obtained from the State ASC Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the county ASC committee of the county in which the CCC storage site is located.

(b) *Purchase from CSS Commodity Office*—(1) *Offer to purchase.* In making an offer to purchase, the holder of a Dealer's Certificate must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS Commodity Office will accept or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS Commodity Office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this Section shall constitute the sales contract.

(3) *Price.* Sales will be made by the CSS Commodity Office in carload lots at the prevailing market price, as determined by CCC, "in store" or f. o. b. car at point determined by CCC.

(4) *Election to cancel.* CCC shall have the election to cancel the sales contract if Dealer's Certificates of a value at least equal to the value of the designated CCC owned surplus feed grains contracted for are not received by the CSS Commodity Office within 10 calendar days after the date of its issuance of the confirmation of sale.

(5) *Delivery.* (i) Delivery of designated CCC-owned surplus feed grains will be made "in store" or f. o. b. cars at point determined by CCC. In advance of delivery of any such feed grains, the purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will utilize all practicable means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation of sale issued by the CSS Commodity Office.

(6) *Basis of settlement*—(i) *At end of each sale.* (a) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause, the purchaser shall pay to CCC, in cash, the difference between the total face value of the Certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(b) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the value of the feed grain delivered, the purchaser will be issued a new Dealer's Certificate for the excess value.

(c) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of $3 or less will be issued only upon request. Deficiencies of $3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(ii) *At termination of program.* Upon termination of the 1956 Emergency Feed Program, any holder of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains may (a) purchase from a CSS Commodity Office a carload lot of any such feed grain and submit to the CSS Commodity Office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (b) purchase from a CSS Commodity Office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS Commodity Office in payment therefor. The foregoing provisions of this section shall be applicable to such purchases, except to the extent that such provisions are inconsistent with this subdivision.

(c) *Purchase from County ASC Committees.* Sales of available designated CCC-owned surplus feed grain from CCC storage sites will be made, under the direction of the county ASC committee responsible for the operation of the storage site, only in counties within a designated disaster area.

(1) *Price.* All sales from CCC storage sites will be made in carload lots or less at the prevailing market price as determined by the county ASC committee on the date of sale.

(2) *Time of payment.* Payment shall be made by presentation to the county ASC committee, prior to delivery of the feed grain, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grain purchased. The provisions of paragraph (b) (6) (i) of this section shall be applicable to sales from CCC storage sites.

§ 475.31 *Limitation on rights of transferees.* The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing the face value thereof, such Certificate will be accepted only for the face value thereof at the time of issuance.[1]

[1] Any false certification or representation, willful alteration, or other fraudulent act may be subject to prosecution under Federal Criminal statutes and to action under Federal Civil frauds statutes.

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such Certificate from the county ASC committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such Certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the Certificate and obtain designated CCC-owned surplus feed grains.

§ 475.32 *Suspension of Feed Dealer's Agreements.* CCC may suspend the right of an eligible dealer who has entered into Feed Dealer's Agreement or Agreements to participate in the 1956 Emergency Feed Program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any Purchase Order presented by him to the county ASC committee, or if the dealer has failed to comply with the provisions of a previous Emergency Feed Program or Feed Dealer's Agreement which failure was not known to the county ASC committee when the Feed Dealer's Agreement—1956 Emergency Feed Program—was executed. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under the 1956 Emergency Feed Program. In the event of suspension, the dealer shall not be entitled to present any Purchase Order to any county ASC committee unless and until such suspension is removed by CCC. In the event a suspension is removed only in part, the dealer shall be entitled to present only Purchase Orders covered by such removal of suspension.

§ 475.33 *Maintenance of books and records.* The dealer shall maintain and preserve until July 1, 1960, and for such additional period as CCC may request in writing, complete and accurate books and records which will permit verification of all transactions with regard to Farmer's Purchase Orders and Dealer's Certificates. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 475.34 *Extension of time.* The Executive Vice President, CCC, may when he deems it to be in the best interests of the program, extend the time within which a Purchase Order or Dealer's Certificate may be transferred or presented and he may, under such terms and conditions as he determines will serve the best interests of the program, delegate to others the authority to extend the time within which a Purchase Order or Dealer's Certificate may be transferred or presented.

§ 475.35 *Termination.* The program provided for in this part may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any Purchase Order or Dealer's Cer-

tificate issued prior to the effective date of such termination.

Issued this 3d day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5441; Filed, July 9, 1956; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR APPLES [1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Apples (18 F. R. 7078) are hereby amended to read as follows:

GRADES

Sec.
51.300 U. S. Extra Fancy.
51.301 U. S. Fancy.
51.302 U. S. No. 1.
51.303 U. S. No. 1 Cookers.
51.304 U. S. No. 1 Early.
51.305 U S. Utility.
51.306 Combination grades.
51.307 U. S. Hail grade.

COLOR

51.308 Color requirements.

UNCLASSIFIED

51.309 Unclassified.

TOLERANCES

51.310 Tolerances.
51.311 Application of tolerances to individual packages.
51.312 Basis of calculating percentages.

CONDITION

51.313 Condition after storage or transit.

SIZE

51.314 Size requirements.

PACKING AND MARKING

51.315 Packing requirements.
51.316 Suggestions for marking containers.

STANDARDS FOR EXPORT

51.317 Standards for export, as applied to condition factors.

DEFINITIONS

51.318 Mature.
51.319 Overripe.
51.320 Carefully hand-picked.
51.321 Clean.
51.322 Well formed.
51.323 Injury.
51.324 Fairly well formed.
51.325 Damage.
51.326 Seriously deformed.
51.327 Serious damage.

AUTHORITY: §§ 51.300 to 51.327 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.300 *U. S. Extra Fancy.* U. S. Extra Fancy consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.301 *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

51.302 *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting": *Provided,* That, the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; *And further provided,* That, the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent. (See §§ 51.308, 51.310, and 51.313.)

§ 51.303 *U. S. No. 1 Cookers.* U. S. No. 1 Cookers consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See §§ 51.310 and 51.313.)

§ 51.304 *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See §§ 51.310 and 51.313.)

§ 51.305 *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See §§ 51.310 and 51.313.)

§ 51.306 *Combination grades.* (a) Combinations of the above grades can be used as follows:

(1) Combination U. S. Extra Fancy and U. S. Fancy.

(2) Combination U. S. Fancy and U. S. No. 1.

(3) Combination U. S. No. 1 and U. S. Utility.

(b) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See §§ 51.308, 51.310 and 51.313.)

§ 51.307 *U. S. Hail grade.* U. S. Hail grade consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See §§ 51.308, 51.310, and 51.313.)

COLOR

§ 51.308 *Color requirements.* In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.307, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided,* That, an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided,* That, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1
Solid Red:	*Percent*	*Percent*	*Percent*
Black Ben	75	50	25
Gano	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10
Red June	50	15	(5)
Williams	50	15	(5)
Other similar varieties	50	15	(5)
Gravenstein	25	10	(5)
Other similar varieties [6]	25	10	(5)
Red checked or blushed:			
Maiden Blush	(7)	(8)	(8)
Twenty Ounce	(7)	(8)	(8)
Winter Banana	(7)	(8)	(8)
Other similar varieties	(7)	(8)	(8)
Green varieties	(8)	(8)	(8)
Yellow varieties	(8)	(8)	(8)
Golden Delicious	(10)	(10)	(10)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.
[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).
[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.
[5] Tinge of color.
[6] Duchess, Red Astrachan, Smokehouse, Summer Rambo.
[7] Blush cheek.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color.

NOTE. "Characteristic color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

UNCLASSIFIED

§ 51.309 *Unclassified.* Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.310 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided,* That, not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(c) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

§ 51.311 *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That, not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

§ 51.312 *Basis of calculating percentages.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

CONDITION

§ 51.313 *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

SIZE

§ 51.314 *Size requirements.* The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(b) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(c) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅜ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(d) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(e) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided,* That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

PACKING AND MARKING

§ 51.315 *Packing requirements.*—(a) *Representative face packing.* Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Boxes.* (1) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(2) Apples packed in other type boxes, such as nailed wooden boxes, wire-bound boxes, and fibreboard boxes, may be place packed, jumble packed faced, or jumble packed, and all packs shall be well filled.

(3) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(4) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(c) *Baskets.* Apples packed in U. S. standard bushel baskets, one half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(d) *Tolerances.* In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

§ 51.316 *Suggestions for marking containers.* (a) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(1) U. S. Ex. Fcy. for U. S. Extra Fancy.
(2) U. S. Fcy. for U. S. Fancy.
(3) U. S. No. 1 for U. S. No. 1.
(4) U. S. Util. for U. S. Utility.

(5) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy. U. S. No. 1".

STANDARDS FOR EXPORT

§ 51.317 *Standards for export, as applied to condition factors.* (a) The apples in any lot shall be generally tightly packed when in baskets, and generally fairly tightly or tightly packed when in boxes.

(b) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(c) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(d) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided,* That,

(1) Not more than 2 percent shall be allowed for apples affected by decay;

(2) Not more than 2 percent shall be allowed for damage by internal breakdown;

(3) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(e) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot is found to exceed double the percentages specified, except that for packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects if the entire lot averages within the tolerances specified.

DEFINITIONS

§ 51.318 *Mature.* "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Geno, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

§ 51.319 *Overripe.* "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.320 *Carefully hand-picked.* "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

§ 51.321 *Clean.* "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

§ 51.322 *Well formed.* "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

§ 51.323 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(1) Smooth net-like russeting, when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicious net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(2) Smoth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(3) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(4) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(2) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(3) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(5) Diseases:

(i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.324 *Fairly well formed.* "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.325 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(2) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(3) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(5) Diseases:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.326 *Seriously deformed.* "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.327 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided,* That, any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(2) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(3) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided,* That, no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(5) Visible water core which affects an area of more than one-half inch in diameter.[1]

(6) Diseases:

(i) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(7) Insects:

(i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

It is hereby found and determined that advance notice and public rule making proceedings with respect to the aforementioned revised standards are impracticable, unnecessary, and contrary to the public interest because: (1) With two exceptions, such changes delete provisions which are explanatory, but which do not actually constitute requirements of the standards; and (2) the two exceptions involve a mitigation of present requirements in regard to containers of 10 pounds, or less (i. e., consumer packages), and remove the application of such standards to barrels of apples and, to these extents, relieve from present requirements.

This amendment shall become effective 30 days after the publication of this document in the FEDERAL REGISTER.

Dated: July 5, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-5444; Filed, July 9, 1956; 8:52 a. m.]

[1] The area refers to that of a circle of the specified diameter.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1956]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.324 *Fresh Pea Order 1—1956*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, (7 CFR Part 910), regulating the handling of vegetables grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Pea Marketing Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of fresh peas, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 12, 1956, to September 15, 1956, both dates inclusive, no handler shall handle any fresh peas grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral, and Saguache Counties in the State of Colorado unless such peas grade at least U. S.

No. 1 and are of a minimum pod length of three (3) inches.

(2) The terms used in this section shall have the same meaning as when used in the said marketing agreement, as amended, and order, as amended, and the grades and sizes used in this section shall have the same meaning assigned to these terms in the United States Standards for Fresh Peas (§§ 51.1375 to 51.1387 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 6, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5460; Filed, July 9, 1956; 8:58 a. m.]

[Cauliflower Order 1—1956]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.325 *Cauliflower Order 1—1956*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, (7 CFR Part 910), regulating the handling of vegetables grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Cauliflower Marketing Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910), regulating the handling of peas and cauliflower grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of other available information, it is hereby found that (i) the average price for such cauliflower to producers thereof during the period July 12, 1956 to October 13, 1956, both dates inclusive, is likely to be in excess of the parity price to producers of such cauliflower, and (ii) the limitation of shipments, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such cauliflower as will effectuate such orderly marketing of such cauliflower as will be in the public interest.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cauliflower, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 12, 1956, to October 13, 1956, both dates inclusive, no handler shall handle cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral and Saguache Counties in the State of Colorado that does not meet the requirements of the U. S. No. 1, or better grade, 4 inches or larger diameter.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and the grades and sizes used in this section shall have the same meaning assigned to these terms in the United States Standards for Cauliflower (§§ 51.541 to 51.549 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 6, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5461; Filed, July 9, 1956; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 25 to Revision of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

This amendment clarifies the provision of Part 550 which makes ineligible as a project cost the cost of resealing bituminous pavements and the cost of replacing joint sealing compounds in rigid pavements. This it does by distinguishing between resealing work that is normal maintenance and therefore ineligible, and resurfacing, surface treatment, or resealing work that amounts to reconstruction, repair or replacement, which is eligible as a project cost.

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the Regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (a) (9) is hereby amended to read as follows:

§ 550.4 *Project costs*—(a) *Eligibility.* • • •

(9) The cost of resealing bituminous pavements and joints in rigid pavements when such work is normal maintenance as distinguished from reconstruction, repair or replacement; *Provided*, That this shall not exclude the cost of (i) bituminous resurfacing of pavements where such resurfacing consists of a minimum of 100 lbs. of plant-mixed material per square yard, (ii) the application of a bituminous surface treatment (application of bituminous material and cover aggregate per CAA Specification P-609) on a pavement, the existing surface of which consists of such a bituminous surface treatment, or (iii) the resealing of a runway that has been substantially extended or partially reconstructed, where such resealing is necessary to achieve uniform color and appearance of the entire runway.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. 1101-1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5413; Filed, July 9, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

FEE STRUCTURE FOR HOUSING DATA FROM 1950 CENSUS OF HOUSING

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the acts authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would disclose data on individual dwelling units or violate existing or future acts requiring that information furnished be held confidential.

§ 50.20 *Fee structure for housing data from the 1950 Census of Housing.* The Bureau of the Census is authorized to provide, for a place or area, counts of all dwelling units and of all dwelling units considered substandard by definition of the Public Housing Administration. (A dwelling unit is considered substandard if it either is dilapidated or does not have the following plumbing facilities: hot and cold running water, flush toilet and bath inside the structure for the unit's exclusive use.) Both counts will be by race, tenure, and occupancy. Figures also are included for units for which the condition and plumbing were not reported. The fee structure is as follows:

Size group (based on 1950 census of population):	Fee
For each urban place (2,500 persons or more).	$10.
For places of less than 2,500 persons and areas, other than urban places, of less than 10,000 persons.	$15 per 1,000 population or fraction thereof.
For areas of less than 10,000 persons with urban places.	$10 for each urban place and $15 per 1,000 population or fraction thereof for the remaining population.
Other	(1).

[1] An individual estimate will be prepared for areas, other than urban places, of 10,000 or more persons and for urban places or other areas which have added territory since 1950 or for which data are needed for contiguous areas outside their 1950 boundaries.

(Sec. 3, 49 Stat. 293, as amended; 15 U. S. C. 192a. Interprets or applies sec. 1, 49 Stat. 292; 15 U. S. C. 189a)

Effective: June 30, 1956.

To obtain tabulations of data, request should be made by letter to the Director, Bureau of the Census, Washington 25, D. C., stating the place or area for which the data are desired and enclosing a check or money order based on the foregoing table and payable to Census, Department of Commerce, or requesting an estimate when appropriate.

ROBERT W. BURGESS,
Director, Bureau of the Census.

[F. R. Doc. 56-5422; Filed, July 9, 1956; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PROCAINE PENICILLIN AND STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) IN OIL

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of penicillin and penicillin-containing drugs (21 CFR Part 146a) are amended in paragraph (a) (2) of § 146a.57 *Procaine penicillin and streptomycin in oil* • • •, by inserting after the words "It may contain" the following: "cortisone or a suitable derivative of cortisone,".

Notice and public procedure are not necesary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendment set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 3, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5427; Filed, July 9, 1956; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MONA PASSAGE, PUERTO RICO

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.225 governing the use and navigation of waters of Mona Passage in the vicinity of Monito and Desecheo Islands, Puerto Rico, comprising Air Force bombing and gunnery ranges, is hereby amended to rescind the danger zone in the vicinity of Desecheo Island and to retain the danger zone in the vicinity of Monito Island with necessary changes in the title and regulations, as follows:

§ 204.225 *Mona Passage in vicinity of Monito Island, Puerto Rico; aerial bombing range, United States Air Force, Ramey Air Force Base, Puerto Rico*—(a) *The danger zone.* (1) All waters within a circle ten miles in diameter with its center at latitude 18°09'42.5", longitude 67°57'00", the approximate center of Monito Island.

(2) The outer boundary of the danger zone will not be marked, but signs will be posted at conspicuous places on the shore of Monito Island to warn against trespassing on the target area. Aircraft and watercraft will be presumed to know the location of the danger zone by its principal landmarks, Monito Island at the center of the area and Mona Island one-half mile off the southeast edge of the area.

(b) *The regulations.* (1) The danger zone shall be open to navigation at all times except when bombing practice is being conducted. At such times no vessel or other craft shall enter or remain within the area.

(2) The fact that aerial bombing practice is to take place over the designated area will be advertised to the public through the usual media for the dissemination of such information. Inasmuch as such practice is to be carried on throughout the year, without regard to season, such advertising will be repeated at intervals not exceeding three months, and at more frequent intervals when in the opinion of the Commanding Officer responsible for the use of the area, such frequent repetition is advisable in the interest of public safety.

(3) Prior to conducting each bombing practice the entire danger zone will be patrolled by aircraft to insure that no watercraft are within the danger zone. Any watercraft found in the vicinity will be warned that bombing practice is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated, and notification to that effect shall have been given by the patrol aircraft.

(4) The regulations in this section shall be enforced by the Commanding Officer, Ramey Air Force Base, Puerto Rico, and such agencies as he may designate.

[Regs., June 25, 1956, 800.2121 (Mona Passage, P. R.)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56-5414; Filed, July 9, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54124]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INTERNATIONAL CABLES

In order to set forth more fully the exceptions from the application of the customs laws accorded to international cables § 10.41 (f) of the Customs Regulations is amended by adding the following sentence: "International cables laid under the territorial waters of the United States but not brought on shore in the United States shall be admitted without entry or the payment of duty."

(Sec. 14, 67 Stat. 516; 19 U. S. C. 1322)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 3, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5432; Filed, July 9, 1956; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 39 of the Code of Federal Regulations is amended in the following respects:

PART 61—MONEY ORDERS

In § 61.2 *How to buy an international money order* amend the list of countries in paragraph (e) by striking out the following:

Tibet [1] (Gyantse, Pharijong, and Yatung).

(R. S. 161, 396, 398, as amended, 4028; sec. 1, 25 Stat. 654; 5 U. S. C. 22, 369, 372, 39 U. S. C. 712)

PART 100—POSTAL UNION ARTICLES

a. In § 100.1 *Services available and airmail rates* amend the table of countries in the following respects:

1. Delete the country item Anglo-Egyptian Sudan.

2. Insert in proper alphabetical order the following:

Sudan--------/.25/.10/—/—/.55/x/x/x/x/√/x/

b. In § 100.2 *Index of countries* make the following changes:

1. Amend the country item Anglo-Egyptian Sudan to read as follows: "Anglo-Egyptian Sudan (see Sudan)".

2. Change "Sudan (Anglo-Egyptian)" to "Sudan".

(R. S. 161, 398, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 104—PRINTED MATTER

a. In § 104.3 *Weight limit* make the following changes:

1. Amend paragraph (b) (2) by striking out the following countries: Chile, Dominican Republic, Mexico, Venezuela.

2. Amend paragraph (b) (4) (21 F. R. 1834), to read as follows:

(4) To Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Panama, El Salvador, and Venezuela the weight limit is 33 pounds.

b. In § 104.4 *Dimensions* amend paragraph (b) to read as follows:

(b) *Minimum dimensions.* Envelopes or cards must measure not less than 4 inches in length and 2¾ inches in width.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 110—RATES AND SHIPPING REQUIREMENTS

In § 110.1 *Rates and shipping requirements* make the following changes:

1. In the table of countries strike out the country item Anglo-Egyptian Sudan.

2. In the table of countries amend the country item British Cameroons by deleting the reference to footnote 31.

3. Under "Gold Coast Colony" change the surface parcel post rate for the first pound from 0.45 to 0.53.

4. Insert a footnote number 23 after Morocco, Tangier (International Zone).

5. Opposite "Nigeria" and under "Weight limit (pounds)" strike out the numbers "11, 22 and insert in lieu thereof 22.

6. Amend the country item "Saudi Arabia" by adding thereto a footnote 31.

7. Amend the country item "Southwest Africa" by changing the surface parcel post rate applicable thereto from 0.57 for the first pound and 0.34 for each additional pound to 0.59 for the first pound and 0.36 for each additional pound.

8. Opposite "Spain" and under Insurance convert "N" to "Y".

9. Insert in the table of countries, in proper alphabetical order, the following country item:

Sudan----------/ .91 / .22 /---/---/ 22 / [30]3½/ 6 / 0 / Y-3 / 2 / 1 / 1 / N / N /

10. Amend the country item "Union of South Africa" by changing the surface parcel post rates applicable thereto from 0.47 for the first pound and 0.24 for each additional pound to 0.48 for the first pound and 0.25 for each additional pound.

11. In the footnotes, make the following changes:

a. Delete footnote 17.

b. Insert footnote 23, to read as follows:

[23] For rates and conditions to Spanish Post Office in the International Zone of Tangier see item Spain.

c. Amend footnote 26 to read as follows:

[26] For Spain, Balearic Islands, Canary Islands, Spanish offices in Northern Africa, and the Spanish Post Office in the International Zone of Tangier.

d. Amend footnote 31 to read as follows:

[31] Al Gaba. Al Lith. Al Wejh. Daba. Dammam. Dhahran. Hassa. Jiddah. Jizam. Katif. Khobar. Mecca. Medina. Qunfidha. Rabigh. Rastanurra. Rivadh. Umm Lej. Yenbo.

e. Amend footnote 39 to read as follows:

[39] Spain:

Regular	$0.70	$0.23
Balearic Island and Spanish offices in North Africa and in international zone of Tangier	.78	.23
Canary Islands	.83	.24

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 152—INDEMNITY PAYMENTS

In § 152.1 *Registered postal union articles* amend paragraph (c) to read as follows:

(c) *Great Britain and Northern Ireland and Switzerland.* You may be paid any amount claimed not exceeding $3.17 for loss (contents and wrapper), regardless of value, and, on the basis of actual value, irrespective of country or origin or country responsible, for rifling or total damage of an article in a registered packet, but not exceeding $3.17. If United States responsibility, payment may also be made not exceeding $8.17 for partial damage.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 161—CUSTOMS TREATMENT

a. In § 161.2 *Delivery and collection of duty* redesignate paragraphs (b) and (c) and paragraphs (c) and (d), respectively; and insert new paragraph (b), to read as follows:

(b) *Receipts for duty paid.* You must sign the original customs mail entry form, as well as the required receipt for registered and insured mail where applicable. The delivering postal employee will sign the duplicate mail entry and give it to you as a receipt.

b. In § 161.3 *Payment of duty protested* amend paragraph (c) to read as follows:

(c) *Unaccompanied articles.* (1) Returning residents of the United States frequently mail to themselves or arrange for the mailing of personal effects and/or merchandise acquired abroad. These articles are entered on the customs baggage declaration as unaccompanied articles or articles to follow.

(2) The customs officer who processes you at the port of arrival in the United States will furnish you with one copy of Customs Form 6059–C for each shipment to follow, on which will be noted the pertinent information regarding port of arrival, date of arrival, name of vessel and baggage declaration number, and he will advise you how to complete the form and use it in accordance with the printed instructions on the reverse of the form. In other instances you may prepare your baggage declaration in duplicate and the duplicate copy will be certified by the customs officer and returned to you for use in clearing the goods.

(3) If your parcel is offered for delivery assessed with duty or internal revenue tax, the postmaster is authorized to deliver it free of duty or tax under one of the following conditions:

(i) You must submit a completed declaration on Customs Form 6059–C on which the description and value of the articles listed and your name and address agree with the information shown on the customs mail entry form accompanying the parcel. If Form 6059–C is signed by someone other than yourself your name must appear in the body of the form.

(ii) You must submit your duplicate certified baggage declaration which identifies the articles involved with those listed on the customs mail entry accompanying the parcel. Also, you must state in writing that the articles in the parcel are listed on the declaration and are entitled to free entry under your $200 or $300 personal exemption, and that you will pay promptly on demand any duties or taxes which may be found to be due.

(4) Customs Form 6059–C, or the duplicate certified baggage declaration, as the case may be, will be retained by the postmaster and transmitted with the mail entry and the addressee's written statement, if any, to the collector of customs who assessed the duty.

(5) If you are unable to produce Customs Form 6059–C or the duplicate certified baggage declaration, or if there is a discrepancy between the information on those forms and the customs mail entry, the postmaster will not deliver the parcel immediately without collection of duty. The postmaster will refer the matter to the collector of customs who assessed the duty for decision as to whether or not the parcel is entitled to free entry. In the absence of Customs Form 6059–C or the duplicate certified baggage declaration, submit to the postmaster a written statement as to the date and port through which you reentered the country, the name of the ship or the name of the airline and flight number, and the number borne by the baggage declaration filed at the time of your arrival, if possible. The parcel will then be held awaiting the decision of the collector of customs, unless you elect to follow the procedure set forth in paragraph (b) of this section.

(R. S. 161, 396, as amended; sec. 498, 46 Stat. 728, 59 Stat. 669, 5 U. S. C. 22, 369, 19 U. S. C. 1498, 22 U. S. C. 288–288f)

PART 172—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

a. In § 172.2 *General licenses* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Hong Kong, Macao, and the following Soviet bloc countries: Albania, Bulgaria, China (mainland including Manchuria), Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Laos (Communist-controlled areas), Latvia, Lithuania, Poland, Rumania, Tibet, U. S. S. R., and Viet-Nam (Communist-controlled areas). Packages for those countries may not bear any general-license symbol other than GIFT (not permitted to mainland China); GUS, G-Pub; GTDP; GHK and GHS (for Hong Kong), or GLSA (for the destinations named in paragraph (g) of this section).

2. Redesignate paragraph (g) as paragraph (h), and insert new paragraph (g), to read as follows:

(g) *General license GLSA.* You may use this license for mailing commercial shipments of certain commodities to Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Latvia, Lithuania, Poland, Rumania, and the U. S. S. R. except the Maritime Province which comprises the Pacific Coastal region of Siberia from the Bering Strait to and including Vladivostok.

b. In § 172.3 *Validated licenses* amend paragraph (d) to read as follows:

(d) *Technical data (TD) licenses.* Licenses issued by the Bureau of Foreign Commerce for exportations of technical data are similar in form to the usual type of validated license, but are handled somewhat differently. No shipper's export declaration is required, except for partial shipments.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 56–5424; Filed, July 9, 1956; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[Gen. Order 75, Amdt. 6]

PART 308—WAR RISK INSURANCE

WAR RISK INSURANCE CLEARING AGENCY AGREEMENT FOR CARGO; CORRECTION

In F. R. Doc. 56–3182, appearing in the issue for Tuesday, April 24, 1956, at page 2622, § 308.551 *War risk insurance clearing agency agreement for cargo* should read § 308.552.

Dated: July 3, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56–5426; Filed, July 9, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T: P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under sections 161, 162, 168, and 169 of the Internal Revenue Code of 1954:

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

§ 1.161 *Statutory provisions; allowance of deductions.*

SEC. 161. *Allowance of deductions.* In computing taxable income under section 63 (a), there shall be allowed as deductions the items specified in this part, subject to the exceptions provided in part IX (sec. 261 and following, relating to items not deductible).

§ 1.161–1 *Allowance of deductions.* Section 161 provides for the allowance as deductions, in computing taxable income under section 63 (a) of the items specified in Part VI of subchapter B of chapter 1 (sections 161–175), subject to the exceptions provided in part IX (sections 261–273, relating to items not deductible). Double deductions are not permitted. Amounts deducted under one provision of the Internal Revenue Code of 1954 cannot again be deducted under any other provision thereof. See also section 7852 (c), relating to the taking into account, both in computing a tax under subtitle A and a tax under chapter 1 or 2 of the Internal Revenue Code of 1939, of the same item of deduction.

§ 1.162 *Statutory provisions; trade or business expenses.*

SEC. 162. *Trade or business expenses*—(a) *In general.* There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or businwess; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, Territory, or possession which he represents in Congress shall be considered his home, but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000.

(b) *Charitable contributions and gifts excepted.* No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a deduction under section 170 were it not for the percentage limitations, or the requirements as

to the time of payment, set forth in such section.

(c) *Cross reference.* For special rule relating to expenses in connection with subdividing real property for sale, see section 1237.

§ 1.162–1 *Business expenses.* (a) Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See § 1.61 (a)–5. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162–2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. Penalty payments with respect to Federal taxes, whether on account of negligence, delinquency, or fraud, are not deductible from gross income. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is nevertheless deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114 (a) (2) shall be allowable as deductions under section 162 (a) only to the extent that such expenses exceed the amount excluded from gross income under section 114 (a).

(b) *Cross references.* (1) For charitable contributions by individuals and corporations not deductible under section 162, see § 1.162–15.

(2) For items not deductible, see sections 261–273, inclusive, and regulations thereunder.

(3) For research and experimental expenditures, see section 174 and regulations thereunder.

(4) For soil and water conservation expenditures, see section 175 and regulations thereunder.

(5) For expenditures attributable to grant or loan by United States for encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 621 and regulations thereunder.

§ 1.162–2 *Traveling expenses.* (a) Traveling expenses, as ordinarily understood, include travel fares, meals and lodging, and expenses incident to travel such as expenses for sample rooms, telephone and telegraph, public stenographers, etc. If the trip is undertaken for other than business purposes, the travel fares and expenses incident to travel are personal expenses and the meals and lodging are living expenses. If the trip is solely on business, the reasonable and necessary traveling expenses, including travel fares, meals and lodging, and expenses incident to travel, are business expenses. For the allowance of traveling expenses as deductions in determining adjusted gross income, see section 62 (2) (B) and the regulations thereunder.

(b) If, then, an individual, whose business requires him to travel, receives a salary as full compensation for his services, without reimbursement for traveling expenses, or is employed on a commission basis with no expense allowance, his traveling expenses, including the entire amount expended for meals and lodging, are deductible from gross income.

(c) If an individual receives a salary and is also paid his actual traveling expenses, he shall include in gross income the amount so repaid and may deduct such expenses.

(d) If an individual receives a salary and also an allowance for meals and lodging, as, for example, a per diem allowance in lieu of subsistence, the amount of the allowance should be included in gross income and the cost of such meals and lodging may be deducted therefrom.

(e) Only such traveling expenses as are reasonable and necessary in the conduct of the business and directly attributable to it may be deducted.

(f) (1) Expenses paid or incurred by a taxpayer in attending a convention or other business meeting may constitute an ordinary and necessary business expense under section 162 depending upon the facts and circumstances of each case. No distinction will be made between professional, self-employed, persons and employees. The fact that an employee uses vacation or leave time or that his attendance at the convention is voluntary will not necessarily prohibit the allowance of the deduction. The allowance of deductions for such expenses will depend upon whether there is a sufficient relationship between the taxpayer's trade or business and his attendance at the convention or other business meeting that he is benefiting or advancing the interests of his trade or business by such attendance. If the convention is not devoted to matters related to the trade or business of the taxpayer, but is for political, social or other personal purposes, the expenses are not deductible.

(2) Where a taxpayer attends a convention or other business meeting and, as an incident of such trip, engages in some personal activity such as sightseeing, social visiting or entertaining, that part of the total expense of the trip which is directly attributable to the taxpayer's trade or business will be deductible notwithstanding the incidental personal activity. That part of the total expense which is properly allocable to such incidental personal activities will be nondeductible personal or living expenses. Where the purposes of a trip are primarily personal, the entire expense involved will be nondeductible personal or living expenses notwithstanding that the taxpayer engages or participates in some incidental activity related to his trade or business.

(3) Where a taxpayer's wife accompanies him on a business trip, these expenses attributable to her travel are not deductible unless it can be adequately shown that the wife's presence on the trip has a bona fide business purpose. The wife's performance of some incidental service does not cause her expenses to qualify as deductible business expenses. The same rules apply to any other members of the taxpayer's family who accompany him on such a trip.

(g) A taxpayer claiming the deductions for traveling expenses referred to in this section must attach to his income tax return a statement showing (1) the nature of the business in which engaged; (2) the number of days away from home during the taxable year on account of business; (3) the total amount of expenses incident to meals and lodging while absent from home on business during the taxable year; and (4) the total amount of other expenses incident to travel and claimed as a deduction.

(h) Claim for the deductions referred to in this section must be substantiated when required by the district director, by evidence showing in detail the amount and nature of the expenses incurred.

(i) Commuters' fares are not considered as business expenses and are not deductible.

§ 1.162–3 *Cost of materials.* Taxpayers carrying materials and supplies on hand should include in expenses the charges for materials and supplies only in the amount that they are actually consumed and used in operation during the taxable year for which the return is made, provided that the costs of such materials and supplies have not been deducted in determining the net income or loss or taxable income for any previous year. If a taxpayer carries incidental materials or supplies on hand for which no record of consumption is kept or of which physical inventories at the beginning and end of the year are not taken, it will be permissible for the taxpayer to include in his expenses and to deduct from gross income the total cost of such supplies and materials as were purchased during the taxable year for which the return is made, provided the taxable income is clearly reflected by this method.

§ 1.162–4 *Repairs.* The cost of incidental repairs which neither materially add to the value of the property nor appreciably prolong its life, but keep it in an ordinarily efficient operating condition, may be deducted as an expense, provided the cost of acquisition or production or the gain or loss basis of the taxpayer's plant, equipment, or other property, as the case may be, is not increased by the amount of such expenditures. Repairs in the nature of replacements, to the extent that they arrest deterioration and appreciably prolong the life of the property, should be capitalized and depreciated in accordance with section 167. The assets replaced should be removed from the asset account.

§ 1.162–5 *Expenses for education.* (a) (1) In general, a taxpayer's expenditures for his education are personal and are not deductible.

(2) Expenditures for education which are made primarily for the purpose of, or which have the result of, obtaining a position for the taxpayer; qualifying him to enter an employment or otherwise become established in a trade or business or a specialty therein; establishing or enhancing substantially his reputation in his trade or business; substantially advancing him in earning capacity, salary, status, or position; or primarily fulfilling the general cultural aspirations or other personal purposes of the taxpayer are personal expenditures and are not deductible.

(b) As an exception to the general rule in paragraph (a) (1), expenditures by a taxpayer for his education are deductible under section 162 if—

(1) The expenditures are ordinary and necessary for the maintenance of the taxpayer's employment or other trade or business or specialty therein and are directly and immediately related thereto; and

(2) The degree of business necessity and relationship of the expenditures clearly outweighs any personal aspects of the expenditures.

In no event, however, are expenditures which fall under paragraph (a) (2) of this section deductible.

(c) Expenditures by a taxpayer for his education may be deductible under the provisions of paragraph (b) if they are for education of a "refresher" or similar type necessary to maintain (but not to advance) the skills directly and immediately required by the taxpayer in his trade or business. Among the factors which will be considered as indicating that education is of a refresher or similar type are that it is especially designed for, and attended primarily by, established practitioners or members of a trade or business for purposes such as keeping abreast of current developments in such trade or business; is of short duration; is not taken on a continuing basis; and does not carry academic credit. Similarly, among factors indicating that the education is not of a refresher or similar type are that it is generally designed for persons preparing to enter an employment or otherwise become established in a trade or business or specialty therein; is of more than short duration; is for the continuing improvement and advancement of the taxpayer's talent or skills; or carries academic credit.

(d) Expenditures made by an employee for his education as a requisite to the continued retention of his salary, status, or employment as a result of an express requirement of his employer may be deductible under the provisions of paragraph (b) whether or not the education is of a refresher or similar type. Thus, expenditures for courses which carry academic credit may be deductible under the provisions of this paragraph. However, expenditures are not deductible under the provisions of this paragraph if, in more than an incidental and relatively minor manner, they have the result of obtaining a different position for the taxpayer; qualifying him to enter an employment or otherwise become established in a trade or business or specialty therein; establishing or enhancing substantially his reputation in his trade or business; or substantially advancing him in earning capacity, salary, status, or position. A taxpayer is considered to have made expenditures as a result of an express requirement by his employer, as a requisite to continued retention of his salary, status, or employment only if the requirement is imposed primarily for a bona fide business purpose of the taxpayer's employer and not primarily for the taxpayer's benefit, and the education has a direct relationship to the duties of the taxpayer's present position.

(e) In general, a taxpayer's expenditures for travel as a form of education shall be considered as primarily personal in nature and therefore not deductible.

(f) Where a taxpayer travels away from home primarily to obtain education the expenses of which are deductible, his expenditures for travel, meals, and lodging while away from home are deductible. However, where as an incident of such trip the taxpayer engages in some personal activity such as sightseeing, social visiting or entertaining, or other recreation, the expenses of such personal activity constitute nondeductible personal or living expenses and will not be allowed as deductions. Where the purposes of a taxpayer's travel away from home are primarily personal, the taxpayer's expenditures for travel, meals, and lodging will be disallowed whether or not the taxpayer participates incidentally in some educational pursuit meeting the requirements of paragraph (c) or (d) of this section. Whether the purposes of a particular trip are primarily personal or primarily to obtain education meeting the requirements of paragraph (c) or (d) of this section will depend upon all the facts and circumstances of each case. An important factor in making the determination will be the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. Expenses in the nature of commuters' fares are not business expenses and are not deductible.

(g) The provisions of this section may be illustrated by the following examples:

Example (1). A is employed as a bookkeeper by an accounting firm. In order to advance in salary he takes courses in accounting and becomes a certified public accountant. A's expenditures for such courses and for any transportation expenses and living expenses while away from home are not deductible.

Example (2). A, a general practitioner of medicine, takes a course of study to become a pediatrician. B, a general practitioner of medicine, takes a two-week "refresher" type course reviewing developments in several specialized fields, including pediatrics, for the purpose of carrying on his general practice. A's expenses are not deductible. B's expenses (including any transportation expenses and living expenses while away from home) are deductible.

Example (3). A, teacher, is expressly required by the regulations of the State board of education either to read a list of books or to take certain summer school courses to retain his employment. A fulfills this requirement by taking the summer school courses. The courses do not qualify A to advance substantially in earning capacity, salary, status, or position. A's expenses are deductible, including transportation expenses and living expenses while away from home.

Example (4). A, a teacher, takes a summer school course which is required by his employer in order to retain his employment. The course qualifies A to advance substantially in salary. A's expenses are not deductible.

Example (5). A, a self-employed tax consultant, decides to take a one-week "refresher" type course in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X) for one day, takes a sightseeing trip while in X, and entertains some personal friends at his hotel. A's transportation and living expenses will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as entertaining friends, will not be deductible to any extent.

Example (6). The facts are the same as in example (5), except that A's primary purpose in going to City X is to take a vacation. This purpose is indicated by the fact that he spends only one week attending the "refresher" type course and devotes five weeks entirely to personal activities. A's entire transportation expenses and living expenses while away from home will be disallowed.

§ 1.162–6 *Professional expenses.* A professional man may claim as deductions the cost of supplies used by him in the practice of his profession, expenses paid or accrued in the operation and repair of an automobile used in making professional calls, dues to professional societies and subscriptions to professional journals, the rent paid or accrued for office rooms, the cost of the fuel, light, water, telephone, etc., used in such offices, and the hire of office assistance. Amounts currently paid or accrued for books, furniture, and professional instruments and equipment, the useful life of which is short, may be deducted.

§ 1.162–7 *Compensation for personal services.* (a) There may be included among the ordinary and necessary expenses paid or incurred in carrying on any trade or business a reasonable allowance for salaries or other compensation for personal services actually rendered. The test of deductibility in the case of compensation payments is whether they are reasonable and are in fact payments purely for services.

(b) The test set forth in paragraph (a) of this section and its practical application may be further stated and illustrated as follows:

(1) Any amount paid in the form of compensation, but not in fact as the purchase price of services, is not deductible. An ostensible salary paid by a corporation may be a distribution of a dividend on stock. This is likely to occur in the case of a corporation having few shareholders, practically all of whom draw salaries. If in such a case the salaries are in excess of those ordinarily paid for similar services, and the excessive payments correspond or bear a close relationship to the stockholdings of the officers or employees, it would seem likely that the salaries are not paid wholly for services rendered, but that the excessive

payments are a distribution of earnings upon the stock. An ostensible salary may be in part payment for property. This may occur, for example, where a partnership sells out to a corporation, the former partners agreeing to continue in the service of the corporation. In such a case it may be found that the salaries of the former partners are not merely for services, but in part constitute payment for the transfer of their business.

(2) The form or method of fixing compensation is not decisive as to deductibility. While any form of contingent compensation invites scrutiny as a possible distribution of earnings of the enterprise, it does not follow that payments on a contingent basis are to be treated fundamentally on any basis different from that applying to compensation at a flat rate. Generally speaking, if contingent compensation is paid pursuant to a free bargain between the employer and the individual made before the services are rendered, not influenced by any consideration on the part of the employer other than that of securing on fair and advantageous terms the services of the individual, it should be allowed as a deduction even though in the actual working out of the contract it may prove to be greater than the amount which would ordinarily be paid.

(3) In any event the allowance for the compensation paid may not exceed what is reasonable under all the circumstances. It is in general just to assume that reasonable and true compensation is only such amount as would ordinarily be paid for like services by like enterprises under like circumstances. The circumstances to be taken into consideration are those existing at the date when the contract for services was made, not those existing at the date when the contract is questioned.

(4) For disallowance of deduction in the case of certain transfers of stock pursuant to employees stock options, see section 421 and the regulations thereunder.

§ 1.162–8 *Treatment of excessive compensation.* The income tax liability of the recipient in respect of an amount ostensibly paid to him as compensation, but not allowed to be deducted as such by the payor, will depend upon the circumstances of each case. Thus, in the case of excessive payments by corporations, if such payments correspond or bear a close relationship to stockholdings, and are found to be a distribution of earnings or profits, the excessive payments will be treated as a dividend. If such payments constitute payment for property, they should be treated by the payor as a capital expenditure and by the recipient as part of the purchase price. In the absence of evidence to justify other treatment, excessive payments for salaries or other compensation for personal services will be included in gross income of the recipient.

§ 1.162–9 *Bonuses to employees.* Bonuses to employees will constitute allowable deductions from gross income when such payments are made in good faith and as additional compensation for the services actually rendered by the employees, provided such payments, when added to the stipulated salaries, do not exceed a reasonable compensation for the services rendered. It is immaterial whether such bonuses are paid in cash or in kind or partly in cash and partly in kind. Donations made to employees and others, which do not have in them the element of compensation or which are in excess of reasonable compensation for services, are not deductible from gross income.

§ 1.162–10 *Certain employee benefits*—(a) *In general.* Amounts paid or accrued by a taxpayer on account of injuries received by employees, and lump-sum amounts paid or accrued as compensation for injuries, are proper deductions as ordinary and necessary expenses. Such deductions are limited to the amount not compensated for by insurance or otherwise. Amounts paid or accrued within the taxable year for dismissal wages, unemployment benefits, guaranteed annual wages, vacations, or a sickness, accident, hospitalization, medical expense, recreational, welfare, or similar benefit plan, are deductible under section 162 (a) if they are ordinary and necessary expenses of the trade or business. However, except as provided in paragraph (b) of this section, such amounts shall not be deductible under section 162 (a) if, under any circumstances, they may be used to provide benefits under a stock bonus, pension, annuity, profit-sharing, or other deferred compensation plan of the type referred to in section 404 (a). In such an event, the extent to which these amounts are deductible from gross income shall be governed by the provisions of section 404 and the regulations issued thereunder.

(b) *Certain negotiated plans.* (1) Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, contributions paid by an employer under a plan under which such contributions are held in a welfare trust for the purpose of paying (either from principal or income or both) for the benefit of employees, their families, and dependents, at least medical or hospital care, and pensions on retirement or death of employees, are deductible when paid as business expenses under section 162 (a).

(2) For the purpose of subparagraph (1) of this paragraph, the word "plan" means any plan established prior to January 1, 1954, as a result of an agreement between employee representatives and the Government of the United States, during a period of Government operation, under seizure powers, of a major part of the productive facilities of the industry in which the employer claiming the deduction is engaged. The phrase "plan established prior to January 1, 1954, as a result of an agreement" is intended primarily to cover a trust established under the terms of such an agreement. It also includes a trust established under a plan of an employer, or group of employers, who, by reason of producing the same commodity, are in competition with the employers whose facilities were seized and who would therefore be expected to establish such a trust as a reasonable measure to maintain a sound position in the labor market producing the commodity. For example, if a trust was established under such an agreement in the bituminous coal industry, a similar trust established in the anthracite coal industry within a reasonable time, but before January 1, 1954, would qualify under subparagraph (1) of this paragraph.

(3) If any trust described in subparagraph (2) of this paragraph becomes qualified for exemption from tax under the provisions of section 501 (a), the deductibility of contributions by an employer to such trust on or after any date of such qualification shall no longer be governed by the provisions of section 162, even though the trust may later lose its exemption from tax under section 501 (a).

(c) *Other plans providing deferred compensation.* For rules relating to the deduction of amounts paid to or under a stock bonus, pension, annuity, or profit-sharing plan or amounts paid or accrued under any other plan deferring the receipt of compensation, see section 404 and the regulations thereunder.

§ 1.162–11 *Rentals.* (a) If a leasehold is acquired for business purposes for a specified sum, the purchaser may take as a deduction in his return an aliquot part of such sum each year, based on the number of years the lease has to run. Taxes paid by a tenant to or for a landlord for business property are additional rent and constitute a deductible item to the tenant and taxable income to the landlord, the amount of the tax being deductible by the latter. For disallowance of deduction for income taxes paid by a lessee corporation pursuant to a lease arrangement with the lessor corporation, see section 110 and the regulations thereunder.

(b) (1) The cost to a lessee of erecting buildings or making permanent improvements on property of which he is the lessee is a capital investment, and is not deductible as a business expense. If the estimated useful life in the hands of the taxpayer of the building erected or of the improvements made, determined without regard to the terms of the lease, is longer than the remaining period of the lease, an annual deduction may be made from gross income of an amount equal to the total cost of such improvements divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation. If, on the other hand, the useful life of such buildings or improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, this deduction shall be computed under the provisions of section 167 (relating to depreciation). Where there is a possibility that the lease may be renewed, the matter of spreading such costs over the term of the original lease, together with the renewal period or periods, depends upon the facts in the particular case, including the presence or absence of an option of renewal and the relationship between the parties. As a general rule, unless the lease has been renewed or the facts show with reasonable certainty that the lease will be renewed, the cost or other basis of the lease, or the cost of improvements shall be spread only over the number of years the lease has to run without taking into account any right of renewal.

(2) Subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A subsidiary corporation leases land from its parent at a fair rental for a 25-year period. The subsidiary erects on the land valuable factory buildings having a normal useful life of 50 years. These facts show with reasonable certainty that the lease will be renewed, even though the lease contains no option of renewal. Therefore, the cost of the buildings shall be depreciated over the estimated useful life of the buildings in accordance with section 167 and the regulations thereunder.

Example (2). A retail merchandising corporation leases land at a fair rental from an unrelated lessor for the longest period that the lessor is willing to lease the land (30 years). The lessee erects on the land a department store having a normal useful life of 40 years. These facts do not show with reasonable certainty that the lease will be renewed. Therefore, the cost of the building shall be spread over the remaining term of the lease. An annual deduction may be made of an amount equal to the cost of the building divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation.

§ 1.162–12 *Expenses of farmers.* A farmer who operates a farm for profit is entitled to deduct from gross income as necessary expenses all amounts actually expended in the carrying on of the business of farming. The cost of ordinary tools of short life or small cost, such as hand tools, including shovels, rakes, etc., may be deducted. The purchase of feed and other costs connected with raising livestock may be treated as expense deductions insofar as such costs represent actual outlay, but not including the value of farm produce grown upon the farm or the labor of the taxpayer. Where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop basis, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. The cost of farm machinery, equipment, and farm buildings represents a capital investment and is not an allowable deduction as an item of expense. Amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may be regarded as investments of capital. For the treatment of soil and water conservation expenditures as expenses which are not chargeable to capital account, see section 175 and the regulations thereunder. Amounts expended in purchasing work, breeding, or dairy animals are regarded as investments of capital, and may be depreciated unless such animals are included in an inventory in accordance with § 1.61 (a)–7. The purchase price of an automobile, even when wholly used in carrying on farming operations, is not deductible, but is regarded as an investment of capital. The cost of gasoline, repairs, and upkeep of an automobile if used wholly in the business of farming is deductible as an expense; if used partly for business purposes and partly for the pleasure or convenience of the taxpayer or his family, such cost may be apportioned according to the extent of the use for purposes of business and pleasure or convenience, and only the proportion of such cost justly attributable to business purposes is deductible as a necessary expense. If a farm is operated for recreation or pleasure and not on a commercial basis, and if the expenses incurred in connection with the farm are in excess of the receipts therefrom, the entire receipts from the sale of farm products may be ignored in rendering a return of income, and the expenses incurred, being regarded as personal expenses, will not constitute allowable deductions. (See also section 270 and §§ 1.61 (a)–7, 1.165–1 (e), and 1.167 (a)–1 (b) (3).)

§ 1.162–13 *Depositors' guaranty fund.* Banking corporations which pursuant to the laws of the State in which they are doing business are required to set apart, keep, and maintain in their banks the amount levied and assessed against them by the State authorities as a "Depositors' guaranty fund," may deduct from their gross income the amount so set apart each year to this fund provided that such fund, when set aside and carried to the credit of the State banking board or duly authorized State officer, ceases to be an asset of the bank and may be withdrawn in whole or in part upon demand by such board or State officer to meet the needs of these officers in reimbursing depositors in insolvent banks, and provided further that no portion of the amount thus set aside and credited is returnable under the laws of the State to the assets of the banking corporation. If, however, such amount is simply set up on the books of the bank as a reserve to meet a contingent liability and remains an asset of the bank, it will not be deductible except as it is actually paid out as required by law and upon demand of the proper State officers.

§ 1.162–14 *Expenditures for advertising or promotion of good will.* A corporation which has, for the purpose of computing its excess profits tax credit under subchapter E of chapter 2, or subchapter D of chapter 1, of the Internal Revenue Code of 1939, elected under section 733 or section 451 (applicable to the excess profits tax imposed by subchapter E of chapter 2, and subchapter D of chapter 1, respectively) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments, may not deduct similar expenditures for the taxable year. See section 263 (b). Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct in the taxable year may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or section 451 of the 1939 Code. See § 35.733–2 of Regulations 112 (26 CFR (1939) Part 35) and § 40.451–2 of Regulations 130 (26 CFR (1939) Part 40).

§ 1.162–15 *Excepted contributions.* (a) No deduction is allowable under section 162 (a) for a contribution or gift by an individual or a corporation if any part thereof is deductible under section 170. For example, if a taxpayer makes a contribution of $5,000 and only $4,000 of this amount is deductible under section 170 (a) (whether because of the percentage limitation under either section 170 (b) (1) or (2), the requirement as to time of payment, or both), no deduction is allowable under section 162 (a) for the remaining $1,000.

(b) The limitations provided in section 162 (b) and this section apply only to payments which are in fact contributions or gifts to organizations described in section 170. For example, payments by a street railway company to a local hospital (which is a charitable organization within the meaning of section 170) in consideration of a binding obligation on the part of the hospital to provide hospital services and facilities for the company's employees are not contributions or gifts within the meaning of section 170 and may be deductible under section 162 (a) if the requirements of section 162 (a) are otherwise satisfied. Donations to organizations other than those described in section 170 which bear a direct relationship to the taxpayer's business and are made with a reasonable expectation of a financial return commensurate with the amount of the donation may constitute allowable deductions as business expenses. For example, a street railway company may donate a sum of money to an organization (of a class not referred to in section 170) intending to hold a convention in the city in which it operates, with a reasonable expectation that the holding of such convention will augment its income through a greater number of people using its cars.

(c) Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political purposes, or for the development or exploitation of propaganda (including advertising other than trade advertising) relating to any of the foregoing purposes, are not deductible from gross income. No payment made, either directly or through any organization, for the specific purpose of attempting to promote or defeat legislation shall be deductible. Other payments, not so made and otherwise meeting the requirements of the regulations under section 162, when made as dues or contributions to a trade or business organization, may be deductible under some circumstances, even though influencing, or attempting to influence, legislation is incidentally involved in the use by such organization of such payments. Thus, the payment of such amounts made as dues or contributions to—

(1) A labor, agricultural, or horticultural organization, exempt under section 501 (c) (5), or

(2) A business league, chamber of commerce, real-estate board, or board of trade, exempt under section 501 (c) (6), for the furtherance of the general purposes and program of such an organization in promoting the common economic interests represented, shall be deductible in full if the activities of such organiza-

tion which consist of lawfully attempting to promote or defeat legislation are incidental to the organization's general purposes and program.

§ 1.162–16 *Cross reference.* For special rules relating to expenses in connection with subdividing real property for sale, see section 1237 and the regulations thereunder.

§ 1.168 *Statutory provisions; amortization of emergency facilities.*

SEC. 168. *Amortization of emergency facilities*—(a) *General rule.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be comuputed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (f), be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167. The 60-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction with respect to such emergency facility.

(d) *Definitions*—(1) *Emergency facility.* For purposes of this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949, and with respect to which a certificate under subsection (e) has been made. In no event shall an amortization deduction be allowed in respect of any emergency facility for any taxable year unless a certificate in respect thereof under this paragraph shall have been made before the filing of the taxpayer's return for such taxable year.

(2) *Emergency period.* For purposes of this section, the term "emergency period" means the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (e) have been made is no longer required in the interest of national defense.

(e) *Determination of adjusted basis of emergency facility.* In determining, for purposes of subsection (a) or (g), the adjusted basis of an emergency facility—

(1) There shall be included only so much of the amount of the adjusted basis of such facility (computed without regard to this section) as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1949, as the certifying authority, designated by the President by Executive Order, has certified as necessary in the interest of national defense during the emergency period and only such portion of such amount as such authority has certified as attributable to defense purposes. Such certification shall be under such regulations as may be prescribed from time to time by such certifying authority with the approval of the President. An application for a certificate must be filed at such time and in such manner as may be prescribed by such certifying authority under such regulations, but in no event shall such certificate have any effect unless an application therefor is filed before March 24, 1951, or before the expiration of 6 months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, whichever is later.

(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility, but a separate basis shall be computed therefor pursuant to paragraph (1) as if it were a new and separate emergency facility.

(f) *Depreciation deduction.* If the adjusted basis of the emergency facility (computed without regard to this section) is in excess of the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) of this section, be allowed with respect to such emergency facility as if its adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Payment by United States of unamortized cost of facility.* If an amount is properly includible in the gross income of the taxpayer on account of a payment with respect to an emergency facility and such payment is certified as provided in paragraph (1), then, at the election of the taxpayer in its return for the taxable year in which such amount is so includible—

(1) The amortization deduction for the month in which such amount is so includible shall (in lieu of the amount of the deduction for such month computed under subsection (a)) be equal to the amount so includible but not in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amortization deduction for such month). Payments referred to in this subsection shall be payments the amounts of which are certified, under such regulations as the President may prescribe, by the certifying authority designated by the President as compensation to the taxpayer for the unamortized cost of the emergency facility made because—

(A) A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or

(B) The taxpayer had reasonable ground (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

(2) In case the taxpayer is not entitled to any amortization deduction with respect to the emergency facility, the depreciation deduction allowable under section 167 on account of the month in which such amount is so includible shall be increased by such amount, but such deduction on account of such month shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amount allowable, on account of such month, under section 167 or this paragraph).

(h) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(i) *Cross reference.* For special rule with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined with regard to this section, see section 1238.

§ 1.168–1 *Amortization of emergency facilities; general rule.* (a) A person (including an estate or trust (see section 642 (f) and § 1.642–1 (b) (5)) and a partnership (see section 703 and § 1.703–1)) is entitled, at his election, to a deduction with respect to the amortization of the adjusted basis (for determining gain) of an emergency facility, such amortization to be based on a period of 60 months. As to the adjusted basis of an emergency facility, see § 1.168–5. The taxpayer may elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed or acquired, or (2) the taxable year succeeding that in which such facility was completed or acquired (see § 1.168–2). The date on which, or the month within which, an emergency facility is completed or acquired is to be determined upon the facts in the particular case. Ordinarily, the taxpayer is in possession of all the facts and, therefore, in a position to ascertain such date. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) In no event shall an amortization deduction be allowed with respect to an emergency facility for any taxable year unless such facility has been certified prior to the date of filing of the taxpayer's return for such taxable year.

(c) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of each month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. The adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to an emergency facility for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year. The amortization deduction taken for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 167. See, however, § 1.168–6, relating to depreciation with respect to any portion of the emergency facility not subject to amortization.

(d) This section may be illustrated by the following examples:

Example (1). On July 1, 1954, the X Corporation, which makes its income tax returns on the calendar year basis, begins the construction of an emergency facility which is completed on September 30, 1954, at a cost of $240,000. The certificate covers the entire construction. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with October, the month following its completion. The adjusted basis of the facility at the end of October is $240,000. The allowable amortization deduction with respect to such facility for the taxable year 1954 is $12,000, computed as follows:

Monthly amortization deductions:	
October: $240,000 divided by 60	$4,000
November: $236,000 ($240,000 minus $4,000) divided by 59	4,000
December: $232,000 ($236,000 minus $4,000) divided by 58	4,000
Total amortization deduction for 1954	12,000

Example (2). The Y Corporation, which makes its income tax returns on the basis of a fiscal year ending November 30, purchases an emergency facility (No. 1) on July 29, 1955. On June 15, 1955, it begins the construction of an emergency facility (No. 2) which is completed on August 2, 1955. The entire acquisition and construction of such facilities are covered by the certificate. The Y Corporation elects to take amortization deductions with respect to both facilities and to begin the 60-month amortization period in each case with the month following the month of acquisition or completion. At the end of the first month of the amortization period the adjusted basis of facility No. 1 is $300,000 and the adjusted basis of facility No. 2 is $54,000. In September 1955, facility No. 1 is damaged by fire, as a result of which its adjusted basis is properly reduced by $25,370. The allowable amortization deduction with respect to such facilities for the taxable year ending November 30, 1955, is $21,410, computed as follows:

Facility No. 1

Monthly amortization deductions:	
August: $300,000 divided by 60	$5,000
September: $269,630 ($300,000 minus $5,000 and $25,370) divided by 59	4,570
October: $265,060 ($269,630 minus $4,570) divided by 58	4,570
November: $260,490 ($265,060 minus $4,570) divided by 57	4,570
Amortization deduction for 1955	18,710

Facility No. 2

Monthly amortization deductions:	
September: $54,000 divided by 60	$900
October: $53,100 divided by 59	900
November: $52,200 divided by 58	900
Amortization deduction for 1955	2,700
Total amortization deduction for 1955	21,410

Example (3). On June 15, 1954, the Z Corporation, which makes its income tax returns on the calendar year basis, completes the construction of an emergency facility at a cost of $110,000. In its income tax return for 1954, filed on March 15, 1955, the Z Corporation elects to take amortization deductions with respect to such facility and to begin the 6-month amortization period with July 1954, the month following its completion. No certificate with respect to such facility is made until April 10, 1955, and therefore no amortization deduction with respect to such facility is allowable for any month in the taxable year 1954. The Z Corporation is entitled, however, to take a deduction for depreciation of such facility for the taxable year 1954, such deduction being assumed, for the purposes of this example, to be $2,000. Accordingly, the adjusted basis of such facility at the end of January 1955 (without regard to the amortization deduction for such month) is $108,000 ($110,000 minus $2,000). For the taxable year 1955, the Z Corporation is, with respect to such facility, entitled to an amortization deduction of $24,000, computed as follows:

Monthly amortization deductions:	
January: $108,000 divided by 54	$2,000
February: $106,000 ($108,000 minus $2,000) divided by 53	2,000
March: $104,000 ($106,000 minus $2,000) divided by 52	2,000
For the remaining nine months (similarly computed)	18,000
Total amortization deduction for 1955	24,000

Since the Z Corporation elected in its return for 1954 to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1954, it must compute its amortization deductions for the 12 months in the taxable year 1955 on the basis of the remaining months of the established 60-month amortization period, as indicated in the above computation.

§ 1.168–2 *Election of amortization*—(a) *General rule.* An election by the taxpayer to take amortization deductions with respect to an emergency facility and to begin the 60-month amortization period either with the month following the month in which such facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by a statement to that effect in its return for the taxable year in which falls the first month of the 60-month amortization period so elected.

(b) *Election not made in prescribed manner.* If the statement of election is not made by the taxpayer as prescribed in paragraph (a) of this section, it may, in the discretion of the Commissioner and for good cause shown, be made in such manner and form and within such time as may be approved by the Commissioner.

(c) *Other requirements and considerations.* No method of making such election other than those prescribed in this section and corresponding sections of prior regualtions is permitted. Any statement of election should contain a description clearly identifying each emergency facility for which an amortization deduction is claimed. A taxpayer which does not elect, in the manner prescribed in this section or corresponding sections of prior regulations, to take amortization deductions with respect to an emergency facility shall not be entitled to such deductions.

§ 1.168–3 *Election to discontinue amortization.* (a) If a taxpayer has elected to take amortization deductions with respect to an emergency facility, it may, after such election and prior to the expiration of the 60-month amortization period, discontinue the amortization deductions for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by a notice in writing filed with the district director for the district in which the return of the taxpayer is required to be filed, specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and shall contain a description clearly identifying the emergency facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer so elects to discontinue the amortization deductions, it shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer which thus elects to discontinue amortization deductions with respect to an emergency facility is entitled, if such facility is depreciable property under section 167 and the regulations thereunder, to a deduction for depreciation with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable, and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On July 1, 1954, the X Corporation, which makes its income tax returns on the calendar year basis, purchases an emergency facility, consisting of land with a building thereon, at a cost of $306,000 of which $60,000 is allocable to the land and $246,000 to the building. The certificate covers the entire acquisition. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with the taxable year 1955. Depreciation of the building in the amount of $6,000 is deducted and allowed for the taxable year 1954. On March 25, 1956, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1956. The adjusted basis of the facility on January 31, 1955, is $300,000, or the cost of the facility ($306,000) less the depreciation allowed for 1954 ($6,000). The amortization deductions for the taxable year 1955 and the months of January, February, and March 1956, amount to $75,000, or $5,000 per month for 15 months. Since, at the beginning of the amortization period (January 1, 1955), the adjusted basis of the land ($60,000) is one-fifth of the adjusted basis of the entire facility ($300,000) and since there are no adjustments to basis other than on account of amortization during the period, the adjusted basis of the land should be reduced by $15,000, or one-fifth of the entire amortization deduction, and the adjusted basis of the building should be reduced by $60,000, or four-fifths of the entire amortization deduction. Accordingly, the adjusted basis of the facility as of April 1, 1956, is $225,000, of

which $180,000 is allocable to the building for the purpose of depreciation deductions under section 167, and $45,000 is allocable to the land.

§ 1.168–4 *Definitions.* As used in the regulations under section 168, the term—

(a) "Certifying authority" means the certifying authority designated by the President by Executive order.

(b) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the acquisition of which occurred after December 31, 1949, or the construction, reconstruction, erection, or installation of which was completed after such date, and with respect to which a certificate under section 168 (e) has been made. In the case of an application for a certificate under section 168 (e) which is filed after March 23, 1951, only the part of any such facility which is constructed, reconstructed, erected, or installed by any person not earlier than six months prior to the filing of such application, and which is certified in accordance with section 168 (e), shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. The term "emergency facility," as so defined, may include, among other things, improvements of land, such as the construction of roads, bridges, and airstrips, and the dredging of channels.

(c) "Emergency period" means the period beginning on January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the certified emergency facilities is no longer required in the interest of national defense.

§ 1.168–5 *Adjusted basis of emergency facility*—(a) *In general.* (1) The adjusted basis of an emergency facility for the purpose of computing the amortization deduction may differ from what would otherwise constitute the adjusted basis of such emergency facility, in that it shall be the adjusted basis for determining gain (see sections 1011–1022, inclusive) and in that it may be only a portion of what would otherwise constitute the adjusted basis. It will be only a portion of such other adjusted basis if only a portion of the basis (unadjusted) is attributable to certified construction, reconstruction, erection, installation, or acquisition taking place after December 31, 1949. Also, it will be only a portion of what would otherwise constitute the adjusted basis of the emergency facility if only a portion of the basis (unadjusted) is certified as attributable to defense purposes. It is therefore necessary first to determine the unadjusted basis of the emergency facility from which the adjusted basis for amortization purposes is derived.

(2) The unadjusted basis for amortization purposes is the same as the unadjusted basis otherwise determined only when the entire construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1949, and is certified in its entirety by the certifying authority.

(3) In cases in which only a portion of the construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1949, and that portion is certified in its entirety by the certifying authority, the unadjusted basis for the purpose of amortization is so much of the entire unadjusted basis as is attributable to the certified construction, reconstruction, erection, installation, or acquisition which takes place after December 31, 1949. For example, the X Corporation begins the construction of a facility on November 15, 1949, and such facility is completed on April 1, 1952, at a cost of $5,000,000, of which $4,600,000 is attributable to construction after December 31, 1949. The entire construction after December 31, 1949, is certified by the certifying authority. The unadjusted basis of the emergency facility for amortization purposes is therefore $4,600,000. For depreciation of the remaining portion ($400,000) of the cost, see § 1.168–6.

(4) If the certifying authority certifies only a portion of the construction, reconstruction, erection, installation, or acquisition of property which takes place after December 31, 1949, the unadjusted basis for amortization purposes is limited to such portion so certified. Assuming the same facts as in the example in subparagraph (3) of this paragraph, except that only 50 percent of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, is certified, the unadjusted basis for amortization purposes is 50 percent of $4,600,000, or $2,300,000.

(5) The adjusted basis of an emergency facility for amortization purposes is the unadjusted basis for amortization purposes less the adjustments properly applicable thereto. Such adjustments are those specified in sections 1016 and 1017, except that no adjustments are to be taken into account which increase the adjusted basis. (See paragraph (b) of this section.) If the taxpayer constructs, reconstructs, erects, installs, or acquires an emergency facility pursuant to a cost reimbursement contract with an obligation for reimbursement by the United States of all or a part of the cost of such facility, the unadjusted basis of such facility for amortization purposes shall not include that part of the cost for which the taxpayer is entitled to reimbursement, and the amount received as reimbursement shall be treated as a capital receipt. However, amounts received by a taxpayer which represent in fact compensation by reason of termination of a government contract or payment for articles under such a contract, though denominated reimbursements for all or a part of the cost of an emergency facility, are not to be treated as capital receipts but are to be taken into account in computing income, and are therefore not to be applied in reduction of the basis of such facility.

(6) The following examples will illustrate the computation of the adjusted basis of an emergency facility for amortization purposes:

Example (1). The X Corporation completes an emergency facility on July 1, 1954, the entire unadjusted basis of which is $500,000, and the unadjusted basis of which for the purpose of amortization is $300,000. The X Corporation elects to begin amortization as of January 1, 1955. The only adjustment to basis for the period July 1, 1954, to January 31, 1955, other than depreciation or amortization for January 1955, is $5,000 for depreciation for the last six months of 1954. The adjusted basis for the purpose of amortization is therefore $300,000 less $3,000 (300,000/500,000 × $5,000), or $297,000.

Example (2). On July 31, 1956, the Y Corporation has an emergency facility (a building) which was completed on July 1, 1952, the entire basis of which is $500,000 and the unadjusted basis of which for the purpose of amortization is $300,000. The corporation elected to begin amortization as of January 1, 1953, at which time it was entitled to $5,000 depreciation for the last six months of 1952. On July 1, 1956, the facility was damaged by fire, as the result of which its adjusted basis is properly reduced by $200,000. The adjusted basis of the emergency facility as of July 1956 for the purpose of amortization and depreciation, and the adjusted basis for other purposes, are $23,849.18, $49,250.82, and $73,100.00, respectively, computed as follows:

	For amortization	For depreciation	For other purposes
Unadjusted basis	$300,000.00	$200,000.00	$500,000
Less depreciation to Jan. 1, 1953	3,000.00	2,000.00	5,000
Adjusted basis January 1953	297,000.00	198,000.00	495,000
Less amortization for 42 months	207,900.00		207,900
Less depreciation for 42 months		14,000.00	14,000
Adjusted basis at time of fire	89,100.00	184,000.00	273,100
Less fire loss (apportioned as explained below)	65,250.82	134,749.18	200,000
Adjusted basis after fire loss	23,849.18	49,250.82	73,100

The $200,000 fire loss is applied against the adjusted basis for the purpose of amortization and the adjusted basis for the purpose of depreciation in the proportion that each such adjusted basis at the time of the fire bears to their sum, i. e., 89,100/273,100 × $200,000 or $65,250.82, against the amortization basis, and 184,000/273,100 × $200,000, or $134,749.18 against the depreciation basis.

(b) *Capital additions.* (1) If, after the completion or acquisition of an emergency facility which has been certified by the certifying authority, further expenditures are made for construction, reconstruction, erection, installation, or acquisition attributable to such facility but not covered by such certification, such expenditures shall not be added to the adjusted basis of the emergency facility for amortization purposes under such certification. If such further expenditures are separately certified in accordance with the provisions of section 168 (e) (1) and this section, they are treated as certified expenditures in connection with a new and separate emergency facility and, if proper election is made, will be taken into account in computing the adjusted basis of such new and separate emergency facility for the purpose of amortization.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. On March 1, 1954, the certifying authority certifies as an emergency facility a heating plant proposed to be constructed by the Z Corporation. Such facility is completed on July 1, 1954. The Z Corporation, on August 1, 1954, begins the installation in the plant of an additional boiler, which is not included in the certification for the plant but is certified as a new and separate emergency facility. For amortization purposes, the adjusted basis of the heating plant is determined without including the cost of the additional boiler. Such cost is taken into account in computing the adjusted basis of the new and separate emergency facility (the boiler), as to which the taxpayer has a separate election for amortization purposes and a separate amortization period.

§ 1.168–6 *Depreciation of portion of emergency facility not subject to amortization.* (a) The rule that an amortization deduction with respect to an emergency facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 167 is subject to the exception provided in section 168 (f). Under this exception, if the property constituting such facility is depreciable property under section 167 and the regulations thereunder and if the adjusted basis of such facility as computed under section 1011 for purposes other than the amortization deductions is in excess of the adjusted basis computed for the purpose of the amortization deductions, then the excess shall be charged off over the useful life of the facility and recovered through depreciation deductions. Thus, if the construction of an emergency facility is begun on or before December 31, 1949, and completed after such date, no amortization deductions are allowable with respect to the amount attributable to such construction on or before such date (see § 1.168–5). However, if the property constituting such facility is depreciable property under section 167 and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the amount attributable to such construction on or before December 31, 1949.

(b) Similarly, if only a portion of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, of an emergency facility has been certified by the certifying authority, and if such facility is depreciable property under section 167 and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the portion which has not been so certified.

(c) For illustration of the treatment of a depreciable portion of an emergency facility, see example (2) in § 1.168–5 (a) (6).

§ 1.168–7 *Payment by United States of unamortized cost of facility.* (a) Section 168 (g) contemplates that certain payments may be made by the United States to a taxpayer as compensation for the unamortized cost of an emergency facility. If any such payment is properly includible in gross income and has been certified, as provided in section 168 (g), as having been paid under the circumstances described therein, a taxpayer which is recovering the adjusted basis of an emergency facility through amortization rather than depreciation may elect to take an amount equal to such payment as an amortization deduction with respect to such facility for the month in which such payment is so includible. Such amortization deduction shall be in lieu of the amortization deduction otherwise allowable with respect to such facility for such month, but it shall not in any case exceed the adjusted basis of such facility (see § 1.168–5) as of the end of such month (computed without regard to any amortization deduction for such month). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(b) If a taxpayer is recovering the adjusted basis of an emergency facility through depreciation rather than amortization, the depreciation deduction allowable under section 167 for the month in which the amount of any such payment is includible in gross income shall, at the taxpayer's election, be increased by such amount; but the total deduction with respect to the certified portion of such facility shall not in any case exceed the adjusted basis of such facility (computed as provided in section 168 (e) and § 1.168–5 for amortization purposes) as of the end of such month (computed without regard to any amount allowable for such month under section 167 or 168 (g) (2)). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(c) This section may be illustrated by the following examples:

Example (1). On January 31, 1954, the X Corporation purchases an emergency facility at a cost of $600,000. The certificate covers the entire acquisition. The X Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with February 1954, the month following the month of acquisition. On July 15, 1955, as a result of the cancellation of certain contracts with the X Corporation, the United States makes a payment of $300,000 to the corporation as compensation for the unamortized cost of such facility. The $300,000 payment is includible in the X Corporation's gross income for July 1955. The adjusted basis of such facility for amortization purposes as of the end of July 1955, computed without regard to any amortization deduction for such month, is $430,000. Accordingly, the corporation is entitled to take an amortization deduction of $300,000 for such month, in lieu of the $10,000 amortization deduction which is otherwise allowable.

Example (2). On November 30, 1954, the Y Corporation purchases an emergency facility, consisting of land with a building thereon, at a cost of $500,000, of which $200,000 is allocable to the land and $300,000 to the building. The certificate covers the entire acquisition. The Y Corporation does not elect to take amortization deductions with respect to such facility, but is entitled to a depreciation deduction with respect to the building at the rate of 3 percent per annum, or $750 per month. On August 12, 1956, as a result of cancellation of certain contracts, the United States makes a payment of $400,000 to the organization as compensation for the unrecovered cost of such facility. The $400,000 is includible in the Y Corporation's gross income for August 1956. The adjusted basis of the facility as of the end of August 1956, computed without regard to depreciation for such month, is $485,000, of which amount $200,000 is allocable to the land and $285,000 to the building. Accordingly, the corporation is enttiled to increase the $750 depreciation deduction for August 1956 by the full amount of the $400,000 payment.

§ 1.169 *Statutory provisions; amortization of grain-storage facilities.*

SEC. 169. *Amortization of grain-storage facilities*—(a) *Allowance of deduction*—(1) *Original owner.* Any person who constructs, reconstructs, or erects a grain-storage facility (as defined in subsection (d)) shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. The 60-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

(2) *Subsequent owners.* Any person who acquires a grain-storage facility from a taxpayer who—

(A) Elected under subsection (b) to take the amortization deduction provided by this subsection with respect to such facility, and

(B) Did not discontinue the amortization deduction pursuant to subsection (c),

shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (e) (2)) of such facility based on the period, if any, remaining (at the time of acquisition) in the 60-month period elected under subsection (b) by the person who constructed, reconstructed, or erected such facility.

(3) *Amount of deduction.* The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167.

(b) *Election of amortization.* The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a) (2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary or his delegate may prescribe, before the time prescribed in the applicable sentence.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of

the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction with respect to such facility.

(d) *Definition of grain-storage facility.* For purposes of this section, the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, which crib, bin, elevator, or structure is intended by the taxpayer at the time of his election to be used for the storage of grain produced by him (or, if the election is made by a partnership, produced by the members thereof); and

(2) Any public grain warehouse permanently equipped for receiving, elevating, conditioning, and loading out grain, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. If any structure described in clause (1) or (2) of the preceding sentence is altered or remodeled so as to increase its capacity for the storage of grain, or if any structure is converted, through alteration or remodeling, into a structure so described, and if such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, such alteration or remodeling shall be treated as the construction of a grain-storage facility. The term "grain-storage facility" shall include only property of a character which is subject to the allowance for depreciation provided in section 167. The term "grain-storage facility" shall not include any facility any part of which is an emergency facility within the meaning of section 168 of this title.

(e) *Determination of adjusted basis*—(1) *Original owners.* For purposes of subsection (a) (1)—

(A) In determining the adjusted basis of any grain-storage facility, the construction, reconstruction, or erection of which was begun before January 1, 1953, there shall be included only so much of the amount of the adjusted basis (computed without regard to this subsection) as is properly attributable to such construction, reconstruction, or erection after December 31, 1952; and

(B) In determining the adjusted basis of any facility which is a grain-storage facility within the meaning of the second sentence of subsection (d), there shall be included only so much of the amount otherwise included in such basis as is properly attributable to the alteration or remodeling.

If any existing grain-storage facility as defined in the first sentence of subsection (d) is altered or remodeled as provided in the second sentence of subsection (d), the expenditures for such remodeling or alteration shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed in respect of such facility as if the part altered or remodeled were a new and separate grain-storage facility.

(2) *Subsequent owners.* For purposes of subsection (a) (2), the adjusted basis of any grain-storage facility shall be whichever of the following amounts is the smaller:

(A) The basis (unadjusted) of such facility for purposes of this section in the hands of the transferor, donor, or grantor, adjusted as if such facility in the hands of the taxpayer had a substituted basis within the meaning of section 1016 (b), or

(B) So much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (as computed without regard to this subsection) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(f) *Depreciation deduction.* If the adjusted basis of the grain-storage facility (computed without regard to subsection (e)) exceeds the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) (3) of this section, be allowed with respect to such grain-storage facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsection (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

§ 1.169–1 *General scope of section 169.* (a) Section 169 provides for the amortization of grain-storage facilities, as defined therein, over a period of 60 months. The amortization deduction is allowable at the election of the taxpayer and subject to the provisions of section 169. The amortization deduction is not only allowable to the original owner of a grain-storage facility, but may be allowable to any subsequent owner who acquires the facility from another person who elected to take the amortization deduction and had not discontinued such deduction under the statute. In the case of the original owner of a grain-storage facility the amortization period is 60 months. For a subsequent owner the amortization period is the period, if any, remaining at the time of his acquisition in the 60-month period elected by the person who completed construction, reconstruction, or erection of the grain-storage facility.

(b) Cross-references: For the right of estates and trusts to amortize grain-storage facilities, see section 642 (f) and the regulations thereunder. For the allowance of the amortization deduction in the case of grain-storage facilities of partnerships, see section 703 (b) and the regulations thereunder.

§ 1.169–2 *Definition of grain-storage facility*—(a) *General.* For the purpose of section 169 the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, but only if the taxpayer at the time of his election to take the amortization deduction allowed under section 169 intends such crib, bin, elevator, or structure to be used for the storage of grain produced by him or, in case the election to take the amortization deduction is made by a partnership, only if such crib, bin, elevator, or structure is intended by the partnership at the time of its election to be used for the storage of grain produced by members of the partnership; and

(2) Any public grain warehouse or elevator permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. The term "grain" includes all products commonly classed as grain, such as wheat, corn, oats, barley, rye, rice, soybeans, grain sorghums, flaxseed, and dry edible beans.

(b) *Private grain-storage facilities.* In the case of any structure described in paragraph (a) (1) of this section, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956, the taxpayer at the time of his election to take the amortization deduction with respect to the structure must intend to use the facility for the storage of grain produced or to be produced by him. If the election is made by a partnership, the structure must be intended at the time of the election to be used for the storage of grain produced by one or more members of the partnership. The statute does not require that the facility be actually used at the time of the election for the storage of grain. The intent required by the statute at the time of the taxpayer's election to take the amortization deduction is applicable not only to the original owner who completed the construction, reconstruction, or erection of the facility, but to any subsequent owner of the facility. The existence of the requisite intent is a question of fact to be ascertained from the circumstances of each particular case. The lack of the required intent with respect to the use of the facility by a subsequent owner does not affect the allowance of the amortization deduction to a preceding owner for the period during which the facility was owned by him. However, the absence of the required intent as to the use of the facility on the part of either the original owner or any intervening owner precludes any subsequent owner from taking the amortization deduction with respect to the facility. A structure is not suitable primarily for the storage of grain if it is of a type customarily used for other purposes, even though it may actually be used for storing grain. For example, no part of a residential dwelling may qualify as a grain-storage facility. Nor is a structure suitable primarily for the storage of grain unless it is so constructed as to be especially adapted to efficient storage of grain. Thus, a general utility type of building does not qualify under the statute as a grain-storage facility, even though it may be actually used for storing grain. However, structures not suitable primarily for the storage of grain may through alteration or remodeling qualify as grain-storage facilities (see paragraph (d) of this section). On the other hand, a structure which is suitable primarily for the storage of grain is not disqualified under the statute merely because it may at times be used for other purposes. The structures described in paragraph (a) (1) of this section may include trackside grain-storage facilities.

(c) *Public grain-storage facilities.* The term "public grain warehouse" as used in section 169 (d) includes only a grain warehouse or elevator transacting business with members of the general public. The amortization deduction, however, is not available to a person who stores only grain purchased for consumption in his business, such as a milling company which constructs storage facilities for purchased grain held for processing. The statute also requires that the grain warehouse or elevator must be equipped for receiving, elevating, conditioning, and loading out grain, and that the equipment used for these purposes must be permanently installed. Such equipment is considered a part of the grain warehouse or elevator for the purpose of section 169. A grain warehouse or elevator using portable equipment for receiving, elevating, conditioning or loading out grain cannot qualify as a "grain-storage facility" for the purposes of section 169. The term "conditioning" as used in section 169 (d) includes turning, drying, aerating, fumigating, or other processing of grain. While it is not essential for qualification as a grain-storage facility that a public grain warehouse or elevator be permanently equipped to render all services embraced within the meaning of "conditioning", the grain warehouse or elevator must be permanently equipped for turning, drying, or similar processing of grain. The fact that a public grain warehouse accepts for storage, in addition to products commonly classed as grain (see paragraph (a) of this section), other products which are ordinarily stored in grain warehouses does not disqualify the warehouse as a grain-storage facility for the purpose of section 169.

(d) *Alteration or remodeling.* (1) If any structure described in paragraph (a) (1) or (2) of this section is altered or remodeled so that its capacity for the storage of grain is increased, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility. Such alteration or remodeling may qualify as a grain-storage facility, whether or not the original structure constituted a grain-storage facility as defined in section 169 (d). If the original structure did qualify as a grain-storage facility for the purpose of section 169, the amortization deduction allowable under section 169 (a) may be taken with respect to such alteration or remodeling, whether or not the taxpayer or any preceding owner elected to take the amortization deduction allowable with respect to the original structure.

(2) Likewise, if any structure not described in paragraph (a) (1) or (2) of this section is converted through alteration or remodeling into a stucture so described, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility.

(3) For election to take the amortization deduction with respect to alteration or remodeling described in subparagraphs (1) and (2) of this paragraph, see § 1.169–4. For determination of adjusted basis for the purpose of the amortization deduction with respect to a grain-storage facility attributable to such alteration or remodeling, see § 1.169–6.

(e) *Excluded property*—(1) *Nondepreciable property.* The term "grain-storage facility" includes only property of a character which is subject to the allowance for depreciation provided in section 167. Thus, "grain-storage facility" does not include the land on which a structure defined in paragraph (a) of this section is erected.

(2) *Emergency facilities.* (i) The term "grain-storage facility" does not include any facility any part of which is considered an emergency facility within the meaning of section 168. For the definition of "emergency facility" for the purpose of section 168, see § 1.168–4.

(ii) If all or any part of the adjusted basis (computed under section 1011) of a structure described in paragraph (a) of this section is certified as an "emergency facility" under section 168 (e), such structure cannot qualify as a "grain-storage facility" for the purposes of section 169. However, if, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such structure, the certificate made under section 168 (e) is cancelled by the certifying authority, such structure will be considered a "grain-storage facility" for the purposes of section 169.

(iii) In the case of any alteration or remodeling described in paragraph (d) (1) or (2) of this section, if all or any part of the adjusted basis (computed under section 1011) of the original structure is certified as an "emergency facility" under section 168 (e), such alteration or remodeling may, nevertheless, qualify as a "grain-storage facility" for the purposes of section 169, provided the following conditions are met:

(*a*) None of the expenditures attributable to such alteration or remodeling represents construction, reconstruction, erection, installation, or acquisition included in the certificate made under section 168 (e) with respect to the original structure, and

(*b*) A separate certificate is not made under section 168 (e) with respect to such alteration or remodeling as a new and separate emergency facility, or if a separate certificate was made, such certificate, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such alteration or remodeling, is canceled by the certifying authority.

§ 1.169–3 *Amortization deduction*—(a) *Original owner.* Any person who constructs, reconstructs, or erects a grain-storage facility as defined in section 169 (d) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. As to the adjusted basis of a grain-storage facility, see § 1.169–6. The taxpayer may, with respect to a grain-storage facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed, or (2) the first month of the taxable year succeeding that in which such facility was completed (see § 1.169–4). The date on which, or the month within which, a grain-storage facility is completed is to be determined upon the facts in the particular case. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) *Subsequent owner.* Any person who acquires a grain storage facility from a taxpayer who elected to take the amortization deduction provided by section 169 (a) with respect to such facility and who, prior to the acquisition by such person, had not discontinued the amortization deduction pursuant to section 169 (c), is entitled at his election to a deduction with respect to the amortization of the adjusted basis (determined under section 169 (e) (2)) of such facility based on the period, if any, remaining at the time of his acquisition in the 60-month period elected by the original owner of such facility. For the determination of the adjusted basis of a grain-storage facility in the hands of a subsequent owner for the purpose of the amortization deduction, see § 1.169–6.

(c) *Amount of deduction.* (1) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. If a grain-storage facility is held successively by two or more persons during a single month, the amortization deduction, if any, allowable to each of such persons in respect of that month shall be only that portion of the amount to which each such person would be entitled for a full month which the number of days in such month during which the facility was held by him bears to the total number of days in such month. The adjusted basis of the grain-storage facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to a grain-storage facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year.

(2) The amortization deduction with respect to a grain-storage facility for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility for that month. If the original owner of a grain-storage facility elects to begin the 60-month amortization period with the first month of the taxable year succeeding that in which the facility was completed, the deduction for depreciation provided in section 167 is allowable with respect to the facility for the period intervening between the completion of the facility and the beginning of the 60-month period. However, if the original owner elects to begin the 60-month amortization period with the month following that in which the facility was completed, no deduction under section 167 is allowable in respect of the month in which the facility was completed. For depreciation allowable with respect to any amount not subject to amortization, see § 1.169–7.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On July 1, 1954, A, who makes his income tax return on a calendar year basis, begins the construction of a grain-storage facility which is completed on September 30, 1954, at a cost of $24,000, not including the cost of the land on which the facility is erected. A elects to take the amortization deduction with respect to the facility and to begin the 60-month amortization period with October 1954, the month following its completion. The adjusted basis of the facility at the end of October is $24,000. The allowable amortization deduction with respect to such facility for the taxable year 1954 is $1,200, computed as follows:

Monthly Amortization Deductions:	
October: $24,000 divided by 60	$400
November: $23,600 ($24,000 minus $400) divided by 59	400
December: $23,200 ($23,600 minus $400) divided by 58	400
Total Amortization Deduction for 1954	1,200

Example (2). The X Corporation, which makes its income tax return on the calendar year basis, begins the construction of a grain storage facility on June 15, 1954. The facility is completed on August 2, 1954. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with September 1954, the month following its completion. At the end of the first month of the amortization period the adjusted basis of the facility is $30,000. In October 1954, the facility is damaged by fire, as the result of which the adjusted basis is properly reduced by $2,537. The allowable amortization deduction with respect to the facility for the calendar year 1954 is $1,871, computed as follows:

Monthly Amortization Deductions:	
September: $30,000 divided by 60	$500
October: $26,963 ($30,000 minus $500 and $2,537) divided by 59	457
November: $26,506 ($26,963 minus $457) divided by 58	457
December: $26,049 ($26,506 minus $457) divided by 57	457
Total amortization deduction for 1954	1,871

For illustration in the case of a subsequent owner of a grain-storage facility, see example (2) in § 1.169–6 (f).

§ 1.169–4 *Election of amortization*—(a) *General rule*—(1) *Original owner.* The election by a taxpayer who constructs, reconstructs, or erects a grain-storage facility to take amortization deductions with respect to the facility and to begin the 60-month amortization period, either with the month following the month in which the facility was completed or with the first month of the taxable year succeeding the taxable year in which such facility was completed, shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each grain-storage facility for which an amortization deduction is claimed.

(ii) The date on which the construction, reconstruction, or erection of each such facility was completed.

(iii) The total costs and expenditures paid or incurred in the construction, reconstruction, or erection of any such facility, excluding the cost of any land.

(iv) If the construction, reconstruction, or erection of any such facility was begun before January 1, 1953, the amount of the costs and expenditures properly attributable to such construction, reconstruction, or erection after December 31, 1952.

(v) In the case of a private grain-storage facility described in § 1.169–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or, in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(2) *Subsequent owner.* The election by a subsequent owner (that is, a person who acquires a grain-storage facility from a taxpayer who elected to take the amortization deduction with respect to the facility and who, prior to the acquisition by the subsequent owner, had not discontinued the amortization deduction under section 169 (c)) to take amortization deductions with respect to the facility shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the month in which the facility was acquired. Such statement shall include the following information:

(i) The name and address of the preceding owner.

(ii) The date and the manner of the acquisition of the grain-storage facility from such preceding owner.

(iii) A statement of the basis (unadjusted) of the facility in the hands of the preceding owner for amortization purposes, adjusted to the date of acquisition by the taxpayer.

(iv) A statement of the adjusted basis of the facility in the hands of the taxpayer for amortization purposes, computed as of the date of acquisition by the taxpayer.

(v) In the case of a private grain-storage facility described in § 1.169–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or, in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(b) *Special rules for making election prior to filing of return.* If, prior to the time prescribed in paragraph (a) of this section for making the election to take amortization deductions with respect to a grain-storage facility, such facility is acquired by a subsequent owner, the preceding owner of the facility may make such election within 60 days after the date of acquisition of such facility by the subsequent owner. In the event that the preceding owner dies or ceases to exist prior to making an election, the election may be made within such time by the duly authorized representatives of the preceding owner. Unless the election to take amortization deductions with respect to the facility is made by the preceding owner or on his behalf, the subsequent owner of the facility shall not be entitled to take the amortization deductions allowable under section 169 (a) with respect to such facility. A statement of election under this paragraph shall be filed with the district director for the district in which the return of the taxpayer is required to be filed, and shall contain the same information required with respect to a statement of election under paragraph (a) of this section. However, in the case of a private grain-storage facility described in § 1.169–2 (b), in lieu of the statement regarding the intended use of the facility at the time of the election, the statement of election under this paragraph shall include a statement that the preceding owner, at the time of the construction, reconstruction, erection, or acquisition of the facility by him, intended to use the facility for the storage of grain produced or to be produced by him. If the preceding owner of the facility was the original owner, the statement of election must specify the beginning of the 60-month amortization period. Unless the grain-storage facility is acquired from the original owner after the beginning of his taxable year succeeding the taxable year in which such facility was completed, an election made under this paragraph must begin the 60-month amortization period with the month following the month in which the facility was completed.

(c) *Election not made at the time or in the manner prescribed by this section.* (1) The district director has no authority to extend the time prescribed in section 169 (b) and paragraph (a) of this section for making an election to take amortization deductions allowable under section 169 (a). However, the district director in his discretion may, for good cause shown, grant a reasonable extension of time for the making of an election under paragraph (b) of this section.

(2) Except as provided in the preceding subparagraph, if a statement of election under paragraph (a) or (b) of this section does not comply with the requirements prescribed therein, it may, in the discretion of the district director and for good cause shown, be made in such manner and form as may be approved by him.

(3) No method of making the election to take the amortization deductions with respect to a grain-storage facility other than those prescribed in this section shall be permitted. A taxpayer who fails to elect to take amortization deductions with respect to such a facility shall not be entitled to amortization deductions with respect to such facility.

(d) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility, as defined in section 169 (d), is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see §§ 1.169–2 (d) and 1.169–6 (e)), the part of the facility altered or remodeled is treated as a new and separate grain-storage facility. In such case, unless the taxpayer who completes such alteration or remodeling makes a separate election, in the manner and within the time provided in this section, to take amortization deductions and to begin a new 60-month period with respect to such alteration or remodeling, he shall not be entitled to amortization deductions with respect to such alteration or remodeling. Such alteration or remodeling is also treated as a separate grain-storage facility in the hands of a subsequent owner.

§ 1.169–5 *Termination of amortization deduction.* (a) If a taxpayer has elected to take amortization deductions with respect to a grain-storage facility he may, prior to the expiration of the 60-month amortization period and prior to the acquisition of such facility by another person, discontinue the amortization deductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by notice in writing filed with the district director for the district in which the return of the taxpayer is required to be filed, specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and shall contain a description clearly identifying the grain-storage facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer elects in the manner provided herein to discontinue the amortization deductions with respect to a grain-storage facility, he shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer who elects to discontinue amortization deductions with respect to a grain-storage facility is entitled to a deduction for depreciation under section 167 with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On February 1, 1954, the Y Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a grain-storage facility. The facility is completed on June 30, 1954, at a cost of $306,000, of which $60,000 is allocable to the land and $246,000 to the facility. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with July 1954, the month following its completion. On March 25, 1955, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1955. The adjusted basis of the facility on July 31, 1954, is $246,000. The amortization deductions for the taxable year 1954 and the months of January, February, and March 1955, amount to $36,900, or $4,100 per month for nine months. Accordingly, the adjusted basis of the facility as of April 1, 1955, is $209,100. Beginning as of that date, the deduction for depreciation under section 167 is allowable with respect to the property. Such deduction shall be computed on the adjusted basis ($209,100) of the property as of April 1, 1955.

§ 1.169–6 *Adjusted basis of grain-storage facility*—(a) *General.* Section 169 (e) provides rules which apply in the determination of the adjusted basis of a grain-storage facility for the purpose of computing the amortization deductions allowable under section 169 (a). Section 169 (e) does not purport to provide an all-inclusive formula for the computation of adjusted basis for amortization purposes, but only prescribes certain modifications in the amount which would otherwise constitute the adjusted basis of the facility. As a result of these modifications, the adjusted basis for the purpose of computing the amortization deductions allowable with respect to the facility will differ in some cases from the adjusted basis of the facility determined under section 1011 without regard to section 169 (e). The adjusted basis for amortization purposes may also differ from the adjusted basis of the facility for other purposes in that it shall be the adjusted basis for determining gain (see sections 1011–1022, inclusive). The adjusted basis for amortization purposes is derived from the unadjusted basis of the grain-storage facility determined in accordance with the provisions of section 1012. The special rules provided in section 169 (e) are applicable in translating the unadjusted basis determined in accordance with the provisions of section 1012 into the unadjusted basis for amortization purposes under section 169. The unadjusted basis for amortization purposes, less the adjustments properly allocable thereto, becomes the adjusted basis for amortization purposes. These adjustments are those specified in sections 1016 and 1017. However, adjustments which increase the adjusted basis under section 1011 are not to be taken into account in determining the adjusted basis for amortization purposes (see paragraph (d) of this section).

(b) *Original owners.* Section 169 (e) (1) provides rules which apply in the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of an original owner (see § 1.169–3 (a)). As the result of the application of the rules stated in subparagraphs (1) and (2) of this paragraph, the adjusted basis of the facility for amortization purposes will be smaller than the amount which would otherwise constitute the adjusted basis of the facility. The rules are the following:

(1) If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, there is to be included only so much of the entire unadjusted basis of the facility as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(2) If a structure which is not an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169–2 (d)), there is to be included only so much of the entire unadjusted basis of such structure as is properly attributable to such alteration or remodeling as was completed after December 31, 1952, and on or before December 31, 1956. In the case of alteration or remodeling of an existing grain-storage facility, see paragraph (e) of this section.

(c) *Subsequent owners.* A special rule is provided in section 169 (e) (2) for the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of a subsequent owner (see § 1.169–3 (b)). Such adjusted basis is the smaller of the following amounts:

(1) The adjusted basis determined by including an amount in respect of unadjusted basis equal to the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, determined as of the date of acquisition of the facility by the taxpayer. For the purpose of this paragraph, in determining the adjusted basis of the facility for amortization purposes in the hands of the preceding owner the adjustments required under section 1016 shall include an adjustment in respect of the amount of the amortization deduction allowable to the preceding owner for the month in which the facility was acquired by the taxpayer. See § 1.169–3 (c). For the rule excluding capital additions from the adjusted basis of a grain-storage facility for amortization purposes, see paragraph (d) of this section.

(2) The adjusted basis (computed under section 1011 for determining gain) of the facility in the hands of the taxpayer. If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, in determining such adjusted basis there is to be included only so much of the entire unadjusted basis of the facility (in the hands of the taxpayer) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(d) *Capital additions.* If after the completion or acquisition of a grain-storage facility further expenditures are made for construction, reconstruction, or erection, such expenditures shall not be added to the adjusted basis of the facility for amortization purposes. If such expenditures result in alteration or remodeling which under section 169 (d) is treated as the construction of a grain-storage facility, see paragraph (e) of this section.

(e) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169–2 (d)), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of the existing facility, but a separate basis shall be computed by reference to such expenditures as if such alteration or remodeling represented a new and separate grain-storage facility. A structure which was not an existing grain-storage facility prior to alteration or remodeling which is treated under section 169 (d) as the construction of a grain-storage facility becomes an existing grain-storage facility for the purposes of this paragraph. Thus, if a structure which is an existing grain-storage facility by reason of such alteration or remodeling is again altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility, the provisions of this subparagraph are also applicable to such later alteration or remodeling.

(f) *Examples.* The computation of the adjusted basis of a grain-storage facility for amortization purposes may be illustrated in the following examples:

Example (1). On February 28, 1953, A completes the construction of a grain-storage facility as defined in section 169 (d) at a cost $2,000 for the land and $6,000 for the construction. Only $3,000 of the total cost of the facility is properly attributable to construction after December 31, 1952. A elects to claim the amortization deduction and to begin the 60-month period on March 1, 1953. Under section 169 (e), the adjusted basis of the facility for the purpose of section 169 (a) as of that date is only $3,000, the amount attributable to construction after December 31, 1952. In determining the adjusted basis of the facility as of any subsequent date for the purpose of computing the amortization deduction, the amortization deductions allowable in respect of the period prior to such date must be taken into account. See section 1016. Thus, the adjusted basis of the facility for the purpose of computing the amount of the amortization deduction allowable for the month of January 1954, is $2,500 ($3,000 minus $500, the amortization deductions allowable prior to January 1, 1954).

Example (2). A began on January 1, 1954, and completed on June 30, 1954, the construction of a grain-storage facility as defined in section 169 (d) at a cost of $5,000 for the land and $30,000 for the construction. A elects to claim the amortization deduction and to begin the 60-month period on July 1, 1954. On May 1, 1955, A sells the grain-storage facility to B for a price of $34,000, of which $6,000 is allocable to the land. B elects to claim the amortization deduction on the basis of the 50 months remaining in the amortization period. B, in determining the adjusted basis of the facility in his hands, must start with the unadjusted basis of the facility in the hands of A ($30,000) and adjust such basis under section 1016 in respect of amortization claimed by A during his ownership of the facility ($5,000). Since this amount ($25,000) is smaller than the adjusted basis (for determining gain) of the facility in B's hands as of May 1, 1955 ($28,000, that is $34,000 less $6,000 allocable to land), the adjusted basis of the facility for the purpose of section 169 (a) in B's hands as of May 1, 1955, is $25,000. B, therefore, may include only $25,000 in determining the adjusted basis of the facility in his hands as of May 1, 1955, the date of the purchase. The amortization deductions claimed by B must, of course, be applied in reduction of such adjusted basis in determining the adjusted basis of the facility as of any subsequent date for the purpose of his amortization deduction under section 169 (a). The amount by which the purchase price paid by B and allocable to depreciable property ($28,000) exceeds the adjusted basis determined under section 169 (e) for such property ($25,000)—or $3,000—is treated as the adjusted basis (as of May 1, 1955) for the purpose of the depreciation deduction allowable under section 167. See § 1.169–7.

§ 1.169–7 *Depreciation of portion of grain-storage facility not subject to amortization.* The rule set forth in section 169 (a) (see § 1.169–3), that the amortization deduction with respect to a grain-storage facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility, is subject to an exception provided in section 169 (f). Under this exception, if the adjusted basis of the facility as computed under section 1011 for purposes other than the amortization deductions (see § 1.1011–1) is in excess of the adjusted basis computed under section 169 (e) for the purpose of the amortization deductions (see § 1.169–6), any excess shall be charged off over the useful life of the facility and recovered through depreciation deductions allowable under section 167. Thus, if the construction of a grain-storage facility was begun before January 1, 1953, no amortization deductions are allowable with respect to the amount attributable to such construction before such date (see § 1.169–6). However, the depreciation deduction provided by section 167 and the regulations thereunder is allowable with respect to the amount attributable to construction before January 1, 1953. Similarly, in the case of a subsequent owner the adjusted basis of a grain-storage facility computed under section 1011 for purposes other than the amortization deductions (see § 1.1011–1) may exceed the adjusted basis of the facility computed under section 169 (e) for amortization purposes. In such case the excess will be subject to the allowance for depreciation provided by section 167. For illustration of the treatment of the portion of a grain-storage facility which is subject to the allowance for depreciation, see example (2) in § 1.169–6 (f).

§ 1.169–8 *Life tenant and remainderman.* In the case of a grain-storage facility held by one person for life with the remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant during his life.

[F. R. Doc. 56–5434; Filed, July 9, 1956; 8:50 a. m.]

[26 CFR (1954) Part 1]

INCOME TAX, TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to clarify the regulations prescribed under section 305 (b) (2) and section 312 (26 CFR Part 1) of the Internal Revenue Code of 1954, such regulations are amended as follows:

PARAGRAPH 1. Strike § 1.305–2 and insert revised § 1.305–2 as follows:

§ 1.305–2 *Election of shareholders as to medium of payment*—(a) *General.* (1) Section 305 (b) (2) describes certain distributions by a corporation to its shareholders of its stock or rights to acquire its stock which are not within the terms of section 305 (a). The distributions described in section 305 (b) (2) are distributions with respect to which there is or has been an election as to the medium of payment by any shareholder after or before the declaration date. Where such an election exists or has existed, the distribution of the corporation's stock or rights to acquire its stock is not a distribution under section 305 (a). Such a distribution is in effect a distribution of the property which the shareholder could have received and a purchase of the stock or rights to acquire stock with such property. Accordingly, the amount of such distribution will be measured by reference to the property subject to the election and is included in the gross income of the shareholder pursuant to section 301.

(2) A distribution by a corporation to its shareholders of its stock or rights to acquire its stock is not under section 305 (a) if any shareholder has the right to an election or option with respect to whether a distribution shall be made either in money or any other property, or in stock or rights to acquire the stock of the corporation, regardless of

(i) Whether the distribution is actually made in whole or in part in stock or in stock rights;

(ii) Whether the election or option is exercised or exercisable before or after the declaration of the distribution;

(iii) Whether the declaration of the dividend provides that payment will be made in one medium unless the shareholder specifically requests payment in the other;

(iv) Whether the election is provided in the declaration of the dividend; or

(v) Whether all or part of the shareholders have the election.

(b) *Nature of election.* (1) Section 305 (b) (2) refers to every election, whether express or implied, regardless of how or when exercised or exercisable. An election is a choice to receive payment in one medium or another. It is immaterial when such choice arises and when it is exercisable. Thus, for example, section 305 (b) (2) applies when any shareholder is given his choice as to the medium of payment of dividends by the terms of the corporate charter even though, as to any particular distribution, this choice cannot be exercised after the declaration date. A choice to receive payment in one medium or another may arise out of the terms of the declaration, the provisions of the corporate charter, the provisions of the stock certificates or the circumstances of the transaction. A choice may be exercisable directly or indirectly through action by the shareholder or through his failure to act. Accordingly, there is an election where (i) a dividend is paid in cash to some holders of common stock and in stock of the corporation to the remaining holders of common stock and (ii) the shareholders who receive stock have the right to demand cash or have waived this right. It is immaterial whether the right to demand cash was waived before or after the declaration date, by private agreement, by the terms of the charter, or otherwise. Where a corporation having two classes of common stock outstanding, with respect to which dividends may be paid in stock on one class and in money (or other property) on the other class, makes a distribution (or series of related distributions) in money (or other property) as to one class and in stock as to the other, the distribution of the stock is not under section 305 (a) since there is a choice as to the medium of payment of any distribution by virtue of the existence of the two classes of common stock.

(2) The application of the above rules may be illustrated by the following examples:

Example (1). Pursuant to a recapitalization (to which section 368 (a) (1) (E) applies) all of the outstanding shares of common stock of Corporation X are surrendered in exchange for Class A common stock and Class B common stock. Some shareholders choose to receive only Class A stock, some shareholders choose to receive only Class B stock, and some shareholders choose to receive some of each. Dividends may be paid in stock or in cash on either class of stock without regard to the medium of payment of dividends on the other class. A dividend is declared upon the Class A stock payable in additional shares of Class A stock and a dividend is declared on the Class B stock payable in cash. Section 305 (a) does not apply to the stock distributed to the Class A shareholders.

Example (2). Pursuant to a recapitalization (to which section 368 (a) (1) (E) applies) all of the outstanding shares of common stock of Corporation Y are surrendered in exchange for Class A common stock and Class B common stock, every shareholder receiving one share of Class A stock and one share of Class B stock in exchange for each share of the common stock surrendered by him. Dividends may be paid in stock or in cash on either class of stock without regard to the medium of payment of dividends on the other class. After the recapitalization, and before any of the Class A or Class B stock has been transferred, a dividend is declared on the Class A stock payable in additional shares of Class A stock and a dividend is declared on the Class B stock payable in cash. Thereafter, some shareholders sell some of their Class B stock, some shareholders sell some of their Class A stock, and some shareholders exchange Class B stock for Class A stock held by other shareholders. After these sales and exchanges a dividend is declared on the Class A stock payable in additional shares of Class A stock and a dividend is declared on the Class B stock payable in cash. Section 305 (a) does not apply to any of the stock distributed to the Class A shareholders.

(c) *Amount taxable.* (1) Where a distribution of stock or rights to acquire stock of a corporation is treated as a distribution of property under section 301 by reason of section 305 (b) (2) the amount distributed to a shareholder is measured by reference to the property subject to the election. Accordingly, where there is an election under section 305 (b) (2), the amount distributed to all shareholders is determined as if all the shareholders had received the cash or other property instead of the stock or stock rights.

(2) The application of the above rule may be illustrated by the following example:

Example. Corporation X declared a dividend payable in additional shares of its common stock to the holders of its outstanding common stock on the basis of two additional shares for each share held on the record date but with the provision that, at the election of any shareholder made within a specified period prior to the distribution date, he could receive $10 in cash in lieu of one of the additional shares. The fair market value of a share of stock of Corporation X was $10 on the declaration date and $10.25 on the date of the distribution. This distribution is treated as if there had been two separate distributions authorized by separate declarations. There was no election as to the distribution of one share of stock on each share of outstanding stock and therefore section 301 does not apply to the receipt of this share. However, section 301 does apply to that part of the distribution as to which a shareholder could, at his election, receive $10 in cash or a share of stock of X and the amount of this distribution, as to all shareholders, is $10 per share of stock of Corporation X.

PAR. 2. Strike the heading of § 1.312–11 and the regulatory material of paragraph (a) of that section. The revised heading for § 1.312–11 and revised regulatory material in paragraph (a) are as follows:

§ 1.312–11 *Effect on earnings and profits of certain other tax-free exchanges, tax-free distributions and tax-free transfers from one corporation to another.* (a) If property is transferred by one corporation to another, and, under the law applicable to the year in which the transfer was made, no gain or loss was recognized (or was recognized only to the extent of the property received other than that permitted by such law to be received without the recognition of gain), then proper adjustment and allocation of the earnings and profits of the transferor shall be made as between the transferor and the transferee. Transfers to which the preceding sentence applies include contributions to capital, transfers under section 351, transfers in connection with reorganizations under section 368, transfers in liquidations under section 332 and intercompany transfers during a period of affiliation. However, if, for example, property is transferred from one corporation to another in a transaction under section 351 or as a contribution to capital and the transfer is not followed or preceded by a reorganization, a transaction under section 302 (a) involving a substantial part of the transferor's stock, or a total or partial liquidation, then ordinarily no allocation of the earnings and profits of the transferor shall be made. For specific rules as to allocation of earnings and profits in certain reorganizations under section 368 and in certain liquidations under section 332 see section 381 and the regulations thereunder. For allocation of earnings and profits in certain corporate separations see section 312 (i) and § 1.312–10.

[F. R. Doc. 56–5433; Filed, July 9, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO–103–A14]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at New Orleans, Louisiana, on April 12–20, 1955, pursuant to notice thereof which was issued March 23, 1955 (20 F. R. 1948), upon a proposed tentative marketing agreement and order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 8, 1956, filed with the Hearing Clerk, United States Department of Agriculture his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 18, 1956 (21 F. R. 1128). Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator.

Upon the basis of the exceptions received, the Assistant Secretary issued a notice of tentative decision on May 2, 1956, with opportunity to file exceptions thereto. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (21 F. R. 1128, Doc. 56–1236) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 56–1236, 21 F. R. 1128:

a. Delete in its entirety, section No. 2, beginning with the first full paragraph, column 3, page 1129, and substitute the following:

2. *Type of pool.* In exceptions submitted jointly by handlers and producers

in the New Orleans area, the proponents of the market-wide pool expressed their desire to abondon the position taken at the hearing in connection with the pooling provisions of the order.

It was argued that if the pooling standards recommended were effectuated, an incentive would be provided for unregulated handlers on the fringe of the marketing area to qualify for pool participation at any time that their uniform prices are less than the uniform price under the order. It was argued that the most important feature of the market-wide pool, as proposed by the producers, concerned the standards for qualifying both distributing and supply plants for pool participation. The standards recommended are considered to be unacceptable to producers. It was requested in the exceptions that consideration of the market-wide pool be abandoned.

As a result of recent changes within the milkshed, producers and handlers are cooperating to the extent that the need for a market-wide pool has diminished. Additional facilities have been established in the area for disposing of surplus milk, and it appears that producers need not be unduly concerned at this time about a market for surplus milk. This decision, therefore, provides for an individual-handler type pool.

b. Delete in its entirety, section No. 3, beginning with the sixth full paragraph, column 1, page 1130, and substitute the following:

3. *Qualifications for market-wide pooling.* Since it has been concluded elsewhere herein that the individual-handler pool of the present order should be retained at this time, the qualifications for market-wide pooling are deleted.

c. Delete in its entirety, section No. 4, beginning with the third full paragraph, column 2, page 1131, and substitute the following:

4. *Order changes to conform to market-wide pooling.* The discussion of order changes to conform to market-wide pooling which appeared in the recommended decision is no longer appropriate in light of the conclusion discussed elsewhere herein to retain an individual-handler pool in the New Orleans order.

d. Delete the words "pool plant" at the beginning of the sixth full paragraph in column 1, page 1133, and substitute the words "fluid milk plant".

e. Delete the first full paragraph in column 2, page 1133, and substitute the following:

Inventories of fluid milk products on hand at a fluid milk plant at the beginning of any month during which such plant became a fluid milk plant for the first time should likewise be subtracted from the Class II utilization of the plant during the month. This will preserve the priority of assignment of producer receipts to current Class I use.

f. At the end of the fourth full paragraph appearing in column 1, page 1134, add the following: "In order to prevent a severe seasonal price adjustment as the result of these recommendations, the amount added to the the basic-formula for the preceding month should be $2.65 from the effective date hereof through February 1957."

g. Delete the second full paragraph appearing in column 2, page 1134, and substitute the following:

Evidence in the hearing record indicates that the location differentials provided for in the present order would act as a deterrent to any milk plant located farther than 110 miles from New Orleans, if such plant desired to qualify as a supply plant under Order No. 42. The maximum location adjustment provided for in the order at the present time is 8.0 cents per hundredweight for plants located more than 110 miles from New Orleans. To the extent that producer milk is received at plants located more than that distance from the market, handlers purchasing such milk should be allowed a lower Class I price based on the amount it costs to transport such milk to the market by the most economical means. If handlers did not assume the cost of moving milk to the market it must otherwise be borne by the producer. The producer would be compelled to meet such cost if he were to sell such milk in the market. Handlers, however, should be expected to make any necessary movement of milk to market by the most efficient means available.

For those reasons a revision of location differential adjustments was recommended that would change the mileage rate from 2 cents to 1.5 cents for each ten mile zone, as well as extend such zoning indefinitely beyond 110 miles, where it presently stops. But, from exceptions filed by producers and handlers it is concluded that more information is needed before any change is provided in the differential rate structure within the 110 mile limit.

With respect to recommended zoning beyond 110 miles the case is different. It is clear from the record that this is necessary in order to establish reasonable prices for milk shipped from more distant locations, and that for such zoning the 1.5 cent differential rate is reasonable. This addition to the location differential provision should be adopted.

h. Delete the third full paragraph beginning in column 3, page 1134, and the first full paragraph in column 1, page 1135, and substitute the following:

However, it is provided that the effect of the reconstructed adjustor be held in abeyance through February 1957. In making the transition from an "economic type" Class I formula which has been in effect to a Class I formula based on the value of manufacturing milk, the direct reduction in Class I prices cannot be precisely determined. The reasons for changing the type of pricing formula has already been discussed herein. Because supplies of milk in this market now exceed Class I sales, plus a reasonable reserve, the application of a supply-demand adjustor also would operate to reduce Class I prices an additional 30 to 40 cents per hundredweight. Such a reduction is not deemed appropriate at this time.

It is expected that by March of 1957, the new level of prices will have resulted in a readjustment to a more desirable relationship of milk receipts to Class I sales, and that at that time the supply-demand adjustor may be made effective again. If the recommended pricing formula has not resulted in the re-establishment of an appropriate supply-sales relationship by the end of February 1957, the application of the supply-demand adjustor after that time will add further impetus to the re-establishment of an appropriate relationship.

i. Delete section No. 8 in its entirety, beginning with the first full paragraph in column 1, page 1136, and substitute the following:

8. *Base-excess plan.* The provisions relating to producer bases should be revised as to the computation of the base, and the base transfer provisions.

In exceptions submitted, producers and handlers objected to the twelve months operating base recommended by the Department. The chief objection appeared to be that the plan recommended would encourage new producers to enter the market during the flush production season, even though the market may be substantially over-supplied. In this connection, it should be pointed out that base-excess provisions are not intended to restrict entry into the market, but to encourage even seasonal deliveries. If a market is over-supplied, the proper consideration for remedial action is the price level. Base-excess plans should not be implemented to restrict entry into a market.

It is concluded that since both handler and producer groups object strenuously to the revision recommended, the present provisions of the base-excess plan concerning base-forming and base-operating months should be retained.

Under present order provisions, a producer's base is determined by multiplying the daily base of such producer by the number of days for which such producer's milk was delivered to a handler(s).

If a producer makes deliveries every other day, such practice could cause him to lose half his eligible base pounds. This would encourage uneconomical deliveries of milk for producers who have facilities to make deliveries every other day. A situation of this nature would be aggravated in the case of a few producers who deliver milk every third day.

The method provided herein for the computation of bases will provide uniformity and accuracy in base determination. To compute a producer's base by multiplying his average daily deliveries by the number of days in the month will facilitate the computation of bases by the market administrator, and provide a basis for more orderly marketing.

A producer should be permitted to transfer his entire base to any other dairy farmer so long as the transfer is made as of the first of the month, and with advance notice to the market administrator. This will alleviate possible hardship and will not defeat the purpose of the base-excess plan which is to encourage level production. The transfer of bases as provided herein will give added assurance to a producer that he will have the full benefit of any base he is able to build, whether or not he is able to continue milk production.

A transfer of bases, as provided herein, will alleviate possible hardship cases which may arise when a dairyman needs to discontinue milk production. Provision for the transfer of entire bases will accomplish this purpose.

Bases should be transferred by the market administrator only as of the first of the month, and only upon advance receipt of a statement indicating the holder of such base and the person to whom the base is to be transferred, and signed by both parties.

j. Delete section No. 9 in its entirety, beginning with the fifth full paragraph, column 3, page 1136, and substitute the following:

9. *Compensatory payments on unpriced milk.* In the recommended decision, the provisions for a compensatory payment on unpriced milk was justified in conjunction with a market-wide type pool for the New Orleans market. It has been concluded elsewhere herein that a market-wide pool should not be established at this time. Consequently, the discussion and provisions relating to such compensatory payments are no longer appropriate.

k. Delete section No. 10 in its entirety, beginning with the second full paragraph, column 1, page 1138, and substitute the following:

10. *Administrative and other changes.* Handlers should continue to make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments if the producer has given the cooperative association written authorization in the form of a contract, or in any form, to collect such payments. In making such payments for producer milk to a cooperative association, the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler made from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer members for whom it makes collections.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer members is necessary to enable an association to carry out the functions authorized by the enabling act, i. e. blending the net proceeds of all of its sales in all markets, in all use-classifications and making distribution thereof to its producers in accordance with the contract between the association and its producers. A cooperative association, if it is to carry out such functions, must have full authority in the collective bargaining and marketing of members' milk.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the classification and pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producers deliveries of milk as reported by the handler be verified for accuracy.

In the case of producers who are members of cooperatives having plants, the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. Bargaining associations in the area are performing check-weighing and check-testing services for their members under their association check-off. In order to place such services on a market-wide basis, the market administrator should also provide them for producers not otherwise receiving services through a cooperative association. The additional service of providing market information to producers is carried on, to some extent, at present, by the cooperatives although detailed information regarding market prices, supplies, and the utilization of milk is not available to either the cooperative associations and their members or the independent producers.

An important phase of the marketing service program of the order is to furnish producers with correct market information. Efficiency in the production, utlization, and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, handlers would be required to pay to the cooperative association such association dues as are authorized by its members.

l. *Marketing area.* Exception was taken by handlers and producers to that portion of the recommended decision concerning marketing area. As a result of such exceptions, a tentative decision was issued by the Department (21 F. R. 3023). In the tentative decision, it was proposed that the marketing area be extended beyond the territory proposed for extension in the recommended decision. The additional territory would include the parishes of St. Charles, Lafourche, Terrebonne and St. Tammany, all in the State of Louisiana. Interested persons were afforded an opportunity to file exceptions to the tentative decision.

As a result of such exceptions, it is concluded that the evidence in the record concerning competition between regulated and unregulated handlers in this area is inadequate. There is not sufficient information concerning the distribution of fluid milk by regulated handlers in each of these parishes. Therefore, the marketing area should not be extended to include these four parishes at this time.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing that a referendum be conducted among the producers supplying milk to the New Orleans, Louisiana, marketing area; determination of a representative period and designation of an agent to conduct such referendum. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area) who, during the month of May 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order amending the

order, as amended, which is filed simultaneously herewith.

The month of May 1956 is hereby determined to be the representative period for the conduct of such referendum.

W. M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 12th day from the date this referendum order is issued.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area", and "Order, as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended.

This decision filed at Washington, D. C., this 3d day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, and as hereby further amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 942.1 to 942.111, both inclusive, herein set forth, shall be and are the terms and conditions of this order, as amended, and as hereby further amended.

DEFINITIONS

§ 942.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 942.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 942.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter called the "marketing area" means all territory included within the boundaries of the parishes of Jefferson, Orleans, Plaquemines and St. Bernard, all in the State of Louisiana.

§ 942.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with the Grade A inspection requirements of the health authority having jurisdiction within the marketing area, which milk is received during the month at a fluid milk plant.

§ 942.7 *Handler.* "Handler" means any person in his capacity as the operator of a fluid milk plant.

§ 942.8 *Producer-handler.* "Producer-handler" means any person who produces milk and who processes milk from his own production and distributes all or a portion of such milk in the marketing area as Class I milk but who receives no milk from dairy farmers or other producer-handlers in bulk.

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk pursuant to § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) from which milk or cream is transferred to a plant described in paragraph (a) of this section: *Provided*, That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class II milk as defined in § 942.41 (b), or during any of the months of September, October, November and December, in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days.

§ 942.10 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received by a handler either directly from producers or from other handlers.

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a source other than producers or other handlers, except any nonfluid product received and disposed of in the same form.

§ 942.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 942.13 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months of March through August which is not in excess of such producer's daily base computed pursuant to § 942.92 multiplied by the number of days in such month.

§ 942.14 *Excess milk.* "Excess milk" means milk received from a producer during any of the months of March through August which is in excess of the base milk of such producer for such month.

§ 942.15 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 942.16 *Fluid milk product.* "Fluid milk product" means milk (including concentrated and frozen milk), skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, ice cream, and ice cream mix).

MARKET ADMINISTRATOR

§ 942.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 942.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 942.83: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 942.82) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other persons as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.80 and 942.83;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) From time to time, as conditions in the market warrant, publicly announce the name of each handler whose receipts of skim milk and butterfat in milk received from producers are more than 105 percent and less than 95 percent, respectively, of his total utilization of skim milk and butterfat, respectively, in Class I milk; and

(k) On or before the date specified publicly announce, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month during the period October through March, the uniform price for each handler computed pursuant to § 942.71, and the butterfat differential computed pursuant to § 942.73, both for the preceding month; and

(3) The 11th day of each month during the period April through September, the uniform prices for base and excess milk for each handler computed pursuant to § 942.72, and the butterfat differential computed pursuant to § 942.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 942.30 *Reports of sources and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other fluid milk plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including inventories of fluid milk products on hand at the end of the month.

§ 942.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 5th day of each month during the period April through September the aggregate quantity of base milk received at his fluid milk plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his fluid milk plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer or cooperative association, including the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer or cooperative association, together with the price paid and the amount and nature of any deductions; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 942.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 942.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

CLASSIFICATION OF MILK

§ 942.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for fluid milk plants pusuant to § 942.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 942.41 through 942.45.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in §§ 942.42 through 942.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as dumped skim milk; (4) disposed of as skim milk and used for livestock feed; and (5) in shrinkage not to exceed an amount calculated as follows: (i) 0.5 percent of milk received from producers and disposed of as whole milk, skim milk or cream in bulk tank lots; (ii) 1.5 percent of the skim milk or butterfat received as bulk tank lots of milk and disposed of in a form other than bulk tank lots of milk: *Provided,* That any disposition of milk in bulk tank lots shall be assigned to receipts of milk in such form; and (iii) 2.0 percent of milk received from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream.

§ 942.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any month in fluid form as milk, skim milk or cream by transfer to another plant shall be classified as follows:

(a) As Class I milk if transferred to the fluid milk plant of another handler (except a producer-handler), unless utilization in a product specified in § 942.41 (b) is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month in which such transfer occurred: *Provided,* That the amount of skim milk or butterfat shall not exceed the total skim milk or butterfat so used during the month by the transferee-handler: *And provided further,* That if either or both handlers have received other source milk, skim milk and butterfat so transferred shall be classified at both plants so as to return the highest available utilization to milk received from producers;

(b) As Class I milk if transferred to a producer-handler;

(c) As Class I milk if transferred to any plant other than a fluid milk plant unless:

(1) The handler claims utilization in a product(s) specified in § 942.41 (b);

(2) The operator of such nonfluid milk plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat at such nonfluid milk plant in fluid milk products is less than the total pounds of skim milk and butterfat, respectively, received from the transferor-handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid use in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such month, for which producers receive the highest rate of return after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

§ 942.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the fluid milk plants of such handler.

§ 942.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the fluid milk plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 942.41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk received in other source milk: *Provided,* That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(4) Subtract the pounds of skim milk in fluid milk products received from fluid milk plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 942.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagragh (1) of this paragraph;

(6) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, substract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 942.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct 5 cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Company, Kosciusko, Miss.
Borden Food Company, Starkville, Miss.
Kraft Foods Company, Newton, Miss.
Wilson and Company, Macon, Miss.

§ 942.51 *Class prices.* Subject to the provisions of §§ 942.52 and 942.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.20 during the months of March through August, and $2.65 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided,* That from the effective date hereof through February 1957, the Class I milk price shall be the basic formula price for the preceding month plus $2.65: *And provided further,* That from the effective date hereof through February 1957, such supply-demand adjustment shall not apply:

(1) Divide the total receipts of producer milk in the two immediately preceding months by the total gross volume of Class I milk (less interhandler transfers) for such months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(2) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
January	October-November	118
February	November-December	123
March	December-January	128
April	January-February	133
May	February-March	136
June	March-April	138
July	April-May	137
August	May-June	134
September	June-July	131
October	July-August	127
November	August-September	121
December	September-October	113

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	Adjustment amount (cents)
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 942.50 (c) plus 15 cents during the months February through August, and plus 25 cents during all other months: *Provided:* That, in no case shall such price exceed the basic formula price.

§ 942.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 942.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 942.53 *Location differentials to handlers.* (a) For that milk which is received from producers at a fluid milk plant situated other than in the zone located 61–70 miles from the City Hall in New Orleans, the price specified in § 942.51 (a) shall be adjusted at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Zones measured from the City Hall, New Orleans, La. (miles):	Rate per hundredweight (cents)
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
Each additional 10 miles or fraction thereof	−1.5

(b) The market administrator shall, from time to time, determine and publicly announce the zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(c) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0–20 miles zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans.

§ 942.54 *Use of equivalent prices.* If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

APPLICATION OF PROVISIONS

§ 942.60 *Producer-handlers.* Sections 942.40 through 942.45, 942.50 through 942.53, and 942.70 through 942.74; 942.80 through 942.84; and 942.90 through 942.94 shall not apply to a producer-handler.

§ 942.61 *Milk subject to another Federal order.* Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the Act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

DETERMINATION OF UNIFORM PRICE

§ 942.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 942.45 (a) (4), and (b) for the preceding month, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (3), and (b) for the current month, whichever is less, respectively.

§ 942.71 *Computation of uniform prices for handlers.* For each of the months of September through February, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Adjust the amount computed pursuant to § 942.70 by the total of the location differentials to be made pursuant to § 942.74;

(b) Add or subtract for each one-tenth percent that the average butterfat test of producer milk received by such handler is less or more, respectively, than 4.0 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating

fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the unform price for such handler for milk of 4.0 percent butterfat content, f. o. b. 61–70 mile zone.

§ 942.72 *Computation of the uniform prices for base and excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base and excess milk as follows:

(a) Adjust the amount computed pursuant to § 942.70 by the total of the location differentials computed pursuant to § 942.74;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the total hundreweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that such excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. 61–70 mile zone; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

§ 942.73 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 942.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 942.45 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resulting figure to the nearest half cent.

§ 942.74 *Location differential to producers.* Each handler, in making payments pursuant to § 942.80, shall adjust the uniform price of base milk during the months March through August, and of all milk during each of the months September through February for each producer with respect to all such milk received from such producer at a fluid milk plant by the amount per hundredweight pursuant to § 942.53 (a).

PAYMENTS

§ 942.80 *Time and method of payments to producers.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II milk price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 942.71 for the months September through February, and at not less than the uniform price for base milk computed pursuant to § 942.72 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 942.72 with respect to excess milk received from such producer for the months March through August, subject to the following adjustments: (i) The butterfat differential pursuant to § 942.73, (ii) the location differential pursuant to § 942.74, (iii) less payments made to such producer pursuant to subparagraph (1) of this paragraph, (iv) less marketing services deductions made pursuant to § 942.82, (v) plus or minus adjustments for errors made in previous payments to such producer, and (vi) less proper deductions authorized in writing by such producer.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall, on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

(c) Each handler shall furnish the person to whom payment is to be made pursuant to this section with the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or before the 15th day of the following month to producers, (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.81.

§ 942.81 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 942.82 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 942.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 942.83 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 10th day after the end of such month, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

§ 942.84 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market adminstrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 942.90 *Base-operating period.* The base-operating period shall be the months of March through August.

§ 942.91 *Base-forming period.* The base-forming period for each year shall be the months of October through February immediately preceding the base-operating period.

§ 942.92 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base-forming period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base-forming period by the number of days in such period.

§ 942.93 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each person for whose account producer milk was delivered to fluid milk plants during the months of October through February.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 942.94 *Announcement of established bases.* On or before March 31 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 942.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 942.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 942.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 942.103 *Liquidation.* Upon the suspension or termination of any or all of the provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 942.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 56–5412; Filed, July 9, 1956; 8:49 a. m.]

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that there is being considered a proposed rule to amend the administrative rules and regulations, as amended (20 F. R. 6486; 20 F. R. 7988), issued pursuant to Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) (hereinafter referred to as "agreement and order") regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed amendment of the rules and regulations is in the nature of an interpretation of the term "Marketable dates", as defined in § 1003.12 of the agreement and order. Said definition reads as follows: "'Marketable dates' means, for any crop year, whole or pitted dates which are certified as equal to or higher than the minimum grade permitted to be handled by the regulations imposed by this part."

The Date Administrative Committee (hereinafter referred to as "committee"), the administrative agency for agreement and order operations, in the course of its deliberations with respect to its marketing policy for dates during the 1956–57 crop year, has encountered some difficulties in interpreting this definition.

The difficulty stems from the fact that the agreement and order provide for two types of grade regulations on the shipment of whole and pitted dates: (1) Minimum standards under § 1003.39, and (2) additional grade regulation under § 1003.40. The minimum standards under § 1003.39 are U. S. Grade C of the United States Standards for Grades of Dates (20 F. R. 5755), except that other minimum standards of quality may be prescribed by the Secretary upon the recommendation of the committee. The additional grade regulations under § 1003.40, which may raise the quality requirements for whole date shipments are not spelled out in the order, but are invoked by the Secretary, after recommendation by the committee, whenever such action would tend to effectuate program objectives. The question that has been raised regarding the definition of marketable dates is whether such term includes all dates which meet the minimum standard requirements or only those which meet any additional grade regulations as well. There is a need for early resolution of this question, since the need for and extent of volume regulations under the agreement and order are based upon the estimated available supply of marketable dates, and handlers' withholding obligations are expressed in terms of marketable dates.

The committee, at a meeting held on June 15, 1956, approved a resolution requesting that the Department clarify the definition so that all dates which meet the minimum standards prescribed under § 1003.39 of the agreement and order would be marketable dates. This interpretation would permit handlers to satisfy withholding obligations with any dates meeting the requirements of § 1003.39 whenever the volume regulation provisions of the agreement and order are invoked, regardless of whether or not additional grade regulations under § 1003.40 were imposed on the shipment of whole dates. It would also be more equitable to handlers since their withholding obligations would not change in the event additional grade regulations are imposed after the beginning of a crop year.

The proposed rule is as follows:

The administrative rules and regulations, as amended (20 F. R. 6486; 20 F. R. 7968) issued under Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, are hereby further amended as set forth hereinafter.

A new heading "Interpretations" is inserted between the present headings "Definitions" and "General", and a new § 1003.106 under "Interpretations" is added, reading as follows:

§ 1003.106 *Marketable dates.* The term "marketable dates", as defined in § 1003.12, is hereby interpreted to mean whole or pitted dates which are certified as equal to or higher than the minimum standards prescribed in or pursuant to the provisions of § 1003.39.

Issued at Washington, D. C., this 5th day of July 1956.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5445; Filed, July 9, 1956; 8:52 a. m.]

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR CIGAR-FILLER AND BINDER (TYPES 42–44, 51–55) TOBACCO FOR 1957–58 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for the 1957 crop of cigar-filler and binder (types 42–44, 51–55, inclusive) tobacco.

The Agricultural Adjustment Act of 1938, as amended, includes types 42–44 and 51–55 in the definition of cigar-filler and cigar-binder tobacco, and only type 41 in the definition of cigar-filler tobacco. Since growers of cigar-filler (type 41) tobacco disapproved quotas on the 1956 crop which was the third consecutive year subsequent to 1952 for which quotas were disapproved, no national marketing quota will be proclaimed for such kind of tobacco for the marketing years 1957–58 and 1958–59 unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in production of cigar-filler (type 41) tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with prescribed regulations (21 F. R. 3865) to proclaim a national marketing quota for each of the next three succeeding marketing years.

Cigar-filler and binder (types 42–44, 51–55, inclusive) tobacco growers favored marketing quotas for the 1954–55, 1955–56, and 1956–57 marketing years (18 F. R. 8474). The applicability of the regulations to be issued for cigar-filler and binder (types 42–44, 51–55) tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco for the 1957–58, 1958–59, and 1959–60 marketing years pursuant to section 312 of the act, as amended (7 U. S. C. A. 1312), and upon approval of quotas by growers voting in a referendum. Consideration will be given to establishing a date for such referendum.

It is contemplated that the regulations for cigar-filler and binder (types 42–44, 51–55) tobacco will provide for the establishment of farm acreage allotments and the issuance of notices of allotments and marketing quotas by County Committees substantially the same as provided with respect to the 1956 crop (20 F. R. 6059), except as stated below.

1. The entire § 723.716 of the 1956 regulations providing for determination of base acreages and preliminary allotments would be revised to provide as follows:

The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided,* That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(c) If the county committee determines for any farm (except farms to which paragraph (a) of this section is applicable and farms subject to reduction in the 1957 acreage allotment for violation of marketing quota regulations) that the 1956 acreage allotment does not reflect for the farm the past acreage of tobacco (excluding tobacco acreage harvested in excess of the 1955 and 1956 acreage allotments) with due allowance made for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco; the county committee shall determine a preliminary allotment for such farm based on such aforestated factors which is fair and equitable in relation to the preliminary allotments for other old farms in the community: *Provided,* That the total acreage of all the 1957 preliminary acreage allotments determined under this paragraph for farms in any county shall not exceed the total acreage of the 1956 acreage allotments for such farms.

(d) If the county and State committees determine that a farm has been retired from agricultural production no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(e) The 1956 farm acreage allotment as used in this section shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year.

2. The definitions of "new farm", "old farm", and "cropland" would read as follows:

(a) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm.

(b) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm.

(c) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

3. Consideration is being given to withholding no acreage reserve for adjustments of 1957 farm acreage allotments, but to provide that an acreage reserve from the State acreage allotment be made for correcting errors and for overlooked farms.

4. Provision will be made for determining farm normal yields per acre.

5. The 1956 provision that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established, would be restated substantially as follows:

The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (a) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (b) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (1) to division of the allotment on a contribution basis, or (2) to agreement and approval of all interested parties as provided in the section of the regulations governing divisions and combinations of allotments.

6. The provisions governing determination of new farm tobacco acreage allotments would provide, as provided by law, that production of tobacco on a farm in 1955 or 1956 for which, in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed qualifying tobacco experience for any producer.

7. The acreage available for allotments to new farms would be one-half of one percent of the 1957–58 national marketing quota converted to acreage. For 1956, the comparable percentage was one percent.

8. The section on farms divided or combined would read as follows:

(a) If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, or is divided into two or more tracts pursuant to a legal transfer of ownership or possession which tracts may or may not be operated as farms, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State Committee approval and agreement of the interested parties in writing, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts (1) in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1952–56 bore to the five-year average acreage of tobacco harvested on the entire farm during 1952–56 or (2) if the farm to be divided in 1957 consists of two or more tracts which were separate and distinct farms, or distinct portions of such farms, before being combined for 1956, in the same proportion that each contributed to the farm acreage allotment: *Provided,* That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1957 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

9. A section entitled "Notice of Farm Acreage Allotments" would be included and would read substantially as follows:

(a) The County Committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(b) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall be mailed at least thirty days prior to the beginning

of the normal planting season for the county in which the farm is located as determined by the State committee.

(c) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year.

10. The time for filing an application for a new farm allotment would be no later than March 11, 1957.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C. this 3d day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56–5442; Filed, July 9, 1956; 8:51 a. m.]

[7 CFR Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957–58 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1957–58 marketing year for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. It is proposed that such regulations pertaining to fire-cured, dark air-cured, and Virginia sun-cured tobacco be combined under Part 725 with the regulations for burley and flue-cured tobacco, and that Part 726 be discontinued for the 1957–58 and subsequent marketing years.

Pursuant to the provisions of section 312 of the act, as amended (7 U. S. C. A. 1312), the Secretary of Agriculture has proclaimed marketing quotas for the marketing year 1957–58 for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and such marketing quotas have been approved by growers voting in referenda (21 F. R. 668, 20 F. R. 6543, 20 F. R. 809). In accordance with section 312 of the act, the amounts of such marketing quotas will be determined and announced, and under the provisions of section 313 of the act (7 U. S. C. 1313), such quotas will be apportioned among the States and converted into State acreage allotments.

It is proposed that the regulations governing the establishment of farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1957–58 marketing year provide for the establishment of farm acreage allotments and the issuance of notices of allotments and marketing quotas by county committees substantially the same as provided by the regulations in effect for the 1956–57 marketing year (20 F. R. 4571, 6066; 21 F. R. 1577, 1578), except as described below.

1. The section on determining preliminary allotments for old farms would read:

The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (c) of this section) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided*, That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) If the harvested acreage (as that term is explained in paragraph (c) of this section) of burley tobacco on the farm in each of the five years 1952–56 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1957 preliminary allotment shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(c) For the purposes of paragraphs (a) and (b) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case, except involving flue-cured tobacco, in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(d) If the county committee determines for any farm (except farms to which paragraph (a) or (b) of this section is applicable and farms subject to reduction in the 1957 acreage allotment for violation of marketing quota regulations) that the 1956 acreage allotment does not reflect for the farm the past acreage of tobacco (excluding tobacco acreage harvested in excess of the 1955 and 1956 acreage allotments) with due allowance made for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco; the county committee shall determine a preliminary allotment for such farm based on such aforestated factors which is fair and equitable in relation to the preliminary allotments for other old farms in the community: *Provided*, That no 1957 burley tobacco preliminary allotment determined under this paragraph (d) shall be (1) less than the smallest of (i) the 1956 allotment, (ii) 0.5 acre, or (iii) ten percent of the cropland in the farm; (2) less than the 1956 allotment by more than one-tenth acre if the 1956 allotment was seven-tenths acre or less; or (3) less than six-tenths acre if the 1956 allotment was eight-tenths acre or more; *And provided further*, That the total acreage of all the 1957 preliminary acreage allotments determined under this paragraph for farms in any county shall not exceed the total acreage of the 1956 acreage allotments for such farms.

(e) If the county and State committees determine that a farm has been retired from agricultural production no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(f) The 1956 farm acreage allotment as used in this section shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year.

2. The definitions of "new farm", "old farm", and "cropland" would read as follows:

(a) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm.

(b) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm.

(c) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

3. As provided by law in the case of burley tobacco, the 1957 farm acreage allotment will not be less than the smallest of (a) the 1956 allotment, (b) five-tenths of one acre, or (c) 10 percent of the cropland in the farm; also, no 1956 burley tobacco farm acreage allotment of seven-tenths acre or less will be reduced more than one-tenth of an acre for 1957 and no 1956 burley tobacco farm acreage allotment of eight-tenths of an acre or more will be reduced below six-tenths of an acre.

4. No acreage reserve will be established for adjustments of 1957 farm acreage allotments, but an acreage reserve from the State acreage allotment will be made for correcting errors and for overlooked farms.

5. Provision will be made for determining farm normal yields per acre.

6. The 1956 provision providing that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established, would be restated as follows:

The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm incligible for a new farm allotment (a) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (b) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (1) to division of the allotment on a contribution basis, or (2) to agreement and approval of all interested parties as provided in the section of the regulations governing divisions and combinations of allotments.

7. The provisions governing determination of new farm tobacco acreage allotments would provide, as provided by law, that production of tobacco on a farm in 1955 or 1956 for which, in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed qualifying tobacco experience for any producer.

8. The 1956–57 regulations for burley and flue-cured tobacco were amended (21 F. R. 1578) by the addition of a paragraph reading as follows: "If a farm to be divided in 1956 through acquisition of a part of the farm by a State or an agency thereof for agricultural research purposes, the entire allotment may be transferred to that portion of the farm not acquired by the State or an agency thereof."

It is not considered necessary that this provision be contained in the 1957–58 regulations.

9. The section on farms divided or combined would read as follows:

(a) If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, or is divided into two or more tracts pursuant to a legal transfer of ownership or possession which tracts may or may not be operated as farms, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the 1957 tobacco acreage allotment determined, or which otherwise would have been determined, for the entire farm shall, if the farm to be divided for 1957 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1952–56), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment when combined: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth of an acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1957.

(c) If a farm is to be divided in 1957 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

10. A section entitled "Notice of Farm Acreage Allotments" would be included and would read substantially as follows:

(a) The County Committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(b) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall be mailed at least thirty days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee.

(c) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes

in connection with the tobacco marketing quota program for the 1957–58 marketing year.

11. The time for filing an application for a new farm allotment would be no later than February 15, 1957.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C. this 3d day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56–5443; Filed, July 9, 1956; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

NOTICE OF PROPOSAL TO ESTABLISH A DEFINITION AND STANDARD OF IDENTITY FOR CANNED FIGS

In the matter of adopting a definition and standard of identity for canned figs:

Notice is hereby given that a petition has been filed by the National Canners Association, 1133 Twentieth Street NW., Washington 6, D. C., proposing the adoption of a definition and standard of identity for canned figs. Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54; 21 U. S. C. 341), and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to submit their views in writing regarding the proposal of the above-named petitioner as published in this notice. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C., and should be posted prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposal of the petitioner is as follows:

It is proposed that Part 27 be amended by adding the following new section:

§ 27.— *Canned figs; definition and standard of identity; label statement of optional ingredients.* (a) Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which citric acid or lemon juice or concentrated lemon juice is added, if necessary, in such quantity as to reduce the pH of the finished product to 4.9 or below. One or more of the following optional ingredients may be added to flavor, garnish, or season the canned figs:

(1) Spice.
(2) Flavoring, other than artificial flavoring.
(3) A vinegar.
(4) Unpeeled segments of citrus fruits.
(5) Salt.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A fig (whole fig) is one that is whole or only slightly cracked and retains its natural conformation without exposing the interior. A split fig (or broken fig) is one that is open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Light sirup.
(iii) Heavy sirup.
(iv) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (ii) to (iv) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (iv), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	*Brix measurement*
Light sirup	16° or more but less than 21°.
Heavy sirup	21° or more but less than 26°.
Extra heavy sirup	26° or more but less than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refinded or partly refinded sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless, except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup. The solids of corn sirup and of dried corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(4) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall name the optional fig ingredient used, as specified in paragraph (b) of this section (where combinations of figs and split figs are used, the ingredient present in largest proportion by weight shall be named first), and the name whereby the optional packing medium is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used the label shall bear the words set forth, after the number of such subparagraph:

(a) (1) "Spiced" or "Spice added" or "With added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "With added flavoring" or, in lieu of the word "flavoring" the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "Seasoned with -------- vinegar," the blank being filled in with the name of the vinegar used.

(a) (4) "With added --------," the blank being filled in with the name or names of the citrus segment or segments used.

(a) (5) "Seasoned with salt" or "Salt added."

When the addition of lemon juice (including concentrated lemon juice) or citric acid lowers the pH of the canned figs to less than 4.3, the label shall bear the statement "With added lemon juice" or "With added concentrated lemon juice" (if such is used) or "With added citric acid." When two or more of the optional ingredients specified in paragraph (a) of this section are used, such words may be combined, as for example, "With added spices, orange slices, and lemon juice."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the figs may so intervene.

Dated: July 3, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–5428; Filed, July 9, 1956; 8:48 a. m.]

Public Health Service

[42 CFR Part 74]

WATER POLLUTION CONTROL

PUBLIC HEARINGS

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend this chapter by adding a new Part 74 on water pollution control measures. The proposed regulations set out below deal with procedures relating to the public hearing authorized by section 2 (d) (3) of the Water Pollution Control Act (62 Stat. 1155; 33 U. S. C. 466a). Interested persons may submit written data, views or arguments (in duplicate) in regard to these regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered. Part 74, as added, will read as follows:

SUBPART A—PUBLIC HEARINGS

Sec.
74.1 Definitions.
74.2 Initiation of proceedings for public hearing; appointment of Board.
74.3 Organization and general procedures of the Board.
74.4 Notice of hearing.
74.5 Service.
74.6 Publication of notice.
74.7 Parties.
74.8 Pre-hearing procedures.
74.9 Presentation of evidence by the Surgeon General.
74.10 Hearing procedure.
74.11 Record of proceedings.
74.12 Oral and written arguments.
74.13 Final findings and recommendations.

AUTHORITY: §§ 74.1 to 74.13 issued under sec. 9, 62 Stat. 1160; 1950 Reorg. Plan No. 16, 64 Stat. 1268; 1953 Reorg. Plan No. 1, 67 Stat. 631; 33 U. S. C. 466h (d); 5 U. S. C. 133z–15, note. Interpret or apply sec. 2 (d) (3), 62 Stat. 1155; 33 U. S. C. 466a (d) (3).

§ 74.1 *Definitions.* As used in this part,

(a) "Act" means the Water pollution Control Act, as amended (62 Stat. 1155 et seq., 33 U. S. C. 466–466j).

(b) "Board" means the board appointed by the Secretary pursuant to section 2 (d) (3) of the act (33 U. S. C. 466a (d) (3)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 2 (d) (1) of the act (33 U. S. C. 466a (d) (1)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of terms contained in section 2d (8) and section 10 of the act (33 U. S. C. 466a (d) (8), 466i) shall be applicable to such terms when used in the regulations of this subpart unless the context otherwise requires.

§ 74.2 *Initiation of proceedings for public hearing; appointment of Board.* (a) In any case where the Surgeon General finds that the conditions precedent to the calling of a public hearing under the act exist, he shall so report to the Secretary together with his recommendation as to further action. If it then appears to the Secretary that a public hearing would contribute to the abatement of the pollution, he will call such a hearing, and may either fix the time and place thereof, or authorize the Surgeon General to do so.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons, as provided in the act, and may designate one of the members as chairman. The Secretary may thereafter revoke appointments to the Board, or the designation of one of its members as chairman and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 74.3 *Organization and general procedures of the Board.* (a) The Board shall convene for hearing sessions and for such other meetings as may be necessary.

(b) The chairman designated by the Secretary shall preside at all hearing sessions. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted by the Board in an informal but orderly manner in accordance with this subpart. A quorum of the Board for the purpose of the hearing shall consist of not less than five members and not less than a majority of such members shall be persons other than officers and employees of the Department. Questions of procedure during a hearing shall be determined by majority vote of the members present.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Board may authorize the chairman on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

(f) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(g) The Board shall designate a secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties as the Board may prescribe.

§ 74.4 *Notice of hearing.* (a) The Surgeon General shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Secretary, shall fix such time and place.

(b) The notice of hearing shall identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the interstate waters affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(c) Notice of hearing shall be served on the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution and the water pollution agency or interstate agency, to whom notice or advice, as the case may be, of such pollution has previously been given in accordance with the act.

(2) The water pollution agency or the interstate agency of the State or States, other than that in which the discharge originates, adversely affected by such pollution.

§ 74.5 *Service.* Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or places of business as ascertained by the Surgeon General or the Board, as the case may be.

§ 74.6 *Publication of notice.* Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 74.7 *Parties.* (a) The parties to a hearing shall include the persons and agencies specified in § 74.4 (c).

(b) The Surgeon General shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 74.8 *Prehearing procedures.* (a) Upon request made to the Board within fifteen (15) days after the service of the notice of hearing, any party shall be afforded an opportunity for the submission of facts, arguments, or proposals to secure abatement of the pollution where

time, the nature of the proceeding, and the public interest permit, and due consideration shall be given the same by the Board. Such submission shall be in writing. The filing of such request shall not operate to delay the hearing.

(b) The Board may, at any time, prior to the conclusion of the hearing, on its own initiative or at the request of any party, call a conference with any or all parties to consider:

(1) The simplification of the issues,

(2) The possibility of obtaining stipulations, admissions of facts, and documents,

(3) The limitation of the number of expert witnesses,

(4) The scheduling of witnesses,

(5) Proposals to abate the pollution by reasonable and equitable measures, and

(6) Such other matters as may aid in the conduct of the hearing or the determination of the issues.

(c) Any prehearing or other conferences may be held with the full Board, with one or more of its members or with one or more other persons, as the Board may direct.

§ 74.9 *Presentation of evidence by the Surgeon General.* The Surgeon General shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 74.10 *Hearing procedure.* (a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to cross-examination, presentation of evidence, objection, argument and other fundamental rights.

(e) Rulings of the chairman on the receipt of evidence and other questions relating to the procedure of the hearing may be appealed to the Board.

§ 74.11 *Record of proceedings.* (a) Testimony given and other proceedings had at a hearing shall be reported verbatim by a reporter. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall be marked for identification and upon a showing satisfactory to the Board of their authenticity, relevancy and materiality shall be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Board shall, after satisfying itself of the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 74.12 *Oral and written arguments.* (a) Oral argument shall be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

(b) The Board shall announce at the hearing a reasonable period within which parties and other interested persons may submit (1) written arguments, and (2) proposed findings, conclusions and recommendations for the abatement of the pollution together with supporting reasons therefor. Such material shall be submitted in such number of copies as the Board may direct and shall be based solely upon the evidence presented at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 74.13 *Final findings and recommendations.* (a) After consideration of the whole record, and all proposed findings, conclusions and recommendations, the Board shall make its final findings, conclusions and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: June 26, 1956.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 3, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-5429; Filed, July 9, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 29, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 012368, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as picnic and camp grounds, recreation areas, and administrative sites in the San Isabel National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

SAN ISABEL NATIONAL FOREST

Halfmoon Picnic Ground:
T. 10 S., R. 81 W.,
Sec. 24: S½SE¼SW¼, S½N½SE¼SW¼ (unsurveyed).
Collegiate Peaks Picnic Ground:
T. 14 S., R. 80 W.,
Sec. 22: E½SW¼SW¼, SE¼SW¼, S½SW¼SE¼;
Sec. 27: N½NW¼NE¼, N½NE¼NW¼.
Cottonwood Lake Campground:
T. 14 S., R. 80 W.,
Sec. 36: SW¼SW¼, S½NW¼SW¼.
Cottonwood Lake Recreation Area:
T. 14 S., R. 80 W.,
Sec. 36: S½SE¼.
T. 15 S., R. 80 W.,
Sec. 1: N½NE¼.
Fox Lake Recreation Area:
T. 15 S., R. 80 W.,
Sec. 2: N½NW¼NE¼, NE¼NE¼NW¼.
Hope Gulch Campground:
T. 15 S., R. 80 W.,
Sec. 2: N½SE¼NW¼.
Mt. Princeton Picnic Ground:
T. 15 S., R. 79 W.,
Sec. 28: SW¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼.
Cascade Picnic Ground:
T. 15 S., R. 79 W.,
Sec. 29: SW¼SE¼;
Sec. 32: N½NW¼NE¼.
Orr Picnic Ground:
T. 20 S., R. 70 W.,
Sec. 19: NE¼NW¼.
Oak Creek Picnic Ground:
T. 20 S., R. 70 W.,
Sec. 19: SW¼NW¼, N½NW¼SW¼, N½NE¼SW¼.
T. 20 S., R. 71 W.,
Sec. 24: SE¼NE¼, N½NE¼SE¼.

Florence Picnic Ground:
T. 22 S., R. 69 W.,
Sec. 16: S½SW¼NE¼, SE¼NE¼, S½NE¼SW¼, N½SE¼SW¼, NW¼SE¼.
Ophir Picnic Ground:
T. 23 S., R. 69 W.,
Sec. 9: S½S½SW¼NW¼, N½NE¼SE¼, NW¼SW¼NE¼SE¼, NE¼NW¼SE¼, W½NW¼SE¼, W½SE¼NW¼SE¼, NE¼SE¼NW¼SE¼, W½SW¼SE¼, W¼E½SW¼SE¼.
Davenport Picnic Ground:
T. 23 S., R. 69 W.,
Sec. 11: S½SE¼SW¼, S½S½SE¼;
Sec. 13: N½NW¼NW¼;
Sec. 14: N½N½NE¼.
Alvarado Recreation Area:
T. 23 S., R. 73 W.,
Sec. 5: SE¼NE¼, SE¼.
Beaver and St. Charles Picnic Ground:
T. 24 S., R. 69 W.,
Sec. 11: NE¼, E½NW¼.
Spring Creek Picnic Ground:
T. 31 S., R. 69 W.,
Sec. 4: SW¼SE¼.
Cucharas Picnic Ground:
T. 31 S., R. 69 W.,
Sec. 21: S½NE¼SW¼, SE¼SW¼, S½SW¼SW¼, S½NE¼SE¼, S½NW¼SE¼, N½SE¼SE¼, N½SW¼SE¼;
Sec. 22: NE¼NW¼SW¼, S½NW¼SW¼;
Sec. 28: N½NW¼NW¼;
Sec. 29: N½NE¼NE¼, N½NW¼NE¼.
Blue Lakes Picnic Ground:
T. 31 S., R. 69 W.,
Sec. 30: S½SE¼NE¼, N½NE¼SE¼;
Sec. 29: S½SW¼NW¼, N½NW¼SW¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN ISABEL NATIONAL FOREST

Lake Creek Recreation Area:
T. 46 N., R. 12 E.,
Sec. 5: N½SW¼, N½SE¼.
Marshall Pass Administrative Site:
T. 48 N., R. 6 E.,
Sec. 24: NE¼SE¼.
T. 48 N., R. 7 E.,
Sec. 19: NW¼SW¼.
O'Haver Lake Campground:
T. 48 N., R. 7 E.,
Sec. 12: S½SE¼NW¼, S½SW¼NW¼, NW¼SW¼, NE¼SW¼.
Shirley Administrative Site:
T. 48 N., R. 8 E.,
Sec. 18: SW¼NW¼SW¼NE¼, W½SW¼SW¼NE¼, SE¼NE¼SE¼NW¼, E½SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, NW¼NW¼NW¼SE¼.
Monarch Pass Recreation Area:
T. 49 N., R 6 E.,
Sec. 17: S½SW¼, S½SE¼, S½N½SE¼.
Poncha Creek Campground:
T. 49 N., R. 7 E.,
Sec. 13: W½SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼.
Bear Creek Picnic Ground:
T. 49 N., R 9 E.,
Sec. 34: SE¼NW¼.
North Fork Arkansas Administrative Site:
T. 50 N., R. 7 E.,
Sec. 16: SW¼SW¼.
Midway Administrative Site:
T. 50 N., R. 9 E.,
Sec. 11: SE¼NE¼, NE¼SE¼;
Sec. 12: SW¼NW¼, NW¼SW¼.

Total area, 2,732.67 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 56-5415; Filed, July 9, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Anchorage 027871, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for use as an integral part of Fort Richardson Military Reservation for military facilities and for training purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT RICHARDSON—TRACT "D"

T. 14 N., R. 2 W., S. M.,
Sec. 9: All lying south and east of the Alaska Railroad right of way.
Sec. 10: All lying south and east of the Alaska Railroad right of way and south of the Eagle River.
Sec. 11: All of the west half lying south and west of Eagle River.
Sec. 16: That portion lying east of the Alaska Railroad right of way.
Section 17: All lying east of the Alaska Railroad.
Sec. 19: All lying south and east of the Alaska Railroad excepting Lot 7 and SE¼SW¼.

The above described lands contain 1,401 acres, more or less.

EUGENE V. ZUMWALT,
Acting Operations Supervisor.

[F. R. Doc. 56-5416; Filed, July 9, 1956; 8:46 a. m.]

Bureau of Mines

[Regional Administrative Order 77]

VARIOUS OFFICIALS OF REGION V

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

Correction

In Federal Register Document 56-5299, published at page 4976 of the issue for Wednesday, July 4, 1956, the figures "$500–$1,000", appearing in paragraph 2 (C), should read "$500–$10,000".

Bureau of Reclamation

NEWLANDS PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 18, 1955.

Pursuant to the authority delegated by Department Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of February 20, 1913, and May 8, 1913, insofar as said orders affect the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 11 N., R. 19 E.,
Sec. 1: lot 3 and that portion of lot 6, lying in the NW¼NE¼.

The above areas contain approximately 40 acres.

E. G. NIELSEN,
Assistant Commissioner.

[70225]

JULY 3, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is grazing land located in Alpine County, California, and consists of the gently sloping base of a peak known as Job's Peak. The soil is a sandy, decomposed granite. Vegetation consists of the northern desert scrub type, with big sagebrush and rabbitbrush as the dominant species. The land is too rough and mountainous for cultivation. It is within Nevada Grazing District No. 3.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 8, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 7, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land

laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 7, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 7, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-5417; Filed, July 9, 1956; 8:46 a. m.]

MISSOURI RIVER BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described lands from public entry, under first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 4 E.,
Sec. 34, NE¼SW¼;
Sec. 35, NW¼SW¼.

The above areas aggregate 80 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71772]

JULY 3, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for Lower Marias Unit, Marias Division, Missouri River Basin Project, Montana

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the Tiber Reservoir, Lower Marias Unit, Marias Division, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-5418; Filed, July 9, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMFORWARDS, INC., ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington D. C., the 27th day of June 1956, the Board entered the following order:

Whereas the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR Part 244):

Name	Registration No.	Date issued
Amforwards, Inc. (New York)	1850	Mar. 30, 1955
Bakumar Shipping Corp. (New York)	832	July 27, 1950
Crestline Shipping Co. (New York). (George L. LaVerne, dba)	1713	Feb. 26, 1954
Thomas Freight Forwarders (New York). (Alice H. Nila, dba)	1892	July 11, 1955
Richard Varela (New York)	1862	Apr. 20, 1955

Whereas the Board has by registered letters, requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to § 244.3 of General Order 72; and

Whereas registered mail sent to Crestline Shipping Co. and Thomas Freight Forwarders has been returned by the post office as undeliverable and the Board is therefore unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas the other three registrants have failed to respond to registered letters in violation of General Order 72;

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why their registrations should not be cancelled for the reasons above stated; and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that notice of such cancellation shall be sent to the registrant by the Secretary; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: July 5, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-5425; Filed, July 9, 1956; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Burton Manufacturing Corp., 200 West Main Street, Spartanburg, S. C.; effective 6-18-56 to 6-17-57 (sport shirts).

Elder Manufacturing Co., Ste. Genevieve, Mo., effective 6-15-56 to 6-14-57 (boy's pajamas and shirts).

Elder Manufacturing Co., Dexter, Mo.; effective 6-16-56 to 6-15-57 (men's and boys' sport shirts).

Isabel Dress Co., Inc., 313 Depew Avenue, Mayfield, Pa.; effective 6-13-56 to 6-12-57 (children's dresses).

Jermyn Manufacturing Co., Inc., 505 Washington Avenue, Jermyn, Pa.; effective 6-18-56 to 6-17-57 (women's dresses).

Kamp Togs, Inc., Clarksville, Mo.; effective 6-18-56 to 6-17-57 (boys' and girls' sportswear).

LeMonde Corset Co., 902 Lapear Street, Saginaw, Mich.; effective 6-14-56 to 6-13-57 (women's foundation garments).

Summit Hill Manufacturing Corp., Summit Hill, Pa.; effective 6-13-56 to 6-12-57 (ladies' sportswear).

Wear Well Garment Co., Inc., First North and German Streets, New Ulm, Minn.; effective 6-18-56 to 6-17-57 (men's, women's and boys' outerwear).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Jane Evans Frocks, Inc., 30 Front Street, Souderton, Pa.; effective 6-14-56 to 6-13-57; 5 learners (ladies' dresses).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6-16-56 to 6-15-57 (coveralls and work jackets).

C. Hart Manufacturing Co., Wayne and Decatur Streets, Eaton, Ohio; effective 6-15-56 to 6-14-57; 5 learners (uniform shirts, vest, vestee).

McTague Manufacturing Co., Inc., West Presqueisle Street, Philipsburg, Pa.; effective 6-13-56 to 6-12-57 (jackets).

National Garment Co., Fayette, Mo.; effective 6-14-56 to 6-13-57 (sportswear made of knitted and woven material).

Patton Garment Co., Wellsville, Mo.; effective 6-14-56 to 6-13-57; 5 learners (sportswear made of knitted and woven material).

Phelps Industries, Skyland, N. C.; effective 6-15-56 to 2-28-57; 4 learners (women's sportswear) (replacement certificate).

Summerville Dress Co., Summerville, S. C.; effective 6-12-56 to 6-11-57 (children's dresses).

Thurmond Manufacturing Co., Inc., Rutledge, Ga.; effective 6-18-56 to 6-17-57 (dress shirts) (replacement certificate).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Bestform Foundations of Pennsylvania, Inc., Baumer and Cherry Streets, Johnstown, Pa.; effective 6-18-56 to 12-17-56; 75 learners (brassieres, girdles, corsets).

Cartersville Undergarment Corp., Industrial Boulevard, Cartersville, Ga.; effective 6-18-56 to 12-17-56; 35 learners (ladies' and girls' acetate and nylon underwear).

Rhea Manufacturing Co., American Junior Division, Bainbridge, Ga.; effective 6-12-56 to 12-11-56; 20 learners (misses' sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The Batesville Co., Batesville, Miss.; effective 6-18-56 to 6-17-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

The Batesville Co., Batesville, Miss.; effective 6-28-56 to 12-27-56; 25 learners for plant expansion purposes (seamless).

Clayson Knitting Co., Star, N. C.; effective 6-11-56 to 6-10-57; 5 learners for normal labor turnover purposes (steamless).

Pittsburg Knitting Mills, Inc., 212 East First Street South, Pittsburg, Tenn.; effective 6-12-56 to 12-11-56; 40 learners for plant expansion purposes (seamless).

Wisteria Hosiery Mills Co., Gastonia, N. C.; effective 6-14-56 to 6-13-57; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned-seamless).

Wisteria Hosiery Mills Co., Lincolntown, N. C.; effective 6-14-56 to 6-13-57; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The Giffin Manufacturing Co., Inc., Carlisle, Ky.; effective 6-15-56 to 6-14-57; 5 percent of factory production workers engaged in the manufacture of knitted wear products only (men's shorts).

Ladd Knitting Mills, Inc., North Sixth Street and Riesters Lane, Reading, Pa.; effective 6-13-56 to 8-31-56; 50 learners for plant expansion purposes, including additional occupations for hand sewing, looping, topping and final inspection (sweaters) (replacement certificate).

Ladd Knitting Mills, Inc., North Sixth Street and Riesters Lane, Reading, Pa.; effective 6-13-56 to 2-28-57; 5 percent of factory production workers for normal labor turnover purposes, including additional occupations for looping, topping, hand sewing, and final inspection (ladies' sweaters) (replacement certificate).

Mozur Laces, Inc., Sweater Division, Crossville, Tenn.; effective 6-12-56 to 6-11-57; 5 learners for normal labor turnover purposes, including additional occupation for looper (sweaters).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Eastland Shoe Corp., Freeport, Maine; effective 6-18-56 to 6-17-57; 10 learners for normal labor turnover purposes.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated, to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Allen Quilting Co., 60 East 25th Street, Chicago, Ill.; effective 6-15-56 to 12-14-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of multi-needle quilting machine operator; authorizing the employment of 2 learners (quilted linings for garments).

Bennat Shoulder Pad Co., Inc.; 1110 Washington Avenue, St. Louis, Mo.; effective 6-15-56 to 12-15-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operators and pressing; authorizing the employment of 5 learners (shoulder pads).

Custom Canvas Front Co., 7 Market Street, Stamford, Conn.; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operating; authorizing the employment of 5 learners (interlining for coat fronts).

A. Di Paola & Co., Inc., 510 South 8th Street, Vineland, N. J.; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewing; authorizing the employment of 5 learners (men's sackcoats and sportcoats).

The Fechheimer Bros. Co., 400 Pipe Street, Cincinnati, Ohio; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of five percent of factory production workers (uniforms).

Hall Line Corp., Park Avenue, Highland Mills, N. Y.; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of machine operator, tender, fixer, and jobs immediately incidental thereto; authorizing the employment of 3 learners (fish line, twines, braids).

Magura Clothing Co., 272 Schoonmaker Avenue, Monessen, Pa.; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator and final presser; authorizing the employment of five percent of factory production workers engaged in the production of men's and boys' clothing only (men's and boys' clothing).

Magura Clothing Co., 272 Schoonmaker Avenue, Monessen, Pa.; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator and final presser; authorizing the employment of 15 learners for plant expansion purposes in the production of men's and boys' clothing only (men's and boys' clothing).

Terre Hill Manufacturing Co., Plant No. 2, Terre Hill, Pa.; effective 6-20-56 to 12-19-56; not less than 85 cents per hour for a maximum of 320 hours for the occupation of sewing machine operator; authorizing the employment of 10 learners (nylon tricot, bed sheets and pillow cases).

Tu Way Products Co., Rockford, Ohio; effective 6-18-56 to 12-17-56; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 3 learners (industrial and household mops).

The following learner certificates were issued for normal labor turnover purposes to the companies hereinafter named, in the sardine packing industry; authorizing a rate not less than 80 cents per hour for the first 80 hours and not less than 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packers. The number or proportion of learners authorized are as indicated:

Addison Packing Co., Southwest Harbor, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 6-20-56 to 12-19-56; 10 learners (sardines).

R. K. Barter Canneries, Inc., Stonington, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Bath Canning Co., Bowery Street, Bath, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Belfast Canning Co., Belfast, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Green Island Packing Co., Rockland, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Haskins Canning Corp., Lubec, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Holmes Packing Corp., Eastport, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Holmes Packing Corp., Ocean Street, Rockland, Maine; effective 6-18-56 to 12-17-56;

10 percent of factory production workers (sardines).

Jonesport Packing Co., West Jonesport, Maine; effective 6-18-56 to 12-18-56; 10 percent of factory production workers (sardines).

North Lubec Manufacturing & Canning Co., North Lubec, Maine; effective 6-20-56 to 12-19-56; 10 learners (sardines).

R. J. Peacock Canning Co., Lubec, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

R. J. Peacock Canning Co., Eastport, Maine; effective 6-18-56 to 12-17-56; to learners (sardines).

R. J. Peacock Canning Co., Brown's Wharf, Portland, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Royal River Packing Corp., Yarmouth, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

F. H. Snow Canning Corp., South Gouldsboro, Maine; effective 6-18-56 to 12-17-56; 10 learners (sardines).

R. B. & C. G. Stevens, Jonesport, Maine; effective 6-20-56 to 12-19-56; 10 learners (sardines).

Stinson Canning Co., Prospect Harbor, Maine; effective 6-18 56 to 12-17-56; 10 percent of factory production workers (sardines).

The Trident Packing Co., Inc., Brown's Wharf, Portland, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Wm. Underwood Co., West Jonesport, Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Wm. Underwood Co., McKinley Maine; effective 6-18-56 to 12-17-56; 10 percent of factory production workers (sardines).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of June 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-5423; Filed, July 9, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2396 et al.]

EASTERN AIR LINES, INC., ET AL.; GREAT LAKES-SOUTHEAST SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc., and other applicants for certificates or amendments of certificates of public convenience and necessity in the consolidated proceeding known as the Great Lakes-Southeast Service Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on July 23, 1956, at 10:00 a. m., e. d. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner William F. Cusick, is postponed and reassigned for hearing on September 11, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., July 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5437; Filed, July 9, 1956; 8:50 a. m.]

[Docket No. 8097]

INTERIM SERVICE TO MITCHELL, YANKTON, AND NORFOLK, NEBRASKA, AND TO SIOUX FALLS, SOUTH DAKOTA, TO FARGO VIA WATERTOWN AND BROOKINGS

PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 13, 1956, at 10:00 a. m., e. d. t., Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., July 3, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5436; Filed, July 9, 1956; 8:50 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

AID REFUGEE CHINESE INTELLECTUALS, INC., ET AL.

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

In accordance with regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (ICA Regulation 3), 22 CFR Part 203, 20 F. R. 9458, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that the following agencies are registered as voluntary foreign aid agencies:

Aid Refugee Chinese Intellectuals, Inc., 1790 Broadway, New York 19, N. Y.

American Baptist Relief, 1628 16th Street NW., Washington 9, D. C.

American Bureau for Medical Aid to China, 1790 Broadway, New York 19, N. Y.

American Foundation for Overseas Blind, 22 West 17th Street, New York 11, N. Y.

American Friends of Austrian Children, 202 East 19th Street, ninth floor, New York 3, N. Y.

American Friends of Russian Freedom, 270 Park Avenue, New York 17, N. Y.

American Friends Service Committee, 20 South 12th Street, Philadelphia 7, Pa.

American Fund for Czechoslovak Refugees, 1775 Broadway, Room 607, New York 19, N. Y.

American Jewish Joint Distribution Committee, 270 Madison Avenue, New York 16, N. Y.

American Korean Foundation, Carnegie Endowment International Center, 345 East 46th Street, New York 17, N. Y.

American Middle East Relief, 350 Fifth Avenue, New York 1, N. Y.

American Mission to Greeks, Inc., 233 West 42d Street (P. O. Box 423), New York 36, N. Y.

American National Committee to Aid Homeless Armenians (ANCHA), 207 Powell Street, San Francisco 2, Calif.

American ORT Federation, 212 Fifth Avenue, New York 10, N. Y.

American Relief for Poland, 1200 North Ashland Avenue, Chicago 22, Ill.

Assemblies of God—Foreign Service Committee, 160 Fifth Avenue, New York 10, N. Y.

Boys' Towns of Italy, 29 Broadway, New York 6, N. Y.

Brethren Service Commission, 22 South State Street, Elgin, Ill.

Catholic Relief Services—National Catholic Welfare Conference, 350 Fifth Avenue, New York 1, N. Y.

Christian Children's Fund, China Building, Richmond 4, Va.

Church World Service, Inc., 215 Fourth Avenue, New York 3, N. Y.

Congregational Christian Service Committee, 110 East 29th Street, New York 16, N. Y.

Cooperative for American Remittances to Everywhere (CARE) Inc., 660 First Avenue, New York 16, N. Y.

Council of Relief Agencies Licensed for Operation in Germany (CRALOG), 50 Madison Avenue, New York 10, N. Y.

Foster Parents' Plan, Inc., 43 West 61st Street, New York 23, N. Y.

Hadassah, 65 East 52d Street, New York 22, N. Y.

Heifer Project, Inc., 115 East Main Street, North Manchester, Ind., and New Windsor, Md.

International Rescue Committee, Inc., 62 West 45th Street, New York 36, N. Y.

International Social Service—American Branch, 345 East 46th Street, New York 17, N. Y.

Iran Foundation, Inc., 350 Fifth Avenue, New York 1, N. Y.

Little House of Saint Pantaleon, 107 South Avolyn Avenue, Ventnor, N. J.

Lutheran Refugee Service—National Lutheran Council, 235 Fourth Avenue, New York 3, N. Y.

Lutheran World Relief, 50 Madison Avenue, New York 10, N. Y.

Mennonite Central Committee, Akron, Pa.

National Council of Young Israel, 3 West 16th Street, New York 11, N. Y.

Near East Foundation, 54 East 64th Street, New York 21, N. Y.

Pestalozzi Foundation of America, 41 East 57th Street, New York 22, N. Y.

Refuge des Petits, 30 Broad Street, 47th floor, New York 4, N. Y.

Romanian Welfare, 18 East 60th Street, New York 22, N. Y.

Russian Children's Welfare Society, 59 East Second Street, New York 3, N. Y.

Salvation Army—National Headquarters, 120-130 West 14th Street, New York 11, N. Y.

Save the Children Federation, Carnegie Endowment Center, U. N. Plaza at 46th Street, New York 17, N. Y.

Selfhelp of Emigres from Central Europe, 147 West 42d Street, Room 519, New York 18, N. Y.

Tolstoy Foundation, 300 West 58th Street, New York 19, N. Y.

Unitarian Service Committee, 9 Park Street, Boston 8, Mass. New York Office: 345 East 46th Street, New York 17, N. Y.

United HIAS Service, 425 Lafayette Street, New York 3, N. Y.

United Lithuanian Relief Fund of America, 105 Grand Street, Brooklyn 11, N. Y.

United States Book Exchange, care Library of Congress, Washington 25, D. C.

United Ukrainian American Relief Committee, 866 North Seventh Street, Philadelphia 23, Pa.

Volunteer Border Relief, P. O. Box 981, Harlingen, Tex.

World Relief Commission of the National Association of Evangelicals, 532 West 46th Street, New York 36, N. Y.

World University Service, 20 West 40th Street, New York 18, N. Y.

Y. W. C. A. World Emergency Fund, 600 Lexington Avenue, New York 22, N. Y.

This notice cancels and supersedes all lists of registered voluntary foreign aid agencies previously issued under regulations concerning Registration of Agencies for Voluntary Foreign Aid promulgated by the Foreign Operations Administration (Part 203, Chapter II, Title 22, of the Code of Federal Regulations) and predecessor regulations.

These registrations shall remain in force until amended, suspended, or terminated in accordance with regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (ICA Regulation 3), 22 CFR Part 203, 20 F. R. 9458.

Issued: June 27, 1956.

JOHN B. HOLLISTER,
Director, International Cooperation Administration.

[F. R. Doc. 56-5446; Filed, July 9, 1956; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32311: *Substituted service—motor-rail-motor—M. K. T. Lines and P. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor and rail carriers. Rates on various commodities in highway trailers loaded on railroad flat cars between Dallas and Ft. Worth, Tex., and Oklahoma City, Okla., on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff, MF-I. C. C. No. A-125.

FSA No. 32312: *Iron and steel articles to Texas and Louisiana points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, straight or mixed carloads from specified points in Alabama, Colorado, Illinois, Minnesota, Missouri, and Wisconsin to Beaumont, Galveston, Houston, Nederland, Orange, Port Arthur, Texas City, Tex., and Lake Charles and West Lake Charles, La.

Grounds for relief: Commercial competition with inland points, market competition, port equalization, and circuity.

Tariff: Supplement 63 to Agent Kratzmeir's I. C. C. 4170; Supplement 57 to W. J. Prueter's I. C. C. 3861.

FSA No. 32313: *Scrap iron or steel—Dallas, Tex., to New Orleans, La., and sub ports.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from Dallas, Tex., to New Orleans, La., and ports within the port limits of New Orleans, for export and intercoastal and coastwise movement beyond.

Grounds for relief: Circuitous routes.

Tariff: Supplement 145 to Agent Brown's I. C. C. 796.

FSA No. 32314: *Phosphate rock—Florida to Texas.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Bartow, Fla., and other specified points in Florida to specified points in Texas.

Grounds for relief: Rail-barge-rail competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's tariff I. C. C. 1514.

FSA No. 32315: *Ammonium nitrate—Yazoo City, Miss., to Alabama.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ammonium nitrate, carloads from Yazoo City, Miss., to specified points in Alabama.

Grounds for relief: Circuitous route.

Tariff: Supplement 30 to Agent Spaninger's tariff I. C. C. No. 1510.

FSA No. 32316: *Phosphate—Rock—Florida to Houston, Tex.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from Bartow, Fla., and other Florida points to Houston, Tex.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. No. 1514.

FSA No. 32317: *Butadiene—Akron, Ohio, to Baton Rouge, La.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on butadiene, tank-car loads from Akron, Ohio to Baton Rouge, La.

Grounds for relief: Carrier competition and circuity.

FSA No. 32318: *Unfinished piece goods—Atlanta, Ga., to Osceola, Ark.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on unfinished piece goods, carloads from Atlanta, Ga., to Osceola, Ark.

Grounds for relief: Carrier competition and circuity.

FSA No. 32319: *Trailer-on flat-car service—A. T. & S. F. Ry.* Filed by The Atchison, Topeka and Santa Fe Railway Company, for itself and other interested rail carriers. Rates on material, building or roofing, straight or mixed shipments in highway trailers on railroad flat cars from Dallas and Ft. Worth, Tex., to destinations in Oklahoma named in exhibit 1 of the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Atchison, Topeka and Santa Fe Railway tariff I. C. C. 14820.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-5420; Filed, July 9, 1956; 8:47 a. m.]

[No. MC-C-1993]

C. C. & C. HIGHWAY, INC.

NOTICE OF INVESTIGATION REGARDING RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 27th day of June A. D. 1956.

There being under consideration the matter of rates, and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of joint class rates as set forth in Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 267, on page 25 thereof, in Item 577, paragraph (4); in Supplement No. 2 thereto, on page 7 thereof, in Item 571-A, paragraph (1) (a), and on page 8 thereof, in Item 579-A, paragraph (1); in Supplement No. 6 thereto, on page 4 thereof, in Item 570-A, paragraph (2); in Supplement No. 9 thereto, on page 8 thereof, in Item 573-C, paragraph (6) and in Item 574-D, paragraph (4), and on page 9 thereof, in Item 575-A, paragraph (1); and in Supplement No. 10 thereto, on page 2 thereof, in Item 572-A, paragraph (3), or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules and regulations or practices that are unjust or unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion into and concerning the lawfulness of the rates, charges, rules and regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations, and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Com-

mission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereinafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5421; Filed, July 9, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-71]

VADASZTOLTENY GYUTACS ES FEMARUGYAR R. T.

In re: Debt owing to Vadasztolteny Gyutacs es Femarugyar R. T.; F 34-1408.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York, arising out of an account entitled "Vadasztolteny Gyutacs es Femarugyar", maintained at the aforesaid bank, together with any and all rights, to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Vadasztolteny Gyutacs es Femarugyar R. T., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-5430; Filed, July 9, 1956; 8:49 a. m.]

[Vesting Order SA-72]

JULIUS GLUECK & CO.

In re: Debt owing to Julius Glueck & Company. F 34-1619.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chase Manhattan Bank, 18 Pine St., New York, New York, in the amount of $145.35, being a portion of an account entitled "Rohner Gehrig & Co., Inc., Special Account" maintained at the aforesaid bank, together with any and all rights to demand, enforce, and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Julius Glueck and Co., Satu Mare, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 3, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-5431; Filed, July 9, 1956; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 133

Washington, Wednesday, July 11, 1956

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

JUL 19 1956

MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3147

IMMIGRATION QUOTA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 (a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS the Sudan, formerly the Anglo-Egyptian Sudan, declared its independence on December 19, 1955 and has been recognized as an independent country by the United States; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said Act; and have fixed, in accordance therewith, an immigration quota for the Sudan as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter enumerated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota Area	Quota
86	Sudan	100

The provision of an immigration quota for any quota area is designed solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952 is amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of July in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eight-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 56-5564; Filed, July 10, 1956; 11:42 a. m.]

EXECUTIVE ORDER 10672

WITHHOLDING OF DISTRICT OF COLUMBIA INCOME TAXES BY FEDERAL AGENCIES

By virtue of the authority vested in me by section 8 (k) of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, as added by section 11 of the District of Columbia Revenue Act of 1956, approved March 31, 1956 (70 Stat. 77), and section 301 of title 3 of the United States Code, and as President of the United States, I hereby prescribe the following regulations governing the agreement to be entered into between the Secretary of the Treasury and the Commissioners of the District of Columbia, pursuant to the provisions of the said section 8 (k) of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, with respect to the withholding of District of Columbia income taxes from the compensation of employees of the United States.

1. The said agreement shall be entered into by the Secretary of the Treasury with the Commissioners of the District of Columbia within 120 days of the receipt of a request therefor by the Secretary from the Commissioners: *Provided,* That such agreement shall be consistent with the provisions of the said District of Columbia Income and Franchise Tax Act of 1947, as amended, and of rules and regulations issued thereunder, and shall be subject to any amendment of any such

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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provisions, including amendments occurring after the effective date of such agreement.

2. Such agreement (a) shall provide that the head of each agency of the United States shall comply with the requirements of the District of Columbia Income and Franchise Tax Act of 1947, as amended, with respect to employees of such agency who are subject to income taxes imposed by such act and whose regular place of employment is within the District of Columbia, (b) shall specify when the withholding of taxes shall commence, and (c) shall provide for procedures for the withholding, the filing of the returns, and the payment of the tax to the District of Columbia which conform, so far as practicable, to the usual fiscal practices of agencies of the United States.

3. Such agreement shall not apply with respect to compensation for service as a member of the armed forces of the United States, or with respect to compensation of an employee who does not have a place of abode, or does not reside or is not domiciled, within the District of Columbia at the time tax is required to be withheld, and shall not require collection by agencies of the United States of delinquent tax liabilities of federal employees.

4. Nothing in this order, or in the rules or regulations issued thereunder, or in the agreement entered into pursuant thereto, shall be construed as giving consent to the application of any provision of law which has the effect of imposing more burdensome requirements upon the United States than it imposes upon other employers, or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability.

5. The head of each agency shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct payment of such taxes withheld, in accordance with the terms of the agreement entered into between the Secretary of the Treasury and the Commissioners of the District of Columbia.

6. As used in this order—

(a) The term "agency" includes each department, commission, authority, administration, board, or other independent establishment of the Government of the United States, including any wholly-owned instrumentality of the United States, and each unit of the legislative branch of the United States, but such term does not include governments of the possessions or units of the judicial branch of the United States.

(b) The term "armed forces of the United States" includes all regular and reserve components of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

(c) The term "employees" as applied to employees of the United States includes officers and other individuals appointed by a federal officer and engaged in the performance of federal functions in an agency as defined in paragraph (a) above, under authority of an act of Congress or an Executive order, who in the performance of their duties are supervised and directed by a federal officer, but the term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the Federal Government, whether their status is civilian or in the armed forces of the United States, who are not performing active service, or persons receiving remuneration for services on a contract-fee basis. The term shall include an officer of a corporation, but shall not include any elective officer of the Government of the United States or any officer or employee in the legislative branch of the Government of the United States whose compensation is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or any officer of the executive branch of the Government whose appointment to the office held by him was by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President of the United States, unless such officer of the executive branch is domiciled within the District of Columbia on the last day of the taxable year.

(d) The term "regular place of federal employment" means the place where an employee actually performs his services, irrespective of his residence, except when such services are performed in a travel or temporary-duty status, in which case the "regular place of federal employment" means the place to which the employee will normally be expected to proceed for the purpose of performing further services in connection with his federal employment on the termination of travel or temporary-duty status.

I hereby delegate to the Secretary of the Treasury authority to prescribe such rules and regulations not inconsistent herewith as may be necessary to further effectuate the provisions of section 8 (k) of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended, or of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 9, 1956.

[F. R. Doc. 56–5525; Filed, July 9, 1956; 5:04 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

TEMPORARY RENEWABLE APPOINTMENTS

Effective July 1, 1956, § 2.304 (a) is amended as set out below.

§ 2.304 *Temporary renewable appointments*—(a) *Agency authority.* Any person who is eligible and selected for employment in a continuing position under any regulation of the Commission and who enters on duty on or after his seventieth (70th) birthday shall be given a temporary renewable appointment for a period not to exceed one year. Such appointments may also be given to:

(1) An annuitant under the Civil Service Retirement Act who has reached his sixtieth (60th) birthday but has not reached his seventieth (70th) birthday, if he is otherwise eligible; and

(2) Any employee appointed under this section who would otherwise be eligible under any regulation of the Commission for promotion, demotion, reassignment, or transfer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5457; Filed, July 10, 1956; 8:46 a. m.]

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER ACTIVE MILITARY DUTY

EMPLOYEES WITH REEMPLOYMENT RIGHTS AFTER TRANSFER

Effective August 1, 1956, paragraph (c) of § 35.55 is revoked.

(Sec. 9, 62 Stat. 614, as amended; 50 U. S. C. App. 459, E. O. 10180, 15 F. R. 7745, 3 CFR, 1950 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-5470; Filed, July 10, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, AS AMENDED, FISCAL YEAR 1957

Pursuant to section 4 of the National School Lunch Act, as amended (60 Stat. 230, 66 Stat. 591), food assistance funds available for the fiscal year ending June 30, 1957, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$82,758,725	$82,676,957	$81,768
Alaska	55,168	55,168	
Arizona	538,317	497,610	40,683
Arkansas	1,821,560	1,784,853	36,707
California	4,275,722	4,275,722	
Colorado	758,810	696,879	61,931
Connecticut	679,785	679,785	
Delaware	118,144	95,151	22,993
District of Columbia	242,624	242,624	
Florida	1,589,127	1,511,095	78,032
Georgia	2,777,351	2,777,351	
Guam	58,361	49,301	9,060
Hawaii	277,632	224,957	52,675
Idaho	396,197	382,144	14,053
Illinois	3,153,033	3,153,033	
Indiana	1,871,286	1,871,286	
Iowa	1,292,456	1,149,303	143,153
Kansas	943,785	943,785	
Kentucky	2,295,572	2,295,572	
Louisiana	2,085,252	2,085,252	
Maine	504,927	426,007	78,920
Maryland	1,073,056	891,679	181,377
Massachusetts	1,846,214	1,846,214	
Michigan	2,838,253	2,396,035	442,218
Minnesota	1,571,755	1,312,779	258,976
Mississippi	2,501,304	2,501,304	
Missouri	1,762,413	1,762,413	
Montana	309,420	274,814	34,606
Nebraska	661,100	582,075	79,025
Nevada	64,823	61,276	3,547
New Hampshire	267,570	267,570	
New Jersey	1,715,556	1,336,982	378,574
New Mexico	561,525	561,525	
New York	5,088,097	5,088,097	
North Carolina	3,434,472	3,434,472	
North Dakota	487,915	438,147	49,768
Ohio	3,421,674	2,892,392	529,282
Oklahoma	1,308,286	1,308,286	
Oregon	743,622	743,622	
Pennsylvania	4,720,014	3,765,840	954,174
Puerto Rico	3,255,861	3,255,861	
Rhode Island	327,403	327,403	
South Carolina	2,211,713	2,181,656	30,057
South Dakota	434,436	390,159	44,277
Tennessee	2,540,378	2,466,700	73,678
Texas	4,686,808	4,686,808	
Utah	490,816	483,392	7,424
Vermont	220,051	220,051	
Virginia	2,087,743	1,991,567	96,176
Virgin Islands	35,856	35,856	
Washington	1,032,627	950,175	82,452
West Virginia	1,565,652	1,524,467	41,185
Wisconsin	1,719,426	1,307,298	412,198
Wyoming	147,295	147,295	
Total	83,600,000	79,278,351	4,321,649

(Secs. 2-11, 60 Stat. 230-233, as amended; 42 U. S. C. 1751-1760)

Dated: July 6, 1956.

ORIS V. WELLS,
Administrator.

[F. R. Doc. 56-5483; Filed, July 10, 1956; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 3]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1956 CROP

DATE BY WHICH WHEAT ACREAGE MUST BE UTILIZED AS WHEAT COVER CROP IN THE STATE OF KENTUCKY

The amendment herein is issued under the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of revising the date by which wheat acreage on a farm must be utilized as wheat cover crop in the State of Kentucky.

Since the only purpose of this amendment is to revise the date by which wheat must be used as wheat cover crop in the State of Kentucky and since the farmers involved have already been informed in writing of the date, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.651 (r), insofar as it relates to the State of Kentucky, is amended as follows:

KENTUCKY

June 11, 1956: All counties.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 374, 52 Stat. 38, as amended; 68 Stat. 904; 7 U. S. C. 1374)

Done at Washington, D. C., this 5th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5482; Filed, July 10, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 648, Amdt. 1]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.755 (Lemon Regulation 648; 21 F. R. 4854) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 6, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5459; Filed, July 10, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1311]

[58459]

ALASKA

CORRECTING PUBLIC LAND ORDERS NO. 731 OF JUNE 25, 1951 AND NO. 815 OF APRIL 8, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The coordinates of latitude and longitude as given in the land descriptions in Public Land Orders No. 731 of June 25, 1951 and No. 815 of April 8, 1952, which reserved public lands in Alaska for use of the Department of the Air Force for military purposes, are hereby corrected as follows:

1. In Public Land Order No. 731, "Latitude 62°53'30" N., longitude 155°56'30" W." is corrected to read: "Latitude 62°53'05" N., longitude 155°56'28" W."

2. In Public Land Order No. 815, "Latitude 62°56'12" N., longitude 156°01'55" W." is corrected to read: "Latitude 62°55'44" N., longitude 156°01'12" W."

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 3, 1956.

[F. R. Doc. 56-5450; Filed, July 10, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 203]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

When an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of course; distance from facility; minimum altitudes; limiting distances	Minimum altitude over facility for final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility, within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	Condition	8	9	10	11
BILLINGS, MONT. Municipal, 3,612. LOM-BI. Procedure No. 1. Amendment No. 1. Effective date: August 4, 1956. Supersedes Original, dated March 3, 1956. Major change: Reduce ceiling and visibility, and DC-3 circling minimums.	BIL-VOR	329–1.7	5,200	S side of course: 275° outbound. 095° inbound. 5,200' within 10 miles. Not authorized beyond 10 miles.	4,700	085–4.1	T-dn C-dn S-dn Runway 9 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	300–1½ 500–1½ 500–1 800–2	Within 4.1 miles, climb to 5,000' on E course BIL–LFR within 20 miles. •300–1 required for takeoff on all runways except Nos. 9–27. CAUTION: Standard clearance over facility not authorized for final approach (terrain 3853' mean sea level at BIL–VOR).
	BIL–LFR	267–6.0	5,240								
	Park City FM	057–12.8	5,280								
	Lavina FM	154–30.0	6,000								
HYANNIS, MASS. Barnstable, 36'. VOR-1. Procedure No. 1. Amendment No. 7. Effective date: August 4, 1956. Supersedes amendment dated September 17, 1955. Major change: Minimums added for aircraft with more than 2 engines; distances indicated in nautical miles.				E side of course: 065° outbound. 245° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles. •Nonstandard procedure turn to the east to avoid Otis Air Force Base traffic.	800	215–2.8	T-dn C-dn S-dn 24 A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	300–1½ 500–1½ 500–1 800–2	Within 2.8 miles, make an immediate left climbing turn, return to Hyannis NDB at 1,500'. •Facility must be monitored aurally during this procedure.

2. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
WALLA WALLA, WASH. Walla Walla City-County, 1,205'. TVORW-ALW. Amendment Original. TVOR-16. Effective date: August 4, 1956.	ALW-LFR	180—4.1	3,000	W side of course: 334° outbound. 154° inbound. 3,000' within 10 miles. Not authorized beyond 10 miles.	2,500 over W course ALW-LFR	159—0.3	T-dn	300-1	300-1	200-½	All procedures—climb to 3,500' on 180° radial within 15 miles of ALW-VOR; or, when requested by ARTC, make climbing right turn, hold at 3,000' in left turn holding pattern on SW course ALW-LFR. *2,500' over VOR if W course ALW-LFR not received. CAUTION: High terrain E of airport. **2,900' over VOR if E course ALW-LFR not received.
	Lamar Intersection	106—14.0	3,000				C-dn	600-1	600-1	600-1½	
	Weston Intersection	003—20.0	3,800		*1,800 over VOR		A-dn	800-2	800-2	800-2	
TVOR-20. Amendment Original. Effective date: August 4, 1956.	ALW-LFR	180—4.1	3,000	W side of course: 019° outbound. 199° inbound. 3,800' within 10 miles.	2,500 over E course ALW-LFR	197—0.3	T-dn	300-1	300-1	200-½	
	Lamar Intersection	106—14.0	3,000				C-dn	700-1	700-1	700-1½	
	Weston Intersection	003—20.0	3,800		**1,800 over VOR		A-dn	800-2	800-2	800-2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
ALLENTOWN, PA. Allentown-Bethlehem-Easton, 391'. ILS-ABL. LOM-AB. Combination ILS-ADF. Procedure No. 1. Amendment No. 3. Effective date: August 4, 1956. Supersedes Amendment 2, dated February 26, 1955. Major changes: Revises initial approach, procedure turn and final approach altitudes.	Allentown LFR	LOM	227—8.7	2,400	N side of SW course: 240° outbound. 060° inbound. 2,400' within 10 miles of LOM. (Procedure turn conducted N for better signal coverage.)	ILS 2,400	2,330—6.2	600—0.6	T-dn	300-1	300-1	200-½	Within 6.2 miles after passing LOM (ADF), climb to 3,000' on NE course of ILS within 10 miles of LOM. *500-1 required with glide path inoperative. #Intersection R-007 Westchester VOR and SW course ILS or bearing 060° to LOM.
	Allentown VOR	LOM	216—9.6	2,400		ADF 1,500 over LOM			C-dn ILS	500-1	500-1	500-1½	
	Slatington Intersection or FM.	LOM	151—9.9	2,400					ADF	700-1	700-1	700-1½	
	Intersection N course Philadelphia LFR and NW course N. Philadelphia LFR.	LOM	321—7.3	2,500					S-dn 6 ILS	*300-¾	300-¾	300-¾	
	Intersection E course Allentown LFR and ILS NE course or bearing 241° to LOM.	LOM	240—9.6	2,400					ADF	700-1	700-1	700-1	
	Topton Intersection#	LOM final	060—8.7	2,400 *ILS 1,500 ADF					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BOSTON, MASS. Logan Airport, 19'. ILS-I-BOS. LOM-BO. Combination ILS-ADF. Procedure No. 1. Effective date: August 4, 1956. Amendment No. 6. Supersedes Amendment 5, dated January 28, 1956. Major changes: Transition revised to permit "final" approach.	Boston LFR	LOM	217—7.6	1,800	S side of SW course: 215° outbound. 035° inbound. 1,800' within 10 miles.	ILS 1,800	1,775—5.0	270—0.2	T-dn	300-1	300-1	200-½	5 miles after passing LOM (ADF), climb to 1,300' on NE course ILS or course 035° from LOM within 15 miles or (when directed by ATC) make a climbing right turn to 1,500' on E course Boston LFR. **400-¾ required with glide slope inoperative. *600-1 required when circling W of the airport. #"Final" authorized after interception of final approach course inbound. CAUTION: ILS point of touchdown approximately 3,500' in from approach end of runway pavement to allow clearance of ship channel. Circling and straightin ADF minimums do not provide standard clearance over 370' stack SW of airport.
	East Boston Intersection	LQM	267—16.8	1,500		ADF 1,300 over LOM			C-dn ILS	*500-1	600-1	600-1½	
	#North Franklin Intersection.	ILS SW course or bearing 035° to LOM.	085—12.4	1,800 ILS and ADF	Not authorized beyond 10 miles.				ADF	600-1	600-1	600-1½	
	Bedford MHW	LOM	144—19.5	1,700					S-dn ILS 4R	**200-½	**200-½	**200-½	
	Radar terminal area transitions.		Within 25 miles.	1,800					ADF 4R, L	600-1	600-1	600-1	
	All fixes may be determined and supplemented by surveillance radar.								A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	
LITTLE ROCK, ARK. Adams Field, 257'. ILS-ILIT. LOM-LI. Combination ILS and ADF. Procedure No. 1. Amendment 1. Supersedes Amendment. Original, dated July 16, 1955. Effective date: July 4, 1956. Major changes: Revise procedure turn. Delete transition from North Little Rock. Adds final from Mablevale. Revise statute to nautical miles.	Little Rock LFR	LOM	253—6.0	1,800	N side of SW course: 220° outbound. 040° inbound. 1,800' within 10 miles.	ILS 1,800	1,781—4.6	496—0.6	T-dn	300-1	300-1	200-½	Climb to 1,800' on NE course of ILS or within 4.6 miles of LOM (ADF), climb to 1,800' on course of 040° within 20 miles. No approach lights. 300-1 required for takeoff runways 18–36–32. ⅞ Descent below 900' not authorized unless MM or LMM received. 500-1 required when G/S not used. Procedure turn nonstandard due ATC.
	Little Rock VOR	LOM	257—6.0	1,800		ADF 1,300 over LOM 400 over LMM⅞			C-dn	500-1	600-1	600-1½	
	Lakeside Intersection	LOM	353—5.0	1,800					S-dn 4 ILS	300-¾	300-¾	300-¾	
	City Intersection	LOM	160—5.0	1,800					ADF	500-1	500-1	500-1	
	Mablevale Intersection (final).	LOM	040—3.5	ILS 1,800 ADF 1,300					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	
PROVIDENCE, R. I. Green Airport, 56'. ILS-PVD. LOM-PV. Combination ILS-ADF. Procedure No. 1. Amendment No. 2. Effective date: August 4, 1956. Supersedes Amendment 1, dated April 1, 1954. Major changes: Transitions revised to permit final approaches.	Providence LFR	LOM	218—2.6	1,600	W side of SW course: 226° outbound. 046° inbound. 1,600' within 10 miles. Not authorized beyond 10 miles.	1,600 ILS	1,610—5.4	240—0.5	T-dn	300-1	300-1	200-½	Within 5.4 miles ADF, climb to 1,000' on course 046°, then make a climbing right turn and return to Providence LFR at 1,700'. Alternate missed approach (when directed by ATC), climb to 2,700' on SW course Squantum LFR. Procedure turn is conducted W to provide separation from traffic at Quonset Point NAS. *After interception of localizer course inbound, final approach on glide slope is authorized. **500-1 required with glide slope inoperative.
	Wyoming Intersection	ILS SW course	086—1	*1,600		1,100 ADF over LOM			C-dn ILS	**400-1	500-1	500-1½	
	Moosup Intersection	LOM	115—16.3	1,600					ADF	500-1	500-1	500-1½	
	Wyoming FM	LOM	046—7.4	*1,600 ILS					S-dn 5R ILS	**300-¾	**300-¾	**300-¾	
	Lafayette Intersection	LOM	046—6.7	*1,600 ILS					ADF	500-1	600-1	500-1	
	Lafayette Intersection (final).	LOM	046—6.7	1,100 ADF					A-dn ILS	600-2	600-2	600-2	
	Wyoming FM (final)	LOM	046—7.4	1,100 ADF					ADF	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
SANTA BARBARA, CALIF. Municipal, 14'. ILS-SBA. Procedure No. 1. Amendment No. 3. Effective date: Aug. 4, 1956. Supersedes amendment 2, dated July 23, 1955. Major changes: Delete approach from El Capitan FM; revise procedure turn distance; revise caution notes; raise 4-engine takeoff minimum runway 7.	SBA LFR	ILS W course	253—0	4,000	S side of W course: 253° outbound. 073° inbound. *2,000' within 8 miles of SBA LFR.	*2,000 (7 miles W of LFR)	No outer marker	195—0.5	T-dn C-dn S-dn Runway 7 A-dn	300-1 700-2	300-1 700-2	#300-¾ 700-2	Climb straight ahead to 800', make climbing right turn and climb to 4,000' on track of 165° from SBA LMM within 15 miles, or on S course of SBA LFR within 15 miles. *CAUTION: Procedure does not meet standard obstruction clearance requirements for procedure turn and final approach; 1,500' terrain within 3.5 miles N of localizer course; 3,000' terrain 5 miles N of LMM; 334' radio antenna 0.9 mile, ESE airport; all maneuvering must be accomplished on S side of localizer course. #300-1 required on runways 3 L/R, 7 and 33 L/R.
	SBA VOR	LMM	205—6.7	5,000			El Capitan FM 2,674—10.0			300-¾ 800-2	300-¾ 800-2	300-¾ 800-2	
							Santa Barbara LFR 500—1.7						
WASHINGTON, D. C. National, 16'. ILS-DCA. Procedure No. 1. Amendment No. 8. Effective date: August 4, 1956. Supersedes Amendment 7, dated October 29, 1955. Major changes: Transitions revised to permit straight-in approach.	Andrews LFR	OM	305—8.7	1,500	W side* of S course: 183° outbound. 003° inbound. 1,400' within 10 miles of OM.	1,400	1,360—4.6	205—0.5	T-dn C-dn S-dn 36 A-dn	300-1 600-1 200-½ 600-2	300-1 600-1 200-½ 600-2	#200-½ 600-1½ 200-½ 600-2	If contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1,800' (or higher altitude if directed by ATC) on NW course DCA LFR to Herndon Intersection. CAUTION: Circling minimums do not provide standard clearance over 596' monument 1.2 miles N of airport; minimums with glide slope inoperative do not provide standard clearance over 169' stacks 1.3 miles S of airport. *Procedure turn W to avoid Andrews Air Force Base traffic. **After intereception of localizer course inbound, descent on glide slope to cross outer marker at 1,360' on final is authorized. #300-1 required for takeoff on runways 9 and 27. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for takeoff on runways 9 and 27.
	Springfield MHW	OM	103—10.1	1,500									
	Radar terminal area transition altitudes.	OM	E, W and S quadrant of DCA LFR	1,500 within 25 miles									
			N quadrant	1,800 within 25 miles									
			All quadrants (exclusive of restricted areas)	2,500 within 40 miles									
	Andrews LFR	ILS S course	273—7	**1,500									
	Mt. Vernon Intersection	ILS S course	050—2.5	**1,500									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
YOUNGSTOWN, OHIO. Youngstown, 1,196'. ILS-YNG. LOM-YN. Combination. ILS-ADF. Hubbard MH-HBD. Procedure No. 1. Amendment No. 4. Effective date: August 4, 1956. Supersedes amendment 3 dated April 23, 1955. Major changes: Straight-in landing minimums revised.	Intersection YNG radial 235° and 099° bearing to Hubbard MH.	Hubbard MH	099—17.6	2,600	N side of SE course: 139° outbound. 319° inbound. 2,600' within 10 miles of Hubbard MH.	ILS 2,600	2,630—4.9	1,385—0.61	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 4.9 miles after passing LOM (ADF), climb to 2,500' on NW centers ILS or on bearing 319° from LOM, make right turn and proceed to Youngstown LFR. #Approach light installation incomplete.
	Intersection E course YNG LFR or YNG radial 105° and 229° bearing to Hubbard MH.	Hubbard MH	229—11.2	2,600		ADF 2,600 over Hubbard MH			S-dn 32 #ILS	300-¾	300-¾	300-¾	
									ADF	400-1	400-1	400-1	
	Columbiana Intersection.	Hubbard MH	022—20	3,000					A-dn ILS	600-2	600-2	600-2	
	Hubbard MH (final)	LOM	319—3.9	2,600 ILS 2,100 ADF		ADF 2,100 over LOM			ADF	800-2	800-2	800-2	
	Palestine Intersection	Hubbard MH	005—20	3,000									
	Canfield Intersection	Hubbard MH	070—11.3	3,000									
	Youngstown VOR	Hubbard MH	153—12.5	2,600									
	Youngstown LFR	Hubbard MH	153—11.5	2,600									

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U S C 551)

[SEAL]

C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5329; Filed, July 10, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

EVIDENCE REQUIREMENTS

Section 4.306 is amended to read as follows:

§ 4.306 *Evidence requirements.* Proof of death of the serviceman and relationship of the beneficiary shall be shown by evidence as outlined in §§ 3.46, 3.50, and 3.55 of this chapter. The relationship of a stepparent who is a designated beneficiary shall be established by proof of marriage of the natural parent and stepparent, in addition to proof of birth of the serviceman. The relationship of an adoptive parent shall be established by a certified copy of the court decree of adoption. The relationship of a brother or sister of the fullblood or halfblood shall be established by proof of birth as outlined in § 3.46 of this chapter, of both the serviceman and the claimant, showing that both the serviceman and the claimant had one or both parents in common; a brother or sister by adoption, by proof of birth of the natural child and a certified copy of the court decree of adoption of the other child by one or both of the natural child's parents; if both the serviceman and claimant are adopted by a common parent or parents, by certified copy of court decree of adoption of each by one or both of the serviceman's parents. Proof of marriage or remarriage of a beneficiary will not be required solely for the purpose of establishing a change of name.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 11, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans' Affairs.

[F. R. Doc. 56-5465; Filed, July 10, 1956; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 2—DISPOSITION OF ATOMIC ENERGY COMMISSION PROPERTIES

FINDING OF REASONABLE POSSIBILITY OF DISPOSAL OF REAL PROPERTY AT OAK RIDGE, TENNESSEE

§ 2.1 *Finding of reasonable possibility of disposal of real property at Oak Ridge, Tennessee.* Pursuant to section 51 of the Atomic Energy Community Act of 1955 (69 Stat. 476, 42 U. S. C. 2341), and Executive Order 10657, approved February 14, 1956, and after consultations with the Atomic Energy Commission, I hereby find that there is a reasonable possibility that the Government-owned real property at Oak Ridge, Tennessee, can be disposed of in accordance with the provisions of Chapter 5 of the said Atomic Energy Community Act of 1955.

(Sec. 111, 69 Stat. 483, 42 U. S. C. 2305. E. O. 10657, 21 F. R. 1063. Interprets or applies sec. 51, 69 Stat. 476; 42 U. S. C. 2341)

Effective as of the 11th day of July 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56-5503; Filed, July 10, 1956; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

Basis and purpose. On the basis of good showings of pink salmon at Anan Creek, it has been determined that the opening date can be advanced without jeopardizing escapements.

1. Section 121.3 is amended in text by deleting "July 15" and substituting in lieu thereof "July 12."

2. In compliance with the requirements of paragraph (c) of § 104.5, announcement is made that registrations for the week ending July 14, 1956 were as follows:

Nushagak district—250 units.
Naknek-Kvichak district—312 units.
Egegik district—87 units.
Ugashik district—30 units.

3. Paragraph (a) of Section 104.5 notwithstanding, fishing time for the week ending July 14, 1956, will be 2 days in the Nushakag district, 3 days in the Naknek-Kvichak district, and 3 days in the Ugashik district.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.) and they shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 9, 1956.

[F. R. Doc. 56-5506; Filed, July 9, 1956; 2:12 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 185]

MULTIPLE DEVELOPMENT AND MANAGEMENT OF MINERAL DEPOSITS UNDER THE MINING LAWS AND VEGETATIVE AND OTHER SURFACE RESOURCES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of July 23, 1955 (69 Stat. 367) and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said act of July 23, 1955, supra, so far as is necessary. Primary purposes of the act include the establishment of a system of multiple use by permitting mining and management of the vegetative surface resources and other surface resources on the same tracts of public domain lands, and determination of rights to the vegetative surface resources and other surface resources on mining claims located prior to July 23, 1955.

The proposed regulations and pertinent forms, Nos. 1 to 5, inclusive, are set forth as appendices to this notice.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations or forms to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 5, 1956.

The title Subpart B is amended to read: "Rights Acquired by Location; Nature of Mining Claims."

Sections 185.5 to 185.22, inclusive, are renumbered 185.23 to 185.66, inclusive, and the following new §§ 185.5 to 185.22, inclusive, are added to Part 185.

RIGHTS ACQUIRED BY LOCATION

Sec.
185.5 Purpose and authority.
185.6 Common varieties defined.
185.7 Restriction on use of unpatented mining claim.
185.8 Request for publication of notice to mining claimant.
185.9 Evidence necessary to support a request for publication.
185.10 Publication of notice.
185.11 Contents of published notice.
185.12 Service of notice.
185.13 Service of copies; failure to comply.
185.14 Proof of publication.
185.15 Failure of claimant to file verified statement.
185.16 Hearing; time and place.
185.17 Stipulation between parties.
185.18 Hearing; procedures.
185.19 Effect of decision affirming a mining claimant's rights.
185.20 Recording by mining claimant of request for copy of notice.
185.21 Waiver of rights by mining claimants.
185.22 Limitation of existing rights; exclusion of reservation in patents.

AUTHORITY: §§ 185.5 to 185.22, inclusive, issued under R. S. 2478, as amended (69 Stat. 367; 43 U. S. C., sec. 1201).

§ 185.5 *Purpose and authority.* The Act of July 23, 1955 (69 Stat. 367, 30 U. S. C., sec. 601), was enacted "To amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes." The regulations in this part are intended to implement only sections 3 to 7, inclusive, of said act hereinafter more fully identified.[1] The word "act" when used in §§ 185.5 to 185.22, inclusive, refers to the act of July 23, 1955.

[1] Sections 1 and 2 thereof relate specifically to the Materials Act of July 31, 1947, and will be implemented by the amendments of par. 259.

§ 185.6 *Common varieties: defined.* (a) The act in section 3 provides:

A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in this act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more.

(b) "Common varieties" as defined by decision of the Department and of the courts include deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Section 3 [2] of the law has no application where the mineral for which a location is made is carried in or borne by one of such common varieties.

§ 185.7 *Restriction on use of unpatented mining claims.* (a) The act in section 4 provides:

Any mining claim hereafter located under the mining laws of the United States shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided, further,* That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided, further,* That nothing in this act shall be construed as affecting or intended to affect or in any way

[2] Thus, while marble used in sculpture would not be a common variety of stone, ordinary building stone or sand and gravel or pumice or limestone used in building would be,

interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use, and distribution of ground or surface waters within any unpatented mining claim.

Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of buildings or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to issuance of patent therefor, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under the preceding subsection (b). Any severance or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management.

(b) The locator of an unpatented mining claim subject to the Act may not interfere with the right of the United States to manage the vegetative and other surface resources of the land, or use it so as to block access to or egress from adjacent public land, or use Federal timber for purposes other than for legitimate mining, in accordance with Part 259 of this chapter.[3] Nor may such locator block access to water needed in grazing use of the national forests or other public lands; to valuable recreation areas; nor prevent agents of the Federal Government from crossing the locator's claim in order to reach adjacent lands for purposes of managing wild-game habitat or improving fishing streams so as to thwart the public harvest and proper management of fish and game resources on the public lands generally, both on located and on adjacent lands. The locator of an unpatented mining claim is limited in his use of the claim to those uses specified in the act such as prospecting, mining, or processing operations and uses reasonably incident thereto and is forbidden to use it for any other purpose such, for example, as for filling stations, curio shops, cafes, tourist or fishing and hunting camps.

(c) Mining claims located prior to the date of the act will be subject to the act where determination has been made pursuant to section 5, that the locator's surface rights are limited as provided in section 4, and where the owners have waived and relinquished all rights under section 6, which are contrary to or in conflict with the limitations and restrictions specified as to hereafter located unpatented mining claims in section 4 of the act. See § 185.22 as to limitation of existing rights.

(d) On mining claims located subsequent to the act, timber may be used by the claimants for mining purposes, but except for the purpose of clearance for mining activity, such timber must be cut in accordance with sound principles of forest management. When timber on the mining claim is removed by the Government subsequent to the location of the claim, free use of timber by the mining claimant of like kind and quantity from the nearest timber administered by the disposing agency is provided for, but only when and to the extent that it is required for mining operations on that claim and only in quantity and quality substantially equivalent to the timber removed from the claim by the Government. Any such timber may be cut and removed only under the rules and regulations of the administering agency. Regulations governing applications and issuance of permits for the use of such timber on public lands administered by the Bureau of Land Management are contained in Part 259 of this chapter.[3]

§ 185.8 *Request for publication of notice to mining claimant.* (a) The act in the first paragraph of section 5 (a) provides as follows:

The head of a Federal department or agency which has the responsibility for administering surface resources of any lands belonging to the United States may file as to such lands in the office of the Secretary of the Interior, or in such office as the Secretary of the Interior may designate, a request for publication of notice to mining claimants, for determination of surface rights, which request shall contain a description of the lands covered thereby, showing the section or sections of the public land surveys which embrace the lands covered by such request, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The "request for publication of notice to mining claimants" authorized to be filed by the above-quoted portion of the act can be filed by the Federal department or agency which has the responsibility for administering surface resources of the lands to which the requested notice would relate. It must describe the land covered by the request by section, township, range, and meridian or, if the land is unsurveyed, either the section or sections which would probably embrace such lands if surveyed and showing the actual, or probable future township, range, and meridian depending on whether the township lines have been surveyed. If the probable future section or sections cannot be determined with reasonable certainty, then the description may be a metes and bounds description of such area with a tie to a United States mineral monument.

(b) A request for publication of notice under this subsection shall be filed with the land office of the Bureau of Land Management for the land district in which the lands are situated.[4] No request for publication may include lands in more than one land district.

§ 185.9 *Evidence necessary to support a request for publication.* (a) The second and third paragraphs of section 5 (a) of the act provide in detail for the filing by the head of a Federal department or agency of certain evidence in support of the request for publication of the notice referred to in § 185.8, as follows:

The filing of such request for publication shall be accompanied by an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of those instruments which are shown by the tract indexes in the county office of record as affecting the lands described in said request, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if such address is disclosed by such instruments of record. "Tract indexes" as used herein shall mean those indexes, if any, as to surveyed lands identifying instruments as affecting a particular legal subdivision of the public land surveys, and as to unsurveyed lands identifying instruments as affecting a particular probable legal subdivision of the public land surveys.

(b) This part of the act requires the filing of an affidavit which may be made by any person or persons over twenty-one years of age who have examined the lands. It must show whether any person or persons were "in actual possession of or engaged in the working of said lands (the lands described in the request for publication of notice) or any part thereof" and, if they were, the name and address of each such person must be given if it can be learned by reasonable inquiry and if it cannot be so learned, the affidavit must show in detail what inquiry or inquiries were made to obtain each such name and address. No definition of the terms "in actual possession" or "engaged in the working of said lands" will be attempted here, but the affidavits should recite what evidences of occupancy or workings were found. The request for publication must also be accompanied by a certificate executed as provided in the third paragraph of section 5 (a) and containing the information required by that paragraph to be furnished. If there are no tract indexes, as defined in the act, in the county office of record affecting the lands described in the request for publication a certificate executed as provided in the said third paragraph of section 5 (a) to that effect must be furnished. A form of certificate which may be used at the option of the requesting department or

[3] For regulations relating to the disposition of materials on land administered by the Department of Agriculture see appropriate regulations of that Department.

[4] The land office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming, and that for Arkansas, Florida, Louisiana and Mississippi, at Washington, D. C.

agency is appended to the regulations in this part as Form No. 1.[4]

§ 185.10 *Publication of notice.* If the request for publication and the accompanying papers conform to the requirements of the act, the Manager or the Director, as may be appropriate, at the expense of the requesting department or agency, shall cause notice to mining claimants to be published in a newspaper having general circulation in the county in which the lands involved are situated. If the notice is published in a daily newspaper it shall be published in the Wednesday issue for nine consecutive weeks, if in a weekly paper, in nine consecutive issues, or if in a semi-weekly or tri-weekly paper, in the issue of the same day of each week for nine consecutive weeks.

§ 185.11 *Contents of published notice.* (a) Section 5 (a) of the act specifies in detail what the published notice shall contain, as follows:

Such notice shall describe the lands covered by such request, as provided heretofore, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, rights as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim—

(1) The date of location,

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims.

(b) The notice should conform to Form #2 appended to the regulations in this part.[5]

[4] The use of this form is not compulsory.

§ 185.12 *Service of notice.* The last paragraph of section 5 (a) of the act provides with respect to service of the notice by personal delivery or by registered mail, as follows:

Within fifteen days after the date of first publication of such notice, the department or agency requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 5, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

§ 185.13 *Service of copies; failure to comply.* If the department or agency requesting publication under these regulations shall fail to comply with the requirements of section 5 (a) of the act as to the personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 185.14 *Proof of publication.* After the period of newspaper publication has expired, the department or agency requesting the publication shall obtain from the office of the newspaper or publication a sworn statement that the notice was published at the time and in accordance with the requirements under the regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 185.15 *Failure of claimant to file verified statement.* If any claimant under any unpatented mining claim located prior to July 23, 1955, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (see § 185.10), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed except as otherwise provided in § 185.13:

(a) To constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the Act as to mining claims located after its enactment.

(b) To constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, be subject to the limitations and restrictions specified in section 4 of the act as to mining claims located after its enactment.

(c) To preclude thereafter prior to the issuance of patent any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment. A verified statement under this section may follow Form No. 3 appended to the regulations of this part.[5]

§ 185.16 *Hearing; time and place.* If any verified statement shall be filed by a mining claimant as provided under § 185.11, then the Field Commissioner or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of any right or title to or interest in or under such mining claim which the mining claimant may assert contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment. The Field Commissioner shall notify the department or agency and all mining claimants entitled to notice as the result of the filing of such verified statement of the time and place of such hearing at least 30 days in advance thereof. The notice of hearing shall contain a statement specifying the issues upon which evidence will be submitted at the hearing. Such hearing shall be held in the county where the lands in question, or parts thereof, are located unless the mining claimant agrees otherwise.

§ 185.17 *Stipulation between parties.* Where verified statements are filed asserting rights to an aggregate of more than twenty mining claims, any single hearing shall be limited to a maximum of twenty mining claims unless the parties affected shall otherwise stipulate and as many separate hearings shall be set as shall be necessary to comply with section 5 (c) of the act. If at any time prior to a hearing the department or agency requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 185.18 *Hearing; procedures.* The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals, shall follow the rules of practice of the Department of the Interior and the Bureau of Land Management (Part 221 of this title) relating to contests or protests affecting public lands of the United States so far as they are applicable.

§ 185.19 *Effect of decision affirming a mining claimant's rights.* (a) If the final decision rendered in any hearing held pursuant to section 5 of the act shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim asserted in accordance with the provisions of that section, then no subsequent proceedings under section 5 of the act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

(b) If it is finally determined as the result of such a hearing that the claimant has no right or title to or interest in or under his mining claim which he may assert contrary to or in conflict with the limitations and restrictions specified in section 4 of the act, then those limitations and restrictions shall apply with respect to such mining claim.

§ 185.20 *Recording by mining claimant of request for copy of notice.* (a) Section 5 (d) of the act provides as follows:

Any person claiming any right under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice to mining claimants which may be published as above provided in subsection (a) of this section 5, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice of certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each heretofore located unpatented mining claim under which such person asserts rights—

(1) The date of location;

(2) The book and page of the recordation of the notice or certificate of location; and

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 5 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (c) of this section 5, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(b) A request for a copy of notices recorded pursuant to the regulations in this part may follow Form No. 4 appended to the regulations in this part.[6]

§ 185.21 *Waiver of rights by mining claimants.* (a) Section 6 of the Act provides as follows:

The owner or owners of any unpatented mining claim heretofore located may waive and relinquish all rights thereunder which are contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter and prior to issuance of patent subject to the limitations and restrictions in section 4 of this act in all respects as if said mining claim had been located after enactment of this act, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

[6] The use of this form is not compulsory.

(b) A waiver under this section may follow Form 5 appended to the regulations in this part.[6]

§ 185.22 *Limitation of existing rights: exclusion of reservation in patents.* The act in section 7 provides as follows:

Nothing in this act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore located, except as such rights may be limited or restricted as a result of a proceeding pursuant to section 5 of this act, or as a result of a waiver and relinquishment pursuant to section 6 of this act; and nothing in this act shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law, or to limit or repeal any existing authority to include any reservation, limitation, or restriction in any such patent, or to limit or restrict any use of the lands covered by any patented or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law.

This section makes it clear that all of the rights of mining claimants existing on the date of the act are preserved and will continue unless:

(1) Claimant fails to file a verified statement in response to a published notice as provided in section 5 (b) of the act and § 185.15; (2) it is determined as a result of a hearing pursuant to Section 5 (c) that such rights asserted in a verified statement are not valid and effective; (3) the claimant waives and relinquishes his rights pursuant to section 6. It also preserves to all mining claimants the right to a patent unrestricted by anything in the act and provides that no limitation, reservation or restriction may be inserted in any mineral patent unless authorized by law, but it also makes it clear that all laws in force on the date of its enactment which provide for any such reservation, limitation, or restriction in such patents and all authority of law then existing for the use of lands embraced in unpatented mining claims by the United States, its lessees, permittees, and licensees continue in full force and effect.

FORM NO. 1

[See 43 CFR 185.9]

CERTIFICATE

The undersigned hereby certifies that:

#1. *It, *he, *she is a duly qualified and licensed *Title Company, *Abstract Company, *Title Abstractor.

#1. *He, *she is an attorney admitted to practice law in one or more of the States in the United States of America, or the Territory of Alaska.

2. *It, *he, *she has examined the instruments affecting the hereinafter described lands, of record in the public records of the county in which the lands are situate as shown by the tract indices of the public records in the county office of record for said county; the lands hereinabove referred to being situate in the County of _____, State of _____, and described as follows:

(Describe as described in the Request for Publication, in conformity with requirements of section 5 (a) of Act of July 23, 1955 (69 Stat. 367; sec. 43 CFR 185.8).)

3. Based upon the undersigned's said examination of said instruments, there is set forth below the name of each person** disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to the enactment of the Act of July 23, 1955 (69 Stat. 367), together with the address of such person if disclosed by such instruments of record:

_____
(Name of person)
_____
(Address)
(If so disclosed) (If not disclosed, write "not disclosed")

In witness whereof, this Certificate is executed this _____ day of _____, 19__.

(If corporation) _____
(Corporate name)
By _____
(Designate below signature office of person signing for corporation)
Address _____

(If individual) _____
(Name)
Address _____

NOTE: Affix corporate seal if corporation executes.

FORM NO. 2

[See 43 CFR 185.11]

NOTICE TO MINING CLAIMANTS

Published pursuant to section 5 of the Act of July 23, 1955 (69 Stat. 367).

To whomever it may concern:

Notice is hereby given in pursuance of a proper Request for Publication heretofore filed in accordance with section 5 of the Act of July 23, 1955 (69 Stat. 367), and the regulations thereunder (43 CFR 185.11):

1. That on _____, _____;
(Date) (Name of applicant)
whose address is _____, filed in the Land Office of the Bureau of Land Management, Department of the Interior at _____, a request for publication of notice to all mineral locators or any persons claiming under them involving a mining claim or claims located on lands in the County of _____ State of _____, described as follows, to-wit: Township _____, Range _____, _____ Meridian.

(Describe in conformity with requirements of section 5 (a) of the Act of July 23, 1955 (69 Stat. 367; Sec. 43 CFR 185.8).)

2. That if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to July 23, 1955, any right or interest in the vegetative surface resources and other surface resources as to the above-described lands or any part thereof, shall fail to file in the Land Office of the Bureau of Land Management at _____, and within 150 days from the below-stated date of first publication of this Notice, a verified statement which shall set forth as to such mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a

tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (I) to constitute a waiver and relinquishment of such mining claimant of any right, title, or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the Act of July 23, 1955 (69 Stat. 367), as to unpatented claims located after that date, and (II) to constitute a consent by such mining claimant that such unpatented mining claim shall be subject to said limitations and restrictions, and (III) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with said limitations or restrictions. Section 4 provides, generally, that unpatented mining claims located after July 23, 1955, shall not be used for purposes other than mining or uses reasonably incident thereto; that such claims will be subject to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof; and that, except to the extent required for mining operations and uses reasonably incident thereto or to provide clearance for such operations or uses, claimants of such claims shall not use or dispose of vegetative or other resources thereof; and that, except for clearance for such purposes, any permitted severance or removal must be in accordance with sound principles of forest management.

The date of first publication of this Notice shall be _____, 195--.

Dated: _____

_____
(Manager)

_____
(Land Office, Bureau of Land Management, Department of the Interior)

First publication: _____
(Date)

FORM NO. 3

[43 CFR 185.15]

VERIFIED STATEMENT OF MINING CLAIMANT PURSUANT TO SECTION 5 OF THE ACT OF JULY 23, 1955 (69 STAT. 367)

Pursuant to the provisions of section 5 of the Act of July 23, 1955 (69 Stat. 367), and to the applicable regulations thereunder (43 CFR 185.15) the undersigned respectfully state(s) and represent(s):

1. Under and by virtue of the hereinafter mentioned mining claim(s) located prior to July 23, 1955, the undersigned _____, whose address is _____, claims rights in the vegetative surface resources and other surface resources.

2. Said mining claim(s) is/are situate in the County of _____, State of _____, and is/are identified as follows:

Name of mining claim	Date of location	Notice or certificate of location recorded	
		Book	Page

#3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely: Township _____, Range _____, _____ Meridian, Section(s) _____.

##3. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely: Township _____, Range _____, _____ Meridian, Section(s) _____.

NOTE: In lieu of ##3, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.

4. The undersigned is a locator or purchaser under said mining claim(s) as follows, to-wit:

_____
(Name of claim)

_____
(Claimant's interest)

(Insert opposite the name of each claim the word "locator" or the word "purchaser", to show the nature of the mining claimant's interest.)

5. The names and addresses, so far as known to the undersigned claimant, of any other person or persons claiming any interest or interests in or under the above-named unpatented mining claim(s) are as follows:

(Set forth the name and address of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s) each such other claimant is interested in.)

6. This verified statement of the undersigned mining claimant is being filed in accordance with the provisions of section 5 of said act and pursuant to a notice to mining claimants within one hundred and fifty (150) days from the first publication of said Notice.

Dated: _____

_____
(Mining claimant)

#Use this paragraph 3 where public land surveys have been extended to the lands on which the mining claim(s) are situated.

##Use this paragraph 3 where public land surveys have not been extended to the lands on which the mining claims are situated. Or as an alternative, give as to each mining claim a tie by courses and distances from the location or discovery monument or a specified corner of the mining claim, to an approved United States Mineral Monument identified by its official survey number.

VERIFICATION

(Where mining claimant is an individual)

State of _____ } ss:
County of _____ }

_____, being
(Name of mining claimant)

first duly sworn deposes and says that (s)he is the mining claimant who executed the foregoing Statement of Mining Claimant; that (s)he has read the said foregoing verified statement and knows the contents thereof; and that the same is true of his/her own knowledge.

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
(Notary Public in and for the State of _____, County of _____)

My commission expires:

VERIFICATION

(Where mining claimant is a corporation)

State of _____ } ss:
County of _____ }

_____, being duly sworn deposes and says that (s)he is an officer, to-wit, _____, of _____,
(Name of corporation)

the corporation named in and whose name is subscribed to the foregoing Verified Statement of Mining Claimant, and makes this verification for and on behalf of said corporation; that (s)he has read the foregoing Verified Statement of Mining Claimant, and that the same is true of his/her own knowledge.

_____
(Notary Public in and for the State of _____, County of _____)

My Commission expires:

FORM NO. 4

[43 CFR 185.20]

REQUEST OF MINING CLAIMANT FOR COPY OF NOTICE

Pursuant to the provisions of section 5 of the Act of July 23, 1955 (69 Stat. 367) and to the applicable regulations thereunder (43 CFR 185.20), the undersigned hereby requests a copy of any notice to mining claimants which may be published by the Secretary of the Interior of the United States or his designated representative, as provided in section 5 of said act, affecting any of the lands hereinafter described and in that connection respectfully state(s) and represent(s):

1. Under and by virtue of the hereinafter mentioned mining claim(s) located prior to enactment of the Act of July 23, 1955 (69 Stat. 367), the undersigned _____,
(Name)

whose address is _____, claims rights in the vegetative surface resources or other surface resources as defined in said act.

2. Said mining claim(s) is/are situate in the County of _____, State of _____, and are identified as follows:

Name of mining claim	Date of location	Notice or certificate of location recorded	
		Book	Page

3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely: Township _____, Range _____, _____ Meridian, Sections _____; or

4. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely: Township _____, Range _____, _____ Meridian, Section(s): _____

NOTE: In lieu of paragraph 4, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.

5. The undersigned is a locator or purchaser under said mining claim(s) as follows, to-wit:

_____
(Name of claim)

_____
(Claimant's interest)

(Insert opposite the name of each claim the word "locator" or the word "purchaser", to show the nature of the mining claimant's interest).

Dated: _____

_____
(Mining Claimant)

FORM NO. 5

[43 CFR 185.21]

WAIVER OF RIGHTS TO VEGETATIVE AND OTHER SURFACE RESOURCES ON UNPATENTED MINING CLAIMS LOCATED PRIOR TO JULY 23, 1955

Pursuant to the provisions of section 6 of the Act of July 23, 1955 (69 Stat. 367),

I/we _____, the undersigned mining claimant(s), whose address(es) is/are _____,

_____

being the owner(s) of the unpatented mining claim(s) situate in the County of _____, State of _____, and identified as follows:

Name of mining claim	Date of location	Notice or certificate of location recorded	
		Book	Page

which claim(s) is/are located on the following described public surveyed lands, namely: Township _____, Range _____, _____ Meridian, Sections: _____; Subdivision _____; or which mining claim(s) is/are located on lands which when surveyed will probably be, namely: Township _____, Range _____, _____ Meridian, Section(s): _____: Subdivision _____.

(Note: in lieu of the above paragraph, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.)

And being a locator or purchased under said mining claim(s) as follows, to-wit:

_____
(Name of claim)

_____
(Claimant's interest)

(Insert opposite the name of each claim the word "locator" or the word "purchaser" to show the nature of the mining claimant's interest). Do hereby waive and relinquish all rights under such claim(s) which are contrary to or in conflict with the limitations or restrictions specified in Section 4 of the Act of July 23, 1955 (69 Stat. 367) as to mining claims located after that date.

The names and addresses, so far as known to the undersigned claimant(s), of any other person or persons claiming any interest or interests in or under the above-named unpatented mining claim(s) are as follows:

(Set forth names and addresses of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s) each such other claimant is interested in).

Dated: _____

_____
(Signature)

(NOTE: Append proper acknowledgment for individual, or for officer or other authorized representative of corporation, in compliance with the laws of the State where the lands are situated.)

[F. R. Doc. 56-5451; Filed, July 10, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

AMERICAN UPLAND COTTON STANDARDS

PROPOSED STRICT GOOD MIDDLING STANDARD; FIELD TRIAL BOXES FOR SPOTTED COTTON

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the United States Department of Agriculture is considering the promulgation of a descriptive grade standard for Strict Good Middling (White) American upland cotton to be effective August 1, 1957, pursuant to authority contained in section 6 of the United States Cotton Standards Act as amended (42 Stat. 1518; 7 U. S. C. 56) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C. 4854).

The European signatories to the Universal Cotton Standards Agreement recommended a descriptive standard for Strict Good Middling (White) cotton at the Universal Cotton Standards Conference held in Washington in May 1956. None of the groups represented at the conference expressed any opposition to the proposed standard.

The regulations governing the official cotton standards of the United States for the grade of American upland cotton, also termed, and referred to as the "Universal Standards for American Cotton," (7 CFR Part 27, Subpart B) would be amended by inserting a new § 27.150 to read as follows:

§ 27.150 *Strict Good Middling.* Strict Good Middling shall be American upland cotton which in color, leaf, and preparation is better than Good Middling.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication of this notice in the FEDERAL REGISTER.

The Department also announces an extension for an indefinite period of the field trial for proposed physical standards for spotted cotton in the grades Strict Middling Spotted, Middling Spotted, Strict Low Middling Spotted, and Low Middling Spotted. The current standards for all grades of spotted cotton included in the official cotton standards of the United States for grade of American upland cotton are descriptive and were promulgated August 15, 1952 to be effective August 15, 1953. The purpose of the field trial is to determine the practicability of physical standards for all grades of spotted cotton except Good Middling. Boxes of the proposed physical standards for use in the field trial will be available from the Department at the following prices: $5.00 per grade box, f. o. b. Washington, D. C., for shipment within the continental United States, and $6.50 each, delivered to destination, for shipments outside the continental United States.

The Department has already conducted a 3-year trial for physical standards for spotted cotton. At the 1956 Universal Cotton Standards Conference the foreign signatories to the Universal Cotton Standards Agreement and the domestic cotton shippers recommended promulgation of physical standards as the official standards. The domestic cotton spinners and producers opposed the promulgation of physical standards but agreed to an extension of the field trial.

Done at Washington, D. C., this 6th day of July 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 56-5481; Filed, July 10, 1956; 8:51 a. m.]

Commodity Stabilization Service (Sugar Division)

[7 CFR Part 810]

PROCESSINGS OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW SUGAR OR DIRECT-CONSUMPTION SUGAR.

NOTICE OF HEARING

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922; sec. 4, Pub. Law 545, 84th Cong.; 7 U. S. C. 1153) hereinafter referred to as the "act," and in accordance with the applicable rules of practice and procedures (21 F. R. 4251) notice is hereby given that a public hearing will be held at Washington, D. C., in Room 218, Administration Building, U. S. Department of Agriculture, on July 30, 1956, at 10:00 a. m., e. d. t. The purpose of the hearing is to receive evidence which will enable the Secretary of Agriculture to determine whether specific processes to which sugars are subjected are sufficient to fulfill the requirements of the definition of the term "to be further refined or improved in quality" as set forth in paragraph 101 (n) of the act, and whether sugar of specific qualities are raw sugar within the definition of the term "raw sugar" as set forth in paragraph 101 (d) of the act, or direct-consumption sugar within the definition of the term "direct-consumption" sugar as set forth in paragraph 101 (e) of the act.

It will be appropriate to present evidence at the hearing relevant to the subjects and issues involved which include (1) the specific processes and characteristics thereof which subject sugars substantially to the processes of affination or defecation, clarification, and further purification by adsorption or crystallization, (2) the distinction and characteristics of sugars of specific qualities which are raw sugar within the meaning of paragraph 101 (d) of the act, (3) the distinction and characteristics of sugars of specific qualities which are direct-consumption sugar within the meaning of paragraph 101 (e) of the act, (4) methods for the determination of the specific qualities of raw and direct-consumption sugars, (5) application of such methods to specific lots of sugars, and (6) substantiation required for submission to the Department of Agriculture relating to specific processes to which sugars are to be subjected substantially and the specific qualities of sugars.

Issued this 5th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-5484; Filed, July 10, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 479]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JUNE 25, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the 1,925 acres of public land in Riverside County described below, for lease and sale for homesite purposes only:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 S., R. 7 E.,
Sec. 4: All. The following tracts are vacant and subject to veterans' preference as indicated in paragraph 8: $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$.
Sec. 10: All. Subject to veterans' preference: $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$.
Sec. 14: All. Subject to veterans' preference: $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 14 miles southeast of Desert Hot Springs and 15 miles east of Palm Springs. Dillon Highway, a paved road, traverses the area in a northwesterly and southeasterly direction. Dillon Highway connects the towns of Desert Hot Springs. The lands lie in a trough bounded on the north by the Little San Bernardino Mountains and to the south by the Indio Hills. The area is readily accessible from the north and south via Dillon Highway and from the west via Thousand Palms Canyon Road and extension of Ramon Road out of Palm Springs.

Section 4 slopes to the south and west, with a fall of about 200 feet throughout the length of the section. The land is rolling to undulating in the north and west, with ravines which flow into Thousand Palms and Pushawalla Canyons. The northern portion is rocky and more broken than the southern portion.

Section 10 lies at the fall line of the Little San Bernardino Mountains and forms somewhat of a basin between these mountains and the Indio Hills. The land in general is rolling, and consists of both sandy and rocky soils.

Section 14 is relatively gently sloping terrain to the south with a drop of about 150 feet from the north to the south. The northern portion is somewhat rocky and the southern portion is sandy.

The vegetative cover over the three sections is mainly creosote bush, bursage, desert holly and annual weeds and flowers.

4. The lands will be leased and sold in rectangular tracts of 5 acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way, to rights-of-way for streets and roads and for public utilities in all of the sections as follows:

33 feet along the interior boundaries of each section;
$16\frac{1}{2}$ feet along the west line $E\frac{1}{2}E\frac{1}{2}$;
$16\frac{1}{2}$ feet along the east line $W\frac{1}{2}E\frac{1}{2}$;
$16\frac{1}{2}$ feet along the west line $W\frac{1}{2}E\frac{1}{2}$;
$16\frac{1}{2}$ feet along the east line $E\frac{1}{2}W\frac{1}{2}$;
$16\frac{1}{2}$ feet along the west line $E\frac{1}{2}W\frac{1}{2}$;
$16\frac{1}{2}$ feet along the east line $W\frac{1}{2}W\frac{1}{2}$.

Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain option to purchase in accordance with 43 CFR 257.13. The appraised value of the tracts is $250. The advance rental is $37.50. Therefore, before leases can be issued, an additional payment for advance rental in the amount of $27.50 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, cement slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file, in duplicate, with the Manager, Land Office, 5th floor, Bartlett Building, 215 West 7th Street, Los Angeles 14, California, application form 4–776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to June 25, 1956, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after June 25, 1956, and prior to 10:00 a. m., July 31, 1956, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after June 25, 1956, and prior to 10:00 a. m., October 30, 1956, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

Applications must be accompanied by a filing fee of $10 plus the rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 5th floor, Bartlett Building, 215 West 7th Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group, Los Angeles.

[F. R. Doc. 56-5466; Filed, July 10, 1956; 8:48 a. m.]

Bureau of Reclamation

STRAWBERRY VALLEY PROJECT, UTAH

ORDER OF REVOCATION

APRIL 27, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of May 6, 1905, January 30, 1906, April 19, 1913, and May 2, 1914, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

SALT LAKE MERIDIAN, UTAH

T. 7 S., R. 1 W.,
Sec. 13, lots 1 and 5 to 8, inclusive;
Sec. 24, lots 4 to 9, inclusive, 14, 15 and 16;
Sec. 26, lots 1 to 4, inclusive, $S\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 34, lots 1 and 2, $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 35, lots 1, 2 and 3.
T. 9 S., R. 1 W.,
Sec. 1, lot 1;
Sec. 2, lots 1 to 4, inclusive, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 3, lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
Secs. 4 to 9, inclusive, all;
Sec. 10, $E\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$;
Sec. 15, $W\frac{1}{2}E\frac{1}{2}$;
Sec. 16, all;
Sec. 17, $NW\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 18, lots 3, 4, $E\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$;
Secs. 19 and 20, all;
Sec. 21, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 22, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 23, lots 4 and 5, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 25, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 26, $N\frac{1}{2}$, $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 27, $W\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 28, $NW\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 29, $SE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$;
Secs. 30 and 31, all;
Sec. 32, $E\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$;
Secs. 33, 34 and 35, all;
Sec. 36, $SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$.
T. 9 S., R. 2 E.,
Secs. 12 to 17, inclusive, and 20, all;
Sec. 21, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 22, all;
Sec. 29, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$;
Sec. 30, all.
T. 8 S., R. 3 E.,
Sec. 33, all;
Sec. 34, $N\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$.
T. 9 S., R. 3 E.,
Sec. 2, all;
Sec. 3, lots 1 to 4, inclusive, $S\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 5, lots 1 to 4, inclusive, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}$;
Secs. 6, 7 and 8, all;
Sec. 11, lots 2 to 13, inclusive, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 12, lots 1, 2, 4, $S\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 13, $E\frac{1}{2}NE\frac{1}{4}$.
T. 8 S., R. 4 E.,
Sec. 36, lot 9 and private land claim in $S\frac{1}{2}$.
T. 9 S., R. 4 E.,
Sec. 1, lots 1, 2, $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 2, all;
Sec. 3, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 9, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 10, $W\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 16, all;
Sec. 17, $SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 18, lots 1, 2, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$.
T. 7 S., R. 5 E.,
Secs. 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35 and 36, all, partly unsurveyed.
T. 8 S., R. 5 E.,
Secs. 1, 2, 3, 10, 11, 14, 15 and 22, all.
T. 7 S., R. 6 E.,
Secs. 4, 5 to 9, inclusive, 16 to 22, inclusive, and 26 to 31, inclusive, all, partly unsurveyed.
T. 8 S., R. 6 E.,
Sec. 14, lots 1 to 11, inclusive;
Secs. 15, 21 and 22, all;
Sec. 23, lots 1 to 6, inclusive;
Sec. 26, lot 1;
Sec. 27, lots 1 to 14, inclusive;
Secs. 28, 32 and 33, all;
Sec. 34, lots 1 to 16, inclusive;
Sec. 35, lot 1.

The above areas aggregate approximately 65,390.62 acres.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-5467; Filed, July 10, 1956; 8:48 a. m.]

[323201]

JULY 5, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the lands are within the Uintah National Forest, and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections and locations as are permitted on national forest lands effective at 10 a. m. on August 10, 1956.

Some of the lands have been patented, and others are State school lands. Approximately 31,000 acres are vacant public domain, and are grazing lands varying from semi-desert type to mountain meadow in carrying capacity.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict; and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on August 10, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on November 9, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on November 9, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10 a. m. on November 9, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 56-5467; Filed, July 10, 1956; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 140]

PROGRESSIVE MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 5, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $204,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: Progressive Mutual Insurance Company, Cleveland, Ohio.

[SEAL] W. RANDOLPH BURGESS.
Acting Secretary of the Treasury.

[F. R. Doc. 56-5468; Filed, July 10, 1956; 8:48 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 141]

MILWAUKEE INSURANCE COMPANY OF MILWAUKEE, WIS.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 6, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of

Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $2,137,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Milwaukee Insurance Company of Milwaukee, Wis., Milwaukee.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–5469; Filed, July 10, 1956; 8:49 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 142]

FIREMEN'S INSURANCE COMPANY OF NEWARK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 6, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $10,331,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Firemen's Insurance Company of Newark, Newark, New Jersey.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56–5501; Filed, July 10, 1956; 8:54 a. m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM KOREA AND FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATES BY THE GOVERNMENT OF KOREA AND THE REPUBLIC OF CHINA

Notice is hereby given that appropriate certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from the respective countries of the following additional commodities:

From Korea, Republic of (certificates issued by the Ministry of Commerce and Industry)—Gallnuts.

From Taiwan (Formosa), (certificates issued by the Ministry of Economic Affairs of the Republic of China)—Silver articles.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56–5502; Filed, July 10, 1956; 8:54 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN TABULATING MACHINE OPERATOR POSITIONS IN THE DETROIT, MICHIGAN, AREA

INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS–3 in the Tabulating Machine Operator Series, GS–358–0. The new rate for GS–3 has been set at $3,345 (the third step of the grade). This increase will be effective on the first day of the first pay period which begins after July 2, 1956, and applies to these positions in the Detroit, Michigan, area.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5455; Filed, July 10, 1956; 8:46 a. m.]

CERTAIN POSITIONS OF PROFESSIONAL ENGINEERS AND PHYSICAL SCIENTISTS, PATENT ADVISERS, PATENT EXAMINERS, AND PATENT CLASSIFIERS IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions as follows:

1. For GS–9 and GS–11 in the series and specializations as indicated below. The new rate for GS–9 has been set at $6,115 (the sixth step of the grade) and for GS–11 at $7,035 (the fourth step of the grade). These increases will be effective on the first day of the first pay period which begins after June 30, 1956. The new increased rates apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

All professional engineering positions in the GS–800 group:
Architect—GS–1040.
Physicist—GS–1310.
Electronic Scientist—GS–1312.
Chemist—GS–1320.
Metallurgist—GS–1321.
Astronomer—GS–1330.
Meteorologist—GS–1340.
Mathematician—GS 1520.
Technologist—GS–1390.
N. B. Technologist in the following specializations only:
Aviation Survival Equipment.
Industrial Radiography.
Packaging and Preservation.
Photographic Equipment.
Plastics.
Rubber.
Rubber and Plastics.
Geophysicist—GS–1313.
N. B. Geophysicist in the following specializations only.
Earth Physics.
Geomagnetics.
Seismology.
Aeronautical Research Scientists in National Advisory Committee for Aeronautics (at present carried as GS–1300, until the matter of proper series coding is resolved).

2. For all professional engineering positions at GS–10 in the GS–800 group the new rate has been set at $6,590 (the sixth step of the grade). Effective date and geographic coverage are the same as stated in (1) above.

3. For GS–7 professional meteorologist positions, series GS–1340, the new rate has been set at $5,335 (the top step of the grade). Effective date and geographic coverage are the same as stated in (1).

4. For positions of Patent Adviser, Patent Examiner, and Patent Classifier, new rates have been set as follows:

Patent Adviser (all options):
GS–1221–7 at $5,335 (top step).
GS–1221–9 at $6,250 (top step).
GS–1221–11 at $7,465 (top step).
GS–1221–12 at $8,215 (4th step).
Patent Examiner (all options):
GS–1224–9 at $6,250 (top step).
GS–1224–11 at $7,465 (top step).
GS–1224–12 at $8,215 (4th step).
Patent Classifier (all options):
GS–1223–11 at $7,465 (top step).
GS–1223–12 at $8,215 (4th step).

Effective date and geographic coverage are the same as stated in (1).

Certain actuary positions in Baltimore, Maryland area only. 5. Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS–5 and GS–7 in the Actuary series, GS–1510. The new rate for GS–5 has been set at $4,480 (the top step of the grade) and for GS–7 at $5,335 (the top step of the grade). These increases will be effective on the first day of the first pay period which begins after June 30, 1956, and apply to positions in the Baltimore, Maryland area only.

UNITED STATES CIVIL SERVICE COMMISSION,
WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5456; Filed, July 10, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11687, etc., FCC 56M–653]

ROBERT A. MENSEL ET AL

ORDER CONTINUING HEARING

In re applications of Robert A. Mensel, Willimantic, Connecticut, Docket No. 11687, File No. BP–10074; Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, Docket No. 11688, File No. BP–10147, and The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 11689, File No. BP–10194; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed by Robert A. Mensel on June 29, 1956;

It appearing that the date for commencement of hearing is currently scheduled as July 9, 1956, and that exhibits were to have been exchanged on July 2; and

It further appearing that at a prehearing conference it was agreed for the engineering consultants of the various parties to exchange work sheets looking toward the simplification of engineering evidence; and

It further appearing that the work sheets have been exchanged and that progress toward the ultimate objective has been made but that additional time will be required for this purpose; and

It further appearing that all parties have stated that they have no objection to a grant of this motion and they consent to a waiver of the four-day rule;

It is ordered, This 2d day of July 1956, that the motion for continuance of Robert A. Mensel is granted, the date for the exchange of exhibits is continued from July 2 to July 30, 1956, and the date of hearing is continued from July 9 to September 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5471; Filed, July 10, 1956; 8:49 a. m.]

[Docket Nos. 11702, 11703; FCC 56M–658]

POLLY B. HUGHES AND HOLIDAY ISLES BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Polly B. Hughes, Tampa, Florida, Docket No. 11702, File No. BP–9897 and Edmund A. Spence tr/as Holiday Isles Broadcasting Company, St. Petersburg Beach, Florida, Docket No. 11703, File No. BP–10148; for construction permits.

The Hearing Examiner having under consideration a petition for continuance of the hearing filed by Edmund A. Spence, tr/as Holiday Isles Broadcasting Company, on June 27, 1956, together with oppositions filed by Polly B. Hughes and by the intervenor Florida West Coast Broadcasters, Inc.;

It appearing That an informal conference was held on July 3, 1956, at which the parties expressed their several points of view; and

It further appearing That there is good cause for a short continuance but not for the thirty days requested;

It is ordered, This 5th day of July 1956, that the petition for continuance is granted in part and that the hearing is continued from July 18 to July 20, 1956; and

It is further ordered That exhibits in each direct case will be exchanged not later than July 18, 1956, and that on July 16, 1956, any counsel desiring to take depositions as part of his direct case will notify all other counsel and the Hearing Examiner, specifying names of deponents, subjects, and the proposed date of taking the deposition.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5472; Filed, July 10, 1956; 8:49 a. m.]

[Docket No. 11738, etc.; FCC 56M–659]

SOUTH DADE BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of South Dade Broadcasting Co., Inc., Homestead, Florida, Docket No. 11738, File No. BP–10009, J. M. Pace, Homestead, Florida, Docket No. 11739, File No. BP–10198, and Redland Broadcasting Company, Homestead, Florida, Docket No. 11740, File No. BP–10424; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on September 11, 1956; and

It appearing that a prehearing conference is necessary, that the applicants are represented by attorneys in Washington, D. C. who have informally consented to appear at the conference herein ordered, and that the respondent Paul Brake, licensee of Station WWPB, Miami, Florida, is not represented by a local attorney, but that he has indicated his consent by telegram to the holding of the conference as herein ordered; now therefore,

It is ordered, This 3d day of July 1956, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on Thursday, July 5, 1956, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5473; Filed, July 10, 1956; 8:49 a. m.]

[Docket No. 11760; FCC 56M–656]

KTAR BROADCASTING CO. (KVAR)

ORDER SCHEDULING HEARING

In re application of KTAR Broadcasting Company (KVAR), Mesa, Arizona, Docket No. 11760, File No. BMLCT–33; for modification of license to change main studio location to Phoenix, Arizona.

It is ordered, This 29th day of June 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 28, 1956, in Washington, D. C.

Released: July 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5474; Filed, July 10, 1956; 8:49 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[19889]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition on Form 64—Call No. 45, and a Schedule J—Supplementary Data on Obligations of States and Political Subdivisions, Other Bonds, Notes, and Debentures, and Loans for Purchasing or Carrying Securities,[1] as of the close of business Saturday, June 30, 1956.

Said Report of Condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64",[1] dated December, 1955, and Schedule J shall be prepared in accordance with instructions printed on the reverse side of the Schedule.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] A. J. LODA,
Acting Secretary.

[F. R. Doc. 56–5463; Filed, July 10, 1956; 8:47 a. m.]

[19890]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions

[1] Filed as part of original document.

of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Saturday, June 30, 1956, on Form 64 (Savings).

Said Report of Condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)",[1] dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] A. J. LODA,
Acting Secretary.

[F. R. Doc. 56-5464; Filed, July 10, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10180, etc.]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 5, 1956.

In the matters of Phillips Petroleum Company, Docket No. G-10180, The Carter Oil Company, Docket No. G-10230, Hunt Oil Company, Docket No. G-10253, Louisiana Nevada Transit Company, Docket No. G-10288.

Take notice that: Phillips Petroleum Company (Phillips), a Delaware corporation with principal place of business in Bartlesville, Oklahoma, filed on March 30, 1956, in Docket No. G-10180, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Phillips to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Carter Oil Company (Carter), a West Virginia corporation with principal place of business in the National Bank of Tulsa Building, Tulsa, Oklahoma, filed on April 9, 1956, as amended June 25, 1956, in Docket No. G-10230, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Carter to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Hunt Oil Company (Hunt), a Delaware corporation with principal place of business at 700 Mercantile Bank Building, Dallas, Texas, filed on April 12, 1956, in Docket No. G-10253, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Hunt to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicants Phillips, Carter, and Hunt propose to sell natural gas in interstate commerce as described below to Louisiana Nevada Transit Company for resale.

Docket No.; Applicant; and Source of Gas

G-10180; Phillips Petroleum Company; approx. 8.6 percent interest in Red Rock Unit operated by Hunt, North Shongaloo Area, Webster Parish, La.

G-10230; The Carter Oil Company, Red Rock and East Red Rock Fields, Webster Parish, La.

G-10253; Hunt Oil Company, Red Rock Field, Webster Parish, La.

Louisiana Nevada Transit Company (Louisiana Nevada), a Nevada corporation with principal place of business at 130 East 12th Street, Ada, Oklahoma, filed on April 20, 1956, in Docket No. G-10288, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Louisiana Nevada to construct and operate as integral parts of its existing natural gas system, certain natural gas facilities as hereinafter described, which are necessary to the transportation and sale of natural gas in interstate commerce, for the purpose of taking natural gas from Phillips, Carter and Hunt in Red Rock Field, Webster Parish, Louisiana.

The facilities proposed to be constructed and operated by Louisiana Nevada consist of approximately 9,000 feet of 4½-inch lateral pipeline extending from a point of interconnection with Louisiana Nevada's existing 6-inch Haynesville Lateral to a point in the Red Rock Field, Webster Parish, Louisiana, together with approximately 19,350 feet of 4½-inch and 9,000 feet of 2-inch field lines to be located in Red Rock Field.

The estimated total cost of all facilities to be installed by Louisiana Nevada is $69,994.73, of which $49,831.27 is for the 4½-inch lines, $14,339.11 is for the 2-inch lines and $5,824.35 is for the necessary metering and appurtenant facilities. The cost will be financed from company funds.

The application states that the estimated total gas supply available in reserves to Louisiana Nevada from the Red Rock Field is 16,159,000 Mcf; that the gas proposed to be delivered to Louisiana Nevada is estimated to be 2,600 Mcf per day initially; and that the additional gas supply will be used for supplying the increased demands of Louisiana Nevada's present customers.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, July 25, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5453; Filed, July 10, 1956; 8:45 a. m.]

[Project No. 2192]

CONSOLIDATED WATER POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 5, 1956.

Public notice is hereby given that Consolidated Water Power Company of Wisconsin Rapids, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed Project No. 2192 located on Wisconsin River in Wood and Portage Counties, Wisconsin, in the Village of Biron, about 3 miles northeast of the City of Wisconsin Rapids and about 12 miles southwest of the City of Stevens Point, Wisconsin, and consisting of a concrete dam about 2,533 feet long composed of gravity wall sections, gate sections, a powerhouse substructure section, and a grinder building substructure section; two earthen dikes about 15,902 feet in total length; a concrete sea wall about 2,275 feet long; a reservoir extending to the tailwater of the existing project of Whiting-Plover Paper Company; hydro-electric installation of 3,700 horsepower and hydro-mechanical installation of 4,425 horsepower; and appurtenant facilities. The electric energy generated is for industrial and public-utility purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is August 20, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5452; Filed, July 10, 1956; 8:45 a. m.]

[1] Filed as part of original document.

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE TREASURY

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR THE PROCUREMENT OF AUDIO AND VISUAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Treasury to negotiate, without advertising, under section 302 (c) (9) of the act, contracts for the procurement of audio and visual services for use in connection with the fall program for promoting the sale of United States Savings Bonds.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Treasury Department.

4. This delegation shall be effective as of the date hereof.

Dated: July 3, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-5475; Filed, July 10, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 120]

MOTOR CARRIER APPLICATIONS

JULY 6, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 74, filed June 18, 1956, PACIFIC INTERMOUNTAIN EXPRESS COMPANY, a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Academy, located west of Combined U. S. Highways 85 and 87, near Husted, Colo., approximately sixty (60) miles south of Denver, Colo., and five and one-half (5½) miles north of Colorado Springs, Colo., as an intermediate point in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 827 Sub 5, filed June 25, 1956, WILLIAM T. FLEMING, MAUD E. FLEMING AND DOROTHY M. IVINS, EXECUTRICES, 2215–17 Hunting Park Avenue, Philadelphia 40, Pa. Applicant's representative: Russell Wolfe, 1606 Philadelphia National Bank Building, Philadelphia 7, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by chain retail automobile supply stores, and *damaged, defective, returned* and *trade-ins* of such merchandise, between Philadelphia, Pa., on the one hand, and, on the other, Winston-Salem, Charlotte and Greensboro, N. C. RESTRICTION: The above must be performed with persons (as defined in section 203 (a) of the Interstate Commerce Act) who manufacture automobile accessories or who operate retail automobile accessory stores, the business of which is the sale of automobile parts and accessories. Applicant is authorized to conduct operations in Pensylvania, Delaware, New Jersey, Maryland, Virginia, and the District of Columbia.

No. MC 2986 Sub 17, filed June 22, 1956, INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., P. O. Box 491, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., near Newburgh, Ind., as an off-route point in connection with carrier's regular route operations to and from Evansville, Ind., over Indiana Highway 62 and U. S. Highway 41. Applicant is authorized to conduct operations in Illinois, Indiana and Ohio.

No. MC 13026 Sub 8, filed June 22, 1956, ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 525 Washington Avenue, Braddock, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Natural stone*, from Killbuck, Ohio, and Kipton, Ohio, to points in Allegheny County, Pa.

No. MC 20992 Sub 4, filed June 27, 1956, WILLIAM DOTSETH, Knapp, Wis. Applicant's representative: Edward Solie, 1 South Pickney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements*, other than hand, uncrated, and *attachments thereto and parts thereof* in mixed loads, from West Bend, Wis., to points in North Dakota, and points in that part of Minnesota lying north of a line beginning at Duluth, Minn., and extending along U. S. Highway 210, to Motley Minn., and thence along U. S. Highway 10 to the Minnesota-North Dakota State line.

No. MC 21227 Sub 5, filed June 25, 1956, MIDLAND TRUCK LINES, INC., 806 South Broadway, St. Louis 2, Mo. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, and commodities which require special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., near Newburgh, Ind., as an off-route point in connection with carrier's regular route operations to and from Evansville, Ind., over U. S. Highway 41 and Indiana Highway 66. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

No. MC 29886 Sub 87, filed June 25, 1956, DALLAS & MAWIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled building, construction and moving machinery* from points in the United States to Benton Harbor, Mich., restricted to such machinery as is being returned to the site of the plants of Clark Equipment Company for repair or reconditioning.

No. MC 30319 Sub 72, filed June 28, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North Jacinto, P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B

explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Lufkin, Tex., and Rusk, Tex., over U. S. Highway 69 as an alternate route, for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route operations between Lufkin, Tex., and Rusk, Tex., over U. S. Highways 59 and 84 and Texas Highways 26 and 204. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 31389 Sub 41, filed June 27, 1956, McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N. C. Applicant's representative: Albert E. May, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Haynes Lithograph Company located in Rockville, Md. approximately one-fifth (1/5) mile north of the northerly limits of the District of Columbia Commercial Zone, as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in North Carolina, Georgia, South Carolina, Maryland, Pennsylvania, New Jersey, New York, Delaware, Connecticut, Rhode Island, Massachusetts, and Virginia.

No. MC 32561 Sub 4, filed June 22, 1956, MARSHALL SERVICE, INC., Pearl and Church Streets, Newfield, N. J. Applicant's representative: Glenn F. Morgan, 1006–1008 Warner Building, Washton 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Delaware City, Del., and points in New Jersey on and south of New Jersey Highway 33. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Delaware, New York, Connecticut and Maryland.

No. MC 36509 Sub 7, filed May 29, 1956, LOOMIS ARMORED CAR SERVICE, INC., 114 Cherry Street, Seattle, Wash. Applicant's representatives: George H. Hart, Central Building, Seattle 4, Wash., and J. Richard Townsend, Mills Tower, San Francisco, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin, currency, checks, securities, valuable papers and documents, gold, silver* and other *articles of unusual value* for the Federal Reserve Bank of San Francisco and its member banks, between San Francisco, Placerville, Tahoe Valley, Tahoe City, and Truckee, Calif., and Carson City, Reno and Sparks, Nev. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 38840 Sub 2, filed June 18, 1956, WILLIAM TROIANO, doing business as WILLIAM TROIANO TRUCKING, 1461 38th Street, Brooklyn, N. Y. Applicant's representative: Paul Somers, 40 Exchange Place, New York 5, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing material and roofing supplies*, on pallets, from Jersey City, N. J., to points in Nassau, Suffolk and Westchester Counties, N. Y. *Pallets* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant states: Forklift towmotor to accompany shipments on truck to facilitate rapid unloading and placing at jobsites off from public highways.

No. MC 46005 Sub 8, filed June 27, 1956, BURG TRUCKING CORP., 835 Washington Street, New York, N. Y. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh and frozen meats, poultry* and *packing-house products*, as defined by the Commission, from Linden, N. J., and New York, N. Y., to Rockland County, N. Y., and Fairfield, Hartford and New Haven Counties, Conn. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, and Maryland.

No. MC 50029 Sub 7, filed June 28, 1956, UTAH-ARIZONA FREIGHT LINES, 634 South Third West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives, and commodities in bulk*, excluding petroleum products in bulk, but excepting those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, serving the Glen Canyon Dam site located on the Colorado River near the Utah-Arizona border and points within ten (10) miles of Glen Canyon Dam site, including construction camps and similar sites, as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Utah and Arizona.

No. MC 52110 Sub 63, filed June 28, 1956, BRADY MOTORFRATE, INC., 443 SW. Sixth Street, P. O. Box 716, Des Moines, Iowa. Applicant's representative: Homer E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Ames, Iowa and junction Illinois Highway 65 and U. S. Highway 34, from Ames over U. S. Highway 30 to Aurora, Ill. and thence over Illinois Highway 65 to junction U. S. Highway 34; (2) between Des Moines, Iowa and the above-stipulated junction, from Des Moines over Iowa Highway 64 to junction U. S. Highway 30, thence over U. S. Highway 30 to Aurora, Ill., and thence over Illinois Highway 65 to junction U. S. Highway 34; (3) between Waterloo, Iowa and the above-stipulated junction, from Waterloo over U. S. Highway 218 to junction U. S. Highway 30, thence over U. S. Highway 30 to Aurora, Ill., and thence over Illinois Highway 65 to junction U. S. Highway 34; (4) between Moline, Ill. and the above-stipulated junction, from Moline over Illinois Highway 2 to junction U. S. Highway 30, thence over U. S. Highway 30 to Aurora, and thence over Illinois Highway 65 to junction U. S. Highway 34; as alternate routes for operating convenience only, serving no intermediate points, in connection with the carrier's authorized regular route operations (1) between Fort Dodge, Iowa and Chicago, Ill. over U. S. Highway 20; (2) and (3) between Des Moines, Iowa and Joliet and Chicago, Ill., over U. S. Highways 6, 66A, 66 and 34; and (4) between Waterloo, Iowa and Chicago, Ill., over U. S. Highway 20. Applicant is authorized to conduct operations in Iowa, Kansas, Nebraska, Illinois, Minnesota, South Dakota, Indiana, and Ohio.

No. MC 52657 Sub 485, filed May 14, 1956 (Amended), published May 30, 1956, on Page 3707, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automotive vehicles*, passenger and/or freight, and *parts thereof*, in secondary truckaway service, from Baltimore, Md., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

No. MC 52746 Sub 46, filed June 27, 1956, KNAUS TRUCK LINES, INC., 17th and Charlotte Streets, Kansas City, Mo. Applicant's representative: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Glenn L. Martin Company plant, located approximately ten miles south of Denver, Colo., near Kassler, Colo., as an off-route point in connection with applicant's regular-route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Missouri, Kansas, and Colorado.

No. MC 56082 Sub 16, filed June 25, 1956, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. Applicant's representatives: Johnson & Peterson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Newark, N. J., and the Commercial Zone thereof, to points in Ohio, and *empty malt beverage containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New York, Pennsylvania, and Ohio.

No. MC 68183 Sub 5, filed June 27, 1956, YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chevrolet Division of General Motors Corporation located approximately six (6) miles southwest of Warren, (Lordstown Township, Trumble County), Ohio, as an off-route point in connection with carrier's regular route operations (between (a) Cleveland and Warren, Ohio, over U. S. Highway 422, (b) Conneaut and Niles, Ohio, over Ohio Highway 46, (c) Cincinnati, Ohio, and Philadelphia, Pa., over Ohio Highway 18, (d) Akron, Ohio, and Philadelphia, Pa., over Ohio Highway 5 and U. S. Highway 422, and (e) Canton and Youngstown, Ohio, over U. S. Highway 62. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 73675 Sub 18, filed June 28, 1956, GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's representative: Loyal G. Kaplan, Suite 924 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excepting commodities of unusual value, household goods as defined by the Commission and commodities in bulk, serving the site of the Glenn L. Martin Plant approximately 15 miles southwest of Denver, Colo., near Kassler (Waterton), Colo., as an off-route point in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado, Illinois, Nebraska, Utah, and Wyoming.

No. MC 78786 Sub 208, filed June 8, 1956, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except liquids in bulk, in tank vehicles, and livestock other than individually crated animals, between Redding, Calif., and Kennett, Calif., (1) from Redding over U. S. Highway 99 to junction Kennett Road, thence over Kennett Road via Buckeye, Newton, and Summit City, Calif., to Kennett (also from junction U. S. Highway 99 and Kennett Road via Buckeye, Newton, Summit City, and Shasta Dam, Calif., to Kennett), and return over the same route, serving all intermediate points; and (2) from Redding over U. S. Highway 99 to junction Coram Road, thence over Coram Road to junction Kennett Road, and thence over Kennett Road to Kennett (also over Kenneth Road via Shasta Dam to Kennett), and return over the same route, serving all intermediate points. RESTRICTION: (a) The service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, the rail service of the Southern Pacific Company; (b) Shipments transported by said carrier shall be limited to those which it receives from or delivers to the Southern Pacific Company under a through bill of lading covering, in addition to the movement by said carrier, a prior or subsequent movement by rail or air; and (c) Such further specific conditions as the Commission may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, the rail service of the Southern Pacific Company; *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment, between Chico, Calif., and Stirling City, Calif., from Chico over U. S. Highway 99E to junction California Highway 87, thence over California Highway 87 in a southeasterly direction for approximately three (3) miles to junction unnumbered highway, thence over unnumbered highway to Stirling City, and return over the same route, serving all intermediate and off-route points that are stations on the Southern Pacific Company, Stirling City Branch Line. RESTRICTION: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Southern Pacific Company, hereinafter called the railroad; (b) No points shall be served which are not stations on the rail line of the railroad; (c) Shipments to be transported by said carrier shall be limited to those which it receives from, or delivers to, the railroad under a through bill of lading, covering in addition to a movement by said carrier an immediately prior or immediately subsequent movement by rail or air; (d) All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if, and as the Commission finds it to be necessary in order that such arrangements may be fair and equitable to the parties; and (e) Such further conditions as the Commission may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, the rail service of the railroad; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between San Jose, Calif., and Salinas, Calif., (1) from San Jose over U. S. Highway 101 to junction unnumbered highway (formerly California Highway 25), thence over unnumbered highway to junction California Highway 156 (formerly unnumbered highway), thence over California Highway 156 to Hollister, and return over the same route, serving all intermediate points which are stations on the line of the Southern Pacific Company; and (2) from San Jose over U. S. Highway 101 to junction unnumbered highway south of Sargent, Calif., thence over unnumbered highway to junction California Highway 156, thence over California Highway 156 to Hollister, and return over the same route, serving all intermediate points which are stations on the line of the Southern Pacific Company; and between Sargent, Calif., and Salinas, Calif., from Sargent over U. S. Highway 101 to Salinas, and return over the same route, serving no intermediate points. RESTRICTION: (a) The service to be performed by said carrier shall be limited to that which is auxiliary to, or supplemental of, rail service; (b) Said carrier shall not serve any point not a station on a railroad; (c) Shipments transported by said carrier, except those moving between San Jose and Salinas, shall be limited to those which, in addition to the movement by said carrier, receive an immediately prior or an immediately subsequent movement by ~~rail or~~ air; (d) All contractual arrangements between said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplementary shall be reported to this Commission and shall be subject to revision if and as we may find it necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further restrictions as this Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between San Jose, Calif., and Agnew, Calif., (1) from San Jose over U. S. Highway 101 to junction Santa Clara-Alviso Road, thence over Santa Clara-Alviso Road to Agnew, and return over the same route, serving no intermediate points; and (2) from San Jose over California Highway 17 to Milpitas, Calif., thence over California Highway 9 to junction unnumbered highway near Alviso, Calif., thence over unnumbered highway via Alviso to Agnew, and return over the same route, serving no intermediate points; and between junction California Highway 9 and San Jose-Alviso Road, and junction Santa Clara-Alviso Road and Montague Avenue near Agnew, from junction California Highway 9 and San Jose-Alviso Road over San Jose-Alviso Road to junction Montague Avenue, thence over Montague Avenue to junction Santa Clara-Alviso Road, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only. RESTRICTION: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Southern Pacific Company, hereinafter called the railroad; (b) Shipments to be transported by said carrier shall be limited to those which it receives from or delivers to the railroad under a through bill of lading or express receipt covering, in addition to movement by said carrier, a prior or subsequent movement by rail or air; (c) All contractual arrangements between said carrier and the railroad

shall be reported to the Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (d) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the railroad; *General commodities*, except liquids in bulk, in tank vehicles, and livestock, between Salinas, Calif., and the Richardson Gate of Fort Ord, Calif., from Salinas over unnumbered highway (formerly California Highway 117) to junction unnumbered highway near Fort Ord, Calif., thence over unnumbered highway to the Richardson Gate, Fort Ord, and return over the same route, serving no intermediate points; between Marina, Calif., and the Marina Gate of Fort Ord, Calif., from Marina over unnumbered highway (known as the Marina-Fort Ord Road), to the Marina Gate, Fort Ord, serving no intermediate points; between Monterey, Calif., and the Gigling Gate of Fort Ord, Calif., from Monterey over California Highway 1 to junction unnumbered highway, thence over unnumbered highway to Gigling Gate, Fort Ord, and return over the same route, serving no intermediate points; and between Gigling, Calif., and the Gigling Gate of Fort Ord, Calif., from Gigling over California Highway 1 to junction unnumbered highway, thence over unnumbered highway to Gigling Gate, Fort Ord, and return over the same route, serving no intermediate points. RESTRICTION: (a) The service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, the rail service of the Southern Pacific Company; (b) Shipments transported by said carrier shall be limited to those which it receives from or delivers to the Southern Pacific Company under a through bill of lading covering, in addition to the movement by said carrier, a prior or subsequent movement by rail or air; and (c) Such further specific conditions as the Commission may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, the rail service of the Southern Pacific Company; *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in California, serving the intermediate and off-route points within three (3) miles of the routes specified below, which are stations on the rail lines of the Southern Pacific Company, and the off-route point of Camarillo State Hospital, located approximately 4.5 miles from Camarillo, Calif., as follows: (1) from Los Angeles over U. S. Highway 99 to junction California Highway 126, thence over California Highway 126, via Fillmore and Santa Paula to junction U. S. Highway 101, and thence over U. S. Highway 101 to Ventura, and return over the same route; (2) from Los Angeles over California Highway 118 via Simi, Moorpark, and Saticoy to junction U. S. Highway 101, and thence over U. S. Highway 101 to Ventura, and return over the same route; (3) from Los Angeles over U. S. Highway 101 via Camarillo, Ventura, and Santa Barbara to Goleta, and return over the same route; (4) from Ventura over U. S. Highway 399 to junction California Highway 150, and thence over California Highway 150 via Ojai to Santa Paula, and return over the same route; (5) from Fillmore over California Highway 23 via Moorpark to junction U. S. Highway 101, and return over the same route; (6) from Oxnard over unnumbered highway via Camarillo to junction California Highway 118 near Somis, and return over the same route; (7) from junction California Highway 118 and unnumbered highway, approximately three (3) miles east of Saticoy over unnumbered highway to junction Rice Road and Oxnard Road, and return over the same route; (8) from junction California Highway 118 and unnumbered highway, approximately one mile west of Simi over unnumbered highway to junction U. S. Highway 101, approximately one mile east of Camarillo, and return over the same route; (9) from junction California Highway 118 and unnumbered highway, approximately one mile southeast of Saticoy over unnumbered highway to junction Alternate U. S. Highway 101, and return over the same route; (10) from Saticoy over unnumbered highway to junction California Highway 126, approximately one mile southeast of Saticoy, and return over the same route; (11) from junction Alternate U. S. Highway 101 and unnumbered highway, approximately five (5) miles southeast of Oxnard, over unnumbered highway to Camarillo, and return over the same route; and (12) from Goleta over unnumbered Highway to Santa Barbara Airport, and return over the same route. RESTRICTION: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the Southern Pacific Company, hereinafter called the railroad; (b) Shipments to be transported by said carrier shall be limited to those which it receives from or delivers to the railroad under a through bill of lading covering in addition to movement by said carrier, a prior or subsequent movement by rail or air; (c) All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (d) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the railroad; *General commodities*, between Lone Pine, Calif., and Mojave, Calif., serving intermediate and off-route points as follows: Rail stations, and points within one mile of rail stations, located on the line of the Southern Pacific Company, as follows: (1) from Lone Pine over U. S. Highway 6 to Mojave, and return over the same route; (2) from Lone Pine over U. S. Highway 395 to junction unnumbered highway near Searles, Calif., thence over unnumbered highway to junction U. S. Highway 6, and thence over U. S. Highway 6 to Mojave, and return over the same route; and (3) from Lone Pine over U. S. Highway 395 to Inyokern, Calif., thence over California Highway 178 to junction U. S. Highway 6, and thence over U. S. Highway 6 to Mojave, and return over the same route. RESTRICTION: (a) The service to be performed by said carrier shall be limited to that which is auxiliary to or supplemental of the rail service of the Southern Pacific Company; (b) No service shall be given to or from any place not within one mile of a rail station, nor any traffic interchanged at any point not a station on the rail line of the Southern Pacific Company; (c) Shipments transported by said carrier by motor vehicle shall be limited to those which carrier receives from or delivers to a rail carrier and which move under a through bill of lading covering, in addition to the movement by motor vehicle, a prior or subsequent movement by rail or air; and (d) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the Southern Pacific Company; and *General commodities*, except Class A and B explosives, household goods as defined by the Commission, assembled automobiles, commodities in bulk, and those requiring special equipment, between San Fernando, Calif., and Niland, Calif., from San Fernando over U. S. Highway 99 to Coachella, Calif., thence over California Highway 111 to Niland, and return over the same route; between Los Angeles, Calif., and Santa Monica, Calif., from Los Angeles over U. S. Highway 101 (Whittier Boulevard) to junction California Highway 15 (Atlantic Boulevard), thence over California Highway 15 to junction U. S. Highway 101 By-Pass (Anaheim-Telegraph Road), thence over U. S. Highway 101 By-Pass (Anaheim-Telegraph Road, Lakewood Boulevard, Firestone Boulevard, and Santa Ana Freeway) to junction U. S. Highway 101 (Santa Ana Freeeway south of Anaheim), thence over U. S. Highway 101 (Santa Ana Freeway and Main Street) to Santa Ana, Calif., thence over South Main Street and South Main Street extension to junction California Highway 55 (Newport Avenue), thence over California Highway 55 to junction U. S. Highway 101 Alternate at Newport Beach, Calif., thence over U. S. Highway 101 Alternate (Ocean Avenue, Pacific Coast Highway, Sepulveda Boulevard) to Santa Monica, and return over the same route; between junction U. S. Highways 6 and 99 in Los Angeles, Calif., and Los Angeles Harbor, Calif., from junction U. S. Highways 6 and 99 over U. S. Highway 6 (Figueroa Street) to

Los Angeles Harbor, and return over the same route; and between Colton, Calif., and Corona, Calif., from Colton over U. S. Highway 91 (also designated California Highway 18) to Corona, and return over the same route, serving the following California points in connection with the last four routes described above; Alhambra, Alla, Alsace, Alta Loma, Anaheim, Anaheim Bay, Arcadia, Ardmore, Arlington, Armstrong, Arrowhead, Arrowhead Springs, Artesia, Athens, Azusa, Azusa Ave., Baldwin Park, Banning, Bassett, Beaumont, Bellflower, Bertram, Bethel, Beverly Hills, Bloomington, Bowden, Brea, Bristol, Bryn Mawr, Buena Park, Bundy, Burbank, Burke, Cabazon, Caleb, Canoga Park, Carmenita, Charter Oak, Chatsworth, Chemawa, Chino, Cienaga, Claremont, Coachella, Codorniz, Colima, Colton, Corona, Covina, Crafton, Crescent, Crescentia, Crown Jewel, Crutcher, Cuerna, Culver City, Cypress, Declezville, Del Amo, Delta, Des Moines, Dolores, Dominquez Jct., Downey, Downey Road, Dry Camp, Duarte, Durmid, Dyer, East Alta Loma, East Long Beach, El Casco, Elftman, El Mondena, El Donte, El Segundo, Encino, Etiwanda, Fingal, Firestone Park, Florence Avenue, Fontana, Frink, Fullerton, Gardena, Garden Grove, Garnet, Glendale, Glendora, Graham, Grand Terrace, Grapeland, Greenville, Guasti, Hansen, Harlem Springs, Harperville, Hawthorne, Hayes, Hewitt, Highgrove, Highland, Hinda, Hobbs, Hole Ranch, Hollywood, Hugo, Huntington Beach, Indio, Industrial, Inglewood, Iowa Ave., Jaybee, Junction Stantion, Kaiser, Laguna, La Habra, La Metro, Las Lomas, Latreen, Latin, Le Verne, Leffingwell, Lobo, Loftus, Loma Linda, Long Beach, Los Alamitos, Los Angeles, Los Nietos, Los Patos, Lynwood, Machado, Marigold, Marlboro, Marne, Maxson, McCampbell, McKinley, Mecca, Mentone, Mesmer, Mesto, Monterey Park, Monrovia, Moody, Mortmar, Motor Jct., Mt. Olivet, Mundo, Muscat, Myoma, Nadeau, Nago, Naples, Narod, New Delhi, Newport Beach, Niland, North Hollywood, North Long Beach, North Pomona, Northridge, Norwalk, Oleo, Ontario, Orange, Orange Center, Orange Heights, Ordway, Owl, Pacoima, Palm Springs Station, Palomar, Paramount, Pasadena, Patton, Pierce, Pomona, Pope, Puente, Racimo, Raymer, Raymond Hotel, Redlands, Rialto, Rimlon, Rivers, Riverside, Rosemead, Rudell, Salton, Salvie, San Bernardino, San Dimas, San Fernando, San Fernando Mission, San Gabriel, San Gabriel Blvd., Santa Ana, Santa Monica, Savoy, Scott, Seal Beach, Sentous, Shirley, Smeltzer, Soldier's Home, South Fontana, South Gate (Atlantic Blvd.), South Gate (Tweedy), South Park, South Pasadena, South Los Angeles, Spadra, Springdale, Stanton, Stoneman, Sunkist, Sunset Beach, Sun Valley, Tarzana, Thermal, Thousand Palms, Torrance, Tustin, Tustin Jct., Upland, Valley Jct., Van Nuys, Vega, Venice, Vignolo, Villa Park, Vinvale, Vista Del Valle, Walnut, Warner, Watson, Watts, West Anaheim, West Anaheim Jct., West Colton, West Glendale, West Hollywood, West Los Angeles, Westminster, West Santa Ana, Westwood Village, Whittier, Willobrook, Wilmer, Wingfoot, Wintersburg, Wise, Wister, Woodruff Ave., and Yorba Linda. RESTRICTION: (a) The service to be performed by said carrier shall be limited to that which is auxiliary to or supplemental of the rail service of Southern Pacific Company or the Pacific Electric Railway Company, hereinafter called the railways; (b) Said carrier's service shall be limited to the transportation of shipments which it may receive from or deliver to Southern Pacific Company and Pacific Electric Railway Company. All of said shipments shall receive, in addition to the trucking movement furnished by said carrier, a prior or subsequent movement by rail or air; (c) All contractual arrangements between said carrier and the railways shall be reported to the Interstate Commerce Commission and shall be subject to revision, if and as found to be necessary, in order that such arrangements may be fair and equitable to the parties; and (d) Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail service.

NOTE: Applicant states that the purpose of this application is to seek modification of condition in Certificate No. MC 78786 which restricts service to shipments having a prior or subsequent movement by rail so as to include in authorized service shipments having a prior or subsequent movement by air. Applicant holds authority under Permit Nos. MC 78787 and Subs thereof to perform certain contract carrier operations. Section 210 (dual operations) may be involved.

No. MC 97699 Sub 3, filed June 27, 1956, BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the Big Bend Dam Site, approximately 42 miles southeast of Pierre, S. Dak., as an off-route point in connection with applicant's authorized regular route operations between Rapid City, S. Dak., and Chamberlain S. Dak., and between Philip Junction, S. Dak., and Pierre, S. Dak. Applicant is authorized to conduct operations in Southern Dakota and Wyoming.

No. MC 101126 Sub 55, filed June 25, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Columbia Park, Ohio to Newport and Wilders, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Indiana, Kentucky, and Ohio.

No. MC 102812 Sub 5, filed June 25, 1956, ERNEST BAUM, doing business as LUXART VAN SERVICE, 9883 Helen Avenue, Sunland, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *livestock*, other than ordinary livestock, and, in the same vehicle with such livestock, *supplies and equipment* used in the care and exhibition of such animals, *mascots*, and the *personal effects* of their attendants, trainers and exhibitors, *race horses* and *racing equipment, polo ponies, breeding horses, saddle horses*, and *show horses* and, in the same vehicle with such horses, *equipment or paraphernalia* incidental to the care, transportation and exhibition of such horses, and *personal effects* of attendants, between points in California and Texas. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC 103051 Sub 17, filed May 18, 1956, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, animal oils*, and *blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn. to points in Alabama, Georgia, Mississippi, and North Carolina.

No. MC 104347 Sub 119, filed June 25, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum paraffin wax*, in bulk, in tank vehicles, from Philadelphia and Marcus Hook, Pa., to points in Indiana and Michigan, and *petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Illinois, Michigan, and Ohio.

NOTE: All duplicating authority to be eliminated. Applicant is authorized to conduct operations in New York, Delaware, Maryland, Pennsylvania, New Jersey, and West Virginia.

No. MC106379 Sub 29, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except stringing and picking up thereof in connection with main lines, between points in Texas, on the one hand, and, on the other, points in Mississippi. Proposed operations to

eliminate operating present common point operation via Alabama. Applicant is authorized to conduct operations in Alabama, Mississippi, Georgia, Florida, New Mexico, Texas, Arkansas, Louisiana, Michigan, Ohio, Illinois, Indiana, North Dakota, and South Dakota.

No. MC 106603 Sub 45, filed June 25, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, or in containers, from Detroit, Mich. to points in Indiana. Applicant is authorized to transport fertilizer from points in the Chicago, Ill. Commercial Zone, as defined by the Commission, Chicago Heights, Ill., Indianapolis, Ind., Sandusky, Ohio, and points in Marshall County, Ind. to points in the lower Peninsula of Michigan.

No. MC 107107 Sub 79, filed June 27, 1956, ALTERMAN TRANSPORT LINES, INC., 2424 NW. 46th Street, P. O. Box 65, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission; *dairy products*, as defined by the Commission; *frozen foods, fresh and processed fruits, vegetables, fish, seafood, and nuts; condiments; spices; bakery supplies, materials, and products; candy, confectionery; salad dressings; cocoa; coffee; pie filler; mince meat; cereals; olives; flavoring compounds, syrups, and extracts; edible and cooking oils; macaroni; spaghetti;* and *rice*, from points in New Jersey, and those in the Pennsylvania, Pa., and New York, N. Y., Commercial Zones, as defined by the Commission, to points in North Carolina, South Carolina, and Georgia. Applicant is authorized to conduct operations in Florida, New York, Pennsylvania, Georgia, Tennessee, Nebraska, Texas, Wisconsin, Iowa, Delaware, Illinois, Indiana, Kansas, Missouri, South Dakota, Massachusetts, Virginia, Minnesota, and Maryland.

No. MC 107496 Sub 79, filed June 25, 1956, RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, fish oils, non-edible oils, fatty acids, blended or prepared paint oils, blended or prepared varnish oils, liquid synthetic resin, surface coating resin compound*, and *ester gum*, in bulk, in tank vehicles, from points in Minnesota to points in Michigan.

No. MC 108453 Sub 19, filed June 14, 1956, G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's representative: Kit F. Clardy, Olds Tower, Lansing, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper and paper products*, from Middlebury, Ind. and points within one mile of Middlebury, to Louisville, Ky., Rochester and Buffalo, N. Y., points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, points in Michigan, Wisconsin, and Illinois, and those in Ohio on and north of U. S. Highway 22; *waste or scrap paper* and *such commodities as are used or useful in the production of paper and paper products* on return. Applicant states that the purpose of this application is to seek authority to continue to serve a shipper who is moving his operations from White Pigeon, Mich. to Middlebury, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, Ohio, Wisconsin, Louisville, Ky., Rochester, N. Y., and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.

No. MC 109141 Sub 19, filed June 18, 1956, WYOMING BUTANE GAS COMPANY, A Corporation, 3739 Montana Avenue, Billings, Mont. Applicant's representative: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in pressurized tank vehicles, from the Stanolind Oil and Gas Company refinery near Elk Basin, Wyo., to Rigby, Wallace, Kellogg, Osburn, Gem and Burke, Idaho, and points within five (5) miles of each, and *contaminated shipments of liquefied petroleum products*, on return. Applicant is authorized to conduct operations in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

No. MC 109584 Sub 29, filed June 25, 1956, ARIZONA–PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wax, defoliants, weed killers, acids and chemicals*, in bulk, in tank vehicles, between points in California and Arizona.

No. MC 109761 Sub 5 (amended), filed April 26, 1956, published on Page 3096, issue of May 9, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's representative: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned fruits, canned fruit juices, canned vegetables* and *canned vegetable juices*, not frozen, from points in Florida to points in the Southern Peninsula of Michigan. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota, and Indiana.

No. MC 110191 Sub 12, filed May 18, 1956, TURNER'S EXPRESS, INCORPORATED, P. O. Box 1006, 1300 Shelton Avenue, Norfolk, Va. Applicant's representative: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. A. Between Norfolk, Va., and New York, N. Y., (1) from Norfolk over U. S. Highway 60 to Richmond, Va., (also from Norfolk over U. S. Highway 60 to Williamsburg, Va., thence over Virginia Highway 5 to Richmond; also from Norfolk over U. S. Highway 460 to Petersburg, Va., thence over U. S. Highway 1 to Richmond), thence over U. S. Highway 1 to Fredericksburg, Va. (also from Norfolk over U. S. Highway 17 to Fredericksburg; also from Norfolk over U. S. Highway 17 to Glenns, Va., thence over Virginia Highway 33 to Shacklesford, Va., thence over Virginia Highway 14 to Bowling Green, Va., thence over Virginia Highway 2 to Fredericksburg), thence over U. S. Highway 1 via Washington, D. C., to Baltimore, Md., thence over U. S. Highway 40 to Junction U. S. Highway 13 (also from Norfolk over U. S. Highway 13 to junction U. S. Highway 40), thence over U. S. Highway 13 to Philadelphia (also from Baltimore over U. S. Highway 1 to Philadelphia), thence over U. S. Highway 1 to Trenton, N. J. (also over U. S. Highway 13 to Trenton), thence over U. S. Highway 1 to New York; (2) From Norfolk to Philadelphia, as specified above, thence via the Philadelphia-Camden bridge to Camden, N. J., thence over U. S. Highway 130 to junction U. S. Highway 1, thence over U. S. Highway 1 to New York (also from Camden over New Jersey Highway 38 to Junction New Jersey Highway 73, thence over New Jersey Highway 73 and via Camden-Philadelphia Interchange No. 4 to the New Jersey Turnpike, thence over the New Jersey Turnpike and via Interchange No. 18 to junction U. S. Highway 46, thence over U. S. Highway 46 to junction U. S. Highway 1, thence over U. S. Highway 1 to New York) (also over the New Jersey Turnpike to Interchange No. 15 and via the Interchange to junction Truck U. S. Highway 1, thence over Truck U. S. Highway 1 to Jersey City, thence over U. S. Highway 1 to New York); (3) from Norfolk to junction U. S. Highways 40 and 13, as specified in (1) above, thence over U. S. Highway 40 to junction U. S. Highway 130, thence over U. S. Highway 130 to junction U. S. Highway 1, thence over U. S. Highway 1 to New York (also over U. S. Highway 40 to junction New Jersey Turnpike, thence over New Jersey Turnpike to U. S. Highway 1, as specified above, thence over U. S. Highway 1 to New York). Return over Routes A. (1), (2) and (3), respectively, to Norfolk. Serving on Routes A. (1), (2) and (3) the intermediate points of Newark and Trenton, N. J., Philadelphia, Pa., Baltimore and Salisbury, Md., Wilmington, Del., and Washington, D. C., and intermediate and off-route points within five (5) miles of New York, N. Y., Newark, N. J., and Philadelphia, Pa., and those within the commercial zones thereof, as defined by the Commission, and Manville, N. J., as an off-route point restricted to shipments moving to, from, or through the proposed intermediate and off-route points located in Virginia and North Carolina. B. (1) Between Richmond, Va., and Baltimore, Md., from Richmond over U. S. Highway 301 to Baltimore, and return over the same route, serving no intermediate points, and serving Richmond, Va., for joinder only; (2) between junction U. S. Highways 17 and 301 and Baltimore, Md., from junction U. S. Highways 17 and 301 over U. S. Highway 301 to Baltimore, and return over the same route, serving no intermediate points, and serving junction U. S. Highways 17 and 301 for joinder only. C. Between Norfolk, Va., and Edenton, N. C., from Norfolk over U. S. Highway 17 to Edenton, and return over the same route. From Norfolk over U. S. Highway 460 to Suffolk, Va., thence over Virginia Highway 32 to the Virginia-North Carolina State line, thence over North Carolina Highway 32 to Edenton (also from Norfolk over U. S. Highway 17 to junction U. S. Highway 158, thence over U. S. Highway 158 to Sunbury, N. C., thence over North Carolina Highway 32 to Edenton), and return over the same route. Serving intermediate and off-route points under C. as follows: (1) points in Virginia east of the Chesapeake Bay; (2) points in Virginia south of the James River and those on and east of a line beginning at Claremont, Va., and extending along Virginia Highway 40 to Homeville, Va., thence along Virginia Highway 35 via Courtland, Va., to the Virginia-North Carolina State line; (3) those in Virginia north of the James River in James City, York, Warwick, Elizabeth City, Gloucester, Mathews and Middlesex Counties, and those on and south of Virginia Highway 33 and on and east of Virginia Highway 30. D. Between Norfolk, Va., and Murfreesboro, N. C., from Norfolk over U. S. Highway 58 to Franklin, Va. (also from Norfolk over U. S. Highway 13 to junction U. S. Highway 58 at or near Bowers Hill, Va., thence over U. S. Highway 58 to Franklin), thence over U. S. Highway 258 to Murfreesboro. From Norfolk over U. S. Highway 58 to Suffolk, Va., thence over Virginia Highway 32 to the Virginia-North Carolina State line, thence over North Carolina Highway 32 to Sunbury, N. C., thence over U. S. Highway 158 to Murfreesboro; (also from Norfolk over U. S. Highway 58 to Suffolk, thence over U. S. Highway 13 to junction U. S. Highway 158, thence over U. S. Highway 158 to Murfreesboro). Return over the above-specified routes in D. to Norfolk. Serving intermediate and off-route points in North Carolina on, north and east of a line beginning at Oregon Inlet and extending along the westerly and northerly shores of Croatan and Albemarle Sounds, and the Chowan River, thence along North Carolina Highway 35 to the North Carolina-Virginia State line, and serving the off-route point of Ahoskie, N. C. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia.

No. MC 110325 Sub 11, filed June 27, 1956, TRANSCON LINES, a Corporation, 1206 South Maple Boulevard, Los Angeles, Calif. Applicant's representative: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; and *government owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) and *empty government owned compressed gas trailers*, between Junction of U. S. Highways 60 and 71 near Aguila, Ariz., and Wichita, Kans.: From Junction U. S. Highway 60 and Arizona Highway 71 over Arizona Highway 71 to Congress Junction, Ariz., thence over U. S. Highway 89 to its junction with alternate U. S. Highway 89, thence over U. S. Highway 89 or Alternate U. S. Highway 89 to Junctions with U. S. Highway 66 near Ashfork or Flagstaff, Ariz., thence over U. S. Highway 66 through Winslow and Holbrook, Ariz., and Gallup and Albuquerque, N. Mex., to Tucumcari, N. Mex., thence over U. S. Highway 54 to Wichita, Kans., and return over the same routes, serving the intermediate point of Albuquerque, N. Mex., only.

NOTE: Applicant states authority applied for to be subject to the provision that any certificate granted shall be limited in point of time to a period ending with the termination of applicant's presently held lease with Cain's Truck Lines (the expiration date of which is April 1, 1961) for any other reason than the exercise by applicant of its option to purchase the rights now leased from the above named lessor. Applicant is authorized to conduct operations in Arizona, California, Illinois, Indiana, Kansas, Missouri, New Mexico, and Oklahoma.

No. MC 110452 Sub 10, filed June 25, 1956, ANDREW P. GRAHAM, doing business as GRAHAM TRUCKING CO., P. O. Box 713, Belen, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in New Mexico and points in Arizona. Applicant is authorized to transport lumber from certain Arizona points to New Mexico points.

No. MC 110525 Sub 310, filed June 20, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, as defined by the Commission, from points in Wayne County, Mich., to points in Georgia and Illinois. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 111472 Sub 36, filed June 25, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to points in Florida.

No. MC 112497 Sub 53, filed June 27, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street (P. O. Box 3096) Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene*, in shipper owned trailers, from Port Arthur, Texas to Baton Rouge, La., and *empty shipper owned trailers*, on return. Applicant is authorized to conduct operations in Louisiana, Massachusetts, Alabama, Florida, Georgia, and Missouri.

No. MC 112617 Sub 23, filed June 22, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's representatives: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Crossville, Ill. to points in Kentucky. Applicant is authorized to transport petroleum products, in bulk, in tank vehicles, from specified Kentucky points to points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Ohio, Pennsylvania, Indiana, Michigan, Illinois, and Tennessee.

No. MC 112816 Sub 2, filed June 27, 1956, FRANK MILLER, doing business as FRANK MILLER & SON, 435 Mount Hope Street, Attleboro Falls, Mass. Applicant's representative: William A. McGivney, Riley Building, North Attleboro, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Waste paper*, (baled) and *new kraft paper*, on rolls, between Lonsdale, R. I., on the one hand, and Fitchburg and Pepperell, Mass., and Claremont and Berlin, N. H. on the other.

No. MC 112851 Sub 3, filed June 11, 1956, GEORGE B. REYNOLDS, doing business as REYNOLDS TRUCKING COMPANY, R. R. No. 1, Crawfordsville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, from Veedersburg, Ind., to points in Missouri, Illinois, Wisconsin, the Lower Peninsula of Michigan, Ohio and Kentucky, and *damaged shipments* from points in the above-described States to Veedersburg, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, and Ohio.

No. MC 115029 Sub 1, filed June 15, 1956, RAYMOND WESLEY, doing business as WESLEY OIL TRANSPORT, 7306 West 83d Street, Oak Lawn, Ill. Applicant's representative: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, tar* and *fuel oil*, in bulk, in tank vehicles, from Gary, Whiting, East Chicago and Hammond, Ind., to points in Lake and Boone Counties, Ill.; and *fuel oil*, in bulk, in tank vehicles, from Gary, Whiting, East Chicago and Hammond, Ind., to points in Cook, Du Page, McHenry, Will, Winnebago, Kane, De Kalb, Kankakee, Kendall, Grundy, Lake and Boone Counties, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 115162 Sub 11, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala.

Applicant's representative: Hugh R. Williams, 2284 West Fairview Avenue, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Auto wheels*, (loose) without tires, iron or steel, from Detroit, Mich., to Evergreen, Ala. *Axles for bus, automobiles or trailers*, (loose) *axle and differential assemblies*, from New Castle, Pa., and Detroit, Mich., to Evergreen, Ala., *Rubber matting, pipe fittings*, iron or steel, from Mantua, Ohio, to Evergreen, Ala., *Propane fuel tanks*, from Kent, Ohio, to Evergreen, Ala. *Internal combustion engines*, from Columbus, Ind., Kent, Ohio, and Waukesha, Wis., to Evergreen, Ala. *Driving gear parts and assemblies*, from Detroit, Mich., New Castle, Pa., and Toledo, Ohio, to Evergreen, Ala. *Air brakes parts and assemblies*, from Edwardsville, Ill., to Evergreen, Ala., *Steel sheets*, from Chicago, Ill. and New Orleans, La., to Evergreen, Ala., *Steering gears parts*, iron or steel, from Portland, Mich. to Evergreen, Ala.

No. MC 115497 Sub 4, filed June 7, 1956, HARRY CRISWELL, Dixon, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium ore*, in seasonal operations, between April 1 and January 1, inclusive, of each year, in bulk, in dump trucks, from Baggs, Wyo., and points within fifty (50) miles thereof, to shipping points at Creston, Wamsutter, and Rawlins, Wyo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return.

No. MC 115846 Sub 1, filed June 8, 1956, WILLIAM CRIST, JR., 2401 Davidson Avenue, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carbonated beverages*, in bottles, from New York, N. Y., to Stamford and Bridgeport, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 116027, filed June 4, 1956, NICHOLAS KIRCHNER, JOHN NICK KIRCHNER, AND WILLIAM J. KIRCHNER, doing business as N. KIRCHNER & SONS, St. Patrick, Clark County, Mo. Applicant's representative: J. Patrick Wheeler, Canton, Mo., and Monticello, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, from St. Patrick, Clark County, Mo., and points within fifty (50) miles thereof, to points in Iowa, Illinois, and Missouri, and *seed, feed*, and *fertilizer*, from East St. Louis, and Chicago, Ill., to St. Patrick, Wayland, and Kahoka, Mo., on return.

No. MC 116071, filed June 25, 1956, CHARLES A. HEAD, INC., 85 Main Street, Worcester, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from Worcester, N. Y. and points in Otsego County, N. Y., to Winooski, Vt., Laconia, and Nashua, N. H., Leonminster, and Gardner, Mass.

No. MC 116073, filed June 25, 1956, JOHN C. BARRETT and LLOYD G. PLADSON, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's representative: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *New house trailers*, (a) between points in Clay County, Minn., and points in North Dakota and Montana, and (b) between points in Minnesota and Montana, and (2) *Used house trailers*, between points in Minnesota and North Dakota and Montana.

No. MC 116075, filed June 25, 1956, SAMUEL E. NUTILE and LEO RABINOWITZ, doing business as NU-RAY TRUCKING CO., 41 Fredericks Avenue, Hawthorne, N. J. Applicant's representative: M. J. Barron, Traffic Manager, Ekco Products Company, 1949 North Cicero Avenue, Chicago 39, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Used baking pans* for cleaning and reglazing, between Fair Lawn, N. J., on the one hand, and, on the other, points in New Jersey, Connecticut, and Rhode Island, and points in that part of Massachusetts on and south of a line beginning at Boston and extending along New York Highway 2 to the Massachusetts-New York State line; points in that part of New York on and south and east of a line beginning at the Massachusetts-New York State line and extending along New York Highway 2 to Troy, thence along New York Highway 7 to its junction with New York Highway 5 at Schenectady, thence along New York Highway 5 to Utica, thence along New York Highway 69 to Mexico, thence along U. S. Highway 104 to Rochester and thence along U. S. Highway 15 to the New York-Pennsylvania State line; and points in that part of Pennsylvania on, east and north of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 15 to Harrisburg, thence along U. S. Highway 230 to its junction with U. S. Highway 30 at or near Lancaster, thence along U. S. Highway 30 to Philadelphia and the Pennsylvania-New York State line.

No. MC 116078, filed June 27, 1956, WILLIAM J. LYLE AND JOHN LYLE, doing business as LYLE BROTHERS AUTO PARTS COMPANY, 301 First Avenue, East, Duluth, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled motor vehicles and tractors* for replacement of wrecked or disabled tractors, in truckaway service, between points in Minnesota, Wisconsin, and Michigan.

No. MC 116079, filed June 27, 1956, JAMES K. CROSBIE, JR., doing business as JIM CROSBIE, Orleans Road, Chatham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, power and sail, *marine engines*, new and used, *Boat parts, supplies, accessories, and equipment*, (1) between points in Barnstable and Plymouth Counties, Mass., on the one hand, and, on the other, Sandusky, Ohio, Lower Bank, N. J., Manistee, Mich., and points in Maine, on and east of U. S. Highway #1 and (2) between points in Florida, and points in Barnstable and Plymouth Counties, Mass.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 125, filed June 28, 1956, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicants representative: L. C. Major, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between St. Louis, Mo., and East St. Louis, Ill., from St. Louis over the Veteran's Memorial Bridge to East St. Louis, and return over the same route, serving no intermediate points.

NOTE: Applicant states it is presently certificated to operate between St. Louis, Mo., and East St. Louis, Ill., via the Eads Toll Bridge (Docket No. MC 1501 Subs 25, 92 and 104), and by this application merely proposes to transfer a portion of its present operations to the new Veteran's Memorial Bridge, which is located immediately north of and parallel to the old Eads Bridge, both of which bridges cross the Mississippi River and connect the City of St. Louis, Mo., with the City of East St. Louis, Ill.

No. MC 59768 Sub 3, filed June 26, 1956, COSMOPOLITAN TOURIST COMPANY, INC., 35–10 43d Street, Long Island City, N. Y. Applicant's representative: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and in round trip-charter operations beginning and ending at points in Nassau and Suffolk Counties, N. Y., and extending to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 110046 Sub 2, filed June 4, 1956, MOTOR TRANSPORTATION COMPANY, INC., 160 North Laurel Street, Hazleton, Pa. Applicant's representatives: Elwood H. Jones, Esq., 136 North Broad Street, West Hazleton, Pa., and Daniel H. Jenkins, Mears Building, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Luzerne, Carbon and Schuylkill Counties, Pa., and extending to points in Maine, New York, New Jersey, Delaware, Maryland, Washington, D. C., Virginia, West Virginia, and Florida.

No. MC 112062 Sub 1, filed June 22, 1956, JAMES G. SMITH, doing business as SMITH TRANSPORTATION COMPANY, 501 Main Street, Evanston, Wyo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Salt Lake City, Utah, and Evanston, Wyo., from Salt Lake City over U. S. Highway 40 to Kimball's Junction, thence over U. S. Highway 189 to Wanship, Utah, thence over Alternate U. S. Highway 189 to Kamas, Utah, thence east over Utah Highway 150 to the Wyoming-Utah state line, thence over Wyoming Highway 149 to Evanston, Wyo., and return over U. S. Highway 30S to Echo Junction, thence over U. S. Highway 189 via Wanship to Kimball's Junction, and thence over U. S. Highway 40 to Salt Lake City, serving all intermediate points between Salt Lake City and Mirror Lake Lodge, Utah, and serving no intermediate points on return between Evanston, Wyo., and Salt Lake City, Utah. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

No. MC 115030 Sub 1, filed June 21, 1956, W. R. CHESTER, doing business as TRENTON-ST. JOSEPH COACHES, 1801 South Ninth Street, P. O. Box 525, St. Joseph, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicles with passengers, between St. Joseph, Mo., and Rockport, Mo., from St. Joseph over U. S. Highway 71 to junction U. S. Highway 59–275, thence over U. S. Highway 59–275 to its junction near Tarkio, Mo., thence return over U. S. Highway 59 to junction U. S. Highway 59–275 to junction U. S. Highway 275, thence over U. S. Highway 275 to Rockport, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Missouri.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F 6300, (Second Correction) published in the June 20, 1956, and June 27, 1956, issues of the FEDERAL REGISTER on pages 4336 and 4701, respectively. Notice of June 27, 1956, incorrectly shows the date of original publication to be June 30, 1956, in lieu of June 20, 1956.

No. MC–F 6303 (correction) published in the June 20, 1956, issue of the FEDERAL REGISTER on page 4336. Application was incorrectly shown as a *merger* and should have been shown as a *purchase* transaction.

No. MC–F 6305, (correction) published in the June 27, 1956, issue of the FEDERAL REGISTER on page 4701. The operating rights being transferred should read, in part as follows: *"New automobiles, new trucks, new cabs,* and *new chassis*, restricted to initial movements * * *" and "* * * *the commodities specified above*, restricted to secondary volume movements * * *"

No. MC–F 6306, published in the June 27, 1956, issue of the FEDERAL REGISTER on page 4701. Application filed July 2, 1956, for temporary authority under section 210a (b).

No. MC–F 6317. Authority sought for control by CANADIAN FREIGHTWAYS, LIMITED, 410 Riverside Boulevard, Calgary, Alberta, Canada, of the operating rights and property of SEA-VAN EXPRESS, LTD., 1118 Melville, Vancouver, British Columbia, Canada, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., of Portland, Oreg., of control of such rights and property through the transaction. Applicant's representative: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled: *General commodities*, except used household goods and office furniture, uncrated, as a *common carrier* over a regular route between Seattle, Wash., and the boundary of the United States and Canada, serving all intermediate and certain off-route points. Applicant holds no authority from this Commission but is a subsidiary of CONSOLIDATED FREIGHTWAYS, INC., which is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6320. Authority sought for merger by THE ARKANSAS MOTOR FREIGHT LINES, INC., 401 South 11th Street, Fort Smith, Ark., of the operating rights and property of BEST MOTOR FREIGHT, INC., 2511 Swiss Avenue, Texas, and for acquisition by R. A. YOUNG, JR., also of Fort Smith, of control of such rights and property through the transaction. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Texas. Operating rights sought to be merged: *General commodities*, with certain exceptions not including household goods, as a *common carrier* over regular routes including routes between Akron, Ohio, and Dallas, Texas, between Akron, Ohio, and Indianapolis, Ind., between St. Louis, Mo., and Dallas, Tex., between St. Louis, Mo., and Chicago, Ill., and between Dallas, Tex., and Waxagachie, Tex., serving certain intermediate and off-route points; several alternate routes for operating convenience only; general commodities, with certain exceptions including household goods, over three regular routes for operating convenience. THE ARKANSAS MOTOR FREIGHT LINES, INC., is authorized to operate in Arkansas, Kansas, Missouri, Illinois, Louisiana, Texas, Tennessee, and Mississippi. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6321. Authority sought for purchase by G. L. ALLEN COMPANY, 5850 Pardee Road, Dearborn, Mich., of a portion of the operating rights of HECK DeTAVERNIER, INC., (JOHN M. STIVASON, RECEIVER), 21262 Telegraph Road, Detroit, Mich., and for acquisition by GLENN L. ALLEN, also of Dearborn, of control of such rights through the purchase. Applicants' representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *Foundry sand*, as a *common carrier* over irregular routes, from points in Macomb County, Mich., to points in Illinois, Indiana, Ohio and Pennsylvania; and *salt*, in bulk, in dump truck vehicles, from Manistee and Marysville, Mich., to points in Illinois, Indiana, and Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Michigan and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6322. Authority sought for purchase by JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo., of the operating rights and certain property of ROY BEEM, doing business as BEEM TRANSPORT COMPANY, West Fourth Street, Chadron, Nebr., and the operating rights and property of DILLON TRANSPORT CORPORATION, Gordon, Nebr., and for acquisition by ELDON JOHNSTON, of Wheatland, Wyo., C. W. BURNETTE and MERRILL TATE, both of Newcastle, of control of such operating rights and property through the purchase. Applicants' representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be transferred: (Beem) *Petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes from Osage, Lusk, and Lance Creek, Wyo., to Chadron, Nebr., from Glenrock, Wyo., to Chadron, Gordon, and Crawford, Nebr., from Newcastle and Cheyenne, Wyo., and points within two miles of Casper, Wyo., except Casper and the site of the Texas Company Refinery near Casper, to Chadron, Nebr., and from Chadron, Crawford, and Gordon, Nebr., to points in South Dakota and certain points in Wyoming; *liquid petroleum products*, in bulk, in tank vehicles, from certain points in Wyoming to Hay Springs and Rushville, Nebr.; (Dillon) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from, to and between points and areas, varying with the commodity indicated, in Wyoming, Nebraska, South Dakota, and Colorado; *petroleum*, in bulk, from Sinclair, New Castle, Casper, and Lusk, Wyo., Denver, Colo., and Scottsbluff, Crawford, Chadron, and Superior, Nebr., to Martin, S. Dak., and Merriman, Nebr. Vendee is authorized to operate as a *common carrier* in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado and Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6323. Authority sought for merger by WILSON FREIGHT FORWARDING COMPANY, 3663 Follett Avenue, Cincinnati 23, Ohio, of the operating rights and property of THE CLEVELAND AND CHICAGO MOTOR EXPRESS COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ, and S. DAVID SHOR, all of Cincinnati, of control of such rights and property through the transaction. Applicants' representative: Harry C. Ames, Jr., 216 Transportation Bldg., Washington 6, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Cleveland, Ohio, and Chicago, Ill., between Toledo, Ohio, and Fort Wayne, Ind., between Cleveland, Ohio, and Youngstown, Ohio, between Sandusky, Ohio, and Akron, Ohio, and between Fort Wayne, Ind., and junction Indiana Highway 2 and U. S. Highway 6, serving certain intermediate and off-route points; numerous alternate routes for operating convenience only. WILSON FREIGHT FORWARDING COMPANY is authorized to operate as a *common carrier* in

Pennsylvania, New York, Ohio, Maryland, Kentucky, New Jersey, Massachusetts, Virginia, West Virginia, North Carolina, Tennessee, Connecticut, Indiana, and the District of Columbia. Application has not been filed for temperorary authority under section 210a (b).

No. MC–F 6324. Authority sought for control by McDUFFEE MOTOR FREIGHT, INC., High School Avenue and Woodlawn Street, Lebanon, Ky., of the operating rights and property of SUTTON TRANSFER, INC., 808 National Avenue, Lexington, Ky., and for acquisition by W. C. McDUFFEE also of Lebanon, of control of such rights and property through the transaction. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building., Louisville 2, Ky. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Lancaster, Ky., and Lexington, Ky., serving all intermediate and certain off-route points; *the commodities* classified as (a) meats, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat packing houses in the appendix to the Commission's report in *Modification of Permits—Packing House Products*, 46 M. C. C. 23, over irregular routes, from Lexington, Ky., to points in Kentucky within 45 miles of Lexington, excluding Richmond, Ky., and *empty containers* from the above-described destination points to Lexington, Ky. McDUFFEE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Kentucky, Ohio, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6325. Authority sought for purchase by THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill., of a portion of the operating rights and certain property of AUTO INTERURBAN COMPANY, 508 West Cataldo, Spokane, Wash. Applicants' representative: John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, as a *common carrier* over regular routes between Spokane, Wash., between Spokane, Wash., and the boundary of the United States and Canada, and between Spokane, Wash., and Wallace, Idaho, serving all intermediate points; all of the issued and out-standing capital stock of B. C. AUTO INTERURBAN, LTD., a British Columbia corporation, an affiliate of vendor, not subject to Part II of the Interstate Commerce Act. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, and Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6327. Authority sought for purchase by MERCHANTS TRANSFER AND STORAGE COMPANY, 920 E Street NW., Washington, D. C., of a portion of the operating rights of FRANK A. SCHROFF and ANDREW E. SCHROFF, doing business as SCHROFF BROS., 3100 K Street NW., Washington, D. C., and for acquisition by JOHN L. NEWBOLD and KATHARINE W. NEWBOLD, both of Washington, of control of such operating rights through the purchase. Applicants' representative: John L. Newbold, President, Merchants Transfer and Storage Company, 920 E Street NW., Washington, D. C. Operating rights sought to be transferred: *Contractor's equipment* and *heavy machinery*, as a *common carrier* over irregular routes between Washington, D. C., and points within ten miles of Washington, on the one hand, and, on the other, points in that part of Maryland and Virginia within 100 miles of Washington, D. C. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Florida, New Jersey, New York, Rhode Island, Tennessee, and the District of Columbia, and as a *contract carrier* in Maryland, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6328. Authority sought for control by JOSEPH E. GRINPAS, 1400 Kansas Avenue, Kansas City, Kans., of the operating rights and property of BULK MOTOR TRANSFORT, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority applied for by BULK MOTOR TRANSPORT, INC., and sought to be controlled by applicant: *Flour*, in bulk, in specialized equipment, (bulk flour trailers), as a *common carrier* over irregular routes from Detroit, Mich., to Flint, Mich. Applicant holds no authority from this Commission but owns controlling stock interest in SOUTHWEST FREIGHT LINES, INC., which is authorized to operate as a *common carrier* in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, Nebraska, Colorado, Wyoming, South Dakota, Texas and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6329. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Texas, of a portion of the operating rights and certain property of DENVER-AMARILLO EXPRESS, 200 North Fillmore Street, Amarillo, Texas, and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of such rights and property through the purchase. Applicants' representatives: Reagan Sayers, Century Life Building, Fort Worth 2, Texas, and W. D. Benson, Jr., Lubbock National Bank Building, Lubbock, Texas. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Denver, Colo., and Pueblo, Colo., between Pueblo, Colo., and Amarillo, Texas, between Eaton, N. Mex., and Taos, N. Mex., between Taos, N. Mex., and Santa Fe, N. Mex., and between Santa Fe, N. Mex., and junction U. S. Highways 85 and 64 southwest of Raton, N. Mex., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5462; Filed, July 10, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1520]

GENERAL TIRE & RUBBER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 5, 1956

In the matter of General Tire & Rubber Company, 3¾ percent Cumulative Preferred Stock, $100 Par Value, File No. 1–1520.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 1,771 shares of the 3¾ percent Preferred Stock, of the 18,605 shares previously outstanding, have been surrendered for conversion into either 4¼ percent Subordinated Debentures or 4¼ percent Preference Stock and transferable 5-year warrants for the purchase of common stock, pursuant to an offer approved by the Company's stockholders on April 3, 1956, according to advices from the Company to the Exchange. In the applicant's opinion, the outstanding amount of the 3¾ percent Preferred Stock has become so reduced as to make further dealings therein on the Exchange inadvisable and such dealings were suspended before the opening of the trading session on June 18, 1956.

Upon receipt of a request, on or before July 23, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5454; Filed, July 10, 1956; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AYAKO FUJISAKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ayako Fujisaka, Yanaishi, Kuga-gun, Yamaguchi-Ken, Japan; Claim Number 64034; Vesting Orders Nos. 1501 and 8952; $534.60 in the Treasury of the United States.

Executed at Washington, D. C., on June 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5476; Filed, July 10, 1956; 8:50 a. m.]

BERTHE LEVY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Berthe Levy, Paris, France; Claim No. 14133; Vesting Order No. 565; $831.22 in the Treasury of the United States.

Executed at Washington, D. C., on June 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5477; Filed, July 10, 1956; 8:50 a. m.]

FRANCIS EMIL SEARLES LINDLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francis Emil Searles Lindley, Lingfield, Surry, England; Claim No. 63753; Vesting Order No. 8711; $8,670.40 in the Treasury of the United States.

Four United Steel Works Corporation 3¼% Series A 25 year Mortgage Sinking Fund Gold Bonds, each in the face value of $1,000, identified by certificates Nos. 177, 178, 197 and 23303 located in the Federal Reserve Bank of New York for safekeeping, and

Sixteen detached coupons from the above bonds, located in the Federal Reserve Bank of New York for safekeeping.

Executed at Washington, D. C., on June 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5478; Filed, July 10, 1956; 8:50 a. m.]

OLIMPIA LA ROCCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Olimpia La Rocca, Palermo, Italy; Claim No. 60904; Vesting Order No. 17669, $8,225.00 in the Treasury of the United States.

Twenty Imperial Japanese Government External Loan of 1930, 35-year 5½%, Sinking Fund Gold Bonds, each in the face amount of $1,000.00, due on May 1, 1975, numbered 18890, 22227, 22228, 22229, 22230, 27255, 27256, 27257, 27258, 27259, 30051, 30231, 31244, 31245, 31828, 31829, 34131, 34132, 34133 and 65681, which bonds are held in the Safekeeping Department, Federal Reserve Bank, New York; and 300 coupons detached from the above bonds, which coupons are held in the Safekeeping Department, Federal Reserve Bank, New York.

Executed at Washington, D. C., on June 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5479; Filed, July 10, 1956; 8:50 a. m.]

NETHERLANDS FOR THE BENEFIT OF NORA DE HARTOG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Nora de Hartog, L. S. Claim No. 468, Southern Railway Company 4/56 Bond No. 36326, in the principal amount of $1,000.

Abraham, Willem and Hendrik Konijn, Jeannette and Abraham Kalker, and Margarethe Verkozen, L. S. Claim No. 542, Cities Service Company 5/63 Debenture No. 12570, in the principal amount of $1,000; and Cities Service Company 5/69 Debenture No. 45314, in the principal amount of $1,000.

Ella Leeser-Menke, L. S. Claim No. 561, Southern Pacific Company 4½/69 Bond No. 37027, in the principal amount of $1,000.

Robert S. Manheim, L. S. Claim No. 590, Kansas City Southern Railway Company 3/50 Bond No. 6446, in the principal amount of $1,000.

Maarten Ivor Menko, L. S. Claim No. 603, Southern Pacific Railroad Company 4 55 Bond No. 91743, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. F. Doc. 56–5480; Filed, July 10, 1956; 8:50 a. m.]

UNIVERSITY OF MICHIGAN

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Washington, Thursday, July 12, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of dry edible beans. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 is supplemented as follows:

Sec.
421.1776 Purpose.
421.1777 Availability of price support.
421.1778 Eligible beans.
421.1779 Warehouse receipts.
421.1780 Determination of quantity.
421.1781 Determination of quality.
421.1782 Credit for loss or damage.
421.1783 Maturity of loans.
421.1784 Packaging and warehouse charges.
421.1785 Support rates.
421.1786 Storage in transit.
421.1787 Liquidation of loans and delivery under purchase agreements.
421.1788 Settlement value.

AUTHORITY: §§ 421.1776 to 421.1788 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421.

§ 421.1776 *Purpose.* Sections 421.1776 to 421.1788 prescribe additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622; 21 F. R. 3997), apply to loans and purchase agreements under the 1956-Crop Dry Edible Bean Price Support Program.

§ 421.1777 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative marketing associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in all States of the continental United States, except that farm-storage loans will not be available in areas where the State committee determines the beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support must be made at the office of the county committee which keeps the farm-program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the State committee designates some other county ASC office.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing eligible beans in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible beans harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

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FEDERAL REGISTER

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(2) A cooperative marketing association of producers shall be deemed to be an eligible producer for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer-members, provided, (i) all beans of such class marketed or acquired by the association are produced by producer-members; (ii) the association does not release any such beans for the purpose of permitting producer-members to obtain individual price support loans or purchase agreements; (iii) the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer-members according to the class, quality and quantity of such beans each delivers to the association; (iv) the association has authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

(3) All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the State committee.

§ 421.1778 *Eligible beans.* At the time the beans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1956 by an eligible producer.

(b) (1) The beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Red Kidney, Large Lima and Baby Lima.

(d) The beans must not contain mercurial compounds or other substances poisonous to man or animals.

(e) (1) Beans placed under warehouse-storage loan must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.

(2) Beans placed under farm-storage loan must meet the requirements set forth in subparagraph (1) of this paragraph for warehouse-storage loans, or must be beans (hereinafter referred to as "thresher run" beans) which have not been commercially cleaned; which contain not in excess of 18 percent moisture; which, after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; which are not musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; and which do not have any commercially objectionable odor.

(f) Beans delivered under a purchase agreement must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.

(g) If offered as security for a farm-storage loan, beans must have been stored in the storage structure for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.1779 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under CCC Form 23, "Bean Storage Agreement." The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement," and if such insurance was not effective as of the date of deposit of the beans in the warehouse the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quantity and quality (hereinafter called identity-preserved beans) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of "identity-preserved" beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent of the charges indicated in § 421.1784 (b).

§ 421.1780 *Determination of quantity*—(a) *When loans are made*—(1) *Farm-storage or "identity-preserved" warehouse-stored beans.* (i) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

(ii) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is the smaller. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans, shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

(iii) If the beans are stored in sacks, a deduction of ¾ pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(2) *Commingled warehouse-storage beans.* The quantity on which a loan shall be made shall be the net weight of beans shown on the warehouse receipt or supplemental certificate.

(b) *At time of delivery or acquisition*—(1) *Delivery from other than an approved warehouse or delivery or acquisition as identity-preserved in an approved warehouse.* The net weight of beans delivered to CCC from other than an approved warehouse, or delivered to or acquired by CCC in an approved warehouse as "identity-preserved" beans shall be determined by weighing the beans. If all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of the bags weighed (but not less than 10 percent of the bags in the lot) by the total number of bags in the lot. The producer will be credited with the net weight delivered or acquired or with a quantity determined by multiplying the number of bags in the lot by 100 pounds, whichever quantity is less.

(2) *Delivery or acquisition in an approved warehouse of beans covered by a commingled warehouse receipt.* The net weight of beans delivered to or acquired by CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 421.1781 *Determination of quality.* (a) The class, grade, and all quality factors shall be determined in accordance with the United States Standards for Beans. An inspection certificate, issued by a licensed inspector, is required on all farm-storage loans.

(b) Where quality is guaranteed by the warehouseman, the class and grade acquired or delivered under a warehouse-storage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases, the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Division, Agricultural Marketing Service, U. S. Department of Agriculture.

§ 421.1782 *Credit for loss or damage.* The amount to be credited to the producer for loss or damage assumed by CCC, in accordance with § 421.1615 of 1956 C. C. C. Grain Price Support Bulletin 1, shall be determined by multiplying the number of hundredweight of sound beans, lost or destroyed, by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 421.1783 *Maturity of loans.* Loans mature on demand but not later than February 28, 1957, in the case of beans produced in the States of Michigan, New York and Pennsylvania, and not later than April 30, 1957, in the case of beans produced in all other States.

§ 421.1784 *Packaging and warehouse charges*—(a) *Packaging.* Unless otherwise approved by CCC, beans placed under a warehouse storage loan must be packed 100 pounds net in new bags made of 36-inch, 10.4 ounce "A" or "B" quality common jute or heavier weight jute, or provision must have been made for such packaging by the producer. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags must be marked to show the commodity name and class, the net weight when packed; and the name and address of the packer. Beans delivered under a farm-storage loan or purchase agreement must also meet the packaging requirements set forth above.

(b) *Warehouse charges.* Storage, bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC, accruing through February 28, 1957, in the case of beans produced in the States of Michigan, New York and Pennsylvania, and through April 30, 1957, in the case of beans produced in all other States, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loan or delivered under a purchase agreement, or shall be paid from the loan or purchase proceeds. Such charges include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges (not in excess of those approved for the 1956 crop under CCC Form 28, "Bean Storage Agreement") accruing after April 30, 1957 (February 28, 1957, for beans produced in Michigan, New York and Pennsylvania), which are delivered to or acquired by CCC.

§ 421.1785 *Support rates.* (a) The loan rate for eligible beans shall be the applicable support rate shown in paragraph (b) of this section, for the class, grade, and county where produced; however, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(b) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class and Area	Rate per 100 pounds U. S. No. 1 [1]
Pinto:	
Area I. All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos, and Valencia	$6.13
Area II. All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Klown, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, counties of Goshen, Laramie and Platte	6.03
Area III. Counties of McKinley and Valencia in New Mexico	5.93
Area IV. All counties in Arizona, California, South Dakota and Utah. In Colorado, all counties not in Area II. In Wyoming, all counties except Goshen, Laramie, and Platte. In New Mexico, counties of Rio Arriba, San Juan and Taos	5.83
Area V. All other States and counties	5.63
Great Northern:	
Area I. Minnesota, Nebraska, North Dakota. In Colorado, all counties est of 106 degrees longitude. In Wyoming, counties of Goshen, Laramie and Platte	$6.78
Area II. South Dakota, and all counties in Wyoming except Goshen, Laramie and Platte	6.58
Area III. All counties in Montana, Malheur County in Oregon, and counties of Ada, Bannock, Bear Lake; Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls in Idaho	6.38
Area IV. All other States and counties	6.28
Pea and Medium White:	
Area I. Michigan, Minnesota, Maine, New York and Wisconsin	7.13
Area II. All other States	6.63
Small White and Flat Small White	6.71
Red Kidney	8.14
Pink	6.76
Small Red	6.86
Large Lima	9.71
Baby Lima	4.96

[1] Premium for U. S. C. H. P. and U. S. Extra No. 1, 10 cents except that premium on pea beans is 25 cents. Discount for U. S. No. 2, 25 cents. Loan rate for thresher-run beans—U. S. No. 1 less $2, except in Michigan and New York, where the loan rate shall be U. S. No. 1 less $3. Quantity on thresher-run beans is the net weight of sound whole beans.

§ 421.1786 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "inline" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement," in effect with CCC for the 1956 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of Form CCC 28, "Bean Storage Agreement".

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate CSS Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 421.1787 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm-storage loans.* The provisions of § 421.1618 (a) of 1956 C. C. C. Grain Price Support Bulletin 1 shall apply to farm-storage bean loans.

(b) *Warehouse-storage loans.* The provisions of § 421.1618 (b) of 1956 C. C. C. Grain Price Support Bulletin 1 shall apply to warehouse-storage bean loans including beans stored identity-preserved.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of beans to CCC. However, he may sell to CCC any quantity of eligible beans not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the beans to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date specified in § 421.1783, or such earlier date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible beans stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of beans he elects to sell to CCC. In the case of beans stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain beans stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of beans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the beans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the beans are going out of condition or are in danger of going out of condition and that the beans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the beans to be of an eligible grade, settlement, when delivery is completed, shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(4) Eligible beans delivered under a purchase agreement will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Beans stored commingled in approved warehouses will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. Beans stored identity-preserved in an approved warehouse and beans delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery (in accordance with requirements for the determination of such factors under the loan program), and agreed to by the producer on Commodity Purchase Form 4.

§ 421.1788 *Settlement value.* The settlement value of the beans delivered or acquired under a loan or delivered under purchase agreement shall be determined as set forth in this section.

(a) *Applicable support rate.* Settlement of loans and purchase agreements shall be made at the support rate for the county in which the beans are produced except as follows:

(1) In the case of farm-storage loans settlement shall be made at the support rate for the county where the beans are delivered if the beans have been delivered to such county by truck and such county has a higher support rate than the county where the beans were produced.

(2) In the case of warehouse-storage loans, both identity-preserved and guaranteed, (i) if the warehouse is located off the railroad, settlement will be made with the producer at the support rate for the county to which the warehouseman guarantees delivery for loading if such support rate is higher than the support rate for the county where the beans were produced, and (ii) if the beans are acquired in storage in an approved warehouse in a county having a higher support rate than the county where the beans were produced and movement to such warehouse was made by truck, settlement will be made at the support rate for the county in which acquisition is made by CCC.

(3) In the case of beans delivered under purchase agreement from other than approved warehouse storage, the provisions of subparagraph (1) of this paragraph shall be applicable. In the case of beans delivered under purchase agreement in an approved warehouse, the provisions of subparagraph (2) of this paragraph shall be applicable.

(b) *Applicable support rate for class and grade*—(1) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable county support rate for the class and grade of beans shown on the warehouse receipt and accompanying documents for the quantity shown thereon.

(2) *Farm-storage and identity-preserved warehouse-storage loans.* (i) In the case of eligible beans delivered to CCC from farm-storage or acquired by CCC in identity-preserved warehouse-storage under the loan program, settlement will be made at the applicable county support rate for the class and grade of the total quantity of beans delivered. The producer shall, at his expense, furnish to the county committee official inspection and weight certificates dated subsequent to February 15, 1957, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1957, for beans produced in all other States. On farm-storage loans such certificates shall be furnished at the time of delivery of the beans. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the applicable maturity date. In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer. However, notwithstanding the foregoing provisions of this subdivision, if at the time of delivery to or acquisition by CCC, a commingled warehouse receipt covering the beans delivered or acquired, agreed to by the producer and warehouseman, is issued by an approved warehouse, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(ii) In the case of beans (delivered under a farm-storage loan or acquired by CCC under an identity-preserved warehouse storage loan) which are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the class and grade placed under loan, less the difference, if any, at the time the inspection and weight certificates, or the commingled receipt, are delivered to the county committee, between the market price for the class and grade placed under loan and the market price of the beans delivered or acquired as determined by CCC: *Provided, however,* That in the case of thresher-run beans which, when delivered are not of a grade for which a support rate has been established, the settlement value shall be the support rate for beans of the same class grading U. S. No. 2, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC: *Provided, further,* That if any such beans are sold by CCC in order to determine the market price for purposes of settlement, the settlement value shall not be less than such sales price.

(iii) Any amount determined to be due CCC or the producer in settlement for difference in quantity or quality of an identity-preserved warehouse storage loan shall be paid as provided in § 421.1618 (a) (2) and (3) of 1956 C. C. C. Grain Price Support Bulletin 1.

(3) *Purchase agreements.* Eligible beans delivered to CCC under a purchase agreement will be purchased at the applicable support rate for the class and grade of beans delivered and the producer shall, at his expense, furnish to the county committee at the time of delivery official inspection and weight certificates dated subsequent to February 15, 1957, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1957, for beans produced in all other States: *Provided, however*, That if at the time of delivery to CCC, a commingled warehouse receipt covering the beans delivered, agreed to by the producer and warehouseman is issued by an approved warehouse, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(c) *Determination of quantity for settlement purposes.* The quantity of beans on which settlement will be made shall be determined in accordance with § 421.1780 (b).

Issued this 6th day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5500; Filed, July 11, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1957 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE; POLICY

The above identified regulations (20 F. R. 10015) are hereby amended, effective beginning with the 1957 crop year, as follows:

1. The table following paragraph (a) of § 418.3 is amended by establishing a closing date of August 31 for Toole and Yellowstone Counties, Montana.

2. Section 22 of the policy shown in § 418.6 is amended by establishing a cancellation date of June 30 for Toole and Yellowstone Counties, Montana.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on June 29, 1956.

[SEAL] E. C. NEAS,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved on: July 9, 1956.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 56-5522; Filed, July 11, 1956; 8:51 a. m.]

[Amdt. 4]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE; POLICY

The above identified regulations (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004) are hereby amended as follows:

1. Section 424.3, as amended, is amended, effective beginning with the 1957 crop year, to read as follows:

§ 424.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a barley crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year, except that in the States of Idaho, Oregon, and Washington an application for insurance may be filed until the March 31 following the closing date provided that in such cases winter barley will not be insured for the first crop year of the contract:

State and Closing Date
California: August 31.
Idaho: October 31.
Oregon: October 31.
Washington: October 31.
All other States: March 31.

2. Subsection (d) of section 10, as amended, of the policy shown in § 424.6 is amended, effective beginning with the 1957 crop year for counties having a cancellation date of December 31, and effective beginning with the 1958 crop year for all other counties, to read as follows:

(d) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: Provided, when the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

3. Subsection (a) of section 13, as amended, of the policy shown in § 424.6 is amended, effective beginning with the 1957 crop year, by changing the phrase in the second sentence which reads, "the June 30 for Oregon and Washington" to read, "the June 30 for Idaho, Oregon, and Washington".

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on June 29, 1956.

[SEAL] E. C. NEAS,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved on: July 9, 1956.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 56-5521; Filed, July 11, 1956; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1956 UPLAND CROP

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AUTHORITY: §§ 722.742 to 722.788 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342-347, 361-368, 372-376, 388; 52 Stat. 33, as amended; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1372-1376, 1388.

GENERAL

§ 722.741 *Basis and purpose.* The provisions of §§ 722.742 to 722.788 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers, and others; and other miscellaneous provisions regarding the production and marketing of cotton. The provisions apply (a) to cotton produced in 1956 and (b) to cotton produced in 1955 or any prior year which is marketed by producers during the 1956-57 marketing year. The provisions of §§ 722.741 to 722.788 supplement the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton, issued October 28, 1955 (20 F. R. 8247), as amended. In accordance with section 4 of the Administrative Procedure Act (60 Stat. 237), notice was published in the FEDERAL REGISTER on May 30, 1956 (21 F. R. 3689) that the Secretary of Agriculture had under consideration the formulation and issuance of such provisions. The data, views, and recommendations submitted by interested persons have been duly considered within the limits of the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, in connection with the preparation of §§ 722.742 to 722.788.

§ 722.742 *Definitions.* As used in §§ 722.742 to 722.788 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Terms relating to administrative organization.* (1) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(2) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(3) "Director" means the Director or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee.

(5) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(6) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(7) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation County and Community Committees (19 F. R. 3637), as amended.

(8) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation County and Community Committees (19 F. R. 3637), as amended.

(9) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(10) "Treasurer" means the county office manager or the person designated by him to act as treasurer of the county committee.

(b) *Terms relating to farm.* (1) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as a part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or adminstrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247), as amended.

(3) "Acreage planted to cotton:" For purposes of determining compliance with the farm acreage allotment, the acreage planted to cotton on a farm in 1956 shall be the acreage of land seeded to cotton on the farm in 1956, excluding any acreage in excess of the farm acreage allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under item (ii) of this subparagraph for disposing of excess cotton acreage, or (ii) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.726 of the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247), as amended, after the original notice of the measured cotton acreage is mailed to the farm operator.

(4) "New cotton farm" means a farm on which cotton is to be planted in 1956 but on which no acreage was planted to cotton in any of the years 1953, 1954, and 1955.

(5) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(6) "Normal production" of any number of acres means the normal yield for the farm multiplied by such number of acres.

(7) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1956.

(8) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1956.

(9) "Farm marketing quota" means a cotton marketing quota established for the farm under § 722.749.

(10) "Farm marketing excess" means the amount of cotton determined for any farm under § 722.750 or § 722.752, whichever is applicable.

(11) "Farm with no farm marketing excess" means a farm on which the acreage planted to cotton in 1956 is not in excess of the farm acreage allotment established therefor.

(12) "Farm with a farm marketing excess" means a farm on which the acreage planted to cotton in 1956 is in excess of the farm acreage allotment established therefor.

(13) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee for the purpose of identification.

(14) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the 1956 crop of cotton (or cotton on hand from a prior crop) or of the proceeds thereof.

(15) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(16) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(17) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(18) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(19) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(20) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(21) "Lint cotton" means the fiber taken from seed cotton by ginning.

(c) *Terms relating to marketing.* (1) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(2) "Marketing year" means the period beginning August 1, 1956, and ending July 31, 1957, both dates inclusive.

(3) "Buyer" means a person who acquires cotton from a producer by purchase. An agricultural cooperative association which makes purchase- and sale-agreements with producers, or marketing agreements under which the title to cotton passes upon delivery of cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.748.

(4) "Transferee" means a person who receives cotton from a producer by barter or exchange, or by gift inter vivos.

(5) "Ginner" means a person engaged in the business of ginning cotton.

(6) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(7) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(8) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of cotton.

(d) *Miscellaneous terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(2) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(3) "Upland cotton" (referred to in §§ 722.741 to 722.788 as "cotton") means any cotton other than extra long staple cotton.

(4) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sea-land cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(5) "Carry-over cotton" means the unmarketed cotton from the 1955 or any previous crop which the producer thereof has on hand.

(6) "State and county code member" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(7) "Normal yield for any county" means the average yield per acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The Director shall adjust for abnormal weather conditions the county yield for any year which exceeds 125 percent of the average of the yields during the five-year period immediately preceding the year in which the county normal yield is determined by limiting the yield for any such year to 125 percent of such five-year average yield: *Provided, however,* That if the State committee, upon review thereof, establishes to the satisfaction of the Director that a change in cultural practices in the county, including but not limited to a change from dry land farming to irrigation, use of better fertilization, seed, or insect control program, resulted in any annual yield in excess of 125 percent of such five-year average yield, then the Director shall increase the yield for any such year to reflect the change in cultural practices. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(8) "Penalty" means the penalty provided in section 346 (a) of the Act and § 722.766.

§ 722.743 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.742 to 722.788. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the Director.

§ 722.744 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.742 to 722.788, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.745 *Identification of farms.* Each farm as operated for the 1956 crop of cotton shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1956 crop of cotton shall be identified by such number.

§ 722.746 *Measurement of farms.* The county committee shall provide for measurement of the acreage planted to cotton on farms in accordance with § 722.726 of the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247), as amended.

§ 722.747 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State office a written report on Form MQ-94—Cotton (Upland), setting forth for each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the farm acreage allotment, (d) the acreage planted to cotton in 1956, and (e) the total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.748 *Cotton subject to marketing quota provisions.* Marketing quotas for the 1956 crop of cotton shall be applicable to any cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year. Carry-over cotton marketed during the marketing year shall be subject to §§ 722.742 to 722.788 to the extent applicable.

§ 722.749 *Farm marketing quotas.* The farm marketing quota for any farm for the 1956 crop of cotton shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for the farm. In addition, lint cotton which producers have on hand from any previous crop except cotton of the 1950, 1954, and 1955 crops on which a penalty was incurred and has not been paid may also, when properly identified, be marketed penalty free.

§ 722.750 *Amount of farm marketing excess.* The farm marketing excess for the 1956 crop of cotton shall be the normal production of the acreage planted to cotton on the farm in excess of the farm acreage allotment. For a farm having a zero acreage allotment or no acreage allotment the entire acreage planted to cotton shall be used in determining the farm marketing excess. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.752, that the actual production of cotton on the farm in 1956 is less than the normal production of the acreage planted to cotton on the farm in 1956, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

§ 722.751 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1956 cotton crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.752 *Farm marketing excess adjustment.*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in 1956 on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1956 on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15, 1957. If the harvesting of cotton on the farm has not been completed by March 15, 1957, but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm in 1956 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.750 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced in 1956 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the cotton acreage on the farm must have been made before the county committee approves a determination of the actual production of cotton on the farm. The actual production of cotton on any farm shall be determined in view of the relevant facts, including the measured acreage planted to cotton on the farm, the past production on the farm, the actual yields per acre in 1956 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the cotton produced on the farm; and weather conditions and other factors affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty

due on the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 722.753 *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the farm acreage allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.745 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 345 and 347 of the act, farm marketing quotas are established for the 1956 crops of both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.748 to 722.756 for the 1956 crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton produced in 1956 or a prior crop year.

§ 722.755 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.756 *Review of quotas*—(a) *Right to review by a review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for the farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, any application by a producer for further review by a review committee with respect to such determination shall be dismissed without hearing. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the marketing quota review regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.757 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any other producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card (Form MQ–76—Upland Cotton (1956)), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in 1950, 1954, or 1955 on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that such procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the Act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of a member of the county committee or the county office manager and the signature of the producer, (5) the farm acreage allotment and the acreage planted to cotton, and (6) such additional information and data as may be prescribed by the Deputy Administrator. The county office manager may designate not more than three employees to sign his name in issuing marketing cards: *Provided,* That each person so designated shall place his initials immediately beneath the name of the county office manager as written by such person. Where the producer designates an agent to use his marketing card, the card shall also show: (i) The name and address of the agent authorized to use the marketing card and (ii) the signatures of the producer and the agent.

(e) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having cotton exempt from the penalty as provided in paragraph (a) of this section and determined in accordance with the provisions of § 722.718 (f) (2) of the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247), as amended, issue a marketing card for such experiment station in the manner and subject to the conditions specified in §§ 722.757 to 722.760, inclusive.

§ 722.758 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91—Cotton (Upland)) to permit the marketing of cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of cotton in the 1956 crop year and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950, 1954, and 1955 crops on which the penalty was incurred and has not been paid; (iii) who has an interest as a cotton producer in the 1956 crop and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950, 1954, and 1955 crops on which the penalty was incurred and has not been paid; (iv) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.757 (b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess; and (v) who desires to market his share of the cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.764. In instances where the acreage planted to cotton on the farm in 1956 has not been determined through no fault of the operator and he, in applying for marketing certificates, certifies that he has cotton from the 1956 crop available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm acreage allotment, the county committee, with the approval of the State committee, may issue marketing certificates for his farm in a total amount for the 1956 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, if any, (3) the serial number of the 1956 marketing card issued for the farm, where applicable, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) the signature of a member of the county committee or the county office manager and the date thereof. The county committee shall estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued for marketings in excess of such production. The "buyer's copy," "producer's copy," and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the cotton described in the marketing certificate, shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan cotton.* Any producer who desires to sell his equity in carry-over cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over cotton on which such a loan has been repaid may, as provided in § 722.764, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.759 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If it is found that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, such marketing card or certificate shall be canceled and a notice in writing to that effect shall be signed by the county office manager and mailed to the producer to whom the marketing card or certificate was issued at his last known address. If it is found that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, a marketing card or certificate shall be issued to him to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or certificate is canceled as provided in this section, the county office manager shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.760 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county committee or county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled.

IDENTIFICATION OF COTTON

§ 722.761 *Time and manner of identification.* Each producer of cotton shall, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.766 and the lien for the penalty as provided in § 722.767.

§ 722.762 *Identification by marketing card.* A marketing card (Form MQ–76—Upland Cotton (1956)) shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the cotton produced on the farm for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.763 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton (Upland)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.764 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form C–2).

§ 722.765 *Cotton not identified by a marketing card, marketing certificate or loan document.* All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in §§ 722.762, 722.763, or 722.764, shall be taken by the buyer or transferee thereof as cotton subject to the penalty prescribed in § 722.766 and to the lien for the penalty. The buyer or transferee of such unidentified cotton shall collect the penalty from the producer or deduct it from the purchase price of the cotton.

The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (Upland) and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.766 *Rate of penalty.* The rate of penalty for lint cotton is 50 percent of the parity price for cotton as of June 15, 1956, as provided in section 346 (a) of the act. The parity price for cotton as of June 15, 1956, is hereby determined to be 35.44 cents per pound. The rate of penalty for cotton, as calculated on the basis of such parity price, shall be 17.7 cents per pound of lint cotton.

§ 722.767 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all cotton produced on the farm and marketed shall be subject to the penalty at the rate provided in § 722.766 and a lien on the entire crop of cotton produced on the farm in 1956 shall be in effect in favor of the United States.

§ 722.768 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.769 (b) or § 722.770 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.769 *Payment of penalty by producers*—(a) *Producer liable for payment of penalty.* Each producer having an interest in the 1956 crop of cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1957: *Provided, however,* That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.762, § 722.763, or § 722.764, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced in 1956 on the farm bears to the total amount of cotton produced in 1956 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.758, to be used by him only in the marketing of his proportionate share of the cotton crop produced in 1956 on the farm.

§ 722.770 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76—Upland Cotton (1956)), a marketing certificate (Form MQ–91—Cotton (Upland)), or a loan document, as provided in §§ 722.762, 722.763, and 722.764.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the cotton by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as seed cotton or lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82–Cotton (Upland).

§ 722.771 *Remittance of penalty to the treasurer of the county committee.* The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.772 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to the Treasurer of the United States and transmit such check to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.773 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton, or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the treasurer of the county committee, shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.774 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the Act after payment to him of the penalty collected from any person pursuant to the Act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.775 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.742 to 722.788 to the Secretary when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.776 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this Section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Ginner's record of cotton ginned.* Each ginner shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the name and address of the person who delivered the cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the cotton as furnished; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; (8) the gross weight of each bale of cotton and the net weight of each lot of lint cotton less than a bale ginned by the ginner; and (9) the kind of bagging used on each bale if other than jute. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1958, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.742 to 722.788, or of obtaining the information required to be furnished in any report pursuant to §§ 722.742 to 722.788, but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

§ 722.777 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys seed cotton or lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.742 to 722.788 and the amount of penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the cotton was not identified in the manner provided in §§ 722.742 to 722.788 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1958, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.742 to 722.788, or of obtaining the information required to be furnished in any report pursuant to §§ 722.742 to 722.788 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (Upland) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificates or loan document, as provided in §§ 722.762, 722.763 and 722.764, when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton (Upland) of the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's copy" shall be delivered to the producer, the "Buyer's copy" shall be retained by the buyer, and the buyer shall mail or deliver the "County office copy" to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (Upland), as provided in § 722.763, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County office copy" to the treasurer of the county committee for the county in which such certificate was issued. The "Buyer's copy" shall be retained by the buyer and the "Producer's copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.780 (b).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing the "Producer's copy" of the executed Form MQ–82—Cotton (Upland) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County office copy" of Form MQ–82—Cotton (Upland) to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.742 to 722.788, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by certified mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton (Upland) to such committee with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.742 to 722.788 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if the cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (Upland) in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.742 to 722.788 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing cotton from producers who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.778 *Records to be kept and reports to be made by transferees.* Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.777. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.779 *Records to be kept by warehousemen and others.* Each ginner, buyer, warehouseman, processor (including compressor), common carrier, and other persons, as defined in section 373 (a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.742 to 722.788 or of obtaining the information required to be furnished in any report pursuant to §§ 722.742 to 722.788 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.780 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces in 1956, or who produced in any previous year, cotton which is subject to the provisions of §§ 722.742 to 722.788, shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.758 is marketed to any person not within the United States the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "Producer's copy" of the certificate, and the "County office copy" and the "Buyer's copy" shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the cotton was marketed.

(c) *Farm operator's report.* The operator of the farm shall file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (Upland) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.752, except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm in 1956; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.742 to 722.788 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (Upland), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (Upland) shall show for the farm the following information or any part thereof as specified in such request: (i) The date harvesting of the 1956 crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm in 1956, and the acreage planted to cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the 1956 crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the 1956 crop marketed; (v) the total amount of 1956 crop lint cotton marketed; (vi) the amount of unmarketed cotton of the 1956 crop on hand; (vii) the total number of pounds of lint cotton produced in the 1956 crop year; (viii) the name and address of each buyer or transferee of 1956 crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.781 *Data to be kept confidential.* Except as otherwise provided herein all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.742 to 722.788 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the Act.

§ 722.782 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.742 to 722.788 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.783 *Cotton produced by publicly owned agricultural experiment stations.* Cotton produced by publicly owned agricultural experiment stations shall be handled pursuant to § 722.718 (f) of the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247) as amended.

§ 722.784 *Erroneous notice of cotton acreage allotment.* In any case where through error the producer is officially notified in writing of a farm acreage allotment larger than the final approved farm acreage allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm acreage allotment the producer will not be considered to have exceeded the farm acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.785.

§ 722.785 *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1956 in excess of the farm acreage allotment for the 1956 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1957 and subsequent crops of cotton.

§ 722.786 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.787 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.776 to 722.779, relating to the examination of records the Deputy Administrator is hereby authorized and directed to designate in writing, with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the Act or §§ 722.742 to 722.788.

§ 722.788 *Redelegation of authority.* Any authority delegated to the State committee by §§ 722.742 to 722.788 may, with the approval of the Deputy Administrator, be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5558; Filed, July 11, 1956; 8:54 a. m.]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1956 EXTRA LONG STAPLE CROP

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AUTHORITY: §§ 722.1342 to 722.1389 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 372–376, 388; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1372–1376, 1388.

GENERAL

§ 722.1341 *Basis and purpose.* The provisions of §§ 722.1342 to 722.1389 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton (hereinafter referred to as "ELS cotton") which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by ELS cotton producers, ginners, buyers, and others; and other miscellaneous provisions regarding the production and marketing of ELS cotton. The provisions apply (a) to ELS cotton produced in 1956 and (b) to ELS cotton produced in 1955, or any prior year which is marketed by producers during the 1956–57 marketing year. The provisions of §§ 722.1341 to 722.1389 supplement the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton, issued November 18, 1955 (20 F. R. 8621), as amended. In accordance with section 4 of the Administrative Procedure Act (60 Stat. 237), notice was published in the FEDERAL REGISTER on May 30, 1956 (21 F. R. 3689) that the Secretary of Agriculture had under consideration the formulation and issuance of such provisions. The data, views, and recommendations submitted by interested persons have been duly considered within the limits of the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, in connection with the preparation of §§ 722.1342 to 722.1389.

§ 722.1342 *Definitions.* As used in §§ 722.1342 to 722.1389 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Terms relating to administrative organization.* (1) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(2) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service; United States Department of Agriculture.

(3) "Director" means the Director or Acting Director of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee. In Puerto Rico the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee.

(5) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(6) "Review committee" means the review committee appointed by the Secretary pursuant to Section 363 of the act.

(7) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation County and Community Committees (19 F. R. 3637), as amended. In Puerto Rico the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the county committee.

(8) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation County and Community Committees (19 F. R. 3637), as amended.

(9) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(10) "Treasurer" means the county office manager or the person designated by him to act as treasurer of the county committee. In Puerto Rico, the Caribbean ASC Area Committee shall designate one or more of the ASC employees to perform the duties and functions of treasurer of the county committee.

(11) "County" means a county (parish in Louisiana) or in the case of Puerto Rico, the Northern Area and the Southern Area each shall be considered as a county.

(b) *Terms relating to farm.* (1) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as a part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Farm acreage allotment" means an ELS cotton acreage allotment established for a farm under the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621), as amended.

(3) "Acreage planted to ELS cotton:" For purposes of determining compliance with the farm acreage allotment, the acreage planted to ELS cotton on a farm in 1956 shall be the acreage of land seeded to such cotton on the farm in 1956, excluding any acreage in excess of the farm acreage allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under item (ii) of this subparagraph for disposing of excess ELS cotton acreage, or (ii) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.1326 of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621), as amended, after the original notice of the measured ELS cotton acreage is mailed to the farm operator.

(4) "New ELS cotton farm" means a farm on which such cotton is to be planted in 1956 but on which no acreage was planted to such cotton in any of the years 1953, 1954, and 1955.

(5) "Normal yield" means the average yield per acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton.

(6) "Normal production" of any number of acres means the normal yield for the farm multiplied by such number of acres.

(7) "Actual production" of ELS cotton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in 1956.

(8) "Actual yield" per acre means the number of pounds of ELS lint cotton determined by dividing the actual production of ELS cotton on the farm by the acreage planted to such cotton on the farm in 1956.

(9) "Farm marketing quota" means an ELS cotton marketing quota established for the farm under § 722.1349.

(10) "Farm marketing excess" means the amount of ELS cotton determined for any farm under § 722.1350 or § 722.1352, whichever is applicable.

(11) "Farm with no farm marketing excess" means a farm on which the acreage planted to ELS cotton in 1956 is not in excess of the farm acreage allotment established therefor.

(12) "Farm with a farm marketing excess" means a farm on which the acreage planted to ELS cotton in 1956 is in excess of the farm acreage allotment established therefor.

(13) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee for the purpose of identification.

(14) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the 1956 crop of ELS cotton (or ELS cotton on hand from a prior crop) or of the proceeds thereof.

(15) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(16) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(17) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(18) "Share tenant" means a person other than a share-cropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(19) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(20) "Seed cotton" means the harvested fruit of the ELS cotton plant before ginning.

(21) "ELS lint cotton" means the fiber taken from seed cotton by ginning.

(c) *Terms relating to marketing.* (1) "Market" means to dispose of ELS cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to ELS cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to ELS cotton by a producer to another in return for ELS cotton or any other commodity, service, or property in cases where the value of the ELS cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to ELS cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to ELS cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the terms "market" in the connection in which they are used.

(2) "Marketing year" means the period beginning August 1, 1956, and ending July 31, 1957, both dates inclusive.

(3) "Buyer" means a person who acquires ELS cotton from a producer by purchase. An agricultural cooperative association which makes purchase- and sale-agreements with producers, or marketing agreements under which the title to ELS cotton passes upon delivery of ELS cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any ELS cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.1348.

(4) "Transferee" means a person who receives ELS cotton from a producer by barter or exchange, or by gift inter vivos.

(5) "Ginner" means a person engaged in the business of ginning ELS cotton.

(6) "Ginning" means the process by which ELS lint cotton is removed from the cotton seed.

(7) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of ELS cotton.

(8) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of ELS cotton.

(d) *Miscellaneous terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(3) "Upland cotton" means any cotton other than extra long staple cotton.

(4) "Extra long staple cotton" (referred to in §§ 722.1341 to 722.1389 as "ELS cotton") means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(5) "Carry-over ELS cotton" means the unmarketed ELS cotton from the 1955 or any previous crop which the producer thereof has on hand.

(6) "State and county code number" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(7) "Normal yield for any county" means the average yield per acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The Director shall adjust for abnormal weather conditions the county yield for any year which exceeds 125 percent of the average of the yields during the five-year period immediately preceding the year in which the county normal yield is determined by limiting the yield for any such year to 125 percent of such five-year average yield: *Provided, however,* That if the State committee, upon review thereof, establishes to the satisfaction of the Director that a change in cultural practices in the county, including but not limited to a change from dry land farming to irrigation, use of better fertilization, seed, or insect control program, resulted in any annual yield in excess of 125 percent of such five-year average yield, then the Director shall increase the yield for any such year to reflect the change in cultural practices. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(8) "Penalty" means the penalty provided in section 347 (c) of the act and § 722.1366.

§ 722.1343 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.1342 to 722.1389. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the Director.

§ 722.1344 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.1342 to 722.1389, the amount of ELS lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of ELS cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of ELS cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.1345 *Identification of farms.* Each farm as operated for the 1956 crop of ELS cotton shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1956 crop of ELS cotton shall be identified by such number.

§ 722.1346 *Measurement of farms.* The county committee shall provide for measurement of the acreage planted to ELS cotton on farms in accordance with § 722.1325 of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621), as amended.

§ 722.1347 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State office a written report on Form MQ–94—Cotton (ELS), setting forth for each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the farm acreage allotment, (d) the acreage planted to ELS cotton in 1956, and (e) the total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1348 *ELS cotton subject to marketing quota provisions.* Marketing quotas for the 1956 crop of ELS cotton shall be applicable to any such cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year. (In the Southern Area of Puerto Rico ELS cotton planted in 1956 for harvest in 1957 shall be considered as the 1956 crop of ELS cotton under §§ 722.1342 to 722.1389.) Carryover ELS cotton marketed during the marketing year shall be subject to §§ 742.1342 to 722.1389 to the extent applicable.

§ 722.1349 *Farm marketing quotas.* The farm marketing quota for any farm for the 1956 crop of ELS cotton shall be that number of pounds of ELS lint cotton produced on the farm less the amount of the farm marketing excess for the farm. In addition, ELS lint cotton which producers have on hand from any previous crop except ELS cotton of the 1950, 1954, and 1955 crops on which a penalty was incurred and has not been paid may also, when properly identified, be marketed penalty free.

§ 722.1350 *Amount of farm marketing excess.* The farm marketing excess for the 1956 crop of ELS cotton shall be the normal production of the acreage planted to such cotton on the farm in excess of the farm acreage allotment. For a farm having a zero acreage allotment or no acreage allotment the entire acreage planted to ELS cotton shall be used in determining the farm marketing excess. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.1352, that the actual production of ELS cotton on the farm in 1956 is less than the normal production of the acreage planted to ELS cotton on the farm in 1956, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

§ 722.1351 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1956 ELS cotton crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.1352 *Farm marketing excess adjustment*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the ELS cotton produced in 1956 on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in 1956 on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15, 1957 (June 15, 1957, in the case of the Southern Area of Puerto Rico). If the harvesting of ELS cotton on the farm has not been completed by March 15, 1957 (June 15, 1957, in the case of the Southern Area of Puerto Rico), but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested ELS cotton on the farm in order that a final determination of the actual production on the farm in 1956 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.1350 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no ELS cotton has been or will be produced in 1956 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the ELS cotton acreage on the farm must have been made before the county committee approves a determination of the actual production of ELS cotton on the farm. The actual production of ELS cotton on any farm shall be determined in view of the relevant facts, including the measured acreage planted to ELS cotton on the farm, the past production on the farm, the actual yields per acre in 1956 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the ELS cotton produced on the farm; and weather conditions and other factors affecting the production of ELS cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of ELS cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 722.1353 *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the farm acreage allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.1354 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 345 and 347 of the act, farm marketing quotas are established for the 1956 crops of both upland and ELS cotton. The farm marketing quota established under the provisions of §§ 722.1348 to 722.1356 for the 1956 crop of ELS cotton may not be used in whole or in part in connection with the marketing of upland cotton produced in 1956 or a prior crop year.

§ 722.1355 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of ELS cotton and to the restrictions on the marketing of such cotton.

§ 722.1356 *Review of quotas*—(a) *Right to review by review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for the farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, any application by a producer for further review by a review committee with respect to such determination shall be dismissed without hearing. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the marketing quota review regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the Act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.1357 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any other producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card (Form MQ–76—ELS Cotton (1956)), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any ELS cotton produced in 1950, 1954, or 1955 on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is an ELS cotton producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of ELS cotton in more than one county (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that such procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of ELS cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of a member of the county committee or the county office manager and the signature of the producer, (5) the farm acreage allotment and the acreage planted to ELS cotton, and (6) such additional information and data as may be prescribed by the Deputy Administrator. The county office manager may designate not more than three employees to sign his name in issuing marketing cards: *Provided,* That each person so designated shall place his initials immediately beneath the name of the county office manager as written by such

person. Where the producer designates an agent to use his marketing card, the card shall also show: (i) The name and address of the agent authorized to use the marketing card and (ii) the signatures of the producer and the agent.

(e) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having ELS cotton exempt from the penalty as provided in paragraph (a) of this section and determined in accordance with the provisions of § 722.1318 (a) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621), as amended, issue a marketing card for such experiment station in the manner and subject to the conditions specified in §§ 722.1357 to 722.1360, inclusive.

§ 722.1358 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91—Cotton (ELS)) to permit the marketing of ELS cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market ELS cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of ELS cotton in the 1956 crop year and who desires to market ELS cotton which he has on hand from any prior crop, except ELS cotton from the 1950, 1954, and 1955 crops on which the penalty was incurred and has not been paid; (iii) who has an interest as an ELS cotton producer in the 1956 crop and who desires to market ELS cotton which he has on hand from any prior crop, except ELS cotton from the 1950, 1954, and 1955 crops on which the penalty was incurred and has not been paid; (iv) who desires to market ELS cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.1357 (b) because he or another producer on such farm is also an ELS cotton producer on a farm with a farm marketing excess; and (v) who desires to market his share of the ELS cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has ELS cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.1364. In instances where the acreage planted to ELS cotton on the farm in 1956 has not been determined through no fault of the operator and he, in applying for marketing certificates, certifies that he has ELS cotton from the 1956 crop available for marketing and that to the best of his knowledge and belief the acreage planted to ELS cotton on the farm does not exceed the farm acreage allotment, the county committee, with the approval of the State committee, may issue marketing certificates for his farm in a total amount for the 1956 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, if any, (3) the serial number of the 1956 marketing card issued for the farm, where applicable, (4) the description and amount of the ELS cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) the signature of a member of the county committee or the county office manager and the date thereof. The county committee shall estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued for marketings in excess of such production. The "buyer's copy," "producer's copy," and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the ELS cotton described in the marketing certificate, shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carryover CCC loan ELS cotton.* Any producer who desires to sell his equity in carry-over ELS cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carryover ELS cotton on which such a loan has been repaid may, as provided in § 722.1364, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the ELS cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.1359 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If it is found that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, such marketing card or certificate shall be canceled and a notice in writing to that effect shall be signed by the county office manager and mailed to the producer to whom the marketing card or certificate was issued at his last known address. If it is found that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, a marketing card or certificate shall be issued to him to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or certificate is canceled as provided in this section, the county office manager shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.1360 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county committee or county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled.

IDENTIFICATION OF ELS COTTON

§ 722.1361 *Time and manner of identification.* Each producer of ELS cotton shall, at the time he markets any ELS cotton, identify the ELS cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.1366 and the lien for the penalty as provided in § 722.1367.

§ 722.1362 *Identification by marketing card.* A marketing card (Form MQ–76—ELS Cotton (1956)) shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the ELS cotton produced on the farm for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1363 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton (ELS)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the ELS cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1364 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over ELS cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.1365 *ELS cotton not identified by a marketing card, marketing certificate or loan document.* All ELS cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.1362, § 722.1363, or § 722.1364, shall be taken by the buyer or transferee thereof as ELS cotton subject to the penalty prescribed in § 722.1366 and to the lien for the penalty. The buyer or transferee of such unidentified ELS cotton shall collect the penalty from the producer or deduct it from the purchase price of the ELS cotton. The buyer or transferee shall report the purchase of all such unidentified ELS cotton on Form MQ–82—Cotton (ELS) and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.1366 *Rate of penalty.* The rate of the penalty for ELS lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15, 1956, or 50 percent of the 1956 support price for ELS cotton, as provided in section 347 (c) of the Act. The parity price for ELS cotton as of June 15, 1956, is hereby determined to be 75.2 cents per pound, which is higher than the support price of 55.65 cents per pound as of June 15, 1956, for ELS cotton of the 1956 crop as determined pursuant to the Agricultural Adjustment Act of 1949, as amended. The rate of penalty for ELS cotton, as calculated pursuant to the foregoing provisions, shall be 37.6 cents per pound of ELS lint cotton.

§ 722.1367 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all ELS cotton produced on the farm and marketed shall be subject to the penalty at the rate provided in § 722.1366 and a lien on the entire crop of ELS cotton produced on the farm in 1956 shall be in effect in favor of the United States.

§ 722.1368 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.1369 (b) or § 722.1370 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.1369 *Payment of penalty by producers*—(a) *Producer liable for payment of penalty.* Each producer having an interest in the 1956 crop of ELS cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of ELS cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any ELS cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1957 (June 15, 1957, in the case of the Southern Area of Puerto Rico): *Provided, however,* That the penalty on any bale or lot of ELS cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.1362, § 722.1363, or § 722.1364, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer estabishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the ELS cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the ELS cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the ELS cotton produced in 1956 on the farm bears to the total amount of ELS cotton produced in 1956 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.1358, to be used by him only in the marketing of his proportionate share of the ELS cotton crop produced in 1956 on the farm.

§ 722.1370 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any ELS cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. ELS cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76—ELS Cotton (1956)), a marketing certificate (Form MQ–91—Cotton (ELS)), or a loan document, as provided in §§ 722.1362, 722.1363, and 722.1364.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires ELS cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the ELS cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed. ELS cotton shall be deemed to be sold when either title to or actual or constructive possession of the ELS cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. ELS cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the ELS cotton by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the ELS cotton is being bartered or exchanged. ELS cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of the ELS cotton to the transferee during the lifetime of the producer. ELS cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts ELS cotton into an article of trade and thereby causes the ELS cotton to lose its identity as ELS seed cotton or ELS lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from ELS cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any ELS cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the ELS cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (ELS).

§ 722.1371 *Remittance of penalty to the treasurer of the county committee.*

The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.1372 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for ELS cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to the Treasurer of the United States and transmit such check to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the ELS cotton in connection with which the funds were remitted.

§ 722.1373 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every ELS cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the ELS cotton, or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the treasurer of the county committee, shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.1374 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the act after payment to him of the penalty collected from any person pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.1375 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1342 to 722.1389 to the Secretary when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.1376 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton the provisions of the act.

(b) *Ginner's record of ELS cotton ginned.* Each ginner shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of ELS cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the ELS cotton was produced; (3) the name of the producer of the ELS cotton; (4) the name and address of the person who delivered the ELS cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the ELS cotton as furnished; (5) the county and State in which the farm on which the ELS cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; (8) the gross weight of each bale of ELS cotton and the net weight of each lot of ELS lint cotton less than a bale ginned by the ginner; and (9) the kind of bagging used on each bale if other than jute. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1958, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1342 to 722.1389, or of obtaining the information required to be furnished in any report pursuant to §§ 722.1342 to 722.1389, but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

§ 722.1377 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys ELS seed cotton or ELS lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of ELS cotton, and each lot of ELS cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and in the case of ELS seed cotton purchased, the number of pounds of such seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of ELS lint cotton in each bale, and each lot of ELS cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1342 to 722.1389 and the amount of penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the ELS cotton was not identified in the manner provided in §§ 722.1342 to 722.1389 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1958, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1342 to 722.1389 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1342 to 722.1389 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (ELS) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with ELS cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of ELS cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.1362, 722.1363 and 722.1364, when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton (ELS) of the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the ELS cotton purchased. The report shall be prepared and executed in triplicate; the "producer's copy" shall be delivered to the producer, the "buyer's copy" shall be retained by the buyer, and the buyer shall mail or deliver the "county office copy" to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with ELS cotton identified by marketing certificates.* The buyer of ELS cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (ELS), as provided in § 722.1363, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "county office copy" to the treasurer of the county committee for the county in which such certificate was issued. The "buyer's copy" shall be retained by the buyer and the "producer's copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provide for in § 722.1380 (b).

(e) *Receipts to producers for penalties.* Where the ELS cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing the "producer's copy" of the executed Form MQ–82—Cotton (ELS) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "county office copy" of Form MQ–82—Cotton (ELS) to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any ELS cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1342 to 722.1389, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by certified mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton (ELS) to such committee with respect to ELS cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of ELS cotton, and each lot of ELS cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and, in the case of ELS cotton purchased in the seed, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.1342 to 722.1389 and the amount of any penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if the ELS cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (ELS) in connection with the purchase of ELS cotton marketed without the use of the means of identification provided by §§ 722.1342 to 722.1389 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing ELS cotton from producers who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.1378 *Records to be kept and reports to be made by transferees.* Each transferee who acquires ELS seed cotton or ELS lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.1377. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.1379 *Records to be kept by warehousemen and others.* Each ginner, buyer, warehouseman, processor (including compressor), common carrier, and other persons, as defined in section 373 (a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1342 to 722.1389 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1342 to 722.1389 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

§ 722.1380 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces in 1956, or who produced in any previous year, ELS cotton which is subject to the provisions of §§ 722.1342 to 722.1389, shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out,

with respect to ELS cotton, the provisions of the act.

(b) *ELS cotton marketed to persons not within the United States (including Puerto Rico).* In each case where ELS cotton for which a marketing certificate has been issued pursuant to § 722.1358 is marketed to any person not within the United States (including Puerto Rico), the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "producer's copy" of the certificate, and the "county office copy" and the "buyer's copy" shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the ELS cotton was marketed.

(c) *Farm operator's report.* The operator of the farm shall file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (ELS) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.1352, except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of ELS cotton on the farm in 1956; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.1342 to 722.1389 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request: (i) The date harvesting of the 1956 crop of ELS cotton was completed on the farm, the date of the last ginning of ELS cotton produced on the farm in 1956, and the acreage planted to ELS cotton on the farm; (ii) the total number of pounds of ELS lint cotton ginned from the 1956 crop of ELS cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of ELS seed cotton of the 1956 crop marketed; (v) the total amount of 1956 crop ELS lint cotton marketed; (vi) the amount of unmarketed ELS cotton of the 1956 crop on hand; (vii) the total number of pounds of ELS lint cotton produced in the 1956 crop year; (viii) the name and address of each buyer or transferee of 1956 crop ELS lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The treasurer of the county committee for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.1381 *Data to be kept confidential.* Except as otherwise provided herein all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.1342 to 722.1389 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any ELS cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.1382 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.1342 to 722.1389 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.1383 *ELS cotton produced by publicly owned agricultural experiment stations.* ELS cotton produced by publicly owned agricultural experiment stations shall be handled pursuant to § 722.1318 of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621), as amended.

§ 722.1384 *Erroneous notice of ELS cotton acreage allotment.* In any case where through error the producer is officially notified in writing of a farm acreage allotment larger than the final approved farm acreage allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm acreage allotment the producer will not be considered to have exceeded the farm acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.1385.

§ 722.1385 *No credit for overplanting the farm acreage allotment.* Any acreage planted to ELS cotton in 1956 in excess of the farm acreage allotment for the 1956 crop of ELS cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1957 and subsequent crops of ELS cotton.

§ 722.1386 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton acreage allotments all records pertaining to ELS cotton acreage allotments and marketing quotas.

§ 722.1387 *Designation of representatives of the Secretary to examine records.*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.1376 to 722.1379, relating to the examination of records the Deputy Administrator is hereby authorized and directed to designate in writing, with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the ELS cotton marketing quota provisions of the Act or §§ 722.1342 to 722.1388.

§ 722.1388 *Redelegation of authority.* Any authority delegated to the State committee by §§ 722.1342 to 722.1389 may, with the approval of the Deputy Administrator, be redelegated by the State committee.

§ 722.1389 *Delivery of notices in Puerto Rico.* Notwithstanding the provisions of §§ 722.1342 to 722.1389, where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for therein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5557; Filed, July 11, 1956; 8:54 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 847.2, Supp. 1]

PART 847—PUERTO RICO

LOCAL PRODUCING AREA FOR 1954–55 CROP

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950–51 and Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Conservation Caribbean Area Office hereby determines that seven wards of the municipality of Vieques shall constitute one local producing area for the 1954–55 crop year, as follows:

§ 847.3 *Vieques, Puerto Rico.* For the 1954–55 crop year, the wards of Punta Arenas, Llave, Mosquito, Florida, Puerto Real, Puerto Ferro, and Puerto Diablo of the municipality of Vieques, Puerto Rico, shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The seven wards specified herein are adjacent to one another, and are designated as one local producing area for determining eligibility of sugarcane farms located therein for acreage abandonment or crop deficiency payments with respect to the 1954–55 crop of sugarcane as provided in the Sugar Act of 1948, as amended. Drought conditions in these wards reduced the yields of sugar below 80 percent of the normal yields for the farms whose harvested sugarcane acreage for the 1954–55 crop was more than 10 percent of the total sugarcane acreage of such crop harvested from all farms in such wards.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

[SEAL] G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation Caribbean Area Office.

JULY 2, 1956.

[F. R. Doc. 56–5520; Filed, July 11, 1956; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 71—GENERAL PROVISIONS

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

MISCELLANEOUS AMENDMENTS

On April 8, 1954, October 8, 1955, and November 4, 1955, there were published in the FEDERAL REGISTER (19 F. R. 2020, 20 F. R. 7552, 8294), notices with respect to proposed amendments of Subchapter C, Chapter 1, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notices, and pursuant to the provisions of sections 6, 7, and 13 of the act of May 29, 1884, as amended (21 U. S. C. 114a–1, 115, 117), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), said Subchapter C is amended in the following respects:

1. Section 71.3 of Part 71 is amended to read:

§ 71.3 *Interstate movement of diseased animals generally prohibited.* Animals affected with splenetic fever, scabies, dourine, hog cholera, swine plague, vesicular exanthema, tuberculosis, brucellosis, scrapie, paratuberculosis, glanders, lip-and-leg ulceration, anthrax, or other contagious, infectious, or communicable disease of livestock, or which are tick infested, shall not be moved interstate: *Provided, however,* That domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors, and that cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to above and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter. Before offering cattle or other livestock for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons or corporations are required to exercise reasonable diligence to ascertain that such animals are not affected with any contagious, infectious, or communicable disease, and have not been exposed to the contagion or infection of any such disease by contact with other animals so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals so diseased.

(Secs. 1, 2, 32 Stat. 791–792, as amended, 41 Stat. 699, sec. 2, 65 Stat. 693; 21 U. S. C. 111–113, 114a–1, 116, 120. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117)

2. Part 78 is amended to read:

Subpart A—General Provisions

Sec.
78.1 Definitions.
78.2 Notice relating to existence of brucellosis.
78.3 Certificates pertaining to movement of animals.

Subpart B—Domestic Animals Affected With Brucellosis

78.4 General restriction.
78.5 Movement of brucellosis reactors.
78.6 Reshipment of purebred brucellosis reactors.
78.7 Marking of records.
78.8 Cleaning and disinfecting vehicles.
78.9 Segregation of brucellosis reactors en route interstate.

Subpart C—Restrictions on Movement of Cattle Because of Brucellosis

78.10 General restriction.
78.11 Movement of brucellosis reactor cattle.
78.12 Movement of cattle not known to be affected with brucellosis.

Subpart D—Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

78.13 Modified certified brucellosis-free areas.
78.14 Public stockyards.
78.15 Slaughtering establishments.
78.16 Chief of Branch may designate areas and approve stockyards and slaughtering establishments.

AUTHORITY: §§ 78.1 to 78.16 issued under secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U. S. C. 111–113, 114a–1, 120, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

SUBPART A—GENERAL PROVISIONS

§ 78.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Brucellosis.* The infectious and communicable disease of domestic animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

(b) *Branch.* The Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture.

(c) *Chief of Branch.* The Chief of the Branch, or any other official of the Branch to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *State.* Any State, Territory, or the District of Columbia.

(e) *Interstate.* From one State to any other State.

(f) *Person.* Any person, company, or corporation.

(g) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(h) *Certified brucellosis-free herd.* A herd of cattle officially declared by the Branch and a State as free from brucellosis and such declaration being evidenced by a currently effective certificate issued jointly by the Branch and such State.

(i) *Modified certified brucellosis-free area.* A State, or a political subdivision or portion thereof, in which the percentage of cattle affected with brucellosis has been determined by the Agricultural Research Service, United State Department of Agriculture, not to exceed one percent and the percentage of herds in which brucellosis is present has been determined by such Service not to exceed five percent, and which maintains that status in accordance with provisions of the "Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-free Herds of Cattle and Modified Certified Areas", which are adopted by the United States Livestock Sanitary Association, and approved by the Branch. Copies of such Uniform Methods and Rules are available at the Washington, D. C., office of the Branch. (Such areas are specified in § 78.13.)

(j) *Official vaccinate.* A bovine animal vaccinated against brucellosis from 4 through 8 months of age, or a bovine animal of a beef breed in a range or semirange area, vaccinated against brucellosis from 4 to 12 months of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Branch; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis.

(k) *Public stockyard.* A stockyard designated in § 78.14 (a) where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases; or a stockyard specifically approved under § 78.14 (b) for the purposes of the regulations in this part.

(l) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(m) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(n) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 78.2 *Notice relating to existence of brucellosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of brucellosis exists in domestic animals in each State of the Continental United States and in Puerto Rico, Alaska, and Hawaii (17 F. R. 5260).

§ 78.3 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

(c) The person issuing a certificate required for the interstate movement of cattle under paragraphs (d) or (e) of § 78.12 shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle.

SUBPART B—DOMESTIC ANIMALS AFFECTED WITH BRUCELLOSIS

§ 78.4 *General restriction.* Domestic animals affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.5 *Movement of brucellosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.15 (b) for the purpose, or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which reacted to such a test shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 78.3, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis; (3) that the animals may be moved interstate; (4) the destintion to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 78.6 *Reshipment of purebred brucellosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate under this Subpart for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 78.5 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 78.5 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.5.

§ 78.7 *Marking of records.* Each transportation agency moving brucellosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Brucellosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 78.8 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which brucellosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfecting facilities are not available at the point where the animals are unloaded, upon permission first received from the Branch, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which brucellosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, upon permission first secured from the Branch, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 78.9 *Segregation of brucellosis reactors en route interstate.* Brucellosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to brucellosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

SUBPART C—RESTRICTIONS ON MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

§ 78.10 *General restriction.* Cattle may not be moved interstate except as provided in the regulations in this subpart.

§ 78.11 *Movement of brucellosis reactor cattle.* Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.12 *Movement of cattle not known to be affected with brucellosis*[1]—(a) *Movement of steers, spayed heifers, and calves under 8 months of age.* Steers and spayed heifers and calves under 8 months of age, not known to be affected with brucellosis, may be moved interstate without restriction under this subpart.

(b) *Movement of cattle for immediate slaughter.* Cattle, not known to be affected with brucellosis, may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.15 (b) for the purpose, or to a public stockyard for sale to such a slaughtering establishment, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper: *Provided, however,* That the movement of said cattle from such stockyard to another destination must comply with the provisions of this part the same as if the cattle had been originally consigned direct from the point of origin to such destination.

(d) *Movement of cattle into areas not certified as modified brucellosis-free areas.* Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart, except into the modified certified brucellosis-free areas specified in § 78.13, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag number, tattoo, or registration number of each animal or other proper identification, and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis-free areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement;

(4) Cattle which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the interstate movement and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination;

(5) Cattle which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative; and

(6) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(e) *Movement of cattle into modified certified brucellosis-free areas.* Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart into the modified certified brucellosis-free areas specified in § 78.13, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag, tattoo, or registration number of each animal or other proper identification, and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis-free areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination;

(4) Cattle which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, after 30 months of age and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination to be maintained in quarantine in such State until they are negative to another such test or until their death by slaughter or from natural causes;

(5) Cattle which have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination to be maintained in quarantine in such State separate from other cattle until they are negative to another such test administered not less than 30 days after the date of the interstate movement or until their death by slaughter or from natural causes;

(6) Cattle from herds, under Federal-State supervision for the control of brucellosis, in which all animals, required to be tested, over eight months of age, except official vaccinates under thirty months of age, have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 90 days prior to the date of movement interstate and found negative; the individual animals to be moved interstate having been subjected to another such test at least 30 days from the date of the previous herd test and within 30 days prior to the date of movement interstate and found negative; and

(7) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(f) *Other movements.* The Chief of Branch may provide for the movement, not otherwise provided for in this section, of cattle, not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis. The Chief of Branch will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

SUBPART D—DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS, PUBLIC STOCKYARDS, AND SLAUGHTERING ESTABLISHMENTS

§ 78.13 *Modified certified brucellosis-free areas.* The following States, Counties, and Municipalities, are hereby designated as modified certified brucellosis-free areas:

(a) The entire State of Maine;

(b) The entire State of New Hampshire;

(c) The entire State of North Carolina;

(d) The entire State of Washington;

(e) The entire State of Wisconsin;

(f) Arizona: Hopi Indian Reservation, Navajo Indian Reservation, and Apache Indian Reservation;

(g) Colorado: Southern Indian Ute Reservation;

(h) Delaware: Kent and New Castle Counties;

(i) Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lemhi, Lewis, and Shoshone Counties;

(j) Indiana: Allen, Brown, Crawford, Daviess, DuBois, Lake, LaPorte, Perry, Porter, Posey, Pulaski, Spencer, and Starke Counties;

(k) Maryland: Somerset, Wicomico, and Worcester Counties;

(l) Massachusetts: Dukes County;

(m) Michigan: Alger, Chippewa, Crawford, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Lake, Luce, Marquette, Menominee, Ontonagon, and Schoolcraft Counties;

(n) Minnesota: Aitkin, Anoka, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Chippewa, Chisago, Clay, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hubbard, Houston, Itasca, Jackson, Kandiyohi, Kittson, Koochiching, Lac Qui Parle, Lake, Lake of the Woods, LeSueur, Lincoln, Lyons, McLeod, Mahnomen, Marshall, Martin, Meeker, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Olmsted, Ottertail, Pine, Pipestone, Polk, Ramsey, Red Lake, Redwood, Renville, Rice, Rock, Roseau, St. Louis, Sherburne, Sibley, Steele, Stevens, Swift, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, Winona, Wright, and Yellow Medicine Counties;

(o) Montana: Beaverhead, Broadwater, Chouteau, Carbon, Cascade, Daniels, Deer Lodge, Flathead, Lake, Lewis and Clark, Liberty, Lincoln, Mineral, Missoula, Sheridan, Silver Bow, Stillwater, Toole, and Valley Counties;

(p) Nebraska: Douglas, Fillmore, Jefferson, Johnson, Seward, and York Counties;

(q) Nevada: Mineral, Ormsby, and Storey Counties;

(r) New Jersey: Cape May and Atlantic Counties;

(s) New Mexico: Hidalgo County;

(t) North Dakota: Adams, Benson, Bottineau, Bowman, Burke, Cavalier, Eddy, Grant, Griggs, Hettinger, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

(u) Oregon: Clatsop, Coos, Curry, Josephine, Marion, Morrow, Multnomah, Tillamook, Washington, and Yamhill Counties;

(v) Pennsylvania: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Dauphin, Elk, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Luzerne, Lycoming, McKean, Mercer, Pike, Schuylkill, Somerset, Sullivan, Union, Venango, Washington, Westmoreland, and Wyoming Counties;

(w) Puerto Rico: Adjuntas, Arroyo, Barceloneta, Barranquitas, Canovanas, Ciales, Guanica, Guayama, Guayanilla, Guaynabo, Gurabo, Hatillo, Juncos, Las Marias, Maricao, Maunabo, Mayaguez, Moca, Patillas, Penuelas, San Juan, San Sebastian, Santa Isabel, Trujillo Alto, Vega Alta, Vega Baja, Villalba, and Yauco Municipalities;

(x) South Carolina: Chester and Union Counties;

(y) Utah: Weber County;

(z) West Virginia: Boone, Cabell, Fayette, Grant, Greenbrier, Harrison, Marshall, McDowell, Ohio, and Upshur Counties;

(z-1) Wyoming: Lower Arapahoe Cattle Association, Wind River Indian Reservation, Fremont County; and Arapahoe Ranch Tribal Enterprise, Wind River Indian Reservation, Fremont and Hot Springs Counties.

§ 78.14 *Public stockyards.* (a) Federal inspection is maintained for the inspection of livestock for communicable diseases at the following stockyards:

Location and Name of Stockyards

Baltimore, Md.—Union Stock Yards.
Billings, Mont.—Billings Public Stock Yards.
Buffalo, N. Y.—Buffalo Stock Yards.
Chicago, Ill.—Union Stock Yards.
Cincinnati, Ohio—Cincinnati Union Stock Yards.
Cleveland, Ohio—Union Stock Yards.
Clovis, N. Mex.—Clovis Cattle Commission Co., Ranchers & Farmers Livestock Sales Co.
Denver, Colo.—Union Stock Yards.
Detroit, Mich.—Detroit Stock Yards.
Evansville, Ind.—Evansville Union Stock Yards.
Fort Worth, Tex.—Fort Worth Stock Yards.
Houston, Tex.—Port City Stock Yards.
Indianapolis, Ind.—Belt Railroad Stock Yards (Indianopolis Stock Yards).
Jersey City, N. J.—Jersey City Stock Yards.
Kansas City, Mo.—Kansas City Stock Yards.
Lancaster, Pa.—Union Stockyards.
Los Angeles, Calif.—Union Stockyards.
Louisville, Ky.—Bourbon Stock Yards.
Memphis, Tenn.—Dixie National Stock Yards, South Memphis Stock Yards.
Milwaukee, Wis.—Milwaukee Stock Yards.
Montgomery, Ala.—Union Stockyards.
Nashville, Ten.—Union Stockyards.
National Stock Yards, Illinois—St. Louis National Stock Yards.
New Orleans, La. (Arabi, La.)—New Orleans Stock Yards.
North Portland, Oreg.—Portland Union Stock Yards.
North Salt Lake, Utah—Salt Lake Union Stock Yards.
Ogden, Utah—Ogden Union Stock Yards.
Oklahoma City, Okla.—Oklahoma National Stock Yards.
Omaha, Nebr.—Union Stock Yards.
Philadelphia, Pa.—Pennsylvania Stock Yards.
Richmond, Va.—Richmond Union Stock Yards.
St. Louis, Mo.—Mississippi Valley Stock Yards.
San Antonio, Tex.—Union Stock Yards.
Seattle, Wash.—Seattle Union Stockyards.
Sioux City, Iowa—Sioux City Stock Yards.
Sioux Falls, S. Dak.—Sioux Falls Stock Yards.
South St. Joseph, Mo.—St. Joseph Stock Yards.
South St. Paul, Minn.—St. Paul Union Stock Yards.
Spokane, Wash.—Old Spokane Union Stock Yards.
Texarkana, Tex.—Texarkana Stockyards, Inc.
Tovrea, Ariz.—Tovrea Public Stock Yards.
Tulsa, Okla.—Tulsa Stockyards, Inc.
West Fargo, N. Dak.—Union Stock Yards.
Wichita, Kans.—Wichita Union Stock Yards.
Joplin, Mo.—Joplin, Stockyards.
Springfield, Mo.—Union Stock Yards.

(b) There are no stockyards specifically approved for the purposes of the regulations in this part at the present time. When such specific approval is given to any stockyard, this section will be amended accordingly.

§ 78.15 *Slaughtering establishments.* (a) Information with respect to the slaughtering establishments operating under the provisions of the Meat Inspection Act of March 4, 1907, may be obtained from the Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., and from the Federal Inspectors and State Inspectors.

(b) There are no slaughtering establishments specifically approved for the purposes of the regulations in this part at the present time. When such specific approval is given to any slaughtering establishment, this section will be amended accordingly.

§ 78.16 *Chief of Branch may designate areas and approve stockyards and slaughtering establishments.* (a) The Chief of Branch is hereby authorized to amend § 78.13 to designate additional States, or political subdivisions or portions thereof, as modified certified brucellosis-free areas when he determines that the areas come within the definition in § 78.1 (i), and to delete any such area from the list of modified certified brucellosis-free areas when he determines that the area no longer comes within such definition.

(b) The Chief of Branch is hereby authorized to amend §§ 78.14 and 78.15 to add the names of additional stockyards at which Federal inspection is maintained for the inspection of livestock for communicable diseases; to specifically approve stockyards and slaughtering establishments for the purposes of the regulations in this part when he determines that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations; to delete the name of any stockyard at which such Federal inspection is no longer maintained; and to delete the name of any stockyard or slaughtering establishment so specifically approved when he finds that the inspection or handling of livestock or carcasses or products thereof at such stockyard or establishment is no longer adequate to effectuate the purposes of such regulations.

3. A new Part 80 is added to read:

Sec.
80.1 Definitions.
80.2 Notice relating to existence of paratuberculosis.
80.3 General restriction.
80.4 Movement of paratuberculosis reactors.
80.5 Reshipment of purebred paratuberculosis reactors.
80.6 Marking of records.
80.7 Cleaning and disinfecting vehicles.
80.8 Segregation of paratuberculosis reactors en route interstate.
80.9 Certificates pertaining to movement of animals.

AUTHORITY: §§ 80.1 to 80.9 issued under secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U. S. C. 111–113, 114a–1, 120, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 80.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Paratuberculosis.* The infectious and communicable disease of domestic animals commonly known as Johne's disease and paratuberculosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Public stockyard.* A stockyard designated in § 78.14 (a) of this subchapter where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases; or a stockyard specifically approved under § 78.14 (b) of this subchapter.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 80.2 *Notice relating to existence of paratuberculosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of paratuberculosis exists in domestic animals in Puerto Rico and in each State of the Continental United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming (17 F. R. 5260).

§ 80.3 *General restriction.* Domestic animals affected with paratuberculosis may not be moved interstate except in compliance with the regulations in this part.

§ 80.4 *Movement of paratuberculosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis may be moved interstate under this part for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et. seq.), or a slaughtering establishment specifically approved under § 78.15 (b) of this subchapter, or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for tuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are moved.

§ 80.5 *Reshipment of purebred paratuberculosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis, may be reshipped interstate under this part for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 80.4 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 80.4 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 80.4.

§ 80.6 *Marking of records.* Each transportation agency moving paratuberculosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Paratuberculosis Reactors" and a statement to the effect that the railroad car, boat, truck or vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 80.7 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which paratuberculosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the animals are unloaded, upon permission first secured from the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which paratuberculosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfection facilities are not available at such point of transfer, upon having first secured permission from the Animal Disease Eradication Branch, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 80.8 *Segregation of paratuberculosis reactors en route interstate.* Paratuberculosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to paratuberculosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

§ 80.9 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a

transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

The foregoing amendments make certain changes in the proposed amendments published in the FEDERAL REGISTER on April 8, 1954, and October 8, 1955. Most of such changes are matters of form and were made to clarify provisions of the regulations. Other changes make certain provisions of the regulations less restrictive than the proposed amendments. Certain changes relate to matters of agency organization. The remaining changes are minor and will not seriously affect the rights or obligations of persons subject to the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to such changes are impracticable, unnecessary, and contrary to the public interest.

Effective dates. The amendment of § 71.3, Subparts A, B, and D of amended Part 78, and the new Part 80 shall become effective upon publication in the FEDERAL REGISTER. Subpart C of amended Part 78 shall become effective on January 1, 1957.

The amendment of § 71.3, Subparts A, B, and D of amended Part 78, and the new Part 80 in certain respects are in the nature of a relief of restrictions presently imposed and in certain respects clarify provisions of the present regulations, and should be made effective promptly to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5518; Filed, July 11, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 24]

PART 3—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, AND ACROBATIC CATEGORIES

FLIGHT TESTS TO DETERMINE FREEDOM FROM FLUTTER

Section 3.311-2 establishes CAA's policy for the use of flight tests in determining freedom from flutter and was prepared to insure that reliable data on freedom from flutter be obtained through flight recording instrumentation before conducting official CAA flight tests.

A new § 3.311-2 is added as follows:

§ 3.311-2 *Substantiation of freedom from flutter by flight flutter tests (CAA policies which apply to § 3.311).* Various procedures are available for demonstrating freedom from flutter in complying with the requirements of § 3.311 (a) and (b), namely: performance of a flutter analysis, application of the simplified criteria of § 3.311-1 when applicable, and performance of a flight flutter test by the applicant. It is not recommended that flight flutter tests be used as a general procedure for substantiating freedom from flutter. The performance of a flutter analysis or the application of the simplified flutter criteria are considered preferred procedures due to the hazards involved in flight flutter tests.

(a) *Acceptability.* Flight flutter tests will be acceptable as substantiation of freedom from flutter when it can be demonstrated by such tests that proper and adequate attempts to induce flutter have been made within the speed range up to V_d, and the vibratory response of the structure during the tests indicates freedom from flutter.

(b) *Records.* Flight recording instrumentation of either the electrical or photographic type should be installed to provide a permanent record of the control surface and/or fixed surface response to the applied flutter exciting forces, as well as a record of the associated test airspeed.

(c) *Test procedures.* The following is an outline of an acceptable procedure for demonstrating freedom from flutter by flight tests in which rapid control surface deflections are applied to induce flutter:

(1) The tests should cover the flight speed range with excitation applied at small incremental increases of airspeed up to V_d. The incremental speed increases between 0.8 V_d and V_d should be not more than 5 m. p. h. At lower flight speeds, larger increments or airspeed may be used.

(2) The controls should be deflected to attempt to excite flutter as follows:

(i) Aileron control to induce wing and aileron flutter.

(ii) Rudder control to induce rudder and vertical tail flutter.

(iii) Elevator control to induce elevator and horizontal tail flutter, and symmetric wing flutter.

(iv) Control surface to which the tab is attached to induce tab flutter.

(3) Attempts to induce flutter should be made by abrupt rotational deflections of the respective control surfaces. These deflections should be obtained by striking the corresponding control with the free hand, or foot, and the disturbed control should be allowed to stabilize without restraint by the pilot. The force applied should be sufficient to produce an impulsive deflection of the control surface of at least 3 degrees.

(4) At each test speed, at least 3 attempts to induce flutter should be made for each of the surfaces being investigated.

(5) A permanent record[1] at each test speed should be obtained as follows:

(i) In flutter tests of the rudder, elevator and tab surfaces; a time history of the control surface rotational deflection, and the associated airspeed.

(ii) In flutter tests of the wing and aileron; a time history of the aileron rotational deflection, a time history of the wing vibratory response, and the associated test airspeed.

(6) The tests should consider significant variations in mass and rigidity values which might be expected in service. The aileron and tab control systems should be freed to the extent necessary to be representative of what might be expected in service. (See Airframe and Equipment Engineering Report No. 45.)[2] In tests of wings incorporating wing-tip fuel tanks, the tip-tank weight during the tests should include the weight which results in the most adverse wing flutter characteristics. An engineering evaluation of the ground vibration survey results may be made to determine which value of tip-tank weight is most critical. In some instances, such an engineering evaluation will not permit selection of any single weight as being most critical and flight flutter tests at several tip-tank weights should be performed.

(7) The tests should be conducted at altitudes of approximately 50 to 75 percent of the service ceiling.

(8) The vibration survey required under § 3.311 (c) should be conducted prior to performing the flight flutter tests. The structural frequency and vibration mode data should be evaluated to determine what structural modes are most likely to be flutter critical. An engineering evaluation of the wing bending and torsion frequencies as well as the ratios of wing bending to wing torsion frequencies should be made for various wing tip-tank weight conditions to determine the critical tip-tank weight(s) which should be considered in the flight flutter tests.

[1] These data can be obtained by installing a control surface position indicating device at the control surface, a vibration pickup in the vicinity of one wing tip to detect the wing response, and a suitable pressure transducer connected to the aircraft's pitot-static system to measure the airspeed with the electrical signals from these instruments connected to a recording oscillograph.

Alternatively, photographic methods using cameras may also be used for recording the flight test data. However, the photographic records obtained should be of a nature that will permit satisfactory evaluation of the degree of control surface deflection applied, the flutter stability and a correlation of the airspeed record with the associated flutter test point.

[2] Airframe and Equipment Engineering Report No. 45 is available, free of charge, from the Civil Aeronautics Administration, Aviation Information Office, W-47, Washington 25, D. C.

(Sec 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

This supplement shall become effective August 15, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5486; Filed, July 11, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5989]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FRUITVALE CANNING CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Fruitvale Canning Company, Oakland, Calif., Docket 5989, June 15, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate packer of canned fruits in Oakland, Calif., with following a consistent pattern of charging favored chain stores in San Francisco, which purchased directly through their buyers, less for its products of like grade and quality than it charged unfavored buyers who purchased through brokers, by variations in price per dozen cans ranging from 2½ cents to 55 cents during 1950, the majority of which were 5 cents or 10 cents per dozen.

Following respondent's answer and joining of the issues, the hearing examiner granted motion of respondent's counsel for a more definite statement than that contained in the complaint which, however, was vacated on appeal to the Commission. Thereafter, evidence was submitted at hearings in due course, and finally proposed findings as to the facts and proposed conclusions were submitted by both counsel.

On this basis, the hearing examiner made his initial decision[1] and order to cease and desist which, after denial of respondent's appeal[1] therefrom, were, on June 15, 1956, adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Fruitvale Canning Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of canned fruits in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of canned fruits of like grade and quality:

1. By selling at differing prices to wholesalers who in fact compete with each other in the resale or distribution of such canned fruits;

2. By selling at differing prices to retailers who in fact compete with each other in the resale or distribution of such canned fruits;

3. By selling to any retailer at prices lower than prices charged any wholesaler who competes, or whose customers compete, with such retailer in the sale or distribution of such canned fruits.

The term "price" as used in this order means the net price after all discounts, rebates or other allowances have been deducted.

By "Final Order" report of compliance was required as follows:

It is ordered, That the respondent, Fruitvale Canning Company, shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: June 15, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5517; Filed, July 11, 1956; 8:50 a. m.]

[Docket 6479]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CYRUS SWIFT ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cyrus Swift et al. doing business as Fairyfoot, Chicago, Ill., Docket 6479, June 19, 1956]

In the Matter of Cyrus Swift and Myrtle F. Swift, Individuals Doing Business Under the Trade Name of Fairyfoot

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual with representing falsely in advertising in newspapers and other periodicals, leaflets, and form letters, that her bunion plasters designated as "Fairyfoot for Bunions" were a sensational and miraculous scientific achievement, use of which would permanently stop the pain of a bunion, cause the inflammation and swelling to quickly subside, correct the deformity of the foot associated with a bunion, etc.—and an agreement for a consent order disposing of the issues without hearing.

On this basis, the hearing examiner made his initial decision[1] and order to cease and desist which became, on June 19, 1956, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Myrtle F. Swift, individually and doing business under the trade name of Fairyfoot or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in conection with the offering for sale, sale or distribution of bunion plasters or of any other product of substantially the same composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That said product is a sensational or scientific achievement, or sensational or miraculous;

(b) That the use of said product,

(1) Permanently stops the pain of a bunion,

(2) Causes the swelling to quickly subside,

(3) Subdues inflammation or swelling through a pain relieving ingredient;

(4) Corrects the deformity of the foot associated with a bunion or reduces the bony enlargement,

(5) Causes a bunion to get smaller and smaller until the sufferer is able to wear regular shoes again in comfort.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the complaint, as to respondent Cyrus Swift, be and hereby is dismissed without prejudice.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order to cease and desist.

Issued: June 19, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5516; Filed, July 11, 1956; 8:50 a. m.]

[1] Filed as part of original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54128]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS TO PERMIT USE OF CANADIAN TUGS "HARBOR MASTER" AND "RADEL" IN ST. LAWRENCE SEAWAY PROJECT

JULY 6, 1956.

Upon written recommendation in the interest of national defense by the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the Act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. Ds. 53654 and 53966), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the Canadian tugs "Harbor Master" and "Radel" to tow the barge "Sill No. 55" from the mouth of the Grass River in the United States through the Cornwall Canal in Canada and return to the Massena Power Canal in the United States on one voyage to commence on or about July 9, 1956.

(64 Stat. 1120; 46 U. S. C. prec. sec. 1)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 56-5512; Filed, July 11, 1956; 8:49 a. m.]

[T. D. 54129]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE

On the basis of a number of reports from field offices commenting on a suggestion to modify the requirement of the deposit of estimated additional expense incident to the examination and appraisement of imported articles coming within the purview of § 14.2 (e) of the Customs Regulations, the Bureau has decided that an amendment is in order which will permit the collector to dispense with the deposit when conditions are such that prompt, full payment of actual expenses is assured, thereby avoiding, without appreciable risk, the accounting of refunds. Under other conditions or when deemed necessary or advisable for any proper purpose, the collector shall exercise his discretion to invoke the requirement.

Consistent with the foregoing, the second sentence of § 14.2 (e) is amended to read: "In all such cases a bond on customs Form 7551, 7553, or other appropriate form shall be taken; the collector also may require that a deposit be made of the estimated additional expense."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies secs. 488, 499, 624, 46 Stat. 725, 728, as amended, 759; 19 U. S. C. 1488, 1499, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5513; Filed, July 11, 1956; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter C—Federal Savings and Loan System

[9786]

PART 145—OPERATIONS

AUDITS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

JULY 6, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), § 145.25 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.25) is hereby amended to read as follows:

§ 145.25 *Audits.* If a Federal association has neither been audited by independent auditors and in a manner satisfactory to the Board within the 12-month period immediately preceding the date of the supervisory examination (provided for by § 145.24) or within the period that has elapsed since the last preceding supervisory examination, whichever is greater, nor adopted and maintained an internal audit program acceptable to the Board, the examination of the association made pursuant to the provisions of § 145.24 shall include an audit. A Federal association shall promptly file with the Board, through the Chief Examiner of the Federal Home Loan Bank District in which it is located, two copies of every report of its independent audit, which reports must be certified by the independent auditors. Notwithstanding any of the foregoing provisions hereof, a Federal association may be audited at any time by the Board.

Resolved further that, since this amendment relates to procedure and practice, it is found that it is not necessary to issue such amended regulation with notice and public procedure thereon under the provisions of section 4 of the Administrative Procedure Act.

(Sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1437, 1464)

This amendment shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-5510; Filed, July 11, 1956; 8:49 a. m.]

Subchapter D—Federal Savings and Loan Insurance Corporation

[9787]

PART 163—OPERATIONS

EXAMINATIONS AND AUDITS OF INSURED INSTITUTIONS

JULY 6, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), § 163.17 of the rules and regulations for Insurance of Accounts (24 CFR 163.17) is hereby amended to read as follows:

§ 163.17 *Examinations; examination and audit; cost of same.* For the protection of its insured members and other insured institutions each insured institution shall maintain safe and sound management, pursue financial policies that are safe and consistent with economical home financing and the purposes of insurance of accounts and shall be examined periodically by the Corporation, with appraisals when deemed advisable, in accordance with general policies from time to time established by resolution of the Board. Each insured institution shall be audited periodically by auditors and in a manner satisfactory to the Corporation, and may be audited at any time by the Corporation. The insured institution shall promptly file with the Corporation, through the Chief Examiner of the Federal Home Loan Bank District in which it is located, a copy of every report of its independent audit, which reports must be certified by the independent auditors. If the association has neither been audited by independent auditors within the 12-month period immediately preceding the date of such examination or within the period that has elapsed since such last preceding examination, whichever is greater, nor adopted and maintained an internal audit program acceptable to the Corporation, the examination by the Corporation shall include an audit. The cost, as computed by the Corporation, of any such audit or examination, or both, including office analysis thereof, and appraisals made in connection therewith, overhead, per diem, and travel expenses, shall be paid by the institution examined or audited. The Corporation may obtain at any time, at its expense, such appraisals of any of the assets of an insured institution as it deems appropriate.

Resolved further that, since this amendment relates to procedure and practise, it is found that it is not necessary to issue such amended regulation with notice and public procedure thereon under the provisions of section 4 of the Administrative Procedure Act.

(Sec. 402, 48 Stat. 1256, as amended, 12 U. S. C. 1725. Interprets or applies sec. 17, 47 Stat. 736, as amended, 12 U. S. C. 1437)

This amendment shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-5511; Filed, July 11, 1956; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sales of Minerals, Restricted Indian Lands

PART 183—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Correction

In Federal Register Document 56-5366, appearing at page 5048 of the issue for Saturday, July 7, 1956, the authority citation following amended § 183.4 should read as follows:

(Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U. S. C. 356. Interprets or applies secs. 3, 11, 35 Stat. 313, 316, sec. 8, 47 Stat. 779)

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-1, Revised]

DMO I-1—REGIONAL COORDINATION

Defense Mobilization Order I-1 dated July 14, 1953 (18 F. R. 4099) is hereby revised to read as follows:

1. There are hereby established Mobilization Regions, Regional Mobilization Committees (RMCs) and a Central Committee on Regional Mobilization.

2. Mobilization regions: Mobilization regions are established as follows:

Region and States in Region

1—Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island.
2—New York, New Jersey.
3—Pennsylvania, Maryland, Delaware, Virginia, District of Columbia.
4—Ohio, Kentucky, West Virginia.
5—Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida.
6—Wisconsin, Illinois, Michigan, Indiana, Missouri.
7—Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, Colorado.
8—Texas, New Mexico, Oklahoma, Arkansas, Louisiana.
9—California, Nevada, Utah, Arizona.
10—Washington, Oregon, Idaho, Montana.

The regional boundaries described above are tentative and subject to such modification as experience may indicate to be necessary.

3. Regional Mobilization Committees are hereby established with the following composition and responsibilities.

a. *Composition.* A Regional Mobilization Committee shall be composed of the Regional Mobilization Coordinator (appointed by the Director, Office of Defense Mobilization) who will serve as Chairman, and representatives designated by the following departments and agencies:

Treasury Department.
Department of Defense.
Department of Justice.
Post Office Department.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Department of Labor.
Department of Health, Education and Welfare.
Federal Civil Defense Administration.
Federal Reserve Board.
General Services Administration.
Housing and Home Finance Agency.
Interstate Commerce Commission.
Selective Service System.
Small Business Administration.
U. S. Civil Service Commission.

Representatives from other agencies having essential wartime functions may be requested to participate in Regional Mobilization Committee consideration of problems which relate to the functions of such agencies. In the event of the establishment of any new mobilization agencies with field organizations, such agencies shall make arrangements for participation in RMC activities.

b. *Responsibilities.* The responsibilities and functions of the Regional Mobilization Committees are to advise and assist the Regional Mobilization Coordinators; more specifically to:

(1) Recommend solutions to field problems resulting from mobilization programs in which more than one agency has an interest.

(2) Develop coordinated plans, within the general guidelines issued by the Office of Defense Mobilization and by their respective agencies, for maintaining continuity of the essential wartime functions of the Federal government within the regions.

(3) Participate in and evaluate test exercises within the region on mobilization plans and operational readiness.

(4) Perform such other duties as requested by the Regional Mobilization Coordinators within the scope of Coordinators' present or post-attack responsibilities.

4. Central Committee on Regional Mobilization. The Central Coordinating Committee, previously established under this order, is hereby reconstituted as the Central Committee on Regional Mobilization with the following composition and functions.

a. *Composition.* The Central Committee on Regional Mobilization shall be composed of representatives of the agencies represented on the Regional Mobilization Committees. The chairman shall be designated by the Director of the Office of Defense Mobilization.

b. *Functions.* The functions of the Central Committee on Regional Mobilization are:

(1) To advise the Office of Defense Mobilization on regional coordination of mobilization activities.

(2) To provide points of staff contact for exchange of information on matters relating to regional coordination.

5. This order is effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-5507; Filed, July 11, 1956; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK; ADDITIONAL FISHING TIME

Basis and purpose. On the basis of continuing improvement in the red-salmon runs in the Naknek-Kvichak district of Bristol Bay, it has been determined that additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, the allowable fishing time in the Naknek-Kvichak district for the week ending July 14, 1956, shall be 3½ days, and § 104.5 is so amended in paragraph (a).

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 10, 1956.

[F. R. Doc. 56-5567; Filed, July 10, 1956; 2:41 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING OF CIGAR-FILLER AND BINDER TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1956-57 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311-1315, 1372-1375), marketing quota regulations are being prepared governing the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder tobacco, types 42-44 and 51-55, inclusive, for the 1956-57 marketing year.

It is contemplated that the regulations for the 1956-57 marketing year will be substantially the same as those issued for the 1955-56 marketing year (20 F. R. 5765) except for changes and additional provisions as follows:

A. Prior regulations relating to the marketing of tobacco grown for experimental purposes only would be changed to provide that the Director of a publicly-owned Agricultural Experiment Station furnish the State committee a list by counties showing the following information with respect to the farms on which tobacco is grown for experimental purposes only:

1. Name and address of the publicly-owned experiment station.

2. Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only.

3. The acreage of tobacco grown on each farm for experimental purposes only.

4. A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that,

(a) Such acreage of tobacco was grown on each farm for experimental purposes only;

(b) The tobacco was grown under his direction;

(c) The acreage in each plot was considered necessary for carrying out the experiment.

Provision would be made for issuing to the experiment station a within quota marketing card for use in identifying marketings of tobacco grown on farmz or land for which the above information is furnished.

B. The provision in prior regulations for placing excess tobacco in storage under bond as a method by which the farm operator may dispose of excess tobacco so as to avoid the payment of penalty would be eliminated. The definition of "carry-over tobacco" would be continued as in prior regulations, however, and provisions would be made for marketing penalty-free an amount of carry-over tobacco or tobacco under bond from a prior marketing year equal to the amount, as determined under the regulations, by which the harvested acreage is less than the acreage allotment for a subsequent marketing year.

C. As in the previous regulation, a "zero percent" excess marketing card will be required to be issued where a request for a remeasurement of tobacco acreage in excess of the farm acreage allotment is not made within the prescribed time limit even though the excess acreage is disposed of other than by marketing. In addition, a provision would be included which would require the issuance of a "zero percent" excess marketing card if excess tobacco is harvested from a farm even though such excess tobacco is disposed of prior to marketing any tobacco from the farm. The effect of these provisions would be to deny price support loans on a kind of tobacco if a request for remeasurement, in case of excess acreage, is not timely made, or if tobacco is harvested from an acreage in excess of the allotment for the farm. The proposed regulations also will provide that where more than one kind of tobacco is produced on a farm, a "zero percent" excess marketing card will be issued for each kind of tobacco for which the harvested acreage does not exceed the farm acreage allotment in the event an excess marketing card other than "zero percent" is issued for any kind of tobacco on the farm.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 6th day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Administer.

[F. R. Doc. 56-5499; Filed, July 11, 1956; 8:47 a. m.]

[7 CFR Part 727]

MARYLAND TOBACCO

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957-58 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for the 1957 crop of Maryland tobacco.

Pursuant to the provisions of section 212 of the act, as amended (7 U. S. C. A. 1312), the Secretary of Agriculture has proclaimed marketing quotas for the marketing year 1957-58 for Maryland tobacco and such quota has been approved by growers voting in a referendum (21 F. R. 638). In accordance with section 312 of the act, the amount of such marketing quota will be determined and announced, and under the provisions of section 313 of the act (7 U. S. C. 1313), such quota will be apportioned among the States and converted into State acreage allotments.

It is contemplated that the regulations for Maryland tobacco will provide for the establishment of farm acreage allotments and the issuance of notices of allotments and marketing quotas by County Committees substantially the same as provided with respect to the 1956 crop (20 F. R. 6969), except as stated below.

1. The entire § 727.716 of the 1956 regulations providing for determination of preliminary allotments would be revised to provide as follows:

The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1954-56 was less than 75 percent of the 1956 farm acreage allotment, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952-56: *Provided*, That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 harvested acreage shall include any tobacco acreage on the farm applicable to Maryland tobacco which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, and (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment.

(c) If the county committee determines for any farm (except farms to which paragraph (a) of this section is applicable and farms subject to reduction in the 1957 acreage allotment for violation of marketing quota regulations) that the 1956 acreage allotment does not reflect for the farm the past acreage of tobacco (excluding tobacco acreage harvested in excess of the 1955 and 1956 acreage allotments) with due allowance made for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco; the county committee shall determine a preliminary allotment for such farm based on such aforestated factors which is fair and equitable in relation to the preliminary allotments for other old farms in the community: *Provided*, That the total acreage of all the 1957 preliminary acreage allotments determined under this paragraph (c) for farms in any county shall not exceed the total acreage of the 1956 acreage allotments for such farms.

(d) If the county and State committees determine that a farm has been retired from agricultural production, no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(e) The 1956 farm acreage allotment as used in this section shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year.

2. The definitions of "new farm", "old farm", and "cropland" would read as follows:

(a) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm.

(b) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm.

(c) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

3. Consideration is being given to withholding no acreage reserve for adjustments of 1957 farm acreage allotments, but to provide that an acreage reserve from the State acreage allotment be made for correcting errors and for overlooked farms.

4. Provision will be made for determining farm normal yields per acre.

5. The 1956 provision providing that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established, would be restated substantially as follows:

The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952-56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (a) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (b) if it was a portion of an old farm during any of the years 1952-56 and at time of division of the farm contained cropland but received no part of the allotment due (1) to division of the allotment on a contribution basis, or (2) to agreement and approval of all interested parties as provided in the section of the regulations governing divisions and combinations of allotments.

6. The provisions governing determination of new farm tobacco acreage allotments would provide, as provided by law, that production of tobacco on a farm in 1955 or 1956 for which, in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed qualifying tobacco experience for any producer.

7. The acreage available for allotments to new farms would be one-fourth of one percent of the 1957-58 national marketing quota converted to acreage.

8. The section on farms divided or combined would read as follows:

(a) If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, or is divided into two or more tracts pursuant to a legal transfer of ownership or possession which tracts may or may not be operated as farms, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested parties in writing, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1952-56 bore to the five-year average acreage of tobacco harvested on the entire farm during 1952-56: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1957 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

9. A section entitled "Notice of Farm Acreage Allotments" would be included and would read substantially as follows:

(a) The County Committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(b) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall be mailed at least thirty days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee.

(c) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957-58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957-58 marketing year.

10. The time for filing an application for a new farm allotment would be no later than February 15, 1957.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 9th day of July 1956.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 56-5519; Filed, July 11, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 249]

GENERAL RULES, REGULATIONS AND FORMS, SECURITIES ACT OF 1933

WITHDRAWAL OF PROPOSED EXEMPTION FOR SHARES OF STOCK ISSUED PURSUANT TO RESTRICTED STOCK OPTIONS AND OF PROPOSED AMENDMENT OF INSTRUCTIONS TO FORM 8–A

The Commission on November 5, 1952, In Release No. 3458–X under the Securities Act of 1933 and Release No. 4766–X under the Securities Exchange Act of 1934, announced that it had under consideration a conditional exemption from the registration requirements of the Securities Act for the issuance, not exceeding $300,000 in any one year, of shares of stock to be issued pursuant to restricted stock options within the meaning of the Internal Revenue Code and a related interpretative rule. It was also proposed to amend Form 8–A (17 CFR 249.208a) under the Securities Exchange Act of 1934 to provide for simplified registration, upon notice of issuance, of additional shares to be issued in connection with such options.

The Commission has since generally simplified its registration forms and procedures under the Securities Act of 1933 and has provided for class registration of securities under the Securities Exchange Act of 1934.

The Commission today announced that after thorough consideration of the entire matter it had decided not to adopt the proposed conditional exemption and related rule under the Securities Act of 1933, or the proposed amendment to Form 8–A under the Securities Exchange Act of 1934.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 2, 1956.

[F. R. Doc. 56–5497; Filed, July 11, 1956; 8:47 a. m.]

[17 CFR Part 250]

GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

WITHDRAWAL OF PROPOSED AMENDMENT TO EXEMPT STATE REGULATED ISSUES OF SUBSIDIARIES

The Commission, on November 25, 1953, in Holding Company Act Release No. 12217–X, gave notice that it was considering amending § 250.50 (Rule U-50). The amendment would have provided an exception from competitive bidding for securities of operating utility subsidiaries of registered holding companies if the issuance and sale of such securities was subject to the jurisdiction of the regulatory commission of the state in which such subsidiary was organized and doing business.

Today the Commission announced that after thorough consideration of the entire record it had decided not to adopt the proposed amendment to the rule.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 2, 1956.

[F. R. Doc. 56–5496; Filed, July 11, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Area Order 24]

VARIOUS OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

JULY 9, 1956.

1. Pursuant to the authority contained in section 1 (c) Director's Order No. 615 of June 12, 1956, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rent of equipment) or services, and leases of space in real estate as follows:

a. Without limitation as to amount: Area Administrative Officer.

b. Up to $20,000: Operations Supervisor, Deputy Administrative Officer.

c. Up to $10,000: Property and Supply Officer.

d. Up to $2,000: District Foresters, Juneau District Manager, Land Office Managers, Chiefs of Field Crews.

2. Contracts and leases entered into under this authority must conform with applicable regulation and statutory requirements and are subject to the availability of appropriations.

J. M. HONEYWELL, *Area Administrator.*

[F. R. Doc. 56–5508; Filed, July 11, 1956; 8:49 a. m.]

[Area Order 25]

VARIOUS OFFICIALS

DELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

JULY 9, 1956.

1. Pursuant to authority contained in section 1 (b) of Director's Order No. 614, the following classes of employees are authorized to transfer, donate or dispose of real property and related personal property excess to the needs of the Bureau of Land Management in Alaska, as provided in section 4 (b) of Order No. 2696 of July 17, 1952 and amendment No. 2 thereto of January 19, 1954, of the Secretary of the Interior, and in accordance with the Federal Property and Administrative Service Act of 1949 (63 Stat. 377; 40 U. S. C. secs. 471–475) as amended and the regulations issued thereunder contained in 44 CFR 1951 Supp. Part 101:

Area Administrative Officer.
Operations Supervisor.
Deputy Administrative Officer.
Property and Supply Officer.

J. M. HONEYWELL, *Area Administrator.*

[F. R. Doc. 56–5509; Filed, July 11, 1956; 8:49 a. m.]

Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of November 17, 1902, and March 18, 1908, insofar as said orders affect the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 25 E.,
Sec. 15, Tract A.

The above area aggregates 47.25 acres.

DON S. CAMPBELL, *Acting Assistant Commissioner.*

[72146]

JULY 6, 1956.

I concur.

The released land is embraced in a private exchange application by which the offered land will benefit a Federal land program. The land, therefore, is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

DEPUE FALCK, *Acting Director, Bureau of Land Management.*

[F. R. Doc. 56–5487; Filed, July 11, 1956; 8:45 a. m.]

MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 8 S., R. 25 E., B. M.,
Sec. 16: E½SE¼SE¼, SE¼SE¼NE¼SE¼, E½SE¼NW¼SE¼SE¼, SW¼SE¼SE¼, S½S½SW¼SE¼, S½N½SE¼SW¼SE¼, N½NE¼SE¼SW¼SE¼, S½NE¼SW¼SW¼SE¼, and S½SE¼SE¼SE¼SW¼.

The above areas aggregate 50 acres.

DON S. CAMPBELL, *Acting Assistant Commissioner.*

[72146]

JULY 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK, *Acting Director, Bureau of Land Management.*

Notice for Filing Objections to Order Withdrawing Public Lands for the Minidoka Project, Idaho

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Minidoka Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

DON S. CAMPBELL, *Acting Assistant Commissioner.*

[F. R. Doc. 56–5488; Filed, July 11, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JULY 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

JULY 1956 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices apply "in store" at location of stocks. Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale. –
Nonfat dry milk solids (in carloads only); spray, 147,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags (as available) 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD–14 and supplements. In barrels and drums, 11.5 cents per pound; in bags (as available) 10.65 cents per pound. Export, unrestricted use: Competitive bid under the terms and conditions of Announcement LD–5 and amendments.
Butter (in carloads only), as available.	Domestic, unrestricted use: 63.25 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States, 62.5 cents per pound. Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA–111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate. Export, unrestricted use: Competitive bid under the terms and conditions of Announcement LD–7.
Cheddar cheese; cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 193,000,000 pounds.	Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA–111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD–19 and supplements for industrial uses. Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States, 37 cents per pound. Export: Competitive bid under terms and conditions of Announcement LD–5 and amendments. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO–CL–7 in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–5 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN–EX–2 as amended, and NO–C–8 as amended, for export after Aug. 1, 1956.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and condition o' Announcement NO–C–6 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of NO–C–6. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops), 111,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,250,000 pounds in July) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis ex-warehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Tung oil	Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT–OT–8 and amendments thereto. Available Cincinnati CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office.
Flaxseed, bulk, 1955 crop, as available.	Domestic or export, unrestricted use: Market price basis in store, but not less than the 1956 loan rate basis point of production plus 18 cents per bushel. Example of minimum price per bushel: Minneapolis No. 1 $3.57. Available Minneapolis, Chicago and Portland CSS Commodity Offices.
Soybeans, bulk, 1955 crop, as available.	Domestic or export, unrestricted use: Market price basis in store, but not less than the 1955 loan rate basis point of production, plus 33 cents per bushel. Available Minneapolis, Chicago, Dallas, and Kansas City CSS Commodity Offices.
Corn, bulk	Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 30 cents per bushel). Examples of minimum price per bushel, including average paid-in freight: Chicago No. 3 yellow, $2.07; Minneapolis No. 3 yellow, $1.98; Kansas City No. 3 yellow, $2.06; Portland No. 3 yellow, $2.23. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of the applicable 1955 loan rate, plus 30 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Corn is also available as follows: (1) Non-storable corn at the above offices; (2) in flat storage in the Pacific Northwest on competitive bid basis for export.
Wheat	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate for class, grade, quality, and location, plus 12 cents per bushel). Examples of minimum price per bushel (basis interim loan rate): Chicago No. 1 RW, $2.43; Minneapolis No. 1 DNS, $2.46; Kansas City No. 1 HW, $2.43. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus 12 cents per bushel. Export: Under the terms and conditions of Announcements GR–212 revised, GR–261 revised, and GR–262 revised, at prices announced daily. Export made be made either as wheat or flour.[1] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale.
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 5 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.83; Minneapolis No. 3 oats or better, $0.78. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offering also on competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[1]

See footnotes at end of table.

JULY 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dry edible beans (bagged).....	Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1955 support price differentials.
Baby lima beans, 1954 crop, 120,000 hundredweight.	Export: Competitive bid as announced by the Portland CSS Commodity Offices.
Great Northern beans, 1954 and 1955 crops, 228,000 hundredweight.	Domestic: Market price but not less than $7.85 per 100 pounds, Nebraska points of production. Available Kansas City and Portland CSS Commodity Offices.
	Export: Competitive bid as announced by Kansas City and Portland CSS Commodity Offices.
Pinto beans, 1956 and 1955 crops, 680,000 hundredweight.	Domestic: Market price but not less than $7.04 per 100 pounds points of production, Denver trade area. Available Kansas City and Portland CSS Commodity Offices.
	Export: Competitive bid as announced by the Kansas City and Portland CSS Commodity Offices.
Small red beans, 1955 crop, 434,000 hundredweight.	Domestic: Market price but not less than $7.93 per 100 pounds points of production. Available Portland CSS Commodity Office.
	Export: Competitive bid as announced by Portland CSS Commodity Office.
Hay and pasture seeds (bagged)....	F. o. b. point of production plus any paid-in freight as applicable basis carlot freight rate at time of sale. Premiums and discount may be obtained from the Commodity Offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Tall fescue seed (common), as available.	Domestic, unrestricted use (for seed only): Competitive bid basis for certain lots of low germination seed from common and certified stocks. Available Chicago and Portland CSS Commodity Offices.
	Export: Competitive bid as announced by Chicago CSS Commodity Office.
Tall fescue seed (certified), as available.	Domestic, restricted use (for seed only): Competitive bid basis by Dallas CSS Commodity Office under the terms and conditions of PA-1 (Domestic). Quality 98.80. Available Portland and Chicago CSS Commodity Offices.
	Export, unrestricted use: 1955 support rate f. a. s., West Gulf port (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Export, restricted use (to be ground in the U.S.A. and used for feed and industrial purposes only): Competitive bid basis by Dallas CSS Commodity Office. Available Dallas CSS Commodity Office domestic sales prices plus export sales.
	Domestic: For U. S. No. 2 (4 percent broken), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 77 cents per hundredweight).
Gum turpentine (bulk in tanks)...	Examples of minimum prices of milled rice per hundredweight, at mills:

	Head U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	Second heads U. S. No. 3
Bluebonnet	$11.66	$9.49	$6.60
Zenith	9.94	8.32	6.00

Export: A schedule of prices as announced by Dallas CSS Commodity Office. Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC):

	Head U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	Second heads U. S. No. 3
	1954	1955	
Bluebonnet	$10.20	$7.80	$4.45
Zenith	8.70	6.40	4.20
Toro	8.70	6.40	4.20

1958 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b. Texas-Mexican border points at same price as at West Gulf ports.
Storage prices and quantities may be obtained from Dallas CSS Commodity Office.
Special export: Competitive bid under terms and conditions announced by Dallas CSS Commodity Office.

[1] At the processor's plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised, and GR-302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouseman for storage documents.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1058; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: July 6, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 56-5498; Filed, July 11, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 214A]

UNITED PETROLIFERA ITALIANA, S. R. L., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of United Petrolifera Italiana, S. R. L., (formerly United Refineries Corp.), Giacinto Leopoldo Del Bo, Via Manzoni 41A, Milan, Italy; Emilio Oliva, doing business as Ditta Oliva, Via Atto Vannucci, 3, Milan, Italy; respondents.

The respondents, United Petrolifera Italiana, S. R. L., Giacinto Leopoldo Del Bo and Emilio Oliva, doing business under the firm name of Ditta Oliva, hereinafter referred to as United or as Oliva, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (a) in connection with the obtaining of 164 drums of lubricating oil from the United States, United caused false representations to be made on an export license application, (b) both respondents attempted, without authorization, to transship such oil from the Genoa Free Zone first to Chiasso and then to another port in Italy with the intention to deliver it to Gdynia, Poland, and (c) they concealed material facts during the course of an investigation into the purchase, ownership and attempted disposition of the oil. The charging letter was duly served on both respondents but only Oliva answered. United is in default.

In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted. He has recommended that the charge against Oliva, to the effect that it concealed facts during the investigation, be dismissed.

Now, after considering the entire record consisting of the charges, the answer to the respondent Oliva, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, United Petrolifera Italiana, S. R. L., formerly known as United Refineries Corporation, was and now is engaged in the oil business in Milan, Italy, and Giacinto Leopoldo Del Bo was its director, managed its business and performed on its behalf the acts hereinafter found to have been performed by United.

2. At all times hereinafter mentioned, Emilio Oliva, doing business under the name of Ditta Oliva, was and now is engaged in the freight forwarding business at Milan, Italy.

3. Heretofore, in August 1952, United, through the Milan agent of an American exporter, ordered from an American exporter, in the name of another importing firm in Milan, Italy, 100 metric tons of bright stock lubricating oils and represented to the American firm, for submission to the Office of International Trade, (now the Bureau of Foreign Commerce), that the oils were to be sold to transient steamers as ships' supplies in the Free Zone at Genoa.

4. The American firm then submitted to the Office of International Trade an application for license to export said 100 metric tons of lubricating oils to the firm named by United as the ultimate consignee and purchaser of said oils and stated, as the end use, that the oils were to be sold as ships' supplies to transient steamers in the Free Zone of Genoa.

5. In reliance on said statements, the Office of International Trade issued a validated export license for the exportation of said oils to the firm mentioned and for the purpose set forth in the application and, under and pursuant to the authority of the said license, the American firm exported 211 barrels (164 drums) of said oils to Genoa, Italy, with Oliva named in the order bill of lading as the party to be notified.

6. When the oils arrived at Genoa, Oliva endorsed and presented said bill of lading and obtained possession of the oils. The bill of lading had endorsed on it a warning that the oils were licensed for exportation to Genoa as the ultimate destination and that diversion, contrary to U. S. law, was prohibited.

7. He then, on instructions from United, attempted to ship said oils to Chiasso but, upon request of the Office of International Trade, which had learned of such intention, the Italian authorities halted said shipment.

8. Thereafter, and with the additional knowledge, by reason of the stoppage of the Chiasso shipment, that diversion from Genoa was prohibited, Oliva, again on instructions from United, shipped the said oils to Savona for the purpose of having them loaded upon the ship Volonta, a ship he knew was too small to require that quantity of oils for ship's supplies. The Volonta's itinerary included, as a port of call, Gdynia, Poland. Such attempted diversion was discovered and, upon orders of the Italian authorities, the oils were removed from the Volonta.

9. The oils, in fact, had been purchased by and paid for by funds supplied by United and, when the representations as to the name of the ultimate consignee and end use were made, United knew they were false and made them with the intention that the American supplier and the Office of International Trade would rely on them in connection with the application for and issuance of the export license.

And, from the foregoing, it is my conclusion

A. That United Petrolifera Italiana, S. R. L. and Giacinto Leopoldo Del Bo made false representations and concealed material facts from the Office of International Trade in violation of § 381.1 (b) (3) (i) (ii) (iv) of the export control regulations then in effect;

B. That United Petrolifera Italiana, S. R. L., Del Bo and Emilio Oliva attempted to violate § 379.5 of the export control regulations then in effect by undertaking to transship and divert said 164 drums of oils in violation of § 381.2 of said regulations.

In his report, the Compliance Commissioner said:

> Del Bo and United have not only violated the Act as already stated but they have indicated by their conduct during the investigation that they would violate again, if given the opportunity. They have evaded or ignored all efforts of American representatives to ascertain the true facts of ownership and direction of this transaction. Evidence submitted to me indicates that the intention had been to ship these oils to a Communist destination. The oils had a high strategic value. It is my recommendation that Del Bo and United be denied export privileges so long as export controls are in effect.
>
> Oliva is a freight forwarder, and, because of this, some consideration is accorded him. It is always pointed out that if a freight forwarder is denied export privileges, while he suffers a business loss, innocent shippers who use his services are inconvenienced or actually hurt. Yet, it is the freight forwarder who performs a very important part of the export process and it is he who is often in a position to facilitate or halt an unauthorized disposition of goods exported from the United States. Moreover, by reason of his calling, it is his duty to be familiar with the salient factors of export control, particularly destination and end-use control. In this case, Oliva ignored the destination control notice on the bill of lading when he attempted to transship to Chiasso. Then, after conferences with his Government's officials and American officials relating to this particular shipment, he transshipped the oils to Savona with knowledge that the alleged intended disposition there could not be a true disposition. Any denial of export privileges will not have as great an impact on him as it would on an American freight forwarder because, while his privileges with respect to exports from the United States will be denied, he will still be able to handle all other forwarding business.

Having concluded that the action recommended by the Compliance Commissioner is fair, just, and necessary to achieve effective enforcement of the law; *It is hereby ordered:*

I. All outstanding validated export licenses in which United Petrolifera Italiana, S.R.L. and Giacinto Leopoldo Del Bo appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, the respondents United Petrolifera Italiana, S.R.L. and Giacinto Leopoldo Del Bo be, and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any vali-

dated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. The respondent Emilio Oliva, doing business as Ditta Oliva, for a period of two months commencing August 9, 1956, be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Such denial of export privileges shall extend not only to the respondents but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

V. Upon condition that the respondent, Emilio Oliva, complies in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, during a probation period of one full year following the date hereof, no additional remedial action shall be taken against him.

VI. If, however, during the said probation period of one year following the date hereof, it be found by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent, Emilio Oliva, has, at any time during such year, knowingly failed to comply with any of the conditions or provisions set forth in Part V hereof, then and in that event, and without prejudice to any other action which may be taken by reason of any such new or additional violation, such respondent shall be denied all export privileges for an additional four months from the date of such determination and finding, in the same manner as now in Part III hereof provided.

VII. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Parts II, III and VI hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: July 9, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-5505; Filed, July 11, 1956; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

PEANUTS

NOTICE OF SUPPLEMENTAL INVESTIGATION AND PUBLIC HEARING

Investigation No. 6 Under Section 22 of the Agricultural Adjustment Act, as amended.

The United States Tariff Commission, on the 6th day of July 1956, instituted an investigation supplemental to its Investigation No. 6 under section 22 of the Agricultural Adjustment Act, as amended, with respect to: Peanuts, shelled (not including peanut butter or peanuts blanched, salted, prepared, or preserved), of sizes averaging in representative samples not more than 40 kernels per ounce.

Purpose of supplemental investigation. Existing quota restrictions under section 22 of the Agricultural Adjustment Act, as amended, limit the quantity of peanuts, whether shelled, not shelled, blanched, salted, prepared, or preserved (including roasted peanuts but not including peanut butter), which may be entered, or withdrawn from warehouse, for consumption in any quota year beginning August 1 to 1,709,000 pounds (aggregate quantity). This quota was originally imposed by proclamation of the President dated June 8, 1953, after investigation and report to him by the Tariff Commission under the provisions of section 22 (a) of the Agricultural Adjustment Act, as amended. The Commission has received a request from the Peanut and Nut Salters Association for a review of the import restrictions on peanuts under section 22, with a view to the admission to entry of an additional quantity of peanuts consisting of large-size "Virginia type" peanuts over and above the existing quota on peanuts. The purpose of the instant supplemental investigation, which is being made under the provisions of section 22(d) of the Agricultural Adjustment Act, as amended, is to determine whether there is a need for an additional quantity of imported peanuts consisting of the larger size "Virginia type" and, if so, what additional quantity may be permitted to be entered during the early months of the next quota year under conditions which would avoid material interference with the program of the Department of Agriculture for peanuts.

Hearing. A public hearing in this supplemental investigation will be held beginning at 10 a. m. e. d. s. t., on July 31, 1956 in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

Issued: July 9, 1956.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-5514; Filed, July 11, 1956; 8:49 a. m.]

[List No. 18-7]

SLIP-RESISTANT HANGER COVERS

NOTICE OF COMPLAINT

JULY 9, 1956.

Complaint listed below has been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of complainant
Slip-resistant hanger covers.....	Exclusion from entry.....	June 26, 1956	L. M. Leathers' Sons, 675 Pulaski St., Athens, Ga.

The above complaint is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

In accordance with § 203.3 of the Tariff Commission's rules of practice and procedure, the Commission is conducting a preliminary inquiry with respect to the above complaint, for the purpose of determining whether a formal investigation under the provisions of section 337, Tariff Act of 1930, is warranted, and whether the issuance of a temporary order of exclusion from entry under section 337 (f) is warranted. All interested persons having pertinent information to furnish either in favor of or in opposition to the institution of a formal investigation or the issuance of a temporary order of exclusion may submit such information in writing, to the Secretary of the Commission, furnishing 15 copies.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-5515; Filed, July 11, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7782]

EASTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc. enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled matter, heretofore assigned to be held on July 18, 1956, is postponed and will be held on July 25, 1956, at 10:00 a. m., e. d. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5524; Filed, July 11, 1956; 8:52 a. m.]

[Docket Nos. 7941, 7946]

CALIFORNIA AIR CHARTER, INC., AND TRANS-ALASKAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of California Air Charter, Inc., enforcement proceedings; Docket No. 7941.

In the matter of Trans-Alaskan Airlines, Inc. enforcement proceeding; Docket No. 7946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding now assigned to be held on July 13, 1956, is postponed to July 26, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., July 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5523; Filed, July 11, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8250 etc.]

WINN GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser

G-8250; Winn Gas Company, Milton, W. Va.; 12-20-54; Putnam County, W. Va.; South Penn Natural Gas Company.

G-8256; F. S. Deem, Harrisville, W. Va.; 12-20-54; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

G-8833; Mid American Oil and Gas Company, Chicago, Ill.; 4-29-55; Beaver County, Okla.; Northern Natural Gas Company.

G-8834; Floyd L. Karsten, Houston, Tex.; 4-29-55; Twin Basin, Wharton County, Tex.; Tennessee Gas Transmission Company.

G-8846; Charles J. Watson, Bartlesville, Okla.; 5-2-55; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G-8847; Allen R. Shaw, Bartlesville, Okla.; 5-2-55; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G-8851; Wilcox Oil Company, Tulsa, Okla.; 5-4-55; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G-8869; M. F. Powers, Tulsa, Okla.; 5-6-55; Hugoton, Kans.; Kansas-Nebraska Natural Gas Co. Inc.

G-8889; Thomas W. Hanley (Agent), Mannington, W. Va.; 5-11-55; Mannington District, Marion County, W. Va.; South Penn Natural Gas Company.

G-8890; Thomas W. Hanley (Agent), Mannington, W. Va.; 5-11-55; Mannington District, Marion County, W. Va., South Penn Natural Gas Company.

G-8891; Thomas W. Hanley (Agent), Mannington, W. Va.; 5-11-55; Mannington District, Marion County, W. Va.; South Penn Natural Gas Company.

G-8900; Warren Petroleum Corporation, Tulsa, Okla.; 5-13-55; Spraberry, Reagan County, Tex.; El Paso Natural Gas Company.

G-8941; Vincent Dale and D. M. Gill, Guymon, Okla.; 5-24-55; Hugoton, Texas County, Okla.; Northern Natural Gas Company.

G-8942; Baldwin Gas Company, Hamlin, W. Va.; 5-24-55; Lincoln County, W. Va.; United Fuel Gas Company.

G-8943; Big Branch Gas Company, Danville, W. Va.; 5-24-55; Washington District, Boone County, W. Va.; South Penn Natural Gas Company.

G-8944; Bowen Gas Company, Hamlin, W. Va.; 5-24-55; McComas District, Cabell County, W. Va.; South Penn Natural Gas Company.

G-8945; Bulger Gas Company, Bulger, W. Va.; 5-24-55; Jefferson District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8946; Callahan Gas Company, Hamlin, W. Va.; 5-24-55; Curry District, Putnam County, W. Va., South Penn Natural Gas Company.

G-8947; Childers Gas Company, Hamlin, W. Va.; 5-24-55; McComas District, Cabell County, W. Va.; South Penn Natural Gas Company.

G-8948; Dorothy Gas Company, Hamlin, W. Va.; 5-24-55; Lincoln County, W. Va.; United Fuel Gas Company.

G-8949; Eustace Gas Company, Hamlin, W. Va.; 5-24-55; Sheridan District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8951; Hunter Gas Company, Hamlin, W. Va.; 5-24-55; Curry District, Putnam County, W. Va.; South Penn Natural Gas Company.

G-8952; W. C. Kingry and G. H. Summerson, Hamlin, W. Va.; 5-24-55; Carrol District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8953; Long Branch Gas Company, Hamlin, W. Va.; 5-24-55; Putnam County, W. Va.; United Fuel Gas Company.

G-8954; Mabe Gas Company, Hamlin, W. Va.; 5-24-55; Curry District, Putnam County, W. Va.; South Penn Natural Gas Company.

G-8955; Pine Hill Gas Company, Hamlin, W. Va.; 5-24-55; Cabell County, W. Va.; United Fuel Gas Company.

G-8956; Thompson Gas Company, Hamlin, W. Va.; 5-24-55; Sheridan District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8957; Tralic Gas Company, Hamlin, W. Va.; 5-24-55; Cutty District, Putnam County, W. Va.; South Penn Natural Gas Company.

G-8958; Wiley Gas Company, Hamlin, W. Va.; 5-24-55; Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8959; Johnson Gas Company, Hamlin, W. Va.; 5-24-55; Curry District, Putnam County, W. Va.; South Penn Natural Gas Company.

A public hearing will be held on the 2d day of August, 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

JULY 6, 1956.

[F. R. Doc. 56-5489; Filed, July 11, 1956; 8:45 a. m.]

[Docket No. G-10714]

ATLANTIC SEABOARD CORP. AND AMERE GAS UTILITIES CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATE SCHEDULES

On June 7, 1956, Atlantic Seaboard Corporation (Seaboard) and Amere Gas

Utilities Company (Amere), affiliates of The Columbia Gas System, Inc., tendered for filing with the Commission their revised agreement dated May 28, 1956, to supersede and cancel the agreement between the parties dated May 6, 1954. The agreement is designated in the Commission's files as Seaboard Rate Schedule X–10 and as Amere's Rate Schedule X–1. The revised agreement constitutes Third Revised Sheet Nos. 50, 51, 52, and 53 of Seaboard's FPC Gas Tariff, Original Volume No. 2, and Third Revised Sheet Nos. 2, 3, 4, and 5 of Amere's FPC Gas Tariff, Original Volume No. 2. The agreements dated May 6, 1954 and May 28, 1956 provide for the distribution between Seaboard and Amere of gas purchased from Columbian Carbon Company in Raleigh County, West Virginia, the exchange between Seaboard and Amere of a portion of such gas and the sale by Seaboard to Amere of its gas requirements in excess of local gas supplies available to Amere. The proposed agreement would effect a reduction in rate, from 50 cents to 40 cents per Mcf, for the gas sold by Seaboard to Amere and would also effect a change in accounting by the affiliates for gas purchased from Columbian Carbon Company. The proposed effective date for the filing is November 1, 1954. Seaboard's filing of its proposed revised rate schedule X–10 is intended to replace and supersede its rate schedule X–10 which, together with its FPC Gas Tariff, Sixth Revised Volume No. 1 is presently in effect subject to an undertaking to assure the refund of charges found not to be justified pursuant to an order of the Commission issued November 16, 1954 In the Matter of Atlantic Seaboard Corporation, Docket No. G–2452. The proceeding in that docket has not been concluded.

The changes proposed in the aforesaid revised rate schedules have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services provided by the above agreements and rate schedules including said proposed revised rate schedules and that the proposed changes be suspended and the use thereof be deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services provided by the above agreements and rate schedules, including said proposed revised rate schedules and, pending such hearing thereon, the above-designated revised rate schedules be and the same hereby are suspended and the use thereof deferred until December 8, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: July 6, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5490; Filed, July 11, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1867]

BLACKSTONE URANIUM MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 6, 1956.

I. Blackstone Uranium Mines, Inc. (hereinafter referred to as the "issuer"), 209 Colorado National Bank Building, Denver, Colorado, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, filed with the Commission on August 3, 1955, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 15,000,000 shares of 1¢ par value common stock at 2¢ per share.

II. The Commission has reasonable grounds to believe:

A. That Item 3 of the notification on Form 1–A is false and misleading in stating that the officers and directors named in the offering circular are also the promoters of the issuer.

B. That the offering circular is false and misleading:

1. In stating that Earl N. Murray, the president of the issuer, owns 2,850,000 shares of the issuer, but omitting to state that Murray was not in fact in control of the issuer and that he intended to resign as president of the company as soon as the offering under this notification was completed and further intended to give up any claim to stock of the issuer over and beyond 300,000 shares.

2. In stating that Earl N. Murray assigned to the issuer all of his right, title and interest in certain mining leases and that the issuer was obligated to pay Murray $9,000 for such leases but omitting to state that Murray acted and is intended to act only as a nominee for others and not on his own behalf.

C. That the terms and conditions of Regulation A have not been complied with in that:

1. The offering circular fails to name the promoters of the issuer and give other information about them required by Rule 219 (c) (2).

2. The issuer has failed to file reports of sales on Form 2–A, as required by Rule 224.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5491; Filed, July 11, 1956; 8:46 a. m.]

[File No. 24C–1683]

CENTRAL RESERVE OIL CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 6, 1956.

I. Central Reserve Oil Company, 210 Fifth Avenue, New York, New York, filed with the Commission on May 31, 1955, a notification and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 300,000 shares of its 1¢ par value capital stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe:

A. That an exemption under Regulation A is not available for the present offering in that the aggregate offering price of all securities being offered exceeds the limitation of $300,000 as prescribed by Rule 217 (a) (iii) since the issuer agreed to issue to the underwriter of the offering 60,000 shares of its capital stock which were not included in the computation of the $300,000 maximum and since John V. Holmes is an affiliate of the issuer and an affiliate of Arrow Graphic Corporation, which filed on February 20, 1956 a notification and offering circular (File No. 24NY–4232) in connection with an aggregate offering of $245,000 of its securities.

B. That the terms and conditions of Regulation A have not been complied with in that:

1. An offering of the securities of the issuer has been made by communications not filed with the Commission pursuant to Rule 221 under Regulation A;

2. Item 1 of the notification failed to state all the jurisdictions in which the issuer's securities are being offered;

3. Item 3 of the notification failed to disclose information concerning the sale of securities by the issuer to John V. Holmes;

4. Robert M. Schluster and James S. Richards are acting as underwriters without being named as such in the notification and offering circular; and

5. No notification or offering circular has been filed pertaining to a new and separate offering of capital stock of the issuer limited to customers of Petroleum Lease Corporation in connection with the acquisition by the issuer of additional properties, a purpose not contemplated as part of the original offering.

C. That the offering was made in such a manner as to operate as a fraud and deceit upon the purchasers in that it was not disclosed to the purchasers by way of amendment of the offering circular, or otherwise, that the officers and directors of the issuer resigned and new management took office.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5492; Filed, July 11, 1956; 8:46 a. m.]

[File No. 24 D–1312]

SCOTT URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 6, 1956.

I. The Scott Uranium, Inc., a Colorado corporation, 1309 Garfield, Loveland, Colorado, filed with the Commission on June 24, 1954, a notification and offering circular relating to an offering of 24,625 shares of Class B common stock at $10 per share for an aggregate of $246,250 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The offering, if made or continued, would be made in such a manner as to operate as a fraud or deceit upon the purchasers in that material changes in the condition of the company since June 24, 1954 are not reflected in the material filed by The Scott Uranium, Inc. under Regulation A concerning, among others, (1) annual assessment work and annual rental payments in connection with each of the 146 mining tracts and 6 unpatented mining claims held by the issuer; (2) financial information concerning the company, including information concerning cash receipts and disbursements; and (3) information concerning the exploratory and development work performed by the company on the tracts and mining claims held and the results thereof.

B. The company has used advertising material without filing it with the Commission as required by Rule 221 under Regulation A.

C. The company has failed to file reports on Form 2–A as required by Rule 224 under Regulation A.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5493; Filed, July 11, 1956; 8:46 a. m.]

[File No. 70–3486]

NORTHAMPTON GAS LIGHT CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

JULY 6, 1956.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Northampton Gas Light Company ("Northampton"), have filed a joint application under the Public Utility Holding Company Act of 1935 ("act"), pursuant to sections 6 (b), 9 (a) and 10 of the act regarding the following proposed transactions:

Northampton, which now has outstanding 12,778 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 6,000 additional shares at the price of $55 a share, as fixed by its directors, or a total cash consideration of $330,000. NEES, the sole stockholder of Northampton, proposes to acquire the additional shares, and in payment therefor to use available treasury funds. The proceeds from the sale of the additional shares will be applied by Northampton to the payment of a like amount of notes payable to NEES.

Northampton and NEES desire to consummate the transactions in order to finance permanently a portion of the capitalizable additions to Northampton's plant through the issuance of equity securities.

The Department of Public Utilities of Massachusetts, in which State Northampton is organized and doing business, has authorized the issuance and sale of the additional shares.

Total expenses of Northampton are estimated at $1,740 and of NEES at $300.

Notice of the filing of the application having been duly given in the manner prescribed by Rule U–23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, other than those contained in Rule U–24, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application should be granted effective forthwith upon issuance:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act, that the application be, and it hereby is, granted effective forthwith, subject to the terms and conditions contained in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5494; Filed, July 11, 1956; 8:46 a. m.]

[File No. 70–3489]

STANDARD SHARES, INC.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO EXTEND BANK LOAN FOR ONE YEAR

JULY 6, 1956.

Notice is hereby given that Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to extend for one year from July 30,

1956, its outstanding bank loan indebtedness in the amount of $1,500,000 to the Hanover Bank of New York, New York ("Hanover Bank").

All interested persons are referred to the declaration on file in the office of this Commission for a statement of the transaction therein proposed which may be summarized as follows:

Standard Shares proposes, pursuant to a loan extension agreement, to extend the payment of its bank loan indebtedness of $1,500,000 to the Hanover Bank for one year from July 30, 1956, with interest at the prime commercial rate on that date. The company will have the right at any time to prepay all or any part of the loan without premium.

In justification of the proposal to extend said bank loan, the company states that it is not practicable, nor is it in the best interests of the stockholders of the company, to pay the loan at its present maturity. It is represented, among other things, that to do so would require the sale of a substantial amount of portfolio securities with resulting loss of dividend income; that such sale of securities would complicate the company's tax situation with respect to its operation as an investment company; that pursuant to an application now pending before the Commission Standard Shares proposes the acquisition of up to 51 percent of the common stock of Pittsburgh Railways Company, a non-utility subsidiary company, which may require an expenditure of $3,300,000 or more of cash to be obtained through the sale of Duquesne Light Company common stock or an additional bank loan, or a combination of both and the sale of assets in order to retire the loan now would unnecessarily prejudice Standard Shares operations; and that Standard Shares' assets and contemplated income are and will be more than sufficient to provide for the payment of the interest and principal of the bank loan within the period contemplated by the proposed extension thereof.

Notice is further given that any interested person may, not later than July 23, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5495; Filed, July 11, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32320: *Pig iron—Jackson, Ohio, to Flint, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads, from Jackson, Ohio, to Flint, Mich.

Grounds for relief: Market and truck competition, and circuity.

Tariff: Supplement 6 to Baltimore and Ohio Railroad I. C. C. 24012 and two (2) other tariffs.

FSA No. 32321: *Pig iron to Traverse City, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads, from Buffalo, N. Y., and Cleveland, Ohio, to Traverse City, Mich.

Grounds for relief: Maintenance of prescribed rates and circuity.

Tariff: Supplement 28 to Baltimore and Ohio Railroad Company I. C. C. 23932 and nine (9) other tariffs.

FSA No. 32322: *Grain and products from and to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, related articles, and seeds, carloads, from specified points on the Atchison, Topeka, and Santa Fe Railway Company in Colorado and Kansas to specified points in Nebraska and Council Bluffs, Iowa.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 26 to Agent W. J. Prueter's I. C. C. A-3992.

FSA No. 32323: *Commodities from Minnesota and South Dakota to southern and eastern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cartridges, small arms from Anoka, Minn., to specified points in southern territory; rates on flax straw and hemp stalks from Arlington, Toronto, and Watertown, S. Dak., to specified points in Massachusetts, North Carolina, and New Jersey; carloads.

Grounds for relief: Carrier competition and circuity.

FSA No. 32324: *Aluminum sulphate—New Orleans and Marrero, La., to Chaison, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum sulphate, carloads, from New Orleans and Marrero, La., to Chaison, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 61 to Agent F. C. Kratzmeir's I. C. C. 4161.

FSA No. 32325: *Liquefied chlorine gas—Baldwin, Ark., to Ohio and Indiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads, from Baldwin, Ark., to Chillicothe, Ohio, Indianapolis and Terre Haute, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 22 to Agent F. C. Kratzmeir's I. C. C. 4187.

FSA No. 32326: *Woodpulp—Brunswick, Ga., to Massachusetts.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, carloads, from Brunswick, Ga., to North Leominster and Wachusett, Mass.

Grounds for relief: Competition with carriers by rail-water-rail routes and circuity.

Tariff: Supplement 123 to Agent C. A. Spaninger's I. C. C. 1260.

FSA No. 32327: *Woodpulp—Georgia to New York.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Doctortown, Jesup and Rosser, Ga., to Center Falls and Greenwich, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 123 to Agent C. A. Spaninger's I. C. C. 1260.

FSA No. 32328: *Woodpulp—South to Wyandotte, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to Wyandotte, Mich.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 123 to Agent C. A. Spaninger's I. C. C. 1260.

FSA No. 32329: *Building material—Mountain Pine, Ark., to Georgia and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wooden building material, carloads, from Mountain Pine, Ark., to Atlanta, Ga., Chattanooga and Nashville, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 23 to Agent Kratzmeir's I. C. C. 4187.

FSA No. 32330: *Cast iron pressure pipe—Coshocton, Ohio, to Tarrant, Ala.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from Coshocton, Ohio, to Tarrant, Ala.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 31 to Agent H R. Hinsch's I. C. C. 4664.

FSA No. 32331: *Cresylic acid—Oklahoma and Texas to official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads, from specified points in Oklahoma and Texas to specified points in Delaware, Connecticut, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 213 to Agent F. C. Kratzmeir's I. C. C. 4139 and one (1) other tariff.

FSA No. 32332: *Furfural residue—Memphis, Tenn., to Yonkers, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on furfural residue, dry, carloads, from Memphis, Tenn., to Yonkers, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 73 to Agent C. A. Spaninger's I. C. C. 1366.

FSA No. 32333: *Automobile bodies and parts—Marion, Ind., to Eastern Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on passenger automobile bodies, engine hoods, running boards and fenders, carloads, from Marion, Ind., to specified points in Delaware, Massachusetts, Maryland, New Jersey, and New York.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-5504; Filed, July 11, 1956; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES 1934

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Washington, Friday, July 13, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Secretary of Agriculture, published in 21 F. R. 4379, governing the 1956 acreage reserve part of the Soil Bank Program are hereby amended as set forth below:

1. Section 485.110 is amended by adding a new paragraph (e) which reads as follows:

(e) If there are any liens or encumbrances on any crop which, under the acreage reserve program, is to be plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut, waivers of such liens or encumbrances on Form CSS 809 (Soil Bank) must be furnished to the county committee prior to execution of the agreement. The operator or landlord may designate such holder of a lien or encumbrance as payee to receive all or any part of the compensation payable under the agreement to such operator or landlord, but may not designate such holder of a lien or encumbrance as payee to receive any of the compensation due tenants and sharecroppers.

2. Paragraph (a) of § 485.111 is amended to read as follows:

(a) Reduction of the acreage may be by underplanting the allotment or Soil Bank corn base, if the underplanting in the case of fall-seeded wheat, was due to adverse weather, or, in the case of any of the other commodities (including spring-seeded wheat) was due to adverse weather or was in anticipation of participating in the Soil Bank Program: *Provided*, That, in the case of spring-seeded wheat, the provisions of this paragraph shall not apply if the farm is one on which fall-seeded wheat is normally planted and on which spring-seeded wheat was not planted in 1954, 1955, or 1956.

3. The first sentence of paragraph (b) of § 485.111 is amended to read as follows:

(b) Reduction of the acreage may be by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, subsequent to May 27, 1956, and prior to the date indicated in subparagraph (1) or (2) of this paragraph but in no event later than July 31, 1956: *Provided*, That if the final disposition date fixed for the area for compliance with allotments for purposes of price support and marketing quotas is prior to May 28, 1956, and the farm was in compliance with its allotment on such final disposition date, reduction for purposes of the acreage reserve program may be accomplished at any time subsequent to such final disposition date and on or before June 30, 1956. • • •

4. Paragraph (b) of § 485.112 is amended to read as follows:

(b) No crop shall have been harvested from the acreage reserve in 1956 or shall be harvested from the acreage reserve prior to January 1, 1957, and the acreage reserve shall not have been grazed since June 22, 1956, and shall not be grazed after execution of the agreement and prior to January 1, 1957, unless the Secretary, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disasters and gives written consent to such grazing. The operator must furnish, prior to the execution of the agreement, a certified statement that no crop has been harvested from the acreage reserve in 1956 and that the acreage reserve has not been grazed since June 22, 1956. The provision of section 2 (b) of the printed form of the agreement that "the acreage reserve has not been grazed in 1956" shall not be construed as a representation that such acreage reserve was not grazed during the period January 1, 1956, to June 22, 1956, inclusive.

5. Paragraph (a) of § 485.117 is amended to read as follows:

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699, ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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(a) In the case of reduction of acreage by underplanting the allotment for cotton, rice, peanuts, tobacco, spring-seeded wheat, or underplanting the Soil Bank corn base, the yield factor shall be the normal yield for the farm; unless the normal yield for the tract of land designated as the acreage reserve is less than the normal yield for the farm, in which case the yield factor shall be the normal yield for the tract of land designated as the acreage reserve. The normal yield for the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the normal yield for the farm and (2) any variation in yield between the farm and the tract of land designated as the acreage reserve.

6. Paragraph (b) of § 485.118 is amended to read as follows:

(b) *Appraised yield for the field.* In appraising the yield for a crop destroyed due to natural causes, the county committee shall estimate the yield on the basis of the actual condition of the crop after the damage or destruction took place. In the case of total destruction, the yield will be zero. In appraising the yield for a crop plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing before an agreement has been signed by the operator and filed with the county committee, the county committee shall estimate the yield on the basis of the actual condition of the crop before such adjustment in the acreage took place. In appraising the yield for a crop to be plowed under, or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing, after the agreement is signed, the county committee shall estimate the yield on the basis of the actual condition of the crop prior to the signing of the agreement.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5582; Filed, July 12, 1956; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56) was published in the FEDERAL REGISTER on May 4, 1956 (21 F. R. 2984). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment changes the form of application for grading service by incorporating most of the provisions which are currently set forth in the application form into the main portion of the regulations. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective upon publication in the FEDERAL REGISTER.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER for the reasons that (1) the changes will improve the grading program; (2) it will preclude new firms applying for the service from making two applications within a 30-day period; and (3) no additional time is required by interested persons to prepare for this amendment.

The amendment is as follows:

1. Delete the word "contract" in the definition of "Grading" or "grading service" in § 56.2 *Terms defined*, and substitute in lieu thereof the word "resident".

2. Change paragraph (b) of § 56.21 *How application may be made*, to read as follows:

(b) *On a resident grading basis.* An application for continuous grading service on a resident grading basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator.

3. Change § 56.47 *Fees for appeal grading*, to read as follows:

§ 56.47 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on the provisions of § 56.52, then the fee for such appeal grading shall be double the amount specified in § 56.50 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

4. Change § 56.52 *On a contract basis*, to read as follows:

§ 56.52 *On a resident grading basis*—(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the grading service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of $5.00 per hour plus a charge to cover travel and per diem costs incurred by AMS in making the initial survey of the designated plant and its premises prior to the performance, by AMS, of the grading service;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader, provided they are installed at the same time;

(3) A charge of $50 for each additional grader or replacement of a previously assigned grader to the designated plant; *Provided*, That, in the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service;

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave: *Provided*, That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, ex-

cept when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(5) A charge equal to the salary cost, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual leave or sick leave;

(6) A charge for the actual cost to AMS of any travel or per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(7) A charge, at the sole discretion of AMS of an amount not in excess of the actual cost to AMS of the travel (including the cost of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant;

(8) A charge, included in salary cost, equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate number of thirty dozen cases of shell eggs handled in the plant per month and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 500 cases	$25.00
501 to 1,750 cases	33.25
1,751 to 2,750 cases	38.00
2,751 to 3,750 cases	42.75
3,751 to 5,000 cases	47.50
5,001 to 6,000 cases	52.25
6,001 to 7,000 cases	57.00
7,001 to 8,000 cases	61.75
8,001 to 9,000 cases	66.50
9,001 to 10,000 cases	71.25
10,001 to 11,000 cases	76.00
11,001 to 12,000 cases	80.75
12,001 to 13,000 cases	85.50
13,001 to 14,000 cases	90.25
14,001 and over	95.00

(10) A charge of $5 per hour plus actual cost to AMS for per diem and travel cost incurred in rendering service not specifically covered in this section such as surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) At the sole discretion of AMS, graders may be either Federal or State employees or licensed employees of the applicant.

(4) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or AMS specifying the date of suspension, withdrawal, or termination.

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the provisions of (v) of this paragraph;

(v) Grading service shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the Federally employed grader assume the duties of management.

5. Delete the word "contract" in § 56.56 *Grading certificate issuance* and substitute in lieu thereof the word "resident".

6. Delete the words "or contract" in the last sentence of § 56.75.

7. Change § 56.100 to read as follows:

§ 56.100 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs, for shell egg grading service at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis pursuant to 56.52 and such other provisions of the aforesaid regulations which are applicable.

_____
(Applicant)[1]
By _____
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Application granted:

_____
(Date)
_____
(Title)

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

[1] No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

Issued at Washington, D. C., this 10th day of July 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 56-5575; Filed, July 12, 1956; 8:54 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES
SUBPART—MEDITERRANEAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956, and July 7, 1956 (21 F. R. 3722, 5032), are hereby amended to read as follows:

§ 301.78-2a *Administrative instructions designating regulated area under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions listed below. Accordingly, such civil divisions are hereby designated as the Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart:

Florida. The counties of Broward, Collier, Dade, Hendry, Lee, Palm Beach, and Pinellas.

These amended administrative instructions shall become effective July 13, 1956.

The purpose of the amendment is to add the Florida county of Pinellas to the list of counties in which Mediterranean fruit fly infestations have been determined to exist, and designate this county as part of the area regulated under the Mediterranean fruit fly quarantine and regulations.

Surveys have shown that a rather general infestation of the Mediterranean fruit fly has developed along the coastal area of heavily populated Pinellas County, involving a part of St. Petersburg. The Florida Plant Board has acted promptly to prevent spread of infestation from this county by establishing road inspection stations on the five exit highways.

This amendment imposes restrictions supplementing Mediterrean fruit fly quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective

date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] L. F. CURL,
Chief, Plant Pest Control Branch.

[F. R. Doc. 56-5562; Filed, July 12, 1956; 8:52 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 425—PEACH CROP INSURANCE

SUBPART—REGULATIONS FOR CONTRACTS FOR 1957 CROP YEAR

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to peach crop insurance contracts for the 1957 crop year.

Sec.
425.1 Availability of peach crop insurance.
425.2 Coverages, premium rates, and guaranteed production.
425.3 Application for insurance.
425.4 Public notice of indemnities paid.
425.5 Creditors.
425.6 The policy.

AUTHORITY: §§ 425.1 to 425.6 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 425.1 *Availability of peach crop insurance.* (a) Peach crop insurance may be provided for experimental purposes in counties designated by the Manager of the Corporation from a list approved by the Board of Directors of the Corporation. A list of the designated counties shall be published by appendix to this section.

(b) Insurance will not be provided in a county unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, each insurance unit shall be counted as one farm.

§ 425.2 *Coverages, premium rates, and guaranteed production.* (a) The Corporation shall establish dollar coverage(s), premium rate(s), and a bushel guaranteed production(s) per acre which shall be shown on the county actuarial table on file in the county office.

(b) The premium shall be paid on or before December 31, 1956, except that the payment may be deferred to February 1, 1957, upon the insured making arrangements satisfactory to the Corporation for payment of the premium.

§ 425.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant in a peach crop. Applications shall be submitted to the county office on or before December 31, 1956.

§ 425.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for loses in the county.

§ 425.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 425.6 *The policy.* The provisions of the policy for the 1957 crop year are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured") subject to the acceptance of his application against unavoidable loss on his peach crop due to frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

TERMS AND CONDITIONS

1. *Insurable acreage.* Any acreage is insurable if a coverage for such acreage is shown on the county actuarial table.

2. *Responsibility of insured to report acreage and interest.* The insured shall specify on his application all the insurable acres of peaches in the county in which he has an interest on the date the application is signed, and his interest in each such acreage. These data shall be revised by the insured on or before December 31, 1956, provided that the data on the application or latest revision are incorrect, to show the actual insurable acreage of peaches in which he has an interest on such date and his interest therein. If such data are not so revised, the data on the latest revision, or the application if there has been no revision, shall constitute the insured's report of his peach acreage and his interest therein on December 31, 1956.

3. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the insurable acreage of peaches in which the insured has an interest on December 31, 1956, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect.

4. *Insured interest.* The insured interest in the peach crops covered by the contract shall be the insured's interest on December 31, 1956, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss.

5. *Coverage, premium rate, and guaranteed production per acre.* (a) The coverage(s) and premium rate(s) per acre shall be those established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

(b) Where more than one coverage per acre is established for a county, the amount of coverage elected by the insured shall be specified on the application for insurance. Provided, however, That on any acreage the Corporation reserves the right to limit the amount of coverage per acre which may be elected by the insured.

(c) The guaranteed production of peaches per acre shall be the number of bushels of peaches established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

6. *Insurance period.* Insurance shall attach on January 1, 1957. Insurance shall cease with respect to any portion of a peach crop covered by the contract upon harvest but in no event shall the insurance remain in effect after September 15, 1957, unless such time is extended in writing by the Corporation.

7. *Causes of loss not insured against.* The contract shall not cover loss caused by (a) failure to follow good orchard practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured peach crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the orchard as caretaker, sharecropper, tenant, or wage hand, or (n) any cause of loss other than frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

8. *Amount of premium.* (a) The premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the peach crop(s) on December 31, 1956. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured coverage shall be regarded as earned on January 1, 1957.

(b) If a premium is earned under this contract and totals less than $50.00 the amount shall be increased to $50.00.

9. *Notice of loss or damage.* (a) Notice shall be given within seven days after each material damage to the insured crop on any insurance unit from an insured cause. Such notice shall state the cause and date of damage.

(b) Notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest if a loss is to be claimed, and final adjustment has not been made by that time. Provided, however, if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

(c) Any notice required by this section shall be given the Corporation in writing at the county office and if any such notice is not so given, the Corporation reserves the right to reject any claim for indemnity.

10. *No abandonment.* There shall be no liability under the contract on any peach crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

12. *Proof of loss.* (a) For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a form prescribed by the Corporation, such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted within 30 days after the time of loss, unless additional time is granted in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to an uninsured cause(s) and has been directly caused by one or more of the hazards insured

against by the contract during the insurance period.

13. *Insurance unit.* An insurance unit means (a) all the insurable acreage of peaches in the county in which the insured has 100 percent interest on December 31, 1956, that is located on contiguous land under the same ownership, or (b) all the insurable acreage of peaches in the county in which two or more persons have 100 percent interest on December 31, 1956, that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. Any acreage shall be considered to be located in the county if a coverage is shown therefor on the county acturial table.

14. *Amount of loss.* (a) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) subtracting from the guaranteed production of peaches for the insurance unit the bushels of peaches produced plus the estimated bushels lost from causes not insured against other than normal dropping, (2) dividing the result by the said guaranteed production of peaches, (3) multiplying the ratio thus obtained by the coverage for the insurance unit, and (4) deducting from this amount 40 percent of the coverage for the insurance unit: *Provided, however,* That peaches which do not grade U. S. No. 2 or better (determined in accordance with U. S. Standards for Peaches, effective June 15, 1952 (17 F. R. 4473)) becaues of poor quality due to insurable causes occurring within the insurance period shall not be counted as production.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of peaches on the insurance unit by the insured interest and the result by the applicable coverage per acre.

(c) The Corporation reserves the right in any case to delay settlement until the amount of loss can be determined.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. In no event shall the Corporation be liable for interest or damage in connection with any claim for indemnity.

(b) If the insured dies, is judicially declared incompetent or disappears during an insurance period, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

16. *Transfer of interest.* If the insured transfers all or part of his insured interest in a peach crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits of the contract, subject to its terms and conditions, accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 17. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

17. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form prescribed by the Corporation, and upon approval thereto by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

18. *Records and access to orchard.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any person(s) designated by the Corporation shall have access to such records and the orchard(s) for purposes related to the contract.

19. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s), if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

20. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

21. *Forms.* Copies of forms referred to in the contract are available at the county office.

22. *Meaning of terms.* For the purpose of the peach insurance program:

(a) "County" means the area shown on the county actuarial table which may include orchards located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period beginning January 1, 1957, and extending through September 15, 1957.

(e) "Harvest" means (i) any severance of the fruit from the tree by picking, or (ii) picking up marketable fruit from the ground.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on June 29, 1956.

[SEAL] ERNEST C. NEAS,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved on July 10, 1956.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 56-5563; Filed, July 12, 1956; 8:52 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 7]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1955 CROP

RECORDS AND REPORTS, REVISION

This amendment is issued under the wheat marketing provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of revising the wheat marketing quota regulations so as to state in more detail the kind of records relating to wheat purchased, acquired or received which warehousemen, elevator operators, feeders, other processors, and buyers other than intermediate buyers shall make available to authorized representatives of the Department of Agriculture in order for such representatives to ascertain the correctness of any report made by such persons or to obtain the information required to be reported but not so reported.

Prior to the preparation of this amendment, public notice (21 F. R. 3969) of the Secretary's intention to issue the amendment was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining thereto which were received pursuant to such notice have been duly considered in the preparation of the amendment.

Paragraph (b) of § 728.586 of the regulations for the 1955–56 marketing year (20 F. R. 1630) is amended to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1955)), or marketing certificate (MQ–94—Wheat), or intermediate buyer's record and report (MQ–95—Wheat (1955)), by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1955)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, check stubs, canceled checks, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The County office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

All reporting requirements of these regulations have been approved by, and subsequent reporting and record keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Report Act of 1942.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C., 1375. Interprets or applies secs. 301, 331–339, 362–368, 372–376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301–1340, 1362–1368, 1372–1376)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5581; Filed, July 12, 1956; 8:55 a. m.]

[Amdt. 10]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1954 CROP

RECORDS AND REPORTS, REVISION

This amendment is issued under the wheat marketing provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of revising the wheat marketing quota regulations so as to state in more detail the kind of records relating to wheat purchased, acquired or received which warehousemen, elevator operators, feeders, other processors, and buyers other than intermediate buyers shall make available to authorized representatives of the Department of Agriculture in order for such representatives to ascertain the correctness of any report made by such persons or to obtain the information required to be reported but not so reported.

Prior to the preparation of this amendment, public notice (21 F. R. 3969) of the Secretary's intention to issue the amendment was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining thereto which were received pursuant to such notice have been duly considered in the preparation of the amendment.

Paragraph (b) of § 728.486 of the wheat marketing quota regulations for the 1954–55 marketing year (20 F. R. 209) is amended to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1954)), or marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1954)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, checks stubs, cancelled checks, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

All reporting requirements of these regulations have been approved by, and subsequent reporting and record keeping requirements will be subject to the approval of the Bureau of The Budget in accordance with the Federal Report Act of 1942.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 331–339, 362–368, 372, 376, 52 Stat. 38, as amended; 55 Stat. 203, as amended: 7 U. S. C. 1301–1340, 1362–1368, 1372–1376)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5580; Filed, July 12, 1956; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 855.3, Revised]

PART 855—MAINLAND CANE SUGAR AREA

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN THE MAINLAND CANE SUGAR AREA FOR 1956 CROPS

Pursuant to the provisions of Section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the Determination of Proportionate Shares, Mainland Cane Sugar Area, 1956 Crop, (§ 855.3) issued October 10, 1955 (20 F. R. 7639) is hereby revised by changing paragraph (a) and subparagraphs (1), (2) and (4) (i) of paragraph (a), by renumbering subparagraphs (5) and (6) of paragraph (a) as (6) and (7), respectively, and by inserting a new subparagraph (5). Section 855.3, as revised, reads as follows:

§ 855.3 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1956 crop*—(a) *Farm proportionate share.* A 1956-crop proportionate share for each sugarcane farm in the mainland cane sugar area shall be established in terms of acres (acreage or acres as used herein means the area on which sugarcane is grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar, except any area on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar for use as livestock feed, or for the production of livestock feed, and the area of sugarcane harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service) as follows:

(1) *Farm bases*—(i) *All farms except those in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The farm base for each farm for which a proportionate share was established pursuant to § 855.2 (Determination of Proportionate Shares for the 1955 Crop) shall be

such share, except that if the 1955 acreage on any farm was less than 80 percent of its 1955 proportionate share, due to a cause other than drought, flood, storm, freeze, disease or insects, as determined by the appropriate Agricultural Stabilization and Conservation County Committee (referred to in this section as County Committee) the base shall be the larger of 5 acres or 125 percent of such 1955 acreage.

(ii) *All farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* A base shall be established for each farm on which there was surgarcane acreage in any of the years within the period 1948 through 1952 (hereinafter referred to as "base period") by adding 50 percent of the largest acreage on the farm in any one of the years within the base period and 12.5 percent of the total acreage on the farm for the other four years within the base period.

(2) *Farms with bases*—(i) *All farms except those in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The proportionate share for any farm for which a farm base is established under subparagraph (1) (i) of this paragraph shall be the largest of (*a*) 5 acres; (*b*) the farm base, but not in excess of 25.0 acres; and (c) 87.0 percent of such farm base.

(ii) *All farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The proportionate share for any farm for which a farm base is established under subparagraph (1) (ii) of this paragraph shall be the largest of (*a*) 5 acres; (*b*) the farm base, but not in excess of 25.0 acres; (c) 71.34 percent of such farm base; and (*d*) the proportionate share established for the farm under the provisions of the 1956 crop Determination of Proportionate Shares as originally issued on October 10, 1955.

(3) *New farms.* The proportionate share for any farm without a farm base and on which there was no sugarcane acreage during the 1955-crop year, shall be 5.0 acres.

(4) *Transfer of farm bases*—(i) *Land acquired by Federal or State Agency, County, Parish, Township, Municipality, Public or Private Association or Corporation, having the right of eminent domain.* The base established, or which would have been established pursuant to subparagraph (1) of this paragraph, for any land transferred by sale, lease or donation, to any Federal or State agency, or county, parish, township, municipality or instrumentality thereof, or public or private association or corporation, each having the right of eminent domain, shall be available for use in providing an equitable base for land owned, purchased, or leased by the owner of the land so transferred. Upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as State Office) within five years from the date of such transfer, any such owner shall be entitled to a base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so transferred, as determined by the appropriate State Office.

(ii) *Dividing or combining ownership tract acreage records.* (*a*) Where an ownership tract of land (a farm or a portion of a farm which is separately owned) which was part of a farm as constituted for the 1955 program becomes a part of another farm or a separate farm under the 1956 program, a base for such tract shall be determined by multiplying the 1955 proportionate share for the farm of which such tract was a part by the percentage that the total acreage of sugarcane for the tract for the crop years 1951–54 plus the 1955 measured acreage within the proportionate share is of the total sugarcane acreage within the farm's proportionate shares in this period for all tracts comprising the 1955 farm of which it was a part. Where an ownership tract of land which was part of a 1955 farm is subdivided, the base for each subdivision shall be determined by multiplying the base established for the tract in accordance with the above method by the percentage that the total cropland acreage in each subdivision of the tract suitable for the production of sugarcane is of the total acreage of such cropland in the tract. Where a 1955 farm consisting of one ownership tract is subdivided, the base for each subdivision shall be obtained by multiplying the 1955 proportionate share by the percentage that the total cropland acreage suitable for the production of sugarcane in each subdivision of the tract is of the total acreage of such cropland in the ownership tract. Where the County Committee determines that the use of the cropland relationships in any case results in the establishment of a base which is not representative of the crops growing on the 1955 farm at the time of subdivision or combination or is inconsistent with written evidence of sugarcane acreage records supplied by the parties affected, such base shall be adjusted by the County Committee taking into consideration the foregoing factors.

(*b*) The base for such tract or subdivision thereof determined as heretofore provided shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop proportionate share for such tract or subdivision thereof, if it becomes a separate farm, or as a part of the 1955-crop proportionate share of the farm of which the tract or subdivision thereof becomes a part.

(c) Where two or more farms, for each of which a 1955 proportionate share was established, are combined as one farm for the 1956 crop, the sum of the 1955 proportionate shares established for each of the farms combined shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop proportionate share for such combined farm.

(*d*) A farm proportionate share shall be established as provided in this section for each farm involved in a division or combination under this paragraph.

(5) *Reallotment of unused acreage.* If it is determined by the Agricultural Stabilization and Conservation Louisiana State Committee that the proportionate share established in accordance with the foregoing provisions for any farm in Avoyelles, St. Landry, and Rapides Parishes of Louisiana will not be fully used for sugarcane to be marketed (or processed) for the extraction of sugar or liquid sugar (except sugar or liquid sugar for livestock feed or for the production of livestock feed), harvested for seed, or classified as bona fide abandonment, the proportionate shares for other farms within such parishes which are capable of marketing sugarcane for sugar or liquid sugar or harvesting sugarcane for seed from an acreage in excess of the proportionate shares established under subparagraph (2) (ii) of this paragraph may be increased prior to August 1, 1956, by prorating the total unused acreage among such farms on the basis of their proportionate shares established under subparagraph (2) (ii) of this paragraph. Before prorating unused acreage with respect to any farm, the State Committee shall obtain a statement from the operator thereof as to the number of acres within the proportionate share that will not be used.

(6) *Appeals.* (i) A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this determination is inequitable may file an appeal in writing at the local county Agricultural Stabilization and Conservation office (referred to in this section as county office) prior to July 1, 1956. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In other cases, the county committee shall, after review of all of the facts, forward the case, together with its recommendation, to the State Committee. The State Committee shall consider the appeal and the county committee's recommendation in light of the interest of the appellant as related to the interests of all other producers of sugarcane in the State and shall return the case to the county committee, indicating the appropriate disposition.

(ii) Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision he may appeal in writing before September 1, 1956, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final.

(7) *Delegation.* Farm bases and farm proportionate shares shall be established by the county committee in accordance with this determination.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1956 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met the requirements of the act with respect to child labor, wage rates and, in the case of a processor-producer, prices paid for sugarcane.

Statement of bases and considerations. As indicated in the statement issued in conjunction with the original determination, farm bases for the 1956 crop will be established generally from the proportionate shares established under the 1955-crop determination. Farm bases under the 1955-crop determinations were established for each farm on which there was sugarcane acreage in any of the crop years 1949 through 1953 by assigning a weighting of 50 percent to the largest acreage on the farm in any of such years as a measure of "ability to produce" and a weighting of 12.5 percent to the total acreage on the farm in the other four years of such period as a measure of "past production".

The parishes of Avoyelles, Rapides, and St. Landry in Louisiana comprise the northernmost portion of the Mainland Cane Sugar Area. Because of location and accompanying climatic conditions, sugarcane in this area is subject to damage from freeze and other vagaries of weather to a much greater extent than is the sugarcane acreage in other producing districts in the area. This is reflected in the fact that the percentage of abandoned acres in these parishes, as related to the total planted acreage during the five-year period 1950–54 was more than two times the average for all other parishes and counties in the Mainland Cane Sugar Area. Moreover, the yield of sugar per harvested acre for this same period was more than 15 percent below the average for other parishes and counties in the area.

Largely as a result of the foregoing factors, the total acreage of sugarcane for sugar in these parishes has decreased in recent years. Although the average acreage of sugarcane in the entire mainland area increased slightly during the period 1949–53, as compared with the 1948–52 period, the average acreage for the three parishes in the 1949–53 period decreased by over 9.0 percent from the average for the 1948–52 period. Moreover, the average acreage for the three parishes during the 1949–53 period declined 7.2 percent, as compared with the average acreage for the 1944–48 period. Therefore, the average acreage for the 1949–53 period in these three parishes was subnormal, as compared with the average acreage during earlier periods. While the average sugarcane acreage in these three parishes during the 1949–53 period declined from the average acreage during the 1944–48 and 1948–52 periods, the average acreage increased during the same periods in the balance of the area. The factors of weather and low yields have also contributed to the failure of producers in these parishes to fully utilize the proportionate shares established for their farms. For the years 1954 and 1955, the percentage of deficits within proportionate shares for these parishes was greatly in excess of the percentage for the area as a whole. This fact resulted in a smaller acreage of sugarcane in these parishes in relation to the sugarcane acreage for the Mainland Area than was contemplated.

The revised determination establishes the parishes of Avoyelles, Rapides, and St. Landry, Louisiana, as an area separate from the balance of the Mainland Cane Sugar Area. Because of the reduced acreage in sugarcane in these parishes during the period 1949–53 as compared with that in prior years, this period is not considered a fair measure of "past production" and "ability to produce" for the farms in such parishes. Accordingly, the revised determination establishes a base period comprising the crop years 1948–52 for these parishes which more fairly represents these factors, with a minimum proportionate share equivalent to the 1956-crop farm proportionate share established under the original determination. The adjustment factor of 71.34 percent, which will be applied to the farm bases in excess of 25 acres, is the product of the 1955 adjustment factor of 82 percent and the 1956 adjustment factor of 87 percent applicable generally to the large farms located in the balance of the Mainland Cane Sugar Area. In addition, provision is made whereby deficits in proportionate share acres on farms in such parishes may be prorated to other farms having acreage available for harvest, thus protecting the interests of the producers of sugarcane in these parishes by permitting the planting of an acreage representing their equitable share of the over-all acreage limitation for the mainland area. Moreover, to bring about a further utilization of the proportionate shares established for the farms in these parishes, the proportionate shares of the producers therein will not be subject to a reduction for failure to fill their previous year's proportionate shares to the 80 percent level.

Under the original determination, a provision was included whereby the farm base established, or which would have been established for any land acquired by purchase or lease by any Federal or State Agency having the right of eminent domain would be available for use in providing an equitable base for other land owned, purchased, or leased by the owner of the land so transferred. Situations have arisen wherein owners wish to sell, lease, or donate portions of their farms to other than Federal or State agencies having the right of eminent domain. These owners are reluctant to transfer voluntarily their land if the action results in a reduction of the proportionate shares for their farms. It is believed that in cases in which sugarcane acreage is transferred to other than Federal or State agencies having the right of eminent domain and such acreage is to be used in the public interest, the proportionate share rights should remain with the original farm just as it does in cases wherein the land is transferred to a Federal or State agency. This revision, therefore, extends the provision of the original determination relating to transfers to include any county, parish, township, municipality or instrumentality thereof, or public or private association or corporation, each having the right of eminent domain as well as Federal or State agencies.

The provision excluding from the definition of "acres" any acreage from which sugarcane is marketed (or processed) into sugar for livestock feed or for the production of livestock feed is necessitated by a recent amendment to the Sugar Act of 1948. Regulations governing the processing and marketing of such sugar will be issued in the near future.

Accordingly, I hereby find and conclude that the foregoing revised Determination of Proportionate Shares for Sugarcane Farms in the Mainland Cane Sugar Area for the 1956 Crop will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, Pub. Law 545, 84th Cong.; 7 U. S. C. 1132)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–5577; Filed, July 12, 1956; 8:54 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.9]

PART 863—WAGES; SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, ON HARVESTING OF SUGARCANE IN FLORIDA DURING THE PERIOD JULY 1, 1956-JUNE 30, 1957

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1956, the following determination is hereby issued:

§ 863.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1956, through June 30, 1957*—(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act during the period July 1, 1956 through June 30, 1957 if all persons employed on the farm in production, cultivation or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after July 1, 1956, or the date of publication of this section in the FEDERAL

REGISTER, whichever is later, not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
Tractor drivers and operators of mechanical harvesting or loading equipment	75.0
All other workers	65.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local county ASC office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, Cheops Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes the fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1956 through June 30, 1957, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1956–57 wage determination.* This determination increases the level of wage rates five cents per hour, or 8 percent, above the wage rates specified in the 1955–56 wage determination and eliminates the requirement that producers furnish to workers the customary perquisites. Other provisions of the 1955–56 determination remain unchanged.

A public hearing was held in Clewiston, Florida on May 10, 1956, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates during the period July 1, 1956 through June 30, 1957. At this hearing several producers recommended that the wage levels and other provisions of the 1955–56 wage determination be continued in the 1956–57 determination. These witnesses stated that acreage of sugarcane has declined although the fixed costs of production remain the same. They also cited the decline in living costs, and anticipated that lower sugar prices and income would prevail during the coming year. Producers generally opposed the elimination of the perquisite provision of the determination, although some stated that the provision could be eliminated provided that the value of perquisites did not become a part of the minimum wage structure. A representative of a labor union which negotiates an agreement with one large producer stated that because of the large scale sugarcane operations in Florida and the extent of mechanization, fieldworkers should be deemed to be industrial workers and paid accordingly. This representative recommended a minimum wage of $1.25 per hour for the reasons that substantial wage increases had occurred throughout the national economy, that living costs are higher, and that data as to the financial condition of large sugarcane producers indicates their ability to pay higher wage rates.

Consideration has been given to the recommendations made at the hearing, to the results of studies and investigations of the sugarcane industry, and to other pertinent factors. Data for several recent crops covering the returns, costs, and profits of sugarcane production have been re-stated in terms of conditions likely to prevail for the 1956 crop. Analysis of all factors indicates that the wage rates of this determination are within the producers' ability to pay.

The labor force in Florida in sugarcane fields is composed primarily of imported workers from the British West Indies. These workers are mostly unskilled—the skilled and semi-skilled workers generally are resident of the farms or nearby communities. Most of the unskilled hand work on sugarcane farms is done on a piecework basis. Tractor drivers and other semi-skilled or skilled workers generally are paid by the hour. Earnings of workers employed on the piecework and time basis during previous crops have substantially exceeded the minimum wage rates of the determinations.

Determinations since 1937 have provided that a producer must furnish workers with the perquisites customarily furnished by him, such as housing, garden and pasture plots, and medical services. This provision resulted in some inequities in the furnishing of perquisites as among producers and as among workers. Furthermore, during the intervening years there have been substantial changes in the working force which have caused changes in the types of perquisites furnished. The elimination of the perquisite provision is expected to have no effect upon the furnishing of customary perquisites to workers. However, it will provide both producers and workers greater flexibility in their appraisal of

the perquisite situation and in making such adjustment as may be needed.

After consideration of all the factors, the wage rates and other provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 302, Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5576; Filed, July 12, 1956; 8:54 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 871.9]

PART 871—SUGAR BEETS

FAIR AND REASONABLE PRICES FOR 1956 CROPS

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held in November 1955 (for southern Oregon, California, southwestern Arizona, and western Nevada), and during January 1956 (for States other than those regions), the following determination is hereby issued:

§ 871.9 *Fair and reasonable prices for the 1956 crop of sugar beets.* A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for sugar beets of the 1956 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugar beets in regions other than Imperial Valley, California, shall be not less than that determined pursuant to the 1956 crop sugar beet purchase contract between the processor and producers; (2) the price for sugar beets in Imperial Valley, California, shall be not less than that determined pursuant to the 1956 crop sugar beet purchase contract which may be negotiated between the processor and producers, unless the Secretary gives public notice prior to December 31, 1956, that such price is found not to be fair and reasonable, or the price for sugar beets in Imperial Valley, California, is otherwise determined by an amendment to this determination.

(b) *Subterfuge.* The processor shall not reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

Statement of basis and considerations—(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugar beets of the 1956 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or surgarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1956 fair price determination.* The 1956 price determination provides that in regions other than Imperial Valley, California, a processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, prices for sugar beets not less than those determined pursuant to his 1956 crop purchase contract with producers. The price for 1956 crop sugar beets in Imperial Valley, California, shall be that determined pursuant to purchase contracts which may be negotiated by the processor and producers unless such prices are deemed to be inequitable or a contract is not negotiated.

At the public hearings testimony was offered by only one processor representative. In most regions, producers reported that the majority of contracts had been negotiated with processors and approved by producers. The processor representative testified as to the high freight costs on sugar beets paid by producers in one region of the factory district located at some distance from the mill. Because of competitive factors, this processor proposed to offer producers a contract in which the processor would absorb a portion of the freight costs. The witness stated that no other changes were contemplated in the purchase contract.

An analysis of the 1956 crop sugar beet purchase contracts which have been negotiated by producers and processors indicates that the scales of payment for sugar beets are the same as those provided for in the 1955 crop contracts with two exceptions. In these two contracts, between producers and processors in the eastern sugar beet region, the sharing ratio has been changed. In the 1955 crop contract the producer received 50 percent of the net proceeds from sugar, pulp, and molasses, plus an additional 15 percent of the amount by which the average net proceeds from sugar exceeded $6.70 per hundred pounds. The 1956 crop contract provides a sliding scale of payments per ton of sugar beets under which the producer will receive 48 to 52 percent of the net proceeds from sugar, pulp, and molasses depending on the level of such proceeds. If net proceeds are less than $20.00 per ton of sugar beets, the percentage share is further decreased. At present levels of net proceeds and sugar extraction this change in the sharing ratio reduces the price per ton of beets to the producers who deliver to one processor by approximately sixty cents per ton, and by approximately forty cents per ton to producers who deliver beets to another processor. Other changes have been made in a few contracts which affect the price of seed, freight allowances, the use of nitrogen fertilizer, and the basis of computing net returns. The effect of these changes on the returns to producers for 1956 crop sugar beets is considered to be nominal.

Purchase contracts for the Imperial Valley (California) for the 1956 crop (to be planted in the fall of 1956 and harvested in 1957) have not been negotiated and therefore were not available for examination. When the contracts covering the purchase of sugar beets in this region are negotiated and are received by the Department, they will be analyzed to determine whether the terms and conditions provide for an equitable sharing relationship. If the contracts are found to be fair and reasonable, no amendment to this determination will be required. However, if any of the contracts do not provide for an equitable sharing of returns, or no contract is negotiated, an amendment to this determination will be issued.

In analyzing 1956 crop purchase agreements, consideration has been given to the results of investigations covering economic conditions, volume of production, and price levels which are likely to exist during the production and marketing of the 1956 crop of sugar beets, and to comparative operating results of processors and producers. The analysis indicates that prices payable for sugar beets in the 1956 crop purchase contracts are fair and reasonable at sugar prices around the current price level for refined cane sugar.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5579; Filed, July 12, 1956; 8:55 a. m.]

[Sugar Determination 876.8]

PART 876—HAWAII

FAIR AND REASONABLE PRICES FOR 1956 CROPS OF HAWAIIAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on November 7 and 8, 1955, the following determination is hereby issued:

§ 876.8 *Fair and reasonable prices for the 1956 crop of Hawaiian sugarcane.* A producer of sugarcane in Hawaii who is also a processor of sugarcane (referred to in this part as "processor") shall have paid, or contracted to pay, for sugarcane of the 1956 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a tolling arrangement, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugarcane of the 1956 crop un-

der adherent planter agreements shall be not less than a price determined in accordance with the agreement between the processor and the producer applicable to the 1955 crop or as otherwise specified in the price determination applicable to that crop.

(2) The price for sugarcane under independent grower purchase agreements at the Lihue Plantation Company, Ltd., and Oahu Sugar Company, Ltd. shall be not less than a price determined in accordance with the agreement between the processor and the producer applicable to the 1955 crop: *Provided, however*, That the items of expense incurred for the 1956 crop which may be deducted in computing net returns shall be limited to those applicable to the 1955 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the Director, Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (referred to in this part as "Director of the Area Office"), determines justify the incurrence of such expenses under the circumstances, such expenses also shall be deductible.

(3) The price for sugarcane delivered under an independent grower purchase agreement to a processor specified under subparagraph (b) (2) of this part shall be not less than the price the producer would have received for such sugarcane had it been delivered, processed, and the resultant sugar and molasses delivered pursuant to the requirements of such subparagraph (b) (2).

(b) *Toll agreement.* (1) The rate for processing sugarcane under a toll agreement at Lihue Plantation Company, Ltd., Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the 1955 crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed in the table below shall be not more than that specified for each such processor.

Processor	Rate for processing—expressed as a percentage of the gross proceeds from raw sugar and molasses stated in dollars per hundredweight of sugar, raw value basis	Delivery point
Olaa Sugar Co., Ltd	30	Mill.
Kohala Sugar Co	26	Do.
Laupahoehoe Sugar Co	40	Loaded in trucks.
Hilo Sugar Co., Ltd	42	Do.[1]
Onomea Sugar Co	42	Do.[1]
Pepeekeo Sugar Co	42	Do.[1]
Hakalau Sugar Co., Ltd.	42	Do.[1]
Paauhau Sugar Co., Ltd	42	Do.
Hawaiian Agricultural Co.	42	Do.
Hutchinson Sugar Co., Ltd.	42	Do.

[1] Where flumes are used to transport sugarcane to the mill the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association referred to in this part as "Association"): *Provided, however*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate specified in this subparagraph for processing the sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to such sugarcane, from the delivery point specified in the table above until the raw sugar and molasses, recovered therefrom, leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring the sugarcane of the producer against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring the sugarcane of the producer; (*d*) the cost of general weed and rodent control; (*e*) the cost of research and experimental work relating to the production and processing of sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, and Hakalau Sugar Company, Ltd. if sugarcane of the producer is cut by hand and transported by flume or otherwise to the point of delivery such rate shall also cover the costs of placing sugarcane in the flume, fluming, applicable infield transportation, and the loading of such sugarcane on trucks at the point of delivery.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent of the producer, shall handle and deliver to the Association the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to the Association of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses, recovered from the sugarcane of the producer, less the applicable processing fee, and less the expenses paid by the processor, as agent for the producer, in handling and delivering to the Association the raw sugar and molasses of the producer pursuant to the toll agreement.

(c) *Sugarcane trash and quality determination.* The processor shall determine the net weight and quality of the sugarcane received from the producer and allocate sugar and molasses recoveries to the producer in accordance with methods customarily used by the processor which will reflect the true weight, quality and quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished producers.* In instances where the processor, at the producer's request furnishes the producer labor, material, or services used in the production of the producer's crop of sugarcane, the processor may charge in addition to the direct costs of such labor, material, or services, those overhead expenses which are properly apportionable under generally accepted accounting principles, as approved by the Director of the Area Office, and may also charge a profit not to exceed 5 percent of the sum of the direct and overhead cost of such labor, material, or services.

(e) *Reporting requirements.* With respect to purchase agreements which provide that payment for sugarcane is to be based on net returns from sugar and molasses and with respect to toll agreements which provide that handling and delivery expenses on sugar and molasses are to be deducted by the processor from the gross proceeds from sugar and molasses otherwise due the producer, the processor shall submit to the Director of the Area Office a certified statement of the gross proceeds and handling and delivery expenses incurred.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1956 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing.* A public hearing was held in Hilo, Hawaii, on November 7 and 8, 1955 and testimony was received with regard to fair and reasonable prices or rates for the 1956 crop of Hawaiian sugarcane.

During recent years, processors in Hawaii have purchased sugarcane from most producers under independent grower purchase agreements. These agreements generally provided a price for sugarcane cut and piled in the field, from which point the processor assumed the costs of transporting and processing the cane and the costs of handling and the delivery of the sugar and molasses to the Association. Title to the sugar and molasses produced from such sugarcane was vested in the processor. The testimony offered at the hearing by processor representatives was devoted to the introduction and explanation of proposed toll agreements in lieu of the sugarcane purchase agreements. These proposed toll agreements generally provide that sugarcane would be delivered to the processor loaded in trucks for transporting to the mill, or delivered directly to the mill; that title to the sugar and molasses produced from such sugarcane would remain in the producer until these products are delivered to the Association; that the producer would pay the processor a fixed percentage of the gross proceeds from sugar and molasses as a rate for processing; and that the processor, as agent for the producer, would enter into marketing contracts with the Association, would act for the producer in the handling and delivery of the sugar and molasses, and would promptly transmit to the producer the gross proceeds received from the Association for the sale of these products, after deducting the processing rate and the handling and delivery expenses.

Representative of the Hawaiian Sugar Planters' Association—This witness stated that practically all raw sugar and molasses produced in Hawaii is marketed through the Association. He stated that the Association must operate in a manner to assure compliance with applicable laws, regulations, and interpretations by the courts governing cooperatives. He pointed out that in view of recent rulings it is desirable that if sugar and molasses produced from sugarcane grown by independent growers are to be marketed through the Association, that such independent growers enter into Standard Sugar and Molasses Marketing Contracts. Under these contracts the independent growers will retain title to the sugar and molasses until the products are delivered to the Association. These growers would become nonmember patrons, but would not be subject to any withholding of proceeds for capital purposes and would have the right to cancel their contracts. The witness stated that the various processors would submit toll agreements under which sugarcane of independent growers would be processed to carry out these objectives.

The representative of the six major producer associations stated that the producers he represented had been studying the toll agreements proposed by the processors but no decision had been made as to all of the terms and conditions of these agreements.

Olaa Sugar Company and related producers—The processor representative submitted a proposed toll agreement which provides for sugarcane of the producer to be delivered to the mill at the expense of the producer; for the processor to process the sugarcane and act as agent in the handling and delivery of the raw sugar and final molasses for a processing rate of 35.25 percent of gross returns from sugar and molasses, plus an agency fee of .75 percent; and that the processor would charge a profit of ten percent on services furnished to producers. The witness stated that the processor would absorb the cost, above the average cost, for harvesting sugarcane of producers who had not prepared their land for mechanical harvesting. The witness recommended that the proposed toll agreement and the charge on services furnished to producers be approved as fair and reasonable.

The representative of the producers who deliver sugarcane to this processor stated that the producers had the proposed toll agreement under consideration, but had not reached a decision. In a supplemental brief these producers recommended a processing rate of 34.5 percent of the gross proceeds from sugar and molasses, but objected to the charging of a profit on services and the agency fee.

In a joint supplemental brief, representatives of the processor and the producers stated that the parties would execute a tentative toll agreement providing for a processing rate of 36 percent for purposes of a provisional settlement, and that the charge for profit and the agency fee proposed by the processor would be held in a special account pending the issuance of the 1956 crop fair price determination. The brief pointed out that such tentative agreement should not jeopardize the position of the respective parties.

Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, Hakalau Sugar Company, Ltd., Paauhau Sugar Company, Ltd., Hawaiian Agricultural Company, Hutchinson Sugar Company, Ltd., and related producers—The representative for these processors submitted a proposed toll agreement applicable to all of these processors providing for the delivery of sugarcane loaded on trucks or placed alongside flumes, and for a processing rate of 45 percent of gross returns from sugar and molasses. The representative stated that the supplement to the toll agreement provides that certain processors would absorb the additional costs on hand cut sugarcane of the 1956 crop which are the result of the change in delivery point. The witness recommended the adoption of this toll agreement and the supplement, where applicable, for the 1956 crop and that the remaining adherent planter agreements continue unchanged for 1956.

The representative of the majority of the producers who deliver sugarcane to these processors stated that no agreement had been reached regarding the proposed toll agreement. In a supplemental brief the producers who deliver sugarcane to the four Hilo Coast processors recommended a processing rate of 38 percent of gross proceeds from sugar and molasses for hand cut sugarcane delivered in the field, and a rate of 46 percent for mechanically harvested sugarcane piled in the field. In another brief the producers who deliver cane to the Hawaiian Agricultural Company, recommended a processing rate of 32 percent for mechanically harvested sugarcane piled in the field.

In a joint supplemental brief by representatives of the four Hilo Coast processors and of the producers who deliver sugarcane to those processors, it was stated that the toll agreement would be executed only by those producers whose sugarcane was to be mechanically harvested prior to the issuance of the price determination. However, it was pointed out that the execution of the contract should not be considered as acceptance of the processing rate nor the delivery point proposed by the processor.

A representative of a number of producers who deliver sugarcane to Onomea Sugar Company, recommended that the processing rate proposed by the processor be reduced and that the point of delivery of sugarcane be at roadside instead of loaded on trucks.

Laupahoehoe Sugar Company and related producers—The representative of this processor submitted a proposed toll agreement providing for a processing rate of 47.85 percent for sugarcane piled at designated points for loading into trucks, and a charge of ten percent profit on services furnished to producers. A representative of producers who deliver sugarcane to this processor stated that since the independent grower agreement had been in effect only one year, producers found it difficult to appraise their economic position under either that agreement or the proposed toll agreement. However, in a supplemental brief, the representative of these producers recommended a processing rate of 47 percent; that infield transportation costs be borne by the processor; and that the charge for profit on services furnished to producers by processors not be approved but, if any such charge were included it should be less than 10 percent.

Kohala Sugar Company and related producers—The representative of this processor submitted a toll agreement which provides for a processing rate of 26 percent for sugarcane delivered at the mill, and for a ten percent profit on services furnished to producers by the processor. The representative of the producers at Kohala Sugar Company stated that they were still negotiating with the processor regarding the proposed agreement. In a supplemental brief, these producers recommended a processing rate of 24 percent and that the charge for profit on services not be approved. In a joint supplemental brief the parties agreed upon the toll agreement proposed by the processor, but eliminated contractual provisions relating to the profit on services furnished to producers.

(d) *1956 price determination.* This determination provides (1) that the price for sugarcane under adherent planter agreements between producers and processors, shall be not less than that determined pursuant to such agreements for the 1955 crop or as otherwise specified in the 1955 price determination; (2) that the price for sugarcane under independent grower agreements between producers and those processors who did not submit a proposed toll agreement at the hearing to be applicable to the 1956 crop, shall be not less than that determined pursuant to the independent grower agreement for the 1955 crop; (3) that the price for sugarcane delivered by a producer under an independent grower agreement to a processor who submitted a proposed toll agreement at the hearing applicable to the 1956 crop, shall be not less than that which would be payable had the sugarcane been delivered to such processor pursuant to the toll agreement; (4) that the rate for processing sugarcane under a toll agreement between producers and those processors who entered into such agreements for the 1955 crop, shall be not more than that

specified in the 1955 crop agreement; and (5) that the rate for processing sugarcane for those processors who submitted proposed toll agreements at the hearing for the 1956 crop, shall be not more than the rate specified in this determination, at designated delivery points, for each of such processors.

This determination specifies that the rate for processing sugarcane, for those processors who submitted toll agreements at the hearing for the 1956 crop, shall be applied to the gross proceeds received from the Association from the sale of sugar and molasses and enumerates the items of costs which are covered in the rate for processing. The determination also provides that the processor shall process and, as agent of the producer, shall handle and deliver to the Association the products of the producer in a manner which is no less favorable than the processing and the handling and delivery of the same products of the processor; and that the processor shall promptly transmit to the producer the net proceeds from sugar and molasses.

This determination provides under all types of agreements, that processors who render services or provide materials or labor to producers at their request, may charge a profit not to exceed five percent of the total cost thereof. The basis on which the profit may be computed is the direct costs of such services, materials, or labor and all overhead or indirect costs properly related thereto in accordance with generally accepted accounting principles. The processor is required to submit to the Director of the Area Office a certified statement of gross proceeds and the handling and delivery expenses on sugar and molasses where the agreement provides for the deduction of these expenses.

Consideration has been given to the recommendations and information submitted at the hearing, to the results of studies and investigations of the economic position of producers and processors, and to other pertinent factors. Analysis of the returns, costs, and profits of sugarcane production and processing, obtained by survey for prior years and restated in terms of prospective price and production conditions for the 1956 crop, indicates that the sharing relationships provided in this determination are fair and reasonable.

The rates for processing sugarcane which are specified in this determination have been developed by adjusting the indicated 1956 costs of producing and processing sugarcane under the various independent grower agreements to the toll agreement basis. These adjustments recognize the shifts in the costs of the handling and delivery of sugar and molasses from the processor to the producer and the additional costs incurred by the producer for changes in sugarcane delivery points. Furthermore, adjustments have been made in production costs whereby the producer assumes the costs of direct and appropriate overhead charges for labor, services, or materials furnished to him by the processor. Heretofore, some processors had not charged producers for all applicable overhead costs of such services. Adjustments have been made in the indicated 1956 processing costs to reflect the costs of services which are customarily recognized as part of processing costs or those costs with respect to which a proration between producers and processors is not practicable. Adjustments also were made in the costs of one processor to reflect the cost of insuring the sugarcane of the producer against loss by fire and for another processor to reflect the costs of unloading, weighing, and taring sugarcane at the mill. Under the proposed toll agreements submitted by these processors such costs would have been borne by the producer.

Recently data have become available covering the harvesting and transportation of sugarcane during the first four months of 1956 at one mill. The costs of these operations are considerably in excess of the cost estimates presented by this processor at the hearing, and in addition, the yields of sugar have declined. This situation appears attributable primarily to extremely unfavorable weather conditions which have prevailed during the early part of the year. The major impact of the cost increases affects producers, inasmuch as the sugarcane delivery point under the toll agreement is different from that under the former purchase agreement. Accordingly, adjustments have been made to take into account the results of these abnormal conditions even though it is expected that operations for the remainder of the year will substantially improve. These adjustments result in a lower rate for processing than would otherwise be indicated.

The rate for a profit charge on labor, material, and services furnished to producers by processors is not as high as that recommended by certain processors at the hearing. Heretofore, processors have furnished these items to producers without including a charge for profit. It is believed that the rate chargeable for profit is adequate to enable processors to continue to provide these necessary services to producers.

The sugarcane delivery points specified in this determination are deemed to be equitable and practical under current operating methods and provide for a measure of uniformity in establishing rates for processing.

The determination relates the gross proceeds from sugar and molasses to which the rate for processing applies to the applicable provisions of the Standard Sugar Marketing Contract as amended, effective July 1, 1955, and the Standard Molasses Marketing Contract as amended, effective January 1, 1952, both as submitted at the public hearing. Such contracts, under the provisions of the 1956 crop toll agreements, are to be entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd.

The determination provides that the price for sugarcane processed under an independent grower agreement by a processor who offers a 1956 crop toll agreement to producers, is to be not less than the price determined in accordance with the provisions of this determination applicable to the toll agreement specified herein for such processor. This provision establishes a uniform basis for payment to producers who deliver sugarcane to each of these processors under either type of agreement.

This determination requires that the processor compute net weights, tare, and quality of the sugarcane of the producer, and allocate sugar and molasses recoveries to the producer in accordance with customary practices. Further studies need to be made of these practices to provide more specific and uniform procedures in future price determinations.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5578; Filed, July 12, 1956; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Suppl. 1]

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

Civil Aeronautics Manual 14 contains policies of the Civil Aeronautics Administration, listing design data required to be furnished by the manufacturer of propellers to obtain a type certificate. Recommended methods and procedures for testing and recording of tests required to show compliance with airworthiness regulations are also provided. Procedures for obtaining type certification of propellers manufactured for military use are included.

Civil Aeronautics Manual 14 is adopted to read as follows:

Sec.

14.1–1	Definitions.
14.14–1	Type design data.
14.14–2	Data required for military propellers.
14.16–1	Required tests.
14.16–2	Testing facilities.
14.16–3	Propeller operating limitations.
14.100–1	Design features.
14.103–1	Reversible propeller failure analysis.
14.150–1	Essential accessories.
14.151–1	Centrifugal load test.
14.153–1	Endurance test.
14.156–1	Teardown inspections.

AUTHORITY: §§ 14.1–1 to 14.156–1 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

§ 14.1–1 *Definitions (CAA policies which apply to § 14.1).* Those technical terms used in the CAM material implementing this part which have special meanings are listed and defined as follows:

(1) *Blade angle.* This is the acute angle between the blade reference station airfoil section chord line and the plane of rotation. The blade reference station is normally located at 75 percent of the blade radius.

(2) *Manifold pressure.* The absolute pressure in inches of mercury in the intake manifold of the engine is the manifold pressure.

(3) *Maximum continuous rating.* This rating is composed of the power and r. p. m. limits for which the propeller is certificated for continuous operation.

(4) *Pitch.* The distance the propeller would advance in one revolution if it were moving along a helix having an angle equal to its blade angle is the geometric pitch of the blade.

(5) *Power.* This is the brake horsepower (b. hp.) delivered by the engine to the propeller.

(6) *Shank.* Shank is that portion of the blade which is used to attach the propeller blade to the hub. In the case of a fixed-pitch propeller, the term "shank" applies to that portion at which the blade fairs into the hub.

(7) *Takeoff rating.* This is a rating composed of the power and r. p. m. limits for which the propeller is certificated for takeoff.

§ 14.14–1 *Type design data*[1] *(CAA policies which apply to § 14.14).* The data specified in paragraphs (a) through (i) of this section constitute the type design data which should be submitted in complying with § 14.14.[2]

(a) *Parts list.* No parts list need be submitted for fixed-pitch propellers. For all other type propellers, two copies of the parts list should be submitted, one copy of which, upon certification of the propeller, will be sealed and returned to the manufacturer.

(b) *Drawings.* (1) For fixed-pitch propellers, two sets of drawings should be submitted, one set of which will be sealed and returned to the manufacturer upon certification of the propeller.

(2) Only one set of drawings for propellers other than the fixed-pitch type should be submitted by the manufacturer.

(3) The following drawings should be submitted. Other drawings in lieu of those listed are acceptable provided they disclose the same information.

(i) Complete propeller assembly.
(ii) Hub assembly.
(iii) Hub.
(iv) Blade retention structural parts.
(v) Blade assembly.
(vi) Blade design (if not disclosed in the blade assembly drawing).
(vii) Pitch control assemblies (if not disclosed in the propeller or hub assembly drawings).
(viii) Schematic pitch control diagram.

[1] Vibration stress data is not acceptable for determining the airworthiness of a propeller with respect to power and r. p. m. ratings since vibratory stresses bear no relationship to the steady stresses present during operating conditions.

[2] The initial request for approval of a propeller should be accompanied by at least the drawings specified in § 14.14–1 (b) (3) (i), (vi), and (viii), stress analyses as discussed in § 14.14–1 (f) where applicable, and the proposed test program as specified in § 14.16–1.

(ix) Such other drawings as the Administrator may find necessary to determine compliance with the requirements of this part.

(c) *Production specifications.* (1) Specifications covering all materials used in the manufacture of the propellers.

(2) Specifications covering all processes used in the manufacture of the propellers.

(3) Military or SAE specifications need not be submitted, but should be referred to in all drawings and materials and process specifications where applicable.

(d) *Type test report.* The type test report, suitably identified by title and number and signed by a responsible representative of the applicant for the type certificate, should cover the items listed in this paragraph. The applicant's report number should appear on all pages of the report.

(1) Conclusions and/or recommendations for operating limitations, if any.

(2) Description of propeller, including all accessories, such as governor and synchronizer.

(3) Summary of test conditions and log. The report need not contain the complete test log.

(4) Calibration of test instruments when necessary.

(5) Test engine specification. At least enough information to unquestionably identify the engine, including such information as complete model number, takeoff and maximum continuous ratings and reduction gear ratio.

(6) Description of test setup if other than established test stand.

(7) Test irregularities, failures and forced stops due to the propeller.

(8) Description of the condition of the propeller at the teardown inspection, including the results of magnetic particle, dye penetrant, fluorescent penetrant and X-ray inspections.

(9) Changes in the propeller during testing and proposed changes as a result of testing.

(10) If the approved version of the propeller differs from the prototype (i. e., the test propeller) parts lists for both propellers should be included in the test report and appropriately identified.

(11) Photos of failed or worn parts of the test propeller. Photos of the assembled test propeller if it is unconventional or has special features. Photos of the test rig if other than established test stand.

(e) *Other reports.* The applicant should submit reports covering any special tests that may be required by § 14.155.

(f) *Stress analysis.* A stress analysis may be acceptable in lieu of type tests for a propeller which incorporates major components similar to those in an applicant's previously certificated propeller. The analysis should present a comparison of stresses in the new propeller to those in the older propeller.

(1) For a propeller which incorporates a hub similar to one previously certificated, and previously certificated blades, the analysis should include:

(i) Total bending moment and total centrifugal force which the blade imposes on the new hub and the old hub.

(2) For a propeller which incorporates blades similar to ones previously certificated, and a previously certificated hub and pitch changing mechanism, the analysis should include:

(i) Combined stresses for several stations along the blade for the new blade and the old blade.

(ii) Total centrifugal force twisting moments at representative blade angles for the new blades and the old blades to demonstrate the relative loading of the pitch change mechanism.

(iii) Total bending moment and total centrifugal force which the new blades and the old blades impose on the hub.

(g) *Reversible propeller failure analysis.* The failure analysis covered by § 14.103-1 should determine what types of failures or malfunctions are most likely to occur to all components of the reversing system, should disclose how such failures or malfunctions affect propeller pitch, and what design feature prevents unwanted travel of the propeller blades to a position substantially below the normal flight low pitch stop.

(h) *Flight time data.* Where acceptable in the type certification of a propeller, flight time data should include a copy of the flight log certified to by the person flying the aircraft, and a statement of the estimated number of hours operated both at the maximum continuous rating and at the takeoff rating. The data should also include the model designations of the aircraft, the engine, and the propeller.

(i) *Referral to data previously submitted.* In lieu of submitting all of the data required for a new approval, the applicant may refer to data previously submitted by him, or if he is the holder of a current right to the benefits of a previous approval or type certificate, he may refer to data previously submitted in connection with such approval or type certificate. In any case the applicant should identify the data referred to and establish that they are pertinent and equivalent to the data required for the new approval.

§ 14.14–2 *Data required for military propellers (CAA policies which apply to § 14.14).* In addition to data specified in § 14.14–1 (a), (b), (c), (e) and (g), the applicant should submit the data specified in either paragraph (a) or paragraph (b) of this section.

(a) A copy of the official report which forms the basis of military approval.

(b) A letter from the military which includes the following information:

(1) Identification of the propeller.

(2) Identification of the engine upon which the endurance test was run.

(3) Duration and r. p. m. of overspeed test.

(4) Duration and rating at which the normal-rating endurance test was run.

(5) Duration and rating at which the flash performance endurance test was run.

(6) Number of pitch change cycles accomplished.

(7) Number of feathering cycles accomplished.
(8) Number of reversing cycles accomplished.
(9) Results of teardown inspection.
(10) Operating limitations if any.

§ 14.16–1 *Required tests (CAA policies which apply to § 14.16).* The applicant should submit for approval his proposed type test program. The data submitted should include:
(a) How each test will be conducted.
(b) Identification of propeller and accessories being tested.
(c) Identification of engine used.
(d) Location of tests and teardown inspection.

§ 14.16–2 *Testing facilities (CAA policies which apply to § 14.16 (a)).* The testing equipment available for conducting the tests specified in §§ 14.151 through 14.155 should be:
(a) An engine capable of developing at least the power and speed for which certification of the propeller is desired.
(b) A suitable engine mount.
(c) An accurate tachometer, which should be calibrated before and after testing or checked with a stopwatch and revolution counter during testing.
(d) A suitable manifold pressure gage if the test is not run at full throttle (not required for fixed-pitch wood propeller tests). The manifold pressure connection should be permanently located so that the manifold pressure is a uniform indication of power. All test values should be on a basis of dry absolute manifold pressure which is obtained by subtracting the vapor pressure from the observed absolute manifold pressure.

§ 14.16–3 *Propeller operating limitations*[3] *(CAA policies which apply to § 14.16 (c)).* (a) The following operating limitations will be established as determined from tests conducted for type certification:
(1) Maximum continuous power and r. p. m.
(2) Takeoff power and r. p. m.
(3) When applicable, avoidance of continuous operation at or between certain r. p. m.
(4) When applicable, special limitations imposed due to functional or structural considerations, such as minimum engine oil pressure necessary and life limit.
(b) Requests for increases in power and/or r. p. m. ratings up to a maximum of 10 percent above the values substantiated by actual tests, provided there are no structural changes in the propeller, should be accompanied by substantiating test data or stress analysis as covered in § 14.14–1 (e), (f) and (h). Requests for increases greater than 10 percent should be substantiated in a manner satisfactory to the Administrator.

§ 14.100–1 *Design features (CAA policies which apply to § 14.100).* Where applicable, the propeller should incorporate design features to comply with the requirements of pertinent portions of Parts 3 and 4b of this subchapter, regarding feathering and unfeathering, r. p. m. governing, de-icing, low pitch stops, r. p. m. and pitch controls, feathering controls, and reversing controls.

§ 14.103–1 *Reversible propeller failure analysis. (CAA interpretations which apply to § 14.103).* The words "reversing system" apply to the portion of the complete propeller reversing system incorporated into the propeller itself, and to the portions supplied by the applicant for installation into the aircraft. (For requirements with regard to the failure analysis, see § 14.14–1 (g)).

§ 14.150–1 *Essential accessories (CAA policies which apply to § 14.150).* All accessories and appurtenances intended for use with the propeller should be included in the tests required in §§ 14.153, 14.154 and 14.155. These accessories and appurtenances include, but are not limited to:
(a) Propeller spinner.
(b) Propeller brakes.
(c) Propeller cuffs or fairings.
(d) De-icing fluid slinger rings.
(e) De-icing fluid distributing strips.

§ 14.151–1 *Centrifugal load test*[4] *(CAA policies which apply to § 14.151)*—(a) *Whirl test.* The complete propeller, or the propeller hub with weighted stub blades, may be used in this test. If stub blades are used, they should produce the required centrifugal force at the test r. p. m. Any type of motive power may be used for this test. The propeller may be reduced in pitch any amount so as to reduce the power if desired.
(b) *Static pull test.* Stub blades used for this test need not be formed into airfoil sections, but should be flared out to provide adequate holding means to insure that any failure will occur in the blade retention arrangement.

§ 14.153–1 *Endurance test (CAA policies which apply to § 14.153).* Endurance block tests should take into account air temperature, barometric pressure, humidity, engine manifold pressure or torque meter or torque reaction stand readings, and engine r. p. m.
(a) *Continuity of test.* The endurance test may be continuous or in increments agreed upon between the propeller manufacturer and the Administrator.
(b) *Power output.* The engine power output should be at least equal to the manufacturer's official ratings (hp. and r. p. m.).
(1) The engine power output should be determined on torque reaction test stands, by calibrated propellers or by engine torque meters. If a torque reaction stand is not used, an engine torque meter should be used for power monitoring during the test.
(c) *Forced stop.* The test should be terminated upon evidence of any unusual vibration, hunting or noncontrollability of the propeller, a change in power or r. p. m. not attributable to general atmospheric conditions or any change in the readings descriptive of the propeller during the testing.
(1) The test should be terminated when any failure of the propeller or its essential accessories would result in an immediate forced landing of an aircraft. The failures should be corrected to the satisfaction of the Administrator before official type certification testing is resumed.
(2) The failure of the test stand equipment or engine accessories is not a forced stop.

§ 14.156–1 *Teardown inspections (CAA policies which apply to § 14.156).* The teardown inspection is one of the means for determining the airworthiness of the propeller and compliance with the requirements of this part. As a result of the inspection the Administrator may require such revisions to the design or additional tests to establish the airworthiness of the propeller before approving the issuance of a type certificate.
(a) *Wood or composition propellers.* Wood propellers or those with blades of composition or of other than conventional wood or metal construction should be thoroughly examined for evidence of loosened or excessively cracked tipping, opened glue joints, cracks in the wood, local failure or cracking around the hub bolt holes, and slipping or crushing around the shank. Some flexural cracks in the metal tipping is considered normal. Plastic covered propellers should be inspected for cracks in the covering which would indicate a cracked lamination or open glue joint. Failures of these types are cause for the refusal to issue a type certificate.
(b) *Variable pitch propellers.* No vital part of the propeller should bear evidence of fatigue cracks or wear which would necessitate altering or replacing such part. Wear measurements should be made on parts that are visibly unduly worn. All unduly worn or cracked parts should be photographed for further study in determining the airworthiness of the propeller. No parts of the propeller should show evidence of impending failure.
(c) *Hub and control mechanism.* All ferrous parts of the hub and control mechanism should be given a magnetic particle inspection. All aluminum parts should be carefully inspected for cracks by a suitable process such as etching, anodizing, fluorescent penetrant or dye penetrant.
(d) *Aluminum alloy propellers and blades.* Aluminum alloy propellers or propeller blades should be thoroughly inspected for cracks and material defects by a suitable process such as etching, anodizing, fluorescent penetrant or dye penetrants. Particular attention should be given to critical sections such as fillets and points of abrupt curvature. The blades should then be inspected for cracks with a 4 to 6 power magnifying glass.
(e) *Steel blades.* Hollow steel blades and solid steel blades should be given a thorough visual and magnetic inspection for cracks and material defects in accordance with the manufacturer's established procedures and specifications. The magnetic inspection should be made only by a highly skilled operator. Any magnetic indication should be discussed with a representative of the Administrator since such indication may warrant a complete metallurgical examination.

This supplement shall become effective August 20, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–5560; Filed, July 12, 1956; 8:51 a. m.]

[3] The operating limitations together with diameter and pitch limits and general specifications for the propeller are published in the form of propeller specifications available free of charge from the Civil Aeronautics Administration, Aviation Information Office, W–47, Washington 25, D. C.

[4] So that it will not be necessary to repeat this test for new blade designs which would impose greater centrifugal loading on the retention system, it is suggested that the test selected be conducted at the greatest centrifugal loading anticipated.
The double centrifugal force loading for this test, the purpose of which is to substantiate the structural integrity of the blade retention arrangement, is based on the maximum continuous r. p. m. for which the propeller is to be certificated.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 173]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.21, the Savanna, Illinois, temporary area (R–498), published on December 13, 1955, in 20 F. R. 9301, is amended to make it a permanent area and by changing the "Time of Designation" column to read: "Continuous".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–5559; Filed, July 12, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6212]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HENRY ROSENFELD, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d); § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Henry Rosenfeld, Inc., et al., New York, N. Y., Docket 6212, June 21, 1956]

In the Matter of Henry Rosenfeld, Inc., a Corporation, and Henry Rosenfeld, Individually and as President of Henry Rosenfeld, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its responsible officer—engaged in selling and distributing women's dresses from their place of business in New York City to retailers throughout the United States, with gross sales in each of the years 1949, 1950, and 1951 exceeding $10,000,000—with violating subsection 2 (d) of the Clayton Act as amended, through paying some of its customers credits or sums of money by way of promotional allowances for advertising amounting to 50 percent of the retailer's local advertising costs up to $1.00 per garment, while not making such credits or payments available to all other of their competing customers.

Following respondents' answer, hearings in due course, denial of respondents' motion to dismiss, filing of proposed findings of fact[1] and conclusions[1] by all counsel, the hearing examiner made his initial decision[1] and order to cease and desist, from which respondents appealed.

The Commission, after hearing the matter upon the record, including briefs and oral arguments of counsel, on June 21, 1956, rendered its decision denying the appeal and adopting as its decision the initial decision as modified by its opinion delivered by Commissioner Secrest.[1]

The order to cease and desist is as follows:

It is ordered, That respondents, Henry Rosenfeld, Inc., a corporation, its officers, employees, agents and representatives, and Henry Rosenfeld, individually and as president of Henry Rosenfeld, Inc., directly or through any corporate or other device, in or in connection with the sale of women's clothing in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondents, unless such payment is affirmatively offered or otherwise made available to all competing customers in amounts determined by the same percentage of the same measurable base.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: June 21, 1956.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–5544; Filed, July 12, 1956; 8:49 a. m.]

[1] Filed as part of the original document.

[2] Chairman Gwynne concurring in the result.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1312]

[M–013826 (S. D.)]

NORTH AND SOUTH DAKOTA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE OAHE RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in North and South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except for oil and gas, and reserved for use in connection with the Oahe Reservoir Project, under the supervision of the Department of the Army as authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887):

SOUTH DAKOTA

BLACK HILLS MERIDIAN

T. 8 N., R. 24 E.,
Sec. 5, SE¼NW¼;
Sec. 6, Lot 3.
T. 9 N., R. 24 E.,
Sec. 12, Lot 1;
Sec. 13, Lots 2, 3, and 4;
Sec. 24, SW¼SE¼;
Sec. 26, NW¼SW¼.
T. 9 N., R. 25 E.,
Sec. 7, Lots 1 and 2;
Sec. 15, Lot 2;
Sec. 17, Lots 2 and 3;
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NE¼ and NE¼NE¼;
Sec. 24, Lot 4.
T. 8 N., R. 26 E.,
Sec. 9, NW¼NW¼.

T. 9 N., R. 26 E.,
Sec. 1, Lot 5, W½SW¼;
Sec. 2, Lots 1 and 5;
Sec. 3, Lots 1, 4, SE¼SE¼;
Sec. 9, Lot 3;
Sec. 10, Lots 1, 2, E½NE¼;
Sec. 11, SW¼NE¼, NW¼SE¼;
Sec. 12, NW¼NW¼, NW¼SW¼;
Sec. 29, NW¼NE¼, SE¼NE¼, NE¼SE¼, SE¼SW¼;
Sec. 30, E½NE¼, NE¼SE¼;
Sec. 32, E½NW¼, SW¼NW¼.
T. 9 N., R. 27 E.,
Sec. 2, Lot 1;
Sec. 5, SW¼NW¼.
T. 7 N., R. 28 E.,
Sec. 1, SW¼SE¼, NE¼NE¼, SE¼SE¼, SE¼NE¼;
Sec. 12, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 13, NW¼SE¼.
T. 8 N., R. 28 E.,
Sec. 2, SE¼SE¼;
Sec. 12, SE¼NE¼.
T. 9 N., R. 28 E.,
Sec. 5, Lots 1 and 2;
Sec. 6, Lots 2, 3, 4, 5, and 6;
Sec. 7, Lots 1, 8, 9, and 10;
Sec. 9, SW¼, S½NW¼;
Sec. 23, SE¼NW¼.
T. 6 N., R. 29 E.,
Sec. 3, SE¼SW¼;
Sec. 4, SE¼;
Sec. 5, Lot 4, SW¼NE¼;
Sec. 8, N½SE¼, SE¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼;
Sec. 10, N½NW¼, NW¼NE¼;
Sec. 17, NE¼NE¼;
Sec. 25, Lots 1, 2, 3, and 4.
T. 7 N., R. 29 E.,
Sec. 5, Lots 1, 2, SW¼SW¼;
Sec. 6, Lot 7, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, and 4, E½W½, NE¼, N½SE¼, SE¼SE¼, SW¼SE¼;
Sec. 8, W½W½;
Sec. 9, Lot 1;
Sec. 15, Lots 2 and 3;
Sec. 17, SE¼SW¼;
Sec. 20, NE¼, NE¼SE¼;
Sec. 24, Lot 1;
Sec. 26, W½NE¼, SE¼NW¼;
Sec. 27, S½N½, NE¼SE¼;
Sec. 32, NW¼SE¼, NE¼SW¼;
Sec. 35, SE¼NE¼, NE¼NE¼.
T. 8 N., R. 29 E.,
Sec. 7, SW¼NE¼;
Sec. 17, N½NW¼;
Sec. 18, NE¼NE¼;
Sec. 19, E½SE¼;
Sec. 20, Lots 4 and 5, W½SW¼;
Sec. 30, NE¼NE¼, SW¼NE¼, NW¼NE¼;
Sec. 31, W½E½.
T. 9 N., R. 29 E.,
Sec. 20, Lot 1.
T. 6 N., R. 30 E.,
Sec. 28, Lot 4, SW¼SW¼;
Sec. 33, NE¼NW¼;
Sec. 25, Lot 4, S½NW¼, W½SW¼;
Sec. 26, Lots 1, 2, 3, and 4, S½N½, E½NE¼SW¼, W½NE¼SW¼, SE¼, SE¼SW¼, NW¼SW¼;
Sec. 27, Lots 1, 2, 3, and 4, SW¼, S½NE¼, N½SE¼, SW¼SE¼, SE¼SE¼, SE¼NW¼;
Sec. 34, NW¼, NE¼NE¼, SW¼NE¼, NW¼NE¼;
Sec. 35, N½NE¼.
T. 120 N., R. 78 W.,
Sec. 2, SW¼SW¼;
Sec. 29, Lots 5, 6, and 7;
Sec. 32, Lots 5 and 6.
T. 122 N., R. 78 W.,
Sec. 21, Lot 4.
T. 126 N., R. 79 W.,
Sec. 1, Lots 2, 3, 4, and 5, E½SE¼.
T. 128 N., R. 79 W.,
Sec. 35, Lot 1.
T. 112 N., R. 80 W.,
Sec. 27, NE¼SW¼;
Sec. 34, Lot 3;
Sec. 35, Lots 1, 2, 3, and 4.
T. 115 N., R. 80 W.,
Sec. 20, W½NW¼, NE¼NW¼, SE¼NW¼.
T. 116 N., R. 80 W.,
Sec. 35, SW¼NW¼, NW¼SW¼, SE¼SW¼.
T. 128 N., R. 80 W.,
Sec. 10, Lot 1.
T. 112 N., R. 81 W.,
Sec. 1, Lot 1;
Sec. 12, Lot 4;
Sec. 14, Lot 1.
T. 113 N., R. 81 W.,
Sec. 34, Lot 1.

The areas described aggregate 9,193.82 acres.

NORTH DAKOTA

FIFTH PRINCIPAL MERIDIAN

T. 133 N., R. 78 W.,
Sec. 18, Lot 4.
T. 135 N., R. 79 W.,
Sec. 1, Lot 1;
Sec. 12, Lots 5 and 6;
Sec. 34, Lots 5 and 6.
T. 136 N., R. 79 W.,
Sec. 9, Lot 8;
Sec. 12, Lot 11;
Sec. 13, SW¼, W½SE¼;
Sec. 14, Lots 2, 4, and 5, SE¼SE¼, NE¼NW¼;
Sec. 23, Lots 1 and 2, NE¼NW¼;
Sec. 24, NW¼NW¼.
T. 137 N., R. 79 W.,
Sec. 33, Lot 2, SE¼SW¼.
T. 137 N., R. 80 W.,
Sec. 3, Lots 12 and 13;
Sec. 4, Lots 6, 7, 8, 9, 10, and 11;
Sec. 5, Lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 8, Lots 9 and 10;
Sec. 9, Lots 5 and 6;
Sec. 10, Lot 3;
Sec. 23, Lots 1 and 3;
Secs. 23, 24, Tracts numbered 38, 39, and 40;
Sec. 24, Lot 1;
Sec. 25, Lots 1, 2, 3, and 4, S½NE¼;
Sec. 26, Lot 4.
T. 138 N., R. 80 W.,
Sec. 8, Lots 1, 2, N½SW¼, SW¼SW¼, NE¼NW¼;
Sec. 18, Lots 2 and 3;
Sec. 26, Lot 6;
Sec. 28, Lots 7, 8, 9, and 10, SW¼;
Sec. 32, Lots 1, 2, 3, and 4, SE¼SE¼;
Sec. 33, Lots 2 and 3, W½NE¼, NW¼, SW¼, SE¼;
Sec. 34, Lots 5, 6, 7, 11, and 13.
T. 139 N., R. 81 W.,
Sec. 4, Lot 1;
Sec. 14, Lot 1.

The areas described aggregate 3,903.47 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 6, 1956.

[F. R. Doc. 56-5526; Filed, July 12, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

Basis and purpose. Section 9 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 306; 48 U. S. C. 198), authorizes and directs the Secretary of the Interior, from time to time, upon consultation with or recommendations from the Alaska Game Commission, to determine when, to what extent, and by what means, game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought or sold in the Territory of Alaska, and to adopt suitable regulations permitting and governing such activities in accordance with such determinations.

By Notice of Proposed Rule Making published on February 1, 1956 (21 F. R. 698), the public was notified of a hearing to be held by the Alaska Game Commission in Juneau, Alaska, on February 13, 1956, and was afforded an opportunity to present views, data or arguments with respect to amendments to Part 46, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, means of taking, bag and possession limits, and other conditions to govern the taking of game and fur animals, birds, and game fishes in Alaska. The public was also invited to submit written views with respect to these matters to John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on or before February 20, 1956.

Investigations by the Fish and Wildlife Service and the Alaska Game Commission, and personal observations of citizens and agencies within the Territory of Alaska, indicate that changing conditions within the Territory, including changes in both human and wildlife populations, require a further protection to wildlife in some instances and permit some relaxation of regulatory protection in other instances. Following the public hearings held at Juneau and elsewhere in the Territory on proposed amendments to existing regulations and after giving due consideration to all relevant matters presented in response to the Notice of Proposed Rule Making, the Commission has recommended a number of substantive changes in the regulations to conserve the game resources of the Territory and at the same time permit such utilization of these resources as is consistent with the preservation of breeding stocks of game and fur animals, birds, and game fishes.

The complete text of the regulations in Part 46, Title 50, Code of Federal Regulations, was last published in a single document, pursuant to the Federal Register Act, on May 11, 1949 (14 F. R. 2442, 2501). Since that date portions of the regulations have been substantially amended at least once each year, certain section headings and numbers have been revised and redesignated, changes in format have been accomplished, and various other changes have been effected which occasion difficulty in codifying and interpreting the regulations which are presently applicable. To obviate this difficulty and in order to combine the numerous amendments to the part in a single document the revision of Part 46 set forth below has been adopted. This revision incorporates the substantive changes recommended by the Alaska Game Commission, contains minor editorial changes, and changes the titles of various officers referred to in the regulations to conform to the present organization of the Fish and Wildlife Service in Alaska.

Part 46 is completely revised and republished to read as follows:

DEFINITIONS

Sec.
46.1 Meaning of terms.

LICENSES

46.6 General provisions.
46.7 Application.
46.8 Exemptions.

PERMITTED FOOD AND CLOTHING USES

46.11 Emergency use.
46.12 Native use.

ESCAPED ANIMALS AND BIRDS

46.21 Pursuit of escaped animals and birds.

INSPECTIONS AND REPORTS

46.31 Inspections.
46.32 Reports by fur dealers.
46.33 Reports by hunters and trappers.
46.34 Records retention period.

POSSESSION AND TRANSPORTATION

46.41 General provisions.

PURCHASE AND SALE

46.51 General provisions.

LIVE ANIMALS, BIRDS, AND FISHES

46.61 Restrictions with respect to live animals, birds, and fishes.

METHODS, SEASONS, AND LIMITS

46.71 General provisions.

GAME ANIMALS

46.81 Methods and means.
46.82 Seasons, limits, and other provisions.

FUR ANIMALS

46.91 Methods and means.
46.92 Permits to set traps during closed season on certain fur animals.
46.93 Seasons, limits, and other provisions.

GAME BIRDS

46.101 Methods and means.
46.102 Seasons, limits, and other provisions.

NONGAME BIRDS

46.111 Methods and means.
46.112 Species, seasons, and limits.
46.113 Bald eagles.

GAME FISHES

46.121 Methods and means.
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RESERVES

46.131 National park or national monument.
46.132 Reserves continuously closed on all animals and birds; exceptions.
46.141 Reserves continuously closed to the taking of designated game and fur animals and game birds.

EMERGENCY CLOSURES

46.151 Emergency closures.

PERMITS

46.161 General provisions.
46.162 Carrying and exhibition.
46.163 Applications.
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SCHEDULES

46.201 Seasons and limits on game animals.
46.251 Seasons and limits on fur animals.
46.301 Seasons and limits on game birds.
46.351 Seasons and limits on game fishes.

AUTHORITY: §§ 46.1 to 46.351 issued under sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198.

DEFINITIONS

§ 46.1 *Meaning of terms.* For purposes of the regulations in this part, terms shall have the meanings ascribed in this section.

(a) *Territory.* Territory of Alaska.

(b) *Commission.* The Alaska Game Commission.

(c) *Secretary.* The Secretary of the Interior or his authorized representative.

(d) *Director.* Director, Fish and Wildlife Service, Department of the Interior.

(e) *Administrator.* Administrator, Alaska Wildlife Resources.

(f) *Person.* Individual, club, association, partnership or corporation, any one or all, as the context requires.

(g) *Indians.* Natives of one-half or more Indian blood.

(h) *Eskimos.* Natives of one-half or more Eskimo blood.

(i) *Take.* Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

(j) *Open season.* The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof. Whenever the word year is used in the regulations in this part it shall mean the year from July 1 to June 30 of the following year.

(k) *Closed season.* The time during which animals, birds, or game fishes may not be taken.

(l) *Transport.* Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

(m) *Big-game animals.* Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears.

(n) *Small-game animals.* Hare and rabbit.

(o) *Fur animals.* Beaver, muskrat, marmot, raccoon, pika, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, excepting therefrom domestically raised animals. Fur animals which have escaped from captivity and which are not recaptured within a period of thirty days after the discovery of the escape shall be deemed to have reverted to a natural and undomesticated state.

(p) *Game birds.* Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans: Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plovers, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as cranes; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be game birds.

(q) *Nongame birds.* All wild birds except game birds.

(r) *Game fishes.* Rainbow, steelhead, cutthroat, Mackinaw or lake trout, eastern brook, and Dolly Varden trout, and grayling, and such other fishes as the Secretary may declare, from time to time, to be game fishes.

(s) *Resident.* A citizen or a national of the United States who has maintained a bona fide residence in the Territory for a period of twelve months, three years in the case of trapping, immediately preceding his claim for resident hunting, trapping, fishing, or other privileges under this part, or a foreign-born person not a citizen or a national of the United States who has declared his intention to become a citizen of the United States, and who has resided in the Territory for the required period, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he first declared his intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. Accumulated periods of residence in Alaska while engaged in seasonal activities do not qualify for resident privileges.

(t) *Nonresident.* A citizen or a national of the United States who has not maintained a bona fide residence in the Territory for a period of twelve months or for the extended period of three years, as the case may be, immediately preceding his claim for resident privileges, shall be considered a nonresident.

(u) *Alien.* Any person not a citizen or a national of the United States and who is not a resident or a nonresident of the Territory, as defined herein.

(v) *Camp.* An erected structure providing overnight shelter and equipped with bedding and messing facilities for the occupants.

(w) *Yearly bag limit.* The greatest number of a species permitted to be taken during the current license year (July 1 to June 30) in any area designated in this part as open to hunting or trapping.

(x) *Highway.* Any road supported or maintained by a governmental agency.

(y) *Fawn deer.* Spotted young deer of the year.

(z) *Antlerless deer.* Deer of either sex without antlers or having antlers not more than three inches in length (but not including fawns).

(aa) *Wildlife Management Units.* The twenty-six geographical divisions of the Territory described as follows:

Unit 1, Southeast Mainland. The southeast Alaska mainland from Dixon Entrance to Cape Fairweather and those islands lying east of Clarence Strait from Dixon Entrance to Caamano Point and all islands in Stephens Pass and Lynn Canal north of Taku Inlet.

Unit 2, Prince of Wales. Prince of Wales and all adjacent islands bounded by a line from Dixon Entrance in the center of Clarence, Kashevarof, and Sumner Straits, to and including Warren Island, in southeastern Alaska.

Unit 3, Petersburg-Wrangell. Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, Deer and all adjacent islands in southeastern Alaska.

Unit 4, Admiralty-Baranof-Chichagof. Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, Pleasant, and adjacent islands in southeastern Alaska.

Unit 5, Yakutat. The mainland drainage into the Gulf of Alaska between Cape Fairweather and Icy Cape.

Unit 6, Cordova-Valdez. That area draining into the Gulf of Alaska and Prince William Sound between Icy Cape and Cape Fairfield but not extending above Miles Glacier on the Copper River; and Kayak, Hinchinbrook, Montague and adjacent islands.

Unit 7, Seward. That part of the Kenai Peninsula which drains into the Gulf of Alaska between Pt. Fairfield and Pt. Gore; the drainage into the Kenai River upstream from the Chugach National Forest boundary and the drainage into Turnagain Arm east of the Chugach National Forest boundary to and including the Placer River drainage near Portage.

Unit 8, Kodiak-Shelikof. Kodiak, Afognak, Chirikof, the Semidi and all their adjacent offshore islands and that part of the Alaska Peninsula which drains into the Pacific Ocean between Cape Douglas to but not including Kujulik Bay; and adjacent islands.

Unit 9, Alaska Peninsula. That part of the Alaska Peninsula and adjacent mainland, which drains into the Pacific Ocean from and including Kujulik Bay to False Pass and into Bristol Bay from False Pass to Etolin Point on the eastern entrance to Nushagak Bay.

Unit 10, Aleutian Islands. The Aleutian Islands.

Unit 11, Wrangell Mts.-Chitina River. That area draining into the headwaters of the Copper River above the mouth of the Slana River and the area drained by all tributaries into the east bank of the Copper River between the mouth of the Slana River and Miles Glacier.

Unit 12, Upper Tanana-White River. That area drained by the Tanana River and tributaries upstream from the east bank of the Robertson River to the Alaska-Canada boundary and the White River and tributaries lying within Alaska.

Unit 13, Nelchina-Upper Susitna. That area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier to and including the Slana River; the drainage into the Delta River upstream from Clear Creek and Black Rapids Glacier; the drainage into the Nenana River upstream from the southeast corner of Mt. McKinley National Park near Windy; the drainages into the Susitna and Chulitna Rivers upstream from their junction; the drainage into the north bank of the Talkeetna River; and the drainages into the Matanuska and Chickaloon Rivers above their junction.

Unit 14, Anchorage. That area draining into the north side of Turnagain Arm west of the Placer River drainage; into Knik Arm except from above the junction of the Matanuska and Chickaloon Rivers; into the head of Cook Inlet east of the Susitna River, and into all tributaries into the east bank of the Susitna River upstream to the north bank of the Talkeetna River.

Unit 15, Kenai. That part of the Kenai Peninsula draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Pt. Gore to the Chugach National Forest boundary near Big Indian Creek and the drainage into the Kenai River downstream from the Chugach National Forest boundary.

Unit 16, Lower Susitna. That area draining into the west side of Cook Inlet from Cape Douglas northward to and including the Susitna River and its drainage from the west upstream to its junction with the Chulitna River.

Unit 17, Bristol Bay. That part of the mainland draining into Bristol Bay between Etolin Pt. west to Cape Newenham.

Unit 18, Yukon-Kuskokwim Delta. That area draining into the Yukon and Kuskokwim Rivers downstream from the Paimiut-Kalskag portage and into all streams flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak and adjacent islands.

Unit 19, McGrath. All of the drainage into the Kuskokwim River upstream from the Paimiut-Kalskag portage.

Unit 20, Fairbanks-Central Tanana. That area drained by the Tanana River and tributaries downstream from the east bank of the Robertson River to the east banks of the Toklat and lower Kantishna Rivers on the south, and to and including the Tolovana River drainage on the north but not including the headwater portions of the Nenena and Delta Rivers described as part of Unit 13; and the Ladue and Fortymile River drainages within Alaska.

Unit 21, Middle Yukon. That area draining into the Yukon River from the Paimiut-Kalskag portage upstream to but not including the Hess Creek drainage; the Koyukuk River upstream to and including the Dubil River drainage; and the Tanana River upstream to the Tolovana River drainage on the north and to the east banks of the lower Kantishna and Toklat Rivers on the south.

Unit 22, Nome. That part of the Seward Peninsula and adjacent mainland drained by all streams flowing into Kotzebue Sound, Bering Strait, and Norton Sound from but not including the Goodhope River drainage on the north to but not including the Pastolik River drainage on the south; King, Little Diomede, St. Lawrence, Sledge, Stuart, and adjacent islands.

Unit 23, Kotzebue Sound. That area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from Cape Lisburne on the north to and including the drainage into the Goodhope River on the south.

Unit 24, Koyukuk. That area drained by the Koyukuk River and tributaries upstream from but not including the Dubil River drainage.

Unit 25, Fort Yukon. The drainage into the Yukon River upstream from and including the Hess Creek drainage to the Alaska-Canada boundary.

Unit 26, Arctic Slope. That area drained by all streams and rivers flowing into the Arctic Ocean between Cape Lisburne and the Alaska-Canada boundary; and the Firth River drainage lying within Alaska.

LICENSES

§ 46.6 *General provisions.* Except as permitted in § 46.51, no person shall take, possess or transport game animals, wild fur animals (other than wolves and coyotes), game birds, or game fishes, or purchase or sell wild fur animals or parts thereof, or act as a guide in the Territory, unless he is in possession of a valid license, as required by the Alaska Game Law and regulations of the Commission thereunder (Part 161 of this chapter), bearing his signature written in ink on the face thereof, and he shall have his license on his person when taking such animals, birds, or fishes, or when acting as a guide, and shall produce it for inspection by any game management agent or other authorized person requesting to see it.

§ 46.7 *Application.* Each application for a license shall be made on the form prescribed by the Commission and if the application is made by mail it shall be accompanied by a bank draft or an express or postal money order payable to the U. S. Fish and Wildlife Service for the amount of the license fee.

§ 46.8 *Exemptions.* No license shall be required of native Indians and Eskimos, or of residents under the age of sixteen.

PERMITTED FOOD AND CLOTHING USES

§ 46.11 *Emergency use.* An explorer, prospector, traveler, Indian or Eskimo may, when in need thereof and other sufficient food is not available, take animals, birds (except migratory birds), or game fishes in any part of the Territory at any time for food; but he shall not transport or sell any animal, bird, game fish, or part thereof so taken.

§ 46.12 *Native use.* An Indian or Eskimo may take, possess, and transport, at any time, auks, auklets, guillemots, murres, and puffins, and their eggs for food, and their skins for clothing, for his own use and that of his immediate family.

ESCAPED ANIMALS AND BIRDS

§ 46.21 *Pursuit of escaped animals and birds.* Operators of licensed fur farms or game farms from which fur or game animals and game birds escape from captivity may conduct operations for the recapture of such escaped animals or birds through the use of legal trapping devices within a period of thirty days after the discovery of the escape. If such operations are conducted during the closed season on wild animals or birds of the same species, such operators shall immediately notify the nearest game management agent, in writing, of the numbers and kinds of escaped animals or birds, the kinds of devices being used in recapturing operations, and the locality where such operations are being conducted.

INSPECTIONS AND REPORTS [1]

§ 46.31 *Inspections.* Each fur dealer, including Indian or Eskimo cooperative stores operated exclusively by and for native Indians or Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, shall allow any member of the Commission, any game management agent, or any authorized employee of the Department of the Interior to enter at all reasonable hours and inspect the premises where operations are being carried on under the Alaska Game Law and the regulations thereunder, and to inspect the books and records relating thereto.

§ 46.32 *Reports by fur dealers.* Each fur dealer, including Indian or Eskimo cooperative stores operated exclusively by and for native Indians or Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, shall keep records showing the number and kind of each fur purchased or procured, the names of the persons from whom purchased and to whom sold, data of purchase or sale, name of trapper and his license number, and shall, on or before thirty days after the expiration of his license, make a written report to the Commission on a form furnished by it setting forth in full such data.

[1] The record-keeping requirements contained in the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 46.33 *Reports by hunters and trappers.* Each person taking animals or birds in the Territory shall keep records to show the kind and number of each species taken, and shall, at the time of renewal of his license, make a written report to the Commission of all game taken on a form furnished for that purpose.

§ 46.34 *Records retention period.* The records required to be maintained for the purpose of making reports under the regulations in this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

POSSESSION AND TRANSPORTATION

§ 46.41 *General provisions.* Game animals, wild fur animals, game birds, and game fishes, and parts thereof, taken in conformity with the season and bag and possession limits prescribed by the regulations in this part, and articles manufactured from such animals, birds, and fishes may be possessed within the Territory by any person, at any time, and may be transported within and exported out of the Teritory by any person, at any time, subject to the following restrictions and limitations:

(a) *Limitations with respect to animals killed to protect life or property.* Nothing contained in this section shall be deemed to authorizd the possession or transportation of game animals or wild fur animals killed in accordance with the provisions of the regulations in this part to prevent injury to persons or damage to livestock, poultry, or other property, and the skins or hides, and carcasses of any such animals so killed shall be surrendered upon demand to any game management agent or other official authorized to enforce the Alaska Game Law.

(b) *Possession of game.* No person may possess any dead game animal, game bird, game fish, or part thereof, not legally taken by himself unless he furnishes upon request of any official authorized to enforce the Alaska Game Law, a written statement of the name, address, and license or permit number of the person from whom such animal, bird, fish, or part thereof, was obtained.

(c) *Evidence of sex and identity.* (1) No person shall possess or transport any dead mountain goat or mountain sheep unless the horns accompany such animal.

(2) Whenever the taking of any big-game animal is restricted to the male sex during all or a portion of an open season, no person shall possess or transport the carcass of any big-game animal (irrespective of the time when taken) which does not have sufficient portions of the sex organs attached to indicate conclusively the sex of the animal. Nothing contained in this paragraph shall apply to the carcass of any big-game animal which has been cut and placed in storage for preservation, or otherwise prepared for consumption, upon arrival at the location where it is to be consumed.

(d) *Fur dealers.* No fur dealer shall possess or transport the skin of any wild fur animal, or part thereof, unless at the time of such possession or transportation he is licensed to carry on such business.

(e) *Beaver skins.* No skins of beavers, whether taken within or without the Territory shall be exported from the Territory until the same have been sealed with a Commission-prescribed seal, or possessed or transported by any person within the Territory until the same have been tagged or sealed with a Commission-prescribed tag or seal, except that persons taking beaver within the Territory may possess the untagged or unsealed skins thereof, during the open season therefor and for thirty days thereafter, and within the same period may transport the same untagged or unsealed for the purpose of having them tagged or sealed by a game management agent or other officer authorized by the Commission.

(f) *Transportation of skins.* Where skins of wild fur animals, black bear, hare or rabbit, or parts thereof, are shipped out of the Territory the shipper shall, if shipment is by express or freight, first deliver to the common, contract or private carrier, or his transportation agent at the point of shipment, or if by parcel post, to the postmaster at the point of mailing, a statement on a form prescribed by the Commission clearly showing the number and kind of skins in each shipment and declaring that no illegal skin or unsealed beaver skin is contained therein. Such statements shall be promptly forwarded to the Commission by the carrier, transportation agent or postmaster receiving them. Where such skins are transported out of the Territory by means other than express, freight, or parcel post the person transporting them shall make and forward a like statement to the Commission immediately prior to exporting such skins.

(g) *Export permits.* No person shall export from the Territory any game animal, game bird, trophy therefrom, or other part thereof, except in accordance with the terms of an export permit issued under the direction of the Executive Officer of the Commission. Such permit shall be obtainable from any game management agent or other officer designated by the Commission, upon payment of a fee of fifty cents (50¢), for each animal, bird, trophy therefrom, or other part thereof, and the Commission tags furnished with such permit shall be securely attached on the outside of each package in the shipment by the shipper at the point of origin and accompany it to final destination: *Provided*, That a licensed nonresident or alien hunter shall be permitted to export lawfully taken game birds and small-game animals, and not exceeding one season's bag limit, as applied to nonresidents or aliens, of big-game animals and polar bear by first obtaining from any game management agent or other officer designated by the Commission a permit to export same, for which no additional fee will be charged.

(h) *Marking of packages.* No package containing game animals, game birds, game fishes, parts thereof, or articles manufactured therefrom, shall be possessed or transported unless it has clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate and detailed statement of its contents and, if exported, the number and kind of permit as required by paragraph (g) of this section.

(i) *Bald eagles.* No bald eagle, part, nest or egg thereof may be exported to the United States or any of its territories except under permit authorized by the Act of June 8, 1940 (54 Stat. 250; 16 U. S. C. 668).

(j) *Migratory birds.* The possession and transportation of migratory birds are subject to such additional restrictions as may be imposed by the Migratory Bird Treaty Act regulations (Part 6 of this chapter).

(k) *Duties of transportation agents.* No common, contract or private carrier or transportation agent shall transport or accept for transportation out of the Territory, any game animals or game birds, or parts thereof, to which the Commission tags required by paragraph (g) of this section have not been attached, or any skins of wild fur animals, black bear, hare or rabbit, unless accompanied by the statement required by paragraph (f) of this section, which statement shall be promptly forwarded to the Commission. Such carrier or agent shall record the Commission tag numbers upon the shipping documents or other permanent records accompanying shipments of game animals or game birds, or parts thereof.

PURCHASE AND SALE

§ 46.51 *General provisions.* Purchases or sales of the following designated parts or products of game and fur animals, and game fishes may be made by any person, other than a fur dealer, without a permit or license, and by any fur dealer holding a valid fur dealer license.

(a) *Skins, hides, and meat.* Tagged or sealed skins of beaver; skins of other fur animals; skins of black bear; hides of deer, moose, and caribou; and the meat and skins of hare and rabbit.

(b) *Manufactured articles.* Articles manufactured from the hides and hoofs of moose, caribou, deer, and mountain goat, and from the skins of black bear.

(c) *Shed antlers.* Shed antlers of deer, moose, and caribou.

(d) *Strips of grizzly bear hides.* In Units 18, 22, 23, and 26, parka hood trimmings cut from hides of grizzly bear in strips not to exceed 4 inches in width.

(e) *Steelhead trout.* Steelhead trout taken in salt water incidental to commercial salmon-fishing operations.

(f) *Dolly Varden trout and Mackinaw or lake trout.* Dolly Varden trout taken in salt water and Dolly Varden and Mackinaw or lake trout taken in conformity with the provisions of § 46.121 (b).

(g) *Trout reared in captivity.* Trout reared in captivity for food purposes on

commercial fish farms within the Territory under permits issued pursuant to § 46.151 and trout so reared outside of and shipped into the Territory: *Provided*, That such trout must be accompanied by an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the total weight and number of each species in each lot of such fish.

LIVE ANIMALS, BIRDS, AND FISHES

§ 46.61 *Restrictions with respect to live animals, birds, and fishes.* No game or fur animals, game or nongame birds, or game fishes shall be taken alive, possessed, or transported except in accordance with the terms of a permit issued pursuant to § 46.161, but this section shall not preclude the importation, possession, or transportation of nongame birds in accordance with Part 9 of this chapter.

METHODS, SEASONS, AND LIMITS

§ 46.71 *General provisions.* The game and fur animals, game and nongame birds, and game fishes on which open seasons are prescribed in the succeeding sections of this part may be taken during such open seasons (dates inclusive), by the methods and means, in the designated open areas, and in numbers not exceeding the limits prescribed therefor, but not at any other time, by any other method, aid, or means; nor in any other areas or numbers: *Provided*, That no person while on any railroad or highway or within 100 feet of the centerline of any highway shall take any such birds or animals (except wolves and coyotes); nor shall such birds or animals (except wolves and coyotes) be taken from, on, or across any railroad or from, on, across, or within 100 feet of the centerline of any highway: *Provided further*, That when any person shall have taken game or fur animals equal to the yearly bag limit prescribed for any of the designated open areas within the Territory, he shall not again hunt or trap for the species so taken except in a designated open area where a greater yearly bag limit on such species is prescribed; and in no event shall the cumulative numbers of the species taken by him exceed the yearly bag limit prescribed for the respective area in which the additional game or fur animals are taken.

GAME ANIMALS

§ 46.81 *Methods and means.* Game animals may be taken only with a shotgun (not larger than No. 10 gauge and not capable of holding more than three shells), rifle or pistol (except those using rim-fire cartridges), or bow and arrow; but not with aid or use of a dog, machine or submachine gun, set gun of any description, or spear, pit, deadfall, fire, jacklight, searchlight or other artificial light, two-way radio communications, or artificial salt licks, or from or by means or aid of an aircraft, motor vehicle, motorboat, or any other boat except that propelled by paddle, oars, or pole; nor while such animals are swimming: *Provided*, That rabbits may be taken by snares not larger than No. 1, by rifles and pistols using rim-fire cartridges, and with the aid of a dog: *Provided further*, That no aircraft or motordriven vehicle shall be used for the purpose of driving, herding, or molesting big-game animals: *And provided further*, That no helicopter shall be used in any manner in the taking or transportation of game animals.

§ 46.82 *Seasons, limits and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of game animals shall be as prescribed annually in § 46.201.

FUR ANIMALS

§ 46.91 *Methods and means.* Fur animals may be taken by any means except by aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog, a fish trap or net, by setting any trap or snare within 25 feet of a beaver house or den or within 100 feet of a fox den, by use of smoke or chemicals, by destroying or disturbing houses, dens, dams, or runways of such animals: *Provided*, That mink and beaver may be taken only by means of a steel trap or snare only by persons who have attained the age of 11 years: *Provided further*, That snares larger than No. 1 are prohibited on the Kenai Peninsula, except in the taking of beaver: *Provided further*, That wolves and coyotes may be killed at any time by means of a bow and arrow, rifle, shotgun, or pistol, by any person permitted to carry firearms: *Provided further*, That no aircraft shall be used in taking fur animals, except as a means of transportation between a settlement or point of outfitting and a single base camp, and for locating, but not for taking, polar bear, and for the taking of wolves and coyotes by authorized predator-control agents or by persons conducting operations under authority of a permit: *Provided further*, That no helicopter shall be used in any manner in the taking or transportation of fur animals, including polar bear: *And provided further*, That land otter may not be taken with steel traps smaller than size 48 during any closed season on mink or marten within the same unit.

§ 46.92 *Permits to set traps during closed season on certain fur animals.* During the closed season on mink, land otter, weasel, fox, wolverine, lynx and marten, in the respective units, no person shall set, maintain, or attend traps for wolves or coyotes, or other fur animals upon which there is no closed season, without first procuring a permit issuable at the discretion of the Commission, authorizing him to do so. Applications for such permits shall be addressed to the nearest Fish and Wildlife Service field office and shall contain a statement of the nature, extent, and locality of the proposed operation and the species of animals to be taken.

§ 46.93 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of fur animals shall be as prescribed annually in § 46.251.

GAME BIRDS

§ 46.101 *Methods and means.* Grouse and ptarmigan only may be taken with a shotgun (not larger than No. 10 gauge and not capable of holding more than 3 shells), rifle, pistol, bow and arrow, or spear, or with the aid of a dog, but not from or by means of a motor vehicle. Any game bird protected under the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended, may be taken only in the manner, by the means, and at the times or places permitted by the regulations of the Secretary adopted pursuant to the terms of that act.

§ 46.102 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of game birds shall be as prescribed annually in § 46.301.

NONGAME BIRDS

§ 46.111 *Methods and means.* Nongame birds on which open seasons are prescribed in § 46.112 may be taken by any means except by the use of poison.

§ 46.112 *Species, seasons, and limits.* A continuously open season, with no limit on the numbers which may be taken, is prescribed on the following nongame birds and their nests and eggs: Crows, hawks, owls, golden eagles, ravens, magpies, and cormorants.

§ 46.113 *Bald eagles.* No open season. Bald eagles may be killed only when committing damage to fishes, other wildlife, domestic birds, and animals. No bald eagle so killed, or the carcass or any part thereof, including feathers, may be possessed or transported for any purpose.

GAME FISHES

§ 46.121 *Methods and means.* (a) Except as permitted in paragraph (b) of this section, game fishes may be taken only by angling with a single line held in the hand or attached to a rod so held, or fixed within sight of the owner when used for angling through the ice (in which case the fixed line shall be clearly marked with the name and address of the operator), but no line shall at any time have attached to it more than two flies or hooks, nor more than on plug, spoon, or spinner: *Provided*, That the use of snag or gang hooks is prohibited: *Provided further*, That Dolly Varden and Mackinaw or lake trout may be taken by use of gill net, trap or seine in all drainages into the Arctic Ocean north of Cape Krusenstern and in salt water; but no game fish may be taken by any means within 300 feet of any operating fish weir or fish ladder; nor in those portions of the lower Russian and Kenai Rivers which lie within 300 yards of the mouth of the lower Russian River; nor in waters where game-fish planting or restocking is being conducted and such waters are so designated by appropriately posted Alaska Game Commission signs.

(b) Commercial fishing for Dolly Varden and Mackinaw or lake trout may be conducted during the period December 1 through April 30 in the waters of Iliamna, Ugashik, and Becharof Lakes and their outlet rivers, the Nushagak and Chilkat river drainages, and in such additional waters as may be designated, from time to time, by the Director upon recommendation of the Commission, and announced by him through suitable publication subject to the following terms, conditions, and restrictions:

(1) Such fish may be taken by use of gill net, trap, or seine, but they may not be taken by any means within 300 feet of any operating fish weir or fish ladder.

(2) In addition to such fishing license as may be required by the regulations in this part or by other law, every person conducting operations under this paragraph shall possess a special commercial fishing permit issued without charge by the Administrator, and shall produce said permit for inspection by any member of the Commission, any game management agent, or any authorized employee of the Department of the Interior.

(3) Every person engaging in commercial-fishing operations in accordance with this paragraph shall maintain accurate records showing the numbers of each species of trout taken, the dates taken, and the names and addresses of the persons to whom sold or other means of disposition of trout so taken. Such records shall be preserved for a period of six months following the close of the commercial-fishing season prescribed in this paragraph and shall be produced at any reasonable time for inspection by any officer authorized to enforce the Alaska Game Law.

(4) Every person who shall sell Dolly Varden and Mackinaw or lake trout taken in accordance with this paragraph shall furnish to the purchaser at the time of sale an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the numbers of each species of trout sold. Such invoice or bill of sale shall constitute authority for the use, possession, resale, or transportation, within or without the Territory, of the trout therein described.

(c) The Director may shorten the commercial-fishing season prescribed in paragraph (b) of this section and impose further restrictions on the means, methods, and areas of fishing and on the catch of trout otherwise permitted to be taken thereunder whenever he shall determine that such measures are necessary to prevent undue depletion of game fishes. Any shortening of the season or restriction on the means and methods of fishing or on the catch of fish to be taken shall be effected through publication of an appropriate announcement in the FEDERAL REGISTER.

§ 46.122 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of designated species of game fishes shall be as prescribed annually in § 46.351.

RESERVES

§ 46.131 *National park or national monument.* Any national park or national monument is closed to the taking of all species of animals and birds except that (subject to laws and regulations applicable to areas administered by the National Park Service) specimens of animal life may be collected for scientific or educational purposes under permits issued as hereinafter provided in this part.

§ 46.132 *Reserves continuously closed on all animals and birds; exceptions.* A continuously closed season, except for scientific purposes when authorized by a permit issued in accordance with § 46.161, is prescribed on all species of game and fur animals, except wolves and coyotes, and on game and nongame birds in the following described reserves:

Birch Lake Reserve (near Fairbanks). On and within ½ mile of Birch Lake.

Eklutna Lake Reserve (near Anchorage). The entire drainage into Eklutna Lake and the Eklutna River above the mouth of Thunderbird Creek.

Harding Lake Reserve (near Fairbanks). On and within ½ mile of Harding or Salchaket Lake.

Highway Reserve. The area within 100 feet of the centerline of all highways.

Rainbow Reserve. The entire drainage into Turnagain Arm from the Potter Railroad station to the Alaska Railroad—Seward-Anchorage Highway crossing near Girdwood.

Tongass National Forest Reserve. Ward Lake area as described and posted by the U. S. Forest Service.

University of Alaska Reserve. Posted lands in the vicinity of the University of Alaska, the College and Farmers' Loop Roads, and the Steese Highway, within Secs. 27, 28, 29, 31, 33, 34, and 35, Twp. 1 N., R. 1; Sec. 36, Twp. 1 N., R. 2; Sec. 6, Twp. 1 S., R. 1; and Sec. 1, Twp. 1 S., R. 2; all west of the Fairbanks Meridian.

§ 46.141 *Reserves continuously closed to the taking of designated game and fur animals and game birds.* A continuously closed season, except for scientific or propagating purposes when authorized by permits issued in accordance with § 46.161, is prescribed for the designated species of game and fur animals and game birds in the following described reserves:

Anan Creek Reserve (in Unit 1). The drainage of Anan Creek on the Cleveland Peninsula. (Closed on black bear.)

Cooper Landing Reserve. Beginning at the Forest Service trail from Kenai Lake and running to Cooper Lake and following this trail to its confluence with upper Russian Lake; thence downstream along upper and lower Russian Lakes and Russian River to its confluence with Kenai River; thence north along the National Forest boundary line to Chickaloon River; thence easterly to Summit Lake on the Seward-Anchorage Highway; thence southerly and westerly along the Seward-Anchorage Highway and Kenai River Highway to Kenai Lake; thence southerly along the west side of Kenai Lake to the place of beginning. (Closed on mountain goat and mountain sheep.)

Denali Reserve. That part of Unit 13 lying north of the Denali Highway from and including the McClaren River drainage to a point 10 miles east of Cantwell. (Closed on all big-game animals.)

Eagle River Reserve (near Anchorage). The entire watershed of Eagle River upstream from the Anchorage-Palmer Highway. (Closed on mountain goat and mountain sheep.)

Juneau Reserve. The strip within ¼ mile of the mainland coast between Thane and Eagle River (near Juneau). (Closed on all fur animals.)

Kenai Peninsula Highway Reserve. A strip ½ mile wide on each side of all highways on the Kenai Peninsula. (Closed on all big-game animals.)

McNeil River Reserve (in Kamishak Bay). The entire watershed of McNeil River which empties into the head of Kamishak Bay in lower Cook Inlet. (Closed on brown and grizzly bear.)

Mitkof Island Reserve. From the steamer channel in Wrangell Narrows on the west, including that portion of Mitkof Island draining into Wrangell Narrows and Frederick Sound from Blind Point on the south to and including Sandy Beach on the north. (Closed on game animals, game birds, and beaver.)

Mount Hayes-Blair Lakes Reserve. Beginning on the Bonnifield Trail on the south bank of the Tanana River about 4 miles south of Fairbanks; thence southerly along said trail to Wood River; thence easterly to the mouth of the Little Delta River; thence up the east bank of the Little Delta River to the summit of Mt. Hayes; thence to a point on the Big Delta River due west of Donnelly Roadhouse; thence northerly along the west bank of the Big Delta River to the Tanana River; thence following the south bank of the Tanana River to the point of beginning. (Closed on all game animals, except black bear, hare and rabbit.)

Pack Creek Reserve (on Admiralty Island). The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor, containing approximately 21 square miles. (Closed on brown and grizzly bear.)

Sheep Mountain Reserve. Beginning at Caribou Creek Milepost 107 Glenn Highway; thence easterly along highway to Milepost 123; thence in a line going north to Squaw Creek; thence downstream to Caribou Creek and downstream to point of beginning. (Closed on mountain goat and mountain sheep.)

Southeastern Alaska Highway Reserve. A strip ¼ mile wide on each side of all highways in Southeastern Alaska. (Closed on all big-game animals.)

Steese Highway Reserve. The area lying within 5 miles of each side of the Steese Highway between Mileposts 102 and 112 on Eagle Summit. (Closed on caribou.)

Sullivan Island-Taiya Reserve. All of the drainage into Lynn Canal north of the latitude of Point Sherman in Southeastern Alaska. (Closed on deer.)

Thayer Mountain Reserve (on Admiralty Island). Beginning at the foot of the waterfall at the mouth of Hasselborg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselborg River to the outlet of Hasselborg Lake; thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along to the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselborg River, the place of beginning, containing approximately 60 square miles. (Closed on brown and grizzly bear.)

Tok River Reserve (in Mentasta Pass). A strip 1 mile wide on each side of the Slana-Tok Highway between Mileposts 80 and 100. (Closed on mountain sheep.)

EMERGENCY CLOSURES

§ 46.151 *Emergency closures.* If at any time during the open season it ap-

pears that lives and property may be seriously endangered through the taking of big-game animals in particular areas or excessive killing of big-game animals may result from the taking of such animals when concentrated near highways, the Director may close the affected area or areas to the taking of these animals for such periods as may be deemed necessary to alleviate the hazard to lives and property or to afford these animals additional protection on their annual migrations. The facts concerning the existence of an emergency condition in any area which requires the closing of the season and the period of time during which the season shall be closed will be ascertained by the Director and announced through publication in the FEDERAL REGISTER and by suitable posting in the area or areas where the emergency exists. Any period of time for which an emergency closure is effected may be shortened and the area or areas reopened to hunting by similar publication upon a finding that the particular emergency condition no longer exists.

PERMITS

§ 46.161 *General provisions.* The Administrator, upon recommendation of the Commission, may prescribe the terms and conditions of and issue permits authorizing the taking, possession, purchase, sale, exchange, or transportation, of such game and fur animals, game fishes, and game and nongame birds and their nests and eggs for scientific, propagating, educational, exhibition, or other limited purposes (including mounting, tanning, processing, or other preparation by a taxidermist), and for the protection of property as may be determined, from time to time, to be consistent with the proper conservation and development of the species. Any act authorized by a permit issued under this section shall be subject to any applicable law or regulation administered by any other Federal agency or by any agency or municipality of the Territory.

§ 46.162 *Carrying and exhibition.* Any permit issued under § 46.161 shall be carried by the permittee when taking, possessing, or transporting said animals, fishes, birds or their nests or eggs, and shall be exhibited to any game management agent or other authorized person requesting to see it.

§ 46.163 *Applications.* Applications for permits should be addressed to the Administrator, Alaska Wildlife Resources, Juneau, Alaska.

§ 46.164 *Reports.* Unless a different date is stated on the permit, reports of operations required under the terms of any permit shall be filed, in duplicate, on or before the 10th day of January following issuance of the permit with the Administrator, Alaska Wildlife Resources, Juneau, Alaska. The records required to be maintained for the purpose of making reports pursuant to the provisions of any permit shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

SCHEDULES

§ 46.201 *Seasons and limits on game animals.* Subject to the applicable provisions of the preceding sections of the regulations in this part, the game animals which may be taken, the areas open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game animals), the open seasons (dates inclusive), and the bag limits on game animals during the year beginning July 1, 1956 and ending June 30, 1957, are prescribed as follows:

Species and areas	Open seasons	Bag limits
Deer (except fawns)		
Unit 1 (except Sullivan Island-Taiya Reserve) Unit 5	Aug. 20–Nov. 26	3 bucks a year (3-inch antlers or longer).
Units 2, 3, and 4	Aug. 20–Nov. 26	3 bucks a year (3-inch antlers or longer) or 2 bucks a year (3-inch antlers or longer) and 1 antlerless deer: *Provided*, That the antlerless deer may be taken only during the period Nov. 13–Nov. 26.
Unit 6	Aug. 20–Nov. 26	2 bucks a year (3-inch antlers or longer) or 2 antlerless deer a year: *Provided*, That the antlerless deer may be taken only during the period Oct. 1–Nov. 26.
Unit 8	Aug. 20–Oct. 15	1 buck a year (3-inch antlers or longer).
Moose (bulls with forked antlers or larger)		
Unit 1	Sept. 15–Oct. 5	1 bull a year.
Unit 5	Aug. 20–Sept. 30	
Unit 7	Aug. 20–Sept. 20	
Units 9 and 17	Aug. 20–Sept. 30 and Dec. 10–Dec. 31	
Units 11, 13 (except Denali Reserve), 14 (except Rainbow Reserve), and 16	Aug. 20–Sept. 20 and Nov. 1–Nov. 30	
Units 12, 15, and 20	Aug. 20–Sept. 20 and Nov. 20–Nov. 30	1 bull a year.
Units 18, 19, 21, 22, 24, 25, and 26	Aug. 20–Sept. 30 and Nov. 20–Nov. 30	
Caribou (either sex)		
Unit 9	Aug. 20–Aug. 31 and Dec. 10–Dec. 31	1 a year.
Units 12, 13 (except Denali Reserve), 14, 16, 17, 19, 20 (except the Steese Highway Reserve). Units 21, 22, and those portions of Units 23, 24, and 25 south of the Arctic Circle.	Aug. 20–Dec. 31	2 a year.
Unit 26 and those portions of Units 23, 24, and 25 north of the Arctic Circle.	Aug. 20–Feb. 28	No limit.
Elk (forked antlers or larger)		
Unit 8	Sept. 1–Sept. 20	1 bull a year.
Mountain goat (except kids)		
Units 1, 3, 4 (except on Chichagof Island) Units 5 and 6 Unit 7 (except Cooper Landing Reserve)	Aug. 20–Nov. 26	2 a year.
Units 11, 13 (except Sheep Mountain Reserve) Unit 14 (except Eagle River Reserve), and 15	Aug. 20–Oct. 31	1 a year.
Mountain sheep (rams with ¾ curl horn or larger)		
Units 11, 12 (except Tok Reserve) Unit 13 (except Denali and Sheep Mountain Reserves). Unit 14 (except Eagle River Reserve) Units 16, 19, 20, and that portion of Unit 25 lying south of the Yukon River.	Aug. 20–Sept. 10	1 ram with ¾ curl horn or larger a year.
Units 21, 24, 26, and that portion of Unit 25 north of the Yukon River.	Aug. 15–Sept. 10	
Bison	No open season	No open season.
Brown and grizzly bear [1]		
Units 1, 4 (except Thayer Mountain and Pack Creek Reserves). Unit 5	Sept. 1–June 30	1 of either species a year.
Unit 8, that portion in the Kodiak National Wildlife Refuge and mainland coast.	Sept. 16–May 31	
Remainder of Unit 8 Unit 9	Sept. 1–June 20 Sept. 16–May 31	
Units 14 and 16 (except McNeil River Reserve)	Sept. 1–Mar. 31 and May 6–June 20.	
Units 6, 7, 11, 12, 13 (except Denali Reserve) Units 15, 17, and 18 through 26	Sept. 1–June 20	
Black Bear (including its brown, blue, or glacier bear color variations) [1]		
Units 1, 2, 3, 4, and 5	Sept. 1–June 30	2 a year.
Units 7 and 15	No closed season	3 a year.
Units 6, 8, 9, 11, 12, 13 (except Denali Reserve) Units 14 and 16 through 26	Sept. 1–June 20	3 a year.
Hare and rabbit		
Units 1, 2, 3, 4, and 5	Sept. 1–Apr. 30	5 a day.
Units 6 through 26	No closed season	No limit.

[1] *Provided*, That any bear may be killed at any time or place in the Territory when about to attack or molest persons or their property. Persons so killing such animals shall, within ten (10) days from the date of such killing, submit a written report to the Commission setting forth the time, place, and reason for such killing.

Species and areas	Open seasons	Bag limits
Grouse		
Units 1 through 17 Units 18 through 26	Aug. 20–Dec. 31 Aug. 20–Apr. 15	10 a day. 10 a day.
Ptarmigan		
Units 1 through 26	Aug. 20–Apr. 15	20 a day.
Migratory game birds [1]		
In the Territory	Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations.	

[1] The Migratory Bird Hunting Stamp Act of Mar. 16, 1934, as amended (16 U. S. C. 718), provides that no person over 16 years of age may hunt migratory waterfowl (ducks, geese, and swans) unless at the time of such taking he possesses an unexpired Federal migratory bird hunting stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

§ 46.251 *Seasons and limits on fur animals.* Subject to the applicable provisions of the preceding sections of the regulations in this part, the fur animals which may be taken, the areas open to the taking of such animals (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of fur animals), the open seasons (dates inclusive), and the bag limits on fur animals during the year beginning July 1, 1956, and ending June 30, 1957, are prescribed as follows:

Species and areas	Open seasons	Bag limits
Mink, marten, fox, lynx, weasel (ermine), and wolverine [1]		
Units 1 (except in the Juneau Reserve) Units 2, 3, and 4 (except for marten on Chichagof Island).	Dec. 15–Jan. 20	No limit.
Unit 6 (that portion west of the Copper River, except Montague Island). Units 5, 6 (that portion east of the Copper River). Unit 7 (except Kenai Reserve), Kodiak Island and marten on Afognak Island). Units 9 through 26	Nov. 20–Dec. 20 Nov. 16–Jan. 31	No limit. No limit.
Land otter [2]		
Unit 1 (except in the Juneau Reserve) Units 2, 3, and 4 Unit 6 (that portion west of the Copper River). Units 5, 6 (that portion east of the Copper River), and 7 through 26.	Dec. 15–Jan. 20 Nov. 20–Dec. 20 Nov. 16–Mar. 31	No limit.
White fox [1]		
Units 9, 17, 18, 22, 23, and 26	Dec. 1–Mar. 15	No limit.
Muskrat		
Units 1 through 5 Units 6 through 26	No open season Jan. 1–June 10	No open season. No limit.
Beaver		
Units 1, 2, 3, 4, 5, and 18 Units 6, 7, 11, 14, 15, 16, and the Kenyukik Fur Management Area within Unit 24.	No open season Feb. 1–Mar. 31	No open season. 20 a year.
Unit 12 Unit 17 (except all drainages to Bristol Bay south of 60° N. latitude).	Feb. 1–Mar. 31 Feb. 1–Mar. 31	5 a year. 10 a year.
Unit 8 Unit 9 (except all drainages to the Inside Ocean and Bristol Bay west of and including the Meshik River).	Mar. 1–Apr. 30	15 a year.
Units 19, 20 (except drainage of Chena River and tributary sloughs between the Little Chena and Tanana Rivers). Units 21, 22, 23, remainder of Unit 24, and 25	Feb. 1–Mar. 31	15 a year.
Wolf, coyote, marmot, and squirrel		
Units 1 through 26	No closed season [3]	No limit.
Polar bear		
Units 18, 22, 23, and 26	No closed season	3 a year for residents; 1 a year for nonresidents.

[1] *Provided*, That any fox or wolverine may be killed at any time when damaging property or about to molest domestic animals.

[2] *Provided*, That land otter may not be taken with steel traps smaller than size 48 during any closed season on mink or marten within the same unit.

§ 46.301 *Seasons and limits on game birds.* Subject to the applicable provisions of the preceding sections of the regulations in this part, the game birds which may be taken, the areas open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game birds), the open seasons (dates inclusive), and the bag limits on game birds during the year beginning July 1, 1956, and ending June 30, 1957, are prescribed as follows:

Species and areas	Open seasons	Bag limits
Ptarmigan		
In the Territory	Aug. 20–Apr. 15	20 a day.
Migratory game birds [1]		
In the Territory	Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations.	

[1] The Migratory Bird Hunting Stamp Act of Mar. 16, 1934, as amended (16 U. S. C. 718), provides that no person over 16 years of age may hunt migratory waterfowl (ducks, geese, and swans) unless at the time of such taking he possesses an unexpired Federal migratory bird hunting stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

§ 46.351 *Seasons and limits on game fishes.* Subject to the applicable provisions of the preceding sections of the regulations in this part, the open seasons (dates inclusive), daily bag and possession limits, and the areas in which rainbow, steelhead, cutthroat, eastern brook, Dolly Varden, and Mackinaw or lake trout, and grayling may be taken during the year beginning July 1, 1956 and ending June 30, 1957, are prescribed below: *Provided*, That there shall be no limit on Dolly Varden trout taken in salt water or in the drainages into Bristol Bay; nor in the coastal drainages of the Bering Sea and Arctic Ocean northward from St. Michael (except in the Nome, Snake, Flambeau, and Eldorado Rivers): *Provided further*, That there shall be no limit on Dolly Varden and Mackinaw or lake trout in any area where, and during the period when, these species are being taken by gill nets, traps, or seines under authority of a permit issued pursuant to § 46.121 (b):

Areas	Open seasons	Bag limits
Units 1, 2, 3, 4, 5, 6, 8, 18, 19, 21, 22, 23, 24, 25, and 26.	No closed season	15 fish but not to exceed 15 pounds and 1 fish daily. Possession limit: 2 daily bag limits.
Units 7, 12 (except Tangle and Fielding Lakes, the drainages thereof, and the Copper River watershed).	July 1–Mar. 31 and May 29–June 30	10 fish daily or in possession: *Provided*, That such limit may not contain more than 2 fish over 20" in length, and that no fish under 12" in length may be taken in the Chatanika and Big Delta Clearwater Rivers.
Units 14, 15, and 16: *Provided*, That fishing in Jewell, Hidden, and Falk Lakes is permitted only for persons under 16 years of age.		
Units 9, 10, 11, 13 (except Tangle Lakes, the drainages thereof, and the Copper River watershed in Unit 13-): *Provided*, That only hooks of ¾ inch or less gap measure are permitted in the outlet of Summit Lake (near Paxson) and for 1 mile downstream.	July 1–Apr. 30 and June 5–June 30	
Unit 17, all waters thereof, except Naknek River and waters of Naknek Lake within ½ mile of its outlet.	No closed season	
Units 10, 12, and 17	July 1–Mar. 31 and May 29–June 30	
Unit 9, Naknek River and waters of Naknek Lake within ½ mile of its outlet.		
Unit 20, all waters thereof, except Shaw Creek and the Tanana River for 3 miles below Shaw Creek: *Provided*, That fishing in stocked gravel pits along the Richardson Highway and in Fielding Lake may be permitted by persons under 16 years of age: *Provided further*, That only hooks of ¾ inch or less gap measure are permitted in the Salcha and Little Salcha Rivers.	No closed season	10 fish daily or in possession: *Provided*, That such limit may not contain more than 2 fish over 20" in length, and that no fish under 12" in length may be taken in the Chatanika and Big Delta Clearwater Rivers.
Unit 20, Shaw Creek and the Tanana River for 3 miles below Shaw Creek.	July 1–Mar. 31 and May 29–June 30	

A majority of the seasons prescribed herein are identical so far as opening dates are concerned with those previously prescribed and in effect immediately prior to the publication of this revision. With the exception of the seasons on game fishes prescribed by § 46.351, none of the opening dates prescribed herein, and which amend previously existing opening dates, will begin within a period of less than 30 days from the publication hereof. Since this revision of Part 46 does not affect materially privileges heretofore granted, it has been determined that, except for § 46.351 the revision may become effective when published under the provisions of the exceptions provided in section 4 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237). Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER, except § 46.351 which shall become effective 30 days from the date of such publication.

Issued at Washington, D. C., and dated July 10, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-5585; Filed, July 12, 1956; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-643; Rules Amdt. 2-23]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

In the matter of amendment to § 2.601 of Part 2 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration § 2.601 of Part 2 of its rules and regulations; and

It appearing that the proposed changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing that authority for this action is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 *Laws, Treaties, Agreements and Arrangements Relating to Radio.* (Corrected to July 1, 1956. Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

(a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Series [1]	Subject
1925	T. S. 724-A	Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed Sept. and Oct. 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767-A	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62. (Not available at the Government Printing Office.)
1929	T. S. 777-A	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)
1934		Communications Act of 1934, as amended.
1931	E. A. S. 62	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in T. S. 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 72	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 109	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedure established in the NARBA (T. S. 962, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this Agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1940. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938. (Not available at the Government Printing Office.)
1939	E. A. S. 143	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553.) (Not available at the Government Printing Office.)
1944	E. A. S. 400	Agreement between the United States and Canada regarding Construction and Operation of Radio Broadcasting Stations in Northwestern Canada. Effected by exchange of notes signed at Ottawa Nov. 5, and 25, 1943, and Jan. 17, 1944. Entered into force Jan. 17, 1944. (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946. (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb. 25, 1946. Entered into force Mar. 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc) (TIAS 1802 which entered into force Apr. 1, 1948). (Not available at the Government Printing Office).
1947	TIAS 1652	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1670	Interim Arrangement between the United States and Canada with respect to Mobile Radio Transmitting Stations. Effected by exchange of notes signed at Washington, D. C., June 25, and Aug. 20, 1947. Entered into force Aug. 20, 1947. Canceled conditionally by exchange of notes signed at Washington, D. C., Mar. 9 and 17, 1953 (published as TIAS 3138). (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

Date	Series [1]	Subject
1932	TIAS 2594	Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa Apr. 23, 1952, and June 23, 1952. Entered into force June 23, 1952. (Not available at the Government Printing Office).
1952	TIAS 2654	Amendment to TIAS 2508. Amends the Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian Border. Signed at Mexico June 4 and 25, 1952. Entered into force June 25, 1952.
1952	TIAS 2690	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 18, 1954. (Not available at the Government Printing Office.)
1952	TIAS 2705	Loran Agreement. Agreement relating to the Establishment of Loran Stations between the United States and Canada and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.
1952	TIAS 2956	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States Jan. 27, 1963.
1953	TIAS 3138	Understanding between the United States and Canada relative to Mobile Radio Transmitting Stations providing for conditional cancellation of Interim Arrangement of June 25 and August 20, 1947 (published as TIAS 1670). Retains the sealing requirement as regards radio transmitting equipment which is installed in U. S. vehicles entering Canada except for equipment covered in "Convention between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country" signed at Ottawa, Feb. 8, 1951" (published as TIAS 2486). Effected by exchange of notes signed at Washington, D. C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1955	TIAS 3395	Agreement between the United States and Iceland regarding the Registration of Frequencies Used in Iceland. Signed at Washington, Dec. 22, 1955. Entered into force by exchange of notes dated Mar. 1 and Apr. 23, 1956. Entered into force Apr. 23, 1956. (Not available at the Government Printing Office.)
1956		Agreement between the United States and Libya regarding the Registration of Frequencies Used in Libya by United States Authorities. Effected by exchange of notes dated Mar. 1 and Apr. 23, 1956. Entered into force Apr. 23, 1956. (Not available at the Government Printing Office.)

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Series [1]	Subject
1912	T. S. 581	International Radiotelegraph Convention. Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington, Nov. 25, 1927. Entered into force Jan. 1, 1928. (Not available at the Government Printing Office.)
1932	T. S. 867	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force Jan. 1, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. Entered into force July 1, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 26, 1940 (E. A. S. 233). (Not available at the Government Printing Office.)
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention. Entered into force Sept. 1, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 231	Inter-American Radio Agreement between the United States, Canada, and the United States of Mexico (Fourth Inter-American Radio Conference.) Signed at Mexico City, Mexico, March 29, 1940. Entered into force with respect to the United States June 26, 1941. Replaced by the Inter-American Radio Agreement signed at Washington, D. C., July 9, 1949 (TIAS 2489). (Not available at the Government Printing Office.)
1947	TIAS 1901	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force with respect to the United States Dec. 31, 1947. Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 2956). This printing contains also the Radio Regulations and other documents still in force. (Not available at the Government Printing Office.)

Date	Series [1]	Subject
1947	TIAS 1676	Agreement between the United States and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.) (Not available at the Government Printing Office.)
1947	TIAS 1726	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r.f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1901	International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations which by TIAS 2760 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing contains also the International Telecommunication Convention, Atlantic City, 1947, which is superseded by the International Telecommunication Convention, Buenos Aires, 1952. The printing does not contain the Additional Radio Regulations signed at Atlantic City which does not contain the Additional Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)
1948	TIAS 1872	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc). Effected by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)
1948	TIAS 2495	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	TIAS 2175	Telegraph Regulations (Paris Revision, 1949) annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 29, 1950.
1949	TIAS 2435	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Oct. 1, 1950. This Agreement was amended by TIAS 2705 which was effective Oct. 1, 1952.
1949	TIAS 2489	Inter-American Radio Agreement between the United States and Canada and Other American Republics.[2] (Fourth Inter-American Radio Conference.) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 18.
1950	TIAS 2493	Agreement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	TIAS 2223	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2508	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in other country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952. (Not available at the Government Printing Office.)
1951	TIAS 2259	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo May 12 and 14, 1951. Entered into force May 14, 1951.
1951	TIAS 2366	Agreement between the United States and Mexico which assigns Television Frequency Channels to cities within 250 miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10 and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City June 4 and 25, 1952.)
1951	TIAS 2459	Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	TIAS 2733	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the provisions of the Geneva, 1951, Revision of the Radio Regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952.
1952	TIAS 2530	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Havana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952. Replaces agreement of Jan. 16 and 17, 1950.
1952	TIAS 2548	Agreement between the United States and Denmark regarding the Registration of Frequencies Used in Greenland by United States Authorities. Effected by exchange of notes signed at Washington, D. C., Mar. 25 and Apr. 4, 1952. Entered into force Apr. 4, 1952.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

[2] In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 At Washington, D. C. on July 9, 1949. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

(c) The following agreement has been signed by the United States and is included because of its importance or of the imminence of its effective date:

Date	Series [1]	Subject
1950	----------	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State, Telecommunications Division, Washington 25, D. C.)

[1] TIAS—Treaties and Other International Acts Series.

(d) There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Series [1]	Subject
1944	TIAS 1591	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present	----------	ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946	----------	ICAO Communication Division, Second Session, Montreal.[2]
1949	----------	ICAO Communication Division, Third Session, Montreal.[2]
1951	----------	ICAO Communication Division, Fourth Session, Montreal.[2]
1954	----------	ICAO Communication Division, Fifth Session, Montreal.[2]

[1] TIAS—Treaties and Other International Acts Series.
[2] Not available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University St., Montreal, Canada.

[F. R. Doc. 56-5531; Filed, July 12, 1956; 8:46 a. m.]

[Docket No. 11460; FCC 56-627]

[Rules Amdt. 3-18]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of §3.606, *Table of assignments*, rules governing television Broadcast stations (Alamosa, Colorado).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 15, 1955, and published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5208), proposing to shift Channel 3 from Pueblo, Colorado to Alamosa, Colorado, in response to the petition of Star Broadcasting Company, Inc.

2. No comments opposing the proposed amendment have been filed. Star Broadcasting Company, Inc. filed comments in support of the requested amendment in which it is urged that the assignment of Channel 3 to Alamosa would fully comply with the Commission's minimum mileage separation requirements and provide a first television service for Alamosa and its surrounding area with a total population of approximately 50,000 persons; that Alamosa is presently isolated from any existing VHF or UHF television service; that the nearest operating UHF stations are more than 450 miles away and that there are no applications or authorizations for UHF stations in Colorado including Channel 19 which is presently assigned to Alamosa, or the contiguous states of New Mexico, Arizona, Utah, Idaho, Wyoming or Nebraska; and, further, that the rugged terrain and low population density in the area make UHF operation completely unfeasible.

3. It is also argued that the VHF assignments nearest to Alamosa are in Pueblo, approximately 88 miles from Alamosa; that even with maximum power and an antenna height of 2,000 feet above average terrain, a Pueblo station could not place a Grade B signal over Alamosa, particularly in view of the fact that Pueblo is separated from Alamosa by the Sangre de Cristo Mountain range.

4. Petitioner also urges that in view of the fact that Pueblo now receives service from VHF stations in Pueblo and Colorado Springs, there is no likelihood that additional applications will be made for television facilities in Pueblo in the foreseeable future; that Station KDHA-TV, which operated on Channel 3 in Pueblo from March 1953 to April 1954, relinquished its construction permit in September 1954 and; that there have been no other applications for channels now assigned to Pueblo.

5. The Commission is of the view that the assignment of Channel 3 to Alamosa would serve the public interest by making more effective use of available television facilities. It would provide a new television service in conformance with the rules and standards.

6. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Pueblo, Colo	5, *8, 28+, 34—
Alamosa, Colo	3—, 19+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5532; Filed, July 12, 1956; 8:46 a. m.]

[Docket No. 11495; FCC 56-628]

[Rules Amdt. 3-19]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955 (FCC 55-894), and published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6562). The Notice was issued in response to the mutually exclusive petitions of Aaron B. Robinson, Greenwood Broadcasting Company and Lamar Life Broadcasting Company, respectively, requesting the Commission to institute rule making proceedings to amend the Table of Television Assignments to shift Channel 6 from Clarksdale to Indianola, Greenwood, or Cleveland-Ruleville, Mississippi. Alternatively, Lamar Life Broadcasting Company requests that Channel 6 be transferred to an area bounded by lines drawn between the communities of Cleveland-Ruleville, Greenwood and Indianola.

2. Comments in support of their respective proposals were filed by each of the petitioners. Comments opposing the transfer of Channel 6 from Clarksdale were filed by the Coahoma County Chamber of Commerce.

3. In support of his request to assign Channel 6 to Indianola, Aaron B. Robinson urges that it would provide a television service to an area of 7,850 square miles and a population of 430,000 people, of whom 386,500 within a radius of 50 miles are without service, whereas within the same radius around Clarksdale 44 percent of the population would receive one or more services; and that the area is of such economic importance as to warrant and be able to support a television station. With respect to the other proposals, Robinson urges that his proposal is to be preferred since it would provide a "city-grade" service of 74 dbu within a radius of 28 miles, assuming a power of 100 kw and an antenna height of 1,000 feet, to a greater population than would an assignment at Greenwood or Cleveland-Ruleville; that such a station would place a 74 dbu signal over Greenville, Greenwood, and Cleveland-Ruleville whereas a station at Cleveland-Ruleville would not so cover Greenwood or Greenville; that the priorities would be better served if the station is at Indianola; and that the other proposals would result in only one assignment in Clarksdale since neither of the other parties have proposed a replacement for Channel 6 at Clarksdale.

4. Greenwood Broadcasting Company urges that Greenwood is located in the heart of the northwestern section of the state and is the largest retail and wholesale center in the Mississippi Delta area; and that it is an important population, industrial and trade area and includes Indianola in its general retail and wholesale trade area.

5. Lamar Life Broadcasting Company urges that the cities of Cleveland and Ruleville are centrally located in the area in which Channel 6 can be assigned and with respect to the four markets of Memphis, Jackson, Little Rock, and Monroe in which there are operating TV stations. Lamar suggests that it would be desirable that Channel 6 be used for an area station and that it therefore be assigned to the area bounded by lines joining the cities of Cleveland, Ruleville, Greenwood and Indianola.

6. The Coahoma County Chamber of Commerce opposed the above three petitions and urged that Channel 6 be retained in Clarksdale. It urged that the elimination of this asignment would preclude the possibility of a local television outlet; that the area has VHF sets installed to receive signals from the Memphis area and hence an intermixture of VHF and UHF in this area would spell the death knell for future television there; that it is possible for several UHF stations to be operated in the Greenwood, Indianola, Cleveland, Ruleville, area thus making it an all UHF area; that Clarksdale is one of the largest and most important cities in the Delta region and a station at Clarksdale would serve practicaly all of the area in question; that the Commission should not change the Table of Assignments merely because the channel involved has not been applied for; and that it has been advised that interested parties are contemplating an application for Channel 6 in Clarksdale.

7. The first question to be determined is whether the Channel 6 assignment should be moved from Clarksdale. The Coahoma County Chamber of Commerce states that it is advised that interested parties are contemplating an application for a station to operate on Channel 6 in Clarksdale. However, no applications therefor have been received by the Commission during the more than three years that the channel has been assigned to Clarksdale. On the other hand, the petitioners have each represented to the Commission that they will file an application for a station to operate on Channel 6 if their respective proposals are approved. The Commission does not believe that it would be justified in withholding action which would bring additional television service to a significant number of people. Refusing to make use of this valuable VHF frequency would, we believe, be a waste of valuable spectrum space for which active demand is indicated. We must therefore determine which of the conflicting proposals is to be preferred.

8. Upon careful consideration of all the comments and evidence submitted in this proceeding, we have concluded that the public interest would be best served by assigning Channel 6 to Greenwood, Mississippi. A station at Greenwood would provide Grade B or better service to all of the communities here under consideration, including Clarksdale and Greenville. At the same time it would provide an outlet for local expression to a significantly greater number of people than would an assignment to Cleveland-Ruleville or Indianola.

9. We find no merit in the argument advanced by Aaron B. Robinson that his proposal is to be preferred since it would provide a "city-grade" service to a greater population than would an assignment at Greenwood or Cleveland-Ruleville. While it is true, as contended by Robinson, that a station at Indianola would place a 74 dbu signal over Greenville, Greenwood and Cleveland-Ruleville whereas a station at Greenwood would not provide such service to Greenville or Cleveland and a station at Cleveland-Ruleville would not so cover Greenwood or Greenville, a station located in one of the three communities would provide Grade B service to substantially the same number of persons.

10. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Clarksdale, Miss	32
Greenwood, Miss	6, 24+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5533; Filed, July 12, 1956; 8:47 a. m.]

[Docket No. 11496; FCC 56-629]

[Rules Amdt. 3-20]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations (Marquette, Michigan).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955 (FCC 55-895), and published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6563) proposing to amend the Commission's Table of television channel assignments by adding Channel 13 to Marquette, Michigan. It was proposed to accomplish this assignment by substituting Channel 5 for Channel 13 at Calumet, Michigan.[1]

2. No comments opposing the proposed amendment have been filed. Channel 13 in Marquette would provide facilities for affording an additional television service to the Marquette area. This assignment can be accomplished in complete conformity with the Commission's rules and Standards. The Commission believes that the public interest would be served by finalizing this assignment.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing; *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Marquette, Mich	6—, 13+, 17, *35
Calumet, Mich	5

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5534; Filed, July 12, 1956; 8:47 a. m.]

[Docket No. 11612; FCC 56-635]

[Rules Amdt. 3-21]

PART 3—RADIO BROADCAST SERVICES

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations (Clarkston, Washington).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on January 13, 1956 (FCC 56-46), and published in the FEDERAL REGISTER on January 19, 1956 (21 F. R. 375), proposing to amend the Commission's Table of Television Assignments by adding Channels 34 and 40 to Clarkston, Washington.

2. Comments in support of the proposal were submitted by several local organizations.[2] They urge that Chan-

[1] Commissioner Bartley dissenting and voting for an area assignment; Commissioner Lee not participating; Commissioner Craven abstaining from voting.

[1] The instant rule making proceeding was initiated upon the petition of Lake Superior Broadcasting Company, Marquette, Michigan. After the Notice was adopted, Lake Superior advised the Commission that it had acquired a television station in Marquette and no longer desired to prosecute its rule making petition. Nevertheless, the Commission believes that the assignment of Channel 13 in Marquette would serve the public interest and should be finalized.

[2] IWA—Local 10-364, Lewiston Valley Grange #300, VFW Post #1443, Clarkston Lions Club, Asotin Lions Club, VFW Post #16043, Paper Makers Local A 1608 and I. B. P. S. & M. W. Local #712.

nels 34 and 40 should be assigned to Clarkston in order that three free television services will be available in the area.

3. Lewiston TV Co., permittee of Station KLEW-TV in Lewiston, Idaho, opposes the proposal. Lewiston states that if the channels are assigned as proposed, they will be employed for the purpose of establishing satellites. Lewiston urges that satellite stations should not be authorized where an established television station in the area would be placed in jeopardy. They note that Clarkston already receives service from Station KLEW–TV and that a community antenna system brings the signals of three Spokane stations into the area.

4. The assignment of Channels 34 and 40 can be accomplished in Clarkston in conformity with the Commission's engineering requirements. The addition of these frequencies in the Clarkston area would make possible the bringing of additional television service. The question as to the use of these frequencies for satellite operation and the effect such operation might have on KLEW–TV can be more appropriately considered in connection with applications that may be filed for the channels and need not be determined in this rule making proceeding.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended by the addition of the following community and its channel assignments:

City:	*Channel No.*
Clarkston, Wash.	34+, 40+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5535; Filed, July 12, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54131]

PART 74—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTERNATIONAL PHOTOGRAPHIC EXPOSITION AT WASHINGTON, DISTRICT OF COLUMBIA, UNDER PUBLIC LAW NO. 513, 84th CONGRESS [1]

The following regulations under Public Law No. 513, 84th Congress, approved May 9, 1956, relate to the entry of articles in connection with the International Photographic Exposition to be held at Washington, District of Columbia, March 18 to April 4, 1957.

Sec.
74.1 Invoices; marking; bond
74.2 Entry; appraisement; procedure
74.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act
74.4 Detail of customs officers to protect revenue; expenses
74.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment

AUTHORITY: §§ 74.1 to 74.5 issued under sec. 6, Pub. Law No. 513, 84th Cong.

§ 74.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 513, 84th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481.)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The Master Photo Dealers and Finishers Association shall give to the collector of customs at Baltimore, Maryland, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 513, 84th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 74.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Washington, District of Columbia, in the name of the Master Photo Dealers and Finishers Association, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the Master Photo Dealers and Finishers Association to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Washington, D. C., shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Washington, D. C., of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

no additional duty shall be assessed such articles were not sufficiently marked when imported into the United States.

"SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

"SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition under such regulations as the Secretary of the Treasury shall prescribe.

"SEC. 6. The association shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this Act, shall be reimbursed by the association to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipt from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524)."

[1] "Any article which is imported from a foreign country for the purpose of exhibition at the International Photographic Exposition (hereinafter in this Act referred to as the 'exposition'), to be held at Washington, District of Columbia, from March 18 to April 4, 1957, inclusive, by the Master Photo Dealers and Finishers Association, a nonprofit membership corporation (hereinafter in this Act referred to as the 'association'), or for use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

"SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

"SEC. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but

ENTRY FOR EXHIBITION

Entry No. .....

Entry at the port of Washington, D. C., of articles consigned or transferred to the Master Photo Dealers and Finishers Association under ..... I. T. No. ....., ex S. S. .....
from ..... on the ..... day of ..... 19....., for exhibition purposes under Public Law No. 513 of the 84th Congress, approved May 9, 1956.

Mark	Number	Package and contents	Quantity	Invoice value

MASTER PHOTO DEALERS AND FINISHERS ASSOCIATION,

By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 74.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (c) of this section shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of this chapter.

§ 74.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151–164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 74.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Baltimore, Maryland, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Master Photo Dealers and Finishers Association to the Government, payment to be made monthly to the collector of customs, Baltimore, Maryland, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 74.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this Part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidential handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 513 of the 84th Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 2, 1956.

DAVID W. KENDALL
Acting Secretary of the Treasury.

[F. R. Doc. 56–5569; Filed, July 12, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF EXEMPTION FROM NECESSITY OF TOLERANCE FOR RESIDUES OF AMMONIA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Regents of The University of California, Berkeley 4, California, proposing that the pesticide chemical ammonia be exempted from the requirement of a tolerance when applied after harvest to grapefruit, lemons, and oranges.

Analytical methods proposed in the petition for determining residues of ammonia as ammonia nitrogen, urease nitrogen, and total nitrogen are the standard Kjeldahl methods reported in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Eighth Edition, 1955.

Dated: July 9, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–5565; Filed, July 12, 1956; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF COMB HONEY

EXTENSION OF TIME TO FILE VIEWS DATA OR ARGUMENTS

Proposed revised United States Standards for Grades of Comb Honey were set forth in a notice which was published in the FEDERAL REGISTER on April 24, 1956 (21 F. R. 2627).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until February 28, 1957, of the period of time within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revised United States Standards for Grades of Comb Honey.

Dated: July 9, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-5561; Filed, July 12, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11497; FCC 56-630]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments,* rules governing television broadcast stations.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955, concerning the proposal of Artesia Broadcasting Company to shift Channel 10 from Roswell, New Mexico, to Artesia, New Mexico.

2. Roswell, with a population of 25,300 persons presently has three TV channels, Channels 3, 8 and 10, Channel 3 being reserved for education. Station KSWS-TV operates on Channel 8. No applications have been filed for an educational station on Channel 3. On October 7, 1955, Taylor Broadcasting Company filed an application for a station on Channel 10 (BPCT-2043). Artesia, located some 45 miles south of Roswell, has a population of 8,244 persons and one UHF channel, Channel 21, is assigned. No applications have been filed for this frequency.

3. Artesia Broadcasting Company filed a comment in support of its proposal to shift Channel 10 from Roswell to Artesia. Artesia Broadcasting Company urges that Artesia is an important industrial, population and cultural center and that the assignment of Channel 10 to this community will bring a television service to an area without adequate service. It is argued that operation on UHF Channel 21 would not be feasible in view of the approaching saturation of the area by VHF receivers. Artesia Broadcasting Company represents that it will file an application for this assignment if Channel 10 is assigned to Artesia.

4. Taylor Broadcasting Company, licensee of AM station KBIM in Roswell, filed an opposition to the proposed shift of Channel 10 to Artesia. On October 7, 1955, Taylor filed an application for a station on Channel 10 in Roswell (BPCT-2043. Taylor submits that Artesia receives good television service from a station in Roswell and notes that a construction permit has been granted for a VHF station in Carlsbad, New Mexico, and that Artesia will also receive service from this station. It is argued, therefore, that Artesia will receive two VHF services, while Roswell, a much larger community, presently only gets good television service from one station. Taylor contends that Roswell's viewing and listening audience is much larger than census figures indicate since the figures do not include the population of the Walker Air Force Base, 5 miles from Roswell, which has about 9,000 people and New Mexico Military Institute, also located at Roswell.

5. In reply, Artesia Broadcasting Company argues that even though Taylor has filed an application for Channel 10 in Roswell, section 307 (b) of the Communications Act requires that the channel be reassigned to Artesia to provide a local service in each city.

6. The Commission believes that the public interest would be served by retaining Channel 10 in Roswell, a city of over 25,000 persons. We do not believe that Channel 10 should be deleted from a community of this size in order to provide a frequency for Artesia, a community of less than 9,000 persons. Channel 21 as assigned to Artesia and this community will receive service from stations in other communities. We believe that a second commercial VHF channel in Roswell is to be preferred to a first VHF station in Artesia. At the time the Commission issued its Notice of Proposed Rule Making in this proceeding, no application had been filed for Channel 10 in Roswell. Since our Notice, however, a demand for this frequency has been indicated by the filing of such an application. In view of the foregoing, we believe that Channel 10 should be retained in Roswell.

7. *It is ordered,* That the aforesaid petition of Artesia Broadcasting Company, Inc., is denied, and this proceeding, is terminated.

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5536; Filed, July 12, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11766; FCC 56-631]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Youngstown, Ohio and New Castle, Pa.).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 19, 1956, by Sanford A. Schafitz and Guy W. Gulley d/b as Community Telecasting Company requesting the Commission to amend the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Youngstown, Ohio	21-, 27, 73-	21-, 27, 33
Pittsburgh, Pa.	2-, 11, 13-*, 16, 47-, 53+	2-, 11, 13*, 16, 22, 53+
Clarksburg, W. Va.	12+, 22, 69-	12+, 69-, 79+

3. Community Telecasting Company is authorized to operate television Station WXTV on Channel 73 in Youngstown. In support of its petition, Community Telecasting alludes to the problems inherent in the operation of television stations on the higher UHF channels in light of difficulties in obtaining proper equipment, network and advertiser reluctance in utilizing such stations, and competition with other stations in the community on lower assignments. Community Telecasting urges that no other stations would suffer loss of service as a result of its proposal and that proposed assignments would comply with the minimum spacing requirements. Since petitioner's proposal would substitute Channel 33 for its present authorized frequency, it requests that it be ordered to show cause why its outstanding authorization should not be so modified. In addition, Station WTVQ is authorized to operate on Channel 47 in Pittsburgh and Community Telecasting requests that this station also be ordered to show cause why its authorization should not be modified to specify operation on Channel 22, which would replace Channel 47 in Pittsburgh under petitioner's proposed amendment.

4. The Commission has previously denied in a rule making proceeding (Docket No. 11280) a request by WKST, Inc., to shift the operation of its station on Channel 45 from New Castle, Pennsylvania, to Youngstown, Ohio. (See Report and Order of January 13, 1956, FCC 56-45.) However, upon reconsidering this matter on its own motion, the Commission is of the view that further rule making proceedings should be instituted to consider the request of WKST, Inc. Three alternative plans have been advanced to accomplish the change in assignment, as follows:

City	Plan I	
	Present	Proposed
Youngstown, Ohio	21-, 27, 73-	21-, 27, 45-, 73-
New Castle, Pa.	45-	33
Pittsburgh, Pa.	2-, 11, 13*-, 16, 47-, 53+	2-, 11, 13*-, 16, 22, 53+
Clarksburg, W. Va.	12+, 2, 69-	12+, 69-, 79+
	Plan II	
Youngstown, Ohio	21-, 27, 73-	21-, 27, 45-, 73-
New Castle, Pa.	45	51+
Wheeling-Steubenville, W. Va.	7, 9+, 51+	7, 9, 22
Clarksburg, W. Va.	12+, 22, 69-	12+, 69-, 79+
Meadville, Pa.	37	[1] 62+
	Plan III	
Youngstown, Ohio	21-, 27, 73-	21-, 27, 45-, 73-
New Castle, Pa.	45-	55-
Akron, Ohio	49+, 55*-, 61+	49+, 61*, 71-

[1] This plan would require a change in the offset carrier requirement for Frederick, Md., from Channel 62 plus to Channel 62 even.

5. WKST is presently authorized to operate as a New Castle station. In order to implement its proposal it would be required to shift the operation of its station to Youngstown. Under Plan I, Channel 22 would replace Channel 47 in Pittsburgh. Golden Triangle Television Corporation is authorized to operate Station WTVQ on this frequency and would be required to show cause in this proceeding why its authorization should not be modified to specify Channel 22. Under Plan II, Channel 22 would replace Channel 51 in Wheeling-Steubenville. Polan Industries is authorized to operate Station WLTV on this frequency, and would be required to show cause in this proceeding why its authorization should not be modified to specify Channel 22.

6. Plans I and II above conflict with the request of Community Telecasting for Youngstown since Plan I would assign Channel 33 to New Castle and Community Telecasting's proposal would employ this channel in Youngstown; and since in Plan II channel 22 would be assigned to Wheeling-Steubenville, while Community Telecasting would assign this frequency to Clarksburg.

7. The Commission believes the public interest would be served by considering the above conflicting requests in a rule making proceeding in order that all interested parties may submit their views with respect to these proposals to the Commission. Parties are also requested to direct their comments to the question of whether either Channel 33 or Channel 45 should be assigned to Youngstown-New Castle as a hyphenated community.

8. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

9. Any interested person who is of the view that the proposals herein should not be adopted may file with the Commission on or before September 10, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

10. The various rule making proposals would change channel asignments of authorized television stations. However, the Commission does not believe that show cause orders should be issued at this time to be considered in this rule making proceeding. At the conclusion of the rule making proceeding when the Commission has determined what, if any, changes in channel assignments should be made, such additional proceedings as may be necessary in light of changes to authorized stations can be undertaken.

11. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5537; Filed, July 12, 1956; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11767; FCC 56-632]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast stations (Elk City and Woodward, Oklahoma).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on August 11, 1955, by Video Independent Theatres for amendment of the Table of Assignments in § 3.606 of its rules and regulations by shifting Channel 8+ from Woodward, Oklahoma, to Elk City, Oklahoma, and susbtituting Channel 35+ in Woodward.

3. In support of the proposed amendment, petitioner notes that there are no pending applications for a television station in either Elk City or Woodward and that the assignment of Channel 8+ to Elk City and Channel 35+ to Woodward, in the manner proposed, would meet all separation requirements of the Commission. Petitioner states that Elk City is located in Beckham County, which has a population of 21,627 persons and that Woodward is located in Woodward County, which has a population of 14,383 persons. It is argued that Beckham County is the more thickly populated and economically active. Petitioner represents that if Channel 8 is assigned to Elk City, it will apply for a station in that community.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views, and that the Commission may be apprised of such views prior to taking further action.

5. Authority for the issuance of the instant Notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the view that petitioner's proposal herein should not be adopted may file with the Commission on or before August 31, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5538; Filed, July 12, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11768; FCC 56-634]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations. (Anderson, Indiana, Indianapolis, Indiana).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On April 12, 1956, the Great Commission Schools, Inc., permittee of television Station WCBC-TV authorized to operate on Channel 61 in Anderson, Indiana, filed a petition requesting rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations so as to assign Channel 26 to Anderson, Indiana in lieu of Channel 16 as follows:

City	Channel No.	
	Delete	Add
Anderson, Ind.	61	26+
Indianapolis, Ind.	26+	77

Petitioner further requests that the Commission Order it to Show Cause why its outstanding authorization for Station WCBC-TV should not be modified to specify operation on Channel 26 in lieu of Channel 61 at Anderson.

3. In support of its request, petitioner submits that it is important that it operate on the lowest possible channel in view of the high saturation of VHF-only sets in the area and the higher cost in providing the greater power needed on the high channels to overcome the difficulties inherent in present day receivers; and that the proposal conforms to the rules and would not adversely affect any other party.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking further action.

5. We do not believe, however, that we should direct the Great Commission Schools, Inc., in this proceeding to show cause why its authorization for Station WCBC-TV should not be modified to specify operation on Channel 26 in place of Channel 61. Such additional show cause proceedings which may be necessary can be instituted at the termination of this rule making proceeding.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 31, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5530; Filed, July 12, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 3, 1956.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial No. 04395, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws and leasing under the mineral leasing laws except oil and gas leasing.

The applicant desires the land for a source of hard rock for surfacing and ballast in construction and maintenance of timber access roads in the vicinity.

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 15 S., R. 6 W.,
Sec. 5: $NW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 8: $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$.

100 acres.

RUSSELL E. GETTY,
Acting State Supervisor.

[F. R. Doc. 56-5527; Filed, July 12, 1956; 8:45 a. m.]

National Park Service

[Region One, Order 3, Amdt. 2]

SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO APPROVAL OF PRELIMINARY PLANS FOR CONCESSIONERS' PROJECTS AND OF ARCHITECTURAL STYLES

1. The following new paragraph is added to section 1:

(f) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

2. The following new paragraph is added to section 2:

(g) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

3. The following new paragraph is added to section 3:

(m) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

[SEAL] ELBERT COX,
Regional Director,
Region One.

[F. R. Doc. 56-5528; Filed, July 12, 1956; 8:45 a. m.]

[Region Four, Order 3, Amdt. 2]

SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO APPROVAL OF PRELIMINARY PLANS FOR CONCESSIONERS' PLANS AND OF ARCHITECTURAL STYLES

1. A new paragraph, numbered (f) and reading as follows, is added to section 1:

(f) Approval of preliminary plans for architectural style in a new developed area or departures from a previous style in an established area and approval of preliminary plans for concessioner's projects.

2. A new paragraph, numbered (g) and reading as follows, is added to section 2:

(g) Approval of preliminary plans for architectural style in a new developed area or departures from a previous style in an established area and approval of preliminary plans for concessioner's projects.

3. A new paragraph, numbered (m) and reading as follows, is added to section 3:

(m) Approval of preliminary plans for architectural style in a new developed area or departures from a previous style in an established area and approval of preliminary plans for concessioner's projects. (National Park Service Order 14).

[SEAL] LAWRENCE C. MERRIAM,
Regional Director,
Region Four.

[F. R. Doc. 56-5529; Filed, July 12, 1956; 8:45 a. m.]

Bureau of Reclamation

NEWELL TOWNSITE, SOUTH DAKOTA

SALE OF BLOCKS 115 AND 116

1. *Statutory authority.* Two additional blocks of the townsite of Newell, South Dakota, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U. S. C. 561, 568).

2. *Area and appraised value.*

NEWELL TOWNSITE, SOUTH DAKOTA

T. 9 N., R. 6 E. B. H. M.,
Block 115 of Sec. 20, 5 acres, $500.
Block 116 of Sec. 20, 6 acres, $150.

3. *Public sale.* On July 24, 1956, at 10:00 a. m. at the Belle Fourche Irrigation District Office, Newell, South Dakota, said two blocks will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. William Maxey, Jr., Chief, Irrigation Division, Missouri-Oahe Projects Office, Bureau of Reclamation, Huron, South Dakota, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the lots and tracts must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any block and to suspend, adjourn, or postpone the sale of any block to such time and place as he may deem proper. After the blocks have been offered, the superintendent will close the sale. Any block remaining unsold will be subject to private sale by the Manager, Land Office, Billings, Montana.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any block from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under U. S. C. 1860.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 56-5530; Filed, July 12, 1956; 8:46 a. m.]

COLUMBIA BASIN PROJECT, WASHINGTON

ORDER OF REVOCATION

JANUARY 17, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of March 22, 1934, and June 13, 1947, in so far as said orders affect the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 9 N., R. 29 E.,
Sec. 14, $SW\frac{1}{4}$.
T. 27 N., R. 34 E.,
Sec. 2, $SW\frac{1}{4}NE\frac{1}{4}$.

The above areas aggregate approximately 200 acres.

W. A. DEXHEIMER,
Commissioner.

[1539695]

JULY 9, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The $SW\frac{1}{4}NE\frac{1}{4}$, sec. 2, T. 27 N., R. 34 E., lies in a steep rocky point bordering Roosevelt Lake on the Columbia River behind Grand Coulee Dam. It supports a fair stand of fir and pine timber, and an understory of grass makes the tract desirable for grazing livestock.

2. No application for the lands described in paragraph 1 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The $SW\frac{1}{4}$, sec. 14, T. 9 N., R. 29 E., shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference-right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

b. The lands in paragraph 1 have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 13, 1956.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-5566; Filed, July 12, 1956; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TEUNTJE ADRIANA MATENA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the

following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Teuntje Adriana Matena, Middleburg, Netherlands, $498.81 in the Treasury of the United States.
Claim No. 61717, Vesting Order No. 18118.

Executed at Washington, D. C., on July 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5570; Filed, July 12, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CERTAIN LANDS

SUITABILITY FOR NATIONAL FOREST PURPOSES

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F. R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1955, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1010–1013), are hereby determined to be suitable for national forest purposes.

[SEAL] RICHARD E. MCARDLE,
Chief, Forest Service.

JUNE 28, 1956.

[F. R. Doc. 56-5583; Filed, July 12, 1956; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Appeals Board, Docket No. 34, BFC Case 209]

GENERAL EXPORT CLOTHING CORP.

APPEALS BOARD DECISION

In the matter of General Export Clothing Corp., 145–147 Mulberry Street, New York 13, New York.

The Appeals Board has carefully examined the extensive record in this matter and has considered the arguments of this appellant at a hearing before the Board.

Not finding justification for a modification of the Order Revoking Export Licenses and Denying Export Privileges, issued by the Director of Export Supply, Bureau of Foreign Commerce, dated May 14, 1956, the Board finds that the Order should be sustained.

Now, therefore: *It is ordered*, That the appeal be and hereby is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

JULY 9, 1956.

[F. R. Doc. 53-5568; Filed, July 12, 1956; 8:53 a. m.]

L. KEVILLE LARSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. L. Keville Larson.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 31, 1956.
4. Title of position: Consultant.
5. Name of private employer: Weyerhaeuser Timber Company, 230 Park Avenue, New York City, New York.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Missouri Pacific.
National Container.
Oxford Paper Company.
Edward Hines Lumber Co.
Kimberly-Clark Corp.
Southern Mineral.
Weyerhaeuser Timber Company.
Wood Conservation Co.
Bank Deposits.

Dated: June 22, 1956.

L. KEVILLE LARSON.

[F. R. Doc. 56-5571; Filed, July 12, 1956; 8:53 a. m.]

JOHN ROBERT JONES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John Robert Jones.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 14, 1956.
4. Title of position: Consultant.
5. Name of private employer: Kearney and Trecker Corporation, 6784 W. National Avenue, Milwaukee, Wisconsin.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Kearney & Trecker Corporation, vice president.
AMTEA Corporation, president.
Stock Ownership: Kearney & Trecker Corporation, American Machine & Foundry Co., Burroughs Company, Marathon Paper Company, Trenton Chemical Company.

Dated: June 19, 1956.

JOHN ROBERT JONES.

[F. R. Doc. 56-5572; Filed, July 12, 1956; 8:53 a. m.]

WALTER D. SCHLUNDT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTEREST

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Walter D. Schlundt.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 11, 1956
4. Title of position: Chief, Carbon & Alloy Flat Rolled & Tubular Br.
5. Name of private employer: Pittsburgh Steel Company, Grant Building, Pittsburgh, Penna.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Pittsburgh Steel Company.
Bank Deposits.

Dated: June 21, 1956.

WALTER D. SCHLUNDT.

[F. R. Doc. 56-5573; Filed, July 12, 1956; 8:53 a. m.]

United States Weather Bureau

WEATHER SERVICES

1. *General state weather forecasts.* A general public weather service of daily weather bulletins, forecasts, warnings, and advices for agriculture, business, commerce, industry, etc., is provided through the field stations of the Weather Bureau. This information is based upon the forecasts issued from 29 forecast offices which are listed below. Forecasts are regularly available four times daily to cover weather developments expected during the ensuing 36 to 48 hours, but in critical situations warnings of storms and cold waves are issued as developments warrant, without regard to regular forecasting schedules.

Five-day weather outlook statements are issued for all parts of the United States three times weekly. A 30-day outlook is issued at Washington twice a month.

Forecast Offices

Albany, N. Y.	Los Angeles, Calif.
Albuquerque, N. Mex.	Miami, Fla.
Anchorage, Alaska.	Minneapolis, Minn.
Atlanta, Ga.	New Orleans, La.
Baltimore, Md.	New York, N. Y.
Boston, Mass.	Oklahoma City, Okla.
Buffalo, N. Y.	Philadelphia, Pa.
Chicago, Ill.	Pittsburgh, Pa.
Denver, Colo.	Raleigh, N. C.
Des Moines, Iowa.	Salt Lake City, Utah.
Great Falls, Mont.	San Francisco, Calif.
Hartford, Conn.	San Juan, P. R.
Harrisburg, Pa.	Seattle, Wash.
Honolulu, T. H.	Washington, D. C.
Kansas City, Mo.	

2. *Local weather forecasts.* Local Weather Bureau offices throughout the nation provide reports, advices, and forecast, warning and information services to the public for their respective communities and surrounding areas. Detailed and localized forecasts are prepared by these offices for their own locality; many offices prepare individual forecasts for nearby localities also. These localized forecasts are adaptations of the general state forecasts issued by the forecast centers. They contain more detail than the general state forecasts and take into account the local climatology, topography and weather pecularities of the particular limited area to which they apply.

Weather bulletins and forecasts issued by the local Weather Bureau offices are published in nearly all daily newspapers and broadcast by most commercial radio and TV stations in the country. Weather information service is also given wide distribution to the general public by means of direct radio broadcasts which originate in Weather Bureau offices and are carried by about 700 radio stations. Local forecasts and reports are available by telephone or personal visit at all Weather Bureau offices.

3. *Severe local storm warning service.* The primary objective of the severe local storm warning service is to have warnings reach all residents of a threatened area as quickly as possible, in order to provide the maximum amount of time for disaster preparations including possible evacuation measures.

The service consists of the regular Weather Bureau forecast centers and field offices supplemented by local networks of cooperative observers and coordinated on a national basis at the Severe Local Storm Warning Center located at Kansas City, Mo. This Center maintains a continuous watch of weather conditions across the United States to detect the possibility of severe local storm development (tornadoes, damaging local wind storms, severe thunder storms or damaging hail storms) issues severe weather forecasts for national distribution, provides technical information to forecast centers, and coordinates the issuance of forecasts across forecast center boundaries. Within the boundaries of a particular forecast area, severe storm warnings covering the location and direction of movement are issued by the forecast center by telephone and teletypewriter to local Weather Bureau offices which adapt and distribute them locally by telephone, television, press, radio and other media for mass dissemination. Severe local storm warnings are telephoned to Civil Defense agencies, safety officials, and other responsible civic representatives in communities without Weather Bureau offices for further dissemination locally.

4. *Hurricane forecasts and warnings.* The hurricane warning service has three main functions: the collection or reports, the preparation of forecasts and warnings, and the immediate and widespread distribution of information to the public and ships at sea. Forecast services are provided by Hurricane Forecast Centers on the Gulf and Atlantic Coasts, on the Pacific Coast and in Hawaii. All Weather Bureau stations on the Gulf and Atlantic Coasts from Brownsville, Tex., to Portland, Maine are connected by a special hurricane teletypewriter circuit. In this way, all special reports and all warnings and advisories are available simultaneously at all connecting stations. Emergency Warning Centers to serve as "news rooms" have been set up in all major cities in the coastal areas of the hurricane belt so that radio-TV announcers and newsmen can operate from on-the-spot locations to disseminate the official advisories and bulletins.

Surface and upper-air observations from the regular Weather Bureau network are supplemented by special observations furnished through the cooperation of various agencies and governments. Included are observations from Coast Guard stations, lighthouses, mobile units, stations in Mexico, Central and South America, the West Indies, Bahamas, and Cuba, and from amateur radio reporting networks in a number of states. Air Force and Navy reconnaissance aircraft patrol areas of suspected activity or fly into and report on existing storms. Radar stations (military, private and Weather Bureau) also observe and report on tropical storms. Also, observations from ships at sea are received by radio, and special ship reports from designated areas are furnished hourly when needed.

Hurricane Forecast Centers

Boston, Mass.	New Orleans, La.
Honolulu, T. H.	San Francisco, Calif.
Los Angeles, Calif.	San Juan, P. R.
Miami, Fla.	Washington, D. C.

5. *Horticultural and agricultural forecast service.* This service is intended to provide the farmer with the weather information he needs for planning and conducting his operations, and is provided at most local Weather Bureau offices. Specialized forecasts for the protection of fruit and truck crops are issued in cooperation with the Department of Agriculture Extension Service, county agents, local growers' organizations, and local radio stations. Forecasts are specific with respect to rain, wind, and other weather conditions affecting spraying and dusting for insect and disease control; harvesting fruit and vegetable crops; fruit drying; haying; irrigation; fertilizing and other farm, grove, and marketing activities subject to weather hazard. Where winter and spring crops require protection against frost and low temperatures, an intensive fruit-frost service is maintained on a cooperative basis with states, counties or local growers' organizations bearing a portion of the operating costs. Intensive fruit-frost services are now provided to fruit growers in sections of the States of Washington, Oregon, Idaho, Arizona, Wisconsin, California and Florida.

6. *Fire-weather forecast and warning service.* This service provides forecasts of humidity, wind, precipitation, thunderstorm conditions, temperature, and other weather elements affecting fire behavior, in the forested regions of the country to assist the federal, state, and private forest protection agencies in combatting the fire menace. Operations that are controlled by the weather forecast include such items as suppression work on going fires, alerting cooperators, manning lookout towers, issuing burning permits, closing forest areas to public use, suspending logging operations, requiring speeder-patrols on railroads, burning slash and firing railroad right-of-way, etc.

Fire-weather service is available from Weather Bureau offices in the following localities:

Albany, N. Y.	Kansas City, Mo.
Albuquerque, N. Mex.	Little Rock, Ark.
Asheville, N. C.	Los Angeles, Calif.
Anchorage, Alaska.	Miami, Fla.
Atlanta, Ga.	Missoula, Mont.
Baltimore, Md.	Montgomery, Ala.
Billings, Mont.	Olympia, Wash.
Boise, Idaho.	Pendleton, Oreg.
Boston, Mass.	Philadelphia, Pa.
Cheyenne, Wyo.	Phoenix, Ariz.
Chicago, Ill.	Portland, Oreg.
Denver, Colo.	Rapid City, S. Dak.
Fort Smith, Ark.	Redding, Calif.
Fresno, Calif.	Reno, Nev.
Harrisburg, Pa.	Salt Lake City, Utah.
Hartford, Conn.	San Francisco, Calif.
Houston, Tex.	Seattle, Wash.
Jackson, Miss.	Shreveport, La.
Jacksonville, Fla.	Tallahassee, Fla.

7. *Domestic aviation weather service.* Domestic service consists of about 241 airport stations. These are connected by nationwide teletypewriter circuits operated by the Civil Aeronautics Administration, which collect and exchange detailed reports hourly on weather conditions along the civil airways, and disseminate forecasts and other current weather information. Flight weather briefing is available at all airport stations. Operational forecasts for aviation are issued every 6 hours by specially trained forecast personnel at 26 Flight Advisory Weather Service Centers. As a further aid to safety in the air, each Center working through its associated CAA Air Route Traffic Control Center provides in-flight weather service as required.

Flight Advisory Weather Service Centers are located at:

Albuquerque, N. Mex.	Los Angeles, Calif.
Atlanta, Ga.	Memphis, Tenn.
Boston, Mass.	Miami, Fla.
Chicago, Ill.	Minneapolis, Minn.
Cincinnati, Ohio.	New Orleans, La.
Cleveland, Ohio.	New York, N. Y.
Denver, Colo.	Pittsburgh, Pa.
Detroit, Mich.	Salt Lake City, Utah.
El Paso, Tex.	San Antonio, Tex.
Fort Worth, Tex.	San Francisco, Calif.
Great Falls, Mont.	Seattle, Wash.
Jacksonville, Fla.	St. Louis, Mo.
Kansas City, Mo.	Washington, D. C.

8. *Marine meteorological service.* This service collects weather observations from vessels at sea, and supplies bulletins of whether reports, forecasts, and storm warnings for surface shipping on the oceans and the Great Lakes. At present over 700 United States vessels furnish weather reports by radio and/or mail while at sea, and arrangements have been made on a worldwide basis for vessels of all flags to report to designated radio stations when in specified areas. Reports are also received from all U. S. military vessels. Observations are normally made at 6-hourly intervals but, under adverse weather conditions, are made oftener as warranted.

Marine weather information is available by telephone or personal visit at Weather Bureau offices in the following coastal cities:

Anchorage, Alaska.	New Orleans, La.
Baltimore, Md.	New York, N. Y.
Boston, Mass.	Norfolk, Va.
Brownsville, Tex.	Pensacola, Fla.
Charleston, S. C.	Philadelphia, Pa.
Corpus Christi, Tex.	Port Arthur, Tex.
Galveston, Tex.	Portland, Maine.
Honolulu, T. H.	Portland, Oreg.
Houston, Tex.	Providence, R. I.
Jacksonville, Fla.	San Diego, Calif.
Juneau, Alaska.	San Francisco, Calif.
Key West, Fla.	San Juan, P. R.
Lake Charles, La.	Savannnh, Ga.
Los Angeles, Calif.	Seattle, Wash.
Miami, Fla.	Tampa, Fla.
Mobile, Ala.	Wilmington, N. C.

9. *International aviation weather service.* Weather forecasting and briefing services for trans-oceanic flights are provided by Weather Bureau offices at the following locations:

Anchorage, Alaska.	Cold Bay, Alaska.
Boston, Mass.	Detroit, Mich.
Canton Island (Phoenix Island).	Honolulu, T. H.
Chicago, Ill.	Houston, Tex.
	Los Angeles, Calif.
Miami, Fla.	Seattle, Wash.
New Orleans, La.	Tampa, Fla.
New York, N. Y.	Wake Island (Pacific).
Portland, Oreg.	Washington, D. C.
San Francisco, Calif.	
San Juan, P. R.	

10. *Hydrologic services.* River and flood forecast and warning service is concerned with the preparation and issuance of river-stage and flood warnings in advance of a flood's occurrence, in order to provide the time needed for evacuation of people and movable property, and for the strengthening and operation of protective installations and measures. In non-flood periods the daily river forecast is used in planning the operation of locks, dams, and other river structures as well as reclamation and irrigation projects.

There are nine river forecast centers, each responsible for a major river basin and furnishing key river forecasts to the local district offices. There are 88 districts covering all the principal rivers and tributaries of the United States. River stages are observed daily at about 1,000 stations and daily river stage forecasts from 24 to 72 hours in advance are made on many of the larger rivers for the benefit of river navigation and control, in addition to flood stage forecasts made as needed. The observed stages are published in an annual summary for the use of industry, commerce, water utilization, and flood-control interests.

In collaboration with the United States Corps of Engineers, the Weather Bureau maintains and publishes data from a network of some 3,000 special precipitation measuring stations, and makes studies of outstanding storms of record to determine the maximum rainfall amounts likely to fall over river basins for which engineering works are under development. In the western States the Bureau's network of mountain snowfall stations is used to provide forecasts of runoff from the snow fields for irrigation and other water interests, published from January to May, inclusive, in "Water Supply Forecasts for the Western United States".

River district offices are located in the following communities:

Albany, N. Y.	Fort Worth, Tex.
Albuquerque, N. Mex.	Fresno, Calif.
Allentown, Pa.	Grand Junction, Colo.
Asheville, N. C.	Grand Rapids, Mich.
Atlanta, Ga.	Harrisburg, Pa.
Augusta, Ga.	Hartford, Conn.
Austin, Tex.	Helena, Mont.
Bakersfield, Calif.	Houston, Tex.
Billings, Mont.	Huntington, W. Va.
Binghamton, N. Y.	Indianapolis, Ind.
Bismarck, N. Dak.	Jackson, Miss.
Boise, Idaho	Kansas City, Mo.
Brownsville, Tex.	Knoxville, Tenn.
Burlington, Iowa.	La Crosse, Wis.
Burlington, Vt.	Lake Charles, La.
Cairo, Ill.	Lansing, Mich.
Charleston, S. C.	Little Rock, Ark.
Cincinnati, Ohio.	Los Angeles, Calif.
Columbia, S. C.	Louisville, Ky.
Columbus, Ohio.	Macon, Ga.
Concord, N. H.	Medford, Oreg.
Corpus Christi, Tex.	Memphis, Tenn.
Denver, Colo.	Minneapolis, Minn.
Des Moines, Iowa.	Mobile, Ala.
Dodge City, Kans.	Moline, Ill.
El Paso, Tex.	Montgomery, Ala.
Eureka, Calif.	Nashville, Tenn.
Evansville, Ind.	New Orleans, La.
Fargo, N. Dak.	Norfolk, Nebr.
Fort Wayne, Ind.	Oklahoma City, Okla.
	Omaha, Nebr.
	Parkersburg, W. Va.
	Pensacola, Fla.
	Philadelphia, Pa.
	Phoenix, Ariz.
	Pittsburgh, Pa.
	Portland, Maine.
	Portland, Oreg.
	Pueblo, Colo.
	Raleigh, N. C.
	Reading, Pa.
	Reno, Nev.
	Richmond, Va.
	Rochester, N. Y.
	Sacramento, Calif.
	St. Louis, Mo.
	Salt Lake City, Utah.
	San Antonio, Tex.
	San Francisco, Calif.
	Seattle, Wash.
	Shreveport, La.
	Sioux City, Iowa.
	Spokane, Wash.
	Topeka, Kans.
	Tulsa, Okla.
	Vicksburg, Miss.
	Washington, D. C.
	Wichita, Kans.

11. *Climatological Services.* The climatological service seeks to determine and record the various types of climate, and to explain the causes of these climates, their variation, geographical location, and their effects on the economy of the nation. This service collects and makes statistical analyses of noncurrent observations from all sources in the United States, its territories, and ocean areas.

The work is supported basically by the observations taken at about 11,300 substations, the majority of which are manned by unpaid cooperative observers. Also, there are three data monitoring centers—San Francisco, Calif., Kansas City, Mo., and Chattanooga, Tenn.—equipped to receive and process, by modern tabulating methods, the original climatological observations of all the substations and regular Weather Bureau stations and to publish the established monthly and annual statistical summaries of climatological data for the United States. The final repository for American weather records, plus facilities for handling large-scale tabulation and summarization projects, are maintained in the National Weather Records Center in Asheville, N. C. This Center produces special machine tabulations of an operational or investigational nature for government use and, through trust fund arrangements, provides statistical studies of meteorological data for nongovernmental uses.

Each Weather Bureau office maintains local climatological records. Information concerning state-wide weather records can be obtained from the State Climatologist offices listed below.

State and Location of State Climatologist
Alabama—Montgomery, Ala.
Alaska—Anchorage, Alaska.
Arizona—Phoenix, Ariz.
Arkansas—Little Rock, Ark.
California—San Francisco, Calif.
Colorado—Denver, Colo.
Connecticut—Hartford, Conn.
Delaware—Baltimore, Md.
Florida—Gainesville, Fla.
Georgia—Athens, Ga.
Hawaii—Honolulu, T. H.
Idaho—Boise, Idaho.
Illinois—Champaign, Ill.
Indiana—Lafayette, Ind.
Iowa—Des Moines, Iowa.
Kansas—Topeka, Kans.
Kentucky—Louisville, Ky.
Louisiana—New Orleans, La.
Maine—Boston, Mass.
Maryland—Baltimore, Md.
Massachusetts—Boston, Mass.
Michigan—Lansing, Mich.
Minnesota—Minneapolis, Minn.
Mississippi—New Orleans, La.
Missouri—Columbia, Mo.
Montana—Helena, Mont.
Nebraska—Lincoln, Nebr.
Nevada—Salt Lake City, Utah.
New Jersey—Trenton, N. J.
New Hampshire—Boston, Mass.
New Mexico—Albuquerque, N. Mex.
New York—Albany, N. Y.
North Carolina—Raleigh, N. C.
North Dakota, Bismarck, N. Dak.
Ohio—Columbus, Ohio.
Oklahoma, Okla. City, Okla.
Oregon—Portland, Oreg.
Pennsylvania—Harrisburg, Pa.
Rhode Island—Hartford, Conn.
South Carolina—Columbia, S. C.
South Dakota—Huron, S. Dak.
Tennessee—Nashville, Tenn.
Texas—Austin, Tex.
Utah—Salt Lake City, Utah.
Vermont—Boston, Mass.
Virginia—Richmond, Va.
Washington—Seattle, Wash.
West Indies—San Juan, P. R.
West Virginia—Parkersburg, W. Va.
Wisconsin—Madison, Wis.
Wyoming—Cheyenne, Wyo.

12. *Publications.* The Weather Bureau has available for public distribution numerous bulletins, charts, maps and pamphlets containing statistical information recording the weather which has occurred throughout the country. These publications provide weekly, monthly and annual summaries for specific cities, states and for the country as a whole, including contiguous ocean areas. Printed lists of the publications are available from the Superintendent of Documents, Government Printing Office, Washington, D. C., or samples may be inspected at the nearest Weather Bureau office.

[SEAL] F. W. REICHELDERFER,
Chief,
Weather Bureau.

[F. R. Doc. 56-5574; Filed, July 12, 1956; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11685, 11686; FCC 56M-665]

POLK RADIO, INC., AND DUANE F. MCCONNELL

ORDER CONTINUING HEARING

In re application of Polk Radio, Inc., Lakeland, Florida, Docket No. 11685, File No. BP-10136 and Duane F. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed by Duane F. McConnell on July 5, 1956;

It appearing that consolidation of a third mutually exclusive application in this proceeding is imminent; and

It further appearing that all participants in the proceeding have agreed to the requested continuance and to waiver of the provisions of § 1.745 of the Commission's rules;

It is ordered, This 6th day of July 1956, that the hearing now scheduled for July 9, 1956, is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5540; Filed, July 12, 1956; 8:48 a. m.]

[Docket Nos. 11763, 11764; FCC 56-620]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253 and Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration the above-captioned applications of J. E. Willis, and the Crawfordsville Broadcasters, Inc., each for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Lafayette and Crawfordsville, Indiana, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that both proposals would cause interference to Station WIRE, Indianapolis, Indiana (1430 kc, 5 kw, DA-N, U); that neither proposal may comply with § 3.28 (c) of the Commission's rules due to interference which would be received by the proposal of J. E. Willis from Stations WING, Dayton, Ohio (1410 kc, 5 kw, DA-N, U) and WRMN, Elgin, Illinois (1410 kc, 500 w, Day) and due to interference which would be received by the Crawfordsville Broadcasters, Inc., proposal from Station WING; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 25, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that both applicants have requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause interference to Station WIRE, Indianapolis, Indiana, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operations would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Indianapolis Broadcasting, Incorporated, licensee of Station WIRE, is made a party to the proceeding.

It is further ordered, That, in the event the application of J. E. Willis is granted, J. E. Willis shall be responsible for the installation and adjustment of suitable filter circuits, or other equipment as may be necessary to prevent interaction between the proposed antenna system and the antenna system of Station WBAA, West Lafayette, Indiana.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5541; Filed, July 12, 1956; 8:48 a. m.]

[Docket No. 11765; FCC 56-623]

BABYLON-BAY SHORE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re Application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration the above-entitled application of the Babylon-Bay Shore Broadcasting Corp. for a construction permit for a new standard broadcast station to operate on 1440 kilocycles with a power of 500 watts, daytime only, at Babylon, New York;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may cause interference to Stations WNJR, Newark, New Jersey (1430 kc, 5 kw, DA-N, U) and WBIS, Bristol, Connecticut (1440 kc, 500 w, Day); that

the proposed operation will not provide adequate coverage to the city sought to be served as required by §§ 3.182 and 3.188 of the Commission's rules; and that the aerial site photograph submitted with the application does not show sufficient detail within the proposed 1000 mv/m contour upon which to base a determination that proposed transmitter site will be satisfactory; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated June 15, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply was received from the applicant; and

It further appearing that counsel for Station WNJR, by letters dated April 11 and May 15, 1956, opposed the grant of the subject application and has requested that the application be designated for hearing; and

It further appearing that the applicant, on March 2, 1956, requested a waiver of § 3.182 of the Commission's rules; and

It further appearing that the Commission is unable to make a determination with respect to the request for a waiver of § 3.182 of the Commission's rules on the basis of the data before it;

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues;

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations WNJR, Newark, New Jersey, and WBIS, Bristol, Connecticut, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation would be in compliance with §§ 3.182 and 3.188 of the Commission's rules with regard to adequate coverage to the city sought to be served, and if compliance with §§ 3.182 and 3.188 is not achieved, whether circumstances exist which would warrant a waiver of said Sections of the Rules.

4. To determine whether the proposed installation and operation would be in compliance with the Commission's Rules and Technical Standards with particular reference to the suitability of the proposed transmitter site.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

It is further ordered, That the Great Northern Television, Inc. and The Bristol Broadcasting Corporation, licensees of Stations WNJR and WBIS, respectively, are made parties to the proceeding.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5542; Filed, July 12, 1956; 8:48 a. m.]

[FCC 56-653]

BOARD OF COMMISSIONERS

DELEGATION OF AUTHORITY WITH RESPECT TO INSTITUTING INVESTIGATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration its announcement of April 25, 1956, regarding its plans for one meeting and no hearings or oral arguments in August 1956; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in section 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing, that a quorum of the Commission may not be present at times during the period from July 15, 1956 to August 29, 1956, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business during the above-described period, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-described period;

It is ordered, That, pursuant to section 5 (d) (1) of The Communications Act of 1934, as amended, during the period from July 15, 1956 to August 29, 1956, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5543; Filed, July 12, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1802]

AMERADA PETROLEUM CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Amerada Petroleum Corporation, capital stock, File No. 7-1802.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5550; Filed, July 12, 1956; 8:50 a. m.]

[File No. 7-1803]

ARMOUR & CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for Unlisted Trading Privileges in Armour & Company, warrants to purchase common stock, File No. 7-1803.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5551; Filed, July 12, 1956; 8:50 a. m.]

[File No. 7-1805]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Chicago, Rock Island & Pacific Railroad Company, Common Stock, File No. 7-1805.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5552; Filed, July 12, 1956; 8:50 a. m.]

[File No. 7-1807]

HAMMOND ORGAN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Hammond Organ Company, common stock, File No. 7-1807.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading

privileges in the specified security, which is listed and registered on the American and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5553; Filed, July 12, 1956; 8:50 a. m.]

[File No. 7—1811]

PARKE, DAVIS & CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles stock exchange for unlisted trading privileges in Parke, Davis & Company, Common Stock, File No. 7-1811.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Detroit Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5554; Filed, July 12, 1956; 8:50 a. m.]

[File No. 7-1812]

PROCTER & GAMBLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Procter & Gamble Company, common stock, File No. 7-1812.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Cincinnati Stock Exchange.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5555; Filed, July 12, 1956; 8:51 a. m.]

[File No. 7-1815]

STAUFFER CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Stauffer Chemical Company, common stock File No. 7-1815.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and San Francisco Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts

bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5556; Filed, July 12, 1956; 8:51 a. m.]

[File No. 24A-943]

INTERNATIONAL SOUND FILMS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. International Sound Films, Inc., a Georgia corporation with its principal office located at 220 Pharr Road NE., Atlanta, Georgia, having filed with the Commission on September 8, 1955, a notification on Form 1-A and a Rule 219 (b) Statement as an exhibit thereto and subsequently having filed an amendment thereto relating to an offering of 560 shares of $10.00 par value common stock and 300 shares of $100 par value 6 percent preferred stock, both classes to be offered at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A report of sales as required by Rule 224 of Regulation A, and has ignored the request by the Commission's staff for such report.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5547; Filed, July 12, 1956; 8:49 a. m.]

[File No. 24D-1194]

UNITED BUSINESS UNDERWRITERS, LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. United Business Underwriters, Ltd., a Utah corporation, 305-7 Newhouse Building, Salt Lake City, Utah, having filed with the Commission on November 27, 1953 a notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to an offering of between 130,680 and 163,350 shares of Class A $1 par common stock, first, to debentureholders in exchange for outstanding debentures, and thereafter, the unexchanged portion to be offered to the public at $1.25 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as is required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5548; Filed, July 12, 1956; 8:50 a. m.]

[File Nos. 24SF-1962, 24SF-2116]

GOLDFIELD URANIUM, INC., AND NEVA-UTEX URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. Goldfield Uranium Inc., 312 East Crook Street, Goldfield, Nevada, having filed with the Commission on September 9, 1954, a Notification on Form 1-A and an Offering Circular and subsequent amendments thereto, relating to an offering of 1,000,000 shares of its common stock 5 cents par value, at 5 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

Neva-Utex Uranium, Inc., 118 Euclid Street, Goldfield, Nevada, having filed with the Commission on July 15, 1955, a Notification on Form 1-A and an Offering Circular and subsequent amendments thereto, relating to an offering of 4,000,000 shares of its common capital stock, 5 cents par value, at 5 cents per share, also for the purpose of obtaining an exemption from said registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that Scott W. Hockensmith, a promoter and director of Goldfield Uranium Inc. and a promoter, director and officer of Neva-Utex Uranium, Inc.; and Howard Hockensmith, a promoter, director and officer of both Goldfield Uranium Inc. and Neva-Utex Uranium, Inc., have been convicted of a crime and offense involving the sale of a security; in that said Scott W. Hockensmith and Howard Hockensmith were convicted on April 23, 1956, in the Superior Court of the State of California, in and for the County of Los Angeles, of violation of section 26104 (a) of the California Corporations Code, which prohibits the issuance or sale of any security in violation of the provisions of Division 1, Title 4 of said California Corporations Code; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by Neva-Utex Uranium, Inc. in that said Neva-Utex Uranium, Inc. has been offering and selling its securities in a jurisdiction not stated in the Notification as a jurisdiction in which it is proposed to offer its securities.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A for the offering of securities of Goldfield Uranium Inc. and the offering of securities of Neva-Utex Uranium, Inc. be, and each of them is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5549; Filed, July 12, 1956; 8:50 a. m.]

UNION ELECTRIC COMPANY

[File No. 70-3485]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUANCE AND SALE PURSUANT TO RULE U-50 OF $40,000,000 OF NEW BONDS

JULY 9, 1956.

Union Electric Company ("Union"), a registered holding company and a public-utility company, has filed a declaration and amendments thereto with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding the following proposed transactions:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $40,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), -- percent Series due July 1, 1986. The New Bonds will be issued under and secured by a Mortgage and Deed of Trust dated June 15, 1937, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of July 1, 1956. The interest rate on the New Bonds, which is to be a multiple of ⅛ of 1 percent, and the price thereof to Union, which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102.75 percent of the principal amount, will be determined by the competitive bidding.

The declaration as amended states that the net proceeds to be received from the issuance and sale of the New Bonds will be used by the company to provide funds, through reimbursement of its treasury for capital expenditures heretofore made, to retire short-term bank loans, to finance in part the cost of continuing additions and improvements to its utility plant, and for other corporate purposes.

Union has received permission from the Commission (Holding Company Act Release No. 13174 (May 10, 1956)) for a temporary increase in the amount of promissory notes it may issue to evidence short-term bank loans from 5 percent as specified in section 6 (b) of the act to 8 percent, such increase to remain in effect until September 14, 1956, or such earlier date upon which Union shall have completed the sale of the New Bonds, and it is expected that such short-term bank loans will aggregate approximately $21,000,000 by the time the New Bonds are sold. The declaration as amended states that approximately $41,950,000 of construction expenditures are budgeted for the year 1956, and for the two years 1956 and 1957 are expected to aggregate approximately $90,850,000. It is estimated by Union that the proceeds from the sale of the New Bonds, together with cash to be derived from operations, will be sufficient to provide for the above purposes in 1956 and in part for construction in 1957, but that its cash requirements for construction and other purposes in 1957 will require short-term borrowings or some other form of financing, the type and amount of which have not been determined.

The issue and sale of the New Bonds by Union, a Missouri corporation doing business in Missouri, Illinois, and Iowa have been expressly authorized by the Public Service Commisison of Missouri and the Illinois Commerce Commission. No other State commisison and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses in connection with the issuance and sale of the bonds are estimated by the declarant as follows:

Filing fee for registration statement	$4,160
Fee payable to Public Service Commission of Missouri	13,000
Fee payable to Illinois Commerce Commission	13,904
Federal tax on original issue	44,000
Printing	47,000
Charges of trustee for authentication of new bonds	13,500
Fees and expenses of counsel for the company:	
Keefe, Doerner, Schlafly & Griesedieck	9,000
Pope & Driemeyer	1,500
Boyd, Walker, Hulskamp & Concannon	750
Clifton J. O'Harra	750
Fees and expenses of accountants:	
Price Waterhouse & Co	2,000
Advertising expenses	2,000
Out-of-pocket expenses of underwriters to be reimbursed by Company (maximum)	1,000
Title expenses and recording of supplemental indenture	11,500
Miscellaneous expenses	8,000
Total	172,064

The fee of Cahill, Gordon, Reindel & Ohl, independent counsel for the underwriters, in the amount of $12,000 is to be paid by the successful bidder or bidders.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the declaration as amended should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5546; Filed, July 12, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32334: *Fine coal to points in Iowa, Missouri, and Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Kansas, Missouri and Oklahoma to specified points in Iowa, Missouri and Nebraska.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 32 to Agent W. J. Prueter's I. C. C. A-3969; Supplement 120 to Agent F. C. Kratzmeir's I. C. C. 3920.

FSA No. 32335: *Paper articles, from Granite Falls and Saw Mills, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cushions, liners or pads, packing or loading, made of paper, carloads, also paper bags, carloads from Granite Falls and Saw Mills, N. C., to points in southern territory.

Grounds for relief: Short-line distance formula, motor-truck competition and circuity.

Tariff: Supplement 343 to Agent Spaninger's I. C. C. 715.

FSA No. 32336: *Iron and steel articles in Illinois Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads between points in Illinois territory.

Grounds for relief: Modified short-line distance formula and circuity.

Tariffs: Supplement 53 to Agent Raasch's tariff I. C. C. 749; Supplement 11 to Elgin, Joliet and Eastern Railroad tariff I. C. C. 2346.

FSA No. 32337: *Asphalt—New England points to Beaver Falls, N. Y.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product of petroleum, other than paint, stain or varnish and tar, paving or roofing, tank-car loads from specified points in Connecticut, Massachusetts, and Rhode Island to Beaver Falls, N. Y.

Grounds for relief: Modified short-line distance formula and circuity.

Tariffs: Supplement 57 to Boston and Maine Railroad I. C. C. A-3230 and two other schedules.

FSA No. 32338: *Coal and coal briquets from Clinchfield, Va.* Filed by The Norfolk and Western Railway Company for itself and interested rail carriers. Rates on coal and coal briquets, carloads from Clinchfield, Va., to specified points in New England and trunk-line territories.

Grounds for relief: Maintenance of origin and destination group relations and circuitous routes.

Tariff: Supplement 49 to Norfolk and Western Railway Company's tariff I. C. C. No. 3368-B.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5545; Filed, July 12, 1956; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 136

Washington, Saturday, July 14, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

ARCHIVIST

The headnote of paragraph (a) (4) and paragraph (a) (4) (i) of § 24.36 and paragraph (a) of § 24.60 are amended as set out below.

§ 24.36 *Juntor Professional Assistant*—(a) *Educational requirement.* • • •

(4) *Archivist, GS–1420–5.* • • •

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. History and 18 semester hours in any one or in any combination of the following: (*a*) History; (*b*) political science; (*c*) sociology; (*d*) economics; (*e*) public administration; or

§ 24.60 *Archivist, GS–1420–7–13 (positions involving specialized archival work of highly technical character)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. History and 18 semester hours in any one or any combination of history, political science, sociology, economics, public administration.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5660; Filed, July 13, 1956; 8:55 a. m.]

Chapter V—The International Organizations Employees Loyalty Board

PART 501—OPERATIONS OF THE INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

CONDUCT OF HEARINGS

Paragraph (g) is added to § 501.13 as set out below.

§ 501.13 *Conduct of hearings.* • • •

(g) Applicants and employees must pay their own travel and subsistence expenses incident to attendance at hearings, except that the Board may authorize the payment of travel and subsistence expenses to applicants or employees when the hearing is held at a place other than the place outside the continental limits of the United States where the employee works, or the applicant resides, and such payment is considered in the interest of good administration and funds are available for this purpose.

(E. O. 10422, 18 F. R. 239, 3183; 3 CFR, 1953 Supp.)

INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD, UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HENRY S. WALDMAN,
Chairman.

[F. R. Doc. 56–5661; Filed, July 13, 1956; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Form Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on May 4, 1956 (21 F. R. 2985). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1956 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment changes the identification mark permitted to be used on bulk packages of dressed poultry processed under the sanitation program; establishes, as a prerequisite to using the in-

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FEDERAL REGISTER

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spection mark, a minimum meat content of poultry pies; provides a new definition for poultry labeled as "Rock Cornish game hens"; deletes a provision under inspection charges to eliminate any implication that transfers of inspectors will be made at the request of an applicant for the service; and changes the application form for grading services by incorporating most of the provisions now contained in the application into Subpart A of the regulations under the general heading of fees and charges. The proposal to prescribe limitations pertaining to the use of grade terminology on packages bearing the inspection mark, when the products are not officially graded, is not being adopted in order to afford opportunity for further consideration of views and arguments submitted thereon.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective upon publication in the FEDERAL REGISTER.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER for the reason that: (1) The changes will improve the grading and inspection program; (2) it will preclude new firms applying for the service from making two applications within a 30-day period; (3) the major portion of this amendment changes the form of application for service and changes, effective December 31, 1956, a form of official identification. Other provisions are in the nature of clarifying amendments or relieving restrictions; and (4) no additional time is required by interested persons to prepare for this amendment.

The amendment is as follows:

1. Delete the word "contract" in the definition of "Grading or grading service" in § 70.1 *Definitions*, and substitute in lieu thereof the word "resident".

2. Change the definition of "Potable water" in § 70.1 *Definitions*, to read as follows:

"Potable water" means water that has been approved by the State health authority as safe for drinking and suitable for food processing.

3. Add a new definition in § 70.1 *Definitions*, which reads as follows:

"Rock Cornish game hen" or "Cornish game hen" means a young immature chicken (usually 5 to 8 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or a Cornish chicken crossed with other breeds of chickens.

4. Add a new § 70.19 which reads as follows:

§ 70.19 *Processing poultry for export.* With respect to processed poultry that will be exported, the Administrator is authorized to waive any particular provision of the regulations that conflicts with the contract specifications of the foreign importer. Any poultry which was prepared for export on the basis of waived provisions pursuant to this section and which for some reason is not exported shall have all official marks removed therefrom and from the containers thereof prior to sale for domestic consumption.

5. Change paragraph (b) of § 70.48 *Suspension of plant approval*, to read as follows:

(b) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the service shall be terminated. Upon termination of inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Service.

6. Change paragraph (b) *Wording on labels*, of § 70.93 *Marking inspected products*, to read as follows:

(b) *Wording on labels.* Each trade label approved for use on an immediate container pursuant to §§ 70.90 to 70.94 with respect to any graded or inspected and certified edible product, shall bear the following information:

(1) The common or usual name of the edible product;

(2) The name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors";

(3) A statement of the net contents;

(4) The inspection mark, or grade mark, or the combined inspection and grade mark;

(5) The plant number, if any, of the official plant in which the product was inspected and certified or graded; and

(6) A statement of ingredients, if the edible product is made up of two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion. For the purpose of this paragraph, the term "chicken meat" is construed to mean deboned white and dark meat; whereas, the term "chicken" includes other edible parts such as skin and giblets not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to also list them in the ingredient statement. This terminology shall apply to edible products prepared from other kinds of poultry where applicable.

7. Redesignate paragraphs (d), (e), and (f) of § 70.93 as paragraphs (e), (f), and (g) respectively, and add a new paragraph (d) which reads as follows:

(d) *Meat content of poultry pies.* On and after September 1, 1956, poultry pies, or pot pies, which are to bear the inspection mark and which are prepared from cooked meat shall contain a minimum of 14 percent (1⅛ ounces per 8-ounce pie) of cooked deboned poultry meat. Poultry pies, or pot pies, prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8-ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets, or fat which may be included in the product.

8. Change § 70.132 *Fees for appeal grading*, to read as follows:

§ 70.132 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on the provisions of § 70.138, then the fee for such appeal grading shall be double the amount specified in § 70.133 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

9. Delete § 70.138 and substitute therefor the following:

§ 70.138 *Grading performed on a resident grading basis.* Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.132.

(a) *Charges.* The charges for grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U. S. Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the grading service may be rendered. A charge

will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of $75 for the initial survey and examination of blue prints of the designated plant and its premises prior to the performance by AMS of grading service provided that when the plant is approved for inspection of dressed poultry the charge shall be as provided in subparagraph (10) of this paragraph;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader provided they are installed at the same time;

(3) A charge of $50 for each additional grader or replacement of a previously assigned grader to the designated plant provided that at the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service;

(4) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave: *Provided*, That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(5) A charge equal to the salary costs, travel expenses, and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(6) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service for the applicant;

(7) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(8) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System and an amount equal to the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate weight of the total monthly volume of all poultry handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 20,000 pounds	$25.00
20,001 to 100,000 pounds	38.00
100,001 to 150,000 pounds	42.75
150,001 to 200,000 pounds	47.50
200,001 to 250,000 pounds	52.25
250,001 to 300,000 pounds	57.00
300,001 to 400,000 pounds	61.75
400,001 to 500,000 pounds	66.50
500,001 to 600,000 pounds	71.25
600,001 to 700,000 pounds	76.00
700,001 to 800,000 pounds	80.75
800,001 to 900,000 pounds	85.50
900,001 to 1,000,000 pounds	90.25
1,000,001 pounds or more	95.00

(10) A charge of $5 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) At the sole discretion of AMS graders may be either Federal or State employees or licensed employees of the applicant.

(4) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the provisions of subdivision (v) of this subparagraph;

(v) Grading service shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the Federally employed grader assume the duties of management.

9a. Change subparagraph (8) of paragraph (a) *Charges* of § 70.141 *Inspection performed on a resident inspection basis*, to read as follows:

(8) A charge of $250.00 to cover the average cost of travel per diem and movement of household goods of an inspector and his dependents whose travel headquarters is changed, when the assignment is made for the purpose of (i) installation of service, or (ii) when an additional inspector is assigned to the plant to handle increased workload: *Provided*, That, no charge shall be made when the assignment of an inspector is made at the sole discretion of AMS to replace an inspector who has resigned, retired, died, or otherwise become unable to perform the inspection work, or if his services are no longer required in the plant due to a decrease in the volume of work or the cancellation of the inspection service by the applicant, or for other administrative reasons.

10. Change paragraph (a) of § 70.201 *Issuance and disposition*, to read as follows:

(a) Each grader shall issue a grading certificate covering each product graded, except that with respect to products graded on a resident grading basis, certificates will be issued upon a request therefor by the applicant or the Service.

11. Change the first sentence of § 70.384 *Identification of dressed poultry processed under sanitary standards only*, to read as follows: "With respect to dressed poultry which has been graded or inspected for condition pursuant to § 70.16, the form of identification approved for use shall contain the wording 'Dressed Poultry—Eligible for Further Processing in U. S. Department of Agriculture Official Plants.' Identification labels approved prior to the effective date of this amendment may continue to be used until January 1, 1957."

12. Change the illustration in Figure 5 of § 70.384 as follows:

DRESSED POULTRY
ELIGIBLE FOR FURTHER PROCESSING
In U. S. Dept. of Agri. Official Plants
Plant No. 000. Lot 000

13. Change the title and provisions of § 70.410 to read as follows:

§ 70.410 *Application for grading service with respect to poultry.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States classes, standards and grades with respect thereto, for poultry grading service at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to, such instructions governing the grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis pursuant to § 70.138 and such other provisions of the aforesaid regulations which are applicable.

_____
(Applicant) [1]
By _____
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Application granted:

_____
(Date)
_____
_____
(Title)

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 11th day of July 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-5611; Filed, July 13, 1956; 8:49 a. m.]

[1] No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

COLORADO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772; 21 F. R. 986, 3670), the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 131,591 acres established for Colorado by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the New Custom House, Denver, Colorado, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.31 *Colorado*—(a) *Proportionate share area.* Colorado shall be divided into three proportionate share areas comprising the parts of the State included in the factory districts of the Great Western Sugar Company, the Rocky Ford-Sugar City-Swink factory districts, and the Delta factory district. These areas shall be designated Northern Area, Southern Area, and Western Area, respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with a reduction to 98.5 percent of the result of such weightings for each area in which 1955-crop plantings were less than 95 percent of the 1955-crop area allotment and with pro rata adjustments to a total of 131,591 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—107,754 acres; Southern Area—18,867 acres; and Western Area—4,970 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—1,078 acres for new producers, and 1,078 acres for appeals; Southern Area—189 acres for new producers, 189 acres for appeals and 950 acres for adjustments in initial shares; and Western Area—50 acres for new producers, 50 acres for appeals and 1,230 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filling, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) in the Southern or Western Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the average acreage of the crops of 1953 and 1954, as a measure of "ability to produce." For each farm operated by an old producer in the Northern Area the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm as follows:

	Percent
Planted acreage for all 5 crops	96
Planted acreage only for last 4 crops	83
Planted acreage only for 4 crops other than last 4 consecutive crops	75
Planted acreage only for last 3 crops	66
Planted acreage only for 3 crops other than last 3 consecutive crops	54
Planted acreage only for last 2 crops	46
Planted acreage only for 2 crops other than last 2 consecutive crops	31
Planted acreage only for 1954 crop	24
Planted acreage only for 1 crop other than 1954 crop	16

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm proportionate shares in Colorado in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Colorado is again divided into three areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: June 18, 1956.

[SEAL] HARRY CLARK,
Chairman, Agricultural Stabilization and Conservation Colorado State Committee.

Approved: July 9, 1956.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-5616; Filed, July 13, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 77]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.377 *Valencia Orange Regulation 77*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on July 12, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., July 22, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 13, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5717; Filed, July 13, 1956; 11:34 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.538 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are now being made and this section should be applicable, insofar as possible, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless such plums grade at least U. S. No. 1, and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½ row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{8}{16}$ inches in diameter and of the remainder of the plums none measures less than $1\frac{5}{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than (1) percent, by count, of plums that are smaller than $1\frac{5}{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredth ($11\frac{11}{100}$) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{6}{16}$ inches in diameter and of the remainder of the plums none measures less than $1\frac{5}{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1\frac{5}{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5686; Filed, July 13, 1956; 8:51 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.539 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are now being made, and this regulation should be applicable, insofar as possible to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Diamond plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{8}{16}$ inches in diameter and of the remainder of the plums none measures less than

$1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5685; Filed, July 13, 1956; 8:50 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.540 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1956, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Late Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{9}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{3}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{3}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "serious damage," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5684; Filed, July 13, 1956; 8:50 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.541 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Mariposa plums unless such plums grade at least U. S. No. 1; and except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{12}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{9}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{9}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5683; Filed, July 13, 1956; 8:50 a. m.]

[Lemon Reg. 650]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.757 *Lemon Regulation 650*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective

in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 11, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 15, 1956, and ending at 12:01 a. m., P. s. t., July 22, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5687; Filed, July 13, 1956; 8:51 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

RECEIVING BY HANDLERS; REPORTS OF HOLDINGS, ACQUISITIONS, SALES, USES AND SHIPMENTS

Notice was published in the June 12, 1956 issue of the FEDERAL REGISTER (21 F. R. 4022) that the Secretary of Agriculture was considering a proposed rule to approve further amendments, as set forth in such notice, of the amended administrative rules and procedures (19 F. R. 5297, 6908; 20 F. R. 1240, 9961) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Marketing Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the proposed amendments of the amended administrative rules and procedures as set forth in the aforesaid notice would tend to effectuate the declared policy of the act and should be approved.

Therefore, it is hereby ordered, That the aforesaid administrative rules and procedures be further amended as set forth below:

1. Amend the provisions of § 993.148 (b) (1) to read as follows:

§ 993.148 *Receiving of prunes by handlers.* * * *

(b) *Incoming inspection*—(1) *General.* For all prunes placed for holding by or with a handler, the handler shall, immediately upon receipt thereof, issue to the inspection agency an identification tag which will show the name and address of the producer, dehydrator, or handler holding title to the prunes, the date when placed with the handler for holding, the county of production, the number and type of containers, the approximate net weight of the prunes, the name and location of the handler's plant where the prunes are held, and any other information necessary to identify such prunes to the satisfaction of the inspector. For each tender of prunes made to a handler by a producer or dehydrator, the handler shall, immediately upon tentative acceptance thereof, issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of such producer or dehydrator, the weight of the tender, and any other information necessary to identify the tender. Any prunes so tendered to a handler must, prior to their acceptance, be inspected at an inspection station, and in order to be received as standard prunes must be certified as standard prunes. The handler shall identify each tender tentatively accepted by him pending inspection with its corresponding door receipt or weight certificate until the prunes in such tender have been inspected and accepted by him or returned to the producer or dehydrator tendering the prunes. A separate inspection shall be made of each lot and an inspection certificate shall be limited to the prunes included in one lot. Certification of any lot shall be made and computed on the basis of the net weight of prunes included in such lot, and the handler shall supply such information to the inspector. At the time of inspection of any lot, the handler shall provide the inspector with any assistance necessary in drawing samples. When necessary, in order to perform proper inspection, the inspector may require the handler to dump containers to permit proper sampling. Each lot shall be inspected immediately following tentative acceptance by a handler of all of the prunes to be included in such lot, except that any lot of prunes tendered to a handler by a producer or dehydrator in "ton box" containers or tendered in lug boxes on pallets and remaining intact thereon which cannot be dumped for sampling at the time of such acceptance, because of inadequate handling equipment, may be held for later inspection: *Provided,* That each lot of prunes so held is identified by the handler to the satisfaction of the inspector until the lot is inspected. After inspection, each lot of prunes shall be promptly accepted by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the inspector shall forward, with such a lot to the handler, the handler's copies of the certificate.

2. Amend the provisions of § 993.172 by relettering existing paragraphs (a), (b) and (c) as (b), (c) and (d), respectively, and inserting a new paragraph (a) to read as follows:

§ 993.172 *Reports of holdings, acquisitions, sales, uses, and shipments*—(a) *Holdings as of March 31.* Each handler shall, on or before the 15th day of April, file with the committee a signed report of holdings of prunes which have not been inspected and/or accepted by him as a handler as of March 31. The report shall show for such prunes the name and address of the producer or dehydrator, the date of each identification tag assigned to such prunes, the numbers and dates of door or weight receipts or any other identifying documents assigned to such prunes, the net weight of the prunes, the total net weight of all prunes so held, and the name and address of the handler making the report.

* * * * *

It is hereby found and determined that good cause exists for not postponing the effective time of the order with respect to the foregoing amendments for 30 days after their publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) A new crop year under the aforesaid marketing agreement and order will begin August 1, 1956, and the said further amendments of the amended administrative rules and procedures should be effective with respect to all prunes received by handlers during such crop year; (2) handlers generally are aware of the proposed further amendments of the said amended administrative rules and procedures, and, as indicated above, notice of the proposed rule thereon was heretofore published and opportunity to file written data, views, or arguments was afforded, but none was received; and (3) handlers will not need to make any preparation for compliance with the requirements of these further amended administrative rules and procedures which cannot be accomplished readily before August 1, 1956.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated July 10, 1956, to become effective August 1, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-5596; Filed, July 13, 1956; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

FLUE-CURED TOBACCO

Set forth below is schedule of advance rates, by grades, for the 1956 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 6, 1956 (21 F. R. 3863).

§ 464.812 *1956 crop; flue-cured tobacco, Types 11–14, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1L	74.12	B3LL	57.12
A2L	71.12	B4LL	53.12
A1F	72.12	B5LL	47.12
A2F	68.12	B3LV	57.12
A1R	65.12	B4LV	53.12
A2R	60.12	B5LV	47.12
B1L	67.12	B3FV	54.12
B2L	64.12	B4FV	50.12
B3L	61.12	B5FV	43.12
B4L	57.12	B4KL	43.12
B5L	51.12	B5KL	35.12
B6L	44.12	B6KL	24.12
B1P	66.12	B4KF	46.12
B2F	63.12	B5KF	40.12
B3F	60.12	B6KF	30.12
B4F	55.12	B4M	42.12
B5F	48.12	B5M	36.12
B6F	38.12	B6M	25.12
B1R	58.12	B4KR	46.12
B2R	55.12	B5KR	39.12
B3R	50.12	B4GL	50.12
B4R	42.12	B5GL	45.12
B5R	33.12	B6GL	37.12
B6R	27.12	B4GF	45.12
B3S	40.12	B5GF	40.12
B4S	32.12	B6GF	30.12
B5S	25.12	B4GR	30.12
B6S	19.12	B5GR	24.12
B4D	26.12	B6GR	19.12
B5D	22.12	H1L	68.12
B6D	18.12	H2L	67.12
B1LL	62.12	H3L	66.12
B2LL	60.12	H4L	63.12
H5L	58.12	X5L	45.12
H6L	50.12	X1F	66.12
H1F	66.12	X2F	65.12
H2F	65.12	X3F	61.12
H3F	64.12	X4F	53.12
H4F	61.12	X5F	42.12
H5F	56.12	X1LL	60.12
H6F	45.12	X2LL	59.12
H3R	52.12	X3LL	55.12
H4R	48.12	X4LL	50.12
H5R	42.12	X5LL	41.12
H6R	35.12	X3LV	53.12
C1L	72.12	X4LV	45.12
C2L	70.12	X3FV	51.12
C3L	67.12	X4FV	43.12
C4L	65.12	X4KL	44.12
C5L	62.12	X5KL	34.12
C1F	72.12	X4KF	45.12
C2F	69.12	X5KF	35.12
C3F	66.12	X3M	46.12
C4F	64.12	X4M	40.12
C5F	60.12	X5M	32.12
C3LL	61.12	X3G	41.12
C4LL	59.12	X4G	32.12
C5LL	55.12	X5G	22.12
C4LV	59.12	P3L	52.12
C5LV	54.12	P4L	43.12
C4KL	54.12	P5L	27.12
C5KL	49.12	P3F	49.12
C4KF	55.12	P4F	37.12
C5KF	50.12	P5F	22.12
C5KR	50.12	P4G	22.12
C4M	53.12	P5G	15.12
C5M	50.12	N1L	12.12
X1L	66.12	N1D	16.12
X2L	65.12	N1GL	13.12
X3L	62.12	N1GR	15.12
X4L	56.12		

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are five dollars ($5.00) per hundred pounds less for each grade. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against the overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2L, N2D, N2GL, N2GR, "Decayed", "Botched", "Nested", or "Off-type" will not be accepted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 10th day of July 1956.

[SEAL] EARL M. HUGHES,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-5598; Filed, July 13, 1956; 8:47 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

Appendix I to the regulations governing the 1956 Acreage Reserve part of the Soil Bank Program, 21 F. R. 4379, is corrected as follows:

1. Under the heading Wheat—California, Yola County should read "Yolo".

2. Under the heading Wheat—New Jersey, the following two counties should be added: Atlantic, $1.31; Union, $1.31.

3. Under the heading Wheat—Texas, the base unit rate for Bailey County should read "$1.20", Bamdera County should read "Bandera" and Dimit County should read "Dimmit".

Issued at Washington, D. C., this 11th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-5615; Filed, July 13, 1956; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAM

URANIUM LEASES ON LANDS CONTROLLED BY COMMISSION

Notice is hereby given that the following regulations have been adopted by the Atomic Energy Commission, effective upon publication in the FEDERAL REGISTER:

§ 60.8 *Uranium leases on lands controlled by the Commission*—(a) *What this section does.* This section sets forth regulations governing the issuance of leases for mining deposits of uranium in public lands withdrawn from entry and location under the general mining laws for the use of the Commission, and in certain other lands under Commission control.

(b) *Statutory authority.* The Atomic Energy Act of 1954 (68 Stat. 919) is the authority for this section.

(c) *Who may hold leases.* Only parties who are (1) citizens of the United States; (2) associations of such citizens; or (3) corporations organized under the laws of the United States or territories thereof, are eligible lessees under this section. Persons under 21 years of age or employees of the Commission are not eligible.

(d) *Issuance of leases through competitive bidding.* Except under special circumstances as provided in this section a lease will be issued only to the acceptable bidder offering the highest cash bonus. Before any lease is awarded the Commission may require high bidders to submit a detailed statement of the facts as to such matters as their experience, organization and financial resources. The Commission reserves the right to reject any and all bids.

(e) *Solicitation of bids.* Invitation to bid for a lease will be publicly posted and published. Copies will also be mailed to parties who submit to the Commission's Grand Junction, Colorado, Operations Office written request that their names be placed on a mailing list for the receipt of such invitations. The invitation will set forth the location of the land or deposits to be leased, the term, royalty rate, work requirements and certain other conditions which will become a part of the lease. The invitation will specify a period following notice of award during which the successful bidder may explore the land or deposit, and will also specify the percentage of the bonus offered which must be transmitted with the bid and set the place and time the bids will be publicly opened. A detailed statement of the terms of the invitation and the factual data pertinent to the land or deposit obtained from Commission exploration will be available for public inspection at offices listed in the invitation and upon payment of a nominal charge copies of these statements and data may be acquired from the Grand Junction Operations Office.

(f) *Bidding requirements; deposits.* All bids must be filed at the place and prior to the time set in the invitation.

Each bid must be sealed and accompanied by a deposit, in the form of a certified check, cashier's check, bank draft or cash, equal to the specified percentage of the bonus offered. Deposits of unsuccessful bidders will be returned. If the bidder is an individual he must submit with his bid a statement of his citizenship and age. If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association together with a statement as to the citizenship and age of its members. If the bidder is a corporation, evidence that the officer signing the bid had authority to do so and a statement as to the state of incorporation shall also be submitted.

(g) *Award of lease.* Following public opening of the bids the Commission, subject to the right to reject any and all bids, will determine the successful bidder. In the event the highest acceptable bids are tie bids, a public drawing will be held by the Commission to determine the successful bidder. After notice of award and prior to expiration of the period prescribed in the invitation, the successful bidder may explore the land or deposit, shall execute and return to the Commission three (3) copies of the lease and shall pay the balance of the bonus unless the bidder chooses to forfeit his deposit. Should the successful bidder fail to execute the lease and pay the balance of the bonus within the time specified in the invitation, or fail to otherwise comply with applicable regulations, he will also forfeit his deposit. In such event the Commission may offer the lease to the second highest acceptable bidder. If the awarded lease is executed by the bidder through an agent, evidence of authorization must be submitted.

(h) *Dating of lease.* A lease issued under this section will ordinarily be effective as of the date it is signed by the Commission.

(i) *Term of lease.* A lease shall be for the period specified in the invitation to bid. When deemed desirable by the Commission it will state in the invitation that the lease term may be extended for a specified period and upon stipulated conditions at the option of the lessee. In such event the lease will include this option.

(j) *Royalty.* Royalty shall be at the rate specified in the invitation to bid.

(k) *Direction of ore shipments.* The lessee shall ship all ore with reasonable diligence to such uranium ore receiving station or purchaser within the United States as the Commission may designate, and shipment shall be at lessee's own expense up to 100 miles. The Commission reserves the right to take and remove all ores not so shipped with reasonable diligence, and to credit the lessee with the value of such ores less sums due the Government from the lessee, including the cost of such taking and removal. The Commission also reserves the property and right to property in and to all ores not shipped within sixty (60) days after the expiration or other termination of the lease. Unless the Commission directs otherwise, all ores which are of too low a grade to be acceptable under the Commission's published price schedule applicable to such ore shall remain on the leased premises and be kept separate from and not mixed with waste.

(l) *Initial production bonus.* Bonus payments under Domestic Uranium Program Circular 6 will not be made on ores produced from properties leased to private operators by the Commission except under special circumstances and as provided for in the lease.

(m) *Work requirements.* A condition of every lease entered into under these regulations will be the conduct on the leased premises of exploration, development, and mining activities with reasonable diligence, and the skill and care required to achieve and maintain maximum production of uranium ore consistent with good and safe mining practice. A lease may require a minimum number of man-shifts during a designated period.

(n) *Lessee's records.* Leases shall provide that the lessee keep proper records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operation.

(o) *Rights of Commission.* The Commission reserves the right to enter upon the leased property and into all parts of the mine for inspection and other purposes. The Commission and its contractors shall have free access to the property for conducting exploratory work. The Commission also reserves the right to grant to other persons easements or rights of way upon, through, or in the leased premises. The Commission and the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after termination or expiration of the lease, have access to and the right to examine any directly pertinent books, documents, papers, and records of the lessee involving transactions related to the lease.

(p) *Relinquishment of leases.* A lease may be surrendered by the lessee upon filing with and approval by the Commission of a written application for relinquishment. Approval of the application shall be contingent upon the delivery of the leased premises to the Commission in good condition and the continued liability of the lessee to make payment of all royalty and other debts due the Commission.

(q) *Assignment of leases.* Any transfer of a lease, or of any interest therein or claim thereunder, by assignment, sublease, operating agreement or otherwise, will not be recognized unless and until approved by the Commission in writing. Ordinarily the Commission will not approve any transfer of a lease which involves over-riding royalties or deferred payments of any kind.

(r) *Cancellation.* Any lease may be canceled by the Commission whenever the lessee fails to comply with the provisions of the lease. Failure of the Commission to exercise its right to cancel shall not be deemed a waiver thereof.

(s) *Form of lease.* Leases will be issued on forms prescribed by the Commission.

(t) *Non-competitive leases.* Under special circumstances, where the Commission believes it is to the best interest of the Government or where the use of competitive bidding may be impracticable, the Commission at its discretion may award or extend leases on the basis of negotiation.

(u) *Commission decisions.* All matters connected with the issuance and administration of leases will be determined by the Commission whose decisions shall be final and conclusive.

(v) *Definitions.* "Commission" as used in this section means the Atomic Energy Commission established by the Atomic Energy Act of 1954 or its duly authorized representative or representatives.

(w) *Multiple use of lands.* Leases issued under this section shall provide that operations under them will be conducted so as not to interfere with the lawful operations of any third party having a lease, permit, easement, or other right or interest in the premises.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 21st day of June 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-5607; Filed, July 13, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 172]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, the Fort Huachuca, Ariz., area (R–181), amended on November 17, 1955, in 20 F. R. 8519, is further amended by changing the "Designated Altitudes" column to read: "Surface to 35,000 feet MSL".

2. In § 608.28, the Assateague Island, Md., area (R–42 formerly D–42), published on July 16, 1949 in 14 F. R. 4291 is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 3, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5601; Filed, July 13, 1956; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Employment Taxes

[T. D. 6190]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Introductory provisions of the regulations relating to the employment taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Internal Revenue Code of 1954, as amended; and regulations under chapter 21 (Federal Insurance Contributions Act) of such Code.

On February 14, 1956, notice of proposed rule making with respect to regulations relating to the employemnt taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Internal Revenue Code of 1954, as amended, was published in the FEDERAL REGISTER (21 F. R. 1011). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and subject to the changes set forth below, the regulations as so published are hereby adopted.

Section 31.3121 (b) (8)–1 is revised as follows:

(A) By changing paragraph (b) (4) (i) to read as set forth below.

(B) By striking "is not in the exercise of his ministry" in the first sentence of paragraph (c) (3) and inserting in lieu thereof "is not considered to be in the exercise of his ministry for purposes of the taxes".

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved:

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

Subpart A—Introduction

Sec.
31.0–1 Introduction.
31.0–2 General definitions and use of terms.
31.0–3 Scope of regulations.
31.0–4 Extent to which the regulations in this part supersede prior regulations.

Subpart B—Federal Insurance Contributions Act (Chapter 21, Internal Revenue Code of 1954)

TAX ON EMPLOYEES

31.3101 Statutory provisions; rate of tax.
31.3101–1 Measure of employee tax.
31.3101–2 Rates and computation of employee tax.
31.3101–3 When employee tax attaches.
31.3102 Statutory provisions; deduction of tax from wages.
31.3102–1 Collection of, and liability for, employee tax.
31.3102–2 Manner and time of payment of employee tax.

TAX ON EMPLOYERS

31.3111 Statutory provisions; rate of tax.
31.3111–1 Measure of employer tax.
31.3111–2 Rates and computation of employer tax.
31.3111–3 When employer tax attaches.
31.3111–4 Liability for employer tax.
31.3111–5 Manner and time of payment of employer tax.
31.3112 Statutory provisions; instrumentalities of the United States.
31.3112–1 Instrumentalities of the United States specifically exempted from the employer tax.

GENERAL PROVISIONS

31.3121 (a) Statutory provisions; definitions; wages.
31.3121 (a)–1 Wages.
31.3121 (a)–2 Wages; when paid and received.
31.3121 (a) (1) Statutory provisions; definitions; wages; $4,200 limitation.
31.3121 (a) (1)–1 $4,200 limitation.
31.3121 (a) (2) Statutory provisions; definitions; wages; payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.
31.3121 (a) (2)–1 Payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.
31.3121 (a) (3) Statutory provisions; definitions; wages; retirement payments.
31.3121 (a) (3)–1 Retirement payments.
31.3121 (a) (4) Statutory provisions; definitions; wages; payments on account of sickness or accident disability, or medical or hospitalization expenses.
31.3121 (a) (4)–1 Payments on account of sickness or accident disability, or medical or hospitalization expenses.
31.3121 (a) (5) Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3121 (a) (5)–1 Payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3121 (a) (6) Statutory provisions; definitions; wages; payment by employer of employee tax under section 3101 or employee contributions under a State law.
31.3121 (a) (6)–1 Payment by an employer of employee tax under section 3101 or employee contributions under a State law.
31.3121 (a) (7) Statutory provisions; definitions; wages; payments for service not in the course of the employer's trade or business or for domestic service.
31.3121 (a) (7)–1 Payments for services not in the course of employer's trade or business or for domestic service.
31.3121 (a) (8) Statutory provisions; definitions; wages; payments for agricultural labor.
31.3121 (a) (8)–1 Payments for agricultural labor.
31.3121 (a) (9) Statutory provisions; definitions; wages; payments to stand-by employees.
31.3121 (a) (9)–1 Payments to stand-by employees.
31.3121 (a) (10) Statutory provisions; definitions; wages; payments to certain home workers.
31.3121 (a) (10)–1 Payments to certain home workers.
31.3121 (b) Statutory provisions; definitions; employment.
31.3121 (b)–1 Employment; services to which the regulations in this subpart apply.
31.3121 (b)–2 Employment; services performed before 1955.
31.3121 (b)–3 Employment; services performed after 1954.
31.3121 (b)–4 Employment; excepted services in general.
31.3121 (b) (1) Statutory provisions; definitions; employment; agricultural services.
31.3121 (b) (1)–1 Services performed in connection with the production or harvesting of certain oleoresinous products and services performed by certain foreign agricultural workers.
31.3121 (b) (2) Statutory provisions; definitions; employment; domestic service performed by students for certain college organizations.
31.3121 (b) (2)–1 Domestic service performed by students for certain college organizations.
31.3121 (b) (3) Statutory provisions; definitions; employment; family employment.
31.3121 (b) (3)–1 Family employment.
31.3121 (b) (4) Statutory provisions; definitions; employment; services performed on or in connection with a non-American vessel or aircraft.
31.3121 (b) (4)–1 Services performed on or in connection with a non-American vessel or aircraft.
31.3121 (b) (5) Statutory provisions; definitions; employment; services in employ of an instrumentality of the United States specifically exempted from the employer tax.
31.3121 (b) (5)–1 Services in employ of an instrumentality of the United States specifically exempted from the employer tax.
31.3121 (b) (6) Statutory provisions; definitions; employment; services in employ of United States or instrumentality thereof.
31.3121 (b) (6)–1 Services in employ of United States or instrumentality thereof.
31.3121 (b) (7) Statutory provisions; definitions; employment; services in employ of States or their political subdivisions or instrumentalities.
31.3121 (b) (7)–1 Services in employ of States or their political subdivisions or instrumentalities.
31.3121 (b) (8) Statutory provisions; definitions; employment; services performed by a minister of a church or a member of a religious order; services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.
31.3121 (b) (8)–1 Services performed by a minister of a church or a member of a religious order.
31.3121 (b) (8)–2 Services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.
31.3121 (b) (9) Statutory provisions; definitions; employment; services performed by an employee or an employee representative as defined in section 3231.
31.3121 (b) (9)–1 Railroad industry; services performed by an employee or an employee representative as defined in section 3231.
31.3121 (b) (10) Statutory provisions; definitions; employment; services for remuneration of less than $50 for calendar quarter in the employ of certain organizations exempt from income tax; services performed in the employ of a school, college, or university by certain students.
31.3121 (b) (10)–1 Services for remuneration of less than $50 for calendar quarter in the employ of certain organizations exempt from income tax.
31.3121 (b) (10)–2 Services performed in the employ of a school, college, or university by certain students.
31.3121 (b) (11) Statutory provisions; definitions; employment; services in the employ of a foreign government.
31.3121 (b) (11)–1 Services in the employ of a foreign government.
31.3121 (b) (12) Statutory provisions; definitions; employment; services in employ of wholly owned instrumentality of foreign government.
31.3121 (b) (12)–1 Services in employ of wholly owned instrumentality of foreign government.

Sec.
31.3121 (b) (13) Statutory provisions; definitions; employment; services of student nurse or hospital intern.
31.3121 (b) (13)–1 Services of student nurse or hospital intern.
31.3121 (b) (14) Statutory provisions; definitions; employment; services in delivery or distribution of newspapers, shopping news, or magazines.
31.3121 (b) (14)–1 Services in delivery or distribution of newspapers, shopping news, or magazines.
31.3121 (b) (15) Statutory provisions; definitions; employment; services in employ of international organization.
31.3121 (b) (15)–1 Services in employ of international organization.
31.3121 (c) Statutory provisions; definitions; included and excluded services.
31.3121 (c)–1 Included and excluded services.
31.3121 (d) Statutory provisions; definitions; employee.
31.3121 (d)–1 Who are employees.
31.3121 (d)–2 Who are employers.
31.3121 (e) Statutory provisions; definitions; State, United States, and citizen.
31.3121 (e)–1 State, United States, and citizen.
31.3121 (f) Statutory provisions; definitions; American vessel and aircraft.
31.3121 (f)–1 American vessel and aircraft.
31.3121 (g) Statutory provisions; definitions; agricultural labor.
31.3121 (g)–1 Agricultural labor.
31.3121 (h) Statutory provisions; definitions; American employer.
31.3121 (h)–1 American employer.
31.3121 (i) Statutory provisions; definitions; computation of wages in certain cases.
31.3121 (i)–1 Computation-to nearest dollar of cash remuneration for domestic service.
31.3121 (j) Statutory provisions; definitions; covered transportation service.
31.3121 (j)–1 Covered transportation service.
31.3121 (k) Statutory provisions; definitions; waiver of exemption by religious, charitable, and certain other organizations.
31.3121 (k)–1 Waiver of exemption from taxes.
31.3121 (l) Statutory provisions; definitions; agreements entered into by domestic corporations with respect to foreign subsidiaries.
31.3121 (l)–1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.
31.3122 Statutory provisions; Federal service.
31.3123 Statutory provisions; deductions as constructive payments.
31.3123–1 Deductions by an employer from remuneration of an employee.
31.3124 Statutory provisions; estimate of revenue reduction.
31.3125 Statutory provisions; short title.

AUTHORITY: §§ 31.0–1 to 31.3125 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 3121, 68A Stat. 425; 26 U. S. C. 3121.

SUBPART A—INTRODUCTION

§ 31.0–1 *Introduction*—(a) *In general.* The regulations in this part relate to the employment taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Internal Revenue Code of 1954, as amended. References in the regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to the Federal Insurance Contributions Act, the Railroad Retirement Tax Act, and the Federal Unemployment Tax Act are references to chapters 21, 22, and 23, respectively, of the Code. References to sections of law are references to sections of the Internal Revenue Code unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 7 subparts. Subpart A contains provisions relating to general definitions and use of terms, the division and scope of the regulations in this part, and the extent to which the regulations in this part supersede prior regulations relating to employment taxes. Subpart B relates to the taxes under the Federal Insurance Contributions Act. Subpart C relates to the taxes under the Railroad Retirement Tax Act. Subpart D relates to the tax under the Federal Unemployment Tax Act. Subpart E relates to the collection of income tax at source on wages under chapter 24 of the Code. Subpart F relates to the provisions of chapter 25 of the Code which are applicable in respect of the taxes imposed by chapters 21 to 24, inclusive, of the Code. Subpart G relates to selected provisions of subtitle F of the Code, relating to procedure and administration, which have special application in respect of the taxes imposed by subtitle C of the Code. Inasmuch as these regulations constitute Part 31 of Title 26 of the Code of Federal Regulations, each section of the regulations is preceded by a section symbol and 31 followed by a decimal point (§ 31.). Sections of law or references thereto are preceded by "Sec." or the word "section".

§ 31.0–2 *General definitions and use of terms*—(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

(1) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(2) The Internal Revenue Code of 1954 means the act approved August 16, 1954 (68A Stat.), entitled "An act to revise the internal revenue laws of the United States", as amended.

(3) The Internal Revenue Code of 1939 means the act approved February 10, 1939 (53 Stat., Part 1), as amended.

(4 The Social Security Act means the act approved August 14, 1935 (49 Stat. 620), as amended.

(5) The Social Security Amendments of 1954 means the act approved September 1, 1954 (68 Stat. 1052).

(6) The Social Security Administration means the Social Security Administration of the Department of Health, Education, and Welfare. (See the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (20 F. R. 1996).)

(7) District director means district director of internal revenue.

(8) Person includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture or other unincorporated organization or group, through or by means of which any business, financial operation, or venture is carried on. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(9) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

(10) Account number means the identifying number of an employee assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act.

(11) Identification number means the identifying number of an employer assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A or D of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act.

(12) Regulations 90 means the regulations approved February 17, 1936 (26 CFR (1939) Part 400), as amended, relating to the excise tax on employers under title IX of the Social Security Act, and such regulations as made applicable to subchapter C of chapter 9 and other provisions of the Internal Revenue Code of 1939 by Treasury Decision 4885, approved February 11, 1939 (26 CFR (1939) 1943 Cum. Supp., p. 5876), together with any amendments to such regulations as so made applicable to the Internal Revenue Code of 1939.

(13) Regulations 91 means the regulations approved November 9, 1936 (26 CFR (1939) Part 401), as amended, relating to the employees' tax and the employers' tax under title VIII of the Social Security Act, and such regulations as made applicable to subchapter A of chapter 9 and other provisions of the Internal Revenue Code of 1939 by Treasury Decision 4885, approved February 11, 1939 (26 CFR (1939) 1943 Cum. Supp., p. 5876), together with any amendments to such regulations as so made applicable to the Internal Revenue Code of 1939.

(14) Regulations 106 means the regulations approved February 24, 1940 (26 CFR (1939) Part 402), as amended, relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code of 1939) with respect to the period after 1939 and before 1951.

(15) Regulations 107 means the regulations approved September 12, 1940 (26 CFR (1939) Part 403), as amended, relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code of 1939) with respect to the period after 1939 and before 1955.

(16) Regulations 114 means the regulations approved December 30, 1948 (26 CFR (1939) Part 411), as amended, relating to the employers' tax, employees' tax, and employee representatives' tax under the Railroad Retirement Tax Act (subchapter B of chapter 9 of the Internal Revenue Code of 1939) with respect to compensation paid after 1948 for services rendered after 1946 and before 1955.

(17) Regulations 120 means the regulations approved December 22, 1953 (26 CFR (1939) Part 406), as amended, relating to collection of income tax at source on wages under subchapter D of chapter 9 of the Internal Revenue Code of 1939 with respect to the period after 1953 and before 1955.

(18) Regulations 128 means the regulations approved December 6, 1951 (26 CFR (1939) Part 408), as amended, relating to the employee tax and the employer tax under the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code of 1939) with respect to the period after 1950 and before 1955.

(19) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

(b) *Subpart B.* As used in Subpart B of this part, unless otherwise expressly indicated—

(1) Act means the Federal Insurance Contributions Act.

(2) Taxes means the employee tax and the employer tax, as respectively defined in this paragraph.

(3) Employee tax means the tax imposed by section 3101 of the Code.

(4) Employer tax means the tax imposed by section 3111 of the Code.

(c) *Subpart C.* As used in Subpart C of this part, unless otherwise expressly indicated—

(1) Act means the Railroad Retirement Tax Act.

(2) Railway Labor Act means the act approved May 20, 1926 (44 Stat. 577), as amended.

(3) Railroad Retirement Act of 1937 means the act approved June 24, 1937 (50 Stat. 307), as amended.

(4) Railroad Retirement Board means the board established pursuant to section 10 of the Railroad Retirement Act of 1937.

(5) Tax means the employee tax, the employee representative tax, or the employer tax, as respectively defined in this paragraph.

(6) Employee tax means the tax imposed by section 3201 of the Code.

(7) Employee representative tax means the tax imposed by section 3211 of the Code.

(8) Employer tax means the tax imposed by section 3221 of the Code.

(d) *Subpart D.* As used in Subpart D of this part, unless otherwise expressly indicated—

(1) Act means the Federal Unemployment Tax Act.

(2) Railroad Unemployment Insurance Act means the act approved June 25, 1938 (52 Stat. 1094), as amended.

(3) Tax means the tax imposed by section 3301 of the Code.

(e) *Subpart E.* As used in Subpart E of this part, unless otherwise expressly indicated, tax means the tax required to be deducted and withheld from wages under section 3402 of the Code.

§ 31.0–3 *Scope of regulations*—(a) *Subpart B.* The regulations in Subpart B of this part relate to the imposition of the employee tax and the employer tax under the Federal Insurance Contributions Act with respect to wages paid and received after 1954 for employment performed after 1936. In addition to employment in the case of remuneration therefor paid and received after 1954, the regulations in Subpart B of this part relate also to employment performed after 1954 in the case of remuneration therefor paid and received before 1955. The regulations in Subpart B of this part include provisions relating to the definition of terms applicable in the determination of the taxes under the Federal Insurance Contributions Act, such as "employee", "wages", and "employment". The provisions of Subpart B of this part relating to the definition of "employment" are applicable also, to the extent provided in § 31.3121 (b)–2, to services performed before 1955 the remuneration for which is paid after 1954. (For prior regulations on similar subject matter, see Regulations 128; 26 CFR (1939) Part 408.)

(b) *Subpart C.* The regulations in Subpart C of this part relate to the imposition of the employee tax, the employee representative tax, and the employer tax under the Railroad Retirement Tax Act with respect to compensation paid after 1954, for services rendered after such date. The regulations in Subpart C of this part include provisions relating to the definition of terms applicable in the determination of the taxes under the Railroad Retirement Tax Act, such as "employee", "employee representative", "employer", and "compensation". (For prior regulations on similar subject matter, see Regulations 114; 26 CFR (1939) Part 411.)

(c) *Subpart D.* The regulations in Subpart D of this part relate to the imposition on employers of the excise tax under the Federal Unemployment Tax Act for the calendar year 1955 and subsequent calendar years with respect to wages paid after 1954 for employment performed after 1938. In addition to employment in the case of remuneration therefor paid after 1954, the regulations in Subpart D of this part relate also to employment performed after 1954 in the case of remuneration therefor paid before 1955. The regulations in Subpart D of this part include provisions relating to the definition of terms applicable in the determination of the tax under the Federal Unemployment Tax Act, such as "employee", "employer", "employment", and "wages". The regulations in Subpart D of this part also include provisions relating to the credits against the Federal tax for State contributions. (For prior regulations on similar subject matter, see Regulations 107; 26 CFR (1939) Part 403.)

(d) *Subpart E.* The regulations in Subpart E of this part relate to the withholding under chapter 24 of the Code of income tax at source on wages paid after 1954, regardless of when such wages were earned. The regulations in Subpart E of this part include provisions relating to the definition of terms applicable in the determination of the tax under chapter 24 of the Code, such as "employee", "employer", and "wages". (For prior regulations on similar subject matter, see Regulations 120; 26 CFR (1939) Part 406.)

(e) *Subpart F.* The regulations in Subpart F of this part deal with the general provisions contained in chapter 25 of the Code, which relate to the employment taxes imposed by chapters 21 to 24, inclusive, of the Code. (For prior regulations on the subject matter of section 3504, see §§ 406.807 and 408.906 of Regulations 120 and Regulations 128, respectively; 26 CFR (1939) Parts 406 and 408.)

(f) *Subpart G.* The regulations in Subpart G of this part, which are prescribed under selected provisions of subtitle F of the Code, relate to the procedural and administrative requirements in respect of records, returns, deposits, payments, and related matters applicable to the employment taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Code. In addition, the provisions of Subpart G of this part relate to adjustments and to claims for refund, credit, or abatement, made after 1954, in connection with the employment taxes imposed by subtitle C of the Internal Revenue Code of 1954, by chapter 9 of the Internal Revenue Code of 1939, or by the corresponding provisions of prior law, but not to any adjustment reported, or credit taken, in whole or in part on any return or supplemental return filed on or before the last day of the first month following the calendar quarter in which the regulations in Subpart G of this part are published in the FEDERAL REGISTER. The provisions of Subpart G of this part also relate to deposits of taxes imposed by subchapter B of chapter 9 of the 1939 Code or by corresponding provisions of prior law with respect to compensation paid after 1954 for services rendered before 1955. For other administrative provisions which have application to the employment taxes imposed by subtitle C of the Code, see the Regulations on Procedure and Administration (Part 301 of this chapter). (The administrative and procedural regulations applicable with respect to a particular employment tax for a prior period were combined with the substantive regulations relating to such tax for such period. For the regulations applicable to the respective taxes for prior periods, see paragraphs (a), (b), (c), and (d) of this section.)

§ 31.0–4 *Extent to which the regulations in this part supersede prior regulations.* The regulations in this part, with respect to the subject matter within the scope thereof, supersede Regulations 107, Regulations 114, Regulations 120, and Regulations 128; 26 CFR (1939) Parts 403, 411, 406, 408.

SUBPART B—FEDERAL INSURANCE CONTRIBUTIONS ACT (CHAPTER 21, INTERNAL REVENUE CODE OF 1954)

TAX ON EMPLOYEES

§ 31.3101 *Statutory provisions; rate of tax.*

SEC. 3101. *Rate of tax.* In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121 (a)) received by him with respect to employment (as defined in section 3121 (b))—

(1) With respect to wages received during the calendar years 1955 to 1959, both inclusive, the rate shall be 2 percent;

(2) With respect to wages received during the calendar years 1960 to 1964, both inclusive, the rate shall be 2½ percent;

(3) With respect to wages received during the calendar years 1965 to 1969, both inclusive, the rate shall be 3 percent;

(4) With respect to wages received during the calendar years 1970 to 1974, both inclusive, the rate shall be 3½ percent;

(5) With respect to wages received after December 31, 1974, the rate shall be 4 percent.

[Sec. 3101 as amended by sec. 208 (b), Social Security Amendments 1954]

§ 31.3101–1 *Measure of employee tax.* The employee tax is measured by the amount of wages received after 1954 with respect to employment after 1936. See §§ 31.3121 (a)–1 to 31.3121 (a) (10)–1, inclusive, relating to wages; and §§ 31.3121 (b)–1 to 31.3121 (b) (15)–1, inclusive, relating to employment. For provisions relating to the time of receipt of wages, see § 31.3121 (a)–2.

§ 31.3101–2 *Rates and computation of employee tax.* (a) The rates of employee tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1955 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar years 1970 to 1974, both inclusive	3½
For the calendar year 1975 and subsequent calendar years	4

(b) The employee tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. In 1953 employee A performed for employer X services which constituted employment (see § 31.3121 (b)–2). In 1955, A receives from X $1,000 as remuneration for such services. The tax is payable at the 2 percent rate in effect for the calendar year 1955 (the year in which the wages are received) and not at the 1½ percent rate which was in effect for the calendar year 1953 (the year in which the services were performed).

§ 31.3101–3 *When employee tax attaches.* The employee tax attaches at the time that the wages are received by the employee. For provisions relating to the time of such receipt, see § 31.3121 (a)–2.

§ 31.3102 *Statutory provisions; deduction of tax from wages.*

SEC. 3102. *Deduction of tax from wages*—(a) *Requirement.* The tax imposed by section 3101 shall be collected by the employer of the taxpayer, by deducting the amount of the tax from the wages as and when paid. An employer who in any calendar quarter pays to an employee cash remuneration to which paragraph (7) (B) or (C) or (10) of section 3121 (a) is applicable may deduct an amount equivalent to such tax from any such payment of remuneration, even though at the time of payment the total amount of such remuneration paid to the employee by the employer in the calendar quarter is less than $50; and an employer who in any calendar year pays to an employee cash remuneration to which paragraph (8) (B) of section 3121 (a) is applicable may deduct an amount equivalent to such tax from any such payment of remuneration, even though at the time of payment the total amount of such remuneration paid to the employee by the employer in the calendar year is less than $100.

(b) *Indemnification of employer.* Every employer required so to deduct the tax shall be liable for the payment of such tax, and shall be indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

[Sec. 3102 as amended by sec. 205 A, Social Security Amendments 1954]

§ 31.3102–1 *Collection of, and liability for, employee tax.* (a) The employer shall collect from each of his employees the employee tax with respect to wages for employment performed for the employer by the employee. The employer shall make the collection by deducting or causing to be deducted the amount of the employee tax from such wages as and when paid. (For provisions relating to the time of such payment, see § 31.3121 (a)–2.) The employer is required to collect the tax, notwithstanding the wages are paid in something other than money, and to pay over the tax in money. (As to the exclusion from wages of remuneration paid in any medium other than cash for certain types of services, see § 31.3121 (a) (7)–1, relating to such remuneration paid for service not in the course of the employer's trade or business or for domestic service in a private home of the employer; and § 31.3121 (a) (8)–1, relating to such remuneration paid for agricultural labor.)

(b) The employer may deduct amounts equivalent to employee tax from payments to an employee of cash remuneration to which the sections referred to in this paragraph are applicable prior to the time that the sum of such payments equals:

(1) $50 in the calendar quarter, for service not in the course of the employer's trade or business, to which § 31.3121 (a) (7)–1 is applicable; or

(2) $50 in the calendar quarter, for domestic service in a private home of the employer, to which § 31.3121 (a) (7)–1 is applicable; or

(3) $100 in the calendar year, for agricultural labor, to which § 31.3121 (a) (8)–1 is applicable; or

(4) $50 in the calendar quarter, for service performed as a home worker, to which § 31.3121 (a) (10)–1 is applicable.

At such time as the sum of the cash payments in the calendar quarter or the calendar year, as the case may be, for a type of service referred to in this paragraph equals or exceeds the amount specified, the employer is required to collect from the employee any amount of employee tax not previously deducted. If an employer pays cash remuneration to an employee for two or more of the types of service referred to in this paragraph, the provisions of this paragraph are to be applied separately to the amount of remuneration attributable to each type of service. For provisions relating to the repayment to an employee, or other disposition, of amounts deducted from an employee's remuneration in excess of the correct amount of employee tax, see § 31.6413 (a)–1. The application of this paragraph may be illustrated by the following examples:

Example (1). In the calendar year 1955 employer X makes several payments of cash remuneration to employee A for agricultural labor which constitutes employment. In January employer X makes his first payment of such cash remuneration to employee A in the amount of $10. X deducts 20 cents (2 percent of $10) as an amount equivalent to employee tax. In June X makes his second payment of cash remuneration to A in the amount of $50. X does not deduct from this payment an amount equivalent to employee tax. In October X makes his third payment of cash remuneration to A in the amount of $40. This amount brings the sum of such payments in 1955 to $100, and X is now required to collect employee tax from A. The amount of employee tax applicable to the $100 so paid is $2 (2 percent of $100). Inasmuch as X previously deducted 20 cents in January 1955, X is required to deduct $1.80 ($2 minus 20 cents) from the $40 paid in October 1955.

Example (2). Assume the same facts as in example (1), and assume further that employer X deducted $1.80 from the October payment to employee A. In November 1955, X makes his next payment of cash remuneration to A in the amount of $10. X is required to deduct 20 cents (2 percent of $10) from such payment.

(c) In collecting employee tax, the employer shall disregard any fractional part of a cent of such tax unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. The employer is liable for the employee tax with respect to all wages paid by him to each of his employees whether or not it is collected from the employee. If, for example, the employer deducts less than the correct amount of tax, or if he fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. Until collected from him the employee also is liable for the employee tax with respect to all the wages received by him. Any employee tax collected by or on behalf of an employer is a special fund in trust for the United States. See section 7501. The employer is indemnified against the claims and demands of any person for the amount of any payment of such tax made by the employer to the district director.

§ 31.3102–2 *Manner and time of payment of employee tax.* The employee tax is payable to the district director in the manner and at the time prescribed in Subpart G of the regulations in this part.

TAX ON EMPLOYERS

§ 31.3111 *Statutory provisions; rate of tax.*

SEC. 3111. *Rate of tax.* In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121 (a)) paid by him with respect to employment (as defined in section 3121 (b))—

(1) With respect to wages paid during the calendar years 1955 to 1959, both inclusive, the rate shall be 2 percent;

(2) With respect to wages paid during the calendar years 1960 to 1964, both inclusive, the rate shall be 2½ percent;

(3) With respect to wages paid during the calendar years 1965 to 1969, both inclusive, the rate shall be 3 percent;

(4) With respect to wages paid during the calendar years 1970 to 1974, both inclusive, the rate shall be 3½ percent;

(5) With respect to wages paid after December 31, 1974, the rate shall be 4 percent.

[Sec. 3111 as amended by sec. 208 (c), Social Security Amendments 1954]

§ 31.3111–1 *Measure of employer tax.* The employer tax is measured by the amount of wages paid after 1954 with respect to employment after 1936. See §§ 31.3121 (a)–1 to 31.3121 (a) (10)–1, inclusive, relating to wages, and §§ 31.3121 (b)–1 to 31.3121 (b) (15)–1, inclusive, relating to employment. For provisions relating to time of payment of wages, see § 31.3121 (a)–2.

§ 31.3111–2 *Rates and computation of employer tax.* (a) The rates of employer tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1955 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar years 1970 to 1974, both inclusive	3½
For the calendar year 1975 and subsequent calendar years	4

(b) The employer tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

§ 31.3111–3 *When employer tax attaches.* The employer tax attaches at the time that the wages are paid by the employer. For provisions relating to the time of such payment, see § 31.3121 (a)–2.

§ 31.3111–4 *Liability for employer tax.* The employer is liable for the employer tax with respect to the wages paid to his employees for employment performed for him.

§ 31.3111–5 *Manner and time of payment of employer tax.* The employer tax is payable to the district director in the manner and at the time prescribed in Subpart G of the regulations in this part.

§ 31.3112 *Statutory provisions; instrumentalities of the United States.*

SEC. 3112. *Instrumentalities of the United States.* Notwithstanding any other provision of law (whether enacted before or after the enactment of this section) which grants to any instrumentality of the United States an exemption from taxation, such instrumentality shall not be exempt from the tax imposed by section 3111 unless such other provision of law grants a specific exemption, by reference to section 3111 (or the corresponding section of prior law), from the tax imposed by such section.

§ 31.3112–1 *Instrumentalities of the United States specifically exempted from the employer tax.* Section 3112 makes ineffectual as to the employer tax imposed by section 3111 those provisions of law which grant to an instrumentality of the United States an exemption from taxation, unless such provisions grant a specific exemption from the tax imposed by section 3111 by an express reference to such section or the corresponding section of prior law (section 1410 of the Internal Revenue Code of 1939). Thus, the general exemptions from Federal taxation granted by various statutes to certain instrumentalities of the United States without specific reference to the tax imposed by section 3111 or by section 1410 of the 1939 Code are rendered inoperative insofar as such exemptions relate to the tax imposed by section 3111. For provisions relating to the exception from employment of services performed in the employ of an instrumentality of the United States specifically exempted from the employer tax, see § 31.3121 (b) (5)–1. For provisions relating to services performed for an instrumentality exempt on December 31, 1950, from the employer tax, see § 31.3121 (b) (6)–1 (c).

GENERAL PROVISIONS

§ 31.3121 (a) *Statutory provisions; definitions; wages.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

§ 31.3121 (a)–1 *Wages.* (a) Whether remuneration paid after 1954 for employment performed after 1936 constitutes wages is determined under section 3121 (a). This section and §§ 31.3121 (a) (1)–1 to 31.3121 (a) (10)–1, inclusive (relating to the statutory exclusions from wages), apply with respect only to remuneration paid after 1954 for employment performed after 1936. Whether remuneration paid after 1936 and before 1940 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of Regulations 91; 26 CFR (1939) Part 401. Whether remuneration paid after 1939 and before 1951 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of Regulations 106; 26 CFR (1939) Part 402. Whether remuneration paid after 1950 and before 1955 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of Regulations 128; 26 CFR (1939) Part 408.

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3121 (a) (see §§ 31.3121 (a) (1)–1 to 31.3121 (a) (10)–1, inclusive) or paragraph (j) of this section.

(c) The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums, are wages if paid as compensation for employment.

(d) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually.

(e) Generally the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. Remuneration paid in items other than cash shall be computed on the basis of the fair value of such items at the time of payment. See, however, §§ 31.3121 (a) (7)–1, 31.3121 (a) (8)–1, and 31.3121 (a) (10)–1, relating to the treatment of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business and for domestic service in a private home of the employer, for agricultural labor, and for services performed by certain home workers, respectively.

(f) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as remuneration for employment if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges", however, does not ordinarily include the value of meals or lodging furnished, for example, to restaurant or hotel employees, or to seamen or other employees aboard vessels, since generally these items constitute an appreciable part of the total remuneration of such employees.

(g) Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(h) Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(i) Remuneration for employment, unless such remuneration is specifically excepted under section 3121 (a) or paragraph (j) of this section, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example. A is employed by B during the month of January 1955 in employment and is entitled to receive remuneration of $100 for the services performed for B, the employer, during the month. A leaves the employ of B at the close of business on January 31, 1955. On February 15, 1955 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages and the taxes are payable with respect thereto.

(j) In addition to the exclusions specified in §§ 31.3121 (a) (1)–1 to 31.3121 (a) (10)–1, inclusive, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 3121 (b) (see §§ 31.3121 (b)–1 to 31.3121 (b) (15)–1, inclusive) and which are not deemed to be employment under section 3121 (c) (see § 31.3121 (c)–1).

(2) Remuneration for services which are deemed not to be employment under section 3121 (c) (see § 31.3121 (c)–1).

(3) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer.

§ 31.3121 (a)–2 *Wages; when paid and received.* (a) In general, wages are received by an employee at the time that they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless under paragraph (c) of this section they are deemed to be subsequently paid.

(b) Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition. For provisions relating to the treatment of deductions from remuneration as payments of remuneration, see § 31.3123–1.

(c) (1) The first $50 of cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar quarter for—

(i) Service to which § 31.3121 (a) (7)–1 is applicable (service not in the course of the employer's trade or business and domestic service in a private home of the employer); or

(ii) Service to which § 31.3121 (a) (10)–1 is applicable (service performed by certain home workers),

shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar quarter that the sum of such cash payments made within such quarter is at least $50.

(2) The first $100 of cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar year for agricultural labor to which § 31.3121 (a) (8)–1 is applicable shall be deemed to be paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year is at least $100.

(3) If an employer pays cash remuneration to an employee for two or more of the types of service referred to in this paragraph, the provisions of this paragraph are to be applied separately to the amount of remuneration attributable to each type of service.

§ 31.3121 (a) (1) *Statutory provisions; definitions; wages; $4,200 limitation.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $4,200 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $4,200 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

[Sec. 3121 (a) (1) as amended by sec. 204 (a) Social Security Amendments 1954]

§ 31.3121 (a) (1)–1 *$4,200 limitation*—(a) *In general.* (1) The term "wages" does not include that part of the remuneration paid within any calendar year after 1954 by an employer to an employee which exceeds the first $4,200 of remuneration (exclusive of remuneration excepted from wages in accordance with § 31.3121 (a)–1 (j) or §§ 31.3121 (a) (2)–1 to 31.3121 (a) (10)–1, inclusive) paid within such calendar year by such employer to such employee for employment performed for him at any time after 1936.

(2) The $4,200 limitation applies only if the remuneration received during any one calendar year by an employee from the same employer for employment performed after 1936 exceeds $4,200. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example. Employee A, in 1955, receives $3,500 from employer B on account of $4,000 due him for employment performed in 1955. In 1956 A receives from employer B the balance of $500 due him for employment performed in the prior year (1955), and thereafter in 1956 also receives $4,000 for employment performed in 1956 for employer B. The $3,500 received in 1955 is subject to the taxes in 1955. The balance of $500 received in 1956 for employment during 1955 is subject to the taxes in 1956, as is also the first $3,700 paid of the $4,000 for employment during 1956 (this $500 for 1955 employment added to the first $3,700 paid for 1956 employment constitutes the maximum wages which could be received by A in 1956 from any one employer). The final $300 received by A from B in 1956 is not included as wages and is not subject to the taxes.

(3) If during a calendar year the employee receives remuneration from more than one employer, the limitation of wages to the first $4,200 of remuneration received applies, not to the aggregate remuneration received from all employers with respect to employment performed after 1936, but instead to the remuneration received during such calendar year from each employer with respect to employment performed after 1936. In such case the first $4,200 received during the calendar year from each employer constitutes wages and is subject to the taxes, even though, under section 6413 (c), the employee may be entitled to a special credit or refund of any amount of employee tax deducted from his wages which exceeds the employee tax with respect to the first $4,200 of wages received during the calendar year from all employers. In this connection and in connection with the two examples immediately following, see § 31.6413 (c)–1, relating to special credits or refunds of employee tax on wages over $4,200. In connection with the application of the $4,200 limitation on wages in the case of remuneration paid for services performed in the employ of the United States or a wholly owned instrumentality thereof, see § 31.3122. In connection with the application of the $4,200 limitation, see also paragraph (b) of this section, relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.

Example (1). During 1955 employee C receives from employer D a salary of $700 a month for employment performed for D during the first 7 months of 1955, or total remuneration of $4,900. At the end of the sixth month C has received $4,200 from employer D, and only that part of his total remuneration from D constitutes wages subject to the taxes. The $700 received by employee C from employer D in the seventh month is not included as wages and is not subject to the taxes. At the end of the seventh month C leaves the employ of D and enters the employ of E. C receives remuneration of $840 a month from employer E in each of the remaining 5 months of 1955, or total remuneration of $4,200 from employer E. The entire $4,200 received by C from employer E constitutes wages and is subject to the taxes. Thus, the first $4,200 received from employer D and the entire $4,200 received from employer E constitute wages.

Example (2). During the calendar year 1955 F is simultaneously an officer (an employee) of the X Corporation, the Y Corporation, and the Z Corporation and during such year receives a salary of $4,200 from each corporation. Each $4,200 received by F from each of the Corporations X, Y, and Z (whether or not such corporations are related) constitutes wages and is subject to the taxes.

(b) *Wages paid by predecessor attributed to successor.* (1) If an employer (hereinafter referred to as a successor) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the $4,200 limitation set forth in paragraph (a) of this section, any remuneration (exclusive of remuneration excepted from wages in accordance with § 31.3121 (a)–1 (j) or §§ 31.3121 (a) (2)–1 to 31.3121 (a) (10)–1, inclusive) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor.

(2) The wages paid, or considered as having been paid, by a predecessor to an employee shall, for purposes of the $4,200 limitation, be treated as having been paid to such employee by a successor, if:

(i) The successor during a calendar year acquired substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of the predecessor;

(ii) Such employee was employed in the trade or business of the predecessor immediately prior to the acquisition and is employed by the successor in his trade or business immediately after the acquisition; and

(iii) Such wages were paid during the calendar year in which the acquisition occurred and prior to such acquisition.

(3) The method of acquisition of the property is immaterial. The acquisition may occur as a consequence of a corporate merger or consolidation, the incorporation of a business by a sole proprietor or a partnership, the continuance without interruption of the business of a previously existing partnership by a new partnership or by a sole proprietor, or a purchase or any other transaction whereby substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of one employer is acquired by another employer.

(4) Substantially all the property used in a separate unit of a trade or business may consist of substantially all the property used in the performance of an essential operation of the trade or business, or it may consist of substantially all the property used in a relatively self-sustaining entity which forms a part of the trade or business.

Example (1). The M Corporation which is engaged in the manufacture of automobiles, including the manufacture of automobile engines, discontinues the manufacture of the engines and transfers all the property used in such manufacturing operation to the N Company. The N Company is considered to have acquired a separate unit of the trade or business of the M Corporation, namely, its engine manufacturing unit.

Example (2). The R Corporation which is engaged in the operation of a chain of grocery stores transfers one of such stores to the S Company. The S Company is considered to have acquired a separate unit of the trade or business of the R Corporation.

(5) A successor may receive credit for wages paid to an employee by a predecessor only if immediately prior to the acquisition the employee was employed by the predecessor in his trade or business which was acquired by the successor and if immediately after the acquisition such employee is employed by the successor in his trade or business (whether or not in the same trade or business in which the acquired property is used). If the acquisition involves only a separate unit of a trade or business of the predecessor, the employee need not have been employed by the predecessor in that unit provided he was employed in the trade or business of which the acquired unit was a part.

Example. The Y Corporation in 1955 acquires all the property of the X Manufacturing Company and immediately after the acquisition employs in its trade or business employee A, who, immediately prior to the acquisition, was employed by the X Company. The X Company has in 1955 (the calendar year in which the acquisition occurs) and prior to the acquisition paid $2,500 of wages to A. The Y Corporation in 1955 pays to A remuneration with respect to employment of $2,500. Only $1,700 of the remuneration paid by the Y Corporation is considered to be wages. For purposes of the $4,200 limitation, the Y Corporation is credited with the $2,500 paid to A by the X Company. If, in the same calendar year, the property is acquired by the Z Company from the Y Corporation and A immediately after the acquisition is employed by the Z Company in its trade or business, no part of the remuneration paid to A by the Z Company in the year of the acquisition will be considered to be wages. The Z Company will be credited with the remuneration paid to A by the Y Corporation and also with the wages paid to A by the X Company (considered for purposes of the application of the $4,200 limitation as having also been paid by the Y Corporation).

(6) Where a corporation described in section 501 (c) (3) which is exempt from income tax under section 501 (a) has in effect a certificate filed pursuant to section 3121 (k), or pursuant to section 1426 (1) of the Internal Revenue Code of 1939, waiving its exemption from the taxes imposed by the Act, the activity in which such corporation is engaged is considered to be its trade or business for the purpose of determining whether the transferred property was used in the trade or business of the predecessor and for the purpose of determining whether the employment by the predecessor and the successor of an individual whose services were retained by the successor constitute employment in a trade or business. Thus, if a charitable or religious organization, subject to the taxes by virtue of its certificate, acquires all the property of another such organization likewise subject to the taxes and retains the services of employees of the predecessor, wages paid to such employees by the predecessor in the year of the acquisition (and prior to such acquisition) will be attributed to the successor for purposes of the $4,200 limitation.

§ 31.3121 (a) (2) *Statutory provisions; definitions; wages; payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

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(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of—

(A) Retirement, or

(B) Sickness or accident disability, or

(C) Medical or hospitalization expenses in connection with sickness or accident disability, or

(D) Death.

§ 31.3121 (a) (2)–1 *Payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.* (a) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of—

(1) An employee's retirement,

(2) Sickness or accident disability of an employee or any of his dependents,

(3) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents, or

(4) Death of an employee or any of his dependents.

(b) The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

§ 31.3121 (a) (3) *Statutory provisions; definitions; wages; retirement payments.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • • •

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

§ 31.3121 (a) (3)–1 *Retirement payments.* The term "wages" does not include any payment made by an employer

to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

§ 31.3121 (a) (4) *Statutory provisions; definitions; wages; payments on account of sickness or accident disability, or medical or hospitalization expenses.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

* * * * *

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of 6 calendar months following the last calendar month in which the employee worked for such employer;

§ 31.3121 (a) (4)–1 *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or accident disability, if such payment is made after the expiration of 6 calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

§ 31.3121 (a) (5) *Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

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(5) Any payment made to, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401 (a) which is exempt from tax under section 501 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

(B) Under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (a) (3), (4), (5), and (6);

§ 31.3121 (a) (5)–1 *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(a) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6); or

(b) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6).

A payment made to an employee of a trust described in section 401 (a) which is exempt from tax under section 501 (a) for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exclusion from wages.

§ 31.3121 (a) (6) *Statutory provisions; definitions; wages; payment by employer of employee tax under section 3101 or employee contributions under a State law.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such terms shall not include—

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(6) The payment by an employer (without deduction from the remuneration of the employee)—

(A) Of the tax imposed upon an employee under section 3101 (or the corresponding section of prior law), or

(B) Of any payment required from an employee under a State unemployment compensation law;

§ 31.3121 (a) (6)–1 *Payment by an employer of employee tax under section 3101 or employee contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either (a) the employee tax imposed by section 3101 or the corresponding section of prior law, or (b) any payment required from an employee under a State unemployment compensation law.

§ 31.3121 (a) (7) *Statutory provisions; definitions; wages; payments for service not in the course of the employer's trade or business or for domestic service.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

* * * * *

(7) (A) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business or for domestic service in a private home of the employer;

(B) Cash remuneration paid by an employer in any calendar quarter to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than $50. As used in this subparagraph, the term "domestic service in a private home of the employer" does not include service described in subsection (g) (5);

(C) Cash remuneration paid by an employer in any calendar quarter to an employee for service not in the course of the employer's trade or business, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than $50. As used in this subparagraph, the term "service not in the course of the employer's trade or business" does not include domestic service in a private home of the employer and does not include service described in subsection (g) (5);

[Sec. 3121 (a) (7) as amended by sec. 204 (b) (1), (2), Social Security Amendments 1954]

§ 31.3121 (a) (7)–1 *Payments for services not in the course of employer's trade or business or for domestic service—*(a) *Meaning of terms—*(1) *Services not in the course of employer's trade or business.* The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. Such term does not include services performed for a corporation. As used in this section, the term does not include service not in the course of the employer's trade or business performed on a farm operated for profit or domestic service in a private home of the employer. See § 31.3121 (g)–1 (f) for provisions relating to services not in the course of the employer's trade or business performed on a farm operated for profit.

(2) *Domestic service in a private home of the employer.* Services of a household nature performed by an employee in or about a private home of the person by whom he is employed constitute domestic service in a private home of the employer. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is used primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. The term "domestic service in a private home of the employer" does not include the services enumerated above unless such services are performed in or about a private home of the employer. Services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, are not included within the term "domestic service in a private home of the employer". As used in this section, the term does not include domestic service in a private home of the employer performed on a farm operated for profit or service not in the course of the employer's trade or business. See § 31.3121 (g)–1 (f) for provisions relating to domestic service in a private home of the employer performed on a farm operated for profit.

(b) *Payments other than in cash.* The term "wages" does not include remuneration paid in any medium other than cash (1) for service not in the course of the employer's trade or business, or (2) for domestic service in a private home of the employer. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes or tickets, or other goods or commodities, for service not in the course of the employer's trade or business or for domestic service in a private home of the employer does not constitute wages.

(c) *Cash payments.* (1) The term "wages" does not include cash remuneration paid by an employer in any calendar quarter after 1954 to an employee for—

(i) Domestic service in a private home of the employer, or

(ii) Service not in the course of the employer's trade or business,

unless the cash remuneration paid in such quarter by the employer to the employee for such service is $50 or more.

(2) The test relating to cash remuneration of $50 or more is based on the remuneration paid in a calendar quarter rather than on the remuneration earned during a calendar quarter. It is immaterial whether the remuneration was earned before 1955 or after 1954.

Example. In the calendar quarter ending March 31, 1955, employer X pays employee A cash remuneration of $50 for service not in the course of X's trade or business. Such remuneration constitutes wages subject to the taxes even though $10 thereof represents payment for such service performed by A for X in December 1954.

In determining whether $50 or more has been paid either for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met. If an employee receives cash remuneration from an employer in a calendar quarter for both types of services the $50 cash-remuneration test is to be applied separately to each type of service. If an employee receives cash remuneration from more than one employer in a calendar quarter for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, the $50 cash-remuneration test is to be applied separately to the remuneration received from each employer. See § 31.3102–1, relating to deduction of employee tax or amounts equivalent to the tax from cash payments for the services described in this section; § 31.3121 (a)–2, relating to time of payment of wages for such services; and § 31.3121 (i)–1, relating to computation to the nearest dollar of any payment of cash remuneration for domestic service in a private home of the employer.

§ 31.3121 (a) (8) *Statutory provisions; definitions; wages; payments for agricultural labor.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

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(8) (A) Remuneration paid in any medium other than cash for agricultural labor;

(B) Cash remuneration paid by an employer in any calendar year to an employee for agricultural labor, if the cash remuneration paid in such year by the employer to the employee for such labor is less than $100;

[Sec. 3121 (a) (8) as amended by sec. 204 (b) (3), Social Security Amendments 1954]

§ 31.3121 (a) (8)–1 *Payments for agricultural labor—*(a) *Scope of this section.* For purposes of the regulations in this section, the term "agricultural labor" means, except as otherwise expressly indicated, only such agricultural labor (see § 31.3121 (g)–1) as constitutes employment or is deemed to constitute employment by reason of the rules relating to included and excluded services contained in section 3121 (c) (see § 31.3121 (c)–1) or the corresponding section of prior law.

(b) *Payments other than in cash.* The term "wages" does not include remuneration paid in any medium other than cash for agricultural labor. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes or tickets, farm products, or other goods or commodities, for agricultural labor does not constitute wages.

(c) *Cash payments.* (1) The term "wages" does not include cash remuneration paid by an employer in any calendar year after 1954 to an employee for agricultural labor unless the cash remuneration paid in such year by the employer to the employee for such labor is $100 or more. If an employee receives cash remuneration from an employer both for services which constitute agricultural labor and for services which do not constitute agricultural labor, only the amount of such remuneration which is attributable to agricultural labor shall be included in determining whether the cash-remuneration test is met.

Example. Employer X operates a store and also is engaged in farming operations. Employee A, who regularly performs services for X in connection with the operation of the store, works on X's farm when additional help is required for the farm activities. In the calendar year 1955, X pays A $90 in cash for agricultural labor performed on X's farm and $1,500 for services performed in connection with the operation of the store. Since only $90 in cash remuneration is paid by X to A in the calendar year 1955 for agricultural labor, the cash-remuneration test is not met and the $90 so paid to A does not constitute wages subject to the taxes.

(2) The test relating to cash remuneration of $100 or more is based on the remuneration paid in a calendar year rather than on the remuneration earned during a calendar year. It is immaterial whether the remuneration was earned before 1955 or after 1954.

Example. Employer X pays cash remuneration of $100 in the calendar year 1955 to employee A for agricultural labor. Such remuneration constitutes wages even though $10 of such amount represents payment for agricultural labor performed by A for X in December 1954.

(3) If the services performed by an employee for his employer in any pay period include both agricultural labor and other services and either the agricultural labor or the other services are excepted from employment under any of the numbered paragraphs of section 3121 (b), the rules in § 31.3121 (c)–1, relating to included and excluded services, must be applied to the services performed in such pay period. Thus, any cash remuneration paid for agricultural labor which is performed in the pay period and which is deemed to be employment under the included-excluded rules must be taken into account in determining whether the cash remuneration paid to the employee for agricultural labor meets the $100 cash-remuneration test.

Example. Employer X, who is engaged in farm operations and also in the harvesting of crude gum (oleoresin) from living trees, employs A to perform services in connection with both types of operations. X pays A cash remuneration of $135 in the calendar year 1955 in 3 equal monthly payments of $45 each for such services. A spends more than one-half of his time in the first monthly pay period in harvesting crude gum and more than one-half of his time in the second and third pay periods in cultivating the soil. While both types of services performed by A for X constitute agricultural labor as defined in section 3121 (g), A's services in connection with the cultivation of the soil constitute employment and his services in connection with the harvesting of crude gum are excepted from employment under section 3121 (b) (1) (see § 31.3121 (b) (1)–1 (a)). By application of the rules relating to included and excluded services, none of A's services in the first pay period are deemed to constitute employment and the $45 paid for his services in such pay period is disregarded for purposes of the $100 cash-remuneration test. Although all of A's services in the second and third pay periods are deemed to constitute employment by application of the included-excluded rules, the $90 paid by X to A for his services in such periods does not constitute wages subject to the taxes since the total cash remuneration paid to A by X in the calendar year for agricultural labor which constitutes or is deemed to constitute employment is less than $100.

(4) In determining whether $100 or more has been paid to an employee for agricultural labor, only cash remuneration for such labor shall be taken into account. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, car tokens, transportation passes or tickets, farm products, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met. If an employee receives cash remuneration in any one calendar year from more than one employer for agricultural labor, the $100 cash-remuneration test is to be applied with respect to the remuneration received by the em-

ployee from each employer in such calendar year for such labor. See § 31.3102–1, relating to deduction of employee tax or amounts equivalent to the tax from cash payments for agricultural labor, and § 31.3121 (a)–2, relating to the time of payment of wages for agricultural labor.

§ 31.3121 (a) (9) *Statutory provisions; definitions; wages; payments to stand-by employees.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

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(9) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made; or

§ 31.3121 (a) (9)–1 *Payments to stand-by employees.* The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee after the calendar month in which the employee attains age 65, if—

(a) Such employee does no work (other than being subject to call for the performance of work) for such employer in the period for which such payment is made; and

(b) The employer-employee relationship exists between the employer and employee throughout the period for which such payment is made.

Vacation or sick pay is not within this exclusion from wages. If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages. For example, if employee A, who attained the age of 65 in January 1955, is employed by the X Company on a stand-by basis and is paid $200 by the X Company for being subject to call during the month of February 1955 and an additional $25 for work performed for the X Company on one day in February 1955, then none of the $225 is excluded from wages under this exception.

§ 31.3121 (a) (10) *Statutory provisions; definitions; wages; payments to certain home workers.*

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

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(10) Remuneration paid by an employer in any calendar quarter to an employee for service described in subsection (d) (3) (C) (relating to home workers), if the cash remuneration paid in such quarter by the employer to the employee for such service is less than $50.

§ 31.3121 (a) (10)–1 *Payments to certain home workers.* (a) The term "wages" does not include remuneration paid by an employer in any calendar quarter to an employee—

(1) For services performed after 1954 as a home worker who is an employee by reason of the provisions of section 3121 (d) (3) (C) (see § 31.3121 (d)–1 (d)), or

(2) For services performed after 1950 and before 1955 as a home worker who is an employee by reason of the provisions of section 1426 (d) (3) (C) of the Internal Revenue Code of 1939,

unless the cash remuneration paid in such quarter by the employer to the employee for such services is $50 or more. The test relating to cash remuneration of $50 or more is based on remuneration paid in a calendar quarter rather than on remuneration earned during a calendar quarter. If $50 or more of cash remuneration is paid in a particular calendar quarter, it is immaterial whether the $50 is in payment for services performed during the quarter of payment or during any other quarter.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). A, a home worker, performs services for X, a manufacturer, in 1954 and 1955. In the performance of the home work A is an employee both in 1954 (by reason of section 1426 (d) (3) (C) of the 1939 Code) and in 1955 (by reason of section 3121 (d) (3) (C)). In March 1955, A returns to X articles made by A at home from materials received by A from X in 1954. X pays A cash remuneration of $50 for such work when the finished articles are delivered. The $50 includes $10 which represents remuneration for home work performed by A in 1954. The entire $50 is subject to the taxes.

Example (2). Assume that the same transactions occur, but that A is not subject in 1954 to licensing requirements under the laws of the State in which the home work is performed. A, therefore, does not perform home work in 1954 as an employee of X by reason of section 1426 (d) (3) (C) of the 1939 Code, and the $10 paid in 1955 for such work is not remuneration for employment. The remaining $40 for the home work performed in 1955 is remuneration for employment, but is excluded from wages by application of the $50 cash-remuneration test.

(c) In the event an employee receives remuneration in any one calendar quarter from more than one employer for services performed as a home worker of the character described in paragraph (a) of this section, the regulations in this section are to be applied with respect to the remuneration received by the employee from each employer in such calendar quarter for such services. This exclusion from wages has no application to remuneration paid for services performed as a home worker who is an employee under either section 3121 (d) (2) (see § 31.3121 (d)–1 (c)) or section 1426 (d) (2) of the 1939 Code, relating to common law employees.

(d) Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the $50 cash-remuneration test is met. If the cash remuneration paid in any calendar quarter by an employer to an employee for services performed as a home worker of the character described in paragraph (a) of this section is $50 or more, then no remuneration, whether in cash or in any medium other than cash, paid by the employer to the employee in such calendar quarter for such services is excluded from wages under this exception.

(e) For provisions relating to whether a home worker is an employee under section 1426 (d) (3) (C) of the 1939 Code, see § 408.204 of Regulations 128; 26 CFR (1939) Part 408. See also § 31.3102–1, relating to deduction of employee tax or amounts equivalent to the tax from cash payments for services performed as a home worker of the character described in paragraph (a) of this section, and § 31.3121 (a)–2, relating to the time of payment of wages for such services.

§ 31.3121 (b) *Statutory provisions; definitions; employment.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means any service performed after 1936 and prior to 1955 which was employment for purposes of subchapter A of chapter 9 of the Internal Revenue Code of 1939 under the law applicable to the period in which such service was performed, and any service, of whatever nature, performed after 1954 either (A) by an employee for the person employing him, irrespective of the citizenship or residence of either, (i) within the United States, or (ii) on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States, or (B) outside the United States by a citizen of the United States as an employee for an American employer (as defined in subsection (h)); except that, in the case of service performed after 1954, such term shall not include—

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[SEC. 205. *Amendments to definition of employment* [Social Security Amendments of 1954]. (a) Section 3121 (b) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

(1) (A) Service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550 § 3; 12 U. S. C. 1141j);

(B) Service performed by foreign agricultural workers (i) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended (65 Stat. 119; 7 U. S. C. 1461–1468), or (ii) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies on a temporary basis to perform agricultural labor;

(b) Section 3121 (b) of the Internal Revenue Code of 1954 is amended by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), and any references thereto contained in such code, as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), respectively.

• • • • • •

(f) • • • The amendments made by subsections (a) and (b) shall be applicable only with respect to services (whether performed after 1954 or prior to 1955) for which the remuneration is paid after 1954.]

§ 31.3121 (b)–1 *Employment; services to which the regulations in this subpart apply.* (a) The provisions of the regulations in this subpart relating to the term "employment" apply with respect to services performed after 1954. Certain provisions also apply with respect to services performed before 1955 for which the remuneration is paid after 1954 (see § 31.3121 (b)–2 (b)). For provisions relating generally to services performed before 1955, see § 31.3121 (b)–2 (a). For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 31.3121 (c)–1. For provisions relating to who are employees and who are employers, see §§ 31.3121 (d)–1 and 31.3121 (d)–2, respectively.

(b) The taxes apply with respect to remuneration paid after 1954 for services performed before 1955, as well as for services performed after 1954, to the extent that the remuneration and services constitute wages and employment. See §§ 31.3121 (a)–1 to 31.3121 (a) (10)–1, relating to wages.

§ 31.3121 (b)–2 *Employment; services performed before 1955*—(a) *General rule.* (1) Subject to the provisions of paragraph (b) of this section:

(i) Services performed after 1936 and before 1955 which were employment under the applicable law in effect before 1955 constitute employment under section 3121 (b).

(ii) Services performed after 1936 and before 1955 which were not employment under the applicable law in effect before 1955 do not constitute employment under section 3121 (b).

(2) Except as provided in paragraph (b) of this section, determination of whether services performed before 1955 constitute employment shall be made in accordance with the applicable provisions of law in effect before 1955 and of the regulations thereunder. The regulations applicable in determining whether services performed after 1936 and before 1955 constitute employment are as follows:

(i) Services performed after 1936 and before 1940—Regulations 91; 26 CFR (1939) Part 401.

(ii) Services performed after 1939 and before 1951—Regulations 106; 26 CFR (1939) Part 402.

(iii) Services performed after 1950 and before 1955—Regulations 128; 26 CFR (1939) Part 408.

(b) *Certain services performed before 1955 the remuneration for which is paid after 1954.* (1) Services of the following character performed before 1955, for which remuneration is paid after 1954, constitute employment under section 3121 (b):

(i) Agricultural labor, as defined in section 3121 (g) (see § 31.3121 (g)–1), other than services of the character described in section 3121 (b) (1) (relating to services performed in connection with the production or harvesting of certain oleoresinous products and services performed by certain foreign agricultural workers), which, at the time performed, constituted employment under section 1426 (b) of the 1939 Code, or would have constituted employment except for the provisions of section 1426 (b) (1) of such Code, as in effect at the time the services were performed.

(ii) Services not in the course of the employer's trade or business (see § 31.3121 (a) (7)–1 (a) (1)) which, at the time performed, constituted employment under section 1426 (b) of the 1939 Code, or would have constituted employment except for the provisions of section 1426 (b) (3) of such Code, as in effect at the time the services were performed.

(2) Services of the character described in section 3121 (b) (1) (B) (see § 31.3121 (b) (1)–1 (b) and (c), relating to services performed by certain foreign agricultural workers), which were performed before 1955 and the remuneration for which is paid after 1954, do not constitute employment under section 3121 (b), irrespective of whether they constituted employment under section 1426 (b) of the 1939 Code, as in effect at the time the services were performed.

(3) This paragraph has no application to services performed before 1955 and the remuneration for which was paid before 1955.

§ 31.3121 (b)–3 *Employment; services performed after 1954*—(a) *In general.* Whether services performed after 1954 constitute employment is determined in accordance with the provisions of section 3121 (b).

(b) *Services performed within the United States.* Services performed after 1954 within the United States, that is, within any of the several States, the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico, by an employee for his employer, unless specifically excepted by section 3121 (b), constitute employment. The place where the contract of service is entered into and the residence of the employee or of the employer are immaterial. The citizenship of the employee or of the employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be to that extent employment.

(c) *Services performed outside the United States*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, services performed outside the United States, that is, outside the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico, do not constitute employment.

(2) *On or in connection with an American vessel or American aircraft.* (i) Services performed after 1954 by an employee for an employer "on or in connection with" an American vessel or American aircraft outside the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico) constitute employment if:

(a) The employee is also employed "on and in connection with" such vessel or aircraft when outside the United States; and

(b) The services are performed under a contract of service, between the employee and the employer, which is entered into within the United States; or during the performance of the contract under which the services are performed and while the employee is employed on the vessel or aircraft it touches at a port within the United States; and

(c) The services are not excepted under section 3121 (b).

(ii) An employee performs services on and in connection with the vessel or aircraft if he performs services on such vessel or aircraft which are also in connection with the vessel or aircraft. Services performed on the vessel by employees as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(iii) If services are performed by an employee "on and in connection with" an American vessel or American aircraft when outside the United States and the conditions listed in subdivision (i) (*b*) and (*c*) of this subparagraph are met, then the services of that employee performed on or in connection with the vessel or aircraft constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(iv) Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which and while the employee is employed on the vessel or aircraft it does not touch at a port within the United States, do not constitute employment under this subparagraph, notwithstanding services performed by other members of the crew or other employees on or in connection with the vessel or aircraft may constitute employment.

(v) A vessel includes every description of watercraft, or other contrivance, used as a means of transportation on water. An aircraft includes every description of craft, or other contrivance, used as a means of transportation through the air. In the case of an aircraft, the term "port" means an airport.

An airport means an area on land or water used regularly by aircraft for receiving or discharging passengers or cargo. For definitions of "American vessel" and "American aircraft", see § 31.3121 (f)–1.

(vi) With respect to services performed outside the United States on or in connection with an American vessel or American aircraft, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the employer is material only in case it has a bearing in determining whether a vessel is an American vessel.

(3) *By a citizen of the United States as an employee for an American employer.* Services performed after 1954 outside the United States by a citizen of the United States as an employee for an American employer constitute employment provided the services are not specifically excepted under section 3121 (b). For definitions of "citizen of the United States" and "American employer", see §§ 31.3121 (e)–1 and 31.3121 (h)–1, respectively.

(4) *By a citizen of the United States as an employee for a foreign subsidiary corporation.* For provisions relating to the extension of the Federal old-age and survivors insurance system established by title II of the Social Security Act to certain services not constituting employment which are performed outside the United States by citizens of the United States in the employ of a foreign subsidiary of a domestic corporation, see section 3121 (l) and the Regulations Relating to Contract Coverage of Employees of Foreign Subsidiaries (Part 36 of this chapter).

§ 31.3121 (b)–4 *Employment; excepted services in general.* (a) Services performed after 1954 by an employee for an employer do not constitute employment for purposes of the taxes if they are specifically excepted from employment under any of the numbered paragraphs of section 3121 (b). Services so excepted do not constitute employment for purposes of the taxes even though they are performed within the United States, or are performed outside the United States on or in connection with an American vessel or American aircraft, or are performed outside the United States by a citizen of the United States for an American employer.

(b) The exception attaches to the services performed by the employee and not to the employee as an individual; that is, the exception applies only to the services in an excepted class rendered by the employee.

Example. A is an individual who is employed part time by B to perform services which are specifically excepted from employment under one of the numbered paragraphs of section 3121 (b). A is also employed by C part time to perform services which constitute employment. While no tax liability is incurred with respect to A's remuneration for services performed in the employ of B (the services being excepted from employment), the exception does not embrace the services performed by A in the employ of C (which constitute employment) and the taxes attach with respect to the wages (see § 31.3121 (a)–1) for such services.

(c) For provisions relating to the circumstances under which services which are excepted are nevertheless deemed to be employment, and relating to the circumstances under which services which are not excepted are nevertheless deemed not to be employment, see § 31.3121 (c)–1.

§ 31.3121 (b) (1) *Statutory provisions; definitions; employment; agricultural services.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

(1) (A) Service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550 § 3; 12 U. S. C. 1141j);

(B) Service performed by foreign agricultural workers (i) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended (65 Stat. 119; 7 U. S. C. 1461–1468), or (ii) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies on a temporary basis to perform agricultural labor;

[Sec. 3121 (b) (1), as amended, effective with respect to services (performed after 1954 or before 1955) the remuneration for which is paid after 1954, by sec. 205 (a), Social Security Amendments 1954]

SEC. 15. *Miscellaneous provisions* [*Agricultural Marketing Act*]. • • •

(g) As used in this Act, the term "agricultural commodity" includes • • • crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923 [42 Stat. 1435; 7 U. S. C. 92 (c), (h)].

SEC. 2. [*The Naval Stores Act.*] That, when used in this Act—

• • • • • •

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

• • • • • •

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

• • • • • •

SEC. 501. [*Title V, Agricultural Act of 1949.*] For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico), the Secretary of Labor is authorized—

(1) To recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

• • • • • •

(5) To assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

• • • • • •

SEC. 507. [*Title V, Agricultural Act of 1949.*] For the purposes of this title—

(1) The term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended [52 Stat. 1060; 29 U. S. C. 203 (f)], or section 1426 (h) of the Internal Revenue Code as amended [section 3121 (g) of the Internal Revenue Code of 1954], horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

• • • • • •

SEC. 509. [*Title V, Agricultural Act of 1949.*] No workers will be made available under this title for employment after June 30, 1959.

[Sec. 509 as amended by Act of Aug. 9, 1955, 69 Stat. 615]

SEC. 3. *Definitions* [*Fair Labor Standards Act of 1938*]. As used in this Act—

• • • • • •

(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

• • • • • •

§ 31.3121 (b) (1)–1 *Services performed in connection with the production or harvesting of certain oleoresinous products and services performed by certain foreign agricultural workers.* (a) Services performed in connection with the production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum, are excepted from employment. However, the services to which this paragraph relates constitute agricultural labor as defined in section 3121 (g) (see § 31.3121 (g)–1 (d)). Thus, any cash remuneration paid for such services, to the extent that the services are deemed to constitute employment by reason of the rules relating to included and excluded services contained in section 3121 (c) (see § 31.3121 (c)–1), is taken into account in applying the test prescribed in section 3121 (a) (8) (B) for determining whether cash remuneration paid for agricultural labor constitutes wages (see § 31.3121 (a) (8)–1 (c)).

(b) Services performed by foreign agricultural workers from the Republic of Mexico under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, are excepted from employment. Contracts entered into pursuant to the provisions of such title V may provide for the performance only of services which constitute "agricultural employment". The term "agricultural employment" includes certain services which do not constitute "agricultural labor" as that term is defined in section 3121 (g) (see § 31.3121 (g)–1). For purposes of title V of the

Agricultural Act of 1949, as amended, the term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended, or section 3121 (g) of the Internal Revenue Code, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

(c) Services performed by a foreign agricultural worker lawfully admitted to the United States from the Bahamas, Jamaica, or the other British West Indies, on a temporary basis to perform agricultural labor are excepted from employment.

(d) See § 31.3121 (b)–2 (b) for provisions relating to the status of services of the character to which this section applies which were performed before 1955 and the remuneration for which is paid after 1954.

§ 31.3121 (b) (2) *Statutory provisions; definitions; employment; domestic service performed by students for certain college organizations.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(2) Domestic service performed in a local college club, or local chapter of a college fraternity or sorority, by a student who is enrolled and is regularly attending classes at a school, college, or university;

§ 31.3121 (b) (2)–1 *Domestic service performed by students for certain college organizations.* (a) Services of a household nature performed in or about the club rooms or house of a local college club, or in or about the club rooms or house of a local chapter of a college fraternity or sorority, by a student who is enrolled and regularly attending classes at a school, college, or university are excepted from employment. For purposes of this exception, the statutory tests are the type of services performed by the employee, the character of the place where the services are performed, and the status of the employee as a student enrolled and regularly attending classes at a school, college, or university.

(b) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purpose of supplying board or lodging to students or the public as a business enterprise, the services performed therein are not within the exception.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) Services of a household nature are not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

(f) For provisions relating to domestic service in a private home of the employer, see § 31.3121 (a) (7)–1.

§ 31.3121 (b) (3) *Statutory provisions; definitions; employment; family employment.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(3) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

[Sec. 3121 (b) (4), Internal Revenue Code 1954 redesignated paragraph (3) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (3)–1 *Family employment.* (a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) Services performed by a father or mother in the employ of his or her son or daughter; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that such son or daughter is under the age of 21.

(c) Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the partners comprising the partnership.

§ 31.3121 (b) (4) *Statutory provisions; definitions; employment; services performed on or in connection with a non-American vessel or aircraft.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(4) Service performed by an individual on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, if (A) the individual is employed on and in connection with such vessel or aircraft, when outside the United States and (B) (i) such individual is not a citizen of the United States or (ii) the employer is not an American employer.

[Sec. 3121 (b) (5), Internal Revenue Code 1954, as amended and redesignated paragraph (4) by section 205 (b), (c), Social Security Amendments 1954]

§ 31.3121 (b) (4)–1 *Services performed on or in connection with a non-American vessel or aircraft.* (a) Services performed within the United States by an employee for an employer "on or in connection with" a vessel not an American vessel, or "on or in connection with" an aircraft not an American aircraft, are excepted from employment if—

(1) The employee is employed by such employer "on and in connection with" such vessel or aircraft when outside the United States, and

(2) (i) The employee is not a citizen of the United States, or (ii) the employer is not an American employer.

(b) An employee performs services on and in connection with the vessel or aircraft if he performs services on the vessel or aircraft when outside the United States which are also in connection with the vessel or aircraft. Services performed on the vessel outside the United States by employees as officers or members of the crew, or by employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft outside the United States by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(c) The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(d) Services performed within the United States on or in connection with a non-American vessel or aircraft for an employer by an employee who is not a citizen of the United States are excepted from employment, irrespective of whether the employer is or is not an American employer, provided the employee also is employed by such employer on and in connection with the vessel or aircraft when outside the United States. Services performed within the United States on or in connection with a non-American vessel or aircraft by an employee for an employer who is not an American employer also are excepted from employment, irrespective of whether the employee is or is not a citizen of the United States, provided the employee also is employed by such employer on and in connection with the ves-

sel or aircraft when outside the United States. Services performed within the United States on or in connection with a non-American vessel or aircraft for an American employer by an employee who is a citizen of the United States are not excepted from employment under section 3121 (b) (4), irrespective of whether the employee is employed by such employer on and in connection with the vessel or aircraft when outside the United States. Further, section 3121 (b) (4) does not except from employment services performed within the United States for an employer, whether or not an American employer, on or in connection with a non-American vessel or aircraft by an employee, whether or not a citizen of the United States, who is not also employed by such employer on and in connection with the vessel or aircraft when outside the United States.

(e) Services performed outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, by a citizen of the United States as an employee for an American employer are not excepted from employment under section 3121 (b) (4), irrespective of whether the employee is employed on and in connection with such vessel or aircraft when outside the United States. Services performed outside the United States on or in connection with a vessel not an American vessel or on or in connection with an aircraft not an American aircraft, either by an employee who is not a citizen of the United States or for an employer who is not an American employer, do not, in any event, constitute employment. See § 31.3121 (b)–3 (c), relating to services performed outside the United States which constitute employment.

(f) See § 31.3121 (b)–3 (c) (2) (v) for definitions of "vessel" and "aircraft", § 31.3121 (f)–1, for definitions of "American vessel" and "American aircraft", § 31.3121 (e)–1, for definition of "citizen of the United States", and § 31.3121 (h)–1, for definition of "American employer".

§ 31.3121 (b) (5) *Statutory provisions; definitions; employment; services in employ of an instrumentality of the United States specifically exempted from the employer tax.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(5) Service performed in the employ of any instrumentality of the United States, if such instrumentality is exempt from the tax imposed by section 3111 by virtue of any provision of law which specifically refers to such section (or the corresponding section of prior law) in granting such exemption;

[Sec. 3121 (b) (6), Internal Revenue Code 1954, redesignated paragraph (5) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (5)–1 *Services in employ of an instrumentality of the United States specifically exempted from the employer tax.* Services performed in the employ of an instrumentality of the United States are excepted from employment if such instrumentality is exempt from the employer tax imposed by section 3111 by virtue of any other provision of law which specifically refers to such section 3111 or the corresponding section of prior law (section 1410 of the Internal Revenue Code of 1939) in granting exemption from the employer tax. This exception does not operate to exclude from employment services performed in the employ of an instrumentality of the United States unless the Congress has granted to such instrumentality a specific exemption from the tax imposed by section 3111 or the corresponding section of prior law. For provisions which make general exemptions from Federal taxation ineffectual as to the employer tax imposed by section 3111, see § 31.3112–1. For other exceptions from employment applicable with respect to services performed in the employ of an instrumentality of the United States, see § 31.3121 (b) (6)–1.

§ 31.3121 (b) (6) *Statutory provisions; definitions; employment; services in employ of United States or instrumentality thereof.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

(6) (A) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is covered by a retirement system established by a law of the United States;

(B) Service performed by an individual in the employ of an instrumentality of the United States if such an instrumentality was exempt from the tax imposed by section 1410 of the Internal Revenue Code of 1939 on December 31, 1950, and if such service is covered by a retirement system established by such instrumentality; except that the provisions of this subparagraph shall not be applicable to—

(i) Service performed in the employ of a corporation which is wholly owned by the United States;

(ii) Service performed in the employ of a national farm loan association, a production credit association, a Federal Reserve Bank, or a Federal Credit Union;

(iii) Service performed in the employ of a State, county, or community committee under the Commodity Stabilization Service;

(iv) Service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; or

(v) Service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard;

(C) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is performed—

(i) As the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress;

(ii) In the legislative branch;

(iii) In a penal institution of the United States by an inmate thereof;

(iv) By any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

(v) By any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency; or

(vi) By any individual to whom the Civil Service Retirement Act of 1930 does not apply because such individual is subject to another retirement system;

[Sec. 3121 (b) (7), Internal Revenue Code 1954, as amended and redesignated paragraph (6) by sec. 205 (b), (d), Social Security Amendments 1954]

§ 31.3121 (b) (6)–1 *Services in employ of United States or instrumentality thereof*—(a) *In general.* This section relates to services performed in the employ of the United States Government or in the employ of an instrumentality of the United States. Particular services which are not excepted from employment under one rule set forth in this section may nevertheless be excepted under another rule set forth in this section or under § 31.3121 (b) (5)–1, relating to services in the employ of an instrumentality of the United States specifically exempted from the employer tax. Moreover, services performed in the employ of the United States or of any instrumentality thereof which are not excepted from employment under paragraph (5) or (6) of section 3121 (b) may nevertheless be excepted under some other paragraph of such section. For provisions relating generally to the application of the taxes in the case of services performed in the employ of the United States or a wholly owned instrumentality thereof, see § 31.3122.

(b) *Services covered under a retirement system established by a law of the United States.* Services performed in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment under section 3121 (b) (6) (A) if such services are covered under a law enacted by the Congress of the United States which specifically provides for the establishment of a retirement system for employees of the United States or of such instrumentality. Determinations as to whether services are covered by a retirement system of the requisite character are to be made as of the time such services are performed. Services of an employee who has an option to have his services covered under a retirement system are not covered under such retirement system unless and until he exercises such option. The test is whether particular services performed by an employee are covered by a retirement system of the requisite character rather than whether the position in which such services are performed is covered by such retirement system.

(c) *Services performed for an instrumentality not subject to employer tax on December 31, 1950, and covered under a retirement system established by such instrumentality.* (1) Subject to the provisions of subparagraph (4) of this paragraph, services performed in the employ of an instrumentality of the United States are excepted from employment under section 3121 (b) (6) (B) if—

(i) The particular instrumentality was not subject on December 31, 1950, to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939, and

(ii) The services are covered by a retirement system established by such instrumentality.

(2) If the particular instrumentality was not in existence on December 31, 1950, but is created thereafter under a law which was in effect on December 31, 1950, services performed in the employ of such instrumentality are excepted from employment (unless otherwise provided in subparagraph (4) of this paragraph) if—

(i) The instrumentality had it been in existence on December 31, 1950, would not have been subject on that date to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939, and

(ii) The services are covered by a retirement system established by such instrumentality.

It is immaterial, for purposes of this exception, whether the exemption from the employer tax on December 31, 1950, resulted, or would have resulted, from a tax exemption as such in effect on December 31, 1950, or from the provisions of section 1426 (b) (6) of the Internal Revenue Code of 1939 in effect on that date, relating to the exception from employment of services performed in the employ of certain instrumentalities of the United States.

(3) Determinations as to whether services performed in the employ of an instrumentality referred to in subparagraph (1) or (2) of this paragraph are covered by a retirement system established by such instrumentality are to be made as of the time such services are performed. Services of an employee who has an option to have his services covered under a retirement system established by the instrumentality are not covered under such retirement system unless and until he exercises such option. The test is whether particular services performed by an employee are covered by a retirement system established by the instrumentality rather than whether the position in which such services are performed is covered by such retirement system.

(4) The exception from employment provided in section 3121 (b) (6) (B) has no application with respect to any of the following classes of services:

(i) Services performed in the employ of a corporation which is wholly owned by the United States;

(ii) Services performed in the employ of a national farm loan association, a production credit association, a Federal Reserve Bank, or a Federal Credit Union;

(iii) Services performed in the employ of a State, county, or community committee under the Commodity Stabilization Service;

(iv) Services performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department, or

(v) Services performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard.

(d) *Special classes of services.* The following classes of services performed either in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment under section 3121 (b) (6) (C):

(1) Services performed as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner, of or to the Congress of the United States;

(2) Services performed in the legislative branch of the United States Government;

(3) Services performed in a penal institution of the United States by an inmate thereof;

(4) Services performed by student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, or student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the United States Government, or by certain other student employees described in section 2 of the act of August 4, 1947 (5 U. S. C. 1052);

(5) Services performed by an individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency; and

(6) Services performed by an individual to whom the Civil Service Retirement Act does not apply because he is, with respect to such services, subject to another retirement system, established either by a law of the United States or by the agency or instrumentality of the United States for which such services are performed.

§ 31.3121 (b) (7) *Statutory provisions; definitions; employment; services in employ of States or their political subdivisions or instrumentalities.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(7) Service (other than service which, under subsection (j), constitutes covered transportation service) performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions;

[Sec. 3121 (b) (8), Internal Revenue Code 1954, redesignated paragraph (7) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (7)–1 *Services in employ of States or their political subdivisions or instrumentalities.* Services, other than covered transportation service as defined in section 3121 (j), performed in the employ of any State, or of any political subdivision thereof, are excepted from employment. Services, other than covered transportation service, performed in the employ of an instrumentality of one or more States or political subdivisions thereof are excepted from employment if the instrumentality is wholly owned by one or more of the foregoing. The term "State" includes the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico (see § 31.3121 (e)–1). For provisions relating to service which constitutes covered transportation service, see § 31.3121 (j)–1.

§ 31.3121 (b) (8) *Statutory provisions; definitions; employment; services performed by a minister of a church or a member of a religious order; services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(8) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(B) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to subsection (k) (or the corresponding subsection of prior law), is in effect if such service is performed by an employee—

(i) Whose signature appears on the list filed by such organization under subsection (k) (or the corresponding subsection of prior law), or

(ii) Who became an employee of such organization after the calendar quarter in which the certificate was filed;

[Sec. 3121 (b) (9), Internal Revenue Code 1954, redesignated paragraph (8) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (8)–1 *Services performed by a minister of a church or a member of a religious order*—(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, are excepted from employment. For provisions relating to the election available to certain ministers

and members of religious orders to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to certain services performed by them, see the Income Tax Regulations (Part 1 of this chapter).

(b) *Service by a minister in the exercise of his ministry.* Except as provided in paragraph (c) (3) of this section, service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:

(1) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.

(2) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing, managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes.

(3) (i) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged to perform service as chaplain at N University. M devotes his entire time to performing his duties as chaplain which include the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is performing service in the exercise of his ministry.

(4) (i) If a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of such organization (see subparagraph (2) of this paragraph) is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by the N Religious Board to serve as director of one of its departments. He performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is performing service in the exercise of his ministry.

(5) (i) If a minister, pursuant to an assignment or designation by a religious body constituting his church, performs service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him, even though such service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is assigned by X, the religious body constituting his church, to perform advisory service to Y Company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is performing service in the exercise of his ministry.

(c) *Service by a minister not in the exercise of his ministry.* (1) Section 3121 (b) (8) (A) does not except from employment service performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of his ministry.

(2) (i) If a minister is performing service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the service is not performed pursuant to an assignment or designation by his ecclesiastical superiors, then only the service performed by him in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of his ministry. See, however, subparagraph (3) of this paragraph.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. He performs no other service for N although from time to time he performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not performing the service for N pursuant to an assignment or designation by his ecclesiastical superiors. The service performed by M for N University is not in the exercise of his ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of his ministry.

(3) Service performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, Territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of the foregoing, is not considered to be in the exercise of his ministry for purposes of the taxes, even though such service may involve the ministration of sacerdotal function or the conduct of religious worship. Thus, for example, service performed by an individual as a chaplain in the Armed Forces of the United States is considered to be performed by a commissioned officer in his capacity as such, and not by a minister in the exercise of his ministry. Similarly, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of his ministry.

(d) *Service in the exercise of duties required by a religious order.* Service performed by a member of a religious order in the exercise of duties required by such order includes all duties required of the member by the order. The nature or extent of such service is immaterial so long as it is a service which he is directed or required to perform by his ecclesiastical superiors.

§ 31.3121 (b) (8)-2 *Services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.* (a) Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a) are excepted from employment. However, this exception does not apply to services with respect to which a certificate, filed pursuant to section 3121 (k), or section 1426 (l) of the Internal Revenue Code of 1939, is in effect. For provisions relating to the services with respect to which such a certificate is in effect, see § 31.3121 (k)-1.

(b) For provisions relating to exemption from income tax of an organization described in section 501 (c) (3), see the Income Tax Regulations (Part 1 of this chapter). For provisions relating to waiver by an organization of its exemption from the taxes imposed by sections 3101 and 3111, see § 31.3121 (k)-1. See also § 31.3121 (b) (8)-1, relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 31.3121 (b) (10)-1, relating to services for remuneration of less than $50 for calendar quarter in the employ of certain organizations exempt from income tax; § 31.3121 (b) (10)-2, relating to services performed in the employ of a school, college, or university by certain students; and § 31.3121 (b) (13)-1, relating to services performed by certain student nurses and hospital interns.

§ 31.3121 (b) (9) *Statutory provisions; definitions; employment; services performed by an employee or an employee representative as defined in section 3231.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(9) Service performed by an individual as an employee or employee representative as defined in section 3231;

[Sec. 3121 (b) (10), Internal Revenue Code 1954, redesignated paragraph (9) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (9)-1 *Railroad industry; services performed by an employee or an employee representative as defined in section 3231.* Services performed by an individual as an "employee" or as an "employee representative", as those terms are defined in section 3231, are excepted from employment. For definitions of employee and employee representative, see §§ 31.3231 (b)-1 and 31.3231 (c)-1.

§ 31.3121 (b) (10) *Statutory provisions; definitions; employment; services for remuneration of less than $50 for calendar quarter in the employ of certain organizations exempt from income tax; services performed in the employ of a school, college, or university by certain students.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(10) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521, if the remuneration for such service is less than $50;

(B) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

[Sec. 3121 (b) (11), Internal Revenue Code 1954, redesignated paragraph (10) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (10)-1 *Services for remuneration of less than $50 for calendar quarter in the employ of certain organizations exempt from income tax.* (a) Services performed by an employee in a calendar quarter in the employ of an organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521 are excepted from employment, if the remuneration for the services is less than $50. The test relating to remuneration of $50 is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter. For provisions relating to exemption from income tax under section 501 (a) or 521, see the Income Tax Regulations (Part 1 of this chapter).

Example (1). X is a local lodge of a fraternal organization and is exempt from income tax under section 501 (a) as an organization of the character described in section 501 (c) (8). X has two paid employees, A, who serves exclusively as recording secretary for the lodge, and B, who performs services for the lodge as janitor of its clubhouse. For services performed during the first calendar quarter of 1955 (that is, January 1, 1955, through March 31, 1955, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $180. Since the remuneration for the services performed by A during such quarter is less than $50, all of such services are excepted, and the taxes do not attach with respect to any of the remuneration for such services. Since the remuneration for the services performed by B during such quarter, however, is not less than $50, none of such services are excepted, and the taxes attach with respect to all of the remuneration for such services (that is, $180) as and when paid.

Example (2). The facts are the same as in example (1), above, except that on April 1, 1955, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, April 1, 1955, through June 30, 1955, both dates inclusive), A earns a total of $60. Although all of the services performed by A during the first quarter were excepted, none of A's services performed during the second quarter are excepted since the remuneration for such services is not less than $50. The taxes attach with respect to all of the remuneration for services performed during the second quarter (that is, $60) as and when paid.

Example (3). The facts are the same as in example (1), above, except that A earns $120 for services performed during the year 1955, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter is less than $50. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year is not less than $50, the services during that quarter are not excepted, and the taxes attach with respect to that portion of the remuneration attributable to his services in that quarter.

(b) See § 31.3121 (b) (8)-2, relating to services performed in the employ of religious, charitable, educational, and certain other organizations exempt from income tax; § 31.3121 (b) (8)-1, relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 31.3121 (b) (10)-2, relating to services performed in the employ of a school, college, or university by certain students; and § 31.3121 (b) (13)-1, relating to services performed by certain student nurses and hospital interns.

§ 31.3121 (b) (10)-2 *Services performed in the employ of a school, college, or university by certain students.* (a) Services performed in the employ of a school, college, or university (whether or not such organization is exempt from income tax) are excepted from employment, if the services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(b) For purposes of this exception, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services performed by the employee, and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed, and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

(c) The status of the employee as a student performing the services shall be determined on the basis of the relationship of such employee with the organization for which the services are performed. An employee who performs services in the employ of a school, college, or university as an incident to and for the purpose of pursuing a course of study at such school, college, or university has the status of a student in the performance of such services.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) For provisions relating to domestic service performed by a student in a local college club, or local chapter of a college fraternity or sorority, see § 31.3121 (b) (2)-1.

§ 31.3121 (b) (11) *Statutory provisions; definitions; employment; services in the employ of a foreign government.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

[Sec. 3121 (b) (12), Internal Revenue Code 1954, redesignated paragraph (11) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (11)-1 *Services in the employ of a foreign government.* (a) Services performed by an employee in the employ of a foreign government are excepted from employment. The exception includes not only services performed by ambassadors, ministers, and other diplomatic officers and employees but also services performed as a consular or other officer or employee of a foreign government, or as a nondiplomatic representative thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

§ 31.3121 (b) (12) *Statutory provisions; definitions; employment; services in employ of wholly owned instrumentality of foreign government.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

[Sec. 3121 (b) (13), Internal Revenue Code 1954, redesignated paragraph (12) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (12)–1 *Services in employ of wholly owned instrumentality of foreign government.* (a) Services performed by an employee in the employ of certain instrumentalities of a foreign government are excepted from employment. The exception includes all services performed in the employ of an instrumentality of the government of a foreign country, if—

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial.

§ 31.3121 (b) (13) *Statutory provisions; definitions; employment; services of student nurse or hospital intern.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law;

[Sec. 3121 (b) (14), Internal Revenue Code 1954, redesignated paragraph (13) by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (b) (13)–1 *Services of student nurse or hospital intern.* (a) Services performed as a student nurse in the employ of a hospital or a nurses' training school are excepted from employment, if the student nurse is enrolled and regularly attending classes in a nurses' training school and such nurses' training school is chartered or approved pursuant to State law.

(b) Services performed as an intern (as distinguished from a resident doctor, in the employ of a hospital are excepted from employment, if the intern has completed a 4 years' course in a medical school chartered or approved pursuant to State law.

§ 31.3121 (b) (14) *Statutory provisions; definitions; employment; services in delivery or distribution of newspapers, shopping news, or magazines.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(14) (A) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or

[Sec. 3121 (b) (16), Internal Revenue Code 1954, redesignated paragraph (14) by sec. 205 (e), Social Security Amendments 1954]

§ 31.3121 (b) (14)–1 *Services in delivery or distribution of newspapers, shopping news, or magazines*—(a) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted from employment. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted from employment. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(b) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted from employment. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

§ 31.3121 (b) (15) *Statutory provisions; definitions; employment; services in employ of international organization.*

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(15) Service performed in the employ of an international organization.

[Sec. 3121 (b) (17), Internal Revenue Code 1954, redesignated paragraph (15) by sec. 205 (e), Social Security Amendments 1954]

§ 31.3121 (b) (15)–1 *Services in employ of international organization.* (a) Subject to the provisions of section 1 of the International Organizations Immunities Act, services performed in the employ of an international organization as defined in section 7701 (a) (18) are excepted from employment.

(b) (1) Section 7701 (a) (18) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

• • • • •

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U. S. C. 288–288f).

(2) Section 1 of the International Organizations Immunities Act provides as follows:

SEC. 1. [*International Organizations Immunities Act.*] For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 31.3121 (c) *Statutory provisions; definitions; included and excluded services.*

SEC. 3121. *Definitions.* • • •

(c) *Included and excluded service.* For purposes of this chapter, if the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by subsection (b) (9).

[Sec. 3121 (c) as amended by sec. 205 (b), Social Security Amendments 1954]

§ 31.3121 (c)–1 *Included and excluded services.* (a) If a portion of the services performed by an employee for an employer during a pay period constitutes employment, and the remainder does not constitute employment, all the services performed by the employee for the employer during the period shall for purposes of the taxes be treated alike, that is, either all as included or all as excluded. The time during which the employee performs services which under section 3121 (b) constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then all the services of that employee for that person in that pay period shall be deemed to be employment.

(c) If less than one-half of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then none of the services of that employee for that person in that pay period shall be deemed to be employment.

(d) The application of the provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following example:

Example. Employer B, who is engaged in the operation of a store and also in the harvesting of crude gum (oleoresin) from living trees, employs A to perform services in connection with both operations. A's services in connection with the harvesting of crude gum do not constitute employment, and his services in the store constitute employment. He is paid at the end of each month. During a particular month A works 120 hours in harvesting the crude gum and 80 hours in the store. None of A's services during the month are deemed to be employment, since less than one-half of his services during the month constitutes employment. During another month A works 75 hours in harvesting crude gum and 120 hours in the store. All of A's services during the month are deemed to be employment, since one-half or more of his services during the month constitutes employment.

(e) For purposes of this section, a "pay period" is the period (of not more than 31 consecutive calendar days) for which a payment of remuneration is ordinarily made to the employee by the employer. Thus, if the periods for which payments of remuneration are made to the employee by the employer are of uniform duration, each such period constitutes a "pay period". If, however, the periods occasionally vary in duration, the "pay period" is the period for which a payment of remuneration is ordinarily made to the employee by the employer, even though that period does not coincide with the actual period for which a particular payment of remuneration is made. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but the employee receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the "pay period" is still the calendar week; or if, instead, that employee is sent on a trip by such employer and receives at the end of the third week a single remuneration payment for three weeks' services, the "pay period" is still the calendar week.

(f) If there is only one period (and such period does not exceed 31 consecutive calendar days) for which a payment of remuneration is made to the employee by the employer, such period is deemed to be a "pay period" for purposes of this section.

(g) The rules set forth in this section do not apply (1) with respect to any services performed by the employee for the employer if the periods for which such employer makes payments of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee", or (2) with respect to any services performed by the employee for the employer if the period for which a payment of remuneration is ordinarily made to the employee by such employer exceeds 31 consecutive calendar days, or (3) with respect to any service performed by the employee for the employer during a pay period if any of such service is excepted by section 3121 (b) (9) (see § 31.3121 (b) (9)–1).

(h) If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment, but the rules prescribed in this section are not applicable, the taxes attach with respect to such services as constitute employment as defined in section 3121 (b).

§ 31.3121 (d) *Statutory provisions; definitions; employee.*

SEC. 3121. *Definitions.* • • •

(d) *Employee.* For purposes of this chapter, the term "employee" means—

(1) Any officer of a corporation; or

(2) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(3) Any individual (other than an individual who is an employee under paragraph (1) or (2)) who performs services for remuneration for any person—

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal;

(B) As a full-time life insurance salesman;

(C) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him; or

(D) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

if the contract of service contemplates that substantially all of such services are to be performed personally by such individual; except that an individual shall not be included in the term "employee" under the provisions of this paragraph if such individual has a substantial investment in facilities used in connection with the performance of such services (other than in facilities for transportation), or if the services are in the nature of a single transaction not part of a continuing relationship with the person for whom the services are performed.

[Sec. 3121 (d) as amended by sec. 206, Social Security Amendments 1954]

§ 31.3121 (d)–1 *Who are employees*—(a) *In general.* (1) Whether an individual is an employee with respect to services performed after 1954 is determined in accordance with section 3121 (d). This section of the regulations applies with respect only to services performed after 1954. Whether an individual is an employee with respect to services performed after 1936 and before 1940 shall be determined in accordance with the applicable provisions of law and of Regulations 91; 26 CFR (1939) Part 401. Whether an individual is an employee with respect to services performed after 1939 and before 1951 shall be determined in accordance with the applicable provisions of law and of Regulations 106; 26 CFR (1939) Part 402. Whether an individual is an employee with respect to services performed after 1950 and before 1955 shall be determined in accordance with the applicable provisions of law and of Regulations 128; 26 CFR (1939) Part 408.

(2) Section 3121 (d) contains three separate and independent tests for determining who are employees. Paragraphs (b), (c), and (d) of this section relate to the respective tests. Paragraph (b) relates to the test for determining whether an officer of a corporation is an employee of the corporation. Paragraph (c) relates to the test for determining whether an individual is an employee under the usual common law rules.

Paragraph (d) relates to the test for determining which individuals in certain occupational groups who are not employees under the usual common law rules are included as employees. If an individual is an employee under any one of the tests, he is to be considered an employee for purposes of the regulations in this subpart whether or not he is an employee under any of the other tests.

(3) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(4) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees.

(5) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, as not to constitute employment (see § 31.3121 (b)–3).

(b) *Corporate officers.* Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is considered not to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(c) *Common law employees.* (1) Every individual is an employee if under the usual common law rules the relationship between him and the person for whom he performs services is the legal relationship of employer and employee.

(2) Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common law rules. Individuals such as physicians, lawyers, dentists, veterinarians, construction contractors, public stenographers, and auctioneers, engaged in the pursuit of an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees. If an individual enters into an agreement with another person pursuant to which such individual undertakes to produce a crop or livestock on land owned or leased by such other person and pursuant to which (i) the crop or livestock produced by such individual or the proceeds thereof are to be divided between such individual and such other person, and (ii) the amount of such individual's share depends on the amount of the crop or livestock produced, such individual is, with respect to such undertaking, an independent contractor and not an employee.

(3) Whether the relationship of employer and employee exists under the usual common law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

(d) *Special classes of employees.* (1) In addition to individuals who are employees under paragraph (b) or (c) of this section, other individuals are employees if they perform services for remuneration under certain prescribed circumstances in the following occupational groups:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for his principal;

(ii) As a full-time life insurance salesman;

(iii) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him; or

(iv) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) In order for an individual to be an employee under this paragraph, the individual must perform services in an occupation falling within one of the enumerated groups. If the individual does not perform services in one of the designated occupational groups, he is not an employee under this paragraph. An individual who is not an employee under this paragraph may nevertheless be an employee under paragraph (b) or (c) of this section. The language used to designate the respective occupational groups relates to fields of endeavor in which particular designations are not necessarily in universal use with respect to the same service. The designations are addressed to the actual services without regard to any technical or colloquial labels which may be attached to such services. Thus, a determination whether services fall within one of the designated occupational groups depends upon the facts of the particular situation.

(3) The factual situations set forth below are illustrative of some of the individuals falling within each of the above enumerated occupational groups. The illustrative factual situations are as follows:

(i) *Agent-driver or commission-driver.* This occupational group includes agent-drivers or commission-drivers who are engaged in distributing meat or meat products, vegetables or vegetable products, fruit or fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for their principals. An agent-driver or commission-driver includes an individual who operates his own truck or the truck of the person for whom he performs services, serves customers designated by such person as well as those solicited on his own, and whose compensation is a commission on his sales or the difference between the price he charges his customers and the price he pays to such person for the product or service.

(ii) *Full-time life insurance salesman.* An individual whose entire or principal business activity is devoted to the solicitation of life insurance or annuity contracts, or both, primarily for one life insurance company is a full-time life insurance salesman. Such a salesman ordinarily uses the office space provided by the company or its general agent, and stenographic assistance, telephone facilities, forms, rate books, and advertising materials are usually made available to him without cost. An individual who is engaged in the general insurance business under a contract or contracts of service which do not contemplate that the individual's principal business activity will be the solicitation of life insurance or annuity contracts, or both, for one company, or any individual who devotes only part time to the solicitation of life insurance contracts, including annuity contracts, and is principally engaged in other endeavors, is not a full-time life insurance salesman.

(iii) *Home workers.* This occupational group includes a worker who performs services off the premises of the person for whom the services are performed, according to specifications furnished by such person, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him. For provisions relating to the determination of wages in the case of a home worker to whom this subdivision is applicable, see § 31.3121 (a) (10)–1.

(iv) *Traveling or city salesman.* (*a*) This occupational group includes a city or traveling salesman who is engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person or persons) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. An agent-driver or commission-driver is not within this occupational group. City or traveling salesmen who sell to retailers or to the others specified, operate off the premises of their principals, and are generally compensated on a commission basis, are within this occupational group. Such salesmen are generally not controlled as to the details of their services or the means by which they cover their territories, but in the ordinary case they are expected to call on regular customers with a fair degree of regularity.

(*b*) In order for a city or traveling salesman to be included within this occupational group, his entire or principal business activity must be devoted to the solicitation of orders for one principal. Thus, the multiple-line salesman generally is not within this occupational group. However, if the salesman solicits orders primarily for one principal, he is not excluded from this occupational group solely because of side-line sales activities on behalf of one or more other persons. In such a case, the salesman is within this occupational group only with respect to the services performed for the person for whom he primarily solicits orders and not with respect to the services performed for such other persons. The following examples illustrate the application of the foregoing provisions:

Example (1). Salesman A's principal business activity is the solicitation of orders from retail pharmacies on behalf of the X Wholesale Drug Company. A also occasionally solicits orders for drugs on behalf of the Y and Z Companies. A is within this occupational group with respect to his services for the X Company but not with respect to his services for either the Y Company or the Z Company.

Example (2). Salesman B's principal business activity is the solicitation of orders from retail hardware stores on behalf of the R Tool Company and the S Cooking Utensil Company. B regularly solicits orders on behalf of both companies. B is not within this occupational group with respect to the services performed for either the R Company or the S Company.

Example (3). Salesman C's principal business activity is the house-to-house solicitation of orders on behalf of the T Brush Company. C occasionally solicits such orders from retail stores and restaurants. C is not within this occupational group.

(4) (i) The fact that an individual falls within one of the enumerated occupational groups, however, does not make such individual an employee under this paragraph unless (*a*) the contract of service contemplates that substantially all the services to which the contract relates in the particular designated occupation are to be performed personally by such individual, (*b*) such individual has no substantial investment in the facilities used in connection with the performance of such services (other than in facilities for transportation) and (*c*) such services are part of a continuing relationship with the person for whom the services are performed and are not in the nature of a single transaction.

(ii) The term "contract of service", as used in this paragraph, means an arrangement, formal or informal, under which the particular services are performed. The requirement that the contract of service shall contemplate that substantially all the services to which the contract relates in the particular designated occupation are to be performed personally by the individual means that it is not contemplated that any material part of the services to which the contract relates in such occupation will be delegated to any other person by the individual who undertakes under the contract to perform such services.

(iii) The facilities to which reference is made in this paragraph include equipment and premises available for the work or enterprise as distinguished from education, training, and experience, but do not include such tools, instruments, equipment, or clothing, as are commonly or frequently provided by employees. An investment in an automobile by an individual which is used primarily for his own transportation in connection with the performance of services for another person has no significance under this paragraph, since such investment is comparable to outlays for transportation by an individual performing similar services who does not own an automobile. Moreover, the investment in facilities for the transportation of the goods or commodities to which the services relate is to be excluded in determining the investment in a particular case. If an individual has a substantial investment in facilities of the requisite character, he is not an employee within the meaning of this paragraph, since a substantial investment of the requisite character standing alone is sufficient to exclude the individual from the employee concept under this paragraph.

(iv) If the services are not performed as part of a continuing relationship with the person for whom the services are performed, but are in the nature of a single transaction, the individual performing such services is not an employee of such person within the meaning of this paragraph. The fact that the services are not performed on consecutive workdays does not indicate that the services are not performed as part of a continuing relationship.

§ 31.3121 (d)–2 *Who are employers.* (a) Every person is an employer if he employs one or more employees. Neither the number of employees employed nor the period during which any such employee is employed is material for the purpose of determining whether the person for whom the services are performed is an employer.

(b) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(c) Although a person may be an employer under this section, services performed in his employ may be of such a nature, or performed under such circumstances, as not to constitute employment (see § 31.3121 (b)–3).

§ 31.3121 (e) *Statutory provisions; definitions; State, United States, and citizen.*

SEC. 3121. *Definitions.* • • •

(e) *State, United States, and citizen.* For purposes of this chapter—

(1) *State.* The term "State" includes Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands.

(2) *United States.* The term "United States" when used in a geographical sense includes Puerto Rico and the Virgin Islands.

An individual who is a citizen of Puerto Rico (but not otherwise a citizen of the United States) shall be considered, for purposes of this section, as a citizen of the United States.

§ 31.3121 (e)–1 *State, United States, and citizen.* For purposes of the regulations in this subpart, the terms defined in section 3121 (e) have the meanings so assigned to them. When used in the regulations in this subpart, the term "United States", when used in a geographical sense, means the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico. The term "citizen of the United States" includes a citizen of the Virgin Islands or of Puerto Rico.

§ 31.3121 (f) *Statutory provisions; definitions; American vessel and aircraft.*

SEC. 3121. *Definitions.* • • •

(f) *American vessel and aircraft.* For purposes of this chapter, the term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State; and the term "American aircraft" means an aircraft registered under the laws of the United States.

§ 31.3121 (f)–1 *American vessel and aircraft.* (a) The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico). As used herein, a citizen of the United States includes a citizen of the Virgin Islands or of Puerto Rico.

(b) The term "American aircraft" means any aircraft registered under the laws of the United States.

(c) For provisions relating to services performed outside the United States on or in connection with an American vessel or American aircraft, see § 31.3121 (b)–3 (c) (2).

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§ 31.3121 (g) *Statutory provisions; definitions; agricultural labor.*

SEC. 3121. *Definitions.* • • •

(g) *Agricultural labor.* For purposes of this chapter, the term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, sec. 3; 12 U. S. C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

(B) In the employ of a group of operators of farms (other than a cooperative organization) in the performance of service described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which such service is performed;

(C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

SEC. 15. *Miscellaneous provisions [Agricultural Marketing Act].* • • •

(g) As used in this Act, the term "agricultural commodity" includes • • • crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923 [42 Stat. 1435; 7 U. S. C. 92 (c), (h)].

SEC. 2. [*The Naval Stores Act.*] That, when used in this Act—

• • • • •

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

• • • • •

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

• • • • •

§ 31.3121 (g)–1 *Agricultural labor—*(a) *In general.* (1) The term "agricultural labor" as defined in section 3121 (g) includes services of the character described in paragraphs (b), (c), (d), (e), and (f) of this section. In general, however, the term does not include services performed in connection with forestry, lumbering, or landscaping.

(2) The term "farm" as used in the regulations in this subpart includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms".

(3) For provisions relating to the exceptions from employment provided with respect to services performed in connection with the production or harvesting of certain oleoresinous products and to services performed by certain foreign agricultural workers, see § 31.3121 (b) (1)–1. For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for agricultural labor and to the test for determining whether cash remuneration paid for agricultural labor constitutes wages, see § 31.3121 (a) (8)–1.

(b) *Services described in section 3121 (g) (1).* (1) Services performed on a farm by an employee of any person in connection with any of the following activities constitute agricultural labor:

(i) The cultivation of the soil;

(ii) The raising, shearing, feeding caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(iii) The raising or harvesting of any other agricultural or horticultural commodity.

(2) Services performed in connection with the production or harvesting of maple sap, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry constitute agricultural labor only if such services are performed on a farm. Thus, services performed in connection with the operation of a hatchery, if not operated as part of a poultry or other farm, do not constitute agricultural labor.

(c) *Services described in section 3121 (g) (2).* (1) The following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms constitute agricultural labor, provided the major part of such services is performed on a farm:

(i) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(ii) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

(2) The services described in subparagraph (1) (i) of this paragraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged.

(3) Since the services described in this paragraph must be performed in the employ of the owner or tenant or other operator of the farm, the term "agricultural labor" does not include services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(d) *Services described in section 3121 (g) (3).* Services performed by an employee in the employ of any person in connection with any of the following operations constitute agricultural labor without regard to the place where such services are performed:

(1) The ginning of cotton;

(2) The operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying or storing water for farming purposes; or

(3) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

(e) *Services described in section 3121 (g) (4).* (1) Services performed by an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity constitute agricultural labor if:

(i) Such services are performed by the employee in the employ of an operator of a farm or in the employ of a group of operators of farms (other than a cooperative organization);

(ii) Such services are performed with respect to the commodity in its unmanufactured state; and

(iii) Such operator produced more than one-half of the commodity with respect to which such services are performed during the pay period, or such group of operators produced all of the commodity with respect to which such services are performed during the pay period.

(2) The term "operator of a farm" as used in this paragraph means an owner, tenant, or other person, in possession of a farm and engaged in the operation of such farm.

(3) The services described in this paragraph do not constitute agricultural labor if performed in the employ of a cooperative organization. The term "organization" includes corporations, joint-stock companies, and associations which are treated as corporations pursuant to section 7701 (a) (3) of the Internal Revenue Code. For purposes of this paragraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which the services involved are performed.

(4) Processing services which change the commodity from its raw or natural state do not constitute agricultural labor. For example, the extraction of juices from fruits or vegetables is a processing operation which changes the character of the fruits or vegetables from their raw or natural state and, therefore, does not constitute agricultural labor. Likewise, services performed in the processing of maple sap into maple sirup or maple sugar do not constitute agricultural labor. On the other hand, services rendered in the cutting and drying of fruits or vegetables are processing operations which do not change the character of the fruits or vegetables and, therefore, constitute agricultural labor, if the other requisite conditions are met. Services performed with respect to a commodity after its character has been changed from its raw or natural state by a processing operation do not constitute agricultural labor.

(5) The term "commodity" refers to a single agricultural or horticultural product, for example, all apples are to be treated as a single commodity, while apples and peaches are to be treated as two separate commodities. The services with respect to each such commodity are to be considered separately in determining whether the condition set forth in subparagraph (1) (iii) of this paragraph has been satisfied. The portion of the commodity produced by an operator or group of operators with respect to which the services described in this paragraph are performed by a particular employee shall be determined on the basis of the pay period in which such services were performed by such employee.

(6) The services described in this paragraph do not include services performed in connection with commercial canning or commercial freezing or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in this paragraph must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in

major part on a farm, they may be within the provisions of paragraph (c) of this section.

(f) *Services described in section 3121 (g) (5).* (1) Services not in the course of the employers' trade or business (see § 31.3121 (a) (7)–1 (a) (1)) or domestic service in a private home of the employer (see § 31.3121 (a) (7)–1 (a) (2)) constitutes agricultural labor if such services are performed on a farm operated for profit. The determination whether remuneration for such services performed on a farm operated for profit constitutes wages is to be made under § 31.3121 (a) (8)–1 rather than under § 31.3121 (a) (7)–1.

(2) Generally, a farm is not operated for profit if it is occupied by the employer primarily for residential purposes, or is used primarily for the pleasure of the employer or his family such as for the entertainment of guests or as a hobby of the employer or his family.

§ 31.3121 (h) *Statutory provisions; definitions; American employer.*

SEC. 3121. *Definitions.* • • •

(h) *American employer.* For purposes of this chapter, the term "American employer" means an employer which is—

(1) The United States or any instrumentality thereof,

(2) An individual who is a resident of the United States,

(3) A partnership, if two-thirds or more of the partners are residents of the United States,

(4) A trust, if all of the trustees are residents of the United States, or

(5) A corporation organized under the laws of the United States or of any State.

§ 31.3121 (h)–1 *American employer.* (a) The term "American employer" means an employer which is (1) the United States or any instrumentality thereof, (2) an individual who is a resident of the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico), (3) a partnership, if two-thirds or more of the partners are residents of the United States, (4) a trust, if all of the trustees are residents of the United States, or (5) a corporation organized under the laws of the United States or of any State (including the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico).

(b) For provisions relating to services performed outside the United States by a citizen of the United States as an employee for an American employer, see §§ 31.3121 (b)–3 (c) (3) and 31.3121 (b) (4)–1 (e).

§ 31.3121 (i) *Statutory provisions; definitions; computation of wages in certain cases.*

SEC. 3121. *Definitions.* • • •

(i) *Computation of wages in certain cases.* For purposes of this chapter, in the case of domestic service described in subsection (a) (7) (B), any payment of cash remuneration for such service which is more or less than a whole-dollar amount shall, under such conditions and to such extent as may be prescribed by regulations made under this chapter, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. The amount of any payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of subsection (a) (7) (B).

§ 31.3121 (i)–1 *Computation to nearest dollar of cash remuneration for domestic service.* An employer may, for purposes of the act, elect to compute to the nearest dollar any payment of cash remuneration for domestic service described in section 3121 (a) (7) (B) (see § 31.3121 (a) (7)–1) which is more or less than a whole-dollar amount. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to one dollar. For example, any amount actually paid between $4.50 and $5.49, inclusive, may be treated as $5 for purposes of the taxes imposed by the act. If an employer elects this method of computation with respect to any payment of cash remuneration made in a calendar quarter for domestic service in his private home, he must use the same method in computing each payment of cash remuneration of more or less than a whole-dollar amount made to each of his employees in such calendar quarter for domestic service in his private home. Moreover, if an employer elects this method of computation with respect to payments of the prescribed character made in any calendar quarter, the amount of each payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of the act. Thus, the amount of cash payments so computed to the nearest dollar shall be used for purposes of determining whether such payments constitute wages; for purposes of applying the employee and employer tax rates to the wage payments; for purposes of any required record keeping; and for purposes of reporting and paying the employee tax and employer tax with respect to such wage payments.

§ 31.3121 (j) *Statutory provisions; definitions; covered transportation service.*

SEC. 3121. *Definitions.* • • •

(j) *Covered transportation service.* For purposes of this chapter—

(1) *Existing transportation systems—General rule.* Except as provided in paragraph (2), all service performed in the employ of a State or political subdivision in connection with its operation of a public transportation system shall constitute covered transportation service if any part of the transportation system was acquired from private ownership after 1936 and prior to 1951.

(2) *Existing transportation systems—Cases in which no transportation employees, or only certain employees, are covered.* Service performed in the employ of a State or political subdivision in connection with the operation of its public transportation system shall not constitute covered transportation service if—

(A) Any part of the transportation system was acquired from private ownership after 1936 and prior to 1951, and substantially all service in connection with the operation of the transportation system was, on December 31, 1950, covered under a general retirement

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system providing benefits which, by reason of a provision of the State constitution dealing specifically with retirement systems of the State or political subdivisions thereof, cannot be diminished or impaired; or

(B) No part of the transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and prior to 1951;

except that if such State or political subdivision makes an acquisition after 1950 from private ownership of any part of its transportation system, then, in the case of any employee who—

(C) Became an employee of such State or political subdivision in connection with and at the time of its acquisition after 1950 of such part, and

(D) Prior to such acquisition rendered service in employment (including as employment service covered by an agreement under section 218 of the Social Security Act) in connection with the operation of such part of the transportation system acquired by the State or political subdivision,

the service of such employee in connection with the operation of the transportation system shall constitute covered transportation service, commencing with the first day of the third calendar quarter following the calendar quarter in which the acquisition of such part took place, unless on such first day such service of such employee is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees described in subparagraph (C).

(3) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system shall constitute covered transportation service if the transportation system was not operated by the State or political subdivision prior to 1951 and, at the time of its first acquisition (after 1950) from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(4) *Definitions.* For purposes of this subsection—

(A) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term shall not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(B) A transportation system or a part thereof shall be considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or part thereof acquired constituted employment under this chapter or subchapter A of chapter 9 of the Internal Revenue Code of 1939 or was covered by an agreement made pursuant to section 218 of the Social Security Act and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(C) The term "political subdivision" includes an instrumentality of—

(i) A State,

(ii) One or more political subdivisions of a State, or

(iii) A State and one or more of its political subdivisions.

§ 31.3121 (j)–1 *Covered transportation service*—(a) *Transportation systems acquired in whole or in part after 1936 and before 1951*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, all service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if any part of the transportation system was acquired from private ownership after 1936 and before 1951. For purposes of this subparagraph, it is immaterial whether any part of the transportation system was acquired before 1937 or after 1950, whether the employee was hired before, during, or after 1950, or whether the employee had been employed by the employer from whom the State or political subdivision acquired its transportation system or any part thereof.

(2) *General retirement system protected by State constitution.* Except as provided in subparagraph (3) of this paragraph, service performed in the employ of a State or political subdivision in connection with its operation of a public transportation system acquired in whole or in part from private ownership after 1936 and before 1951 does not constitute covered transportation service, if substantially all service in connection with the operation of the transportation system was, on December 31, 1950, covered under a general retirement system providing benefits which are protected from diminution or impairment under the State constitution by reason of an express provision, dealing specifically with retirement systems established by the State or political subdivisions of the State, which forbids such diminution or impairment.

(3) *Additions to certain transportation systems by acquisition after 1950.* This subparagraph is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was acquired in whole or in part by a State or political subdivision thereof from private ownership after 1936 and before 1951 and then only in case service for such existing transportation system did not constitute covered transportation service by reason of the provisions of subparagraph (2) of this paragraph. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who before the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter following the calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(b) *Transportation systems in operation on December 31, 1950, no part of which was acquired after 1936 and before 1951*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, no service performed in the employ of a State or a political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if no part of such transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and before 1951.

(2) *Additions acquired after 1950.* This subparagraph is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was operated by a State or political subdivision on December 31, 1950, but no part of which was acquired from private ownership after 1936 and before 1951. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who before the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter following the calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(c) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if the transportation system was not operated by the State or political subdivision before 1951 and, at the time of its first acquisition after 1950 from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(d) *Definitions.* For purposes of this section:

(1) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term does not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(2) A transportation system or a part thereof is considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or an acquired part thereof constituted employment under the act or under subchapter A of chapter 9 of the Internal Revenue Code of 1939 or was covered by an agreement entered into pursuant to section 218 of the Social Security Act, and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(3) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

(4) The term "employment" includes service covered by an agreement entered into pursuant to section 218 of the Social Security Act.

§ 31.3121 (k) *Statutory provisions; definitions; waiver of exemption by religious, charitable, and certain other organizations.*

SEC. 3121. *Definitions.* • • •

(k) *Exemption of religious, charitable, and certain other organizations*—(1) *Waiver of exemption by organization.* An organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a) may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that it desires to have the insurance system established by title II of the Social Security Act extended to service performed by its employees and that at least two-thirds of its employees concur in the filing of the certificate. Such certificate may be filed only if it is accompanied by a list containing the signature, address, and social security account number (if any) of each employee who concurs in the filing of the certificate. Such list may be amended at any time prior to the expiration of the twenty-fourth month following the first calendar quarter for which the certificate is in effect, by filing with the prescribed official a supplemental list or lists containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate. The list and any supplemental list shall be filed in such form and manner as may be prescribed by regulations made under this chapter. The certificate shall be in effect (for purposes of subsection (b) (8) (B) and for purposes of section 210 (a) (8) (B) of the Social Security Act) for the period beginning with the first day following the close of the calendar quarter in which such certificate is filed, except that, in the case of service performed by an individual whose name appears on a supplemental list filed after the first month following the first calendar quarter for which the certificate is in effect, the certificate shall be in effect, for purposes of such subsection (b) (8) and for purposes of section 210 (a) (8) of the Social Security Act, only with respect to service performed by such individual after the calendar quarter in which such supplemental list is filed. The period for which a certificate filed pursuant to this subsection or the corresponding subsection of prior law is effective may be terminated by the organization, effective at the end of a calendar quarter, upon giving 2 years' advance notice in writing, but only if, at the time of the receipt of such notice, the certificate has been in effect for a period of not less than 8 years. The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner, and with such official, as may be prescribed by regulations made under this chapter.

(2) *Termination of waiver period by Secretary or his delegate.* If the Secretary or his delegate finds that any organization which filed a certificate pursuant to this subsection or the corresponding subsection of prior law has failed to comply substantially with the requirements applicable with respect to the taxes imposed by this chapter or the corresponding provisions of prior law or is no longer able to comply with the requirements applicable with respect to the taxes imposed by this chapter, the Secretary or his delegate shall give such organization not less than 60 days' advance notice in writing that the period covered by such certificate will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Secretary or his delegate by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the organization. No notice of termination or of revocation thereof shall be given under this paragraph to an organization without the prior concurrence of the Secretary of Health, Education, and Welfare.

(3) *No renewal of waiver.* In the event the period covered by a certificate filed pursuant to this subsection or the corresponding subsection of prior law is terminated by the organization, no certificate may again be filed by such organization pursuant to this subsection.

[Sec. 3121 (k) as amended by secs. 205 (b), 207, and 402, Social Security Amendments 1954]

§ 31.3121 (k)–1 *Waiver of exemption from taxes*—(a) *Who may waive exemption.* Any organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a) may waive its exemption from the taxes imposed by sections 3101 and 3111 by filing a certificate on Form SS–15, provided that at least two-thirds of the employees of the organization concur in the filing of the certificate. The organization must be exempt from income tax under section 501 (a) as an organization of the character described in section 501 (c) (3) for the taxable year in which the certificate is filed; otherwise, the Form SS–15 filed by the organization is void. A certificate in effect under section 1426 (l) of the Internal Revenue Code of 1939 on December 31, 1954, continues in effect under, and is subject to the provisions of, section 3121 (k). If the period covered by a certificate filed under section 3121 (k), or under section 1426 (l) of the Internal Revenue Code of 1939, is terminated by the organization, a certificate may not thereafter be filed by the organization under section 3121 (k).

(b) *Execution and filing of waiver.* (1) The certificate on Form SS–15 shall be filed with the district director for the district in which is located the principal office or principal place of business in the United States of the organization. The organization shall certify in the certificate that it desires to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to services performed by its employees and that at least two-thirds of its employees, determined on the basis of the facts existing as of the date the certificate is filed, concur in the filing of the certificate. All individuals who are employees of the organization within the meaning of section 3121 (d) (see § 31.3121 (d)–1) shall be included in determining whether two-thirds of the employees of the organization concur in the filing of the certificate; except that there shall not be included (i) those employees who at the time of the filing of the certificate are performing for such organization services only of the character specified in paragraphs (8) (A), (10) (B), and (13) of section 3121 (b) (see §§ 31.3121 (b) (8)–1, 31.3121 (b) (10)–2, and 31.3121 (b) (13)–1, respectively), and (ii) those alien employees who at the time of the filing of the certificate are performing services for such organization under an arrangement which provides for the performance only of services outside the United States not on or in connection with an American vessel or American aircraft. As used in this subparagraph, the term "alien employee" does not include an employee who is a citizen of Puerto Rico or of the Virgin Islands, and the term "United States" includes Puerto Rico and the Virgin Islands.

(2) A certificate may be filed under section 3121 (k) only if it is accompanied by a list on Form SS–15a, containing the signature, address, and social security account number, if any, of each employee who concurs in the filing of the certificate. (For provisions relating to account numbers, see the regulations under section 6011 (b) in Subpart G of the regulations in this part.) The list on Form SS–15a accompanying a certificate filed under section 3121 (k), or under section 1426 (l) of the Internal Revenue Code of 1939, may be amended, at any time before the expiration of the twenty-fourth month following the first calendar quarter for which the certificate is in effect, by filing a supplemental list or lists on Form SS–15a Supplement, containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate.

(c) *Effect of waiver.* (1) A certificate filed by an organization under the provisions of section 3121 (k) shall be in effect, for the period beginning with the first day following the close of the calendar quarter in which the certificate is filed, with respect to services performed in its employ by any employee:

(i) Whose signature appears on the list on Form SS–15a filed with the certificate on Form SS–15, or on a supplemental list on Form SS–15a Supplement

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filed before the expiration of the fourth calendar month following the calendar quarter in which the certificate is filed.

(ii) Who became an employee of the organization after the calendar quarter in which the certificate is filed.

In no case, however, shall a certificate filed under the provisions of section 3121 (k) be in effect with respect to services performed in the employ of the organization before January 1, 1955. A certificate is not terminated if the organization loses its exemption under section 501 (a) as an organization of the character described in section 501 (c) (3), but continues effective with respect to any subsequent periods during which the organization is so exempt.

(2) If a list accompanying a certificate filed by an organization under the provisions of section 3121 (k), or under the provisions of section 1426 (l) of the Internal Revenue Code of 1939, is amended under the provisions of section 3121 (k) by the filing of a supplemental list on Form SS–15a Supplement after the expiration of the fourth calendar month following the calendar quarter in which the certificate was filed, the certificate shall be in effect with respect to services performed in the employ of the organization by an individual whose signature appears on such supplemental list—

(i) In the period beginning with the first day following the close of the calendar quarter in which such supplemental list is filed, if such supplemental list is filed on or after October 1, 1954, or

(ii) On and after January 1, 1955, if such supplemental list is filed in the month of September 1954.

(3) Services performed in the employ of an organization which has duly filed a certificate under section 3121 (k), or under section 1426 (l) of the Internal Revenue Code of 1939, by any employee (i) whose signature appears on the list filed by the organization on Form SS–15a or on Form SS–15a Supplement, or (ii) who becomes an employee of the organization after the calendar quarter in which the certificate is filed, are not excepted from employment under section 3121 (b) (8) (B) during the period for which the certificate is in effect with respect to such services. Thus, the taxes imposed by sections 3101 and 3111 will apply to wages paid by the organization for services performed, on and after the first day following the close of the calendar quarter in which the certificate is filed (but not earlier than January 1, 1955), by each employee whose signature appears on the Form SS–15a accompanying the certificate or on any supplemental list or lists on Form SS–15a Supplement filed before the expiration of the fourth calendar month following the calendar quarter in which the certificate was filed. Such taxes will also apply immediately with respect to wages paid by the organization to any individual who enters the employ of the organization on or after the first day following the close of the calendar quarter in which the certificate is filed. In the case of an employee whose signature appears on a supplemental list filed after the expiration of the fourth calendar month following the calendar quarter in which a certificate was filed either under section 3121 (k), or under section 1426 (l) of the Internal Revenue Code of 1939, the taxes imposed by sections 3101 and 3111 apply only with respect to wages paid to such individual for services performed after the calendar quarter in which the supplemental list is filed, but in no case earlier than January 1, 1955. A former employee of the organization who is rehired on or after the first day following the close of the calendar quarter in which the certificate was filed shall be considered to have entered the employ of the organization after such calendar quarter, regardless of whether or not such individual concurred in the filing of the certificate.

(d) *Termination of waiver by organization.* (1) The period for which a certificate filed pursuant to section 3121 (k), or pursuant to section 1426 (l) of the Internal Revenue Code of 1939, is in effect may be terminated by the organization upon giving to the district director with whom the organization is filing returns 2 years' advance notice in writing of its desire to terminate the effect of the certificate at the end of a specified calendar quarter, but only if, at the time of the receipt of such notice by the district director, the certificate has been in effect for a period of not less than 8 years. The notice of termination shall be signed by the president or other principal officer of the organization. Such notice shall be dated and shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the organization, (iii) the district director with whom the certificate was filed, (iv) the date on which the certificate became effective, and (v) the date on which the certificate is to be terminated. No particular form is prescribed for the notice of termination.

(2) In computing the effective period which must precede the date of receipt of the notice of termination, there shall be disregarded any period or periods as to which the organization was not exempt from income tax under section 501 (a) as an organization of the character described in section 501 (c) (3) or under section 101 (6) of the Internal Revenue Code of 1939.

(3) The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. The notice of revocation shall be filed with the district director with whom the notice of termination was filed. The notice of revocation shall be signed by the president or other principal officer of the organization. Such notice shall be dated and shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the organization, and (iii) the date of the notice of termination to be revoked. No particular form is prescribed for the notice of revocation.

(e) *Termination of waiver by Commissioner.* (1) The period for which a certificate filed pursuant to section 3121 (k), or pursuant to section 1426 (l) of the Internal Revenue Code of 1939, is in effect may be terminated by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, upon a finding by the Commissioner that the organization has failed to comply substantially with the requirements applicable with respect to the taxes imposed by the act (or the corresponding provisions of prior law) or is no longer able to comply therewith. The Commissioner shall give the organization not less than 60 days' advance notice in writing that the period covered by the certificate will terminate at the end of the calendar quarter specified in the notice of termination.

(2) The notice of termination may be revoked by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, by giving written notice of revocation to the organization before the close of the calendar quarter specified in the notice of termination.

§ 31.3121 (l) *Statutory provisions; definitions; agreements entered into by domestic corporations with respect to foreign subsidiaries.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries*—(1) *Agreement with respect to certain employees of foreign subsidiaries.* The Secretary or his delegate shall, at the request of any domestic corporation, enter into an agreement (in such form and manner as may be prescribed by the Secretary or his delegate) with any such corporation which desires to have the insurance system established by title II of the Social Security Act extended to service performed outside the United States in the employ of any one or more of its foreign subsidiaries (as defined in paragraph (8)) by all employees who are citizens of the United States, except that the agreement shall not be applicable to any service performed by, or remuneration paid to, an employee if such service or remuneration would be excluded from the term "employment" or "wages", as defined in this section, had the service been performed in the United States. Such agreement may be amended at any time so as to be made applicable, in the same manner and under the same conditions, with respect to any other foreign subsidiary of such domestic corporation. Such agreement shall be applicable with respect to citizens of the United States who, on or after the effective date of the agreement, are employees of and perform services outside the United States for any foreign subsidiary specified in the agreement. Such agreement shall provide—

(A) That the domestic corporation shall pay to the Secretary or his delegate, at such time or times as the Secretary or his delegate may by regulations prescribe, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 (including amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable) with respect to the remuneration which would be wages if the services covered by the agreement constituted employment as defined in this section; and

(B) That the domestic corporation will comply with such regulations relating to payments and reports as the Secretary or his delegate may prescribe to carry out the purposes of this subsection.

(2) *Effective period of agreement.* An agreement entered into pursuant to paragraph (1) shall be in effect for the period beginning with the first day of the calendar quarter in which such agreement is entered into or the first day of the succeeding calendar quarter, as may be specified in the agreement, but in no case prior to January 1, 1955; except that in case such agreement is amended to include the services performed for any other subsidiary and such amendment is executed after the first month following the first calendar quarter for which the agreement is in effect, the agreement shall be in effect with respect to service performed for such other subsidiary only after the calendar quarter in which such amendment is executed.

(3) *Termination of period by a domestic corporation.* The period for which an agreement entered into pursuant to paragraph (1) of this subsection is effective may be terminated with respect to any one or more of its foreign subsidiaries by the domestic corporation, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the agreement has been in effect for a period of not less than eight years. The notice of termination may be revoked by the domestic corporation by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner as may be prescribed by regulations. Notwithstanding any other provision of this subsection, the period for which any such agreement is effective with respect to any foreign corporation shall terminate at the end of any calendar quarter in which the foreign corporation, at any time in such quarter, ceases to be a foreign subsidiary as defined in paragraph (8).

(4) *Termination of period by Secretary.* If the Secretary or his delegate finds that any domestic corporation which entered into an agreement pursuant to this subsection has failed to comply substantially with the terms of such agreement, the Secretary or his delegate shall give such domestic corporation not less than sixty days' advance notice in writing that the period covered by such agreement will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Secretary or his delegate by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the domestic corporation. No notice of termination or of revocation thereof shall be given under this paragraph to a domestic corporation without the prior concurrence of the Secretary of Health, Education, and Welfare.

(5) *No renewal of agreement.* If any agreement entered into pursuant to paragraph (1) of this subsection is terminated in its entirety (A) by a notice of termination filed by the domestic corporation pursuant to paragraph (3), or (B) by a notice of termination given by the Secretary or his delegate pursuant to paragraph (4), the domestic corporation may not again enter into an agreement pursuant to paragraph (1). If any such agreement is terminated with respect to any foreign subsidiary, such agreement may not thereafter be amended so as again to make it applicable with respect to such subsidiary.

(6) *Deposits in trust fund.* For purposes of section 201 of the Social Security Act, relating to appropriations to the Federal Old-Age and Survivors Insurance Trust Fund, such remuneration—

(A) Paid for services covered by an agreement entered into pursuant to paragraph (1) as would be wages if the services constituted employment, and

(B) As is reported to the Secretary or his delegate pursuant to the provisions of such agreement or of the regulations issued under this subsection,

shall be considered wages subject to the taxes imposed by this chapter.

(7) *Overpayments and underpayments.* (A) If more or less than the correct amount due under an agreement entered into pursuant to this subsection is paid with respect to any payment of remuneration, proper adjustments with respect to the amounts due under such agreement shall be made, without interest, in such manner and at such times as may be required by regulations prescribed by the Secretary or his delegate.

(B) If an overpayment cannot be adjusted under subparagraph (A), the amount thereof shall be paid by the Secretary or his delegate, through the Fiscal Service of the Treasury Department, but only if a claim for such overpayment is filed with the Secretary or his delegate within two years from the time such overpayment was made.

(8) *Definition of foreign subsidiary.* For purposes of this subsection and section 210 (a) of the Social Security Act, a foreign subsidiary of a domestic corporation is—

(A) A foreign corporation more than 50 percent of the voting stock of which is owned by such domestic corporation; or

(B) A foreign corporation more than 50 percent of the voting stock of which is owned by the foreign corporation described in subparagraph (A).

(9) *Domestic corporation as separate entity.* Each domestic corporation which enters into an agreement pursuant to paragraph (1) of this subsection shall, for purposes of this subsection and section 6413 (c) (2) (C), relating to special refunds in the case of employees of certain foreign corporations, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as a person employing individuals on its own account.

(10) *Regulations.* Regulations of the Secretary or his delegate to carry out the purposes of this subsection shall be designed to make the requirements imposed on domestic corporations with respect to services covered by an agreement entered into pursuant to this subsection the same, so far as practicable, as those imposed upon employers pursuant to this title with respect to the taxes imposed by this chapter.

[Sec. 3121 (l) as added by sec. 209, Social Security Amendments 1954]

§ 31.3121 (l)–1 *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* For provisions relating to the extension of the Federal old-age and survivors insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States in the employ of a foreign subsidiary of a domestic corporation, see the Regulations Relating to Contract Coverage of Employees of Foreign Subsidiaries (Part 36 of this chapter).

§ 31.3122 *Statutory provisions; Federal service.*

SEC. 3122. *Federal service.* In the case of the taxes imposed by this chapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, the determination whether an individual has performed service which constitutes employment as defined in section 3121 (b), the determination of the amount of remuneration for such service which constitutes wages as defined in section 3121 (a), and the return and payment of the taxes imposed by this chapter, shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to such service without regard to the $4,200 limitation in section 3121 (a) (1), and he shall not be required to obtain a refund of the tax paid under section 3111 on that part of the remuneration not included in wages by reason of section 3121 (a) (1). The provisions of this section shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this section the Secretary of Defense shall be deemed to be the head of such instrumentality. The provisions of this subsection [section] shall be applicable also in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of this subsection [section] the Secretary shall be deemed to be the head of such instrumentality.

[Sec. 3122 as amended by secs. 202 (c) and 203, Social Security Amendments 1954]

§ 31.3123 *Statutory provisions; deductions as constructive payments.*

SEC. 3123. *Deductions as constructive payments.* Whenever under this chapter or any act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for purposes of this chapter the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

§ 31.3123–1 *Deductions by an employer from remuneration of an employee.* Any amount deducted by an employer from the remuneration of an employee is considered to be part of the employee's remuneration and is considered to be paid to the employee as remuneration at the time that the deduction is made. It is immaterial that any act of Congress or the law of any State requires or permits such deductions and the payment of the amount thereof to the United States, a State, or any political subdivision thereof.

§ 31.3124 *Statutory provisions; estimate of revenue reduction.*

SEC. 3124. *Estimate of revenue reduction.* The Secretary or his delegate at intervals of not longer than 3 years shall estimate the reduction in the amount of taxes collected under this chapter by reason of the operation of section 3121 (b) (9) and shall include such estimate in his annual report.

[Sec. 3124 as amended by sec. 205 (b), Social Security Amendments 1954]

§ 31.3125 *Statutory provisions; short title.*

SEC. 3125. *Short title.* This chapter may be cited as the "Federal Insurance Contributions Act."

[F. R. Doc. 56–5609; Filed, July 13, 1956; 8:49 a. m.]

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TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

ORDER CORRECTING WORDING OF DEFINITION AND STANDARD OF IDENTITY FOR CANNED PRUNE JUICE, STAYING EFFECTIVENESS OF A PART THEREOF, AND CONFIRMING EFFECTIVE DATE

In the matter of adopting a definition and standard of identity for canned prune juice.

An order ruling on a proposal to adopt a definition and standard of identity for canned prune juice was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094). This order provided that the regulations establishing a definition and standard of identity for canned prune juice would become effective 6 months from the date of publication of the order except as to any provisions stayed as the result of the filing of objections thereto requesting a public hearing.

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401 (b) (2), 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341 (b) (2)), W. F. Straub and Company, Chicago, Illinois, a firm which cans and distributes canned prune juice containing approximately 2 percent of added honey, filed objections to the order. These objections made a showing that W. F. Straub and Company would be adversely affected by the order if it should go into effect without making any provision for permitting honey to be used as an added ingredient in canned prune juice and included a request for a public hearing on this particular issue.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54, 55; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), *It is ordered*, That the regulations establishing a definition and standard of identity for canned prune juice (21 CFR 27.60), as published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094), shall go into effect on August 17, 1956, except that:

1. Paragraph (c) (1) shall read as follows:

(c) (1) The name of the food is "Prune juice—A water extract of dried prunes." For the purposes of the Federal Food, Drug, and Cosmetic Act concerning the label declaration of the name of the food, the explanatory statement "A water extract of dried prunes" may appear immediately below the words "prune juice," but there shall be no intervening written, printed, or graphic matter, and the type used for the words "A water extract of dried prunes" shall be of the same style and not less than half the point size of the type used for the words "prune juice."

2. Such regulations are stayed to the extent that they would cause to be deemed to be misbranded under section 403 (g) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1047; 21 U. S. C. 343 (g)) canned prune juice that in all respects complies with the regulations except for containing not more than 2 percent of honey. This stay shall continue until final action is taken disposing of the objections after public hearing thereon, the date of which will be announced in the FEDERAL REGISTER.

Notice of a public hearing to receive evidence on including in the definition and standard of identity for canned prune juice a provision permitting the addition of limited amounts of honey will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: July 9, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5584; Filed, July 13, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

MANUFACTURE AND DISTRIBUTION OF POSTAGE METERS

Part 33, Postage Meters, which appeared as a notice of proposed rule making in the April 11, 1956, issue of the FEDERAL REGISTER at page 2345, is redesignated as § 33.8 and adopted to read as follows, and shall be effective upon publication in the FEDERAL REGISTER:

§ 33.8 *Manufacture and distribution of postage meters*—(a) *Authorization to manufacture and lease*—(1) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 33.1 (d) of this chapter must qualify as follows:

(i) Satisfy the Post Office Department as to its integrity and financial responsibility.

(ii) Obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Post Office Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Bureau of Post Office Operations, Post Office Department.

(iv) Have, or establish, and maintain adequate facilities for the control, distribution, and maintenance of postage meters and their replacement when necessary. See paragraphs (d) and (e) of this section.

(2) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Bureau of Post Office Operations, Post Office Department in person or in writing. On qualification and approval the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Code of Federal Regulations. (See § 33.1 (d) for listings).

(3) *Suspension.* The Post Office Department may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine if his authorization should be revoked and will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of this part.

(b) *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the Post Office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination); or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multi denomination) or the currency value of the impressions made (omni denomination). The printing die or dies, counters, and counter-actuating mechanism must be inseparable in the unit brought to the Post Office for setting.

(3) In each postage meter there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the Post Office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the Post Office by means of a door equipped with a suitable lock and with provision for a Post Office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Bureau of Post Office Operations, Post Office Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the demomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the Post Office Department on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the Post Office Department amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Post Office Operations, Post Office Department, after being tested by the National Bureau of Standards at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Bureau of Post Office Operations, Post Office Department and no changes affecting the basic features or safeguards may be made thereafter without departmental approval.

(3) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards for test, at the expense of the manufacturer, as may be requested by the Bureau of Post Office Operations, Post Office Department.

(d) *Safeguards*—(1) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the Post Office Department to have them.

(e) *Distribution*—(1) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Bureau of Post Office Operations, Post Office Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the Post Office Department for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply only those meter slogan or ad plates that meet the requirements of the Department for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters or the recovery of any lost or stolen meters immediately to the local postmaster, the local police, and the Bureau of Post Office Operations, Post Office Department.

(vii) Report to the appropriate Regional Controller of the Post Office Department each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the Department and remove his meter promptly.

(x) Maintain a record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the Post Office Department the mechanical condition or fault which caused the failure.

(xii) Submit such other reports to the Post Office Department as may be required from time to time.

(f) *Maintenance*—(1) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least once each 6 months. Inspections must be sufficiently thorough to determine that each meter is clean and in proper operating condition, is recording its operations correctly and accurately, and that neither the Post Office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered

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with. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office or setting before they are opened or any internal repairs undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations of this part, the Post Office Department will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture, or who may be interested in manufacturing, postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 483, as amended, 47 Stat., 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-5605; Filed, July 13, 1956; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11387; FCC 56-626]

[Rules Amdt. 3-17]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (NASHAQUITSA, MASSACHUSETTS)

1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1955 (FCC 55-535) and published in the FEDERAL REGISTER on May 11, 1955 (20 F. R. 3188) proposing to assign Channel 6 to Nashaquitsa, Massachusetts in response to a petition for rule making by E. Anthony and Sons, Inc., New Bedford, Massachusetts.

2. Comments were filed by petitioner; Congress Square Hotel Company, Portland, Maine; Southern Connecticut and Long Island Television Company, Inc., Bridgeport, Connecticut; Triangle Publications, Inc., Philadelphia, Pennsylvania; The Vineyard Gazette, Martha's Vineyard, Massachusetts; and the Blacksmith Valley Association, Nashaquitsa, Massachuetts.[1]

3. In support of the requested amendment petitioner urges that the assignment of Channel 6 to Nashaquitsa may be made in conformance with the Commission's rules and Standards; would not affect any other assignment in the Table; would be in accord with the mandate of section 307 (b) of the Communications Act; and would provide a primary VHF service to southern Massachusetts.

4. Congress Square Hotel Company, licensee of television Station WCSH-TV on Channel 6 at Portland, Maine, opposes the assignment of this channel to Nashaquitsa. It urges that the proposed assignment would, by interference, reduce the Grade B coverage of its station. Congress Hotel concedes that existing stations are afforded protection from interference by the minimum spacings but urges that the Commission is not foreclosed from taking interference into account when considering new assignments. Congress submits that there has been no showing of need for the assignment in the small community of Nashaquitsa and that the only reason this town was chosen was because it is the only one in which Channel 6 may be placed without violating the minimum mileage separations. Congress Hotel maintains that the proposed assignment would be inefficient since much of the potential coverage would be lost over water and since the total interference caused would be greater than the resulting interference-free area. In reply to these objections, petitioner argues that the increased interference to WCSH-TV is very slight, and that, in any event, the rules indicate that protection from interference is limited entirely by the minimum separations. Petitioner states that although Nashaquitsa is a small community, it is the only one in which the assignment can be made in accordance with the rules and in which the important southern Massachusetts area may have its own television station. Petitioner further concedes that much of the signal would be dissipated over water but urges that this is also the case with many coastal assignments.

5. Southern Connecticut and Long Island Television Company, permittee of television Station WICC-TV on Channel 43 in Bridgeport, Connecticut, opposed the proposed assignment of Channel 6 to Nashaquitsa. WICC noted that it had filed a petition for rule making to permit the filing of applications not limited to channels in the Table of Assignments where the power, antenna height, and directional patterns proposed would not result in greater interference to other assignments and stations than would normally be received from stations meeting the minimum spacings, and that it had also tendered an application for a modification of its construction permit to change the operation of WICC-TV from Channel 43 to Channel 6 utilizing a directional antenna and less than maximum power and antenna height. WICC stated that since Bridgeport and Nashaquitsa are less than the required 170 miles, the two proposals are mutually exclusive and that, under the Ashbacker doctrine, must be set for consolidated hearing. In reply, petitioner argues that the proposal to assign Channel 6 to Bridgeport requires substantial changes in the basic rules and standards governing the television service whereas petitioner's proposal is contemplated by and provided for in the Rules. Petitioner further submits that in rule making proceedings there is no legal obligation for a hearing as in the case of an adjudicatory proceeding. It should be pointed out that the WICC petition referred to above was denied by the Commission in a Memorandum Opinion and Order issued on November 10, 1955 (FCC 55-1126).

6. Triangle Publications, Inc., licensee of television Station WFIL-TV, operating on Channel 6 at Philadelphia, Pennsylvania, expresses the fear that severe interference would be caused to the service area of WFIL-TV as a result of the abnormally high tropospheric propagation which may occur because of the 200 mile water path between the two stations. It recommends that the proposed assignment at Nashaquitsa be offset from that of WFIL-TV and suggests that this may be accomplished by assigning Channel 6+ to Nashaquitsa, changing the offset designation of the assignment at Portland from 6+ to 6— and at Montreal from 6— to 6+. Petitioner states that the extent of the interference predicted by WFIL-TV and the factual basis for the fear that such interference will occur are not provided, but that it would have no objection to the offset proposal advanced by WFIL-TV.

7. The Vineyard Gazette, the Blacksmith Valley Association, and others, oppose the assignment of Channel 6 to Nashaquitsa principally on the ground that the location of a commercial television station on the Island of Martha's Vineyard would be detrimental to the natural beauty of the Island and would depreciate property values, endangering the ability of the inhabitants to earn a livelihood. They further urge that such an Assignment would be inefficient since a large part of the signal would be over water; that the assignment is unnecessary in view of channels in other nearby cities; and that a tower in the area would represent an air hazard to naval aircraft. In reply to these contentions, petitioner submits that it proposes to utilize a site which is removed from residences and to construct the buildings so as to be in conformity with the type of existing structures on Martha's Vineyard in order that the proposed station would not threaten the property values or the peace of the summer residents.

8. The Commission is presented with a request for the assignment of a VHF channel in an area where there are no operating stations and no VHF assignments within 50 miles. The assignment would bring an additional television service to a large area and population in southern Massachusetts. Channel 6 in the community of Nashaquitsa would conform to all the Rules and Standards.[2]

[1] Numerous letters were received from summer residents and property-owners in the general area of Nashaquitsa. In the main, the contentions advanced by these individuals and organizations are the same as those of the last two parties named above.

[2] The Vineyard Gazette contends that the distance from the center of Martha's Vineyard to the reference point in Portland, i. e., the transmitter site of WCSH-TV, is only 156.3 miles. However, the proposed assignment is for the community of Nashaquitsa and the distance from its center to WCSH-TV meets the 170-mile requirement.

WCSH-TV at Portland, Maine, concedes that the separation would conform with the requirements but urges the Commission to take into account the additional interference which would be caused to its operation on Channel 6 from the Nashaquitsa station. The Rules provide that existing stations are afforded protection from interference by the minimum separation requirements and the maximum heights and powers. The Commission has consistently maintained this policy in considering requests for changes in the Table of Assignments and we do not believe we would be warranted in departing from this policy in the instant case.

9. With respect to the oppositions based on an alleged detriment to the beauty of the landscape and the property values of surrounding residences and summer homes on the Island, the Commission is of the view that such contentions are not germane to the rule making proceeding here. We are here considering the question of making an assignment to a community and not the granting of a particular station application. These questions and other similar ones are more appropriately within the jurisdiction of local zoning authorities. Similarly, the question of air hazard is one which is considered at the time of a grant of a particular application with a specific proposal for a tower location and height.

10. Upon consideration of the record in this proceeding, we are of the view that the proposed assignment would serve the public interest by providing an additional TV service to a significant number of people. We believe such assignment comports with the objectives set out in our recent Report and Order in Docket No. 11532. Triangle Publications has suggested that this assignment should be offset with that of WFIL-TV by making additional changes in offset carrier requirements. We have adopted this suggestion.

11. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

12. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

(a) Add to the table:

City:	Channel No.
Nashaquitsa, Mass	6+

(b) Change the offset carrier requirement only at Portland, Maine, from Channel 6+ to Channel 6—.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5586; Filed, July 13, 1956; 8:45 a. m.]

[FCC 56-644]

[Rules Amdt. 6-9]

PART 6—PUBLIC RADIOCOMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

STATION IDENTIFICATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration the desirability of amending § 6.37 of Part 6 of its rules and regulations governing Public Radiocommunication Services (other than Maritime Mobile) to reflect changes in the manner of identification of emissions by point-to-point radiotelegraph and radiotelephone stations in the International Fixed Public and Fixed Public Press Services;

It appearing that the proposed amendments constitute rewording, renumbering and rearranging of the parts of the present rule to provide for the insertion therein of certain substantive changes;

It further appearing that the substantive changes in § 6.37 to be effected by the proposed amendments are to provide for the use, under certain prescribed conditions, of a general form of identification signal in lieu of the usual call signs and to provide for the transmission of a special signal (QTT) preceding the transmission of superimposed identification;

It further appearing that since the proposed amendment has been brought to the attention of all licensees in the International Fixed Public Service by letter and no objections have been raised thereto, and that since time is of the essence because operations under the amended rule would materially assist the Commission in the performance of its monitoring duties, which have an important bearing on national security, the publication of a Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedure Act is both unnecesary and contrary to the public interest;

It further appearing that authority for the proposed amendments is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective August 1, 1956, § 6.37 of the Commission's rules and regulations is amended, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 6.37 is amended to read as follows:

§ 6.37 *Station identification.*—(a) *General.* (1) Every radiotelegraph or radiotelephone station in the International Fixed Public or Fixed Public Press Service shall transmit, as provided below, the identifying call sign or other approved identification signal on each of its assigned frequencies below 50,000 kc on which energy is being radiated.

(b) *When required.* (1) The call sign assigned to each frequency shall be transmitted on that frequency at the beginning and end of each period of use of the frequency.

(2) During regular operation on any frequency, the call sign or other approved identification signal shall be transmitted at least at hourly intervals within the period from 10 minutes before to 10 minutes after each hour. If identification during this period would require an interruption in the transmission of a radiophoto, a telephone conversation, an addressed program or a multiple addressed press message, or a break in the continuity of a "conference" or "leased line" type of service, the identifying signal shall be transmitted at the first break in, at the conclusion of, or simultaneously with, the particular transmission as described below.

(c) *Methods of transmission.* (1) All Identifying signals shall be transmitted in such a manner as to permit identification without special equipment other than communication type receivers, except as provided in paragraph (e) of this section. When emissions are being used which are not capable of identification without special equipment, the identifying signal shall be transmitted by one of the following methods:

(i) By interrupting the transmission and transmitting the call sign in a manner which can be identified without special equipment.

(ii) By superimposing the call sign or other approved identification signal on the emission being transmitted without interrupting the transmission as provided for by paragraphs (e) and (f) of this section.

(d) *Emissions to be used.* (1) Except as otherwise provided, the following emissions shall be used for identification:

(i) *Radiotelegraph stations.* The identifying call sign shall be transmitted by International Morse code at a speed not to exceed 25 words per minute and shall consist of the signal "QRA de" followed by the call sign. This transmission shall be made at least three times.

(ii) *Radiotelegraph stations using telephone type emissions.* When telephone type emissions are being used in accordance with Section 6.11 of the Rules, identification may be made by voice and shall consist of announcing three times in English the call sign of the frequency being used.

(iii) *Radiotelephone stations.* The identifying transmission may be made utilizing either telegraph or telephone type emissions. When telegraph emission is used, the transmission shall be made in International Morse Code at a speed not to exceed 25 words per minute and shall consist of the signal "QRA de" followed by the call sign. This transmission shall be made at least three times. When telephone emission is used, the identification shall consist of announcing three times in English the call sign of the frequency being used, provided that all privacy or secrecy devices shall be removed from the circuit during such transmissions.

(e) *Superimposed identification.* (1) Radiotelegraph or radiotelephone stations identifying simultaneously with

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transmission of traffic—call signs or the general identification signal described below may be superimposed on the emission being transmitted by any method which will make identification possible with communication type receivers provided that approval of any such method shall first have been obtained from the Federal Communications Commission. (Approval by the Federal Communications Commission of any means of identification of complex emissions by superimposing identification of regular transmissions will be given upon satisfactory completion of co-ordinated tests thereof by the applicant and the Commission's Field Engineering and Monitoring Bureau.) Commission approval may be withdrawn if at any subsequent time harmful interference to adjacent frequencies is caused by the superimposed identification. When superimposed identification by call sign is used, the ideltifying signal shall consist of "QTT de (call sign)" transmitted at least three times in International Morse Code at a speed not to exceed 25 words per minute.

(f) *General identification signal.* (1) When an approved method of superimposed identification is used, the identification signal shall consist of "QTT de (abbreviated name of company recorded with the Commission) (abbreviated name of station recorded with the Commission)." (It is suggested that "abbreviated company name" consist of two to five letters such as the initials of the company name and that "abbreviated name of station" consist of two or three letters indicating the name of the city where the licensee's message center is located. Both of these abbreviations shall be notified to the Commission before being used for identification.) This general identification signal shall be transmitted in International Morse Code at a speed not to exceed 25 words per minute and may be transmitted continuously or intermittently as desired provided that it shall be transmitted for at least five minutes total time during the period from 10 minutes before to 10 minutes after each hour that energy is being radiated on the frequency. The same signal may be superimposed on all transmissions being made at a particular station: *Provided, however,* That licensed call signs shall be transmitted on the frequencies to which they are assigned as often as is practicable and reasonable or at least at the beginning and end of each period of use of each frequency.

(g) *Identification by printer.* (1) Notwithstanding the foregoing with respect to methods of transmission, when single channel start-stop 5 unit code printer equipment is being used, the identifying call sign may be transmitted by means of printer signals. When identification is made by printer signals, it shall consist of the call sign for the particular frequency being used and shall be made at least three times at a speed of approximately 60 words per minute.

[F. R. Doc. 56-5587; Filed, July 13, 1956; 8:45 a. m.]

[FCC 56-636]

[Rules Amdt. 16-4 (Corrected)]

PART 16—LAND TRANSPORTATION RADIO SERVICES

SINGLE APPLICATION AND AUTHORIZATION FOR TWO OR MORE UNITS OF BASE OR FIXED STATIONS AT TEMPORARY LOCATIONS

In the Commission's order of January 11, 1956 (FCC 56-37), § 16.156 (b) should be corrected to read as follows:

(b) The current authorization for each base or fixed station authorized to be operated at a permanent location shall be posted at what the licensee considers to be the principal control position for such base or fixed station: *Provided, however,* That, in the Railroad Radio Service, a licensee may post a full-size photocopy of (and in lieu of) the current authorization. A photocopy of the current authorization for each base or fixed station authorized to be operated at a permanent location shall be posted at all other control positions for such base or fixed station. An executed Transmitter Identification Card (FCC Form 452-C, Revised) shall be affixed to each transmitter operated at a permanent location, if such transmitter is not in view from what the licensee considers to be the principal control position for such transmitter, or if such transmitter is not readily accessible for inspection by the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 49 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 6, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5589; Filed, July 13, 1956; 8:45 a. m.]

[Docket No. 10821]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

ERRATA

The Commission's Report and Order (FCC 56-553) of June 13, 1956, in the above entitled matter, as published in the FEDERAL REGISTER of June 28, 1956, at page 4724, is corrected in the following respects:

In the Report and Order:

1. In paragraph 11 under the discussion of § 21.510, change the expression "• • • at paragraph (e) of § 21.509." to read "• • • as paragraph (f) of § 21.509.".

2. In paragraph 13 under the discussion of § 21.701 (e), change the frequency band "98-100 Mc" to read "98-108 Mc".

In new Part 21:

3a. In § 21.1, change the definition of "Antenna structure" to read as follows:

Antenna structures. The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

b. In § 21.1, change the word "station" in the definition of "Point-to-point microwave radio service" to read "stations".

4. In § 21.12 (a), change "of Part O," to read "of the Commission's".

5a. In § 21.15 (f) (1), change the first semi-colon to a comma.

b. In § 21.15 (h), change "set forth in subsection (f)" to read "set forth in paragraph (f) of this section".

6a. In § 21.19 (a), change "Domestic Public Land Mobile Radio Services" to read "Domestic Public Radio Services".

b. In footnote 8, change the reference to "§ 2.103 (e)" to read "§ 2.103 (a)".

7. In the fifth sentence of § 21.26 (c), change "• • • further issues and it may prescribe. • • • " to read "• • • further issues as it may prescribe. • • • ".

8. In § 21.27 (a), change the last word of the first sentence from "findings" to "finding".

9. In the first sentence of § 21.29 (i), change "tse Secretary" to "the Secretary".

10. In §-21.118 (g), change the reference to "§ 21.205 (i)" to specify the letter "I" rather than the figure "1".

11. In the text preceding paragraph (a) of § 21.206, insert the word "shall" preceding the word "operate".

12. In § 21.207 (e), delete the word "or" from the parenthetical expression.

13. In § 21.213 (d) (2) and (3), change "QRA do" to read "QRA de".

14. In the last sentence of § 21.604 (b), change "omission" to read "emission".

15a. In the table in § 21.701 (b):

a. Change the footnote designator for the frequency band 2450-2500 Mc from "1" to "2".

b. Change the footnote designator for the frequency band 16000-18000 Mc from "2" to "3".

c. Redesignate footnote "2" as "3".

d. Insert new footnote "2" to read as follows:

[2] Stations operating on these frequencies will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment on the frequency 2450 Mc, in accordance with § 2.104 (a) of this chapter.

b. In the table in § 21.701 (c), footnote "1" is changed to a position following the table.

16. In footnote "1" of § 21.801 (h), change the frequency "27.255 Mc" to read "27.12 Mc".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5588; Filed, July 13, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NUSHAGAK DISTRICT; ADDITIONAL FISHING TIME

Basis and purpose. On the basis of improvement in the red salmon runs in the Nushagak district of Bristol Bay, it has been determined that some additional fishing time can be permitted there.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 104.5, as amended in item 3 of the amendment published in the FEDERAL REGISTER on July 11, 1956 (21 F. R. 5136), is further amended to permit fishing to extend to 3 o'clock postmeridian July 13, 1956 in the Nushagak district only.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

[F. R. Doc. 56-5720; Filed, July 13, 1956; 11:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

(Docket No. AO-72-A21)

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 330, Davis Building, 147 Michigan Street, Toledo, Ohio, July 31, 1956 at 10:00 a. m., for the purpose of receiving evidence with respect to marketing conditions and proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by The Northwestern Cooperative Sales Association, Inc.:

1. Expand the marketing area so as to cover all of the territory of Monroe County (except the townships of Ash and Berlin), the townships of Riga, Deerfield, Blissfield, Palmyra and Ogden in Lenawee County all in the State of Michigan, and the counties of Fulton, Wood and Lucas, the town of Elmore, and the townships of Allen and Clay in Ottawa County, and the town of Gibsonburg, and the townships of Madison and Woodville in Sandusky County, all in the State of Ohio. All this new territory to be added to the present territory included in § 930.5.

2. In § 930.50 (a) (1), consider the fixing of a Class I price in relation to competing markets and in relation to seasonal variations in prices in nearby markets.

3. Consider possible changes in the supply-demand factor as outlined in § 930.50 (a) (2).

4. Insert contra-seasonal factors in Class I pricing so as to insure encouragement of fall production.

5. Make the Class II price in § 930.50 (b) the effective basic formula price for the delivery period.

6. Set up a separate price class for milk used in the making of cottage cheese and fix such price at the basic formula price plus 30 cents.

7. Consider the definition of producer with respect to deliveries through the bulk tank system and the establishment of a premium for such deliveries.

8. Consider the question of diverted milk in relation to bulk deliveries and as to pooling problems.

9. Consider the inclusion of a new producer clause in the order.

10. Clarify § 930.6 so as to make definite that all handlers operating a processing or a receiving or a packaging plant are covered under the order.

11. Amend § 930.80 (b) so that—Class I milk sold by a handler within the marketing area governed by another Federal order shall be priced at the higher of the prices paid for Class I milk in the two areas involved: *Provided,* That this section shall not be effective unless there is a corresponding provision in the Federal order regulating prices in the other area.

12. In view of the proposed new definitions and to clarify order language, consider changes in §§ 930.11, 930.42, 930.44 to conform with these proposals and specifically provide for the classification, allocation and pricing of milk in inventories of fluid milk products and make such other changes as may be necessary or desirable or required to make the marketing agreement and order in their entirety conform with any amendment thereto that may result from the hearing.

Proposed by The Page Dairy Company, Toledo, Ohio.

13. Location adjustments to handlers (§930.63):

With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a receiving plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a receiving plant so located there shall be deducted in the computation of the handlers gross value with respect to such amounts received and disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from Toledo City Hall, Toledo, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 18 cents per hundredweight and 2 cents additional for each 15-mile zone.

Proposed by Driggs Dairy Farm, Inc., and Babcock Dairy Company, Toledo, Ohio:

14. That the minimum prices for milk disposed of in out-of-area Class I sales be established as 50 cents per hundredweight less than the minimum prices prescribed in the order for milk disposed of in Class I sales within the marketing area.

Proposed by The Bordon Company, Detroit 7, Michigan:

15. That milk used for Class I sales in an area covered by another Federal order be priced at the Class I price prevailing in that area in which the sale was made.

Proposed by Twin Pines Farm Dairy, Inc., Detroit 38, Michigan:

16. Provide that all Class I sales made in any other Federal order area shall be at the Class I price of that area.

17. The Toledo order Class I price shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months.

Proposed by Ira Wilson & Sons Dairy Company, Detroit 8, Michigan:

18. Provide for Class I prices within the Federal order area in which Class I milk sales are actually made.

19. Provide Class I pricing formulas for Toledo identical with Detroit.

Proposed by The Dairy Division:

20. Review all other provisions of Order No. 30 in light of the above stated proposals to extend the marketing area and to consider suggestions for changes in the order language which may be appropriate in redrafting and reissuance of the entire order.

Copies of this notice of hearing and the order now in effect, may be procured from the market administrator, 312 Davis Building, 147 Michigan Street, Toledo 2, Ohio or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: July 10, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5597; Filed, July 13, 1956; 8:47 a. m.]

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Commodity Stabilization Service

[7 CFR Part 727]

MARYLAND TOBACCO

MARKETING OF MARYLAND TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1956–57 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1314, 1372–1375), marketing quota regulations are being prepared governing the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland (type 32) tobacco for the 1956–57 marketing year.

It is contemplated that the regulations for the 1956–57 marketing year will be substantially the same as those issued for the 1953–54 marketing year (18 F. R. 4273 and 18 F. R. 6445) except for changes and additional provisions as follows:

1. An additional provision would be included requiring that all acreage of tobacco on any farm in an area normally growing tobacco subject to marketing quotas will be considered a kind of tobacco subject to marketing quotas until such time as the county committee is furnished satisfactory proof by the farm operator that the tobacco is not subject to marketing quotas. The effect of this provision would be to prevent the production and marketing of alleged nonquota kinds of tobacco in quota tobacco producing and marketing areas.

2. The rule of fractions applicable to the harvested acreage of tobacco on a farm would be changed to provide that the harvested acreage for 1956 will be expressed in hundredths of acres dropping all fractions of less than one hundredth of an acre.

3. An additional section would be added to provide specifically for serial number identification of farms.

4. An additional section would be added prescribing specifically the duties of county committeemen and producers in determining the acreage of tobacco on each farm and prescribing the duty of the farm operator or his representative to report all fields of tobacco on the farm.

5. The prior regulations setting forth the provisions under which within quota marketing cards would be issued for farms would be changed. This change would be made by amending subparagraphs (1) and (2) of paragraph (a), § 727.738 (which appears as § 727.436 in the regulations for the 1953–54 marketing year) to read as follows:

(a) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1956 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provision of § 725.744 (b) except that if:

(i) More than one kind of tobacco is produced on a farm in 1956 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if at the time of issuing marketing cards for the farm the harvested acreage of any kind is in excess of the farm acreage allotment;

(ii) For any kind of tobacco produced on a farm in 1956 the acreage of which is in excess of the allotment and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of the excess tobacco acreage or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, a "zero percent" excess marketing card shall be issued for each such kind of tobacco even though the excess acreage is disposed of other than by marketing unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or

(iii) Any tobacco is physically harvested from a farm in 1956 from an acreage in excess of the allotment for the farm and even though it is disposed of in accordance with § 725.745 (a), a "zero percent" excess marketing card shall be issued for each such kind of tobacco, unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

6. The provision in prior regulations relating to the marketing of tobacco grown for experimental purposes only would be changed to provide that the Director of a publicly owned Agricultural Experiment Station furnish the State committee a list by counties showing the following information with respect to the farms on which tobacco is grown for experimental purposes only:

1. Name and address of the publicly-owned experiment station.

2. Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only.

3. The acreage of tobacco grown on each farm for experimental purposes only.

4. A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that:

(a) Such acreage of tobacco was grown on each farm for experimental purposes only;

(b) The tobacco was grown under his direction;

(c) The acreage in each plot was considered necessary for carrying out the experiment.

Provision would be made for issuing to the experiment station a within quota marketing card for use in identifying marketings of tobacco grown on farms or land for which the above information is furnished.

7. The provision in prior regulations for placing excess tobacco in storage under bond as a method by which the farm operator may dispose of excess tobacco so as to avoid the payment of penalty would be eliminated. The definition of "carry-over tobacco" would be continued as in prior regulations, however, and provision would be made for marketing penalty-free an amount of carry-over tobacco or tobacco under bond from a prior marketing year equal to the amount, as determined under the regulations, by which the harvested acreage is less than the acreage allotment for a subsequent marketing year.

8. A provision would be included which would serve to clarify the fact that any marketing of tobacco by a person other than the producer thereof on a marketing card other than the one issued for the farm on which such tobacco was produced is deemed to be a marketing of excess tobacco and is subject to penalty.

9. A provision would be included which would serve to clarify the producer's liability for penalty due on the basis of a redetermination of the acreage of tobacco by the county committee after part or all the tobacco produced on the farm has been marketed.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 10th day of July 1956.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 56-5599; Filed, July 13, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 11770; FCC 56–650]

PUBLIC SAFETY RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 10.101, 10.103 and 10.255 of the Commission's rules.

1. The Commission has under consideration five non-related amendments to Part 10 of its rules and notice of proposed rule making in this matter is hereby given. The items under consideration in this docket are as follows:

(a) It is proposed to amend § 10.101 of the rules by adding a new paragraph to reflect certain conditions affecting the availability of frequencies below 27 megacycles in the Public Safety Radio Services. In some instances the Commission has been unable to authorize a particular frequency at a requested location because of various factors such as international priorities, and the probability of interference to existing operations on closely adjacent frequencies. In this area it is thought that the rules should be clarified to point out this situation as well as to include the alternative which the Commisison will employ in such a case, namely, to authorize a suitable substitute frequency, provided such a frequency can be located by the applicant.

(b) It is proposed to amend § 10.103 (a) of the rules to permit the use of tone signals, by stations licensed in the Public Safety Radio Services for voice emissions, to actuate sirens or other warning devices which are intended to advise the general public, or emergency personnel of an emergency condition. This proposal is responsive to a request made by the Associated Police Communication Officers, Inc.

(c) It is proposed to amend § 10.255 of the rules to permit use of the frequencies 39.46 Mc and 45.86 Mc for intersystem operation in the Police Radio Service. These frequencies would be commonly available to all licensees in the Police Radio Service at any location where intersystem operation required their use. The present rules have provided for base and mobile station use of a common area frequency in the 150 Mc band for police intersystem operation for a number of years. This provision appears to have been highly valuable and policing agencies have on many occasions expressed a desire for similar provisions in the frequency bands, other than 152–162 Mc, available to the Police Radio Service. In this connection the proposal is intended to be responsive to a petition filed with the Commission on March 22, 1955 by the Buckeye Sheriffs Association and endorsed by the Ohio Chapter, and the National Planning Committee of the Associated Police Communication Officers, Inc., requesting rule changes to permit intersystem operation in the 39 Mc band.

(d) It is proposed to amend § 10.255 of the rules to limit the power which may be authorized to new stations on the frequency 39.06 Mc to a maximum of 3 watts input to final radio frequency stage of the transmitting apparatus, and make the frequency commonly available to all licensees in the Police Radio Service for low powered operations. The desirability of such action has been brought to the Commission's attention by resolutions of the International Association of Chiefs of Police and the Associated Police Communication Officers, Inc. It is observed that similar operation has been provided in the Fire Radio Service for some eight years and experience in that service indicates that protection from high powered operations on one or more frequencies within a service provides for very efficient use of hand carried and other low powered mobile radiocommunication equipment by all licensees within the service desiring such operation.

(e) It is proposed to amend § 10.101 of the rules by adding a new paragraph to permit use of the aeronautical universal emergency and distress frequency 121.5 megacycles by licensees in some of the Public Safety Radio Services when such use is necessary to facilitate search and rescue operations.

2. The Commission proposes to implement the five provisions outlined herein by amending Part 10 of its rules as set forth below. It may be noted that in cases where existing stations are utilizing frequencies in a manner contrary to these proposed revisions, provision has been made to continue such operation. These proposed amendments are issued, pursuant to the authority contained in sections 4 (i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

3. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before August 22, 1956 written comments or briefs setting forth his objections. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last day for the filing of said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if any comments warrant oral argument, notice of the time and place of such oral argument will be given.

4. In accordance with § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 6, 1956.

Released: July 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 10, Public Safety Radio Services, in accordance with the following particulars:

1. Section 10.101; add new paragraph (e) to read as follows:

(e) Frequencies below 25 megacycles listed in the various services of this part are the frequencies normally assigned to stations in those services under the indicated conditions and limitations. In individual cases it may be impracticable to authorize the normally assignable frequencies because of potential interference to existing frequency use in the area involved. In such cases substitute frequencies, which are in accordance with the Commission's table of frequency allocations and compatible with existing United States and foreign assignments made pursuant to outstanding international agreements, may be authorized even though such frequencies are not listed in this part.

2. Section 10.103; amend paragraph (a) to read as follows:

(a) Except as provided in paragraphs (c) and (d) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signaling devices the function of which is limited to establishing or maintaining voice communications or to actuating emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

3. Section 10.255; in the frequency tabulation of paragraph (g) of this section change the entries 39.46, 45.86 and 45.90 Mc to read as follows:

Frequency or band (Mc)	Class of station(s)	Limitations
39.46	do	16
45.86	Base and mobile	16
45.90	do	

4. Section 10.255; in paragraph (h) add a new limitation note 16 to read as follows:

(16) This frequency is reserved for assignment to stations in the Police Radio Service for intersystem operations only: *Provided however,* That licensees holding a valid authorization to use this frequency for local base or mobile operations as of June 1, 1956, may continue to be authorized for such use.

5. Section 10.255; in the frequency tabulation of paragraph (g) of this section opposite the entry 39.06 Mc enter the limitation 17.

6. Section 10.255; in paragraph (h) add a new limitation note 17 to read as follows:

(17) The maxmum plate input power to the final radio frequency stage of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed three watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operation on this frequency, with a power in excess of three watts, may continue to be authorized for such operation without regard to this power limitation.

7. Section 10.101; add new paragraph (f) to read as follows:

(f) The frequency 121.5 Mc is available for assignment to stations in the Police, Fire, Forestry-Conservation, and Highway Maintenance Radio Services, utilizing type A3 emission, for the sole purpose of communicating with stations in the Aviation Services when such Public Safety stations are engaged in search and rescue operations involving lost aircraft. All operations on this frequency by public safety radio stations shall be confined to such search and rescue operations and shall conform strictly to the provisions of applicable International Agreements and to the provisions of Part 9 of this chapter. This frequency will not be assigned to Police, Fire, Forestry-Conservation and Highway Maintenance Radio stations unless there are also assigned and available for use, other frequencies to accommodate the normal communication needs of such stations. All transmitting equipment used by public safety licensees on the frequency 121.5 Mc shall be of a type

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acceptable under and complying with the applicable requirements of Part 9 of this chapter and must be listed on the station authorization.

[F. R. Doc. 56-5590; Filed, July 13, 1956; 8:45 a. m.]

[47 CFR Part 31]

[Docket No. 11769; FCC 56-638]

UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

ACCOUNTING FOR STATION APPARATUS, STATION INSTALLATIONS AND STATION WIRING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules and regulations as set forth below.

3. The paragraphs below contain a general description of the proposed changes in the Commission's accounting rules which are the subject of this Notice of Proposed Rule Making. Factual data are included with respect to the historical development of certain of the present accounting practices. The basic reasoning behind the Commission's decision to propose changes is given. It is hoped that these data will provide background useful to those commenting upon the proposals.

4. The proposed revisions in the System of Accounts are intended to accomplish two principal general objectives. These are (1) to simplify the prescribed accounting for station apparatus by including the investment in most equipment on subscribers' premises in a telephone plant in service account from the time such equipment is purchased with a view to early use on subscribers' premises until its final disposition by the telephone company, ignoring, for purposes of plant investment accounting, movements out of and back into active service during its overall life, and (2) to treat the costs of installation and of the wiring directly associated with equipment on subscribers' premises as depreciable plant. Under (1), in addition to subscriber telephones, such equipment as telephone booths, small private branch exchanges (both manual and dial), and teletypewriters would receive the so-called "cradle-to-grave" plant accounting treatment. The Bell System, at the instance of this Commission and the Accounting and Depreciation committees of the National Association of Railroad and Utilities Commissioners, has made an exhaustive study of the feasibility of accounting changes of the type proposed herein. It has requested the institution of rule making proceedings in the matter in a letter from American Telephone and Telegraph Company to the Commission dated June 25, 1956. The United States Independent Telephone Association has also considered the practicability of accounting revisions of this type.

5. The accounting practice for equipment on subscribers' premises is, and so far as is known always has been, to carry items destined for such use in Material and Supplies account until withdrawn from such stock for actual installation. Once installed, this equipment is carried in a plant in service account only so long as actually connected for service or, in the case of subscriber telephone instruments, so long as it remains physically on the premises where it was formerly connected for service (left-in stations). Subscriber telephone instruments are written out of the plant in service asset account at original cost when they are removed from subscriber premises with the contra charge, of course, being to the depreciation reserve. At the same time, an entry is made for those instruments which it is expected will be reused. They are charged to material and supplies at their estimated original cost and the contra credit is to the depreciation reserve. The cost of removing a subscriber telephone instrument is now charged to operating expense as well as the cost of reconditioning it for reuse in a new location. The proposed revisions in the system of accounts will do away with plant retirement accounting for interim outward and plant addition accounting for inward movement of station apparatus reused leaving such equipment in the plant in service asset account at original cost throughout its physical life whether as a unit of telephone equipment in stock available for installation or in process of being repaired or rebuilt, installed and used in service, or in the status of left-in equipment. Under the revisions as proposed no costs of removal will be recognized as such for station apparatus. Instead, costs of removal related to station apparatus not replaced will be treated as costs of removal of station connections and be charged to the depreciation reserve. The accounting for costs of reconditioning station apparatus will continue to be charged to operating expense as is done at present.

6. The present method of accounting for equipment on subscriber premises would appear to be more in accord with accepted plant accounting than that proposed for the future. It should be understood, however, that the present accounting requires burdensome (time consuming, expensive and irksomely detailed) reporting on the part of plant field personnel. There is promise of worthwhile economies in record keeping from the simplification proposed which appear to outweigh any disadvantages involved in the departure from the present accounting.

7. Small private branch exchanges and booths are now carried in account 234, "Private branch exchanges" and account 235, "Booths and special fittings," respectively. The costs so carried include costs of installation and inside wires. The revisions proposed call for the transfer of both small private branch exchanges and booths to the proposed enlarged account 231, "Station apparatus." It is to be noted, however, that such transfer will not include costs of installation and inside wires. The latter will be transferred to the proposed account 232, "Station connections."

8. The proposed revisions in the system of accounts in the form issued for purposes of comment eliminate any provision for a list of retirement units, as such, for account 231, "Station apparatus." Instead, each company is directed to prepare and keep up-to-date its own list of "station apparatus disposition units." This list will govern the plant retirement entries for account 231 since only items appearing on the list will be made the subject of plant retirement entries when they are finally disposed of. These station apparatus disposition units are distinguishable from retirement units in that they will be employed exclusively in conjunction with "cradle-to-grave" plant accounting so that their movement outward from station apparatus equipment assemblies other than for final disposition will not affect the plant account. Use of a different descriptive title is considered justified in order to emphasize the exclusive association of this list of units with "cradle-to-grave" plant accounting.

9. Ordinarily, a list of property units such as retirement units or station apparatus disposition units would be prescribed as a part of a system of accounts rather than being left up to each company to prepare subject to review by the Commission. The provision as proposed is designed to give the flexibility considered desirable to meet the problems of certain carriers with a great many transactions involving station apparatus and having particular type arrangements with their equipment and maintenance supplier. At the same time it is adaptable to the needs of other carriers employing other arrangements for maintaining and rebuilding station apparatus. The indications are that the Bell System telephone companies will propose quite detailed lists of station apparatus disposition units while other companies may be expected to propose lists similar to the retirement units presently prescribed. It is recognized that differences in lists of station apparatus disposition units may affect station apparatus depreciation rates as well as maintenance expense as between carriers and that a change in its list by a carrier may call for a review of the depreciation rate being used for station apparatus. Effects on depreciation rates will be available for review and appropriate action through the requirement that changes in lists of station apparatus disposition units shall be filed with the Commission annually.

10. The accounting revisions, in the form presented for comment below, provide for "cradle-to-grave" plant accounting treatment for teletypewriter and other telegraph equipment. Such equipment differs from telephone instruments, the principal component of station apparatus account, in a number of respects. For example, teletypewriter and other telegraph installations are relatively few in number. Teletypewriters have a unit cost many times as great as regular telephone instruments. Teletypewriter and other telegraph equipment is understood to be installed and serviced to a large extent by employees specializing in those activities. Record

communications services of telephone companies are offered in competition with like services of The Western Union Telegraph Company, thus indicating a possible need for comparable treatment of telephone and telegraph companies with respect to accounting for telegraph plant. In view of these and other distinctive characteristics of teletypewriter and other telegraph equipment, suggestions are especially solicited regarding the advisability of excluding such equipment from "cradle-to-grave" plant accounting and of providing special accounting treatment for it. Possibilities would be to establish a single account for all inside plant used exclusively in record communications services or for all such plant on customer premises. Such account would be depreciable but, as stated above, would not receive the "cradle-to-grave" plant accounting treatment.

11. The costs of installation and the costs of the wiring directly associated with equipment on subscribers' premises (other than private branch exchanges and booths) have been capitalized in separate plant accounts since the beginning of telephone accounting.[1] Since January 1, 1933 they have definitely been nondepreciable. It was argued in justification of making them nondepreciable, which is "retirement accounting", that it results in relatively constant charges to operating expense so there is little, if any, distortion. On the other hand, that argument was made prior to 1930 and subsequent experience has shown that the retirement practice can result in fluctuating, expense-distorting, charges to operating expenses, particularly with respect to smaller companies. Thus, the principal argument in favor of instituting depreciation accounting now seems to be to give greater assurance of a proper matching of revenues and expenses than is given by the present retirement accounting basis by preventing expense increases during periods of high removals of stations.

12. In the period 1913–1932, the practices with respect to depreciation accounting for plant then included in account 232, "Station installations," account 233, "Interior block wires," and the portion of account 243, "Exchange aerial wire," covering drop wires, seem to have varied as among companies and as among years in individual companies. Speaking generally, however, it appears that some depreciation was accrued during the period on one or more of these accounts by most, if not all, companies, but not in all years. These depreciation accruals were generally not for the purpose of providing for regularly accruing depreciation but were to provide in advance for the cost of retirements arising out of extensive replacements of plant on subscriber premises due to extraordinary circumstances such as conversions from manual to dial operation. It appears that amounts capitalized with respect to installation costs and costs of wiring associated with stations have always been written off to expense at time of station removal with the exception of some retirement costs incurred in connection with extensive replacements involved in conversion projects which may have been charged in some cases to the depreciation reserve. The expense account has been credited for the wiring gain when any wiring previously so charged off was reused. The same accounting has been continued to date except that no depreciation whatever has been accrued since January 1, 1933.

13. It is contemplated by the proposed revision of the system of accounts that costs of wiring and station installation will be written out of the plant accounts at the time the associated stations are physically removed or, if they are reconnected for service without physical removal, the portions of costs of wiring and station installation lost by disconnection will be written out at the time of such reconnection. The present accounting also calls for delaying book retirement of station connections until physical removal of stations but in case of reconnection in place no capital accounting is performed and the costs of reconnection are charged to operating expenses. Performance of capital accounting for reconnects will result in plant book costs more accurately reflecting changes in price levels than the present accounting. The proposed timing of accounting entries for retirement of station wiring and installation costs is the same as is provided for in the Commission's Uniform System of Accounts for Class C telephone companies in which these classes of plant have been depreciable since January 1, 1939.

14. It seems in order to call attention to a seeming anomaly in the accounting proposed for the costs of wiring associated with equipment on subscriber premises. This is in the provision that the cost of replacement of all or a portion of a station connection (including drop and block wires) when there is no discontinuance of service by the customer shall be charged to expense. It might well be that the replacement of an entire station connection assembly should be treated as a plant retirement and an installation of a new unit of plant. We have given consideration to this problem and believe, subject to comments we may receive in this proceeding, that, due to the infrequency of an entire station connection being replaced under such circumstances and the advantages of simplicity in reporting of plant work and changes, the proposed accounting is justified.

15. Two minor revisions are proposed which have no relation to the two principal general objectives of the rules revision. One is in § 31.2–20 (d) where "$10" is proposed to be changed to read "$25." This change in amount merely recognizes broadly the change in price levels that has occurred since the time (January 1, 1933) the $10 provision became effective. The second revision is to add to § 31.122 (b) a provision that sales and use taxes, so far as practicable, shall be included as a part of the cost of the particular material to which they relate. Along with this provision there is a deletion of a provision that when not so includible such taxes, as well as transportation charges, shall be charged to account 704, "Supply Expense." This revision specifically recognizes sales and use taxes in the system of accounts and meets tax allocation problems for accounting purposes of carriers operating in jurisdictions where sales and use taxes are selective, i. e., their imposition depends upon the use to which a purchase is put.

16. This notice is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

17. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within twenty days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

18. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 5, 1956.

Released: July 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1a. Delete present paragraph (r) of § 31.01–3 and substitute the following in lieu thereof:

(r) "Minor items," as applied to depreciable telephone plant, means any part or element which is not designated either as a retirement unit in § 31.8 or as a station apparatus disposition unit in account 231, "Station apparatus."

b. In paragraph (bb) of § 31.01–3 change the period to a comma and add the following words "or other appropriate account."

2. Add the following two sentences at the end of paragraph (c) of § 31.02–80: "For purposes of the records required to be kept under this paragraph no costs of removal or disconnection shall be associated with account 231, 'Station apparatus.' Any such costs shall be recorded as applicable to account 232, 'Station connections.'"

3. In § 31.02–82, beneath the words "Station apparatus (account 231).", insert the words "Station connections (account 232).", change the words "Private branch exchanges" to read "Large pri-

[1] Drop wires were carried in account 243, "Exchange aerial wire," and protectors in account 231, "Station apparatus" prior to January 1, 1933. Costs of installation and wiring in connection with private branch exchanges and booths have always been carried in the respective equipment accounts.

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vate branch exchanges"; and delete the words "Booths and special fittings (account 235)." Section 31.02–82, as amended, will read as follows:

§ 31.02–82 *Classes of depreciable telephone plant.* The classes of depreciable telephone plant and the accounts covering such plant are as follows:

Right of way (account 207).
Buildings (account 212).
Central office equipment (account 221).
Station apparatus (account 231).
Station connections (account 232).
Large private branch exchanges (account 234).
Pole lines (account 241).
Aerial cable (account 242:1).
Underground cable (account 242:2).
Buried cable (account 242:3).
Submarine cable (account 242:4).
Aerial wire (account 243).
Underground conduit (account 244).
Furniture and office equipment (account 261).
Vehicles and other work equipment (account 264).

NOTE: When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

4. Delete paragraph (a) of § 31.100:2 and substitute the following in lieu thereof:

(a) This account shall include the original cost (note § 31.01–3 (x)) of construction of telephone plant other than station apparatus that is not completed ready for service. It shall include interest during construction, taxes during construction, and all other elements of cost of such construction works. (Note also §§ 31.2–20 to 31.2–22 and account 231.)

In the note to § 31.100:2, the words "installation of station apparatus," have been deleted effective January 1, 1957.

5. In § 31.100:3 (a), add the words "other than station apparatus" between the words "property" and "owned."

6. Amend section 31.122 as follows:

a. In paragraph (a), after the words "held in stock," insert "(see also Note E to this account)". Paragraph (a), as amended, will read as follows:

(a) This account shall include the cost of unapplied material and supplies held in stock (see also Note E to this account), including plant supplies, tools, fuel, stationery, directory paper stock, and other supplies; and material and articles of the company in process of manufacture for supply stock.

b. In the first sentence of paragraph (b), after the word "charges," insert the words "and sales and use taxes,". Delete the second sentence of paragraph (b). Paragraph (b), as amended, will read as follows:

(b) Transportation charges and sales and use taxes, so far as practicable, shall be included as a part of the cost of the particular material to which they relate.

c. Following Note D, add a new note as follows:

NOTE E: This account shall not include items in stock which are includible in account 231, "Station apparatus." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Repairs of station equipment," if company-held, and in this account if in stocks held by others.

7. Amend paragraph (b) of § 31.171 as follows:

a. In the first sentence, delete the words "(except the cost of removal of station apparatus)". Insert the following as a new second sentence: "(With respect to entries relating to station apparatus and station connections, see accounts 231 and 232.)"

Change present second sentence to read: "This account shall also be credited with amounts chargeable to account 138, 'Extraordinary maintenance and retirements,' as provided in § 31.02–83."

b. Paragraph (b), as amended, will read as follows:

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost (note § 31.01–3 (x)) of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus and station connections, see accounts 231 and 232.) This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83. (Note also § 31.2–25.)

8a. In the last sentence of paragraph (b) of § 31.2–20 delete the words "or account 607, 'Station removals and changes,' as appropriate."

b. In paragraph (d) of § 31.2–20 change "$10" to read "$25".

9. After paragraph (b) (10) (iii) of § 31.2–22 insert a new paragraph reading as follows:

(iv) No interest charges shall be included in these accounts with respect to construction work that is not included in account 100.2, "Telephone plant under construction."

10. Amend § 31.2–25 as follows:

a. In the first sentence of paragraph (a) delete the words "(except as provided in paragraph (b) (2) of this section)" and substitute the words "(except as provided in paragraph (b) (2) of this section and in account 231)".

b. At the end of the first sentence of paragraph (b) (2), delete the period and add the words "or as a station apparatus disposition unit."

c. At the beginning of the third sentence of paragraph (b) (2), delete the words "Except as provided in the note under account 231, 'Station apparatus,' in § 31.8," and capitalize the first letter of the word "if".

d. After paragraph (b) (2) add new subparagraphs (3) and (4) as follows:

(3) Station apparatus: The accounting to be performed upon the disposition of station apparatus shall be as provided in account 231. (Note also § 31.02–80 (c).)

(4) Station connections: The accounting to be performed upon the retirement of station connections shall be as provided in account 232. (Note also § 31.02–80 (c).)

e. Delete present paragraphs (c) and (d) and substitute the following in lieu thereof:

(c) Leaseholds: The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

b. In the third sentence of paragraph (e) change the word "installations" to "connections".

11. Delete § 31.231 and substitute the following in lieu thereof:

§ 31.231 *Station apparatus.* (a) This account shall include the original cost (note § 31.01–3 (x)) of station apparatus, including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, as distinguished from items normally used for repair purposes. Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until used in such manner as to be includible in other accounts.

(b) Each company shall prepare a list of items of station apparatus which shall be used as its list of disposition units for this account the cost of which when finally disposed of shall be credited to this account and charged to the depreciation reserve. Two copies of such list shall be submitted to the Commission not later than the date it is to be made effective for use by the company, together with the company's plan for determining disposition unit costs and the methods to be used to insure that an equitable portion of the cost of minor items, supply expense, and other amounts included in this account will be credited hereto and charged to account 171, "Depreciation reserve," upon the ultimate disposal of any disposition unit. Revisions made during any year to the effective list of disposition units shall be submitted in duplicate to the Commission not later than March 1 of the following year.

ITEMS

(Note § 31.01–8)

Amplifying equipment.
Answering equipment.
Attendants' cabinets.
Attendants' desks.
Backboards.
Battery boxes.
Booths.
Code call units.
Code sending sets.
Coin collectors.
Desk sets, hand sets, wall sets, and combined sets, including those used at main, extension, private branch exchange, and private line stations, etc. This includes such sets used as operators' sets at large private branch exchanges and in central offices and operators' schools. (See also Note C to this account.)
Directory stands or shelves.
Distributing frames.
Extension bells.
Hand-set mountings.
Messenger, and similar signaling devices.
Mobile telephone equipment.
Operators' chairs.
Operators' head sets and breastplate transmitters. (See also Note C to this account.)
Order receiving tables.
Order turrets.
Power equipment.
Printer-telegraph equipment.
Private branch exchange equipment—nonmultiple manual and cordless switchboards and dial equipment of types designed for not more than two digit operation.
Program supply equipment.
Public telephone signs.
Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and other devices used as parts of intercommunicating systems.
Subscriber sets.
Telegraph equipment.
Teletypewriter equipment.

NOTE A: The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections."

NOTE B: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242.1, "Aerial cable."

NOTE C: Operators' head sets and breastplate transmitters in central offices and at large private branch exchanges, and test sets such as those used by wire chiefs, linemen, and others, shall be included in account 221, "Central office equipment," account 234, "Large private branch exchanges," or account 264, "Vehicles and other work equipment," as appropriate.

NOTE D: Items of station apparatus in stock for which no further use in the ordinary conduct of the business is contemplated, or which are specially segregated from those to be used in the normal conduct of the business shall be excluded from this account and included in account 122, "Material and supplies."

NOTE E: An annual inventory shall be taken of all telephones in stock that are included in this account. The number of such telephones as determined by this inventory, together with the number of all other telephones included in this account, shall be compared with the corresponding number of telephones as shown by the respective control records. The original cost of any unreconciled differences thereby disclosed shall be adjusted through account 171, "Depreciation reserve." Appropriate verifications shall also be made at suitable intervals and necessary adjustments between this account and account 171 shall be made for all other station apparatus included in this account.

12. Delete § 31.232 and substitute the following in lieu thereof:

§ 31.232 *Station connections.* (a) This account shall include the original cost (note § 31.01–3 (x)) of installing or connecting items of station apparatus and the original cost of inside wiring and cabling and drop and block wires. (See also account 605, "Repairs of station equipment.")

(b) When station apparatus is installed, the cost of installation shall be charged to this account. The estimated original cost of any portion of the station connections which is thereby returned to service shall also be charged to this account and credited to account 171, "Depreciation reserve."

(c) When a left-in station is reconnected, the cost of reconnection shall be charged to this account. The estimated original cost of the portion of the station connections associated with the left-in station which is retired as a result of the reconnection work shall be credited hereto and charged to account 171, "Depreciation reserve."

(d) When station apparatus is physically removed, the original cost (actual or estimated average unit cost) of the associated station connections carried in this account shall be credited here to and charged to account 171, "Depreciation reserve." In the event of the replacement of a small private branch exchange or booth, if the cost of installation of the replacement is charged to this account, an appropriate retirement shall be made from this account for the station connections associated with the plant replaced.

ITEMS

(Note § 31.01–8)

The wires (or small cables) from the station apparatus to the point of connection with the general overhead or underground system or to the junction boxes where the house cable or other cable terminates. This includes circuits, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system.
The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems.
The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building.
The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frame to switchboard.
The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent house or outside cables or wires.
Connecting blocks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used in the installation of station apparatus and inside wiring and cabling.
Labor and other costs incurred in connection with station apparatus and station connection installations or additions thereto.
Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; trimming trees and other costs incurred in the installation of such wires; pipes or other protective covering for underground service connections; and permits and privileges for construction.

NOTE A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing large private branch exchanges is chargeable to account 234, "Large private branch exchanges." The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.

NOTE C: The cost of disconnecting or removing station apparatus and station connections shall be charged to account 171, "Depreciation reserve." However, provisional denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

13. Delete § 31.233.

14. Delete § 31.234 and substitute the following in lieu thereof:

§ 31.234 *Large private branch exchanges.* This account shall include the original cost (note § 31.01–3 (x)), including cost of installation, of multiple manual private branch exchanges, and of dial system private branch exchanges of types designed for more than two digit operation (types designed to accommodate normally 100 or more extensions) installed either for customers' or the company's use. (See also account 231.)

ITEMS

(Note § 31.01–8)

Cables or wires from distributing frame to switchboard.
Dial system private branch exchanges of types designed for more than two digit operation, including any nonmultiple manual switchboards used as attendants' positions in connection with such dial system exchanges.
Distributing frames.
Multiple manual switchboards.
Operators' chairs.
Operators' head sets and breastplate transmitters.
Power equipment, including special foundations.
Switching equipment at automatic switching centers of private line teletypewriter systems.
Wires (or small cables used instead of wires) installed specifically to serve as trunk, battery, or generator circuits from a large private branch exchange to the point of connection with the permanent house or outside cables or wires.

NOTE A: The cost of riser and distributing cables in buildings other than central offices, which by their physical characteristics, method of installation, and permanence constitute regular house cables shall be charged to account 242:1.

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire, and cable accounts.

UNIVERSITY OF MICHIGAN LIBRARIES

NOTE C: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242:1.

15. Delete § 31.235.

16. In the last sentence of Note A to § 31.242:1, change the words "account 234." to read "account 232 or account 234, as appropriate."

17. Delete Note B to § 31.242:2 and substitute the following:

NOTE B: The cost of small cables used in station installations or as drop wires shall be charged to account 232.

In the second sentence of Note D to § 31.242:2, change the words "account 234." to read "account 232 or account 234, as appropriate."

18. In the note to § 31.243, change the words "account 233." to read "account 232."

19. In Note B to § 31.244, change the words "account 233." to read "account 232."

20. In § 31.261, delete the words "(Note also accounts 221, 234, and 235 and § 31.2–20 (d).)" and substitute the words: "(Note also § 31.2–20 (d) and accounts 221 and 234.)".

21. Following Note F to § 31.305, add a new note as follows:

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

22. Delete paragraph (b) (2) of § 31.-5–50 and substitute the following in lieu thereof:

(2) Amounts of initial nonrecurring charges for plant or equipment, furnished in rendering service to a customer, includible in accounts 231, 232, and 234, except initial charges based on the cost of specially assembled private branch exchanges includible in account 234. (Note paragraph (b) and Note A of § 31.2–20.)

23. In paragraph (a) of § 31.603, delete the words "station reconnections, reinstallations, inside moves and rearrangements of station equipment" and substitute the words "inside moves and rearrangements of station apparatus, including service regrades".

24. Delete § 31.605 and substitute the following in lieu thereof:

§ 31.605 *Repairs of station equipment.* (a) This account shall include the cost of repairing station apparatus, station connections and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts) and the cost of replacing station connections where service discontinuance is not involved.

(b) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which, under conditions provided in § 31.6–64, have been included in account 138, "Extraordinary maintenance and retirements."

ITEMS

(Note § 31.01–8)

Changing type of telephone, such as from desk set to hand set, wall set to desk set, magneto to common battery, or nondial to dial.
Changing inside and drop and block wires, or replacing stations where service discontinuance is not involved.
Cleaning station apparatus and large private branch exchange equipment.
Disconnecting and reconnecting customers' lines at customers' premises to deny service provisionally for nonpayment and to restore service in cases of provisional denials which have not become final. (See also Note C to account 232.)
Inside moves (moves or relocations on the same premises or at the same address) of items of station apparatus. (See also Note A to this account.)
Inspecting, testing, and reporting on condition of equipment to determine the need for repairs or replacements. (See also account 603.)
Materials normally used as repair parts for station apparatus.
Number plate changes not incident to station connections.
Removing sediment from and cleaning batteries.
Repainting and other repairs of booths, including those owned by others.
Repairing used station equipment for reuse.
Replacing dry-cell batteries.
Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.
Replacing one small private branch exchange by another of the same capacity and type. (See paragraph (d) of account 232.)
Routine work to prevent trouble, such as trimming trees to protect existing drop and block wires.
Supply expense applicable to station apparatus being reused.
Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

NOTE A: The accounting for station connections in cases of customers' moves to different premises or to a different address shall be on the basis of a retirement or a disconnection at the old location and an installation or a reconnection at the new location.

NOTE B: Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

25. Delete § 31.607.

26. In § 31.632, add the following new item after the fifth item in the item list: "Repairs of furniture and office equipment used at public telephone locations and cost and repairs of individual items of small value or short life. (Note also § 31.2–20 (d).)"

27. Delete paragraph (b) of § 31.704 and substitute the following in lieu thereof:

(b) This account shall be cleared by equitably distributing the total expense on the basis of material and supplies and items of station apparatus.

28. Amend § 31.8 as follows:

a. In subsection 221 *Central office equipment*, after the words "Teletypewriter sets:", delete the words "Units specified under account 231." and substitute the words "The disposition units maintained by each company for account 231 in accordance with the provisions of that account."

b. Delete subsection 231 *Station apparatus* in its entirety and substitute the following in lieu thereof:

231 *Station apparatus.* Each company shall maintain its own list of station apparatus disposition units in lieu of retirement units for account 231 in accordance with the provisions of that account.

c. Delete subsection 232 *Station installations* in its entirety and substitute the following in lieu thereof:

232 *Station connections.* (See § 31.2–25 and accounts 232 and 605.)

d. Delete subsection 233 *Drop and block wires* in its entirety.

e. Delete subsection 234 *Private branch exchanges* in its entirety and substitute the following in lieu thereof:

234 *Large private branch exchanges.* Units specified under subsection 221 *Central office equipment* of this section.

f. Delete subsection 235 *Booths and special fittings* in its entirety.

29. In Case 6–R–2 of Appendix A, delete paragraph (h) and substitute the following in lieu thereof:

(h) All the central office equipment, station apparatus, station connections, large private branch exchanges, furniture and office equipment, or vehicles and other work equipment situated in or utilized in a single exchange area, central office area, or other extensive area, without additional classes of associated plant.

30. In the last sentence of Case 9–R–1 of Appendix A, delete the words "see account 233, 'Drop and block wires'." and substitute the words "see account 232, 'Station connections.' ".

31. In the first sentence of paragraph 4 (a) of Appendix B, delete the words "station installations" and substitute the words "station connections".

In the second sentence of paragraph 5 of Appendix B, delete the words "station apparatus, station installations, and drop and block wires)" and substitute the words "station apparatus and station connections)".

32. In paragraph (b) of § 31.6–61 delete the words "except as provided in account 605, 'Repairs of station equipment,' for labor and incidental costs in the replacement of station apparatus".

[F. R. Doc. 56–5591; Filed, July 13, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SUN RIVER PROJECT, MONTANA

ORDER OF REVOCATION

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of October 17, 1903, and September 20, 1906, insofar as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the land hereinafter described:

PRINCIPAL MERIDIAN

T 20 N., R. 1 W.,
Sec. 6, Lot 5.

The above area aggregates 2.10 acres.

E. G. NIELSEN,
Acting Commissioner.

[71288]

JULY 10, 1956.

I concur. The land is included in an allowed reclamation homestead entry Great Falls 09115, and is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 727; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict and others.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56–5608; Filed, July 13, 1956; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–24]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the General Electric Company, Schenectady, New York. In accordance with the procedure set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

Construction permit, No. CPCX–4. The General Electric Company, Schenectady, New York (hereinafter "GE"), on March 26, 1956, filed its application for license under section 104c of the Atomic Energy Act of 1954 (hereinafter "the act") to construct and operate a critical experiment facility (hereinafter "the facility"). An amendment to the application was filed on June 4, 1956. The original application together with said amendment are hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter the "Commission") has found that:

(A) The facility will be a utilization facility as defined in the Commission's regulations contained in 10 CFR Part 50, "Licensing of Production and Utilization Facilities."

(B) GE proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

(C) GE is financially qualified to construct and operate the facility in accordance with the regulations contained in 10 CFR, Chapter I.

(D) GE is technically qualified to design and construct the facility.

(E) GE has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to GE to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(1) The earliest date for the completion of the facility is April 1, 1957. The latest date for completion of the facility is September 1, 1957.

(2) The site proposed for the location of the facility is the location known as the Vallecitos Road Laboratory site in Alameda County, California, specified in report GEAP–069, "Technical Information and Environmental Factors Regarding Devolpmental Boiling Water Reactor".

(3) The general type of facility authorized for construction is a critical experiment facility designed primarily for testing reactor cores at near zero power levels using uranium enriched in the isotope uranium 235 in the fuel elements.

(4) At such time as this Construction Permit is converted into a license to operate the facility, such license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and hazards evaluation report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

(5) Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to GE pursuant to section 104c of the act, which license shall expire twenty (20) years after the date of this Construction Permit.

Pursuant to § 50.60 of the regulations in 10 CFR Part 50, the Commission has allocated to GE for use in performing critical experiments for the Commonwealth Edison reactor in this facility, seventy-one (71.0) kilograms of uranium 235 contained in uranium at the isotopic ratios specified in GE's application.

Date of issuance: June 29, 1956.

Dated at Washington, D. C. this 5th day of July 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 56–5600; Filed, July 13, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7913]

GROUP EXCURSION FARES INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation instituted by the Board's Order No. E–10239 into the lawfulness of certain group excursion fares for foreign air transportation.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on July 30, 1956, at 10:00 a. m., e. d. s. t., in Room No. E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. To what extent, if any, are or will the fares and rules under investigation be unjustly discriminatory, under sections 404 (b) and 1002 (f) of the Civil Aeronautics Act, insofar as they are limited in application to two or more persons?

2. If the Board finds the fares and rules under investigation unlawful, what action should it take with respect thereto?

Notice is further given that any interested person, not a party of record, desiring to be heard in this proceeding must file with the Board, not later than the beginning of the hearing, a written

statement setting forth the matters of fact or law that he desires to present.

Dated at Washington, D. C., July 11, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5610; Filed, July 13, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11742; FCC 56M-666]

WGLI, INC.

ORDER SETTING PRE-HEARING CONFERENCE

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

It is ordered, This 6th day of July 1956, that all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 a. m., July 18, 1956, for the purpose of considering among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The date for the exchange of exhibits between the applicants, as required by § 1.841, supra; and

(6) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5592; Filed, July 13, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6690]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JULY 9, 1956.

Take notice that on June 29, 1956, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act, by Arizona Public Service Company ("Applicant"), a corporation organized under the laws of the State of Arizona and doing business in said State, with its principal business office at Phoenix, Arizona, seeking an order authorizing Applicant to acquire from Southwest Lumber Mills, Inc. ("Southwest") of a certain electric generating plant and the transfer from Applicant of a certain electric generating plant and related equipment to Southwest, more fully described below. Applicant proposes to transfer to Southwest its Flagstaff steam electric generating plant and related facilities and equipment and to receive and acquire from Southwest the so-called Saginaw steam electric generating plant. In addition to the exchange of plants and facilities, Applicant will enter into contracts pursuant to which it will purchase electricity and steam from the Flagstaff plant, and Applicant will cancel and terminate its agreement under which it has been purchasing power from the Saginaw plant. In addition to the exchange of the facilities, heretofore mentioned, and the arrangement for the purchase of electricity and steam, Southwest will pay to Applicant an aggregate of $100,000, of which $50,000 is to be paid at the time of closing, with the remaining amount to be payable over a two-year period thereafter; all as more fully appears in the application on file with the Commission which is open for public inspection.

Any person desiring to be heard, or to make any protest with reference to said application, should, on or before the 27th day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5602; Filed, July 13, 1956; 8:48 a. m.]

[Docket No. G-7247 etc.]

BUTLER JOHNSON SERVICE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser

G-7247; Butler Johnson Service Corporation; J. R. Butler, M. F. McCain, M. F. Powers and A. M. Jackson, Bossier City, La.; 12-1-54; Carthage, Panola County, Tex.; United Gas Pipeline Company.

G-7249; Crown Central Petroleum Corporation, Baltimore, Md.; 12-1-54; Placedo, Victoria County, Tex.; Tennessee Gas Transmission Company.

G-7255; Great Lakes Oil and Chemical Company, Los Angeles, Calif.; 12-1-54; Largo, San Juan County, N. Mex.; El Paso Natural Gas Company.

G-7259; Delta Drilling Company, Tyler, Tex.; 12-1-54; Sibley, Webster Parish, La.; United Gas Pipeline Company.

G-7263; Clyde E. Davis and Dick Wegener, Oklahoma City, Okla.; 12-1-54; S. E. Velma, Stephens County, Okla.; Skelly Oil Company.

G-7264; Clyde E. Davis and Dick Wegener, Oklahoma City, Okla.; 12-1-54; S. E. Velma, Stephens County, Okla.; Skelly Oil Company.

G-7265; Clyde E. Davis and Dick Wegener, Oklahoma City, Okla.; 12-1-54; Katie, Garvin County, Okla.; Lone Star Gas Company.

G-7267; Clyde E. Davis and Dick Wegener, Oklahoma City, Okla.; 12-1-54; S. E. Newhope, Garvin County, Okla.; Warren Petroleum Corporation.

G-7276; Morris Rauch, Martin Nadelman, Howard Singer, Johnny Mitchell, Trustee, George Butler, Max Clairfield, W. C. DeArman, J. A. Gray, Robert Greenburgh, Rex E. Hudson, Louis Pulaski, Betty Ann Sud, Gerald Sud, Phyllis Weisler, Alan Albert, Dean M. Meyers, Richard Albert, Phillip Davidson, Ellis Davidson, Gerald Rauch, Leonard Rauch, Veda Mae Glesby, P. A. Zuber, J. S. Oshman, Joe Barsky, Trustee, M. M. Feld, Abe Weingarten, Joe Weingarten, Irving Alexander, Estate of J. E. Leicher, A. I. Lack, A. I. Axelrod and H. W. Krakower, by and through Christie, Mitchell and Mitchell Co., Agents; Houston, Tex.; 12/1/54; Jennings, Acadia Parish, La.; United Gas Pipeline Company.

G-7278; Woodward & Company, Dallas, Tex.; 12/1/54; Magnolia City and North Magnolia City, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

G-7289; Black & Prindemore Gas Co., Hamlin, W. Va.; 12/1/54; Duval District, Lincoln County, W. Va.; United Fuel Gas Company.

G-7292; W. W. Hamilton John M. Hamilton and Dorothy Hamilton; 12/1/54; Blanco, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

A public hearing will be held on the 6th day of August 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

JULY 9, 1956.

[F. R. Doc. 56-5603; Filed, July 13, 1956; 8:48 a. m.]

[Docket No. G-9938]

HARROD GAS CO.

NOTICE OF APPLICATION

JULY 9, 1956.

Take notice that The Harrod Gas Co. (Applicant), an Ohio corporation with principal place of business at 401 Defiance Avenue, Findlay, Ohio, filed, on January 30, 1956, as supplemented March 19, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing The Ohio Fuel Gas Company to establish physical connection of its natural gas transportation facilities with the proposed natural gas facilities of Applicant and to sell natural gas to Applicant for resale and distribution in the Village of Harrod, Hardin County, Ohio, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed distribution system will consist of approximately 75 feet of 2-inch transmission line and 10,000 feet of 2-inch distribution lines together with the necessary valves, meters, fittings and other facilities. The gas will be delivered to Applicant by The Ohio Fuel Gas Company's system from a connection at a point approximately 75 feet from Applicant's proposed distribution system. An intermediate pressure system will be constructed and operated by Applicant of sufficient capacity to serve the village.

The application states that the estimated total overall capital cost of the proposed facilities is between $7,000 and $8,000 which will be raised through the sale of stock. The estimated peak day requirements of the proposed system for the first (1956), third and fifth years of operation are stated to be 204 Mcf, 270 Mcf and 315 Mcf respectively and the annual gas requirements for the same years are estimated to be 21,400 Mcf, 27,000 Mcf and 31,000 Mcf respectively.

The Ohio Fuel Gas Company (Ohio Fuel), an Ohio corporation with principal place of business at 99 North Front Street, Columbus, Ohio, filed, on March 15, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an Answer to the aforesaid application wherein Ohio Fuel states that it has no present objection to being directed to establish a physical interconnection with and render service to Applicant if the Commission finds such action necessary or desirable in the public interest; that Ohio Fuel's existing transmission facilities possess sufficient capacity to deliver the volumes of natural gas requested for the first year peak-day requirements of Applicant; that no additional transmission facilities other than a physical interconnection and tap need be constructed by Ohio Fuel to effect such deliveries; and that the sale and delivery by Ohio Fuel to Applicant of the volumes set forth in the application would not adversely affect either Ohio Fuel's gas supply or its ability to render adequate service to its existing customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5604; Filed, July 13, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32339: *Foreign woods—Ft. Lauderdale, Fla., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, logs or flitches of foreign woods, built-up woods, veneer, boards or slats, made wholly or in part of such foreign woods, straight or mixed carloads from Ft. Lauderdale, Fla., to specified points in official territory.

Grounds for relief: Grouping, carrier competition, and circuity.

Tariffs: Supplement 143 to Agent Spaninger's tariff I. C. C. 1214; Supplement 31 to Agent Spaninger's tariff I. C. C. 1443.

FSA No. 32340: *Lead and litharge—Rio Grande crossings to Newark, N. J.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on dry red lead and litharge, carloads from Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Tex., on traffic from Mexico to Newark, N. J.

Grounds for relief: Competition of carriers by water and truck and circuitous routes.

Tariff: Supplement 29 to Agent Kratzmeir's I. C. C. 4159.

FSA No. 32341: *Railway material—Chicago, Ill., to Kansas City, Mo.-Kans.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on railway material, namely, brake shoe parts, railway car or locomotive and mats, brake shoe, carloads from Chicago, Ill., to Kansas Cty, Mo.-Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 65 to Agent Prueter's tariff I. C. C. A-4038.

FSA No. 32342: *Tin and terne plate—Alabama to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on tin and terne plate, straight or mixed carloads, and tin mill black plate, carloads from Bessemer, Birmingham, Ensley, Fairfield, and North Birmingham, Ala., to Arlington, Dallas and Farmer's Branch, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 65 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 32343: *Grain and grain products—western points to Texas ports.* Filed by The Union Pacific Railroad Company for itself and other interested rail carriers. Rates on grain, grain products, and related articles, carloads from specified points in Colorado, Iowa, Kansas, Nebraska and Wyoming to Beaumont and Port Arthur, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 16 to Union Pacific Railroad tariff I. C. C. 5378.

FSA No. 32344: *Fluorspar—Illinois points to Oak Street, Mass.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fluorspar, carloads from Junction and Shawneetown, Ill., to Oak Street, Mass.

Grounds for relief: Circuitous routes.

FSA No. 32345: *Furniture and parts—Ohio to eastern points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on furniture and furniture parts, carloads from Dayton and Eaton, Ohio to Baltimore, Md., Boston, Mass., and Brooklyn, N. Y.

Grounds for relief: Circuitous routes.

FSA No. 32346: *Commodities from or to points in Illinois Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, carloads, as described in exhibits 1 through 10 of the application, from or to specified points in Illinois territory, to or from specified points in Illinois and other territories, including southern territory.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32347: *Commodities from or to points in southwestern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barrels, wooden, carloads, pipe or tubing, carloads, cotton denims, carloads and other commodities, carloads, as described in exhibit A of the application, from or to specified points in southwestern territory, to or from points in southwestern territory and other territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32348: *Fine coal—Arkansas and Oklahoma to Iowa, Missouri and Nebraska.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fine coal, from specified Arkansas and Oklahoma points to specified points in Iowa, Missouri, and Nebraska.

Grounds for relief: Circuitous routes.

Tariff: Supplement 123 to Agent Kratzmeir's I. C. C. 3920.

FSA No. 32349: *Pig iron—Buffalo, N. Y., to New Jersey.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on pig iron, carloads from Buffalo, N. Y., and Area, also Harriet, N. Y., to Burlington and Florence, N. J.

Grounds for relief: Barge-rail competition, and circuitous routes.

Tariff: Supplement 11 to Baltimore and Ohio Railroad Tariff No. 24266 and five other tariffs.

FSA No. 32350: *Liquefied petroleum gas—Mid-Continent origins to Hancock and Hagerstown, Md.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Kansas, Louisiana, Missouri, Oklahoma and Texas to Hancock, and Hagerstown, Md.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 83 to Agent Kratzmeir's tariff I. C. C. 4118.

FSA No. 32351: *Substituted service—motor-rail-motor, Pennsylvania Railroad.* Filed by The Long Transportation Company, for itself, other motor carriers, and the Pennsylvania Railroad Company. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Pittsburgh, Pa., on the one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5593; Filed, July 13, 1956; 8:46 a. m.]

[No. 32010]

MISSOURI INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 3d day of July A. D. 1956.

It appearing that in the proceedings listed in Appendix A below the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition, dated June 8, 1956, has been filed on behalf of certain common carriers by railroad operating to, from and between points in the State of Missouri, averring that the Missouri Public Service Commission by various orders in its Cases Nos. 10562 and 13310 has refused to authorize or permit, in whole or in part, petitioners to apply to their rates on the commodities described in Appendix A below, increases corresponding to those approved for interstate application in the proceedings referred to, as more fully set forth in the petition; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Missouri;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Missouri, for the intrastate transportation of property, made or imposed by authority of the State of Missouri, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in the proceedings listed in Appendix A hereto, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Missouri which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Missouri be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Board of Railroad Commissioners of the State of Missouri at Jefferson City, Mo.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A

Specific exceptions made by the Missouri Public Service Commission:

Ex Parte No. 175, Increased Freight Rates, 1951, 284 I. C. C. 589, 661:

Bituminous coal.
Dolomite, crude, not roasted.
Limestone, agricultural.
Limestone, broken, crushed or ground.
Marl, agricultural.
Marl, ground or unground.
Pumice, crude, in bulk.
Sand.
Gravel.
Stone, including marble or granite.
Stone, fluxing.
Crude fire clay.
Cinders.

Ex Parte No. 196, Increased Freight Rates, 1956 (decided May 7, 1956):

Sand and gravel, and commodities in Commodity Class Group No. 327.
Stone and rock, broken, ground and crushed, and commodities in Commodity Class Group No. 329.
Cinders, in carloads.
Clay and Bentonite (Commodity Group No. 323).
Sand and Gravel, switching rates and charges on, at Pacific and St. Louis, Mo.

[F. R. Doc. 56-5594; Filed, July 13, 1956; 8:46 a. m.]

[No. 31964]

INDIANA INTRASTATE BITUMINOUS COAL RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 6th day of July A. D. 1956.

It appearing that a petition dated March 29, 1956, has been filed on behalf of The Baltimore and Ohio Railroad Company and other common carriers by railroad operating to, from, and between points in Indiana in interstate and intrastate commerce, averring that in Ex Parte No. 196, Increased Freight Rates, 1956 (decided May 7, 1956), the Commission authorized certain increases in interstate freight rates, including rates on bituminous coal, maintained by petitioners and other common carriers by railroad which were later established; and that the Public Service Commission of Indiana has declined to authorize or permit said petitioners to apply to the intrastate transportation of bituminous coal between points in Indiana increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited, as more particularly described in the said petition.

It further appearing that said petitioners allege that the rates and charges which they are required to maintain for the intrastate transportation of bituminous coal between points in Indiana as a result of such refusal by the Public Service Commission of Indiana cause undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and undue, unreasonable and unjust discrimination against interstate commerce;

And it further appearing that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Indiana:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of said respondents, or any of them, for the intrastate transportation of bituminous coal by railroad between points in the State of Indiana cause or may cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine, what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within Indiana, subject to the jurisdiction of this Commission, be, and they are hereby,

made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Indiana be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Public Service Commission of Indiana;

It is further ordered, That notice of this proceeding be given to the public by depositing copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing July 31, 1956, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local Daylight Saving Time, if that time is observed), at the rooms of the Public Service Commission of Indiana, Indianapolis, Ind., before Examiner Mittelbronn.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5595; Filed, July 13, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3492]

FLAT TOP POWER CO. ET AL.

JULY 10, 1956.

NOTICE OF PROPOSED ISSUANCE OF COMMON STOCK BY SUBSIDIARY UTILITY COMPANY IN EXCHANGE FOR ASSETS OF ASSOCIATE UTILITY COMPANY, LIQUIDATION AND DISSOLUTION OF ASSOCIATE COMPANY AND ACQUISITION BY PARENT OF COMMON STOCK OF SUBSIDIARY UTILITY COMPANY

In the matter of Flat Top Power Company, Appalachian Electric Power Company, American Gas and Electric Company; File No. 70-3492).

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and two of its subsidiaries, Appalachian Electric Power Company ("Appalachian") and Flat Top Power Company ("Flat Top"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 9, 12 (d) and 12 (f) of the act and Rules U-43 and U-44 thereunder as applicable to proposed transactions, which are summarized as follows:

American owns all of the outstanding shares of common stock of Appalachian (9,100,000 shares) and all of the outstanding securities of Flat Top (1,900 shares of common stock), the latter of which were acquired pursuant to this Commission's order of March 26, 1954 (Holding Company Act Release No. 12429). Appalachian supplies all of Flat Top's power and the latter's properties are located within the Appalachian territory of the American system.

The present proposals relate to the acquisition by Appalachian of the assets of Flat Top and the subsequent liquidation and dissolution of Flat Top and involve (1) the transfer by Flat Top and the acquisition by Appalachian of all of Flat Top's assets which amounted to $133,844 at March 31, 1956, and the rendering of service by Appalachian in the area theretofore served by Flat Top, (2) the issuance by Appalachian, and the acquisition by Flat Top, of 10,000 shares of Appalachian's common stock, without par value, and the assumption by Appalachian of all of Flat Top's liabilities which amounted to $8,140 at March 31, 1956, and (3) the liquidation and dissolution of Flat Top and the transfer to American of the 10,000 shares of Appalachian common stock theretofore received by Flat Top.

Applications have been made to the Virginia State Corporation Commission, the Public Service Commission of West Virginia and the Tennessee Public Service Commission for approval of certain of the proposed transactions and the orders of these commissions to be issued in respect thereof are to be supplied by amendment.

Miscellaneous expenses estimated not to exceed $1,000 are to be paid by Appalachian and the legal fees are to be supplied by amendment. It is represented that no other fees, commissions or expenses are to be incurred except that routine services will be performed by the service company for the American system.

Notice is further given that any interested person may, not later than July 24, 1956, at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rule U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-5606; Filed, July 13, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 12, 1954 (13 A. D. 983), authorizing the respondents to modify temporarily their schedule of rates and charges in certain respects and to assess the modified schedule to and including July 30, 1956, unless changed by further order before the latter date.

By petition filed on July 5, 1956, respondents have requested authority to modify the current schedule of rates and charges in certain respects and to continue assessing the current schedule as so modified to and including July 31, 1958. The modifications requested are as follows:

SELLING AND RESELLING CHARGES

SECTION A

	Present rate per head	Proposed rate per head
Cattle		
Consignments of 1 head and 1 head only	$1.80	$1.60
Consignments of more than 1 head:		
First 5 head in each consignment	1.20	1.30
Next 10 head in each consignment	1.15	1.25
Each head over 15 in each consignment	1.00	1.10
Calves		
Consignments of 1 head and 1 head only	.85	.95
Consignments of more than 1 head:		
First 5 head in each consignment	.75	.90
Next 10 head in each consignment	.70	.85
Each head over 15 in each consignment	.60	.75
Bulls, irrespective of manner of arrival, T. B. reactors, bangs reactors, cripples, suspects or subjects, or condemned	1.75	1.85

SECTION B

Hogs, irrespective of manner of arrival:		
Consignments of 1 head and 1 head only	$0.65	$0.69
Consignments of more than 1 head:		
First 10 head in each consignment	.43	.47
Next 15 head in each consignment	.38	.42
Each head over 25 in each consignment	.33	.37

The proposed rates and charges, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 11th day of July 1956.

[SEAL] DAVID M. PETTUS, *Acting Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5613; Filed, July 13, 1956; 8:49 a. m.]

AINSWORTH SALE YARDS

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Ainsworth Sale Yards, Ainsworth, Nebraska, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 11th day of July 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-5612; Filed, July 13, 1956; 8:49 a. m.]

Rural Electrification Administration

[Administrative Order 5411]

TEXAS

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Texas 64AA San Augustine	$2,238,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5617; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5412]

NEW HAMPSHIRE

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
New Hampshire 4V Merrimack	$820,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5618; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5413]

KANSAS

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Kansas 19L Butler	$370,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5619; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5414]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Washington 9P San Juan	$345,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5620; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5415]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Oklahoma 23X Okmulgee	$1,500,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5621; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5416]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
North Dakota 13R Foster	$100,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5622; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5417]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Oklahoma 34L Texas	$25,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5623; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5418]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Washington 18U Spokane	$643,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5624; Filed, July 13, 1956; 8:50 a. m.]

[Administrative Order 5419]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
South Dakota 28F McCook	$337,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5625; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5420]

INDIANA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Indiana 18M Rush	$100,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5626; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5421]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Georgia 65T Irwin	$50,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5627; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5422]

VIRGINIA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Virginia 41X Prince William	$1,040,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5628; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5423]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
North Dakota 37H McLean	$50,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5629; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5424]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Louisiana 13X East Baton Rouge	$880,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5630; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5425]

INDIANA

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Indiana 7R Whitley	$50,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5631; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5426]

OREGON

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Oregon 21T Coos	$2,000,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5632; Filed, July 13, 1956; 8:51 a. m.]

[Administrative Order 5427]

IOWA

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Iowa 56M Poweshiek	$605,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5633; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5428]

IDAHO

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Idaho 16G Cassia	$470,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5634; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5429]

MAINE

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Maine 12L Washington	$128,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5635; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5430]

TEXAS

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Texas 47W Deaf Smith	$50,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5636; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5431]

KENTUCKY

AMENDMENT TO LOAN ANNOUNCEMENT

JUNE 19, 1956.

I hereby amend: (a) Administrative Order No. 313, dated December 12, 1938, by reducing the allocation of $5,000 therein made for "Kentucky 9040W1 Jessamine" by $3,053.10 so that the reduced allocation shall be $1,946.90.

[SEAL] FRED H. STRONG,
Acting Director, Agricultural Credit Services.

[F. R. Doc. 56-5637; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5432]

KANSAS

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Kansas 14L Sumner-Cowley	$595,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5638; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5433]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
South Dakota 35E Bennett	$425,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5639; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5434]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Missouri 59H Cole	$1,000,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5640; Filed, July 13, 1956; 8:52 a. m.]

[Administrative Order 5435]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
North Carolina 49S Surry	$750,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5641; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5436]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Tennessee 26L Loudon	$1,065,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5642; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5437]

TEXAS

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Texas 100Y Washington	$430,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5643; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5438]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
New Mexico 4AC Eddy	$506,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5644; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5439]

IDAHO

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Idaho 10S Nez Perce	$1,660,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5645; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5440]

ALASKA

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Alaska 2N Matanuska	$544,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5646; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5441]

CALIFORNIA

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
California 41B Anza	$50,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5647; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5442]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Georgia 103K Coweta	$300,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5648; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5443]

VERMONT

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Vermont 7AD Orleans	$50,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5649; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5444]

FLORIDA

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Florida 14AF Clay	$1,225,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5650; Filed, July 13, 1956; 8:53 a. m.]

[Administrative Order 5445]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Illinois 34R Jackson	$382,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5651; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5446]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Illinois 33T Hancock	$336,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5652; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5447]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Illinois 27N Edgar	$250,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5653; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5448]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Georgia 75M Lamar	$260,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5654; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5449]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Georgia 31N Upson	$320,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5655; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5450]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 28AA Williamsburg	$1,125,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-5656; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5451]

IOWA

LOAN ANNOUNCEMENT

JUNE 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 7M Marshall	$408,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-5657; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5452]

OREGON

AMENDMENT TO LOAN ANNOUNCEMENT

JUNE 28, 1956.

I hereby amend:

(a) Administrative Order No. 3126, dated December 30, 1950, by reducing the loan of $350,000 therein made for "Oregon 22L Clackamas" by $68,124.91 so that the reduced loan shall be $281,875.09; and

(b) Administrative Order No. 5316, dated March 19, 1956, by rescinding the loan of $50,000 therein made for "Oregon 22P Clackamas."

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-5658; Filed, July 13, 1956; 8:54 a. m.]

[Administrative Order 5453]

MISSISSIPPI

AMENDMENT TO LOAN ANNOUNCEMENT

JUNE 28, 1956.

I hereby amend (a) Administrative Order No. 2531, dated February 14, 1950, by reducing the loan of $715,000 therein made for "Mississippi 49F Lee" by $551,930.30 so that the reduced loan shall be $163,069.70.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-5659; Filed, July 13, 1956; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 137

Washington, Tuesday, July 17, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[Amdt. 1]

PART 472—WOOL

SUBPART A—1956 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

SUBPART B—1956 PAYMENT PROGRAM FOR UNSHORN LAMBS, PULLED WOOL

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1956 Incentive Payment Program for Shorn Wool, 21 F. R. 1877, are amended as follows:

1. In § 472.707 (b) at the end of the first sentence, the words "grading, scouring, or carbonizing; or storage." are amended to read as follows: "grading; scouring; or carbonizing." The third and fourth sentences are amended to read as follows: "For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point and to bear the storage expenses until the wool is sold. Consequently, charges made for furnishing wool bags, storing wool, or transporting wool to the producer's local shipping point shall not be considered marketing charges."

2. In § 472.710 (a), subparagraphs (4), (5), and (6) are amended to read as follows:

§ 472.710 *Contents of sales documents.*

* * *

(a) *Sales other than at farm, ranch, or local shipping point.* * * *

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 472.707 (b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions. If a sales document issued after July 31, 1956, contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed.

3. In § 472.710 (b), the words "the net amount received by the producer for the wool," are amended to read as follows: "the net amount received by the producer for the wool at his farm, ranch, or local shipping point,".

4. At the end of this subpart, the following new section is added:

§ 472.723 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods,

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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with the same force and effect as if they were approved by the President of CCC.

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1956 Payment Program for Unshorn Lambs (Pulled Wool), 21 F. R. 1883, are amended as follows:

5. In § 472.767 (b), the words "on sheep or lambs" at the end of the first sentence are amended to read "on sheep, lambs, or wool."

6. At the end of this subpart, the following new section is added:

§ 472.772 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods, with the same force and effect as if they were approved by the President of CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 11th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 56-5614; Filed, July 13, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5882]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OUTBOARD, MARINE & MANUFACTURING COMPANY

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Outboard, Marine & Manufacturing Company, Milwaukee, Wis., and Galesburg and Waukegan, Ill., Docket 5882, June 27, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer of "Johnson Sea Horse", "Evinrude", and "Buccaneer" outboard motors for boats and parts and accessories therefor—having factories and offices at Milwaukee, Wis., and Galesburg and Waukegan, Ill., and accounting for one-third to one-half of total sales of said products in the United States—with violating section 3 of the Clayton Act, through selling its outboard motors to distributors and dealers on the condition that they not deal in its competitors' products.

After extensive hearings, the proceeding was closed and an initial decision filed December 29, 1952. The case was tried and decided—on the theory of, and the quantitative tests applied by, the Court in the Standard Stations and similar cases—on the showing that in 1949 respondent's business accounted for more than 50 percent of all outboard motor sales. Accordingly all evidence by respondent justifying its merchandising practices, as well as evidence to show actual injury to competitors, was rejected by the hearing examiner or stricken from the record as immaterial.

Upon appeal by respondent, the Commission set the initial decision aside, stating that such rejected evidence was material and necessary, and remanded the case with instructions to reconsider such rulings.

Since that hearing examiner was then about to be mandatorily retired for age, the proceeding was transferred to another hearing examiner for completion. After extensive additional hearings, the proceeding was again closed and the hearing examiner made his initial decision including findings of fact,[1] conclusions of law,[1] and order to cease and desist. Respondent's appeal therefrom was denied and by order of June 27, 1956, the initial decision was adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Outboard Marine and Manufacturing Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offer for sale, sale or distribution of outboard motors for boats, or parts therefor, or other similar or related products in commerce, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use, or deal in, or sell, outboard motors or parts therefor, or other similar or related products supplied by any competitor or competitors of respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of such products shall not use or deal in outboard motors or parts therefor, or other similar or related products supplied by any competitor or competitors of respondent.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, Outboard, Marine & Manufacturing Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: June 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5680; Filed, July 16, 1956; 8:49 a. m.]

[Docket 6469]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOS. MARTINSON & CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Jos. Martinson & Co., Inc., New York, N. Y., Docket 6469, June 30, 1956]

[1] Filed as part of original document.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its officers with office in New York City, engaged in producing and selling a line of coffee and tea products, over 90 percent of them directly to retail grocery stores including large retail chain store organizations, and the balance through brokers and grocery wholesale distributors, with total sales in 1955 amounting to $14,000,000, with paying $3,300 for advertising its products to Food Fair Stores, Inc., of Philadelphia, Pa., among other things, while not making such allowance available on proportionally equal terms to Food Fair's competitors.

Following hearings, an agreement was reached between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which by order of June 29, 1956, became, on June 30, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jos. Martinson & Co., Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of coffee and tea products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other service or facilities furnished by or through such customer, in connection with the handling, offering for resale or resale of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available to all competing customers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5679; Filed, July 16, 1956; 8:49 a. m.]

[Docket 6532]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTH AMERICAN TRAINING CENTER

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; § 13.60 *Earnings and profits;* § 13.85 *Government approval, action,*

connection or standards: Civil Service Commission connections or recognition; § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service:* Government; § 13.125 *Limited offers or supply;* § 13.143 *Opportunities.* Subpart—*Misrepresenting oneself and goods*—business status, advantages or connections: § 13.1425 *Government connection;* [*Misrepresenting oneself and goods*]—goods: § 13.1615 *Earnings and profits;* § 13 1640 *Government source or origin;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service;* § 13.1745 *Source or origin:* Government. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1935 *Earnings and profits;* § 13.1985 *Individual's special selection or situation;* § 13.1995 *Job guarantee and employment;* § 13.2000 *Limited offers or supply;* § 13.2015 *Opportunities in product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, James N. McCorvey t. a. North American Training Center, Opa-Locka, Fla., Docket 6532, July 3, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual engaged in selling, from his office in Washington, D. C., a correspondence course intended to prepare students for examinations for certain U. S. Civil Service positions, with representing on postal cards and circulars and through his sales agents and their credentials that he and his agents were connected with the U. S. Government or the Civil Service Commission, that Civil Service jobs were available and guaranteed to persons completing the course, and that the course must be taken to obtain Civil Service positions, among other things—and an agreement containing a consent order to cease and desist disposing of all the issues without hearing.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 29, 1956, became, on July 3, the decision of the Commission.

The order to cease and desist is as follows:

In the Matter of James N. McCorvey, Trading as North American Training Center

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual engaged in selling, from his office in Washington, D. C., a correspondence course intended to prepare students for examinations for certain U. S. Civil Service positions, with representing on postal cards and circulars and through his sales agents and their credentials that he and his agents were connected with the U. S. Government or the Civil Service Commission, that Civil Service jobs were available and guaranteed to persons completing the course, and that the course must be taken to obtain Civil Service positions, among other things—and an agreement containing a consent order to cease and desist disposing of all the issues without hearing.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 29, 1956, became, on July 3, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, James N. McCorvey, individually and doing business under the name of North American Training Center, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That there are vacancies for any United States Civil Service positions when such vacancies do not exist.

(b) That positions in the United States Civil Service which may be open are available to all persons.

(c) That positions in the United States Civil Service which are restricted to any group or otherwise restricted or require certain qualifications, are open, unless such restrictions and qualifications are clearly set forth.

(d) That respondent has an instructional department, or representing or implying that he operates an educational institution.

(e) That the starting salary, or any other salary, that may be received by persons receiving a Civil Service appointment is higher than is the fact.

(f) That respondent, his school, his agents or representatives, or anyone of them has any connection with the United States Civil Service Commission, any agency thereof, or any other agency of the United States Government.

(g) That respondent's sales agents are paid irrespective as to whether or not prospective student enrolls for the training.

(h) That prospective students or purchasers of respondent's course of study are especially recommended or selected.

(i) That completion of respondent's course of instruction makes persons eligible for appointment to, or assures them of or guarantees United States Civil Service positions.

(j) That upon completion of said course of study persons may obtain employment in Civil Service at or near their home, within a short distance therefrom, or at any other certain location.

(k) That respondent's course of study must be taken and completed in order to obtain Civil Service positions or such positions are more difficult to obtain without having taken such course.

(l) That prospective students lose the opportunity to enroll for respondent's course of study unless they enroll at the time of the first visit of respondent's agent or representative.

(m) That persons taking respondent's course of study may be exempt from, or delayed from, induction into military service.

2. Using the word "registrar" or any word of similar import to designate or describe respondent's agents or representatives; or otherwise representing that respondent's agents or representatives perform the functions usually performed by officers of educational institutions known as registrars.

3. Soliciting, procuring, or accepting contracts for respondent's course of study, without permitting prospects to read the same over fully and thoroughly so as to fully understand the terms thereof.

4. Using sales material upon which appear prominently "Confidential Report", "Credential", and "Washington" when contacting prospective students, or using any other material indicating that respondent or his agents are connected with the United States Government or any agency thereof, or that the purpose of the call by the salesman is to verify the record of the prospect.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5681; Filed, July 16, 1956; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54132]

PART 12—SPECIAL CLASSES OF MERCHANDISE

MERCHANDISE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

Section 12.42 (f) of the Customs Regulations provides that findings to the effect that imported merchandise is subject to the provisions of section 307 of the Tariff Act of 1930, relating to merchandise produced by convict, forced or indentured labor, shall be published. In order to specify the method of publication and to provide a list of findings published pursuant to such instructions, section 12.42 of the Customs Regulations is amended as set forth below:

Paragraph (f) is amended by deleting the period at the end thereof and adding "in a weekly issue of the Treasury Decisions and in the FEDERAL REGISTER."

A new paragraph (h) is added reading as follows:

(h) The following findings made under the authority of section 307, Tariff Act of 1930 are currently in effect with respect to the merchandise listed below:

Merchandise	Country	T. D.
Canned crabmeat	Union of Soviet Socialist Republics.	52655
Furniture	Ciudad Victoria, Tamaulipas, Mexico.	53408

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: July 9, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-5677; Filed, July 16, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF TOXAPHENE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on a number of raw agricultural commodities. Later, portions of the petition were withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.138 *Tolerances for residues of toxaphene.* A tolerance of 7 parts per million is established for residues of toxaphene (chlorinated camphene containing 67 percent—69 percent chlorine) in or on each of the following raw agricultural commodities: Cranberries, hazelnuts, hickory nuts, horseradish, parsnips, pecans, peppers, pimentos, rutabagas, walnuts.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 10, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-5670; Filed, July 16, 1956; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, AND STUDENT WORKERS AT SUBMININUM WAGE RATES

MISCELLANEOUS AMENDMENTS

On April 18, 1956, a proposal was published in the FEDERAL REGISTER (21 F. R. 2532) to issue Part 528 of Title 29, Code of Federal Regulations, and amend Parts 522 and 524, relating to the annulment and withdrawal of certificates for the employment of learners, handicapped persons, and student workers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201) pursuant to section 14 of that act and 29 CFR, Parts 522, 524, and 527. Interested persons were invited to present data, views, or arguments related to the proposal.

The main purpose of these regulations is to decentralize the method of dealing with fraud and violations related to the employment of learners, handicapped persons and student workers under the act. This purpose is based on the fact that Regional Offices have a broad experience in investigating individual cases of fraud and violations. So that this decentralization will not result in uneven application of authorized sanctions in the several regions, the subsidiary purposes are (1) to provide a uniform rule for all three types of certificates which is reasonably specific as to the results which will flow from each type of misconduct, and (2) to provide specific procedures designed to satisfy the generalized requirements of the Administrative Procedure Act.

The International Ladies' Garment Workers Union has noticed that in revoking § 522.9 and substituting revised substantive and procedural rules for fraud and violations, the proposed plan eliminates one of the present provisions for cancellation or modification of outstanding certificates necessitated by changed economic conditions. There was no intent to eliminate authority to make such adjustments. Hence, the proposal will be amended by adding a paragraph (c) to § 528.3 to provide for such adjustments. These terminations will not be decentralized, however, any more than certificate issuing authority is decentralized, because the reason for them is to coordinate outstanding certificates with changes in certificate issuing policy.

This union also suggests adding noncompliance with Parts 522, 524, and 527 of Title 29 of the Code of Federal Regulations to the causes expressed in the proposal as grounds for annulment. Under section 15 (a) (2) of the act, violation of Parts 522, 524, or 527 is a violation of the act, and § 528.3 of the proposed regulations makes that a ground for withdrawal of certificates. As the union gives no reason why annulment rather than withdrawal should be the result, and none occurs to us, this recommendation will not be accepted.

The Amalgamated Clothing Workers suggests amendment to authorize review of actions refusing to order annulment or withdrawal and refusing to institute proceedings therefor. Insofar as the fraud and violations type cases are concerned, these proceedings are quite comparable to the judicial enforcement proceedings provided in sections 16 (a) and 17 of the act and to the administrative enforcement proceedings provided in section 5 of the Walsh-Healey Public Contracts Act. Though employees, the unions, and competing employers may have more or less direct interests in those proceedings, only the Government or its officer and the employer accused of misconduct have status as parties with rights to obtain review of initial decisions in such litigation. No reason appears why employees interested should have greater standing in the proceedings to withdraw or annual these certificates on the ground of fraud or violations than they have in the comparable judicial proceedings. Whether changes in economic conditions require curtailment of certificates, however, is a question of a different nature which does not ordinarily require disclosure of confidential information gathered in investigations. Furthermore, the provision in the present regulations authorizing this type of actions permits review on application of any aggrieved person. Such provision will be made in the new regulations, therefore, only for the orders in proceedings instituted for changed economic circumstances, and not for those instituted by reason of fraud or violations.

Next the Amalgamated Clothing Workers protests some ambiguity on the point, but assumes that the Regional Director, in deciding whether to institute proceedings for annulment or withdrawal, will have authority to differ with the supervising investigator's conclusion whether the employer demonstrated or achieved compliance. Suitable change will be made so that it will be clear this assumption is correct.

Finally the Amalgamated Clothing Workers states a preference for the present provision authorizing cancellation "for cause" if it is broader than the grounds presently proposed. As mentioned above, there is greater need for specificity in the proposed regulations than in the present ones because of the wider delegation of authority here proposed. As there is no suggestion of other specific situations which should be regarded as "cause" for withdrawal or annulment, the terminology in the proposal on this point will be retained.

The proposal contained a paragraph deleting the sections then in the handicapped persons regulation (29 CFR Part 524) dealing with Revocation and Cancellation and False Evidence. Since then, the handicapped persons regulations have been revised in a way which, among other changes, deleted those sections (21 F. R. 2861). Accordingly this order will not contain the paragraph in the proposal of this regulation amending 29 CFR Part 524.

Accordingly, pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 (5 U. S. C. 611) and General Order No. 45–A (15 F. R. 3290), and after giving full consideration to all relevant matters presented, Regulations Part 522 is hereby amended and Part 528 is hereby issued as follows:

1. Section 522.9 is hereby revoked.

2. In § 522.10 (a) the words "denying, granting, or cancelling a learner certificate" are hereby amended to read "denying, or granting a learner certificate".

3. Sections 522.10, 522.11, and 522.12 are hereby redesignated as §§ 522.9, 522.10, and 522.11, respectively.

4. Part 528 entitled Annulment or Withdrawal of Certificates for the Employment of Learners, Handicapped Workers and Student Workers at Subminimum Wages is hereby issued to read as follows:

Sec.
528.1 Applicability of the regulations in this part.
528.2 Definition of terms.
528.3 Withdrawal and annulment of certificates.
528.4 According opportunity to demonstrate or achieve compliance.
528.5 Proceedings for annulment or withdrawal.
528.6 Review.
528.7 Effect of annulment or withdrawal.

AUTHORITY: §§ 528.1 to 528.7 issued under section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 528.1 *Applicability of the regulations in this part.* The regulations in this part shall govern the annulment or withdrawal of any certificate except a temporary certificate issued pending final action on an application, issued pursuant to Parts 522, 524, and 527 of this chapter, and having effect under section 14 of the Fair Labor Standards Act of 1938.

§ 528.2 *Definition of terms.* As used in the regulations contained in this part, the term:

(a) "Withdrawal" shall mean termination of validity of a certificate with prospective effect from the time of the action of withdrawal;

(b) "Annulment" shall mean withdrawal of a certificate with retroactive effect to the date of issuance;

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions, the Territorial Director for Puerto Rico and the Virgin Islands, the Territorial Representative for Hawaii, and the Federal Representative for the Wage and Hour and Public Contracts Divisions in the State of North Carolina;

(d) "Supervising Investigator" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title, the Territorial Representative for Alaska, the chief of the office of the Divisions in Alaska, and officers designated for this purpose by the Commissioner of the North Carolina Department of Labor.

§ 528.3 *Withdrawal and annulment of certificates.* (a) The Regional Director may withdraw a certificate from any employer who, acting under color of any certificate or application for the employment of learners, handicapped persons, or student workers at subminimum wages under section 14 of the act, fails to comply with the limitations in such certificate or otherwise violates the act.

(b) The Regional Director may annul a certificate affected by mistake in its issuance if the employer knowingly induced or knowingly took advantage of the mistake. Where the employer did not knowingly induce the mistake but knowingly took advantage of it, a new certificate shall be issued by the authorized officer if, and on such terms as, such certificate would have been issued had there been no mistake, limited in its term from the date of issuance to the date of annulment of the annulled certificate.

(c) A certificate may be withdrawn in the public interest by the officer authorized to issue such type of certificate whenever any part of the exemption it provides is no longer necessary to prevent curtailment of opportunities for employment. If appropriate, a more limited replacement certificate may be issued by the authorized officer.

§ 528.4 *According opportunity to demonstrate or achieve compliance.* Prior to instituting proceedings for withdrawal of a certificate under paragraph (a) of § 528.3, except in cases of wilfulness, a supervising investigator shall mail a letter to the employer setting forth alleged facts or conduct which may warrant withdrawal of the certificate and fixing a time and place for a conference at which the employer shall be accorded opportunity to show that no cause for withdrawal under § 528.3 exists, or that he has achieved compliance by paying wages improperly withheld and by taking steps adequate to insure that new cause for annulment or withdrawal will not occur By written report to the Regional Director, a copy of which shall be mailed to the employer, the supervising investigator shall concisely summarize the conference and shall include conclusions as to whether the employer demonstrated or achieved compliance. If the Regional Director is satisfied that the employer either demonstrated or achieved such compliance, no proceedings shall be instituted under § 528.3 for withdrawal of the certificate.

§ 528.5 *Proceedings for annulment or withdrawal.* The officer authorized to withdraw or annul a certificate under § 528.3 shall institute proceedings by a letter mailed to the employer setting forth alleged facts which may warrant such annulment or withdrawal and advising him that such an annulment or withdrawal of the scope provided in § 528.7 will take effect at a time specified unless facts are presented which convince the officer that such action should not be taken. The letter shall advise the employer of his right to respond by mail or to appear by or with counsel or by other duly qualified representative at the specified time and place. The proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports, or portions thereof, may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the officer shall, after considering all pertinent matter presented, mail a letter to the employer setting out his findings of specific pertinent facts and conclusions, and his order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment, if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed to the employer. If no timely objection to the proposed annulment or withdrawal is expressed, the order shall be deemed issued and effective at the time stated in the letter proposing it.

§ 528.6 *Review.* Any employer who expressed objection to such an order may obtain review, limited to the question of whether the findings of fact support the order under the regulations in this part. Application for such review shall be in writing addressed to the Administrator and mailed within 15 days after the order is issued. The Administrator may affirm, modify, or reverse the order, or may remand it for further proceedings. The order under review shall not be stayed in effect pending such review. Any aggrieved person may obtain such review of an order entered in proceedings instituted under paragraph (c) of § 528.3.

§ 528.7 *Effect of order of annulment or withdrawal.* Except as otherwise expressly provided in such order, any order of annulment or withdrawal under paragraph (a) or (b) of § 528.3 shall be effective to terminate all certifications to which the regulations in this part apply in effect at the establishment where the cause for withdrawal arose or where the annulled certificate had effect. After such annulment or withdrawal, such employer shall be ineligible to obtain or exercise the privileges granted in such a certificate until he satisfied the issuing officer that he will not again give cause for annulment or withdrawal if a certificate is issued.

These amendments and order shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of July 1956.

NEWELL BROWN,
Adminstrator.

[F. R. Doc. 56–5682; Filed, July 16, 1956; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

SIZE OF TUBERCULOSIS HOSPITALS

Notice of proposed rule making, public rule making procedure, and postponement of effective date have been omitted in the issuance of the following amendment of § 53.103 of this part, which relates solely to grants to States, political subdivisions and public or other nonprofit agencies for construction of public and other nonprofit hospitals and medical facilities.

1. Section 53.103 is amended to read as follows:

§ 53.103 *Size of tuberculosis hospitals.* No application for construction of a tuberculosis hospital with a capacity of less than 100 beds shall be approved, except that an application for construction of a tuberculosis hospital with a capacity from 50 to 100 beds may be approved where necessary (a) to provide facilities for an isolated area too small to support a larger hospital, or (b) to expand, remodel, or alter existing hospital facilities.

(Sec. 215, 58 Stat. 690 as amended; 42 U. S. C. 216. Interprets or applies sec. 622, 60 Stat. 1042; 42 U. S. C. 291e)

2. The above amendment was approved by the Federal Hospital Council at a meeting held June 28, 1956 and is effective on the date of publication in the FEDERAL REGISTER.

Dated: July 6, 1956.

LEONARD A. SCHEELE,
Surgeon General.

Approved: July 6, 1956.

LEONARD A. SCHEELE,
Chairman,
Federal Hospital Council.

Approved: July 11, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56–5672; Filed, July 16, 1956; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 403—VENDING STAND PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

Part 403 is amended by adding a new paragraph to § 403.4 to permit an interest which existed on June 30, 1955, in stock of a vending stand to continue under certain described circumstances, even though such interest is owned by other than the licensing agency or the operator. The new paragraph, designated (d), is issued under section 2, 49 Stat. 1559 as amended by 68 Stat. 663; 20 U. S. C. 107a, and reads as follows:

(d) Notwithstanding the provisions of paragraph (c) of this section, any right, title to or interest which existed on June 30, 1955, in stock, may continue so long as:

(1) The interest is with respect to the stock of a stand established under the program prior to July 1, 1955, and

(2) The operator was licensed in the program (whether or not for the operation of the vending stand in question) prior to July 1, 1955.

(Sec. 2, 49 Stat. 1559, 68 Stat. 663; 20 U. S. C. 107a)

Dated: July 11, 1956.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 56–5674; Filed, July 16, 1956; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 141—FREIGHT SCHEDULES

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

MISCELLANEOUS AMENDMENTS

In the matter of regulations governing the construction and filing of freight rate publications, including classifications, pipeline schedules, and tariffs containing joint rail-motor, motor-water and rail-motor-water rates.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 3d day of February A. D. 1956.

It appearing that on June 1, 1954, notice to the public was given of proposed changes to be made in the regulations governing the construction of freight rate publications, including classifications, pipeline schedules, and tariffs containing joint rail-motor, motor-water, and rail-motor-water rates; that written statements containing data, views and arguments had been received; and that full consideration has been given to all of the matters and things involved:

It is ordered, That Part 141 of this Title, Freight Schedules, be, and it is hereby, amended in the manner and to the extent hereinafter indicated, and as so amended these regulations are hereby approved and prescribed to govern the construction of tariffs filed under section 6, part I, section 217, part II, and section 306, part III, of the Interstate Commerce Act, including classifications, pipeline schedules and tariffs containing joint rail-motor, motor-water and rail-motor-water rates.

It is further ordered, That:

1. From cross references immediately preceding § 141.0, reference to 46 CFR 234 and U. S. Maritime Commission Circulars Nos. 1 and 2, 46 CFR, 1938 ed., 1943 Cum. Supp., Parts 231 and 233 is deleted.

2. Cross references following § 141.0 (a) are changed to read:

CROSS REFERENCES: For filing tariffs, see § 141.13. For provisions covering statutory notice, additional procedure in filing tariffs, rejection of tariffs or schedules, see § 141.14. For provisions concerning powers of attorney and concurrences, see §§ 141.17 to 141.26, inclusive.

3. Cross reference following § 141.0 (b) (4) is changed to read:

CROSS REFERENCES: For joint tariffs issued by joint agents, see § 141.18 (e).

4. Subparagraphs (6) and (7) and the cross reference following subparagraph (6) of § 141.0 (b) are deleted.

5. Section 141.3 is amended by deleting paragraph (a) (designation (a) is reserved) and the cross reference following paragraph (i), and by changing the introductory paragraph and paragraphs (d), (f) and (i) to read:

§ 141.3 *Content of tariff title page.* The title page of every tariff and of every supplement shall show in the order named:

* * * * * *

(d) Whether tariff or supplement contains local, joint, proportional, export, or import rates, or any combination of such rates; whether it contains class or commodity rates or both; and whether it contains all-rail, rail-motor, all-water, or rail-water rates, or any combination of such rates.

* * * * * *

(f) (1) Reference by name and I. C. C. number to the classification, exceptions thereto and/or rules circular, if any, governing the tariff. One of the following forms modified as required shall be used.

Governed, except as otherwise provided herein, by the ____ classification, ____ I. C. C. No. __, by exceptions thereto, ____ I. C. C. No. __, and by supplements to or successive issues of said publications,

or

Governed, except as otherwise provided herein, by (here insert common or popular name of governing classification) and by exceptions thereto, as described in Item __.

(2) Use of the short form title page reference as provided in (ii) is on condition that complete and formal description of the governing publication(s) be made in the numbered item to which reference is made on the title page.

(3) A tariff is not governed by a classification, classification exceptions,

or rules circular, except when and to the extent stated on or in the tariff.

* * * * *

(i) At the bottom of the title page—name, title and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by a natural person as agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

6. Section 141.4 *Content of tariffs* is amended by deleting paragraph (e) (designation (e) is reserved) and the cross reference following paragraph (d) (6), and by changing the cross reference following paragraph (c) (3) to read:

CROSS REFERENCE: For commodity-list tariffs see § 141.6.

7. Section 141.4 *Content of tariffs* is further amended by changing paragraph (b) and the cross reference following it to read:

(b) *Names of participating carriers.* A list, alphabeticaly arranged, of the correct names of all carriers participating therein, together with the form and number of power of attorney or certificate of concurrence. If there be not more than 10 participating carriers, their names and power of attorney or concurrence forms and numbers may be shown on the title page. Reference to the forms and numbers of powers of attorney and concurrences may be omitted provided this information is furnished to the Commission in an acceptable form.

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 141.17 to 141.26, inclusive.

8. Section 141.4 *Content of tariffs* is further amended by changing paragraph (i) to read:

(i) *Rates.* (1) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per ton, per car, or other unit, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated plans or ambiguous terms must not be used.

(2) Insofar as possible such rates should be subdivided into small sections (by items, index numbers, or similar method) to each of which should be assigned an identifying number to facilitate reference thereto.

(3) If all rates in a tariff are stated in the same unit, that fact may be indicated on the title page immediately in connection with the application of the tariff. Tariffs containing rates per ton must state that rates apply per ton of 2,000 pounds or per ton of 2,240 pounds as the case may be. Where rates are stated in amounts per package definite specifications of the packages on which such rates apply must be shown or reference must be made to the I. C. C. number of a publication containing such specifications.

(4) A tariff may provide rates from or to designated points by the addition or deduction of arbitraries or differentials, from or to rates shown therein from or to base points, but provision for the addition or deduction of arbitraries or differentials must be shown either in connection with the base rate or in a separate item which must specifically name the base point. (See § 141.15.)

(5) A tariff also may contain through rates made by combination on a base point when the factors are subject to different minimum weights or other conditions which affect the measure of the charge, provided the base point is named, the factors are shown immediately in connection with each other, and the conditions to which each factor is subject are shown in connection with each factor, except that each factor may refer to the governing classification or exceptions for such conditions. When all the conditions governing the separate factors are the same, this method of publication must not be used.

(6) A tariff may provide rates via water or rail-and-water routes by the deduction of arbitraries or differentials from the all-rail rates from and to the same points published in the same tariff.

(7) Minimum weights governing the application of commodity rates must be specifically stated in immediate conjunction with such rates or shown in such manner as will avoid an extensive search therefor, except as provided in subparagraph (8) of this paragraph, and excepting also that reference may be made to the appropriate rule of the governing classification or exceptions tariff for carload minimum weights graduated according to the length or capacity of the car or for carload minimum weights on shipments in tank cars. Minimum weights for mixed carload shipments may be provided for in rules authorizing such mixtures.

(8) An item of a commodity tariff may provide rates on a group of related articles by means of a generic description and without naming the individual articles, provided such item refers to another item of the same tariff or to another tariff (as authorized by §§ 141.6 (a) and 141,16) which contains under an identical generic description a complete list of the articles included; for example, "Iron and steel articles as described under that heading in Item ------ of ---------- I. C. C. No. -------."
(Tariff)

Where cross reference is made to a list of commodities in which rates apply (as authorized in the preceding sentence), the minimum weight (or weights) governing the application of the rates may be omitted from the commodity-rate item and published with the list of commodities to which reference is made, provided the commodity-rate item specifically states that the minimum weight (or weights) will be found in the list of commodities referred to.

(9) If a carrier (not an agent) publishes, either for itself or jointly with other carriers, a tariff containing only commodity rates on a single commodity or a group of related commodities, it must include therein all commodity rates which it (not an agent) publishes on the same article or articles from the same points of origin to the same destination area. If additional commodity rates, local or joint, are published for it by an agent on the same article or articles from any of the same points of origin to other points in the same destination area, the individually-published commodity tariff must so state and make reference to the agency tariff in which the additional rates are published.

(10) A general commodity tariff or a combined class and commodity tariff shall contain reference to other tariffs in which rates on other commodities are published from any point of origin to any point of destination named therein via the same route. Such reference shall include the I. C. C. number or numbers of such other tariff or tariffs with a brief description of the character of traffic and territory or points of origin and of destination and may be shown in the index, or in alphabetical order in the rate tables, or in a separate list arranged alphabetically by commodities, such list to be specifically referred to in the table of contents. For example, "Staves, from -------- to ---------, -------- I. C. C. No. ---------." Carriers' tariff numbers may also be shown. The publication of class or commodity rates which duplicate or conflict with the rates published in some other tariff via the same route is not permissible and except as otherwise authorized in §§ 141.7, 141.10 (g) and 141.27, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over the rates published therein, is hereby prohibited.

9. Section 141.4 *Content of tariffs* is further amended by adding after paragraph (k):

(l) [Reserved.]

(m) *Explanation of abbreviations and reference marks.* (1) At the end of each tariff, except loose-leaf tariffs, there shall appear an Explanation of Abbreviations, followed by an Explanation of Reference Marks. Under the Explanation of Abbreviations shall appear an explanation of all abbreviations used in the tariff, except that commonly used abbreviations of State names may be omitted, and except further that the abbreviations of the names of participating carriers may be explained in the list of such carriers, provided a statement to that effect is included under the Explanation of Abbreviations.

(2) Under the Explanation of Reference Marks shall appear an explanation of all reference marks used in the tariff except reference marks used only one or a few times, which shall be explained on the page or pages of the tariff on which they appear.

(3) The following reference marks shall be used, and shall only be used, for the purposes indicated:

- ↓ to denote reductions.
- ◆ to denote increases.
- ▲ to denote changes in wording which result in neither increases nor reductions in charges.
- ● to denote no change in rate. (See § 141.2 (a).)
- ✻ to denote prepay stations or points.
- + to denote intrastate application only.
- □ to denote reissued matter. (See § 141.9 (d).)

(4) At the end of each supplement there shall likewise appear an Explanation of Abbreviations followed by an Explanation of Reference Marks. Under those headings shall be shown, subject to the exceptions stated in the preceding paragraphs of this section, an explanation of all abbreviations appearing in the supplement which were not explained in the original tariff (if explained in a prior supplement, the explanation shall be repeated); and an explanation of all reference marks appearing in the supplement.

(5) In loose-leaf tariffs an Explanation of Abbreviations followed by an Explanation of Reference Marks as provided for in this rule may be shown immediately following the index of stations.

10. The text of § 141.5 is deleted and the following substituted in lieu thereof:

§ 141.5 *Proportional rates.* Tariffs containing proportional rates must clearly and definitely show the application thereof. If the application is not restricted, such proportional rates will be usable in connection with any other applicable rates from or to the proportional rate point. It will not be permissible for a tariff to state that a proportional rate applies from (or to) points from (or to) which no through rates are published. Such a provision is not sufficiently definite to restrict the application of the rate. If a proportional rate is intended for use on traffic destined to a restricted territory such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis intended for use on traffic destined to Kansas should state that the rates apply on traffic destined to Kansas only.

11. The text of § 141.6 is deleted and the following substituted in lieu thereof:

§ 141.6 *Commodity-list tariffs.* (a) A rate tariff may not refer to another rate tariff for a list of commodities on which rates apply. A separate tariff not containing rates may be filed either by a carrier or by an agent, showing under appropriate generic headings lists of commodities which are accorded common treatment for rate or other tariff purposes; and rate and other tariffs (including tariffs of classification exceptions, but not classifications) may be made subject thereto. When any commodity list consists of less than 20 articles it may not be published in a commodity-list tariff and must be published in the tariff naming the related rates or ratings. The commodities in each list shall be alphabetically arranged. Such tariffs shall be known as general commodity-list tariffs. No carrier or agent may maintain in effect at any time more than one such publication.

(b) In addition to one such general commodity-list tariff, a carrier or agent may file for the same purpose separate tariffs, each containing under an appropriate generic heading a single list of commodities (not less than 20, alphabetically arranged). Such publications shall be known as specific commodity-list tariffs. Rate and other tariffs, including tariffs of classification exceptions, but not classifications, may be made subject thereto.

(c) The title page of the tariffs authorized in this section shall contain the following: (1) In the case of the general commodity-list tariff, in large type the words "List of commodities upon which rates or other provisions affecting charges are published in tariffs making reference hereto"; and in the case of specific commodity-list tariffs, in large type the words "List of (here insert the generic description of the commodities listed in the tariffs, such as 'Iron and Steel Articles') upon which rates or other provisions affecting charges are published in tariffs making reference hereto;" and (2) in smaller type "This tariff is applicable only in connection with tariffs specifically made subject hereto." Rate or other tariffs governed by a commodity-list tariff shall, to the extent they are so governed, employ the same generic descriptions or headings as the commodity-list tariff, followed in each case by the words "as shown in Item ------ of ------ I. C. C. No. -------," or language equally definite. Commodity-list tariffs shall contain no other matter than that authorized in this section, except that they may contain minimum weights as authorized by § 141.4 (i) and except further that a specific commodity-list tariff may also contain rules applicable in connection therewith.

(d) All carriers that are parties to a tariff making reference to a general or specific commodity-list tariff must also be parties to the tariff so referred to.

(e) Where a tariff contains commodity rates on a given article (termed in this paragraph the basic article) rates may be provided in the same tariff on one or more related articles either (1) by a statement that the rates for the related articles will be specified amounts more or less than the rates for the basic article between the same points, or (2) by a table showing in adjoining columns what the rate for the related articles will be when the rate for the basic article is a specified amount.

(f) When commodity rates are established, the description of the commodity must be specific and the rates thereon must not be applied to analogous articles. As far as possible, uniform commodity descriptions should be used in all tariffs.

12. The text of § 141.7 is deleted and the following substituted in lieu thereof:

§ 141.7 *Alternating rates*—(a) *Alternative rates or ratings subject to different minimum weight or quantity limitations.* (1) Where it is desired to provide for the alternating application of rates or ratings subject to different minimum weight or quantity limitations otherwise than as authorized in paragraph (b) or (c) of this section, the following procedures must be observed:

(i) Alternating commodity rates must be published together, that is, in the same item or on the same page of the tariff.

(ii) Alternating ratings must be published in the same item of the tariff.

(iii) There must be published in the same tariff a note or rule plainly stating, in substance, that where rates or ratings are so published the applicable rate on any given shipment will be that which, subject to the minimum attached thereto, produces the lowest charge.

(2) Commodity rates may be established on different articles for shipment in mixed carloads and will be the applicable rates for such mixtures. Minimum carload weights should be specified, together with a statement in connection with the commodity description that the rates apply when shipped in mixed carloads. Such rates may also be made applicable upon straight carloads of one or more or all of the articles by provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description the tariff must specifically state whether or not the rates apply on straight or mixed carloads or both.

(b) *Alternative use of rates in sectional tariffs.* (1) Except as authorized or required by paragraphs (a) and (c) of this section, alternation of rates may be provided by publishing such rates in different sections of a single tariff in the manner herein prescribed. When alternating rates are so provided, carriers and publishing agents shall, at frequent intervals, carefully check the rates in one section against those in other sections and make proper cancellations to avoid unnecessary alternation of rates. Alternating reference obviously should not be given to another section unless that section contains rates which in fact alternate.

(2) The first page of each section, which shall be known as the title page of the section, shall contain the number of the section and, if desired, the application of the rates published in that section. Each succeeding page of the section shall also bear the section number. The title page of each section containing alternating rates (not the non-alternating section hereinafter referred to) shall also contain the following notation:

If the charge accruing on a given shipment under section -------- or -------- of this tariff is lower than that accruing under this section, the charge accruing under section -------- or --------, whichever is lower, will apply.

(3) Where the purpose is to provide for application of the higher or highest of the alternating rates or charges, rather than the lower or lowest of such charges, the foregoing notation and other notations prescribed in this section shall be appropriately changed.

(4) Each commodity tariff or class and commodity tariff arranged in alternating sections shall also contain a section hereinafter referred to as the non-alternating section. That section shall contain only commodity rates which in all instances result in charges lower than would result from the application of the commodity rates (but not necessarily the class rates) in any other section. If the tariff contains only commodity rates, the non-alternationg section shall be section 1; if the tariff contains both class and commodity rates, the class rates shall be published in a section or sections preceding the commodity sections and the non-alternating section shall be the first commodity sec-

tion. The title page of the non-alternating section shall contain either of the two following notations, as appropriate:

When rates are published in this section on a given shipment, such rates will apply to the exclusion of the rates in any other section.

or

When rates are published in this section on a given shipment, such rates will apply to the exclusion of the rates in any other commodity section; but if the charge accruing on the shipment under the class rates in section _____ is lower than that accruing under this section, the charge accruing under the class rates in section _____ will apply.

(5) The tile page of each other commodity section of the tariff shall contain the following notation preceding that prescribed in subparagraph (2) of this paragraph:

When rates are published in section _____ (the non-alternating section) on a given shipment, such rates will apply to the exclusion of the rates in this section.

(6) The publication of alternating rates in different sections of a tariff is subject to the following restrictions: (i) that class rates in one section may alternate with class rates in only one other section, and that commodity rates in one section may alternate with commodity rates in not more than two other sections; (ii) that rates published in another tariff may not be reproduced for purposes of alternation; (iii) that one section of a tariff may not alternate with more than three other sections; and (iv) that alternating sections may not be subdivided and, except as authorized in paragraph (a) (1) of this section, a rate in one section may not be alternated with a rate in the same section.

(c) *Alternation of commodity rates in one tariff with class rates in another tariff.* (1) Provision for the alternation of the commodity rates in a tariff containing only commodity rates with class rates published in other tariffs may be made by including a notation in the following form in the commodity tariff amongst rules governing the application of rates:

If by use of the class rates published in the following tariffs, the charge accruing on a given shipment is lower than that accruing under the commodity rates published in this tariff, such lower charge will apply: (here show the I. C. C. numbers of the class-rate tariffs, together with so much of the territorial application of each class-rate tariff as lies within the territorial application of the commodity tariff).

(2) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates, the reference to the class tariffs prescribed in this section should be shown immediately in connection with such commodity rates or may be shown in a separate item under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(3) Great care should be exercised in describing the scope of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. It also should be understood that the alternative application of commodity rates in one tariff with class rates in another tariff should be resorted to only where there is real necessity therefor and that wherever possible the commodity rates should be revised so that they will not exceed the class rates between the same points.

13. Cross reference following § 141.7 is deleted.

14. Section 141.8 *Transfer and cancellation of rates* is amended by redesignating subdivision (i) under subparagraph (3) of paragraph (a) as subparagraph (4), and by changing paragraphs (c) and (f) to read:

(c) *Concurrence does not confer authority to cancel.* A concurrence does not confer authority upon a carrier to cancel tariffs of the concurring carrier, and tariffs issued under concurrence must not assume to do so. Such cancellations must be made by the carrier which issued the tariff that is to be canceled.

* * * * *

(f) *Cancellation by item numbers.* (1) When portions of a tariff (excepting a tariff in loose-leaf form), or of a supplement to a tariff, are designated as items, they must be given numbers and the cancellation of an item by supplement must be made by bringing forward the item number with a capital letter suffix in alphabetical sequence. For example, if Item 445 is to be canceled, it shall be done by one of the following methods:

State the numbers of both the canceling and the canceled item. For example: "Item 445–A cancels Item 445."

or

Bring forward the item number with letter suffix; for example: "Item 445–A", "Item 445–B". When cancellation under this method is used the following provision is to be published in the general rules section of the tariff proper:

METHOD OF CANCELING ITEMS

As this tariff is supplemented numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445–A cancels Item 445, and Item 365–B cancels Item 365–A in a prior supplement, which in turn canceled Item 365.

(2) When special circumstances require, appropriate variations of the above methods may be used. For example, if an item is to be republished on the same or an earlier effective date, the following may be used: "Item 40–B cancels Item 40–A and 40."

(3) When due to suspension or other circumstances, a portion of an item is to be canceled or items cannot be canceled in consecutive sequence, the following may be used: "Item 40–B cancels Item 40–A except portions under suspension." or "Item 40–B cancels Item 40–A and completes the cancellation of Item 40."

(4) If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found.

(5) If an item is withdrawn in its entirety, leaving no rates or provisions in effect in that item, the cancellation must be brought forward in subsequent supplements as a reissued item.

(6) If an item in a supplement expires by its own terms, and that supplement is canceled by a subsequent supplement, the item, or more accurately, the item number, must be brought forward in the new supplement, together with a statement reading, "Expired with _____, in (Date)
Supplement _____."

(7) An item once lawfully eliminated by cancellation or expiration may not be reinstated except by republication under a new effective date. Such republication must be under the same item number and must be given the next letter suffix. For example: If the canceling item is 445–B then the newly published item should be numbered 445–C.

(8) When withdrawing a rule or item designated by an item number the canceled matter need not be reproduced in connection with the item effecting the cancellation except to the extent necessary to identify the item.

15. The headnote of paragraph (a) and subparagraph (1) of paragraph (a) of § 141.9 *Amendments and supplements* are changed to read:

(a) *Amendment procedure.* (1) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than five pages and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff. When an amendment is made in a numbered item or other unit, such item or other unit must be published in a supplement in its entirety as amended, except that additions, changes, or eliminations in a numbered item or other unit consisting of a list of commodities or a list of stations comprising 10 lines or more (measured along the left margin), may be made without publishing such items or units as amended in their entirety, provided that only one such partial amendment of any such item or unit may be in effect at any one time. When rates are published in numbered items, cancellation shall be made as prescribed in § 141.8 (f). When rates are published in numbered units other than item numbers, supplements effecting such change must specifically provide for cancellation of previously effective matter by reference to the number of the unit it cancels. When such a change is made in matter published in a supplement in a numbered unit other than an item, the new supplement must also give reference by number to the previous supplement. In those instances where matter is not published in numbered units, the changed provision must be published in the supplement in its entirety and reference must be made to the page or pages of the tariff on which the matter to be canceled is shown. If such matter has been canceled by a previous supplement, specific cancellation must be made of the

corresponding matter in the "tariff as amended" and specific reference shall be made by number to page or pages of the previous supplement containing the matter to be changed, and to the page or pages of the original tariff formerly containing such matter corresponding thereto.

16. Paragraphs (b) and (c) of § 141.9 are changed to read:

(b) *Cancellation of rates when participating carrier is eliminated.* When a participating carrier is eliminated by supplement or by a revised page of a loose-leaf tariff, the tariff must be amended on the same effective date to provide for the cancellation of rates and other provisions in connection with that carrier. This may be done either by appropriate amendment of the individual items or provisions, or by a notation immediately following the statement that the carrier has been eliminated, reading:

This has the effect of canceling all rates and other provisions published in connection with this carrier in this tariff.

(1) When the notation method is used in a supplement the notation must be brought forward as reissued matter, together with reference to the supplement in which the change first appeared.

(2) When the notation method is used in loose-leaf tariffs, subsequent revised pages containing the list of participating carriers must bear reference to such elimination so long as the name of the eliminated carrier appears elsewhere in the tariff, the reference to be shown in the following manner:

(Show name of carrier here)
eliminated as a participating carrier in this tariff and all rates and other provisions published in connection with that carrier canceled effective _____. See _____, Revised Page _____.

(c) *Supplement number and cancellations.* Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariff or tariffs which it cancels, and shall also show what supplements contain actual changes from the rates, rules, or regulations in the original tariff. Supplements filed under the authority of paragraphs (i), (j), (k), (m) of this section, and § 141.12(d), and blanket or special supplements that do not change rates, rules or regulations, must be shown separately and the nature of each such supplement must be clearly indicated.

17. The headnote of paragraph (d) of § 141.9 is changed to read:

(d) *Effective date; reissued matter.* * * *

18. The headnote and subparagraphs (1), (2), (4), and (13) of paragraph (e) of § 141.9 are changed to read:

(e) *Amount of supplemental matter; loose-leaf tariffs.* (1) Except as authorized in §§ 141.8 (d), paragraphs (i), (j), (k), (m) of this section, 141.11 and 141.12 (d), the following is the maximum number of effective supplements permitted to any tariff:

4 pages or less—No supplements.
5 to 16 pages, inclusive—1 supplement.
17 to 80 pages, inclusive—2 supplements.
81 to 200 pages, inclusive—3 supplements.
201 pages or more—4 supplements.

In addition to the above, tariffs of 17 pages or more may have one additional supplement not exceeding 4 pages.

(2) Except as authorized in §§ 141.8 (d), paragraphs (f), (h), (i), (j), (k), (m) of this section, §§ 141.11 and 141.12 (d), tariffs having 5 or more pages may have supplemental matter aggregating not more than 50 percent of the total number of pages in the tariff, except that if the number of pages in the supplement which brings the volume up to that authorized by this rule is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number of pages of such supplement to the next multiple of 4. The concluding page or pages of supplements on which appear only explanations of abbreviations and reference marks shall not be counted in applying this paragraph.

* * * * *

(4) Pages of loose-leaf tariffs shall be printed on thin paper of strong texture, on one side only, and must be consecutively numbered and designated as "Original page 1," "Original page 2," etc. Each page must show at the top of the page the name of the issuing carrier, or of the issuing agent (identified as "Agent"). If the issuing agent is a corporation or association, there shall also be shown the full name of the bureau, committee or regional association, if any, under whose auspices the schedule is compiled and filed. It shall also show the page number and the I. C. C. number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by an individual agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

* * * * *

(13) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by paragraphs (i), (j), and (k) of this section, and § 141.12 (d). When all changes made by a supplement to a loose-leaf tariff have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be canceled. Such cancellation must be made by the reissue of the check sheet page (page 1) and by adding in the upper right-hand corner immediately following the words "cancels revised page 1" the words "also cancels Supplement No. _____."

19. Paragraphs (f), (k), and (m) of § 141.9 are changed to read:

(f) *Periodical tariffs.* A tariff may provide that it will be reissued periodically, but not less frequently than once a year. Such tariff must carry on its title page the notation:

A reissue of this tariff will become effective not later than _____, 19__.

Supplements may be issued to such tariffs without limit as to volume.

* * * * *

(k) *Suspension of tariff schedules.* (1) Upon receipt of an order suspending any tariff or portion thereof, the carrier or agent who filed such tariff shall immediately file with the Commission a supplement, not bearing an effective date, which shall contain a reproduction of the pertinent portions of the Commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the Commission's order (i) the use and application of the suspended publication or portions thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the period prescribed in the Commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must also be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the Commission's order, the date must be specified), except by order or special permission of the Commission.

(2) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the Commission's order, and if prior to the expiration of that order, the Commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, under the authority of this section, issue a supplement effecting such further deferment. Where suspended matter has previously been deferred under the authority of this section, the carrier or publishing agent may, when requested by the Commission and prior to the date to which the matter is postponed, issue a supplement under the authority of this section, further postponing the effective date of the matter originally suspended. Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the Commission has been voluntarily postponed beyond the term of the Commission's order, no change during the period of such voluntary postponement may be made in the tariff matter which was originally held in force by the Commission's suspension order, except by order or special permission of the Commission.

(3) Where, following the entry of a report and order in an investigation and suspension proceeding, a further order is entered in such proceeding postponing the effective date or requirement of the original order, the carrier or publishing agent, under authority of this section, may issue a supplement effecting such further deferment of the suspended schedule, and may also issue a supplement to announce postponement of the effective date of a cancellation or vaca-

tion supplement or notice filed following the entry of such report and order, to and including a date immediately preceding the effective date fixed in the further order effecting the postponement. Further, where pursuant to the provisions of section 17 (8) of the Interstate Commerce Act, the filing of an application for rehearing, reargument, or reconsideration stays the order fixing the effective date of a requirement or other action in an investigation and suspension proceeding, as evidenced by notice of the Commission to the parties, the carrier or publishing agent, under authority of this section, may issue a supplement effecting further deferment of the schedule under suspension or under voluntary postponement, and may also issue a supplement to announce postponement of the effective date of a cancellation or vacation supplement or notice that was filed following the entry of the report and order in such investigation and suspension proceeding. (Postponement should be to the last day of the suspension period prescribed in the suspension order, except where the responsible carrier or publishing agent elects to defer the use of the suspended schedule beyond the statutory period of suspension, in which event postponement should be until the date upon which the supplement announcing such postponement is canceled.) Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day.

(4) When the Commission has suspended a supplement in whole or in part, it sometimes occurs that prior to the filing of the supplement announcing suspension, a later supplement has been filed which purports to reissue the suspended matter. In such instances the suspension supplement required by this section shall also (i) specifically cancel from the later supplement such reissued matter, and (ii) amend the cancellation notice on the title page of said supplement so as to except the suspended matter from the cancellation. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the supplement which cancels the suspended matter.

(5) When the Commission suspends an entire tariff, the previous tariff and effective supplements are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Except as to loose-leaf tariffs and tariffs of less than five pages, supplements containing additions and/or changes in rates or other provisions which were not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements in the aggregate may contain. If the volume of supplemental matter permitted by paragraph (e) of this section has been exceeded under authority of this paragraph, and the Commission orders the cancellation of the suspended tariff, the volume of supplemental matter must be brought within the requirements of paragraph (c) of this section by schedule filed within 90 days, or such tariff must be reissued in accordance with the following: If consisting of less than 100 pages, by schedule filed within 90 days, and if consisting of 100 or more pages, by schedule filed within 120 days, from date upon which the suspended tariff is canceled.

(6) When the Commission suspends an entire supplement, the supplement will not be counted in the number of supplements nor in the volume of supplemental matter permitted by paragraph (e) of this section; nor in the event of suspension of a portion of a supplement will that supplement be so counted after all matter therein except the suspended portions has been reissued in or canceled by a subsequent supplement. Such subsequent supplement shall cancel the supplement containing the suspended matter "except portions under suspension in I. & S. Docket No. ------, viz, (identifying the suspended portion by item and page number)."

(7) When a tariff (not a supplement), any portion of which is under suspension, is canceled, the new tariff may either (i) cancel the previous tariff "except portions under suspension in I. & S. Docket No. ------, viz, (identifying the suspended matter and the matter held in force by the suspension order by item and page number)," or (ii) cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension.

(8) When an order of suspension relates to a portion of a new tariff or a supplement thereto, intended to supersede completely a readily identifiable item (or other unit) in the prior tariff, such matter as is continued in effect by the order of suspension may be published (see Note following subparagraph (9) of this section) in the supplement announcing suspension. When so published the following notation must be provided in connection therewith, either as a note or in the form of a reference mark:

The matter subject to this (note or reference mark as the case may be) is reissued from tariff I. C. C. -------- and is continued in effect by the terms of the order of suspension in I. & S. Docket No. ------, and unless it is sooner canceled, changed, or extended, will expire with -------- (The date to be shown will be the date to which the suspended matter has been postponed.)

(9) When an order suspends a particular rate or rates or a portion of matter in an item (or other unit) in a new tariff and the matter remaining in effect in a prior tariff thereby becomes an integral part of such item (or other unit) of the new tariff, the entire item (or other unit) of the new tariff may be republished in the supplement announcing the suspension, provided there is shown in such item (or other unit), (i) the matter continued in effect by reason of the order of suspension, (ii) the suspended matter, and (iii) all other provisions of the item (or other unit) without change and appropriately indicated as reissued from the new tariff (see Note following this paragraph). The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely postponed, that fact must be stated by appropriate language.

NOTE: The form of publication permitted by the two paragraphs preceding may be used only when it permits complete cancellation of the tariff containing the matter continued in effect by the order of suspension. It may not be used in loose-leaf tariffs nor where the application of matter continued in effect depends in whole or in part upon other provisions, such as station grouping, rate bases, rules or regulations, which differ from those in the new tariff and which cannot be brought forward in the supplement announcing suspension.

(10) When a revised (not an original) loose-leaf page, a portion of which is under suspension, is reissued, the new revised page shall (i) include the matter continued in effect by reason of the order of suspension, (ii) cancel the page previously containing such matter, and (iii) cancel the loose-leaf page containing the suspended matter "except portions under suspension in I. & S. Docket No. ------, viz. (identifying the suspended portion by item and page number)."

(11) Neither a suspended tariff provision nor a provision held in force by reason of an order of suspension may be changed or canceled except by order or permission of the Commission.

(12) When the Commision vacates an order of suspension, or when suspended matter has been voluntarily postponed beyond the term of the Commission's order, and the Commission finds the suspended matter justified, a supplement may be filed making the suspended or postponed matter effective on one day's notice unless the Commission directs otherwise.

(13) When an order which suspended a tariff in its entirety is vacated and/or the Commission formally finds that the suspended tariff is justified, the vacating supplement filed under authority of this section may also include as reissues any changes or additions which in the interim have been made in the tariff which was held in force by the order of suspension. If by special permission a new tariff has been filed during the period of suspension, canceling the tariff proposed to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff may likewise be included in the vacating supplement as reissued items, but in such cases the vacating supplement must also cancel the new tariff. No other matter may be included in vacating supplements. When reissued matter is published in a vacating supplement, the vacation notice must be printed in not less than 10-point type, either on the title page or immediately preceding the particular tariff matter to which the notice applies.

(14) When a tariff has been canceled except portions under suspension by a new tariff and the Commission vacates its suspension order and/or formally finds the suspended matter justified after the new tariff has become effective, a supplement may be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, together with the matter under suspension in the former issue. When the Commission vacates its suspension order and/or formally finds the suspended matter justified before the new tariff becomes effective, a vacating supplement as provided in this section should be filed to the old tariff, and a supplement should also be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), establishing therein the matter which was under suspension in the old tariff. A supplement common to both tariffs as authorized by paragraph (h) of this section may be issued for this purpose.

(15) When the Commission suspends matter in a tariff or a supplement thereto and thereafter orders its cancellation, the cancellation shall become effective upon not less than one day's notice (unless the Commission directs otherwise), by supplement to or reissue of the tariff. When the Commission orders suspended matter canceled and the final date for compliance is subsequent to the date to which the matter has been postponed, carriers should endeavor to make the cancellation in time to prevent the rates or other provisions which have been found not justified from becoming effective. If this is not done and the suspended matter becomes temporarily effective, it is necessary when cancellation is effected to republish and reestablish the matter which was continued in force by reason of the order of suspension.

(16) Every suspension, vacation, and cancellation supplement issued under authority of this section must bear on its title page the following notation:

Issued under authority of rule 9 (k) of Tariff Circular No. 20 and in compliance with order of the Interstate Commerce Commission in I. & S. Docket No. ------ of (date).

Postponement supplements issued under authority of this section must show on the title page:

Issued upon -------- day's notice under authority of rule 9 (k) of Tariff Circular No. 20.

(17) Supplements issued under authority of this section will not be counted in the number of effective supplements, or the volume of supplemental matter, permitted under paragraph (e) of this section, but must be listed among the effective supplements as required by paragraph (c) of this section.

(18) The provisions of this section relating to suspension, postponement, vacation, and cancellation supplements will also govern in connection with tariffs issued in loose-leaf form, except that such supplements must not contain any other matter. All changes made in loose-leaf tariffs must be published on revised pages. (See paragraph (e) of this section.)

(l) [Reserved.]

(m) *Additional supplement to establish rates under rule or order of Commission.* Except as to loose-leaf tariffs and tariffs of less than five pages, one additional supplement may be issued to any tariff without regard to the requirements of paragraph (e) of this section for the purpose of establishing rates or other provisions in compliance with an order or formal decision of the Commission and/or to establish rates under authority of § 141.56 or § 141.57. The next regular supplement filed must bring the number of effective supplements within the requirements of paragraph (e) of this section. Only one such supplement may be in effect at any time and, except as provided in § 141.14 (f), may contain no other matter. It must be designated on its title page as "Issued under authority of rule 9 (m) of Tariff Circular No. 20."

20. In the last sentence of subparagraph (8) of paragraph (i) of this section the reference to § 141.26 (e) is changed to § 141.26 (b).

21. Cross reference following paragraph (i) of § 141.9 is changed to read:

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 141.17 to 141.26, inclusive.

22. Section 141.10 *Terminal and special services; distance and mileage rates* is amended by deleting the cross reference following paragraph (a) and by changing paragraphs (g) and (i) to read:

(g) *Distance rates may be used when no other rates provided.* (1) A carrier or an agent acting for two or more carriers may file tariffs containing distance or mileage class or commodity rates, or both. Except as otherwise provided in §§ 141.7 and 141.27, distance or mileage class rates may be used only when no specific through class rates from and to the same points are provided and distance or mileage commodity rates may be used only when no specific through commodity rates from and to the same points are provided. Except as otherwise provided in §§ 141.7 and 141.27, distance or mileage commodity rates will apply even though specific through class rates from and to the same points are provided.

(2) Tariffs containing distance or mileage rates must clearly and definitely show the application of the rates, must contain an alphabetical list of points between which the rates apply and must also show in proper arrangement the specific distances between such points, or may make reference by I. C. C. number to a separate tariff for such list of points and distances. (See paragraph (h) of this section.)

(3) Each tariff that contains only distance or mileage class rates must bear on its title page the following rule:

The distance or mileage class rates shown herein may be used only when no commodity rates or specific through class rates from and to the same points have been provided on the same shipment.

(4) Each tariff that contains only distance or mileage commodity rates must bear on its title page the following rule:

The distance or mileage commodity rates shown herein may be used only when no specific through commodity rates from and to the same points have been provided on the same shipment.

(5) Each tariff that contains only distance or mileage class and commodity rates must bear on its title page the following rule:

The distance or mileage class rates shown herein may be used only when no commodity rates or specific through class rates from and to the same points have been provided on the same shipment; and the distance or mileage commodity rates shown herein may be used only when no specific through commodity rates from and to the same points have been provided on the same shipment.

(6) If distance or mileage rates without alternative application are published in a tariff which also contains specific rates, the notations for class or commodity or both class and commodity rates, as the case may be, prescribed by this paragraph must be shown immediately in connection with such distance or mileage rates.

(7) If distance or mileage rates have alternative application, the notations prescribed in this paragraph g must be qualified by the prefatory words, "Except to the extent alternative application of rates is provided."

* * * * *

(i) *List of stations showing facilities, additions and abandonments.* (1) A tariff publication may be filed containing a list of stations with the railroad location of each, alphabetically and geographically arranged with index numbers, prepay requirements, station facilities, additions of stations, abandonments of stations, changes in names of stations, and restrictions as to acceptance and delivery of freight. No rates or charges and no matter that will in any way operate to increase or decrease the rate or charge in tariffs making reference to this publication may be shown therein. Changes in such a tariff may be made on not less than one day's notice, except that announcement of the abandonment of stations, changes in index numbers of stations and restrictions as to the acceptance or delivery of freight must be made effective on not less than thirty days' notice.

(2) Changes made on less than statutory notice under the authority of this paragraph shall recite that they are so made, either directly or by reference to an item in the original tariff stating:

Changes in this tariff that make reference to this item are established upon less than statutory notice under authority of rule 10 (i) of Tariff Circular No. 20.

Rate tariffs that are to be governed by such separate tariff publication must make reference thereto in the wording shown below:

Governed by -------- I. C. C. No. -------, supplements thereto or successive issues thereof, as to additions and abandonments of stations, and except as otherwise shown herein, as to prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities. When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.

(3) When a station has been abandoned as of a date specified in the tariff authorized by this paragraph, the rates from or to such station in rate tariffs governed thereby have become inapplicable and must be eliminated in the next amendment of such rate tariffs. When the elimination is made by supplement, the following notation must be used:

Eliminate account station abandoned. For effective date see (here make reference to the governing tariff issued under this rule).

This notation must be continued in connection with the name of the station as long as the tariff remains effective, and indicated as a reissue from the supplement in which it was first published, without stating the effective date of such supplement.

23. The text of § 141.11 is deleted and the following substituted in lieu thereof:

§ 141.11 *Index of tariffs.* (a) Each carrier shall publish as a tariff, under I. C. C. number, a complete index of all effective tariffs to which it is a party either as initial or delivering carrier. Such index shall be arranged in sections as indicated below, and shall show as to each tariff: (1) I. C. C. number, (2) full or abbreviated name of issuing carrier, tariff publishing bureau, or agent, (3) type of tariff or description of the traffic upon which it applies, (4) where tariff applies from, (5) where tariff applies to, and (6) whether tariff contains other than all-rail rates. The information required by items (3), (4), and (5) shall be stated in sufficient detail to show clearly the application of the tariff. Additionally, the index may show as to each tariff the carrier's own number, the index number, and the issuing carrier's (or agent's or tariff publishing bureau's) number.

First section: A list of all tariffs as to which the carrier is an initial carrier, entered in the following order: Specific commodity tariffs, general commodity tariffs, class and commodity tariffs, class tariffs, and miscellaneous schedules such as billing books, classifications, exception sheets, switching tariffs, etc. Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different groups of the same commodity shall be grouped together; for example, "Lumber, hardwood, Lumber, yellow pine," etc. Each group of specific commodity tariffs and tariffs grouped under the respective heads of general commodity tariffs, class and commodity tariffs, and class tariffs, shall be entered by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column. Miscellaneous schedules shall be entered in alphabetical order.

Second section: A list of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers, tariff publishing bureaus, or agents, with the items arranged by commodities and classes under each of such carriers, tariff publishing bureaus, or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section: A complete list of the numbers of effective tariffs of its own I. C. C. series arranged in numerical order.

(b) Tariffs covering only specific circus movements and supplements to tariffs should not be included in indexes. Where supplements have the effect of changing the application of the original tariff, the descriptions of such tariff in the index should be amended accordingly. If carriers so desire, lists of their intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs which do not bear I. C. C. numbers the reference mark prescribed in § 141.4 (m) must be used with explanation "Rates in this tariff do not apply on interstate shipments." All intrastate tariffs which bear I. C. C. numbers must be properly shown in the index.

(c) A group of family lines may unite in the publication and filing by a connecting trunk line of a joint index of the tariffs of such family lines, provided the application of the tariffs as to each line is plainly indicated and such lines are shown as parties to the joint index under concurrence.

(d) The index must be kept current by supplements, which, however, need not be issued more frequently than quarterly; and must be reissued biennially. Supplements must be numbered consecutively, must be constructed in accordance with specifications for the index itself and must show additions, changes and cancellations made in index itself or in prior supplements, by reference to the page or index number of the entry changed or canceled. Supplements may be issued without regard to volume of supplemental matter permitted by § 141.9 (e), but not more than five supplements may be in effect at any time.

(e) Each index must bear on its title page these notations: "This index contains list of tariffs in effect on (date of issue of index)" to which in proper circumstances may be added "or which have been filed to become effective at a later date as shown within"; also "This index will be reissued on or before ------ 19--, and all changes will be reflected in supplements issued quarterly."

(f) Each supplement to an index must bear on its title page the notation, "Supplements Nos. ---, --- and ------ contain all changes from original index that are in effect on date hereof"; to which may be added "or which have been filed to become effective at a later date as shown within."

(g) The title page of each index and of each supplement must bear date of issue but must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

NOTE: One index containing both freight and passenger tariffs may be filed, but if both freight and passenger tariffs are included in one index the information required by each rule must be shown in separate sections, the index must be given an I. C. C. number in both freight and passenger series, and four copies must be filed with the Commission.

24. Cross reference following § 141.11 is deleted.

25. The headnote of § 141.12 is changed to read:

§ 141.12 *Restoration and discontinuance of water service.* • • •

26. The note following the introductory paragraph of § 141.12 is deleted.

27. Paragraph (a) of § 141.12 is changed to read:

(a) *Notation on title page.* The following notation shall appear either (1) on the title page of the tariff, (2) amongst the rules governing the application of rates, or (3) immediately in conjunction with the rates to which the notation applies:

Transportation service in connection with (here insert name of water carrier or carriers specified in the tariff) is subject to restoration and discontinuance as indicated on page ------.

When the foregoing notation is published in the tariff amongst the rules governing the application of rates, reference thereto must be made in the table of contents of the tariff, and the words "as follows" must be substituted for "as indicated on page ------."

28. The notes following paragraphs (b) and (c) of § 141.12 are changed to read:

NOTE: In applying the provisions of the preceding paragraph, the date on which final instructions are received for transportation via the water line will be considered the date of acceptance of the shipment for transportation by that line. The rate to be applied on shipments moved via the water line will be the rate in effect on the date shipments are received for transportation at points of origin.

29. Section 141.13 *Filing tariffs* is amended by deleting from paragraph (c) the parenthetical reference to § 141.26 (j) and by changing paragraphs (a) and (b) to read:

(a) Tariffs shall be published and filed by carriers either directly or through duly authorized tariff-publishing agents. When filed directly by a carrier the concurrence (or power of attorney as authorized in § 141.18 (f)), and when filed by an agent the power of attorney, of every carrier participating therein must be filed or on file with the Commission. (See §§ 141.17 to 141.20, inclusive.)

(b) A tariff publishing agent must file tariffs under his or its own single series of I. C. C. numbers and not in the series of any of his principals. If the agent is a corporation or an unincorporated association (see § 141.17 (a)) having jurisdiction over two or more tariff publishing organizations, bureaus, or committees, the tariffs issued through each such tariff publishing organization may bear a separate series of I. C. C. numbers.

30. Cross reference following paragraph (e) of § 141.13 is changed to read:

CROSS REFERENCE: For provisions concerning powers of attorney and concurrences, see §§ 141.17 to 141.26, inclusive.

31. Paragraph (h) of § 141.14 is amended to read:

(h) *Number of copies; address.* Two copies of each tariff, supplement, revised page, classification, or other schedule of rates or regulations, shall be filed with the Commission, both copies to be filed together under one letter of transmittal (see § 141.29). They must be addressed to the "Interstate Commerce Commission, Washington 25, D. C.," with the envelope marked as containing "Tariffs."

32. The text of § 141.16 is deleted and the following substituted in lieu thereof:

§ 141.16 *Classification; exceptions tariff*—(a) *Classification.* (1) A classification as the term is used in this part has reference to a tariff in which all of the commodities which the carriers parties thereto may be called upon to transport, so far as can reasonably be foreseen, are listed either by specific or generic names and are assigned to ratings or classes with reference to which the carriers' class rates are applied. The classification must contain an alphabetical index of all of the articles so listed.

(2) Appropriate rules should be provided in a classification, not only to govern the application of the classification itself, but also the application of other tariffs which are made subject to the classification. Each rule should be so expressed as to make it clear whether it applies only in connection with the classification proper, or in connection also with classification exceptions and commodity tariffs governed by the classification. The rules must be separately numbered, and thoroughly and accurately indexed.

(3) Among others, each classification must contain the following rules:

(i) Except when provision is made in exceptions tariffs for alternation of the exceptions with this classification, the establishment of a classification exception removes the application of the corresponding provisions of this classification on traffic covered by such exception.

(ii) Unless otherwise provided in applicable tariffs, if there is an effective commodity rate on a given shipment, that rate and not the class rate must be applied, except that rates (either class or commodity) specifically designated as applicable only on import, export, coastwise or intercoastal shipments must be applied on such shipments to the exclusion of all other rates not so designated.

(4) When a tariff is governed by a classification each carrier for which the tariff so governed applies must also be a party to the classification.

(5) Each classification should state on its title page:

This tariff is applicable only in connection with tariffs specifically made subject hereto.

(b) *Exceptions tariff.* (1) An exceptions tariff as the term is used in this part is a tariff which contains exceptions to the ratings and/or rules in a classification. Except as provided in subparagraph (9) of this paragraph, classification exceptions may be published only in exceptions tariffs.

(2) If it is desired to establish rates differing from the classification basis between a limited number of points, the method of publication must be by commodity rate tariffs and not by classification exceptions.

(3) Each exceptions tariff must state on its title page that it contains exceptions to a designated classification, and that:

This tariff is applicable only in connection with tariffs specifically made subject hereto.

(4) When a tariff is governed by an exceptions tariff each carrier for which the tariff so governed applies must also be a party to the exceptions tariff.

(5) A rate tariff may not be made subject to more than one exceptions tariff unless the rate tariff is subject to more than one classification, in which case the rate tariff may be made subject to not more than one exceptions tariff for each classification.

(6) Commodities for which ratings are provided in an exceptions tariff shall be listed and indexed therein in a manner corresponding with that in the classification. Commodity descriptions in the exceptions tariff should, so far as possible, conform to those in the classification. Exceptions to rules must be numbered and completely indexed, and each rule in the exceptions tariff must specify the rule in the classification to which it is in fact an exception. Each rule must likewise indicate clearly, as in the classification, whether it applies only in connection with traffic for which ratings are provided in the exceptions tariff or whether it has broader application, and if so, precisely how much broader.

(7) Alternation of certain ratings in an exceptions tariff with corresponding ratings in the classification (general alternation is not permitted) may be accomplished by publishing the following provision in the rules of the exceptions tariff and making specific reference to it in each item as to which alternation is desired, or by publishing it, appropriately modified, immediately in conjunction with each such item:

If on a given shipment the charge accruing under the provisions of (here identify the classification) is lower than that accruing under an item of this tariff which makes specific reference hereto, the lower charge under the classification will apply.

For alternation purposes, there may be published in the same item of an exceptions tariff an exceptions rating and a rating on the same article reproduced from the classification.

(8) Rules which are not classification exceptions, as covered by § 141.4 (h) may be included in exceptions tariffs. In such cases the exceptions tariff will be counted in applying the provisions of § 141.4 (h). Commodity lists as authorized by § 141.6 (a) may also be published in exceptions tariffs, in which case the carriers parties thereto may not publish other general commodity-list tariffs. When classification exceptions are thus published in the same tariff with other rules and/or commodity lists, the tariff shall be divided into sections, the first containing the rules (all rules), the second containing the exceptions (ratings only), and the third containing commodity lists. The several sections must be separately indexed.

(9) Classification exceptions, either ratings or rules, which apply only in connection with the class rates published in a particular tariff may be published in that tariff.

33. The text of §§ 141.17 to 141.26, inclusive, also the cross references included in and immediately following such sections, are deleted and the following substituted in lieu thereof:

§ 141.17 *Tariffs issued through an agent.* (a) If a carrier desires to issue a tariff or tariffs through an agent it may do so by filing with the Commission an appropriate power of attorney to the designated agent. Agents may be either natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, part I, of the Interstate Commerce Act. An officer or employee of an incorporated tariff-publishing agent may not act as an agent in his individual capacity for the publication of tariffs.

(b) When an association or corporation has been appointed an issuing agent the executive head thereof shall at once notify the Commission of the name of the individual who is to be responsible for the actual compilation and filing of each I. C. C. series of tariffs issued by the agent. There may be only one issuing officer for each such series of tariffs, and the same individual may not act as issuing officer for more than one series without the special permission of the Commission. When an issuing officer is replaced the Commission shall be immediately notified in like manner of his successor.

(c) When a natural person is authorized by power of attorney to act as a tariff-publishing agent, such instrument shall designate another natural person to act as alternate agent in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall notify the Commission in writing that death or disability of the principal agent has occurred and that he, the alternate agent, will thereafter act until the appointment of a new principal agent. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

§ 141.18 *Powers of attorney*—(a) *Publishing agents.* (1) A power of attorney shall be used by a carrier to give to a publishing agent, but not to another carrier, authority to publish and file freight rate tariffs and supplements for it, except that a carrier may give a power of attorney to another carrier in the circumstances and subject to the conditions stated in paragraph (f) of this section. Powers of attorney given to publishing agents may be either unlimited or limited, and in the case of corporations or unincorporated associations comprised of more than one bureau, committee or regional organization, the power of attorney may consist of multiple instruments, such instruments to define separately the authority to be exercised by each component bureau, committee or regional organization.

(2) A carrier may not have in effect at the same time an unlimited power of attorney and a limited power of attorney in favor of the same agent for use by the same bureau, committee, or regional organization.

(b) *Unlimited power of attorney form.* (1) An unlimited power of attorney, when given to a publishing agent, authorizes the agent to file any freight tariff in which the carrier giving the power is a participating carrier. Form FA1 confers unlimited authority to publish local rates and charges for the carrier issuing the power and to publish joint rates and charges for such carrier and such other carriers as have issued the necessary authority.

(2) The following form of power of attorney, FA1, shall be used to give such unlimited powers:

POWER OF ATTORNEY

FA1 No. --
Cancels ---- No. --

(Name of carrier)

(Mail address)

(Date)

Know all Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], freight tariffs and supplements thereto, as required of common carriers by existing laws and regulations established thereunder. And does hereby give and grant unto its said attorney and agent full and unlimited power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(c) *Limited power of attorney form.* (1) A power of attorney may be limited in any appropriate manner provided the limitations are specifically and unambiguously expressed in the instrument. For example, the agent may be authorized to publish only local rates, only joint rates, only rates and charges on specified commodities or in a specified territory, or only specified tariffs or types of tariffs.

(2) The following power of attorney, Form FA2, shall be used to give such limited authority:

POWER OF ATTORNEY

FA2 No. --
Cancels -- No. --

(Name of carrier)

(Mail address)

(Date)

Know All Men by These Presents:

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], freight tariffs and supplements thereto and successive reissues thereof, as required of common carriers by existing laws and regulations established thereunder, but only as hereinafter specified:

(Here specify affirmatively the precise authority given to the agent)

And does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name of Agent)
(Address)

(d) *Manner of execution.* (1) In the blank space for the name of the carrier in Forms FA1, FA2, and FA3, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

(2) If the carrier is an individual, the power of attorney must be signed by the individual; if a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president, a vice-president or any other authorized official of the carrier. However, before the signature of an employee other than the president or a vice-president on a power of attorney will be recognized by the Commission, the carrier must file with the Commission, over the signature of the president or a vice-president, a statement reciting that the individual is authorized to sign powers of attorney. The statement must include a specimen signature of the individual or individuals so designated. The authority to sign powers of attorney may be conferred in the manner described, on more than one official of the carriers. If the carrier is being operated by trustees or receivers the power of attorney must be signed by each trustee or receiver individually or by his or their designee. Trustees or receivers may invest others with the authority to sign in the same manner as the president or vice-president of a corporation may confer the authority on subordinate officials.

(3) If the agent appointed by either FA1 or FA2 is a corporation or an unincorporated association the last full paragraph of the form shall be omitted.

(e) *Joint agents.* If an agent does not hold the requisite authority to publish a particular tariff the authority to do so may be obtained by pooling the authority held by him with that held by one or more other agents, and the tariff may be published jointly by both or all such agents in the I. C. C. series of each. For example, if one agent has authority to publish rates only from territory A to territory B, and another agent has authority to publish rates only from territory B to territory A, the rates may be published in a single tariff on a "between" basis and filed with the Commission as a joint tariff of both agents under the I. C. C. series of each.

(f) *Carrier acting for another carrier.* (1) A power of attorney may be given by small carriers to large carriers with which they connect, or by subsidiary to parent carriers, authorizing the large or parent carriers to publish tariffs, to give and receive concurrences, and to give powers of attorney to agents, all in behalf of the small or subsidiary carrier. The authority granted may be unlimited, as in the form which follows (Form FA3), or it may be limited in any appropriate manner, provided the limitations are specifically and unambiguously expressed in the instrument. When an FA3 form of power of attorney has been given, the granting carrier may not thereafter do in its own behalf anything which it has authorized the grantee carrier to do in its stead. Concurrences and powers of attorney given by the grantee carrier will, however, be deemed to be given on its own behalf only, unless the instrument expressly recites that it is given or is also given, in behalf of the granting carrier. An FA3 form of power of attorney will be construed as authorizing the grantee carrier to give a concurrence to itself in behalf of the granting carrier.

(2) The following form of power of attorney, Form FA3, shall be used by a carrier to give authority to another carrier. When the authority is to be limited in any way, the form should be altered to the extent necessary.

POWER OF ATTORNEY

FA3 No. --
Cancels -- No. --

(Name of carrier)

(Mail address)

(Date)

Know All Men by These Presents:

That the [name of granting carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of grantee carrier] its true and lawful attorney and agent (1) to issue in its name, place and stead powers of attorney to tariff-publishing agents, (2) to give and receive in its name, place and stead concurrences in tariffs of other carriers, and (3) to publish and file, or cause to be published and filed, freight tariffs and supplements thereto and successive reissues thereof, in which the undersigned carrier is a participant, all as required of common carriers by existing laws and regulations established thereunder. And the undersigned carrier does hereby give and grant unto its said attorney and agent, full, sole and exclusive power and authority to do and perform all and every act and thing above specified for and on behalf of the undersigned carrier as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of its attorney and agent.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

§ 141.19 *Concurrences.* (a) A carrier desiring to become a participant in a tariff or tariffs issued by another carrier (not by an agent) may do so by filing with the Commission a limited or unlimited concurrence (except as provided in § 141.18 (f)) in one of the four following forms. In Forms FC2 and FC4 the limitations must be specifically and unambiguously expressed.

(1) Form FC1 which follows is unlimited and covers all freight tariffs applying on traffic moving from, to, via or at points on the line of the carrier giving the concurrence:

CONCURRENCE

FC1 No. --
Cancels -- No. --

(Name of carrier)

(Mail address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the commodities to which, the points to and/or from and or at which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(2) Form FC2 covers freight tariffs applying on limited but affirmatively specified traffic moving from, to, via or at points on the line of the carrier giving the concurrence. The form follows:

CONCURRENCE

FC2 No. --
Cancels -- No. --

(Name of carrier)

(Mail address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(3) Form FC3 is restricted to freight tariffs applying on traffic moving to points on or via the line of the carrier giving the concurrence but is not otherwise limited. The form follows:

CONCURRENCE

FC3 No. --
Cancels -- No. --

(Name of carrier)

(Mail address)

(Date)

To THE INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs or supplements thereto filed by the [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and hereby makes itself a party thereto and bound thereby, insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(4) Form FC4 which follows covers freight tariffs applying on limited but affirmatively specified traffic moving to points on or via the line of the carrier giving the concurrence.

CONCURRENCE

FC4 No. --
Cancels ---- No. --

(Name of carrier)

(Mail address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all freight tariffs or supplements thereto filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the commodities to which, the points to or the lines over which the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party to such tariffs and bound thereby insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

(Name of carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(b) Concurrences shall be personally signed by any official of the issuing carrier.

(c) If a carrier has been authorized by power of attorney to issue concurrences in behalf of one or more small or subsidiary carriers (see § 141.18 (f)), the carrier holding such authority may by a single instrument issue a concurrence in its own behalf and in behalf of any or all of such small or subsidiary carriers.

§ 141.20 *Filing of powers of attorney and concurrences.* (a) If a power of attorney or concurrence is issued subsequent to the date of the filing of the tariff with the Commission the original instrument shall be forwarded directly to the Commission with a copy to the issuing agent or carrier, but if it is issued

prior to or concurrently with the issuance of the tariff, the original instrument may either be forwarded directly to the Commission, or it may be sent to the carrier or agent issuing the tariff and be transmitted by it or him to the Commission with the tariff. (For exceptions see §§ 141.22 and 141.23 (a).)

(b) Powers of attorney, concurrences, amendments thereto and revocation notices shall be printed or typed on paper of good quality, 8 x 10½ inches, and must show the date on which they are issued. Each power of attorney and concurrence shall bear a form and serial number, the serial numbers to run consecutively for each form of instrument. Concurrences issued by a carrier jointly in its own behalf and in behalf of one or more other carriers (see § 141.18 (f)) may, if desired, be issued under a separate series of numbers. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the power of attorney or concurrence, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must in addition to the date of issue, bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is the same or broader in scope than the instrument which it cancels, it becomes effective when filed with the Commission. The instrument shall also show, in the lower left-hand corner, the name, title and address of the person to whom the duplicate is sent.

§ 141.21 *Certificate stating correct name of carrier to be filed.* When a corporate or partnership carrier files its first tariff, power of attorney or concurrence, it shall also file a certificate stating the precisely correct name of the carrier as it appears in the charter or articles of incorporation, or in the articles of co-partnership, as the case may be. If, for example, the article "The" is a part of the carrier's name, if the conjunction "and" appears therein as "&", or if the word "Company" is abbreviated to "Co.", the certificate must so indicate.

§ 141.22 *Transfer of authority from one agent to another agent.* (a) When it is desired to transfer authority from one agent to another agent superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is a natural person) thereafter to serve, which shall specifically cancel the previous instrument or instruments, by including the following in the power of attorney to the new agent:

This power of attorney cancels the following power(s) of attorney:

Power of attorney form and number	In favor of
(Insert power of attorney forms and numbers)	(Insert name of agent and alternate)

(b) Under all other conditions the power of attorney must be revoked in accordance with § 141.26 (b).

(c) The originals of such powers of attorney shall not be sent immediately to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file all of the originals with the Commission at one time. The new agent may file no tariffs with the Commission until the powers of attorney from all of the carriers shown therein as participants have been so filed.

§ 141.23 *Procedure when one publishing agent succeeds another.* (a) When powers of attorney have been issued to a natural person and his alternate, and death or disability of either the principal agent or the alternate occurs, new powers of attorney shall be filed with the Commission within 180 days, canceling the previous instruments and designating the new agent (and also his alternate if the new agent is a natural person) thereafter to serve. If the filing of the new instruments is occasioned by the death or disability of the former alternate, the new instruments may, if desired, continue the former principal agent and designate a new alternate only. Likewise if death or disability of the principal agent has occurred it is permissible to continue the former alternate agent in the new instruments and designate a new principal agent only. As soon as the instruments appointing the new agent are filed the alternate agent who in the interim has acted may no longer do so. The new powers of attorney shall not be forwarded directly to the Commission, but shall be collected by the new agent and forwarded to the Commission together, as provided in § 141.22. The new agent may not file a tariff for any carrier until that carrier's power of attorney to him is on file with the Commission.

(b) In the first amendment to each tariff issued by the alternate agent after the death or disability of the principal agent, there shall be shown a statement reading substantially as follows: "On and after (show here the date on which the principal agent ceased to act) this publication shall be considered as the issue of ----------, Alternate Agent."

(c) A new agent, on or after the filing of his or its authorities, shall include in the next supplement to each of the effective tariffs previously taken over by the alternate agent a statement reading substantially as follows: "On and after (show here the date on which the new authorities are filed with this Commission) this publication shall be considered as the issue of ----------, Agent."

§ 141.24 *I. C. C. numbers of tariffs issued by a new agent or alternate agent.* Tariffs issued by a new agent may be, and those issued by an alternate agent must be, numbered in the I. C. C. series of the former agent. If it is desired to number the tariffs of a new agent in a different I. C. C. series, this may be done as to new or reissued tariffs, but amendments (supplements or revised pages) to tariffs issued by the former agent must be continued in the original series.

§ 141.25 *Powers of attorney and concurrences in special situations.*—(a) *Joint concurrences.* If joint concurrences are issued in behalf of two or more carriers by the same traffic officer, all concurrences in each series must be issued on behalf of all such carriers, except as to concurrences interchanged between those carriers. If concurrences in a single series are issued separately for different carriers, separate files in that series must be maintained for each carrier, and concurrences of each carrier must be issued in consecutive numerical order as required by § 141.20 (b).

(b) *When operation discontinued or taken over by another carrier.* Powers of attorney and concurrences issued in favor of a carrier which has discontinued operations should be revoked within 120 days after such discontinuance. If its operations have been taken over by another carrier all effective powers of attorney and concurrences should be canceled within 120 days either by new issues or revocation notices.

NOTE: § 141.25 (b) applies, among other situations, when an incorporated carrier is placed in the hands of trustees or receivers and is thereafter reorganized. When trustees or receivers are appointed they normally assume, and the corporation discontinues, operations; and thereafter, following reorganization, operations again pass from the receivers or trustees to the reorganized corporation.

(c) *Forms for joint rail-motor tariffs.* Powers of attorney and concurrences authorizing the publication of joint rail-motor tariffs and supplements shall be issued on the standard FA and FC Forms described in §§ 141.18 and 141.19. Such powers of attorney and concurrences must bear the following notation in the upper portion of the document: "Joint Rail-Motor Power of Attorney" or "Joint Rail-Motor Concurrence."

§ 141.26 *Amendment and revocation of powers of attorney and concurrences.*—(a) *Amendments.* (1) A power of attorney on Forms FA2 or FA3 or a concurrence on Forms FC2 or FC4 may be amended by issuing an "Amendment to Power of Attorney," or "Amendment to Concurrence," respectively. However, only four amendments to any one power of attorney or concurrence will be permitted. The amendment must specify with particularity the exact change in the scope of the powers or the authority conferred, by appropriate reference by number to the power of attorney or concurrence affected, by identification by I. C. C. and agent's or carrier's number of the tariff or tariffs affected, and by a detailed description of the traffic or territory affected.

(2) If an amendment to a power of attorney or to a concurrence reduces the scope of the original instrument, such amendment must bear in addition to the date of issue, an "effective" date at least 60 days after the date on which it is received by the Commission. If the amendment adds to or increases the scope of the original power of attorney or concurrence, no notice is required, and it becomes effective when filed with the Commission. (See paragraph (e) of this section.)

(3) The form of an "Amendment to Power of Attorney" is as follows:

AMENDMENT TO POWER OF ATTORNEY

Amendment No. --
To FA -- No. --

(Name of carrier)

(Mail address)

(Date)

Know All Men by These Presents:

Effective ----------, the undersigned
(Date)
hereby amends the above-numbered power of attorney, in the following respects:

(Name of carrier)
By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

(4) The form of an "Amendment to Concurrence" is as follows:

AMENDMENT TO CONCURRENCE

Amendment No. --
To FC -- No. --

(Name of carrier)

(Mail address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

The undersigned hereby amends FC ---- No. ---- in the following respects:

(Name of carrier)
By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(b) *Revocations.* A power of attorney or a concurrence may be revoked upon not less than 60 days' notice by filing a Notice of Revocation with the Commission and serving at the same time a copy thereof on the the agent, in the case of powers of attorney on Forms FA1 and FA2, or on the carrier, in the case of concurrences or powers of attorney on FA3, in whose favor the instrument was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney, or the form and number of the concurrence, to be revoked, shall name the agent, and alternate agent, if any, or the carrier in whose favor the instrument was executed, and shall specify a date upon which revocation is to become effective. (See paragraph (e) of this section.)

(c) *Corresponding revision of tariff.* When a power of attorney or concurrence is revoked corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended the rates and other provisions therein remain effective and must be protected by the carrier or carriers responsible for their continued maintenance.

(d) *Form for revocations.* Revocation notices shall be in one of the following forms, as appropriate:

REVOCATION NOTICE

(Power of Attorney)

(Name of carrier)

(Mail address)

(Date)

Know All Men by These Presents:

Effective ----------, power of attorney
(Date)
FA ---------- No. ----------, issued by

(Name of carrier issuing power of attorney)
in favor of ----------,

(Name of carrier, or agent (an alternate), if any)
is hereby canceled and revoked.

(Name of carrier)
By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

REVOCATION NOTICE

(Concurrence)

(Name of carrier)

(Mail address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
Washington 25, D. C.

Effective ---------- concurrence FC
(Date)
---------- No. ----------, issued by

(Name of carrier issuing concurrence)
in favor of ----------,
(Name of carrier)
is hereby canceled and revoked.

(Name of carrier)
By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(e) *Manner of execution.* (1) An amendment to, or a revocation of a power of attorney shall be executed in the same manner as powers of attorney, and a statement of the kind specified in § 141.18 (d) shall be filed with the Commission to designate persons authorized to sign such amendments or revocations. The statement filed in accordance with § 141.18 (d) may include in the one instrument designations and specimen signatures of persons authorized to sign powers of attorney, amendments to powers of attorney, and revocations of powers of attorney .

(2) An amendment to, or a revocation of a concurrence shall be executed in the same manner as concurrences. (See § 141.19 (b).)

34. The text of § 141.27 is deleted and the following substituted in lieu thereof:

§ 141.27 *Intermediate application of rates.* Tariffs may provide for the application of class or commodity rates from or to intermediate points (except for account of irregular-route motor carriers) by incorporating in such tariffs the appropriate one or more of the rules set forth below, subject to the limitations of this section.

(a) *Intermediate rules to be used only where routing is provided.* Effective on and after June 10, 1959, an intermediate point rule may not be published so as to result in establishing from (or to, as the case may be) an intermediate point, a rate from (or to) a more distant point unless the tariff contains specific routing instructions showing definitely in accordance with the plan listed in subdivision (i) of § 141.4 (k) the routes through the intermediate point over which the rate from (or to) the more distant point applies.

(b) *Intermediate point commodity rate rules*—(1) *From intermediate points.* Subject to the provisions of notes 1, 2, 3, and 4 in this subparagraph from any point of origin from which a commodity rate on a given article to a given destination and via a given route is not named in this tariff, which point is intermediate to a point from which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route.

NOTE 1: When by reason of branch or diverging lines there are two or more "next beyond" points, apply the rate from the next point beyond (in this tariff) which on that article to the same destination via the same route results in the lowest charge.

NOTE 2: If the intermediate point is located between two points from which commodity rates on the same article via the same route are published in this tariff, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point from which the lowest charge is applicable.

NOTE 3: If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate on the same article from the intermediate origin point applicable over the same route to the same destination, the provisions of this rule are not applicable from such intermediate origin point.

(2) *To intermediate points.* Subject to the provisions of notes 1, 2, 3, and 4 in this subparagraph, to any point of destination to which a commodity rate on a given article from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via a route through the intermediate point over which such commodity rate applies from the same point of origin,

apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article to the next point beyond to which a commodity rate is published herein on that article from the same point of origin via the same route.

NOTE 1: When by reason of branch or diverging lines, there are two or more "next beyond" points, apply the rate to the next point beyond (in this tariff) which on that article from the same point of origin via the same route results in the lowest charge.

NOTE 2: If the intermediate point is located between two points to which commodity rates on the same article via the same route are published in this tariff, apply via that route to the intermediate point the rate to the next point in either direction which results in the higher charge. In applying this note, if there are two or more next beyond points due to branch or diverging lines, eliminate all such next beyond points except the point to which the lowest charge is applicable.

NOTE 3: If the class rate on the same article via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin the provisions of this rule are not applicable to such intermediate destination point.

(c) *Intermediate point class-rate rules.* Class rates should be provided between practically all points and there appears little occasion for the employment of intermediate point rules in connection with class rates except for the purpose of establishing rates from and to newly established stations. For this purpose only the following clause may be shown in tariffs for use in connection with class rates: "From (or to) any point not named in this tariff which is intermediate to a point from (or to) which class rates are published herein through such unnamed point, apply from (or to) such unnamed point the class rate published herein from (or to) the next more distant point."

(d) *"From" and "to" rules may apply in connection with same rate.* When the rules providing application from and to intermediate points are both shown in connection with any class (or commodity) rate, they establish class (or commodity) rates from intermediate points of origin to intermediate points of destination on such classes (or commodities). Concurrences are not posted at stations and their provisions are not published in tariffs. Unless otherwise provided in the tariff intermediate application rules establish rates from (or to) intermediate points on the lines of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

(e) *Application of rules may be restricted.* Tariffs may by appropriate application published in connection with one or more of such rules, provide that they apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of such rule or rules to particular rates or routes.

(f) *Wording of rules not to vary.* The wording of the above rules may not be varied, except that (1) in tariffs containing alternative sections the rules may be modified by substituting the words "in this section" for the words "in this tariff" wherever they appear. If this is done such rules must be published in each section of tariff in which they are to apply and may not be published elsewhere in the tariff; or (2) when it is desired to alternate the rates in any section of a tariff with the rates made only by use of an intermediate point rule applicable in connection with rates in another section, such intermediate rule must be published in a separate section and must be modified by changing the words "this tariff" to read "Section No. ------" (here insert number of the section which contains the points and rates in connection with which the intermediate rule is to be used). The provisions of this paragraph do not waive the requirements of § 141.7 (b).

35. Sections 141.30 and 141.31 and the cross reference following § 141.31 are deleted.

36. Cross reference following § 141.55 is deleted.

37. Sections 141.100 to 141.110, inclusive, are deleted and the following cross reference is inserted in lieu thereof:

CROSS REFERENCE: §§ 141.100 to 141.110, inclusive, have been canceled. For provisions to govern see §§ 141.0 to 141.67, inclusive.

38. Cross References immediately preceding the regulations in Part 187, Freight Rate Tariffs, Schedules and Classifications, are changed to read:

CROSS REFERENCE: For tariff circular governing joint rail-motor tariffs, see Part 141 of this chapter.

It is further ordered, That this order shall become effective on the 15th day of November A. D. 1956.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply Secs. 6, 217, 306, 24 Stat. 380, as amended, 49 Stat. 560, as amended, 54 Stat. 935; 49 U. S. C. 6, 317, 906)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-5669; Filed, July 16, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

WEEKLY CLOSED PERIOD

Basis and purpose. In compliance with the requirements of § 104.5, registration of units of gear by districts in the Bristol Bay area for the week ending July 21, 1956, are announced as follows:

Nushagak district—239 units.
Naknek-Kvichak district—329 units.
Egegik district—81 units.
Ugashik district—30 units.

The requirements of paragraph (a) of § 104.5 notwithstanding the allowable fishing time for the week ending July 21, 1956 shall be: Nushagak district, 2½ days; Naknek-Kvichak district, 3 days; Egigik district, 3 days and Ugashik district, 3 days.

Since immediate action is necessary, notice and public procedure on this amendment is impracticable and these changes shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY, *Director.*

JULY 16, 1956.

[F. R. Doc. 56-5806; Filed, July 16, 1956; 12:07 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1005]

[Docket No. AO-272]

HANDLING OF MILK IN NORTH CENTRAL IOWA MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held in Waterloo, Iowa, on June 20–25, 1955, on a proposed marketing agreement and a proposed order regulating the handling of milk in the North Central Iowa marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to submit additional evidence with respect to the proposed marketing agreement and order contained in the notice of hearing issued by the Deputy Administrator on March 31, 1955 (20 F. R. 2116), and with respect to the findings and conclusions issued by the Deputy Administrator on February 27, 1956 (21 F. R. 1358). The proposals contained in the aforementioned notice of hearing and the recommended findings and conclusions have not been approved by the Secretary of Agriculture.

The reopened hearing will be held in the Black Hawk County Courthouse, Waterloo, Iowa, on August 21, 1956, beginning at 10:00 a. m., c. s. t.

Copies of this notice of reopening of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 12, 1956.

[SEAL] F. R. BURKE, *Acting Deputy Administrator.*

[F. R. Doc. 56-5688; Filed, July 16, 1956; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICES OF FILING OF PETITIONS FOR EXEMPTION FROM NECESSITY OF TOLERANCES FOR RESIDUES OF PIPERONYL BUTOXIDE AND RESIDUES OF PYRETHRINS; CORRECTION

The notice of filing of petitions in the above-entitled matter published in the FEDERAL REGISTER of June 29, 1956 (21 F. R. 4832; F. R. Doc. 56-5155) is corrected by inserting in the second paragraph, after the word "prunes," the item "raspberreries,".

Dated: July 10, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-5671; Filed, July 16, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 56-30]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authorities cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority.

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/25/0, New Richmond cleaning process for kapok life preserves without vinyl covered pad inserts, as outlined in description of cleaning process dated April 23, 1956, submitted by New Richmond Laundries & Cleaners, Plant No. 2, 1265 Republican Street, Seattle 9, Wash. (R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 439, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.006)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 1333, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.009)

BUOYANT APPARATUS

Approval No. 160.010/18/0, 5.17' x 2.67' (8'' x 8'' body section) elliptical solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. BBA-1, dated July 7, 1950, revised March 7, 1951, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.010/19/0, 7.0' x 3.17' (9'' x 9'' body section) elliptical solid balsa wood buoyant apparatus, 10-person capacity, dwg. No. BBA-2, dated July 7, 1950, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/3/1, Davis Type BLS fresh air hose mask assembly with velocity blower, Davis Unit Nos. 4066, 4067, 4087, 4088, 4090, 4091, 4092, or 4093 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1906 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davis Unit Nos. 4402, 4403, 4408, or 4409 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 489, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.011)

WINCHES, LIFEBOAT

Approval No. 160.015/55/0, Type HM, Size 3 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 5,700 pounds pull at the drums (2,850 pounds per fall), identified by General Arrangement dwg. No. 1482, dated May 8, 1950, manufactured by C. C. Galbraith and Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/21/0, Master Safety Model E–1004, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. E–1004, dated April 3, 1956, rev. May 22, 1956, manufactured by The Marine Ladder Manufacturing Co., 63 Clay Street, San Francisco 11, Calif.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.017)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/11/0, Container for emergency provisions, dwg. No. 51–104, dated January 15, 1951, revised March 28, 1951, submitted by The Multiple Breaker Co., 918 Beacon Street, Boston 15, Mass. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.026/15/0, Container for emergency provisions, dwg. No. 503, dated October 24, 1950, submitted by Chemical Service of Baltimore, Howard and West Streets, Baltimore 30, Md. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.026/17/0, Container for emergency drinking water dwg. No. 505, dated November 14, 1950, submitted by Chemical Service of Baltimore, Howard and West Streets, Baltimore 30, Md. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.026/20/0, Container for emergency provisions, dwg. No. 202–P, dated March 26, 1951, and Specification 202–S–1, dated April 6, 1951, manufactured by Globe Equipment Corp., 30–32 Gold Street, Brooklyn 1, N. Y. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended; sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.026)

LIFE FLOATS

Approval No. 160.027/16/1, 7.5′ x 4.0′ (11″ x 11″ body section) rectangular solid balsa wood life float, 15-person capacity, dwg. No. BF–3, dated July 7, 1950, revised Mar. 17, 1951, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.027/18/0, 7.0′ x 3.17′ (9″ x 9″ body section) rectangular solid balsa wood life float, 10-person capacity, dwg. No. BF–2, dated July 7, 1950, revised March 7, 1951, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.027/19/0, 9.0′ x 5.08′ (12″ x 12″ body section) rectangular solid balsa wood life float, 25-person capacity, dwg. No. BF–4, dated July 7, 1950, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 160.027/21/0, 7.5′ x 4.0′ (11″ x 11″ body section) elliptical solid balsa wood life float, 15-person capacity, dwg. No. BEF–3, dated March 19, 1951, manufactured by The American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.027)

DAVITS

Approval No. 160.032/113/0, mechanical davit, straight boom sheath screw, Type 26–53 Mk II, approved for maximum working load of 15,000 pounds per set (7,500 pounds per arm), using not less than two part falls, identified by general arrangement dwg. No. 5008–1D dated December 1952 and revised December 30, 1955, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/204/2, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 20–1 dated October 29, 1947, revised April 10, 1956, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Supersedes Approval No. 160.035/204/1 published in FEDERAL REGISTER August 24, 1951.)

Approval No. 160.035/208/3, 12.0′ x 4.42′ x 1.92′ steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 12–1 dated November 5, 1947, revised April 23, 1956, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Supersedes Approval No. 160.035/208/2 published in FEDERAL REGISTER October 4, 1951.)

Approval No. 160.035/211/2, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22–2 dated April 17, 1946, and revised May 22, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/211/1 terminated in FEDERAL REGISTER May 15, 1956.)

Approval No. 160.035/338/0, 28.0′ x 9.0′ x 3.96′ aluminum, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 28–1E dated June 30, 1955, revised April 26, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/341/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat with steel thwarts, 31-person capacity, identified by construction and arrangement dwg. No. 80047 dated September 3, 1955, and revised March 6, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/342/0, 24.0′ x 8.0′ x 3.5′ aluminum, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24–9F dated September 9, 1955, revised June 1, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/343/0, 26.0′ x 7.88′ x 3.54′ aluminum, oar-propelled lifeboat, 48-person capacity, identified by construction and arrangement dwg. No. 26–11 dated September 26, 1955, revised April 11, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/349/0, 24.0′ x 8.63′ x 3.88′ steel, motor-propelled lifeboat without radio cabin (Class B), 43-person capacity, identified by construction and arrangement dwg. No. 80070, dated December 9, 1955, and revised April 13, 1956, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/89/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Ben Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/90/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Ben Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/91/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Ben Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/92/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets., Richmond 12, Va.

Approval No. 160.047/93/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va.

Approval No. 160.047/94/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va.

Approval No. 160.047/95/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/96/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/97/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/72/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by the Comfort Cushion Co., 5062–84 Loraine, Detroit 8, Mich. (Supersedes Approval No. 160.048/72/0 published in FEDERAL REGISTER May 15, 1956.)

Approval No. 160.048/76/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Ben Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.048/78/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048–4 (c) (1) (i), manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/79/0, special approval for 13″ x 18″ x 2″ rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, Stearns Manufacturing Co. dwg. No. 6, dated December 5, 1955, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Heter's, Inc., Waseca, Minn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/41/0, Sound powered telephone station signal relay control, for operation with hand generator, manual release, splashproof, dwg. No. 19, Alt. 1, dated June 1950, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 113.30–25 (a))

BOILERS, HEATING

Approval No. 162.003/115/0, Model 450, steam and hot water heating boiler, steel plate welded construction, horizontal fire tube type, dwg. No. L–3236, dated November 14, 1950, boiler rating 180 pounds per hour or 180,000 B. t. u. per hour, approved for 15 p. s. i. maximum steam pressure and 30 p. s. i. maximum water pressure or bare boiler only, manufactured by Harvey-Whipple, Inc., Springfield, Mass. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4434, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/11/1, Buffalo Better-Built, 1-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. 10–3 dated December 20, 1948, Rev. B dated October 7, 1955, name plate dwg. No. 3172 dated November 18, 1955, Rev. A dated December 29, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.004/11/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.004/12/1, Buffalo Better-Built, 1½-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. 11–3 dated December 22, 1948, Rev. B dated October 7, 1955, name plate dwg. No. 3173 dated September 24, 1946, Rev. B dated December 29, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.004/12/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.004/16/1, Dayton Model No. 10–5, 1-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. 10–5 dated May 16, 1947, Rev. D dated October 7, 1955, name plate dwg. No. 4268 dated March 16, 1950, Rev. A dated December 29, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.004/16/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.004/17/1, Dayton Model No. 11–5, 1½-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. 11–5 dated October 24, 1947, Rev. D dated October 7, 1955, name plate dwg. No. 4269 dated March 15, 1950, Rev. A dated December 29, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.004/17/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended; sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/84/0, American LaFrance Model 15, Series 2, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–5008 dated March 8, 1954, rev. E dated May 13, 1954, name plate dwg. No. 28X–2645 dated January 6, 1955, rev. F dated April 12, 1956 (Coast Guard classification: Type B, Size II, and Type C, Size II), manufactured by American LaFrance Corp., Elmira, N. Y.

Approval No. 162.005/85/0, American LaFrance Model 5, Series 2, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–1998 dated April 23, 1954, rev. F dated June 17, 1954, name plate dwg. No. 28X–2642 dated January 6, 1955, rev. A dated June 10, 1955 (Coast Guard classification: Type B, Size I, and Type C, Size I), manufactured by American LaFrance Corporation, Elmira, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/1/1, First Aid, 2½-gal, soda-acid type hand portable

fire extinguisher, assembly dwg. No. EX–1 dated April 3, 1928, Rev. October 14, 1955, name plate dwg. No. EX–52 dated November 11, 1952 (Coast Guard classification: Type A, Size II), manufactured by W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago 6, Ill. (Supersedes Approval No. 162.007/1/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.007/39/0, General Quick Aid Fire Guard Model TS–15, 2½-gallon soda-acid type hand portable fire extinguisher, assembly dwg. No. BHS–303–XC dated December 23, 1946, revised August 11, 1950, name plate dwg. No. CHS–303–14 dated May 15, 1947, revision 3 dated December 7, 1949, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED TYPE

Approval No. 162.009/5/1, Instant Loaded-Stream Anti-Freeze Model No. 70–5, 1¾-gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 70–5 dated October 13, 1949, Rev. D dated September 15, 1954, name plate dwg No. 5564 dated December 29, 1953, Rev. B dated March 26, 1956 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.009/5/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.009/6/1, Instant Loaded-Stream Anti-Freeze Model No. 78–5, 2½-gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 78–5 dated October 19, 1949, Rev. D dated September 15, 1954, name plate dwg. No. 5565 dated December 29, 1953, Rev. B dated March 26, 1956 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.009/6/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.009/7/1, Fyr-Fyter Anti-Freeze Model No. 94–11, 2½-gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 94–11 dated October 18, 1951, Rev. D dated September 15, 1954, name plate dwg. No. 5541 dated November 16, 1953, Rev. B dated March 23, 1954 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.009/7/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/15/0, Fyr-Fyter Model No. 26–1, 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 26–1 dated February 12, 1954, Rev. E dated January 27, 1955, name plate dwg. No. 4183 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/16/0, Buffalo Model No. 26–2, 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 26–2 dated February 12, 1954, Rev. E dated January 27, 1955, name plate dwg. No. 4185 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.010/17/0, Fyr-Fyter Model No. 27–1, 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 27–1 dated February 12, 1954, Rev. F dated February 21, 1956, name plate dwg. No. 3909 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size II and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/18/0, Buffalo Model No. 27–2, 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 27–2 dated February 12, 1954, Rev. F dated February 21, 1956, name plate dwg. No. 4306 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.010/19/0, Fyr-Fyter Model No. 28–1, 30-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 28–1 dated February 12, 1954, Rev. E dated January 27, 1955, name plate dwg. No. 4184 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/20/0, Buffalo Model No. 28–2, 30-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 28–2 dated February 12, 1954, Rev. E dated January 27, 1955, name plate dwg. No. 4186 dated May 12, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.010/30/0, Fyr-Fyter Model No. 29–1, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 29–1 dated August 20, 1953, Rev. C dated March 21, 1956, name plate dwg. No. 5516 dated March 22, 1954 Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/31/0, Buffalo Model No. 29–2, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 29–2 dated August 20, 1953, Rev. C dated March 21, 1956, name plate dwg. No. 5517 dated March 22, 1954, Rev. C dated December 28, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c) 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/3/1, Figure ST–863 flame arrester, cast iron or aluminum body and copper or aluminum tube bank, dwg. No. ST–7995, dated March 20, 1951, approved for sizes 3", 4", 6", 8" and 10", manufactured by Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Approval No. 162.016/6/1, Figure ST–4300 flame arrester, cast iron body and aluminum or copper tube bank, dwg. No. ST–4362, dated November 29, 1943, approved for 8" size only, manufactured by Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.016)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/45/0, Garland Range Model A38, approved by the American Gas Association, Inc., under Certificate No. 11–53–1.001 dated August 28, 1950, for liquefied petroleum gas service, manufactured by the Detroit-Michigan Stove Co., 6900 East Jefferson Avenue, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 391a, 404, 489, 367, 463a, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 55.16–10)

BULKHEAD PANELS

Approval No. 164.008/30/0, Jackson Snap-In Panel, hollow steel, insulation board lined Bulkhead Panel identical to that described in A. L. Jackson dwg. No. 6, dated April 9, 1951, approved as meeting Class B–15 requirements in a 1 1/16 inch thickness when lined each side with 3/16 inch asbestos millboard, manufactured by A. L. Jackson, 1146 Ogden Avenue, New York 52, N. Y. (Extension of the approval published in FEDERAL REGISTER June 26, 1951, effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.008)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/37/0, "Fiberseal" composition type incombustible material consisting solely of Foster 31X26 Noncombustible Coating and Sealfas Open Weave Glass Cloth, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1974: FP3363, dated April 30, 1956, manufactured by the Benjamin Foster Company, 4635–37 West Girard Avenue, Philadelphia 31, Pa.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

FIRE EXTINGUISHING SYSTEMS, SEMI-PORTABLE

Ansul Model 150–S dry chemical stationary type fire extinguisher unit, semiportable fire extinguishing system, Assembly dwg. No. DM–969, dated February 3, 1948, Rev. 10, dated January 8, 1951, name plate dwg. No. DM–1334, dated November 16, 1949, Rev. 2, dated January 4, 1951, manufactured by Ansul Chemical Co., Marinette, Wis. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

Ansul Model 350–S dry chemical stationary type fire extinguisher unit, semiportable fire extinguishing system, Assembly dwg. No. DM–969 dated February 3, 1948, Rev. 10, dated January 8, 1951, name plate dwg. No. DM–1335, dated November 16, 1949, Rev. 2, dated January 4, 1951, manufactured by Ansul Chemical Co., Marinette, Wis. (Extension of the approval published in FEDERAL REGISTER June 1, 1951, effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

Dated: July 11, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–5675; Filed, July 16, 1956; 8:48 a. m.]

[CGFR 56–31]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

LIFE RAFTS

Termination of Approval No. 160.018/10/0, Type B life raft, for other than ocean and coastwise service, 12.25′ x 7.5′ x 3.17′, 15 person capacity, identified by construction dwg. No. 3331, dated April 20, 1951, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER June 26, 1951. Termination of approval effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.018)

DAVITS

Termination of Approval No. 160.032/119/1, mechanical davit, crescent, sheath screw, Type C58A, approved for maximum working load of 11,600 pounds per set (5,800 pounds per arm), using 2-part falls, identified by Arrangement dwg. No. 3327 dated April 14, 1950, and Detail dwg. No. 3327–1 dated April 10, 1950, and revised September 7, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER June 1, 1951. Termination of approval effective June 1, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/121/1, 22.0′ x 6.67′ x 3.0′ steel, oar-propelled lifeboat, 25-person capacity, identified by dwg. No. 22–6/8–25–2, dated August 16, 1950, manufactured by Frank Morrison and Son Co., 1330 West Eleventh Street, Cleveland, Ohio. (Approved FEDERAL REGISTER June 26, 1951. Termination of approval effective June 26, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

Dated: July 11, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–5676; Filed, July 16, 1956; 8:48 a. m.]

POST OFFICE DEPARTMENT

ARTHUR J. PARSONS ET AL.

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES

Following is the text of various orders of the Assistant Postmaster General, Bureau of Facilities:

[Order No. 129]

JUNE 11, 1956.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arthur J. Parsons, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten

years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this Order;

in the States of Pennsylvania, New Jersey and Delaware.

(B) This order shall be effective July 1, 1956.

(C) This supersedes and cancels Order No. 89, dated August 24, 1955 (20 F. R. 7946).

[Order No. 130]

JUNE 11, 1956.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Henry A. Kresse, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this Order;

in the State of New York.

(B) This Order shall be effective July 1, 1956.

(C) This supersedes and cancels Order No. 95, dated August 24, 1955 (20 F. R. 7946).

[Order No. 131]

JUNE 11, 1956.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954, (19 F. R. 6169), authority is hereby delegated to H. Brooks Perring, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday, or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this Order;

in the District of Columbia and the States of Maryland, Virginia, and West Virginia.

(B) This Order shall be effective July 1, 1956.

(C) This supersedes and cancels Order No. 96, dated August 24, 1955 (20 F. R. 7946).

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-5668; Filed, July 16, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 5, 1956.

The Department of Agriculture has filed an application, Serial No. Oregon 03219, for the withdrawal of the lands described below, from appropriation under the general mining laws.

The applicant desires the land for recreation purposes and associated uses in connection with the administration and management of the Rogue River National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present this objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 NE. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Fish Lake Recreational Area:
T. 36 S., R. 4 E.,
Sec. 34: SE¼ (unsurveyed);
Sec. 35: S½ (unsurveyed).
T. 37S., R. 4 E.,
Sec. 2, Lots 1, 2, 3, SW¼NW¼;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 4: Lots 1, 2, W½SE¼.
Dead Indian Soda Springs Recreation Area:
T. 37 S., R. 3 E.,
Sec. 22: S½NE¼, SE¼.
Lake O'Woods Recreation Area:
T. 36 S., R. 5 E.,
Sec. 34: S½;
Sec. 35: NE¼NE¼, S½N½, S½.
T. 37 S., R. 5 E.,
Sec. 2: Lots 1, 2, NW¼, E½SW¼;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 8, E½NE¼;
Sec. 10: Lots 1, 2, 3, 4, 5, 6;
Sec. 11: Lots 1, 2, 3, 4, E½W½;
Sec. 14: Lots 1, 2, 3, E½NW¼, NW¼SW¼;
Sec. 15: Lots 1, 2, 3, 4, 5, NW¼SW¼, S½S½;
Sec. 22: Lot 1, NW¼NE¼, NE¼NW¼.
Four Mile Lake Recreation Area:
T. 35 S., R. 5 E.,
Sec. 31: SE¼SE¼,
Sec. 32: S½S½.
T. 36 S., R. 5 E.,
Sec. 4: NW¼NW¼, S½NW¼, SW¼;
Sec. 5: All;
Sec. 6: NE¼;
Sec. 8: NE¼;
Sec. 9: NW¼.
Recreation Creek Recreation Area:
T. 35 S., R. 6 E.,
Sec. 26: W½E½, E½W½;
Sec. 35: W½.
Huckleberry City Recreation Area:
T. 31 S., R. 4 E.,
Sec. 15: N½.

Total 6,410.59 acres.

RUSSELL E. GETTY,
Acting State Supervisor.

[F. R. Doc. 56-5678; Filed, July 16, 1956; 8:48 a. m.]

[Area Order 7]

AREA ADMINISTRATIVE OFFICER, AREA III AND AREA PROCUREMENT AND SUPPLY OFFICER, AREA III

REDELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

JULY 11, 1956.

Pursuant to the authority contained in section 1 of Order No. 615 of the Director, Bureau of Land Management, the Area Administrative Officer is authorized to enter into contracts for construction, supplies, or services, irrespective of amount, and leases of space in real estate as provided by the above.

The Area Procurement and Supply Officer is authorized to enter into such contracts when the amount in any contract does not exceed $2,000.

W. B. WALLACE,
Area Administrator.

[F. R. Doc. 56-5662; Filed, July 16, 1956; 8:45 a. m.]

National Park Service

[Region Five, Order 2, Amdt. 2]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY FOR APPROVAL OF PRELIMINARY PLANS FOR CONCESSIONERS' PROJECTS AND FOR ARCHITECTURAL STYLES

1. The following new paragraph is added to section 1:

(f) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

2. The following new paragraph is added to section 2:

(g) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

3. The following new paragraph is added to section 3:

(m) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

DANIEL J. TOBIN,
Regional Director.

[F. R. Doc. 56-5663; Filed, July 16, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AUTHORIZATION TO STATE BOARD OF STOCK INSPECTION COMMISSIONERS OF THE STATE OF COLORADO FOR INSPECTION OF LIVESTOCK

The State Board of Stock Inspection Commissioners of the State of Colorado, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the State of Colorado. It is found that the applicant is an agency of the State of Colorado, that branding and marking of livestock as a means of establishing ownership prevails by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the State Board of Stock Inspection Commissioners of the State of Colorado to charge and collect a reasonable and nondiscriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of Colorado for the purpose of determining the ownership of such livestock.

Therefore, after consideration of such application and all data, views and argument submitted as a result of the notice of proposed rule making in connection therewith published in the FEDERAL REGISTER on March 20, 1956 (21 F. R. 1735), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER.

Authorization. The State Board of Stock Inspection Commissioners of the State of Colorado is hereby authorized, with respect to livestock originating in or shipped from the State of Colorado, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), at which the said State Board of Stock Inspection Commissioners of the State of Colorado may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said State Board of Stock Inspection Commissioners of the State of Colorado. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder. (7 U. S. C. 217a)

Done at Washington, D. C., this 12th day of July 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 56-5689; Filed, July 16, 1956; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP COMPANY ET AL.

ANNUAL REVIEW OF BAREBOAT CHARTERS

Notice of tentative finding. In accordance with section 5 (e) (1) of the Merchant Ship Sales Act of 1946, as amended, existing bareboat charters of Government-owned, war-built, dry-cargo vessels have been reviewed as of June 30, 1956.

The Federal Maritime Board has tentatively found that conditions exist justifying the continuance of each of the following charters under the conditions previously certified by the Board:

Charterer and vessel. Alaska Steamship Company: Coastal Monarch, Coastal Rambler, Lucidor, and Palisana.

Coastwise Line: Ira Nelson Morris.

Pacific Far East Line, Inc.: Contest, Flying Dragon, Surprise, Fleetwood, and Sea Serpent.

Any interested party may request a hearing concerning the above-mentioned tentative finding with respect to any of these charters by filing written objections stating the reasons therefor with the Secretary, Federal Maritime Board, within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

The findings will become final if no objection thereto or request for a hearing is filed, as provided above. If such hearing is granted, the ultimate resulting finding will be the subject of a report by the Board.

By order of the Federal Maritime Board.

Dated: July 12, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-5690; Filed, July 16, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6691]

INTERSTATE POWER CO.

NOTICE OF APPLICATION

JULY 10, 1956.

Take notice that on July 3, 1956, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Interstate Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware, and doing business in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing Applicant to acquire by purchase from A. O. Fisher ("Seller"), an individual, the local electric distribution facilities serving the Village of Triumph, Minnesota. The consideration to be paid by Applicant aggregates $135,000, to be paid in six installments. Applicant will not acquire all of Seller's electric operating facilities. Seller will retain all real estate and building, all household appliances for resale, all passenger cars and trucks, all electric generating equipment, all copper wire and wiring supplies normally used for household wiring; all as more fully appears in the application on file with the Commission, which is available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 27th day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5665; Filed, July 16, 1956; 8:45 a. m.]

UNIVERSITY OF MICHIGAN

[Docket Nos. G-9444, G-10345]

MANUFACTURERS LIGHT AND HEAT CO. AND TRANS-PENN TRANSIT CORP.

NOTICE OF CONTINUANCE OF HEARING

JULY 9, 1956.

Upon consideration of the request by Counsel for The Manufacturers Light and Heat Company for postponement of hearing now scheduled for July 17 in the above-designated matters;

Notice is hereby given that said hearing is hereby postponed to commence at 10:00 a. m., e. d. s. t., September 11, 1956 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-5664; Filed, July 16, 1956; 8:45 a. m.]

[Docket No. G-10460]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 10, 1956.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with principal place of business at P. O. Box 831, Knoxville 1, Tennessee, filed, on May 24, 1956, an application, as supplemented on June 18 and 22, 1956, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as supplemented, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver natural gas in interstate commerce on a firm basis pursuant to 14-year requirements contracts to the Middle Tennessee Utility District (MTUD) for resale and distribution by MTUD for residential and commercial use.

The facilities proposed to be constructed and operated by Applicant are described as follows:

(a) A physical connection and necessary measuring and regulating equipment to be located on Applicant's existing 22-inch pipeline, at a point approximately seven miles north of Carthage, Tennessee;

(b) A physical connection and necessary measuring and regulating equipment to be located on Applicant's existing 22-inch pipeline, at a point approximately two miles north of Monterey, Tennessee;

(c) A physical connection and necessary measuring and regulating equipment to be located on Applicant's existing 12¾-inch pipeline, at Applicant's existing "Chattanooga North" measuring and regulating station; and

(d) A physical connection and necessary measuring and regulating equipment to be located on Applicant's existing 12¾-inch pipeline, near the town of Alto, Tennessee.

MTUD proposes to construct and operate four separate gas distribution systems and to sell gas at retail for residential and commercial use in the following communities:

System (1) Carthage, Gordonsville, Alexandria, Watertown, Liberty, Dowelltown, Smithville, Auburntown, Woodbury.

System (2) McMinnville, Centertown, Morrison, Viola.

System (3) Monterey, Sparta, Doyle, Crossville, Homestead.

System (4) Daisy, Soddy, Sale Creek, Graysville, Dayton.

The estimated total gas requirement in Mcf (at 14.9 psia) for the entire MTUD system which applicant proposes to serve are as follows:

	First year	Third year	Fifth year
Annual requirements	1,171,491	1,479,435	1,676,829
Maximum daily demand	13,859	16,975	19,098

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1956. Failure of any party to appear at and participate in the hearings shall be construed as waiver of a concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-5666; Filed, July 16, 1956; 8:45 a. m.]

VETERANS ADMINISTRATION

ASSISTANT ADMINISTRATOR FOR APPRAISAL AND SECURITY, ET AL.

DELEGATIONS OF AUTHORITY TO ISSUE SUBPENAS, ETC.

Section 1.1 (appearing in the issues of Saturday, February 21, 1948 (13 F. R. 801) and Saturday, September 24, 1949 (14 F. R. 5855)) is redesignated section 1, and is revised to read as follows:

SECTION 1. *Delegation of authority to employees to issue subpenas, etc.* (a) Employees occupying or acting in the positions designated in paragraph (b) of this section shall have the power to issue subpenas for (by countersigning VA Form 2-4003) and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents, and other evidence. Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence cannot be obtained efficiently in any other way.

(b) Designated positions: Assistant Administrator for Appraisal and Security, Director, Investigation Service, Managers of district offices, regional offices, and centers having district office and/or regional office activities.

(c) Any person required by such subpena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpena, the aid of any district court of the United States or the District Court of the United States in and for the District of Columbia may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-5673; Filed, July 16, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
JUL 24 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 138

Washington, Wednesday, July 18, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3148

ESTABLISHING THE EDISON LABORATORY NATIONAL MONUMENT—NEW JERSEY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, recognizing the primary significance in our civilization and industry of the Edison Home (Glenmont) and Laboratory, West Orange, New Jersey, recommended that they be considered eligible for recognition as being the most suitable sites at which to commemorate the outstanding achievements of the great American inventor, Thomas Alva Edison; and

WHEREAS the Edison Home (Glenmont) was designated as a national historic site by order of the Secretary of the Interior of December 6, 1955 (20 F. R. 9347), in furtherance of its preservation for the benefit and inspiration of the American people; and

WHEREAS the Edison Laboratory, used by the great inventor for the last 44 years of his life and the scene of many of his celebrated inventions, has been generously donated to the American people for preservation as a national monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim and declare that the following-described land, with the improvements thereon, situated in the Town of West Orange, County of Essex, State of New Jersey, are hereby established as the Edison Laboratory National Monument, and shall be administered pursuant to the act of August 25, 1916, 39 Stat. 535 (16 U. S. C. 1-3), and acts supplementary thereto and amendatory thereof:

BEGINNING in the southeasterly line of Main Street, formerly known as Valley Road, at a point formed by intersecting same with the northeasterly line of Lakeside Avenue; running thence (1) along the southeasterly line of Main Street north thirty-seven degrees seventeen minutes thirty seconds (37° 17′ 30″) east fifty-four and three hundredths feet (54.03′); thence (2) still along the said line of Lakeside Avenue north forty-one degrees thirty-three minutes thirty seconds (41° 33′ 30″) east two hundred seven and fifty-two hundredths feet (207.52′); thence (3) south forty-nine degrees thirty-two minutes twenty seconds (49° 32′ 20″) east one hundred fifty-six and ninety-one hundredths feet (156.91′); thence (4) south forty-one degrees twenty-two minutes (41° 22′) west sixty-two and seventy-five hundredths feet (62.75′); thence (5) south forty-eight degrees thirty-eight minutes (48° 38′) east one hundred thirty-six and eighty-three hundredths feet (136.83′); thence (6) south forty-one degrees twenty-two minutes (41° 22′) west one hundred twenty-two and twelve hundredths feet (122.12′) to a point in the driveway running between the buildings now standing on the premises herein described; thence (7) along said driveway north forty-eight degrees thirty-eight minutes (48° 38′) west thirty-four and seventy-six hundredths feet (34.76′) to a point in a line drawn northeasterly, parallel with and four inches (4″) easterly of the westerly face of a brick partition wall standing within the one-story brick portion of the Thomas A. Edison Laboratory Building; thence (8) along the line described as being within the said wall south forty-one degrees thirty-eight minutes (41° 38′) west sixty-four and eighteen hundredths feet (64.18′) to the outside or southerly face of the brick Laboratory Building fronting on Lakeside Avenue; thence (9) along the face of the said building north forty-eight degrees thirty-six minutes (48° 36′) west two and thirty-three hundredths feet (2.33′); thence (10) south forty-one degrees twenty-four minutes (41° 24′) west fifteen feet (15′) to the northeasterly line of Lakeside Avenue; and running thence (11) along same north forty-eight degrees thirty-six minutes (48° 36′) west two hundred fifty-three and eighteen hundredths feet (253.18′) to the place of BEGINNING, containing 1.51 acres more or less, being the same land conveyed by Thomas A. Edison, Incorporated, to the United States of America by deed of donation, dated December 5, 1955, and recorded on December 5, 1955, in Book 3369 at page 67, in the Register's Office, Essex County, New Jersey.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this National Monument.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

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DONE at the City of Washington this 14th day of July in the year of our Lord nineteen hundred and fifty-six, [SEAL] and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-5830; Filed, July 17, 1956; 10:19 a. m.]

EXECUTIVE ORDER 10673

FITNESS OF AMERICAN YOUTH

WHEREAS recent studies, both private and public, have revealed disturbing deficiencies in the fitness of American youth; and

WHEREAS, since the youth of our Nation is one of the greatest of our assets, it is imperative that the fitness of our youth be improved and promoted to the greatest possible extent; and

WHEREAS such fitness is the responsibility of the government at all levels, as well as the responsibility of the family, the school, the community, and other groups and organizations; and

WHEREAS it is necessary that the activities of the Federal Government in this area be coordinated and administered so as to assure their maximum effectiveness and to provide guidance and stimulation; and

WHEREAS a comprehensive study and a reevaluation of all governmental and non-governmental programs and activities relating to the fitness of youth are necessary in the interest of achieving and maintaining higher standards of youth fitness:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

PART I. PRESIDENT'S COUNCIL ON YOUTH FITNESS

SECTION 1. There is hereby established the President's Council on Youth Fitness (hereinafter referred to as the Council), which shall be composed of the Vice President of the United States, who shall be the Chairman of the Council, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, and the Secretary of Health, Education, and Welfare.

SEC. 2. The Council shall promote the efficacy of existing programs and the launching of additional programs which will enhance the fitness of American youth. The Council shall seek to coordinate, stimulate, and improve the functions of Federal agencies with respect to the fitness of youth.

SEC. 3. Each executive department the head of which is referred to in section 1 of this order shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Council in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691). Such assistance may include detailing employees to the Council, one of whom may serve as its executive officer, to perform such functions consistent with the purposes of this order as the Council may assign to them.

PART II. PRESIDENT'S CITIZENS ADVISORY COMMITTEE ON THE FITNESS OF AMERICAN YOUTH

SEC. 4. There is hereby established the President's Citizens Advisory Committee on the Fitness of American Youth (hereinafter referred to as the Advisory Committee). The Advisory Committee shall be composed of such members as the President may designate, and each member shall serve at the pleasure of the President. A member of the Advisory Committee shall be designated by the President as the chairman of the Advisory Committee.

SEC. 5. The Advisory Committee shall consider and evaluate existing and prospective governmental and private measures conducive to the achievement of a happier, healthier, and more completely fit American youth.

PART III. GENERAL PROVISIONS

SEC. 6. The Council shall be the President's official link with the Advisory Committee. The Council shall meet with the Advisory Committee at least once a year for the purpose of determining the progress made with respect to the problems relating to the fitness of American youth, and, taking into account the results of such meetings and other factors, shall prepare and present reports on this subject to the President.

SEC. 7. Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any executive department or other agency of the Government or any officer thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 16, 1956.

[F. R. Doc. 56-5829; Filed, July 17, 1956; 9:48 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[Administration Letter 475 (462)]

PART 371—OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

AUTHORITY TO EXECUTE LIEN WAIVERS IN CONNECTION WITH 1956 ACREAGE RESERVE PROGRAM

Part 371 of Title 6, Code of Federal Regulations, is hereby amended to add a new § 371.16 to provide authority for execution of lien waivers by County Office personnel in connection with the 1956 Acreage Reserve Program, and to read as follows:

§ 371.16 *Waiver of liens in connection with the 1956 Acreage Reserve Program* (a) Waivers of Farmers Home Administration liens on Form CSS–809 (Soil Bank), "Lien Waiver," or other form approved for this purpose, may be made to enable borrowers indebted to the Farmers Home Administration to participate in the Acreage Reserve Program under Public Law 540, 84th Congress, provided:

(1) The County Supervisor and the borrower determine that such participation is in the best interest of both the Government and the borrower, and

(2) The Farmers Home Administration is listed on Form CSS–800, "Soil Bank Acreage Reserve Agreement," or supplement thereto, as a lienholder with the amount to which the Farmers Home Administration is entitled being shown in the appropriate column(s). Compensation to be received under the Acreage Reserve Program will be treated as though it were income from the sale of crops, and will be subject to the provisions of § 371.4 (b) with respect to the release of crop income.

(b) County Supervisors are authorized to execute waivers of Farmers Home Administration liens on crops as provided for in paragraph (a) of this section, and to redelegate such authority to any employee(s) in their offices determined by them to be qualified through training and experience to exercise properly the authority.

(R. S. 161, 5 U. S. C. 22; sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3). Interprets or applies sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

Dated: July 12, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–5719; Filed, July 17, 1956; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR 1956

On June 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4293) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1956, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.).

The notice provided a period of 20 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.156 is added to read as follows:

§ 131.156 *Budget of expenses and rates of assessment for the calendar year 1956*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1956, will amount to $40,090.00 under the recommendation of the Control Agency.

(b) *Rates of Assessment.* Of the amount of $40,090.00 to be collected during the calendar year 1956, the sum of $30,789.12 shall be assessed against handlers who are manufacturers, and $9,300.88 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1956 by each handler who is a manufacturer shall be $18.84 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1955 and the pro rata share of such expenses to be paid for the calendar year 1956 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $7.95 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1956 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1956, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1955 and prepayments of a portion of their 1956 assessments by manufacturer and wholesaler handlers; (3) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (4) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U. S. C. 855)

Done at Washington, D. C. this 13th day of July 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56–5780; Filed, July 17, 1956; 8:59 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54137]

PART 1—CUSTOMS DISTRICTS AND PORTS

EXTENSION OF LIMITS OF VARIOUS CUSTOMS PORTS OF ENTRY

JULY 12, 1956.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs ports of entry of Port Arthur, Beaumont, Orange and Sabine, Texas, Lake Charles, Louisiana, Chicago, Illinois, and Toledo, Ohio, are hereby extended to include the additional territory described herein, effective upon the date of publication of this Treasury Decision in the FEDERAL REGISTER:

1. The limits of the customs port of entry of Port Arthur, Texas, the headquarters port of Customs Collection District No. 21 (Sabine), comprising the territory within the corporate limits of that city, are extended to include all points on the Neches River between the northerly corporate limits of Port Arthur and the plant of the Texas Company, including the plant and docks of that company; all points on that river between the southerly corporate limits of Port Arthur and the Intracoastal Canal; and the territory embracing the Jefferson County Airport.

2. The limits of the customs port of entry of Beaumont, Texas, in Customs Collection District No. 21 (Sabine), comprising the territory within the corporate limits of that city, are extended to include the territory embracing the Bethlehem Shipyards, and all points on the Neches River between the corporate limits of Beaumont and Port Neches, Texas; also, the territory within the corporate limits of Port Neches, Texas.

3. The limits of the customs port of entry of Orange, Texas, in Customs Collection District No. 21 (Sabine), comprising the territory within the corporate limits of that city, are extended to include all points on the Sabine River betwen the corporate limits of Orange and the Lake Charles Ship Canal.

4. The limits of the customs port of entry of Sabine, Texas, in Customs Collection District No. 21 (Sabine), comprising the territory within that municipality, are extended to include all points on the Neches River between the plant of the Sun Oil Company (including the plant and dock of that company) and the Gulf of Mexico.

5. The limits of the customs port of entry of Lake Charles, Louisiana, in Customs Collection District No. 21 (Sabine), comprising the territory within the corporate limits of that city, are extended to include all points on the Calcasieu River between the corporate limits of Lake Charles and Calcasieu Lake.

6. The limits of the customs port of entry of Chicago, Illinois, the headquarters port of Customs Collection District No. 39 (Chicago), comprising the territory within the corporate limits of that city, are extended to include the territory bounded as follows: Beginning at a point on Devon Avenue where it intersects the corporate limits of Chicago, thence extending westerly along Devon Avenue to the DuPage County (Illinois) line; thence southerly along said county line to 87th Street; thence easterly to Harlem Avenue; thence southerly to 138th Street; thence easterly to the Indiana State line. Also, the territory embracing North Township in Lake County, State of Indiana.

7. The limits of the customs port of entry of Toledo, Ohio, in Customs Collection District No. 41 (Ohio), comprising the territory within the corporate limits

of that city, are extended to include the territory within the corporate limits of Maumee, in Lucas County, and Rossford, in Wood County, and the territory embracing the Townships of Washington, Adams, and Oregon, in Lucas County, State of Ohio.

Section 1.1 (c), Customs Regulations, is amended by inserting "(including territory described in T. D. 54137)" opposite "•FORT ARTHUR, TEX." in the column headed "Ports of entry" in District No. 21 (Sabine); by inserting "(including territory described in T. D. 54137)" after the notation opposite "•Beaumont, Tex." in the column headed "Ports of entry" in District No. 21 (Sabine); by inserting "(including territory described in T. D. 54137)" after the notation opposite "•Lake Charles, La." in the column headed "Ports of entry" in District No. 21 (Sabine); by inserting "(including territory described in T. D. 54137)" after the notation opposite "Orange, Tex." in the column headed "Ports of entry" in District No. 21 (Sabine); by inserting "(including territory described in T. D. 54137)" opposite "Sabine, Tex." in the column headed "Ports of entry" in District No. 21 (Sabine); by inserting "(including territory described in T. D. 54137)" opposite "•CHICAGO, ILL." in the column headed "Ports of entry" in District No. 39 (Chicago); and by inserting "(including territory described in T. D. 54137)" opposite "•Toledo, Ohio," in the column headed "Ports of entry" in District No. 41 (Ohio).

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–5771; Filed, July 17, 1956; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 814.23, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter called the "act") for the purpose of allotting the 1956 sugar quota for the Mainland Cane Sugar Area. The basis and purpose of the order are more fully explained below.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the authority contained in the act and in accordance with applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on December 31, 1955 (20 F. R. 10167), of a public hearing to be held at New Orleans, Louisiana, in the International House on January 19, 1956, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of the 1956 quota for the Mainland Cane Sugar Area for the calendar year 1956. The hearing was held at the place and time specified in the notice.

Based upon the record of the hearing and pursuant to the applicable rules of practice and procedure, the Acting Administrator, Commodity Stabilization Service, United States Department of Agriculture, on June 20, 1956, filed a recommended decision and proposed order with respect to the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. Notice of such filing and opportunity to file exceptions thereto were given to all interested persons in the manner provided in the rules of practice and procedure (21 F. R. 4520). Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Administrator.

In arriving at the findings, conclusions, and regulatory provisions of this order, each of the exceptions filed to the findings, conclusions and actions recommended by the Administrator, and all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the recommended decision, such exceptions are overruled. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of Section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof alloted to him • • •.

The record of the hearing indicates that the prospective supply of mainland cane sugar available for marketing in 1956 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 9, 10).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of 500,000 short tons, raw value, of the 1956 Mainland Cane Sugar Area quota is based. That formula follows the proposal made by the Government witness in the record as to the measures and weightings of factors to be used for determining allotments (R. 18, 19).

In addition to the Government proposal two alternative methods for determining allotments were proposed by a representative of 40 of the 46 Louisiana processors (R. 70, 80; Ex. 14), and another method was supported by 3 Florida processors (R. 101, 102; Ex. 18). All proposals were similar in the following respects: (1) An allotment of 100 short tons, raw value, would be made to the Louisiana State University and the balance of the quota would be allotted to the other processors; (2) the factor "processings" would be measured by the total production from 1955-crop cane; (3) the factor "past marketings" would be measured by the 1951–55 average marketings within allotments and weighted 20 percent; (4) the factor "ability to market" would be measured in part by January 1, 1956, effective inventories exclusive of quantities contracted to the Commodity Credit Corporation and, in part, by some other measure and (5) each factor would be expressed, for each processor, as the percentage that his tonnage for the factor represents of the total tonnage for that factor. No testimony in the hearing record was in disagreement with the above and all allottees agreed and recommended for the record that an allotment of 100 short tons, raw value, be made to Louisiana State University (R. 87, 113).

The proposals differed in the following respects: The proposal supported by the Florida processors weighted the factors "processings," 40 percent; "ability to market," 40 percent and "past marketings," 20 percent, the same as proposed by the Government, while the Louisiana processors' proposals would weight the factors "processings," 60 percent; "past marketings," 20 percent and "ability to market," 20 percent. Varied proposals for measuring the factor "ability to market" were made, differing, however, only with respect to the quantities to be added to January 1, 1956, effective inventories (exclusive of quantities contracted to CCC) to complete the measure of "ability to market".

The method of allotment adopted gives recognition to the importance of having allotments in line with recent crop production levels by giving 1955-crop production a weight of 40 percent. A greater weight to this factor is deemed inappropriate under present circumstances in view of the wide variations for individual processors between their 1955-crop production and that for other recent years, and in view of the method proposed for measuring and weighting "ability to market".

The method adopted to measure the factor "ability to market" gives recognition to the extent sugar production of the past four crop-years exceeded mar-

ketings during the past three calendar years (including quantities contracted to CCC). Consequently, it recognizes the increments of current inventories traceable to the restrictions of marketings in the entire sequence of recent years in which quotas have been allotted. The quantity of sugar represented by the measure is substantially the same as the quantity of sugar which, from a supply or availability standpoint, will depend upon allotments for a fair, efficient and equitable opportunity to be marketed in 1956 (R. 21).

Expressed in other terms, but with identical results, this method of measuring the "ability to market" factor represents the quantity of sugar in effective inventory on January 1, 1956 (exclusive of quantities contracted to CCC), plus the quantity of new-crop sugar marketed in 1952. Effective inventories on January 1, 1956, represents the physical quantity of sugar held by processors on that date, plus the quantity of 1955-crop sugar produced in 1956.

Viewing "the ability to market" factor in terms of these two components supports its applicability. For most processors, new-crop marketings in 1952 fairly reflected their capabilities to market sugar in the closing months of that year, the most recent year without marketing restrictions. To the extent some failed to fully demonstrate their potential marketing abilities in late 1952, their January 1, 1953, inventories were increased accordingly. Such inventory increases, except as offset by subsequent marketings, continue to be reflected in January 1, 1956, effective inventories (R. 22). The component January 1, 1956, effective inventories, from a supply standpoint, reflects the entire ability of processors to market sugar in 1956 prior to October when processing of the 1956-crop begins, and the component new-crop marketings, as demonstrated by processors in the most recent period of unrestricted marketings, reflects the relative abilities of processors to market sugar in the last quarter of the year.

In 1956 the processors continue to fall into the same groups as in 1952 based on the percentage of the crop they process in the last quarter of the year and their tendencies to market all of the crop as it is produced or to distribute marketings over a longer period. Consequently, 1952 new-crop marketings, when added to January 1, 1956, effective inventories, provides a measure of ability which recognizes both the current and normal sizes of inventories and the length of time such inventories are normally carried.

Thus, this measure of "ability to market," described initially as the difference between the production of sugar from the four most recent crops and the marketings (including quantities contracted to CCC) for the three most recent years when marketings have been restricted, gives recognition to current inventories, and gives appropriate consideration to differences between processors in their customary marketing and storage patterns and is, therefore, a suitable and acceptable measure of ability.

Comparisons have been made between the allotments resulting from giving consideration to the three statutory factors as proposed herein, and production from crops in various years, inventory and new-crop situations as an aid in gauging whether such allotments result in a fair, efficient and equitable distribution of the quota (R. 26–30; Ex. 9, 10). Such analysis supports the conclusion that the allotments as proposed are fair, efficient and equitable.

All processings of sugar from 1955-crop sugarcane are used as a measure of the factor "processing of sugar or liquid sugar from * * * sugarcane to which proportionate shares * * * pertained," although total processings may include negligible quantities of sugar processed from sugarcane to which proportionate shares did not pertain since such quantities have insignificant effect in the formula used for fixing allotments (R. 19–20). It was proposed that contract quantities of sugar purchased by the Commodity Credit Corporation be used in computing final allotments (R. 18). No exception was taken to such use of total processings and contract quantities, and no evidence to the contrary was offered at the hearing. Final data have been made a part of the record subsequent to and as provided for in the hearing and are reflected in the proposed allotments (R. 16–17).

As the hearing record shows that the Department has received satisfactory evidence that Glenwood Coop., Inc., is the successor in interests to the E. G. Robichaux Company, Ltd., for allotment of quota purposes including pertinent history of production, marketings and inventories, such change has been reflected accordingly in the findings and allotment order (R. 32).

It was proposed in the record that any deficits in allotments of individual allottees, and any increases in quota due to deficits in other areas be allotted without further notice or hearing to such allottees as can supply the additional quantities in proportion to the allotments then in effect made pursuant to the record of this proceeding (R. 33). Written notification to the Sugar Division by an allottee that he is unable to fill a part of his allotment, and any regulations issued by the Secretary which allots deficits in quota of other areas to the 1956 quota for the Mainland Cane Sugar Area are to be considered a part of the record of this hearing for the purpose of official notice to be taken thereof (R. 33).

The findings and the allotment order include provisions similar to those included in the 1955 order (R. S. R. 814.22; 20 F. R. 7126), paragraphs (b) Restrictions on Marketing, and (c) Transfer of Allotment, and also include a provision similar to that included in the 1954 order (S. R. 814.21; 19 F. R. 1337), paragraph (d) Exchanges of Sugar Between Allottees. The need for including these provisions was supported by the Government witness (R. 31) and by a representative of many of the processors (R. 87) and there was no testimony or argument opposed to their inclusion.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1956, effective inventories of mainland cane sugar approximate 400,000 short tons, raw value. New-crop marketings during 1948–1952, the most recent five-year period without marketing restrictions, ranged from a low of about 274,000 tons to a high of about 435,000. Thus, the supply of sugar available for marketing in 1956 is expected to greatly exceed the quota.

(2) Prospects in other domestic areas and Cuba are such that no increase in the Mainland Cane Sugar Area quota through proration of deficits is likely.

(3) The supply situation makes necessary the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(4) Total processings of all sugar from 1955-crop sugarcane by each processor is a fair, efficient and equitable measure of processings of sugar from the 1955-crop of sugarcane to which proportionate shares pertained.

(5) An allotment of 100 short tons, raw value, shall be established for the Louisiana State University and the balance of the 500,000 ton Mainland Cane Sugar Area quota allotted herein, amounting to 499,900 short tons, raw value, shall be allotted in accordance with the method set forth in (6) and (7), below.

(6) For processors other than the Louisiana State University each of the three factors specified in section 205 (a) of the act shall be measured and weighted, and allotments determined as follows, based on final data in the hearing record:

(a) The factor processings from proportionate shares shall be measured by each processor's production of all sugar from 1955-crop sugarcane, in short tons, raw value, expressed as a percentage of the total of such processings for all processors, and weighted by 40 percent;

(b) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1951 through 1955, in short tons, raw value, expressed as a percentage of the total of the measure for all processors, and weighted by 20 percent.

(c) The factor ability to market shall be measured for each processor by subtracting (1) his total marketings in the calendar years 1953, 1954 and 1955, plus contract quantities of his sales to the Commodity Credit Corporation from (2) his total production of sugar for the crop years 1952 through 1955. The result of subtracting (1) from (2), above, in short tons, raw value, expressed as a percentage of the total of the measure of all processors shall be weighted by 40 percent.

(d) The total of the percentages resulting from (a), (b) and (c), above, for each processor shall be multiplied by 499,900 to determine his allotment in short tons, raw value.

(7) The quantities of sugar and the percentages referred to in paragraph (6), above, based on final data, are set forth in the following table:

Processor	Processings of sugar from 1955-crop cane		Past marketings average within allotments 1951–55		Ability to market					Processor's percentage share of 499,000 tons (column 2 x 40 percent plus column 4 x 20 percent plus column 9 x 40 percent)
					Total processings 1952–55 crop years (tons)	Total marketings 1953–55 calendar years (raw value)	Contract quantities of sales to CCC (tons)	Measure used		
	Tons, raw value	Percent of total	Tons, raw value	Percent of total				Column 5 less columns 6 and 7 (tons)	Percent of total	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Albania Sugar Coop., Inc.	6,631	1.160	5,145	1.010	25,466	15,441	606	9,419	1.137	1.121
Alice C. Ref. & Pntg., Inc.	7,812	1.366	6,080	1.194	29,775	18,164	606	11,005	1.329	1.317
Alma Plantation, Ltd.	7,637	1.335	5,978	1.174	28,221	17,591	613	10,317	1.246	1.267
J. Aron & Co., Inc.	13,016	2.275	10,260	2.020	52,676	32,003	1,553	19,120	2.308	2.297
Billeaud Sugar Factory	7,513	1.313	6,938	1.362	33,133	21,381	617	11,135	1.344	1.335
Breaux Bridge Sugar Coop., Inc.	6,889	1.204	5,838	1.146	28,348	17,048	675	10,625	1.283	1.224
J. M. Burgueleres Co., Ltd., The	6,246	1.092	4,716	.926	25,434	13,848	679	8,920	1.077	1.053
Burton-Sutton Oil Co., Inc.	7,593	1.327	5,838	1.146	28,841	19,549	1,517	7,575	.915	1.126
Caire & Graugnard	3,188	.557	3,292	.646	13,549	9,100	260	4,189	.506	.555
Caldwell Sugar Coop., Inc.	11,618	2.031	9,156	1.798	46,928	27,118	1,766	18,044	2.178	2.043
Catherine Sugar Co., Inc.	6,891	1.205	5,488	1.077	27,200	16,798	691	9,771	1.180	1.170
Columbia Sugar Co.	5,192	.908	4,851	.953	21,777	13,596	1,094	7,087	.856	.896
Cora-Texas Manufacturing Co., Inc.	2,372	.415	2,231	.438	10,319	6,627	519	3,173	.383	.407
Dugas & LeBlanc, Ltd.	10,717	1.873	9,673	1.899	46,519	29,413	1,469	15,637	1.888	1.884
Duhe & Bourgeois Sugar Co., Inc.	8,529	1.491	7,321	1.437	33,635	20,978	1,092	11,565	1.396	1.442
Erath Sugar Co., Ltd.	4,609	.806	4,366	.857	20,008	13,020	331	6,657	.804	.816
Evan Hall Sugar Coop., Inc.	21,051	3.680	16,294	3.199	82,981	49,929	2,415	30,637	3.699	3.592
Evangeline Pepper & Food Products, Inc.	4,440	.776	4,005	.786	20,089	12,095	276	7,718	.932	.896
Fellsmere Sugar Producers Association	7,435	1.300	9,019	1.771	38,092	25,412	1,192	11,398	1.376	1.425
Frisco Cane Co., Inc.	932	.163	673	.132	3,401	2,034	106	1,261	.152	.152
Glenwood Coop., Inc.	13,652	2.386	11,977	2.352	60,580	38,280	2,644	19,656	2.373	2.374
Godchaux Sugars, Inc.	34,457	6.023	29,642	5.820	144,030	91,238	5,533	47,259	5.706	5.856
Helvetia Sugar Coop., Inc.	6,937	1.213	5,180	1.017	27,106	16,667	648	9,791	1.182	1.161
Iberia Sugar Coop., Inc.	12,386	2.165	11,572	2.272	54,750	35,130	1,203	18,417	2.224	2.210
LaFourche Sugar Co.	14,527	2.539	11,644	2.286	59,003	35,529	1,826	21,738	2.625	2.523
Harry L. Laws & Co., Inc.	9,875	1.726	7,463	1.465	37,848	23,152	993	13,703	1.654	1.645
Levert-St. John, Inc.	7,861	1.374	7,905	1.553	38,048	24,849	723	12,476	1.506	1.463
Loisel Sugar Co., Inc.	4,889	.855	5,301	1.041	23,198	15,256	523	7,419	.896	.909
Louisiana State Penitentiary	3,722	.651	2,945	.578	12,959	7,096	392	5,171	.624	.626
Lula Factory, Inc.	11,223	1.962	9,547	1.874	46,639	29,423	1,124	16,092	1.943	1.937
Meeker Sugar Coop., Inc.	3,590	.627	3,422	.672	13,383	9,177	164	4,042	.488	.580
Milliken & Farwell, Inc.	12,414	2.170	9,999	1.946	50,208	30,964	2,129	17,115	2.066	2.084
Okeelanta Sugar Refinery, Inc.	10,589	1.851	10,317	2.026	55,941	35,654	2,845	18,072	2.182	2.018
M. A. Patout & Son, Ltd.	7,722	1.350	7,231	1.420	33,216	21,740	720	10,756	1.299	1.344
Poplar Grove Pltg. & Ref. Co.	9,290	1.099	5,112	1.004	24,565	15,193	596	8,776	1.060	1.064
St. James Sugar Coop., Inc.	12,064	2.109	9,296	1.825	48,319	28,987	1,183	18,149	2.191	2.085
St. Mary Sugar Coop., Inc.	11,075	1.936	10,982	2.156	50,522	30,233	401	19,888	2.401	2.166
Slack Bros., Inc.	3,061	.535	2,769	.544	12,857	8,066	299	4,492	.542	.540
Smedes Bros., Inc.	4,191	.733	3,800	.746	18,328	11,226	789	6,042	.729	.773
South Coast Corp.	42,067	7.354	38,148	7.490	168,738	102,344	6,032	59,762	7.215	7.326
Southdown Sugars, Inc.	41,093	7.183	35,803	7.029	166,733	108,287	7,541	50,905	6.146	6.737
Sterling Sugars, Inc.	12,377	2.164	9,651	1.895	40,836	23,666	1,659	15,511	1.873	1.994
J. Supple's Sons Pltg. Co.	4,460	.780	3,553	.698	17,565	10,734	789	6,042	.729	.743
United States Sugar Corp.	99,784	17.443	100,181	19.669	461,424	295,978	13,976	151,470	18.288	18.228
Valentine Sugars, Inc.	11,060	2.038	10,149	1.993	46,982	27,652	1,758	17,572	2.122	2.063
Vermilion Sugar Co., Inc.	1,899	.332	2,309	.453	9,836	6,463	000	3,373	.407	.396
Vida Sugars, Inc.	3,976	.695	3,938	.773	18,804	11,860	275	6,669	.805	.755
A. Wilbert's Sons Lumber & Shingle Co.	8,539	1.493	6,868	1.348	35,003	21,089	1,080	12,834	1.550	1.487
Young's Industries, Inc.	5,358	.937	5,521	1.084	25,952	16,403	539	9,010	1.088	1.027
Total	572,052	100.000	509,330	100.000	2,417,425	1,512,668	76,505	828,252	100.000	100.000

(8) The Glenwood Cooperative, Inc., successor to the interests of E. G. Robichaux Co., Ltd., shall have its 1956 allotment based on its past production, marketings and inventories of sugar combined with those formerly representing the operations of E. G. Robichaux Co., Ltd.

(9) An efficient distribution of the quota requires provision for transfer of allotments in unusual circumstances when deemed necessary to assure the processing of all proportionate shares.

(10) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment, equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1956 mainland cane sugar area quota.

(11) The order shall be revised without further notice or hearing, for the purpose of allotting any additional quota resulting from proration of deficits in the quota for other supply areas, or any deficit in the allotment of any allottee under the order, by allotting any such additional quota or deficit to allottees, who are able to supply the additional sugar, in the proportion that their respective allotments bear to the total allotments of such allottees under the order.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

(13) Allotments established by this order for some allottees are substantially larger than the allotments established in S. R. 814.23. To afford processors adequate opportunity to market within the time remaining in the calendar year the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; the section number designation § 815.23 as published in 20 F. R. 9851 is corrected to read § 814.23: *And it is hereby ordered*, That § 814.23 be amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota of 500,000 short tons, raw value for the Mainland Cane Sugar Area is hereby allotted to the following processors in amounts which appear opposite their respective names:

Processor	Allotments (short tons, raw value)
Albania Sugar Coop., Inc.	5,604
Alice G. Ref. & Pntg., Inc.	6,584
Alma Plantation, Ltd.	6,334
J. Aron & Co., Inc.	11,183
Billeaud Sugar Factory	6,674
Breaux Bridge Sugar Coop., Inc.	6,119
J. M. Burgueleres Co., Ltd.	5,264
Burton-Sutton Oil Co., Inc.	5,629
Caire & Graugnard	2,774
Caldwell Sugar Coop., Inc.	10,213
Catherine Sugar Co., Inc.	5,849
Columbia Sugar Co.	4,479
Cora-Texas Manufacturing Co., Inc.	2,034
Dugas & LeBlanc, Ltd.	9,418
Duhe & Bourgeois Sugar Co., Inc.	7,209
Erath Sugar Co., Ltd.	4,079
Evan Hall Sugar Coop., Inc.	17,956
Evangeline Pepper & Food Products, Inc.	4,179

Processor	Allotments (short tons, raw value)
Fellsmere Sugar Producers Assoc.	7,124
Frisco Cane Co., Inc.	760
Glenwood Coop., Inc.	11,868
Godchaux Sugars, Inc.	29,274
Helvetia Sugar Coop., Inc.	5,804
Iberia Sugar Coop., Inc.	11,048
LaFourche Sugar Co.	12,612
Harry L. Laws & Co., Inc.	8,223
Levert-St. John, Inc.	7,314
Loisel Sugar Co., Inc.	4,544
Louisiana State Penitentiary	3,129
Lula Factory, Inc.	9,683
Meeker Sugar Coop., Inc.	2,899
Milliken & Farwell, Inc.	10,418
Okeelanta Sugar Refinery, Inc.	10,088
M. A. Patout & Son, Ltd.	6,719
Poplar Grove Pltg. & Ref. Co.	5,319
St. James Sugar Coop., Inc.	10,423
St. Mary Sugar Coop., Inc.	10,828
Slack Bros., Inc.	2,699
Smedes Bros., Inc.	3,864
South Coast Corp.	36,623
Southdown Sugars, Inc.	33,678
Sterling Sugars, Inc.	9,968
J. Supple's Sons Pltg. Co.	3,714
United States Sugar Corp.	91,112
Valentine Sugars, Inc.	10,313
Vermilion Sugar Co., Inc.	1,930
Vida Sugars, Inc.	3,774
A. Wilbert's Sons Lbr. & Sh. Co.	7,433
Young's Industries, Inc.	5,134
Louisiana State University	100
All other persons	000
Total	500,000

(b) *Restrictions on marketings.* During the calendar year 1956 each person named in paragraph (a) of this section and any other person is hereby prohibited from marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section.

(c) *Transfer of allotment.* When approved in writing by the Director, Sugar Division, Commodity Stabilization Service, of the Department, allotments made in paragraph (a) of this section may be transferred, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1956-crop sugarcane because of inability of the transferor, arising subsequent to the processing of the 1955 crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 13th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-5774; Filed, July 17, 1956; 8:57 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.542 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 19, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Sharkey plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5818; Filed, July 17, 1956; 8:58 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.543 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 19, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{12}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{9}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{9}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5819; Filed, July 17, 1956; 8:58 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.544 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regu-

lating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 19, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of President plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828 15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size, and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5820; Filed, July 17, 1956; 8:58 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.545 *Plum order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1956, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Kelsey plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{13}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{9}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{9}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5822; Filed, July 17, 1956; 8:59 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.546 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act, and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Late Santa Rosa plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size, and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5821; Filed, July 17, 1956; 8:59 a. m.]

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.547 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date

of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{5}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{3}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{3}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5823; Filed, July 17, 1956; 8:59 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.543 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at

which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about August 3, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 19, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Elephant Heart plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{13}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{9}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{9}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5824; Filed, July 17, 1956; 8:59 a.m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SIZE GRADE SPECIFICATIONS

Notice of proposed rule making with respect to amendment of the administrative rules and regulations, as amended (7 CFR 984.401 et seq.; 20 F. R. 6675), issued pursuant to Marketing Agreement No. 105 and Order No. 84, as amended (7 CFR Part 984; 20 F. R. 5387), regulating the handling of walnuts grown in California, Oregon, and Washington, was published in the FEDERAL REGISTER of June 16, 1956 (21 F. R. 4258). Such proposed amendment relates to pack specifications. In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments, for consideration in connection with the proposals. Four such communications were received from walnut packers.

A packer in California opposed the proposed change on the basis that in his opinion it would tend to reduce the sale of inshell walnuts and accelerate the trend toward marketing walnuts in the shelled form. It was argued that this would adversely affect grower returns. Concern was also expressed in regard to expense for sizing screens to effect the proposed changes. Three Oregon packers expressed the view that making the proposed changes at this time would work a hardship on the Oregon industry because of expense of changing sizing equipment and the reduced producer income to be expected from the short 1956 crop.

The proposed changes were fully discussed at the Walnut Control Board meeting on April 17, 1956, and were unanimously recommended. Industry discussion was to the effect that at times it had been difficult to meet the trade demand for Large size, and that the proposed changes would tend to correct this situation by moderately increasing the percentage of walnuts which would classify as Large. Since the price per pound of Large size walnuts is customarily higher than for Medium and Baby sizes the change would tend to improve grower returns. Justification for the proposed size changes was based on statistics of the industry and the California crop and Livestock Reporting Service which indicate a pronounced shift in walnut production away from the round type varieties such as Placentia to the longer or more oval types particularly the Franquette. The content of a Franquette type walnut of a specified diameter will equal that of a round type walnut of slightly greater diameter. A reduction in the diameter requirement for any size does not necessarily mean a reduction in content of individual walnuts in that size classification. The proposed change is intended to result in a higher percentage of Large size walnuts than in some recent years, more in line with the historical sizeout of the crop.

Argument that the changing of screens for the 1956–57 marketing year to comply with the proposal would work a hardship on some packers is believed to have some merit. It is possible that the expense of changing sizing equipment at this time, in the case of some small packers, might tend to decrease grower returns for the 1956–57 marketing year. Use of present sizing equipment would produce packs which meet the minimum size requirements of the proposal but could result for Medium and Baby sizes

in percentages above the proposed maximum size requirements and in excess of the proposed tolerances. Under present size grade specifications, there is an overlapping betwen the top of the range for Baby size ($^{75}/_{64}$ inches) and the lower limit of Medium size ($^{71}/_{64}$ inches). The continuation of a $^{1}/_{64}$ inch overlapping between Baby and Medium sizes and the authorizing of an overlapping of $^{3}/_{64}$ inch between Medium and Large sizes should make it possible for those handlers, who find it impracticable or disadvantageous to change their sizing screens at this time, to meet the new requirements.

In view of the foregoing, it is concluded that the proposed changed provisions as published in the aforesaid notice should be put into effect, except that the top range of Baby size should be $^{71}/_{64}$ inches, instead of $^{73}/_{64}$ inches, and the top range of Medium size should be $^{79}/_{64}$ inches, instead of $^{77}/_{64}$ inches.

Therefore, paragraph (a) of § 984.402 is hereby amended to read as follows:

§ 984.402 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part I) for walnuts produced in California*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided,* That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{80}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{76}/_{64}$ inches.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{79}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{71}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

Also, paragraph (a) of § 984.403 is hereby amended to read as follows:

§ 984.403 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part II) for walnuts produced in Oregon and Washington*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided,* That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{80}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{79}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{71}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 13th day of July 1956, to become effective on the 31st day after publication of this document in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Service.

[F. R. Doc. 56-5778; Filed, July 17, 1956; 8:58 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 12—INSPECTION OF VESSELS

REPORTS; SUPERVISING DIRECTOR

Pursuant to the authority vested in the Governor of the Canal Zone by section 153 of title 2 of the Canal Zone Code §§ 12.8 and 12.9 are hereby amended by deleting therefrom the term "Marine Director" and inserting in lieu thereof the term "Supervising Inspector."

(Sec. 1, 47 Stat. 811; 2 C. Z. Code 153, 48 U. S. C. 1336a)

Issued at Balboa Heights, Canal Zone, July 6, 1956.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 56-5710; Filed, July 17, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 13]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

Section 1.108 has been amended to provide that in subject areas not fully covered by this subchapter, the Military Departments shall not adopt policies, procedures or take individual actions involving a major policy question without prior coordination with the other Departments and prior approval of the Assistant Secretary of Defense (Supply and Logistics). Section 1.108 as revised reads as follows:

§ 1.108 *Publications of the Military Departments.* The Military Departments and procuring activities may issue directives and other publications to implement this subchapter and other Department of Defense publications mentioned in § 1.106. Such implementation shall consist of providing for such delegations of authority and assignment of responsibilities and only such other implementing actions as are essential to the respective procurement operations of the Departments. Duplication of this subchapter shall be avoided to the extent feasible. In areas which are not fully covered by this subchapter, each military department may, consistent with the provisions of this subchapter, and other Department of Defense publications mentioned in § 1.106, maintain and issue such policies and procedures as are necessary for the efficient performance of procurement operations; provided, however, that no Department shall adopt any policy or procedure (including methods, systems, instructions, practices and contract clauses) which involves a major policy question without first coordinating with the other military departments through the ASPR Committee and obtaining the approval of the Assistant Secretary of Defense (Supply and Logistics) or, alternatively, at the option of the Materiel Secretary through use of the Materiel Secretaries' Council. Such approval involving Departmental publications shall be secured in advance. Approval of such matters not involving publications, but which relate to a single transaction, shall likewise be secured in advance unless exigency of the situation requires immediate action. Secretaries of the Departments will determine whether a major policy question is involved. One copy of military department publications and directives (including those of procuring activities) will be furnished to the other military departments and to the Assistant Secretary of Defense (Supply and Logistics).

Section 1.109 has been revised so as to define "Deviation." With respect to deviations affecting one contract or a single transaction, there must be special circumstances justifying a deviation, and written notice must be given to the other Departments and the Assistant Secretary of Defense (Supply and Logistics). Notice shall be given in advance of the effective date unless exigency requires immediate action. Where deviations affect more than one contract or contractor, they must be approved in advance by the Assistant Secretary of Defense (Supply and Logistics). Where proposed deviations do not involve major policy, unanimous approval of the ASPR Committee shall be the equivalent of Secretarial approval.

§ 1.109 *Deviations from this subchapter and Department of Defense publications governing procurement.*

§ 1.109-1 *Applicability.* For the purposes of this section, a deviation shall be considered to be any of the following:

(a) When a prescribed contract clause is set forth verbatim in this subchapter or a Department of Defense Directive, use of a contract clause covering the same subject matter which varies from the subchapter coverage or a Directive constitutes a deviation.

(b) When a Standard, DD, or other form is prescribed by subchapter or a Department of Defense Directive, use of any other form for the same purpose constitutes a deviation.

(c) Alteration of a Standard, DD, or other form (other than Departmental forms), except as authorized by subchapter or a Department of Defense Directive constitutes a deviation.

(d) When limitations are imposed in subchapter or a Department of Defense Directive upon the use of a contract clause, form, procedure, type of contract, or any other procurement action, including but not limited to the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration or settlement of contracts, the imposition of lesser or greater limitations constitutes a deviation.

(e) When a policy, procedure, method or practice of conducting procurement actions of any kind at any stage of the procurement process is covered by this subchapter, any policy, procedure, method, or practice which is inconsistent with that set forth constitutes a deviation.

§ 1.109-2 *Deviations affecting one contract or transaction.* Deviations from this subchapter or a Department of Defense directive which affect one contract only or a single transaction in connection with one contract, may be made or authorized in accordance with Departmental procedures providing (a) special circumstances justify a deviation and (b) written notice of such deviations is furnished to the Assistant Secretary of Defense (Supply and Logistics) and to the other military departments. Such written notice shall be given in advance of the effective date of such deviations unless exigency of the situation requires immediate action.

§ 1.109-3 *Deviations affecting more than one contract or contractor.* Deviations from this subchapter or Department of Defense directives which affect more than one contract or contractor will not be effected unless approved in advance by the Assistant Secretary of Defense (Supply and Logistics); provided, however, that unanimous approval by the members of the ASPR Committee will constitute approval of the Assistant Secretary of Defense (Supply and Logistics) of all matters except those involving major policy. Written requests for such approval will be submitted to the Assistant Secretary of Defense (Supply and Logistics) through the ASPR Committee as far in advance as exigencies of the situation will permit, or alternatively, at the option of the Materiel Secretary concerned, through use of the Materiel Secretaries' Council.

SUBPART C—BASIC POLICIES

Section 1.309 has been revised to clarify the following points: (1) The requirement for 100 percent use of the United States-flag vessels is limited to the transportation of supplies for the use of the military departments, (2) in the shipment of non-reimbursable contributions under foreign aid programs, shipment by MSTS is not required where the recipient country arranges such transportation at its own expense. Changes appear in § 1.309 (b) (2), (d) (1), and (e), and read as follows:

§ 1.309 *Preference for United States-flag privately owned ocean carriers.* • • •

(b) *General.* • • •

(2) Only United States-flag vessels will be employed for the transportation of the supplies defined in subparagraph (1) (i) of this paragraph when such supplies are for the use of the Military Departments unless such vessels are not available at fair and reasonable United States-flag rates.

• • • • •

(d) *Procedures.* (1) Except for those supplies obtained for non-reimbursable contributions to foreign assistance programs for which the ocean transportation is to be provided by and at the expense of the recipient Government, ocean transportation of supplies owned by the Government and in the possession of either a Military Department, or a contractor, or subcontractor of any tier, of a Military Department, will be provided by the Military Sea Transportation Service. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of its sub-contracts (including any contract under which title to property may pass to the Government prior to shipment) shall include a provision requiring the shipment of such property only as directed by the Contracting Officer, who shall be guided by this regulation and applicable Departmental procedures. The Military Sea Transportation Service shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with this section, and applicable regulations. The Commander of the Military Sea Transportation Service, or his designated representative is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

• • • • •

(e) *Responsibilities*—(1) *Military Departments.* (i) Each Military Department will furnish quarterly reports to the Office of the Secretary of Defense, showing the gross tonnage of all supplies owned, procured, contracted for or otherwise obtained (computed separately for dry bulk carriers, dry cargo liners, and tankers) which have been transported by ocean carrier, during the report period. Such report will consist of two parts. Part I shall include all tonnage subject to this paragraph except Mutual Defense Assistance Program tonnage and shall also show the geographic area of origin and of destination and shall separately reflect all such information for:

(*a*) Private United States vessels;

(*b*) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(*c*) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

Part II shall show all Mutual Defense Assistance Program tonnage shipped showing the geographic areas of origin and of destination and shall separately identify any shipments in other than foreign-flag vessels. Cargoes transported under arrangements made by the Military Sea Transportation Service will be excluded from the reports made by the Military Departments. Until a Department of Defense report form is announced in Part 16 of this subchapter, the Military Departments will maintain records of required information and prepare reports in accordance with Departmental procedures. After promulgation, the appropriate Department of Defense form will be used by the Military Departments in furnishing the required reports, except that if a Military Department develops, for its own use, reports which meet the requirements of this paragraph, and which are acceptable to the Assistant Secretary of Defense (Supply and Logistics), such reports may be forwarded in lieu of the Department of Defense form.

(ii) The Department of Navy will also furnish quarterly reports in two parts to the Office of the Secretary of Defense showing the gross tonnage of all supplies (computed separately for dry bulk carriers, dry cargo liners, and tankers) for which transportation has been arranged by the Military Sea Transportation Service by geographic areas of origin and destination for:

(*a*) Private United States vessels;

(*b*) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(*c*) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

Part I shall include all tonnage subject to this section except Mutual Defense

Assistance Program tonnage, and Part II shall show Mutual Defense Assistance Program tonnage.

(2) *Office of the Secretary of Defense.* The Office of the Secretary of Defense will evaluate the reports submitted under subparagraph (1) of this paragraph. In the event the evaluation of the reports indicates the need for increased utilization of private United States vessels, the Office of the Secretary of Defense shall issue appropriate instructions to the Military Departments.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

Section 2.204 has been revised as follows:

§ 2.204 *Bidders' mailing lists.*

§ 2.204–1 *General.* Bidders' mailing lists shall be established by purchasing offices or activities to insure ready and current sources of supplies, except when the purchasing office or activity is relatively small and sources of supply are readily available in sufficient number to provide adequate competition. All suppliers who appear, from the bidders' mailing list application or other available information, to be qualified and eligible to fill the requirements of a particular procurement shall be placed on the appropriate bidders' mailing list. Such lists shall be maintained on a current basis and subject to continuous review and revision by the head of the purchasing office or activity or his authorized representatives. The Bidders' Mailing List Application (Standard Form 129) shall be used as prescribed in § 16.810 of this subchapter in conjunction with the establishment and maintenance of bidders' mailing lists.

§ 2.204–2 *Suppliers' response to invitations for bids.* Included with or in each invitation for bids or pre-invitation notice there shall be a notice to suppliers that if no bid is to be submitted, the supplier should advise the issuing officer in writing if future invitations for the type of supplies or services covered by the invitation are desired. Where Standard Form 30 (Invitation and Bid) or Standard Form 33 (Invitation, Bid, and Award) are used for the solicitation of bids, such notice is given by paragraph 2 (c) of the terms and conditions of the Invitation for Bids as printed on the reverse side of these forms.

§ 2.204–3 *Removal of names from bidders' mailing lists.* Removal of names from bidders' mailing lists shall be accomplished as provided in this section. Purchasing offices and activities shall provide for periodic review to insure conformance with the provisions of this section.

(a) The name of each supplier who fails to respond to an invitation for bids or pre-invitation notice may be removed from the bidders' mailing list without notice to the supplier, but only for the item or items involved in the invitation or pre-invitation notice. Where a supplier fails to respond to two consecutive invitations for bids or pre-invitation notices, his name shall be removed from the bidders' mailing list to the extent indicated above, except that, in individual cases, suppliers thus failing to respond may be retained on a bidders' mailing list if such retention is determined to be in the best interest of the Government. A response to an invitation for bids or pre-invitation notice shall be deemed to include both actual bids and written requests from nonbidding suppliers for retention on the bidders' mailing list.

(b) The names of suppliers who have been (1) debarred from entering into Government contracts or (2) otherwise determined to be ineligible to receive an award of a Government contract, including ineligibility by reason of suspension or other disqualification, shall be removed from the bidders' mailing lists to the extent required by such debarment or determination of ineligibility.

§ 2.204–4 *Reinstatment on bidders' mailing lists.* Suppliers whose names have been removed from bidders' mailing lists may be reinstated upon their request and, where required, by filing a new application on Standard Form 129: *Provided*, That no supplier who has been debarred or declared to be ineligible shall be reinstated until after termination of the period of his debarment or ineligibility.

§ 2.204–5 *Excessively long bidders' mailing lists.* When the number of names on a bidders' mailing list is deemed to be excessive in relation to a specific procurement, such methods as (a) rotation of bidders' mailing lists, (b) use of pre-invitation notices, or (c) otherwise determined to be advantageous in this respect, may be employed to provide a reduced list of names for use in making the specific procurement. (But see § 1.302–4 (b) (3) with respect to firms located in labor surplus areas.)

§ 2.204–6 *Release of bidders' mailing lists.* Except as provided below, the list of prospective bidders to whom invitations for bids or requests for proposals have been submitted will not be released outside the Department of Defense, and will not be made available for inspection to individuals, firms, or trade organizations. Such lists may be made available to other Government agencies, at their specific written request, and upon the condition that the lists will not be made available for inspection to anyone outside the Government.

§ 2.204–7 *Release of names of prospective bidders on construction contracts.* When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bonda fide interest in such information, will be supplied, upon request, with a list of names of all prospective bidders who have been furnished copies of the plans and specifications.

Section 2.206.4 is revised as follows:

§ 2.206–4 *Individual procurement action report.* Prior to submitting DD Form 350 for review and approval (see § 16.807 of this subchapter), the contracting officer shall note on the form whether the procurement was publicized in the Department of Commerce Synopsis, and if it was not publicized, shall give the reason therefor by reference to the appropriate exception in § 2.206–1.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

Sections 3.201–2 (b) and 3.211 have been revised in order to standardize procedures in connection with the negotiation of contracts for research and development work and supplies related thereto. These revisions have the following effect:

(1) Such contracts with educational institutions, notwithstanding the current state of national emergency and irrespective of amount, shall be negotiated under the authority of section 2 (c) (5) of the Armed Services Procurement Act of 1947, as amended (see § 3.205).

(2) During the current national emergency, such contracts with contractors other than educational institutions, in amounts of $100,000 or less, shall be negotiated under the authority of section 2 (c) (1) of the act (see § 3.201–2 (b) (4)).

(3) Notwithstanding the current national emergency, such contracts with contractors other than educational institutions, in amounts over $100,000 shall be negotiated under section 2 (c) (11) of the act (see § 3.211).

The term "contracts" in connection with the above includes all amendments or supplemental agreements to contracts for new procurement, each of which shall be evaluated in the light of the above. Contract changes resulting from action under the "Changes" Clause shall not require Secretarial determinations and findings. No authorities, other than the above, shall be cited as the authority for experimental, developmental, or research work.

Section 3.201–2, as revised, reads as follows:

§ 3.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Assistant Secretary of Defense (Supply and Logistics) to be necessary in the public interest, and then only in accordance with Departmental procedures consistent with § 3.201.

(b) With respect to procurements initiated on or after January 1, 1956, and for the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Assistant Secretary of Defense (Supply and Logistics) has determined that the following procurements only shall be made pursuant to the authority of section 2 (c) (1) of the act:

(1) Procurements made pursuant to labor surplus and disaster area programs. Set asides shall be negotiated in accordance with procedures set forth in § 3.219.

(2) Procurements made in keeping with the small business programs.

(3) Nonperishable subsistence (pending resolution of the recommendation on this subject contained in the report of the Commission on Organization of the Executive Branch of the Government, subject "Food and Clothing").

(4) Procurements which are authorized to be negotiated under the provisions of § 3.211–1 for $100,000 or less from contractors other than educational institutions. Such negotiated procurements from educational institutions shall be negotiated under the authority of section 2 (c) (5) of the act (see § 3.205) irrespective of amount.

(c) Except as authorized in paragraph (b) of this section, procurements may be negotiated only when authorized by subsections (2) through (17) of section 2 (c), and section 2 (e) of the act (§ 3.202 through § 3.218) and § 3.219; determinations and findings shall be made in accordance with section 7 of the act (subpart C of this part); and the appropriate authority shall be cited in each contract.

This amendment is effective with respect to procurements initiated on or after January 1, 1956.

Section 3–211 as revised reads as follows:

§ 3.211 *Experimental, developmental, or research work.*

§ 3.211–1 *Authorization.* Pursuant to the authority of section 2 (c) (11) of the act, purchases and contracts may be negotiated without formal advertising if the Secretary:

determines that the purchase or contract is for expiremental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test.

Provided, That during a national emergency negotiated contracts for $100,000 or less shall be negotiated under the authority of section 2 (c) (1) of the act (see § 3.201–2 (b) (4)).

§ 3.211–2 *Application.* The following are illustrative of circumstances with respect to which this authority may be used:

(a) Contracts relating to theoretical analysis, exploratory studies, and experimentation in any field of science or technology;

(b) Developmental contracts calling for the practical application of investigative findings and theories of a scientific or technical nature;

(c) The purchase of such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experimentation, development, research, or test;

(d) Services, tests, and reports necessary or incidental to experimental, developmental, or research work.

This authority shall not be used for negotiated contracts with educational institutions or for quantity production except that such quantities may be purchased hereunder as are necessary to permit complete and adequate experimentation, development, research or test; however, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production. Negotiated contracts with educational institutions shall be negotiated under the authority of section 2 (c) (5) of the act (see § 3.205) irrespective of amount.

§ 3.211–3 *Limitation.* In order for this authority to be used, the required determination to be made by any Secretary must be made in accordance with the requirements of subpart c of this part.

§ 3.211–4 *Records and reports.* Each Department shall maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this section, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder, and shall prepare a report thereon, at the end of the current fiscal year (covering that portion of the current fiscal year during which this subchapter is effective) and at the end of each six-month period thereafter, and in the form and manner to be prescribed by the Department, to be submitted to the Assistant Secretary of Defense (Supply and Logistics) for the preparation of a combined Armed Services report to be submitted semi-annually to the Congress.

PART 7—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

Section 7.104–12 has been amended as follows:

§ 7.104–12 *Military security requirements.* Insert the following clause in all contracts which are classified by a Department as "Confidential," including "Confidential—Modified Handling Authorized," or higher and in any other contracts the performance of which will require access to such classified information or material, except that this clause shall not be used in contracts performed outside the continental United States, its territories and possessions. In those cases where the situation so warrants because of the nature of the item, or conditions under which it is to be produced, the contract shall provide and establish by a separate contract provision such additional security safeguards as may be required for the protection of that item. When the "Military Security Requirements" clause is inserted in any contract, the contracting officer or his authorized representative shall prepare and transmit to the contractor and the material inspector a Security Requirements Check List (DD Form 254) in accordance with § 16.811 of this subchapter.

MILITARY SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential—Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Forms 254 and 254–1).

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and (ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of the contracting Military Department shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

Section 7.106 has been amended as follows: Price escalation clauses for standard and semi-standard supplies have been revised to permit contractors to furnish required certificates either with each invoice or with the final invoice. The clause for basic steel and other basic metal products has also been revised so as to increase and decrease the unit price, and to limit such changes, by the amount of the fluctuation rather than on a percentage basis; other revisions have also been made to facilitate administration. Section 7.106, as revised, reads as follows:

§ 7.106 *Price escalation clauses (established prices).* This section sets forth uniform clauses for use when it is desired to provide for price escalation in the event of changes in the contractor's

established prices. Each clause is preceded by a statement of the conditions under which it may be used.

§ 7.106–1 *Escalation clause for basic steel, aluminum, brass, bronze or copper mill products.* The following price escalation clause is authorized for use in advertised or negotiated fixed-price supply contracts for basic steel, aluminum, brass, bronze or copper mill products, such as sheets, plates and bars, when:

(a) An established price exists for the particular supply being procured; and

(b) The contract is made with a producer of steel, aluminum, brass bronze or copper, or with an operator of a steel foundry.

The percentage figure to be used in paragraph (d) (3) of the clause shall not exceed 10 percent.

PRICE ESCALATION

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging and packing, beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising) for like quantities of the supplies covered by this contract.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any established price, and each applicable unit price shall be decreased by the amount of the decrease in the applicable established price. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by formal advertising), or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions.

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising).

(2) No unit price shall be increased by an amount greater than the amount of the increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ------ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, but if the Contractor's request for adjustment is received by the Contracting Officer more than 10 days after the effective date of the increase in the Contractor's applicable rate, no adjusted unit price shall be effective earlier than the date of receipt by the Contracting Officer of such request.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation. In such event the Government shall pay for all supplies so delivered at the applicable unit price contained in the Contractor's request, and the contract shall be amended accordingly; provided, that such certification is made within 10 days after receipt of notice of such cancellation, and provided further that such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (d). In the event this contract is for standard steel supplies, they shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further that if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 7.106–2 *Escalation clause for nonstandard steel items.* The following price escalation clause is authorized for use in negotiated fixed-price supply contracts when—

(a) The contractor is a steel producer and actually manufactures the basic steel item referred to in paragraph (d) of the clause; and

(b) Items being procured are nonstandard steel items made wholly or in major part of steel.

PRICE ESCALATION

(a) The Contractor represents that the unit prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by it, or (ii) the prices which the Contractor charges its manufacturing shops for the steel required in the performance of this contract.

(b) Each contract unit price shall be subject to revision, pursuant to the provisions of this clause, to reflect changes in the cost of labor and steel. For the purpose of any such price revision, the proportion of the contract unit price attributable to costs of labor not otherwise included in the price of the steel item identified in paragraph (d) below shall be ____ percent, and the proportion of the contract unit price attributable to the cost of steel shall be ____ percent.

(c) For the purposes of this paragraph, the term "labor index" shall mean the average straight time hourly earnings of the Contractor's employees in the [see Note (1)] shop of the Contractor's [see Note (1)] plant for any particular month. The word "month" as used herein means "calendar month;" provided, however, that if the Contractor's accounting period does not coincide with the calendar month, then such accounting period shall be used throughout the clause in lieu of "month." Unless otherwise specified in this contract, the labor index shall be computed by dividing the total straight time earnings of the Contractor's employees in the particular shop identified above for any given month by the total number of straight time hours worked by such employees in that month. Any revision in a contract unit price to reflect changes in the cost of labor shall be computed solely by reference to the "base labor index," which shall be the average of the labor indices for the three months consisting of the month of [see Note (2)] 19--, the month immediately preceding and the month immediately following, and to the "current labor index," which shall be the average of the labor indices for the month in which delivery of supplies is required to be made in accordance with the terms of this contract and the month preceding.

(d) Any revision in a contract unit price to reflect changes in the cost of steel shall be computed solely by reference to the "base steel index," which shall be the Contractor's established or published price to the public [see Note (3)] including all applicable extras of $____ per ____ (unit) for [see Note (4)] on [see Note (5)], 19--, and the "current steel index," which shall be the Contractor's established or published price to the public [see Note (3)] of said item including all applicable extras in effect [see Note (6)] days prior to the first day of the month in which delivery of supplies is required to be made in accordance with the terms of the contract.

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price(s) shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to ____ percent of the original contract-unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision); provided, however, that any revised contract unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of one cent.

(f) Pending revisions of the contract unit price(s), if any, to be made pursuant to this clause, the Contractor shall be paid the contract unit price(s) for deliveries made. Within thirty days after the final delivery of supplies, or within such further period of time as may be authorized by the Contracting Officer, the Contractor shall furnish a statement signed by the official supervising accounting with respect to this contract setting forth and certifying the correctness of (i) the average straight time hourly earnings of the Contractor's employees in the shop of the Contractor identified in paragraph (c) above which earnings are relevant to the computations of the "base labor index" and the "current labor index," and (ii) the Contractor's established or published prices to the public [see Note (3)] including all applicable extras, for like quantities of the item identified in paragraph (d) above, which prices are relevant to the computation of the "base steel index" and the "current steel index." Upon request of the Contracting Officer or his duly authorized representative, the Contractor shall make available its records used in the computation of the labor indices. After the receipt of such certificate by the Contracting Officer, the revised contract unit price(s) shall be computed in accordance with the provisions of this clause, and this contract shall be amended accordingly.

(g) In the event of any total or partial termination of any item of this contract for the convenience of the Government, the month in which notice of such termination is received by the Contractor, if prior to the month in which delivery is required by this contract, shall be considered the month in which delivery of such terminated or partially terminated item is required for the purpose of determining the current labor and materials indices under paragraphs (c) and (d) hereof; provided, however, that as to the quantity of such item which is not terminated for convenience, the month in which delivery is required by this contract shall continue to apply for determining said indices. In the case of termination of any item for default on the part of the Contractor, any price revision shall be limited to the quantity of each item which has been delivered by the Contractor and accepted by the Government prior to receipt by the Contractor of notice of termination for default.

(h) As used in this clause the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered; provided, however, that in case the failure of the Contractor to make delivery of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the clause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly.

(i) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

NOTES

(1) Identify the shop and plant in which the standard steel mill item identified in paragraph (d) will be finally fabricated or processed into the contract item.

(2) Insert the month in which the Contractor submitted its quotation.

(3) When there is no established or published price to the public, or when it is not desirable to use such price, this paragraph may refer to another appropriate price basis, such as an established interplant price.

(4) Identify the standard steel mill item used by the Contractor in the manufacture of the contract item.

(5) Insert the date of the Contractor's quotation.

(6) Insert the number of days which represents the Contractor's best estimate of the period of time required for processing the standard steel mill item in the shop identified in paragraph (c).

§ 7.106–3 *Escalation clause for standard supplies.* The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. The percentage figure to be used in subparagraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against its list or catalog price are taken into account in negotiating the contract unit price, the Contracting Officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts.

PRICE ESCALATION

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging, and packing beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the contract date for like quantities of the supplies covered by this contract. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from its list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by formal advertising), or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed -- percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further that, if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the

applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 7.106–4 *Escalation clause for semi-standard supplies.* The following price escalation clause is authorized for use in negotiated fixed-pric supply contracts for semistandard supplies, the prices of which can be reasonably related to the prices of nearly equivalent standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. A clear understanding should be set forth in writing prior to making the contract as to the identity of the standard supply items which are applicable. The percentage figure to be used in subparagraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the Contractor against its list or catalog price are taken into account in negotiating the contract unit price, the Contracting Officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts. When the supplies being purchased are standard supplies in all respects except for preservation, packaging, and packing requirements, the following clause should not be used; in such cases the Escalation Clause for Standard Supplies, in § 7.106–3, is the appropriate clause.

PRICE ESCALATION

(a) The Contractor warrants that the supplies covered by this contract are supplies which the Contractor customarily offers for sale commercially, except for modifications in accordance with the specifications of this contract, and that as of the contract date any differences between the unit prices stated herein and the Contractor's established prices for like quantities of the supplies which are the nearest commercial equivalents of the supplies covered by this contract (herein referred to as "the established prices") are due to compliance with such specifications, and to compliance with any requirements which this contract may contain for preservation, packaging, and packing beyond standard commercial practice. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from its list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by formal advertising), or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, pursuant to the clause of the contract entitled "Termination for Convenience of the Government," terminate the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such termination.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or termination of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further that if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor terminates the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

PART 8—TERMINATION OF CONTRACTS

SUBPART F—TERMINATION INVENTORY

Section 8.609 has been revised to integrate Defense procedures with the programs for donation of surplus termination inventory for educational and public health purposes, including research. Files reflecting donable property will be established at military installations and made available to the Department of Health, Education, and Welfare for screening. Such property will not be disposed of until that Department has an opportunity to request donations in accordance with the procedures set forth in this section, as revised. Section 8.609 now reads as follows:

§ 8.609 *Donations for educational and public health programs.* (a) Termination inventory which is to be sold or otherwise disposed of in accordance with § 8.608 may be donated for educational or public health purposes, including research, upon allocation by the Department of Health, Education, and Welfare, subject to approval by the General Services Administration, as authorized by the Federal Property and Administrative Services Act of 1949, as amended. To assist the Department of Health, Education, and Welfare in locating property which is available for donation, each military department will furnish that Department with a directory of activities where donable property files are maintained and may be examined.

(b) Schedules of termination inventory available for donation shall be maintained in a donable property file for a period of 10 days from the date of the decision to dispose of the property in accordance with § 8.608. Within that time the Department of Health, Education, and Welfare has the responsibility (1) to notify the Contracting Officer of the items selected for donation and (2) to initiate a request to the appropriate General Services Administration regional office for approval of the donation. Disposition of the property selected shall be postponed pending action by the General Services Adminstration; otherwise, the property shall be disposed of in accordance with § 8.608. Notification to the contracting officer by the General Services Administration of the action on the request shall constitute authority for the contracting officer to hold the property for a period not to exceed 40 days from the date of subparagraph (1) of this paragraph or to take such action as the General Services Adminstration may direct. If shipping instructions are not received for the property within the 40-day period, together with provision for payment of costs of care, handling and transportation incurred incident to donation, the Contracting Officer shall dispose of the property in accordance with § 8.608.

(c) Property required for use by the Department of Defense may be withdrawn from the items available for donation at any time prior to shipment or removal.

Section 8.613–2 (d) has been amended as follows:

§ 8.613–2 *Required review.* • • •

(d) A determination to destroy or abandon material in accordance with § 8.610, if the original acquisition cost of the material exceeds $1,000.

PART 16—PROCUREMENT FORMS

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

Section 16.301 has been revised as follows:

§ 16.301 *Receipt for cash—subvoucher (Standard Form 1165).* Standard Form 1165 may be used in connection with procurements by the imprest fund (petty cash) method in accordance with § 3.604 of this subchapter.

SUBPART E—SPECIAL CONTRACT AND ORDER FORMS

Forms and procedures for novation agreements are included in a new § 16.505, as follows:

§ 16.505 *Novation agreements.*

§ 16.505–1 *Scope of section.* This section prescribes the policy and procedures for recognition of (a) a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of its assets as is involved in the performance of the contracts or (b) a change of name of a contractor.

§ 16.505–2 *Agreement to recognize a successor in interest.* (a) The transfer of a Government contract is prohibited by law (41 U. S. C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporations; and

(3) Incorporation of a proprietorship or partnership.

(b) Where it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the Department concerned shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth below. This form may be adapted to fit specific cases, and may be used as a guide in preparing similar agreements for use in other situations.

AGREEMENT

This agreement, entered into as of _____ _____, 19__, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferor"); the XYZ Corporation [formerly known as the LMN Corporation], a corporation duly organized and existing under the laws of the State of _____ with its principal office in the City of _____ (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH:

Whereas the Government, represented by various Contracting Officers of the Department of the _____, has entered into certain contracts, letter contracts and purchase orders with the Transferor, [namely: _____ _____] or [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by various Contracting Officers of the Department of the _____, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto hereafter made between the Government and the Transferee;

Whereas as of _____, 19__, the Transferor assigned, conveyed and transferred to the Transferee all the assets of the Transferor by virtue of a [term descriptive of the legal transaction involved] between the Transferor and the Transferee;

Whereas the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

Whereas by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

Whereas the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

Whereas it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

Whereas there has been filed with the Government evidence of said assignment, conveyance or transfer [add if desired, "in the form of a certified copy of the (list the documents required by paragraph (c) of this section)"];

[Where a change of name is also involved, such as a prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

Whereas there has been filed with the Government a certificate dated _____, 19__, signed by the Secretary of State of the State of _____, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on _____, 19__];

Now therefore, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts, to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that no claim for payment by or reimbursement from the Government shall be made by either of them with respect to any costs, increased taxes or other expenses arising out of or attributable to (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government would have been obligated to pay or reimburse under the terms of the Contracts in effect prior to the execution of this Agreement.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consent to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect.

In Witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____
(Corporate Seal)

ABC CORPORATION
By _____
Title _____
(Corporate Seal)

XYZ CORPORATION
By _____
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

By _____

(Corporate Seal)

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19__.

By _____

(Corporate Seal)

(c) Prior to the execution of such agreement one copy of each of the following, as applicable, shall be deposited by the contractor with the Department concerned:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts, letter contracts, and purchase orders, which have not been finally settled between the Department concerned and the transferor, showing the contract number, the name and address of the respective procuring activities involved; and, if determined necessary, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) An opinion of counsel for the contractor parties that the transfer was properly effected in accordance with applicable law; and to the extent necessary;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets; and

(9) Evidence of security clearance requirements.

§ 16.505–3 *Agreement to recognize change of name of contractor.* (a) Where only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the Department concerned and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. A form for such an agreement, which shall be adapted for specific cases, is set forth below.

AGREEMENT

This agreement, entered into as of_____, 19__, by and between the ABC Corporation [formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"], a corporation duly organized and existing under the laws of the State of _____, and the United States of America, represented by the Department of the _____ (hereinafter referred to as the "Government").

WITNESSETH:

Whereas the Government, represented by various Contracting Officers of the Department of the _____, has entered into certain contracts, letter contracts and purchase orders with the XYZ Corporation, [namely:] or [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;] and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by various Contracting Officers of the Department of the _____; and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

Whereas the XYZ Corporation, by an amendment to its certificate of incorporation, dated _____, 19__, has changed its corporate name to the ABC Corporation;

Whereas a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

Whereas there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By _____

Title _____

(Corporate Seal)

ABC CORPORATION

By _____

Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19__.

By _____

(Corporate Seal)

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the Department concerned:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) An opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law; and

(3) A list of all contracts, letter contracts, and purchase orders, which have not been finally settled between the Department concerned and the contractor, showing contract number, and the name and address of the respective procuring activities involved.

Section 16.506 is added as follows:

§ 16.506 *Communication Service Authorization (DD Form 428).* DD Form 428 shall be used in accordance with Departmental procedures as an order for facilities and services under contracts for telephone and telegraph communications facilities and services.

Section 16.803–1 (c) has been amended to provide for issuance and distribution of DD Form 879, "Contractor's Weekly Payroll Affidavit;" however, contractors are authorized to reproduce this form or to submit a combined payroll-affidavit form. Part 16 now also includes information regarding DD Form 350 (Individual Procurement Action Report); Standard Form 129 (Bidders' Mailing List Application); and DD Form 254 (Security Requirements Check List). Section 16.803–1 (c) reads as follows:

§ 16.803–1 . *Construction contracts.*

* * *

(c) When required by § 12.404–6 (a) and the contract clauses prescribed by § 12.403–1 of this subchapter or § 12.403–4 of this subchapter, a "Contractor's Weekly Payroll Affidavit" (DD Form 879) shall be submitted by the contractor. When the contract clauses prescribed by § 12.403–2 of this subchapter are applicable, DD Form 879 likewise shall be used but with paragraphs (2) and (3) deleted or omitted from the affidavit. A supply of DD Form 879 may be furnished to contractors for their use. However, the existence of the DD Form shall not preclude any contractor from submitting the affidavit on a contractor's combined payroll-affidavit form or from reproducing the DD Form as a separate contractor's form, provided that in either instance there is a certification on the contractor's form that the affidavit is reproduced in the exact language of the DD Form.

Sections 16.807 through 16.811 have been added as follows:

§ 16.807 *Individual Procurement Action Report (DD Form 350).*

§ 16.807–1 *General.* DD Form 350 is designed to provide essential management statistics on a uniform basis. This report also provides the Department of Labor with data required in connection with the administration of the Walsh-Healey Act.

§ 16.807–2 *Conditions for use.* DD Form 350 will be prepared in all Military Departments and Joint Procuring Agencies for all debit or credit procurement actions where the amount involved is $10,000 or more, and, regardless of amount for:

(a) All procurements negotiated pursuant to § 3.211 or § 3.216 of this subchapter, and all other contracts for research and development;

(b) All letter contracts; and

(c) All definitive contracts superseding letter contracts.

This requirement applies to procurement actions against appropriated funds, contract authorizations, and stock or other revolving funds which are replenished from appropriated funds. Military Interdepartmental Purchase Requests, and procurement actions citing non-appropriated funds, are excluded.

§ 16.807–3 *Preparation of forms.* DD Form 350 will be prepared at the time of the procurement action, or as soon afterward as possible, in accordance with Departmental procedures.

§ 16.808 *Duty Free Entry Certificate (Customs Form 7501).* [Reserved]

§ 16.809 *Report of Inventions and Subcontracts (DD Form 882).* Form 882 is approved for optional use by contractors in reporting information required by paragraph (c) (ii), (c) (iii), and (h) of the Patent Rights clause set forth in § 9.107–1 of this subchapter.

§ 16.810 *Bidders' Mailing List Application (Standard Form 129).*

§ 16.810–1 *General.* Standard Form 129 shall be used in connection with the establishment and maintenance of bidders' lists as prescribed in § 2.204 of this subchapter. Supplemental information, where required, may be obtained by using DD Form 558–1 (Bidders' Mailing List Application Supplement).

§ 16.810–2 *Conditions for use.* Additions to the bidders' mailing list of a purchasing activity shall be made only after considering a properly completed application on Standard Form 129. The application shall be submitted and signed by the supplier (the manufacturer or regular dealer), as distinguished from an agent of the supplier. However, suppliers are not precluded from designating, in the Standard Form 129, their agents to receive Invitations for Bids.

§ 16.810–3 *Item listings for information of bidders.* In order to enable suppliers to indicate readily the items on which they will generally desire to submit bids or proposals, there shall be attached to Standard Form 129 forwarded to suppliers for completion, a list of items, or item groups, or an index to such listing of the items, procured by the purchasing activity maintaining the list, which are considered applicable to the supplier's type of business.

§ 16.811 *Security Requirements Check List (DD Form 254).* The "Military Security Requirements" clause (§§ 7.104–12 and 7.204–12 of this subchapter) is included in all contracts which are classified "Confidential" including "Confidential—Modified Handling Authorized" or higher and in any other contracts the performance of which will require access to such classified information or material. Contracting officers shall inform contractors of the security classifications assigned to the various documents, materials, tasks, subcontracts, and components of classified contracts by using DD Form 254 and, when components from subcontractors are involved, DD Form 254–1 (Appendage to Security Requirements Check List). Instructions for preparation are included in the form. The Contracting Officer is responsible for preparation of the form and shall insure that it is physically attached to the copies of the contract forwarded to the contractor and the material inspector.

(R. S. 161; 5 U. S. C. 22)

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 56–5700; Filed, July 17, 1956; 8:46 a. m.]

Subchapter M—Miscellaneous

PART 141—SOLICITATION OF COMMERCIAL LIFE INSURANCE ON MILITARY INSTALLATIONS

USE OF ALLOTMENT SYSTEM

Section 141.6 *Use of the allotment system* has been amended by deletion of paragraph (c) therefrom.

(Sec. 202, 61 Stat. 500.00, as amended; 5 U. S. C. 171a)

CARTER L. BURGESS,
Assistant Secretary of Defense (Manpower, Personnel and Reserve).

[F. R. Doc. 56–5699; Filed, July 17, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11374; FCC 56–648]

[Rules Amdts. 7–11 and 8–17]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete the frequencies 6240 kc and 6455 kc and to make the frequency 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waterways (except the Great Lakes).

1. This proceeding was instituted on April 27, 1955, by the Commission's notice of proposed rule making which would amend Parts 7 and 8 of the Commission's rules to delete the frequencies 6240 kc and 6455 kc and make the frequency 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waters (except the Great Lakes). This proposal was instituted as one in a progressive series of actions since 1951, involving changes in various parts of the Commission's rules as necessary to achieve conformity with the Table of Frequency Allocations and related provisions of the Radio Regulations of Atlantic City, 1947. Such actions are in accordance with the program set forth in the Agreement concluded by the Extraordinary Administrative Radio Conference (Geneva, 1951), hereinafter referred to as the Agreement.[1]

2. The proposed rule changes contemplated establishment of "the internationally protected Rivers frequencies" (including 4067 kc and 4372.4 kc but not 6240 kc and 6455 kc) "on a firm active basis", inasmuch as it appeared that this would serve public interest and necessity pursuant to sections 303 (f) and (r) of the Communications Act. The proposal designated August 5, 1955, as the final date for the submission of original comments in written form by interested persons. In response to petitions from certain interested persons, the date for submission of original comments was extended to October 31, 1955.

3. Comments were filed by American Waterways Operators, Inc., the Central Committee on Radio Facilities of the American Petroleum Institute, Radiomarine Corporation of America, and Warner & Tamble Radio Service, Inc., hereinafter referred to as Waterways Operators, Petroleum Institute, RMCA, and Warner & Tamble, respectively. The comments submitted by RMCA and Warner & Tamble also incorporated by reference their respective comments previously filed in closed Dockets 10377 and 10724 concerning Commission Notices of Proposed Rule Making, likewise pertaining to changes in radiotelephone frequencies assignable for use by coast and ship stations of the Mississippi River System. In addition to direct comment filed by Petroleum Institute, the latter expressed full concurrence with the comments filed by RMCA and Waterways Operators. To the extent that comments submitted in closed Dockets 10377 and 10724 by RMCA and Warner & Tamble have a bearing upon matters covered by the proposals in this proceeding, such comments have been considered in the action taken in this Docket.

4. All of the commenting parties objected to the proposed rule making essentially on the ground that the loss of frequencies in the 6 Mc band would deprive the Mississippi River commercial transportation system of a means of communication which is essential to the efficient operation of the system.[2] The

[1] See Subpart G, Appendix A to Part 2, FCC rules and regulations for more detailed information regarding these and all other applicable international agreements mentioned in this Report and Order.

[2] Various parties pointed out that the commercial transportation system of these inland waters is important in the national economy. According to Petroleum Institute, River traffic has increased more than 520 percent

present radio communication system is substantially as follows: Public coast stations at five primary locations are licensed for radiotelephone communication with ship stations on the Rivers:

Call sign	Location	Licensee
WAY	Lake Bluff and Chicago, Ill.	Illinois Bell Telephone Co.
WFN	Louisville, Ky.	Warner & Tamble.
WGK	St. Louis, Mo.	RMCA.
WCM	Pittsburgh, Pa.	RMCA.
WBN and WJG	Memphis, Tenn.	Warner & Tamble.

There are approximately 500 vessels engaged in commerce on the Rivers which are licensed for ship-shore public telephone service through these coast stations.

5. During each period of several weeks, in which typical towboats with barges in tow are engaged in hauling freight on the Rivers over round-trip distances of some 500 to 1,500 miles, it is necessary to report the position of the ships daily and to carry on telephone conversations with the home office at least several times each day. According to RMCA in a previous comment filed in preceding Docket No. 10377, it is important to the barge lines, the largest commercial users of the river radio-communication service, that their home offices can reach all their vessels "through the nearest land station at a given time—from two to four times a day during daylight hours—and to the greatest possible extent on the same frequency". Further, RMCA advised that the barge line arranges with "the land station in its port" to call all its tows on schedules prescribed in advance. Each tow knows of these schedules and is waiting for its call on a pre-selected frequency. In this manner each ship knows in advance when it is to be called, and the time wasted in effecting contact is reduced to an absolute minimum. Another comment (Ashland Oil and Refining Company) in Docket No. 10377 explained that the radiotelephone service consisted of reporting service and message service, as well as telephone contact. "Reporting Service" consists of receiving the positions from a group of boats at a predetermined scheduled time, and transmission of all positions to the Home Office by telephone, telegraph or teletype. "Message Service" consists of the coast station receiving and delivering, to or from the boat or Home Office, telephone calls, telegrams, or teletype on matters other than position reports. The frequencies now available under the Commission's Rules for this ship-shore radiotelephone service, as contrasted with those which would be available under the instant proposal, are as follows:

Presently available	*Proposed to be available*
2782 kc	2782 kc
4067	4067
4372.4	4372.4
6240	8205.5
6455	
8205.5	

Thus, the primary effect of the proposal is to delete from the present complement of frequencies the frequencies 6240 and 6455 kc.

6. In this proceeding the Commission has proposed to delete the frequencies 6240 kc and 6455 kc because the Atlantic City Table of Frequency Allocations does not provide for the use of these frequencies, or indeed any frequencies in the 6 Mc band, by the maritime mobile radiotelephone service anywhere in the world, including the Mississippi River. As a signatory to the Radio Regulations and the Agreement, the United States, along with other signatories, is obligated to bring its assignments into conformity with the Table of Frequency Allocations contained in the Radio Regulations. But the Radio Regulations provided in Paragraphs 86 and 88 as follows:

86. SEC. 1. The countries, members of the Union, adhering to these regulations, agree that in assigning frequencies to stations which, by their very nature, are capable of causing harmful interference to the services rendered by the stations of another country, they will make such assignments in accordance with the table of frequency allocations and other provisions of this chapter.

88. SEC. 3. A country, member of the Union, shall not assign to a station any frequency in derogation of either the table of frequency allocations given in this chapter or the other provisions of these regulations, except on the express condition that harmful interference shall not be caused to services carried on by stations operating in accordance with the provisions of the Convention and of these regulations.

7. Therefore, under some conditions the authorization of station operation at variance with either the Atlantic City Table of Frequency Allocations or other provisions of the related Radio Regulations, but in accordance with paragraph 88 of these regulations, would be not inconsistent with law. On the other hand, we do not find in these provisions a justification for disregard of the established international use of frequencies unless both the provisions of international agreement are met and there exists some compelling domestic need for such derogation. The effective functioning of the vast and complicated communication systems of the United States is dependent in substantial measure upon continued international protection. As a matter of general policy, therefore, the communication interests of the United States are clearly best served by "in-band" operation of the stations of all countries consistent with the table of frequency allocations and related provisions of the international radio regulations.[3] We cannot take the position that others should operate in this manner if we are not ourselves prepared to do likewise. Accordingly, the initial issue in this proceeding is whether the compelling circumstances exist which would warrant taking advantage of the exceptional provisions of Paragraph 88 of Atlantic City or, stating the issue more definitively, whether the important communication system now provided on the Mississippi River will, if frequencies in the 6 Mc band are not provided, be substantially impaired and if so, whether such circumstances would warrant derogation of the Atlantic City Table of Frequency Allocations. For the reasons hereinafter set forth, we conclude that there is not a sufficient basis for such a finding of compelling necessity. In view of this conclusion, we do not in this decision reach the second portion of the question just stated, i. e. whether, from a technical and legal standpoint, derogation under other circumstances would be feasible.[4]

8. Our judgment here turns primarily upon a detailed consideration of the effect of withdrawing 6240 kc and 6455 kc from use by the telephone communication system of the Rivers and not providing for the use of any frequency for this purpose in the 6 Mc band. According to the comments, the use of presently available frequencies is as follows. The 4 Mc frequency seems in general to be capable of rendering service to areas between 30 and 250 miles during the day, and to areas between 60 and 800 miles at night. Its noise level, however, is comparatively high and this disadvantage coupled with its short daytime range makes it of limited utility during the day, when traffic is heaviest. The 6 Mc frequencies are the preferable frequencies for daytime communication. They have a low noise level and seem capable of rendering service to areas between about 50 to 800 miles or more during the day and to areas between 500 and 1,200 miles or more at night. The 8 Mc frequency seems capable of rendering service during the day to areas beginning about 350 to 500 miles, and extending over 1,300 miles. Its noise level is exceptionally low. This makes it particularly valuable for long-range daytime calls from stations which are not centrally located. Because it cannot be relied upon to cover calls closer to the transmitter than 350 to 500 miles, however, it does not have the advantage of the 6 Mc frequency during the day for meeting communication needs over relatively short distances.

9. The "principal advantage" of the communication service of the Mississippi System as it presently exists is the ability of each ship station to communicate with each of the five coast stations under normal conditions from any location on the Rivers. "The 6 Mc frequencies are necessary to preserve this advantage" because "a 6 Mc frequency is the only frequency which has the desired daytime effective range" to complete the complement of frequencies necessary to enable each coast station to communicate with a vessel at any location on the Rivers. The hardship and injury which would result from the deletion of the 6 Mc frequencies would derive from the existence of 6 Mc "dead areas," i. e., gaps of no communication between two given stations because of the absence of 6 Mc frequencies.

10. In support of the conclusion concerning the existence of 6 Mc "dead areas," RMCA submitted the results of a propagation study of the effective range of the 2, 4, 5, 6 and 8 Mc bands under specified typical operating conditions of the Rivers system. From this RMCA concluded that there would be 6 Mc "dead areas" in certain localities up to 215 kilometers (133 miles) in length during the summer months at the height of the eleven-year sunspot cycle, which may mean a "dead" area of over 1,350 miles of navigable waterways. Because of the 6 Mc "dead" areas, these disadvantages would allegedly accrue:

(1) Inability of vessels to contact directly at all times the coast station nearest the home office;

(2) Inability of each coast station to communicate at all times with a vessel at any location on the rivers system;

In turn, it is asserted that the following adverse effects would be engendered by the above.

(3) At these times when a coast station could not reach a particular ship, it would have to make connection to other coast stations which in turn would attempt to contact the ship.

(4) The "scheduling technique" method of operation whereby a ship company places all of its daily ship calls through a particular single coast station would be crippled and may well have to be abandoned. The numerous advantages of this scheduled reporting service, with its attendant economies and benefits to freight transportation and the public, would be lost.

(5) The use of the 4 Mc and 8 Mc frequencies to handle calls and message traffic normally handled on a 6 Mc frequency would "overcrowd" these frequencies, would double the amount of interference, and would double the amount of time required to handle the same communications; resulting in a degradation of service.

(6) There would be necessarily an increased use of and dependence upon landwire lines for relaying messages to and from coast stations. This would be time consuming, would increase operating expenses, and might be highly dangerous to the safety of life and property.

11. The Commission has carefully examined the propagation data submitted by RMCA. A detailed analysis of that data is contained in Appendix 3. On the basis of that analysis, the Commission has noted the following:

(a) The RMCA comments referred to localities which constitute only a minor portion of the waterways, i. e., localities south of 32 degrees north latitude (approximately midway between Vicksburg, Mississippi and Natchez, Mississippi). In these localities, the limiting atmospheric "noise grade" is 3.5. But in localities constituting a major portion of the waterways, i. e., north of 32 degrees north latitude, the atmospheric "noise grade" is only 3. As a result, at localities north of 32 degrees, the 6 Mc "dead" area under the same conditions except for the lower noise grade, will be less, i. e., up to 135 kilometers (84 miles).

(b) For all practical purposes, the only time a 6 Mc communications gap exceeding about 6 miles will occur on the major portion of these waterways (north of 32 degrees) will be during the summer under conditions of maximum sunspot activity, reaching a maximum of about 83 miles at noon local time.

(c) There will be an additional "dead" area in summer daytime which will not be served by any frequency in the 2, 4, 6 or 8 Mc band; this area is beyond the extreme daytime range of the 8 Mc frequency under the same condition of sunspot maximum. With respect to the entire Mississippi Waterways System, the two "dead" areas (6 Mc and beyond 8 Mc maximum range) in terms of "river miles" will be of comparable size in respect to the coast stations at Louisville and St. Louis, but when considered in reference to the remaining coast stations (Chicago, Memphis and Pittsburgh) the "dead" area beyond 8 Mc maximum range which is not covered by any available frequency will be considerably larger in the same terms of "river miles".[5]

(d) The gap areas, in respect to specific geographic locations in relation to station locations, are different at different times of the day. A ship located in one of the gap areas at a given time, and thus prevented at that time from reaching a particular coast station, would be able to reach that coast station at some other time of the day. At no time would the ship, because of existing 6 Mc gap areas, be unable to communicate with one or more of the other coast stations on the rivers system.

12. Further as a result of the study set forth in detail in Appendix 3 the Commission finds that when 6 Mc "dead" areas are present in the ship-shore telephone system during daylight hours, as represented by the comments of RMCA referenced to its engineering study:

(a) A ship station on the Rivers System using either a 2, 4 or 8 Mc frequency can effectively contact the nearest coast station as often as it can effectively contact the coast station nearest the home office of the ship when a 6 Mc frequency also is available. This change in opcrating practice should not cause an increase in interference.

(b) Since there is no factual showing otherwise, it is appropriate to assume that the ship's home office should know with sufficient accuracy the location of the ship being called, so as to permit placing a call to that ship via the coast station nearest the ship. If this procedure is followed, there appears to be no acceptable reason why the valued "scheduling technique" could not be continued, inasmuch as a particular ship company could place its daily ship calls with one or more appropriately located coast stations instead of limiting this placement to one selected coast station only. This change in procedure should not result in a larger number of calls or increased interference.

(c) With reference to calls to ships originating during the day with persons on land who do not know the approximate location of the ship being called, a moderate amount of increase in calling and relaying by wire-line facilities would probably occur at certain times in the absence of an available 6 Mc channel. It would appear that this type of communication would not originate with commercial ship companies and would not have any significant relation to operation of commercial transportation on these waterways. (In any event, the availability of a 6 Mc channel would not alleviate the same kind of condition in regard to ships located in any of the coexistent "dead" areas beyond the maximum daytime range of the 8 Mc frequency.)

(d) In the absence of a factual showing, there is no reason to regard as valid the general assertion that common-carrier wire-line systems serving industry in the Mississippi Valley area are any less reliable, less efficient, or more susceptible to interruption and delay than are such systems in other industrial areas of the United States with which there are no complaints of this kind from industry users in general; certainly not of the kind which would be expected to jeopardize the safety or substantially reduce the efficiency of commercial river transportation.

(e) With reference to increased operating expenses to be caused by an anticipated increased use of land-line facilities, there is no showing in comments of interested persons, other than general statements, not supported by facts, that this would have any significant adverse effect upon the operation of Rivers radiocommunications. We find no basis in this general assertion, unsupported

since 1931, and a large portion of this traffic involves the transportation of petroleum products over great distances. Waterways Operators reported frequent round-trip hauls of lumber, coal, petroleum, automobiles, sand, grain, steel and other commodities over distances of some 500 to 1,500 miles by barge tows each consisting of 10 to 12 barges hauled by a towboat. Waterways Operators stated that since 1941, freight transportation on the Mississippi River System had increased in volume from 17,100 to 37,000 billion ton miles, and that the average miles per ton transported was steadily increasing. Comment of Mississippi Barge Line Co. submitted under date of February 24, 1953, in related preceding Docket 10377 reported that during 1950 commercial transportation on the Rivers System was conducted by about 1,500 self-propelled towboats and 7,000 barges and scows; that in 1951 there were 154,637,041 tons of freight transported over this waterway system; and that this volume comprised more than two-thirds of the amount transported on all the inland waterways of the United States combined, other than the Great Lakes. In its comments submitted in the current proceeding, Petroleum Institute advised that during World War II, 4,031 vessels built at ship yards on the Great Lakes were navigated through the Illinois Waterway and thence down the Mississippi River to the Gulf of Mexico. The Commission accepts all of these comments as authentic information and recognizes the national value and importance of commercial transportation on the Mississippi River System. The Commission also concurs in the opinion expressed by various of the parties that an effective ship-shore radiotelephone system contributes substantially to the efficiency and safety of this commercial transportation.

[3] See Appendix 1, a list of stations other than ship stations known to have used frequencies in the Cairo ship bands prior to clearance of Atlantic City service allocations. Appendices 1, 2, and 3, filed as part of the original document.

[4] The Commission has, however, examined the feasibility of continued operation on the frequencies 6240 kc and 6455 kc. For the information of interested parties the results of this examination are contained in Appendix 2 to this Report and Order.

[5] The existence of 8 Mc "dead areas" (of the order of magnitude which occurs at the same time as the involved 6 Mc "dead areas" occur) would appear to have an adverse effect upon the rivers telephone system of no less an impact than the effect of the 6 Mc "dead areas". It is worth noting in this regard that no reference is made by any of the parties to this fact.

by specific data concerning the cost referred to, the assumptions made by those who commented with respect to the applicable rate structure, etc., for concluding that any change in operating costs would be of such significance that we would be warranted in using this as a basis for failure to comply with the basic frequency allocations in the Radio Regulations.

13. On the basis of these findings, the Commission concludes that the proposed rule changes, if adopted at this time, should:

(a) Not necessarily compel abandonment of the valued "scheduling technique" as used by particular coast stations in behalf of Rivers shipping companies;

(b) Not increase the volume of calls nor the amount of interference, assuming that operation of the involved stations will be in accordance with applicable rules of the Commission;

(c) Not overload the available 2, 4 and 8 Mc ship-shore frequencies used by stations of the Rivers communication system in accordance with applicable rules of the Commission;

(d) Not cause any significant delays in River communication nor any substantial increase in operating costs by reason of increased use of public service land-line facilities to relay communications to and from public coast stations serving the Rivers;

(e) Result in less interference within the Rivers ship-shore public radiotelephone service.

14. In summary, the Commission concludes that the principal effect of the loss of the 6 Mc frequencies to the Rivers communication system will be the necessity from time to time for communications to be conducted through a coast station other than the one which might have been used if the 6 Mc frequencies were available; that as against the apparently insubstantial reduction in communication efficiency which might result therefrom, there must be weighed the general importance to the overall communication interests of the United States in adhering wherever feasible to the established international uses of frequencies. On balance of these considerations, the Commission is of the opinion that derogation of the international frequency allocations in order to provide 6 Mc frequencies for the Rivers communication system is not warranted.

15. In the light of the foregoing conclusion, it does not appear to be necessary to consider in detail comments filed by the parties relating to other aspects of this proceeding. Brief reference to some of these comments may, however, prove helpful.

16. Thus, RMCA compared (in Docket No. 10377) the proposed frequency assignments in the 4 Mc and 8 Mc bands for the Mississippi River area to those provided for the Great Lakes area and pointed out that the Mississippi River area is of comparable importance and "should not be slighted". However, so far as availability of 6 Mc frequencies is concerned, both areas have been subjected to the same criteria regarding derogation and these frequencies are not being provided for the respective communication systems in either area. To meet the frequency needs of each of the areas while not utilizing the 6 Mc frequencies, the Commission has sought to provide for each area the best possible complement of frequencies in the 4 Mc and 8 Mc bands consistent with the Commission's international obligations and the facts of frequency availability. If users in the Rivers area believe that an improvement can feasibly be effected in their frequency complement in the 4 Mc and 8 Mc bands, they may, of course, by petition, make proposals specifically directed to that objective and, thus, institute a separate proceeding for this purpose. The same is true with regard to the comment of Warner & Tamble in preceding Docket No. 10724 asserting that "the need of the Rivers for more frequencies is admitted * * *. Giving to the Rivers no more than they had before * * * does not meet that need."

17. The comments of Waterways Operators concerning possible use of the Rivers communication system to transmit messages concerning civil defense have also been noted and are not considered to be sufficiently significant to justify continuance of the availability of 6 Mc frequencies for the system. As indicated above, the Commission believes that the efficiency of the system will not be substantially impaired by the deletion of the 6 Mc frequencies and in any event, as the Commission has indicated on previous occasions in connection with civil defense planning, assumptions as to the availability of any particular frequencies for the civil defense function during war or emergency are not warranted unless the Commission has made a specific announcement ensuring such availability. As yet no such announcement has been made in reference to these particular frequencies.

18. There remains for consideration the request of Petroleum Institute and Waterways Operators that this matter be designated for public hearing pursuant to section 303 (f) and other provisions of the Communications Act of 1934, in the event the Commission decides not to abandon its proposed rule amendment which would delete availability of the frequencies 6240 kc and 6455 kc for the Rivers communication service and not to hold informal conferences with interested parties to consider other 6 Mc possibilities.

19. In this respect the Commission observes that a hearing was held in an earlier Docket 6651 with respect to the post-war allocation of all radio frequencies between 10 kc and 30,000,000 kc, for all radio services, and that the final recommendation of the Commission,[4] based on that proceeding, was that no spectrum space be allocated to the maritime mobile (telephone) service in the 6 Mc band (6000 to 7000 kc). All persons interested in the Mississippi River Communication System had an opportunity to participate in that hearing. Moreover, there is no showing whatever that facts might be developed through hearing or conference which could not have been provided by the process of filing pertinent comments, a process which in due course has been concluded. There is no provision of law or Commission rules which requires a hearing in this proceeding, since changes to involved radio station licenses in force are not affected by Commission action in this proceeding during their current license period. Accordingly, and in view of the considerations mentioned above, the said requests for conferences or hearing are denied.

20. If and when interested persons reach the conclusion that, in their opinion, factual information is available for presentation to the Commission which is not available at this time (in particular the results of adequate experience obtained by operation of the Rivers communication system without the use of a 6 Mc frequency) and which reflects a need for the use of a 6 Mc frequency sufficiently compelling to support assignment of such frequency in derogation of the established international use of the particular frequency or frequency band involved, they may then formally petition the Commission in a new proceeding to amend its rules accordingly. This procedure would be appropriate, however, only if a specific frequency can be selected for effective use under the conditions and limitations of the treaty which apply to the assignment of a frequency in derogation of the established international use of frequencies or frequency bands.

21. To provide for an orderly transition period in which licensed stations on the rivers can make the necessary arrangements for discontinuance of operation on 6240 kc and 6455 kc and for operation on 4067 kc, 4372.4 kc or such other available frequency or frequencies as may be appropriate, beginning February 1, 1957, no new or renewal ship or coast station authorizations will be issued for telephony on 6240 kc and/or 6455 kc, and as of that date these latter two frequencies will be deleted from availability for maritime telephony under Parts 7 and 8 of the Commission's rules. Coast and ship stations of the Rivers telephone system authorized prior to February 1, 1957, to transmit on either or both of these frequencies may, at their discretion, continue to do so for the remainder of their respective license periods under the same conditions that now apply to the use of these frequencies under existing rules, or they may apply for modification of license to delete 6240 kc and/or 6455 kc. As a practical matter, however, the ability of stations of the Rivers system to carry on ship-shore communication on these two frequencies will cease when the existing licenses of the coast stations expire on February 1, 1957. In regard to such ship stations as may receive new or renewed licenses between the date of adoption of the instant rule amendments and February 1, 1957, their authority to transmit on 6240 kc and/or 6455 kc (obtained by reason of such licensing) will, by the terms of such licenses issued pursuant to the rules as amended herein, expire on February 1, 1957. The frequencies 4067 kc and 4372.4 kc are available for assignment under conditions set forth in the existing rules, and application for authority to operate on them may be filed at any time. Additionally, it should be noted that effective August 14, 1956, the day-

[4] Public Notice, Mimeo 4803, February 18, 1947, "Frequency Service—Allocations."

time limitation currently in effect on Rivers use of 4372.4 kc will be deleted. That frequency will then be available for use by the Rivers on a full time basis, at a date earlier than that set for deletion of 6240 and 6455 kc from the rules, to facilitate the transition from 6 Mc to 4 Mc.

It appearing that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective August 14, 1956, Parts 7 and 8 of the Commission's rules are amended as set forth below and that effective February 1, 1957, Parts 7 and 8 of the Commission's rules are amended as set forth below.

It is further ordered, Herewith, that the requests for hearing and informal conferences in this proceeding are denied and that the proceedings in Docket 11374 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 6, 1956.

Released: July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows effective August 14, 1956:

Section 7.304 (d) (3) and (5) is amended to read as follows:

(3) The frequencies 4067 and 4372.4 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

(5) The frequency 8205.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes) upon the express condition that transmission on this frequency during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

B. Part 8 is amended as follows effective August 14, 1956:

1. Section 8.351 (d) (8) is amended to read as follows:

(8) Use of the frequencies 4067 and 4372.4 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

2. In § 8.351 (d), the text of subparagraph (10) is deleted in its entirety and the word "Reserved" is substituted therefor. As amended, the subparagraph reads as follows:

(10) [Reserved.]

3. Section 8.351 (d) (11) is amended to read as follows:

(11) The frequency 8025.5 kc is authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that transmission on this frequency during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

C. Part 7 is amended as follows, effective February 1, 1957.

1. In § 7.304 (a), the table in this paragraph is amended by deleting the following two lines:

6240—Mississippi River system only.
6455—Mississippi River system only.

2. In § 7.304 (d), the text of this subparagraph (4) is deleted in its entirety and the word "Reserved" is substituted therefor. As amended, the subparagraph reads:

(4) [Reserved.]

3. In § 7.306 (c), the table is amended as follows:

a. In the second column headed "Carrier frequency (kc)'" delete the frequencies 6240 and 6455.

b. In the third column headed "Specific limitations imposed upon availability for use" delete the word "DO" opposite 6240 and opposite 6455.

D. Part 8 is amended as follows, effective February 1, 1957:

1. In § 8.351 (a), the table is amended by deleting footnote designator ' opposite the frequency 6240 and opposite 6455 and by deleting the frequencies 6240 and 6455.

2. In § 8.351 (d) (9), the text of this subparagraph is deleted in its entirety and the word "Reserved" is substituted therefor. As amended, the subparagraph reads as follows:

(9) [Reserved.]

3. Section 8.355 (a) (3) is amended to read as follows:

(3) The following frequency is authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast stations transmit alternately on the same radiochannel:

8205.5 kc.

[F. R. Doc. 56-5691; Filed, July 17, 1956; 8:45 a. m.]

[Rules Amdts. 12-20 and 20-1]

PART 12—AMATEUR RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

The Commission having under consideration the amendment of Parts 12 and 20 of its rules governing the Amateur Radio Service and the Disaster Communications Service, respectively, to conform with changes recently effected in Part 17 of its rules;

It appearing that the existing provisions of Parts 12 and 20 with regard to the circumstances under which filing of Form 401–A is required are at variance with the requirements of Part 17; and

It further appearing that the substance of the amendments herein ordered has already been the subject of formal rule-making procedures (Docket 11306) resulting in amendment of Part 17; and

It further appearing that general notice of proposed rule making is not required in this matter under Section 4 of the Administrative Procedure Act because these amendments are solely for the purpose of conforming Parts 12 and 20 with Part 17, and that for the same reason the amendments may become effective immediately;

It is ordered, Pursuant to the authority contained in sections (4) (i) and 303 (f), (q), and (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information that effective July 11, 1956, Parts 12 and 20 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 11, 1956.

Released: July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 12.9 to read as follows:

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

2. Amend § 12.60 (a) (1), (2), and (b) to read as follows:

(a) * * * (1) the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form 401–A (revised), in triplicate.

(b) In cases where FCC Form 401–A (revised) is required to be filed, further details as to whether an aeronautical

study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Construction, Marking and Lighting of Antenna Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17 of this chapter.

3. Amend §§ 20.8, 20.14 (a) (1), (2), and (b) to read as follows:

§ 20.8 *Antenna structure defined.* The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

§ 20.14 *Limitation on antenna structures.* (a) * * * (1) the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted, in triplicate, on FCC Form 401–A (revised).

(b) In cases where FCC Form 401–A (revised) is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Construction, Marking and Lighting of Antenna Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17 of this chapter.

[F. R. Doc. 56-5692; Filed, July 17, 1956; 8:45 a. m.]

[Docket No. 9288; FCC 56-691]

[Rules Amdt. 15-3]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

MISCELLANEOUS AMENDMENTS

On December 21, 1955, the Commission, by a First Report and Order, adopted a revision of Part 15 of its rules which concerns the regulation of incidental and restricted radiation devices. The amendments included general rules applicable to the operation of such devices as well as rules specifically applicable to incidental radiation devices and radio receivers. The Commission stated that it would adopt rules applicable to other types of restricted radiation devices as soon as the problems involved were resolved.

2. Accordingly, the purpose of this Second Report and Order is to adopt rules concerning Community Antenna Television Systems, hereafter referred to as CATV systems. These systems are a relatively new development in comparison to the other types of devices coming within the scope of Part 15. Their formation resulted from the fact that many communities, either because of the distance from, or their peculiar geographic location, do not receive usable signals from existing television broadcast stations. It was found to be feasible in some of these communities to erect a suitable receiving antenna system at a favorable location in the vicinity, such as on a neighboring hill, and to amplify and distribute the TV signal to the community by means of wires or cables. Due to the loss of energy occurring in the cable, it is necessary to provide amplifiers at regular intervals along the cable. In most cases, conventional television receivers are used in the home. The local distribution system brings television service to each home that subscribes to the service in much the same manner that telephone and power service are provided. An installation charge and monthly rental fee are normally made to each subscriber. It is inevitable that there is some radiation from the CATV system and this radiation may produce interference to the reception of the direct signal by nonsubscribers to the CATV system, some of whom have installed their own antenna systems and boosters or amplifiers to provide for the direct reception of weak signals.

3. The Commission has received a great many complaints of interference from CATV systems. Experience gained from investigations of these complaints has shown that interfering radiations can be reduced to a negligible amount if reasonably good engineering practice is incorporated in the design, installation and maintenance of the system. In many cases, it was found that systems were constructed using unbalanced open wire transmission lines carrying high signal levels, which resulted in high levels of radiation.

4. The Commission's Notice of Further Proposed Rule Making issued April 1954 provided that CATV systems shall not radiate in excess of ten microvolts per meter at a distance of ten feet, or more, from any point in the system, and that all existing systems would have to comply with this limit after June 30, 1955. The Notice also proposed that each CATV system have posted a certificate of an engineer indicating that measurements had been made to show compliance with the applicable rules. These conditions were proposed as prerequisites to operation without a license.

5. Comments on this proposal were received from the Radio-Television Manufacturers Association (RETMA), the National Community Television Association, Inc. (NCTA), and others.

6. The RETMA comment states that in most cases the radiation limits can be raised above the value proposed by the Commission and still provide adequate protection to persons attempting direct reception of weak television signals. RETMA recommends a multiplicity of limits depending on the relation between the frequency of radiation from the CATV system and the frequency of the signal being directly received. RETMA also recommends that the radiation limits in uninhabited areas be set at 100 uv/m at 100 feet, since a more stringent limit will impose an unnecessarily severe economic burden on the CATV system. In connection with implementing these rules, RETMA recommends that the rules become effective one year after adoption to new systems and to additions to existing systems. Existing systems would be allowed five years within which to comply with the rules with the proviso that actual interference cases be solved on a case-by-case basis.

7. In its comment, RETMA recommended radiation limits for CATV systems which are contingent upon the availability of a signal for direct reception on the same or adjacent channels. The radiation limits recommended by RETMA would apply where the signal level, over a period of one week, was at least 10 uv/m more than half of the time or where the calculated F (50, 50) signal does not exceed 10 microvolts per meter on one or more channels. The comments submitted by this group do not indicate what steps should be taken by the operator of a CATV system if a television station is constructed after the CATV system is in operation. This illustrates the practical difficulty of establishing radiation limits which are dependent on the existence of broadcast signals on the same or adjacent frequencies. There is, of course, the further difficulty of determining the appropriate point of measurement of the direct signal since television signals are characterized by extreme variability both in terms of time and particular location.

8. While there may be many places in the United States where television signals capable of direct reception are not presently available, it is expected that this will be only a temporary situation. The Commission has under consideration a number of rule making proposals which will alter the availability of signals. Most of these involve changes in the present assignment table. One rule making proposal is that contained in Docket No. 11331, which provides for the revision of the Commission's Rules to permit the operation of co-channel amplifying transmitters in conjunction with the main transmitter. Another rule making action recently finalized (Docket No. 11237) provides for the establishment of stations with a lower minimum antenna height and power and it is expected to increase the number of TV stations. For these reasons the Commission believes it is not practical to permit radiation limits to vary depending on whether the signal being received directly is co-channel, adjacent channel, or further removed from the signal being distributed by the cable system, part of which is radiated to produce interference to the direct reception of television broadcast signals.

9. The RETMA comments, furthermore, are based entirely on considerations of monochrome television and no consideration is given to interference with the reception of color television signals. This is an important factor. While the comments in the color television proceeding (Docket No. 9175) indicated that the presently standardized color television signals are not appreciably more susceptible to co-channel interference than the monochrome signals, adjacent channel interference could be appreciably worse in the case of color television signals, depending on the type of receiver in use. Therefore, we do not believe it will be in the public interest to relax the limit for adjacent channel operation of the CATV system in relation to the direct signal.

10. There are two distinct problems in the design of the community TV antenna system. The first is the problem of transmission of the received signals to the population center in which the programs are to be distributed. The second problem is one of the distribution network which brings the programs into each subscriber's home. In many cases the reception is on a mountain top or other general uninhabited region and the main transmission line or conveying portion of the system may pass through country which is uninhabited or sparsely inhabited. In this area, the relative danger of interference to direct reception is at a minimum and there is no need to restrict radiation close to the cable particularly since efficient transmission systems are not necessarily those with the minimum radiation. For these reasons the Commission is making special provisions for that part of the system that passes through uninhabited or sparsely inhabited areas. For the purpose of these rules, a sparsely inhabited area is defined as an area where television broadcast signals are not, in fact, being directly received within 1,000 feet of any part of the community antenna television system. The general radiation limits are based on the assumption that the direct reception antenna is 50 feet from the CATV system. The radiation limits in sparsely inhabited areas have been computed to provide the same protection to direct reception antennas located 1,000 feet from the CATV system assuming inverse distance attenuation of the interfering signal being radiated by the CATV system.

11. The proposed rules provided that CATV systems radiate not more than 10 microvolts per meter at ten feet. The RETMA comments (Report No. 1 of Committee R–18) contained an extensive engineering analysis of the interfering effects of radiation from CATV systems located in areas where television broadcast signals are being received directly. This analysis indicates that somewhat greater radiation than was proposed is possible without the likelihood of interference to the direct reception of authorized stations. Therefore, the Commission is adopting, except as indicated above, the radiation limits which the RETMA proposed.

12. Since the majority of community antenna television systems are frequently modified by adding additional circuits for new subscribers, the Commission has reconsidered its proposal to require the posting of a certificate indicating that measurements have been made which show compliance with the Rules. Rather than resort to the certification requirement which would involve repeated certifications in many cases, the Commission has decided that the provision for periodic measurements, as set forth below, will assure adequate compliance with the prescribed radiation limits.

13. The National Community Television Association, Inc., an organization of operators of CATV systems, strongly supports the RETMA comments, except that the NCTA recommends that existing CATV systems be permitted seven years within which to comply with the rules.

14. Comments were also filed by Theodore Haeffner, who has an interest in the "G" line, a single wire transmission line which operates by means of a surface wave on the single conductor. Mr. Haeffner contends that the "G" line is considerably cheaper than other more conventional transmission lines and that it is particularly suitable for use in the transmission line part of a CATV system. The comment continues with the argument that the limit of 10 uv/m at 10 feet as proposed is unreasonable when applied to the "G" line and will preclude its use by CATV systems. The Commission has provided a relaxation in the case of that part of the CATV system running through uninhabited areas, and it may be here that the application of the "G" line will be found. It does not seem to be feasible on an engineering basis to provide for a higher radiation limit for the single wire transmission system in populated areas where nearby power, telephone and other wires may distort the field and result in radiation causing interference to direct reception.

15. The Simplex Designing and Engineering Company raises the question as to the responsibility for the radiation of energy originating in a receiver connected to a CATV system. Particular difficulties have been encountered in a case of the harmonics of the horizontal sweep frequency of television receivers which fall in the standard broadcast band. The design and construction of many TV receivers permit the sweep circuit energy to be coupled to the antenna terminals of the receiver. When connected to a CATV system, the system acts as an efficient radiator particularly for the energy in the standard broadcast band. It has been found feasible to provide suitable means of blocking such interference from entering the system at the point of connection to the receiver. We believe that the responsibility for providing such means shall fall on the operator of the CATV system. However, if interference originating from the receiver continues after the CATV operator has effectively blocked such interference from entering his system at the point of connection to the receiver it will be the responsibility of the receiver owner to insure that his set complies with the requirements of the receiver subpart of these rules. It is not considered equitable to require the CATV system operator to be responsible for radiation from a receiver over which he has no control.

16. The Commission received a number of comments in favor of its proposal to regulate interference from CATV systems. The City Manager of the City of Sherman, Texas, urged the adoption of radiation limitations for the benefit of those people who wish to use their own antenna systems but who are experiencing interference from the local CATV system. This view is supported by the comments of Mr. J. G. Rountree, Consulting Engineer of Dallas, Texas.

17. The Wire and Television Corporation indicated that the proposed limitation is more rigorous than necessary and would impose a tremendous economic burden, and requested a relaxation in the 10 uv/m at 10 feet limit. However, no specific justification to support a relaxed limit was given.

18. Many of the comments point out that it is not reasonable to expect existing systems to be modified to comply with the new radiation limits within one year's time, and that consideration be given to the proposal that CATV system operators be allowed a period of five years to comply with revised rules. The Commission recognizes the difficulty of dealing with the problem in view of the substantial investment that has been made in such systems and the considerable expense that may be required to bring existing systems within the limits specified in the rules. Considering that the Further Notice of Proposed Rule Making issued on April 15, 1954, indicated the Commission's intention of reducing the allowable radiation from CATV systems to a low value, it has been decided that existing systems will be granted the period until December 31, 1959, within which to comply with the requirements of these rules. However, the Commission will require that all CATV systems take prompt and effective action with respect to any interference that may be caused during the interim period.

19. The Commission believes that the public interest will be served by adopting the rules set forth below governing Community Antenna Television Systems. Authority for the adoption of the rules set forth below is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended.

20. In view of the foregoing considerations: *It is ordered*, That effective August 20, 1956, Part 15 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 49 Stat. 1082, amended; 47 U. S. C. 303)

Adopted: July 11, 1956.

Released: July 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Add the following definition to § 15.4:

(e) *Community antenna television system.* A restricted radiation device designed and used for the purpose of distributing television signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

NOTE: The television signals that are distributed are modulated radio frequency signals and may be:

(a) Broadcast signals that have been received and amplified,

(b) Broadcast signals that have been received and converted to another frequency,

(c) Any other modulated radio frequency signals fed into the system.

2. Add the following to Part 15 as Subpart D:

Sec.
15.161 Radiation from a community antenna television system.
15.162 Demonstration of compliance.
15.163 Interference from a community antenna television system.
15.164 Responsibility for a receiver generated interference.
15.165 Measurement of field strength.
15.166 Effective date of radiation limits in this subpart.

AUTHORITY: §§ 15.161 to 15.166 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART D—COMMUNITY ANTENNA TELEVISION SYSTEMS

§ 15.161 *Radiation from a community antenna television system.* Radiation from a community antenna television system shall be limited as follows:

Frequencies (Mc)	Distance (ft.)	Radiation limits (uv/m)	
		General requirement	Sparsely inhabited areas [1]
Up to and including 54	100	15	15
Over 54 up to and including 132	10	20	400
Over 132 up to and including 216	10	50	1,000
Over 216	100	15	15

[1] For the purpose of this section, a sparsely inhabited area is an area where television broadcast signals are not, in fact, being received within 1,000 feet of any part of the community antenna television system.

§ 15.162 *Demonstration of compliance.* The operator of each CATV system shall be responsible for insuring that each such system is designed, installed and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable demand by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

§ 15.163 *Interference from a community antenna television system.* In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.

§ 15.164 *Responsibility for receiver generated interference.* Interference originating in a radio receiver shall be the responsibility of the receiver operator in accordance with the provisions of Subpart C of this part: *Provided, however,* That the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when this intereference is conducted into the system at the receiver.

§ 15.165 *Measurement of field strength.* Measurements to determine the field strength of radio frequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 megacycles shall include the following:

(a) A field strength meter using a horizontal dipole antenna shall be employed.

(b) Field strength shall be expressed in terms of the RMS value of synchronizing peak.

(c) The dipole antenna shall be placed 12 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(d) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(e) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

§ 15.166 *Effective date of radiation limits in this subpart.* (a) The radiation limits for community antenna television systems shall be met by all new systems whose construction begins on or after October 1, 1956, and by all new sections added to existing systems whose construction begins on or after October 1, 1956.

(b) Community antenna television systems in existence on September 30, 1956, shall comply with the radiation limits in these rules not later than December 31, 1959: *Provided,* That any harmful interference to the reception of authorized radio stations caused by such systems shall be promptly remedied during this period by the operator of the CATV system.

[F. R. Doc. 56-5698; Filed, July 17, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under part IV (except sections 1233, 1235, and 1237) of subchapter P, relating to special rules for determining capital gains and losses, of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

Sec.
1.1231 Statutory provisions; property used in the trade or business and involuntary conversions.
1.1231–1 Gains and losses from the sale or exchange of certain property used in the trade or business.
1.1231–2 Livestock held for draft, breeding, or dairy purposes.
1.1232 Statutory provisions; bonds and other evidences of indebtedness.
1.1232–1 Bonds and other evidences of indebtedness; scope of section.
1.1232–2 Retirement.
1.1232–3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.
1.1232–4 Obligations with excess coupons detached.
1.1234 Statutory provisions; options to buy or sell.
1.1234–1 Options to buy or sell.
1.1236 Statutory provisions; dealers in securities.
1.1236–1 Dealers in securities.
1.1238 Statutory provisions; amortization in excess of depreciation.
1.1238–1 Amortization in excess of depreciation.
1.1239 Statutory provisions; gain from sale of certain property between spouses or between an individual and a controlled corporation.
1.1239–1 Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.
1.1240 Statutory provisions; taxability to employee of termination payments.
1.1240–1 Capital gains treatment of certain termination payments.
1.1241 Statutory provisions; cancellation of lease or distributor's agreement.
1.1241–1 Cancellation of lease or distributor's agreement.

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

§ 1.1231 *Statutory provisions; property used in the trade or business and involuntary conversions.*

SEC. 1231. *Property used in the trade or business and involuntary conversions*—(a) *General rule.* If, during the taxable year, the recognized gains on sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business and capital assets held for more than 6 months into other property or money, exceed the recognized losses from such sales, exchanges, and conversions, such gains and losses shall be considered as gains and losses, from sales or exchanges of capital assets held for more than 6 months. If such gains do not exceed such losses, such gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets. For purposes of this subsection—

(1) In determining under this subsection whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing taxable income, except that section 1211 shall not apply; and

(2) Losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets held for more than 6 months shall be considered losses from a compulsory or involuntary conversion.

(b) *Definition of property used in the trade or business.* For purposes of this section—

(1) *General rule.* The term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 167, held for more than 6 months, and real property used in the trade or business, held for more than 6 months, which is not—

(A) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year,

(B) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or

(C) A copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in paragraph (3) of section 1221.

(2) *Timber or coal.* Such term includes timber and coal with respect to which section 631 applies.

(3) *Livestock.* Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. Such term does not include poultry.

(4) *Unharvested crop.* In the case of an unharvested crop on land used in the trade or business and held for more than 6 months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

§ 1.1231–1 *Gains and losses from the sale or exchange of certain property used in the trade or business*—(a) *In general.* Section 1231 provides that a taxpayer's gains and losses from the disposition (including involuntary conversion) of assets described in that section as "property used in the trade or business" and from the involuntary conversion of capital assets held for more than 6 months shall be treated as long-term capital gains and losses if the total gains exceed the total losses. If the total gains do not exceed the total losses, all such gains and losses are treated as ordinary gains and losses. Therefore, if the taxpayer has no gains subject to section 1231, a recognized loss from the condemnation (or from a sale or exchange under threat of condemnation) of even a capital asset held for more than 6 months is an ordinary loss. Capital assets subject to section 1231 treatment include only capital assets involuntarily converted. The noncapital assets subject to section 1231 treatment are (1) depreciable business property and business real property held for more than 6 months, other than stock in trade and certain copyrights and artistic property; (2) timber and coal, if disposed of in a manner coming within the provisions of section 631; and (3) certain livestock and unharvested crops. See paragraph (c) of this section.

(b) *Treatment of gains and losses.* For the purpose of applying section 1231 a taxpayer must aggregate his recognized gains and losses from—

(1) The sale, exchange, or involuntary conversion of property used in the trade or business (as defined in section 1231 (b)), and

(2) The involuntary conversion (but not sale or exchange) of capital assets held for more than 6 months.

If the gains to which section 1231 applies exceed the losses to which the section applies, the gains and losses are treated as long-term capital gains and losses and are subject to the provisions of section 1201 through 1212, relating to capital gains and losses. If the gains to which section 1231 applies do not exceed the losses to which the section applies, the gains and losses are treated as ordinary gains and losses. Therefore, a loss from the involuntary conversion of a capital asset held for more than 6 months is treated as an ordinary loss and is not subject to the limitation on capital losses in section 1211. The phrase "involuntary conversion" is defined in paragraph (e) of this section.

(c) *Transactions to which section applies.* Section 1231 applies to recognized gains and losses from the following:

(1) The sale, exchange, or involuntary conversion of property held for more than 6 months and used in the taxpayer's trade or business, which is either real property or is of a character subject to the allowance for depreciation under section 167 (even though fully depreciated), and which is not—

(i) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of business;

(ii) A copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in section 1221 (3); or

(iii) Livestock held for draft, breeding, or dairy purposes, except to the extent included under subparagraph (4), of this paragraph or poultry.

(2) The involuntary conversion of capital assets held for more than 6 months.

(3) The cutting or disposal of timber, or the disposal of coal, to the extent considered arising from a sale or exchange by reason of the provisions of section 631 and the regulations thereunder.

(4) The sale, exchange, or involuntary conversion of livestock if the requirements of § 1.1231–2 are met.

(5) The sale, exchange, or involuntary conversion of unharvested crops on land which is (i) used in the taxpayer's trade or business and held for more than 6 months, and (ii) sold or exchanged at the same time and to the same person. See paragraph (f) of this section.

For purposes of section 1231, the phrase "property used in the trade or business" means property described in this paragraph (other than property described in subparagraph (2) of this paragraph).

(d) *Extent to which gains and losses are taken into account.* All gains and losses to which section 1231 applies must be taken into account in determining whether and to what extent the gains exceed the losses. For the purpose of this computation, the provisions of section 1211 limiting the deduction of capital losses do not apply, and no losses are excluded by that section. With that exception, gains are included in the computations under section 1231 only to the extent that they are taken into account in computing gross income, and losses are included only to the extent that they are taken into account in computing taxable income. The following are examples of gains and losses not included in the computations under section 1231:

(1) Losses of a personal nature which are not deductible under section 165 (c) or (d), such as losses from the sale of property held for personal use.

(2) Losses which are not deductible under section 267 (relating to losses with respect to transactions between related taxpayers) or section 1091 (relating to losses from wash sales);

(3) Gain on the sale of property (to which section 1231 applies) reported for any taxable year on the installment basis under section 453, except to the extent the gain is to be reported under section 453 for the taxable year;

(4) Gains and losses which are not recognized under section 1002, such as those to which sections 1031 through 1036, relating to common nontaxable exchanges, apply.

(e) *Involuntary conversion.* For purposes of section 1231, the terms "compulsory or involuntary conversion" and "involuntary conversion" of property mean the conversion of property into money or other property as a result of complete or partial destruction, theft or

seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof. Losses upon the complete or partial destruction, theft, seizure, requisition or condemnation of property are treated as losses upon an involuntary conversion whether or not there is a conversion of the property into other property or money. For example, if a capital asset held for more than 6 months, with an adjusted basis of $400, is stolen, and the loss is not compensated for by insurance or otherwise, section 1231 applies to the $400 loss.

(f) *Unharvested crops.* Section 1231 does not apply to a sale, exchange or involuntary conversion of an unharvested crop if the taxpayer retains any right or option to reacquire the land the crop is on, directly or indirectly (other than a right customarily incident to a mortgage or other security transaction). The length of time for which the crop, as distinguished from the land, is held is immaterial. A leasehold or estate for years is not "land" for the purpose of section 1231.

(g) The provisions of this section may be illustrated by the following examples:

Example (1). A, an individual, makes his income tax return on the calendar year basis. A's recognized gains and losses for 1955 of the kind described in section 1231 are as follows:

	Gains	Losses
1. Gain on sale of machinery, used in the business and subject to an allowance for depreciation, held for more than 6 months	$4,000	
2. Gain reported in 1955 (under sec. 453) on installment sale in 1954 of factory premises used in the business (including building and land, each held for more than 6 months)	6,000	
3. Gain reported in 1955 (under sec. 453) on installment sale in 1955 of land held for more than 6 months, used in the business as a storage lot for trucks	2,000	
4. Gain on proceeds from requisition by Government of boat, held for more than 6 months, used in the business and subject to an allowance for depreciation	500	
5. Loss upon the destruction by fire of warehouse, held for more than 6 months and used in the business (excess of adjusted basis of warehouse over compensation by insurance, etc.)		$3,000
6. Loss upon theft of unregistered bearer bonds, held for more than 6 months		5,000
7. Loss in storm of pleasure yacht, purchased in 1950 for $1,800 and having a fair market value of $1,000 at the time of the storm		1,000
8. Total gains	12,500	
9. Total losses		9,000
10. Excess of gains over losses	3,500	

Since the aggregate of the recognized gains ($12,500) exceeds the aggregate of the recognized losses ($9,000), such gains and losses are treated under section 1231 as gains and losses from the sale or exchange of capital assets held for more than six months.

Example (2). If in example (1) A also had a loss of $4,000 from the sale under threat of condemnation of a capital asset acquired for profit and held for more than six months, then the gains ($12,500) would not exceed the losses ($9,000 plus $4,000, or $13,000). Neither the loss on that sale nor any of the other items set forth in example (1) would then be treated as gains and losses from the sale or exchange of capital assets, but all of such items would be treated as ordinary gains and losses. Likewise, if A had no other gain or loss, the $4,000 loss would be treated as an ordinary loss.

Example (3). A's yacht, used for pleasure and acquired for that use in 1945 at a cost of $25,000, was requisitioned by the Government in 1955 for $15,000. A sustained no loss deductible under section 165 (c) and since no loss with respect to the requisition is recognizable, the loss will not be included in the computations under section 1231.

§ 1.1231–2 *Livestock held for draft, breeding, or dairy purposes.* (a) Section 1231 applies to the sale, exchange, or involuntary conversion of livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. For the purposes of section 1231, the term "livestock" is given a broad, rather than a narrow interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. However, it does not include poultry, chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(b) Whether or not livestock is held by the taxpayer for draft, breeding, or dairy purposes depends upon all of the facts and circumstances in each case. The purpose for which the animal is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, or dairy purpose may be present if an animal is disposed of within a reasonable time after its intended use for such a purpose is prevented by accident, disease, or other circumstance. Under certain circumstances, an animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may be considered as held for draft, breeding, or dairy purposes. However, an animal is not held by the taxpayer for draft, breeding, or dairy purposes merely because it is suitable for such purposes or merely because it is held by the taxpayer for sale to other persons for use by them for such purposes. Furthermore, an animal held by the taxpayer for other purposes is not considered as held for draft, breeding, or dairy purposes merely because of a negligible use of the animal for such purposes or merely because of the use of the animal for such purposes as an ordinary or necessary incident to the other purposes for which the animal is held.

(c) These principles may be illustrated by the following examples:

Example (1). An animal intended by the taxpayer for use by him for breeding purposes is discovered to be sterile, and is disposed of within a reasonable time thereafter. This animal is considered as held for breeding purposes.

Example (2). The taxpayer retires from the breeding or dairy business and sells his entire herd, including young animals which would have been used by him for breeding or dairy purposes if he had remained in business. These young animals are considered as held for breeding or dairy purposes.

Example (3). A taxpayer in the business of raising hogs for slaughter customarily breeds sows to obtain a single litter to be raised by him for sale, and sells these brood sows after obtaining the litter. Even though these brood sows are held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business, they are considered as held for breeding purposes.

Example (4). A taxpayer in the business of raising horses for sale to others for use by them as draft horses uses them for draft purposes on his own farm in order to train them. This use is an ordinary or necessary incident to the purpose of selling the animals, and, accordingly, these horses are not considered as held for draft purposes.

Example (5). The taxpayer is in the business of raising registered cattle for sale to others for use by them as breeding cattle. Prior to sale, he causes certain cattle to be bred in a progeny test in order to establish their fitness for sale as registered breeding cattle. The breeding of the cattle is an ordinary or necessary incident to the purpose of selling the animals as registered breeding cattle, and their breeding does not demonstrate that the taxpayer is holding them for breeding purposes. Only breeding cattle used by the taxpayer to produce calves for use in the taxpayer's own herd are considered as held for breeding purposes.

Example (6). A taxpayer, engaged in the business of buying cattle and fattening them for slaughter, purchased cows with calf. The calves were born while the cows were held by the taxpayer. These cows are not considered as held for breeding purposes.

§ 1.1232 *Statutory provisions; bonds and other evidences of indebtedness.*

SEC. 1232. *Bonds and other evidences of indebtedness*—(a) *General rule.* For purposes of this subtitle, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or government or political subdivision thereof—

(1) *Retirement.* Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this paragraph shall apply only to those issued with interest coupons or in registered form, or to those in such form on March 1, 1954).

(2) *Sale or exchange*—(A) *General rule.* Except as provided in subparagraph (B), upon sale or exchange of bonds or other evidences of indebtedness issued after December 31, 1954, held by the taxpayer more than 6 months, any gain realized which does not exceed an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidences of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity, shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than 6 months.

(B) *Exceptions.* This paragraph shall not apply to—

(i) Obligations the interest on which is not includible in gross income under section 103 (relating to certain governmental obligations), or

(ii) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(C) *Election as to inclusion.* In the case of obligations with respect to which the taxpayer has made an election provided by section 454 (a) and (c) (relating to accounting rules for certain obligations issued at a discount), this section shall not require the inclusion of any amount previously includible in gross income.

(b) *Definitions*—(1) *Original issue discount.* For purposes of subsection (a), the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. If the original issue discount is less than one-fourth of 1 percent of the redemption price at maturity multiplied by the number of complete years to maturity, then the issue discount shall be considered to be zero. For purposes of this paragraph, the term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement and includes dividends payable at that time.

(2) *Issue price.* In the case of issues of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, the term "issue price" means the initial offering price to the public (excluding bond houses and brokers) at which price a substantial amount of such bonds or other evidences of indebtedness were sold. In the case of privately placed issues of bonds or other evidence of indebtedness, the issue price of each such bond or other evidence of indebtedness is the price paid by the first buyer of such bond. For purposes of this paragraph, the terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof.

(3) *Issue date.* In the case of issues of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, the term "date of original issue" means the date on which the issue was first sold to the public at the issue price. In the case of privately placed issues of bonds or other evidences of indebtedness, the term "date or original issue" means the date on which each such bond or other evidence of indebtedness was sold by the issuer.

(c) *Bond with excess number of coupons detached.* If—

(1) A bond or other evidence of indebtedness issued at any time with interest coupons is purchased after the date of enactment of this title, and

(2) The purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase,

then the gain on the sale or other disposition of such evidence of indebtedness by such purchaser shall be considered as gain from the sale or exchange of property which is not a capital asset to the extent that the market value (determined as of the time of the purchase) of the evidence of indebtedness with coupons attached exceeds the purchase price. If this subsection and subsection (a) (2) (A) apply with respect to gain realized on the retirement of any bond, then subsection (a) (2) (A) shall apply with respect to that part of the gain to which this subsection does not apply.

(d) *Cross reference.* For special treatment of face-amount certificates on retirement, see section 72.

§ 1.1232–1 *Bonds and other evidences of indebtedness; scope of section*—(a) *In general.* Section 1232 applies to any bond, debenture, note, or certificate or other evidence of indebtedness (referred to in §§ 1.1232–1 through 1.1232–4 as an obligation) (1) which is a capital asset in the hands of the taxpayer, and (2) which is issued by any corporation, or by any government or political subdivision thereof. In general, section 1232 (a) (1) provides that the retirement of an obligation, other than certain obligations issued before January 1, 1955, is considered to be an exchange and, therefore, is usually subject to capital gain or loss treatment; and section 1232 (a) (2) provides that in the case of a gain realized on the sale or exchange of certain obligations issued at a discount after December 31, 1954, a portion of the gain is considered to represent the recovery of interest and is ordinary income. Section 1232 (c) treats as ordinary income a portion of any gain realized upon the disposition of coupon obligations which were acquired without all coupons maturing more than 12 months after purchase attached.

(b) *Requirement that obligations be capital assets.* In order for section 1232 to be applicable, an obligation must be a capital asset in the hands of the taxpayer. See section 1221 and the regulations thereunder. Obligations held by a dealer in securities (except as provided in section 1236) or obligations arising from the sale of inventory or personal services by the holder are not capital assets.

(c) *Face-amount certificates.* The taxability of amounts received under "face-amount certificates", as defined in sections 2 (a) (15) and 4 of the Investment Company Act of 1940 (15 U. S. C. 80a–2 and 80a–4) which are issued after December 31, 1954, is governed by section 72, rather than section 1232, and is, therefore, subject to the limit on tax provided by section 72 (e) (3). See section 72 (l).

§ 1.1232–2 *Retirement.* Section 1232 (a) (1) provides that any amount received by the holder upon the retirement of an obligation shall be considered as an amount received in exchange therefor. However, this section does not apply to obligations issued before January 1, 1955, which were not issued with interest coupons or in registered form, or were not in registered form on March 1, 1954. With respect to obligations issued with coupons attached or in registered form, whenever issued, and which are held by a bank, see section 582.

§ 1.1232–3 *Gain upon sale or exchange of obligations issued at a discount after December 31, 1954*—(a) *General rule.* Section 1232 (a) (2) (A) provides that gain realized upon the sale or exchange of obligations issued at a discount after December 31, 1954, and held by the taxpayer for more than six months, shall be considered ordinary income to the extent of the "original issue discount" recovered, and the balance of the gain shall be considered as long-term capital gain. The term "original issue discount" is defined in paragraph (b) of this section. The computation of the amount of original issue discount recovered is illustrated in paragraph (c) of this section. Whether gain representing original issue discount and realized upon the sale or exchange of obligations issued at a discount before January 1, 1955, is capital gain or ordinary income shall be determined without reference to section 1232.

(b) *Definitions*—(1) *Original issue discount.* For purposes of section 1232, the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. The stated redemption price is determined without regard to optional call dates. If the original issue discount is less than one-fourth of one percent of the stated redemption price at maturity, multiplied by the number of full years from the date of original issue to maturity, then the discount shall be considered to be zero. For example, a 10-year bond with a stated redemption price at maturity of $100 issued at $98 would be regarded as having an original issue discount of zero. Thus, any gain realized by the holder would be a long-term capital gain if the bond was a capital asset in the hands of the holder and held by him for more than six months. However, if the bond were issued at $97.50 or less, the original issue discount would not be considered zero. The term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement, including dividends payable at that time. Thus, in the case of face-amount certificates, the redemption price at maturity is the price as modified through changes such as extensions of the purchase agreement and includes any dividends which are payable at maturity. If an obligation is issued for property other than money, the determination of whether an original issue discount exists, and its amount, if any, depends upon the relationship between the fair market value of the property and the face amount of the obligation. If the obligation is issued in an arm's-length transaction and bears a fair rate of interest, the face amount of the obligation will be presumed to represent the fair market value of the property, unless it appears that the parties to the transaction intended otherwise.

(2) *Issue price.* The term "issue price" in the case of obligations registered with the Securities and Exchange Commission means the initial offering price to the public at which price a substantial amount of such obligations were sold. For this purpose, the term "the public" does not include bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers. Ordinarily, the issue price will be the first price at which the obligations were sold to the public, and the issue price will not change if, due to market developments, part of the issue must be sold at a different price. When obligations are privately placed, the issue price of each obligation is the price paid by the first buyer of the particular obligation, irrespective of the issue price of the remainder of the issue. The terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof.

Thus, all amounts paid by the purchaser under the purchase agreement or a modification of it are included in the issue price, such as amounts paid upon face-amount certificates or installment trust certificates in which the purchaser contracts to make a series of payments which will be returnable with an increment at a later date.

(3) *Date of original issue.* In the case of issues of obligations which are registered with the Securities and Exchange Commission, the term "date of original issue" means the date on which the issue was first sold to the public at the issue price. In the case of issues which are privately placed, the term "date of original issue" means the date on which each obligation was sold to the original purchaser.

(c) *Computation of amount of original discount recovered.* The amount of the original issue discount considered to be recovered by the holder is computed by multiplying the original issue discount by a fraction, the numerator of which is the number of full months the obligation was held by the holder and the denominator of which is the number of full months from the date of original issue to the date specified as the redemption date at maturity. (See paragraph (b) (3) of this section for definition of "date of original issue".) The period that the obligation was held by the holder is determined under section 1223 and the regulations thereunder. This computation is illustrated by the following examples:

Example (1). An individual purchases a 10-year, 3 percent coupon bond for $900 on original issue on February 1, 1955, and sells it on February 20, 1960 for $940. The redemption price is $1,000. The bond has been held by the taxpayer for 60 full months. (The additional days amounting to less than a full month are not taken into account.) The number of complete months from date of issue to date of maturity is 120 (10 years). The fraction $^{60}/_{120}$ multiplied by the discount of $100 is equal to $50 which represents the proportionate part of the original issue discount attributable to the period of ownership by the taxpayer. Accordingly, any part of the gain up to $50 will be treated as ordinary income. Therefore, in this case the entire gain of $40 is treated as ordinary income.

Example (2). Assume the same facts in the preceding example, except that the selling price of the bond is $970. In this case $50 of the gain of $70 is treated as ordinary income and the balance of $20 is treated as long-term capital gain.

Example (3). Assume the same facts as in example (1), except that the selling price of the bond is $800. In this case, the individual has a long-term capital loss of $100.

Example (4). Assume the same facts as in example (1), except that the bond is purchased by the second holder February 1, 1960, for $800. The second holder keeps it to the maturity date (February 1, 1965) when it is redeemed for $1,000. Since that holder has held the bond for 60 full months, he will, upon redemption, have $50 in ordinary income and $150 in long-term capital gain.

(d) *Exceptions to the general rule.* Section 1232 (a) (2) (B) provides that section 1232 (a) (2) (A) does not apply (1) to obligations the interest on which is excluded from gross income under section 103 (relating to certain government obligations), or (2) to any holder who purchased an obligation at a premium. A taxpayer whose basis for an obligation is the same as the basis for the obligation would have been in the hands of a holder who purchased it at a premium is considered a holder who purchased the obligation at a premium. Thus, the donee of an obligation purchased at a premium by the donor will be considered a holder who purchased the obligation at a premium.

(e) *Amounts previously includible in income.* Any amount previously includible in a taxpayer's income on account of obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals is not again includible in his gross income under section 1232. For example, amounts includible in gross income by a cash method taxpayer who has made an election under section 454 (a) or (c) (relating to accounting rules for certain obligations issued at a discount) are not includible in gross income under section 1232. In the case of a gain which would include, under section 1232, an amount considered to be ordinary income and a further amount considered long-term capital gain, any amount to which this paragraph applies is first used to offset the amount considered ordinary income. For example, on January 1, 1955, A purchases a ten-year bond which is redeemable for fixed amounts increasing at stated intervals. The purchase price of the bond is $75 which is also the issue price. The stated redemption price at maturity of the bond is $100. A elects to treat the annual increase in the redemption price of the bond as income pursuant to section 454 (a). On January 1, 1960, A sells the bond for $90. A's gain on this sale is $15. The total stated increase in the redemption price of the bond which A has reported annually as income for the taxable years 1955 through 1959 is $7. A's gain which is attributable to the original discount recovered is $12.50, computed as follows:

$$\frac{60 \text{ (months bond is held by A)}}{120 \text{ (months from date of original issue to redemption date)}} \times \$25 \text{ (original issue discount)}.$$

However, $7 which represents the annual stated increase taken into income is offset against the amount of $12.50, leaving $5.50 of ordinary income from the sale. The $2.50 balance of the gain from the sale, ($15 minus $12.50) is considered long-term capital gain.

(f) *Record keeping requirements.* In the case of any obligation held by a taxpayer which was issued at an original issue discount after December 31, 1954, the taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known to or reasonably ascertainable by him). The issuer (or in the case of obligations first sold to the public through an underwriter or wholesaler, the underwriter or wholesaler) shall mark the issue price and issue date upon every obligation which is issued at an original issue discount after the promulgation of the regulations under section 1232.

§ 1.1232–4 *Obligations with excess coupons detached.* Section 1232 (c) provides that if an obligation which is issued at any time with interest coupons is purchased after August 16, 1954, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, any gain on the later sale or other disposition of the obligation by the purchaser (or by a transferee of the purchaser whose basis is determined by reference to the purchaser) shall be treated as ordinary income to the extent that the fair market value of the obligation (determined as of the time of the purchase) with coupons attached exceeds the purchase price. If both the preceding sentence and section 1232 (a) (2) (A) apply with respect to the gain realized on the retirement or other disposition of an obligation, then section 1232 (a) (2) (A) shall apply only with respect to that part of the gain to which the preceding sentence does not apply. For example, a $100 bond which sells at $90 with all its coupons attached is purchased by A for $80 with 3 years' coupons detached. Three years later, A sells the bond for $92. The first $10 of the $12 profit is taxable as ordinary income. The remaining $2 gain is taxable either as ordinary income or as long-term capital gain, depending upon the application of section 1232 (a) (2) (A).

§ 1.1234 *Statutory provisions; options to buy or sell.*

SEC. 1234. *Options to buy or sell.* Gain or loss attributable to the sale or exchange of, or loss on failure to exercise, a privilege or option to buy or sell property which in the hands of the taxpayer constitutes (or if acquired would constitute) a capital asset shall be considered gain or loss from the sale or exchange of a capital asset; and, if the loss is attributable to failure to exercise such privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired. This section shall not apply to losses on failure to exercise options described in section 1233 (c).

§ 1.1234–1 *Options to buy or sell*—(a) *Sale or exchange*—(1) *Capital assets.* Gain or loss from the sale or exchange of an option (or privilege) to buy or sell property which is (or if acquired would be) a capital asset in the hands of the taxpayer holding the option is considered as gain or loss from the sale or exchange of a capital asset (unless under the provisions of subparagraph (2) of this paragraph, the gain or loss is subject to the provisions of section 1231). The period for which the taxpayer has held the option determines whether the capital gain or loss is short-term, or long-term, unless the acquisition of the option is considered as a short sale under section 1233 (b) (see paragraph (c) (1) of this section).

(2) *Section 1231 transactions.* Gain or loss from the sale or exchange of an option to buy or sell property is considered a gain or loss subject to the provisions of section 1231 if, had the sale or exchange been of the property subject to the option, held by the taxpayer for the length of time he held the option, the sale or exchange would have been subject to the provisions of section 1231.

(3) *Other property.* Gain or loss from the sale or exchange of an option to buy or sell property which is not (or if acquired would not be) a capital asset in the hands of the taxpayer holding the option is considered ordinary income or loss (unless under the provisions of subparagraph (2) of this paragraph the gain or loss is subject to the provisions of section 1231).

(b) *Failure to exercise option.* If the holder of an option to buy or sell property incurs a loss on failure to exercise the option, the option is deemed to have been sold or exchanged upon the date that it expired. Any such loss to the holder of an option is treated under the general rule provided in paragraph (a) of this section. Any gain to the grantor of an option arising from the failure of the holder to exercise it is ordinary income.

(c) *Certain options to sell property at a fixed price (puts)*—(1) *Exercise or failure to exercise puts.* If a taxpayer exercises or fails to exercise an option to sell property described in section 1233 (e) (2) (A) at a fixed price (a put), and if he or his spouse had held substantially identical property for less than 6 months when he acquired the option (or acquired substantially identical property while he held the option), any gain realized is treated as short-term capital gain under section 1233 (b) (1) and the holding period of the substantially identical property is determined under section 1233 (b) (2) (unless the option is one described in section 1233 (c) and subparagraph (2) of this paragraph). See sections 1233 (b) and (e), and the regulations thereunder since section 1234 has no application to such a transaction.

(2) *Hedging transactions.* Section 1234 does not apply to a loss on the failure to exercise an option to sell property at a fixed price which is acquired on the same day on which the property identified as intended to be used in exercising the option is acquired. Such a loss is not recognized, but the cost of the option is added to the basis of the property with which it is identified. See section 1233 (c) and the regulations thereunder.

(d) *Dealers in options to buy or sell.* Any gain or loss realized by a dealer in options from the sale or exchange of an option to buy or sell property is considered ordinary income or loss under paragraph (a) (3) of this section. A dealer in options to buy or sell property is considered a dealer in the property subject to the option.

(e) *Other exceptions.* Section 1234 does not apply to gain resulting from the sale or exchange of an option—

(1) To the extent that the gain is in the nature of compensation (see section 61 and the regulations thereunder, relating to employee stock options);

(2) If the option is treated as section 306 stock (see section 306 and the regulations thereunder, relating to dispositions of certain stock); or

(3) To the extent that the gain is a distribution of earnings or profits taxable as a dividend (see section 301 and the regulations thereunder, relating to distributions of property).

(f) *Limitations on effect of section.* Losses to which section 1234 applies are subject to the limitations on losses under sections 165 (c) and 1211 when applicable. Section 1234 does not permit the deduction of any loss which is disallowed under any other provision of law.

(g) *Examples.* The rules set forth in this section may be illustrated by the following examples:

Example (1). A taxpayer is considering buying a new house for his residence and acquires an option to buy a certain house at a fixed price. Although the property goes up in value, the taxpayer decides he does not want the house for his residence and sells the option for more than he paid for it. The gain which taxpayer realized is a capital gain since the property, if acquired, would have been a capital asset in his hands.

Example (2). Assume the same facts as in example (1), except that the property goes down in value, and the taxpayer decides not to purchase the house. He sells the option at a loss. While this is a capital loss under section 1234, it is not a deductible loss because of the provisions of section 165 (c).

Example (3). A dealer in industrial property acquires an option to buy an industrial site and fails to exercise the option. The loss is an ordinary loss since he would have held the property for sale to customers in the ordinary course of his trade or business if he had acquired it.

§ 1.1236 *Statutory provisions; dealers in securities.*

SEC. 1236. *Dealers in securities*—(a) *Capital gains.* Gain by a dealer in securities from the sale or exchange of any security shall in no event be considered as gain from the sale or exchange of a capital asset unless—

(1) The security was, before the expiration of the 30th day after the date of its acquisition, clearly identified in the dealer's records as a security held for investment or if acquired before October 20, 1951, was so identified before November 20, 1951; and

(2) The security was not, at any time after the expiration of such 30th day, held by such dealer primarily for sale to customers in the ordinary course of his trade or business.

(b) *Ordinary losses.* Loss by a dealer in securities from the sale or exchange of any security shall, except as otherwise provided in section 582 (c), (relating to bond, etc., losses of banks), in no event be considered as loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security was clearly identified in the dealer's records as a security held for investment.

(c) *Definition of security.* For purposes of this section, the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

§ 1.1236–1 *Dealers in securities*—(a) *Capital gains.* Section 1236 (a) provides that gain realized by a dealer in securities from the sale or exchange of a security (as defined in paragraph (c) of this section), shall not be considered as gain from the sale or exchange of a capital asset unless—

(1) The security is, before the expiration of the thirtieth day after the date of its acquisition, clearly identified in the dealer's records as a security held for investment, or if acquired before October 20, 1951, was so identified before November 20, 1951; and

(2) The security is not held by the dealer primarily for sale to customers in the ordinary course of his trade or business at any time after the identification referred to in subparagraph (1) of this paragraph has been made.

Unless both of these requirements are met, the gain is considered as gain from the sale of assets held by the dealer primarily for sale to customers in the course of his business.

(b) *Ordinary losses.* Section 1236 (b) provides that a loss sustained by a dealer in securities from the sale or exchange of a security shall not be considered a loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security has been clearly identified in the dealer's records as a security held for investment. Once a security has been identified after November 19, 1951, as being held by the dealer for investment, it shall retain that character for purposes of determining loss on its ultimate disposition, even though at the time of its disposition the dealer holds it primarily for sale to his customers in the ordinary course of business. However, section 1236 has no application to the extent that section 582 (c) applies to losses of banks.

(c) *Definitions*—(1) *Security.* For the purposes of this section, the term "security" means any share of stock in any corporation, any certificate of stock or interest in any corporation, any note, bond, debenture, or other evidence of indebtedness, or any evidence of any interest in, or right to subscribe to or purchase, any of the foregoing.

(2) *Dealer in securities.* For definition of a "dealer in securities," see the regulations under section 471.

(d) *Identification of security in dealer's records.* (1) A security is clearly identified in the dealer's records as a security held for investment when there is an accounting separation of the security from other securities, as by (i) making appropriate entries in the dealer's books of account to distinguish the security from inventories and to designate it as an investment, and (ii) indicating with such entries, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, the individual security.

(2) In computing the 30–day period within which the security must be clearly identified, and after which the security must be deemed held primarily for sale to customers in the ordinary course of the trade or business if it is not so identified, the first day of the period is the day following the date of acquisition. Thus, in the case of a security acquired on March 18, 1957, the 30–day period expires at midnight on April 17, 1957.

§ 1.1238 *Statutory provisions; amortization in excess of depreciation.*

SEC. 1238. *Amortization in excess of depreciation.* Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 168 (relating to amortization deduc-

tion of emergency facilities), shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

§ 1.1238–1 *Amortization in excess of depreciation*—(a) *In general.* Section 1238 provides that if a taxpayer is entitled to a deduction for amortization of an emergency facility under section 168, and if the facility is later sold or exchanged, any gain realized shall be considered as ordinary income to the extent the amortization deduction exceeds normal depreciation. Thus, under section 1238 gain from a sale or exchange of property shall be considered as ordinary income to the extent that its adjusted basis is less than its adjusted basis would be if it were determined without regard to section 168. If an entire facility is certified under section 168 (e), the taxpayer may use allowances for depreciation, based on any rate and method which would have been proper if the basis of the facility were not subject to amortization under section 168, in determining what the adjusted basis of the facility would be if it were determined without regard to section 168. If only a portion of a facility is certified under section 168 (e), allowances for depreciation based on the rate and method properly used with respect to the uncertified part of the facility are used in determining what the adjusted basis of the facility would be if it were determined without regard to section 168. The principles of this paragraph may be illustrated by the following examples:

Example (1). On December 31, 1954, a taxpayer making his income tax returns on a calendar year basis acquires at a cost of $20,000 an emergency facility (used in his business) 50 percent of the adjusted basis of which has been certified under section 168 (e). The facility would normally have a useful life of 20 years. Under section 168 the taxpayer elects to begin the 60-month amortization period on January 1, 1955. He takes amortization deductions with respect to the certified portion in the amount of $4,000 for the years 1955 and 1956 (24 months). With respect to the uncertified portion, the straight line method of depreciation is used and a deduction for depreciation in the amount of $1,000 is claimed and allowed for the years 1955 and 1956 (2 years at $500). On December 31, 1956, he sells the facility for $19,000. The adjusted basis of the certified portion on that date is $6,000 ($10,000 cost, less $4,000 amortization). Without regard to section 168, and using the rate and method the taxpayer properly applied to the uncertified portion of the facility, the adjusted basis of the certified portion on December 31, 1956, would be $9,000 ($10,000 cost, less $1,000 depreciation). The difference between the facility's actual adjusted basis ($15,000) and its adjusted basis determined without regard to section 168 ($18,000), is $3,000. Accordingly, $3,000 of the $4,000 gain on the sale of the facility ($19,000 sale price, less $15,000 adjusted basis) is treated as ordinary income and the remaining $1,000 gain is subject to the provisions of section 1231.

Example (2). Assume that the entire facility in example (1) had been certified under section 168 (e) and that, therefore, the adjusted basis of the facility on December 31, 1956, is $12,000. Assume further that the taxpayer adopts straight line depreciation as a proper method of depreciation for determining the adjusted basis of the facility without regard to section 168. Thus, the adjusted basis, without regard to section 168, would be $18,000. This amount is $6,000 more than the $12,000 adjusted basis under section 168. Hence, $6,000 of the $7,000 gain on the sale of the facility ($19,000 sale price less $12,000 adjusted basis) is treated as ordinary income, and the remaining $1,000 gain is subject to the provisions of section 1231.

(b) *Substituted basis.* If a taxpayer acquires other property in an exchange for an emergency facility with respect to which amortization deductions have been allowed or allowable, and if the basis in his hands of the other property is determined by reference to the basis of the emergency facility, then the basis of the other property is determined with regard to section 168, and therefore the provisions of section 1238 apply with respect to gain realized on a subsequent sale or exchange of the other property. The provisions of section 1238 also apply to gain realized on the sale or exchange of an emergency facility (or other property acquired, as described in the preceding sentence, in exchange for an emergency facility) by a taxpayer in whose hands the basis of the facility (or other property) is determined by reference to its basis in the hands of another person to whom deductions were allowable or allowed with respect to the facility under section 168.

§ 1.1239 *Statutory provisions; gain from sale of certain property between spouses or between an individual and a controlled corporation.*

SEC. 1239. *Gain from sale of certain property between spouses or between an individual and a controlled corporation*—(a) *Treatment of gain as ordinary income.* In the case of a sale or exchange, directly or indirectly, of property described in subsection (b)—

(1) Between a husband and wife; or

(2) Between an individual and a corporation more than 80 percent in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transferor from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(b) *Section applicable only to sales or exchanges of depreciable property.* This section shall apply only in the case of a sale or exchange by a transferor of property which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in section 167.

§ 1.1239–1 *Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.* Section 1239 provides in general that any gain from the sale or exchange of depreciable property between a husband and wife or between an individual and a controlled corporation shall be treated as ordinary income. Thus, any gain recognized to the transferor from a sale or exchange after May 3, 1951, directly or indirectly, between a husband and wife or between an individual and a controlled corporation, of property which, in the hands of the transferee, is property of a character subject to an allowance for depreciation provided in section 167 (including such property on which a deduction for amortization is allowable under section 168 or 169) shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. For the purpose of section 1239, a corporation is controlled when more than 80 percent in value of all outstanding stock of the corporation is beneficially owned by the taxpayer, his spouse, and his minor children and minor grandchildren. For the purpose of this section, the terms "children" and "grandchildren" include legally adopted children and their children. The provisions of section 1239 (a) (2) are applicable whether property is transferred from a corporation to a shareholder or from a shareholder to a corporation.

§ 1.1240 *Statutory provisions; taxability to employee of termination payments.*

SEC. 1240. *Taxability to employee of termination payments.* Amounts received from the assignment or release by an employee, after more than 20 years' employment, of all his rights to receive, after termination of his employment and for a period of not less than 5 years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than 6 months if—

(1) Such rights were included in the terms of the employment of such employee for not less than 12 years,

(2) Such rights were included in the terms of the employment of such employee before the date of enactment of this title, and

(3) The total of the amounts received for such assignment or release is received in one taxable year and after the termination of such employment.

§ 1.1240–1 *Capital gains treatment of certain termination payments.* Any amounts received by an employee for the assignment or release of all his rights to receive, after termination of his employment and for a period of not less than five years or for a period ending with his death, a percentage of the profits or receipts of his employer attributable to a time subsequent to such termination, are considered received from the sale or exchange of a capital asset held for more than six months if the following requirements are met:

(a) The employee was employed by the employer, in whose future profits or receipts the employee had an interest, for a period of more than 20 years before the assignment or release by the employee of his rights in such future profits or receipts,

(b) The full rights of the employee to the percentage of the future profits or receipts of such employer, which rights are the subject of the assignment or release, were incorporated in the terms of the contract of employment between the employee and the employer for a period of at least 12 years, and were so incorporated before August 16, 1954,

(c) The assignment or release was made after the termination of the employee's employment with such employer,

(d) The assignment or release conveyed all the rights of the employee in the future profits or receipts of such employer and conveyed no other rights of the employee, and

(e) The total amount to which the employee became entitled pursuant to the assignment or release was received by the employee after the termination of his employment with such employer and in one taxable year of the employee.

The requirement that the assignment or release be made after the termination of the employee's employment contemplates a complete and bona fide termination of the relationship of employer and employee. This requires more than a mere termination of such relationship under the particular contract or contracts of employment pursuant to which the employee acquired his rights in the future profits or receipts of the employer. The contract need not expressly provide that the employee shall share in the future profits or receipts of the employer for a minimum period of five years. However, if the contract does not expressly so provide and the assignment or release is made before the expiration of five years following the termination of employment, the terms of the contract considered in conjunction with the facts in the particular situation must establish that the rights of the employee to a percentage of future profits or receipts, in all probability, will extend to a period of not less than five years from the date of termination of employment or for a period ending with his death. Section 1240 has application only to an assignment or release made by the employee who acquired the right to a percentage of future profits or receipts of the employer, and has no application to amounts received other than as payment for assignment or release of such right. Section 1240 has no effect upon the determination of the income tax of the employer making the payment to the employee.

§ 1.1241 *Statutory provisions; cancellation of lease or distributor's agreement.*

SEC. 1241. *Cancellation of lease or distributor's agreement.* Amounts received by a lessee for the cancellation of a lease, or by a distributor of goods for the cancellation of a distributor's agreement (if the distributor has a substantial capital investment in the distributorship), shall be considered as amounts received in exchange for such lease or agreement.

§ 1.1241–1 *Cancellation of lease or distributor's agreement*—(a) *In general.* Section 1241 provides that proceeds received by lessees or distributors from the cancellation of leases or of certain distributorship agreements are considered as amounts received in exchange therefor. Section 1241 applies to leases of both real and personal property. Distributorship agreements to which section 1241 applies are described in paragraph (c) of this section. Section 1241 has no application in determining whether or not a cancellation not qualifying under that section is a sale or exchange. Further, section 1241 has no application in determining whether or not a lease or a distributorship agreement is a capital asset, even though its cancellation qualifies as an exchange under section 1241.

(b) *Definition of "cancellation".* The term "cancellation" of a lease or a distributor's agreement, as used in section 1241, means a termination of all the contractual rights of a lessee or distributor with respect to particular premises or a particular distributorship, other than by the expiration of the lease or agreement in accordance with its terms. A payment made in good faith for a partial cancellation of a lease or a distributorship agreement is recognized as an amount received for cancellation under section 1241 if the cancellation relates to a severable economic unit, such as a portion of the premises covered by a lease, a reduction in the unexpired term of a lease or distributorship agreement, or a distributorship in one of several areas or of one of several products. Payments made for other modifications of leases or distributorship agreements, however, are not recognized as amounts received for cancellation under section 1241.

(c) *Amounts received upon cancellation of a distributorship agreement.* Section 1241 applies to distributorship agreements only if they are for marketing or marketing and servicing of goods. It does not apply to agreements for selling intangible property or for rendering personal services as, for example, agreements establishing insurance agencies or agencies for the brokerage of securities. Further, it only applies to a distributorship agreement if the distributor has made a substantial investment of capital in the distributorship. The substantial capital investment must be reflected in physical assets such as inventories of tangible goods, equipment, machinery, storage facilities, or similar property. An investment is not considered substantial for purposes of section 1241 unless a distributor either owns a significant fraction or more of the facilities for storing, transporting, processing or otherwise dealing with the goods distributed, or maintains a substantial inventory. The investment required in the maintenance of an office merely for clerical operations is not considered substantial for purposes of this section. Furthermore, section 1241 shall not apply unless a substantial amount of the capital or assets needed for carrying on the operations of a distributorship are acquired by the distributor and actually used in carrying on the distributorship at some time before the cancellation of the distributorship agreement. It is immaterial for the purposes of section 1241 whether the distributor acquired the assets used in performing the functions of the distributorship before or after beginning his operations under the distributorship agreement. It is also immaterial whether the distributor is a retailer, wholesaler, jobber, of other type of distributor. The application of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer is a distributor of various food products. He leases a warehouse including cold storage facilities and owns a number of motor trucks. In 1955 he obtains the exclusive rights to market certain frozen food products in his State. The marketing is accomplished by using the warehouse and trucks acquired before he entered into the agreement and entails no additional capital. Payments received upon the cancellation of the agreement are treated under section 1241 as though received upon the sale or exchange of the agreement.

Example (2). Assume that the taxpayer in example (1) entered into an exclusive distributorship agreement with the producer under which the taxpayer merely solicits orders through his staff of salesmen, the goods being shipped direct to the purchasers. Payments received upon the cancellation of the agreement would not be treated under section 1241 as though received upon the sale or exchange of the agreement.

Example (3). Taxpayer is an exclusive distributor for M city of certain frozen food products which he distributes to frozen-food freezer and locker customers. The terms of his distributorship do not make it necessary for him to have any substantial investment in inventory. Taxpayer rents a loading platform for a nominal amount, but has no warehouse space. Orders for goods from customers are consolidated by the taxpayer and forwarded to the producer from time to time. Upon receipt of these goods, taxpayer allocates them to the individual orders of customers and delivers them immediately by truck. Although it would require a fleet of fifteen or twenty trucks to carry out this operation, the distributor uses only one truck of his own and hires cartage companies to deliver the bulk of the merchandise to the customers. Payments received upon the cancellation of the distributorship agreement in such a case would not be considered received upon the sale or exchange of the agreement under section 1241 since the taxpayer does not have facilities for the physical handling of more than a small fraction of the goods involved in carrying on the distributorship and, therefore, does not have a substantial capital investment in the distributorship. On the other hand, if the taxpayer had acquired and used a substantial number of the trucks necessary for the deliveries to his customers, payments received upon the cancellation of the agreement would be considered received in exchange therefor under section 1241.

[F. R. Doc. 56–5772; Filed, July 17, 1956; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 101]

ALASKA COMMERCIAL FISHERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning about February 1, 1957, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in considering changes in the regulations by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on or before November 20, 1956, or by presenting their

views at a series of open discussions scheduled to be held as follows:

Dillingham, Alaska: October 1.
Anchorage, Alaska: October 3.
Homer, Alaska: October 4.
Kodiak, Alaska: October 6.
Cordova, Alaska: October 8.
Juneau, Alaska: October 15.
Sitka, Alaska: October 16.
Ketchikan, Alaska: October 18.
Wrangell, Alaska: October 19.
Seattle, Wash.: November 7, 8 and 9.

The hour and place of each meeting will be announced by the local representative of the Fish and Wildlife Service at the places indicated above.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 12, 1956.

[F. R. Doc. 56-5703; Filed, July 17, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

[Docket No. AO 258-A1]

DRIED FIGS PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS OF MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments of Marketing Agreement No. 123, and Order No. 64 (20 F. R. 1685) regulating the handling of dried figs produced in California. The marketing agreement and order (hereinafter referred to as the "order"), are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed amndments of the order are formulated, was held at Fresno, California, on June 11, 1956. The hearing was initiated pursuant to a notice thereof which was published in the FEDERAL REGISTER (21 F. R. 3800) of June 2, 1956. The notice of hearing included proposed amendments received from two handlers of dried figs. At the public hearing, the Dried Fig Administrative Committee (hereinafter referred to as the "committee"), established pursuant to the order as the agency to administer the terms and provisions thereof, became a proponent of the same amendments. The notice also contained an amendment proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to provide for:

(1) Deletion of obsolete language in the order relating to the initial and successor members and alternate members of the committee;

(2) Changing the term of office of the eleventh member of the committee from a term ending May 31 to a one year term beginning July 1;

(3) Voting by mail or telegraph, under certain conditions, on propositions considered for adoption by the committee;

(4) Deletion of a provision in the order restricting the conditions under which head count tests for insects shall be required in inspecting dried figs or sliced dried figs for manufacture into fig paste; and

(5) Making such other changes in the order as may be necessary to make the entire order conform with the proposed amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended by deleting provisions relating to the initial or original members and alternate members of the committee and the successors to such initial or original members and alternate members. These deletions should be made so that the provisions, as amended, relating to the committee will include only those which are necessary in future operations. Since the terms of office of the initial members and alternate members expired May 31, 1955, the retention of provisions differentiating between initial members and successor members would serve no useful purpose. These changes would involve the deletion of existing § 964.21 (a), the deletion from existing §§ 964.21 (b) and (c), 964.24 and 964.26 of all language making reference, either direct or implied, to the original and successor members and alternate members, and the substitution, for existing § 964.21 (a) of present § 964.21 (c) as proposed to be revised.

(2) The provisions of § 964.21 (b) of the order should be further amended to provide that in the event the committee shall nominate an eleventh member, he may be selected by the Secretary to serve for one year, beginning July 1. The order now provides, in the event of such nomination by the committee, that the eleventh member may be selected by the Secretary for the balance of the year which the producer and handler members are serving, namely a year ending May 31. Under the present provisions relating to the terms of office of the producer and handler members, such members and their alternates serve until their respective successors are selected and qualify by accepting their appointments, but the eleventh member does not continue to serve after May 31.

The eleventh member of the committee, when there is one, serves as its chairman. Under the existing provisions, if the committee taking office June 1 nominates an eleventh member, he cannot begin to function officially until he has been selected by the Secretary; hence, for a time the committee would be without a chairman. The proposed amendment should avert such a situation, since the expiration of the term of office of the eleventh member on June 30 instead of May 31 would provide sufficient time for the nomination and selection of a person to fill such position during the next year beginning July 1.

(3) The provisions of § 964.34 (c) of the order, relating to voting requirements of the committee, should be amended by adding at the end thereof a new provision authorizing the committee to vote by mail or telegraph when there is no assembled meeting. The present provisions provide only for voting in an assembled meeting. It should be provided that any proposition to be voted upon by mail or telegraph first shall be explained accurately, fully and identically by mail or telegraph to all members, and that a unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, should be held to be a dissenting vote. Also, it should be provided that no action to establish volume regulation under § 964.55 of the order can be taken on the basis of a mail or telegraphic vote.

This proposed amendment would eliminate the necessity of calling a meeting for the transaction of routine committee business involving only propositions on which no controversy exists and which do not require extensive deliberation or discussion.

The first part of § 964.34 (c), relating to a quorum, should be amended to clarify the fact that the provision would be applicable only to a vote in an assembled meeting.

(4) The provisions of subparagraph (2) of § 964.90 (c) *Maximum tolerances for dried figs for shipment or other final disposition*, should be amended by deleting the final sentence thereof and by amending the introductory part of the first sentence preceeding the colon to clarify the applicability of the provisions to sliced dried figs being prepared as fig paste and sliced dried figs being prepared for disposition as sliced dried figs for later manufacture into fig paste. The sentence proposed to be deleted refers to a particular type of laboratory test for the prevalence of insects in dried figs or sliced dried figs for use in the manufacture of fig paste, such test being intended to be used only as conditions may warrant. The existing provisions requires rule making procedure to change the varieties of dried figs, or blends thereof, for which this particular test shall be required.

It was testified at the hearing that the existing provisions have hampered proper inspection of dried figs in that needed actions with respect to head count tests cannot be authorized quickly enough through rule making procedures, and that a rule requiring the test cannot quickly be changed when the necessity for it no longer exists. In 1955 it was necessary for the committee to obtain a voluntary industry agreement to apply head count tests to an additional variety of dried figs, pending completion of formal rule making. It was testified also that it is not necessarily true that all lots of a variety of dried figs require the head count test, since some lots may have very low or no infestation; that it would be inappropriate to place a duty upon the inspection agency and at the same time deny it the tool which it needs to determine whether or not the head count is excessive; and that the inspection agency should be free to use or not to use the analysis (head count test), depending on the condition of an individual lot as determined by other methods.

Further testimony was adduced at the hearing that the inspection agency (Dried Fruit Association of California) over a long period of years has developed techniques for ascertaining the quality of each crop and it is able to keep the total insect count within the tolerance prescribed in the order by inspecting each lot and by using the head count test only when it appears necessary.

During 1955 a rule was issued pursuant to the provision of the order now proposed for deletion, which required that head count tests be made of dried figs of the Adriatic and Calimyrna varieties. Should this proposed amendment of the order be approved and become effective, the rule with respect to those two varieties should then be terminated, since it would be in conflict with the intent of this proposed amendment.

The proposed amendment of the introductory part of the first sentence of § 964.90 (c) (2) preceding the colon is intended to clarify its meaning with respect to sliced dried figs. The provision, as published in the notice (19 F. R. 3092) of the public hearing held on June 15 to 18, 1954, in Fresno, California, and as intended to be made effective read: "(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as sliced dried figs or for manufacture into fig paste:". In the order as finally published, the word "or" where it last occurs above was inadvertently omitted, leaving the meaning of the provision unclear. Testimony was adduced at the June 1956 hearing that sliced dried figs are not used for any purpose other than the manufacture of fig paste but that normally figs for such use are sliced and sorted and either ground by the handler for delivery as fig paste or sold to a buyer of sliced dried figs for manufacturing use. The buyer will grind them into paste after purchase and delivery. Dried figs also may be ground directly into paste. This part of the proposed amendment would clarify the intent of these provisions with respect to sliced dried figs being prepared as fig paste and sliced dried figs being prepared for disposition as such, consistently with customary practices in the disposition of dried figs.

(5) It was testified at the hearing that changes should also be made in any provisions of the order not directly involved in connection with specific amendments of it which may result from this proceeding, but which are necessary to make such other provisions conform with any such specific amendments which are so adopted. It was emphasized that any such changes should be limited to those which are obviously necessary and appropriate, and that, other than to that extent, such changes should not affect the present meaning of such provisions. Should relatively minor provisions in other parts of the order require conforming changes, there should be authority to make such changes. However, it does not appear necessary to make any conforming changes other than those indicated under the discussion of the other issues.

Rulings on proposed findings and conclusions. The period during which interested parties may file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusions to be drawn therefrom expired June 25, 1956. No briefs were filed; hence no ruling is necessary.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (20 F. R. 1685) of this marketing agreement and order, and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of dried figs in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

Recommended amendments to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Delete the provisions of § 964.21 (a) and substitute for existing paragraph (a) the provisions of paragraph (c) of that section, relettered as paragraph (a), and amended to read as follows:

§ 964.21 *Selection and term of office of members of the committee*—(a) *Selection of members.* Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23 and 964.25.

2. Amend the provisions of § 964.21 (b) to read as follows:

(b) *Term of office of members.* The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1.

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 *Nomination of producer members of the committee*—(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 *Nomination of handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of paragraph (c) of § 964.34 to read as follows:

(c) *Voting requirements.* No action shall be taken by the committee at an assembled meeting including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained; *Provided however*, That any recommendation to establish volume regulation under § 964.55 shall require the concurring vote of not less than four handler members and four producer members, or alternate members acting in the place and stead of members. The committee may vote by mail or telegraph, when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or

telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, shall be held to be a dissenting vote. No action to establish volume regulation under § 964.55 can be taken on the basis of a mail or telegraphic vote.

6. Amend the provisions of subparagraph (2) of paragraph (c) of § 964.90 to read as follows:

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as fig paste, or sliced dried figs being prepared for disposition as sliced dried figs: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) no sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams.

Dated: July 12, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-5718; Filed, July 17, 1956; 8:50 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A14]

MILK IN NASHVILLE, TENNESSEE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Courtroom, Davidson County Court House, Nashville, Tennessee, beginning at 9:00 a. m., c. d. t., Tuesday, July 24, 1956, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR 978 et seq.). Consideration will be given to the question of whether market conditions, as presented in the record, require emergency action with respect to any amendments deemed necessary as the result of this hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area were proposed by the Nashville Milk Producers, Inc.

Proposed by Nashville Milk Producers, Inc. as follows:

1. Amend § 978.51 by:

(a) Increasing the Class I milk differential.

(b) Including the month of August in the period during which the higher seasonal Class I differential is applicable.

(c) Increasing the rate used in computing the supply-demand adjustment.

Proposed by the Dairy Division, Agricultural Marketing Service:

2. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, Room 101, 152 – 4th Avenue, North, Nashville 3, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 13, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5779; Filed, July 17, 1956; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

CLASSIFICATION OF MOTOR CARRIERS

JUNE 29, 1956.

Having under consideration the matter of classifying motor carriers of property for accounting and reporting purposes, the Commission has approved revision of paragraph (a) of § 182.01-1 *Classification of carriers*, in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, to read as follows:

§ 182.01-1 *Classification of carriers.* (a) For purposes of the accounting regulations common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I. Carriers having average gross operating revenues, (including interstate and intrastate) of $1,000,000 or more annually, from property motor carrier operations.

Class II. Carriers having average gross operating revenues, (including interstate and intrastate) of $200,000 or more, but less than $1,000,000 anually, from property motor carrier operations.

Class III. Carriers having average gross operating revenues, (including interstate and intrastate) of less than $200,000 annually, from property motor carrier operations.

The purpose of this revision is not to excuse any carriers now subject to Class I regulations from compliance with the basic accounting and reporting requirements. A system of accounts for Class II carriers, as above, will be prescribed as of the effective date of this revision, condensed from present Class I accounts in those respects which will simplify bookkeeping most without altering in material substance the type of information available in the accounts as presently maintained. New Class II carriers will also file annual and quarterly reports in a form consistent with such condensed system of accounts.

Any interested person may on or before August 1, 1956, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. After consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the above revision January 1, 1957.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-5776; Filed, July 17, 1956; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 10, 1956.

The United States Forest Service has filed an application, Serial No. Nevada 043897, for the withdrawal of the lands described below, from location and entry under the General Mining Laws only, subject to existing valid claims. The applicant desires the land for administrative sites, forest camps and recreation areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are within the Toiyabe National Forest and are described below:

MT. DIABLO MERIDIAN, NEVADA

Hunts Canyon Administrative Site:
T. 7 N., R. 46 E.,
Sec. 15, SE¼SE¼;
Sec. 22, NE¼NE¼.
Acreage: 80.

Indian Valley Administrative Site:
T. 10 N., R. 40 E.,
Sec. 4, SE¼.
Acreage: 160.

Kingston Administrative Site:
T. 16 N., R. 43 E.,
Sec. 17, NE¼.
Acreage: 160.

Meadow Canyon Administrative Site:
T. 10 N., R. 45 E. (Unsurveyed)
Sec. 33, NW¼.
Acreage: 160, more or less.

San Juan Administrative Site:
T. 15 N., R. 42 E.,
Sec. 32, NE¼ (unsurveyed).
Acreage: 160, more or less.

South Twin River Administrative Site:
T. 12 N., R. 41 E.,
Sec. 32, E½SE¼ (unsurveyed);
Sec. 33, W½SW¼ (unsurveyed).
Acreage: 160, more or less.

Upper Corral Administrative Site:
T. 11 N., R. 41 E. (unsurveyed),
Sec. 28, W½SW¼;
Sec. 29, E½SE¼.
Acreage: 160, more or less.

Big Creek Forest Camp:
T. 17 N., R. 43 E.,
Sec. 15, NW¼.
Acreage: 160.

Kingston Forest Camp:
T. 16 N., R. 43 E.,
Sec. 21, SW¼SE¼ (unsurveyed);
Sec. 28, NE¼, excepting the area included in Mineral Survey No. 1811 and Mineral Survey No. 3422.
Acreage: 200, more or less.

Peavine Forest Camp:
T. 9 N., R. 42 E. (unsurveyed);
Sec. 19, W½SE¼.
Acreage: 80, more or less.

Pine Creek Forest Camp:
T. 11 N., R. 46 E.,
Sec. 18, Lot 3;
T. 11 N., R. 45 1. (unsurveyed);
Sec. 13, NE¼SE¼, SE¼NE¼.
Acreage: 119.41, more or less.

San Juan Recreation Area:
T. 15 N., R. 42 E.,
Sec. 32, SE¼ (unsurveyed).
Acreage: 160, more or less.

Total acreage is 1,759.41, more or less.

W. REED ROBERTS,
Acting State Supervisor.

[F. R. Doc. 56-5701; Filed, July 17, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF REQUEST FOR MODIFICATIONS OF SERVICE DESCRIPTIONS

The Federal Maritime Board/Maritime Administrator and American President Lines, Ltd., have under consideration certain changes in the Company's service descriptions, the changes of possible significance to other U. S.-flag operators being as follows:

Line A-1—Trans-Pacific Passenger-Freight Service (Trade Route No. 29). Regular calls: "Japan" substituted for "Yokohama, Kobe".

Line A-2—Trans-Pacific Freight Service (Trade Route No. 29). Regular calls: "two or more California ports" substituted for "the California ports of Los Angeles and San Francisco"; and "China" substituted for "Shanghai, other North China ports and ports in Manchuria • • • (as traffic offers)".

Line B—Round-the-World Service (Westbound). Regular calls: "Malaya-Indonesia" substituted for "Straits Settlements", with "Indonesia" replacing "privilege of calling at ports in the Dutch East Indies (Indonesia)"; and privilege calls added: "Korea, Indo-China, Thailand".

Line C—Atlantic/Straits Service (Trade Route No. 17). Privilege calls added: "at any one of Iloilo, Cebu or Bugo outbound in addition to Manila".

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Federal Maritime Board, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Federal Maritime Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 13, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-5775; Filed, July 17, 1956; 8:58 a. m.]

[Docket No. M-69 (Sub. 1)]

PACIFIC FAR EAST LINE, INC.

NOTICE OF FURTHER HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that this proceeding has been reopened, and that a further public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on July 19, 1956, at 11:15 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Pacific Far East Line, Inc., to bareboat charter two (2) Victory type vessels for the carriage of one cargo each of grain from the Pacific Coast of the United States to Pakistan, beginning in July 1956.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument on conclusion of receipt of evidence.

Dated: July 16, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-5828; Filed, July 17, 1956; 9:00 a. m.]

[Docket No. M-71]

GRACE LINE, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on July 25, 1956, at 10:00 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Grace Line Inc. to bareboat charter two (2) Victory type dry-cargo vessels for operation on Trade Route No. 25 between United States Pacific Coast ports and West Coast ports of Mexico, Central America, Colombia, Ecuador, Peru and Chile, with the privilege of calling at Balboa, Canal Zone and British Columbia ports, for a period of one year. Applicant intends to use one of the vessels for which it applies as replacement for one "C-2" vessel which it intends to transfer from the aforementioned service to service between a port or ports in the United States Atlantic, Maine to Key West, inclusive, and a port or ports on the West Coast of South America, as far south as San Antonio or Talcahuano, Chile, with the privilege of calling at ports in the Panama Canal Zone.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately-owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

An Examiner from the Hearing Examiner's Office will preside at the hearing, and oral argument may be had at the conclusion of receipt of evidence in lieu of briefs. An Initial Decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

Dated: July 16, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-5814; Filed, July 16, 1956; 4:32 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Allencraft Corp., 217 South Church Street, Murfreesboro, Tenn.; effective 6-25-56 to 6-24-57 (sport shirts).

Bloch-Heller Co., 27 North Fourth Street, Minneapolis, Minn.; effective 6-22-56 to 6-21-57 (sport shirts).

Burlington Manufacturing Co., Miami, Okla.; effective 6-30-56 to 6-29-57 (overalls, dungarees).

Carwood Manufacturing Co., Winder, Ga.; effective 6-28-56 to 6-27-57 (cotton work pants and shirts).

Gordon & Ferguson, Inc., 230 East Fifth Street, St. Paul, Minn.; effective 6-22-56 to 6-21-57 (sportswear).

D. W. Harris Manufacturing Co., Sixth and Sibley Street, St. Paul, Minn.; effective 6-22-56 to 6-21-57 (storm coats and jackets).

The Iuka Shirt Co., Inc., Iuka, Tishimingo Co., Miss.; effective 6-22-56 to 6-21-57 (ladies' cotton shirts).

The Iuka Shirt Co., Inc., Iuka, Tishimingo Co., Miss.; effective 6-22-56 to 6-21-57 (men's sport shirts).

Lafayette Pants Corp., 401 Lafayette Boulevard, Fredericksburg, Va.; effective 6-30-56 to 6-29-57 (men's dress trousers).

Kinwood Mills, La Fayette, Ga.; effective 7-1-56 to 6-30-57 (men's sport shirts).

Meridian Manufacturing Co., Inc., 2315 Front Street, Meridian, Miss.; effective 6-22-56 to 6-21-57 (robes).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-56 to 6-29-57 (jackets).

The Moyer Manufacturing Co., 18-24 North Walnut Street, Youngstown, Ohio; effective 6-22-56 to 6-21-57 (men's slacks).

R. H. R. Dress Manufacturing Co., Inc., R. F. D. No. 2, Appomattox, Va.; effective 6-18-56 to 6-17-57 (children's dresses).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo.; effective 6-26-56 to 6-25-57 (men's work clothing).

Rice-Stix, Inc., Factory No. 26, Thayer, Mo.; effective 6-20-56 to 6-19-57 (ladies' cotton and rayon dresses).

Statham Garment Corp., Statham, Ga.; effective 6-21-56 to 6-20-57 (trousers uniform, work and semi-dress).

J. H. Stern Garment Co., Inc., Seven Valleys, Pa.; effective 6-20-56 to 6-19-57 (children's dresses).

Clifford F. Smith Manufacturing Co., Inc., 1901 First Street, San Fernando, Calif.; effective 6-22-56 to 6-21-57 (men's and boys' sport shirts and sportswear).

Weaver Pants Co., Inc., 503 Polk Street, Corinth, Miss.; effective 3-1-56 to 2-28-57 (men's single pants and sportswear) (replacement certificate).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Adamo Dress Factory, 124 Mansion Street, Coxsackie, N. Y.; effective 6-22-56 to 6-21-57; 5 learners (women's and misses' dresses).

Colonial Manufacturing Co., 2496 University Avenue, St. Paul, Minn.; effective 6-22-56 to 6-21-57 (ladies' aprons).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va.; effective 6-22-56 to 11-15-56 (women's cotton uniforms).

Gem-Dandy, Inc., 202 Murphy Street, Madison, N. C.; effective 6-22-56 to 6-21-57 (brassieres, garter belts, girdles).

Gross Galesburg Co., North Main Street, Charlton, Iowa; effective 6-22-56 to 6-21-57 (work pants and shirts).

Isaacson-Carrico Manufacturing Co., 210 East First Street, El Campo, Texas, effective 6-20-56 to 6-19-57; 5 learners (girls' cotton woven underwear).

N. Schekman Dress Co., 65 Main Street, Springfield, Mass.; effective 6-19-56 to 6-18-57; 5 learners (dresses).

Stagecoach Manufacturing Co., Inc., 146 North 13th Street, Philadelphia, Pa., effective 6-22-56 to 6-21-57; 5 learners (operating gowns; westernettes).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Cluett, Peabody & Co., Inc., Mill Street, Corinth, N. Y.; effective 6-18-56 to 12-17-56; 30 learners (dress shirts).

Gary Co., Inc., West Maple Street, Gallatin, Tenn.; effective 6-19-56 to 12-18-56; 50 learners (men's shirts).

Meridian Manufacturing Co., Inc., 2315 Front Street, Meridian, Miss.; effective 6-22-56 to 12-21-56; 25 learners (robes).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 6-22-56 to 12-21-56; 20 learners (ladies' lingerie).

Patty's Sportswear, Hamilton, Tex.; effective 6-22-56 to 12-21-56; 30 learners (women's and children's blouses; women's sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Griffin Hosiery Mills, Dovedown Hosiery Mills, Griffin, Ga.; effective 6-20-56 to 6-19-57; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Humboldt Full Fashioned Hosiery Mills, Inc., Humboldt, Tenn.; effective 6-29-56 to 6-28-57; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Burlington Manufacturing Co., Inc., 130 South Street, Waymart, Pa.; effective 6-21-56 to 6-20-57; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knitted polo shirts).

Piedmont Fabrics, Inc., North Broad Extension, Gastonia, N. C.; effective 6-21-56 to 6-20-57; 5 learners for normal labor turnover purposes (men's and boys' knitted T shirts).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for 10 percent of the total number of factory production workers for normal labor turnover purposes, except as otherwise indicated, to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number of proportion of learners authorized to be employed, are as follows:

Flechbilt Leather Products, Ocala, Fla.; effective 6-25-56 to 12-24-56; not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; not less than 85 cents per hour for a maximum of 160 hours for the occupation of die and clicker machine operator, and pocketbook maker's helper; authorizing the employment of 4 learners (handbags and belts).

Machiasport Canning Co., Eastport, Maine; effective 6-18-56 to 12-17-56; not less than 80 cents per hour for the first 80 hours and not less than 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packer (sardine canning).

North Lubec Manufacturing & Canning Co., Rockland, Maine; effective 6-18-56 to 12-17-56; not less than 80 cents per hour for the first 80 hours and not less than 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packing (sardine canning).

Plastic Electronic Fabricators, Inc., Union City, N. J.; effective 6-19-56 to 6-18-57; not less than 75 cents per hour for a maximum of 160 hours, for the occupations of heat sealing machine operators and automatic snap machine operators (plastic rainwear).

Port Clyde Packing Co., Inc., Port Clyde, Maine; effective 6-18-56 to 12-17-56; not less than 80 cents per hour for the first 80 hours and not less than 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packing (sardine canning).

Seaboard Packing Co., 231 Front Street, S. Portland, Maine; effective 6-25-56 to 12-24-56; not less than 80 cents per hour for the first 80 hours and not less than 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packing (sardine canning).

Syn-Pro, Inc., Bay Ridge Road, Annapolis, Md.; effective 6-25-56 to 12-24-56; not less than 85 cents per hour for a maximum of 240 hours for the occupations of machine operators, fixers, tenders and jobs immediately incidental thereto; authorizing the employment of 3 learners (processing of synthetic yarns).

Yorktown Manufacturing Co., Pilot Grove, Mo.; effective 6-25-56 to 12-24-56; not less than 80 cents per hour for the first 320 hours and not less than 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of upholstery; authorizing the employment of 5 learners (upholstered furniture).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review of reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of July 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 56-5769; Filed, July 17, 1956; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7725]

NORTHWEST AIRLINES, INC.; NORTHWEST PERMANENT CERTIFICATION CASE (TRANS-PACIFIC OPERATIONS)

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., for amendment of its temporary certificate of public convenience and necessity authorizing trans-Pacific operations so as to provide for unlimited duration of said authorization for its operations between Seattle, Portland, Anchorage, and Tokyo.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801, and 1001 thereof, that a public hearing in the above-entitled proceeding will be held on August 7, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues to be considered in this proceeding, particular attention will be directed to the following matters:

1. Does the public convenience and necessity require the amendment of the certificate of public convenience and necessity of Northwest Airlines, Inc., for its trans-Pacific route between Seattle, Wash., Portland, Oreg., Anchorage, Alaska, and Tokyo, Japan, so as to make permanent Northwest's present temporary authority to operate such route?

2. Is Northwest fit, willing, and able to perform such proposed transportation properly, and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations and requirements thereunder?

For further details regarding the issues involved in this proceeding, interested persons are hereby referred to the application of Northwest Airlines in Docket No. 7725; Board Order No. E-10308, dated May 22, 1956; and the Report of Prehearing Conference served on April 23, 1956, each of which documents is on file in the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board, on or before August 7, 1956, a statement setting forth the issues of fact or law upon which he desires to be heard.

Dated at Washington, D. C., July 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5781; Filed, July 17, 1956; 8:59 a. m.]

[Docket No. 7782]

EASTERN AIR LINES, INC.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc. enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled matter, last assigned to be held on July 25, 1956, is further postponed at the request of Counsel for the respondent and will be held on September 10, 1956, at 10:00 a. m., e. d. s. t. in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-5782; Filed, July 17, 1956; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10427]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1956.

Take notice that United Fuel Gas Company (United), Applicant, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business in Charleston, West Virginia, filed on May 18, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

For the purpose of initiating a new industrial interruptible natural gas service to the Dow Chemical Company (Dow), United proposes to construct and operate approximately 120 feet of 3½-inch O. D. natural gas supply line from an interconnection with its existing 10-inch transmission line F near the site of Dow's proposed plant now under construction at Hanging Rock, Lawrence County, Ohio, extending to a terminus at a proposed measuring and regulating station to be constructed on the premises of the plant.

Dow has advised Applicant that its estimated gas requirements will be 456 Mcf on peak days and 85,960 Mcf annually for each of the first five years of service. Under contractual arrangement, however, United has agreed to deliver up to a maximum of 600 Mcf per day if required. The gas will be used, in addition to space heating, in various chemical processes in the production of polystyrene and a chemical product known as "Styrofoam".

United has estimated the cost of constructing the necessary facilities required to provide the proposed service at $4,111, which will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, September 4, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5704; Filed, July 17, 1956; 8:47 a. m.]

[Docket No. G-10440]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1956.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio corporation and a subsidary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on May 21, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed natural gas transmission facilities and for authority to abandon certain existing facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The construction proposed by Applicant includes three projects totalling 13.3

miles of 8-inch, 12-inch, and 20-inch pipeline. These facilities are required as a result of increasing requirements of existing markets and the inadequacy of existing facilities.

Project No. 1 consists of constructing approximately 2.6 miles of 20-inch pipeline in Lorain County, Ohio looping a part of existing Line L–2042 between Wellington Compressor Station and existing Line "D". Line L–2042 consists of 13.7 miles of 16-inch transmission line and transports gas for consumption in Sandusky, Norwalk, Amherst and other retail markets including partial service to Fremont and Lorain, all in Ohio.

During periods of peak market demand Line L–2042 is supplied primarily with gas withdrawn from the Wellington storage area as well as some gas from Pavonia Station delivered through Line L–2121.

The existing daily capacity of L–2042 and Line "D" is calculated at approximately 85.9 MMcf with inlet pressures at Wellington on a design peak day of 325 psia. The 1956–57 peak day estimated requirements total 91.4 MMcf after industrial curtailment. The proposed looping of Line L–2042 will provide an overall capacity from Wellington Station to Line "D" of approximately 131.5 MMcf per day as well as permitting higher pressures to be maintained at the junction of Lines "D" and L–2042.

Project No. 2 consists of the construction of approximately 7.9 miles of 8⅝-inch transmission pipeline in Champaign County, Ohio looping part of existing line Z–165 betwen Urbana and Bellefontaine. The present capacity of line Z–165 as indicated at Docket No. G–2405 is 2.8 MMcf per day with 250 psig discharge pressure at Urbana Station and 35 psig terminal pressure at Bellefontaine.

The City of Bellefontaine, a wholesale customer of Applicant has nominated 4.0 MMcf as a daily requirement for the winter of 1956–57. Gas is also to be supplied from Line Z–165, in addition to Bellefontaine, to the Dayton Power and Light Company for resale in West Liberty, Ohio as directed at Docket No. G–9266. The requirements of West Liberty have been estimated by Dayton at 0.4 MMcf for the 1956–57 peak day making a total to be served from Line Z–165 of 4.4 MMcf.

The design discharge pressure of Urbana Station is 250 psig. The station is designed to operate automatically shutting down at 250 psig discharge pressure. The calculated capacity of Line Z–165 is 3.3 MMcf using 230 psig as initial line pressure at Urbana and 35 psig terminal pressure at Bellefontaine and a load factor of 88 percent.

In order to provide the capacity necessary to serve the expected load of 4.4 MMcf, Applicant proposes to loop 7.7 miles of Line Z–165 northward from Urbana Station with 8⅝-inch pipeline. A short section of line Z–165 of 0.2 mile on the inlet side of Urbana Station but north of the Urbana town border station will also be looped to complete the south portion of the proposed loop line and to help maintain station inlet pressure at required levels.

Project No. 3 consists of construction of approximately 2.8 miles of 12¾-inch transmission line in Clark County, Ohio, partly replacing existing line Z near Springfield, Ohio.

Applicant also requests authorization to abandon approximately 0.4 mile of 10¾-inch O. D. pipe to be replaced by facilities described under Project No. 3. Such abandonment will not result in discontinuance of service to any customers.

Line Z between Springfield and line Z–8 is no longer suitable for continued high pressure service and it is proposed that this section of line, approximately 1.8 miles in length, be relocated and replaced.

The proposed 2.8 miles of 12¾-inch pipeline will replace 1.8 miles of the old 10¾-inch pipe of line Z.

The estimated total cost of the three projects proposed herein is $482,600 broken down as follows:

$162,600—Project No. 1.
$185,000—Project No. 2.
$135,000—Project No. 3.

The projects will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, September 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–5705; Filed, July 17, 1956; 8:47 a. m.]

[Project No. 2206]

CAROLINA POWER & LIGHT CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 11, 1956.

Public notice is hereby given that Carolina Power & Light Company of Raleigh, North Carolina, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for Project 2206, located on the Yadkin, Uwharrie, and Pee Dee Rivers in the vicinity of Mt. Gilead, Troy, Albemarle, Aquadale, Norwood, Pee Dee, Lilesville, Wadesboro, Cordova, Rockingham, and Roberdel, in the Counties of Anson, Richmond, Montgomery and Stanley, North Carolina. The project comprises two existing hydroelectric developments on the Pee Dee River together with a proposed addition to one of the existing developments with an existing installed capacity of 87,000 kilowatts and an ultimate installation of 111,000 kilowatts, and would develop about 120 feet of power head on Pee Dee River. The project would consist of: (1) the constructed Tillery Development located about 4 miles east of Norwood, North Carolina, comprised of an earth fill dam about 1,200 feet long, and about 1,553 feet of concrete dam forming the gated spillway, powerhouse intake, and left abutment sections; a reservoir about 15 miles long with an area of 5,260 acres at normal operating level (239.5 feet Tillery datum, which is 38.67 feet below U. S. C. & G. S. datum), and usable storage of 88,000 acre-feet with 22 feet of drawdown; a powerhouse located at the toe of the dam containing two 31,100-horsepower turbines and one 25,600-horsepower turbine connected to two 22,000-kilowatt generators and one 18,000-kilowatt generator; the proposed installation of one 31,100-horsepower turbine connected to an 18,000-kilowatt generator, in space provided in the existing powerhouse; a substation and switchyard; and appurtenant electrical and mechanical facilities; and (2) the constructed Blewett Falls Development located about 7 miles northwest of Rockingham, North Carolina, comprised of an earthfill dam about 1,700 feet long, a concrete spillway about 1,468 feet long surmounted with 4-foot flashboards, and a 300-foot powerhouse intake section; a reservoir about 10 miles long with an area of 2,560 acres at normal operating level (139 feet — Blewett Datum, which is 39.08 feet below U. S. C. & G. S. datum), and usable storage of 32,000 acre-feet with 17 feet of drawdown; a forebay; a fishway; a powerhouse containing three 5350-horsepower turbines connected to three 4000-kilowatt generators (5000 KVA at 0.80 P. F.) and three 6400-horsepower turbines connected to three 5000-kilowatt generators (6670 at 0.75 P. F.); a substation in the powerhouse; a switchyard; a tailrace; and appurtenant electrical and mechanical facilities. The energy, both present and future, generated by the project will be used in the applicant's system for public utility purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is August 31, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–5706; Filed July 17, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11256, etc.; FCC 56M–673]

GREAT SOUTH BAY BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Great South Bay Broadcasting Company, Inc., Islip, New York, Docket No. 11256, File No. BP–9200; S. Richard Stern and Jimmey S. Stern, d/b as Stern Broadcasting Company, Ridgewood, New Jersey, Docket No. 11731, File No. BP–9713; G. Russell Chambers, tr/as The Eastern Shore Broadcasting Company (WDVM), Pocomoke City, Maryland, Docket No. 11732, File No. BP–10114; American Family Broadcasting Company, Ridgewood, New Jersey, Docket No. 11733, File No. BP–10214; for construction permits.

It is ordered, This 11th day of July 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Thursday, July 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–5693; Filed, July 17, 1956; 8:45 a. m.]

[Docket Nos. 11287, 11288; FCC 56–652]

EL MUNDO, INC., AND PONCE DE LEON BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER POSTPONING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT–1892; Ponce De Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT–1906; for construction permits for new television stations (Channel 3).

1. The Commission has before it for consideration (a) a petition filed by the Department of Education of Puerto Rico on June 7, 1956, which requests review of the Examiner's Order released on June 5, 1956, scheduling a hearing date and a stay of further proceedings and (b) an opposition thereto filed by Chief of the Commission's Broadcast Bureau on June 18, 1956. The above entitled applications were designated for hearing by Commission Order released February 24, 1955, and hearing was to commence on April 25, 1955. Commencement of the hearing has been postponed on several occasions and by Order of the Examiner on April 4, 1956 hearing was to commence on June 1, 1956. On May 1, 1956, the Examiner, on his own motion, postponed the hearing without date and scheduled a pre-hearing conference for May 28, 1956. At the pre-hearing conference the parties agreed that hearing should commence on July 9, 1956. This action was confirmed by an Order of the Examiner dated June 1, 1956, and released June 5, 1956.

2. On May 21, 1956 (before the July 9th date had been agreed upon), a competing application for Channel 3 was filed by Sucesion Luis Pirallo-Castellanos (hereinafter called Sucesion) with a request for consolidation of its application with the above-entitled applications. Thereafter, on May 29, 1956 (after the July 9th date had been set), the Department of Education of Puerto Rico (hereinafter called The Department), filed its competing application and requested consolidation with the three other applications. The Department's petition for review is directed against both the Examiner's Order, dated June 1, 1956, and released June 5, 1956, specifying July 9th as the date for hearings to commence and the pre-hearing agreements of May 28, 1956, on which this Order was based; the petition also requests that said Order and the dates for hearing set therein and agreed upon at the pre-hearing conference be set aside and declared null, void, and of no force and effect; and that all further proceedings be stayed without date pending action on the applications of Sucesion and The Department and their petitions to consolidate. The Department contends that if the date of July 9, 1956 is permitted to stand, the "60 day cut-off rule" § 1.724 (b) prior to the amendment of January 1, 1956) will operate to cut-off consideration of the applications of Sucesion and The Department for Channel 3.

3. In support of the requested relief petitioner contends that until public notice of a hearing date is given, its effectiveness cannot be established to the prejudice of interested parties; that here the first public notice of the new hearing date was June 5, 1956, the date of the release of the Examiner's Order and the date of the Commission's public announcement; that agreement at a pre-hearing conference does not constitute public notice that a date has been set; and that the Examiner's description, in the written Order, of his action as affirming an earlier action cannot operate to give prior public notice of the date so set. The contentions of petitioner are partially correct, for it is generally true that notification to the public is conclusively presumed to exist on the date when a written order is released or public announcement of an action taken is made. Thus, in the instant case, notification of the July 9th hearing date occurred on June 5, 1956, when the Order was released. However, actual notice may occur at an earlier time as with the parties themselves who were present at the pre-hearing conference on May 28, 1956; similarly, interested persons who were present at this conference and heard the Examiner's announcement of the hearing date received actual notice on May 28, 1956. As to them, the notification date occurred then rather than on June 1, 1956, when the confirming Order was signed or June 5, 1956, when it was released. Thus, notification to The Department, one of whose counsel, as shown by his own affidavit, was present at the May 28, 1956, conference, occurred on May 28, 1956. Sucesion was not present at the pre-hearing conference; notification to it is conclusively presumed to have occurred on June 5, 1956, when the Order was released.

4. Petitioner further contends, as we understand its argument, that where a hearing has been postponed without date by the Examiner and where, during such postponement, a new application is filed, the Examiner may not specify a new hearing date less than 60 days after the new application was filed for the reason that by such action the Examiner improperly usurps the function of the Commission to judge the acceptability of new applications. Because the examiner so acted in this case, The Department contends that the Order specifying July 9th as the date for commencement of hearing is null and void. There can be no doubt that Examiners have general authority to postpone a hearing.[1] The fact that in exercising this authority the Examiner follows a course of action as in the instant case does not render his order null, void and of no force and effect; the order was made pursuant to delegated authority after a pre-hearing conference held pursuant to the Commission's rules; there is nothing in these rules to preclude the Examiner from postponing a hearing without date and thereafter specifying a new hearing date whether or not such date is more or less than 60 days from the time a new application is filed. Whether or not, under these circumstances, the 60 day rule operates to bar acceptance of the new applications is a question we shall decide at a later date.

5. Finally, petitioner contends that further proceedings in this matter must be stayed until action is taken by the Commission on the pending new applications; that the new applicants will be prejudiced by further proceedings herein; and that the orderly processes of the Commission will be disrupted if hearing is held only on two out of four applications. The Commission is of the opinion, after careful consideration of the pleadings filed herein, that postponement of the July 9, 1956 hearing date is desirable. It is to be noted in connection with this that the application of El Mundo, Inc., one of the applicants designated for hearing herein, was dismissed without prejudice by the Chief Hearing Examiner on July 2, 1956 but the remaining application was left in hearing status. A postponement until July 19, 1956 will provide an opportunity for the Commission to determine what action should be taken with respect to Sucesion's and The Department's applications.

Accordingly, it is ordered, This 6th day of July 1956, that the petition of the Department of Education of Puerto Rico is granted to the extent that the hearing now scheduled to commence July 9, 1956 is postponed to July 19, 1956, and that the

[1] Section 1.812 of the Commission's rules. See also section 0.231 of the Commission's Statement of Delegations of Authority and section 7 (b) of the Administrative Procedure Act.

petition for review is otherwise denied as indicated herein.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5604; Filed, July 17, 1956; 8:45 a. m.]

[Docket No. 11288; FCC 56-654]

PONCE DE LEON BROADCASTING CO., INC., ET AL.

MEMORANDUM OPINION AND ORDER POSTPONING HEARING

In re applications of Ponce De Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico; Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, File No. BPCT-2159; for construction permits for new television stations (Channel 3).

1. The Commission has before it for consideration (a) the above-captioned applications tendered for filing by Sucesion Luis Pirallo-Castellanos (Sucesion) and the Department of Education of Puerto Rico (Department of Education), respectively, for construction permits for Channel 3, Mayaguez, Puerto Rico; and (b) related pleadings filed in connection with such applications by the above applicants and by Ponce de Leon Broadcasting Company, Inc. (Ponce de Leon) and El Mundo, Inc., Ponce de Leon and El Mundo filed mutually exclusive applications for Channel 3, Mayaguez, which were designated for hearing (Dockets No. 11287 and 11288) on February 24, 1955, the hearing to commence on April 25, 1955. This hearing date has been postponed on several occasions, and on May 1, 1956, was postponed without date by the Examiner on his own motion. At that time the Examiner also scheduled a pre-hearing conference for May 28, 1956. On May 21, 1956, Sucesion tendered for filing a competing application for Channel 3 in Mayaguez together with a request for consolidation of its application with those of Ponce de Leon and El Mundo. On May 28, 1956, the prehearing conference was held and the parties (in Dockets 11287 and 11288) agreed that the hearing should commence on July 9, 1956. This agreement was confirmed by an Order of the Examiner dated June 1, 1956, and released June 5, 1956. On May 29, 1956, the Department of Education tendered for filing its competing application for Channel 3 at Mayaguez and requested consolidation with the other three applications. The requests for consolidation by the Department of Education and Sucesion have been opposed by Ponce de Leon and El Mundo.[1]

2. On July 9, 1956, the Commssion released a Memorandum Opinion and Order (FCC 56-652) in which consideration was given to a petition filed by the Department of Education for review of the Examiner's Order released on June 5, 1956 and requesting a stay of further proceedings. Therein, the Commission postponed the commencement of the hearing to July 19, 1956, and upheld the authority of the Examiner to postpone a hearing without date and thereafter to specify a new hearing date whether or not such date is more or less than 60 days from the date a new application is filed. However, we did not decide in such opinion whether the "60 day rule" is applicable or, if applicable, whether such rule operates to bar acceptance of the above-entitled applications. Those questions are now before us.

3. At the time the Ponce de Leon and El Mundo applications were designated for hearing § 1.387 (b) (3) of the Commission's rules provided that any broadcast application that is mutually exclusive with other applications already designated for hearing will be consolidated with such other applications only if the application in question is filed at least 60 days before the date on which hearing on the prior applications is scheduled, and that, " • • • If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for the purposes of this paragraph." This "60 day rule" was amended by a Commission Order, effective January 1, 1956; however, such order which established a "cut-off date" ten days after public notice of designation of applications for hearing, provided that the amendment should apply only to applications designated for hearing on or after the effective date of January 1, 1956. Inasmuch as the Ponce de Leon and El Mundo applications were designated for hearing on February 24, 1955, and the Sucesion and Department of Education applications are competitive and mutually exclusive with those earlier applications, it appears that the former "60 day rule" governs acceptance or rejection of those latter applications.

4. The Sucesion application was tendered for filing on May 21, 1956, 15 days before publication of the Examiner's Order of June 1, 1956, setting the hearing date for July 9, 1956. The Department of Education application was tendered on May 29, 1956, seven days before publication of the Examiner's Order. We do not believe a procedural rule should be interpreted in such manner as to make it possible to cut off competing applications after such applications have already been tendered for filing before the new hearing date has actually been set. To so interpret the rule would be neither equitable nor just. Therefore, we believe that the rule must be interpreted as permitting the filing of applications until such time as a hearing date has been set, without regard to whether or not the hearing date when it is set is scheduled to commence more or less than 60 days after such applications have been tendered for filing. Accordingly, since the Sucesion application was clearly tendered for filing well in advance of any act which could possibly be construed as setting the hearing date, that application is unquestionably acceptable for filing, and, after processing, must be consolidated with the Ponce de Leon application for comparative hearing.

5. It is not so clear that the Department of Education application was timely tendered under our interpretation of the 60-day rule, in view of what transpired at the pre-hearing conference held on May 28, 1956. In this connection, however, we believe that the date of the order itself must govern under the circumstances, and since the Department of Education tendered its application for filing two days before the Examiner's order was signed by him and seven days before it was released, its application was also timely tendered and must be accepted for filing and, after processing consolidated with the Ponce de Leon and Sucesion applications. In view of our decision to accept the above-entitled applications for filing, it is necessary to postpone the hearing which is now scheduled to commence on July 19, 1956 in order to permit processing of the above-entitled applications and consolidation with the Ponce de Leon application.

6. In view of the foregoing: *It is ordered*, This 11th day of July 1956, that the applications of Sucesion Luis Pirallo-Castellanos and the Department of Education of Puerto Rico are accepted for filing; that such applications will be consolidated for hearing with the application of Ponce de Leon Broadcasting Company, Inc. of Puerto Rico (Docket No. 11288) at a later date; and that the hearing now scheduled to commence July 19, 1956, is postponed to September 7, 1956, to permit such consolidation.

Released: July 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5695; Filed, July 17, 1956; 8:45 a. m.]

[Docket Nos. 11763, 11764; FCC 56M-670]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253, and Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

It is ordered, This 10th day of July 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 25, 1956, in Washington, D. C.

Released: July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5696; Filed, July 17, 1956; 8:45 a. m.]

[1] El Mundo's application was dismissed without prejudice on July 2, 1956, by the Chief Hearing Examiner.

[Docket Nos. 11765; FCC 56M-672]

BABYLON-BAY SHORE BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

It is ordered, This 10th day of July 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 25, 1956, in Washington, D. C.

Released: July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5697; Filed, July 17, 1956; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM, DEMONSTRATION AND URBAN PLANNING GRANT PROGRAMS

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F. R. 428-429, January 19, 1955), as amended (20 F. R. 4275, June 17, 1955; 21 F. R. 1468, March 7, 1956; 21 F. R. 3038, May 5, 1956), is hereby further amended in the following respects:

1. In subparagraph 1 (d) (7), by deleting existing item lettered (E).

2. In subparagraph 4 (d), by deleting the word "direct."

Effective as of the 18th day of July 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56-5768; Filed, July 17, 1956; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 121]

MOTOR CARRIER APPLICATIONS

JULY 13, 1956

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest much clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR and 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or al-

legations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 73, filed June 15, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, in bulk in tank vehicles, from Portland, Oreg., to Longview, Wash. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

No. MC 2202 Sub 147, filed July 5, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Chrysler Corporation Plant now under construction by the Automotive Body Division, Chrysler Corporation, on Ohio Highway 82 in or near Twinsburg, Summit County, Ohio, as an off-route point in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Ohio, Texas, Oklahoma, Michigan, Missouri, Indiana, Georgia, Pennsylvania, Illinois, Kentucky, Tennessee, Alabama, South Carolina, North Carolina, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

No. MC 2401 Sub 15, filed July 5, 1956, MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Evansville, Ind. Applicant is authorized to conduct operations in Illinois, Indiana and Missouri.

No. MC 2900 Sub 83, filed July 3, 1956, GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson Street, P. O. Box 2408, Jacksonville, Fla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rome, Ga., and Calhoun, Ga., from Rome over Georgia Highway 53 to Calhoun, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Alabama, Georgia, North Carolina, South Carolina, Florida, and Tennessee.

No. MC 5117 Sub 9, filed June 25, 1956, JOHN F. VAN SOMEREN, FRANK A. VAN SOMEREN, AND JOHN VAN SOMEREN, JR., doing business as VAN SOMEREN TRANSFER CO., Baldwin, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cleansing, scouring, and washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap products, vegetable oil shortening* and *foodstuffs*, and *related advertising matter and premiums* when moving therewith, (1) between Baldwin, Wis., on the one hand, and, on the other, points in Pepin, Buffalo, Dunn, and Polk Counties, Wis., and (2) from Baldwin, Wis., to points in St. Croix, Pierce, and Barron Counties, Wis.

NOTE: Applicant states that under Certificate MC 5117 it now has authority to transport *Soap, soap products*, and *vegetable oil shortening*, from and to the above points. Applicant requests that such authority be revoked concurrently with the grant of the requested authority.

No. MC 7746 Sub 81, filed July 2, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *Household goods* as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than those requiring specialized handling or rigging because of size or weight, (1) between Woodland, Wash., and the Swift Creek Dam Site, near Yale, Wash., from Woodland over Washington Highway 1–S to junction unnumbered County Road near Yale, thence over unnumbered County Road to the Swift Creek Dam Site, and return over the same route, serving points within six (6) miles of the Swift Creek Dam Site as intermediate and off-route points, and (2) serving the Swift Creek Dam Site, near Yale, Wash., and points within six (6) miles thereof, as off-route points in connection with carrier's regular route operations between Portland, Oreg., and Bellingham, Wash., over U. S. Highway 99.

No. MC 9726 Sub 4, filed May 21, 1956, THOMAS FRANKLIN DUNLAP, doing business as T. F. DUNLAP, 6318 Elbrook Avenue, Cincinnati, Ohio. Applicant's representative: Robert L. Leroux, 516–517 Union Central Building, Cincinnati 2, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated buildings and houses*, knocked down, or in section, including *nails* and *hardware* for erection thereof, from Hamilton, Ohio to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Iowa, Kansas, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin and the District of Columbia. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, Pennsylvania, Kentucky, and West Virginia.

No. MC 13026 Sub 7, filed June 22, 1956, ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 318 Talbot Avenue, Braddock, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Common brick*, from points in Mahoning County, Ohio, to points in Allegheny, Beaver and Washington Counties, Pa. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, and Ohio.

No. MC 15737 Sub 8, filed June 25, 1956, ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Harrisburg, Pa., and Philadelphia, Pa., from Harrisburg over U. S. Highway 230 to junction U. S. Highway 30, thence over U. S. Highway 30 to Philadelphia, and return over the same route, serving no intermediate points, but serving Harrisburg, Pa., for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular route operations (1) between Philadelphia, Pa., and Baltimore, Md., over U. S. Highways 130 and 40, and (2) between Baltimore, Md., and Buffalo, N. Y., over U. S. Highways 111 and 15, and New York Highways 68 and 5. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states that no service is sought to or from Harrisburg, Pa.

No. MC 19945 Sub 5, filed June 29, 1956, BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, serving points in Illinois within 12 miles of New Athens, Ill., as off-route points in connection with applicant's authorized regular route operations from New Athens, Ill., to St. Louis, Mo. in No. MC 19945.

NOTE: Applicant has authority in No. MC 19945 to serve points within four miles of New Athens, Ill., and the purpose of this application is to extend the origin territory from four miles to twelve miles of New Athens. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 27970 Sub 24, filed July 2, 1956, CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York 11, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, New York, and Massachusetts.

No. MC 29566 Sub 44, filed July 2, 1956, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, between Arkansas City, Kans., on the one hand, and, on the other, Fremont and Omaha, Nebr., and points in Iowa and Illinois. Applicant is authorized to conduct operations in Arkansas and Iowa.

No. MC 31600 Sub 411, filed June 28, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products* and *cocoa butter*, in bulk, in tank vehicles, from Boston, Mass., to points in New York, Ohio, Pennsylvania, and Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC 40302 Sub 20, filed July 2, 1956, FEDERAL EXPRESS, INC., 577 West Ray Street, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Chevrolet Division of General Motors Corporation, located approximately six (6) miles southwest of Warren, Ohio, in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with carrier's regular route operations between (1) Toledo and Youngstown, Ohio, over U. S. Highway 422, (2) Norwalk and Youngstown, Ohio, over Ohio Highway 18 and (3) Berberton and Warren, Ohio, over Ohio Highway 5. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, and Ohio.

No. MC 40768 Sub 6, filed July 2, 1956, MEEKS MOTOR FREIGHT, A Corporation, 1101 West St. Catherine Street, Louisville, Ky. Applicant's representative: Ferdinand Born, 705–708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., near Newburgh, Ind., as an off-route point in connection with carrier's regular route operations between Louisville, Ky. and Evansville, Ind., over Indiana Highway 62. Applicant is authorized to conduct operations in Indiana, Kentucky, Ohio, and Tennessee.

No. MC 43038 Sub 400, filed July 2, 1956, COMMERCIAL CARRIERS, INC., 3399 E. McNichol's Road, Detroit 12, Mich. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, in secondary movements, by truckaway and driveaway method, from Guntersville, Ala., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Applicant has authority to transport the above-described commodities "restricted to shipments having a prior movement by water carrier". Applicant states that the effect of this application will be to remove this restriction.

No. MC 43177 Sub 23, filed June 22, 1956, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives and inflammables, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities special equipment, serving the site of the Warrick Aluminum Company of America, located in Warrick County, Ind., near Newburgh, Ind., as an off-route point in connection with applicant's regular-route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky.

No. MC 47171 Sub 77, filed July 3, 1956, COOPER MOTOR LINES, INC., P. O. Box 2030, 301 Hammet Street, Extension, Greenville, S. C. Applicant's representative: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between the Virginia-North Carolina State Line and Columbus, Ga., from the Virginia-North Carolina State Line over U. S. Highway 1 to Raleigh, N. C., thence over U. S. Highway 64 to junction U. S. Highway 64 and North Carolina Highway 49 near Asheboro, N. C., thence over North Carolina Highway 49 to junction North Carolina Highway 49 and U. S. Highway 29, thence over U. S. Highway 29 to Charlotte, N. C. (also from the Virginia-North Carolina State Line over U. S. Highway 29 to junction U. S. Highway 29 and Alternate U. S. Highway 29 near China Grove, N. C., thence over Alternate U. S. Highway 29 to junction Alternate U. S. Highway 29 and U. S. Highway 29 near Concord, N. C., thence over U. S. Highday 29 to junction U. S. Highway 29 and North Carolina Highway 49), thence over U. S. Highway 29 to Greenville, S. C. (also, from junction U. S. Highway 29 and Alternate U. S. Highway 29 near the North Carolina-South Carolina State Line over Alternate U. S. Highway 29 to Lyman, S. C.), from Greenville, S. C. over U. S. Highway 123 to Cornelia, Ga., thence over U. S. Highway 23 to Atlanta, Ga. (also, from Greenville, S. C., over U. S. Highway 29 to Athens, Ga.), and thence over U. S. Highway 78 to Atlanta, Ga. (also from Charlotte, N. C., over U. S. Highway 21 to Rock Hill, S. C., thence over South Carolina Highway 72 to the South Carolina-Georgia State Line, thence over Georgia Highway 72 to junction, Georgia Highway 72 and U. S. Highway 29 near Athens, Ga.), (also, from Anderson, S. C., over South Carolina Highway 81 to Iva, S. C., thence over South Carolina Highway 184 to the South Carolina-Georgia State Line, thence over Georgia Highway 82 to junction Georgia Highway 82 and Georgia Highway 77, thence over Georgia Highway 77 to Elberton, Ga.), (also, from Anderson, S. C., over South Carolina Highway 243 to junction South Carolina Highway 243 and South Carolina Highway 80, thence over South Carolina Highway 80 to Fair Play, S. C., thence over South Carolina Highway 59 to the South Carolina-Georgia State Line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Winder, Ga., and thence over U. S. Highway 29 to Atlanta, Ga.); and thence from Atlanta, Ga., over Georgia Highway 85 to Columbus, Ga.; (also from Atlanta, Ga., over U. S. Highway 29 to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 219 and Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga.), and return over the same routes, serving the intermediate points of Greensboro, Salisbury, Kannapolis, Concord, Charlotte, Gastonia,

and the off-route points of Marion, Morganton and Durham, N. C., restricted to traffic originating north of the Virginia-North Carolina State Line; and to and from all termini and intermediate points on the above-described routes in South Carolina and Georgia and to and from all points in that part of South Carolina north of South Carolina Highway 72 as off-route points, restricted to traffic originating or terminating at points located north of the Virginia-North Carolina State Line. (2) between the Virginia-North Carolina State Line and Macon, Ga., from the Virginia-North Carolina State Line over U. S. Highway 1 to junction U. S. Highway 64 and U. S. Highway 1 west of Raleigh, N. C., thence over U. S. Highway 1 to Columbia, S. C., (also from Rock Hill, S. C., over U. S. Highway 21 to Columbia, S. C.), (also, from Bishopville, S. C., over South Carolina Highway 34 to junction South Carolina Highway 34 and U. S. Highway 1 near Camden, S. C. and thence over U. S. Highway 1 to Columbia, S. C.) thence over U. S. Highway 1 to Aiken, S. C., (also, from Columbia, S. C., over South Carolina Highway 215 to junction South Carolina Highway 215 and U. S. Highway 78, thence over U. S. Highway 78 to Aiken, S. C.); (also, from Whitmire, S. C., over South Carolina Highway 19 to junction South Carolina Highway 19 and U. S. Highway 25, thence over U. S. Highway 25 to Augusta, Ga.); (also, from Columbia, S. C., over U. S. Highway 321 to Hardeeville, S. C.), (also, from Lugoff, S. C., over U. S. Highway 601 to Orangeburg, S. C., thence over U. S. Highway 30, to Statesboro, Ga.); (also, from junction U. S. Highway 321 and South Carolina Highway 3 near Swansea, S. C., over South Carolina Highway 3 to Barnwell, S. C., thence over South Carolina Highway 28 to Fairfax, S. C.); from Aiken, S. C., over U. S. Highway 1 to Augusta, Ga., thence over U. S. Highway 78 to Thomson, Ga., thence over Georgia Highway 12 to Warrenton, Ga., thence over Georgia Highway 16 to Sparta, Ga., thence over Georgia Highway 22 to Gray, Ga., thence over U. S. Highway 129 to Macon, Ga.; (also, from Edgefield, S. C., over South Carolina Highway 23 to junction South Carolina Highway 23 and U. S. Highway 221, thence over U. S. Highway 221 to junction U. S. Highway 221 and Georgia Highway 150, thence over Georgia Highway 150 to Thomson, Ga.); (also, from Athens, Ga., over U. S. Highway 129 to Gray, Ga.); (also, from Macon, Ga., over U. S. Highway 41 to junction U. S. Highway 41 and Georgia Highway 49, thence over Georgia Highway 49 to Fort Valley, Ga., thence over Georgia Highway 96 to Geneva, Ga., thence over U. S. Highway 80 to Columbus, Ga.); and return over the same routes, serving the intermediate point of Rockingham, N. C., restricted to southbound traffic only, and to and from the termini and intermediate points in South Carolina and Georgia and the off-route point of Winnsboro, S. C., restricted to traffic originating or terminating at points north of the Virginia-North Carolina State Line or at authorized regular route or irregular route points in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C.; (3) between the Virginia-North Carolina State Line and Savannah, Ga.; from the Virginia-North Carolina State Line over U. S. Highway 301 to Rocky Mount, N. C.; (also, from the Virginia-North Carolina State Line over U. S. Highway 258 to junction U. S. Highway 258 and North Carolina Highway 95, thence over North Carolina Highway 95 to junction North Carolina Highway 95 and U. S. Highway 301 near Rocky Mount, N. C.); thence over U. S. Highway 301 to Fayetteville, N. C.; (also, from Rocky Mount, N. C., over U. S. Highway 64 to Raleigh, N. C., thence over Alternate U. S. Highway 15 to Fayetteville, N. C.); thence over U. S. Highway 301 to Lumberton, N. C.; (also, from Fayetteville, N. C., over Alternate U. S. Highway 15 to Laurinburg, N. C., thence over U. S. Highway 15 to Bishopville, S. C., thence from Bishopville, S. C., over U. S. Highway 15 to Summerton, S. C.); from Lumberton, N. C., over North Carolina Highway 41 to the North Carolina-South Carolina State Line, thence over South Carolina Highway 41 to junction South Carolina Highway 41 and U. S. Highway 17, thence over U. S. Highway 17 to Charleston, S. C.; (also, from Lumberton, N. C., over U. S. Highway 301 to Summerton, S. C.); (also, from junction U. S. Highway 15 and U. S. Highway 52 near Society Hill, S. C., over U. S. Highway 52 to Florence, S. C.); (also, from Effingham, S. C., over U. S. Highway 52 to junction U. S. Highway 52 and U. S. Highway 176); (also, from Florence, S. C., over U. S. Highway 76 to Columbia, S. C.); (also, from Darlington, S. C., over Alternate U. S. Highway 15 to Sumter, S. C.); from Charleston, S. C., over U. S. Highway 17 to junction U. S. Highway 17 and Alternate U. S. Highway 17 near Pocotaligo, S. C.; (also, from Summerton, S. C., over U. S. Highway 15 to Walterboro, S. C., thence over Alternate U. S. Highway 17 to junction Alternate U. S. Highway 17 and U. S. Highway 17 near Pocotaligo, S. C.), thence from junction U. S. Highway 17 and Alternate U. S. Highway 17 near Pocotaligo, S. C., over U. S. Highway 17 to Savannah, Ga.; (also, from junction U. S. Highway 17 and Alternate U. S. Highway 17 north of Savannah, Ga., over U. S. Highway 17A to Savannah, Ga.); and return over the same routes, serving the intermediate points of Rich Square, Rocky Mount, Fuquay-Varina, Lillington, Dunn and Fayetteville, N. C., and the off-route points of Roanoke Rapids, Greenville, Snow Hill, Kinston, Smithfield, Warsaw and Clinton, N. C., restricted to traffic originating north of the Virginia-North Carolina State Line and to and from the termini and all intermediate points on the above-described routes in South Carolina and Georgia, restricted to traffic originating or terminating north of the Virginia-North Carolina State Line or originating or terminating in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C.; (4) between junction Alternate U. S. Highway 29 and South Carolina Highway 5 (near Blackburg, S. C.) and Rock Hill, S. C., from junction Alternate U. S. Highway 29 and South Carolina Highway 5 over South Carolina Highway 5 to Rock Hill, S. C., (5) between Spartansburg, S. C., and Darlington, S. C.; from Spartansburg, S. C., over U. S. Highway 176 to junction U. S. Highway 176 and South Carolina Highway 9 near Jonesville, S. C., thence over South Carolina Highway 9 to Lancaster, S. C., thence over South Carolina Highway 903 to junction South Carolina Highway 903 and South Carolina Highway 151, thence over South Carolina Highway 151 to Darlington, S. C.; (6) between junction U. S. Highway 176 and South Carolina Highway 9 near Jonesville, S. C., and Columbia, S. C., from junction U. S. Highway 176 and South Carolina Highway 5 over U. S. Highway 176 to Union, S. C., thence over South Carolina Highway 215 to Columbia, S. C.; (7) between Greenville, S. C., and Charleston, S. C.; from Greenville, S. C., over U. S. Highway 276 to Laurens, S. C., thence over U. S. Highway 76 to Columbia, S. C., thence over U. S. Highway 21 to junction U. S. Highway 21 and U. S. Highway 176, thence over U. S. Highway 176 to junction U. S. Highway 176 and U. S. Highway 52, thence over U. S. Highway 52 to Charleston, S. C.; (8) between Greenville, S. C., and Savannah, Ga.; from Greenville, S. C., over U. S. Highway 25 to junction U. S. Highway 25 and U. S. Highway 80, thence over U. S. Highway 80 to Savannah, Ga.; (9) between Athens, Ga., and Columbia, S. C., from Athens, Ga., over U. S. Highway 78 to junction U. S. Highway 78 and U. S. Highway 378, thence over U. S. Highway 378 to Columbia, S. C.; (10) between Atlanta, Ga., and junction U. S. Highway 78 and U. S. Highway 52, from Atlanta, Ga., over U. S. Highway 278 to Augusta, Ga., thence over South Carolina Highway 28 to junction South Carolina Highway 28 and South Carolina Highway 781, thence over South Carolina Highway 781 to junction South Carolina Highway 781 and U. S. Highway 78, thence over U. S. Highway 78 to junction U. S. Highway 78 and U. S. Highway 52; (also, from junction South Carolina Highway 28 and South Carolina Highway 781 over South Carolina Highway 28 to Barnwell, S. C., thence over South Carolina Highway 64 to Jacksonboro, S. C.; (11) between Atlanta, Ga. and junction U. S. Highway 80 and U. S. Highway 25 near Statesboro, Ga.; from Atlanta, Ga., over U. S. Highway 23 to Forsyth, Ga., thence over Georgia Highway 18 to junction Georgia Highway 18 and Georgia Highway 148, thence over Georgia Highway 148 to junction Georgia Highway 148 and Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga., thence over Georgia Highway 57 to Swainsboro, Ga., thence over U. S. Highway 80 to junction U. S. Highway 80 and U. S. Highway 25 near Statesboro, Ga.); (also, from Sylvania, Ga., over Georgia Highway 21 to Millen, Ga., thence over Georgia Highway 17 to Midville, Ga., thence over Georgia Highway 78 to Bartow, Ga., thence over Georgia Highway 242 to Sandersville, Ga., thence over Georgia Highway 24 and Georgia Highway 22 near Milledgeville, Ga.); (also, from Milledgeville over Georgia Highway 49 to Macon, Ga.); and return over the same routes, serving the termini and intermediate points, restricted to traffic originating and terminating north of the Virginia-North Carolina State Line or in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C.; (12) between New York, N. Y., and the Virginia-North Carolina State Line; from New York, N. Y., over U. S. Highway 1 to Philadelphia, Pa., (also, from Trenton, N. J., over U. S. Highway 13 to Philadelphia); (also, from junction U. S. Highway 1 and U. S. Highway 130 over U. S. Highway 130 to junction U. S. Highway 130 and U. S. Highway 40); (also, from junction U. S. Highway 130 and U. S. Highway 30 over U. S. Highway 30 to Philadelphia, Pa.); (also, from New York, N. Y., over U. S. Highway 46 to junction U. S. Highway 46 and the New Jersey Turnpike, thence over the New Jersey Turnpike to the junction of the New Jersey Turnpike and U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 40 and U. S. Highway 13 near New Castle, Del.); (also, from Philadelphia, Pa., over U. S. Highway 13 to junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del.); (also, from junction U. S. Highway 13 and Alternate U. S. Highway 13 over Alternate U. S. Highway 13 to Wilmington, Del.); from junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del., over U. S. Highway 40 to Baltimore, Md.; (also, from Philadelphia, Pa., over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 1 to Richmond, Va., thence over U. S. Highway 1 to Petersburg, Va., and thence over U. S. Highway 1 to the Virginia-North Carolina State Line; (also, from the junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del., over U. S. Highway 13 to junction U. S. Highway 13 and U. S. Highway 58 near Norfolk, Va.); (also, from junction U. S. Highway 13 and U. S. Highway 58 over U. S. Highway 58 to Norfolk, Va.); (also, from Fredericksburg, Va., over U. S. Highway 17 to Norfolk, Va.); (also, from Richmond, Va. over U. S. Highway 60 to junction U. S. Highway 60 and Virginia Highway 168, thence over Virginia Highway 168 to junction Virginia Highway 168 and U. S. Highway 17, near Newport News, Va.); from Norfolk, Va., over U. S. Highway 58 to Franklin, Va., and thence over U. S. Highway 258 to the Virginia-North Carolina State Line; (also, from Petersburg, Va., over U. S. Highway 301 to the Virginia-North Carolina State Line); (also, from Richmond, Va., over U. S. Highway 360 to junction U. S. Highway 360 and Virginia Highway 304, thence over Virginia Highway 304 to South Boston, Va., thence over U. S. Highway 58 to Danville, Va., thence over U. S. Highway 29 to the Virginia-North Carolina State Line); and return over the same routes, serving the intermediate points of Trenton and Camden, N. J., Philadelphia and Bristol, Pa., Wilmington and Cheswold, Del., Baltimore, Md., Washington, D. C., Richmond, Norfolk, Suffolk, Fredericksburg, Petersburg, Franklin, South Boston and Danville, Va., and to and from Biglerville and York, Pa., Cumberland, Md., Roanoke, Victoria, Lynchburg, Farmville, Lester Manor, Warrenton, Madison Heights, Culpeper and Windsor, Va., points in New Jersey and New York within 25 miles of New York, N. Y., and points in Pennsylvania on and south of U. S. Highway 30 within 25 miles of Philadelphia, as off-route points, restricted to traffic moving to and from authorized points in South Carolina or Georgia, and from the above-described points only to authorized points in North Carolina. IR-REGULAR ROUTES: (13) between points in that part of Georgia south of a line drawn along U. S. Highway 80 from the Alabama-Georgia State Line to Geneva, Ga., thence along Georgia Highway 96 to Fort Valley, Ga., thence along Georgia Highway 49 to junction Georgia Highway 49 and U. S. Highway 11, thence along U. S. Highway 41 to Macon, Ga., thence along U. S. Highway 80 to Savannah Beach, Ga., on the one hand, and, on the other, Columbus, Macon and Savannah, Ga. (14) between points in that part of Georgia north and west of U. S. Highways 123 and 23 from the South Carolina-Georgia State Line to Gainesville, Ga., U. S. Highway 23 from Gainesville, Ga., to Atlanta, Ga., and U. S. Highway 29 from Atlanta, Ga., to the Georgia-Alabama State Line, on the one hand, and on the other, Atlanta, Ga. (15) between points in that part of South Carolina south and east of a line beginning at the North Carolina-South Carolina State Line and drawn south along South Carolina Highway 41 to its junction with U. S. Highway 17, and thence along U. S. Highway 17 to its junction with Alternate U. S. Highway 17A north of Savannah, Ga., and thence along Alternate U. S. Highway 17A to the South Carolina-Georgia State Line, on the one hand, and, on the other, points located on the described regular routes in South Carolina.

NOTE: Applicant states that by this application it seeks to convert the major portion of its authority to a regular-route operation. This application will be processed concurrently with No. MC-F 6330, published this issue.

No. MC 48958 Sub 29, filed June 4, 1956, ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the Glen Canyon Dam Site, located on the Colorado River, approximately 15 miles upstream from Marble Canyon, Arizona near the Utah-Arizona boundary, points within 10 miles thereof, and construction sites located at point on access roads thereto, as off-route points in connection with applicant's regular route operations between Denver, Colo., and Los Angeles, Calif. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Nevada, New Mexico, Wyoming, Colorado, Arizona, California, Illinois and Iowa.

No. MC 49387 Sub 8, filed June 11, 1956, ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams. Applicant's representative: B. W. LaTourette, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, commodities in bulk, household goods, as defined by the Commission, and commodities requiring special equipment, between Quincy, Ill., and the Junction of F. A. Route 80 Spur (also known as the Fall Creek to Hannibal Road), and U. S. Highway 36, from Quincy over Illinois Highway 57 to junction Illinois Highway 57 and F. A. Route 80 Spur (the Fall Creek to Hannibal Road) thence over F. A. Route 80 Spur to Junction U. S. Highway 36, as an alternate route, for operating convenience and joinder purposes only, serving no intermediate points, in connection with applicant's regular-route operations between Chicago, Ill., and Hannibal, Mo., and between St. Joseph, Mo., and Quincy, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri, and Kansas.

No. MC 52657 Sub 490, filed June 25, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger and freight automotive vehicles*, and parts necessary for the assembly of such vehicles, in secondary movements, in truckaway service, from Chicago, Ill. to points in Nebraska, North Dakota, and South Dakota. Applicant is authorized to conduct operations throughout the United States.

No. MC 59185 Sub 19, filed July 2, 1956, HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Lincoln Division plant of the Ford Motor Company located two (2) miles north of U. S. Highway 16 at the intersection of Michigan Highway 218, at or near Wixom, Mich., as an off-route point in connection with carrier's regular route operations between Detroit, Mich. and Cleveland, Ohio, over U. S. Highways 24 and 25. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 60868 Sub 8 (CORRECTION), filed June 22, 1956, published on page 4986 issue of July 4, 1956, RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y., publication failed to show applicant's representative: Martin Martino, Tower Building, Washington, D. C.

No. MC 61231 Sub 7, filed June 28, 1956, ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. Applicant's representative: Clarence D. Todd, Suite 944 Washington Building,

Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household appliances*, electrical and gas, including but not limited to dryers, ironers, stoves, freezers, and refrigerators; and *parts for such household appliances*, from Newton, Iowa to Chicago and Waukegan, Ill.

No. MC 62276 Sub 4, filed June 28, 1956, ROLAND A. VOIGT, doing business as VOIGT TRUCKING CO., Ashippun, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Streator, Ill., to points in Wisconsin, north and east of a line beginning at Beloit, Wis. and extending along Wisconsin Highway 13 to junction with U. S. Highway 16 near Wisconsin Dells, Wis., thence along U. S. Highway 16 to the Wisconsin-Minnesota State Line. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 66562 Sub 1286, filed May 7, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Pittsburgh, Pa., and junction Pennsylvania Highways 68 and 268 (near Karns City, Pa.), from Pittsburgh over Pennsylvania Highway 28 to Kittanning, Pa., thence over Pennsylvania Highway 268 to junction Pennsylvania Highway 68, and return over the same route, serving the intermediate point of Kittanning, Pa., and serving the junction of Pennsylvania Highways 68 and 268 for the purpose of joinder only with carrier's regular routes in MC 66562 Subs 424 and 1035; (2) between Parkers Landing, Pa., and junction Pennsylvania Highways 268 and 338 (near Foxburg, Pa.), from Parkers Landing over Pennsylvania Highway 268 to junction Pennsylvania Highway 338, and return over the same route, serving no intermediate points, and serving the junction of Pennsylvania Highways 268 and 338 for the purpose of joinder only with carrier's regular routes in MC 66562 Sub 1035; (3) between Pittsburgh, Pa., and Kittanning, Pa., from Pittsburgh over Pennsylvania Highway 8 to junction U. S. Highway 422, thence over U. S. Highway 422 to Kittanning, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with (a) carrier's regular routes in Certificates wherein Pittsburgh, Pa., is authorized as a termini (among which are Certificates No. MC 66562 Subs 1054, 1119 and 1120), (b) applied-for route (1) above, and (c) applied-for alternate route (4) below; and (4) between Franklin, Pa., and Pittsburgh, Pa., from Franklin over Pennsylvania Highway 8 to Pittsburgh, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's operations through a combination of portions of authorized routes No. MC 66562 Subs 424 and 1035 and routes herein applied for as follows: (a) from Pittsburgh over Pennsylvania Highway 28 to Kittanning, Pa., thence over Pennsylvania Highway 268 to junction Pennsylvania Highway 68 (near Karns City, Pa.) thence over Pennsylvania Highway 268 to Parkers Landing, thence continuing over Pennsylvania Highway 268 to junction Pennsylvania Highway 338, thence over Pennsylvania Highway 338 to junction Pennsylvania Highway 268, thence over Pennsylvania Highway 268 to junction Pennsylvania Highway 38, thence over Pennsylvania Highway 38 to junction U. S. Highway 322, thence over U. S. Highway 322 to junction U. S. Highway 62 (at Franklin, Pa.), and return, and also in connection with the applied-for alternate route (3) above, RESTRICTION: The service herein authorized is subject to the following conditions: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and such further specific condtions as the Commission, in the future, may find necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, air or express service.

No. MC 66562 Sub 1288 (CORRECTION), filed May 15, 1956, published in the June 20, 1956, issue of page 4333. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Kentucky Highway 35 should read Kentucky Highway *36*.

No. MC 66562 Sub 1288 (CORRECTION), filed May 15, 1956, published in the June 20, 1956, issue of page 4333. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Kentucky Highway 35 should read Kentucky Highway *36*.

No. MC 75840 Sub 110, filed June 8, 1956, MALONE FREIGHT LINES, INC., 200 South 35th Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Floor coverings*, and *commodities used in the installation thereof*, such as *asphalt composition, cement or paste, felt paper, sheathing, lacquer*, (and other commodities as more fully described in the application), from New London, Conn., and East Walpole, Mass., to points in Alabama, Arkansas, Louisiana, Mississippi and Tennessee. Applicant is authorized to conduct operations in Tennessee, Alabama, New Jersey, Pennsylvania, Georgia, Mississippi, New York, Ohio, West Virginia, Virginia, Arkansas, Louisiana, North Carolina, and South Carolina.

No. MC 76032 Sub 104, filed July 2, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's representative: O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Rare Metals Plant located approximately five (5) miles east of Tuba City, Ariz, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, New Mexico, Colorado, California, Texas, Illinois, Nebraska, Missouri, Iowa, and Nevada.

No. MC 76266 Sub 94, filed July 5, 1956, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving Twinsburg, Ohio as an off route point in connection with applicant's regular route operations to and from Cleveland, Ohio. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, Michigan, Ohio, and Indiana.

No. MC 80430 Sub 81, filed July 5, 1956, GATEWAY TRANSPORTATION CO., 2130–50 South Avenue, La Crosse, Wis. Applicant's representative: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Rockford, Ill. and Camp McCoy, Wis., from Rockford over Illinois Highway 2 to Beloit, Wis., thence over U. S. Highway 51 to junction U. S. Highway 14 at Janesville, thence over U. S. Highway 14 to junction U. S. Highway 12 near Madison, Wis., thence over U. S. Highway 12 to junction Wisconsin Highway 21, and thence over Wisconsin Highway 21 to Camp McCoy, and return over the same route. Applicant is authorized to conduct operations in Iowa and Minnesota.

No. MC 92983 Sub 170, filed June 28, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles or other special equipment, from points in Pike County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

No. MC 94814 Sub 3, filed June 25, 1956, ROBERT O. MOHNS, doing business as ROBERT O. MOHNS TRUCKING, Juda, Wis. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tankage, meat scraps* and *bone meal*, in bags, from Dubuque, Iowa to points in Dane, Green, Jefferson, LaFayette, Iowa, Rock and Walworth Counties, Wis.

No. MC 102812 Sub 6, filed June 25, 1956, ERNEST BAUM, doing business as LUXART VAN SERVICE, 9883 Helen Avenue, Sunland, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and, in the same vehicle with such livestock, *supplies and equipment* used in the care and exhibition of such animals, *mascots*, and the *personal effects* of their attendants, trainers, and exhibitors, *race horses* and *racing equipment, polo ponies, breeding horses, saddle horses*, and *show horses*, and, in the same vehicle with such horses, *equipment* or *paraphernalia* incidental to the care, transportation and exhibition of such horses, and *personal effects* of attendants, between points in California, on the one hand, and, on the other, ports of entry located in Montana at or near the International Boundary Line between the United States and Canada.

NOTE: Applicant states that it can now serve Canada from California through Oregon and Washington, but requests the points in the above-described route because of weather and highway conditions in Canada.

No. MC 103051 Sub 19, filed July 2, 1956, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oils, fats* and *greases*, and *products and blends thereof*, in bulk, in tank vehicles, except petroleum and petroleum products, (1) from points in Alabama, Tennessee, and South Carolina to Macon, Ga., (2) from Macon, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

No. MC 103378 Sub 71, filed July 3, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Panama City, Fla. to points in Georgia beyond 175 miles from Panama City within an area bounded by a line beginning at the Alabama-Georgia State line, thence east along Georgia Highway 34 to Newnan, Ga., thence along Georgia Highway 16 to Eatonton, Ga., thence south along Georgia Highway 24 to Sandersville, Ga., thence along Highway 15 to Wrightsville, Ga., thence along Georgia Highway 57 to Swainsboro, Ga., thence along U. S. Highway 1 to Lyons, Ga., thence along Georgia Highway 30 to Reidsville, Ga., thence along Georgia Highway 23 to Glennville, Ga., thence along U. S. Highway 301 to the Georgia-Florida State Line, thence west along the Georgia-Florida State Line to the Alabama-Georgia State line, and thence north along the Alabama-Georgia State line to point of beginning, including points on the highways specified. Applicant is authorized to conduct operations in Georgia, Florida, North Carolina, South Carolina, and Alabama.

No. MC 103378 Sub 72, filed July 5, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *Fuel Oils*, in bulk, in tank vehicles, from Douglasville, Ga., to Chattanooga, Tenn. Applicant is authorized to conduct operations in Florida, Georgia, Alabama, North Carolina and South Carolina.

No. MC 105807 Sub 18, filed June 22, 1956, RED BALL TRANSFER CO., a corporation, 1009 Capital Avenue, Omaha, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and the site of the Glenn L. Martin Company Plant, located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., from Denver, over U. S. Highway 85 to junction Colorado Highway 75, thence over Colorado Highway 75 to junction unnumbered highways, thence over unnumbered highways to the site of the Glenn L. Martin Company Plant, near Kassler, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Kansas, Missouri, and Nebraska, and irregular route operations in Illinois.

No. MC 105957 Sub 39, filed July 2, 1956, DELTA MOTOR LINE, INC., 1243 South Gallatin Street, P. O. Box 8367, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and Meridian, Miss., from Memphis over U. S. Highway 78 to New Albany, Miss., thence over Mississippi Highway 15 to Louisville, thence over Mississippi Highway 397 to junction Mississippi Highway 16 near DeKalb, thence over Mississippi Highway 16 to DeKalb, thence over Mississippi Highway 39 to Meridian, and return over the same route, serving the intermediate points of Ackerman, Louisville, DeKalb, and all points on Mississippi Highway 397, and also serving the intermediate point of Mathiston, Miss., for purpose of joinder with applicant's regular route over U. S. Highway 82.

NOTE: Applicant states that the above route duplicates, in part, certain authorized routes of applicant, and does not seek duplicate operating authority over such routes, and that the grant of the authority requested will constitute only a single operating right over such route. Applicant is authorized to conduct operations in Louisiana, Mississippi and Tennessee.

No. MC 105957 Sub 40, filed July 2, 1956, DELTA MOTOR LINE, INC., 1243 South Gallatin Street, P. O. Box 8367, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between McComb, Miss., and Natchez, Miss., from McComb over Mississippi Highway 24 via Gloster, to Woodville, thence over U. S. Highway 61 to Natchez, and return over the same route; (2) between Liberty, Miss., and Centerville, Miss., from Liberty over Mississippi Highway 48 to Centerville, and return over the same route; (3) between Magnolia, Miss., and junction Mississippi Highway 48 and 24 west of McComb, Miss., from Magnolia over Mississippi Highway 48 to junction of Mississippi Highway 48 and Mississippi 24, and return over the same route; (4) between Gloster, Miss., and Fayette, Miss., from Gloster over Mississippi Highway 33 via Roxie to Fayette, and return over the same route; (5) between junction Mississippi Highway 33 and Mississippi Highway 563, and junction U. S. Highway 61 and Mississippi Highway 563, from Junction Mississippi Highway 33 and Mississippi Highway 563, north of Crosby over Mississippi Highway 563 to junction U. S. Highway 61 and Mississippi Highway 563, near Doloroso, and return over the same route; (6) between Brookhaven, Miss., and Union Church, Miss., from Brookhaven over Mississippi Highway 550 to Union Church, and return over the same route; (7) between Crystal Springs, Miss., and Utica, Miss., from Crystal Springs over Mississippi Highway 27 to Utica, and return over the same route; (8) between Raymond, Miss., and Edwards, Miss., from Raymond over Mississippi Highway 467 to Edwards, and return over the same route; (9) between Canton, Miss., and Flora, Miss., from Canton over Mississippi Highway 22 to Flora, and return over the same route; (10) between Canton, Miss., and Yazoo City, Miss., from Canton over Mississippi Highway 16 to Yazoo City, and return over the same route, serving all intermediate points on the above mentioned routes. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Tennessee.

No. MC 105957 Sub 41, filed July 2, 1956, DELTA MOTOR LINE, INC., 1243 South Gallatin Street, P. O. Box 8367, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900, Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Miss., and Junction of Mississippi highway 8 and U. S. Highway 49E near Minter City, Miss., from Cleveland over Mississippi Highway 8 via Ruleville to junction Mississippi Highway 8 and U. S. Highway 49E, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Tennessee.

No. MC106400 Sub 16, filed July 2, 1956, KAW TRANSPORT COMPANY, a corporation, 517 North Sterling, Sugar Creek, Mo. Applicant's representative: Henry M. Shughart, 914 Commerce

Building, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied Petroleum Gases*, in bulk, in tank vehicles, between Sugar Creek, Mo. and the Standard Oil Company Refinery near Sugar Creek, Mo., on the one hand, and, on the other, Wood River, Ill., and the Standard Oil Company Refinery near Wood River, Ill. Applicant is authorized to conduct operations in Missouri, Kansas, and Iowa.

No. MC 106977 Sub 14, filed July 2, 1956, T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, Houston, Tex. Applicant's representative: Scott P. Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unsual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Shreveport, La., and Alexandria, La., over U. S. Highway 71, serving no additional points nor any intermediate points on the alternate route, as an alternate route for operating convenience only in connection with applicant's regular route operations (1) between Shreveport, La., and Tallulah, La., and (2) between Lake Charles, La., and Monroe, La. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

No. MC 107002 Sub 100, filed July 2, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Naval stores* and *Naval stores products*, in bulk, in tank vehicles, from Picayune, Miss., and DeRidder, La., and *Tall oil* and *Tall oil products*, in bulk, in tank vehicles, from Picayune, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 108207 Sub 51, filed April 23, 1956 (Amended), published May 30, 1956 on page 3711 FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from Lafayette and Indianapolis, Ind., and St. James, Minn., to points in Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Mississippi, and Memphis, Tenn.; (2) *salads*, requiring refrigeration in transit, and *dairy products*, from Indianapolis, Ind., and Van Wert, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Memphis, Tenn.; (3) *frozen foods*, from Brownsville, Harlingen, Eagle Pass, Carrizo Springs, San Antonio, and Dallas, Tex., and points within fifteen (15) miles of each, to points in Indiana, Ohio, Kentucky, Wisconsin, and Minnesota; and (4) *packing house products*, as defined by the Commission, from Indianapolis and Terre Haute, Ind., to points in Texas, Louisiana, Arkansas, and Oklahoma. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 109084 Sub 7, filed July 2, 1956, STANLEY A. WESTGOR, Wittenberg, Wis. Applicant's representative: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood charcoal*, in bulk, from Prairie du Chien and Readstown, Wis., to Iron Mountain, Mich.

No. MC 109465 Sub 7, filed July 3, 1956, GREAT LAKES SOLVENTS, INC., 2530 West Bloomingdale Avenue, Chicago 47, Ill. Applicant's representative: Floyd F. Shields, Title and Trust Building, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid chemicals* and *solvents*, in bulk, in tank vehicles, (1) from Chicago, Ill., to points in Michigan on and south of a line beginning at Ludington, Mich., and thence along U. S. Highway 10 to junction Michigan Highway 21 and thence along Michigan Highway 21 to Port Huron, Mich., Louisville, Ky., and points in Indiana beyond 150 miles of Chicago; (2) from Chicago, Bedford Park and Argo, Ill., to points in Wisconsin beyond 150 miles of Chicago, points in Minnesota, Iowa, Missouri, and Ohio, points in Shawnee and Wyandotte Counties, Kans., points in Kenton County, Ky., and points in Shelby, Hamilton, Davidson and Knox Counties, Tenn.; (3) between Chicago, Bedford Park and Argo, Ill., on the one hand, and, on the other, Industry, Pa. Applicant is authorized to conduct operations in Indiana, Illinois, Wisconsin, Iowa, Michigan, Kentucky, Ohio, Pennsylvania, and New York.

No. MC 109761 Sub 5 (amended), filed April 26, 1956, published on Page 5152 issue of July 11, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's representative: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned fruits, canned fruit juices, canned vegetables* and *canned vegetable juices*, not requiring refrigeration, from points in Florida to points in the lower Peninsula of Michigan. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota and Indiana.

No. MC 109761 Sub 6, filed June 28, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's representative: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned fruits, canned fruit juices, canned vegetables* and *canned vegetable juices*, not requiring refrigeration, from points in Florida to points in Maine, New Hampshire, and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota, and Indiana.

No. MC 110525 Sub 310, filed June 20, 1956 (Amended), published July 11, 1956 on Page 5153, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, (including but not restricted to those defined by the Commission), in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Georgia and Illinois. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 111812 Sub 28 (amended), filed May 31, 1956, published on Page 4064, issue of June 13, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Idaho to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Ohio and Wisconsin. Applicant is authorized to transport frozen fruits and vegetables in Oregon, Washington, California, Des Moines and Sioux City, Iowa, Minneapolis and Moorhead, Minn., and Sioux Falls, S. Dak.

No. MC 113414 Sub 1, filed June 4, 1956, E. W. BOHREN, INC., Woodburn, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sodium bisulphate* (nitre cake), in bulk from Cleveland, Ohio, to Kentland, Ind.

No. MC 113414 Sub 2, filed June 15, 1956, E. W. BOHREN, INC., Woodburn, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *metal cans or containers*, smaller than 1 (one) gallon, from Cincinnati, Ohio and Chicago, Ill., to Kentland, Ind.; (2) *fibre containers*, knocked down, from Louisville, Ky., to Kentland, Ind.; (3) *Cleaning compound powder or liquid*, in metal cans, from Kentland, Ind., to St. Paul, Minn., Kansas City and St. Louis, Mo., Omaha, Nebr., Des Moines, Iowa, Columbus, Toledo and Cincinnati, Ohio, Pittsburgh, Pa., Milwaukee, Wis., Barrington and Chicago, Ill., and Buffalo, N. Y.

No. MC 114475 Sub 4, filed June 29, 1956, GENERAL TRANSPORT, INC. 631 Second Avenue, South, Nashville, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal and poultry feeds*, and *animal and poultry feed ingredients*, in bulk and packages, from Chattanooga, Tenn., to points in South Carolina, North Carolina, Alabama, and Georgia.

No. MC 115830 Sub 2, filed July 2, 1956, BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue, North, Billings, Mont. Applicant's representative: Franklin S. Longan, 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Lodge Grass, Mont. and points within five (5) miles of Lodge Grass, to points in North Dakota and South Dakota.

No. MC 115843 Sub 1, filed June 28, 1956, TRANSPORTATION SERVICE CO., 5100 West 41st Street, Stickney, Ill. Applicant's representative: Richard J. Hardy, No. 1 N. La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid chemicals* and *liquid acids, including anyhdrous ammonia and ammoniating solutions*, in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone, as defined by the Commission, and points in the Commercial Zones of Joliet, Ill., Lemont, Ill., Millsdale, Ill., and Chicago Heights, Ill., to points in Michigan, Illinois, Wisconsin, Indiana, Minnesota, Missouri, Iowa, Kentucky, Nebraska, and Ohio.

No. MC 115871 Sub 1, filed June 29, 1956, EVART ISAAC, R. F. D. No. 1, Dodge City, Kans. Applicant's representative: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Twine*, binder and bailing, in minimum truck loads of 30,000 pounds, from Houston, Texas, to Bucklin, Colby, Parsons, Pittsburg, Bellville, Salina, Wichita, Hutchinson and Norton, Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application on return.

No. MC 115889, filed March 28, 1956, RUGAR P. DEAN, Afton, N. Y. Applicant's representative: Chester J. Winslow, Jr., Hartwick, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Race horses* and *show cattle*, between points in Connecticut, Vermont, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Kentucky, and Maine.

No. MC 115911, filed April 4, 1956, ALTA F. NELSON, doing business as BOULEVARD TRANSFER COMPANY, 1955 West Kirby, Detroit, Mich. Applicant's representative: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: A. (1) *Supplies for construction work*, between Detroit, Mich., and points in Michigan; (2) *Roofing, plaster board* and *wall board*, between Detroit, Mich., and points in that part of Michigan located on and within a line commencing at Michigan Highway 59 at Lake St. Clair, and extending westerly along Michigan Highway 59 to junction U. S. Highway 23, thence along U. S. Highway 23 to junction Michigan Highway 50, thence along Michigan Highway 50, to Monroe, Mich., including Monroe, on the one hand, and, on the other, points in Michigan; (3) *Heavy machinery, heavy plant machinery* and *equipment* the transportation of which because of size, weight or bulk, requires special handling or rigging or the use of special equipment, between Detroit, Mich., on the one hand, and on the other, points in Michigan; (4) *Steel fuel tanks* and *fuel tank accessories*, in special low-boy equipment, between Romulus, Mich., and points in Michigan, (5) *plating equipment* and *supplies used in connection with plating*, from Detroit, Mich., to points in that part of Michigan located on and within a line commencing at the most easterly point of the Michigan-Ohio State line, and extending along said State line to junction U. S. Highway 223, thence along U. S. Highway 223 to junction U. S. Highway 127, thence along U. S. Highway 127, to Lansing, Mich., thence easterly along Michigan Highway 78 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., including Port Huron, B. *Steel fuel tanks* and *fuel tank accessories*, in special low-boy equipment, from Romulus and Detroit, Mich., to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota and Kentucky. C. The applicant presently holds common motor carrier authority from the Michigan Public Service Commission covering the operations described in Paragraph A. above and said intrastate authority is presently being registered in Applicant's name with the Interstate Commerce Commission under the Second Proviso to Section 206(a) of the Interstate Commerce Act. In the event a Certificate of Public Convenience and Necessity is granted covering the authority requested in Paragraph A. above, the Applicant will surrender the authority obtained under the Second Proviso to section 206(a) of the act. In the event that the authority requested in Paragraph A. above is denied, the Applicant does not desire the authority requested in Paragraph B above.

No. MC 115923 Sub 1, filed July 2 1956, J. R. CHANCEY, HAROLD CHANCEY AND JOHN W. GREER, doing business as CHANCEY BROS. TRUCK LINE, P. O. Box 281, Market Street, Alma Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, poles* and *plywood*, between points in Georgia, Alabama, North Carolina, South Carolina, Tennessee and Florida.

No. MC 115958 Sub 1, filed June 21, 1956, JOSEPH RAYMOND MARSHA, P. O. Box 541, Morrisville, Vt. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between St. Johnsbury, Vt. and Johnson, Vt., from St. Johnsbury over U. S. Highway 2 to junction Vermont Highway 15, and thence over Vermont Highway 15 to Johnson, and return over the same routes, serving the intermediate point of Hardwick, Vt. and the off-route points of Morrisville and Morristown, Vt.

NOTE: The proposed service is on behalf of Railway Express Agency, Incorporated.

No. MC 115966 (REVISION), ORLA B. HALL, JAMES B. HALL, GEORGE W. MONROE, AND ROY B. GROVER, doing business as H. M. & G. GRAIN AND FEED COMPANY, 133 Mill Street, Fowlerville, Mich., published May 16, 1956 on Page 3244. Letter dated June 28, 1956, advises that the name of the partnership has been changed to read: JAMES B. HALL AND GEORGE W. MONROE, doing business as H. M. & G. GRAIN AND FEED COMPANY.

No. MC 116012, filed May 24, 1956, FRED ROSE AND CHALMER NOLAN, doing business as MOTION PICTURE FILM SERVICE COMPANY, Livingston, Tenn. Applicant's representative: Millard V. Oakley, Livingston, Tenn. For authority to operates as a *contract carrier*, over regular routes, transporting: (1) *Film*, from Atlanta, Ga., to Livingston, Tenn., from Atlanta over U. S. Highway 41 to Chattanooga, Tenn., thence over U. S. Highway 27 via Daisy, Dayton, Spring City, Harriman and Wartburg, Tenn., to Sunbright, Tenn., thence continuing over U. S. Highway 27 to junction Tennessee Highway 52, thence over Tennessee Highway 52 via Rugby, Tenn., to Jamestown, Tenn., thence over Tennessee Highway 28 to Static, Tenn., thence over Tennessee Highway 42 via Byrdstown, Livingston and Cookeville, Tenn., to Sparta, Tenn., thence over U. S. Highway 70S via Woodbury, Tenn., to Murfreesboro, Tenn., thence over U. S. Highway 41 to Manchester, Tenn., thence over Tennessee Highway 55 to Tullahoma, Tenn., thence over Alternate U. S. Highway 41 to Winchester, Tenn., thence over U. S. Highway 64 via Cowan, Tenn., to Monteagle, Tenn., thence over Tennessee Highway 56 to Tracy City, Tenn., thence continuing over Tennessee Highway 56 to junction Tennessee Highway 108, thence over Tennessee Highway 108 via Palmer, Tenn,. to Whitwell, Tenn., thence continuing over Tennessee Highway 108 to junction Tennessee Highway 28, thence over Tennessee Highway 28 via Pikeville, Tenn., to Crossville, Tenn., thence over U. S. Highway 70N to Cookeville, Tenn., thence return over U. S. Highway 70N to Crossville, thence over U. S. Highway 70 to Rockwood, Tenn., thence return over U. S. Highway 70 to Crossville, thence over Tennessee Highway 28 to Jamestown, Tenn., and thence over Tennessee Highway 52 to Livingston. *Empty containers or other such incidental facilities* (not specified) used in transporting film, on return. Serving the intermediate points of Livingston, Daisy, Dayton, Jamestown, Byrdstown, Cookeville, Sparta, Woodbury, Murfreesboro, Tullahoma, Winchester, Cowan, Monteagle, Tracy City, Whitwell, Palmer, Pikeville, Crossville, and Rockwood, Tenn., and the off-route point of Kingston, Tenn. (2) *Film, and empty containers or other such incidental facilities* (not specified) used in transporting film, between Livingston, Tenn., and Smithville, Tenn., from Livingston, over

Tennessee Highway 52 via Red Boiling Springs, Lafayette and Westmoreland, Tenn., to Portland, Tenn., thence over U. S. Highway 31W to junction Tennessee Highway 25, thence over Tennessee Highway 25 via Gallatin and Hartsville, Tenn., to Carthage, Tenn. (also from Portland over Tennessee Highway 109 to Gallatin, thence over Tennessee Highway 25 to Carthage), thence over U. S. Highway 70N to junction unnumbered highway, thence over unnumbered highway to Baxter, Tenn., thence over Tennessee Highway 56 to Smithville. (Also continuing over Tennessee Highway 56 from Smithville over Tennessee Highway 56 to McMinnville, Tenn., thence over Tennessee Highway 55 to junction U. S. Highway 41) (also from McMinnville over Tennessee Highway 108 to junction Tennessee Highway 56) (also from McMinnville over Tennessee Highway 30 to junction U. S. Highway 27). Return over the same routes. Serving the intermediate points of Smithville, Red Boiling Springs, Lafayette, Westmoreland, Portland, Gallatin, Hartsville and Carthage, Tenn., and the off-route point of Kingston, Tenn.

No. MC 116028, filed June 4, 1956, JAMES ROBERTS and MILDRED ROBERTS, doing business as ROBERTS MOTOR SERVICE COMPANY, 4641 North Nagle Avenue, Norwood Park Township, Ill. For authority to operate as a *contract carrier*, over regular routes, transporting: *Transformers*, from Chicago, Ill., to Richmond, Wis., from Chicago over U. S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to County Trunk Highway A, thence over County Trunk Highway A to Richmond; and from Richmond, Wis., to Bloomington, Ill., from Richmond over County Trunk Highway A to Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U. S. Highway 14, thence over U. S. Highway 14 to Darian, Wis., thence over U. S. Highway 15 to Beloit, thence over U. S. Highway 51 to Bloomington; and *empty containers or other such incidental facilities* used in transporting the commodity specified, from Bloomington, Ill., to Chicago, Ill., over U. S. Highway 66.

No. MC 116038 Sub 1, filed July 2, 1956, NORTHERN MOTOR CARRIERS, INC., Fort Edward, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated houses*, in sections, on platform vehicles, from Hudson Falls, N. Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 116045, filed May 25, 1956, NEUMAN TRANSIT CO., INC., P. O. Box 31, Rawlins, Wyo. Applicant's representative: Vincent A. Ross, 307–309 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Mill construction equipment, materials and supplies* and *uranium ore*, from railheads and points in Wyoming to the site of the Government Uranium Mill, located 80 miles north of Rawlins, Wyo., on the Sweetwater River in Fremont County, Wyo. and (2) *Processed uranium ore and products thereof*, such as yellow cake, from the site of the Government Uranium Mill, located 80 miles north of Rawlins, Wyo., on the Sweetwater River in Fremont County, Wyo., to Grand Junction, Colo., and railheads and points in Wyoming.

No. MC 116046, filed June 11, 1956, THOMAS B. GODFREY, 3501 Jackson Street, Monroe, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Warren County, Miss., to points in Madison, Tensas, Richland, Franklin, Ouachita, Caldwell, Lincoln, and Morehouse Parishes, La., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 116067, filed June 22, 1956, NEBRASKA SHORT LINE CARRIERS, INC., 901 South 13th Street, Lincoln, Nebr. Applicant's representative: J. Max Harding, 901 South Thirteenth St., Lincoln, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a-1) between Denver, Colo., and Chicago, Ill., from Denver over U. S. Highway 6 to junction U. S. Highway 138, thence over U. S. Highway 138 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 30A near Clarks, Nebr., thence over U. S. Highway 30A to junction U. S. Highway 30 at Missouri Valley, Iowa, thence over U. S. Highway 30 to Chicago, and return over the same route; (a–2) between Omaha, Nebr., and Chicago, Ill., from Omaha over U. S. Highway 6 to junction Alternate U. S. Highway 66, thence over Alternate U. S. Highway 66 to junction U. S. Highway 66, thence over U. S. Highway 66 to Chicago, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's proposed route in a–1 above; (b) between Minneapolis, Minn., and Des Moines, Iowa, over U. S. Highway 65; (c) between Council Bluffs, Iowa, and St. Louis, Mo., from Council Bluffs over U. S. Highway 275 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction U. S. Highway 71, thence over U. S. Highway 71 to junction U. S. Highway 40, thence over U. S. Highway 40 to St. Louis, and return over the same route; and (d) between Lincoln, Nebr., and St. Joseph, Mo., from Lincoln over U. S. Highway 34 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction U. S. Highway 36, thence over U. S. Highway 36 to St. Joseph, and return over the same route. Serving all intermediate points on routes (a–1), (b), (c) and (d), and the off-route points of Waterloo and Marshalltown, Iowa.

No. MC 116069, filed July 2, 1956, R. L. SCHMITZ and CHARLES G. OLSEN, doing business as O & S TRANSPORT CO., Richland Center, Wis. Applicant's representative: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rowboats* and *outboard motor boats*, between points in Minnesota, Michigan, Indiana, Wisconsin, Iowa, Missouri, Tennessee, Arkansas, Mississippi, Louisiana, Texas, Kentucky, New York, Pennsylvania, and Ohio.

No. MC 116070, filed June 25, 1956, DONA A. BESSETTE, doing business as HARDWICK STAGE, Main Street, Hardwick, Vt. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between St. Johnsbury, Vt., and Johnson, Vt., from St. Johnsbury over U. S. Highway 2 to West Danville, Vt., and thence over Vermont Highway 15 to Johnson, Vt. serving all intermediate points.

NOTE: If authorized, applicant states proposed service would be on behalf of Railway Express Agency, Incorporated.

No. MC 116072, filed June 25, 1956, FRED KARA, JR., doing business as FRED'S MOTOR SERVICE, 3560 Archer Avenue, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Marble* and *slate*, from Chicago, Ill., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, Tennessee, Kentucky, and Missouri.

No. MC 116084, filed June 29, 1956, CAPITOL TANK LINE, INC., 3742 East Florence Avenue, Bell, Calif. Applicant's representative: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic organic resins*, in bulk, in tank vehicles, from Anaheim, Calif., to Tulsa, Okla., and Houston, Tex., and *paraffin wax*, in bulk, in tank vehicles, from Tulsa, Okla., and West Port Arthur and Houston, Tex., to points in Los Angeles and Orange Counties, Calif.

No. MC 116085, filed June 29, 1956, FRISKNEY AND HARDING TRUCKING, INC., R. R. No. 2, Kendallville, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Printed autographic register paper, registers, sales books, deposit slips, sales tickets, miscellaneous printed forms, newsprint, carbonized paper* and *machinery*, from Sturgis, Mich., to South Hackensack, N. J., Middle Village, N. Y., Corrinth, Miss., Baltimore, Md., Cincinnati, Ohio, St. Louis, Mo., and St. Paul, Minn., and *cartons, bundles, rolls*, within paper boards, *skids* and *pallets* on return.

No. MC 116090, filed July 5, 1956, KENNETH B. MILLER, 2304 Grestwood Road, Sioux Falls, So. Dak. Applicant's representative: H. Lauren Lewis, Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery, farm implements*, and *parts thereof*, when moving with such farm machinery and farm implements, from Sioux Falls, S. Dak., to points in Lyon, Osceola, Sioux, O'Brien, Plymouth, and Cherokee Counties, Iowa, and those in Chippewa, Big Stone, Lac qui Parle, Swift, Yellow Medicine, Lincoln, Lyon, Pipestone, Murray, Nobles, and Rock Counties, Minn. NOTE: Applicant states that if authority sought is granted he will surrender Permit MC 109133, which authorizes contract carrier operations from Sioux Falls, S. Dak., to same counties, and same commodities, in minimum shipments of 8,000 pounds or more.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 114710 Sub 3, filed July 5, 1956, HENRY C. DAUGHTREY and W. E. THARPE, doing business as DAUGHTREY & THARPE BUS COMPANY, Brewton, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Brewton, Ala., and the site of the St. Regis Paper Co. plant near Cantonment, Fla., from Brewton over U. S. Highway 31 to Flomaton, Ala., thence over U. S. Highway 29 to junction unnumbered highway (St. Regis Road near Cantonment), and thence over St. Regis Road to the site of the St. Regis Paper Co. plant, and return over the same route, serving all intermediate points on U. S. Highway 31, including Brewton and Flomaton. RESTRICTION: Applied-for authority to be restricted to transportation of passengers and their baggage to and from the site of the St. Regis Paper Co. plant.

No. MC 115030 Sub 2, filed June 28, 1956, W. R. CHESTER, doing business as TRENTON-ST. JOSEPH COACHES, 1801 South Ninth Street, P. O. Box 525, St. Joseph, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between St. Joseph, Mo., and Bethany, Mo., from St. Joseph over U. S. Highway 136 to Bethany, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Missouri.

No. MC 116083, filed June 29, 1956, ROMUALDO DELGADILLO, doing business as BONNIE'S TRAVEL SERVICE, 1126 South Santa Fe Street, El Paso, Tex. Applicant's representative: A. C. Gonzalez, Jr., El Paso National Bank Building, El Paso, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in sightseeing service, between points in the El Paso, Tex., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points on the International Boundary Line between the United States and Mexico at El Paso.

APPLICATIONS UNDER SECTIONS 210 (a) (b) AND 5 (2)

No. MC–F 5501 filed June 8, 1953. Authority sought for purchase by TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., of a portion of the operating rights of HARVEY L. WILLIAMS, doing business as WILLIAMS TRUCK LINE, Tarkio, Mo., and for acquisition by R. B. GOTFREDSON and C. B. GOTFREDSON, 1700 North Waterman Avenue, Detroit, Mich., of control of such operating rights through the purchase. Applicants' representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Shenandoah, Iowa, and the junction of U. S. Highways 59 and 275, between Rockport, Mo., and St. Joseph, Mo., and between Disney, Iowa, and Omaha, Nebr., serving certain intermediate and off-route points: *general commodities*, with certain exceptions not including household goods, between Bedford, Iowa, and Omaha, Nebr., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Atchison County, Mo., and that part of Holt County, Mo., within 20 miles of Fairfax, Mo., on the one hand, and, on the other, points in Iowa, Nebraska, and that part of Kansas on and east of Kansas Highway 8, and between Kansas City, North Kansas City, and Independence, Mo., Kansas City, Kans., and points within ten miles of the points named; *general commodities*, with certain exceptions not including household goods, between certain points in Missouri on the one hand, and, on the other, Omaha, Nebr., and certain points in Kansas and Iowa. Application was field for temporary authority under section 210a (b) and denied June 15, 1953. Section 5 application denied April 7, 1955. Proceeding reopened by order entered May 7, 1956, for further hearing at a time and place to be hereafter fixed.

No. MC–F 6230, published in the April 4, 1956, issue of the FEDERAL REGISTER on page 2166. An amendment to the application filed June 20, 1956, applicants seek to amend the application to include authority for the merger of the operating rights and property of COATES-NORRELL MOTOR EXPRESS, INCORPORATED, into SUPER SERVICE MOTOR FREIGHT COMPANY, INC., for ownership, management and operation. Application assigned for hearing July 18, 1956, at Chattanooga, Tenn.

No. MC–F 6285 (Correction), published in the June 6, 1956, issue of the FEDERAL REGISTER on page 3892. The notice of filing should be corrected by deleting therefrom "Authority sought for control" and inserting, in lieu thereof, "Authority sought for control through management."

No. MC–F 6316 (Correction), published in the July 4, 1956, issue of the FEDERAL REGISTER on page 4990. The name of JOHN GIOVANINI, JR., one of the persons controlling vendee, was misspelled. The operating rights being transferred should read, in part, as follows: "*Passengers and their baggage*, restricted to traffic."

No. MC–F 6320 (correction), published in the July 11, 1956, issue of the FEDERAL REGISTER on page 5155. Application was incorrectly shown as a *merger* and should have been shown as a *control and merger* transaction.

No. MC–F 6325 (correction), published in the July 11, 1956, issue of the FEDERAL REGISTER on page 5156. The operating rights being transferred should read, in part, as follows: "* * * between Spokane, Wash., and Cheney, Wash. * * *". The State of Michigan was inadvertently omitted as one of the States served by vendee.

No. MC–F 6326. Authority sought for control by MILTON D. RATNER, 7000 South Pulaski Road, Chicago, Ill., of the operating rights and property of THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago, Ill. Applicant's representatives: Clarence D. Todd and Charles W. Singer, both of 944 Washington Building, Washington 5, D. C. Operating rights sought to be controlled: *Such merchandise* as is dealt in by wholesale and retail grocery business houses, as a *contract carrier* over regular routes, between Nashville, Tenn., and Cincinnati, Ohio, and between Nashville, Tenn., and Evansville, Ind., serving certain intermediate points; *glassware, such materials, supplies* and *equipment* as are used in the manufacture of glassware, *caps, covers* or *tops*, (other than display) for bottles, paper shipping cartons, *machinery, materials* and *supplies* used in the manufacture, packing, and shipping of glassware and glassware containers, *grease, tallows, cleansing compound, soap, soap powders, toilet articles, lard substitutes, washing powders, vegetable compounds, washing compounds, vegetable oil shortening, cooking oil, glycerine, advertising material* and *premiums, oleomargarine, non-alcoholic beverages, syrup* for carbonated beverages, *malt beverages, such merchandise* as is dealt in by wholesale or retail food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, agricultural commodities, *empty containers* for fresh tomatoes and fresh vegetables, *empty tomatoe loading racks, such general merchandise* as is dealt in by chain grocery stores, and *supplies, machinery, fixtures*, and *equipment* incidental to the production, warehousing and sale thereof, *tinplate, skids, shipping pallets, angle iron, accessories for glass containers, petroleum jelly, such merchandise* as is dealt in by retail food and household supply and furnishing business houses, and *equipment, materials*, and *supplies* used in the conduct of such businesses, *packinghouse products, processed silica sand, soda ash, iron and steel moulds*, used in forming glass containers, and *machinery* used in the manufacture of glass containers, *fibreboard boxes, dressed poultry* and *eggs*, over irregular routes, from, to, and between points and areas, varying with the commodity transported, in Illinois, Ohio, Pennsylvania, Kentucky, Indiana, Wisconsin, Iowa, West Virginia, Missouri, Michigan, Minnesota, New York, New Jersey, Kansas, Nebraska, Georgia, North Carolina, South Carolina, Virginia, Flor-

ida, Maryland, Tennessee, Arkansas, Louisiana, Mississippi, Massachusetts, New Hampshire, Vermont, Delaware, and the District of Columbia. Applicant is not a motor carrier but is affiliated with MIDWEST TRANSFER COMPANY OF ILLINOIS, a *contract carrier*, which is authorized to operate in Illinois, Michigan, Ohio, Pennsylvania, Indiana, Kentucky, Wisconsin, Missouri, Iowa, Maryland, New Jersey, New York, West Virginia, Nebraska and Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6330. Authority sought for control by RYDER SYSTEM, INC., 1642 NW. 21st Terrace, Miami, Fla., of the operating rights and property of COOPER MOTOR LINES, INC., 301 Hammet Street, P. O. Box 2030, Greenville, S. C., and for acquisition by J. A. RYDER, R. N. REEDY, A. E. GREENE, JR., JAR CORPORATION and JAR NO. 2 CORPORATION, all of Miami, of control of such rights and property through the transaction. Applicant's representatives: Eugene T. Liipfert, 2001 Massachusetts Avenue, NW., Washington 6, D. C., and Clarence D. Todd, 944 Washington Building, Washington 5, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, from points in South Carolina to Culpeper, Suffolk, Windsor, Norfolk, Madison Heights, Petersburg, Lester Manor, Richmond, Fredericksburg, Warrenton, Franklin, Lynchburg, Farmville, Smithfield, Danville, South Boston, Victoria, and Roanoke, Va., Washington, D. C., Baltimore and Cumberland, Md., Wilmington and Cheswold, Del., Philadelphia, Biglerville, and York, Pa., Camden and Trenton, N. J., New York, N. Y., and points in New Jersey and New York within 25 miles of New York, N. Y., from the above-specified destination points to Charlotte, Rocky Mount, Fayetteville, Durham, Roanoke Rapids, Kinston, Marion, Morganton, Fuquay Springs, Rockingham, Snow Hill, Greenville, Smithfield, Rich Square, Warsaw, Clinton, Kannapolis, Gastonia, Lillington, Dunn, Salisbury, and Concord, N. C., and points in South Carolina, between Graniteville and Charleston, S. C., on the one hand, and, on the other, points in Georgia and South Carolina, between Philadelphia, Pa., on the one hand, and, on the other, Bristol, Pa., and points in Philadelphia County, Pa., between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania on and south of U. S. Highway 30 within 25 miles of Philadelphia, and between points in Philadelphia, Pa.; *general commodities*, with certain exceptions not including household goods, between points within ten miles of Charleston, S. C., including Charleston, on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort, and Jasper Counties, S. C. Applicant is not a motor carrier but is affiliated with GREAT SOUTHERN TRUCKING COMPANY, which is authorized to operate as a *common carrier* in Alabama, Georgia, South Carolina, North Carolina, Tennessee, and Florida. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application will be processed concurrently with No. MC 47171 Sub 77.

No. MC–F 6331. Authority sought by COMMERCIAL TRANSPORT CORPORATION, 2919 Buffalo Drive, Houston, Texas, to control and merge the operating rights and property of AMERICAN BARGE LINE COMPANY, 1030 East Market Street, Jeffersonville, Ind., and to control the operating rights and property of BLASKE, INC., Foot of Ridge Street, Alton, Ill., and for acquisition by JAMES S. ADAMS, PIERRE DAVIDWEILL, EDWIN H. HERZOG, ALBERT J. HETTINGER, JR., HOWARD S. KNIFFIN, ANDRE MEYER, GEORGE MURNANE, CHARLES J. STEWART, J. NEWTON RAYZOR, M. C. BUTCHER, GUS S. WORTHAM, E. R. BARROW, E. D. BUTCHER, J. W. HERSHEY, EASTERN STEAMSHIP LINES, INC., and OLD DOMINION STEAMSHIP COMPANY, of control of such rights and property through the transaction. Applicant's representatives: Nuel D. Belnap, 1 North LaSalle Street, Chicago 2, Ill., Dudley B. Tenney, 63 Wall Street, New York 5, N. Y., and Samuel H. Moerman, Investment Bldg., Washington, D. C. Operating rights sought to be controlled and merged: (American Barge Line Company): *Commodities generally*, as a *common carrier* in interstate or foreign commerce by water, (1) by non-self-propelled vessels with the use of separate towing vessels (a) between ports and points along the Mississippi River below Minneapolis, Minn., the Ohio and Green Rivers, the Cumberland River below Old Hickory, Tenn., the Kanawha River below Gauley Bridge, W. Va., the Allegheny River below East Brady, Pa., the Monongahela River below Fairmont, W. Va., and the Illinois Waterway including the ports named, and (b) between ports and points along the waterways named in (a) above, on the one hand, and, on the other, ports and points along the Tennessee River below and including Knoxville, Tenn., and (2) by towing vessels in the performance of general towage between points on the waterways designated in (a) above, except the Mississippi River above its confluence with the Illinois River, except to the extent that operations indicated in (1) and (2) above have heretofore been authorized in a certificate issued to applicant under the Inland Waterways Corporation Act. Operating rights sought to be controlled (Blaske, Inc): *Commodities generally*, as a *common carrier* in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, between points on the Illinois Waterway and points on the Mississippi River from St. Louis, Mo., to Muscatine, Iowa, inclusive. COMMERCIAL TRANSPORT CORPORATION holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6332. Authority sought for purchase by SHAFFER TRUCKING, INC., Elizabethville, Pa., of a portion of the operating rights and property of LEWIS G. JOHNSON, P. O. Box 135, Newark, N. Y., and for acquisition by DOMER SHAFFER, also of Elizabethville, of control of such rights and property through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Canned goods, fruits, vegetables, agricultural commodities, potato chips, potato sticks, french fried onions, nursery stock, cereal food preparations, cereal preparations, dry*, and *teething biscuits*, as a *common carrier* over irregular routes, from, to and between points and areas, varying with the commodity transported, in New York, Maryland, Virginia, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Vendee is authorized to operate in Maryland, New York, Pennsylvania, West Virginia, Connecticut, Delaware, New Jersey, Florida, Georgia, North Carolina, Ohio, South Carolina, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6333. Authority sought for merger by SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo., of the operating rights and property of CENTRAL EXPRESS, INC., 314 Ninth Street, Fort Smith, Ark., and for acquisition by FIELDING CHILDRESS and COLUMBIA TERMINALS COMPANY, both of St. Louis, and SOUTHERN EXPRESS, INC., of Dallas, Texas, of control of such rights and property through the transaction. Applicants' representative: Clarence D. Todd, 944 Washington Building, Washington 5, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between McAlester, Okla., and Fort Smith, Ark., between Fort Smith, Ark., and junction U. S. Highways 270 and 271 (five miles north of Summerfield, Okla.), between Miami, Okla., and Colbert, Okla., and between Muskogee, Okla., and Braggs, Okla., serving certain intermediate and off-route points. SOUTHERN-PLAZA EXPRESS, INC., is authorized to operate in Missouri, Illinois, Tennessee, Texas and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6334. Authority sought for control by LINCOLN TRANSPORT SYSTEMS, INC., 73 Gilbert Street Buffalo, N. Y., of the operating rights and property of AMSTERDAM DESPATCH, INC., P. O. Box 615, Amsterdam, N. Y., and for acquisition by VINCENT H. PALISANO, of Williamsville, N. Y., VICTOR J. PALISANO, of Hamburg, N. Y., SAMUEL J. PALISANO, of Buffalo, N. Y., JOSEPH S. PALISANO and CHARLES J. PALISANO, both of Orchard Park, N. Y., of control of such operating rights and property through the transaction. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Perth Amboy, N. J., and Syracuse, N. Y., between New York, N. Y. and Staten Island, N. Y., between Philadelphia, Pa., and junction U. S. Highway 1 and U. S. Highway 9, and between Little Falls, N. Y., and junction New York Highways 167 and 5S, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Amsterdam, Broadalbin, Canajoharie, Gloversville, Johnstown, Dolgeville, Middleville, Mohawk, Newport, Northville, Fonda, Fort Plain, Frankfort, Fultonville, Cohoes, Schenectady, Herkimer, Ilion, Little Falls, Mayfield, and St. Johnsville, N. Y., and points in New York within 15 miles of the above-specified points, on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Allentown, Bethlehem, and Reading, Pa. LINCOLN TRANSPORT SYSTEMS, INC., holds no authority from this Commission. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6335. Authority sought for control and merger by JOSEPH J. MILNE TRUCK LINE, INC., 205 West First North Street, St. George, Utah, of the operating rights and property of ROCKY MOUNTAIN SERVICE, INC., 463 East 100 North Street, St. George, Utah, and for acquisition by ARVEL MILNE and KENNETH MILNE, both of Salt Lake City, Utah, WILLARD MILNE, also of St. George, and FRANK MILNE, of Cedar City, Utah, of control of such rights and property through the transaction. Applicant's representatives: Wood R. Worsley, 1501 Walker Bank Bldg., Salt Lake City, Utah, David Anderson, Continental Bank Bldg., Salt Lake City, Utah, and James K. Knudsen, 1116 Ring Bldg., 18th at M Street, NW., Washington, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, including routes between St. George, Utah, and Mount Trumbull, Ariz., from Los Angeles, Calif., to St. George, Utah, between St. George, Utah, and Marysvale, Utah, and from St. George, Utah, to Los Angeles, Calif., serving certain intermediate and off-route points; *hardware, fencing*, and *roofing materials*, from Los Angeles, Calif., to Junction, Kanab, Bryce Canyon and Henieville, Utah, and from Los Angeles, Calif., to junction Utah Highway 15, serving certain intermediate and off-route points; *poultry feed* and *poultry supplies*, from Los Angeles, Calif., to Rockville, Utah, serving the intermediate point of Hurricane, Utah, restricted to delivery only; *pipe*, from Los Angeles, Calif., to Panguitch, Utah, serving certain intermediate points; *plumbing and heating supplies and equipment*, from Los Angeles, Calif., to Panguitch, Utah, serving no intermediate points; *plumbing supplies and equipment*, from Los Angeles, Calif., to Kanab, Utah, serving no intermediate points; *dressed poultry*, from Panguitch, Utah, to Los Angeles, Calif., serving certain intermediate points; *livestock*, from specified points in Utah to Los Angeles, Calif., serving certain off-route points; and *oilfield commodities* between Los Angeles, Calif., and Hurricane, Utah, serving certain off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission; *wool, mohair, livestock, agricultural commodities, dairy products, poultry, lumber, ore, sawmill and mining machinery, supplies, and equipment*, and *oilfiled commodities*, from, to and between points and areas, varying with the commodity transported, in California, Utah, Nevada, and Arizona. No. MC–F 5429, approved and authorized subject to consummation within 180 days from the effective date June 12, 1956. Authority sought for control and merger by ROCKY MOUNTAIN SERVICE, INC., 463 East 100 North, St. George, Utah, of the operating rights and property of LAS VEGAS NEEDLES PHOENIX TRUCK LINES, INC., 722 North Main Street, Las Vegas, Nev., and for acquisition by N. E. GUBLER, EMIL GUBLER and ARLO PRISBREY, of St. George, DONALD FREI, of Las Vegas, LE VOY MASON and C. G. GUBLER, Los Angeles, Calif., of control of the operating rights and property through the transaction. Applicants' representative: David T. Anderson, 623 Continental Bank Bldg., Salt Lake City, Utah. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Los Angeles, Calif., and Needles, Calif., between Las Vegas, Nev., and Phoenix, Ariz., between Las Vegas, Nev., and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., and between junction U. S. Highway 93 and unnumbered highway near Kingman, Ariz., and the junction of U. S. Highway 95 and Nevada Highway 77, serving certain intermediate and off-route points; *class A and B explosives*, between Phoenix, Ariz., and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., serving certain intermediate and off-route points; *compressed gases*, in bulk, in Government-owned tank trailers, between junction U. S. Highway 93 and unnumbered highway near Kingman, Ariz., and the junction of U. S. Highway 95 and Nevada Highway 77, serving Davis Dam Site, Nev., as an intermediate point, and the described termini for joinder only with carrier's authorized regular routes and the alternate route authorized herein below, and between Las Vegas, Nev., and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., serving no intermediate points; alternate route for operating convenience only (in connection with *compressed gases* and *general commodities* authority only) between Wickenburg, Ariz., and Alunite, Nev. JOSEPH J. MILNE TRUCK LINE, INC., is authorized to operate as a *common carrier* in Utah and Nevada. Application has been filed for temporary authority under section 210a (b) in connection with MC–F 6335.

No. MC–F 6336. Authority sought for control and merger by ROBERTS MOTOR EXPRESS, INC., 22–24 Thatcher Street, Albany, N. Y., of the operating rights and property of SHEEHAN TRANSPORT, INC., 217 Washington Avenue, Carlstadt, N. J., and for acquisition by JACOB T. ROBERTS, JR., West Coxsackie, N. Y., of control of such rights and property through the transaction. Applicant's representatives: William Biederman, 280 Broadway, New York 7, N. Y., and Edward M. Alfano, 36 West 44th Street, New York, N. Y. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Albany, N. Y., and Newark, N. J., and between Lodi, N. J., and Newburgh, N. Y., serving all intermediate and certain off-route points; *piece goods*, finished and unfinished, *felt, hatters' fur*, and *paper bags*, between Newark, N. J., and Philadelphia, Pa., serving all intermediate points and the off-route points of Perth Amboy and Carteret, N. J.; *general commodities*, with certain exceptions including household goods, over irregular routes between points in Passaic, Bergen, Hudson, Essex, and Union Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points in Westchester, Rockland, and Orange Counties, N. Y.; *oil, alcohol*, and *chemicals*, from Grasselli, N. J., and Gulfport, N. Y., to Monticello, Port Jervis, Liberty, and Livingston Manor, N. Y.; and *groceries*, from New York, N. Y., to Monticello, Port Jervis, Liberty, and Livingston Manor, N. Y., ROBERTS MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in the State of New York under the second proviso of section 206 (a) (1) of the Interstate Commerce Act. Application has been filed for temporary authority under section 210a (b).

NOTE: This application will be processed concurrently with No. MC 99084 Sub 2.

No. MC–F 6337. Authority sought for purchase by THE DISTRICT HAULING AND CONTRACTING COMPANY, INCORPORATED, 2780 Jefferson Davis Highway, Arlington, Va., of the operating rights of SMITH & SMITH SUPPLY CO., INC., 1911 Kenilworth Avenue, Kenilworth, Md., and for acquisition by HARRY G. SLOCOMBRE, also of Arlington, of control of such operating rights through the purchase. Applicant's representative: S. Harrison, Kahn, 726–730 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *Rough and dressed lumber*, as a *contract carrier* over irregular routes, from points in North Carolina to Baltimore, Md., points in Baltimore County, Md., those in Pennsylvania and those in Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer and Salem Counties, N. J. Vendee is authorized to operate as a *contract carrier* in West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6338. Authority sought for purchase by M. R. AND R. TRUCKING COMPANY, 715 North Ferdon Blvd., Crestview, Fla., of the operating rights and property of ROBERT E. ELMORE,

doing business as BATES TRUCKING CO., 1200 Reeves Street, Dothan, Ala., and for acquisition by W. GUY McKENZIE, Tallahassee, Fla., JOHN F. McCASKILL, Crestview, Fla., and CARL E. BJORKLUND, Panama City, Fla., of control of such rights and property through the purchase. Applicants' representative: Dan R. Schwartz, 713 Professional Bldg., Jacksonville 2, Fla. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Bainbridge, Ga., and Dothan, Ala., between Bainbridge, Ga., and Amsterdam, Ga., and between Amsterdam, Ga., and Tallahassee, Fla., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Florida. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5709; Filed, July 17, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32352: *Trailer-on-flat-car service—Erie Railroad Company.* Filed by The Erie Railroad Company, for itself, and other interested rail carriers. Rates on various commodities, in carloads, as described in the tariff listed below moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars from specified points in New York and Ohio to specified points in Indiana, Kentucky, and Missouri.

Grounds for relief: Motor truck competition and circuity.

Tariff: Erie Railroad Company tariff I. C. C. 21245.

FSA No. 32353: *Grain and products—Bloomfield, Iowa, to Omaha, Nebr.* Filed by The Wabash Railroad Company, for itself. Rates on grain, grain products, seeds and related articles, carloads from Bloomfield, Iowa to Omaha, Nebr.

Grounds for relief: Circuitous route.

Tariff: Supplement 19 to Wabash Railroad Company I. C. C. 7744.

FSA No. 32354: *Grain—Gough, Ga., to Mobile, Ala., and New Orleans, La.* Filed by O. W. South, Jr., Agent, for other interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in bulk, straight carloads, from Gough, Ga., to Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 146 to Agent Spaninger's I. C. C. 1325.

FSA No. 32355: *Aluminum billets, etc., Arkansas and Texas to southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, and slabs, carloads from Gum Springs and Jones Mills, Ark., Gregory, Point Comfort, and Sandow, Tex., to specified points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, including Bristol, Va.-Tenn.

Grounds for relief: Short-line distance formula, Market competition and circuity.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4176.

FSA No. 32356: *Fresh meats—Amarillo, Tex., to Waterloo, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fresh meats, noibn, carloads from Amarillo, Tex., to Waterloo, Iowa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 46 to Agent Kratzmeir's I. C. C. 4036.

FSA No. 32357: *Adipic acid—Orange, Tex., to Ohio, Pennsylvania and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on adipic acid, dry, carloads from Orange, Tex., to Akron and Mogadore, Ohio, Philadelphia, Pa., Kingsport and Holston, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 216 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32358: *Trailer-on-flat-car service—Between the southwest and western and northern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, in highway trailers, loaded on railroad flat cars between Chicago and Waukegan, Ill., Duluth, Minneapolis and St. Paul, Minn., Appleton, Eau Claire, Fond du Lac, Kohler, Manitowoc, Milwaukee and Superior, Wis., and grouped points, on one hand, and Center, Jasper, and Silsbee, Tex., on the other.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 77 to Agent Kratzmeir's I. C. C. 4181.

FSA No. 32359: *Peanut hull meal—Ozark and Troy, Ala., to Alabama.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on peanut hulls, ground, carloads from Ozark and Troy, Ala., to points in Alabama.

Grounds for relief: Circuitous routes.

Tariff: Supplement 59 to Agent Spaninger's tariff I. C. C. 1411.

FSA No. 32360: *Furfural residue—Memphis, Tenn., to Pittstown, N. J.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on furfural residue, dry, carloads from Memphis, Tenn., to Pittstown, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 74 to Agent Spaninger's I. C. C. 1366.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5707; Filed, July 17, 1956; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 74]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO. AND LEHIGH AND NEW ENGLAND RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Talyor, Agent, the New York, Susquehanna and Western Railroad Company and the Lehigh and New England Railroad Company, because of washout at Stillwater, New Jersey, are unable to transport traffic routed over and to points on their lines: *It is ordered*, That:

(a) Rerouting traffic: The New York, Susquehanna and Western Railroad Company and the Lehigh and New England Railroad Company, and their connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the routing or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., July 9, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., July 23, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 9, 1956.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56-5708; Filed, July 17, 1956; 8:48 a. m.]

[MC-C-No. 2001]

REDUCED CLASS AND COMMODITY RATES; MIDDLE ATLANTIC TERRITORY

INVESTIGATION INSTITUTED AND HEARING ORDERED

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 13th day of July A. D. 1956.

There being under consideration the matter of rates and cherges and the rules, regulations and practices affecting such rates and charges applicable on interstate or foreign commerce on classes and commodities between points in the New York, N. Y., and northern New Jersey area, on the one hand, and points in Pennsylvania on the other, as set forth in tariff, MF-I. C. C. No. A-776, issued by the Middle Atlantic Conference, Agent, and on comparable class and commodity rates as published in tariffs, MF-I. C. C. Nos. 4 and 6, issued by Hudson Transportation Company and tariff, MF-I. C. C. No. 13, issued by Association of Interstate Motor Carriers, Agent, or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act and constitute unfair and destructive competitive practices in contravention of the National Transportation Policy; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matter and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-5777; Filed, July 17, 1956; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-880]

MILITARY INVESTORS FINANCIAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 12, 1956.

I. Military Investors Financial Corporation ("Military"), a Texas corporation, 2310 Main Street, Houston, Texas, filed with the Commission on December 1, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto relating to an offering of 150,000 shares of its common stock at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The offering circular is false and misleading:

a. In stating that Donald E. Bartz, promoter and Chairman of the Board of Directors of the issuer, "is presently President of American Management Corporation, a firm specializing in corporate formations and management" but omitting to state that American Management Corporation had never formed or promoted a successful business venture and that it was simply a corporate front under which Bartz promoted his own interests.

b. In stating that Raymond J. Jeleski, President and Director of the issuer, "was associated with the Richfield Oil Corporation in the field of finance and collections" and "is now associated with Globe Hardware Company * * * as accountant and tax adviser" but omitting to state that Jeleski's association with Richfield Oil Corporation was as a filling station operator, that his association with Globe Hardware Company was under the supervision of a senior accountant and that his only function as President and Director of the issuer was to act as bookkeeper.

2. The report of sales of stock on Form 2-A pursuant to Rule 224 and the balance sheet attached thereto are false and misleading in stating that marketable securities in the amount of $50,000 were received by the issuer in exchange for 25,000 shares of the issuer's stock.

3. The offering constituted a device, scheme and artifice to defraud in that there was no bona fide intention to carry on the proposed business of the issuer as set forth in the offering circular.

4. No report of sales on Form 2-A has been filed since August 30, 1955, as required by Rule 224.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 56-5711; Filed, July 17, 1956; 8:48 a. m.]

[File No. 24D-1686]

HIDDEN VALLEY URANIUM COMPANY, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 12, 1956.

I. Hidden Valley Uranium Company, Inc., a Utah corporation, 705 Judge Building, Salt Lake City, Utah, filed with the Commission on April 21, 1955, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 5,950,000 shares of common stock, 5 cents par value, at 5 cents per share for an aggregate of $297,500 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The notification and offering circular are false and misleading in stating that Earl A. Smythe and Michael Grayson are each the holder of 250,000 shares acquired in exchange for certain property and in omitting to state that Smythe and Grayson severed all connection with the issuer and returned all their stock to the issuer because the property acquired from them was worthless.

2. The company has failed to file on Form 2-A reports of sales, as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regu-

lations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5712; Filed, July 17, 1956; 8:49 a. m.]

[File No. 1-1859]

PIG'N WHISTLE CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 12, 1956.

In the matter of Pig'n Whistle Corporation, prior preferred stock, File No. 1-1859.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This stock is stated to be now so closely held that there is little or no open market trading in it and the available supply is stated to be insufficient to furnish a free and stable market.

The San Francisco Stock Exchange advises that it has no objection to this application, states that according to reports from the issuer there were only 184 stockholders as of June 7, 1955, and that over 60 percent of the outstanding shares were held by 10 of the stockholders, and has suspended the stock from dealings on its floor as of the close of business February 29, 1956.

Upon receipt of a request, on or before July 31, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5713; Filed, July 17, 1956; 8:49 a. m.]

[File No. 1-3771]

GOOD HUMOR COMPANY OF CALIFORNIA

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 12, 1956.

In the matter of Good Humor Company of California, Prior Preferred Stock; File No. 1-3771.

Los Angeles Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The applicant Exchange suspended this stock from trading on January 3, 1956, following notice from the issuer that there remained outstanding only 667 shares in the hands of 14 stockholders. Since that time the Exchange has been informed that only 467 shares remain outstanding and held by 12 stockholders. The decrease results from an offering of exchange into other securities of the issuer.

Upon receipt of a request, on or before July 31, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5714; Filed, July 17, 1956; 8:49 a. m.]

[File No. 24A-1024]

HARD ROCK MINING CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 11, 1956.

I. Hard Rock Mining Company, 377 McKee Place, Pittsburgh 13, Pennsylvania (hereinafter referred to as the "issuer") filed with the Commission on May 7, 1956 a notification on Form 1-A and a Rule 219 (b) statement as an exhibit thereto, and subsequently filed amendments thereto, relating to a proposed public offering of 1,000,000 shares of 1 cent par value common stock, at 5 cents per share, for the purpose of obtaining an exception from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. A. Paul Rowland Jones, a promoter of the issuer, was convicted on March 19, 1956 in the Circuit Court of Jefferson County, Birmingham, Alabama of an offense of attempting to sell unregistered securities in violation of the laws of the State of Alabama. By virtue of Rule 216 (b) (5), no exemption under Regulation A is available for said securities.

B. The Commission has reasonable cause to believe:

1. The terms and conditions of Regulation A have not been complied with in that:

a. The issuer failed to disclose in Item 5 of Form 1-A and in the statement required under Rule 219 (b) that Paul Rowland Jones was a promoter of the issuer, and failed to disclose in Item 6 of Form 1-A the conviction mentioned in paragraph A above;

b. Sales literature was not filed with the Commission prior to use as required by Rule 221.

2. The sales literature used in connection with the offering was false and misleading in the following particulars:

a. In estimating ore reserves on the issuer's properties in the amount of $8,000,000;

b. In stating that ore reserves on the issuer's properties contain a large quantity of uranium oxide;

c. In stating that "there have been much higher offers for the stock by outsiders" than the offering price of 5 cents a share to stockholders of Basset Press and Mailing Company and that "the appraised value of this stock, based on its capitalization is $2.00 per share"; and

d. In omitting to state that A. M. Jones, the mining engineer who estimated the value of the ore reserves on the property under lease at $8,000,000 was an intermediary transferor in title for his brother, Paul Rowland Jones, a promoter of the issuer.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5715; Filed, July 17, 1956; 8:49 a. m.]

[File No. 24D-1130]

DAKOTA-MONTANA OIL LEASEHOLDS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 11, 1956.

I. Dakota-Montana Oil Leaseholds, Inc., a Delaware corporation, 535 Fifth Avenue, New York, New York, filed with the Commission on May 1, 1953, a notification on Form 1-A and subsequently filed amendments thereto relating to an offering of 300,000 shares of 50 cents par value common stock at $1 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The principal underwriter of the securities being offered, Charles J. Maggio, Inc., 25 Broad Street, New York, New York, has been permanently enjoined by a decree of the New York Supreme Court from engaging in the securities business in the State of New York.

B. The offering, if made or continued, would be made in such a manner as to operate as a fraud or deceit upon the purchasers in that material changes in the condition of the company since June 23, 1953, are not reflected in the material filed by the issuer under Regulation A, concerning, among others:

(a) The financial condition of the issuer;

(b) The property interests held by the issuer; and

(c) The inactive status of the issuer in that the issuer is no longer engaged in business or actively functioning, has no present address, and its officers and directors are no longer participating in its affairs.

C. The company has not filed reports on Form 2-A as required by Rule 224.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5716; Filed, July 17, 1956; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 80, Amdt. 2]

CALIFORNIA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 80, dated December 30, 1955, for the State of California, is hereby amended as follows:

By striking from paragraph 5 thereof "June 30, 1956," and substituting therefor "September 30, 1956."

Dated: June 27, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-5770; Filed, July 17, 1956; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-813]

MAINE

AMENDMENT OF LOAN ANNOUNCEMENT

APRIL 4, 1956.

I hereby amend:

(a) Administrative Order No. T-672, dated August 31, 1955, by rescinding the loan of $139,000 therein made for "Union Telephone Company—Maine 515-A Union."

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-5721; Filed, July 17, 1956; 8:50 a. m.]

[Administrative Order T-814]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Deuel Telephone Cooperative Association, South Dakota 521-B Deuel	$486,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-5722; Filed, July 17, 1956; 8:50 a. m.]

[Administrative Order T-815]

ALABAMA

LOAN ANNOUNCEMENT

APRIL 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Butler Telephone Company, Inc, Alabama 534-A Butler	[1] $290,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-5723; Filed, July 17, 1956; 8:50 a. m.]

[Administrative Order T-816]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Duo County Telephone Cooperative Corporation, Inc., Kentucky 530-A Duo County	[1] $1,040,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-5724; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T-817]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Calhoun City Telephone Company, Inc., Mississippi 504–C Calhoun City ---------- $88,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5725; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–818]

TEXAS

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Santa Rosa Telephone Cooperative, Inc., Texas 559–F Vernon_ $111,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5726; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–819]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
St. Stephen Telephone Company, South Carolina 525–B St. Stephen ---------- $73,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–5727; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–820]

MAINE

LOAN ANNOUNCEMENT

APRIL 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Poland Telephone Company, Maine 509–A Poland---------[1] $507,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5728; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–821]

ILLINOIS

LOAN ANNOUNCEMENT

MAY 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Champaign County Telephone Company, Illinois 506–F Champaign---------- $72,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5729; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–822]

SOUTH CAROLINA

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 4, 1956.

I hereby amend:

(a) Administrative Order No. T–571, dated February 23, 1955, by rescinding the loan of $373,000 therein made for "Edisto Telephone Company, Incorporated—South Carolina 524–A Edisto."

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5730; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–823]

NEW YORK

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 4, 1956.

I hereby amend:

(a) Administrative Order No. T–688, dated September 23, 1955, by rescinding the loan of $672,000 therein made for "Sanborn Telephone Company, Inc.—New York 508–A Sanborn."

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5731; Filed, July 17, 1956; 8:51 a. m.]

[Administrative Order T–824]

KENTUCKY

LOAN ANNOUNCEMENT

MAY 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Calvert Telephone System, Inc., Kentucky 529–C Calvert------ $546,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5732; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T–825]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Woodstock Telephone Company, Minnesota 547–C Woodstock--- $73,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–5733; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T–826]

MISSOURI

LOAN ANNOUNCEMENT

MAY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Grand River Mutual Telephone Corporation, Missouri 533–E Princeton---------- $481,000

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56–5734; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T–827]

MISSOURI

LOAN ANNOUNCEMENT

MAY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Chariton Valley Telephone Corporation, Missouri 535–C Bucklin ---------- $706,000

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56–5735; Filed, July 17, 1956; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 139

Washington, Thursday, July 19, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SALARY RETENTION

Effective June 18, 1956, a new Subpart D is added to Part 25 as set out below.

Subpart D—Salary Retention

Sec.
25.401 Scope.
25.402 Employee coverage.
25.403 Definitions.
25.404 Salary retention rule.
25.405 Prior reclassification action.
25.406 Step increases.
25.407 Termination of saved rate.
25.408 Subsequent reclassification action.
25.409 Salary increases authorized by law.
25.410 Effective date.

AUTHORITY: §§ 25.401 to 25.410 issued under sec. 1101, 63 Stat. 971; 5 U. S. C. 1072. Interpret or apply 70 Stat. 291.

SUBPART D—SALARY RETENTION

§ 25.401 *Scope.* (a) The regulations in this subpart govern Salary Retention following the demotion of an employee upon reclassification of his position to a lower grade.

(b) The regulations in this subpart do not apply to the demotion of an employee to another position for personal cause, or at his own request, or in a reduction in force.

§ 25.402 *Employee coverage.* The regulations in this subpart apply to any employee occupying a position subject to the Classification Act of 1949, as amended, other than in grade 16, 17, or 18 of the General Schedule.

§ 25.403 *Definitions.* As used in this subpart, the term:

(a) "Saved rate" means an employee's existing rate of basic compensation immediately prior to demotion;

(b) "Employee" includes officer or employee;

(c) "Reclassification" means any classification action lowering the grade of the employee's position during his incumbency of such position without a material change in duties or responsibilities.

§ 25.404 *Salary retention rule.* Any employee holding a career or career-conditional appointment in the competitive service who continues to occupy his position after demotion resulting from the reclassification of his position, who held such position for two years immediately preceding such reclassification, and who has not received a rating of less than satisfactory covering any part of the two-year period served in his position immediately prior to the date of its reclassification shall be entitled to (a) a saved rate, or (b) a rate of basic compensation fixed in accordance with Subpart B of this part (General Compensation Rules) which is not less than his existing rate of basic compensation.

§ 25.405 *Prior reclassification action.* Any employee who occupied a position (other than in grades GS–16, 17, or 18) which was reclassified during the period July 1, 1954, through June 18, 1956, and who continues to occupy his position after demotion resulting from such reclassification shall be entitled to the benefits of this subpart, effective the first day of the first pay period following June 18, 1956, provided:

(a) He held such position for not less than two years immediately prior to June 18, 1956;

(b) He has not received a rating of less than satisfactory for June 18, 1956, and the two-year period prescribed in this section; and

(c) He continues to hold such position on the first day of the first pay period following June 18, 1956.

§ 25.406 *Step increases.* An employee who receives a saved rate under this subpart shall be eligible to earn periodic and longevity step increases, in the grade to which his position is reclassified, in accordance with the regulations governing step increases under this part.

§ 25.407 *Termination of saved rate.* The saved rate received by an employee shall be terminated when:

(a) He leaves his position; or

(b) He receives a rate of basic compensation higher than his saved rate in the position to which demoted through the operation of other provisions of the Classification Act of 1949, as amended.

§ 25.408 *Subsequent reclassification action.* Upon further reclassification of his position, an employee receiving a

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–300 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–39 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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saved rate shall continue to receive such rate unless sooner terminated in accordance with one of the conditions in § 25.407.

§ 25.409 *Salary increases authorized by law.* (a) An employee's saved rate, unless terminated under § 25.407, shall be increased by any pay increase authorized by law.

(b) Any employee entitled to the benefits of § 25.405 shall be entitled to a saved rate based on his rate of basic compensation prior to the reclassification as increased by any pay increases authorized by law subsequent to the reclassification action.

§ 25.410 *Effective date.* Except as otherwise prescribed in § 25.405, any pay adjustments under this subpart shall be effective on the first day of the first pay period following demotion.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-5807; Filed, July 18, 1956; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order No. 43]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President of the United States by section 9 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and Executive Order No. 10595 of February 7, 1955, §§ 4.157, 4.158, and 4.160 of Title 35 of the Code of Federal Regulations, as adopted and amended by Canal Zone Order No. 30 of January 6, 1953, 18 F. R. 280, are hereby amended to read as follows:

§ 4.157 *Classification and licensing of masters, mates, engineers, and pilots.* Under the direction of the Governor, the Board of Local Inspectors shall recommend the classification of masters, mates, engineers, and pilots of steam and motor vessels navigating the waters of the Canal Zone; and upon such recommendation licenses shall be issued by the Supervising Inspector or by such other officer as may be designated by the Governor.

§ 4.158 *Term, and suspension or revocation, of licenses.* Licenses shall be granted for a term of three years, but may be suspended or revoked by the Supervising Inspector, or by such other officer as may be designated by the Governor, upon satisfactory proof of negligence, unskillfulness, intemperance, or other improper conduct: *Provided, however,* That prior to final action in the matter of the suspension or revocation of any license, the Board of Local Inspectors shall conduct a hearing in the matter and submit its recommendations therein to the Supervising Inspector or other designated officer.

§ 4.160 *Appeal from action refusing license.* An applicant for a license as master, mate, engineer, or pilot, for whom the Board of Local Inspectors has refused to recommend such license may appeal to the Supervising Inspector or to such other officer as may be designated by the Governor. Such appeal must be entered within 10 days after the final action of the Board. Upon such appeal the Supervising Inspector or other designated officer shall have authority either to grant or to deny such license.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318, E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp., E. O. 10101, 15 F. R. 595, 3 CFR, 1950 Supp., E. O. 10595, 20 F. R. 819; 3 CFR, 1955 Supp.)

WILBER M. BRUCKER,
Secretary of the Army.

JULY 12, 1956.

[F. R. Doc. 56-5797; Filed, July 18, 1956; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

LUCKY PEAK RESERVOIR AREA, BOISE RIVER, IDAHO

The Secretary of the Army having determined that the use of the Lucky Peak Reservoir Area, Boise River, Idaho, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 as follows:

1. A new paragraph (kkk) is added to § 311.1:

§ 311.1 *Areas covered.* • • •

(kkk) Lucky Peak Reservoir Area, Boise River, Idaho.

2. A new subparagraph (41) is added to § 311.4(a):

§ 311.4 *Houseboats.* (a) • • •

(41) Lucky Peak Reservoir Area, Boise River, Idaho.

• • • • • •

[Regs., 29 June 1956, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U. S. C. 460d)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5787; Filed, July 18, 1956; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 204]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
AKRON, OHIO. Akron Airport, 1,051'. SBMRLZ-DTV-AKR. Procedure No. 1. Amendment No. 4. Effective date: August 11, 1956. Supersedes Amendment 3, dated November 12, 1954. Major changes: Procedure turn altitude revised. Missed approach distance revised-nautical miles.	----------	----------	----------	W side of S course: 201° outbound. 021° inbound. 2,400' within 10 miles.	1,800	077—0.2	T-dn C-d C-n A-dn	400-1 600-1 600-1½ 800-2	400-1 600-1½ 600-1½ 800-2	400-1 700-1½ 700-1½ 800-2	Within 0.2 mile, climb to 2,500' on N course of Akron LFR within 10 miles. NOTE: Procedure turn conducted W to avoid traffic at Akron and Canton, Ohio.
AKRON, OHIO. Akron Airport, 1,051'. SBMRLZ-DTV-AKR. Procedure No. 2. Amendment No. 1. Effective date: August 11, 1956. Supersedes amendment Original, dated November 12, 1954. Major changes: Nautical miles; missed approach distance revised.	----------	----------	----------	S side of W course: 290° outbound. 110° inbound. 2,500' within 10 miles.	2,000	077—0.2	T-dn C-dn A-dn	400-1 700-1 800-2	400-1 700-1½ 800-2	400-1 700-1½ 800-2	Within 0.2 mile, climb to 2,500' on N course of Akron LFR within 10 miles.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
ROCKFORD, ILL. Greater Rockford, 734'. "H"-RFD. Procedure No. 1. Amendment Original. Effective date: July 11, 1956. Supersedes: None. Major changes: None.	RFD LFR	180—13.0	2,500	E side of course: 182° outbound. 002° inbound. 2,000' within 10 miles.	1,500	002—4.7	T-dn C-dn S-dn 36 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 4.7 miles, make right turn, climb to 2,000', proceed to RFD "H".
	JVL VOR	176—27.0	2,500								
	Intersection JVL VOR 223° R and 090° bearing to "H".	090—27.0	2,000								
	Intersection 054° bearing to RFD LFR and 090° bearing to "H".	090—17.8	2,000								
	Intersection 314° bearing to RFD LFR and 270° bearing "H".	270—13.4	2,000								

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
AUSTIN, TEX. Mueller, 631'. ILS-IAUS. VOR-AUS. NW course ILS. Procedure No. 2. Amendment Original. Effective date: Aug. 11, 1956.	AUS-VOR	Plateau Intersection.	280—5.5	2,500	W side of NW course: 305° outbound. 125° inbound. 2,500' within 10 miles of Plateau Intersection.	No glide slope Plateau Intersection 2,300'. Burnet Intersection 1,400'.	No glide slope Burnet Intersection to Runway 12, 2.4 miles.		*T-dn C-dn S-dn 12 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Climb to 2,000' on SE course. ILS within 20 miles. When directed by ATC turn left, climb to 2,000' on radial 100° within 20 miles. *200-½ authorized on Runways 16R, 34L, 12R and 30L only.
	Lake Travis Intersection	Plateau Intersection.	125—6.6	2,300									
	Plateau Intersection (Final)	Burnet Intersection.	125—4.6	1,400									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Transition to ILS			Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept-ion point would (ft.)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)			
							65 knots or less	More than 65 knots				
1	2	3	4	8	9	10	11	12	13	6	7	14
COLUMBUS, OHIO, Port Columbus, 816'. ILS—CM. LOM–CM. Combination ILS–ADF Procedure No. 1. Amendment No. 6. Effective date: August 15, 1956. Supersedes Amendment 5, dated July 30, 1955. Major changes: Deletes ADF transition from Newark FM.	Columbus LFR	LOM	093—7.8	2,595—5.4	1,093—0.61	T–dn C–dn	300–1 400–1	300–1 500–1	200–½ 500–1½	N side of F course: 096° outbound, 276° inbound, 2,500' within 10 miles.	ILS 2,500	5.4 miles after passing LOM (ADF), climb to 2,500' on W course ILS or course 276° from LOM within 15 miles.
	Newark FM (final)	E course ILS	255—10									
	Intersection E course ILS or 276° bearing to LOM and radial 123° to CMH VOR (final).	LOM	276—5.8			S–dn 27 ILS	200–½	200–½	200–½		ADF 2,000 over LOM	
						ADF	400–1	400–1	400–1			
	Columbus VOR	LOM	157—3.9			A–dn ILS	600–2	600–2	600–2			
						ADF	800–2	800–2	800–2			
	Radar terminal area transition altitudes: Within: 25 miles, 2,500'; 35 miles, 3,000'; 40 miles, 4,000'.											
MILWAUKEE, WIS., General Mitchell, 698'. ILS—MKE. LOM—MKE. Procedure No. 1. Combination ILS–ADF. Amendment No. 9. Effective date: June 22, 1956. Supersedes No. 8, dated June 21, 1956. Major changes: ILS straight-in minimums lowered.	MKE-LFR	LOM	195—2.2	2,035—4.0	915—0.5	T–dn C–dn	300–1 600–1	300–1 600–1	200–½ 600–1½	E side of S course: 180° outbound, 060° inbound, 2,400' within 10 miles.	ILS 2,000	Within 4 miles after passing LOM, climb to 2,700' on N course. MKE-LFR within 20 miles, or when directed by ATC, make left climbing turn to 2,500' and intercept MKE-VOR 023 radial and proceed to MKE-VOR. *Descent to 2,000' authorized after passing intersection inbound.
	Franksville FM (final)	LOM	354—6.5			S–dn 1 ILS	200–½	200–½	200–½		ADF 1,400 over LOM	
	Franksville FM (final)	LOM	354—6.5			ADF	400–1	400–1	400–1			
	Intersection N course MKE-LFR and ILS S course.	LOM	186—3.7			A–dn ILS	600–2	600–2	600–2			
	Genesee FM	LOM	106—21.7			ADF	800–2	800–2	800–2			
	Racine Intersection VHF.	LOM	302—11.3									
	Cardinal Intersection VHF.	LOM	186—14.8									
	MKE-VOR	LOM	127—22.6									
SPRINGFIELD, ILL., Capital 586'. ILS—LOM. Procedure No. 1. Combination ILS–ADF. Amendment Original. Effective date: July 11, 1956. Supersedes: None. Major changes: New procedure.	SPI-LFR	LOM	271—1.2	2,000	786—0.6	T–dn C–dn S–dn 4	300–1 400–1 300–¾	300–1 500–1 300–¾	200–½ 500–1½ 300–¾	S side of course: 218° outbound, 038° inbound, 2,000' within 10 miles.	ILS 2,000	Within 3.1 miles, climb on NE course ILS or on bearing 038° from LOM to 2,000' within 20 miles. No approach lights. *All installed components of the ILS must be operating; otherwise, alternate minimums of 900–2 apply.
	SPI-VOR	LOM	217—9.5	2,000		A–dn ILS	600–2	600–2	600–2		ADF 1,400 over LOM	
						ADF	800–2	800–2	800–2			

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5485; Filed, July 18, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.321 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 23, 1956, through May 31, 1957, no handler shall ship potatoes of any variety grown in Area No. 3 unless such potatoes meet the requirements of the U. S. No. 2 or better grade and (i) if they are of the round varieties such potatoes are of a size not less than 2 inches minimum diameter, and (ii) if they are of the long varieties such potatoes are of a size not less than 2 inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540–1559 of this title), including the tolerances set forth therein.

(2) During the period from July 23, 1956, through May 31, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of any variety of potatoes grown in Area No. 3 if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That not to exceed 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph: (i) "Producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; and (ii) it is intended that each 100 hundredweight exception to the aforesaid skinning requirement shall apply only to the potatoes grown on each farm of a producer.

(4) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5825; Filed, July 18, 1956; 8:53 a. m.]

[Avocado Order 12, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

§ 969.312 *Avocado Order 12, As Amended*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1956. This amendment relieves restrictions on specified varieties of avocados in that it will permit the shipment of such varieties at an earlier date than now provided. It also establishes maturity requirements for such varieties which will be applicable on and after the time the shipment of such varieties is permitted. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Adminstrative Committee until July 10, 1956; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on July 10, 1956, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is therefore ordered as follows: (1) The provisions set forth in Table I of paragraph (b) of § 969.312 (Avocado Order 12; 21 F. R. 3307) are hereby amended by adding thereto the following:

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Trapp	7–23–56	14 oz., $3^{8}/_{16}$ in.	8–6–56	12 oz., $3^{7}/_{16}$ in.	8–20–56	10 oz., $3^{3}/_{16}$ in.	9–17–56
Waldin	7–30–56	16 oz., $3^{8}/_{16}$ in.	8–13–56	14 oz., $3^{8}/_{16}$ in.	8–27–56	10 oz., $3^{3}/_{16}$ in.	10–15–56
Petersen	8–6–56	12 oz., $3^{3}/_{16}$ in.	8–20–56	10 oz., $3^{3}/_{16}$ in.	9–3–56	8 oz., $2^{15}/_{16}$ in.	9–24–56
Pinelli	8–20–56	18 oz.	8–27–56	16 oz.	9–3–56	12 oz.	9–24–56
Tonnage	8–20–56	14 oz.	8–27–56	12 oz.	9–3–56	10 oz.	9–24–56

(2) The provisions set forth in Table II of paragraph (b) § 969.312 (Avocado Order 12; 21 F. R. 3307) as pertains to the Trapp, Waldin, Petersen, Pinelli, and Tonnage varieties are hereby terminated.

(c) The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., July 23, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5817; Filed, July 18, 1956; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6145]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. C. MARTIN CORP. ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling;* § 13.2480 *In merchandising.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, J. C. Martin Corp. et al., New York, N. Y., Docket 6145, June 29, 1956]

In the Matter of J. C. Martin Corp., a Corporation, and Jack Kaslow and Seymour Orenstein, Individually and as Officers of J. C. Martin Corp., and Jack Kaslow, Trading as K. W. Sales Company, and Seymour Orenstein, Trading as L. & S. Sales Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its officers with use of lottery devices in their sales methods which involved selling varied articles of merchandise, including jewelry, silverware, kitchen utensils, and toilet articles, through members of the public to whom they mailed pull cards and circulars giving the purchaser the option of either pulling a tab or buying outright as many articles as he wished from the list in the circulars giving description and price of each.

Following respondents' answer, hearings in due course, submission by counsel of proposed findings and conclusions, and oral argument, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. The Commission found the findings and conclusions drawn therefrom fully justified by the record, and the order included in the initial decision entirely appropriate, and on June 29, 1956, rendered its decision denying the appeal and adopting the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondent J. C. Martin Corp., a corporation, and its officers, and respondents Jack Kaslow and Seymour Orenstein, individually and trading as K. W. Sales Company and L. & S. Sales Company, respectively, or trading under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other devise, in connection with the offering for sale, sale and distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or any other devices which are designed or intended to be used in the sale and distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents, J. C. Martin Corp., a corporation, and Jack Kaslow and Seymour Orenstein, individuals, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5667; Filed, July 18, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54142]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF MILLER MUNICIPAL AIRPORT AS AN INTERNATIONAL AIRPORT

The Miller Municipal Airport, McAllen, Texas, is hereby designated as an international airport (airport of entry) for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13 is hereby amended to include the name and location of this airport.

Notice of the proposed designation of the Miller Municipal Airport as an international airport was published in the FEDERAL REGISTER of June 9, 1956 (21 F. R. 3967), pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003).

The designation of this airport is based on a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)).

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 17, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5896; Filed, July 18, 1956; 11:05 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 1,1-DICHLORO-2,2-*bis*(*p*-ETHYLPHENYL) ETHANE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 1,1-dichloro-2,2-*bis*(*p*-ethylphenyl) ethane (also known as diethyl diphenyl dichloroethane) in or on certain raw agricultural commodities. The petitioner withdrew the request for a tolerance for residues of this pesticide in milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established. He was unable to certify the usefulness of this pesticide chemical on a number of crops for which tolerances were requested.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

1. In § 120.3 *Tolerances for related pesticide chemicals,* paragraph (e) (4) is amended by inserting immediately following the name "Dieldrin" in the list of chlorinated hydrocarbons the name "Diethyl diphenyl dichloroethane."

2. Part 120 is amended by adding the following new section:

§ 120.139 *Tolerances for residue of diethyl diphenyl dichloroethane.* A tolerance of 15 parts per million for residues of diethyl diphenyl dichloroethane is established in or on each of the following raw agricultural commodities: Cherries, lettuce, spinach.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 12, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5809; Filed, July 18, 1956; 8:51 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141d) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146c; 21 F. R. 1511, 2237, 3498) are amended as indicated below:

1. Section 141a.35 *Penicillin-streptomycin ointment* • • • is amended as follows:

a. In paragraph (a) *Potency* subparagraph (1) is amended to read as follows:

(1) *Total penicillin content.* Proceed as directed in § 141a.8 (a) or § 141a.5 (d) (1), except that if the iodometric chemical assay described in § 141a.5 (d) (1) is used prepare the sample as follows: Accurately measure two representative portions of the sample, each equivalent to from 100,000 units to 500,000 units (estimated). Place one portion in a centrifuge tube containing 10.0 milliliters of 1 percent phosphate buffer, pH 6.0, and 10.0 milliliters of chloroform for each 100,000 units. Shake the tube for 1 minute and centrifuge to obtain a substantially clear buffer layer. Dilute 5.0 milliliters of the buffer layer to 25.0 milliliters, using 1-percent phosphate buffer, pH 6.0, and mix. Use 2.0 milliliters of this solution as the blank. Place the second portion of the sample in a centrifuge tube containng 10.0 milliliters of 1 *N* NaOH and 10.0 milliliters of chloroform for each 100,000 units. Shake the tube for 1 minute and allow to stand for 15 minutes. Shake the tube and centrifuge to obtain a substantially clear NaOH layer. Dilute 5.0 milliliters of the NaOH layer to 25.0 milliliters, using 1 *N* NaOH, and mix. Use 2.0 milliliters of this solution as the inactivated solution. From the titration data calculate the amount of penicillin in the sample. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

b. Paragraph (a) is further amended by renumbering subparagraphs (2) and (3) as (4) and (5), respectively, and inserting new subparagraphs (2) and (3), reading as follows, between subparagraph (1) and renumbered subparagraph (4):

(2) *Crystalline sodium penicillin or potassium pencillin content*—(i) *Preparation of the solution for assay.* Accurately measure a representative portion of the sample equivalent to from 100,000 units to 500,000 units of crystalline sodium penicillin or potassium penicillin and place it in a centrifuge tube containing 10.0 milliliters of 20-percent sodium sulfate solution and 10.0 milliliters of chloroform for each 100,000 units. Shake the tube for 1 minute and then centrifuge to obtain a substantially clear aqueous layer. Dilute a 5.0-milliliter aliquot of the aqueous layer to 25.0 milliliters with 20-percent sodium sulfate solution and mix to obtain the solution for assay.

(ii) *Iodometric assay for total penicillin in the solution for assay.* Determine the quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 141a.5 (d) (1).

(iii) *Colorimetric determination of procaine penicillin in the solution for assay.* If the sample does not contain sulfonamides, determine the procaine penicillin in the solution for assay by the colorimetric procedure described in § 141a.32 (b) (3). If the sample contains sulfonamides proceed as follows: Place 10.0 milliliters of the solution for assay in a separatory funnel containing 2 milliliters of 1 *N* NaCH and 10.0 milliliters of chloroform and shake for 1 minute. Allow the layers to separate and collect the lower chloroform layer in a cylinder containing 10.0 milliliters of 4 *N* HCl. Shake for 1 minute and allow the layers to separate. Using the upper acid layer as the solution for assay, determine the procaine penicillin content by the colorimetric procedure described in § 141a.32 (b) (3).

(iv) The content of crystalline sodium or potassium penicillin in the sample is calculated as follows:

$$A=(B-C)F,$$

where:

A = crystalline sodium penicillin or potassium penicillin content of the sample.

B = total number of units of penicillin per milliliter as determined in subdivision (ii) of this subparagraph.

C = number of units of procaine penicillin per milliliter as determined in subdivision (iii) of this subparagraph.

F = appropriate dilution factor depending on the dilution made in the preparation of the solution for assay and the size of the representative portion of the sample tested.

Its content of crystalline sodium penicillin or potassium penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Procaine penicillin content.* The procaine penicillin content of the sample is the difference between the total penicillin content determined in subparagraph (1) of this paragraph and the crystalline sodium penicillin or potassium penicillin content determined in subparagraph (2) of this paragraph. Its content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

2. In § 141d.303 *Chloramphenicol ointment; potency,* paragraph (b) is amended by changing the words "peroxide-free" to read "petroleum".

3. In § 141d.306 *Chloramphenicol palmitate oral suspension,* paragraph (a) *Potency* is amended by changing the first two sentences to read as follows: "Using a hypodermic syringe, transfer 1.0 milliliter of the suspension to a separatory funnel containing 25 milliliters of chloroform and shake for 1 minute. Add 10 milliliters of water, shake for 1 minute, allow the layers to separate, and filter the lower chloroform layer through a pledget of cotton."

4. Section 146.26 *Animal feed containing penicillin* • • • is amended as follows:

a. Paragraph (b) (15) is amended by changing the words "and hexamitiasis" to read "hexamitiasis, and quail disease (ulcerative enteritis)".

b. In paragraph (b), subparagraph (15) (iii) is amended by inserting after the word "hexamitiasis" the following new words: "and quail disease (ulcerative enteritis)".

c. Paragraph (b) (25) is changed to read as follows:

(25) It is intended for use solely as an aid in the reduction of bacterial diarrhea in beef calves or as an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) in calves, and it contains a quantity of chlortetracycline adequate to provide 500 milligrams per head per day

when fed in accordance with the directions for use that accompany the feed; except that if it is intended for use as an aid in the reduction of bacterial diarrhea it contains a quantity of chlortetracycline adequate to provide 0.1 milligram per pound of body weight per day.

d. Paragraph (d) (26) is amended by redesignating the context of the section as subdivision (i) and adding to the section a new subdivision numbered (ii), reading as follows:

(ii) It is also intended for the prevention or treatment of the diseases specified in subparagraph (25) of this paragraph, it contains diethylstilbestrol in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotic in the amount specified in subparagraph (25) of this paragraph.

5. Section 146a.54 *Penicillin-streptomycin ointment* • • • is amended as follows:

a. Paragraph (a) (1) is changed to read as follows:

(1) It contains not less than 2,000 units of one or more kinds of penicillin salt per gram.

b. In paragraph (b) the words "units of penicillin" are changed to read "units of each salt of penicillin".

c. Paragraph (c) is amended by inserting immediately following the words "six packages" the following new words: ", or if it contains two or more kinds of penicillin salt, 7 packages,".

6. In § 146c.205 *Chlortetracycline powder* • • • , paragraph (f) *Exemption of chlortetracycline powder* • • • is amended by adding the following new subdivisions to subparagraph (5):

(vii) Bacterial pneumonia in calves.
(viii) Shipping fever (hemorrhagic septicemia) in calves.

7. In § 146c.219 *Crude chlortetracycline oral veterinary*, paragraph (f) *Exemption of crude chlortetracycline* • • • is amended by adding the following new subdivisions to subparagraph (4):

(vi) Bacterial pneumonia in calves.
(vii) Shipping fever (hemorrhagic septicemia) in calves.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy provided they comply with the conditions specifically set forth in these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended, 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 12, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5810; Filed, July 18, 1956; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

PART 233—RENTAL HOUSING INSURANCE, RIGHTS AND OBLIGATIONS OF MORTGAGEE

MISCELLANEOUS AMENDMENTS

In § 232.18 paragraph (c) is amended to read as follows:

§ 232.18 *In general.* • • •

(c) In the case of a private corporation, the Commissioner's regulations or restrictions will be set forth in its certificate of incorporation or charter under which such mortgagor is created, and will be made effective through the issuance of certain shares of special stock, which stock will acquire majority voting rights in the event of default under the mortgage or violation of a provision of the charter. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular state a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by a certificate or certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. In the case of a private association or trust entity, or whenever, for any reason satisfactory to the Commissioner, such regulations or restrictions are not feasible as to a particular mortgagor through the issuance of shares of special stock, such regulations or restrictions shall be effected by means of a regulatory agreement and/or other contractual documents between the Commissioner and the mortgagor in such form and in such manner as shall be satisfactory to the Commissioner. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance, or any succeeding contract or agreement covering the mortgage obligation, all regulations and restrictions of the mortgagor shall cease, the shares of special stock shall be surrendered by the Commissioner upon reimbursement of his payments therefor, plus accrued dividends, if any, thereon, and any regulatory agreement or contract shall terminate.

In § 232.19 paragraph (a), paragraph (b), paragraph (f) (3), the introductory text of paragraph (f) (5), and paragraph (f) (5) (iii) are amended, and paragraph (f) (1) and paragraph (f) (5) (ii) are revoked as follows:

§ 232.19 *Required supervision of private mortgagors.* • • •

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the Commissioner prior to the endorsement of the mortgage for insurance; and

(2) In the case of a trust entity beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the Commissioner.

(b) *Rate of return.* Dividends or other distributions as defined in the charter, trust agreement, or regulatory agreement, may be declared only as of and after the end of an annual or semi-annual fiscal period. No dividends or other distributions shall be declared or authorized except out of surplus cash legally available and remaining after (1) the payment of all amounts due or required to be paid under the terms of any mortgage insured or held by the Commissioner up to the end of the applicable dividend period; (2) all amounts due to the Reserve for Replacements Fund; (3) the segregation of funds for the payment of all operating expenses, security deposits held, taxes, assessments, fixed charges, whether due or accrued; and (4) similar provision for any liabilities currently due and arising as a result of necessary expenditures incident to the normal operations of the project. No distributions of any kind may be made from borrowed funds.

• • • • •

(f) *Methods of operation.* (1) [Revoked.]

• • • • •

(3) A Fund for Replacements shall be accumulated and maintained with the mortgagee and the amount and type of such Fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter, trust agreement, or regulatory agreement.

• • • • •

(5) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured or held by the Commissioner the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner, and will be available to him for such examination and audits which he may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

• • • • •

(ii) [Revoked.]

(iii) Complete annual financial reports based upon examinations of the books and records of the mortgagor, prepared in accordance with the requirements of the Commissioner, certified to by an officer of the mortgagor and, when required by the Commissioner, prepared and certified by a Certified Public Accountant (or other person acceptable to the Commissioner), such reports to be submitted within sixty (60) days after the end of each fiscal year.

• • • • •

In § 232.26 paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 232.26 *Certificate of actual cost.* • • •

(b) When the work has been completed under a contract as described in § 232.25 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep and make available records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(c) The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

Section 233.5 is amended by adding at the end thereof a new paragraph (d) as follows:

§ 233.5 *Defaults.* • • •

(d) For the purposes of this section the date of default shall be considered as:

(1) The date of the first uncorrected failure to perform a covenant or obligation; or

(2) The date of the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(Sec. 211, 52 Stat. 23; U. S. C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., July 13, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-5812; Filed, July 18, 1956; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter F—Procedure and Administration

[T. D. 6191]

PART 301—PROCEDURE AND ADMINISTRATION

PAYMENT OF TAXES BY FOREIGN CURRENCY

On May 19, 1956, notice of proposed rule making regarding the regulations under section 6316 of the Internal Revenue Code of 1954, relating to payment of taxes by foreign currency, was published in the FEDERAL REGISTER (21 F. R. 3315). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations, applicable with respect to the tax for taxable years beginning on or after January 1, 1955, are hereby adopted:

Sec.
301.6316 Statutory provisions; payment by foreign currency.
301.6316-1 Persons entitled to pay tax in foreign currency.
301.6316-2 Definitions.
301.6316-3 Allocation of tax attributable to foreign currency.
301.6316-4 Return requirements.
301.6316-5 Manner of paying tax by foreign currency.
301.6316-6 Declarations of estimated tax.
301.6316-7 Refunds and credits in foreign currency.
301.6316-8 Interest, additions to tax, etc.

AUTHORITY: §§ 301.6316 to 301.6316-8 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 6316, 68A Stat. 778; 26 U. S. C. 6316.

§ 301.6316 *Statutory provisions; payment by foreign currency.*

SEC. 6316. *Payment by foreign currency.* The Secretary or his delegate is authorized in his discretion to allow payment of taxes in the currency of a foreign country under such circumstances and subject to such conditions as the Secretary or his delegate may by regulations prescribe.

§ 301.6316-1 *Persons entitled to pay tax in foreign currency.* Subject to the provisions of §§ 301.6316-3 to 301.6316-5, inclusive, that portion of the tax which is attributable to amounts received by a citizen of the United States in nonconvertible foreign currency disbursed from funds made available to a foundation or commission established in a foreign country pursuant to an agreement entered into under the authority of section 32 (b) of the Surplus Property Act of 1944, as amended, 50 U. S. C. App. 1641 (b) (2), may be paid in that currency if:

(a) The amounts so received (1) constitute either a grant made for the authorized purposes of the agreement or compensation for personal services performed in the employ of the foundation or commission and (2) are treated as income from sources without the United States under the provisions of sections 861 to 864, inclusive, and the regulations thereunder; and

(b) At least 75 percent of the entire amount of the grant or compensation paid to the citizen by that foundation or commission is paid in such nonconvertible foreign currency.

§ 301.6316-2 *Definitions.* For purposes of §§ 301.6316-1 to 301.6316-7, inclusive:

(a) The term "tax" means the income tax imposed for the taxable year by chapter 1 of the Internal Revenue Code of 1954.

(b) The term "nonconvertible foreign currency" means currency of the government of a foreign country which, owing to (1) monetary, exchange, or other restrictions imposed by the foreign country, (2) an agreement entered into with the United States of America, or (3) the terms and conditions of the United States Government grant, is not convertible into United States dollars or into other money which is convertible into United States dollars. The term shall not, however, include currency which, notwithstanding such restrictions, agreement, terms, or conditions, is in fact converted into United States dollars or into property which is readily disposable for United States dollars.

(c) If the taxpayer computes taxable income under the accrual method, then the term "received" shall be construed to mean "accrued".

§ 301.6316-3 *Allocation of tax attributable to foreign currency*—(a) *Adjusted gross income ratio.* The portion of the tax which is attributable to amounts received in nonconvertible foreign currency shall, for purposes of applying § 301.6316-1 to the currency of each foreign country, be the amount by which:

(1) The amount which bears the same ratio to the entire tax for the taxable year as (i) the taxpayer's adjusted gross income received in that currency bears to (ii) the adjusted gross income determined under section 62 by taking into account the entire gross income and all deductions allowable under that section without distinction as to amounts received in foreign currency, exceeds

(2) The total of the allowable credits against tax, and payments on account of tax, which are properly allocable to the amount of that currency included in gross income.

(b) *Example.* (1) For the calendar year 1955 Mr. Jones and his wife filed a joint return on which the adjusted gross income is as follows, after amounts received in foreign currency had been properly translated into United States dollars for tax computation purposes:

Fulbright grant received by Mr. Jones in nonconvertible foreign currency	$8,000
Dividends received by Mr. Jones entitled to dividends-received credit	500
Compensation for personal services of Mrs. Jones	3,000
Net profit from business carried on by Mrs. Jones	2,500
Total adjusted gross income	14,000

(2) The following amounts are allowable as properly deductible from adjusted gross income, no determination being made as to whether or not any part of them is properly allocable to the Fulbright grant:

Deduction for personal exemptions	$3,000
Charitable contributions	500
Interest expense	400
Taxes	300
Total allowable deductions	4,200

(3) For the taxable year the following amounts are allowable as credits against the tax, or as payments on account of the tax:

Foreign tax credit for foreign taxes paid on Fulbright grant		$300.00
Dividends-received credit		20.00
Credit for income tax withheld upon compensation of Mrs. Jones		304.80
Payments of estimated tax (see § 301.6316-6 (b) (2) for determination of amounts):		
United States dollars	$426.32	
Foreign currency	893.88	
		1,320.20
Total allowable credits and payments		1,945.00

(4) The portion of the tax which is attributable to amounts received in nonconvertible foreign currency is $33.49, determined as follows:

Adjusted gross income	$14,000.00
Less: Allowable deductions	4,200.00
Taxable income	9,800.00
Tax computed under section 2	$2,148.00
Ratio of adjusted gross income received in nonconvertible foreign currency to entire adjusted gross income ($8,000÷$14,000) (percent)	57.14
Portion of tax attributable to nonconvertible foreign currency ($2,148×57.14 percent)	1,227.37
Less:	
Credit for foreign taxes paid on Fulbright grant $300.00	
Payment in foreign currency of estimated tax 893.88	
	1,193.88
Portion of tax attributable to amounts received in nonconvertible foreign currency	33.49

§ 301.6316-4 *Return requirements*—(a) *Place for filing.* A return of income which includes amounts received in foreign currency on which the tax is paid in accordance with § 301.6316-1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. For the time for filing income tax returns, see sections 6072 and 6081 and the regulations thereunder.

(b) *Statements required.* (1) A statement, certified by the United States educational foundation or commission, shall be attached to the return showing that for the taxable year involved the taxpayer is entitled to pay tax in foreign currency in accordance with section 6316 and the regulations thereunder. This statement shall disclose the amount of the grant or compensation received by the taxpayer during the taxable year under the authority of section 32 (b) of the Surplus Property Act of 1944, as amended, and the amount thereof paid in nonconvertible foreign currency. It shall also state that with respect to the grant or compensation the percentage requirement of paragraph (b) of § 301.6316-1 is satisfied.

(2) The taxpayer shall also attach to the return a detailed statement showing (i) the computation, in the manner prescribed by § 301.6316-3, of the portion of the tax attributable to amounts received in nonconvertible foreign currency and (ii) the rates of exchange used in determining the tax liability in United States dollars. See paragraph (c) of § 301.6316-5.

§ 301.6316-5 *Manner of paying tax by foreign currency*—(a) *Time and place to pay.* The unpaid tax required to be shown on a return filed in accordance with § 301.6316-4, whether payable in whole or in part in foreign currency, is due and payable to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., at the time the return is filed. However, see paragraph (d) of this section with respect to the depositing of the foreign currency with the disbursing officer of the Department of State.

(b) *Certified statement.* Every taxpayer who desires to pay tax in foreign currency under the provisions of § 301.6316-1 shall first obtain the certified statement referred to in paragraph (b) (1) of § 301.6316-4.

(c) *Determination of the tax.* In determining the tax payable for the taxable year in United States dollars, the taxpayer shall use the rates of exchange which most clearly reflect the correct tax liability in dollars, whether it be the official rate, the open market rate, or any other appropriate rate. After determining the correct tax liability in United States dollars the taxpayer shall then ascertain, in accordance with the principles of § 301.6316-3, the portion of the tax which is attributable to amounts received in nonconvertible foreign currency.

(d) *Deposit of foreign currency with disbursing officer.* (1) After the portion of the tax which is attributable to amounts received in nonconvertible foreign currency is determined in United States dollars, the amount so determined shall be deposited in the same nonconvertible foreign currency with the disbursing officer of the Department of State for the foreign country in which the foundation or commission paying the grant or compensation is located. The amount of foreign currency to be deposited shall be that amount which, when converted at the rate of exchange used on the date of deposit by that disbursing officer for the acquisition of such currency for his official disbursements, equals the portion of the tax so determined in United States dollars.

(2) The disbursing officer may rely upon the taxpayer for the determination of the amount of tax payable in foreign currency but may not accept any such currency for deposit until the taxpayer has presented for inspection the certified statement referred to in paragraph (b) (1) of § 301.6316-4. Upon acceptance of foreign currency for deposit the disbursing officer shall give the taxpayer a receipt in duplicate showing the name and address of the depositor, the date of the deposit, the amount of foreign currency deposited, and its equivalent in United States dollars on the date of deposit.

(3) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall attach to the return required to be filed in accordance with § 301.6316-4, in part or full payment of the taxes shown thereon, the original of the receipt given by the disbursing officer and shall pay to the Director of International Operations in United States dollars the balance, if any, of the tax shown to be due. Tender of such receipt to the Director of International Operations shall be considered as payment of tax in an amount equal to the United States dollars represented by the receipt.

(4) A taxpayer shall make the deposit required by this paragraph in ample time to permit him to attach the receipt to his return for filing within the time prescribed by section 6072 or 6081 and the regulations thereunder.

§ 301.6316-6 *Declarations of estimated tax*—(a) *Filing of declaration.* A declaration of estimated tax in respect of amounts on which the tax is to be paid in foreign currency under the provisions of § 301.6316-1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C., and shall have attached thereto the statements required by paragraph (b) (1) and (2) (i) of § 301.6316-4 in respect of the tax return except that the statement certified by the foundation or commission may be based upon amounts expected to be received by the taxpayer during the taxable year if they are not in fact known at the time of certification. A copy of this certified statement shall be retained by the taxpayer for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency under the provisions of paragraph (c) of this section. For the time for filing declarations of estimated tax, see sections 6073 and 6081 and the regulations thereunder.

(b) *Determination of estimated tax*—(1) *Allocation of tax attributable to foreign currency.* In determining the amount of estimated tax for purposes of this section, all items of income, deduction, and credit, whether or not attributable to amounts received in nonconvertible foreign currency, shall be taken into account. The portion of the estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency shall be determined consistently with the manner prescribed by § 301.6316-3.

(2) *Example.* (i) For the calendar year 1955 Mr. Jones and his wife filed a joint declaration of estimated tax in the determination of which the adjusted gross income was estimated to be as follows, after amounts to be received in foreign currency had been properly translated into United States dollars for tax computation purposes:

Fulbright grant to be received by Mr. Jones in nonconvertible foreign currency	$8,000
Dividends to be received by Mr. Jones entitled to dividends-received credit	375
Compensation to be received by Mrs. Jones for personal services	3,000
Net profit to be derived from business carried on by Mrs. Jones	1,625
Total estimated adjusted gross income	13,000

(ii) The following amounts were determined to be allowable as properly deductible from estimated adjusted gross income, no determination being made as to whether or not any part of them was properly allocable to the Fulbright grant:

Deduction for personal exemptions	$3,000
Charitable contributions	300
Interest expense	400
Taxes	300
Total allowable deductions	4,000

(iii) The following estimated amounts were determined to be allowable as credits against the tax for the taxable year:

Foreign tax credit for foreign taxes to be paid on Fulbright grant	$300.00
Credit for income tax expected to be withheld upon compensation of Mrs. Jones	304.80
Dividends-received credit	15.00
Total allowable estimated credits	619.80

(iv) The portion of the estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency is $893.88, determined as follows:

Estimated adjusted gross income	$13,000.00
Less: Allowable deductions	4,000.00
Estimated taxable income	9,000.00
Tax computed under section 2	$1,940.00
Ratio of estimated adjusted gross income to be received in nonconvertible foreign currency to entire estimated adjusted gross income ($8,000÷$13,000) (percent)	61.54
Portion of above tax attributable to nonconvertible foreign currency ($1,940×61.54 percent)	1,193.88
Less: Credit for foreign taxes expected to be paid on Fulbright grant	300.00
Portion of estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency	893.88

(v) The portion of the estimated tax which is payable in United States dollars is $426.32, determined as follows:

Tax computed under section 2	$1,940.00
Less: Total allowable estimated credits	619.80
Total estimated tax	1,320.20
Less: Portion of estimated tax payable in foreign currency	893.88
Portion of estimated tax payable in United States dollars	426.32

(c) *Payment of estimated tax.* (1) The provisions of § 301.6316-5 relating to the certified statement, determination of the tax, and the depositing of the foreign currency shall apply for purposes of this section. The full amount of estimated tax payable in foreign currency, as determined under paragraph (b) of this section, may be deposited before the date prescribed for the payment thereof.

(2) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall tender to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., the original of the receipt from the disbursing officer as payment, to the extent of the amount represented thereby in United States dollars, of the estimated tax. For the dates prescribed for the payment of estimated tax, see sections 6153 and 6161 and the regulations thereunder. A taxpayer should make the deposit required by this paragraph in ample time to permit him to tender such receipt by the date prescribed for payment of the estimated tax.

(d) *Credit on return for the taxable year.* The receipt given by the disbursing officer of the Department of State and tendered in payment of estimated tax under this section shall, for purposes of paragraph (a) (2) of § 301.6316-3, be considered as payment on account of the tax for the taxable year. The amount so considered to be paid shall be the amount in United States dollars represented by the receipt.

§ 301.6316-7 *Refunds and credits in foreign currency*—(a) *Refunds.* The refund of any overpayment of tax which has been paid under section 6316 in foreign currency may, in the discretion of the Commissioner, be made in the same foreign currency by which the tax was paid. The amount of any such refund made in foreign currency shall be the amount of the overpayment in United States dollars converted, on the date of the refund check, at the rate of exchange then used for his official disbursements by the disbursing officer of the Department of State in the country where the foreign currency was originally deposited.

(b) *Credits.* Unless otherwise in the best interest of the Internal Revenue Service, no credit of any overpayment of tax which has been paid under section 6316 in foreign currency shall be allowed against any outstanding liability of the person making the overpayment except in respect of that portion of the liability which, in accordance with § 301.6316-1, would otherwise be permitted to be paid in the same foreign currency.

§ 301.6316-8 *Interest, additions to tax, etc.* Any reference in §§ 301.6316-1 to 301.6316-7, inclusive, to "tax" shall be deemed also to refer to the interest, additions to the tax, additional amounts, and penalties attributable to the tax.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 16, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-5811; Filed, July 18, 1956; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 574—UNITED STATES SOLDIERS' HOME

A new Part 574 is added, to read as follows:

Sec.
574.1 Statutory authority.
574.2 Home benefits.
574.3 Persons eligible for admission to the Home.
574.4 Persons ineligible for admission to the Home.
574.5 Procedure for admission.

AUTHORITY: §§ 574.1 to 574.5 issued under R. S. 4815, as amended; 24 U. S. C. 41.
SOURCE: AR 905-10.

§ 574.1 *Statutory authority.* The basic statutory authority for establishment of the United States Soldiers' Home is contained in the act of March 3, 1851 (9 Stat. 595) and the act of March 3, 1883 (22 Stat. 564).

§ 574.2 *Home benefits.* The United States Soldiers' Home provides a home and other benefits authorized by law for its members. Some of the important Home benefits and emoluments are as follows:

(a) Suitable accommodations in barracks.
(b) Subsistence.
(c) Medical, dental, and hospital care.
(d) Furnishing of prescribed civilian clothing.
(e) Laundry and dry-cleaning service.
(f) Payment of pension money in cash, with no requirement for surrender of such pension money, retired pay, or other compensation to the Home.

§ 574.3 *Persons eligible for admission to the Home.* (a) The following personnel are eligible for admission to the Home, except as indicated in § 574.4:

(1) *Over twenty years' service.* Every enlisted person or warrant officer of the United States Army or United States Air Force who has had some service as an enlisted man, enlisted woman, or warrant officer in the Regular Component of the United States Army or United States Air Force and who has served or who may serve, honestly and faithfully, 20 years or more; provided, that in computing the necessary 20 years' time, all full-time active military service in the Army or Air Force, whether or not as a member of the regular components thereof, shall be credited. Service in the Navy or Marine Corps, or as a commissioned officer cannot be counted.

(2) *Service-connected disability.* Every enlisted person or warrant officer of the United States Army or United States Air Force, whether or not as a member of the regular components therefore, who has had some service as an enlisted man, enlisted woman, or warrant officer in the Regular Component of the United States Army or United States Air Force, rendered incapable of earning his own livelihood by reason of disease or wounds incurred in the military service of the United States, and in line of duty and not the result

of his own misconduct. Individuals under 50 years of age are temporarily admitted to the Home until a medical board determines that they are in fact incapable of earning their own livelihood as the result of the service-connected disability. These individuals are reexamined semiannually until they reach 50 years of age, and if after any such examination it is determined that they are capable of earning their own livelihood, they are discharged from the Home. Individuals who have been discharged from the Home as the result of any such examination may subsequently become eligible for readmission if they again qualify under the regulations of this part.

(b) Any service with an organization of the Regular Army during World War I is sufficient to meet the requirements of some service as an enlisted man or warrant officer in the Regular Component of the United States Army or United States Air Force, required by paragraph (a) of this section.

§ 574.4 *Persons ineligible for admission to the Home.* The benefits of the United States Soldiers' Home will not be extended to any enlisted person or warrant officer convicted of a felony or other disgraceful or infamous crime of a civil nature after his admission into the service of the United States; nor shall anyone who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct and reformation of character as is satisfactory to the commissioners.

§ 574.5 *Procedure for admission*—(a) *Application by personnel on active duty.* (1) Any enlisted person or warrant officer of the United States Army or United States Air Force on active duty may submit an application for admission directly to the Home in substantially the following form no less than 3 months prior to the date the individual believes that he or she meets the eligibility requirements.

_____
(Street address)

_____
(City and State)

_____
(Date)

THE BOARD OF COMMISSIONERS,
U. S. Soldiers' Home,
Washington 25, D. C.

DEAR SIRS: I, _____
Print (Last name) (First name) (Middle name)
_____ born in _____ on _____,
(Service No.) (Place) (Date)
hereby apply for admission to membership in the United States Soldiers' Home, Washington, D. C. My military service has been as follows: _____

_____

Inclusive dates of each enlistment or period of service as a warrant officer, or commissioned officer.

Type of service (Enl., W. O., Com'd) _____
Grades held _____
Organizations with which assigned _____
Character of discharge _____
Sincerely yours,

_____
(Signature)

_____
(Grade and Service No.)

(2) If the application for admission is submitted by reason of disability incurred in line of duty, the application must be accompanied by a certificate from a medical officer of the Armed Forces as to whether or not in his judgment the person is able to earn a living in civilian life.

(b) *Application by personnel not on active duty.* Personnel no longer on active duty who believe that they meet the eligibility requirements for admission to the Home may submit their application for admission directly to the Board of Commissioners of the United States Soldiers' Home in the manner specified in paragraph (a) of this section. If the application is based upon service-connected disability, a statement from a physician concerning the nature and degree of the disability must be submitted with the application.

(c) *Letter of authority for admission.* (1) After determination by the Board of Commissioners that the applicant is eligible for admission, a letter of authority for admission or temporary admission will be mailed to the individual concerned. This letter of authority is normally valid for a period of 60 days after date thereof. If admission for any reason may not be accomplished by the applicant within the 60-day period, applicant must communicate with the Secretary of the Board of Commissioners, United States Soldiers' Home, for extension of this period citing justification therefor, or otherwise be dropped from the list of approved applicants.

(2) A copy of the letter of authority must be submitted with the application for retirement of individuals on active duty in order that they may be retired, whenever possible, in sufficient time to insure admission to the Home within the period specified.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5786; Filed, July 18, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1313]

[48317]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 715 OF APRIL 20, 1951, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 715 of April 20, 1951, which withdrew public lands in Alaska for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

Beginning at a point of which the geographic position is latitude 71°00' N., longitude 156°57' W., thence South 6 miles; West 12 miles; North 11 miles; East 12 miles; South 5 miles to the point of beginning.

The area described contains 84,480 acres.

Excepting, however, the following-described tract, which shall remain within the withdrawal created by Public Land Order No. 715:

Beginning at a point of which the geographic position is latitude 71°00'46.50" N., longitude 157°17'46.88" W., thence North 1,000 feet to the point of beginning, thence East 1,000 feet; South 2,000 feet; West 2,000 feet; North 2,000 feet; East 1,000 feet to the point of beginning.

The area described contains 91.82 acres.

The released lands, aggregating 84,388.18 acres, are subject to the reservations made by Executive Order No. 3797-A of February 27, 1923, Public Land Order No. 82 of January 19, 1943, and Public Land Order No. 324 of August 14, 1946.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 13, 1956.

[F. R. Doc. 56-5788; Filed, July 18, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A7]

HANDLING OF MILK IN TULSA-MUSKOGEE, OKLAHOMA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma on November 29-30, 1955, pursuant to notice thereof which was issued on November 1, 1955 (20 F. R. 8294).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 20, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4515).

The material issues of the hearing related to:

1. The respective allocation of producer milk and other source milk to the classes of use in a handler's plant:

(a) When changes in the relationship of producer receipts to Class I sales occur within a month;

(b) When producer receipts are less than 115 percent of Class I sales for the month; or

(c) As affected by the classification and allocation of milk in inventory; and

2. The volume of milk for which a handler should receive location adjustment credit.

No evidence was presented in support of proposals contained in the notice of hearing to (a) delete the payment provisions applicable to handlers subject to other orders who distribute milk on routes in the marketing area and (b) provide location adjustments or differential pricing to handlers and producers with respect to milk received at plants in certain portions of the marketing area.

Findings and conclusions. The following findings and conclusions are based on evidence received at the hearing and the record thereof:

1. *Allocation of other source milk.* The Tulsa-Muskogee order presently uses a monthly accounting period for classification, pricing, and pooling a handler's receipts of milk from producers. When a handler has both producer milk and other source milk in his plant the specific use made of milk from each source cannot be determined and it is necessary to determine the total classification of all of his receipts (including that milk on hand at the beginning of the accounting period). Because order class prices apply only to producer milk it is then necessary to allocate this gross classification among the receipts from various sources to determine the quantities of milk in each class to be charged the handler for current receipts of producer milk.

Except for an allowance in Class II for plant loss, the Class I sales for the month are, so far as possible, assigned to receipts of producer milk during the month and it is only as producer receipts exceed Class I sales that Class II uses, other than allowable shrinkage, are allocated to producer milk. Class I sales in excess of producer receipts are allocated first to milk on hand in inventory at the beginning of the month and then to current receipts of other source milk. Since milk on hand in inventory was classified as Class II milk in the preceding month, an additional charge to the handler is made whenever Class I sales are allocated to such milk for which producers were paid the Class II price in the preceding month. The order requires no compensatory payment with respect to other source milk (either as current receipts or in inventory) to which Class I sales are allocated under this system. The classification of producer milk in the preceding month determines whether milk in inventory is producer milk or other source milk.

Handlers proposed three changes in the order that would affect the allocation procedure and the resulting classification of and obligations for producer milk. These proposals were as follows:

(a) That under certain specified conditions a handler might have his monthly obligation computed on the basis of more than one accounting period within the month;

(b) That other source Grade A milk priced as Class I milk under another Federal order be allocated pro rata with producer milk whenever receipts of producer milk were less than 115 percent of a handler's route sales of Class I milk for the month; and

(c) That the provisions with respect to milk in inventory be deleted, and that only changes in the volume of milk in inventory be classified as Class II milk.

The first of these proposals would provide means whereby a closer time relationship might be required between receipts of producer milk and the Class I sales for which they are given priority of assignment; the second would require producers to supply a handler with a minimum proportion of Class II milk to maintain prior claim on the handler's Class I sales; and the third would afford current receipts of other source milk prior claim over producer milk in inventory to Class I sales in excess of current receipts of producer milk.

Handlers' testimony in support of the need for provision for shorter accounting periods related principally to situations prevailing in November 1954 and in April and August 1955 as a result of the failure of certain handlers and the cooperative association representing a majority of Tulsa-Muskogee producers to agree upon the conditions (including prices in excess of the minimum prices of the order) under which milk of member producers was to be delivered. In November 1954 some association milk was withheld for a time from certain handlers; from April 7, 1955, through August 9, 1955, no milk of association members was received by the largest handler in the market. For April 1955, all producer receipts (other than shrinkage) of this handler were classified as Class I milk, whereas during April 1-6 when only producer milk was received, some 240,000 pounds were used or disposed of for Class II purposes. In August 1-9, this handler received some 450,000 pounds of other source milk, but all Class I sales in August were allocated to producer milk. Another handler claimed that in November 1954 it was necessary for him to purchase more than 180,000 pounds of other source Grade A milk when milk was withheld, but that producer receipts for the month exceeded Class I sales by over 500,000 pounds so that all Class I sales were assigned to producer milk. This handler also cited November 1952 as a month in which some 57,000 pounds of other source milk were purchased but none of it was assigned to Class I. This was the only instance cited in which disruption of deliveries or their resumption was not involved.

Handlers proposed that a handler might have his obligations computed on the basis of a separate accounting period within a month upon request within 3 days following the close of such separate accounting period, and finding by the market administrator that the ratio of producer receipts to Class I sales changed from more than 115 percent to less than 115 percent, or vice versa, with use of at least seven-day periods to compare such ratios. In the course of testimony possible need was developed for a variety of other conditions applicable under certain specific circumstances.

The limited number of incidents cited by proponents of the proposal indicates that under normal conditions there is little or no need for shorter accounting periods. In fact, the testimony indicates that the proposal was designed to meet unforeseen situations of such gravity and complexity that it is impossible to establish in the order the appropriate conditions which would qualify a handler for computation of obligations on a short accounting period without making such provisions equally applicable to situations for which they are not appropriate. Should severe marketing disturbances arise wherein order provisions well adapted to normal operations become oppressive, an emergency action based on the facts then existing would appear to provide the best means for consideration of the problem in the light of existing circumstances. The order should not be amended to provide separate accounting periods on the basis of contingencies the precise nature of which cannot now be foreseen.

The proposal for pro rata allocation of other source milk priced as Class I milk under another Federal order when receipts from producers are less than 115 percent of a handler's route sales should not be adopted. Such a provision could require local producers to supply up to 12.5 percent of their milk as Class II milk at all times. Handlers claim that the proposal would enable them to operate with a generally lower annual supply of producer milk in that there would be less inducement for them to assure themselves of a supply of producer milk fully adequate at all times to provide the reserve supplies necessary for carrying on their Class I business. Despite the fact that the conditions under which the proposed provision would operate (producer receipts less than 115 percent of a handler's Class I sales) were identical with those contained in their companion proposal for separate accounting periods, the proponents claim that the two proposals were not intended to operate concurrently; nevertheless, the specific times cited in support of need for such a provision were those cited in support of the need for separate accounting periods, plus the experience of the major handler in the months of May through July 1955 when no association member milk was received. The principal proponent witness advocated the proposal on the basis of its applicability to period of generally short supply, but insisted that the determination of supply should be on an individual handler basis rather than on a marketwide basis.

In periods of generally short supply, the adoption of the proposal could serve to reduce the uniform price of the order from that resulting under present provisions. These are conditions under which the supply-demand adjustment of Class I prices is designed to increase price incentive to producers as a means

of providing an adequate supply of milk for the market. Producers receive Class II prices for any reserve milk in excess of actual sales; in return they are assured under the order of prior claim on the handler's Class I sales. This record would indicate that Tulsa-Muskogee handlers wish to modify this priority for producer milk because they cannot secure other supplies on terms as favorable. The proposal should not be adopted.

The proposed changes with respect to the classification and allocation treatment of inventories would seek to reinstate the provisions effective in the Tulsa and Muskogee orders prior to August 1953 when these separate orders were merged into the present Tulsa-Muskogee order.

Class I products are classified on the basis of the form in which disposition is made. Class II products are accounted for on the basis of the milk used to produce certain products or disposed of under specified conditions. Unprocessed milk, skim milk, and cream and named Class I products on hand but not yet disposed of do not fall into either of these categories because use or disposition has not yet been established. The volume of such inventories on hand at the end of each month (or accounting period) varies considerably due to such factors as daily variations in sales or plant operating conditions.

Under the present order such inventories on hand at the end of the month are temporarily classified as Class II milk in order that proper accounting may be made to producers. Such inventories are then accounted for finally in the following month in which final use or disposition is in all likelihood established. Since specific use of such inventories cannot be established, final classification is a part of the allocation procedure. Basically, the allocation procedure assigns current receipts of producer milk first to Class I use and then to Class II use, current receipts of other source milk first to Class II use and then to Class I use; opening inventory is allocated to the remaining uses in either class. If Class I sales exceed producer receipts, some milk in inventory is thus allocated to Class I milk; if an equal volume (in addition to shrinkage) of the preceding month's receipts of producer milk were paid for as Class II milk a reclassification charge is made at the difference between the price charged for the temporary classification (the Class II price of the preceding month) and the current Class I value as used. If producers were not paid a Class II price for milk in volume equal to the inventory it is considered other source milk and no charge is made, since no payments are required with respect to current receipts of other source milk allocated to Class I.

The proposal would merely adjust the volume of milk accounted for as Class II milk by any difference between the volumes of the opening and closing inventories. Under this system the allocation of current receipts of other source milk to Class II use (as so adjusted) results in giving such receipts of other source milk prior claim to Class I sales over producer milk in inventory, whenever Class I sales exceed current receipt of producer milk.

Since under both systems prior claim on Class I sales is given current receipts of producer milk no difference in final results occurs except when such receipts are less than the Class I sales. When this occurs under the inventory variation classification proposed, not only are current receipts of other source milk given prior claim over producer milk in inventory for such excess sales, but also in many fluid milk handlers' plants reduction in the volume of inventory may exceed Class II milk uses, resulting in a negative volume of Class II milk, which in the past in some markets has resulted in reclassification charges without distinguishing whether producer milk or other source milk was involved.

Proponents alleged that under the disturbed marketing conditions outlined heretofore, the present provision had been inequitable. Reclassification charges were assessed with respect to inventories of October 31, 1954 and March 31, 1955. The record fails to substantiate, however, that these inventories of producer milk were not available for Class I use in the respective periods immediately following. The alleged costs incurred with respect to inventories of December 1, 1954, and August 1, 1955, are incident to the priority of allocation afforded current receipts of producer milk in these months and would not have been changed by the proposal.

2. Location adjustment credit to handlers should not be changed to apply to all milk moved from a country plant to a bottling plant in the marketing area without regard to the need for Class I milk at such plant.

A handler proposed that location adjustment credit apply to the entire volume of milk moved from a receiving plant in the country to a bottling plant in the marketing area. The order currently restricts eligibility for location credit to the volume of milk so moved which is not in excess of Class I disposition from the transferee plant less 95 percent of receipts from producers at such plant. Such provisions became effective October 1, 1955, on the basis of a public hearing held March 28–30, 1955.

This record fails to show any reason why location adjustment credit should be given on movement of milk not associated with Class I use. The 5 percent "leeway" provision of the Tulsa-Muskogee order provides recognition of the problem of adjustment of movements to Class I needs beyond that provided in many orders. In order to provide a uniform total "leeway" or cushion in relation to Class I sales this should be expressed as a percentage of Class I sales rather than of producer receipts at the transferee plant. Otherwise, no change should be made in the location adjustment credit provision on the basis of this record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Ruling on exceptions. No exceptions were received to the findings and conclusions of the recommended decision.

Determination of representative period. The month of June 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such amending order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area*

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

Amend the proviso appearing at the end of § 906.53 to read as follows: "*Provided,* That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply."

[F. R. Doc. 56–5827; Filed, July 18, 1956; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 910]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of vegetables grown in certain designated counties in Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 910.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $1,650.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be six-tenths of one cent ($0.006) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of July 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–5826; Filed, July 18, 1956; 8:53 a. m.]

[7 CFR Part 918]

[Docket No. AO–219–A5]

HANDLING OF MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on February 29 and March 1, 1956, pursuant to notice thereof issued on February 20, 1956 (21 F. R. 1236), upon a proposed tentative marketing agreement and order as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 26, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 29, 1956 (21 F. R. 4826).

Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (21 F. R. 4826, Doc. 56–5153) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 56–5153, 21 F. R. 4826:

1. In the last line of the sixth full paragraph appearing in column 2, page

4828, delete "nonpool" and substitute "nonfluid milk."

2. In line ten, column 3, page 4828, delete "nonpool" and substitute "nonflued milk".

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other enocomic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to Memphis, Tennessee, Marketing Area; Determination of a Representative Period and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area) who, during the month of May, 1956, were engaged in the production of milk for sale in the marketing area specified in the aforementioned order to determine whether such producers favor the issuance of an order amending the order, as amended, which is filed simultaneously herewith. The month of May 1956 is hereby determined to be the representative period for the conduct of such referendum.

C. I. Dunn is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 16th day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 918.0 *Findings and determination.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend § 918.11 (b) to read as follows:

(b) Diverted from a fluid milk plant to a non-fluid milk plant, except a milk plant fully subject to the provisions of another order issued pursuant to the act, for the account of the handler: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Amend § 918.13 (b) to read as follows:

(b) Products from any source (including those produced by the handler) designated as Class II milk pursuant to § 918.41 (b) (1) or (3) which are reprocessed or converted to another product during the month.

3. Amend § 918.41 to read as follows:

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (including sour cream) and any mixture in fluid form of skim milk and cream (except eggnog, ice cream mix, and milk or skim milk disposed of and used for livestock feed); and (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) in cream frozen and stored; (4) contained in inventory of milk and milk products on hand at the end of the month (other than frozen cream) designated as Class I milk pursuant to paragraph (a) of this section; and (5) in shrinkage assigned to Class II milk pursuant to § 918.42 in (i) producer milk and (ii) other source milk.

4. Amend § 918.42 to read as follows:

§ 918.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat, respectively, in

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the fluid milk plant(s) of each handler;

(b) Multiply the pounds of skim milk and butterfat, respectively, in producer milk (except milk diverted pursuant to § 918.11) and in other source milk by 0.02; and

(c) The lesser of the pounds of skim milk and butterfat, respectively, determined pursuant to paragraphs (a) or (b) of this section shall be classified as Class II milk and assigned pro rata to producer milk (except milk diverted pursuant to § 918.11) and other source milk.

5. Delete § 918.43 (b).

6. Amend § 918.45 to read as follows:

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids, except that when nonfat milk solids are added to producer milk in an amount, as shown by solids tests of individual batches, which does not increase the total solids-nonfat content of such milk beyond 8.5 percent by weight, the volume of water originally associated with such nonfat milk solids shall not be considered in determining the pounds of skim milk disposed of in such product.

7. In § 918.46 (a) (1) change "§ 918.42 (b)" to read "§ 918.42 (c)".

8. Amend § 918.46 (a) (3) to read as follows (such amendment to be effective one month following the effective date of the amendment provided herein with respect to § 918.41):

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory (as specified in § 918.41 (b) (4)) on hand at the beginning of the month: *Provided*, That if the pounds of such skim milk in inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

9. Delete the following from the list of plants or places appearing in § 918.50 (a):

Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.

10. Amend § 918.51 to read as follows:

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.28 for the months of March through July, and $1.68 for all other months;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate rate as follows:

Pricing months:	Rate (cents)
January-March	3
April-June	1
July-August	3
September-December	4

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of from fluid milk plants for the second and third preceding months into the volume of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	Second and third preceding month	Base utilization range
January	October-November	108-113
February	November-December	109-114
March	December-January	113-118
April	January-February	117-122
May	February-March	119-124
June	March-April	124-129
July	April-May	130-135
August	May-June	130-135
September	June-July	127-132
October	July-August	125-130
November	August-September	118-123
December	September-October	111-116

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosclusko, Miss.
Kraft Foods Co., Corinth, Miss.
Armour Creameries, New Albany, Miss.

to which 15 cents shall be added for each of the months of September, October, and November.

11. Delete from the table of distances and rates appearing in § 918.53 the following:

From miles column	*From cents column*
40 but less than 50	17

12. Delete § 918.70 (e) and (f) and substitute therefor the following: (such amendment to be effective one month after the effective date of the amendment provided herein with respect to § 918.41):

(e) Add an amount computed by multiplying by the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I price for the current month the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 918.46 (a) (3) and the corresponding step of (b); or

(ii) The hundredweight of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 918.46 (a) (4) and the corresponding step of (b).

13. Amend § 918.61 (a) to read as follows:

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order unless a greater volume of Class I milk was disposed of from such plant during the six-month period immediately preceding to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

14. Delete from the table of distances and rates appearing in § 918.93 the following:

From miles column	*From cents column*
40 but less than 50	17

[F. R. Doc. 56-5802; Filed, July 18, 1956; 8:49 a. m.]

[7 CFR Part 942]

[Docket No. AO-103-A14]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR CONDUCT OF REFERENDUM TO DETERMINE PRODUCER APPROVAL OR DISAPPROVAL OF PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Part 900), notice is hereby given that the time for conducting a referendum pursuant to an order issued by the Assistant Secretary of Agriculture on July 3, 1956 (21 F. R. 5105) with respect to determining producer approval or disapproval of a proposed amendment to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, is hereby extended to the 20th day from the issuance of said referendum order.

Dated: July 13, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-5801; Filed, July 18, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

LUGGAGE, SMALL LEATHER GOODS AND LADIES' HANDBAG INDUSTRIES; NOTICE OF HEARING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat.

1060, as amended; 29 U. S. C. 201 et seq.), the Administrator has heretofore issued certificates for the employment of learners in the luggage, small leather goods and ladies' handbag industries at wages lower than the $1.00 per hour required by section 6 of the act.

A request for a hearing on the necessity of such learner certificates has been made by the International Leather Goods, Plastics and Novelty Workers' Union.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and 29 CFR 522.4, notice is hereby given that interested persons will be given opportunity to submit oral and written data, views, and arguments before Verl E. Roberts, an authorized representative of the Administrator, in Room 5132, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C. at 10:00 a. m., e. d. s. t., on August 2, 1956, on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of learners in the luggage, small leather goods and ladies' handbag industries at wages below the minimum provided in section 6 of the Fair Labor Standards Act; and if such necessity be found to exist,

2. What subminimum wage rate or rates should be provided for learners in the luggage, small leather goods, and ladies' handbag industries, what number or proportion of learners should be permitted in a plant, in what occupations should learners be permitted, and what should be the length or duration of the learning period.

Written statements in lieu of personal appearance may be mailed to the Administrator of the Wage and Hour Division at any time prior to the date of the hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 17th day of July 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-5877; Filed, July 18, 1956; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES ACT OF 1933

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the following changes in its general rules and regulations under the Securities Act of 1933:

I. *Proposed rescission of Rules 132, 151 and 414.* Rule 132 provides for the use of identifying statements in connection with securities registered or in the process of registration under the act. Its rescission has been proposed because it has now been superseded by Rule 134 which provides for the use of substantially the same type of advertisements pursuant to section 2 (10) (b) of the act.

Rule 151 defines, for certain transactions, the term "issuance" as used in the former section 4 (3) of the act as in effect prior to July 1, 1934. Since the rule applies only to offerings commenced prior to that date, it is believed to be no longer necessary.

Rule 414 requires the filing with certain registration statements of identifying statements proposed to be used pursuant to Rule 132. With the rescission of that rule, Rule 414 would no longer be necessary.

II. *Proposed amendment of Rule 100.* Paragraph (a) of § 230.100 (Rule 100) would be amended to delete therefrom the definition of the term "section." Since the Commission's rules are included in the Code of Federal Regulations as "sections," this definition would be deleted to avoid possible confusion between sections of the act and sections of the Code. Paragraph (a) as so amended, and with other minor verbal changes, would read as follows:

§ 230.100 *Definitions of terms used in the rules and regulations.* (a) As used in the rules and regulations prescribed in this part by the Securities and Exchange Commission pursuant to the Securities Act of 1933, unless the context otherwise requires:

(1) The term "Commission" means the Securities and Exchange Commission.

(2) The term "act" means the Securities Act of 1933.

(3) The term "rules and regulations" refers to all rules and regulations adopted by the Commission pursuant to the act, including the forms and accompanying instructions thereto.

(4) The term "registrant" means the issuer of securities for which a registration statement is filed.

(5) The term "agent for service" means the person authorized in the registration statement to receive notices and communications from the Commission.

III. *Proposed amendment of Rule 170.* This rule prohibits the use of financial statements which give effect to the receipt and application of any part of the proceeds from the sales of the securities being offered unless the issue is underwritten and the underwriters are irrevocably bound, on or before the date of the public offering, to take the issue.

The proposed amendment would make it clear that the rule is intended to permit the use of such financial statements not only in cases where there is a firm commitment to take the issue but also in cases where there is no such commitment, provided the underwriters agree to take all of the securities if any are taken and to refund to public investors all subscription payments made in the event that the underwriters elect not to take the issue.

§ 230.170 *Prohibition of use of certain financial statements.* Financial statements which purport to give effect to the receipt and application of any part of the proceeds from the sale of securities for cash shall not be used unless the sale of such securities is underwritten and the underwriting arrangements are such that the underwriters are or will be committed to take and pay for all of the securities, if any are taken prior to or within a reasonable time after the commencement of the public offering and if the securities are not so taken the subscribers will be refunded the full amount of all subscription payments made for the securities. The caption of any such financial statement shall clearly set forth the assumptions upon which such statement is based. The caption shall be in type at least as large as that used generally in the body of the statement.

IV. *Proposed amendment of Rule 426.* This rule requires the inclusion in a prospectus for registered securities of certain statements and information in regard to stabilizing. The proposed amendment would require, in the case of a rights offering to existing security holders, that the prospectus used in connection with any reoffering of the unsubscribed securities to the general public shall contain information in regard to transactions effected by the issuer or the underwriters during the rights offering period. The amendment would add a new paragraph (c) to the rule reading as follows:

§ 230.426 *Statement as to stabilizing.*

* * *

(c) If the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public, there shall be set forth in the prospectus used in connection with such reoffering (1) the amount of securities bought in stabilization activities during the rights offering period and the price or range of prices at which such securities were bought, (2) the amount of the offered securities subscribed for during such period, (3) the amount of the offered securities subscribed for by the underwriters during such period, (4) the amount of the offered securities sold during such period by the underwriters and the price, or range of prices, at which such securities were sold and (5) the amount of the offered securities to be reoffered to the public and the public offering price.

All interested persons are invited to submit views and comments on the foregoing proposals, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before August 15, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 11, 1956.

[F. R. Doc. 56-5798; Filed, July 18, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1956 Dept. Circular 978]

2¾ PERCENT TREASURY NOTES OF SERIES D–1957

OFFERING OF NOTES

JULY 16, 1956.

I. *Offering of notes.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 2¾ percent Treasury Notes of Series D–1957, in exchange for 2 percent Treasury Notes of Series B–1956, maturing August 15, 1956, or 1½ percent Treasury Notes of Series EO–1956, maturing October 1, 1956. Exchanges will be made at par with an adjustment of interest as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of maturing notes tendered in exchange and accepted. The books will be open only on July 16 through July 18 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated July 16, 1956, and will bear interest from that date at the rate of 2¾ percent per annum, payable on a semiannual basis on February 1 and August 1, 1957. They will mature August 1, 1957, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before July 25, 1956, or on later allotment, and may be made only in Treasury Notes of Series B–1956, maturing August 15, 1956, or Treasury Notes of Series EO–1956, maturing October 1, 1956, which will be accepted at par, and should accompany the subscription. Coupons dated August 15, 1956, must be attached to the notes of Series B–1956 when surrendered, and accrued interest from February 15 to July 16 ($8.35165 per $1,000) will be paid to subscribers following acceptance of the notes. Coupons dated October 1, 1956, must be attached to the notes of Series EO–1956 when surrendered, and accrued interest from April 1 to July 16, 1956 ($4.34426 per $1,000) will be paid to subscribers following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56-5813; Filed, July 18, 1956; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, CALIFORNIA

ORDER OF REVOCATION

DECEMBER 3, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 2, 1902, August 1, 1903, September 8, 1903, July 1, 1904, January 30, 1929, February 19, 1929, June 4, 1930, March 26, 1931, and October 16, 1931, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 11 N., R. 21 E.,
Sec. 3, Lot 1;
Sec. 4, Lots 2 to 11, inclusive, SW¼NW¼, NE¼SW¼, SW¼SE¼;
Secs. 5 to 9, inclusive, all;
Sec. 10, Lots 2 to 7, inclusive, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Secs. 15 to 22, inclusive, and 27 to 34, inclusive, all;
Tracts 37, 38, 40, 42, 44 and 47, all.
T. 8 N., R. 22 E.,
Secs. 1, 2, 11 and 12, all.
T. 9 N., R. 22 E.,
Secs. 3 to 10 inclusive, 15 to 23, inclusive, and 25 to 36, inclusive, all.
T. 10 N., R. 22 E.,
Secs. 5, 6, and 8, 17 to 20, inclusive, and 28 to 34, inclusive, all.
T. 7 N., R. 23 E.,
Sec. 1, Lots 3 and 4, S½NW¼, S½;
Secs. 2, 3 and 4, 9 to 15, inclusive, 21 to 28, inclusive, and 34, 35 and 36, all.
T. 1 N., R. 24 E.,
Secs. 19 to 24, inclusive, and 27 to 32, inclusive, all.
T. 4 N., R. 24 E.,
Secs. 7 to 11, inclusive, 13 to 18, inclusive, 22 to 27, inclusive, and 34, 35 and 36, all.
T. 5 N., R. 24 E.,
Secs. 4, 9, 16, 21 and 28, all;
Secs. 29, SW¼, S½SE¼;
Sec. 30, Lots 1 to 4, inclusive, S½NE¼, E½W½, SE¼.
T. 6 N., R. 24 E.,
Secs. 4 to 9, inclusive, 16 to 22, inclusive, and 27 to 34, inclusive, all.
T. 7 N., R. 24 E.,
Secs. 17 to 20, inclusive, and 29 to 32, inclusive, all.
T. 1 N., R. 25 E.,
Secs. 2 and 3, those portions lying west of the Colorado River Indian Reservation;
Secs. 4 to 8, inclusive, all;
Secs. 9, 10 and 16, those portions lying west of the Colorado River Indian Reservation;
Secs. 17 and 18, all.
T. 2 N., R. 25 E.,
Secs. 19 to 24, inclusive, all;
Sec. 25, that portion lying west of the Colorado River Indian Reservation;
Secs. 26 to 34, inclusive, all;
Secs. 35 and 36, those portions lying west of the Colorado River Indian Reservation.
T. 3 N., R. 25 E.,
Secs. 1, 2 and 3, and 10 to 15, inclusive, all.
T. 2 N., R. 26 E.,
Secs. 4 to 7, inclusive;
Sec. 8, Lots 2, 3, N½, SW¼, NW¼SE¼;
Sec. 9, Lots 6 to 10, inclusive, E½E½, NW¼NW¼;
Sec. 16, Lots 5 to 8, inclusive;
Sec. 17, Lots 5 to 7, inclusive, N½NW¼, SW¼NW¼;
Sec. 18, Lots 2 to 6, inclusive, NE¼, E½W½, NE¼SE¼, W½SE¼;
Sec. 19, Lots 5 to 11, inclusive, E½NW¼;
Sec. 21, Lots 3 and 4.
T. 3 N., R. 26 E.,
Secs. 6 and 7, 17 to 20, inclusive, and 28 to 33, inclusive, all.
T. 9 S., R. 21 E.,
Secs. 28, 29, 32, 33 and 34, all.
T. 7 S., R. 22 E.,
Secs. 25, 26, 35 and 36, all.
T. 8 S., R. 22 E.,
Secs. 1, 2 and 3, all;
Sec. 4, Lots 1, 2, 3, S½NE¼, SE¼NW¼, S½;
Secs. 9 to 12, inclusive, all;
Sec. 14, all;
Sec. 15, N½, SE¼;
Sec. 16, all;
Sec. 17, W½NE¼, S½;
Secs. 18 and 19, all;

Sec. 20, NE¼, S½;
Secs. 21, 22, 27 to 32, inclusive, all;
Sec. 33, W½NE¼, NW¼;
Sec. 34, N½.
T. 2 S., R. 23 E.,
Secs. 1 to 11, inclusive, all;
Secs. 12 and 13, those portions lying west of the Colorado River Indian Reservation;
Secs. 14 to 23, inclusive, all;
Sec. 24, that portion lying west of the Colorado River Indian Reservation;
Secs. 30 to 34, inclusive, all.
T. 3 S., R. 23 E.,
Secs. 3 to 9, inclusive, 16 to 21, inclusive, and 27 to 34, inclusive, all.
T. 4 S., R. 23 E.,
Secs. 3 to 9, inclusive, 16 to 22, inclusive, and 27 to 34, inclusive, all.
T. 5 S., R. 23 E.,
Secs. 2 to 11, inclusive, all;
Sec. 14, W½;
Secs. 15 to 23, inclusive, all;
Secs. 29 and 30, all;
Sec. 32, S½;
Sec. 33, S½NE¼, S½;
Sec. 34, S½NW¼, SW¼.
T. 6 S., R. 23 E.,
Sec. 3, Lots 3, 4, S½NW¼, SW¼;
Sec. 4 and 5, all;
Sec. 6, Lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, E½W½, SE¼;
Secs. 7 to 10, inclusive, all;
Sec. 15, W½;
Secs. 16 to 21, inclusive, all;
Sec. 22, W½;
Secs. 27 to 34, inclusive, all.
T. 7 S., R. 23 E.,
Sec. 3, Lots 3, 4, S½NW¼, SW¼;
Secs. 4 to 9, inclusive, all;
Sec. 10, W½;
Sec. 15, NW¼;
Secs. 16 to 19, inclusive, all;
Sec. 20, N½, SW¼;
Sec. 21, NW¼;
Sec. 29, NW¼;
Sec. 30, all.
T. 14 S., R. 23 E.,
Secs. 3, 10, 14, 15, 22 to 27, inclusive, 34, 35 and 36, inclusive, all.
T. 15 S., R. 23 E.,
Secs. 1, 2, 3, 10, 11, 12, 14, 15, 22 and 23, all.
T. 1 S., R. 24 E.,
Secs. 19 and 30, all;
Sec. 31, Lots 2 to 6, inclusive, NE¼, E½W½, N½SE¼, SW¼SE¼.
T. 2 S., R. 24 E.,
Sec. 6, that portion lying west of the Colorado River Indian Reservation.

The above area aggregates approximately 253,590 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[63988]

JULY 13, 1956.

I concur.

1. The public lands released by this order are located along the western side of the Colorado River in extreme eastern San Bernardino, Riverside, and Imperial Counties. In general, the land consists of steep, rugged desert mountains rising above the western side of the Colorado River and have no value for agriculture.

2. Most of the lands in townships 7 and 8 S., R. 22 E., and townships 6 and 7 S., R. 23 E., have been patented. The remaining scattered tracts of public lands in those townships may have some value for agriculture.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws, and all valid applications for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 18, 1956, will be considered as simultaneously filed at that hour. Rights under such preference-right applications filed after that hour and before 10:00 a. m. on November 17, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 4(a)(1) and 4(a)(2) above, presented prior to 10:00 a. m. on November 17, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour, will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 17, 1956.

5. Persons claiming veterans preference rights under paragraph 4 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this order can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-5789; Filed, July 18, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8052–3, between Matson Navigation Company and Rederiaktiebolaget Nordstjernan (Johnson Line), modifies approved transhipment Agreement No. 8052, as amended, to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8052, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(2) Agreement No. 8055–3, between Matson Navigation Company and Compagnie Generale Transatlantique, modifies approved transhipment Agreement No. 8055, as amended, to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8055, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(3) Agreement No. 8058–3, between Matson Navigation Company and Fred. Olsen & Co. (Fred Olsen Line), modifies approved transhipment Agreement No. 8058, as amended, and as it will be amended by pending Agreement No. 8052–2 to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to specified ports of destination. Agreement No. 8058, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(4) Agreement No. 8059–4, between Matson Navigation Company and Westfal-Larsen & Company A/S, modifies approved transhipment Agreement No. 8059, as amended, to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8059, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(5) Agreement No. 8068–2, between Matson Navigation Company and A/S Det Ostasiatiske Kompagnie (The East Asiatic Company Limited) modifies approved transhipment Agreement No. 8068, as amended, to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8068, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(6) Agreement No. 8072–1, between Matson Navigation Company and States Marine Corporation and States Marine Corporation of Delaware, modifies approved transhipment Agreement No. 8072 to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8072 covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(7) Agreement No. 8073–1, between Matson Navigation Company and Nippon Yusen Kaisha (N. Y. K. Line), modifies approved transhipment Agreement No. 8073 to provide for an increase of $2.00 per 2,000 pounds in the through rates from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8073 covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(8) Agreement No. 8075–1, between Matson Navigation Company and Hanseatische Reederei Emil Offen & Company and Vaasan Laiva Oy (Hanseatic-Vaasa Line), modifies approved transshipment Agreement No. 8075 to provide for an increase of $2.00 per 2,000 pounds in the through rate from Hawaii to ports of destination as set forth in the agreement. Agreement No. 8075 covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to European Continental seaports, with transshipment at ports on the Pacific Coast of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-5815; Filed, July 18, 1956; 8:52 a. m.]

BOOTH STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8098, between Booth Steamship Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Brazil and Peru to Puerto Rico, with transhipment at New York, Baltimore or Norfolk.

(2) Agreement No. 8099, between Lamport & Holt Line, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Brazil, Peru and Uruguay to Puerto Rico, with transhipment at New York, Baltimore or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-5816; Filed, July 18, 1956; 8:52 a. m.]

FEDERAL FACILITIES CORPORATION

GOVERNMENT-OWNED LONGHORN TIN SMELTER

INVITATION FOR PROPOSALS FOR PURCHASE OR LEASE

Pursuant to Public Law 608, 84th Congress, 2d Session, approved June 22, 1956, the Federal Facilities Corporation announces that it will receive written proposals for the purchase or lease of the Government-owned Longhorn Tin Smelter, Texas City, Texas, consisting of Tin Smelter & Chemical Plant, now operating, 146 acres developed site: Roads, siding, shops, laboratory, office building, etc.; public utilities: Power, water, and natural gas; process units: Roasting, leaching, calcining, reverberatory smelting, fire refining, HCl acid recovery. At the bidder's option written proposals can be submitted for the smelter alone, or for the smelter plus one or both of the following other assets of the Government's tin program:

(1) Chemical Plant (Hydrochloric acid recovery unit);

(2) Inventory of tin-bearing materials (including work-in-process).

A brochure dated September 6, 1955, which contains a broad general description of the Longhorn Tin Smelter and its facilities, processes and experience, may be obtained upon application to Federal Facilities Corporation, which will also arrange to furnish upon request all available financial, operating and other data pertaining to the smelter and other assets of the Government's tin program. The smelter has been in operation since 1942 for Government account. Its current rate of production is approximately 20,000 long tons per year and its maximum rate of production, 43,450 long tons, was achieved during the calendar year 1946.

Public Law 608 prescribes that any sale or lease thereunder shall be effected in such manner and on such terms and conditions as Federal Facilities Corporation determines will best promote the interests of the United States. To assist bidders in the preparation of proposals, Federal Facilities Corporation has prepared Instructions for the Submission of Proposals, which are available upon application to Federal Facilities Corporation.

Subject to the foregoing, the following additional specific information concerning the program of sale or lease is announced: Proposals may be submitted for the purchase or lease of the smelter alone or for the smelter with one or both of the above described other assets. All proposals shall be in writing and may be submitted at any time through November 1, 1956, at the office of Federal Facilities Corporation, 811 Vermont Avenue NW., Washington 25, D. C. Where a proposal contemplates the purchase of the smelter, together with one or both of such other assets, the proposal shall state separately the amount offered to be paid for the smelter and for each other asset covered by the proposal. All purchase proposals must contain the bid-

der's agreement to purchase the inventory of supplies, spare parts, and repair parts on hand at the smelter on the date possession of the property is delivered, at the cost thereof less depreciation, if any, as shown by Federal Facilities Corporation's books. Proposals shall specify the use which the bidder intends to make of the smelter and any other asset included in his proposal. While Public Law 608 does not require that a sale or lease be conditioned upon operation of the smelter for the production of tin and does not require the inclusion of a national security clause as a condition of sale or lease, Federal Facilities Corporation hereby announces that in evaluating proposals it will view as a most pertinent element a bidder's commitment to produce tin and/or tin alloys or a bidder's statement of intention to produce such products, in contrast to proposals indicating no intent to use the smelter for such purposes.

Proposals for lease must state the term and automatic renewals desired by the bidder, but the term must be firm. Lease rental may be based only on a fixed annual rental, and rentals based on production or on a percentage of sales or profit will not be considered. Proposals for lease shall state specifically the use intended to be made of the property desired to be leased.

Proposals for purchase or lease shall be accompanied by a certified check payable to the order of Federal Facilities Corporation in the amount of $10,000. Deposits of unsuccessful bidders will be returned without interest. In the case of a successful purchaser, the deposit will be applied without interest to the purchase price and in the case of a lease, the deposit of the successful bidder will be deducted from the first rental payment.

Proposals for purchase may provide for payment on all cash basis, or on an extended payment plan basis whereunder not less than 10 percent of the purchase price must be paid in cash with the balance to be financed by a first lien purchase money mortgage maturing in not more than 10 years, with interest payable semi-annually at the rate of 4 percent: *Provided, however,* That the foregoing financing terms shall not apply to the Inventory of Tin-Bearing Materials, including work-in-process, which may be financed in accordance with specific terms outlined in detail in the Instructions for the Submission of Proposals. In view of the alternative of filing proposals for the smelter alone or for the smelter with one or both of the other assets, the exact interests in real estate to be conveyed cannot be determined until negotiations have ensued.

During a period of not less than 30 days following the period for the receipt of proposals, Federal Facilities Corporation will enter into negotiations with those who have submitted proposals. The precise term for the period of negotiations will be determined by Federal Facilities Corporation and announced to all bidders found to be eligible. Priority in negotiations will be given to purchase proposals over lease proposals, and to those proposals indicating interest in acquiring the smelter and one or both of the other assets over proposals limited to acquisition of the smelter alone.

Dated: July 19, 1956.

FEDERAL FACILITIES CORPORATION,
[SEAL] LAURENCE B. ROBBINS,
Administrator.

[F. R. Doc. 56-5773; Filed, July 18, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6692]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF APPLICATION SEEKING ORDERS AUTHORIZING SALE AND ACQUISITION OF PROPERTY

JULY 13, 1956.

In the matters of Northern States Power Company, St Croix Falls Wisconsin Improvement Company, Interstate Light and Power Company, St. Croix Power Company, Docket No. E-6692.

Take notice that on July 9, 1956, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Northern States Power Company (hereinafter called "NSP(Wis)"). St. Croix Falls Wisconsin Improvement Company (hereinafter called "SCFWI"), Interstate Light and Power Company (hereinafter called "IL&P"), and St. Croix Power Company (hereinafter called "SCP"). The aforementioned companies hereinafter may be referred to collectively as "Applicants." Applicants are all corporations organized under the laws of the State of Wisconsin and doing business in said State; however, NSP (Wis) and SCFWI are also domesticated in the State of Minnesota. NSP (Wis) maintains its principal business office at Eau Claire, Wisconsin, SCFWI maintains its principal business office at St. Croix Falls, Wisconsin and IL&P and SCP maintain their principal business offices at Somerset, Wisconsin. SCFWI, IL&P and SCP seek an order authorizing the sale of all of their properties to NSP (Wis) and the latter seeks an order authorizing the acquisition of said properties, more fully described below. All of the Applicants are subsidiaries of Northern States Power Company (hereinafter called "NSP (Minn)"), a Minnesota corporation, all but NSP (Wis) being wholly-owned. NSP (Minn) owns 98.52 percent of the voting securities of NSP (Wis).

SCFWI proposes to sell to NSP (Wis) all of its operating facilities consisting of, among other things, a dam and hydroelectric plant located on the St. Croix River at St. Croix Falls, Wisconsin, a reservoir on the St. Croix River above the St. Croix Falls Dam; .30 route miles of a wood pole transmission line; a transmission substation; an electric distribution system and other related equipment and appurtenances. These facilities are used in furnishing electric service to the communities of Dresser, East Farmington, Osceola and St. Croix Falls, Wisconsin, and adjacent territory, and furnishing electric energy at wholesale to NSP (Minn).

IL&P proposes to sell to NSP (Wis) all of the former's operating facilities comprising three separate divisions known as the Apple River Division, located in St. Croix County; the Prescott Division, located in Pierce County and the Hudson Division, located in St. Croix County; all in Wisconsin. The facilities of the Apple River Division consist of two hydroelectric generating plants located on the Apple River, Wisconsin; 6.09 route miles of transmission line; two electric transmission substations and an electric distribution system and other related equipment and appurtenances furnishing electric service to the communities of Houlton and Somerset, and adjacent territory. The facilities of the Prescott Division consist of an electric distribution system and other related equipment and appurtenances serving the City of Prescott and adjacent territory. The facilities of the Hudson Division consist of a gas distribution system which includes a high pressure gas holder, a compressor, regulating and metering equipment, 12.93 miles of gas mains and other related equipment and appurtenances.

SCP proposes to sell to NSP (Wis) all of the operating facilities of the former, consisting of, among other things, a dam and a hydroelectric plant located on the Apple River near Somerset, Wisconsin, all of the output of which is furnished at wholesale to NSP (Minn); 4.99 route miles of a transmission line; one transmission substation and other related equipment and appurtenances.

There will be no change in the use of the properties described above after their sale. The sales of the above-described facilities to NSP (Wis) by SCFWI, IL&P and SCP, include all of the operating facilities of the latter three companies.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 31st day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5790; Filed, July 18, 1956; 8:47 a. m.]

[Docket No. G-10446]

MOUNTAIN FUEL SUPPLY CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 13, 1956.

Take notice that the Mountain Fuel Supply Company (Applicant) a Utah corporation with its principal place of business at Salt Lake City, Utah, filed an application on May 21, 1956, as supplemented on June 11, 1956, for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation in interstate commerce of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant seeks certificate authorization for: (1) The construction, installation, and operation of an additional 2640 HP of gas engine driven compressor capacity at its Eakin Compressor Station, together with the necessary plant accessories therefor; (2) the construction and operation of 37.9 miles of 20-inch diameter pipeline extending from a point 11.8 miles east of said Eakin Compressor Station to Kanda Junction, 6.5 miles east of Green River, Wyoming, as a parallel loop to its present 18-inch line, together with the necessary crossovers, fittings, valves, meter and other accessory facilities; and (3) the construction, installation, and operation of an interconnection, together with appurtenant facilities required to take delivery of a daily quantity of 58,750 Mcf of gas from Pacific Northwest Pipeline Corporation (Pacific) and a meter and control station on its present 18-inch line near the Eakin Compressor Station for measuring and controlling the delivery of such gas.

Applicant states that the proposed additional facilities and the proposed gas purchase from Pacific will increase its deliverability to 285,000 Mcf per day and will enable it to meet its estimated firm peak day requirements for the winter seasons 1956-57 and 1957-58 of 247,000 Mcf per day and 275,000 Mcf per day, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end;

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 16, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5791; Filed, July 18, 1956; 8:47 a. m.]

[Docket No. E-6693]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

JULY 13, 1956.

Take notice that on July 9, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Wisconsin, and doing business in the States of Wisconsin and Minnesota, with its principal business office at Eau Claire, Wisconsin, seeking an order authorizing the issuance from time to time of its Promissory Notes in amounts not exceeding in the aggregate $6,500,000 at any one time outstanding, to evidence short-term borrowings from commercial banks. Applicant has now outstanding a Promissory Note in the amount of $1,000,000, dated March 12, 1956, due on or before March 12, 1957, in favor of the First Wisconsin National Bank of Milwaukee. Applicant proposes to borrow the additional $5,500,000 during the balance of 1956, for which it will issue Promissory Notes which will bear interest not in excess of the prime loan rate in effect at the time of each borrowing, to be dated as of the date of their issue, and be payable on or before a date not more than nine months after the date of issue, or September 30, 1957, whichever is earlier.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 31st day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5792; Filed, July 18, 1956; 8:47 a. m.]

[Docket No. G-8471, etc.]

VILLAGE OF FRANKLIN, ILL., ET. AL.

NOTICE OF RECONVENING OF HEARING

JULY 13, 1956.

In the matters of Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

In its Opinion No. 292, issued June 30, 1956, the Commission ordered that the record be reopened in the proceedings involving applications for orders pursuant to section 7 (a) of the Natural Gas Act filed by the Village of Franklin, Illinois, and the City of Hickman, City of Clinton, City of LaCenter, City of Bardwell and City of Wickliffe, all of the State of Kentucky, and Lake County Utility District, of the State of Tennessee. The Commission ordered that an opportunity should be provided to these applicants to present further evidence in support of economic and financial feasibility of their respective projects.

Take notice that pursuant to the provisions of the said order issued June 30, 1956 and to the authority contained in the Natural Gas Act and to the Commission's rules of practice and procedure, a hearing will be held on Monday, September 17, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented with regard to the economic and financial feasibility of the projects submitted by the applicants in the proceedings: Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; and Lake County Utility District, in Tennessee, Docket No. G-8963.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5793; Filed, July 18, 1956; 8:47 a. m.]

[Docket No. G-10264]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 13, 1956.

Take notice that Hope Natural Gas Company, Applicant, a West Virginia corporation, having its principal place of business at 445 West Main Street, Clarksburg, West Virginia, filed on April 16, 1956, an application, and on May 17, 1956, a supplement thereto, for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate a 5400 horsepower Storage Compressor Station, to be used to pump gas both into and out of Fink Storage Pool in Lewis County, West Virginia, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application states that due to the increasing population and the continued construction of new homes in the area served by Consolidated Natural Gas Company, Applicant's parent company, the demand for gas heating increases accordingly. Applicant expects this increase to continue and that it will be called upon to supply such increases from its storage operations during the heating season in the future, both on an average day and on peak days. The proposed compressor station will enable Applicant to cycle an additional 10,000 MMcf of gas annually and to withdraw gas at substantially higher rates at any of the lower inventories.

The total cost of the proposed project is estimated at $2,138,761.00 to be fi-

nanced from funds to be obtained by issuing long term notes to the parent company.

No new or additional service is contemplated as the result of the proposed facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, September 6, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5794; Filed, July 18, 1956; 8:48 a. m.]

[Docket No. G-10499]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 13, 1956.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on May 31, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities and the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities, as fully represented in the application herein, which are to be used to supplement its existing facilities and those which were authorized by the Commission in Docket No. G-8940 and are presently being constructed by Applicant, so as to permit the sale and delivery by Applicant of up to an additional 150,000,000 cubic feet of natural gas per day to Applicant's California customers. Of said additional gas, 50,000,000 cubic feet of natural gas per day will be delivered jointly to Southern California Gas Company at the existing delivery point for these customers on the Arizona-California boundary at a point near Blythe, California, and 25,000,000 cubic feet of natural gas per day by these customers on the Arizona-California boundary at a point near Topock, Arizona, and 75,000,000 cubic feet of natural gas per day will be delivered to the Pacific Gas and Electric Company on the Arizona-California boundary at a point near Topock, Arizona.

Applicant states that the need for the additional gas service as proposed herein is due to increasing demands and there will be a shortage of natural gas in the areas served by the distributing companies in California, including San Francisco, Oakland, Berkeley, and other cities in that section of northern California, and in Los Angeles, San Diego, and surrounding areas of southern California.

The total estimated cost of facilities proposed to be constructed by Applicant is $86,258,000 cost of financing and increase in working capital requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 31, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5795; Filed, July 18, 1956; 8:48 a. m.]

[Docket No. IT-5026]

SERVICIOS ELECTRICOS DE PIEDRAS NEGRAS, S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR INCREASE IN AUTHORIZATION TO EXPORT ELECTRIC ENERGY FROM UNITED STATES TO MEXICO

JULY 13, 1956.

Take notice that on July 5, 1956, Servicios Electricos De Piedras Negras, S. A., Coahuila, Mexico, and Central Power and Light Company, Corpus Christi, Texas, filed a joint application for an increase in the authorization to export electric energy from the United States to Mexico, as heretofore granted in the above docket by Commission order issued February 26, 1952. By that order the above-named companies were authorized to export up to 18 million kwh of electric energy per annum at a maximum transmission rate of 3,500 kw over facilities located near Eagle Pass, Texas, and covered by Presidential Permits signed by the President of the United States on June 2, 1948, and April 29, 1949. The companies now request authorization to export up to 27 million kwh per annum at a maximum transmission rate of 5,000 kw; all as more fully shown in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5796; Filed, July 18, 1956; 8:48 a. m.]

[Docket No. G-10486]

ATLANTIC REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 16, 1956.

Take notice that The Atlantic Refining Company (Applicant), a Pennsylvania corporation whose address is P. O. Box 2819, Dallas 1, Texas, filed, on May 28, 1956, an application for permission to abandon service, pursuant to section 7 (b) of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon the sale of natural gas in interstate commerce from production in Jeanerette Field, St. Mary Parish, Louisiana, to United Gas Pipe Line Company (United) for resale in accordance with a provision to terminate as contained in the sales contract dated February 14, 1946 as amended by and between Applicant and United which is designated as The Atlantic Refining Company's FPC Gas Rate Schedule No. 61.

Applicant states, inter alia, that United has not in any wise indicated an intention to object to such termination; that Applicant has every reason to believe that United will conform fully to the provisions of the contract including the termination provision thereof, i. e. Article 12; that United is obligated to take ratably, and has so taken, from Applicant in the same proportion as United takes from others in the Jeanerette Field; that to Applicant's knowledge, United has only one other contract in this area; that geologically, Jeanerette Field is complicated and contains some 10 to 15 known sands, some gas and some oil, and accentuated by faulting; that a resulting commitment by United to take any definite amount would have been difficult if not impossible to assess; that the gas sold to United is presently produced from 5 wells in the Adeline Sand and 6 high pressure oil wells in Jeanerette Field; that the Louisiana Conservation Commission reclassified the Adeline Sand as a gas reservoir on September 15, 1955; that since September 15, 1955, Applicant could have produced at a total rate of between 12,000 and 13,000 Mcf daily from wells connected to United, without any additional surface equipment investment; that by installing additional facilities at an estimated cost of $330,000 to $430,000 Applicant's rate of production could be increased to 20,000 Mcf daily; that with such new facilities, Applicant could increase its rate of production to approximately 27,000 Mcf daily by drilling an additional well in the Adeline Sand at an estimated cost of $175,000; that a number of oil wells in the Jeanerette Field, not connected to United, are flaring gas at the rate of about 3,000 Mcf daily; that it would be possible to conserve and utilize this flared gas if the aforementioned facilities could be economically justified and installed; that the cost of installing the aforementioned facilities cannot be justified at the price under the Applicant-United contract of 5 cents per Mcf at 16.7 P. B. not corrected for supercompressibility; that Applicant has available an alternative sale by Applicant to the Louisiana Intrastate Gas Corporation under a 10-year contract at an initial price of 14.6 cents per Mcf; that the Applicant-United contract is a short-term contract made traditionally at lower rates and are considered by the industry as a source for spot supplies; that it is not in the public convenience and necessity for the Commission to interfere with the short-term character of these contracts; that the present and future public convenience and necessity not only permit, but indeed require that Applicant be permitted to discontinue the sales to United as expressly provided for in the sales contract; that present and future public convenience and necessity particularly compel replacement of the Applicant-United contract by Applicant's sale to Louisiana Intrastate Gas Corporation; and that the sale by Applicant to United under the Applicant-United contract is not subject to the provisions of section 7 (b) of the Natural Gas Act.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, July 31, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-5805; Filed, July 18, 1956; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956, 2:20 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32361: *Substituted Service—Motor-rail-motor—Pa. R. R. and N. & W. Ry.* Filed by Household Goods Carriers' Bureau, Agent, for the United Van Lines, Inc., and interested rail carriers. Rates on freight of various kinds, loaded in highway truck semi-trailers and transported on railroad flat cars from Chicago and East St. Louis, Ill., Indianapolis, Ind., and Pittsburgh, Pa. to Kearny, N. J., Philadelphia and Pittsburgh, Pa., and in reverse direction.

Grounds for relief: Motor truck competition.

Tariff: Supplement 11 to Household Goods Carriers' Bureau tariff MF–I. C. C. No. 63.

FSA No. 32362: *Merchandise—New Orleans, La., to Lawrenceburg, Tenn.* Filed by Louisville and Nashville Railroad Company, for itself. Rates on merchandise, mixed carloads from New Orleans, La., to Lawrenceburg, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 45 to Agent Spaninger's tariff I. C. C. 1458.

FSA No. 32363: *Commodities from and to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on feather pillows, carloads, and phosphorous pentasulphide, carloads from or to specified points in Texas to or from specified points in the Southwest and in other territories.

Grounds for relief: Carrier competition.

FSA No. 32364: *Fertilizer and Materials—McKees Rocks, Pa., to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from McKees Rocks, Pa., to Points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Suplement 6 to Agent Boin's tariff I. C. C. A–1075.

FSA No. 32365: *Iron and steel scrap—Troy, N. Y., to Boston, Mass.* Filed by The Boston and Maine Railroad Company, for itself. Rates on iron or steel scrap, carloads from Troy, N. Y., to Boston, Mass., for export.

Grounds for relief: Port competition with New York, N. Y.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5808; Filed, July 18, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[General Administrative Order VIII–1, Revised]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION

By virtue of the authority vested in me by the National Security Act of 1947, as amended; the Strategic and Critical Materials Stock Piling Act, as amended; Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 14, 1953; *It is hereby ordered:*

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Production.

2. The Assistant Director for Production will advise, assist, and act for the Director in formulating, coordinating, and establishing policies, programs, and plans to meet current needs and various mobilization situations in the area of industrial production including facilities, equipment, components, materials, and supplies but excluding manpower, telecommunications and transportation services. More specifically, he will:

a. Determine the levels of requirements for defense, industrial, essential civilian, and survival and rehabilitation programs and determine the levels of resource supply needed to meet these requirements. This includes:

(1) Developing and disseminating to delegate agencies basic assumptions and guidelines for estimating requirements and supply.

(2) Examining requirements and supply estimates developed by delegate agencies for consistency, time phasing and general validity; and

(3) Consolidating and furnishing over-all requirements to resources agencies for use in examining the ability of the industries over which they have cognizance to meet such requirements.

b. Evaluate the defense implications of imbalances existing between requirements and capability of resources and producing industries to meet the demand, as identified and reported by the resources agencies.

c. Establish program objectives and develop programs for eliminating gaps in the mobilization base, including but not limited to expansion goals, stockpile objectives, programs involving loans, loan guarantees, and contractual arrangements, and special purchase programs.

d. Certify programs to other departments and agencies for administration; and follow and expedite the progress of such programs for overcoming deficiencies and gaps in the mobilization base.

e. Develop plans for the mobilization and management of natural resources and industrial production under varying mobilization situations, including organizational structures, system of control, and appropriate directives.

3. The Assistant Director for Production will develop and maintain a system for the assessment and reporting of attack damage and the impact of various patterns of attack on all segments of the mobilization base, including industry, manpower, telecommunications, transportation, and other mobilization resources.

4. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Production the following authorities vested in the Director:

a. Priorities and allocations authority of Title I of the Defense Production Act, as amended, except for the authority to make the findings under section 101 (b) of the act and except for the authority to redelegate to other officers and agencies of the Government.

b. Authority with respect to programs for the expansion of productive capacity and supply and the approval of borrowings therefor from the Treasury as provided by the various provisions of Title III of the Defense Production Act of 1950, as amended.

c. Authority to certify for income tax purposes with respect to defense essentiality under section 168 of the Internal Revenue Code.

d. Authority with respect to the stockpiling of strategic and critical materials under the Strategic and Critical Materials Stock Piling Act, as amended, section 4 (h) of the Commodity Credit Corporation Act, as amended, section 204 (e) of the Federal Property and Administrative Services Act, and section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954.

5. In order to assure government-wide understanding, coordination, and uniformity of objectives in the production field, the Assistant Director for Production shall serve as chairman of an Interagency Production Coordination Committee to be established by the Director of the Office of Defense Mobilization and shall arrange to obtain the advice of this Committee on policies, major programs, and plans in the production field. The Chairman of the Committee shall arrange through the Committee for appropriate interagency committees to perform special assignments on individual problems. All interagency advisory committees heretofore established in the materials and production areas shall remain in existence in an advisory capacity to the Assistant Director for Production until replaced or superseded by an appropriate subcommittee of the Interagency Production Coordination Committee.

6. The Assistant Director for Production shall maintain adequate records to reflect the activities outlined above and furnish reports required by the Director.

7. The Assistant Director for Production, may at his discretion, delegate any of his functions or authority to other officials of the Production Area.

8. This order supersedes General Administrative Order V–1, dated November 5, 1953, and General Administrative Order–VII–1, dated November 5, 1953. General Administrative Order X–1, dated September 20, 1954, and any other orders or parts of orders, the provisions of which are inconsistent or in conflict with this order, are hereby amended accordingly.

9. This order is effective July 1, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–5783; Filed, July 18, 1956; 8:45 a. m.]

[General Administrative Order XI–1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR TRANSPORTATION

By virtue of the authority vested in me by the National Security Act of 1947, as amended; Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 14, 1953: *It is hereby ordered:*

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Transportation who will advise, assist and act for the Director in formulating, coordinating, and establishing policies, programs, and plans to meet varying mobilization situations for land, sea, and air transportation systems, including pipelines, port facilities and storage facilities as they relate to transportation systems, but excluding facilities for the production of transportation equipment and suppplies. More specifically, he will:

a. Coordinate the development by the several departments and agencies having responsibilities with respect to land, sea, and air transportation of plans and programs designed to assure maximum efficiency in the operation of the Nation's transportation systems under varying mobilization situations.

b. Coordinate the development by delegate transport agencies of equipment and facility requirements for the operation and maintenance of the Nation's transportation systems to meet current needs and varying mobilization situations.

c. Evaluate deficiencies existing in the mobilization base with respect to transportation as identified and reported by delegate transport agencies and, with due regard to the production mobilization programs, establish expansion goals and develop other programs designed to increase and maintain the nation's transportation capabilities to meet mobilization needs.

d. Serve as chairman of the Interagency Committee on Defense Transportation and Storage.

2. The Assistant Director for Transportation shall maintain adequate records to reflect the activities outlined above and furnish reports required by the Director.

3. This order does not alter any authority or responsibilities delegated or assigned to the other Assistant Directors of the Office of Defense Mobilization.

4. This order is effective on July 1, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F R Doc. 56–5784; Filed, July 18, 1956; 8:45 a. m.]

GORDON B. CARSON

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Gordon B. Carson, Dean of Engineering, Ohio State University, Columbus, Ohio, as an Advisor, with the Assistant Director for Manpower, in the Office of Defense Mobilization. Mr. Carson's statement of his business interests is set forth below.

Dated: July 13, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Vice President and Director, Federal Screen and Weatherstrip Manufacturing Company, Cleveland, Ohio.

Director, Edward Orton, Jr., Ceramic Foundation, Columbus, Ohio.

Vice President, Ohio State University Research Foundation, Columbus, Ohio.

Consultant, Selby Shoe Company, Portsmouth, Ohio.

Stockholder, Duriron Company, Dayton, Ohio.

Stockholder, Sylvania Electric Products, Inc., New York, N. Y.

Stockholder, National Fuel Gas, Inc., New York, N. Y.

Dated: January 17, 1956.

GORDON B. CARSON.

[F. R. Doc. 56–5785; Filed, July 18, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3478]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING OPEN ACCOUNT ADVANCES, AND ISSUE, SALE AND ACQUISITION OF INSTALLMENT NOTES

JULY 13, 1956.

In the matter of The Columbia Gas System, Inc., United Fuel Gas Company, Amere Gas Utilities Company et al., File No. 70–3478.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including United Fuel Gas Company ("United Fuel") and Amere Gas Utilities Company ("Amere"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 9, 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

Open account advances. Columbia proposes to advance to United Fuel on open account such amounts not exceeding $10,000,000 as United Fuel may require during 1956 for the purchase of current inventory gas. Such advances will be repayable in three equal installments on February 25, March 25, and April 25, 1957, with interest at the rate of 3½ percent per annum, which rate is the same as that which Columbia has agreed to pay on bank loans to be consummated for the procurement of the required funds.

Issue and sale of installment notes. When and to the extent that new money is required in connection with their 1956 construction programs, United Fuel and Amere will issue and sell, and Columbia will purchase, installment promissory notes of said subsidiaries, in aggregate amounts not exceeding $9,000,000 for United Fuel and $425,000 for Amere.

The notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982 inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum, which was the approximate cost of money to Columbia on its last sale of debentures.

The aggregate fees and expenses to be paid in connection with the aforesaid transactions are estimated at $200 for each of the companies involved.

Orders approving the proposed transactions have been issued by the Public Service Commission of West Virginia, in which State both United Fuel and Amere are organized and doing business.

Certain other transactions proposed in the joint application-declaration were approved by our order entered herein on June 13, 1956; still other transactions have not yet been finalized for our approval.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, be granted and permitted to become effective forthwith as to such transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended, be and hereby is, granted and permitted to become effective forthwith as to the transactions described herein, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said joint application-declaration as to which the record is not yet complete.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 56–5799; Filed, July 18, 1956; 8:48 a. m.]

[File 24 SF–2164]

LEWISOHN COPPER CORP.

NOTICE OF AND ORDER FOR HEARING

JULY 13, 1956.

Lewisohn Copper Corp., a Delaware corporation with its principal office at 128 North Church Street, Tucson, Arizona, filed with the Commission, on September 22, 1955, a notification on Form 1–A relating to an offering of 200,000 shares of its common stock, 10 cents par value, purportedly at $1.50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on June 15, 1956, issued an Order pursuant to Rule 223 of

the general rules and regulations under the act temporarily suspending said exemption and affording any person having an interest therein opportunity to request a hearing pursuant to said Rule 223. A written request for such hearing was received by the Commission on July 2, 1956, from Lewisohn Copper Corp.

The Commission deems it necessary and appropriate to determine whether to vacate said Order of June 15, 1956, or to enter an order permanently suspending said exemption.

It is ordered, Pursuant to Rule 223 of the general rules and regulations under the Securities Act of 1933, that a public hearing be held on July 23, 1956 at 10:30 a. m., e. d. s. t., at the offices of the Commission at 225 Broadway, New York, New York, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

A. Whether an exemption was available under Regulation A for the securities purported to be offered thereunder, whether the terms and conditions of the regulation have been complied with, and whether the offering circular and other material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading particularly with respect to the following:

1. The statement in the offering circular that the public offering price was $1.50 per share, failure to disclose in the offering circular the method of offering whereby the stock would be offered to the public at higher and undetermined prices by a small number of persons purchasing from the principal underwriter with a view to distribution and who in fact did so distribute the stock, and failure to disclose the profit of such persons.

2. The offering of securities, purportedly under said notification and regulation, when the aggregate public offering price of said securities and the aggregate gross proceeds actually received from their sale to the public exceeded $300,000.

3. The failure to use an offering circular as required by Rule 219, in connection with the offering of said securities to the public.

4. The failure to file with the Commission copies of other material used in connection with the offering, as required by Rule 221.

5. The dissemination in connection with the offering of materially misleading information regarding the company, its plans and its properties.

B. Whether said offering did operate as a fraud and deceit upon the purchaser.

It is further ordered, That Sidney Feiler, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933 and to hearing officers under the Commission's rules of practice. tice.

It is further ordered, That any person who desires to be heard or otherwise participate in such hearing should file with the Secretary of the Commission on or before July 20, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5800; Filed, July 18, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE WAGES AND PRICES IN LOUISIANA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana, in the High School Gymnasium on August 2, 1956, beginning at 10 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1956 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1957, and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1956 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. With respect to prices for sugarcane, while testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters:

1. The raw sugar and molasses pricing periods used as the bases for computing payments for sugarcane;

2. The costs of hoisting and weighing sugarcane to be borne by the processor or that he pay a stated amount per ton of sugarcane to producers to cover the costs of such services;

3. The amount of transportation allowances which the processor shall pay to producers for transporting sugarcane;

4. The price to be paid for salvage sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, Ward S. Stevenson, William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 13th day of July 1956.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division.*

[F. R. Doc. 56-5803; Filed, July 18, 1956; 8:46 a. m.]

Office of the Secretary

KANSAS, NEW MEXICO AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of New Mexico; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties in the following States were determined on June 29, 1956, to be affected by the above-mentioned major disasters.

Kansas: Gove, Greeley, Hamilton, Kearney, Logan, Sherman, Wallace, Wichita.
New Mexico: Union.
Texas: Crockett, Dimmitt, Duval, Edwards, Jeff Davis, Jim Hogg, Kinney, Loving, Real, Reeves, Starr, Val Verde, Webb, Zapata, Zavala.

Done at Washington, D. C., this 13th day of July 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-5804; Filed, July 18, 1956; 8:50 a. m.]

Rural Electrification Administration

[Administrative Order T-828]

TENNESSEE

LOAN ANNOUNCEMENT

MAY 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Adamsville Telephone Company, Inc., Tennessee 514-D Adamsville	$72,000

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5736; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T-829]

NORTH CAROLINA

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 23, 1956.

I hereby amend:

(a) Administrative Order No. T-515, dated October 19, 1954, by rescinding the loan of $12,000 therein made for "Cherokee Telephone Membership Corporation—North Carolina 525-B Cherokee."

[SEAL] K. L. SCOTT, *Director of, Agricultural Credit Services.*

[F. R. Doc. 56-5737; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T-830]

OREGON

LOAN ANNOUNCEMENT

MAY 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Eastern Oregon Telephone Co., Oregon 524-A Eastern	[1] $539,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5738; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T-831]

MISSOURI

LOAN ANNOUNCEMENT

MAY 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Stover Telephone Company, Missouri 560-A Stover	[1] $195,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5739; Filed, July 17, 1956; 8:52 a. m.]

[Administrative Order T-832]

KANSAS

LOAN ANNOUNCEMENT

MAY 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Sedgwick Telephone Company, Inc., Kansas 570-A Sedgwick	[1] $[illegible],000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5740; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-833]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Southern Telephone Company, Michigan 521-B Southern	$310,000

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5741; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-834]

TEXAS

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Hull Telephone Company, Inc., Texas 601-A Houston	[1] $975,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5742; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-835]

TEXAS

LOAN ANNOUNCEMENT

JUNE 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Texas Telephone and Telegraph Company, Texas 602-A Corsicana	[1] $6,895,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT, *Director of Agricultural Credit Services.*

[F. R. Doc. 56-5743; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-836]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Chisago City Telephone Company, Minnesota 579-A Chisago City	[1] $375,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Director of Agricultural Credit Services.*

[F. R. Doc. 56-5744; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-837]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Wayne Telephone Company, Inc., Georgia 521-C Wayne	$77,000

[SEAL] FRED H. STRONG, *Acting Director of Agricultural Credit Services.*

[F. R. Doc. 56-5745; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-838]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the

UNIVERSITY OF MICHIGAN

following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Comer Telephone Company, Georgia 501-C Comer	$624,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5746; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-839]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
The Utelwico, Inc., Georgia 547-B Utelwico	$36,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5747; Filed, July 17, 1956; 8:53 a. m.]

[Administrative Order T-840]

TEXAS

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Eastex Telephone Cooperative, Inc., Texas 510-C Henderson	$250,000

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5748; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-841]

NEW YORK

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Township Telephone Company, Inc., New York 506-A Chaumont	[1] $350,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5749; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-842]

OREGON

LOAN ANNOUNCEMENT

JUNE 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Colton Telephone Company, Oregon 521-A Colton	[1] $111,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5750; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-843]

VIRGINIA

LOAN ANNOUNCEMENT

JUNE 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Raphine Telephone Company, Virginia 516-A Raphine	[1] $250,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5751; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-844]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Powells Telephone Company, Tennessee 602-D Powells	$638,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5752; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-845]

KANSAS

LOAN ANNOUNCEMENT

JUNE 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Caldwell Telephone Company, Inc., Kansas 566-A Caldwell	[1] $444,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5753; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-846]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	Amount
Gray-Haddock Telephone Co., Inc., Georgia 530-A Gray-Haddock	[1] $560,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56-5754; Filed, July 17, 1956; 8:54 a. m.]

UNIVERSITY OF MICHIGAN
JUL 23 1956
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THE NATIONAL ARCHIVES

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VOLUME 21 NUMBER 140

Washington, Friday, July 20, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (m) of § 6.328 is revoked and paragraph (m) is added to § 6.128 as set out below.

§ 6.328 *Small Business Administration.* • • •

(m) Not to exceed June 30, 1957, the Deputy Chairman, Loan Review Committee.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-5881; Filed, July 19, 1956; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 82]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (x) is added to subparagraph (1) of paragraph (b), relating to Hartford County in Connecticut, to read:

(x) That part of the Town of East Hartford lying south of the Silver Lane Road, west of Oak Street, north of Forrest Street, and east of Forbes Street.

2. A new subdivision (v) is added to subparagraph (11) of paragraph (d), relating to Ocean County in New Jersey, to read:

(v) That area in Jackson Township lying north of County Road No. 526, east of Bartley Road, south of Prospect Road, and west of the Brook running south from Prospect Road which Brook crosses County Road No. 526 and empties into the south branch of the Metedeconk River.

Effective date. The foregoing amendment shall became effective upon issuance.

The amendment excludes certain areas in Connecticut and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 121, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

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FEDERAL REGISTER

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Done at Washington, D. C., this 16th day of July 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5887; Filed, July 19, 1956; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 25]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OXYGEN

This supplement provides a further interpretation of the regulations pertaining to oxygen requirements for crew members in nonpressurized aircraft. A question has arisen as to the meaning of the phrase, "and used by", as it appears in § 40.202 (b) of the Civil Air Regulations; therefore, the following interpretation of this phrase is adopted in order to standardize its application throughout the industry:

Section 40.202–1 is revised by designating the first paragraph as (a) and adding a new paragraph (b) to read as follows:

§ 40.202–1 *Supplemental oxygen for crew members (CAA interpretations which apply to sec. 40.202 (b)).* (a) • • •

(b) The words "and used by" mean continuous use of the oxygen by a crew member during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 31, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56-5833; Filed, July 19, 1956; 8:45 a. m.]

[Supp. 28]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

OXYGEN

This supplement provides a further interpretation of the regulations pertaining to oxygen requirements for crew members in nonpressurized aircraft. A question has arisen as to the meaning of the phrase, "and used by," as it appears in § 41.24 (a) of the Civil Air Regulations; therefore, the following interpretation of this phrase is adopted in order to standardize its application throughout the industry:

Section 41.24–1 is revised by designating the first paragraph as (a) and adding a new paragraph (b) to read as follows:

§ 41.24–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 41.24 (a)).* (a) • • •

(b) The words "and used by" mean continuous use of the oxygen by a crew member during the required periods, except when it is necessary for the crew member to remove the oxygen mask or other dispenser in connection with his regular duties.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 31, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56-5834; Filed, July 19, 1956; 8:45 a. m.]

[Supp. 40]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OXYGEN

This supplement provides further interpretation of the regulations pertaining to oxygen requirements for crew members in nonpressurized aircraft. A question has arisen as to the meaning of the phrase, "and used by," as it appears in § 42.26 (a) of the Civil Air Regulations; therefore, the following interpretation of this phrase is adopted in order to standardize its application throughout the industry. In addition, the interpretation of the phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes", which was previously incorporated in this part by cross-reference to § 41.24–1 is hereby inserted in full as paragraph (a) of § 42.26–1. This latter revision is editorial in nature and is made for the purpose of assuring that each part within this subchapter is complete and contains all material pertinent to the sections thereof.

Section 42.26–1 is amended to read as follows:

§ 42.26–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 42.26 (a)).* (a) The phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes", applies to all crew members including the flight crew members on flight-deck duty. Thus, oxygen is required to be provided for, and used by, each member of the flight crew on flight-deck duty only during the portion of the flight in excess of 30 minutes within this range of altitudes.

(b) The words "and used by" mean continuous use of the oxygen by a crew member during the required periods, except when it is necessary for the crew member to remove the oxygen mask or other dispenser in connection with his regular duties.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 31, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-5835; Filed, July 19, 1956; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

COMPANIES DEEMED NOT TO BE WITHIN DEFINITION OF "ELECTRIC UTILITY COMPANY"

On June 15, 1956, the Securities and Exchange Commission invited all interested persons to submit data, views, and comments on a proposal to amend § 250.7 (Rule U-7) to provide for a class of companies deemed not to be within the definition of electric utility company (Holding Company Act Release No. 13200). The Commission has considered all the data, views, and comments submitted including the record of testimony before the Special Subcommittee to consider S. 2643 (84th Congress) of the Committee on Interstate and Foreign Commerce of the United States Senate and the report of that committee (Senate Report No. 2287, dated June 22, 1956), and has adopted the amendment to Rule U-7, as proposed, with certain modifications. This action has been taken pursuant to the provisions of sections 2 (a) (3) and 20 (a) of the Public Utility Holding Company Act of 1935.

Statement of purposes. Rule U-7 excludes from the categories of "electric utility company" and "gas utility company" certain companies primarily engaged in other businesses. The rule provides, in paragraph (a), that such companies, although having a certain amount of public utility business, shall not be deemed electric or gas utility companies if their gross sales of electric energy or gross retail sales of natural or manufactured gas did not exceed $100,000 for the previous calendar year, which amount is computed after excluding certain classes of transactions specified in paragraph (b) of the rule.

The amendment to the rule specifies a new class of companies which would be excluded from the category of "electric utility company", namely, certain companies whose only connection with the generation, transmission, or distribution of electric energy is the ownership or operation of facilities used for the production of heat or steam from special nuclear material which heat or steam is used in the generation of electric energy and which companies are organized not for profit and are engaged primarily in research and development activities. Companies not otherwise subject to the act would not become subject to the act as a result of participating in research and development activities with respect to electric energy generated through the utilization of nuclear material.

The rule would permit the development of nuclear power for peaceful purposes in accordance with the policies expressed by the Congress in the Atomic Energy Act of 1954. The rule would permit the corporate organization and sponsorship of nuclear power projects to be established in a manner which would not subject them to the provisions of the Public Utility Holding Company Act of 1935 during the period when such projects are primarily engaged in research and development.

The rule does not prohibit the filing of an application pursuant to the provisions of section 2 (a) (3) of the act for an order declaring any company which meets the standards set forth therein not to be an electric utility company. Further, in the event that the Commission, pursuant to the procedure set forth in the rule, notifies any company that it may no longer claim the exempt status afforded by the rule, such company may, within thirty (30) days after such notification, file an application for an order granting exemption pursuant to the provisions of section 2 (a) (3) of the act. If the application is filed in good faith the exempt status is continued until the Commission has acted upon such application. Moreover, the application will be granted if the Commission finds that the applicant comes within the standards set forth in the rule or for any other reason is lawfully entitled to an exclusionary order.

Text of the rule. The letter "(b)" and the words "in paragraph (a)" are deleted from the first sentence of paragraph (b) of § 250.7 (Rule U-7) and that sentence is made a part of paragraph (a). A new paragraph (b) is added which reads as follows:

§ 250.7 *Companies deemed not to be electric or gas utility companies.* * * *

(b) (1) Any company whose only connection with the generation, transmission, or distribution of electric energy is the ownership or operation of facilities used for the production of heat or steam from special nuclear material which heat or steam is used in the generation of electric energy shall not be deemed an electric utility company within the meaning of section 2 (a) (3) of the act, if such company is organized not for profit and is engaged primarily in research and development activities.

(2) As a prerequisite to being entitled to the status afforded by subparagraph (1) of this paragraph, any such company shall file with this Commission a statement that such company falls within the provisions of that subparagraph, including as exhibits (i) copies of its charter, by-laws and any licenses issued by the Atomic Energy Commission to such company; (ii) a list of its members or stockholders indicating their respective percentages of voting power; and (iii) if such company was in existence at the end of the preceding calendar year, a balance sheet as at the end of the preceding calendar year and an income and surplus statement for such year or a statement of receipts and expenditures for such year and of financial status at its end.

(3) As a prerequisite to retaining the status afforded by subparagraph (1) of this paragraph, any such company shall annually on or before May 1 file a statement with this Commission that such company continues to fall within the provisions of that subparagraph, including as exhibits (i) any changes or additions to its charter or by-laws or list of members or stockholders or any licenses issued by the Atomic Energy Commission to such company since the time of the last filing hereunder, and (ii) a balance sheet as at the end of the preceding calendar year and an income and surplus statement for such year or a statement of receipts and expenditures for such year and of financial status at its end.

(4) If it appears to the Commission (on the basis of the aforesaid statements or otherwise) that a substantial question of law or fact exists as to whether any company is entitled to the status afforded by subparagraph (1) of this paragraph, the Commission may notify such company to that effect by registered mail. Thirty days after such notification the status afforded by subparagraph (1) of this paragraph shall no longer be available to such company, without prejudice to the right of such company to file an application for an order granting an exemption from the application of section 2 (a) (3) of the act, and without prejudice to any temporary exemption provided by that section if such an application is filed in good faith. The Commission will grant such an application if it finds that the standards set forth in subparagraph (1) of this paragraph are satisfied.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

Rule U-7 as amended is effective July 13, 1956.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 13, 1956.

[F. R. Doc. 56-5868; Filed, July 19, 1956; 8:52 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

OCEAN TRANSPORTATION; WAIVER OF LIMITATION

JULY 16, 1956.

By virtue of authority delegated to me by the Director of the Foreign Operations Administration by paragraph 3 of "Delegation of Authority to Sign Budget and Fiscal Documents and for Other Purposes," dated November 26, 1954 (19 F. R. 8049), which authority is continued pursuant to Executive Order No. 10610, dated May 9, 1955, I hereby waive, with respect to commodity PIOs issued during the period beginning October 15, 1954 and ending July 10, 1956, the limitation appearing in § 201.7 (a) of ICA Regulation 1 reading as follows: "in the case of c. and f. (cost and freight) or c. i. f. (cost, insurance and freight) shipments."

(Sec. 205, 68 Stat. 856; 22 U. S. C. 1785)

JOHN E. MURPHY,
Controller.

[F. R. Doc. 56-5864; Filed, July 19, 1956; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

SUBPART B—CONSTRUCTION INDUSTRY

Pursuant to General Order No. 45–A (15 F. R. 3290), and under its authority, Part 776 of Title 29, Code of Federal Regulations, is hereby amended by the addition of Subpart B, entitled Construction Industry, which reads as follows:

Subpart B—Construction Industry

Sec.
776.22 Guiding principles.
776.23 Employment in the construction industry.
776.24 Travel in connection with construction projects.
776.25 Regular and recurring activities as basis of coverage.
776.26 Relationship of the construction work to the covered facility.
776.27 Construction which is related to covered production.
776.28 Covered preparatory activities.
776.29 Instrumentalities and channels of interstate commerce.
776.30 Construction performed on temporarily idle facilities.

AUTHORITY: §§ 776.22 to 776.30 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201–219.

SUBPART B—CONSTRUCTION INDUSTRY

§ 776.22 *Guiding principles*—(a) *Scope of bulletin and general coverage statement.* This subpart contains the opinions of the Administrator of the Wage and Hour Division with respect to the applicability of the Fair Labor Standards Act to employees engaged in the building and construction industry. The provisions of the act expressly make its application dependent on the character of an employee's activities, that is, on whether he is engaged "in commerce" or in the "production of goods for commerce including any closely related process or occupation directly essential to such production." Under either of the two prescribed areas of covered work, coverage cannot be determined by a rigid or technical formula. The United States Supreme Court has said of both phases that coverage must be given "a liberal construction" determined "by practical considerations, not by technical conceptions."[1] The Court has specifically rejected the technical "new construction" concept, as a reliable test for determining coverage under this act.[2] So far as construction work specifically is concerned, the courts have cast the relevant tests for determining the scope of "in commerce" coverage in substantially similar language as they have used in construing the "production" phase of coverage. Thus the act applies to construction work which is so intimately related to the functioning of interstate commerce as to be, in practical effect, a part of it, as well as to construction work which has a close and immediate tie with the process of production.[3]

(b) *Engagement in commerce.* The United States Supreme Court has held that the "in commerce" phase of coverage extends "throughout the farthest reaches of the channels of interstate commerce," and covers not only construction work physically in or on a channel or instrumentality of interstate commerce but also construction work "so directly and vitally related to the functioning of an instrumentality or facility of interstate commerce as to be, in practical effect, a part of it, rather than isolated, local activity."[4]

(c) *Production of goods for commerce.* The "production" phase of coverage includes "any closely related process or occupation directly essential" to production of goods for commerce. An employee need not be engaged in activities indispensable to production in order to be covered. Conversely, even indispensable or essential activities, in the sense of being included in the long line of causation which ultimately results in production of finished goods, may not be covered. The work must be both closely related and directly essential to the covered production.[5]

(d) *State and national authority.* Consideration must also be given to the relationship between state and national authority because Congress intended "to leave local business to the protection of the State."[6] Activities which superficially appear to be local in character, when isolated, may in fact have the required close or intimate relationship with the area of commerce to which the act applies. The courts have stated that a project should be viewed as a whole in a realistic way and not broken down into its various phases so as to defeat the purposes of the act.[7]

(e) *Interpretations.* In his task of distinguishing covered from non-covered employees the Administrator will be guided by authoritative court decisions. To the extent that prior administrative rulings, interpretations, practices and enforcement policies relating to employees in the construction industry are inconsistent or in conflict with the principles stated in this bulletin, they are hereby rescinded and withdrawn.

§ 776.23 *Employment in the construction industry*—(a) *In general.* The same principles for determining coverage under the Fair Labor Standards Act generally apply to employees in the building and construction industry. As in other situations, it is the employee's activities rather than the employer's business which is the important consideration, and it is immaterial if the employer is an independent contractor who performs the construction work for or on behalf of a firm which is engaged in interstate commerce or in the production of goods for such commerce.[8]

(b) *On both covered and non-covered work.* If the employee is engaged in both covered and non-covered work during the workweek he is entitled to the benefits of the act for the entire week regardless of the amount of covered activities which are involved. The covered activities must, however, be regular or recurring rather than isolated, sporadic or occasional.[9]

(c) *On covered construction projects.* All employees who are employed in connection with construction work which is closely or intimately related to the functioning of existing instrumentalities and channels of interstate commerce or facilities for the production of goods for such commerce are within the scope of the act. Closely or intimately related construction work includes the maintenance, repair, reconstruction, redesigning, improvement, replacement, enlargement or extension of a covered facility.[10] If the construction project is subject to the act, all employees who participate in the integrated effort are covered, including not only those who are engaged in work at the site of the construction such as mechanics, laborers, handymen, truckdrivers, watchmen, guards, timekeepers, inspectors, checkers, surveyors, payroll workers, and repair men, but also office, clerical, bookkeeping, auditing,

[1] Mitchell v. Vollmer & Co., 349 U. S. 427; Kirschbaum Co. v. Walling, 316 U. S. 517; Alstate Construction Co. v. Durkin, 345 U. S. 13.

[2] Mitchell v. Vollmer & Co., ante.

[3] Mitchell v. Vollmer & Co., ante; Cf. Armour & Co. v. Wantock, 323 U. S. 126.

[4] Mitchell v. Vollmer & Co., ante; Walling v. Jacksonville Paper Co., 317 U. S. 564; Overstreet v. North Shore Corp., 318 U. S. 125.

[5] Armour & Co. v. Wantock, ante; Kirschbaum v. Walling, 316 U. S. 417; Cf. 10 E. 40th St. Co. v. Callus, 325 U. S. 578.

[6] Walling v. Jacksonville Paper Co., ante; Kirschbaum v. Walling ante; Phillips Co. v. Walling, 324 U. S. 490, 497.

[7] Walling v. Jacksonville Paper Co., ante; Bennett v. V. P. Loftis Co., 167 F. (2d) 286 (C. A. 4); Tobin v. Pennington-Winter Const. Co., 198 F. (2d) 334 (C. A. 10), certiorari denied 345 U. S. 915; See General Coverage Bulletin, §§ 776.19 (a), (b), and 776.21 (b).

[8] Mitchell v. Joyce Agency, 348 U. S. 945, affirming 110 F. Supp. 918; Fleming v. Sondeck, 132 F. (2d) 77 (C. A. 5), certiorari denied 318 U. S. 772; Kirschbaum v. Walling, ante; Walling v. McCrady Construction Co., 156 F. (2d) 932, certiorari denied 329 U. S. 785; Mitchell v. Brown Engineering Co., 224 F. (2d) 359 (C. A. 8), certiorari denied 350 U. S. 875; Chambers Construction Co. and L. H. Chambers v. Mitchell, decided June 5, 1956 (C. A. 8).

[9] See General Coverage Bulletin, §§ 776.2 and 776.4.

[10] Walling v. McCrady Const. Co., 156 F. (2d) 932, certiorari denied 329 U. S. 785; Chambers Construction Co. and L. H. Chambers v. Mitchell, decided June 5, 1956 (C. A. 8); Tobin v. Pennington-Winter Const. Co., ante; Mitchell v. Vollmer & Co., ante.

promotional, drafting, engineering, custodial and stock room employees.[11]

(d) *On non-covered construction projects.* (1) A construction project may be purely local and, therefore, not covered, but some individual employees may nonetheless be covered on independent ground by reason of their interstate activities. Under the principle that coverage depends upon the particular activities of the employee and not on the nature of the business of the employer, individual employees engaged in interstate activities are covered even though their activities may be performed in connection with a non-covered construction project. Thus, the act is applicable to employees who are regularly engaged in ordering or procuring materials and equipment from outside the State or receiving, unloading, checking, watching or guarding such goods while they are still in transit. For example, laborers on a non-covered construction project who regularly unload materials and equipment from vehicles or railroad cars which are transporting such articles from other States are performing covered work.[12]

(2) Similarly, employees who regularly use instrumentalities of commerce, such as the telephone, telegraph and mails for interstate communication are within the scope of the act, as are employees who are regularly engaged in preparing, handling, or otherwise working on goods which will be sent to other States. This includes the preparation of plans, orders, estimates, accounts, reports and letters for interstate transmittal.

§ 776.24 *Travel in connection with construction projects.* The act also applies to employees who regularly travel across State lines in the performance of their duties, even though the construction project itself is not covered.[13] If an employee regularly transports persons, materials, or equipment between jobs across State lines, or to a covered project, even within the State, as part of his duties for the contractor, he would be covered. As in other situations, the act would not apply if crossing State lines or transporting persons, materials, or equipment by the employee was isolated or sporadic rather than regular and recurring. Also, ordinary home-to-work travel, even across State lines, is not covered.

§ 776.25 *Regular and recurring activities as basis of coverage.* Regular and recurring may mean a very small amount and is not to be determined by volume or percentages. Coverage depends on the character rather than the volume of the employee's activities. For example, if an employee in the course of his duties regularly engages in covered work even though the covered work constitutes only a small part of his duties, he would be covered in any week when he performs such covered work.[14]

§ 776.26 *Relationship of the construction work to the covered facility.* Unless the construction work is physically or functionally integrated or closely identified with an existing covered facility it is not regarded as covered construction because it is not closely enough related to or integrated with the production of goods for commerce or the engagement in commerce. For this reason the erection, maintenance or repair of dwellings, apartments, hotels, churches and schools are not covered projects.[15] Similarly the construction of a separate, wholly new, factory building, not constructed as an integral part or as an improvement of an existing covered production plant, is not covered (Cf. § 776.27 (c)). Coverage of any construction work, whether new or repair work, depends upon how closely integrated it is with, and how essential it is to the functioning of, existing covered facilities. Neither the mere fact that the construction is "new construction" nor the fact that it is physically separated from an existing covered plant, is determinative. Moreover, the court decisions make it clear that the construction project itself need not be actually employed in commerce or in the production of goods for commerce during the time of its construction in order to be covered.[16] Such factors may be considered in determining whether as a practical matter the work is directly and vitally related to the functioning of the covered facility but would not be decisive.

§ 776.27 *Construction which is related to covered production*—(a) *Existing production establishments.* (1) Covered production facilities within the concept of the act include mines, oil wells, banks, manufacturing, packing and processing plants, filtration, sewage treatment, electric power and water plants, shipyards, warehouses in which goods are broken down, packed or handled preparatory to being sent in interstate commerce, and similar establishments.

(2) The repair or maintenance of a covered production unit is essential for its continued operation and has a close and immediate tie with the production of goods for commerce.[17] The act is also applicable to other construction which is an integral part of a covered production unit, such as the replacement, enlargement, reconstruction, extension or other improvement of the premises, the buildings, the machinery, tools and dies and other equipment. Functionally such work is like maintenance and repair and is necessary for the continued, efficient and effective operation of the facility as a unit. Thus the construction of new appurtenances of a covered production establishment such as parking aprons, access roads, railroad spurs, drainage ditches, storm, waste and sanitary sewers or adjacent integrated buildings is subject to the act. Similarly, the act applies to the installation of telephone, electric, gas and water lines, machinery and other equipment on the premises of such a facility.

(3) On the other hand, the production and furnishings, within the State, of construction materials, such as sand, gravel, brick and other construction materials produced for general local use, is not covered even if the producer also supplies such materials to construction companies which use them within the State in the repair, maintenance or improvement of facilities for the production of goods for commerce. Employees of the materialman in such a situation would not have such a close and immediate tie to the production of goods for commerce as to be considered "closely related" and "directly essential" to such production.[18]

(b) *Utilities which serve production establishments.* The act applies to employees of public utilities which furnish gas, electricity, water or fuel to firms engaged within the same State in manufacturing, processing, producing or mining goods for commerce.[19] Construction work performed upon the plant and facilities of such a utility is covered as in the case of any other covered production establishment.[20] The extension of the lines or other facilities of a covered utility for the first time to the premises of an establishment which produces goods for commerce would be subject to the act, because such extension is simply an improvement or enlargement of an existing covered utility.[21] Furthermore, the maintenance or repair of the wires, pipes, or other conduits of a covered utility which serves business and manufacturing as well as residential areas would also be within the act. On the other hand, extension or repair of lines or other facilities serving only residential areas would not be covered unless the electricity, gas, fuel, or water comes from out of the State.

(c) *New construction which is not integrated with existing production facilities.* (1) Construction of a new factory building, even though its use for interstate production upon completion may be contemplated, will not ordinarily be considered covered. However, if the new building is designed as a replacement of or an addition or an improvement to, an existing interstate production facility, its construction will be considered subject to the act.

(2) If the new building, though not physically attached to an existing plant which produces goods for commerce, is designed to be an integral part of the improved, expanded or enlarged plant, the construction, like maintenance and repair, would be subject to the act.[22]

(d) *Production of materials for use in construction work on interstate instrumentalities.* (1) The act applies to employees who are engaged, at the job site or away from it, in the production of goods to be used within the State for the maintenance, repair, extension, enlargement, improvement, replacement or reconstruction of an instrumentality of interstate commerce. The goods need not go out of the State since the act applies to the production of goods "for" commerce, including for use in commerce, and is not limited to "production of goods for transportation in commerce," that is, to be sent across State lines.[23]

(2) The act would also apply to the production of such items as electricity, fuel or water, for use in the operation of railroads or other instrumentalities of commerce.[24] Therefore, as in the case of other produciton units, the maintenance, repair or other improvement of the premises or buildings or the appurtenances, including the machinery, tools and dies and equipment, of the facilities which are used to produce such goods, are subject to the act.

(3) Coverage also extends to employees who produce sand, gravel, asphalt, cement, crushed rock, railroad ties, pipes, conduits, wires, concrete pilings and other materials which are to be used in the construction of instrumentalities which serve as the means for the interstate movement of goods or persons.

(4) This does not mean, however, that in every case where employees produce such materials which are used within the State in the maintenance, repair, or reconstruction of an instrumentality of commerce, the production of such materials is necessarily considered as production "for" commerce. A material supply company may be engaged in an independent business which is essentially local in nature, selling its materials to the usual miscellany of local customers without any particular intent or purpose of supplying materials for the maintenance, repair, or reconstruction of instrumentalities of commerce, and without any substantial portion of its business being directed to such specific uses. Employees of such an "essentially local business" are not covered by the act merely because as an incident to its essentially local business, the company, on occasion, happens to produce or supply some materials which are used within the State to meet the needs of instrumentalities of commerce.[25]

§ 776.28 *Covered preparatory activities*—(a) *Before production begins.* (1) The United States Supreme Court has held that the act is applicable to employees of a company which was engaged in preliminary oil well drilling, even though the holes were drilled to a specified depth which was short of where the oil was expected to be found.[26] The act would also apply to drilling operations even though no oil was discovered.[27] Laborers employed in erecting drilling rigs would also be covered.[28] Other preparatory work before drilling begins in an oil field, such as staking oil claims, surveying, clearing the land, assembling materials and equipment, erecting sheds, derricks or dikes would also be within the scope of the act.[29] Preliminary work such as the foregoing has the requisite close and immediate tie with the production of goods for commerce to be within the coverage of the act.

(2) Similarly, coverage extends to employees engaged in the installation of machinery to be used in covered production in a new factory building, even though the construction of the building itself may not have been subject to the act. Such installation is considered to be a preliminary production activity rather than simply part of the construction of the building.

(3) If the construction project is subject to the act, preliminary activities, such as surveying, clearing, draining and leveling the land, erecting necessary buildings to house materials and equipment, or the demolition of structures in order to begin building the covered facility, are subject to the act.[30]

(b) *Facilities used in aid of the covered construction.* The installation of facilities, and the repair and maintenance of trucks, tools, machinery and other equipment to be used by a contractor in the furtherance of his covered construction work, are activities subject to the act.

§ 776.29 *Instrumentalities and channels of interstate commerce*—(a) *Typical examples.* Instrumentalities and channels which serve as the media for the movement of goods and persons in interstate commerce or for interstate communications include railroads, highways, city streets; telephone, gas, electric and pipe line systems; radio and television broadcasting facilities; rivers, canals and other waterways; airports; railroad, bus, truck or steamship terminals; freight depots, bridges, ferries, bays, harbors, docks, wharves, piers; ships, vehicles and aircraft which are regularly used in interstate commerce.[31]

(b) *General character of an instrumentality of interstate commerce.* (1) An instrumentality of interstate commerce need not stretch across State lines but may operate within a particular State as a link in a chain or system of conduits through which interstate commerce moves.[32] Obvious examples of such facilities are railroad terminals, airports which are components of a system of air transportation, bridges and canals. A facility may be used for both interstate and intrastate commerce but when it is so used it is nonetheless an interstate instrumentality. Such double use does not exclude construction employees from being engaged in commerce.

(2) The term instrumentality of interstate commerce may refer to one unit or the entire chain of facilities. An instrumentality such as a railroad constitutes a system or network of facilities by which the interstate movement of goods and persons is accomplished. Each segment of the network is integrally connected with the whole and must be viewed as part of the system as a whole, not as an isolated local unit.

(3) A construction project which changes the interstate system as a whole, or any of its units, would have a direct bearing on the flow of interstate commerce throughout the network. Thus, the new construction of an alternate route or an additional unit which alters the system or any segment of it, would have such a direct and vital relationship to the functioning of the instrumentality of interstate commerce as to be, in practical effect, a part of such commerce rather than isolated local activity. For example, such construction as the maintenance, repair, replacement, expansion, enlargement, extension, reconstruction, redesigning or other improvement, of a railroad system as a whole, or of any part of it, would have a close and intimate relationship with the movement of goods and persons across State lines. All such construction, therefore, is subject to the act.

(4) The same would be true with respect to other systems of interstate transportation or communication such as roads, waterways, airports, pipe, gas and electric lines, and ship, bus, truck, telephone and broadcasting facilities. Consequently, construction projects for lengthening, widening, deepening, relocating, redesigning, replacing and adding new, substitute or alternate facilities; shortening or straigthening routes or lines; providing cutoffs, tunnels, trestles, causeways, overpasses, underpasses and bypasses are subject to the act. Furthermore, the fact that such construction serves another purpose as well as the improvement of the interstate facility, or that the improvement to the interstate facility was incidental to other

[11] Mitchell v. Brown Engineering Co., ante; Chambers Construction Co. and L. H. Chambers v. Mitchell, ante; Ritch v. Puget Sound Bridge & Dredging Co., 156 F. (2d) 334 (C. A. 9).

[12] Clyde v. Broderick, 144 F. (2d) 348 (C. A. 10); Durnil v. J. E. Dunn Construction Co., 186 F. (2d) 27 (C. A. 8); Donahue v. George A. Fuller Co., 104 F. Supp. 145; Cf. Mitchell v. Royal Baking Co., 219 F. (2d) 532 (C. A. 5).

[13] Rock v. Zarnocay, 264 App. Div. 620, 36 N. Y. S. (2d) 394; Colbeck v. Dairyland Creamery Co., 17 N. W. (2d) 262 (S. Ct. S. D.).

[14] Walling v. Jacksonville Paper Co., ante; Mabee v. White Plains Publishing Co., 327 U. S. 178.

[15] Cf. § 776.18 (b).

[16] Mitchell v. Vollmer, ante; Bennett v. V. P. Loftis Co., ante; Mitchell v. Chambers Const. Co., 214 F. (2d) 515 (C. A. 10); Walling v. McCrady Const. Co., ante; Tobin v. Pennington-Winter Const. Co., 198 F. (2d) 334 (C. A. 5), certiorari denied, 345 U. S. 915.

[17] Kirschbaum Co. v. Walling, ante; Walling v. McCrady Const. Co., ante.

[18] See General Coverage Bulletin, § 776.19 (b) (3); but see § 776.19 (b) (1), (2) and (3) on coverage of furnishing materials "specially designed", or meeting particular specifications, for use in production of particular kinds of goods for commerce; and paragraph (d) of this section, on coverage of producing and furnishing materials for use in construction work on instrumentalities of commerce.

[19] House Manager's Statement, 1949 Amendments.

[20] See decisions cited in footnotes 10 and 11, ante.

[21] Meeker Cooperative Light & Power Ass'n. v. Phillips, 158 F. (2d) 698 (C. A. 8); Cf. New Mexico Public Service Co. v. Engel, 145 F. (2d) 636 (C. A. 10); Lewis v. Florida Power & Light Co., 154 F. (2d) 75 (C. A. 5).

[22] Walling v. McCrady Const. Co., ante.

[23] Alstate Construction Co. v. Durkin, 345 U. S. 13; Tobin v. Johnson, 198 F. (2d) 130 (C. A. 8); Mitchell v. Emulsified Asphalt Products Co., 222 F. (2) 913 (C. A. 6).

[24] Sections 776.19 (b) (2) and 776.21. See also paragraph (b) of this section.

[25] See §§ 776.19 (a) and (b) and 776.21 (b) (3). See also cases cited in footnote 22.

[26] Warren-Bradshaw Drilling Co. v. Hall, 317 U. S. 88.

[27] Culver v. Bell & Lofland, 146 F. (2d) 29.

[28] Devine v. Levy, 39 F. Supp. 44.

[29] Straughn v. Schlumberger Well Surveying Corp., 72 F. Supp. 511.

[30] Coverage of preparation of plans and designs is discussed in § 776.19 (b) (2).

[31] General coverage bulletin, § 776.11.

[32] Mitchell v. Vollmer, ante; Bennett v. V. P. Loftis, 167 F. (2d) 286 (C. A. 4); Overstreet v. North Shore Corp., ante; Rockton & Rion R. R. v. Walling, 146 F. (2d) 111, certiorari denied 324 U. S. 860; National Labor Relations Board v. Central Missouri Tel. Co., 115 F. (2d) 563 (C. A. 8).

non-covered work, would not exclude it from the act's coverage.[33]

(c) *Examples of construction projects which are subject to the act.* Coverage extends to employees who are engaged on such work as repairing or replacing abutments and superstructures on a washed out railroad bridge;[34] replacing an old highway bridge with a new one at a different location;[35] removing an old railroad bridge and partially rebuilding a new one; repairing a railroad roundhouse, signal tower, and storage building; relocating portions of a county road; erecting new bridges with new approaches in different locations from the old ones; widening a city street; relocating, improving or extending interstate telephone facilities including the addition of new conduits and new trunk lines.[36] Also within the scope of the act are employees who are engaged in the construction, maintenance and repair of ships, barges and other vessels used for interstate commerce, including those belonging to the Government,[37] and facilities used in the production and transmission of electric, fuel, water, steam and other powers to instrumentalities of interstate commerce.[38]

(d) *Construction of new facilities.* (1) In a case before the United States Supreme Court, the question was presented whether the act applied to the construction of a new canal at some distance from the one then in use. The new canal was to be an alternate route for entering the Mississippi River and would relieve traffic congestion in the existing canal. The latter would continue in operation but could not be widened because of its location in a highly developed industrial section of New Orleans. The Court in holding the construction of the new canal to be within the coverage of the act stated that the new construction was as intimately related to the improvement of navigation on the Gulf Intercoastal Waterway as dredging in the existing canal would be and that the project was "part of the redesigning of an existing facility of interstate commerce."[39] Thus the construction of a new facility in a network of instrumentalities of interstate commerce, in order to serve the system, or to function as an alternate route, or to relieve traffic congestion in another unit, or to replace an outmoded facility, is subject to the act.

(2) Similarly, the construction of a new unit, such as a new airport which is an addition to the entire interstate system of air transportation although not physically attached to any other unit, would, as a practical matter, necessarily expand, promote and facilitate the movement of interstate commerce over the airway system, and, consequently, would be subject to the act. In such a situation the interstate system, although composed of physically separate local units, is, as a whole, the instrumentality of commerce which is improved. In most cases such an addition would also directly enhance, improve or replace some particular nearby unit in the interstate network. The new addition would thus relieve traffic congestion and facilitate the interstate movement of commerce over the existing instrumentality as a whole, as well as at the particular nearby units. The same principle would apply to highways, turnpikes and similar systems of interstate facilities.

(3) In like manner, the reconstruction, extension or expansion of a small unit in a system of interstate facilities, such as the enlargement of a small airport which is regularly used for interstate travel or transportation, is covered, regardless of the relative sizes of the original unit and the new one. The construction in such situations facilitates and improves the interstate commerce served by, and is directly related to the continued, efficient and effective operation of, both the particular original unit and the interstate system as a whole. Also, the construction of facilities such as hangars, repair shops and the like at a covered airport, which are "directly and vitally related to the functioning" of the instrumentality of commerce, would be subject to the act.[40]

(e) *Construction on waterways.* Courts have consistently held that the engagement in interstate commerce includes the maintenance, repair or improvement of navigable waterways even when the construction work is performed on the non-navigable parts of the instrumentality such as at the headwaters and watersheds or in tributary streams.[41]

Construction which improves rivers and waterways serving as instrumentalities of interstate commerce includes dredging; the building, maintenance, repair, replacement, reconstruction, improvement, or enlargement of dikes, revetments, levees, harbor facilities, retaining walls, channels, berths, piers, wharves, canals, dams, reservoirs and similar projects; also the removal of debris and other impediments in the waterway and flood control work in general.[42]

The act applies to construction work which increases the navigability of a waterway, protects it from floods or otherwise improves or maintains its use as an instrumentality of interstate commerce. The courts have held that a program for controlling floods is inseparably related to the stabilization and maintenance of the navigable channel of the river, since levees, dams, dikes and like structures, which hold back the waters in time of flood, at the same time confine a more efficient body of water during other periods by increasing its velocity and scouring and deepening its channels.[43]

(1) *Flood control work in non-navigable parts of a waterway.* Both Congress and the courts have considered that watersheds and headwaters are keys to the control of floods on navigable streams and that the control over the non-navigable parts of a river is essential for the prevention of overflows on the navigable portions. It is also well settled that in order to control floods on a navigable stream it is necessary to take flood control measures on its tributaries.

(2) *Basis of coverage.* (i) The construction of a levee, dam or other improvement in any part of a river or its tributaries for the purpose of preventing floods or aiding navigation must be considered as an integral part of a single comprehensive project for improvement of the river system. Even though a particular levee or dike, by itself, may not effect an improvement, the courts have made it clear that the combined effect of a chain of such structures serves as the basis for determining coverage. The construction of a particular river structure may, therefore, be subject to the act simply because it is part of a comprehensive system of structures, whose combined effect will achieve the improvement of the navigable channel. Thus, it has been held that site clearance work in the construction of a multiple-purpose dam on a non-navigable stream is covered by the act where the work is an integral part of a comprehensive system for the control of floods and the betterment of navigation on the Arkansas and Mississippi Rivers.[44] Similarly, the enlargement of a set-back levee, located from two to six miles from the banks of the Mississippi, was held to be covered because it was part of the Mississippi levee system even though the set-back levee, when viewed separately, was not directly related to the functioning of the Mississippi as an instrumentality of commerce.[45]

(ii) The principle involved applies also to other instrumentalities of interstate commerce. As in the case of covered waterway projects, individual additions or improvements to other instrumentalities of interstate commerce may for coverage purposes be considered as part of a whole program rather than separately. The act will apply to the construction in such situations if the unit, considered by itself or as part of a larger program, promotes the efficient or effective operation of the instrumentality of interstate commerce.

(3) *Construction of wharves, piers and docks.* The act also applies to the construction of new piers, wharves, docks and other facilities if they are integrated with the interstate commerce functions of an existing harbor. Similarly, the new construction of such facilities in other locations along the waterway is subject to the act if they are regularly used by vessels carrying goods or persons in interstate commerce.

(f) *Highways, county roads and city streets*—(1) *Typical examples.* As a generic term highways includes bridges, underpasses, overpasses, bypasses, county roads, access roads, city streets and alternate roads, draw bridges, toll bridges, toll roads and turnpikes, but does not include roads or parking facilities on privately owned land and which are not for use by the general public for interstate traffic.

(2) *Basis of coverage.* The general rules for determining the coverage of employees engaged in the construction of other instrumentalities of interstate commerce apply to highway construction work. The United States Supreme Court has stated that in applying the act to highway construction as to other coverage problems, practical rather than technical considerations are decisive.[46] After the Court remanded the Overstreet case to the district court, the latter held that the employees engaged in maintaining and repairing the facilities regularly used and available for interstate commerce were engaged in commerce, regardless of the extent of the interstate traffic.[47] The court recognized that although the amount of the interstate commerce in the Overstreet case was very small it was regular and recurring and not occasional nor incidental. Thus, under the authoritative decisions a percentage test is not regarded as a practical guide for ascertaining whether a particular facility is an instrumentality of interstate commerce.[48] Employees who are engaged in the repair, maintenance, extension, enlargement, replacement, reconstruction, redesigning or other improvement of such a road are subject to the act. The fact that the road is owned or controlled by the State or Federal Government or by any subdivision thereof would not affect the applicability of the act. The same would be true if State or Federal funds were used to finance the construction. It should be noted, however, that if the employees are actually employees of a State, or a political subdivision thereof, they are excepted from coverage of the act under section 3 (d).

(3) *City streets.* The construction, reconstruction or repair of a city street, whether residential or not, which is part of an interstate highway or which directly connects with any interstate highway is so closely related to the interstate commerce moving on the existing highway as to be a part of it. Construction of other streets, which are not a part of a public road building program and are constructed on private property as a part of a new residential development, will not be considered covered until further clarification from the courts.

(4) *New highway construction.* Although a number of appellate court decisions have held that the construction of new highways is not within the coverage of the act, these decisions relied upon the technical "new construction" concept which the United States Supreme Court has subsequently held to be inapplicable as the basis for determining coverage under this act.[49] Under the principles now established by that Court's decisions, which require determination of coverage on the basis of realistic, practical considerations, the construction of new expressways and highways that will connect with an interstate highway system is so "related to the functioning of an instrumentality or facility of interstate commerce as to be, in practical effect, a part of it, rather than isolated, local activity."[50] Such highways and expressways not only are so designed as necessarily to become a part of or additions to an existing interstate highway system, but their construction is plainly of a national rather than a local character, as evidenced by the federal financial contribution to their construction. And neither the fact that they are not dedicated to interstate use during their construction, nor the fact that they will constitute alternate routes rather than replacement of existing roads, constitute sufficient basis, under the controlling court decisions, for excluding them from the coverage of the act.[51] Accordingly, unless and until authoritative court decisions in the future hold otherwise, the construction of such new highways and expressways will be regarded as covered.

§ 776.30 *Construction performed on temporarily idle facilities.* The act applies to work on a covered interstate instrumentality or production facility even though performed during periods of temporary non-use or idleness.[52] The courts have held the act applicable to performance of construction work upon a covered facility even though the use of the facility was temporarily interrupted or discontinued.[53] It is equally clear that the repair or maintenance of a covered facility (including its machinery, tools, dies, and other equipment) though performed during the inactive or dead season, is subject to the act.[54]

This amendment will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 17th day of July 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-5876; Filed, July 19, 1956; 8:53 a. m.]

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[33] Tobin v. Pennington-Winter Const. Co., ante; Oklahoma v. Atkinson Co., 313 U. S. 508; Cuascut v. Standard Dredging Corp., 94 F. Supp. 197.

[34] Pedersen v. J. F. Fitzgerald, 318 U. S. 740.

[35] Bennett v. V. P. Loftis Co., 167 F. (2d) 286 (C. A. 4).

[36] Walling v. McCrady Const. Co., ante.

[37] Divins v. Hazeltine Electronics Corp., 163 F. (2d) 100 (C. A. 2); Cf. Walling v. Haile Gold Mines, Inc., 136 F. (2d) 102 (C. A. 4).

[38] New Mexico Public Service Co. v. Engel, ante; Lewis v. Florida Light & Power Co., ante; Mitchell v. Mercer Water Co., 208 F. (2d) 900 (C. A. 3); Mitchell v. Brown Engineering Co., ante.

[39] Mitchell v. Vollmer & Co., ante; see also Bennett v. V. P. Loftis, ante.

[40] Mitchell v. Vollmer & Co., ante.

[41] Tobin v. Pennington-Winter Const. Co., ante; Oklahoma v. Atkinson Co., ante; United States v. Appalachian Power Co., 311 U. S. 426.

[42] Walling v. Patton-Tulley Transportation Co., 134 F. (2d) 945 (C. A. 6); Ritch v. Puget Sound Bridge & Dredging Co., 156 F. (2d) 334.

[43] Tobin v. Pennington-Winter Const. Co., ante; Tobin v. Ramey, 206 F. (2d) 505 (C. A. 5) certiorari denied, sub nom Hughes Construction Co. v. Secretary of Labor, 346 U. S. 925; Jackson v. U. S., 230 U. S. 1.

[44] Tobin v. Pennington-Winter Const. Co., ante.

[45] Tobin v. Ramey, 205 F. (2d) 606, rehearing denied 206 F. (2d) 505 (C. A. 5) certiorari denied, sub nom Hughes Construction Co. v. Secretary of Labor, 346 U. S. 925.

[46] Overstreet v. North Shore Corp., ante.

[47] 52 F. Supp. 503.

[48] North Shore Corp. v. Barnett, 143 F. (2d) 172 (C. A. 5); Schmidt v. Peoples Telephone Union of Maryville, Mo., 138 F. (2d) 13 (C. A. 8).

[49] Compare Mitchell v. Vollmer, ante, with Koepfle v. Garavaglia, 200 F. (2d) 191 (C. A. 6); Moss v. Gilliox Const. Co., 206 F. (2d) 819 (C. A. 10); and Van Klaveren v. Killian House, 210 F. (2d) 510 (C. A. 5). The Vollmer decision specifically rejected the applicability of the decision construing the Federal Employers' Liability Act, on which the cited appellate court decisions relied.

[50] Mitchell v. Vollmer, ante; Walling v. Jacksonville Paper Co., ante; and Overstreet v. North Shore Corp., ante.

[51] Mitchell v. Vollmer & Co., ante; Tobin v. Pennington-Winter Const. Co., 198 F. (2d) 334, certiorari denied 345 U. S. 915; and Bennett v. V. P. Loftis Co., 167 F. (2d) 286.

[52] Walton v. Southern Package Corp., 320 U. S. 540; Slover v. Wathen & Co., 140 F. (2d) 258 (C. A. 4); Bodden v. McCormick Shipping Corp., 188 F. (2d) 733; and Russell Co. v. McComb, 187 F. (2d) 524 (C. A. 5).

[53] Pedersen v. J. F. Fitzgerald Construction Co., ante; Bennett v. V. P. Loftis, ante; Walling v. McCrady Const. Co., ante; and Bodden v. McCormick Shipping Corp., 188 F. (2d) 733.

[54] Maneja v. Waialua Agricultural Co., 349 U. S. 254; Bowie v. Gonzalez, 117 F. (2d) 11; Weaver v. Pittsburgh Steamship Co., 153 F. (2d) 597, certiorari denied 328 U. S. 858; Walling v. Keensburg Steamship Co., 462 F. (2d) 405.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

DISCHARGE BECAUSE OF NATIONAL HEALTH, SAFETY, OR INTEREST

In § 582.3, paragraph (c) (1) is amended to read as follows:

§ 582.3 *Discharge for convenience of the Government.* • • •

(c) *National Health, Safety, or Interest.* Enlisted personnel may apply for release from active military service on the basis of importance to national health, safety, or interest. Reservists ordered to 6 months' active duty for training are not eligible for separation under this paragraph.

(1) *General.* This policy is applicable to situations where a critical need for the services of an individual in a civilian capacity from the viewpoint of health, safety, or general welfare outweighs the need of the Nation for the individual in an active military status. Normally, favorable action on request for release under provisions of this policy will be made only when it is determined clearly that:

(i) The application is motivated by critical national or community interest and not for the personal benefit of the applicant, and

(ii) The applicant's importance to the national health, safety, or interest in a civilian capacity has become significantly greater than it was at the time of his entrance on duty by reason of:

(*a*) His unique qualifications in a critical civilian occupation; and

(*b*) An unusual change in his employer's requirements for his services caused by such factors as a substantial increase in defense-supporting activity; or

(*c*) A significant reduction in effectiveness of his employer's defense-supporting activity due to the loss of personnel capable of performing the functions of the applicant and his employer's inability to replace such personnel, and

(iii) (*a*) The applicant is not presently assigned to a critical Military Occupational Specialty utilizing his civilian

skill or to another critical Military Occupational Specialty or,

(b) The applicant is presently assigned to a critical Military Occupational Specialty but a qualified replacement is available.

* * * * * *

[C 2, AR 635-205, June 26, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5832; Filed, July 19, 1956; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

TAMPERING WITH PARKED MOTOR VEHICLE

Part 1 is amended by adding a new § 1.65, reading as follows:

§ 1.65 *Tampering with a parked motor vehicle.* No person shall tamper with, or attempt to enter or start, or move or cause to be moved, a parked motor vehicle not lawfully under his control. This section shall not apply to employees of the National Park Service or other employees of the Federal Government or duly authorized officials, in connection with their official duties.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

FRED A. SEATON,
Secretary of the Interior.

JULY 13, 1956.

[F. R. Doc. 56-5841; Filed, July 19, 1956; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Title 39, Chapter I, is amended as set forth below:

PART 5—COMPLAINTS

a. Section 5.1 *Postal service* is amended to read as follows:

§ 5.1 *Postal service.* You may make complaints concerning the Postal Service to your postmaster. If you prefer, you may address your complaint to the Postmaster General, Washington 25, D. C.

b. In § 5.2 *Postal law violations* amend the table by adding to the states listed opposite Philadelphia the state of Delaware; and strike Delaware from the listing opposite Washington.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 6—FRACTIONS

In § 6.1 *Fractions* amend paragraph (d) to read as follows:

(d) *Time.* Fractions of the stated unit—hours, days, months, quarters, years, etc.—are treated as a whole unit, except that in the computation of box rent the rent after the beginning of a quarter is determined in the manner prescribed by § 41.3 (d) of this chapter.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 35—PHILATELY

In Part 35, Philately, add new § 35.6, to read as follows:

§ 35.6 *Requests for postmarks on plain slips of paper.* Postmarks will not be placed on plain slips of paper submitted for philatelic or other purposes.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 36—SPECIAL CANCELLATIONS

In §36.3 *Application* amend paragraph (c) to read as follows:

(c) Name of post office or post offices where use of cancellation is desired.

(R. S. 161, 396, as amended; secs. 1, 2, 42 Stat. 539, 540; 5 U. S. C. 22, 369, 39 U. S. C. 368)

PART 37—PREPAYMENT AND REFUNDS

a. In § 37.1 *Prepayment of postage required* make the following changes in paragraph (c):

1. Amend subparagraph (3) to read as follows:

(3) Special Delivery mail, see § 56.2 (d) of this chapter.

2. Amend subparagraph (4) to read as follows:

(4) Mail bearing return address showing sender to be located at another post office will be treated as follows:

(i) *For local delivery.* The amount of deficiency will be rated and the mail offered for delivery to addressee upon collection of postage due.

(ii) *For other than local delivery.* (a) First-class mail prepaid less than one full rate and mail of any other class having obvious value, must be held for 2 weeks and notice of the amount due sent to the sender on card Form 3540-A. If no response is received mail is then treated as in subparagraph (5) of this paragraph.

(b) Mail other than first class of no obvious value will be disposed of.

3. Amend subparagraph (5) to read as follows:

(5) Mail without return address, the sender of which is unknown, will be treated as follows:

(i) *For local delivery.* Handle same as subparagraph (4) (i), of this paragraph.

(ii) *For other than local delivery.* (a) First-class mail prepaid less than one full rate and mail of any other class having obvious value will be held for 3 weeks and notice of the amount due sent to the addressee on card Form 3548.

(b) Mail other than first class of no obvious value will be disposed of.

b. In § 37.2 *Refunds* amend paragraph (a) to read as follows:

(a) *Conditions that justify refund.* When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made. When mail is returned at request of sender or for a reason not the fault of the Postal Service, any difference between the amount paid and the appropriate domestic air or surface rate chargeable from mailing office to interception point and return will be refunded.

(R. S. 161, 396, as amended, 3896, 3900; sec. 2, 33 Stat. 1091; 5 U. S. C. 22, 369, 39 U. S. C. 271, 272, 300)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-5866; Filed, July 19, 1956; 8:51 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

ELECTRIC LAMP INDUSTRY

This matter is before the Secretary of Labor for decision on the exceptions which have been filed to the proposed determination of prevailing minimum wages for the electric lamp industry as published in the FEDERAL REGISTER on April 6, 1956 (21 F. R. 2249).

The Interlectric Corporation, Solar Electric Corporation, and Bond Electric Division except to the proposed determination on the ground that it will bear with particular force on the small producers in the industry, who have only recently obtained relief from the monopolistic practices of certain larger producers. The determination proposed will not, of course, require the small producers to observe any higher minimum wage for their employees than it requires of the large producers, nor any higher one than has been found to be prevailing in their industry. It does not appear, therefore, to bear unfairly on them.

It does appear, however, that on the Government contract work to which it applies, the determination proposed will require a wage adjustment of larger proportion among the small producers than the one required for large producers. The lower minimum wages being paid by these small producers are described by one of them as their "one competitive advantage over the major companies." But, as the Supreme Court noted in Perkins v. Lukens Steel Co., 310 U. S. 113, "This act's purpose was to impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social standards of employment." Certainly it is not inconsistent for the Government, having deprived the larger producers of their unfair competitive advantage by suit under the anti-trust statutes, now to require the smaller producers of the industry to pay not less than the minimum prevailing wage for their industry in Government contract work by an appropriate wage determination under the Walsh-Healey Public Contracts Act. To do otherwise would grant the smaller

units of the industry an unfair competitive advantage over the larger units, and validate depression of wages and purchasing power, and offend fair social standards of employment, which the Walsh-Healey Public Contracts Act specifically condemns. These exceptions are overruled.

The Lamp Industry Panel has filed several objections to the proposal because the determination is based on data restricted to wages paid in the electric lamp industry and does not rest on data in the record as to wages paid in other industries in the communities where lamps are made. No one has suggested that this determination be given effect in any Government contracts other than those for electric lamps. The requirement in section 1 (b) of the act that the Secretary of Labor determine the minimum wage actually "prevailing" in industry, rather than to fix one in his discretion, requires, of course, that the determination, for application only in this particular industry, be based on the wages paid in it rather than those paid in other industries. Accordingly, these objections are overruled.

Exception has also been taken "to the reliance of the Secretary upon wage practices in the number of plants or establishments in the industry rather than upon such practices in the number of companies in the industry." It is contended by the Lamp Industry Panel that a great majority of the lamp companies operate plants where wages substantially below $1.26 are actually paid to experienced workers and that every lamp company has an established minimum rate in one or more of its plants which is substantially below the proposed rate of $1.26 an hour. This argument does not take into consideration the fact that over three-fourths (77 percent) of the employees in the industry are employed in 35 plants (56 percent) which pay no experienced worker less than $1.26 an hour. The record indicates that at least this rate was paid by General Electric in 18 of its 19 plants, by Westinghouse in 5 of its 9 plants and by Sylvania in 5 of its 8 plants. Smaller companies (including Tung-Sol in at least 1 of its 2 plants) comprise the remainder of the 35 plants paying experienced workers not less than $1.26 an hour. The "number of companies" test would thus ignore all of that substantial part of the industry composed of the multiplant companies except the single lowest wage plant of each of those companies. All of the employment in all of the plants of each of those companies would then be counted as though employed in its lowest wage plant. Plainly, a determination of "the prevailing minimum wages for persons employed" (section 1 (b) of the act), depends entirely on the wages paid those persons, rather than the identity of the employer who operates the plants in which they work. Yet under the "number of companies" test, the rate to be determined could be affected substantially by transfers in the management of the several plants without the slightest change in the wages paid to the persons employed in them. Surely such a capricious method of determining prevailing minimum wages cannot be regarded as required by the act, and this exception is overruled.

Exceptions to the tolerance on the wage rate of $1.20 per hour proposed for beginners have been filed on behalf of the Lamp Industry Panel and the International Union of Electrical, Radio and Machine Workers, AFL-CIO, the former urging that on an actual payment basis the proposed rate should be lower, and the latter objecting to any tolerance wage rate for beginners in this industry.

The evidence discloses that 31 (52 percent) of the 60 plants which reported establishing hiring rates, reported such rates at $1.20 an hour or more, and that more than three-fourths of all covered employees in the industry were employed in these 31 plants. Although 26 of these 60 plants were not at the time of the survey employing any workers in the lowest labor grade with three months of plant experience or less, and, consequently, were not paying any worker the lowest established hiring rates at that time, there is no proof that these rates had been or would be inoperative or that they were other than bona fide. For purposes of this determination lowest established hiring rates are considered to be the same as the lowest rates established for employees in the lowest labor grade who have three months of plant experience or less. For these reasons and for the reasons stated in the proposed determination, each of the exceptions filed in opposition to the proposed tolerance authorizing the subminimum rate of $1.20 an hour for beginners is overruled.

The Lamp Industry Panel has also excepted to the period of 480 hours provided in the proposal for the employment of beginners. Since the only evidence contained in the record, in relation to this exception, is limited to such employment in intervals of one, two and three months the Lamp Industry Panel's objection is sustained and the proposed tolerance of 480 hours will be changed to one of three months duration.

I conclude, therefore, that the employment of beginners at subminimum rates should be authorized, and that a wage rate of $1.20 an hour, arrived at either on a time or incentive basis, for a period not to exceed three months, is appropriate and shall be permitted for beginners in the electric lamp industry.

Several other objections were filed by the Lamp Industry Panel. Careful consideration has been given each of them. Most of them are restatements of points fully considered in the proposed determination, and none of them requires further discussion here. Each of them is overruled.

In view of the general provision in 41 CFR 201.1101 for the employment of handicapped workers at lower rates than the one determined to be prevailing, the provisions in the proposal relating to handicapped workers will not appear in this order. The technical terminology of the provision for apprentices will be changed to accord with present practices in this regard.

Accordingly, pursuant to authority vested by the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.) Title 41, Code of Federal Regulations, Part 202, is hereby amended by the addition of the following section:

§ 202.53 *Electric lamp industry*—(a) *Definition.* The electric lamp industry is defined as that industry which manufactures electric bulbs, tubes and related light sources, including but not limited to such products as incandescent filament lamps, sealed beam headlights composed of a filament in a glass shell, vapor and fluorescent lamps, photoflash and photoflood lamps, and the following electric lamp components: Lead-in-wires, support wires, filament, welds, hooks, and metal bases: *Provided, however,* That this definition shall not include electro-therapeutic lamp units, electronic tubes, X-ray tubes, sealed beam headlights composed of an electric lamp enclosed in a shell of glass or of glass and metal, carbon arc lamps, custom made luminous tube signs, electric lighting fixtures, plastic lamp bases, chemicals, gases, glass blanks, glass tubing, glass rod, and dumet, molybdenum and tungsten wire. For the purpose of this definition an electric lamp is defined as any device the primary purpose of which is to convert electric energy into radiation within the visible spectrum and/or into ultra-violet radiations of wavelengths of not less than 500 Angstrom units, and/or infra-red radiation not longer than 100,000 Angstrom units.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the electric lamp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.26 an hour arrived at either on a time or incentive basis.

(c) *Subminimum wages authorized.* (1) Beginners may be employed at wages not less than $1.20 an hour, arrived at either on a time or incentive basis, for a period not to exceed three months. A beginner for the purpose of this determination is a worker who has had no more than three months experience in the plant.

(2) Apprentices may be employed at wages less than $1.26 an hour upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages herein established shall apply to all contracts subject to the Public Contracts

Act bids for which are solicited or negotiations otherwise commenced on or after August 20, 1956.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 16th day of July 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-5875; Filed, July 19, 1956; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1309]

[69096]

NEW MEXICO

REVOKING DEPARTMENTAL ORDERS OF MAY 2, 1908 AND MARCH 2, 1909, WHICH RESERVED LANDS FOR USE OF THE FOREST SERVICE AS THE FRESNOL ADMINISTRATIVE SITE

Public Land Order No. 1309 of June 28, 1956, appearing as Federal Register Document 56-5279, of the issue for Wednesday, July 4, 1956, at page 4958, is hereby amended by adding the date August 3, 1956 to the last line of the penultimate paragraph.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 17, 1956.

[F. R. Doc. 56-5869; Filed, July 19, 1956; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—MCKAY CREEK NATIONAL WILDLIFE REFUGE, OREGON

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional fishing and boating privileges can be granted as certain times in the waters of the McKay Creek National Wildlife Refuge, Oregon, without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of existing restrictions applicable to the McKay Creek National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the following subpart is added:

Subpart—McKay Creek National Wildlife Refuge, Oregon

FISHING

Sec.
31.221 Fishing permitted.
31.222 State fishing laws.
31.223 Use of boats.
31.224 Entry.
31.225 Routes of travel.

AUTHORITY: §§ 31.221 to 31.225 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

SUBPART—McKAY CREEK NATIONAL WILDLIFE REFUGE, OREGON

FISHING

§ 31.221 *Fishing permitted.* Noncommercial fishing in accordance with the laws and regulations of the State of Oregon is permitted during the daylight hours in the waters of the McKay Creek National Wildlife Refuge: *Provided, however,* That fishing is prohibited on the McKay Creek Refuge during the period extending from September 16 to April 15 following, or to the opening date of the State sport fishing season, whichever date shall occur the latest.

§ 31.222 *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Oregon, and must have in his possession a valid fishing license issued by the State of Oregon, if such license is required, and when requested to do so, shall exhibit it to any authorized representative of the Oregon State Game Commission or to any representative of the Fish and Wildlife Service.

§ 31.223 *Use of boats.* The use of boats, including motorboats, is permitted for fishing and for pleasure only during the period of fishing season as prescribed for the McKay Creek Refuge.

§ 31.224 *Entry.* Entry on and use of the lands and waters of the refuge for any purpose are governed by Parts 18 and 21 of this chapter, and strict compliance therewith is required.

§ 31.225 *Routes of travel.* Persons entering the refuge for the purposes of boating and fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

Dated: July 16, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56-5839; Filed, July 19, 1956; 8:46 a. m.]

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. After consultation with the United States section of the International North Pacific Fisheries Commission, notice was published in the FEDERAL REGISTER on July 3, 1956 (21 F. R. 4932) of proposed rule making to prohibit salmon fishing, except trolling, by persons or vessls subject to the jurisdiction of the United States in certain waters adjacent to Alaska, and to redefine various fishing areas and districts. Subsequently, such fishing was prohibited in limited waters of Bering Sea by emergency regulation published in the FEDERAL REGISTER on July 7, 1956 (21 F. R. 5059), to avert the early establishment of a high seas fishery that would jeopardize the Bristol Bay salmon conservation program.

Accordingly, the following amendments and additions to 50 CFR Chapter I (Subchapter F, are effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

PART 101—DEFINITIONS

A new section § 101.19 is added to read as follows:

§ 101.19 *Waters of Alaska.* As used in this subchapter, the term "waters of Alaska" includes those waters north and west of the International Boundary at Dixon Entrance extending three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

PART 103—KOTZEBUE-YUKON-KUSKOKWIM AREA

Section 103.1 is amended in text to read as follows:

§ 103.1 *Definition.* The Kotzebue-Yukon-Kuskokwim area includes all waters of Alaska between Point Hope and Cape Newenham.

PART 104—BRISTOL BAY AREA

Section 104.1 is amended in text to read as follows:

§ 104.1 *Definition.* The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Menshikof.

PART 105—ALASKA PENINSULA AREA

Section 105.1 is amended in text to read as follows:

§ 105.1 *Definition.* The Alaska Peninsula area includes all waters of Alaska from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiukta Bay.

PART 106—ALEUTIAN ISLANDS AREA

Section 106.1 is amended in text to read as follows:

§ 106.1 *Definition.* The Aleutian Islands area includes all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass.

PART 109—COOK INLET AREA

Section 109.1 is amended in text to read as follows:

§ 109.1 *Definition.* The Cook Inlet area includes all waters of Alaska in Cook Inlet north of Cape Douglas and west of Point Gore, including the Barren Islands.

PART 110—RESURRECTION BAY AREA

Section 110.1 is amended in text to read as follows:

§ 110.1 *Definition.* The Resurrection Bay area includes all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield.

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES DISTRICT, SALMON FISHERIES

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Sections 115.1, 116.1, 117.1, 118.1, 119.1, 120.1, 121.1, 122.1, 123.1, and 124.1 are amended in text to read as follows:

The Southeastern Alaska area includes all waters of Alaska in Southeastern Alaska between Cape Fairweather and Dixon Entrance.

2. Sections 117.2, 118.2, 119.2, 121.2, 122.2, 123.2 and 124.2 are amended in text by deleting the words "territorial waters" and substituting in lieu thereof the words "waters of the area."

(Sec. 1, 43 Stat. 464, as amended, sec. 12, 68 Stat. 700; 48 U. S. C. 221, 16 U. S. C. 1031)

PART 130—NORTH PACIFIC AREA

The title to Part 130 is redesignated to read as set forth above and the revised part reads as follows:

Sec.
130.1 Definition, North Pacific area.
130.2 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.2 issued under sec. 1, 43 Stat. 464, as amended, sec. 12, 68 Stat. 700; 48 U. S. C. 221, 16 U. S. C. 1031.

§ 130.1 *Definition, North Pacific area.* The North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of Dixon Entrance and east of 175 degrees west longitude, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, in the North Pacific area as defined in this part.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-5890; Filed, July 19, 1956; 8:56 a. m.]

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

HERRING QUOTA, RESTRICTIONS

Basis and purpose. On the basis of herring abundance in certain areas of Southeastern Alaska, it has been determined that the quota can be increased.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 116.8b is amended in text by deleting "17,500 short tons" and substituting in lieu thereof "22,500 short tons."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

[F. R. Doc. 56-5923; Filed, July 19, 1956; 10:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A21]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Melbourne Hotel, Grand and Lindell Streets, St. Louis, Missouri, beginning at 10 a. m., local time, July 26, 1956. The public hearing is for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR 903.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the St. Louis, Missouri, marketing area have been proposed as follows:

By Sanitary Milk Producers:

1. Amend § 903.51 (a) (2) to provide that for the months of April through June the rate shall be 4 cents per point, all other months 5 cents.

By the Dairy Division:

2. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 17th day of July 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5886; Filed, July 19, 1956; 8:56 a. m.]

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR 1001.110 et seq.; Subpart-Rules and Regulations; 20 F. R. 6017; 21 F. R. 3413) currently in effect pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations, which has been recommended by the Florida Lime Administrative Committee, the agency established under the marketing agreement and order to administer the provisions thereof, is to add thereto two new sections as follows:

§ 1001.131 *Limes for processing.* (a) No person shall handle any limes for commercial processing into products unless (1) such limes meet the applicable grade, size, and quality requirements in effect pursuant to § 1001.52; or (2) prior to such handling such person notifies the Florida Lime Administrative Committee of the proposed handling and furnishes such committee with a statement executed by the intended processor that the limes will be used for the stated purpose

only; or (3) the processor is an approved manufacturer of lime products, as prescribed in paragraph (b) of this section.

(b) Any person who desires to buy, as an approved manufacturer of lime products, limes for commercial processing shall, prior thereto, submit to the Florida Lime Administrative Committee an application containing the following information: (1) Name and address of applicant; (2) location of processing facilities; (3) proposed type of product or products to be made or derived from limes; (4) description of facilities for processing limes; (5) quantity of limes processed during the previous year and estimate of quantity to be processed during current year; (6) expected source of limes for processing; (7) method of transporting and unloading point; (8) Lime Administratve Committee handler certificate of registration number, if any; (9) a statement that the limes obtained for processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (10) an agreement to submit such reports as are required by the Florida Lime Administrative Committee. Each application shall be investigated by the Florida Lime Administrative Committee. Based upon the results of such investigation and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved the applicant's name shall be placed upon the list of approved manufacturers of lime products.

(c) Each handler registered with the Florida Lime Administrative Committee shall render a report to the committee of the disposition of each lot of noncertified limes removed from the premises of his handling facilities during each week in which any limes are handled subject to the provisions of §§ 1001.41, 1001.52, and 1001.55, or exemptions therefrom pursuant to § 1001.56. Such report shall be on forms prescribed by the committee and shall include (1) the quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the limes were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than the close of business of the Saturday ending the period covered by the report.

§ 1001.140 *Report of interdistrict transfer of noncertified limes.* Each handler shall render a report to the Florida Lime Administrative Committee of each lot of noncertified limes received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (a) The name of the handler; (b) the quantity of limes received; (c) date received; (d) name and address of the person from whom the limes were purchased; (e) the district from which the limes were transferred; and (f) the district to which the limes were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than the close of business of the Saturday ending the period covered by the report.

Dated: July 17, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5885; Filed, July 19, 1956; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 670, 675, 677]

[Administrative Order 464]

CHEMICAL, PETROLEUM, RUBBER, AND RELATED PRODUCTS INDUSTRY, PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY, AND LUMBER AND WOOD PRODUCTS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES AND NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 23–A for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico, Industry Committee No. 23–B for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico, and Industry Committee No. 23–C for the Lumber and Wood Products Industry in Puerto Rico.

Industry Committee No. 23–A is composed of the following representatives:

For the public:

Robben W. Fleming, Champaign, Illinois, Chairman; Paul N. Guthrie, Chapel Hill, North Carolina; Jose R. Noguera, Rio Piedras, Puerto Rico.

For the employers:

Reuben S. Haslam, Oakton, Virginia; Maurice Nagle, Canovanas, Puerto Rico; Raul G. Mendez, Santurce, Puerto Rico.

For the employees:

Homer L. Humble, Mobile, Alabama; Philip Frieder, Denver, Colorado; Hipolito Marcano, San Juan, Puerto Rico.

For the purpose of this order the chemical, petroleum, rubber, and related products industry in Puerto Rico is defined as follows:

The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom; the manufacture of all products made wholly or chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

This definition includes, but without limitation, heavy, industrial, and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and ink; vegetable and animal oil (except the process of refining into edible oil); drugs, medicines, and toilet preparations; insecticides and fungicides; soap and glycerin; rayon, acetate, and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles; gasoline, fuel and lubricating oils, and other petroleum products; coke-oven products; fuel briquettes of any materials; asphalt, rubber, linoleum, and other resilient hard surface floor coverings (except plastic tile); synthetic or reclaimed rubber; tires and inner tubes; rubber footwear; industrial and mechanical rubber goods; rubber toys and dolls; and miscellaneous rubber specialties and sundries: *Provided, however,* That the definition shall not include any product or activity in the alcoholic beverage and industrial alcohol industry; the corsets, brassieres, and allied garments industry; the men's and boys' clothing and related products industry; and the needlework and fabricated textile products industry, as defined in the wage orders for these industries in Puerto Rico, or any activity performed by a company in its capacity as a public utility distributing gas or water.

Industry Committee No. 23–B is composed of the following representatives:

For the public:

Robben W. Fleming, Champaign, Illinois, Chairman; Paul N. Guthrie, Chapel Hill, North Carolina; Jose R. Noguera, Rio Piedras, Puerto Rico.

For the employers:

Reuben S. Haslam, Oakton, Virginia; James E. Bain, Ponce, Puerto Rico; James C. Davidson, San Juan, Puerto Rico.

For the employees:

Homer L. Humble, Mobile, Alabama; Philip Frieder, Denver, Colorado; Hipolito Marcano, San Juan, Puerto Rico.

For the purpose of this order the paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows:

The manufacture of pulp from wood, rags and other fibers; the conversion of such pulp into paper or paperboard; the manufacture of building board from bagasse and similar materials; the manufacture of paper, paperboard and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on any of the foregoing products; and the printing or publishing of newspapers, books, periodicals, maps, music and all other products or services of typesetters, advertising typographers, electrotypers, stereotypes, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates.

Industry Committee No. 23–C is composed of the following representatives:

For the public:

Robben W. Fleming, Champaign, Illinois, Chairman; Paul N. Guthrie, Chapel Hill, North Carolina; Jose R. Noguera, Rio Piedras, Puerto Rico.

For the employers:

Reuben S. Haslam, Oakton, Virginia; Enrique A. Castillo, San Juan, Puerto Rico; Rene Lopez Duprey, San Juan, Puerto Rico.

For the employees:

Homer L. Humble, Mobile, Alabama; Philip Frieder, Denver, Colorado; Hipolito Marcano, San Juan, Puerto Rico.

For the purpose of this order the lumber and wood products industry in Puerto Rico is defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity in the button, buckle, and jewelry industry; the construction, business service, motion picture, and miscellaneous industries; the handicraft products industry; the metal, machinery, transportation equipment, and allied industries; or the rubber, straw, hair and related products industry; as defined in the wage orders for these industries in Puerto Rico; or in the paper, paper products, printing, and publishing industry, as defined herein.

I hereby refer to the above mentioned industry committees the question of the minimum wage rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 23–A shall commence its hearing on August 20, 1956, at 2:00 p. m., in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 23–A, Industry Committees Nos. 23–B and 23–C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 23–A will meet at 10:00 a. m., on August 20, 1956, and Industry Committees Nos. 23–B and 23–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearing.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678). Among other requirements, these regulations provide that a prehearing statement containing certain specified data, shall be filed, together with eleven copies, at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and that one copy of such prehearing statement shall be filed at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., not later than August 10, 1956, in the present matters, by all persons who would participate either as witnesses or parties.

Signed at Washington, D. C., this 16th day of July 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-5878; Filed, July 19, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11785; FCC 56-683]

TELEVISION BROADCAST STATIONS
(BAKERSFIELD, CALIFORNIA)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on April 30, 1956 by the California Inland Broadcasting Co., requesting the institution of rule making to amend § 3.606, *Table of assignments,* Television Broadcast Stations, so as to add Channel 17 or Channels 17 and 39 to Bakersfield, California as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif.	10-, 29	10-, 17, 29 or 10-, 17, 29, 39+

3. In support of its request petitioner submits that it is the licensee of television Station KFRE–TV on Channel 12 at Fresno, Calif.; that it will file an application for a station at Bakersfield in the event the additional channels are made available; and that the proposal conforms to the rules and would provide a full time outlet for national network programs. Oppositions to the request for amendment of the table were filed by Bakersfield Broadcasting Co. and Kern County Broadcasters, Inc.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and the Commission may be apprised of such views prior to taking further action. The petition of California Inland Broadcasting Co., and the oppositions of Bakersfield Broadcasting Company and Kern County Broadcasters, Inc. are made part of this docket.[1]

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, a writ-

[1] Alternatively these oppositions proposed the reassignment of Channel 12 from Fresno to Bakersfield. Comments on this proposal should appropriately be filed under the rule making proceeding in Docket No. 11759 looking toward the removal of Channel 12 from Fresno.

ten statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5843; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11779; FCC 56-677]

TELEVISION BROADCAST STATIONS (LUBBOCK, TEXAS)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Texas Technological College, Lubbock, Texas, has requested that the Commission amend the Table of Assignments in § 3.606 of its rules and regulations to reserve Channel 5 instead of Channel 20 for educational use in Lubbock, Texas. This request is supported by the Joint Committee on Educational Television.

3. Petitioner states that if Channel 5 is designated "educational" they will promptly prepare and submit an application for its use. Financial arrangements have been made for the contemplated construction and operation to the end that the College may further extend its usefulness to West Texas.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (e) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5844; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11780; FCC 56-678]

TELEVISION BROADCAST STATIONS (LINCOLN, NEBRASKA)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commisison has received a proposal for rule making in the above-entitled matter.

2. Byron J. Dunn, Trustee, and the University of Nebraska have requested that the Commission amend the Table of Assignments in Section 3.606 of its rules and regulations to reserve Channel 12 for educational use instead of Channel 18 in Lincoln, Nebraska.

3. Byron J. Dunn, Trustee, is permittee of television Station KUON-TV operating on Channel 12 at Lincoln, Nebraska (which at the present time carries a minimum of three hours daily, 5 days per week, of noncommercial programming). Petitioner states that there have been no applications requesting a construction permit for a UHF frequency in the State of Nebraska, and that the distribution of UHF receivers is virtually negligible.

4. Petitioner urges that the proposed channel reassignment should be made in order that KUON-TV may operate as a noncommercial station for the following reasons:

(a) There would be no minimum hours of operation requirements.

(b) The Board of Regents is reluctant to become the assignee of a commercial station whereas it has expressed unqualified interest in KUON-TV as an educational station.

(c) The station would be eligible for various subsidiary funds and charitable contributions.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Petitioner requests that an order be issued requiring the permittee of Channel 12 at Lincoln, Nebraska, to show cause as to why Channel 12 should not be classified as a noncommercial educational assignment and the construction permit for Station KUON-TV correspondingly modified. However, the Commission believes that such additional show cause proceedings as may be necessary can be instituted after the termination of this rule making proceeding.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934 as amended.

8. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before August 15, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5845; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11781; FCC 56-679]

TELEVISION BROADCAST STATIONS (ST. JOSEPH, TENNESSEE)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. Aaron B. Robinson, Jackson, Tennessee and Gregory Broadcasting Company, Muscle Shoals, Alabama, have requested that the Commission amend the Table of assignments in § 3.606 of its rules and regulations to add Channel 11 to St. Joseph, Tennessee. Petitioners propose to accomplish this assignment by shifting Channel *11 from Lexington, Tennessee to St. Joseph, and by replacing Channel *11 in Lexington with Channel *49, as follows:

City	Channel No.	
	Present	Proposed
Lexington, Tenn.	*11	*49
St. Joseph, Tenn.	None	11

3. Petitioners urge that their proposal would provide television service to 288,612 people who are now without service. The proposed changes can be made in accordance with present mileage separations rules. Petitioners allege that this area is one of the largest and most populous areas to which a VHF channel has not been assigned.

4. The Tennessee Educational Television Commission filed an opposition to the petitions of Aaron B. Robinson and Gregory Broadcasting Corporation. They note that they petitioned for and were successful in having Channel 11 assigned in Lexington, Tennessee and reserved for educational purposes as a part of a future statewide network of educational stations in Tennessee. The assignment of the VHF channel in exclusively VHF West Tennessee would make educational programs in that area as readily receivable as commercial programs.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5846; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11782; FCC 56-680]

TELEVISION BROADCAST STATIONS (GLENDIVE, MONTANA)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on March 1, 1956, requesting it to amend the table of assignments in § 3.606 of its rules and regulations, by assigning Channel 5 as follows:

City	Channel No.	
	Present	Proposed
Glendive, Mont.	18−	5+, 18−

3. In support of the proposed amendment, petitioner urges that Channel 5 may be assigned to Glendive in conformance with the rules and without affecting any other assignment in the Table, and will make possible a first service to an area presently without such service.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 303, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before August 15, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5847; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11783; FCC 56-681]

TELEVISION BROADCAST STATIONS (PIERRE-RELIANCE, SOUTH DAKOTA)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on April 20, 1956, by the Midcontinent Broadcasting Co., Sioux Falls, South Dakota requesting it to amend the television Table of Assignments contained in § 3.606 of the rules and regulations as follows:

City	Channel No.	
	Present	Proposed
Pierre, S. Dak.	6−	10+, *22+
Reliance, S. Dak.	10+, *22+	6−

3. In support of its request petitioner submits that there are no applications for any of the assignments in Pierre; that the proposal would permit coverage of a large area presently without service; and that the assignment of Channel 6 to Reliance may be made in full conformance with the rules.

4. The Commision is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commisison and the Commission may be apprised of such views prior to taking further action.

5. Authority for the issuance of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5848; Filed, July 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11784; FCC 56-682]

TELEVISION BROADCAST STATIONS (BISHOP, CALIFORNIA)

TABLE OF ASSIGNMENTS

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed by the Inyo Broadcasting Company, Bishop, Califor-

nia, requesting it to amend the Table of assignments in § 3.606 of its rules and regulations to assign either Channel 3, 8, 17, 19 or 23 to Bishop, California.

3. In support of the proposed amendment, petitioner states that there is no channel assigned to this community and therefore it would be in the public interest to assign a channel to enable a station to serve some 6,000 persons now without any television service.

4. Channels 3 and 8 cannot be assigned because to do so would violate the minimum co-channel spacing requirements. Channel 17 cannot be assigned since it would violate the 60 mile spacing required because of oscillator radiation. Channel 19 or 23 can be assigned in accordance with the Commission's rules and regulations.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5849; Filed, July 19, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS) AND THE MILITARY DEPARTMENTS

DELEGATION OF AUTHORITY WITH RESPECT TO FAMILY HOUSING FOR CIVILIAN EMPLOYEES AT MILITARY RESEARCH OR DEVELOPMENT INSTALLATIONS

Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of Reorganization Plan No. 6 of 1953, the authority conferred on the Secretary of Defense by Public Law 574, 84th Congress (70 Stat. 273) is hereby delegated as set forth below:

I. The Assistant Secretary of Defense (Properties and Installations) is delegated the authority to:

1. Review and approve determinations made by the Secretaries of the military departments as to the availability of adequate housing facilities at or near military research or development installations.

2. Review, and after consultation with the Assistant Secretary of Defense (Comptroller), approve the number of family housing units recommended by the military departments for development at such installations under Public Law 574, 84th Congress.

3. Approve the making of guarantees of the Armed Services Housing Mortgage Insurance Fund from loss, as authorized by Public Law 574, 84th Congress.

4. Issue instructions for the guidance of the military departments in taking action necessary to the development of family housing under Public Law 574, 84th Congress.

5. Perform such functions under Public Law 574, 84th Congress as are not otherwise specifically delegated to the Secretaries of the military departments.

II. The Secretary of each military department, or his designee, is hereby delegated the authority to:

1. Determine the availability of adequate housing facilities at or near military research or development installations for essential nontemporary civilians employed by the department or a contractor thereof.

2. On the basis of such determinations, submit recommendations, with appropriate supporting information as required, to the Assistant Secretary of Defense (Properties and Installations) for approval of specific housing programs at military installations, which are therein certified to be research or development installations.

3. Certify to the Commissioner, Federal Housing Administration:

a. That new housing up to the amount approved by the Assistant Secretary of Defense (Properties and Installations) is necessary to provide adequate family housing for such civilian employees and that there is no intention to substantially curtail the number of such civilian employees, and

b. That to the extent required by the Commissioner, Federal Housing Administration, and approved by the Assistant Secretary of Defense (Properties and Installations), the military department will guarantee the Armed Services Housing Mortgage Insurance Fund from loss.

4. Issue to such civilian employees individual certificates of eligibility to occupy such housing.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 56-5831; Filed, July 19, 1956; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[434.25]

EMBROIDERY MACHINES

NOTICE OF PROSPECTIVE CLASSIFICATION

JULY 16, 1956.

It appears probable that a correct interpretation of paragraph 372, Tariff Act of 1930, requires that the Lintz & Eckhardt Model 101 and the Cornely & Cie Model B-5 machines be classified thereunder as embroidery machines at the rate of 15 percent ad valorem which is higher than that heretofore assessed on such articles under an established and uniform practice.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying these machines as sewing machines, not specially provided for, under paragraph 372, Tariff Act of 1930, as modified, with duty at the rate of 10 percent ad valorem is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of these machines which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56-5880; Filed, July 19, 1956; 8:54 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 143]

MILWAUKEE INSURANCE COMPANY OF MILWAUKEE, WIS., AND FIREMEN'S INSURANCE COMPANY OF NEWARK, N. J.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 16, 1956.

The Certificates of Authority issued as of May 1, 1956, to Milwaukee Insurance Company of Milwaukee, Wis., incorporated under the laws of the State of Wisconsin, and Firemen's Insurance Company of Newark, New Jersey, incorporated under the laws of the State of New Jersey, as reinsuring companies only on Federal bonds under Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223, have been revoked effective July 6, 1956, because these companies have now qualified as direct writing companies.

New Certificates of Authority bearing date of July 6, 1956, have been issued these companies under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, authorizing them to act as sole sureties on recognizances, stipulations, bonds and other undertakings permitted or required by the laws of the United States. The underwriting limitation of $2,137,000.00 established for Milwaukee Insurance Company of Milwaukee, Wis., as of May 1, 1956, and the underwriting limitation of $10,331,000.00 established for Firemen's Insurance Company of Newark, New Jersey as of May 1, 1956, will be continued.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5879; Filed, July 19, 1956; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[313784]

CALIFORNIA

ORDER OPENING PUBLIC LANDS RESTORED FROM COLORADO RIVER AND YUMA PROJECTS

JULY 13, 1956.

A departmental order of March 18, 1913, revoked the departmental orders of January 31, 1903, April 2, 1909, April 9, 1909, and April 5, 1910, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), among other lands, the following-described lands in connection with the Colorado River and Yuma Projects, California:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 S., R. 13 E.,
Sec. 34, SE¼.
T. 10 S., R. 14 E.,
Sec. 34, NE¼NW¼.
T. 11 S., R. 14 E.,
Sec. 18, SW¼.
T. 12 S., R. 14 E.,
Sec. 12, NE¼.
T. 11 S., R. 15 E.,
Sec. 34, N½, NE¼SW¼, and SE¼;
Sec. 35, SW¼.
T. 12 S., R. 15 E.,
Sec. 8, NW¼.
T. 13 S., R. 15 E.,
Sec. 22, lot 22, and SE¼SE¼;
Sec. 23, lots 19, 22, and 24;
Sec. 26, lots 2, 4, and 6;
Sec. 27, lots 1 and 3.
T. 13 S., R. 16 E.,
Sec. 5, lots 3, 6, 18, and E½SE¼;
Sec. 6, lots 3 and 4;
Sec. 7, N½NE¼, SW¼NE¼, SE¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, W½SW¼;
Sec. 16, E½W½;
Sec. 17, W½E½, W½;
Sec. 18, E½E½;
Sec. 19, lot 17, E½NE¼, and NE¼SE¼;
Sec. 20, lots 1, 4, 5, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 21, SW¼, and W½SE¼;
Sec. 28, E½NE¼, W½W½, and NE¼SE¼;
Sec. 32, NE¼;
Sec. 34, W½NE¼, NE¼NW¼, and NE¼SE¼.
T. 14 S., R. 16 E.,
Sec. 2, SW¼NW¼, and NW¼SW¼;
Sec. 14, SE¼NW¼, and E½SW¼;
Sec. 23, E½NW¼;
Sec. 31, lots 2, 10, 12, 14, 16, 28, 30, SE¼NE¼, NE¼SE¼.
Tract 59, E½ (in secs. 11 and 14).
Sec. 32, lots 6, 7, 14, and SW¼NW¼.
T. 15 S., R. 16 E.,
Sec. 2, lot 3, SE¼NW¼ and E½SW¼;
Sec. 11, lot 6, and NW¼NE¼;
Sec. 23, W½SE¼;
Sec. 26, E½NE¼;
Sec. 34, lot 14;
Sec. 35, SE¼;
Sec. 36, W½SW¼.
Tract 76, E½ (in secs. 11 and 14).
T. 16 S., R. 16 E.,
Sec. 2, lot 4;
Sec. 24, lot 5;
Sec. 26, lot 18, NE¼SE¼, and SW¼SE¼.
T. 17 S., R. 16 E.,
Sec. 10, lot 13, and NW¼SE¼;
Sec. 11, N½NE¼.
Tract 55 (that portion except lots 2 and 4 in sec. 11).

Most of the lands have been patented or are State school lands. The following lands are restored by this order:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 14 E.,
Sec. 34, NE¼NW¼.
T. 13 S., R. 16 E.,
Sec. 5, lots 3, 6 and 18;
Sec. 9, W½SW¼;
Sec. 34, SW¼NE¼, and NE¼SE¼.
T. 14 S., R. 16 E.,
Sec. 14, SE¼SW¼;
Sec. 23, E½NW¼;
Sec. 31, lot 2;
Sec. 32, lot 6.
T. 17 S., R. 16 E.,
Sec. 10, NW¼SE¼.

The lands are in the northern portion of the Imperial Valley. The soil is poor and crops cannot be grown without the aid of irrigation.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 18, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 17, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 17, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands have been open to location under the United States mining laws, and to applications and offers under the mineral-leasing laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 56-5840; Filed, July 19, 1956; 8:47 a. m.]

Office of the Secretary

CONFEDERATED TRIBES OF SILETZ INDIANS

NOTICE OF FINAL MEMBERSHIP ROLL

Pursuant to the act of August 13, 1954 (68 Stat. 724), there is listed below the final roll of the members of the Confederated Tribes of Siletz Indians.

Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed rolls as published in the FEDERAL REGISTER on August 17, 1955 (20 F. R. 5977).

FRED A. SEATON,
Secretary of the Interior.

JULY 12, 1956.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
1	1	Adams, John V	M		May 10, 1894	3/4	57.3 (a) (1).
2	2	Adams, Russell	M		May 30, 1896	3/4	57.3 (a) (1).
3	3	Adams, Julia Ellen	F		June 11, 1942	3/8	57.3 (a) (1).
4	4	Alecante, Gustie (Evans)	F		Nov. 28, 1898	3/4	57.3 (a) (1).
5	5	Arden, Clayborne	M	S-4	Aug. 17, 1882	Full	57.3 (a) (1).
6	6	Arden, Jessie Louise	F		Nov. 4, 1911	3/8	57.3 (a) (1).
7	7	Arden, Amos B	M		Apr. 14, 1930	1/2	57.3 (a) (1).
8	8	Arden, Steven Douglas	M		July 8, 1954	1/4	57.3 (a) (2), Clayborne Arden.
9	9	Artiago, Jeanette (Delgado)	F		Aug. 2, 1931	3/8	57.3 (a) (1).
10	10	Artiago, Angelina Anna	F		Aug. 8, 1950	3/16	57.3 (a) (2), Jeanette Artiago.
11	11	Artiago, Maurice William	M		Aug. 26, 1951	3/16	57.3 (a) (2), Jeanette Artiago.
12	------	Avery, Letha Louise	F		Sept. 2, 1907	1/8	57.3 (a) (4), Melissa Montgomery.
13	12	Baker, George Jr	M		Nov. 26, 1914	1/2	57.3 (a) (1).
14	13	Baker, Judy Ann	F		Mar. 22, 1944	1/4	57.3 (a) (1).
15	14	Baker, Lloyd	M		Dec. 9, 1916	1/2	57.3 (a) (1).
16	15	Baker, Arlene	F		Feb. 7, 1942	1/4	57.3 (a) (1).
17	16	Baker, Tharold	M		Aug. 20, 1920	1/2	57.3 (a) (1).
18	17	Baker, Gilbert Francis	M		July 24, 1928	1/2	57.3 (a) (1).
19	18	Balza, Allee C. (Menard)	F		May 22, 1918	3/4	57.3 (a) (1).
20	19	Balza, JoAnn Rebecca	F		May 8, 1941	3/8	57.3 (a) (1).
21	20	Bartow, Grace (Walker)	F		May 21, 1892	1/2	57.3 (a) (4), Louisa Ann Walker.
22	21	Bartow, Bert Alnrd	M		Aug. 16, 1922	1/4	57.3 (a) (4), Louisa Ann Walker.
23	22	Bartow, Nancy Lee	F		July 2, 1949	1/8	57.3 (a) (4), Louisa Ann Walker.
24	23	Bartow, Judy Kay	F		Dec. 19, 1951	1/8	57.3 (a) (4), Louisa Ann Walker.
25	24	Bartow, Rebecca Ann	F		Apr. 11, 1954	1/8	57.3 (a) (4), Louisa Ann Walker.
26	25	Battise, Perry	M		July 22, 1893	Full	57.3 (a) (1).
27	26	Battise, William	M		Dec. 8, 1917	Full	57.3 (a) (1).
28	27	Bayya, Lillian (Lawson)	F		Sept. 11, 1922	1/2	57.3 (a) (1).
29	28	Bayya, Robert Lee	M		June 15, 1952	1/4	57.3 (a) (2), Lillian Bayya.
30	29	Belgard, Ernestine (Logsden)	F		May 19, 1933	1/2	57.3 (a) (1).
31	30	Belgard, Ronald Craig	M		June 10, 1951	1/4	57.3 (a) (2), Ernestine Belgard.
32	31	Belgard, Caroline Jean	F		Feb. 26, 1952	1/4	57.3 (a) (2), Ernestine Belgard.
33	32	Belgard, Brenda Dawn	F		Apr. 2, 1954	1/4	57.3 (a) (2), Ernestine Belgard.
34	33	Belgarde, Geraldine Gloria (Strong)	F		Feb. 18, 1929	7/8	57.3 (a) (1).
35	34	Belgarde, Verne Gerald	M		Oct. 25, 1946	7/16	57.3 (a) (1).
36	35	Belgarde, Gary Lynn	M		Aug. 14, 1951	7/16	57.3 (a) (2), Geraldine Belgarde.
37	36	Belgarde, Jacqueline Mae	F		Nov. 27, 1952	7/16	57.3 (a) (2), Geraldine Belgarde.
38	37	Belgarde, Wanda Rae	F		Nov. 25, 1953	7/16	57.3 (a) (2), Geraldine Belgarde.
39	38	Bell, Arthur	M	S-38	June 24, 1888	3/4	57.3 (a) (1).
40	39	Bell, Angeline (Ripplin)	F		Jan. 1, 1900	Full	57.3 (a) (1).
41	40	Bell, Clarice Nadine	F		Apr. 25, 1937	7/8	57.3 (a) (1).
42	41	Bell, Delbert Wayne	M		Aug. 25, 1940	7/8	57.3 (a) (1).
43	42	Bell, Henry Herman	M		May 18, 1922	7/8	57.3 (a) (1).
44	43	Bell, Sina (Thompson)	F		Apr. 19, 1920	3/4	57.3 (a) (1).
45	44	Bell, Agnes Angeline	F		Dec. 22, 1947	3/8	57.3 (a) (1).
46	45	Bell, James Douglas	M		Dec. 17, 1948	3/8	57.3 (a) (1).
47	46	Bell, William Coquille	M		Mar. 10, 1950	3/8	57.3 (a) (2), Sina Bell.
48	47	Bell, Signa Arlene	F		May 21, 1951	3/8	57.3 (a) (2), Sina Bell.
49	48	Bell, Theodore Elliott	M		Aug. 7, 1952	3/8	57.3 (a) (2), Sina Bell.
50	49	Bellinger, Donald	M		Jan. 29, 1924	5/8	57.3 (a) (1).
51	50	Bellinger, Cynthia K	F		June 14, 1948	5/16	57.3 (a) (1).
52	51	Bellinger, Donald Walter	M		Mar. 23, 1947	5/16	57.3 (a) (1).
53	52	Bellinger, Gregory Phillip	M		July 23, 1951	5/16	57.3 (a) (2), Donald Bellinger.
54	53	Ben, Archie	M		May 25, 1900	Full	57.3 (a) (1).
55	54	Ben, Victoria (Butler)	F		Dec. 25, 1912	1/2	57.3 (a) (1).
56	55	Ben, Victoria Marie	F		June 8, 1930	3/4	57.3 (a) (1).
57	57	Ben, Richard Lloyd	M		Aug. 15, 1935	3/4	57.3 (a) (1).
58	58	Ben, Shirley Ann	F		Aug. 1, 1942	3/4	57.3 (a) (1).
59	59	Ben, Raymond Dale	M		May 19, 1947	3/4	57.3 (a) (1).
60	60	Ben, Chester Allen	M		Nov. 19, 1953	3/8	57.3 (a) (2), Victoria Marie Ben.
61	62	Ben, Harrison	M	S-49	Aug. 23, 1894	Full	57.3 (a) (1).
62	61	Ben, Patrick	M		Oct. 20, 1896	Full	57.3 (a) (1).
63	63	Ben, Edmund Archie	M		Dec. 25, 1927	3/4	57.3 (a) (1).
64	64	Ben, Gerald Duane	M		Mar. 4, 1949	3/8	57.3 (a) (1).
65	65	Ben, Rodney Wayne	M		Jan. 2, 1952	3/8	57.3 (a) (2), Edmund Ben.
66	66	Bensell, Edward William	M		Dec. 2, 1911	5/8	57.3 (a) (1).
67	67	Bensell, Arthur Jr	M		Apr. 23, 1909	5/8	57.3 (a) (1).
68	68	Bensell, Ida (Samuels)	F	S-444	Dec. 23, 1878	Full	57.3 (a) (1).
69	69	Bensell, Bert Boyd	M		July 4, 1909	Full	57.3 (a) (1).
70	70	Berry, Agnes (Dowd)	F		Mar. 19, 1915	3/4	57.3 (a) (1).
71	71	Berry, George Jr	M		Dec. 18, 1932	3/8	57.3 (a) (1).
72	72	Berry, Arlene	F		Feb. 4, 1934	3/8	57.3 (a) (1).
73	73	Berry, Wilma	F		Apr. 12, 1940	3/8	57.3 (a) (1).
74	74	Berry, William	M		Feb. 12, 1947	3/8	57.3 (a) (1).
75	75	Berry, Robert	M		Dec. 28, 1948	3/8	57.3 (a) (1).
76	76	Blacketer, Elizabeth	F	S-191	Sept. 1, 1870	Full	57.3 (a) (1).
77	77	Blacketer, Charles	M		Jan. 17, 1904	3/4	57.3 (a) (1).
78	------	Blacketer, Fearn Henry, Jr	M		Nov. 22, 1940	1/4	57.3 (a) (2), Maggie Curl Brady.
79	78	Blacketer, James	M		Feb. 24, 1909	3/4	57.3 (a) (1).
80	79	Blacketer, Kenneth R	M		May 17, 1922	3/8	57.3 (a) (1).
81	80	Blacketer, Illena (Simmons)	F		Oct. 20, 1926	3/8	57.3 (a) (1).
82	81	Blacketer, Kenneth, Jr	M		Jan. 11, 1949	3/8	57.3 (a) (1).
83	82	Blacketer, Raymond James	M		Aug. 16, 1950	3/8	57.3 (a) (2), Kenneth Blacketer.
84	83	Blacketer, Rebecca Joan	F		Apr. 12, 1952	3/8	57.3 (a) (2), Kenneth Blacketer.
85	84	Blacketer, Rena Rose	F		Sept. 5, 1953	3/8	57.3 (a) (2), Kenneth Blacketer.
86	85	Blair, Virgene (Carson)	F		Jan. 11, 1906	7/2	57.3 (a) (1).
87	86	Blair, Patricia Anne	F		Aug. 25, 1936	1/4	57.3 (a) (1).
88	87	Blair, Virgene	F		May 24, 1938	1/4	57.3 (a) (1).
89	88	Blair, Kenneth P	M		Nov. 11, 1939	1/4	57.3 (a) (1).
90	89	Blair, Rachel C	F		July 15, 1941	1/4	57.3 (a) (1).
91	90	Bostwick, Mae (Lawson)	F		Aug. 12, 1916	5/8	57.3 (a) (1).
92	92	Bostwick, Larry Andrew	M		Mar. 14, 1950	5/16	57.3 (a) (2), Mae Bostwick.
93	93	Brayden, Creta (Collins)	F		Dec. 24, 1904	Full	57.3 (a) (1).
94	94	Breon, Bensell Lewis	M		May 22, 1941	1/4	57.3 (a) (1).
95	95	Breon, Rosemary	F		Feb. 13, 1943	1/4	57.3 (a) (1).
96	96	Brewer, Vera Violet (Fry)	F		May 18, 1902	1/2	57.3 (a) (5).
97	------	Brewer, Lloyd Lyle	M		Mar. 4, 1921	1/4	57.3 (a) (5).
98	------	Brewer, Katerl Marie	F		May 12, 1952	1/8	57.3 (n) (4), Katherine Evans.
99	------	Brewer, Lloyd Allen	M		Dec. 12, 1953	1/8	57.3 (a) (4), Katherine Evans.
100	97	Brown, Bennie	M		Apr. 2, 1910	3/4	57.3 (a) (1).
101	98	Brown, Mary Ann (Butler)	F		Sept. 20, 1911	1/2	57.3 (a) (1).
102	99	Brown, Joshley B	M		May 13, 1936	5/8	57.3 (a) (1).
103	100	Brown, Stephen	M		Feb. 1, 1940	5/8	57.3 (a) (1).
104	101	Brown, Vernon	M		Aug. 9, 1941	5/8	57.3 (a) (1).
105	102	Brown, Paul D	M		July 31, 1942	5/8	57.3 (a) (1).
106	103	Brown, Mary Alice	F		May 21, 1944	5/8	57.3 (a) (1).
107	104	Brown, Fay Sandra	F		Nov. 8, 1946	5/8	57.3 (n) (1).
108	105	Brown, Alvin Ivan	M		Oct. 25, 1947	5/8	57.3 (a) (1).
109	106	Brown, Ralph Andrew	M		June 10, 1949	5/8	57.3 (a) (1).

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
110	107	Brown, Daniel	M		Jan. 13, 1951	5/8	57.3 (a) (2), Bennie Brown.
111	108	Brown, Anna Joyce	F		Nov. 25, 1952	5/8	57.3 (a) (2), Bennie Brown.
112	109	Brown, Debora Ruth	F		Nov. 25, 1952	5/8	57.3 (a) (2), Bennie Brown.
113	110	Brown, Ellen (Metcalf)	F		May 15, 1869	Full	57.3 (a) (1).
114	111	Brown, Darlene (Pleard)	F		May 19, 1936	1/2	57.3 (a) (2), Christine Martin.
115	112	Brown, Wilda Jane	F		Oct. 27, 1952	1/4	57.3 (a) (2), Christine Martin.
116	113	Brown, Bonnie May	F		Feb. 4, 1954	1/4	57.3 (a) (2), Christine Martin.
117	114	Brown, Elmo	M		June 24, 1904	1/4	57.3 (a) (1).
118	115	Brown, James	M		Oct. 6, 1902	1/4	57.3 (a) (1).
119	116	Brown, William	M		May 31, 1897	3/4	57.3 (a) (1).
120	117	Butler, Alton Ivan	M		May 22, 1911	1/2	57.3 (a) (1).
121	118	Butler, Edythe L. (Logan)	F		June 11, 1925	1/2	57.3 (a) (1).
122	119	Butler, Elaine Louise	F		Apr. 26, 1950	1/2	57.3 (a) (2), Alton Butler.
123	120	Butler, Alfred Ivan	M		Dec. 8, 1951	1/2	57.3 (a) (2), Alton Butler.
124	121	Butler, Patricia Ann	F		Apr. 2, 1953	1/2	57.3 (a) (2), Alton Butler.
125	122	Butler, Delmer L	M		Jan. 12, 1932	5/8	57.3 (a) (1).
126	123	Butler, Reginald	M		Feb. 14, 1933	5/8	57.3 (a) (1).
127	125	Butler, Ronald	M		Aug. 21, 1938	5/8	57.3 (a) (1).
128	126	Butler, Elouise	F		Mar. 23, 1937	5/8	57.3 (a) (1).
129	127	Butler, Alton Nathaniel	M		July 5, 1930	5/8	57.3 (a) (1).
130	128	Butler, Alton Gussie	M		June 13, 1950	11/16	57.3 (a) (2), Alton N. Butler.
131	129	Butler, Randell Lee	M		May 23, 1951	11/16	57.3 (a) (2), Alton N Butler
132	130	Butler, Gary Nathaniel	M		July 4, 1952	11/16	57.3 (a) (2), Alton N Butler
133	131	Butler, Bruce	M		Feb. 16, 1917	1/2	57.3 (a) (1).
134	132	Butler, Bruce III	M		Nov. 19, 1945	1/2	57.3 (a) (1).
135	133	Butler, Loraine Yvonne	F		Nov. 22, 1948	1/2	57.3 (a) (1).
136	134	Butler, Laverne Joan	F		Apr. 26, 1950	1/2	57.3 (a) (2), Bruce Butler.
137	135	Butler, Lavonne Ilene	F		Aug. 2, 1951	1/2	57.3 (a) (2), Bruce Butler.
138	136	Butler, Arthur Louis	M		Oct. 2, 1953	1/2	57.3 (a) (2), Bruce Butler.
139	137	Butler, Chester	M		Jan. 3, 1926	1/2	57.3 (a) (1).
140	138	Butler, Ethel R. (Case)	F		Nov. 4, 1921	1/2	57.3 (a) (1).
141	139	Butler, Everett	M		June 5, 1922	1/2	57.3 (a) (1).
142	140	Caba, Elinor (John)	F		Apr. 28, 1928	5/8	57.3 (a) (1).
143	141	Caba, Hallie, Jr	M		Nov. 20, 1948	5/16	57.3 (a) (1).
144	142	Caba, Carl Franklin	M		Sept. 26, 1949	5/16	57.3 (a) (1).
145	------	Caba, Arthur Griffin	M		Dec. 14, 1953	5/16	57.3 (a) (2), Elinor Caba.
146	398	Caba, Florine (John)	F		Sept. 24, 1935	5/8	57.3 (a) (1).
147	144	Callahan, Lodi	M		Oct. 15, 1902	Full	57.3 (a) (1).
148	145	Callahan, Henry Andrew	M		Oct. 24, 1942	1/2	57.3 (a) (1).
149	146	Carson, Franklin, Jr	M		Dec. 30, 1911	1/2	57.3 (a) (1).
150	147	Carson, Willard	M		Jan. 13, 1922	1/4	57.3 (a) (1).
151	143	Carson, Glynn	M		Feb. 22, 1928	1/4	57.3 (a) (1).
152	148	Carter, Regina Ann (Campbell)	F		Sept. 24, 1895	1/4	57.3 (a) (1).
153	149	Case, Ada	F		May 31, 1913	1/2	57.3 (a) (1).
154	150	Case, Edward, Jr	M		Mar. 31, 1917	1/2	57.3 (a) (1).
155	152	Case, Clifford Willis	M		Aug. 29, 1934	1/4	57.3 (a) (2), Ida Mae DeMoe.
156	153	Case, Wayne LeRoy	M		Sept. 30, 1935	1/4	57.3 (a) (2), Ida Mae DeMoe.
157	154	Chapman, Ernest	M		June 26, 1906	3/8	57.3 (a) (1).
158	155	Chapman, Fritz	M		Dec. 31, 1922	3/8	57.3 (a) (1).
159	156	Champan, Marie (Logan)	F		July 6, 1939	1/2	57.3 (a) (1).
160	157	Chapman, Barbara Ann	F		July 27, 1946	7/16	57.3 (a) (1).
161	158	Chapman, Carol Jean	F		July 27, 1946	7/16	57.3 (a) (1).
162	159	Chapman, Frederick Abe	M		Aug. 29, 1947	7/16	57.3 (a) (1).
163	160	Chapman, Walter	M		Nov. 9, 1916	3/8	57.3 (a) (1).
164	161	Chapman, Walter Louis	M		May 28, 1941	3/16	57.3 (a) (1).
165	162	Chapman, Wilma Lou	F		July 19, 1944	3/16	57.3 (a) (1).
166	163	Charley, Sarah (Wilbur)	F	S-509	Mar. 25, 1892	Full	57.3 (a) (1).
167	164	Charley, Thomas	M		Nov. 10, 1930	Full	57.3 (a) (1).
168	165	Charley, Lawrence Verne	M		Dec. 25, 1933	Full	57.3 (a) (1).
169	166	Charley, George	M		July 18, 1935	Full	57.3 (a) (1).
170	167	Charley, Marie	F		Mar. 10, 1924	Full	57.3 (a) (1).
171	168	Charley, Franklin LeRoy	M		Feb. 13, 1947	1/2	57.3 (a) (1).
172	169	Charley, Darlene Joyce	F		Dec. 4, 1952	1/2	57.3 (a) (2), Marie Charley.
173	170	Chatterson, Marie Louise (Klamath)	F		Aug. 4, 1932	1/2	57.3 (a) (1).
174	171	Chatterson, Dinne Louise	F		Nov. 18, 1951	1/4	57.3 (a) (2), Marie L. Chatterson.
175	172	Chatterson, Arliss Marie	F		Mar. 9, 1952	1/4	57.3 (a) (2), Marie L. Chatterson.
176	173	Chenois, Edwina (Curl)	F		Dec. 13, 1920	Full	57.3 (a) (1).
177	174	Chenois, Alice Margaret	F		Sept. 16, 1941	1/2	57.3 (a) (2), Edwina Chenois.
178	175	Chenois, Louise Catherine	F		Apr. 28, 1943	1/2	57.3 (a) (2), Edwina Chenois.
179	176	Chenois, Rose Ann	F		Aug. 25, 1944	1/2	57.3 (a) (2), Edwina Chenois.
180	177	Chenois, Edythe Edwin	F		Feb. 10, 1951	1/2	57.3 (a) (2), Edwina Chenois.
181	178	Colby, Rosalie Marie	F		Jan. 1, 1940	1/4	57.3 (a) (1).
182	179	Collins, Ada	F		Oct. 1, 1869	Full	57.3 (a) (1).
183	180	Collins, Edward G	M		June 27, 1921	1/2	57.3 (a) (1).
184	181	Collins, Edell Arliss	F		July 13, 1949	1/4	57.3 (a) (2), Edward Collins.
185	182	Collins, Theresa Rose	F		Aug. 11, 1952	1/4	57.3 (a) (2), Edward Collins.
186	183	Collins, Miller	M	S-101	May 3, 1883	Full	57.3 (a) (1).
187	185	Collins, Maxwell	M		Apr. 16, 1953	1/4	57.3 (a) (2), Phyllis Hobucket.
188	186	Conn, Henry Ellson	M		July 9, 1949	3/8	57.3 (a) (1).
189	187	Cook, Anita (Reed)	F		July 17, 1901	1/2	57.3 (a) (1).
190	189	Cook, James R	M		June 22, 1941	1/4	57.3 (a) (1).
191	190	Countryman, Adella (Menard)	F		June 1, 1863	Full	57.3 (a) (1).
192	191	Courville, Alta (Tom)	F		Jan. 29, 1919	7/8	57.3 (a) (1).
193	192	Courville, Lorraine Ann	F		Oct. 26, 1949	7/16	57.3 (a) (2), Alta Courville.
194	193	Courville, David George	M		June 4, 1954	7/16	57.3 (a) (2), Alta Courville.
195	194	Cresson, Donald R	M		Apr. 1, 1916	1/8	57.3 (a) (2), Cora Prettyman.
196	195	Curl, Henry, Jr	M		July 7, 1914	Full	57.3 (a) (1).
197	196	Curl, Martin Alfred	M		Dec. 5, 1909	Full	57.3 (a) (1).
198	197	Curl, Marletta Lee	F		Dec. 19, 1938	1/2	57.3 (a) (1).
199	198	Curl, Louise Agnes	F		Jan. 23, 1940	1/2	57.3 (a) (1).
200	199	Curl, Ellen Arlene	F		Feb. 27, 1941	1/2	57.3 (a) (1).
201	200	Curl, Martina Agatha	F		Aug. 15, 1942	1/2	57.3 (a) (1).
202	201	Curl, Ida Mae	F		Sept. 8, 1943	1/2	57.3 (a) (1).
203	202	Curl, Betty Jean	F		Oct. 23, 1945	1/2	57.3 (a) (1).
204	205	Curl, Juanita Gertrude	F		Sept. 25, 1952	1/2	57.3 (a) (2), Martin A. Curl.
205	203	Curl, Crystal Fayne	F		July 30, 1952	1/2	57.3 (a) (2), Martin A. Curl.
206	206	Darcy, Maggie (Davis)	F		Jan. 3, 1904	Full	57.3 (a) (1).
207	207	Darcy, Michael	M		June 24, 1943	1/2	57.3 (a) (1).
208	208	Davis, Minnie (Menard)	F		Aug. 8, 1920	3/4	57.3 (a) (1).
209	209	Delgado, Dora (Brown)	F		Oct. 10, 1905	3/4	57.3 (a) (1).
210	210	Delgado, Antonio	M		July 29, 1929	3/8	57.3 (a) (1).
211	211	Delgado, Andrew	M		June 30, 1938	3/8	57.3 (a) (1).
212	212	Delgado, Charlotte	F		Oct. 23, 1941	3/8	57.3 (a) (1).
213	213	Delgado, Dianna	F		Jan. 4, 1944	3/8	57.3 (a) (1).
214	214	Delgado, Vincent A	M		Sept. 3, 1934	3/8	57.3 (a) (1).
215	151	DeMoe, Ida Mae (Case)	F		Feb. 24, 1933	1/4	57.3 (a) (1).
216	219	DePoe, Charles H	M		Mar. 9, 1907	1/2	57.3 (a) (4), Charles DePoe.
217	220	DePoe, Charles Robert	M		Aug. 14, 1937	1/4	57.3 (a) (4), Charles DePoe.
218	221	DePoe, Duana Allen	M		Jan. 30, 1942	1/4	57.3 (a) (4), Charles DePoe.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
219	222	DePoe, William	M		Dec. 24, 1913	1/2	57.3 (a) (4), Charles DePoe.
220	223	Dick, Frederick	M	S-135	Jan. 22, 1892	3/4	57.3 (a) (1).
221	224	Dodds, Genevieve Victoria (Gray)	F		Oct. 18, 1919	3/8	57.3 (a) (1).
222	225	Dodds, Gloria Jean	F		June 16, 1941	3/16	57.3 (a) (2), Genevieve Dodds.
223	226	Dodds, Richard Vernon	M		Jan. 18, 1945	3/16	57.3 (a) (2), Genevieve Dodds.
224	227	Doherty, Agnes (Winkler)	F		Mar. 8, 1905	1/2	57.3 (a) (1).
225	228	Doherty, Garabella	F		Oct. 25, 1928	1/4	57.3 (a) (1).
226	229	Doherty, Robert F	M		Oct. 14, 1932	1/4	57.3 (a) (1).
227	230	Doherty, Edgar	M		Apr. 15, 1930	1/4	57.3 (a) (1).
228	231	Doherty, Patricia Lynn	F		Sept. 12, 1953	1/8	57.3 (a) (2), Edgar Doherty.
229	232	Dowd, Irving M	M		May 13, 1918	5/8	57.3 (a) (1).
230	233	Dowd, Thomas	M		May 13, 1908	5/8	57.3 (a) (1).
231	234	Downey, Everett William	M		July 11, 1923	1/4	57.3 (a) (1).
232	235	Downey, Everett LeRoy	M		Feb. 20, 1940	1/8	57.3 (a) (1).
233	236	Downey, Tim Patrick	M		Feb. 9, 1942	1/8	57.3 (a) (1).
234	237	Downey, Joline Mildred	F		May 28, 1950	1/8	57.3 (a) (2), Everett Downey.
235	238	Downey, Margaret (Harney)	F		Feb. 5, 1901	1/2	57.3 (a) (1).
236	239	Downey, Marvin George	M		Oct. 18, 1926	1/4	57.3 (a) (1).
237	240	Downey, Marna Elizabeth	F		Mar. 6, 1950	1/8	57.3 (a) (2), Marvin Downey.
238	241	Downey, Michael Gene	M		Aug. 11, 1951	1/8	57.3 (a) (2), Marvin Downey.
239	242	Downey, Kay LaVonne	F		June 26, 1952	1/8	57.3 (a) (2), Marvin Downey.
240	243	Downey, May (Adams)	F		Nov. 22, 1899	3/4	57.3 (a) (1).
241	244	Downey, Melvin Richard	M		Dec. 6, 1922	3/8	57.3 (a) (1).
242	245	Downey, Roy, Jr	M		May 4, 1930	3/8	57.3 (a) (1).
243	246	Downey, Peter Jerome	M		July 2, 1934	3/8	57.3 (a) (1).
244	248	Downey, Blanche Darlene	F		Feb. 24, 1937	3/8	57.3 (a) (1).
245	249	Downey, Deanna Lee	F		Dec. 13, 1939	3/8	57.3 (a) (1).
246	250	Downey, Charlotte Ruth	F		Aug. 9, 1940	3/8	57.3 (a) (1).
247	251	Downey, Thomas Charles	M		May 22, 1943	3/8	57.3 (a) (1).
248	252	Downey, Rodney (Lane)	M		1932	1/4	57.3 (a) (1).
249	253	Dugan, Bertha (Hatch)	F		Apr. 13, 1925	5/8	57.3 (a) (1).
250	254	Dugan, Martin	M		Apr. 4, 1949	5/16	57.3 (a) (1).
251	255	Duval, Ronald Lee	M		Oct. 24, 1946	3/16	57.3 (a) (1).
252	256	Duval, Harold LeRoy	M		Jan. 21, 1948	3/16	57.3 (a) (1).
253	257	Easter, Walter Jake	M		June 7, 1932	1/2	57.3 (a) (1).
254	258	Easter, Esther Delores (Bell)	F		Dec. 30, 1931	7/8	57.3 (a) (1).
255	259	Easter, Caroline Louise	F		July 1, 1951	11/16	57.3 (a) (2), Walter Easter.
256	260	Easter, Ralph LeRoy	M		Aug. 13, 1953	11/16	57.3 (a) (2), Walter Easter.
257	261	Easter, Carlene Delores	F		Apr. 19, 1954	11/16	57.3 (a) (2), Walter Easter.
258	894	Edmonds, Iola (Anderson) (Assen)	F		May 4, 1911	3/8	57.3 (a) (1).
259	895	Edmonds, Earl Davis	M		Sept. 4, 1931	3/16	57.3 (a) (1).
260	262	Eggersgluss, Alice B. (McClintock)	F		Sept. 26, 1925	1/4	57.3 (a) (1).
261	263	Eggersgluss, Raymond	M		Oct. 7, 1946	1/8	57.3 (a) (1).
262	264	Eggersgluss, Alice Rachel	F		May 24, 1948	1/8	57.3 (a) (1).
263	265	Eggersgluss, Joanne	F		July 26, 1954	1/8	57.3 (a) (2), Alice Eggersgluss.
264	266	Evans, Gale	M		Feb. 7, 1904	3/4	57.3 (a) (1).
265	269	Ewan, Sherry Lee (deceased May 14, 1955)	F		Oct. 24, 1949	1/8	57.3 (a) (2), Mary Ellen Leuthold.
266	268	Ewan, Andrea Jean (deceased May 14, 1955)	F		Nov. 30, 1947	1/8	57.3 (a) (2), Mary Ellen Leuthold.
267	270	Felix, Edward	M		Sept. 24, 1900	3/4	57.3 (a) (1).
268	271	Felix, Robert Noble	M		May 27, 1935	3/4	57.3 (a) (1).
269	272	Feran, Frances M	F		Apr. 9, 1906	3/8	57.3 (a) (1).
270	273	Fernandez, Carmen (Delgado)	F		July 21, 1927	3/8	57.3 (a) (1).
271	274	Fernandez, Evalina	F		Apr. 17, 1945	3/16	57.3 (a) (1).
272	275	Fernandez, Priscilla Ann	F		Mar. 14, 1946	3/16	57.3 (a) (1).
273	276	Fernandez, Dorothy (Delgado)	F		Sept. 24, 1924	3/8	57.3 (a) (1).
274	245	Fernandez, Delores Schrina (Delgado)	F		Feb. 25, 1944	3/16	57.3 (a) (1).
275	216	Fernandez, Consuelo Dora (Delgado)	F		Aug. 1, 1945	3/16	57.3 (a) (1).
276	217	Fernandez, Richard Antonio (Delgado)	M		Aug. 30, 1946	3/16	57.3 (a) (1).
277	218	Fernandez, Elena Marie (Delgado)	F		July 2, 1947	3/16	57.3 (a) (1).
278	------	Fielder, Aurelia (George)	F		June 2, 1917	3/8	57.3 (a) (4), Donny Flannery.
279	------	Fielder, Kenneth	M		July 12, 1936	3/16	57.3 (a) (4), Donny Flannery.
280	------	Fielder, James	M		Oct. 6, 1939	3/16	57.3 (a) (4), Donny Flannery.
281	------	Fielder, Lillian	F		Oct. 30, 1940	3/16	57.3 (a) (4), Donny Flannery.
282	------	Fielder, Aldona	F		July 14, 1942	3/16	57.3 (a) (4), Donny Flannery.
283	277	Fife, Urla Ann (Edmonds)	F		Oct. 8, 1929	3/16	57.3 (a) (1).
284	278	Fife, Larry Alleg	M		June 17, 1949	5/32	57.3 (a) (5), Urla Ann Fife.
285	279	Fife, Wendy Sue	F		June 20, 1951	3/32	57.3 (a) (5), Urla Ann Fife.
286	280	Fife, Danny Keith	M		Oct. 23, 1953	3/32	57.3 (a) (5), Urla Ann Fife.
287	281	Finley, Marjorie Evangeline (McClay)	F		July 22, 1912	1/4	57.3 (a) (4), Louisa Walker.
288	282	Finley, Robert Joseph	M		Nov. 1, 1947	1/8	57.3 (a) (4), Louisa Walker.
289	283	Fish, Geneva Alice (Williams)	F		Nov. 17, 1928	3/4	57.3 (a) (1).
290	285	Fish, Allan Craig	M		Jan. 14, 1950	3/8	57.3 (a) (2), Geneva Fish.
291	284	Fish, Yvonne Carleen	F		Oct. 15, 1952	3/8	57.3 (a) (2), Geneva Fish.
292	124	Fisher, Loretta Nancy (Butler)	F		Oct. 2, 1934	5/8	57.3 (a) (1).
293	286	Fisher, Mary Agnes (Simmons)	F		Apr. 8, 1929	5/8	57.3 (a) (1).
294	287	Fisher, Daniel Terry	M		Feb. 3, 1948	5/16	57.3 (a) (1).
295	288	Fisher, Rea Pamela	F		Jan. 28, 1949	5/16	57.3 (a) (2), Mary Agnes Fisher.
296	289	Fisher, Chuck Allen	M		Aug. 10, 1950	5/16	57.3 (a) (2), Mary Agnes Fisher.
297	290	Fisher, Frank Bensell	M		June 30, 1953	1/8	57.3 (a) (2), Joan Fisher.
298	826	Fisher, Joan Felicia (Hensell)	F		July 20, 1925	1/4	57.3 (a) (1).
299	291	Fitzpatrick, Charles Fay	M		Feb. 12, 1908	3/8	57.3 (a) (1).
300	863	Flagg, Marcelena (Toni)	F		July 1, 1926	7/8	57.3 (a) (1).
301	292	Flanary, Agnes (Logan)	F		Oct. 19, 1926	5/8	57.3 (a) (1).
302	293	Flanary, Gloria Jean	F		May 28, 1947	5/16	57.3 (a) (1).
303	294	Flanary, Barbara Joan	F		May 5, 1948	5/16	57.3 (a) (1).
304	295	Flanary, Leonard Keith	M		May 27, 1949	5/16	57.3 (a) (1).
305	296	Flanary, Dorothy Maxine	F		Oct. 7, 1950	5/16	57.3 (a) (2), Agnes Flanary.
306	297	Flanary, Linda Louise	F		Oct. 8, 1951	5/16	57.3 (a) (2), Agnes Flanary.
307	298	Fleming, James B	M		May 24, 1923	1/2	57.3 (a) (1).
308	299	Fleming, Roscoe Ramon	M		Mar. 5, 1944	1/4	57.3 (a) (1).
309	300	Fleming, Duane Donald	M		Sept. 17, 1945	1/4	57.3 (a) (1).
310	301	Fleming, Ray Howard	M		Mar. 27, 1947	1/4	57.3 (a) (1).
311	302	Fleming, Janice Carol	F		June 25, 1948	1/4	57.3 (a) (1).
312	303	Flores, Eva (Bathise)	F		Oct. 26, 1921	Full	57.3 (a) (1).
313	304	Flores, James William	M		Feb. 2, 1945	1/2	57.3 (a) (1).
314	305	Flores, Stephen Lee	M		Aug. 17, 1947	1/2	57.3 (a) (1).
315	306	Flores, Orville Dwayne	M		June 5, 1949	1/2	57.3 (a) (1).
316	------	Ford, Raymond E	M		Sept. 30, 1935	1/4	57.3 (a) (4), Coquille Thompson.
317	307	Flores, Lucille Kaye	F		June 17, 1952	1/2	57.3 (a) (2), Eva Flores.
318	308	Freeman, Prudence	F		Feb. 18, 1902	3/8	57.3 (a) (1).
319	309	Freeman, Fred	M		Aug. 10, 1907	3/8	57.3 (a) (1).
320	310	Freeman, Roger Lee	M		May 26, 1927	3/16	57.3 (a) (1).
321	311	Freeman, Allen Gary	M		Mar. 18, 1942	3/16	57.3 (a) (1).
322	312	Fuller, Louis	M	S-173	May 15, 1865	Full	57.3 (a) (1).
323	313	Fuller, Daisy (Collins)	F		Jan. 5, 1899	Full	57.3 (a) (1).
324	314	Fuller, Harry Louis	M		Sept. 15, 1925	Full	57.3 (a) (1).
325	315	Gage, Charles	M		June 27, 1940	3/16	57.3 (a) (2), Ruth Myers.
326	807	Gallemore, Ruth (Umatata) (Watts)	F		Dec. 26, 1902	Full	57.3 (a) (1)

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
327	316	Gardipee, Ethel (Logan)	F	S-326	Mar. 24, 1890	Full	57.3 (a) (1).
328	247	Garrett, Jean (Downey)	F		June 27, 1935	3/8	57.3 (a) (1).
329	317	Girard, Louise C	F		Sept. 20, 1928	1/4	57.3 (a) (1).
330	318	Girard, Margaret Cecelia	F		Apr. 30, 1952	1/8	57.3 (a) (2), Louise Girard.
331	188	Girard, Mary Joyce	F		June 11, 1937	1/8	57.3 (a) (1).
332	319	Girard, Raymond	M		Nov. 1, 1926	1/4	57.3 (a) (1)
333	320	Girard, Bruce	M		July 23, 1930	1/4	57.3 (a) (1).
334	323	Goodell, Vernie (Strong)	F		July 17, 1910	7/8	57.3 (a) (1).
335	326	Goodell, Sandra Doreen	F		Apr. 2, 1951	7/16	57.3 (a) (2), Vernie Goodell.
336	327	Goodell, Lola (Blacketer)	F		Jan. 4, 1912	1/2	57.3 (a) (1).
337	328	Goodell, David, Jr	M		Mar. 24, 1937	1/4	57.3 (a) (1).
338	329	Godfrey, Harriet E. (Hatch)	F		Jan. 3, 1931	5/8	57.3 (a) (1).
339	330	Golsh, Mildred (Griggs)	F		Apr. 13, 1922	1/2	57.3 (a) (1).
340	331	Grabert, Mary Alena (Johnson)	F		Aug. 28, 1920	1/4	57.3 (a) (1).
341	324	Green, Tesabelle D. (Goodell)	F		May 5, 1930	7/16	57.3 (a) (1).
342	------	Green, Abbie (George)	F		Sept. 21, 1923	3/8	57.3 (a) (4), Donny Flannery.
343	------	Green, Lowell Kenny	M		Sept. 5, 1948	3/16	57.3 (a) (4), Donny Flannery.
344	------	Green, William Darell	M		Sept. 4, 1949	3/16	57.3 (a) (4), Donny Flannery.
345	------	Green, Anita Dawn	F		June 22, 1952	3/16	57.3 (a) (4), Donny Flannery.
346	------	Green, Marietta	F		July 12, 1953	3/16	57.3 (a) (4), Donny Flannery.
347	332	Greenwell, Winifred (Battise)	F		Dec. 15, 1923	Full	57.3 (a) (1).
348	333	Greenwell, Jacquelyn Winifred	F		Feb. 7, 1953	1/2	57.3 (a) (2), Winifred Greenwell.
349	322	Griggs, Florence	F		Feb. 5, 1920	1/2	57.3 (a) (1).
350	334	Hall, Dorothy Jean (Adams)	F		May 10, 1929	3/8	57.3 (a) (1).
351	335	Hamilton, Evajene (Kalinsky)	F		July 6, 1925	1/4	57.3 (a) (4), Louisa Walker.
352	336	Hamilton, Fred Randolph	M		Mar. 15, 1954	1/8	57.3 (a) (4), Louisa Walker.
353	337	Hancorne, Jessie (Duncan)	F		Sept. 8, 1939	1/4	57.3 (a) (2), Maggie Curl Brady.
354	338	Harris, George	M		Nov. 24, 1903	Full	57.3 (a) (1).
355	339	Hart, Minnie (Arden)	F		Mar. 12, 1925	1/2	57.3 (a) (1).
356	340	Hart, Ardith June	F		Dec. 17, 1948	1/4	57.3 (a) (1).
357	341	Hart, Clementine (Arden)	F		Apr. 14, 1933	1/2	57.3 (a) (2), Clayborne Arden.
358	342	Hartman, Belle (White)	F	S-480	Aug. 5, 1891	Full	57.3 (a) (1).
359	343	Hatch, Kenneth Martin	M		Oct. 16, 1922	5/8	57.3 (a) (1).
360	344	Hatch, Herbert Hallam	M		Oct. 30, 1952	5/16	57.3 (a) (2), Kenneth Hatch.
361	------	Hatch, David Russell	M		Dec. 12, 1953	5/16	57.3 (a) (2), Kenneth Hatch.
362	345	Hatch, Desela K	F		Sept. 1, 1935	5/8	57.3 (a) (1).
363	346	Hatch, Herbert Curtis	M		Mar. 1, 1928	5/8	57.3 (a) (1).
364	347	Hatch, Judith	F		Dec. 4, 1940	5/8	57.3 (a) (1).
365	348	Hatfield, Florence (Martin)	F		Sept. 12, 1917	3/8	57.3 (a) (1).
366	349	Hatfield, Oscar	M		Sept. 17, 1938	3/16	57.3 (a) (1).
367	350	Hedrick, Phyllis (Doherty)	F		Oct. 18, 1927	1/4	57.3 (a) (1).
368	351	Hedrick, William P	M		Jan. 24, 1949	1/8	57.3 (a) (1).
369	352	Hedrick, Patricia Ann	F		Mar. 28, 1951	1/8	57.3 (a) (2), Phyllis Hedrick.
370	353	Hedrick, Mary Margaret	F		May 3, 1952	1/8	57.3 (a) (2), Phyllis Hedrick.
371	354	Hedrick, Virginia Marie	F		Sept. 9, 1953	1/8	57.3 (a) (2), Phyllis Hedrick.
372	355	Henkle, Grace (Montgomery)	F		Mar. 5, 1875	1/4	57.3 (a) (1).
373	91	Hines, Dennis Paul	M		Oct. 8, 1941	5/16	57.3 (a) (1).
374	353	Hirata, Dolores (Voutrin)	F		May 26, 1936	1/4	57.3 (a) (1).
375	------	Hirata, Michael (deceased Nov. 15, 1954)	M		Aug. 7, 1954	1/8	57.3 (a) (2), Dolores Hirata.
376	357	Hise, Vivian (McIntyre)	F		July 28, 1915	1/2	57.3 (a) (1).
377	184	Hobucket, Phyllis Mae (Collins)	F		Oct. 10, 1936	3/4	57.3 (a) (1).
378	358	Hohenstein, Marion (Baker)	F		Mar. 28, 1913	3/8	57.3 (a) (1).
379	359	Holness, Ila Mae (Downey)	F		May 18, 1927	3/8	57.3 (a) (2), May Adams Downey.
380	360	Holness, Corrine Mae	F		Jan. 21, 1951	3/16	57.3 (a) (2), May Adams Downey.
381	361	Holness, Raymond Sevrine	M		June 29, 1953	3/16	57.3 (a) (2), May Adams Downey.
382	362	Holland, Thelma Minetie (Simmons)	F		Oct. 15, 1928	1/2	57.3 (a) (1).
383	363	Holland, Irene Ann	F		July 2, 1950	1/4	57.3 (a) (2), Thelma Holland.
384	364	Holland, Kathleen Margaret	F		Oct. 8, 1951	1/4	57.3 (a) (2), Thelma Holland.
385	365	Holland, Jeffrey Joseph	M		Dec. 22, 1952	1/4	57.3 (a) (2), Thelma Holland.
386	367	Hoover, Alonzo	M		Feb. 20, 1912	1/4	57.3 (a) (1).
387	368	Hoover, Herbert Leith	M		May 1, 1936	1/8	57.3 (a) (1).
388	369	Hoover, Edward	M		Apr. 27, 1921	1/4	57.3 (a) (1).
389	370	Hoover, Oscar	M		July 13, 1910	1/4	57.3 (a) (1).
390	371	Hoover, Richard	M		Aug. 3, 1914	1/4	57.3 (a) (1).
391	372	Hoover, Susan K	F		June 4, 1949	1/8	57.3 (a) (1).
392	373	Hostler, Fred Franklin	M		Nov. 27, 1927	3/8	57.3 (a) (1).
393	374	Hostler, Frederick Roger	M		Nov. 3, 1949	3/16	57.3 (a) (1), Fred Hostler.
394	375	Hostler, Alfred Emery	M		Jan. 27, 1951	3/16	57.3 (a) (2), Fred Hostler.
395	376	Hostler, Joe	M		Nov. 20, 1920	3/8	57.3 (a) (1).
396	------	Hostler, Sharon Lou	F		Nov. 10, 1946	3/16	57.3 (a) (2), Joseph Hostler.
397	377	Hudson, Gladys (Lane)	F		Dec. 19, 1923	3/8	57.3 (a) (1).
398	887	Hudson, William Paul	M		June 30, 1944	3/16	57.3 (a) (2), Gladys Hudson.
399	888	Hudson, Ronald Lee	M		Nov. 18, 1946	9/16	57.3 (a) (2), Gladys Hudson.
400	889	Hudson, Donald Gene	M		Nov. 18, 1946	9/16	57.3 (a) (2), Gladys Hudson.
401	378	Hudline, Andrea Jane	F		Mar. 18, 1944	1/4	57.3 (a) (1).
402	379	Hutzler, Martha (Case)	F		Oct. 27, 1926	1/2	57.3 (a) (1).
403	380	Irby, Charlotte (Martin)	F		Apr. 30, 1923	7/8	57.3 (a) (1).
404	381	Irby, Ginger	F		Mar. 17, 1948	15/16	57.3 (a) (1).
405	382	Isaacson, Agnes (Harney)	F	S-192	May 15, 1888	Full	57.3 (a) (1).
406	383	Jackson, Joseph	M		Nov. 30, 1900	Full	57.3 (a) (1).
407	384	James, Delores	F		Nov. 22, 1932	1/2	57.3 (a) (1).
408	------	James, Elizabeth	F		May 2, 1949	1/4	57.3 (a) (2), Delores James.
409	------	James, Marlene	F		Jan. 10, 1953	1/4	57.3 (a) (2), Delores James.
410	385	James, Robert	M		Sept. 4, 1934	1/2	57.3 (a) (1).
411	386	James, Clara Estelle	F		Oct. 1, 1937	1/2	57.3 (a) (1).
412	387	James, Julius	M		Feb. 12, 1938	1/2	57.3 (a) (1).
413	737	Jett, Ernestine (Reed)	F		Dec. 22, 1922	1/4	57.3 (a) (2), Elmer Reed.
414	388	John, Clark	M		Jan. 28, 1908	3/4	57.3 (a) (1).
415	389	John, William Clark	M		July 1, 1933	2/8	57.2 (a) (1).
416	390	John, Robert	M		Sept. 20, 1938	3/8	57.3 (a) (1).
417	391	John, Josephine	F		June 10, 1940	3/8	57.3 (a) (1).
418	392	John, Andrew David	M		Mar. 10, 1943	3/8	57.3 (a) (1).
419	393	John, LeRoy	M		June 24, 1945	3/8	57.3 (a) (1).
420	394	John, Elizabeth Jane	F		Oct. 23, 1946	3/8	57.3 (a) (1).
421	395	John, Lindsey Frank	M		Dec. 23, 1948	3/8	57.3 (a) (1).
422	396	John, Griffin	M		Aug. 21, 1906	3/4	57.3 (a) (1).
423	398	John, Foster	M		Feb. 11, 1930	3/8	57.3 (a) (1).
424	399	John, Lindsey	M		July 10, 1910	3/4	57.3 (a) (1).
425	------	Johns, Sharon Carol (Duncan)	F		Jan. 6, 1943	1/4	57.3 (a) (2), Maggie Curl Brady.
426	400	Johnson, Archie	M	S-233	Dec. 28, 1874	Full	57.3 (a) (1).
427	401	Johnson, Martha (Grant)	F		1871	Full	57.3 (a) (1).
428	402	Johnson, Orleana (Montgomery)	F		Nov. 18, 1897	1/4	57.3 (a) (1).
429	403	Johnson, Violet (Smith)	F		Apr. 21, 1912	Full	57.3 (a) (1).
430	404	Johnson, Raymond H	M		May 29, 1932	1/2	57.3 (a) (1).
431	405	Johnson, Louis W	M		July 17, 1933	1/2	57.3 (a) (1).
432	406	Johnson, Alice L	F		Feb. 14, 1937	1/2	57.3 (a) (1).
433	407	Johnson, Douglas M	M		Mar. 4, 1939	1/2	57.3 (a) (1).
434	------	Johnson, Donald Lee	M		May 13, 1937	3/5	57.3 (a) (4), Coquille Thompson.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
435	-------	Johnson, Frank Logan	M	-------	Dec. 10, 1910	Full	57.3 (a) (4), Coquille Thompson.
436	-------	Johnson, John	M	-------	Apr. 18, 1903	Full	57.3 (a) (4), Coquille Thompson.
437	-------	Johnson, Willie	M	-------	Dec. 3, 1905	Full	57.3 (a) (4), Coquille Thompson.
438	409	Jucatan, Anthony	M	-------	Dec. 17, 1945	1/2	57.3 (a) (2), Winifred Greenwell.
439	410	Karnowski, Adelaide (Adams)	F	-------	Feb. 4, 1901	3/4	57.3 (a) (1).
440	411	Kekna, Alfred Joseph, Sr.	M	-------	Apr. 10, 1925	1/2	57.3 (a) (1).
441	412	Kekna, Alfred Joseph, Jr.	M	-------	Oct. 27, 1947	1/4	57.3 (a) (2), Alfred Joseph Kekna, Sr.
442	413	Kentta, Norma (Hellinger)	F	-------	Jan. 23, 1921	3/8	57.3 (a) (1).
443	414	Kentta, Rosalie Grace	F	-------	Oct. 2, 1939	3/16	57.3 (a) (1).
444	415	Kentta, John Victor	M	-------	July 26, 1941	3/16	57.3 (a) (1).
445	416	Kentta, Arlene Rae	F	-------	Mar. 18, 1943	3/16	57.3 (a) (1).
446	417	Kentta, Donald William	M	-------	Dec. 11, 1945	3/16	57.3 (a) (1).
447	418	Kentta, Lydia Mae	F	-------	Oct. 30, 1948	3/16	57.3 (a) (1).
448	419	Kentta, Monte Wayne	M	-------	May 19, 1953	3/16	57.3 (a) (2), Norma Kentta.
449	420	Kentta, Norma Jean	F	-------	July 21, 1954	3/16	57.3 (a) (2), Norma Kentta.
450	421	Kentta, Joan (Downey)	F	-------	Mar. 10, 1932	3/8	57.3 (a) (1).
451	422	Kentta, Henry Lee	M	-------	June 14, 1951	3/16	57.3 (a) (2), Joan Kentta.
452	423	Kitto, Sherry Leola (Towner)	F	-------	Nov. 15, 1938	1/8	57.3 (a) (1).
453	424	Klamath, Lawrence	M	-------	May 1, 1909	Full	57.3 (a) (1).
454	425	Klamath, Walter Lawrence	M	-------	May 18, 1930	1/2	57.3 (a) (1).
455	426	Klamath, Clifton Dale	M	-------	Apr. 15, 1954	1/4	57.3 (a) (2), Lawrence Klamath.
456	427	Klamath, Louis	M	-------	Nov. 5, 1910	Full	57.3 (a) (1).
457	429	Koehler, Henry Richard	M	-------	July 3, 1936	1/4	57.3 (a) (1).
458	430	Koehler, Edmund E	M	-------	Dec. 10, 1938	1/4	57.3 (a) (1).
459	431	Koehler, Jean Shirley	F	-------	Feb. 26, 1941	1/4	57.3 (a) (1).
460	432	Koehler, Henrietta Betty	F	-------	June 25, 1943	1/4	57.3 (a) (1).
461	433	LaChance, Lillian (Dowd)	F	-------	June 5, 1905	1/2	57.3 (a) (1).
462	434	LaChance, Thomas Theodore	M	-------	Sept. 13, 1929	1/4	57.3 (a) (1).
463	435	LaChance, Mathew Eugene	M	-------	June 6, 1930	1/4	57.3 (a) (1).
464	436	LaChance, Richard Melvin	M	-------	Feb. 2, 1935	1/4	57.3 (a) (1).
465	437	Lane, Alfred	M	S-298	July 9, 1890	3/4	57.3 (a) (1).
466	438	Lane, Rosalie	F	-------	Aug. 27, 1938	3/8	57.3 (a) (1).
467	439	Lane, Delores Ann	F	-------	Mar. 29, 1943	3/8	57.3 (a) (1).
468	439½	Lane, Arthur H	M	-------	Feb. 22, 1928	3/8	57.3 (a) (1).
469	440	Lane, Debra Ann	F	-------	Nov. 10, 1952	3/16	57.3 (a) (2), Arthur Lane.
470	441	Lane, Arthur Harry, Jr.	M	-------	Oct. 28, 1953	3/16	57.3 (a) (2), Arthur Lane.
471	442	Lane, Alfred, Jr.	M	-------	Mar. 30, 1926	3/8	57.3 (a) (1).
472	443	Lane, Christy Lynn	F	-------	Jan. 24, 1940	3/16	57.3 (a) (1).
473	444	Lane, Alena Lee	F	-------	May 24, 1950	3/16	57.3 (a) (2), Alfred Lane, Jr.
474	445	Lane, Donna Lou	F	-------	June 24, 1954	3/16	57.3 (a) (2), Alfred Lane, Jr.
475	446	Lane, Archie	M	-------	1896	3/4	57.3 (a) (1).
476	447	Lane, James	M	-------	Sept. 4, 1906	3/4	57.3 (a) (1).
477	448	Lane, Marjorie (Martin)	F	-------	Feb. 12, 1916	3/4	57.3 (a) (1).
478	449	Lane, Ernestine	F	-------	Jan. 7, 1935	3/4	57.3 (a) (1).
479	450	Lane, Dennis	M	-------	Dec. 14, 1940	3/4	57.3 (a) (1).
480	451	Lane, Jean Irby	F	-------	Sept. 21, 1949	3/8	57.3 (a) (2), Charlotte Martin Irby.
481	452	Lane, Joseph Harry	M	-------	Mar. 28, 1921	3/8	57.3 (a) (1).
482	453	Lane, Charles Raymond	M	-------	Oct. 2, 1942	3/16	57.3 (a) (1).
483	454	Lane, Joseph Harry, Jr.	M	-------	Aug. 24, 1944	3/16	57.3 (a) (1).
484	455	Lane, Linda Lou	F	-------	Feb. 3, 1948	3/16	57.3 (a) (1).
485	456	Lane, Nellie	F	-------	Oct. 4, 1909	3/4	57.3 (a) (1).
486	457	Lane, Scott	M	-------	Feb. 19, 1902	3/4	57.3 (a) (1).
487	458	Lane, David LeRoy	M	-------	July 24, 1926	3/8	57.3 (a) (1).
488	459	Lane, Minnie Rose	F	-------	Nov. 9, 1939	3/8	57.3 (a) (1).
489	460	Lane, Clayton Frank	M	-------	Feb. 9, 1942	3/8	57.3 (a) (1).
490	461	Lane, Naomi Virginia	F	-------	July 23, 1945	3/8	57.3 (a) (1).
491	462	Lane, Gerald Andrew	M	-------	Apr. 14, 1948	3/8	57.3 (a) (1).
492	463	Lane, Gertrude Esther	F	-------	Apr. 25, 1950	3/8	57.3 (a) (2), Scott Lane.
493	464	Lane, William Scotty	M	-------	Feb. 17, 1924	3/8	57.3 (a) (1).
494	465	Lane, Martha (Downey)	F	-------	Aug. 12, 1928	3/8	57.3 (a) (1).
495	466	Lane, Janice Yvonne	F	-------	May 24, 1947	3/8	57.3 (a) (1).
496	467	Lane, Pamela Jean	F	-------	Sept. 5, 1948	3/8	57.3 (a) (1).
497	468	Lane, William Alfred	M	-------	Jan. 2, 1951	3/8	57.3 (a) (2).
498	469	Lane, Nancy Lee	F	-------	Mar. 11, 1953	3/8	57.3 (a) (2), Wm. Scotty Lane.
499	470	Lanegan, Joseph K	M	-------	Mar. 11, 1923	1/4	57.3 (a) (1).
500	471	Lanegan, Elaine Adele	F	-------	Oct. 20, 1950	1/8	57.3 (a) (2), Joseph Lanegan.
501	472	Lanegan, Howard	M	-------	Apr. 20, 1930	1/4	57.3 (a) (1).
502	473	Larson, Victor	M	-------	June 18, 1910	1/2	57.3 (a) (1).
503	474	Larsen, Raymond L	M	-------	Mar. 26, 1919	1/2	57.3 (a) (1).
504	475	Larsen, Kenneth Lee	M	-------	Apr. 11, 1942	1/4	57.3 (a) (1).
505	476	Larsen, Franklin W	M	-------	Sept. 9, 1944	1/4	57.3 (a) (1).
506	477	Larsen, Sandra May	F	-------	Apr. 6, 1946	1/4	57.3 (a) (1).
507	478	Larsen, Lorene M	F	-------	Aug. 20, 1949	1/4	57.3 (a) (1).
508	479	Larsen, Charles Raymond	M	-------	Nov. 13, 1952	1/4	57.3 (a) (2), Raymond Larsen.
509	480	Larsen, George Allen	M	-------	Apr. 14, 1954	1/4	57.3 (a) (2), Raymond Larsen.
510	481	Lawson, Harry	M	-------	Jan. 17, 1915	1/2	57.3 (a) (1).
511	482	Lawson, Judy Kay	F	-------	July 7, 1942	1/4	57.3 (a) (1).
512	483	Lawson, Lana Rae	F	-------	Oct. 16, 1945	1/4	57.3 (a) (1).
513	484	Lawson, Donna Fay	F	-------	June 17, 1949	1/4	57.3 (a) (1).
514	485	Lawson, Lavina Lou	F	-------	Mar. 27, 1954	1/4	57.3 (a) (2), Harry Lawson.
515	486	Lawson, Manuel	M	-------	Aug. 12, 1917	1/2	57.3 (a) (1).
516	487	Lawson, Clara (Charley)	F	-------	Jan. 31, 1926	Full	57.3 (a) (1).
517	488	Lawson, Sidney	M	-------	Dec. 26, 1925	1/2	57.3 (a) (1).
518	489	Leach, Allee (Walker)	F	-------	Feb. 27, 1904	1/2	57.3 (a) (4), Louisa Walker.
519	490	Leach, Mary Allee	F	-------	Apr. 15, 1950	1/8	57.3 (a) (4), Louisa Walker.
520	491	Lee, Josephine (Wilkerson)	F	-------	June 4, 1927	3/8	57.3 (a) (1).
521	492	Lee, Larry Leonard	M	-------	Dec. 14, 1948	3/16	57.3 (a) (2), Josephine Lee.
522	493	Lee, Rosena Marvina	F	-------	Mar. 29, 1951	3/16	57.3 (a) (2), Josephine Lee.
523	494	Lee, Charles LeRoy	M	-------	Mar. 1, 1952	3/16	57.3 (a) (2), Josephine Lee.
524	495	Lee, Marsilda Marie	F	-------	May 3, 1953	3/16	57.3 (a) (2), Josephine Lee.
525	496	Lee, Patricia Ann	F	-------	Aug. 1, 1954	3/16	57.3 (a) (2), Josephine Lee.
526	267	Leuthold, Mary Ellen (Ewan) (Downey)	F	-------	July 24, 1928	3/8	57.3 (a) (1).
527	499	Littleton, Earl Clark	M	-------	Apr. 9, 1953	3/16	57.3 (a) (2), Guylene Mae John.
528	500	Logan, Abeson	M	-------	Feb. 13, 1902	Full	57.3 (a) (1).
529	501	Logan, Elmer	M	-------	Apr. 21, 1907	Full	57.3 (a) (1).
530	502	Logan, Kenneth R	M	-------	Dec. 18, 1939	1/2	57.3 (a) (1).
531	503	Logan, Donna L	F	-------	Apr. 9, 1939	1/2	57.3 (a) (1).
532	504	Logan, Lena Mary	F	-------	Jan. 30, 1941	1/2	57.3 (a) (1).
533	505	Logan, Claudia Louise	F	-------	Nov. 12, 1943	1/2	57.3 (a) (1).
534	506	Logan, Leonard LeRoy	M	-------	June 12, 1945	1/2	57.3 (a) (1).
535	507	Logan, Elmer, Louis	M	-------	Jan. 3, 1949	1/2	57.3 (a) (1).
536	508	Logan, Nelda Lee	F	-------	Apr. 1, 1953	1/2	57.3 (a) (2), Elmer Logan.
537	509	Logan, James	M	-------	June 11, 1896	Full	57.3 (a) (1).
538	510	Logan, James, Jr.	M	-------	Nov. 17, 1917	Full	57.3 (a) (1).
539	511	Logan, Serena	F	-------	Mar. 20, 1939	1/2	57.3 (a) (1).
540	512	Logan, John	M	-------	June 10, 1899	Full	57.3 (a) (1).
541	513	Logan, Eleanor Lilly	F	-------	Sept. 23, 1945	1/2	57.3 (a) (1).
542	514	Logan, John, Jr.	M	-------	Dec. 17, 1946	1/2	57.3 (a) (1).

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
543	515	Logan, Arlene Frances	F	-------	May 17, 1948	1/2	57.3 (a) (1).
544	516	Logan, Larky Pengra	M	-------	Nov. 21, 1923	1/2	57.3 (a) (1).
545	517	Logan, Patricia Bernice	F	-------	Apr. 25, 1947	1/4	57.3 (a) (1).
546	518	Logan, Larky Charles	M	-------	Nov. 18, 1948	1/4	57.3 (a) (1).
547	519	Logan, Frankie Carl	M	-------	Nov. 18, 1948	1/4	57.3 (a) (1).
548	520	Logan, Kendall John	M	-------	Apr. 19, 1953	1/4	57.3 (a) (2), Larky Logan.
549	521	Logan, Cherine	F	-------	July 23, 1940	1/2	57.3 (a) (2), James Logan, Sr.
550	522	Logan, Larry	M	-------	July 23, 1940	1/2	57.3 (a) (2), James Logan, Sr.
551	523	Logsden, Carl	M	S-320	June 8, 1892	Full	57.3 (a) (1).
552	524	Logsden, John Arnold	M	-------	Apr. 4, 1921	1/2	57.3 (a) (1).
553	816	Logsden, Janice Elaine (Voutrin)	F	-------	Oct. 20, 1938	3/8	57.3 (a) (1).
554	525	Logsden, Theodore	M	-------	Feb. 7, 1936	1/2	57.3 (a) (1).
555	526	Lundy, Margaret (Darcy)	F	-------	Mar. 3, 1926	1/2	57.3 (a) (1).
556	527	Lundy, Daniel Everett	M	-------	July 23, 1950	1/4	57.3 (a) (2), Margaret Lundy.
557	528	Lundy, Dale Rodney	M	-------	Nov. 16, 1951	1/4	57.3 (a) (2), Margaret Lundy.
558	529	Lundy, Carlotta Ann	F	-------	Dec. 18, 1953	1/4	57.3 (a) (2), Margaret Lundy.
559	530	Mann, Lavina (Wilbur)	F	-------	July 3, 1894	Full	57.3 (a) (4), Mary Wilbur.
560	-------	Marks, Violet Johnson	F	-------	Dec 30, 1915	1/2	57.3 (a) (4), Coquille Thompson.
561	-------	Marks, Gail Agnes	F	-------	July 31, 1938	1/4	57.3 (a) (4), Coquille Thompson.
562	531	Martin, Antoine	M	-------	Apr. 30, 1919	1/2	57.3 (a) (1).
563	532	Martin, Agnes E. (Baker)	F	-------	Sept. 11, 1924	1/4	57.3 (a) (1).
564	533	Martin, Nadine Antonette	F	-------	May 30, 1950	3/8	57.3 (a) (2), Agnes Martin.
565	534	Martin, Antone Frederick	M	-------	Oct. 28, 1951	3/8	57.3 (a) (2), Agnes Martin.
566	515	Martin, Lorna Beth (Washington)	F	-------	July 18, 1934	5/8	57.3 (a) (1).
567	536	Martin, Joseph Clayton	M	-------	June 12, 1953	5/16	57.3 (a) (2), Lorna Beth Martin.
568	537	Martin, Christine (Selsic)	F	-------	Jan. 15, 1892	3/4	57.3 (a) (1).
569	538	Martin, Ernest	M	-------	July 7, 1937	1/2	57.3 (a) (1).
570	539	Martin, Virgil	M	-------	Nov. 29, 1940	1/2	57.3 (a) (1).
571	540	Martin, Wilbur, Jr.	M	-------	Jan. 26, 1931	1/2	57.3 (a) (1).
572	925	Martin, Roberta (Goodell)	F	-------	July 4, 1932	7/16	57.3 (a) (1).
573	541	Martin, Michele Renee	F	-------	Apr. 13, 1953	15/32	57.3 (a) (2), Wilbur Martin, Jr.
574	542	Martin, David	M	-------	May 10, 1911	Full	57.3 (a) (1).
575	543	Martin, Rose Catherine (Bell)	F	-------	May 16, 1917	7/8	57.3 (a) (1).
576	544	Martin, Linda McGee	F	-------	Nov. 26, 1946	15/16	57.3 (a) (1).
577	545	Martin, Dean Darrel	M	-------	Apr. 8, 1942	1/4	57.3 (a) (1).
578	546	Martin, Kristi Lynn	F	-------	Mar. 26, 1950	1/4	57.3 (a) (2), Ellen Martin.
579	547	Martin, Victorine (Simmons)	F	-------	June 19, 1930	1/2	57.3 (a) (1).
580	548	Martin, Andrea May	F	-------	Nov. 2, 1953	1/4	57.3 (a) (2), Victorine Martin.
581	549	Marzan, Mary M. (Ribatos)	F	-------	Feb. 9, 1927	1/4	57.3 (a) (1).
582	668	Marzan, Benito Mariano	M	-------	Nov. 25, 1947	1/8	57.3 (a) (1).
583	550	Marzan, Juan Francisco	M	-------	Apr. 13, 1950	1/8	57.3 (a) (2), Mary Marzan.
584	551	Marzan, Robert Anthony	M	-------	Apr. 21, 1952	1/8	57.3 (a) (2), Mary Marzan.
585	552	Mason, Madge (Darcy)	F	-------	Feb. 11, 1923	1/2	57.3 (a) (2), Maggie Darcy.
586	553	Mason, Terrence M	M	-------	June 30, 1945	1/4	57.3 (a) (1).
587	554	Mason, Howard Paul	M	-------	Oct. 9, 1947	1/4	57.3 (a) (1).
588	555	Mason, Sharon Lee	F	-------	Aug. 14, 1948	1/4	57.3 (a) (1).
589	556	Mason, Todd Walter	M	-------	Jan. 3, 1950	1/4	57.3 (a) (2), Madge Mason.
590	557	Mason, Tim Duane	M	-------	Jan. 13, 1951	1/4	57.3 (a) (2), Madge Mason.
591	558	Mason, Ted Spencer	M	-------	June 18, 1952	1/4	57.3 (a) (2), Madge Mason.
592	-------	Mason, Pamela Jo	F	-------	Aug. 2, 1953	1/4	57.3 (a) (2), Madge Mason.
593	559	McClay, Charles David	M	-------	July 13, 1917	1/4	57.3 (a) (4), Louisa Walker.
594	560	McClay, Merl Jane	F	-------	May 4, 1944	1/8	57.3 (a) (4), Louisa Walker.
595	561	McClay, David Charles	M	-------	May 21, 1948	1/8	57.3 (a) (4), Louisa Walker.
596	562	McClintock, Earl L	M	-------	May 6, 1927	1/4	57.3 (a) (1).
597	563	McClintock, Allen Eugene	M	-------	June 2, 1935	1/4	57.3 (a) (1).
598	564	McClintock, Freddie Lamont	M	-------	Sept. 23, 1951	1/8	57.3 (a) (2), Earl McClintock.
599	565	McClintock, Orpha Mae	F	-------	June 25, 1953	1/8	57.3 (a) (2), Earl McClintock.
600	566	McClintock, James	M	-------	Feb. 13, 1920	1/4	57.3 (a) (1).
601	567	McCoy, Joseph Lincoln	M	-------	Sept. 29, 1929	Full	57.3 (a) (1).
602	568	McCormick, James Henry	M	-------	May 8, 1947	5/16	57.3 (a) (1).
603	569	McGee, Naomi	F	-------	Dec. 12, 1945	3/16	57.3 (a) (1).
604	574	McKenny, Alice (Briggs)	F	-------	Aug. 4, 1908	1/2	57.3 (a) (1).
605	575	McKenny, Michelle Regina	F	-------	Apr. 7, 1941	1/4	57.3 (a) (1).
606	570	McQuire, Esther Annabelle (Simmons)	F	-------	Apr. 8, 1925	1/2	57.3 (a) (1).
607	571	McQuire, Sherryl Lee	F	-------	Jan. 2, 1946	1/4	57.3 (a) (1).
608	572	McQuire, Marvin Lewis	M	-------	Sept. 28, 1947	1/4	57.3 (a) (1).
609	573	McQuire, Verdene Myrtle	F	-------	Sept. 18, 1950	1/4	57.3 (a) (2), Annabelle McQuire.
610	576	Metcalf, Willard	M	-------	July 29, 1914	3/4	57.3 (a) (1).
611	577	Metcalf, Clara (Towner)	F	-------	June 23, 1928	3/4	57.3 (a) (1).
612	578	Metcalf, Willard, Jr.	M	-------	Aug. 18, 1946	3/4	57.3 (a) (1).
613	579	Metcalf, Sharon Lea	F	-------	Sept. 25, 1949	3/4	57.3 (a) (1).
614	580	Metcalf, Ellen Louise	F	-------	Feb. 16, 1951	3/4	57.3 (a) (2), Clara Metcalf.
615	581	Metcalf, Leon Earl	M	-------	Aug. 12, 1953	3/4	57.3 (a) (2), Clara Metcalf.
616	582	Miles, Juanita (Larsen)	F	-------	Aug. 4, 1914	1/2	57.3 (a) (1).
617	583	Miles, Charles	M	-------	Apr. 23, 1932	1/4	57.3 (a) (1).
618	584	Miles, Juanita	F	-------	Sept. 27, 1934	1/4	57.3 (a) (1).
619	585	Miles, Winifred	F	-------	June 3, 1937	1/4	57.3 (a) (1).
620	586	Miles, Roberta	F	-------	Aug. 13, 1938	1/4	57.3 (a) (1).
621	587	Miller, Eileen (Fitzpatrick)	F	-------	Feb. 14, 1916	1/2	57.3 (a) (1).
622	588	Miller, Robert Leland	M	-------	Nov. 25, 1929	1/4	57.3 (a) (1).
623	589	Miller, Mary (Lawson)	F	-------	Aug. 28, 1912	1/2	57.3 (a) (1).
624	590	Montgomery, Edward C. (deceased Feb. 22, 1955)	M	-------	Nov. 24, 1877	1/4	57.3 (a) (1).
625	591	Montgomery, Robert	M	-------	Nov. 25, 1929	1/8	57.3 (a) (2), Edward Montgomery.
626	592	Montgomery, Fred	M	-------	Mar. 20, 1887	1/4	57.3 (a) (1).
627	593	Montgomery, Herman	M	-------	July 8, 1894	1/4	57.3 (a) (1).
628	594	Moody, Genevieve (McClintock)	F	-------	Dec. 13, 1921	1/4	57.3 (a) (1).
629	595	Moody, Charles Edward	M	-------	Oct. 13, 1951	1/8	57.3 (a) (1), Genevieve Moody.
630	596	Moody, Lawrence William	M	-------	Feb. 27, 1953	1/8	57.3 (a) (1), Genevieve Moody.
631	597	Moore, Elizabeth (Adams)	F	-------	1899	1/2	57.3 (a) (1).
632	598	Mortenson, Marjorie (Menard)	F	-------	Mar. 28, 1923	1/2	57.3 (a) (1).
633	599	Mortenson, Ronald Verden	M	-------	Oct. 20, 1944	1/4	57.3 (a) (1).
634	600	Mortenson, Sharon E	F	-------	Jan. 10, 1946	1/4	57.3 (a) (1).
635	601	Mortenson, Ellery Peter	M	-------	June 22, 1948	1/4	57.3 (a) (1).
636	602	Mortenson, Arnold	M	-------	July 19, 1951	1/4	57.3 (a) (2), Marjorie Mortenson.
637	603	Mortenson, Arthur	M	-------	July 19, 1951	1/4	57.3 (a) (2), Marjorie Mortenson.
638	604	Mortenson, Kathy Adele	F	-------	Aug. 30, 1952	1/4	57.3 (a) (2), Marjorie Mortenson.
639	605	Muschamp, Gladys (Bensell)	F	-------	Sept. 1, 1914	Full	57.3 (a) (1).
640	606	Muschamp, George	M	-------	June 8, 1948	1/2	57.3 (a) (1).
641	607	Muschamp, Jack Charles	M	-------	Feb. 23, 1950	1/2	57.3 (a) (2), Gladys Muschamp.
642	745	Muney, Mary Alice (Bensell)	F	-------	July 22, 1907	5/8	57.3 (a) (1).
643	609	Myers, Ruth (deceased Apr. 22, 1955) (Chapman)	F	-------	1911	3/8	57.3 (a) (1).
644	321	Myrland, Geraldine (Girard)	F	-------	July 11, 1933	1/4	57.3 (a) (1).
645	608	Newberry, George	M	S-359	1881	1/2	57.3 (a) (1).
646	611	Offield, Celia (Clay)	F	S-89	Dec. 27, 1888	3/4	57.3 (a) (1).
647	612	Oleman, Pauline (Bell)	F	-------	Nov. 19, 1929	7/8	57.3 (a) (1).
648	613	Olson, Ada Nancy (Service)	F	-------	Oct. 30, 1923	1/4	57.3 (a) (1).
649	614	Olson, Ole Willard	M	-------	Nov. 26, 1952	1/8	57.3 (a) (2), Ada Nancy Olson.
650	615	Olson, Ada Nancy Lee	F	-------	Feb. 5, 1954	1/8	57.3 (a) (2), Ada Nancy Olson.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
651	616	Orton, Clarence	M		Mar. 16, 1911	3/4	57.3 (a) (1).
652	617	Orton, Charles James	M		Dec. 6, 1909	3/4	57.3 (a) (1).
653	618	Orton, Nellie (Metcalf)	F		Mar. 6, 1913	7/4	57.3 (a) (1).
654	619	Orton, Willa Roberta	F		Nov. 26, 1937	3/4	57.3 (a) (1).
655	620	Orton, Charles William	M		Sept. 14, 1941	3/4	57.3 (a) (1).
656	621	Orton, Lawrence	M		Dec. 6, 1906	3/4	57.3 (a) (1).
657	622	Orton, Daniel	M		June 16, 1902	3/4	57.3 (a) (1).
658	623	Orton, Kathleen D	F		Oct. 8, 1941	3/8	57.3 (a) (1).
659	624	Orton, Wolverton	M	S-362	Oct. 23, 1874	Full	57.3 (a) (1).
660	625	Pacleb, Domingo, Jr	M		June 1, 1949	1/2	57.3 (a) (1).
661	626	Pacleb, Diana Hattise	F		Mar. 29, 1951	1/2	57.3 (a) (2), Winifred Greenwell.
662	627	Paine, Linda Livera (Ben)	F		Nov. 23, 1917	Full	57.3 (a) (1).
663	628	Peterson, Pauline Jean (Lane)	F		May 27, 1934	3/8	57.3 (a) (1).
664	629	Pond, Alfred T. (deceased May 21, 1955)	M		Sept. 30, 1917	3/8	57.3 (a) (1).
665	630	Pond, Clayton	M		Aug. 20, 1920	3/8	57.3 (a) (1).
666	631	Pond, Patricia Carol	F		Dec. 25, 1951	3/16	57.3 (a) (2), Clayton Pond.
667	632	Pond, Mary Jeanne	F		Jan. 14, 1953	3/16	57.3 (a) (2), Clayton Pond.
668	633	Prettyman, Cora (Montgomery)	F		Apr. 1, 1897	1/4	57.3 (a) (1).
669	634	Pullam, Florine (Darcy)	F		May 27, 1927	1/2	57.3 (a) (2), Madge Darcy Mason.
670	635	Pullam, Marge Elaine	F		Aug. 8, 1951	1/4	57.3 (a) (2), Madge Darcy Mason.
671	636	Pullam, Patrick Lynn	M		June 3, 1953	1/4	57.3 (a) (2), Madge Darcy Mason.
672	637	Pyle, Arneva (Orton)	F		Sept. 9, 1935	3/4	57.3 (a) (1).
673	638	Pyle, James Darwin	M		May 16, 1951	3/8	57.3 (a) (2), Arneva Pyle.
674	639	Pyle, Debra Jean	F		Mar. 21, 1953	3/8	57.3 (a) (2), Arneva Pyle.
675	640	Rabinsky, Genevieve	F		Aug. 15, 1923	1/8	57.3 (a) (4), Louisa Walker.
676	641	Rabinsky, Margaret Jane	F		June 15, 1935	1/8	57.3 (a) (4), Louisa Walker.
677	642	Reed, Albert A	M		Feb. 16, 1925	1/4	57.3 (a) (1).
678	643	Reed, Albert Elmer	M		Feb. 16, 1949	1/8	57.3 (a) (2), Albert A. Reed.
679	644	Reed, Esther Marie	F		Oct. 25, 1950	1/8	57.3 (a) (2), Albert A. Reed.
680	645	Reed, Tony	M		Aug. 12, 1895	1/4	57.3 (a) (1).
681	646	Reed, Kenneth	M		Sept. 25, 1928	1/8	57.3 (a) (1).
682	647	Reed, Robert	M		June 13, 1931	1/8	57.3 (a) (1).
683	648	Reed, Donald	M		Feb. 4, 1933	1/8	57.3 (a) (1).
684	649	Reynolds, Ida Marie (Downey)	F		May 26, 1924	1/4	57.3 (a) (1).
685	650	Reynolds, Guylene Marie	F		Mar. 25, 1947	1/8	57.3 (a) (2), Ida Marie Reynolds.
686	651	Reynolds, Harry Dunyne	M		Aug. 24, 1950	1/8	57.3 (a) (2), Ida Marie Reynolds.
687	652	Reynolds, Marjorie Kay	F		Oct. 14, 1951	1/8	57.3 (a) (2), Ida Marie Reynolds.
688	653	Ricketts, Rose Mary (Lawson)	F		July 28, 1927	1/2	57.3 (a) (1).
689	654	Ricketts, Cathleen Rose	F		Dec. 22, 1948	1/4	57.3 (a) (2), Rose Mary Ricketts.
690	655	Ricketts, Shelly Mae	F		Sept. 25, 1950	1/4	57.3 (a) (2), Rose Mary Ricketts.
691	656	Ricketts, Jana Sue	F		Apr. 1, 1952	1/4	57.3 (a) (2), Rose Mary Ricketts.
692	781	Riding In, Doris A. (Tom)	F		Apr. 21, 1933	1/2	57.3 (a) (1).
693	657	Rilatos, Edward	M		Mar. 1, 1925	1/4	57.3 (a) (1).
694	658	Rilatos, Gloria Ann	F		Mar. 17, 1944	1/8	57.3 (a) (1).
695	659	Rilatos, Elaine Pearl	F		Mar. 12, 1947	1/8	57.3 (a) (1).
696	660	Rilatos, Edward Rizal	M		Oct. 7, 1948	1/8	57.3 (a) (1).
697	661	Rilatos, Donald Leslie	M		Sept. 4, 1952	1/8	57.3 (a) (2), Edward Rilatos.
698	662	Rilatos, Emanual	M		Sept. 13, 1923	1/4	57.3 (a) (1).
699	663	Rilatos, Richard Wayne	M		Aug. 27, 1947	1/8	57.3 (a) (1).
700	664	Rilatos, David Carl	M		Aug. 20, 1950	1/8	57.3 (a) (2), Emanual Rilatos.
701	665	Rilatos, Phillip Monroe	M		Aug. 24, 1951	1/8	57.3 (a) (2), Emanual Rilatos.
702	666	Rilatos, Manuel Francisco	M		Apr. 20, 1942	1/8	57.3 (a) (1).
703	667	Rilatos, Susan Darlene	F		Jan. 21, 1944	1/8	57.3 (a) (1).
704	669	Rilatos, Daniel Ezra	M		Mar. 23, 1944	1/8	57.3 (a) (1).
705	670	Rilatos, Pearl (Simmons)	F		Oct. 9, 1905	1/2	57.3 (a) (1).
706	671	Rilatos, David Louis	M		Mar. 9, 1929	1/4	57.3 (a) (1).
707	672	Rilatos, Phillip Walter	M		Apr. 13, 1935	1/4	57.3 (a) (1).
708	673	Rilatos, Robert Paul	M		Nov. 24, 1932	1/8	57.3 (a) (1).
709	56	Rilatos, Maxine (Ben)	F		July 8, 1932	3/4	57.3 (a) (1).
710	674	Rilatos, Marlene Roberta	F		Apr. 2, 1953	7/16	57.3 (a) (2), Maxine Rilatos.
711	675	Rilatos, Katherine Jane	F		May 7, 1954	7/16	57.3 (a) (2), Maxine Rilatos.
712	677	Rippin, Isaac	M		Dec. 18, 1880	Full	57.3 (a) (1).
713	678	Robertson, Ellen Marie (Martin)	F		Nov. 27, 1928	7/8	57.3 (a) (1).
714	679	Robertson, Shelley Marie	F		May 18, 1954	7/16	57.3 (a) (2), Ellen Marie Robertson.
715	680	Rolfson, Eleanor (Logan)	F		Feb. 12, 1922	Full	57.3 (a) (1).
716	681	Rolfson, Glenna Gail	F		Feb. 19, 1941	1/2	57.3 (a) (1).
717	682	Rolfson, Rosalie	F		May 25, 1948	1/2	57.3 (a) (1).
718	683	Rolfson, Robert Clifton	M		July 16, 1949	1/2	57.3 (a) (1).
719	684	Rolfson, Laurella May	F		Aug. 2, 1951	1/2	57.3 (a) (2), Eleanor Rolfson.
720	685	Ryland, Floy (Evans)	F	S-145	Oct. 10, 1887	3/4	57.3 (a) (1).
721	686	Samuels, Whitney	M		July 10, 1903	Full	57.3 (a) (1).
722	687	Samuels, Cora (Pike)	F		Oct. 12, 1895	Full	57.3 (a) (1).
723	688	Sanders, Reuben	M	S-420	July 11, 1876	1/2	57.3 (a) (1).
724	689	Sanders, Sheila	F		June 21, 1948	1/4	57.3 (a) (1).
725	690	Sanders, Robert	M		July 1, 1924	1/2	57.3 (a) (1).
726	691	Sanders, Gary Charles	M		Oct. 21, 1945	1/4	57.3 (a) (1).
727	692	Scott, John R	M		1903	1/4	57.3 (a) (1).
728	------	Scott, Robert (Walter R. Johnson)	M		Aug. 20, 1898	1/2	57.3 (a) (4), Spencer Scott.
729	693	Scott, Norma (Strong)	F		Mar. 29, 1922	7/8	57.3 (a) (1).
730	694	Scott, Yvonne Joyce	F		Oct. 17, 1948	7/16	57.3 (a) (1).
731	695	Scott, Sharmaine	F		Nov. 28, 1949	7/16	57.3 (a) (2), Norma Scott.
732	696	Scott, Frederick William	M		June 14, 1951	7/16	57.3 (a) (2), Norma Scott.
733	697	Service, Ada (Carson)	F		Nov. 11, 1899	1/2	57.3 (a) (1).
734	698	Service, Jane	F		May 11, 1933	1/4	57.3 (a) (1).
735	699	Service, Joan	F		May 11, 1933	1/4	57.3 (a) (1).
736	700	Service, William	M		Jan. 18, 1935	1/4	57.3 (a) (1).
737	701	Service, Michael	M		Feb. 14, 1940	1/4	57.3 (a) (1).
738	702	Service, Robert, Jr	M		Jan. 26, 1921	1/4	57.3 (a) (1).
739	703	Service, Diane Lee	F		Mar. 9, 1943	1/8	57.3 (a) (1).
740	704	Shields, June Faith (Towner)	F		June 25, 1923	1/4	57.3 (a) (1).
741	705	Shields, Sandra Claire	F		Dec. 5, 1947	1/8	57.3 (a) (1).
742	706	Shields, Stephany Kim	F		May 14, 1949	1/8	57.3 (a) (1).
743	707	Shields, Sydney Diane	F		Oct. 12, 1950	1/8	57.3 (a) (2), June Faith Shields.
744	708	Short, Geraldine D. (Harris)	F		Sept. 21, 1925	Full	57.3 (a) (1).
745	709	Short, Robert E	M		Sept. 26, 1947	1/2	57.3 (a) (2), Geraldine Short.
746	710	Short, George Melvin	M		Nov. 1, 1949	1/2	57.3 (a) (2), Geraldine Short.
747	711	Short, Gerald Dean	M		Jan. 1, 1951	1/2	57.3 (a) (2), Geraldine Short.
748	712	Shriner, Frances D. (Wilcox)	F		June 31, 1931	1/4	57.3 (a) (1).
749	713	Shriner, Robert Dean	M		Apr. 24, 1951	1/8	57.3 (a) (2), Frances Shriner.
750	714	Shriner, Wanda Lou Ann	F		Mar. 21, 1952	1/8	57.3 (a) (2), Frances Shriner.
751	------	Shriner, David James	M		Dec. 23, 1953	1/8	57.3 (a) (2), Frances Shriner.
752	715	Simmons, Calvin Fred	M		Jan. 27, 1926	5/8	57.3 (a) (1).
753	716	Simmons, Ella (Brown)	F		June 15, 1912	3/4	57.3 (a) (1).
754	717	Simmons, Darwin Lee	M		Dec. 1, 1947	11/16	57.3 (a) (1).
755	718	Simmons, Calvin, Jr	M		Apr. 25, 1949	11/16	57.3 (a) (2), Calvin Simmons.
756	719	Simmons, Donald LeRoy	M		Apr. 23, 1950	11/16	57.3 (a) (2), Calvin Simmons.
757	720	Simmons, Leonda May	F		Dec. 23, 1951	11 16	57.3 (a) (2), Calvin Simmons.
758	721	Simmons, Lenford	M		Feb. 26, 1953	11/16	57.3 (a) (2), Calvin Simmons.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
759	722	Simmons, Edward	M		Sept. 28, 1910	1/2	57.3 (a) (1).
760	723	Simmons, Edwina Ann	F		Oct. 8, 1940	1/4	57.3 (a) (1).
761	724	Simmons, Robert Edwin	M		Feb. 17, 1942	1/4	57.3 (a) (1).
762	725	Simmons, Frederick H	M		Apr. 11, 1898	1/2	57.3 (a) (1).
763	726	Simmons, Augusta (Smith)	F		June 28, 1900	3/4	57.3 (a) (1).
764	727	Simmons, Lavera Marie	F		Sept. 9, 1931	5/8	57.3 (a) (1).
765	728	Simmons, Franklin Delano	M		Feb. 12, 1935	5/8	57.3 (a) (1).
766	729	Simmons, Hoxie	M	8-425	July 20, 1872	1/2	57.3 (a) (1).
767	730	Simmons, Lester	M		May 1, 1903	1/2	57.3 (a) (1).
768	731	Simmons, Evelyn (Baker)	F		Mar. 8, 1919	1/2	57.3 (a) (1).
769	732	Simmons, Frances Jean	F		Jan. 13, 1935	1/2	57.3 (a) (1).
770	733	Simmons, Lester Charles	M		June 20, 1947	1/2	57.3 (a) (1).
771	734	Simmons, Harding	M		Jan. 11, 1921	5/8	57.3 (a) (1).
772	735	Simmons, Alice (Logan)	F		May 11, 1927	1/2	57.3 (a) (1).
773	736	Simmons, Darlene Marie	F		July 5, 1952	9/15	57.3 (a) (1), Harding Simmons.
774	738	Siniscal, Veronica Jean	F		Oct. 21, 1944	1/8	57.3 (a) (1).
775	740	Siniscal, George Frank	M		Dec. 6, 1947	1/8	57.3 (a) (1).
776	739	Siniscal, Thomas Edward	M		Dec. 17, 1946	1/8	57.3 (a) (1).
777	741	Siniscal, Douglas Reed	M		Sept. 14, 1951	1/8	57.3 (a) (2), Ernestine Jett.
778	742	Skrade, Edith (Montgomery)	F		June 28, 1882	1/4	57.3 (a) (1).
779	743	Smith, Abraham	M		Mar. 10, 1918	Full	57.3 (a) (1).
780	744	Smith, Louisa (Wilbur)	F	8-506	Oct. 2, 1878	Full	57.3 (a) (1).
781	497	Smith, Margaret (Washington)	F		June 1, 1933	Full	57.3 (a) (1).
782	------	Smith, Benjamin Dewey, Jr	M		May 24, 1954	1/2	57.3 (a) (2), Margaret Smith.
783	746	Smith, Ronald Lee	M		Feb. 8, 1945	5/16	57.3 (a) (1).
784	747	Sondenna, Viola Louisa (Logan)	F		Mar. 8, 1925	1/2	57.3 (a) (1).
785	748	Sondenna, Edwin LeRoy	M		May 22, 1943	1/4	57.3 (a) (1).
786	749	Sondenna, Raymond W., Jr	M		July 26, 1944	1/4	57.3 (a) (1).
787	750	Sondenna, Lawrence Lynn	M		Apr. 10, 1947	1/4	57.3 (a) (1).
788	610	Seronie, Caroline (Metcalf)	F		Feb. 28, 1911	3/4	57.3 (a) (1).
789	751	Staggs, Gladys (Tom)	F		Feb. 24, 1922	7/8	57.3 (a) (1).
790	752	Staggs, Charles Thomas	M		Oct. 17, 1947	7/16	57.3 (a) (1).
791	753	Staggs, Kenneth LeRoy	M		Feb. 11, 1949	7/16	57.3 (a) (1).
792	754	Staggs, Susan Darlene	F		Mar. 27, 1950	7/16	57.3 (a) (2), Gladys Staggs.
793	755	Staggs, Cheryl Christine	F		Apr. 14, 1951	7/16	57.3 (a) (2), Gladys Staggs.
794	756	Streets, Carrie (Bensell)	F		Apr. 7, 1898	Full	57.3 (a) (1).
795	757	Strickler, Shirley Ann (Goodell)	F		Sept. 16, 1937	7/16	57.3 (a) (1).
796	758	Strickler, Stacy Ann	F		June 12, 1954	7/32	57.3 (a) (2), Shirley Ann Strickler.
797	759	Strong, Byron	M		Aug. 18, 1924	Full	57.3 (a) (1).
798	760	Strong, Beverly Elaine	F		Mar. 21, 1946	1/2	57.3 (a) (1).
799	761	Strong, Byron Samuel	M		Apr. 26, 1947	1/2	57.3 (a) (4).
800	762	Strong, Mamie (McDonald)	F	8-349	Apr. 5, 1891	Full	57.3 (a) (1).
801	763	Strong, Donna Lee	F		June 26, 1938	1/4	57.3 (a) (1).
802	764	Strong, Stanley	M		Nov. 9, 1908	Full	57.3 (a) (1).
803	765	Strong, Wilma (Washington)	F		Jan. 17, 1931	1/2	57.3 (a) (1).
804	766	Strong, Stanley William, Jr	M		May 14, 1950	3/4	57.3 (a) (2), Stanley Strong.
805	767	Strong, Rowenda Rosa	F		Aug. 24, 1952	3/4	57.3 (a) (2), Stanley Strong.
806	768	Strong, Norman Paul	M		Sept. 20, 1953	3/4	57.3 (a) (2), Stanley Strong.
807	769	Taylor, Robert Lloyd	M		July 5, 1944	1/4	57.3 (a) (1).
808	770	Taylor, Louis Keith	M		Oct. 12, 1945	1/4	57.3 (a) (1).
809	771	Taylor, Soula Rose	F		June 21, 1947	1/4	57.3 (a) (1).
810	772	Thomas, Theresa	F		Mar. 5, 1939	Full	57.3 (a) (1).
811	773	Thomas, Mary	F		June 1, 1940	Full	57.3 (a) (1).
812	774	Thompson, Agnes	F		June 15, 1877	1/2	57.3 (a) (1).
813	775	Thompson, Coquille, Jr	M		Mar. 28, 1905	1/2	57.3 (a) (1).
814	776	Thompson, Elma Louise (Chapman)	F		July 12, 1919	1/2	57.3 (a) (1).
815	777	Thompson, George Louis	M		Jan. 19, 1938	7/16	57.3 (a) (1).
816	778	Thompson, Coquille, Jr., III	M		Mar. 25, 1940	7/16	57.3 (a) (1).
817	779	Tollefson, Elizabeth (Walker)	F		June 16, 1890	1/2	57.3 (a) (4), Louisa Walker.
818	387	Tollefson, Wrethea Winifred (Johnson)	F		Apr. 8, 1918	1/4	57.3 (a) (2), Orlena Johnson.
819	780	Tom, Aurelia (Selsic)	F		Apr. 26, 1899	3/4	57.3 (a) (1).
820	782	Tom, Robert P	M		Aug. 15, 1937	7/8	57.3 (a) (1).
821	783	Towner, Elwood (deceased Oct. 6, 1951)	M		June 3, 1897	1/2	57.3 (a) (1).
822	784	Towner, Gilbert, Jr	M		Dec. 25, 1929	3/4	57.3 (a) (1).
823	785	Towner, Leslie Gilbert	M		Dec. 14, 1900	1/2	57.3 (a) (1).
824	786	Towner, Julia (Evans)	F		Apr. 4, 1915	Full	57.3 (a) (1).
825	787	Towner, Leah L	F		June 21, 1929	1/2	57.3 (a) (1).
826	788	Towner, Nora Leola	F		Sept. 5, 1920	1/4	57.3 (a) (1).
827	789	Towner, Louis	M		Sept. 24, 1895	1/2	57.3 (a) (1).
828	790	Towner, William	M	12-Supp.	Apr. 11, 1872	1/2	57.3 (a) (1).
829	791	Towner, George Everett	M		Dec. 15, 1928	3/4	57.3 (a) (1).
830	498	Towner, Guylene Mae (John)	F		Nov. 23, 1936	3/8	57.3 (a) (1).
831	792	Towner, William, Jr	M		Mar. 21, 1925	3/4	57.3 (a) (1).
832	793	Towner, Emma Verdyne (Tom)	F		Feb. 17, 1931	7/8	57.3 (a) (1).
833	794	Towner, William Larry	M		July 10, 1951	7/16	57.3 (a) (2), Emma Towner.
834	795	Towner, Kathleen	F		June 13, 1953	7/16	57.3 (a) (2), Emma Towner.
835	796	Towner, Roberta Pauline	F		May 8, 1954	7/16	57.3 (a) (2), Emma Towner.
836	797	Tronson, Adolph	M		June 15, 1908	1/2	57.3 (a) (1).
837	798	Tronson, Adolph, Jr	M		Jan. 19, 1928	1/4	57.3 (a) (1).
838	799	Tronson, Donald George	M		Aug. 30, 1933	1/4	57.3 (a) (1).
839	800	Tronson, Audrey Alair	F		Dec. 25, 1947	1/4	57.3 (a) (1).
840	801	Tronson, Henry	M		May 15, 1897	1/2	57.3 (a) (1).
841	802	Tronson, Lena (Chapman)	F	8-92	Jan. 2, 1877	3/4	57.3 (a) (1).
842	803	Tronson, Jack	M		Mar. 16, 1903	1/2	57.3 (a) (1).
843	804	Tronson, Vernie F	F		Apr. 1, 1910	1/2	57.3 (a) (1).
844	805	Trift, Dennis	M		Mar. 19, 1938	3/16	57.3 (a) (1).
845	806	Umatata, Leo	M		Feb. 23, 1886	Full	57.3 (a) (1).
846	808	Unger, Homer Ira	M		Jan. 17, 1934	1/2	57.3 (a) (1).
847	366	Unger, Betty Jane (Brown)	F		May 4, 1932	5/8	57.3 (a) (1).
848	809	VanPelt, Lillian (Case)	F		Nov. 13, 1923	1/2	57.3 (a) (1).
849	810	VanPelt, Thomas James	M		May 4, 1945	1/4	57.3 (a) (1).
850	811	Viles, Mary (Service)	F		Aug. 11, 1927	1/4	57.3 (a) (1).
851	812	Viles, David	M		Mar. 4, 1946	1/8	57.3 (a) (1).
852	813	Viles, Melissa	F		Mar. 8, 1948	1/8	57.3 (a) (1).
853	814	Viles, Daniel Franklin	M		Aug. 8, 1950	1/8	57.3 (a) (2), Mary Viles.
854	815	Voutrin, Mary (Menard)	F		Feb. 12, 1916	3/4	57.3 (a) (1).
855	817	Voutrin, Donna Marie	F		June 27, 1941	3/8	57.3 (a) (1).
856	818	Voutrin, Maryllu Dorene	F		Nov. 17, 1948	3/8	57.3 (a) (1).
857	819	Voutrin, Debra Leah	F		Sept. 8, 1952	3/8	57.3 (a) (2), Mary Voutrin.
858	820	Waldrip, Retha (Carson)	F		May 26, 1903	1/2	57.3 (a) (1).
859	821	Walker, Alurd Thomas	M		Jan. 6, 1889	1/2	57.3 (a) (1).
860	822	Wallace, Mary (Fairchild)	F		May 14, 1902	3/4	57.3 (a) (1).
861	823	Wallace, Richard	M		Mar. 10, 1933	3/8	57.3 (a) (1).
862	824	Wallace, Vera	F		Jan. 7, 1936	3/8	57.3 (a) (1).
863	825	Wallace, Albert	M		Mar. 18, 1940	3/8	57.3 (a) (1).
864	827	Warren, Alicea Mae (Pond)	F		Apr. 3, 1932	3/8	57.3 (a) (1).
865	828	Warren, Sheila Marie	F		Jan. 21, 1954	3/16	57.3 (a) (2), Alicea Warren.
866	829	Warren, Michael Duane	M		Nov. 10, 1952	3/16	57.3 (a) (2), Alicea Warren.
867	830	Warren, Rose Marie (Tronson)	F		Mar. 12, 1931	3/4	57.3 (a) (1).

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE SILETZ PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1951, PUBLIC LAW 588—Continued

New roll No.	Old roll No.	Name	Sex	Allotment No.	Date of birth	Degree of blood	25 CFR 57.3, eligibility remarks
868	831	Warren, Daniel James	M		Sept. 21, 1953	3/8	57.3 (a) (2), Rose Marie Warren.
869	204	Warren, Henrietta Lee (Curl)	F		July 14, 1935	1/2	57.3 (a) (1).
870	832	Washington, Maxine	F		Dec. 6, 1934	Full	57.3 (a) (1).
871	834	Washington, Hattie	F		May 21, 1906	Full	57.3 (a) (1).
872	835	Washington, Isaac (deceased Feb. 24, 1955)	M		Sept. 11, 1904	Full	57.3 (a) (1).
873	836	Washington, Joseph	M		June 23, 1902	Full	57.3 (a) (1).
874	837	Washington, Mary (Brown)	F		July 15, 1907	3/4	57.3 (a) (1).
875	838	Washington, Joan Mary	F		Aug. 7, 1932	7/8	57.3 (a) (1).
876	839	Washington, Bernadine	F		May 22, 1939	7/8	57.3 (a) (1).
877	840	Washington, Wilverna D	F		Apr. 17, 1941	7/8	57.3 (a) (1).
878	841	Washington, Pauline Ruby	F		Dec. 25, 1942	7/8	57.3 (a) (1).
879	842	Washington, Cynthia	F		Dec. 21, 1945	7/8	57.3 (a) (1).
880	843	Washington, Margaret J	F		June 6, 1948	7/8	57.3 (a) (1).
881	844	Waters, Laura (Lannagan)	F		Aug. 8, 1926	1/4	57.3 (a) (1).
882	845	Waters, Esther May	F		Dec. 1, 1912	1/8	57.3 (a) (2), Laura Waters.
883	846	Watson, Jesse Crook	M		1877	Full	57.3 (a) (1).
884	847	Weder, Mary Joan (Carson)	F		Aug. 4, 1930	1/4	57.3 (a) (1).
885	848	Weder, Virgene Louise	F		July 16, 1949	1/8	57.3 (a) (2), Mary Joan Weder.
886	849	Weder, Ronald Wayne	M		Apr. 10, 1953	1/8	57.3 (a) (2), Mary Joan Weder.
887	850	Weder, Carol Ann	F		Dec. 14, 1950	1/8	57.3 (a) (2), Mary Joan Weder.
888	851	Werth, Alice (Tom)	F		Apr. 28, 1929	7/8	57.3 (a) (1).
889	852	Werth, Gloria Jean	F		Aug. 16, 1948	7/16	57.3 (a) (1).
890	853	Werth, Stanley Eugene	M		Feb. 30, 1949	7/16	57.3 (a) (2), Alice Werth.
891	854	Werth, Kathryn June	F		June 28, 1950	7/16	57.3 (a) (2), Alice Werth.
892	855	Wertin, Peter Michael	M		Sept. 28, 1941	1/4	57.3 (a) (1).
893	856	Whitehead, Betty Jean (Logan)	F		Mar. 19, 1934	1/2	57.3 (a) (1).
894	857	Whitehead, Linda Joy	F		Apr. 19, 1952	1/4	57.3 (a) (2), Betty Jean Whitehead.
895	858	Whitehead, Paul Francis, Jr	M		Oct. 5, 1953	1/4	57.3 (a) (2), Betty Jean Whitehead.
896	859	Wilcox, Ina (Larson)	F		Mar. 6, 1905	1/2	57.3 (a) (1).
897	860	Wilcox, Elizabeth J	F		Nov. 4, 1934	1/4	57.3 (a) (1).
898	861	Wilcox, Germaine	F		June 4, 1936	1/4	57.3 (a) (1).
899	862	Wilcox, Joselyn L	F		Nov. 1, 1937	1/4	57.3 (a) (1).
900	863	Wilcox, Charles A	M		May 16, 1939	1/4	57.3 (a) (1).
901	864	Wilcox, Margaret J	F		June 10, 1942	1/4	57.3 (a) (1).
902	865	Wilcox, William	M		May 26, 1944	1/4	57.3 (a) (1).
903	866	Wilcox, Daniel F	M		Apr. 13, 1946	1/4	57.3 (a) (1).
904	867	Wilcox, Ina Isleen	F		Jan. 22, 1941	1/4	57.3 (a) (1).
905	868	Williams, Joseph	M		May 19, 1920	3/4	57.3 (a) (1).
906	869	Williams, Joseph Wendell	M		July 18, 1941	3/8	57.3 (a) (1).
907	870	Williams, Burma Jodene	F		June 12, 1944	3/8	57.3 (a) (1).
908	871	Williams, Dixie Sue	F		Nov. 14, 1946	3/8	57.3 (a) (1).
909	872	Williams, Jeffrey Hale	M		Nov. 29, 1948	3/8	57.3 (a) (1).
910	873	Williams, Willie Norwood	M		Oct. 26, 1950	3/8	57.3 (a) (2), Joseph Williams.
911	874	Williams, Zachery Omar	M		Jan. 16, 1954	3/8	57.3 (a) (2), Joseph Williams.
912	875	Williams, Matthew	M		June 17, 1896	3/4	57.3 (a) (1).
913	876	Williams, Agatha (Brown)	F		May 1, 1901	3/4	57.3 (a) (1).
914	877	Williams, Edgar	M		Oct. 3, 1926	3/4	57.3 (a) (1).
915	878	Williams, Matthew, Jr	M		Nov. 18, 1931	3/4	57.3 (a) (1).
916	879	Williams, Eugene	M		Sept. 24, 1935	3/4	57.3 (a) (1).
917	880	Williams, Constance Elaine	F		Jan. 22, 1947	3/4	57.3 (a) (1).
918	428	Williams, Henrietta (Fleming)	F		Feb. 24, 1917	1/2	57.3 (a) (1).
919	881	Wilson, Kenneth Harry	M		Mar. 3, 1906	1/4	57.3 (a) (1).
920	882	Woods, Donna Mae (Lane)	F		Feb. 1, 1935	3/8	57.3 (a) (1).
921	883	Woods, Georgia (Beissell)	F		Mar. 30, 1917	Full	57.3 (a) (1).
922	884	Woods, Richard Carl	M		Mar. 21, 1944	1/2	57.3 (a) (1).
923	885	Woods, Raymond Daniel	M		June 6, 1948	1/2	57.3 (a) (1).
924	886	Workman, Catherine Jean	F		Feb. 4, 1948	1/4	57.3 (a) (1).
925	890	Youngman, June (Simmons)	F		June 9, 1924	5/8	57.3 (a) (1).
926	891	Youngman, Beverly Joyce	F		Nov. 13, 1943	5/16	57.8 (a) (1).
927	892	Youngman, Paul Arnold	M		May 11, 1948	5/16	57.3 (a) (1).
928	-------	Zosel, Norman Earl	M		Mar. 25, 1944	3/16	57.3 (a) (4), Donny Flannery.
929	-------	Zosel, Elsie Lorraine	F		Mar. 26, 1945	3/16	57.3 (a) (4), Donny Flannery.

I hereby certify that the foregoing roll consisting of 50 pa ges and containing a total of 929 names constitutes the final roll of the Confederated Tribes of Siletz and is submitted in accordance with section 3 of the act of August 13, 1954 (68 Stat. 724). Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll as published in the FEDERAL REGISTER on August 17, 1955, (Vol. 20, Number 160, pp. 5978–5986).

Dated: June 22, 1956

DON C. FOSTER,
Area Director.

[F. R. Doc. 56–5702; Filed, July 19, 1956; 8:46 a. m.]

POST OFFICE DEPARTMENT

ASSISTANT REGIONAL REAL ESTATE MANAGER, BUREAU OF FACILITIES

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES

The following is the text of Order No. 123 of the Assistant Postmaster General, Bureau of Facilities, dated March 28, 1956, as amended by Order No. 132, dated June 12, 1956:

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to John L. VanBuskirk, Assistant Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this order;

in the States of Idaho, Montana, Oregon, Washington, and the Territory of Alaska.

(B) This order shall be effective March 28, 1956.

[SEAL] ABE MCGREGOR GOFF.
The Solicitor.

[F. R. Doc. 56–5867; Filed, July 19, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AIRLINE VANS ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8340, between Airline Vans, Delcher Brother's Storage Company, King Van Lines, Inc., and Republic Van & Storage Co., Inc., (common carriers by motor which also operate as common carriers by water as defined in section 1 of the Shipping Act, 1916), provides for the creation of the Pacific Coast-Alaska Rate Agreement covering the establishment and maintenance of agreed rates, charges and practices, for or in connection with the transportation of household goods and personal effects of military and civilian personnel in the trade between United States Pacific Coast ports and ports in the Territory of Alaska.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 17, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–5883; Filed, July 19, 1956; 8:55 a. m.]

[Docket No. M–70]

AMERICAN COAL SHIPPING, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER THIRTY DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (c) of the Merchant Ship Sales Act of 1946, as amended (Pub. Law 591, 81st Cong.) (50 U. S. C. App. 1738), on July 30, 1956, at 9:30 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of American Coal Shipping, Inc., to bareboat charter thirty (30) Liberty type dry-cargo vessels for an indefinite period, subject to annual review by the Federal Maritime Board, for use in world-wide bulk commodity trade, principally for the carriage of coal to foreign ports, and also for the carriage of such other cargoes as shall from time to time be available.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

Dated: July 17, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–5882; Filed, July 19, 1956; 8:54 a. m.]

Office of the Secretary

MOXIE S. GEORGE, SR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Moxie S. George, Sr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: June 21, 1956.

4. Title of position: Chief, Carbon & Alloy Semi-Finished, Rail, Structural, Bars, Wire & Forgings Branch.

5. Name of private employer: Inland Steel Company, 38 S. Dearborn Street, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Inland Steel Company.
Bank deposits.

Dated: June 27, 1956.

MOXIE S. GEORGE, SR.

[F. R. Doc. 56–5836; Filed, July 19, 1956; 8:46 a. m.]

CORTLANDT VAN RENSSELAER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 3, 1956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 4, 1956.

Dated: July 5, 1956.

CORTLANDT VAN RENSSELAER.

[F. R. Doc. 56–5838; Filed, July 19, 1956; 8:46 a. m.]

R. CHESTER REED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 18, 1956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 4, 1956.

Dated: July 6, 1956.

R. CHESTER REED.

[F. R. Doc. 56–5837; Filed, July 19, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to

the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Simon Ackerman Clothes, Inc., 1213 East New York Avenue, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56 (men's trousers).

Blue Valley Sportswear Co., 204 Main Street, Pen Argyl, Pa.; effective 6-29-56 to 6-28-57 (women's and children's cotton blouses).

Brewton Manufacturers, Inc., Brewton, Ala.; effective 6-25-56 to 6-24-57 (dress and sport shirts).

Burro Manufacturing Co., 105 East Markham, Little Rock, Ark.; effective 7-11-56 to 7-10-57 (work clothing, shirts and pants).

Carteret Shirts, Inc., 652 Roosevelt Avenue, Carteret, N. J.; effective 6-25-56 to 6-24-57 (dress and sport shirts).

Caryn Sue Jrs., 1000 Washington Street, Boston, Mass.; effective 6-28-56 to 6-27-57 (blouses, pedal pushers, etc.).

Dillon Manufacturing Co., Dillon, S. C.; effective 6-30-56 to 6-29-57 (ladies' cotton housedresses).

Jordon Sportswear Corp., 915 Broadway, New York, N. Y.; effective 6-29-56 to 12-28-56 (men's cotton dress and sport shirts).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S. C.; effective 6-27-56 to 6-26-57 (men's shirts).

Judith Lawrence Manufacturing Corp., 671 Prospect Avenue, Bronx, N. Y.; effective 6-29-56 to 12-28-56 (blouses, skirts).

Leslie-Ann, Inc., Plant No. 2, Donaldson, Pa.; effective 6-30-56 to 6-29-57 (ladies' dresses).

Rite Form Corset Co., Inc., 64 West 23d Street, New York, N. Y.; effective 6-29-56 to 12-28-56 (corsets and brassieres).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C.; effective 6-22-56 to 6-21-57 (work pants, bib overalls, dungarees, etc.).

Tropical Garment Manufacturing Co., 3108 Jefferson Street and 2514 Ivy Street, Tampa, Fla.; effective 6-27-56 to 6-26-57 (work pants, sport shirts).

Whiteville Manufacturing Co., Wilmington, Road, Whiteville, N. C.; effective 7-8-56 to 7-7-57 (jeans, jackets, shirts for children).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Art Garment Co., 93 Hazel Street, Woonsocket, R. I.; effective 6-27-56 to 6-26-57; 8 learners (raincoats and jackets).

Fairmont Manufacturing Co., Inc., Fairmont, N. C.; effective 6-29-56 to 6-28-57; 10 learners (ladies' woven nite wear).

Isabel Dress Co., Inc., Seventh Avenue and Mill Street, Carbondale, Pa.; effective 6-27-56 to 6-26-57; 4 learners (children's and girls' dresses).

Jacey Undergarment Co., Inc., 1640 63d Street, Brooklyn, N. Y.; effective 6-28-56 to 12-27-56; 5 learners (ladies' lingerie, sleepwear, underwear).

Lehigh Garment Co., Inc., 201 Bridge Street, Jessup, Pa.; effective 7-5-56 to 7-4-57; 6 learners (children's outerwear).

Lloyd's Lingerie, Inc., Murphy Street, Madison, N. C.; effective 6-27-56 to 6-26-57; 5 learners (ladies' and children's underwear).

Rhea Manufacturing Co., Watertown Division, Watertown, Wis.; effective 6-28-56 to 6-27-57; 10 learners (misses' sportswear).

Star Apparel Products Co., 106 Ferris Street, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56; 5 learners (housecoats and robes) (replacement certificate).

V & C Frocks, 608 Main Street, Simpson, Pa.; effective 6-27-56 to 6-26-57; 4 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Mount Vernon Garment Co., Mount Vernon, Ga.; effective 6-29-56 to 8-31-56; 30 learners (pants) (replacement certificate).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 6-28-56 to 12-27-56; 10 learners (misses' sportswear).

Thurmond Manufacturing Co., Inc., Duluth, Ga.; effective 6-27-56 to 12-26-56; 10 learners (boys' shirts and pajamas).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Stauffer Manufacturing Co., Red Hill, Pa.; effective 6-25-56 to 6-24-57; 5 learners for normal labor turnover purposes (cotton flannel and jersey cloth work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Drexel Knitting Mills Co., Drexel, N. C.; effective 7-9-56 to 7-8-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N. C.; effective 6-29-56 to 12-28-56; 10 learners for plant expansion purposes.

Elizabeth City Hosiery Mills, Elizabeth City, N. C.; effective 6-29-56 to 6-28-57; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Granite Hosiery Mills, 838 South Main Street, Mount Airy, N. C.; effective 7-2-56 to 7-1-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

The Nolde & Horst Co., Pittsboro, N. C.; effective 6-28-56 to 8-31-56; 15 learners for plant expansion purposes (seamless) (supplemental certificate).

The Nolde & Horst Co., Pittsboro, N. C.; effective 6-28-56 to 6-27-57; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Alabama Textile Products Corp., Crestview, Fla.; effective 7-9-56 to 7-8-57; 5 percent of factory production workers in the production of men's shorts (men's shorts).

Ann-Murray, Inc., 201 Front Street, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56; 5 percent of factory production workers for normal labor turnover purposes (children's knitted and woven slips and panties).

Berry Undergarment, Inc., 694 Metropolitan Avenue, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56; 5 learners for normal labor turnover purposes (men's T-shirts and ladies' panties).

Dorothy Undergarment Co., 580 Broadway, New York, N. Y.; effective 6-29-56 to 12-28-56; 5 learners for normal labor turnover purposes (ladies' and children's knit rayon underwear).

Flushing Imperial, Inc., 785 Flushing Avenue, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56; 5 learners for normal labor turnover purposes, including additional occupation for final inspection of assembled garments (knitted children's and infants' wear).

Michelene Corp., 116 Nassau Street, Brooklyn, N. Y.; effective 6-29-56 to 12-28-56; 5 percent of factory production workers for normal labor turnover purposes, including additional occupation for final inspection of assembled garments (ladies' knitted nylon underwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 6-29-56 to 12-28-56; 10 learners for plant expansion purposes (underwear and sleeping wear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Griswold Shoe Corp., Jewett City, Conn.; effective 6-29-56 to 6-28-57; 10 percent of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products for normal labor turnover purposes. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Felix Di Arenzo, 20th and Erie Avenue, Philadelphia, Pa.; effective 7-2-56 to 12-31-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewers; authorizing the employment of 3 learners (men's clothing).

Homeport Fish Co., Pascal Avenue, Rockport, Maine; effective 6-29-56 to 12-28-56; not less than 80 cents per hour for the first 80 hours and 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packers; authorizing the employment of 10 percent of factory production workers (sardines).

Maine Sardine Co., Addison, Maine; effective 6-29-56 to 12-28-56; not less than 80 cents per hour for the first 80 hours and 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packers; authorizing the employment of 10 percent of factory production workers (sardines).

Riviera Packing Co., Eastport, Maine; effective 6-29-56 to 12-28-56; not less than 80 cents per hour for the first 80 hours and 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packers; authorizing the employment of 10 percent of factory production workers (sardines).

The Western Coat Pad Co., 405 West Redwood Street, Baltimore, Md.; effective 6-28-56 to 12-27-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 4 learners (coat front interlinings).

B. H. Wilson Fisheries, Battery Street, Eastport, Maine; effective 6-29-56 to 12-28-56; not less than 80 cents per hour for the first 80 hours and 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sardine packers; authorizing the employment of 10 percent of factory production workers (sardines).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named for plant expansion purposes, except as otherwise indicated. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Boinquen Radio Components Corp., Coamo, P. R.; effective 6-4-56 to 12-3-56; not less than 53 cents per hour for the first 160 hours and 62 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembly of electronic equipment; authorizing the employment of 25 learners (electronic equipment).

Caribe Aircraft Radio Corp., Coamo-Juana Diaz Road, Coamo, P. R.; effective 6-4-56 to 12-3-56; not less than 53 cents per hour for the first 160 hours and 62 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembly of electronic equipment; authorizing the employment of 25 learners (electronic equipment).

Caribe General Electric, Inc., Palmer, P. R.; effective 6-7-56 to 10-8-56; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of punch press operators, stamping machine operators, die setters, welders, calibrating, and plastic molding press operators; not less than 53 cents per hour for a maximum of 240 hours, for the occupations of plating, drill, tap and rivet operators, assembly, plastic finisher, and inspector; not less than 53 cents per hour for a maximum of 160 hours, for the occupations of grinding and polishing; authorizing the employment of 80 learners (circuit breakers) (replacement certificate).

Caribe Knitting Mills, Inc., Juncos, P. R.; effective 6-11-56 to 12-10-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting and finishing (machine seaming); authorizing the employment of 30 learners (sweaters).

Edro, Inc., Anasco, P. R.; effective 6-11-56 to 7-30-56; not less than 44 cents per hour for the first 240 hours and 51 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine stitching, cutting and laying off; authorizing the employment of 120 learners (fabric gloves) (replacement certificate).

Electronic Mica Co., Inc., 300 Tapia Street, Santurce, P. R.; effective 6-8-56 to 7-19-56; not less than 42 cents per hour for a maximum of 240 hours, for the occupations of beam gauge operators, press operators, and finished mica sorters; authorizing the employment of 18 learners (mica fabricating) (replacement certificate).

Finrico, Inc., Cayey, P. R.; effective 6-8-56 to 8-31-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of run-on, stitch down, buttonhole operators, button sewers, trim and button, pressing, mending, and labeling; authorizing the employment of 20 learners (sweaters) (replacement certificate).

Flora Manufacturing Corp., Guayama, P. R.; effective 6-6-56 to 7-11-56; not less than 35 cents per hour for the first 240 hours and 40 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 6 learners for normal labor turnover purposes (blouses), (replacement certificate).

Glamourett Fashion Mills, Inc., Quebradillas, P. R.; effective 6-8-56 to 7-8-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of looping, seaming and mending; authorizing the employment of 34 learners (sweaters) (replacement certificate).

Glamourette Fashion Mills, Inc., Arecibo, P. R., effective 6-8-56 to 7-8-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting and topping; authorizing the employment of 30 learners (sweaters) (replacement certificate).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 6-8-56 to 7-23-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitters, toppers, menders, seamers, loopers, and neck closers; authorizing the employment of 28 learners for normal labor turnover purposes (sweaters).

Knitco, Inc., Toa Alta, P. R.; effective 6-11-56 to 12-10-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, topping, looping, seaming, mending, button hole and button sewing, and pressing; authorizing the employment of 20 learners (sweaters).

La Industrial Cialena, Bo. Cordillere Km. 4, Ciales, P. R.; effective 6-18-56 to 12-17-56; not less than 35 cents per hour for the first 240 hours and 40 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 5 learners (curtains).

Molina Mills, Inc., Vega Baja, P. R.; effective 6-6-56 to 7-19-56; not less than 38 cents per hour for a maximum of 240 hours, for the occupations of tufting and cutting; authorizing the employment of 35 learners (handmade wool rugs and carpets) (replacement certificate).

Monitor Industries, Inc., Hato Rey, P. R.; effective 6-7-56 to 7-16-56; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assemblers, riveters, welders and punch press operators, testing, and inspection; not less than 53 cents per hour for a maximum of 240 hours, for the occupation of tapping operations; authorizing the employment of 16 learners (motor controls and allied electrical and electronic equipment) (replacement certificate).

Nassau Mills, Inc., Caguas, P. R.; effective 6-5-56 to 12-4 56; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operators and final pressing; authorizing the employment of 30 learners (men's sleeping wear).

Panoramic Industries, Inc., 161 Ponce de Leon Avenue, Hato Rey, P. R.; effective 6-11-56 to 8-13-56; not less than 36 cents per hour for the first 240 hours and 42 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of machine embroiderers; authorizing the employment of 40 learners (embroidery) (replacement certificate).

Rico Electronics, Inc., Vega Alta, P. R.; effective 6-7-56 to 10-24-56; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of gun assemblers; authorizing the employment of 10 learners for normal labor turnover purposes (electron guns and cathode ray tubes) (replacement certificate).

Rico Glove Corp., Washington Avenue, Cayey, P. R.; effective 6-11-56 to 10-24-56; not less than 44 cents per hour for the first 240 hours and 51 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 40 learners (fabric and leather gloves) (replacement certificate).

Somtex Knitting Mills, Inc., Yauco, P. R.; effective 6-8-56 to 8-8-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitters, toppers, loopers, pressers, seamers, winders, buttoners, buttonholes, and hand-sewers; authorizing the employment of 46 learners (sweaters) (replacement certificate).

Stadium Manufacturing Co. of Puerto Rico, Inc., Villalba, P. R.; effective 6-15-56 to 12-14-56; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operators, and final pressing; authorizing the employment of 30 learners (men's pajamas).

Standard Products Co., Inc., effective 6-7-56 to 9-11-56; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine winding, coil processing, stacking, saw operating, testing, finishing, and press operating; authorizing the employment of 20 learners (transformers) (replacement certificate).

Superior Products, Inc., Cidra, P. R.; effective 6-13-56 to 12-12-56; not less than 36 cents per hour for the first 240 hours and 42 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operators and double needle operators; authorizing the employment of 20 learners (straps for slips).

Uniforms, Inc., Salida Salines, Km. 8, Cayey, P. R.; effective 6-6-56 to 7-6-56; not less than 35 cents per hour for the first 240 hours and 40 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 10 learners for normal labor turnover purposes (nurses' and maids' uniforms) (replacement certificate).

Yauco Knitting Mills, Inc., Yauco, P. R.; effective 6-8-56 to 8-13-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period; authorizing the employment of 34 learners (sweaters) (replacement certificate).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Virgin Island Jewelry Manufacturing Corp., St. Thomas, V. I.; effective 6-6-56 to 12-5-56; not less than 40 cents per hour for a maximum of 160 hours for the occupation of assembler; authorizing the employment of 15 learners for plant expansion purposes (cigarette lighters).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of July 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-5842; Filed, July 19, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-320]

ACCIDENT OCCURRING AT GRAND CANYON, ARIZONA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 6902C and N 6324C, which occurred at Grand Canyon, Arizona, June 30, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, August 1, 1956, at 10:00 a. m., local time, in the Department of Commerce Auditorium, Washington, D. C.

Dated at Washington, D. C., July 16, 1956.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 56-5884; Filed, July 19, 1956; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11588, 11777; FCC 56-670]

JOSEPH M. RIPLEY, INC., AND ROBERT HECKSHER

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP-10255; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1956;

The Commission having under consideration the above-captioned applications of Joseph M. Ripley, Inc., and Robert Hecksher, each for a construction permit for a new standard broadcast station to operate on 550 kilocycles with a power of one kilowatt, daytime only, at Jacksonville, Florida;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference and that neither of the proposed antenna systems would meet the minimum efficiency of 175 mv/m for the type and class of station as required by the Commission's Technical Standards; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 23, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that responses have been filed by Robert Hecksher and Joseph M. Ripley, Inc.; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether either installation and operation as proposed would be in compliance with the Commission's Technical Standards with particular reference to the efficiency of the antenna systems.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, the permittee shall be responsible for the installation and adjustment of suitable filter circuits or other equipment to suppress second harmonic radiations to prevent interference to Station WJVB, Jacksonville, Florida.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5850; Filed, July 19, 1956; 8:49 a. m.]

[Docket No. 11594; FCC 56M-684]

HAROLD M. BORING

ORDER CHANGING PLACE OF HEARING

In the matter of Harold M. Boring, Los Angeles, Calif., Docket No. 11594; suspension of amateur radio operator license.

It is ordered, This 13th day of July 1956, that Jay A. Kyle, in lieu of Elizabeth C. Smith, will preside at the hearing in the above-entitled proceeding; and, it is further ordered, that the said hearing will be held in Washington, D. C., in lieu of Los Angeles, Calif., commencing September 6, 1956.

Released: July 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5851; Filed, July 19, 1956; 8:49 a. m.]

[Docket Nos. 11632, 11633; FCC 56M-688]

PACIFIC TELEVISION, INC., AND KOOS, INC.

ORDER ADVANCING HEARING DATE

In re applications of Pacific Television, Inc., Coos Bay, Oregon, Docket No. 11632, File No. BPCT-2046; KOOS, Inc., Coos Bay, Oregon, Docket No. 11633, File No. BPCT-2052; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the desirability of advancing the date of hearing;

It appearing that the hearing in this proceeding is currently scheduled to commence on July 23, 1956, but that circumstances have arisen making it desirable to advance this date and that all parties have consented thereto;

It is ordered, This 16th day of July 1956, that the date for commencement of hearing is advanced from July 23 to July 18, 1956, at 9:30 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5852; Filed, July 19, 1956; 8:49 a. m.]

[Docket No. 11679; FCC 56M-683]

FARWEST FISHERMEN, INC.

ORDER SCHEDULING HEARING

In the matter of Farwest Fishermen, Inc., Anacortes, Washington, Docket No. 11679, File No. 1619-M-K; application for construction permit for a new limited class II-B coast station.

It is ordered, This 13th day of July 1956, that Elizabeth C. Smith, in lieu of Hugh B. Hutchison, will preside at the hearing in the above-entitled proceeding, which is hereby scheduled to commence on September 6, 1956, in Seattle, Washington.

Released: July 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5853; Filed, July 19, 1956; 8:49 a. m.]

[Docket No. 11706; FCC 56M-681]

DAY-NITE RADIO MESSAGE SERVICE CORP.

ORDER CONTINUING HEARING

In re application of Day-Nite Radio Message Service Corporation, Philadelphia, Pennsylvania, Docket No. 11706, File No. 731-C2-R-56; for renewal of the license for station KGA593, a two-way communications facility in the domestic public land mobile radio service.

The Hearing Examiner having under consideration a petition filed July 5, 1956, by the applicant herein requesting that the hearing in the above-entitled proceeding now scheduled to begin on July 18, 1956, be continued for at least 60 days; and

It appearing that the reason for the requested continuance is the fact that the owner and principal officer of the applicant has undergone surgery and that an extended confinement in the hospital is necessary and as a result he cannot be available on the date specified for the hearing; and

It further appearing that there are no objections to the requested continuance and that good cause therefor has been shown;

It is ordered, This the 12th day of July 1956, that the petition for continuance is granted and the date of the hearing is continued from July 18, 1956 to October 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5854; Filed, July 19, 1956; 8:49 a. m.]

[Docket No. 11735; FCC 56M-685]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

1. Upon the oral request of counsel for the Broadcast Bureau: *It is ordered*, This 13th day of July 1956, that a prehearing conference under § 1.813 is scheduled for Tuesday, July 31, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

2. Upon the request of Irvin V. Willat contained in his letter dated July 7, 1956: *It is ordered*, That the hearing now scheduled for July 23, 1956 is continued to Thursday, September 6, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5855; Filed, July 19, 1956; 8:49 a. m.]

[Docket No. 11761; FCC 56M-686]

AMERICAN CABLE AND RADIO CORP.

ORDER CONTINUING HEARING

In the matter of American Cable and Radio Corporation, Docket No. 11761; revision of joint tariff F. C. C. No. 7, to provide tie-line indications without charge.

The Hearing Examiner having under consideration the Commission's order of June 27, 1956, suspending American Cable and Radio Corporation Joint Tariff F. C. C. No. 7, 1st Revised Page 70; the hearing now scheduled for July 17, 1956; and an application contained in a letter dated July 6, 1956, signed by Alfred A. Hennings, Superintendent of Tariffs of the operating companies of the American Cable and Radio Corporation system, for special permission to cancel the filing under suspension, which application was granted by the Commission on July 11, 1956;

It appearing that cancellation of the tariff filing under suspension would render the proceeding moot;

It is ordered, This 13th day of July 1956, that the hearing now scheduled for July 17, 1956, is indefinitely continued, pending appropriate action on the instant proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5856; Filed, July 19, 1956; 8:50 a. m.]

[Docket No. 11771]

WISCONSIN TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Wisconsin Telephone Company, Docket No. 11771 (File No. P-C-3799); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Union Grove Telephone Company, Union Grove, Wisconsin.

The Commission having under consideration an application filed by Wisconsin Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Wisconsin Telephone Company of certain telephone plant and properties of Union Grove Telephone Company, a corporation furnishing telephone service in and around Union Grove and Somers, Wisconsin, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 13th day of July 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 2:00 p. m. on the 10th day of September 1956, and that a copy of this order shall be served upon the Governor of the State of Wisconsin, Public Service Commission of Wisconsin, Wisconsin Telephone Company, Union Grove Telephone Company, and the Postmasters at Union Grove and Somers, Wisconsin;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in and around Union Grove and Somers, Wisconsin, and shall furnish proof of such publication at the hearing herein.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5857; Filed, July 19, 1956; 8:50 a. m.]

[Docket No. 11772]

ILLINOIS BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Illinois Bell Telephone Company, Docket No. 11772 (File No. P-C-3804); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Forest City Telephone Company, San Jose, Illinois.

The Commission having under consideration an application filed by Illinois Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Illinois Bell Telephone Company of certain telephone plant and properties of The Forest City Telephone Company, a corporation, furnishing telephone service in and around San Jose, Illinois, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 13th day of July 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 10th day of September 1956, and that a copy of this order shall be served upon the Governor of the State of Illinois, the Illinois Commerce Commission, Illinois Bell Telephone Company, The Forest City Telephone Company, and the Postmaster at San Jose, Illinois;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in and around San Jose, Illinois, and shall fur-

nish proof of such publication at the hearing herein.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5858; Filed, July 19, 1956; 8:50 a. m.]

[Docket Nos. 11773, 11774; FCC 56-666]

RADIO HUNTSVILLE, INC., AND J. B. FALT, JR.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Huntsville, Incorporated, Huntsville, Alabama, Docket No. 11773, File No. BP-10324; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 11774, File No. BP-10519; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1956;

The Commission having under consideration the above-captioned applications of Radio Huntsville, Incorporated, and J. B. Falt, Jr., each for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of one kilowatt, daytime only, at Huntsville and Sheffield, Alabama, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 23, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing, that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5859; Filed, July 19, 1956; 8:50 a. m.]

[Docket No. 11775; FCC 56-668]

RADIO STATION KODY (KODY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John Alexander, George B. Dent, Jr., and Townsend E. Dent d/b as Radio Station KODY (KODY), North Platte, Nebraska, Docket No. 11775, File No. BP-10333; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1956;

The Commission having under consideration the above-captioned application of John Alexander, George B. Dent, Jr., and Townsend E. Dent d/b as Radio Station KODY for a construction permit to change the facilities of Station KODY, North Platte, Nebraska, from operation on 1240 kilocycles with a power of 250 watts, unlimited time, to operation on 600 kilocycles with a power of 500 watts, night, one kilowatt, day, with directional antenna both day and night, unlimited time; and

It appearing that the applicant is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate Station KODY as proposed, but that the proposed operation would cause interference to Station KSJB, Jamestown, North Dakota (600 kc, 5 kw, DA-1, U); and

It further appearing that, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 24, 1956, advised the applicant of the above deficiency; and

It further appearing that Station KSJB requested by letter dated June 12, 1956, that the subject application be designated for hearing; and

It further appearing that in a letter dated June 22, 1956, the applicant contended that its proposed operation would not cause interference to KSJB; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KODY as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station KSJB, Jamestown, North Dakota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That the North Dakota Broadcasting Company, Inc., licensee of Station KSJB, is made a party to the proceeding.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5860; Filed, July 19, 1956; 8:50 a. m.]

[Docket No. 11776; FCC 56-669]

LEO JOSEPH THERIOT (KLFT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Leo Joseph Theriot (KLFT), Golden Meadow, Louisiana, Docket No. 11776, File No. BP-10482; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1956;

The Commission having under consideration the above-captioned application of Leo Joseph Theriot for a construction permit to increase the power of Station KLFT, Golden Meadow, Louisiana, from 500 watts to one kilowatt and to operate on 1600 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KLFT as proposed, but that the proposed operation may cause interference to Station KEVL, White Castle, Louisiana (1590 kc, 1 kw, Day); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated June 7, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Station KEVL requested a hearing on the subject application by letter dated June 12, 1956; and

It further appearing that the applicant replied by letter dated June 18, 1956, and urged a grant of its application notwithstanding the interference that would be caused to KEVL; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KLFT as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station KEVL, White Castle, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That the Big League Broadcasting Company, Inc., licensee of Station KEVL, is made a party to the proceeding.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5861; Filed, July 19, 1956; 8:50 a. m.]

[Docket No. 11778; FCC 56-671]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 11778.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Patchogue, N. Y.		282
New York City, N. Y.	282	

3. The purpose of the proposed amendment is to provide a Class B channel in Patchogue, New York, in response to a petition submitted in behalf of the Patchogue Broadcasting Co., licensee of AM broadcast station WPAC, Patchogue, for a proposed new FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before August 10, 1956 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 11, 1956.

Released: July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5862; Filed, July 19, 1956; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY TO ESTABLISH SPECIAL POLICE FORCE FOR PROTECTION OF NATIONAL BUREAU OF STANDARDS INSTALLATIONS

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), authority is hereby delegated to the Secretary of Commerce to appoint uniformed guards as special policemen with such powers as are conferred in the Act of June 1, 1948, 62 Stat. 281, for duty in connection with the protection of the National Bureau of Standards installations referred to in the letter from the Secretary of Commerce, dated April 20, 1956.

2. This authority shall be exercised strictly in accordance with material set forth below entitled "Authority of Special Police" and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to this administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. This authority may be redelegated to such officials of the National Bureau of Standards as the Secretary of Commerce and the Director of the National Bureau of Standards may deem necessary in order to more effectively protect the National Bureau of Standards installations concerned.

5. This delegation shall be effective as of the date hereof.

Dated: July 13, 1956.

FRANKLIN G. FLOETE,
Administrator.

AUTHORITY OF SPECIAL POLICE

Special police. Guards may be appointed as Special Police where the Government has adequate jurisdiction, either exclusive or concurrent and where the protection job requires arrest powers beyond that of a private citizen. The law requires that guards appointed as Special Police be uniformed. Authority to appoint uniformed guards as Special Police is contained in the Act of June 1, 1948, P. L. 566, 80th Congress.

Jurisdiction. The jurisdiction exercised by the Federal Government over a property has a bearing on the method used in protecting it.

a. Exclusive Federal jurisdiction gives the Federal Government the exclusive right to enforce the criminal laws applicable to that property. Request for such authority is made by the Federal Government, and is obtained by the passing of legislation by the State in which the property is located. This relieves the local authorities of all responsibility for criminal law enforcement within the premises, and places the entire responsibility upon the Federal Government.

b. Concurrent Federal jurisdiction grants to the Federal Government some of the powers of law enforcement applicable to the property, the State concurrently exercising the same powers. Such jurisdiction is acquired from the State government by State legislation.

c. Partial Federal jurisdiction exists where the Federal Government has been granted by the State government certain of the State's authority applicable to a property, but where the State concerned has retained other authority either exclusively or concurrently with the Federal Government.

d. Proprietary interest only exists unless the State specifically cedes jurisdiction to the Federal Government. In rented property the local government retains jurisdiction and is responsible for the enforcement of applicable laws. Also in certain Government-owned property, it may be advantageous to the Federal Government for the State to retain entire jurisdiction because of local operating situations.

Duties. The following are regarded as basic duties to be carried out by special police.

a. Preventing by every reasonable effort breaches of the peace and civil disturbances, thefts of Government property and the personal property of Government employees, acts of vandalism, etc.

b. Apprehending and arresting persons guilty of crime or misdemeanor when vested with proper police authority, or promptly notifying local authorities when their assistance is required.

c. Carrying out prescribed local procedures in dealing with persons of unsound mind.

Local procedures. Regardless of the degree of jurisdiction exercised by the Federal Government and of the method of guarding, it is necessary that definite local procedures be worked out. They shall include arrangements with the local and any other Federal law enforcement agencies in the vicinity. These arrangements may range from mutual assistance agreements (where the Federal Government exercises exclusive or concurrent jurisdiction) for aid in the event of large-scale disorders, handling of Federal prisoners, and fire fighting, etc. to procedures to be followed in calling local police and fire departments where local governments have retained entire jurisdiction over the

property involved. Personnel must be thoroughly instructed in procedures applicable to their particular building.

[F. R. Doc. 56-5863; Filed, July 19, 1956; 8:51 a. m.]

[Project 3-DC-03]

FEDERAL OFFICE, BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07.
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and

in my opinion is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM, DEMONSTRATION AND URBAN PLANNING GRANT PROGRAMS

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F. R. 428–429, January 19, 1955), as amended (20 F. R. 4275, June 17, 1955; 21 F. R. 1468, March 7, 1956; 21 F. R. 3038, May 5, 1956; and 21 F. R. 5385, July 18, 1956), is hereby further amended in the following respect:

1. In subparagraph 1 (d) (7), by deleting existing item lettered (A) and redesignating existing items (B), (C), and (D) as items (A), (B), and (C), respectively.

Effective as of the 20th day of July 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F R. Doc. 56-5870; Filed, July 19, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 17, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32366: *Agriculture implements—Mississippi Valley Points to Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on agricultural implements, and related commodities, carloads from New Orleans, La., Jackson, Miss., and Memphis, Tenn., to Pacific Coast points taking rate basis Nos. 1 through 6, inclusive of tariff listed below.

Grounds for relief: Circuitous routes.

Tariff: Supplement 32 to Agent Prueter's I. C. C. 1573.

FSA No. 32367: *Latex—Boston, Mass., and group to Mauldin, S. C.* Filed jointly by O. E. Swenson and C. W. Boin, Agents, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, tank-car loads from Boston, Mass., and other points in the Boston switching district to Mauldin, S. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 71 to Agent Swenson's I. C. C. 610.

FSA No. 32368: *Substituted service—motor-rail-motor—N. & W. and Pa. Railroads.* Filed by Middle Atlantic Conference, Agent, for Falwell Fast Freight, Inc., and other interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Roanoke, Va., on one hand, and Kearny, N. J., and Philadelphia, Pa., on the other, originating at or destined to points beyond the named points on lines of applicant motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference tariff MF-I. C. C. No. A-785.

FSA No. 32369: *Sand—Dolen, Tex., to Artesia, N. Mex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sand, noibn, in closed cars or open-top cars, carloads from Dolen, Tex., to Artesia, N. Mex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 68 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 32370: *Substituted service—motor-rail-motor—Pa. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on freight, loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Indianapolis, Ind., on one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32371: *Scrap iron or steel—South to New Castle, Del.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from specified points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia and Helena, Ark., to New Castle, Del.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 118 to Agent Spaninger's I. C. C. 1329.

FSA No. 32372: *Rubber articles—Ohio to Florida and Georgia.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap sponge or foam rubber, carloads from Akron, and Barberton, Ohio to Atlanta, Ga., and Miami, Fla.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-5865; Filed, July 19, 1956; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[General Administrative Order VII-1, Revised]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION

Correction

In F. R. Doc. 56-5783, appearing at page 5430 of the issue for Thursday, July 19, 1956, the order number should read as set forth above.

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 14865, Amdt.]

G. A. LASONDER

In re: debts owing to Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder. F-28-30659.

Vesting Order 14865, dated July 12, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder, whose last known address is Gildehaus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: those certain debts or other obligations, matured or unmatured, evidenced by the bearer bonds described in Exhibit A, attached hereto and by reference made a part hereof, and evidenced by coupons attached to or detached from said bonds and due on or after the respective dates set forth in said Exhibit A, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all

rights in, to and under the aforesaid bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. G. A. Lasonder also known as G. A. Bauer Lasonder, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director.
Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Face value (each)	Bond Nos.	Coupons
Bush Terminal Co. consolidated mortgage 5 percent gold bonds, due Jan. 1, 1955.	$1,000	1889	June 14, 1941
		2334	Do.
		2419	Do.
		2431	Do.
Southern Pacific Railroad Co., first refunding mortgage gold bonds, due Jan. 1, 1955.	1,000	M 30710	May 10, 1940
		M 70726	Do.
		M 70727	Do.
		M 70730	Do.
Illinois Central Railroad Co., 4 percent gold bonds, of 1952, due Apr. 1, 1952	1,000	600	June 14, 1941
		1570	Do.
		9534	Do.
		11534	Do.
Connecticut Railway & Lighting Co., first and refunding mortgage 4½ percent, 50-year gold bonds, due Jan. 1, 1951.	1,000	10564	Do.
		10757	Do.
The Louisville & Nashville Railroad Co., St. Louis Division second mortgage 3-percent gold bonds, due Mar. 1, 1980.	1,000	91	Do.
		1043	Do.
		1471	Do.
		2713	Do.
The Kansas City Southern Railway Co., 3-percent first mortgage 50-year gold bonds, due 1950.	1,000	426	Do.
		6708	Do.
		25736	Do.
		26006	Do.
The Central Pacific Railway Co. first refunding mortgage gold bonds, due Aug. 1, 1949.	1,000	2837	Do.
		27131	Do.
		27141	Do.
		80411	Do.

[F. R. Doc. 56-5871; Filed, July 19, 1956; 8:52 a. m.]

[Vesting Order 14882, Amdt.]

LEIPZIGER FEUERVERS.ANSTALT

In re: bonds owned by Leipziger Feuervers.Anstalt. F-28-30820.

Vesting Order 14882, dated July 17, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leipziger Feuervers.Anstalt, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Leipzig, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: those certain debts or other obligations, matured or unmatured, evidenced by twenty (20) Coupon Bonds of the 3 percent Corporate Stock of The City of New York, due January 1, 1977, of $1,000 face value each, bearing the numbers, Series R-30: 1398, 1399, 10033, 13816, 13817, 13818, 13819, 13820, 13821, 13822, 13823, 15105, 15106, 15107, 15108, 15109; Series D-10: 2860, 2861, 3713; Series W-29: 5968, in bearer form, and evidenced by coupons attached to or detached from said bonds and due on or after June 14, 1941, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Leipziger Feuervers, Anstalt, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5872; Filed, July 19, 1956; 8:52 a. m.]

[Vesting Order 15942, Amdt.]

WILHELM WEISE

In re debts owing to Wilhelm Weise, F-28-31026

Vesting Order 15942, dated November 22, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Weise, whose last known address is 29 Tagerstresse, Celle, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured evidenced by Fifteen (15) Associated Gas & Electric Co. (Succeeded by General Public Utilities Corp.) 5½ percent Convertible Debentures, due 1977, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after February 1, 1940, and numbered as follows:

73	18531	29510
5338	24857	30067
14739	24878	33770
16828	24889	34125
17177	27814	38672

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid convertible debentures and coupons, including particularly but not limited to any and all rights in the plan of reorganization of 1946 under which Associated Gas & Electric Co. was succeeded by General Public Utilities Corp.,

b. Those certain debts or other obligations matured or unmatured evidenced by Two (2) American & Foreign Power Company, Inc., 5 percent Gold Debentures, due 2030, numbered 19018 and 37567, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after September 1, 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all righs to demand, enforce and collect

the same, and any and all rights in, to and under the aforesaid gold debentures and coupons,

c. Those certain debts or other obligations matured or unmatured, evidenced by Two (2) International Hydro-Electric System 6 percent Convertible Debentures, due 1944, numbered 25792 and 25978, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid convertible debentures and coupons,

d. Those certain debts or other obligations matured or unmatured evidenced by Four (4) International Power Securities Corp. 6½ percent Series C bonds, due 1955, numbered 1708, 5370/72, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after June 1, 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons,

e. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Co. 5 percent Convertible Debentures, due 1950, numbered 23473 and 24225, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after June 1, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid convertible debentures and coupons, including particularly but not limited to the proceeds of redemption.

f. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Co. 5 percent Debentures, due 1958, numbered 40728 and 44912, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid debentures and coupons, including particularly but not limited to the proceeds of redemption,

g. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Power & Light Co. 5½ percent gold bonds, dated 1929, numbered 4926 and 4930, each of $1,000 face value and evidenced by coupons attached to or detached from said bonds and due on or after June 1, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid gold bonds and coupons, including particularly but not limited to the proceeds of redemption, and

h. Those certain debts or other obligations matured or unmatured evidenced by Seven (7) Central States Electric Corporation 5½ percent Optional Gold Debentures, due 1954, numbered 8000/06 and evidenced by coupons attached to or detached from said bonds and due on or after September 15, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid optional gold debentures and coupons, including particularly but not limited to the proceeds of redemption,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelm Weise, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5873; Filed, July 19, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-847]

MAINE

LOAN ANNOUNCEMENT

JUNE 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Eastern Telephone Company, Maine 516-B West Enfield	$250,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5755; Filed, July 17, 1956; 8:54 a. m.]

[Administrative Order T-848]

MONTANA

LOAN ANNOUNCEMENT

JUNE 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Triangle Telephone Association, Montana 516-C Triangle	$110,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5756; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T-849]

MONTANA

LOAN ANNOUNCEMENT

JUNE 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Range Telephone Cooperative, Montana 518-AC Range	$30,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5757; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T-850]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Breezewood Telephone Company, Pennsylvania 512-A Breezewood	$364,000

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56-5758; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T-851]

IOWA

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Farmers Telephone Company, Iowa 536–A Essex	[1] $252,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56–5759; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T–852]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Dodge County Telephone Company, Wisconsin 566–A Dodge County	[1] $213,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56–5760; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T–853]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Grand Telephone Company, Incorporated, Oklahoma 518–A Jay	[1] $170,000

[1] Simultaneous allocation and loan.

[SEAL] K. L. SCOTT,
Director of Agricultural Credit Services.

[F. R. Doc. 56–5761; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T–854]

OREGON

LOAN ANNOUNCEMENT

JUNE 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Blue Mountain Telephone, Inc., Oregon 520–A Blue Mountain	[1] $557,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56–5762; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T–855]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Ruidoso Telephone Company, New Mexico 509–A Ruidoso	[1] $550,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56–5763; Filed, July 17, 1956; 8:55 a. m.]

[Administrative Order T–856]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Greenwood Telephone Co., Wisconsin 558–A Greenwood	[1] $253,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56–5764; Filed, July 17, 1956; 8:56 a. m.]

[Administrative Order T–857]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

Loan designation:	*Amount*
Turtle Lake Telephone Co., Inc., Wisconsin 535–A Turtle Lake	[1] $160,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Director of Agricultural Credit Services.

[F. R. Doc. 56–5765; Filed, July 17, 1956; 8:56 a. m.]

[Administrative Order T–858]

OREGON

LOAN ANNOUNCEMENT

JUNE 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pioneer Telephone Cooperative, Oregon 506–E Pioneer	$131,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–5766; Filed, July 17, 1956; 8:56 a. m.]

[Administrative Order T–859]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Hartington Telephone Company, Nebraska 529–A Hartington	[1] $300,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–5767; Filed, July 17, 1956; 8:56 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 141

Washington, Saturday, July 21, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.112 (a) as set out below.

§ 6.112 *Department of Commerce*—(a) *General.* • • •

(4) Positions established in connection with activities of the International Geophysical Year, 1957–58, whose duties are performed primarily in field stations beyond the continental limits of the United States. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing. Appointments under this authority shall not exceed two years, provided that with the prior approval of the Commission they may be extended for not to exceed an additional one-year period.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5895; Filed, July 20, 1956; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

AVERAGE VALUES OF FARMS; SOUTH DAKOTA

On July 12, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

SOUTH DAKOTA County:	*Average value*
Bennett	$30,000
Butte	30,000
Corson	30,000
Custer	30,000
Dewey	30,000
Fall River	30,000
Gregory	30,000
Haakon	30,000
Harding	30,000
Jackson	30,000
Jones	30,000
Lawrence	30,000
Lyman	30,000
Meade	30,000
Mellette	30,000
Pennington	30,000
Perkins	30,000
Potter	30,000
Shannon	30,000
Stanley	30,000
Sully	30,000
Todd	30,000
Tripp	30,000
Washabaugh	30,000
Ziebach	30,000

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (l))

Dated: July 17, 1956.

[SEAL] H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 56–5918; Filed, July 20, 1956; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS [1]

On April 26, 1956, a notice of proposed rule making was published in the FED-

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ERAL REGISTER (21 F. R. 2687) regarding a proposed issuance of United States Standards for Grades of Frozen Fried Fish Sticks.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Fried Fish Sticks are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1087, et seq., as amended; 7 U. S. C. 1621 et seq.)

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3141 Product description.
52.3142 Grades of frozen fried fish sticks.

WEIGHTS AND DIMENSIONS

52.3143 Recommended weights and dimensions.

FACTORS OF QUALITY

52.3144 Ascertaining the grade for frozen fried fish sticks.
52.3145 Ascertaining the score for the factors which are rated.
52.3146 Appearance.
52.3147 Defects.
52.3148 Character.

DEFINITIONS AND METHODS OF ANALYSIS

52.3149 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

52.3150 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3151 Score sheet for frozen fried fish sticks.

AUTHORITY: §§ 52.3141 to 52.3151 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.3141 *Product description.* Frozen fried fish sticks are clean, wholesome, rectangular-shaped portions of breaded, pre-cooked, and frozen fish flesh. The portions of fish flesh, composed primarily of large pieces, are coated with a suitable batter and breading; are cooked by frying in suitable oil or fat; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. Frozen fried fish sticks contain not less than 60 percent, by weight, of fish flesh. All sticks comprising an individual package are prepared from the flesh of only one species of fish.

§ 52.3142 *Grades of frozen fried fish sticks.* (a) "U. S. Grade A" is the quality of frozen fried fish sticks that possess a good flavor and odor, that possess a good appearance, that are practically free from defects, that possess a good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That the frozen fried fish sticks may possess a reasonably good appearance and a reasonably good character if the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen fried fish sticks that possess a reasonably good flavor and odor, that possess a reasonably good appearance, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided,* That the frozen fried fish sticks may fail to possess a reasonably good appearance and fail to possess a reasonably good character if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried fish sticks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 52.3143 *Recommended weights and dimensions.* The recommended weights and dimensions of frozen fried fish sticks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purposes of these grades. It is recommended that the largest dimension of a fish stick be at least three times that of the next largest dimension and that the average weight of the individual sticks be not less than ¾ ounce and not greater than 1¼ ounces.

FACTORS OF QUALITY

§ 52.3144 *Ascertaining the grade—(a) General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Appearance	35
Defects	40
Character	25
Total score	100

(b) The grade of frozen fried fish sticks is ascertained by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) *Good flavor and odor.* "Good flavor and odor" means that the product has the good flavor and odor of properly prepared breaded fish sticks. The flesh portion has the good flavor and odor of properly prepared fish of the particular species. The coating has the good flavor and odor obtained when all components have been properly prepared, used, and maintained. The product is free from rancidity, bitterness, and staleness, from bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

(d) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" means that the product may be somewhat lacking in good flavor and odor, but is free from rancidity and from objectionable bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

§ 52.3145 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive. (For example, "21 to 25 points" means 21, 22, 23, 24, or 25 points.)

§ 52.3146 *Appearance*—(a) *General.* The factor of appearance refers to the uniformity of size and shape of the frozen sticks, the color of the heated sticks, and the continuity of the coating of the product after heating.

(b) *(A) classification.* Frozen fried fish sticks that possess a good appearance may be given a score of 30 to 35 points. "Good appearance" means that the sticks are practically uniform in size and shape; that the product after heating possesses a practically uniform light brown to golden brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not more than slightly affected by cracking or slipping.

(c) *(B) classification.* Frozen fried fish sticks that possess a reasonably good appearance may be given a score of 25 to

29 points. "Reasonably good appearance" means that the sticks are reasonably uniform in size and shape; that the product after heating possesses a reasonably uniform light brown to golden-brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not materially affected by cracking or slipping.

(d) *(SStd.) classification.* Frozen fried fish sticks which fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points, and shall not be graded above U. S. Grade B regardless of the total score of the product (this is a partial limiting rule).

§ 52.3147 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from bones, broken sticks, damaged sticks, and from blemishes.

(1) *Bones.* "Bones" means any bones that can be separated from the product, can be identified, and are of such character as to be potentially harmful.

(2) *Broken stick.* "Broken stick" means a fish stick which is separated in two or more parts or is strained apart to the extent that it cannot be readily handled as one stick.

(3) *Damaged stick.* "Damaged stick" means a fish stick which has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(4) *Blemished.* "Blemished" means the presence (in or on the fish flesh) of blood spots, bruises, skin, protein curd spots, and objectionable dark layer fat, and (on or in the coating) of burned material, dark carbon specks, and other harmless extraneous material.

(5) *Seriously blemished.* "Seriously blemished" means blemished to the extent that the appearance is seriously affected.

(b) *(A) classification.* Frozen fried fish sticks that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that:

(1) None of the sticks are broken;

(2) The sticks may be blemished to only a minor degree; and

(3) Not more than a total of 20 percent, by count, of the sticks may be damaged or contain bones: *Provided,* That bones may be present in not more than 10 percent, by count, of all the sticks.

(c) *(B) classification.* Frozen fried fish sticks that are reasonably free from defects may be given a score of 28 to 33 points. Frozen fried fish sticks that fall into this classification may not be graded above U. S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than a total of 30 percent, by count, of the sticks may be defective because of bones, or are damaged sticks, broken sticks, or seriously blemished sticks: *Provided,* That

(1) Not more than 10 percent, by count, may be broken sticks;

(2) Not more than 30 percent, by count, may be damaged sticks;

(3) Not more than 20 percent, by count, of the sticks may contain bones; and

(4) Not more than 10 percent, by count, of the sticks may be seriously blemished.

(d) *(SStd.) classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points, and may not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3148 *Character*—(a) *General.* The factor of character refers to the presence or absence of free oil in the package and its effect on the condition of the package; the ease of separating the frozen sticks without damaging the coating or breaking the sticks; the tendency of the sticks to remain whole and unbroken when they are heated, handled, and served in the normal manner; the degree of freedom of the breading from either an oiliness or crumbliness; the tenderness and moistness of the flesh; the consistency of the breading in the heated product; and the adherence of the coating of the heated product.

(b) *(A) classification.* Frozen fried fish sticks that possess a good character may be given a score of 21 to 25 points. "Good character" means that oil from the product does not more than slightly damage the package; that there may be present not more than a very small amount of loose breading in the package; that the sticks may be separated easily; that the sticks are not more than very slightly damaged by the normal handling incident to heating and serving; that no excess oil remains on the cooking utensil; that the breading is not more than slightly oily; that the flesh after heating has a good texture which is firm, tender and moist, characteristic of properly fried fish sticks for the species used; and that after heating the coating has a good crisp, tender texture not more than slightly affected by blistering or wrinkling.

(c) *(B) classification.* Frozen fried fish sticks that possess a reasonably good character may be given a score of 17 to 20 points. "Reasonably good character" means that oil from the product does not materially damage the package; that there may be present not more than a reasonable amount of loose breading in the package; that the sticks may be separated with only moderate damage to the coating; that the sticks are not more than moderately damaged by the normal handling incident to heating and serving; that the breading is not more than moderately oily; that the flesh after heating has a reasonably good texture which is not more than moderately tough, stringy, crumbly, mushy or spongy; and that after heating the coating has a reasonably good texture which may be not more than moderately pasty, mushy, tough, or crumbly and is not materially affected by blistering or wrinkling.

(d) *(SStd.) classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3149 *Definitions and methods of analysis*—(a) *Percent of fish flesh.* "Percent of fish flesh" means the percent, by weight, of fish flesh in an individual package as determined by the following method:

(1) *Equipment needed.* (i) Water bath (2 to 3 liter beaker).

(ii) Balance, accurate to 0.05 gm.

(iii) Paper towels.

(iv) Spatula, small with curved tip.

(2) *Procedure.* (i) Remove from 0° F. storage and obtain the weight of each stick in the package while still in a hard frozen condition.

(ii) Place each stick individually in the water bath (maintained at 17° to 30° C.—63° to 86° F.) and allow to remain for 25 seconds. Remove from the bath; blot off lightly with double thickness paper toweling; scrape off coating with spatula; and weigh the fish flesh portion of the stick.

(iii) Calculate the percent of fish flesh in the package by the following formula:

$$\frac{\text{Total weight of fish flesh}}{\text{Total weight of frozen sticks}} \times 100 = \text{percent fish flesh.}$$

(c) *Heating in a suitable manner.* "Heating in a suitable manner" means heating in accordance with the recommendations accompanying the product. However, if specific instructions are lacking, the product should be heated as follows:

(1) Place the product while still in the frozen state on a flat or shallow pan of sufficient size that at least 10 ounces of the product can be spread evenly on the pan with no portion of a stick closer than ¼ inch to another or to the edge of the pan.

(2) Place the pan and frozen contents in a properly ventilated oven pre-heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT CERTIFICATION TOLERANCES

§ 52.3150 *Tolerances for certification of officially drawn samples.* (a) The grade of a specific lot from which samples have been officially drawn may be certified on the basis of such samples: *Provided,* That (1) all packages contain one species of fish; (2) all packages meet applicable provisions of the Federal Food, Drug, and Cosmetic Act in effect at the time of the aforesaid certification: *And provided further,* That, with respect to those factors which are rated by score points, such grade will be determined by averaging the total scores, if:

(i) Not more than one-sixth of the packages fail to meet the grade indicated by the average of such total scores;

(ii) None of the packages fall more than one grade below the grade indicated by the average of such total scores; and

(iii) The average score of all packages for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the packages comprising the sample.

SCORE SHEET

§ 52.3151 *Score sheet for frozen fried fish sticks.*

Label			----
Size and kind of container			----
Species of fish			----
Container mark or identification			----
Size of lot			----
Number of samples			----
Net weight (ounces)			----
Number of sticks per container			----
Factors	**Score points**		
Appearance	35	(A) 30-35 (B) 25-29 (SStd.) [1] 0-24	
Defects	40	(A) 34-40 (B) [2] 28-33 (SStd.) [2] 0-27	
Character	25	(A) 21-25 (B) 17-20 (SStd.) [1] 0-16	
Total score	100		
Grade			----
Flavor			----

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Effective time. The United States Standards for Grades of Frozen Fried Fish Sticks (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 18, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R Doc. 56-5914; Filed, July 20, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 78]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.378 *Valencia Orange Regulation 78*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on July 19, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 22, 1956, and ending at 12:01 a. m., P. s. t., July 29, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 20, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5976; Filed, July 20, 1956; 11:25 a. m.]

[Lemon Reg. 651]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.758 *Lemon Regulation 651*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 18, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 22, 1956, and ending at 12:01 a. m., P. s. t., July 29, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement.

(ii) District 2: 279,000 cartons.

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as

when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 19, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5952; Filed, July 20, 1956; 8:52 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1957, Supp. 1]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1957

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 National Agricultural Conservation Program, issued July 2, 1956 (21 F.R. 5034), is hereby amended as follows:

Section 1101.702 is amended to read as follows:

§ 1101.802 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1956 distribution. The allocation of funds among the States is as follows:

Alabama	$5,940,000
Alaska	42,000
Arizona	1,509,000
Arkansas	4,714,000
California	5,542,000
Colorado	3,243,000
Connecticut	486,000
Delaware	326,000
Florida	2,812,000
Georgia	7,052,000
Hawaii	182,000
Idaho	1,740,000
Illinois	8,402,000
Indiana	5,454,000
Iowa	9,185,000
Kansas	6,373,000
Kentucky	6,704,000
Louisiana	4,144,000
Maine	936,000
Maryland	1,277,000
Massachusetts	536,000
Michigan	4,880,000
Minnesota	5,909,000
Mississippi	6,331,000
Missouri	8,757,000
Montana	3,686,000
Nebraska	6,154,000
Nevada	360,000
New Hampshire	511,000
New Jersey	710,000
New Mexico	1,850,000
New York	4,629,000
North Carolina	6,280,000
North Dakota	4,454,000
Ohio	6,757,000
Oklahoma	7,198,000
Oregon	2,189,000
Pennsylvania	4,916,000
Puerto Rico	$830,000
Rhode Island	82,000
South Carolina	3,448,000
South Dakota	4,639,000
Tennessee	5,160,000
Texas	19,269,000
Utah	1,311,000
Vermont	1,062,000
Virgin Islands	12,000
Virginia	4,341,000
Washington	2,349,000
West Virginia	1,547,000
Wisconsin	5,339,000
Wyoming	2,041,000
Total	202,400,000

(b) The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.830, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, Pub. Law 554, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 18th day of July 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 56-5917; Filed, July 20, 1956; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11, paragraph (m), *Spectrographic standards* is amended by the transfer of the standards now in subparagraph (4) *Tool steels* to subparagraph (1) *Steels* and the addition of two new subparagraphs to read as follows:

(4) *Zinc-Base samples.*

Sample[1] No.	Kind[2]	Price per sample
625	Zinc-base A	$8.00
626	Zinc-base B	8.00
627	Zinc-base C	8.00
628	Zinc-base D	8.00
629	Zinc-base E	8.00
630	Zinc-base F	8.00

[1] Size: Bar segments, 1¼ inch square and ¾ inch thick.
[2] NBS Nos. 625, 626, and 627 correspond to ASTM Alloy AG40A; NBS Nos. 628, 629, and 630 correspond to ASTM Alloy AG41A.

(5) *Nickel base samples.*[1]

Sample No.	Name	Approximate weight of sample in grams	Price per sample
671	Nickel oxide 1	25	$4.00
672	Nickel oxide 2	25	4.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-5903; Filed, July 20, 1956; 8:47 a. m.]

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 4[2]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 398—PRIORITY RATINGS

MISCELLANEOUS AMENDMENTS

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions* is amended to read as follows:

(a) *General provisions.* The exportation from the United States of all commodities and all technical data as defined in § 385.1 of this subchapter is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce, except:

(1) Exportations to Canada, and

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government bill of lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier, and

(3) Exportations of commodities and technical data controlled by another government agency (see § 370.4).

2. Section 370.4 *Exportations authorized by government agencies other than Bureau of Foreign Commerce*, paragraph (c) *Narcotics* is amended by amending the Note following that paragraph to read as follows:

NOTE: Under the provisions of the Narcotics Drugs Import and Export Act, as amended, and the Federal marihuana law, the authority to control exports and imports of narcotic drugs, which are listed below, is vested in the Treasury Department, Bureau of Narcotics:

(1) Amidone or Methadon (Adanon and Dolophine—trade names).
(2) Coca leaves and their derivatives.
(3) Isonipecaine (Demerol—trade name).
(4) Marihuana or cannabis.
(5) Opium and its derivatives.
(6) Opiates.
(7) Any medicine or preparation containing any quantity of the foregoing drugs or their derivatives.

[1] Although intended primarily as spectrographic standards, these samples are equally suitable for chemical standards.
[2] This amendment was published in Current Export Bulletin No. 766, dated July 19, 1956.

3. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (b) *Nickel alloy and nickel-bearing cobalt scrap* is hereby deleted.

This part of the amendment shall become effective as of July 19, 1956.

4. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products, paragraph* (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

a. Subdivision (ii) of subparagraph (2) *Refined copper, Schedule B No. 641200* is deleted, and subdivisions (iii) and (iv) are renumbered (ii) and (iii) respectively.

b. Subparagraph (3) *Copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100* is amended to read as follows:

(3) *Copper ores, concentrates, matte and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper shall be supported by the information set forth in subparagraph (2) (ii) of this paragraph. A foreign smelter, refiner, or processor may be identified as the consumer of the copper materials included in this paragraph.

c. Subparagraph (4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended by adding a new subdivision (iv) to read as follows:

(iv) License applications to export "offshore" copper scrap (scrap located in United States territories or possessions outside the continental United States) will be considered for approval without regard to quota limitations established for the export of copper scrap where it is shown that (*a*) the scrap originated in and will be exported from a United States territory or possession, and (*b*) the scrap was collected pursuant to an approved collection contract with a United States Government agency. Applications submitted under the provisions of this subdivision shall contain one of the following as applicable:

Where the scrap was collected by the applicant, the application shall contain the following certification:

I (we) certify that the copper scrap covered by this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession). This scrap was collected by (me) (us) pursuant to approved (collection contract number or other identifying number) with (name of United States Government agency).

Where the scrap was not collected by the applicant, the application shall contain the following information:

(*a*) The name of the United States territory or possession where the scrap covered by the application originated.

(*b*) The name of the United States territory or possession from which the scrap will be exported.

(*c*) The name of the party who contracted with the United States Government to collect the scrap covered by the application and also the name of the United States Government agency with which the collection contract was made, and the contract number or other identifying number.

d. Subparagraph (7) *Time for submission of applications* is amended by adding the following at the end thereof: "The provisions of this subparagraph do not apply to the submission of license applications to export 'offshore' scrap. Such applications may be submitted at any time."

This part of the amendment shall become effective as of July 19, 1956.

5. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

THIRD QUARTER OF 1956

Dept. of Commerce Schedule B No.	Commodity	Submission dates—third quarter, 1956
630050	Aluminum scrap (new and old)	Before Sept. 15, 1956.
630070	Aluminum remelt ingots	
641900	Copper scrap (new and old) containing 40 percent or more copper[1]	
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[1]	
644100	Copper-base alloy ingots and other crude forms	
649150	Selenium powder	June 1–15, 1956.
622998	Ferroselenium	
664998	Selenium metal, except selenium-bearing scrap materials	
828810	Selenium-containing rubber compounding agents not of coal tar origin; accelerators.	
839750	Selenium salts of organic compounds	
839900	Selenium salts and compounds, including selenium dioxide	
842900	Selenium-containing pigments	

[1] License applications to export "offshore" copper scrap may be submitted at any time. See § 373.41 (c) (7).

NOTE: 1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this subchapter).

3. *Intransit shipment.* Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d) of this subchapter).

6. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (1) *General* is amended by deleting El Paso from the list of Department of Commerce field offices.

7. Section 398.2 *Defense supporting priority assistance* is amended to read as follows:

§ 398.2 *Defense supporting priority assistance.* Requests for, or information as to, export priority assistance for approved defense supporting programs should be directed to the Assistant Secretary of Defense (International Security Affairs), Washington 25, D. C.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-5904; Filed, July 20, 1956; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6348]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CORY CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.25 *Competitors and their products:* Competitors' products; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.* Subpart—*Disparaging competitors and their products*—Competitors' products: § 13.1010 *Qualities or properties;* § 13.1025 *Safety.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1575 *Comparative data or merits;* § 13.1585 *Competitive inferiority;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cory Corporation et al., Chicago, Ill., Docket 6348, July 10, 1956]

In the Matter of Cory Corporation, a Corporation, and Flavor Seal Corporation, a Corporation; Edward C. Newman, Hugo Hartman, Norman H. Schlegel, and Kenneth Y. Craig, Individually and as Officers of Cory Corporation; Herbert G. Blakeslee, Individually and as an Officer and Director of Cory Corporation; Anthony J. Aldorf, Jack N. Pritzker, John I. Snyder, Jr., and Rudolph E. Vogel, Individually and as Directors of Cory Corporation; Maurice Schraeger, Individually and as an Officer and Director of Flavor Seal Corporation; James W. Aldorf, and Abram N. Pritzker, Individually and as Officers and Directors of Both Cory Corporation and Flavor Seal Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two affiliated corporations and their officers and directors with making, in literature furnished their salesmen and by salesmen in their sales talks, false claims in connection with the sale of their "Flavor Seal" stainless steel cookware, such as that food values are lost and minerals and vitamins injured and destroyed by high cooking temperatures, that cooking in boiling water causes loss of the greater percentage of the necessary food values, that deficiency diseases are caused by improper preparation of food and over 90 percent of disease is caused by faulty diet, and that "waterless cooking" in their "Flavor Seal" stainless steel cookware would avoid all such dangers; and with disparaging competing products through statements that in aluminum utensils food develops dangerous poisons detrimental to health, and that those who eat food prepared or cooked in enamel utensils run the risk of appendicitis, tumors, and cancer as a result of chips of enamel getting into the system.

Following respondents' answers, agreements were entered into withdrawing the answers and containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist which, by order of June 29, 1956, became, on July 10, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Cory Corporation, a corporation, and Flavor Seal Corporation, a corporation, their respective officers and directors; respondents Edward C. Newman, Hugo Hartman, Norma H. Schlegel, and Kenneth Y. Craig, individually and as officers of respondent Cory Corporation; Herbert G. Blakeslee, individually and as an officer and director of respondent Cory Corporation; Anthony J. Aldorf, Jack N. Pritzker, John I. Snyder, Jr., and Rudolph E. Vogel, individually and as directors of respondent Cory Corporation; Maurice Schraeger, individually and as an officer and director of respondent Flavor Seal Corporation; James W. Aldorf and Abram N. Pritzker, individually and as officers and directors of both respondents Cory Corporation and Flavor Seal Corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of stainless steel or of any other product of substantially similar composition, design, construction, or purpose, do forthwith cease and desist from representing, directly or by implication:

1. That foods prepared, cooked or kept in aluminum or enamelware utensils cause disease or are in any manner detrimental or hazardous to the health of the user;

2. That the use of respondents' cooking utensils is necessary to health or will insure or promote better health, or is any more conducive to good health than the use of other modern cooking utensils, namely, other waterless cooking ultensils and those utensils known as pressure cookers and as steamers;

3. That there is no loss of food values when food is cooked in respondents' cooking utensils and by respondents' recommended method of cooking;

4. That when the waterless method of cooking is employed, there is any difference in the loss of food values in food cooked in respondents' utensils as compared with food cooked in utensils made of other material; but nothing in this order shall prevent respondents from representing that in the waterless method of cooking fresh fruits or fresh vegetables more vitamins and minerals are retained in the food than in methods of cooking using substantially larger quantities of water;

5. That preparing a meal by putting the food in a cooking vessel, covering it with water and boiling it causes deficiency ailments or nutritional deficiencies or the destruction or loss of the greater percentage of the necessary food values;

6. That other than by leaching into the cooking water, any minerals or any vitamins (except vitamin C and thiamin), in vegetables needed for human nutrition, are injured or lost by high temperatures in cooking; or that vitamin C or thiamin are destroyed by ordinary methods of cooking a meal;

7. That when using ordinary methods of cooking, 32 percent to 76 percent or any greater percentage or range of percentage of essential food values of vitamins or minerals is lost, destroyed by heat, or dissolved by water than is actually lost, destroyed or dissolved;

8. That a greater percentage of iodine, iron, magnesium, phosphorus, calcium or of any other mineral in food is lost by boiling in any method of cooking than is actually lost;

9. That heart disease, ulcers, indigestion, arthritis, gall stones, kidney trouble, decayed teeth, or diabetes are deficiency diseases or are caused by improper preparation of food;

10. That the majority of diseases are due to faulty diet;

11. That potatoes cooked by the method advocated by respondents, or in respondents' cooking utensils are not fattening;

12. That magnesium as found in food is a laxative.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5905; Filed, July 20, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54141]

PART 2—MEASUREMENT OF VESSELS

DEDUCTION FOR PROPELLING POWER

Public Law No. 551, 84th Congress, approved June 4, 1956 (70 Stat. 227), further amended the provisions of section 4153 of the Revised Statutes (46 U. S. C. 77) by authorizing a more liberal propelling-power allowance in computing the net tonnages of certain vessels. In accordance with that act, § 2.58, Customs Regulations (19 CFR 2.58), is amended to read as follows:

§ 2.58 *Deduction for propelling power.* In the case of a vessel propelled by steam or other power, a deduction shall be made for the propelling machinery space according to the percentage ratio between the actual tonnage of such space and the vessel's gross tonnage, calculated as follows:

For vessels propelled by screw in whole or in part:

13 percent or less: Deduct 32/13 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1¾ times the tonnage of the actual propelling machinery space.

Above 13 percent, below 20 percent: Deduct 32 percent of the gross tonnage.

20 percent or more: Deduct 32 percent of the gross tonnage or 1¾ times the tonnage of the actual propelling machinery space, whichever the owner elects.

For vessels propelled by paddle-wheel in whole or in part:

20 percent or less: Deduct 37/20 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1½ times the tonnage of the actual propelling machinery space.

Above 20 percent, below 30 percent: Deduct 37 percent of the gross tonnage.

30 percent or more: Deduct 37 percent of the gross tonnage or 1½ times the tonnage of the actual propelling machinery space, whichever the owner elects.

(R. S. 161, 4153, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 4, 28 Stat. 743, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 77, 79)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: July 16, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-5897; Filed, July 20, 1956; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 56-5810 appearing in the issue for Thursday, July 19, 1956, on page 5411, make the following change: In § 141a.35 (a) (2) (iii), line 11, "NaCH" should read "NaOH".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 9818]

PART 163—OPERATIONS

PROMOTIONAL OPERATIONS

JULY 17, 1956.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (21 F. R. 2895-6) § 163.24 of the Rules and Regulations for Insurance of Accounts (24 CFR 163.24) is hereby amended by adding at the end thereof the following four new sentences: "An insured institution shall not give for the opening of, or increasing the amount of, any account any give-away that has a monetary value in excess of $2.50. The monetary value of any give-away so given shall be the cost thereof to the insured institution and the insured institution shall keep in its records for a period of at least two years suitable evidence of such cost. If the give-away is purchased or obtained by the insured institution together with, in connection with, or at the same time as another item or other items from the same supplier, not identical therewith, such value shall be deemed to be the then current regular selling price or charge of the supplier on separate sales or dispositions thereof in the quantity included, and the insured institution shall in such case obtain, and keep in its records for a period of at least two years, a signed statement by such supplier of such regular selling price or charge. As used in the foregoing provisions of this section, the term 'give' means to give, to sell or dispose of for less than full monetary value as hereinbefore defined, or with any agreement or undertaking, contingent or otherwise, for repurchase or redemption, whether total or partial, or to offer, promise, or agree to do any of the foregoing; the term 'give-away' means any money, property, service, or other thing of value, whether tangible or intangible; and the term 'account' means an account of an insurable type."

Resolved further, that this amendment shall be effective September 30, 1956.

(Secs. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56-5919; Filed, July 20, 1956; 8:51 a. m.]

[No. 9826]

PART 163—OPERATIONS

FEDERAL INSURANCE RESERVE ACCOUNT

JULY 17, 1956.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (20 F. R. 9465), the Rules and Regulations for Insurance of Accounts (24 CFR Subt. B, Ch. I, Subch. D) are hereby amended as follows, effective August 21, 1956:

(a) The last sentence of § 163.11 *setting up, designation, and purpose of Federal insurance reserve*, (24 CFR 163.11) is hereby amended to read as follows: "The general reserves of Federal savings and loan associations operating under Charter K, Charter K (rev.) or Charter N are deemed to meet the requirements of this section."

(b) Section 163.13 (24 CFR 163.13) is hereby amended to read as follows:

§ 163.13 *Required amounts and maintenance of Federal insurance reserve*—(a) *Prior to and at expiration of twenty years from date of insurance.* Each insured institution shall, except as provided in § 163.12, during each of the fiscal years immediately following the date of insurance of its accounts credit to its Federal insurance reserve account an amount equal to at least 3/10 of 1 percent of all insured accounts at the beginning of such fiscal year; and shall build up such reserve account so that, at the close of business on the closing date next preceding the expiration of the stated number of years from the date of insurance of accounts, such reserve shall be at least equal to the following percentage of all insured accounts at the beginning of the fiscal year in which such closing date occurs:

1.25 percent at the expiration of 5 years.
1.50 percent at the expiration of 6 years.
1.75 percent at the expiration of 7 years.
2.0 percent at the expiration of 8 years.
2.25 percent at the expiration of 9 years.
2.50 percent at the expiration of 10 years.
2.75 percent at the expiration of 11 years.
3.0 percent at the expiration of 12 years.
3.25 percent at the expiration of 13 years.
3.50 percent at the expiration of 14 years.
3.75 percent at the expiration of 15 years.
4.0 percent at the expiration of 16 years.
4.25 percent at the expiration of 17 years.
4.50 percent at the expiration of 18 years.
4.75 percent at the expiration of 19 years.

Provided, That if at any such time the amount of the Federal insurance reserve of an insured institution is less than the amount required by the preceding requirements such institution shall credit to such reserve, at each closing date, an amount equal to at least 25 percent of its net income (but the amount credited during any fiscal year shall be at least equal to 3/10 of 1 percent of all insured accounts at the beginning of such fiscal year) until the amount of such reserve equals the requirements of this paragarph; *Provided further*, That credits to the Federal insurance reserve need not be made whenever the amount in such reserve equals or exceeds the amount required by this paragraph: *Provided further*, That, notwithstanding any other provision of this section except paragraph (b), each insured institution shall have a Federal insurance reserve account at least equal to 5 percent of all insured accounts at the beginning of that half of the institution's fiscal year in which occurs the expiration of twenty years immediately following the date of insurance of the institution's accounts.

(b) *Earmarking of undivided profits.* If, at the beginning of that half of an insured institution's fiscal year in which occurs the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of such insured institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution, for the purpose of the twenty-year requirement, may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account, will equal 5 percent of all insured accounts. The funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account exclusive of the undivided profits so earmarked equals 5 percent of all insured accounts: *Provided*, That, at the closing of any fiscal year, undivided profits so earmarked may be released from such earmarking to the extent that the aggregate amount of the Federal insurance reserve account and such earmarked undivided profits exceeds the sum of 5 percent of all insured accounts at the close of such fiscal year and 10 percent of the net income of the insured institution for each fiscal year subsequent to the date at which each insured institution is required by paragraph (a) of this section to have a Federal insurance reserve equal to at least 5 percent of all insured accounts.

(c) *After expiration of twenty years from date of insurance.* After the fiscal year in which occurs the expiration of twenty years immediately following the

date of insurance of its accounts, each insured institution that has a Federal insurance reserve account which, together with any undivided profits earmarked as provided in paragraph (b) of this section, is, at the closing of any fiscal year, equal to at least 5 percent of all insured accounts at the beginning of such fiscal year shall, during such fiscal year, credit from net income, or from surplus or undivided profits not so earmarked, to its Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least 10 percent of its net income, until the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 161.4 of this chapter, undivided profits, surplus, and reserve for bad debts is equal to at least 12 percent of all insured accounts. Thereafter if the total of such reserve accounts and of nonwithdrawable accounts, undivided profits, surplus, and reserve for bad debts falls below such 12 percent, such insured institution shall resume such 10 percent credits until the total of such accounts is again equal to at least 12 percent of all insured accounts; *Provided*, That any such insured institution may reduce the amount of credit required by this subsection to be made to such reserve accounts during any fiscal year to the extent that the total amount of credits made to such reserve accounts subsequent to the fiscal year in which occurs the expiration of twenty years from the date of insurance of the institution's accounts, but within a period of not more than five years immediately preceding the fiscal year in which such credit is reduced, less the amount of any such earmarked undivided profits released from earmarking during such period, exceeds the requirements of this paragraph exclusive of this proviso. If for any reason the Federal insurance reserve account, together with undivided profits earmarked pursuant to paragraph (b) of this section, of any institution which has been insured for at least twenty years and which has built up its Federal insurance reserve (including undivided profits, if any, so earmarked) to an amount equal to at least 5 percent of all insured accounts, is, at the closing of any fiscal year, less than an amount equal to 5 percent of all insured accounts at the beginning of such fiscal year, such institution shall credit to its Federal insurance reserve account, during each such fiscal year, an amount equal to at least 25 percent of its net income until its Federal insurance reserve (including undivided profits, if any, so earmarked) again equals at least 5 percent of all insured accounts.

(d) *Applicability of this section as amended.* This section as amended by the amendment adopted on July 17, 1956, effective August 21, 1956, shall be applicable to all fiscal years ending after December 31, 1956. The provisions of this section in effect prior to August 21, 1956, shall remain in effect with respect to all fiscal years ending on or after August 21, 1956, but prior to January 1, 1957.

(c) Section 163.14 *Charging of losses and payment of dividends.* (24 CFR 163.14) is hereby amended by deleting the word "operating" in the language "net operating income" and by adding at the end thereof the following new sentence: "As used in this section and in § 163.13 the term 'net income' means the gross income of an insured institution from all sources after deduction of operating expenses, including interest on Federal Home Loan Bank advances and borrowed money, and losses of every kind charged to income (rather than to reserves or undivided profits), but before deduction of interest or dividends on withdrawable accounts and on nonwithdrawable accounts as defined in § 161.4 of this chapter."

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-5920; Filed, July 20, 1956; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Regulation No. 1, Direction 7—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 7—RESTRICTIONS ON STEEL SHIPMENTS BY DISTRIBUTORS AND ACCEPTANCE OF DELIVERIES

REVOCATION

Direction 7 (21 F. R. 5057) to DMS Regulation No. 1 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 7 to DMS Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This revocation is effective July 22, 1956.

Issued July 20, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-5950; Filed, July 20, 1956; 8:52 a. m.]

[DMS Regulation No. 1, Direction 8 of July 20, 1956]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 8—RESTRICTIONS ON STEEL SHIPMENTS BY DISTRIBUTORS AGAINST UNRATED ORDERS

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Definitions.
3. Prohibition on shipments of certain steel products.
4. Limitations on shipments of steel against unrated orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I-7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this direction does.* The purpose of this direction is to reduce disruption of the national defense program resulting from the work stoppage in the steel-producing industry. It supersedes Direction 7 to DMS Regulation No. 1 which is revoked effective July 22, 1956. This new direction prohibits shipments of all types of aircraft quality steel and of certain types of nickel-bearing stainless steel plate by distributors against other than defense and atomic energy orders. It also provides that when a steel distributor's inventory of any listed category of steel falls below a specified level he may ship only stated quantities to persons who place unrated orders.

SEC. 2. *Definitions.* As used in this direction:

(a) "Steel distributor" means a steel distributor as defined in BDSA Order M-1A.

(b) "Unrated order" means a delivery order for controlled materials which is not an authorized controlled material order nor an order which must be accepted pursuant to the provisions of any regulation or order of BDSA.

(c) "Category of steel controlled material" means any numbered category of steel controlled material listed in Schedule I of this direction, excluding (1) aircraft quality steel, (2) nickel-bearing stainless steel plate over 72 inches wide, and (3) nickel-bearing stainless steel plate over one-half inch thick.

SEC. 3. *Prohibition on shipments of certain steel products.* No steel distributor shall make shipment against any unrated order of (a) any aircraft quality steel, (b) any nickel-bearing stainless steel plate over 72 inches wide, or (c) any nickel-bearing stainless steel plate over one-half inch thick. No person shall accept delivery of any such steel controlled materials from a steel distributor if such steel was ordered pursuant to an unrated order.

SEC. 4. *Limitations on shipments of steel against unrated orders.* (a) The provisions of this section apply only to shipments by a steel distributor against unrated orders for any category of steel controlled material when his inventory (by weight) of such category is, or by reason of such shipments would become, less than one-half of his inventory (by weight) of such category as of the close of business June 30, 1956.

(b) No steel distributor shall make shipment of more of any category of steel controlled material against an unrated order or unrated orders to any one person during any calendar week (beginning with the week of July 22, 1956) than the quantity for such category indicated in Schedule I of this direction.

This direction shall take effect July 20, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

SCHEDULE I OF DIRECTION 8 TO DMS REGULATION No. 1

Category of steel controlled material [1]	Quantity in pounds [2]
CARBON STEEL	
1. Bar, bar shapes [3] (except reinforcing)	4,000
2. Plate (except floor plate, abrasion resistant plate, and plate less than one-half inch thick)	2,000
3. Pipe, tubing	4,000
NICKEL-BEARING ALLOY STEEL (EXCEPT STAINLESS STEEL)	
4. Bar, bar shapes [3]	2,000
5. Sheet, strip	2,000
6. Plate	2,000
7. Pipe, tubing	2,000
NON-NICKEL-BEARING ALLOY STEEL (EXCEPT STAINLESS STEEL)	
8. Bar, bar shapes [3]	4,000
9. Sheet, strip	4,000
10. Plate	2,000
11. Pipe, tubing	4,000
NICKEL-BEARING STAINLESS STEEL	
12. Bar, bar shapes [3]	1,000
13. Sheet, strip	1,000
14. Plate	1,000
15. Pipe, tubing	1,000

[1] Includes all sizes and specifications other than those excluded in section 2 (c) of this direction.
[2] This quantity may be exceeded if the shipment of steel controlled material consists of a single piece.
[3] Hot-rolled.

[F. R. Doc. 56-5951; Filed, July 20, 1956; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 56-9]

PART 33—APPOINTMENTS OF CIVILIANS AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

SUBPART 33.05—APPOINTMENTS OF LICENSED OFFICERS OF THE UNITED STATES MERCHANT MARINE AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

The regulations in Subpart 33.05 are amended to read as follows and shall be effective on and after the date of publication in the FEDERAL REGISTER.

Sec.
33.05-1 Purpose.
33.05-3 Appointments.
33.05-5 Precedence.
33.05-7 General requirements for eligibility.
33.05-9 Specific requirements for commissioned officers.
33.05-11 Specific requirements for commissioned warrant officers.
33.05-13 Exceptions to general and specific requirements.

Sec.
33.05-15 Scope of examinations for commissioned officers.
33.05-17 Scope of examinations for commissioned warrant officers.
33.05-19 Procedure for making application.
33.05-21 Determination of eligibility and notification for examination.
33.05-23 Conducting of examinations.
33.05-25 Notification.
33.05-27 Requirements for examination.

AUTHORITY: §§ 33.05-1 to 33.05-27 issued under sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply sec. 1, 63 Stat. 513, 514; 14 U. S. C. 225, 228.

§ 33.05-1 *Purpose.* The regulations in this subpart govern the appointments of licensed officers of the United States Merchant Marine as commissioned officers, or commissioned warrant officers in the United States Coast Guard.

§ 33.05-3 *Appointments.* The appointments will be made in ranks or specialties appropriate to the qualifications and experience of the applicants. Any person who accepts such an appointment as a commissioned officer or commissioned warrant officer shall serve a probationary period of two years. During this period his commission may be revoked if his services are unsatisfactory. Also, during this probationary period such officers will be subject to the same rules of conduct and performance of duty as are applicable to all other officers in the Coast Guard.

§ 33.05-5 *Precedence.* (a) Officers appointed under this subpart shall take precedence with other officers in their respective ranks in accordance with the date of commission in such ranks. Appointees whose dates of commission are the same shall take precedence with each other in the order recommended by the selecting and examining board as approved by the Commandant.

§ 33.05-7 *General requirements for eligibility.* In order to be considered for appointment as a commissioned officer or commissioned warrant officer in the Coast Guard, an applicant must:

(a) Be a male citizen of the United States.

(b) Reach at least his 21st birthday in the year in which application is made. No applicant will be commissioned who has not reached his 21st birthday.

(c) Not reach his 40th birthday in the year in which application is made.

(d) Satisfy the Commandant of the Coast Guard as to his good moral character. No person who has been convicted of a felony is eligible for appointment as a commissioned officer or commissioned warrant officer.

(e) Be physically sound, not less than five feet four inches in height, stripped, nor more than six feet six inches in height, stripped.

(f) Meet specific requirements of the grade for which considered.

§ 33.05-9 *Specific requirements for commissioned officers.* In order to be considered for appointment as a commissioned officer in the Coast Guard, an applicant must:

(a) Have served four or more years aboard a vessel of the United States in the capacity of a licensed officer.

(b) Receive a satisfactory grade in a written examination in each of the following subjects:

(1) General.
(2) English.
(3) Tests of emotional stability, social adjustment, vocational interest, study habits, background, or personality characteristics as may be administered and aptitude tests.

(c) If a licensed deck officer, receive a satisfactory grade in a written examination in each of the following additional subjects:

(1) Navigation.
(2) Seamanship.

(d) If a licensed engineer officer, receive a satisfactory grade in a written examination in each of the following additional subjects:

(1) Marine engineering.
(2) Electrical engineering.

(e) Be interviewed by a Board of at least three Coast Guard officers of the rank of Lieutenant Commander or above, who will assign the applicant a mark in general adaptability.

(f) Meet physical standards prescribed for original entry into the U. S. Coast Guard as outlined in subpart 33.10 of this part.

§ 33.05-11 *Specific requirements for commissioned warrant officers.* In order to be considered for appointment as a commissioned warrant officer in the Coast Guard, an applicant must:

(a) Have served four or more years aboard a vessel of the United States in the capacity of a licensed officer.

(b) Receive a satisfactory grade in a written examination in each of the following subjects:

(1) General.
(2) English.
(3) Tests of emotional stability, social adjustment, vocational interest, study habits, background, or personality characteristics as may be administered and aptitude tests.

(c) If a licensed deck officer, receive a satisfactory grade in a written examination in each of the following subjects:

(1) Navigation.
(2) Seamanship.

(d) If a licensed engineer officer, receive a satisfactory grade in a written examination in each of the following subjects:

(1) Marine engineering.
(2) Electrical engineering.

(e) Be interviewed by a board of at least three Coast Guard officers of the rank of Lieutenant Commander, or above, who will assign the applicant a mark in general adaptability.

(f) Meet physical standards prescribed for original entry into the Coast Guard as outlined in Subpart 33.10 of this part.

§ 33.05-13 *Exceptions to general and specific requirements.* Notwithstanding the limitations prescribed in §§ 33.05-7 (c); 33.05-9 (b), (c) and (d); and 33.05-11 (b), (c) and (d); the Commandant may, when the needs of the service so require, recommend the appointment of an individual possessing outstanding professional qualifications for a particular assignment requiring special knowledge

which is not available in the commissioned corps of the Coast Guard.

§ 33.05–15 *Scope of examinations for commissioned officers.* The scope of examinations listed in § 33.05–9 are described generally in this section. The examination in any one subject may not cover all the topics described under that subject. However, to insure adequate preparation for the examination, all topics should be studied.

(a) General: (1) Laws and Regulations pertaining to the United States Merchant Marine. The topics included are: Life saving apparatus; safety equipment; regulations covering safety and comfort of passengers and crews; annual and special inspections; notices to be posted; drills; procedures in disputes and casualties.

(2) Ship construction: The topics included are: Hull structure; fittings and equipment; stability; ship maintenance; preservation and repair; subdivision; damage control.

(b) Aptitude tests, tests of emotional stability and background characteristics as may be administered.

(c) English: Demonstrate the principles of English grammar, composition, spelling, punctuation, by writing a short (500 word) essay on a work of literature, or a recent current event.

(d) Navigation: The topics included are: Use and care of navigational instruments; definitions of nautical astronomy; buoyage system of the United States; piloting; principles of compass compensation; practical problems in determining latitude, longitude, azimuths, compass error, times of sunrise and sunset, and tides and currents.

(e) Seamanship: The topics included are: Types and characteristics of ships and boats; marlinspike seamanship; standing and running rigging; ground tackle; deck seamanship; signals; rules of the road; weather; ship handling.

(f) Marine engineering: The topics included are: Descriptions and principles of operation of marine boilers and fittings, turbines, steam reciprocating engines, internal combustion engines, and fire room and engine room auxiliaries; lubrication; maintenance and repair.

(g) Electrical engineering: The topics included are: Definitions; measurements; magnets and magnetism; Ohm's Law; Kirchoff's Law; solutions of D. C. circuits; D. C. generators; D. C. motors; inductance, capacitance, and impedance; power factors; A. C. measurements; solutions of A. C. circuits; A. C. generators; A. C. motors; safety precautions; batteries.

§ 33.05–17 *Scope of examinations for commissioned warrant officers.* The scope of examinations listed in § 33.05–13 are described generally in this section. The examination in any one subject may not cover all the topics described under that subject. However, to insure adequate preparation for the examination, all topics should be studied.

(a) General: (1) Laws and Regulations pertaining to the United States Merchant Marine. The topics included are: Life saving apparatus; safety equipment; annual and special inspections; notices to be posted; drills.

(2) Ship construction: Basic questions on the following topics: Terminology; ship maintenance, preservation and repair.

(3) Fire fighting equipment: Basic questions on the following topics: CO_2 systems, oxygen breathing apparatus, fresh air masks, safety lamp.

(b) Aptitude tests, tests of emotional stability and background characteristics as may be administered.

(c) English: Demonstrate the principles of English grammar, composition, spelling, punctation by writing a short (500 word) essay on a work of literature, or a recent current event.

(d) Navigation: Basic questions on the following topics: Meteorology; compass, gyro and magnetic; use of radar.

(e) Seamanship: Basic questions on the following topics: Marlinspike seamanship; block and tackle; standing and running rigging; deck seamanship.

(f) Marine engineering: The topics included are: Descriptions and principles of operation of marine boilers and fittings, turbines, steam reciprocating engines, internal combustion engines and fire room and engine room auxiliaries; lubrication maintenance and repair.

(g) Electrical engineering: The topics included are: Definitions; measurements; magnets and magnetism; Ohm's Law; Kirchoff's Law; solutions of D. C. circuits; D. C. generators; D. C. motors; inductants, capacitance, and impedance; power factors; A. C. measurements; solution of A. C. circuits; A. C. generators; A. C. motors; safety precautions; batteries.

§ 33.05–19 *Procedure for making application.* (a) Those persons who consider themselves eligible under the regulations in this subpart and desire to apply for an appointment as a commissioned officer or commissioned warrant officer in the U. S. Coast Guard should address a letter to the Commandant (PTP), United States Coast Guard, Washington, 25, D. C., requesting an application form.

(b) Information will be furnished the applicant on the application form setting forth the ports at which the examination may be taken and the period during which the next examination will be scheduled. The applicant should state on the application form the place and date that he wishes to take the entrance examination. This preference will be acted upon in accordance with § 33.05–21 (b). The applicant should also state whether he wishes to be considered for commissioned officer or commissioned warrant officer rank.

(c) The application form should be completed and mailed, with the required enclosures, to the Commandant (PTP), U. S. Coast Guard, Washington, D. C.

§ 33.05–21 *Determination of eligibility and notification for examination.* (a) Upon receipt of the completed application form at Coast Guard Headquarters, a determination will be made as to whether the applicant is eligible to participate in examinations for appointment as commissioned officer, commissioned warrant officer.

(b) Candidates on the list will be advised of the time and place where they may take the examination. However, no examination can be given within thirty days of the date of receipt of the application form; and, any applicant making application within thirty days of the end of the examination period will have to wait until the next examination period.

§ 33.05–23 *Conducting of examinations.* (a) Examinations will be conducted at various centers throughout the country. The schedule of examinations will normally be as follows:

(1) *Commissioned officers.*

First day: 8:00 a. m. to 12 noon—General. 1:00 p. m. to 4:30 p. m.—Aptitude tests.

Second day: 8:00 a. m. to 12 noon—Navigation and marine engineering. 1:00 p. m. to 4:30 p. m.—Seamanship and electrical engineering.

Third day: 8:00 a. m. to 10:30 a. m.—English. 10:30 a. m. to 4:30 p. m.—Interviews and physical examination.

(2) *Commissioned warrant officers.*

First day: 8:00 a. m. to 12 noon—General. 1:00 p. m. to 4:30 p. m.—Aptitude tests.

Second day: 8:00 a. m. to 12 noon—Navigation and marine engineering. 1:00 p. m. to 4:30 p. m.—Seamanship and electrical engineering.

Third day: 8:00 a. m. to 10:30 a. m.—English. 10:30 a. m. to 4:30 p. m.—Interviews and physical examinations.

§ 33.05–25 *Notification.* (a) All examination papers will be graded and reviewed, and adaptability of applicants for entrance into the Coast Guard determined by a Board of Officers, Coast Guard Headquarters, Washington, D. C. This Board will be appointed by the Commandant and the Board's findings, when approved by the Commandant, are final.

(b) Applicants for appointments as commissioned officers or commissioned warrant officers in the Coast Guard who are determined to be mentally and morally suited and otherwise qualified for appointment will be so notified and directed to report for a final physical examination.

(c) All candidates for appointments as commissioned officers or commissioned warrant officers in the Coast Guard who are found to be not mentally, morally, or physically qualified for the appointment will be so notified.

(d) Appointments to commissioned officer or commissioned warrant officer rank will be made by the President, by and with the advice and consent of the Senate. Upon acceptance by the candidate he will be ordered immediately to active duty in the Coast Guard.

§ 33.05–27 *Requirements for examination.* (a) All expenses in connection with application, preliminary physical examination, and travel to point of examination and interview must be borne by the candidate. Examinations will be given at specified times and places. Candidates will be given sufficient notice to arrange their personal affairs for the time necessary for examination.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

JUNE 25, 1956.

[F. R. Doc. 56-5898; Filed, July 20, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 35—NORTHEASTERN REGION

SUBPART—MOOSEHORN NATIONAL WILDLIFE REFUGE, MAINE

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that fishing can be permitted at certain times and in certain additional areas of the Moosehorn National Wildlife Refuge, Maine, without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of existing restrictions applicable to the Moosehorn National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 35.31, 35.32, and 35.35 are revised to read as follows:

§ 35.31 *Fishing permitted.* In accordance with the provisions of Parts 18 and 21 of this chapter, and subject to the requirements and limitations of §§ 35.32 to 35.36, inclusive, noncommercial fishing, in accordance with the laws and regulations of the State of Maine, is permitted during the daylight hours at the times and in the waters of the Moosehorn National Wildlife Refuge as set forth in § 35.32.

§ 35.32 *Waters open to fishing.* (a) During the prescribed open water fishing seasons for the State of Maine the following waters shall be open to noncommercial fishing:

(1) Moosehorn Stream from Pennamaquan Crossing on the Charlotte Road southerly to the south boundary of the refuge.

(2) Cranberry Brook from the dam at outlet of Cranberry Lake southeasterly to Moosehorn Stream.

(3) Mahar Brook.

(4) East Magurrewock Stream from Vose Pond to head of Magurrewock Marsh.

(5) West Magurrewock Stream from dam at outlet of Howard Mill Marsh flowage to head of Magurrewock Marsh.

(6) Conic Brook.

(7) Conic Lake.

(8) Little (Bearce's) Lake.

(9) James Pond.

(10) Ledge Pond.

(11) Barn Meadow Brook from refuge boundary easterly to head of Barn Meadow Marsh.

(12) Hobard Stream from Hobart Bog dam easterly to refuge boundary.

(13) Crane Mill Stream.

(14) Crane Meadow Brook.

(15) Cranberry Lake Stream.

(16) Hobart Lake.

(b) During the prescribed open water fishing season for the State of Maine the following waters of the Moosehorn Refuge shall be open to noncommercial fishing only by children who have not attained the age of 16 years:

(1) Magurrewock Marsh from and on U. S. No. 1 Highway bridge and central Magurrewock cross dike only.

(2) Burnt Cove Brook from dam at outlet of Touse Meadow Marsh flowage to salt water.

(c) During the prescribed ice fishing season for the State of Maine the following waters of the refuge shall be open to fishing through the ice only:

(1) Cranberry Lake.

(2) Conic Lake.

(3) Little (Bearce's) Lake.

(4) Hobart Lake.

(5) Hobart Bog flowage.

§ 35.35 *Use of boats.* The use of boats without motors while fishing in the waters of the refuge is permitted only in the waters of Little (Bearce's) Lake, Conic Lake, Hobart Lake, James Pond, and Ledge Pond. Boats may be launched and landed only at points designated by the refuge officer in charge by posting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: July 17, 1956.

JOHN L. FARLEY,
Director,
Fish and Wildlife Service.

[F. R. Doc. 56-5906; Filed, July 20, 1956; 8:48 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NUSHAGAK AND NAKNEK-KVICHAK DISTRICTS

Basis and purpose. On the basis of declining runs at this time in the Nushagak and Naknek-Kvichak districts of Bristol Bay, it has been determined that salmon fishing time must be curtailed.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 104.5 as amended July 16, 1956 is further amended to permit fishing from 9 o'clock antemeridian July 19 to 9 o'clock antemeridian July 20, 1956 in the Nushagak district, and from 9 o'clock antemeridian July 19 to 3 o'clock postmeridian July 20, 1956 in the Naknek-Kvichak district.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 19, 1956.

[F. R. Doc. 56-5948; Filed, July 19, 1956; 4:11 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 245]

BEER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of 26 CFR Part 245 (19 F. R. 9874).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
245.1 Beer.
245.2 Forms prescribed.

Subpart B—Definitions

245.5 Meaning of terms.

Subpart C—Location and Use of Brewery

245.10 Restrictions.
245.11 Continuity of brewery.
245.12 Use of brewery.
245.13 Storage of beer on which the tax has been paid or determined.

Subpart D—Construction

245.15 Brewery buildings.
245.16 Division of brewery.
245.17 Empty container storage room.
245.18 Government cabinet.

PIPELINE TRANSFERS TO BOTTLING HOUSE

245.19 General.
245.20 Facilities for cleaning pipeline.

Subpart E—Equipment

Sec.
245.25 Tanks and vats.

Subpart F—Beer Meters

245.30 Meters required.
245.31 Notice of meter shipment.
245.32 Location and installation.
245.33 Strainers.
245.34 Tests, repairs, and adjustments.
245.35 Facilities for meter tests.

Subpart G—Notices

245.40 Notice on Form 27–C.
245.41 Data for notice.
245.42 Powers of attorney.
245.43 Additional information.
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Subpart H—Bonds and Consents of Surety

245.45 General.
245.46 Penal sum of bond.
245.47 Conditions of bond.
245.48 Strengthening bonds.
245.49 New bond.
245.50 Superseding bond.
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245.52 Corporate surety.
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245.54 Powers of attorney to execute bonds.
245.55 Deposit of collateral security in lieu of corporate surety.
245.56 Disapproval of bonds or consents of surety.
245.57 Appeal to Director, Alcohol and Tobacco Tax Division.
245.58 Termination of surety's liability under bond.
245.59 Notice by surety for relief from liability under bond.
245.60 Notice of bond termination.
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Subpart I—Plats

245.65 Requirements.
245.66 Preparation.
245.67 Depiction of brewery.
245.68 Certificate of accuracy.
245.69 Revised plats.

Subpart J—Approval of Documents

245.70 Examination of documents.
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Subpart K—Special Taxes

245.75 Special tax.
245.76 Special tax return.
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245.78 Wholesale and retail special tax exemption.
245.79 Sale of bottled beer.
245.80 Wholesale dealer in beer.
245.81 Retail dealer in beer.
245.82 Posting special tax stamp.
245.83 Sale at purchaser's place of business.
245.84 Each place of business taxable.

Subpart L—Changes in Name, Proprietorship, Control, Location, Premises, and Equipment

245.85 Amended or supplemental notices.

CHANGES IN PROPRIETORSHIP

245.86 Nonfiduciary successor.
245.87 Fiduciary.
245.88 Change in partnership.
245.89 Exception, change in partnership.
245.90 Changes in stockholders, officers, and directors of corporation.
245.91 Reincorporation.
245.92 Plats.
245.93 Approval required.
245.94 Transfer of business.

CHANGES IN LOCATION AND PREMISES

245.95 Change in location.
245.96 Changes in premises.

SPECIAL TAX STAMPS

Sec.
245.97 Change in name; amended Form 11.
245.98 Liability; change in proprietorship.
245.99 Persons having right of succession.
245.100 Liability; change in location.

Subpart M—Notice of Discontinuance of Business

245.105 Form of notice.

Subpart N—Tax on Beer

245.110 Rate of tax.
245.111 Persons liable for tax.
245.112 Method of taxpayment.
245.113 Determination of tax on keg beer.
245.114 Determination of tax on bottled beer.
245.115 Tax computations for bottled beer.
245.116 Time of tax determination and payment.
245.117 Handling of a day's gross tax liability of less than $100.
245.118 Evasion of or failure to pay tax.

Subpart O—Marks, Brands, and Labels

245.125 Barrels and cases.
245.126 Bottles.

MORE THAN ONE BREWERY OWNED BY THE SAME PERSON

245.127 Barrels or kegs.
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245.129 Rebranding barrels or kegs.
245.130 Tanks, vehicles, and vessels.

Subpart P—Removal of Brewer's Yeast and Other Articles

245.135 Containers and records.
245.136 Malt sirup.

Subpart Q—Transfers to Another Brewery of Same Ownership

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245.141 Kinds of containers.
245.142 Determination of quantity transferred.
245.143 Losses in transit.
245.144 Mingling.
245.145 Report of transfers between breweries.
245.146 Transfers in same region.
245.147 Transfers to other regions.
245.148 Application for remission of tax.

Subpart R—Removal of Beer Unfit for Beverage Use

245.150 Removal of sour or damaged beer.
245.151 Packages.
245.152 Application.
245.153 Entry on Form 103.

Subpart S—Beer Returned to Brewery

245.155 Storage of undelivered beer.
245.156 Temporary storage of repossessed beer.
245.157 Recasing or relabeling.
245.158 Beer removed from market.

Subpart T—Refund and Credit of Tax or Relief From Liability

245.160 Beer returned for reconditioning, use as material, or destruction.
245.161 Brewer's application; beer removed from market.
245.162 Assignment of inspector.
245.163 Beer lost or destroyed by fire, casualty, or act of God.
245.164 Claims for refund of tax.
245.165 Claims for allowance of credit for tax.

Subpart U—Exportation

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245.171 Exportation of taxpaid beer.
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245.173 Foreign-trade zones.
245.174 Evidence of exportation.
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245.185 Delay in lading.
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245.189 Application for relief.
245.190 Evidence to support application.
245.191 Assistant regional commissioner's action on application.
245.192 Assistant regional commissioner's account.
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Subpart V—Supplies for Vessels and Aircraft

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245.195 General.
245.196 Vessels employed in the fisheries.
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245.198 Procedure applicable.
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Subpart W—Beer Procured From Another Brewer

245.205 Notice to assistant regional commissioner.
245.206 Producer's entries on Form 103.
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245.208 Form of notice.

Subpart X—Cereal Beverage

245.210 Beer removed to contiguous alcohol plants.
245.211 Production and removal of cereal beverage.

Subpart Y—Removals for Analysis

245.215 Analytical purposes.

Subpart Z—Miscellaneous Provisions

245.220 Officer's right of entry and examination.

VARIATIONS FROM REQUIREMENTS

245.221 Exceptions to construction, equipment, and methods requirements.
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Subpart AA—Records, Reports, and Returns

245.225 Records.
245.226 Form 103.
245.227 Beer tax return, Form 2034.
245.228 Period for which return is filed.
245.229 Time and place of filing.
245.230 Disposition of unsalable beer in bottling house.
245.231 Verification.
245.232 Retention of records.

AUTHORITY: §§ 245.1 to 245.232 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 245.1 *Beer.* The regulations in this part relate to beer and cereal beverages and cover the location, construction, equipment, and operations of breweries and the qualification of such establishments including the ownership, control, and management thereof.

§ 245.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 245.5 *Meaning of terms.* When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart, as follows:

Assistant regional commissioner. "Assistant regional commissioner" shall mean an assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. "Beer" shall mean beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(68A Stat. 612; 26 U. S. C. 5052)

Bottle and bottling. "Bottle" shall mean a bottle, can, or similar container, and "bottling" shall mean the filling of bottles, cans, and similar containers.

(68A Stat. 676; 26 U. S. C. 5416)

Brewer. "Brewer" shall mean every person who brews or produces beer for sale.

(68A Stat. 617; 26 U. S. C. 5092)

Brewery. "Brewery" shall mean the land and buildings described as such in the brewer's notice on Form 27–C, where beer is to be produced and bottled. "Brewery bottling house" shall mean that portion of the brewery set apart by the brewer, and so described on Form 27–C, where beer is to be bottled.

(68A Stat. 674, 675; 26 U. S. C. 5402, 5411)

Brewing. "Brewing" shall mean the production of beer for sale.

Business day. "Business day" shall mean the 24-hour cycle of operations in effect at the brewery, which, if other than the calendar day, is subject to the approval of the assistant regional commissioner. The business day, having been once established, shall be applicable to all records and operations of the brewery, and shall not be changed without approval of the assistant regional commissioner.

Cereal beverage. "Cereal beverage" shall mean malt beverage, either fermented or unfermented, which contains, when ready for consumption, less than one-half of 1 percent of alcohol by volume.

Commissioner. "Commissioner" shall mean the Commissioner of Internal Revenue.

Director, Alcohol and Tobacco Tax Division. "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

District director. "District director" shall mean a district director of internal revenue.

Gallon. "Gallon" shall mean the liquid measure containing 231 cubic inches.

(68A Stat. 612; 26 U. S. C. 5052)

Includes and including. "Includes" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

Inclusive language. Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine as well as individuals, trusts, estates, partnerships, associations, companies, corporations, and other legal entities.

I. R. C. "I. R. C." shall mean the Internal Revenue Code of 1954.

Person. "Person" shall mean and include an individual, a trust, estate, partnership, association, company, and corporation.

(68A Stat. 911; 26 U. S. C. 7701)

Region. "Region" shall mean an internal revenue region.

Regional commissioner. "Regional commissioner" shall mean the regional commissioner in each of the internal revenue regions.

U. S. C. "U. S. C." shall mean the United States Code.

SUBPART C—LOCATION AND USE OF BREWERY

§ 245.10 *Restrictions.* A brewery may not be established or operated in any dwelling house or on board any vessel or boat; or in any building or on any premises where the revenue will be jeopardized or the effective administration of this part will be hindered.

§ 245.11 *Continuity of brewery.* The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions. If parts of the brewery are separated they must abut on the dividing medium and be adjacent to each other: *Provided,* That where loading facilities under the control of a brewer are located away from the brewery but within reasonable proximity thereto, such facilities may be approved by the assistant regional commissioner as a part of such brewery if the revenue will not be jeopardized thereby.

§ 245.12 *Use of brewery.* The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other nonalcoholic beverages, vitamins, ice, malt, malt sirup, and other by-products; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. All bottling shall be conducted in the brewery bottling house. Subject to such conditions as the Director, Alcohol and Tobacco Tax Division, may prescribe, the brewery may be used for other purposes, not involving the production of alcoholic beverages, which (a) require the use of by-products or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, by-products, or wastage of the brewery: *Provided,* That the Director, Alcohol and Tobacco Tax Division, shall find, on application made to him through the assistant regional commissioner in each case, that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.13 *Storage of beer on which the tax has been paid or determined.* Beer on which the tax has been paid or determined may not be stored in the brewery: *Provided,* That such beer, if it is undelivered, repossessed from a purchaser, or removed from the market by the brewer before transfer of title thereto to any other person may be held temporarily pending its removal, destruction, reconditioning, or use as material, as provided in §§ 245.155, 245.156, and 245.158.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5411)

SUBPART D—CONSTRUCTION

§ 245.15 *Brewery buildings.* Brewery buildings shall be so arranged and constructed as to afford adequate protection to the revenue and facilitate inspection by internal revenue officers.

§ 245.16 *Division of brewery.* The brewer shall designate the use of each building, cellar, room, or other division of the brewery where wort or beer is kept or handled by placing a plain and durable sign or legend (descriptive of its use) on or near the entrance thereto. If more than one building, room, etc., is used for the same purpose, alphabetical or numerical designations shall be used to further identify such divisions.

§ 245.17 *Empty container storage room.* If empty barrels, kegs, bottles, other containers, or other supplies are stored in the brewery, they must be so stored as to be completely segregated from filled containers.

§ 245.18 *Government cabinet.* The brewer shall provide a suitable cabinet for use in safeguarding Government property. Each such cabinet is subject to approval by the assistant regional commissioner.

PIPELINE TRANSFERS TO BOTTLING HOUSE

§ 245.19 *General.* All beer and cereal beverage transferred to the brewery bottling house must pass through authorized pipelines which must be fixed, unbroken, and of permanent character and be exposed to view throughout the entire length; no opening will be permitted therein except as provided in §§ 245.20 and 245.35.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.20 *Facilities for cleaning pipeline.* Where it is desired to clean the beer line to the brewery bottling house by the use of brush, ball, or similar de-

vice, a return line approved by the assistant regional commissioner must be provided. Petcocks not larger than one-eighth inch may be installed in pipelines to facilitate draining and cleaning.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART E—EQUIPMENT

§ 245.25 *Tanks and vats.* Each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer shall be durably marked to show its designated use or uses, serial number, and capacity, and be equipped with a suitable measuring device: *Provided*, That in lieu of equipping each tank or container with an individual measuring device, the brewer may provide meters or other suitable portable devices.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART F—BEER METERS

§ 245.30 *Meters required.* Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or transferred to the brewery bottling house, which meters shall be accessible to internal revenue officers at all hours during which the brewery is operating.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.31 *Notice of meter shipment.* On the date a meter is shipped to a brewery, the manufacturer shall so advise the assistant regional commissioner of the region wherein the brewery is located, stating the date of shipment and the manufacturer's serial number of the meter. The brewer shall notify the assistant regional commissioner when a meter has been received from a manufacturer or from another brewer and is ready for installation. The meter must not be used until it has been tested by an inspector and installed under his supervision. The manufacturer's or internal revenue seals on the meter must remain intact until removed by an inspector.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.32 *Location and installation.* Racking room and bottling meters shall be installed so that all beer to be racked or bottled, as the case may be, passes through the respective meters. The meters must be installed in appropriate locations in such manner that they are adequately secured and readily accessible to internal revenue officers for tests, adjustments, and inspections.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.33 *Strainers.* In order to protect meters from injury from foreign matter, a strainer must be placed in the pipeline ahead of each meter. In order that the strainer may be dismantled for cleaning without Government supervision, it shall not be located in the brewery bottling house.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.34 *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or supervise its dismantling and reassembling for the purpose of cleaning or repair. If a defective meter cannot be repaired without delay, its use must be discontinued. If a replacement meter is not installed immediately, the inspector will, on removal of the meter, cause the open beer line to be closed and secured. When the repairs are completed or a new meter is installed, the inspector will test the repaired or newly installed meter. Whenever a meter is tested a copy of the meter test report will be given to the brewer. If the continuous cour ter of the meter is advanced with water during the test, a report thereof will be made on Form 138. One copy thereof will be given to the brewer, one will be filed in the Government cabinet and one forwarded to the assistant regional commissioner. The use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.35 *Facilities for meter tests.* The brewer shall provide adequate facilities for master meter tests of all regularly installed meters. The pipelines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipelines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 245.32.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART G—NOTICES

§ 245.40 *Notice on Form 27–C.* Every person shall, before commencing the business of a brewer, give notice of his intention on Form 27–C, in triplicate, to the assistant regional commissioner. Every brewer continuing business shall, as provided in § 245.44, give notice on Form 27–C, in triplicate, to the assistant regional commissioner. The notices shall be numbered serially, commencing with "1" for the original, and continuing in sequence for all amended, supplemental, or superseding notices thereafter filed. All data, written statements, affidavits, and other documents submitted in support of the notice shall be deemed to be a part thereof.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.41 *Data for notice.* Form 27–C shall include the following information:

(a) The serial number.

(b) The purpose stated as (1) to give notice of the brewer's intention to engage in the business of brewing; or (2) to give notice of the brewer's intention to continue business under a new bond; or (3) to amend or supplement previously furnished information as set forth in items ----------, ----------, and ----------.

(c) Name of brewer.

(d) Business address of brewer.

(e) Address of brewery affected by the notice (if other than the business address).

(f) Character of brewer, i. e., sole proprietorship, partnership, corporation, or other, supported by copies, in triplicate, of articles and amended articles of incorporation (and including the certificate of incorporation), partnership, or association, etc.

(g) Description of brewery, including (1) each tract of land comprising the brewery, (2) that portion of the land occupied by the brewery bottling house, and (3) description of brewery buildings, referring to each building by its designated number or letter and giving the approximate ground dimensions and the purposes for which ordinarily used. Description of land shall be by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate.

(h) A list of mash tubs, brewkettles, fermenting tanks, storage tanks, and similar tanks to be used in the production of beer, showing the quantity (number) of each type; their capacities in barrels; and the designated number or letter of the building in which located.

(i) A list of tanks and bottling lines in the bottling house, showing the quantity (number) of each type and, if applicable, their capacities in barrels. Bottling lines shall be listed separately as to use and serial number.

(j) A list of the trade names which the brewer is using or intends to use in doing business or in packaging or bottling, and the offices where such names are registered, supported by copies, in triplicate, of any certificates or other documents filed or issued in respect to such names.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery.

(l) A statement setting forth the authorized, the issued, the classifications, and the par value of the capital stock or other evidence of ownership of a corporate brewer, or, in the case of an individual owner or partnership, a statement giving the name of every person interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(m) A list of the names and addresses of all stockholders and other persons having an interest of not less than 10 percent in the corporation or similar legal entity and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him; also, a list of officers and directors.

(n) The date of the notice and name and signature of the brewer. The name of the brewer, if an individual, must be typed or written, preceded by the trade name, if any, and followed either by the signature of the brewer and the words "sole owner", or by the signature of a duly empowered attorney in fact and his title as such. In case of a partnership, the trade name of the firm shall be typed or written, followed by the word "By" and the signatures of all partners, or of any partner duly authorized to sign in behalf of the firm, or of a duly empowered attorney in fact. If a corporation, the form will be executed in the corporate name immediately followed by the signature and title of the person duly authorized to act in its behalf. If the brewer is any other entity, the notice shall be signed by such person or persons as are duly authorized and empowered so to do.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.42 *Powers of attorney.* The brewer shall execute and file with the assistant regional commissioner a Form 1534, in triplicate, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer.

§ 245.43 *Additional information.* The assistant regional commissioner may at any time require the brewer to furnish as a part of the notice such additional information as is necessary to protect and insure collection of the revenue.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.44 *Supplemental and superseding notices.* The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, to be effective on the effective date of renewal of the brewer's bond as provided in § 245.45. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, superseding those previously filed, to be effective on the effective date of the new bond, or he may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

SUBPART H—BONDS AND CONSENTS OF SURETY

§ 245.45 *General.* Every person intending to commence or continue the business of a brewer shall, in connection with filing his notice, Form 27–C, file a bond, Form 1566, in triplicate, in accordance with the provisions of this subpart. Consents of surety to a change in the terms of any bond filed under this part shall be manifested on Form 1533 by the principal and by the surety on the bond with the same formality and proof of authorization as required for the execution of the bond. Once every 4 years, or, as provided in § 245.49, the brewer shall execute and file with the assistant regional commissioner a new bond prepared in accordance with the provisions of this subpart. No person shall continue or commence the business of a brewer until he receives notice from the assistant regional commissioner of the approval of the bond or consent of surety required by this part.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.46 *Penal sum of bond.* The penal sum of the brewer's bond shall be equal to the maximum amount of tax which, in the opinion of the assistant regional commissioner, the brewer may become liable to pay during any one calendar month on beer (a) removed for transfer to the brewery from other breweries owned by him, (b) removed without payment of tax for export or use as supplies on vessels and aircraft, and (c) sold, or removed for consumption or sale, calculated at the rate of tax prescribed by law: *Provided*, That the penal sum of any such bond (or the total penal sums where original and strenthening bonds are filed) shall not exceed $150,000 nor be less than $1,000.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.47 *Conditions of bond.* The brewer's bond shall be conditioned that the brewer shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, and all beer removed free of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer. The bond, Form 1566, may be drawn in such manner that if beer is not to be transferred to the brewery from other breweries owned by the brewer or withdrawn for export or for use as supplies on vessels or aircraft, either or both of those provisions may, at the time of execution of the bond, be stricken.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.48 *Strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give a strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the assistant regional commissioner will refuse to approve any strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Strengthening Bond".

§ 245.49 *New bond.* A new bond may be required at any time in the discretion of the assistant regional commissioner. A new bond shall be required immediately in the case of the insolvency of a surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing, or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When the interests of the Government so demand, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.50 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in this subpart. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond".

§ 245.51 *Surety or security.* Bonds required by this part shall be given with corporate surety or collateral security.

(61 Stat. 646; 6 U. S. C. 6, 15)

§ 245.52 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(61 Stat. 646; 6 U. S. C. 6)

§ 245.53 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms on the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356—Revised. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 245.54 *Powers of attorney to execute bonds.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds or consent to a change in the terms of a bond on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners.

§ 245.55 *Deposit of collateral security in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225): *Provided*, That United States Savings, Defense Savings, and

War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 646, 68A Stat. 674; 6 U. S. C. 15, 26 U. S. C. 5401)

§ 245.56 *Disapproval of bonds or consents of surety.* Bonds or consents of surety submitted by an individual, firm, partnership, corporation, or association in respect to the business of a brewer may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of distilled spirits, wines, or beer, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association on payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.57 *Appeal to Director, Alcohol and Tobacco Tax Division.* Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal from such disapproval to the Director, Alcohol and Tobacco Tax Division, who will grant a hearing in the matter if such is requested by the applicant or brewer.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.58 *Termination of surety's liability under bond.* The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the date of approval of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

§ 245.59 *Notice by surety for relief from liability under bond.* A surety may at any time, in writing, notify the principal and the assistant regional commissioner with whom the bond is filed, that he desires after a date named (which shall be at least 60 days after the date of service of such notice on the principal) to be relieved of any liability under the bond which is incurred by the principal after the date named in the notice. The copy of the notice filed by the surety with the assistant regional commissioner must be accompanied by proof of service of the notice on the principal. The notice must be executed for the surety by a duly authorized officer thereof. Unless withdrawn, in writing, before such date, the notice shall become effective on the date named therein. The surety on the bond shall remain liable under the bond in respect to any liability incurred by the principal while the bond is in force and effect.

§ 245.60 *Notice of bond termination.* On termination of the surety's liability under the bond, as provided in § 245.58, the assistant regional commissioner will notify the principal and sureties on Form 1490, where a superseding bond has been filed and approved, or Form 1491, where the principal has discontinued the business of brewing.

§ 245.61 *Release of collateral security.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security determines that there is no outstanding liability against the bond and that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released, which date or dates ordinarily will be not less than six months from the date of such termination. At any time prior to the release of such security the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(61 Stat. 646; 6 U. S. C. 15)

SUBPART I—PLATS

§ 245.65 *Requirements.* Every person intending to engage in the business of a brewer must submit to the assistant regional commissioner as a part of his notice, Form 27–C, an accurate plat of the brewery, in triplicate, conforming to the requirements of this subpart.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.66 *Preparation.* Every plat shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/10 inch per foot. Each sheet of the plat shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. The dimensions of plat sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by blue or brown line lithoprint if such reproductions are clear and distinct. The Director, Alcohol and Tobacco Tax Division, may approve other materials and methods which he finds are equally acceptable.

§ 245.67 *Depiction of brewery.* The plat must show, in a manenr reflecting the brewer's description on Form 27–C, the outer boundaries of the brewery and of the portion thereof comprising the brewery bottling house. The plat must also contain an accurate depiction of all brewery buildings and any driveway, public passageway, street, highway, waterway, or carrier right-of-way adjacent thereto or connecting therewith. The brewery bottling house must be plainly distinguished from the other portions of the brewery. If the parts of the brewery are separated as provided in § 245.11, the different parts will be depicted individually. If two or more buildings are used, the designated name or use of each (including its alphabetical or numerical designation, if any) will be indicated and all connecting pipelines used for the conveyance of beer between the same will be depicted. All pipelines and other connections for the conveyance of beer between the brewery bottling house and other areas of the brewery, or between the brewery and other premises must be indicated on the plat and identified as to use. The conduit or pipeline used for the transfer of beer to the brewery bottling house shall be shown in red, and the location of meters shall also be shown. The direction of flow of beer through pipelines must be indicated by arrows.

§ 245.68 *Certificate of accuracy.* The plat shall bear a certificate of accuracy in the lower right-hand corner of each sheet signed by the brewer, the draftsman, and the assistant regional commissioner, substantially in the following form:

---------- (Name of brewer)
---------- (Address)

Approved:
---------- (Date)
---------- (Assistant Regional Commissioner)
Accuracy certified by:
---------- (Name and capacity—for the brewer)
---------- (Draftsman)
Sheet No. ----
----------, 19-- (Date)

§ 245.69 *Revised plats.* A revised sheet of a plat shall bear the same number as the sheet superseded, but will be given a new date. Any additional sheet shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of all sheets in proper sequence.

SUBPART J—APPROVAL OF DOCUMENTS

§ 245.70 *Examination of documents.* All documents required by this part, of persons intending to qualify as brewers, are subject to examination by the assistant regional commissioner to determine whether they have been properly executed. Such examination may include an inspection of the brewery to determine whether it is properly described and depicted in the notice and plat. Where discrepancies are found in the documents, the inaccurate or incomplete documents shall be returned to the brewer for correction. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not show compliance with this part, action thereon shall be held in abeyance until the omission, or material errors or discrepancies, have been rectified and there has been full compliance with all requirements. Operation of the brewery shall not be commenced until the documents required by this part have been approved by the assistant regional commissioner.

§ 245.71 *Return of documents to brewer or applicant.* On approval of the documents the assistant regional commissioner shall forward one copy of the bond, notice, plat, and other documents to the brewer. The brewer shall file such approved documents on the premises, available for inspection by internal revenue officers. If the bond or consent of surety is disapproved by the assistant regional commissioner, all copies thereof and of the other documents shall be returned to the applicant or the brewer.

SUBPART K—SPECIAL TAXES

§ 245.75 *Special tax.* Brewers are required to pay, within the calendar month in which they commence operations, the special tax required by section 5091, I. R. C. Special taxes shall become due on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case, the tax is reckoned for 1 year, and in the latter, it is reckoned proportionately from the first day of the month in which the liability to special tax commenced, to and including the 30th day of June following.

(68A Stat. 624; 26 U. S. C. 5142)

§ 245.76 *Special tax return.* Every person liable to special tax shall render his return on Form 11 with remittance to the district director of the district in which the business is carried on, at such time within the calendar month in which the special tax liability commences as will enable the district director to receive such return and remittance not later than the last day of such month.

(68A Stat. 624; 26 U. S. C. 5143)

§ 245.77 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by any one of the partners; the return of a corporation shall be signed by any officer. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney in fact, his signature should be preceded by the name of the principal and be followed by his title. A return signed by a person as agent will not be accepted unless there is filed with the district director a power of attorney authorizing the agent to perform such act. Form 11 must contain or be verified by a written declaration that it has been executed under penalties of perjury.

(68A Stat. 748, 749, 757, 846; 26 U. S. C. 6061, 6065, 6151, 7011)

§ 245.78 *Wholesale and reail special tax exemption.* A brewer is not required to pay special tax as a wholesale or retail dealer in beer if he sells only in hogsheads, barrels, or kegs, whether at the place of production or elsewhere, beer produced by him or purchased and procurred by him in his own hogsheads, barrels, or kegs from another brewer, but the quantity of beer so purchased shall be included in calculating the liability to brewers' special tax of both the brewer who manufacturers and sells the same and the brewer who purchases the same.

(68A Stat. 619; 26 U. S. C. 5113)

§ 245.79 *Sale of bottled beer.* The special tax liability as brewer does not include the sale of beer in bottles, or the sale of beer produced by other brewers which is not in his own barrels. Brewers who sell such products are required to pay special tax as wholesale or retail dealers in beer, or both, according to the quantities sold.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 245.80 *Wholesale dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of 5 gallons or more, to the same person at the same time, and who does not deal in distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in beer.

(68A Stat. 618; 26 U. S. C. 5112)

§ 245.81 *Retail dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of less than 5 gallons to the same person at the same time, and does not deal in distilled spirits or wines, shall be regarded as a retail dealer in beer.

(68A Stat. 621; 26 U. S. C. 5122)

§ 245.82 *Posting special tax stamp.* All stamps denoting payment of special tax shall be posted conspicuously in the place of business of the taxpayer.

(68A Stat. 831; 26 U. S. C. 6806)

§ 245.83 *Sale at purchaser's place of business.* Wholesale and retail dealers in beer who have paid special tax as such may, without incurring liability for additional special tax, sell beer to wholesale and retail dealers in beer or liquors at the purchaser's place of business.

(68A Stat. 621; 26 U. S. C. 5123)

§ 245.84 *Each place of business taxable.* Liability to special tax is incurred by a brewer at each and every place of business where he carries on any occupation subject to such tax: *Provided*, That by place of business is meant the entire office, plant or area of the business in any one location under the same proprietorship, and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require additional special tax, if the various divisions of the premises are otherwise contiguous.

(68A Stat. 624; 26 U. S. C. 5144)

SUBPART L—CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 245.85 *Amended or supplemental notices.* Where there is a change in any of the items of information reported on active Forms 27–C, the brewer shall immediately, except as provided in this subpart, submit to the assistant regional commissioner an amended or supplemental notice on Form 27–C, in triplicate, setting forth the new information. Items which remain unchanged shall be marked "No change since Form 27–C, Serial No. ------". Where there are changes in the items of information required by § 245.41 (h), (i), or (j), amended or supplemental notices shall be submitted within 30 days after completion of the change. The assistant regional commissioner may require the immediate filing of an amended Form 27–C and plat if the accuracy of existing documents has been materially affected by any change.

CHANGES IN PROPRIETORSHIP

§ 245.86 *Nonfiduciary successor.* If a change in proprietorship of the brewery is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new brewery, except that he may adopt the plat of the predecessor, as provided in this subpart. Such new proprietor must file a new notice and bond in his own name.

§ 245.87 *Fiduciary.* If the brewery is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary may, in lieu of filing a new notice, bond, and plat, file an amended or supplemental notice, furnish a consent of surety extending the terms of his predecessor's bond, and adopt the plat of such predecessor. The fiduciary must also furnish certified copies, in triplicate, of the court order or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court, the date of his appointment must coincide with the effective date of the qualifying documents filed by him.

§ 245.88 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship.

Likewise, except as provided in § 245.89, the death, bankruptcy, or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change occurs, the successor must qualify in the same manner as a new applicant, except that the successor may adopt the plat of the predecessor as provided in § 245.92.

§ 245.89 *Exception, change in partnership.* Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the termination of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the brewery for such purpose under the prior qualification of the partnership, and the bond already on file will be considered sufficient, provided a consent of surety, wherein the surety and the surviving partner agree to remain liable on the bond, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition and give a new notice on Form 27–C and a new bond on Form 1566. The same rule shall apply where there is more than one surviving partner.

§ 245.90 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof on Form 27–C, in triplicate, to the assistant regional commissioner within 30 days of such change.

§ 245.91 *Reincorporation.* Where a corporation operating a brewery is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as the new proprietor of a brewery, except that the new corporation may adopt the plat of the predecessor.

§ 245.92 *Plats.* The adoption by a successor of the plat of his predecessor shall be in the form of a certificate, in triplicate, to be made a part of the notice, in which shall be set forth the name of the predecessor, the address of the brewery, a description of the brewery, the number of each page comprising the plat covered by such certificate, and a statement that the brewery, including the buildings, connecting pipelines, and meters is correctly described and depicted on such plat.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.93 *Approval required.* Operations shall not be commenced by the successor until the qualifying documents required by the provisions of this subpart have been approved.

(68A Stat. 678; 26 U. S. C. 5551)

§ 245.94 *Transfer of business.* When a brewer's business, including the beer on hand, is transferred to a successor, the beer may be transferred without payment of tax and shall be accounted for by the successor brewer.

CHANGES IN LOCATION AND PREMISES

§ 245.95 *Change in location.* Where there is a change in the location of the brewery, the brewer must file an amended Form 27–C and a new plat and bond, except that in lieu of filing a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 245.45 extending the terms of the bond given for the former location to cover operation of the brewery at the new location. The new location may not be used for the business of brewing until the documents required by this part are approved by the assistant regional commissioner.

(68A Stat. 594, 616, 619, 624, 674, 846; 26 U. S. C. 4905, 5091, 5113, 5144, 5401, 7011)

§ 245.96 *Changes in premises.* Where the brewery (or brewery bottling house) is to be extended or curtailed, the brewer must file with the assistant regional commissioner an amended Form 27–C and amended plat. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of Form 27–C.

(68A Stat. 674; 26 U. S. C. 5401)

SPECIAL TAX STAMPS

§ 245.97 *Change in name; amended Form 11.* Where there is a change in the corporate name or firm name, or in the trade name, or names, the brewer must, within 30 days after such change is made, file with the district director of internal revenue an additional return on Form 11, covering the new corporate name, firm name, or trade name or names, as the case may be. The special tax stamp, or stamps, must be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U. S. C. 7011)

§ 245.98 *Liability; change in proprietorship.* Where there is a change in proprietorship of the brewery, the successor must procure the required special tax stamps: *Provided*, That persons having right of succession as provided in § 245.99, may carry on the business for the remainder of the period for which the special tax was paid, if, within 30 days after the date on which such successor begins to carry on the business, a return on Form 11 showing the basis of the succession is filed with the district director. The person so succeeding to a business for which special tax has been paid and who fails to register such succession as provided in this subpart, is liable for special tax computed from the first day of the calendar month in which he began to carry on such business.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 245.99 *Persons having right of succession.* Under the conditions indicated in § 245.98, the persons having right of succession are as follows:

(a) *Death.* The widowed spouse or child, or executor, administrator, or other legal representative of the taxpayer.

(b) *Husband and wife.* A husband or wife succeeding to the business of his or her spouse (living).

(c) *Insolvency.* A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(d) *Withdrawal from firm.* The partner or partners remaining after death or withdrawal of a member.

(68A Stat. 624; 26 U. S. C. 5144)

§ 245.100 *Liability; change in location.* Where there is a change in location, the brewer must, within 30 days after such change is made, file with the district director an amended return on Form 11 covering the new location of the brewery; otherwise, new special tax stamps must be purchased. The special tax stamp, or stamps, must be forwarded to the district director for endorsement of the change in location.

(68A Stat. 594, 624, 846; 26 U. S. C. 4905, 5144, 7011)

SUBPART M—NOTICE OF DISCONTINUANCE OF BUSINESS

§ 245.105 *Form of notice.* Where a brewer desires to discontinue business permanently, he will file with the assistant regional commissioner notice thereof on Form 27–C, in triplicate, stating therein the purpose, "Discontinuance of business," and giving the date of the discontinuance. The assistant regional commissioner will, when operations have been properly completed, note his approval on the notice, retain one copy and forward one copy to the Director, Alcohol and Tobacco Tax Division, and one copy to the brewer.

SUBPART N—TAX ON BEER

§ 245.110 *Rate of tax.* All beer brewed or produced and sold, or removed for consumption or sale, is subject to the tax prescribed by section 5051, I. R. C., for every barrel containing not more than 31 gallons, and at a like rate for any other quantity, or for the fractional parts of a barrel authorized and defined by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.111 *Persons liable for tax.* The tax imposed by law on beer (including beer purchased or procured by one brewer from another) shall be paid by the owner, agent, or superintendent of the brewery in which the beer is made: *Provided*, That the tax on beer transferred to a brewery from other breweries owned by the same brewer shall be paid by the owner or his agent or superintendent at the brewery from which the beer is sold or removed for consumption or sale.

(68A Stat. 613, 675; 26 U. S. C. 5054, 5413, 5414)

§ 245.112 *Method of taxpayment.* The tax on beer shall be paid by return on Form 2034, as provided in §§ 245.227 to 245.229. The tax shall be paid by remittance to the district director at the time the tax return is rendered and the remittance shall be in cash, or by check or money order made payable to the "District Director of Internal Revenue". In paying the tax a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 614, 777, 778; 26 U. S. C. 5061, 6311, 6313)

§ 245.113 *Determination of tax on keg beer.* In determining the tax on beer removed in kegs, a barrel shall be regarded as being a quantity of not more than 31 gallons. The authorized fractional parts of a barrel are halves, thirds, quarters, sixths, and eighths. Any keg containing one-eighth or less will be accounted and taxpaid as one-eighth; if more than one-eighth and not more than one-sixth, as one-sixth; if more than one-sixth and not more than one-fourth, as one-fourth; if more than one-fourth and not more than one-third, as one-third; if more than one-third and not more than one-half, as one-half; if more than one-half and not more than one barrel, as one barrel; and if more than one barrel and not more than 63 gallons, as two barrels or a hogshead. The provisions of this section requiring the accounting and tax payment of kegs at the next higher quantity shall not apply where the excess quantity of beer in any such container over the standard quantity does not exceed two percent by volume. The quantities of keg beer removed subject to tax shall be computed to 5 decimal places. The sum of the quantities so computed for any one day will be reduced to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.114 *Determination of tax on bottled beer.* The quantities of bottled beer removed subject to tax shall be computed to 5 decimal places in accordance with the table and instructions in § 245.115. The sum of the quantities so computed for any one day will be reduced to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.115 *Tax computations for bottled beer.* Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
4	64	0.09452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.09953
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	0.09677
36	6	.05444
36	7	.06351
36	8	.07258
48	12	.14516
50	12	.15120

Since the determination of tax liability is based upon a count of cases of bottles, various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided*, That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the assistant regional commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

§ 245.116 *Time of tax determination and payment.* The tax on beer shall be determined on sale or removal for consumption or sale. Except as provided in § 245.117, a brewer shall file the tax return with remittance not later than the close of the business day next succeeding that on which the beer was sold or removed for consumption or sale: *Provided*, That where the brewer has deposited with the district director an additional remittance equal to, or greater than, the maximum tax liability to be incurred during any one business day, the tax return may be filed not later than the close of the second business day next succeeding the day on which the beer was sold or removed for consumption or sale. If the tax liability for any one business day exceeds the additional remittance deposited, a return covering such liability filed later than the close of the business day next succeeding that on which the beer was sold or removed for consumption or sale will not be considered as having been timely filed, and further, the brewer will not be permitted to resume deferring the filing of his returns to the second business day unless the amount of the deposit has been appropriately increased. In no event will the filing of the return be delayed for more than one additional day because of the advance deposit. In any case in which the tax return is authorized to be filed not later than the close of the second business day next succeeding the day on which the beer was sold or removed for consumption or sale, entries in records and reports shall be made not later than the expiration of such time: *And provided further*, That when the last day for filing a tax return and remittance falls on Saturday or Sunday, or on a legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed), the performance of such acts shall be considered timely if they are performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed: *And provided further*, That where the return and remittance are delivered by United States mail to the office of the district director, the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery.

(68A Stat. 613, 614, 896; 26 U. S. C. 5055, 5061, 7503)

§ 245.117 *Handling of a day's gross tax liability of less than $100.* Notwithstanding the provision of § 245.116 regarding the filing of tax returns daily, a return need not be prepared (nor the remittance of tax made) until the total gross tax (for one or more days) reaches $100, when Form 2034 (with remittance) will be prepared and filed. Before the close of the first business day following the last day of each month, Form 2034 will be prepared and filed with remittance covering the last day or days of the next preceding month even though the amount of tax due is less than $100.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.118 *Evasion of or failure to pay tax.* Penalties are provided in sections 5671, 5673, and 5684 of title 26 of the United States Code, for evasion or failure to pay the tax on beer.

(68A Stat. 696, 699; 26 U. S. C. 5671, 5673, 5684)

SUBPART O—MARKS, BRANDS, AND LABELS

§ 245.125 *Barrels and cases.* The brewer's name or trade name and the place of production must be embossed on, indented in, or otherwise permanently marked on (subject to the approval of the assistant regional commissioner) each metal barrel or keg of beer. The same information must be branded by burning on the side, across the staves, and extending over 60 percent, or more, of the circumference, of each wooden barrel or keg. Such branding must be of sufficient depth and size so that it may not be effaced without leaving traces of scraping or other erasure. The brewer's name or trade name and place of production (city and State) must be shown on each case or other shipping container for bottled beer. No statement concerning payment of internal revenue tax shall appear on such shipping container.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.126 *Bottles.* Where beer is bottled in the brewery bottling house, the bottle shall show by label or otherwise the name or trade name, the place of production (city and State), the net contents of the container and the nature of the product, such as beer, lager beer, ale, stout, etc. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer must be covered by certificates of label approval where required by Part 7 of Title 27 of the Code of Federal Regulations. The statement of net contents shall indicate exactly the volume of beer within the bottle except for such variations in measuring as may occur in filling

conducted in compliance with good commercial practice.

(68A Stat. 675; 26 U. S. C. 5412)

MORE THAN ONE BREWERY OWNED BY THE SAME PERSON

§ 245.127 *Barrels or kegs.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name of the brewer and the location of one or more of such breweries branded, embossed, or otherwise permanently marked thereon or indented therein may be used for the removal of beer subject to tax or for export from all such breweries: *Provided*, That whenever a barrel or keg so branded is filled with beer for such removal, the location (city and State) of the brewery at which the beer was produced, shall be marked on the bung or shown on a label securely affixed to the container. If more than one such brewery is located in the same city, such bung or label shall show the location by street number, city and State.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.128 *Cases.* The place of production (city and State) must be shown on each case: *Provided*, That where two or more breweries are owned and operated by the same person, firm, or corporation the cases may show the addresses (city and State) of all of such breweries and be used interchangeably.

§ 245.129 *Rebranding barrels or kegs.* No barrel or keg which bears the name of more than one brewer may be used as a container for beer: *Provided*, That where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the assistant regional commissioner has been notified of the proposed action, the brands on such wooden barrels or kegs may be scraped and the barrels or kegs rebranded by the purchasing brewer, and in the case of metal barrels or kegs, the original marks may be covered by a metal plate so welded to the barrel as to become an integral part thereof, and the required marks may be embossed on, or indented in, such metal plates. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.125, which indicate the successorship without removing the marks and brands of the predecessor.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.130 *Tanks, vehicles, and vessels.* Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.141, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(68A Stat. 675; 26 U. S. C. 5414)

SUBPART P—REMOVAL OF BREWER'S YEAST AND OTHER ARTICLES

§ 245.135 *Containers and records.* Brewer's yeast, in liquid or solid form containing not less than 10 percent solids (as determined by the methods of analysis of the American Society of Brewing Chemists), may be removed from the brewery in barrels, tank trucks, or other suitable containers, or by pipeline. If removed in containers, the containers must bear labels giving the name and location of the brewery, and the words "Brewer's Yeast". If removed by pipeline, the pipeline will be indicated on the plat and described in the Form 27–C, and the premises receiving the product will be subject to inspection by internal revenue officers during ordinary business hours. The brewer must keep records open for inspection by internal revenue officers showing the quantity and date of removal, and the name and address of the consignee. Brewer's yeast may be removed for sale to other brewers for use in the production of beer and to other concerns for the preparation of stock foods and medicinal products, or for any other legitimate purposes.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.136 *Malt sirup.* Records shall be kept by the brewer of all malt and malt sirup removed from the brewery. Such records must show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records must be available for inspection by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5411)

SUBPART Q—TRANSFERS TO ANOTHER BREWERY OF SAME OWNERSHIP

§ 245.140 *General.* In accordance with the provisions of this part, beer may be removed from one brewery for transfer to another brewery belonging to the same brewer, without payment of tax, and may be mingled with the beer of the second brewery.

68A Stat. 675; 26 U. S. C. 5414)

§ 245.141 *Kinds of containers.* Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in §§ 245.125 to 245.130.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.142 *Determination of quantity transferred.* The quantity of beer shipped will be determined by the brewer at the time of removal from the consignor brewery and the quantity received will be determined at the time of receipt at the consignee brewery. Before any beer is transferred by tank, tank car, tank truck, tank ship, barge, or deep tanks of vessels, the brewer must satisfy the assistant regional commissioner(s) that both the shipping and receiving breweries are so equipped that the quantities to be shipped and delivered in such bulk conveyances can be accurately determined.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.143 *Losses in transit.* The brewer is liable under the bond of the brewery to which the beer is transferred for the tax on beer lost in transit. Such liability may be remitted if such beer is lost other than by theft.

(a) *Losses allowable without claim.* Where such loss does not exceed 1 percent of the quantity shipped, application for allowance of the loss or report of loss will not be required provided there are no circumstances indicating that the beer lost, or any part thereof, was stolen or otherwise diverted to an unlawful purpose.

(b) *Losses requiring claim.* Where such loss exceeds 1 percent of the quantity shipped, the brewer shall submit an application under the penalties of perjury for remission of the tax on the entire loss to the assistant regional commissioner of the region in which the receiving brewery is located. Such application shall be prepared and submitted in accordance with the provisions of § 245.148.

(c) *Losses requiring immediate report.* A loss by fire or other casualty, or any other unusual loss, including a loss by theft, must be reported to the assistant regional commissioner immediately it becomes known.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

§ 245.144 *Mingling.* Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may be mingled with beer of the receiving brewery: *Provided*, That (a) beer transferred in hogsheads, barrels, or kegs must be received in the racking room or keg beer storage room of the receiving brewery; (b) bottled beer must be received in the brewery bottling house; and (c) bulk beer transferred in tanks, vehicles, or vessels must be received in brewery tanks not located in the bottling department: *And provided further*, That such beer having been so received and accounted for in the records of the consignee brewery may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.145 *Report of transfers between breweries.* When beer is transferred without payment of tax from one brewery to another brewery belonging to the same brewer, the consignor brewery shall render noitce thereof on the day of shipment on Form 2035 as provided in §§ 245.146 and 245.147. The quantity transferred shall be reflected in the daily records and the total thereof reported on Form 103 of the shipping brewery. Similarly, the quantity received shall be reported in the records and on Form 103 of the receiving brewery. Any discrepancy between the quantity shipped and the quantity received shall be reported on Form 2035 in accordance with §§ 245.146 and 245.147.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.146 *Transfers in same region.* When beer is transferred from one brewery to another brewery belonging to the same brewer and located in the same region, the brewer shall prepare Form 2035, in quadruplicate, and forward, on the day of shipment, two copies to the receiving brewery. One of the remaining copies will be retained in the files of the shipping brewery and the other will be forwarded to the assistant regional commissioner with Form 103 for the month. When the beer is received, the receiving brewery will enter on the two copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. One copy of the form will be forwarded to the assistant regional commissioner with Form 103 for the month and the other copy retained in the files of the receiving brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.147 *Transfers to other regions.* When beer is transferred to a brewery located in another region, the brewer shall prepare Form 2035, in quintuplicate, and forward, on the day of shipment, three copies to the receiving brewery. One of the remaining copies will be retained in the files of the shipping brewery and the other will be forwarded to the assistant regional commissioner with Form 103 for the month. When the beer is received, the receiving brewery will enter on the three copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. Two copies of the form will be attached to Form 103 when that form is forwarded to the assistant regional commissioner of the receiving region and the other retained in the files of the brewery. On receipt of the Forms 2035 showing the actual quantity received, the assistant regional commissioner of the receiving region will complete the forms and forward one of them to the assistant regional commissioner of the shipping region.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.148 *Application for remission of tax.* Application for remission of tax on beer lost in transit between breweries of the same ownership shall be prepared by the brewer or his duly authorized agent and submitted with Form 103 of the receiving brewery for the month in which the shipment is received. Where the loss is by casualty, the application shall be submitted with the Form 103 for the month in which the loss is discovered. Where, for valid reason, the required application cannot be submitted with such report, a statement shall be attached to the monthly report setting forth the reason why the application cannot be filed at that time and specifying when it will be filed. No claim shall be allowed unless such application is filed with the assistant regional commissioner within 6 months after the date of loss. The application shall set out:

(a) The date and serial number of the shipment (as shown on the transfer paper).

(b) The quantity of beer lost (number and size of packages and their equivalent in barrels).

(c) The percent of loss.

(d) The specific cause of the loss.

(e) The nature of the loss (leakage, breakage, casualty, etc.).

(f) Full information as to whether the applicant has been indemnified by insurance or otherwise in respect of the tax or has any claim for indemnification. Full details shall be furnished on losses due to casualty or accident, supported if possible, by statements of the carrier or other parties having personal knowledge of the loss.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

SUBPART R—REMOVAL OF BEER UNFIT FOR BEVERAGE USE

§ 245.150 *Removal of sour or damaged beer.* When beer has become sour or damaged, so as to be incapable of use as such, brewer may remove such beer from his brewery without payment of tax, for manufacturing purposes, in accordance with the provisions of this subpart.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.151 *Packages.* A brewer may remove sour or damaged beer in casks, or other packages, containing not less than one barrel each and unlike those ordinarily used for packaging beer. The nature of the contents shall be marked on such casks or other packages.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.152 *Application.* Before removing sour or damaged beer, the brewer shall apply to the assistant regional commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The assistant regional commissioner, before granting permission for removal, may assign an inspector to inspect and identify the spoiled beer and to secure samples thereof for submission to the Government chemist. If the chemist's report of analysis shows the beer to be unsuitable for use as such, the assistant regional commissioner will notify the brewer in writing that it may be removed. The assistant regional commissioner may authorize such removal without inspection and sampling where he is satisfied that the revenue will not be jeopardized thereby.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.153 *Entry on Form 103.* Sour or damaged beer shall be removed from the brewery without passing through the meter and racking machine. Appropriate entry therefor must be made in both the brewer's daily records and in the "Beer Summary" on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART S—BEER RETURNED TO BREWERY

§ 245.155 *Storage of undelivered beer.* Undelivered beer returned to the brewery may be held in storage pending its removal again for sale. Such beer must be kept completely segregated from all other beer and be immediately accessible for examination by internal revenue officers. Undelivered beer must be the first of its kind, type, and container size removed: *Provided*, That beer in barrels and kegs may be held for not more than 5 days for refrigeration, after which it must be the first of its kind, type, and container size removed. Entry will not be made on Form 2051 (if maintained) for such beer while in storage. However, the brewer must show in his records the quantity of such beer returned to the brewery each day and the quantity remaining on hand. Such records must be supported by credits against loading slips or other papers.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.156 *Temporary storage of repossessed beer.* Beer on which the tax has been determined or paid, and which is repossessed from the purchaser thereof may be returned to the brewery bottling house (if bottled beer), or other portion of the brewery (if keg beer), and held in temporary storage pending its destruction, reconditioning, or use as material. Such beer shall be completely segregated from all other beer, shall be identified as repossessed beer, and shall be immediately accessible for examination by internal revenue officers. No refund, credit, or remission of tax will be allowed on such beer, and such beer, after reconditioning, shall again be subject to the tax imposed by law. The brewer's daily records must reflect the receipt and disposition of repossessed beer and special entries must be made in the "Beer Summary" on Form 103.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.157 *Recasing or relabeling.* A brewer receiving bottled beer on which the tax has been paid or determined, for recasing or relabeling in the brewery bottling house, shall submit a statement to the assistant regional commissioner, showing the approximate quantity of beer and the date of receipt for recasing or relabeling. The beer must be recased or relabeled promptly after receipt at the brewery bottling house, shall be kept apart from all other beer, and must be immediately removed from the bottling house after completion of the recasing or relabeling. If a brewer desires to hold small quantities of beer returned for recasing or relabeling until a sufficient quantity has been accumulated for economical handling, or if it is not otherwise feasible to recase or relabel returned beer immediately, such beer shall not be stored in the brewery. The quantity of beer so received and disposed of shall not be entered on Form 103 but the brewer's daily records shall reflect such transactions. A copy of the statement shall be filed at the brewery.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.158 *Beer removed from market.* Beer on which the tax has been paid or determined, which is removed from the market before transfer of title thereto to any other person, may be returned to the brewery for destruction, reconditioning, or use as brewing material. All such beer received at the brewery may be stored temporarily therein pending its disposition but must be completely segregated from all other beer, be identified as beer removed from the market without transfer of title, and be immediately accessible for inspection by internal revenue officers. The destruction, reconditioning,

and use as material, of the beer, may be effected only in accordance with the provisions of §§ 245.161 and 245.162. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(68A Stat. 675; 26 U. S. C. 5411, 5415)

SUBPART T—REFUND AND CREDIT OF TAX OR RELIEF FROM LIABILITY

§ 245.160 *Beer returned for reconditioning, use as material, or destruction.* The tax paid by a brewer on beer produced by him in the United States may be refunded or credited to him (without interest), or, if the tax has not been paid, he may be relieved of liability therefor, if such beer is removed from the market before the transfer of title thereto to any other person, and such beer is returned to the brewery for reconditioning, for use as material, or is destroyed, as required by this part. Such beer may be returned to the brewery and held in temporary storage as provided in § 245.158. The destruction of such beer or its reconditioning or use as material, may be effected only in accordance with the provisions of §§ 245.161 and 245.162.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.161 *Brewer's application; beer removed from market.* When a brewer possesses returned taxpaid beer (or beer on which the tax has been determined) in his brewery or elsewhere, which he desires to destroy, recondition, or use as material, and such beer was removed from the market by the brewer before transfer of title thereto to any other person, he shall make written application, in triplicate, to the assistant regional commissioner for permission so to do: *Provided*, That such application may be submitted directly to an inspector at the brewery who may thereupon supervise the destruction or removal of the beer from its containers for reconditioning or use as material. The application shall contain or be verified by a written declaration that it is made under the penalties of perjury and shall set forth the following information:

(a) The number and sizes of kegs and their total equivalent in barrels; or if in cases, the number of cases, the number and size in ounces of the bottles comprising the cases and the equivalent in barrels of the total contents of the cases.

(b) The date on which the beer was removed from the market.

(c) A statement that the tax on the beer has been fully paid or determined and that title to the beer has never passed to any other person.

(d) A notation with respect to each item or lot indicating whether the beer is to be destroyed, or whether it is to be returned for reconditioning or for use as brewing material.

(e) If to be destroyed, the location at which the brewer desires to accomplish destruction and, if not at the brewery, the reason for destruction elsewhere.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.162 *Assignment of inspector.* On receipt of the brewer's application, the assistant regional commissioner will assign an inspector to verify the statements therein and to witness the destruction of the beer or its removal from containers for reconditioning or use as material, unless the assistant regional commissioner determines that such supervision is unwarranted because of the small quantity of beer involved and such action will not jeopardize the revenue. In such case he shall approve the application without the assignment of an inspector. Special assignment of an inspector will not be made unless it is essential to return the beer for immediate reconditioning. If the brewer desires to destroy such beer at some place other than the brewery and such place is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.163 *Beer lost or destroyed by fire, casualty, or act of God.* In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the liability may be remitted, if such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God, before transfer of title thereto to any other person. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.164 *Claims for refund of tax.* A claim for refund of tax paid on beer removed from the market by the brewer before the transfer of title thereto to any other person, which beer has been returned to the brewery for reconditioning or for use as material, or destroyed, as provided in this part, will be made on Form 843. A claim for refund of tax paid on beer lost, other than by theft, or destroyed by fire, casualty, or act of God, before the transfer of title thereto to any other person, will also be filed on Form 843. Any such claim must be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, within 6 months after the date of such removal from the market, loss, or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.165 *Claims for allowance of credit for tax.* In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer, under the circumstances enumerated in that section, may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim for allowance of credit for the tax paid. Any such claim shall be prepared in triplicate, be on the brewer's letterhead, and shall contain or be verified by a written declaration that it is made under the penalties of perjury. When feasible so to do, the claim should be made a part of the brewer's application (§ 245.161) or notification (§ 245.163). Where the claim concerns beer destroyed or returned to the brewery for reconditioning or for use as material, the claim shall contain the pertinent details in connection with the transaction and, if not combined therewith, shall make specific reference to the application filed pursuant to § 245.161. Where the claim concerns beer lost, other than by theft, or destroyed by fire, casualty, or act of God, the claim must likewise recite the pertinent details in connection with the loss or destruction and, if not combined therewith, make specific reference to the written notification to the assistant regional commissioner required by § 245.163. All such claims shall include a statement of the brewer's reasons for believing that the credit should be allowed. The brewer may not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

SUBPART U—EXPORTATION

§ 245.170 *General.* An exportation is a severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. Evidence of exportation, as provided in § 245.174, is required. In every case where a shipment is made, which is not a bona fide exportation, the tax due thereon will be assessed.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.171 *Exportation of taxpaid beer.* When beer brewed or produced in the United States is exported or used as supplies on the vessels and aircraft described in section 309 of the Tariff Act of 1930, as amended (19 U. S. C. 1309), the brewer thereof shall be allowed a drawback, in accordance with the provisions of Part 252 of this chapter, equal in amount to the tax found to have been paid on such beer.

(68A Stat. 613; 26 U. S. C. 5056)

§ 245.172 *Exportation without payment of tax.* Beer may be removed from a brewery, without payment of tax, for export to a foreign country. The provisions of this part and the forms prescribed in respect to the removal of beer without payment of tax for exportation to foreign countries, apply to like removals and shipments to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Panama Canal Zone. Beer removed from a brewery for shipment to Hawaii, Alaska, Kingman Reef, the Midway Islands, or Wake Island must be taxpaid in the same manner as beer sold or removed for consumption or sale in the United States.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.173 *Foreign-trade zones.* Beer may be removed from a brewery without payment of tax for deposit in a foreign-trade zone and taxpaid beer, brewed or produced in the United States, may be so deposited with benefit of drawback, in accordance with the provisions of Part 253 of this chapter.

(48 Stat. 999, 68A Stat. 612, 613; 19 U. S. C. 81c, 26 U. S. C. 5053, 5056)

§ 245.174 *Evidence of exportation.* Exportation of beer may be evidenced by (a) a copy of the export bill of lading executed, as described in § 245.181, by the export carrier, or (b) a certificate by the agent or representative of the export carrier, or by a proper United States customs officer showing that the beer has been laden for export, or (c) a certificate signed by the port transportation officer or the commanding officer of a supply base showing that the beer will be delivered only for consumption or use by the Armed Forces of the United States outside the jurisdiction of the internal revenue laws of the United States: *Provided*, That where the evidence of exportation described above is not furnished, or where deemed necessary to protect the revenue, the assistant regional commissioner may require the submission of other evidence of exportation as provided in § 245.188.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.175 *Removal for exportation.* Beer to be exported pursuant to Form 1689 may be removed only for immediate exportation and may not be returned to a brewery unless authorized under the provisions of § 245.182.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.176 *Marks on containers.* In addition to the marks and brands prescribed in §§ 245.125 and 245.127 each keg, barrel, case, crate, or other package containing beer to be exported under the provisions of this part, without the payment of tax, must plainly and legibly show the words: "Beer for Export Without Payment of Tax", in letters and figures of not less than three-fourths of an inch in height.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.177 *Consignment to collector of customs.* Every shipping container of beer destined for foreign countries or the insular possessions beyond the territorial waters of the United States must be consigned to the collector of customs at the port of exportation, and the brewer should notify his agent of such shipment. Where such containers are destined for contiguous foreign territory the shipments shall be consigned to the foreign consignee at destination and must be marked in care of the collector or deputy collector of customs at the border port of exit: *Provided*, That beer removed for export and intended for the use of, or consumption by, the Armed Services of the United States will be consigned to the commanding officer or supply officer at the supply base or other place of delivery, as provided in § 245.179.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.178 *Notice, Form 1689.* The brewer shall prepare notice on Form 1689, in quadruplicate, for each withdrawal of beer intended for export without payment of tax. Each Form 1689 shall be given a serial number and the details shall be filled in completely and legibly by the brewer in accordance with the instructions on the form. The name or number of the vessel or vehicle on which the shipment will be carried from the exterior limits of the United States, if unknown to the brewer, will be filled in by the agent of the brewer at the port of exportation, who will sign the request for customs inspection as the agent for the exporter. On removing beer for export, the brewer shall file two copies of the notice with the collector of customs of the port of exportation, or of the border port through which a shipment is made to contiguous foreign territory, file one copy with the assistant regional commissioner of the region in which the brewery is located, and retain one copy in the files at the brewery. If the place of production is located at some place other than the port of exportation, and the shipment is to be exported by vessel immediately, the brewer shall forward two copies of the Form 1689 to his agent at the port of exportation. The two copies of the Form 1689 must reach the agent in sufficient time for him to file them with the collector of customs of the port at least six hours prior to lading. The agent shall see that the name of the exporting vessel is properly entered in the Form 1689 giving the location of the pier where it will be laden, and shall subscribe his name as agent for the exporter.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.179 *Shipment to Armed Services.* On removing beer without payment of tax for export to the Armed Services of the United States, the brewer shall consign the shipment to the commanding officer or supply officer at the supply base or other place of delivery. One copy of the notice on Form 1689 shall be transmitted to such officer and one copy shall be sent to the assistant regional commissioner of the region from which the beer is shipped. Form 1689 will be modified to show that the beer is consigned to a commanding officer or supply officer of the Armed Services of the United States and the location of the supply base or place of delivery. When the beer is received, the officer to whom consigned, or other authorized supply officer, at the supply base or other place of delivery, will, in the space designated "Certificate of Inspection and Lading," on Form 1689, receipt for the number of cases received, and state that "The beer will be shipped or delivered only for consumption or use outside the jurisdiction of the internal revenue laws of the United States." The commanding officer or supply officer will return the Form 1689 direct to the assistant regional commissioner who will credit the brewer's export account for the quantity of beer receipted for on Form 1689.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.180 *Change in consignee.* Where a change of consignee is desired after removal of the beer, the brewer shall notify the appropriate collector of customs and forward a copy of such notification to the appropriate assistant regional commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.181 *Delivery to carrier.* The brewer, on removal of beer for export without payment of tax, will deliver such beer either to the carrier or directly for customs inspection. If the place of production is located at the port of exportation, he will deliver the beer directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the assistant regional commissioner. If the place of production is located elsewhere than at the port of exportation, he will deliver the beer to the carrier for transportation to the port of exportation and promptly forward one copy of the bill of lading covering such transportation to the assistant regional commissioner of the region from which the beer was shipped. After the beer has been delivered to the export carrier, the brewer, or his agent, will forward a copy of the export bill of lading to the assistant regional commissioner of the region from which the beer was shipped. The export bill of lading will not be accepted as evidence of exportation unless it has been executed by the export carrier to show that the beer has been accepted by such carrier for delivery to a foreign destination.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.182 *Return of beer.* Beer removed for export without payment of tax may be returned to the brewery from which removed if lading of the beer is delayed more than the period provided in § 245.185 or where the brewer has other good cause for such return. The brewer will request the collector of customs to release the beer for return to the brewery and, on such release, the collector of customs will endorse his approval of the action taken, on both copies of Form 1689 covering the beer, and return the forms to the brewer. On return of the beer to

the brewery, the brewer will record the quantity in his daily records, mark the two copies of Form 1689 returned by the collector of customs, "Cancelled—returned to brewery," and forward one copy to the assistant regional commissioner. The total quantity of beer involved in all export shipments returned during any calendar month shall be reported as a special entry on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.183 *Exportation through border port.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination and must show the routing, particularly the carrier which will deliver the shipment of beer for customs inspection at the border; and must also show that the beer was sent in care of the collector of customs or a deputy collector of customs at the border port: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of production to the border port and from the border port to the foreign destination will be procured. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately to the assistant regional commissioner of the region from which the beer was shipped. Where a copy of a separate bill of lading covering the shipment from the border port to the foreign destination, and executed by the export carrier, is not obtainable, the brewer may procure a certificate by an agent of such carrier, as described in § 245.184, and transmit such certificate to the assistant regional commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.184 *Certificate by export carrier.* A certificate, executed under the penalties of perjury, by an agent or representative of the export carrier, may be furnished by a brewer as evidence of exportation. The certificate must contain a description of the shipment, including the serial number of the Form 1689, the name of the exporter, the name of the consignee, the date received, the place where received by such carrier, and the name of the carrier from which received.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.185 *Delay in lading.* If beer to be exported without payment of tax arrives at the port of exportation before the vessel is prepared to receive it, such beer may remain in the custody of the transportation company, with the consent of such company, for a period of not more than 30 days until released by permit issued by the collector of customs. Storage elsewhere for like cause and not exceeding the same period must be with the approval of the collector of customs. In the event of any further delay, the facts shall be reported to the assistant regional commissioner of the region from which the shipment was made. If further delay is not approved by the assistant regional commissioner, he will request the collector of customs to release the beer for immediate return to the brewery from which removed. Such return shall be in accordance with the provisions of § 245.182, insofar as applicable.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.186 *Examination by customs officer.* The collector of customs with whom the Form 1689 has been filed shall fill in on each copy of such form the order for inspection and lading. The customs officer shall carefully examine the packages of the beer described in the form. He shall examine the contents of such packages as are found broken or tampered with, or which he is led to suspect do not contain the beer originally packed therein, and make a special report thereon. The customs officer shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the form. After having complied with the order of inspection and after the beer has been duly laden on board the exporting vessel or car, the customs officer shall complete and sign the certificate of inspection and lading on each copy of the Form 1689. If the customs officer discovers any evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, he shall detain the goods and notify the collector of customs, who shall inform the assistant regional commissioner of the region in which the port is located. The assistant regional commissioner shall take appropriate action to dispose of the matter in accordance with the provisions of § 245.187.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.187 *Losses in transit.* Where a large or unusual loss in transit is reported, the assistant regional commissioner will cause an immediate investigation to be made. Unless it is found that such loss resulted from fraud by the brewer or theft, it will be allowed as provided in § 245.192. Where the investigation discloses evidence that the loss resulted from theft or from fraud by the brewer, the assistant regional commissioner will propose an assessment against the brewer as provided in § 245.193.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.188 *Other evidence of exportation required.* Where the data submitted as evidence of exportation are not satisfactory to the assistant regional commissioner, or where evidence of exportation as prescribed in § 245.174 is not filed, the assistant regional commissioner of the region from which the beer was shipped will require the brewer to furnish other evidence of exportation or proof of loss on land or at sea, as provided in §§ 245.189 and 245.190.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.189 *Application for relief.* When a brewer, from causes beyond his control, is unable to furnish the evidence of exportation required by § 245.174 within 90 days, he may file an application for relief setting forth the reasons why such evidence cannot be obtained. The application must recite the facts connected with the exportation, showing the date of the shipment, the serial number of the Form 1689, the kind and quantity of the beer shipped, the name of the consignee, the name of the port to which shipment was made, and the name of the export carrier. The application shall also show that failure to furnish the required evidence of exportation was not due to any lack of diligence on the part of the applicant or his agents, and that he is unable to produce any better evidence than that submitted with his application.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.190 *Evidence to support application.* Each application for relief shall be supported by such collateral evidence as the brewer is able to submit. The evidence may consist of original or verified copies of letters from consignees acknowledging receipt of the shipment; the sales accounts and payments for the shipments; copies of delivering carriers' bills whereon consignees have acknowledged receipt of shipments; affidavits of insurance companies, masters of vessels, railroad officials, and other having knowledge of losses on land or sea after exportation; or any other competent evidence the brewer is able to obtain. Letters and documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods the original sales account must be produced.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.191 *Assistant regional commissioner's action on application.* The assistant regional commissioner receiving such application and evidence shall examine same and endorse thereon his approval or disapproval and, if satisfied as to its validity, will enter proper credit in the export account.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.192 *Assistant regional commissioner's account.* The assistant regional commissioner will keep an account of all beer removed by a brewer for export without payment of tax. The brewer will be charged with the internal revenue tax at the rate imposed by law on beer for each lot of beer so removed. Credit will be given on beer for which satisfactory evidence of export is filed with the assistant regional commissioner and for losses of beer in transit where there is no evidence that such losses resulted from fraud by the brewer or theft.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.193 *Tax assessed.* If losses which occur in transit are due to fraud by the brewer or theft, or if evidence of exportation or proof of loss on land or at sea, satisfactory to the assistant regional commissioner, is not furnished within a reasonable time (not to exceed 6 months), an assessment shall be made against the brewer in a sufficient amount to cover the tax on the quantity of beer not satisfactorily accounted for.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.194 *Brewer's report.* The brewer's records shall reflect the quantity of beer removed for export without payment of tax, and he shall report the total quantity of beer so removed on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART V—SUPPLIES FOR VESSELS AND AIRCRAFT

§ 245.195 *General.* Subject to the applicable provisions of this subpart, beer may be removed from breweries without payment of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.196 *Vessels employed in the fisheries.* Beer may be withdrawn free of tax under the provisions of paragraphs (b) and (e) of § 245.195 relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied, by reason of the quantity requested in the light of (1) whether the vessel is employed in substantially continuous fishing activities, and (2) the vessel's complement, that none of the withdrawn beer is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned on compliance with the applicable provisions of this subpart. Lading of such beer for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant in part 1 of the notice, Form 1689, that the beer is to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be marked with the withdrawal number (brewer's serial number on Form 1689) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business), after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the beer until the collector of customs is satisfied that it has been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn beer remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such beer has been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal, or on receipt of evidence that the beer was not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the brewer

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.197 *Reciprocating foreign countries.* The Director, Alcohol and Tobacco Tax Division, will advise assistant regional commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Where a brewer proposes to withdraw beer without payment of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the brewer must first establish to the satisfaction of the assistant regional commissioner the right of such withdrawal. In appropriate cases, the brewer should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

§ 245.198 *Procedure applicable.* The removal, shipment, examination by customs officers, and evidence of lading on vessels and aircraft, of beer from a brewery for use as supplies will, so far as applicable, follow the procedure of Subpart U of this part, concerning the exportation, without payment of tax, of beer.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.199 *Form 1689.* Notice will be filed on Form 1689, for the removal of beer without payment of tax from a brewery for use as supplies on vessels and aircraft.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.200 *Evidence of lading for use.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner a statement of the master or other officer of the vessel or aircraft on which the beer was laden, having knowledge of the facts, showing that the beer has been laden and will be used on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided*, That such statement will not be required, in the case of any shipment, where the beer has been laden on vessels of war, or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the beer does not exceed $200. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct." In the case of beer for use as supplies on vessels employed in the fisheries, compliance with the provisions of § 245.196 is required. On receipt of a satisfactory statement (if required) and the original of customs Form 5125, bearing final certification by the collector of customs as to proper accounting of the beer (if required), the assistant regional commissioner will enter proper credit in the export account. In the case of beer laden on vessels of war, or in cases other than supplies on vessels employed in the fisheries, where the amount of the tax on the beer does not exceed $200, credit will be given at the time of receipt of the certificate of inspection and lading executed by the inspector of customs, as provided in § 245.186.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART W—BEER PROCURED FROM ANOTHER BREWER

§ 245.205 *Notice to assistant regional commissioner.* On written notice to the assistant regional commissioner of his intention so to do, a brewer may obtain from another brewer beer finished and ready for sale. The brewer who procures such beer may furnish his own barrels and kegs, branded with his name and the place where his brewery is situated, to be filled with the beer so procured, and to be so removed. The tax on such beer shall be paid by the producing brewer as provided in Subpart N.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.206 *Producer's entries on Form 103.* The producer of the beer will show in red ink in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is removed, the quantity involved and the name and address of the receiving brewer.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.207 *Receiving brewer's entries on Form 103.* The receiving brewer will show in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is received, the quantity received and the name and address of the producing brewer. When the beer thus acquired, or any portion thereof, is disposed of, the receiving brewer will make appropriate entries in a footnote on Form 103, or on an attachment thereto, in red ink and in the following form:

Sold, in addition to the above ---------- barrels of beer received from ----------

---------- ---------- ----------
(Name of brewer) (City) (State)

The transactions will not otherwise be taken into account on Form 103 of the receiving brewer. The details of each such transaction will be entered in the daily sales record of each of the brewers.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.208 *Form of notice.* A brewer who intends to procure beer from another brewer will furnish a notice of such intent to the assistant regional commissioner of the region in which the receiving brewery is located. If the brewer from whom the beer is procured is located in another region, an additional copy of the notice will be prepared and sent to the assistant regional commissioner of the region in which the producing brewer is located. Such notices shall be filed with the respective assistant regional commissioners sufficiently in advance to insure the receipt of the notices before such beer is removed from the producing brewery. The form of such notice should be as follows:

---------- ----------, 19---
(City) (State)

To the Assistant Regional Commissioner (Alcohol and Tobacco Tax), ----------Region, Internal Revenue Service:

SIR: You are hereby notified that I intend to procure not more than ---------- barrels of beer from ----------

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(Name of brewer, city and State)

brewer, and that I intend to furnish my own barrels and kegs, branded with my name, for the reception of such beer, said barrels and kegs to be delivered from the premises of said brewer ---------- 19--- and from time to time until ---------- 19---

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(Brewer)

(68A Stat. 675; 26 U. S. C. 5415)

SUBPART X—CEREAL BEVERAGE

§ 245.210 *Beer removed to contiguous alcohol plants.* Beer may be conveyed by pipeline without taxpayment from the brewery to an industrial alcohol plant contiguous to the brewery. The storekeeper-gauger assigned to supervise the operations of the industrial alcohol plant will also supervise the removal of the beer from the brewery to such industrial alcohol plant and the transfer of any residue, which is to be used in making cereal beverage, from the alcohol plant to the brewery. The quantity of beer conveyed to a contiguous alcohol plant shall be included in the brewer's daily records of both production and removals. If any residue is returned from the alcohol plant to the brewery, the brewer's daily records of cereal beverage transactions shall reflect the quantity thereof. The totals of the various quantities involved shall be appropriately reported on Form 103.

(68A Stat. 658, 675; 26 U. S. C. 5309, 5412)

§ 245.211 *Production and removal of cereal beverage.* Brewers who produce cereal beverage may remove such beverage in packages or bottles without payment of tax. The method of production must be such that the alcohol content of the product will not increase while in the original container after being removed from the brewery. Cereal beverage must be kept separate from beer and when it is to be packaged or bottled must pass through the appropriate beer meters. Beer kegs or barrels may be used for packaging cereal beverage if the sides are durably painted at each end with a white stripe not less than four inches in width and the heads are durable painted in a solid color, with conspicuous lettering in a contrasting color reading: "Nontaxable under section 5051 I. R. C." The word "nontaxable" shall be not less than one inch high and of proportionate width, the remaining words shall be not less than one-half inch high and of proportionate width. The name or trade name and the address of the brewer must also be legibly marked on the package. Bottle labels shall show the name or trade name and address of the brewer, the distinctive name of the beverage, if any, and the legend "Nontaxable under section 5051 I. R. C." Other information, which is not inconsistent with the requirements of this section, may be shown on such labels. Cases or other shipping containers shall be marked to show the nature of the product contained therein, and the name or trade name and address of the brewer.

(68A Stat. 675, 680; 26 U. S. C. 5411, 5552)

SUBPART Y—REMOVALS FOR ANALYSIS

§ 245.215 *Analytical purposes.* A brewer may remove beer, without payment of the tax thereon, to a laboratory for analytical purposes to determine the character or quality of the product. The brewer shall make daily entries in his records of all such removals showing the person to whom such beer was delivered, the location where delivered, the means of delivery, and the purpose of the analysis. The total quantity removed each month shall be reported on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART Z—MISCELLANEOUS PROVISIONS

§ 245.220 *Officer's right of entry and examination.* An internal revenue officer may enter, in the daytime, a brewery or any place where beer is stored, and when such premises are open at night, he may enter them while so open, in the performance of his official duties. Internal revenue officers will make inspections at such frequency and with such thoroughness as necessary to determine that operations are being conducted in accordance with the law and this part. The owner of any building or place where beer is produced, made, or kept, or person having the agency or superintendence of such premises, who refuses to admit an internal revenue officer acting under the authority of section 7606, I. R. C., or refuses to permit him to examine such beer, shall, for every such refusal, forfeit $500.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

VARIATIONS FROM REQUIREMENTS

§ 245.221 *Exceptions to construction, equipment, and methods requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction, equipment, and methods in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction, equipment, and methods (a) will afford the security and protection to the revenue intended by the specifications prescribed in this part, (b) will not hinder the effective administration of this part, and (c) will not be contrary to any provision of law. Where it is proposed to substitute construction, equipment, and methods for those for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 245.222. Breweries heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Director, Alcohol and Tobacco Tax Division, or assistant regional commissioner may at any time require the brewer to conform construction, equipment, or methods of operation to the requirements of this part, if necessary to protect the revenue.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.222 *Application.* A brewer who proposes to employ methods of operation or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 681; 26 U. S. C. 5556)

SUBPART AA—RECORDS, REPORTS, AND RETURNS

§ 245.225 *Records.* The brewer shall maintain, at his brewery, daily records which will accurately and clearly reflect by quantity the following:

(a) Each kind of material received and used in the production of beer and cereal beverage.

(b) Beer and cereal beverage produced (including water added after production is ascertained).

(c) Beer and cereal beverage transferred to bottling house and racking room and any returned therefrom.

(d) Beer and cereal beverage bottled and racked.

(e) Beer and cereal beverage removed from the brewery.

(f) Beer consumed at the brewery.

(g) Beer returned to the brewery.

(h) Beer recased or relabeled.

(i) Beer reconditioned, used as material, or destroyed.

(j) Beer received from other breweries.

(k) Brewing materials, beer and cereal beverage in process, and finished beer and cereal beverage on hand.

(l) Beer and cereal beverage lost due to breakage, casualty, or other unusual cause.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month; and he shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) to the bottling house, (2) to the racking room, and (3) between breweries in bulk conveyances. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other mechanical equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.226 *Form 103.* A monthly report containing a summary of brewery operations shall be prepared by each brewer on Form 103. Such monthly report shall be prepared in duplicate and each copy signed by the brewer or his duly authorized agent. The original shall be forwarded to the assistant regional commissioner not later than the tenth day of the month succeeding that for which rendered. The duplicate copy will be retained by the brewer and filed at the brewery.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.227 *Beer tax return, Form 2034.* The quantities of keg and bottled beer sold or removed for a taxable purpose and the aggregate quantity thereof must be reported in the tax return, Form 2034, prepared in triplicate. All entries in the return must be fully supported by accurate and complete records.

(68A Stat. 614, 681; 26 U. S. C. 5061, 5555)

§ 245.228 *Period for which return is filed.* A tax return on Form 2034 is required for each day on which beer is sold or removed for a taxable purpose: *Provided*, That where the gross tax liability for any one day is less than $100, the preparation of the tax return and the payment of the tax due may be delayed until such day as the total gross tax liability (for one or more days) reaches $100: *And provided further*, That where such gross tax liability is less than $100 at the close of the last business day of a calendar month, the tax return shall be prepared and transmitted to the district director (together with a remittance for the net tax then due).

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.229 *Time and place of filing.* A tax return on Form 2034 must be rendered not later than the close of the business day next succeeding the period for which such return is rendered except as provided in § 245.116. The original and one copy of the return shall be transmitted to the district director, who will indicate thereon receipt of the remittance, retain the original, and forward one copy to the assistant regional commissioner. The brewer shall file the remaining copy as a part of his records at the brewery.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.230 *Disposition of unsalable beer in bottling house.* A brewer having in his bottling house, unsalable beer which has never been removed from the brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of first runs, dirty beer, leaking bottles, or other rejects from the bottling line, such beer may be destroyed without being included in bottling house production, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When such reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in bottling house production and be so reported in the brewer's daily records and on Form 103.

(68A Stat. 675, 681; 26 U. S. C. 5411, 5415, 5555)

§ 245.231 *Verification.* All records, reports, returns, and forms which require a signature shall contain or be verified by a written declaration that they are made under penalties of perjury.

(68A Stat. 748, 749; 26 U. S. C. 6061, 6065)

§ 245.232 *Retention of records.* A brewer shall retain all records required by this part at the brewery for a period of not less than two years. Such records shall be readily available during the brewer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5415)

[F. R. Doc. 56-5900; Filed, July 20, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

MEATS, PREPARED MEATS, MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

OFFICIAL UNITED STATES STANDARDS FOR VEAL AND CALF CARCASSES AND FOR VEALERS AND SLAUGHTER CALVES

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) is considering amending the official United States standards for veal and calf carcasses (7 CFR 53.107–53.111) and the official United States standards for vealers and slaughter calves (7 CFR 53.120–53.124) by changing the grade name "Commercial" to "Standard" wherever it occurs in these standards and by rephrasing the standards for veal and calf carcasses to facilitate their interpretation. The change in grade name from "Commercial" to "Standard" is proposed in order that the terminology in these standards will conform to that in the revised standards for young slaughter cattle and beef produced therefrom which became effective June 1, 1956 (21 F. R. 3449 and 21 F. R. 1481, respectively). The changes in phrasing of the veal and calf carcass standards are proposed only to facilitate their interpretation and to conform them with color photographs used by the Department of Agriculture for illustrating the minimum requirements of the respective grades. The changes in phrasing proposed will not result in any change in the manner in which the standards will be applied.

To accomplish these changes in the standards for veal and calf carcasses, said standards (7 CFR 53.107–53.111) would be amended to read as follows:

VEAL AND CALF CARCASSES

§ 53.107 *Differentiation between veal, calf, and beef carcasses.* Differentiation between veal, calf, and beef carcasses is made primarily on the basis of the color of the lean, although such factors as texture of the lean; character of the fat; color, shape, size, and ossification of the bones and cartilages; and the general contour of the carcass are also given consideration. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture and they also have a slightly soft, pliable character of fat and narrow, very red rib bones. By contrast, typical calf carcasses have a grayish red color of lean,

a harder, flakier type of fat, and somewhat wider rib bones with less pronounced evidences of red color. Calf carcasses with maximum maturity for their class have lean flesh that is usually not more than moderately red in color, their rib bones usually have a small amount of red and have only a slight tendency toward flatness, and such carcasses are not noticeably "spready" or "barrelly" in contour. Such carcasses, when split, have cartilages on the ends of the chine bones that are entirely cartilagenous, there is cartilage in evidence on all vertebrae of the spinal column and the sacral vertebrae show distinct separation. Carcasses with evidences of more advanced maturity than described in this paragraph are classified as beef.

§ 53.108 *Classes of veal and calf carcasses.* Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially in the case of calf carcasses that are approaching beef in maturity, the differences between the various classes are so slight that accurate description of them is impractical. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

§ 53.109 *Application of standards.* (a) Veal and calf carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts and the proportions of fat, lean, and bone in the carcass and the quality of the lean. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors and there will be carcasses which qualify for a particular grade, some of the characteristics of which may be typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of conformation, finish, and quality and which are also representative of the lower limit of each grade.

(b) The quality of the lean flesh is determined from the development of its color, texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. In grading carcasses or sides in which direct observation of these characteristics is not possible, quality of the lean is evaluated indirectly from its apparent color and general firmness together with the quantity and quality of certain fat deposits, all in relation to the apparent evidences of maturity. The fat deposits considered in this indirect evaluation of quality, in descending order of their importance, are as follows: (1) The fat intermingled within the lean between the ribs called "feathering", (2) the streaking of fat within and upon the inside flank muscles, (3) the fat covering over the diaphragm muscle or "skirt", (4) the covering of external fat, and (5) the kidney and pelvic fat. The standards for each grade specify only one general level of development of the quality-indicating characteristics described in this paragraph, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, carcasses with evidences of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described. Conversely, carcasses with evidences of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics. Because of the greater range in maturity among calf carcasses, a somewhat greater variation in these evidences of quality is present among carcasses within each grade of that class than is present among carcasses within each grade of veal.

(c) While the standards described rather definite degrees of external finish and of kidney and pelvic fat for each grade of veal and calf, consideration of variations in the quantities of these fats is restricted almost entirely to carcasses of the lower grades which have a development of external and kidney and pelvic fats that is substantially different from their development of feathering, fat streaking in the inside flank muscles and fat covering over the skirt. In such carcasses, variation in the quantities of external fat and of kidney and pelvic fats is given a very limited consideration in the evaluation of quality. In the higher grades, particularly the higher grades of calf, variation in the quantities of these fats is given no consideration. The quality or firmness of the external and kidney and pelvic fats, however, is given consideration as an indicator of quality in all grades.

(d) Inasmuch as all carcasses do not have a comparable development of conformation and quality, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(e) The standards for veal and calf carcasses contained in §§ 53.107–53.111 and those for beef carcasses contained in §§ 53.102–53.106 together provide the basis for grading carcasses within the full range of maturity of the bovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade requirements for a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standards for the kind of carcass (veal, calf or beef) being graded and the standards for the kind of carcass which is most closely adjacent to it in maturity.

§ 53.110 *Specifications for official United States standards for grades of veal carcasses*—(a) *Prime.* (1) A veal carcass possessing typical, minimum qualifications for the Prime grade is blocky and compact and tends to be broad in proportion to its length. It tends to be thickly fleshed and has a rather plump, full, well-rounded appearance. Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breast tend to be thick.

(2) There is usually a thin covering of firm fat over the rump, loin and back which also usually extends over most of the tops of the shoulders and outsides of the legs. There is a modest amount of extensive feathering between the ribs, a modest amount of fat streaking in the inside flank muscles, and a modest covering of fat over the skirt. The flanks are thick, full and firm. Kidney and pelvic fat is firm and usually is moderately abundant. The cut surface of the lean is moderately firm; fine-textured; grayish pink in color; and velvety to sight and touch.

(3) To qualify for the Prime grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) A veal carcass possessing typical, minimum qualifications for the Choice grade is moderately blocky and compact and tends to be moderately broad in proportion to its length. It is slightly thick-fleshed and has a slightly plump appearance. Rounds are slightly thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(2) There is usually a very thin covering of moderately firm fat over the loin and back which also usually partially covers the tops of the shoulders and outsides of the legs. There is a slight amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight covering of fat over the skirt. The flanks are moderately thick, full and firm. There is usually a moderate quantity of kidney and pelvic fat which is moderately firm. The cut surface of the lean is slightly firm; fine-textured; grayish pink in color; and slightly moist to sight and touch.

(3) To qualify for the Choice grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Choice. However, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) A veal carcass possessing typical, minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be slightly thin-fleshed and has little or no evidence of plumpness. Loin, back, and rounds are slightly thin and nearly flat. Shoulders and breast tend to be slightly thin.

(2) There is usually an extremely thin covering of fat over the back and loin but usually practically no fat covering over the tops of the shoulders or outsides of the legs. There are traces of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of fat covering over the skirt. The flanks are slightly thick and firm. There is usually a small amount of kidney and pelvic fat. The cut surface of the lean is fine-textured but slightly soft, slightly dark grayish pink in color, and rather moist to sight and touch.

(3) A carcass that has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Standard grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) A veal carcass possessing typical, minimum qualifications for the Standard grade is thinly fleshed and is rangy, angular, and narrow in relation to its length. Rounds are thin and tapering and slightly concave. Loin and back are depressed. Shoulders and breast are thin.

(2) External fat covering is usually limited to very thin patches over the loin and back and a small quantity of fat around the base of the tail. There is practically no feathering between the ribs, practically no streaking of fat in the inside flank muscles, and practically no covering of fat over the skirt. The flanks are thin and slightly soft. There is usually a slight amount of kidney and pelvic fat. The cut surface of the lean is fine-textured but moderately soft and moist and slightly dark grayish pink in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Standard grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Standard. Also, a development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation which is inferior to that specified for Standard on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Standard grade may have conformation equivalent to the minimum of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* (1) A veal carcass possessing typical, minimum qualifications for the utility grade is very thinly fleshed and is very rangy and angular and very narrow in relation to its length. Rounds are very thin and moderately concave. Loin and back are very depressed. Shoulders and breast are very thin.

(2) There is usually practically no external fat covering except for very small deposits around the base of the tail and over the outsides of the shoulders. There is no feathering between the ribs, no fat streaking in the inside flank muscles, and no covering of fat over the skirt. The flanks are soft and very thin. There is usually only a very slight amount of kidney and pelvic fat. The cut surface of the lean is soft and moist and dark grayish pink in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum of the upper third of the Cull grade and remain eligible for Utility.

(f) *Cull.* (1) A typical Cull grade veal carcass is extremely thin-fleshed and is extremely rangy and angular and extremely narrow in relation to its length. Rounds are concave and extremely thin. Loin and back are extremely depressed. Shoulders and breast are extremely thin.

(2) There is usually no external fat covering and no feathering between the ribs nor streaking of fat in the inside flank muscles. The flanks are extremely thin and very soft. There is usually practically no kidney or crotch fat. The cut surface of the lean is very soft and very moist and dark grayish pink in color.

§ 53.111 *Specifications for official United States standards for grades of calf carcasses*—(a) *Prime.* (1) A calf carcass possessing typical, minimum qualifications for the Prime grade is blocky and compact and tends to be broad in proportion to its length. It is thickly fleshed and has a plump, full, well-rounded appearance. Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breast tend to be thick.

(2) There is usually a slightly thick covering of very firm fat over the back, loin, and rump which also usually completely covers the tops of the shoulders and outsides of the legs. There is a moderate amount of very extensive feathering between the ribs, a moderate quantity of fat streaking in the inside flank muscles, and a moderate covering of fat over the skirt. The flanks are very thick, full, and firm. Kidney and pelvic fat is very firm and usually is abundant. The cut surface of the lean is firm, fine-textured, light grayish red in color, and velvety to sight and touch. There is a small amount of marbling in the rib eye muscle. Calf carcasses which are approaching beef in maturity and development will have a moderate amount of marbling.

(3) To qualify for the Prime grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) A calf carcass possessing typical, minimum qualifications for the Choice grade tends to be moderately blocky and compact and tends to be moderately broad in proportion to its length. It tends to be moderately thick-fleshed and has a moderately plump appearance. Rounds tend to be moderately thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(2) There is usually a moderately thin covering of firm fat over the loin and back which also usually covers most of the tops of the shoulders and outsides of the legs. There is a small amount of rather extensive feathering between the ribs, a small quantity of fat streaking in the inside flank muscles, and a small amount of fat covering over the skirt. The flanks are thick, full and firm. Kidney and pelvic fat is firm and usually is moderately abundant. The cut surface of the lean is moderately firm; fine-textured; and light grayish red in color; and there are traces of marbling in the rib eye. Calf carcasses approaching beef in maturity and development have a slight amount of marbling.

(3) To qualify for the Choice grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Choice. However, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that

specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) A calf carcass possessing typical, minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be only slightly thick-fleshed and has a slightly plump appearance. Rounds are slightly thick but have little evidence of plumpness. Loin and back are very slightly full and plump. Shoulders and breast are slightly thick.

(2) There is usually a very thin covering of fat over the loin and back which also partially covers the tops of the shoulders and outsides of the legs. There is a slight amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight amount of fat covering over the skirt. The flanks are moderately thick, full, and firm. There is usually a small amount of kidney and pelvic fat which is moderately firm. The cut surface of the lean is slightly soft; fine-textured; slightly dark grayish red in color; and somewhat moist to sight and touch.

(3) A carcass that has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Standard grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) A calf carcass possessing typical, minimum qualifications for the Standard grade tends to be thinly fleshed, rangy, and angular and tends to be narrow in relation to its length. Rounds are thin and tapering and very slightly concave. Loin and back are slightly shallow and depressed. Shoulders and breast are thin.

(2) There is usually an extremely thin covering of fat over the back and loin but usually practically no fat covering over the tops of the shoulders or outsides of the legs. There are traces of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of fat covering over the skirt. The flanks are slightly thick and firm. There is usually a slight amount of kidney and pelvic fat. The cut surface is moderately soft and moist and slightly dark grayish red in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Standard grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Standard. Also, a development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation which is inferior to that specified for Standard on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Standard grade may have conformation equivalent to the minimum of the uper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* (1) A calf carcass possessing typical, minimum requirements for the Utility grade is very thinly fleshed and is very rangy and angular and very narrow in relation to its length. Rounds are very thin and moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very thin.

(2) There are usually only a few very thin patches of external fat over the loin and back and very small deposits of fat around the base of the tail and over the outsides of the shoulders. There is practically no feathering, practically no fat streaking in the inside flank muscles, and practically no fat covering over the skirt. The flanks are soft and very thin. There is usually only a very slight amount of kidney and pelvic fat. The cut surface of the lean is soft and moist and dark grayish red in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade superior conformation for a third of a grade of deficient quality as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum of the upper third of the Cull grade and remain eligible for Utility.

(f) *Cull.* (1) A typical Cull grade calf carcass is extremely thin-fleshed and is extremely rangy and angular and extremely narrow in relation to its length. Rounds are concave and extremely thin. Loin and back are extremely depressed. Shoulders and breast are extremely thin.

(2) There is usually no external fat covering and no feathering between the ribs, fat covering over the skirt, nor streaking of fat in the inside flank muscles. The flanks are extremely thin and very soft. There is usually practically no kidney or crotch fat. The cut surface of the lean is very soft and very moist and dark grayish red in color.

VEALERS AND SLAUGHTER CALVES

To accomplish the above-indicated change in grade names in the standards for vealers and slaughter calves, §§ 53.123 and 53.124 of the standards (7 CFR 53.123 and 53.124) would be amended by changing the grade name "Commercial" to "Standard" wherever it appears therein.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of July 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 56-5915; Filed, July 20, 1956; 8:50 a. m.]

[7 CFR Part 995]

[Docket Nos. AO-197-A4, AO-285]

MILK IN LIMA, AND MANSFIELD, OHIO, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING IN THE LIMA, OHIO, MARKETING AREA AND ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING IN MANSFIELD, OHIO, MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of public hearing to be held in the Leland Hotel (Main Ball Room), 27 Park Avenue West, Mansfield, Ohio, August 6, 1956, beginning at 10:00 a. m.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, regulating the handling of milk in the Lima, Ohio, marketing area (7 CFR Part 995 et seq.). This hearing also is for the purpose of receiving evidence as to the economic and marketing conditions relating to the handling of milk for a number of other counties in Ohio hereinafter named, and to the alternative possibilities of (1) expanding the present Lima marketing area to regulate the handling of milk in all or part of the additional counties or, (2) of issuing one or more separate orders to regulate the handling of milk in all or part of these counties, with provisions the same as those in Federal Order No. 95, as amended, and as further proposed herein to be amended, with appropriate modifications. The proposed marketing agreement and order provisions set forth below and the proposed amendments have not received the approval of the Secretary of Agriculture. At the hearing, evidence will be received with respect to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the marketing agreement and order proposals and amendments is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the amendment of the present order referred to, or the issuance of one or more additional marketing agreements and orders regulating the handling of milk in the proposed area, are justified, and (3) the provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act, as amended, will best tend to effectuate the declared policy of such act with respect to milk handled in such proposed area.

Proposed by The Northwestern Cooperative Sales Association, Inc.:

1. Change the present designation of the Lima marketing area to the new name of Buckeye marketing area.

2. Delete § 995.5 and substitute therefor the following:

§ 995.5 *Buckeye marketing area.* Buckeye marketing area, called the marketing area in this subpart, means all the territory within the following counties and/or municipalities:

Allen County, including the City of Lima;
Auglaize County and all municipalities therein;
Hancock County, including the City of Findlay;
Marion County, including the City of Marion;
Seneca County, including the City of Tiffin;
Richland County, including the City of Mansfield.

3. In § 995.53, delete paragraphs (a) and (b) and substitute therefor the following:

(a) Class I milk—multiply by 1.25 and divide the result by 10.

(b) Class II milk—multiply by 1.15 and divide the result by 10.

4. Consider the adoption of a level production plan in conformity with the one now operating in the Cleveland Federal milk order No. 75.

5. Reduce the location adjustment rate applicable to pool plants in the marketing area and fix such rates for each portion of the marketing area according to the location of the plants.

6. Delete the present language in § 995.80 and substitute therefor: "Class I milk sold by a handler within the marketing area governed by another Federal order shall be priced at the higher of the prices paid for Class I milk in the two areas involved: *Provided*, That this section shall not be effective unless there is a corresponding provision in the Federal order regulating prices in the other area."

7. Delete § 995.12 and substitute therefor:

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in (a) receipts during the month in the form of fluid milk products (products designated as Class I milk pursuant to § 955.41 (a), except (1) such products received from other fluid milk plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 995.41 (b) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

8. In view of the proposed new definitions and to clarify order language, consider changes in §§ 995.30, 995.41, 995.42, 995.44 and 995.60 to conform with these proposals and specifically provide for the classification, allocation and pricing of milk in inventories of fluid milk products.

9. Make such other changes as may be necessary or desirable or required to make the marketing agreement and order in their entirety conform with any amendment thereto that may result from the hearing.

Proposed by North Central Ohio Cooperative Dairy Sales Association:

10. That the marketing area of milk Order No. 95 be extended to include Marion County, including the City of Marion, and Richland County, including the City of Mansfield, Ohio.

Proposed by Marion Milk Producers' Association:

11. Extend the marketing area of Order No. 95 to include Marion County, including the City of Marion, in the State of Ohio.

Proposed by the Page Dairy Company, Toledo and Mansfield, Ohio:

12. In addition to the area presently included in the Lima, Ohio, milk marketing area and the counties listed in the proposals submitted by the Northwestern Cooperative Sales Association, Inc., there be included in the Lima, Ohio, milk marketing area the counties listed below and all municipalities included in said counties:

Hardin, Sandusky, Erie, Huron, Ashland, Wyandot, Crawford.

13. That the individual handler pool provisions be retained in the Lima, Ohio, milk marketing Order No. 95 in the same form in which they are included at the present time.

Proposed by Telling Belle Vernon Company, Cleveland, Ohio:

14. In addition to the present marketing area and the five counties and four cities proposed by the cooperative association, the addition of the following counties, cities, and municipalities should be included:

Hardin County, including the City of Kenton;
Sandusky County, including the City of Fremont;
Erie County, including the City of Sandusky;
Huron County, including the Cities of Norwalk and Willard;
Ashland County, including the City of Ashland;
Wyondot County and all municipalities therein;
Crawford County, including the Cities of Bucyrus, Galion, and Crestline;
All of the City of Fostoria which is partly in Seneca County.

15. A market wide pool and/or a subarea pool within a marketing area be established in Order No. 95.

16. That an "even-production", or "base-excess" plan, the same as in Cleveland Order No. 75, be included in Order No. 95.

Proposed by Ashland Sanitary Dairy, Inc., Ashland, Ohio:

17. That Ashland County, including the City of Ashland, be considered for inclusion as a part of any amendment to Order No. 95, the Lima, Ohio, marketing area.

Proposed by The Isaly Dairy Company, Mansfield, Ohio:

18. Re: § 995.5. If Mansfield and Richland County, Ohio should come under the order, that the following counties and municipalities therein also be included; namely, Ashland County, Holmes County, and Huron County.

19. Re: § 995.30. Provide a nine day period for reports.

20. Re: § 995.41 (b) (3). Delete "but not to exceed two percent of such receipts of skim milk and butterfat, respectively."

Proposed by The Isaly Dairy Company, The Borden Company (Marion, Ohio, Branch), The Ideal Dairy, Marion, Ohio:

21. Re: § 995.5. In event Marion County and the City of Marion are added to the marketing area, that the following counties and municipalities therein be also included; Shelby, Logan, Hardin, Sandusky, Wyandot, Crawford, Union, Delaware and Morrow.

22. Re: § 995.30. "On or before the 7th day of each month • • •" in first sentence to be changed to read as follows: "On or before the 9th day of each month • • •".

23. Re: § 995.41. In paragraph (a) delete "and (2) as all skim milk and butterfat not accounted for as Class II milk." In paragraph (b) (3) delete "but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively," and change "(4)" to "(3)".

Proposed by The Borden Company, Mansfield, Ohio:

24. Incorporate into the order a "third" classification.

25. If the marketing area is extended to include Mansfield and Richland Counties, it should be extended to include the following areas as well:

Ashland and Ashland County.
Bucyrus and Crawford County.
Mt. Gilead and Morrow County.
Mt. Vernon and Knox County.

26. A base-surplus plan of milk purchasing be employed during the heavy production months of April, May, and June.

27. Reports required by the administrator need not be filed until the 12th day of each month.

28. A tolerance of not less than 3 percent in excess of receipts of butterfat and not less than 3 percent shrinkage in butterfat receipts be allowed.

29. Delete § 995.71.

30. That a separate independent order be established for Mansfield and Richland County and surrounding marketing area.

Proposed by the Dairy Division:

31. Review all other provisions of Order No. 95 in light of the above stated proposals to extend the marketing area and to consider suggestions for changes in the order language which may be appropriate in redrafting and reissuance of the entire order.

Copies of this notice of hearing and the order now in effect, may be procured from the market administrator, 204 Dominion Building, Lima, Ohio or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: July 18, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5916; Filed, July 20, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 410]

DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES, GLIDERS, ENGINES, AND PROPELLERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules which would revise in its entirety Part 410 of the Regulations of the Administrator. The utilization of Designated Manufacturer's Certification Representative for the type, production, and airworthiness certification of airplanes less than 5,000 pounds is currently provided for in Part 410 of the Regulations of the Administrator. Requests from the industry have been received by the Civil Aeronautics Administration to extend the delegation option procedure to airplanes having less than 12,500 pounds maximum weight, gliders, and small aircraft engines and propellers. As this procedure has brought satisfactory results, the CAA proposes the following revision to Part 410 of this chapter to incorporate the extensions requested and to provide for CAA participation in the preliminary and final review of projects prior to certification.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

The revised Part 410 would read as follows:

SUBPART A—GENERAL

§ 410.1 *Definition of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "CAA" shall mean Civil Aeronautics Administration.

(c) "DMCR" shall mean Designated Manufacturer's Certification Representative.

(d) "Product" shall mean an airplane, a glider, an aircraft engine, or propeller.

(e) "Secretary" shall mean Secretary of Commerce.

§ 410.2 *Basis and purpose.* (a) Section 603 of the Civil Aeronautics Act of 1938 (52 Stat. 1009; 49 U. S. C. 553) authorized the Civil Aeronautics Authority to conduct inspections and tests necessary to the issuance of type, production, and airworthiness certificates, and to issue such certificates. Section 7 of Reorganization Plan III of 1940 (54 Stat. 1233) transferred the functions to the Administrator. Section 2 of Reorganization Plan 5 of 1950 (15 F. R. 3174) transferred the functions to the Secretary. Section 3 of Department of Commerce Order 115 (15 F. R. 3195) retransferred the functions to the Administrator. Section 310 of the Civil Aeronautics Act of 1938 (60 Stat. 1070, 49 U. S. C. 460) authorized the Secretary to delegate the functions to properly qualified private persons. Amendment 7 to Department of Commerce Order 86 (16 F. R. 554) authorized the Administrator to exercise the powers vested in the Secretary by section 310 (a) of the Civil Aeronautics Act of 1938.

(b) Under delegation option procedures, type, production, and airworthiness certification of airplanes and gliders having maximum weight of less than 12,500 lbs., and type and production certification of piston engines of less than 1,000 cubic inches displacement and propellers for use on such engines, may be accomplished by manufacturers utilizing a DMCR. Standard procedures will be used by manufacturers who are not eligible to use, or do not elect to use, the delegation option procedures.

SUBPART B—DELEGATION OPTION AUTHORIZATION

§ 410.11 *Application.* Application for an authorization from the Administrator to use the delegation option procedures shall contain the information specified in appendix A [1] to this part, and shall be submitted to the CAA regional office for the region in which the manufacturer is located.

§ 410.12 *Authorization.* Upon receiving an application and finding that the applicant meets the eligibility requirements, the Administrator will issue an authorization to the applicant to use the delegation option procedures in accordance with the provisions of this part. A sample authorization is shown in appendix B [1] to this part.

§ 410.13 *Eligibility.* To be eligible for an authorization to use the delegation option procedure, the applicant shall:

(a) Hold a current type certificate under the same part of the Civil Air Regulations and a production certificate, issued to the applicant under the standard procedure,

(b) Employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of Parts 1, 3, 4a, 5, 8, 13, and 14 of this title and

(c) Have requested the appointment of an individual by the Administrator as a Designated Manufacturer's Certification Representative in accordance with § 410.14.

§ 410.14 *Designated manufacturer's certification representative* (DMCR).

(a) A Designated Manufacturer's Certification Representative is an individual who:

(1) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of the pertinent product,

(2) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

(b) The Designated Manufacturer's Certification Representative may be replaced by another individual upon request by the holder of the delegation option procedure authorization and the listing of such replacing individual by the Administrator on the authorization.

(c) A DMCR will be furnished CAA forms, and instructions. on the use thereof, under the delegation option procedures.

§ 410.15 *Duration.* An authorization to use the delegation option procedure shall remain in effect for 1 year unless suspended, cancelled, or revoked by the Administrator. An authorization may be renewed upon application if the Administrator finds the record of the applicant to be satisfactory. (See § 410.16.) The holder of such authorization shall request the CAA to cancel it if he no longer desires to use the delegation option procedure.

§ 410.16 *Maintenance of eligibility.* The holder of an authorization to use the delegation option procedure shall continue to comply with the initial requirements for issuance. To be eligible for renewal the holder must have a record over the previous year which shows he is competent, willing, and able to carry out the responsibilities delegated.

§ 410.17 *Transfer.* An authorization to use the delegation option procedure is not transferable.

§ 410.18 *Inspections.* At any time, upon request, the applicant for a delegation option procedure authorization or the holder of such authorization shall permit authorized employees of the Administrator to inspect his organization, facilities, product, and records.

SUBPART C—DELEGATION OPTION PROCEDURES

§ 410.31 *Limits of applicability.* (a) The delegation option procedures shall be applied only to products which are manufactured by the holder of a delegation option authorization, and which:

(1) Are eligible for certification under the type, production, and airworthiness requirements of Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, and

(2) Are airplanes or gliders having a maximum weight of less than 12,500 pounds, or

(3) Are piston engines having a displacement of less than 1,000 cubic inches, or

(4) Are propellers designed for use on engines having a displacement of less than 1,000 cubic inches.

(b) Within the limitations prescribed in paragraph (a) of this section, the delegation option procedure may be applied to:

(1) Type certification,

[1] Not filed with the Federal Register Division.

(2) Changes in the type design of products for which the manufacturer holds or obtains a type certificate,

(3) The amendment of the production certificate held by the manufacturer, to include additional models or additional types for which he holds or obtains type certificates,

(4) The issuance of airworthiness certificates for airplanes and gliders of any type for which the manufacturer holds a type certificate and holds or is in the process of obtaining a production certificate. For this privilege to be continued, the production certificate shall be obtained within 6 months from the date of issuance of the type certificate.

(c) The delegation option procedures may be applied to one or more types as selected by the manufacturer, who shall notify the CAA of each model, and the first serial numer of each model manufactured by him under the delegation option procedures. Other types or models may remain under the standard procedures.

§ 410.32 *Type certificates.* (a) When a manufacturer desires to obtain a type certificate for a new type under the delegation option procedures:

(1) The DMCR for such manufacturer shall submit to the CAA an Application for a Type Certificate (Form ACA-312) together with a statement listing particular airworthiness requirements of this title by part and date, which the DMCR considers applicable, plus a three-view drawing, a description of the salient characteristics of the design, an outline of the method to be used to substantiate compliance, and an estimated time schedule involved. After reviewing the application, the CAA will notify the DMCR in an acceptance letter that the Administrator finds such requirements, or other specified requirements, applicable.

(2) The CAA will verify compliance with standards, rules, and regulations for unconventional designs and/or design features having a substantially significant effect on safety, and will determine that there are no apparent unairworthy features. An initial review will be made by the CAA of new type designs including discussions with the manufacturer concerning any unconventional design features, interpretations of the regulations, or means of determining compliance. Following this review the CAA will notify the manufacturer concerning the extent to which the CAA will vertify compliance, and the extent to which the CAA will participate in test programs. Also, the CAA will counsel and advise manufacturers upon request or indicated need.

(3) After determining that the applicable airworthiness requirements are met, the DMCR shall request the Administrator to issue a type certificate. The request shall include a Statement of Compliance and the information prescribed in appendix C [1] to this part. The proposed specification and, if required by the applicable airworthiness requirements, a copy of the Airplane Flight Manual as approved by the DMCR, shall be transmitted with the request. If the results of his own participation in the process of determining compliance with the regulations have revealed no failure of compliance, the Administrator will issue the type certificate and publish the specification.

(b) Under these delegation option procedures, the manufacturer may change the type design for which he holds a type certificate, when the DMCR finds that the changes comply with the applicable airworthiness requirements. If such changes would alter the information in the specification or Airplane Flight Manual, the manufacturer shall promptly submit proposed specification revisions or Airplane Flight Manual revisions to the CAA.

(1) The DMCR shall furnish a statement to the CAA, briefly describing major changes to the type design and listing the particular airworthiness requirements of this title which the DMCR considers applicable. Upon receiving such a statement, the CAA will notify the DMCR that the Administrator finds such requirements, or other specified requirements applicable. The CAA will verify compliance as considered necessary and will counsel and advise manufacturers upon request or indicated need.

(c) As a part of determining compliance with the applicable airworthiness requirements, the DMCR shall conduct a type inspection and complete a Type Inspection Report (Form ACA-283), or applicable portions thereof, which he shall sign and include in the manufacturer's technical data file.

(d) The manufacturer or the DMCR may request the advice of the CAA concerning interpretation of the certification requirements in Parts 1, 3, 4a, 5, 8, 13, and 14 of this title. The DMCR shall request the advice of the CAA on any interpretation which requires application of the equivalent safety provisions contained in the certification requirements. CAA rulings will be confirmed in writing.

(e) The manufacturer shall prepare and maintain a technical data file for each product type under the delegation option procedure, in accordance with § 410.38 (a) (1). Authorized employees of the CAA shall have access to the file at any time. In the event the manufacturer goes out of business or no longer operates under the delegation option procedure the file becomes the property of the CAA.

§ 410.33 *Production certificates.* (a) When a manufacturer desires to list a new model or a new type certificate on his production certificate, the DMCR for such manufacturer shall, after finding that the manufacturer meets the production certificate requirements of Part 1 of this title with respect to the new model or type, submit a request therefor to the Administrator. (See § 410.31 (b) (4).) This request shall be accompanied by:

(1) A Statement of Compliance containing the information prescribed in appendix D [1] of this part, and,

(2) A properly executed application for an amendment to the manufacturer's production certificate (Form ACA-332).

Upon receipt of these documents the Administrator will add the new model designation and/or type certificate number to the production certificate and forward to the manufacturer an amended production limitation record.

(b) In determining that the manufacturer meets the applicable production certificate requirements, the DMCR shall, for each new model or type added to the production certificate under the delegation option procedure, conduct an inspection of the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of the product. The CAA shall be notified in advance of such inspections and will participate as considered necessary. The DMCR shall complete and sign a Manufacturing Inspection Report (Form ACA-314) for inclusion in the manufacturer's records.

(c) At least once each year while the manufacturer holds a delegation option procedure authorization, the DMCR shall conduct an inspection of the manufacturer's facilities, methods, and procedures. The CAA will participate as considered necessary.

(d) The manufacturer shall prepare and maintain a production certification file and make reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Part 1 of this title. He shall include such reports and inspection records for each model produced under the delegation option procedure in his records as specified in § 410.38 (a) (2).

§ 410.34 *Airworthiness certificates.* (a) A DMCR shall issue an airworthiness certificate for an airplane or glider manufactured under the delegation option procedure when he finds, on the basis of the inspection and production flight check, that the aircraft conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DMCR may authorize other employees of the manufacturer to sign such airworthiness certificates for him, over his name and designee number: *Provided,* That:

(1) Such employees perform or are in direct charge of the inspections specified in paragraph (a) of this section, and

(2) Such employees have been listed on the manufacturer's application to use the delegation option procedures (see appendix A [1] to this part), or on amendments thereto.

(c) A DMCR shall issue and attach an approval tag, Form ACA-186, to each new engine and propeller manufactured under the delegation option procedure when he finds, on the basis of the inspection and operational tests, that the engine or propeller conforms to a type design for which the manufacturer holds a type certificate and is in condition for safe operation.

After the new model has been included on the Production Limitation Record, the production certification number shall be stamped on the engine or propeller identification data plate in lieu of the issuance of the approval tag, Form ACA-186.

[1] Not filed with the Federal Register Division.

§ 410.35 *Certificates of airworthiness for export.* A certificate of airworthiness for export may be issued on the same basis as an airworthiness certificate, as specified in § 410.34.

§ 410.36 *Service difficulties and noncompliance.* Service difficulties and questions of compliance on articles produced under the delegation option procedure will be handled as follows:

(a) *Routine reports.* The CAA will collect information on service difficulties in accordance with standard procedures. Where service difficulties are deemed of sufficient importance, the CAA will forward copies of the reports to the manufacturer for his information and any action he deems appropriate. The CAA will not request replies or action on such reports, except as indicated in paragraph (b) of this section.

(b) *Serious defects.* If accidents or service difficulty reports indicate unsafe features or characteristics caused by defect in design or manufacture, the CAA will transmit such reports to the manufacturer with a request that it be informed of the results of his investigation and of the action, if any, taken or proposed by him (e. g., service bulletins, design changes, etc.). If the nature of the defect is of such importance that mandatory corrective action by the user of the product is necessary for safety, the CAA will require the manufacturer to submit the information necessary for the issuance of an airworthiness directive in accordance with the standard procedures.

(c) *Investigation of product or manufacturing facilities.* The manufacturer shall, at any time upon request, permit the CAA to inspect and test his product, and investigate his technical data files and manufacturing facilities when reports indicate that a serious defect exists, and when the CAA finds that:

(1) The manufacturer's investigation and action are deemed inadequate to correct the unsafe condition, or

(2) There is substantial evidence that products of the type may not, in fact, comply with the applicable airworthiness requirements.

Prior to conducting such an investigation, the CAA will communicate with the manufacturer, citing the evidence in the case, and, time permitting, will request the manufacturer to submit comments and any additional pertinent information.

(d) *Maintenance of files.* The manufacturer shall maintain a file of information on service difficulties received from all sources, which will be available to the CAA at all times.

(e) *Noncompliance.* When investigation is made by the CAA, and the findings indicate that a serious safety hazard exists because of the manufacturer's failure to comply with Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the CAA will take such action as is deemed necessary to require correction of the defect in existing models and to assure compliance in articles subsequently produced.

(f) *Revocation of delegation option authorization.* If the number or importance of established cases of noncompliance warrants, or if the manufacturer is found not to comply with the requirements of this part, the CAA may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. These privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

(g) *Suspension and revocation of certificates.* Any action against type or production certificates held by the manufacturer will be processed in accordance with the standard procedures. (See § 408.26 of this chapter.)

§ 410.37 *Maintenance, repair, and alteration of products.* Aircraft, engines, and propellers manufactured under the delegation option procedures shall be maintained, repaired, and altered in accordance with Part 18 of this title and the following provisions:

(a) *Approval of major repairs and alterations performed by the manufacturer.* For types included under the manufacturer's delegation option authorization:

(1) The DMCR may, after finding that the major repair or alteration complies with the applicable requirements, approve such repair or alteration under the provisions of § 18.11 of this title.

(2) A completed Repair and Alteration Form (Form ACA–337) shall be furnished to the owner and a copy forwarded to the CAA in accordance with established procedures. Technical data covering the design change shall be included in the manufacturer's records. The Form ACA–337 shall contain a description of the repair or alteration and a statement that it was accomplished under the delegation option procedures.

(3) The DMCR may authorize other employees of the manufacturer to execute and sign Forms ACA–337 and make required logbook entries over his name and designee number: *Provided*, That:

(i) Such employees perform or are in direct charge of inspecting the repair or alteration, and

(ii) They have been listed on the manufacturer's application for the delegation option (see appendix A [1] to this part), or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* Anyone performing a major repair or alteration to a product certificated under the delegation option procedure must either:

(1) Obtain the necessary technical data or advice from the manufacturer, or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 410.38 *Data and records.* (a) A manufacturer shall maintain at his factory, for all models certificated under the delegation option procedures, current records containing the following:

(1) A technical data file for each type. This data shall include the type design drawings, specifications, and reports on tests prescribed by Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the original type inspection report (Form ACA–283), and amendments thereto. This file shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(2) A complete inspection record for each model produced according to serial number and data covering the processes and tests to which materials and parts are subjected. These records shall be retained for 2 years.

(3) The report required to be submitted with the original application for the production certificate and amendments thereto. This report shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(4) The factory inspection reports specified in § 410.33 (b) and (c). These factory inspection reports shall be retained for 2 years.

(5) A record of all major repairs and alterations performed under the delegation option procedure. This record shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(6) A record of all reported service difficulties. These records shall be retained for 2 years.

(b) The records and data specified in paragraph (a) of this section shall be:

(1) Made available, upon request, for examination at any time by authorized employees of the Administrator,

(2) Identified and transferred to the CAA in the event the manufacturer goes out of business or no longer operates under the delegation option procedure.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, 49 U. S. C. 553; sec. 310, 64 Stat. 1080, 49 U. S. C. 460)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5888; Filed, July 20, 1956; 8:45 a. m.]

[1] Not filed with the Federal Register Division.

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 144]

INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 16, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. sections 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $709,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office, and State in which Incorporated: The Insurance Company of the State of Pennsylvania, Philadelphia, Pennsylvania.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5899; Filed, July 20, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

SEAS SHIPPING CO., INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Seas Shipping Company, Inc., for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1223) to permit the operation of its owned vessel "Robin Hood," chartered to States Marine Corporation and sub-chartered to Matson Navigation Company, on a voyage commencing on or about July 28, 1956, carrying general cargo from Hawaii to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should within five (5) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules and practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By order of the Maritime Administrator.

Dated: July 20, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-5964; Filed, July 20, 1956; 10:36 a. m.]

Office of the Secretary

[Dept. Order 104 (Amended), Amdt. 1]

OFFICE OF THE GENERAL COUNSEL

TRANSFER PROVISIONS

The material appearing in 21 F. R. 2129–2130 is amended as follows:

1. Section 6 of the order is renumbered section 7.

2. The following new section 6 is added:

SEC. 6. *Transfer provisions.* .01 Effective on July 1, 1956, the legal functions now performed in the Bureau of the Census, Bureau of Foreign Commerce, Business and Defense Services Administration, and the National Bureau of Standards are hereby transferred to the Office of the General Counsel.

.02 The Assistant Secretary for Administration shall arrange for the transfer of the legal and related personnel, funds, records and equipment now assigned or allocated to these functions.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-5902; Filed, July 20, 1956; 8:47 a. m.]

UDELL T. GREENE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Udell T. Greene.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 3, 1956.
4. Title of position: Director, Chemical and Rubber Division.
5. Name of private employer: Diamond Alkali Company, Cleveland, Ohio.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Diamond Alkali Company.
Proknow Investment Club (Cleveland).
Bank Deposits.

Dated: July 5, 1956.

UDELL T. GREENE.

[F. R. Doc. 56-5901; Filed, July 20, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7122 et al.]

NORTH CENTRAL AIRLINES, INC., AND NORTHWEST AIRLINES, INC.; DULUTH-CHICAGO SERVICE INVESTIGATION

NOTICE OF HEARING

In the matter of an investigation as to the manner of service by North Central Airlines, Inc., between Duluth, Minn./Superior, Wis., and Chicago, Ill., the continued suspension or elimination of the authority of Northwest Airlines, Inc., to serve Duluth/Superior, and a possible equipment interchange agreement between Northwest Airlines, Inc., and North Central Airlines, Inc., to provide through one-plane service between Duluth/Superior and points in the east on route No. 3 by way of Minneapolis/St. Paul, Minn., and applications proposing service by North Central Airlines, Inc., between Duluth/Superior and Sault Sainte Marie, Mich., by way of Ironwood, Hancock/Houghton, and Marquette, Mich.; consolidation of segments of Northwest Airlines, Inc., route No. 3 enabling nonstop service between Duluth/Superior and Chicago or other points on route No. 3, and the continued suspension or elimination of the authority of Northwest Airlines, Inc., to serve Green Bay, Wausau, La Crosse, and Eau Claire, Wis.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001, that a hearing in the above-entitled proceeding will be held on August 21, 1956, at 10:00 a. m. (local time), in the United States Court House, Duluth, Minn., before Examiner Barron Fredricks.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Does the public convenience and necessity require:

(a) Service by North Central Airlines, Inc., between Duluth, Minn./Superior, Wis., and Chicago, Ill., either nonstop or via any one or two of the intermediate cities Green Bay, Milwaukee, and Madison, Wis. (but excluding any issue of nonstop turnaround service by North Central Airlines between Duluth/Superior and Milwaukee, Duluth/Superior

and Green Bay, or Duluth/Superior and Madison)?

(b) The continued suspension, or the termination of the authority of Northwest Airlines, Inc., to serve Duluth/Superior, Green Bay, Wausau, Wis., La Crosse, Wis., or Eau Claire, Wis.?

(c) Service by North Central Airlines, Inc., between Duluth/Superior and Sault Sainte Marie, Mich., by way of Ironwood, Hancock/Houghton, and Marquette, Mich.?

(d) That Northwest Airlines, Inc., and North Central Airlines, Inc., enter into an equipment interchange agreement so as to provide through one-plane service between Duluth/Superior and points in the east on route No. 3 by way of Minneapolis/St. Paul, Minn.?

(e) The consolidation of segment 4 of Northwest Airlines route No. 3 with segments 1, 2, and 3 of said route so that each of the last-mentioned segments will include a leg between Minneapolis/St. Paul, Minn., and Duluth/Superior, thus enabling Northwest Airlines, Inc., to provide nonstop service between Duluth/Superior and Chicago or other points east of Minneapolis/St. Paul on route No. 3?

2. Are North Central Airlines, Inc., and Northwest Airlines, Inc., fit, willing and able, within the meaning of section 401 of the Act, to provide such air transportation as may be required?

For further details of the issues involved in this proceeding, interested persons are referred to the applications, the orders of investigation and consolidation (Nos. E–9163, E–10103, and E–10311), and the prehearing conference report, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board, on or before August 21, 1956, a statement setting forth the issues of fact or law upon which he desires to be heard. Such person may then appear and participate in the proceeding in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., July 18, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56–5921; Filed, July 20, 1956; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3–DC–03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3–DC–03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3–DC–03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3–DC–03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56–5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3–DC–07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3–DC–07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3–DC–07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the Southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56–5922; Filed, July 19, 1956; 10:00 a. m.]

OFFICE OF DEFENSE MOBILIZATION

J. R. TOWNSEND

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes have occurred in my statement of business interests dated January 3, 1956.

This amends statement previously published in the FEDERAL REGISTER January 27, 1956 (21 F. R. 621).

Dated: July 3, 1956.

J. R. TOWNSEND.

[F. R. Doc. 56–5913; Filed, July 20, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3487]

MONONGAHELA POWER CO. AND MARIETTA ELECTRIC CO.

ORDER APPROVING INCREASE IN AUTHORIZED CAPITAL STOCK AND ISSUANCE AND SALE OF SHARES THEREOF BY SUBSIDIARY, AND ACQUISITION AND PLEDGE OF SUCH SHARES BY PARENT COMPANY

JULY 17, 1956.

Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company which is a subsidiary of The West Penn Electric Company, a registered holding company, and Monongahela's wholly-owned public utility subsidiary The Marietta Electric Company ("Marietta"), have filed an application-declaration and an amendment thereto pursuant to sections 6 (a) (2), 6 (b), 7, 10, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder, regarding the following proposed transactions:

Pursuant to an amendment of its Articles of Incorporation effective April 18, 1956, Marietta proposes to increase its authorized capital stock from 12,500 to 32,500 shares of $100 par value each, and to issue and sell 7,500 of such additional shares; and Monongahela proposes to acquire same for a cash consideration of $750,000, the aggregate par value thereof.

Marietta will apply the proceeds of sale (1) to repay open account advances in the amount of $100,000 made to it by Monongahela for temporarily financing the construction of facilities during the period December 1955 through March 1956, and (2) to provide funds for further property additions and improvements. Marietta's construction budget for the last nine months of 1956 is stated at $688,800 and for 1957 at $348,200.

Monongahela will purchase the additional shares from available treasury funds, and will forthwith pledge such shares with City Bank Farmers Trust Company as Trustee (along with the presently outstanding 12,500 shares of Marietta's capital stock, heretofore pledged) pursuant to the terms of the Indenture dated August 1, 1945, as supplemented, securing Monongahela's First Mortgage Bonds.

The issuance and sale of the additional shares by Marietta and the acquisition of such shares by Monongahela, have been approved by the commissions of the respective States in which said companies are organized and doing business.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–5894; Filed, July 20, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF ORDER ISSUING LICENSE

JULY 16, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The California Oregon Power Company of Medford, Oregon (Applicant), for amendment of the Federal Power Commission's order issued January 28, 1954, as subsequently amended, issuing license for a proposed hydroelectric development at the Big Bend No. 2 site on the

Klamath River in Oregon. According to revised plans submitted by the applicant, it now proposes to develop the head at the previously designated Big Bend No. 1 site and Big Bend No. 2 site as a single unit of development to be known as the Big Bend Development and to consist of a diversion dam approximately 650 feet long at the Big Bend No. 1 dam site in the NW¼ section 6, T. 40 S., R. 7 E., Willamette meridian, composed of an earth-fill section, a gated-spillway section, a concrete gravity intake section, and a fish ladder section; a reservoir with normal water surface at elevation 3,793 feet (U. S. G. S. datum) and extending upstream about 3 miles to the tailwater of applicant's existing Keno Development; a conduit about 2¼ miles long, partly steel pipe, partly canal and partly flume, extending to a forebay; a forebay; a tunnel about 1,600 feet long; a surge tank; penstocks about 800 feet long; a powerhouse at the Big Bend No. 2 powerhouse site in the NW¼ section 13, T. 40 S., R. 6 E., Willamette meridian, containing two turbines each rated at 56,000 horsepower and driving a 40,000-kilowatt generator; transformers; and appurtenant facilities.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is September 4, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5891; Filed, July 20, 1956; 8:45 a. m.]

[Project No. 2208]

NORTHERN LIGHTS, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 16, 1956.

Public notice is hereby given that Northern Lights, Inc., of Sandpoint, Idaho, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed Project No. 2208 located on the Yaak River in Lincoln County, Montana, and affecting lands of the United States within the Kootenai National Forest, which will consist of two developments; (1) Five Mile Dam at river mile 5 in Section 19, T. 61 N., R. 33 W., P. M. Montana, creating a reservoir with normal pool elevation of 2,380 feet and 12,000 acre-feet capacity; a powerhouse with installed capacity of about 6,650 KW, operating under an average head of about 300 feet; (2) Yaak Falls Dam at river mile 9 in Section 4, T. 61 N., R. 33 W., P. M. Montana, creating a reservoir with normal pool elevation of 2,600 feet and 13,000 acre-feet capacity; a powerhouse with installed capacity of about 3,700 KW, operating under an average head of about 200 feet. The power to be developed would be used by the applicant to serve its present and future customers, and will replace power that is now purchased from the Bonneville Power Administration.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is August 30, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5892; Filed, July 20, 1956; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OTTOKAR FISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Dr. Ottokar Fischer, Kolingasse 6, Vienna IX, Austria; Claim No. 63398; $1,312.57 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled Illustrated Magic, published by Friedrich Andreas Perthes A. G., as listed in Exhibit A to Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944), to the extent owned by the claimant, Dr. Ottokar Fischer, immediately prior to the vesting thereof by Vesting Order No. 1758, including, particularly, fifty (50%) percent of all royalties payable for publication of the translation of the above work.

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5907; Filed, July 20, 1956; 8:49 a. m.]

ANDRE GUY MELIKOFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Andre Guy Melikoff, 50 Avenue des Vallees, Thonon-les-Bains, Haute Savoie, France; Claim No. 4590; $4,332.08 in the Treasury of the United States.

Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States, pursuant to License No. A–157, as amended, issued by the Attorney General to Edwards Brothers, Inc., Publishers, Ann Arbor, Michigan, for the republication of the "Enzyklopadie der Technischen Chemie" by Fritz Ullmann, as listed in Exhibit A to Vesting Order No. 500A–50 (9 F. R. 8203, July 20, 1944).

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5908; Filed, July 20, 1956; 8:49 a. m.]

ATRIUM VERLAG, A. G.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Atrium Verlag, A. G., c/o Victor Lehmann, 7, Red Lion Square, London, W. C. 1, England; Claims Nos. 37447; 37448 and 37449; $1,763.73 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright and right to copyright, license, agreement, privilege, power and right of whatsoever nature, including but not limited to all monies and amounts, by way of royalty, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Emil and The Detectives" as listed in Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944) and the works entitled "Laerm im Spiegel", "Herz auf Taille", "Ein Mann Gibt Auskunft" and "Gesang Zwischen den Stuehlen", by Erich Kaestner, listed in Vesting Order 500A–129 (9 F. R. 14622, December 14, 1944), to the extent owned by Atrium Verlag, A. G. immediately prior to vesting, as well as 50 percent of the royalties pursuant to Licenses Nos. 808, 809, 810, and 811, issued by the Attorney General to Frederick Unger Publishing Company of New York City for the republication of the books entitled: "Laerm im Spiegel", "Herz auf Taille", "Ein Mann Gibt Auskunft" and "Gesang Zwischen den Stuehlen", by Erich Kaestner.

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5909; Filed, July 20, 1956; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 142

Washington, Tuesday, July 24, 1956

UNIVERSITY OF MICHIGAN
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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

[Farm Credit Administration Order 652]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

ELIGIBILITY; LOAN TO THIRD PARTY

Section 50.2 (d) (5) of the rules and regulations for Production Credit Associations is hereby amended to read as follows:

§ 50.2 *Eligibility.* * * *
(d) * * *

(5) A loan to a third party where more than $500 of the proceeds (i) will be paid to or for the account of any of the aforesaid directors, officers, employees, or agents, or a member of the Federal Farm Credit Board; or (ii) will be used in connection with real or personal property in which any such person has a legal or equitable interest; or (iii) if any such person is a creditor of or endorser for the borrower to the extent of more than $500, shall be subject to the same prior approval as a loan to such person: *Provided*, That the corporation may prescribe an amount different than $500.

(Secs. 20, 23, 48 Stat. 259, 261; 12 U. S. C. 1131 (d), 1131 (g))

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 56-5945; Filed, July 23, 1956; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 5–3]

PART 5—EXPERIMENTAL RADIO SERVICES

APPLICATION FOR CONSTRUCTION PERMIT FOR LAND AND FIXED STATIONS

In the matter of amendment of § 5.55 of Part 5 of the Commission's rules to Conform with § 17.3 of Part 17.

The Commission having under consideration amendment of § 5.55 of Part 5 of its rules governing the Experimental Radio Services to conform with changes recently made to § 17.3 of Part 17 of its rules:

It appearing that a portion of § 5.55 is now at variance with § 17.3 and should be revised to conform therewith; and

It further appearing that the substance of the amendment herein ordered has been the subject of formal rule making proceedings in Docket No. 11306 which resulted in the amendment of Part 17 by Report and Order released April 30, 1956 (21 F. R. 2952); and

It further appearing that general notice of proposed rule making under section 4 of the Administrative Procedure Act is unnecessary because this amendment is editorial in nature and solely for the purpose of conforming Part 5 with Part 17, and that for the same reason this amendment may become effective immediately.

It is ordered, This 18th day of July 1956, that, pursuant to authority contained in sections 4 (i), 303 (q) and (r) and 319 (d) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's rules, § 5.55 of Part 5 of the Commission's rules is amended, effective July 27, 1956, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 319, 48 Stat. 1082, 1089; 47 U. S. C. 303, 319)

Released: July 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend subparagraphs (1) and (2) of § 5.55 (a) to read as follows:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structures proposed to be erected will exceed an overall

(Continued on p 5517)

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FEDERAL REGISTER

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height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure (other than an antenna structure) or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

[F. R. Doc. 56–5953: Filed, July 23, 1956; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 12]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station, excluding the portions between 11,000 feet and 16,000 feet above mean sea level and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night restricted area (R–125).

2. Section 600.114 is amended to read:

§ 600.114 *Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range; the intersection of the south course of the Harrisburg, Pa., radio range and the northeast course of the Arcola, Va., radio range to the Lancaster, Pa., nondirectional radio beacon. From the Willow Grove, Pa. (Navy), radio range via the intersection of the northeast course of the Willow Grove, Pa. (Navy), radio range and the east course of the Allentown, Pa., radio range to the Chatham, N. J., nondirectional radio beacon.

3. Section 600.228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.)* is amended by changing the last portion to read: "From the Lansing, Mich., radio range station to the intersection of a line bearing 127° True from the Lansing, Mich., radio range station to its intersection with the west course of the Detroit, Mich., radio range."

4. Section 600.245 is amended by changing caption to read: *"Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.)"* and by deleting the portion which reads: "From the Lancaster, Pa., nondirectional radio beacon to the Willow Grove, Pa. (Navy) radio range station."

5. Section 600.304 is amended to read:

§ 600.304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* From the Greensboro, N. C., radio range station to the intersection of the southeast course of the Greensboro, N. C., radio range with a line bearing 191° True from the Raleigh, N. C., radio range.

6. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Daggett, Calif., omnirange station;" to read: "Daggett, Calif., omnirange station, including a north alternate from the Long Beach omnirange station to the Daggett omnirange station via the point of intersection of the Long Beach omnirange 024° True and the Los Angeles omnirange 057° True radials and the point of intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials;".

7. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing all after Selinsgrove, Pa., omnirange station to read: "Selinsgrove, Pa., omnirange station; point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 217° True and the Stroudsburg, Pa., omnirange 270° True radials; Stroudsburg, Pa., omnirange station; to the point of intersection of the Stroudsburg omnirange 114° True radial and the La Guardia (New York, N. Y.) Airport ILS localizer southwest course."

8. Section 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended by changing the portion which reads: "Austin, Tex., omnirange station, including an East alternate via the intersection of the San Antonio omnirange 061° True and the Austin omnirange 158° True radials and a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials;" to read: "Austin, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials;".

9. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)* is amended by changing the portion which reads: "Allentown, Pa., omnirange station; to the point of intersection of the Allentown omnirange 088° True and the Caldwell, N. J., omnirange 217° True radials." to read: "to the Allentown, Pa., omnirange station."

10. Section 600.6038 is amended by changing the caption to read: *"VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)"* and by changing all before the Findlay, Ohio, omnirange station to read: "From the Iowa City, Iowa, omnirange station via the intersection of the Iowa City omnirange 092° True and the Joliet omnirange 265° True radials; Joliet, Ill., omnirange station; Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station;".

11. Section 600.6058 is amended to read:

§ 600.6058 *VOR civil airway No. 58 (Bergholz, Ohio, to Hartford, Conn.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 087° True and the Philipsburg omnirange 267° True radials; Philipsburg, Pa., omnirange station; Williamsport, Pa., omnirange station; intersection of the Williamsport omnirange 088° True and the Wilkes-Barre-Scranton omnirange 238° True radials; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Hartford, Conn., omnirange station; to the point of intersection of the Hartford omnirange 130° True and the River Head, N. Y., omnirange 042° True radials.

12. Section 600.6074 is amended by changing the caption to read: *"VOR civil airway No. 74 (Dodge City, Kans., to Little Rock, Ark.)"* and by changing all before the Tulsa, Okla., omnirange station to read: "From the Dodge City, Kans., omnirange station via the Anthony, Kans., omnirange station; Ponca City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a south alternate;".

13. Section 600.6088 is amended to read:

§ 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Vichy, Mo.).* From the Tulsa, Okla., omnirange station via the intersection of the Tulsa omnirange 050° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Vichy, Mo., omnirange station; to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials.

14. Section 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.)* is amended by changing the portion which reads: "York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True and the York omnirange 272° True radials;" to read: "York, Ky., omnirange station, including a south alternate via the intersection of the Cincin-

nati omnirange 120° True and the York omnirange 271° True radials;".

15. Section 600.6153 is amended to read:

§ 600.6153 *VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).* From the Caldwell, N. Y. omnirange station via the Stillwater, N. J., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; point of intersection of the Binghamton, N. Y., omnirange 071° True and the Syracuse omnirange 149° True radials; to the Syracuse, N. Y., omnirange station.

16. Section 600.6163 is amended by changing the caption to read: "*VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.)*" and by adding a new first portion to read: "That airspace over United States territory from the Brownsville, Tex., omnirange station via the intersection of the Brownsville omnirange 339° True and the Alice omnirange 171° True radials; Alice, Tex., omnirange station; to the San Antonio, Tex., omnirange station."

17. Section 600.6164 is amended to read:

§ 600.6164 *VOR Civil airway No. 164 (Bradford, Pa., to New York, N. Y.).* From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; point of intersection of the Allentown, Pa. omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; to the Stroudsburg, Pa., omnirange station, including a south alternate from the Williamsport omnirange station to the Stroudsburg omnirange station via the intersection of the Williamsport omnirange 125° True and the Stroudsburg omnirange 270° True radials.

18. Section 600.6189 *VOR civil airway No. 189 (Pittsburgh, Pa., to Brookville, Pa.)* is revoked.

19. Section 600.6217 is amended to read:

§ 600.6217 *VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).* From the Naperville, Ill., omnirange station via the point of intersection of the Janesville, Wis., omnirange 107° True and the Chicago Heights, Ill., omnirange 342° True radials; point of intersection of the Chicago Heights omnirange 342° True radial and the Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, Wis. (General Mitchell Field) ILS localizer; intersection of the Milwaukee (General Mitchel Field) ILS localizer back course and the Green Bay omnirange 165° True radial; to the Green Bay, Wis., omnirange station.

20. Section 600.6245 is added to read:

§ 600.6245 *VOR civil airway No. 245.* [Unassigned.]

21. Section 600.6246 is added to read:

§ 600.6246 *VOR civil airway No. 246 (Dayton, Ohio, to Mansfield, Ohio).* From the Dayton, Ohio, omnirange station to the Mansfield, Ohio, omnirange station.

22. Section 600.6247 is added to read:

§ 600.6247 *VOR civil airway No. 247.* [Unassigned.]

23. Section 600.6248 is added to read:

§ 600.6248 *VOR civil airway No. 248.* [Unassigned.]

24. Section 600.6250 is added to read:

§ 600.6250 *VOR civil airway No. 250 (Bergholz, Ohio, to Fitzgerald, Pa.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 054° True and the Fitzgerald omnirange 240° True radials; to the Fitzgerald, Pa., omnirange station.

25. Section 600.6174 *VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.)* is amended by changing the portion which reads: "York, Ky., omnirange station; intersection of the York omnirange 076° True and the Elkins omnirange 270° True radials; Elkins, W. Va., omnirange station;" to read: "York, Ky., omnirange station; Elkins, W. Va., omnirange station;".

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. August 23, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5928; Filed, July 23, 1956; 8:45 a. m.]

[Amdt. 12]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. In Amendment 10, Item 8 stated "Section 601.4648 is added to read:" This section is amended to read: "Section 601.4648 is amended to read:"

2. Section 601.245 is amended by changing the caption to read: "*Red civil airway No. 45 control areas (Blackstone, Va., to Lancaster, Pa.).*"

3. Section 601.1017 *Control area extension (Reading, Pa.)* is revoked.

4. Section 601.1017 is added to read:

§ 601.1017 *Control area extension (Newberg, Oreg.).* Within 5 miles either side of the 70° True radial of the Newberg omnirange extending from the omnirange station to its intersection with the Portland, Oreg., omnirange 96° True radial.

5. Section 601.1035 is amended to read:

§ 601.1035 *Control area extension (Little Rock, Ark.).* That airspace within a 50-mile radius of the Little Rock radio range station, excluding the portion which overlaps restricted areas (R–134) and (R–135).

6. Section 601.1040 *Control area extension (Medford, Oreg.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 270° True radial of the Medford omnirange extending from the omnirange station to VOR civil airway No. 27."

7. Section 601.1066 is amended to read:

§ 601.1066 *Control area extension (New York, N. Y.).* That airspace within a radius of 125 miles of the Idlewild, N. Y., omnirange station extending clockwise from the 238° True radial to the 328° True radial of the omnirange thence within a radius of 30 miles of the Idlewild omnirange station extending clockwise from the 328° True radial to the 238° True radial of the omnirange.

8. Section 601.1130 is amended to read:

§ 601.1130 *Control area extension (Spokane, Wash.).* That airspace within a radius of 45 nautical miles centered on Fairchild Air Force Base, Spokane, Wash.

9. Section 601.1223 *Control area extension (Allentown, Pa.)* is revoked.

10. Section 601.1223 is added to read:

§ 601.1223 *Control area extension (Miramar, Calif.).* That airspace bounded on the north by Red civil airway No. 65, on the east by Blue civil airway No. 14, on the south by Red civil airway No. 9 and on the west by Amber civil airway No. 1, excluding the portion which overlaps restricted area (R–297).

11. Section 601.1286 *Control area extension (Fort Worth, Tex.)* is amended by changing the last portion which reads: "and on the south by VOR civil airway No. 114N" to read: "and on the south by Red civil airway No. 10."

12. Section 601.1306 is amended to read:

§ 601.1306 *Control area extension (Mountain Home, Idaho).* Within 5 miles either side of a direct line extending from the Mountain Home nondirectional radio beacon to the Boise, Idaho, radio range station, and the airspace within a 35 mile radius of the Mountain Home Air Force Base bounded on the northeast by Green civil airway No. 10, excluding the portion which overlaps restricted area (R–254).

13. Section 601.1322 is amended to read:

§ 601.1322 *Control area extension (Alice, Tex.).* That airspace within 5 miles either side of a direct line extending from the Alice, Tex., omnirange station to the Cotulla, Tex., omnirange station, and the airspace within a 35 mile radius of the Alice radio range station, excluding the portion which overlaps restricted areas.

14. Section 601.1410 is added to read:

§ 601.1410 *Control area extension (Portsmouth, N. H.).* That airspace within a 10-mile radius of the Portsmouth Air Force Base.

15. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport:

Mountain Home, Idaho: Mountain Home AFB.

16. Section 601.2119 is amended to read:

§ 601.2119 *Peoria, Ill., control zone.* Within a 5-mile radius of Greater Peoria Airport, within 2 miles either side of the north course of the Peoria radio range extending from the radio range station to a point 12 miles north, and within 2 miles either side of the 102° True and 282° True radials of the Peoria omnirange extending from the 5-mile radius zone to a point 12 miles west of the omnirange station.

17. Section 601.2186 is amended to read:

§ 601.2186 *San Diego, Calif., control zone.* Within a 5-mile radius of Lindberg Field, San Diego, Calif., and within 2 miles either side of the north course of the San Diego radio range extending from the radio range station to the La Jolla fan marker.

18. Section 601.2222 *Austin, Tex., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the centerline of the Bergstrom AFB north-south runway extending from the Air Force Base 5 mile radius zone to a point 3 miles south of the Bergstrom nondirectional radio beacon."

19. Section 601.2227 is amended to read:

§ 601.2227 *Dover, Del., control zone.* Within a 6-mile radius of Dover Air Force Base, within 2 miles either side of the Dover ILS localizer course extending from the Air Force Base to a point 10 miles south of the ILS outer marker, and within 2 miles either side of the southeast course of the Dover AFB radio range extending from the radio range station to a point 10 miles southeast, excluding the portion which overlaps restricted area (R–12).

20. Section 601.2253 *Sedalia, Mo., control zone* is amended by changing the name "Sedalia Air Force Base" to read: "Whiteman Air Force Base".

21. Section 601.2310 *Oscoda, Mich., control zone* is amended by changing the name "Oscoda AFB" to read: "Wurtsmith Air Force Base" and by changing the words "danger areas" to read: "restricted areas."

22. Section 601.2341 is amended to read:

§ 601.2341 *Utica, N. Y., control zone.* With a 5-mile radius of Oneida County Airport and within 2 miles either side of the ILS localizer course extending from the airport to the Utica nondirectional radio beacon, excluding the portion which overlaps the Griffis AFB control zone.

23. Section 601.2385 is added to read:

§ 601.2385 *Mojave, Calif., control zone.* Within a 5-mile radius of MCAAS, Mojave, Calif., excluding the airspace above 20,000 feet above mean sea level and excluding the airspace which overlaps restricted areas (R–279) and (R–306).

24. Section 601.2386 is added to read:

§ 601.2386 *Mountain Home, Idaho, control zone.* Within a 5-mile radius of the Mountain Home Air Force Base and within 2 miles either side of lines bearing 136° True and 316° True extending from the Air Force Base to points 8 miles northwest and southeast.

25. Section 601.2387 is added to read:

§ 601.2387 *San Antonio, Tex., control zone.* That airspace lying 1 mile west of and 3 miles east of and parallel to lines bearing 001° True and 181° True from a point centered on Brooks Air Force Base north-south runway at latitude 29°20'30", longitude 98°26'00", extending from this point to points 4½ miles north and south.

26. Section 601.2388 is added to read:

§ 601.2388 *Miramar, Calif., control zone.* Within a 5-mile radius of the Naval Air Station, Miramar, Calif., excluding the portion which overlaps the San Diego, Calif., control zone.

27. Section 601.2389 is added to read:

§ 601.2389 *Portsmouth, N. H., control zone.* Within a 5-mile radius of the Portsmouth Air Force Base and within 2 miles either side of a line bearing 144° True from the Air Force Base extending to a point 10 miles southeast of the ILS outer marker.

28. Section 601.4109 is amended to read:

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range.

29. Section 601.4245 is amended by changing the caption to read: "*Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).*"

30. Section 601.6017 is amended to read:

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).* All of VOR civil airway No. 17 including an east alternate and west alternates.

31. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).* All of VOR civil airway No. 38.

32. Section 601.6058 is amended to read:

§ 601.6058 *VOR civil airway No. 58 control areas (Bergholz, Ohio, to Hartford, Conn.).* All of VOR civil airway No. 58.

33. Section 601.6074 is amended to read:

§ 601.6074 *VOR civil airway No. 74 control areas (Dodge City, Kans., to Little Rock, Ark.).* All of VOR civil airway No. 74 including a north alternate and south alternates.

34. Section 601.6088 is amended to read:

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Vichy, Mo.).* All of VOR civil airway No. 88.

35. Section 601.6153 is amended to read:

§ 601.6153 *VOR civil airway No. 153 control areas (New York, N. Y., to Syracuse, N. Y.).* All of VOR civil airway No. 153.

36. Section 601.6163 is amended to read:

§ 601.6163 *VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including an east alternate.

37. Section 601.6189 *VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.),* is revoked.

38. Section 601.6217 is amended to read:

§ 601.6217 *VOR civil airway No. 217 control areas (Chicago, Ill., to Green Bay, Wis.).* All of VOR civil airway No. 217.

39. Section 601.6245 is added to read:

§ 601.6245 *VOR civil airway No. 245 control areas.* [Unassigned.]

40. Section 601.6246 is added to read:

§ 601.6246 *VOR civil airway No. 246 control areas (Dayton, Ohio, to Mansfield, Ohio).* All of VOR civil airway No. 246.

41. Section 601.6247 is added to read:

§ 601.6247 *VOR civil airway No. 247 control areas.* [Unassigned.]

42. Section 601.6248 is added to read:

§ 601.6248 *VOR civil airway No. 248 control areas.* [Unassigned.]

43. Section 601.6250 is added to read:

§ 601.6250 *VOR civil airway No. 250 control areas (Bergholz, Ohio, to Fitzgerald, Pa.).* All of VOR civil airway No. 250.

44. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting point to read:

Clareville Intersection: The intersection of the Alice, Tex., omnirange 010° True and the Corpus Christi, Tex., 321° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 23, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5929; Filed, July 23, 1956; 8:46 a. m.]

[Amdt. 205]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	*If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
DETROIT, MICH. Detroit City, 626'. MH-DET. Procedure No. 1. Amendment No. 6. Effective date: August 18, 1956. Supersedes No. 5, dated July 14, 1956. Major changes: Transition altitude revised (obstruction).	RML LFR	068—20.8	2,300	E side of course: 149° outbound. 329° inbound. 2,000' within 10 miles.	1,500	329—2.3	T-dn C-dn A-dn	*500-1 700-1 800-2	*500-1 700-1 800-2	*500-1 700-1½ 800-2	Within 2.3 miles, climb to 2,300' on track of 329° to Warren Intersection. *300-1 takeoff minimums authorized runway 33 only. AIR CARRIER NOTE: Sliding scales not authorized.
	Windsor LFR	328—5.5	Final 1,500								
	Windsor VOR	357—6.0	2,300								

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
AKRON, OHIO. Akron-Canton, 1,228'. ILS-CAK. LOM-CA. Procedure No. 1. Combination ILS-ADF. Amendment No. 9. Effective date: August 18, 1956. Supersedes Amendment 8, dated April 2, 1955. Major changes: Final approach transitions added.	Akron LFR	LOM	176—11.2	2,500	E side of S course: 156° outbound. 006° inbound. 2,500' within 10 miles.	ILS 2,400 ADF 2,000 over LOM	2,410—3.7	1,450—0.7	T-dn C-dn	300-1 400-1	300-1 500-1	200-1¼ 500-1½	3.7 miles after passing LOM (ADF), climb to 2,500' on course of 045° to E course Akron LFR. Alternate missed approach (when requested by ATC), make a right climbing turn and return to LOM at 2,500'. #400-¾ required with glide slope inoperative. Straight-in approach authorized from Canton Intersection (Intersection S course Akron-Canton ILS and 124° bearing to Bergholz Radiobeacon or Mansfield VOR 094° radial).
	Intersection SW course Akron LFR and 90° bearing to LOM.	LOM	090—5.2	2,500					#S-dn 1 ILS	200-½	200-½	200-1¼	
	Intersection E course Akron LFR and 235° bearing on LOM.	LOM	235—12.4	2,500					ADF	400-1	400-1	400-1	
	Wingfoot Intersection	LOM	186—10.4	2,500					A-dn ILS	600-2	600-2	600-2	
	Bergholz Radiobeacon	Canton Intersection.	304—26	2,500					ADF	800-2	800-2	800-2	
	Wilmot Intersection	Canton Intersection.	054—10	2,500									
BALTIMORE, MD. Friendship International, 146'. ILS-BAL. LOM-BA. Combination ILS-ADF. Procedure No. 1. Amendment No. 6. Effective date: August 18, 1956. Supersedes amendment 5, dated August 6, 1955. Major changes: Final transitions identified.	Intersection NE course Arcola LFR and W course ILS.	*Highland Intersection.	101—16.6	**1,700	S side of W course: 281° outbound. 101° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,200 over LOM	1,260—3.8	335—0.6	T-dn C-dn	300-1 400-1	*300-1 500-1	200-½ 500-1½	Within 3.8 miles after passing LOM (ADF), climb to 1,500' on E course ILS or course 101° from LOM within 10 miles. *Highland Intersection: Intersection N course Andrews LFR and W course ILS or 101° bearing to LOM. **After interception of localizer course inbound, descent on glide slope to cross outer marker at 1,260' is authorized.
	Lisbon Intersection	*Highland Intersection.	130—13.3	**1,800					S-dn 10 ILS	200-½	200-½	200-½	
	Highland Intersection (final).	LOM	101—4.7	1,500 (ILS) 1,200 (ADF)					ADF	400-1	400-1	400-1	
	Relay Intersection	LOM	221—4.3	1,500					A-dn ILS	600-2	600-2	600-2	
	Beltsville FM	LOM	030—9.5	1,600					ADF	800-2	800-2	800-2	
	Lisbon Intersection	LOM	122—17.4	1,800									
	Baltimore VOR	LOM	254—4.7	1,500									
CINCINNATI, OHIO. Greater Cincinnati, 890'. ILS-CVG. LOM-CV. Combination ILS-ADF. Amendment No. 9. Procedure No. 1. Effective date: August 18, 1956. Supersedes Amendment dated July 30, 1955. Major changes: Revises transitions to permit straight-in approach.	Cincinnati VOR	LOM	144—2.8	2,000	E side of course: 180° outbound. 360° inbound. 2,000' within 10 miles.	2,000 (ILS) 1,500 (ADF)	1,987—3.9	1,055—0.5	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	3.9 miles after passing LOM (ADF), climb to 2,300' on N course ILS to New Baltimore Intersection or when directed by ATC, make a left climbing turn climb to 2,300' on track of 285° from IMM within 15 miles. *After interception of localizer course inbound, descent on glide slope to cross outer marker at 2,000' is authorized.
	New Baltimore Intersection.	LOM*	180—20	2,300					S-dn 36 ILS	200-½	200-½	200-½	
	Cincinnati LFR	LOM	235—18.2	2,400					ADF	400-1	400-1	400-1	
	Dry Ridge Intersection	LOM	360—19.1	*2,000					A-dn ILS	600-2	600-2	600-2	
	Bridgetown Intersection	LOM	190—11.3	2,400					ADF	800-2	800-2	800-2	
	Grants Lick Intersection	S course ILS	278—13.2	*2,000									
	Union Intersection	LOM	360—3.6 (ADF)	*2,000 1,500									
	Radar terminal area transition altitudes: From 022° to 105° 2,500' within 30 miles; from 105° through 180° to 022°, 2,000' within 15 miles, 2,500' within 30 miles.												

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
CLEVELAND, OHIO. Hopkins, 789'. ILS-CLE. LOM-CL. Combination ILS-ADF. Procedure No. 1. Amendment No. 13. Effective date: August 18, 1956. Supersedes Amendment 12 dated October 19, 1955. Major changes: Final transitions added.	Cleveland LFR	LOM	224—3.7	2,200	S side of SW course: 234° outbound. 054° inbound. 2,200' within 10 miles.	ILS 2,200	2,070—3.9	1,020—0.5	T-dn	300-1	300-1	200-½	3.9 miles after passing LOM (ADF), make a right climbing turn, climb to 3,000' on N# side E course Cleveland LFR. Alternate missed approach procedure (when requested by ATC): (1) Make right# climbing turn, proceed to LOM at 2,000', or (2) climb to 2,500' on NE course ILS within 15 miles. #CAUTION: 1,970' TV towers approximately 7 miles ESE of airport. *400-¾ required with glide slope inoperative. **After interception of localizer course inbound, descent on glide slope to cross outer marker at 2,070' is authorized. NOTE: The following radar transition altitudes are applicable to all procedures: S, NW and N quadrants of Cleveland LFR within 10 miles 2,000', within 30 miles 3,000', in SE quadrant within 30 miles 3,000'; in all quadrants in accordance with established radar patterns.
	Elyria FM	LOM	121—7.9	2,200		ADF 1,700 over LOM			C-dn	400-1	500-1	500-1½	
	Walter Intersection	LOM	054—16.3	**2,200					S-dn *ILS 5L	300-¾	300-¾	300-¾	
	Intersection SW course ILS or 054° bearing to LOM and CLE VOR 135° radial.	LOM	054—7.5	**2,200					ADF 5L, 5	400-1	400-1	400-1	
	Cleveland VOR	SW course ILS	102—8.7	**2,200					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	
LONG BEACH, CALIF. Municipal, 50'. ILS-LGB-LOM-LG. Combination ILS/ADF. Procedure No. 1. Amendment No. 10. Effective date: August 18, 1956. Supersedes Amendment 9, dated March 17, 1956. Major changes: New form in nautical miles; note on glide slope unit location.	LGB LFR	LOM	130—1.3	1,500	S side of SE course: 120° outbound. 300° inbound. 1,500' within 10 miles of LOM. Beyond 10 miles not authorized.	1,400 ILS	1,320—4.7	245—0.7	T-dn	300-1	300-1	*200-½	Within 4.7 miles, after passing LOM (ADF) climb to 800' on NW course LGB LFR; turn left to 200° continuing climb to intersection S course LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks 1 mile S of airport. *300-1 required for takeoff runways 16, 16R, 25L, 34R. NOTE: Glide slope unit now at beginning of usable portion runway No. 30, 500' SE end closed permanently.
	Huntington Beach FM (final)	LOM	300—8.2	1,400		1,100 ADF			C-dn	500-1	600-1	600-2	
	San Pedro Intersection	LOM	033—13.4	1,500					S-dn Runway 30 ILS	300-¾	300-¾	300-¾	
	LGB VOR	LOM	199—2.0	1,500					ADF	500-1	500-1	500-1	
	Intersection SW course El Toro LFR and SE course LGB LFR (final).	LOM	297—13.2	1,400					A-dn ILS	600-2	600-2	600-2	
	Intersection SW course El Toro LFR and LGB radial 122° (final).	LOM	293—13.2	1,400					ADF	800-2	800-2	800-2	
NIAGARA FALLS, N. Y. Municipal, 590'. ILS-IAG. LOM-IA. Combination ILS-ADF. Procedure No. 1. Amendment No. 4. Effective date: August 18, 1956. Supersedes Amendment 3, dated January 28, 1956. Major changes: Identifies final transitions.	Buffalo VOR	LOM	330—13.7	2,000	N side of E course: 098° outbound. 278° inbound. 1,800' within 10 miles of LOM.	ILS 1,800	1,755—4.2	805—0.6	T-dn	300-1	300-1	200-½	Within 4.2 miles after passing LOM (ADF), climb to 2,000' on W course ILS or bearing 278° from LOM within 10 miles. *300-1 required on runways 10R, 28L, 18 and 36. %400-¾ required with glide slope inoperative. Standard approach lighting not installed. **After interception of localizer course inbound, descent on glide slope to cross outer marker at 1,755' is authorized. #All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.
	Wolcottsville FM	LOM	286—12	**1,800		ADF 1,300 over LOM			C-dn	500-1	500-1	500-1½	
	Intersection ILS E course and NE course Buffalo LFR.	LOM	278—13.5	**1,800					S-dn 28R ILS	%300-¾	%300-¾	%300-¾	
									ADF	400-1	400-1	400-1	
	Buffalo LFR	LOM	338—10.6	2,000					A-dn #ILS	600-2	600-2	600-2	
	Intersection SE course Toronto LFR and E course ILS (or bearing 098° to LOM).	LOM	098—3.9	1,800					ADF	800-2	800-2	800-2	
	Buffalo VOR	E course ILS	346—11	**2,000									
	Buffalo LFR	E course ILS	008—9	**2,000									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
RICHMOND, VA. Byrd Field, 167'. ILS-RIC. LOM-RI. Combination ILS-ADF. Procedure No. 1. Amendment No. 7. Effective date: August 18, 1956. Supersedes Amendment 6, dated August 6, 1955. Major changes: Final transitions identified.	Flat Rock VOR	ILS SW course	120—17	#1,500	**W side of SW course: 243° outbound. 063° inbound. 1,500' within 10 miles.	ILS 1,500	1,370—3.8	370—0.6	T-dn	300-1	300-1	200-¾	Within 3.8 miles after passing LOM (ADF), climb to 1,500' on course of 063° within 10 miles of LOM; alternate procedure (when directed by ATC), make a left climbing turn to 1,500' on N course Richmond LFR within 10 miles. #After interception of localizer course inbound, descent on glide slope to cross outer marker at 1,370' is authorized. **Procedure turn conducted W to avoid television antennae S of airport. *400-¾ required with glide slope inoperative.
	Flat Rock VOR	ILS LOM	106—21.1	2,000		ADF 900 over LOM			C-dn	400-1	500-1	500-1½	
	Richmond LFR	ILS LOM	265—2.7	1,500					S-dn 6 ILS	*200-½	*200-½	*300-½	
	Intersection N course Richmond LFR and SW course ILS.	ILS LOM	243—3.2	1,500					ADF	400-1	400-1	400-1	
	Chester FM	ILS SW course	310—4.4	#1,500					A-dn ILS	600-2	600-2	600-2	
	Manakin Radiobeacon	ILS LOM	130—17.4	2,000					ADF	800-2	800-2	800-2	
	Chester FM	ILS LOM	020—6.5	1,500									
ROCHESTER, N. Y. Monroe County, 558'. ILS-ROC. LOM-RO. LMM-OC. Combination ILS-ADF. Procedure No. 1. Amendment No. 4. Effective date: August 18, 1956. Supersedes Amendment 3, dated January 1, 1954. Major changes: Transition added to permit straight-in approaches.	Rochester LFR	LOM	076—3.2	2,000	N side of E course: 097° outbound. 277° inbound. 2,000' within 10 miles of LOM.	ILS 2,000	2,100—4.5	%793—0.6	T-dn ILS	300-¾	300-¾	200-½	Within 4.5 miles after passing LOM, climb to 2,000' on W course of Rochester LFR. NOTE: Glide slope provides approximately 183' clearance over smoke spire 756' mean sea level located 3.2 miles W of the LOM. AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized. %Minimum altitude 1,300' over LMM with glide slope inoperative or when conducting ADF approach. *Circling minimums applicable for ADF approach or with glide slope inoperative. #All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.
	Rochester VOR	LOM	096—5.2	2,000		ADF 1,500 over LOM			ADF	300-1	300-1	300-1½	
	Rush Intersection	LOM	047—7.3	2,000					C-dn	500-1	600-1	600-1½	
	Farmington Intersection	LOM	313—8.7	2,000					*S-dn 28 ILS	300-¾	300-¾	300-¾	
	Farmington Intersection (final transition).	ILS E course	333—6.2	2,000					A-dn #ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

3. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall not be lower than the minimum altitude(s) prescribed for initial approach. Except when the radar controller may direct otherwise prior to the final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums					
		Runway No.	Condition	Precision approach (PAR)		Surveillance approach (ASR)	
				2 engines or less	More than 2 engines	2 engines or less	More than 2 engines
				65 knots or less	Over 65 knots	65 knots or less	Over 65 knots
1	2	3	4	5	6	7	8
BOSTON-BEDFORD, MASS. Hanscom, 135'. Procedure No. 1. Amendment No. 1. Effective date: August 18, 1956. Supersedes Amendment Original, dated (July 21, 1956) This procedure premised on the use of USAF GCA. Major changes: Alternate minimums added.	All directions 2,000' within 15 miles.	All	T-dn	300-1	200-½	300-1	200-½
		All	C-dn	500-1	500-1	500-1	500-1½
		11	S-dn	400-1	400-1	500-1	500-1
		5	S-dn	500-1	500-1	500-1	500-1
		All	A-dn	800-2	800-2	800-2	800-2

Missed approach procedure	
Runway No.	11
	Make an immediate left turn to 320° climb to 2,000', then go direct to Bedford "HW" facility or as approach control directs. Loss of communications procedure: Climb to 2,000' then go direct to Bedford "HW" facility or as approach control directs. CAUTION: 570' mean sea level tower 3 miles NE of airport.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] C. J. LOWEN, *Administrator of Civil Aeronautics.*

JULY 23, 1956; 11:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RECORDS OF NON-RESIDENT BROKERS AND DEALERS

On June 6, 1956 the Commission published a proposal to adopt § 240.17a-7 (Rule X-17A-7) under the Securities Exchange Act of 1934 to require non-resident brokers and dealers registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934, to maintain copies of their books and records in the United States or to file an undertaking to make them available on request. The Commission has considered all the views and comments received on the proposal and has adopted the rule in the form stated below.

Rule X-17A-3 requires all registered brokers and dealers to make and keep current specified books and records relating to their business, and Rule X-17A-4 provides that the books and records shall be maintained in an easily accessible place during specified periods. These rules, however, were not specifically designed to make accessible to the Commission the books and records of foreign brokers and dealers registered with the Commission. Rule X-17A-7 requires each non-resident broker or dealer, as defined in the rule, to maintain in the United States, at a place designated by him in a written "notice" filed with the Commission, complete and current copies of the books and records which he is required to maintain under any rule adopted under the Securities Exchange Act of 1934, unless he files with the Commission a written undertaking substantially the form provided for in the rule, to furnish to the Commission upon demand copies of any, all or any part of his books and records specified in the demand.

Non-resident brokers or dealers registered or applying for registration on August 20 when the rule becomes effective are required to file the "notice" or "undertaking" within 30 days thereafter. Non-resident brokers and dealers who apply for registration thereafter will have to submit the "notice" or the "undertaking" with their application for registration.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out its functions under the act, hereby adopts Rule X-17A-7 as set forth below:

§ 240.17a-7 *Records of non-resident brokers and dealers.* (a) (1) Except as provided in paragraph (b) of this section, each non-resident broker or dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934, as amended, shall keep, maintain, and preserve, at a place within the United States designated in a notice from him as provided in subparagraph (2) of this paragraph, true, correct, complete and current copies of the books and records which he is required to make, keep current, maintain or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the act.

(2) Except as provided in paragraph (b) of this section, each non-resident broker or dealer subject to this section shall furnish to the Commission a written notice specifying the address of the place within the United States where the copies of the books and records required to be kept and preserved by him pursuant to subparagraph (1) of this paragraph are located. Each non-resident broker or dealer registered or applying for registration when this section becomes effective shall file such notice within 30 days after such rule becomes effective. Each non-resident broker or dealer who files an application for registration after this section becomes effective shall file such notice with such application for registration.

(b) Notwithstanding the provisions of paragraph (a) of this section, a non-resident broker or dealer subject to this section need not keep or preserve within the United States copies of the books and records referred to in said paragraph (a) of this section, if:

(1) Such broker or dealer files with the Commission, at the time or within the period provided by paragraph (a) (2) of this section, a written undertaking in form acceptable to the Commission and signed by a person thereunto duly authorized, to furnish to the Commission, upon demand, at its principal office in Washington, D. C., or at any Regional Office of the Commission designated in such demand, true, correct, complete and current copies of any or all of the books and records which he is required to make, keep current, maintain, or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the act, or any part of such books and records which may be specified in such demand. Such undertaking shall be in substantially the following form:

The undersigned hereby undertakes to furnish at his own expense to the Securities and Exchange Commission at its principal office in Washington, D. C. or at any Regional Office of said Commission specified in a demand for copies of books and records made by or on behalf of said Commission, true, correct, complete, and current copies of any or all, or any part, of the books and records which the undersigned is required to make, keep current or preserve pursuant to any provision of any rule or regulation of the Securities and Exchange Commission under the Securities Exchange Act of 1934. This undertaking shall be suspended during any period when the undersigned is making, keeping current, and preserving copies of all of said books and records at a place within the United States in compliance with § 240.17a-7 (Rule X-17A-7) under the Securities Exchange Act of 1934. This undertaking shall be binding upon the undersigned and the heirs, successors and assigns of the undersigned, and the written irrevocable consents and powers of attorney of the undersigned, its general partners and managing agents filed with the Securities and Exchange Commission shall extend to and cover any action to enforce same.

and

(2) Such broker or dealer furnishes to the Commission at his own expense within 14 days after written demand therefor forwarded to him by registered mail at his last address of record filed with the Commission and signed by the Secretary of the Commission or such other person as the Commission may authorize to act in its behalf, true, correct, complete and current copies of any or all books and records which such broker or dealer is required to make, keep current or preserve pursuant to any provision of any rule or regulation of the Commission adopted under the act, or any part of such books and records which may be specified in said written demand. Such copies shall be furnished to the Commission at its principal office in Washington, D. C., or at any Regional Office of the Commission which may be specified in said written demand.

(c) For purposes of this section the following definitions shall apply:

(1) The term "broker" shall have the meaning set out in section 3 (a) (4) of the Securities Exchange Act of 1934;

(2) The term "dealer" shall have the meaning set out in section 3 (a) (5) of the Securities Exchange Act of 1934;

(3) The term "non-resident broker or dealer" shall mean (i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership of other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States.

This action shall be effective August 20, 1956.

(Sec. 23, 48 Stat. 901 as amended, 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 16, 1956.

[F. R. Doc. 56-5940; Filed, July 23, 1956; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6192]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NET OPERATING LOSS

On February 17, 1956, notice of proposed rule making regarding the regulations under section 172 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 1103). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.172 Statutory provisions; net operating loss deduction.
1.172-1 Net operating loss deduction.
1.172-2 Net operating loss in case of a corporation.
1.172-3 Net operating loss in case of a taxpayer other than a corporation.
1.172-4 Net operating loss carrybacks and net operating loss carryovers.
1.172-5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.
1.172-6 Illustration of net operating loss carrybacks and carryovers.
1.172-7 Joint return by husband and wife.
1.172-8 Net operating loss carryback for purposes of the excess profits tax.

AUTHORITY: §§ 1.172 to 1.172-8 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.172 *Statutory provisions; net operating loss deduction.*

SEC. 172. *Net operating loss deduction*—(a) *Deduction allowed.* There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of (1) the net operating loss carryovers to such year, plus (2) the net operating loss carrybacks to such year. For purposes of this subtitle, the term "net operating loss deduction" means the deduction allowed by this subsection.

(b) *Net operating loss carrybacks and carryovers*—(1) *Years to which loss may be carried.* A net operating loss for any taxable year ending after December 31, 1953, shall be—

(A) A net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss, and

(B) A net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

(2) *Amount of carrybacks and carryovers.* Except as provided in subsection (f), the entire amount of the net operating loss for any taxable year (hereinafter in this section referred to as the "loss year") shall be carried to the earliest of the 7 taxable years to which (by reason of subparagraphs (A) and (B) of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other 6 taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed—

(A) With the modifications specified in subsection (d) other than paragraphs (1), (4), and (6) thereof; and

(B) By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter,

and the taxable income so computed shall not be considered to be less than zero.

(c) *Net operating loss defined.* For purposes of this section, the term "net operating loss" means (for any taxable year ending after December 31, 1953) the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in subsection (d).

(d) *Modifications.* The modifications referred to in this section are as follows:

(1) *Net operating loss deduction.* No net operating loss deduction shall be allowed

(2) *Capital gains and losses of taxpayers other than corporations.* In the case of a taxpayer other than a corporation—

(A) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

(B) The deduction for long-term capital gains provided by section 1202 shall not be allowed.

(3) *Deduction for personal exemptions.* No deduction shall be allowed under section 151 (relating to personal exemptions). No deduction in lieu of any such deduction shall be allowed.

(4) *Nonbusiness deductions of taxpayers other than corporations.* In the case of a taxpayer other than a corporation, the deductions allowable by this chapter which are not attributable to a taxpayer's trade or business shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence—

(A) Any gain or loss from the sale or other disposition of—

(i) Property, used in the trade or business of a character which is subject to the allowance for depreciation provided in section 167, or

(ii) Real property used in the trade or business,

shall be treated as attributable to the trade or business;

(B) The modifications specified in paragraphs (1), (2) (B), and (3) shall be taken into account; and

(C) Any deduction allowable under section 165 (c) (3) (relating to casualty losses) shall not be taken into account.

(5) *Special deductions for corporations.* No deduction shall be allowed under section 242 (relating to partially tax-exempt interest) or under section 922 (relating to Western Hemisphere trade corporations).

(6) *Computation of deduction for dividends received, etc.* The deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock of public utilities), and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246 (b) (relating to limitation on aggregate amount of deductions); and the deduction allowed by section 247 (relating to dividends paid on certain preferred stock of public utilities) shall be computed without regard to subsection (a) (1) (B) of such section.

(e) *Law applicable to computations.* In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year. The preceding sentence shall apply with respect to all taxable years, whether they begin before, on, or after January 1, 1954.

(f) *Taxable years beginning in 1953 and ending in 1954.* In the case of a taxable year beginning in 1953 and ending in 1954—

(1) In lieu of the amount specified in subsection (c), the net operating loss for such year shall be the sum of—

(A) That portion of the net operating loss for such year computed without regard to this subsection which the number of days in the loss year after December 31, 1953, bears to the total number of days in such year, and

(B) That portion of the net operating loss for such year computed under section 122 of the Internal Revenue Code of 1939 as if this section had not been enacted which the number of days in the loss year before January 1, 1954, bears to the total number of days in such year.

(2) The amount of any net operating loss for such year which shall be carried to the second preceding taxable year is the amount which bears the same ratio to such net operating loss as the number of days in the loss year after December 31, 1953, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the reduction for the second taxable year preceding the loss year shall not exceed the portion of the net operating loss which is carried to the second preceding taxable year.

(g) *Special transitional rules*—(1) *Losses for taxable years ending before January 1, 1954.* For purposes of this section, the determination of the taxable years ending after December 31, 1953, to which a net operating loss for any taxable year ending before January 1, 1954, may be carried shall be made under the Internal Revenue Code of 1939.

(2) *Losses for taxable years ending after December 31, 1953.* For purposes of section 122 of the Internal Revenue Code of 1939—

(A) The determination of the taxable years ending before January 1, 1954, to which a net operating loss for any taxable year ending after December 31, 1953, may be carried shall be made under subsection (b) (1) (A) of this section; and

(B) In determining the amount of the carryback to the first taxable year preceding the first taxable year ending after December 31, 1953, the portion of the net operating loss carried to such year shall be such net operating loss reduced by—

(i) The net income for the second preceding taxable year computed as if the second sentence of section 122 (b) (2) (B) of the Internal Revenue Code of 1939 applied, or

(ii) If smaller, the portion of the net operating loss which by reason of subsection (f) of this section is carried to the second preceding taxable year.

(3) *Excess profits tax not affected.* For purposes of subchapter D of chapter 1 of the Internal Revenue Code of 1939, excess profits net income shall be computed as if this section has not been enacted and as if section 122 of such Code continued to apply to taxable years to which this subtitle applies.

(h) *Cross References.* (1) For treatment of net operating loss carryovers in certain corporate acquisitions, see section 381.

(2) For special limitation on net operating loss carryovers in case of a corporate change of ownership, see section 382.

§ 1.172–1 *Net operating loss deduction*—(a) *Allowance of deduction.* Section 172 (a) allows as a deduction in computing taxable income for any taxable year subject to the 1954 Code the aggregate of the net operating loss carryovers and net operating loss carrybacks to such taxable year. This deduction is referred to as the net operating loss deduction. The net operating loss is the basis for the computation of the net operating loss carryovers and net operating loss carrybacks and ultimately for the net operating loss deduction itself. The net operating loss deduction shall not be disallowed for any taxable year merely because the taxpayer has no income from a trade or business for the taxable year.

(b) *Steps in computation of net operating loss deduction.* The three steps to be taken in the ascertainment of the net operating loss deduction for any taxable year subject to the 1954 Code are as follows:

(1) Compute the net operating loss for any preceding or succeeding taxable year from which a net operating loss may be carried over or carried back to such taxable year.

(2) Compute the net operating loss carryovers to such taxable year from such preceding taxable years and the net operating loss carrybacks to such taxable year from such succeeding taxable years.

(3) Add such net operating loss carryovers and carrybacks in order to determine the net operating loss deduction for such taxable year.

(c) *Statement with tax return.* Every taxpayer claiming a net operating loss deduction for any taxable year shall file with his return for such year a concise statement setting forth the amount of the net operating loss deduction claimed and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the net operating loss deduction.

(d) *Ascertainment of deduction dependent upon net operating loss carryback.* If the taxpayer is entitled in computing his net operating loss deduction to a carryback which he is not able to ascertain at the time his return is due, he shall compute the net operating loss deduction on his return without regard to such net operating loss carryback. When the taxpayer ascertains the net operating loss carryback, he may within the applicable period of limitations file a claim for credit or refund of the overpayment, if any, resulting from the failure to compute the net operating loss deduction for the taxable year with the inclusion of such carryback; or he may file an application under the provisions of section 6411 for a tentative carryback adjustment.

(e) *Law applicable to computations*—(1) *General.* The following rules shall apply to all taxable years without regard to whether they began before, on, or after January 1, 1954:

(i) In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(ii) The net operating loss for any taxable year shall be determined under the law applicable to that year without regard to the year to which it is to be carried and in which, in effect, it is to be deducted as part of the net operating loss deduction. In applying this rule, however, certain taxable years subject to the 1939 Code shall, to the extent provided in paragraphs (a) and (c) of § 1.172–2 and paragraphs (a) and (e) of § 1.172–3, be treated as though subject to the 1954 Code.

(iii) The amount of the net operating loss deduction which shall be allowed for any taxable year shall be determined under the law applicable to that year.

(2) *Special transitional rules.* For special transitional rules with respect to net operating losses sustained in taxable years ending before January 1, 1954, and in taxable years ending after December 31, 1953, see section 172 (g).

(f) *Taxable years subject to 1939 Code.* For the computation of the net operating loss deduction for any taxable year which is subject to the 1939 Code, see § 39.122–5 of Regulations 118 (26 CFR (1939) 39.122–5) or the corresponding section of prior applicable regulations.

§ 1.172–2 *Net operating loss in case of a corporation*—(a) *Modification of deductions.* A net operating loss is sustained by a corporation in any taxable year beginning after December 31, 1953, if and to the extent that, for such year, there is an excess of deductions allowed by chapter 1 of the 1954 Code over gross income computed thereunder; this rule shall apply even though the loss year is otherwise subject to the 1939 Code. In determining the excess of deductions over gross income for such purpose—

(1) *Items not deductible.* No deduction shall be allowed under—

(i) Section 172 for the net operating loss deduction,

(ii) Section 242 in respect of partially tax-exempt interest, and

(iii) Section 922 in respect of Western Hemisphere trade corporations;

(2) *Dividends received.* The 85-percent limitation provided by section 246 (b) shall not apply to the deductions otherwise allowed under—

(i) Section 243 in respect of dividends received from domestic corporations,

(ii) Section 244 in respect of dividends received on preferred stock of public utilities, and

(iii) Section 245 in respect of dividends received from foreign corporations; and

(3) *Dividends paid.* The deduction granted by section 247 in respect of dividends paid on the preferred stock of public utilities shall be computed without regard to subsection (a) (1) (B) of that section.

(b) *Illustration of principles.* The application of paragraph (a) of this section may be illustrated by the following example:

Example. For the calendar year 1954 the X Corporation has gross income of $400,000 and total deductions allowed by chapter 1 of the 1954 Code of $375,000, exclusive of any net operating loss deduction and exclusive of any deduction for dividends received or paid. Corporation X in 1954 received $100,000 of dividends entitled to the benefits of section 243. These dividends are included in Corporation X's $400,000 gross income. Corporation X likewise received $50,000 of partially tax-exempt interest in 1954 for which a deduction is allowed under section 242. This interest is included in both the $400,000 gross income and the $375,000 total deductions. Corporation X has no other deductions to which section 172 (d) applies. On the basis of these facts, Corporation X has a net operating loss for the year 1954 of $10,000, computed as follows:

Deductions for 1954	$375,000
Plus: Deduction for dividends received, computed without regard to the limitation provided in section 246 (b) (85% of $100,000)	85,000
Total	460,000
Less: Deduction with respect to partially tax-exempt interest	50,000
Deductions modified as required by section 172 (d)	410,000
Less: Gross income for 1954 (including $100,000 dividends and $50,000 partially tax-exempt interest)	400,000
Net operating loss for 1954	10,000

(c) *Taxable years beginning in 1953 and ending in 1954.* The net operating loss of a corporation for a taxable year which begins in 1953 and ends in 1954 shall be the sum of—

(1) *Application of 1954 Code.* That portion of the net operating loss for the taxable year, computed in accordance with paragraph (a) of this section as though such taxable year began after December 31, 1953, which the number of days in the taxable year after December 31, 1953, bears to the total number of days in the taxable year, and

(2) *Application of 1939 Code.* That portion of the net operating loss for the taxable year, computed in accordance with section 122 of the 1939 Code and as though section 172 of the 1954 Code had not been enacted, which the number of days in the taxable year before January 1, 1954, bears to the total number of days in the taxable year.

(d) *Excess profits tax.* For the computation of the net operating loss for purposes of determining the excess profits tax imposed by subchapter D of chapter 1 of the 1939 Code, see § 1.172–8.

§ 1.172–3 *Net operating loss in case of a taxpayer other than a corporation*—(a) *Modification of deductions.* A net operating loss is sustained by a taxpayer other than a corporation in any taxable year beginning after December 31, 1953, if and to the extent that, for such year, there is an excess of deductions allowed by chapter 1 of the 1954 Code over gross income computed thereunder; this rule shall apply even though the loss year is otherwise subject to the 1939 Code. In determining the excess of deductions over gross income for such purpose—

(1) *Items not deductible.* No deduction shall be allowed under—

(i) Section 151 for the personal exemptions or under any other section which grants a deduction in lieu of the deductions allowed by section 151,

(ii) Section 172 for the net operating loss deduction, and

(iii) Section 1202 in respect of the net long-term capital gain.

(2) *Capital losses.* (i) The amount deductible on account of business capital losses shall not exceed the sum of the amount includible on account of business capital gains and that portion of nonbusiness capital gains which is computed in accordance with paragraph (c) of this section.

(ii) The amount deductible on account of nonbusiness capital losses shall not exceed the amount includible on account of nonbusiness capital gains.

(3) *Nonbusiness deductions*—(i) *Ordinary deductions.* Ordinary nonbusiness deductions shall be taken into account without regard to the amount of business deductions and shall be allowed in full to the extent, but not in excess, of that amount which is the sum of the ordinary nonbusiness gross income and the excess of nonbusiness capital gains over nonbusiness capital losses. See paragraph (c) (3) of this section. For purposes of section 172, nonbusiness deductions and income are those deductions and that income which are not attributable to, or derived from, a taxpayer's trade or business. Wages and salary constitute income attributable to the taxpayer's trade or business for such purposes.

(ii) *Sale of business property.* Any gain or loss on the sale or other disposition of property which is used in the taxpayer's trade or business and which is of a character that is subject to the allowance for depreciation provided in section 167, or of real property used in the taxpayer's trade or business, shall be considered, for purposes of section 172 (d) (4), as attributable to, or derived from, the taxpayer's trade or business. Such gains and losses are to be taken into account fully in computing a net operating loss without regard to the limitation on nonbusiness deductions. Thus, a farmer who sells at a loss land used in the business of farming may, in computing a net operating loss, include in full the deduction otherwise allowable with respect to such loss, without regard to the amount of his nonbusiness income and without regard to whether he is engaged in the trade or business of selling farms. Similarly, an individual who sells at a loss machinery which is used in his trade or business and which is of a character that is subject to the allowance for depreciation may, in computing the net operating loss, include in full the deduction otherwise allowable with respect to such loss.

(iii) *Casualty losses.* Any deduction allowable under section 165 (c) (3) for losses of property not connected with a trade or business shall not be considered, for purposes of section 172 (d) (4), to be a nonbusiness deduction but shall be treated as a deduction attributable to the taxpayer's trade or business.

(iv) *Limitation.* The provisions of this subparagraph shall not be construed to permit the deduction of items disallowed by subparagraph (1) of this paragraph.

(b) *Treatment of capital loss carryovers.* Because of the distinction between business and nonbusiness capital gains and losses, a taxpayer who has a capital loss carryover from preceding taxable years, includible by virtue of section 1212 among the short-term capital losses for the taxable year in issue, is required to determine how much of such capital loss carryover is a business capital loss and how much is a nonbusiness capital loss. In order to make this determination, the taxpayer shall first ascertain what proportion of the net capital loss for each of such preceding taxable years was attributable to an excess of business capital losses over business capital gains for such year, and what proportion was attributable to an excess of nonbusiness capital losses over nonbusiness capital gains. The same proportion of the capital loss carryover from any such preceding taxable year shall be treated as a business capital loss and a nonbusiness capital loss, respectively. This rule may be illustrated by the following example:

Example. (1) A, an individual, has $5,000 ordinary taxable income (computed without regard to the deductions for personal exemptions) for the calendar year 1954 and also has the following capital gains and losses for such year: Business capital gains of $2,000; business capital losses of $3,200; nonbusiness capital gains of $1,000; and nonbusiness capital losses of $1,200.

(2) A's net capital loss for the taxable year 1954 is $400, computed as follows:

Capital losses	$4,400
Capital gains	3,000
Excess of capital losses over capital gains	1,400
Less: $1,000 of such ordinary taxable income	1,000
Net capital loss for 1954	400

(3) A's capital losses for 1954 exceeded his capital gains for such year by $1,400. Since A's business capital losses for 1954 exceeded his business capital gains for such year by $1,200, 6/7ths ($1,200/$1,400) of A's net capital loss for 1954 is attributable to an excess of his business capital losses over his business capital gains for such year. Similarly, 1/7th of the net capital loss is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. Since the capital loss carryover from 1954 to 1955 is $400, 6/7ths of $400, or $342.86, shall be treated as a business capital loss in 1955; and 1/7th of $400, or $57.14, as a nonbusiness capital loss.

(c) *Determination of portion of nonbusiness capital gains available for the deduction of business capital losses.* In the computation of a net operating loss a taxpayer other than a corporation must use his nonbusiness capital gains for the deduction of his nonbusiness capital losses. Any amount not necessary for this purpose shall then be used for the deduction of any excess of ordinary nonbusiness deductions over ordinary nonbusiness gross income. The remainder, computed by applying the excess ordinary nonbusiness deductions against the excess nonbusiness capital gains, shall be treated as nonbusiness capital gains and used for the purpose of determining the deductibility of business capital losses under paragraph (a) (2) (i) of this section. This principle may be illustrated by the following example:

Example. (1) A, an individual, has a total nonbusiness gross income of $20,500, computed as follows:

Ordinary gross income	$7,500
Capital gains	13,000
Total gross income	20,500

(2) A also has total nonbusiness deductions of $16,000, computed as follows:

Ordinary deductions	$9,000
Capital loss	7,000
Total deductions	16,000

(3) The portion of nonbusiness capital gains to be used for the purpose of determining the deductibility of business capital losses is $4,500, computed as follows:

Nonbusiness capital gains		$13,000
Less: Nonbusiness capital loss		7,000
Excess to be taken into account for purposes of paragraph (a) (3) (i) of this section		6,000
Ordinary nonbusiness deductions	$9,000	
Less: Ordinary nonbusiness gross income	7,500	
		1,500
Portion of nonbusiness capital gains to be used for purposes of paragraph (a) (2) (i) of this section		4,500

(d) *Joint net operating loss of husband and wife.* In the case of a husband and wife, the joint net operating loss for any taxable year for which a joint return is filed is to be computed on the basis of the combined income and deductions of both spouses, and the modifications prescribed in paragraph (a) of this section are to be computed as if the combined income and deductions of both spouses were the income and deductions of one individual.

(e) *Taxable years beginning in 1953 and ending in 1954.* The net operating loss of a taxpayer other than a corporation for a taxable year which begins in 1953 and ends in 1954 shall be the sum of—

(1) *Application of 1954 Code.* That portion of the net operating loss for the taxable year, computed in accordance with paragraph (a) of this section as though such taxable year began after December 31, 1953, which the number of days in the taxable year after December 31, 1953, bears to the total number of days in the taxable year, and

(2) *Application of 1939 Code.* That portion of the net operating loss for the taxable year, computed in accordance with section 122 of the 1939 Code and as though section 172 of the 1954 Code had not been enacted, which the number of days in the taxable year before January 1, 1954, bears to the total number of days in the taxable year.

(f) *Illustration of computation of net operating loss of a taxpayer other than a corporation*—(1) *Facts.* For the calendar year 1954 A, an individual, has gross income of $483,000 and allowable deductions of $540,000. The latter amount does not include the net operating loss deduction or any deduction on account of the sale or exchange of capital assets. Included in gross income are business capital gains of $50,000 and ordinary nonbusiness income of $10,000. Included among the deductions are ordinary nonbusiness deductions of $12,000 and a deduction of $600 for his personal exemption. A has a business capital loss of $60,000 in 1954. A has no other items of income or deductions to which section 172 (d) applies.

(2) *Computation.* On the basis of these facts, A has a net operating loss for 1954 of $104,400, computed as follows:

Deductions for 1954 (as specified in first sentence of subparagraph (1))		$540,000
Plus: Amount of business capital loss ($60,000) to extent such amount does not exceed business capital gains ($50,000)		50,000
Total		590,000
Less: Excess of ordinary nonbusiness deductions over ordinary nonbusiness gross income ($12,000 minus $10,000)	$2,000	
Deduction for personal exemption	600	
		2,600
Deductions for 1954 adjusted as required by section 172 (d)		587,400
Gross income for 1954		483,000
Net operating loss for 1954		104,400

§ 1.172–4 *Net operating loss carrybacks and net operating loss carryovers*—(a) *General provisions*—(1) *Years to which loss may be carried.* In order to compute the net operating loss deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carryovers or carrybacks to the taxable year in issue. A net operating loss sustained in a taxable year ending after December 31, 1953, shall be carried back to the two preceding taxable years and carried over to the five succeeding taxable years; this rule shall apply even though the loss year is otherwise subject to the 1939 Code. A net operating loss sustained in a taxable year ending before January 1, 1954 (and beginning after December 31, 1949), shall be carried back to the first preceding taxable year and carried over to the five succeeding taxable years.

(2) *Periods of less than 12 months.* A fractional part of a year which is a taxable year under sections 441 (b) and 7701 (a) (23) is a preceding or a succeeding taxable year for the purpose of determining under section 172 the first, second, etc., preceding or succeeding taxable year.

(3) *Amount of loss to be carried.* The amount which is carried back or carried over to any taxable year is the net operating loss to the extent it was not absorbed in the computation of the taxable (or net) income for other taxable years, preceding such taxable year, to which it may be carried back or carried over. For the purpose of determining the taxable (or net) income for any such preceding taxable year, the various net operating loss carryovers and carrybacks to such taxable year are considered to be applied in reduction of the taxable (or net) income in the order of the taxable years from which such losses are carried over or carried back, beginning with the loss for the earliest taxable year.

(4) *Husband and wife.* The net operating loss carryovers and carrybacks of a husband and wife shall be determined in accordance with this section, but subject also to the provisions of § 1.172–7.

(5) *Excess profits tax.* For the number of taxable years to which a net operating loss may be carried back for the purpose of determining the excess profits tax imposed by subchapter D of chapter 1 of the 1939 Code, see § 1.172–8.

(6) *Corporate acquisitions.* For the computation of the net operating loss carryovers in the case of certain acquisitions of the assets of a corporation by another corporation, see section 381 and the regulations thereunder.

(7) *Special limitations.* For special limitations on the net operating loss carryovers in certain cases of change in both the ownership and the trade or business of a corporation and in certain cases of corporate reorganization lacking specified continuity of ownership, see section 382 and the regulations thereunder.

(b) *Portion of net operating loss which is a carryback or a carryover to the taxable year in issue*—(1) *Manner of computation.* (i) A net operating loss shall first be carried to the earliest of the several taxable years for which such loss is allowable as a carryback or a carryover, and shall then be carried to the next earliest of such several taxable years, etc. The entire net operating loss shall be carried back to such earliest year.

(ii) The portion of the loss which shall be carried to any of such several taxable years subsequent to the earliest taxable year is the excess of such net operating loss over the sum of the aggregate of the taxable incomes (computed as provided in § 1.172–5) for all of such several taxable years preceding such subsequent taxable year which are subject to the 1954 Code and the aggregate of the net incomes (computed as provided in § 39.122–4 (c) of Regulations 118 (26 CFR (1939) 39.122–4 (c)) or in the corresponding section of prior applicable regulations) for all of such preceding taxable years which are subject to the 1939 Code.

(2) *Taxable years beginning in 1953 and ending in 1954.* (i) Notwithstanding subparagraph (1) of this paragraph, in the case of a net operating loss sustained in a taxable year which begins in 1953 and ends in 1954, the amount of such loss which shall be carried back to the second preceding taxable year is the amount which bears the same ratio to such net operating loss (computed as provided in § 1.172–2 (c) or § 1.172–3 (c), whichever applies) as the number of days in such loss year after December 31, 1953, bears to the total number of days in such year.

(ii) To determine the portion of the net operating loss for such a taxable year ending in 1954 which shall be carried to any taxable year subsequent to such second preceding taxable year there shall be substituted, in the application of subparagraph (1) (ii) of this paragraph, for the net income of such second preceding taxable year an amount equal to the portion of the net operating loss which is carried back to such second preceding taxable year in accordance with this subparagraph, if such amount is smaller than the net income of such second preceding taxable year as computed under § 29.122–4 (c) of Regulations 111 (26 CFR (1939) 29.122–4 (c)).

(3) *Excess profits tax.* For the portion of a net operating loss which may be carried back from a taxable year ending after December 31, 1953, for the purpose of determining the excess profits tax imposed by subchapter D of chapter 1 of the 1939 Code, see § 1.172–8.

(4) *Illustration of principles.* The application of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer who makes his tax returns on the calendar-year basis has a net operating loss for 1954. The entire net operating loss for 1954 may be carried back to 1952. The amount of the carryback to 1953 is the excess of the 1954 loss over the net income for 1952. The amount of the carryover to 1955 is the excess of the 1954 loss over the aggregate of the net incomes for 1952 and 1953. The amount of the carryover to 1956 is the excess of the 1954 loss over the sum of the aggregate of the net incomes for 1952 and 1953 and the taxable income for 1955. Similarly, the amount of the carryovers to 1957, 1958, and 1959 is the excess of the 1954 loss over the sum of the aggregate of the net incomes for 1952 and 1953 and the aggregate of the taxable incomes for 1955 and 1956; for 1955, 1956, and 1957; and for 1955, 1956, 1957, and 1958, respectively. For such purposes, the net incomes for 1952 and 1953 shall be computed as provided in § 39.122–4 (c) of Regulations 118 (26 CFR (1939) 39.122–4 (c)), and the taxable incomes for 1955 through 1958 shall be computed as provided in § 1.172–5.

Example (2). (i) A taxpayer who makes his tax returns on the basis of a fiscal year ending June 30 has a net operating loss (computed as provided in § 1.172–3 (e)) for the taxable year which begins July 1, 1953, and ends June 30, 1954. The amount of the carryback from such taxable year to the taxable year ending June 30, 1952, the second preceding taxable year, is 181/365ths of the net operating loss. If such amount is not less than the net income (computed as provided in § 29.122–4 (c) of Regulations 111 (26 CFR (1939) 29.122–4 (c))) for the taxable year ending June 30, 1952, the amount of the carryback to the taxable year which ends June 30, 1953, is the excess of the net operating loss over the net income so computed for the taxable year ending June 30, 1952. The carryovers to the taxable years ending June 30, 1955, 1956, 1957, 1958, and 1959 are computed in the same manner as in example (1).

(ii) If, however, the net income so computed for the taxable year ending June 30, 1952, exceeds the amount of the carryback to such taxable year (181/365ths of the net operating loss for the loss year), then the amount of the carryback to the taxable year ending June 30, 1953, is the excess of the net operating loss over the amount of the carryback to the taxable year ending June 30, 1952. In such instance, the amount of the carryover to the taxable year ending June 30, 1955, is the excess of the net operating loss over the sum of the amount of the carryback to the taxable year ending June 30, 1952, and the net income (computed as provided in § 39.122–4 (c) of Regulations 118 (26 CFR (1939) 39.122–4 (c))) for the taxable year ending June 30, 1953. The amount of the carryovers to the taxable years ending June 30, 1956, 1957, 1958, and 1959 is the excess of the net operating loss over the sum of the amount of the carryback to the taxable year ending June 30, 1952, the net income so computed for the taxable year ending June 30, 1953, and the aggregate of the taxable incomes (computed as provided in § 1.172–5) for the taxable years ending June 30, 1955; 1955 and 1956; 1955, 1956, and 1957; and 1955, 1956, 1957, and 1958, respectively.

(c) *Illustration.* The principles of this section are illustrated in § 1.172–6.

§ 1.172–5 *Taxable income which is subtracted from net operating loss to determine carryback or carryover*—(a) *Taxable year subject to 1954 Code.* The taxable income for any taxable year subject to the 1954 Code which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year is computed with the modifications prescribed in this paragraph. These modifications shall be made independently of, and without reference to, the modifications required by §§ 1.172–2 (a) and 1.172–3 (a) for purposes of computing the net operating loss itself.

(1) *Modifications applicable to corporations only.* In the case of a corporation the deductions provided by section 242 (relating to partially tax-exempt interest) and by section 922 (relating to Western Hemisphere trade corporations) shall not be allowed.

(2) *Modifications applicable to unincorporated taxpayers only.* In the case of a taxpayer other than a corporation, in computing taxable income and adjusted gross income—

(i) No deduction shall be allowed under section 151 for the personal exemptions (or under any other section which grants a deduction in lieu of the deductions allowed by section 151) and under section 1202 in respect of the net long-term capital gain.

(ii) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets.

(3) *Modifications applicable to all taxpayers.* In the case either of a corporation or of a taxpayer other than a corporation—

(i) *Net operating loss deduction.* The net operating loss deduction for such taxable year shall be computed by taking into account only such net operating losses otherwise allowable as carryovers or a carryback to such taxable year as were sustained in taxable years preceding the taxable year in which the taxpayer sustained the net operating loss from which the taxable income is to be deducted. Thus, for such purposes the net operating loss for the loss year or for any taxable year thereafter shall not be taken into account.

Example. The taxpayer's income tax returns are made on the basis of the calendar year. In computing the net operating loss deduction for 1954, the taxpayer has a carryover from 1952 of $9,000, a carryover from 1953 of $6,000, a carryback from 1955 of $18,000, and a carryback from 1956 of $10,000, or an aggregate of $43,000 in carryovers and carrybacks. Thus, the net operating loss deduction for 1954, for purposes of determining the tax liability for 1954, is $43,000. However, in computing the taxable income for 1954 which is subtracted from the net operating loss for 1955 for the purpose of determining the portion of such loss which may be carried over to subsequent taxable years, the net operating loss deduction for 1954 is $15,000, that is, the aggregate of the $9,000 carryover from 1952 and the $6,000 carryover from 1953. In computing the net operating loss deduction for such purpose, the $18,000 carryback from 1955 and the $10,000 carryback from 1956 are disregarded. In computing the taxable income for 1954, however, which is subtracted from the net operating loss for 1956 for the purpose of determining the portion of such loss which may be carried over to subsequent taxable years, the net operating loss deduction for 1954 is $33,000, that is, the aggregate of the $9,000 carryover from 1952, the $6,000 carryover from 1953, and the $18,000 carryback from 1955. In computing the net operating loss deduction for such purpose, the $10,000 carryback from 1956 is disregarded.

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provided in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed.

Example (1). For the calendar year 1954 the taxpayer, an individual, files a return showing taxable income of $4,800, computed as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction allowed by section 1202 in respect of net long-term capital gain	2,000
Adjusted gross income	7,000
Less:	
Deduction for personal exemption	$600
Deduction for medical expense ($410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income)	200
Deduction for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income)	1,400
	2,200
Taxable income	4,800

In 1955 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $3,000. In 1956 he sustains a net operating loss of $10,000 in the operation of the business. In determining the amount of the carryover of the 1956 loss to 1957 the taxable income for 1954 as computed under this paragraph is $3,970, determined as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction for carryback of 1955 net operating loss	3,000
Adjusted gross income	6,000
Less:	
Deduction for medical expense ($410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income as modified under this paragraph)	$230
Deduction for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income determined with all the modifications prescribed in this paragraph other than the net operating loss carryback)	1,800
	2,030
Taxable income	3,970

Example (2). For the calendar year 1954 the taxpayer, an individual, files a return showing taxable income of $5,700, computed as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction allowed by section 1202 in respect of net long-term capital gain	2,000
Adjusted gross income	7,000
Less:	
Deduction for personal exemption	$600
Standard deduction allowed by section 141	700
	1,300
Taxable income	5,700

In 1955 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $3,000. In 1956 he sustains a net operating loss of $10,000 in the operation of the business. In determining the amount of the carryover of the 1956 loss to 1957 the taxable income for 1954 as computed under this paragraph is $5,400, determined as follows:

Salary	$5,000
Net long-term capital gain	4,000
Total gross income	9,000
Less: Deduction for carryback of 1955 net operating loss	3,000
Adjusted gross income	6,000
Less: Standard deduction allowed by section 141	600
Taxable income	5,400

(iii) *Minimum limitation.* The taxable income, as modified under this paragraph, shall in no case be considered less than zero.

(b) *Taxable year subject to 1939 Code.* For the computation of the net income for any taxable year subject to the 1939 Code which is subtracted from the net operating loss for any other taxable year to determine the portion of such loss which is a carryback or a carryover to a particular taxable year, see § 39.122–4 (c) of Regulations 118 (26 CFR (1939) 39.122–4 (c)) or the corresponding section of prior applicable regulations.

§ 1.172–6 *Illustration of net operating loss carrybacks and carryovers.* The application of § 1.172–4 may be illustrated by the following example:

(a) *Facts.* The books of the taxpayer, whose return is made on the basis of the calendar year, reveal the following facts:

Taxable year	Net income	Taxable income	Net operating loss
1952	$20,000		
1953			($75,000)
1954		$15,000	
1955		30,000	
1956			(150,000)
1957		20,000	
1958		10,000	
1959		30,000	
1960		35,000	
1961		75,000	

The taxable (and net) income thus shown are computed without any net operating loss deduction. The assumption is also made that none of the other modifications prescribed in § 39.122–4 (c) of Regulations 118 (26 CFR (1939) 39.122–4 (c)) and § 1.172–5 of these regulations apply. There are no net operating losses for 1949, 1950, 1951, 1962, or 1963.

(b) *Loss sustained in 1953.* The portions of the $75,000 net operating loss for 1953 which shall be used as a carryback to 1952 and as carryovers to 1954, 1955, 1956, 1957, and 1958 are computed as follows:

(1) *Carryback to 1952.* The carryback to this year is $75,000, that is, the amount of the net operating loss.

(2) *Carryover to 1954.* The carryover to this year is $55,000, computed as follows:

Net operating loss	$75,000
Less: Net income for 1952 (computed without the deduction of the carryback from 1953)	20,000
Balance	55,000

(3) *Carryover to 1955.* The carryover to this year is $40,000, computed as follows:

Net operating loss	$75,000
Less: Net income for 1952 (computed without the deduction of the carryback from 1953)	$20,000
Taxable income for 1954 (computed without the deduction of the carryover from 1953 or the carryback from 1956)	15,000
	35,000
Balance	40,000

(4) *Carryover to 1956.* The carryover to this year is $10,000, computed as follows:

Net operating loss	$75,000
Less:	
Net income for 1952 (computed without the deduction of the carryback from 1953)	$20,000
Taxable income for 1954 (computed without the deduction of the carryover from 1953 or the carryback from 1956)	15,000
Taxable income for 1955 (computed without the deduction of the carryover from 1953 or the carryback from 1956)	30,000
	65,000
Balance	10,000

(5) *Carryover to 1957.* The carryover to this year is $10,000, computed as follows:

Net operating loss	$75,000
Less:	
Net income for 1952 (computed without the deduction of the carryback from 1953)	$20,000
Taxable income for 1954 (computed without the deduction of the carryover from 1953 or the carryback from 1956)	15,000
Taxable income for 1955 (computed without the deduction of the carryover from 1953 or the carryback from 1956)	30,000
Taxable income for 1956 (a year in which a net operating loss was sustained)	0
	65,000
Balance	10,000

(6) *Carryover to 1958.* There is no carryover to this year of the net operating loss from 1953 since such loss does not exceed $85,000, the sum of the net income for 1952 and the taxable incomes of the first four taxable years following 1953. This $85,000 total consists of the $20,000 net income for 1952, the $15,000 taxable income for 1954, the $30,000 taxable income for 1955, and the $20,000 taxable income for 1957, computed without a net operating loss deduction for any of such taxable years since the carryback and carryovers from 1953 (the year of the net operating loss) and the carrybacks and carryover from 1956 (a year subsequent to the year of the net operating loss) are not taken into account.

(c) *Loss sustained in 1956.* The portions of the $150,000 net operating loss for 1956 which shall be used as carrybacks to 1954 and 1955 and as carryovers

to 1957, 1958, 1959, 1960, and 1961 are are computed in this paragraph. The amount specified in such computation with respect to a designated taxable year as the carryover to such year of the 1953 net operating loss is the amount computed for such year under paragraph (b) of this section.

(1) *Carryback to 1954.* The carryback to this year is $150,000, that is, the amount of the net operating loss.

(2) *Carryback to 1955.* The carryback to this year is $150,000, computed as follows:

Net operating loss	$150,000
Less: Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken into account)	0
Balance	150,000

(3) *Carryover to 1957.* The carryover to this year is $150,000, computed as follows:

Net operating loss	$150,000
Less:	
Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken in account)	$0
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryover to such year of $40,000 from 1953, the carryback from 1956 to 1955 not being taken into account)	0
	0
Balance	150,000

(4) *Carryover to 1958.* The carryover to this year is $140,000, computed as follows:

Net operating loss	$150,000
Less:	
Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken into account)	$0
Less:	
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryover to such year of $40,000 from 1953, the carryback from 1956 to 1955 not being taken into account)	$0
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1953, the carryover from 1956 to 1957 not being taken into account)	10,000
	$10,000
Balance	140,000

(5) *Carryover to 1959.* The carryover to this year is $130,000, computed as follows:

Net operating loss	$150,000
Less:	
Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken into account)	$0
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryover to such year of $40,000 from 1953, the carryback from 1956 to 1955 not being taken into account)	0
Less:	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1953, the carryover from 1956 to 1957 not being taken into account)	$10,000
Taxable income for 1958 (the $10,000 taxable income for such year reduced by the carryover to such year of $0 from 1953, the carryover from 1956 to 1958 not being taken into account)	10,000
Taxable income for 1959 (computed without the deduction of the carryover from 1956)	30,000
	$50,000
Balance	100,000

(6) *Carryover to 1960.* The carryover to this year is $100,000, computed as follows:

Net operating loss	$150,000
Less:	
Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken into account)	$0
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryover to such year of $40,000 from 1953, the carryback from 1956 to 1955 not being taken into account)	0
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1953, the carryover from 1956 to 1957 not being taken into account)	10,000
Taxable income for 1958 (the $10,000 taxable income for such year reduced by the carryover to such year of $0 from 1953, the carryover from 1956 to 1958 not being taken into account)	10,000
	20,000
Balance	130,000

(7) *Carryover to 1961.* The carryover to this year is $65,000, computed as follows:

Net operating loss	$150,000
Less:	
Taxable income for 1954 (the $15,000 taxable income for such year reduced by the carryover to such year of $55,000 from 1953, the carryback from 1956 to 1954 not being taken into account)	$0
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryover to such year of $40,000 from 1953, the carryback from 1956 to 1955 not being taken into account)	0
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1953, the carryover from 1956 to 1957 not being taken into account)	10,000
Taxable income for 1958 (the $10,000 taxable income for such year reduced by the carryover to such year of $0 from 1953, the carryover from 1956 to 1958 not being taken into account)	10,000
Taxable income for 1959 (computed without the deduction of the carryover from 1956)	30,000
Taxable income for 1960 (computed without the deduction of the carryover from 1956)	35,000
	85,000
Balance	65,000

(d) *Determination of net operating loss deduction for each year.* The carryovers and carrybacks computed under paragraphs (b) and (c) of this section are used as a basis for the computation of the net operating loss deduction in the manner prescribed in this paragraph. For this purpose the assumption is made that the application of § 39.122–5 of Regulations 118 (26 CFR (1939) 39.122–5) does not cause any reduction of the amount of the net operating loss carryback to 1952, so that such carryback is the net operating loss deduction for such year.

Taxable year	Carryover		Carryback		Net operating loss deduction
	From 1953	From 1956	From 1953	From 1956	
1952			$75,000		$75,000
1954	$55,000			$150,000	205,000
1955	40,000			150,000	190,000
1957	10,000	$150,000			160,000
1958	0	140,000			140,000
1959		130,000			130,000
1960		100,000			100,000
1961		65,000			65,000

§ 1.172–7 *Joint return by husband and wife*—(a) *In general.* This section prescribes additional rules for computing the net operating loss carrybacks and carryovers of a husband and wife making a joint return for one or more of the

taxable years involved in the computation of the net operating loss deduction. If any one or more of the taxable years involved in the computation of such net operating loss carrybacks and carryovers is a taxable year subject to the 1939 Code, see also § 39.122–4 (e) of Regulations 118 (26 CFR (1939) 39.122–4 (e)) or the corresponding section of prior applicable regulations.

(b) *From separate to joint return.* If a husband and wife, making a joint return for any taxable year, did not make a joint return for any of the taxable years involved in the computation of a net operating loss carryover or a net operating loss carryback to the taxable year for which the joint return is made, such separate net operating loss carryover or separate net operating loss carryback is a joint net operating loss carryover or joint net operating loss carryback to such taxable year.

(c) *Continuous use of joint return.* If a husband and wife making a joint return for a taxable year made a joint return for each of the taxable years involved in the computation of a net operating loss carryover or net operating loss carryback to such taxable year, the joint net operating loss carryover or joint net operating loss carryback to such taxable year is computed in the same manner as the net operating loss carryover or net operating loss carryback of an individual under § 1.172–4 but upon the basis of the joint net operating losses and the combined taxable income of both spouses.

(d) *From joint to separate return.* If a husband and wife making separate returns for a taxable year made a joint return for any, or all, of the taxable years involved in the computation of a net operating loss carryover or net operating loss carryback to such taxable year, the separate net operating loss carryover or separate net operating loss carryback of each spouse to the taxable year is computed in the manner set forth in § 1.172–4 but with the following modifications:

(1) *Net operating loss.* The net operating loss of each spouse for a taxable year for which a joint return was made shall be deemed to be that portion of the joint net operating loss (computed in accordance with paragraph (d) of § 1.172–3) which is attributable to the gross income and deductions of such spouse, gross income and deductions being taken into account to the same extent that they are taken into account in computing the joint net operating loss.

(2) *Taxable income to be subtracted—*(i) *Net operating loss of other spouse.* The taxable income of a particular spouse for any taxable year which is subtracted from the net operating loss of such spouse for another taxable year in order to determine the amount of such loss which may be carried back or carried over to still another taxable year is deemed to be, in a case in which such taxable income was reported in a joint return, the sum of the following:

(*a*) That portion of the combined taxable income of both spouses for such year for which the joint return was made which is attributable to the gross income and deductions of the particular spouse, gross income and deductions being taken into account to the same extent that they are taken into account in computing such combined taxable income, and

(*b*) That portion of such combined taxable income which is attributable to the other spouse; but, if such other spouse sustained a net operating loss in a taxable year beginning on the same date as the taxable year in which the particular spouse sustained the net operating loss from which the taxable income is subtracted, then such portion shall first be reduced by such net operating loss of such other spouse.

(ii) *Modifications.* For purposes of this subparagraph, the combined taxable income shall be computed as though the combined income and deductions of both spouses were those of one individual. The provisions of § 1.172–5 shall apply in computing the combined taxable income for such purposes except that the net operating loss deduction shall be determined without taking into account any separate net operating loss of either spouse, or any joint net operating loss of both spouses, which was sustained in a taxable year beginning on or after the date of the beginning of the taxable year in which the particular spouse sustained the net operating loss from which the taxable income is subtracted.

(e) *Recurrent use of joint return.* If a husband and wife making a joint return for any taxable year made a joint return for one or more, but not all, of the taxable years involved in the computation of a net operating loss carryover or net operating loss carryback to such taxable year, such net operating loss carryover or net operating loss carryback to the taxable year is computed in the manner set forth in paragraph (d) of this section. Such net operating loss carryover or net operating loss carryback is considered a joint net operating loss carryover or joint net operating loss carryback to such taxable year.

(f) *Joint carryovers and carrybacks.* The joint net operating loss carryovers and the joint net operating loss carrybacks to any taxable year for which a joint return is made are all the net operating loss carryovers and net operating loss carrybacks of both spouses to such taxable year. For example, a husband and wife file a joint return for the calendar year 1956, having a joint taxable income for such year. The wife filed a separate return for the calendar years 1954 and 1955, in which years she sustained net operating losses. The husband filed separate returns for his fiscal year ending June 30, 1955, and, having received permission to change his accounting period to a calendar year basis, for the 6-month period ending December 31, 1955. The husband sustained net operating losses in both such taxable years. Since the husband and wife did not file a joint return for any taxable year involved in the computation of the net operating loss carryovers to 1956 from 1954 and 1955, the joint net operating loss carryovers to 1956 are the separate net operating loss carryovers of the wife from the calendar years 1954 and 1955 and the separate net operating loss carryovers of the husband from the fiscal year ending June 30, 1955, and from the short taxable year ending December 31, 1955. If the husband and wife also file joint returns for the calendar years 1957 and 1958, having a joint taxable income in 1957 and a joint net operating loss in 1958, the joint net operating loss carrybacks to 1956 and 1957 from 1958 are computed on the basis of the joint net operating loss for 1958, since separate returns were not made for any taxable year involved in the computation of such carrybacks.

(g) *Illustration of principles.* In the following examples, which illustrate the application of this section, it is assumed that reference to the modifications prescribed in § 1.172–5 is unnecessary and that the taxable income or loss in each case is the taxable income or loss determined without any net operating loss deduction. The taxpayers in each example, H, a husband, and W, his wife, report their income on the calendar-year basis.

Example (1). H and W filed joint returns for 1954 and 1955. They sustained a joint net operating loss of $1,000 for 1954 and a joint net operating loss of $2,000 for 1955. For 1954 the deductions of H exceeded his gross income by $700, and the deductions of W exceeded her gross income by $300, the total of such amounts being $1,000. Therefore, $700 of the $1,000 joint net operating loss for 1954 is considered the net operating loss of H for 1954, and $300 of such joint net operating loss is considered the net operating loss of W for 1954. For 1955 the gross income of H exceeded his deductions, so that his separate taxable income would be $1,500, and the deductions of W exceeded her gross income by $3,500. Therefore, all of the $2,000 joint net operating loss for 1955 is considered the separate net operating loss of W for 1955.

Example (2). (i) H and W filed joint returns for 1954 and 1956, and separate returns for 1955 and 1957. For the years 1954, 1955, 1956, and 1957 they had taxable incomes and net operating losses as follows, losses being indicated in parentheses:

	1954	1955	1956	1957
H	($5,000)	($2,500)	$6,500	($4,000)
W	(3,000)	2,000	3,000	(1,500)
Total	(8,000)		9,500	

(ii) The net operating loss carryover of H from 1957 to 1958 is $4,000, that is, his $4,000 net operating loss for 1957 which is not reduced by any part of the taxable income for 1956, since none of such taxable income is attributable to H and the portion attributable to W is entirely offset by her separate net operating loss for her taxable year 1957, which taxable year begins on the same date as H's taxable year 1957. H's $4,000 net operating loss for 1957 likewise is not reduced by reference to 1955 since H sustained a loss in 1955. The $0 taxable income for 1956 which reduces H's net operating loss for 1957 is computed as follows:

(iii) The combined taxable income of $9,500 for 1956 is reduced to $1,000 by the net operating loss deduction for such year of $8,500. This net operating loss deduction is computed without taking into account any net operating loss of either H or W sustained in a taxable year beginning on or after January 1, 1957, the date of the beginning of the taxable year in which H sustained the net operating loss from which the taxable income is subtracted. This $8,500 is composed of H's carryovers of $5,000 from 1954 and $2,500 from 1955, and of W's carryover of $1,000 from 1954 (the excess of W's $3,000 loss for 1954 over her $2,000 income for 1955). None of the $1,000 combined taxable income for 1956 (computed with the net operating loss deduction described above) is attributable to H since it is caused by W's income (computed after deducting her separate carryover) offsetting H's loss (computed by deducting from his income his separate carryovers). No part of the $1,000 combined taxable income for 1956 which is attributable to W is used to reduce H's net operating loss for 1957 since such taxable income attributable to W must first be reduced by W's $1,500 net operating loss for 1957, her taxable year beginning on the same date as the taxable year of H in which he sustained the net operating loss from which the taxable income is subtracted.

(iv) The net operating loss carryover of W from 1957 to 1958 is $500, her $1,500 loss reduced by the sum of her $0 taxable income for 1955 (computed by taking into account her $3,000 carryover from 1954) and her $1,000 taxable income for 1956, that is, the portion of the combined taxable income for 1956 which is attributable to her.

Example (3). (i) Assume the same facts as in example (2) except that for 1957 the net operating loss of W is $200 instead of $1,500.

(ii) The net operating loss carryover of H from 1957 to 1958 is $3,200, that is, his $4,000 net operating loss for 1957 reduced by the sum of his $0 taxable income for 1955 (a year in which he sustained a loss) and his $800 taxable income for 1956. Such $800 is computed as follows:

(iii) The combined taxable income for 1956, computed with the net operating loss deduction in the manner described in example (2), remains $1,000, no part of which is attributable to H. To the $0 taxable income attributable to H for 1956 there is added $800, the excess of the $1,000 taxable income for such year attributable to W over her $200 net operating loss sustained in 1957, a taxable year beginning on the same date as the taxable year of H in which he sustained the $4,000 net operating loss from which the taxable income is subtracted.

(iv) W has no net operating loss carryover from 1957 to 1958 since her net operating loss of $200 for 1957 does not exceed the $1,000 taxable income for 1956 attributable to her.

Example (4). (i) Assume the same facts as in example (2), except that W changes her accounting period in 1957 to a fiscal year ending on January 31, and has neither income nor losses for the taxable year January 1, 1957, to January 31, 1957, but has a net operating loss of $200 for the fiscal year February 1, 1957, to January 31, 1958.

(ii) The net operating loss carryover of H from 1957 to 1958 is $3,000, that is, his net operating loss of $4,000 for 1957 reduced by the sum of his $0 taxable income for 1955 (a year in which he sustained a loss) and his $1,000 taxable income for 1956. Such $1,000 is computed as follows:

(iii) The combined taxable income for 1956, computed with the net operating loss deduction in the manner described in example (2), remains $1,000, no part of which is attributable to H. To the $0 taxable income attributable to H for 1956 there is added the $1,000 taxable income attributable to W for such year. The taxable income attributable to W is not reduced by any amount since she does not have a net operating loss for her taxable year beginning on January 1, 1957, the date of the beginning of the taxable year of H in which he sustained the $4,000 net operating loss from which his taxable income is subtracted.

(iv) The net operating loss carryover of W from the fiscal year beginning February 1, 1957, to her next fiscal year is $200, that is, her net operating loss of $200 for the fiscal year beginning February 1, 1957, reduced by the sum of her $0 taxable income for 1956 and her $0 taxable income for the taxable year January 1, 1957, to January 31, 1957 (a year in which she had no income). The $0 taxable income for 1956 is computed as follows:

(v) The combined taxable income of $9,500 for 1956 is reduced to $0 amount by the net operating loss deduction for such year of $12,500. This net operating loss deduction is computed by taking into account the net operating loss of H for 1957 since it was sustained in a taxable year beginning before February 1, 1957, the date of the beginning of the taxable year of W in which she sustained the $200 net operating loss from which her taxable income is subtracted. This $12,500 is composed of H's carryovers of $5,000 from 1954 and $2,500 from 1955 and of his carryback of $4,000 from 1957, plus W's carryover of $1,000 from 1954 (the excess of W's $3,000 loss for 1954 over her $2,000 income for 1955). Since there is no combined taxable income for 1956, there is no taxable income attributable to W for such year.

§ 1.172–8 *Net operating loss carryback for purposes of the excess profits tax*—(a) *Applicable rule.* In computing the excess profits tax imposed by subchapter D of chapter 1 of the 1939 Code, excess profits net income shall be computed as if section 172 of the 1954 Code had not been enacted and as if section 122 of the 1939 Code were applicable to all pertinent taxable years to which the 1954 Code is otherwise applicable.

(b) *Illustrations.* The application of paragraph (a) of this section may be illustrated as follows:

(1) *Net operating loss.* The net operating loss itself, even though it is sustained in a taxable year which is otherwise subject to the 1954 Code, shall be computed for this purpose under the provisions of section 122 of the 1939 Code and § 39.122–2 of Regulations 118 (26 CFR (1939) 39.122–2) or the corresponding section of prior applicable regulations.

(2) *Net operating loss carryback.* (i) Since section 122 of the 1939 Code allows only a one-year carryback of a loss sustained in a taxable year beginning after December 31, 1949, only such one-year carryback shall be allowed for purposes of computing excess profits net income even though the loss is sustained in a taxable year ending after December 31, 1953, for which section 172 (b) (1) otherwise allows a two-year carryback.

(ii) Thus, a calendar year taxpayer which sustains a net operating loss in 1954 may carry such loss back to both 1952 and 1953 for purposes of computing the normal tax and surtax imposed by sections 13 and 15, respectively, of the 1939 Code, but may carry such loss back only to 1953 for purposes of computing excess profits net income in determining the excess profits tax imposed by subchapter D of chapter 1 of the 1939 Code. Such 1954 loss shall have no effect on the determination of the excess profits tax for 1952. The amount of the carryback from 1954 to 1953 for purposes of determining the excess profits tax for 1953 is an amount equal to the amount of the net operating loss computed as provided in subparagraph (1) of this paragraph.

(iii) A net operating loss sustained in the calendar year 1955 by such taxpayer may be carried back to 1953 for purposes of computing normal tax and surtax but shall have no effect on the determination of the excess profits tax for 1953 or for any other year.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 19, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56–5940; Filed, July 23, 1956; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

1. In § 536.12, revise paragraph (a) and add paragraph (d) to read as follows:

§ 536.12 *Claims under the Military Claims Act*—(a) *General.* Claims, arising on or after May 27, 1941, and on or before March 29, 1956, except claims arising from negligence or wrongful acts or omissions accruing on or after January 1, 1945, and cognizable under the Federal Tort Claims Act (§ 536.29), for damage to or loss or destruction of real or personal property, or for reasonable medical, hospital, or burial expenses actually incurred on account of personal injury or death, caused by military personnel or civilian employees of the Department of the Army or of the Army while acting within the scope of their employment, or otherwise incident to non-combat activities of the Department of the Army or of the Army, including claims for damage to or loss or destruction of registered or insured mail while in the possession of the military authorities even though resulting from criminal acts, claims for damage to or loss or destruction of personal property bailed to the Government, claims for damage to real property incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and claims of the foregoing categories arising out of civil works, are payable under §§ 536.12–536.23 provided they do not exceed $1,000. The amounts awarded on claims accruing after March 29, 1956, for personal injury or death shall not be limited to reasonable medical, hospital, and burial expenses actually incurred.

* * * * * *

(d) *Claims payable under other regulations.* Claims or portions of claims for medical, hospital, and burial expenses on account of injury or death of military personnel or civilian employees of the Department of the Army or of the Army which are payable under §§ 577.1, 577.2, 577.5, 577.40–577.46 of this chapter and §§ 536.50–536.54, or the act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended, administered by the United States Employees Compensation Commission, are not payable under §§ 536.12–536.23.

2. Section 536.17 *Injury or death of military personnel or civilian employees,* is revoked.

3. In § 536.20, the opening portion of paragraphs (a) (1), (b) (1), and (c) (1) are amended to read as follows:

§ 536.20 *Expenses; medical, hospital or burial*—(a) *Medical expenses*—(1) *Included.* Items properly allowable include, if reasonably necessary and reasonable in amount and, if the incident from which the claim arose occurred on or before March 29, 1956, actually incurred:

* * * * *

(b) *Hospital expenses*—(1) *Included.* Items properly allowable include, if reasonably necessary and reasonable in amount and, if the incident from which the claim arose occurred on or before March 29, 1956, actually incurred:

* * * * *

(c) *Burial expenses.* (1) *Included.* Items properly allowable include if reasonable in amount and, if the incident from which the claim arose occurred on or before March 29, 1956, actually incurred:

* * * * *

4. Section 536.21 is revised to read as follows:

§ 536.21 *Statute of limitations.* A claim arising from an incident which occurred:

(a) On or before March 28, 1955 must have been presented in writing within one year after the occurrence of the accident or incident out of which the claim arose, except that if the accident or incident occurred in time of war, or if war intervened within 1 year after its occurrence, a claim may, if good cause for delay in excess of 1 year was shown, have been presented within 1 year after peace was established.

(b) On or after March 29, 1956 must be presented in writing within 2 years after the occurrence of the accident or incident out of which the claim arises, except that if the accident or incident occurs in time of war or armed conflict, or if the war or such armed conflict intervenes within 2 years after its occurrence, a claim may, if good cause for the delay in excess of 2 years is shown, be presented within 2 years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of the Congress or by determination of the President.

5. In § 536.23 (b), revoke subparagraph (3) and revise subparagraph (4) as follows:

§ 536.23 *Procedure.* * * *

(b) *Conditions of payment.* * * *

(3) [Revoked.]

(4) The claim must normally be presented within 2 years after the occurrence of the accident or incident out of which the claim arises (see § 536.21).

* * * * *

[C 3, AR 25-25, May 22, 1956] (Sec. 1, 57 Stat. 372, as amended; 31 U. S. C. 223b)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5924; Filed, July 23, 1956; 8:45 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

1. In § 1101.1, revise paragraph (h) (3) as follows:

§ 1101.1 *General.* * * *

(h) *Active duty.* * * *

(3) *TOE assignments.* In time of peace, an officer of the National Guard unit who is ordered to active duty for a period in excess of six months may, unless otherwise absorbed, be transferred to, and carried as, an additional active officer of the State headquarters and headquarters detachment from the date of entry on active duty, and for a period of three months following his release from active duty, except that in the case of an officer on active duty for the purpose set forth in sections 5 and 81, National Defense Act, as amended, and section 252, Armed Forces Reserve Act of 1952, the period following his release from active duty shall be one (1) year.

* * * * *

2. Section 1101.5 is revised to read as follows:

§ 1101.5 *Termination of appointments and withdrawal of Federal recognition*—(a) *Authority.* The termination of the appointment of a commissioned officer of the National Guard is a function of the State authorities. When an officer's status in the National Guard of a State is terminated, the Chief, National Guard Bureau will withdraw Federal recognition. When Federal recognition has been withdrawn and unless officer is discharged from his appointment as a Reserve officer, he become a member of the Army Reserve and ceases to be a member of the National Guard of the United States, and is eligible for promotion to the highest permanent grade previously held in the Army or any component thereof (sections 706 and 707, Armed Forces Reserve Act of 1952, Public Law 476, 83d Congress).

(b) *Causes.* The appointment of a National Guard officer will be terminated for the following causes:

(1) *Death.* In case of death of an officer, a report, by the most expeditious means available, and in any event not more than 72 hours after death occurs, will be forwarded to the Chief, National Guard Bureau, and will include the following information:

(i) Name, grade, service number, and branch.
(ii) Date of death.
(iii) Hour of death.
(iv) Place of death.
(v) Cause of death (include complete diagnosis).
(vi) Duty assignment.
(vii) Duty status.

(2) *Attainment of maximum ages.* (i) Until July 1, 1960, the appointment will be terminated on the last day of the month in which an officer reaches the following ages:

Chief, National Guard Bureau; adjutant general or commanding general of troops of a State, Territory, Puerto Rico, or the District of Columbia, 64.
Major General, other than above, 62.
Brigadier General, 60.
Colonel, 58.
Lieutenant Colonel and below, 55.
An officer in the grade of colonel or below who is assigned to a headquarters or headquarters detachment of a State, Territory, Puerto Rico, or the District of Columbia, may retain Federal recognition until age 60.

(ii) As an exception to subdivision (i) of this subparagraph, an officer, who upon reaching the ages prescribed in subdivision (i) of this subparagraph, has not completed 20 years of satisfactory Federal service until title III, Army and Air Force Vitalization and Equalization Act of 1948 (62 Stat. 1087) but who could complete 20 years of satisfactory Federal service prior to reaching age sixty may be retained in an active status until he completes twenty years of satisfactory Federal service or fails to perform a year of satisfactory Federal service, whichever occurs earlier.

(3) *Physical disqualifications.* Whenever the physical fitness of a National Guard officer is in question, the State authorities will order such officer to appear before a board of officers composed of an equal number of medical officers serving on active duty and National Guard of the United States officers not on active duty to determine his fitness for further service. The appointment and procedure of such boards will conform in general to that prescribed for Federal recognition Boards.

(4) *Resignation.* (i) An officer who desires to resign will submit his resignation to the State adjutant general through National Guard command channels. The State authorities will, if the resignation is accepted, publish an appropriate order, notify the officer concerned, and forward a copy of the order to the Chief, National Guard Bureau, in order that the officer's Federal recognition may be withdrawn.

(ii) An officer who has no Reserve obligation under the Universal Military Training and Service Act may submit a concurrent resignation from the National Guard of the State and from his appointment as a Reserve officer of the Army, stating therein the reason for the resignation.

(iii) When the resignation of a National Guard officer has been accepted and Federal recognition has been withdrawn by the Chief, National Guard Bureau, revocation of the acceptance order by the State adjutant general will not be considered as a basis for restoration of Federal recognition. Where an officer desires to be reinstated in the National Guard, it will be necessary for him to be reappointed, to apply for a new Federal recognition, and to be examined by a Federal recognition examining board, provided that, if his appointment as a Reserve commissioned officer of the Army is still in effect, he will not be required to appear before another Federal recognition examining board.

(5) Absence without leave for three months.

(6) When dismissed pursuant to the approved sentence of a courts-martial.

(7) When convicted of a felony in a civil court.

(8) When he accepts an appointment in the Regular Army or a regular or reserve component of the Air Force, the Navy, the Marine Corps, the Coast Guard, or the United States Public Health Service, or when he is transferred from the National Guard of the United States to the Army Reserve.

(9) When he enlists in the Active Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or a reserve component thereof, or when transferred from the National Guard of the United States to the Army Reserve.

(10) When he is inducted into active military service as an enlisted man under the Universal Military Training and Service Act as amended.

(11) When Federal recognition has been withdrawn from his unit, unless he is transferred to an existing vacancy in another federally recognized unit or transferred to the Inactive National Guard.

(12) When it has been determined that the officer is subversive or disloyal.

(c) *Withdrawal of Federal recognition.* Federal recognition of a National Guard officer will be withdrawn by the Chief, National Guard Bureau:

(1) When he has been absent without leave for three months.

(2) When the findings of a medical board show that he is physically incapacitated for further service; when it has been determined by the Department of the Army that the officer has become physically disqualified for further military service; or upon failure within a reasonable time to submit additional medical data upon which to base determination of physical qualification when such data is requested by the National Guard Bureau.

(3) When he is a member of the headquarters of a battalion or larger unit and that unit becomes so depleted that it no longer conforms to the prescribed recognition requirements. In such cases recognition of the commanding officer and his staff will be withdrawn six months after the date on which the unit became incomplete unless the condition is corrected prior to the expiration of that period.

(4) When the time limit of technical waiver expires and the officer has failed to complete the requirements prescribed therein and an examining board has not recommended a time extension or retirement of the waiver. The officer may at the discretion of the Secretary of the Army be retained in the Army Reserve in a position for which he may qualify.

(5) When an inspection conducted under the provisions of section 93, National Defense Act, as amended, shows that the individual is lacking in the required qualifications. In such cases, the Department of the Army acting through the Chief, National Guard Bureau, may summarily withdraw Federal recognition.

(6) When an efficiency board, appointed under the provisions of section 76, National Defense Act, as amended, finds an officer inefficient or unfit and these findings are approved by the Chief, National Guard Bureau.

(7) When the officer reaches the maximum age prescribed for his grade and assignment.

(8) In the case of a chaplain, when ecclesiastical indorsement is withdrawn by the church of his faith.

(9) In the case of an officer of the Medical or Dental Corps, when his license or right to practice his profession has been terminated by proper authority.

(10) In the case of an officer of the Judge Advocate General's Corps when by action of appropriate authorities the officer is refused the privilege of practicing law within any State or Federal court.

(11) When recognition is withdrawn from the unit to which the officer is assigned, except as provided in subparagraph (3) of this paragraph, unless he is transferred to an existing vacancy in a recognized unit or to the Inactive National Guard.

(12) When an officer is transferred from a position in which he is recognized to a position for which there is no provision for recognition.

(13) When the appointment of an officer is vacated under applicable State laws by action of State authorities.

(14) When The Adjutant General of the Army fails to appoint an officer as a Reserve commissioned officer of the Army within a reasonable time after Federal recognition has been granted, or when the officer fails to accept such an appointment within a reasonable time after same has been tendered him, as evidenced by failure to execute and return the required oath of office.

(15) When it has been determined by the Department of the Army that the officer is subversive or disloyal.

(16) When the officer's appointment as a Reserve commissioned officer of the Army is terminated.

(17) When the officer is convicted of a felony.

(18) When the officer accepts a commission in the Regular Army, or a regular or reserve component of the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service.

(19) When dismissed pursuant to a court-martial sentence.

(20) When an officer is placed on the Army of the United States Retired List under the provisions of Title III, Public Law 810, 80th Congress.

(21) Temporary Federal recognition will be automatically terminated at the end of six months, if permanent Federal recognition is not sooner granted, or if temporary Federal recognition is not sooner withdrawn due to final determination that the candidate fails to meet the requirements for permanent recognition. (See § 1101.3)

(22) When a student National Guard officer with less than three years' commissioned service, fails his basic branch course at a service school for disciplinary reasons, academic deficiencies, or deficiencies of leadership.

(23) When an officer on active duty is selected for permanent promotion and the State, Territory, Puerto Rico, or District of Columbia does not desire to promote him.

(24) When a second lieutenant is not promoted to the next higher grade on or prior to the date he completes three years of promotion service. Names of those second lieutenants who will not be promoted should be reported to the Chief, National Guard Bureau, at least 30 days in advance of the date each will complete three years of promotion service.

(25) When he has not been assigned to an appropriate TOE position vacancy or to the Inactive National Guard within a specified period following release from active duty as prescribed in § 1101.1.

[C 2, NGR 20, March 19, 1956; NGR 20-4, April 19, 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-5925; Filed, July 23, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1299]

[BLM-041500]

ARKANSAS AND MISSOURI

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH CONSTRUCTION, OPERATION, AND MAINTENANCE OF BULL SHOALS DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arkansas and Missouri are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction, operation, and maintenance of the Bull Shoals Dam and Reservoir Project, under the supervision of the Department of the Army as authorized by the Flood Control Act of August 18, 1941 (55 Stat. 638):

ARKANSAS

FIFTH PRINCIPAL MERIDIAN

Marion County

T. 20 N., R. 15 W., Right Bank of White River,
Sec. 7, SE¼NW¼.

T. 20 N., R. 15 W., Left Bank of White River,
Sec. 1, SW¼SW¼, NW¼SE¼;
Sec. 2, SW¼NE¼, NE¼SW¼, NW¼SE¼, S½S½;
Sec. 3, S½NW¼, NW¼SW¼, E½SE¼NE¼, E½NE¼SE¼;
Sec. 4, SE¼SE¼;
Sec. 5, NE¼NW¼, NW¼NE¼, S½SW¼, W½SE¼;
Sec. 7, SW¼NE¼;
Sec. 8, W½;
Sec. 9, S½NE¼, SE¼;
Sec. 10, NE¼NE¼, SW¼NE¼, SE¼SW¼;
Sec. 11, SW¼NE¼;
Sec. 13, SW¼NW¼;
Sec. 14, SW¼NW¼, W½SW¼, SE¼NE¼;
Sec. 18, Frac'l. NW¼NW¼;
Sec. 23, Frac'l. SE¼NE¼;
Sec. 24, S½NW¼, Frac'l. W½SE¼.

T. 21 N., R. 15 W., Left Bank of White River,
Sec. 22, S½SE¼SE¼;
Sec. 28, W½SE¼NE¼;
Sec. 29, NW¼SE¼;
Sec. 32, SE¼SW¼, W½SW¼SE¼;
Sec. 33, SW¼NW¼.

T. 20 N., R. 16 W., Right Bank of White River,
Sec. 2, Frac'l. N½;
Sec. 3, SW¼SE¼;
Sec. 6, SE¼SW¼, NE¼SE¼.

T. 20 N., R. 16 W., Left Bank of White River,
Sec. 4, NW¼SW¼;
Sec. 5, SW¼SE¼.

T. 21 N., R. 16 W., Right Bank of White River,
Sec. 28, SE¼NE¼;
Sec. 33, NW¼SW¼, W½NE¼SW¼, NW¼NW¼SE¼, W½W½NE¼, NE¼NE¼;
Sec. 34, Frac'l. NW¼.

T. 21 N., R. 16 W., Left Bank of White River,
Sec. 20, N½SW¼SE¼;
Sec. 21, S½SW¼NE¼;
Sec. 22, SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, N½NE¼SW¼, W½NW¼SW¼;
Sec. 27, N½NE¼NE¼, S½SE¼NE¼, NE¼SE¼, SE¼SE¼NW¼, S½SW¼NW¼;
Sec. 28, W½SE¼NE¼, E½SW¼NE¼, E½SE¼, W½NW¼NW¼, SW¼NW¼;
Sec. 29, NW¼NW¼;
Sec. 33, W½NE¼, N½SE¼, Frac'l. S½NW¼, Frac'l. SW¼;
Sec. 34, N½NW¼.

T. 20 N., R. 17 W., Right Bank of White River,
Sec. 1, SW¼SE¼;
Sec. 11, W½SW¼NE¼;
Sec. 12, NE¼NE¼.

T. 21 N., R. 17 W., Right Bank of White River,
Sec. 15, SE¼, SE¼NE¼;
Sec. 18, Frac'l. W½;
Sec. 20, NE¼NW¼, NE¼SW¼;
Sec. 21, SE¼NW¼, S½NW¼NE¼, N½SW¼NE¼;
Sec. 22, SW¼SW¼, SE¼NE¼;
Sec. 23, SW¼NW¼, NW¼SW¼;
Sec. 24, Frac'l. E½NW¼, Frac'l. W½NE¼;
Sec. 29, N½SW¼SE¼;
Sec. 30, S½N½NW¼, SW¼NW¼, N½SE¼NW¼.

T. 21 N., R. 17 W., Left Bank of White River,
Sec. 22, NW¼NW¼;
Sec. 23, Frac'l. west part of Frac'l. NW¼;
Sec. 28, Frac'l. NE¼;
Sec. 32, Frac'l. NE¼.

T. 21 N., R. 18 W., Right Bank of White River,
Sec. 25, N¼NE¼SW¼;
Sec. 34, W½NE¼NW¼.

Boone County

T. 21 N., R. 18 W., Left Bank of White River,
Sec. 23, SE¼ Frac'l. NE¼;
Sec. 24, S½NW¼NW¼.

T. 21 N., R. 19 W., Left Bank of White River,
Sec. 13, Frac'l. SE¼.

T. 21 N., R. 19 W., Right Bank of White River,
Sec. 11, Frac'l. SE¼ of Frac'l. SW¼, E½SW¼ of Frac'l. SW¼;
Sec. 14, Frac'l. NE¼ Frac'l. NE¼ Frac'l. NW¼, Frac'l. N½ of Frac'l. NE¼, N½SE¼ of Frac'l. NE¼.

Baxter County

T. 20 N., R. 14 W., Left Bank of White River,
Sec. 17, E½NE¼NE¼, NW¼SW¼;
Sec. 18, NW¼, N½SE¼.

The areas described aggregate 4,992.03 acres.

MISSOURI

FIFTH PRINCIPAL MERIDIAN

Ozark County

T. 21 N., R. 15 W.,
Sec. 8, Part E½ Left Bank of Little North Fork River;
Sec. 9, Lot 8 of NE¼.

Taney County

T. 22 N., R. 20 W.,
Sec. 10, NE¼ Left Bank of White River.

T. 23 N., R. 20 W.,
Sec. 25, Part SW¼ Right Bank of White River;
Sec. 36, Part NW¼ Right Bank of White River.

The areas described aggregate 54.89 acres.

This order shall be subject to existing withdrawals of the lands for power purposes.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 18, 1956.

[F. R. Doc. 56-5931; Filed, July 23, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 24]

REIMBURSEMENT OF COMPENSATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to authority contained in sections 161 and 251 of the Revised Statutes, sections 524 and 624 of the Tariff Act of 1930, as amended (5 U. S. C. 22, 19 U. S. C. 66, 1524, 1624), it is proposed to amend §§ 8.5 and 24.17, Customs Regulations (19 CFR 8.5 and 24.17), relating to examination of merchandise prior to entry and reimbursable customs services.

In the case of shipments in transit through the United States in bond to a foreign destination, applications are sometimes made by consignees or their agents in this country for permission to examine, sample, weigh, or perform other operations on the merchandise. Such examination, sampling, weighing, and so forth are usually not necessary to satisfy any United States Government requirement but are desired solely to enable the United States consignee or forwarder to check the shipment for his own purposes before it is allowed to proceed to its destination outside the United States.

In the past, the Bureau, in denying such applications for merchandise not covered by any entry for warehousing or for consumption, pointed out that the granting thereof, with the consequent necessity of having a customs officer or officers in attendance during the performance of the operation or operations, would neither serve any purpose for the collection or protection of the revenue of the United States nor further any purpose expressly authorized by law.

However, consignees or forwarders of such in-transit shipments have continued from time to time to make such application for various legitimate business reasons, such as for the purpose of verifying that the merchandise will meet the specifications of foreign buyers under contracts of sale to them. A special study of the problem has been made to see whether a more satisfactory solution can be reached for both the Government and the applicants.

The examination, sampling, weighing, or other processing of merchandise in transit through the United States would appear to be for the principal benefit and to serve the business interests of the consignee or forwarder of such merchandise. To a much lesser extent it would be of incidental benefit to the Government in its revenue protection function, particularly where loss or diversion occurs during the transportation requiring the collection of duty or liquidated damages, but such incidental benefit would not of itself warrant examination, sampling or other related operation on the Government's own initiative. Since the Government is authorized to permit such operations on merchandise in customs custody, but the performance of the operations would not be warranted solely for governmental purposes, the services of customs officers or employees required in connection with the supervision of any such operation with respect to merchandise in customs custody in transit should properly be charged to the consignee or forwarder making application to perform such operation. Accordingly, such applications may be granted provided the costs to the Government including the salary and expenses of customs officers or employees assigned to supervise are paid by the applicant. This would be in accord with the sense of the Congress as expressed in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140). Therefore it is proposed to amend the regulations as tentatively set forth below.

1. Section 8.5 is amended as follows:

a. Paragraph (a) is amended by inserting ", or unless permitted in accordance with paragraph (c) of this section" after "United States";

b. Paragraphs (c) and (d) are redesignated (d) and (e) and a new paragraph (c) is inserted reading as follows:

(c) Merchandise in bond in transit through the United States to a foreign country or other place outside the customs territory of the United States may, upon written application by the consignee, or his agent, be permitted by the collector to be examined, sampled, or weighed, or to be subjected to some other operation not constituting a manufacture, under the following conditions when the operation is not required for any Government purpose:

(1) The application is supported by a legitimate business reason for the request;

(2) If the merchandise is in possession of a carrier, the concurrence of the carrier is obtained; and

(3) The Government is reimbursed for the compensation, computed in accordance with § 19.5 (b) of this chapter, and other expenses of the customs officer or employee supervising the action permitted.

Merchandise shall be considered to be in transit through the United States under this paragraph when it is shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country or other place outside the United States; it is entered for direct export or for transportation and exportation without an entry for consumption or for warehousing being first made therefor; or it is entered for warehousing or for consumption and covered by a withdrawal or entry for direct export or for transportation and exportation.

2. Section 24.17 (a) is amended by adding a new subparagraph designated (10) reading as follows:

(10) When a customs officer or employee is assigned to supervise the examining, sampling, weighing, or other processing of merchandise in transit through the United States to a foreign country or other place in accordance with § 8.5 (c) of this chapter, the compensation and expenses of such officer or employee shall be reimbursed to the Government by the party in interest except when a warehouse proprietor is liable therefor.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 16, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-5947; Filed, July 23, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 191]

GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES

SPECIAL STIPULATION FOR LANDS WHERE SURFACE CONTROL IS UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE OR FOR LANDS IN RECLAMATION, OR POWER SITE WITHDRAWALS OR RESERVATIONS

Notice is hereby given that it is proposed to amend 43 CFR 191.6 as hereinafter set forth.

Interested parties may submit in triplicate written comments and suggestions with respect to this amendment to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication hereof in the FEDERAL REGISTER.

Dated: July 17, 1956.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

Section 191.6 is amended to read as follows:

§ 191.6 *Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation, or power site withdrawals or reservations.* Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on Form 4–216. Where the land has been withdrawn for reclamation purposes the offeror or applicant may be required to consent to the inclusion of a stipulation on Form 4–467 if the land is potentially irrigable, or Form 4–467 (a) if the land is within the flow limits of a reservoir site, or Form 4–467 (b) if the land is within the drainage area of a constructed reservoir, or if withdrawn for power purposes, Form 4–1223. Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

[F. R. Doc. 56-5933; Filed, July 23, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF DIAZINON

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Agricultural Chemicals, 89 Barclay Street, New York, New York, proposing the establishment of a tolerance of 1 part per million for residues of Diazinon (O,O-diethyl O-(2-isoproply-6-methyl-4-pyrimidinyl)) thiophosphate in or on the following raw agricultural commodities: Apples, cabbage, cherries, pears.

This petition was filed, withdrawn without prejudice to refiling, and is being refiled with certain amendments.

Analytical methods proposed for determining residues of Diazinon were cited in the original notice of filing published in the FEDERAL REGISTER February 23, 1956 (21 F. R. 1292).

The Food and Drug Administration advised the petitioner that the amended petition is not deemed acceptable for filing. In accordance with § 120.7 (d) of general regulations for setting tolerances and granting exemptions from tolerances (21 CFR 120.7 (d)), the petitioner requested that it be filed despite this objection.

Dated: July 17, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5930; Filed, July 23, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 249, 259, 274]

MONTHLY REPORTS OF CHANGES IN OWNERSHIP OF EQUITY SECURITIES, ETC.

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to the Instructions to Form 4 (§ 249.104) under the Securities Exchange Act of 1934. This form is used for the monthly reports of changes in the ownership of equity securities by the beneficial owners of more than 10 percent of any class of equity securities registered on a national securities exchange, and by officers and directors of the issuer of such securities. Similar changes are proposed for the comparable forms under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 (Forms U-17-2 and N-30F-2; §§ 259.217b and 274.203).

The purpose of the amendments is to provide for identification of purchases made through the exercise of options and private transactions.

The proposed amendment to Form 4 is in the form of a revision of Instruction 9 of the Instructions for the use of that form and reads as follows:

9. *Changes in ownership, character of.* If the transaction was effected otherwise than in the open market, this shall be so indicated by the words not open market.

If the transaction was with the issuer, it shall be so indicated.

If the securities were acquired by the exercise of an option from the issuer, it shall be so indicated and the exercise price per share stated.

If the transaction was other than a purchase or sale, it shall be so indicated; for example, gift, 5 percent stock dividend, etc., as the case may be.

All interested persons are requested to submit their views and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before August 31, 1956. Views and comments received will be made available for public inspection except in any case where it is requested that such views and comments not be disclosed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 17, 1956.

[F. R. Doc. 56-5941; Filed, July 23, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 16, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 013628, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as administrative sites, recreation areas and camp grounds in the Routt National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Gore Pass Campground:
T. 1 N., R. 82 W.,
Sec. 3: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 10: $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$.

Toponas Creek Campground:
T. 1 N., R. 83 W.,
Sec. 4: $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$.

Base Campground:
T. 5 N., R. 83 W., unsurveyed.
In approximate Section 1.
Beginning at corner #1, from which the west $\frac{1}{4}$ corner of Section 6, T. 5 N., R. 82 W., bears S. 28° E. a distance of 30 chains, due west 20 chains to corner #2, thence due north 20 chains to corner #3, thence due east 20 chains to corner #4 and thence due south 20 chains to corner #1, the point of beginning.

Walton Creek Campground:
T. 5 N., R. 83 W., unsurveyed.
In approximate Sections 22 and 23.
Beginning at corner #1, from which U. S. Bureau of Public Roads Station Number 420 on U. S. Highway #40 bears due south 5 chains, due east 30 chains to corner #2, thence south 20 chains to corner #3, thence due west 30 chains to corner #4 and thence due north 20 chains to corner #1, the point of beginning.

Walton Mountain Radio Repeater Station Administrative Site:
T. 5 N., R. 83 W., unsurveyed.
In approximate Sections 27 and 34.
Beginning at corner #1, from which the northeast corner of the building housing the radio equipment on the top of the peak bears S. 45° W. a distance of 14 chains, due south 20 chains to corner #2, thence due west 20 chains to corner #3, thence due north 20 chains to corner #4 and thence due east 20 chains to corner #1, the point of beginning.

Lake Dinosaur Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate Section 10.
Beginning at corner #1, from which the junction of the stream leaving Lake Dinosaur and Buffalo Creek bears N. 56° W. a distance of 37 chains, due east 40 chains to corner #2, thence due south 20 chains to corner #3, thence due west 40 chains to corner #4 and thence due north 20 chains to corner #1, the point of beginning.

Fish Creek Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate Sections 15 and 16.
Beginning at corner #1, from which the outlet pipe on Fish Creek Reservoir bears S. 20° E. a distance of 36 chains, due east 67 chains to corner #2, thence due south 61 chains to corner #3, thence due west 67 chains to corner #4 and thence due north 61 chains to corner #1, the point of beginning.

Long Lake Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate Sections 22 and 23.
Beginning at corner #1, from which the outlet of the Long Lake dam bears S. 45° E. a distance of 10 chains, due east 50 chains to corner #2, thence due south 25 chains to corner #3, thence due west 50 chains to corner #4 and thence due north 25 chains to corner #1, the point of beginning.

Round Lake-Lake Percy Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate section 24.
Beginning at corner #1, which is the west $\frac{1}{4}$ corner of Section 19, T. 6 N., R. 82 W., due south 35 chains to corner #2, thence due west 50 chains to corner #3, thence due north 35 chains to corner #4 and thence due east 50 chains to corner #1, the point of beginning.

Lake Elmo Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate Section 25.
Beginning at corner #1, from which the SW. corner of Section 19, T. 6 N., R. 82 W., bears N. 69° E. a distance of 27 chains, due south 25 chains to corner #2, thence due west 25 chains to corner #3, thence due west 25 chains to corner #4 and thence due east 25 chains to corner #1, the point of beginning.

Fishhook Lake Recreation Area:
T. 6 N., R. 83 W., unsurveyed.
In approximate Section 26.
Beginning at corner #1, from which the west $\frac{1}{4}$ corner of Section 31, T. 6 N., R. 82 W., bears due east a distance of 20 chains, due west 20 chains to corner #2, thence due north 30 chains to corner #3, thence due east 20 chains to corner #4 and thence due south 30 chains to corner #1, the point of beginning.

Summit Lake Recreation Area:
T. 7 N., R. 83 W., unsurveyed.
In approximate Section 26.
Beginning at corner #1, from which the southwest corner of Section 30, T. 7 N., R. 82 W., bears S. 85° E. a distance of 114 chains, due west 20 chains to corner #2, thence due north 20 chains to corner #3, thence due east to corner #4 and thence due south 20 chains to corner #1, the point of beginning.

Big Creek Lakes (Hahns Peak) Recreation Area:
T. 8 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of lower Big Creek Lake bears S. 56° 30' E. a distance of 396 feet, due east 1,287 feet to corner #2, thence due south 1,353 feet to corner #3, thence due west 1,287 feet to corner #4 and thence due north 1,353 feet to corner #1, the point of beginning.

Wolverine Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Wolverine Lake bears S. 69° E. a distance of 495 feet, due east 1,188 feet to corner #2, thence due south 1,089 feet to corner #3, thence due west 1,188 feet to corner #4 and thence due north 1,089 feet to corner #1, the point of beginning.

Beaver Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Beaver Lake bears S. 55° 30' W. a distance of 396 feet, due west 1,402 feet to corner #2, thence due south 1,254 feet to corner #3, thence due east 1,402 feet to corner #4 and thence due north 1,254 feet to corner #1, the point of beginning.

Pristine Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Pristine Lake bears S. 54° 30' E. a distance of 561 feet, due east 842 feet to corner #2, thence due south 1,485 feet to corner #3, thence due west 842 feet to corner #4 and thence due north 1,485 feet to corner #1, the point of beginning.

Ptarmigan Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Ptarmigan Lake bears S. 84° W. a distance of 380 feet, due west 776 feet to corner #2, thence due south 693 feet to corner #3, thence due east 776 feet to corner #4 and thence due north 693 feet to corner #1, the point of beginning.

Dome Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Dome Lake bears S. 69° W., a distance of 627 feet, due west 1,634 feet to corner #2, thence due south 1,584 feet to corner #3, thence due east 1,634 feet to corner #4 and thence due north 1,584 feet to corner #1, the point of beginning.

Three Island Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which a rock cairn monument at northeast corner of rock slide area bears N. 27° E. a distance of 1,617 feet, S. 18° W. 1,304 feet to corner #2, thence S. 36° E. 1,864 feet to corner #3, thence N. 78° E. 2,426 feet to corner #4, thence N. 4° W. 2,128 feet to corner #5 and thence N. 84° W. 2,615 feet to corner #1, the point of beginning.

North Lake Recreation Area:
T. 9 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the inlet of North Lake bears S. 60° W. a distance of 346 feet, due west 1,023 feet to corner #2, thence due south 858 feet to corner #3, thence due east 1,023 feet to corner #4 and thence due north 858 feet to corner #1, the point of beginning.

Gold Lake Recreation Area:
T. 10 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Gold Lake bears N. 30° E. a distance of 808 feet, N. 15° W. 1,188 feet to corner #2, thence N. 75° 30' E. 2,311 feet to corner #3, thence S. 14° W. 1,303 feet to corner #4, and thence S. 74° W. 1,551 feet to corner #1, the point of beginning.

Mica Lake Recreation Area:
T. 10 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Mica Lake bears N. 45° E. a distance of 627 feet, due north 1,172 feet to corner #2, thence due east 1,485 feet to corner #3, thence due south 1,172 feet to corner #4 and thence due west 1,485 feet to corner #1, the point of beginning.

Gilpin Lake Recreation Area:
T. 10 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which a scribed rock adjacent to trail at the top of the grade bears S. 81° 30' E. a distance of 1,172 feet, N. 56° E. 1,716 feet to corner #2, thence N. 4° E. 2,442 feet to corner #3, thence S. 67° W. 2,797 feet to corner #4 and thence S. 23° E. 2,558 feet to corner #1, the point of beginning.

Gem Lake Recreation Area:
T. 11 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Gem Lake bears N. 42° W. a distance of 726 feet, due north 924 feet to corner #2, thence due west 1,716 feet to corner #3, thence due south 924 feet to corner #4 and thence due east 1,716 feet to corner #1, the point of beginning.

Lake Diana Recreation Area:
T. 11 N., R. 83 W., unsurveyed.
Beginning at corner #1, from which the outlet of Lake Diana bears S. 61° E. a distance of 1,089 feet, due east 1,848 feet to corner #2, thence due south 1,320 feet to corner #3, thence due west 1,848 feet to corner #4 and thence due north 1,320 feet to corner #1, the point of beginning.

Manzanares Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 9: $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$.

West Fork Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 13: $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 14: $SE\frac{1}{4}SE\frac{1}{4}$.

Sanchez Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 25: $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$.

Total area, 2,054.5 acres, more or less.

MAX CAPLAN, *State Supervisor.*

[F. R. Doc. 56-5932; Filed, July 23, 1956; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-29]

YANKEE ATOMIC ELECTRIC CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on July 9, 1956, Yankee Atomic Electric Company, Boston, Massachusetts, filed an application under section 104b of the Atomic Energy Act of 1954 for a license to construct, possess and operate a pressurized water type nuclear reactor designed to operate at 134,000 kw and to be located at a site on the Deerfield River, near Rowe, Massachusetts.

Dated at Washington, D. C., this 18th day of July 1956.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Civilian Application.*

[F. R. Doc. 56-5926; Filed, July 23, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 56M-690]

PERRY COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones d/b as Perry County Broadcasting Company, Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

The Hearing Examiner having under consideration a continuance of this proceeding;

It appearing that this hearing was continued heretofore owing to circumstances which will not be resolved until final action has been taken on certain pleadings now pending before the Commission and that there has been no change in these circumstances;

It is ordered, This 16th day of July 1956, that the hearing now scheduled for July 27, 1956, is continued to September 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS, *Secretary.*

[SEAL]

[F. R. Doc. 56-5954; Filed, July 23, 1956; 8:51 a. m.]

[Docket Nos. 11565, 11566; FCC 56M-680]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER AFTER SECOND PREHEARING CONFERENCE

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

Appearances. Mr. Leonard H. Marks of Washington, D. C., on behalf of Rollins Broadcasting of Delaware, Inc.; Mr. Lucien Hilmer of Washington, D. C., on behalf of Franklin Broadcasting Company; and Mr. Richard E. Ely of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A second prehearing conference was held on June 27, 1956, in which the participants were represented by counsel as shown in the statement of appearances above. The transcript of the proceedings, being Volume 3, pages 63-105, is made a part of the record; the actions taken and the determinations made at the conference are set out herein. The actions taken at the first prehearing conference on May 17, 1956, were set out in an order dated May 18 and released May 21. Intervening changes in the nature of the proceeding as hereinafter stated required some modifications of the first pre-trial order.

2. In order to conform the statements of the first pre-trial order to the record facts, the first sentence of paragraph 4 thereof is amended as follows: "The originally stated issue 4 directed inquiry regarding the possibility that the antenna system proposed by Franklin Broadcasting Company would constitute a hazard to air navigation."

3. Pursuant to the first pre-trial order, as amended on June 19, 1956, and pursuant to § 1.841 (a) of the Commission's rules, the applicants, on or prior to Monday, June 25, 1956, effected the exchange of their direct affirmative case exhibits on engineering matters, and on or before June 13, 1956, they exchanged their direct affirmative case exhibits upon the non-engineering matters contemplated by the issues which were then specified and unresolved, i. e., issues 3 and 10 (a), (b), and (c).[1]

4. On June 15, 1956, the Commission released an order enlarging the issues in this proceeding so as to include the following:

8. To determine whether Rollins Broadcasting of Delaware, Inc. has made or will be able to make arrangements to obtain and use the site specified in its application.

On the same date the Commission also released a "Memorandum and Order" in which, among other actions, the Commission added another issue as follows:

7. To determine the circumstances surrounding the filing of the application by Franklin Broadcasting Company for Philadelphia, Pennsylvania, in which a site near 61st Street and Passyunk Avenue was specified, and in light of these circumstances, whether the applicant has acted in good faith.

The foregoing Commission actions required that the dates for procedural matters specified into the first pre-trial order be changed as set out in the Hearing Examiner's order dated June 19, 1956.

5. Pursuant to paragraph 6 of the first pre-trial order and § 1.841 (e) of the Commission's rules, each applicant had requested of the other certain additional information, as specified below, which had not been supplied in full. It was ordered on the record at the second prehearing conference that each applicant shall provide to the other applicant and

[1] For purposes of convenience, all designated issues are set forth below.

to Bureau counsel supplemental information as follows:

a. Franklin shall provide by June 29 a complete explanation of all operating expense increases proposed on account of the standard broadcast operation here proposed, such increases being shown in gross as:

(1) $570 in the technical department;
(2) $120 in the program department;
(3) $150 in the sales department; and
(4) $505 general administrative expenses.

b. Rollins shall provide, on or before July 6, 1956:

(1) A full statement of facts about all direct and indirect radio broadcast interests now or heretofore held by Rollins principals;

(2) Program logs for the 1955 composite week of all radio broadcasting stations controlled by Rollins during that year, together with such statistical analyses of the composite week programs as the station licensee has made;

(3) Program logs for the week commencing June 3, 1956, of all stations acquired by Rollins in 1955 or 1956; and

(4) Program logs of Station WNJR for May 9 and 10 and June 9, 1956.

Counsel for Franklin objected to the requirement that the information in subparagraph a above be supplied. Counsel for Rollins had agreed to supply the information specified in subparagraphs b (1) and (4) above, and did not specifically except (although exception obtains) to the requirement that information items b (2) and (3) be supplied. It was determined that any party may timely petition for enlargement of the issues relating to availability of funds (see below) on or before July 6, 1956.

6. Direct affirmative case evidence under issues 7 and 8 will be offered by the applicants, in addition to the written case exhibits heretofore exchanged. Counsel for the applicants and the Hearing Examiner agreed that it would be desirable to present some or all of the evidence under those issues through the oral testimony of the witnesses. However, it was pointed out that § 1.841 of the Commission's rules requires in this comparative proceeding that direct affirmative evidence in chief be submitted in the written form there specified. Accordingly, and subject to the cross-examination and rebuttal procedures permitted, the direct affirmative case exhibits under issues 7 and 8 shall be exchanged, with copies provided for Bureau counsel and for the Hearing Examiner, on or before Monday, July 16, 1956. It was determined that no ascertainable need exists for a further prehearing conference after the additional exhibit exchange herein provided for, and that a suitable date for the commencement of the hearing is Thursday, July 26, 1956. The possibility was recognized that some witnesses may not be available at that time, and that provision for a further hearing might have to be made on that account. At the conference the attorneys for the applicants exchanged information regarding certain witnesses who would be available and called for cross-examination; the details of that information were not stated with sufficient particularity and formality to warrant further delineation here.

It is ordered, This 12th day of July 1956, that, unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding, and that the hearing of evidence shall be commenced on Thursday, July 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

ORDER AFTER SECOND PREHEARING CONFERENCE DOCKETS 11565 AND 11566

The issues as finally stated in the Commission's orders are as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposals of Rollins Broadcasting of Delaware, Inc., and Franklin Broadcasting Company would provide satisfactory service to the city sought to be served as recommended by the Commission Standards of Good Engineering Practice.

3. To determine whether a grant of the application of Rollins Broadcasting of Delaware, Inc. would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

4. To determine whether the antenna system proposed by the Franklin Broadcasting Company would constitute a hazard to air navigation.

5. To determine whether the operations proposed by Miners Broadcasting Service, Inc., Rollins Broadcasting of Delaware, Inc., and the Franklin Broadcasting Company would involve objectionable interference with Station WJWL, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in light of Issue 5 whether, because of the interference received from Station WJWL, the proposal of Miners Broadcasting Service, Inc., would comply with the provisions of § 3.28 (c) of the Commission's rules.

7. To determine the circumstances surrounding the filing of the application by Franklin Broadcasting Company for Philadelphia, Pennsylvania, in which a site near 61st Street and Passyunk Avenue was specified, and in light of these circumstances, whether the applicant has acted in good faith.

8. To determine whether Rollins Broadcasting of Delaware, Inc., has made or will be able to make arrangements to obtain and use the site specified in its application.

9. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, on a comparative basis, which of the stations proposed in the above-entitled applications of Miners Broadcasting Service, Inc.; Rollins Broadcasting of Delaware, Inc.; and Franklin Broadcasting Company would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

The Commission's order further provided: That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

[F. R. Doc. 56-5955; Filed, July 23, 1956; 8:51 a. m.]

[Docket No. 11634, 11635; FCC 56M-669]

STEPHENVILLE BROADCASTING CO. AND OSAGE BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AFTER FIRST PREHEARING CONFERENCE

In re applications of Galen O. Gilbert and J. R. Kincaid d/b as Stephenville Broadcasting Company, Tahlequah, Oklahoma, Docket No. 11634, File No. BP-9978; John M. Mahoney and John Q. Adams d/b as Osage Broadcasting Company, Bartlesville, Oklahoma, Docket No. 11635, File No. BP-10096; for construction permits.

Appearances. The parties were represented by counsel as follows: Mr. Russell Rowell of Washington, D. C., on behalf of Stephenville Broadcasting Company; Mr. John Q. Adams of Vinita, Oklahoma, on behalf of Osage Broadcasting Company; Mr. William C. Koplovitz of Washington, D. C., on behalf of Radio Station KFH Company; and Mr. Richard E. Ely of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission. The named party, Bartlesville Broadcasting Company (KWON), was not represented by counsel, but the corporation's president appeared and participated in the conference without objection by any other party.

1. Pursuant to Hearing Examiner's order dated June 5, 1956, and in accordance with §§ 1.813 and 1.841 of the Commission's rules, a prehearing conference was held on June 19, 1956, at which the

parties were present and represented as indicated in the statement of appearances above. The transcript of the prehearing conference, being Volume 1, pages 1-62, is made a part of the record; the matters discussed and the determinations and agreements that were made in the conference are set out herein.

2. The attorneys for all participants, except for Osage and Bureau, complied with the requirements of § 1.716 of the Commission's rules governing the filing of statements of appearance; the attorney for Osage stated his intention to comply forthwith and, there being no objection, he was then permitted to participate fully in the conference; Bureau counsel stated the view that the requirements of § 1.716 do not apply to attorneys for the Chief of the Broadcast Bureau and no objection to his full participation was interposed. KWON participated, without objection, through its corporate president pursuant to § 1.711 of the Commission's rules.

3. The Commission's order of designation stated these five issues for inquiry at the hearing:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the Osage Broadcasting Company would cause objectionable interference to Station KFH, Wichita, Kans. or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the application of the Osage Broadcasting Company would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

The areas of permissible evidence at the hearing were discussed at great length, particularly in relation to evidence upon the program services,

a. Proposed by each applicant,

b. Currently rendered by existing stations in the proposed service areas,

c. Currently rendered by other stations in the proposed area of interference with Station KFH,

d. Currently rendered in the area of overlap between the Osage proposal and Station KVIN, which is owned by the Osage principals, and

e. Currently rendered by KWON in Bartlesville.

4. The conference discussions of programming evidence considered the Court and Commission opinions in Federal Communications Commission v. Allentown Broadcasting Corp., 75 Sup. Ct. 855, 12 RR 2019 (6-6-55); Easton Publishing Co. v. Federal Communications Commission, 175 F. 2d 344, 4 RR 2147 (5-4-49); Democrat Printing Company v. Federal Communications Commission, 202 F. 2d 298, 7 RR 2138 (6-12-52); The Elm City Broadcasting Corporation v. Federal Communications Commission, 13 RR 2199 (6-14-56); North Shore Broadcasting Company, Inc., 8 RR 671 (5-26-53); Colorado City Broadcasting Co. (KVMC), 11 RR 927 (2-2-56); and Courier-Times, Inc., FCC 56-535 (6-15-56). Another Commission order in Courier-Times, Inc., FCC 56-534 (6-15-56), was not received by this Hearing Examiner (nor apparently by any other conference participant) until after the prehearing conference was concluded. The following determinations and rulings were stated on the record and are now declared to be the evidentiary procedures to be followed: [1]

a. The issues do not permit either applicant to show, for purposes of comparative evaluation, the type and character of program service which it proposes to render except that:

b. Under Issue No. 3 evidence may be presented upon the Osage proposed and existing (KVIN) program service in the overlap (duopoly) area, but such evidence, if any, will be considered only under Issue No. 3 and not for other purposes of comparative consideration;

c. No party may present evidence upon the type and character of program service now available or to be available in the area of interference with KFH, if any;

d. KWON may not introduce evidence upon the type and character of its past or present program service, or the relationship between its programs and the broadcast needs in the Bartlesville community.

5. The applicants herein were not prepared to stipulate or to agree—and it cannot now be decided—that the decision in this case will rest solely upon the section 307 (b) Issue No. 4. Discussion of this issue, without benefit of the second Courier-Times order above cited, led to the determination that evidence upon the social, economic and cultural characteristics of the communities to be served would not be received or considered, the admissible evidence being limited to that which may be properly received under Issues 1 and 4, i. e., (a) the areas and populations to be served, (b) the communities and populations in those areas, (c) the identifications and locations and facilities of other broadcast stations which are located in, or provide primary broadcast service to, such areas and populations. Counsel for Stephenville expressed disagreement with the above ruling and urged that under Issue No. 4, "it would be proper • • • to bring in, some qualitative data and quantitative data descriptive of the two competing communities • • • and a listing of activities of various types in those communities • • •". The Hearing Examiner invited counsel to present and preserve the question by offering proof and precedents and arguments at the hearing and further stated, "• • • the difficulty I have is in building an assumption that a need for service exists upon a portrayal of some of the characteristics of the community." Manifestly, the extent to which such inferred broadcast needs are met by KWON or other stations cannot be fairly assumed for purposes of comparative consideration of the proposals here. Additional precedent, not available at the conference, was provided by the second Courier-Times order, FCC 56-534, which is discussed below.

6. In a prehearing conference in the Courier-Times case, which involved both interference and section 307 (b) issues, the Hearing Examiner had ruled that the scope of the evidence must be limited substantially as indicated above in this order. This Hearing Examiner is not persuaded that the Courier-Times order requires a modification of the rulings above stated. The applicants are entitled to a fair comparison of the respective needs of the communities to be served, but the comparison must be made within the limits imposed by the issues. That evidence of existing or proposed program service is inadmissible was reaffirmed in the Courier-Times order now discussed. It was said in Courier-Times that, "under certain circumstances and relating to a particular need", facts about "the character of the areas to be served as evidenced by the organizations and institutions and major occupations in the areas would assist in a determination under § 3.24 of the Commission's rules whether the need for the proposed service outweighs the need for the service which will be lost by interference;". The order noted but did not sustain Bureau's argument that such evidence is relevant under section 307 (b). The Hearing Examiner does not here perceive the certain circumstances or par-

[1] Neither the parties nor the Hearing Examiner were satisfied with the determinations made as stated above. Bureau counsel generally agreed with the exclusions of programming evidence, except as to KWON, and expressed doubt as to the admissibility of such evidence under the duopoly Issue No. 3. Counsel for Stephenville felt that a stipulation upon the noncomparative values of programming evidence might be desirable, thus limiting the area of comparison to the "needs of the communities"; however, since evidence of programming is not admissible under the Commission's interpretations of the issues, it follows that a stipulation concerning evidence in that area is not proper. Counsel for KFH questioned the correctness of undertaking to determine the respective needs of the communities and pertinent areas of interference and overlap without evidence to show whether the proposed services will supplement or duplicate what is already being offered in fulfillment of proved or assumed broadcast service needs; it was pointed out that the cited Easton Publishing and Democrat Printing cases were construed, in the North Shore, Colorado City and Courier-Times cases, as not requiring such evidence and that it is not permitted by the issues here. The parties have not assumed the burden of seeking from the Commission enlargement of the issues; that step cannot be taken here. KWON would like to oppose the Osage application by showing that it is meeting the radio broadcast needs of Bartlesville, and that the local economy cannot support two stations so that a grant to Osage would injure KWON economically and "restrict its present public service, day and night, to the community"; notwithstanding the cited Elm City decision, the Hearing Examiner must follow the Commission's holdings that the issues do not permit evidence along these lines.

ticular need that might warrant allowing Osage to present such evidence in relation to the possible interference with KFH; Stephenville, which does not interfere with KFH or any other station, may not make such a showing upon the characteristics of its area. Because the communities' program services, existing and proposed, cannot be proved under the issues it is not possible fairly or reasonably to weigh comparatively what are the program service needs of those communities. Ultimate findings of decisional significance in this comparative proceeding cannot be rested upon inferences of needs—qualified or not by speculative inferences of partial fulfillment—which may be drawn from factual descriptions of the areas' interests and activities in organizations, institutions, occupations, civic clubs, schools, colleges, churches, sports, recreations, etc.[2]

7. Each applicant shall exchange its direct affirmative case exhibits as contemplated by § 1.841 of the Commission's rules in the manner hereinafter specified, so as to be received by all parties on or before Monday, July 16, 1956. Prior to the above exhibit exchange procedure, and on or before July 5, each applicant shall notify to all other parties the exhibits upon engineering matters, in tentative or draft form, in order to permit informal conferences by mail upon engineering matters before the preparation of the final exhibits. The intermediate informal exchange procedure is found expedient because the parties and their respective engineers are variously located in Oklahoma, Texas, and Washington, D. C. The intermediate and final exhibit exchanges between the applicants shall be accomplished as follows:

a. On behalf of Stephenville, by delivering duplicate copies: one to Osage at Vinita, Oklahoma; and one to the Osage engineer, J. G. Rountree, 5622 Dyer Street, Dallas 6, Texas;

b. On behalf of Osage, by transmitting triplicate copies: one to Galen O. Gilbert, P. O. Box 102, Stephenville, Texas; one to Stephenville's engineer, Guy C. Hutcheson, 1100 Abrams Street, Arlington, Texas; and one to Stephenville's counsel, Russell Rowell, 1023 Munsey Building, Washington, D. C.; and

c. The non-applicant parties shall be provided with copies of the interim and final exhibits within the time hereinabove set.

A further prehearing conference shall be conducted at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on Thursday, July 19, 1956. At or before the time of the prehearing conference each party shall notify to the other parties the names and identities of such witnesses, if any, as they desire to cross-examine at the hearing. The hearing of evidence shall be commenced at 10:00 a. m. on Monday, July 23, 1956.

It is ordered, This 9th day of July 1956, that, unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding; and

It is further ordered, That for appeal purposes the effective date of this order shall be the release date indicated below.

Released: July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5956; Filed, July 23, 1956; 8:51 a. m.]

[Docket No. 11711, 11712; FCC 56 M-693]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER CONTINUING HEARING

In re application of Al H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP-9969; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP-10195; for construction permits.

The Hearing Examiner having under consideration the matter of specifying a schedule for the exchange of exhibits and other matters;

It appearing that an informal prehearing conference was held and attended by all the parties on June 13, 1956, pursuant to § 1.813 of the Commission's rules, at which time a schedule for the exchange of exhibits, for a second prehearing conference, and for the commencement of hearing was discussed; and

It further appearing that the hearing is currently scheduled to commence on July 30, 1956 but that good cause exists for continuing this to a date in September; and

It further appearing that the schedule now approved by the Hearing Examiner is as follows: Exhibits in the affirmative cases will be exchanged on August 24, a second prehearing conference will be held on September 4, and the hearing will commence on September 11, 1956;

It is ordered, This 16th day of July 1956, that the hearing is continued from July 30 to September 11, 1956, and that the foregoing schedule will be observed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5957; Filed, July 23, 1956; 8:52 a. m.]

[Docket No. 11741; FCC 56M-697]

CLAREMORE BROADCASTING CO.

NOTICE OF PRE-HEARING CONFERENCE

In re application of Robert I. Hartley, tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP-10306; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Wednesday, August 1, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of Section 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This 18th day of July 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5958; Filed, July 23, 1956; 8:52 a. m.]

[Docket No. 11742; FCC 56M-700]

WGLI, INC.

STATEMENT AND ORDER GOVERNING HEARING

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

Appearances. Alfred C. Cordon, Jr., on behalf of WGLI, Incorporated, applicant; Leonard H. Marks, on behalf of WOV Broadcasting Corp. (WOV), party respondent; and Earl C. Walck, on behalf of the Broadcast Bureau.

Pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on July 18, 1956. Agreements among the parties, as set forth in the transcript of the pre-hearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon; and accordingly,

It is ordered, This 18th day of July 1956, that the drafts of the proposed engineering exhibits of the applicant will be furnished to counsel for the respondent and for the Broadcast Bureau on or before August 15, 1956, and the completed exhibits will be furnished to the same counsel on or before September 14, 1956.

It is further ordered, That, pursuant to agreement reached during the pre-hearing conference, the hearing in this proceeding be and it is hereby continued from September 13, 1956, to September 28, 1956, at 10 a. m., in Washington, D. C.

Released: July 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5959; Filed, July 23, 1956; 8:52 a. m.]

[Docket No. 11760; FCC 56M-699]

KTAR BROADCASTING CO. (KVAR)

NOTICE OF PRE-HEARING CONFERENCE

In re application of KTAR Broadcasting Company (KVAR), Mesa, Arizona, Docket No. 11760, File No. BMLCT-33; for modification of license to change main studio location to Phoenix, Arizona.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held in the offices of this Commission at 10:00 o'clock a. m., on Wednesday, September 12, 1956.

Adopted: July 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5960; Filed, July 23, 1956; 8:52 a. m.]

[Docket No. 11765; FCC 56M-696]

BABYLON-BAY SHORE BROADCASTING CORP.

NOTICE OF PRE-HEARING CONFERENCE

In re application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, July 31, 1956, beginning at 2:00 p. m. in the offices of the Commission Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 18th day of July 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5961; Filed, July 23, 1956; 8:52 a. m.]

[Mexican Change List 192]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JUNE 9, 1956.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call Letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		970 kilocycles				
XEOW	Mazatlan, Sinaloa (new)	1 kw D/250 w N	ND	U	IV	Dec. 9, 1956
		1010 kilocycles				
XEIA	Todos Santos, Baja California (Territory north) (delete assignment).	250w	ND	D	II	May 17, 1956
		1120 kilocycles				
XETR	Ciudad Valles, San Luis Potosi (delete assignment—vide 1360 kc).	1 kw	ND	D	II	Dec. 9, 1956
		1270 kilocycles				
XEJJ	Jalapa, Veracruz (delete assignment—vide 1550 kc).					Do.
XEZU	Zacapu, Michoacan (increase daytime power).	1 kw D/250 w N	ND	U	IV	Aug. 9, 1956
XEJQ	San Luis Rio Colorado, Sonora (new)	250 w D	ND	D	IV	Dec. 9, 1956
		1340 kilocycles				
XEKH	Ciudad del Carmen, Campeche (new)	250 w	ND	U	IV	Do.
		1360 kilocycles				
XETR	Ciudad Valles, San Luis Potosi (new)	5 kw	ND	D	III	Do.
XEOW	Mazatlan, Sinaloa (delete assignment—vide 970 kc).	*1420 kilocycles*				Do.
		1450 kilocycles				
XESD	Huatabampo, Sonora (new)	1 kw D/250 w N	ND	U	IV	Do.
XEKG	Chilpancingo, Guerrero (new)	1 kw D/250 w N	ND	U	IV	Do.
XEJL	Minatitlan, Veracruz (new)	250 w	ND	U	IV	Do.
		1490 kilocycles				
XEED	Ameca, Jalisco (new)	250 w	ND	U	IV	Do.
XEJV	Huetamo, Michoacan (new)	250 w	ND	U	IV	Do.
		1510 kilocycles				
XEKI	Villa de Seris, Sonora (new)	250 w D	ND	D	II	Do.
		1550 kilocycles				
XEJJ	Jalapa, Veracruz (immediately with 250 watts, U) (new).	50 kw	DA-N	U	I-B	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5962; Filed, July 23, 1956; 8:52 a. m.]

[Cuban Change List 4]

CUBAN RADIO STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 3, 1956.

Notification of new Cuban radio stations, and of changes, modification, and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		950 kilocycles				
CMDJ	Guantanamo, Oriente	0.25	ND	U	IV	Assignment of call letters.
		1350 kilocycles				
CMKY	Puerto Padre, Oriente (PO: 0.1 kw) (vide: 1340 kc NARBA).	0.25	ND	U	IV	Increase power.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-5963; Filed, July 23, 1956; 8:52 a. m.]

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[2] The scope of the evidence to be received under the issues in this case is that which the Commission's interpretations of its issues permit. The Hearing Examiner's disposition to allow proof of program service—although ultimately found to be necessary—was held in North Shore to be an enlargement of the issues and thus an invasion of the Commission's exclusive jurisdiction. Whether the parties might now or hereafter successfully seek enlargement of the issues is a doubtful question in view of the Commission's ruling in North Shore and in Sevier Valley Broadcasting Co. (KSVC), 7 RR 257, 259 (5-8-51). This Hearing Examiner's opinion is that broader inquiries ought to be permitted in order to ascertain which if either proposal here to be considered would better serve the public interest, convenience and necessity. The fact that enlargement of the issues has not been sought does not dispel the doubt that the parties to this proceeding will have been afforded the fair, full and complete hearing to which they are entitled under Section 309 of the Communications Act and the opinions of the Courts in the Easton Publishing, Democrat Printing, and Elm City cases cited above, as well as in Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 9 RR 2008 (3-25-40).

FEDERAL POWER COMMISSION

[Docket No. E-6694]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING PURCHASE

JULY 17, 1956.

Take notice that on July 12, 1956, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The Washington Water Power Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Washington and doing business in the States of Washington, Idaho and Montana, with its principal business office at Spokane, Washington, seeking an order authorizing Applicant to purchase the electric distribution property, more fully described below, from The Bunker Hill Company (hereinafter called "Bunker") located in Shoshone County, Washington. Applicant proposes to purchase the properties of Bunker's Light House system located in the State of Idaho comprising all of the electric operating facilities in said system. Said facilities are presently devoted to the sale and distribution of electric energy to the public in the Towns of Kellogg, Wardner and Smelterville and the rural territory immediately adjacent thereto, all in Shoshone County, Idaho. Bunker also owns and operates certain electric facilities used by it to distribute electric power and energy in use of its mining, milling, smelting and refining of ores. The latter facilities will continue to be owned and operated by Bunker and will specifically be excluded from the application. The purchase price to be paid by Applicant, the application states, will be $805,000 subject to certain adjustments as of the date of closing.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 2d day of August 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5934; Filed, July 23, 1956; 8:47 a. m.]

[Docket No. G-2808 etc.]

MCCONNELL DRILLING CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas field; and Purchaser

G-2808; McConnell Drilling Corporation and O. J. Lilly, Dallas, Tex.; 9-17-54; Gallegos Canyon, San Juan County, N. Mex.; El Paso Natural Gas Company.

G-2810; Byrd Oil Corporation and Aero Engineering, Inc., Dallas, Tex.; 9-17-54; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Co., Winnsboro, Wood County, Tex.; Lone Star Gas Company Kute Canyon, San Juan County, N. Mex.; El Paso Natural Gas Company, Keystone, Winkler County, Tex.; Sid Richardson Gasoline Corporation.

G-3674; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Benedum-Spraberry, Upton County, Tex.; Plymouth Oil Company.

G-3675; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Benedum-Spraberry, Upton County, Tex.; Texas Natural Gasoline Corporation.

G-3676; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Slaughter, Cochran County, Tex.; Stanolind Oil & Gas Company et al.

G-3677; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Spraberry Trend, Glasscock and Reagan Counties, Tex.; Phillips Petroleum Company.

G-3678; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Spraberry Trend, Reagan County, Tex.; Phillips Petroleum Co.

G-3681; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Spraberry Trend, Reagan County, Tex.; Texas Gas Products Corporation.

G-3682; Blackwood & Nichols Company, Oklahoma City, Okla.; 9-29-54; Spraberry Trend, Reagan County, Tex.; Texas Gas Products Corporation.

G-4609; White Eagle Oil Company, Tulsa, Okla.; 10-29-54, amended 9-15-55; Hugoton, Haskell, Finney, Kearny and Seward Counties, Kans.; Colorado Interstate Gas Company.

G-4009; Jay Simmons, Dallas, Tex.; 10-4-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company West Edmond, Oklahoma County, Okla.; Phillips Petroleum Co., West Edmond, Oklahoma County, Okla.; Continental Oil Company.

G-4118; Robert B. Thompson, Corpus Christi, Tex.; 10-4-54; Aqua Dulce, Nueces County, Tex.; The Nueces Company.

G-4273; Monterey Oil Company and Sunland Oil Corporation, San Antonio, Tex.; 10-8-54; Wilshire, Upton County, Tex.; Lone Star Producing Company.

G-4288; Texas Gulf Producing Company, Houston, Tex.; 10-8-54; Seeligson, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

G-4348; James H. Snowden, Fort Worth, Tex.; 10-11-54; Spraberry, Reagan and Midland Counties, Tex.; Phillips Petroleum Company; Spraberry, Reagan, Midland, Upton and Glasscock Counties, Tex.; Texas Gas Products Corporation.

G-4410; Grubb & Hawkins (a partnership) New Orleans, La.; 10-13-54; Lakeside, Cameron Parish, La.; Trunkline Gas Company.

G-4447; Bentex Oil Corporation, Pittsburgh, Pa.; 10-18-54; Driftwood, Cameron County, Pa.; New York State Natural Gas Corporation.

G-4580; Trees Oil Company, Winfield, Kans.; 10-27-54; Hugoton, Haskell, Seward and Stevens Counties, Kans.; Northern Natural Gas Company, Panhandle Eastern Pipeline Company.

G-4597; John O. Wicks, Estate Bendum-Trees Oil Company, Trees Oil Company and Harry Carver, Pittsburgh, Pa.; 10-27-54; Hugoton, Stevens County, Kans.; Panhandle Eastern Pipeline Company.

G-4605; White Eagle Oil Company, Tulsa, Okla.; 10-29-54, amended 9-15-55; Hugoton, Seward, Stevens and Morton Counties, Kans.; Panhandle Eastern Pipe Line Company.

G-4606; White Eagle Oil Company, Tulsa, Okla.; 10-29-54, amended 9-15-55; Hugoton, Finney and Kearny Counties, Kans.; Kansas-Nebraska Natural Gas Company.

G-4607; White Eagle oil Company, Tulsa, Okla.; 10-29-54, amended 9-15-55; Hugoton, Stephens and Garvin Counties, Okla.; Lone Star Gas Company.

G-4608; White Eagle Oil Company, Tulsa, Okla.; 10-29-54, amended 9-15-55; Hugoton, Seward, Barton, Haskell and Finney Counties, Kans.; Northern Natural Gas Company.

G-4661; Benedum-Trees Oil Company, Pittsburgh, Pa.; 11-1-54; Hugoton, Stevens County, Kans.; Panhandle Eastern Pipe Line Company.

G-4663; Benedum-Trees Oil Company, Pittsburgh, Pa.; 11-1-54; Gibson Township, Cameron County, Pa.; New York State Natural Gas Corporation.

G-4764; Rex Oil & Gas Company, Clendenin, W. Va.; 11-9-54; Big Sandy, Kanawha County, W. Va.; United Fuel Gas Company.

G-4765; Rex Oil & Gas Company, Clendenin, W. Va.; 11-9-54; Big Sandy, Walton, Kanawha and Roane Counties, W. Va.; South Penn Natural Gas Company.

G-5197; B. M. Tyree Pickens, Racine, Ohio; 11-22-54; Meigs County, Ohio; Ohio Fuel Gas Company.

G-6893; Guyan Gas Company, Charleston, W. Va.; 11-30-54; Guyan River, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-6895; J. S. Pridmore, Charleston, W. Va.; 11-30-54; Union District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-6896; Left Fork Gas Company, Charleston, W. Va.; 11-30-54; Jefferson District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-6898; Big Laurel Gas Company, Charleston, W. Va.; 11-30-54; Union District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-6905; Belcha Gas Company, Charleston, W. Va.; 11-30-54; Union District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-6678; Fred M. Manning Company, Denver, Colo.; 11-30-54; Golden Trend, Garvin County, Okla.; The Texas Company, Kerr-McGee Oil Industries, Inc., Warren Petroleum Corporation, Cities Service Oil Company and Oklahoma Natural Gas Company.

G-6961; Standard Gas Company, Jane Lew, W. Va.; 11-30-54; Meade and Hackers Creek District, Lewis and Upshur Counties, W. Va.; Cumberland & Allegheny Gas Company.

G-6962; Central Oil & Gas Company, Inc., Caldwell, Ohio; 11-30-54; Meade and Banks Districts, Upshur County, W. Va.; Cumberland & Allegheny Gas Company.

G-6552; Frank J. Anderson, et al., St. Paul, Minn.; 11-29-54; Choclate, Bayou, Brazoria County, Tex.; Phillips Petroleum Company.

A public hearing will be held on the 20th day of August 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

JULY 17, 1956.

[F. R. Doc. 56-5939; Filed, July 23, 1956; 8:48 a. m.]

[Docket No. G-10395]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 17, 1956.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on May 11, 1956 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the transportation of natural gas for American Louisiana Pipe Line Company (American Louisiana) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application now on file with the Commission and open to public inspection.

Applicant proposes to establish two delivery points into the American Louisiana system in Louisiana, each of which will require the construction and operation of a short interconnecting line by Applicant. The southernmost one, near Lowry, Louisiana will require about 0.85 of a mile of 8⅝ inch line which will be constructed and used temporarily, pending the completion of other construction required. After completion of the rest of the proposed facilities the Lowry connection will be maintained only for emergency deliveries.

The second delivery connection, requiring about 1.0 mile of 10¾ inch line, will interconnect major lines on each system near Eunice or North Tepetate, Louisiana. This connection will be the primary delivery point.

In addition, Applicant proposes to construct about 11.80 of 10¾ inch loop line west of Eunice, Louisiana, install one 540 horsepower compressor unit at its existing Woodlawn Compressor Station and seven measuring stations at the several receipt and delivery points including those in four fields where American Louisiana will deliver the gas to Applicant.

Applicant proposes to transport the following maximum volumes for American Louisiana:

	Maximum day Mcf at 14.73 psia
Welch	7,905
South Elton	6,120
North Elton	3,162
Iowa	15,402
Total	32,589

Applicant states it will be able to transport these volumes on a firm basis together with its own gas without adverse effect on its customers.

Applicant states that the proposal will obviate the construction by American Louisiana of supply lines from the North Elton, South Elton, Iowa and Welch fields from which it has contracted to purchase and take gas from Stanolind Oil and Gas Company. Applicant further states that the reserves in the four fields are relatively minor with the result that American Louisiana estimates that its costs of putting this gas into its system will average 4.2 cents per Mcf as contrasted with the proposed transportation charge of 1.5 cents per Mcf by Applicant.

The total estimated cost of the proposed facilities is $783,100 which will be financed by Applicant from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5935; Filed, July 23, 1956; 8:47 a. m.]

[Docket No. G-10593]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 17, 1956.

Take notice that New York State Natural Gas Corporation, Applicant, a New York corporation, having its principal place of business at 2 Gateway Center, Pittsburgh, Pennsylvania, filed on June 15, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed natural gas facilities and to sell gas to New York State Electric & Gas Corporation (New York Electric) for resale in the towns and villages of Marcellus and Groton, in the State of New York, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Applicant proposes to construct two similar measuring and regulating stations, one on Applicant's existing Therm City-Auburn 14-inch line near Marcellus and one on Applicant's Ithaca-Syracuse 20-inch line near Groton. Applicant will deliver gas to New York Electric at these two points.

New York Electric will lay lines connecting its distribution system with Applicant's transmission lines. It will install a short 6-inch lateral line at Marcellus drawing gas from Applicant's 14-inch line and a short 4-inch lateral line at Groton, drawing gas from Applicant's 20-inch line. The towns have no gas service at present.

The estimated requirements of the two communities are as follows:

	Annual requirements Mcf	
	First year	Fifth year
Marcellus	59,350	87,800
Groton	53,900	100,800

Unless the Applicant has more gas available and agrees to supply it, Marcellus is limited to 150,000 Mcf annually for domestic and commercial customers and Groton is limited to 200,000 Mcf annually for domestic and commercial customers, and each is limited to a maximum of 1,000 Mcf per day under the service agreements, attached to the application. These agreements also permit each town to receive up to 50,000 Mcf per year of additional gas for industrial loads.

Applicant's proposed two measuring and regulating stations will each cost $24,586. The total of $49,172 will be obtained from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5936; Filed, July 23, 1956; 8:47 a. m.]

[Docket No. G-10752]

H. F. SEARS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. F. Sears (Applicant), on June 21, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change (undated); Phillips Petroleum Company; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 4; July 22, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commissioner orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until December 22,1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: July 17, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5937; Filed, July 23, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[Docket No. G-10753]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant), on June 22, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown;

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated June 19, 1956; Mississippi River Fuel Corporation; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 19; July 23, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until December 23, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: July 17, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-5938; Filed, July 23, 1956; 8:48 a. m.]

[2] Commissioner Digby dissenting. Commissioner Kline not participating.

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $30,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JULY 1956 MONTHLY SALES LIST; SUPPLEMENT

The price listing for the July 1956 Monthly Sales List issued June 29, is

supplemented by adding 1955-crop pink beans effective July 11, and by substituting 1955-crop for certain 1954-crop rice, effective July 10, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669).

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Pink beans, 1955 crop	Domestic or export: The higher of (1) the domestic market price, or (2) $7.82 per 100 pounds basis f. o. b. shipping points in producing areas. Available Portland CSS Commodity Office.
Rice, milled, U. S. No. 5 (35 percent brokens), 1955 crop.	Domestic or export: Prices same as announced for 1954-crop rice.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: July 18, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5944; Filed, July 23, 1956; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal 228, Revision 1]

SUBSTITUTES FOR STRATEGIC NATURAL MICA

Expansion Goal No. 228, dated January 12, 1956, is hereby revised by striking paragraph 2, and renumbering paragraph 3 as paragraph 2.

Dated: July 18, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-5946; Filed, July 23, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1816]

MISSOURI PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 17, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Missouri Pacific Railroad Company, Class A Stock; File No. 7-1816.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 6, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5942; Filed, July 23, 1956; 8:49 a. m.]

[File No. 70-3494]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES TO BANK

JULY 18, 1956.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (b) and 7 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Arkansas has entered into a credit agreement with The Hanover Bank of New York City, pursuant to which Arkansas proposes to borrow from time to time up to November 30, 1956, an aggregate of not more than $8,000,000. The loans are to be evidenced by notes payable on or before two years from the date of the first of such borrowings and are to bear interest from their respective dates of issuance at the rate of 3¾ percent per annum to and including December 31, 1957, and thereafter at the rate of 3⅞ percent per annum.

The notes are to be prepayable in whole or in part without premium unless the prepayment is made from the proceeds of, or in anticipation of, bank borrowings at an interest rate lower than that then accruing on the notes to be prepaid, in which case Arkansas will pay a premium at the rate of ¼ of 1 percent per annum on the unpaid principal of the notes to be prepaid.

The proceeds from the proposed borrowings together with treasury funds will be used to make refunds to customers of about $8,500,000. The company, on May 27, 1954, filed an application for rate increases with the Arkansas Public Service Commission, and following disallowance thereof by said Commission has since July 1, 1954, been collecting such rate increases under bond pending judicial review of that Commission's order. Final judicial review resulted in affirmance of the Commission's order and the Company is now under requirement to make the above refunds.

The fees and expenses incurred or to be incurred in connection with the proposed transactions are estimated to be as follows:

Fee of Arkansas Public Service Commission	$4,500.00
Printing	300.00
Expenses of The Hanover Bank	1,000.00
Miscellaneous Expenses (telephone tolls)	50.00
Total	5,850.00

Arkansas has applied to the Arkansas Public Service Commission for authority to make the proposed bank borowings and states that a copy of the order to be entered in respect thereof will be supplied by amendment. It is represented that no other State or Federal agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than August 2, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-5943; Filed, July 23, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS FOR BENEFIT OF MR. AND MRS. MOZES MEIJER POPPERS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mr. and Mrs. Mozes Meijer Poppers and Betty Poppers, L. S. Claim No. 133; Southern Pacific Company 4/49 Bond No. 991, in the principal amount of $500.

Andries Johan Verkozen and Margaretha Verkozen-Konijn, L. S. Claim No. 227; Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 5426, 11917 and 11918, in the principal amount of $500 each.

Louise S. Wolf, and Max and Walter Hickins, heirs of Hildegard Hickins, deceased, L. S. Claim No. 354; Southern Railway Company 4/56 Bond No. 24606, in the principal amount of $1,000.

Louis and Helene Gersons, Elly Cohen, Helene Ida Valkhoff, and Clarence van Gelder, L. S. Claim No. 427; Cities Service Company 5/66 Debenture No. 11011, in the principal amount of $1,000.

Miss Elsia Josephine Gosschalk, L. S. Claim No. 443; Cities Service Company 5/69 Debenture No. 556, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5910; Filed, July 20, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MRS. LILIANE DE WAAL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Liliane de Waal, L. S. Claim No. 221; Cities Service Company 5/58 Debenture Nos. 40715 and 40716, in the principal amount of $1,000 each.

Johanna Sara Polak and Willy Leopold Spyer, L. S. Claim No. 223; Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 3209, 3210, 3211 and 3212, in the principal amount of $1,000 each.

Emilie Ullmann, L. S. Claim No. 225; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 9228, in the principal amount of $1,000.

Martha, Ellen, and Fritz van Dam, L. S. Claim No. 355; Cities Service Company 5/69 Debenture No. 41077, in the principal amount of $1,000.

Joseph van Dantzig, L. S. Claim No. 359; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 14165, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5911; Filed, July 20, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MRS. OLGA SARA SPANJAARD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Olga Sara Spanjaard, L. S. Claim No. 188; Cities Service Company 5/69 Debenture Nos. 25598, 41662 and 44007, in the principal amount of $1,000 each.

Rebecca van der Hoek, L. S. Claim No. 209; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 114985, in the principal amount of $1,000.

Mrs. Martha van Esso and Dr. Jacques Jacobus Polak, L. S. Claim No. 217; Central Pacific Railway Company 4/49 Bond No. 44984, in the principal amount of $1,000.

Johanna Kaufmann, Ruth Feldman, Paula Falkenstein, Frieda Wolff, and Margareth Loewenstein, L. S. Claim No. 529; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 11813, in the principal amount of $1,000.

Herta Manor-Levison, Lotte Weyl-Levison, Olga Heilbrunn-Loewenthal, Frieda Loewenthal-Baer, and A. Loewenthal, L. S. Claim No. 552; Cities Service Company 5/69 Debenture No. 39675, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on July 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5912; Filed, July 20, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32373: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Pittsburgh, Pa.

Grounds for relief: Motor truck competition.

Tariff: Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. No. 26.

FSA No. 32374: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent, for motor carriers named in exhibit A of the application, and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Indianapolis, Ind., on one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32375: *Substituted service—Motor-Rail-Motor—Pennsylvania Railroad.* Filed by Transamerican Freight Lines, Inc., Agent, for itself, interested motor carriers and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Indianapolis, Ind., on the one hand and Kearny, N. J., Philadelphia, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32376: *Lumber—Central and Illinois Territories to Western Trunk Line Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on lumber, carloads and articles taking same rates or higher, carloads from specified points in central and Illinois territories in Indiana, Illinois, Kentucky, Missouri and Ohio to specified points in states in western trunk-line territory described in the application.

Grounds for relief: Grouping and circuitous routes.

Tariff: Agent Hinsch's tariff I. C. C. 4739.

FSA No. 32377: *Phosphates—Fernald, Ohio, to Putney, Ga.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium, di-sodium, and tri-sodium phosphates, carloads from Fernald, Ohio, to Putney, Ga.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32378: *Commodities, from and to points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads from specified points in southern territory to specified points in southern territory and in other territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32379: *Commodities, from, to and between the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads from specified points in southern territory and other territories to specified points in southern territory and other territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32380: *Petroleum and products—Alabama to Alabama.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads from Duncan, Ensley, Hunter, Mobile and Tuscaloosa, Ala., and points grouped with Mobile to specified points in Alabama.

Grounds for relief: Motor-truck competition and circuitous routes.

Tariff: Supplement 273 to Agent Spaninger's I. C. C. 1253.

FSA No. 32381: *Sand—Southwest to Illinois and Official Territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sand, noibn, carloads, and sand, ground or pulverized, carloads from specified points in states in Illinois and official territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 66 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 32382: *Petroleum products from Lehman and Bernecker, Tex., to Interstate Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, natural gasoline, and iso-pentane, carloads from Lehman and Bernecker, Tex., to points in Illinois, official and southern, Southwestern and western trunk-line territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 86 to Agent Kratzmeir's I. C. C. 4086 and five other tariffs.

FSA No. 32383: *Soda ash—Louisiana and Texas points to Birmingham, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash, carloads from Lake Charles, and West Lake Charles, La., Corpus Christi, Houston, and Velasco, Tex., to Birmingham, Ala.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariffs: Supplement 157 to Agent Kratzmeir's I. C. C. 4087; Supplement 220 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32384: *Sodium phosphates to Griffin, Ga., and West Point, Miss.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sodium, di-sodium, and tri-sodium phosphates, carloads from specified points in trunk line territory in states named in the application to Griffin, Ga., and West Point, Miss.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 19 to Agent Boin's I. C. C. A–1079.

FSA No. 32385: *Automobile parts—Huntington, W. Va., to Decatur, Ga.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts or accessories, carloads from Huntington, W. Va., to Decatur, Ga.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32386: *Trailer-on-flat-car-service—Between Central and Southwestern Territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, in highway trailers transported on railroad flat cars between points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, on the one hand, and Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 6 to Agent Kratzmeir's I. C. C. 4196.

FSA No. 32387: *Trailer-on-flat-car-service—Between Illinois and Western Trunk Line Territories and Southwestern Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates in highway trailers, loaded on railroad flat cars between points in Illinois, Indiana, Minnesota, and Wisconsin, on one hand, and Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition, and circuitous routes.

Tariff: Supplement 13 to Agent Kratzmeir's I. C. C. 4181.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56–5893; Filed, July 20, 1956; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

In Federal Register Document 56–5881 filed July 19, 1956, § 6.328 (m) should have been designated as § 6.128 (m) as set out below.

§ 6.128 *Small Business Administration.* • • •

(m) Not to exceed June 30, 1957, the Deputy Chairman, Loan Review Committee.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–5981; Filed, July 24, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

SUBSEQUENT DIRECT AND INSURED FARM OWNERSHIP LOAN PROCESSING

Part 333 of Title 6, Code of Federal Regulations (20 F. R. 7955), is revised to read as follows:

Sec.
333.1 General.
333.2 Subsequent direct loans.
333.3 Subsequent insured loans.

AUTHORITY: §§ 333.1 to 333.3 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 333.1 *General.* (a) This part prescribes the authority, policies, and procedures for processing subsequent direct and insured Farm Ownership loans. The term "subsequent loan," as used in this part, means (1) a Farm Ownership loan to a person who is indebted for a direct or insured Farm Ownership loan, (2) a direct Farm Ownership loan made in connection with a credit sale of real estate on Farm Ownership terms, or (3) a direct Farm Ownership loan made to a transferee in connection with the transfer of a Farm Ownership farm in accordance with Part 372 of this chapter. The term "Farm Ownership debt," as used in this part, means any amount owed by a Farm Ownership borrower on his Farm Ownership account.

(b) When a borrower with a direct Farm Ownership loan requests a subsequent loan, his credit needs will be met, if possible, with an insured Farm Ownership loan. Such a borrower's credit needs may be met with a direct loan only if he cannot qualify for an insured loan.

(c) Ordinarily, a subsequent direct or insured loan will not be processed if the amount of funds required is less than $1,000.

(d) The State Director is authorized to approve or disapprove subsequent direct and insured Farm Ownership Loans.

(e) A subsequent direct or insured loan may be made for the same purposes and under the same conditions as an initial loan. In addition, a subsequent direct loan may be made to pay equity to a transferor in connection with the transfer of a Farm Ownership farm. A Farm Ownership borrower who owns an efficient family-type farm is not eligible for a subsequent direct or insured Farm Ownership loan.

(f) A subsequent direct or insured loan may be made to a Building Improvement borrower for the same purposes as other Farm Ownership loans. Whenever a loan to a Building Improvement borrower includes funds for land development or purchase, the borrower will receive supervision in the same manner as other Farm Enlargement or Farm Development borrowers.

(g) If a reappraisal is required in connection with a subsequent insured loan, an additional fee of $20 will be charged. A new appraisal report will be required in connection with a subsequent direct or insured loan only when:

(1) Subsequent loan funds will be used to purchase land, or to refinance debts

(Continued on p. 5553)

UNIVERSITY OF MICHIGAN
1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 21 NUMBER 143
Washington, Wednesday, July 25, 1956

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

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against land not covered by the mortgage for the initial Farm Ownership loan; or

(2) The County Committee requests a new appraisal report; or

(3) The State Director or the County Supervisor determines that there have been physical changes in the farm which appear to have altered significantly its normal earning capacity, or such changes are likely to result if the subsequent loan is made.

(h) Closing instructions will be issued by the Attorney for all subsequent direct and insured Farm Ownership loans, and each loan will be closed under the guidance of such instructions.

(Secs. 1, 2, 3, 4, 12, 44, 60 Stat. 1072, 1073, 1074, 1075, 1076, 1068, sec. 16, added 69 Stat. 553; 7 U. S. C. 1001, 1002, 1003, 1004, 1005b, 1006c, 1018)

§ 333.2 *Subsequent direct loans*—(a) *Refinancing of existing Farm Ownership debt required.* Existing Farm Ownership debts will be refinanced when the borrower's Farm Ownership indebtedness represents an asset of (1) a State Rural Rehabilitation Corporation, (2) a Defense Relocation Corporation, the accounts of which are not yet considered Government accounts, or (3) a land-leasing or land-purchasing association or similar organization. The amount to be refinanced will include interest on the Farm Ownership debt to the date the subsequent loan is closed. The determination of the balance to be refinanced, the receipt for payment, note, mortgage, and satisfaction or release of the mortgage in connection with the debt being refinanced will be handled in accordance with Part 366 of this chapter, except as modified by the closing instructions issued by the Attorney in Charge.

(b) *Refinancing of existing Farm Ownership debt not required.* Existing Farm Ownership debts, except the three types indicated in paragraph (a) of this section, will not be refinanced unless special authorization is obtained from the Administrator. When the outstanding Farm Ownership debt is not refinanced:

(1) The subsequent Farm Ownership loan will bear interest at 4½ percent and the outstanding debt(s) will be continued at the present rate(s) of interest.

(2) The mortgage(s) securing the outstanding debt will not be released, and the mortgage securing the subsequent loan will contain a covenant to the effect that it secures not only the subsequent loan, but also secures performance of and compliance with all of the covenants, conditions, and provisions of all mortgages which secure the Farm Ownership debt.

(3) Each borrower whose initial loan was approved prior to November 1, 1946, will execute Form FHA–165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent loan if he has not previously done so. Execution of Form FHA–165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the installment due date. However, if a prior subsequent loan has been made with a March 31 installment due date, the installment due date for the new subsequent loan also will be March 31.

(c) *Reamortization of outstanding Farm Ownership debts.* The outstanding Farm Ownership debt will be reamortized in accordance with Part 361 of this chapter, as of the date the subsequent loan is processed in the Finance Office, except an account need not be reamortized if it was on schedule as of the last preceding installment due date. When the outstanding Farm Ownership debt is to be reamortized, the borrower will execute Form FHA–176, "Request for Reamortization of Farm Ownership Loan."

(d) *Amortization of subsequent loan.* Ordinarily, a subsequent loan will be amortized so as to mature within one year of the maturity date of the earliest outstanding Farm Ownership note. The loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note.

(e) *Certification by County Committee.* The County Committee will certify again, on Form FHA–491, "County Committee Certification (Farm Ownership Loans)," as to the fair and reasonable value of the farm, after the contemplated improvements are made. The Committee will take into consideration any information on farm production that has become available as a result of operating history, as well as the normal earning capacity of the farm as indicated on the latest appraisal report.

(f) *Loan processing actions.* The subsequent loan docket will be assembled, title clearance will be required, and the loan will be processed and closed in the same manner as prescribed in Part 332 of this chapter, except that:

(1) Additional Forms FHA–643, "Farm Development Plan," FHA–42, "Valuation of Buildings," and FHA–596, "Appraisal Report," will be completed and included in the docket only when applicable.

(2) The docket will include Forms FHA–165 and FHA–176 when applicable.

(3) A new mortgagee's policy will not be required except when: (i) The outstanding Farm Ownership debt is being refinanced, or (ii) the purchase of land other than from the Farmers Home Administration is involved. When the purchase of such other land is involved and the mortgage for the initial loan is not being refinanced, the new mortgagee's policy will cover only the land to be acquired. With respect to the land not covered by the new mortgagee's policy, or when a new mortgagee's policy is not required, title evidence will be in accordance with the requirements of the closing instructions issued by the Attorney in Charge.

(4) The installment due date of the subsequent loan will be January 1 except in those cases in which a borrower previously executed an initial or a subsequent loan note or an assumption agreement which provided for a March 31 installment due date. If the borrower previously executed an initial or a subsequent loan note or an assumption agreement with a March 31 installment due date, the installment due date of the subsequent loan will be March 31.

(Secs. 1 (a), 2 (b) and (d), 3 (a) and (b), 43 (a) and (e), 44 (a) (2) and (3), 44 (b), 48, 60 Stat. 1072, 1073, 1074, 1067, 1068, 1069, 1070, sec. 1 (b), 68 Stat. 525; 7 U. S. C. 1001 (a), 1002 (b) and (d), 1003 (a) and (b), 1017 (a) and (e), 1018 (a) (2) and (3), 1018 (b), 1022)

§ 333.3 *Subsequent insured loans*—(a) *General.* A subsequent insured loan may be approved only for the purpose of furnishing additional funds to the borrower for authorized loan purposes and under the same conditions as an initial insured loan and for refinancing an existing insured or direct Farm Ownership loan. A subsequent loan may be made by the holder of the initial loan promissory note or by a new lender. If the holder is located in the County Supervisor's area, the County Supervisor will contact the holder to determine whether he will make the subsequent loan. If the holder is not such a local lender, the County Supervisor will contact the State Director to determine whether the holder will make the subsequent loan. If the holder is not located in the State Director's area, or if the National Office selected the holder to make the initial loan, the State Director will contact the National Office to determine whether the holder is interested in making the subsequent loan. If the holder is not interested in making the subsequent loan, the loan may be made by another lender. When a subsequent loan is made, the initial loan will be refinanced, the initial note will be canceled, and the initial mortgage will be satisfied except as provided in subparagraph (1) of this paragraph.

(1) In any State where local law requires the lien of the initial mortgage to be kept alive in order to obtain adequate security for the subsequent loan, the initial note and mortgage will not be canceled and satisfied, and the State Director may approve the taking of a subsequent loan promissory note and mortgage which will renew and consolidate the unpaid balance of principal and interest on the initial loan with the additional advance, provided the same lender will hold both the initial and subsequent promissory notes and the Government will hold the initial and subsequent mortgages. In any State where this method is to be followed, the State Director will issue a State Instruction which will supplant, but will be consistent insofar as possible with, the procedure in this section.

(b) *Arrangements with respect to funds for refinancing initial loan and providing additional advance*—(1) *Refinancing initial direct loan.* In cases where the subsequent loan is for the purpose of refinancing a direct Farm Ownership loan and providing additional funds, the transaction will be accomplished in accordance with procedure for processing an initial insured loan, except as modified by the applicable provisions of this section and closing instructions from the Attorney in Charge.

(2) *Holder of insured loan providing funds.* In cases where the holder refinances the existing insured loan and provides the additional funds, the transaction will be accomplished without the exchange of funds for payment of the old

promissory note. Since no funds are involved in final payment of the old note account, only the collection of any amount owed the loan insurance account will be transmitted to the Finance Office. Final payment of the old note account will be accomplished by exchanging the new insured note for the old insured note and a check for the additional funds, and, when applicable, the old insured mortgage running to the holder, and a satisfaction or release of such mortgage. The mortgage taken on Form FHA–242.____, "Real Estate Mortgage for _____ (Insured Farm Ownership Loan)" in connection with the subsequent loan will run to the Government.

(3) *New lender providing funds.* When a lender other than the holder refinances the existing insured loan and provides the additional funds, the funds used for refinancing the existing loan will be processed through the Finance Office.

(c) *Satisfaction of mortgage for initial loan*—(1) *By lender.* The holder of the initial insured mortgage (which has not been assigned to the Government in trust), upon receiving full payment of the initial insured loan, will execute a satisfaction or release of the initial insured mortgage in accordance with the closing instructions issued by the Attorney in Charge.

(2) *By Government.* In case the initial loan is a direct Farm Ownership loan, an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor is authorized to execute a satisfaction or release of the initial mortgage in accordance with the closing instructions issued by the Attorney in Charge.

(d) *Form FHA–366, "Consent and Release of Interest of United States."* In case the initial insured loan is one for which the lender holds the mortgage, or one for which the mortgage has been assigned to the Government in trust, the County Supervisor will prepare and is authorized to execute Form FHA–366. Form FHA–366 will be delivered only after the old note account and all loan insurance charges on the old loan have been paid and a satisfaction or release of the old insured mortgage is ready to be delivered. Form FHA–366 will not be used when a direct Farm Ownership loan is being refinanced or when the Government is named as mortgagee in the mortgage for the insured loan being refinanced.

(e) *Recordation of satisfaction and Form FHA–366.* Form FHA–366, when used, will be recorded normally along with the satisfaction. The cost of recording the satisfaction or release and Form FHA–366 will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When the mortgagee is required to pay the recording cost:

(1) The cost of recording Form FHA–366 will be paid by the Government.

(2) The cost of recording the satisfaction or release will be paid by the mortgagee. The Government is the mortgagee for all mortgages taken on Form FHA–242.____ and will be considered as the mortgagee for any mortgage taken on Form FHA–363.____, "Real Estate Mortgage for _____," for which a trust assignment to the Government has been executed.

(3) Any recording costs required to be paid by the Government will be paid by voucher.

(f) *Redemption date.* The fixed period for redemption by the Government of the subsequent insured loan will begin from the date of the subsequent loan note.

(g) *Actions prior to loan closing.* (1) The County Supervisor will request the Finance Office to send him Form FHA–835, "Certified Statement on Account."

(2) A subsequent loan docket will be prepared in accordance with Part 332 of this chapter.

(i) If a reappraisal is not required, the existing Form FHA–596, "Earning Capacity Report," will be included in the docket.

(ii) If a reappraisal is required, the borrower will pay a $20 appraisal fee.

(iii) Loan limitations will apply as in the case of an initial insured loan.

(3) The entire amount of the subsequent loan promissory note will bear three and one half (3½) percent interest, unless the Administrator and the lender have agreed on a lower interest rate.

(4) Title clearance will be required as in the case of an initial insured loan. If title insurance is used, the new mortgagee's policy for the full amount of the new promissory note generally will be required since the initial title policy will expire upon satisfaction or release of the initial mortgage.

(5) Ordinarily, the subsequent loan will be amortized so as to mature within one year of the maturity date of the initial loan. The subsequent loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note. The note and security instrument taken in connection with the subsequent loan will indicate the proper amortization period of the loan.

(h) *Loan closing actions.* The subsequent loan will be closed in accordance with the closing instructions issued by the Attorney in Charge. When the subsequent loan is to be made by the holder, it will be closed before the County Supervisor requests the loan check for the additional advance. When the subsequent loan is to be made by a new lender, the loan check will be available in the County Office on the date of loan closing.

(1) Form FHA–240, "Promissory Note (Insured Farm Ownership Loan)," will be prepared in the same manner as for an initial insured loan.

(2) On the date of loan closing, the County Supervisor will collect from the borrower all loan insurance charges and, if applicable, a reappraisal fee, as follows:

(i) Any amount owed the loan insurance account on the initial insured loan as of the date the subsequent loan is closed.

(ii) The initial loan insurance charge on the subsequent loan calculated as follows:

(*a*) If the note for the initial insured loan has a December 31 or January 1 installment due date, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the amount of the difference between the amount of the new promissory note and the unpaid balance of principal on the old promissory note as of the date of closing the subsequent insured loan.

(*b*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of January, February, or March, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the full amount of the subsequent loan note.

(*c*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of April through December, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated as follows:

(*1*) The amount of the principal balance on the initial insured loan as of the date of loan closing will be subtracted from the amount of the subsequent loan;

(*2*) The charge on such difference from the date of closing the subsequent loan to the next January 1 will be calculated.

(*3*) From the above result, one-fourth of the annual loan insurance charge on the initial loan which was charged to the account on the March 31 preceding the date of closing the subsequent loan will be subtracted. If such amount is greater than the amount calculated under the preceding paragraph, no initial loan insurance charge on the subsequent loan will be collected.

(iii) If a reappraisal was made, an appraisal fee of $20.

(3) The County Supervisor will transmit the collection of the loan insurance charges and any reappraisal fee to the Finance Office in the usual manner.

(4) When subsequent loan is made by holder: (i) The County Supervisor will calculate the unpaid balance of principal and interest on the borrower's initial loan promissory note as of the date of closing the subsequent loan. The difference between such unpaid balance on the initial note and the amount of the subsequent loan note will be the amount of the loan check to be requested from the holder. Form FHA–971, "Request for Check," will be used to request such loan check.

(ii) The County Supervisor will send the following instruments to the State Director: (*a*) Form FHA–993, "Notice of Receipt of Final Payment on Insured Loan," (*b*) the subsequent loan promissory note, and (*c*) Form FHA–971, modified to fit the circumstances, and an explanatory statement attached.

(iii) The State Director will deliver to the holder the original and two copies of Form FHA–993, the original of the subsequent loan promissory note, and the original of Form FHA–971 with a letter explaining the transaction. Form FHA–971 will be attested as in the case of an initial insured loan. The State Director will inform the holder of the amount of the unpaid balance of principal and interest on the borrower's initial loan promissory note as of the date of closing the subsequent loan which will be the date of final payment shown on Form FHA–993. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993, and send to the appropriate County Supervisor the executed original and copy of Form FHA–993, together with the canceled promissory note for the initial loan. If the mortgage for the initial loan is held by the holder, the State Director also will request the holder to send to the County Supervisor the mortgage and an appropriate instrument of satisfaction or release of the mortgage. The State Director also will request the holder to send a check to the County Supervisor drawn to the order of the borrower in the amount specified on Form FHA–971.

(iv) The loan check received from the holder will be deposited in the borrower's supervised bank account.

(v) When the executed Forms FHA–993 and the canceled promissory note are received from the holder, the County Supervisor will send Form FHA–993 to the Finance Office.

(vi) Upon receipt of Form FHA–993, the Finance Office will determine if the full amount owed the loan insurance account for the initial loan has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA–993. Finance Office records on the initial loan will be satisfied as a paid-in-full account, and the borrower's new account will be established in accordance with the information on the conformed copy of Form FHA–240 for the subsequent loan.

(vii) After the satisfaction or release of the mortgage for the initial loan and, when appropriate, Form FHA–366 have been recorded, the County Supervisor will deliver to the borrower the canceled promissory note, the satisfied mortgage, the instrument of satisfaction or release and, when appropriate, Form FHA–366.

(5) When subsequent loan is made by new lender: (i) When a subsequent loan to be made by a new lender is ready for closing, the County Supervisor will request a check by use of Form FHA–971 in the same manner as for an initial insured loan.

(ii) The subsequent loan check will be deposited in the borrower's supervised bank account on the date of loan closing.

(iii) The borrower will be requested to draw a check to the order of the Farmers Home Administration in the amount of the unpaid balance of principal and interest on the initial loan promissory note as of the date of loan closing, plus 10 days additional interest if an initial insured loan is being refinanced, but no additional interest if a direct loan is being refinanced, the note, mortgage, refinanced. In case a direct loan is and satisfaction or release of the mortgage in connection with the direct loan will be handled in accordance with Part 366 of this chapter, except as modified by the closing instructions from the Attorney in Charge.

(iv) The borrower's check will be remitted to the Finance Office as final payment of the borrower's initial note account.

(v) Any overpayment of interest will be applied to the borrower's subsequent note account as a regular payment.

(vi) In case an insured loan is being refinanced, the County Supervisor will send Form FHA–993 to the Finance Office on the date of loan closing.

(vii) Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the borrower's initial insured note account as of the date of the U. S. Treasury check to be issued to the holder of the initial note, and if the amount owed the loan insurance account has been paid, the Director, Finance Office, will sign the original and two copies of Section II of Form FHA–993 and send them to the holder of the initial note; if the collection pays in full the outstanding balance of the borrower's initial direct loan account, the final payment will be processed in accordance with Part 366 of this chapter.

(viii) The Finance Office will establish the amount of the subsequent loan in accordance with the information on the conformed copy of Form FHA–240.

(ix) In case an insured loan is being refinanced, the Director, Finance Office, will inform the holder of the amount of the unpaid balance of principal and interest on the note account to the date of the U. S. Treasury check and request the holder to insert the date "Final Payment Received" (date of the U. S. Treasury check) and to execute Section I of the original and copy of Form FHA–993 upon receipt of the U. S. Treasury check, if the amount of the U. S. Treasury check is in agreement with his records. The holder will be requested to send the original and one copy of Form FHA–993, together with the canceled promissory note, to the County Supervisor. In case the lender holds the mortgage for the initial loan, the holder also will be advised to send to the County Supervisor the original real estate mortgage and an appropriate instrument of satisfaction or release of the real estate mortgage.

(x) Upon receipt in the County Office of the completed Form FHA–993, the original will be sent to the Finance Office. The County Office records will be adjusted to show a subsequent insured loan and the name of the lender. After the satisfaction or release of the mortgage for the initial loan and, when appropriate, Form FHA–366 have been recorded, the County Supervisor will deliver to the borrower the canceled promissory note, the satisfied mortgage, the instrument of satisfaction or release and, when appropriate, Form FHA–366.

(xi) Upon receipt of the completed original of Form FHA–993 in the Finance Office, the account for the initial insured loan will be closed.

(Secs. 1 (a), 12 (c), (d), (e) (1), (f) (1), and (h), 44 (b), 60 Stat. 1072, 1076, 1077, 1069, sec. 12 (j), added 62 Stat. 535, sec. 1 (c), 68 Stat. 525, sec. 16 (a) and (b), added 69 Stat. 553, 554; 7 U. S. C. 1001 (a), 1005b (c), (d), (e) (1), (f) (1), (h), and (j), 1006c (a) and (b), 1018 (b))

Dated: July 20, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–5996; Filed, July 24, 1956; 8:52 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 451.5]

PART 361—ROUTINE

PAYMENT IN FULL AND REFINANCING OF INSURED FARM OWNERSHIP LOANS

The title of Subpart B of Part 361 in Title 6, Code of Federal Regulations (16 F. R. 6994, 12537), is revised to read "Subpart B—Payment in Full and Refinancing of Insured Farm Ownership Loans," § 361.30 (16 F. R. 6996, 17 F. R. 5, 60) is revoked (the provisions thereof having been revised and incorporated in Part 333 of this chapter), and §§ 361.26 to 361.29 (16 F. R. 6994, 17 F. R. 60, 2411) are redesignated and revised to read as follows:

SUBPART B—PAYMENT IN FULL AND REFINANCING OF INSURED FARM OWNERSHIP LOANS

Sec.
361.21 Scope.
361.22 General.
361.23 Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder finances purchaser.
361.24 Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.
361.25 Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured Farm Ownership loan from holder.

AUTHORITY: §§ 361.21 to 361.25 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 361.21 *Scope.* Sections 361.21 to 361.25 prescribe the authorities, policies, and procedures for processing the following servicing transactions for insured Farm Ownership loans:

(a) *Payment in full and refinancing*—(1) *Insured mortgage.* Payment in full and refinancing when the lender holds the note and mortgage. (In case the note and mortgage are held by the insurance fund, payment in full and refinancing will be handled in accordance with the provisions of Part 366 of this chapter.)

(2) *Insured mortgage assigned to Government in trust.* Payment in full and refinancing when the mortgage has been assigned in trust to the Government and the lender holds the note.

(3) *Insured note.* Payment in full and refinancing when the Government is named in the mortgage as the mortgagee and the lender holds the note.

(b) *Sale within program.* Payment in full as the result of sale (transfer) of farm within the program to another insured Farm Ownership loan applicant.

(c) *Sale outside program.* Payment in full as the result of sale of farm outside the program to a person not eligible for a Farm Ownership loan.

§ 361.22 *General.* The authorities, policies, and general procedures set out in this section are applicable to all types of transactions covered in §§ 361.21 to 361.25. Specific authorities and procedures applicable to particular types of transactions are set out in §§ 361.23 to 361.25. For the purposes of this subpart, the terms "lender" and "holder" mean the current holder of the insured note and, when applicable, also the insured mortgage and related instruments. The term "refinancing" means payment in full by refinancing except by means of a subsequent insured Farm Ownership loan.

(a) *Special restrictions.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instrument taken in connection with each insured Farm Ownership loan provide that, without the consent of the Government, no final payment of an insured Farm Ownership loan will be accepted, nor release of mortgagee's interest made, in less than five years from the date of the mortgage relating to the loan. It is further provided that the farm or any interest therein may not be sold without consent of the Government and, when applicable, the consent of the holder. Subject to the policies and procedures prescribed in §§ 361.21 to 361.25, the County Supervisor is authorized, on behalf of the Government, to execute instruments of satisfaction, release or consent in connection with the payment in full or refinancing of an insured Farm Ownership loan or sale of the farm of an insured Farm Ownership borrower.

(b) *Loan insurance charges when loan is repaid—(1) Repayment of the loan after borrower has used loan funds.* In all cases of final payment or refinancing of insured loan indebtedness when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of the installment due date preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment or refinancing of the note account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered in the space entitled "Final Payment Received" on Form FHA–993, "Notice of Receipt of Final Payment on Insured Loan."

(i) In addition, when the loan is repaid in less than five years by sale of the farm when profit making seems to be the only significant motive for the sale, the County Supervisor will advise the State Director of the circumstances. If the State Director finds that profit making is the only significant motive for the sale, the borrower will be required to pay an additional loan insurance charge in an amount equal to the loan insurance charge for the year in which the loan is paid in full. In such case, the State Director will inform the County Supervisor and the Finance Office that the additional charge should be added to any other loan insurance charges that the borrower may owe and that all such charges should be collected from the borrower on or before the date final payment is made on the note account.

(2) *Loan funds refunded in full after Farm Ownership loan closing.* If a borrower decides to refund in full his Farm Ownership loan, he will be required to pay a loan insurance charge from the date of loan closing to the date the U. S. Treasury check is remitted to the lender. In the event the borrower has prepaid his loan insurance charge, any overpayment will be refunded by the Finance Office unless the borrower has a delinquent loan account, in which case the overpayment will be applied to the delinquent loan account. (Interest will be charged on the note account from the date of loan closing to the date the U. S. Treasury check is remitted to the lender.)

(c) *Return of funds in supervised bank account.* Any Farm Ownership funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrowers' note account as a refund prior to the request for a statement of account.

(d) *Actions subsequent to final payment—(1) Satisfaction of mortgage—(i) By lender.* The holder of an insured mortgage (which has not been assigned to the Government in trust), upon receiving full payment of the note account, will execute the customary form of satisfaction or release of the real estate mortgage, unless otherwise provided by State Instruction in certain States using deeds of trust. Upon request of any holder of an insured mortgage, the County Supervisor will furnish an appropriate form of satisfaction or release previously prepared or approved for this purpose by the Attorney in Charge.

(ii) *By Government.* In case of payment in full or refinancing of an insured Farm Ownership loan for which the lender holds only the note, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor will execute the customary form of satisfaction or release of the real estate mortgage on a form previously prepared or approved for this purpose by the Attorney in Charge, unless otherwise provided by State Instruction in certain States using deeds of trust.

(2) *Form FHA–366, "Consent and Release of Interest of United States."* In case of payment in full or refinancing of an insured Farm Ownership loan for which the lender holds the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, the County Supervisor will prepare and execute Form FHA–366. Form FHA–366 will be delivered only after the note account and all loan insurance charges have been paid and a satisfaction or release of the real estate mortgage is ready to be delivered. Form FHA–366 will not be used when the Government is named as mortgagee in the mortgage.

(3) *Recordation of satisfaction and Form FHA–366.* The satisfaction or release of the real estate mortgage will be recorded, and the cost of such recording will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When used, Form FHA–366 will be recorded normally along with the satisfaction or release. The cost of recording Form FHA–366 will not be borne by the Government, except when State law requires the mortgagee to pay such cost. Any recording cost required to be paid by the Government will be paid by voucher.

(4) *Special instructions.* If State law or custom provides for any special method or requirement for processing or executing the satisfaction or release or Form FHA–366, or if any problems arise as to satisfactions or releases to be executed by out-of-state lenders, the State Director will issue a State Instruction, approved by the Attorney in Charge.

(e) *Redemption date.* When a new insured loan is made, the fixed period for redemption will begin from the date of the new promissory note.

(f) *Closing instructions for new insured loan.* When a new insured loan is made, closing instructions will be issued by the Attorney in Charge, and each loan will be closed under the guidance of such instructions.

(Secs. 3 (b) (6), 12 (c) (4), 12 (e) (1), 12 (h), 60 Stat. 1074, 1076, 1077, sec. 12 (j), added 62 Stat. 535; 7 U. S. C. 1003 (b) (6), 1005b (c) (4), 1005b (e) (1), 1005b (h), 1005b (j))

§ 361.23 *Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder finances purchaser.* This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, the proceeds from refinancing with a new lender on a noninsured basis, the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, and the proceeds from the sale of a farm outside the program when a new lender furnishes the funds. The County Supervisor is authorized to approve all of the above transactions except that involving the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, in which case, the loan approval official is authorized to approve the transaction. The funds for final payment in all such cases will be processed through the Finance Office. The loan to a new borrower involving the sale (transfer) of a farm within the program when a new lender furnishes the funds, will be processed in accordance with the applicable provisions of Part 332 of this chapter. In such case, the loan check for the new borrower in the full amount of the new borrower's promissory note will be requested from the new lender in the same manner as for an initial insured Farm Ownership loan and, upon receipt of such loan check, final payment and satisfaction of the old borrower's loan will be handled as provided in this section, except as may be modified by the closing instructions from the Attorney in Charge.

(a) *Determining balance of indebtedness and collection.* When the borrower is ready to make his final payment, the County Supervisor will, upon receipt of Form FHA–635, "Certified Statement of Account," from the Finance Office, compute the amount necessary to repay in full the note and loan insurance accounts.

(1) The County Supervisor will collect from the borrower the full amount, if any, owed the loan insurance account and the balance of the principal and interest due on the note account. He will remit the collection to the Finance Office with Form FHA–993. Any overpayment will be refunded to the borrower by the Finance Office unless the borrower is delinquent on another loan account.

(2) Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(b) *Processing of final payment and Form FHA–993.* The County Supervisor will send Form FHA–993 to the Finance Office together with the final payment.

(c) *Finance Office action—(1) Adjustment of records.* If the collection pays in full the outstanding balance of the loan insurance account to the date of the receipt issued to the borrower, and the outstanding balance of the note account to the date of the U. S. Treasury check to be issued to the holder, the Director, Finance Office, will sign Form FHA–993 and will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will furnish the original and two copies of Form FHA–993 to the holder and will advise the holder that the borrower has made final payment of the note account. The Finance Office will inform the holder of the unpaid balance of principal and interest on the note account to the date of the U. S. Treasury check and request the holder to insert the date "Final Payment Received" (date of U. S. Treasury check) and to execute Section I of the original and one copy of Form FHA–993 upon receipt of the U. S. Treasury check, if the amount of the U. S. Treasury check is in agreement with his records. In each case, the holder will be requested to send the original and one copy of Form FHA–993, together with the canceled promissory note, to the County Supervisor. In the case of an insured Farm Ownership loan for which the lender holds the mortgage, the holder also will be advised to send to the County Supervisor the original real estate mortgage and an instrument of satisfaction or release of the real estate mortgage in accordance with § 361.22 (d).

(d) *County Office action.* Upon receipt from the holder of the canceled promissory note and Form FHA–993, and in the case of an insured Farm Ownership loan for which the lender held the mortgage, also the real estate mortgage and an instrument of satisfaction or release, the County Supervisor will proceed as follows:

(1) In the case of an insured Farm Ownership loan for which the lender held the mortgage, or an insured Farm Ownership loan for which the mortgage has been assigned to the Government in trust, an instrument of satisfaction and Form FHA–366 will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Except in the case of sale (transfer) of a farm within the program, any abstracts of title held by the Farmers Home Administration which are the property of the borrower also will be delivered to the borrower.

(2) In the case of an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, an instrument of satisfaction or release will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower.

(e) *Escrow arrangements.* In any case in which the new lender or purchaser insists upon a satisfaction or release of the mortgage and cancellation of the note at the time of delivering the funds for payment of the Farm Ownership loan in full, he will be advised that he may make his own escrow arrangements. All amounts owed by the borrower on the note and loan insurance accounts must be paid to the County Supervisor before or at the time the satisfaction and, if applicable, Form FHA–366 are delivered by the escrow agent. The note held by the old lender may be delivered to the escrow agent at the time of delivery of the satisfaction to the escrow agent. The escrow agent may cancel the note after all funds owed on the note and loan insurance accounts are paid to the County Supervisor and then forward the note to the borrower. No part of the expense for an escrow arrangement will be paid by the Government.

(Sec. 12 (c) (6), 60 Stat. 1076, sec. 12 (f), 60 Stat. 1077, as amended 62 Stat. 535; 7 U. S. C. 1005b (c) (6), 1005b (f))

§ 361.24 *Payment in full by refinancing with holder on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder.* This section applies when final payment of the insured loan indebtedness is to be made by refinancing by the holder on a noninsured basis, or by sale of the farm outside the program to a person obtaining a noninsured loan from the holder in an amount not less than the outstanding balance due on the insured note account. In either case, final payment of the note account may be accomplished by exchanging a noninsured note for the insured promissory note and, when applicable, by exchanging a noninsured mortgage for the insured mortgage. Since no funds are involved in final payment of the note account, only the amount, if any, owed the loan insurance account will be transmitted to the Finance Office.

(a) *Collection of loan insurance account.* When final payment of the note account of the insured borrower is to be accomplished by either of the above methods, the County Supervisor, upon receipt of Form FHA–835 from the Finance Office, will collect from the borrower the full amount, if any, owed the loan insurance account. If Form FHA–835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. He will remit the collection to the Finance Office.

(b) *Processing of Form FHA–993.* The County Supervisor will furnish the original and two copies of Form FHA–993 to the holder and will inform the holder of the outstanding balance of principal and interest on the insured note account as of the date of Form FHA–835 and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA–993, and return to the County Supervisor the executed original and copy of Form FHA–993, together with the canceled promissory note. If the lender holds the mortgage, the County Supervisor also will request the holder to return the satisfied mortgage. If requested by the holder, the County Supervisor will file for recordation any instrument of satisfaction or release of the mortgage furnished by the holder.

(c) *Finance Office action.* Upon receipt of Form FHA–993 from the County Supervisor, the Finance Office will determine if the full amount owed the insurance account has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA–993 and the Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action—(1) Insured mortgage or insured mortgage assigned to the Government in trust.* For an insured Farm Ownership loan for which the lender held the mortgage, or for an insured Farm Ownership loan for which the mortgage has been assigned in trust to the Government, the County Supervisor, upon receipt of the completed copy of Form FHA–993 from the Finance Office, will sign and acknowledge Form FHA–366. For an insured Farm Owner-

ship loan for which the lender held the mortgage Form FHA–366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. For an insured Farm Ownership loan for which the mortgage has been assigned in trust to the Government, an instrument of satisfaction or release and Form FHA–366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note, the satisfied real estate mortgage, and any abstracts of title held by the Farmers Home Administration which are the property of the borrower will be delivered to the borrower.

(2) *Insured note.* For an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, an instrument of satisfaction or release will, upon receipt of the completed copy of Form FHA–993 from the Finance Office, be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower.

(Sec. 12 (f), 60 Stat. 1077, as amended, 62 Stat. 535; 7 U. S. C. 1005b (f))

§ 361.25 *Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured Farm Ownership loan from holder.* This section applies when an insured Farm Ownership borrower sells his farm to an eligible applicant who obtains an insured loan from the holder in an amount not less than the outstanding balance due on the insured note account.

(a) *General.* (1) The transfer of ownership of an insured Farm Ownership borrower's farm to another eligible applicant will be accomplished by refinancing the initial loan.

(2) Final payment of the old borrower's note account will be accomplished by exchanging the new borrower's promissory note for the promissory note, and, when applicable, the mortgage of the old borrower, and additional funds, if any. Since no funds are involved in final payment of the note account, only the collection of any amount owed the loan insurance account will be transmitted to the Finance Office.

(3) The insured loan to the new borrower may include funds for any purpose authorized in connection with an initial insured Farm Ownership loan.

(b) *Determining balance of indebtedness and collection of loan insurance account.* Upon receipt of Form FHA–835, the County Supervisor will compute the amount necessary to pay the old borrower's note account in full and any balance due on his loan insurance account as of the date of closing the new insured loan. On or before closing the new insured loan, the County Supervisor will collect from the old borrower the full amount, if any, he owes the loan insurance account.

(c) *Loan docket for new borrower.* (1) A loan docket, including an option from the old borrower, will be prepared for the new borrower in accordance with Part 332 of this chapter as in the case of an initial insured loan. The new borrower will pay the usual appraisal fee.

(2) Loan limitations will apply as in the case of an initial insured loan.

(3) Title clearance will be required as in the case of an initial insured loan.

(d) *Loan insurance charge for new borrower.* The new borrower will be required to pay an initial loan insurance charge from the date his insured loan is closed to the next January 1. The charge must be paid by the new borrower even though the old borrower has paid a loan insurance charge covering the same period.

(e) *Down payment for new borrower.* On or before the date of loan closing, the new borrower will be required to deposit in a supervised bank account a down payment of not less than the amount required in the case of an initial insured Tenant Purchase loan.

(f) *Actions prior to closing.* Upon approval of the loan to the new borrower, the holder will be informed by the State Director that, upon closing of the insured loan, the new borrower's note will be sent to him to be substituted for the old borrower's promissory note and that a check for the additional advance, if any, will be requested from him at that time. If the holder does not desire to proceed with the transaction, the County Supervisor will be so informed, and the sale (transfer) of the farm within the program will be completed by having a new lender furnish the funds for making the new insured loan. (See § 361.23.)

(g) *Loan closing actions.* The loan to the new borrower will be closed in accordance with closing instructions received from the Attorney in Charge. When additional funds are to be advanced to the new borrower, the loan will be closed before the County Supervisor requests the loan check for the new borrower in the amount of such additional funds.

(1) The County Supervisor will calculate the unpaid balance of principal and interest on the old borrower's promissory note as of the date the insured loan to the new borrower is closed. The difference, if any, between such unpaid balance on the old borrower's promissory note and the amount of the new borrower's promissory note will be the amount of the loan check to be requested from the holder. Form FHA–971, "Request for Check," will be used to request such loan check.

(2) The County Supervisor will send to the State Director Form FHA–993, the new borrower's promissory note, and, when appropriate, Form FHA–971 modified to fit the circumstances and with an explanatory statement attached.

(3) The State Director will deliver to the holder the original and two copies of Form FHA–993, the original of the new borrower's promissory note, and, when appropriate, the original of Form FHA–971 with the explanatory attachment mentioned above. Form FHA–971 will be attested as in the case of an initial insured Farm Ownership loan. The State Director will inform the holder of the amount of the unpaid balance of principal and interest on the old borrower's promissory note as of the date of closing the insured loan for the new borrower which will be the date of final payment shown on Form FHA–993. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993, and return to the appropriate County Supervisor the executed original and copy of Form FHA–993, together with the canceled promissory note of the old borrower. If the lender holds the old mortgage, the State Director also will request the holder to return to the County Supervisor the mortgage and an appropriate instrument of satisfaction or release of the mortgage. If the amount of the new borrower's promissory note is in excess of the unpaid balance of principal and interest on the old borrower's promissory note, the State Director will request the holder to send a check to the County Supervisor drawn to the order of the new borrower in the amount of the difference as specified on Form FHA–971.

(4) On the date of loan closing, the County Supervisor will collect from the new borrower the appraisal fee and the initial loan insurance charge and transmit these collections to the Finance Office in the usual manner. When the executed Form FHA–993 is received from the holder, it will be sent to the Finance Office.

(h) *Final actions on old borrower's account*—(1) *Finance Office action.* Upon receipt of Form FHA–993, the Finance Office will determine if the full amount owed the loan insurance account of the old borrower has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA–993. Finance Office records on the old borrower will be satisfied as a paid-in-full account.

(2) *County Office action.* After the satisfaction or release and, when appropriate, Form FHA–366 have been recorded, the County Supervisor will deliver to the old borrower the canceled promissory note, the satisfied real estate mortgage, the instrument of satisfaction or release of the mortgage and, when appropriate, Form FHA–366.

(Secs. 1, 2, 12, 44, 60 Stat. 1072, 1073, 1076, 1068, secs. 3, 4, 62 Stat. 534, 535, sec. 1 (c), 68 Stat. 525, sec. 16 (a) and (b), added 69 Stat. 553, 554; 7 U. S. C. 1001, 1002, 1005b, 1006c (a) and (b), 1018)

Dated: July 20, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-5997; Filed, July 24, 1956; 8:52 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 5, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RE-EXTENDED RESEAL LOAN PROGRAM

A re-extended reseal loan program has been announced for 1953-crop corn.

The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705, and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplements 1, 2, 3, and 4, Corn (18 F. R. 5359, 6983, 19 F. R. 1595, 2712, 5591, 6809, and 20 F. R. 3584, 4101), containing the specific requirements for the 1953-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.263 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.
421.264 Availability.
421.265 Eligible corn.
421.266 Approved storage.
421.267 Quantity eligible for re-extended reseal loan.
421.268 Service charges.
421.269 Set-offs.
421.270 Storage and track-loading payments.
421.271 Maturity and satisfaction.
421.272 Support rates.

AUTHORITY: §§ 421.263 to 421.272 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.263 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.* The following sections of the 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, published in 18 F. R. 1960, 3705, 5359, 6983, 19 F. R. 1149, 1595, 2712, 5591, 6809, and 20 F. R. 3584, 4101, shall be applicable to the 1953 Corn Re-extended Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.70 *Interest rate;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.55 *Determination of quantity;* § 421.255 *Approved forms;* § 421.258 *Transfer of producer's equity;* § 421.64 *Eligible producer.* Other sections of 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.264 *Availability*—(a) *Area and scope.* The re-extended reseal program will be available in all counties where 1953-crop corn is under extended reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that there may be a shortage of space and that the corn can be safely stored on the farm for the period of the re-extended reseal loan. This program provides, under certain circumstances, for the re-extension of 1953-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has an extended reseal loan and who desires to extend such loan must make application to the county committee which approved his extended reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

§ 421.265 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.53 (a), (b), (c), and (e) of 1953 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of car corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must, in addition, meet the sanitation requirements set forth in paragraph (b) of this section.

(b) *Sanitation requirements.* The corn (1) must be of a quality which meets the sanitation requirements, if any, of the Federal Food and Drug Administration in effect at the time the reseal loan is re-extended, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Inspection.* If a producer makes application to re-extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(d) *Determination of quality.* Quality determinations shall be made as set forth in § 421.56: *Provided,* That determinations, if any, with respect to sanitation requirements specified in paragraph (b) of this section shall be made in accordance with instructions issued by CCC.

§ 421.266 *Approved storage.* Corn covered by any re-extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1957, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1957.

§ 421.267 *Quantity eligible for re-extended reseal loan.* The quantity of corn eligible for a re-extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.268 *Service charges.* When a reseal loan is re-extended, the producer will not be required to pay an additional service charge.

§ 421.269 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s) made under the Farm Storage Facility Loan Program, or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the corn in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.270 *Storage and track-loading payments*—(a) *Storage payment for 1955–56 storage period.* (1) A producer who reextends his farm-storage reseal loan will at the time of reextension of the reseal loan receive a payment for earned storage during the 1955–56 extended reseal loan period. This payment will be computed at the rate of 15 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1956. The storage payment will be disbursed to the producer by the office of the ASC county committee.

(b) *Storage payment for 1956–57 storage period.* A storage payment for the 1956–57 extended reseal storage period will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1957, (ii) delivers corn to CCC on or after July 31, 1957, or (iii) delivers corn to CCC prior to July 31, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the corn was not damaged or otherwise impaired.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1956, will be made to the producer (i) in the case of loss assumed by CCC under

under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1957, and (iii) in the case of corn delivered to CCC prior to July 31, 1957, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(c) *Adjustment upon delivery.* Upon delivery of 1953-crop corn to CCC, the quantity shall be determined by weighing. The quantity so determined shall be used to determine the actual quantity that was held in farm storage under the reseal, extended reseal, and re-extended reseal loan programs. The storage payments previously made to the producer when the reseal loan was extended and re-extended, covering the 1954–55 and 1955–56 storage periods, will be recomputed on the basis of the actual quantity determined to have been covered by the reseal loan and extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the reseal and extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer when the reseal loan was extended and re-extended shall be collected from the producer.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.271 *Maturity and satisfaction.* Re-extended reseal loans will mature on demand but not later than July 31, 1957. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn, he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under re-extended reseal loan is stored. The provisions of § 421.18 (a), (c), (e), and (f) and of § 421.60 (a) shall be applicable: *Provided,* That, if upon delivery, the corn is of a quality which does not meet sanitation requirements (§ 421.265 (b)) in effect at the time the loan was re-extended, the corn, in the event of failure to meet the requirements of § 421.265 (b) (1), shall be sold for feed, or for industrial uses other than food or beverages, and, in the event of failure to meet the requirements of § 421.265 (b) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.272 *Support rates.* (a) The support rate for a re-extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.58 (b), shall be applicable in determining the settlement value.

Issued this 19th day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5993; Filed, July 24, 1956; 8:51 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat (21 F. R. 4000), containing specific requirements applicable to price support operations on the 1956 wheat crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1643 as follows:

(d) *Support rates.* Basic support rates for wheat placed under loan or delivered under purchase agreements are set forth in this paragraph.

(1) *Basic support rates at designated terminal markets.* Basic support rates per bushel for Grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel	
	Wheat produced in commercial area	Wheat produced in noncommercial area
Astoria, Oreg	$2.23	$1.67
Portland, Oreg	2.23	1.67
Longview, Wash	2.23	1.67
Seattle, Wash	2.23	1.67
Tacoma, Wash	2.23	1.67
Vancouver, Wash	2.23	1.67
Los Angeles, Calif	2.31	1.73
Oakland, Calif	2.31	1.73
San Francisco, Calif	2.31	1.73
Stockton, Calif	2.31	1.73
Atchison, Kans	2.31	1.73
Council Bluffs, Iowa	2.31	1.73
Kansas City, Kans	2.31	1.73
Kansas City, Mo	2.31	1.73
Louisville, Ky	2.31	1.73
Saint Joseph, Mo	2.31	1.73
Omaha, Nebr	2.31	1.73
Sioux City, Iowa	2.31	1.73
Duluth, Minn	2.34	1.76
Minneapolis, Minn	2.34	1.76
St. Paul, Minn	2.34	1.76
Superior, Wis	2.34	1.76
Cairo, Ill	2.31	1.73
Chicago, Ill	2.31	1.73
East St. Louis, Ill	2.31	1.73
Memphis, Tenn	2.31	1.73
Milwaukee, Wis	2.31	1.73
St. Louis, Mo	2.31	1.73
Albany, N. Y	2.43	1.82
Baltimore, Md	2.43	1.82
Norfolk, Va	2.43	1.82
Philadelphia, Pa	2.43	1.82
New York, N. Y	2.43	1.82
Corpus Christi, Tex	2.46	1.84
Galveston, Tex	2.46	1.84
Houston, Tex	2.46	1.84
New Orleans, La	2.46	1.84

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for Grade No. 1 wheat. Both farm-storage and county warehouse-storage loans, except as otherwise provided in paragraph (b) of § 421.1643, will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial producing area, or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the rate shall be the applicable rate where stored, adjusted to the percentage level applicable to where the wheat was produced.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point, and the same support rate shall apply, even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.63

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.22	Mohave	$1.28
Cochise	1.47	Navajo	1.22
Coconino	1.30	Pima	1.54
Gila	1.30	Pinal	1.56
Graham	1.33	Santa Cruz	1.43
Greenlee	1.33	Yavapai	1.38
Maricopa	1.56	Yuma	1.58

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$2.03	Lee	$2.10
Ashley	2.08	Lincoln	2.05
Baxter	1.99	Little River	2.08
Benton	1.95	Logan	1.95
Boone	1.90	Lonoke	2.05
Bradley	2.07	Madison	1.95
Calhoun	2.06	Marion	1.98
Carroll	1.95	Miller	2.09
Chicot	2.08	Mississippi	2.09
Clark	2.08	Monroe	2.06
Clay	2.07	Montgomery	2.05
Cleburne	2.05	Nevada	2.08
Cleveland	2.05	Newton	1.97
Columbia	2.09	Ouachita	2.08
Conway	2.01	Perry	2.00
Craighead	2.08	Phillips	2.06
Crawford	1.95	Pike	2.08
Crittenden	2.13	Poinsett	2.11
Cross	2.10	Polk	2.08
Dallas	2.07	Pope	1.99
Desha	2.06	Prairie	2.05
Drew	2.07	Pulaski	2.03
Faulkner	2.01	Randolph	2.07
Franklin	1.96	St. Francis	2.10
Fulton	1.98	Saline	2.03
Garland	2.05	Scott	2.00
Grant	2.05	Searcy	1.90
Greene	2.07	Sebastian	1.97
Hempstead	2.08	Sevier	2.08
Hot Spring	2.08	Sharp	2.03
Howard	2.08	Stone	2.02
Independence	2.05	Union	2.09
Izard	2.01	Van Buren	1.99
Jackson	2.07	Washington	1.95
Jefferson	2.03	White	2.06
Johnson	1.98	Woodruff	2.06
Lafayette	2.09	Yell	2.02
Lawrence	2.07		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$2.18	Plumas	$1.96
Alpine	1.99	Riverside	2.13
Amador	2.12	Sacramento	2.14
Butte	2.10	San Benito	2.14
Calaveras	2.12	San Bernardino	2.16
Colusa	2.11	San Diego	2.12
Contra Costa	2.18	San Joaquin	2.15
El Dorado	2.09	San Luis Obispo	2.10
Fresno	2.11	San Mateo	2.19
Glenn	2.09	Santa Barbara	2.11
Humboldt	1.94	Santa Clara	2.18
Imperial	2.09	Santa Cruz	2.15
Inyo	1.96	Shasta	2.04
Kern	2.11	Sierra	1.97
Kings	2.11	Siskiyou	1.95
Lake	2.12	Solano	2.17
Lassen	1.95	Sonoma	2.17
Los Angeles	2.17	Stanislaus	2.14
Madera	2.13	Sutter	2.12
Marin	2.18	Tehama	2.08
Mariposa	2.15	Tulare	2.11
Mendocino	2.10	Tuolumne	2.15
Merced	2.14	Ventura	2.17
Modoc	1.89	Yola	2.14
Mono	1.94	Yuba	2.13
Monterey	2.12		
Napa	2.17		
Orange	2.15		
Placer	2.13		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.95	Douglas	$1.95
Alamosa	1.85	Eagle	1.78
Arapahoe	1.95	Elbert	1.95
Archuleta	1.77	El Paso	1.95
Baca	1.96	Fremont	1.91
Bent	1.95	Garfield	1.77
Boulder	1.95	Grand	1.81
Chaffee	1.82	Huerfano	1.93
Cheyenne	1.97	Jackson	1.48
Conejos	1.84	Jefferson	1.95
Costilla	1.85	Kiowa	1.96
Crowley	1.95	Kit Carson	1.97
Custer	1.89	La Plata	1.77
Delta	1.77	Larimer	1.95
Denver	1.95	Las Animas	1.94
Dolores	1.63	Lincoln	1.95

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Logan	$1.95	Pueblo	$1.95
Mesa	1.77	Rio Blanco	1.77
Moffat	1.77	Rio Grande	1.84
Montezuma	1.67	Routt	1.77
Montrose	1.77	Saguache	1.84
Morgan	1.95	San Miguel	1.70
Otero	1.95	Sedgwick	1.98
Ouray	1.77	Summit	1.81
Phillips	1.97	Washington	1.95
Pitkin	1.77	Weld	1.95
Prowers	1.96	Yuma	1.96

CONNECTICUT

All counties	$1.66

DELAWARE

Kent	$2.25
New Castle	2.25
Sussex	2.24

FLORIDA

All counties	$1.63

GEORGIA

All counties	$2.20

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.79	Gem	$1.80
Adams	1.77	Gooding	1.74
Bannock	1.75	Idaho	1.87
Bear Lake	1.78	Jefferson	1.74
Benewah	1.89	Jerome	1.74
Bingham	1.74	Kootenai	1.88
Blaine	1.73	Latah	1.89
Boise	1.79	Lemhi	1.74
Bonner	1.86	Lewis	1.86
Bonneville	1.74	Lincoln	1.74
Boundary	1.84	Madison	1.74
Butte	1.74	Minidoka	1.74
Camas	1.72	Nez Perce	1.89
Canyon	1.80	Oneida	1.75
Caribou	1.75	Owyhee	1.79
Cassia	1.75	Payette	1.81
Clark	1.74	Power	1.75
Clearwater	1.89	Shoshone	1.86
Custer	1.74	Teton	1.73
Elmore	1.77	Twin Falls	1.77
Franklin	1.75	Valley	1.78
Fremont	1.74	Washington	1.82

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Iroquois	$2.10
Alexander	2.10	Jackson	2.10
Bond	2.12	Jasper	2.09
Boone	2.12	Jefferson	2.10
Brown	2.08	Jersey	2.12
Bureau	2.10	Jo Daviess	2.08
Calhoun	2.11	Johnson	2.04
Carroll	2.09	Kane	2.13
Cass	2.10	Kankakee	2.13
Champaign	2.10	Kendall	2.13
Christian	2.10	Knox	2.08
Clark	2.09	Lake	2.14
Clay	2.10	LaSalle	2.11
Clinton	2.12	Lawrence	2.09
Coles	2.10	Lee	2.10
Cook	2.14	Livingston	2.10
Crawford	2.08	Logan	2.10
Cumberland	2.10	McDonough	2.08
De Kalb	2.12	McHenry	2.12
DeWitt	2.10	McLean	2.10
Douglas	2.10	Macon	2.10
DuPage	2.14	Macoupin	2.12
Edgar	2.10	Madison	2.13
Edwards	2.08	Marion	2.10
Effingham	2.10	Marshall	2.10
Fayette	2.10	Mason	2.10
Ford	2.10	Massac	2.09
Franklin	2.10	Menard	2.10
Fulton	2.09	Mercer	2.07
Gallatin	2.05	Monroe	2.12
Greene	2.12	Montgomery	2.11
Grundy	2.12	Morgan	2.10
Hamilton	2.09	Moultrie	2.10
Hancock	2.07	Ogle	2.11
Hardin	2.02	Peoria	2.10
Henderson	2.07	Perry	2.10
Henry	2.09	Piatt	2.10

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pike	$2.09	Stephenson	$2.09
Pope	2.05	Tazewell	2.10
Pulaski	2.10	Union	2.10
Putnam	2.10	Vermilion	2.10
Randolph	2.10	Wabash	2.07
Richland	2.09	Warren	2.08
Rock Island	2.08	Washington	2.10
Saint Clair	2.12	Wayne	2.08
Saline	2.05	White	2.06
Sangamon	2.10	Whiteside	2.09
Schuyler	2.09	Will	2.14
Scott	2.10	Williamson	2.10
Shelby	2.10	Winnebago	2.10
Stark	2.10	Woodford	2.10

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.04	Lawrence	$2.11
Allen	2.05	Madison	2.05
Bartholomew	2.11	Marion	2.07
Benton	2.07	Marshall	2.07
Blackford	2.06	Martin	2.06
Boone	2.07	Miami	2.07
Brown	2.07	Monroe	2.13
Carroll	2.08	Montgomery	2.06
Cass	2.08	Morgan	2.06
Clark	2.15	Newton	2.09
Clay	2.04	Noble	2.06
Clinton	2.07	Ohio	2.08
Crawford	2.11	Orange	2.13
Daviess	2.04	Owen	2.06
Dearborn	2.08	Parke	2.06
Decatur	2.10	Perry	2.07
De Kalb	2.05	Pike	2.06
Delaware	2.04	Porter	2.11
Dubois	2.03	Posey	2.04
Elkhart	2.07	Pulaski	2.09
Fayette	2.07	Putnam	2.07
Floyd	2.19	Randolph	2.05
Fountain	2.05	Ripley	2.08
Franklin	2.07	Rush	2.07
Fulton	2.08	Saint Joseph	2.07
Gibson	2.04	Scott	2.11
Grant	2.06	Shelby	2.07
Greene	2.06	Spencer	2.09
Hamilton	2.06	Starke	2.08
Hancock	2.07	Steuben	2.05
Harrison	2.08	Sullivan	2.03
Hendricks	2.07	Switzerland	2.08
Henry	2.05	Tippecanoe	2.07
Howard	2.07	Tipton	2.06
Huntington	2.05	Union	2.07
Jackson	2.11	Vanderburgh	2.09
Jasper	2.11	Vermillion	2.06
Jay	2.05	Vigo	2.08
Jefferson	2.09	Wabash	2.07
Jennings	2.09	Warren	2.07
Johnson	2.08	Warrick	2.07
Knox	2.05	Washington	2.13
Kosciusko	2.06	Wayne	2.05
Lagrange	2.06	Wells	2.04
Lake	2.12	White	2.10
La Porte	2.09	Whitley	2.06

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.10	Dallas	$2.09
Adams	2.11	Davis	2.05
Allamakee	2.09	Decatur	2.08
Appanoose	2.06	Delaware	2.08
Audubon	2.12	Des Moines	2.06
Benton	2.08	Dickinson	2.10
Black Hawk	2.08	Dubuque	2.07
Boone	2.08	Emmet	2.11
Bremer	2.09	Fayette	2.09
Buchanan	2.08	Floyd	2.10
Buena Vista	2.08	Franklin	2.09
Butler	2.09	Fremont	2.14
Calhoun	2.09	Greene	2.09
Carroll	2.11	Grundy	2.08
Cass	2.11	Guthrie	2.10
Cedar	2.06	Hamilton	2.08
Cerro Gordo	2.10	Hancock	2.10
Cherokee	2.09	Hardin	2.08
Chickasaw	2.10	Harrison	2.14
Clarke	2.08	Henry	2.05
Clay	2.09	Howard	2.11
Clayton	2.08	Humboldt	2.09
Clinton	2.07	Ida	2.10
Crawford	2.12	Iowa	2.06

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$2.07	Plymouth	$2.10
Jasper	2.07	Pocahontas	2.08
Jefferson	2.04	Polk	2.08
Johnson	2.06	Pottawattamie	2.15
Jones	2.07	Poweshiek	2.06
Keokuk	2.04	Ringgold	2.08
Kossuth	2.10	Sac	2.09
Lee	2.06	Scott	2.07
Linn	2.08	Shelby	2.13
Louisa	2.06	Sioux	2.09
Lucas	2.08	Story	2.08
Lyon	2.08	Tama	2.08
Madison	2.08	Taylor	2.10
Mahaska	2.05	Union	2.10
Marion	2.06	Van Buren	2.05
Marshall	2.08	Wapello	2.05
Mills	2.15	Warren	2.08
Mitchell	2.11	Washington	2.05
Monona	2.12	Wayne	2.07
Monroe	2.06	Webster	2.08
Montgomery	2.13	Winnebago	2.11
Muscatine	2.06	Winneshiek	2.10
O'Brien	2.08	Woodbury	2.10
Osceola	2.09	Worth	2.11
Page	2.13	Wright	2.09
Palo Alto	2.10		

KANSAS

Allen	$2.10	Linn	$2.10
Anderson	2.11	Logan	2.00
Atchison	2.13	Lyon	2.09
Barber	2.03	McPherson	2.05
Barton	2.03	Marion	2.05
Bourbon	2.10	Marshall	2.09
Brown	2.12	Meade	2.00
Butler	2.05	Miami	2.13
Chase	2.08	Mitchell	2.05
Chautauqua	2.08	Montgomery	2.09
Cherokee	2.09	Morris	2.07
Cheyenne	1.99	Morton	1.96
Clark	2.01	Nemaha	2.10
Clay	2.07	Neosho	2.10
Cloud	2.08	Ness	2.03
Coffey	2.10	Norton	2.03
Comanche	2.02	Osage	2.10
Cowley	2.05	Osborne	2.05
Crawford	2.10	Ottawa	2.05
Decatur	2.01	Pawnee	2.03
Dickinson	2.06	Phillips	2.03
Doniphan	2.13	Pottawatomie	2.10
Douglas	2.13	Pratt	2.03
Edwards	2.03	Rawlins	2.00
Elk	2.08	Reno	2.05
Ellis	2.03	Republic	2.06
Ellsworth	2.05	Rice	2.05
Finney	2.00	Riley	2.09
Ford	2.02	Rooks	2.04
Franklin	2.13	Rush	2.03
Geary	2.08	Russell	2.04
Gove	2.01	Saline	2.05
Graham	2.03	Scott	2.00
Grant	1.99	Sedgwick	2.05
Gray	2.01	Seward	1.99
Greeley	1.99	Shawnee	2.10
Greenwood	2.08	Sheridan	2.01
Hamilton	1.99	Sherman	1.99
Harper	2.05	Smith	2.05
Harvey	2.05	Stafford	2.03
Haskell	2.00	Stanton	1.98
Hodgeman	2.03	Stevens	1.99
Jackson	2.11	Sumner	2.05
Jefferson	2.13	Thomas	2.00
Jewell	2.05	Trego	2.03
Johnson	2.13	Wabaunsee	2.09
Kearny	1.99	Wallace	1.99
Kingman	2.05	Washington	2.07
Kiowa	2.03	Wichita	1.99
Labette	2.09	Wilson	2.09
Lane	2.01	Woodson	2.10
Leavenworth	2.13	Wyandotte	2.13
Lincoln	2.05		

KENTUCKY

Adair	$2.14	Bath	$2.15
Allen	2.13	Bell	2.14
Anderson	2.15	Boone	2.14
Ballard	2.11	Bourbon	2.16
Barren	2.13	Boyd	2.16

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Boyle	$2.16	Lee	$2.15
Bracken	2.15	Lewis	2.16
Breathitt	2.14	Lincoln	2.16
Breckenridge	2.12	Livingston	2.11
Bullitt	2.14	Logan	2.12
Butler	2.12	Lyon	2.12
Caldwell	2.12	McCracken	2.11
Calloway	2.11	McCreary	2.14
Campbell	2.14	McLean	2.11
Carlisle	2.11	Madison	2.16
Carroll	2.14	Magoffin	2.14
Carter	2.15	Marion	2.15
Casey	2.15	Marshall	2.11
Christian	2.12	Mason	2.15
Clark	2.16	Meade	2.12
Clay	2.14	Menifee	2.14
Clinton	2.15	Mercer	2.16
Crittenden	2.11	Metcalfe	2.13
Cumberland	2.14	Monroe	2.14
Daviess	2.11	Montgomery	2.15
Edmonson	2.12	Morgan	2.14
Elliott	2.15	Muhlenberg	2.12
Estill	2.15	Nelson	2.15
Fayette	2.16	Nicholas	2.15
Fleming	2.15	Ohio	2.12
Franklin	2.15	Oldham	2.14
Fulton	2.11	Owen	2.15
Gallatin	2.14	Owsley	2.14
Garrard	2.16	Pendleton	2.15
Grant	2.15	Powell	2.15
Graves	2.11	Pulaski	2.16
Grayson	2.13	Robertson	2.15
Green	2.15	Rockcastle	2.16
Greenup	2.16	Rowan	2.16
Hancock	2.12	Russell	2.14
Hardin	2.13	Scott	2.15
Harrison	2.15	Shelby	2.14
Hart	2.13	Simpson	2.13
Henderson	2.11	Spencer	2.14
Henry	2.14	Taylor	2.15
Hickman	2.11	Todd	2.12
Hopkins	2.12	Trigg	2.12
Jackson	2.14	Trimble	2.14
Jefferson	2.14	Union	2.11
Jessamine	2.16	Warren	2.12
Johnson	2.14	Washington	2.16
Kenton	2.14	Wayne	2.15
Knox	2.14	Webster	2.11
Larue	2.14	Whitley	2.14
Laurel	2.15	Wolfe	2.14
Lawrence	2.15	Woodford	2.16

LOUISIANA

All counties	$1.56

MAINE

All counties	$1.63

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.15	Howard	$2.27
Anne Arundel	2.22	Kent	2.25
Baltimore	2.23	Montgomery	2.23
Calvert	2.20	Prince Georges	2.21
Caroline	2.25	Queen Annes	2.25
Carroll	2.23	St. Marys	2.20
Cecil	2.23	Somerset	2.23
Charles	2.20	Talbot	2.25
Dorchester	2.24	Washington	2.18
Frederick	2.22	Wicomico	2.24
Garrett	2.10	Worcester	2.23
Harford	2.23		

MASSACHUSETTS

All counties	$1.65

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.94	Benzie	$2.01
Alger	2.00	Berien	2.07
Allegan	2.04	Branch	2.04
Alpena	1.93	Calhoun	2.04
Antrim	1.92	Cass	2.07
Arenac	1.95	Charlevoix	1.91
Baraga	2.05	Cheboygan	1.92
Barry	2.03	Chippewa	1.92
Bay	2.01	Clare	2.01

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$2.03	Manistee	$1.98
Crawford	1.95	Marquette	2.04
Delta	1.99	Mason	1.97
Dickinson	1.99	Mecosta	1.98
Eaton	2.03	Menominee	2.00
Emmet	1.91	Midland	2.01
Genesee	2.03	Missaukee	1.97
Gladwin	1.99	Monroe	2.06
Gogebic	2.08	Montcalm	2.01
Grand Traverse	1.95	Montmorency	1.93
Gratiot	2.03	Muskegon	2.01
Hillsdale	2.03	Newaygo	2.00
Houghton	2.02	Oakland	2.04
Huron	2.00	Oceana	1.98
Ingham	2.03	Ogemaw	1.99
Ionia	2.03	Ontonagon	2.00
Iosco	1.95	Osceola	1.98
Iron	2.01	Oscoda	1.99
Isabella	2.00	Otsego	1.92
Jackson	2.04	Ottawa	2.03
Kalamazoo	2.06	Presque Isle	1.92
Kalkaska	1.92	Roscommon	1.99
Kent	2.03	Saginaw	2.03
Keweenaw	2.02	Saint Clair	2.05
Lake	1.98	Saint Joseph	2.06
Lapeer	2.03	Sanilac	2.03
Leelanau	1.92	Schoolcraft	1.99
Lenawee	2.05	Shiawassee	2.03
Livingston	2.03	Tuscola	2.02
Luce	1.92	Van Buren	2.05
Mackinac	1.92	Washtenaw	2.05
Macomb	2.06	Wexford	1.98

MINNESOTA

Aitkin	$2.15	Martin	$2.12
Anoka	2.18	Meeker	2.16
Becker	2.09	Mille Lacs	2.16
Beltrami	2.10	Morrison	2.13
Benton	2.15	Mower	2.12
Big Stone	2.10	Murray	2.11
Blue Earth	2.14	Nicollet	2.15
Brown	2.14	Nobles	2.09
Carlton	2.17	Norman	2.08
Carver	2.18	Olmsted	2.13
Cass	2.13	Otter Tail	2.11
Chippewa	2.12	Pennington	2.07
Chisago	2.16	Pine	2.15
Clay	2.09	Pipestone	2.10
Clearwater	2.09	Polk	2.07
Cottonwood	2.12	Pope	2.12
Crow Wing	2.13	Ramsey	2.18
Dakota	2.18	Red Lake	2.08
Dodge	2.14	Redwood	2.13
Douglas	2.12	Renville	2.14
Faribault	2.12	Rice	2.16
Fillmore	2.11	Rock	2.09
Freeborn	2.13	Roseau	2.06
Goodhue	2.15	Saint Louis	2.14
Grant	2.11	Scott	2.18
Hennepin	2.19	Sherburne	2.17
Houston	2.11	Sibley	2.15
Hubbard	2.11	Stearns	2.15
Isanti	2.16	Steele	2.14
Itasca	2.14	Stevens	2.12
Jackson	2.11	Swift	2.12
Kanabec	2.14	Todd	2.13
Kandiyohi	2.15	Traverse	2.10
Kittson	2.04	Wabasha	2.15
Koochiching	2.06	Wadena	2.12
Lac Qui Parle	2.11	Waseca	2.14
Lake of the Woods	2.07	Washington	2.18
Le Sueur	2.16	Watonwan	2.12
Lincoln	2.11	Wilkin	2.10
Lyon	2.11	Winona	2.14
McLeod	2.16	Wright	2.17
Mahnomen	2.08	Yellow Medicine	2.12
Marshall	2.06		

MISSISSIPPI

All counties	$1.56

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.06	Atchison	$2.12
Andrew	2.13	Audrain	2.08

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Barry	$2.08	McDonald	$2.08
Barton	2.10	Macon	2.07
Bates	2.12	Madison	2.09
Benton	2.10	Maries	2.09
Bollinger	2.08	Marion	2.08
Boone	2.08	Mercer	2.09
Buchanan	2.13	Miller	2.06
Butler	2.06	Mississippi	2.05
Caldwell	2.12	Moniteau	2.08
Callaway	2.09	Monroe	2.08
Camden	2.05	Montgomery	2.10
Cape Girardeau	2.08	Morgan	2.08
Carroll	2.12	New Madrid	2.05
Carter	1.98	Newton	2.08
Cass	2.13	Nodaway	2.11
Cedar	2.13	Oregon	1.99
Charlton	2.10	Osage	2.08
Christian	2.08	Ozark	2.02
Clark	2.07	Pemiscot	2.04
Clay	2.13	Perry	2.10
Clinton	2.13	Pettis	2.10
Cole	2.07	Phelps	2.09
Cooper	2.09	Pike	2.09
Crawford	2.10	Platte	2.13
Dade	2.09	Polk	2.09
Dallas	2.07	Pulaski	2.07
Daviess	2.12	Putman	2.08
De Kalb	2.13	Ralls	2.09
Dent	2.08	Randolph	2.08
Douglas	2.05	Ray	2.12
Dunklin	2.04	Reynolds	2.06
Franklin	2.12	Ripley	2.09
Gasconade	2.10	Saint Charles	2.13
Gentry	2.12	Saint Clair	2.11
Greene	2.08	Sainte Genevieve	2.10
Grundy	2.10	Saint Francois	2.10
Harrison	2.10	Saint Louis	2.13
Henry	2.12	Saline	2.11
Hickory	2.10	Schuyler	2.05
Holt	2.13	Scotland	2.06
Howard	2.09	Scott	2.07
Howell	2.00	Shannon	1.99
Iron	2.10	Shelby	2.08
Jackson	2.13	Stoddard	2.07
Jasper	2.09	Stone	2.07
Jefferson	2.13	Sullivan	2.08
Johnson	2.12	Taney	2.05
Knox	2.07	Texas	2.05
Laclede	2.05	Vernon	2.11
Lafayette	2.12	Warren	2.13
Lawrence	2.08	Washington	2.10
Lewis	2.08	Wayne	2.08
Lincoln	2.13	Webster	2.05
Linn	2.09	Worth	2.11
Livingston	2.11	Wright	2.05

MONTANA

Beaverhead	$1.71	Madison	$1.78
Big Horn	1.81	Meagher	1.80
Blaine	1.82	Mineral	1.77
Broadwater	1.80	Missoula	1.76
Carbon	1.80	Musselshell	1.83
Carter	1.92	Park	1.80
Cascade	1.80	Petroleum	1.80
Chouteau	1.80	Phillips	1.85
Custer	1.90	Pondera	1.80
Daniels	1.97	Powder River	1.88
Dawson	1.91	Powell	1.76
Deer Lodge	1.76	Prairie	1.90
Fallon	1.92	Ravalli	1.73
Fergus	1.80	Richland	1.91
Flathead	1.77	Roosevelt	1.92
Gallatin	1.80	Rosebud	1.85
Garfield	1.89	Sanders	1.78
Glacier	1.80	Sheridan	1.90
Golden Valley	1.80	Silver Bow	1.77
Granite	1.73	Stillwater	1.80
Hill	1.80	Sweet Grass	1.80
Jefferson	1.77	Teton	1.80
Judith Basin	1.80	Toole	1.80
Lake	1.77	Treasure	1.85
Lewis and Clark	1.78	Valley	1.87
Liberty	1.80	Wheatland	1.80
Lincoln	1.79	Wibaux	1.92
McCone	1.89	Yellowstone	1.80

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Jefferson	$2.10
Antelope	2.08	Johnson	2.11
Arthur	1.99	Kearney	2.06
Banner	1.95	Keith	1.99
Blaine	2.03	Keya Paha	2.03
Boone	2.10	Kimball	1.95
Box Butte	1.98	Knox	2.07
Boyd	2.05	Lancaster	2.13
Brown	2.03	Lincoln	2.02
Buffalo	2.07	Logan	2.03
Burt	2.13	Loup	2.06
Butler	2.13	McPherson	2.02
Cass	2.13	Madison	2.10
Cedar	2.08	Merrick	2.10
Chase	1.99	Morrill	1.97
Cherry	2.01	Nance	2.10
Cheyenne	1.95	Nemaha	2.11
Clay	2.08	Nuckolls	2.08
Colfax	2.13	Otoe	2.13
Cuming	2.12	Pawnee	2.10
Custer	2.05	Perkins	1.99
Dakota	2.10	Phelps	2.05
Dawes	1.96	Pierce	2.09
Dawson	2.06	Platte	2.11
Deuel	1.98	Polk	2.11
Dixon	2.10	Red Willow	2.02
Dodge	2.13	Richardson	2.10
Douglas	2.13	Rock	2.04
Dundy	1.99	Saline	2.11
Fillmore	2.10	Sarpy	2.13
Franklin	2.06	Saunders	2.13
Frontier	2.03	Scotts Bluff	1.95
Furnas	2.04	Seward	2.13
Gage	2.11	Sheridan	1.98
Garden	1.99	Sherman	2.07
Garfield	2.07	Sioux	1.95
Gosper	2.05	Stanton	2.10
Grant	1.99	Thayer	2.09
Greeley	2.09	Thomas	2.02
Hall	2.08	Thurston	2.11
Hamilton	2.10	Valley	2.07
Harlan	2.05	Washington	2.13
Hayes	2.00	Wayne	2.08
Hitchcock	2.01	Webster	2.07
Holt	2.07	Wheeler	2.03
Hooker	2.01	York	2.10
Howard	2.08		

NEVADA

Churchill	$1.44	Lyon	$1.39
Clark	1.33	Mineral	1.28
Douglas	1.48	Nye	1.24
Elko	1.34	Ormsby	1.43
Esmeralda	1.24	Pershing	1.45
Eureka	1.34	Storey	1.48
Humboldt	1.38	Washoe	1.48
Lander	1.34	White Pine	1.06
Lincoln	1.34		

NEW HAMPSHIRE

All counties	$1.64

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.20	Middlesex	$2.19
Burlington	2.21	Monmouth	2.20
Camden	2.24	Morris	2.19
Cape May	2.17	Ocean	2.19
Cumberland	2.19	Passaic	2.20
Essex	2.20	Salem	2.19
Gloucester	2.20	Somerset	2.19
Hunterdon	2.19	Sussex	2.19
Mercer	2.22	Warren	2.18

NEW MEXICO

Bernalillo	$1.89	Harding	$1.91
Catron	1.81	Hidalgo	1.83
Chaves	1.94	Lea	1.97
Colfax	1.87	Lincoln	1.91
Curry	1.98	Luna	1.75
De Baca	1.93	McKinley	1.75
Dona Ana	1.89	Mora	1.89
Eddy	1.93	Otero	1.91
Grant	1.75	Quay	1.97
Guadalupe	1.94	Rio Arriba	1.75

NEW MEXICO—Continued

County	Rate per bushel	County	Rate per bushel
Roosevelt	$1.96	Socorro	$1.89
Sandoval	1.89	Taos	1.83
San Juan	1.57	Torrance	1.91
San Miguel	1.89	Union	1.93
Santa Fe	1.86	Valencia	1.84
Sierra	1.89		

NEW YORK

Albany	$2.26	Oneida	$2.21
Allegany	2.19	Onondaga	2.20
Broome	2.19	Ontario	2.19
Cattaraugus	2.15	Orange	2.17
Cayuga	2.20	Orleans	2.19
Chautauqua	2.12	Oswego	2.20
Chemung	2.20	Otsego	2.17
Chenango	2.20	Putnam	2.18
Clinton	2.10	Rensselaer	2.24
Columbia	2.22	Rockland	2.19
Cortland	2.20	Saratoga	2.22
Delaware	2.15	Schenectady	2.25
Dutchess	2.18	Schoharie	2.24
Erie	2.18	Schuyler	2.20
Essex	2.13	Seneca	2.20
Franklin	2.07	Steuben	2.20
Fulton	2.15	St. Lawrence	2.13
Genesee	2.20	Suffolk	2.13
Greene	2.20	Sullivan	2.15
Herkimer	2.22	Tioga	2.20
Jefferson	2.15	Tompkins	2.20
Lewis	2.16	Ulster	2.19
Livingston	2.19	Warren	2.18
Madison	2.20	Washington	2.19
Monroe	2.20	Wayne	2.19
Montgomery	2.25	Westchester	2.19
Nassau	2.15	Wyoming	2.19
Niagara	2.19	Yates	2.19

NORTH CAROLINA

All counties	$2.21

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.97	McLean	$2.00
Barnes	2.06	Mercer	1.98
Benson	2.02	Morton	1.99
Billings	1.97	Mountrail	1.98
Bottineau	1.99	Nelson	2.04
Bowman	1.96	Oliver	1.99
Burke	1.97	Pembina	2.04
Burleigh	2.02	Pierce	2.02
Cass	2.07	Ramsey	2.03
Cavalier	2.02	Ransom	2.06
Dickey	2.06	Renville	1.98
Divide	1.96	Richland	2.09
Dunn	1.97	Rolette	2.01
Eddy	2.04	Sargent	2.07
Emmons	2.01	Sheridan	2.02
Foster	2.04	Sioux	1.99
Golden Valley	1.94	Slope	1.94
Grand Forks	2.06	Stark	1.99
Grant	1.98	Steele	2.06
Griggs	2.06	Stutsman	2.05
Hettinger	1.98	Towner	2.02
Kidder	2.03	Traill	2.06
La Moure	2.05	Walsh	2.04
Logan	2.03	Ward	1.98
McHenry	2.00	Wells	2.03
McIntosh	2.02	Williams	1.96
McKenzie	1.94		

OHIO

Adams	$2.05	Columbiana	$2.09
Allen	2.06	Coshocton	2.08
Ashland	2.08	Crawford	2.07
Ashtabula	2.11	Cuyahoga	2.08
Athens	2.07	Darke	2.05
Auglaize	2.05	Defiance	2.05
Belmont	2.08	Delaware	2.07
Brown	2.05	Erie	2.07
Butler	2.05	Fairfield	2.07
Carroll	2.08	Fayette	2.05
Champaign	2.05	Franklin	2.07
Clark	2.05	Fulton	2.05
Clermont	2.05	Gallia	2.05
Clinton	2.05	Geauga	2.11

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Greene	$2.05	Morrow	$2.07
Guernsey	2.08	Muskingum	2.08
Hamilton	2.05	Noble	2.08
Hancock	2.07	Ottawa	2.07
Hardin	2.07	Paulding	2.05
Harrison	2.08	Perry	2.07
Henry	2.05	Pickaway	2.06
Highland	2.05	Pike	2.05
Hocking	2.07	Portage	2.08
Holmes	2.08	Preble	2.05
Huron	2.07	Putnam	2.06
Jackson	2.05	Richland	2.08
Jefferson	2.09	Ross	2.06
Knox	2.08	Sandusky	2.07
Lake	2.10	Scioto	2.05
Lawrence	2.05	Seneca	2.07
Licking	2.07	Shelby	2.05
Logan	2.06	Stark	2.08
Lorain	2.08	Summit	2.08
Lucas	2.06	Trumbull	2.11
Madison	2.06	Tuscarawas	2.08
Mahoning	2.10	Union	2.07
Marion	2.07	Van Wert	2.05
Medina	2.08	Vinton	2.07
Meigs	2.05	Warren	2.05
Mercer	2.05	Washington	2.08
Miami	2.05	Wayne	2.08
Monroe	2.08	Williams	2.05
Montgomery	2.05	Wood	2.07
Morgan	2.08	Wyandot	2.07

OKLAHOMA

Adair	$2.02	Le Fore	$2.00
Alfalfa	2.01	Lincoln	2.00
Atoka	2.00	Logan	2.00
Beaver	1.95	Love	2.00
Beckham	2.00	McClain	2.00
Blaine	2.00	McCurtain	2.00
Bryan	2.00	McIntosh	2.02
Caddo	2.00	Major	1.99
Canadian	2.00	Marshall	2.00
Carter	2.00	Mayes	2.06
Cherokee	2.03	Murray	2.00
Choctaw	2.00	Muskogee	2.02
Cimarron	1.94	Noble	2.02
Cleveland	2.00	Nowata	2.08
Coal	2.00	Okfuskee	[1] 2.00
Comanche	2.00	Oklahoma	2.00
Cotton	2.00	Okmulgee	2.02
Craig	2.07	Osage	2.04
Creek	2.02	Ottawa	2.07
Custer	2.00	Pawnee	2.02
Delaware	2.07	Payne	2.00
Dewey	1.99	Pittsburg	2.00
Ellis	1.97	Pontotoc	2.00
Garfield	2.01	Pottawatomie	2.00
Garvin	2.00	Pushmataha	2.00
Grady	2.00	Roger Mills	1.99
Grant	2.02	Rogers	2.06
Greer	2.00	Seminole	2.00
Harmon	2.00	Sequoyah	2.02
Harper	1.98	Stephens	2.00
Haskell	2.00	Texas	1.95
Hughes	2.00	Tillman	2.00
Jackson	2.00	Tulsa	2.05
Jefferson	2.00	Wagoner	2.04
Johnston	2.00	Washington	2.07
Kay	2.03	Washita	2.00
Kingfisher	2.00	Woods	2.01
Kiowa	2.00	Woodward	1.98
Latimer	2.00		

OREGON

Baker	$1.87	Jefferson	$2.04
Benton	2.04	Josephine	1.91
Clackamas	2.07	Klamath	1.91
Clatsop	2.03	Lake	1.87
Columbia	2.05	Lane	2.01
Coos	1.94	Lincoln	1.98
Crook	2.02	Linn	2.04
Curry	1.93	Malheur	1.81
Deschutes	2.02	Marion	2.07
Douglas	1.97	Morrow	2.02
Gilliam	2.04	Multnomah	2.09
Grant	2.02	Polk	2.06
Harney	1.75	Sherman	2.05
Hood River	2.08	Tillamook	2.09
Jackson	1.91	Umatilla	1.96

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Union	$1.87	Washington	$2.09
Wallowa	1.86	Wheeler	2.02
Wasco	2.08	Yamhill	2.07

PENNSYLVANIA

Adams	$2.20	Lackawanna	$2.17
Allegheny	2.11	Lancaster	2.21
Armstrong	2.12	Lawrence	2.11
Beaver	2.11	Lebanon	2.20
Bedford	2.15	Lehigh	2.20
Berks	2.21	Luzerne	2.16
Blair	2.15	Lycoming	2.15
Bradford	2.18	McKean	2.15
Bucks	2.23	Mercer	2.11
Butler	2.11	Mifflin	2.15
Cambria	2.12	Monroe	2.16
Carbon	2.16	Montgomery	2.23
Centre	2.15	Montour	2.15
Chester	2.23	Northampton	2.19
Clarion	2.13	Northumberland	2.15
Clearfield	2.14	Perry	2.15
Clinton	2.15	Pike	2.15
Columbia	2.20	Potter	2.11
Crawford	2.11	Schuylkill	2.17
Cumberland	2.19	Snyder	2.15
Dauphin	2.17	Somerset	2.10
Delaware	2.25	Sullivan	2.20
Elk	2.15	Susquehanna	2.18
Erie	2.11	Tioga	2.15
Fayette	2.11	Union	2.15
Forest	2.12	Venango	2.11
Franklin	2.19	Warren	2.10
Fulton	2.17	Washington	2.11
Greene	2.10	Wayne	2.13
Huntingdon	2.15	Westmoreland	2.11
Indiana	2.11	Wyoming	2.20
Jefferson	2.13	York	2.22
Juniata	2.15		

RHODE ISLAND

All counties	$1.66

SOUTH CAROLINA

All counties	$2.20

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.04	Jackson	$1.96
Beadle	2.07	Jerauld	2.06
Bennett	1.99	Jones	1.98
Bon Homme	2.07	Kingsbury	2.08
Brookings	2.09	Lake	2.08
Brown	2.07	Lawrence	1.92
Brule	2.03	Lincoln	2.08
Buffalo	2.04	Lyman	2.00
Butte	1.92	McCook	2.07
Campbell	2.02	McPherson	2.04
Charles Mix	2.05	Marshall	2.07
Clark	2.08	Meade	1.94
Clay	2.10	Mellette	2.01
Codington	2.09	Miner	2.07
Corson	1.99	Minnehaha	2.08
Custer	1.94	Moody	2.09
Davison	2.05	Pennington	1.95
Day	2.08	Perkins	1.97
Deuel	2.09	Potter	2.03
Dewey	1.98	Roberts	2.09
Douglas	2.05	Sanborn	2.06
Edmunds	2.05	Shannon	1.98
Fall River	1.94	Spink	2.07
Faulk	2.05	Stanley	2.02
Grant	2.09	Sully	2.02
Gregory	2.05	Todd	2.02
Haakon	1.98	Tripp	2.03
Hamlin	2.09	Turner	2.08
Hand	2.06	Union	2.10
Hanson	2.07	Walworth	2.03
Harding	1.96	Washabaugh	1.96
Hughes	2.03	Yankton	2.08
Hutchinson	2.06	Ziebach	1.96
Hyde	2.04		

TENNESSEE

Anderson	$2.19	Bradley	$2.19
Bedford	2.16	Campbell	2.19
Benton	2.13	Cannon	2.15
Bledsoe	2.17	Carroll	2.12
Blount	2.20	Carter	2.22

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Cheatham	$2.14	McMinn	$2.19
Chester	2.12	McNairy	2.12
Claiborne	2.21	Macon	2.14
Clay	2.15	Madison	2.11
Cocke	2.20	Marion	2.17
Coffee	2.16	Marshall	2.16
Crockett	2.11	Maury	2.15
Cumberland	2.17	Meigs	2.18
Davidson	2.14	Monroe	2.20
Decatur	2.13	Montgomery	2.13
De Kalb	2.15	Moore	2.16
Dickson	2.14	Morgan	2.13
Dyer	2.10	Obion	2.11
Fayette	2.10	Overton	2.16
Fentress	2.17	Perry	2.14
Franklin	2.17	Pickett	2.16
Gibson	2.12	Polk	2.20
Giles	2.16	Putnam	2.16
Grainger	2.20	Rhea	2.18
Greene	2.21	Roane	2.18
Grundy	2.16	Robertson	2.13
Hamblen	2.21	Rutherford	2.15
Hamilton	2.18	Scott	2.18
Hancock	2.22	Sequatchie	2.17
Hardeman	2.11	Sevier	2.20
Hardin	2.13	Shelby	2.10
Hawkins	2.23	Smith	2.15
Haywood	2.11	Stewart	2.13
Henderson	2.13	Sullivan	2.23
Henry	2.12	Sumner	2.13
Hickman	2.14	Tipton	2.10
Houston	2.13	Trousdale	2.14
Humphreys	2.13	Unicoi	2.21
Jackson	2.15	Union	2.20
Jefferson	2.20	Van Buren	2.16
Johnson	2.22	Warren	2.16
Knox	2.20	Washington	2.22
Lake	2.11	Wayne	2.14
Lauderdale	2.10	Weakley	2.12
Lawrence	2.15	White	2.16
Lewis	2.15	Williamson	2.15
Lincoln	2.17	Wilson	2.14
Loudon	2.19		

TEXAS

Andrews	$1.99	Deaf Smith	$2.00
Archer	2.00	Delta	2.06
Armstrong	2.00	Denton	2.08
Atascosa	2.09	DeWitt	2.11
Bailey	2.00	Dickens	2.00
Bandera	2.08	Dimmit	2.02
Bastrop	2.12	Donley	2.00
Baylor	2.00	Eastland	2.01
Bee	2.08	Edwards	1.96
Bell	2.12	Ellis	2.10
Bexar	2.10	Erath	2.04
Blanco	2.11	Falls	2.12
Borden	2.00	Fannin	2.03
Bosque	2.10	Fisher	2.00
Bowie	2.03	Floyd	2.00
Briscoe	2.00	Foard	2.00
Brown	2.08	Gaines	2.00
Burleson	2.14	Galveston	2.27
Burnet	2.08	Garza	2.00
Caldwell	2.12	Gillespie	2.06
Callahan	2.00	Glasscock	2.00
Carson	2.00	Goliad	2.11
Castro	2.00	Gray	1.99
Chambers	2.17	Grayson	2.03
Childress	2.00	Guadalupe	2.12
Clay	2.00	Hale	2.00
Cochran	2.00	Hall	2.00
Coke	2.00	Hamilton	2.05
Coleman	2.05	Hansford	1.97
Collin	2.08	Hardeman	2.00
Collingsworth	2.00	Harris	2.26
Comal	2.12	Hartley	1.97
Comanche	2.02	Haskell	2.00
Concho	2.05	Hays	2.12
Cooke	2.03	Hemphill	1.97
Coryell	2.08	Hill	2.11
Cottle	2.00	Hockley	2.00
Crosby	2.00	Hood	2.07
Culberson	1.92	Howard	2.00
Dallam	1.95	Hudspeth	1.92
Dallas	2.08	Hunt	2.07
Dawson	2.00	Hutchinson	1.97
		Irion	1.97

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Jack	$2.03	Parmer	$1.99
Jackson	2.12	Pecos	1.93
Jeff Davis	1.92	Potter	2.00
Johnson	2.10	Presidio	1.91
Jones	2.00	Randall	2.00
Karnes	2.08	Real	2.05
Kaufman	2.09	Reeves	1.93
Kendall	2.08	Refugio	2.11
Kent	2.00	Roberts	1.98
Kerr	2.06	Robertson	2.12
Kimble	2.00	Rockwall	2.08
King	2.00	Runnels	2.03
Kinney	2.01	San Saba	2.08
Knox	2.00	Schleicher	1.98
Lamar	2.03	Scurry	2.00
Lamb	2.00	Shackelford	2.00
Lampasas	2.08	Sherman	1.95
Limestone	2.12	Somervell	2.07
Lipscomb	1.97	Stephens	2.00
Live Oak	2.08	Sterling	1.98
Llano	2.08	Stonewall	2.00
Loving	1.93	Sutton	1.97
Lubbock	2.00	Swisher	2.00
Lynn	2.00	Tarrant	2.08
McCulloch	2.07	Taylor	2.02
McLennan	2.12	Terry	2.00
Martin	1.99	Throckmorton	2.01
Mason	2.08	Tom Green	2.00
Maverick	1.97	Travis	2.12
Medina	2.10	Uvalde	2.05
Menard	2.05	Van Zandt	2.08
Midland	1.98	Victoria	2.12
Milam	2.14	Waller	2.24
Mills	2.08	Ward	1.95
Mitchell	2.00	Wharton	2.22
Montague	2.03	Wheeler	1.99
Moore	1.97	Wichita	2.00
Motley	2.00	Wilbarger	2.00
Navarro	2.11	Williamson	2.13
Nolan	2.00	Wilson	2.08
Ochiltree	1.97	Wise	2.05
Oldham	2.00	Yoakum	2.00
Palo Pinto	2.03	Young	2.03
Parker	2.06	Zavala	2.02

UTAH

Beaver	$1.82	Piute	$1.69
Box Elder	1.75	Rich	1.78
Cache	1.75	Salt Lake	1.78
Carbon	1.78	San Juan	1.78
Daggett	1.78	San Pete	1.74
Davis	1.78	Sevier	1.70
Duchesne	1.78	Summit	1.78
Emery	1.78	Tooele	1.75
Garfield	1.69	Uintah	1.78
Grand	1.78	Utah	1.78
Iron	1.82	Wasatch	1.78
Juab	1.75	Washington	1.82
Kane	1.69	Wayne	1.69
Millard	1.77	Weber	1.78
Morgan	1.78		

VERMONT

All counties	$1.64

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.21	Chesterfield	$2.21
Albemarle	2.20	Clarke	2.20
Alleghany	2.18	Craig	2.18
Amelia	2.21	Culpeper	2.20
Amherst	2.20	Cumberland	2.21
Appomattox	2.21	Dickenson	2.18
Arlington	2.20	Dinwiddie	2.21
Augusta	2.20	Elizabeth City	2.21
Bath	2.18	Essex	2.21
Bedford	2.20	Fairfax	2.20
Bland	2.18	Fauquier	2.20
Botetourt	2.19	Floyd	2.19
Brunswick	2.20	Fluvanna	2.20
Buchanan	2.18	Franklin	2.19
Buckingham	2.21	Frederick	2.20
Campbell	2.20	Giles	2.18
Caroline	2.21	Gloucester	2.21
Carroll	2.19	Goochland	2.21
Charles City	2.21	Grayson	2.19
Charlotte	2.21	Greene	2.20

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Greensville	$2.20	Page	$2.20
Halifax	2.20	Patrick	2.19
Hanover	2.21	Pittsylvania	2.20
Henrico	2.21	Powhatan	2.21
Henry	2.19	Prince Edward	2.21
Highland	2.18	Prince George	2.21
Isle of Wight	2.20	Prince William	2.20
James City	2.21	Princess Anne	2.20
King and Queen	2.21	Pulaski	2.19
King George	2.21	Rappahannock	2.20
King William	2.21	Richmond	2.21
Lancaster	2.21	Roanoke	2.19
Lee	2.19	Rockbridge	2.20
Loudoun	2.20	Rockingham	2.20
Louisa	2.20	Russell	2.19
Lunenburg	2.21	Shenandoah	2.20
Madison	2.20	Smyth	2.19
Mathews	2.21	Southampton	2.20
Mecklenburg	2.20	Spotsylvania	2.21
Middlesex	2.21	Stafford	2.21
Montgomery	2.18	Surry	2.20
Nansemond	2.20	Sussex	2.20
Nelson	2.20	Tazewell	2.18
New Kent	2.21	Warren	2.20
Norfolk	2.20	Warwick	2.21
Northampton	2.21	Washington	2.19
Northumberland	2.21	Westmoreland	2.21
Nottaway	2.21	Wise	2.19
Orange	2.20	Wythe	2.19
		York	2.21

WASHINGTON

Adams	$1.91	Lewis	$2.03
Asotin	1.89	Lincoln	1.91
Benton	1.97	Mason	1.98
Chelan	1.95	Okanogan	1.89
Clallam	1.97	Pacific	1.98
Clark	2.09	Pend Oreille	1.87
Columbia	1.95	Pierce	2.09
Cowlitz	2.07	San Juan	2.05
Douglas	1.90	Skagit	2.05
Ferry	1.81	Skamania	2.08
Franklin	1.93	Snohomish	2.06
Garfield	1.95	Spokane	1.90
Grant	1.91	Stevens	1.85
Grays Harbor	2.00	Thurston	2.04
Island	2.05	Wahkiakum	2.07
Jefferson	1.97	Walla Walla	1.96
King	2.03	Whatcom	2.03
Kitsap	2.08	Whitman	1.90
Kittitas	1.93	Yakima	1.97
Klickitat	2.05		

WEST VIRGINIA

Barbour	$2.15	Mingo	$2.14
Berkeley	2.19	Mineral	2.17
Boone	2.14	Monongalia	2.13
Braxton	2.14	Monroe	2.17
Brooke	2.12	Morgan	2.18
Cabell	2.12	Nicholas	2.16
Calhoun	2.13	Ohio	2.12
Clay	2.14	Pendleton	2.18
Doddridge	2.12	Pleasants	2.11
Fayette	2.16	Pocahontas	2.18
Gilmer	2.13	Preston	2.15
Grant	2.17	Putnam	2.12
Greenbrier	2.18	Raleigh	2.15
Hampshire	2.18	Randolph	2.17
Hancock	2.12	Ritchie	2.12
Hardy	2.18	Roane	2.12
Harrison	2.14	Summers	2.18
Jackson	2.11	Taylor	2.15
Jefferson	2.20	Tucker	2.17
Kanawha	2.13	Tyler	2.11
Lewis	2.14	Upshur	2.15
Lincoln	2.13	Wayne	2.13
Logan	2.14	Webster	2.16
McDowell	2.16	Wetzel	2.12
Marion	2.13	Wirt	2.12
Marshall	2.12	Wood	2.11
Mason	2.12	Wyoming	2.15
Mercer	2.17		

WISCONSIN

Adams	$2.07	Bayfield	$2.12
Ashland	2.12	Brown	2.05
Barron	2.12	Buffalo	2.13

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Burnett	$2.15	Milwaukee	$2.14
Calumet	2.07	Monroe	2.09
Chippewa	2.11	Oconto	2.04
Clark	2.09	Oneida	2.04
Columbia	2.06	Outagamie	2.06
Crawford	2.09	Ozaukee	2.08
Dane	2.08	Pepin	2.14
Dodge	2.08	Pierce	2.15
Door	2.02	Polk	2.15
Douglas	2.16	Portage	2.07
Dunn	2.13	Price	2.10
Eau Claire	2.13	Racine	2.14
Florence	2.04	Richland	2.05
Fond du Lac	2.07	Rock	2.09
Forest	2.07	Rusk	2.11
Grant	2.05	Saint Croix	2.16
Green	2.08	Sauk	2.06
Green Lake	2.06	Sawyer	2.12
Iowa	2.05	Shawano	2.04
Iron	2.09	Sheboygan	2.08
Jackson	2.11	Taylor	2.09
Jefferson	2.09	Trempeleau	2.11
Juneau	2.08	Vernon	2.09
Kenosha	2.14	Vilas	2.04
Kewaunee	2.03	Walworth	2.10
LaCrosse	2.09	Washburn	2.13
LaFayette	2.06	Washington	2.08
Langlade	2.04	Waukesha	2.09
Lincoln	2.02	Waupaca	2.05
Manitowoc	2.07	Waushara	2.05
Marathon	2.08	Winnebago	2.06
Marinette	2.02	Wood	2.08
Marquette	2.06		

WYOMING

Albany	$1.80	Natrona	$1.82
Big Horn	1.60	Niobrara	1.91
Campbell	1.87	Park	1.78
Carbon	1.77	Platte	1.91
Converse	1.86	Sheridan	1.84
Crook	1.88	Sublette	1.77
Fremont	1.75	Sweetwater	1.77
Goshen	1.95	Teton	1.73
Hot Springs	1.80	Uinta	1.77
Johnson	1.84	Washakie	1.80
Laramie	1.95	Weston	1.90
Lincoln	1.77		

(iii) Where the State committee determines that State or district weed control laws affect the wheat crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the wheat to CCC the producer supplies a certificate indicating that the wheat complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Premiums and discounts for classification, grade, variety, and protein content.*

	Cents per bushel
(i) Classification premiums and discounts:	
(a) Premiums:	
Hard Amber Durum [1]	+25
Amber Durum [1]	+15
(b) Discounts:	
Red Durum	−20
Soft Red Winter Wheat and White Wheat (except the varieties Baart and Bluestem of the subclass Hard White) stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and in counties in neighboring States where the natural movement of wheat is toward West Coast terminals	−2

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

	Cents per bushel
(b) Discounts—Continued	
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheats of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15
Amber Mixed Durum	−5
Mixed Durum	−10
(ii) Grade premium and discount:	
(a) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(b) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
(b) Discounts—Continued	
No. 4 or No. 5 because of containing Durum and/or Red Durum [2 3]	−6
Smut—Degree basis:	
Light smutty	−2
Smutty	−6
Smut—Percentage basis:	
½ of 1 percent	−1
1 percent or over	−3
Garlic—Degree basis:	
Light garlicky	−6
Garlicky	−15

[2] These discounts are in addition to any other applicable numerical grade discount.
[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subdivision (i) (b) of this subparagraph.

(iii) Variety Discount: The following varieties listed by class and State will be subject to a discount of 20 cents per bushel. This discount is in addition to any other applicable discount:

State	Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Arkansas	Blue Jacket				
California				Sonora	
Colorado	Early Blackhull, Red Chiefkan, Red Jacket, Kanqueen, Newchief, Blue Jacket.				
Idaho	Blue Jacket			Rex	
Illinois	Red Chief, Red Jacket				Kawvale.
Indiana	Purkof				Kawvale.
Iowa	Red Chief, Blue Jacket				
Kansas	Early Pawnee (Sel 33), Stafford, Early Blackhull, Red Chief, Chiefkan, Kanking, Newchief, Red Jacket, Yogo, Blue Jacket.				Kawvale.
Michigan	Purkof, Blue Jacket	Henry (Upper Peninsula).			
Minnesota		Henry, Spinkcota	Golden Ball		
Missouri	Red Chief, Kanking, Kanqueen, Blue Jacket.				Kawvale.
Montana	Early Blackhull, Red Chief, Chiefkan.	Henry, Premier	Golden Ball, Peliss.		
Nebraska	Red Chief, Chiefkan, Red Jacket, Stafford, Kankine, Blue Jacket.			Golgalos	Kawvale.
New Mexico	Red Chief, Red Jacket, Chiefkan, Newchief, Blue Jacket.				
North Dakota		Henry, Premier, Spinkcota.	Golden Ball, Peliss, Pentad.		
Oklahoma	Red Chief, Chiefkan, Early Blackhull, Red Jacket, Kanking, Yogo, Newchief, Blue Jacket.				
Oregon				Rex	
South Dakota	Red Chief, Blue Jacket	Henry, Spinkcota	Golden Ball		
Texas	Red Chief, Chiefkan, Red Jacket, Early Blackhull, Kanking, Yogo, Newchief, Blue Jacket.				
Washington				Rex	
Wisconsin		Sturgeon, Progress			
Wyoming	Red Chief, Blue Jacket				

NOTE: The following certification is for use in determining whether or not a variety discount is applicable.

WHEAT VARIETIES CERTIFICATION

(Producer's name)

(State and county code and loan or purchase agreement serial number)

(Producer's address)

Wheat

(Year produced)

I have read the list of undesirable varieties of wheat published in the C. C. C. Grain Price Support Bulletin 1, Wheat Supplement for the crop year and hereby certify as follows with respect to the above identified wheat: (Check applicable statement).

☐ 1. I did not harvest an undesirable variety listed for the State except for such minor quantities of volunteer wheat of an undesirable variety as may have been in the harvested crop.

☐ 2. I did harvest an undesirable variety listed for the State but none of such wheat is being tendered for price support.

☐ 3. I did harvest an undesirable variety listed for the State and such wheat being tendered for price support is identified as follows:

(Bin Number or Warehouse Receipt Number and Variety)

The conditions as checked above apply to this certification.

(Producer's signature)

Date

If the above certification is not executed by a producer who tenders for price support wheat of a class or sub-class for which an undesirable variety is listed for the State, all the wheat he tenders for price support of such class or sub-class will be subject to the 20 cent per bushel variety discount. This certificate is not applicable to a producer who tenders for price support wheat of a class or sub-class for which no undesirable variety is listed for the State.

Any producer making a false certification will be subject to prosecution under Federal law.

(iv) Protein premiums:[1]

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White Wheat of the varieties Baart and Bluestem
	Cents per bushel	Cents per bushel	Cents per bushel
10.0 to 10.9	0	0	1
11.0 to 11.9	0	1	2
12.0 to 12.9	1	2	3
13.0 to 13.9	2	3	4
14.0 to 14.4	3	4	5
14.5 to 14.9	4	5	6
15.0 to 15.4	5	6	7
15.5 to 15.9	6	7	8
16.0 to 16.4	7	8	9
16.5 to 16.9	8	10	11
17.0 to 17.4	9	12	13
Over 17.4	(1)	(1)	(1)

[1] 2 cents premium for each ½ percent of protein over 17.4 percent.

(v) In the case of "Mixed Wheat" the price support rate shall be determined by subtracting from the basic rate for the numerical grade the applicable discount, if any, for the predominating class in the mixture in addition to the discount for "Mixed Wheat" provided in the table of premiums and discounts shown in this subparagraph.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 19th day of July 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5995; Filed, July 24, 1956; 8:52 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 21 F. R. 4007 and 4792, containing the specific requirements of the 1956-crop oats price support program, are hereby amended as follows:

Section 421.1880 (c) (2) is amended to change the requirements concerning the use of a pack factor in determining the quantity of oats in a bin eligible for loan, so that the amended paragraph reads as follows:

§ 421.1880 *Determination of quantity.* * * *

(c) * * *

(2) To determine the quantity of oats in a bin eligible for loan, multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels. The State committee is authorized to use the pack factor of 1.15 regardless of the number of bushels in the bin if the minimum height of the oats in the bin is 5 feet or less.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 19th day of July 1956.

WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-5994; Filed, July 24, 1956; 8:52 a. m.]

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 5]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

The terms and conditions of this program are hereby amended to eliminate the requirement that fresh citrus fruit shall either be packed in containers treated with biphenyl or be packed with biphenyl-treated pads or liners when not individually wrapped.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date: This amendment shall be effective July 20, 1956.

Dated this 19th day of July 1956.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 56-5989; Filed, July 24, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1000—MILK IN CHATTANOOGA, TENNESSEE MARKETING AREA

ORDER REGULATING HANDLING OF MILK

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1000.0 Findings and determinations.

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1000.2 Secretary.
1000.3 Department of Agriculture.
1000.4 Chattanooga, Tennessee, marketing area.
1000.5 Person.
1000.6 Producer.
1000.7 Pool plant.
1000.8 Nonpool plant.
1000.9 Handler.
1000.10 Producer-handler.
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REPORTS, RECORDS AND FACILITIES

1000.30 Reports of sources and utilization.
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MINIMUM PRICES

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§ 1000.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 1000.41 (a), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than August 1, 1956, and fully effective not later than September 1, 1956. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Chattanooga, Tennessee marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on May 17–25, 1955. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on February 10, 1956 (21 F. R. 956). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on June 26, 1956, and published in the FEDERAL REGISTER on June 30, 1956. Thus, handlers have known of these impending requirements for some time and have had opportunity to be prepared. Further, for the month of August 1956, the provisions hereof which will be effective will not require payments to producers on milk received during the month, and thus will allow further opportunity for handlers to become familiar with provisions of the order. Also, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day

the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during September through January. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective August 1, 1956, and fully effective September 1, 1956, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Chattanooga, Tennessee marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuanee of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (April 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Markting Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called the "marketing area", means all of the territory included within the boundaries of Hamilton, McMinn and Bradley counties, all in the State of Tennessee.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

§ 1000.6 *Producer.* "Producer" means any approved dairy farmer who produces milk which is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

§ 1000.7 *Pool plant.* "Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided,* That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July: *And provided further,* That any such plant may withdraw from pool plant status for any month in the March–July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1000.8 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1000.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more pool plants; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1000.6.

§ 1000.10 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates a distributing plant in which he processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from other dairy farmers or from nonpool plants.

§ 1000.11 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1000.6.

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of said milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1000.14 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a) other than a delivery to any milk processing plant.

§ 1000.15 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1000.17 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1000.90, multiplied by the number of days in such month.

§ 1000.18 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk

received during such months from a producer for whom no daily average base can be computed pursuant to § 1000.90.

§ 1000.19 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency that may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 1000.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1000.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1000.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1000.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1000.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts has not made reports pursuant to §§ 1000.30 and 1000.31 or payments pursuant to §§ 1000.80 through 1000.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 10th day of each month, the uniform prices, computed pursuant to §§ 1000.71 and 1000.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of sources and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1000.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator:

(1) On or before the 6th day of each of the months of April through August, the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1000.6, his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1000.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1000.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records

are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1000.30 (a) shall be classified each month pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) skim milk disposed of and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk respectively.

§ 1000.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1000.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1000.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1000.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the City Hall in Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1000.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1000.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1000.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1000.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 1000.51 (b) (1).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and an amount computed by multiplying the butterfat differential computed pursuant to § 1000.73, by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53, the minimum prices per hundredweight of milk containing 4 percent butterfat, to be paid by each handler for milk received at his pool plant from producers, during the month, shall be as follows:

(a) *Class I milk price.* For each month during an eighteen month period following the effective date of this order, the minimum price per hundredweight of Class I milk shall be the basic formula price for the preceding month, plus $1.75.

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest cent. For all other months, it shall be the price computed pursuant to subparagraph (1) of this paragraph, or the price computed pursuant to § 1000.50 (c), whichever is higher.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Company and Location
Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greensville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

§ 1000.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1000.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided,* That such butterfat differential shall not exceed the result obtained by dividing the Class II price, pursuant to § 1000.51 (b), by 40.

§ 1000.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1000.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Chattanooga, Tenn. (miles):	*Rate per hundredweight (cents)*
65 but not more than 75	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1000.45 (a) (1) through (4), and the comparable steps in § 1000.45 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1000.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and the Class I location differential of the plant at which the milk was received from farmers.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 1000.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.53, 1000.61 and 1000.62, 1000.70 through 1000.75, and 1000.80 through 1000.87 shall not apply to a producer-handler.

§ 1000.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through February.

§ 1000.62 *Operators of nonpool plants.* An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month by the rate of compensatory payment calculated pursuant to § 1000.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1000.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator

shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1000.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1000.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butter fat subtracted from Class I milk pursuant to § 1000.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1000.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1000.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1000.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for the producer milk of all handlers who submit reports prescribed in § 1000.30 and who are not in default of payments pursuant to § 1000.80 or § 1000.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1000.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1000.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1000.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1000.30, and who are not in default of payments pursuant to § 1000.80 or § 1000.82 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1000.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 1000.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying by 0.12 the Chicago butter price during the month, adjusted to the nearest one-tenth of a cent.

§ 1000.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1000.53.

§ 1000.75 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1000.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.85 and 1000.86, or § 1000.62 and the amount due such handler pursuant to § 1000.83.

PAYMENTS

§ 1000.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1000.85, (iii) plus or minus adjustments for errors made in previous payments made to such producers, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1000.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1000.84.

§ 1000.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.62, 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1000.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1000.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1000.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1000.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1000.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1000.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his pool plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

§ 1000.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1000.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1000.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more.

§ 1000.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base cal-

culated pursuant to § 1000.90 to each person for whose account producer milk was delivered to pool plants during the months of September through January; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1000.92 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1000.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1000.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1000.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1000.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 20th day of July 1956, to be effective as follows:

Sections 1000.0 through 1000.27 (j), 1000.30 through 1000.45 and 1000.86 through 1000.111 of this order shall be effective on and after August 1, 1956; and all of the remaining terms and provisions of this order (§§ 1000.27 (k) and 1000.50 through 1000.85) shall be effective on and after September 1, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-5090; Filed, July 24, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6327]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARYLAND BAKING CO. ET AL.

Subpart—*Cutting prices arbitrarily:* § 13.665 *Cutting prices arbitrarily, or with intent and effect of competitive loss or capitulation:* Under Clayton Act, Section 2 (a).[1] Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.737 *Localized price cutting.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Maryland Baking Company et al., Baltimore, Md., Docket 6327, June 29, 1956]

In the Matter of Maryland Baking Company, a Corporation, and Joseph Shapiro, Individually and as Treasurer of Maryland Baking Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging one of the largest ice cream cone manufacturers in the United States with discriminating in price in violation of subsection 2 (a) of the Clayton Act as amended, in the metropolitan areas surrounding the cities of Baltimore, Hagerstown, and Frederick, Md., and Washington, D. C., in May or June 1951, at about the time of entry of its single competitor into the cake cone business and apparently in retaliation therefor, through reducing its price for rolled sugar cones in that area from $6.66 to $5.00 per thousand, while maintaining the price of $7.16 in the Philadelphia metropolitan area and the States of Delaware and New Jersey, with the result that said sole competitor in the Washington-Baltimore area lost all of its sales of rolled sugar cones to some of its former jobber accounts and respondent virtually restricted to itself the jobber market for rolled sugar cones in that area.

No testimony in opposition to the allegations of the complaint was offered at the hearings, respondent's motion to dismiss the complaint was denied, and the hearing examiner in due course made his initial decision, including order to cease and desist, from which both counsel appealed. After hearing the matter on briefs and oral argument of counsel, the Commission, on June 29, rendered its decision denying the appeals and adopting the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Maryland Baking Company, a corporation and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of ice cream cones in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling ice cream cones to any purchaser at higher prices than the prices charged any other purchaser engaged in the same line of commerce where, in the sale of said cones to such purchaser charged the lower price, respondent The Maryland Baking Company is in competition with another seller.

It is further ordered, That the complaint against Joseph Shapiro, individually only, be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, The Maryland Baking Company, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in the initial decision.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5971; Filed, July 24, 1956; 8:46 a. m.]

[Docket 6052]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. SORENSEN MANUFACTURING CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.700 *Arbitrary or improper functional discounts;* § 13.715 *Charges and price differentials;* § 13.725 *Cumulative quantity discounts and schedules;* § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, P. Sorensen Manufacturing Co., Inc., Woodside, N. Y., Docket 6052, June 29, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of automotive products and supplies, including (a) ignition service parts, (b) carburetor parts and kits, and (c) cable, wire, and accessories, with factory at Woodside, N. Y., and warehouses in ten principal cities of the United States, with discriminating in price in violaton of subsecton 2(a) of the Clayton Act as amended, between two classes of customers competing with each other in their respective trade areas, through use of (1) a Warehouse Distributor's agreement applying to some 50 customers accounting for 25 percent to 30 percent of respondent's domestic sales, who were required to maintain an adequate stock of all Sorensen lines based upon minimum annual purchases of $12,000 net, and received 20 percent discount off current distributor prices on each factory purchase and 10 percent discount on each warehouse purchase; and (2) an Authorized Distributor agreement made with some 450 or 500 other customers who purchased approximately 60 percent of respondent's products, providing that the customer purchase a minimum of $1,200 of the Sorensen line annually in consideration of which he received a 10 percent discount from the current distributor price and a "performance rebate" of 3 percent on annual purchases of $3,000 to $5,999, and 5 percent if they amounted to $6,000 or more; though tabulations made of respondent's invoice data in three cities showed no general controlling principle in respondent's aforesaid classification of customers whose individual purchases actually varied widely from the contract requirements.

After the filing of respondent's answer, hearings in due course, and submission of proposed findings of facts and conclusions by counsel, the hearing examiner made his initial decision, including order to cease and desist, from which respondent appealed.

The Commission, having heard the matter on briefs and oral argument, on June 29, 1956, rendered its decision denying respondent's appeal and adopting the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent P. Sorensen Manufacturing Co., Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale, for replacement purposes, of automotive products and supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such automotive products and supplies of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes in the resale and distribution of said products with the purchaser paying the higher price.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, P. Sorensen Manufacturing Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision.

By the Commission.[1]

Issued: June 29, 1956.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5972; Filed, July 24, 1956; 8:47 a. m.]

[Docket 6491]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GREN CORP. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Federal Trade Commission Act.[2] Subpart—*Misrepresenting oneself and goods*—goods: § 13.1590 *Composition:* Undisclosed adulteration.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Gren Corporation (Stamford, Conn.) et al., Docket 6491, July 12, 1956]

In the Matter of The Gren Corporation, a Corporation, and Charles E. Grenamyer, Individually and as an Officer of Said Corporation; and Sterling Fur Cutting Corporation, a Corporation; and Hyman Meskin, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Newark, N. J., corporate purchaser of fur scraps and used fur garments and its corporate distributor of the processed fiber in Stamford, Conn., with representing the fibers in sales invoices to purchasers as "Natural Mink", "Natural Beaver", etc., when the products so invoiced contained substantial amounts of fur fibers other than mink and beaver—and an agreement containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which, by the Commission's order of June 29, 1956, became, on July 12, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, The Gren Corporation and its officers; and Charles E. Grenamyer, individually and as an officer of said corporation; and Sterling Fur Cutting Corporation, and its officers; and Hyman Meskin, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, transportation or distribution of fur fibers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the constituent fibers of which their fur fibers are composed, or the percentages or amounts thereof, in sales invoices or in any other manner.

The "Decision of the Commission," etc., required report of compliance as follows:

It is ordered, That respondents The Gren Corporation, a corporation, and Charles E. Grenamyer, individually and as an officer of said corporation; and Sterling Fur Cutting Corporation, a corporation; and Hyman Meskin, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-5973; Filed, July 24, 1956; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE-P 11]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN ONIONS FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Chicago, Illinois, on April 10, 1956, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Trading in onions for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position long or short of more than 100 carlots in any one onion future or more than 200 carlots in all onion futures combined, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the

[1] New.

[1] Commissioner Mason dissenting in accordance with his views expressed in Docket 5913.

[2] New.

price of onions not warranted by changes in the conditions of supply or demand.

(b) Speculative buying or selling by a person during one business day of more than 100 carlots in any one onion future or more than 200 carlots in all onion futures combined, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of onions not warranted by changes in the conditions of supply and demand.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in onion futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in onions, it is necessary to establish limits on the amount of speculative trading under contracts of sale of onions for future delivery on or subject to the rules of contract markets which may be done by any person; that the amounts set forth in paragraphs (a) and (b), respectively, of the above Findings of Fact are reasonable limits on the net long or net short speculative position which any person may hold or control, and upon the daily speculative purchases or sales which any person may make, in onion futures on or subject to the rules of any contract market.

§ 150.9 *Limits on position and daily trading in onions for future delivery.* The following limits on the amount of trading under contracts of sale of onions for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after September 1, 1956.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in onions on or subject to the rules of any one contract market is 100 carlots in any one future or 200 carlots in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of onions which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 100 carlots in any one future or 200 carlots in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 6a (3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 1952 ed. sec. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used in this section, the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(Sec. 4a, as added by sec. 5, 49 Stat. 1492; 7 U. S. C. 6a)

Issued: July 19, 1956.

COMMODITY EXCHANGE COMMISSION,
[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture,
Chairman.
SINCLAIR WEEKS,
Secretary of Commerce.
HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-5978; Filed, July 24, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Subchapter C—Drugs

PART 130—NEW DRUGS

PROCEDURAL AND INTERPRETATIVE REGULATIONS; RECODIFICATION OF PART

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 52 Stat. 1052, 1055; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and after having duly considered all comments filed with respect to the notices of proposed rule making published in the FEDERAL REGISTER on September 8, 1955 (20 F. R. 6584) and May 30, 1956 (21 F. R. 3689), the following order is promulgated:

1. Sections 1.109 to 1.114, inclusive, of Part 1—Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act are revoked.

2. The title of Part 130 is changed to read: "Part 130—New Drugs," and new §§ 130.1 to 130.32, inclusive, are added to Part 130, under the subpart heading "Subpart A—Procedural and Interpretative Regulations."

3. Section 3.37 is transferred to Part 130 and renumbered as § 130.32.

4. Subpart B—Drugs Exempted from Prescription-Dispensing Requirements is added to Part 130.

5. Section 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* is renumbered as § 130.102, and transferred to Subpart B.

6. Section 1.108 (b), (c), (d), and (e) are removed to Part 130 (Subpart B), the section title is changed to read: "§ 130.-101 *Prescription-exemption procedure*", and paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (a), (b), (c), and (d), respectively.

7. Section 1.108 is amended by deleting "(a)", inserting a semicolon in place thereof, and redesignating subparagraphs (1), (2), (3), and (4) as paragraphs (a), (b), (c), and (d), respectively.

Part 130, as amended, reads as follows:

PART 130—NEW DRUGS

SUBPART A—PROCEDURAL AND INTERPRETATIVE REGULATIONS

Sec.
130.1 Definitions and interpretations.
130.2 Biologics; products subject to license control.
130.3 New drugs for investigational use; exemptions under section 505 (a).
130.4 Applications.
130.5 Reasons for refusing to file applications.
130.6 Comment on applications.
130.7 Amended applications.
130.8 Withdrawal of applications without prejudice.
130.9 Supplemental applications.
130.10 Notification of applicant of effectiveness of application.
130.11 Postponing the effective date.
130.12 Refusal to permit the application to become effective.
130.13 Insufficient information in application.
130.14 Contents of notice of hearing.
130.15 Failure to file an appearance.
130.16 Appearance of respondent.
130.17 Hearing examiner.
130.18 Prehearing and other conferences.
130.19 Submission of documentary evidence in advance.
130.20 Excerpts from documentary evidence.
130.21 Submission and receipt of evidence.
130.22 Transcript of the testimony.
130.23 Oral and written arguments.
130.24 Tentative order.
130.25 Exceptions to the tentative order.
130.26 Issuance of final order.
130.27 Suspension of effective application.
130.28 Revocation of order refusing to permit application to become effective or suspending effective applications.
130.29 Service of notices and orders.
130.30 Untrue statements in applications.
130.31 Judicial review.
130.32 Statement of policy concerning confidentiality of information contained in new-drug applications.

SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

130.101 Prescription-exemption procedure.
130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

AUTHORITY: §§ 130.1 to 130.102 issued under section 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 503, 505, 52 Stat. 1051, as amended, 1052, as amended; 21 U. S. C. 353, 355.

CROSS REFERENCES: For other regulations on new drugs, issued under the Federal Food, Drug, and Cosmetic Act, see § 1.106 (g) and (k) and § 3.7 of Subchapter A of this chapter.

SUBPART A—PROCEDURAL AND INTERPRETATIVE REGULATIONS

§ 130.1 *Definitions and interpretations.* (a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U. S. C. 301-392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) "New Drug Branch" means the unit established within the Food and Drug Administration charged with the administration of section 505 of the act relating to new drugs.

(f) The newness of a drug may arise by reason (among other reasons) of:

(1) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component.

(2) The newness for drug use of a combination of two or more substances, none of which is a new drug.

(3) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug.

(4) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body.

(5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(g) "New-drug substance" means any substance that, when used in the manufacture, processing, or packing of a drug, causes that drug to be a new drug, but does not include intermediates used in the synthesis of such substance.

(h) The term "person" includes individuals, partnerships, corporations, and associations.

(i) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 130.2 *Biologics; products subject to license control.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U. S. C. 201 et seq.) or under the animal-virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

§ 130.3 *New drugs for investigational use; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section, a shipment or other delivery of a new drug shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce obtains, prior to the introduction or delivery, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(4) Such person retains in his files the statement referred to in subparagraph (3) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery, until 3 years after the introduction or delivery for introduction of such shipment into interstate commerce. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (3) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(b) A shipment or other delivery of a new drug that is being imported or offered for import into the United States shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drugs solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert outside such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer retains in his files the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any) of each such shipment and delivery and the disposition thereof, until 3 years after disposition by such importer of the lot of such drug to which the statements and records relate. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (4) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of that paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

§ 130.4 *Applications.* (a) Applications to be filed under the provisions of section 505 (b) of the act shall be submitted in duplicate to the New Drug Branch. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part; translations of literature printed in a foreign language shall be accompanied by copies of the original publication.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications shall be submitted in the following form:

Form FD-356—Rev. 1956

Department of Health, Education, and Welfare, Food and Drug Administration.

ORIGINAL ☐ OR SUPPLEMENTAL ☐ APPLICATION

Name of applicant ----------
Address ----------
Date ----------
Name of new drug ----------
(If this is a supplemental application see Item (8))

To the Secretary of Health, Education, and Welfare,

For the Commissioner of Food and Drugs,
Washington 25, D. C.
Dear Sir:

The undersigned, ----------, submits this application with respect to a new drug pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act. Attached hereto, in duplicate, and constituting a part of this application are the following:

(1) Full reports of all investigations that have been made to show whether or not the drug is safe for use.

(a) An application may be incomplete or may be refused unless it includes full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use as suggested in the proposed labeling. The reports ordinarily should include detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth. Reports of all clinical tests by experts, qualified by scientific training and experience to evaluate the safety of drugs, should be attached and ordinarily should include detailed information pertaining to each individual treated, including age, sex, conditions treated, dosage, frequency of administration, duration of administration of the drug, results of clinical and laboratory examinations made, and a full statement of any adverse effects and therapeutic results observed.

(b) The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in parts (2), (3), or (4) of the application in any way that would bias an evaluation of the report.

(c) The unexplained omission of any reports of investigations made with the drug by the applicant or submitted to him by an investigator he supplied with the drug that would bias an evaluation of the safety of the drug constitutes grounds for the refusal or suspension of an application.

(2) A full list of the articles used as components of the drug. (This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.)

(3) A full statement of the composition of the drug. (This statement should set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed; as, for example, amount per tablet or per milliliter, in addition to a representative batch formula. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.)

(4) (a) A full description of the methods used in the manufacture, processing, and packing of the drug. (Included in this description should be full information on the following, in sufficient detail to permit evaluation of the adequacy of the manufacturing, processing, and packing methods to determine and preserve the identity, strength, quality, and purity of the drug:

(i) The methods used in the synthesis, extraction, isolation, or purification of any new-drug susbtance. When the specifications and controls applied to such substance (described in part (4) (b) of this form) are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperature, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

(ii) The methods used in processing and packing each proposed dosage form of the new drug, including a description of the container or other packaging material.

(iii) If the applicant does not himself perform all the manufacturing, processing, and packing operations for any new drug substance or the new drug, his statement identifying each person who will perform a part of such operations and designating the part and a signed statement from each such person, fully describing the methods he uses directly or by reference.

(b) A full description of the facilities and controls used for the manufacture, processing, and packing of the drug.

(Included in this description should be full information on the following in sufficient detail to permit evaluation of the adequacy of the described methods, facilities, and controls to preserve the identity, strength, quality, and purity of the drug.)

(i) A description of the physical facilities including plant and equipment used in manufacturing, processing, packing, and control operations on the new drug.

(ii) If the applicant does not himself perform all the manufacturing, processing, packing, and control operations, his statement identifying each person who will perform a part of such operations and designating the part; and a signed statement from each such person fully describing the facilities and controls he uses in his part of the operations directly or by reference.

(iii) Precautions to insure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance of each lot of raw material.

(iv) Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

(v) Method of preparation of formula card, and manner in which it is used.

(vi) Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

(vii) Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and at what stage and by whom it is done.

(viii) Precautions to check the actual packaged yield produced from a batch of the drug with the theoretical yield.

(ix) Precautions to insure that the proper labels are placed on the drug for a particular lot, including provisions for label storage and inventory control.

(x) The analytical controls used during the various stages of the manufacturing, processing, and packing of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. If the article is one which is represented to be sterile, the same information should be given for sterility controls. Include the standards required for acceptance of each lot of the finished drug.

(xi) An explanation of the exact significance of any batch control numbers used in the manufacturing, processing, and packing of the drug, including any such control numbers that may appear on the label of the finished article. State whether or not any of the numbers appear on invoices and describe any other methods used to permit determination of the distribution of any batch if its recall is required.

(xii) A complete description of and the data derived from studies of the stability of the drug. If the data indicate that an expiration date is needed to preserve the identity, strength, quality, and purity of the drug until it is used, a statement of an expiration date.

(xiii) Additional procedures employed which are designed to prevent contamination and otherwise insure proper control of the product.

(5) Three finished market packages of the drug, and other samples of the drug or its components on request.

(When finished market packages of the drug are not available to submit with the application, state that finished market packages conforming to the description under part (4) (a) (ii) and labeled as provided in part (6) of the application will be submitted as soon as available and prior to the marketing of the drug. In case the drug is available only in limited quantity, state the extent to which samples of the drug and its components will be available on request.)

(6) Five copies of each label and other labeling to be used for the drug.

(a) Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.

(b) The labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use, or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to laymen.

(c) The labeling on or within the retail package, or a brochure or other printed matter specifically identified on such label or labeling and made available to practitioners, should contain adequate information for use of the drug by such practitioners under all the conditions for which the drug is intended or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant.

(d) Labeling bearing adequate information for use of the drug by practitioners should be a part of the retail package of injections and any other drug that may be unsafe for the intended use unless such information is immediately available to the practitioner.

(e) Typewritten or other draft labeling copy may be accepted for conditional consideration of an application, provided a statement is made that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

(7) State whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.

(8) If this is a supplemental application, full information on each proposed change concerning any statement made in the effective application.

(After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.)

(9) It is understood that all representations in this application regarding the components, composition, manufacturing methods, facilities, controls, and labeling apply to the drug produced until an effective supplement to the application provides for a change or the article is no longer a new drug.

Very truly yours,

---------- (Applicant)

Per ----------

---------- (Indicate authority)

This application must be signed by the applicant or by an authorized attorney, agent, or official.

The data specified under the several numbered headings should be on separate sheets or sets of sheets, suitably identified. The sample of the drug, if sent under separate cover, should be addressed to the New Drug Branch and identified on the outside of the shipping package with the name of the applicant and the name of the drug as shown on the application.

The applicant will be notified of the date on which his application is filed. An incomplete application, or one which has not been submitted in duplicate, will usually be retained but not filed as an application provided for in section 505 (b) of the act. The applicant will be notified in what respect his application is incomplete.

ALL APPLICATIONS AND CORRESPONDENCE SHOULD BE SUBMITTED IN DUPLICATE

(d) "Specimens of the labeling proposed to be used," quoted from section 505 (b) (6) of the act, means final printed labeling if printed labeling is to be used. However, for the purpose of facilitating consideration of applications and necessary revisions in labeling, the New Drug Branch may conditionally file and may inform the applicant of the conditional effectiveness of his application on the basis of typewritten or other draft labeling copy, provided that both of the following conditions are met:

(1) It is reasonable to reach a conclusion as to the safety of the drug on considering the submitted labeling copy and description of format, typography, etc.

(2) The application states that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

An application conditionally filed and conditionally effective as provided in this paragraph will be considered incomplete under section 505 (b) (6) of the act, not filed as an application pursuant to section 505 (b), and not effective if the new drug is marketed prior to the submission to the New Drug Branch of specimens of its final printed labeling conforming to the conditions of the application.

§ 130.5 *Reasons for refusing to file applications.* (a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505 (b) of the act if it does not contain complete and accurate English translations of any part in a foreign language, if only one copy is submitted, or if it is incomplete on its face, in that:

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act.

(2) It does not state the conditions under which the drug is to be used.

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly nor by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions. The New Drug Branch will notify the applicant promptly of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b) of the act, shall specify such clause. Otherwise, the date on which an application is received will be considered to be the date on which such application is filed, and the New Drug Branch will notify the applicant of such date.

(b) If an applicant disputes the finding of the New Drug Branch that his application is incomplete, he may within 10 days after receipt of the notice of nonfiling make written request to the New Drug Branch to file the application. In such case, the application shall be considered filed as of the original date of receipt, over the protest of the New Drug Branch, with the effective date of such application postponed for not more than 180 days after the filing thereof.

(c) If within 180 days the Commissioner finds that the application is incomplete or that other facts exist which require him to issue an order refusing to allow the application to become effective, he shall issue a notice to the applicant as provided in § 130.14. Subsequent to such notice, the procedure followed shall be in accordance with §§ 130.14 to 130.26, inclusive.

§ 130.6 *Comment on applications.* After the New Drug Branch has studied the application, it will furnish oral or written comment to the applicant on any apparent deficiencies in the data submitted or on the need for any additional data or changes in the application to facilitate its consideration. The New Drug Branch will disclose to the applicant any information upon which such comment is based, except information as to data or their source that has been submitted as part of another person's new-drug application or otherwise submitted, with the specific request that it be considered confidential. The New Drug Branch may suggest withdrawal of an application when it finds that additional evidence is required to support a finding that the drug is safe or that the methods, facilities, and controls used in manufacturing, processing, and packing the drug are adequate.

§ 130.7 *Amended applications.* The applicant may submit an amendment to an application that is pending, but in such case the unamended application shall be considered as withdrawn and the amended application shall be considered resubmitted on the date on which the amendment is received by the New Drug Branch. The New Drug Branch will notify the applicant of such date.

§ 130.8 *Withdrawal of applications without prejudice.* The applicant may at any time withdraw his application from consideration as a new-drug application upon notification to the New Drug Branch. Such withdrawal may be made without prejudice to a future filing. Upon resubmission, the time limitation will begin to run from the date of resubmission. The application itself will be retained by the New Drug Branch although it is considered withdrawn, but the applicant shall be furnished a copy at cost on request.

§ 130.9 *Supplemental applications.* After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.

§ 130.10 *Notification to applicant of effectiveness of application.* If the Commissioner determines, before the sixtieth day after the filing of an application (or before the one hundred and eightieth day after filing if he has postponed the effective date), that he has no cause to issue an order under section 505 (d) of the act refusing to permit the application to become effective, the New Drug Branch shall so notify the applicant in writing and the application shall become effective on the date of the notification. However, if such determination and notification are conditioned on the meeting of conditions agreed to by the applicant and stated in the letter of notification, the application shall become effective on the date such conditions are met.

§ 130.11 *Postponing the effective date.* If the New Drug Branch determines, before the sixtieth day after the filing of the application, that more time is needed for study and investigation of the application, the Commissioner shall so notify the applicant and inform him that the effective date of the application has been

postponed for not more than 180 days from the filing thereof.

§ 130.12 *Refusal to permit the application to become effective.* If the Commissioner determines upon the basis of the application, or upon the basis of other information before him with respect to the new drug, that:

(a) The investigations, reports of which are required to be submitted pursuant to section 505 (b) of the act, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

(b) The results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or

(d) Upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions,

he will, prior to the effective date of the application, notify the applicant that he proposes to issue an order refusing to permit the application to become effective, as provided in § 130.14.

§ 130.13 *Insufficient information in application.* (a) The information contained in an application may be insufficient for the Commissioner to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502 (f) (1) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(1) The specimen labeling proposed for use on or within the market package of the drug fails to incorporate directly or by reference a specifically identified brochure or other printed matter containing information adequate for the use of such drug by practitioners licensed by law to administer the drug.

(2) Such labeling fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent on request to practitioners licensed by law to administer such drug.

(3) The application fails to contain copies of such brochure or printed matter.

(4) The application fails to show that such brochure or printed matter is readily available to practitioners licensed by law to administer the drug; or if not, that it is to be made so when the application becomes effective.

§ 130.14 *Contents of notice of hearing.* The notice of hearing to the applicant that the Commissioner proposes to refuse to permit the application to become effective or to suspend an effective new-drug application will specify the grounds upon which he proposes to issue his order. On request of the applicant, the Commissioner will furnish any information he considered in support of his proposal except information concerning data or their source that has been submitted as part of another person's new-drug application or otherwise, submitted with the specific request that it be considered confidential. The notice will contain the name of the hearing examiner designated to conduct the hearing, and will specify the time and place at which the hearing will be held. The notice of hearing will specify a date, ordinarily not less than 10 days after issuance of the notice, by which the respondent will be required to file a written appearance electing whether:

(a) To avail himself of the opportunity for a hearing at the time and place specified in the notice of hearing; or

(b) Not to avail himself of the opportunity for a hearing.

The hearing will not be public unless the respondent specifies in his appearance that he desires a public hearing, in which event the hearing will be public.

§ 130.15 *Failure to file an appearance.* If the respondent fails to file a written appearance in answer to the notice of hearing, his failure will be construed as an election not to avail himself of the opportunity for the hearing, and the Commissioner, without further notice, may enter a final order.

§ 130.16 *Appearance of respondent.* If the respondent elects to avail himself of the opportunity for the hearing, he may appear in person or by counsel. If the respondent desires to be heard through counsel, the counsel will file with the hearing examiner a written appearance.

§ 130.17 *Hearing examiner.* The hearing will be conducted by a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U. S. C. 1002 et seq.) and designated in the notice for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings will be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The hearing examiner will have the power to administer oaths and affirmations, to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but will not have the power to decide any motion that involves final determination of the merits of the proceeding.

§ 130.18 *Prehearing and other conferences.* The hearing examiner, on his own motion or on the motion of the applicant or the New Drug Branch, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admissions of facts, and documents.

(c) The limitation of the number of expert witnesses.

(d) The scheduling of witnesses to be called.

(e) The advance submission of all documentary evidence.

(f) Such other matters as may aid in the disposition of the proceeding.

The hearing examiner will make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order will control the subsequent course of the proceeding unless modified for good cause by subsequent order. The hearing examiner may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening the hearing.

§ 130.19 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the hearing examiner and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The hearing examiner after consultation with the parties at a conference called in accordance with § 130.18 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the hearing examiner upon notice to the other parties within the time specified by the hearing examiner in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 130.20 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 130.21 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the hearing examiner may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The hearing examiner shall admit only evidence that is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the hearing examiner. A ruling on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 130.22 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the hearing examiner of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7 (c) of the Administrative Procedure Act (5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the hearing examiner shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the hearing examiner. Where the testimony of a witness refers to a statute, or to a report or document, the hearing examiner shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence or shall be incorporated in the record by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the hearing examiner.

§ 130.23 *Oral and written arguments.* (a) Unless the hearing examiner shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The hearing examiner shall announce at the hearing a reasonable period within which the parties or their representatives may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 130.24 *Tentative order.* The hearing examiner, within a reasonable time, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent and the New Drug Branch, or sent to them by registered mail. If no exceptions are taken to the tentative order within 20 days or such other time specified in such order, that order shall become final.

§ 130.25 *Exceptions to the tentative order.* Within 20 days or such other time specified in the tentative order, the respondent or the New Drug Branch may transmit exceptions to the hearing examiner, together with any briefs or argument in support thereof. If exception is taken to any tentative findings of fact, reference must be made to the pages or parts of the record relied upon, and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument.

§ 130.26 *Issuance of final order.* Within a reasonable time after the filing of exceptions, or after oral argument (if such argument is requested), the Commissioner shall issue the final order in the proceeding. The order will include the findings of fact upon which it is based.

§ 130.27 *Suspension of effective application.* If the Commissioner has reason to believe (a) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that a drug for which an application is effective is unsafe for use under the conditions of use upon the basis of which the application became effective, or (b) that the application contains any untrue statement of a material fact, he shall so notify the person holding the effective new-drug application and afford an opportunity for a hearing. The notice and hearing will conform to the provisions of §§ 130.14 to 130.27, inclusive.

§ 130.28 *Revocation of order refusing to permit application to become effective or suspending effective applications.* The Commissioner, upon his own initiative or upon request of an applicant stating reasonable grounds therefor, may, if he finds that the facts so require, issue an order allowing an application to become effective which has been refused or suspended.

§ 130.29 *Service of notices and orders.* All notices and orders under this part and section 505 of the act pertaining to new-drug applications shall be served:

(a) In person by any officer or employee of the Department designated by the Commissioner; or

(b) By mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Department.

§ 130.30 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are:

(a) Differences in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Articles used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities and controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application;

(5) Labeling from the specimens contained in the application; or

(b) The unexplained omission in whole or in part of any information obtained from (1) investigations as to safety, or (2) investigations as to identity, strength, quality or purity of the drug made by the applicant with the drug or submitted to him by any investigator whom he supplied with the drug, when such omission would bias an evaluation of the safety of the drug.

§ 130.31 *Judicial review.* The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner.

§ 130.32 *Confidentiality of information contained in new-drug applications.* (a) The Federal Food, Drug, and Cosmetic Act provides, in section 505 (b), that any person may file with the Secretary of Health, Education, and Welfare an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or not they are therapeutically active. Fulfillment of these requirements may be met by submitting a full statement of the chemical or common or usual name and of the quantity of each component or ingredient of the drug. Such requirements may also be met through the inclusion in the new-drug application of a properly authorized reference to a previous application or other Food and Drug Administration file containing the relevant information.

(b) The Food and Drug Administration treats information in new-drug applications as confidential. Section 301 (j) of the Federal Food, Drug, and Cosmetic Act makes it an offense to divulge to unauthorized persons any information acquired from a new-drug application concerning any method or process that is a trade secret. Basic manufacturers sometimes submit data to the Food and Drug Administration in the form of so-called master files for the purpose of establishing the safety of ingredients that may be used in new drugs and authorize specified applicants to incorpo-

rate by reference such data in support of their applications. Such manufacturers may regard some of the data in such files as trade secrets and request the Food and Drug Administration to treat such information as confidential. The Food and Drug Administration will preserve the confidentiality of such data to the extent that it may properly do so. Because the applicant is legally responsible for the composition of the new drug and all its ingredients and may require information in the master file for judicial or administrative proceedings concerning the drug, the Food and Drug Administration will not withhold such information from the applicant when his need for it arises and he submits a written request for it. The Food and Drug Administration will inform the person who submitted the data of any such requests.

SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

§ 130.101 *Prescription-exemption procedure*—(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act remains so limited until it is exempted as provided in paragraph (b) of this section.

(b) *Prescription-exemption procedure for drugs limited by a new-drug application.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act shall be exempted from prescription-dispensing requirements when the Commissioner finds such requirements are not necessary for the protection of the public health by reason of the drug's toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use. The exemption of a drug from the prescription-dispensing requirements of section 503 (b) (1) (C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be in the form of a supplement to an effective new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(c) *New-drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201 (p) of the act until it has been used to a material extent or for a material time under such conditions.

(d) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503 (b) (4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

§ 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) The prescription-dispensing requirements of section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-acetyl-*p*-aminophenol (*p*-hydroxy-acetenilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.325 gram (5 grains) per dose or 1.0 gram (15 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for more than 10 days, except as such uses may be directed by a physician.

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose or 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(3) Isoamylhydrocupreine and zolamine hydrochloride (*N*, N-dimethyl-*N'*-2-thiazolyl-*N'*-*p*-methoxybenzyl-ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation in case of rectal bleeding, as this may indicate serious disease.

(4) Phenyltoloxamine dihydrogen citrate (*N,N*-dimethyl-(*a*-phenyl-*O*-toloxy) ethylamine dihydrogen citrate) preparations meeting all the following conditions:

(i) The phenyltoloxamine dihydrogen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The phenyltoloxamine dihydrogen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dose or 264 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 150 milligrams of phenyltoloxamine) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(5) Oxytetracycline and polymyxin B sulfate preparations meeting all the following requirements:

(i) The oxytetracycline and polymyxin B sulfate are prepared in ointment or other dosage form suitable for self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The oxytetracycline, polymyxin B sulfate, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains per gram an amount of oxytetracycline hydrochloride equivalent to not more than 30 milligrams of oxytetracycline and an amount of polymyxin B sulfate equivalent to not more than 10,000 units of polymyxin B.

(v) The preparation is labeled with adequate directions for use by external application to prevent infection in minor burns, minor wounds, and abrasions.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use of the preparation in the eye.

(*b*) Use if irritation or infection develops, except as directed by a physician.

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl - 4 - *m* - methylbenzyl-piperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (*β* - diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and over in those conditions for which it may be safely used without medical supervision.

(vi) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or children under 6 years of age, because serious reactions may occur.

(*b*) Application to children 6 to 12 years of age, except as directed by a physician.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation or failure to obtain prompt relief.

(8) Dicyclomine hydrochloride (1-cyclohexylhexahydrobenzoic acid, *β*-diethylaminoethyl ester hydrochloride; diethylaminocarbethoxy-bicyclohexyl hydrochloride) preparations meeting all the following conditions:

(i) The dicyclomine hydrochloride is prepared with suitable antacid and other components, in tablet or other dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dicyclomine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of dicyclomine hydrochloride per dosage unit, or if it is in liquid form not more than 0.5 milligram of dicyclomine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 12 years of age, in the temporary relief of gastric hyperacidity.

(vi) The dosages recommended or suggested in the directions for use do not exceed 10 milligrams of dicyclomine hydrochloride per dose or 30 milligrams in a 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Prolonged use, except as directed by a physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

(*c*) Administration to children under 12 years of age except as directed by a physician.

(*d*) Use if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

(9) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with a vasoconstrictor, and with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as a nasal spray, or as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per spray or per drop.

(iii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The neomycin sulfate content of the preparation does not exceed the equivalent of 0.8 milligram of standard neomycin base per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion due to the common cold and hay fever.

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, 3 sprays or 3 drops per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, 2 sprays or 2 drops per nostril per dose, or 5 doses in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Administration to children under 3 years of age, except as directed by a physician.

(*b*) Exceeding the recommended dosage.

(c) Use in a manner contraindicated by the nature of the vasoconstrictor or other components.

(10) Sodium fluoride preparations meeting all the following conditions:

(i) The sodium fluoride is prepared, with other components, in a dosage form suitable for household use as a dentrifice powder, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium fluoride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of sodium fluoride per gram and is packaged to contain not more than 300 milligrams of sodium fluoride per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentrifice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use by children under 6 years of age.

(*b*) Use if the water supply contains fluoride, except as directed by a dentist.

(11) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

(12) Sulfur dioxide preparations meeting all the following conditions:

(i) The sulfur dioxide is prepared, with or without other drugs, in an aqueous solution packaged in a hermetic container suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sulfur dioxide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 grams of sulfur dioxide per 100 milliliters of solution.

(v) The preparation is labeled with adequate directions for use by external application to the smooth skin in the prevention or treatment of minor conditions in which it is indicated.

(vi) The directions for use recommend or suggest not more than two applications a day for not more than 1 week, except as directed by a physician.

(13) Doxylamine succinate preparations meeting all the following conditions:

(i) The doxylamine succinate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The doxylamine succinate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 7.5 milligrams of doxylamine succinate per dosage unit, or if it is in liquid form not more than 1.5 milligrams of doxylamine succinate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of the minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 7.5 milligrams of doxylamine succinate per dose or 45 milligrams of doxylamine succinate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(14) Dextromethorphan hydrobromide (dextro-3-methoxy-*N*-methylmorphinan hydrobromide) preparations meeting all the following conditions:

(i) The dextromethorphan hydrobromide is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dextromethorphan hydrobromide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 15 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 3 milligrams of dextromethorphan hydrobromide per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of dextromethorphan hydrobromide per dose or 120 milligrams of dextromethorphan hydrobromide per 24-hour period; for children 4 to 12 years of age, 15 milligrams per dose or 60 milligrams per 24-hour period; for children 2 to 4 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, except as directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Dated: July 19, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-5980; Filed, July 24, 1956; 8:49 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

JULY 16, 1956.

Part 5 is amended by adding the following section:

§ 5.18 *Arms, ammunition, and implements of war.* (a) The exportation of technical data relating to arms, ammunition, and implements of war is subject to the licensing jurisdiction of the Department of State, as set forth in its pertinent regulations (22 CFR 75.1 to 75.183). The articles designated as arms, ammunition, and implements of war are enumerated in 22 CFR 75.10, this list being known as the United States Munitions List. The exportation of technical data relating to articles on this list wtih any application for foreign patent is generally subject to the licensing requirements of the Secretary of State, 22 CFR 75.114.

(b) When a petition for license is received by the Commissioner, during the time in which a license from the Commissioner is required (see § 5.11a), and it is determined that the subject matter involved also falls under the jurisdiction of the Secretary of State, the applicant will be so notified and given whatever information may be deemed appropriate. The petition for license will be referred by the Patent Office to the Department of State for its action. Action by the Patent Office on the petition will be deferred pending the Department of State consideration.

(c) If an application for patent for subject matter on the Munitions List (22 CFR 75.10) is subject to a secrecy order under § 5.2 and a petition under § 5.5 for a modification of the secrecy order to permit filing abroad is made, compliance with Department of State regulation 22 CFR 75.110 (c) is also required.

(d) When no license from the Commissioner is required, see § 5.11 (b), relating to the exportation of such technical data with applications for foreign patents, the specific provisions of the regulations issued by the Secretary of State cited above must be complied with.

(Secs. 6, 188, 66 Stat. 793, 808; 35 U. S. C. 6, 188)

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-5979; Filed, July 24, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1314]

[Oregon 04299]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT IN CONSTRUCTION AND OPERATION OF RADIO FACILITIES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for use in connection with the construction and operation of radio facilities:

WILLAMETTE MERIDIAN

T. 13 S., R. 15 E.,
Sec. 17, W½SE¼.

The area described contains 80 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 19, 1956.

[F. R. Doc. 56-5965; Filed, July 24, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

WEEKLY CLOSED PERIOD

Basis and purpose. In compliance with the requirements of § 104.5, registration of units of gear by districts in the Bristol Bay area for the week ending July 28, 1956, are announced as follows:

Nushagak district, 242 units.
Naknek-Kvichak district, 285 units.
Egegik district, 77 units.
Ugashik district, 33 units.

The requirements of paragraph (a) of Section 104.5 notwithstanding the allowable fishing time for the week ending July 28, 1956 shall be: Nushagak district, 1 day; Naknek-Kvichak district, 1¼ days; Egegik district, 1½ days; and Ugashik district, 1½ days: *Provided*, That these restrictions shall not apply after July 26.

Since immediate action is necessary, notice and public procedure on this amendment is impracticable and these changes shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

JULY 23, 1956.

[F. R. Doc. 56-6022; Filed, July 23, 1956; 1:55 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 195]

SODIUM PERMITS AND LEASES: USE PERMITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 23 to section 25, inclusive, of the act of February 25, 1920 (41 Stat. 447, 30 U. S. C. 261–263), as amended, it is proposed to amend certain sections of the sodium regulations approved December 2, 1954, as amended September 7, 1955. The proposed amendment of the sections is set forth as appendices to this notice.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 19, 1956.

1. Section 195.12 is amended by adding thereto new paragraph (c), as follows:

§ 195.12 *Reward for discovery.* • • •

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(i) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citi-

zenship and holdings similar to that required by § 195.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 195.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 195.4 (c) (1) and (4).

2. Section 195.19 is amended, as follows:

§ 195.19 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 195.4.

3. Section 195.20 is amended, as follows:

§ 195.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 195.18, and file a bond as required by § 195.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 195.12 (c) must be filed before it can be determined to whom the lease may be issued.

4. Section 195.24 is amended by adding thereto new paragraphs (c) and (d), as follows:

§ 195.24 *Transfers, including subleases.* • • •

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 195.12 (c).

[F. R. Doc. 56-5969; Filed, July 24, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-31]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City during the period May 21–June 5, 1956, pursuant to notice thereof issued on May 10, 1956, and published in the FEDERAL REGISTER on May 15, 1956 (21 F. R. 3178).

The material issues of record are concerned with:

1. The pricing of Class I–A milk for the period July–September 1956;
2. The pricing of Class II milk;
3. The fluid skim differential; and
4. The need for prompt action necessitating omission of a recommended decision and opportunity for exceptions with respect to these issues.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary issued his decision on June 15, 1956 (21 F. R. 4317). This decision was amended on June 27, 1956 (21 F. R. 4873) to provide that insofar as the findings and conclusions thereon relate to periods beginning on and after August 1, 1956, such decision shall be considered a tentative decision and interested parties be afforded an opportunity to file exceptions thereto.

Findings and conclusions. The following findings and conclusions are based upon evidence in the record of the hearing:

Issue No. 1. Consideration was given at this hearing to proposals for fixing Class I–A prices only for the months of July, August, and September 1956. Two specific proposals made were (1) for $6.00 per hundredweight seasonally adjusted ($5.70 for July, $6.00 for August, and $6.24 for September), and (2) for $5.50 in each of the three months. (An order amending the order, as amended, issued by the Under Secretary on June 27, 1956 (21 F. R. 4853) provided for a Class I–A price for July 1956 of $5.22).

These proposals were made as a means of providing an immediate increase in the returns to producers. Proponents contended that producers are experiencing severe economic difficulty resulting from failure of the uniform price paid to producers to adequately compensate producers for the costs of milk production. It was further indicated that the economic difficulties being experienced are sufficiently intense to have created unrest among producers to a degree threatening the maintenance of orderly marketing of milk in the market.

In considering these proposals for increasing the Class I–A price, it is necessary, of course, to do so with reference to the purposes or objectives properly sought to be accomplished in the fixing of Class I–A prices under the order. The Agricultural Marketing Agreement Act of 1937, as amended, pursuant to which minimum prices are established under the order, authorizes the Secretary of Agriculture to fix such prices as he finds will reflect the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. Prices established under the order must conform to these standards.

Monthly Class I–A prices for the year 1955 averaged $5.20 per hundredweight. This was 7 cents higher than in 1954, 3 cents lower than in 1953, and 30 cents below the average for 1952. During the first 6 months of 1956 the Class I–A price averaged $5.06, 2 cents higher than during the same period in 1955.

At the request of producer representatives action was taken recently by the Department resulting in the maintenance of Class I–A prices for the month of May and June at the April level of $4.78. In response to similar requests by producers in other markets, action also was taken by the Department resulting in the establishment of higher prices for Class I milk than otherwise would have prevailed during the months of May, June, and July in a substantial number of other markets under Federal regulation. No such action, however, was taken in the Federally regulated markets nearest to New York (New England markets and Philadelphia).

The New York Class I–A price appears to be reasonably in line with Class I prices in other markets, and is not abnormally low relative to manufacturing milk prices. For the year 1955 the New York Class I–A price in relation to Class I prices in Boston was somewhat lower than in other recent years, but in recent months the relationship has shifted so that the Class I–A price in New York currently is higher than usual in relation to Boston. In relation to the Philadelphia Class I price, the New York Class I–A price was higher during 1955 than during the preceding three years. For the year 1955 the New York Class I–A price exceeded the Chicago Class I price by $1.46 per hundredweight compared with the average of $1.15 for the years 1947–1955. The New York Class I–A price averaged $2.24 above the Midwestern condensery price for the year 1955 compared with an average of $1.96 higher during the period 1947–1955. Class I–A prices in prospect for the next few months are at substantially the same level as for the corresponding months in 1955.

The supply of pool milk in relation to fluid milk sales continues to run relatively high. In terms of annual averages, the precentages of pool milk utilized in Class I (A, B, and C) for the years 1951 through 1955 were 52.3, 51.4, 48.6, 47.3, and 46.9, respectively. During the month of smallest supply, usually in November, milk utilized in fluid form together with milk used for fluid cream in the marketing area (required by health authorities to come from approved sources) accounted for declining proportions of the total volume of pool milk during each of the past four years. The percentages so utilized in the years of 1951 through 1955 were 80.7, 74.1, 72.7, 70.1, and 65.6, respectively.

There is no basis for finding that the proposed increase in the Class I–A price would not be reflected in higher consumer prices for milk. While the record provides no basis for determining the precise impact of an increase of 1 or 2 cents per quart on consumer prices on the sales of Class I–A milk, it is a reasonable conclusion that the effect would be unfavorable in some degree. From the standpoint of return to producers, any reduction in Class I–A sales, accompanied by an equivalent increase in the volume of milk going into the lowest prices used, would tend to offset higher returns resulting from a higher Class I–A price.

It is concluded that the order should not be amended to fix prices for Class I–A milk for the months of August and September 1956 different from those resulting from operation of existing provisions of the order.

Issue No. 2. Proposals relating to the pricing of Class III milk on which evidence was presented at the hearing include those (1) to increase the level of the Class III price, (2) to provide more seasonal variation in the price, and (3) for changing the price of milk used for butter and cheese relative to the price of milk for other Class III uses. It was also proposed that a lower price for Class III milk be established for the months of February through June and that there be eliminated from the order the provision under which the butter-cheese adjustment is reduced whenever the market price of cheese in relation to the market prices of butter and nonfat dry milk is higher than the relationship historically prevailing.

On the basis of the evidence presented relating to these proposals, it is concluded that provisions of the order for the pricing of Class III milk should be amended as follows:

(1) By increasing the Class III price 13 cents per hundredweight for the months of July through November, 10 cents for the months of December, January and February, 8 cents for the months of March and April, and 5 cents for the months of May and June.

(2) By reducing the amount of the butter-cheese adjustment from 4 cents to 3 cents per pound of butterfat during the months of July through February, thus increasing by 3.5 cents per hundredweight for those months the price of milk used for butter and cheese; and

(3) Eliminating provisions for reducing the butter-cheese adjustment whenever the market price for cheese is abnormally high in relation to the market price for butter and nonfat dry milk.

The first of these amendments will provide an additional 8 cents seasonal variation in the Class III price, a simple average annual increase of 10 cents in Class III prices, and on the basis of the monthly volumes of Class III milk during 1955 would result in a weighted average annual increase in the level of the price of about 9.1 cents per hundredweight. The second listed amendment will add an additional 3.5 cents per hundredweight to the price of milk used for butter and cheese except during the months of March, April, May, and June, and, on the basis of 1955 volumes, would result in a weighted average increase on an annual basis of 1.5 cents per hundredweight of milk used for butter and cheese, and about 0.4 cents per hundredweight of all Class III milk. During 1955 both amendments would have increased the average annual level of the Class III price by about 9.5 cents per hundredweight. The third listed amendment would have had no effect during 1955 but will eliminate the possibility of any further reduction in the amount of the butter-cheese adjustment.

There are indications that the present Class III pricing provisions result in a price which does not fully reflect the value of Class III milk for manufacturing purposes. During 1955 and the first four months of 1956 the level of the Class III price declined in relation to the support price of milk for manufacturing purposes, and in relation to the United States average prices paid for milk for manufacturing and the prices paid at selected Midwestern condenseries. The weighted average price for all Class III milk was 5 cents lower in 1955 than in 1954. During the 12 months ending with April 1956 the weighted average price for all Class III milk was 6 cents lower than in 1954. Compared with the United States average price for milk for manufacturing the average price for all Class III milk was higher by 3 cents in 1954 but lower by 1 cent in 1955, and lower by 4 cents during the 12 months ending with April 1956. The Midwestern condensery price exceeded the annual average price for all Class III milk by 6 cents in 1953, 11 cents in 1954, 18 cents in 1955, and 20 cents for the 12 months ending with April 1956. The Midwestern condensery price exceeded the Class III price by an average of 15 cents per hundredweight during the 6-year period of 1950–1956. An increase in the Class III price is needed to bring it more nearly in line with the United States average price for milk for manufacturing and with the Midwestern condensery price. An increase of approximately 9 cents per hundredweight during the 12 months ending April 1956 would have restored the relationship which existed during 1954.

The addition of fixed amounts to the monthly Class III prices as calculated under the present formula, rather than reversing the 30–70 weighting of spray and roller nonfat dry milk prices as proposed at the hearing, is chosen as a means of increasing the level of the Class III price at this time. The method chosen is in the interest of simplicity and in recognition of the prospect of again considering Class III pricing provisions at an early date. The proposed reversal of the present 30–70 weighting appears to be more realistic from the standpoint of industry practice, but involves month to month changes in prices concerning which further exploration is desirable.

An increase in the Class III price at this time is supported also by evidence of increased gross margins available to handlers on milk for manufacturing uses and of the existence of adequate outlets for the disposition of Class III milk at higher than average handling charges. During the year 1955 and for the 12 months ending with April 1956, handling charges obtained in the spot market for fluid milk in the marketing area were substantially higher than during the preceding 3 years and about the same as in 1950. Handling charges negotiated earlier this year under annual contracts for fluid milk supplies for the marketing area during 1956 are also reported to be somewhat higher than in 1954 and considerably higher than in 1953. The attractiveness of outlets for milk for various manufacturing uses is recognized as constituting an important factor influencing the rates of handling charges negotiated under contracts between buyers and sellers for supplies of milk for fluid distribution in the marketing area. There is no evidence of reluctance on the part of operators of manufacturing milk facilities generally to accept milk for manufacturing purposes on reasonable terms.

A further consideration of importance under circumstances shown at this hearing to prevail is the effect of the level of the Class III price on returns to producers. For the year 1955 there were 3,708 million pounds of pool milk utilized in Class III, representing 45.6 percent of all pool milk compared with 3,221 million pounds, constituting 39.6 percent of the pool milk, utilized in Class I–A. The volume of Class III milk thus exceeded the volume in Class I–A by about 15 percent. Utilization in all fluid classes, however (Classes I–A, I–B and I–C), brought the total fluid use up to about 47 percent of pool receipts.

For reasons more fully set forth in prior decisions and for the additional reason that the question of pricing Class III milk is sheduled for further consideration at a hearing begun on June 18, 1956, it is concluded that the price for Class III milk should not be tied directly to prices paid at Midwestern condensaries. It is again determined, however, on the basis of evidence in this record that prices paid for milk for manufacturing uses, including prices paid at Midwestern condensaries, constitute a useful and reliable guide for determining the proper average level of the Class III price over extended periods.

The seasonal variation in the Class III price herein determined to be appropriate is based on evidence to the effect that the most favorable outlets for Class III milk are available during the months of July through November and that during the months of February through June relatively large proportions of the Class III milk go into lower valued uses, and that it is during this period that Class III handlers experience more intensive competition with milk from nonpool sources for the available outlets for Class III milk.

The volume of Class III milk was 429 million pounds greater in 1955 than in 1953. Approximately 75 percent of this additional volume went into various Class III uses other than butter and cheese. However, the volume of milk used for butter and cheese was about 100 million pounds greater in 1955 than in 1953. With an increase in the level of the Class III price a reduction of 1-cent per pound of butterfat in the amount of the butter-cheese adjustment appears desirable in order to provide assurance that the utilization of milk for butter and cheese becomes no more favorable than at the present relative to other uses, and to bring the price established for milk used for butter and cheese more nearly in line, although still substantially below, competitive prices paid for milk for these uses. However, maintenance of the present 4-cent rate during the months of March, April, May, and June will preserve the present relationship during months when the volume of milk utilized for butter and cheese is the greatest. In 1955 approximately 56 percent of the total volume of milk utilized for butter and cheese was in the months of March, April, May, and June. For the year 1955 the Class III price for milk used for butter and cheese was lower than the United States average price paid for milk for butter and nonfat dry milk by about 16 cents and lower than the United States average price paid at cheese factories by about 9 cents. Compared with prices paid at creameries and cheese factories in Wisconsin the butter-cheese price under the order was lower by 18 to 20 cents.

Evidence presented in connection with the proposal to delete that portion of the butter-cheese adjustment provision under which the amount of the adjustment is reduced depending upon the current ratio of the price of cheese to the price of butter and nonfat dry milk indicates that the provision may not now be serving a desirable purpose. It was shown that recent changes in the respective purchase prices under the support program have resulted in price relationships not properly reflected in the provision. The record, however, does not provide adequate basis for revision of the 2.5 ratio as may be necessary. For these reasons, and in view of the decision herein to reduce the butter-cheese adjustment, the provision should be deleted.

Issue No. 3. It is concluded that the fluid skim differential should be so modified (1) that it is not applied to skim milk which is utilized in cultured milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat; and (2) that condensed skim milk is included in the list of forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

The order presently provides a fluid skim differential which is an additional charge for certain skim milk. It is applied primarily to skim milk derived from Class II or Class III milk which enters the marketing area in one of a number of specified forms, and is there utilized in any one of a number of specified products. The differential is so computed that if a hundredweight of Class II milk containing 3.5 percent butterfat is separated into 40 percent cream, and the skim milk resulting from such separation is subject to the fluid skim differential, the total value at the Class II price plus the fluid skim differential will be equal to the Class I–A price per hundredweight.

Several proposals were made to amend the provision with respect to the fluid skim differential. They were as follows:

(1) To increase the rates;

(2) To apply it to skim derived from Class I milk;

(3) To add flavored drinks to the list of utilizations which would require the fluid skim differential;

(4) To eliminate cultured drinks both from the list of specified forms in which skim milk may enter the marketing area and be subject to the differential, and from the list of uses of skim milk to which the differential would apply; and

(5) To add condensed skim milk to the list of the forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

Proposals 1 and 2 would result in many cases in the combined value of milk when separated into cream and skim milk being considerably higher than the Class I–A value. The record provided no adequate basis for a determination that the sum of the values of the component parts of milk should be greater than the highest class price provided in the order. Therefore, proposals 1 and 2 listed above are denied.

Proposal No. 3 was withdrawn by proponent and no other witnesses supported it. It is, therefore, denied.

Proposals 4 and 5 are of an emergency nature and arise because of problems caused by changes in the Sanitary Code of the City of New York and in the New York State law with respect to dairy products. The Sanitary Code recently was amended in such a manner as to permit the manufacture of cultured milk drinks, such as buttermilk and yogurt, from milk solids and water. Previously, such cultured milk drinks were required to be made from milk, uncondensed skim milk and cream. Therefore, such products previously could be made only from fresh fluid products obtained from sources meeting the health requirements for fluid milk. The amendment to the Sanitary Code permits them to be made from products obtained from sources not subject to local health inspection. This means that solids for use in buttermilk and yogurt can be obtained from manufactured skim milk sources. Under such circumstances, the persons using fresh fluid products under the current order are at a competitive disadvantage compared with those making the products from nonfat dry milk solids.

Competitive equality could be obtained either by applying the fluid skim differential to all cultured drinks, regardless of the source of solids, or by eliminating the fluid skim differential from fresh skim milk used in such products. The notice contains no specific proposal for the first solution and the record does not justify such action at this time.

Cultured milk drinks between 3.0 and 5.0 percent butterfat are defined as Class I products. The elimination of the fluid skim differential from skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat would give persons making such products in the marketing area from skim milk and cream a distinct competitive advantage over those making them from whole milk, or making such drinks outside the marketing area. Amendment of the Class I–A definition is not within the scope of the hearing notice and, therefore, competitive equality for the cultured milk drinks between 3.0 and 5.0 percent butterfat will be better maintained by continuing to apply the fluid skim differential to any skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat.

In its recent session, the New York State Legislature enacted a law which permits the sale of a product known as "modified skim milk." This product is made of skim milk with added nonfat milk solids. If the solids are added in the form of nonfat dry milk solids, there is no increase in the volume of the product over the volume of the fluid skim milk used in the manufacture. The fluid skim differential applied to the volume of such modified skim milk would therefore be the same as if it were applied to the natural skim milk used in its manufacture. If the modified skim milk were made by the addition of condensed skim milk to the natural skim milk, the total volume of the modified skim milk would be greater than the total volume of the natural skim milk used in its production. Under the present fluid skim milk provision, there would be a lesser fluid skim differential paid on such modified skim milk than on a volume of natural skim milk equal to the volume of modified skim milk. If the fluid skim differential were applied to the volume of both the natural skim milk and the condensed skim milk used in the modified skim milk, the differential paid would be the same as for an equivalent volume of natural fluid skim milk.

Issue No. 4. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions, thereto on the above listed issues.

The nature of these issues is such that the conclusions thereon should be effectuated as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat its purpose. The time necessarily involved in the preparation, filing and publication of a recommended decision together with time for filing exceptions thereto would preclude timely action.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties promptly of the conclusions reached. It is important that interested parties be informed of the action decided upon as promptly as possible in order that appropriate adjustments may be made promptly in their operations in accordance with the decision.

Rulings. Rulings of the presiding officer to which specific objections were taken are affirmed. Requests were made for an extension of time for filing briefs and for issuance of a recommended decision for exceptions in the event of any change in Class III pricing provisions which are not limited in time by a definite expiration date. Even though no provision is made herein for a definite expiration date on the Class III price amendments, the amended provisions are subject to reconsideration at a public hearing begun on June 18, 1956. This affords ample protection for interested parties. Accordingly, such requests are denied.

Within the period reserved therefor, interested parties filed exceptions to certain of the findings and conclusions contained in the decision of the Assistant Secretary. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the findings and conclusions and the proposed effectuating amendment as set forth in the June 15, 1956 decision of the Assistant Secretary have been revised after consideration of such exceptions.

To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the Assistant Secretary's decision issued on June 15, 1956, such exceptions are overruled. Rulings contained in that decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein.

To the extent that findings and conclusions proposed by interested persons and not ruled upon in the Assistant Secretary's decision issued on June 15, 1956 are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of April 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 19th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] *Amending the Order, as Amended, Regulating Handling of Milk in New York Metropolitan Milk Marketing Area*

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend paragraph (f) of § 927.40 as follows:

(a) Amend the opening sentence to read as follows: "For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents."

(b) Add a new paragraph (3) as follows:

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

Month to which the price is applicable:	Amount
July through November	$0.13
December through February	.10
March and April	.08
May and June	.05

2. Amend § 927.43 as follows:

(a) Change the words just prior to the first proviso from "four cents per pound of butterfat in such milk" to "four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February:".

(b) Delete the first proviso.

(c) Amend the second proviso to read: "*Provided*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one-cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth."

3. Amend § 927.44 prior to the first colon to read as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: • • •

[F. R. Doc. 56-5977; Filed, July 24, 1956; 8:48 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-22]

Handling of Milk in Chicago, Ill., Marketing Area

Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to Proposed Amendment to Tentative Marketing Agreement, and to Order, as Amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.
2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; "reload point" as a type of pool plant; and accounting and payments for nonpool milk received at a pool plant.
3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.
4. Revision of price differentials to producers in nearby zones.
5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.
6. Expansion of the surplus milk manufacturing area.
7. Classification of malted milk.

In addition to the issues here listed, certain other matters were referred to in proposals included in the hearing notice, but were either abandoned or not specifically mentioned at the hearing. These matters included the price level for Class II milk, expansion of the marketing area to include all of Lake County, Illinois, advance payments to producers, new producer bases, and accounting for own-farm production. It is concluded that no action with respect to these matters should be taken on this record.

A request was made on the record that early action on Issues No. 2 and No. 3 be taken so that any resulting changes in the order could be made effective September 1, 1956. This decision deals only with Issues No. 2 and No. 3. Issues No. 1 and Nos. 4 through No. 7 are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence contained in the record of the hearing:

Pool plants. The order requirements with respect to the qualifications to be met by plants for participation in the market-wide pool should be modified. The eligibility of supply plants for pooling should be based on the actual delivery of milk in the current month, or actual delivery in the months of September, October and November preceding, to plants processing and distributing Class I milk products or any Chicago inspected Class II milk product in the marketing area.

Present order provisions establish three categories of plants. The first category includes all plants which process and package any Class I milk product which is disposed of in the marketing area for consumption in fluid form. A second category is comprised of those supply plants which are not on the approved list of the Board of Health of Chicago, Illinois, and which are suppliers of plants from which Class I milk is distributed in the segment of the marketing area which lies outside the city limits of Chicago. Such supply plants are eligible for pooling on the basis of shipments of not less than 50 percent of the butterfat received from producers in fluid form as milk or cream. Any such plant fulfilling these requirements for each of the months of September, October and November, may remain in the pool through August of the following year. A third category of plants, the largest group, is comprised of those supply plants which are under the approval of the Board of Health of Chicago. These plants are automatically included in the pool on the basis of such approval but are subject to suspension from the pool during the months of March through July if they have not met certain requirements in the previous September, October and November. These requirements are, essentially, that such plants must make at least 50 percent of their producer milk available to the market during the fall months, either through actual shipment or by offers to sell to other pool plants. (In meeting the 50 percent requirement, however, allowance is made for Class I and Class II disposition within the surplus milk manufacturing area other than to pool plants.) Shipments in the form of milk, skim milk, concentrated milk, condensed skim milk, and fluid cream are given credit toward qualification under this requirement. The total requirement for all such types of disposition or offers, is 50 percent of the pounds of butterfat in milk received from producers at the plant, or 50 percent of the pounds of whole milk received from producers.

A proposal was made by a producer organization to alter substantially the requirements for pool participation by country supply plants. With respect to all country supply plants, the proposal would terminate credit toward pool qualification based on offers to sell milk to plants processing and distributing Class I milk products in the marketing area. In the future pool qualification would be based on actual shipments from the supply plant to plants which process and package any Class I milk product or any Class II milk product required to be made from inspected milk. The requirement that a supply plant would have to meet, under the proposal, would be the shipment in such manner of at least 50 percent of the butterfat in milk received from producers. Proponent requested also that milk delivered to "receiving stations" which supply the market indirectly through shipments to other supply (pool) plants should also be permitted to qualify for pooling. In determining whether milk at such a receiving station qualifies, the receipts of both plants would be added together and the shipments from the intermediate plants would need to include at least 50 percent of the butterfat in the total receipts of both the receiving station(s) and the intermediate plant. The proposal also would provide that any plant meeting the above requirements during each of the months of September, October and November could remain a "pool plant" until the following September, unless the particular plant is voluntarily withdrawn from the pool through advance notice to the market administrator. An additional feature of the proposal is that the operator of a pool plant would be credited at the uniform price for any milk (which does not violate health requirements) received from a plant not meeting the requirements for pool participation.

The proposal to base the qualification of supply plants for pooling on actual shipments was supported by handler representatives. A request was made, however, that the order not be changed with respect to the forms of milk products allowed for credit toward qualification, i. e., that the privilege of shipping either 50 percent of butterfat in producer milk receipts, or the equivalent of 50 percent of producer milk receipts as milk or skim milk (fluid or condensed), be continued.

Opposition by a producer group to the proposed change in the pool plant requirements, as set forth in their brief, stressed the possibilities that the new requirements would eliminate a number of plants from the pool, result in uneconomical shipments of milk to the market, and benefit nearby producers at the expense of more distant producers. This producer group also objected to basing the pool requirement for supply plants solely on butterfat shipments.

Record data on the percentages of pool milk used for Class I and Class II uses in such fall months show that the average utilization in these classes has been well above 50 percent of total producer milk receipts. In the fall of 1955, the combined percentages for these classes were as follows: September, 86.8 percent; October, 80.2 percent; and November, 78.2 percent.

On the assumption that in these months milk received at pool plants in zones 1 and 2 was completely available for Class I and Class II uses, then of the milk received at plants in the remaining zones, most of which would be delivered to supply plants rather than to distributing plants, at least 74 percent in September 1955, 63 percent in October, and 61 percent in November would have been required to fulfill total Class I and Class II needs.

In the fall of 1953, the total supply of pool milk was unusually large in relation to Class I and Class II needs. If plants in zones 1 and 2 are likewise assumed to have received milk directly from farms and to have achieved utilization of all such milk in Class I and Class II at that time, the remaining plants would have had average utilization in these classes of 55 percent in September, 60 percent in October, and 46 percent in November. The need for milk to supply Class I and Class II utilization from plants in zones 3–22 would be still higher, of course, if, as is likely, bottling plants in the first two zones could not achieve full utilization in Class I and Class II of direct-shipped milk. Higher levels of utilization prevailed in the fall months of 1951, 1952, and 1954.

A plant which may be considered an integral part of the market supply should be able to attain an average utilization of at least 50 percent of its milk in Class I and Class II in the fall months under foreseeable circumstances. It is recognized that the total utilization in Classes I and II in these months, as referred to above, included bulk milk sales to distant points outside the surplus milk manufacturing area, but elimination of these sales from the computation would leave sufficient Class I and Class II milk to result in average utilization significantly greater than 50 percent at plants beyond the first two zones under the conditions outlined.

It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular and dependable part of the market supply. This may occur under the present provisions which allow plants to qualify on the basis of offers rather than actual shipments. Plants in which the principal operation is the manufacture of milk products may be attracted to the pool primarily to participate in the higher utilization of the fluid milk market without acceptance of responsibility for making supplies available to meet the higher-valued Class I and Class II requirements of the market when supplies may be urgently needed. Although trial of the present provisions has produced some beneficial effect in arresting plants which find the pool attractive for such purpose, difficulties in securing adequate market supplies have not been eliminated. Because of the foregoing considerations it is desirable to base participation of supply plants in the pool on a specified percentage of supplies shipped to the market.

The types of shipments allowed for qualification credit, i. e., milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, should remain as presently provided in the order. Also, there is no substantial reason for continuing to make distinction between the requirements applicable to Chicago approved supply plants and those concerned only with the suburban portion of the marketing area.

Proponents of the new pool plant provisions objected to the allowance of qualification credit on skim milk items shipped to market. This objection was based on the proposition that under the present "milk equivalent of butterfat" accounting method no price differential over the manufacturing price level is realized by producers from skim milk in Class II milk. Skim milk, however, is frequently needed by bottling plants for Class I disposition in the marketing area in such forms as "standardized" bottled milk, buttermilk and milk drinks, and skim milk, condensed or whole, is used at plants in the marketing area for Class II disposition as cottage cheese, ice cream and related products, all of which require substantial quantities of skim milk from inspected sources. Accordingly, shipments of these milk products, as well as the butterfat in milk or cream, should be considered as necessary to fulfill the total need for supplies for all Class I and Class II uses. For this particular purpose, it is not material that the present accounting plan does not provide a price differential on skim milk in Class II uses.

It is concluded that a plant may qualify as a pool plant for the months of December through the following August if, during each of the immediately preceding months of September-November, the sum of its shipments to regulated plants of milk or butterfat in the specified forms equals at least 50 percent of the volume of producer milk received at the plant.

It is appropriate to use the months of September, October and November as a basis for qualifying a plant for participation in the pool for the remainder of the year, since these have tended to be the months of shortest supply. Some plants supplying the market during these months may need to move only a small part, or perhaps none, of their milk to the market in the spring months, but the fact that a plant ships a substantial portion of its supply during the months of shortest production justifies its participation in the pool as part of the supply system throughout the year. Furthermore, it would be uneconomical to require such plants to ship to the market during the remainder of the year the same percentage of their receipts as is required during the fall months to insure a sufficient supply.

Plants not in the market during the September-November period should be required to meet the same 50 percent delivery performance standard each month until the plant has demonstrated

a firm association with the market in the short production months of September, October and November. In this connection it should be noted that any relaxation of the delivery standard for any such plant, particularly for the months when production is approaching the seasonal high, would increase the attractiveness of the pool to milk which is surplus to a plant's fluid operations outside the Chicago marketing area, thus increasing the burden of seasonal surpluses carried by established Chicago producers. Such a plant should have a substantial, and continuing, outlet for milk in the marketing area to attain equal status with established suppliers of the market.

As mentioned previously herein, the proposal would allow a supply plant to qualify by shipments of milk to another supply plant, provided the latter plant shipped sufficient milk to distributing plants to qualify both plants. It was testified that to this extent flexibility in the provisions is needed to accommodate existing "feeder-plant" systems for assembling milk for movement to market. On reasonable balance between total producer (pool) receipts and Class I and Class II uses, a handler operating such a system of plants doubtless would need milk from all such plants in the September-November period, and thus would be able to qualify all plants in the system for the remainder of a twelve-month period.

On the other hand the order should not allow a handler to add a plant to his system without specific delivery performance during the months of December through August if such plant had not been a pool plant in the previous months of September through November. Such a limitation is desirable since the provision for qualifying a system of supply plants as pool plants should not provide greater encouragement to handlers to add plants to the pool in months when additional milk is definitely not needed than to those plant operators looking to the market for the first time.

A corollary proposal of producer proponents is to allow the handler credit at the uniform price (adjusted for location) for milk received at pool plants from plants not having pool status in the computation of the handler's obligation for milk. The total value of the handler's milk receipts, including a value for "other source milk" received from plants not having pool status, would be computed at the class prices provided in the order. Against this aggregate value the handler would be credited at the market-wide uniform price for the amount of such other source milk received at a pool plant. Thus, milk received at a pool plant from a non-pool plant (except milk received in violation of health requirements) would be valued to the handler at a price per hundredweight equal to the average market price to all producers. Any remaining milk in a non-pool plant would receive a return based on its use or disposition to outlets other than pool plants and would not be dependent in any way upon pricing or valuation under the order. In the major segments of the Chicago milkshed, the uniform price to producers computed under the order reasonably reflects the prevailing (or alternative outlet) value for milk of Grade A quality during several months of the year. However, in the months of April, May, June and July the uniform price sometimes declines below the price of Class IV milk in the most distant zones of the milkshed and the alternative use value of inspected milk at such times approximates the Class IV price. Thus, the pricing of other source milk to the handler on the basis of its utilization and a credit to such handler at the uniform price in the August-March period, and at the Class IV price in the months of April through July, together with complementary provisions for allocation, will prevent any displacement of producer milk in higher-valued uses and preserve the integrity of the classified-price plan. Although it would be possible for some other source milk, on which credit at the uniform price is applied, to be delivered to market and utilized in Class III or Class IV milk, any advantages to be gained by sending milk to pool plants for such uses are limited by the locations of plants and consequent adjustment of the uniform price credit based on pool plant location. In the event efforts are made to gain price advantage through use of nearby producer milk in the lower-valued classes and the substitution of other source milk from more distant locations in Class I and Class II uses, it would be appropriate to reconsider the amount of the credit allowed. When milk is transferred from a non-pool plant to a pool plant solely for manufacturing, credit to the pool plant at the uniform price on such milk would result in disadvantage to producers. In the latter instance credit at the Class IV price is appropriate and is so provided.

Price for Class I and Class II milk sold outside the surplus milk manufacturing area. The provisions for special (higher) prices for Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area during September, October, and November should be eliminated.

Elimination of the special price differential on milk and cream moved to distant markets in fall months was proposed by several producer organizations. This proposal was supported on the record primarily by incorporating by reference testimony and exhibits from previous hearings. The producer proponents of the revised pool plant qualification provisions suggested that the out-of-market price differential would no longer be appropriate if its pool plant proposal were adopted.

Prior testimony in support of the continuance of the special price provisions was based on the contentions that: (1) Some such provisions were needed to make milk available in the marketing area during the short production season for Class I and Class II requirements, and (2) the additional 70 cents per hundredweight to be paid by handlers during fall months on sales outside the surplus milk manufacturing area would compensate the market pool for the attendant surplus in other months due to the tendency for out-of-market sales to be seasonal. Opposition testimony in the prior hearings alleged that the special price provisions hinder the sale of milk to other markets for Class I and Class II use, and consequently reduce the value of pool utilization below what it otherwise would be.

The 70-cent price differential added in case of Class I and Class II milk sold outside the surplus milk manufacturing area was first included in the order on July 1, 1951, at the time when the orders for Chicago and the suburban area were consolidated. The special price differential was adopted for the short production months of September, October, and November.

These provisions have been subject to modification and suspension from time to time with respect to whether the differential would apply in certain months or to particular shipments. Effective July 3, 1954, an amendment was adopted which made the application of the 70-cent differential in the fall months dependent on utilization in the market pool in the third preceding month. This amendment was based on a hearing in August 1953 from which it was concluded that the special price would not be appropriate in months when there was an ample supply of milk for both the Chicago marketing area and the outside fluid markets customarily served. On October 1, 1955, the price provisions on sales to other markets were amended so that the 70-cent differential would not apply to shipments made on any Friday or Saturday in view of the fact that marketing area demand for fluid requirements are low on these days as compared with other days in the week.

The application of the 70-cent differential on out-of-market sales has also been suspended several times. The suspension orders were supported by the industry generally on the basis that the price differential was inappropriate under the conditions which prevailed at the particular time.

At the June 1956 hearing, handlers and producers who, in previous hearings, had been principal supporters of continuance of the special 70-cent differential on out-of-market sales, as well as previous opponents of the provision, suggested its elimination at this time on the basis that the proposed new provisions for pool plants would operate to make more milk available to the marketing area in the fall season and would render the out-of-market price differential unnecessary. Inasmuch as the amendments to the pool plant provisions recommended herein are designed to achieve generally the objectives of the special price provisions, it is concluded that the latter provisions should be eliminated.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interests; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggesetd findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendments to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 941.8 by eliminating the word "or" at the end of paragraph (c), substituting a comma for the period at the end of paragraph (d), adding the word "or" following the comma and adding a new paragraph (e) as follows:

(e) Operates a nonpool plant qualified to supply Class I milk to the marketing area from which milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, is shipped to a regulated plant.

2. Amend § 941.45 by deleting paragraphs (e), (f), (g), (h), (i), and (j) and substituting therefor the following:

(e) Substract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk, or Class IV milk, the pounds of such other source milk used in Class I milk and Class II milk, respectively, from the remaining pounds in the class of use unless such other source milk is in violation of the applicable health requirements;

(f) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk which is not approved by the applicable health authority for distribution in the marketing area as any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk;

(g) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk received at a pool plant which is not engaged in processing and packaging any Class I milk product specified in § 941.41(a)(1) or any Class II milk product required to be made from inspected milk by any health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area;

(h) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraphs (e), (f) and (g) of this section;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a) and IV milk are greater than the amount of milk received from producers, the difference shall be considered as other source milk and subtracted from the remaining amount of Class I milk; and

3. Amend §941.52 by deleting the following:

a. The phrase "except as set forth in subparagraph (3) of this paragraph," from subparagraphs (a) (1) and (b) (1),

b. Subparagraphs (a) (3) and (b) (3), and

c. Paragraph (e).

4. Delete § 941.61 and substitute therefor the following:

§ 941.61 *Obligation for other source milk.* The market administrator in computing the net pool obligation for each handler pursuant to § 941.70 shall:

(a) Add an amount determined by multiplying the pounds of other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f) by the difference between the appropriate class price and the lowest announced price per hundredweight applicable for the delivery period:

(b) Add an amount determined by:

(1) Multiplying the pounds of other source milk received during March, April, May or June which is allocated to Class I milk or Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45 by the difference between the appropriate class price and the lowest announced price per hundredweight applicable for the delivery period, and

(2) Subtracting therefrom the value of any location adjustment credits which would have been applicable to the above Class I or Class II milk pursuant to § 941.53 had the other source milk been received from a pool plant.

(c) For the delivery periods July through February, inclusive, add or subtract, as the case may be, an amount computed as follows:

(1) Multiply the pounds of other source milk allocated to Class I and Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, and to Class III, Class III (a) and Class IV milk pursuant to paragraph (h) of that section by the appropriate class prices, and add together the resulting amounts.

(2) Determine the location adjustment credits (at the rates set forth in § 941.53) which would have been applicable to the above Class I and Class II milk on a classification basis, and on milk moved to a plant described under § 941.66 (a) and classified as the Class III, Class III (a) and Class IV milk, had the other source milk been received from a pool plant, and subtract the resulting value from the value computed in subparagraph (1) of this paragraph.

(3) Multiply the total pounds of milk used in computing the value in subparagraph (1) of this paragraph by the uniform price applicable to milk received from producers during the delivery period, adjusted by the location adjustment specified in § 941.81 that would have applied had the other source milk originated at a pool plant.

(4) Subtract the value obtained in subparagraph (3) of this paragraph from the value remaining in subparagraph (2) of this paragraph and any plus difference shall be added to, and any minus difference shall be subtracted from, the handler's net pool obligation.

5. Delete § 941.66 and substitute therefor the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area, or;

(b) Ships during the delivery period at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided*, That

(1) In computing the percentages of milk, skim milk and cream on a product pound basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during September, October or November, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the conditions set forth above in this paragraph which are in excess of the minimum quantity which

qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives butterfat or milk in any of the forms above described from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant; and

(3) Any plant which qualifies as a pool plant pursuant to this paragraph for each of the months of September, October and November of the same year, shall be a pool plant until September 1 of the following year unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled.

6. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Handlers who operate nonpool plants.* No provision of this order shall apply to the milk received at a nonpool plant from which some milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form, meeting the requirements of an applicable health authority in the marketing area, is shipped to a regulated plant, except that the handler operating such nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

7. Amend § 941.70 (b) by inserting after the word "Add" the following phrase: "or subtract, as the case may be,".

8. Amend § 941.86 by deleting the words following "other source milk" and substituting therefor the following: "used in the computations made pursuant to § 941.61".

Filed at Washington, D. C., this 20th day of July 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-5991; Filed, July 24, 1956; 8:51 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal year ending May 31, 1957, will amount to $25,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 20, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-5937; Filed, July 24, 1956; 8:50 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1957, will amount to $20,330.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 20, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-5988; Filed, July 24, 1956; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 18]

REINSPECTION AND PREPARATION OF PRODUCTS

GLANDS AND ORGANS FOR USE IN PREPARING PHARMACEUTICAL, ORGANOTHERAPEUTIC OR TECHNICAL PRODUCTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71–91) is considering amending the Meat Inspection Regulations appearing in 9 CFR Chapter I, Subchapter A, as amended, as follows:

Section 18.15 would be revised by deleting "pancreatic," appearing in paragraph (a) and inserting the words "pancreatic glands" preceding "livers" in paragraph (b).

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of July 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56-5992; Filed, July 24, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 133]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 43

JULY 17, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona effective May 19, 1955 (20 F. R. 3514–15), the following described lands in Maricopa County which were classified by Document No. 67, Arizona Small Tract Classification No. 43, dated September 13, 1955 (20 F. R. 7116), are hereby opened to lease and sale for residence sites under the Small Tract Act:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,
Sec. 5: Lots 5 to 12 inclusive, SW¼, SW¼ SE¼, SE¼NW¼;
Sec. 8: W½NE¼, SE¼NE¼.

The lands described comprise 399.67 acres subdivided into 152 small tracts, 32 of which are covered by applications from persons entitled to preference right under 43 CFR 257.15 (a).

2. The tracts are located approximately 2½ miles south of Cave Creek and 20 miles north of Phoenix. The tracts are accessible from the paved Phoenix-Cave Creek road which runs northeasterly through the W½NE¼, Sec. 8 and from connecting secondary roads and trails. The elevation is approximately 2,000 feet above sea level and the topography is from flat to undulating. The climate is arid with an average annual precipitation of approximately 10 inches. The temperature varies from a high of about 110° F. in summer to a low of about 15° F. in winter. The soil is sandy and supports a fair growth of desert shrubs including paloverde, cholla, creosote, mesquite, bursage, Mormon tea and annual grasses and forbs. Culinary water is not available from any known source but probably could be developed from wells at a depth of from 400 to 600 feet. Electricity is available from power lines along the Cave Creek road and on the line between Sections 5 and 8.

3. The individual tracts vary in size from 2.5 acres to 5 acres, are all rectangular in shape and are described by lots or allocate parts of subdivisions. Lots 5 to 12 inclusive will be leased as single tracts and the remaining lands will be leased in 2½ acre tracts described by legal subdivisions. The tracts in the following subdivisions are appraised as follows:

(a) Sec. 5: Lots 5 to 12 inclusive, $500 per tract; SE¼NW¼, SW¼, N½SW¼SE¼, SW¼ SW¼SE¼, $250 per tract; SE¼SW¼SE¼, $375 per tract.

Sec. 8: NW¼NW¼NE¼, W½SW¼NW¼ NE¼, SE¼NE¼, SE¼SW¼NE¼, E½NE¼ SW¼NE¼, $250 per tract; E½NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, E½ SW¼NW¼NE¼, $375 per tract.

(b) The advance annual rental for all tracts is one-twentieth of the appraised value, payable for three years in advance.

(c) Rights-of-way 33 feet in width for streets and roads for public utilities will be reserved on the exterior of each tract on section lines and quarter, sixteenth and sixty-fourth subdivision lines.

(d) The following described lands are under application from individuals having statutory preference:

Sec. 5: SE¼W¼SW¼SE¼, S½NE¼SW¼ SE¼, S½S½SW¼SE¼, SW¼SE¼SE¼ SW¼, SE¼SW¼SE¼SW¼, S½S½SW¼ SW¼.
Sec. 8: N½N½NW¼NE¼, N½S½NW¼NE¼, N½NE¼SW¼NE¼, NE¼NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½S½SW¼NE¼, N½NW¼SE¼NE¼, NW¼NE¼SE¼NE¼.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) (1). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to make application under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted under the circumstances.

6. The improvements referred to in paragraph 4 must conform with health, sanitation and construction requirements of local ordinances and must, in addition, meet the following standards:

The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Sewage must be by septic tank and/or cesspool.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251, Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application can be secured from the above named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to 10 a. m. September 13, 1955 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after 10 a. m. September 13, 1955, and prior to 10 a. m., August 22, 1956, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after 10 a. m. September 13, 1955 and prior to 10 a. m. November 21, 1956, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to: Manager, Land Office, 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-5966; Filed, July 24, 1956; 8:45 a. m.]

[Amdt. 2]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 86

JULY 17, 1956.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and pursuant to Delegation of Authority contained in section 2.9 of Bureau Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 86, dated August 2, 1954, as amended on August 10, 1955, is further amended as follows:

1. The following lands are hereby deleted from the area classified by said order:

PETER'S CREEK AREA

SEWARD MERIDIAN

T. 15 N., R. 1 W.,
Section 5: Lots 110–113, inclusive; Lots 115–117, inclusive.

Aggregating 7 lots containing 17.50 acres.

2. This amendment shall take effect immediately.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-5967; Filed, July 24, 1956; 8:45 a. m.]

Bureau of Reclamation

YAKIMA PROJECT, WASHINGTON

ORDER OF REVOCATION

JANUARY 12, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of December 22, 1905, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 8 N., R. 29 E.,
Sec. 6, Lots 4 and 5, and SE¼NW¼.

The above areas aggregate 79.67 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[68333]

JULY 18, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located five miles west of Kennewick, Washington. They are arid, sandy lands and are bisected by both the Northern Pacific Railway line and a hard-top county road running east and west. The lands lie about one-quarter mile west of Vista Station on the railroad, and a good north-south gravelled road gives access to the Richland area.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 23, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 22, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 22, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 22, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 56-5968; Filed July 24, 1956; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 14]

BUREAU OF LAND MANAGEMENT

REDELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

JULY 18, 1956.

Section 2.69 of Order No. 2583 as amended (15 F. R. 5643; 19 F. R. 5919) is further amended to read as follows:

SEC. 2.69 *Sites for recreational or any public purpose.* All actions with respect to conveyances and leases to Federal, State, Territory, and local governmental units and to nonprofit associations and corporations pursuant to 43 CFR Part 254, and other applicable regulations, and all actions in connection with the construction, maintenance and disposition of recreational facilities in Alaska pursuant to the act of May 4, 1956 (70 Stat. 130).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-5970; Filed, July 24, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS AND ACTING REGIONAL FORESTERS

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY NEGOTIATED CONTRACT

Pursuant to the authority vested in the Chief, Forest Service by the Secretary of Agriculture, under date of May 15, 1956 (21 F. R. 3329), authority is delegated to Regional Foresters and Acting Regional Foresters to negotiate contracts without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), for professional engineering services required for all roads, trails, bridges, dams, buildings, and cadastral surveys that are involved in programs of the Forest Service. Operating procedures previously approved in connection with the delegation of authority to the Chief, Forest Service, dated December 10, 1954 (19 F. R. 8585) shall be applicable to this delegation.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act, the delegation of authority of the Administrator, General Services Administration to the Secretary of Agriculture under date of April 17, 1956 (21 F. R. 2606), and the delegation of authority of the Secretary of Agriculture above mentioned, and shall not extend beyond July 1, 1957, unless the delegation from the Administrator, General Services Administration to the Secretary shall have been extended.

The authority herein delegated may not be redelegated. This delegation supersedes the delegation to Regional Foresters and Acting Regional Foresters of February 16, 1955 (20 F. R. 1105).

Done at Washington, D. C., this 19th day of July 1956.

[SEAL] HOWARD HOPKINS,
Acting Chief, Forest Service.

[F. R. Doc. 56-5998; Filed, July 24, 1956; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT W. NISSEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Robert W. Nissen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 6, 1956.
4. Title of position: Chief, Facilities and Distribution Branch.

5. Name of private employer: The E. L. Essley Machinery Company, 565 West Washington Boulevard, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The E. L. Essley Machinery Co., Chicago, Illinois.
Salt Creek Investors, Hinsdale, Illinois.
Mackey Airlines, Ft. Lauderdale, Florida.
Bank Deposits.

JULY 11, 1956.

[SEAL] ROBERT W. NISSEN.

[F. R. Doc. 56-6001; Filed, July 24, 1956; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

HON. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable

property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

HON. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 122]

MOTOR CARRIER APPLICATIONS

JULY 20, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 239 Sub 17, filed July 16, 1956, EXKLAR-MOORE EXPRESS, INC., U. S. 62, Cynthiana, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ford, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Winchester, Ky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 531 Sub 68, filed July 2, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lube* (or lubricating) *oil*, in bulk, in tank vehicles, from New Orleans, La., to Isola, Miss., Memphis, Tenn., and points in Texas; (2) *Aviation fuel*, in bulk, in tank vehicles, from Norco, Good Hope, Kenner and Baton Rouge, La., to Mobile, Ala. Applicant is authorized to conduct operations in Texas, Louisiana, Alabama, Arkansas, Georgia, Mississippi, and Tennessee.

No. MC 623 Sub 16, filed June 25, 1956, H. MESSICK, INC., P. O. Box 214, Duquesne and Newman Roads, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bank Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A explosives*, (dynamite), large size (king size), from the site of the Hercules Powder Company plant, at or near Ishpeming, Mich., to points in Lea and Eddy Counties, N. Mex., and *returned shipments* of the above-described commodity on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

No. MC 730 Sub 75, filed June 22, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the sites of the Wanapum Dam on the Columbia River south of Vantage, Wash., near Beverly, Wash., and the Priest Rapids Dam on the Columbia River, approximately twenty-five (25) miles south of Vantage, Wash., and points within fifteen (15) miles of said dam sites, as off-route points in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 2202 Sub 149, filed July 11, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Alcoa Smelting plant now under construction near Yankeetown, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Michigan, Missouri, Illinois, Georgia, Tennessee, West Virginia, Ohio, Alabama, North Carolina, South Carolina, Texas, Virginia, District of Columbia, Pennsylvania, New York, New Jersey, Connecticut, Kentucky, Indiana, Maryland, Oklahoma, and Delaware.

No. MC 2894 Sub 14, filed July 11, 1956, RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, from Norwalk, Ohio, over U. S. Highway 250, to junction of U. S. Highway 250 and U. S. Highway 30 at Jefferson, Ohio, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Pittsburgh, Pa., and Flint, Mich.; between Cleveland, Ohio, and Toledo, Ohio; and between Canton, Ohio, and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

No. MC 4405 Sub 277, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Denver, Colo., to all points in the United States. (2) *Tractors*, other than farm tractors, in secondary driveaway movements, only when drawing trailers in initial driveaway movements, from Denver, Colo., to points in Arizona, Nevada, Oregon, and Vermont.

No. MC 4405 Sub 278, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bus bodies*, assembled or unassembled, from Kosciusko, Miss., to New Orleans, La., Gulfport, Miss., Mobile, Ala., Savannah, Ga., and New York City, N. Y.

No. MC 5908 Sub 22, filed July 16, 1956, TRUCK TRANSPORT COMPANY, 8350 Dix Avenue, Detroit 9, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Aluminum Company of America plant located on Indiana Highway 66, near Yankeetown, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations over U. S. Highway 41 to and from Evansville, Ind. Applicant is authorized to conduct operations in Michigan, Ohio, and Indiana.

No. MC 7746 Sub 80, filed June 26, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. For authority to operate as a *common carrier*, over regular routes, transporting *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, (1) between McMinnville, Oreg., and Great Falls, Mont., from McMinnville over U. S. Highway 99W to Portland, Oreg., thence over U. S. Highway 99 to Vancouver, Wash., thence over U. S. Highway 830 to Maryhill, Wash., thence over U. S. Highway 97 to Toppenish, Wash., thence over unnumbered highway to Zillah, Wash., thence over U. S. Highway 410 to Pasco, Wash., thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (Also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls. (Also from Spokane, Wash., over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to McMinnville. Serving all intermediate points on the proposed routes. Service between McMinnville, Oreg., and Portland, Oreg., restricted to traffic moving to or from Great Falls, Mont., or points beyond Great Falls. (2) Between Stanfield, Oreg., and Great Falls, Mont., from Stanfield over Oregon unnumbered highway to Hermiston, Oreg., thence over Oregon Highway 207 to junction U. S. Highway 730, thence over U. S. Highway 730 to junction U. S. Highway 395, thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (Also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls, Mont. (Also from Spokane over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to Stanfield. Serving all intermediate points on the proposed routes.

No. MC 10761 Sub 59, filed July 5, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new General Motors Corporation Plant, located on U. S. Highway 45 near Lordstown, Ohio, in Trumbull County, as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio and Slippery Rock, Pa., over U. S. Highway 422 and Pennsylvania Highway 108. Applicant is authorized to conduct regular route operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, and Ohio.

No. MC 10928 Sub 28, filed July 13, 1956, SOUTHERN-PLAZA EXPRESS, INC., a Missouri Corporation, 1209 Washington Avenue, St. Louis, Mo. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between Bremond, Tex., and Richland, Tex.: from Bremond over Texas Highway 6 to Richland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Bryan and Dallas, Tex., (a) via Hearne, Buffalo and Richland, and (b) via Bremond and Waco; (2) between San Marcos, Tex., and Bryan, Tex.: from San Marcos over Texas Highway 21 to Bryan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between San Marcos and Byran, Tex., (a) via Austin and Hempstead, and (b) via Austin, Waco and Hearne. Applicant is authorized to conduct operations in Missouri, Illinois, Tennessee, Texas, and Oklahoma.

No. MC 15737 Sub 8, filed June 25, 1956 (Amended), published July 18, 1956 on Page 5386, ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.), and Philadelphia, Pa., from junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.), over U. S. Highway 22 to junction U. S. Highway 230 (at or near Harrisburg, Pa.), thence over U. S. Highway 230 to junction U. S. Highway 30, thence over U. S. Highway 30 to Philadelphia, and return over the same route, serving no intermediate points, but serving junction U. S. Highways 15 and 22 (at or near Clark's Ferry, Pa.) for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular route operations (1) between Philadelphia, Pa., and Baltimore, Md., over U. S. Highways 130 and 40, (2) between Baltimore, Md., and Buffalo, N. Y., over U. S. Highways 111 and 15, and New York Highways 63 and 5, and (3) between Baltimore, Md., and Rochester, N. Y., over U. S. Highways 111 and 15. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 16503 Sub 4, filed July 5, 1956, JOHN L. GUEX, 133 South Andrews Street, Shawano, Wis. Applicant's representative: William C. Dineen, 341 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocers*, from points in Wisconsin on and south of U. S. Highway 8, to Menominee, Mich. Applicant is authorized to con-

duct operations in Michigan and Wisconsin.

No. MC 18738 Sub 21, filed July 5, 1956, SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, Ill. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron articles* and *steel articles*, from Aurora, Ind. to points in Indiana. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Ohio, and Michigan.

No. MC 22229 Sub 21, filed June 25, 1956, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street SE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that part of Pinellas County, Fla., bounded by a line beginning on the north at the intersection of Florida Highway 55 with Allen Creek, thence southward along Florida Highway 55 to junction Florida Highway 686, thence westward along Florida Highway 686 to the city limits of Largo, Fla., including Largo, thence southward along Florida Highway 595 to its intersection with the city limit line of St. Petersburg, Fla., thence along the city limit of St. Petersburg, Fla., to Boca Ciego Bay, thence south, east, and north along Boca Ciega Bay and Tampa Bay to Allen Creek, and point of beginning, including points on the highways specified, as off-route points in connection with applicant's regular route operations to and from Tampa, Fla. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, and Kentucky.

No. MC 26664 Sub 3, (Amended) filed April 16, 1956, published in the May 23, 1956 issue, page 3442, HARVEY B. WATTS, 23 Belmont Avenue, Floral Park, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry manufactured fertilizer*, in packages or loose, from Carteret, N. J. to points in Westchester County, N. Y. Applicant is authorized to transport fertilizer from Carteret, N. J. to New York, N. Y. and points in a defined area in New York.

No. MC 29991 Sub 30, filed June 25, 1956, BARLOW'S SERVICE, INC., 5101 York Street, Denver, Colo. Applicant's representative: Philip G. Burney, Midland Savings Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refined petroleum products*, in bulk, in tank vehicles, from petroleum refining points in Wyoming to points in Colorado. *Damaged shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points. Applicant is authorized to conduct operations in Colorado, Kansas and Wyoming.

NOTE: Applicant states the purpose of this application is to amend existing authority of applicant, as described on sheets 3 and 4 of Certificate No. MC 29991.

No. MC 30091 Sub 36, filed June 29, 1956, L. F. MILLER AND F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 501 Indiana Street, Wichita Falls, Tex. Applicant's representative: Herbert L. Smith, 401 Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hereford, Tex., and Tucumcari, N. Mex., from Hereford over Texas Farm Road No. 1058 to the Texas-New Mexico State line, thence over New Mexico Highway 18 via Bellview and Ragland, N. Mex., to Tucumcari, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 30126 Sub 8, filed May 17, 1956, LOUIS N. VILLALANTE, P. O. Box 26, Morenci, Ariz. Applicant's representative: Earl V. Carroll, 8th Floor Title & Trust Building, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Equipment, materials and supplies used or useful in mining operations*, between Tyrone, N. Mex., and Mile High Exploration Site, Fremont County, Wyo., approximately 70 miles northwest of Rawlins, Wyo.; *Equipment, materials and supplies* as set forth above, for replacement or repair, on return. Applicant is authorized to conduct operations in Arizona and New Mexico.

NOTE: Applicant requests the right to tack or join at Tyrone, N. Mex. with its authorized operations from Arizona origin points.

No. MC 30138 Sub 10, filed July 6, 1956, A. C. E. TRANSPORTATION COMPANY, INC., 395 Baird Street, Akron, Ohio. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of usual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chevrolet Division of General Motors Corporation, located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations between Salem, Ohio and Warren, Ohio, over Ohio Highway 45. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

No. MC 30237 Sub 7, filed July 10, 1956, LOTA H. YEATTS, doing business as YEATTS TRANSFER COMPANY, 614 Broad Street, P. O. Box 406, Altavista, Va. Applicant's representative: Wilbert G. Burnette, 1104–5 Peoples National Bank Building, Lynchburg, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tables*, from Altavista, Va., to points in North Carolina, and *damaged shipments* of the above named commodity on return. Applicant is authorized to conduct operations in Virginia, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 33641 Sub 26, filed July 2, 1956, INTERSTATE MOTOR LINES, INC., 235 West Third Street South, Salt Lake City 1, Utah. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between the Glen Canyon Dam Site, located on the Colorado River, approximately fifteen (15) miles up stream from Marble Canyon, Ariz., near the Utah-Arizona boundary, and points within ten (10) miles thereof, and construction sites located at points on access roads between U. S. Highway 89 and said dam site, on the one hand, and, on the other, all points authorized in Certificate No. MC 33641 and Subs thereunder. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Nevada, Illinois, Nebraska, Iowa, California, Arizona, and Idaho.

No. MC 33970 Sub 5, filed June 19, 1956, GEORGE HILDEBRANDT, INC., R. F. D. No. 2, Hudson, N. Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime*, (building lime and agricultural lime), in bags, from Lee, Mass., to points in New Jersey, and points in Susquehanna, Wyoming, Wayne, Pike, Lackawanna, Luzerne, and Bradford Counties, Pa. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and New York.

NOTE: Docket Nos. MC 33970 and Subs 2 and 3 were acquired by applicant pursuant to MC–FC 59057—no certificates have been issued to applicant as yet.

No. MC 35540 Sub 6, filed July 16, 1956, SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati, Ohio. Applicant's representative: Anna Gertrude Mueller, 951 Adams Avenue, Evansville, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, including *household goods* as defined by the Commission, but excluding those of unsual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located near Newburgh, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations between Louisville, Ky., and Evansville, Ind Applicant is authorized to conduct operations in Kentucky, Indiana, and Ohio.

No. MC 37599 Sub 17, filed July 5, 1956, P. VAN HAAREN & SONS STORAGE COMPANY, INC., First & Sheridan Streets, Bay City, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Heavy machinery, electrical equipment* and *commodities* the transportation of which, because of size or weight require the use of special equipment and/or special handling and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which, because of size or weight require the use of special equipment and/or handling, between Bay City, Mich., on the one hand, and, on the other, points in Indiana and Ohio. (2) *Commodities*, the transportation of which, because of size or weight require the use of special equipment and/or special handling, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require the use of special equipment and/or handling, (a) between points in Michigan on and south of Michigan Highway 32 and on and east of U. S. Highway 27 on the one hand, and, on the other, points in Indiana and Ohio; (b) from Bay City, Mich. to points in Illinois, Wisconsin and Pennsylvania; (c) between points in Michigan restricted against the transportation in interstate or foreign commerce of any traffic the origin and destination of which are both within 35 miles of Detroit, Mich., including Detroit; and (d) between Saginaw and Alpena, Mich., on the one hand, and, on the other, points in Illinois, Wisconsin and Pennsylvania.

NOTE: Applicant herein is not seeking to serve any additional territory by the instant application, but is seeking only to amend the description of the commodities which it is authorized to transport (under Certificate No. MC 37599 and Sub 15), it being applicant's belief that its present authority permits it to engage in the transportation of most of, if not all, of the commodities described above, but in order to clarify the authority and to make certain that it can afford shippers and receivers a complete service, the instant application is being filed.

No. MC 43165 Sub 4, filed July 9, 1956, LOUDOUN TRANSFER, INC., Purcellville, Va. Applicant's representative: Albert F. Anderson, Leesburg, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hog cracklings*, in bags and bulk, and *hog dry blood*, in bags and bulk, from Purcellville, Va., to Baltimore, Md., Philadelphia and Lancaster, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 43654 Sub 35, filed July 12, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant located on Ohio Highway 82, in Twinsburg Township, Summit County, Ohio, as an off-route point in connection with applicant's regular-route operations (1) between Akron, Ohio, and Atlanta, Ga., and Birmingham, Ala., (2) between Akron, Ohio, and Niagara Falls, N. Y., (3) between Akron, Ohio, and Cartersville, Ga., and (4) between Akron, Ohio, and Cleveland, Ohio. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

No. MC 43654 Sub 36, filed July 12, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Chevrolet Division of General Motors Corporation, located approximately six miles southwest of Warren (Lordstown Township, Trumbull County), Ohio, as an off-route point in conection with applicant's regular route operations between Akron, Ohio, and Niagara Falls, N. Y. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

No. MC 44592 Sub 16, filed July 6, 1956, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, including *commodities requiring special equipment*, but excluding articles of unusual value, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, serving the site of the new plant of the Chevrolet Division of General Motors Corporation to be located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations between Ebensburg, Pa., and Cleveland, Ohio, over U. S. Highway 422. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New York, Ohio, and Pennsylvania.

No. MC 48479 Sub 6, filed May 9, 1956, published in the May 23, 1956 issue, page 3442, amended, FRIGIDWAYS, INC., 253 West Virginia Avenue, P. O. Box 2503, Memphis, Tenn. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Indiana, Georgia, Alabama, Mississippi, Louisiana, Michigan, Ohio, Tennessee, Illinois, and Kentucky.

No. MC 52709 Sub 65, filed June 21, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods as defined by the Commission*, but excluding articles of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, other than refrigerated equipment, between Los Angeles, Calif., and Kansas City, Mo., from Los Angeles over U. S. Highway 60 to junction Arizona Highway 71, near Aguila, Ariz., thence over Arizona Highway 71 to junction U. S. Highway 89 at Congress Junction, Ariz., thence over U. S. Highway 89 via Prescott, Ariz., to Ashfork, Ariz., thence over U. S. Highway 66 via Flagstaff, Ariz., to Albuquerque, N. Mex., thence over U. S. Highway 85 via Santa Fe, Las Vegas, and Raton, N. Mex., to Trinidad, Colo., thence over U. S. Highway 350 to La Junta, Colo., thence over U. S. Highway 50 to Garden City, Kans., thence over U. S. Highway 50S to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, and return over the same route, serving no intermediate point, as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Utah, and Wyoming.

No. MC 52947 Sub 23, filed July 16, 1956, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ford, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Winchester, Ky. Applicant is authorized to conduct operations in West Virginia, Kentucky, Virginia, and Ohio.

No. MC 59135 Sub 12, filed June 29, 1956, RED STAR EXPRESS LINES of AUBURN, INCORPORATED, 26–50 Wright Avenue, Auburn, N. Y. Applicant's representative: E. Bateman Ennis, Shoreham Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between North Bergen, N. J., and points in Rockland and Westchester Counties, N. Y., not covered by present operating authority.

No. MC 60108 Sub 1, filed May 25, 1956, HOLLEY'S, INC., 430 Kingstown Road, Wakefield, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods (when transported as a

separate and distinct service in connection with so-called "household movings"), commodities in bulk, and those requiring special equipment, between Providence, R. I., and New London, Conn., as follows: (1) from Providence over U. S. Highway 1, via junction Alternate Rhode Island Highway 1 and Charlestown and Westerly, R. I., and Pawcatuck, Conn., to New London; (2) from Providence to junction Alternate Rhode Island Highway 1 as specified above, thence over Alternate Rhode Island Highway 1 to junction U. S. Highway 1, and thence to New London, as specified above; (3) from Providence over Rhode Island Highway 2 to junction U. S. Highway 1 in Charlestown, R. I., thence over U. S. Highway 1, via Westerly, R. I., to New London, as specified above; (4) from Providence over Rhode Island Highway 3, via Hopkinton, R. I., to Westerly, R. I., thence to New London, as specified above; (5) from Providence to Hopkinton, as specified above, thence over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to New London; (6) from Providence to Pawcatuck, Conn., as specified above, thence over Connecticut Highway 2 to Norwich, Conn., thence over Connecticut Highway 12 (also over Connecticut Highway 32) to New London, and return over the above-described routes to Providence, serving all intermediate points; and (7) serving points in Kent and Washington Counties, R. I., as off-route points in connection with (a) applicant's regular route operations between Providence, R. I., and New London, Conn., and (b) applicant's proposed operations described in (3) above.

NOTE: All duplicating authority is to be eliminated.

No. MC 61471 Sub 9, filed July 12, 1956, BENJAMIN MOTOR EXPRESS, INC., 2–32 Vine Street, Everett, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sturbridge, Mass. and East Hartford, Conn. From junction of U. S. Highway No. 20 and Massachusetts Highway No. 15 at Sturbridge, Mass., thence over Massachusetts Highway No. 15 to Massachusetts-Connecticut State Line, thence over Connecticut Highway No. 15 to junction of Connecticut Highway No. 15 and U. S. Highway No. 5 at East Hartford, Connecticut, serving Sturbridge, Mass., and East Hartford, Conn., for joinder purposes only, and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points in connection with applicant's authorized operations between Boston, Mass., and New York, N. Y.

No. MC 64932 Sub 215, filed July 10, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products* and *liquid chemicals*, in bulk, in tank vehicles, from New Goshen, Ind., and points within two and one-half miles of New Goshen, to points in that part of Illinois bounded by a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 50 to and including East St. Louis, Ill., thence along the western boundary of Illinois to and including Alton, Ill., thence along U. S. Highway 67 to junction with Illinois Highway 78, thence along Illinois Highway 78 to junction with U. S. Highway 24, and thence along U. S. Highway 24 east to the Illinois-Indiana State line, including points located on the portions of the highways specified. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 64932 Sub 216, filed July 10, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea solutions*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi and Florida. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin.

No. MC 66562 Sub 1283 (Amended), filed April 9, 1956, published in the April 25, 1956 issue, on Page 2671, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A and B explosives, moving in express service, and *baggage* and *newspapers* moving under the tariffs and billing of the Northern Pacific Railway, between Seattle, Wash., and Aberdeen, Wash., from Seattle over U. S. Highway 99 to Tacoma, Wash., thence over U. S. Highway 410 via Elma and Montesano, Wash., to Aberdeen, and return over the same route, serving the intermediate and off-route points of Tacoma, South Tacoma, Lakeview, Fort Lewis, Olympia, Elma and Montesano, Wash. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Seattle, Wash., and that the proposed service will connect with and be an extension of applicant's existing operations between Aberdeen-Hoquiam and Centralia authorized in Certificates No. MC 66562 Subs 603 and 616, and between Olympia and Shelton authorized in Certificate No. MC 66562 Sub 162.

No. MC 66562 Sub 1294, filed July 10, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's representative: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Spartanburg, S. C., and Chesnee, S. C., over U. S. Highway No. 221. RESTRICTION: Applied-for authority to be restricted to service which is auxiliary to, or supplemental of, air or railway express service; and shipments transported by applicant to be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail; and such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 95561 Sub 5, filed July 12, 1956, WILLIAM J. EVELAND, doing business at WILLIAM EVELAND AND SON, 421 East Crawford Street, Paris, Ill. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn* and *corn products*, including but not limited to corn meal, corn flour, corn grits, brewers grits, brewers flakes and feed, from Paris, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and damaged shipments on return. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 97998 Sub 2, filed June 20, 1956, REFRIGERATED TRANSPORT, INC., 318 Cadiz Street, Dallas, Tex. Applicant's representative: Carl L. Phinney, First National Bank Building, Dallas 9, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, vegetables and other commodities requiring refrigeration in transit*, between all points in Texas except those points located in Presidio, Jeff Davis, Culberson, Hudspeth, El Paso, Dailey, Lamb, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchison, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, and Dallam Counties, Texas.

NOTE: Application submitted together with a *motion to dismiss* the subject application (BMC 78) and carrier be permitted to invoke the provisions of the Second Proviso, Section 206 (a) (1) of the Interstate Commerce Act, to perform the above-described service by the filing of a BMC 75 statement covering a Texas State Certificate covering these operations.

No. MC 99084 Sub 2, filed July 6, 1956, ROBERTS MOTOR EXPRESS, INC., 22 Thatcher Street, Albany, N. Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Troy, N. Y., and New York, N. Y., (a) from Troy over Menands Bridge to village of Menands, thence over New York Highway 32 to Albany, thence over U. S. Highway 20 to its junction with U. S. Highway 9, and thence over U. S. Highway 9 to New York City, with service over the following additional routes: From Troy over U. S. Highway 4 to its junction with U. S. Highway 9; from Junction U. S. Highway 20 and New York Highway 9J over New York Highway 9J to its junction with U. S. Highway 9; from Fishkill over New York Highway 52 to Beacon, thence over New York Highway 9D to village of Cold Springs; from Wappingers Falls over New York Highway 9D to Beacon; and from Valatie over New York Highway 9H to its junction with U. S. Highway 9 at the hamlet of Bro Corners; (b) from Troy to Albany over the same routes set forth above, thence over New York Highway 144 to the hamlet of New Baltimore (Greene County); thence over an unnumbered County Highway to West Coxsackie (Greene County); thence over New York Highway 385 to the village of Catskill (Greene County); thence over bridge to New York Highway 9G; and thence over New York Highway 9G to junction with U. S. Highway 9; (c) from Troy to Albany over the same routes set forth above, thence over U. S. Highway 9W to junction with U. S. Highway 9; (2) between Troy and Schenectady over New York Highway 7; and (3) between Albany and Schenectady over New York Highway 5, and return over the above-described routes, serving all intermediate points on the above-described routes and serving the off-route points of New Rochelle, White Plains, Chatham, Elmsford, Millerton, Pelham, Philmont, Scotia and Waterford, N. Y., and the hamlets of Averill Park, Garrison, Mellenville, New Hamburg, Niverville, Pleasant Valley, Stoneco, Stottville, Wassaic, Wingdale and Wynantskill, N. Y., and points in Albany, Greene, Orange, Sullivan and Ulster Counties, N. Y., as off-route points in connection with the above-described regular routes.

NOTE: This application will be processed concurrently with No. MC–F 6336.

No. MC 104683 Sub 19, filed June 11, 1956, L. L. MAJURE AND JO M. MAJURE, doing business as L. L. MAJURE, 1600 B Street, P. O. Box 1028, Meridian, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within five (5) miles thereof, including the site of the Pontiac Refinery plant, located approximately three and one-half (3½) miles north of Purvis, to points in Alabama and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, and Mississippi.

NOTE: Applicant states that Purvis, Miss., is located on a road that was designated as U. S. Highway 11 until the highway was rerouted some years ago.

No. MC 106914 Sub 13, filed July 11, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio and Wixom, Mich., serving the Ford Motor Company plant, located about one and one-half miles north of Highway 16 at the intersection of Michigan Highway 218 in connection with applicant's authorized operations between Cleveland, Ohio, on the one hand, and, on the other, the site of the Ford Motor Company plant located at 17-Mile Road and Mound Road, in Sterling Township, Macomb County, Mich. Applicant is authorized to conduct operations in Ohio, Illinois, Pennsylvania, Michigan, New York, and Wisconsin.

No. MC 107028 Sub 26, filed July 12, 1956, ACME TRANSPORTATION, INC., Giant Road, San Pablo 4, Calif. Applicant's representative: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Martinez, Calif. and Oleum, Calif. to Richmond, Calif. and points within five (5) miles of Richmond. Applicant is authorized to conduct operations in California and Oregon.

No. MC 107107 Sub 79 (CORRECTION), ALTERMAN TRANSPORT LINES, Miami, Fla., published page 5152, issue of July 11, 1956. That portion of the publication reading: "and those in the *Pennsylvania*, Pa., and New York, N. Y., Commercial Zones • • •", was in error. The correct origin points read: "and those in the *Philadelphia*, Pa., and New York, N. Y., Commercial Zones • • •".

No. MC 107409 Sub 10, filed July 5, 1956, RATLIFF AND RATLIFF, INC., P. O. Box 399, Wadesboro, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood* and *wood boxes*, from Wadesboro, N. C., and points within 30 miles thereof, to points in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, West Virginia, North Carolina, Florida, Georgia and Ohio. Applicant is authorized to conduct operations in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, and West Virginia.

No. MC 107496 Sub 79 (Amended), filed June 25, 1956, published in the July 11, 1956 issue, page 5152.

RUAN TRANSPORT CORPORATION 408 SE. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, fish oils, non-edible oils, fatty acids, blended or prepared paint oils, blended or prepared varnish oils, liquid synthetic resin, surface coating resin compound*, and *ester gum*, in bulk, in tank vehicles, from points in Minnesota to points in Michigan, Colorado, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Missouri, Texas, Illinois, Iowa, and Wisconsin.

NOTE: All duplicating authority is to be eliminated.

No. MC 108207 Sub 51, filed April 23, 1956 (Further Amended), published July 18, 1956, on Page 5392, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from Lafayette and Indianapolis, Ind., and St. James, Minn., to points in Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Mississippi, and Memphis, Tenn.; (2) *salads*, requiring refrigeration in transit, and *dairy products*, from Sterling, Ill., Indianapolis, Ind., and Van Wert, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Memphis, Tenn.; (3) *frozen foods*, from Brownsville, Harlingen, Eagle Pass, Carrizo Springs, San Antonio, and Dallas, Tex., and points within fifteen (15) miles of each, to points in Indiana, Ohio, Kentucky, Wisconsin, and Minnesota; and (4) *packing house products*, as defined by the Commission, from Indianapolis and Terre Haute, Ind., to points in Texas, Louisiana, Arkansas, and Oklahoma. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 108449 Sub 37, filed July 2, 1956, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul

13, Minn. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, and *all derivatives* thereof, in bulk, in tank vehicles, between points in Wisconsin, upper Michigan and Minnesota.

NOTE: All duplicating authority to be eliminated and no authority sought to transport between points within any one state. Applicant is authorized to conduct operations in Iowa, North Dakota, South Dakota, Wisconsin, Michigan, and Minnesota.

No. MC 108905 Sub 15, filed July 9, 1956, JASPER & CHICAGO MOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, including *those requiring special equipment*, but excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the site of the Warrick Works of the Aluminum Company of America, located in Warrick County, Ind., as an off-route point, in connection with applicant's regular route operations between Evansville, Ind., and Loogootee, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, and Tennessee.

No. MC 109513 Sub 4, filed July 9, 1956, CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 1476 Davenport Avenue, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages and wines*, from Chicago, Ill. to Youngstown, Ohio, and *empty containers and other such incidental facilities* (not specified) in this application on return. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Missouri, Wisconsin, Pennsylvania, New York, New Jersey, and Massachusetts.

No. MC 110190 Sub 38, filed July 5, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Air-conditioning machinery, ice-making machinery* and *refrigeration machinery* and *equipment and supplies* used in the servicing and manufacture of said machinery, from York, Pa., to Miami, Orlando, Tampa, Jacksonville, and Pensacola, Fla., Mobile, Ala., New Orleans, Baton Rouge, Shreveport and Monroe, La., Jackson, Miss., Houston, Ft. Worth, Dallas, San Antonio, El Paso, and Austin, Tex.

No. MC 110505 Sub 27, filed June 29, 1956 (Amended), RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts therefor*, when their transportation is incidental to the transportation of the machinery and/or implements, *tractors* or *traction engines*, (not including tractors with vehicle beds, bed frames or fifth wheels), and *parts and attachments therefor*, when their transportation is incidental to the transportation of the tractors, from Waterloo, Iowa, and points in Waterloo and Blackhawk Townships, Blackhawk County, Iowa; Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *agricultural machinery and implements*, other than hand, and *parts therefor*, when their transportation is incidental to the transportation of the machinery and/or implements, from Des Moines, Iowa, and points within six (6) miles thereof, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin.

No. MC 111401 Sub 73, filed July 9, 1956, GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles between points in Texas east of U. S. Highway 83, and points in New Mexico South of U. S. Highway 66.

No. MC 112893 Sub 6, filed July 9, 1956, BULK TRANSPORT COMPANY, a corporation, Calumet Street, Burlington, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonia liquor*, in bulk, in tank vehicles, from Milwaukee, Wis. to Chicago and Chicago Heights, Ill.

No. MC 113495 Sub 2, filed June 29, 1956, GREGORY HEAVY HAULERS, INC., 151 North First Street, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Structural steel*, and *heavy machinery and construction equipment* (*including attachments thereto and parts thereof*, either attached or separately), the transportation of which, because of size of weight, requires the use of special equipment (excluding any transportation in connection with the string or picking up of pipeline or equipment), between points in Illinois, on the one hand, and, on the other, points in Tennessee, North Carolina and Virginia. Applicant is authorized to conduct operations in Kentucky, North Carolina, and Virginia.

NOTE: The commodity description above is inclusive of, but not confined exclusively to, such commodities as are more fully listed in the application.

No. MC 114095 Sub 2, filed July 12, 1956, WESTERN PRODUCE EXPRESS, INC., 321 SE. Alder Street, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton seed meal, copra meal, linseed meal, soybean meal, bone meal* and *alfalfa meal*, between points in California and points in Callam, Jefferson, Kitsap, Mason, Grays Harbor, Snohomish, Whatcom, Skagit, King, Pierce, Thurston, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania and Clark Counties, Wash., and points in Clatsop, Columbia, Multnomah, Tillamook, Washington, Clackamas, Yamhill, Polk, Marion, Lincoln, Benton, Linn, Lane, Coos, Curry, Douglas, Josephine, Klamath and Jackson Counties, Oreg.

No. MC 114456 Sub 2, filed July 3, 1956, GORDON N. CAVES, doing business as CAVES TRUCKING CO., Wild Rose, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fibre shipping containers, cleated fibre shipping containers, crates, wooden boxes, box shooks, pallets* and *sawdust*, from Wild Rose, Wis., to points in Iowa and Illinois.

No. MC 115679 Sub 1, filed July 9, 1956, BILL SMITH, doing business as SMITH TRUCK LINE, Science Hill, Ky. Applicant's representative: Fritz Krueger, Alverson Building, Somerset, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Unfinished lumber*, from Science Hill, Ky., to Cincinnati, Ohio, and Morristown, Newport, Harriman, Helenwood, Nashville, and Chattanooga, Tenn. (2) *Frames for box springs*, from Science Hill, Ky. to Indianapolis and Evansville, Ind. and Jefferson City, Nashville and Chattanooga, Tenn. (3) *Unfinished lumber*, from Helenwood, Tenn. to Science Hill, Ky., and from Nashville, Tenn. to Science Hill, Ky. (4) *Farm equipment and machinery*, from Nashville, Tenn., to Science Hill, Ky. (5) *Seed, feed*, and *fertilizer*, from Cincinnati, Ohio, to Eubank and Science Hill, Ky.

No. MC 115831 Sub 1, filed July 9, 1956, TIDEWATER TRANSIT COMPANY, INC., Kinston, N. C. Applicant's representative: John G. Dawson, Kinston, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Hopewell, Va., to points in Wayne, Lenoir, Onslow, Greene, Craven, Pitt, Edgecombe, Martin, Halifax, Jones, New Hanover, Sampson, Johnston, Wilson and Nash Counties, North Carolina.

No. MC 115901, filed April 2, 1956, THOMAS D. COIN, doing business as COINBOY TOW SERVICE, 1832 Mercier Street, Kansas City 8, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in the Kansas City, Mo.-Kans. Commercial Zone, as described by the Commission, on the one hand, and, on the other, points in Anderson, Atchison, Bourbon, Brown, Coffey, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, Kans.

NOTE: Applicant states the above transportation service is to be performed for Rudy Fick, Inc.

No. MC 115967 Sub 2, filed July 9, 1956, WILLIE T. HIRES, P. O. Box 201, Danville, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and north of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115972 Sub 2, filed July 9, 1956, CALUMET DISPOSAL COMPANY, INC., 7225 McLaughlin Avenue, Hammond, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and North of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115984 Sub 2, filed July 9, 1956, MILTON T. SELMAN, R. R. 5, Valparaiso, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to Lakeside and Niles, Mich.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 115985 Sub 2, filed July 7, 1956, MITCHELL MALINOWSKI, Route 2, Wheatfield, Ind. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of The Borden Company Plant, Hammond, Ind., to points in Illinois on and north of U. S. Highway 50; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 116035, filed June 6, 1956, published in the June 20, 1956 issue, page 4335, amended, WILLIAM HENRY NIEKAMP, doing business as W. H. NIEKAMP, Route 3, Quincy, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcoholic beverages*, from St. Louis, Mo. to Quincy, Ill.; *empty containers or other such incidental facilities* (not specified) on return.

No. MC 116042 (REVISION) WHOLESALE TRAILER CONVOY, INC., 6839 SE. 82d Avenue, Portland, Oreg., published on page 4988, issue of July 4, 1956. Letter dated July 13, 1956, advises that Seymour L. Coblens has been retained as applicant's representative in the subject proceeding.

No. MC 116088, filed July 2, 1956, A. SAM & SONS PRODUCE CO., INC., West Lake Road, Dunkirk Road, Dunkirk, N. Y. Applicant's representative: James A. Sommer, 11 East Main Street, Fredonia, N. Y. For authority to operate as a *contract carrier*, over regular routes, transporting: *Empty tin cans with lids*, used in the canning of fruits and vegetables, from Pittsburgh, Pa., to Fredonia, N. Y., from Pittsburgh over U. S. Highway 19 to junction with U. S. Highway 322, thence over Pennsylvania Highway 98 to junction with Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to junction with New York Highway 5, thence over New York Highway 5 to junction with New York Highway 60, and thence over New York Highway 60 to Fredonia, N. Y., and return over the same route, serving no intermediate points.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 29623 Sub 21, filed July 5, 1956, SOUTHEASTERN STAGES, INC., 457 Piedmont Avenue NE., Atlanta 8, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and junction Georgia Highways 30 and 21, from Millen over Georgia Highway 17 to junction Georgia Highway 30, near Marlow, Ga., thence over Georgia Highway 30 to junction Georgia Highway 21, and return over the same route, serving the intermediate points of Scarboro, Rocky Ford, Halcyon Dale, Egypt, Tusculum, and Guyton, Ga. Applicant is authorized to conduct operations in Georgia and South Carolina.

No. MC 66582 Sub 20, filed July 13, 1956, ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round trip charter operations, (a) from points in Nassau and Suffolk Counties, Long Island, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, and (b) beginning and ending at points in Nassau and Suffolk Counties, Long Island, N. Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, Connecticut, Massachusetts, New York, Pennsylvania, and the District of Columbia.

No. MC 116089, filed July 2, 1956, THOMAS NEVILLE CUNNINGHAM, doing business as T. N. CUNNINGHAM, Paradise Road, Aberdeen, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* in charter operations beginning and ending at points in Hartford and lower Cecil Counties, Md., and extending to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, the District of Columbia, and Maryland.

APPLICATIONS UNDER SECTION 5 (a) AND 210 (a) (b)

No. MC-F 5501, published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5395. Second application filed for temporary authority under section 210a (b) on July 9, 1956.

No. MC-F 6279, published in the May 30, 1956, issue of the FEDERAL REGISTER on page 3713. Supplemental application filed July 16, 1956, to show M. C. BENTON, JR., and PAUL P. DAVIS as the persons in control of McLEAN TRUCKING COMPANY.

No. MC-F 6311 (correction), published in the June 27, 1956, issue of the FEDERAL REGISTER on page 4702. The address of applicants' representative: James E. Wilson, was erroneously shown to be 1812 14th Street NW., Washington, D. C. It should read 1012 14th Street NW., Washington, D. C.

No. MC-F 6326 (correction), published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5395. The operating rights being controlled should read, in part, as follows: "* * * *machinery, materials* and *supplies* used in the manufacture, packing, and shipping of glassware and glass containers. * * *"

No. MC-F 6339. Authority sought for control by CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex., of the operating rights and property of ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex., and for acquisition by W. W. CALLAN, also of Waco, of control of such rights and property through the transaction. Applicants' representative: W. W. Callan, Chairman of the Board, Central Freight Lines, Inc., 303 South 12th Street, Waco, Tex. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes including routes between Mission, Tex., and Roma and Brownsville, Tex., between McAllen, Tex., and the boundary of the United States and Mexico at or near Hidalgo, Tex., between San Antonio, Tex., and Corpus Christi, Alice and Mathis, Tex., between Houston, Tex., and Beeville, Tex., between Mission, Tex., and Brownsville, Tex., and between Robstown and San Manuel, Tex., and Harlingen, Tex., serving certain intermediate points; alternate route for operating convenience only between Corpus Christi, Tex., and junction Texas Highway 9 and U. S. Highway 281: *general commodities*, with-

out exception, between Corpus Christi, Tex., and Chapman Ranch, Tex. CENTRAL FREIGHT LINES, INC., is authorized to operate as a *common carrier*, in Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6340. Authority sought for control by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala., of the operating rights and property of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala., and its parent company, ALABAMA HIGHWAY EXPRESS, a non-carrier, and for acquisition by W. D. SELLERS, JR., also of Birmingham, of control of such rights and property through the transaction. Applicant's representatives: James W. Wrape, Sterick Building, Memphis, Tenn., and Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, from rail sidings at Alabama City, Alexander City, Andalusia, Anniston, Athens, Auburn, Birmingham, Decatur, Demopolis, Dothan, Evergreen, Florence, Gadsden, Greenville, Guntersville, Huntsville, Jasper, Montgomery, Ozark, Selma, Sheffield, Sylacauga, Talladega, Troy, Tuscaloosa, Tuscumbia, and Union Springs, Ala., to points in Alabama within 75 miles of each of the named points, from rail sidings at Aberdeen, Columbus, Starkville and West Point, Miss., to points in Mississippi within 50 miles of each of the named points, from rail sidings at Fayetteville, Lawrenceburg and Pulaski, Tenn., to points within 50 miles of each of the named points, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and on the other, Louisville, Ky., points in Indiana and Tennessee, certain points in Florida, certain points in Georgia, certain points in Illinois, and certain points in Ohio, and between Mobile, Ala., on the one hand, and, on the other, points in Alabama; *household goods* as defined by the Commission, between Birmingham, Ala., on the one hand, and, on the other, points in Mississippi, Tennessee, Florida, Georgia, Louisiana, and Virginia: *tires, tubes, tire fabric, empty spools, winding cores, core discs, core protectors, rubber products, canned goods, glass containers, fruit juices, jams, jellies, preserves, vinegar*, and *apple products*, from, to, and between points and areas, varying with the commodity transported, in Maryland, Alabama, Georgia, Kentucky, Mississippi, Indiana, Tennessee, Illinois, Ohio, and Virginia. BAGGETT TRANSPORTATION COMPANY is authorized to operate in Alabama, New York, Pennsylvania, New Jersey, Florida, Texas, Illinois, New Mexico, Colorado, Wyoming, Montana, Minnesota, Kansas, Virginia, West Virginia, Kentucky, Tennessee, Indiana, Missouri, Ohio, Arkansas, Delaware, Georgia, Iowa, Louisiana, Maryland, Michigan, Mississippi, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6341. Authority sought for purchase by BENTON RAPID EXPRESS, 216 West Hull Street, Savannah, Ga., of a portion of the operating rights and property of EMPIRE STATE EXPRESS, INC., 1137 Tenth Avenue, Columbus, Ga., and for acquisition by E. J. BENTON, SR., and E. J. BENTON, JR., both of Savannah, of control of such rights and property through the purchase. Applicants' representative: R. J. Reynolds, Jr., 1403 C & S Bank Building, Atlanta 3, Ga. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Columbus, Ga., and Atlanta, Ga., and between Atlanta, Ga., and the U. S. Army Depot at or near Conley, Ga., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Georgia and Florida. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6342. Authority sought for control by PARKTON LIMITED, 2515 Gerrard Street East, Toronto, Ontario, Canada, of the operating rights and property of CANAL CARTAGE LIMITED, 324 Parkdale Avenue North, Hamilton, Ontario, Canada, and for acquisition by J. E. HOUSTON, G. M. PARKE, C. M. WILLIAMS, R. F. MORGAN, R. H. TETLAW and P. R. SCOTT, all of Toronto, of control of such rights and property through the transaction. Applicant's representative: Floyd B. Piper, 604 Crosby Building, Buffalo 2, New York. Operating rights sought to be controlled: *Blast furnace slag*, as a *common carrier* over irregular routes, from Lackawanna, N. Y., to the boundary of the United States and Canada at the ports of entry at Buffalo and Niagara Falls, N. Y. Applicant is not a motor carrier but is the controlling stockholder in GILSON AUTOMOBILE TRANSPORT, LTD., Toronto, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6343. Authority sought for control by CHARLES B. WEAVER, SR., GRACE M. WEAVER, and WEAVER WAREHOUSES, INC., all of 539 North Front Street, Steelton, Pa., STANTON E. WEAVER, 1800 Brandt Avenue, New Cumberland, Pa., CHARLES B. WEAVER, JR., 13 Jefferson Street, Steelton, Pa., and KENNETH P. WEAVER, 49 South Fourth Street, Steelton, Pa., of the operating rights and property of HARRISBURG TRANSFER COMPANY, 437 South Second Street, Harrisburg, Pa. Applicants' representative: John M. Musselman, State Street Bldg., Harrisburg, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions not including household goods, as a *common carier* over irregular routes from Harisburg, Pa., to points in Pennsylvania within 60 miles of Harrisburg; *household goods*, as defined by the Commission, from Harrisburg, Pa., to points in Pennsylvania within 60 miles of Harrisburg, and between Harrisburg, Pa., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Virginia and the District of Columbia. Applicants are not motor carriers but are affiliated with GEORGE W. WEAVER & SON, INC., a *common carrier*, which is authorized to operate in Pennsylvania, Virginia, Maryland, West Virginia, New York, New Jersey, Delaware, Massachusetts, Connecticut, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6344. Authority sought for purchase by BE–MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo., of a portion of the operating rights and property of B. M. WORFUL, doing business as ST. CHARLES TRANSFER CO., 307 South Main Street, St. Charles, Mo., and for acquisition by GEORGE R. GOODE and P. W. GOODE, both of St. Louis, of control of such rights and property through the purchase. Applicants' representative: Gregory M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between St. Charles, Mo., and St. Louis, Mo., serving all intermediate points and off-route points in the ST. LOUIS, MO., EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6345. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of the operating rights and property of GEORGE R. PIRNIE and JAMES PIRNIE, doing business as ARROW FREIGHT LINES, Broken Bow, Nebr. Applicants' representative: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Broken Bow, Nebr., and Omaha, Nebr., between Broken Bow, Nebr., and Alliance, Nebr., between Alliance, Nebr., and Crawford, Nebr., between Chadron, Nebr., and Gordon, Nebr., between Alliance, Nebr., and Morrill, Nebr., between Alliance, Nebr., and the Alliance Air Base, Nebr., between Grand Island, Nebr., and Ravenna, Nebr., and between the site of Gate to the Cornhusker Ordnance Plant approximately five miles west of Grand Island and the junction of an unnumbered county road with a point on Nebraska Highway 2 approximately 3½ miles north of the site of Gate No. 1 to the Cornhusker Ordnance Plant, serving certain intermediate and off-route points; *household goods*, as defined by the Commission, and *emigrant movables*, over irregular routes, from Broken Bow, Nebr., and points within 25 miles of Broken Bow, to points in South Dakota, Iowa, Wyoming, Colorado and Kansas; *salt*, from points in Kansas to Broken Bow, Nebr., and points within 25 miles of Broken Bow; *petroleum products*, in containers, from Kansas City, Mo., to Broken Bow, Nebr.; *livestock*, from Broken Bow, Nebr., and points within 25 miles of Broken Bow to points in Colorado, Iowa, Kansas and Indiana; *tractors and parts*, from Waterloo, Iowa, to Broken Bow, Nebr. Vendee is authorized to operate in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, Wyoming, Kansas, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6347. Authority sought for control by THE MASON & DIXON LINES, INCORPORATED, Eastman Road (P. O. Box 231), Kingsport, Tenn., of the operating rights and property of ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn., and for acquisition by E. WARD KING, E. WILLIAM KING, JOHN R. KING, and MARGARET K. NORRIS, all of Kingsport, of control of such rights and property through the transaction. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Operating right sought to be controlled: *Chemicals, in bulk, in tank vehicles*, as a *common carrier* over irregular routes from, to and between points and areas in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Ohio, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Illinois, Pennsylvania, Alabama, Louisiana, Mississippi, Texas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Arkansas, Minnesota, Wisconsin, and the District of Columbia. THE MASON & DIXON LINES, INCORPORATED, is authorized to operate as a *common carrier* in Tennessee, North Carolina, Georgia, New York, Virginia, New Jersey, Maryland, Pennsylvania, South Carolina, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5975; Filed, July 24, 1956, 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32388: *Butyl alcohol—Philadelphia, Pa., to Holston, Tenn.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on butyl alcohol, tank-car loads from Philadelphia, Pa., to Holston, Tenn.

Grounds for relief: To maintain rates the same as to Kingsport, Tenn., a related destination, and circuitous routes.

Tariff: Supplement No. 19 to Agent Boin's I. C. C. A–1079.

FSA No. 32389: *Sand and gravel—Attica, Ind., to Philo, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of the Wabash Railroad Company. Rates on sand and gravel, carloads from Attica, Ind., to Philo, Ill.

Grounds for relief: Competition with motor trucks from wayside pits.

Tariff: Supplement 109 to Wabash Railroad Company's tariff I. C. C. 7685.

FSA No. 32390: *Building materials between official and extended Zone C territory in Wisconsin.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on materials, building, roofing and sheathing, carloads between points in official territory east of the Illinois-Indiana State line, on the one hand, and points in extended Zone "C" territory in Wisconsin, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Agent Hinsch's tariff I. C. C. 4720.

FSA No. 32391: *Liquefied petroleum gas—Mid-Continent Field to Kentucky.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-carloads from specified points in Kansas, Louisiana, Missouri, Oklahoma and Texas to Louisville, Owensboro, and Paducah, Ky.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 87 to Agent Kratzmeir's I. C. C. 4118.

FSA No. 32392: *Tar—Within, and between official and other territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on contaminated or refused road or paving tar, tank-car loads between points in official territory, including extended zone "C" in Wisconsin and western trunk-line "northwest" territory, and between official territory, on the one hand, and points in southern, southwestern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 59 to Boston and Maine Railroad tariff I. C. C. A–3230 and other schedules listed in exhibit 1 of the application.

FSA No. 32393: *Canned or preserved foodstuffs, within* Western Trunk Line territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points in western trunk line territory.

Grounds for relief: Short-line distance formula truck competition, and circuitous routes.

Tariff: Supplement 1 to Agent Prueter's I. C. C. A–4164

FSA No. 32394: *Trailer-on-flat-car-service—Monon Railroad.* Filed by the Monon Railroad, for itself and on behalf of the Erie Railroad Company. Rates on freight of various kinds, moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars from Louisville, Ky., and stations grouped therewith to New York, N. Y., and stations grouped therewith.

Grounds for relief: Motor-truck competition.

Tariff: Monon Railroad tariff I. C. C. No. 4.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5974; Filed, July 24, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERBERT STEWART MILNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herbert Stewart Milne, Lymington, England; Claim No. 62938; $358.53 in the Treasury of the United States. Vesting Order No. 17904.

Executed at Washington, D. C., on July 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5982; Filed, July 24, 1956; 8:49 a. m.]

ALAIN JEAN PETIT AND CATHERINE DENYSE BRUNET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alain Jean Petit, 6, rue Edmond Roger, Paris XV, France; Catherine Denyse Brunet, Rue Jules Grevy, Casablanca, Morocco; Claim No. 43839; $2,906.49 in the Treasury of the United States, one-half (½) thereof to each claimant. To each an undivided one-half (½) interest in agency commissions due Denyse Clairouin under publication contracts for the following works: Madame Curie (Translation); and The Price of Freedom by Eve Curie; The Goncourt Journals by Edmond and Jules de Goncourt; Madame Curie (in French), by Eve Curie, abridged and edited by Frederic Ernst and H. Stanley Schwarz; General Works of Eve Curie; Coq-En-Per (The Weathercock) (Translation), by Simonne Ratel; and Noah, a play by Andre

Obey; to the extent that such interests were vested by Vesting Orders Nos. 3430 and 3552.

Executed at Washington, D. C., on July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5983; Filed, July 24, 1956; 8:49 a. m.]

SCHOELLER BLECKMANN STEELWORKS LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Schoeller Bleckmann Steelworks Ltd., Wildpretmarkt 2, Vienna I, Austria; Claim No. 40947; $8,171.63 in the Treasury of the United States. Vesting Order No. 1469.

Executed at Washington, D. C., on July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5984; Filed, July 24, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MRS. HENRIETTE KAPTIJN-PEZARO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Henriette Kaptijn-Pezaro, L. S. Claim No. 525; Cities Service Company 5/58 Debenture No. 22028, in the principal amount of $1,000; and Cities Service Company 5 69 Debenture No. 603, in the principal amount of $1,000.

Willem Kattenburg, L. S. Claim No. 528; Southern Pacific Railroad Company 4/55 Bond No. 25443, in the principal amount of $1,000.

G. Z. Lifschitz, L. S. Claim No. 580; Kansas City Southern Railway Company 3/50 Bond No. 7469, in the principal amount of $1,000.

Mrs. F. Kaufmann (Mrs. F. Loewi), L. S. Claim No. 583; Southern Railway Company 4/56 Bond Nos. 26352, 46205 and 49798, in the principal amount of $1,000 each.

Johan C. S. Warendorf, L. S. Claim No. 795; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 2531, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., July 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5985; Filed, July 24, 1956; 8:50 a. m.]

[Vesting Order 15402, Amdt.]

WILHELMINE CHARLOTTE VAN HELTEN-FISCHER

In re: Bonds owned by Wilhelmine Charlotte van Helten-Fischer, also known as Mrs. W. Ch. van Helten-Fischer. F-28-30933.

Vesting Order 15402, dated October 27, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Wilhelmine Charlotte van Helten-Fischer, also known as Mrs. W. Ch. van Helten-Fischer, whose last known address is Otilostr. 16, Grafelfing, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Atchison, Topeka, and Santa Fe Railway Company 4 percent Adjustment Bond, of $1,000 face value, bearing the number 17413, and evidenced by coupons attached to or detached from said bond and due on or after November 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage Gold Bonds, each of $500 face value, bearing the numbers 1013, 1014, 1015 and 1182, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

c. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Central Pacific Railway Company 4 percent First Refunding Mortgage Gold Bonds, of $2,500 aggregate face value, bearing the numbers 8482, 10155 and 24760, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

d. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Kansas City Southern Railway Company 3 percent First Mortgage Gold Bond, of $1,000 face value, bearing the number 21816, and evidenced by coupons attached to or detached from said bond and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

e. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Missouri Kansas Texas Railroad Company, Series A, 5 percent Bond, due 1967, of $1,000 face value, bearing the number 47606, and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1936, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond and coupons,

f. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Missouri Kansas Texas Railroad Company, Series A, 5 percent bonds, due 1962, of $2,000 aggregate face value, bearing the numbers 2431, 2432 and 29343, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

g. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Missouri Kansas Texas Railroad Company, Series B, 4 percent Bonds of $2,000 aggregate face value, bearing the numbers 1156, 1157 and 8822, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

h. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Southern Pacific Railroad Company 4 percent Bonds, each of $1,000 face value, bearing the numbers 11611, 44226, 44227 and 46574, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons, and

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-5986; Filed, July 24, 1956; 8:50 a. m.]

MAIN READING ROOM

FEDERAL REGISTER

VOLUME 21 NUMBER 144

Washington, Thursday, July 26, 1956

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

AMENDMENT OF ADMINISTRATIVE RULES AND REGULATIONS

Notice was published in the July 10, 1956, issue of the FEDERAL REGISTER (21 F. R. 5113) that the Secretary of Agriculture was considering a proposed rule to approve an amendment, as set forth in such notice, of the amended administrative rules and procedures (20 F. R. 6486; 20 F. R. 7988) issued pursuant to the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) (hereinafter referred to as "agreement and order") regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded any interested person to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of pertinent available information, it is concluded that the proposed amendment of the amended administrative rules and regulations as set forth in the aforesaid notice would tend to effectuate the declared policy of the said act and should be approved.

Therefore, it is hereby ordered, That the aforesaid administrative rules and regulations be further amended by inserting a new heading "Interpretations" between the present headings "Definitions" and "General", and adding § 1003.106 under "Interpretations," as follows:

§ 1003.106 *Marketable dates.* The term "marketable dates", as defined in § 1003.12, is hereby interpreted to mean whole or pitted dates which are certified as equal to or higher than the minimum standards prescribed in or pursuant to the provisions of § 1003.39.

It is hereby found that delaying the effective date of this order for thirty days or any lesser period after its publication (see section 4 (c) of the Administrative Procedures Act; 5 U. S. C. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest in that the interpretation provided in this document must apply with respect to regulations which are now being developed for the 1956–57 crop year which begins August 1, 1956. The Date Administrative Committee and handlers under the marketing agreement and order are generally familiar with the interpretation set forth in this document and need no advance notice of the effective date.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated July 23, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6035; Filed, July 25, 1956; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[Bulletin NSCP-2101]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART G—1957

Through the 1957 Naval Stores Conservation Program (hereinafter referred to as "this Program") the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

1106.832 Authority.
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1106.835 Administration.

AUTHORITY: §§ 1106.801 to 1106.835 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 70 Stat. 233, 16 U. S. C. 590g–590q.

GENERAL PROVISIONS

§ 1106.801 *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.816 and 1106.817. No tract or drift having virgin faces installed can qualify for cost-sharing unless the shoulder of the first streak on any face on a round tree which is not deformed is less than 18 inches from the ground. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.802 *Required performance*—(a) *Approved conservation practices.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1957 turpentine season carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1953, 1954, 1955, 1956, or 1957 season, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practices requiring more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice as prescribed in §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, and 1106.818: *Provided,* The producer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the Forest Service if cost-sharing is offered to him therefor under a subsequent program.

(2) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed within the time prescribed by the Forest Service: *Provided,* The producer is offered cost-sharing under a subsequent program for the completion of such components. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 1106.803 *Fire protection.* Each producer shall during the 1957 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.804 *Bark-bar requirement.* No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1957 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1957. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.805 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (area forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (area forester) in counting faces;

(f) Submitting an application for payment of Federal cost-shares (Form NSCP–1) and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (area forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.810 *Practice 1: Working only 9 inch d. b. h. or larger trees*—(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 9 inch d. b. h. or larger trees—2 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

(2) *Working of faces for second, third, fourth, or fifth year—½ cent per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 9 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. If faces have been installed contrary to the requirements for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such faces shall be removed within 30 days after being discovered, unless a longer period of time for their removal is approved by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(3) *Initial use of double-headed nails in the initial installation or in the raising*

of cups and tins to conserve the worked portion of the tree—½ cent per face. Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where practice 1106.816 is used.

§ 1106.811 *Practice 2: Working only 10 inch d. b. h. or larger trees*—(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 10 inch d. b. h. or larger trees—4 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810 or 1106.811, as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—2½ cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 10 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 10 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.812 *Practice 3: Working only 11 inch d. b. h. or larger trees*—(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 11 inch d. b. h. or larger trees—5½ cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810 or 1106.811, as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 11 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 11 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d. b. h., the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.810 (d) (2) or 1106.811 (d) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.810, or 1 cent per face for faces qualified for § 1106.811 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with

respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.813 *Practice 4: Working only 12 inch d. b. h. or larger trees*—(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 12 inch d. b. h. or larger trees—7 cents per face.* The cost-share for this component is applicable only to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810, 1106.811, or 1106.812 as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 12 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 12 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.810 (d) (2), 1106.811 (d) (2), or 1106.812 (d) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.810, 3½ cents per face for faces qualified for § 1106.81 or 2½ cents per face for faces qualified for § 1106.812 for each face in the tracts or drifts in which such improper installation ocurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.814 *Practice 5: Restricting turpenting to previously worked trees*—(a) *Purpose.* To restrict turpentining to trees having a previously worked face to improve the quality of the stand, to conserve the worked trees, to protect and permit undisturbed growth of the round trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on trees having a previously worked face over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of faces on previously worked trees—6 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., new faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810, 1106.811, or 1106.812.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on previously worked trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2). There may be withheld or required to be refunded, 3 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed.

When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.815 *Practice 6: Working only selectively marked trees*—(a) *Purpose.* To restrict turpentining to trees needing removal to thin the stand and improve its quality, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Only trees which should be removed to improve the timber stand may be cupped; however, cost shares will be limited to trees 9 inches or more in diameter. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, and be well distributed over the area.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of selectively marked trees—8 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.810, 1106.811, or 1106.812.

(2) *Working of faces for second, third, fourth, or fifth year—3½ cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season. New faces installed on round trees in these tracts or drifts will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2). There may be withheld or required to be refunded, 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where practice 1106.816 is used.

§ 1106.816 *Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails*—(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, and 1106.818 may qualify for this practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins—2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1957 season or faces upon which the cups and tins are elevated for the first time during the 1957 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or the Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for the virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

(iii) The cost-share for this practice is in addition to that authorized for meeting the requirements of §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, or 1106.818.

§ 1106.817 *Practice 8: Removal of cups and tins from faces on small trees*—(a) *Purpose.* To encourage producers who have not participated in the 1955 or 1956 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, to improve productivity of the woodland and to conserve the soil, water and timber resources.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces, installed for the first working in 1957, on trees under 9 inches d. b. h. and all but one face on trees between 9 and 14 inches d. b. h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.810. Only producers who did not participate in the 1955 or 1956 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Removal of cups and tins on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. having more than one face—8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.810.

§ 1106.818 *Practice 9: Pilot plant tests of new methods and equipment*—(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces on trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.810.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.811, 1106.812, 1106.813, 1106.814, and 1106.815.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1106.820 *Increase in small Federal cost-shares.* The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1106.821 *Maintenance of practices.* The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices during the life of the face as long as the timber remains under his control. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.822 *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current nonworking areas) on which costs have been or would be shared under this or the 1953, 1954, 1955, or 1956 Program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1953, 1954, 1955, 1956, or 1957 in the tracts or drifts in which such cutting occurs, except that refunds shall not exceed 3¢ per face for each face for which costs were shared in 1953, 1954, 1955, or 1956. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d. b. h.—6 trees, 8 inches d. b. h.—9 trees, or 7 inches d. b. h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1960.

(b) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(c) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1952 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1952 in the tracts or drifts in which such installation occurs.

§ 1106.823 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.824 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.824 *Assignments.* Any producer who may be entitled to any Federal cost-share under the 1957 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter) witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.825 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1106.826 *Maximum Federal cost-shares limitation.* The total of all cost-shares under the 1957 Naval Stores Conservation and 1957 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 1106.827 *Evasion.* All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.826.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.828 *Persons eligible to file application for payment of Federal cost-shares.* An application for payment of Federal cost-shares may be filed by any producer who is working faces for the production of gum naval stores, during the 1957 turpentine season, which were installed during or after the 1953 season. If one producer conducts the operation of a turpentine farm during a portion of the 1957 turpentine season and another producer conducts the operation of the

turpentine farm during the remainder of the season, the producer who completes the component or components of the conservation practices shall file the application.

§ 1106.829 *Time and manner of filing applications and required information.* Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1958, on the prescribed form (NSCP–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.830 *Appeals.* The provisions for appeals will be added at a later date by an amendment to this section.

DEFINITIONS

§ 1106.831 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum resin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Yarn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between $\frac{5}{32}$ and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.832 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1957, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1956, the powers conferred on him by section 8 of the act.

§ 1106.833 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1958.

§ 1106.834 *Applicability.* (a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or a political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.835 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 20th day of July 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 56-6033; Filed, July 25, 1956; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 174]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.56, the Leon, W. Va., area (R–490), published on October 20, 1955 in 20 F. R., 7902 is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 23, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6003; Filed, July 25, 1956; 8:45 a. m.]

[Amdt. 175]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.30, the Oscoda, Mich., area (R–81 formerly D–81), published on July 16, 1949 in 14 F. R. 4287, is rescinded.

2. § 608.30, the Upper Lake Huron, Mich., area (R–91 formerly D–91), amended on June 13, 1951 in 16 F. R. 5616 is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL".

3. In § 608.31, the Upper Red Lake, Minn., area No. 1 (R–186), amended on March 26, 1955 in 20 F. R. 1846, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL".

4. In § 608.31, the Upper Red Lake, Minn., area No. 2 (R–406), amended on September 21, 1955 in 20 F. R. 7074, is rescinded.

5. In § 608.31, the Grand Marais, Minn., area (R–187), amended on April 9, 1955 in 20 F. R. 2302, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL", and the "Time of Designation" column to read: "Day and night". NOTE: This area to be used only during VFR Weather Conditions.

6. In § 608.49, the Scenic, N. Dak., area (R–190), amended on September 21, 1955 in 20 F. R. 7074, is further amended by changing the "Designated Altitudes" column to read: "50,000 feet MSL".

7. In § 608.30, the Upper Lake Huron, Mich., area No. 2 (R–491), published on July 13, 1955 in 20 F. R. 4981, is further amended by changing the "Designated Altitudes" column to read: "50,000 feet MSL".

8. In § 608.31, the Camp Ripley, Minn., area (R–191), amended on September 21, 1955 in 20 F. R. 7074, is further amended by changing the "Designated Altitudes" column to read: "Surface to 27,000 feet MSL".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 10, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6004; Filed, July 25, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF AMMONIA

A petition was filed with the Food and Drug Administration requesting an exemption from the requirement of a tolerance for residues of ammonia applied after harvest to grapefruit, lemons, and oranges.

Evidence in the petition shows that when ammonia is applied to these citrus fruits in accordance with the directions proposed some ammonia is absorbed by the fruit. Ammonia is desorbed from the fruit when it is in an ammonia-free atmosphere. The ammonia present from the proposed treatment has no adverse effect on the nutritive quality of the citrus and constitutes no hazard to man.

The evidence in the petition shows further that there is a limit to the amount of ammonia that may be applied, because excessive concentrations of ammonia or exposure of the fruit for an excessive time disfigures the fruit and makes it unmarketable. Thus, there is no likelihood that improper use of ammonia will cause a hazard to the consumer of the fruit.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which exemptions are being established. After consideration of the data submitted in the petition and other relevant material which show that a tolerance is not necessary to protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.140 *Exemption from the requirement of a tolerance for residues of ammonia.* Ammonia is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodities grapefruit, lemons, and oranges.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6007; Filed, July 25, 1956; 8:46 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF DIPHENYL

A petition was filed with the Food and Drug Administration requesting that diphenyl be exempted from the requirement of a tolerance when it is applied as a postharvest treatment to grapefruit, lemons, and oranges.

The evidence in the petition shows that under the conditions proposed for use of the chemical treated citrus contains less than 110 parts per million of diphenyl; residues in the pulp and in juice from treated fruit will generally be less than 1 part per million of diphenyl for grapefruit and 3.2 parts per million for oranges; lemon juice extracted from treated fruit generally will have less than 8 parts per million of diphenyl; when the lemon juice is diluted with water to make a palatable product the diphenyl content ordinarily will be reduced to less than 2 parts per million. Higher residues occur in the peel of treated citrus. The food use of citrus peel is limited. The ordinary methods of preparing citrus peel for human consumption involve cooking and the addition of other materials such as water and sugar; these steps will serve to reduce the diphenyl content before citrus peel is eaten.

The evidence in the petition also shows that the residues of diphenyl which occur in the peel, pulp, or juice of grapefruit, lemons, or oranges, under the conditions proposed for use of the chemical, will not constitute any hazard to man.

The method of applying diphenyl to citrus has undergone material changes in recent years. At one time it was applied as diphenyl-impregnated paper for wrapping individual fruit. Other methods have been tried. The most recent (the one proposed in the petition) employs diphenyl-impregnated carton liners which are placed in cartons with citrus to be treated.

The petition does not show what residues of diphenyl will occur in citrus treated by methods other than the one proposed in the petition.

In the interests of public health it is concluded that to provide for post-harvest use of diphenyl on grapefruit, lemons, and oranges there should be established tolerances of 110 parts per million of diphenyl in the whole fruit, rather than an exemption.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.141 *Tolerances for residues of diphenyl.* A tolerance of 110 parts per million for residues of diphenyl is established in or on each of the following raw agricultural commodities: Grapefruit, lemons, and oranges.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6005; Filed, July 25, 1956; 8:45 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION FROM REQUIREMENT OF TOLERANCES FOR RESIDUES OF CARBON DISULFIDE, CARBON TETRACHLORIDE, ETHYLENE DICHLORIDE, AND ORGANIC BROMIDE RESIDUES FROM ETHYLENE DIBROMIDE; TOLERANCES FOR INORGANIC BROMIDE RESIDUES FROM ETHYLENE DIBROMIDE

Petitions were filed with the Food and Drug Administration requesting that the pesticide chemicals carbon disulfide, carbon tetrachloride, ethylene dibromide, and ethylene dichloride be exempted from the requirement of tolerances when used as fumigants for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Evidence in the petitions and otherwise available shows that when these pesticide chemicals are used as grain fumigants by the methods proposed in the petitions, the initial residues in grain will be high; the residues will drop to lower levels upon aeration and will remain at low levels in grain for long periods of time. The exact residue level at any time will depend upon a number of factors, including length of time since last fumigation, prevailing temperature since fumigation, size and tightness of the storage bin, quantity of grain fumigated, and the number of times the grain has been handled or turned.

When the fumigants are used according to directions proposed in the petitions, the residues, except inorganic bromide residues remaining from fumigation with ethylene dibromide, will not be present in finished foods ready for human consumption; the cooking customarily given to these cereals before they are used as human food drives off organic residues. The residues that remain in animal feed will not carry through into milk or meat and will not constitute a hazard to the health of the animals.

Small residues of inorganic bromide may occur in grain that has been fumigated with ethylene dibromide. These will not constitute a hazard to health, but it is necessary to establish tolerances for them in order to limit the total amount of inorganic bromide that may remain when grain is fumigated with ethylene dibromide and with methyl bromide.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which exemptions and tolerances are being established in this order.

The uses proposed for these pesticide chemicals are currently prevailing uses. They have been employed for many years. Tolerances are not necessary to protect the public health in the case of carbon disulfide, carbon tetrachloride, ethylene dichloride, and the organic bromide residues remaining from ethylene dibromide when these pesticide chemicals are used as grain fumigants. The tolerances established in this order for inorganic bromide residues resulting from fumigation with ethylene dibromide will protect the public health.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new sections:

§ 120.142 *Exemption from the requirement of a tolerance for residues of carbon disulfide.* Carbon disulfide is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.143 *Exemption from the requirement of a tolerance for residues of carbon tetrachloride.* Carbon tetrachloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.144 *Exemption from the requirement of a tolerance for the organic bromide residues from ethylene dibromide.* The organic bromide residues are exempted from the requirement of a tolerance for residues when ethylene dibromide is used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.145 *Exemption from the requirement of a tolerance for residues of ethylene dichloride.* Ethylene dichloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.* Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6006; Filed, July 25, 1956; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 56-24]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PROCUREMENT

By virtue of the authority contained in the Act of July 9, 1952 (66 Stat. 481), as amended, the Universal Military Training and Service Act (50 U. S. C. App. et seq.), as amended, and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.2201 is hereby amended to read as follows:

§ 8.2201 *Educational and professional requirements.* A candidate for a direct appointment as a Reserve commissioned, chief warrant, or warrant officer must have such educational qualifications and professional experience as may be prescribed from time to time by the Commandant.

2. Sections 8.2202, 8.2204, and 8.2205 are hereby deleted.

3. The last sentence of § 8.2206 is hereby deleted.

4. A new § 8.2403 is hereby added as follows:

§ 8.2403 *Direct enlistment program.* (a) Whenever the President authorizes the enlistment of persons into organized units of the Ready Reserve under the authority contained in Clause (C) of section 6 (c) (2) of the Universal Military Training and Service Act, as amended, the Commandant may provide for the enlistment in the Coast Guard Reserve of persons who qualify therefor under such regulations as may be prescribed and within such quotas as may be approved by the Secretary of Defense.

(b) The Commandant is hereby empowered to exercise and implement any authority conferred upon the Secretary of the Treasury as may be contained in the authorization, regulations, and approval referred to in paragraph (a) of this section.

5. A new § 8.2404 is hereby added as follows:

§ 8.2404 *Early release procurement program.* (a) Until July 1, 1957, the Commandant may, pursuant to section 263 (a) of the Armed Forces Reserve Act, as amended, under conditions which shall parallel as nearly as practicable the conditions in force for the military departments, provide for the release of any member of the Coast Guard and Coast Guard Reserve who volunteers for transfer to a unit of the Ready Reserve and who was performing active duty on August 9, 1955 prior to serving the period of active duty for which enlisted or ordered provided such member has served on active duty for at least 12 months and provided such release would not exceed any quota authorized.

(b) Each member who volunteers pursuant to paragraph (a) of this section shall be required to agree to participate satisfactorily in an accredited training program of the Ready Reserve for a period which, when added to the period of his active duty, totals four years.

(c) Upon completion of the service specified in paragraph (b) of this section, the member concerned shall be transferred to the Standby Reserve for the remainder of his total period of obligated service unless he agrees to remain in the Ready Reserve.

6. A new § 8.2405 is hereby added as follows:

§ 8.2405 *Release procurement program.* (a) Until July 1, 1957, the Commandant may, pursuant to section 263 (b) of the Armed Forces Reserve Act, as amended, upon release of a member from active duty after August 9, 1955, accept an agreement from such member to participate satisfactorily in a unit of the Ready Reserve for a period of one year from the date of his release.

(b) Upon completion of his one year period of service as specified in paragraph (a) of this section, the member concerned shall be transferred to the Standby Reserve for the remainder of his total period of obligated service unless he agrees to remain in the Ready Reserve.

7. A new § 8.2406 is hereby added as follows:

§ 8.2406 *Officer candidate program.* (a) The Commandant may provide for the selection of qualified applicants to attend a course of training leading to appointment as a commissioned officer from among the following:

(1) Male applicants from civil life who have such educational qualifications as may be prescribed from time to time by the Commandant.

(2) Members of the Coast Guard and Coast Guard Reserve who have completed at least one year of college or its equivalent and who have performed a specified period of active duty.

(b) The Commandant shall establish the criteria under which applicants may be selected and shall determine the length and curriculum of the training course.

(c) A person who successfully completes the training course shall, if otherwise qualified, be appointed a Reserve commissioned officer in the Coast Guard.

(d) Selected civilian applicants shall be enlisted in pay grade E–2 and designated as officer candidates. Applicants who, at the time of selection, are members of the Coast Guard or Coast Guard Reserve shall be designated as officer candidates in pay grade E–2 or in the pay grade in which serving, whichever is the higher.

(e) Applicants shall be required to execute an agreement containing the conditions under which they may, if selected, be required to perform active duty or active duty for training and to perform satisfactory service by participation in training activities as a member of the Reserve. A person who is commissioned and who is designated to perform active duty or active duty for training in accordance with his agreement shall normally be called to duty immediately or as soon as possible within the 12-month period after commissioning in accordance with the ability of the Coast Guard to absorb him. Each person shall be advised at the time of graduation as to the approximate date he will be required to report for such duty. If there is a delay between the commissioning and the reporting date, graduates shall be given appropriate assignments in the Ready Reserve. Assignment of graduates to active duty or active duty for training shall be made under instructions issued by the Commandant which shall provide for an impartial method of selection and with maximum consideration to be given to the preference of each graduate so far as may be consistent with the requirements of the Coast Guard.

(f) Under instructions issued by the Commandant, a graduate may be delayed from being ordered to active duty or active duty for training beyond the normal 12-month period after commissioning if the following is found to exist.

(1) He is the recipient of a scholarship.

(2) He has been accepted by a recognized institution of higher education for graduate studies.

(3) He would suffer undue personal hardship.

(4) He is otherwise precluded from reporting as ordered for cogent and acceptable reasons.

(g) A graduate whose orders to active duty or active duty for training has been delayed pursuant to paragraph (f) of this section shall be ordered to such duty at such time as the cause of the delay ceases to exist. While such delay continues to exist, the member shall be given an appropriate Ready Reserve assignment.

8. A new § 8.2407 is hereby added as follows:

§ 8.2407 *General.* (a) Except as specifically modified by the provisions contained in §§ 8.2401 to 8.2406 inclusive of these regulations, the general policies contained elsewhere in these regulations pertaining to procurement of Reserve personnel shall continue to apply to the enlistment of persons under the special enlistment programs set forth in the sections referred to.

(b) Nothing contained in §§ 8.2401 to 8.2406 inclusive, pertaining to special enlistment programs, shall be construed to prevent the procurement of qualified persons under other provisions of law or these regulations. The Commandant may, from time to time, restrict the use of any procurement program as the needs of the service may require.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved: July 5, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: July 16, 1956.

CHARLES S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 56-6023; Filed, July 25, 1956; 8:49 a. m.]

[CGFR 56-19]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in the Act of July 9, 1952 (66 Stat. 481) as amended, the Act of October 12, 1949, as amended (63 Stat. 825), and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.4401 is hereby amended to read as follows:

§ 8.4401 *Assignment to Ready Reserve*—(a) *Original assignment.* Under instructions issued by the Commandant, the following persons shall be placed in the Ready Reserve upon becoming a member of the Coast Guard Reserve:

(1) Those who enter directly under the provisions of sections 261 and 262 of the Armed Forces Reserve Act, as amended.

(2) Those who enter directly under the provisions of section 6 (c) (2) (C) of the Universal Military Training and Service Act, as amended.

(3) Those entering through appointment as a Reserve officer under the provisions of section 6 (d) of the Universal Military Training and Service Act, as amended, who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(4) Those entering by transfer under the provisions of section 4 (d) (3) of the Universal Military Training and Service Act, as amended, who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(5) Those entering directly through a voluntary appointment or enlistment who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(6) Those entering directly through a voluntary appointment or enlistment who are not required by law to serve in the Reserve but who voluntarily agree to assignment in the Ready Reserve for a period not to exceed 4 years as determined by the Commandant.

(b) *Assignment by transfer.* Under instructions issued by the Commandant, the following persons may be placed in the Ready Reserve:

(1) Those Standby Reservists provided for in § 8.4409 who were screened out of the Ready Reserve prior to completion of their Ready Reserve obligation.

(2) Subject to the provisions of paragraph (c) of this section, those Standby and Retired Reservists who request transfer to the Ready Reserve if a requirement exists and they are found to be qualified.

(c) *Voluntary agreements to remain in the Ready Reserve.* The Commandant shall require that all persons who have completed their Ready Reserve obligation and who desire to remain in the Ready Reserve and all Standby Reservists who voluntarily request transfer to the Ready Reserve agree to remain in the Ready Reserve. All such agreements shall provide, but need not be limited to, the following:

(1) The period of voluntary membership shall be of not less than one year's duration.

(2) The Reservist may be transferred to the Standby Reserve at any time for cogent reasons.

(3) The Reservist waives his right to transfer to the Standby Reserve during the period of the agreement.

2. Paragraph (a) of § 8.4402 is hereby amended and new paragraphs (d), (e), and (f) are hereby added as follows:

§ 8.4402 *Assignment to Standby Reserve*—(a) *Active status*—(1) *Original assignment.* Under instructions issued by the Commandant, the following persons may be directly placed in the Standby Reserve in an active status without prior membership in the Ready Reserve:

(i) Upon release, those persons subject to the provisions of section 4 (d) (3) of the Universal Military Training and Service Act, as amended, who have served for 5 or more years on active duty but who have an unfulfilled portion of their total statutory obligation.

(ii) Those persons directly entering the Reserve from civil life through a voluntary appointment or enlistment who are not serving under a statutory obligation and are not otherwise subject to military service.

(2) *Assignment by transfer for failure to execute agreement.* Under instructions issued by the Commandant, the following members who are otherwise qualified to remain in the Ready Reserve and for whom a suitable vacancy exists shall be transferred to the Standby Reserve in an active status upon a finding that they have declined an opportunity to execute an agreement provided for in § 8.4401 (c).

(i) Those who have served on active duty for not less than a total of 5 years.

(ii) Those who have completed the periods of active duty and Ready Reserve participation prescribed in section 263 of the Armed Forces Reserve Act, as amended.

(iii) Those who have served on active duty and participated satisfactorily in an accredited training program of the Ready Reserve for a combined total of five or more years.

(iv) Those who have served on active duty for not less than twelve months between December 7, 1941 and September 2, 1945 and for an additional period of not less than twelve months subsequent to June 25, 1950 unless such transfer would render them liable to induction for active training and service.

(v) Those who served as a member of one or more Reserve components for not less than eight years subsequent to September 2, 1945 unless such transfer would render them liable to induction for active training and service.

(3) *Assignment by transfer for lack of qualifications or lack of vacancies.* Under instructions issued by the Commandant, a member of the Ready Reserve who is not qualified to remain therein or for whom no suitable vacancy exists shall be transferred to the Standby Reserve in an active status and such a member need not be afforded an opportunity to remain in the Ready Reserve.

(4) *Assignment by transfer through screening program.* Under instructions issued by the Commandant, those persons who are determined to come within the screening provisions contained in § 8.4407 shall be transferred to the Standby Reserve.

(d) Under instructions issued by the Commandant, a report shall be made to the Selective Service System whenever a member is transferred to or from the Standby Reserve or whenever a member of the Standby Reserve is discharged.

(e) Under instructions issued by the Commandant, members may be voluntarily retained in the Standby Reserve beyond the expiration of their statutory obligation.

(f) *Determination of availability by the Selective Service System.* No member of the Standby Reserve may be ordered, without his consent, to active duty in time of war or national emergency declared by the Congress, or when otherwise authorized by law, subsequent to August 9, 1955, until the Director of Selective Service has determined that such member is available for active duty. Nothing in this section shall be construed to prevent a member of the Standby Reserve from volunteering for and being ordered to active duty at any time without a determination of availability by the Director of Selective Service.

3. The caption of paragraph (c) of § 8.4404 is hereby amended and a new paragraph (d) is added as follows:

§ 8.4404 *Accredited training program.* • • •

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955.* • • •

(d) *Subsequent to August 9, 1955.* (1) Any training program authorized by the Commandant under the training categories prescribed in § 8.5311.

4. The first sentence following the caption of § 8.4405 and the captions of paragraph (c), (d), and (e) thereof are hereby amended. In addition, new paragraphs (g), (h), (i), (j), (k), (l), and (m) are added as follows:

§ 8.4405 *Satisfactory participation in accredited training program.* For the purposes enumerated in paragraph (m) of this section, the following is prescribed as satisfactory participation: • • •

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955.*

(d) *Reduction or waiver of active duty requirement until August 9, 1955.* • • •

(e) *Pro rata credit for inactive duty training until August 9, 1955.* • • •

• • • • • •

(g) *Subsequent to August 9, 1955.* Membership and satisfactory performance of duty in any training program authorized by the Commandant under the training categories prescribed in § 8.5311 and, except as provided for in paragraph (h) of this section, participation to the extent prescribed for the training category to which assigned.

(h) *Reduction of satisfactory participation subsequent to August 9, 1955.* The Commandant may reduce the requirements for satisfactory participation as follows:

(1) The following personnel may be permitted not more than 10 per centum unexcused absence from scheduled drills or training periods:

(i) Members subject to the provisions of section 208 (f) of the Armed Forces Reserve Act, as amended.

(ii) Members who are deferred or exempted under sections 4 (c) (2) and 6 (c) (1) of the Universal Military Training and Service Act, as amended.

(2) All other personnel may be permitted not more than 25 per centum unexcused absence from scheduled drills or training periods.

(i) *Compliance measure.* (1) Members of the Ready Reserve subject to the training requirements of section 208 (f) of the Armed Forces Reserve Act, as amended (except those enlisted under the provisions of Clause C, paragraph (2), subsection 6 (c) of the Universal Military Training and Service Act, as amended) who in any year fail to participate satisfactorily as prescribed in this section may, under instructions issued by the Commandant, be ordered to perform, without their consent, additional active duty for training for not more than 45 consecutive days.

(2) If failure to participate satisfactorily occurs during the final year of obligatory membership in the Ready Reserve, such membership shall be extended by such period of time, not to exceed 6 months, as may be required for the performance of not more than 45 consecutive days of active duty for training.

(j) *Excused absences.* Under instructions issued by the Commandant, failure to attend scheduled drills or training periods or annual active duty for training as the result of sickness, injury, emergency, or other circumstances beyond the control of the member may be excused. If excused, such failure shall not of itself prevent the crediting of satisfactory participation.

(k) *Cancellation of draft deferment.* (1) The following members registered with the Selective Service System who are in a draft-deferred status and who fail to serve satisfactorily shall be reported to that agency but only after the 45 day compliance measure has failed to induce satisfactory performance of training duty:

(i) Those enlisted pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(ii) Those appointed as commissioned officers pursuant to section 6 (d) of the Universal Military Training and Service Act, as amended, who have not been ordered to perform at least two years of active duty.

(2) Members registered with the Selective Service System who are in a draft-deferred status because they were enlisted pursuant to section 6 (c) (2) (C) of the Universal Military Training and Service Act, as amended, and who fail to serve satisfactorily shall be reported to that agency immediately upon such failure since they are not subject to the 45 day compliance measure.

(3) No member shall be reported to the Selective Service System until he has registered with that agency.

(l) *Revocation of commission.* Members commissioned under section 6 (d) of the Universal Military Training and Service Act, as amended, who are in a draft-deferred status and who fail to serve satisfactorily will have their commissions revoked but only after they have been reported to the Selective Service System.

(m) *Purposes of section.* The criteria prescribed in this section shall be used to determine satisfactory participation for the following purposes:

(1) Transfer from the Ready Reserve to the Standby Reserve.

(2) Fulfillment of the training requirements established by section 208 (f) of the Armed Forces Reserve Act, as amended.

(3) Employment of the 45 day compliance measure.

(4) Continued deferment from induction of members pursuant to sections 4 (c) (2), 6 (c) (2) (C), 6 (d) (1), and 6 (d) (2) of the Universal Military Training and Service Act, as amended.

(5) Continued deferment from induction of members pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(6) Continued exemption from induction of members pursuant to section 6 (c) (1) of the Universal Military Training and Service Act, as amended.

(7) Revocation of commissions pursuant to sections 6 (d) (1) and 6 (d) (2) of the Universal Military Training and Service Act, as amended.

(8) Identification of an organized unit as defined in section 16 (h) of the Universal Military Training and Service Act, as amended.

(9) Transfer from one training category to another under instructions issued by the Commandant.

5. Paragraph (f) of § 8.4406 is hereby deleted.

6. Section 8.5302 is hereby amended to read as follows:

§ 8.5302 *Training duty with pay.* (a) Except as prescribed in paragraph (b) of this section or except as authorized by the Commandant, personnel shall not be assigned tours of active duty for training with pay in excess of 15 consecutive days per year, exclusive of travel time.

(b) The following members of the Ready Reserve may perform tours of active duty for training with pay in excess of 15 but not more than 90 consecutive days per year:

(1) Those assigned to training Category H.

(2) Those who are ordered to undergo a course of training appropriate to their military specialties.

(3) Those who are ordered for duty in connection with:

(i) Staff and faculty for service schools or training stations.

(ii) Special exercises ashore or afloat.

(iii) Projects relating to the Reserve program including support for operation of training camps and training ships, when appropriate personnel in active military service are not available for the duties to be performed and if such duties are essential to the organization and training program and are beyond the services which the active force of the Coast Guard normally provide for the support of the Reserve.

(iv) Failure to participate satisfactorily as required by section 208 (f) of the Armed Forces Reserve Act, as amended.

(v) The 3 to 6 months active duty for training program.

(vi) The 6 months active duty for training program for graduates of an officer candidate training program.

(c) Within the quotas prescribed by the Commandant, District Commanders may approve requests for authorized tours of active duty for training and issue orders therefor.

(d) Physical examinations shall be conducted in accordance with § 8.1406.

(e) Fitness reports shall be submitted on all officers in accordance with § 8.1607.

7. A new § 8.5310 is hereby added as follows:

§ 8.5310 *Multiple training periods.* Notwithstanding the restrictions contained in §§ 8.5304 and 8.5306 the Commandant may authorize multiple training periods in lieu of regular drills provided that not more than two drills or periods of equivalent instruction are conducted within one calendar day and that each is of at least four hours' duration.

8. A new § 8.5311 is hereby added as follows:

§ 8.5311 *Training categories.* (a) The following training categories are prescribed:

Training category	Annual number of periods of inactive-duty training	Annual active duty for training
		Days
A	48	15
B	24	15
C	12	15
D	0	15
E	12	0
F	Correspondence courses and extension courses.	
G	No training	
H	0	30
I	Officers' training programs	

(b) The Commandant shall provide for the placement in and transfer be-

tween training categories of the following:

(1) All members of the Ready Reserve not on active duty.

(2) All members of the Standby Reserve voluntarily participating in training.

(3) All units designated as units of the Ready Reserve.

(c) In assigning units and members to training categories, the following policies, considerations, and limitations shall govern:

(1) The number of drills and amount of annual training shall be the minimum required to maintain the proficiency of the unit and the skill of the member.

(2) The personal circumstances of the member shall be taken into account to the degree that is consistent with military requirements.

(3) A member subject to the training requirements of section 208 (f) of the Armed Forces Reserve Act, as amended, shall not be assigned to training Category G unless he has performed at least 2 years of active duty and, under instructions issued by the Commandant, unless no training requirement exists for the member due to the mobilization requirements or because of the degree of military or civilian skill attained.

(4) A member who is exempt from induction under the provisions of section 6 (c) (1) of the Universal Military Training and Service Act, as amended, or who is deferred from induction under the provisions of sections 4 (c) (2) or 6 (d) (1) of the said act shall only be assigned to training Categories A, B, C, or E.

(5) No member shall be involuntarily placed in training Categories A, B, C, or E unless there is an appropriate drilling unit with a vacancy therein within reasonable commuting distance as determined by the Commandant.

(d) The Commandant may prescribe such additional training, not inconsistent with law, within any category as he deems necessary.

(e) Any member assigned to a unit need not be required to participate in training additional to that prescribed for the training category to which he is assigned.

9. A new § 8.7118 is hereby added as follows:

§ 8.7118 *Pay and allowances for Standby Reservists.* Subsequent to June 30, 1956, no member of the Standby Reserve shall be allowed pay for active duty for training or for inactive duty training. They may, however, be authorized to receive transportation, subsistence, and quarters, or allowances in lieu thereof, in the discretion of the Commandant, for periods of active duty for training performed.

10. A new § 8.7119 is hereby added as follows:

§ 8.7119 *Pay groups.* (a) The following pay groups are established within the Ready Reserve:

Pay group	Annual number of paid periods of inactive-duty training	Annual paid active duty for training
A	48	15 days.
B	24	15 days.
C	12	15 days.
D	0	15 days.
E	0	30 days.
F	0	6 months.

(b) The Commandant may authorize the assignment of Ready Reservists to any of the pay groups established in paragraph (a) of this section. Assignment to a particular group does not preclude additional paid training when authorized under instructions issued by the Commandant.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved: June 27, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: July 16, 1956.

CHARLES S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 56-6024; Filed, July 25, 1956; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

PART 64—NATIONAL INSTITUTES OF HEALTH TRAINING GRANTS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of this part because it relates solely to grants or benefits.

1. Part 64 is hereby amended to read as follows:

Sec.
64.1 Nature and purpose of training grants.
64.2 Application requirements.
64.3 Award of training grants.
64.4 Conditions to awards; general.
64.5 Additional conditions; institutional expenses.
64.6 Additional conditions; stipends.
64.7 Payments; repayment of unexpended balances; unauthorized expenditures.
64.8 Appropriate Institute.

AUTHORITY: §§ 64.1 to 64.8 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 433, 64 Stat. 444; 42 U. S. C. 289c.

§ 64.1 *Nature and purpose of training grants.* A National Institutes of Health training grant is an award of funds to a qualified educational or training institution, the objective of such grants being to make available for the community effort against diseases of public health significance an increased number of facilities providing adequate training and instruction, and an increased number of persons having special competence, in matters relating to the diagnosis, prevention and treatment of such diseases. Such a grant may have one or both of the following purposes:

(a) To defray the expenses of the institution in providing training and instruction in matters relating to the diagnosis, prevention or treatment of diseases within the responsibility of the appropriate Institute.

(b) To enable the institution to pay stipends and allowances to individuals with respect to a period in which they receive under the direction of such institution training and instruction in matters relating to such diagnosis, prevention or treatment.

§ 64.2 *Application requirements.* Training grants shall be awarded only to those public or other nonprofit institutions which file applications in such form and manner as may be prescribed by the Surgeon General. Such applications shall set forth, in addition to any other pertinent information that may be required, the name and qualifications of the program director who will be responsible for the training and instruction and the following information depending upon the purposes for which the grant is requested:

(a) *Institutional expenses.* Applications which include a request for funds to meet institutional expenses shall set forth the nature and duration of the training and instruction program with respect to which the application is filed, the total amount requested and the purposes for which the funds will be used, stating separately the amounts requested for personal services and the amounts requested for equipment, supplies or other non-personal expenses.

(b) *Stipends.* Applications which include a request for funds to enable the institution to make payments to individuals receiving training shall state the nature and duration of the training and instruction to be provided, and the applicant shall also furnish information concerning the minimum qualifications required of the individuals to be trained or instructed, the rate of stipend and allowances to be paid, and the total amount requested for these purposes.

§ 64.3 *Award of training grants.* Subject to the regulations in this part, the Surgeon General may award training grants to such eligible public or other nonprofit institutions as are best able in his judgment to carry out the purpose of such grants. Such grants may be made in the name of the appropriate Institute, but no such grant may be made unless it has been recommended by the national advisory council for such Institute.

§ 64.4 *Conditions to awards; general.* All training grants awarded under the authority of this part shall be subject to the following conditions:

(a) No essential or significant reduction in the quality or duration of the training and instruction shall be made by the grantee institution unless approved by the Director of the appropriate Institute upon recommendation by the national advisory council for such Institute.

(b) No substitution may be made for the program director named in the application as responsible for the training and instruction unless the substitute director is found by the Director of the appropriate Institute to have substantially equivalent qualifications with respect to providing the training and instruction for which the grant was awarded.

(c) The fiscal and other records of the institution that relate to the training and instruction for which the grant was awarded shall be available for audit or other reasonable inspection by representatives of the Public Health Service.

(d) Additional conditions consistent with the regulations in this part may be imposed by the Director of the appropriate Institute prior to the award of any training grant if he determines that such conditions are necessary to carry out the purposes of such grant.

§ 64.5 *Additional conditions; institutional expenses.* Amounts awarded to enable institutions to defray the expenses of providing training and instruction shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) The funds awarded may be expended solely for the training and instruction program set forth in the application for the grant and for such other related purposes as are determined by the Director of the appropriate Institute to be necessary to such program.

(b) No part of the funds awarded may be used for the purchase of land or for the construction of buildings.

(c) No funds may be used for indirect costs or overhead in excess of the rate generally applicable to training grants at the time of the award.

§ 64.6 *Additional conditions; stipends.* Amounts awarded to enable institutions to pay stipends and allowances to individuals receiving advanced training shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) No part of the funds requested for stipend payments may be used for any other purpose unless approved by the Director of the appropriate Institute.

(b) No part of the amount awarded may be used as remuneration for employment or for the performance of personal services by the individuals receiving the training and instruction.

(c) No amount may be paid by the institution to any individual who, by reason of age, physical or mental condition, or other relevant factor would not, in the reasonable judgment of the institution, be able to make use of the training and instruction.

(d) No amount may be paid by the institution to an individual who does not meet the minimum qualifications for the training and instruction as established by the institution, nor shall any amount be paid to any individual who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards and procedures of the institution.

§ 64.7 *Payments; repayment of unexpected balances; unauthorized expenditures.* (a) Payments to an institution of amounts awarded under the regulations of this part may be made in advance and shall be in such amounts as are necessary in the judgment of the Director of the appropriate Institute to carry out the training program as set forth in the approved application of the institution or in any extension or renewal thereof. Any funds paid and found in the judgment of such Director to be not necessary for such purposes shall be returned to the United States.

(b) In the event any part of the amount paid an institution is found by the Director of the appropriate Institute to have been expended by the institution for purposes or by any methods contrary to the regulations of this part or contrary to any condition to the award, then such institution, upon being notified of such finding and in addition to any other requirement, shall pay an equal amount to the United States.

(c) Whenever the Director of the appropriate Institute shall find that the application or other documents on the basis of which a grant was awarded under the regulations of this part contain a material misrepresentation by or on behalf of the institution, or whenever he shall find that the institution has not, after a reasonable opportunity, corrected a substantial failure to comply with these regulations or with any condition to the award, he shall promptly notify the institution of such finding. Upon receipt of such notice, such institution, in addition to any other action required by law or these regulations, shall return to the United States immediately all funds not actually expended at the time of its receipt of such notice. If requested by the institution, any such findings may be reviewed by the Surgeon General whose decision shall be final.

§ 64.8 *Appropriate institute.* As used in this part "appropriate Institute" shall mean the National Cancer Institute for training grants in the field of cancer; the National Institute of Mental Health for training grants in the field of mental disorders; the National Heart Institute for training grants in the cardiovascular and related fields; the National Institute of Dental Research for training grants in the field of dental diseases and conditions; the National Institute of Allergy and Infectious Diseases for training grants in the field of allergy and infectious diseases; the National Institute of Arthritis and Metabolic Diseases for training grants in the field of arthritis and metabolic diseases; the National Institute of Neurological Diseases and Blindness for training grants in the field of neurological diseases, blindness, and other sensory disorders; and any other Institute established by the Surgeon General under section 431 of the Public Health Service Act, as amended, for training grants in the field of those diseases constituting the responsibility of such Institute.

2. These regulations shall become effective thirty days after publication in the FEDERAL REGISTER.

Dated: July 9, 1956.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 20, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-6008; Filed, July 25, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A8]

HANDLING OF MILK IN NORTH TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas on July 11, 1956, pursuant to notice thereof issued on July 3, 1956, and published in the FEDERAL REGISTER on July 7, 1956 (21 F. R. 5063).

The material issues of record are concerned with:

1. The pricing of Class I milk for the period August-December 1956; and

2. The need for immediate action by the Secretary with respect to Issue No. 1.

Findings and conclusions. The following findings and conclusions are based upon evidence in the record of the hearing:

1. Unfavorable production conditions currently prevailing in the milkshed for the North Texas market threaten to impair the maintenance of an adequate supply of milk for that market.

The Department's report of pasture conditions as of July 1, 1956, indicated conditions of from severe drought (35 to 50 percent of normal) to extreme drought (under 35 percent of normal) as the predominant condition in that territory wherein are located the farms producing milk for the North Texas market. Many of the counties in the production

area have or are in the process of being declared drought disaster areas. Rainfall for the first 6 months of this year in the production area has been as low as one-third to one-half of normal. This extreme deficit of rainfall together with above normal temperatures has caused widespread crop failures and loss of pastures to dairymen in the area. Dry-lot feeding is widely prevalent throughout the milkshed on farms where customarily there had been some pasturage.

Because of the dry weather substantial acreage of crop land throughout the milkshed was not planted. In many areas farmers suffered complete losses of the seed they planted. Where plantings were not completely lost crops such as oats, milo, and corn did too poorly to harvest, but were instead abandoned for such limited foraging as they would afford. Farmers who customarily stored silage for fall and winter use find themselves with empty silos.

One large dairy farmer stated that his hay crop averaged about 10 bales to the acre on good fertilized land that would normally average 90 to 100 bales to the acre. Other farmers testified to similar experiences. In addition to being required to buy significantly greater quantities of hay farmers in the area are now paying as high as 40 dollars per ton with a definite prospect of the price moving higher. Hay currently must be imported from increasingly greater distances, resulting in continuing higher prices as the supply in the more normally used sources in Oklahoma, Arkansas, and Colorado become exhausted.

Production of milk for the North Texas market reached its peak production of the season in May of this year. A heavy production in relation to the demand for Class I milk continued throughout much of the month of June but dropped off sharply later in the month as the effect of the drought and extremely hot weather became more pronounced.

While local production for the market is declining at a rapid rate, it is now reported that the Producers Creamery Company of Springfield, Missouri, a major supplier of supplementary supplies of milk to the North Texas market, does not expect to have during the fall months of this year the quantities of milk which are usually available from that source for the North Texas market. Alternative sources for supplementary supplies of milk for the North Texas market for the months of August through November quoted prices of 80 cents per hundredweight above the North Texas Class I price for tank truck loads on a contract basis. For spot load shipments the price quoted was $1.05 above the North Texas Class I price.

While a declining supply of producer milk for the North Texas market for the forthcoming fall months is in prospect, the demand for milk for fluid use for the North Texas market for these months is expected to increase substantially. The contract to supply fluid milk to Fort Hood, a military reservation, has been obtained by a handler under the North Texas order. The large quantity of milk that will be needed from the North Texas market to supply this contract will be expanded further in the immediate future by an increase in personnel at the base of 12,000 men. Representatives of the various producer organizations in San Antonio, Austin-Waco and Central West Texas markets indicated that their dependence on the North Texas market for milk would be greater in the approaching fall months than in prior years because of the currently adverse production condition in the milksheds for these markets.

The Class I price under the North Texas order is modified by a supply-demand adjustment which is computed for each month on the basis of the relationship of milk received from producers to Class I sales from pool plants during the second and third preceding months. The supply-demand adjustment applicable to the July 1956 Class I price is plus three cents, and the same amount is indicated for August. Producers contend that under abnormal conditions such as now prevail in the market the supply-demand adjustment is not reflected in the Class I price as promptly as it should be. They also claimed that the present supply-demand adjustment provision resulting in a plus adjustment of 13 cents to the Class I price for the past 18 months indicates that the level of the Class I price under the order is too low in that it has failed to obtain an adequate supply of milk for the market.

Producers proposed that the Class I price for the months of August through December 1956 be increased 26 cents per hundredweight above that now provided by the order. Unless action is taken the Class I price for August would be 26 cents below that for July, and the Class I price for September and October may be expected to be below that for July by somewhat lesser amounts. The effect of the supply-demand adjustment provision, although it may not reflect the supply-demand relationship caused by the drought in the months immediately ahead, may reasonably be expected to be as appropriate for the months of November and December 1956 as it has been in the past.

Farmers supplying the North Texas market need some encouragement under the present adverse conditions in order that they will have an incentive to maintain their production which is needed to insure an adequate supply of milk for the market. In order to accomplish this it is concluded that the level of the Class I price for the months of August through October 1956 should not be lower than that for the month of July 1956. This would be accomplished by providing that the supply-demand adjustment applicable to the price for Class I milk for each of the months of August, September and October 1956 shall be not less than plus 29 cents.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary, will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond August 1, 1956, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the North Texas marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Milk Marketing Area*

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) (3) and substitute therefor the following:

(3) From the effective date hereof through October 1956 the supply-demand adjustment applicable to the price for Class I milk shall be not less than plus 29 cents.

[F. R. Doc. 56-6034; Filed, July 25, 1956; 8:52 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 1014]

[Docket No. AO-280]

POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing upon a proposed marketing agreement and proposed marketing order regulating the handling of potatoes grown in Nassau and Suffolk Counties, Long Island, New York, was held at Riverhead, Long Island, New York, April 30 through May 5, 1956, pursuant to notice thereof which was published April 11, 1956, in the FEDERAL REGISTER (21 F. R. 2339).

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 26, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this hearing. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published June 29, 1956, in the FEDERAL REGISTER (21 F. R. 4831). No exceptions to the recommended decision were filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56-5151; 21 F. R. 4831) are hereby approved, adopted, and incorporated herein as the material issues and the findings and conclusions of this decision as if set forth in full herein.

In view of the aforesaid findings and conclusions, a marketing agreement should not be entered into and an order should not be issued at this time for regulating the handling of potatoes grown in Nassau and Suffolk Counties, Long Island, New York. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceedings.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Dated: July 23, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6036; Filed, July 25, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 112]

ALASKA

SMALL TRACT CLASSIFICATION

JULY 18, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described public lands, totalling 55 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

KETCHIKAN AREA (GRAVINA ISLAND)

TRACT 1

For Lease and Sale

For Residence Sites

(Unsurveyed.)

Located on the northeastern shore of Gravina Island near Ketchikan, Alaska, and between U. S. Survey 1600 and U. S. S. 1366 more particularly described as follows: "Starting at N. E. M. C., U. S. Survey 1600; thence S. 55° 03' W. a distance of approxi-

mately 8.7 chains to a point along the northwest boundary of U. S. S. 1600; thence approximately N. 45° W. a distance of approximately 59.8 chains to Corner No. 4, U. S. S. 1366; thence due east a distance of 12.26 chains to Corner 3, M. C., U. S. S. 1366; thence meandering the shore of Gravina Island at the approximate mean high tide line of Tongass Narrows in a southeasterly direction a distance of approximately 60 chains more or less to N. E. M. C., U. S. S. 1600 and true point of beginning and containing 55 acres, more or less."

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6015; Filed, July 25, 1956; 8:48 a. m.]

[Document No. 135]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 20, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-011394, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for furtherance of a use authorized by the Forest Service, which is to protect landing approach ways to the Flagstaff Municipal Airport.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 20 N., R. 7 E.,
Sec. 4: NW¼NE¼, NW¼SW¼NE¼;
Sec. 8: SE¼SW¼NW¼, NW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, N½SW¼SW¼;
Sec. 9: S½SW¼NE¼, NW¼SE¼, W½NE¼SE¼; N½SW¼SE¼, NW¼SE¼SE¼, NE¼SW¼.
T. 21 N., R. 7 E.,
Sec. 33: S½SW¼SE¼.

The area described totals 320 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-6013; Filed, July 25, 1956; 8:48 a. m.]

[Document No. 134]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 20, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-011772, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

Clifton Administrative Site:
T. 3 S., R. 29 E.,
Sec. 16: SE¼SW¼.

The area described totals 40 acres in the Gila National Forest.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc 56-6012; Filed, July 25, 1956; 8:47 a. m.]

GROUP 299, ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 19, 1956.

Notice is given that the plats of survey accepted January 30, 1956 of T. 5 S., R. 28 E., T. 6 S., R. 27 E., T. 6 S., R. 28 E., and T. 6 S., R. 29 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice;

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 28 E.,
All Sec. 16;
T. 6 S., R. 27 E.,
N½, SE¼, Sec. 16;
T. 6 S., R. 28 E.,
All Sec. 16;
Lots 1, 2, 3, 4, E½W½, E½ (All), Sec. 29;
Lots 1, 2, 3, 4, W½E½ (E½), NW¼, Sec. 32;
Lots 1, 2, 3, 4, W½W½ (W½), NE¼, Sec. 36;
T. 6 S., R. 29 E.,
Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 2;
Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 3;
All Sec. 16.

Within the above-described areas are 1,892.28 acres of public lands.

Available data indicates the land in Sec. 16, T. 5 S., R. 28 E. is rough and mountainous, and the soil is gravelly and rocky. The land in the N½, and SE¼, Sec. 16, T. 6 S., R. 27 E., is mountainous and the soil is gravelly and stony. The land in Secs. 16, 29, 32 and 36, T. 6 S., R. 28 E. is rolling, and the soil is sandy, gravelly and rocky. The land in Secs. 2 and 3, T. 6 S., R. 29 E. is nearly level, and the soil is gravelly and rocky, and the land in Sec. 16, T. 6 S., R. 29 E., is gently rolling, and the soil is gravelly and rocky.

Subject to valid, existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey: NW¼, N½SW¼, SW¼SW¼, and the NW¼SE¼, Sec. 16, T. 5 S., R. 28 E., N½, N½SE¼, SW¼SE¼, Sec. 16, T. 6 S., R. 27 E., NW¼NW¼, Sec. 16, N½NE¼, SE¼NE¼, Sec. 36, T. 6 S., R. 28 E., Lots 1, 2, 3, 4, S½N½, SW¼, N½SE¼, SE¼SE¼, Sec. 2, and E½ NE¼, Sec. 16, T. 6 S., R. 29 E.

On June 22, 1956 the Director conformed Power Site Reserve No. 757 to the plat of survey, and the lands embraced therein are now described as E½, NE¼NW¼, S½NW¼, SW¼, Sec. 16, All Sec. 29, N½, and SE¼, Sec. 32, T. 6 S., R. 28 E. On July 6, 1956 the Director conformed the portion of Power Site Reserve No. 83 and Power Site Designation No. 4, that affects Sections 29 and 32, to the plat of survey, and the lands embraced therein are now described as Lots 1, 2, 3, 4, NE¼, E½W½, Sec. 29, and W½NW¼, Sec. 32, T. 6 S., R. 28 E.

No applications for the remainder of these lands, namely, the NE¼, NE¼ SE¼, SE¼SW¼, and S½SE¼, Sec. 16, T. 5 S., R. 28 E., SE¼SE¼, Sec. 16, T. 6 S., R. 27 E., SW¼NE¼, W½W½, and Lots 1, 2, 3, 4, Sec. 36, T. 6 S., R. 28 E., SW¼SE¼, Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 3, and W½NE¼, NW¼, and S½, Sec. 16, T. 6 S., R. 29 E., may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on August 24, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23, 1956, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 56-6011; Filed, July 25, 1956; 8:47 a. m.]

OREGON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM HELLS CANYON RECLAMATION PROJECT

JULY 18, 1956.

1. An order of the Bureau of Reclamation dated September 12, 1952, concurred in by the Acting Director, Bureau of Land Management, April 2, 1956, revoked Departmental Order of April 12, 1951, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Hells Canyon Project, Oregon, and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any order withdrawing or reserving the lands described as follows:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 45 E.,
Sec. 14: E½NE¼NW¼, N½NW¼NE¼, N½SW½NW¼NE¼, SW¼SW¼NW¼NE¼, NW¼SE¼SW¼NW¼NE¼, N½NW¼SE¼NW¼NE¼, N½SW¼NW¼SE¼NW¼NE¼.

49.6875 acres.

2. The land is situated on the breaks of the Snake River Canyon immediately above the 2,100 foot contour line, approximately 3½ miles from Home, Oregon. The terrain is rough and mountainous, with a shallow rocky soil, supporting a stand of sagebrush and native grasses. No part of the land is suited for any agricultural use.

3. No application for the lands may be allowed under the homestead, desert land, small tract, or any nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands shall not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1, hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended) presented prior to 10:00 a. m., on August 23, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning 10:00 a. m., November 23, 1956.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands and applications for them shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 3861, 1001 Northeast Lloyd Boulevard, Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 56-6010; Filed, July 25, 1956; 8:47 a. m.]

OREGON

NOTICE OF DESIGNATION, AMENDMENT

Effective July 15, 1956, paragraph 1 of the FEDERAL REGISTER Document No. 56-5244 appearing on page 4934 of Volume 21, Number 128, published July 3, 1956, is hereby amended to read:

1. Under authority conferred by Director's Order No. 615, June 12, 1956, and Amendment No. 1, July 2, 1956, the Acting Area Administrator and the Area Administrative Officer are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate.

JAMES F. DOYLE,
Area Administrator, Area I, Bureau of Land Management.

[F. R. Doc. 56-6009; Filed, July 25, 1956; 8:47 a. m.]

GROUP 297, ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 19, 1956.

Notice is given that the plats of survey accepted December 23, 1955 of T. 4 S., R. 21 E., and T. 4 S., R. 22 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

[1] Where the amount involved is in excess of $10,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memorandum of March 2, 1954, and October 17, 1955.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 21 E.,
All Sec. 32;
All Sec. 36.
T. 4 S., R. 22 E.,
Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 1;
Lots 1, 2, 3, 4, (E½E½), Sec. 2;
Lots 1, 2, 3, 4, Sec. 29;
Lots 1, 2, 3, 4, 5, SE¼SW¼, Sec. 30;
Lots 1, 2, 3, 4, E½W½, E½ (All), Sec. 31;
All Sec. 32.

Within the above-described areas are 1,413.20 acres of public lands.

Available data indicates the land in Secs. 32 and 36, T. 4 S., R. 21 E. consists of rolling ridges, and the soil is sandy and rocky clay. The land in Secs. 1 and 2 is made up of rolling hills, and the land in Secs. 29, 30, 31 and 32 is low and rolling. The soil in all of these sections in T. 4 S., R. 22 E. is sandy and gravelly clay.

Subject to valid, existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey: All Secs. 32 and 36, T. 4 S., R. 21 E., Lots 1, 2, 3, Sec. 2, and All Sec. 32 except 56 acres in the N½N½, T. 4 S., R. 22 E.

June 25, 1956 the Director conformed so much of Water Power Designation No. 4 as affects lands in Secs. 1 and 2 to the plat of survey and describes land as follows: S½S½, Sec. 1, and Lot 4, Sec. 2, T. 4 S., R. 22 E.

No applications for the remainder of these lands, namely, the Lots 1, 2, 3, 4, S½N½, N½S½, Sec. 1, Lots 1, 2, 3, 4, Sec. 29, Lots 1, 2, 3, 4, 5, SE¼SW¼, Sec. 30, Lots 1, 2, 3, 4, E½W½, E½ (All), Sec. 31, and 56 acres in the N½N½, Sec. 32, T. 4 S., R. 22 E., may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 24, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23, 1956, will be governed by the time of filing.

All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, presented prior to 10:00 a. m., on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 56-6025; Filed, July 25, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

NOTICE NO. 1 OF REQUIREMENT OF CERTIFICATION, 1956

Pursuant to § 817.4 of this part (13 F. R. 127; 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the direct-consumption portion of the 1956 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4 of this part, after the close of business on July 25, 1956, and for the remainder of the calendar year 1956, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any direct-consumption sugar unless and until the certification described in § 817.4 (a) is issued.

Issued this 23d day of July, 1956.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-6037; Filed, July 25, 1956; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2209]

PUBLIC UTILITY DISTRICT NO. 1 OF WAHKIAKUM COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Public Utility District No. 1 of Wahkiakum County, Washington, of Cathlamet, Washington, for preliminary permit for proposed water power Project No. 2209 to be located on the Grays River, a tributary of the Columbia River, and on South Fork Grays River and Blaney Creek, in the Counties of Wahkiakum and Pacific, State of Washington. The proposed project would consist of an earth or rock fill dam approximately 100 feet high in Section 19, T. 11 N., R. 6 W., W. M. and two small diversion dams on lower tributaries, (1) in Section 29, T. 11 N., R. 6 W., W. M. (2) in Section 5, T. 10 N., R. 11 W., W. M.; creating approximately 19,000 acre feet of seasonal storage; a conduit about 4 miles long; a forebay; penstocks; a powerhouse with installed capacity of about 20,000 horsepower or 15,000 kilowatts operating under an estimated gross head of about 400 feet; a diversion dam on South Fork Grays River with a conduit to the main canal; a diversion dam on Blaney Creek with a conduit to the main canal; and other appurtenant facilities. The power to be developed would be used by the applicant to serve its present and future customers. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6016; Filed, July 25, 1956; 8:48 a. m.]

[Project No. 2204]

CITY AND COUNTY OF DENVER

NOTICE OF APPLICATION FOR LICENSE

JULY 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by the City and County of Denver, Colorado, for license for proposed water power Project No. 2204 to be located on the Williams River (also known as the Williams Fork River), a tributary of the Colorado River, in the region of the villages of Hot Sulphur Springs and Parshall in the County of Grand, State of Colorado, affecting lands of the United States. The proposed project would consist of a concrete dam (an enlargement of an existing dam), having a gated spillway on the left bank and creating a reservoir with capacity of 93,637 acre-feet at maximum water surface elevation 7,811 feet; a powerhouse at the downstream toe of the dam containing a single turbine rated at 4,250 horsepower and connected to a 3000-kilowatt generator; a transformer; a transmission line about 2 miles long connecting the powerhouse to the United States Government's 69-kilovolt transmission line near Parshall, Colorado; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F R. Doc. 56-6017; Filed, July 25, 1956; 8:48 a. m.]

[Docket No. G-8471 (etc.)]

VILLAGE OF FRANKLIN, ILL., ET AL.

NOTICE OF CONTINUANCE OF RECONVENED HEARING

JULY 18, 1956.

In the matters of Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

Upon consideration of the request, filed July 17, 1956, by Counsel for the City of Hickman, et al.;

Notice is hereby given that the hearing now scheduled for September 17, 1956, is hereby postponed to commence on September 26, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6018; Filed, July 25, 1956; 8:48 a. m.]

[Docket No. G-10751]

TEXAS GAS TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

Texas Gas Transmission Corporation (Texas Gas) on June 15, 1956, submitted for filing revised sheets [1] to the Second Revised Volume No. 1 of its FPC Gas Tariff, proposing an increase in rates and charges of $8,161,000, or 12.2 percent a year more than the rates currently in effect subject to certain contingent refunds (see order issued November 16, 1955, Docket No. G-2017). Texas Gas requests an effective date of August 1, 1956.

The proposed increase in rates and charges is principally based on claimed increases in cost of gas purchased from independent producers, and which may not occur before January 1, 1957, and a claimed rate of return of 6½ percent as compared with the presently authorized return of 6 percent.

Protests to and requests for suspension of the proposed rate increase have been filed to date by ten customers of Texas Gas.

Texas Gas has not fully supported its proposed increase in several respects, including, but not limited to, purchased gas costs, rate of return, estimated sales volumes, working capital requirements, Federal income taxes and allocation of costs.

The increased rates and charges provided for in the revised tariff sheets tendered for filing by Texas Gas on June 15, 1956, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed change in rates and charges and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rates and charges.

(B) Pending such hearing and decision thereon, the proposed revised sheets to the Second Revised Volume No. 1 of the FPC Gas Tariff of Texas Gas, as heretofore enumerated, be and hereby are suspended and the use thereof deferred until January 1, 1957, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the schedules hereby suspended, nor those sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[2]

Issued: July 18, 1956.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6019; Filed, July 25, 1956; 8:49 a. m.]

[1] First Revised Sheets Nos. 7, 9, 13, 15, 19, 21, 25, 27 and 71; Second Revised Sheets Nos. 5, 11, 29, 33, 53, 55, 61, 63 and 70; Third Revised Sheets Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 73, 74, 77 and 78; and Fourth Revised Sheets Nos. 39 and 43. Texas Gas also filed a revised Table of Contents and Index of Purchasers. Withdrawal of Second Revised Sheets Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51, included among the revised sheets submitted for filing herein on June 15, 1956, but which are not subject to suspension under section 4 of the act because they pertain to the sale of gas for industrial use only has been requested by letter filed July 12, 1956.

[2] Commissioner Kline not participating.

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

INTERNATIONAL JOINT COMMISSION

[IJC Docket 50]

RAINY LAKE AND NAMAKAN CHAIN OF LAKES

NOTICE OF PUBLIC HEARING

Notice is hereby given that the International Joint Commission will conduct a public hearing in the Community Hall of the City of International Falls, Minnesota on Tuesday, August 14, 1956, commencing at 9:00 a. m., local time.

Parties interested in the regulation of the levels of Rainy Lake and the Namakan Chain of Lakes pursuant to the Order of the Commission dated June 8, 1949, will be given convenient opportunity to be heard.

AMES W. WILLIAMS,
Secretary, United States Section.

[F. R. Doc. 56-6002; Filed, July 25, 1956; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3496]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE OF NOTES TO BANKS

JULY 20, 1956.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), a public utility subsidiary of American Gas and Electric Company ("American"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) and Rule U-50 (a) (2) thereunder as applicable to the proposed transactions.

All interested persons are referred to the applicaiton on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian has orally established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time, prior to June 30, 1957, not in excess of $26,000,000:

Irving Trust Co., New York, N. Y.	$5,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,000,000
First National City Bank of New York, New York, N. Y.	5,000,000
Manufacturers Trust Co., New York, N. Y.	5,000,000
Guaranty Trust Co. of New York, New York, N. Y.	3,000,000
Bankers Trust Co., New York, N. Y.	2,200,000
The Hanover Bank, New York, N. Y.	800,000
Total	26,000,000

Of the $26,000,000 proposed to be borrowed Appalachian has, at June 30, 1956, borrowed $10,000,000 from such banks and has issued notes in evidence thereof. This amount and additional borrowings of $6,000,000 are started to be exempt from section 6 (a) of the act by the first sentence of section 6 (b) thereof.

Appalachian now requests approval for additional borrowings under the above line of credit in an amount not to exceed $10,000,000, such borrowings to be evidenced by Notes to be dated as of the date of the borrowings and to mature not more than 270 days after the date of issuance. The Notes are to bear interest from the date thereof at the then current prime rate, which is presently 3¾ percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

According to the filing, Appalachian's outstanding notes payable to banks at the time of its next permanent financing will be paid off from the proceeds of such financing which is expected to occur prior to April 30, 1957.

The proceeds from the notes will be used by Appalachian to pay part of the costs of its construction program estimated to amount to $38,534,000 in 1956 and $55,444,000 in 1957.

The expenses to be incurred by Appalachian are estimated at not in excess of $200. No fees, commissions or other expenses are to be paid except that routine services incident to the proposed transactions will be performed by the service company for the American system.

Appalachian has applied to the Virginia State Corporation Commission for authority to effect the proposed transactions and states that a copy of the order entered in respect thereof will be supplied by amendment. It is represented that no other State commission or Federal agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 7, 1956, at 5:30 p. m., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for the request, the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6026; Filed, July 25, 1956; 8:50 a. m.]

[File No. 70-3488]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION REGARDING PROPOSALS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY TO ISSUE AND SELL AT COMPETITIVE BIDDING ADDITIONAL FIRST MORTGAGE BONDS, TO INCREASE ITS AUTHORIZED COMMON STOCK, AND TO ISSUE AND SELL ADDITIONAL COMMON STOCK; AND PROPOSAL BY PARENT TO ACQUIRE SUCH STOCK

JULY 20, 1956.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a nonpublic-utility company, and its parent, American Natural Gas Company ("American Natural"), a registered holding company, have filed with this Commission, pursuant to sections 6 (a), 6 (b), 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration and amendments thereto regarding the following proposed transactions:

Michigan Wisconsin proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of its First Mortgage Pipe Line Bonds, __ percent Series due 1976. The interest rate (which shall be a multiple of ⅛ of 1 percent and the price to be received by the company for the bonds (which, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated September 1, 1948, as heretofore supplemented, and as to be further supplemented by an Eighth Supplemental Indenture to be dated August 1, 1956.

Michigan Wisconsin also proposes, prior to or simultaneously with the issuance of the new bonds, to increase the authorized number of shares of its $100 par value common stock from 255,000 to 310,000, and to issue and sell to American Natural, and American Natural proposes to acquire, 60,000 additional shares of Michigan Wisconsin's authorized but unissued common stock for a cash consideration of $6,000,000. Prior to the purchase by American Natural of the additional shares of common stock, Michigan Wisconsin proposes to declare and pay American Natural a cash dividend of $6,000,000. The effect of this dividend declaration and contemporaneous purchase of stock is to convert $6,000,000 of retained earnings into common stock.

Michigan Wisconsin prior to June 19, 1956 had borrowed $14,000,000 evidenced by notes due July 1, 1956, under a credit agreement theretofore approved by the Commission (File No. 70-3382). By order issued June 28, 1956 (File No. 70-3483) it obtained approval of a new credit agreement under which it could borrow up to $25,000,000 on short-term bank notes, of which $14,000,000 was to be used to pay the outstanding notes due July 1, 1956. The remainder was to be applied to the payment of costs of construction, estimated at $12,500,000, of needed additional facilities to enable Michigan Wisconsin to deliver to its markets the additional gas which will become available upon completion of the new pipe line being constructed by American Louisiana Pipe Line Company, an associate company. The proceeds received from the proposed issue and sale of bonds will be used to retire the notes then outstanding under the new credit agreement and to provide the funds, to the extent not theretofore borrowed under the new credit agreement, required for such construction.

The proposed issue and sale of securities have been expressly authorized by the Michigan Public Service Commission, the State Commission of the State in which Michigan Wisconsin operates its natural gas storage business, and it is represented that no other regulatory authority except this Commission has jurisdiction over the proposed transactions.

The following estimated fees and expenses are to be incurred in connection with the proposed transactions:

	New bonds	Common stock
Federal original issue tax	$27,500	$6,000
Securities and Exchange Commission registration fee	2,625	
Fees and taxes of various States	21,000	3,200
Counsel fees:		
Sidley, Austin, Burgess & Smith	21,000	500
Local counsel—10 States	6,000	500
Accounting fee of Arthur Andersen & Co	4,000	
Trustee's fees and expenses	11,500	
Fees of gas consultants	7,500	
Printing	30,000	
Mortgage recording fees and expenses	7,000	
American Natural Gas Service Co.—services at cost	3,000	500
Miscellaneous	3,875	
Total	145,000	11,300

The fee of Brown, Wood, Fuller, Caldwell & Ivey, independent counsel for the underwriters of the bonds, is estimated at $13,500 and is to be paid by the purchasers of the bonds.

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing thereon having been requested of or ordered by the Commission; and

It appearing that the applicable provisions of the act and the rules thereunder are satisfied, and the Commission observing no basis for adverse findings or the imposition of terms and conditions; and it further appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth herein; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6027; Filed, July 25, 1956; 8:50 a. m.]

[File No. 70-950 etc.]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION RESERVED WITH RESPECT TO AMENDMENT OF MORTGAGE INDENTURE

JULY 20, 1956.

In the matter of Ohio Edison Company (File Nos. 70-950, 70-1036, 70-1905, 70-2334, 70-3155, 70-3367 and 70-3491).

Ohio Edison Company ("company"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), has filed a request that the Commission release the jurisdiction heretofore reserved pursuant to Rule U-24 (c) (3) (A) promulgated under the act with respect to a proposed modification or amendment of its Indenture of Mortgage and Deed of Trust to Bankers Trust Company as Trustee, dated as of August 1, 1930, as heretofore amended and supplemented ("Indenture"). The Indenture as heretofore submitted to the Commission in connection with the Company's issuance of bonds under the Seventh to Twelfth Supplements, inclusive, provides at section 54A and 67 that

• • • commencing with the Improvement Fund payment due May 1, 1953 and thereafter for so long as any bonds of the 1974 Series or of the 1975 Series are outstanding, no moneys deposited with the Trustee for account of the Improvement Fund may be withdrawn • • • to reimburse the Company • • • for expenditures incurred in acquiring, making or constructing unfunded property additions; [but such moneys] may be withdrawn by the company in an amount equal to the principal amount of bonds issued and outstanding hereunder and currently deposited with the Trustee for cancellation • • •

In order to withdraw cash from the Improvement Fund since May 1, 1953, the Company has followed the policy of purchasing from the underwriters, at the public offering price, bonds for deposit with the Trustee, thereby incurring substantial expense which it now wishes to avoid.

The Company therefore proposes, jointly with the Trustee, to execute a Thirteenth Supplemental Indenture to be dated as of August 1, 1956, which will amend section 54A aforesaid, by adding the following sentence:

Bonds authenticated and delivered by the Trustee to or upon the order of the company under and in accordance with any provisions of the Indenture shall thereupon be deemed to be "bonds issued and outstanding hereunder" for the purposes of this section 54A and of subdivision (2) of said section 67 and may be made the basis for the withdrawal by the company from the Trustee, pursuant to the provisions of and upon compliance with the provisions of subdivision (2) of said section 67, of moneys deposited with the Trustee for the account of the Improvement Fund, whether or not such bonds shall have been theretofore issued by the company or disposed of in any manner by it.

It is recited that the Supplemental Indenture will be executed pursuant to the authority vested in the company and the Trustee under section 115 (f) of the Indenture to execute curative and clarifying amendments.

The Commission being of the opinion that the proposed Supplemental Indenture will not affect the rights of the public or of any security holder, and that the jurisdiction reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved pursuant to Rule U-24 (c) (3) (A) with respect to the modification or amendment of the Indenture proposed in the Company's Thirteenth Supplemental Indenture aforesaid be and is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6028; Filed, July 25, 1956; 8:51 a. m.]

[File No. 31-633]

LINCOLN CORP.

ORDER GRANTING EXEMPTION

JULY 19, 1956.

Lincoln Corporation ("Lincoln"), a holding company having filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for itself as a holding company, and for each of its subsidiaries as such, from the provisions of the act on the basis that it is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company; and

Due notice of the filing of the application for exemption having been given, and no hearing thereon having been requested of or ordered by the Commission; and

The Commission having examined the full record in respect of the application; and it appearing that the applicable standards of section 3 (a) (3) of the act are satisfied, and the Commission not finding that the granting of the exemption will be detrimental to the public interest or the interest of investors or consumers;

It is ordered, That Lincoln and its subsidiaries be, and they hereby are, exempted from the provisions of the act applicable to them as a holding company and as subsidiary companies thereof.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6020; Filed, July 25, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIEDRICH AND ALFRED HOLY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Friedrich Holy, Hagelingasse 1, Vienna XIV, Austria and Alfred Holy, 100A Burggasse, Vienna VII, Austria; Claim No. 12361; to each claimant, one-half (½) of the following:

$46.50 in the Treasury of the United States; and

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue relating to the compositions entitled "An Evening at Home," "Invocation" and "24 Easy Studies for the Harp," by Alfred Holy, as listed in Exhibit A of Vesting Order No. 1758, effective June 1, 1943, to the extent owned by Alfred Holy, immediately prior to the vesting thereof by Vesting Order No. 1758.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6030; Filed, July 25, 1956; 8:51 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 918—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

ORDER AMENDING ORDER AS AMENDED

§ 918.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 1, 1956. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on February 29–March 1, 1956 and the recommended decision was issued June 26, 1956 (21 F. R. 4826). The final decision was issued by the Assistant Secretary on July 13, 1956 (21 F. R. 5419). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Memphis, Tennessee marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which

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is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, participated in a referendum thereon, and who during the determined representative period (May, 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Amend § 918.11 (b) to read as follows:

(b) Diverted from a fluid milk plant to a non-fluid milk plant, except a milk plant fully subject to the provisions of another order issued pursuant to the act, for the account of the handler; *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Amend § 918.13 (b) to read as follows:

(b) Products from any source (including those produced by the handler) designated as Class II milk pursuant to § 918.41 (b) (1) or (3) which are reprocessed or converted to another product during the month.

3. Amend § 918.41 to read as follows:

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (including sour cream) and any mixture in fluid form of skim milk and cream (except eggnog, ice cream mix, and milk or skim milk disposed of and used for livestock feed); and (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) in cream frozen and stored; (4) contained in inventory of milk and milk products on hand at the end of the month (other than frozen cream) designated as Class I milk pursuant to paragraph (a) of this section; and (5) in shrinkage assigned to Class II milk pursuant to § 918.42 in (i) producer milk and (ii) other source milk.

4. Amend § 918.42 to read as follows:

§ 918.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat, respectively, in the fluid milk plant(s) of each handler;

(b) Multiply the pounds of skim milk and butterfat, respectively, in producer milk (except milk diverted pursuant to § 918.11) and in other source milk by 0.02; and

(c) The lesser of the pounds of skim milk and butterfat respectively, determined pursuant to paragraphs (a) or (b) of this section shall be classified as Class II milk and assigned pro rata to producer milk (except milk diverted pursuant to § 918.11) and other source milk.

5. Delete § 918.43 (b).

6. Amend § 918.45 to read as follows:

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids, except that when nonfat milk solids are added to producer milk in an amount, as shown by solids tests of individual batches, which does not increase the total solids-nonfat content of such milk beyond 8.5 percent by weight, the volume of water originally associated with such nonfat milk solids shall not be considered in determining the pounds of skim milk disposed of in such product.

7. In § 918.46 (a) (1) change "§ 918.42 (b)" to read "§ 918.42 (c)".

8. Amend § 918.46 (a) (3) to read as follows (such amendment to be effective one month following the effective date of the amendment provided herein with respect to § 918.41):

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory (as specified in § 918.41 (b) (4)) on hand at the beginning of the month: *Provided*, That if the pounds of such skim milk in inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

9. Delete the following from the list of plants or places appearing in § 918.50 (a):

Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.

10. Amend § 918.51 to read as follows:

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.28 for the months of March through July, and $1.68 for all other months;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate rate as follows:

Pricing months:	Rate (cents)
January-March	3
April-June	1
July-August	3
September-December	4

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of from fluid milk plants for the second and third preceding months into the volume of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	Second and third preceding month	Base utilization range
January	October-November	108–113
February	November-December	109–114
March	December-January	114–118
April	January-February	117–122
May	February-March	119–124
June	March-April	124–129
July	April-May	130–135
August	May-June	130–135
September	June-July	127–132
October	July-August	125–130
November	August-September	118–123
December	September-October	111–116

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.
Kraft Foods Co., Corinth, Miss.
Armour Creameries, New Albany, Miss.

to which 15 cents shall be added for each of the months of September, October, and November.

11. Delete from the table of distances and rates appearing in § 918.53 the following:

From miles column	*From cents column*
40 but less than 50	17

12. Delete § 918.70 (e) and (f) and substitute therefor the following: (such amendment to be effective one month after the effective date of the amendment provided herein with respect to § 918.41):

(e) Add an amount computed by multiplying by the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I price for the current month the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 918.46 (a) (3) and the corresponding step of (b); or

(ii) The hundredweight of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 918.46 (a) (4) and the corresponding step of (b).

13. Amend § 918.61 (a) to read as follows:

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order unless a greater volume of Class I milk was disposed of from such plant during the six-month period immediately preceding to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

14. Delete from the table of distances and rates appearing in § 918.93 the following:

From miles column	*From cents column*
40 but less than 50	17

Issued at Washington, D. C., this 24th day of July to be effective on and after August 1, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6085; Filed, July 26, 1956; 8:54 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES, CALIFORNIA.

ESTABLISHMENT OF ADDITIONAL GRADE REGULATIONS

In accordance with § 1003.40 of Marketing Agreement No. 127 and Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the unanimous recommendation of the Date Administrative Committee established under the aforesaid marketing agreement and order, and other available information, it is hereby found that the additional grade regulation hereinafter provided, applicable to the handling of Deglet Noor dates as whole or pitted dates will tend to effectuate the declared policy of the said act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and postpone the effective date of this regulation later than August 1, 1956 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because dates begin to move on and after that date and it is very necessary and desirable that the same grade regulations apply to all Deglet Noor dates of the 1956 crop which are handled in whole or pitted form during the 1956-57 crop year, which crop year begins on August 1, 1956; this action is in accordance with the unanimous recommendation of the Date Administrative Committee, composed of representatives of the date industry, and such recommendation has been made known generally to that industry previously; and a reasonable time is permitted, in the circumstances, for preparation for, and compliance with, such regulation.

This regulation is the same as the grade regulation which has been in effect on Deglet Noor dates since October 14, 1955, with the exception that the minimum score for character will be increased from 30 points to 31 points. The grade regulation which is set forth below should result in an improvement in the average quality of dates sold to consumers during 1956-57.

It is therefore ordered, That the handling of Deglet Noor dates as whole or pitted dates shall be in accordance with the following regulation:

§ 1003.203 *Additional grade regulation.* Pursuant to § 1003.40, and effective at 12:01 a. m., P. s. t., August 1, 1956, Deglet Noor dates handled under this part as whole or pitted dates, shall meet the requirements of U. S. Grade C of the United States Standards for Grades of Dates, effective August 26, 1955 (20 F. R. 5755): *Provided*, That such dates shall score not less than 31 points for character as defined in § 52.1009 (c) of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 23, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6084; Filed, July 26, 1956; 8:54 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956, Supp. 7]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, and Public Law 875, 81st Congress, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), April 9, 1956 (21 F. R. 2372), April 20, 1956 (21 F. R. 2651), and June 29, 1956 (21 F. R. 4999), is further amended as follows:

The first sentence of § 1101.797 (a) is amended by adding the following after the counties designated for Kansas:

Nebraska. Dundy, Hitchcock, Kimball.

(Sec. 4, 49 Stat. 164 as amended; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, sec. 1, 64 Stat. 1109, 69 Stat. 55; 16 U. S. C. 590g-590q, 42 U. S. C. 1855)

Done at Washington, D. C., this 23d day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6053; Filed, July 26, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

Sections 577.2 and 577.5 are revised to read as follows:

§ 577.2 *For whom authorized and manner provided—*(a) *Persons entitled to medical care.* The following are entitled to and will be provided medical care at the expense of Army Medical Service funds:

(1) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy.

(2) Officers, warrant officers, and enlisted personnel of the Army Reserve; the federally recognized National Guard of the several States, Territories, and the District of Columbia; the National Guard of the United States; and the Army without specification as to component when ordered or called into active Federal service or when ordered to active duty for training or reserve duty training.

(3) Members of the Army Reserve not on active duty limited to physical examinations in addition to medical care referred to in subparagraph (2) of this paragraph. See § 561.11 of this chapter.

(4) Members of the National Guard of the United States not on active duty limited to physical examinations as deemed necessary by the Secretary of the Army in addition to medical care referred to in subparagraph (2) of this paragraph. See act 9 July 1952 (66 Stat. 488; 50 U. S. C. 949).

(5) Members of the Reserve Officers' Training Corps of the Army en route to or from, or during their attendance at, camps of instruction.

(6) Members of the Reserve Officers' Training Corps of the Army limited to physical examinations in addition to medical care referred to in subparagraph (5) of this paragraph.

(7) Applicants for enlistment or reenlistment and registrants under the Universal Military Training and Service Act (65 Stat. 75) as amended (limited to necessary physical and mental examinations except as provided in subparagraphs (8) and (9) of this paragraph.

(8) Applicants for enlistment or registrants whose physical fitness for military service cannot be determined without hospital study.

(9) Applicants for enlistment who suffer acute illness and injuries while awaiting or undergoing enlistment processing at recruiting main stations or at Armed Forces Induction and Examining Stations (limited to emergency medical care, including hospitalization).

(10) Prisoners.

(11) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(12) Civilian seamen in the service of vessels operated by the Department of the Army.

(13) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Occupational Health Service of the Army.

(b) *Priority of medical treatment facilities.* Medical care for persons enumerated in paragraph (a) of this section will be through the following means in order of the priority of the listings:

(1) Army medical treatment facilities.

(2) Medical treatment facilities of the Navy or Air Force where Army medical treatment facilities are not readily available or accessible.

(3) Medical treatment facilities of Federal agencies outside the Department of Defense where facilities in subparagraphs (1) and (2) of this paragraph are not readily available or accessible. See § 577.4.

(4) Civilian medical treatment facilities including civilian physicians where facilities listed in subparagraphs (1), (2) and (3) of this paragraph are not available. See § 577.3.

(c) *Additional persons who may be afforded medical care.* Persons in addition to those enumerated in paragraph (a) of this section, may be afforded medical care in Army medical treatment facilities under terms and conditions as prescribed in § 577.15. Army Medical Service funds are not properly chargeable for any treatment rendered to such persons in other than Army medical treatment facilities.

§ 577.5 *Private medical practice of civilian physicians within a military installation—*(a) *General.* Subject to the approval of the major command concerned, installation commanders may authorize the private practice of medicine within their installations by licensed civilian physicians as distinguished from appointed professional consultants and other physicians employed by the Army) when it is considered that the accomplishment of the installation mission is dependent upon same. The provision of medical care by such licensed physicians is authorized for the following personnel:

(1) Those who are not eligible to receive medical care in Army medical treatment facilities, and

(2) Those who are eligible to receive medical care at Army medical treatment facilities, but for whom care cannot be made available because of lack of adequate facilities, or who do not elect to receive their care in Army medical treatment facilities.

(b) *Action to be taken by licensed civilian physicians.* In the course of practicing medicine within a military installation under the authority contained in paragraph (a) of this section, a licensed civilian physician will:

(1) Upon discovery of a disease which is or may be communicable or is a source of danger to others, advise the installation surgeon who will notify the installation commander, and exercise such supervision over the case as is necessary to prevent its spread.

(2) Advise the installation surgeon of any medical service rendered to military personnel in order that the information may be included in medical records.

(c) *Space and facilities.* When such licensed civilian physicians are authorized to practice medicine at an installation, space and facilities of the installation may be made available under the provisions of AR 405-80 (Army Regulations for granting temporary use of real estate).

(d) *Reimbursement.* Except as reimbursement from Government funds is authorized under the provisions of Army Regulations or regulations published by the Bureau of Employees' Compensation, reimbursement to licensed civilian physicians practicing within military installations is the responsibility of the patient or his sponsor.

[AR 40-101, 22 June 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6055; Filed, July 26, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1315]

[1968942]

CALIFORNIA

REVOCATION OF PUBLIC LAND ORDER NO. 199 OF DECEMBER 22, 1943, WHICH WITHDREW PUBLIC LAND FOR USE OF WAR DEPARTMENT IN CONNECTION WITH MARCH FIELD RIFLE RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 199 of December 22, 1943, which withdrew the following-described land in California for use of the War Department in connection with the March Field Rifle Range, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 2 S., R. 4 W.,
Sec. 34, SE¼NE¼.

The area described contains 40 acres.

The land is located near the City of Riverside. It is rough and mountainous, isolated by privately owned lands, and unsuitable for agricultural purposes.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 25, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 24, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 24, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on November 24, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval

service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 20, 1956.

[F. R. Doc. 56-6058; Filed, July 26, 1956; 8:49 a. m.]

[Public Land Order 1316]

[Anchorage 022782]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF SOIL CONSERVATION SERVICE AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Soil Conservation Service, Department of Agriculture, as an administrative site:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 31, lots 131, 165, and 166.

The area described contains 5 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 23, 1956.

[F. R. Doc. 56-6077; Filed, July 26, 1956; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 5 [1]]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

1. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Ditta Oliva, Via Atto Vannucci 3, Milan, Italy.	8- 9-56	10-9-56 (2-9-57) [1]	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 5197, 7-12-56.
Fleschner, Richard, Import-Export, Uhlandstrasse 52, Berlin W. 15—Wilmersdorf, Germany.	6-25-56	Indefinite	do	21 F. R. 4936, 7-3-56.
Giacinto Leopoldo Del Bo, Via Manzoni 41A, Milan, Italy.	7- 9-56	Duration	do	21 F. R. 5197, 7-12-56.
Hof, W., Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57 (Duration) [1]	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Stemmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Olivia, Emilio, doing business as Ditta Oliva, Via Atto Vannucci 3, Milan, Italy.	8- 9-56	10-9-56 (2-9-57) [1]	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 5197, 7-12-56.
Solvents Chemie Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57 (Duration) [1]	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Stemmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Stemmler-Imex Succ. Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57 (Duration) [1]	do	20 F. R. 8202, 11-1-55.
United Petroliferа Italiana, S. R. L. (formerly United Refineries Corp.), Via Manzoni 41A, Milan, Italy.	7- 9-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 5197, 7-12-56.
Wester Metaalwaren fabriek Amsterdam, Netherlands.	10-27-55	10-27-57 (Duration) [1]	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Stemmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Wolff, Hans Export-Import, Nussbaumallee 33, Berlin W. 9-Charlottenburg, Germany.	6-25-56	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 4936, 7-3-56.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

2. The following entry is deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Fisher, P., 46-47 Chancery Lane, London W. C. 2, England.	9- 1-53 9-29-55	9-1-55 Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 5372, 9-4-53. 20 F. R. 7383, 10-4-55.

3. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Amsterdamsche Maatschappij voor Industrie en Handel "Hydrocarbon", N. V., 384 Herengracht, Amsterdam C., Netherlands.	6-28-56	6-28-56 (12-28-58) [1]	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 4686, 6-27-56.
Cohn, Ernst, 384 Herengracht, Amsterdam C., Netherlands.	6-28-56	6-28-56 (12-28-58) [1]	do	21 F. R. 4686, 6-27-56.
Corodex, N. V., Noorderdijkweg 48, Zandvoort, Netherlands.	6-28-56	6-28-56 (12-28-58) [1]	do	21 F. R. 4686, 6-27-56.
Electroexport, Rotenturmstrasse 25, Vienna I, Austria.	6- 1-56	5-31-58 (Duration) [1]	do	21 F. R. 3880, 6-6-56.
Export Elektrotechnischer Erzeugnisse, trading as Electroexport, Rotenturmstrasse 25, Vienna I, Austria.	6- 1-56	5-31-58 (Duration) [1]	do	21 F. R. 3880, 6-6-56.
Gintz, Franz, 46-47 Chancery Lane, London W.C. 2, England.	5-21-56	Duration	do	21 F. R. 3609, 5-25-56.
Huiles et Produits, Chimiques Pour, l'Agriculture et l'Industrie, 27 Rue des Petites Ecuries, Paris 10, France.	6-13-56	do	do	21 F. R. 4322, 6-20-56.
"Hydrocarbon", N. V., Amsterdamsche Maatschappij voor Industrie en Handel, 384 Herengracht, Amsterdam C., Netherlands.	6-28-56	6-28-56 (12-28-58) [1]	do	21 F. R. 4686, 6-27-56.
Les Grandes Editions, Publicitaires Internationales, 27 Rue des Petites Ecuries, Paris 10, France.	6-13-56	Duration	do	21 F. R. 4322, 6-20-56.
Meyns, Peter & Co., Meyns, Peter, Gertrudenkirchhof 10, Hamburg 1, Germany.	4-10-56	4-10-58 (Duration) [1]	do	21 F. R. 2115, 4-13-56.
Obermayr, Albert, Rotenturmstrasse 25, Vienna I, Austria.	6- 1-56	5-31-58 (Duration) [1]	do	21 F. R. 3880, 6-6-56.
Phillippi, Herbert James, 384 Herengracht, Amsterdam C., Netherlands.	6-28-56	6-28-56 (12-28-58) [1]	do	21 F. R. 4686, 6-27-56.
Richard, Jean, 27 Rue des Petites Ecuries, Paris 10, France.	6-13-56	Duration	do	21 F. R. 4322, 6-20-56.
Societe Generale de Produits Chimiques et Biologiques, 27 Rue des Petites Ecuries, Paris 10, France.	6-13-56	do	do	21 F. R. 4322, 6-20-56.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

[1] This amendment was published in Current Export Bulletin No. 766, dated July 19, 1956.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Union Europeenne de Produits Chimiques, 27 Rue des Petites Ecuries, Paris 10, France. Zomanek & Co., Ltd., 46-47 Chancery Lane, London W. C. 2, England.	6-13-56 5-21-56	Duration do	General and validated licenses, all commodities, any destination, also exports to Canada. do	21 F. R. 4322, 6-20-56. 21 F. R. 4322, 6-20-56.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-5999; Filed, July 26, 1956; 8:53 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 2 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
516610	Refractories, except graphite (brick and shapes reported in thousands, 9-inch equivalent): Firebrick and Shapes, except plastic, n. e. c.: Firebrick and shapes, composed of bonded or fused silicon carbide, including but not limited to silicon-nitride-bonded silicon carbide (specify by name)	M.....	SATE	None	R
516880	Refractories, n. e. c.: Refractories, composed of bonded or fused silicon carbides, including but not limited to silicon-nitride-bonded silicon carbide (specify by name)	.....	SATE	None	R
792610	Parts for trucks and truck chassis, n. e. c.: Front wheel drives and transfer cases assembly (for the assembly of front driving axles on motor trucks and truck chassis). (1) [2]	No.....	TRAN 6	None	RO
792620	Front-wheel-drive and transfer case assembly (for the conversion of single-drive-unit motor trucks and truck chassis to front-and rear-axle-drive vehicles). (1) [2]	No.....	TRAN 6	None	RO
792730	Front-wheel-drive and transfer case assembly (for original assembly, spare or replacement, on military motor trucks and truck chassis). (1)	No.....	TRAN	None	RO
892960	Plastic fabricated materials, including printed, embossed, planished, or otherwise treated surface: Polymethylalpha-chloroacrylate (e. g., Gafite—trade name)	Lb.....	RESN 06	100	RO

[1] Refractories for use in rockets, guided missiles, and jet engines require export authorization from the Department of State. See § 370.4 (a) of this subchapter.

[2] This commodity may be exported under the periodic requirements licensing procedure (see Part 378 of this subchapter) and the Foreign Distribution Licensing procedure (see Part 378 of this subchapter).

[1] This amendment was published in Current Export Bulletin No. 766, dated July 19, 1956.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 719840):				
910890	Laboratory pump stations, laboratory type [2]	No.....	SATE	None	RO
910890	Parts, n. e. c., specially fabricated for high-vacuum pump stations, laboratory type [3]	.....	SATE	None	RO
910890	Temperature regulators, laboratory type [4]	No.....	SATE	25	RO
910890	Parts, n. e. c., specially fabricated for temperature regulators, laboratory types [5]	.....	SATE	None	RO
910890	Laboratory stills [6]	No.....	SATE	None	RO
910890	Parts, n. e. c., including packing, specially designed for fabrication of laboratory distillation units [7]	No.....	SATE	None	RO
910890	Parts, n. e. c., including packing, specially designed or fabricated for laboratory fractionating or distillation units [8]	.....	SATE	25	RO

[2] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective September 4, 1956.

[3] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective September 4, 1956, and may be exported under the Foreign Distribution Licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., July 26, 1956.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
775100	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns, and ovens in 707415-707492):				
775315	Sintering and refining furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,000° C.				
775340	Metal melting furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,000° C.				
	Nonelectric industrial furnaces, n. e. c., designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,000° C.:				
775360	Furnaces, n. e. c.	M.....	BLDG 31	None	RO
775360	Parts for furnaces, n. e. c.	.....	BLDG 31	None	RO

This part of the amendment shall become effective as of 12:01 a. m., July 19, 1956.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
516810	Refractories, except graphite (brick and shapes reported in thousands, 9-inch equivalent): Firebrick and Shapes, except plastic, n. e. c.: Firebrick and shapes, composed of 97 percent or more by weight of beryllium oxide or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (specify by name) [9]	M.....	BLDG 31	None	RO
516880	Refractories, n. e. c.: Refractories, composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (specify by name) [9]	.....	BLDG 31	None	RO

[9] The commodity description is revised without substantive change.

Dept. of Com. Indus. Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i.e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation)—Continued				
774490	Automatic control valves, fitted with bellow seal, wholly of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy); chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene, except the following types of valves: (1) check, non-return, and float valves; (2) pressure relief valves designed for working pressures of less than 450 psi (30 kgs. per sq. cm.); (3) valves and cocks specially designed for use in motor vehicles and for electric household refrigerators and home freezers. (Give full specifications.) (3) [1]	No.....	QIEQ 5	250	RO
774498	Parts, n. e. c., specially fabricated for: metal valves and cocks fitted with bellows seal and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and valves and cocks having all flow-contact surfaces made of polyfluoro-fluoroethylene (e. g., Teflon) or polytrifluorochloroethylene. (Specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure.) (1) [1]	.....	QIEQ 5	250	RO
774498	Parts, n. e. c., specially fabricated for other pipe valves and cocks included on the Positive List under Schedule B Nos. 774450-774490. (Specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure.) (2) [1]	.....	QIEQ 5	250	RO
775150	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts, n. e. c., for electric furnaces, kilns, and ovens in 7574[illegible]-7574[illegible]:				
	Specially fabricated parts, n. e. c., for carbon black furnaces, controlled atmosphere types (intermittent or continuous): [2]	.....	MINE 5	1,000	RO
794660	Aircraft tooling, ground handling and maintenance equipment, all specially fabricated parts, n. e. c. (specify by name) (1, 2, 3). [1] [3]	.....	TRAN	250	R
	Plastics and resin materials:				
825920	Plastic film and sheeting, including printed, embossed, planished, or otherwise treated surface: Polyethylene with average molecular weight above 10,000. (Specify whether virgin or scrap.) (4) [1]	Lb.....	RESN 68	100	RO
	Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder, including all shapes solely made therefrom:				
825980	Polyethylene with average molecular weight above 10,000. (Specify whether virgin or scrap.) (4) [1]	Lb.....	RESN 68	100	RO
	Synthetic resins, n. e. c., in all unfinished and semi-finished forms, including scrap, except laminated and except film and sheeting:				
825970	Polychlorylene with average molecular weight above 10,000. (Specify whether virgin or scrap.) (3) [1]	Lb.....	RESN 68	100	RO

[1] This entry is substituted for the three entries presently on the Positive List under Schedule B No. 774900. All aircraft trailing, ground handling, and maintenance equipment and parts are now covered by Processing Code "TRAN."

[2] The GLV dollar-value limit is increased.

[3] The commodity coverage has been decreased.

[4] The commodity coverage is increased, effective July 26, 1956.

[5] One entry is substituted for the second and third entries presently on the Positive List under Schedule B No. 707840.

This part of the amendment shall become effective as of July 19, 1956, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R and Country Group O destinations as a result of changes set forth in Parts 1 or 3 of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m. July 26, 1956, may be exported under the previous general license provisions up to and including August 20, 1956. Any such shipment not laden aboard the exporting carrier on or before August 20, 1956, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-6000; Filed, July 26, 1956; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PAYMENT PROVISIONS

Effective upon publication in the FEDERAL REGISTER, § 25.272 (c) is amended as set out below.

§ 25.272 *Payment provisions.* • • •

(c) An employee in a position in which he is receiving additional annual compensation under § 25.251 or § 25.261 shall, at the discretion of the head of the department, continue to receive such additional compensation:

(1) For a period of not to exceed ten consecutive prescribed work days on temporary assignment to other duties in which conditions do not warrant payment of additional annual compensation, and for a total of not more than thirty (30) such work days in any calendar year.

(2) For an aggregate period of not more than sixty (60) prescribed work days on temporary assignment to a formally approved program for advanced training duty directly related to duties for which additional annual compensation is payable.

(3) In no event shall additional annual compensation be paid under this paragraph for more than sixty (60) work days in any calendar year.

(Sec. 605, 59 Stat. 304, 68 Stat. 1111; 5 U. S. C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6083; Filed, July 26, 1956; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6214]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CLIFFORD E. RICE ET AL.

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice;* § 13.1490 *Nature, in general;* § 13.1513 *Operations generally;* § 13.1520 *Personnel or staff;* § 13.1560 *Stock, product or service.* Subpart—*Using misleading name*—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clifford E. Rice et al. t. a. Retail Board of Trade et al., Chicago, Ill., Docket 6214, July 6, 1956]

In the Matter of Clifford E. Rice, Edith M. Rice and Frances M. Fischer, Individuals and Copartners, Trading as Retail Board of Trade and Edward E. Brim, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three operators of a collection agency in Chicago, who secured business through solicitors furnished with contract forms for listing delinquent accounts by retailers, professional men, etc., in various States for collection, with falsely representing through use of their trade name "Retail Board of Trade" that they were an organization of retailers; with representing falsely through statements of solicitors and by means of the contract forms that there would be no charge if no collections were made on a claim, that their maximum fee was 50 percent, that fees would be charged only against accounts on which collections were made; and with representing falsely through statements and form letters and through the prominent use thereon of the term "Liquidation" that it was to the debtor's financial advantage to reply or that information provided by the employer would be to the employee's financial advantage, that their organization was a credit rating agency, or that field investigators would be sent to debtor's homes and neighbors unless the information requested was furnished.

Following respondents' filing of joint answers and hearings in due course, the hearing examiner made his initial decision, including order to cease and desist, which, after review and modification by the Commission, became on July 6, by order of June 29, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered that this action be, and the same hereby is, dismissed as to the respondent Clifford E. Rice, deceased.

It is ordered, That this action be, and the same hereby is, dismissed as to the respondent Clifford E. Rice, deceased.

It is further ordered, That respondents Edith M. Rice and Frances M. Fischer, individuals and the surviving copartners of Clifford E. Rice, deceased, now trading as Retail Board of Trade, or trading under any other name, respondent Edward E. Brim, an individual, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection in commerce, as "commerce" is defined in the Federal Trade Commission Act, do hereby cease and desist from:

1. Representing, directly or by implication:

(a) That no charges will be made for accounts unless they are collected;

(b) That a maximum of 50 percent, or any other percentage less than that actually charged, will be retained by respondents from accounts collected;

(c) That no listing or other fees will be charged against uncollected accounts;

(d) That respondents will make prompt regular or periodic reports on claims in their hands for collections, unless such reports are made at prompt and regular intervals.

2. Using the name Retail Board of Trade or any other name of similar import to designate, describe or refer to respondents' business, or otherwise representing directly or by implication that they are a trade or other organization of retailers or other businessmen.

It is further ordered, That respondents Edith M. Rice and Frances M. Fischer, individuals and surviving copartners of Clifford E. Rice, deceased, now trading as Retail Board of Trade, or trading under any other name, respondent Edward E. Brim, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the collection of, or attempts to collect, accounts in commerce, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That they are a credit rating agency, or are engaged in making credit investigations or reports for banks or business houses, or that the information requested in printed forms, or written matter is to be used for other than the collection of debts from the subjects of the forms;

(b) That their business is other than a collection agency.

(c) That they employ investigators or collectors to make personal calls on debtors.

2. Using the name "Retail Board of Trade," or any other name of similar import to designate, describe or refer to respondents' business or otherwise representing, directly or by implication that they are a trade or other organization of retailers or other businessmen.

By "Decision of the Commission", report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6079; Filed, July 26, 1956; 8:52 a. m.]

[Docket 6481]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOULD'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act: § 13.73 *For-*

mal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1325 *Source or origin:* Maker or seller, etc.: Fur Products Labeling Act; Place: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Gould's, Inc., et al., Minneapolis, Minn., Docket 6481, July 14, 1956]

In the Matter of Gould's, Inc., a Corporation, and William L. Gould, Freda M. Gould and Clyde M. Gould, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Minneapolis furrier with violating the Fur Products Labeling Act through failing to disclose in advertisements in newspapers the true names of animals producing the fur and that certain fur products contained or were composed of artifically colored fur; by failing to maintain adequate records disclosing the facts on which comparative price and percentage price claims were made; by misbranding products through failing to set forth on labels attached thereto, information as required by the act; and by failing to invoice certain products as required—and an agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which by order of June 29 became on July 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Gould's, Inc., a corporation, and its officers, and William L. Gould, Freda M. Gould and Clyde M. Gould, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertisement, offer for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in fur products as set forth in the Fur Products Name Guide as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

3. Contains the name or names of any animal or animals other than the name or names specified in Paragraph A (1) above;

4. Makes comparative or percentage pricing claims, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations;

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names provided for in Paragraph B (1) (a) above;

3. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form;

(b) Non-required information mingled with required information;

(c) Required information in handwriting;

(d) The term "blended" as a part of the required information to describe the pointing, bleaching, dyeing or tip-dyeing of furs, in violation of Rule 19 (c) of the rules and regulations;

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

2. Setting forth, on invoices pertaining to fur products, required information in abbreviated form;

3. Using the term "blended" on invoices as a part of the required information to describe the pointing, bleaching, dyeing or tip-dyeing of furs, in violation of Rule 19 (c) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Gould's, Inc., a corporation, and William L. Gould, Freda M. Gould and Clyde M. Gould, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: June 29, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6080; Filed, July 26, 1956; 8:53 a. m.]

[Docket 6306]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DEXTER THREAD MILLS, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* § 13.1435 *History;* [*Misrepresenting oneself and goods*]—Prices: § 13.1820 *Retail or selling as dealer's, wholesale, or factory distributor's.* Subpart—*Using misleading name*—Goods: § 13.2323 *Prices;*[1] [*Using misleading name*]—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dexter Thread Mills, Inc., et al., Elgin, Ill., Docket 6306, July 18, 1956]

[1] New.

In the Matter of Dexter Thread Mills, Inc., a Corporation, Trading as Lee Ward Mills and Also as Leeward Mills and Sidney C. Fink and Ralph A. Fried, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers with representing falsely, through use of the words "Thread Mills" or the word "Mills" in their corporate or trade name and otherwise, that they were manufacturers of the needle-craft items they sold by mail order to the general public and that the merchandise was sold at mill prices; and with representing falsely on catalogs and elsewhere that they had been in business "Since 1820"—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which by order of June 29 became on July 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Dexter Thread Mills, Inc., a corporation, also trading as Lee Ward Mills, Leeward Mills, or under any other name or names, and its officers, and Sidney C. Fink and Ralph A. Fried, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise to the general public, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Thread Mills" or the word "Mills", or any other word or words of similar import or meaning, as a part of the corporate or trade name; or otherwise representing, directly or by implication, that Respondents, or any of them, manufacture the merchandise sold or offered for sale by them; except that nothing contained herein shall be construed to prohibit Respondents from representing that the nylon yarn and nylon products, or any other products, sold by Respondents are manufactured by them when such is the case;

2. Representing, directly or by implication, that their merchandise is sold or offered for sale at mill prices;

3. Representing, directly or indirectly, that the business of Respondents was established prior to 1946.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Dexter Thread Mills, Inc., a corporation, trading as Lee Ward Mills and also as Leeward Mills and Sidney C. Fink and Ralph A. Fried, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6081; Filed, July 26, 1956; 8:53 a. m.]

[Docket 5994]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. J. HEINZ CO. ET AL.

Subpart—*Boycotting seller-suppliers:*[1] Sec. 13.302 *Boycotting seller-suppliers.*[1] Subpart—*Combining or conspiring:* § 13.392 *To boycott seller-suppliers;*[1] § 13.472 *To restrain cooperatives' activities.* Subpart—*Controlling, unfairly, seller-suppliers:* § 13.535 *Controlling, unfairly, seller-suppliers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, H. J. Heinz Company (Pittsburgh, Pa.) et al., Docket 5994, June 29, 1956]

In the Matter of H. J. Heinz Company, Campbell Soup Company, Joseph Campbell Company, Stokely Van-Camp, Inc., Bauer Cannery, Inc., Beckman & Gast Co., Inc., Buckeye Canning Co., Inc., Foster Canning, Inc., Gibsonburg Canning Company, Inc., Greenville Canning Co., Inc., Hirzel Canning Company, Hunt Foods, Inc., Hunt Foods of Ohio, Inc., Lake Erie Canning Co. of Sandusky, St. Mary's Packing Co., Inc., Sharp Canning Co., J. Weller Company, Winorr Canning Company, Corporations, Their Officers, Directors, Agents, Representatives and Employees; Charles F. Boucher, Individually, and as a Copartner in the Partnership of Bryan Canning Co.; Richard C. Boucher, Individually, as a Copartner in the Partnership of Bryan Canning Co., and as a Director of The Ohio Canners Association, Inc.; George A. Hathaway, Individually, as the Present Sole Owner, and Formerly as a Copartner in the Partnership of Home Canning Co.; Lawrence B. Hall, Individually, and as a Former Copartner in the Partnership of Home Canning Co.; Robert H. Timmer, Individually, and as a Copartner in the Partnership of Tip Top Canning Co.; Thomas G. Timmer, Individually, as a Copartner in the Partnership of Tip Top Canning Co.; and as Second Vice President of The Ohio Canners Association, Inc., Henry A. Diegel, Individually, and Trading Under the Name and Style of Diegel Canning Co.; Luke F. Beckman, Individually, and Trading Under the Name and Style of Minster Canning Co.; Charles F. Stemley, Individually, and Trading Under the Name and Style of Stemley Canning Co., and as a Director of The Ohio Canners Association, Inc.; The Ohio Canners Association, Inc., Incorporated as The Ohio Canners Association; Walter A. Scheid, Individually, as President of The Ohio Canners Association, Inc., and as Manager of the Napoleon, Ohio, Plant of Campbell Soup Company; French Jenkins, Individually, and as First Vice President of The Ohio Canners Association, Inc.; Paul Hinkle, Individually, and as Secretary-Treasurer of The Ohio Canners Association, Inc.; Roy Irons, Individually, and as Assistant to the President of The Ohio Canners Association, Inc.; Paul Korn, Norman M. Spain, Karl Hirzel, and Leroy Wenger, Individually, and as Directors of The Ohio Canners Association, Inc.; Albert F. Dreyer, Individually, and as Secretary-Treasurer of Indiana Canners Association, Inc.; Joseph J. Wilson, Individually, and as Manager of Contract Crops of H. J. Heinz Company; Howard E. McKinley, Individually, and as Midwest Regional Manager of Manufacturing for H. J. Heinz Company; Everitt E. Richard, Individually, and as Manager of the Bowling Green, Ohio, Plant of H. J. Heinz Company; Cyril P. Roberts, Individually, and as Manager of the Fremont, Ohio, Plant of H. J. Heinz Company; Edgar W. Montell, Individually, and as Manager, Agricultural Department of Joseph Campbell Company; Harold R. Collard, Individually, and as Divisional Manager, Agricultural Department of Joseph Campbell Company; Herbert F. Krimendahl, Individually, and as President of Stokely Van-Camp, Inc.; Samuel Hammond, Individually, and as District Manager of the Ohio Plants of Stokely Van-Camp, Inc.; Russell Kline, Individually, and as Assistant District Manager of the Ohio Plants of Stokely Van-Camp, Inc.; A. A. Ehrman (First Name Unknown), Individually, and as Manager of the Curtice, Ohio, Plant of Stokely Van-Camp, Inc.; George W. Conelly, Individually, and as Manager of the Wauseon, Ohio, Plant of Winorr Canning Company, George Wenger, Individually, as Secretary-Treasurer and Manager of Lake Erie Canning Co. of Sandusky

This proceeding was heard by a hearing examiner on the complaint of the Commission charging 18 corporations, their officers and directors, and a number of partnerships, engaged in the tomato processing business, a trade association and its officers, etc., and the secretary-treasurer of a second trade association, with engaging in a planned common course of action to boycott and otherwise illegally interfere with tomato growers in the "Ohio tomato area" from whom they purchased tomatoes, and to fix and maintain prices to be paid for raw tomatoes. Following respondents' answers, hearings in due course, and filing of respondents' motions to dismiss, the hearing examiner rendered his first initial decision dismissing the complaint as to the smaller processors and dismissing charges of concerted price fixing.

Upon appeal, the ruling was affirmed in an opinion by Chairman Gwynne and the case remanded for further hearing. At the conclusion of such hearings, the hearing examiner found that a conspiracy did exist but held that, because

[1] New.

of the termination of the illegal acts prior to the complaint and other circumstances, no order should issue, and accordingly dismissed the charges without prejudice. From this, both sides appealed.

Having heard the matter on briefs and oral argument, the Commission, on June 29, 1956, in an opinion by Chairman Gwynne rendered its decision in which it denied respondents' appeal, granted in part and denied in part the appeal of counsel supporting the complaint, dismissed the complaint as to certain of the respondents, and directed entry of an order to cease and desist as to the eleven remaining. Commissioned Anderson filed a dissent disagreeing with the dismissal of a certain respondent.

The order to cease and desist and the order requiring report of compliance therewith are as follows:

It is ordered, That the findings of fact and conclusions, excepting those conclusions that the complaint should be dismissed without prejudice because of the discontinuance of the practices involved, as contained in the hearing examiner's initial decision be, and they hereby are, adopted as the findings of fact and conclusions of the Commission; and

It is further ordered, That the complaint be, and it hereby is, dismissed as to corporate respondents, Gibsonburg Canning Company, Inc., Sharp Canning Co., Hunt Foods, Inc., and as to the individual respondents, Joseph J. Wilson, Howard E. McKinley, Everitt E. Richard, Cyril P. Roberts, Edgar W. Montell, Harold R. Collard, Herbert F. Krimendahl, Samuel Hammond, Russell Kline, A. A. Ehrman, George W. Conelly and George Wenger, in their individual capacities; and

It is further ordered, That respondents, H. J. Heinz Company, Campbell Soup Company, Joseph Campbell Company, Stokely Van-Camp, Inc., Bauer Cannery, Inc., Foster Canning, Inc., Hirzel Canning Company, Lake Erie Canning Co. of Sandusky, J. Weller Company, Winorr Canning Company, and Hunt Foods of Ohio, Inc., their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the procuring, purchasing or contracting for the purchase of raw tomatoes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

(a) Refusing to grant recognition of or to negotiate or deal with Cannery Growers, Inc., an association of tomato growers, as a bargaining agent for its grower members;

(b) Refusing to purchase or to contract to purchase tomatoes from growers who are members of Cannery Growers, Inc.

It is further ordered, That respondents, H. J. Heinz Company, Campbell Soup Company, Joseph Campbell Company, Stokely Van-Camp, Inc., Bauer Cannery, Inc., Foster Canning, Inc., Hirzel Canning Company, Lake Erie Canning Company of Sandusky, J. Weller Company, Winorr Canning Company, the Hunt Foods of Ohio, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Anderson dissenting as to dismissal of the complaint as to respondent Hunt Foods, Inc., and Commissioner Kern not participating.

Issued: June 29, 1956.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6082; Filed, July 26, 1956; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

EVERGLADES NATIONAL PARK

1. Paragraph (a), *Commercial fishing*, subparagraph (7), of § 20.45, entitled *Everglades National Park*, is amended to read as follows:

(7) Crab traps shall have rectangular openings not to exceed sixteen square inches in area and the longer dimension shall not exceed five inches. Crab traps shall be buoyed.

(Sec. 3, 39 Stat. 535, as amended, sec. 209, 48 Stat. 205; 16 U. S. C. 3, 40 U. S. C. 409)

Issued this 13th day of July 1956.

[SEAL] GEORGE W. FRY,
Acting Superintendent,
Everglades National Park.

[F R. Doc. 56-6060; Filed, July 26, 1956; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11515; FCC 56-740]

[Rules Amdt. 3-22]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations. (Bryan-College Station, Texas).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on October 5, 1955 (FCC 55-993). The Notice was issued pursuant to the petition filed on July 5, 1955, by John M. Lawrence III, individually and as trustee for W. C. Mitchell, Frank Seale, G. S. Parker, Brazos A. Varisco, and John M. Lawrence, to make Channel 3, presently reserved in College Station, Texas for education, available for commercial use. Petitioner requested that Channel 3 be assigned to Bryan-College Station and that either Channel 48, assigned to College Station, or Channel 54, assigned to Bryan, be reserved for educational use in place of Channel 3.

2. Comments in support of the proposed amendments were filed by the Bryan Independent School District. Oppositions to the proposal were filed by Texas Agricultural and Mechanical College System, College Station, Texas and the Joint Council on Educational Television.

3. In support of the proposed amendment, petitioner alleged that since the assignment of Channel 3 to College Station in 1952, no action has been taken to make use of the channel and that there is no evidence that such use is even remotely considered at this time or within the foreseeable future. Petitioner states that Bryan, the county seat and the largest city of Brazos County, has a population of 23,883 persons, and that an additional 6,000 inhabitants reside within a 2-mile radius of the city limits; that the population of College Station is in excess of 10,000; that the Texas Agricultural and Mechanical College of Texas, located at College Station, has a student body of approximately 6,500 students and that 2,500 air force personnel and 600 civilians reside at Bryan Air Force Base, 6 miles west of Bryan; that the Bryan-College Station area, of which Bryan is the retail trade center, is actually one trade territory, and that it has experienced a rapid and consistent growth since 1940. Petitioner further asserts that numerous existing VHF television stations can be received in the Bryan-College Station area; and that no UHF signal can be received within 50 miles of the area and, accordingly, the television receivers owned by the residents of this area are equipped only to receive VHF signals. Petitioner represents that if Channel 3 is made available for commercial use, it will apply for a station.

4. The Bryan Independent School District in support of the proposed amendment asserts that there is no chance, either at this time or in the foreseeable future, for it to operate an educational television station on Channel 3; that petitioner has offered to make time available to the school district and other local educational institutions on the proposed commercial station; and that the educational program of the area would be furthered by having time for educational programs made available on the proposed commercial station rather than to continue the unused educational reservation.

5. In Opposition to the proposed amendment, Texas Agricultural and Mechanical College System maintains that of the three channels assigned to the Bryan-College Station area, only VHF Channel 3 is of any value for educational purposes; that it has been making a careful study of the growing use of educational television; and that in view of the growing importance of television as an educational tool, the reservation of VHF Channel 3 in College Station should be continued to afford it the opportunity of entering the field of educational television.

6. The Joint Council on Educational Television argues that since 1952, education has made great strides in using television for education; that 18 communities now have educational television stations in operation, serving more than 40,000,000 people, that 3 other communities have educational stations under construction which will be in operation soon; and that 7 communities have made substantial progress in plans to build stations. JCET further argues that there has been considerable interest in educational television in Texas evidenced by the fact that in 1953 the Texas State Legislature adopted a resolution requesting the Commissioner of Education to appoint a Committee to look into the question and that in May 1955, the Texas Senate adopted Resolution No. 60 requesting the Commissioner of Education to continue the work of the Committee. It also alleges that since two-thirds of the channels reserved for educational use are UHF it would be basically unfair to delete a VHF channel which has been reserved simply because a commercial firm seeks its use for commercial purposes; that if educational reservations are deleted or shifted from VHF to UHF, educational leaders will not be able to continue their long-range planning looking toward the activation of these channels and the development of educational television stations will be doomed.

7. In the Sixth Report and Order we recognized that educational interests faced difficulties in using television for educational purposes which would not be encountered by commercial interests. Accordingly, we reserved the educational channels to give local educational interests adequate time to prepare for television. However, we expected that local educational interests would, within a reasonable time, undertake to formulate concrete plans for the utilization of the reserved channels and begin promptly to take definite affirmative action looking toward the fulfillment of those plans. In the absence of substantial evidence that the educational interests in a locality have made constructive efforts to fulfill these expectations, we cannot justify the continued reservation of available spectrum space for educational purposes, particularly where there is evidence of a demand for the reserved channel for a commercial station which would provide television service to a substantial number of persons. The record in this proceeding is devoid of any evidence that the educational interests in College Station have made any concrete plans or taken affirmative action looking toward the use of Channel 3 other than studies of the growing use of educational television. On the contrary, certain educational interests in the area have stated that there is no prospect at this time or in the foreseeable future of operating an educational television station on this channel and that the educational program of the area would be furthered by having time made available on the proposed commercial station rather than continuing the educational reservation. These circumstances, weighed in the light of the important fact that making *3 available for commercial use would enable this area to obtain a first local television station, have persuaded us that the Table of Television Assignments should be amended to make Channel 3 available for commercial use and reserve Channel 48 in College Station for education.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective August 27, 1956, the Table of Television Assignments contained in § 3.606 as amended insofar as the communities named are concerned, as follows:

City:	Channel No.
Bryan-College Station, Tex	3+
College Station, Tex	*48—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307.)

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6038; Filed, July 26, 1956; 8:45 a. m.]

[1] Commissioners McConnaughey and Hyde dissenting.

[Docket No. 11715; FCC 56-756]

[Rules Amdt. 3-24]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Fort Wayne, Indiana).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on May 24, 1956 (FCC 56-481) and published in the FEDERAL REGISTER on May 30, 1956 (21 F. R. 3699), proposing to amend the Commission's Table of Television channel assignments by shifting Channel 21+ from Huntington to Fort Wayne, Indiana.

2. Comments have been filed by James R. Fleming, survivor of James R. Fleming and Paul V. McNutt, doing business as Anthony Wayne Broadcasting, an applicant in the comparative proceeding for Channel 69 at Fort Wayne; Tri-State Television, Inc., permittee of Station WINT at Waterloo, Indiana; and the Huntington Chamber of Commerce. A Reply was filed by Sarkes Tarzian, Inc., applicant for a new station on Channel 21 at Roanoke, Indiana.

3. Three UHF channels—Channels 27, 33 and 69—are presently assigned to Fort Wayne, a city of approximately 134,000 persons located in the northeast portion of Indiana. Channel 27 is reserved for noncommercial educational use and is unoccupied. Northeastern Indiana Broadcasting Company operates Station WKJG-TV on Channel 33, and Radio Fort Wayne, Inc., has been issued a construction permit for Station WANE on Channel 69.[1] Channel 21, originally assigned to Fort Wayne in the Sixth Report and Order, was removed from that city because of the discovery that it did not meet all the required mileage separations. It was later assigned to the community of Huntington, Indiana, a community of 15,079 persons located about 22 miles southwest of Fort Wayne. No other channels are assigned to Huntington. Sarkes Tarzian, Inc. is an applicant, under the "15 mile" rule, for a new station on Channel 21 (assigned to Huntington) at Roanoke, Indiana, a community of 808 persons located about 14 miles southwest of Fort Wayne. The only other assignment in the area is Channel 15, assigned to Angola, Indiana, approximately 38 miles north of Fort Wayne. Tri-State Television, Inc., operates Station WINT on this channel at Waterloo, Indiana, under the "15 mile" rule.[2] Waterloo is a community of 1,414 persons located 14.2 miles south of Angola and 24 miles north of Fort Wayne. A petition for rule making was filed on February 3, 1956, by Tri-State Television, Inc., requesting that Channel 15 be reassigned to Fort Wayne and Channel 77 substituted therefor in Angola, and the Commission has this date instituted rule making on this proposal.

4. Anthony Wayne Broadcasting supports the reassignment of Channel 21 from Huntington to Fort Wayne, provided it is made available to the successful applicant for Channel 69 at Fort Wayne; otherwise, it urges that Channel 21 remain at Huntington. It contends that it applied for and prosecuted its application for Channel 69 through a comparative hearing and subsequent proceedings for review only because Channel 21 was deleted from Fort Wayne and Channel 69 substituted therefor. It points out that the outcome of the Channel 69 proceeding is still uncertain in light of the pending appeal proceedings in the United States Court of Appeals, and urges that unless Channel 21 is made available to the contestants for Channel 69 in the event it is reassigned to Fort Wayne, those who underwent the comparative proceeding in reliance on the Commission's former action in deleting Channel 69 from Fort Wayne, will be unjustly penalized. It further states that the applicant for Channel 21 at Roanoke is in reality seeking to serve Fort Wayne and that it would be an abuse of the Commission's processes to reward that applicant who, by representing that it intended to serve a wholly different area,

[1] On June 13, 1956, the Commission authorized the transfer of Station WINT on Channel 15 in Waterloo, Indiana, to Universal Broadcasting Company, Inc., owners of 100 percent of the stock of Radio Fort Wayne, Inc. Universal stated in its application that it will surrender its permit for Station WANE-TV on Channel 69 in Fort Wayne. The transfer becomes effective 45 days from June 13th.

[2] See footnote 1, supra.

has escaped establishing its qualifications to serve Fort Wayne.

5. Tri-State Television, Inc., permittee of Station WINT on Channel 15 at Waterloo, urges that its petition for shifting Channel 15 from Angola to Fort Wayne was filed before the institution of the instant proceeding, and should be acted upon prior to the proposal to assign Channel 21 to Fort Wayne since its proposal involves an operating UHF station.

6. The Huntington Chamber of Commerce urges that Channel 21 be retained at Huntington. It also urges that the application pending for Channel 21 at Roanoke should be granted so that Huntington can have its own TV outlet. It points out that the application was filed for Roanoke, within 15 miles of either Huntington or Fort Wayne, in order to conform to the Commission's Rules. The Chamber of Commerce submits that Huntington has needed an outlet for some time; that Huntington and Huntington County have no radio or TV station or any outlet for local expression, and that the nearest radio and TV stations are at Fort Wayne. While conceding that Fort Wayne has a larger population than Huntington, the Chamber of Commerce urges that Fort Wayne should not be given a third commercial TV channel by depriving Huntington of its only assignment. It points out that Huntington is in the heart of a rich agricultural area; that 34 religious groups, including a monastery and school, are in Huntington; that educational facilities include public schools, libraries, parochial schools and colleges; that there are many professional, civic, fraternal and labor organizations, societies and clubs; and that the largest Catholic publishing house, Our Sunday Visitor, Inc., the Indiana Farmer's Guide, and numerous other industries and industrial plants are located in Huntington and Roanoke or nearby towns. It states that the applicant for Channel 21 at Roanoke has included within its schedule programs affording local expression for various groups, as well as educational, agricultural, and network programs.

7. In its reply Sarkes Tarzian, Inc., urges that the subject proceeding for shifting Channel 21 to Fort Wayne be cancelled or withdrawn and that its pending application for Channel 21 be granted so that small communities in the area will have an outlet for local expression and the residents of the Huntington-Roanoke-Fort Wayne area will be able to have a choice of three instead of two stations. It claims that the contentions of Anthony Wayne to the effect that it represented in its application that it intended to serve a wholly different area than Fort Wayne when it was in reality intending to reach Fort Wayne "through a back door" are without merit; that it intends to provide programming for the entire service area and has never contended that it would program exclusively for Huntington, Fort Wayne, Roanoke, or any other community; that the close proximity of Huntington, Roanoke and Fort Wayne enables a station to serve more than one town; that its problems in connection with finding a suitable transmitter site and the reasons for selecting its proposed site are fully explained in affidavits filed in connection with its application; and that its application complies with both present and proposed rules.

8. Channel 21 was originally assigned to Fort Wayne by the Sixth Report and Order, but was removed upon discovery that it did not meet all minimum spacings. The Commission subsequently denied two requests for the reassignment of Channel 21 from Huntington to Fort Wayne (Memorandum Opinion and Order, FCC 55-803, July 20, 1955). Our principal reason for doing so was based on the fact that the assignment of Channel 21 to Fort Wayne could not be made in conformance with the minimum spacing requirements. Since that decision the Commission has considered in two rule making proceedings the matter of whether the minimum separation requirements should be relaxed to provide more flexibility in making assignments so as to permit additional service and more effective competition among stations. These were the general television allocation proceeding in Docket No. 11532 and a separate proceeding in Docket No. 11714. In our Report and Order of June 26, 1956, in the television allocation proceeding, we concluded that it would be in the public interest to relax spacing requirements to permit assignments that would meet all requirements of the present rules, including transmitting spacing requirements, except the minimum spacing requirements from the city where a new assignment is proposed. In addition, we have this date reached the same conclusion in the proceeding in Docket No. 11714 and have finalized amendments to the mileage separation rules permitting channel assignments on the basis of showings that spacings measured from transmitter sites would meet the minimum assignment spacing and principal city coverage requirements. Under the new rules governing minimum spacing requirements, Channel 21 can be assigned to Fort Wayne.

9. Upon our careful consideration of the comments and all the factors involved, we have determined that the public interest will best be served by the assignment of Channel 21 to Fort Wayne. Fort Wayne is the largest community in the area, and the smaller communities of Huntington and Roanoke are in such close proximity to Fort Wayne that the utilization of Channel 21 at Fort Wayne will provide additional television service to those communities and many other communities in the area. We are not unmindful of the desire of Huntington for a local outlet or the demand for the use of Channel 21 at Roanoke. Those communities, however, are so near to Fort Wayne and so much smaller, that any station located in either of them would include Fort Wayne in its coverage and service area, and while in competition with Fort Wayne stations, would be at a competitive disadvantage because of its location. We have just concluded a study extending over many months in the general television allocation proceeding of ways and means to solve the problems inhibiting the expansion of the television service; and in our Report and Order of June 26, 1956, we outline our proposed long-range and interim course of action. Our interim plans are directed to improving the opportunities for effective competition among a greater number of stations in many areas. We do not believe that the utilization of Channel 21 in Huntington or Roanoke would be in accord with this objective, and we are of the view that its utilization in Fort Wayne would improve the competitive television situation in the area and provide more effective television service to the entire area.

10. While we have determined that Channel 21 should be assigned to Fort Wayne, we are of the view that this assignment should be made available for application by any interested party and that Anthony Wayne Broadcasting's request that it be made available to the Channel 69 applicants should be rejected. We also believe that there is no justification for withholding our decision in this proceeding pending final action on the petition of Tri-State Television, Inc., for shifting Channel 15 from Angola to Fort Wayne.

11. Authority for the adoption of the amendment herein is contained in sections 4 (i), 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

12. In view of the foregoing: *it is ordered*, That effective August 27, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the cities named are concerned, as follows:

(a) Add:

City:	Channel No.
Fort Wayne, Ind----	21+, *27+, 33-, 69

(b) Delete Huntington, Indiana, from the table.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, 1083; 47 U. S. C. 303, 307.)

Adopted: July 19, 1956.

Released: July 23, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6040; Filed, July 26, 1956; 8:45 a. m.]

[Docket No. 11714; FCC 56-755]

[Rules Amdt. 3-23]

PART 3—RADIO BROADCAST SERVICES

REFERENCE POINTS AND DISTANCE COMPUTATIONS

In the matter of amendment of § 3.611 (a) (2) of the Commission's rules and regulations.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on May 24, 1956, and published in the FEDERAL REGISTER on May 30, 1956 (21 F. R. 3699), proposing to amend § 3.611 (a) (2) of the rules and regulations so as to permit a 5-mile tolerance in making assignments to communities which do not meet the minimum separation requirements to an existing transmitter site in another community provided transmitter sites are available which would meet the minimum spacing requirements.

2. Three parties, American Broadcasting Company, Tri-State Television, Inc., and National Broadcasting Company, Inc., filed comments generally supporting the proposed amendment or its objective. The latter two parties suggested certain modifications or revisions.

3. ABC urges that there is sound reason for adopting the amendment since it would raise no serious question with respect to engineering standards or policy and would introduce an element of flexibility in the allocation of channels which might help to improve the television situation in particular communities. ABC submits, however, that the degree of flexibility permitted by the amendment in applying spacing requirements, although useful and a step in the right direction, is too limited to solve the basic television problem of providing an adequate number of competitive assignments in many communities, and for that reason it had proposed much more extensive modification of spacing requirements in the general allocation proceeding in Docket No. 11532.

4. Tri-State Television urges that the proposed amendment would encourage the utilization of unoccupied channels assigned to towns too small to support a station by permitting the reassignment of the channel to a larger community where there is a greater chance for successful operation. It contends, however, that the scope of the amendment is too restricted since the 5-mile limitation is not sufficiently flexible to accomplish this purpose, and since, under the terms of the proposed amendment, it would not accommodate the situation where an existing station, hard-pressed to survive in a small town, proposes reassignment of its channel to a nearby city capable of supporting it. Tri-State urges that there are even more compelling reasons for relaxing spacing requirements to afford relief to existing stations than to potential telecasters, and it urges that the amendment be modified to take care of both types of situations by permitting channel assignments or reassignments even though minimum separation requirements cannot be met, provided that transmitter sites are available which would meet the required spacings and the minimum field intensity over the community.

5. NBC favors the general objective of the amendment—to increase the utility of channels by permitting additional assignments without degrading service. It claims that the proposed rule can be useful in any revision of the allocation plan because it permits the creation of additional competitive VHF markets and UHF-only markets. However, NBC believes that, to avoid compounding the present allocation problem, prior to the adoption of an overall reallocation plan or principles, the proposed amendment should be made applicable to only two types of situations: (1) Where 2 VHF or 2 UHF markets can be converted to three or more VHF or UHF markets; and (2) in the creation of new UHF-only markets where, by reason of the proposed mileage tolerance, it is possible to reassign to a VHF market any non-operating VHF station or any VHF stations which commenced operation as a consequence of the Commission's Orders of November 10, 1955. NBC urges that to the extent that the proposed amendment permits a station to identify itself with a more important market, its economic status can be enhanced and its prospects for successful commercial operation and capacity to render greater public service improved. It points out that adoption of the amendment will not adversely affect service since station licensees will still have the same responsibility and opportunity to serve their entire service areas, including the smaller communities therein. It cautions, however, that the proposed amendment may result in some limitations on possible future transmitter moves by existing stations, and it suggests that the Commission guard against such a result by either requiring a new station authorized as a result of the amendment to comply with a 5-mile increase in the applicable minimum spacing provision in locating its transmitter site or by allowing an adversely affected existing station in any future move a 5-mile reduction in the minimum station separation requirement with respect to the new station. NBC agrees with Tri-State that limiting the reduction in the minimum assignment separations to only 5 miles is unnecessarily restrictive since adequate interference protection and service quality is insured by the requirement that the transmitter sites meet all technical requirements relating to minimum spacing and principal city coverage.

6. Sarkes Tarzian, Inc., applicant for a new station at Roanoke, Indiana (BPCT-1988), filed a peition in this proceeding requesting withdrawal of the Notice. There is no merit to its argument that the Commission's statement of policy with respect to minimum spacing requirements in its Report and Order of June 26, 1956, in the general allocation proceeding (Docket No. 11532), being broader than the 5-mile tolerance proposal, constitutes grounds for cancelling this proceeding. The Commission took no action in the allocation proceeding to implement its policy statement by amendment of the rules. Since the subject proceeding was instituted to consider amendment of the pertinent section of the rules and the degree of relaxation which should be permitted in the minimum assignment spacing requirements, it is proper for the Commission to effectuate its policy statement in this proceeding.

7. We have carefully considered the comments filed in this proceeding and conclude that the mileage separation requirements should be relaxed to make assignments possible to communities, even though they do not meet present mileage separation requirements, when transmitter sites are available which do meet all technical requirements on minimum spacings and principal city coverage. We also conclude that there is no need to limit the relaxation of the assignment spacing requirements to 5 miles nor to cases where an authorized transmitter site is available for use as a reference point in the communities to which measurements must be made, as originally proposed in this proceeding. As pointed out in the comments, these limitations are unnecessarily restrictive in view of the fact that adherence to the technical standards and the quality of service can be assured by permitting channel assignments on the basis of spacings measured from transmitter sites only when such sites meet all minimum spacing and minimum signal requirements.

8. We reached this same conclusion in our Report and Order of June 26, 1956, in the general allocation proceeding in Docket No. 11532. In outlining the immediate steps which we proposed to take to improve the opportunities for effective competition among a greater number of stations, we pointed out that in appropriate instances it might be desirable to make changes in channel assignments which could meet all requirements of the present rules, including minimum transmitter spacing requirements, except the present minimum spacing requirements from the city where a new assignment is proposed. We stated that "since it is the spacing from the transmitter that is critical, we believe, that it will be in the public interest to relax the present rules in order to permit new assignments that can be utilized within reasonable distance from the city in conformity with the minimum spacing requirement." While this relaxation of the rules will provided no cure-all for the television problems which have been impeding the expansion of the television service, it will provide needed flexibility in the making of channel assignments which will permit additional service and more effective competition among stations in some communities.

9. We are therefore amending the mileage separation rules along the lines suggested by Tri-State to permit channel assignments on the basis of showings that spacings measured from transmitter sites meet the minimum assignment spacing and principal city coverage requirements. The added flexibility permitted in making channel assignments by the amendment will be useful in the situations mentioned by NBC, but we do not believe it desirable to limit the application of the amendment to such situations. We also believe that it is neither necessary nor desirable, on the basis of the information before us at this time, to include in the amendment any provision to insure that it will not adversely affect possible future plans of existing stations to move their transmitter sites.

10. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That effective August 27, 1956, Part 3 of the Commission's rules and regulations is amended, as follows:

Section 3.611 (a) is amended by adding a new subparagraph (4) thereof, to read as follows:

(4) Where the distance between the reference point in a community to which a channel is proposed to be assigned and the reference point in another community or communities does not meet the

minimum separation requirements of § 3.610, the channel may be assigned to such community upon a showing that a transmitter site is available that would meet the minimum separation requirements of § 3.610 and the minimum field intensity requirements of § 3.685. In such cases, where a station is not authorized in the community or communities to which measurements from the proposed channel assignment must be made pursuant to § 3.610, a showing should also be made that the distance between suitable transmitter sites in such other community or communities and the proposed transmitter site for the new channel meet the Commission's minimum spacing and coverage requirements.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6039; Filed, July 26, 1956; 8:45 a. m.]

[Docket No. 11369; FCC 56-758]

[Rules Amdt. 3-25]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments,* rules governing television broadcast stations (Moses Lake, Wash.).

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 55-484) issued in this proceeding on April 21, 1955, with respect to the petition of KSEM, Inc., for the assignment of television Channel 8 to Moses Lake, Washington. In order to accomplish this assignment, Channel 11 must be substituted for Channel 8 in Walla Walla, and the offset carrier requirement for Channel 11 in Tacoma must be changed from 11+ to 11−.[1]

2. Comments were filed by KSEM, Inc., Moses Lake, Washington; Basin TV Company, Ephrata, Washington; the Mayor of Moses Lake and other individual parties.

3. KSEM, Inc. submits in support of its request that the assignment of Channel 8 to Moses Lake would bring a VHF service to an area which presently has no VHF service and has no operating UHF stations; that it would provide service to a large number of persons who do not at present receive any Grade B signals or better; and that the proposed assignment would conform to the Commission's rules and standards

4. Basin TV Company, permittee of television Station KBAS-TV authorized to operate on Channel 43 at Ephrata[2] filed an opposition to the KSEM proposal and advanced a counterproposal designed to deintermix the VHF and UHF channel assignments in the general area. Basin TV notes that it is the permittee of a UHF station in Ephrata, only 19 miles from Moses Lake, and submits that a VHF station in Moses Lake would create intermixture in the area, placing the UHF stations at a competitive disadvantage and deterring the building and operation of other UHF stations. Basin TV advances a counterproposal to deintermix the area by deleting one of the two VHF channels assigned to Walla Walla and reserving the other for education, as follows:

City	Channel No.	
	Present	Proposed
Walla Walla	5, 8, *22	*5, 22, 11, 50
Ephrata	43	16
Moses Lake	------	30 or 43
Kennewick	25	31
Richland	31	25

Basin TV explains that the change in Ephrata is necessary in order to make a UHF channel available in Moses Lake, and requests that the Commission order it to show cause why its authorization for Station KBAS-TV at Ephrata should not be modified to specify operation on Channel 16 in place of Channel 43.

5. In opposition to the deintermixture counterproposal, KSEM contends that such deintermixture would result in a large "white area" in which many communities and persons would not receive television service from any existing station. KSEM argues that service can be provided for the North Central Washington region only by a wide-coverage VHF station in light of the terrain factors and population distribution in this area. In reply to the contention concerning "white area", Basin TV submits that in the event the UHF assignments in the area, including that proposed for Moses Lake, are employed with maximum power and antenna height of 1000 feet above average terrain no "white area" would result.[3]

6. The Commission on June 25, 1956, adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which consideration would be given to interim channel changes, with a view to improving the immediate television situation in particular communities and areas. The proposal to assign a first VHF channel in the Moses Lake area, we believe, would not be consistent with the objectives enunciated in that Report and Order. All of the assignments in the Moses Lake area are presently in the UHF band and we believe the record indicates that this area will be adequately served by UHF. The Moses Lake area is one which especially conduces to the growth of UHF service. Assigning a VHF channel in Moses Lake would tend to inhibit such growth. We are of the view, therefore, that the assignment of Channel 8 to Moses Lake would not serve the public interest. We do believe, however, that the assignment of a television channel to Moses Lake is warranted and we are therefore assigning UHF Channel 61 to this community.

7. While we have concluded that the Moses Lake area should remain UHF by rejecting the proposal to assign Channel 8, we are not of the view that we should adopt the suggestion of Basin TV to make Walla Walla a UHF area by deleting from commercial use the two VHF channels assigned there. Walla Walla is situated at a sufficient distance from Moses Lake so that the operation of VHF stations in Walla Walla would not have serious adverse effect on UHF operations in the Moses Lake area. Two commercial VHF channels are presently assigned to Walla Walla in addition to one UHF channel reserved for education. Basin TV has not established a basis in this proceeding for deletion of the two VHF channels from commercial use in Walla Walla. Walla Walla is presently a VHF community and we believe that there is no necessity for revising the allocations in this area at this time.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered,* That the petition of KSEM, Inc. and the counterproposal of Basin TV Company are denied.

10. *It is further ordered,* That effective August 27, 1956, the Table of Assignments contained in § 3.606 of the

[1] The Notice specified that comments were to be filed by May 16, 1955, with reply comments 10 days thereafter. On May 26, 1955, KSEM, Inc., filed a request for an extension of time until June 1, 1955, to reply to comments filed by Basin TV Company. KSEM urged that the NARTB Convention and the press of other business made the extension necessary. KSEM filed its reply comments on June 1, 1955; and on June 10, 1955, Basin TV Company filed a reply, urging that such a pleading was necessary to complete the record, since its counterproposal was in the nature of a new proposal. The Commission has considered all of the above comments in this proceeding.

[2] Basin TV Company received an authorization for Channel 43 at Ephrata on May 4, 1955. However, on July 5, 1955, the Commission upon the protest of KSEM, Postponed the effective date of this grant and ordered a hearing (Docket No. 11414). The hearing has been completed and final Decision is being awaited.

[3] KSEM advances a number of contentions directed to the fact that the UHF station in Ephrata is proposed to be operated as a satellite. In addition, on October 5, 1955, KSEM filed a Motion to Incorporate Related Data From Docket No. 11414 (the protest hearing) in the rule making proceeding. KSEM asks the Commission to incorporate the transcript, the exhibits and the findings of the parties in the protest hearings. However, the Commission does not believe that it would be appropriate to incorporate the record of the protest hearing into this rule making proceeding. KSEM has had full opportunity to present its comments in this proceeding and we see no necessity for burdening the rule making proceeding with evidence relating to the issues in the protest matter. The Motion of KSEM is therefore denied.

Commission's rules and regulations is amended as follows:

(a) Add:

City:	Channel
Moses Lake, Wash.	61

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 19, 1956.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6068; Filed, July 26, 1956; 8:50 a. m.]

[Docket No. 11374]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

ASSIGNABLE FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete the frequencies 6240 kc and 6455 kc and to make the frequency 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waterways (except the Great Lakes).

The Commission's Report and Order of July 6, 1956, in the above-entitled matter (FCC 56-648) which was published in the FEDERAL REGISTER on July 18, 1956, at page 5361 is corrected as follows:

Appendix 4, Item B.3. This item amends § 8.351 (d) (11) of the Commission's rules. In subparagraph (11) the frequency 8205.5 kc was erroneously listed as 8025.5 kc. As corrected, § 8.351 (d) (11) reads as follows:

(11) The frequency 8205.5 kc is authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that transmission on this frequency during the period from 8:00 p. m. until 5:00 a. m., c. s. t. is prohibited.

Released: July 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6041; Filed, July 26, 1956; 8:46 a. m.]

[Rules Amdt. 10-10]

PART 10—PUBLIC SAFETY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 10 of the Commission's rules governing Public Safety Radio Services to conform with Part 17 Construction, Marking, and Lighting of Antenna Structures.

The Commission, having under consideration amendment of Part 10, "Rules Governing Public Safety Radio Services", to conform with changes recently effected in Part 17 (§ 17.3) of the Commission's rules:

It appearing that the existing provisions of Part 10 with respect to the circumstances under which applications shall be accompanied by FCC Form 401-A are at variance with the requirements of Part 17; and

It further appearing that the substance of the amendment herein ordered has already been the subject of formal rule making in Docket 11306, which resulted in Amendment of Part 17 by Report and Order released April 30, 1956, Mimeo 30395, 21 F. R. 2952; and

It further appearing that general notice of proposed rule making under section 4 of the Administrative Procedure Act is unnecessary because this amendment is editorial in nature and solely for the purpose of conforming Part 10 with Part 17, and that for the same reason this amendment may become effective 10 days after the date of this Order;

It is ordered, This 23d day of July 1956, that, pursuant to authority contained in sections 4 (i) and 303 (f), (q), and (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information, Part 10 of the Commission's rules governing Public Safety Radio Services, is amended, effective July 31, 1956, as set forth below.

Released: July 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 10, Rules Governing Public Safety Radio Services, in the following respects:

1. Amend § 10.2 (aa) to read as follows:

(aa) *Antenna structure defined.* The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

2. Amend § 10.58 (d) (1) and (2) to read as follows:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401-A need be filed; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above th ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 56-6069; Filed, July 26, 1956; 8:51 a. m.]

[Docket No. 9892; FCC 56-770]

[Rules Amdt. 13-7]

PART 13—COMMERCIAL RADIO OPERATORS

POSTPONEMENT OF EFFECTIVE DATE

In the matter of amendment of § 13.61 of Part 13 of the Commission's rules governing Commercial Radio Operators defining the operating authority of holders of the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of July 1956;

The Commission having under consideration amendments to its Commercial Radio Operator rules in Docket 9892 to become effective August 1, 1956, which would place a power limit on the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization with respect to certain aircraft radiotelephone stations; and

It appearing that Aeronautical Radio, and other organizations have filed Petitions for Rehearing requesting that the Commission, prior to August 1, 1956, cancel the action taken in the proceeding or in the alternative suspend the order and designate the matter for hearing; and

It further appearing that insufficient time remains before August 1 to give full consideration to the matter and render a decision.

It is ordered, That pursuant to authority contained in sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended, the effective date of the amendments ordered in Docket 9892 is postponed until further order of the Commission. (The Order in Docket No. 9892 amended § 13.61 (h) and added §§ 13.61 (i) and 13.76.)

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6042; Filed, July 26, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 973]

[Docket No. AO–178–A8]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Minneapolis, Minnesota, on April 26, 1956, pursuant to notice thereof which was issued on April 18, 1956 (21 F. R. 2604).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on June 28, 1956 (21 F. R. 4932) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and notice of opportunity to file written exceptions thereto.

The only material issues of record related to modifying the definition of "base milk" and revising the base rules to make the base plan more effective in leveling out seasonal production in the market.

Findings and conclusions. The findings and conclusions and general findings of the recommended decision issued June 28, 1956 (21 F. R. 4932, F. R. Doc. 56–5272) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following modification:

1. In the first complete paragraph in column 2, 21 F. R. 4933, delete the figure "40" and substitute therefor the figure "30."

2. Delete in its entirety the second complete paragraph in column 2, 21 F. R. 4933.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the said marketing area.

Marketing agreement and order. Annexed hereto and made a part hereof are documents entitled "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is therefore ordered that all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision issued at Washington, D. C., this 24th day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-Saint Paul, Minnesota, Marketing Area

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-Saint Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

1. Amend § 973.17 by deleting the words "on which the milk was produced" at the end of said section.

2. Amend § 973.75 to read as follows:

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk to a pool plant during the delivery periods of July, August, September and October shall have a daily base computed by the market administrator to be applicable during the following January through June equal to the total pounds of milk delivered in the four-month period divided by the number of days of production represented by such deliveries during such period but not less than 90: *Provided,* That for the year 1956 such base-forming period shall be the delivery periods of August, September and October and the base of a producer shall be determined by dividing his total deliveries during such three-month period by the number of days of production represented by such deliveries but not less than 78, and

(b) Any producer not eligible to receive a base pursuant to the provisions of paragraph (a) of this section shall have a base for each of the months of January through June equal to 30 percent of such producer's deliveries to a pool plant during such month.

3. Delete § 973.76 and substitute therefor the following:

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

[F. R. Doc. 56-6086; Filed, July 26, 1956; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11792; FCC 56–741]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast stations (Nacogdoches-Tyler, Texas-Lake Charles, Louisiana).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on March 21, 1956, by Lee Scarborough of Nacogdoches, Texas, requesting an amendment of § 3.606 *Table of assignments* Television Broadcast Stations, so as to assign Channel 19 to Nacogdoches by its deletion from Tyler, Texas and Lake Charles, Louisiana. The petition proposes to substitute Channel 61 for Channel 19 in Tyler and Channel 66 for Channel 19 in Lake Charles. The proposal is summarized as follows:

City	Channel No.	
	Present	Proposed
Nacogdoches, Tex	40+	* 19−, 40+
Tyler, Tex	7, 19−, 72	7, 61+, 72
Lake Charles, La	7−, *19, 25, 60+	7−, 25, 60+, *66

3. In support of his petition Lee Scarborough urges that Nacogdoches has no television station; that it depends upon stations in Lufkin and Tyler for service; and that he and others have considered operating a station on Channel 40 assigned there and have considered it impractical at this time. It is urged that the channel requested was in use in Tyler, 65 miles distant and that receivers in the area are therefore capable of tuning to that channel. The petitioner asserts that the proposed assignments will comply with separation requirements and that he will file an application for facilities if the instant proposal is granted.

4. The Commission is of the view that rule making proceedings should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment is contained in section 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communictions Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6070; Filed, July 26, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11793; FCC 56–742]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast stations, (Nadine, New Mexico—Monahans, Texas).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on April 13, 1956, and supplemented on May 23, 1956, by Video Independent Theatres, Inc., requesting an amendment of § 3.606 *Table of assignments,* television broadcast stations, so as to assign Channel 9— to Nadine, New Mexico and substitute Channel 35— in Monahans. The proposal is summarized as follows:

City	Channels	
	Present	Proposed
Nadine N. Mex		9−
Monahans, Tex	9−	35−

3. In support of its request, the petitioner states that the proposal meets all separation requirements and that if successful, it will apply for authority to operate a low-power station at Nadine.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6071; Filed, July 26, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11794; FCC 56–743]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast stations (Missoula-Kalispell, Montana-Sandpoint, Idaho.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on April 12, 1956, by Montana Broadcasting Company, Missoula, Montana, requesting an amendment of § 3.606 *Table of assignments,* television broadcast stations, so as to assign Channel 8— to Missoula, substitute Chanel 9+ for Channel 8— in Kalispell, Montana, and substitute Channel 23— for Channel 9+ in Sandpoint, Idaho. The proposal is summarized as follows:

City	Channels[1]	
	Present	Proposed
Missoula, Mont	*11−, 13−, 21+	8−, *11−, 13−, 21+
Kalispell, Mont	8−	19+
Sandpoint, Idaho	9+	23−

[1] Petitioner proposes Channel 9 with a plus offset. We believe, however, that a minus offset will represent a more efficient allocation.

3. In support of its request, the petitioner states that it is the licensee of Radio Station KBTK, Missoula, that it desires to enter television broadcasting but there is no VHF channel available to it in that city for commercial use. In order to provide Missoula with its second commercial VHF station the changes proposed would be necessary to provide required station separations.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sec-

tions 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 24, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6072; Filed, July 26, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11796; FCC 56-744]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations (Fort Wayne-Angola, Indiana).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on February 3, 1956 by Tri-State Television, Inc., requesting an amendment of § 3.606, Table of Assignments, television broadcast stations so as to assign Channel 15 to Fort Wayne, Indiana, removing this channel from Angola, Indiana and substituting Channel 77 therefor as follows:

City	Channel No.	
	Present	Proposed
Fort Wayne, Ind	[1] 21+, *27+, 33-, 69	15+, 21+, *27+, 33-, 69
Angola, Ind	15+	77

[1] Channel 21 was assigned to Fort Wayne in an action taken by the Commission this day in the Proceeding in Docket 11715.

The petition also requests the Commission to issue an Order to Show Cause why its authorization should not be modified to specify Fort Wayne as the station location.

3. In support of its petition, Tri State sets forth that it is the permittee of Television Station WINT operating with studios at Waterloo, Indiana on Channel 15 assigned to Angola, that its transmitter is about 17 miles north of Fort Wayne and that it renders a city-grade service (80 dbu or better) to that city.[1] While admitting that the required spacings of § 3.698 are not met as measured from the center of the city of Fort Wayne, petitioner states that the transmitter site now in use meets all spacing requirements and that the reassignment of its channel would permit the station to locate its main studios in Fort Wayne and to be identified therewith.

4. The petition is opposed by James R. Fleming survivor of James R. Fleming and Paul V. McNutt doing business as Anthony Wayne Broadcasting and by Northeastern, Indiana, Inc.

5. The Commission is of the view that the proposal warrants the issuance of proposed rule making in order to afford all interested parties an opportunity to submit their views and supporting data for our consideration in reaching a decision. We believe, however, that an Order to Show Cause would not be issued at this time. Such Show Cause proceedings as may be necessary and appropriate will be instituted at the termination of this rule making proceeding.

6. Authority for the adoption of the amendments herein is contained in sections 4 (i), 303, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6073; Filed, July 26, 1956; 8:51 a. m.]

[1] On June 13, 1956, the Commission authorized the transfer of Station WINT on Channel 15 in Waterloo, Indiana, to Universal Broadcasting Company, Inc., owners of 100 percent of the stock of Radio Fort Wayne, Inc. Universal stated in its application that it will surrender its permit for Station WANE-TV on Channel 69 in Fort Wayne. The transfer becomes effective 45 days from June 13th.

[47 CFR Part 3]

[Docket No. 11362; FCC 56-776]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations (Fresno, California).

1. The Commission has before it for consideration its Notice of Proposed Rule Making and Order to Show Cause issued in this proceeding on April 13, 1955 (FCC 55-457). The Notice was issued pursuant to the petition of John H. Poole, tr/as John Poole Broadcasting Company, permittee of Station KBID-TV on Channel 53 in Fresno, California, requesting that the Table of Assignments contained in § 3.606 of the Commission's rules be amended by changing the educational reservation in Fresno from Channel 18 to Channel 53, or alternatively, by interchanging Channel 53 and Channel 30 between Fresno and Madera, California. Poole further requested that the Commission order it to show cause why its outstanding authorization for KBID-TV should not be modified to specify operation on either Channel 18 or Channel 30 in place of Channel 53.

2. Poole filed comments in support of the proposed amendments and a reply to the Order to Show Cause. Oppositions to the proposal to shift the educational reservation in Fresno from Channel 18 to Channel 53 were filed by various educatonal organizations. Comments were also filed by 3 UHF broadcasters in the Fresno area and by one of the applicants for a construction permit for Chapnel 12 in Fresno. In a reply to the comments Poole indicated that it was willing to abandon its proposal to shift the educational reservation in Fresno and to prosecute only its request that Channel 30 be shifted from Madera.

3. Subsequently, on November 10, 1955, the Commission instituted a general television allocation proceeding in Docket No. 11532 and on June 25, 1956, adopted a Report and Order in that proceeding outlining a long range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider interim channel changes to improve the immediate television situation in individual communities. As a part of this interim program of channel reassignments the Commission on June 25, 1956, adopted a Notice of Proposed Rule Making in Docket No. 11759 proposing the following channel changes in the Fresno area:

City	Channel No.	
	Present	Proposed
Fresno, Calif	12, *18, 24, 47, 53	*18, 24, 30, 47, 53
Madera, Calif	30	53
Santa Barbara, Calif	3, 20, 26	3, 12, 20, 26

4. Since the changes under consideration in this proceeding are included within the broader Commission proposal in Docket No. 11759, the instant proceeding may now be dismissed. Poole may now prosecute its proposal to shift Channel 30 to Fresno in the new proceeding in Docket No. 11759 and, as indicated in the Notice issued in that proceeding, other interested parties may file comments in support of or in opposition to the proposed reassignment of Channel 30. While we have proposed shifting Channel 30 from Madera to Fresno, we are not in a position, at this stage in the proceeding, to consider which applicant should operate on Channel 30 in Fresno. Accordingly, the Order to Show Cause issued in this proceeding will be dismissed.

5. In view of the foregoing: *It is ordered*, That the petition of John H. Poole, tr as John Poole Broadcasting Company and the Order to Show Cause previously issued to John H. Poole, are dismissed and this proceeding is terminated.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] MARY JANE, MORRIS,
Secretary.

[F. R. Doc. 56-6043; Filed, July 26, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11401; FCC 56-739]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations.

1. The Commission has under consideration its Notice of Proposed Rule Making issued on June 1, 1955 (FCC 55-627) and published in the FEDERAL REGISTER on June 8, 1955, (20 F. R. 3961) proposing to amend the television Table of Assignments by shifting the educational reservation in Des Moines from VHF Channel 11 to a UHF frequency in order to make Channel 11 available for commercial use. The Notice of Proposed Rule Making was issued pursuant to a petition filed by Rib Mountain Television, Inc., licensee of Station KGTV-TV, operating on Channel 17 in Des Moines.

2. Comments in support of the KGTV proposal were filed by KGTV and by Town & Farm Co., the licensee of standard broadcast Station KIOA in Des Moines. A letter in support of the KGTV proposal was also filed by O. V. Olsen of Des Moines. Oppositions to the proposal were filed by the following: The Joint Committee on Educational Television; the Iowa Joint Committee on Educational Television; Des Moines Adult Educational Council; Des Moines Educational Television Council; Independent School District of Des Moines; J. C. Wright, Superintendent of Public Instruction; Drake University; the Director of Adult Education For The Des Moines Public Schools; The Boone City Council of Parents-Teachers Association; League of Women Voters; Thomas Boyt and Educational Developments, Inc. Letters expressing general opposition to the KGTV proposal were also filed by the following: Iowa Congress of Parents and Teachers; The Des Moines Council of Parents-Teachers Association; Ralph C. Norris, Superintendent of Schools, Polk County, Iowa; Harry Boyd, Chairman of the Iowa Citizens Committee for Educational Television; The American Association of University Women in Des Moines; the Television Foundation of South Florida; James A. Sheldon, Director of Adult Education Des Moines Public Schools; the Independent School District of Des Moines; the Educational Television Council of Des Moines; Senator Mike Monroney; Ralph Lowell, Trustee of Lowell Institute; Leland Hazard, President of WQED, Pittsburgh, Pa.; Educational Television, Inc., Jacksonville, Fla.; Irving Saloman, Escondido, California; and Julian Bondurant, President of Memphis Community Television Foundation.

3. In support of its petition KGTV contends that the public interest requires that Channel 11 be made available, in whole or in substantial part, for commercial operation; that UHF in Des Moines has received a fair trial by KGTV and has been found inadequate to provide Des Moines the commercial station which the Commission has determined it should have; that the Des Moines area is now receiving a substantial and adequate educational service from WOI-TV and; that continued reservation of Channel 11 means that it would lie fallow and unused for the indeterminate future because local educators do not need and are unlikely to be able to sustain another television station in the Des Moines area. In its comments filed on July 1, 1955, KGTV proposed, for the first time, that the Commission formally establish a new classification of television assignments, i. e., mutual commercial-educational, and make Des Moines Channel 11 available for special use. On such a station both commercial and educational interests would be licensed by the Commission to operate the station in accordance with arrangements which would be submitted to, and approved by, the Commission as part of the licensing process. KGTV contends that the proposed new commercial-educational allocations would foster educational television by providing an effective solution to the problem of finance, and would put an end to the continued waste, through nonuse of the reserved channels.

4. Town & Farm Co., Inc., the licensee of standard broadcast Station KOIA in Des Moines, in its comments in support of the KGTV proposal, alleges that there is a pressing need for another commercial television station in Des Moines and that Des Moines will be limited to two commercial stations unless another VHF channel is made available for commercial use. It argues that the present Ames-Des Moines assignments constitute an over-balance of educational facilities in that of the four VHF channels allotted to the area, two have been assigned for use by educators; and further, that the continued reservation of Channel 11 in Des Moines would serve no useful purpose since the legislature has already rejected proposed legislation for a noncommercial educational station on Channel 11; that educational institutions and groups in Des Moines have WOI-TV available and; that if, in the future, WOI-TV is unable to satisfy the needs and requirements for educational broadcasting, a UHF channel will be available.

5. The arguments of the various educational interests in opposition to the proposal are substantially similar. They contend that educational television can develop only if the Commission continues to reserve channels for educational purposes in order to give educational institutions sufficient time to construct and operate television stations; that since the issuance of the Sixth Report and Order establishing the educational reservations, the educational interests have made great strides in using television for education; and that finalization of the KGTV proposal would pose a threat to the educational reservations throughout the nation and cause specific and real injury to educational groups in Des Moines and to their plans for a statewide educational service, of which the Des Moines Channel 11 is an integral and vital part. They argue that they have made substantial progress looking toward the establishment of such a statewide television network and the ultimate utilization of Channel 11. They point to programs broadcast over WOI-TV in which the various groups have participated; to the growth of classroom receivers in the Des Moines area; to the many meetings which have been held in which plans and proposals for educational television stations have been discussed, and to their participation in the drafting of legislation to establish a statewide educational network. They argue that reservation of Channel 11 in Des Moines is not only crucial in the development of any statewide plan, but also is important in the metropolitan area in Des Moines itself. They allege that WOI-TV does not and cannot adequately serve the requirements in Des Moines area for educational television; that its programs must necessarily be directed to a heterogeneous audience composed of rural town and city populations, including Des Moines; that accordingly, it cannot program to meet the needs of the Des Moines area; and further, that the limited time and facilities available at WOI-TV and the distance from Ames to Des Moines make it difficult, if not impossible, for the educational groups in Des Moines to use WOI-TV as a Des Moines educational outlet. They argue further that UHF is not adequate for use by the Des Moines educational station; that because of the comparatively low rate of conversion in the Des Moines area educational television could not be expected to attain its desired potential, or even to survive if required to use a UHF channel.[1]

[1] KGTV's Motion to Strike the comments filed by Iowa State College of Agriculture and Mechanic Arts, is dneied. It is clear from the Iowa State College pleading that it sought expressly to avoid taking a position on the substantive matters involved in this pro-

6. The reservation of channel assignments for noncommercial educational use was based on recognition of the fact that educational institutions would require a longer time than commercial interests to prepare for television. At the same time, the Commission recognized that unused channels could not be reserved for an excessively long period. When, as in this proceeding, the Commission is called upon to decide upon requests to make an unused reserved channel available for commercial use, our decision is dependent upon application of the two foregoing principles to the circumstances of the individual community concerned. The local need for an additional commercial outlet, the readiness of commercial broadcasters to use the channel, and the prospects for its eventual use for educational broadcasting all bear on a determination of whether the public interest would be served better by retention or discontinuance of the local reservation.

7. Des Moines is now served by three VHF stations, two of which are operating on locally assigned Channels 8 and 13. The third VHF service in Des Moines is provided by Station WOI–TV operating on commercial Channel 5, assigned to Ames, Iowa. Although Channel 5 is licensed to an educational institution, Channel 5 is not an educational channel and WOI–TV carries commercial programs. The record indicates that if Channel 11 at Des Moines were made available for commercial use, the channel would be applied for. Thus, the proposal under consideration envisages the provision of a fourth commercial VHF service in the Des Moines area. This could be accomplished, however, only at the expense of eliminating the possibilities for the eventual construction and operation of an educational television station at Des Moines, on Channel 11, which was reserved in our Table of Assignments for this purpose. The essential question before us, therefore, is whether the need for a fourth commercial VHF station in the Des Moines area outweights the desirability of continuing to preserve the opportunity, afforded by the reservation of Channel 11, for the construction and operation of a local noncommercial, educational station on that channel. In making this determination, it is appropriate to consider the prospects for utilization of Channel 11 for educational purposes.

8. Comments filed in this proceeding by numerous public and private educational institutions and civic groups reflect active interest in bringing a local educational television service to Des Moines, and recount the organizational and other steps which have been taken toward achieving this goal. While these efforts have not yet succeeded in solving the difficult problem of financing the actual construction and operation of a station, the record indicates that the local sponsors of educational television propose continuing and augmented efforts to obtain the requisite financial support.

9. In these circumstances, we are not persuaded that the public interest would be served by making a fourth commercial VHF television outlet available at the expense of frustrating the efforts being actively pursued to make possible the construction and operation of a local educational television station on Channel 11.

10. On July 11, 1956, Rib Mountain filed a pleading entitled "Request for Immediate Finalization of Completed Rule Making Proceeding", seeking immediate action to make Channel 11 at Des Moines available for commercial use. In a Reply to this Request filed with the Commission on July 16, 1956, the Educational Television Council of Des Moines requested, inter alia, a full hearing with opportunity for oral argument before final decision, if the Commission were disposed to unreserve Channel 11. The parties to this rule making proceeding have, however, had ample opportunity to submit all relevant facts, data and views in writing for our consideration. On the basis of our careful review of the extensive comments and reply comments which have been submitted, we do not believe that the hearing sought by the Council would provide meaningful additional assistance to us in reaching our decision.

11. In its Reply of July 16, 1956, the Educational Television Council of Des Moines also submitted information concerning certain recent developments on the Des Moines educational television project. In a "Response" to this pleading Rib Mountain objected to inclusion of these statements as part of the record upon which our decision is based. Since nothing in the Reply of July 16, 1956 affords a basis for revising the conclusions to which we have come upon our consideration of the timely comments filed in this proceeding, it is not necessary to decide whether it would be appropriate to reopen this proceeding in order to receive further comments and reply comments concerning developments since the date previously designated for the filing of comments.

12. In light of our decision herein it is not necessary that we pass upon Rib Mountain's comment regarding the establishment of a new classification of television station involving joint commercial and non-commercial use. This action would constitute a basic departure from the policies underlying the educational reservation, and should not, we think, be considered in the limited context of a single community, since it would have potential effect on all reserved assignments including both those in use, and those not yet in use.

13. We have not been persuaded that it would be in the public interest to grant KGTV's request for authority to operate on Channel 11 pending a determination of this proceeding. The Commission rejected such a request by KGTV in the Notice of Proposed Rule Making in this proceeding. The arguments advanced by KGTV in support of its request do not outweigh the reasons for our previous decision on this request.

14. In view of the foregoing: *It is ordered*, That the petition filed by Rib Mountain Television, Inc., on February 17, 1955, is denied, insofar as it requests removal of Channel 11 at Des Moines from the educational reservation, and the proceedings herein are terminated.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-6044; Filed, July 26, 1956; 8:46 a. m.]

ceeding. It was entirely proper for it to file a statement to correct what it considered to be erroneous statements to the Commission even though those statements were clearly irrelevant to the matter under consideration. However, we are accepting KGTV's pleading as a response to the College's comments as requested alternatively by KGTV.

[1] Commissioners Bartley, Doerfer, and Lee dissenting.

[2] This proposal would also require a change in the offset carrier requirement for Channel 62 in Frederick, Maryland, from 62+ to 62 even.

[3] This proposal would also require a change in the offset carrier requirement for the Channel 26 assignment in New London, Connecticut, from 26+ to 26−.

[47 CFR Part 3]

[Docket No. 11499; FCC 56-736]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations.

1. Notice is hereby given that the Commission has received conflicting proposals for rule making in the above-entitled matter.

2. On September 9, 1955, the Commission issued a Notice of Proposed Rule Making (FCC 55-940) proposing to amend § 3.606 *Table of assignments*, television broadcast stations, so as to assign Channel 26+ to Shinglehouse, Pennsylvania, Channel 37 to Clymer, New York, and substitute Channel 62+ for Channel 37 in Meadville, Pennsylvania. This Notice was issued in response to a petition filed on June 17, 1955, by the WGR Corporation, Buffalo, New York.[2]

3. On December 8, 1955, the Lycoming Broadcasting Company, Williamsport, Pennsylvania, filed a petition requesting rule making to amend the Table of Assignments so as to assign Channel 26+ to Williamsport, Pennsylvania.[3] In view of the fact that Shinglehouse and Williamsport are only about 80 miles apart and that this distance is far less than the required co-channel spacing for UHF assignments, Channel 26 cannot be assigned to both communities. The petitions are therefore mutually exclusive. On January 9, 1956, WGR Corporation filed an opposition to this request.

4. The Commission also has before it for consideration the petition of H. J. Williams, M. E. Cousler, and Lowell W. Williams, d/b as The Helm Coal Company, permittee of Station WNOW–TV on Channel 49 in York, Pennsylvania, filed on August 1, 1955, requesting that rule making be instituted to amend the television Table of Assignments so as to assign Channel 21 to York, Pennsylvania to replace Channel 49 as follows :

City	Channel No.	
	Delete	Add
York, Pa	49	21+
Lancaster, Pa	21+	49

Harold C. Burke held a permit to operate Station WWLA on Channel 21 in Lancaster. However, on January 17, 1956, this permit was deleted. Petitioner requests that the Commission direct it to show cause why its outstanding authorization should not be modified to specify operation on the proposed new assignment.

5. The Commission also has before it the conflicting petition of The Patriot-News Company, permittee of Station WTPA on Channel 71 in Harrisburg, Pennsylvania, filed on July 15, 1955, requesting an amendment of the Table of Assignments so as to assign Channel 21 to Harrisburg, Pennsylvania, in place of Channel 71 as follows:

City	Channel No.	
	Delete	Add
Pennsylvania:		
Harrisburg	71+	21+
Lancaster	21+	71+
Williamsport	36−	36+

As noted, the Patriot-News Company operates Station WTPA on Channel 71. WRAK, Incorporated, holds a permit to operate Station WRAK–TV on Channel 36 in Williamsport, but the station has not yet been constructed. As noted above, the permit for Station WWLA, which was authorized to operate on Channel 21 in Lancaster, was deleted on January 17, 1956. Petitioner requests that the Commission direct it and WRAK–TV to show cause why their outstanding authorizations should not be modified to specify operation on the new assignments proposed for the communities.

6. The Commission further has a petition filed on April 27, 1956, by the Susquehanna Broadcasting Co., permittee of Station WSBA–TV on Channel 43 in York, requesting the substitution of Channel 21 for 43 in York as follows:

City	Channel No.	
	Delete	Add
York, Pa	43	21+
Lancaster, Pa	21+	43

Petitioner requests that the Commission direct it to Show Cause why its outstanding authorization should not be modified to specify operation on the proposed new assignment.

7. Channel 21 cannot be assigned to both York and Harrisburg because the distance between the cities is well below the required 155-mile co-channel spacing for UHF assignments in Zone I. The three petitions are therefore mutually exclusive and must be considered together. In addition, the Harrisburg request conflicts with the WGR and Lycoming requests since the Patriot-News Company petition would delete Channel 36 from Williamsport and Lycoming would retain it there, and since WGR would place Channel 26 in Shinglehouse at less than the required spacing from Williamsport where Patriot-News would assign this frequency. Therefore, these requests should all be considered in the same proceeding.

8. The Commission believes that further rule making should be instituted in this proceeding in order that the above conflicting requests may be considered and that all interested parties may have the opportunity of presenting their views on the various proposals to the Commission.

9. Authority for the adoption of the amendments proposed by petitioners herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the amendments proposed by the WGR Corporation, Lycoming Broadcasting Company, The Helm Coal Company, Susquehanna Broadcasting Co., or The Patriot-News Company, should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. The various parties have requested the Commission to issue Orders to Show Cause why their authorizations should not be modified to specify operation on the proposed channels. We believe, however, that Orders to Show Cause should not be issued at this time and that such further show cause proceedings as may be necessary can be instituted at the termination of this rule making proceeding.

12. In accordance with provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-6045; Filed, July 26, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11749; FCC 56-738]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations, (Peoria, Illinois, Davenport, Iowa-Rock Island-Moline, Illinois.)

1. Notice is hereby given of further rule making in the above-entitled matter.

2. On June 25, 1956, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Galesburg, Ill	40	77
Peoria, Ill	8, 19, *37, 43	19, 25, *37, 43
Rock Island, Ill	(See Davenport, Iowa)	8

(Offset carrier designations for the various channels to be specified in the final Report and Order.)

3. Upon further consideration of this matter, the Commission has concluded that the public interest would be served by assigning an additional UHF channel to Peoria and is therefore now proposing to assign Channel 31 to that community. The proposed channel changes for Peoria would then be as follows:

City	Channel No.	
	Present	Proposed
Peoria, Ill	8, 19, *37, 43	19, 25, 31, *37, 43

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-6046; Filed, July 26, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11799; FCC 56-753]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations (Columbia, South Carolina).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed January 16, 1956 and amended June 25, 1956, by Palmetto Radio Corporation, permittee of television Station WNOK-TV, authorized to operate on Channel 67 in Columbia, South Carolina, for rule making to amend § 3.606 *Table of assignments*, television broadcast stations, so as to assign Channel 5 to Sandy Run, South Carolina, by substituting either Channel 4 or Channel 7 for Channel 5 in Charleston, South Carolina. Petitioner requests that WCSC, Inc. be ordered to show cause why its authorization for operation of Station WCSC-TV, Charleston, South Carolina, should not be modified to specify operation on Channel 4 or Channel 7 in place of Channel 5.

3. In support of its request, petitioner states that it now serves the Columbia area by operating station WNOK-TV on UHF Channel 67 in Columbia. It desires to provide a second VHF service to the Columbia area by operating WNOK-TV on Channel 5 in Sandy Run, a community approximately 15 miles south-southeast of Columbia. As petitioner avers, the allocation of Channel 5 to Sandy Run would require that the present assignment of Station WCSC-TV in Charleston be changed from Channel 5 to another channel. Petitioner contends that either Channel 4 or Channel 7 could be substituted for Channel 5 in accordance with the mileage separation requirements of our rules.

4. On February 14, 1956, and July 17, 1956, WCSC, Inc. (WCSC-TV) filed Oppositions to the proposal. A second Opposition was filed on April 2, 1956 by The Washington Post Company, licensee of Station WMBR-TV (Channel 4), Jacksonville, Florida. Both opponents assert that, although the proposal to require WCSC-TV to operate on Channel 4 would meet the requirements of § 3.610 there would be inadequate co-channel spacing between WCSC-TV and WMBR-TV on Channel 4. These stations are 198.5 miles apart, and virtually all of the path between them is over water. Thus, opponents allege, there would be excessive interference due to the high level of tropospheric propagation. As an additional reason for denial of the request, WCSC, Inc. contends that the substitution of some other channel for Channel 5 at WCSC-TV would entail a substantial expense for that licensee and might result in a disruption of its service and an inconvenience to the public.

5. The Commission on June 25, 1956, adopted a Report and Order in its general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider channel changes in the interim with a view to improving the immediate television situation in individual communities. In that Report and Order the Commission determined that it would be desirable in some instances to add an additional VHF assignment which meets all of the requirements of the present rules with the exception that the minimum spacing from the city where the new assignment is proposed would not be met. In those instances we stated that the proponents of channel changes should demonstrate that a transmitter site is available which would meet all transmitter spacing requirements.

6. Petitioner asserts that a new station on Channel 5 in Sandy Run would serve the entire Columbia area. Because of the proximity of Sandy Run to Columbia, a television station with a transmitter site in or near Sandy Run could, under the Commission's new separation requirements, be licensed as a Columbia facility. Accordingly, the Commission is of the view that any allocation of Channel 5 in the Columbia area should be specified as a Columbia assignment.

7. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

8. We do not believe, however, that we should direct WCSC, Inc., at this stage in this proceeding to show cause why its authorization for Station WCSC-TV, Charleston, South Carolina, should not be modified to specify operation on either Channel 4 or Channel 7 in place of Channel 5. Such additional show cause proceedings which may be necessary will be instituted at a later date.

9. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

10. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order in Docket No. 11532. All data indicating television coverage should be filed in accordance with the procedures specified in paragraphs 38-40 of the said Report and Order.

11. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

12. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6047; Filed, July 26, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Regional Administrative Order No. 2-B]

CERTAIN OFFICIALS, REGION I

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau of Mines Manual, the following officials of Region I, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Regional Director, Region I, or the Director, Bureau of Mines (see subparagraph 205.2.4A (1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alterations and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Assistant Regional Director for Alaska: *Provided*, That under this subparagraph the Fiscal limitation of Item (a) shall be $2000.

Superintendent, Northwest Experiment Station, Seattle, Washington.

Chief, Spokane Field Office, Spokane, Washington.

Chief, Division of Administration, Albany, Oregon.

Procurement and Supply Officer, Division of Administration, Albany, Oregon.

Designated Engineers in charge of field projects.

2. Change orders and extra work orders—with respect to any contract (including a contract approved by the Director or the Regional Director, Region I) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

3. Authorities delegated by this order may not be redelegated without the approval of the Regional Director, Region I.

4. The delegations contained herein supersede those in Regional Administrative Order No. 2 dated January 24, 1955, and 2-A dated April 15, 1955.

MARK L. WRIGHT,
Acting Regional Director, Region I.

Approved: July 17, 1956.

THOS. H. MILLER,
Acting Director, Bureau of Mines.

[F. R. Doc. 56-6059; Filed, July 26, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

DIRECTOR AND CHIEF OF FISCAL DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO LETTERS OF CREDIT

The Director and the Chief of the Fiscal Division of each of the CSS Commodity Offices listed below are authorized to consent to the reduction or cancellation of letters of credit issued to or in favor of the Commodity Credit Corporation and to draw drafts under such letters of credit against issuing banks:

CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois.
CSS Commodity Office, 120 Marais Street, Wirth Building, New Orleans 16, Louisiana.
CSS Commodity Office, 500 South Ervay Street, Dallas 1, Texas.
CSS Commodity Office, Federal Office Building, 911 Walnut Street, Kansas City 6, Missouri.
CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota.
CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oregon.
CSS Commodity Office, 408 Atlantic Avenue, Boston 10, Massachusetts.
CSS Commodity Office, 1010 Broadway, Cincinnati 2, Ohio.

Specimen signatures of officials presently occupying the above-entitled positions and of those persons authorized to act in that capacity in their absence may be obtained by addressing written request therefor to the Director of the office indicated.

Done at Washington, D. C., this 23d day of July 1956.

[SEAL] R. GIBB,
Treasurer, Commodity Credit Corporation.

Recomended:

J. J. SOMERS,
Controller, Commodity Credit Corporation.

Approved: July 23, 1956.

WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-6087; Filed, July 26, 1956; 8:55 a. m.]

Office of the Secretary

KANSAS, SOUTH DAKOTA, AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; the President determined on July 12, 1956, that a major disaster occasioned by drought existed in the State of South Dakota; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties in the following States were determined on July 12, 1956, to be affected by the above-mentioned major disasters.

Kansas: Ford, Rawlins, Scott, Thomas.
South Dakota: Beadle, Buffalo, Hand, Hughes, Hyde, Jerauld, Lyman, Sully.
Texas: Garza, Nolan, Shackelford.

Done at Washington, D. C., this 23d day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6054; Filed, July 26, 1956; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[CGFR 56-28]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under:

1. Public Law 548, 84th Congress, approved June 4, 1956.
2. Public Law 549, 84th Congress, approved June 4, 1956.

The Commandant shall have final action on appeals made in accordance with section 1 (d) of this act.

3. Public Law 64, 84th Congress, approved June 8, 1955.

The Commandant may make provisions for the performance by subordinates in the Coast Guard of all functions contained in the above acts except the issuance of regulations and the action taken on appeals made in accordance with section 1 (d), Public Law 549, 84th Congress.

Dated: July 24, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6067; Filed, July 26, 1956; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Part 10 of the Statement of Organization and Delegations of Authority of the Department (20 F. R. 1996), is amended as follows:

1. SEC. 10.10 *Organization.* (a) The Food and Drug Administration shall consist of:

Office of the Commissioner: Division of Administrative Management. Division of Federal-State Relations.
Bureau of Enforcement.
Bureau of Medicine.
Bureau of Biological and Physical Sciences.
Bureau of Field Administration.
Bureau of Program Planning and Appraisal.

* * * * * * *

2. Paragraph (a) of Section 10.20 *Assignment of responsibilities* is amended by adding thereto the following:

(3) Following civil defense food and drug responsibilities delegated to the Secretary by FCDA Delegation No. 1 (19 F. R. 4546, subject to the coordination for the Department as a whole by the Assistant Secretary for Federal-State Relations:

(a) Plan a national program, conduct research, develop technical guidance for States, and direct Federal activities designed to meet the extraordinary needs for food and drug inspection and control in attacked areas.

(b) During a civil defense emergency, employ temporarily additional personnel without regard to the civil service laws as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such departmental administrative policies and procedures as may be issued to govern emergency operations.

(c) During a civil defense emergency, incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an at-

tack or of an anticipated attack, subject to such departmental fiscal policies and procedures as may be issued to govern emergency operations.

(d) Disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.

(4) Authority to certify true copies of documents in the files of the Food and Drug Administration and, pursuant to section 1601, Title 42, U. S. C., to cause the seal of the Department to be affixed.

Dated: July 20, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-6057; Filed, July 26, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10286, 10287; FCC 56-774]

ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

MEMORANDUM OPINION AND ORDER REOPENING THE RECORD AND DESIGNATING APPLICATIONS FOR FURTHER HEARING ON STATED ISSUES

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permtis for new television station.

1. The Commission has under consideration (1) its Decision in The Enterprise Company, released August 6, 1954, 9 RR 816; (2) a Memorandum Opinion and Order in that proceeding denying Enterprise's petition for reconsideration, released January 28, 1955, 9 RR 818u; (3) the Opinion of the United States Court of Appeals for the District of Columbia Circuit, dated December 29, 1955, in The Enterprise Company v. Federal Communications Commission, — U. S. App. D. C. —, 13 RR 2033; (4) a petition for prompt institution of further proceedings filed on March 13, 1956, by The Enterprise Company; (5) opposition to petition for prompt institution of further proceedings filed on March 21, 1956, by Beaumont Broadcasting Corporation; and (6) a reply to the opposition filed on March 27, 1956, by The Enterprise Company.[1]

2. On March 17, 1956, Beaumont filed a petition for writ of certiorari in the Supreme Court of the United States; this was denied on April 30, 1956. Pursuant to the mandate of the Court of Appeals, further hearing and consideration of the applications herein is necessary.

3. The Commission, in its Memorandum Opinion and Order released January 28, 1955, addressed to the petition for reconsideration before it filed by The Enterprise Company on September 7, 1954, affirmed its final decision in favor of Beaumont Broadcasting Corporation. In the Memorandum Opinion and Order the Commission noted that an executory agreement, entered into between Beaumont Broadcasting Corporation and KTRM, Inc., had been filed with it under an "information" rule of the Commission; that the terms thereof, should it become definitive in the future, would require Commission approval under another—and explicit—rule of the Commission; that until that contingency occurred the matter was not before the Commission for consideration; that if the contingency occurred Commission determinations with respect thereto would be made under settled processes of the Commission.

4. The Court of Appeals viewed the matter differently: it remanded the proceeding to the Commission to take into account, in the hearing process, the aforesaid agreement. Although the Court also expressed the opinion that the comparison between the "competing applicants" should be kept active as a requirement of due process, it stated that the grant to Beaumont need not be set aside by the Court or by the Commission prior to reopening of the record and consideration of the new evidence.

5. In the circumstances the Commission is required to return this proceeding to a Hearing Examiner for the completion of comparative proceedings in accordance with the directions contained in the decision of the United States Court of Appeals, notwithstanding a construction permit has been awarded to, and is held by, Beaumont Broadcasting Corporation.

Accordingly, it is ordered, That the record herein is reopened and remanded to the examiner for further hearing and for the preparation of an Initial Decision, said further hearing to be held at the offices of the Commission in Washington, D. C., at a time and date subsequently to be specified;

It is further ordered, That the further hearing be upon the following issues:

(1) To determine the effect upon the comparative qualifications of Beaumont Broadcasting Corporation and The Enterprise Company of that certain agreement dated December 15, 1954, between Beaumont, W. P. Hobby and KTRM. In this connection, the present record in this proceeding shall be supplemented by the receipt of evidence concerning (a) the making of, and the terms and the character of, said agreement as the same shall bear upon the processes of the Commission and the public interest; (b) the effect of said agreement upon the financial status of Beaumont Broadcasting Corporation.

(2) To determine whether or not, in the public interest, convenience and necessity, in the light of the facts adduced under issue (1) and the present hearing record, the permit issued to Beaumont Broadcasting Corporation should be rescinded, or should be awarded to The Enterprise Company.

It is further ordered, That the petition filed on March 21, 1956 by The Enterprise Company is granted insofar as the relief requested is afforded by the foregoing.

Adopted: July 20, 1956.

Released: July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6048; Filed, July 26, 1956; 8:47 a. m.]

[1] KTRM, Inc., was an applicant in the original proceeding. Its application was denied by the Commission's Decision released August 6, 1954. Its petition for reconsideration and related pleadings were withdrawn by a letter of December 17, 1954. Consequently, its application is no longer before the Commission.

[Docket No. 11800; FCC 56-759]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING MATTER FOR HEARING AND INVESTIGATION

In the matter of charges, classifications, regulations and practices for and in connection with certain Interstate and Foreign Telegraph Services of The Western Union Telegraph Company.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of July 1956;

The Commission, having under consideration Transmittal Letter No. 4366, and:

(1) Revised tariff schedules filed by The Western Union Telegraph Company to become effective July 29, 1956, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY

Tariff F. C. C. No. 229:
6th Revised Page 9A.
9th Revised Page 25.
11th Revised Page 26.
Tariff F. C. C. No. 232:
8th Revised Page 6.
7th Revised Page 7.
7th Revised Page 8.
10th Revised Page 9.

amending certain schedules contained in its tariffs, entitled Money Order Services and Domestic Telegraph Rates, respectively;

(2) Revised tariff schedules filed by The Western Union Telegraph Company to become effective August 1, 1956, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY

Tariff F. C. C. No. 185:
50th Revised Page 9.
43d Revised Page 11.
37th Revised Page 12.
41st Revised Page 13.
41st Revised Page 15.
44th Revised Page 17.
48th Revised Page 18.
29th Revised Page 22.
36th Revised Page 23.
57th Revised Page 27.
8th Revised Page 27A.
44th Revised Page 28.
8th Revised Page 28A.
35th Revised Page 29.
52d Revised Page 31.
35th Revised Page 32.
43d Revised Page 33.
58th Revised Page 34.
47th Revised Page 35.
49th Revised Page 36.
21st Revised Page 36A.
44th Revised Page 37.
56th Revised Page 41.
61st Revised Page 42.
45th Revised Page 43.
39th Revised Page 44.
Tariff F. C. C. No. 198:
22d Revised Page 19.

Tariff F. C. C. No. 208:
9th Revised Page 8.
7th Revised Page 9.
7th Revised Page 10.
7th Revised Page 11.
9th Revised Page 12.
16th Revised Page 24.
4th Revised Page 26.

amending certain schedules contained in its tariffs, entitled Baseball-Sports Ticker Service, Quotation Service and Quotation Service by Message, respectively;

(3) A revised tariff schedule filed by The Western Union Telegraph Company to become effective September 1, 1956, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY

Tariff F. C. C. No. 233:
3d Revised Page 65A, Rule 13.03.

amending a schedule contained in its tariff entitled International Telegraph Service;

(4) Revised tariff schedules filed by The Western Union Telegraph Company to become effective November 1, 1956, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY

Tariff F. C. C. No. 216:
40th Revised Page 10, matter marked (I) and (T).

amending certain schedules contained in its tariff entitled Baseball-Sports Service by Message and Direct Wire.

It appearing that the above-cited schedules contain new and increased charges for certain interstate and foreign communication services, together with certain new classifications, regulations and practices, and that the Commission is unable to determine from an examination of the above-cited tariff schedules whether the charges, classifications, regulations and practices therein contained will be lawful under the Communications Act of 1934, as amended;

It further appearing that The Western Union Telegraph Company proposes to amend its applicable tariff schedules to effect increases in the charges for interstate press messages;

It further appearing that if the above-cited tariff schedules are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited tariff schedules;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-described tariff schedules is hereby suspended, unless otherwise ordered by the Commission; as follows:

(1) The above-described revised tariff schedules filed to become effective July 29, 1956, are suspended until October 29, 1956,

(2) The above-described revised tariff schedules filed to become effective August 1, 1956, are suspended until November 1, 1956,

(3) The above-described revised tariff schedule filed to become effective September 1, 1956, is suspended until December 1, 1956,

(4) The above-described revised tariff schedules filed to become effective November 1, 1956, are suspended until February 1, 1957;

and that during said periods of suspension no changes shall be made in said tariff schedules or in the charges, classifications, regulations or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following specific matters:

1. The operating revenue and allowable revenue deductions which The Western Union Telegraph Company may reasonably be expected to experience during a reasonable future period from its landline operations and the related rate base for such period;

2. The effect of increased wages, effective June 1, 1956, and January 1, 1957, on Western Union's operating expenses to be allowed in approving rates for the future, and the proper apportionment of such expenses to each of the services and classifications offered by the Company;

3. The lawfulness under the Communications Act of 1934, as amended, of the proposed 20 cents a message discount on all sent-paid messages in excess of 50 such messages filed by tieline in a month by a customer;

4. The increased rates for interstate Press messages which Western Union proposes to file and the lawfulness thereof under the Communications Act of 1934, as amended;

5. The lawfulness under the Communications Act of 1934, as amended of the relationships among the proposed charges in the several rate zones for each of the classes of message telegraph service;

6. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended;

7. Whether any of the charges, classifications, regulations or practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended;

8. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariffs herein suspended, as well as for Press messages, and, if so, what charges, classifications, regulations and practices should be prescribed.

It is further ordered, That, in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension periods, and said charges, classifications, regulations and practices go into effect, The Western Union Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in the above-cited tariff schedules, specifying by whom and in whose behalf such amounts are paid; and shall file with the Commission a report on or before the 10th day of each calendar month, commencing December 10, 1956, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company and all carriers listed in its Tariff F. C. C. No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon the agency of each State which has regulatory jurisdiction with respect to communication rates and services and the National Association of Railroad and Utilities Commissioners;

It is further ordered, That a hearing be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 11th day of September 1956, before a presiding officer to be designated hereafter who shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: July 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6049; Filed, July 26, 1956; 8:47 a. m.]

[Docket Nos. 11180, 11718; FCC 56M-704]

BILL MATHIS AND KEY CITY BROADCASTERS

ORDER CONTINUING HEARING CONFERENCE

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Howard Barrett and Robert H. Nash, d/b as Key City Broadcasters, Abilene, Texas, Docket No. 11718, File No. BP-10278; for construction permits.

The Chief Hearing Examiner having under consideration the motion of Bill Mathis, filed July 19, 1956, that the prehearing conference in the above-entitled proceeding, which is presently scheduled to be held July 24, 1956, be continued without date;

It appearing that the motion is supported by a showing of good and sufficient cause, and that all interested parties consent to the granting thereof and to a waiver of the provisions of section 1.745 of the rules to permit immediate consideration of the matter;

It is ordered, This 19th day of July 1956, that the motion is granted, and that the hearing conference presently scheduled for July 24, 1956 in the above-entitled proceeding is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6050; Filed, July 26, 1956; 8:47 a. m.]

[Docket No. 11801; FCC 56-761]

GLOBE WIRELESS, LTD.

ORDER DESIGNATING MATTER FOR HEARING AND INVESTIGATION

In the matter of Globe Wireless Ltd., revision of Tariff F. C. C. No. 33, to increase charges for registered code addresses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of July 1956;

The Commission having under consideration a revised tariff schedule, filed by Globe Wireless, Ltd., to become effective September 1, 1956, designated as follows: Globe Wireless Ltd., Tariff F. C. C. No. 33, 6th Revised Page 53, which amends paragraph 3 of Rule 13.1 to read in part as follows:

(3) A charge of $7.00 is made for the registration of a code address for a twelve-month period. A six-month registration may be effected upon a fee of $4.00 • • •

It appearing that under currently effective tariff schedules the rates are $6.00 for a twelve-month period and $3.50 for a six-month period;

It further appearing that since Globe Wireless Ltd. in contravention of § 61.33 of the Commission's rules, furnished no statement whatever giving reasons for the above-described increases in charges or the facts upon which it relied in justification thereof, the Commission is unable to determine from an examination of the aforesaid amendment whether it will be lawful under the Communications Act of 1934, as amended;

It further appearing that if the aforesaid amendment is permitted to become effective on the date specified in the revised tariff schedule, the rights and interests of the public may be adversely affected thereby;

It is ordered, That pursuant to sections 201, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the aforesaid amendment;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the aforesaid amendment is hereby suspended until the 1st day of December 1956, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such suspended amendment unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following issues:

(a) The justification, if any, for the increased rates which would demonstrate that they are lawful under Section 201 of the Communications Act of 1934, as amended;

It is further ordered, That a copy of this Order be filed in the offices of the Commission with the tariff schedule containing the amendment herein suspended; that Globe Wireless Ltd. is hereby made a party respondent to the proceeding, and that a copy hereof be served upon said respondent;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order; and that the presiding officer shall certify the record to the Commission without preparing either a recommended or initial decision.

Released: July 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6051; Filed, July 26, 1956; 8:48 a. m.]

[Docket No. 11737; FCC 56M-701]

LIVINGSTON BROADCASTING CO.

STATEMENT AND ORDER AFTER PREHEARING CONFERENCE

In re application of M. H. Wirth tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permit.

1. Pursuant to Rules 1.813 and 1.841, a prehearing conference was held on July 18, 1956. It was there noted that the mutually exclusive application of Paul A. Brandt, West Branch, Michigan (Docket No. 11736), which had been consolidated for hearing with the instant application, had, on his petition, been dismissed without prejudice on July 17, 1956, by the Chief Hearing Examiner, who at the same time directed that the Livingston application be retained in hearing status. The transcript of the prehearing conference is incorporated by reference.

2. An informal engineering conference will be held on or before July 25, 1956, for the purpose of attempting to arrive at a mutually satisfactory engineering presentation.

3. All exhibits to be offered in support of their direct cases by applicant and respondent shall be furnished counsel and the Hearing Examiner by August 29, 1956, 5 p. m.

4. The evidentiary hearing, now scheduled for September 12, 1956, is continued to September 19, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C.

So ordered, this 19th day of July 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6052; Filed, July 26, 1956; 8:48 a. m.]

[Docket No. 11738, etc.; FCC 56M-709]

SOUTH DADE BROADCASTING CO., INC., ET AL

ORDER AFTER FIRST PREHEARING CONFERENCE

In re applications of South Dade Broadcasting Co., Inc., Homestead, Florida, Docket No. 11738, File No. BP-10009; J. M. Pace, Homestead, Florida, Docket No. 11739, File No. BP-10198; Redland Broadcasting Company, Homestead, Florida, Docket No. 11740, File No. BP-10424; for construction permits.

Appearances: Mr. William Thomson of Washington, D. C., on behalf of South Dade Broadcasting Co., Inc.; Mr. Philip M. Baker of Washington, D. C., on behalf of J. M. Pace; Mr. John P. Southmayd of Washington, D. C., on behalf of Redland Broadcasting Company; and Mr. Ray R. Paul of Washington, D. C., on behalf of the Chief, Broadcasting Bureau, Federal Communications Commission. The respondent, Paul Brake, licensee of Station WWPB, Miami, Florida, was not present or represented.

1. Pursuant to order dated July 3, 1956, and in accordance with §§ 1.813 and 1.841 of the Commission's rules, a prehearing conference was held on July 5, 1956, in which the parties participated by counsel as indicated in the statement of appearances above. The respondent, Paul Brake, licensee of Station WWPB, Miami, Florida, informally consented by telegram to the holding of the conference upon the short notice provided by the order, and his failure to appear in person or by counsel does not constitute any default or waiver of rights on his behalf. Engineering consultants on behalf of the applicant South Dade and Bureau were present, and the other two applicants were represented by their attorneys. The transcript of the proceedings, being Volume 1, pages 1 through 56, is made a part of the record and the rulings and determinations arrived at in conference are set out in this order.

2. The issues designated for hearing are as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether any of the proposed operations would cause interference to Station WWPB, Miami, Florida; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the [sic] management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

The first question that arose involved a definition, for the purposes of this hearing, of primary service as used in Issue No. 1.

3. It was contended, primarily on behalf of South Dade, that the showing to be made under the first issue permits evidence upon the matters set out in § 3.188 of the Commission's rules, particularly the proposed signal strengths over the business, factory and residential areas of the city.[1] It was ruled, as urged by Bureau counsel, that the issues in this proceeding, including the primary service Issue No. 1, do not contemplate or permit the consideration of evidence upon the comparative attributes of the applicants' proposals in relation to the transmitter location factors specified in Section 3.188. No special issue directs such inquiry in this proceeding, and when questions exist under the cited section—such as blanket area population problems—an appropriately specific issue is customarily stated in the Commission's order of designation. The primary service referred to in the first issue pertains essentially to the 0.5 mv/m and 2.0 mv/m contours which are deemed adequate for primary service to rural and urban areas respectively. Accordingly, evidence upon the matters discussed in § 3.188 will not be received in this proceeding.[2]

4. The nature of the engineering evidence to be offered was discussed generally but inconclusively because not all engineering consultants were present. It was ascertained that two applicants and Bureau have consulting engineers available in Washington, D. C., that one applicant's engineer resides in Atlanta, Georgia, and it is not known whether Paul Brake has or expects to be assisted by a consulting engineer. It was not then ascertainable whether or to what extent the various parties would rely upon field intensity measurements or soil conductivity values shown in the Commission's Rules in predicting the service contours and interference potentials of the proposed stations. It was recognized that the hearing evidence should rest primarily upon mutually acceptable engineering data, regardless of whether measurement data or map values are relied upon. To achieve uniformity it was agreed that the parties would encourage and assist their engineering representatives to hold informal conferences, in person and by mail, to resolve as fully as possible questions and disagreements that might arise.

5. It was agreed that the applicants will exchange, on or before August 6, 1956, tentative or draft copies of their exhibits upon engineering matters, and that conferences among the parties thereafter will seek to eliminate conflicts and objections. After such preliminary exchange and conferences the applicants, as contemplated by Section 1.841 of the Commission's Rules, shall exchange exhibits in final form upon all matters at issue on or before September 24, 1956. A second prehearing conference will be convened on October 3, 1956. The hearing of evidence shall be commenced on October 10, 1956. It was recognized that scheduling appearances of the witnesses will be discussed at the second prehearing conference and that some modification of the schedule above stated may be required.

6. The exchange of exhibits hereinabove provided for shall be accomplished as follows:

a. The preliminary or draft exhibits to be exchanged on August 6, 1956, shall be provided in duplicate by each applicant to each of the other parties, including Bureau and the respondent, Paul Brake; no copy is to be supplied to or for the Hearing Examiner;

b. The exhibits in final form to be exchanged on September 24, 1956, shall also be provided in duplicate to all parties with one copy to be supplied to the Hearing Examiner;

c. The final form exhibits, to the extent practicable, shall be separately identified by number, shall include consecutively numbered pages in each exhibit, and shall have consecutively numbered lines on each page. The exhibit numbering shall be as follows:

(1) South Dade: beginning at No. 1;
(2) Pace: beginning at No. 101;
(3) Redlands: beginning at No. 201;
(4) Respondent Brake: beginning at No. 301; and
(5) Bureau: beginning at No. 401.

7. It was agreed that the scheduled hearing date of September 11, 1956, shall be set aside as hereinafter ordered. It was also agreed, and is herein ordered, that the effective date of this order for appeal purposes shall be the release date indicated below.

It is ordered, This 20th day of July 1956, that, unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding.

It is further ordered, That the hearing in this matter now scheduled to be commenced on September 11, 1956, be and it is hereby continued to October 3, 1956, and the hearing of evidence shall be commenced on October 10, 1956.

It is further ordered, That for appeal purposes the effective date of this order shall be the release date indicated below.

Released: July 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6074; Filed, July 26, 1956; 8:51 a. m.]

[Docket No. 11743; FCC 56M-710]

CONFEDERATE RADIO CO. (WPGA)

ORDER CONTINUING HEARING

In re application of Confederate Radio Company (WPGA), West Point, Georgia, Docket No. 11743, File No. BMP-7066; for modification of construction permit.

Pursuant to the "Petition to Reconsider and Grant Application, or in the Alternative, to Dismiss Application Without Prejudice" filed July 16, 1956, by the applicant, Confederate Radio Company, in the above proceeding, which now is awaiting Commission action, *It is ordered*, This 23rd day of July 1956, that the hearing in the proceeding now scheduled for September 10, 1956, be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6075; Filed, July 26, 1956; 8:52 a. m.]

[Mexican Change List 193]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

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[1] Section 3.188 of the Commission's rules is in part as follows:

Location of transmitters. (a) The four primary objectives to be obtained in the selection of a site for a transmitter of a broadcast station are as follows:

(1) To serve adequately the center of population in which the studio is located and to give maximum coverage to adjacent areas.

(2) To cause and experience minimum interference to and from other stations.

(3) To present a minimum hazard to air navigation consistent with objectives (1) and (2).

(4) To fulfill certain other requirements given below.

(b) The site selected should meet the following conditions:

(1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city.

(2) A minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section.

This section also discusses, through its subsection (m), numerous other considerations, all related to the subject of location of transmitters; for example, subsection (m) emphasizes the importance of a field intensity survey, stating in part that, "• • • it is necessary for a higher power station [than a 100 watt station] to make a field-intensity survey to determine that the site selected will be entirely satisfactory." It does not now appear that any applicant has made, or will offer evidence concerning such a transmitter site survey.

[2] The ruling above is explained in part by these statements made on the record by the Hearing Examiner:

"• • • primary service as used in Issue No. 1 in this proceeding is not properly to be construed as permitting evidence upon, or inquiry about, the transmitter location questions that are discussed and provided for in section 3.188 of the rules. Precedent exists for the proposition that, when either the competing parties or the Commission have concern about the matters there presented, those matters are made the subject of special issues. I am not aware of any precedent for permitting inquiry under this general primary service issue into the transmitter location questions. • • •

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

JUNE 29, 1956.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		690 kilocycles				
XEFD	Rio Bravo, Tamaulipas (change in call letters and location).	5 kw D 250 w N	ND	U	IV	Dec. 29, 1956
		1170 kilocycles				
XERT	Reynosa, Tamaulipas (change in call letters and location).	5 kw	ND	D	II	Do.
		1270 kilocycles				
XEKO	San Luis Rio Colorado Sonora (change in call letters from XEJQ).	250 w	ND	D	IV	June 29, 1956
		1340 kilocycles				
XEDB	Ciudad Obregon, Sonora (change in call letters from XECX).	250 w	ND	U	IV	Do.
		1420 kilocycles				
XEEW	Matamoros, Tamaulipas (increase power).	1 kw	DA–1	U	III	Sept. 29, 1956
		1450 kilocycles				
XEKM	Minatitlan, Veracruz (change in call letters from XEJL).	250 w	ND	U	IV	June 29, 1956
		1496 kilocycles				
XEKN	Huetamo, Michoacan (change in call letters from XEJV).	250 w	ND	U	IV	Do.
		1520 kilocycles				
XECX	Tehuacan, Puebla (change in call letters from XEDH).	250 w	ND	U	II	Do.
		1590 kilocycles				
XEKC	Mexicali, Baja California (reduce nighttime power).	5 kw D/1 kw N	ND	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–6076; Filed, July 26, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9758]

ATLANTIC SEABOARD CORP.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 16, 1956.

Take notice that Atlantic Seaboard Corporation, a Delaware corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on June 8, 1956, a petition to amend the Commission's Order issued March 30, 1956, granting it a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain additional facilities on its pipeline system in Virginia (and West Virginia,) all as more fully represented in said petition to amend, which is on file with the Commission and open for public inspection.

Petitioner states that the estimated gas requirements for the 1956–57 winter have changed and this necessitates a modification in the proposed construction.

Petitioner alleges that the increased peak day requirements of 7.0 MMcf next winter makes it necessary that Applicant install the modified facilities, so that its system will be capable of meeting the estimated peak requirement of each customer, should they all demand such gas on the same day.

Petitioner requests amendment of the Commission's Order issued March 30, 1956, to authorize the construction and operation of:

A. Approximately thirty-two and seven-tenths (32.7) miles of 26-inch gas transmission pipeline, looping approximately 33.4 miles of Petitioner's existing 26-inch gas transmission pipeline and located as follows:

(1) Approximately 15 miles of 26-inch loop, extending in a northeasterly direction from a point approximately 31.7 miles northeast of United Fuel Gas Company's Cobb Compressor Station.

(2) Approximately 8.6 miles of 26-inch loop, extending in a northeasterly direction from a point approximately 8.6 miles southwest of Petitioner's Files Creek Compressor Station.

(3) Approximately 9.1 miles of 26-inch loop, extending in a northeasterly direction from a point approximately 9.1 miles southwest of Petitioner's Seneca Compressor Station.

B. Approximately forty-nine and four-tenths (49.4) miles of 24-inch gas transmission pipeline extending in a southeasterly direction from Petitioner's Lost River Compressor Station, Hardy County, West Virginia to Petitioner's Bickers Compressor Station, Greene County, Virginia.

Petitioner also proposes to delete the 4 months time limit for the completion of construction set by Ordering Paragraph (C) and substitute therefor a time limit of 7 months.

The revised estimate of capital cost of all the facilities proposed in the subject petition is $7,178,800 as compared to the cost of the originally authorized facilities estimated at $8,521,000. The reduction is due to more refined estimating and reduction in length of the proposed crossover line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–6061; Filed, July 26, 1956; 8:49 a. m.]

[Project No. 1975]

IDAHO POWER CO.

NOTICE OF LAND WITHDRAWAL

JULY 26, 1956.

Pursuant to the filing of application for license on December 3, 1947, and amendments thereof on February 28, 1950, this Commission by letters dated March 18, 1948 and April 13, 1950, gave notice to the Bureau of Land Management of the withdrawal of 509.73 and 1.06 acres of lands of the United States in connection with Project No. 1975.

The Idaho Power Company, Licensee, pursuant to Commission Order dated October 13, 1949, and in accordance with Article 3 of the license, on June 4, 1956, filed revised exhibit "K" drawings delimiting the land necessary for project purposes.

In accordance with the provisions of section 24, of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands of the United States are included in the aforesaid power project as licensed. Under said section 24 these lands are, from the date of filing of revised maps, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN, IDAHO

Those portions of the following subdivisions lying within the project development as shown upon amendatory maps designated Exhibits "K–1" Sheets 1, 2 and 3 (F. P. C. No. 1975–33, 34 and 35) entitled, "Bliss H. E. Development, Detail Map, Idaho Power Company, Boise, Idaho," filed June 4, 1956.

Within Powerhouse area:

T. 6 S., R. 12 E.,
Section 7, Lots 4, 5, SE¼NE¼.
Access road, 50 foot right-of-way:
T. 6 S., R. 12 E.,
Section 7, N½ Lot 4; N½SE¼NE¼, NW¼NE¼, NE¼NW¼;
Section 8, SW¼NW¼.

Within Reservoir area, those lands lying below the 2,660-foot elevation:

T. 6 S., R. 12 E.,
Section 8, Lots 5, 8;
Section 9, Lots 4, 5, 6, 7, SE¼SE¼;
Section 10, Lots 1, 4, 5, 6, 7, 8, SW¼SW¼, SE¼SW¼;
Section 11, Lots 1, 2, 3, 4, 5, 6, 8;
Section 12, Lots 2, 3, 4, 5.

The area reserved is approximately 190.76 acres, all of which, with the exception of the south 20.39 acres of the SE¼NE¼ Section 7, has been heretofore reserved in connection with either earlier withdrawals for this project (No. 1975), Project No. 406 or Power Site Reserve Nos. 77, 238 and 406.

This notice of withdrawal modifies and supersedes, in their entirety, letters of withdrawal notification dated March 18, 1948, and April 13, 1950.

Copies of amendatory map sheets, F. P. C. Nos. 1975–32 to 1975–35 inclusive (Exhibit "J–1" and Exhibit "K–1" in three sheets) have been transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6066; Filed, July 26, 1956; 8:50 a. m.]

[Project No. 2099]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 23, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The California Oregon Power Company of Yreka, California, for license for proposed water power Project No. 2099 to be known as the Rinchel Development and located on McCloud River, a tributary of Pit River, which is tributary to Shasta Reservoir, in Shasta and Siskiyou Counties, California, affecting lands of the United States within Shasta National Forest. The proposed Rinchel Development is one of six units contemplated for development of the McCloud River Basin. The proposed project would consist of a rock-fill dam located in SW¼, sec. 22, T 38 N, R 2 W, M. D. M.; a reservoir about 4 miles long with normal water surface at elevation of 2,674 feet and usable storage capacity of 16,000 acre-feet at a 50-foot drawdown; a tunnel intake located about 750 feet upstream from the dam; a 15-foot diameter tunnel about 1¼ miles long extending to the powerhouse; a surge tank, a powerhouse containing two outdoor type generating units, each comprised of a 44,000-horsepower turbine connected to a 32,500-kilowatt generator; a substation; a 125 kilovolt transmission line connected to the applicant's system; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6063; Filed, July 26, 1956; 8:49 a. m.]

[Docket No. G–10098]

PENNSYLVANIA GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

JULY 20, 1956.

Upon consideration of the request, filed July 18, 1956, by Staff Counsel for postponement of the hearing now scheduled for August 1, 1956 in the above-designated matter;

The hearing now scheduled for August 1, 1956 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6064; Filed, July 26, 1956; 8:49 a. m.]

[Docket Nos. G–10492, G–10493]

EQUITABLE GAS CO. AND HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 23, 1956.

Take notice that Equitable Gas Company (Equitable) a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, and Hope Natural Gas Company (Hope) a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed companion applications on May 28, 1956, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas to each other on a short term interruptible basis as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Equitable proposes to sell and deliver to Hope during the period beginning June 1, 1956, and ending October 31, 1956, a quantity of natural gas, not in excess of 1,530,000 Mcf, in daily quantities agreeable to both. Equitable estimates that this volume will be available to it from its southwest suppliers during this period, as surplus gas in excess of that amount it can place into its storage pools.

Hope proposes by its application to sell and deliver to Equitable, during the period November 1, 1956, and ending March 31, 1957, a volume of interruptible gas not in excess of 1,530,000 Mcf.

Equitable states that the sale and delivery of natural gas as proposed by the parties herein will enable it to maintain its storage deliverability at a higher level during the heating season than would be the case if this gas were not received. Equitable further states that some shortage is anticipated on next winter's peak days and the gas received from Hope pursuant to its application will aid Equitable in attempting to meet its requirements and assure maintenance of adequate service to its customers.

Equitable will require no new facilities to make the proposed sale to Hope during the summer months because it will use an existing connecting with Hope at the Haught Farm in Paw Paw District, Marion County, West Virginia.

Hope will make the proposed sale and delivery to Equitable during the winter months at an existing interconnection between the two systems in the Freemans Creek District of Lewis County, West Virginia. The only additional facilities required to render this proposed service will be approximately 20 feet of 4-inch pipe and a 4-inch valve.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearing will be held on August 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D. C., concerning the matters involved in and the issues presented by such application(s): *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in, cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6065; Filed, July 26, 1956; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3–DC–03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

HON. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

HON. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

GILL, POPE CO.

ORDER REVOKING BROKER-DEALER REGISTRATION

JULY 19, 1956.

In the matter of Gill, Pope Co., 25 Broad Street, New York 4, New York.

The Commission having instituted proceedings under section 15 (b) and section 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Gill, Pope Co. ("registrant") or to suspend or expel it from membership in the National Association of Securities Dealers, Inc., and to determine whether Jesse S. Gill and Frank I. Pope, partners in registrant firm, should each be found to be a cause of any order of revocation, suspension or expulsion;

A hearing having been held after appropriate notice, and the hearing examiner having filed a recommended decision;

The Commission having this day issued its Findings and Opinion, on the basis of said Findings and Opinion;

It is ordered, That the registration as a broker and dealer of Gill, Pope Co. be, and it hereby is, revoked; that the registrant be, and it hereby is, expelled from the National Association of Securities Dealers, Inc., and that Jesse S. Gill and Frank I. Pope are each a cause of such revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6078; Filed, July 26, 1956; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 18]

ALLIED SPECIALTIES CO.

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Allied Specialties Company are herewith published. The original list of companies accepting such request was published on August 1, 1953, in 18 F. R. 4529.

Engineering Tool Co., Wayne Avenue and Berkley Street, Philadelphia 44, Pa.

Industrial Pattern Works, Box 31, Riverside, N. J.

Jowil Electronics, Inc., Belfield Avenue and Wister Street, Philadelphia 44, Pa.

Dated: July 20, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6062; Filed, July 26, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BENJAMIN DUBOSSARSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Benjamin Dubossarsky, Buenos Aires, Argentina, Claim No. 36771; Vesting Order No. 829; $770.73 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6031; Filed, July 25, 1956; 8:51 a. m.]

ELLA WRONKER-FLATOW

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ella Wronker-Flatow, London, England, Claim No. 25121; Vesting Order 5535; $992.60 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6032; Filed, July 25, 1956; 8:51 a. m.]

FRANCOIS ALPHONSE VANWEVERENBERGH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francois Alphonse Vanweverenbergh, Louvain, Belgium, Claim No. 38246; Vesting Order No. 2437; an undivided one-third (1/3d) interest in United States Letters Patent No. 2,289,960 as described in Vesting Order No. 2437 (8 F. R. 16329, December 4, 1943).

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6033; Filed, July 25, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32397: *Pneumatic tires and parts from Detroit, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on tires, artificial, guayule, natural, neoprene or synthetic rubber, pneumatic, and parts, straight of mixed carloads from Detroit, Mich., to Columbus and Jessup, Ga., and High Point, N. C.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 32 to Agent Hinsch's tariff I. C. C. 4664.

FSA No. 32398: *Automobile parts and vinyl acetate to southern points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts in carloads from Marion, Ind., and Galion, Ohio, to points in Georgia, and vinyl acetate from West Virginia to Cedartown, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32395: *Compartment charges between North and South.* Filed by A. J. Winkler, Agent, for interested rail carriers. Rates on compartments in berth service (passenger) between points on the Pennsylvania R. R., north of Cincinnati, Ohio and Louisville, Ky., to Chicago, Ill., on the one hand, and points

south of Cincinnati, Ohio and Louisville, Ky., on the other.

Grounds for relief: Maintenance of depressed charges, between stations north of and including Cincinnati, Ohio and Louisville, Ky., not applicable in constructing lower combination charges.

Tariffs: Supplement 2 to Agent Winkler's tariff I. C. C. 20 and schedule of Agent M. B. Duggan.

FSA No. 32396: *Passenger fares—Eastern and Western Railroads.* Filed by W. H. Clifford, Agent, and other agents named in the application, for and on behalf of carriers parties to Ex Parte No. 202 and Docket 31992. Rates involving increased passenger fares between points in the United States included in Ex Parte No. 202 and Docket 31992.

Grounds for relief: Maintenance of through fares in excess of the aggregate-of-intermediates fares established pursuant to Ex Parte No. 202 and Docket 31992.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6021; Filed, July 25, 1956; 8:49 a. m.]

FOURTH SECTION APPLICATIONS

JULY 24, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32399: *Crude rubber from Baton Rouge, La., to Monroe, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, guayule, natural, synthetic or neoprene, loose or in packages, carloads from Baton Rouge and North Baton Rouge, La., to Monroe, Mich.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 187 to Alternate Agent Marque's tariff I. C. C. 417.

FSA No. 32400: *Caustic soda from Baton Rouge, La., to Champaign, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on caustic soda, liquid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Champaign, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 187 to Alternate Agent Marque's tariff I. C. C. 417.

FSA No. 32401: *Roofing and building materials to Louisville, Ky.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials and roofing slate, carloads from specified points in Arkansas, Louisiana, and Texas to Louisville, Ky.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 13 to Agent Kratzmeir's I. C. C. 4148.

FSA No. 32402: *Coal—Alabama to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on bituminous coal, including blacksmith coal, carloads from specified points in Alabama to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 53 to Agent Kratzmeir's I. C. C. 3991.

FSA No. 32403: *Lumber and related articles to Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from specified points in Texas to specified points in Oklahoma.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 76 to Agent Kratzmeir's I. C. C. 3850.

FSA No. 32404: *Sugar—New Orleans, La., group to Birmingham, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, and Reserve, La., to Birmingham, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 315 to Agent Marque's I. C. C. 380.

FSA No. 32405: *Sugar to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar carloads (returned shipments) from specified points in southern, official, southwestern, and western trunk-line territories to specified points in southern territory.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 315 to Agent Marque's I. C. C. 380; supplement 30 to Agent Marque's I. C. C. 434; supplement 4 to Agent Marque's I. C. C. 445.

FSA No. 32406: *Cheese from and to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cheese, including cheese foods, and oleomargarine, and related articles, carloads, from specified points in southern territory to points in southern territory.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Agent Spaninger's tariff I. C. C. No. 1527.

FSA No. 32407: *Cheese—Between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cheese, including cheese foods, and related articles, carloads between points in southern territory.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Supplement 9 to Agent Spaninger's I. C. C. 1525.

FSA No. 32408: *All freight—Michigan and Ohio to South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on merchandise freight, all kinds, mixed carloads from Detroit and Jackson, Mich., Cleveland, and Ravenna, Ohio to specified points in Florida, Georgia, Louisiana and Tennessee.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Agent Hinsch's tariff I. C. C. No. 4745.

FSA No. 32409: *Slag—Buffalo, N. Y., to Boston, Mass.* Filed by O. W. Boin, Agent, for interested rail carriers. Rates on slag, unsuitable for further extraction of metal, not granulated, carloads from Buffalo, N. Y., to Boston, Mass.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6014; Filed, July 26, 1956; 8:45 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 146

Washington, Saturday, July 28, 1956

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

SUBPART B—STANDARDS

STRICT GOOD MIDDLING AMERICAN UPLAND COTTON STANDARD

On July 11, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 5141) regarding the proposed promulgation of a descriptive grade standard for Strict Good Middling (White) American upland cotton, pursuant to authority contained in section 6 of the United States Cotton Standards Act as amended (42 Stat. 1518; 7 U. S. C. 56) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C. 4854).

After consideration of all relevant matters presented pursuant to the notice, the official cotton standards of the United States for the grade of American upland cotton, also referred to as the "Universal Standards for American Cotton," (7 CFR Part 27, Subpart B), are hereby amended, effective August 1, 1957, by inserting a new § 27.150 to read as follows:

§ 27.150 *Strict Good Middling.* Strict Good Middling shall be American upland cotton which in color, leaf, and preparation is better than Good Middling. This standard is effective on and after August 1, 1957.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854)

Done at Washington, D. C., this 25th day of July 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 56-6098; Filed, July 27, 1956; 8:47 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—U. S. STANDARDS FOR SHELLED RUNNER TYPE PEANUTS; REVISION [1]

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.) and by virtue of the authority vested in me by the Secretary of Agriculture, the United States Standards for Shelled Runner Type Peanuts (21 F. R. 4850) are revised as hereinafter set forth.

The revisions provide for the U. S. No. 1 Runner grade a 3 percent tolerance for sound peanuts which are split or broken and a 3 percent tolerance for sound whole peanuts which will pass through the prescribed screen in lieu of 2 percent tolerance for these factors.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to engage in rule making procedures and to postpone the effective date of these revisions for 30 days after publication in the FEDERAL REGISTER for the reasons that:

(1) The 1956 harvesting and shipping season for peanuts is now beginning;

(2) These revisions relax the grade requirements and therefore additional time is not required in order for the industry to make preparation for compliance with these revisions; and

(3) It is desirable that these changes be made in the revised standards which are to become effective on July 31, 1956, as published in the FEDERAL REGISTER (21 F. R. 4850) on June 30, 1956, upon the effective date of said standards.

The following revisions of said standards are hereby promulgated to become effective on July 31, 1956.

1. Subparagraph (2) of paragraph (a) of § 51.2710 is revised to read:

(2) 3 percent for sound peanuts which are split or broken;

2. Subparagraph (6) of paragraph (a) of § 51.2710 is revised to read:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 5671)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

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(6) 3 percent for sound whole peanuts which will pass through the prescribed screen.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 25, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–6116; Filed, July 27, 1956; 8:50 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—U. S. STANDARDS FOR SHELLED VIRGINIA TYPE PEANUTS; REVISION [1]

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.) and by virtue of the authority vested in me by the Secretary of Agriculture, the United States Standards for Shelled Virginia Type Peanuts (21 F. R. 4851) are revised as hereinafter set forth.

The revisions provide for the U. S. Extra Large Virginia, U. S. Medium Virginia, and U. S. No. 1 Virginia grades that the tolerance shall be 3 percent for sound peanuts which are split or broken and 3 percent for sound, whole peanuts which will pass through the prescribed screens in lieu of a 2 percent tolerance for these factors. In addition, the revision provides for U. S. No. 2 Virginia grade that a screen having $^{17}/_{64}$ inch round openings shall be used in lieu of a $^{15}/_{64}$ inch screen.

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to engage in rule making procedures and to postpone the effective date of these revisions for 30 days after publication in the FEDERAL REGISTER for the reasons that:

(1) The 1956 harvesting and shipping season for peanuts is now beginning;

(2) These revisions relax the grade requirements and therefore additional time is not required in order for the industry to make preparation for compliance with these revisions; and

(3) It is desirable that these changes be made in the revised standards which are to become effective on July 31, 1956, as published in the FEDERAL REGISTER (21 F. R. 4851) on June 30, 1956, upon the effective date of said standards.

The following revisions of said standards are hereby promulgated to become effective on July 31, 1956:

1. Subparagraph (2) of paragraph (a) of § 51.2750 is revised to read:

(2) 3 percent for sound peanuts which are split or broken;

2. Subparagraph (6) of paragraph (a) of § 51.2750 is revised to read:

(6) 3 percent for sound whole peanuts which will pass through the prescribed screen;

3. Subparagraph (2) of paragraph (a) of § 51.2751 is revised to read:

(2) 3 percent for sound peanuts which are split or broken;

4. Subparagraph (6) of paragraph (a) of § 51.2751 is revised to read:

(6) 3 percent for sound whole peanuts which will pass through the prescribed screen;

5. Subparagraph (2) of paragraph (a) of § 51.2752 is revised to read:

(2) 3 percent for sound peanuts which are split or broken;

6. Subparagraph (6) of paragraph (a) of § 51.2752 is revised to read:

(6) 3 percent for sound whole peanuts which will pass through the prescribed screen;

7. The first sentence of § 51.2754 is revised to read: 'U. S. No. 2 Virginia' consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{17}/_{64}$ inch round openings."

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 25, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–6117; Filed, July 27, 1956; 8:50 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determinations 877.7, Amdt. 1; 877.8, Amdt. 1]

PART 877—SUGARCANE; PUERTO RICO

1954–55 AND 1955–56 CROPS

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, the determination of fair and reasonable prices for the 1954–55 crop of Puerto Rican sugarcane, issued February 8, 1955 as Part 877, § 877.7 (20 F. R. 877), and the determination of fair and reasonable prices for the 1955–56 crop of Puerto Rican sugarcane, issued January 12, 1956 as Part 877, § 877.8 (21 F. R. 333), are hereby amended by deleting the first sentence of § 877.8 (a) (2) and adding in lieu thereof the following:

(a) *Definitions.* • • •

(2) "Sugar yield period" means the two-week, four-week, semimonthly, monthly, or such other period, as may be agreed upon between the producer and the processor, in which sugarcane is delivered by the producer to the processor.

Statement of bases and considerations. This amendment provides for the use of such sugar yield period as may be agreed upon between the producer and the processor in addition to the four sugar yield periods specified in the determinations applicable to the 1954–55 and 1955–56 crops.

The fair price determinations applicable to these crops provided that the sugar yield period be either a two-week, four-week, semi-monthly or monthly period as agreed upon between the producer and the processor. Such a period is used by a processor to establish the relationship between sugar recovery and the sucrose-brix analysis of all sugarcane ground. The resulting relationship is applied to the sucrose-brix analysis of sugarcane delivered by individual producers to the processor during the sugar yield period to ascertain the quantity of raw sugar upon which payment to the producer is to be based.

Sugarcane is delivered to the mill for grinding throughout the harvesting season in accordance with delivery schedules of the mill to provide a regular supply of cane. The number of days on which a producer delivers sugarcane generally varies in relation to the size of his crop. Large producers may deliver sugarcane during an extended period or throughout the season, while small producers may deliver their entire crop within a few days.

A processor of sugarcane in Puerto Rico reported that he used a four-week sugar yield period during the 1953–54 crop as had been customary and that some of the small producers who delivered cane under favorable weather conditions were dissatisfied because their cane was included in the same yield period with other cane delivered at other times under less favorable conditions. Accordingly, this processor adopted a one-week sugar yield for the 1954–55 crop on the assumption that it would be more equitable generally for small producers and that it was not contrary to the provisions of the fair price determination. Furthermore, information has been received that certain other processors have varied their customary sugar yield period slightly because of the time the mill commenced or ended its processing operations and the interruption in such operations caused by the Easter holiday.

There is little information available for use in determining the most equit-

able sugar yield period. Generally, in the past fair price determinations have adopted the practices as established by producers and processors with respect to the period to be used in determining the yield of raw sugar. It is believed that any period used throughout the entire crop should give reasonably equitable results. It is also recognized that the date of the commencement or ending of the crop or a temporary shutdown of the mill may justify a minor variation of the customary sugar yield period under such circumstances. In view of the questions recently raised with respect to the duration of the sugar yield periods this matter will be brought up at the next public hearing on fair and reasonable prices to be held in Puerto Rico.

Accordingly, I hereby find and conclude that the foregoing amendment to the 1954–55 and 1955–56 crop price determinations will effectuate the price provision of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 24th day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6103; Filed, July 27, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 79]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.379 *Valencia Orange Regulation 79*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on July 26, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 29, 1956, and ending at 12:01 a. m., P. s. t., August 5, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 785,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 27, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6163; Filed, July 27, 1956; 11:14 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective on August 1, 1956. An effective date other than as of the first day of a month is administratively impracticable. The provisions of the said order are well known to handlers, having been included in the decision issued on July 19, 1956, and published in the FEDERAL REGISTER. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective August 1, 1956.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1956), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Amend paragraph (f) of § 927.40 as follows:

(a) Amend the opening sentence to read as follows: "For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents."

(b) Add a new subparagraph (3) as follows:

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

Month to which the price is applicable:	Amount
July through November	$0.13
December through February	.10
March and April	.08
May and June	.05

2. Amend § 927.43 as follows:

(a) Change the words just prior to the first proviso from "four cents per pound of butterfat in such milk" to "four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February:".

(b) Delete the first proviso.

(c) Amend the second proviso to read: "*Provided,* That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth."

3. Amend § 927.44 prior to the first colon to read as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows:

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of July 1956, to be effective August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6100; Filed, July 27, 1956; 8:47 a. m.]

PART 940—HANDLING OF PEACHES GROWN IN MESA COUNTY, COLORADO

ORDER AMENDING AMENDED ORDER

§ 940.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Palisade, Colorado, on March 15, 1956, upon proposed amendments to the Amended Marketing Agreement No. 88 and Amended Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said amended order, as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended order, as hereby further amended, regulates the handling of peaches grown in the County of Mesa in the State of Colorado in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said amended order, as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) There are no differences in the production and marketing of peaches grown in the production area covered by the said amended order, as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area.

(b) *Additional findings.* It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this order beyond that hereinafter specified (60 Stat. 237; 5 U. S. C. 1001 et seq.), because shipments of the current crop of peaches shipments County, Colorado, are expected to begin on or about August 1, 1956, and this order should be applicable to all shipments of peaches this season to be of maximum benefit. It is, therefore, necessary that the order be made effective as soon as possible. One of the provisions thereof authorizes the recommendation and establishment of regulations on a varietal basis. After consideration of current crop prospects and the current and prospective marketing situation for Mesa County, Colorado, peaches, the Administrative Committee could well recommend, for example, that a size regulation for the current season for the Gleason Elberta and Early Elberta varieties of peaches specify a different minimum diameter than a regulation for all other varieties of peaches. Another provision of the amendment, closely related to that authorizing the regulation of peaches on a varietal basis, revises the current provisions pertaining to exemption from regulations. Such revised provisions should be made effective at the same time, so that the committee may authorize exemption from regulations by variety. The provisions relating to the nomination and selection of the committee membership become applicable, by their own terms, at a time later than 30 days after publication hereof in the FEDERAL REGISTER. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Palisade, Colorado, on March 15, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on June 12, 1956 (21 F. R. 4016) and June 28, 1956 (21 F. R. 4759), respectively. Copies of the provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the amended marketing agreement regulating the handling of peaches grown in the County of Mesa in the State of Colorado, upon which the aforesaid public hearing was held, has been executed by han-

dlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the peaches covered by this order) who, during the period March 1, 1955, through February 29, 1956, handled not less than 50 percent of the volume of peaches covered by the said amended order, as hereby further amended;

(2) The aforesaid agreement, amending the said amended marketing agreement, has been executed by handlers who were signatory parties to said amended marketing agreement, and who, during the preceding fiscal year, shipped not less than sixty-seven (67) percent of the peaches grown in the County of Mesa in the State of Colorado, shipped by all signatory handlers to said amended marketing agreement during such fiscal year;

(3) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (March 1, 1955, through February 29, 1956), have been engaged within the County of Mesa in the State of Colorado in the production of peaches for market; and

(4) The issuance of this order, amending the aforesaid amended order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the County of Mesa in the State of Colorado.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of peaches grown in the County of Mesa in the State of Colorado as is in the current of commerce between the State of Colorado and any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby further amended; and such amended order is hereby further amended to read as follows:

1. Redesignate §§ 940.8, 940.9 and 940.10 as 940.9, 940.10, and 940.11, respectively, and insert the following new section:

§ 940.8 *Varieties.* "Varieties" means and includes all classifications and subdivisions, including customary and trade names thereof, of peaches according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or the Colorado State Department of Agriculture, or such groupings of peaches according to such characteristics or types as may be established by the Committee with the approval of the Secretary.

2. Delete §§ 940.20 through 940.23 and substitute therefor the following:

§ 940.20 *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, each of whom shall have an alternate. Five of the members, one for each district, shall represent producers; three of the members shall represent cooperative associations that are handlers; and one of the members, hereinafter referred to as "independent" member, shall represent producers and handlers other than cooperative associations and members of such associations. The members of the committee and their respective alternates shall be nominated and selected, for the terms of office subsequent to February 28, 1957, in accordance with the provisions of §§ 940.21 through 940.24.

§ 940.21 *Nomination and selection of producer members.* (a) Nomination of producer members and their respective alternates shall be made at meetings of producers for each such district, at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees, each producer shall be entitled to vote in accordance with the provisions of paragraph (b) of this section. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(b) Only producers shall participate in the nomination of producer members and their alternates, and a producer may participate only in the meeting held for the district in which he produces peaches. No producer shall participate in the nomination of producer members and their alternates for more than one district in any fiscal year. Each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select one member and one alternate from the nominees thus elected and ranked.

§ 940.22 *Nomination and selection of independent member.* (a) Nomination of an independent member and his alternate shall be made at a meeting of producers and handlers other than cooperative associations or members of such associations, at such time (on or before February 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the persons eligible to participate therein shall select a chairman and a secretary therefor.

(b) Only producers and handlers who are not cooperative associations nor members of such associations shall be eligible to participate in the nomination of the independent member and his alternate. Proxy voting shall be prohibited, but independent handlers having permanent facilities in Mesa County for the handling of peaches and having bona fide agents designated for carrying on business activities for such handlers may be represented at such nomination meetings by such agents and such agents may vote and be nominated; and, in a similar manner, such handlers may designate employees who may vote and be nominated. In the election of nominees for the independent member and his alternate, each person eligible to participate therein shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives. The Administrative Committee, with the approval of the Secretary, may make rules and regulations defining permanent facilities and what shall constitute bona fide agents and employees for the purposes of this section, and in like manner may change such rules and regulations from time to time.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of the votes cast, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select a member and an alternate member from the nominees thus elected and ranked.

(d) The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

§ 940.23 *Nomination and selection of cooperative handler members.* (a) Each of the two cooperative associations qualifying as a handler during the fiscal year beginning March 1, 1956, shall be entitled to nominate one member and one alternate member of the committee; and, in alternate years, each such association shall make an additional nomination for either a member or alternate member. The cooperative association represented by two cooperative handler members during the fiscal year beginning March 1, 1956, shall nominate one member and two alternates for the next succeeding fiscal year. The cooperative association represented by one cooperative handler member during the fiscal year beginning March 1, 1956, shall nominate two members and one alternate for the next succeeding fiscal year.

(b) Nomination of cooperative handler members and their respective alternates shall be made at a meeting or meetings of the members of such cooperative associations at such times (on or before February 1 of each year) and places as the respective associations shall designate with the concurrence of the Administrative Committee. At each such meeting, the association members eligible to participate therein shall select a chairman and secretary therefor unless such officers regularly serving the association are in attendance. In the election of nominees, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives, for each member nominee to be elected. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select the required number of members and alternates from the nominees thus elected and ranked.

(d) The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary.

(e) The committee, with the approval of the Secretary, may provide for the reapportionment of the cooperative handler membership of the committee so as to more equitably provide representation to present and future cooperative associations engaged in handling Mesa County peaches should the need for such reapportionment of present cooperative handler positions arise. Any such reapportionment should be based, so far as practicable, upon the volume of peaches handled by the respective associations.

3. Delete paragraph (c) of § 940.24 and substitute therefor the following:

(c) The independent member of the Administrative Committee and the alternate for such member to be selected from the nominees of producers and handlers other than cooperative associations and members of such associations must be a producer or handler (including employees and bona fide agents designated for carrying on business activities for such handler) and shall not be a member or an employee of a cooperative association.

4. Delete § 940.30 and substitute therefor the following:

§ 940.30 *Compensation and expenses.* The members and alternate members of the Administrative Committee shall serve without salary but may be compensated for attendance at meetings at a rate not to exceed $5.00 per meeting plus mileage at not to exceed 10 cents per mile. Such members and alternates also may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties, specifically assigned by the committee, other than attendance at meetings.

5. Redesignate paragraphs (g), (h), (i), and (j) of § 940.32 as paragraphs (h), (i), (j), and (k), respectively, and insert the following new paragraph (g):

(g) To consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under this part.

6. Delete §§ 940.50 and 940.52 and substitute therefor the following:

§ 940.50 *Regulation of shipments.* Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of one or more varieties of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both, it shall so recommend to the Secretary.

§ 940.52 *Establishment of regulations*—(a) *By grades and sizes.* Whenever the Secretary finds, from any such recommendations and information or other available information, that to limit the shipment of the total quantity of any variety or varieties of peaches to particular grades or sizes, or both, thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

(b) *By minimum standards of quality and maturity.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to establish minimum standards of quality or maturity, or both, and to limit the shipment of any variety or varieties of peaches during any period or periods to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

7. After deleting the provisions of paragraph (b) of § 940.53 and redesignating paragraphs (c) and (d) of such section as paragraphs (e) and (f), respectively, insert the following:

(b) In the event the Secretary issues a regulation pursuant to § 940.52, the committee shall determine the percentage which each variety of peaches permitted to be shipped under the regulation bears to the total production of such variety; and the committee shall forthwith announce such percentage. The committee shall thereafter issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that, by reason of conditions beyond the control of a prudent grower and beyond his reasonable expectations, he will be prevented because of the regulation issued from shipping or having shipped as large a proportion of a particular variety of his peaches as the average proportion of all such peaches which may be so shipped. Causes regarded as within the control of a prudent grower include, but are not necessarily limited to, failure properly and adequately to prune, irrigate, thin, fertilize, spray, and cultivate according to accepted practices. Causes regarded as beyond the control of a prudent grower and beyond his reasonable expectation include, but are not necessarily limited to, exceptionally late spring and early frosts, ditch breaks, water shortages, general shortage of labor during the growing season, or illness of a kind causing inability to carry out the management of his crop in the manner of a prudent grower.

(c) The committee, with the approval of the Secretary, may include in the rules and regulations adopted pursuant to (a) of this section such refinement of definition as is deemed necessary with respect to causes beyond the control of a prudent grower and beyond a grower's reasonable expectation.

(d) The exemption certificates issued pursuant to this section shall permit the respective grower to whom the certificate is issued to ship or have shipped a percentage of his crop of a particular variety of peaches equal to the percentage determined pursuant to paragraph (b) of this section; but such exemption may be limited to the specific damage by reason of which the exemption is claimed, and the committee may establish special requirements with respect to the minimum grade, quality, size, and maturity which must be met by peaches shipped under such certificates.

8. Add after § 940.55 the following new section, preceded by a main heading entitled "Research and Development:"

§ 940.60 *Marketing Research and Development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches. In a similar manner any such project may be modified, suspended, or terminated.

9. Immediately preceding the closing of the parenthesis at the end of § 940.2 *Act*, insert the following: "; 68 Stat. 906, 1047."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of July 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6099; Filed, July 27, 1956; 8:47 a. m.]

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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AUTHORITY: §§ 942.0 to 942.111 issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, and as hereby further amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than August 1, 1956 this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the New Orleans, Louisiana, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held in April, 1955, the recommended decision having been published in the FEDERAL REGISTER on February 18, 1956 (21 F. R. 1128), and the final decision having been executed by the Assistant Secretary on July 3, 1956. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending said order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of the order, amending the order, as amended is approved or favored by at least two-thirds of the producers who, during the representative period (May 1956) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 942.1 to 942.111, both inclusive, herein set forth, shall be and are the terms and conditions of this order, as amended, and as hereby further amended.

DEFINITIONS

§ 942.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 942.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 942.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter called the "marketing area" means all territory included within the boundaries of the parishes of Jefferson, Orleans, Plaquemines and St. Bernard, all in the State of Louisiana.

§ 942.5 *Person.* "Person" means any individual, partnership, corporation, association,or other business unit.

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with the Grade A inspection requirements of the health authority having jurisdiction within the marketing area, which milk is received during the month at a fluid milk plant.

§ 942.7 *Handler.* "Handler" means any person in his capacity as the operator of a fluid milk plant.

§ 942.8 *Producer-handler.* "Producer-handler" means any person who produces milk and who processes milk from his own production and distributes all or a portion of such milk in the marketing area as Class I milk but who receives no milk from dairy farmers or other producer-handlers in bulk.

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk pursuant to § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) from which milk or cream is transferred to a plant described in paragraph (a) of this section: *Provided,* That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class II milk as defined in § 942.41 (b), or during any of the months of September, October, November and December, in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days.

§ 942.10 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received by a handler either directly from producers or from other handlers.

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a source other than producers or other handlers, except any nonfluid product received and disposed of in the same form.

§ 942.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 942.13 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months of March through August which is not in excess of such producer's daily base computed pursuant to § 942.92 multiplied by the number of days in such month.

§ 942.14 *Excess milk.* "Excess milk" means milk received from a producer during any of the months of March through August which is in excess of the base milk of such producer for such month.

§ 942.15 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 942.16 *Fluid milk product.* "Fluid milk product" means milk (including concentrated and frozen milk), skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, ice cream, and ice cream mix).

MARKET ADMINISTRATOR

§ 942.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 942.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 942.83: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 942.82) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other persons as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.80 and 942.83;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) From time to time, as conditions in the market warrant, publicly announce the name of each handler whose receipts of skim milk and butterfat in milk received from producers are more than 105 percent and less than 95 percent, respectively, of his total utilization of skim milk and butterfat, respectively, in Class I milk; and

(k) On or before the date specified publicly announce, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month during the period October through March, the uniform price for each handler computed pursuant to § 942.71, and the butterfat differential computed pursuant to § 942.73, both for the preceding month; and

(3) The 11th day of each month during the period April through September, the uniform prices for base and excess milk for each handler computed pursuant to § 942.72, and the butterfat differential computed pursuant to § 942.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 942.30 *Reports of sources and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other fluid milk plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including inventories of fluid milk products on hand at the end of the month.

§ 942.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 5th day of each month during the period April through September the aggregate quantity of base milk received at his fluid milk plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his

fluid milk plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer or cooperative association, including the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer or cooperative association, together with the price paid and the amount and nature of any deductions; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 942.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 942.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for fluid milk plants pusuant to § 942.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 942.41 through 942.45.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in §§ 942.42 through 942.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as dumped skim milk; (4) disposed of as skim milk and used for livestock feed; and (5) in shrinkage not to exceed an amount calculated as follows: (i) 0.5 percent of milk received from producers and disposed of as whole milk, skim milk or cream in bulk tank lots; (ii) 1.5 percent of the skim milk or butterfat received as bulk tank lots of milk and disposed of in a form other than bulk tank lots of milk: *Provided*, That any disposition of milk in bulk tank lots shall be assigned to receipts of milk in such form; and (iii) 2.0 percent of milk received from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream.

§ 942.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any month in fluid form as milk, skim milk or cream by transfer to another plant shall be classified as follows:

(a) As Class I milk if transferred to the fluid milk plant of another handler (except a producer-handler), unless utilization in a product specified in § 942.41 (b) is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month in which such transfer occurred: *Provided*, That the amount of skim milk or butterfat shall not exceed the total skim milk or butterfat so used during the month by the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, skim milk and butterfat so transferred shall be classified at both plants so as to return the highest available utilization to milk received from producers;

(b) As Class I milk if transferred to a producer-handler;

(c) As Class I milk if transferred to any plant other than a fluid milk plant unless:

(1) The handler claims utilization in a product(s) specified in § 942.41 (b);

(2) The operator of such nonfluid milk plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat at such nonfluid milk plant in fluid milk products is less than the total pounds of skim milk and butterfat, respectively, received from the transferor-handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid use in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such month, for which producers receive the highest rate of return after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

§ 942.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the fluid milk plants of such handler.

§ 942.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the fluid milk plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 942.41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk received in other source milk: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(4) Subtract the pounds of skim milk in fluid milk products received from fluid milk plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 942.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagragh (1) of this paragraph;

(6) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, substract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 942.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct 5 cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Company, Kosciusko, Miss.
Borden Food Company, Starkville, Miss.
Kraft Foods Company, Newton, Miss.
Wilson and Company, Macon, Miss.

§ 942.51 *Class prices.* Subject to the provisions of §§ 942.52 and 942.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.20 during the months of March through August, and $2.65 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided*, That from the effective date hereof through February 1957, the Class I milk price shall be the basic formula price for the preceding month plus $2.65: *And provided further*, That from the effective date hereof through February 1957, such supply-demand adjustment shall not apply:

(1) Divide the total receipts of producer milk in the two immediately preceding months by the total gross volume of Class I milk (less interhandler transfers) for such months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(2) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
January	October-November	118
February	November-December	123
March	December-January	128
April	January-February	133
May	February-March	136
June	March-April	138
July	April-May	137
August	May-June	134
September	June-July	131
October	July-August	127
November	August-September	121
December	September-October	113

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	Adjustment amount (cents)
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 942.50 (c) plus 15 cents during the months February through August, and plus 25 cents during all other months: *Provided:* That, in no case shall such price exceed the basic formula price.

§ 942.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 942.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 942.53 *Location differentials to handlers.* (a) For that milk which is received from producers at a fluid milk plant situated other than in the zone located 61–70 miles from the City Hall in New Orleans, the price specified in § 942.51 (a) shall be adjusted at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Zones measured from the City Hall, New Orleans, La. (miles):	Rate per hundredweight (cents)
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
Each additional 10 miles or fraction thereof	−1.5

(b) The market administrator shall, from time to time, determine and publicly announce the zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(c) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0–20 miles zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans.

§ 942.54 *Use of equivalent prices.* If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

APPLICATION OF PROVISIONS

§ 942.60 *Producer-handlers.* Sections 942.40 through 942.45, 942.50 through 942.53, and 942.70 through 942.74; 942.80 through 942.84; and 942.90 through 942.94 shall not apply to a producer-handler.

§ 942.61 *Milk subject to another Federal order.* Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the

Act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

DETERMINATION OF UNIFORM PRICE

§ 942.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 942.45 (a) (4), and (b) for the preceding month, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (3), and (b) for the current month, whichever is less, respectively.

§ 942.71 *Computation of uniform prices for handlers.* For each of the months of September through February, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Adjust the amount computed pursuant to § 942.70 by the total of the location differentials to be made pursuant to § 942.74;

(b) Add or subtract for each one-tenth percent that the average butterfat test of producer milk received by such handler is less or more, respectively, than 4.0 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the unform price for such handler for milk of 4.0 percent butterfat content, f. o. b. 61–70 mile zone.

§ 942.72 *Computation of the uniform prices for base and excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base and excess milk as follows:

(a) Adjust the amount computed pursuant to § 942.70 by the total of the location differentials computed pursuant to § 942.74;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the total hundreweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that such excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. 61–70 mile zone; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

§ 942.73 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 942.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 942.45 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resulting figure to the nearest half cent.

§ 942.74 *Location differential to producers.* Each handler, in making payments pursuant to § 942.80, shall adjust the uniform price of base milk during the months March through August, and of all milk during each of the months September through February for each producer with respect to all such milk received from such producer at a fluid milk plant by the amount per hundredweight pursuant to § 942.53 (a).

PAYMENTS

§ 942.80 *Time and method of payments to producers.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II milk price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 942.71 for the months September through February, and at not less than the uniform price for base milk computed pursuant to § 942.72 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 942.72 with respect to excess milk received from such producer for the months March through August, subject to the following adjustments: (i) The butterfat differential pursuant to § 942.73, (ii) the location differential pursuant to § 942.74, (iii) less payments made to such producer pursuant to subparagraph (1) of this paragraph, (iv) less marketing services deductions made pursuant to § 942.82, (v) plus or minus adjustments for errors made in previous payments to such producer, and (vi) less proper deductions authorized in writing by such producer.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall, on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

(c) Each handler shall furnish the person to whom payment is to be made pursuant to this section with the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or

before the 15th day of the following month to producers, (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.81.

§ 942.81 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 942.82 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 942.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 942.83 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 10th day after the end of such month, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

§ 942.84 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market adminstrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 942.90 *Base-operating period.* The base-operating period shall be the months of March through August.

§ 942.91 *Base-forming period.* The base-forming period for each year shall be the months of October through February immediately preceding the base-operating period.

§ 942.92 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base-forming period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base-forming period by the number of days in such period.

§ 942.93 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each person for whose account producer milk was delivered to fluid milk plants during the months of October through February.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 942.94 *Announcement of established bases.* On or before March 31 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 942.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 942.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 942.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 942.103 *Liquidation.* Upon the suspension or termination of any or all of the provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and

deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 942.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of July 1956, to be effective on and after August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6101; Filed, July 27, 1956; 8:47 a. m.]

[Lemon Reg. 652]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.759 *Lemon Regulation 652*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 25, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 29, 1956, and ending at 12:01 a. m., P. s. t., August 5, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 232,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6157; Filed, July 27, 1956; 8:54 a. m.]

[Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.321 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, (v) this amendment tends to relax regulations, and (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of paragraph (b) of § 958.321 (21 F. R. 5409) are hereby amended to read as follows:

(b) *Order.* (1) During the period from July 23, 1956 through May 31, 1957, no handler shall ship potatoes of any variety grown in Area No. 3, unless such potatoes meet the requirements of the U. S. No. 2 or better grade, and (i) if they are of the round varieties such potatoes are of a size not less than 2 inches minimum diameter, and (ii) if they are of the long varieties such potatoes are of a size not less than 2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That during the period July 30 through September 15, 1956, both dates inclusive, U. S. No. 1, Size B potatoes of any variety may also be shipped.

(2) During the period from July 23, 1956, through May 31, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of any variety of potatoes grown in Area No. 3 if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That not to exceed 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph: (i) "Producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; and (ii) it is intended that each 100 hundredweight exception to the aforesaid skinning requirement shall apply only to the potatoes grown on each farm of a producer.

(4) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerance set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-6161; Filed, July 27, 1956; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Announcement CN-EX-3]

PART 482—COTTON PRODUCTS EXPORT PROGRAM

Subchapter C—International Wheat Agreement of Chapter IV, Title 6 is hereby redesignated as Subchapter C—Export Program and a new Part 482—Cotton Products Export Program is added to read as follows:

Sec.
482.1 General statement.
482.2 Definitions.
482.3 Registration of sales.
482.4 Exporter's agreement with the CCC.
482.5 Cancellation of sale or failure to export.
482.6 Determination of base equalization payment rate.
482.7 Classes of cotton products and related equalization payment rates.
482.8 Equalization payment rates and amounts due exporters.
482.9 Export conditions.
482.10 Inspection.
482.11 Satisfactory evidence of exportation.
482.12 Application for payment.
482.13 Cotton products returned to the United States.
482.14 Records and reports.
482.15 Amendment or termination.
482.16 Good faith.
482.17 Persons not eligible.

AUTHORITY: §§ 482.1 to 482.17 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 482.1 *General statement.* Commodity Credit Corporation (referred to in this subpart as "CCC") will, pursuant to this announcement, carry out a Cotton Products Export Program (referred to in this subpart as "the program") under which equalization payments will be made to exporters in connection with the exportation of cotton products made from upland cotton grown and wholly processed in the United States. The program will be administered through the CSS Cotton Products Export Office, 290 Broadway, New York 7, New York, (referred to in this subpart as the "New York Office"), which is a branch of the New Orleans CSS Commodity Office. This announcement contains the terms and conditions of the program. Information pertaining to the operation of the program may be obtained from the New York office.

§ 482.2 *Definitions*—(a) *Cotton products.* "Cotton products," as used herein, means any cotton textiles or spinnable cotton waste as defined in paragraphs (b) and (c) of this section.

(b) *Cotton textiles.* "Cotton textiles," as used herein, means any product or article which contains not less than 50 percent by weight of American upland cotton (not including cotton linters) and is processed or manufactured from lint cotton, card strips, or comber noil, including slivers, laps, rovings, yarns, fabrics, and manufactured articles processed or manufactured from any processed form thereof. Fabrics must be at least one yard in length. The term, as used herein, includes such products only when exported as the principal product and does not include such products when used as containers, wrappers, packing, protective coverings, or for similar purposes.

(c) *Spinnable cotton waste.* "Spinnable cotton waste," as used herein, means only card strips, comber noil, spinners laps, and roving waste processed from American upland cotton.

§ 482.3 *Registration of sales.* All export sales of cotton products, to be eligible for payments hereunder, shall be registered by the exporter with the New York office by filing, in triplicate, a properly executed Notice of Export Sale, CCC Cotton Form 32. The Notice of Export Sale must be filed not later than five business days after the date of export sale, except that for sales made after May 20, 1956, and prior to August 1, 1956, notice must be given not later than August 6, 1956. An extension of the period for registration may be granted by the Chief of the New York Office if he determines that additional time in which to file the Notice of Export Sale is required by the exporter. Sales entered into prior to May 21, 1956, are not eligible to be registered hereunder. Upon receipt of an acceptable Notice of Export Sale, a Registration Number will be assigned by the New York office, and a copy showing such number will be returned to the exporter. All correspondence relating to a sale previously registered with CCC for which a Registration Number has been assigned by the New York office shall refer to the Registration Number.

§ 482.4 *Exporter's agreement with the CCC.* The submission of a Notice of Export Sale by the exporter and the assignment of a Registration Number by CCC shall constitute an agreement by the exporter to export the quantity of cotton products shown on such notice and to submit satisfactory evidence of such exportation in accordance with this subpart in consideration of the undertaking by CCC to make an equalization payment hereunder.

§ 482.5 *Cancellation of sale or failure to export.* (a) The exporter shall notify the New York office promptly in every case where, after filing Notice of Export Sale as required in § 482.3, a sale is canceled by the exporter or by the importer, stating fully the reason for such cancellation. The exporter shall also notify the New York office promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the prescribed period.

(b) If CCC determines that the exporter is prevented from exporting cotton products because of Acts of God, Acts of Governments, unavailability of exchange, or other reasons beyond his control, the sales registration may be canceled in whole or in part.

(c) If an exporter files a Notice of Export Sale with the New York office and fails to file satisfactory evidence of exportation of the quantity of cotton products specified in such notice (except to the extent that the sales contract or trade rules under which the sale was made provides for tolerances or as otherwise approved by CCC) and if the sales registration is not canceled by CCC, as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any subsequent program for such period as CCC may determine or until the exporter has complied with such terms as the Chief of the New York office may prescribe. Such terms, among other things, may:

(1) Require the refund of payments previously made to the exporter in an amount equivalent to forty (40) percent of the payment applicable to the quantity of cotton products with respect to which the exporter has failed to fulfill his obligation; or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equal to the difference between the rate in effect at the time the sale was registered and the highest rate thereafter prior to the date the exporter gives notice of cancellation of the sale or the final date for export, whichever is earlier; or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

§ 482.6 *Determination of base equalization payment rate.* The base equalization payment rate in connection with sales for export made during the period from May 21, 1956, through September 30, 1956, will be 6.58 cents per pound. For each calendar month thereafter, the base equalization payment rate will be determined and announced by CCC prior to the beginning of such month and will be based on the difference, as determined by CCC, between the average price for

Middling 1-inch cotton in the 14 designated spot markets, converted to average location basis, and the average price at which CCC sells its cotton, basis Middling 1-inch at average location, under the Cotton Export Program for that part of the month preceding the announcement of such rate. In addition, CCC will announce the actual rates, in cents per pound rounded to the second decimal point, for each class of cotton products. The rates so announced for each calendar month will be in effect throughout that month.

§ 482.7 *Classes of cotton products and related equalization payment rates.* The classes of cotton products eligible for payment under this subpart and the percentage of the base equalization payment rate applicable to each such class are shown below. This percentage will be used in calculating the rate of payment for each class.

Class	Principal item of export	Percent of equalization payment
A	Card strips, combed noil, spinners laps, and roving waste	90.0
B	Picker laps and cotton batting [1]	106.0
C	Sliver, sliver laps, ribbon laps, roving, and drawing sliver	112.0
D	Gray or unfinished yarn, twine, cordage, and rope	114.0
E	Gray fabrics, absorbent cotton, and dyed, bleached, mercerized, or similar full finished yarn [1] [2]	117.0
F	Knitted articles manufactured from finished yarns [1]	119.0
G	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn) [1] [2]	123.0
H	Articles manufactured from fabrics [1]	140.0
I	Coated and rubberized yarns, coated and rubberized fabrics, absorbent cotton, twine, cordage, rope and fabrics consisting of a mixture of fibers, containing not less than 50 percent by weight of cotton [2]	70.0
J	Coated and rubberized articles and articles manufactured from fabrics consisting of a mixture of fibers, containing not less than 50 percent by weight of cotton	83.0
K	Gray or finished fabrics 1 yard or more but less than 10 yards in length [2]	90.0
L	Coated and rubberized fabrics and fabrics consisting of a mixture of fibers containing not less than 50 percent by weight of cotton, 1 yard or more but less than 10 yards in length	53.0

[1] Can contain up to 2 percent noncotton content; i. e., man-made fibers or buttons, etc., if used for ornamental purposes only, or cotton linters.

[2] No payment will be made on any fabric less than 10 yards in length, except as provided in Classes K and L.

If an article contains two or more cotton products, it shall be considered as being within the class of the cotton product constituting the largest portion by weight of such article. No payments will be made in connection with any product containing less than 50 percent by weight of American upland cotton, and except as otherwise provided, all cotton products must be composed entirely of American upland cotton.

§ 482.8 *Equalization payment rates and amounts due exporters.* The equalization payment rates in cents per pound for each class of cotton products will be announced by CCC, and lists containing such rates will be available from the New York office. The amount due the exporter will be determined by multiplying the rate of payment for the applicable class of cotton product in effect on the date of the export sales contract by the net weight of the cotton textiles or by the gross weight of the spinnable cotton waste exported under the sales contract. Payment will not be made for any quantity of cotton products exported in excess of the number of units sold as shown on the Notice of Export Sale except to the extent that the sales contract, or trade rules under which the sale was made provides for tolerances, or as otherwise approved by CCC. No payments will be made on cotton products exported by mail.

§ 482.9 *Export conditions*—(a) *Eligible destinations.* Payments will be made in connection with cotton products exported to a destination, other than Alaska, Hawaii, or Puerto Rico outside the continental United States. No payments will be made in connection with cotton products exported for reentry into the United States, Hawaii, Alaska, or Puerto Rico.

(b) *Time for export.* To be eligible for payment hereunder, cotton products must have been exported after July 31, 1956, and within six months after the date of the export sale. An extension of the period for export may be granted by the Chief of the New York office, before or after the expiration of such period for export, if he determines the exporter has been or will be delayed in exporting the cotton products by a cause beyond the exporter's control. Cotton products shall be deemed to have been "exported" when loaded on board an ocean vessel, or if shipment to destination country is by other than ocean carrier, when the shipment clears United States Customs.

(c) *Evidence of exportation.* The exporter must submit to the New York office satisfactory evidence (as provided in § 482.11) of the exportation of cotton products in accordance with this subpart.

§ 482.10 *Inspection.* CCC reserves the right to examine at any time the contents of each package of cotton products delivered for export under the program. The New York office must receive, at least 24 hours prior to delivery of any such cotton products to carrier, a properly executed Notice of Intended Delivery to Carrier (CCC Cotton Form 33) so that the necessary arrangements for inspection may be made. The exporter shall affix to each package of cotton products exported, except for spinnable cotton waste, a notice in form and size acceptable to CCC and containing substantially the following words:

NOTICE: The contents of this package are being exported under the Cotton Products Export Program (CN–EX–3) and may be inspected by any officer of the United States Customs Service or any authorized agent of CCC. Registration No. _____, Class _____

(CCC Cotton Form 34 may be used for this purpose.)

If the exporter fails to submit a Notice of Intended Delivery to Carrier to CCC within the prescribed period or to affix the above notice to each package of cotton products exported as required, CCC shall have the right to refuse to make payments to the exporter under the program with respect to such cotton products.

§ 482.11 *Satisfactory evidence of exportation.* Evidence of exportation of the cotton products, to be satisfactory hereunder, must meet the following requirements:

(a) Separate documents must be submitted to the New York office for each export shipment, and all documents covering any one shipment must be submitted at the same time. Each document must be identified with the Registration Number assigned by the New York office.

(b) The exporter shall furnish a certified copy of the documents which constitute the sales for export contract. This may be a formal contract, exchange of cables, letters, or such other documents used in making the offer and acceptance, and must show a date prior to the dates on documents submitted as evidence of exportation. (If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.)

(c) The exporter shall furnish one copy of the Shipper's Export Declaration authenticated by the appropriate U. S. Customs official.

(d) For shipments by ocean carrier, there shall be submitted one nonnegotiable copy of either the on-board ocean bill of lading or port or custody bill of lading with on-board endorsement, properly identifying the lot of cotton products being exported, and showing destination of shipment, names of consignor and consignee, name of vessel, and other pertinent data.

(e) For shipments by other than ocean carrier, there shall be submitted:

(1) One certified copy of the railroad, truck, or air bill of lading properly identifying the cotton products being exported, and showing destination of shipment, names of consignor and consignee, and other pertinent data; and

(2) A landing certificate or similar document issued by an official of the government of the country to which the cotton products are exported identifying the cotton products and showing the destination of shipment, the names of the consignor and consignee, and date and place of entry.

(f) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Chief of the New York office.

(g) If cotton products are loaded on board a vessel for shipment to a destination, other than Alaska, Hawaii, or Puerto Rico, outside the continental United States and are destroyed or damaged while on board such vessel, and if the cotton products or salvage therefrom does not reenter the United States or does not enter Alaska, Hawaii, or Puerto Rico, for the purposes of fulfilling the export requirements of this announcement, the cotton products shall be regarded as having been exported.

(h) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.9, shall constitute prima facie evidence of failure to export.

§ 482.12 *Application for payment*—(a) *Application.* An application for payment on the form prescribed by CCC must be executed by the exporter and must be submitted to the New York office, together with evidence of exportation as prescribed in § 482.11. The application contains a certification under which the exporter certifies that the cotton products exported were eligible under the program for the payment claimed.

(b) *Determination of payee.* Payments will be made to the person or firm registering the sale, and no assignment of amounts due exporters will be permitted. If the shipper or consignor named in the bill of lading or the Shipper's Export Declaration, covering cotton products exported, is other than the exporter named in the Notice of Export Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or Shipper's Export Declaration submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Export Sale nor the consignee identified with the sales contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as a seller or purchaser of the cotton products shown on the documents submitted to evidence exportation.

(c) *Minimum claim.* No payments will be made in connection with any one shipment of cotton products unless the exporter is entitled to at least $30 on such shipment.

§ 482.13 *Cotton products returned to the United States.* (a) The exporter shall not be entitled to an equalization payment on any cotton products which have been returned to the United States or which have entered Alaska, Hawaii, or Puerto Rico.

(b) In all cases in which cotton products on which an equalization payment has been made hereunder reenter the United States, or enter Alaska, Hawaii, or Puerto Rico, the exporter shall immediately notify the New York office that the cotton products have been returned to the United States or have entered Alaska, Hawaii, or Puerto Rico giving full details of the reasons for the reentry or entry and shall promptly refund to CCC any amounts paid in connection with the export of such cotton products, unless the exporter ships, within the period specified in § 482.9 and without benefit of an equalization payment, as replacement for such cotton products, an amount of cotton products which would have entitled him to an equalization payment at least equal to the amount of equalization payment made on the cotton products returned to the United States. Full information and documentation as prescribed by CCC shall be furnished the New York office for any cotton products shipped as replacement for cotton products returned to the United States.

(c) If any cotton products on which the exporter has claimed an equalization payment have been returned to the United States or have entered Alaska, Hawaii, or Puerto Rico with the exporter's knowledge or consent, and the exporter has not notified the New York office promptly of such reentry, the exporter shall thereafter not be entitled to any payments under this program until he has presented evidence satisfactory to the Chief of the New York office that such reentry was not made with the intent to defraud CCC or the United States Government and has complied with any requirements established by the Chief of the New York office for reinstatement of eligibility under the program.

§ 482.14 *Records and reports.* The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts, and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of at least three years after date of last payment under any sales registration. Specific reporting requirements subsequently prescribed shall be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 482.15 *Amendment or termination.* CCC reserves the right to amend or terminate any and all of the provisions of this announcement at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton products made before the effective date of such amendment or termination.

§ 482.16 *Good faith.* If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under the program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.17 *Persons not eligible.* No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

Issued this 24th day of July, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation of any commodities under this program to the Soviet Bloc except under license issued by BFC. These regualtions further require that persons exporting under General License to friendly countries, commodities which are subsidized, or are to be subsidized, under any Government export program for surplus commodities, file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the shippers' export declaration and send to BFC, Washington 25, D. C., one copy of the onboard bill of lading, for each shipment, regardless of value, involving sales of $100,000 or more.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the $100,000 figure applies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC Disposal programs for export which involve no actual purchase of commodities from CCC, the $100,000 figure applies to the sales contract between the U. S. seller and the foreign purchaser. Each of the documents must bear on its face the identifying number assigned by CCC to the contract or transaction. In addition, the notation "FC–2610" must be inserted in the upper right hand corner of each document.

[F. R. Doc. 56–6119; Filed, July 27, 1956; 8:51 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended in 21 F. R. 5205, are hereby further amended as follows:

1. Paragraph (a) of § 485.110 is amended to read as follows:

(a) In order for producers on a farm to participate in the program, a Soil Bank Acreage Reserve Agreement 1956, Form CSS–800 (Soil Bank) (hereinafter refered to as "agreement") must be entered into by the operator. In addition, if the operator is a share-tenant, the agreement must be signed by each person who as owner or landlord has control of the land on which the acreage reserve is located or has an interest in the commodity with respect to which the acreage is being reduced: *Provided,* That if the signature of such an owner or landlord cannot be obtained, the county committee may enter into the agreement on behalf of the Secretary, without the signature of such owner or landlord, if it is established to the satisfaction of the county committee that such owner or landlord does not have a right to graze or harvest from the acreage reserve, or otherwise control the farming operation on the acreage reserve. In such case, compensation which would otherwise be payable under the agreement to such an owner or landlord shall not be paid unless such owner or landlord signs a copy of the agreement and delivers it to the county committee not later than August 31, 1956.

2. Paragraph (b) of § 485.110 is amended by deleting the date "July 31, 1956" at the end of such paragraph and

inserting in lieu thereof the date "August 31, 1956."

3. A new paragraph (d) is added to § 485.111 to read as follows:

(d) (1) This paragraph contains specific provisions relating to participation in the acreage reserve program by producers of Durum Wheat (Class II) whose farms are located in counties designated in the States of California, North Dakota, South Dakota, Minnesota, and Montana, where increased allotments have been made available for the purpose of increasing the production of Durum Wheat (Class II) for 1956. (Regulations governing such increased allotments and the list of designated counties are contained in 21 F. R. 1815.) The terms "Durum Wheat (Class II)" and "Other Wheat" when used in this paragraph shall have the same meaning as when used in the regulations contained in 21 F. R. 1815. The term "original allotment" as used in this paragraph means the allotment established for the farm under the provisions of § 728.610 to § 728.624 of the Regulations Pertaining to Farm Acreage Allotments for the 1956 Crop of Wheat, 20 F. R. 1632.

(2) (i) If the acreage of wheat for 1956, including Durum Wheat (Class II), does not exceed the original allotment for the farm, irrespective of whether notice of a conditional increased allotment for the farm was issued by the county committee, the producers on such farm are eligible to participate in the acreage reserve program on the same basis as any other producer; i. e., reduction of acreage may be by underplanting, by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing or cutting it to prevent maturing, or by destruction due to natural causes.

(ii) If the farm receives a final increased allotment for wheat, the producers on such farm may participate in the acreage reserve program by reducing the acreage of other wheat below the original allotment in one or more of the ways specified in subdivision (i) of this subparagraph: *Provided*, That such reduction is in addition to any reduction of the acreage of other wheat required to support the increased allotment (i. e., one-half of the increase in the allotment). Except as limited by the foregoing proviso, the amount of compensation shall be determined as specified in § 485.114.

(iii) The producers on a farm which receives a final increased allotment for wheat may not participate in the acreage reserve program by plowing under Durum Wheat (Class II) or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it.

(iv) The producers on a farm on which Durum Wheat (Class II) is planted and on which an acreage of wheat is planted in excess of the original allotment, irrespective of whether notice of a conditional increased allotment for the farm was issued by the county committee, may participate in the acreage reserve program by reduction of the acreage of Durum Wheat (Class II) through destruction by natural causes. Such destruction must occur on or before the date determined under paragraph (b) of this section as being the final date for adjusting acreage for purposes of the acreage reserve program. Such producer may participate only to the extent by which the final acreage of all wheat is less than the original allotment.

(3) The term "allotment" as used elsewhere in the regulations in this part shall be deemed to mean the original allotment for the farm, except that if a farm has received a final increased allotment such term as used in § 485.113 shall be deemed to mean such final increased allotment.

4. Sections 485.111 and 485.112 (d) are amended by deleting the date "June 30, 1956" wherever it appears and inserting in lieu thereof the date "July 27, 1956."

5. Paragraph (b) of § 485.119 is amended by adding a new subparagraph (3) reading as follows:

(3) Notwithstanding the foregoing provisions of this paragraph, (i) acreages of corn, rice and wheat may be determined and expressed in whole acres rather than in acres and tenths except that tenths of acres may not be dropped if it would result in compensation to a producer under an agreement in an amount less than the amount to which he would have been entitled had such acreages been determined and expressed in acres and tenths, and (ii) the number of acres in the acreage reserve may be rounded upward to the nearest whole acre if it is determined by the county committee that the acreage reserve was designated in terms of whole acres by the producer as a result of the determination of the 1956 acreage of the commodity in terms of whole acres for marketing quota or price support purposes.

6. Paragraph (c) of § 485.119 is amended by deleting the words "paragraph (a)" and inserting in lieu thereof "paragraph (b)."

(Sec. 124, Public Law 540, 84th Cong.)

Issued at Washington, D. C., this 24th day of July, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6102; Filed, July 27, 1956; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

1. Effective September 1, 1956, Part 222 is added to read as follows:

Sec.
222.1 Authority and scope.
222.2 Definitions.
222.3 Registration.
222.4 Acquisition of bank shares or assets.
222.5 Interests in nonbanking organizations.
222.6 Borrowing by bank holding company or its subsidiaries.
222.7 Hearings and proceedings.
222.8 Reports and examinations.
222.9 Statutory penalties.

AUTHORITY: §§ 222.1 to 222.9 issued under sec. 5; 70 Stat. 133.

§ 221.1 *Authority and scope.* This part is issued pursuant to the Bank Holding Company Act of 1956.[1] Provisions relating to holding company affiliates, as defined in section 2 (c) of the Banking Act of 1933, are contained in Part 216 of this chapter (Reg. P).[2]

§ 222.2 *Definitions*—(a) *Bank holding company.* Subject to the exceptions stated in paragraph (b) of this section, the term "bank holding company" means any company:

(1) Which directly or indirectly owns, controls, or holds with power to vote either:

(i) 25 per centum or more of the voting shares of each of two or more banks, or

(ii) 25 per centum or more of the voting shares of any other company which is or becomes a bank holding company;

(2) Which controls in any manner the election of a majority of the directors of each of two or more banks;

(3) For the benefit of whose shareholders or members 25 per centum or more of the voting shares of each of two or more banks or of a bank holding company is held by trustees; or

(4) Which is a successor to any company that falls within subparagraphs (1), (2), or (3) of this paragraph, and any such successor shall be deemed to be a bank holding company from the date as of which its predecessor company became a bank holding company.

(b) *Exceptions from definition of "bank holding company".* No company shall be considered a bank holding company:

(1) If it is a bank and it would otherwise be a bank holding company only by virtue of its ownership or control of shares in a fiduciary capacity, provided such shares are not held for the benefit of the shareholders of such bank;

(2) If (i) it is registered under the Investment Company Act of 1940 and was so registered prior to May 15, 1955, or is affiliated with any such registered company in such manner as to constitute it an affiliated company within the meaning of that act, and (ii) it does not directly own 25 per centum or more of the voting shares of each of two or more banks;

(3) If it would otherwise be a bank holding company only by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities and if such shares are held only for such period of time as will permit the sale thereof upon a reasonable basis;

(4) If it was formed for the sole purpose of participating in a proxy solicitation and would otherwise be a bank holding company only by virtue of its control of voting rights of shares acquired in the course of such solicitation; or

(5) If at least 80 per centum of its total assets are composed of holdings in the field of agriculture, and for this purpose the term "agriculture" includes farming in all its branches, including fruitgrowing, dairying, the raising of livestock, bees, fur-bearing animals, or poultry, forestry or lumbering operations, and the production of naval stores, and operations directly related thereto.

(c) *Company.* The term "company" means any corporation (including a bank), business trust, association, or similar organization, except:

(1) Any corporation the majority of the shares of which are owned by the United States or by any State;

(2) Any corporation or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and

(3) Any partnership.

(d) *Bank.* The term "bank" means any national banking association or any State bank, savings bank, or trust company, but shall not include any organization operating under section 25 (a) of the Federal Reserve Act, or any organization which does not do any business within the United States.

(e) *State member bank.* The term "State member bank" means any State bank which is a member of the Federal Reserve System.

(f) *District bank.* The term "District bank" means any State bank organized or operating under the Code of Law for the District of Columbia.

(g) *Subsidiary.* The term "subsidiary", as used with respect to a specified bank holding company, means:

(1) Any company 25 per centum or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is owned or controlled by such bank holding company;

(2) Any company the election of a majority of whose directors is controlled in any manner by such bank holding company; or

(3) Any company 25 per centum or more of whose voting shares is held by trustees for the benefit of the shareholders or members of such bank holding company..

(h) *Successor.* The term "successor" includes any company which acquires directly or indirectly from a bank holding company shares of any bank, when and if the relationship between such company and such bank holding company is such that the transaction effects no substantial change in the control of such bank or beneficial ownership of such shares of such bank.

(i) *Board.* The term "Board" means the Board of Governors of the Federal Reserve System.

(j) *The act.* The term "the act" means the Bank Holding Company Act of 1956.

(k) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this part with respect to the filing of registration statements, applications, requests, or reports by a bank holding company or other company shall mean the Federal Reserve Bank of the Federal Reserve district in which such company has its principal office.

§ 222.3 *Registration*—(a) *Registration statement.* On or before November 5, 1956, or within 180 days after it becomes a bank holding company, whichever is later, each bank holding company shall register with the Board by filing with the Federal Reserve Bank a registration statement, in duplicate, on forms prescribed by the Board. Upon timely application by any bank holding company and upon a satisfactory showing as to the need therefor, the Board in its discretion may extend the time prescribed herein for the filing of a registration statement by such bank holding company.

(b) *Date of registration.* The date of registration of a bank holding company shall be the date on which its registration statement is received by the Federal Reserve Bank with which such statement is required to be filed.

§ 222.4 *Acquisition of bank shares or assets*—(a) *Transactions requiring Board approval.* Except with the prior approval of the Board or except as provided in paragraph (b) of this section:

(1) No action shall be taken which will result in any company becoming a bank holding company;

(2) No bank holding company shall acquire direct or indirect ownership or control of any voting shares of any bank;

(3) No bank holding company which is not a bank and no nonbanking subsidiary of a bank holding company shall acquire all or substantially all of the assets of a bank; and

(4) No bank holding company shall merge or consolidate with any other bank holding company.

(b) *Excepted transactions.* Prior approval by the Board is not required with respect to any of the following transactions:

(1) The acquisition by a bank holding company of direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will not directly or indirectly own or control more than 5 per centum of the voting shares of such bank;

(2) The acquisition by a bank holding company of additional shares in a bank in which such bank holding company owned or controlled a majority of the voting shares immediately prior to such acquisition; or

(3) The acquisition by a bank (including a bank which is a bank holding company or a subsidiary of a bank holding company) of the voting shares of any bank, if:

(i) Such shares are acquired in good faith in a fiduciary capacity and are not held for the benefit of the shareholders of the acquiring bank, or

(ii) Such shares are acquired in the regular course of securing or collecting a debt previously contracted in good faith: *Provided*, That any shares acquired after the date of the act in securing or collecting any such previously contracted debt shall be disposed of within a period of two years from the date on which they were acquired.

(c) *Applications which will not be approved.* No application will be approved by the Board if such approval would permit a bank holding company or any subsidiary thereof to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of any bank which was not a subsidiary of the bank holding company on the date of enactment of the act and which is located outside the State in which such bank holding company maintains its principal office and place of business or in which it conducts its principal operations, unless the acquisition of such shares or assets of a State bank by an out-of-State bank holding compay is specifically authorized by the statute laws of the State in which such bank is located, by language to that effect and not merely by implication.

(d) *Submission of applications.* Application for approval by the Board of any transaction requiring such approval under paragraph (a) of this section shall be filed, in triplicate, with the Federal Reserve Bank. Any such application shall be filed not less than 60 days before the date on which it is proposed that the transaction requiring approval be consummated.[3] Upon timely request and upon a satisfactory showing as to the need therefor, the Board in its discretion may accept an application although submitted within such period of 60 days. A separate application shall be filed with respect to each bank the voting shares or assets of which are sought to be acquired.

(e) *Procedure on applications.* A Federal Reserve Bank receiving an application under this section will forward two copies thereof to the Board. If either the applicant or the bank the voting shares or assets of which are to be acquired is a national bank or a District bank, the Board will transmit a copy of the application to the Comptroller of the Currency. If either the applicant or the bank the voting shares or assets of which are sought to be acquired is a State bank, the Board will transmit a copy of the application to the appropriate supervisory authority of the State in which such bank is located.

(f) *Hearings on applications.* In any case in which the Board receives written advice of disapproval of the application from the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, within 30 days from the date of receipt of the application by the notified authority, the Board will so notify the applicant in writing, directing the applicant's attention to the provisions of section 3 (b) of the act. Within three days after the date of the sending of such notice to the applicant, the Board will notify in writ-

[1] The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] The Bank Holding Company Act of 1956 and this part are in addition to, and do not take the place of, provisions of other laws, such as section 5144 of the Revised Statutes, and Part 216 of this chapter (Reg. P) thereunder, which relate to holding company affiliates as distinguished from bank holding companies.

[3] In some cases it may not be possible for the Board to act upon an application within such period of 60 days and this requirement should not be regarded as suggesting that the Board will act upon all applications within that period of time, although every effort will be made to expedite such action.

ing the applicant and the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, of the date fixed by the Board for the commencement of a hearing on the application and of the place and time at which such hearing will be held. Any such hearing will be commenced not less than ten days nor more than thirty days after the date on which the Board sent the applicant notice of the disapproval of the Comptroller of the Currency or the appropriate State supervisory authority.

(g) *Action on applications.* In any case in which a hearing is held in accordance with paragraph (f) of this section, the Board, after the conclusion of such hearing, will by order grant or deny the application on the basis of the record made at such hearing. In all other cases, the Board will by order grant or deny the application after receipt by it of advice that the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, does not disapprove the application, or, if no such advice is received, after the expiration of thirty days from the date of receipt of the copy of the application by the Comptroller of the Currency or such State authority.

(h) *Factors affecting action.* In acting upon any application the Board, as required by the act, will consider the following factors:

(1) The financial history and condition of the applicant and the bank or banks concerned;

(2) The prospects of the applicant and the bank or banks concerned;

(3) The character of the management of the applicant and the bank or banks concerned;

(4) The convenience, needs, and welfare of the communities and the area concerned; and

(5) Whether or not the effect of the proposed transaction for which approval is desired would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

§ 222.5 *Interests in nonbanking organizations*—(a) *Period allowed for divestment.* No bank holding company, except as provided in section 4 (c) of the act, shall (1) after the date of enactment of the act acquire direct or indirect ownership or control of any voting shares of any company which is not a bank, or (2) after two years from the date of enactment of the act or from the date as of which it becomes a bank holding company, whichever is later, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or a bank holding company, or engage in any business other than that of banking or of managing or controlling banks or of furnishing services to or performing services for any bank of which it owns or controls 25 per centum or more of the voting shares. Upon timely request and upon a satisfactory showing of the need therefor, the Board in its discretion may extend the two-year period referred to in the preceding sentence, except that, as provided by the act, no such extension of time may be approved by the Board for more than one year at a time or for any period beyond a date five years after the date of enactment of the act or five years after the date as of which the company became a bank holding company, whichever is later.

(b) *Shares of financial, fiduciary, or insurance companies.* Any bank holding company which is of the opinion that a company all the activities of which are of a financial, fiduciary, or insurance nature is so closely related to the business of banking or of managing or controlling banks, as conducted by such bank holding company or its banking subsidiaries, as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the act to apply in order to carry out the purposes of the act, may request the Board for such a determination pursuant to section 4 (c) (6) of the act. Any such request shall be filed in duplicate with the Federal Reserve Bank. After receipt of any such request, the Board will notify the bank holding company of the place and time fixed for a hearing on the requested determination; and, after the conclusion of such hearing and on the basis of the record made at the hearing, the Board will by order make or decline to make the requested determination.

(c) *Tax certifications.* Any bank holding company desiring a certification by the Board for purposes of the provisions of Part VIII of Subchapter O of Chapter 1 of the Internal Revenue Code of 1954, as amended by the act, may file an application in duplicate for such certification with the Federal Reserve Bank; and any such application will be forwarded by the Federal Reserve Bank to the Board. Any application for a certification under subsections (a), (b), or (c) of section 1101 of said Part VIII shall be filed not less than sixty days in advance of the distribution, or exchange and distribution, with respect to which such certification is desired.[3] Upon timely request by any bank holding company and upon a satisfactory showing as to the need therefor, the Board in its discretion may accept an application for any such certification although submitted within such 60-day period. On the basis of an application under this paragraph, the Board will either issue a certification or by order deny the application. A duplicate original of each certification will be transmitted to the Internal Revenue Service of the Treasury Department.

§ 222.6 *Borrowing by bank holding company or its subsidiaries.* It is unlawful under the act, with certain exceptions, for any bank which is a subsidiary of a bank holding company to invest in the capital stock, bonds, debentures, or other obligations of such company or of any other subsidiary of such company; to accept as collateral for an advance to any person the capital stock, bonds, debentures, or other obligations of such company or any such other subsidiary; to purchase securities, other assets, or obligations under repurchase agreement from such company or any such other subsidiary; or to make any loan, discount or extension of credit to such company or any such other subsidiary. For statutory provisions on this subject, see section 6 of the act.

§ 222.7 *Hearings and proceedings*—(a) *Hearings.* In addition to hearings required by the act (see § 222.4 (f) and § 222.5 (b)), a hearing may be ordered by the Board in its discretion with respect to any application or request under this part, either upon its own motion or upon the request of any party in interest, if the Board deems such hearing to be in the interests of the parties or the public interest. Notice of any hearing required by the act will be published in the FEDERAL REGISTER a reasonable time in advance of the date fixed for the hearing; and any hearings so required will ordinarily be held before trial examiners appointed in accordance with the provisions of the Administrative Procedure Act. All hearings under this part will be conducted in accordance with Part 263 of this chapter (Rules of Practice for Formal Hearings).

(b) *Record of proceedings.* The record in any proceeding under this part upon which an order of the Board is based shall consist of the application or request filed with the Board in connection with such proceeding; any views and recommendations received by the Board from the Comptroller of the Currency or the appropriate State supervisory authority pursuant to section 3 (b) of the act; the transcript of any hearing held with respect to such application or request and any report and recommendation made by the trial examiner or hearing officer before whom such hearing was held; any other document or writing relied upon by the Board in making disposition of the matter; and any order of the Board granting or denying the application or request.

(c) *Parties.* A Party to any proceeding under this part shall include any person or agency named or admitted as a party or any person who has filed a request in writing to be admitted as a party and who is entitled as of right to be admitted.

§ 222.8 *Reports and examinations.* Each bank holding company shall furnish to the Board in a form to be prescribed by the Board a report of its operations for its fiscal year ending in 1956 or the fiscal year in which it became a bank holding company, whichever is later, and for each fiscal year thereafter until it ceases to be a bank holding company. Each such annual report shall be filed, in duplicate, with the Federal Reserve Bank. Each bank holding company shall furnish to the Board such additional information at such times as the Board may require. The Board may examine any bank holding company or any of its subsidiaries and the cost of any such examination shall be assessed against and paid by such bank holding company. As far as possible the Board will use reports of examinations made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the appropriate State bank supervisory authority for the purposes of this section.

§ 222.9 *Statutory penalties.* Under the act, any company which willfully violates any provision of the act or any regulation or order issued by the Board pursuant thereto shall upon conviction be fined not more than $1,000 for each day during which the violation continues; and any individual who willfully participates in a violation of any provision of the act shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both. Every officer, director, agent, and employee of a bank holding company is subject under the act to the same penalties for false entries in any book, report, or statement of such bank holding company as are applicable to officers, directors, agents, and employees of member banks of the Federal Reserve System for false entries in any books, reports, or statements of member banks under section 1005 of Title 18, U. S. Code.

2. This part implements the provisions of the Bank Holding Company Act of 1956, and prescribes procedures for the filing of registration statements by bank holding companies and for the handling of applications for prior approval of the Board with respect to transactions requiring such approval under that act.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] CLARK L. FAUVER,
Assistant Secretary.

[F. R. Doc. 56-6112; Filed, July 27, 1956; 8:49 a. m.]

[3] In some cases it may not be possible for the Board to act upon an application within such period of 60 days and this requirement should not be regarded as suggesting that the Board will act upon all applications within that period of time, although every effort will be made to expedite such action.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. No. ER-211]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

RECORDS OF PASSES ISSUED AND PROCESSING OF APPLICATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of July 1956.

A notice of proposed rule-making was published in the FEDERAL REGISTER on February 17, 1955 (20 F. R. 1023) and circulated to the industry as Economic Regulations Draft Release No. 72, dated February 10, 1955, which embodied certain amendments to Part 223.

The principal purposes of this amendment are to clarify the record-keeping requirements of § 223.5 and to require air carriers filing applications to furnish free or reduced-rate overseas or foreign air transportation, under § 223.8, to obtain express prior Board approval.

At the present time, § 223.5 requires each air carrier to maintain an accessible and convenient record of all passes issued. However, Part 223 does not specifically state where such records shall be maintained and it has been the practice of the carriers to maintain them in several different offices. Furthermore, the word "record" has been interpreted by the carriers as merely requiring the retention of miscellaneous records, which have proved difficult to assemble for examination. Consequently, the Board has clarified the above-quoted requirement of the present rule in the revised Part 223. The amendment sets forth that such records shall be maintained in a register at the general offices of the carrier. Such register shall be a single, consolidated record book. Further details as to the content of these records are set out in this amendment.

The Board is accepting the suggestion of one of the carriers to the effect that such records shall only be maintained with regard to those passes which have been issued by the carrier and actually used for transportation. In this manner, the carriers will not be burdened with the necessity of keeping records of issued but unused passes.

In response to the proposal to amend § 223.8 to provide that no application for authority to carry other persons shall be deemed approved by the Board unless and until notice of approval is received by the carrier, four carriers have expressed opposition. Several of them have offered the counter proposal that the present procedure, providing for automatic approval by the Board within ten days after receipt of the application, shall be continued, except that the Board might extend the time for consideration by notice to the carrier.

The Board does not believe that this objection is meritorious. The proponents of other applications submitted to the Board are not apprised of the time when a decision may be reached, and there does not appear to be any compelling reason to require the Board to limit its consideration of applications for free or reduced-rate transportation to a definite period. It may be noted, further, that the processing of most such applications is completed within three or four days after receipt by the Board. Under the circumstances, § 223.8 is being amended as proposed in Draft Release No. 72.

In addition to the changes proposed in Part 223 pursuant to Draft Release No. 72, it appears desirable for clarification purposes to further amend § 223.2. This section now provides that any carrier may furnish free or reduced-rate transportation to all persons specifically mentioned in section 403 (b) and, in addition, all carriers engaged in overseas or foreign air transportation may furnish free or reduced-rate transportation to certain classes of persons specifically set forth in § 223.2.

A question of interpretation has arisen in connection with this section which should be clarified. The regulation as now drafted has been construed by the Board as permitting a U. S. flag carrier engaged in overseas or foreign air transportation to furnish free or reduced-rate transportation to the classes of persons named in § 223.2. The Board has held, however, that a domestic carrier, which also operates overseas or international routes, may provide free or reduced-rate transportation to classes of persons set forth in § 223.2 only with respect to the overseas or foreign routes operated by the carrier and not over the domestic portion of the carrier's system. Appropriate language has been inserted in the revised § 223.2 to clarify this matter.

Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

For the aforesaid reasons, the Civil Aeronautics Board hereby amends §§ 223.2, 223.5 and 223.8 of the Economic Regulations (14 CFR Part 223) effective August 27, 1956, to read as follows:

§ 223.2 *Persons to whom free and reduced-rate transportation may be furnished.* Subject to the provisions of the act and the orders, regulations (including this part) and rules of the Board now or hereafter in effect, any carrier may at its option provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403 (b) of the act; and in addition thereto, each carrier engaged in overseas or foreign air transportation may furnish free or reduced-rate overseas or foreign air transportation to:

(a) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7;

(b) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mails by air, or conducting transportation by air, in a foreign country; and

(c) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest.

§ 223.5 *Carrier's records.* Each carrier shall maintain in its general offices a record of all passes issued by it and used for transportation over its routes. Such record shall be maintained in the form of a register, freely accessible and convenient for examination, and shall contain the following information: the type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this part; privileges accorded thereunder; points between which transportation is authorized, or in the case of "annual" and "term" passes, the route number or system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. Regular tickets or bills of lading, under certain conditions, may be used as trip passes and need not conform to the provisions of § 223.4 as to form. However,

records of such tickets or bills of lading, when used as trip passes for free or reduced-rate transportation, shall be kept in accordance with the above provisions of this section. All correspondence or memorandums relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of reduced-rate transportation, the records shall show the amount of the charge assessed or assessable.

§ 223.8 *Application for authority to carry other persons.* Any carrier desiring special authorization under section 403 (b) of the act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons not described in that section or in § 223.2 may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. No transportation for which approval is requested therein shall be furnished by the carrier unless and until notice of such approval is received by the carrier.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 52 Stat. 992, 993; 49 U. S. C. 483, 484)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-6114; Filed, July 27, 1956; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 176]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.30, the Sturgeon Bay, Mich., area (R-502), published on May 25, 1956, in 21 F. R. 3496 is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 44°48'00", longitude 87°16'00"; thence to latitude 45°23'00", longitude 86°47'00"; thence to latitude 45°18'00", longitude 86°28'00"; thence to latitude 45°10'00", longitude 86°17'00"; thence to latitude 44°39'00", longitude 86°42'00"; thence to latitude 44°23'45", longitude 86°48'45"; thence to latitude 44° 30'30", longitude 87°24'30"; thence to point of beginning."

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 24, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6089; Filed, July 27, 1956; 8:45 a. m.]

[Amdt. 6]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.13 *Green civil airway 3* is amended to read in part:

From Oakland, Calif., LFR; to Sacramento, Calif., LFR; MEA 5,000.
From Bay Point, Calif., FM; to Sacramento, Calif., LFR, northeastbound only; MEA 2,000.

Section 610.14 *Green civil airway 4* is amended to read in part:

From *Albuquerque, N. Mex., LFR; to Otto, N. Mex., LFR; MEA 11,000. *10,300—MCA Albuquerque LFR, eastbound. (Deletes MCA at Otto LFR.)

Section 610.101 *Amber civil airway 1* is amended to read in part:

From Sacramento, Calif., LFR; to Williams, Calif., LFR, southbound, MEA 2,000; northbound, MEA 3,000.
From Newhall, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000.
From Castaic, Calif., FM; to Newhall, Calif., LFR, southbound only; MEA 8,000.
From Wheeler Ridge INT, Calif.; to Bakersfield, Calif., LFR, northbound, MEA 6,000; southbound, MEA 10,000.

Section 610.102 *Amber civil airway 2* is amended to delete:

From Crystal, Nev., FM; to Las Vegas, Nev., LFR, southwestbound only; MEA 6,500.

Section 610.105 *Amber civil airway 5* is amended to delete:

From Nesbitt, Tenn., FM; to Memphis, Tenn., LFR, northbound only; MEA 1,500.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From Washington, D. C., LFR; to Relay INT, Md.; MEA 1,600.

Section 610.109 *Amber civil airway 9* is amended to read in part:

From New Bern, N. C., LF/RBN; to Harrellsville INT, N. C.; MEA 1,200.
From Harrelsville, INT, N. C.; to Norfolk, Va., LFR; MEA 1,400.

Section 610.114 *Amber civil airway 14* is amended to delete:

From Lancaster, Pa., LF/RBN; to Willow Grove, Pa., LFR; MEA 2,500.

Section 610.211 *Red civil airway 11* is amended to read in part:

From Int. 124-304 M brg. Enid (Vance) LF/RBN and NE crs. Gage LFR; to Enid (Vance), Okla., LF/RBN; MEA 2,600.
From Enid (Vance), Okla., LF/RBN; to Mulhall INT, Okla.; MEA 2,600.

Section 610.216 *Red civil airway 16* is amended to read in part:

From Columbia, S. C., LFR; to Coward INT, S. C.; MEA 1,900.
From Coward INT, S. C.; to Florence, S. C., LFR; MEA 1,300.

Section 610.228 *Red civil airway 28* is amended to read in part:

From Lansing, Mich., LFR; to Int. 309-129 M brg. Lansing LFR and W crs. Detroit-Romulus LFR; MEA 2,900.

Section 610.229 *Red civil airway 29* is amended to read in part:

From Harrisburg, Pa., LFR; to Westminister INT, Md.; MEA 2,500.
From Westminister INT, Md.; to Ellicott INT. Md.; MEA 2,000.

Section 610.231 *Red civil air way 31* is amended by adding:

From Stanton, Minn., LF/RBN; to La Crosse, Wis., LFR; MEA 2,600.

Section 610.233 *Red civil airway 33* is amended to read in part:

From Arcola, Va., LFR; to Westminster INT, Md.; MEA 2,500.

From Westminster INT, Md.; to Lancaster INT, Pa.; MEA 2,000.

Section 610.237 *Red civil airway 37* is amended to delete:

From Hainesville INT, Tex.; to INT. N crs Tyler LFR and W crs Shreveport, La, LFR; MEA 1,700.

Section 610.245 *Red civil air way 45* is amended to delete:

From Lancaster, Pa., LF/RBN; to Willow Grove, Pa., LFR; MEA 2,500.

Section 610.259 *Red civil airway 59* is amended to read in part:

From Int. S crs Garden City LFR and NW crs Gage LFR; to Gage, Okla., LFR; MEA 4,200.

Section 610.268 *Red civil airway 68* is amended to delete:

From El Paso, Tex., LFR; to Clint, Tex., LFR; MEA 6,000.
From Clint, Tex., LFR; to Hudspeth, Tex., VAR; MEA 7,500.
From Hudspeth, Tex., VAR; to Culberson, Tex., VAR; MEA 7,500.
From Culberson, Tex., VAR; to Monahans INT, Tex.; MEA 6,100.
From Monahans INT, Tex.; to Midland, Tex., LFR; MEA 4,500.

Section 610.270 *Red civil airway 70* is amended to delete:

From Lubbock, Tex., LFR; to Childress, Tex., VAR; MEA 4,500.
From Childress, Tex., VAR; to Hobart, Okla., VAR; MEA 3,500.

From Hobart, Okla., VAR; to Oklahoma City, Okla., LFR; MEA 3,000.

Section 610.271 *Red civil airway 71* is amended to delete:

From Lubbock, Tex., LFR; to Guthrie, Tex., VAR; MEA 4,500.
From Guthrie, Tex., VAR; to Wichita Falls, Tex., LFR; MEA 3,000.

Section 610.273 *Red civil airway 73* is amended by adding:

From Elmer INT, N. J.; to Newfield INT, N. J., MEA 1,500.

Section 610.304 *Red civil airway 104* is amended to read in part:

From Pittsboro INT, N. C.; to Murray INT, N. C.; MEA 1,600.

Section 610.305 *Red civil airway 105* is amended to read in part:

From Chanute, Kans., LFR; to Int. E crs. Chanute LFR and 336 M rad. Neosho, Mo., VOR; MEA 2,300.

Section 610.605 *Blue civil airway 5* is amended to delete:

From Int. E. crs. Hutchinson and S crs. Salina, Kans., VAR; to Salina, Kans., VAR; MEA 2,800.

Section 610.641 *Blue civil airway 41* is amended to delete:

From Port Chester INT, N. Y.; to Bridgeport, Conn., LFR; MEA 1,500.
From Bridgeport, Conn., LFR; to Hartford, Conn., LFR; MEA 2,000.

Section 610.654 *Blue civil airway 54* is amended by adding:

From Richmond INT, Calif.; to San Rafael (Hamilton), Calif., LF/RBN; MEA 4,000.

Section 610.668 *Blue civil airway 68* is amended by adding:

From Midland INT, Tex.; to Int. NW Midland LFR and E crs Hobbs LFR; MEA 5,000.

Section 610.6002 *VOR civil airway 2* is amended to delete:

From Milwaukee, Wis., VOR via N alter.; to Muskegon, Mich., VOR via N alter.; MEA 1,900.

Section 610.6004 *VOR civil airway 4* is amended to delete:

From Denver, Colo., VOR via S alter.; to Thurman, Colo., VOR via S alter.; MEA 6,900.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Charleston, W. Va., VOR; to Ivydale INT, W. Va.; MEA 3,000.

Section 610.6004 *VOR civil airway 4* is amended by adding:

From Mountain Home, Idaho, FM via S alter.; to Boise, Idaho, VOR northwestbound only via S alter.; MEA 7,600.
From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 6,600.
From Goodland, Kans., VOR; to Hill City, Kans., VOR; MEA 4,700.
From Salina, Kans., VOR; to Topeka, Kans., VOR; MEA 3,000.
From Centralia, Ill., VOR; to Evansville, Ind., VOR; MEA 2,100.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **3,000. *2,500—MRA. **2,100—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to delete:

From Moline, Ill., VOR via N alter.; to Naperville, Ill.; VOR via N alter.; MEA 2,400.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From *Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR; MEA 7,300. Via N alter., MEA 7,300. *8,500—MCA Cheyenne VOR, westbound.
From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6007 *VOR civil airway 7* is amended by adding:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA 1,500.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,500.

Section 610.6008 *VOR civil airway 8* is amended to delete:

From Crystal, Nev., FM; to Las Vegas, Nev., VOR, southwestbound only; MEA 6,500.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From Des Moines, Iowa, VOR; to Iowa City, Iowa, VOR; MEA 2,200. Via S alter.; MEA 2,200.
From Iowa City, Iowa, VOR; to Moline, Ill., VOR; MEA 2,000. Via S alter.; MEA 2,100.
From City, INT, Ill., to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6010 *VOR civil airway 10* is amended by adding:

From Naperville, Ill., VOR; to South Bend, Ind., VOR; MEA 2,800.
From Selinsgrove, Pa., VOR; to Hazleton INT, Pa., MEA 3,500.
From Hazleton INT, Pa.; to Stroudsburg, Pa., VOR; MEA 4,000.
From Stroudsburg, Pa., VOR; to Somerset INT, N. J.; MEA 2,500.
From Somerset INT, N. J.; to Coney Island INT, N. Y.; MEA 2,000.

Section 610.6010 *VOR civil airway 10* is amended to delete:

From Kansas City, Mo., VOR via N alter.; to Kirksville, Mo., VOR via N alter.; MEA *2,900. *2,500—MOCA.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.
From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.
From Colts Neck, N. J., VOR; to Woolf INT, N. J.; MEA 1,500.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Albuquerque, N. Mex., VOR via S alter.; to Otto, N. Mex., VOR via S alter.; MEA 10,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From *Albuquerque, N. Mex., VOR; to **Otto, N. Mex., VOR; MEA 12,000. *10,700—MCA Albuquerque VOR, eastbound. **10,000—MCA Otto VOR, westbound.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Aberdeen, S. Dak., VOR; to Danzig INT, N. Dak.; MEA *4,000. *3,300—MOCA.
From Danzig INT, N. Dak.; to Bismarck, N. Dak., VOR; MEA *4,000. *3,500—MOCA.
From Aberdeen, S. Dak., VOR via W alter.; to Bismarck, N. Dak., VOR via W alter.; MEA *4,000. *3,300—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to delete:

From San Antonio, Tex., VOR via E alter.; to Austin, Tex., VOR via E alter.; MEA 2,500.

Section 610.6021 *VOR civil airway 21* is amended to delete:

From Crystal, Nev., FM; to Las Vegas, Nev., VOR southwest bound only; MEA 6,500.

Section 610.6024 *VOR civil airway 24* is amended to read in part:

From Watertown, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA *3,400. *3,000—MOCA.
From Watertown, S. Dak., VOR via N alter.; to Madison INT, Minn., via N alter.; MEA *3,700. *3,000—MOCA.
From Madison INT, Minn., via N alter.; to Redwood Falls, Minn., VOR via N alter.; MEA *3,700. *2,400—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From *Rapid City, S. Dak., VOR; to Philip, S. Dak., VOR; MEA 4,500. Via N alter.; MEA 4,500. *6,000—MCA Rapid City VOR, westbound.
From Huron, S. Dak., VOR; to Oakwood INT, S. Dak.; MEA *3,900. *2,800—MOCA.
From Oakwood INT, S. Dak.; to Redwood Falls, Minn., VOR; MEA *3,900. *3,000—MOCA.
From Huron, S. Dak., VOR via S alter.; to Redwod Falls, Minn., VOR via S alter.; MEA *4,700. *3,000—MOCA.

Section 610.6030 *VOR civil airway 30* is amended to delete:

From Allentown, Pa., VOR; to Chatham INT, N. J.; MEA 2,500.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Charleston, W. Va., VOR; to *Gay INT, W Va.; MEA 2,500. *4,000—MRA.
From Gay INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 610.6038 *VOR civil airway 38* is amended by adding:

From Iowa City, Iowa, VOR; to Prairie INT, Iowa; MEA 2,100.
From Prairie INT, Iowa; to *Annawan INT, Ill.; MEA **4,000. *4,000—MRA. **2,100—MOCA.
From Annawan INT, Ill.; to *Triumph INT, Ill.; **6,000. *6,000—MRA. **2,000—MOCA.
From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From Kirksville, Mo., VOR via S. alter.; to Warren INT, Mo., via S. alter.; MEA *2,500. *2,100—MOCA.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Macon, Ga., VOR.; to *McDonough INT, Ga.; MEA **3,000. *2,500—MRA. **2,100—MOCA.

Section 610.6058 *VOR civil airway 58* is amended to read:

From Bergholz INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.
From Ellwood City, Pa. VOR; to Echo INT, Pa.; MEA 3,000.
From Echo INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.
From Williamsport, Pa., VOR; to Avoca INT, Pa.; MEA 4,500.

From Avoca INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Wilkes-Barre, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 4,000.
From Poughkeepsie, N. Y., VOR; to Hartford, Conn., VOR; MEA 3,000.
From Hartford, Conn., VOR; to Salem INT, Conn., MEA 2,000.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Binghamton, N. Y., VOR; to *Sidney INT, N. Y.; MEA 3,500. *3,500—MRA.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Anthony, Kans., VOR; to Ponca City, Okla., VOR; MEA 2,600.

Section 610.6074 *VOR civil airway 74* is amended by adding:

From Dodge City, Kans., VOR; to Anthony, Kans., VOR; MEA *3,100. *2,900—MOCA.

Section 610.6078 *VOR civil airway 78* is amended to read in part:

From Watertown, S. Dak., VOR; to Madison INT, Minn.; MEA *3,700. *3,000—MOCA.
From Madison INT, Minn.; to Litchfield INT, Minn.; MEA *6,600. *2,300—MOCA.
From Litchfield INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.

Section 610.6088 *VOR civil airway 88* is amended to delete:

From Centralia, Ill., VOR; to Cisne INT, Ill.; MEA 2,100.
From Cisne INT, Ill.; to Scotland, Ind., VOR; MEA *3,000. *2,100—MOCA.
From Scotland, Ind., VOR; to Sanders INT, Ind.; MEA 2,000.
From Sanders INT, Ind.; to Dayton, Ohio, VOR; MEA *3,700. *2,500—MOCA.
From Dayton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From Walnut Grove INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Benson INT, W. Va.; MEA *4,000. *3,000—MOCA.
From Benson INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6153 *VOR civil airway 153* is amended by adding:

From Wilkes-Barre, Pa., VOR; to *Sidney INT, N. Y.; MEA 4,000. *4,500—MRA.
From Sidney INT, N. Y.; to Syracuse, N. Y., VOR; MEA *4,500. *3,500—MOCA.

Section 610.6163 *VOR civil airway 163* is amended by adding:

From Brownsville, Tex., VOR; to Alice, Tex., VOR; MEA 1,400.
From Alice, Tex. VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.
From Elmendorf INT, Tex.; to San Antonio, Tex., VOR; MEA 2,200.

Section 610.6164 *VOR civil airway 164* is amended to delete:

From Stroudsburg, Pa., VOR; to Millington INT, N. J.; MEA 2,700.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From York, Ky., VOR; to Eureka INT, Ky.; MEA 2,500.
From Eureka INT, Ky.; to *Gay INT, W. Va.; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Gay INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA *1,500. *1,200—MOCA.
From Corapeake INT, Va.; to Norfolk, Va., ILS loc.; MEA 1,500.

Section 610.6208 *VOR civil airway 208* is amended by adding:

From *Los Angeles, Calif., VOR; to Oceanside, Calif., VOR; MEA 4,000. *2,000—MCA Los Angeles VOR, southbound.

Section 610.6217 *VOR civil airway 217* is amended to delete:

From Milwaukee, Wis., ILS loc.; to Cardinal INT, Wis.; MEA 2,700.

Section 610.6217 *VOR civil airway 217* is amended by adding:

From Milwaukee, Wis., ILS loc.; to Maitland INT, Wis.; MEA 2,000.
From Maitland INT, Wis., to Green Bay, Wis., VOR; MEA 2,700.

Section 610.6233 *VOR civil airway 233* is amended to read in part:

From Bradford, Ill, VOR; to *Annawan INT, Ill.; MEA 2,000. *4,000—MRA.
From Annawan INT, Ill.; to Moline, Ill., VOR; MEA 2,000.

Section 610.6244 *VOR civil airway 244* is added to read:

From Crestview, Fla., VOR; to Dothan, Ala., TVOR; MEA 1,500.

Section 610.6246 *VOR civil airway 246* is added to read:

From Dayton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

Section 610.6250 *VOR civil airway 250* is added to read:

From Bergholz INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.
From Ellwood City, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From Hula Girl INT, T. H.; to Honolulu, T. H., VOR; MEA 4,000.
From Barbers Point, T. H., FM; to Honolulu, T. H., VOR, northeastbound only; MEA 2,000.
From *Honolulu, T. H., VOR; to Kaneoke INT, T. H.; MEA 6,000. *6,000—MCA Honolulu VOR, northeastbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 23, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6056; Filed, July 27, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6193]

Subchapter C—Miscellaneous Excise Taxes

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

NATIONAL EMERGENCY TRANSFER OF DISTILLED SPIRITS; MISCELLANEOUS AMENDMENT

Section 3183 of the Internal Revenue Code of 1939 permitted the use of beverage distilled spirits for industrial purposes and made provision for appropriate safeguards and controls with respect to the withdrawal and movement of such spirits. The provisions of section 3183 of the Internal Revenue Code of 1939 were implemented by Treasury Decision 5864 (16 F. R. 11295) approved November 2, 1951, which added Subpart G "National Emergency Transfers of Distilled Spirits" to 26 CFR (1939) Part 171. The provisions of section 3183 of the Internal Revenue Code of 1939 were reenacted without material change as section 5217 of the Internal Revenue Code of 1954 (68A Stat. 641; 26 U. S. C. 5217). Such regulations are prescribed under and made applicable to section 5217 of the Internal Revenue Code of 1954, which corresponds to section 3183 of the Internal Revenue Code of 1939, insofar as such regulations are not inconsistent with the Internal Revenue Code of 1954, by virtue of section 7807 (a) of the Internal Revenue Code of 1954 and Treasury Decision 6091, approved August 16, 1954.

Public Law 700, 84th Congress, approved July 11, 1956, amends section 5217 of the Internal Revenue Code of 1954 by changing the termination date for such section to July 11, 1958.

In order to reflect in such regulations the new termination date, § 171.280 is amended by striking in the first sentence the words, "five years from the date of enactment of section 3183, I. R. C." and inserting in lieu thereof the following: "July 11, 1958.".

Because these amendments merely extend the termination date of the regulations, it is found impracticable and contrary to the public interest to comply with the public rule making and effective date requirements of section 4 (a) and (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003).

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 5217, 68A Stat. 641; 26 U. S. C. 5217)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 25, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-6107; Filed, July 27, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. In Subchapter A, delete the notes under Parts 801, 802, and 812 referring to Parts 501, 502, and 512 of this title respectively as being applicable to the Department of the Air Force.

2. In Subchapter E, delete the notes under Parts 855 and 857 referring to Parts 555 and 557 of this title respectively as being applicable to the Department of the Air Force and change the heading of Subchapter E to read: Subchapter E—Post Services [Reserved].

3. In Subchapter F, Part 861, §§ 861.101 to 861.107 (Appointment of Officers in the Regular Air Force), §§ 861.151 to 861.156 (Appointment of Regular Nurse, Women Medical Specialists, Veterinary, or Medical Service Officers from the Air Force Reserve), §§ 861.161 to 861.167 (Appointment of Officers in the Regular Air Force (Judge Advocates)), §§ 861.171 to 861.174 (Appointment of Chaplains in the Regular Air Force) are transferred to Subchapter G, Part 887, and are redesignated §§ 887.101 to 887.107, 887.151 to 887.156, 887.161 to 887.167 and 887.171 to 887.174, respectively. In this transfer the headings remain unchanged.

4. In Subchapter I, delete the notes under Parts 931 and 933 referring to Parts 531 and 533 of this title respectively as being applicable to the Department of the Air Force.

5. In Subchapter J—Procurement Procedures, revoke Parts 1000 to 1021 and change the heading of Subchapter J to read: Subchapter J—Procurement Procedures [Reserved].

(R. S. 161; 5 U. S. C. 22)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-6088; Filed, July 27, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 1, Amdt. 6]

REG. 6—MANGANESE REGULATION: DOMESTIC MANGANESE PURCHASE PROGRAM

PARTICIPATION IN AND DURATION OF THE PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as revised and amended, is further amended as follows:

1. In section 3, delete the date "June 30, 1958" and in lieu thereof substitute the date "January 1, 1961"; delete the figure "19,000,000" and in lieu thereof substitute the figure "28,000,000".

2. In section 4, delete the date "June 30, 1956" and in lieu thereof substitute the date "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

All other provisions of this regulation, as amended, shall remain in full force and effect.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 24, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-6150; Filed, July 27, 1956; 8:52 a. m.]

[Revision 3, Amdt. 9]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PARTICIPATION IN AND DURATION OF PROGRAMS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as revised and amended, is hereby further amended as follows:

1. In section 3, delete the date "June 30, 1957" and in lieu thereof substitute the following: "June 30, 1962".

2. In sections 4 (a) and 5 (a), delete the date "June 30, 1956" and in lieu thereof substitute the following: "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

All other provisions of this regulation, as amended, shall remain in full force and effect.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 24, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-6148; Filed, July 27, 1956; 8:52 a. m.]

[Amdt. 6]

REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

PARTICIPATION IN AND DURATION OF THE PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as amended, is further amended as follows:

1. In section 2, delete the date "June 30, 1956" and in lieu thereof substitute the date "June 30, 1958".

2. Delete in its entirety section 3 and in lieu thereof substitute the following: "*Duration of the Program.* This Program shall terminate and be of no further force and effect at the close of business June 30, 1962, or when deliveries under the Program total forty-five hundred (4,500) short dry tons, whichever first occurs".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

All other provisions of this regulation, as amended, shall remain in full force and effect.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 24, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-6149; Filed, July 27, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

DRIED PRUNES [1]

UNITED STATES STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering a revision of the United States Standards for Grades of Dried Prunes, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, VARIETAL TYPES, SIZES, GRADES

Sec.
52.3181 Product description.
52.3182 Varietal types of dried prunes.
52.3183 Sizes of dried prunes.
52.3184 Grades of dried prunes.
MOISTURE, DEFECTS
52.3185 Moisture requirements.
52.3186 Definitions and explanations of defects.
WORK SHEET
52.3187 Work sheet for dried prunes.

AUTHORITY: §§ 52.3181 to 52.3187 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, VARIETAL TYPES, SIZES, GRADES

§ 52.3181 *Product description.* Dried prunes are prepared from sound, properly matured prune plums from which the greater portion of moisture is removed by drying to produce a semi-dry texture; are cleaned; and may be cleaned or treated with water or steam.

§ 52.3182 *Varietal types of dried prunes*—(a) *Type I.* French (also com-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

monly known as Petite; horticulturally classified as Agen).

(b) *Type II.* Italian Prune (commonly known as Fellenberg).

(c) *Type III.* Sergeant (commonly known as Robe de Sergeant or Robe); or Imperial (horticulturally classified as Imperial Epineuse); or Sugar.

(d) *Type IV.* Mixtures of any types with Imperial or Sugar.

§ 52.3183 *Sizes of dried prunes*—(a) *Count-sizes.* Except for U. S. Grade A or U. S. Fancy, the sizes of dried prunes are not incorporated in the grades of dried prunes. The sizes of dried prunes in this section are classified according to the count (or number) per pound of dried prunes. The various sizes of dried prunes for the respective varietal types are as follows:

(1) *Type I; Type III; Type IV.* 15/20, 18/24, 20/30, 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100, 100/120, 120 and over.

(2) *Type II.* 25/35, 35/45, 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100.

(b) *Ascertaining compliance with counts per pound.* A single size of dried prunes, for example "30/40", means that the number of prunes per pound average in a range from more than 30 to, and including, 40: *Provided,* That within any single size range the blend of sizes is fairly uniform. "Fairly uniform" means that in a sample of 100 ounces:

(1) For "40/50" and larger sizes, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 25 points; or

(2) For "50/60" and smaller sizes, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points; and

(3) Except in blends of "80/90" or smaller sizes, no 10-ounce sample may count more than 110 prunes per pound.

(c) *Recommended size nomenclature.* The following size nomenclature is recommended for the respective "count-sizes" of dried prunes:

Extra large: Average 40 to 50 prunes per pound, or larger.
Large: Average 50 to 60 prunes per pound.
Medium: Average 60 to 70 prunes per pound.
Small: Average 70 to 80 prunes per pound or smaller.

§ 52.3184 *Grades of dried prunes.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried prunes that possess similar varietal characteristics; that are fairly uniform in size and average 80 prunes, per pound, or less; that meet the allowances for moisture in Table I of this subpart; and that do not exceed the following total allowances and limitations for defects:

(1) *Total allowance.* Not more than a total of 10 percent, by weight, of the dried prunes may be damaged or affected by: Off-color, poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(2) *Limitations within total allowance.* (i) Not more than 6 percent, by weight, of the dried prunes may be damaged or affected by: Poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(ii) Not more than 2 percent, by weight, of the dried prunes may be affected by: Mold, dirt, foreign material, insect infestation, decay.

(iii) Not more than 1 percent, by weight, of the dried prunes may be affected by: Decay.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried prunes that possess similar varietal characteristics; that meet the allowances for moisture in Table I of this subpart; and that do not exceed the following total allowances and limitations for defects:

(1) *Total allowance.* Not more than a total of 15 percent, by weight, of the dried prunes may be damaged or affected by: Off-color, poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(2) *Limitations within total allowance.* (i) Not more than 8 percent, by weight, of the dried prunes may be damaged or affected by: Poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(ii) Not more than 3 percent, by weight, of the dried prunes may be affected by: Mold, dirt, foreign material, insect infestation, decay.

(iii) Not more than 1 percent, by weight, of the dried prunes may be affected by: Decay.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of dried prunes that possess similar varietal characteristics; that meet the allowances for moisture in Table I of this subpart; and that do not exceed the following total allowances and limitations for defects:

(1) *Total allowance.* Not more than a total of 20 percent, by weight, of the dried prunes may be damaged or affected by: Off-color, poor texture, end cracks,[1] skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(2) *Limitations within total allowance.* (i) Not more than 10 percent, by weight, of the dried prunes may be damaged or affected by: End cracks,[1] skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(ii) Not more than 8 percent, by weight, of the dried prunes may be damaged or affected by: Skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.

(iii) Not more than 5 percent, by weight, of the dried prunes may be damaged or affected by: Mold, dirt, foreign material, insect infestation, decay.

(iv) Not more than 1 percent, by weight, of the dried prunes may be damaged or affected by: Decay.

(d) "Substandard" is the quality of dried prunes that fail to meet the requirements of U. S. Grade C or U. S. Standard.

MOISTURE, DEFECTS

§ 52.3185 *Moisture requirements*—(a) *Moisture limits.* Dried prunes shall not exceed the moisture limits for the grades and groups of packaging as designated in Table I of this section. "Moisture" means the percentage by weight of the finished dried prunes, exclusive of pits, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

(b) *Group I.* Group I includes dried prunes packaged in containers which do not completely enclose and seal the dried prunes or in any other kind of packaging of more than 10 pounds. Such containers include, but are not limited to, wood boxes or fiber boxes.

(c) *Group II.* Group IIa includes dried prunes packaged in non-hermetically sealed containers of 10 pounds of prunes or less. Group IIb includes dried prunes packaged in hermetically-sealed containers. Dried prunes in Group II shall be considered "high moisture" prunes, if the moisture exceeds 25 percent.

(d) *Ascertaining compliance with moisture limits.* In ascertaining compliance with the moisture limits in Table I of this subpart, some of the samples which represent a specific lot of dried prunes may possess no more than 1 percent additional moisture, if the average moisture for all samples representing the lot is within the limits stated in Table I of this subpart.

TABLE I—MOISTURE ALLOWANCES FOR DRIED PRUNES

Grades	Maximum moisture limits (by weight)			
	Group I		Group IIa	Group IIb
	Counts averaging 60 or less per pound	Counts averaging 61 or more per pound	Any count size	Any count size
	Percent	*Percent*	*Percent*	*Percent*
U. S. Grade A or U. S. Fancy	25	24	28	30
U. S. Grade B or U. S. Choice				
U. S. Grade C or U. S. Standard				

[1] Except that each 1 percent of end cracks to, and including, 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.

[1] Except that each 1 percent of end cracks to, and including, 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.

§ 52.3186 *Definitions and explanations of defects.* Dried prunes damaged or affected by the following are scorable as defects:

(a) *Off-color.* "Off-color" means a skin color different from characteristic black, blue-black, reddish-purple, or other characteristic skin color for the type.

(b) *Poor texture.* "Poor texture" means porous, woody, or fibrous flesh or immature prunes or prunes possessing flesh interspersed with excessive air pockets in which the texture of the flesh is noticeably different from the flesh of mature prunes which have been properly dried, handled, and processed. "Excessive air pockets" means that the prunes are affected by air pockets to the extent that the eating quality is seriously affected.

(c) *End cracks.* "End cracks" means callous apex-end cracks which, singly or in the aggregate on a prune, are more than ⅜ inch in length but not more than ½ inch in length.

(d) *Skin or flesh damage.* "Skin or flesh damage" means:

(1) Callous growth cracks (other than callous apex-end cracks) which, singly or in the aggregate on a prune, exceed ⅜ inch in length; and callous apex-end cracks which, singly or in the aggregate on a prune, exceed ½ inch in length.

(2) Splits or skin breaks not having callous edges when the flesh is mashed out beyond the protecting skin so as to affect materially the normal apperance of the prune;

(3) Any cracks, splits, or skin breaks open to the pit; or

(4) Any skin damage from multiple short skin breaks giving a very "rough" appearance to the prune such as may result from over-dipping, rain damage, processing, or other causes which affect materially the appearance or edibility of the prune.

(e) *Fermentation.* "Fermentation" means that the prune is fermented as evidenced by a distinct sour taste or odor or by darkening in color characteristic of fermentation or souring.

(f) *Scars.* "Scars" mean:

(1) Tough or thick scab which, singly or in combination on a prune, exceeds the area of a circle ⅜ inch in diameter such as may result from thrip injury, mildew, leaf chafing, limb rubs, or other means; or

(2) Scab which is not tough or thick and which, singly or in combination on a prune, exceeds the area of a circle ¾ inch in diameter and which is inconsequential but unsightly though practically blending in color with the skin on the portion of the prune not affected.

(g) *Heat damage.* "Heat damage" means burning or scorching from the sun or in dehydration so as to damage materially the skin or flesh, or both, of the prune.

(h) *Insect injury.* "Insect injury" means healed or unhealed surface blemishes and healed or unhealed blemishes extending into the flesh which affect materially the appearance, edibility, or keeping quality of the prune but which do not possess evidence of insect infestation.

(i) *Other means.* "Other means" includes damage by any injury or defect or group of defects not specifically mentioned in this section which materially affects the appearance, edibility, or keeping quality of the fruit, but "other means" does not include defects of a nature such as defined in paragraphs (j), (k), (l), (m), or (n) of this section.

(j) *Mold.* "Mold" means a characteristic fungus growth as evidenced by a moldy or smutty condition and which, singly or in the aggregate on a prune, is equal to or exceeds the area of a circle 3/16 inch in diameter.

(k) *Dirt.* "Dirt" means the presence of any quantity of such substance, whether imbedded or adhering to the prune, which gives the prune a dirty, smudgy appearance and which may not be removed readily by washing.

(l) *Foreign material.* "Foreign material" means the presence of any quantity of such substance.

(m) *Insect infestation.* "Insect infestation" means the presence of dead insects, insect fragments, or insect remains. (No live insects are permitted.)

(n) *Decay.* "Decay" means a state of decomposition, wholly or in part, of the prune.

WORK SHEET

§ 52.3187 *Work sheet for dried prunes.*

Size and kind of container _____
Container mark or identification _____
Label or brand _____
Varietal type _____
Size: Count per pound. _____
( ) Extra large. ( ) Large
( ) Medium. ( ) Small
Moisture content _____ percent. ( ) High moisture
Varietal characteristics: ( ) Similar; ( ) Dissimilar

Defects and summary of allowances [1]	Grade A maximum	Grade B maximum	Grade C maximum
Total of all defects, including off-color	10 percent	15 percent	
Total of all defects, including off-color and poor texture			20 percent.
Poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.	But no more than 6 percent.	But no more than 8 percent.	
End cracks,[2] skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.			10 percent.[2]
Skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation decay.			But no more than 8 percent.
Mold, dirt, foreign material, insect infestation, decay.	2 percent	3 percent	5 percent.
Decay	But no more than 1 percent.	But no more than 1 percent.	But no more than 1 percent.

Total _____
U. S. Grade (including all factors) _____

[1] Percentages of defects are "by weight."
[2] Except that each 1 percent of end cracks to, and including 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.

Dated: July 25, 1956.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6118; Filed, July 27, 1956; 8:51 a. m.]

[7 CFR Part 972]

[Docket No. AO-177-A17]

HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held at 64 State Street, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., August 15, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

A proposal received, relative to enlargement of the marketing area, as currently defined in the Tri-State order, raises the issue as to whether all the provisions of the present order would tend to effectuate the declared policy of the act, if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of such order should be made to effectuate the declared policy of the act. The proposed amendments have not received the approval of the Secretary of Agriculture. Amendments to the order as amended, regulating the handling of milk in the Tri-State milk marketing area were proposed as follows:

Proposed by The Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

Proposal No. 1. Add the following subparagraph (3) to § 972.34 (c):

(3) The total pounds of producer milk received at such fluid supply plant, from such supply plant's own producers during the preceding October through January.

Proposal No. 2. Amend the table in § 972.41 (a) as follows:

	April, May, June	February, March, July	All other months
Huntington District plants	$1.40	$1.70	$2.25
Gallipolis-Scioto District plants	1.30	1.60	2.15
Athens District plants	1.20	1.50	2.05

Proposal No. 3. Consider adjustments in the supply-demand formula.

Proposal No. 4. Amend § 972.48 as follows: "Adjust the location adjustment to 2.0 cents per hundredweight for each 10 miles or major fraction thereof for the first 100 miles and 1.0 cents per hundredweight for each additional 10 miles or major fraction thereof."

Proposed by Guyan Creamery et al:

Proposal No. 5. Delete § 972.5 (b) and substitute therefor the following:

(b) "Huntington District of the Marketing Area" means the territory lying within the boundaries of the counties of Boyd, Greenup and Carter in Kentucky; Lawrence County in Ohio; and the counties of Cabell and Wayne in West Virginia.

Proposal No. 5a. Amend § 972.41 (a) so when amended said provision shall read as follows:

(a) Add the following amounts for the months indicated:

	April, May, June and July	February, March, and August	September, October, November, December, and January
Huntington District plants	$1.05	$1.35	$1.90
Gallipolis-Scioto District plants and Athens District plants	.95	1.25	1.80

Proposed by the Huntington Interstate Milk Producers Association:

Proposal No. 6. Amend the table in § 972.41 (a) as follows:

	March through August, inclusive	September through February, inclusive
Huntington District plants	$1.75	$2.25
Gallipolis-Scioto District plants	1.65	2.15
Athens District plants	1.50	2.00

Proposed by The United Dairy Company:

Proposal No. 7. Provide for marketwide pool instead of individual handler pool.

Proposal No. 8. Consider a more accurate method of determining the solids not fat content of skim milk, when the handler operates both a pool plant and a nonpool plant.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 9. Make such other changes, amendments or deletions as may be required to make the entire marketing agreement and order conform with any amendment(s) that may result from the hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 64 State Street, Gallipolis, Ohio, or from the Hearing Clerk, Room 112, Adminstration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 25, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6120; Filed, July 27, 1956; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF EXTENSION OF TIME

The proposed regulations under section 174 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for June 21, 1956 (21 F. R. 4344). That notice provided that consideration would be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of that notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and any data, views, or arguments pertaining to those proposed regulations which are submitted not later than Wednesday, August 8, 1956, will be given consideration.

[SEAL] O. GORDON DELK,
Acting Commissioner of International Revenue.

[F. R. Doc. 56-6104; Filed, July 27, 1956; 8:48 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

DETERMINATION OF PREVAILING MINIMUM WAGES FOR VARIOUS INDUSTRIES

NOTICE OF PROPOSED RULE MAKING

On February 29, 1956, a hearing was held to determine what is the prevailing minimum wage in each of the several named industries and parts of industries for which there is a prevailing minimum wage determination of less than $1.00 per hour under section 1 (b) of the Walsh-Healey Public Contracts Act.

Marketing and competitive factors. Government Exhibit No. 3, a summary of information relating to the areas of competition for Government business as reported by principal Government purchasing agencies, indicates that in all but six of the named industries or parts of industries bids are received from, or negotiations are conducted with, firms located throughout the industry without regard to their geographic location or the destination to which the products are to be delivered. In the paint and varnish industry in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and in the industrial and refined basic chemical products branch of the chemical and related products industry in the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia, bids are received from, or negotiations conducted with, firms located throughout the areas mentioned. These are the areas in these two industries for which a determination of less than $1.00 presently exists.

In the cement, dimension granite, fertilizer, and the structural clay products industries the record indicates that bids are received and purchases are made from firms located within a radius of several hundred miles from the point of delivery.

It is thus apparent that no geographic limitations are feasible for the industries listed in the notice of hearing except for the five industries and one branch of an industry mentioned above. It is impossible to predict (except in the six industries or parts of industries mentioned above) where any particular contract materials will be manufactured when bids are invited. For each industry and part of an industry mentioned in the notice of hearing, except these six, I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under Government contracts extends to all of that area in which the industry has its plants, and that geographic minimum wage differentials cannot be adopted without defeating the purposes of the Public Contracts Act.

As the evidence in the record indicates, for that segment of the paint and varnish industry mentioned in the notice of hearing, bids are received from, and negotiations conducted with, firms located in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, when the products are to be delivered within these States. At least when bids are invited calling for delivery in this area, it is impossible to predict where any particular contract materials will be manufactured more narrowly than the area itself. For this reason, I find that the locality in which the goods are to be manufactured or furnished in the defined part of the paint and varnish industry extends to all the area encompassed by the States mentioned above.

The industrial and refined basic chemicals products branch of the chemical and related products industry in the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia competes in the same way in the States mentioned, and, since the conclusions drawn for the paint and varnish industry are equally applicable here, I find the locality in which the particular contract materials are to be manufactured or furnished when bids are invited extends to all the area encompassed by the States mentioned above.

It appears from Government Exhibit No. 3 that the areas of competition for cement, fertilizer, structural clay products, and dimension granite purchases extend several hundred miles and generally cross State boundaries. In view of the overlapping areas of competition caused by variations in delivery points, it seems clear that wage determinations on less than a statewide basis would not be fully justified in these situations. I therefore find that the localities in which the particular contract materials are to be manufactured or furnished in these industries are no less extensive than each of the States in which each industry has its plants.

Economic analysis. We are here concerned with the minimum wages prevailing among the approximately 1,914,000 production workers employed in the various manufacturing industries and parts of such industries mentioned in the notice of hearing. The evidence relates principally to the effect on their minimum wages of the recent increase in the minimum wage under the Fair Labor Standards Act of 1938. The new $1.00 per hour minimum provided in that act applies to all employees engaged in interstate commerce or in the production of goods for such commerce, including closely related processes and occupations directly essential to such production, except those employees excluded by one of the specific exemptions.

The evidence at the hearing was that of the 16,131,000 persons employed in manufacturing industries generally, 15,448,000, or 96 percent, were entitled to the benefit of the minimum wage provided in the Fair Labor Standards Act.

Evidence of the division between employees entitled to the $1.00 per hour minimum wage and those not so entitled in each of the industries and parts of industries mentioned in the notice of hearing revealed that, except for the evaporated milk industry, 89 percent or more of the employees are entitled to the minimum wage or exempt as employees employed in a bona fide executive, administrative, or professional capacity. The Public Contracts Act does not apply to such executive, administrative or professional employees. Those so exempt are, of course, already earning at least $1.00 per hour.

Even the limited information based on investigation cases closed by the Wage and Hour and Public Contracts Divisions during an eight-month period in 1955, discloses that in most of the industries and parts of industries for which a determination is here made, all of the employees in a majority of the plants employing a majority of the employees were entitled to the Fair Labor Standards Act minimum wage or exempt in the executive, administrative, and professional group.

There is reliable, probative, and substantial evidence that prevailing practice is to pay at least the legal minimum wage where it is due. Government's Exhibit No. 7 shows that during fiscal year 1951, after the legal minimum wage was increased from 40 cents to 75 cents per hour, approximately 2 percent of covered employees in all manufacturing industries were paid less than the minimum required by the act. This figure does not vary significantly for the smaller industrial classifications which include each of the industries and parts of industries here involved. Furthermore, there is evidence that even this figure is exaggerated in that it includes many instances in which the only deviation from the legal minimum arose out of a misunderstanding concerning the proper count of hours of work, the propriety of certain small payroll deductions, etc.

In addition, to this evidence of the application of, and compliance with, the new Fair Labor Standards Act minimum, there is evidence that many employees not legally entitled to the protection of the minimum are, nevertheless, paid at least $1.00 per hour, because (1) they are employed in high wage areas, (2) because they are employed by employers with some covered workers who have a policy not to discriminate against their noncovered workers, and (3) because of the competition for labor with other firms which have raised wages to the new legal minimum. Furthermore, it appears from the record that in many plants the only workers paid less than the minimum are watchmen, groundkeepers, and other workers not subject to the Walsh-Healey Act.

The record contains the opinion evidence of a fully qualified Government expert in this field that by reason of the factors mentioned above and in the light of his personal experience in this work, most of the establishments employing most of the employees in each of the industries and parts of industries listed in the notice of hearing, including the evaporated milk industry, are paying all of their production employees not less than $1.00 per hour, and that, judged on an industrywide basis, each of them has a prevailing minimum wage of not less than $1.00 per hour.

As noted above, however, the competitive factors involved in four of those industries point to a state by state determination of prevailing minimum wages for each of them. No evidence was introduced at the hearing tending in any way to take issue with the facts officially noticed in the notice of hearing "that the Fair Labor Standards Act has general application in the industries and branches for which there are prevailing minimum wage determinations under the Walsh-Healey Public Contracts Act and that the minimum wage requirements of the Fair Labor Standards Act are generally observed". In their industrywide applications these facts officially noticed are fully confirmed by the evidence introduced at the hearing. On a state by state basis the evidence introduced at this hearing tends to confirm the facts officially notice on this point as well.

Thus, there is evidence that in the cement industry less than one-half of one percent of the 34,000 production workers earn less than $1.00 per hour, and that the prevailing minimum wage for this industry in each State is not less than $1.00 per hour. It appears from Government Exhibit No. 8 that in each of the 26 States in which establishments in the fertilizer industry were investigated in a two-year period, Fair Labor Standards Act coverage was prevalent, and it appears from Government Exhibit No. 7 that the ratio of violations is relatively small. Though the state by state information on coverage and compliance in Government Exhibits Nos. 7 and 8 treats the dimension granite and structural clay products industries only as parts of larger industrial groups, so as to be not so valuable for this purpose, this information also tends to support, rather than conflict with, the general condition of coverage and compliance mentioned in the notice of hearing.

The evidence merely establishes that the prevailing minimum wage in the areas and industries or parts of industries discussed above is not less than $1.00 per hour. Such evidence is consistent with the possibility that the prevailing minimum wage may be more than $1.00 per hour in some or all of such areas and industries or parts of industries. The notice of hearing advised interested persons that they might anticipate just such evidence to be introduced in a hearing "to determine what will be the prevailing minimum wages on and after March 1, 1956." They were invited to present pertinent testimony, data, and argument, including particularly facts in addition to those officially noticed. They were further advised of the legal requirement that this determination be made "on the record". No evidence was introduced tending to show that the prevailing minimum wage is more than $1.00 per hour in any of such areas and groups. In this circumstance I must and do find that the prevailing minimum wage is $1.00 per hour in each of the industrial groups in each of the areas mentioned above as appropriate for a prevailing minimum wage determination.

Tolerances. The notice of hearing expressed an intent to exercise the authority under section 6 of the act to permit the employment of learners and apprentices at rates less than $1.00 per hour to the same extent such employment is authorized under section 14 of the Fair Labor Standards Act. For this reason, provision is made for the employment of learners and apprentices at rates less than $1.00 per hour to the same extent such employment is authorized under Section 14 of the Fair Labor Standards Act in each of the wage orders here proposed. The special provisions for handicapped workers in the wage orders here under review are eliminated from the wage orders here proposed, because they are no longer necessary in view of the general tolerance for the employment of handicapped workers now appearing in

41 CFR 201.1102. Other tolerances, such as those for beginners or probationary workers, appear in some of the wage determinations here under consideration. These provisions were made to justify exclusion of such low wage groups from the wage data on which the general prevailing minimum wages were determined. As those groups were not excluded from the basic data here considered, those provisions are eliminated from the wage determinations here proposed.

Accordingly, pursuant to authority vested in me by sections 1 (b) and 6 of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35), I propose to amend Part 202 of Title 41, Code of Federal Regulations (41 CFR, Part 202), as follows:

1. In §§ 202.2 (b) Cotton Garments, 202.3 (b) Men's Neckwear, 202.4 (b) Rainwear, 202.5 (b) Knitwear and Woven Underwear, 202.6 (b) Seamless Hosiery, 202.8 (b) Shoe Manufacturing, 202.10 (b) Handkerchiefs, 202.16 (b) Vitrified China, 202.19 (b) Luggage and Leather Goods, 202.20 (b) Fireworks, 202.21 (b) Wool Carpet, 202.22 (b) Tags, 202.26 (b) Tobacco, 202.27 (b) Furniture, 202.29 (b) Specialty Accounting, 202.38 (b) Die Casting, 202.40 (b) Evaporated Milk, 202.42 (b) Leather Manufacturing, 202.45 (b) Aviation Textile, 202.46 (b) Gloves and Mittens, delete the number and words "75 cents per hour" and insert in place thereof the symbol, number and words "$1.00 per hour".

2. Sections 202.2 (c) Cotton Garments, 202.3 (c) Men's Neckwear, 202.4 (c) Rainwear, 202.5 (c) Knitwear and Woven Underwear, 202.6 (c) Seamless Hosiery, 202.8 (c) Shoe Manufacturing, 202.9 (c) Dimension Granite, 202.10 (c) Handkerchiefs, 202.11 (c) Men's Hats, 202.16 (c) Vitrified China, 202.18 (c) Pressed and Blown Glass, 202.19 (c) Luggage and Leather Goods, 202.20 (c) Fireworks, 202.21 (c) Wool Carpet, 202.22 (c) Tags, 202.26 (c) Tobacco, 202.27 (c) Furniture, 202.28 (c) Drugs and Medicine, 202.29 (c) Specialty Accounting, 202.31 (c) Soap, 202.32 (c) Fertilizer, 202.35 (c) Cement, 202.36 (c) Structural Clay, 202.37 (c) Uniform and Clothing, 202.38 (c) Die Casting, 202.39 (c) Dental Goods, 202.40 (c) Evaported Milk, 202.42 (c) Leather Manufacturing, 202.45 (c) Aviation Textile, 202.46 (c) Gloves and Mittens, and 202.48 (c) Surgical Instruments, are amended to read as follows:

(c) *Tolerances.* Learners and apprentices may be employed at wages less than $1.00 an hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

3. Section 202.11 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the men's hat and cap industry under contracts subject to the Welsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

4. Section 202.18 (b) is amended by deleting the number and words "83½ cents per hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

5. Section 202.28 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drug, medicine, and toilet preparations and cosmetics industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

6. Section 202.31 (b) is amended by deleting the number and words "95 cents per hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

7. Section 202.33 (b) (2) is amended by deleting the number and words "99 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

8. Section 202.33 (c) is amended to read as follows:

(c) *Tolerances.* (1) Beginners (probationary workers) as defined in this paragraph may be employed at hourly wage rates not lower than $1.065 per hour in the paper and pulp industry (other than paper bag branch) arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this determination is an employee who has less than 160 hours experience in the plant in which he is employed.

(2) Learners and apprentices may be employed in the paper bag branch at wages less than $1.00 an hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

9. Paragraph 202.37 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the uniform and clothing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

10. Section 202.39 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

11. Section 202.41 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the paint and varnish industry under contract subject to the Walsh-Healey Public Contracts Act shall be $1.00 an hour arrived at either on a time or piece-rate basis in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and the minimum wage shall be $1.05 per hour arrived at either on a time or piece-rate basis in the remaining States of the United States and the District of Columbia.

12. Section 202.41 (c) is amended to read as follows:

(c) *Tolerances.* (1) Where $1.05 per hour is the minimum wage, beginners or probationary workers as defined in this paragraph may be employed for 480 hours at $1.00 per hour arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this section is a person who has less than 480 hours experience in the plant in which he is employed.

(2) Learners and apprentices may be employed in that part of the paint and varnish industry located in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division, Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

13. Section 202.43 (b) (2) is amended by deleting the number and words "87 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

14. Section 202.43 (c) (1) (ii) is amended to read as follows:

(ii) In the performance of contracts for the products of the cotton, silk, and synthetic textile branch of the textile industry, learners may be paid a subminimum rate of 92 cents per hour, unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 92 cents per hour.

15. Section 202.43 (c) (2) is amended to read as follows:

(2) Learners and apprentices may be employed in other than the cotton, silk, and synthetic textile branch of the textile industry at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

16. Section 202.44 (b) (1) is amended to read as follows:

(1) The minimum wage for persons employed in the manufacture or furnishing of products of the industrial and refined basic chemical products branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia, and the minimum wage shall be $1.15 per hour arrived at either on a time or piece-rate basis in the remaining States of the United States.

17. Section 202.44 (b) (2) is amended to read as follows:

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the cleaning and polishing preparations, insecticides and fungicides, and miscellaneous chemical branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in the 48 States and the District of Columbia.

18. Section 202.44 (c) is amended to read as follows:

(c) *Tolerances.* (1) Where $1.15 or $1.40 per hour is the minimum wage, beginners as defined in this paragraph may be employed for 320 hours at a rate not more than 5 cents an hour below the applicable minimum wages. A beginner for the purpose of this section is a person who has less than 320 hours of experience in the industry. Any previous employment in the industry must be subtracted from the 320-hour period during which beginners may be employed at rates below the minimum.

(2) Where $1.00 per hour is the minimum wage, learners and apprentices may be employed at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

19. Section 202.48 (b) is amended by deleting the number and words "90 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

20. Section 202.9 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the dimension granite industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

21. Section 202.32 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the fertilizer industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

22. Section 202.35 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the cement industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

23. Section 202.36 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the structural clay products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

Within fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 23d day of July 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6106; Filed, July 27, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF INSTITUTION OF RULE MAKING PROCEEDINGS

On June 21, 1956, the Bureau of Safety Regulation published a notice (21 F. R. 4349) that it was instituting the first step in rule making proceedings by circulating Civil Air Regulations Draft Release No. 56–17 to persons on the Bureau's current distribution list. The draft release proposed a general revision of Part 41 of the Civil Air Regulations and required that comment be submitted on or before September 20, 1956.

The Air Transport Association requested an extension of the date for return of comment so that it could have sufficient time to secure the opinions of all of its members affected by the proposed revision. In view of the fact that such industry opinion is essential to a proper consideration of the issues raised by the proposals, it is considered that an extension of the date for return of comment, as requested, will serve a useful purpose.

Accordingly, the Bureau is extending the time for the submission of comment with respect to Civil Air Regulations Draft Release No. 56–17, and the Bureau will consider written comment submitted not later than November 16, 1956. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

This notice of extension is being circulated as Civil Air Regulations Draft Release No. 56–17A to persons on the Bureau's current distribution list. Other interested persons may secure a copy of this draft release, as well as a copy of Draft Release No. 56–17, upon request made to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Intrepret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., July 24, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-6115; Filed, July 27, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11747; FCC 56-747]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, (Springfield, Ill.-St. Louis, Mo.).

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On June 25, 1956, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Springfield, Ill	2, 20, *66	20, 39, *66
St. Louis, Mo	4, 5, *9, 11, 30, 36, 42	2, 4, 5, *9, 11, 30, 36, 42
Lincoln, Ill	53	49

(Offset carrier designations for the various channels to be specified in the final Report and Order.)

3. Upon further consideration of this matter, the Commission has concluded that the public interest would be served by assigning an additional UHF channel to Springfield, and is therefore now proposing to assign Channel 26 to that community. In accordance with the policies outlined in the Commission's Order issued in Docket No. 11532, Channel 26 is proposed for Springfield even though the minimum spacing from that city would not be met. However, as noted in the Report and Order, in utilizing Channel 3, the transmitter will have to be located so as to meet the minimum spacing and coverage requirements. The proposed channel changes for Springfield are as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill	2, 20, *66	20, 26, 39, *66

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

6. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6108; Filed, July 27, 1956; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11795; FCC 56-757]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments,* Television Broadcast Stations, (Prineville-Coos Bay, Oregon).

1. Notice is hereby given that the Commission has received conflicting proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on January 17, 1956 by Grizzly Television, Inc., requesting an amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, so as to assign Channel 11 to Prineville, Oregon, as follows:

City	Channel No.	
	Present	Proposed
Prineville, Oreg	None	11

3. In support of its petition, Grizzly Mountain, Inc., urges that there is need for a station in the area and that the proposal would conform with the requirements of the rules.

4. The Commission has before it for consideration a conflicting petition filed on April 13, 1956, by Pacific Television, Inc., Coos Bay, Oregon requesting an amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, so as to assign Channel 11 to Coos Bay, Oreg., as follows:

City	Channel No.	
	Present	Proposed
Coos Bay, Oreg	----	11
Yreka City, Calif	11	19

5. In support of its proposal, petitioner submits that there is only one channel assigned to the area, Channel 16 at North Bend, Oregon; that there are two applications pending for this assignment; that the proposed additional assignment would eliminate the need for a comparative hearing and would expedite the commencement of two services to the area; and that the proposal conforms to the rules.

6. The Commission is of the view that rule making procedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6109; Filed, July 27, 1956; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11797; FCC 56-745]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Evansville, Ind.-Owensboro, Ky.-Festus, Mo.-Shelbyville, Tenn.).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on April 30, 1956, by Premier Television, Inc., permittee of Station WFIE, Evansville, Indiana, requesting it to amend § 3.606 *Table of assignments,* Television Broadcast Stations, so as to shift Channel 62 from Evansville, Indiana to Owensboro, Kentucky, and to shift Channel 14 from Owensboro to Evansville as follows:

City	Channel No.	
	Delete	Add
Evansville, Ind	62	14–
Owensboro, Ky	14–	62
Festus, Mo	14+	25–
Shelbyville, Tenn	62–	50

3. Petitioner also requests that the Commission order it to show cause why its outstanding authorization for Station WFIE should not be modified to specify operation on Channel 14 in lieu of Channel 62. Petitioner further requests that the Commission order Aircast, Inc., permittee of Station WKYT, authorized to operate on Channel 14 at Owensboro, Ky., to show cause why its outstanding authorization should not be modified to specify operation on Channel 62 in lieu of Channel 14.

4. In support of its request petitioner urges that the proposal conforms to the rules; that it would result in improved coverage in the Evansville area; and that it would bring a new service to the Owensboro area at an early date.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

6. We do not believe, however, that we should direct the parties in this proceeding to show cause why their outstanding authorizations should not be modified in the manner requested. Such additional show cause proceedings which may be necessary will be instituted at the termination of this rule making proceeding.

7. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the view that the proposal by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments should be furnished the Commission.

Adopted: July 19, 1956.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6110; Filed, July 27, 1956; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11798; FCC 56-750]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments,* Television Broadcast Stations, (Bozeman-Helena, Montana).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on April 5, 1956, by Penn Engineering Company, Inc., Bozeman, Montana, requesting an amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, so as to assign Channel 12 to Bozeman by its deletion from Helena, Montana. The petition is opposed by Peoples Forum of the Air in a pleading filed May 25, 1956. The proposal is summarized as follows:

City	Channels	
	Present	Proposed
Bozeman, Mont	*8, 22–	*9, 12, 22–
Helena, Mont	10+, 12	10+

3. In support of its request, petitioner, licensee of Radio Station KBMN, in Bozeman, states that it desires to enter television broadcasting but that there are no VHF channels available in Bozeman for commercial use. It believes that because of the VHF sets already in the city which receive programs supplied via a community antenna system, use of the UHF channel assigned to Bozeman would not be practicable.

4. In its opposition, Peoples Forum of the Air, licensee of Radio Station KXIJ in Helena, Montana, and one of two applicants for use of Channel 10 in that city, states that the two applications for Channel 10 were prepared and filed without knowledge of the other and that it would amend its application to specify Channel 12 were it not for the threat to that assignment posed by the petitioner's request. Peoples Forum submits that were this request granted, Helena would have but one channel with two applicants, while Bozeman would have two commercial channels with but one applicant.

5. An alternative method for making a VHF commercial channel available for Bozeman, Montana, would be shifting the educational reservation in that city from VHF Channel 9 to UHF Channel 22. The Commission believes that consideration should also be given to this proposal.

6. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

7. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 22, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 19, 1956.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6111; Filed, July 27, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order No. 5]

FORESTER AT BEMIDJI, MINN.

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

JULY 24, 1956.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541, as amended, and subject to the limitations contained therein, the Forester assigned to field headquarters of Land Classification and Forestry at Bemidji, Minnesota, is authorized to perform, in his geographical area of jurisdiction and in accordance with existing policies, regulations and procedures of this Bureau and under the direct supervision of the Chief, Land Classification and Forestry, Eastern States Office, the functions of the Director, Bureau of Land Management, listed below:

Public sales. Take all actions on public sales, pursuant to 43 CFR, Part 250, and other sales of land by competitive bidding when authorized by law, up to and including the declaration of highest bidders.

Small tract sales. Take all actions with respect to small tract sales, pursuant to 43 CFR, Part 257, by competitive bidding when authorized by law, up to and including the declaration of purchasers.

LUTHER T. HOFFMAN,
Supervisor,
Eastern States Office.

Approved: July 24, 1956.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-6090; Filed, July 27, 1956; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $341,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the Southwest Washington area will be developed

to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

DEPARTMENT OF THE TREASURY

[Treasury Dept. Order 180-4]

COMMISSIONER OF NARCOTICS

DELEGATION OF AUTHORITY RELATIVE TO SURRENDER OF HEROIN AND ITS USE FOR SCIENTIFIC RESEARCH PURPOSES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is hereby delegated to the Commissioner of Narcotics, with right to redelegate, authority to perform any function of the Secretary of the Treasury under section 1402 of Title 18 of the United States Code (Public Law 728, 84th Cong. 2d Session) relating to the surrender of heroin and the use of heroin for scientific research purposes.

Dated: July 24, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6105; Filed, July 27, 1956; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53—DPAV 46 (d)]

ARABIAN AMERICAN OIL CO. ET AL.

REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in a voluntary agreement entitled "Voluntary Agreement Relating to Foreign Petroleum Supply As Amended" was approved by the Attorney General after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. The companies listed below have accepted the request to participate in the voluntary agreement as amended.

The requests to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply, dated May 1, 1953, and the April 15, 1954, amendment thereto, and the lists of companies accepting the requests were published on July 22, 1953 (18 F. R. 4262) and on April 20, 1954 (19 F. R. 2278). Subsequent additions to and deletions from the list of companies participating in the voluntary agreement as amended were published on May 22, 1954 (19 F. R. 2992) and on May 24, 1955 (20 F. R. 3646).

This agreement has been again amended to reflect changes in organization and procedures developed as a result of the Attorney General's review of the agreement required by the Defense Production Act Amendments of 1955. This amended agreement has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

Contents of request. Pursuant to the Defense Production Act Amendments of 1955, the Attorney General has reviewed the defense need for voluntary agreements existing under section 708. With reference to the Voluntary Agreement Relating to Foreign Petroleum Supply, after consultation with the Office of Defense Mobilization and the Department of the Interior, it has been decided that the attached amended agreement would be desirable.

You are requested to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply, as amended as per copy attached. The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement, as amended, and find it to be in the public interest as contributing to the national defense. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will continue upon your acceptance of this modified request, provided that your acts relative to such participation are within the limits set forth in the voluntary agreement, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

ACCEPTANCES

Arabian American Oil Company, 505 Park Avenue, New York, New York.

Caltex Oil Products Company, 380 Madison Avenue, New York, New York.

Creole Petroleum Corporation, 350 Fifth Avenue, New York, New York.

Getty Oil Company, 1060 Subway Terminal Building, Los Angeles 13, California.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pennsylvania.

Sinclair Oil Corporation, 600 Fifth Avenue, New York, New York.

Socony Mobil Oil Company, Inc., 26 Broadway, New York, New York.

Standard Oil Company of California, 225 Bush Street, San Francisco, California.

Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York.

Standard-Vacuum Oil Company, 26 Broadway, New York, New York.

Superior Oil Company, 601 West Fifth Street, Los Angeles, California.

The Texas Company, 135 East 42d Street, New York, New York.

Venezuelan Petroleum Company, 600 Fifth Avenue, New York, New York.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: July 20, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-6097; Filed, July 27, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-1909]

HARPENER BERGBAU-AKTIEN-GESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

JULY 23, 1956.

Notice is hereby given that Harpener Bergbau-Aktien-Gesellschaft, a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act the 4½ Percent Debt Adjustment Bonds due January 1, 1970, to be issued by Harpener Bergbau-Aktien-Gesellschaft under an indenture to be dated as of January 1, 1953, between Harpener Bergbau-Aktien-Gesellschaft and The First National City Bank of New York and Deutsche Kreditsicherung Kommanditgesellschaft Dr. Alexander Kreuter, as Trustees, in connection with Harpener Bergbau-Aktien-Gesellschaft's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity of hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee as follows:

(1) Harpener has outstanding an issue of Gold Mortgage 6 percent Bonds, Series of 1929, which has been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German Corporate debtors by the refunding and extension of such obligations. Harpener is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by Harpener for its outstanding obligations provide for the issuance by Harpener of the above described Debt Adjustment Bonds, due January 1, 1970,

in exchange for its outstanding validated bonds.

(2) The coordinate mortgage securing the old and new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, insurance moneys, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations, the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional trustee would in effect result in the Trustee assuming duties contrary to the wishes of the security holders and would likely result in litigation in this country by holders of the old bonds endeavoring to establish some special rights in the security, and would, in general, tend to defeat the orderly and non-preferential settlements contemplated by the London Agreement.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after July 30, 1956 unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than July 27, 1956, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commision in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law relied by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6092; Filed, July 27, 1956; 8:46 a. m.]

[File No. 70-3490]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; AND ISSUANCE AND SALE BY SAID SUBSIDIARY AND ACQUISITION BY ITS PARENT COMPANY OF COMMON STOCK

JULY 23, 1956.

General Public Utilities Corporation ("GPU"), a registered holding company, and its direct subsidiary Jersey Central Power & Light Company ("Jersey Central"), an operating public utility company, having filed with this Commission a joint application, and an amendment thereto, under the Public Utility Holding Company Act of 1935 ("act") pursuant to sections 6 (b) and 10 and Rule U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Jersey Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, __ percent Series, due 1986. These bonds will be dated August 1, 1956, and will mature August 1, 1986, and will be issued under Jersey Central's Indenture of Mortgage dated March 1, 1946, as heretofore supplemented and amended and as to be further supplemented and amended by a further supplemental indenture to be dated August 1, 1956. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be received by Jersey Central (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102¾ percent of the principle amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

From time to time, but in no event later than the issuance and sale of the above-described bonds, Jersey Central will issue and sell to GPU and GPU will buy from Jersey Central an aggregate of 50,000 additional shares of Jersey Central's common stock, par value $10 per share, for an aggregate purchase price of $500,000.

It is represented in the filing that the proceeds from the sale of these securities (estimated at $10,500,000) will be used as follows: (i) $3,750,000 will be applied to the prepayment of the principal amount of Jersey Central's Notes maturing December 31, 1957; and (ii) the balance of $6,750,000 will be applied to the costs of Jersey Central's 1956 construction program estimated at approximately $14,650,000.

The filing contains a copy of an order of the Board of Public Utility Commissioners of the State of New Jersey expressly authorizing the issuance and sale of the proposed securities by Jersey Central. Jersey Central is organized under the laws of, and engages in the business of generating, transmitting, distributing, and selling electric energy for public use in ten counties in, the State of New Jersey.

Jersey Central proposes to pay the following fees and expenses in connection with the proposed transactions:

	New bonds	Common stock
Securities and Exchange Commission, filing fee	$1,030	
Filing fee, Board of Public Utility Commissioners of State of New Jersey	500	
Federal issue tax	11,000	$550
Printing registration statement, prospectus, indenture, etc	14,000	
Printing and engraving securities	9,250	
Legal fees and expenses:		
Autgerleth & Rochester	5,350	300
Berlack, Israels & Liberman	5,200	150
Blue Sky expenses and recording fees	1,300	
Accounting services	3,100	
Indenture trustee, registrar and transfer agent fees and expenses	5,250	
Miscellaneous	800	200
Total	56,780	1,200

The fees and expenses of GPU, including legal fees, are estimated not to exceed $500.

The fee and expenses of Beekman & Bogue, independent counsel for the underwriters of the bonds, are estimated at $5,000 and $125, respectively, and are to be paid by the successful bidder.

Notice of the filing of this joint application having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the Act and the Rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the joint application as amended should be granted forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application as amended be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6093; Filed July 27, 1956; 8:46 a. m.]

[File No. 70-3489]

STANDARD SHARES, INC.

ORDER AUTHORIZING EXTENSION OF BANK LOAN FOR ONE YEAR

JULY 24, 1956.

Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to extend its outstanding bank loan indebtedness to The Hanover Bank of New York, New York.

Standard Shares proposes, pursuant to a loan extension agreement, to extend the payment of its bank loan indebtedness of $1,500,000 to the Hanover Bank for one year from July 30, 1956, with interest at the prime commercial rate on that date. The company will have the right at any time to prepay all or any part of the loan without premium.

In justification of the proposal to extend said bank loan, the company states that it is not practicable, nor is it in the best interests of the stockholders of the company, to pay the loan at its present maturity. It is represented, among other things, that to do so would require the sale of a substantial amount of portfolio securities with resulting loss of dividend income; that such sale of securities would complicate the company's tax situation with respect to its operation as an investment company; that pursuant to an application now pending before the Commission Standard Shares proposes the acquisition of up to 51 percent of the common stock of Pittsburgh Railways Company, a non-utility subsidiary company, which may require an expenditure of $3,300,000 or more of cash to be obtained through the sale of Duquesne Light Company common stock or an additional bank loan, or a combination of both and the sale of assets in order to retire the loan now would unnecessarily prejudice Standard Shares operations; and that Standard Shares' assets and contemplated income are and will be more than sufficient to provide for the payment of the interest and principal of the bank loan within the period contemplated by the proposed extension thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration should be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6094; Filed, July 27, 1956; 8:46 a. m.]

[File No. 70-3493]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

NOTICE OF PROPOSED OPEN-ACCOUNT ADVANCES BY PARENT TO SUBSIDIARY FOR CONSTRUCTION OF OFFICE BUILDING

JULY 24, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary service company Columbia Gas System Service Corporation ("Service") have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

It is proposed that Columbia advance to Service, on a short-term basis on open account as required, not to exceed $1,500,000 for the construction of an office building at Marble Cliff, near Columbus, Ohio. Each several advance will bear interest from the date advanced at the present prime commercial rate of 3¾ percent per annum.

The building will be erected for the purpose of consolidating in suitable quarters at one location the departments of Service located in Columbus, Ohio. Upon completion of the building, Service plans either (i) to sell the building to a non-affiliate and lease it back on a long-term basis, or (ii) permanently to finance the building through the sale of securities to Columbia; at which time Service will repay to Columbia the open-account loan proposed herein together with $95,000 heretofore advanced by Columbia for the purchase of the building site. It is stated that, to the extent that the Commission has jurisdiction over the final transaction, applications relating thereto will be filed with the Commission.

The expenses to be incurred herein are estimated at $100 for Columbia and $200 for Service.

It is stated that no State or Federal commission other than this Commission has jurisdiction over the proposed transaction.

Declarants request that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than August 7, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6095; Filed, July 27, 1956; 8:46 a. m.]

[File No. 24D-1759]

YORK OIL AND URANIUM CO.

NOTICE OF AND ORDER FOR HEARING

JULY 24, 1956.

York Oil and Uranium Company, a Wyoming corporation (hereinafter referred to as "York"), Post Office Box 348, Newcastle, Wyoming, filed with the Commission on June 3, 1955, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 10,000,000 shares of its common capital stock, par value 2¢ per share, at 2¢ per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission, on May 22, 1956, issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and afforded to any person having an interest therein an opportunity to request a hearing pursuant to said Rule 223. A written request for a hearing was received by the Commission from York on June 19, 1956, and counsel for York waived the 20-day period specified in Rule 223 (b).

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on August 13, 1956, at 10:00 a. m., m. s. t., at the Salt Lake Branch Office of the Commission, at Room 201, Boston Building, Salt Lake City, Utah, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

A. Whether the notification and the offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that

1. Item 3 (a) of the notification and the offering circular under the heading "Capitalization" failed to disclose that on June 1, 1955, the issuer had contracted to issue additional shares of common stock with a par value of

$7,000 to Greenfire Uranium Corporation in consideration for the transfer of certain unpatented mining lode claims; and the offering circular failed to describe these claims as required by Rule 219 (c) (1).

2. Item 3 (a) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that 767,000 shares of stock had been issued to Earl E. Fehr as part payment of the contract of purchase of the Whiskers Draw Claims and the North Barker Dome-Red Mesa area oil and gas lease rights and in failing to disclose that in selling such properties, Fehr was acting for himself and others and part of the stock issued to him was accepted for others; and the offering circular was also false and misleading in failing to disclose that on or about January 3, 1956, said contract was renegotiated whereby 1,000,000 shares of stock of the issuer were acquired instead of the 767,000 shares.

3. Item 3 (b) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that none of the 3,310,000 shares of common stock issued to officers and directors of the issuer has been transferred and that the stock is still held by them, in view of the fact that the officers and directors either sold or agreed to sell a portion of the shares and the cash received was remitted to the issuer in payment for the cash consideration of $8,000 which the issuer represented had already been paid by the officers and directors as part consideration for the issuance of the shares.

4. The offering circular was misleading in failing to disclose under "Use of Proceeds" and in the financial statements included therein that the issuer may have incurred a contingent liability under Section 12 of the Securities Act of 1933, as amended, in connection with the foregoing; and

B. Whether the use of said offering circular would and did operate as a fraud and deceit upon the purchasers.

C. Whether the order dated May 22, 1956, suspending the exemption under Regulation A with respect to York should be vacated or made permanent.

It is further ordered, That Maurice M. Miller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on York Oil and Uranium Company and Empire Securities Corporation, 311 South Main, Salt Lake City, Utah; that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 10, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6096; Filed, July 27, 1956; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

TARIFF COMMISSION REPORT TO THE PRESIDENT ON WATCH MOVEMENTS

JULY 25, 1956.

The Tariff Commission today submitted a report to the President on the developments in the trade in watch movements since the modification on July 27, 1954, of the trade-agreement concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (17 F. R. 9125). That order prescribes procedures for the periodic review of escape-clause actions with a view to determining whether a concession that was modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned. The present report is the first report with respect to this matter under Executive Order 10401.

The Commission advised the President that the conditions of competition with respect to imported and domestic watch movements have not so changed during the past two years as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-6113; Filed, July 27, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32410: *Starch—Illinois Territory to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on starch or dextrine, carloads from specified points in Illinois, Iowa, and Missouri to specified south Atlantic ports in Florida, Georgia, and South Carolina.

Grounds for relief: Market competition with imported tapioca, maintenance of port relations, and circuitous routes.

Tariffs: Supplement 12 to Agent R. G. Raasch's I. C. C. 855; Supplement 293 to Agent C. A. Spaningers I. C. C. 1062.

FSA No. 32411: *Lauan lumber—Memphis, Tenn., to Minnesota and Wisconsin.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lauan lumber and related articles, carloads from Memphis, Tenn., to Minneapolis, St. Paul, Minn., Oshkosh and Fond du Lac, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 149 to Agent Spaninger's I. C. C. 1101.

FSA No. 32412: *Scrap or waste paper in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap or waste paper, carloads between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Agent Spaninger's I. C. C. 1525.

FSA No. 32413: *Clay from and to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin, and pyrophyllite, carloads, from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to Franconia, Va., and Port Tampa, Fla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32414: *Fuller's earth—Florida to Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads from Jamieson, Magnet Cove, and Quincy, Fla., to McIntyre and Warner Robins, Ga.

Grounds for relief: Short-line distance formula and circuitous routes-market competition.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32415: *Fuller's earth—Florida and Georgia to Johnson City, Tenn.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on fuller's earth, carloads from Jamieson, Magnet Cove and Quincy, Fla., Attapulgus, Quality, Roddenbery and Faceville, Ga., to Johnson City, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32416: *Fuller's earth—Florida to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads, from Jamieson, Magnet Cove, and Quincy, Fla., to New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32417: *Fuller's earth—Florida and Georgia to Ironton, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads, from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality, and Roddenbery, Ga., to Ironton, Ohio.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32418: *Peaches—Allendale, S. C., group to the East.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on peaches, carloads from Allendale, S. C., and points grouped with and taking same rates to specified points in trunk-line and New England territories.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 31 to Agent Spaninger's I. C. C. 1277.

FSA No. 32419: *Scrap iron or steel—Louisville, Ky., to Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron or steel (not copper clad), scraps or pieces of iron or steel having value for remelting purposes only, carloads, from Louisville, Ky., to New Boston and Portsmouth, Ohio.

Grounds for relief: Barge competition and circuitous routes.

Tariffs: Supplement 41 to Agent H. R. Hinsch's I. C. C. 4251; Supplement 16 to Chesapeake and Ohio, I. C. C. 13435.

FSA No. 32420: *Canned foodstuffs—Pacific Coast to Alabama.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from points on or near the Pacific coast taking origin rate basis No. 1 or 4 in Agent Prueter's schedule listed below, to Boyleston, Madison Park, and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent Prueter's tariff I. C. C. 1574.

FSA No. 32421: *Beer—San Antonio, Tex., to Amarillo, Tex.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, carloads, from San Antonio, Tex., to Amarillo, Tex.

Grounds for relief: Texas intrastate competition and circuitous routes.

Tariff: Supplement 26 to Agent Brown's tariff I. C. C. 865.

FSA No. 32423: *Substituted service—Motor-rail-motor—C. G. W. Railway.* Filed by Middlewest Motor Freight Bureau, Agent, for interested motor carriers and the Chicago Great Western Railway Company. Rates on freight loads in highway trailers transported on railroad flat cars between Chicago, Ill., and Kansas City, Mo., and between Chicago and St. Paul, Minn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 37 to Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32422: *Beer—San Antonio, Tex., to Amarillo, Tex.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, carloads from San Antonio, Tex., to Amarillo, Tex.

Grounds for relief: Maintenance of depressed rates between above points restricted not to apply in constructing combination rates.

Tariff: Supplement 26 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6091; Filed, July 27, 1956; 8:45 a. m.]

$7,000 to Greenfire Uranium Corporation in consideration for the transfer of certain unpatented mining lode claims; and the offering circular failed to describe these claims as required by Rule 219 (c) (1).

2. Item 3 (a) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that 767,000 shares of stock had been issued to Earl E. Fehr as part payment of the contract of purchase of the Whiskers Draw Claims and the North Barker Dome-Red Mesa area oil and gas lease rights and in failing to disclose that in selling such properties, Fehr was acting for himself and others and part of the stock issued to him was accepted for others; and the offering circular was also false and misleading in failing to disclose that on or about January 3, 1956, said contract was renegotiated whereby 1,000,000 shares of stock of the issuer were acquired instead of the 767,000 shares.

3. Item 3 (b) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that none of the 3,310,000 shares of common stock issued to officers and directors of the issuer has been transferred and that the stock is still held by them, in view of the fact that the officers and directors either sold or agreed to sell a portion of the shares and the cash received was remitted to the issuer in payment for the cash consideration of $8,000 which the issuer represented had already been paid by the officers and directors as part consideration for the issuance of the shares.

4. The offering circular was misleading in failing to disclose under "Use of Proceeds" and in the financial statements included therein that the issuer may have incurred a contingent liability under Section 12 of the Securities Act of 1933, as amended, in connection with the foregoing; and

B. Whether the use of said offering circular would and did operate as a fraud and deceit upon the purchasers.

C. Whether the order dated May 22, 1956, suspending the exemption under Regulation A with respect to York should be vacated or made permanent.

It is further ordered, That Maurice M. Miller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on York Oil and Uranium Company and Empire Securities Corporation, 311 South Main, Salt Lake City, Utah; that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 10, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6096; Filed, July 27, 1956; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

TARIFF COMMISSION REPORT TO THE PRESIDENT ON WATCH MOVEMENTS

JULY 25, 1956.

The Tariff Commission today submitted a report to the President on the developments in the trade in watch movements since the modification on July 27, 1954, of the trade-agreement concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (17 F. R. 9125). That order prescribes procedures for the periodic review of escape-clause actions with a view to determining whether a concession that was modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned. The present report is the first report with respect to this matter under Executive Order 10401.

The Commission advised the President that the conditions of competition with respect to imported and domestic watch movements have not so changed during the past two years as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-6113; Filed, July 27, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32410: *Starch—Illinois Territory to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on starch or dextrine, carloads from specified points in Illinois, Iowa, and Missouri to specified south Atlantic ports in Florida, Georgia, and South Carolina.

Grounds for relief: Market competition with imported tapioca, maintenance of port relations, and circuitous routes.

Tariffs: Supplement 12 to Agent R. G. Raasch's I. C. C. 855; Supplement 293 to Agent C. A. Spaningers I. C. C. 1062.

FSA No. 32411: *Lauan lumber—Memphis, Tenn., to Minnesota and Wisconsin.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lauan lumber and related articles, carloads from Memphis, Tenn., to Minneapolis, St. Paul, Minn., Oshkosh and Fond du Lac, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 149 to Agent Spaninger's I. C. C. 1101.

FSA No. 32412: *Scrap or waste paper in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap or waste paper, carloads between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Agent Spaninger's I. C. C. 1525.

FSA No. 32413: *Clay from and to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin, and pyrophyllite, carloads, from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to Franconia, Va., and Port Tampa, Fla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32414: *Fuller's earth—Florida to Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads from Jamieson, Magnet Cove, and Quincy, Fla., to McIntyre and Warner Robins, Ga.

Grounds for relief: Short-line distance formula and circuitous routes-market competition.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32415: *Fuller's earth—Florida and Georgia to Johnson City, Tenn.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on fuller's earth, carloads from Jamieson, Magnet Cove and Quincy, Fla., Attapulgus, Quality, Roddenbery and Faceville, Ga., to Johnson City, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32416: *Fuller's earth—Florida to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads, from Jamieson, Magnet Cove, and Quincy, Fla., to New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32417: *Fuller's earth—Florida and Georgia to Ironton, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads, from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality, and Roddenbery, Ga., to Ironton, Ohio.

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Tariff: Supplement 26 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6091; Filed, July 27, 1956; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 147

Washington, Tuesday, July 31, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

OVERSEAS LIMITED APPOINTMENT

Section 2.308 (c) is amended as set out below.

§ 2.308 *Overseas limited appointment.*

* * *

(c) *Appointment of citizens recruited outside overseas areas.* When the Commission determines that unusual or emergency conditions exist so that it is not feasible to appoint from a civil service register, it may authorize agencies to give overseas limited appointments to United States citizens recruited in any area where overseas limited appointments are not authorized.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6151; Filed, July 30, 1956; 8:50 a. m.]

PART 29—RETIREMENT

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES IN EXECUTIVE BRANCH OF GOVERNMENT FROM AUTOMATIC SEPARATION FROM SERVICE

Whereas in the judgment of the United States Civil Service Commission, the public interest requires that certain officers and employees of the Executive branch of the Government be exempted from automatic separation from the service:

Now, therefore, under authority vested in the President by section 204 of the Act of June 30, 1932, and delegated to the United States Civil Service Commission by Executive Order 10530 dated May 10, 1954, it is hereby ordered that:

All officers and employees in the Executive branch of the Government, except Presidential appointees, subject to the Civil Service Retirement Act who reach the retirement age prescribed for automatic separation from the service between July 1, 1956, and September 30, 1956, both dates inclusive, and are not now exempted therefrom, are hereby exempted from automatic separation from the service until October 31, 1956.

(Sec. 17, 46 Stat. 478, as amended; 5 U. S. C. 709. Interprets or applies sec. 4, 41 Stat. 616, as amended; 5 U. S. C. 709. E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6188; Filed, July 30, 1956; 11:31 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Revised through June 1)

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specified in section 201 of the act and to establish quotas in accordance with the provisions of the recently amended act, and to give effect to such quotas.

The quotas established herein differ from those in effect under Sugar Regulation 811, Amendment 2 (21 F. R. 4653). To permit areas for which larger quotas or prorations are hereby established to plan to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.84 (a) and 811.85 (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, are further amended to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,625,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1,877,894
Mainland cane sugar	573,356
Hawaii	1,052,000
Puerto Rico	1,080,000
Virgin Islands	12,000

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	980,000
Cuba	2,927,760
Other foreign countries	121,990

4. Paragraph (a) of § 811.84 is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations.* Pursuant to subsection (c) of section 202 of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, as adjusted to the extent required by section 411 of the act, as follows:

Country:	*Prorations as adjusted short tons, raw value*
Dominican Republic	34,441
El Salvador	4,141
Haiti	3,333
Mexico	14,281
Nicaragua	7,823
Peru	51,871
Unspecified countries	6,100
Total	121,990

5. Paragraph (b) (1) of § 811.85 is amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations.* * * *

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Direct-consumption sugar short tons, raw value*
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	41,477

Statement of bases and considerations—Requirements. Under the Sugar Act, as amended, as then in effect, sugar requirements and quotas for 1956 were established in December 1955, totaling 8,350,000 short tons, raw value. This total was increased to 8,450,000 on May 1, 1956. On May 29, 1956, the quota provisions of the act were amended by Public Law 545, 84th Congress. On June 22, 1956, the total of the quotas was increased to 8,575,000 short tons, raw value, and distributed among the various areas and countries as provided for in the newly amended act.

Since June 22, when the consumption requirements (total quotas) were increased to 8,575,000 tons, the New York price of duty paid, raw sugar has risen from 6.02 cents per pound to 6.15 cents per pound. This increase in price reflects a limitation in currently available supplies of raw sugar for Gulf and East Coast refineries.

Sugar distribution for the year through July 14 amounted to 168,000 tons more than that for the corresponding period last year. The increase in total domestic distribution for the year to date approximates the increase of 175,000 tons in the determination of June 22 over the final total quotas for 1955. However, major changes have occurred in the size of the individual quotas, in distribution from the several areas and in remaining quota supplies.

Combined charges against all quotas for the first six months of 1956 amounted to 4,631,000 tons, an increase of 404,000 tons over the corresponding period of last year. The unfilled quota supplies on June 30 this year amounted to 229,000 tons less then quota charges for the second half of 1955.

During the first six months, marketings of beet processors fell 82,000 tons below those of last year despite the larger beet quota. As a result, beet processors on July 1 had an unfilled quota of 149,000 tons more than their actual marketings in the second half of 1955. As a result of the smaller marketings of beet processors, especially in the North Central States, and of the larger total distribution, greater inroads have been made in supplies of cane sugar.

Marketings of mainland cane sugar during the first half of the year were higher than in 1955 by about as much as the increase made in the mainland marketing quota. Receipts of Hawaiian sugar increased during the first half of this year but there was also a replenishment of stocks which were seriously depleted during the strike period a year ago.

The major change in the supply situation has been the reduction in the quantities remaining to be marketed under quotas after July 1 from the foreign and off-shore areas supplying the Gulf and East Coast. As of July 1, 1956, the unfilled quota balance for Cuba was 208,000 tons below final quota charges for the last half of 1955; the unfilled balance for the Philippines was 70,000 tons lower; and the unfilled balance for Puerto Rico was 44,000 tons lower. The only increase in such remaining quota supplies was that of 16,000 tons for the full duty countries.

Disregarding the change in the Hawaiian situation, the unfilled quota balances as of July 1, 1956, for the foreign and off-shore areas supplying the Gulf and East Coast markets totaled 306,000 tons less than actual quota charges from those areas during the second half of 1955.

The new sugar legislation provides for major changes in the source of sugar supplies. This may require a revision in marketing practices in the various areas. Until the new marketing patterns become more apparent and dependable, temporary and local shortages and surpluses may develop regardless of the overall balance between supplies and requirements for the year. Naturally, if an area fails to fill its quota or markets sugar in a manner that will diminish its effectiveness in meeting consumer requirements for the year, it will be necessary to provide additional supplies from other areas.

The present action increasing total quotas by 50,000 tons will increase the supply from foreign areas by 22,500 tons, the supply from the beet area by approximately 14,200 tons and the supply from the mainland cane area approximately 13,300 tons. Presumably all of the foreign sugar and part of the supplies from the mainland cane and beet areas could become available promptly. There will be a tendency, however, for some of the increased quotas for the mainland cane and beet areas to be filled only after new-crop supplies become available.

It is believed that this determination of 8,625,000 tons will provide a supply of sugar that will fairly and equitably protect the interests of the domestic producers and consumers.

Quotas. To give effect to the increase in total sugar requirements made effective by this order, amendments have been made to §§ 811.80, 811.81, 811.82, 811.84 and 811.85 of Sugar Regulaton 811, pursuant to the respective sections of the act referred to in each of the sections of the regulation. These amendments to the regulation make the following changes: (1) The quotas for domestic areas are increased by 27,500 tons to a total of 4,595,250 tons, with the increase divided 51.5 percent to the Domestic Beet Sugar Area and 48.5 percent to the Mainland Cane Sugar Area; (2) the quotas for foreign countries other than the Republic of the Philippines are increased by 22,500 tons to 3,049,750 tons which is distributed among such foreign countries as provided in sections 202 (c) and 411 of the amended act; (3) the total direct-consumption portion of the quota for foreign countries other than Cuba and the Republic of the Philippines is increased by 306 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 26th day of July 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6162; Filed, July 30, 1956; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.549 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing

agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 26, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 26, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are now being made and this regulation, insofar as possible, should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 31, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Giant plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1$^{5}/_{16}$ inches in diameter and of the remainder of the plums none measures less than 1$^{5}/_{16}$ inches in diameter: *Provided*, That no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1$^{5}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size, and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 27, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6181; Filed, July 30, 1956; 8:53 a. m.]

[Plum Order 25]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.550 *Plum Order 25*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 26, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 26, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are now being made and this regulation, insofar as possible, should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 31, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Grand Duke plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1$^{5}/_{16}$ inches in diameter and of the remainder of the plums none measures less than 1$^{5}/_{16}$ inches in diameter: *Provided*, That no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1$^{5}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 27, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6182; Filed, July 30, 1956; 8:53 a. m.]

[Plum Order 26]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.551 *Plum Order 26*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 26, 1956, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 26, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about August 2, 1956; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 31, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Late Duarte plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1$^{9}/_{16}$ inches in diameter and of the remainder of the plums none measures less than 1$^{7}/_{16}$ inches in diameter; *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1$^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 27, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6183; Filed, July 30, 1956; 8:54 a. m.]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the

basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 1, 1956. Any delay beyond that date will seriously threaten the orderly marketing of milk in the North Texas marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 23, 1956. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective August 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the North Texas marketing area) or more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) (3) and substitute therefor the following:

(3) From the effective date hereof through October 1956 the supply-demand adjustment applicable to the price for Class I milk shall be not less than plus 29 cents.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of July 1956, to be effective on and after August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6158; Filed, July 30, 1956; 8:51 a. m.]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 1, 1956. Since this amendment effects certain changes in the base rules, it is necessary to make this order amending the order, as amended, effective on August 1, 1956, the date on which the base-forming period begins. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is found that good cause exists for making this order effective August 1, 1956 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Minneapolis-St. Paul, Minnesota, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1956) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 973.17 by deleting the words "on which the milk was produced" at the end of said section.

2. Amend § 973.75 to read as follows:

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk to a pool plant during the delivery periods of July, August, September and October shall have a daily base computed by the market administrator to be applicable during the following January through June equal to the total pounds of milk delivered in the four-month period divided by the number of days of production represented by such deliveries during such period but not less than 90: *Provided,* That for the year 1956 such base-forming period shall be the delivery periods of August, September and October and the base of a producer shall be determined by dividing his total deliveries during such three-month period by the number of days of production represented by such deliveries but not less than 78, and

(b) Any producer not eligible to receive a base pursuant to the provisions of paragraph (a) of this section shall have a base for each of the months of January through June equal to 30 percent of such producer's deliveries to a pool plant during such month.

3. Delete § 973.76 and substitute therefor the following:

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of July 1956, to be effective on and after the 1st day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6160; Filed, July 30, 1956; 8:52 a. m.]

PART 1002—MILK IN GREATER WHEELING, WEST VIRGINIA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 1002), regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provision "application to the market administrator and a subsequent" of § 1002.61, and the provision "unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order;" of § 1002.61 (a), will not tend to effectuate the declared policy of the act for the period from August 1, 1956, until further notice. These provisions prohibit the determination by the Secretary that a plant regulated under another Federal order shall be considered a nonpool plant under the Greater Wheeling order if a greater volume of Class I milk is disposed of to retail or wholesale outlets in the Greater Wheeling area than in the marketing area pursuant to such other order, or if the handler does not request regulation under the other order. These limitations on the discretion of the Secretary to determine that a plant otherwise subject to both the Greater Wheeling and the Cleveland Federal milk orders shall be regulated under the Cleveland order, will jeopardize the interests of certain dairy farmers who are producers under the Cleveland order. These dairy farmers deliver milk to a plant currently a pool plant under the Cleveland order which is operated by their cooperative association. This plant is the sole supply of another plant which sells Class I milk in both the Cleveland and Greater Wheeling marketing areas, the volume of these sales in the Greater Wheeling marketing area being larger than in the Cleveland marketing area. If the latter plant is regulated as a pool plant under this order, the handler operating it will be relieved of the obligation currently imposed on him under the Cleveland order to pay minimum prices of that order to the cooperative association which supplies him with milk, and the pool plant status of the cooperative plant under the Cleveland order might be lost without such plant qualifying as a Greater Wheeling pool plant. Such a situation would create confusion among the dairy farmers supplying the cooperative plant with respect to their status under the Cleveland order. It is necessary that the above described limitations on the discretion of the Secretary be removed in order to avoid these results. It is found, therefore, that the provisions of the Greater Wheeling order cited herein, specifically the provisions "application to the market administrator and a subsequent" of § 1002.61 and the provision "unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order;" of § 1002.61 (a) should be suspended for the period from August 1, 1956, until further notice.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This suspension order would remove the requirement that the Secretary's determination of which Federal order shall regulate a plant otherwise subject to the Greater Wheeling order and another Federal milk order must be made solely on the basis of the proportion of Class I milk disposed of in the respective markets;

3. This suspension order follows a specific request by the handler who will be immediately affected thereby. The handler requests that action to keep him subject to the Cleveland order rather than to the Greater Wheeling order be made effective as of August 1, 1956; and

4. This action is necessary to facilitate and maintain the orderly marketing of milk between regulated markets.

It is therefore ordered, That the provision "application to the market administrator and a subsequent" of § 1002.61, and the provision "unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area regulated pursuant to such order;" of § 1002.61 (a) be and hereby are suspended during the period August 1, 1956 until further notice.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of July 1956, to be effective as of August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6159; Filed, July 30, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6435]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RAVEL PERFUME CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Exaggerated as regular and customary; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* [*Misrepresenting oneself and goods*]—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Ravel Perfume Corp. (New York City) et al., Docket 6435, July 21, 1956]

In the Matter of Ravel Perfume Corporation, a Corporation; Merchandise Purchasing Corporation, a Corporation; and Harry Swanson and Louis D. Maurer, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two corporations

and their common officers, with offices in New York City and Rego Park, Long Island, with ticketing their perfumes, colognes, and toilet waters and containers thereof with fictitious prices, publishing advertisements showing excessive amounts as the usual prices of certain of their products, furnishing facsimiles of newspaper advertisements to dealers which represented falsely that various retail stores were currently selling their products at the prices set out; representing in advertising and on certain products and their cartons that the products were compounded in France and that the essences used in compounding them were imported; and charging one of said corporations and its officers with misleading use of the word "Manufacturers" on advertising circulars and invoices—and an agreement between counsel containing a consent order to cease and desist.

On this basis the hearing examiner made his initial decision, including order to cease and desist, which by order of June 29 became on July 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Ravel Perfume Corporation, a corporation, Merchandise Purchasing Corporation, a corporation, and their officers, and Harry Swanson and Louis D. Maurer, individually and as officers of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, sale and distribution of perfumes, colognes, toilet waters and allied products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing on price tags attached to their products, in advertisements or in any other manner that certain amounts are the regular and usual retail prices of their products when such amounts are in excess of the prices at which said products are usually and customarily sold at retail;

2. Representing in any manner or furnishing to their dealers any means or instrumentality by and through which said dealers may represent that their products, or any of them, are currently being displayed or sold by any specified store or class of stores at any designated prices, when such is not the fact;

3. Using the words or terms "The Favorite of Fashionable Paris", "As French as the Champs Elysee", "Design Created in Paris", or any other terms indicative of France, in advertising products not compounded in France; or otherwise representing, directly or by implication, that such products are compounded in or imported from France;

4. Using the words "La Vie en Rose", or any other words indicating French origin, as brand or trade names for perfumes, colognes or toilet water compounded in the United States, without clearly and conspicuously stating, in immediate connection and conjunction therewith, that such products are compounded in the United States;

5. Representing that said products contain imported essences unless it is clearly and conspicuously disclosed in immediate connection therewith that not all of the essences are so imported, when such is the fact.

It is further ordered, That respondent Ravel Perfume Corporation, a corporation, and Harry Swanson and Louis D. Maurer, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, sale and distribution of perfumes, colognes and other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing that they manufacture the products sold by them, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Ravel Perfume Corporation, a corporation; Merchandise Purchasing Corporation, a corporation; and Harry Swanson and Louis D. Maurer, individually and as officers of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6152; Filed, July 30, 1956; 8:50 a. m.]

[Docket 6517]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SATTLER'S, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Comparative; § 13.285 *Value.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Sattler's, Inc., Buffalo, N. Y., Docket 6517, July 18, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Buffalo corporation with violating the Fur Products Labeling Act by failing to label the fur products it sold and to include on labels information as required by the act; by advertisements in newspapers which failed to name the animals producing particular furs and which misrepresented savings and values possible to purchasers; and by failing to maintain adequate records on which such purported savings and values were based—and an agreement containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which, by order of June 29, became, on July 18, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent, Sattler's, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which has been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Nonrequired information mingled with required information;

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Represents, directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of its business;

(b) The value of fur products, when such claims and representations are not true in fact;

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time;

4. Makes price claims and representations of the type referred to in subparagraphs 2 (a) and (b) and paragraph 3 above, unless there are maintained by Respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Sattler's, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6153; Filed, July 30, 1956; 8:51 a. m.]

[Docket 6510]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMITY MILLS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Exclusive or sole distributor;[1] Unique or special status or advantages; § 13.280 *Unique nature or advantages.* Subpart—*Using misleading name*—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Amity Mills, Incorporated, New York, N. Y., Docket 6510, July 21, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation, engaged in New York City in selling cotton and other fabrics, with misleading use of the word "Mills" in its corporate name and with representing falsely in advertising that certain fabrics it imported from Italy were manufactured exclusively for it—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 29, became on July 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Amity Mills, Incorporated, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of cotton and other fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Using the word "Mills" or any other word of similar import or meaning in or as a part of respondent's trade or corporate name, or representing in any other manner that respondent is the manufacturer of the fabrics sold by it unless and until respondent actually owns and operates, or directly and absolutely controls the manufacturing plant wherein said fabrics are woven or made;

2. Using the words "Manufactured for" or "Distributor" separately or in combination one with the other, or any other word or words so as to represent in any manner that it is the exclusive or sole distributor of any fabric sold by it, unless and until such is a fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Amity Mills, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6154; Filed, July 30, 1956; 8:51 a. m.]

[1] New.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF DDT

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of DDT in or on sweetpotatoes and the fat of meat from cattle, hogs, sheep, and goats. The request for tolerances for residues of DDT in the fat of meat was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.142 *Tolerance for residues of DDT.* A tolerance of 7 parts per million is established for residues of DDT (dichlorodiphenyl-trichloroethane) in or on sweetpotatoes, from postharvest use.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 26, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-6142; Filed, July 30, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 713—NAVAL RESERVE

MISCELLANEOUS AMENDMENTS

1. Sections 713.11, 713.12, 713.13 and 713.14 are amended to read as follows:

§ 713.11 *Purpose and responsibility.* (a) The purpose of the inspection of Naval Reserve activities is to determine the preparedness of the Naval Reserve to

meet the requirements in the event of war or national emergency.

(b) The Chief of Naval Personnel is responsible for the inspection of all activities of the Naval Reserve, except those Naval Reserve aviation activities under the cognizance of the Chief of Naval Air Reserve Training.

(c) Each commandant is responsible to the Chief of Naval Personnel for the inspection of all Naval Reserve activities under his supervision.

(d) Inspections of Naval Reserve aviation activities under the supervision of the Chief of Naval Air Reserve Training are performed in accordance with instructions prescribed by the Deputy Chief of Naval Operations (Air).

§ 713.12 *Composition of and assignment to Naval Reserve inspection boards.* (a) Naval Reserve inspection boards shall include a senior inspection and reviewing board, known as the National Naval Reserve Inspection Board, convened within the Bureau of Naval Personnel; district Naval Reserve inspection boards, convened in each naval district and river command; and such additional inspection boards as the Deputy Chief of Naval Operations (Air) may establish for the inspection of Naval Reserve aviation activities.

(b) The National Naval Reserve Inspection Board shall consist of as many officers, both Regular and Reserve, as are required to perform its functions, and will include sub-boards if necessary. At least three (3) members of this board, including the senior member, shall be officers of the line. Where appropriate, Staff corps and officers administering special programs should be represented on the Board.

(c) The district Naval Reserve inspection boards shall be similar in composition to the National Naval Reserve Inspection Board.

(d) Members of the National Naval Reserve Inspection Board will be assigned to this duty by the Chief of Naval Personnel. Chiefs of bureaus and heads of offices in the Navy Department shall be consulted as to the assignment to this Board of officers to represent bureaus and offices concerned. Members of district Naval Reserve inspection boards shall be assigned by the commandant concerned.

§ 713.13 *Procedure for Naval Reserve inspections.* (a) Inspections of Naval Reserve drilling units shall cover the following applicable areas:

(1) Personnel.
(2) Training.

a. Administration.
b. Instruction.
c. Use of material aids.
d. Effectiveness.

(3) Administration.

a. Organization.
b. Enlisted service records.
c. Classification.
d. Personnel Accounting Records.
e. Competition analysis.
f. Other records and reports.
g. Medical.
h. Supply and reserve clothing.
i. Community relations.
j. Welfare and recreation.

(4) Outlook.

a. Future potentialties.

(b) Inspection of Training Centers and Facilities shall cover the following applicable areas:

(1) Personnel.
(2) Administration.

a. Organization, instructions, emergency plans.
b. Records, files, correspondence.
c. Publications.
d. Security.
e. Fire prevention and safety.
f. Supply and logistic matters.
g. Communications.
h. Welfare and recreation.
i. Community relations.

(3) Material.

a. Office, classroom and shop spaces.
b. Office, classroom and shop equipment.
c. Fire fighting equipment.
d. Ordnance.
e. Automotive equipment.
f. Building and grounds upkeep.
g. Library.
h. Medical spaces.

(c) The following standard grades shall be assigned:

Term	Symbol	Definition
Outstanding	O	No superior in the Program to the knowledge of the Inspector.
Excellent	E	No vital and few minor deficiencies. So markedly above the required minimum to be among the few best.
Good	G	Possibly some deficiencies, but no critical ones. Above the minimum required standards.
Satisfactory	S	At required minimum standards. Capable of performing assigned functions.
Unsatisfactory	U	Below minimum standards in general or vital particulars.

(d) The National Naval Reserve Inspection Board shall prepare and submit annually to the Chief of Naval Personnel a report of its activities, which shall include comments on the state of training and preparedness of the Naval Reserve. The Chief of Naval Personnel will transmit this annual report with appropriate recommendations to the Secretary of the Navy via the Chief of Naval Operations.

(e) The National Naval Reserve Inspection Board will review the reports of inspections conducted by the commandants in accordance with the provisions of § 713.14, and shall make comments and recommendations thereon to the Chief of Naval Personnel.

§ 713.14 *Duties of district Naval Reserve inspection boards.* (a) District Naval Reserve inspection boards shall conduct annual inspections of all organizations of the Naval Reserve except activities located in areas remote from Naval Reserve training centers, and activities whose composition, size, infrequency of meetings, and other characteristics, as determined by commandants, render a formal inspection unwarranted.

(b) A separate report shall be made on each organization inspected and such reports shall be submitted to the commandant concerned. As of June 30, each year, the commandants shall submit to the Chief of Naval Personnel a summary report of the Naval Reserve for the fiscal year in each district. Such summary reports shall include items of merit, items of deficiency, district problems, listings of outstanding organizations, listings of unsatisfactory organizations, recommendations for commendation and recommendations for the overall improvement of the Naval Reserve. The report shall include comments concerning each program.

(c) The commandants shall promulgate such inspection guides and/or instructions deemed necessary to carry out the provisions of § 713.13 (a) and (b). They shall be in sufficient detail to reflect compliance with current policy and instruction.

2. Section 713.42 (d) and (e) are amended and § 713.42 (f) is inserted to read as follows:

(d) *Establishment of non-pay programs.* The Chief of Naval Personnel, with approval of the Chief of Naval Operations, may establish and disestablish non-pay programs as he deems to be in the best interest of the Naval Reserve program.

(e) *Establishment of non-pay units.* Authority to activate and deactivate units within established non-pay programs is the responsibility of the Chief of Naval Personnel who may further delegate this authority to the commandants of the naval districts and river commands under such rules as he may prescribe.

(f) *Organization of non-pay units.* Non-pay units of the Naval Reserve shall be known as companies, platoons or schools as specified in the Tables of Organization.

3. Section 713.211 is amended to read as follows:

§ 713.211 *Mailing address.* (a) Mailing address is defined as the address at which a member of the Naval Reserve can be reached quickly at any time by ordinary mail.

(b) A member of the Naval Reserve shall keep the cognizant naval command informed of his mailing address. When a change in address occurs, it is incumbent upon the individual concerned to notify the custodian of his records of the new mailing address, specifying whether permanent or temporary. If he is attached to a Naval Reserve organization, such notification shall be via the commanding officer of the organization.

(c) In case of a temporary change of residence of six months or less, the member of the Naval Reserve both at the beginning and at the end of the temporary residence shall inform the custodian of his record of his temporary address, if mail cannot be delivered promptly by means of the existing mailing address.

(d) Instructions governing the transfer of the records of a member of the Naval Reserve incident to a change of mailing address are contained in § 713.214 for officers and in Part B, Chapter 2, Section 3 of the Bureau of Naval Personnel Manual for enlisted personnel.

4. Section 713.214 is amended to read as follows:

§ 713.214 *Officer Service Record for inactive officers.* (a) The Officer Service Record (Form NAVPERS–3021) consists of a file folder bearing the name and file number of the individual and is in addition to the record and file maintained in the Bureau of Naval Personnel in accordance with articles B–2201 and B–2202 of the Bureau of Naval Personnel Manual.

(b) The purpose of the Officer Service Record is to provide a ready file of documents from which information required to properly assign and administer officers may be obtained and salient facts relative to naval service may be established. Adverse information shall not be filed in the record.

(c) Instructions contained in the section govern the administration of the Officer Service Record for inactive officers who, for purposes of this section, are defined as officers of the Naval Reserve on inactive duty, retired officers of the Navy and Naval Reserve on inactive duty including officers on the temporary physical disability retired list, and officers of the Naval Fleet Reserve on inactive duty. Instructions printed in the Officer Service Record conflicting with the provisions of this section shall be disregarded. Instructions governing the administration of the Officer Service Record for active officers are contained in article B–2207 of the Bureau of Naval Personnel Manual.

(d) An Officer Service Record shall be maintained for each officer in the Ready Reserve (USNR–R) or Standby Reserve Active (USNR–S1) on inactive duty for those officers on whom one has been opened in accordance with paragraph (e) of this section.

(e) An Officer Service Record shall be opened for each office in the Standby Reserve Inactive (USNR–S2) on whom it has not previously been opened, under the following circumstances: Upon transfer to the Ready Reserve or Standby Reserve Active; upon transfer to another command; or upon being ordered to active duty. An Officer Service Record shall be opened for each retired officer of the Navy and Naval Reserve on inactive duty and for each officer in the Naval Fleet Reserve on inactive duty on whom it has not previously been opened, only upon transfer from one command to another. Where a change of command is involved, the command losing jurisdiction will open the record to insure that only the Officer Service Record is transferred between commands. To open an Officer Service Record in this instance, the Administrative File and the Officer's Qualification Record Jacket shall be drawn and their contents compared with the contents of the Officer Service Record. Where documents contained in the Administrative File or Officer's Qualification Record Jacket are not duplicated in the Officer Service Record, they should be placed in the Officer Service Record provided they contain essential facts pertinent to the officer's service and/or supply necessary mobilization data. All duplicate or nonessential documents shall be destroyed (for example, change of address notification subsequently superseded and copies of Personnel Accounting Cards, Form NAVPERS–500). Copies of the Annual Fitness Report—Naval Reserve Officers on Inactive Duty (Form NAVPERS–937), letters of reference obtained when the officer first applied for commission, investigative material, and other similar pre-commissioning material shall not be included in the Officer Service Record but shall be destroyed. However, care must be exercised not to destroy documents which establish essential facts and service which are not duplicated elsewhere (for example, fully endorsed copies of orders to active duty for training). When an Officer Service Record has been opened in accordance with these provisions, no other record or file shall be maintained except as provided in paragraph (l) of this section.

(f) When an officer of the Naval Reserve is originally appointed, the record will be opened by the activity which administers the acceptance and oath of office and forwarded to the command having responsibility for the administration of the inactive officer, i. e., the commandant, command or Fleet or Force Commander in whose jurisdiction the officer intends to reside. If the officer is ordered to active duty, the record will be given to him for delivery to his new duty station or forwarded by expeditious means. Information concerning the opening of the Officer Service Record in this instance is contained in instruction 341.1 of the Recruiting Service Manual.

(g) For inactive officers (except those officers participating in a training program under the cognizance of the Chief of Naval Air Reserve Training), the Officer Service Record will be maintained by the command having mobilization responsibility, i. e., the commandant, command, or Fleet or Force Commander in whose jurisdiction the officer reports his mailing address. This rule applies regardless of the fact that the officer is attached to or associated with a Pay Unit of the Naval Reserve. For inactive officers participating in a training program under the cognizance of the Chief of Naval Air Reserve Training the Officer Service Record will be maintained by the Commanding Officer of the Naval Air Station or Naval Air Reserve Training Unit having responsibility for the training program.

(h) When an officer is ordered to active duty, except active duty for training, or transfers to another command, the command maintaining the record shall forward the Officer Service Record to the Commanding Officer of the ship or station where the duty is to be performed or to the command gaining jurisdiction. The record may be given to the officer concerned for delivery or may be mailed. A temporary change of mailing address from the jurisdiction of one command to another of six months or less does not constitute a need for transfer of records. The Officer Service Record shall not be forwarded or taken with an officer when he is ordered to active duty for training. When an officer travels or resides abroad for periods in excess of six months the Officer Service Record shall be forwarded to the command gaining jurisdiction in accordance with § 713.211.

(i) Instructions governing the information and documents to be included in the Officer Service Record are contained in paragraph (7) of article B–2207 of the Bureau of Naval Personnel Manual.

(j) When an officer reporting or transferring to a new command does not, for any reason, have his Officer Service Record, it is the responsibility of the command gaining jurisdiction to obtain the missing record from the previous command. Indiscriminate reconstruction of records is prohibited either on a temporary or permanent basis to insure that only one command maintains an Officer Service Record. Every conceivable effort shall be made to locate the record. However, if it cannot be obtained from any source, it is the responsibility of the command gaining jurisdiction to address a letter to the Chief of Naval Personnel requesting authority to reconstruct a record and verification that the officer is in good standing in the Navy. This letter shall contain a statement as to which commands have been contacted in an attempt to obtain the record. When reconstruction is authorized, the personal records of the officer concerned should be utilized insofar as possible. Where documents necessary for adequate reconstruction cannot be obtained from or reconstructed by the officer, they should be requested from the Chief of Naval Personnel. Requests for such documents should be limited to those considered essential for adequate reconstruction. For example, qualification data contained on Forms NAVPERS–3031, 309, 310C, and 319 may be replaced by the officer completing a new Officer's Qualifications Questionnaire (Form NAVPERS–309).

(k) When an officer is discharged, dismissed, resigns his commission, or reverts to enlisted status, his Officer Service Record will be brought up to date and delivered to him. The record shall be reviewed prior to delivery, however, and letters of reference obtained when the officer first applied for commission, investigative material, and similar precommissioning material should be removed and destroyed. On the death of an inactive officer the record will be marked "deceased" and forwarded to the Chief of Naval Personnel.

(l) Commanding Officers of Pay Units and the Chief of Naval Air Reserve Training may establish temporary files necessary for the administration of those officers attached to or associated with their command. However, temporary files shall be destroyed when the officer transfers to another unit, is ordered to active duty, is detached from the unit or the cognizance of the Chief of Naval Air Reserve Training. The Officer Service Record folder (Form NAVPERS–3021) shall not be used as the temporary file. The temporary file shall not be forwarded or taken with the officer when he is ordered to active duty for training.

(m) Instructions governing the release of information from and access to Officer Service Records are contained in paragraph (11) of article B–2207 of the Bureau of Naval Personnel Manual.

5. Section 713.215 is amended to read as follows:

§ 713.215 *Armed Forces Identification Card, DD Form 2N (Inactive).* (a) A red-printed card designated DD Form 2N (Inactive) shall be issued, in accordance with the provisions of this section and paragraphs (1), (7), (8), (10), (11), (13), and (14), of article B–2103 of the Bureau of Naval Personnel Manual, to the following: Members of the U. S. Naval Reserve on inactive duty; retired members of the U. S. Naval Reserve, including those on the Reserve Temporary Disability Retired List; Regular NROTC Midshipmen; and, Merchant Marine Midshipmen, USNR.

(b) Contract NROTC students, who do not hold military status, will not be issued an Armed Forces Identification Card.

(c) The DD Form 2N (Inactive) shall be issued without a photograph. In lieu of a photograph, additional descriptive data such as sex, scars, etc., shall be included in the space provided for the photograph. Lamination of the DD Form 2N (Inactive) is not required.

(d) In issuing a card to retired personnel of the U. S. Naval Reserve enter the official abbreviation for retired (RET) in the space carrying the grade on the front of the card, and enter the word "RETIRED" across the warning on the back of the card.

(e) When the activity issuing the DD Form 2N (Inactive) does not hold the applicant's service record, a written request for the card shall be obtained from the applicant. This request shall include the applicant's full name, grade or rating, file or serial number, home address and, if appropriate, the certification required by paragraph (10) of article B–2103 of the Bureau of Naval Personnel Manual. The issuing activity will then complete a DD Form 2N (Inactive) for the applicant except for signature of issuing officer and date of issue. The partially completed card and the written request obtained from the applicant shall be forwarded to the activity holding the applicant's service record. This activity will verify the applicant's status, validate the card, file the written request in the service record and mail the card directly to the applicant.

(f) The DD Form 2N (Inactive) will be issued by those activities enumerated in paragraph (11) of article B–2103 of BuPers Manual, Professors of Naval Science, Heads of Departments of Naval Science, Commanding Officers of Naval Reserve Training Centers, and Commanding Officers of Pay Units of the Naval Reserve.

(g) Identification Cards, DD Form 2N (Inactive) may be procured by issuing activities, without charge, from the nearest district printing and publications office. The cards are numbered serially and will be accounted for in blocks.

6. Present §§ 713.216 to 713.219 have been renumbered §§ 713.217 to 713.220 to include the following new section:

§ 713.216 *Geneva Conventions Identification Card.* (a) The Geneva Conventions Identification Card, DD Form 528, shall be issued to reserve personnel on active duty, excluding active duty for training, in accordance with the provisions of article B–2104 of BuPers Manual.

7. Section 713.221 has been added as follows:

§ 713.221 *Annual report of retirement and promotion credits earned.* (a) Officers of the Ready and Standby Reserve may obtain an annual report of retirement credits earned and promotion credits earned in grade from the Reserve Officer Performance Recording Activity, Omaha, Nebraska.

(b) This report will not be furnished officers in the Retired Reserve since they cannot earn retirement points while on inactive duty and the report furnished just prior to retirement remains current for all practical purposes.

(c) The annual report will contain the following information: (1) Retirement points earned for previous anniversary year; (2) years of satisfactory Federal service and retirement points earned subsequent to July 1, 1949; (3) total years of satisfactory Federal service; and, (4) promotion points earned in grade.

(d) Retirement points earned prior to July 1, 1949 increase the amount of retired pay; however, they do not affect the computation of years of satisfactory Federal service since all honorable service in an accredited component of the Armed Forces prior to July 1, 1949 is satisfactory Federal service regardless of points earned. Therefore, due to administrative cost, officer records will not be researched to determine total cumulative retirement points earned prior to July 1, 1949 until the officer concerned has completed twenty years of satisfactory Federal service.

(e) The annual report will be furnished only once each year in response to an annual request. Form NAVPERS–534 should be used for requesting this report. This form may be obtained from Naval District Headquarters, Naval Reserve Training Centers, Naval Air Stations, and Naval Air Reserve Training Units. While it is desirable that all requests for the annual report be submitted on Form NAVPERS–534, a letter request will suffice in those cases where it is impractical to obtain the form.

(f) Requests should not be submitted until four months after the termination of the anniversary year as complete participation for that year is not recorded before that date. These requests will be answered as time permits during the reserve officer's ensuing anniversary year and will indicate retirement and promotion points credited as of his last anniversary date. Follow-up requests for this information shall not be made as it will serve only to delay processing requests already received.

(g) If a discrepancy between the personal records of the officer and the annual report exists, the following action will be taken for reconciliation.

(1) For active duty or active duty for training, the officer concerned should submit certified copies of orders with all endorsements to the Reserve Officer Performance Recording Activity.

(2) For drills, the officer concerned should check first with units in which there has been drill attendance during the period in question to resolve discrepancies. If drills are not properly recorded at the Reserve Officer Performance Recording Activity, the appropriate commanding officer should submit a certified copy of Form NAVPERS–1259, Quarterly Naval Reserve Drill Report, clearly marked "SUPPLEMENTAL" or "CORRECTED", showing drills attended. This report should be sent via the District Commandant or the Chief of Naval Air Reserve Training, as appropriate. Upon receipt of this document the Reserve Officer Performance Recording Activity will adjust its records accordingly.

(3) For correspondence courses, if a certificate has been received, the officer concerned should submit a certified copy to the Reserve Officer Performance Recording Activity. If a certificate has not been received, the officer concerned should address an inquiry to U. S. Naval Correspondence Course Center, Brooklyn, New York, for courses administered by that center, or to the cognizant activity administering the correspondence course. (See articles D–4102 and D–4108 of the BuPers Manual.)

8. Section 713.222 is being added to read as follows:

§ 713.222 *U. S. Naval Reserve Retired Privilege Card.* (a) The U. S. Naval Reserve Retired Privilege Card, Form NAVPERS–696, is issued to identify those members of the Naval Reserve who are retired with pay. When presented in conjunction with the Armed Forces Identification Card, DD Form 2N, it will serve to identify the holder as eligible for the privileges of the following, subject to the limitation of available facilities and local regulations of commanding officers: Navy exchanges, small stores, officers' clubs, enlisted clubs, armed services exchanges, commissary stores, and hospitalization (inpatient and outpatient treatment as medical facilities).

(b) The privilege card is authorized for issuance to members of the U. S. Naval Reserve retired with pay, including those members on the Temporary Physical Disability Retired List. Former Naval Reserve personnel receiving compensation in a civilian status under Title 34, United States Code, Section 440i for completion of 20 years' satisfactory Federal service, are not entitled to a privilege card since they are not retired members of the U. S. Naval Reserve.

(c) Privilege cards will be issued to eligible personnel by activities which are authorized and equipped to issue Armed Forces Identification Cards. A supply of blank privilege cards may be obtained, without charge, by issuing activities making letter request to the Chief of Naval Personnel.

(d) Application for the privilege card shall be made at the nearest issuing activity. Naval district headquarters will verify that the applicant has been placed on the retired list with pay through examination of retirement orders and personnel records available in the district. Other issuing activities will request the commandant of the naval district in which the applicant resides to verify that the applicant has been placed on the retired list with pay. All issuing activities will verify the entitlement of officers on the Temporary Physical Disability Retired List through examination of retirement orders produced by the officer.

(e) Photographic and lamination equipment used for issuing Armed Forces Identification Cards shall be used in the preparation of privilege cards. A typewriter shall be used for entering the data on the card. Most entries on the card are self-explanatory; however, the following instructions apply in completing the items given:

(1) *Grade.* Enter official abbreviation of grade or rate, and corps for all staff officers.

(2) *Photograph.* Photographs shall be approximately 1 by $1\frac{5}{16}$ inches, full face, uncovered. File or service number shall appear in photograph together with full name. Since lamination tends to fade them, photographs should be developed somewhat darker than usual.

(3) *Signature of issuing officer.* Any officer specifically designated by the commandant or commanding officer may sign these cards. The signature indicates that the data on the card has been verified at time of preparation.

(f) Commandants and commands shall designate an officer or officers who shall be responsible for performing the following functions, which are designed to insure maximum security and accountability of blank privilege cards:

(1) Approve all requests made to the Chief of Naval Personnel for a supply of blank cards.

(2) Upon receipt of shipment, record the serial numbers of the cards.

(3) Afford cards adequate stowage to meet the requirements of article 0602, OpNav Instruction 5510.1A for one confidential document.

(4) Maintain a log of the final disposition of each card in serial number sequence indicating name and file or service number of individual to whom issued.

(5) Destroy all cards not issued because of spoilage.

(6) When blank cards cannot be accounted for, the circumstances shall be investigated and the Chief of Naval Personnel informed of the serial numbers of the missing cards and of the action taken.

(g) Any person altering, damaging, lending, counterfeiting, or using this card in any unauthorized manner, is subject to the penalties prescribed under Title 18, United States Code, Sections 499, 506, 701, or 1002.

9. Section 713.223 is being added to read as follows:

§ 713.223 *Enlisted Service Record.* (a) The Enlisted Service Record, NavPers 601, shall be opened and maintained for each person enlisted, re-enlisted, or inducted in the Naval Reserve. Complete instructions regarding the enlisted service record are contained in Part B, Chapter 2, Section 3 of the Bureau of Naval Personnel Manual.

10. Section 713.515 (b) (3) is amended to read as follows:

(3 Conducted not more frequently than specified by the Chief of Naval Personnel for each type of organization. Not more than 3 drills may be conducted in any one day or in any one calendar week. Not more than 2 of these drills in any one day may be paid drills. When more than one paid drill is conducted within one calendar day, each such paid drill shall be of at least four hours' duration.

11. Section 713.516 (b) (4) is added to read as follows:

(4) When more than one paid period of equivalent instruction or duty is conducted within one calendar day, each such period shall be of at least four hours' duration.

12. Section 713.325 is amended to read as follows:

§ 713.325 *Qualifications for original appointment.* (a) Except as otherwise approved by the Secretary of the Navy, the limiting ages for original appointments in the Naval Reserve of all officers except physicians and dentists are prescribed as follows:

Grade	Line CEC, SC	Medical Service Corps	Nurse Corps	Chaplain Corps	MC and DC students [1]
LCDR	39½–48½	39½–48½		39½–48½	
LT	33½–39½	33½–39½	33½–40	33½–39½	
LTJG	27½–33½	21 –33½	27½–33½	21 –33½	
ENS	19 –27½	21 –32	21 –27½		
ENS 1995				19 –30	19–29
Warrant	21 –44				

[1] The maximum age limit for men with prior active military service may be adjusted on a month-for-month basis, depending upon the number of months of active military service performed between Dec. 7, 1941–Sept. 2, 1945 and during the combat period of the Korean Emergency, but in no case will an application be accepted from any person who will have passed his 36th birthday when he becomes eligible for superseding appointment in the grade of LTJG.

(b) Except as otherwise approved by the Secretary of the Navy, the limiting ages and experience factors for original appointment of physicians and dentists in the Naval Reserve are prescribed as follows:

Physicians		Grade	Dentists	
Minimum years experience [1]	Maximum age		Minimum years experience	Maximum age
11	48	LCDR	11	48
4	39½	LT	4	39½
0	33½	LTJG	0	33½

[1] Computed from date of graduation from medical or dental school.

The Chief of Naval Personnel is authorized to establish age and experience levels for appointment of physicians and dentists who are required by law to perform active military service. Modifications of the requirements of the table shown above shall be within the limitations established by such legislation.

(c) All persons appointed as midshipmen, warrant officers, or commissioned officers in the Naval Reserve shall be physically qualified in accordance with physical standards contained in the Manual of the Medical Department and as prescribed by the Chief of Naval Personnel.

(1) Minor physical defects which are non-organic and/or non-recurrent in nature may be waived as directed by the Chief of Naval Personnel.

(d) Civilians and enlisted reservists not on active duty who are applicants for appointment will be interviewed personally by not less than two suitable officers. A summation of the individual interviews shall be included in the forwarding report.

(e) Before an application is forwarded to the Chief of Naval Personnel, the procurement activities will conduct an investigation of the candidate's security and of his moral and professional qualifications for appointment in the Naval Reserve as directed by the Chief of Naval Personnel.

(1) If as a result of the personal interviews and investigations there remains any doubt as to the loyal intentions of the candidate or as to the bad effect of any influences to which he may be subject, the forwarding endorsement should so state.

(f) The requirements in the preceding paragraphs of this section may be waived by the Chief of Naval Personnel or his designated representative, for officers of the Regular Navy who apply for appointment and whose resignations are pending and for former officers of the Regular Navy who apply within 3 months after effective date of their resignations.

(g) Appointment in the Naval Reserve, unless otherwise required by law, is limited to men and women who meet any one of the following requirements:

(1) Are citizens of the United States, its territories, or possessions.

(2) Have had prior service in the Armed Forces of the United States or the National Security Training Corps.

(3) Are citizens of the Philippine Islands who were in the United States naval service on July 4, 1946 (or who, having been discharged therefrom on or prior to that date, subsequently re-enlisted in the naval service before the expiration of 3 months following discharge).

(4) Have made declaration of intent to become a citizen of the United States.

(h) The Chief of Naval Personnel shall prescribe citizenship requirements for appointment in the Naval Reserve within the limitations set forth in this section.

13. Section 713.328 has been added to read as follows:

§ 713.328 *Appointment of Merchant Marine officers as officers of the Naval Reserve.* (a) Merchant Marine officers may be appointed to commissioned grades in the line and supply corps of the Naval Reserve. Applications for such appointment shall be made at Offices of Naval Officer Procurement.

(b) In addition to the general requirements for appointment in the Naval Reserve, as set forth in preceding sections of this part and directives to the Recruiting Service, the following additional requirements are prescribed, unless otherwise authorized by the Chief of Naval Personnel:

(1) A candidate for commission in line must be a licensed deck, engineer or radio officer of the American Merchant

Marine and, except as provided in paragraphs (b) (3) and (f) of this section, be serving in a vessel of not less than 1000 gross tons documented under laws of the United States or on other public vessels thereof. Applicants serving on vessels of less than 1000 gross tons may be appointed by special authority of the Chief of Naval Personnel.

(2) A licensed radio officer applying for appointment in the Naval Reserve must, in addition, hold a valid first-class radiotelegraph operator's license issued by the Federal Communications Commission and be licensed as a radio officer by the Coast Guard. He must have a minimum of two years' college education or present evidence of eligibility for acceptance without qualification in the junior academic year at an accredited college or university. Such officers must, in addition, have had two years' experience as a radio officer at sea in vessels of the maritime service, one year of which must have included collateral duties as a shipboard administrative officer.

(3) Applications may be accepted from persons employed in the Merchant Marine Service in a capacity connected with the management, operation, or maintenance of the ships of the Merchant Marine.

(4) A candidate for appointment in the supply corps must be employed on a vessel documented under the laws of the United States. Only chief pursers, pursers, senior assistant and junior assistant pursers (including those assigned to stores duties) who have successfully completed two years of college studies or who have served not less than two years under certificate of registry in one of the purser classifications, will be considered eligible for appointment as commissioned officers in the supply corps.

(c) All Merchant Marine officers appointed in the Naval Reserve must agree to complete Naval Reserve correspondence courses required by appropriate Bureaus of the Navy Department.

(d) The grade in which appointment is made depends on the applicant's age and the total number of years of accumulated sea going licensed service. Unless otherwise authorized by the Chief of Naval Personnel, the maximum age and minimum sea going licensed experience for appointment in the Naval Reserve of Merchant Marine officers are:

Maximum age	Grade	Minimum sea-going licensed experience
48½	LCDR	11 years.
39½	LT	7 years.
33½	LTJG	3 years.
27½	ENS	3 months.[1]

[1] Modified by paragraph (f) of this section.

(e) In order to establish permanency of duties, applicants serving on board ship must have been employed in their present capacity for at least three months immediately preceding appointment.

(f) Students matriculating at the State or Federal Maritime academies may, upon application, be eligible for appointment as Ensigns in the Naval Reserve upon graduation, provided they have completed prescribed courses in Naval Science, hold unlimited officers licenses as deck or engineer officers, and are in all respects qualified. Officers so commissioned will be given appropriate qualification code numbers to indicate their qualifications as deck or engineer officers.

(g) The Chief of Naval Personnel shall prescribe appropriate regulations and processing procedures to implement the foregoing programs.

14. Section 713.533 (b) (3) is amended to read as follows:

(3) Conducted not more frequently than the number of times indicated in the below calendar limitations.

1. *Daily.* Three (3) drills of which not more than two may be paid drills. When more than one paid drill is conducted within one calendar day, each such paid drill shall be of at least four hours' duration.

2. *Weekly.* Three (3) drills except when specifically authorized by the Chief of Naval Air Reserve Training in which cases four (4) drills may be conducted in one calendar week provided all four (4) drills are not conducted in the same calendar month.

3. *Monthly.* Four (4) drills except in months ending on Saturday or when specifically authorized by the Chief of Naval Air Reserve Training in which case the monthly limitation is held in abeyance and a quarterly limitation of thirteen (13) will apply provided drills are scheduled in each month of the quarter.

15. Section 713.534 (a) (7) is added to read as follows:

(7) When more than one paid period of equivalent instruction or duty is conducted within one calendar day, each such period shall be of at least four hours' duration.

16. Section 713.535 (a) (6) is added to read as follows:

(6) Periods of special inactive duty training performed more often than once in any one day, twice in any calendar week, four times in any calendar month and sixteen times in any fiscal year shall not be credited for retirement purposes.

17. Section 713.33 (c) has been added to read as follows:

(c) Members of the Naval Reserve on retired lists are in a retired status.

18. Section 713.336 (a) is amended to read as follows:

(a) Enlisted members of the Naval Reserve serving on active duty may, subject to approval of the commanding officer, be permitted to extend their enlistments for periods of 1, 2, 3, or 4 years. The provisions of article C-1407 of the Bureau of Naval Personnel Manual shall apply relative to extension and cancellation of extension while on active duty except that extension or reextension of one year will be authorized only by the Chief of Naval Personnel in specific cases where:

(1) An enlisted person has an approved application for transfer to duty for which additional obligated service is required, such as to a service school or tour of shore duty, or where additional obligated service is necessary for a foreign cruise or foreign duty;

(2) The applicant requires one year or less of additional service in order to qualify for retirement; or

(3) It is found that other good reasons exist for such extension.

(Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

By direction of the Secretary of the Navy.

[SEAL] R. LIBBY,
Captain, U. S. Navy, Acting, Judge Advocate General of the Navy.

JULY 24, 1956.

[F. R. Doc. 56-6156; Filed, July 30, 1956; 8:51 a.m.]

PART 719—NAVAL COURTS AND CERTAIN FACT FINDING BODIES

MISCELLANEOUS AMENDMENTS

Scope and purpose. The following amendments bring Part 719 up to date and substantially into accord with the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951. The amended sections relate to the attendance of civilian witnesses before naval courts-martial and certain fact-finding bodies.

1. Paragraph (a) of § 719.5 is revised to read as follows:

(a) *Authorization for payment.* The fees and mileage of a civilian witness shall be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition has been taken when such disbursing officer is presented a public voucher for such fees and mileage properly completed, signed by the witness and certified by one of the following:

(1) Trial counsel or assistant trial counsel of the court-martial.

(2) Summary court-martial.

(3) Counsel for the court in a court of inquiry.

(4) Recorder or junior member of a board to redress injuries to property.

(5) Military officer before whom a witness gave his deposition. The public voucher must be accompanied by the subpoena and by a certified copy of the order appointing the court-martial, court of inquiry, or investigation. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testifies outside the continental United States, its Territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher.

2. Paragraph (k) (2) of § 719.5 is revised to read as follows:

(k) *Rates for civilian witnesses prescribed by law.* • • •

(2) *Civilian witnesses in Government employ.* A civilian in the employ of the Government, when summoned as a witness, shall be paid (i) his necessary expenses incident to travel by common carrier, or, if travel is made by privately owned automobile, mileage at the rate of 10 cents per mile, and (ii) a per diem allowance at the rate of $12 in lieu of subsistence within the continental United States, and at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U. S. C. 836) outside the continental United States. Such per diem allowances shall be paid in accordance with the provisions of the Standardized Government Travel Regulations (see Naval Civilian Personnel Instructions 240.11). If the tribunal is in session at the place where the civilian witness in the employ of the Government is stationed, he shall receive no allowance.

3. Section 719.7 is revised to read as follows:

§ 719.7 *Attendance of witnesses before investigations.* An investigation ordered pursuant to Chapter II, III, IV or V of the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, with the exception of when it is acting as a board for redress of injuries to property under Article 139 of the Uniform Code of Military Justice (50 U. S. C. 735), has no statutory power to summon civilian witnesses. Testimony of any witness may, however, be requested, and the investigation is not confined to any federal reservation in its quest for evidence by witnesses.

(R. S. 1547; 34 U. S. C. 591)

By direction of the Secretary of the Navy.

[SEAL] R. LIBBY,
Captain, U. S. Navy, Acting, Judge Advocate General of the Navy.

JULY 24, 1956.

[F. R. Doc. 56-6155; Filed, July 30, 1956; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

LEWIS RIVER, WASH; HAMPTON ROADS AND WILLOUGHBY BAY, VA.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.765 (b) (1) prescribing special regulations governing the operation of the Northern Pacific Railway Company bridge across Lewis River, Washington, is hereby amended to provide for operation of the draw on advance notice from May 25 to July 20, both dates inclusive, and for the closure of the bridge during the remainder of each year, as follows:

§ 203.765 *Cowlitz and Lewis Rivers, Wash.; bridges.* • • •

(b) *Special regulations—(1) Northern Pacific Railway Company bridge across Lewis River.* (i) The owner of or agency controlling the bridge will not be required to open the draw of the bridge for the passage of vessels from January 1 to May 24, inclusive, and from July 21 to December 31, inclusive, of any year.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw from May 25 to July 20, both dates inclusive, at least 6 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(iii) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice of the passage of the vessel.

(iv) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section, together with a notice stating exactly how the authorized representative may be reached by telephone or otherwise.

• • • • •

[Regs., 19 July 1956, 823.01 (Lewis River, Wash.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.156 establishing and governing the use and navigation of the waters of Hampton Roads and Willoughby Bay, comprising a seaplane restricted area is hereby amended to provide for a revision of the boundaries of the restricted area and to establish a prohibited area within the restricted area, as follows:

§ 207.156 *Hampton Roads and Willoughby Bay, Norfolk, Va.; seaplane restricted and prohibited areas—(a) The areas—(1) The restricted area.* Beginning on the shore of Willoughby Bay at latitude 36°57'22", longitude 76°18'02.7"; thence to latitude 36°57'29", longitude 76°19'01"; thence to latitude 36°58'41.5", longitude 76°18'42"; thence to latitude 36°58'37.5", longitude 76°18'16"; thence to latitude 36°58'01", longitude 76°18'23"; thence to latitude 36°57'48", longitude 76°18'07.5"; thence to latitude 36°57'45.5", longitude 76°17'58.5"; thence to latitude 36°57'35", longitude 76°17'08"; thence to latitude 36°57'43", longitude 76°16'54"; thence to latitude 36°57'42", longitude 76°16'21.5", and thence conforming to the shore line to the point of beginning.

(2) *The prohibited area.* Beginning on the shore of Willoughby Bay at latitude 36°57'22", longitude 76°18'02.7"; thence to latitude 36°57'47.7", longitude 76°18'57"; thence to latitude 36°57'57.3", longitude 76°18'54"; thence to latitude 36°57'22.7", longitude 76°16'23.8"; thence conforming to the shore line to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter or remain in the prohibited area, except on prior permission granted by the Commanding Officer, Naval Air Station, Norfolk, Virginia.

(2) Vessels shall not moor or anchor within the restricted area. All vessels moving in the restricted area shall immediately proceed from the area on the approach of seaplanes or when warned by a patrol boat or any other means of warning which may be employed.

(3) Fishing, oystering, clamming, crabbing, and other aquatic activities are prohibited within the areas.

(4) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

[Regs., 12 July 1956, 800.2121 (Willoughby Bay, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56-6129; Filed, July 30, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1317]

[1146337]

ALASKA

RESERVING PUBLIC LANDS FOR USE OF FISH AND WILDLIFE SERVICE AS KODIAK ADMINISTRATIVE SITE

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public land in Alaska, which is part of the withdrawal on Kodiak Island for townsite purposes made by Executive Order No. 8442 of June 12, 1940, is hereby reserved for use of the Fish and Wildlife Service, Department of the Interior, as the Kodiak Administrative Site:

That part of U. S. Survey 1707 described as follows:

Beginning at Corner No. 1 of U. S. Survey 1707, in the Town of Kodiak, latitude 57°47'23" N., longitude 152°23'48" W., thence by metes and bounds:

N. 35° 47' W., 115.5 feet to corner No. 2 U. S. Survey 1707;
S. 50° 28' W., 89.0 feet;

S. 35° 47' E., 109.7 feet to a point on the southeast boundary of U. S. Survey 1707; N. 54° 13' E., 89.2 feet along southeast boundary to point of beginning.

The area described contains 0.23 acre.

Executive Order No. 8442 of June 12, 1940, which reserved the above-described tract, together with other lands, for townsite purposes, is hereby modified to the extent necessary to permit the reservation made by section 1 of this order to become effective.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 25, 1956.

[F. R. Doc. 56-6131; Filed, July 30, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 8 parts per million for residues of malathion in or on the following raw agricultural commodities: Asparagus, barley (grain form), blackberries, boysenberries, carrots, collards, corn (grain form and forage), cottonseed, currants, dandelions, dewberries, endive (escarole), figs, garlic, gooseberries, guavas, horseradish, kohlrabi, leeks, loganberries, mushrooms, nectarines, oats, parsley, parsnips, pecans, peppermint, pumpkins, quinces, radishes, raspberries, rice, rye, salsify (including tops), shallots, spearmint, Swiss chard, water cress, walnuts, wheat (grain form); a tolerance of 4 parts per million in or on the following raw agricultural commodities: Meat (of cattle, swine, chickens, ducks, geese, and turkeys) and chicken eggs; and a tolerance of 0.4 part per million in milk.

The analytical method proposed in the petition for determining residues of malathion in fruits and vegetables is the method published in the Journal of Agricultural and Food Chemistry, Vol. II, No. 11, pages 570–573 (1954).

Methods proposed for determining malathion in eggs, milk, and meat are modifications of this procedure, the primary modification with respect to each product being in the preparation of the sample for the extraction.

Dated: July 26, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6143; Filed, July 30, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MISSISSIPPI

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

JULY 25, 1956.

The Office of the Chief of Engineers, Department of the Army, has filed application, BLM 042717, for the withdrawal of the land described below, from all form of appropriation, including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use in connection with Camp Shelby.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FORREST COUNTY, MISSISSIPPI

T. 3 N., R. 12 W., St. Stephens Meridian,
Sec. 19, SW¼SW¼.
Containing 34.76 acres.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-6132; Filed, July 30, 1956; 8:47 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 21, WYOMING NO. 5, ENLARGED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management, by Section 2.5, Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

The following described public lands in the State of Wyoming are hereby classified as necessary and suitable for stock driveway purposes, and, excepting any mineral deposits therein, are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal No. 21, Wyoming No. 5, Enlarged:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 48 N., R. 89 W.,
Sec. 1: S½.
T. 49 N., R. 87 W.,
Sec. 5: Lot 8;
Sec. 6: Lots 8 and 9;
Sec. 7: Lot 5;
Sec. 8: Lots 2 and 3;
Tract 57: Lots A–E–F–G–H–I–J–N–O–P.

The area described aggregated 925.62 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

Notice for Filing Objections to the Following Entitled Order Published Simultaneously Herewith; Stock Driveway Withdrawal No. 21, Wyoming No. 5, Enlarged

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may file their objections in duplicate in the office of the State Supervisor, Room 305, Federal Office Building, Cheyenne, Wyoming. In the case any objection is filed and the nature is such to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6133; Filed, July 30, 1956; 8:47 a. m.]

[W-040085]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management, by section 2.5, Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to existing valid rights and the provisions of existing withdrawals, Departmental Orders dated March 26, 1920 and April 30, 1938, establishing Stock Driveway No. 128, Wyoming No. 13, under section 10 of the act of December 29, 1916 (39 Stat. 866; 43 U. S. C. 300), are hereby revoked as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 43 N., R. 86 W.,
Sec. 21: S½SE¼;
Sec. 28: W½NE¼, SE¼NE¼.
T. 38 N., R. 87 W.,
Sec. 13: SW¼.

The area described totals 360 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), by which the offered land will benefit a Federal land program. This restoration is therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6134; Filed, July 30, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4933, etc.]

GREGORY KREBS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field and Purchaser

G-4933; Gregory Krebs, Charleston, W. Va.; 11-17-54; Branchland, Putnam County, W. Va.; United Fuel Gas Company.

G-5149; D. H. Bland, Spencer, W. Va.; 11-19-54; Boothe Lease, Roane County, W. Va.; Smithfield District, Roane County, W. Va.; United Fuel Gas Company.

G-5150; Hunt & Anderson, Spencer, W. Va.; 11-19-54; Mae Cock Lease, Geary District, Roane County, W. Va.; United Fuel Gas Company.

G-5151; W. L. Simmons et al., Spencer, W. Va.; 11-19-54; Spencer District, Roane County, W. Va.; United Fuel Gas Company.

G-5152; K. M. Hunt, Spencer, W. Va.; 11-19-54; Smithfield District, Roane County, W. Va.; United Fuel Gas Company.

G-5153; Dodd-Heeter-Nichols, Spencer, W. Va.; 11-19-54; Smithfield District, Roane County, W. Va.; United Fuel Gas Company.

G-5944; Foster-McKenzie Company, Pittsburgh, Pa.; 11-19-54; Grant, Wetzel County, W. Va.; Equitable Gas Company.

G-5946; P. C. McKenzie Company, Pittsburgh, Pa.; 11-26-54; Grant, Wetzel County, W. Va.; Equitable Gas Company.

G-5949; P. C. McKenzie Company, Pittsburgh, Pa.; 11-26-54; Middle Fork, Banks and Washington Districts, Randolph County, W. Va.; Equitable Gas Company.

G-6700; Harlan B. Houge, Glenville, W. Va.; 11-30-54; Central District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G-6690; Murphy Oil Company of Pennsylvania, Philadelphia, Pa.; 11-30-54; Southwest District, Doddridge County, W. Va.; Equitable Gas Company.

G-5955; Eddy Oil & Gas Company, Beatrice, W. Va.; 11-26-54; Murphy District, Ritchie County, W. Va.; Penova Interests.

G-6400; Lincoln Gas Company, Charleston, W. Va.; 11-29-54; Lincoln Lease, Kanawha County, W. Va.; South Penn Natural Gas Company.

G-6402; Winifrede Company, Charleston, W. Va.; 11-29-54; Joes Branch, Boone County, W. Va.; Hope Natural Gas Company.

G-6403; Winifrede Company, Charleston, W. Va.; 11-29-54; Elk District, Kanawha County, W. Va.; South Penn Natural Gas Company.

G-6404; Winifrede Company, Charleston, W. Va.; 11-29-54; Elk District, Kanawha County, W. Va.; South Penn Natural Gas Company.

A public hearing will be held on the 23d day of August, 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

JULY 24, 1956.

[F. R. Doc. 56-6135; Filed, July 30, 1956; 8:47 a. m.]

[Docket No. G-10783]

UNION OIL COMPANY OF CALIFORNIA

ORDER INSTITUTING INVESTIGATION

Union Oil Company of California (respondent) is an independent producer of natural gas and a "natural gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to Texas Gas Transmission Corporation (Texas Gas). A certificate of public convenience and necessity covering the proposed sale to Texas Gas was issued to respondent by order issued December 30, 1955, in Docket No. G-8811. Respondent's FPC Gas Rate Schedule No. 13 covers its sale to Texas Gas in question, and specifies a price of 21 cents per Mcf, with estimated revenue for the first month of $267,561. This proposed rate is among the highest in Louisiana and represents the highest price paid by Texas Gas for field purchases of natural gas.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges or classifications demanded, observed, charged or collected by the respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of respondent, Union Oil Company of California, be and is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made

or proposed to be made by respondent, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: July 24, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6136; Filed, July 30, 1956; 8:48 a. m.]

[Docket No. G-10784]

CALIFORNIA CO.

ORDER INSTITUTING INVESTIGATION

The California Company (respondent) is an independent producer of natural gas and a "national gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to Texas Gas Transmission Corporation (Texas Gas). A certificate of public convenience and necessity covering the proposed sale to Texas Gas was issued to respondent by order issued December 30, 1955, in Docket No. G-8810. Respondent's FPC Gas Rate Schedule No. 5 covers its sale to Texas Gas in question, and specifies a price of 21 cents per Mcf with estimated revenue for the first month of $34,256. This proposed rate is among the highest in Louisiana and represents the highest price paid by Texas Gas for field purchases of natural gas.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges or classifications demanded, observed, charged or collected by the respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of respondent, The California Company, be and is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by respondent, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: July 24, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6137; Filed, July 30, 1956; 8:48 a. m.]

[Docket No. G-4331, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

ORDER FIXING DATE FOR REARGUMENT

In the matters of Union Oil Company of California, Docket No. G-4331; Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-4332; Morris Rauch, et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

The Commission, having under consideration the record in these consolidated proceedings and having previously heard oral argument on June 28, 1956, on the exceptions to the Presiding Examiner's Decision in these proceedings issued May 2, 1956, orders:

(A) Oral reargument be had before the Commission on September 6, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's decision.

(B) Those parties to these consolidated proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before August 20, 1956, of such intention and of the time required for the presentation of their argument.

Issued: July 24, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6138; Filed, July 30, 1956; 8:48 a. m.]

[Docket No. E-6696]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

JULY 26, 1956.

Take notice that on July 19, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by The Montana Power Company ("applicant"), a corporation organized under the laws of the State of New Jersey and doing business in the States of Montana, Idaho and Wyoming, with its principal business office at Butte, Montana, seeking an order authorizing the issuance of not to exceed 100,000 shares of its Common Stock without nominal or par value. Applicant proposes to issue to its officers and other key employees options to purchase said stock at a price to be fixed by the Board of Directors.

Any person desiring to be heard or make any protest with reference to said application should on or before the 15th day of August 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6144; Filed, July 30, 1956; 8:49 a. m.]

[Docket No. G-9966, etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

NOTICE OF APPLICATIONS, ORDER OF CONSOLIDATION HEARING AND PROCEDURE

In the matters of Natural Gas Pipeline Company of America, Docket No. G-9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G-10103; Colorado Interstate Gas Company, Docket No. G-10176; Chicago District Pipeline Company, Docket No. G-10214; Pacific Northwest Pipeline Corporation, Docket No. G-10455.

Natural Gas Pipeline Company of America, G-9966: Take notice that Natural Gas Pipeline Company of America (Natural), a Delaware corporation, address 20 North Wacker Drive, Chicago 6, Illinois, filed on February 14, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipe line system and the sale of natural gas as hereinafter described.

Natural proposes to transport additional volumes of natural gas for resale to existing customers, to the extent of increasing its sales capacity by 435,000 Mcf per day. The facilities to be constructed will consist of 388.71 miles of 36-inch loop pipeline, 91.3 miles of 30-inch loop pipeline, supercharging existing compressor engines and construct a new compressor station and other appurtenant facilities. These facilities are proposed to enable Natural to transport to market 350,000 Mcf per day to be received from Colorado Interstate Gas Company at Beatrice, Nebraska, and 85,000 Mcf per day to be received from other sources south of Beatrice.

Natural also proposes to become the sole seller of all gas to customers now served by Texas Illinois Natural Gas Pipeline Company, its affiliate.

The estimated cost of the proposed facilities is $77,918,000. Natural tentatively proposes to finance this cost by the issuance of debt security and the sale of common stock to The Peoples Gas Light and Coke Company.

To effectuate this proposal, the following applications have been filed:

Texas Illinois Natural Gas Pipeline Company, G-10103: Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, address 20 North Wacker Drive, Chicago 6, Illinois, filed on March 15, 1956, an application pursuant to sections 7 (b) and 7 (c) of the Natural Gas Act, for permission and approval for the abandonment of the sale of natural gas for resale to all of its existing customers other than Natural Gas Pipeline Company of America (its affiliate), subject to Natural becoming the seller of such gas as applied for in the above Docket No. G-9966; and for a certificate of public convenience and necessity authorizing such sales of natural gas for resale to Natural.

Colorado Interstate Gas Company G-10176: Take notice that Colorado Interstate Gas Company (Colorado), a Delaware corporation, address Colorado Springs National Bank Building, Colorado Springs, Colorado, filed on March 30, 1956, an application, which was amended May 18, 1956, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the sale of natural gas, as hereafter described.

Colorado proposes to transport and sell an additional volume of natural gas up to 350,000 Mcf per day to Natural Gas Pipeline Company of America at a delivery point to be established near Beatrice, Nebraska. The facilities to be constructed will consist of new main and loop pipelines of approximately 791 miles ranging in size from 30 inches to 16 inches, additional compressor capacity of approximately 54,800 horsepower by supercharging existing compressor engines, installing additional compressor units in existing stations and constructing new stations, and other facilities.

The estimated cost of the proposed facilities is $76,619,958. Colorado proposes to finance the cost by the issuance of short-term bank loans to be repaid out of the issuance of bonds and stock.

This application is dependent upon the purchase of an additional volume up to 117,500 Mcf per day of natural gas from Pacific Northwest Pipeline Corporation for which application has been filed in Docket No. G-10455.

Chicago District Pipeline Company G-10214: Take notice that Chicago District Pipeline Company (Chicago), an Illinois corporation, address Field Office Building, Troy Road, Joliet, Illinois, filed on April 9, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the transportation of natural gas, as hereinafter described.

Chicago proposes to build facilities that could transport an additional volume of 456,000 Mcf of natural gas per day for its customers by means of looping the existing pipeline between Joliet and Chicago, Illinois. The facilities to be constructed will consist of 49.8 miles of 36-inch and 2.3 miles of 30-inch pipeline and other facilities.

The estimated cost of the proposed facilities is $13,000,000. Chicago tentatively proposes to finance this cost by the issuance of stock and borrowing from The Peoples Gas Light and Coke Company.

Pacific Northwest Pipeline Corporation G-10455: Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation, address M & M Building, Houston 2, Texas, filed on May 22, 1956 an application, which was amended June 21, 1956, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the sale of natural gas, as hereinafter described.

Pacific proposes to transport additional volumes of natural gas for resale to Colorado Interstate Gas Company, to the extent of increasing its sales capacity by 117,500 Mcf per day, which will result in a maximum daily obligation of 235,000 Mcf for delivery to Colorado. The facilities to be constructed will consist of additional compressors to existing pipelines of approximately 55,500 horsepower by additions to and new compressor stations, and other facilities.

The estimated cost of the proposed facilities is $24,267,545, which will be financed by the issuance of bond, stock and bank loans.

The Commission finds:

(1) The applications filed by Natural, Texas Illinois, Colorado, Chicago, and Pacific in Docket Nos. G-9966, G-10103, G-10176, G-10214 and G-10455, respectively, are all related and should be consolidated for hearing.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and in the public interest that the procedure hereinafter prescribed should be followed in the hearing so that said hearing may be conducted with reasonable dispatch and the hearing commence as hereinafter ordered.

The Commission orders:

(A) The aforesaid applications in Docket Nos. G-9966, G-10103, G-10176, G-10214 and G-10455 be and the same hereby are consolidated for hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 2, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) The procedure at the hearing shall be as follows: Natural, Texas Illinois, Colorado, Chicago and Pacific respectively, shall present their direct evidence as to all matters and issues involved in decision upon the authorizations requested, and other parties, including Staff Counsel, may conduct so much of their cross-examination of the various witnesses as they are thus prepared to undertake; and thereafter the Presiding Examiner shall recess the hearing pending further order of the Commission respecting such cross-examination and the presentation of such other evidence as may be appropriate.

(D) Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 24, 1956. The applications

are on file with the Commission for public inspection.

Issued: July 25, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6145; Filed, July 30, 1956; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 sqdare feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and building, $12,190,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government). $276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $141,000.

b. Upkeep and maintenance (to be provided by Government), $39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $208,077.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)
Federal Office Building No. 8,
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $12,190,000 (including cost of a site to be acquired at an estimated cost of $75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956; 2:20 p. m.]

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-9760]

FLYING TIGER LINE INC.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

JULY 25, 1956.

Notice is hereby given that The Flying Tiger Line Inc. ("company") has filed an application under section 310 (b) (1) (ii) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of Bankers Trust Company of New York (Bankers Trust) under an indenture dated as of July 1, 1952 (1952 Indenture), which was heretofore qualified under the act, and trusteeship by Bankers Trust under a proposed new indenture to be dated as of September 1, 1956 (1956 Indenture) not to be qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as such under the 1952 Indenture and the 1956 Indenture.

Section 310 (b) of the act, which is included in section 10.4 of the 1952 Indenture, provides in part that if an indenture trustee under an indenture qualified under the act has or shall acquire any conflicting interest (as defined in the section), it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an issuer and becomes trustee under another indenture of the same issuer. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. It proposes to issue $1,000,000 aggregate principal amount of Series A 5½ percent Debentures (Subordinate) due 1967 under the 1956 Indenture under which Bankers Trust is named indenture trustee and to sell the new debentures to three institutional trustees which will purchase the debentures for investment and not with a view to distribution, as a result of which such debentures will be exempt from the registration requirements of the Securities Act of 1933 and the 1956 Indenture will be exempt from qualification under the Trust Indenture Act of 1939;

2. It has outstanding $2,746,000 principal amount of 5½ percent Subordinate Debentures due 1967 issued under the 1952 Indenture as of July 1, 1952 under which Bankers Trust also is trustee;

3. The debentures issued under the 1952 Indenture were registered under the Securities Act of 1933 and the 1952 Indenture was qualified under the Trust Indenture Act of 1939;

4. The 1952 Indenture and the 1956 Indenture are wholly unsecured;

5. The 1956 Indenture and the 1952 Indenture have differences as to amounts, dates and redemption and sinking fund provisions. Aside from these differences, most of the provisions of the two indentures are substantially alike;

6. The 1956 Indenture contains provisions conforming to the requirements of the Trust Indenture Act of 1939;

7. The company is not in default under the 1952 Indenture; and

8. The differences between the 1952 Indenture and the 1956 Indenture are not likely to involve a conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 7, 1956, unless prior thereto a hearing on the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may not later than August 3, 1956, in writing, submit to the Commission his views or any additional facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities ad Exchange Commission, 425 Second Street N.W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6146; Filed July 30, 1956; 8:50 a.m.]

[File No. 70-3495]

HOME GAS CO. AND KEYSTONE GAS CO., INC.

NOTICE OF PROPOSED ACQUISITION OF GAS PROPERTIES

JULY 25, 1956.

Notice is hereby given that Home Gas Company ("Home") and The Keystone Gas Company, Inc. ("Keystone"), each a wholly-owned subsidiary of The Columbia Gas System, Inc. ("Columbia"), a registered holding company, have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9, 10, and 12 thereof as applicable to the proposed transactions, which are summarized as follows:

Home is engaged in the purchase, storage, and transportation of natural gas and the sale at wholesale thereof to various utility companies, including Keystone, which distribute gas at retail in the State of New York. Keystone is principally engaged in the purchase, distribution and sale at retail of natural gas in the City of Olean and various other communities in said State.

Pursuant to an option dated March 14, 1955 given by Harley E. Crandall, Roy S. Crandall, and Lillian A. Wilkinson (doing business as Wayne Gas Company), all non-affiliates of Columbia, to Keystone, and a partial assignment of said option by Keystone to Home dated December 30, 1955, Home and Keystone will acquire certain gas properties of the sellers in the Wayne natural gas field, located in portions of Schuyler, Yates, and Steuben counties, New York, as follows:

Acquiring company	Properties to be acquired	Consideration
Home	(a) Natural gas production plant.	[1] $24,500
	(b) Gas rights, leaseholds, producing wells.	[2] 107,000
Keystone	(c) Natural gas distribution plant.	[3] 16,500

[1] About $360 in excess of estimated net original cost at Mar. 14, 1955. Home will also pay actual cost of subsequent property additions, about $64.

[2] Based on $350 per acre for gas rights, $100 per acre for leaseholds, and $5,500 for each producing well.

[3] About $466 in excess of estimated net original cost at Mar. 14, 1955. Keystone will also pay actual cost of subsequent property additions, about $1,177.

It is stated that the acquisition of the distribution properties by Keystone will merely expand its present service area, and that the new acquisitions by Home will assist it in the further development of its Dundee underground storage field and in meeting its market requirements.

The acquisitions by Home and Keystone, respectively, of the properties designated as (a) and (c) aforesaid have been expressly authorized by the New York Public Service Commission; and the applicants therefore claim exemption pursuant to section 9 (b) (1) of the act with respect to the acquisition of such assets as are "public utility assets" as defined in section 2 (a) (18) of the act.

Both Home and Keystone will finance their several purchases with treasury funds, and they will charge to earned surplus the slight excess of purchase price of the utility properties over estimated net original cost.

The fees and expenses incurred or to be incurred in connection herewith are estimated as follows:

	Home	Keystone
Services of Columbia Gas System Service Corp. primarily in connection with the preparation of the Declaration	$300	$100
Legal fees (Hinman, Howard & Kattell)	7,200	800
Fee to Public Service Commission of New York	2,900	700
Miscellaneous expenses	800	100
Total expenses, estimated	11,200	1,700

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than August 9, 1956 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-25 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6147; Filed, July 30, 1956; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 108]

OREGON

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about July 13, 1956, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Oregon:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Wheeler County (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 SW Morrison Street, Portland 4, Oregon.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1957.

Dated: July 16, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-6140; Filed, July 30, 1956; 8:48 a. m.]

[Declaration of Disaster Area 109]

MISSISSIPPI

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about February 16, 1956, because of the disastrous effects of tornadoes, damage resulted to residences and business property located in certain areas in the State of Mississippi:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Monroe, Itawamba, Lee, Chickasaw, Clay, Lowndes.

Small Business Administration Regional Office, Peachtree Seventh Building, Room 265, 50 Seventh Street Northeast, Atlanta 23, Georgia.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1956.

Dated: February 27, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-6141; Filed, July 30, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADA CRESPO DE LA SERNA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ada Crespo de la Serna, Via del Tiglio 26, Lugano-Cassarate, Switzerland; Claim No. 33893; $8,241.81 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Rosalinda", by Henri Meilhac and Ludovic Halevy, authors, music by Johann Strauss, as listed in Exhibit A of Vesting Order No. 3504 (9 F. R. 6271, June 9, 1944), to the extent owned by Alice von Meyszner immediately prior to the vesting thereof by Vesting Order No. 3504.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6123; Filed, July 30, 1956; 8:45 a. m.]

LEOPOLD JOSEF MÖSEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leopold Josef Mösel, Vienna, Austria; Claim No. 59345, Vesting Order No. 14840; $768.64 in the Treasury of the United States.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6121; Filed, July 30, 1956; 8:45 a. m.]

EVA BABETTE RUHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eva Babette Ruhl, Todenham, Gloucestershire, England; Claim No. 60832, Vesting Order No. 17595; $1,182.70 in the Treasury of the United States.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6122; Filed, July 30, 1956; 8:45 a. m.]

ALBERT PFISTER-FISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Albert Pfister-Fisch, Berne, Switzerland; Claim No. 60620, Vesting Order Nos. 17829 and 17903; $274.00 in the Treasury of the United States.

20 shares of Baltimore and Ohio Railroad Company $100.00 par value common capital stock, included in those represented by Certificate No. AA-677, registered in the name of the Attorney General, which shares are held in the Safekeeping Department, Federal Reserve Bank, New York.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6124; Filed, July 30, 1956; 8:45 a. m.]

FELICINA CECI GIORGINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Felicina Ceci Giorgini, Rome, Italy; Claim No. 39649, Vesting Order No. 235; all right, title, interest and claim in and to Check No. 10134, drawn on the Treasurer of the United States, dated October 3, 1949, payable to Ruggero Schiff Giorgini, in the amount of $152.15, which was ordered returned pursuant to Return Order No. 408.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6125; Filed, July 30, 1956; 8:45 a. m.]

FERDINANDO CIRILLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ferdinando Cirillo, $6.92 in the Treasury of the United States. Leonardo Cirillo, $6.92 in the Treasury of the United States. Michele Cirillo, $6.91 in the Treasury of the United States. Anna Lucia Cirillo, $6.91 in the Treasury of the United States. Concetta Cirillo, $6.91 in the Treasury of the United States. All of Stigliano, Matera, Italy. Claim No. 44029, Vesting Order No. 699.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6126; Filed, July 30, 1956; 8:45 a. m.]

FRITZ SCHNELL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fritz Schnell, Avenida Menendez, Pelayo 27 6B, Madrid, Spain; Claim No. 45515, Vesting Order No. 11555; $6,151.25 in the Treasury of the United States.

$2,000 Republic of Chile 3 percent External Sinking Fund Dollar bonds of 1948 due 12-31-93 with 6-30-49 and 12-31-49 coupons attached. Bonds Nos. 13185-6.

$1,800 Conversion Office for German Foreign Debts 3 Percent Dollar bonds due 1-1-46 with 7-1-40 and sca. Bonds Nos. CO43534, CO46335-7, CO46365-7, and CO46306 @ $100.00 each, M10194 @ $1,000.00.

$2,000 Gesfurel 6 percent Sinking Fund Gold Bond debentures due 6-1-53 with 6-1-37 and sca. Bonds Nos. 2468-9.

$2,000 Rhine Westphalia Electric Power Corporation Direct Mortgage 7 percent Gold bonds due 11-1-50 with 5-1-37 and sca. Bonds Nos. 3015 and 4845.

$2,000 Rhine Westphalia Electric Power Corporation Consolidated 6 Percent Mortgage Gold bonds due 4-1-55 with 4-1-37 and sca. Bonds Nos. 9835/6.

$2,000 Republic of Uruguay External Readjustment Sinking Fund Dollar bonds due 2-1-78. Bonds Nos. 699 and 700.

$2,000 United Steel Works Corporation 25-year Sinking Fund 6½ Percent Gold bonds, Series A due 6-1-51 with 6-1-41 and sca. stamped. Bonds Nos. 5343 and 13728.

The above described bonds are presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6127; Filed, July 30, 1956; 8:45 a. m.]

FRIEDRICH BERGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friedrich Berger, Nebelberg, Upper Austria; Claim No. 42414, Vesting Order No. 2654; $1,999.32 in the Treasury of the United States.

Executed at Washington, D. C., on July 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6128; Filed, July 30, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32424: *Liquefied petroleum gas in Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia in central territory to specified points in central territory, within 260 miles from each origin, also from West Burlington, Iowa, and specified points in Illinois to points in Illinois territory with 260 miles from each origin.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

FSA No. 32425: *Commodities—Central Territory to Illinois and Southern Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads and other commodities described in the application from specified points in central territory to specified points in Illinois and southern territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32426: *Asphalt filler—Chattsworth, Ga., to New Jersey.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on asphalt filler and related articles, carloads from Chattsworth, Ga., to South Bound Brook, N. J.

Grounds for relief: Short-line distance formula and circuitous routes, Market, Truck, Water competition.

Tariff: Supplement 191 to Agent Spaninger's I. C. C. 1324.

FSA No. 32427: *Hides, pelts and skins—Carroll, Fla., to Endicott, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Carroll, Fla., to Endicott, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 191 to Agent Spaninger's tariff I. C. C. 1324.

FSA No. 32428: *Hides, pelts and skins—Bolivar, Tenn., to Boston, Mass.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Bolivar, Tenn., to Boston, Mass., and points taking Boston rates.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 191 to Agent Spaninger's tariff I. C. C. 1324.

FSA No. 32429: *Hides, pelts and skins—Newnan, Ga., to Belleville, N. J.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Newnan, Ga., to Belleville, N. J.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 191 to Agent Spaninger's I. C. C. 1324.

FSA No. 32430: *Fuller's earth—Georgia and Florida to Western Trunk Line Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fuller's earth, carloads from Attapulgus, Faceville, Quality, Roddenbery, Ga., Jamieson, Magnet Cove and Quincy, Fla., to specified points in western trunk-line territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1491.

FSA No. 32431: *Aluminum ingots and pigs to Chicago, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum ingots and pigs, carloads from Chalmette, and New Orleans, La., to Chicago, Ill.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 19 to Agent Spaninger's I. C. C. 1509.

FSA No. 32432: *Magnesite—Carlsbad and Loving, N. Mex., to St. Louis, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesite, dead burned, carloads from Carlsbad and Loving, N. Mex., to St. Louis, Mo.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 223 to Agent Kratzmeir's I. C. C. 4139.

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Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 16 to Agent Kratzmeir's I. C. C. 4198.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

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INDEX AND TABULAR GUIDES



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FEDERAL REGISTER

VOLUME 21 NUMBER 148

Washington, Wednesday, August 1, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.103 (b) as set out below.

§ 6.103 *Treasury Department.* • • •

(b) *Bureau of Customs.* • • •

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6169; Filed, July 31, 1956; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1956 CROP

DATES BY WHICH WHEAT ACREAGE MUST BE UTILIZED AS WHEAT COVER CROP IN OREGON

Basis and purpose. The amendment herein is issued under the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of publishing and revising the dates in certain counties by which wheat acreage on a farm must be utilized as wheat cover crop.

Since the only purpose of this amendment is to publish or revise the dates by which wheat must be used as wheat cover crop in certain counties in Oregon and since the farmers involved have already been informed in writing of the dates, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.651 (r) insofar as it relates to the counties listed below is amended as follows:

OREGON

WINTER WHEAT

August 1, 1956: Douglas, Jackson, Josephine, Lane.

SPRING WHEAT

August 1, 1956: Benton, Clackamas, Douglas, Jackson, Josephine, Lane, Linn, Marion, Polk, Washington, Yamhill.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 31st day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6229; Filed, July 31, 1956; 11:30 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—ACCESS TO RESTRICTED DATA

CONTROLLED THERMONUCLEAR PROCESSES

The following amendments to Title 10, CFR, Part 25, Access to Restricted Data, establish special requirements for access to Secret Restricted Data in Category C-20 *Controlled Thermonuclear Processes.* Because these amendments are required in the interests of the common defense and security, the Commission has concluded that they should be effective without a prior period of notice.

1. Add the following sentence at the end of § 25.11 (b) (7): "In addition, if

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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access to Secret Restricted Data in category C–20 *Controlled Thermonuclear Processes* is requested, the application should also include sufficient information to satisfy the requirements of § 25.15 (b) (2).

2. Paragraph (b) of § 25.15 is amended by adding "(1)" after "(b)" and adding the following subparagraph at the end thereof:

(2) An application for access to Secret Restricted Data in category C–20 *Controlled Thermonuclear Processes* will be approved only if the application demonstrates also that the applicant,

(i) Is engaged in a substantial effort to develop, design, build or operate a fission power reactor that is planned for construction; or

(ii) Possesses qualifications demonstrating that he is capable of making a significant contribution to research and development in the controlled thermonuclear field.

Dated at Washington, D. C., this 30th day of July 1956.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

K. E. FIELDS,
General Manager.

[F. R. Doc. 56–6201; Filed, July 31, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 30]

PART 4b—AIRPLANE AIRWORTHINESS—TRANSPORT CATEGORIES

APPROVED HAND FIRE EXTINGUISHERS

Section 4b.380–2 contains CAA standards for approved hand fire extinguishers as required by CAR 4b.380. The location within the cabin interiors for these approved hand fire extinguishers is stated in § 4b.381–1.

1. A new § 4b.380–2 is added to read as follows:

§ 4b.380–2 *Approved hand fire extinguishers (CAA policies which apply to § 4b.380 (a))*—(a) *Standards for approval.* An approved type fire extinguisher includes those approved by the Underwriters Laboratories, Inc., Factory Mutual Laboratories, Underwriters' Laboratories of Canada, or any other agency deemed qualified by the Administrator, or approved by the Administrator in accordance with the provisions of § 4b.18.

(b) *General.* When selecting a hand fire extinguisher for use in aircraft, consideration should be given to the most appropriate extinguishing agent for the type and location of fires[1] likely to be encountered. Consideration should also be given to the agent's ratio of extinguishing ability to quantity required, toxicity,[2] corrosive properties, freezing point, and to the unit's gross weight, ease of operation, and maintenance requirements. Aircraft hand fire extinguishers using agents having a rating in toxicity Group 4 or under should not be installed in airplanes for which an application for a type certificate was made on or after March 5, 1952.[3]

(c) *Types of extinguishers*—(1) *Carbon dioxide extinguishers.*[4] Carbon dioxide extinguishers are acceptable when the principal hazard is a Class B or Class C fire. Carbon dioxide portable installations should not exceed five pounds of agent per unit to insure extinguisher portability and to minimize crew compartment CO_2 concentrations.

(2) *Water extinguishers.*[5] Water extinguishers are acceptable when the principal hazard is a Class A fire and where a fire might smolder if attacked solely by such agents as carbon dioxide or dry chemical.

(3) *Vaporizing liquid extinguishers.*[6] Vaporizing liquid type fire extinguishers are acceptable when the principal hazard is a Class B or Class C fire.

(4) *Dry chemical extinguishers.*[7] Dry chemical extinguishers are acceptable where the principal hazard is a Class B or Class C fire. The extinguisher should not be used in crew compartments because of interference with visibility during discharge and because of the possibility of the nonconductive powders' being discharged on electrical contacts not otherwise involved.

2. A new § 4b.381–1 is added to read as follows:

§ 4b.381–1 *Hand fire extinguishers for cabin interiors (CAA policies which apply to § 4b.381 (e) and (f))*—(a) *Crew compartment.* At least one hand fire extinguisher suitable for Class B and C fires should be installed in the crew compartment. Additional extinguishers may be required as dictated by potential fire hazards, extinguisher accessibility, and agent capacity.

(1) The extinguisher(s) should be readily accessible to crew members and mounted so as to facilitate quick removal from its mounting bracket.

(b) *Passenger compartments.* Fire extinguisher type and capacity should be based on the hazard, e. g., if a unit must protect large accessible baggage compartments, galleys, or electrical equipment racks, portables larger than minimum size should be provided. The size of the extinguisher should not, however, preclude ready portability by a flight attendant or even a passenger.

(1) Each fire extinguisher should be located adjacent to the most prominent hazard such as a baggage compartment, galley, etc.

(i) Where no such obvious hazard exists, or when only one unit is required, the extinguisher should be located at the flight attendant's station or at the entrance door on aircraft with no flight attendant.

(ii) Where two or more extinguishers are required and location is not dictated by special hazards, the units should be located at opposite ends of the passenger cabin.

(2) An extinguisher should be installed in each separate cabin, lounge, or smoking compartment unless the extinguisher in the adjacent compartment is in close proximity and easily accessible.

(3) All extinguishers should be easily accessible and clearly visible to the crew and passengers; however, if they cannot be clearly visible, their location should be indicated by a clearly legible placard or sign visible to the crew and passengers.[8]

This supplement shall become effective September 1, 1956.

(Sec. 205, 52 Stat. 984 as amended, 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007 as amended, 49 U. S. C. 551)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–6220; Filed, July 31, 1956; 9:35 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter A—Procedural Regulations

[Amdt. 8]

PART 406—CERTIFICATION PROCEDURES

AIRCRAFT REGISTRATION AND FEES

Part 406 of the regulations of the Administrator is amended to require (1) applicants for aircraft registration to submit the executed originals of Parts B and C of Form ACA–500 rather than the duplicates and (2) to permit purchasers of aircraft to operate such aircraft with-

[1] Class A fires: Fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

Class B fires: Fires in flammable liquids, greases, etc., where a blanketing effect is essential.

Class C fires: Fires in electrical equipment, where the use of a nonconducting extinguishing agent is of first importance.

[2] The toxicity ratings listed by the Underwriters' Laboratories for some of the commonly known fire extinguisher chemicals are as follows:
Bromochloromethane—Group 3.
Bromotrifluoromethane—Group 6.
Carbon dioxide—Group 5.
Carbon tetrachloride—Group 3.
Dibromodifluoromethane—Group 4.
Methyl bromide—Group 2.

[3] Many transport type airplanes, due to their type certification basis, are not required to comply with § 4b.380. For such airplanes, it is recommended that hand fire extinguishers employing agents in toxicity Group 4 or higher be installed when renewing or replacing hand fire extinguishers employing toxic agents.

[4] Carbon dioxide is noncorrosive and will not injure food or fabric. Extinguishers must be winterized if they are to operate at temperatures below −40° F. Approved unit capacity ranges upwards from two pounds. These extinguishers have only limited value for the extinguishment of Class A fires, the action of the agent being to blanket the fire by excluding oxygen.

[5] Certain antifreeze agents may be corrosive. Approved extinguishers are either protected against freezing to −40° F. or must be handled as any other unprotected water on the airplane. Technical Standard Order C19a (14 CFR 514.19a) covers a minimum 1¾ quart capacity approved water extinguisher. Water extinguishers of the kinds currently on the market are not acceptable for flammable liquid or electrical fires.

[6] These agents are not normally corrosive to aircraft structure and approved units will be satisfactorily protected against freezing to at least −40° F. Up to the effective date of this policy, no vaporizing liquid extinguisher with Underwriters' Laboratories toxicity rating higher than Group 4 is commercially available. Approved units have a minimum capacity of one quart. They are of only limited value for the extinguishment of Class A fires, having a cooling effect of about one-tenth that of water.

[7] The powder is nontoxic and noncorrosive and approved units are protected against freezing to at least −40° F. Minimum capacity of approved units is two pounds.

[8] It is recommended that signs indicating location of extinguishers have letters at least ⅜ inch in height mounted on a contrasting background.

out registration for more appropriate periods of time after acquisition rather than the 60-day period presently prescribed.

These proposed rules appeared as a Notice of Proposed Rule Making in 21 F. R. 3631 on May 26, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

The following rules are hereby adopted:

1. Section 406.14 (c) is amended to read as follows:

§ 406.14 *Aircraft certificates.* • • •

(c) *Aircraft registration certificate.* • • •

(2) *Application and fee.* An application for this certificate shall be made on a Form ACA–500. This form will contain three parts: Part A, "Certificate of Registration"; Part B, "Application for Registration"; and Part C, "Bill of Sale." An applicant for a certificate of registration shall mail the original and a duplicate of Part A, an original of Part B, an original of Part C or another bill of sale or other form of conveyance described in § 501.4 (b) (2) of this chapter, and a registration fee of $4 to the Administrative and Records Branch of the Administration in Washington, D. C. If a contract of conditional sale is submitted, an additional fee of $4 shall be enclosed to record it. The applicant shall retain the duplicate of Part B in the aircraft as a temporary registration pending receipt of the certificate of registration, Part A of Form ACA–500, and in the event later notification from the CAA authorizes continued temporary operation of the aircraft pending receipt of such certificate of registration, the applicant shall also retain such notification in the aircraft.

(3) *Issuance.* This certificate will be issued on the original "Certificate of Registration," Form ACA–500, Part A.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 501 of this chapter.

NOTE: The reporting requirements contained in this regulation have been approved by the Bureau of the Budget.

This amendment shall become effective August 31, 1956.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 501, 52 Stat. 1005, 49 U. S. C. 521.)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–6217; Filed, July 31, 1956; 9:34 a. m.]

[Amdt. 1]

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

AIRCRAFT REGISTRATION REQUIREMENTS

Part 501 of the regulations of the Administrator is amended to require (1) applicants for aircraft registration to submit the executed originals of Parts B and C of Form ACA–500 rather than the duplicates, (2) to permit purchasers of aircraft to operate such aircraft without registration for more appropriate periods of time after acquisition rather than the inflexible 60-day period presently prescribed and (3) to require registered owners of aircraft to fill out the reverse side of the certificate of registration and return the certificate to the Civil Aeronautics Administration upon sale of the aircraft, registration of the aircraft under the laws of any foreign country, or upon the aircraft becoming permanently inoperative.

These proposed rules appeared as a Notice of Proposed Rule Making in 21 F. R. 3631 on May 26, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

The following rules are hereby adopted:

1. Section 501.3 (a) is amended to read as follows:

§ 501.3 *Application*—(a) *Form.* • • •

(1) An original and a duplicate of Part A;

(2) Signed original of Part B;

(3) A signed and executed original of Part C [2] or another bill of sale or other form of conveyance specified in § 501.4 (b) (2);

(4) A registration fee of $4.00 in the form of a check or money order made payable to CAA, Department of Commerce.

The name of the purchaser shall be identical on Parts A, B, and C. If a contract of conditional sale is submitted, an additional fee of $4.00 shall be enclosed to record it. The applicant shall retain the duplicate of Part B in the aircraft as a temporary registration pending receipt of the certificate of registration, Part A of Form ACA–500, and in the event a later notification from the Civil Aeronautics Administration authorizes continued operation of the aircraft pending receipt of such certificate of registration, the applicant shall also retain such notification in the aircraft.

2. Section 501.7 is amended to read as follows:

§ 501.7 *Duration.* Upon application for registration made upon the prescribed form, and submission of the required proof of ownership, an aircraft may be operated for the period pending registration, or for the period designated in a notice mailed to the applicant at the address shown on the application, whichever is shorter. The certificate of registration issued by the Administrator of Civil Aeronautics pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided,* That such registration and certificate shall immediately expire on the date,

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is cancelled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred.

3. Section 501.11 is amended to read as follows:

§ 501.11 *Notice of change of address, ownership or registration.* The registered owner of any aircraft shall notify the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., immediately of any change of permanent mailing address. Upon sale, destruction, scrapping or permanent retirement of the aircraft or registration of the aircraft under the laws of any foreign country, the reverse side of the certificate of registration, Part A of Form ACA–500, shall be appropriately completed and returned immediately to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.

NOTE: The reporting requirements contained in this regulation have been approved by the Bureau of the Budget.

This amendment shall become effective August 31, 1956.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–6218; Filed, July 31, 1956; 9:35 a. m.]

[Amdt. 1]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

RECORDATION OF AIRCRAFT CONVEYANCES

Part 503 of the regulations of the Administrator is amended to permit recordation by the Administrator of any conveyance or instrument affecting title to United States registered aircraft even if unaccompanied by a duly executed application for registration. Such conveyance includes instruments transferring ownership of United States registered aircraft to foreign nationals. A recordation fee of $4.00 is charged for each aircraft covered by the conveyance submitted for recordation. A separate registration fee of $4.00 is charged when the application for registration is submitted later. The Administrator will continue the practices of (1) charging only $4.00 as a combined recordation and registration fee when proof of ownership, except a contract of conditional sale, and the application for registration are submitted together; (2) recording without charge releases, cancellations, or other discharges of instruments executed for security purposes; and (3) charging a $4.00 recordation fee for each aircraft covered by a conveyance executed for security purposes, including contracts of conditional sale. A minor revision is made in § 503.3 (a) (2) to require listing in a conveyance the model of the aircraft in addition to the identification details now required. This addition provides information required for certificates of registration by Annex 7 to the Convention on International Civil Aviation.

These proposed rules appeared as a Notice of Proposed Rule Making in 21 F. R. 3632 on May 26, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

The following rules are hereby adopted:

1. Section 503.3 (a) is amended to read as follows:

§ 503.3 *Eligibility of conveyance.* (a) A conveyance shall be eligible for recordation only if:

(1) It is executed upon the form prescribed by the Administrator of Civil Aeronautics for such type of conveyance, or upon a form deemed appropriate by the Administrator, and is submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.;

(2) It describes the aircraft by make and model, manufacturer's serial number and Civil Aeronautics registration number, or by other detail sufficient to enable identification;

(3) It is the original document or an executed duplicate thereof, with all signatures in ink; [2]

(4) It affects an aircraft registered under the Civil Aeronautics Act of 1938, as amended, or is a bill of sale or contract of conditional sale to the holder of a dealer's aircraft registration certificate; [3]

(5) It is acknowledged by the signer or signers before a notary public or other officer authorized by the law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds; and

(6) It is accompanied by the required recordation fee of $4.00 in the form of a check or money order made payable to CAA, Department of Commerce, for each aircraft covered by the conveyance: *Provided,* That this paragraph shall apply only to bills of sale unaccompanied by a duly executed application for registration and registration fee of $4.00 or conveyances executed for security purposes such as contracts of conditional sale or chattel mortgages.

NOTE: No fee is charged for the recordation of any bill of sale or bills of sale accompanied by a duly executed application for registration and registration fee of $4.00 or for the recordation of any release, cancellation, invalidation, discharge, or satisfaction of any conveyance executed for security purposes.

NOTE: The reporting requirements contained in this regulation have been approved by the Bureau of the Budget.

This amendment shall become effective August 31, 1956.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 503, 52 Stat. 1006, as amended; 49 U. S. C. 523)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–6219; Filed, July 31, 1956; 9:35 a. m.]

[2] A separate Part C (Bill of Sale) to Form ACA–500 has been provided for use when an additional bill of sale is required to complete the chain of ownership, or the execution of a new bill of sale is required to replace that submitted which did not meet the recording requirements of the Act or the Regulations of the Administrator. This form will also serve the aircraft manufacturers, dealers, distributors, and purchasers, who buy for immediate resale.

[2] When return of the original conveyance to the sender is desired, a certified true copy thereof shall be submitted with the original document. After recording, the certified true copy will be retained and the original will be returned to the sender stamped with the date and hour of recordation. A certified true copy of an original document is a document which is a complete copy of the original in all respects, including the dates, signatures, and acknowledgments and to which is attached a certificate of a notary public stating that such officer has compared the copy with the original document and that it is a true and correct copy in all respects.

[3] Documents of this nature are recorded under the numbers assigned to aircraft by their manufacturers. No particular dealers' aircraft registration certificate is associated with a particular aircraft. This action of recordation provides information to those consulting the records as to the ownership of the aircraft. The question of whether the full benefits of the recording provisions of the Civil Aeronautics Act are thus acquired has not yet been the subject of judicial review.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56–696]

PART 3—RADIO BROADCAST SERVICES

UHF CONSTRUCTION PERMITS EXTENDED TO OCTOBER 16, 1956

JULY 19, 1956.

Extensions of time to construct UHF television stations are being limited to three months by the Commission where the permittees of these stations indicate that construction or operation is being put off because of economic uncertainties facing UHF television stations. The Commission is granting this extension to allow such permittees an opportunity to reevaluate their plans in the light of the Commission's Report and Order of June 25, 1956, in Docket 11532. The Commission is fixing October 16, 1956, as the termination date for all such UHF construction permits and will examine further requests to extend beyond that date for a clear indication of intent to proceed with construction or operation.

NOTE: This affects § 3.626.

Adopted: July 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–6187; Filed, July 31, 1956; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on June 2, 1956 (21 F. R. 7399), the public was invited to submit views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington, D. C., within the period of thirty days from the date of such publication and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1956–57 seasons on rails, gallinules, woodcock, and mourning and white-winged doves. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

No written data, views, or arguments have been received in direct response to the notice of proposed rule making but each State game department has furnished information concerning the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed. Accordingly, the schedules designated as subparagraphs (1) *Atlantic Flyway States,* (2) *Mississippi Flyway States,* (3) *Central Flyway States,* and (4a) *Mourning (turtle) doves* of § 6.4 (e), Title 50, CFR, are amended to read as follows:

(1) *Atlantic Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limit	25	10	4
Possession limit	25	20	8
Seasons in—			
Connecticut [1]	Sept. 1–Oct. 20		Oct. 27–Dec. 5.
Delaware	Sept. 1–Nov. 9		Nov. 17–Dec. 24.
District of Columbia	No open season		No open season.
Florida	Sept. 1–Nov. 9		Nov. 20–Dec. 29.
Georgia	Sept. 20–Nov. 28		Dec. 11–Jan. 19.
Maine [1]	Sept. 20–Nov. 28		Oct. 1–Nov. 9.
Maryland	Sept. 1–Oct. 20		Nov. 15–Dec. 24.
Massachusetts [1]	Oct. 20–Dec. 28		Oct. 20–Nov. 20.
New Hampshire [1]	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
New Jersey	Sept. 1–Nov. 9		Oct. 29–Nov. 28.
New York [1]	Sept. 1–Nov. 9		See footnote 2.
North Carolina	Sept. 1–Nov. 9		Nov. 22–Dec. 31.
Pennsylvania	Sept. 1–Nov. 9		Oct. 8–Nov. 16.
Rhode Island [1]	Oct. 1–Dec. 9		Nov. 1–Nov. 30.
South Carolina	Oct. 1–Dec. 9		Dec. 14–Jan. 19.
Vermont	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Virginia	Sept. 15–Oct. 31		Nov. 19–Dec. 28.
West Virginia	Oct. 12–Dec. 20		Oct. 12–Nov. 20.
Puerto Rico	Dec. 15–Feb. 12		No open season.

[1] Scoter, eider, and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, New Hampshire, and Rhode Island from Sept. 16 Dec. 31; in such waters in Massachusetts from Sept. 15–Dec. 30; and in such waters in Connecticut and New York from Oct. 1–Dec. 31. In areas other than those beyond outer harbor lines in such States, such birds may be taken only during the open season for other ducks. In the States mentioned only, the daily bag limit is 7 scoter, eider, or old-squaw ducks singly or in the aggregate and not exceeding 14 in possession singly or in the aggregate of all kinds.

[2] New York: The seasons for hunting woodcock are as follows: In the counties of Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates, and Chautauqua (Area 1)—Oct. 22–Nov. 23; in the counties of Nassau and Suffolk (Area 2)—Nov. 1–Nov. 23; in the remainder of the State (Area 3)—Oct. 15 Nov. 23.

The shooting hours during which woodcock may be taken in each of the three areas described shall be from 9 a. m. to 5 p. m., e. s. t., on the first day of the respective seasons and from 7 a. m. to 5 p. m., e. s. t., on each day thereafter.

(2) *Mississippi Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limit	25	15	4
Possession limit	25	15	8
Seasons in—			
Alabama	See footnote 1		Dec. 12–Jan. 20.
Arkansas	Sept. 1–Nov. 9		Nov. 15–Dec. 24.
Illinois	No open season		Nov. 17–Dec. 17.
Indiana	Sept. 1–Nov. 9		Oct. 20–Nov. 28.
Iowa	No open season		No open season.
Kentucky	Nov. 19–Jan. 10		Nov. 19–Dec. 28.
Louisiana	Oct. 1–Dec. 9		Dec. 12–Jan. 20.
Michigan	See footnote 1		See footnote 2.
Minnesota	Sept. 15–Nov. 23		Oct. 6–Nov. 14.
Mississippi	Oct. 6–Dec. 14		Dec. 16–Jan. 18.
Missouri	Sept. 1–Nov. 9		Nov. 10–Dec. 19.
Ohio	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Tennessee	Nov. 2–Jan. 20		Nov. 22–Dec. 31.
Wisconsin	Oct. 1–Dec. 9		Oct. 1–Nov. 9.

[1] The seasons for hunting rails and gallinules in Alabama and Michigan will be prescribed at a later date.

[2] Michigan: The seasons for hunting woodcock in three zones as defined by State law, orders or regulations of the Michigan Department of Conservation, are as follows: Zone 1, Oct. 1–Nov. 14; Zone 2, Oct. 1–Nov. 9, and Zone 3, Oct. 20–Nov. 9.

(3) *Central Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limit	25	15	4
Possession limit	25	15	8
Seasons in—			
Colorado	Sept. 1–Nov. 9		No open season.
Kansas	Sept. 1–Nov. 9		No open season.
Montana	No open season		No open season.
Nebraska	No open season		No open season.
New Mexico	Nov. 2–Jan. 10		No open season.
North Dakota	See footnote 1		See footnote 1.
Oklahoma	Oct. 1–Dec. 9		Nov. 23–Jan. 1.
South Dakota	No open season		No open season.
Texas	Sept. 1–Nov. 9		Dec. 8–Jan. 16.
Wyoming	No open season		No open season.

[1] The seasons for hunting rails, gallinules, and woodcock in North Dakota will be prescribed at a later date.

(4a) *Mourning (turtle) doves.*

Daily bag and possession limit	8
Seasons in—	
Alabama [1]	Oct. 1–Oct. 25. Dec. 12–Jan. 10.
Arkansas [1]	Sept. 1–Oct. 10. Dec. 1–Dec. 15.
Connecticut	No open season.
Delaware [1]	Sept. 20–Oct. 31. Nov. 15–Nov. 27.
District of Columbia	No open season.
Florida [1]	Oct. 13–Oct. 31. Dec. 1–Jan. 5.
Georgia	Sept. 15–Sept. 29. Dec. 17–Jan. 10.
Indiana	No open season.
Illinois	Sept. 1–Oct. 10.
Kentucky [1]	Sept. 1–Oct. 25.
Louisiana [1]	Sept. 21–Oct. 5. Dec. 1–Jan. 9.
Maine	No open season.
Maryland [1]	Sept. 15–Nov. 8.
Massachusetts	No open season.
Michigan	No open season.
Mississippi [1]	Sept. 15–Oct. 5. Nov. 10–Dec. 13.
New Hampshire	No open season.
New Jersey	No open season.
New York	No open season.
North Carolina [1]	Sept. 10–Oct. 6. Dec. 14—Jan. 10.
Ohio	No open season.
Pennsylvania	Sept. 10–Oct. 19.
Rhode Island	No open season.
South Carolina [1]	Sept. 15–Oct. 4. Dec. 7—Jan. 10.
Tennessee [1]	Sept. 1–Sept. 10. Oct. 1–Nov. 14.
Vermont	No open season.
Virginia [1]	Sept. 15–Oct. 27. Dec. 25–Jan. 5.
West Virginia	Oct. 12–Nov. 20.
Wisconsin	No open season.
Puerto Rico	No open season.

Daily bag and possession limit	10
Seasons in—	
Arizona [2]	Sept. 1–Oct. 4. Dec. 8–Dec. 23.
California [1]	Sept. 1–Sept. 30.
Colorado	Sept. 1–Oct. 20.
Idaho	Sept. 1–Sept. 15.
Iowa	No open season.
Kansas	Sept. 1–Oct. 20.
Minnesota	No open season.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 19
Montana	No open season.
Nebraska	No open season.
Nevada	Sept. 1–Oct. 20.
New Mexico	Sept. 1–Sept. 25. Oct. 1–Oct. 25.
North Dakota	No open season.
Oklahoma	Sept. 1–Oct. 20
Oregon	Sept. 1–Sept. 30.
South Dakota	No open season.
Texas [3]	See footnote 3
Utah	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.
Wyoming	Sept. 1–Sept. 10.

[1] Shooting hours in States indicated, 12 o'clock noon (standard time) until sunset.

[2] The white-winged dove seasons in Arizona and in Imperial, Riverside, and San Bernardino counties in California conform with the mourning (turtle) dove seasons in these States. In California, the daily bag and possession limit for white-winged and mourning doves is not more than 10 singly or in the aggregate of both kinds. In Arizona, the daily bag and possession limit on mourning and white winged doves is 15, provided such limit contains not more than 10 mourning doves.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby counties and all counties north and west thereof, Sept. 1–Oct. 17. In remainder of State, Oct. 12–Nov. 28.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated July 30, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-6208; Filed, July 31, 1956; 9:34 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION A: GENERAL EXEMPTIONS

Purpose of revision and consolidation. Regulation A as heretofore in effect has provided an exemption from registration under the Securities Act of 1933 for small issues of securities of domestic residents for domestic businesses not exceeding $300,000 in amount upon compliance with certain terms and conditions. Regulation D as heretofore in effect has provided a similar exemption from registration for small issues of securities of Canadian businesses. Notice was first given of a proposed revision of Regulation A and the consolidation therein of Regulation D on July 18, 1955. A public hearing on the proposed revision was held on November 15, 1955. Further revisions were proposed for public comment on December 27, 1955 and February 14, 1956. The comments and testimony received from the public on the various proposals have been considered and the Securities and Exchange Commission has determined that Regulation A and Regulation D should be consolidated and revised in accordance with some of the proposals heretofore made with certain modifications. A copy of the revised and consolidated regulation is set forth below.

The principal changes effected by the revision and consolidation are as follows:

1. Canadian issues will be treated the same as domestic issues insofar as the terms and conditions for the exemption are concerned except that Canadian issues by companies without a net earnings record will have to be qualified for offering in the Canadian Province in which the company has its principal office or principal place of business.

2. Heretofore no exemption has been available if any of the directors, officers, affiliates, predecessors, promoters or principal underwriter of the issuer had been convicted of a crime involving securities transactions or had been enjoined in connection with securities transactions. Under the revised regulation if any such conviction or injunction exists as to any underwriter of the issuer or any partner, director or officer of such underwriter, the exemption is not available. In addition the exemption will not now be available if the Commission, a national securities dealers association or a securities exchange has issued a disciplinary order against any underwriter of the issuer (or any partner, director or officer of any such underwriter). Furthermore, no exemption will now be available if any underwriter of the issuer (or any partner, officer or director of such underwriter) was the underwriter of any other issue which is the subject of a pending stop order or suspension order proceeding or is the subject of an outstanding stop order or suspension order issued by the Commission within the past five years.

3. Offerings by companies newly organized and those without a net income for at least one of the last two fiscal years are subject to special requirements insofar as the exemption is concerned. Only the issuer itself in such a case may use the exemption which means that an offering by a securities holder of his own securities in such a company cannot be made under the regulation. An offering circular must be used by such a company even if the amount of the offering is less than $50,000 whereas other issuers need not use an offering circular for any offering up to that amount. In computing the maximum amount of $300,000 under the exemption such a company would have to include all securities theretofore issued for assets or services and all securities issued or proposed to be issued to directors, officers, promoters, or underwriters unless such securities are effectively kept off the market (by escrow or otherwise) for one year after the commencement of the offering under the regulation.

4. The notification to be filed by an issuer on Form 1–A (§ 239.90) with the appropriate regional office of the Commission has been revised to require certain additional information which will assist the Commission staff in its determination as to the availability of the exemption and in its review of the offering circular for the detection of false and misleading statements. In addition to the filing of any underwriting contract and the consent of the underwriters to be named in the offering circular, there will now be required to be filed as exhibits copies of the document (or portions thereof) describing the rights of holders of the securities being offered and consents by engineers, geologists, appraisers, accountants and other experts to be named in the notification or offering circular where reference to them as experts or to their opinions is made.

5. The offering circular to be filed and used in connection with an exemptive offering under the regulation will not have to conform with the informational requirements set forth in Schedule I which is appended to the regulation. In general this schedule does not enlarge upon the information heretofore required in an offering circular but attempts to give more complete instructions to the issuer as to how the required information is to be presented in such a way as not to be false or misleading. The more complete instructions in large measure set forth the administrative practice of the Commission in processing filings under the previous regulations.

6. Unless the offering terminates sooner, the offering circular henceforth will have to be revised every nine months except that offering circulars for employee purchase plans must be revised every 12 months. Rule 256 (e) further specifies that in no event shall an offering circular be used if it is false and misleading under the circumstances then existing.

7. A report of sales on Form 2–A (§ 239.91) hereafter must be made within 30 days after the end of each six-month period following the date of the original offering circular until the offering has been terminated. Heretofore such report was due on a date computed with reference to the commencement of the offering which date was not known in advance to the Commission staff. Form 2–A has been revised to call for additional information which will assist the Commission staff in its enforcement program under the regulation.

8. There has been added as a ground for suspension of the exemption any failure by the issuer or any of its promoters, officers, directors or underwriters to cooperate in any investigation by the Commission of an offering under the regulation.

Statutory basis. The revised Regulation A is adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission finding that registration of the class of securities specified in the revised regulation, when sold in conformity with the terms and conditions prescribed therein, is not necessary in the public interest or for the protection of investors by reason of the small amounts involved and finding that the adoption of such rule is necessary and appropriate in the public interest, for the protection of investors and to carry out the provisions of the act.

Effective date. Regulation A, as revised, shall become effective July 23, 1956, superseding on that date Regulation A and Regulation D as heretofore in effect, provided that such prior regulations may, at the option of the person or persons on whose behalf the offering is to be made, apply to any filing made with the Commission prior to August 27, 1956.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 23, 1956.

Sec.

230.251 Definitions of terms used in §§ 230.251 to 230.262.
230.252 Securities exempted.
230.253 Special requirements for certain offerings.
230.254 Amount of securities exempted.
230.255 Filing of notification on Form 1–A.
230.256 Filing and use of the offering circular.
230.257 Offerings not in excess of $50,000.
230.258 Sales material to be filed.
230.259 Prohibition of certain statements.
230.260 Reports of sales hereunder.
230.261 Suspension of exemption.
230.262 Consent to service of process.

AUTHORITY: §§ 230.251 to 230.262 issued under sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interpret or apply sec. 3, 48 Stat. 75, as amended, 15 U. S. C. 77c.

§ 230.251 *Definitions of terms used in §§ 230.251 to 230.262.* As used in §§ 230.251 to 230.262, the following terms shall have the meaning indicated:

Affiliate. An "affiliate" of an issuer is a person controlling, controlled by or under common control with such issuer. An individual who controls an issuer is also an affiliate of such issuer.

Predecessor. A "predecessor" of an issuer is (a) a person the major portion of whose assets have been acquired directly or indirectly by the issuer, or (b) a person from which the issuer acquired directly or indirectly the major portion of its assets.

Promoter. The term "promoter" includes—(a) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer;

(b) Any person who, in connection with the founding or organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

Province. A "Province" is any Province or Territory of Canada.

Resident. A "resident" of a specified country is an individual resident of such country or a corporation or other organization which is incorporated or organized under the laws of such country or any of its political subdivisions.

State. A "State" is any State, Territory or insular possession of the United States, or the District of Columbia.

Underwriter. The term "underwriter" shall have the meaning given in section 2 (11) of the act.

§ 230.252 *Securities exempted.* (a) Except as hereinafter provided in §§ 230.251 to 230.262, securities issued by any of the following persons shall be exempt from registration under the act if offered in accordance with the terms and conditions of §§ 230.251 to 230.262:

(1) Any corporation, unincorporated association or trust (i) which is incorporated or organized under the laws of the United States or Canada or any State or Province thereof and (ii) which has or proposes to have its principal business operations in the United States or Canada; or

(2) Any individual who is a resident of, and has or proposes to have his principal business operations in, any State or Province; or

(3) In the case of an offering to existing security holders on a pro rata basis pursuant to warrants or rights, any direct or indirect majority-owned subsidiary of any issuer specified in subparagraph (1) of this paragraph which has securities registered on a national securities exchange pursuant to the provisions of the Securities Exchange Act of 1934.

(b) No exemption under §§ 230.251 to 230.262 shall be available for any of the following securities:

(1) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights;

(2) Certificates of interest as defined in § 230.360;

(3) Assessable securities;

(4) Securities of any investment company registered or required to be registered under the Investment Company Act of 1940.

(c) No exemption under §§ 230.251 to 230.262 shall be available for the securities of any issuer if such issuer, any of its predecessors or any affiliated issuer—

(1) Has filed a registration statement which is the subject of any proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order entered thereunder within five years prior to the filing of the notification required by § 230.255;

(2) Is subject to any pending proceedings under § 230.261 or any similar rule adopted under section 3 (b) of the act, or to an order entered thereunder within five years prior to the filing of such notification;

(3) Has been convicted within five years prior to the filing of such notification of any crime or offense involving the purchase or sale of securities;

(4) Is subject to any order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the filing of such notification, temporarily or permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of securities; or

(5) Is subject to a United States Post Office fraud order.

(d) No exemption under §§ 230.251 to 230.262 shall be available for the securities of any issuer, if any of its directors, officers or principal security holders, any of its promoters presently connected with it in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of any such underwriter—

(1) Has been convicted within ten years prior to the filing of the notification required by § 230.255 of any crime or offense involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer or investment adviser;

(2) Is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer or investment adviser;

(3) Is subject to an order of the Commission entered pursuant to section 15 (b) of the Securities Exchange Act of 1934; has been found by the Commission to be a cause of any such order which is still in effect; or is subject to an order of the Commission entered pursuant to section 203 (d) or (e) of the Investment Company Act of 1940;

(4) Has been and is suspended or expelled from membership in a national or provincial security dealers association or a national securities exchange or a Canadian securities exchange for conduct inconsistent with just and equitable principles of trade; or

(5) Is subject to a United States Post Office fraud order.

(e) No exemption under §§ 230.251 to 230.262 shall be available for the securities of any issuer if any underwriter of such securities, or any director, officer or partner of any such underwriter was, or was named as, an underwriter of any securities:

(1) Covered by any registration statement which is the subject of any proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order entered thereunder within five years prior to the filing of the notification required by § 230.255; or

(2) Covered by any filing which is subject to pending proceedings under § 230.261 or any similar rule adopted under section 3 (b) of the act, or to an order entered thereunder within five years prior to the filing of such notification.

(f) Paragraph (c), (d) or (e) of this section shall not apply to the securities of any issuer if the Commission determines, upon a showing of good cause, that it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied.

§ 230.253 *Special requirements for certain offerings.* (a) The following provisions of this section shall apply to any offering under §§ 230.251 to 230.262 of securities of any issuer which—

(1) Was incorporated or organized within one year prior to the date of filing the notification required by § 230.255 and has not had a net income from operations; or

(2) Was incorporated or organized more than one year prior to such date and has not had a net income from operations, of the character in which the issuer intends to engage, for at least one of the last two fiscal years.

(b) If the issuer conducts or proposes to conduct its principal business operations in Canada, the securities to be offered hereunder shall be qualified or made eligible for offering in the Province in which such operations are or will be conducted. The securities of any other issuer incorporated or organized under the laws of Canada or any Province thereof shall be qualified or made eligible for offering in the Province in which the issuer has its principal office or principal place of business in Canada. All securities subject to this paragraph shall be offered in the Province in which they are qualified or made eligible for offering, concurrently with the offering in the United States. Issuers engaged in extractive or manufacturing enterprises shall be deemed to have their principal business operations in the Province in which their principal plants or other properties are located.

(c) In computing the amount of securities which may be offered hereunder, there shall be included, in addition to the securities specified in § 230.254—

(1) All securities issued prior to the filing of the notification, or proposed to be issued, for a consideration consisting in whole or in part of assets or services and held by the person to whom issued; and

(2) All securities issued to and held by or proposed to be issued, pursuant to options or otherwise, to any director, officer or promoter of the issuer, or to any underwriter, dealer or security salesman:

Provided, That such securities need not be included to the extent that effective

provision is made, by escrow arrangements or otherwise, to assure that none of such securities or any interest therein will be reoffered to the public within one year after the commencement of the offering hereunder and that any reoffering of such securities will be made in accordance with the applicable provisions of the act.

(d) None of the securities to be offered hereunder shall be offered for the account of any person other than the issuer of such securities.

(e) Section 230.257 shall not apply to any offering of securities under §§ 230.251 to 230.262 by any issuer which is subject to this section.

§ 230.254 *Amount of securities exempted.* (a) The aggregate offering price of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were incorporated or organized, or became affiliates of the issuer, within the past two years, shall not exceed $300,000:

(1) All securities of such persons presently being offered under §§ 230.251 to 230.262, or under any other regulation adopted pursuant to section 3 (b) of the act, or specified in the notification required by § 230.255 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under §§ 230.251 to 230.262, or under any other regulation adopted pursuant to section 3 (b) of the act, commenced within one year prior to the commencement of the proposed offering; and

(3) All securities of such persons sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering.

Notwithstanding the foregoing, the aggregate offering price of all securities of such persons so offered or sold on behalf of any one person other than the issuer or issuers of such securities shall not exceed $100,000, except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the letter of notification, or the offering price to the public, whichever is higher; provided, that the aggregate gross proceeds actually received from the public shall not exceed the maximum aggregate offering price permitted, in the particular case, by paragraph (a) of this section.

(c) Where securities which have no determinable market value are offered in exchange for outstanding securities, claims, property, or services, the aggregate offering price thereof shall be computed at the public offering price of securities of the same class for cash, or if no cash offering is to be made, then upon the basis of the value of the securities, claims, property or services to be received in exchange, as established by bona fide sales made within a reasonable time, or in the absence of such sales, upon the basis of the fair value of the securities, claims, property or services to be received in exchange, as determined by some accepted standard.

(d) The following securities need not be included in computing the amount of securities which may be offered under §§ 230.251 to 230.262: (1) Unsold securities the offering of which has been withdrawn with the consent of the Commission by amending the pertinent notification to reduce the amount stated therein as proposed to be offered; or (2) securities acquired or to be acquired, otherwise than for distribution, by a single holder of the majority of the outstanding voting stock of the issuer in connection with a pro rata offering to stockholders; (3) in the case of an offering by an issuer to existing security holders on a pro rata basis pursuant to warrants or rights, that portion of the offering made outside of the United States and Canada; or (4) in the case of an offering of interests in an unincorporated theatrical production, interests in any affiliated unincorporated theatrical production.

§ 230.255 *Filing of notification on Form 1–A.* (a) At least 10 days (Saturdays, Sundays and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.251 to 230.262, there shall be filed with the Regional Office of the Commission specified below four copies of a notification on Form 1–A. The Commission may, however, in its discretion, authorize the commencement of the offering prior to the expiration of such 10-day period upon a written request for such authorization.

(b) The notification shall be signed by the issuer and each person, other than the issuer, for whose account any of the securities are to be offered. If the notification is signed by any person on behalf of any other person, evidence of authority to sign on behalf of such other person shall be filed with the notification, except where an officer of the issuer signs on behalf of the issuer.

(c) The notification shall be filed with the Regional Office for the region in which the issuer's principal business operations are conducted or proposed to be conducted in the United States. The notification of an issuer having or proposing to have its principal business operations in Canada shall be filed with the Regional Office nearest the place where the issuer's principal business operations are conducted or proposed to be conducted, unless the offering is to be made through a principal underwriter located in the United States, in which case the notification shall be filed with the Regional Office for the region in which such underwriter has its principal office.

(d) Any amendment to the notification shall be signed in the same manner and filed in the same Regional Office as the notification.

§ 230.256 *Filing and use of the offering circular.* (a) Except as provided in paragraph (c) of this section and in § 230.257—

(1) No written offer of securities of any issuer shall be made under §§ 230.251 to 230.262 unless an offering circular containing the information specified in Schedule I of Form 1–A is concurrently given or has previously been given to the person to whom the offer is made, or has been sent to such person under such circumstances that it would normally have been received by him at or prior to the time of such written offer; and

(2) No securities of such issuer shall be sold under §§ 230.251 to 230.262 unless such an offering circular is given to the person to whom the securities were sold, or is sent to such person under such circumstances that it would normally be received by him, with or prior to any confirmation of the sale, or prior to the payment by him of all or any part of the purchase price of the securities, whichever first occurs.

(b) In the case of transactions effected on a securities exchange, delivery of the offering circular shall be deemed to have been made if prior to such transactions a reasonable number of copies of the offering circular have been furnished to the exchange for delivery to any person or persons requesting copies thereof.

(c) Any written advertisement or other written communication, or any radio or television broadcast, which states from whom an offering circular containing the information specified in Schedule I of Form 1–A may be obtained and in addition contains no more than the following information may be published, distributed or broadcast at or after the commencement of the public offering to any person prior to sending or giving such person a copy of such circular:

(1) The name of the issuer of such security;

(2) The title of the security, the amount being offered, and the per-unit offering price to the public;

(3) The identity of the general type of business of the issuer; and

(4) A brief statement as to the general character and location of its property.

(d) The offering circular may be printed, mimeographed, lithographed or typewritten, or prepared by any similar process which will result in clearly legible copies. If printed, it shall be set in roman type at least as large as ten-point modern type, except that financial statements and other statistical or tabular matter may be set in roman type at least as large as eight-point modern type. All type shall be leaded at least two points.

(e) If the offering is not completed within nine months from the date of the offering circular, a revised offering circular shall be prepared, filed and used in accordance with these rules as for an original offering circular, except that in the case of offerings under stock purchase, savings, stock option or other similar plans for the benefit of employees, if the offering is not completed within 12 months from the date of the offering circular, a revised offering circular shall be prepared, filed and used in accordance with these rules as for an original offering circular. In no event shall an offer-

ing circular be used which is false or misleading in light of the circumstances then existing.

(f) Four copies of the offering circular required by this section, which is to be used at the commencement of the offering, shall be filed with the notification required by § 230.255 at the time such notification is filed and shall be deemed a part thereof. If the offering circular is thereafter revised or amended, four copies of such revised or amended circular shall be filed as an amendment to the notification with the appropriate Regional Office of the Commission at least 10 days prior to its use, or such shorter period as the Commission may, in its discretion, authorize upon a written request for such authorization.

§ 230.257 *Offerings not in excess of $50,000.* Except as to issues of the character specified in paragraph (a) of § 230.253, the offering circular specified in § 230.256 need not be filed or used in connection with an offering of securities under §§ 230.251 to 230.262 if the aggregate offering price of all securities of the issuer, its predecessors and affiliates offered or sold without the use of such an offering circular does not exceed $50,000, computed in accordance with § 230.254, provided the following conditions are met:

(a) There shall be filed as an exhibit to the notification four copies of a statement setting forth the information (other than financial statements) required by Schedule I of Form 1–A to be set forth in an offering circular.

(b) No advertisement, article or other communication published in any newspaper, magazine or other periodical and no radio or television broadcast in regard to the offering shall contain more than the following information:

(1) The name of the issuer of such security;

(2) The title of the security, amount offered, and the per-unit offering price to the public;

(3) The identity of the general type of business of the issuer;

(4) A brief statement as to the general character and location of its property; and

(5) By whom orders will be filled or from whom further information may be obtained.

§ 230.258 *Sales material to be filed.* Four copies of each of the following communications prepared or authorized by the issuer or anyone associated with the issuer, any of its affiliates or any principal underwriter for use in connection with the offering of any securities under §§ 230.251 to 230.262 shall be filed, with the office of the Commission with which the notification is filed, at least five days (exclusive of Saturdays, Sundays and holidays) prior to any use thereof, or such shorter period as the Commission, in its discretion, may authorize:

(a) Every advertisement, article or other communication proposed to be published in any newspaper, magazine or other periodical;

(b) The script of every radio or television broadcast; and

(c) Every letter, circular or other written communication proposed to be sent, given or otherwise communicated to more than ten persons, except offering circulars filed pursuant to § 230.256 (f).

§ 230.259 *Prohibition of certain statements.* No offering circular or other written or oral communication used in connection with any offering under §§ 230.251 to 230.262 shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering or has determined that the securities are exempt from registration, or has made any finding that the statements in any such offering circular or other communication are accurate or complete.

§ 230.260 *Reports of sales hereunder.* Within 30 days after the end of each six-month period following the date of the original offering circular required by § 230.256, or of the statement required by § 230.257, the issuer or other person for whose account the securities are offered shall file with the Regional Office of the Commission with which the notification was filed four copies of a report on Form 2–A containing the information called for by that form. A final report shall be made upon completion or termination of the offering and may be made prior to the end of the six-month period in which the last sale is made.

§ 230.261 *Suspension of exemption.* (a) The Commission may, at any time after the filing of a notification, enter an order temporarily suspending the exemption, if it has reason to believe that—

(1) No exemption is available under §§ 230.251 to 230.262 for the securities purported to be offered hereunder or any of the terms or conditions of §§ 230.251 to 230.262 have not been complied with, including failure to file any report as required by § 230.260,

(2) The notification, the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) The offering is being made or would be made in violation of section 17 of the act;

(4) Any event has occurred after the filing of the notification which would have rendered the exemption hereunder unavailable if it had occurred prior to such filing;

(5) Any person specified in paragraph (c) of § 230.252 has been indicted for any crime or offense of the character specified in subparagraph (3) thereof, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in subparagraph (4) of such paragraph;

(6) Any person specified in paragraph (d) of § 230.252 has been indicted for any crime or offense of the character specified in subparagraph (1) thereof, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in subparagraph (2) of such paragraph; or

(7) The issuer or any promoter, officer, director or underwriter has failed to cooperate, or has obstructed or refused to permit the making of an investigation by the Commission in connection with any offering made or proposed to be made hereunder.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the persons on whose behalf the notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission, upon receipt of a written request within 30 days after the entry of such order, will, within 20 days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the person or persons on whose behalf the notification was filed by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the notification.

(e) The withdrawal of a notification after the entry of an order pursuant to this section shall not operate to make an exemption hereunder available for any securities for which no exemption would be available in the absence of such withdrawal.

§ 230.262 *Consent to service of process.* (a) If the issuer, any of its directors or officers, any person for whose account any of the securities are to be offered, or any underwriter of the securities to be offered, is not a resident of the United States, each such non-resident person shall, at the time of filing the notification required by § 230.255, furnish to the Commission in a form prescribed by or acceptable to it, a written irrevocable consent and power of attorney which—

(1) Designates the Securities and Exchange Commission as an agent upon whom may be served any process, pleadings, or other papers in any civil suit or action brought against the person executing the consent and power of attorney or to which he has been joined as defendant or respondent, in any appropriate court in any place subject to the jurisdiction of the United States, where the cause of action (i) accrues on or after the effective date of this section, and (ii) arises out of any offering made or purported to be made under §§ 230.251 to 230.262 or any purchase or sale of any security in connection therewith; and

(2) Stipulates and agrees that any such civil suit or action may be commenced by the service of process upon the Commission and the forwarding of a copy thereof as provided in paragraph (b) of this section, and that the service as aforesaid of any such process, pleadings, or other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

(b) Service of any process, pleadings or other papers on the Commission under this section shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf. Whenever any process, pleadings or other papers as aforesaid are served upon the Commission, it shall promptly forward a copy thereof by registered mail to the appropriate defendants at their last address of record filed with the Commission. The Commission shall be furnished a sufficient number of copies for such purpose, and one copy for its files.

[F. R. Doc. 56-6173; Filed, July 31, 1956; 8:47 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

SUBPART B—FORMS PERTAINING TO EXEMPTIONS

The following forms and rules pertaining to such forms have been adopted by the Commission as a part of the revised Regulation A:

Sec.

239.90 Form 1–A, notification under Regulation A.
239.91 Form 2–A, report pursuant to Rule 260 of Regulation A.
239.92 Form 3–A, irrevocable appointment by individual of agent for service of process, pleadings, and other papers.
239.93 Form 4–A, irrevocable appointment by corporation of agent for service of process, pleadings, and other papers.
239.94 Form 5–A, certificate of resolution authorizing irrevocable appointment by corporation of agent for service of process, pleadings, and other papers.
239.95 Form 6–A, irrevocable appointment by partnership of agent for service of process, pleadings, and other papers.

AUTHORITY: §§ 239.90 to 239.95 issued under sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 23, 1956.

§ 239.90 *Form 1–A, notification under Regulation A.*[1]

Item 1. The issuer. Furnish the following information as to the issuer of the securities proposed to be offered hereunder:

(a) Exact name of issuer;

(b) Date of incorporation or organization and name of State or Province or other jurisdiction under the laws of which it was incorporated or organized;

(c) Name of State or Province or other jurisdiction in which issuer's principal business operations are conducted or proposed to be conducted;

(d) If the issuer is subject to Rule 253 (b), names of all States and Provinces in which the issuer owns or leases, or proposes to own or lease, any mine, plant or other physical property, indicating all such properties held or to be held in each such State or Province. Furnish similar information as to any such properties held or to be held in any country other than the United States or Canada.

Item 2. Predecessors, affiliates and principal security holders of issuer. List the full name and complete address of each of the following persons:

(a) Each predecessor of the issuer. If any such predecessor is no longer in existence, so state and give its last address prior to its dissolution.

(b) Each affiliate of the issuer, indicating the nature of the affiliation.

(c) Each person who owns of record, or is known to own beneficially, ten percent or more of the outstanding securities of any class of the issuer, stating the title and amount owned by each such person.

Item 3. Directors, officers, and promoters. List the full name and complete residence address of each of the following persons:

(a) Each director of the issuer;

(b) Each officer of the issuer, indicating all positions and offices held with the issuer;

(c) If the issuer was incorporated or organized within the past three years, each promoter of the issuer.

Item 4. Counsel for issuer and underwriters. Give the name and address of counsel for the issuer in connection with the proposed offering. Furnish similar information as to any counsel for the underwriters.

Item 5. Actions against the issuer or its predecessors or affiliated issuers. State whether the issuer or any of its predecessors or affiliated issuers—

(a) Has been convicted of any crime or offense specified in paragraph (c) (3) of Rule 252;

(b) Is subject to any order, judgment or decree specified in paragraph (c) (4) of that rule; or

(c) Is subject to a United States Post Office fraud order.

Instructions. If the answer to any of the foregoing sub-items is in the affirmative, explain fully, giving the pertinent names, dates and other details.

Item 6. Actions against directors, officers, and others. State whether any person specified in paragraph (d) of Rule 252—

(a) Has been convicted of any crime or offense specified in subparagraph (1) thereof;

(b) Is subject to any order, judgment or decree specified in subparagraph (2) thereof;

(c) Has been and is suspended or expelled from membership in any national or provincial securities dealers association or national securities exchange or Canadian securities exchange;

(d) Is subject to a United States Post Office fraud order.

Instruction. If the answer to any of the foregoing sub-items is in the affirmative, explain fully, giving the pertinent names, dates, and other details.

Item 7. Connection of underwriters with other offerings. State whether or not any underwriter or other person specified in paragraph (e) of Rule 252 was, or was named as, an underwriter of any securities covered by a registration statement or other filing of the character specified in subparagraph (1) or (2) of that paragraph.

Instruction. If the answer to the foregoing item is in the affirmative, explain fully, giving the pertinent names, dates, and other details.

Item 8. Jurisdictions in which securities are to be offered. (a) If the issued is subject to Rule 253 (b), state the Province in which the securities covered by this notification have been or will be qualified or made eligible for offering.

(b) List the names of the States, Provinces, and other jurisdictions in which the securities covered by this notification are proposed to be offered through underwriters, dealers, or salesmen in such jurisdictions.

(c) If the offering is to be made by advertisements, mail, telephone, or otherwise in States, Provinces, or other jurisdictions other than those listed under (b) above, describe the methods proposed to be employed in making the offering therein and list such States, Provinces, or other jurisdictions to the extent that they are known.

(d) If the offering or any part thereof is to be made by use of the facilities of any securities exchange, name the exchange.

NOTE: No securities shall be offered or sold in any other State, Province or other jurisdiction or by use of the facilities of any other exchange until an amendment to the notification has been filed listing the names of the additional jurisdictions or exchanges.

Item 9. Unregistered securities issued or sold within one year. (a) As to any unregistered securities issued by the issuer or any of its predecessors or affiliated issuers within one year prior to the filing of this notification, state (i) the name of such issuer; (ii) the title and amount of securities issued; (iii) the aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof; and (iv) the names of the persons or the identity of the class of persons to whom the securities were issued.

(b) As to any unregistered securities of the issuer or any of its predecessors or affiliated issuers which were sold within one year prior to the filing of this notification by or for the account of any person who at the time was a director, officer, promoter or principal security holder of the issuer of such securities, or was an underwriter of any securities of such issuer, furnish the information specified in (i) through (iv) of paragraph (a).

(c) Indicate the section of the Act or rule or regulation of the Commission under which exemption from the registration was claimed with respect to such securities and state briefly the facts relied upon for the exemption.

Item 10. Other present or proposed offerings. State whether or not the issuer or any of its affiliated issuers is presently offering or presently contemplates the offering of any securities, in the United States or Canada, in addition to those covered by this notification. If so, describe fully the present or proposed offering.

Item 11. Exhibits. Four copies of each of the documents specified below shall be filed as exhibits to the notification. List under this item all such documents filed.

[1] The notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

(a) Any indenture or other instruments defining the rights of holders of debt securities to be offered hereunder. If equity securities are to be offered, furnish copies of the provisions of the governing instruments defining the rights of holders of such securities.

(b) All underwriting contracts relating to the securities to be offered hereunder.

(c) A written statement signed by each underwriter of the securities proposed to be offered hereunder consenting to being named in the offering circular as an underwriter of such securities. All underwriters may sign the same consent, or separate consents may be signed by any underwriter or group of underwriters. At least one copy of each consent shall be signed manually.

(d) If any of the securities proposed to be offered hereunder are to be offered for the account of any person other than the issuer, a written statement signed by the issuer representing that the proposed offering will not interfere with any needed financing by the issuer under this regulation.

(e) Each consent to service of process required by Rule 262. Each such consent shall be prepared and executed in conformity with the appropriate form prescribed therefor. At least one copy of each such consent shall be signed manually. Any copies not manually signed shall bear typed or printed signatures.

(f) The offering circular required by Rule 256, or if the offering is to be made pursuant to Rule 257, the statement required by paragraph (a) of that rule and any offering circular to be used in connection with such offering.

(g) If any accountant, engineer, geologist, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the notification required by Rule 255, the offering circular required by Rule 256 or the statement required by Rule 257, or is named as having prepared or certified a report or valuation, whether or not for use in connection with the notification, offering circular or statement, the written consent of such person shall be filed unless the Commission dispenses with such filing as impracticable or as involving undue hardship.

SIGNATURE [2]

This notification has been signed in the city of ----------, State (or Province) of ---------- on ----------, 19--.

(Issuer)

By ----------
(Name and title)

(Selling security holder)

SCHEDULE I—INFORMATION REQUIRED TO BE INCLUDED IN THE OFFERING CIRCULAR REQUIRED BY RULE 256

The offering circular required by Rule 256, or statement required by Rule 257, shall be dated and shall contain the following information:

1. The following statement shall be set forth on the outside front cover page of the offering circular in capital letters in type as large as that used generally in the body of the circular:

These securities are offered pursuant to an exemption from registration with the United States Securities and Exchange Commission. The Commission does not pass upon the merits of any securities nor does it pass upon the accuracy or completeness of any offering circular or other selling literature.

[2] The notification shall be signed in accordance with Rule 255. At least one copy shall be signed manually by or on behalf of the issuer and each selling security holder. Any copies not manually signed shall bear typed or printed signatures.

2. State the exact name and address of the issuer, the name of the State or other jurisdiction under the laws of which it was incorporated or organized and the date of its incorporation or organization.

3. (a) Give the following information, in the tabular form indicated, on the outside front cover page of the offering circular on a per-share or other unit basis.

Offering price to public	Underwriting discounts or commissions	Proceeds to issuer or other persons

(b) If any of the securities are to be offered for the account of any person other than the issuer, give the name and address of each such security holder, the total amount he owns and the amount to be offered hereunder for his account.

4. (a) State the amount of securities to be offered pursuant to this regulation, the aggregate offering price to the public, the aggregate underwriting discounts or commissions, the amount of expenses of the issuer and the amount of expenses of the underwriters to be borne by the issuer, and the aggregate proceeds to the issuer or security holders for whose account the securities are to be offered.

(b) If the securities are not to be offered for cash, state the basis upon which the offering is to be made.

5. Describe briefly the method by which the securities are to be offered and if the offering is to be made by or through underwriters, the name and address of each underwriter and the amount of the participation of each such underwriter, indicating the nature of any material relationship between the issuer and such underwriter.

6. (a) Furnish a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating in what order of priority the proceeds will be used for the respective purposes.

(b) Describe any arrangements for the return of funds to subscribers if all of the securities to be offered are not sold; if there are no such arrangements, so state.

7. Give a brief description of the securities to be offered pursuant to this regulation. Include the following information:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, the conversion rate.

(b) In the case of debt securities, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1965 to 1975"; if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, the conversion rate.

(c) In the case of any other kind of securities, appropriate information of a comparable character.

8A. *Mining business.* If the issuer is engaged or proposes to engage in mining or exploratory mining operations, briefly describe the business or proposed business of the issuer in accordance with the following instructions:

(a) Give the location and means of access to the mining properties now held or intended to be acquired and the nature of the title under which such properties are held or intended to be held. Indicate any known risks to which such title may be subject.

(b) Identify the principal metallic or other constituents of the deposits to be explored or developed and describe the characteristics of such deposits. No claim shall be made as to the existence of a body of ore unless it has been sufficiently tested to be properly classified as "proven" or "probable" ore, as defined below. If the work done has not established the existence of proven or probable ore, a statement shall be made that no body of commercial ore is known to exist on the property.

(c) The term "proven ore" means a body of ore so extensively surrounded by sampled faces that a risk of failure in continuity is reduced to a minimum. The term "probable ore" means ore as to which the risk of failure in continuity is greater than for proven ore, but as to which there is sufficient warrant for assuming continuity of the ore.

(d) If statements are made as to the existence of proven or probable ore, furnish separately for the information of the Commission copies of the pertinent maps and other supporting data, including calculations, with respect to such ore. Geologists' and engineers' reports, if used in an offering circular, shall be written in a clear and concise form.

(e) If the properties are known to have been previously explored, developed or mined by anyone and that fact or the results of such previous work is material, furnish information as to such work insofar as it is known and material.

8B. *Oil or gas business.* If the issuer is engaged or proposes to engage in the oil or gas business, briefly describe the business or proposed business of the issuer in accordance with the following instructions:

(a) State the area and location of the various properties proposed to be developed or exploited by the issuer and the nature of the issuer's interest therein.

(b) State the development which has occurred to date on or near the properties held. If no such development has occurred, a statement to that effect shall be made.

(c) State (in tabular form), for all productive properties, net production of oil and gas to issuer's interest from each of the properties by years for the past four years prior to the latest year, and by months for the latest year, as well as the number of net producing wells owned by the issuer which contributed to the production during each of the time periods involved.

(d) State the estimated future reserves net to issuer's interest in such properties which are proved.

(e) If statements concerning geology or engineering are made, furnish separately for the information of the Commission copies of the pertinent reports and other supporting data. Geologists' and engineers' reports, if used in an offering circular, shall be written in a clear and concise form.

8C. *Other business.* If the issuer is engaged or proposes to engage in any business other than those specified in Items 8A and 8B, briefly describe the business or proposed business of the issuer in accordance with the following instructions:

(a) State the nature of issuer's present or proposed products or services, the principal market therefor and the length of time issuer has been in commercial production.

(b) State the location and general character of the plants or other physical properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held.

(c) If the issuer intends to exploit or develop any new invention or process, state how such invention or process is to be applied commercially and whether or not it is covered by any patent, issued or pending. Identify by serial number and date any applicable patents or patent applications.

(d) Engineers' and other technical reports, if used in the offering circular, shall be written in a clear and concise form.

9. (a) Give the full names and complete residence addresses of all directors and officers of the issuer and of any person or persons controlling the issuer. If the issuer was incorporated or organized within the last three years, furnish similar information as to all promoters of the issuer.

(b) State the aggregate annual remuneration of all directors and officers of the issuer as a group and the annual remuneration of each of the three highest-paid officers of the issuer.

(c) Describe all direct and indirect interests (by security holdings or otherwise) of each person named in answer to (a) above (i) in the issuer or its affiliates and (ii) in any material transactions within the past two years or in any material proposed transactions to which the issuer or any of its predecessors or affiliates was or is to be a party. Include the cost to such persons of any property or services for which any payment by or for the account of the issuer has been or is to be made.

(d) If the issuer was incorporated or organized within the last three years, state the percentage of outstanding securities of the issuer which will be held by directors, officers and promoters, as a group, and the percentage of such securities which will be held by the public, if all of the securities to be offered under this regulation are sold, and the respective amounts of cash (including cash expended for property transferred to the issuer) paid therefor by such group and by the public.

10. A brief description of all options or warrants presently outstanding or proposed to be granted to purchase securities of the issuer, including the names of the principal holders of such options or warrants, the cost of the options or warrants to them, the terms and conditions upon which they may be exercised and the price at which the securities may be acquired pursuant to such options or warrants.

11. Furnish appropriate financial statements of the issuer, or of the issuer and its predecessors, as required below. Such statements shall be prepared in accordance with generally accepted accounting principles and practices but need not be certified.

(a) If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, the following statements shall be furnished:

(1) Separate statements of (i) assets, (ii) liabilities, and (iii) capital shares, as of a date within 90 days prior to the filing of the notification, or such longer period of time, not exceeding six months, as the Commission may permit at the written request of the issuer upon a showing of good cause therefor.

(2) A statement of cash receipts and disbursements for each of at least two full fiscal years prior to the date of the statements furnished pursuant to paragraph (1) above, and for the period, if any, between the close of the last full fiscal year and the date of such statements, or for the period of the issuer's existence if less than the period specified above.

In such statements, dollar amounts shall be extended only for cash transactions and transactions involving amounts receivable or payable in cash. Amounts due to or from, or paid to or received from, underwriters, promoters, directors, officers, employees and principal stockholders, shall be stated separately for each such class of persons, if significant in amount. The statement of assets shall include as a separate item unrecovered promotional, exploratory and development costs. The statement of cash receipts and disbursements shall be itemized as appropriate to the nature of the enterprise.

(b) If paragraph (a) does not apply to the issuer, there shall be furnished a balance sheet of the issuer as of the date specified in subparagraph (a) (1) and profit and loss statements and analyses of surplus for the periods specified in subparagraph (a) (2). Even though paragraph (a) may apply to the issuer, a balance sheet in conventional form may nevertheless be furnished in lieu of the statements specified in subparagraph (a) (1) if the assets reflected therein which were acquired in exchange for capital stock are not carried at an amount in excess of identifiable cash cost to promoters, predecessor companies or other transferors.

§ 239.91 *Form 2–A, report pursuant to Rule 260 of Regulation A.*

1. Name of issuer ----------
2. Name of underwriter ----------
3. Date of this report ----------
4. (a) Date offering commenced ----------
   (b) Date offering completed, if completed ----------
   (c) If offering has not commenced, state reasons briefly ----------
5. (a) Total number of shares or other units offered hereunder ----------
   (b) Number of such shares or other units sold from commencement of offering to date ----------
   (c) Number of such shares or other units still being offered ----------
6. (a) Total amount received from public from commencement of offering to date ---------- $----------
   (b) Underwriting discount allowed ---------- $----------
   (c) Expenses paid to or for the account of the underwriters ---------- $----------
   (d) Other expenses paid to date by or for the account of the issuer:
      (1) Legal (including organization) ---------- $----------
      (2) Accounting ---------- $----------
      (3) Engineers' fees incurred prior to offering ---------- $----------
      (4) Printing and advertising ---------- $----------
      (5) Other ---------- $----------
   (e) Total costs and expenses ((b), (c) and (d)) ---------- $----------
   (f) Proceeds to issuer after above deductions ((a) minus (e)) ---------- $----------
7. Use of net proceeds from commencement of offering to date:

	Payments to officers, directors and affiliates	Payments to others
(a) Salaries and fees	$----------	$----------
(b) Purchase of real estate	$----------	$----------
(c) Purchase and installation of machinery and equipment	$----------	$----------
(d) Construction of plant building and facilities	$----------	$----------
(e) Development expense (product development, research, patent costs, etc.)	$----------	$----------
(f) Purchase of raw materials, inventories, supplies, etc	$----------	$----------
(g) Selling, advertising, and other sales promotion	$----------	$----------
(h) Other disbursements	$----------	$----------
(i) Totals	$----------	$----------
(j) Balance of cash proceeds on hand	$----------	

Instructions. 1. If the issuer is a mining company, substitute for captions (e), (f) and (g) the following captions: "Road building," "Exploration expense (other than drilling)," "Exploratory drilling" and "Mine Development."

2. If the issuer is an oil or gas company, substitute for captions (e), (f) and (g) the following caption: "Exploratory and other drilling."

8. State briefly the nature and extent of each type of the issuer's principal activities to date.

Instruction. Mining companies shall include exploratory activity, showing the aggregate footage of exploratory drilling and number of holes drilled. Oil and gas companies shall include the number of wells drilled and their depth. Other companies shall include information as to plant construction, development, production and sales.

9. State whether the offering has been discontinued, and if so, state the date and describe briefly the reasons for such discontinuance.
10. List the names and addresses of all brokers and dealers who have, to the knowledge of the issuer or underwriters, participated in the distribution of the securities offered during the period covered by this report.

Instruction. In reports made subsequent to the initial report, the information need be given only with respect to persons not previously reported.

11. State the number of shares held by each promoter, director, officer or controlling person of the issuer, if different from the amount stated in the offering circular.

(Issuer) *

Date ----------

By ----------
(Name and title) *

(Selling security holder) *

Date ----------

*At least one copy of the report shall be signed manually by each person whose signature is required. Any copies not manually signed shall bear typed or printed signatures.

§ 239.92 *Form 3–A, irrevocable appointment by individual of agent for service of process, pleadings and other papers.*

1. I, ---------- (Name) of ---------- (Address), hereby designate and appoint, without power of revocation, the United States Securities and Exchange Commission as my agent upon

whom may be served all process, pleadings and other papers in any civil suit or action brought against me arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, in any court of competent jurisdiction, Federal, State or Territorial, located in the United States or in its territories.

2. I hereby consent, stipulate and agree, without power of revocation—

(a) That any civil suit or action brought against me arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, may be commenced against me in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories as defined by the Securities Act of 1933, by service of process upon the United States Securities and Exchange Commission;

(b) That service of process, pleadings or other papers upon the United States Securities and Exchange Commission, as aforesaid, shall be taken and held in all courts to be as valid and as binding upon me as if due personal service had been made upon me; and

(c) That service upon the United States Securities and Exchange Commission may be effected by delivering copies of said process, pleadings, or other papers to the Secretary of the said Commission or any other person designated by it for such purpose, and that the certificate of the Secretary of the United States Securities and Exchange Commission or of such other person reciting that said process, pleadings or other papers were received by the United States Securities and Exchange Commission and that a copy of each such process, pleading, or other paper was forwarded to me at the last address supplied by me shall constitute evidence of such service upon me.

In witness whereof, I have executed this irrevocable power of attorney, consent, stipulation and agreement at ---------- this ---------- day of ----------, A. D. 19--.

---------- [SEAL]

State (or Province) of ----------}
County of ----------} ss.

I, ----------, ----------
(Name) (Official position)*

in and for said County in the State (or Province) aforesaid, do hereby certify that ----------
(Name of individual appointing agent for service)

personally appeared before me this day and signed and sealed the above instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this ---------- day of ----------, A. D. ----------.

(Official position)

My commission (or office) expires ----------.

NOTE: The person executing this irrevocable power of attorney, consent, stipulation and agreement should appear before a person authorized to administer acknowledgments in the jurisdiction in which it is executed and acknowledge that he executed it as his free and voluntary act. The acknowledgement should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the validity or effect of the foregoing irrevocable power of attorney, consent, stipulation and agreement.

*Notary Public or other official authorized by law to administer oaths.

§ 239.93 *Form 4-A, Irrevocable appointment by corporation* of agent for service of process, pleadings, and other papers.*

1. The ----------
(Name of corporation)

a corporation, duly organized and existing by virtue of the laws of ----------, hereby designates and appoints, without power of revocation, the United States Securities and Exchange Commission, as the agent of said corporation upon whom may be served all process, pleadings, and other papers in any civil suit or action brought against said corporation arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories.
(Name of State or Province)

2. Said corporation, ----------,
(Name of corporation)

hereby consents, stipulates and agrees, without power of revocation—

(a) That any civil suit or action brought against it arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, may be commenced against it in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories as defined by the Securities Act of 1933, by service of process upon the United States Securities and Exchange Commission;

(b) That service of process, pleadings, and other papers upon the United States Securities and Exchange Commission, as aforesaid, shall be taken and held in all courts to be as valid and as binding upon it as if due personal service thereof had been duly made upon it; and

(c) That service upon the United States Securities and Exchange Commission may be effected by delivering copies of said process, pleadings or other papers to the Secretary of the said Commission or any other person designated by it for such purpose, and that the certificate of the Secretary of the United States Securities and Exchange Commission or of such other person reciting that said process, pleadings or other papers were received by the United States Securities and Exchange Commission and that a copy of each such process, pleading, or other paper was forwarded to this corporation at the last address supplied by it shall constitute evidence of such service upon this corporation.

In witness whereof the president and secretary of ----------
(Name of corporation)

by the authority and direction of the Board of Directors of said corporation, have executed this irrevocable power of attorney and consent, stipulation and agreement, for and on behalf of the said corporation, at ----------, this ---------- day of ----------, A. D. ----------.

(Corporate name)

[CORPORATE SEAL] By ----------
(President)

Attest:

(Secretary)

State (or Province) of ----------}
County of ----------} ss.

I, ----------, a ----------
(Official position)**

in and for said County in the State (or Province) aforesaid, do hereby certify that ---------- and ----------
(Name of president) (Name of secretary)

personally appeared before me this day, stated that they are respectively the president and secretary of the ----------,
(Name of corporation)

that they are the same persons named in the foregoing instrument as the president and secretary of said corporation and that they have been duly authorized to execute said instrument for the corporation, and signed and sealed said instrument for and on behalf of said corporation as its free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this ---------- day of ----------, A. D. 19--.

(Official position)

My commission (or office) expires ----------.

NOTE: The person (or persons) executing this irrevocable power of attorney, consent, stipulation and agreement should appear before a person authorized to administer acknowledgements in the jurisdiction in which it is executed and acknowledge that he (or they) executed it as his (or their) free and voluntary act. The acknowledgment should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgement suggested should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any acknowledgement to meet applicable requirements shall not affect the validity or effect of the foregoing irrevocable power of attorney, consent, stipulation and agreement.

*In the case of an association or other form of organization, appropriate revisions should be made.

**Notary Public or other official authorized by law to administer oaths.

§ 239.94 *Form 5-A, Certificate of resolution authorizing irrevocable appointment by corporation* of agent for service of process, pleadings and other papers.*

At a duly constituted meeting of the Board of Directors of ----------, a
(Name of corporation)

corporation organized and existing by virtue of the laws of ----------,
(Name of State or Province)

held at the office of said corporation at ---------- on the ---------- day of ----------, A. D. 19--, the following resolution was adopted:

Be it resolved that the president and secretary of this corporation, ----------,
(Name of corporation)

be and hereby are authorized and directed to to execute in legal form, and to deliver to the United States Securities and Exchange Commission, on behalf of this corporation, in such wording as may be prescribed by or acceptable to the United States Securities and Exchange Commission,

(1) A power of attorney designating and appointing, without power of revocation, the United States Securities and Exchange Commission as the agent of this corporation upon whom may be served all process, pleadings and other papers in any civil suit or action brought against this corporation arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories as defined by the Securities Act of 1933;

(2) A stipulation, consent and agreement, likewise without power of revocation, that any civil suit or action brought against this corporation arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, may be commenced against this corporation in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories as defined by the Securities Act of 1933, by service of process upon the United States Securities and Exchange Commission; and

(3) A stipulation, consent and agreement that service upon the United States Securities and Exchange Commission may be effected by delivering copies of said process, pleadings or other papers to the Secretary of the United States Securities and Exchange Commission or any other person designated by it for such purpose, that the certificate of the Secretary of the United States Securities and Exchange Commission or of such other person reciting that said process, pleadings or other papers were received by the United States Securities and Exchange Commission and that a copy of each such process, pleading or other paper was forwarded to this corporation at the last address supplied by it shall constitute evidence of such service upon this corporation, and that service of process, pleadings and other papers upon the United States Securities and Exchange Commission, as aforesaid, shall be taken and held in all courts to be as valid and binding upon this corporation as if due personal service thereof had been duly made.

State (or Province) of ----------}
County of ----------} ss.

I, ----------, being duly sworn, depose and say that I am secretary of ----------, and that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors of said corporation on the ---------- day of ----------, A. D. 19--, as the same appears on the records of said corporation now in my custody and control.
(Name of corporation)

In witness whereof, I have hereunto set my hand and affixed the seal of said corporation.

[CORPORATE SEAL] ----------
(Secretary)

Subscribed and sworn to before me this ---------- day of ---------- A. D. 19--.

[SEAL] ----------
(Official position)**

My commission (or office) expires ----------.

NOTE: This certificate of resolution should be executed and verified before a person authorized to administer oaths in the jurisdiction in which it is executed. The verification should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any verification to meet applicable requirements shall not affect the validity or effect of the foregoing certificate of resolution.

*In the case of an association or other form of organization, appropriate revisions should be made.

**Notary Public or other official authorized by law to administer oaths.

§ 239.95 *Form 6-A, Irrevocable appointment by partnership of agent for service of process, pleadings and other papers.*

1. The undersigned, jointly and severally, as follows,

---------- (Name), ---------- (Name),
---------- (Name), ---------- (Name),
---------- (Name), ---------- (Name)

members of a partnership doing business as ----------, having its principal
(Firm name)

place of business at ----------, hereby designate and appoint, without power of revocation, the United States Securities and Exchange Commission as the agent of the partnership, and as the agent of each of them individually, upon whom may be served all process, pleadings, and other papers in any civil suit or action brought against said partnership firm, or against said persons, jointly or severally, arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, in any court of competent jurisdiction, Federal, State, or Territorial, located in the United States or in its territories as defined by the Securities Act of 1933.

2. The undersigned, jointly and severally, and as members of a partnership doing business as ----------, hereby consent, stipulate and agree, without power of revocation—
(Firm name)

(a) That any civil suit or action arising out of any offering made or purported to be made under Regulation A, adopted by the United States Securities and Exchange Commission under the Securities Act of 1933, or any purchase or sale of any securities in connection therewith, may be commenced against said partnership firm, or against said persons, jointly or severally, in any court of competent jurisdiction located in the United States or in its Territories as defined by the Securities Act of 1933, by service of process upon the United States Securities and Exchange Commission,

(b) That service of process, pleadings and other papers upon the United States Securities and Exchange Commission, as aforesaid, shall be taken and held in all courts to be as valid and as binding on said partnership firm, and on said persons, jointly and severally, as if due personal service had been duly made, and

(c) That service upon the United States Securities and Exchange Commission may be effected by delivering copies of said process, pleadings, or other papers to the Secretary of the said Commission or any other person designated by it for such purpose, and that the certificate of the Secretary of the United States Securities and Exchange Commission or such other person reciting that said process, pleadings or other papers were received by the United States Securities and Exchange Commission and that a copy of each such process, pleading, or other paper was forwarded to said partnership firm and to each said person at the last address supplied by said partnership firm and by each such person shall constitute evidence of such service upon said partnership firm and each said person.

In witness whereof, the undersigned, individually and as members of said partnership doing business as ----------,
(Firm name)

have executed this irrevocable power of attorney and consent, stipulation and agreement for the purposes herein set forth at ---------- this ---- day of ----------, A. D. 19--.

---------- [SEAL]
---------- [SEAL]
---------- [SEAL]
---------- [SEAL]
---------- [SEAL]
---------- [SEAL]

State (or Province) of ----------}
County of ----------} ss.

I, ----------, ---------- in
(Official position)*

and for said County in the State (or Province) aforesaid, do hereby certify that

---------- (Name), ---------- (Name),
---------- (Name), ---------- (Name),
---------- (Name), ---------- (Name)

personally appeared before me this day and signed and sealed the above instrument as their free and voluntary act, and as the free and voluntary act of each of them, for the uses and purposes herein set forth.

Given under my hand and seal this ---- day of ----------, A. D. 19--.

(Official position)*

My commission (or office) expires ----------.

NOTE: The person (or persons) executing this irrevocable power of attorney, consent, stipulation and agreement should appear before a person authorized to administer acknowledgments in the jurisdiction in which it is executed and acknowledge that he (or they) executed it as his (or their) free and voluntary act. The acknowledgment should be in the form prescribed by the law of the jurisdiction in which it is executed. The form of acknowledgment suggested should be used only if it is consistent with the requirements of the law of such jurisdiction.

The failure of any acknowledgment to meet applicable requirements shall not affect the validity or effect of the foregoing irrevocable power of attorney, consent, stipulation and agreement.

*Notary public or other official authorized by law to administer oaths.

[F. R. Doc. 56-6174; Filed, July 31, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER ACTING ON PROPOSALS TO ADOPT DEFINITIONS AND STANDARDS OF IDENTITY FOR MOZZARELLA CHEESE, SCARMOZE CHEEESE; PART-SKIM MOZZARELLA CHEESE, PART-SKIM SCARMOZE CHEESE; RICOTTA CHEESE; PART-SKIM RICOTTA CHEESE

In the matter of adopting definitions and standards of identity for mozzarella cheese, scarmoze cheese, part-skim mozzarella cheese, part-skim scarmoze cheese, ricotta cheese, part-skim ricotta cheese:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 15, 1956 (21 F. R. 1657), setting forth proposals to adopt definitions and

standards of identity for mozzarella cheese, scarmoze cheese, part-skim mozzarella cheese, part-skim scarmoze cheese, ricotta cheese, and part-skim ricotta cheese. The notice invited all interested persons to submit their views and comments on the proposals.

Upon consideration of the views and comments submitted, the information furnished by the petitioner, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt, with slight modifications, the definitions and standards of identity proposed for ricotta cheese and part-skim ricotta cheese; but in view of the comments received with respect to the standards proposed for mozzarella cheese, scarmoze cheese, part-skim mozzarella cheese, and part-skim scarmoze cheese, it is concluded that standards for such cheeses based on the proposals published in the FEDERAL REGISTER of March 15, 1956 (supra), should not be adopted.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54, 55; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), *It is ordered:*

1. That no standards be adopted for mozzarella cheese, scarmoze cheese, part-skim mozzarella cheese, and part-skim scarmoze cheese; and

2. That Part 19 be amended by adding thereto the following new sections:

§ 19.532 *Ricotta cheese; identity.* (a) Ricotta cheese is the food prepared from heated milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent of moisture and not less than 11 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which may be warmed or pasteurized or both, and which may be clarified or homogenized or both, is mixed with an acidifying agent prescribed by paragraph (d) of this section. Salt may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity of not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) may be added to set the milk. The mixture is heated until a temperature of about 180° F. is reached, and it is held near that temperature until the curd separates. The curd is removed by skimming, or the whey is drained or siphoned off. The curd is placed in perforated containers to permit further drainage. The containers may be placed in cold water for cooling, and they are then removed from the water for further drainage. Additional curd may be obtained from the whey by the further addition of an acidifying agent prescribed by paragraph (d) of this section, or by further heating or both. The curd may be whipped or beaten to obtain a finer texture.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a sufficient quantity to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Ricotta cheese shall be deemed to have been prepared from heated milk if during its preparation the milk or the mixture of milk and other ingredients specified in this section have been held at a temperature of not less than 143° F. for a period of not less than 30 minutes of for a time and at a temperature equivalent thereto in phosphatase destruction. Ricotta cheese shall be deemed not to have been prepared from properly heated milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (f), moist cottage cheese modification.

(d) The acidifying agents prescribed in paragraph (b) of this section are one or a mixture of two or more of the following: Culture of harmless lactic-acid-producing bacteria, a vinegar, fermented whey, lactic acid, and citric acid.

§ 19.533 *Part-skim ricotta cheese; identity.* Part-skim ricotta cheese conforms to the definition and standard of identity prescribed by § 19.532 for ricotta cheese, except that it contains less than 11 percent of milk fat, but not less than 6 percent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective six months from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies 68 Stat. 54; 21 U. S. C. 341)

Dated: July 26, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6176; Filed, July 31, 1956; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 785—HOURS WORKED

TRAVEL TIME

Pursuant to General Order No. 45-A (15 F. R. 3290), and under its authority, § 785.3 (1) (5) (ii) of Part 785 of Title 29, Code of Federal Regulations is amended to read as follows:

§ 785.3 *Application of the principles.* • • •

(1) *Travel time.* • • •

(5) • • •

(ii) Normal travel from home to work is not worktime. However, there may be instances when travel from home to work is worktime. For example, if an employee who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers, all time spent on such travel is working time. The Divisions are taking no position on whether travel to the job and back home by an employee who receives an emergency call outside of his regular hours to report back to his regular place of business to do a job is working time.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 26th day of July 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-6165; Filed July 31, 1956; 8:45 a.m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter D—Navigation Requirements for Certain Inland Waters

[CGFR 56-34]

PART 82—BOUNDARY LINES OF INLAND WATERS

GULF COAST; EDITORIAL CHANGES

In the description of the boundary lines of inland waters from Mobile Bay, Alabama, to Sabine Pass, Texas, in 33 CFR 82.95 and 82.103, Pass a Loutre Lighted Whistle Buoy 4 is used as a reference point. This buoy is being relocated because of shoaling in Pass a Loutre.

Other buoys used as reference points in 33 CFR 82.95 and 82.103 are also subject to relocation, from time to time, for similar reasons.

In order to prevent confusion as to the location of the boundary lines established and published in the FEDERAL REGISTER of December 8, 1953 (18 F. R. 7893), it is necessary to correct editorially the description of reference points in 33 CFR 82.95 and 82.103 by substituting fixed geographical points for floating aids to navigation which are subject to change.

The amendments to 33 CFR 82.95 and 82.103 are editorial changes for the sole purpose of redescribing the location of such boundary lines. Although new reference points are used in lieu of Pass a Loutre Lighted Whistle Buoy 4 and other floating aids to navigation, these changes do not change the location of the boundary lines established and published in the FEDERAL REGISTER of December 8, 1953.

Because the amendments in this document are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective upon date of publication of this document in the FEDERAL REGISTER:

§ 82.95 *Mobile Bay, Ala., to Mississippi Passes, La.* Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to a point 5.9 miles, 210.5° true, from Mobile Point Lighthouse; thence to Ship Island Lighthouse; thence to Chandeleur Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleur Islands to the southwestern-most extremity of Errol Shoal (lat. 29°35.8' N., long. 89°00.8' W.); thence to a point 5.1 miles, 106° true, from Pass a Loutre Abandoned Lighthouse.

§ 82.103 *Mississippi Passes, La., to Sabine Pass, Tex.* A line drawn from a point 5.1 miles, 106° true, from Pass a Loutre Abandoned Lighthouse to a point 1.7 miles, 113° true, from South Pass West Jetty Light; thence to a point 1.8 miles, 189° true, from South West Pass Entrance Light; thence to Ship Shoal Lighthouse; thence to a point 10.2 miles, 172° true, from Calcasieu Pass Entrance Range Front Light; thence to a point 2.5 miles, 163° true, from Sabine Pass East Jetty Light.

(Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

Dated: July 25, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 56-6170; Filed, July 31, 1956; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 16th day of July A. D. 1956.

The matter of special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 5 (2), 206, 209, 210a (b), and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto being under consideration, and

It appearing that a notice, dated May 11, 1955, in No. MC–C–1811, to the effect that certain amendments of the said rules and regulations were to be given consideration, was published in the FEDERAL REGISTER on May 18, 1955 (20 F. R. 3476), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to submit written data, views, or arguments with respect to said proposed amendments; and that all written arguments, opinions, or statements of facts submitted concerning the matter having been considered, and no oral hearing being deemed necessary, amendment of the said rules and regulations is deemed justified and necessary:

It is ordered, That § 1.240(a) be amended to read as follows:

§ 1.240 *Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for temporary authority respecting the transportation of property or passengers under section 210a (b) of the act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of this part. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

It is further ordered, That § 1.241 be amended so as to read as follows:

§ 1.241 *Special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206, 209, and 211 of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER.

(b) *Notice to interested persons.* (1) Notice to interested persons of the filing of such applications shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority sought.

(2) If an oral hearing or a prehearing conference is to be held, the date, hour, and place of the hearing or prehearing conference, together with the name of the examiner or number of the joint board before whom the matter is assigned, shall be made a part of the notice. Notice of a change in the time or place of hearing will be given as provided in paragraph (e) of this section, and may or may not be published in the FEDERAL REGISTER.

(3) If the Commission, acting upon request of an applicant for handling without oral hearing or upon its own motion, determines that an oral hearing is not necessary, that fact shall be made a part of the notice. Such a proceeding is hereinafter referred to as a "no oral hearing proceeding."

No other notice by applicants to interested persons of the filing of the applications is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are a part of the prescribed form of application.

(c) *Protests to applications assigned for hearing.* (1) Any person opposed to an application assigned for oral hearing need not file a formal protest, but may become a party protestant at the oral hearing provided he has notified the applicant and the Commission of his intention to protest the application. Such notification shall be made by letter or telegram dispatched so as to reach applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission.

(2) No person who fails to notify the applicant of his intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with Rule 72 of the general rules of practice.

(3) Any person opposed to an application assigned for prehearing conference may become a party protestant at the prehearing conference.

(4) Rule 73 of the general rules of practice relating to participation without intervention is inapplicable to proceedings subject to this paragraph.

(d) *Handling of applications without oral hearing.* (1) An applicant who believes his application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made, the applicant shall submit with his application verified statements of the facts to which his witnesses would testify at an oral hearing if one were held. Applicant shall furnish copies of his verified statements to interested persons upon request from such interested persons.

(2) Protests to the granting of an application in a no oral hearing proceeding shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(3) Failure seasonably to file a protest in a no oral hearing proceeding will be construed as a waiver of opposition and participation in the proceeding except as hereinafter provided in paragraph (d) (6) of this section.

(4) A protest in a no oral hearing proceeding shall include a request for an oral hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(5) The Commission will determine whether an assignment for oral hearing should be made.

(6) If it is determined that an oral hearing should be assigned, notice thereof (except as otherwise provided in paragraph (d) (8) of this section respecting hearings limited to cross-examination) will be published in the FEDERAL REGISTER. Subsequent participation in such proceeding will be governed by the provisions of paragraph (c) of this section.

(7) If the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with Rules 45 (b), 46 (b), 47, 48, 49, 50, 51, 52, 53, and 54 of the general rules of practice.

(e) *Notice of changes in time or place of hearing.* Those who file notice of opposition to an application and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

It is further ordered, That this order shall be effective on October 1, 1956.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6180; Filed, July 31, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

EMPLOYEES' WELFARE EXPENSES; MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

JULY 20, 1956.

Having given further consideration to the matter of modifying the present account 4645, Employees' Welfare Expenses, which previously was covered by a notice dated October 11, 1955, published in the FEDERAL REGISTER issue of October 26, 1955 (20 F. R. 8052), notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission under provisions of sections 204 and 220 of the Interstate Commerce Act (49 U. S. C. 304 and 320) proposes, in lieu of that account, the insertion of a new and additional primary expense account entitled "Employees' Welfare Expenses," under (1) Equipment Maintenance, (2) Transportation, (3) Terminal, (4) Traffic, (5) Insurance and Safety, and (6) Administrative and General, respectively, in which to segregate and record the following classes of employees' welfare expenses:

1. Contributions to health and welfare funds (whether under contract arrangements with the labor organizations or otherwise).

2. Salaries and expenses incurred in conducting relief, benefit, and general medical departments, other than claims covered by Workmen's Compensation Acts.

3. Premium on group insurance policies for benefit of employees.

4. Payments to trustees under profit sharing and pension plans for the benefit of employees in active service.

5. Payments for pensions directly to retired employees or other beneficiaries when no trust fund exists.

The new primary accounts will specify that where the expenses are applicable to employees who engage in work in more than one department, such expenses shall be apportioned to the several new accounts in the same ratio as their pay is distributed to the departmental accounts, or on other equitable basis. Small amounts applicable to time spent on incidental or occasional duties may be included in the account appropriate according to the regular duty or the predominate work assignment of the employee.

Any interested person may on or before August 31, 1956, file with the Commission's Secretary written views or arguments to be considered in this connection. After consideration of representations so received, and giving effect to any changes necessary because of them, it is contemplated that the revision will become effective January 1, 1957.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6179; Filed, July 31, 1956; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 3-(3,4-DICHLOROPHENYL)-1,1-DIMETHYLUREA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been refiled by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, proposing the establishment of a tolerance of 2 parts per million for residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea in or on the following raw agricultural commodities: Alfalfa and grass crops (grass hay).

The original notice of filing was published in the FEDERAL REGISTER of October 22, 1955. The petition was later withdrawn.

The analytical method proposed in the petition for determining residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea is the method described in the notice of filing published in the FEDERAL REGISTER of October 22, 1955 (20 F. R. 7967).

Dated: July 26, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-6175; Filed, July 31, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration further amendments of its Regulation A in addition to those contained in the revised Regulation A adopted today by Securities Act Release No. 3663. The further amendments under consideration would have the effect of making the general exemption from registration under the Securities Act of 1933 which is afforded by Regulation A available only to issuers and offerings meeting specified standards based either upon the existence of a record of net earnings on the part of the issuer or upon a limitation of the number of securities which might be issued pursuant to the exemption. Alternative standards are under consideration which would be based upon satisfying one of these criteria, or upon satisfying the other, or upon satisfying both, or upon satisfying either of them.

These proposals were developed in the course of the Commission's intensive consideration of proposed revisions of Regulation A during the past year. In the course of that consideration proposed revisions were announced for public comment on July 18, 1955 (Securities Act Release No. 3555), and again on February 14, 1956 (Securities Act Release No. 3613), and a public hearing with respect thereto was held on November 15, 1955. The proposed revisions so announced together with the revised and consolidated regulation today adopted, contain provisions imposing additional terms and conditions upon the general exemption afforded by the regulation in order to provide additional protection for investors and to facilitate enforcement by the Commission of the anti-fraud and other provisions of the Securities Act of 1933 in connection with such offerings. The regulation as adopted also clarifies the requirements of the regulation and makes other changes and improvements in its provisions.

In its consideration of these proposals, the Commission received and considered a great deal of information with respect to offerings exempted under Regulation A, including that developed by the Committee on Interstate and Foreign Commerce of the House of Representatives in the course of that Committee's consideration of H. R. 5701 and H. R. 9319 both of which bills related to offerings exempted under regulations adopted by the Commission pursuant to section 3 (b) of the Securities Act of 1933. Information so received, together with the Report of the Interstate and Foreign Commerce Committee of June 28, 1956 (House of Representatives Report No. 2513, 84th Congress, 2d Session), including the minority report which particularly discussed H. R. 11308 lead the Commission to believe that further consideration should be given to revisions of the regulation which would make the exemption afforded thereby available only to issuers and offerings meeting specified standards based either upon earnings or upon the limitation of the number of securities to be offered as distinct from the aggregate offering price of the securities to be offered. Since the determination as to whether such standards should be adopted as well as the selection of a proper standard will require intensive study and opportunity for public comment, the Commission has determined to adopt the revised and improved regulation while at the same time announcing its intention to give further consideration to the question of making the availability of the general exemption depend upon the satisfaction of such standards.

As indicated above, four alternative proposals are under consideration by the Commission. Under the first alternative, the exemption afforded by the regulation would be available only if the issuer had a net income for at least one out of the last five fiscal years. Under the second alternative, the amount of securities which could be offered pursuant to the exemption would be limited to 100,000 units except in the case of debt securities as to which the aggregate number of units would be limited to 3,000. The third alternative would make the exemption available only to issuers satisfying the above earnings tests and then only for offerings of the limited amounts of securities proposed in the second alternative, while under the fourth alternative, the limitation on the amount of securities which might be offered under the regulation would be applicable only to issuers which could not satisfy the earnings requirement, and issuers which could satisfy such requirement could offer any amount of securities under the regulation, provided that the statutory limitations upon the aggregate offering price were complied with.

The limitation of the aggregate number of shares which might be offered under the regulation to 100,000 would mean that in the case of an issuer making an offering in the full aggregate amount of $300,000 permitted by the regulation, the shares could not be offered at a price of less than $3 per share since not more than 100,000 shares could be offered. If the offering price of the individual shares was reduced, the aggregate dollar amount of the offering to the public would have to be correspondingly reduced, that is, for example, if the aggregate permissible amount of 100,000 shares were offered at $1 per share, the aggregate offering price would be $100,000.

Under any of the alternatives proposed, the exemption from the registration requirements afforded by Regulation A would not be available for offerings of large numbers of low-priced shares by issuers having no record of earnings. The Regulation A exemption has heretofore been used by a large number of such issuers. Under the first and the fourth alternatives, large numbers of low-priced shares could still be offered by those issuers which had a record of earnings, while under the first and third alternatives the regulation could not be utilized by any issuer without an earnings record and under the second and fourth alternatives the regulation could be used by issuers without an earnings record but only for offerings of limited amounts of securities.

The alternative proposed amendments referred to above are set forth below:

First alternative. Paragraph (a) of § 230.252 (Rule 252) would be amended to read as follows:

(a) Except as hereinafter provided in this section, securities issued by any of the following persons shall be exempt from registration under the act if offered in accordance with the terms and conditions of this section:

(1) Any corporation, unincorporated association or trust (i) which is incorporated or organized under the laws of the United States or Canada or any State or Province thereof, (ii) which has or proposes to have its principal business operations in the United States or Canada; or any individual who is a resident of, and proposes to have his principal business operations in any State or Province, if such corporation, unincorporated association, trust or individual has had a net income, computed in accordance with generally accepted accounting principles, from operations of the character in which the issuer intends to engage, for any one full fiscal year within the period of five years immediately preceding the date of filing the notification required by § 230.255.

The net income of one or more predecessors will be deemed to be the net income of the issuer for the purpose of this rule if the issuer acquired the major portion of its assets by the acquisition of substantially all of the assets of one or more predecessors, provided such net income is computed on a basis consistent with that of the issuer.

(2) In the case of an offering to existing security holders on a pro rata basis pursuant to warrants or rights, any direct or indirect majority-owned subsidiary of any issuer specified in subparagraph (1) of this paragraph which has securities registered on a national securities exchange pursuant to the provisions of the Securities Exchange Act of 1934.

Second alternative. Paragraph (a) of § 230.254 (Rule 254) would be amended to read as follows:

(a) The aggregate offering price of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were incorporated or organized, or became affiliates of the issuer, within the past two years, shall not exceed $300,000; and the aggregate number of all of such securities offered shall not exceed 3,000 units in the case of any bond, debenture or other evidence of indebtedness or 100,000 units in the case of any other security. The term "unit" as used in this paragraph, shall mean the smallest unit of any security which may be separately sold and transferred as a unit and in the case of a stock shall mean one share:

(1) All securities of such persons presently being offered under this regulation, or under any other regulation adopted pursuant to section 3 (b) of the act, or specified in the notification required by Rule 255 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under this regulation, or under any other regulation adopted pursuant to section 3 (b) of the act, commenced within one year prior to the commencement of the proposed offering; and

(3) All securities of such persons sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering.

Notwithstanding the foregoing, the aggregate offering price of all securities of such persons so offered or sold on behalf of any one person other than the issuers of such securities shall not exceed $100,000, and the aggregate number of such securities shall not exceed 1,000 units in the case of any bond, debenture

or other evidence of indebtedness or 33,333 units in the case of any other security; except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

Third alternative. Paragraph (a) of § 230.252 (Rule 252) would be amended to read as set forth in the first alternative above and paragraph (a) of § 230.254 would be amended to read as set forth in the second alternative above.

Fourth alternative. There would be added to § 230.254 (Rule 254) a new paragraph (d) reading as set forth below and existing paragraph (d) would be redesignated paragraph (e):

(d) In the case of any issuer which has not had a net income computed in accordance with generally accepted accounting principles from operations of the character in which the issuer intends to engage for any one full fiscal year within the period of five years immediately preceding the date of filing the notification required by § 230.255, the aggregate amount of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were incorporated or organized, or became affiliates of the issuer within the past two years shall not exceed 3,000 units in the case of any bond, debenture or other evidence of indebtedness or 100,000 units in the case of any other security. The term "units" as used in this paragraph shall mean the smallest unit of any security which may be separately sold and transferred as a unit and in the case of a stock shall mean one share:

(1) All securities of such persons presently being offered under this regulation, or under any other regulation adopted pursuant to section 3 (b) of the act, or specified in the notification required by § 230.255 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under this regulation, or under any other regulation adopted pursuant to section 3 (b) of the act, commenced within one year prior to the commencement of the proposed offering; and

(3) All securities of such persons sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering.

The net income of one or more predecessors will be deemed to be the net income of the issuer for the purpose of this rule if the issuer acquired the major portion of its assets by the acquisition of substantially all of the assets of one or more predecessors, provided such net income is computed on a basis consistent with that of the issuer.

Notwithstanding the foregoing, the aggregate number of all securities of such persons so offered or sold on behalf of any one person other than the issuer or issuers of such securities shall not exceed 1,000 units in the case of any bond, debenture or other evidence of indebtedness or 33,333 units in the case of any other security; except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

Notice is also given that the Commission still has under consideration the proposed amendment to Regulation A announced by Securities Act Release No. 3600 dated December 27, 1955, which amendment would provide that the financial statements required to be contained in offering circulars used under Regulation A be certified by independent public or certified public accountants and would also require that the certifying accountant consent to the use of his name on the certificate.

The proposed amendments to Regulation A would be adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof.

All interested persons are invited to submit data, views and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before September 15, 1956. Except in cases where it is requested that such communications be kept confidential, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 23, 1956.

[F. R. Doc. 56-6172; Filed, July 31, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 06682]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 24, 1956.

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U. S. C. Sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 16 E.,
Sec. 25, SE¼NW¼, NW¼NW¼.

The area described totals 80 acres of public lands.

The lands described are located in Idaho Grazing District No. 2, and for the most part lie in the gorge of Rock Creek about one mile south of where Rock Creek enters the Snake River some six miles northwest of Twin Falls, Idaho. About three acres of the SE¼NW¼ slope gently to the canyon rim and are suitable for cultivation under adequate irrigation. The remaining area of the two tracts are rough, steep slopes and entirely unsuited for cultivation. The vegetation is a sparse cover of big sagebrush and cheat grass. No source of irrigation water is known to exist, and rainfall is insufficient for dry land cultivation.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 28, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on November 28, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on November 28, 1956.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL, *Acting State Supervisor.*

[F. R. Doc. 56-6164; Filed, July 31, 1956; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 145]

GULF AMERICAN FIRE AND CASUALTY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 26, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $70,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Gulf American Fire and Casualty Company, Montgomery, Alabama.

[SEAL] A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-6171; Filed, July 31, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11786 etc.; FCC 56-699]

WEST SHORE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Samuel Babbitt, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1956;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1260 kilocycles, daytime only, by Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company at Beacon, New York, with a power of one kilowatt, directional antenna; by The Westport Broadcasting Company at Westport, Connecticut, with a power of 500 watts, directional antenna; and by James W. Miller at Milford, Connecticut, with a power of 500 watts;

It appearing that each of the applicants is legally, technically and otherwise qualified, except as may appear from the issues specified below, and West Shore Broadcasting Company and The Westport Broadcasting Company are financially qualified, to construct and operate their proposed stations, but that the proposed operations would result in mutually prohibitive interference; that the aerial site photograph submitted by the West Shore Broadcasting Company does not show sufficient detail within the proposed 1000 mv/m contour upon which to determine that the proposed transmitter site will be satisfactory; that the proposed operation of James W. Miller would cause interference to Station WBUD, Trenton, New Jersey (1260 kc, 1 kw, 5 kw-LS, DA-2, U), would not provide a minimum field intensity of 25 mv/m over the entire business and industrial areas of Milford, Connecticut, nor a minimum field intensity of 5 mv/m over all the residential area of Milford as required by § 3.188 (b) of the Commission's Rules; and that insufficient information has been submitted by James W. Miller to establish his financial qualifications; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 21, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of these applications would be in the public interest; and

It further appearing that on June 14, 1956, the West Shore Broadcasting Company submitted a new site photograph, but that the new photograph still fails to show clearly the detail within the proposed 1000 mv/m contour; and

It further appearing that a timely reply was received from The Westport Broadcasting Company; and

It further appearing that, though James W. Miller, replied to the Commission's letter by letters dated May 28 and June 20, 1956, and contended that the area not included within his proposed 5 mv/m contour is the Town of Devon, some portion of the Town of Milford is not within the proposed station's 5 mv/m contour; that, though James W. Miller submitted additional financial data, an obligation incurred by the applicant as a result of a grant of his application for a new standard broadcast station in Milford, Massachusetts, on June 20, 1956 (BP-9879), was not included in the data submitted; and

It further appearing that by letter dated June 13, 1956, Station WBUD requested that the application of James W. Miller be designated for hearing; and

It further appearing that Station WAVZ, New Haven, Connecticut, is presently licensed to operate on 1260 kilocycles, but has been granted a construction permit to change frequency to 1300 kilocycles which is now the subject of an appeal in the United States Court of Appeals for the District of Columbia; and that in the event of favorable action on any of the above-captioned applications in the hearing provided for below, the grant of any of these applications shall not be made effective until after all legal proceedings involving WAVZ applications to operate on some frequency other than 1260 kilocycles have been terminated; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the above-captioned applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of James W. Miller would cause interference to Station WBUD, Trenton, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation proposed by the West Shore Broadcasting Company would be in compliance with the Commission's rules and technical standards with particular reference to the suitability of the proposed transmitter site.

4. To determine whether the proposed operation of James W. Miller would be in accordance with § 3.188 (b) of the Commission's rules with regard to adequate coverage to the city sought to be served.

5. To determine whether James W. Miller is financially qualified to construct and operate his proposed station.

6. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair,

efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That Morrisville Broadcasting Company and The WAVZ Broadcasting Corporation, licensees of Stations WBUD and WAVZ, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of favorable action on any of the above-captioned applications in the hearing provided for herein, the grant of the application shall be subject to the outcome of all legal proceedings involving WAVZ applications to operate on some frequency other than 1260 kilocycles.

Released: July 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6184; Filed, July 31, 1956; 8:50 a.m.]

[Docket No. 11789, 11790; FCC 56-700]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1956;

The Commission having under consideration the above-captioned applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company, (1) for a construction permit, File No. BP-10370, to replace expired construction permit BP-9543 for a new standard broadcast station at Sarasota, Florida, to operate on 1220 kilocycles with a power of 250 watts, directional antenna, daytime only, granted on February 23, 1955; and (2) for a modification of construction permit BP-9543 to increase power to 1 kilowatt and change studio-antenna-transmitter location, File No. BMP-6920;

It appearing that before construction was begun on Station WCBQ under construction permit BP-9543 M. R. Lankford filed, on July 22, 1955, the above-captioned application for modification of construction permit to increase power and specify a new site; and that the WCBQ construction permit, BP-9543, expired on October 23, 1955, since no application for extension of completion date or license to cover construction permit had been filed;

It further appearing that the Commission was unable to determine, on the basis of the information before it, whether the applicant was financially qualified to construct and operate Station WCBQ as proposed in the above-captioned application for modification of construction permit; and that Station WSPB, Sarasota, Florida, has submitted photographs and a newspaper article indicating that construction of Station WCEQ has been undertaken at the site specified in the above-captioned application for modification of permit; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated January 31, 1956, of the aforementioned matters and that the Commission was unable to conclude that a grant of its application for modification of permit would serve the public interest; and

It further appearing that on February 15, 1956, M. R. Lankford filed the above-captioned application for construction permit to replace expired construction permit, BP-9543; and that pursuant to section 309 (b) of the Act, the applicant was advised by letter dated April 13, 1956, that the deficiencies pointed out in the Commission's above-referenced letter of January 31, 1956, also obtained with respect to the application for construction permit to replace expired construction permit; and

It further appearing that in a reply filed on March 1, 1956, the applicant submitted a new balance sheet and comments on the matters raised in the Commission's letter of January 31, 1956; and

It further appearing that since information before the Commission indicates that the applicant may be responsible for payments of $62,580 for the construction of Station WRAY-TV, Princeton, Indiana, and will need approximately $53,241 for construction of Station WCBQ, or a total of $115,821, and shows current liquid assets of only $5,232.45, it cannot be found that the applicant is financially qualified to construct and operate the proposed station; and

It further appearing that in his March 1, 1956, reply, the applicant states that construction of the building on the site specified in the instant application for modification of permit was started in anticipation of the enactment of a zoning ordinance that would have hindered construction of any commercial type building and that the building is of a "multi-purpose commercial" type; that "although said building will be suitable in connection with broadcast facilities, in event of a grant of the applicant's application, it was in no way designed specifically for that purpose"; that the building is now being rented on a monthly basis to Mosby Engineering Associates, Inc. as a field office for its surveying business; that he had no prior knowledge of the aforementioned newspaper article and that its contents were not obtained from him; and that he has not authorized anyone to photograph "said building" and "therefore doubts and denies its authenticity"; and

It further appearing that the Commission, after consideration of the above matters, is of the opinion that a hearing is necessary on the above-captioned applications;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether M. R. Lankford is financially qualified to construct and operate Station WCBQ as proposed.

2. To determine whether construction of Station WCBQ was begun at the site specified in the above-captioned application for modification of permit without prior Commission authorization so as to preclude the issuance of a license to cover permit pursuant to section 319 (a) of the Communications Act of 1934, as amended.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, That WSPB, Incorporated, licensee of Station WSPB, Sarasota, Florida, is made a party to the proceeding.

Released: July 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6185; Filed, July 31, 1956; 8:50 a.m.]

[Docket No. 11791; FCC 56-705]

RADIO MOUNT KISCO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Mount Kisco, Inc., Mt. Kisco, New York, Docket No. 11791, Filed No. BP-10344; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1956;

The Commission having under consideration the above-captioned application of Radio Mount Kisco, Inc., for a construction permit for a new standard broadcast station to operate on 1310 kilocycles with a power of 1 kilowatt, daytime only, at Mt. Kisco, New York;

It appearing that the application is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the station as proposed would involve interference with Stations WJLK, Asbury Park, New Jersey (1310 kc, 250 w, U); and WEVD, New York City, New York (1330 kc, 5 kw, DA-2, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 21, 1956, of the aforementioned deficiency; that in a letter dated April 4, 1956, the licensee of WJLK requested that this application be designated for hearing; that § 3.29 of the Commission's rules provides that Class IV stations operating on regional channels will not be protected against interference from Class III stations; and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that replies were received from Station WEVD and from the applicant stating that they would appear at a hearing on the subject application, and the applicant contended that WJLK was not entitled to participate in the proceeding because of the provision of § 3.29 of the Commission's rules; and

It further appearing that in a letter dated June 22, 1956, WJLK contends that, because WJLK formerly operated as WCAP with a power of 500 watts and shared time with two other stations on 1300 kilocycles and was later assigned to operate with 250 watts on 1310 kilocycles by the Commission as the result of extensive hearings, it would be arbitrary and confiscatory to apply the provisions of § 3.29 to WJLK; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on the subject application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation proposed by Radio Mount Kisco, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Radio Mount Kisco, Inc. would involve objectionable interference with Stations WEVD, New York City, New York, and WJLK, Asbury Park, New Jersey; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the event the proposed Mt. Kisco operation would cause objectionable interference to WJLK, whether, in view of the facts and circumstances leading up to the existing assignment of WJLK on 1310 kilocycles with 250 watts, unlimited time, the provisions of § 3.29 of the Commission's rules are applicable as to require WJLK to accept such interference.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of Radio Mount Kisco, Inc., would serve the public interest, convenience, and necessity.

It is further ordered, That Debs Memorial Radio Fund, Inc., licensee of Station WEVD, New York City, New York; and Asbury Park Press, Inc., licensee of Station WJLK, Asbury Park, New Jersey, are made parties to the proceeding.

Released: July 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6186; Filed, July 31, 1956; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

HON. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10413, G-10649]

STANDARD OIL CO. OF TEXAS AND JAKE L. HAMON

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 26, 1956.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants listed herein produce and propose to sell natural gas from the fields listed below to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale.

Docket No. G– and Location of Field

10413; Chevron Field, Kleberg County, Tex.
10649; North Riverside Field, San Patricio County, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6166; Filed, July 31, 1956; 8:45 a. m.]

[Docket No. G–10793, etc.]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES AND CONSOLIDATING PROCEEDINGS

In the matter of Phillips Petroleum Company, Docket No. G–10793. In the matters of Phillips Petroleum Company, Docket No. G–1148; Phillips Petroleum Company, Docket Nos. G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883, G–10359.

Phillips Petroleum Company (applicant), on June 25, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated June 22, 1956; Michigan-Wisconsin Pipe Line Company; Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 4; July 26, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate Docket No. G–10793 with the proceedings in Dockets Nos. G–1148, G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883 and G–10359 previously consolidated for the purpose of hearing.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), the above-designated Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 4 be and the same hereby is suspended and the use thereof deferred until December 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Docket No. G–10793 be and the same hereby is consolidated with Dockets Nos. G–1148, G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883 and G–10359 for the purpose of hearing.[2]

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6167; Filed, July 31, 1956; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by applicant if later.

[2] The hearing in these consolidated proceedings is now scheduled to resume on October 1, 1956.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3492]

FLAT TOP POWER CO. ET AL.

ORDER REGARDING ISSUANCE OF COMMON STOCK BY SUBSIDIARY UTILITY COMPANY IN EXCHANGE FOR ASSETS OF ASSOCIATE UTILITY COMPANY, LIQUIDATION AND DISSOLUTION OF ASSOCIATE COMPANY AND ACQUISITION BY PARENT OF COMMON STOCK OF SUBSIDIARY UTILITY COMPANY

JULY 26, 1956.

In the matter of Flat Top Power Company, Appalachian Electric Power Company, and American Gas and Electric Company, File No. 70–3492.

American Gas and Electric Company ("American"), a registered holding company, and two of its subsidiaries, Appalachian Electric Power Company ("Appalachian") and Flat Top Power Company ("Flat Top"), have filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (b), 7, 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43 and U-44 thereunder regarding proposed transactions, which relate to the acquisition by Appalachian of the assets of Flat Top and the subsequent liquidation and dissolution of Flat Top and involve (1) the transfer by Flat Top and the acquisition by Appalachian of all of Flat Top's assets which amounted to $133,844 at March 31, 1956, and the rendering of service by Appalachian in the area theretofore served by Flat Top, (2) the issuance by Appalachian, and the acquisition by Flat Top, of 10,000 shares of Appalachian's common stock, without par value, and the assumption by Appalachian of all of Flat Top's liabilities which amounted to $8,140 at March 31, 1956, and (3) the liquidation and dissolution of Flat Top and the transfer to American of the 10,000 shares of Appalachian common stock theretofore received by Flat Top.

The Virginia State Corporation Commission, the Public Service Commission of West Virginia and the Tennessee Public Service Commission have issued orders approving certain of the proposed transactions.

According to the filing the estimated miscellaneous expenses and legal fees will not exceed $1,000 and $250 respectively, and such fees and expenses are to be paid by Appalachian.

Notice of filing of said application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules thereunder are satisfied, that the expenses set forth above are not unreasonable, and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6177; Filed, July 31, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 123]

MOTOR CARRIER APPLICATIONS

JULY 27, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 873 Sub 25, filed July 18, 1956, SOONER FREIGHT LINES, a Corporation, P. O. Box 2488 Exchange Branch, Oklahoma City, Okla. Applicant's representative: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Comanche, Okla., and Wichita Falls, Tex. from Comanche over U. S. Highway 81 to junction with U. S. Highway 70, thence over U. S. Highway 70 to junction with Oklahoma Highway 79, and thence over Oklahoma and Texas Highways 79 to Wichita Falls, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between (1) Oklahoma City, Okla., and Wichita Falls, Tex., and (2) between Oklahoma City, Okla., and Frederick, Okla., in Certificate MC 873, dated March 7, 1947. Applicant is authorized to conduct operations in Oklahoma and Texas.

No MC 1124 Sub 131, filed June 29, 1956, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Leesville, La., and Ville Platte, La., from Leesville over Louisiana Highway 118 to junction Louisiana Highway 10, thence over Lousiana Highway 10 via Oakdale, La., to Ville Platte, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operation; and (2) between Shreveport, La., and junction U. S. Highways 190 and 71, bear Krotz Springs, La., over U. S. Highway 71, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee, and Texas.

No. MC 2900 Sub 84, filed July 9, 1956, GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson Street, P. O. Box 2408, Jacksonville 3, Fla. Applicant's representative: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between junction of U. S. Highway 341 and Georgia Highway 247 (1 mile north of Clinchfield, Ga.) and junction of Georgia Highway 247 and Georgia Highway 127, from junction of U. S. Highway 341 and Georgia Highway 247, over Georgia Highway 247 to junction of Georgia Highway 247 and Georgia Highway 127, and return over the same route, serving all intermediate points; (2) between points in Baldwin, Washington, Twiggs, Wilkinson, Johnson, Emanual, Bleckley, Laurens, Treutlen, Pulaski, Dodge, Wheeler, Montgomery, Toombs and Telfair Counties, and that part of Jefferson County on and south of Georgia Highway 24, and that part of Wilcox County on and east of U. S. Highway 129, all within the State of Georgia. Applicant is authorized to conduct operations in Alabama, Georgia, North Carolina, South Carolina, Florida, and Tennessee.

NOTE: This application will be processed concurrently with MC–F 6314.

No. MC 2900 Sub 85, filed July 16, 1956, GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson Street, P. O. Box 2408, Jacksonville 3, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Clearwater, Fla., and St. Petersburg, Fla., over U. S. Highway 19 (relocated) serving all intermediate points and off-route points within three (3) miles of the route specified. Applicant is authorized to conduct operations in Florida, Alabama, Georgia, South Carolina, North Carolina, and Tennessee.

NOTE: Applicant states that its authority over Alternate U. S. Highway 19, formerly known as U. S. Highway 19 between these points, together with the commercial zone areas of Clearwater and St. Petersburg, covers all of the segment of U. S. Highway 19 applied for with the exception of a portion approximately 1.6 miles in length between Florida Highways 686 and 688.

No. MC 6380 Sub 3, filed July 10, 1956, R. F. TRUESDELL, 1616 West Fourth Street, Ashtabula, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland, 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Pulpboard; corrugated or solid fibreboard boxes*, plain or wood cleated, *paper or paper products*, (not including printing or fine papers), *miscellaneous cartons and receptacles*, in finished or semifinished or raw state of production, (a) from Ashtabula, Ohio, to points in Delaware, and those in Florida on and north of Florida State Highway Route 60, Georgia, Maryland, New Jersey, and those in New York on and east of a line beginning at Windsor Beach, N. Y., and extending in a southerly direction to Rochester, N. Y., thence over New York Highway 96 through Waterloo and Ithaca, N. Y., to Owego, N. Y., thence south to the New York-Pennsylvania State line, North Carolina, and points in Pennsylvania on and east of U. S. Highway 219, South Carolina, Virginia, and points in West Virginia on and south of a line extending from a point on the West Virginia-Pennsylvania State line directly east of Bellton, W. Va., through Bellton to the West Virginia-Ohio State line, with no return except as shown in paragraph (2) below. (b) From Erie, Pa., to points in Delaware, and those in Florida on and north of Florida State Highway route 60, Georgia, Maryland, New Jersey, and those in New York east of a line beginning at Windsor Beach, N. Y., and extending in a southerly direction to Rochester, N. Y., thence over New York Highway 96 through Waterloo and Ithaca, N. Y., to Owego, N. Y. thence

south to the New York-Pennsylvania State line, North Carolina, South Carolina, Virginia, and points in West Virginia on and south of a line extending from a point on the West Virginia-Pennsylvania State line directly east of Bellton, W. Va., through Bellton to the West Virginia-Ohio State line, with no return except as shown in paragraph (2) below. (c) From Biglerville, Pa., to points in Delaware, and those in Florida on and north of Florida State Highway Route 60, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, and West Virginia, with no return except as shown in paragraph (2) below. (2) *Pulpboard; refused and rejected shipments* of the above-named commodities, from points in the above-specified destination territories to Ashtabula, Ohio, Erie and Biglerville, Pa.

No. MC 19201 Sub 92, filed July 12, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street W. E., Pittsburgh, Pa. Applicant's representative: Robert H. Griswold, Commerce Building, Harrisburg, Pa. (P. O. Box 432). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk, commodities of unusual value,* and *those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, (1) between junction U. S. Highway 322 and unnumbered highway (formerly Pennsylvania Highway 983) south of Milroy, Pa., and Bellefonte, Pa., from junction U. S. Highway 322 and unnumbered highway, thence over U. S. Highway 322 to State College, Pa., thence over Pennsylvania Highway 545 to Bellefonte, and return over the same route. (2) Between Milroy, Pa., and junction unnumbered highway and U. S. Highway 322, northwest of Milroy, from Milroy over unnumbered highway to junction U. S. Highway 322, and return over the same route. (3) Between Lemont, Pa., and junction unnumbered highway and Pennsylvania Highway 545 west of Lemont, from Lemont over unnumbered highway to junction Pennsylvania Highway 545, and return over the same route. Serving intermediate points which are stations on the rail lines of The Pennsylvania Railroad Company or points served by Railway Express Agency. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY, (1) Between Centre Hall, Pa., and Potters Mills, Pa., from Centre Hall over Pennsylvania Highway 53 to Potters Mills, and return over the same route, (2) Between Tyrone, Pa., and Water Street, Pa., from Tyrone over Pennsylvania Highway 350 to Water Street, serving no intermediate points.

NOTE: Service to be performed by auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company and of express service of Railway Express Agency.

No. MC 19201 Sub 93, filed July 12, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street W. E., Pittsburgh, Pa. Applicant's representatives: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including those of unusual value, commodities in bulk,* and *those requiring special equipment*, and excluding Class A and B explosives, and household goods, as defined by the Commission, in service auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad Company, and of express service of Railway Express Agency, (1) between Greensburg, Pa., and New Alexandria, Pa., from Greensburg over U. S. Highway 30 to junction Pennsylvania Highway 981, thence over Pennsylvania Highway 981 to New Alexandria, Pa., and return over the same route, and (2) between Cresson, Pa., and Altoona, Pa., from Cresson over U. S. Highway 22 to junction Pennsylvania Highway 764, thence over Pennsylvania Highway 764 to Altoona, and return over the same route. Serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company on routes (1) and (2) above.

No. MC 23942 Sub 7, filed July 2, 1956, ATLANTIC COAST LINE RAILROAD COMPANY, A Corporation, Box 461, Wilmington, N. C. Applicant's representative: Albert B. Russ, Jr., Law Department, Atlantic Coast Line Railroad Company (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, Class A and B explosives,* and *household goods*, but excluding commodities in bulk, and those requiring special equipment, A (1) between Blackshear, Ga., and Racepond, Ga., over Georgia Highway 121, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) New Bern, N. C., and Waycross, Ga., and (b) Waycross, Ga., and Everglades, Fla.; (2) between Tifton, Ga., and Fitzgerald, Ga., from Tifton over Georgia Highway 125 to junction Georgia Highway 107, thence over Georgia Highway 107 to Fitzgerald, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) Ocilla and Thomasville, Ga., (b) Waycross and Thomasville, Ga., and (c) Waycross, Ga., and Birmingham, Ala.; (3) between junction Georgia Highway 206 and unidentified County road and junction unidentified County road and Georgia Highway 32, from junction Georgia Highway 206 and unidentified County road over unidentified County road, through Osierfield, Wray and Ambrose, Ga., to junction Georgia Highway 32, and return over the same route, serving the intermediate points of Osierfield and Wray, Ga., and serving junction of unidentified County road and Georgia Highway 32 for joinder purposes only; and (4) between Junction City, Ga., and junction Georgia Highways 90 and 3 (U. S. Highway 19), at a point near Rupert, Ga., from Junction City over Georgia Highway 90, through Mauk and Charing, Ga., to junction Georgia Highways 90 and 3 (U. S. Highway 19), at a point near Rupert, Ga., and return over the same route, serving the intermediate point of Mauk, Ga., and serving junction of Georgia Highways 90 and 3 for joinder purposes only. B Request for the elimination of the key point of Manchester, Ga., which key point restriction is imposed at Manchester, Ga., in the third condition under RESTRICTIONS in Certificate No. MC 23942 Sub 3, which condition presently reads: No shipments shall be transported by said carrier between any of the following points, or through, or to, or from more than one of said points: Rocky Mount, Fayetteville, New Bern, and Wilmington, N. C., Florence-Darlington-Bennettsville, S. C. (considered as a single key point), Sumter, Orangeburg, Columbia, and Charleston, S. C., Savannah, Waycross-Patterson-Nahunta-Brunswick-Dupont, Ga. (considered as a single key point), Cordele, Manchester, Atlanta, Albany, and Thomasville, Ga., Roanoke, Birmingham, Montgomery, Troy, and Dothan, Ala., Jacksonville, Palatka, Gainsville-Newberry-Wilcox (considered as a single key point), Leesburg, Sanford-Orlando (considered as a single key point), St. Petersburg, Fort Myers, Clewiston, Tampa, and Lakeland-Haines City (considered as a single key point), Fla., except that said carrier may transport shipments from New Bern to Wilmington, N. C., and between Tampa, Fla., on the one hand, and, Lakeland-Haines City, Fla., on the other, provided such shipments have an immediately prior or immediately subsequent haul by rail. Service to be performed will be limited to coordinated rail-motor service. RESTRICTIONS: Proposed operations under A and B above, are to be subject to the same restrictive conditions imposed in applicant's Certificate No. MC 23942 Subs 1, 3, 4, and 5, except as provided for in this application.

NOTE: Applicant states the Manchester key point restriction adversely affects the operations of its existing service, inasmuch as it restricts the handling of traffic in over-the-road truck service between Manchester and Cordele, Ga. Applicant further states that if the Manchester key point restriction were removed, the remaining restrictions would be adequate to insure that applicant will be limited in its operations to a purely auxiliary and supplementary rail service.

No. MC 25567 Sub 37, filed July 11, 1956, HANCOCK-TRUCKING, INCORPORATED (SHELDON A. KEY, TRUSTEE), 1917 West Maryland Street, Evansville, Ind. Applicant's representative: Ferdinand Born, Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plants of the Aluminum Company of America located on Indiana Highway 66 east of the intersection of Indiana Highway 66 and Darlington Road, in Warrick County, Ind., as an off-route point in connection with carrier's regular route operations between (1) Evansville, Ind., and Chicago, Ill., over U. S. Highway 41, (2) Evansville and Henderson, Ind., over U. S. Highway 41, and (3) Evansville, Ind., and Louisville, Ky., over Indiana Highway 62.

No. MC 28439 Sub 66, filed July 6, 1956, DAILY MOTOR EXPRESS, INC., Pitt and Penn Sts., Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Truck bodies; communication shelters; trailers*, in truckaway, driveaway or towaway service; and *tractors*, in secondary driveaway service when drawing trailers in driveaway or towaway service, as described above, from Camp Hill, Pa., Hanover, Pa., and Pikesville, Md., to points in the United States.

No. MC 29955 Sub 10, filed June 25, 1956, ENGLAND BROS. TRUCK LINE, A Corporation, 300–322 North Second Street, Forth Smith, Ark. Applicant's representative: Lee Reeder, 10th Floor 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Dallas, Tex., and Little Rock, Ark., from Dallas over U. S. Highway 67 to Little Rock, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between (1) Fort Smith, Ark., and Memphis, Tenn., and (2) Fort Smith, Ark., and Hugo, Okla. Applicant is authorized to conduct regular route operations in Arkansas, Missouri, Oklahoma, Tennessee, Texas, and irregular route operations in Oklahoma and Texas.

No. MC 29988 Sub 60, filed July 13, 1956, DENVER CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver Colo. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Chrysler Corporation Stamping Plant located near Twinsburg, Ohio, as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and New York, N. Y., over U. S. Highway 20.

No. MC 30091 Sub 35, filed June 29, 1955, L. F. MILLER AND F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 501 Indiana Street, Wichita Falls, Tex. Applicant's representative: Herbert L. Smith, 401 Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U. S. Highway 281 and Farm-To-Market Road 61, at a point south of Windthorst, Tex., and Graham, Tex., from junction U. S. Highway 281 and Farm-To-Market Road 61 to Graham, and return over the same route, serving no intermediate points, and serving the junction of Farm-To-Market Road 61 and Texas Highway 199 for joinder purposes only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) Amarillo and Dallas, Tex., (b) Graham and Breckenridge, Tex., (c) Olney and Graham, Tex., (d) Graham and Wichita Falls, Tex., (e) Jacksboro, Tex., and the Texas-Oklahoma State line, and (f) the applied-for route below; (2) between Jacksboro, Tex., and Graham, Tex., from Jacksboro over Texas Highway 24 to Graham, and return over the same route, serving no intermediate points, and serving Jacksboro for purpose of joinder only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) Amarillo and Dallas, Tex., (b) Jacksboro, Tex., and the Texas-Oklahoma State line, (c) Graham and Breckenridge, Tex., (d) Olney and Graham, Tex., (e) Graham and Wichita Falls, Tex., and (f) the applied-for route above.

NOTE: Routes (1) and (2) in the application are designated (1) herein; route (3) in the application is designated (2) herein.

No. MC 30124 Sub 3, filed July 9, 1956, PAUL A. KOERTH, doing business as KOERTH TRANSFER, 4001 Drexel Avenue, Madison, Wis. Applicant's representative: E. A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Wisconsin located within 50 miles of Madison, Wis., including Madison, Wis. Applicant is authorized to conduct operations in Wisconsin, Illinois, Iowa, Minnesota, Michigan, Ohio, Florida, South Dakota, New York, New Jersey, Maryland, Missouri, Texas, and Nebraska.

No. MC 31600 Sub 411, filed June 28, 1956 (amended July 20, 1956), published July 18, 1956, page 5387, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products* and *cocoa butter*, in bulk, in tank vehicles, from Boston, Mass., to points in New York, Ohio, Pennsylvania and Chicago, Ill.; and from New York, N. Y., to Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC 35628 Sub 199, filed July 9, 1956, INTERSTATE MOTOR FREIGHT SYSTEM, A Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, serving the site of the Aluminum Company of America plant located on the Ohio River near Yankeetown, Ind., as an off-route point in connection with carrier's regular route operations between Evansville, Ind., and Owensboro, Ky., over Indiana Highway 66.

No. MC 47171 Sub 77, (Amended), filed July 3, 1956, published in the July 18, 1956 issue, page 5387, COOPER MOTOR LINES, INC., P. O. Box 2030, 301 Hammet Street Extension, Greenville, S. C. Applicant's representative: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between the Virginia-North Carolina State Line and Columbus, Ga., from the Virginia-North Carolina State Line over U. S. Highway 1 to Raleigh, N. C., thence over U. S. Highway 64 to junction U. S. Highway 64 and North Carolina Highway 49 near Asheboro, N. C., thence over North Carolina Highway 49 to junction North Carolina Highway 49 and U. S. Highway 29, thence over U. S. Highway 29 to Charlotte, N. C., (also, from the Virginia-North Carolina State Line over U. S. Highway 29 to junction U. S. Highway 29 and Alternate U. S. Highway 29 near China Grove, N. C., thence over Alternate U. S. Highway 29 to junction Alternate U. S. Highway 29 and U. S. Highway 29 near Concord, N. C., thence over U. S. Highway 29 to junction U. S. Highway 29 and North Carolina Highway 49), thence over U. S. Highway 29 to Greenville, S. C., (also, from junction U. S. Highway 29 and Alternate U. S. Highway 29 near the North Carolina-South Carolina State Line over Alternate U. S. Highway 29 to Lyman, S. C.), from Greenville, S. C. over U. S. Highway 123 to Cornelia, Ga., thence over U. S. Highway 23 to Atlanta, Ga. (also, from Greenville, S. C., over U. S. Highway 29 to Athens, Ga., and thence over U. S. Highway 78 to Atlanta, Ga.); (also, from Athens, Ga., over U. S. Highway 78 to Atlanta, Ga.); (also, from junction U. S. Highway 78 and Georgia Highway 154 near Stone Mountain, Ga., over Georgia Highway 154 to Atlanta, Ga.); (also, from Charlotte, N. C., over U. S. Highway 21 to Rock Hill, S. C., thence over South Carolina Highway 72 to the South Carolina-Georgia State Line, thence over Georgia Highway 72 to junction Georgia Highway 72 and U. S. Highway 29 near Athens, Ga.); (also, from Anderson, S. C., over South Carolina Highway 81 to Iva, S. C., thence over South Carolina Highway 184 to the South Carolina-Georgia State Line, thence over Georgia Highway 82 to junction Georgia Highway 82 and Georgia Highway 77, thence over Georgia Highway 77 to Elberton, Ga.), (also, from Anderson, S. C., over South Carolina Highway 243 to junction South Carolina Highway 243 and South Carolina Highway 80, thence over South Carolina Highway 80 to Fair Play, S. C., thence over South Carolina Highway 59 to the South Carolina-Georgia State Line, thence over Georgia Highway 59 to Commerce, Ga., thence

over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Winder, Ga., and thence over U. S. Highway 29 to Atlanta, Ga.); (also, from junction U. S. Highway 78 and U. S. Highway 29 near Athens, Ga., over U. S. Highway 29 to Winder, Ga.); (also, from Monroe, Ga., over Georgia Highway 11 to Winder, Ga.); and thence from Atlanta, Ga., over Georgia Highway 85 to Columbus, Ga., (also, from Atlanta, Ga., over U. S. Highway 29 to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 219 and Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga.), (also, from Atlanta, Ga., over U. S. Highway 41 to Barnesville, Ga., thence over U. S. Highway 341 to junction U. S. Highway 341 and Georgia Highway 74 near Culloden, Ga.); (also, from Griffin, Ga., over U. S. Highway 19 to Thomaston, Ga.); (also, from Forsyth, Ga., over U. S. Highway 41 to Barnesville, Ga.), and return over the same routes, serving the intermediate points of Greensboro, Salisbury, Kannapolis, Concord, Charlotte, Gastonia, and the off-route points of Marion, Morganton, and Durham, N. C., restricted to traffic originating north of the Virginia-North Carolina State Line; and to and from all termini and intermediate points on the above-described routes in South Carolina and Georgia and to and from all points in that part of South Carolina north of South Carolina Highway 72 as off-route points, restricted to traffic originating or terminating at points located north of the Virginia-North Carolina State Line, (2) between the Virginia-North Carolina State Line and Macon, Ga.; from the Virginia-North Carolina State Line over U. S. Highway 1 to junction U. S. Highway 64 and U. S. Highway 1 west of Raleigh, N. C., thence over U. S. Highway 1 to Columbia, S. C., (also, from Rock Hill, S. C., over U. S. Highway 21 to Columbia, S. C.), (also, from Bishopville, S. C., over South Carolina Highway 34 to junction South Carolina Highway 34 and U. S. Highway 1 near Camden, S. C., and thence over U. S. Highway 1 to Columbia, S. C.) thence over U. S. Highway 1 to Aiken, S. C., (also, from Columbia, S. C., over South Carolina Highway 215 to junction South Carolina Highway 215 and U. S. Highway 78, thence over U. S. Highway 78 to Aiken, S. C.); (also, from Whitmire, S. C., over South Carolina Highway 19 to junction South Carolina Highway 19 and U. S. Highway 25, thence over U. S. Highway 25 to Augusta, Ga.); (also, from Columbia, S. C., over U. S. Highway 321 to Hardeeville, S. C.); (also, from Lugoff, S. C., over U. S. Highway 601 to Orangeburg, S. C., thence over U. S. Highway 30, to Statesboro, Ga.); (also, from junction U. S. Highway 321 and South Carolina Highway 3 near Swansea, S. C., over South Carolina Highway 3 to Barnwell, S. C., thence over South Carolina Highway 28 to Fairfax, S. C.); from Aiken, S. C., over U. S. Highway 1 to Augusta, Ga., thence over U. S. Highway 78 to Thomson, Ga., thence over Georgia Highway 12 to Warrenton, Ga., thence over Georgia Highway 16 to Sparta, Ga., thence over Georgia Highway 22 to Gray, Ga., thence over U. S. Highway 129 to Macon, Ga.; (also, from Edgefield, S. C., over South Carolina Highway 23 to junction South Carolina Highway 23 and U. S. Highway 221, thence over U. S. Highway 221 to junction U. S. Highway 221 and Georgia Highway 150, thence over Georgia Highway 150 to Thomson, Ga.); (also, from Athens, Ga., over U. S. Highway 129 to Gray, Ga.); (also, from Gray, Ga., over Georgia Highway 18 to junction Georgia Highway 18 and Georgia Highway 57 near Gordon, Ga.); (also, from junction U. S. Highway 25 and Georgia Highway 88 over Georgia Highway 88 to Wrens, Ga., thence over U. S. Highway 1 to Wadley, Ga.); (also, from Macon, Ga., over U. S. Highway 41 to junction U. S. Highway 41 and Georgia Highway 49, thence over Georgia Highway 49 to Fort Valley, Ga., thence over Georgia Highway 96 to Geneva, Ga., thence over U. S. Highway 80 to Columbus, Ga.), and return over the same routes, serving the intermediate point of Rockingham, N. C., restricted to southbound traffic only, and to and from the termini and intermediate points in South Carolina and Georgia and the off-route point of Winnsboro, S. C., restricted to traffic originating or terminating at points north of the Virginia-North Carolina State Line or at authorized regular route or irregular route points in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C.; (3) between the Virginia-North Carolina State Line and Savannah, Ga., from the Virginia-North Carolina State Line over U. S. Highway 301 to Rocky Mount, N. C.; (also, from the Virginia-North Carolina State Line over U. S. Highway 258 to junction U. S. Highway 258 and North Carolina Highway 95, thence over North Carolina Highway 95 to junction North Carolina Highway 95 and U. S. Highway 301 near Rocky Mount, N. C.); thence over U. S. Highway 301 to Fayetteville, N. C.; (also, from Rocky Mount, N. C., over U. S. Highway 64 to Raleigh, N. C., thence over Alternate U. S. Highway 15 to Fayetteville, N. C.); thence over U. S. Highway 301 to Lumberton, N. C.; (also, from Fayetteville, N. C., over Alternate U. S. Highway 15 to Laurinburg, N. C., thence over U. S. Highway 15 to Bishopville, S. C., thence from Bishopville, S. C., over U. S. Highway 15 to Summerton, S. C.); from Lumberton, N. C., over North Carolina Highway 41 to the North Carolina-South Carolina State Line, thence over South Carolina Highway 41 to junction South Carolina Highway 41 and U. S. Highway 17, thence over U. S. Highway 17 to Charleston, S. C., (also, from Lumberton, N. C., over U. S. Highway 301 to Summerton, S. C.); (also, from junction U. S. Highway 15 and U. S. Highway 52 near Society Hill, S. C., over U. S. Highway 52 to Florence, S. C.); (also, from Effingham, S. C., over U. S. Highway 52 to junction U. S. Highway 52 and U. S. Highway 176); (also, from Florence, S. C., over U. S. Highway 76 to Columbia, S. C.); (also, from Darlington, S. C., over Alternate U. S. Highway 15 to Sumter, S. C.); from Charleston, S. C., over U. S. Highway 17 to junction U. S. Highway 17 and Alternate U. S. Highway 17 near Pocotaligo, S. C.; (also, from Summerton, S. C., over U. S. Highway 15 to Walterboro, S. C., thence over Alternate U. S. Highway 17 to junction Alternate U. S. Highway 17 and U. S. Highway 17 near Pocotaligo, S. C.), thence from junction U. S. Highway 17 and Alternate U. S. Highway 17 near Pocotaligo, S. C. over U. S. Highway 17 to Savannah, Ga.; (also, from junction U. S. Highway 17 and Alternate U. S. Highway 17 north of Savannah, Ga., over U. S. Highway 17A to Savannah, Ga.); and return over the same routes, serving the intermediate points of Rich Square, Rocky Mount, Fuquay-Varina, Lillington, Dunn and Fayetteville, N. C., and the off-route points of Roanoke Rapids, Greenville, Snow Hill, Kinston, Smithfield, Warsaw and Clinton, N. C., restricted to traffic originating north of the Virginia-North Carolina State Line and to and from the termini and all intermediate points on the above-described routes in South Carolina and Georgia, restricted to traffic originating or terminating north of the Virginia-North Carolina State Line or originating or terminating in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C.; (4) between junction Alternate U. S. Highway 29 and South Carolina Highway 5 (near Blackburg, S. C.) and Rock Hill, S. C., from junction Alternate U. S. Highway 29 and South Carolina Highway 5 over South Carolina Highway 5 to Rock Hill, S. C., (5) between Spartanburg, S. C., and Darlington, S. C., from Spartanburg, S. C., over U. S. Highway 176 to junction U. S. Highway 176 and South Carolina Highway 9 near Jonesville, S. C., thence over South Carolina Highway 9 to Lancaster, S. C., thence over South Carolina Highway 903 to junction South Carolina Highway 903 and South Carolina Highway 151, thence over South Carolina Highway 151, to Darlington, S. C. (6) between junction U. S. Highway 176 and South Carolina Highway 9 near Jonesville, S. C., and Columbia, S. C., from junction U. S. Highway 176 and South Carolina Highway 9 over U. S. Highway 176 to Union, S. C., thence over South Carolina Highway 215 to Columbia, S. C.; (7) between Greenville, S. C., and Charleston, S. C., from Greenville, S. C., over U. S. Highway 276 to Laurens, S. C., thence over U. S. Highway 76 to Columbia, S. C., thence over U. S. Highway 21 to junction U. S. Highway 21 and U. S. Highway 176, thence over U. S. Highway 176 to junction U. S. Highway 176 and U. S. Highway 52, thence over U. S. Highway 52 to Charleston, S. C.; (8) between Greenville, S. C., and Savannah, Ga.; from Greenville, S. C., over U. S. Highway 25 to junction U. S. Highway 25 and U. S. Highway 80, thence over U. S. Highway 80 to Savannah, Ga.; (9) between Athens, Ga., and Columbia, S. C., from Athens, Ga., over U. S. Highway 78 to junction U. S. Highway 78 and U. S. Highway 378, thence over U. S. Highway 378 to Columbia, S. C.; (also, from junction U. S. Highway 378 and U. S. Highway 78 near Washington, Ga., over U. S. Highway 78 to Thomson, Ga.); (10) between Atlanta, Ga., and junction U. S. Highway 78 and U. S. Highway 52, from Atlanta, Ga., over U. S. Highway 278 to Augusta, Ga., thence over South Carolina Highway 28 to junction South Carolina Highway 28 and South Carolina Highway 781, thence over South Carolina Highway 781 to junction South Carolina Highway 781 and U. S. Highway 78, thence over U. S. Highway 78 to junction U. S. Highway 78 and U. S. Highway 52; (also, from junction South Carolina Highway 28 and South Carolina Highway 781 over South Carolina Highway 28 to Barnwell, S. C., thence over South Carolina Highway 64 to Jacksonboro, S. C.); (also, from junction U. S. Highway 29 and Georgia Highway 16 near Newnan, Ga., over Georgia Highway 16 to Jackson, Ga., thence over Georgia Highway 36 to junction Georgia Highway 36 and Georgia Highway 162, thence over Georgia Highway 162 to junction Georgia Highway 162 and Georgia Highway 81, thence over Georgia Highway 81 to Covington, Ga.); (11) between Atlanta, Ga. and junction U. S. Highway 80 and U. S. Highway 25 near Statesboro, Ga.; from Atlanta, Ga., over U. S. Highway 23 to Forsyth, Ga., thence over Georgia Highway 18 to junction Georgia Highway 18 and Georgia Highway 148, thence over Georgia Highway 148 to junction Georgia Highway 148 and Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga., thence over Georgia Highway 57 to Swainsboro, Ga., thence over U. S. Highway 80 to junction U. S. Highway 80 and U. S. Highway 25 near Statesboro, Ga.; (also, from Sylvania, Ga., over Georgia Highway 21 to Millen, Ga., thence over Georgia Highway 17 to Midville, Ga., thence over Georgia Highway 78 to Bartow, Ga., thence over Georgia Highway 242 to Sandersville, Ga., thence over Georgia Highway 24 to junction Georgia Highway 24 and Georgia Highway 22 near Milledgeville, Ga.); (also, from Milledgeville over Georgia Highway 49 to Macon, Ga.); (also, from La Grange, Ga., over Georgia Highway 109 to Greenville, Ga., thence over Georgia Highway 18 to Woodbury, Ga., thence over Georgia Highway 74 to junction Georgia Highway 74 and U. S. Highway 80, thence over U. S. Highway 80 to Macon, Ga., thence over Georgia Highway 57 to Swainsboro, Ga.), and return over the same routes, serving the termini and intermediate points, restricted to traffic originating and terminating north of the Virginia-North Carolina State Line or in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C. (12) between New York, N. Y., and the Virginia-North Carolina State Line, from New York, N. Y., over U. S. Highway 1 to Philadelphia, Pa., (also, from Trenton, N. J., over U. S. Highway 13 to Philadelphia); (also, from junction U. S. Highway 1 and U. S. Highway 130 over U. S. Highway 130 to junction U. S. Highway 130 and U. S. Highway 40); (also, from junction U. S. Highway 130 and U. S. Highway 30 over U. S. Highway 30 to Philadelphia, Pa.); (also, from New York, N. Y., over U. S. Highway 46 to junction U. S. Highway 46 and the New Jersey Turnpike, thence over the New Jersey Turnpike to the junction of the New Jersey Turnpike and U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 40 and U. S. Highway 13 near New Castle, Del.); (also, from Philadelphia, Pa., over U. S. Highway 13 to junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del.); (also, from junction U. S. Highway 13 and Alternate U. S. Highway 13 over Alternate U. S. Highway 13 to Wilmington, Del.); from junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del. over U. S. Highway 40 to Baltimore, Md.; (also, from Philadelphia, Pa., over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 1 to Richmond, Va., thence over U. S. Highway 1 to Petersburg, Va., and thence over U. S. Highway 1 to the Virginia-North Carolina State Line), (also, from the junction U. S. Highway 13 and U. S. Highway 40 near New Castle, Del. over U. S. Highway 13 to junction U. S. Highway 13 and U. S. Highway 58 near Norfolk, Va.); (also, from junction U. S. Highway 13 and U. S. Highway 58 over U. S. Highway 58 to Norfolk, Va.); (also, from Fredericksburg, Va. over U. S. Highway 17 to Norfolk, Va.); (also, from Richmond, Va., over U. S. Highway 60 to junction U. S. Highway 60 and Virginia Highway 168, thence over Virginia Highway 168 to junction Virginia Highway 168 and U. S. Highway 17, near Newport News, Va.); from Norfolk, Va., over U. S. Highway 58 to Franklin, Va., and thence over U. S. Highway 258 to the Virginia-North Carolina State Line; (also, from Petersburg, Va., over U. S. Highway 301 to the Virginia-North Carolina State Line); (also, from Richmond, Va., over U. S. Highway 360 to junction U. S. Highway 360 and Virginia Highway 304, thence over Virginia Highway 304 to South Boston, Va., thence over U. S. Highway 58 to Danville, Va., thence over U. S. Highway 29 to the Virginia-North Carolina State Line), and return over the same routes, serving the intermediate points of Trenton and Camden, N. J., Philadelphia and Bristol, Pa., Wilmington and Cheswold, Del., Baltimore, Md., Washington, D. C., Richmond, Norfolk, Suffolk, Fredericksburg, Petersburg, Franklin, South Boston and Danville, Va., and to and from Biglerville and York, Pa., Cumberland, Md., Roanoke, Victoria, Lynchburg, Farmville, Lester Manor, Warrenton, Madison Heights, Culpeper and Windsor, Va., points in New Jersey and New York within 25 miles of New York, N. Y., and points in Pennsylvania on and south of U. S. Highway 30 within 25 miles of Philadelphia, as off-route points, restricted to traffic moving to and from authorized points in South Carolina or Georgia, and from the above-described points only to authorized points in North Carolina. IRREGULAR ROUTES: (13) between points in that part of Georgia south of a line drawn along U. S. Highway 80 from the Alabama-Georgia State Line to Geneva, Ga., thence along U. S. Highway 96 to Fort Valley, Ga., thence along Georgia Highway 49 to junction Georgia Highway 49 and U. S. Highway 11, thence along U. S. Highway 41 to Macon, Ga., thence along U. S. Highway 80 to Savannah Beach, Ga., on the one hand, and, on the other, Columbus, Macon and Savannah, Ga., (14) between points in that part of Georgia north and west of U. S. Highways 123 and 23 from the South Carolina-Georgia State Line to Gainesville, Ga., U. S. Highway 23 from Gainesville, Ga., to Atlanta, Ga., and U. S. Highway 29 from Atlanta, Ga., to the Georgia-Alabama State Line, on the one hand, and, on the other, Atlanta, Ga., (15) between points in that part of South Carolina south and east of a line beginning at the North Carolina-South Carolina State Line and drawn south along South Carolina Highway 41 to its junction with U. S. Highway 17, and thence along U. S. Highway 17 to its junction with Alternate U. S. Highway 17A north of Savannah, Ga., and thence along Alternate U. S. Highway 17A to the South Carolina-Georgia State Line, on the one hand, and, on the other, points located on the described regular routes in South Carolina.

NOTE: Applicant states that by this application it seeks to convert the major portion of its authority to a regular-route operation. This application will be processed concurrently with No. MC-F 6330, published in the July 18, 1956 issue.

No. MC 52629 Sub 37, filed July 16, 1956, HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, including *commodities in bulk*, but excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, (1) serving the off-route point of Tennga, Ga., in connection with applicant's regular route operations between Knoxville, Tenn., and Atlanta, Ga., (2) serving the intermediate point of Tennga, Ga., in connection with applicant's regular route operations between Knoxville, Tenn., and Cartersville, Ga. Applicant is authorized to conduct operations in Illinois, Kentucky, Indiana, Tennessee, and Georgia.

No. MC 52920 Sub 23, filed July 16, 1956, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South and Holgate, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, petroleum products in tank trucks, and commodities requiring special equipment (other than such equipment for use in transporting machinery, tanks, and other commodities requiring the use of flat-bed trucks), between Vancouver, Wash. and Tumwater, Wash. over relocated U. S. Highway 99, serving all intermediate points. Applicant is authorized to conduct operations in Washington and Oregon and in MC 52920 holds authority, in part, between Portland, Oreg. and Bellingham, Wash., from Portland over U. S. Highway 99 to Olympia, serving all intermediate points, and the off-route point of Paine Field, Wash., except that no service is authorized between Portland, on the one hand, and, on the other, Vancouver and Camas, Wash. and intermediate points between Portland, Vancouver, and Camas.

No. MC 52949 Sub 21, filed July 9, 1956, JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Blooming Grove, Wis. (near Madison), to points in Illinois on and west and north of a line beginning at the Wisconsin-Illinois State line and extending along U. S. Highway 14 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 64, thence along Illinois Highway 64 to the Mississippi River; and (2) from Rockford, Ill., to points in Wisconsin on and south of Wisconsin Highway 60; *mineral solvents*, in bulk, in tank vehicles, from Lemont, Ill., and points within five (5) miles thereof, to points in Iowa on and west of U. S. Highway 69; *anhydrous ammonia, aqua ammonia*, and *nitrate fortified fertilizer solution*, in bulk, in tank vehicles, from Lockport, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and *petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois on and north of U. S. Highway 50, points in Iowa on and east of U. S. Highway 69, points in Indiana on and north of a line beginning at Vincennes, Ind., and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, points in Michigan on and south of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction U. S. Highway 31 thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to Saint Louis, Mich., and on and west of a line beginning at Saint Louis and extending along U. S. Highway 27 to Lansing, Mich., thence along U. S. Highway 127 to junction U. S. Highway 223, thence along U. S. Highway 223 to the Michigan-Ohio State line, and those in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, and on and south of Wisconsin Highway 23, and *returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: Duplicating authority to be eliminated.

No. MC 57770 Sub 7, filed July 5, 1956, FORREST MILTON DURRETT, doing business as DURRETT TRANSFER COMPANY, North Highway 41, Springfield, Tenn. Applicant's representative: A. O. Buck, Nashville Trust Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Owensboro, Ky., and Evansville, Ind., from Owensboro over Indiana Highway 75 to junction Indiana Highway 66, thence over Indiana Highway 66 to Evansville, and return over the same route, serving the intermediate point of Yankeetown, Ind., and the off-route points of the sites of the Warrick Works of the Aluminum Company of American and Culley Station of the Indiana Power and Light Company, both off-route points located near Yankeetown, Ind. Applicant is authorized to conduct operations in Indiana, Kentucky and Tennessee. RESTRICTION: Subject to the restriction that such route is not to be used for the transportation of any shipments moving from Owensboro, Ky., to Evansville, Ind., or from Evansville, Ind., to Owensboro, Ky.

No. MC 57927 Sub 4, filed 17, 1956, ROBERT J. GOOLEY, doing business as LONGYEAR'S EXPRESS, Hunter, N. Y. Applicant's representative: John J. Fromer, Tannersville, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *telephone, radio and television supplies; telephone, radio and television equipment;* and *telephone, radio and television parts*, from Kearney, N. J., to points in Franklin, Clinton, Essex, Warren, Saratoga, Washington, Schenectady, Montgomery, Albany, Greene, Ulster, Orange, Rensselaer, Columbia, Dutchess, Sullivan, Delaware, St. Lawrence, Lewis, Oneida, Herkimer, Oswego, Wayne, Cayuga, Onondaga, Cortland, Tompkins, Chemung, Broome, Steuben, Yates, Alleghany, Cattaraugus, Schuyler, Chenango, Schoharie, Otsego, Fulton, Seneca, Madison, Jefferson, Tioga and Hamilton Counties, N. Y.; (2) *Salvaged telephone installation materials*, from points in the above named counties to Tottenville, Staten Island, N. Y. Applicant is authorized to conduct operations in New York.

No. MC 60076 Sub 15, filed July 20, 1956, VERN F. WARNER, CLIFFORD V. WARNER, and KEITH D. WARNER, doing business as V. F. WARNER and SONS, 104 West Charles Street, Champaign, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bulk concrete mixing equipment*, (new) and *related commodities*, requiring flat-bed equipment, except such commodities which because of size or weight requires special equipment or special handling, from Champaign, Ill., to all points in the United States and the District of Columbia.

No. MC 62104 Sub 9, filed July 2, 1956, FRED W. YEAGLE and ROSCOE C. YEAGLE, doing business as YEAGLE BROTHERS, Muncy, Pa. Applicant's representative: John M. Musselman, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles*, (new) including *ambulances, hearses* and *taxis*, and *automobile chassis*, in initial movements by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and *damaged vehicles* on return. Applicant is authorized to conduct operations in Michigan, Pennsylvania, Ohio, New York, New Jersey, and Delaware.

No. MC 66277 Sub 1, filed July 13, 1956, ARROW FREIGHT LINES, INC., 312 Bay Street, Springfield, Mass. Applicant's representative: Patrick A. Doyle, Court Square Building, 31 Elm Street, Springfield 3, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New household furnishings and new furniture*, uncrated, between West Springfield, Mass. and points in Massachusetts within 10 miles of West Springfield, on the one hand, and, on the other, points in Rhode Island and Maine. Applicant is authorized, through transfer and consummation June 20, 1956, MC–FC 58992 (permit not issued), to conduct operations in Massachusetts, New Hampshire, Vermont, Connecticut, New York, and New Jersey.

No. MC 66562 Sub 1292, filed June 2, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Laurens, S. C., and Simpsonville, S. C., serving the intermediate point of Fountain Inn, S. C., by extending existing authority under MC 66562 Sub 1198. Applicant desires to extend service on said route by adding thereto the additional points of Fountain Inn and Simpsonville, S. C., operating from Laurens, S. C., over U. S. Highway 276 to Simpsonville, S. C. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, air-or railway express service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts, covering, in addition to the motor-carrier movement by carrier, immediately prior or immediately subsequent movements by air or rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service, which is auxiliary to, or supplemental of, air-or railway express service.

No. MC 70451 Sub 185, filed July 11, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. Applicant's representative: W. H. Thickett, General Traffic Manager (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission,

(1) serving the Glen Canyon Dam Site, located on the Colorado River, approximately 15 miles upstream from Marble Canyon, Ariz., near the Arizona-Utah State line, as an off-route point in connection with carrier's regular route operations between Durango, Colo., and Los Angeles, Calif., over U. S. Highways 66 and 666, and (2) between Glen Canyon Dam Site and junction U. S. Highways 89 and 66, over access roads, serving all intermediate points, and serving all off-route points in Arizona and Utah within 25 miles of the Glen Canyon Dam Site.

No. MC 79034 Sub 3, filed July 12, 1956, WILLIAM DENNISON HEATH, Halfway, Oreg. Applicant's representative: Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) serving the Ox Bow, Brownlee, and Hells Canyon Dam Sites in Oregon and Idaho, as off-route points in connection with carrier's regular route operations between Halfway and Baker, Oreg. (2) IRREGULAR ROUTES: Between Halfway, Oreg., and the Ox Bow, Brownlee, and Hells Canyon Dam Sites in Oregon and Idaho. Applicant is authorized to conduct operations in Oregon.

No. MC 87379 Sub 2, filed July 11, 1956, C. H. HOOKER TRUCKING CO., A Corporation, R. F. D. No. 2, Uhrichsville, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Products and articles manufactured of clay*, except earthenware and pottery, from Junction City, Ohio, and points in Tuscarawas County, Ohio, to points in Connecticut, Delaware, Massachusetts, Virginia, Wisconsin, New Jersey, and the District of Columbia, and *empty containers* and *sallets* or *other such incidental facilities (not specified)*, used in transporting the commodities specified on return. (2) *Empty containers* and *pallets* or *other such incidental facilities (not specified)* used in transporting products and articles manufactured of clay, except earthenware and pottery, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania and West Virginia, to Junction City, Ohio, and points in Tuscarawas County, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: Applicant states the applied for authority is under (2) on return from trips under its present authority.

No. MC 89778 Sub 67, filed July 17, 1956, BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over regular routes, transporting: *Class A and B explosives, blasting supplies, materials, and agents, and component parts thereof*, between Seneca, Ill. and points within 15 miles of Seneca, on the one hand, and, on the other, points in Missouri, Nebraska, Kansas, and Oklahoma.

NOTE: Applicant is presently authorized in Docket No. MC 89778 Subs 1, 35 and 47, to provide service on explosives and blasting supplies, between Seneca, Ill., and points and places within 15 miles thereof on the one hand, and, on the other, points and places in the States of Tennessee, Louisiana, Georgia, Florida, Mississippi, Texas, Arkansas, New Mexico, Colorado, Wyoming, Montana, and Birmingham, Ala., and points and places within 15 miles of Birmingham.

No. MC 92983 Sub 172, filed July 20, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats and oils* and *blends and products thereof*, (other than petroleum derivatives), in bulk, in tank vehicles, between Dubuque, Iowa, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations in Iowa, Illinois, Ohio, Kansas, Missouri, New York, Minnesota, Tennessee, Texas, North Dakota, South Dakota, Nebraska, Massachusetts, Indiana, Michigan, Wisconsin, Pennsylvania, Arkansas, Georgia, Mississippi, Kentucky, and Alabama.

No. MC 93980 Sub 25, filed July 20, 1956, VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Box 336, Henderson, N. C. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Henderson, N. C., and points in North Carolina within 100 miles of Henderson, to points in Delaware, New Jersey, Pennsylvania, and those in the New York, N. Y., Commercial Zone, as defined by the Commission, and points in New York within 25 miles of the New York, N. Y., Commercial Zone. *Damaged shipments of lumber*, from the above-specified destination points to the above-designated origin points. Applicant is authorized to conduct operations in Maryland, North Carolina, Pennslyvania, Virginia, and the District of Columbia.

No. MC 95212 Sub 25, filed July 16, 1956, HELEN R. HENDERSON, doing business as H. R. HENDERSON, P. O. Box 327, Seneca, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A and B explosives, blasting supplies, materials and agents* and *the component parts thereof*, between points in La Salle and Grundy Counties, Ill., and points in Nebraska, Arkansas, Kansas, Oklahoma, Texas, and New Mexico.

No. MC 101126 Sub 54, filed June 21, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Organic and inorganic liquid commodities*, both edible and inedible (exclusive of petroleum products), in bulk, in tank vehicles, as more fully described in the application, and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Illinois, Kentucky, Indiana, Michigan, Wisconsin, Pennsylvania, and New York. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

No. MC 103378 Sub 73, filed July 16, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Montgomery, Ala., to Pensacola, Fla. Applicant is authorized to transport nitric acid in bulk in tank vehicles from plant of E. I. DuPont de Nemours at or near Mineral Springs, Ala., to points in Florida.

No. MC 104683 Sub 20, filed June 22, 1956, L. L. MAJURE AND JO M. MAJURE, doing business as L. L. MAJURE, 1600 "B" Street, P. O. Box 1028, Meridian, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Crupp and Rogers-Lacy, Miss., located on U. S. Highway 11 approximately one mile north of Sandersville, Miss. (site of the Southland Refinery), to points in Alabama, Georgia, Louisiana, Tennessee, and that portion of Florida west of the Apalachicola River. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, and Mississippi.

No. MC 106002 Sub 2, filed June 18, 1956, JOHN HARRIS, doing business as HOGAN'S TRANSFER, 7 Third Street, Elkins, W. Va. Applicant's representative: Bonn Brown, Elkins, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Elkins, W. Va., and points within 20 miles of Elkins, on the one hand, and, on the other, points in Tennessee, Kentucky, Florida, Alabama, Connecticut, Georgia, Illinois, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Indiana, Mississippi, and Wisconsin. Applicant is authorized to conduct operations in Delaware, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

No. MC 106373 Sub 22, filed July 17, 1956, THE SERVICE TRANSPORT CO., 11910 Harvard Avenue, Cleveland, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and

commodities requiring special equipment, serving the site of Chevrolet Division Plant of General Motors Corporation in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Youngstown, Ohio and Cleveland, Ohio over U. S. Highway 422. Applicant is authorized to conduct operations in Ohio, Michigan, Pennsylvania, and New York.

No. MC 107029 Sub 4, filed June 25, 1956, OSWALD DE CORTE, Brooklyn, Iowa. Applicant's representative: Paul Toomey, Brooklyn, Iowa. For authority to operate as a *common carrier*, over regular routes, transporting: *Feed* and *Petroleum products*, in containers, from Omaha, Nebr. to Brooklyn, Iowa, over U. S. Highway 6; *empty containers or other such incidental facilities* (not specified) on return.

NOTE: Applicant holds authority to transport the above-named commodities from Omaha, Nebr. to Grinnell, Iowa and contends that the point of Brooklyn has always been served by him and his predecessor. He states that he has no bills to sustain his contention and expects to establish the contention by oral testimony.

No. MC 107064 Sub 13, filed July 13, 1956, FERGUSON-STEERE MOTOR COMPANY, a corporation, P. O. Box 285, Albuquerque, N. Mex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lueders, Tex., to points in New Mexico south of U. S. Highway 66.

No. MC 107840 Sub 5, filed July 13, 1956, FOREST GENSLER AND ARDEN GENSLER, partnership, doing business as GENSLER BROS., Water Street, Shullsburg, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Dubuque, Iowa, to Shullsburg, Wis.

No. MC 108446 Sub 15, filed July 19, 1956, FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's representative: Dale C. Dillon, Suite 944, Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, or dealt in by rubber and rubber products manufacturers, and *supplies* used in the conduct of such businesses, between Akron, Ohio, and West Helena, Ark. Applicant is authorized to conduct operations in Tennessee, Ohio, Massachusetts, Connecticut, New Jersey, Rhode Island, New York, Pennsylvania, Illinois, and Indiana.

No. MC 108473 Sub 13, filed July 12, 1956, ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. For authority to operate as a *common carrier*, over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Manchester, N. H., and Worcester, Mass., as follows: from Manchester over New Hampshire Highway 101 to Milford, N. H., thence over New Hampshire Highway 13 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 13 to Leominster, Mass., thence over Massachusetts Highway 12 to Worcester, Mass., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations between Manchester, N. H., and Worcester, Mass., over U. S. Highway 3 to Boston, Mass., and Massachusetts Highway 9 to Worcester, Mass. Applicant is authorized to conduct regular route operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, and irregular route operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC 108461 Sub 47, filed July 16, 1956, WHITFIELD TRANSPORTATION, INC., 200 West Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representative: Frank Owen, III, and Truman A. Stockton, Jr., 13th Floor Bassett Tower, El Paso, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities in bulk*, except those in liquid form, in tank or hopper type vehicles, between points in Texas, Arizona, New Mexico and Colorado. Applicant is authorized to conduct operations in Arizona, California, Colorado, New Mexico, Texas, and Utah.

No. MC 109095 Sub 6, filed July 16, 1956, ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's representative: B. W. LaTourette, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and Weldon Springs, Mo. and points in Missouri within 10 miles of Weldon Springs, restricted against any service between St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone as defined by the Commission, on the one hand, and, on the other, Weldon Springs and points within 10 miles thereof: From St. Louis over U. S. Highway 40–61 to Weldon Springs and points within 10 miles thereof, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Indiana, Ohio, Illinois, and Missouri.

No. MC 109422 Sub 1, filed June 29, 1956, CHARLES O'NEAL, Philip, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Farm machinery* and *implements*, and *building materials*, from St. Paul, Minn., to Philip, S. Dak., (2) *building materials*, from Fort Dodge, Iowa, to Philip, S. Dak., (3) *livestock feeds*, from Sioux City, Iowa, to Philip, S. Dak., and *livestock* and *grain* from the above-named destination points to the named origin points.

No. MC 109494 Sub 6, filed July 12, 1956, HERBERT BUSKIRK, 3333 Freemansburg Avenue, Easton, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Textile machines*, assembled, not knocked down, and *incidental parts thereof*, and *equipment therefor*, when transported in the same vehicle, requiring the use of cradles, mono-rails or special equipment, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, the Lower Peninsula of Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin.

No. MC 109677 Sub 9, filed July 18, 1956, FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid bichromate of soda*, in bulk, in tank vehicles, from Glens Falls, N. Y., to port of entry on the International Boundary line between the United States and Canada at Rouses Point, N. Y.

No. MC 110270 Sub 5, filed July 18, 1956, BEVERAGE TRANSPORT, INC., Route 5 and 20, P. O. Box 88, East Bloomfield, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from Newark, N. J., to points in Monroe, Genesee, Niagara, Ontario, Livingston, and Erie Counties, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: Applicant requests that duplicating authority be eliminated.

No. MC 110325 Sub 11, filed June 27, 1956 (amended July 13, 1956), published July 11, 1956, page 5153, TRANSCON LINES, a Corporation, 1206 South Maple Boulevard, Los Angeles, Calif. Applicant's representative: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and *government owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) and *empty government owned compressed gas trailers*, (1) between Wichita, Kans., and Albuquerque, N. Mex., from Wichita over U. S. Highway 54 to Tucumcari, N. Mex., thence over U. S. Highway 66 to Albuquerque, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Kansas City, Mo., and Oklahoma City, Okla., and between Oklahoma City and Los Angeles, Calif.; and (2) between Wichita, Kans., and the Junction of U. S. Highway 60 and Arizona Highway 71 near Aguila, Ariz., from Wichita to Albuquerque, N. Mex., over the highways specified in (1) above, thence over U. S. Highway 66 to junction with Alternate U. S. Highway 89 or U. S. Highway 89 near Flagstaff or Ashfork, Ariz., thence over Alternate U. S. Highway 89 or U. S. Highway 89 to junction of U. S. Highway 89 and Alternate U. S. Highway 89, thence over U. S. Highway 89 to Congress Junction, Ariz., thence over Arizona Highway 71 to its junction with U. S. Highway 60 near Aguila, Ariz., and return over the same route, serving no intermediate points and serving the junction of U. S. Highway 60 and Arizona Highway 71 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Kansas City, Mo., and Oklahoma City, Okla., and between Oklahoma City and Los Angeles, Calif. RESTRICTION: Applied-for authority to be limited in point of time to a period ending with the termination of carrier's presently held lease with Cain's Truck Lines (the expiration date of which is April 1, 1961) for any other reason than the exercise by carrier of its option to purchase the rights now leased from the above-named lessor. Applicant is authorized to conduct operations in Arizona, California, Illinois, Indiana, Kansas, Missouri, New Mexico, and Oklahoma.

No. MC 110698 Sub 76, filed July 2, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, P. O. Box 457, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Cherokee and Graham Counties, N. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Virginia.

No. MC 110698 Sub 77, filed July 12, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, J. Archie Cannon, Jr., Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Va., and points in Virginia within ten (10) miles of Norfolk, to points in North Carolina on and west of U. S. Highway 21. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, and Virginia.

No. MC 111700 Sub 9, filed July 19, 1956, PRUCKA TRANSPORTATION, INC., 4610 South 26th Street, Omaha 7, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Glenn L. Martin Company plant located opposite the community of Kassler, Colo., approximately ten (10) miles south of Denver, Colo. as an off-route point in connection with applicant's authorized regular route operations to and from Denver over U. S. Highways 85 and 6, and Colorado Highway 185. Applicant is authorized to conduct operations in Colorado, Nebraska, Iowa, Illinois, Missouri, Kansas, and Wyoming.

No. MC 112020 Sub 19, filed July 16, 1956, COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *Vegetable* and *animal oils, lards* and *tallow*, and *products and blends thereof*, in bulk, in tank vehicles, (1) between points in Illinois, and (2) between points in Illinois, on the one hand, and, on the other, points in Ohio, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Tennessee, Pennsylvania, New York, New Jersey, Missouri, Kansas, Colorado, Oklahoma, Arkansas, Texas, Louisiana, and Kentucky. Applicant is authorized to conduct operations in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

No. MC 112055 Sub 3, filed July 17, 1956, ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Springfield and Alton, Ill., and St. Louis, Mo., to Tucson, Phoenix and Yuma, Ariz., San Diego, Sacramento, San Jose and Long Beach, Calif., and all military installations in the State of California on and south of U. S. Highway 40. Applicant is authorized to conduct operations in Missouri and California.

No. MC 112145 Sub 3, filed July 16, 1956, CHARLES SPURLING, 1101 West 26th Street, Indianapolis, Ind. Applicant's representative: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated cement slabs (Rapidex)* and *allied products* used in the installation of prefabricated cement slabs, from Indianapolis, Ind., to points in Illinois, Michigan, Ohio, and Kentucky; and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, from points in Illinois, Michigan, Ohio, and Kentucky to Indianapolis, Ind.

No. MC 112593 Sub 9, filed July 23, 1956, SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, P. O. Box 97, Taos, N. Mex. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *Motion picture, still-picture, radio, and television sound-producing recordings and film*, and *advertising material relating thereto*, and *newspapers*, and *empty containers*, (1) between Denver, Colo., and the Colorado-New Mexico State line, from Denver over U. S. Highway 85 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points and the off-route points of Florence and Canon City; (2) between Denver, Colo., and the Colorado-New Mexico State line, from Denver over U. S. Highway 285 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points; (3) between Fort Garland, Colo., and the Colorado-New Mexico State line, from Fort Garland over Colorado Highway 159 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points; (4) between Buena Vista, Colo., and Fruita, Colo., from Buena Vista over U. S. Highway 24 to junction of U. S. Highway 6, thence over U. S. Highway 6 to Fruita, and return over the same route, serving all intermediate joints; (5) between Grand Junction, Colo., and Salida, Colo., from Grand Junction over U. S. Highway 50 to Salida, and return over the same route serving all intermediate points and the off-route points of Cedaredge, Paonia, Crested Butte, Naturita, Norwood, Telluride, Ouray, and Silverton; (6) between Fort Garland, Colo., and Cortez, Colo., from Fort Garland over U. S. Highway 160 to Cortez, and return over the same route, serving all intermediate points; (7) between the Colorado-New Mexico State line and the junction of U. S. Highway 160 and Colorado Highway 19, from the Colorado-New Mexico State line over Colorado Highway 19 to junction of U. S. Highway 160, and return over the same route, serving all intermediate points; (8) between Pueblo, Colo., and Lamar, Colo., from Pueblo over U. S. Highway 50 to Lamar, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 113514 Sub 20, filed July 12, 1956, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, Dallas, Tex. Applicant's representative: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flour*, in bulk, in specialized equipment, between points in Oklahoma, Texas, Louisiana, Arkansas, and New Mexico.

No. MC 114004 Sub 8, filed July 16, 1956, ARKANSAS TRUCKING CO., INC., P. O. Box 1715, Little Rock, Ark. Applicant's representative: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, in initial movements,

from Camden, Ark., and points within 10 miles thereof, to points in the United States including the District of Columbia.

No. MC 114015 Sub 6, filed July 20, 1956, HUSS, INCORPORATED, Chase City, Va. Applicant's representative: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Excelsior* and *shooks*, from Chase City and Keysville, Va., to Columbus and Toledo, Ohio; and *damaged shipments of the commodities specified* on return movements. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

No. MC 115841 Sub 7, filed June 29, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Avenue, North Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food and food products*, requiring refrigeration in transit, from points in Pennsylvania to points in Alabama, Arkansas, Louisiana, Oklahoma, Mississippi, Tennessee, and Texas. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, Rhode Island, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Wisconsin, Kentucky, Tennessee, New York, New Jersey, Louisiana, Illinois, Delaware, Maryland, Virginia, Michigan, Ohio, Pennsylvania, Indiana, West Virginia, and the District of Columbia.

No. MC 115841 Sub 8, filed June 29, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Avenue, North Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food and food products*, requiring refrigeration in transit, (1) from points in Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Louisiana, Oklahoma, Mississippi, Tennessee, and Texas, and (2) from points in New Jersey to points in Arkansas, Oklahoma, and Texas. Applicant is authorized to conduct operations in Connecticut, Maine, Masachusetts, Rhode Island, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Wisconsin, Kentucky, Tennessee, Massachusetts, Rhode Island, Alabama, New York, New Jersey, Illinois, Delaware, Maryland, Indiana, West Virginia, and the District of Columbia.

Docket No. MC 115843 Sub 1, (CORRECTION) published on page 5393, issue of July 18, 1956. The name of the applicant, shown as *Transportation* Service Co., is in error. The correct name of applicant is *Transport* Service Co.

No. MC 115885, filed March 26, 1956, LADISLAUS J. HUZINA, doing business as L. J. HUZINA TRUCKING COMPANY, 21 Edgewood Street, South Norwalk, Conn. Applicant's representative: Francis E. Barrett, 7 Water Street, Boston 9, Mass. For authority to operate as a contract carrier, over irregular routes, transporting: *Peat moss*, from docks within the New York Port Authority to points in New York and Connecticut.

No. MC 116026 Sub 2, filed July 20, 1956, MAURICE TURNER, Warren, Maine. Applicant's representative: William D. Pinansky, 403 Clapp Memorial Building, 443 Congress Street, Portland 3, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection therewith *component parts thereof and equipment and materials incidental to the erection and completion of such buildings*, from Rockland, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return movements.

No. MC 116051, filed June 15, 1956, VIRGIL A. BLACKBURN, doing business as ARIZONA CONTAINER TRANSPORT, 1590 Murray Avenue, San Luis Obispo, Calif. Applicant's representative: Joseph P. Ralston, Title & Trust Building, Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty bottles or cans, fibre board, paper board, pulp board*, with tops or bottoms made of the same or other materials set up in bags, or boxes, or crates, or packages, from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in Arizona.

NOTE: Applicant states the above service will be from container manufacturing plants and warehouses located in the Los Angeles area to creamery plants, warehouses and other container users located within the State of Arizona.

No. MC 116062, filed June 20, 1956, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcoholic beverages*, such as wines, in bulk, in tank vehicles, from points in California to points in Texas; and *liquid chemicals*, in bulk, in tank vehicles, as more fully described in the application, from points in Texas and Oklahoma to points in Arizona and California.

No. MC 116062 Sub 1, filed June 21, 1956, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed oil*, in bulk, in tank vehicles, from Lovington and Roswell, N. Mex., to points in Texas and Oklahoma.

No. MC 116062 Sub 2, filed June 21, 1956, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcoholic liquor* and *distilled spirits* (whiskey and gin), in packages and in bottles, in special van equipment with burglar alarms, padding and partitions (the partitions and padding to prevent loss and breakage), from points in Kentucky to points in Texas.

No. MC 116063, filed July 9, 1956, C & R TRANSPORT CO., INC., P. O. Box 127, Winnsboro, Tex. Applicant's representative: M. Ward Bailey, Continental Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Texas, Arkansas, and Louisiana.

No. MC 116064, filed June 21, 1956, AIRPORT CAR SHIPPERS, INC., P. O. Box 605, La Guardia Airport, Flushing, N. Y. Applicant's representative: Charles H. Trayford, 115 East 40th Street, New York, 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Privately-owned automobiles, with or without baggage, personal effects, and household pets*, in driveaway service, between Washington, D. C., New York, N. Y., and points in Fairfield County, Conn., New Castle County, Del., Anne Arundel, Baltimore, Baltimore City, Calvert, Cecil, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and St. Marys Counties, Md., Barnstable, Bristol, Dukes, Essex, Middlesex, Norfolk, Plymouth, and Worcester Counties, Mass., Bergen Burlington, Camden, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset, Sussex, Union, and Warren Counties, N. J., Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, N. Y., Bucks, Chester, Montgomery, and Philadelphia Counties, Pa., Fairfax, Fauquier, King George, Loudoun, Prince William, and Stafford Counties, Va., and those in the State of Florida, on the one hand, and, on the other, points in Baldwin and Mobile Counties, Ala., Atkinson, Berrien, Brooks, Bryan, Bullock, Chatham, Clinch, Colquitt, Cook, Echols, Effingham, Evans, Lanier, Liberty, Long, Lowndes, McIntosh, Screven, and Thomas Counties, Ga., Anne Arundel, Baltimore, Baltimore City, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and St. Marys Counties, Md., Barnstable, Bristol, Dukes, Essex, Middlesex, Norfolk, Plymouth, and Worcester Counties, Mass., George, Hancock, Harrison, Jackson, Peal River and Stone Counties, Miss., Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset, Sussex, Union and Warren Counties, N. J., Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, N. Y., Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Duplin, Greene, Hyde, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson Counties, N. C., Bucks, Chester, Montgomery, and Philadelphia Counties, Pa., Amelia, Charles City, Chesterfield, Dinwiddie, Fairfax, Fauquier, Gloucester, Goochland, Hanover, Henrico, Isle of Wight, James City, King George, King William, Loudoun, Louisa, Nansemond, New Kent, Norfolk, Princess Anne, Prince William, Powhatan, Prince George, Southampton, Surry, Sussex, Stafford, Warwick, and York Counties, Va., the Parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John The Baptist, St. Tammany, and Terrebonne, La., and those in the States of California and Florida.

No. MC 116074, filed June 26, 1956, MAURICE BRIGGS, Route No. 1, Alexandria, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authodrity to operate as a *common carrier*, over irregular routes, transporting: (1) *Commercial fertilizer*, (a) from East St. Louis, Ill., to Alexandria, Mo., and (b) from East St. Louis, Ill., to points in Lee County, Iowa; (2) *Peat moss*, from points in Iowa to Alexandria, Mo.; (3) *bottled liquefied petroleum gas*, from Fremont, Ill., to Keokuk, Iowa; (4) *bottled welding gas*, from Peoria, Ill., to Keokuk, Iowa; (5) *finished and unfinished lumber*, from Granger and Luray, Mo., to Chicago, Ill., and points in Ohio and Indiana; and (6) *bagged animal feeds* and *dog food*, from East St. Louis, Ill., to Alexandria, Mo. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 116091, filed July 3, 1956, STANLEY LEMONS AND CLAUDE LEMONS, doing business as LEMONS BROTHERS, East Bridge Street, Cynthiana, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from Pomeroy, Ohio, and points within ten (10) miles thereof, to points in Franklin, Scott, Anderson, Woodford, Mercer, Boyle, Garrard, Jessamine, Fayette, Madison, Clark, Montgomery, Bourbon, Harrison, Nicholas, Bath, Pendleton, and Robertson Counties, Ky., except Lexington (Fayette County), Ky., and points within four miles thereof; and *fertilizer*, from Cynthiana, Ky., and points within five (5) miles thereof, to points in Cabell, Wayne, Putnam, Kanawha, Roane, Wirt, Wood, Jackson, and Mason Counties, W. Va.; points in Ohio on and south of U. S. Highways 30 and 30N, and those in Indiana bounded by a line beginning at the Indiana-Illinois State line, near Perrysville, Ind., and extending along Indiana Highway 32 to the Indiana-Ohio State line, thence along the Indiana-Ohio and Indiana-Kentucky State lines to junction U. S. Highway 150, thence along U. S. Highway 150 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to point of beginning, including points on Indiana Highway 32 but excluding those on U. S. Highway 50.

No. MC 116092, filed July 5, 1956, E. J. PERSONS, LIMITED, 67 Main Street, Sweetsburg, Province of Quebec, Canada. Applicant's representative: Tormey & Guerin, Suite 502, 505 Dorchester, West, Montreal, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Millwork, doors, veneer* and *veneer products; wool* and *felt; wood turnings* and *wood products*, from Ports of Entry on the International Boundary line between the United States and Canada at North Troy, Richford, and Highgate Springs, Vt., and Rouses Point, N. Y., to points in Vermont, New Hampshire, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania and Maine, and *wool* and *felt*, from Boston, Mass., Albany, N. Y., and Portland, Maine, to Ports of Entry on the International Boundary line between the United States and Canada at North Troy, Richford, and Highgate Springs, Vt., and Rouses Point, N. Y.

No. MC 116097, filed July 11, 1956, NATIONAL BOAT TRANSPORT, INC., P. O. Box 14287, Houston 2, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats, boat motors, accessories and equipment, including but not limited to anchors, sails, masts, rigging, propellers and oars*, and *boat parts*, when moving with shipments of boats, (1) from Morgan City, La., and New Orleans, La., to Washington, D. C., and points in California, Florida, Illinois, Maryland, Minnesota, Missouri, Ohio, Oklahoma, Oregon, Pennsylvania, Texas and Washington; (2) from Algonac, Cadillac, Grand Rapids, Holland, Kalamazoo, and Manistee, Mich., Chattanooga, Tenn., and Caruthersville, Mo., to points in Alabama, Arizona, Arkansas, California, Florida, Louisiana, Mississippi, New Mexico, Oklahoma, Oregon, Texas, and Washington; (3) from Dallas and Denison, Tex., to Washington, D. C., and points in Alabama, Arkansas, Florida, Illinois, Indiana, Louisiana, Maryland, Minnesota, Missouri, New Jersey, Ohio, Oklahoma, and Pennsylvania; (4) from Jacksonville, Miami, and Orlando, Fla., Atlanta, Ga., and Sandusky, Ohio, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (5) from Baltimore, Solomons, and Salisbury, Md. and Lancaster, Pa. to points in Alabama, Arkansas, California, Florida, Louisiana, Mississippi, Oklahoma, Oregon, Texas, and Washington.

No. MC 116099, filed July 11, 1956, ALFRED WOODWORTH, doing business as WOODWORTH AND SONS, Tolono, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, and in bulk, in tank vehicles, and *empty containers*, between points in Vigo County, Ind., and points in Illinois.

No. MC 116106, filed July 17, 1956, NEIL A. SMITH AND DONALD W. SMITH, a partnership, doing business as SMITH BROTHERS, Route No. 1, Raglan Post Office, Columbus, Ontario, Canada. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Breeding livestock*, (other than horses, mules or ponies), between ports of entry on the boundary of the United States and Canada at or near Buffalo, Niagara Falls and Fort Erie, N. Y., and points in New York, Pennsylvania, Vermont, New Jersey, Massachusetts, Virginia, West Virginia, Ohio, Wisconsin, Connecticut, Illinois, Indiana, Maryland and Michigan, restricted to shipments originating in and destined for, Canada.

No. MC 116107, filed July 16, 1956, THOMAS YOUNG, Royalton, Ill. Applicant's representative: Elmer Jenkins, C. A. Jackson Building, Benton, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rock dust, limestone*, and *crushed rock*, from St. Genevieve, Mo. to points in Franklin, Williamson, Perry, Randolph and Jefferson Counties, Ill.; *coal*, from Franklin County, Ill., to St. Genevieve, Mo.

No. MC 116111, filed July 19, 1956, CHARLES S. REAVIS, doing business as NORTH KANSAS CITY TOW SERVICE, 1114 Swift Street N., Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, between points in the Kansas City, Mo.–Kans. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Missouri, Nebraska, Iowa, and Oklahoma.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2880 Sub 11, filed June 26, 1956, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. For authority to operate as a *common carrier*, over a regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Union, N. J., and Elizabeth, N. J., from the intersection of New Jersey Highway 82 (formerly New Jersey Highway S–24), and North Avenue in Union, N. J., over North Avenue via Hillside, N. J., to Elizabeth, and return over the same route, serving all intermediate points. Applicant is authorized to conduct regular route operations in New Jersey and New York, and irregular route operations in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant has regular route authority in Certificate No. MC 2880 to operate along New Jersey Highway 82 and has authority in the same certificate to operate over city streets in Elizabeth, N. J. Applicant states that the extension of route applied for in the instant application is for use of North Avenue between New Jersey Highway 82 in Union and the Hillside-Elizabeth boundary line.

No. MC 116068, filed June 23, 1956, D & F TRANSIT, INC., 12 Center Street, Fredonia, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the City of Dunkirk, N. Y., and the Village of Fredonia, N. Y., operating over city streets located in the City of Dunkirk and in the Village of Fredonia.

NOTE: Applicant states that it seeks no authority to serve intermediate points that are not in Dunkirk or Fredonia.

No. MC 116104, filed July 16, 1956, MONUMENT VALLEY STAGE LINES, INC., c/o Ross Musselman, Bluff, Utah. Applicant's representative: Calvin L. Rampton, 721 Continental Bank Building, Salt Lake City, Utah. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Monticello, Utah and Flagstaff, Ariz., from Monticello over Utah Highway 47 to the Utah-Arizona State line, thence over unnumbered highway to junction U. S. Highway 89, thence over U. S. Highway 89 to Flagstaff, and return over the same route, serving all intermediate points, except no local service on U. S. Highway 89.

APPLICATIONS UNDER SECTIONS 5 (2) AND 210a (b)

No. MC–F 6296, published in the June 13, 1956, issue of the FEDERAL REGISTER on page 4066. Supplemental application filed July 19, 1956, to show WM. J. COLLINGE, O. F. COLLINGE, GEORGE H. COLLINGE, GERALDINE C. COLLINGE, and DORIS A. COLLINGE as the persons in control of vendee.

No. MC–F 6341, published in the July 25, 1956, issue of the FEDERAL REGISTER on page 6341. Application filed July 20, 1956, for temporary authority under section 210a (b).

No. MC–F 6348. Authority sought for purchase by COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill., of the operating rights and property of AMERICAN TRANSPORT, INC., P. O. Box 683, Springfield, Mo., and for acquisition by ROBERT WHITE, JR., also of Belleville, of control of such rights and property through the purchase. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Operating rights sought to be transferred: *Petroleum* and *petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 294, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Coffeyville, Kans., to Ava., Mo., and from Kansas City, Arkansas City, Coffeyville, Neodesha, and Chanute, Kans., to certain points in Missouri. Vendee is authorized to operate in Illinois, Indiana, Missouri, Kentucky, Iowa, Tennessee, and Arkansas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6349. Authority sought for purchase by TRANSPORTES MARTINEZ, S. de R. L. de C. V., Isaac Garza 2219 Ote., Monterrey, Nuevo Leon, Mexico, of a portion of the operating rights of JOSE MARIA VILLANUEVA, doing business as VILLANUEVA TRANSFER, 1919 Lincoln, Laredo, Texas. Applicants' representative: Robert F. Barnes, International Bridge, Hidalgo, Texas. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes between the boundary of the United States and Mexico at Brownsville, Tex., and Port Brownsville, Tex., between the boundary of the United States and Mexico at Hidalgo, Tex., and McAllen, Tex., serving no intermediate points; *general commodities*, without exception, over irregular routes, between the boundary of the United States and Mexico at Brownsville, Tex., on the one hand, and, on the other, Brownsville, Tex., and the Brownsville Airport. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6350. Authority sought for purchase by CHESTER CARRIERS, INC., East Petersburg, Pa., of the operating rights of DAVID S. VENGER (JAMES P. COHO, TRUSTEE), doing business as DEPENDABLE TRANSPORTATION CO., 131 East Main Street, Brownstown, Pa. Applicants' representative: John M. Musselman, State Street Building, Harrisburg, Pa. Operating rights sought to be transferred: *Agricultural pulverized limestone*, as a *common carrier* over irregular routes, from points in Lancaster County, Pa., to points in Delaware and Maryland, except incorporated communities; and *sand*, from points in New Castle County, Del., and Cecil County, Md., to points in Lancaster County, Pa. Vendee is authorized to operate as a *common carrier* in Delaware, Pennsylvania and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6351. Authority sought for purchase by DARLING TRANSFER, INC., 1020 "J" Street, Auburn, Nebr., of the operating rights and property of CHARLES W. DARLING (FLORENCE DARLING, ADMINISTRATRIX), doing business as DARLING TRANSFER, 1020 "J" Street, Auburn, Nebr., and for acquisition by JOE W. DARLING, Falls City, Nebr., PAUL W. DARLING, Nebraska City, Nebr., and RALPH E. DARLING, Auburn, Nebr., of control of such rights and property through the purchase. Applicants' representative: Joe W. Darling, President, Darling Transfer, Inc., 1020 "J" Street, Auburn, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Auburn, Nebr., and Lincoln, Beatrice, Shubert, Peru, and Lorton, Nebr., between Lincoln, Nebr., and Nebraska City, Nebr., between Falls City, Nebr., and Omaha, Nebr., and between Falls City, Nebr., and St. Joseph, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions not including household goods, between Horton, Kans., and South St. Joseph and Kansas City, Mo., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, between Horton, Kans., and South St. Joseph and Kansas City, Mo., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, and *emigrant movables*, over irregular routes, between Auburn and Falls City, Nebr., and points in Nebraska within 25 miles of Auburn, on the one hand, and, on the other, points in Missouri, Kansas, and Iowa; *livestock, contractors' equipment, machinery, and supplies, feed*, and *lubricating oil and grease in containers*, from, to and between points and areas, varying with the commodity transported, in Nebraska, Missouri, Kansas, and Iowa. DARLING TRANSFER, INC., is not a motor carrier but is affiliated with RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, a *common carrier*, which is authorized to operate in Kansas, Nebraska, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6352. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Texas, of the operating rights of JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South 2nd Street, Raton, N. Mex., and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of such rights through the purchase. Applicants' representative: Reagan Sayers, Century Life Building, Fort Worth, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions not including household goods, as a *common carrier* over regular routes between Denver, Colo., and Clayton, N. Mex., between Trinidad, Colo., and Tucumcari, N. Mex., and between junction New Mexico Highway 18 and unnumbered highway near Hayden, N. Mex., and junction New Mexico Highway 65 and New Mexico Highway 18, serving certain intermediate and off-route points; and *general commodities*, with certain exceptions including household goods, between Springer, N. Mex., and Tucumcari, N. Mex., between Wagon Mound, N. Mex., and Roy, N. Mex., and between Abbott, N. Mex., and Gladstone, N. Mex., serving certain intermediate points and the off-route point of Farley, N. Mex. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6168; Filed, July 31, 1956; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32434: *Wallboard—Minnesota and Wisconsin to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wallboard, carloads, as described in the application from specified points in Minnesota and Wisconsin to points in Arkansas, Louisiana, Missouri, New Mexico, and Texas.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 16 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32435: *Mouldings or fasteners, from, to and between points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wallboard mouldings, or fasteners, aluminum, and iron or steel, in mixed carloads with wallboard from Rio Grande Crossings in Texas, on traffic from Mexico to specified points in Missouri, Illinois, Arkansas, Kansas, Louisiana, Oklahoma and Tennessee, also points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 30 to Agent Kratzmeir's I. C. C. 4159.

FSA No. 32436: *Brewer's rice—New Orleans, La., and Memphis, Tenn., to Detroit, Mich.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on brewer's rice, in bags or in bulk, in paper lined cars, carloads, from New Orleans, La., and Memphis, Tenn., to Detroit, Mich.

Grounds for relief: Circuitous route in part west of the Mississippi River.

FSA No. 32437: *Automobile parts—Michigan and Pennsylvania to Missouri.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts, carloads from Warren, Mich., Bessemer, Pa., and other specified points in Pennsylvania to Swope Park, Mo., and Kansas City, Mo.–Kans.

Grounds for relief: Carrier competition and circuity.

FSA No. 32438: *Silica—Elco, Ill., to Savannah and Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on silica, ground or pulverized, carloads from Elco, Ill., to Savannah and Port Wentworth, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 71 to Agent Spaninger's I. C. C. 1469;

FSA No. 32439: *Silica—Tamms and Olive Branch, Ill., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on silica, ground or pulverized, carloads from Tamms and Olive Branch, Ill., to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 71 to Agent Spaninger's I. C. C. 1469.

FSA No. 32440: *Sulphate of ammonia—Alabama to Illinois.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphate of ammonia, carloads from Alabama City and Gadsden, Ala., to Chicago, East St. Louis and Atlanta, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 75 to Agent Spaninger's I. C. C. 1366.

FSA No. 32441: *Fertilizer compounds to Western Trunk-Line Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizer), carloads from specified points in Arkansas, Louisiana, Missouri, Oklahoma and Texas to specified points in Colorado, Idaho, Utah and Wyoming.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 74 to Agent Kratzmeir's I. C. C. 4136.

FSA No. 32442: *Grain and products—Colorado, Kansas, and Oklahoma to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points in Colorado, Kansas and Oklahoma to specified points in Texas.

Grounds for relief: Grouping and circuitous routes via specified transit points.

Tariff: Supplement 128 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 32443: *Benezene—Charleston and Natrium, W. Va., to New Orleans, La.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on benezene, hexachloride, carloads from Charleston and Natrium, W. Va., to New Orleans, La.

Grounds for relief: Barge and market competition and circuitous routes.

Tariff: Supplement 83 to Agent Hinsch's I. C. C. 4367.

FSA No. 32444: *Coal, to Malone, N. Y.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on coal, bituminous and cannel, and coal briquettes, carloads from points on the Baltimore and Ohio Railroad Company, and other carriers named in the application in coal regions in Maryland, Ohio, Pennsylvania, West Virginia and other states in the eastern coal fields to Malone, N. Y.

Grounds for relief: Carrier competition and circuitous routes, maintenance of origin group relations.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6178; Filed, July 31, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
AUG 6 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA, COLO.

REGULATION BY GRADES AND SIZES

§ 940.308 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940; 21 F. R. 5673), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 3, 1956. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 26, 1956; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 26, 1956, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 30, 1956; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 3, 1956, and ending at 12:01 a. m., m. s. t., October 15, 1956, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U. S. No. 1;

(ii) Any peaches of the Early Elberta or Gleason Elberta varieties which are of a size smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or

(iii) Any varieties of peaches other than the Early Elberta and Gleason Elberta varieties which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," "diameter," and "count" shall have the same meaning as when used in

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FEDERAL REGISTER

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the United States Standards for Peaches, as recodified (7 CFR 51.1210–51.1223; 18 F. R. 7116).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 31, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6251; Filed, Aug. 1, 1956; 8:51 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Order 13]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS INVOLVED IN THE MANUFACTURE OF BRICK, TILE, AND KINDRED PRODUCTS

Finding and order. Pursuant to notice published in the FEDERAL REGISTER on April 10, 1956 (21 F. R. 2301), a hearing was held on May 22, 1956, on a proposed finding and order issued April 2, 1956, that certain occupations in the manufacture of brick, tile and kindred products were particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.).

Opportunity was given for interested persons to be present at the hearing or to submit their views prior to the hearing. The only objection raised at the hearing was that the data on silica brick plants were outmoded and that the proposed order referring to these plants was, therefore, not valid. After consideration of all the relevant matters presented it is found that the proposed order was based on a current investigation.

The evidence introduced at the hearing forms a sound basis for the issuance of this order. Among the many injuries occasioned in the maunfacture of clay construction products the following are most common: Overexertion; strains; sprains; burns; heat exhaustion; injuries from falling objects; injuries from vehicles; injuries to eyes from flying particles, dust, bits of clay, and chips from broken products; injuries from machines; and injuries from falls. There is also danger to the health from the excessive dust in parts of the plant. Both the injury frequency rates and the severity rates in this industry, as shown by the evidence, have been well above the average of all manufacturing industries from 1948 through 1954. The above dangers are also present in plants manufacturing silica refractories and in addition the danger of acquiring silicosis in these plants presents a detriment to health.

The inquisitiveness, lack of stamina, inexperience at the work, tendency toward inattention, immaturity and impulsive nature of minors between 16 and 18 years of age make the dangers in the occupations in these plants particularly hazardous for their employment and detrimental to their health and well-being.

Work in the following departments of establishments manufacturing clay construction products is not accompanied by the high degree of danger that exists in the rest of the plant: Storage and shipping, offices, laboratories, storerooms, and drying departments of plants manufauctring sewer pipe. Similarly, work in offices in establishments manufacturing silica refractories is not accompanied by the high degree of danger that exists throughout the rest of the plant.

It is, therefore, the purpose of this order to protect the health and well-being of minors between 16 and 18 years of age who are or may be employed in plants manufacturing brick, tile and kindred products, which are engaged in commerce or in the production of goods for commerce, by prohibiting their employment in all the occupations in such plants which are particularly hazardous for their employment and detrimental to their health and well-being.

Accordingly, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 of 1946 (60 Stat. 1095) and in accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 4, Subpart D) the following finding and order is hereby designated as Hazardous Occupations Order No. 13:

§ 4.64 *Occupations involved in the manufacture of brick, tile, and kindred products*—(a) *Findings and declaration of fact.* The following occupations involved in the mahufacture of clay construction products and of silica refractory products are particularly hazardous for the employment of minors between 16 and 18 years of age, and detrimental to their health and well-being.

(1) All work in or about establishments in which clay construction products are manufactured, except (i) work in storage and shipping; (ii) work in offices, laboratories, and storerooms; and (iii) work in the drying departments of plants manufacturing sewer pipe.

(2) All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

(3) Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

(b) *Definitions.* (1) The term "clay construction products" shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following non-structural-bearing clay products: Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories.

(2) The term "silica brick or other silica refractories" shall mean refractory products produced from raw materials containing free silica as their main constituent.

(c) *Higher standards.* This section shall not justify non-compliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

This order will become effective September 1, 1956.

(Secs. 3, 11, 52 Stat. 1060, as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 25th day of July 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6196; Filed, Aug. 1, 1956; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER PROMULGATING DEFINITION AND STANDARD OF IDENTITY FOR NUWORLD CHEESE AND AMENDING CERTAIN STANDARDS TO PERMIT NUWORLD CHEESE AS OPTIONAL INGREDIENT

In the matter of establishing a definition and standard of identity for nuworld cheese and amending the definitions and standards of identity for pasteurized process cheese, pasteurized process cheese food, pasteurized process cheese spread, cold-pack cheese, club cheese, and cold-pack cheese food:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on June 22, 1956 (21 F. R. 4402, 5046), establishing a definition and standard of identity for nuworld cheese and amending other cheese and cheese-food standards to permit the use of nuworld cheese as an optional ingredient therein. The amendments promulgated by that order will become effective September 20, 1956.

(Sec. 1, 68 Stat. 54; 21 U. S. C. 341)

Dated: July 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6202; Filed, Aug. 1, 1956; 8:48 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN-(OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS: TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a) are amended as indicated below:

1. Section 141a.38 *Procaine penicillin and streptomycin in oil* • • • is amended as follows:

a. In paragraph (a) (2) the reference "§ 141a.35 (a) (2)" is changed to read "§ 141a.35 (a) (4)".

b. In paragraph (a) (3) the reference "§ 141a.35 (a) (3)" is changed to read "§ 141a.35 (a) (5)".

2. Section 141a.65 *Procaine penicillin-streptomycin-neomycin in oil* • • • is amended as follows:

a. The section headnote is changed to read: "§ 141a.65 *Penicillin-streptomycin-neomycin in oil; penicillin-dihydrostreptomycin-neomycin in oil; penicillin-streptomycin-neomycin ointment; penicillin - dihydrostreptomycin - neomycin ointment*".

b. Paragraph (a) (1) is changed to read as follows:

(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.35 (a) (1), (2), and (3). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

c. In paragraph (a), subparagraph (2) is renumbered (4) and new subparagraphs (2) and (3), reading as follows, are inserted between subparagraph (1) and renumbered subparagraph (4):

(2) *Streptomycin content.* Proceed as directed in § 141a.35 (a) (4). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141a.35 (a) (5). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

3. Section 141b.127 *Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement* • • • is amended by changing paragraph (a) (4) to read as follows:

(a) *Potency.* • • •

(4) *Bacitracin content.* Weigh 2 grams of the dental cement and transfer to a sintered-glass funnel of medium porosity. Wash the cement five times by shaking with 5-milliliter portions of acetone, using a filter flask and vacuum. Allow the vacuum to dry the residue. Discard the washings. Wash the residue five times by shaking with 5-milliliter portions of 1-percent phosphate buffer, pH 6.0, withdrawing each portion under vacuum. Combine the washings and add sufficient buffer to give a bacitracin concentration of 2 units per milliliter (estimated). Use a chromatographic column made by blowing a glass tube, measuring approximately 85 millimeters by 7 millimeters, into the bottom of a glass test tube measuring 100 millimeters by 15 millimeters. Draw the end of the column to a tip and place a plug of glass wool in the tip. Fill the column with a slurry of 6.5 grams of acid-washed alumina (chromatographic grade) and 1-percent phosphate buffer, pH 6.0. Allow the alumina to settle in the tube and the excess buffer to drain off. When the liquid level nearly reaches the top of the column of alumina, add the sample solution (containing 2 units per milliliter) dropwise from a dropping funnel at the same rate that the buffer is being released from the tip. Discard the first 30 milliliters of effluent. Collect the remainder of the sample, dilute an aliquot with buffer to give a final bacitracin concentration of 1 unit per milliliter (estimated), and assay by the method prescribed in § 141a.49 of this chapter, using the dihydrostreptomycin-resistant strain of M. flavus (PCI 16 R. D.). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

4. Section 146.26 *Animal feed containing penicillin* • • • is amended as follows:

a. Paragraph (b) (21) is amended by renumbering subdivision (iv) as (v) and inserting a new subdivision (iv), reading as follows, between subdivision (iii) and renumbered subdivision (v):

(iv) It is also intended for use in the prevention of outbreaks of histomoniasis (blackhead) in turkey flocks, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this paragraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (3) of this paragraph and in the amounts specified in that subparagraph.

b. In paragraph (b) (21) renumbered subdivision (v) is amended by changing the words "and (iii)" to read "(iii), and (iv)".

5. In § 146a.89 the section headnote and the introductory paragraph are changed to read:

§ 146a.89 *Penicillin-streptomycin-neomycin in oil; penicillin-dihydrostreptomycin-neomycin in oil; penicillin-streptomycin-neomycin ointment; penicillin - dihydrostreptomycin - neomycin ointment.* Penicillin-streptomycin-neomycin in oil and penicillin-dihydrostreptomycin-neomycin in oil conform to all requirements and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil. Penicillin-streptomycin-neomycin ointment and penicillin - dihydrostreptomycin - neomycin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.54 for penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment, except that:

• • • • •

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy provided they comply with the conditions specified in amendment 4 of this order.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-6203; Filed, Aug. 1, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-412A]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

SPECIAL CIVIL AIR REGULATION; EXTENSION OF JULY 27, 1956 DATE FOR IDENTIFICATION OF AIRCRAFT IN ACCORDANCE WITH SPECIAL CIVIL AIR REGULATION SR-412

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of July 1956.

Special Civil Air Regulation No. SR-412, effective July 27, 1955, permits until July 27, 1956, aircraft identification marks to be affixed to the vertical tail or fuselage side surfaces in lieu of the markings required by Part 1.

Information available indicates that many persons have availed themselves of the provisions of SR-412 and have had very favorable operational experience using the method of marking permitted by that regulation. However, the Board has been advised that if SR-412 is amended to allow an extension beyond the present date of July 27, 1956, for affixing the markings, other persons, including at least one scheduled air carrier, will take advantage of the alternate method.

In view of the foregoing, the Board is of the opinion that an extension of the July 27, 1956, date is warranted, since it will enable more persons to take advantage of, and to obtain actual operational experience with, the new method of marking which has been permitted by SR-412. Furthermore, this in turn will make available to the Board additional information which will be of value in making a final determination with respect to identification marking requirements.

Persons who choose to display identification markings in accordance with this amended regulation will be required to affix the markings to their aircraft before July 27, 1958. Since this regulation will remain in effect for a period of 4 years from its effective date, unless sooner superseded or rescinded, those who affix identification markings in accordance with this regulation can be assured of being able to continue to display such markings for a period of at least 2 years.

It would be of value to the Board if those persons who display identification markings on their aircraft in accordance with this regulation submit to the Board photographs or sketches of their aircraft displaying such markings, and also their comments as to the effect such markings have on ground-to-air and air-to-air identification. All such information should be addressed to the Civil Aeronautics Board, attention of Bureau of Safety Regulation, Washington 25, D. C.

Interested persons have been afforded an opportunity to participate in the making of this Special Civil Air Regulation and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 27, 1956:

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-6207; Filed, Aug. 1, 1956; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 206]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums			If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
					Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots
1	2	3	4	5	8	9	10	11	12
FORT SMITH, ARK. Municipal (FSM), 465'. VOR-1 Procedure No. 1, Amendment No. 2, Effective date: Aug. 23, 1956. Supersedes Amendment No. 1, dated July 27, 1954. Minor changes. Make procedure turn altitude and limiting distances, column 5. Air carrier notes reworded.	Fort Smith Radiohenge	125—9.1	2,000	N side of course: 015° outbound. 225° inbound. 13,000' within 10 miles. Beyond 11 miles not authorized.	T—1¼ C—1 C—n S—4 S—n 25 A—m	300-1 600-1 600-2 600-1 600-2 800-2	300-1¼ 600-1 600-2½ 600-1 600-2 800-2	300-1¼ 600-1 600-2½ 600-1 600-2 800-2	Within 5.2 miles, climb to 1,800' on 015° course before turning. Climb to 2,000' on 225° course before turning. Highland Hill 1.5 miles E. of airport. AIR CARRIER NOTES: 300-1 required for takeoff runways 1-10. No reduction in landing minima authorized by application of sliding scale. No reduction in takeoff or landing minima authorized for cargo or ferry flights.

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

Initial ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Transition to ILS				Ceiling and visibility minimums						Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitudes (ft.)	If visual contact not established before reaching authorized landing initiation point, or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)	Altitude of glide slope and distance to approach end of runway at—		Condition	2 engines or less		More than 2 engines (more than 65 knots)			
					Outer marker	Middle marker		65 knots or less	More than 65 knots				
1	2	3	4	5	7	8	9	10	11	12	13	6	14
AUSTIN, TEX. Municipal. ILS-IA-AUS. LOM-AU. Combination ILS and ADF. Procedure No. 11. Amendment No. 11. Effective date: August 25, 1956. Supersedes Amendment 10, dated March 3, 1956. Major changes: Add final from Webberville Intersection. ⑥	Austin VOR	OM	148—9.8	2,000	ILS *2,000	823—0.6	T-dn C-dn	300–1 500–1	300–1 500–1	#300–1 500–1½	Climb to 2,500' on NW course ILS or within 5.3 miles LOM (ADF), climb to 2,500' on course 305° within 20 miles. When directed by ATC turn right, climb to 2,500' on NE course ILS-LFR within 20 miles. ⑥Intersection SE course AUS ILS and 240° bearing to "CMK" Radiobeacon. *2,000' will intercept glide slope 8 miles from LOM. #300–1½ authorized on runways 16R-34L, 12R-30L only. 400–1 required when G/S not used. No approach lights. All installed components of ILS must be operating; otherwise, alternate minimums of 800–2 apply.	Within 5.1 miles, climb on NE course ILS or on bearing 038 from LOM to 2,000' within 20 miles. No approach lights. *All installed components of the ILS must be operating; otherwise, alternate minimums of 800–2 apply.
							S-dn 30L ILS	300–¾	300–¾	300–¾			
							ADF	400–1	400–1	400–1			
					ILS 2,000		A-dn ILS	600–2	600–2	600–2			
					ADF 1,300 over LOM		ADF	800–2	800–2	800–2			
	Austin LFR	NW course ILS.	118—1.3	1,900									
					ILS *2,000	820—0.6							
					ADF 1,300 over LOM								
	Smithville Radiobeacon	SE course ILS.	295—25.0	1,900									
	Cedar Creek Intersection	LOM	331—10.4	1,700							Beyond 10 miles not authorized.		
	Webberville Intersection ⑥ (final).	LOM	305—8.2	2,000									
SPRINGFIELD, ILL. Capital. 587'. ILS-SPI. LOM-SP. Procedure No. 1. Combination ILS-ADF. Amendment No. 1. Effective date: July 25, 1956. Supersedes Amendment dated July 11, 1956. Major changes: (1) ADF altitude in column 7 added; (2) Straight-in ADF minimums added.	SPI-LFR	LOM	271—1.2	2,000	T-dn C-dn	736—0.6	T-dn C-dn	300–1 400–1	300–1 500–1	300–1 500–1½		S side of course: 238° outbound, 058° inbound. 2,000' within 10 miles.	S side of course: 238° outbound, 058° inbound. 2,000' within 10 miles.
	SPI-VOR	LOM	217—9.5	2,000	ILS 2,000		S-dn 4 ILS	300–¾	300–¾	300–¾			
					ADF 1,500		ADF	400–1	400–1	400–1			
							A-dn ILS	600–2	600–2	600–2			
							ADF	800–2	800–2	800–2			

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-5927; Filed, Aug. 1, 1956; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.292]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

ALIENS WHOSE DEPARTURE IS DEEMED PREJUDICIAL TO THE INTERESTS OF THE UNITED STATES

Part 46, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Paragraph (c) of § 46.3 *Aliens whose departure is deemed prejudicial to the interests of the United States*, is amended to read as follows:

(c) Any alien who is subject to registration for training and service in the Armed Forces of the United States and who fails to present a Registration Certificate (SSS Form No. 2) showing that he has complied with his obligation to register under the Universal Military Training and Service Act, as amended.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

This order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

Dated: July 3, 1956.

HERBERT HOOVER, Jr.,
Acting Secretary of State.

Concurred in:

HERBERT BROWNELL, Jr.,
Attorney General.

Dated: July 17, 1956.

[F. R. Doc. 56-6200; Filed, Aug. 1, 1956; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 510—EGYPTIAN ASSETS CONTROL REGULATIONS

EXTENSION OF CONTROL TO ASSETS OF AND TRANSACTIONS WITH EGYPT AND THE SUEZ CANAL COMPANY

The following regulations are hereby adopted controlling all assets of and transactions with Egypt and the Suez Canal Company:

§ 510.201 *Transactions involving Egypt or the Suez Canal Company.* (a) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if either such transactions are by, or on behalf of, or pursuant to the direction of Egypt, or the Suez Canal Company (Cie. Universelle du Canal Maritime de Suez), or such transactions involves property in which Egypt, or the Suez Canal Company, has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect:

(1) All transfers of credit and all payments between, by, through, or to any banking institution or banking institutions wheresoever located, with respect to any property subject to the jurisdiction of the United States or by any person (including a banking institution) subject to the jurisdiction of the United States;

(2) All transactions in foreign exchange by any person within the United States; and

(3) The exportation or withdrawal from the United States of gold or silver coin or bullion, currency or securities, or the earmarking of any such property, by any person within the United States.

(b) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if such transactions involve property in which Egypt or the Suez Canal Company has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect;

(1) All dealings in, including, without limitation, transfers, withdrawals, or exportations of, any property or evidences of indebtedness or evidences of ownership of property by any person subject to the jurisdiction of the United States; and

All transfers outside the United States with regard to any property or property interest subject to the jurisdiction of the United States.

(c) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraphs (a) or (b) of this section is hereby prohibited.

(d) The term Egypt as used herein shall mean

(1) The state and the government of Egypt as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof; and

(2) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the "effective date", acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing; and

(3) Any territory which on or since the "effective date" is controlled or occupied by the military, naval or police forces or other authority of Egypt.

This section shall be effective as of 1:40 p. m., eastern standard time, July 31, 1956.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56-6238; Filed, July 31, 1956; 3:40 p. m.]

PART 510—EGYPTIAN ASSETS CONTROL REGULATIONS

ADDITIONAL PROVISIONS RELATING TO THE EXTENSION OF CONTROL TO ASSETS OF AND TRANSACTIONS WITH EGYPT AND SUEZ CANAL CO.

The following additional regulations are hereby adopted in connection with § 510.201 controlling all assets of and transactions with Egypt and the Suez Canal Company:

§ 510.301 *Definitions and interpretations.* (a) The definitions and interpretations contained in §§ 500.301 to 500.409 of this chapter shall be applicable under the regulations in this part.

(b) Wherever the term "designated foreign country" is used in Part 500 of this chapter it shall be deemed to include Egypt for every purpose of this part.

§ 510.501 *Licenses.* Transactions otherwise prohibited by § 510.201 are hereby licensed provided that such transactions would be licensed by §§ 500.501 to 500.539 of this chapter if they were subject to § 500.201 thereof.

§ 510.701 *Penalties.* The provisions of § 500.701 of this chapter shall be applicable to the regulations in this part.

§ 510.801 *Procedures.* The provisions of §§ 500.801 to 500.807 of this chapter shall be applicable under the regulations in this part.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp., E. O. 9989, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6255; Filed, Aug. 1, 1956; 9:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATION AREAS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) (4) of § 2.1 *General provisions*, is amended to read as follows:

(4) Shadow Mountain National Recreation Area, Colorado, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Land Management, Department of the Interior, as detailed in a memorandum of agreement between the three agencies approved August 3, 1955.

2. Paragraph (a) (4) of § 2.2 *Definitions*, is amended to read as follows:

(4) The term "Shadow Mountain National Recreation Area" means the property owned by the United States, including the water surface of Granby Reservoir and Shadow Mountain Lake, within that portion of the Colorado-Big Thompson Project which is administered by the National Park Service pursuant to a memorandum of understanding between the National Park Service, Bureau of Land Management and the Bureau of Reclamation, as shown by Drawing No. RS/SMGR-7100C, dated September 27, 1954, attached to the memorandum of understanding as "Exhibit A," a copy of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

3. Section 2.11 *Sanitation*, is amended to read as follows:

§ 2.11 *Sanitation.* (a) No garbage, papers, cans, bottles, or rubbish of any kind shall be thrown or dumped in the waters of the areas or along the roads, in picnicking or camping sites, or beaches, or on any other lands of the areas, but shall be burned or buried, or disposed of at points or places designated for the disposal thereof.

(b) Contamination of watersheds or of any water used for drinking purposes is prohibited.

(c) All comfort stations shall be used in a clean, sanitary and orderly manner.

(d) Saddle, pack, or draft animals shall not be kept in, or within 300 feet of any campgrounds.

(e) Toilets on water-borne craft must not be emptied in the waters of the areas when such craft are at dock or when within one mile of public ports or public beach areas.

(f) The drainage or dumping of refuse from any trailer, except in places or receptacles provided for such purposes, is prohibited.

(g) The cleaning of fish on public docks and walkways, or at campground hydrants, or at any other place in the areas where such activities would create an unsanitary condition, is prohibited.

4. A new section is added to Part 2, to read as follows:

§ 2.30 *Abandonment of property.* The abandonment of personal property in national recreation areas is prohibited.

5. A new section is added to Part 2, to read as follows:

§ 2.31 *Lost articles.* Persons finding lost articles should deposit them at the Office of the Superintendent, or at the nearest ranger station, leaving their names and addresses, so that if the articles are not claimed by the owners within 60 days, they may be returned to those who found them.

6. A new section is added to Part 2, to read as follows:

§ 2.32 *Relics.* Relics, artifacts, and other articles of historic or archeologic interest found on the Government land are Government property and must, if removed from the place where they are found, be deposited with the Superintendent or at the nearest ranger station.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C., 3)

FRED A. SEATON,
Secretary of the Interior.

JULY 26, 1956.

[F. R. Doc. 56-6194; Filed, Aug. 1, 1956; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 152—INDEMNITY PAYMENTS

PART 172—COMPLIANCE WITH COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

MISCELLANEOUS AMENDMENTS

1. Paragraph (c) of § 152.1 *Registered postal union articles*, as amended (21 F. R. 5090), is amended to read as follows:

(c) *Great Britain and Northern Ireland and Switzerland.* You may be paid any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value, and, on the basis of actual value, irrespective of country or origin or country responsible, for rifling or total damage of an article in a registered packet, but not exceeding $8.17. If United States responsibility, payment may also be made not exceeding $8.17 for partial damage.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

2. Paragraph (b) of § 172.2 *General licenses*, as amended (21 F. R. 5091), is amended to read as follows:

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Hong Kong, Macao, and the following Soviet bloc countries: Albania, Bulgaria, China (mainland including Manchuria), Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Laos (Communist-controlled areas), Latvia, Lithuania, Poland, Rumania, Tibet, U. S. S. R., and Viet-Nam (Communist-controlled areas). Packages for those countries may not bear any general-license symbol other than GIFT (not permitted to mainland China); GUS, G-Pub; GTDP; GTDS; GHK and GHS (for Hong Kong), or GLSA (for the destinations named in paragraph (g) of this section).

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-6198; Filed, Aug. 1, 1956; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11515]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations. (Bryan-College Station, Texas.)

The Commission's Report and Order in the above-entitled matter, adopted July 19, 1956, and released July 23, 1956 (FCC 56-740, Mimeo 34183), is corrected in the following particulars:

1. The second sentence of paragraph 2 is amended to read as follows: "Oppositions to the proposal were filed by Texas Agricultural and Technical College, College Station, Texas; the Broadcasting and Film Commission of the National Council of the Churches of Christ in the USA; and the Joint Council on Educational Television."

2. The following new paragraph, designated paragraph 5a, is inserted between paragraphs 5 and 6:

5a. The National Council of Churches of Christ in the USA asserts that only by maintaining the integrity of educational channels can education be assured of its rightful share of this medium; that commercial broadcasters will not concern themselves with the special needs of education. It contends that it is not true that reserved channels are being wasted because educators have not yet been able to make use of these channels and points to the 15 educational stations in operation and others under construction. It maintains it is in the smaller and more isolated communities that the need for educational television is the greatest.

Released: July 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6211; Filed, Aug. 1, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 306]

SURRENDER OF HEROIN

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Narcotics. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Narcotics, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 1402 of title 18 of the United States Code (Public Law 728, 84th Congress, 2d Session).

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

The following regulations relating to the surrender of heroin are hereby prescribed under 18 U. S. C. 1402 (Public Law 728, 84th Congress, 2d Session).

Sec.
306.1 Compensation for surrendered heroin.
306.2 Inventory.
306.3 Forfeiture of heroin.
306.4 Disposition of surrendered heroin.
306.5 Heroin for scientific research purposes.

§ 306.1 *Compensation for surrendered heroin.* Within 120 days from the 19th day of July 1956, all heroin (diacetylmorphine) and compounds containing heroin in the lawful possession of a registrant shall be surrendered to the Commissioner of Narcotics. Shipment, charges prepaid, (other than by mail) may be made to the narcotic district supervisor of the district in which the heroin is located. Compensation for the heroin or compounds containing heroin, if surrendered within the prescribed period will be made at the rate per ounce for the heroin content as will equal the acquisition cost of the person surrendering it as established by competent proof, such as in invoice, bill of sale or other business record, or at the rate of $100.00 per ounce for the heroin whichever is greater. In the event of lack of proof of cost the latter figure will be used.

§ 306.2 *Inventory.* If the person surrendering the heroin has paid tax in a class under which returns are required to be rendered and the heroin is a part of the stock for such class, an inventory of the heroin shipped shall be prepared in quadruplicate on the form used for detailed reporting of dispositions. The original inventory shall be filed with the return for such class for the month in which the disposition takes place, the duplicate copy made a part of the retained copy of the return, the triplicate copy forwarded with the heroin when shipped for disposition, and the quadruplicate forwarded to the narcotic district supervisor together with a properly executed voucher, Standard Form 1034. If the person surrendering the heroin is a registrant in a class for which returns are not required, an inventory shall be prepared in quadruplicate on Form 142, the triplicate of which shall be forwarded with the heroin when shipped, the duplicate retained on file by the registrant for a period of 2 years, and the original and quadruplicate forwarded to the narcotic district supervisor together with a properly executed voucher, Standard Form 1034.

§ 306.3 *Forfeiture of heroin.* All heroin heretofore lawfully possessed by any registrant and not surrendered in accordance with §§ 306.1 and 306.2, shall after the 16th day of November 1956, be seized and forfeited to the United States without compensation.

§ 306.4 *Disposition of surrendered and forfeited heroin.* All heroin acquired by the United States pursuant to section 1402 of title 18 of the United States Code shall be disposed of in accordance with the provisions of 4733 of the Internal Revenue Code of 1954.

§ 306.5 *Heroin for scientific research purposes.* Any heroin acquired under the provisions of section 1402 of title 18 of the United States Code, shall be available, in the discretion of the Commissioner of Narcotics, for scientific research purposes in accordance with the provisions of section 4733 of the Internal Revenue Code of 1954.

[F. R. Doc. 56-6204; Filed, Aug. 1, 1956; 8:48 a. m.]

[21 CFR Ch. II]

α-1-METHYL-3-ETHYL-4-PHENYL-4-PROPIONOXYPIPERIDINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of section 1 of the act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administraitve Procedure Act (60 Stat. 238; 5 U. S. C. 1003), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that the following-named new drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

α - 1 - methyl - 3 - ethyl - 4 - phenyl - 4 - propionoxypiperidine.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above named drug, which are received by the Commissioner of Narcotics prior to August 23, 1956. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drug will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 a. m., September 4, 1956, provided that each person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 4731)

[SEAL] G. W. CUNNINGHAM,
Acting Commissioner of Narcotics.

[F. R. Doc. 56-6205; Filed, Aug. 1, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 196]

PHOSPHATE LEASES AND USE PERMITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 9 to 12, inclusive, of the act of February 25, 1920 (41 Stat. 440, 441, 30 U. S. C. 211-214), as amended, it is proposed to amend certain sections of the phosphate regulations approved January 14, 1949, as amended. The proposed amendment of the sections is set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

JULY 27, 1956.

1. Section 196.4 is amended to read as follows:

§ 196.4 *Lease bond.* A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4-1113), or the lessee's personal bond in similar amount (Form 4-1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate or personal bond, in any case where the Bureau of Land Management deems it proper to do so.

2. The text of § 196.9 is redesignated as paragraph (a) of that section and a new paragraph (b) is added thereto, to read as follows:

§ 196.9 *Issuance of noncompetitive lease.* * * *

(b) If the applicant dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased applicant and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 196.7 (b) and (c).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 196.7 (b) and (c), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 196.7 (b) and (c).

3. Section 196.12 is amended to read as follows:

§ 196.12 *Action by successful bidder.* (a) The successful bidder at a sale by public auction must on the day of sale deposit with the Manager of the proper land office, or other officer conducting the sale and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount bid by him and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that required by § 196.7 (b) and (c).

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is surveyed four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental and the cost of publication of the notice of lease offer as specified in § 196.11, and file a bond as required by § 196.4. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with the requirements of this subsection until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence, such as specified in § 196.9 (b), in order that the Manager of the proper land office may determine to whom the lease may be issued.

4. Section 196.13 is amended by adding thereto new paragraphs (e) and (f) as follows:

§ 196.13 *Assignments of leases; subleases.* • • •

(e) No transfer will be approved if the transferee is not qualified to take and hold a lease or if his bond is insufficient. A minor, except a minor heir or devisee of a lessee, is not qualified to hold a lease and a transfer to a minor will not be approved.

(f) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a lease, to be recognized by the Secretary as the holder of the lease, agreement or interest, there must be furnished the appropriate showing required under § 196.9 (b).

5. Section 196.15 is amended to read as follows:

§ 196.15 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

[F. R. Doc. 56-6195; Filed, Aug. 1, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF PROPOSED AMENDMENT OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR 1001.110 et seq.; Subpart–Rules and Regulations; 20 F. R. 6017; 21 F. R. 3413) currently in effect pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations, which has been recommended by the Florida Lime Administrative Committee, the agency established under the marketing agreement and order to administer the provisions thereof, is as follows:

Revise paragraph (a) § 1001.130 *Limes not subject to regulation* to read as follows:

(a) Any handler may handle limes totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 1001.41, 1001.52, and 1001.55: *Provided*, That the total quantity of limes so handled by a handler shall not exceed 10 bushels during any week.

Dated: July 30, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6209; Filed, Aug. 1, 1956; 8:49 a. m.]

Commodity Exchange Authority

[17 CFR Part 1]

REGULATIONS UNDER COMMODITY EXCHANGE ACT

NOTICE OF HEARING CONCERNING PROPOSED REGULATIONS APPLICABLE TO HEDGING ANTICIPATED REQUIREMENTS OF PROCESSORS AND MANUFACTURERS

Section 4a of the Commodity Exchange Act (7 U. S. C. 1952 ed. section 6a), as amended by Public Law 778, 84th Congress, 2d session, approved July 24, 1956, effective September 22, 1956, provides that there shall be included in the amount of any commodity which may be hedged by any person "an amount of such commodity the purchase of which for future delivery shall not exceed such person's unfilled anticipated requirements for processing or manufacturing during a specified operating period not in excess of one year: *Provided*, That such purchase is made and liquidated in an orderly manner and in accordance with sound commercial practice in conformity with such regulations as the Secretary of Agriculture may prescribe."

Notice is hereby given that the Secretary of Agriculture is considering the issuance of regulations pursuant to section 4a of the Commodity Exchange Act, as amended July 24, 1956. A hearing will be held beginning at 10:00 a. m., e. d. t., on August 9, 1956, in Room 149–W, Department of Agriculture, Washington, D. C., at which interested persons may present data, views, or arguments relating to the form and manner in which persons purchasing commodities for future delivery, pursuant to the provisions of section 4a of the Commodity Exchange Act referred to above, shall inform the Commodity Exchange Authority respecting their unfilled anticipated requirements for processing or manufacturing, including the method of computation by which such requirements are determined, and the formulation of regulations designed to assure that purchases will be made and liquidated "in an orderly manner and in accordance with sound commercial practice."

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of oral presentation at such hearing. Written statements should be filed with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than August 15, 1956.

Issued this 30th day of July 1956.

[SEAL] RODGER R. KAUFFMAN,
Administrator, Commodity Exchange Authority.

[F. R. Doc. 56-6189; Filed, Aug. 1, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

EDWARD F. MCCROSSIN

REPORT OF APPOINTMENT AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1956, in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is attached.

Dated: July 31, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6), of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. (a) Seaboard Fire & Marine Insurance Company of New York, director; (b) Yorkshire Insurance Company of New York, director; (c) Yuba Consolidated Goldfields, Inc. of Maine, director.

2. Stockholder (investments): Alabama Power Company; American Metals, Ltd.; American Tel. & Tel. Co.; American Equitable Assurance Co.; American Zinc, Lead & Smelting Co.; Crown Cotton Mills of Dalton, Ga.; Cherokee Royalty Co., Beaumont, Tex.; Fire Association of Philadelphia, Pa.; General Electric Company; Home Insurance Company; Irving Trust Co. of New York City; Inland Steel Company; Kennecott Copper Company; Mississippi River Fuel Corporation; Mountain Fuel Supply Company; National Steel Corporation; Pacific Gas & Electric Company; Seaboard Fire & Marine Ins. Company; Socony Mobile Oil Company; Standard Oil of California; Standard Oil of Indiana; Standard Oil of New Jersey; Union Carbide & Carbon Corp.; West Virginia Pulp & Paper Co.; F. W. Woolworth Co.; Yorktown Products Corp.; Yuba Consolidated Goldfields.

3. None.

4. McCrossin & Company, sole owner.

Dated: June 18, 1956.

EDWARD F. MCCROSSIN.

[F. R. Doc. 56-6239; Filed, July 31, 1956; 4:39 p. m.]

CHARLES F. MOSHER

REPORT OF APPOINTMENT AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Charles F. Mosher on July 1, 1956, in the Department of the Army. Mr. Mosher is serving as Chief of the Rochester Ordnance District, Rochester, New York.

Mr. Mosher is presently retired.

Mr. Mosher's statement of his personal business interests is attached.

Dated: July 31, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. Chairman, Board of Directors, Henderson-Mosher, Inc.

2. Eastman Kodak Co., stock holder, Rochester Gas & Electric Corp.

3. None.

4. None.

Dated: June 26, 1956.

CHAS. F. MOSHER.

[F. R. Doc. 56-6240; Filed, July 31, 1956; 4:39 p. m.]

BYRON C. HEACOCK

REPORT OF APPOINTMENT AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on July 1, 1956, in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is attached.

Dated: July 31, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement of personal business interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding

this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. F. E. Booth Co., San Francisco: Stockholder, note holder, director. Caterpillar Tractor Co., Peoria, Ill.: Stockholder, director. South Pacific Airlines, Inc., San Francisco: Stockholder, director.

2. F. E. Booth Co., San Francisco: Stockholder, note holder, director. Caterpillar Tractor Co., Peoria, Ill.: Stockholder, director. Oakland Bank of Commerce, Oakland, Calif.: Stockholder. Scott Paper Co., Chester, Pa.: Stockholder. South Pacific Airlines, Inc., San Francisco: Stockholder, director.

3. None.

4. None.

Dated: July 1, 1956.

BYRON C. HEACOCK.

[F. R. Doc. 56-6241; Filed, July 31, 1956; 4:39 p. m.]

EDWIN M. CLARK

REPORT OF APPOINTMENT AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edwin M. Clark on July 1, 1956, in the Department of the Army. Mr. Clark is serving as Chief of the St. Louis Ordnance District, St. Louis, Missouri.

Mr. Clark is presently employed by the Southwestern Bell Telephone Co., St. Louis, Missouri.

Mr. Clark's statement of his personal business interests is attached.

Dated: July 31, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. Southwestern Bell Telephone Company, Mercantile Trust Company, General American Life Insurance Company, A. S. Aloe Company, Scruggs-Vandervoort-Barney, Inc.

2. Southwestern Bell Telephone Company, Mercantile Trust Company, A. S. Aloe Company, American Telephone and Telegraph Company, Scruggs-Vandervoort-Barney, Inc., Radio Corporation.

3. None.

4. None.

Dated: June 15, 1956.

E. M. CLARK.

[F. R. Doc. 56-6242; Filed, July 31, 1956; 4:39 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 136]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 26, 1956.

The Bureau of Indian Affairs has filed an application, Serial No. AR-011761, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a construction site for permanent dormitory and play ground facilities for Navajo Indian Children attending public schools in the City of Flagstaff.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 9: S½SE¼SW¼;
Sec. 16: N½NE¼NE¼NW¼.

The area described totals 25 acres in Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-6190; Filed, Aug. 1, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 013103, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for use as a Tacan Site to aid air navigation.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A parcel of land situated approximately one-half mile north of the Townsite of Bethel, Fourth Judicial Division, Territory of Alaska and being more particularly described as follows:

Commencing at Corner No. 1 of U. S. Survey No. 3230A (Townsite of Bethel); thence N. 25° 36' 50" W. 3,067.41 feet to a point; thence North 1,000 feet to the True Point of Beginning; thence East 1,000 feet; thence South 2,000 feet; thence West 2,000 feet; thence North 2,000 feet; thence East 1,000 feet to the Point of Beginning and containing 91.83 acres of land, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6192; Filed, Aug. 1, 1956; 8:45 a. m.]

[Doc. 137]

ARIZONA

SMALL TRACT CLASSIFICATION 51

JULY 26, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), I hereby classify the following described public lands, totalling 611.76 acres in Pima County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 29: N½;
Sec. 30: lots 9-72 inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 14, 1952, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-6191; Filed, Aug. 1, 1956; 8:45 a. m.]

SALVAGE TIMBER

NOTICE OF WAIVER OF O & C MARKETING REQUIREMENTS

JULY 27, 1956.

Pursuant to the authority contained in 43 CFR 115.39 (f) notice is hereby given that the O & C marketing requirements are waived to the extent that windthrown, insect damaged or fire-killed timber or other salvage material together with such minimum amounts of intermingled or adjacent green timber as are necessary for economic operations may be manufactured in any O & C marketing area which has been established by the Secretary of the Interior, or the Director, Bureau of Land Management.

Those lands involved in this notice include all lands administered by the Bureau of Land Management and situated within the boundaries of any O & C marketing area, including the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, other lands administered pursuant to the Act of August 28, 1937 (50 Stat. 874) and public lands.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-6193; Filed, Aug. 1, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HILL CITY SALE CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Hill City Sale Company, Hill City, Kansas.
Leoti Livestock Sales Company, Leoti, Kansas.
Oberlin Livestock Exchange, Oberlin, Kansas.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 27th day of July 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-6210; Filed, Aug. 1, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8730 etc.; FCC 56-730]

WWSW, INC., ET AL.

ORDER REOPENING RECORD

In re applications[1] of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits; and WWSW, Inc. (WIIC), Pittsburgh, Pennsylvania, Docket No. 11644, File No. BMPCT-3486; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1956;

The Commission having under consideration the Chief Hearing Examiner's Order of April 17, 1956, denying a petition to intervene herein by WSTV, Inc.; a petition for review filed by WSTV, Inc., on May 1, 1956; an opposition filed by WWSW, Inc., on May 10, 1956; and a reply filed on May 17, 1956, by WSTV, Inc.;

It appearing that petitioner has alleged sufficient facts of economic injury which it would suffer from a grant of the modification application to constitute petitioner a party in interest under the provisions of section 309 (b) of the Communications Act of 1934, as amended;

It further appearing that the provisions of § 1.388 (b) of the Commission's rules do not provide a basis for denying intervention to a party in interest under section 309 (b) of the act, Elm City Broadcasting Corp. v. U. S. and F. C. C., —— U. S. App. D. C. ——;

It further appearing that release of an Initial Decision herein on July 3, 1956 makes it necessary that the Commission reopen the record for further proceedings in which WSTV will participate;

It is ordered, That the petition for review filed by WSTV, Inc., is granted; that WSTV's petition to intervene is granted; and that the record herein is reopened and remanded to the Examiner for further proceedings.

Released: July 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6212; Filed, Aug. 1, 1956; 8:49 a. m.]

[1] By Memorandum Opinion and Order (Mimeo No. 22964) released July 26, 1955, the application of Pittsburgh Radio Supply House, Inc., was dismissed.

[Docket No. 8730 etc.; FCC 56M-717]

WWSW, INC., ET AL.

NOTICE OF HEARING CONFERENCE

In re applications[1] of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits; and WWSW, Inc. (WIIC), Pittsburgh, Pennsylvania, Docket No. 11644, File No. BMPCT-3486; for modification of construction permit.

Notice is hereby given this 25th day of July 1956, that a hearing conference in the above-entitled proceeding is scheduled to be held in the offices of this Commission, Washington, D. C., at 10:00 o'clock a. m., on Friday, July 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6213; Filed, Aug. 1, 1956; 8:50 a. m.]

[Docket Nos. 11076, 11620; FCC 56-732]

SOUTHERN INDIANA BROADCASTERS, INC., AND LAWRENCEVILLE BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Southern Indiana Broadcasters, Inc., Newburgh, Indiana, Docket No. 11076, File No. BP-9063; Ray J. Lankford, George R. Lankford and Stuart K. Lankford, d/b as Lawrenceville Broadcasting Company, Lawrenceville, Illinois, Docket No. 11620, File No. BP-9583; for construction permits.

1. The Commission has under consideration (1) its Order of February 1, 1956, designating the above-entitled applications for hearing; (2) a petition to enlarge the issues filed by Southern Indiana Broadcasters, Inc., on February 23, 1956; (3) oppositions thereto filed by Lawrenceville Broadcasting Company on March 5, 1956 and by the Broadcast Bureau on March 9, 1956; (4) a reply to the oppositions filed by Southern Indiana Broadcasters, Inc. on March 12, 1956; (5) a petition to modify and enlarge the issues filed by Lawrenceville Broadcasting Company on February 23, 1956; (6) oppositions thereto filed by Southern Indiana Broadcasters, Inc., and the Broadcast Bureau on March 5, 1956.

2. Southern Indiana Broadcasters, Inc. and Lawrenceville Broadcasting Company have filed mutually exclusive applications for broadcast facilities. Southern seeks a construction permit for a standard broadcast station to operate on a frequency of 910 kilocycles with a power of 1 kilowatt, directional antenna, daytime only at Newburgh, Indiana. Lawrenceville has applied for a construction permit for a standard broadcast station to operate on 910 kilocycles with a power of 500 watts, daytime only, directional antenna, at Lawrenceville, Illinois. By an order of February 1, 1956, the Commission designated the appli-

cations for hearing on the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by the Lawrenceville Broadcasting Company would receive interference from Stations KLCN, Blytheville, Arkansas, and WPFB, Middletown, Ohio, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, whether, as a result of the interference received, the operation proposed by the Lawrenceville Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether there is a sufficient need for the proposed service to warrant a waiver of said section of the rules.

4. To determine, which of the operations proposed by the above-entitled applicants would, in light of section 307 (b) of the Communications Act of 1934, as amended, better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which if either of the applications should be granted.

3. In a petition filed on February 23, 1956, Lawrenceville Broadcasting Company requested that issue 2 be enlarged to include a determination of the interference to be received by Southern's facility as well as its own; that issue 3 be deleted; and that an additional issue be inserted to determine whether program service proposed by each of the applicants meets the needs of the area to be served.

4. Lawrenceville contends that issue 2 as it stands is a one-sided issue and that since Southern's application shows that some interference will be received by the facility it seeks, the issue should apply as well to that applicant. Southern does not oppose this request. The Broadcast Bureau asserts that issue 1, which applies to both applicants, would include the information called for under issue 2, so that the relief requested could be granted by the deletion of issue 2. In view of the positions taken by the applicants and the Broadcast Bureau, the Commission is disposed to grant the relief requested by deleting issue 2 from the proceeding.

5. Petitioner advances as grounds for the deletion of issue 3 the contention that by specifying this issue, § 3.28 (c) of the Commission's rules "is made a paramount consideration" over section 307 (b) of the Communications Act of 1934, as amended. The Commission has found this contention to be without merit. Section 3.28 (c) is designed to accomplish one of the purposes of section 307 (b) of the act, in that it seeks to provide an "efficient * * * distribution of radio service." Moreover, as the issue specifies, a waiver of the rule may be obtained on a showing of good cause.

6. Petitioner requests the inclusion of an issue to determine the manner in which the program services proposed will meet the needs of the areas to be served. It is petitioner's contention that no true comparative showing can be made by the applicants without the inclusion of such an issue. Prior to the time the applications were designated for hearing, the program proposals as well as other proposals contained in the applications were considered by the Commission on a noncomparative basis and found satisfactory. When two mutually exclusive applicants propose to serve different communities, the Commission, pursuant to section 307 (b) of the Communications Act of 1934, as amended, seeks first to determine which community has a greater need for the proposed service. We fail to see how a comparison of the applicants programming proposals will assist in this determination. The request by Lawrenceville for the inclusion of a comparative issue relating to program proposals must therefore be denied. See FCC v. Allentown Broadcasting Corporation, 75 S. Ct. 855; Courier Times, Inc., FCC 56-535, Mimeo No. 32406.

7. The petition of Southern Indiana Broadcasters, Inc., requests the inclusion of an issue to determine whether a grant to Lawrenceville would be in contravention of § 3.35 of the Commission's rules. In addition it seeks an interpretation of issues 3 and 4 which would allow a showing as to the existence of an auxiliary studio in Lawrenceville, Illinois or, in the alternative, insertion of an additional issue to permit such a showing. Lawrenceville Broadcasting Company opposes both requests, stating that no facts exist which would give rise to the question of multiple ownerships and evidence as to the existence of an auxiliary studio in Lawrenceville is immaterial to a determination of the services now available to the area since an auxiliary studio may be moved at any time without the Commission's consent. The Broadcast Bureau opposes the inclusion of a multiple ownership issue and urges that evidence regarding an auxiliary studio may be submitted under issue 4.

8. In support of its request for inclusion of a multiple ownership issue, petitioner alleges facts to show that the primary service area of the facility sought by Lawrenceville Broadcasting Company will present a 60 percent overlap with the primary service area of Radio Station WRAY, Princeton, Indiana, a facility owned by M. R. Lankford, father of the individuals who comprise the Lawrenceville applicant. In addition, the following facts are alleged, purporting to show the existence of a business relationship between the parties; the sons are presently employed at their father's radio station; individually, the sons own lots in the father's real estate development; the sons are associated with the father in Southern Indiana Telecasters, Inc. (permittee of WRAY-TV, Princeton, Indiana) holding a total of somewhat more than two percent of the stock, with the father being the corporation's majority stockholder. We do not believe the facts alleged are sufficient to warrant the insertion of a multiple ownership issue. In the context of this case the existence of a family relationship by itself does not give rise to a question as to the degree of control which the father will exercise over a radio station owned by his sons. The age of the sons, the fact that they have broadcasting experience (albeit gained while in the employ of their father) and the separate communities involved give assurance, that the enterprise will be independent from that of the father. The sons, although now employed at Station WRAY, would sever this relationship in the event of a grant. It appears that the sons' ownership of lots in the father's real estate development is the result of private transactions involving in no way a continuing business relationship. The nature and extent of the sons' participation in the television permittee make these factors of no significance as bearing on the degree of control which M. R. Lankford would exert over a radio station owned by his sons. In short, the sons have no ownership in Station WRAY, the facility with which the overlap would occur, and no facts have been alleged to show that the father has an interest, financial or otherwise, in the Lawrenceville station that could result in his controlling that facility.

9. No ruling is necessary on petitioner's request for inclusion of an issue relating to the existence of an auxiliary studio since the Hearing Examiner ruled during the course of a prehearing conference that issues 3 and 4 were sufficiently broad to permit a showing with respect to auxiliary studio facilities.

10. On the basis of the foregoing: *It is ordered*, This 18th day of July 1956 that issue 2 in our Order of Designation in the above-entitled proceeding, dated February 1, 1956, is deleted; that the petition of Lawrenceville Broadcasting Company is denied except insofar as the relief requested is afforded by the deletion of issue 2; and that the petition of Southern Indiana Broadcasters, Inc., is denied.

Released: July 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6214; Filed, Aug. 1, 1956; 8:50 a. m.]

[Docket Nos. 11180, 11718; FCC 56M-720]

BILL MATHIS AND KEY CITY BROADCASTERS

ORDER CONTINUING HEARING

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Howard Barrett and Robert H. Nash d/b as Key City Broadcasters, Abilene, Texas, Docket No. 11718; File No. BP-10278; for construction permits.

The Hearing Examiner having under further consideration the Motion for Continuance of Bill Mathis filed July 19, 1956;

It appearing that applicant intends to amend his application to specify another frequency, namely 910 kilocycles, and that good and sufficient cause is shown why the hearing scheduled herein for July 31, 1956, should be continued without date;

It is therefore ordered, This 26th day of July 1956, that the hearing presently scheduled for July 31, 1956 in the above-entitled proceeding be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6215; Filed, Aug. 1, 1956; 8:50 a. m.]

[Docket No. 11735; FCC 56M-715]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING

In the matter of Revocation of Television Construction Permit of Nevada Telecasting Corporation (KAKJ) Reno, Nevada; Docket No. 11735.

The Hearing Examiner having under consideration a petition for extension of time, filed by counsel for Nevada Telecasting Corporation on July 20, 1956, requesting not less than 60 days continuance of the prehearing conference now scheduled for July 31, 1956, and the hearing now scheduled for September 6, 1956, on the grounds (1) that counsel "has just recently been retained by the respondent to represent its interest herein and has not had an opportunity to familiarize himself with the factual background, and due to a planned vacation schedule will not have an opportunity to familiarize himself with the problems herein prior to the day of the * * * scheduled prehearing conference date"; and (2) that respondent proposes to file a petition for reconsideration of the order to show cause, favorable action upon which would obviate the necessity for hearing;

It appearing that counsel for the Broadcast Bureau has no objection to the requested extension of time;

It is ordered, This 24th day of July 1956, that the petition is granted, and the prehearing conference now scheduled for July 31, 1956, is continued to October 1, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C., and the hearing now scheduled for September 6, 1956, is continued indefinitely, pending rescheduling after the prehearing conference.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6216; Filed, Aug. 1, 1956; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-07]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.* a. Maximum cost of the site and building, $40,900,000.

b. Proposed contract term, 25 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $546,000.

b. Upkeep and maintenance (to be provided by Government), $164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, $841,261 p. a.

Determination of need. It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,
Federal Office Building, No. 10,
(Two buildings connected by pedestrian tunnel),
Southwest Washington Area,
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of $40,900,000 (including cost of a site to be acquired at an estimated cost of $1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possibly as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,
Director.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956; 10:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10029, etc.]

COLORADO INTERSTATE GAS CO. ET AL

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 27, 1956.

In the matters of Colorado Interstate Gas Company, Docket No. G-10029; Pacific Northwest Pipeline Corporation, Docket No. G-10038; El Paso Natural Gas Company, Docket No. G-10088.

Take notice that: Colorado Interstate Gas Company (Colorado Interstate), a Delaware corporation with principal place of business at Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. G-10029, on March 1, 1956, as supplemented April 18, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Colorado Interstate to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation with principal place of business at M & M Building, Houston 2, Texas, filed in Docket No. G-10038, on March 2, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Pacific Northwest to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully

represented in the application which is on file with the Commission and open for public inspection.

El Paso Natural Gas Company (El Paso), a Delaware corporation with principal place of business at El Paso Natural Gas Company Building, El Paso, Texas, filed in Docket No. G–10088, on March 12, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing El Paso to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

In Docket No. G–10029, Colorado Interstate, pursuant to letter agreements dated September 8, 1955, and January 23, 1956, proposes to sell at the discharge side of Pacific's Compressor station No. 1 at Ignacio, Colorado, to El Paso: (a) Between October 1, 1956, and December 31, 1956, a minimum volume of 6,900,000 Mcf of natural gas (up to 90,000 Mcf per day) and (b) between January 1, 1957, and December 31, 1956, a minimum volume of 21,900,000 Mcf of natural gas (up to 80,000 Mcf per day).

In Docket No. G–10088, El Paso, pursuant to the aforesaid letter agreements, proposes to sell at the discharge side of Pacific's Compresser Station No. 1 at Ignacio, Colorado, to Colorado Interstate between January 1, 1958, and December 31, 1961, a quantity of natural gas equal to that purchased by El Paso from Colorado Interstate between October 1, 1956, and December 31, 1957 as proposed in Docket No. G–10029.

In Docket No. G–10038, Pacific, pursuant to the aforesaid letter agreements, proposes to deliver the volumes of natural gas to El Paso as proposed in Docket No. G–10029 at the discharge side of Pacific's Compressor Station No. 1 at Ignacio, Colorado, between October 1, 1956, and December 31, 1957, and further, Pacific proposes, between January 1, 1958, and December 31, 1961, to accept delivery from El Paso at Pacific's Compressor Station No. 1 at Ignacio, Colorado, of quantities of natural gas (up to 50,000 Mcf per day) equivalent to those previously delivered by Pacific to El Paso between October 1, 1956, and December 31, 1957, as proposed in Docket No. G–10029 for redelivery by Pacific to Colorado Interstate at Rock Springs, Wyoming.

Applicants Colorado Interstate, El Paso and Pacific state that no additional facilities will be required to effectuate the aforesaid proposals; that El Paso will use the natural gas received by it in meeting its general market requirements; that El Paso has a present market for the gas; that El Paso will not be adversely affected by the return of the gas between 1958 and 1961; that the proposals will grant Colorado Interstate substantial relief from the problems caused by the excess supply of gas in 1956 and 1957; that the price to be paid by both Colorado Interstate and El Paso is 15 cents per Mcf which was arrived at by negotiation; that Colorado Interstate will pay Pacific the full contract price under Pacific's Rate Schedule PL–1 for all gas delivered under the proposal to El Paso but will not be charged any additional amount for transportation when the exchange volumes are redelivered by El Paso.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, August 21, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6197; Filed, Aug. 1, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

JUSTIN STEPPLER, INC.

ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

JULY 27, 1956.

In the matter of Justin Steppler, Inc., 25 Broad St., New York 5, N. Y.

Proceedings having been instituted pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Justin Steppler, Inc., or to suspend or expel registrant from membership in the National Association of Securities Dealers, Inc., and whether Beverly I. Steppler is the cause of any order of revocation, suspension or expulsion that should be entered against the registrant;

Registrant and Beverly I. Steppler having filed a "Stipulation and Consent to Revocation" in which they acknowledged adequate notice of this proceeding, waived opportunity for hearing, and consented to revocation of registration and expulsion from the National Association of Securities Dealers, Inc.;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

It is ordered, That the registration of Justin Steppler, Inc. be, and it hereby is, revoked; that registrant be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc., and it is found that Beverly I. Steppler is a cause of such revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6199; Filed, Aug. 1, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
AUG 7 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 21 NUMBER 150

Washington, Friday, August 3, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10674

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT FROM AUTOMATIC SEPARATION FROM THE SERVICE

WHEREAS, in my judgment, the public interest requires that certain officers and employees of the executive branch of the Government be exempted from automatic separation from the service as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is hereby ordered as follows:

All officers and employees in the executive branch of the Government appointed by the President who are subject to the Civil Service Retirement Act, as amended, and who reach the retirement age prescribed for automatic separation from the service between July 1, 1956, and September 30, 1956, both dates inclusive, and are not now exempted therefrom, are hereby exempted from automatic separation from the service until October 31, 1956.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 31, 1956.

[F. R. Doc. 56–6284; Filed, Aug. 1, 1956; 2:30 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PERIODIC STEP INCREASES; WAITING PERIOD

Subparagraph (e) of § 25.11 is amended as set out below.

§ 25.11 *Definitions* * * *

(e) "Waiting period" is the minimum time requirement of creditable service without an equivalent increase in compensation in order to be eligible for consideration for a periodic step increase. The waiting period for either full-time or regular part-time employees is 52 calendar weeks for grades with step increases of less than $200, and 78 calendar weeks for grades with step increases of $200 or more. For intermittent part-time or w. a. e. employees, the waiting period shall be 2080 or 3120 hours in a pay status during the applicable time period of not less than 52 or 78 calendar weeks. (A calendar week is a total of any 7 calendar days before, beginning with, or after a specified day.) The waiting period shall not be interrupted where the employee's services are terminated on the last day of his regularly scheduled administrative workweek and his next appointment is made effective on the first day of the next regularly scheduled administrative workweek for his new position. Creditable service, in the computation of waiting periods, includes:

* * * * *

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–6236; Filed, Aug. 2, 1956; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

This amendment adds one type of container for rindless block cheese to those now acceptable under the milk and butterfat price support program.

§ 430.190 (d) (2) is amended by adding the following:

§ 430.190 *Price support program for milk and butterfat* * * * (d) * * * (2) * * * Also, on and after August 1, 1956, in type E boxes as described in Announcement LD–22.

(Continued on p. 5789)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714c. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended; 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 31st day of July 1956.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6272; Filed, Aug. 1, 1956; 12:29 p. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determinations 877.7, Amdt. 1; 877.8, Amdt. 1]

PART 877—SUGARCANE; PUERTO RICO

1954–55 AND 1955–56 CROPS

Correction

In Federal Register Document 56-6103, appearing at page 5671 of the issue for Saturday, July 28, 1956, the amending language in the last three lines of the first paragraph should read: "are hereby amended by deleting the first sentence of § 877.7 (a) (2) and of § 877.8 (a) (2) and adding in lieu thereof the following:".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 940—HANDLING OF PEACHES GROWN IN MESA COUNTY, COLORADO

ORDER AMENDING AMENDED ORDER

Correction

In F. R. Doc. 56-6099, appearing at page 5673 of the issue for Saturday, July 28, 1956, the seventh and eighth lines of § 940.0 (b) should read: "of the current crop of peaches from Mesa County, Colorado, are expected to begin."

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 978), regulating the handling of milk in the Nashville, Tennessee, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) A public hearing was held in Nashville, Tennessee, July 24, 1956, pursuant to a notice issued July 13, 1956, and published in the FEDERAL REGISTER on July 18, 1956 (21 F. R. 5378). A proposal was made at the hearing that the Class I price differential, which is added to the basic formula price pursuant to § 978.51 (a) should be $1.40 per hundredweight for the month of August 1956.

(b) The provision "during the months of September through February, and plus $1.10 during all other months" of § 978.51 (a) will not tend to effectuate the declared policy of the act for the month of August 1956. This provision, if effective, would result in a pattern of price changes which would be inappropriate, considering existing and prospective conditions in the market, as indicated in the record of said public hearing. If this provision were effective for the month of August 1956, the Class I price differential would be 26 cents less than the differential for the month of July, preceding. The normal seasonal variation of sales of Class I milk by Nashville handlers is characterized by an increase in sales in September and other fall months over August. Supplies of producer milk normally decline in the late summer period, and are at the lowest level in fall months. In recent years, producer deliveries in the month of August have been at about the same level as in September and October. At the same time, the relationship of the supply of producer milk to Class I sales in August has declined. It appears, on the basis of the record of the hearing, that August is properly part of the period in which the seasonally higher Class I price differential should regularly apply. Appropriate seasonally adjusted prices for months after August 1956, may be established through ordinary procedure for amending the order. For August 1956, the time is insufficient for such procedure, and the effectuation of the appropriate price by this suspension order is necessary.

(c) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (b) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This suspension order has been requested by a producer association which represents more than two-thirds of the producers supplying the market; and

3. This action is necessary to facilitate and maintain the orderly marketing of milk in this market.

It is therefore ordered, That the provision "during the months of September through February, and plus $1.10 during all other months" of § 978.51 (a) be and hereby is suspended during the month of August 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 31st day of July 1956, to be effective as of August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6252; Filed, Aug. 2, 1956; 8:50 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1957

Through the Agricultural Conservation Program, all people share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great. Full utilization of the 1957 Agricultural Conservation Program should be made in every county.

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AUTHORITY: §§ 1104.600 to 1104.651 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1104.600 *Introduction.* (a) Through the 1957 Agricultural Conservation Program (referred to in this subpart as the "1957 program") administered by the Department of Agriculture, the Federal Government will share with Alaskan farmers the cost of carrying out approved conservation practices in accordance with the provisions of this subpart and such modifications as may be made.

(b) The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

(c) Information about the practices and the exact specifications and rates of cost-sharing may be obtained from the county committees.

(d) The State Committee will allocate the funds available for conservation practices among the counties within Alaska, taking into consideration, to the extent practicable, the conservation needs in the various counties. A total of $42,000 will be available for program purposes, exclusive of the amount set aside for administrative expenses, and the amount required for increases in small Federal cost-shares in § 1104.629.

(e) A person may not receive more than $1,500 in Federal cost-shares under the 1957 program for approved practices not under pooling agreements. He may not receive more than $10,000 for all approved practices, including those under pooling agreements. This includes all farms, ranching units, and turpentine places owned or operated by him in Alaska, the continental United States, Hawaii, Puerto Rico, and the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1104.601 *General program principles.* The 1957 Agricultural Conservation Program for Alaska has been developed and is to be carried out on the basis of the following general principles:

(a) The program contains broad authorities to help meet the varied soil and water conservation problems. County committees and participating agencies shall design a program for each county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the county.

(b) The county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the State program.

(f) The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span. The county programs shall specify the life span of eligible practices.

COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1104.602 *Developing the county program.* (a) County programs are to be developed in accordance with the provisions of the State program and such modifications thereof as may be made. The county program should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. It should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(b) The county committee (including the County Agricultural Extension Agent), together with the local Soil Conservation Service technician, the governing bodies of local Soil Conservation Subdistricts, the Federal Forest Service representative, and the local Farmers Home Administration Supervisor, shall develop recommendations for the county program in each county.

(c) The county committee, the local Soil Conservation Service technician, and the Forest Service representative will then draw up the county program, keeping in mind the overall conservation problems in the county and the work plans of the Soil Conservation Subdistricts and other agencies.

§ 1104.603 *Selection of practices.* Practices to be included in the county program shall be only those practices set forth in this subpart for which cost-sharing is essential to permit the desired volume of needed conservation work. Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing.

§ 1104.604 *Adaptation of practices.* The practices in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county. The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed practices within the limits prescribed in the State program. The rates of cost-sharing for practices included in the county program may be lower than the rates of cost-sharing in this subpart.

§ 1104.605 *County program approval.* The county committee, the Soil Conservation Service technician, and the Forest Service representative will recommend their county program for approval to the State Committee, the Soil Conservation Service State Conservationist, and the Regional Forester of the United States Forest Service. When this program is approved, it becomes the 1957 program for the county.

§ 1104.606 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1, 2, 3, 5, 6, 9, 10, and 11 (§§ 1104.641 to 1104.643, 1104.645, 1104.646, and 1104.649 to 1104.651). This responsibility shall include (1) a finding that the practices are needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. In addition, upon agreement of the State Committee and the Soil Conservation Service State Conservationist, responsibility for all or part of the technical phases of other practices may be assigned to the Soil Conservation Service for any or all counties. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(b) The Forest Service is responsible for the technical phases of practice 8 (§ 1104.648). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

SPECIAL PROVISIONS

§ 1104.607 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the county committee, to work together to perform practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices. Additional information about pooling agreements is available in Instruction ACP–5 (Alaska).

§ 1104.608 *Purchase orders*—(a) *Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of a purchase order for materials or services to be furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials or services. Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer.* The farmer will pay that part of the cost of the material or service which is in excess of the Federal cost-share attributable to the use of the material or service, except that for practice 5 (§ 1104.645) the county committee may advance to the farmer the total cost-shares he will earn at the time the heavy clearing is accomplished. However, the farmer must complete the practice by breaking the land to earn the payment. If the farmer fails to complete the practice, the money advanced becomes a debt to the Government.

(c) *Discharge of responsibility for materials and services.* The person to whom a material or service is furnished by purchase order under the 1957 program will be relieved of responsibility for the material or service when the county committee determines that (1) the material or service was used for the purpose for which it was furnished, and (2) the practice is completed so that it is eligible for payment. If a person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program. Any person to whom materials are furnished shall be responsible for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

APPLICATIONS AND APPROVALS

§ 1104.611 *Eligibility.* (a) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons. These persons must maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to (i) grazing lands administered by the Forest Service of the United States Department of Agriculture, (ii) grazing lands administered by the Bureau of Land Management of the United States Department of the Interior, and (iii) lands administered by the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (a). (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

§ 1104.612 *Application.* Each farm operator shall be given an opportunity to request Federal cost-sharing for those practices on which he considers he needs such assistance to perform them in adequate volume on his farm. Individual farmers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farm. Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested before performance is started. A request for cost-sharing under the 1956 program may be regarded as meeting this requirement of the 1957 program if (a) approval was given under the 1956 program, (b) performance was started but not completed during the 1956 program year, and (c) the county committee believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions.

§ 1104.613 *Approvals.* Each request for cost-sharing will be considered by the county committee in the light of (a) the program principles in § 1104.601, (b) the conservation problems in the county, (c) the conservation work considered most needed in 1957 by the county committee, (d) the conservation problem of the individual farm, (e) any conservation plan developed by the farmer and any State or Federal agency, and (f) the county allocation of program funds. The county committee will issue notices of approval showing, for each practice, the units approved and the cost-share for performing those units. Notices of practices approved should be issued before the farmer begins the practice.

§ 1104.614 *Limitations of the program*—(a) *Initial establishment or installation of practices.* Cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The county committee believes the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

(b) *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1104.617 *Completion of practices.* The farmer must complete each practice in accordance with all applicable specifications and program provisions to earn payment. Purchase orders represent an advance to the farmer before he completes the practice, but he must complete the practice to earn the money advanced. Except as provided in §§ 1104.618, 1104.619, and 1104.620, the farmer must complete the practice during the program year in order to be eligible for a payment.

§ 1104.618 *Practices substantially completed during the program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1104.619 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1957 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the county committee, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The county committee determines that under the circumstances prevailing on the farm in 1957, completion of that component is a reasonable attainment in 1957 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the county committee, provided the farmer is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1104.620 *Practices involving the establishment or improvement of vegetative cover.* Costs for practice 2 (§ 1104.642) and practice 4 (§ 1104.644) may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State Committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

PAYMENTS

§ 1104.623 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact. Paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1958.

§ 1104.624 *Eligibility for payment.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1104.625 *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1104.626 *Division of payments.* Cost-shares attributable to the use of conservation materials and services shall be credited to the person to whom the materials or services are furnished. Cost-shares shall be credited to the person who carried out the practices by which they were earned. If more than one person contributed, the cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to carrying out the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward carrying out the practice and shall assume that each contributed equally unless it is established to their satisfaction that the contributions were not in equal proportion. Furnishing land or the right to use water is not a contribution to carrying out any practice.

§ 1104.627 *Filing applications for payment.* (a) Each person participating in the program is responsible for submitting the forms and information needed to establish the extent of performance of approved practices and compliance with applicable program provisions.

(b) The county committee will establish time limits for submission of performance reports and allied information for efficient administration of the program. The county committee will notify each farmer, in his notice of approval, of the time by which he must report performance. Exceptions to time limits may be made in cases where failure to submit the required forms and information within the applicable time limit is due to reasons beyond the control of the farmer.

(c) Payment of Federal cost-shares will be made only upon application submitted on Form ACP–245 by December 31, 1958, or such earlier date as may be prescribed. Any application may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1104.628 *Appeals.* Any person may request the county committee to reconsider its recommendation or determination in any matter affecting the right to or amount of his Federal cost-shares. This appeal must be in writing and must be made within 15 days after the notice of the action he wishes to appeal is forwarded to or made available to him. The county committee shall notify him of its decision in writing within 15 days after receipt of the written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may appeal to the State Committee. Again, the appeal must be in writing and within 15 days after the decision is forwarded to or made available to him. The State Committee shall notify him of its decision in writing within 30 days after the submission of the appeal. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision. If he is dissatisfied with the decision of the State Committee, he may request the Administrator, ACPS, to review the decision of the State Committee. Again, he must make this request in writing within 15 days after the State Committee decision is forwarded to or made available to him.

§ 1104.629 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.00.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed	*Increase in cost-share*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.00.
[2] No increase.

§ 1104.630 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 1104.631 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1104.632 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1104.633 *Forbidden actions on practices*—(a) *Practices defeating purposes of programs.* If the county committee finds, with the concurernce of the State Committee, that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

(b) *Depriving others of Federal cost-share.* If the State Committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

(c) *Filing of false claims.* If the State Committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(d) *Misuse of purchase orders.* If the State Committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(e) *Evasion of maximum cost-share limitation.* All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of § 1104.600 (e).

§ 1104.634 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed (a) without regard to questions of title under State law; (b) without deduction of claims for advances (except as provided in § 1104.635, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)); and (c) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1104.635 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1104.638 *Definitions.* For the purposes of the 1957 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means Alaska.

(d) "State Committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(e) "County" refers to any of the three areas designated as "counties" by the State Committee. Fairbanks County is the Second and Fourth Judicial Districts. Homer County is the Kenai Peninsula and Kodiak Island. Palmer County is the First and Third Judicial Districts exclusive of Homer County.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regula-

tions governing the selection and functions of Agricultural Stabilization and Conservation county committees.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(i) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(j) "Program year" means the period September 1, 1956, through December 31, 1957.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1104.641 *Practice 1: Diversion ditches to divert excess water to protected outlets*—(a) *Purpose.* These ditches are for the purpose of removing excess water from snow melting in the spring, or from seeps, springs, or other ground water, to protect cropland or potential cropland below.

(b) *Requirements.* In all cases the ditches must be staked by a qualified technician. Capacities will depend on the area draining to each ditch. Diversion ditches must be provided with a proper outlet such as a sodded waterway (see practice 2 (§ 1104.642)).

(c) *Additional recommendations.* They should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. Side slopes normally should not be steeper than 1 foot vertical to 3 feet horizontal.

Maximum Federal cost-share. 50 percent of the cost.

§ 1104.642 *Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion*—(a) *Purpose.* Sod waterways are essential to adequate water disposal on steep land. The waterway may be either an excavated ditch or a natural drainageway. In either case more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid the formation of gullies.

(b) *Requirements.* In all cases the outlet channels will be selected by a qualified technician. New channels must be staked and constructed according to lines and grades. Sod must be established. They must be seeded long enough in advance to develop a protective cover in the channel before water is diverted into them. Seedings in established permanent sod waterways shall be at a rate of at least 15 pounds per acre and will contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses. The seeding must be properly fertilized. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations.* A cereal nurse crop in conjunction with grass seeding should be used where desirable. Sod stripping may be used.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving; and

(2) 50 percent of the cost of grass seed, or sodding, and the minimum required application of commercial fertilizer.

§ 1104.643 *Practice 3: Constructing permanent open drainage systems to dispose of excess water*—(a) *Purpose.* Drainage systems are one or more drainage ditches for the purpose of removing excess water from agricultural land.

(b) *Requirements.* In all cases the system must be staked by a qualified technician. Cost-sharing is limited to construction or enlargement of permanent ditches and the structural work necessary to the proper functioning of the ditches. No cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or the convenience of the operator. Due consideration shall be given to the maintenance of wildlife habitat.

(c) *Additional recommendations.* Cost-sharing may be authorized for clearing the necessary minimum width right-of-way and, where necessary for the effective operation of the drainage system, for the spreading of spoil banks. Ditching with dynamite is a satisfactory method in very wet areas.

Maximum Federal cost-share. (1) 50 percent of the cost of necessary land clearing.

(2) 50 percent of the cost of earth moving.

(3) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.644 *Practice 4: Initial establishment or improvement of permanent grass or grass-legume cover for soil or watershed protection*—(a) *Purpose.* Costs will be shared for the initial establishment or the initial improvement of a protective vegetative cover by seeding adapted varieties of perennial grasses and legumes on areas, including steep slopes, which will remain in such cover.

(b) *Requirements.* The seed must be adapted to local conditions and must be properly distributed over the area sown. A sufficient amount must be used to insure a good stand at maturity. Seeding on steep slopes must be at a rate of one and one-half times that for normal land conditions. Each county committee will establish seeding rates, mixtures, and varieties in line with experiment station recommendations for that area. Adequate fertilizer must be applied. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations.* The county committee may approve this practice as a "package practice" in that they can approve seeding and fertilizing the first year and will later approve a spring application of fertilizer early in the second year to insure establishment of a good turf. The requirements of § 1104.619 must be met. Farmers are urged to control weeds to obtain successful seedings.

Maximum Federal cost-share. 50 percent of the cost of seed and the minimum required application of commercial fertilizer.

§ 1104.645 *Practice 5: Clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems*—(a) *Purpose.* The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management practices can be carried out on all parts of the farm. Preparing land for cultivation involves several distinctly different types of operations. "Clearing" includes those operations which require the use of special equipment not normally required in farming operations for crop and livestock production. "Breaking" includes burning, removing roots, and preparing land for tillage.

(b) *Requirements.* To be eligible for land clearing, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements except in Homer County. In all cases the land to be cleared must be approved by a qualified technician. Clearing areas which will result in increased erosion will not qualify for cost-sharing. Methods of clearing which result in destruction of needed organic material disqualify the clearing for cost-sharing. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an applicant for cost-sharing for additional land clearing under this program.

(c) *Additional recommendations.* A farmer may spread the clearing and breaking operations over a period of years to take advantage of methods of progressively clearing, grubbing, and burning, if he complies with the requirements of § 1104.619. If both clearing and breaking will be accomplished during one program year, the Government will advance the full 50 percent up to $40.00 per acre at the time the bulldozing or other heavy clearing operation is completed. The farmer actually earns this payment when he also completes the breaking operation and the land is ready for tillage.

Maximum Federal cost-share. (1) 50 percent of the cost, but not in excess of $40.00 per acre, when all operations—clearing and breaking—are accomplished during one program year; or

(2) 50 percent of the cost of each completed operation, but not in excess of $40.00 per acre for all operations, when the clearing and breaking are not all accomplished within one program year but spread over a period of years.

§ 1104.646 *Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover for soil protection on rolling land*—(a) *Purpose.* This practice is applicable where primary use is for permanent pasture on long slopes, steep slopes, or rolling land.

(b) *Requirements.* The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the county committee. The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the average cost in the county of permanently installed pipe and fittings.

(2) 50 percent of the average cost in the county of portable pipe and fittings.

§ 1104.647 *Practice 7: Constructing or deepening wells for livestock water*—(a) *Purpose.* This practice is to help provide soil protection through the adoption or maintenance of livestock farming systems and increased acreages of permanent vegetative cover.

(b) *Requirements.* To be eligible for a livestock well, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements. The farmer must show that the well is necessary for establishing or maintaining livestock on the farm. Standards and requirements shall be established by the county committee. Even though the well may be constructed at the headquarters to prevent freezing during the winter months, it is not to be used primarily for household utility. The well and pumping equipment must be large enough to provide the minimum amount of water for the particular livestock enterprise. Adequate storage facilities must be provided and pumping equipment installed except for artesian wells.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost of drilling or deepening the well, and casing, including installation of the casing.

§ 1104.648 *Practice 8: Planting or interplanting forest trees or shrubs or improvement of a stand of forest trees for erosion control, shelterbelt, watershed protection, or forestry purposes*—(a) *Purpose.* This practice includes (1) thinning, (2) pruning crop trees, (3) removing or killing competing or undesirable vegetation, and (4) planting or interplanting desirable trees or shrubs.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.649 *Practice 9: Developing springs or seeps for livestock water to encourage better grassland management*—(a) *Purpose.* This practice is to encourage better grassland management through providing water supplies for livestock.

(b) *Requirements.* Site selection must be approved by a qualified technician and plans must be approved by the Soil Conservation Service. The spring or developed seep must be protected from livestock. Cutoff walls must be of impervious material. Water developed must be piped to a suitable utilization or storage structure. Appreciable use of this water for other than livestock shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the cost of excavating earth, rock, and gravel.

(2) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.650 *Practice 10: Constructing or sealing dams, pits, or ponds for livestock and/or grassland irrigation water*—(a) *Purpose.* These dams, pits, or ponds are to store water to encourage better grassland management by (1) providing water for livestock, and/or (2) providing water for grassland irrigation (see practice 6 (§ 1104.646)).

(b) *Requirements.* Design and construction must conform to Soil Conservation Service specifications and be supervised by a qualified technician. Earth fills must be thoroughly compacted and core walls extend to semi-impervious material. Downstream slopes shall be not less than 3 feet horizontal to 1 foot vertical. Upstream slopes shall not be less than 4 feet horizontal to 1 foot vertical. Necessary fencing and seeding or sodding to protect the dam and pond must be accomplished. Dams shall have a spillway capacity adequate to carry off surplus water. The spillway must be designed by a qualified engineer. If used for livestock water, a suitable water trough must be installed with pipe from pond to trough. Appreciable use of this water source for other than livestock or grassland irrigation shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving.

(2) 50 percent of the cost of materials in the permanent structure, excluding forms.

§ 1104.651 *Practice 11: Streambank protection to prevent erosion of farmland*—(a) *Purpose.* This practice is to control streambank erosion to protect farmland.

(b) *Requirements.* Plans for each installation must be designed by a qualified technician and approved by the Soil Conservation Service and county committee. The Soil Conservation Service is responsible for laying out and supervising the installation. This practice shall not be approved in cases where there is a likelihood that it will create an erosion or flood hazard to other adjacent land.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 25 percent of the cost.

Done at Washington, D. C., this 31st day of July 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6228; Filed, Aug. 2, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

ENLISTMENT AND REENLISTMENT IN AIR FORCE RESERVE

In § 864.3, paragraph (a) (1) (ii) is revised to read as follows:

§ 864.3 *Where accomplished*—(a) *Within Continental United States and United States Possessions and Territories (including Canal Zone)*—(1) *Men.* • • •

(ii) *Men with prior service.* Men with prior service, who are not subject to induction under the provisions of the Universal Military Training and Service Act, may be enlisted by any Air Force organization having adequate facilities and personnel to accomplish the enlistment. Applicants will be enlisted either for a specific reserve unit or as "unassigned."

• • • • • •

(R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies secs. 217-232, 66 Stat. 486-489; 50 U. S. C. 941-956)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F D. Doc. 56-6237; Filed, Aug. 2, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 207]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BELLINGHAM, WASH. Bellingham, 153'. MH-BGH. Procedure No. 1. Amendment, original. Effective date: September 1, 1956.	Bellingham LFR	023—2.8	2,000	W side of course: 336° outbound. 156° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	1,500	156—3.9	T-dn C-dn S-dn Runway 16 A-dn	300-1 600-1 500-1 800-2	300-1 600-1 500-1 800-2	200-½ 600-1½ 500-1 800-2	Within 3.9 miles, climb to 4,000' on outbound bearing of 160° within 20 miles of station.
	Bellingham VOR	138—5.0	1,500								
	Abbotsford LFR	169—9.3	1,500								
	Cultus Lake Intersection	222—23.6	6,500								
LAFAYETTE, LA. Lafayette, 41'. MH-LFT. Procedure No. 1. Amendment No. 6. Effective date: September 1, 1956. Supersedes Amendment 5, dated February 5, 1955. Major changes: Remove night restrictions. Revise takeoff restriction runway 23. Add caution note.	Lafayette VOR	348—3.6	1,200	E side of course: 180° outbound. 360° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	700	On airport	T-dn *C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2	Within 0 mile, climb to 1,300' on course of 360° within 20 miles. *500-1 required for takeoffs on runway 23. CAUTION: 491' TV tower 3 miles WNW airport.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
LAFAYETTE, LA. Lafayette, 41'. BVOR-LFT. Procedure No. 1. Amendment No. 2. Effective date: September 1, 1956. Supersedes Amendment 1, dated February 12, 1955. Major changes: Remove night restrictions. Revise takeoff restriction runway 28. Revise missed approach course. Add caution note.	Lafayette MH	168—3.6	1,200	E side of course: 165° outbound. 345° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	700	345—2.7	T-dn *C-dn S-dn 1 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 2.7 miles, climb to 1,300' on radial 360° within 20 miles. *500-1 required for takeoffs on runway 28. CAUTION: 494' TV tower 3 miles WNW airport.
RUSSELL, KANS. Russell, 1,863'. BVOR-RSL. Procedure No. 1. Amendment No. 1. Effective date: September 1, 1956. Supersedes Original, dated August 1, 1954. Major changes: (1) New courses for final approach and missed approach; (2) columns 5, 6, 7, and 12 revised.				W side of course: 356° outbound. 176° inbound. 3,100' within 10 miles.	2,600	176—0.6	*T-dn C-d *C-n *A-dn	300-1 600-1½ 600-2 800-2	NA NA NA NA	NA NA NA NA	Within 0.6 mile, climb to 3,100' on 176R within 20 miles. *Night operations on N/S runway only. CAUTION: Sod field, except N/S runway paved.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Visibilities are in statute miles.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS			Procedure turn (—) side of final approach course; (outbound); altitude; limiting distances	Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and its bases	Minimum altitudes (ft.)		2 engines or less		More than 2 engines (more than 65 knots)	
					Condition	65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10
ERIE, PA. Port Erie, 732'. ILS-ERI. Procedure No. 1. Amendment original. Effective date: September 1, 1956. Supersedes: None. Major changes: Facility returned to operation after runway construction.	North Springfield FM	OM	073—7.8	2,000	S side of SW course: 240° outbound, 060° inbound, 2,000' within 10 miles.	2,000	300–1 500–1 300–3¼ 600–2	200–½ 500–1 300–3¼ 600–2	Climb to 2,500' on 060° bearing from LAM, or N.E. course Erie LFR within 10 miles. *Final Inunition. ##60–1 required with glide slope inoperative. Air Carrier Note: 300–1 required for takeoff on all runways except 6–24.
	Erie VOR*	OM	060—2.2	2,000					
	Erie LFR	OM	235—2.2	2,000					
	North Springfield FM*	SW course ILS	060—4.3	2,000					
KNOXVILLE, TENN. McGhee-Tyson, 989'. ILS-TYS. Combination ILS and ADF Procedure No. 15 Effective date: September 1956. Supersedes: Amendment 14, dated December 3, 1955. Major changes: Adds Tallassee and Ksar Intersection.	Knoxville LFR	LOM	216—8.7	2,200	W side of SW course: 225° outbound, 045° inbound, 2,700' within 10 miles.	2,200	300–1 500–1 500–1½	200–½ 500–1 500–1½	5.4 miles after passing LOM, turn left, climb to 3,000' on X course, TYS–LFR, or radial 315° of TYS–BVOR. When directed by ARTC, climb to 1,800' on course of 063° from LFR and radial 063° of BVOR within 20 miles. *100–4 required when glide slope not utilized.
	Tullassee FM	LOM	353—12.2	2,500					
	SW course TYS LFR and 246° bearing from LOM.	LOM	110—7.3	2,300			200–½ 400–1	200–½ 400–1	
	Knoxville BVOR	OM	222—13.4	2,400					
	Tullassee Intersection	LOM	333—11.9	3,500					
	Ksar Intersection	LOM	317—16.5	3,500					
					A–dn ILS	600–2	600–2	600–2	
					ADF	800–2	800–2	800–2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 001, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] C. J. LOWEN, *Administrator of Civil Aeronautics.*

[F. R. Doc. 56-6130; Filed, Aug. 2, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6163]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROGERS-UNITED CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections: NATURE;* [1] § 13.130 *Manufacture or preparation; United Corp. et al., New York, N. Y., Docket 6163, July 18, 1956]*

In the Matter of Rogers-United Corp., a Corporation, and Richard M. Edelman, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its controlling officer in New York City, engaged in conducting a "Family Puzzle Contest" and for the purpose of causing participants to remit for the entire set of puzzles—in connection with which some 140,000, were induced to transmit the total entry fee of $11.25 which aggregated some $1,475,000, exclusive of sums contributed by non-persisting contestants—with representing falsely that they were distributors of watches and that their puzzle contest was part of a nationwide program to advertise "Cressine" watches; that said "Cressine" watches to be distributed in the contest were dependable, distinctive, fine, precision made, made to give years of service, shock resistant, and dustproof; and that the watches would be distributed to participants immediately upon submission of all the puzzles and required fees; when in fact there was no "Cressine" watch in existence at the time they started their puzzle contest and they were not distributors of any watches; distribution of watches was part of the contest program and intended to secure additional entries; the watches which they contracted to purchase for distribution to participants were of a cheap type and possessed none of the desirable qualities as above claimed; and respondents had not awarded any of the watches to participants although a large number had submitted all of the puzzles and fees.

Following hearings in due course during which respondents' motions to dismiss were denied, the hearing examiner made his initial decision, including findings of fact,[2] conclusions,[2] and order to cease and desist which, by order of July 18, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Rogers-United Corp., a corporation, and its officers, and respondent Richard M. Edelman, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the operation of a puzzle contest and the offering of watches or other merchandise in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That either respondent is engaged in any business other than operating a puzzle contest unless such is the fact;

2. That the puzzle contest is part of a nation-wide program to advertise watches or other merchandise or that the purpose of the contest is to introduce "Cressine" watches or any other merchandise;

3. That the quality of the merchandise offered is superior to what it is in fact;

4. That Cressine watches are:

(a) Dependable,

(b) Distinctive,

(c) Precision made,

(d) Fine watches made to give years of service,

(e) Dust proof;

5. That merchandise will be distributed to the participants immediately after submission of all the puzzles and required fees unless such is the fact.

By "Decision of the Commission," report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 18, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6247; Filed, Aug. 2, 1956; 8:49 a. m.]

[1] New.

[2] Filed as part of original document.

[Docket 6355]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DURLACHER AND CO., INC., ET AL.

Subpart—*Furnishing false guaranties:* [1] § 13.1053 *Furnishing false guaranties:* [1] Flammable Fabrics Act.[1] Subpart—*Importing, selling, or transporting flammable wear:* § 13.1057 *Importing, selling, or transporting flammable wear.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1982 *Guarantee—statutory:* Flammable Fabrics Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist order, Durlacher and Company, Inc. et al., New York, N. Y., Docket 6355, July 24, 1956.]

In the Matter of Durlacher and Company, Inc., a Corporation, and Lester Toplitt and Israel Otnow, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in New York City, with violating the Flammable Fabrics Act through importing into the United States and selling or transporting in commerce silk scarves manufactured in Japan which were so highly inflammable as to be dangerous when worn; and with furnishing customers guaranties falsely representing that tests made under the procedures provided by the act showed that the scarves were not dangerously flammable—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 29, became, on July 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Durlacher and Company, Inc., a corporation, and its officers, and respondents Lester Toplitt and Israel Otnow, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold, or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations promulgated thereunder, show or will show that the article of wearing apparel, or the fabrics used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals: *Provided, however*, That this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the wearing apparel was manufactured or from whom it was received.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6244; Filed, Aug. 2, 1956; 8:49 a. m.]

[1] New.

[Docket 6388]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FARM JOURNAL, INC.

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 7, 38 Stat. 731; 15 U. S. C. 18) [Cease and desist order, Farm Journal, Inc, Philadelphia, Pa., Docket 6388, July 17, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging the publisher of "Farm Journal," the country's largest agricultural magazine, with acquisition of the assets of its leading rival "Better Farming," until recently "Country Gentleman," the oldest and second largest magazine in the field, including the right to use of the names "Better Farming" and "Country Gentleman" and lists of subscribers and advertisers; with result that Farm Journal's net paid circulation would be approximately 51 percent of the total among the six largest competitors in the farm magazine field and approximately 24 percent of the total net paid national circulation; and that there was a substantial lessening of competition and tendency to create a monopoly in the relevant lines of commerce in violation of section 7 of the Clayton Act as amended.

Following respondent's answer, pretrial conferences, hearings, submission by both counsel of proposed findings of fact and conclusions, the hearing examiner made his initial decision including extensive findings of fact,[1] conclusions of law,[1] and order to cease and desist, which, on July 17, was adopted as the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Farm Journal, Inc., a corporation, and its officers, directors, agents, representatives, and employees shall, within a time to be fixed by the Commission, divest itself of all of its right, title, and interest in and to:

(a) The names "Better Farming" and "Country Gentleman,"

(b) The list of all domestic subscriptions to the publication known as Country Gentleman or Better Farming as furnished to it by the Curtis Publishing Company, and

(c) The list of all advertisers who, on June 6, 1955, had placed orders for advertising space in issues of Country Gentleman after the August 1955 issue, furnished to respondent by the Curtis Publishing Company.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the date by which respondent, Farm Journal, Inc.; shall comply with the order contained in said initial decision be, and it hereby is, fixed as January 1, 1957.

It is further ordered, That the respondent shall, on or before January 1, 1957, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with said order.

Issued: July 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6246; Filed, Aug. 2, 1956; 8:49 a. m.]

[1] Filed as part of original document.

[Docket 6516]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NIGBOR FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Concealing or obliterating law required and informative marking:* § 13.516 *Fur products tags or identification.*[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 stat. 719 as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Nigbor Furs, Inc., et al., Stevens Point, Wis., Docket 6516, July 24, 1956]

In the Matter of Nigbor Furs, Inc., a Corporation; and Bernard E. Nigbor, Individually and as President of Said Corporation; and Chester P. Nigbor, Individually and as Vice President and Treasurer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, in Stevens Point, Wis., with violating the Fur Products Labeling Act by removing labels from fur products prior to their ultimate sale; by failing to label fur products with information, and set forth as, required by the act; and by advertisements in newspapers which failed to disclose the names of animals producing the furs and the country of origin or that certain products were artificially colored, or which represented regular prices as reduced without maintaining adequate records upon which such pricing claims were based—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 28, became, on July 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Nigbor Furs, Inc., a corporation, and its officers, Bernard E. Nigbor and Chester P. Nigbor, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertisement, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing, or causing the removal or participating in the removal of, labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(A) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(B) The name of the country of origin of any imported furs used in the fur product;

(C) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(D) The information required by Rule 36 of rules and regulations promulgated under the Fur Products Labeling Act, when the fur product is composed of two or more sections containing different animal furs.

2. Setting forth on labels attached to fur products non-required information mingled with required information.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

3. Fails to disclose the name of the country of origin of the imported furs contained in the fur products;

4. Sets forth required information in abbreviated form;

5. Represents directly or by implication:

(A) That any of such products are manufactured by respondents when in truth and fact said fur products are not so manufactured;

(B) That the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business.

6. Makes comparative or percentage pricing claims, unless there are maintained by respondents full and adequate records disclosing facts upon which claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6248; Filed, Aug. 2, 1956; 8:50 a. m.]

[1] New.

[Docket 6533]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GREENGLASS DISTRIBUTING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Place: *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Greenglass Distributing Corporation et al., Jackson Heights, N. Y., Docket 6533, July 18, 1956]

In the Matter of Greenglass Distributing Croporation, a Corporation; and Hyman Greenglass, Individually and as an Officer of Said Corporation and Also Trading as Greenglass Sales Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its controlling officer, engaged in their place of business in Jackson Heights, N. Y., in the sale of perfumes, toilet waters, and colognes, with representing falsely in advertisements in newspapers and circulars that excessive and fictitious prices were their customary retail and nationally advertised prices; and that certain cosmetics were compounded in France, further enhancing such representations by use of French-appearing brand names and the word "Paris" in pictorial depictions.

Respondents, failing to file answers or to appear at the initial hearing, were declared in default; and the hearing examiner thereupon made his initial decision, including order to cease and desist, which became, on July 18, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Greenglass Distributing Corporation, a corporation; and Hyman Greenglass, individually and as an officer of said corporation and trading as Greenglass Sales Company, or trading under any other name; their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes, toilet waters, and allied products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly, indirectly or by implication:

(a) That the prices at which said products are offered for sale or sold are in excess of the prices customarily and usually charged for said products.

(b) That the prices at which said products are offered for sale or sold are nationally advertised prices.

(c) That products offered for sale or sold are compounded or manufactured in France or in any other foreign country.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondents' cosmetic preparations or allied products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 18, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6245; Filed, Aug. 2, 1956; 8:49 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR THE PREDETERMINATION OF WAGE RATES

Pursuant to the requirements of section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and under the authority contained in R. S. 161 (5 U. S. C. 22), Part 1 of Title 29, Code of Federal Regulations, is hereby amended to read as follows:

Sec.
1.1 Purpose and scope.
1.2 Definitions.
1.3 Obtaining and compiling wage rate information.
1.4 Determination of wage rates.
1.5 Scope of consideration.
1.6 Field survey.
1.7 Hearings.
1.8 Pre-hearing conferences.
1.9 Hearing Examiner's proposed decision.
1.10 Submission of Hearing Examiner's proposed decision to interested parties.
1.11 Comments of interested parties.
1.12 Final decision.

AUTHORITY: §§ 1.1 to 1.12 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 49 Stat. 1011, as amended; 40 U. S. C. 276a—276a-6.

§ 1.1 *Purpose and scope.* The regulations contained in this part set forth the procedure for the determination of wage rates pursuant to each of the following acts: Davis-Bacon Act, as amended, 46 Stat. 1494, 49 Stat. 1011, 54 Stat. 399, 55 Stat. 53; 40 U. S. C. 276a et seq.; National Housing Act, as amended, 53 Stat. 804; 12 U. S. C. 1703 et seq.; Hospital Survey and Construction Act, as amended, 60 Stat. 1040; 42 U. S. C. 291 et seq.; Federal Airport Act, as amended, 60 Stat. 170; 49 U. S. C. 1101 et seq.; Housing Act of 1949, as amended, 63 Stat. 413; 42 U. S. C. 1401 et seq.; School Survey and Construction Act of 1950, as amended, 64 Stat. 967 et seq.; 20 U. S. C. 251 et seq.; Defense Housing and Community Facilities and Services Act of 1951, 65 Stat. 293, as amended by 66 Stat. 602; 42 U. S. C. 1591 et seq.; Federal-Aid Highway Act of 1956, Public Law 627, 84th Cong. 2d sess., 70 Stat. 374.

§ 1.2 *Definitions.*[1] (a) The term "prevailing wage rate" for each classification of laborers and mechanics which the Solicitor shall regard as prevailing in an area shall mean:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification in construction in the area similar to the proposed undertaking;

(2) In the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or

(3) In the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) The term "area" in determining wage rates under the Davis-Bacon Act, as amended, and the labor standards provisions of the National Housing Act, as amended, the Hospital Survey and Construction Act, as amended, the Federal Airport Act, as amended, the Housing Act of 1949, as amended, the School Survey and Construction Act of 1950, as amended, and the Defense Housing and Community Facilities and Services Act of 1951, as amended, shall mean the city, town, village or other civil subdivision of the State in which the work is to be performed. In determining wage rates pursuant to section 115 of the Federal-Aid Highway Act of 1956, the term "area" shall mean immediate locality of the proposed project.

(c) The term "average rate" for each classification in an area shall mean the rate obtained by adding the hourly rates paid to all workers in the classification and dividing by the total number of such workers.

(d) The term "Solicitor" shall mean the Solicitor of Labor.

§ 1.3 *Obtaining and compiling wage rate information.* For the purpose of making wage rate determinations, the Solicitor shall conduct a continuing pro-

[1] These definitions are not intended to restrict the meaning of any of the terms as used in the applicable statutes.

gram for the obtaining and compiling of wage rate information.

(a) The Solicitor shall encourage the voluntary submission of wage rate data by contractors, contractors' associations, labor organizations, public officials, and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. Rates must be determined, among others, for such varying types of projects as buildings, bridges, dams, highways, tunnels, sewers, power lines, railways, airports (buildings and runways), apartment houses, wharves, levees, canals, dredging, land-clearing and excavating. Accordingly, the information submitted should reflect not only that the specified wage rate or rates are paid to a particular craft in an area, but also the type or types of construction on which such rate or rates are paid.

(b) The following types of information will be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. (Such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.);

(2) Signed collective bargaining agreements. (The Solicitor may request the parties to an agreement to submit statements certifying to its scope and application.);

(3) Wage rates determined for public construction by state and local officials pursuant to prevailing wage legislation;

(4) Information furnished by State agencies. (In making wage rate determinations pursuant to section 115 of the Federal-Aid Highway Act of 1956, the Solicitor shall consult with the highway department of the State in which a project in the Interstate System is to be performed. Before making a determination of wage rates for such a project he shall give due regard to the information thus obtained.);

(5) Any other information pertinent to the determination of prevailing wage rates.

(c) The Solicitor shall supplement such information obtained on a voluntary basis by such means and from whatever sources he deems necessary.

§ 1.4 *Determination of wage rates.* In the event that such data is sufficient to determine the prevailing wage rates the Solicitor shall make a determination as to the wage rates prevailing in the area.

§ 1.5 *Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Act of 1956, which shall be made in accordance with §1.3 (b) (4) of this part).* (a) In making a wage rate determination projects completed more than one year prior to the date of request for the determination may, but need not be considered.

(b) If there has been no similar construction within the area in the past year, wage rates paid on the nearest similar construction may be considered.

§ 1.6 *Field survey.* Whenever the Solicitor deems that the data at hand are insufficient to make a determination with respect to all the crafts necessary to perform the proposed construction work, he may have a field survey conducted in the area of the proposed project for the purpose of obtaining sufficient information upon which to make a determination of wage rates.

§ 1.7 *Hearings.* Whenever he deems it necessary the Solicitor may direct a hearing to be held. He shall designate a hearing examiner who shall, after notice to all interested parties, proceed to the project area and make such investigations and conduct such hearings as may be necessary to make a determination of wage rates for the project.

§ 1.8 *Pre-hearing conferences.* When it appears that a pre-hearing conference will expedite proceedings, the examiner prior to the hearing may request representatives of the parties to attend a conference to consider such matters as may expedite the hearing.

§ 1.9 *Hearing examiner's proposed decision.* The hearing examiner shall make a written proposed decision in which he shall:

(a) State the procedure that he has followed;

(b) Summarize briefly the evidence and information that he has received;

(c) Analyze the evidence and information;

(d) Draft a proposed decision for the Secretary of Labor's consideration.

§ 1.10 *Submission of hearing examiner's proposed decision to interested parties.* A copy of the hearing examiner's proposed decision shall be mailed to each party of record and to any other persons who have expressed an interest in the proceedings.

§ 1.11 *Comments of interested parties.* Any interested party may within 5 days after receipt of the hearing examiner's proposed decision file his comments thereon. Such comments shall be filed with the Chief Hearing Examiner, U. S. Department of Labor, Washington 25, D. C., for transmission to the Secretary of Labor.

§ 1.12 *Final decision.* The Secretary of Labor's decision shall be final.

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 30th day of July, 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6223; Filed, Aug. 2, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 198]

SULPHUR PERMITS AND LEASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271–276), it is proposed to revise the sulphur regulations approved August 16, 1932. The proposed regulations and forms of permit and lease are set forth as appendices to this notice.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations or forms to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

Dated: July 27, 1956.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

Part 198, Title 43 of the Code of Federal Regulations is revised as follows:

GENERAL

Sec.
198.1 Statutory authority.
198.2 Definitions.
198.3 Area and limitation on holdings.
198.4 Qualifications of applicant.
198.5 Permits and leases for lands disposed of with reservation of sulphur.
198.6 Requirements when lands are within a withdrawal.
198.7 Protection of pre-existing mining claims.

SULPHUR PROSPECTING PERMITS

Sec.
198.8 Application for permit.
198.9 Rights conferred.
198.10 Permit bond.
198.11 Cancelled permits.
198.12 Reward for discovery.
198.13 Expiration of permit.

SULPHUR LEASES

198.14 Form of lease.
198.15 Lease bond.
198.16 Royalty.
198.17 Rental.
198.18 Minimum production.
198.19 Application for lease by competitive bidding.
198.20 Notice of lease offer.
198.21 Bid deposits.
198.22 Award of lease.
198.23 Renewal leases.
198.24 Relinquishment of lease.
198.25 Cancellation of lease.

TRANSFER OF PERMITS AND LEASES

Sec.
198.26 Transfers, including subleases.
198.27 Overriding royalties.

AUTHORITY: §§ 198.1 to 198.27, inclusive, issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply secs. 1 to 7, 44 Stat. 301, as amended 47 Stat. 701; 30 U. S. C. 271–276.

GENERAL

§ 198.1 *Statutory authority.* (a) Sections 1 to 7 of the Act of April 17, 1932 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271–276), authorize the Secretary of the Interior to:

(a) Issue permits to prospect for sulphur in public lands or in public lands disposed of with a reservation of such deposits to the United States located in the States of Louisiana and New Mexico.

(b) Lease such lands containing valuable deposits of sulphur.

§ 198.2 *Definitions.* The following terms, as used in this part or in any lease or permit approved under the regulations in this part, shall have the meanings here given:

(a) *Land Office, or appropriate land office.* The Land Office, Bureau of Land Management, Santa Fe, New Mexico, for lands covered by a permit, lease, or application therefor, situated in the State of New Mexico, and the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., for lands covered by a permit, lease, or application therefor, situated in the State of Louisiana.

(b) *Manager.* The Manager of the appropriate land offices as defined in paragraph (a) of this section.

(c) *Appropriate State Supervisor.* State Supervisor, Bureau of Land Management, Santa Fe, New Mexico, when the lands covered by a permit, lease or application therefor are situated in the State of New Mexico, and Eastern States Supervisor, Bureau of Land Management, Washington 25, D. C., when the lands covered by a permit, lease or application therefor are situated in the State of Louisiana.

§ 198.3 *Area and limitations on holdings.* Except where the rule of approximation applies, a sulphur permit or lease may not include over 640 acres in reasonably compact form entirely within a 6-mile square. No person, association or corporation may hold more than three sulphur permits or leases in any one State during the life of such permits or leases.

§ 198.4 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for a permit under § 198.8, for a lease under § 198.12, the successful bidder to whom a lease is awarded under § 198.22, or an assignee or transferee under § 198.26.

(b) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold permits and leases for sulphur deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings of sulphur permits or leases do not exceed the number specified in § 198.3.

§ 198.5 *Permits and leases for lands disposed of with reservation of sulphur.* Where lands included in a permit or lease have been disposed of with reservation of sulphur deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the Acts of March 4, 1933 (47 Stat. 1570; 30 U. S. C. 124); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291–301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U. S. C. 54) and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

§ 198.6 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for sulphur permit or lease is within a withdrawal which does not preclude disposition of the sulphur deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a sulphur permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

§ 198.7 *Protection of pre-existing mining claims.* Mining claims for sulphur deposits on lands such as specified in § 198.1 (a) situated in Louisiana which were valid on April 17, 1926, or on such lands in New Mexico, on July 16, 1932, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271–276).

SULPHUR PROSPECTING PERMITS

§ 198.8 *Application for permit.* An application for a permit must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form of application is required, but the application should include the information and evidence called for in §§ 198.4 and 198.19 (a) (1) and (2).

§ 198.9 *Rights conferred.* Two-year permits issued and Form 4–701 [1] grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the sulphur deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

§ 198.10 *Permit bond.* Prior to the issuance of a permit for lands entered or patented with a reservation of the sulphur deposits to the United States, or lands within a reclamation project, the applicant must furnish an approved corporate surety bond of at least $1,000 (Form 4–1130) or a personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. The right is reserved to require the applicant, in any case where deemed necessary, to furnish a permit bond.

§ 198.11 *Cancelled permits.* Upon cancellation of a sulphur permit for any reason, the land will not be open to sulphur permit applications until the cancellation is noted on the records of the land office.

§ 198.12 *Reward for discovery.* (a) Upon a satisfactory showing that valuable deposits of sulphur have been discovered by a permittee within the area covered by his permit before the permit expires, and that the land is chiefly valuable therefor, the permittee shall be entitled to a preference right lease for all or part of the land embraced in his permit in a reasonably compact form. An application for a preference right lease by a sulphur permittee must be filed not later than 30 days after his permit expires. The application must be filed in the appropriate land office and describe the land desired, show the date valuable sulphur deposits were discovered, specify fully the extent and mode of occurrence of the deposits as disclosed by prospecting work, and show any change in the information contained in the application for sulphur permit. The application must be accompanied by the first year's lease rental at the rate of 50 cents per acre or fraction thereof. The lease will be on Form 4–1313 and will be dated the first day of the month following the date of the decision notifying the appli-

[1] A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D. C. Copies of Forms 4–701 and 4–1313 were filed with the Federal Register Division as part of the original document.

cant that he is entitled to a preference right sulphur lease, unless otherwise specified therein. If the sulphur permit expires and the application for sulphur lease is finally rejected, royalty for the sulphur mined will be charged at the sulphur permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the sulphur permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Supervisor the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the sulphur lease will be conformed to the subdivision of such survey.

(c) If the sulphur permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee or lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 198.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee or lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 198.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 198.4 (c) (1) and (4).

§ 198.13 *Expiration of permit.* Unless a lease application is filed pursuant to § 198.12 the permit will expire at the end of its period without notice to the permittee. No extension of the term will be granted.

SULPHUR LEASES

§ 198.14 *Form of lease.* Leases shall be issued on Form 4–1313.

§ 198.15 *Lease bond.* A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond.

§ 198.16 *Royalty.* Leases based upon discovery of valuable sulphur deposits under a sulphur permit shall provide for a royalty of 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market. Leases for lands known to contain valuable deposits of sulphur and not covered by sulphur permits or leases shall provide for such royalty as will be determined prior to the issuance of the lease, but in no case shall the royalty be less than 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market.

§ 198.17 *Rental.* Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or part thereof covered by the lease, beginning with date of the lease, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid.

§ 198.18 *Minimum production.* Leases will require the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act of February 25, 1920, as amended, (30 U. S. C. 209).[1]

§ 198.19 *Application for lease by competitive bidding.* (a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, State, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivisions of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its sulfur content, with a statement as to the character, extent, and mode of occurrence of the sulfur deposits.

[1] See showing required under § 191.26 of this title, as amended.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 198.20 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county or parish in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The right is reserved to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. (See 18 U. S. C. 1860).

§ 198.21 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 198.4.

§ 198.22 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 198.20 and file a bond as required by § 198.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 198.12 (c), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

§ 198.23 *Renewal leases.* An application for a renewal lease must be filed in the appropriate land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a new bond as prescribed in § 198.15. Each application for renewal must be accompanied by a filing fee of $10, which will not be returnable.

§ 198.24 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 198.25 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF PERMITS AND LEASES

§ 198.26 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the appropriate land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 198.4 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or leasee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Department as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 198.12 (c).

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 198.27 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

[F. R. Doc. 56–6221; Filed, Aug. 2, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 56–19]

FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR–386C as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 10, 1956. Copies of such communications will be available after September 12, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation SR–386C which terminates September 30, 1956, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has advised the Board that the regulation has not been abused and favors its continuation. The proposed revision of Part 41 of the Civil Air Regulations, recently released for discussion purposes, does not contain any provisions concerning flight time limitations because of the necessity for seeking the resolution of certain outstanding questions in a separate rule making action. It is expected

that this separate rule making will be completed in the near future and thereafter amendments to existing regulations will be made where appropriate. Pending the resolution of outstanding questions relating to flight time limitations, the Bureau considers that it is advisable to extend the authority granted by SR-386C for another year rather than to incorporate this authority in currently effective Part 41.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, tw pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

It is proposed that this regulation shall supersede Special Civil Air Regulation No. SR-386C and shall be effective for a period of one year.

This regulation is proposed under the authority of Title VI of the Civil Aeranautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., July 24, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56-6243; Filed, Aug. 2, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES SUCH AS BOYSENBERRIES, DEWBERRIES, AND LOGANBERRIES [1]

Notice is hereby given that the U. S. Department of Agriculture is considering amendments to the United States Standards (18 F. R. 7940) for Grades of Canned Blackberries and Other Similar Berries such as Boysenberries, Dewberries, and Loganberries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for changes in the recommended minimum drained weight requirements of canned berries, and to make other minor changes.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 52.556 change Table No. 1, *Recommended Minimum Drained Weight, in Ounces, of Canned Berries;* to read:

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHT IN OUNCES OF CANNED BERRIES

Can size	Can dimensions (in inches)		Maximum capacity in water at 68° F. (in ounces)	Blackberries		Other Berries	
	Diameter	Height		Extra heavy and heavy sirup	Light sirup and water	Extra heavy and heavy sirup	Light sirup and water
8 ounce	$2^{13}/_{16}$	$3^{4}/_{16}$	8.65	$4^{1}/_{2}$	$4^{3}/_{4}$	$4^{3}/_{4}$	$4^{3}/_{4}$
No. 303	$3^{3}/_{16}$	$4^{1}/_{16}$	16.85	$8^{1}/_{2}$	$9^{1}/_{4}$	$7^{3}/_{4}$	$8^{1}/_{4}$
No. 2	$3^{7}/_{16}$	$4^{1}/_{16}$	20.50	11	12	$9^{1}/_{2}$	10
No. 10	$6^{1}/_{16}$	7	109.45	62	66	55	60
No. 10 (heavy pack) [1]	$6^{1}/_{16}$	7	109.45	----------	74	----------	70

[1] Canned berries in No. 10 containers (in water) may be certified with the additional statement "heavy pack," provided they meet a minimum drained weight requirement specified.

2. Change § 52.557 to read:

§ 52.557 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Absence of defects	30
Character of fruit	30
Total score	100

(b) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

3. Change paragraph (d) of § 52.561, *Absence of defects,* to read:

(d) *(C) classification.* Canned berries that are fairly free from defects may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that harmless extraneous vegetable material may be present that does not seriously affect the appearance or edibility of the product; and that not more than 15 percent, by count, of the canned berries may be damaged.

4. Change § 52.563 to read:

§ 52.563 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blackberries and other similar berries such as boysenberries, dewberries, and loganberries the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

Dated: July 31, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-6226; Filed, Aug. 2, 1956; 8:46 a. m.]

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 919]

[Docket No. AO-249-A2]

MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED EMERGENCY AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Jade Room, Lora Locke Hotel, Dodge City, Kansas, beginning at 10:00 a. m. local time, August 8, 1956.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Southwest Kansas milk marketing area. More specifically consideration will be given to the pricing of Class I milk to determine (1) the extent to which drought conditions, shortage of hay and feeds, and increasing prices of available supplies of hay and feeds, constitute a threat to the adequacy of supplies of pure and wholesome milk, and (2) whether temporary emergency price relief is necessary to promote orderly marketing.

This request for emergency action has been received from the Southwest Kansas Milk Producers Association whose members constitute a majority of the producers supplying milk to the Southwest Kansas marketing area. This association proposes that the price of Class I milk be increased 40 cents per hundredweight for the months of September, October, and November 1956. This proposal has not received the approval of the Secretary of Agriculture.

Copies of this notice of hearing may be procured from the Market Administrator, Room 228, 616–18 North Second Avenue, Dodge City, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 31, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6227; Filed, Aug. 2, 1956; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 136]

[File 21-332]

PAINT AND VARNISH BRUSH MFG. INDUSTRY

ADDITION TO TRADE PRACTICE RULES

In the matter of proposed addition of industry committee provision to trade practice rules for the Paint and Varnish Brush Manufacturing Industry.

Trade practice rules for the paint and varnish brush manufacturing industry (CFR Part 136) were promulgated by the Federal Trade Commission on January 14, 1939. Subsequently, on September 15, 1955, the Commission approved a new standard industry committee provision (20 F. R. 7249, Sept. 29, 1955) which the American Brush Manufacturers' Association has requested be added to existing rules for this industry. The committee provision is hereinafter set forth, together with notice of scheduled hearing on the subject as follows:

Notice of hearing and of opportunity to present views, suggestions, or objections. Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, and organizations engaged in the manufacture, sale, offering for sale, or distribution in commerce of the products of the Paint and Varnish Brush Manufacturing Industry, and other parties who may be affected by or have an interest in the trade practice rules for the industry, to present to the Commission their views concerning the proposed addition of an industry committee provision, as hereinafter set forth, to the trade practice rules hertofore promulgated by the Commission for the industry. For this purpose industry members, and other interested or affected parties, may obtain copies of the proposed committee provision upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than August 22, 1956.

Opportunity for all concerned to be heard orally will be afforded at the hearing beginning at 11 a. m., d. s. t., August 22, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

Committee on Trade Practices

§ ------ *Industry committee.* The industry may, at its option, form a trade practice committee, which shall be fairly representative of the industry, to cooperate with the Federal Trade Commission in the following respects:

(a) To assist in keeping the rules of the industry active by periodically bringing to the attention of industry members the provisions thereof;

(b) To publicize and disseminate among all members of the industry Commission stipulations, orders, and opinions or administrative interpretations relating to practices covered by the rules;

(c) To meet periodically with Commission personnel for the purpose of discussing the rules, the need for their revision, and the administration thereof, the committee's function in connection with such meetings being informative only, with decisions as to any action to be taken being left solely in the hands of government officials. All such meetings shall be:

(1) Called and chairmanned by a full-time Commission official; and

(2) Limited to a discussion of matters outlined in an agenda prepared by a full-time Commission official.

Full and complete minutes of each such meeting shall be prepared and filed with the Commission.

(d) It is not the function of the committee to:

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

(3) Make determinations or express opinions as to whether practices are violative of the rules;

(4) Receive or screen complaints of violations of the rules; or

(5) Perform any other act or acts within the authority of the Federal Trade Commission or any other governmental Agency or Department.

(e) All complaints of industry members and other parties respecting rule violations should be made directly to the Commission. In the event any complaint is received by the committee, or any information is brought to its attention, indicating a probable violation of a rule, all relevant information with respect thereto shall be promptly transmitted by the committee to the Commission without the committee contacting the party or parties alleged to have violated the rule.

(f) Immediately after its formation the committee shall inform the Commission of the identity of the members thereof, the names and addresses of the companies or concerns represented by such members, and shall supply the Commission with information showing that the membership of the committee is fairly representative of the industry. Changes in composition of the committee shall be reported to the Commission as soon as they may occur.

(g) Full and complete minutes of all meetings of the committee, identifying the members in attendance and informative of the matters discussed and actions taken, shall be kept. The minutes of the meetings falling under paragraph (c) of this section shall be filed with the Commission, and the minutes of all other meetings shall be kept by the Committee and be made available to the Commission on request.

Issued: July 31, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6224; Filed, Aug. 2, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

CLASSIFICATION OF MOTOR CARRIERS

EXTENSION OF TIME FOR FILING RESPONSES

JULY 31, 1956.

On June 29, 1956, the Commission issued a notice of proposed rule making covering reclassification of motor carriers of property for accounting and reporting purposes. The notice was published in the FEDERAL REGISTER issue of July 18, 1956 (21 F. R. 5378) and provided that views or arguments to be considered in that connection could be filed on or before August 1, 1956.

Notice is hereby given that the period within which such views or arguments may be filed for consideration has been extended to and including August 31, 1956.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6249; Filed, Aug. 2, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order 4]

CHIEF, MINERALS ADJUDICATION SECTION, AND CHIEF, LANDS ADJUDICATION SECTION

REDELEGATION OF AUTHORITY TO SIGN FINAL ACTIONS

JULY 30, 1956.

Pursuant to the authority contained in Bureau Order No. 541, as amended, authority to sign all final actions affecting leasable and nonleasable mineral cases, now being handled by the Eastern States Land Office, is redelegated to the Chief, Minerals Adjudication Section of the Eastern States Land Office; also, authority to sign all final actions concerning lands cases, now being handled by the Eastern States Land Office, is redelegated to the Chief, Lands Adjudication Section of the Eastern States Land Office.

This authorization will not affect the exercise of authority already held by the designated Land Office Manager.

L. T. HOFFMAN, *Supervisor, Eastern States Office.*

Approved: July 30, 1956.

EDWARD WOOZLEY, *Director, Bureau of Land Management.*

[F. R. Doc. 56-6222; Filed, Aug. 2, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

1. Authority is hereby delegated to the Deputy Administrator to exercise, in the absence of the Administrator, as Acting Administrator, any of the powers of the Administrator.

2. In the absence of the Administrator and the Deputy Administrator, the powers of the Administrator shall be exercised, as Acting Administrator, by the Assistant Administrator for the Telephone Program.

3. In the absence of the Administrator, Deputy Administrator, and Assistant Administrator for the Telephone Program, the powers of the Administrator shall be exercised, as Acting Administrator, by the Assistant Administrator for the Electric Program.

4. In the absence of the Administrator, Deputy Administrator, and Assistant Administrators, the powers of the Administrator shall be exercised, as Acting Administrator, by the Chief of the Administrative Division.

5. In the absence of the Administrator, Deputy Administrator, Assistant Administrators, and Chief of the Administrative Division, the powers of the Administrator shall be exercised, as Acting Administrator, by such person as shall be designated by the Administrator.

Issued this 30th day of July 1956.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6253; Filed, Aug. 2, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MARSEILLES/NORTH ATLANTIC U. S. A. FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 5660-3, between the member lines of the Marseilles/North Atlantic U. S. A. Freight Conference, modifies the basic agreement of that conference (No. 5660, as amended) by changing the voting provision thereof and setting forth the conditions under which a member, whose service has been suspended for six consecutive months or more, may retain its membership without voting rights until service is resumed.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: July 30, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-6254; Filed, Aug. 2, 1956; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

KENNETH B. COATES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 2, 1956, in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is attached.

Dated: August 1, 1956.

JOHN W. MARTYN, *Administrative Assistant.*

Statement of Financial Interests

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to foregoing questions:

(1) Michigan Plating & Stamping Company, Grand Rapids, Mich.; director. Watson Industries, Inc., 7405 Lyndon Avenue, Detroit 38, Mich.; secretary and director. B/W Controller Corporation, East Maple Road, Birmingham, Mich.; director. Michigan Plating & Stamping Company, above; stockholder. Watson Industries, Inc., above; stockholder. B/W Controller Corporation, above; stockholder. National Steel Corporation, Grand Building, Pittsburgh, Pa.; stockholder.

(2) None.

(3) Real Estate, Livingston County, Brighton, Mich. Insurance, Northwestern Mutual, Equitable, Travelers.

Dated: June 13, 1956.

Re-dated: July 2, 1956.

KENNETH B. COATES.

[F. R. Doc. 56-6290; Filed, Aug. 1, 1956; 4:27 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6698]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

JULY 30, 1956.

Take notice that on July 25, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas, and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance, by competitive bidding, of $15,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1986, and 100,000 additional shares of Common Stock. Said bonds will be dated as of September 1, 1956, will be issued on or about September 18, 1956, and will be due on September 1, 1986. Said Common Stock is proposed to be issued on or about September 18, 1956. The proceeds from the sale of said bonds and Common Stock will be used to reimburse Applicant's treasury in part for construction expenditures heretofore made and to pay certain outstanding short-term borrowings and to carry on its plans for future construction of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 16th day of August 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-6230; Filed, Aug. 2, 1956; 8:47 a. m.]

[Docket No. 4441 etc.]

GRUBB AND HAWKINS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field and Purchaser

G-4441; Grubb and Hawkins, a partnership Estate of M. T. Grubb, Naomi S. Grubb, Jackie Grubb Ankenman, Henry Dreyfus, Harold T. White, Estate of Frances M. Weld, W. J. Hafenbrak; J. M. Pille, Mrs. Edward Wagner, C. L. Love, Mrs. J. B. Lester; Barton, Pille, Jones & Wermuth, George Cotros; 10-18-54; LaFourche Crossing, LaFourche Parish, La.; United Gas Pipe Line Company.

G-4526; V. R. Huffines, W. M. Day, W. J. and C. Sherrouse, Incorporated; Sherrouse Realty Company, Incorporated, Dallas, Tex.; 10-22-54; Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G-4563; Fifteen Oil Company, formally Mikton Oil Company; 10-25-54; LaFourche Crossing, LaFourche Parish, La.; United Gas Pipe Line Company.

G-4592; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4593; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4595; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4598; H. H. Weinert, Lelia A. Bauchman, John Allen Bauchman, E. A. Tapp, Roland K. Blumberg and Jane W. Blumberg, Guadalupe County, Tex.; 10-28-54; North Pettus, Goliad and Karnes County, Tex., United Gas Pipe Line Company.

G-4567; Bert Fields, Alyne Fields, Mary Aileen Carlisle, Hazel Deason, Dallas, Tex.; 10-25-54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-4615; Chas. A. Daubert, San Antonio, Tex.; 11-1-54; Sandia and Lou Ella, Jim Wells and San Patricio Counties, Tex.; United Gas Pipe Line Company.

G-4810; D. Thompson Production Company Inc., Luna T. Holcomb and E. D. Holcomb, Shreveport, La.; 11-12-54; Bethany and Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G-4726; D. Thompson, Shreveport, La.; 11-8-54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-4805; Hunt Oil Company, Dallas, Tex.; 11-12-54; Lisbon, Claiborne Parish, La.; United Gas Pipe Line Company.

G-4845; Ace Oil Company, Carl Casey, Thomas O. Shelton, Jr., O. B. Siler, A. P. Merritt, C. C. Anderson, Bryant Penn, J. Robert McCollum and Morris Wolf, Tyler, Tex.; 11-15-54; Jacquin, Shelby and Panola Counties, Tex.; United Gas Pipe Line Company.

G-4851; the Bering Oil Corporation, Tyler, Tex.; 11-15-54; South Ceasar, Bee County, Tex.; United Gas Pipe Line Company.

G-5138; T. G. Markley, Baton Rouge, La.; 11-19-54; Iberia, Iberia Parish, La.; United Gas Pipe Line Company.

G-5206; Luna T. Holcomb, Shreveport, La.; 11-22-54; Tillery No. 1, Panola County, Tex.; United Gas Pipe Line Company.

G-5207; R. O. Ray & Company, Inc., Shreveport, La.; 11-22-54; Lake Bistineau, Bienville Parish, La.; United Gas Pipe Line Company.

A public hearing will be held on the 28th day of August, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

JULY 30, 1956.

[F. R. Doc. 56-6233; Filed, Aug. 2, 1956; 8:47 a. m.]

[Docket No. G-6742 etc.]

BURNETT & CORNELIUS AND NAVAJO NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field and Purchaser

G-6742; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6746; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6747; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6748; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6901; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Natural Gas Pipeline Company of America.

G-6743; Navajo Natural Gas Company, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

A public hearing will be held on the 27th day of August 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

JULY 30, 1956.

[F. R. Doc. 56-6234; Filed, Aug. 2, 1956; 8:48 a. m.]

[Docket No. G-10251]

SCRANTON-SPRING BROOK WATER SERVICE CO.

NOTICE OF APPLICATION

JULY 30, 1956.

Take notice that Scranton-Spring Brook Water Service Company (Applicant), a Pennsylvania Corporation, with its principal place of business in Wilkes-Barre, Pennsylvania, filed an application on April 12, 1956, as supplemented on June 13, 1956, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale and distribution in its Scranton and Wilkes-Barre gas divisions in Wyoming, Lackawanna and Luzerne Counties, Pennsylvania as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant states that it is engaged in supplying and distributing water in Susquehanna, Wayne, Lackawanna and Luzerne Counties, manufactured gas in Lackawanna, Wyoming, and Luzerne Counties and natural gas in Columbia, Northumberland, Snyder, Montour and Lycoming Counties, all in Pennsylvania. The natural gas is purchased from The Manufacturers Light & Heat Company.

Applicant proposes in its application to obtain a natural gas supply from Tennessee to convert the present manufactured gas service in Lackawanna, Wyoming and Luzerne Counties, Pennsylvania (referred to as the Scranton and the Wilkes-Barre Divisions of Applicant) to straight natural gas service.

Applicant avers that its manufactured gas capacity is insufficient to enable it to meet its expected future requirements and that it would be economically beneficial to both the company and its customers to convert to natural gas service.

Applicant's annual and peak day for the first five years with natural gas is estimated as follows:

	1	2	3	4	5
Peak day demand, Mcf:					
Scranton Division	5,531	7,459	7,872	8,286	8,700
Wilkes-Barre Division	1,360	1,811	2,011	2,211	2,411
Total	6,891	9,270	9,883	10,497	11,111
Annual demand, Mcf:					
Scranton Division	1,296,442	1,731,141	1,787,821	1,844,653	1,901,636
Wilkes-Barre Division	348,770	443,972	476,212	508,604	541,148
Total	1,645,212	2,175,113	2,264,033	2,353,257	2,442,784

Applicant proposes to interconnect with the Hebron-Greenwich facilities of Tennessee and to install and operate approximately 13.45 miles of 12-inch pipeline to connect to Applicant's Scranton Division. Applicant also proposes to install and operate approximately 24 miles of 12-inch pipeline interconnecting the Scranton and Wilkes-Barre Divisions. Also 7 regulating and 2 metering stations are to be installed. The estimated capital cost of these facilities is $1,603,000, to be financed by means of medium and long term bank loans.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before August 14, 1956.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6235; Filed, Aug. 2, 1956; 8:48 a. m.]

[Project No. 1773]

MOON LAKE ELECTRIC ASSN., INC.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 30, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Moone Lake Electric Association, Inc., of Altamont, Utah, licensee, for amendment of its license for a hydroelectric development on the East Fork of Lake Fork of Duchesne River in Duchesne County, Utah. Licensee proposes to replace the 12.5 kilovolt transmission line with a 69 kilovolt transmission line crossing the Uintah and Ouray Indian Reservation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 5, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6231; Filed, Aug. 2, 1956; 8:47 a. m.]

[Docket No. G-10341]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 30, 1956.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation with principal place of business at 212 West Michigan Avenue, Jackson, Michigan, filed, on May 2, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The facilities proposed to be constructed and operated by Applicant consist of:

(1) Approximately 8,525 feet of 6-inch gathering line in Applicant's Cranberry Lake Storage Field, Clare County, Michigan, at an estimated cost of $24,000, together with such branch lines as are necessary to connect this proposed line with Applicant's existing gathering system in this field.

The purpose of this line is to reduce an existing 25 to 30 pounds differential in pressure between the southeastern portion of this field and the remainder of the field during both injection and withdrawal cycles.

(2) Approximately 1,400 feet of 12-inch gathering line in Applicant's Winterfield Storage Field, Clare County, Michigan, at an estimated cost of $8,700.

The purpose of this line is to provide facilities so that the shut-in field pressure at the spill point located north of Meter Station No. 53 can be controlled in the event the pressure at this spill point should rise above the original field pressure (550 psig).

(3) Twenty-two 4-inch well lines in Winterfield and Cranberry Lake Storage Fields paralleling certain of Applicant's existing 2-inch well lines as either replacements therefor or supplements thereto at an estimated cost of $30,000.

The purpose of the proposed well lines is to improve deliverability by reducing the pressure losses in the existing 2-inch well lines.

(4) Approximately 2,800 feet of 10-inch transmission line to replace, adjacent to rather than under a proposed road pavement, Applicant's existing 4-inch line which extends from an existing delivery point on Panhandle Eastern Pipe Line Company's "North Line" in Section 34, Burton Township, Genesee County, to Applicant's existing Flint No. 2 Meter Station. The estimated cost of the proposed 10-inch line is $16,000.

The existing 4-inch line may or may not be removed and salvaged but, in either event, it will be severed from the system as a result of a change in the load characteristics of the Flint market and a proposed widening and paving of an existing road which will cover in part Applicant's existing 4-inch line.

The estimated total cost of the foregoing projects is $78,700 which will be financed from cash on hand and funds from operations. Applicant states that the operating improvements to the storage fields, described above as (1), (2) and (3), will enable Applicant to operate the storage fields more efficiently and with greater flexibility; that it is estimated that peak day deliverability will be increased approximately 5,000,000 cubic feet as a result of the proposed well lines when operated in conjunction with existing facilities; and that the proposed facilities, described above as (4), will accommodate the needs of Applicant's sole customer, the Consumers Power Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, August 22, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6232; Filed, Aug. 2, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31954]

RAILROAD PASSENGER TRAIN DEFICIT

PRE-HEARING CONFERENCE

JULY 31, 1956.

A pre-hearing conference in the above-entitled proceeding will be held at the offices of the Commission in Washington, D. C., on September 5, 1956, at 9 a. m., U. S. standard time (10 a. m. District of Columbia daylight saving time), before Examiner Vandiver.

The purpose of the conference is to consider the information and data that should be developed in this proceeding. The conference also will consider the procedure to be followed, whether by submission of verified statements and exhibits by persons interested and by representatives of committees of groups of parties or by oral hearings, or both; and if oral hearings are to be held, the times and places thereof, with such special rules of practice as may be appropriate.

As bases for discussion at such conference, a list of subjects for consideration, and suggested groups of parties to be represented by committees, if that method is adopted, are set forth in the Appendix to this notice. All interested parties are invited to give their views at the conference as to these suggested subjects and committees. It is desired that any additional proposals of matters for discussion at the conference be submitted in writing to the Commission at least two weeks prior to the date of the conference.

Notice of this conference is given to the respondent common carriers by railroad by service of this notice on such respondents. Notice to the general public is given by depositing a copy of this notice in the office of the Secretary of the Commission in Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX

Suggested subjects for consideration at a prehearing conference in No. 31954, Railroad Passenger Train Deficit, to determine what information and data should be obtained and whether special studies of costs, operations and other matters should be made.

1. Historical development of the Commission's present rules governing separation of operating expenses between freight and passenger-train service; investigation of "direct charges" and allocation of common expenses required by such rules; whether, and in what manner and extent, such rules should be changed.

2. A cost study to determine what part of the passenger deficit is attributable to the various kinds of passenger-train service, viz., parlor and sleeping-car operation, coach, commutation, headend service, such as mail, express, etc. (To be furnished by carriers.) The extent of the cost studies will be considered at the prehearing conference.

3. A survey of the number of trains operated and the number of passengers carried on each train during a representative period. (To be furnished by carriers.)

4. A review of the present and past rate structures to determine what has been the effect on gross and let passenger train revenue of any changed rate levels—either increased or decreased.

5. Determination of the factors which affect the rate structures of airlines and buslines which are advantageous to these carriers as contrasted with the rail passenger rate structure.

6. An overall determination of the factors, other than rate levels, which tend to make passenger train operations profitable or unprofitable, in relation to motor bus and air passenger operations.

7. The effect of suburban development and the private automobile on the passenger deficit.

8. Studies of the political and economic forces exerted upon the railroads to maintain commutation service and of the corresponding obligation of the public with respect to such service.

9. Study of the extent, amount and effect of federal, state, and local taxation on passenger-train service, equipment, and facilities, including excise taxes.

10. Cost of constructing, maintaining and operating railroad passenger terminal facilities and the influence thereof on the passenger-train service deficit.

11. The extent and competitive effect of:

(a) Direct and indirect federal, state, and local aid.

(b) Governmental policies with respect to passenger and headend traffic.

12. An analysis of the difficulties encountered by carriers in discontinuing trains and in the abandonment of lines, stations and agencies.

13. Railroad passenger train service and facilities in relation to the needs and requirements of the national defense.

14. A study of equipment depreciation schedules in relation to obsolescense and modernization of passenger train equipment.

15. Studies of what railroad management has done and plans to do in the way of improvement of equipment and service and the effect thereof on volume of passenger traffic.

COMMITTEES

Establishment of committees to represent the following groups are suggested.

1. Respondent railroads.
2. State regulatory agencies.
3. Railroad labor organizations.
4. Associations of users of passenger services.
5. Shippers and receivers of freight interested in the subject of the passenger train deficit.
6. Other parties.

[F. R. Doc. 56-6250; Filed, Aug. 2, 1956; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days

from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32445: *Chlorine gas—Evans City, Ala., to Chattanooga and Calhoun, Tenn.* Filed by R. E. Boyle, Jr., Agent, for and on behalf of the Southern Railway Company. Rates on liquefied chlorine gas, tank-car loads from Evans City, Ala., to Chattanooga, North Chattanooga, Boyce, and Calhoun, Tenn.

Grounds for relief: Barge competition.

Tariff: Supplement 164 to Agent Spaninger's I. C. C. 1295.

FSA No. 32446: *Logs—Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, carloads from Amoco, Oriana, Oyster Point, and Reservoir, Va., to Cleveland, High Point, Lenoir, Liberty, Statesville, and Thomasville, N. C.

Grounds for relief: Truck competition.

Tariff: Supplement 126 to Agent Spaninger's I. C. C. 1297.

FSA No. 32447: *Substituted service—Motor-rail-motor — Pennsylvania Railroad.* Filed by Motor Carriers Tariff Bureau, Inc., for interested motor carriers and the Pennsylvania Railroad Company. Rates on freight loaded in or on highway trailers transported on railroad flat cars between Chicago, Ill., and Pittsburgh, Pa.

Ground for relief: Motor truck competition.

FSA No. 32448: *Roofing material—Arkansas and Louisiana to Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing material and sheathing, straight or mixed carloads from Camden, Ark., New Orleans and Shreveport, La., to Oklahoma City and Tulsa, Okla.

Grounds for relief: Truck competition and circuitous routes.

Tariffs: Supplement 153 to Agent Kratzmeir's tariff I. C. C. 4109. Supplement 13 to Agent Kratzmeir's tariff I. C. C. 4179.

FSA No. 32449: *Iron and steel articles—Illinois Territory to Louisiana.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Points in Illinois territory to Baton Rouge, North Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 2 to Agent Raasch's I. C. C. 854. Supplement 11 to Agent Raasch's I. C. C. 847.

FSA No. 32450: *Tin and terne plate—Chicago, Ill., to Tampa, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on tin or terne plate, carloads from Chicago, Ill., to Tampa, Fla.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 2 to Agent Raasch's I. C. C. 854.

FSA No. 32451: *Paper and paper articles—South to Minneapolis, Minn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in southern territory to Minneapolis, Minn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 36 to Agent Spaninger's I. C. C. 1378; Supplement 52 to Agent Spaninger's I. C. C. 1466.

FSA No. 32452: *Window glass—Arkansas, Louisiana, and Oklahoma to Florida.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on window glass (other than plate), carloads, from Fort Smith, Ark., Henryetta, Okmulgee, Okla., and Shreveport, La., to Fort Lauderdale, North Miami, North Miami Beach, Ojus and Port Everglades Junction, Fla.

Grounds for relief: Foreign market competition and circuitous routes.

Tariff: Supplement 26 to Agent Kratzmeir's I. C. C. 4100.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6225; Filed, Aug. 2, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17477, Amdt.]

A. DRIESSEN

In re bonds owned by A. Driessen, also known as Andre Simon Driessen; F-28-31281.

Vesting Order 17477, dated March 1, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Driessen, also known as Andre Simon Driessen, whose last known address is 101 Adrian Stoopstrasse, Bad Wiessee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage One Hundred Year Bonds, due 1995, of $1,000 face value each, bearing the numbers 125364 and 16346 and evidenced by coupons attached to or detached from said bonds and due on or after April 1, 1951, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

b. Twenty-two (22) coupons, each of $20.00 face value, detached from two (2) The Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage One Hundred Year Bonds, due 1995, each of $1,000 face value, bearing the numbers 125364 and 16346, said coupons presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, A. Driessen, also known as Andre Simon Driessen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6206; Filed, Aug. 1, 1956; 8:48 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

SOIL SCIENTIST

Subparagraph (1) (i) and (ii) of § 24.87 (a) is amended as set out below.

§ 24.87 *Soil Scientist, GS-470-5-15—*(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil science or a closely related subject-matter field. This course of study must have included at least 10 semester hours of course-work in soil science.

(ii) A total of at least 30 semester hours of course-work in plant science, soil science and closely related subject-matter fields of agriculture with major study in soil science or a closely related subject-matter field, including at least 10 semester hours in soil science, plus enough additional experience, or education of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in plant science, soil science or a closely related subject-matter field of agriculture, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-6304; Filed, Aug. 3, 1956; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of rice. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956, is supplemented as follows:

Sec.
421.1936 Purpose.
421.1937 Availability of price support.
421.1938 Eligible rice.
421.1939 Bagged and bulk rice.
421.1940 Warehouse receipts.
421.1941 Determination of quantity.
421.1942 Determination of quality.
421.1943 Maturity of loans.
421.1944 Support rates.
421.1945 Warehouse charges.
421.1946 Settlement.

AUTHORITY: §§ 421.1936 to 421.1946 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.1936 *Purpose.* Sections 421.1936 to 421.1946 state additional specific requirements which, together with the general requirements contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997) comprise the regulations governing loans and purchase agreements under the 1956-crop Rice Price Support Program.

§ 421.1937 *Availability of price support—*(a) *Method of support.* Price support will be made available through

(Continued on p. 5815)

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farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to eligible producers on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

(c) *Where to apply.* Application for rice price support must be made at the office of the county committee which keeps the farm program records for the farm. In the case of eligible cooperative marketing associations of producers, application for price support shall be made in the county where the main office of the cooperative marketing association of producers is located or in such other county as the State Committee determines the application can be more expeditiously handled.

(d) *When to apply.* Loans and purchase agreements will be available from time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1956 as landowner, landlord, tenant, or sharecropper, including a person owning and operating his own farm, a tenant operating a farm renter for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop: *Provided*, That a producer shall not be an eligible producer unless he satisfies the compliance requirements of the regulations pertaining to acreage allotments for the 1956 crop as provided in 1956 C. C. C. Rice Bulletin A and any amendments thereto.

(f) *Cooperative associations.* A cooperative marketing association of producers which satisfies the following conditions shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements:

(1) The terms and conditions under which producer members' rice is marketed through the association must be set out in a uniform marketing agreement and must be applicable to all rice delivered to the association by producer members.

(2) The major part of the rice marketed by the association must be produced by members who are eligible producers.

(3) The members must share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association. This provision shall not be construed to prohibit the association from establishing separate pools.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the total quantity of rough rice acquired by or delivered to the association from all sources and must maintain a separate record of all such rice which is ineligible for price support. The association must keep in inventory at all times a quantity of rough rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts for commingled rice, plus a quantity of rough rice of the varieties, average grade and milling yield equal to the quantity of rice represented by outstanding warehouse receipts (including receipts held by CCC) for rice stored modified commingled and identity preserved. Rice stored modified commingled or identity preserved must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Not later than December 1, 1956, the association must have set aside in segregated storage, quantities of rough rice by varieties, grade and milling yield, equivalent to the quantities by varieties, grade and milling yield of rough rice which does not meet the eligibility requirements of § 421.1938, hereinafter referred to as "ineligible" rough rice (except rough rice in inventory on July 31, 1956, and rough rice received from CCC and placed in inventory subsequent to July 31, 1956) received by the association from all sources up to such date. All ineligible rough rice received by the association on or after the date of such segregation must also be set aside in segregated storage together with other rough rice required to be set aside in segregated storage. The association must keep a detailed record of the disposition made of the rough rice required to be so set aside. In addition, all rough rice in inventory on July 31, 1956, and all rough rice received from CCC and placed in inventory subsequent to July 31, 1956, must be physically segregated in storage from other rice and a separate record kept of the disposition of such rice. Price support may be obtained only on that rough rice not required to be segregated in storage by this paragraph. The association shall not be entitled to obtain price support until such ineligible rice has been segregated in accordance with this paragraph.

(7) In making settlement with producer members the association shall make settlement with respect to the ineligible rice separately from the settlement made on eligible rice in accordance with the quantity and quality and sales proceeds from each.

(8) Rough rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price support and the books and records of the association must be made available to CCC for inspection at all reasonable times through May 1, 1962.

§ 421.1938 *Eligible rice.* To be eligible for price support, rice must meet the following requirements:

(a) The rice must have been produced in 1956 by an eligible producer on a farm on which the rice acreage allotment was not exceeded in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas.

(b) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under a purchase agreement, must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); (2) contain not more than 14 percent moisture; and (3) must not contain mercurial compounds or other substances poisonous to man or animals.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State Committee.

§ 421.1939 *Bagged and bulk rice.* Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(a) *Farm storage.* (1) Loans on farm-stored rice will be made on a bagged or bulk basis in accordance with the manner in which the rice is stored.

(2) Settlement with respect to farm-stored rice acquired by CCC in bulk under loan or purchase agreement shall be on the basis of the net weight of the bulk rice acquired by CCC.

(3) Settlement with respect to farm-stored rice acquired by CCC in bags under loan or purchase agreement shall be on the basis of the combined weight of the rice and bags acquired by CCC, and

title to the bags shall pass with the rice, CCC shall not otherwise pay any amounts representing the value of the bags.

(b) *Approved warehouse storage.* (1) In the case of rice in approved warehouse storage, loans will be made and rice under purchase agreements will be acquired on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. Therefore, if a loan is made on the basis of loading out the rice in bags, the rice must be in bags at the time of load out by the warehouseman and, if a loan is made on the basis of loading out the rice in bulk, the rice must be in bulk at the time of load out by the warehouseman.

(2) Settlement with respect to rice in approved warehouse storage which the warehouseman is required to load out in bulk shall be on the basis of the net weight of bulk rice acquired by CCC under loan or purchase agreements.

(3) Settlement with respect to rice in approved warehouse storage acquired by CCC under loans or purchase agreements which the warehouseman is required to load out in bags shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice, except that, if the rice is not in bags at the time of acquisition by CCC title to the bags shall pass to CCC at the time of load out. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 421.1940 *Warehouse receipts.* Warehouse receipts representing rice in approved warehouse storage to be placed under loan or to be delivered to CCC under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks), and whether the rice is to be delivered in bulk or in bags (sacks). Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity-preserved" or "modified commingled." In the case of rice stored identity-preserved, the warehouseman is not a guarantor but is required to load out the identical rice on which the warehouse receipt was issued. In the case of bulk rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice of two or more owners is stored together in one lot, the identity of which the warehouseman is required to maintain.

(b) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on modified commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(c) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, gross and net weight, method of storage, manner in which the rice will be delivered (bulk or bagged), and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified commingled rice and by the producer for identity-preserved rice.

(d) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be the same as stated in § 421.1615 of the 1956 C. C. C. Grain Price Support Bulletin 1 for farm-stored rice. The producer's responsibility for modified commingled rice shall be the same as stated in § 421.1615 of 1956 C. C. C. Grain Price Support Bulletin 1 for farm-stored rice except that he shall not be responsible for the quantity.

(e) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(f) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

(g) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

§ 421.1941 *Determination of quantity.* (a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded except in the case of loans made on the basis of commingled warehouse receipts the exact weight shown on the warehouse receipt shall be used. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of ¾ pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	Percent
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of bulk rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the County Committee of his intention to sell rice to CCC, specify the quantity of each class or variety of rice included in the total quantity to be sold.

§ 421.1942 *Determination of quality.* (a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer, either on loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on the official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the County Committee for each lot of rice at the time application is made for the loan, and settlement with the producer, both with respect to loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for loans, and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the acquisition of rice by CCC will be for the account of the producer.

§ 421.1943 *Maturity of loans.* Unless demand is made earlier, loans on rice stored in California and Arizona will mature on April 30, 1957 and loans on rice stored in other States will mature on March 18, 1957.

§ 421.1944 *Support rates.* Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice in approved storage and with all accrued charges paid through the applicable maturity date for loans, including all receiving and loading out charges, accrued or to accrue, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexore (except the variety Rexark).	$0.0968	$0.035
II	Blue Bonnet, Nira and Rexark	.0918	.035
III	Century Patna, Fortuna, R. N., and Edith	.0852	.035
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.	.0730	.035
V	Pearl, Calrose, Early Prolific, Calady, and other varieties	.0677	.035

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.
Grade U. S. No. 2: Premium of 10 cents per 100 pounds.
Grade U. S. No. 3: Discount of 5 cents per 100 pound s.
Grade U. S. No . 4: Discount of 20 cents per 100 pounds.
Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area	Discount per 100 pounds
State of Florida	$0.84
States of South Carolina and North Carolina	.80
Counties of Lafayette, Little River and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana	.37
Imperial County, California and adjacent counties in Arizona and California	.99
Counties of Holt, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois	.46

§ 421.1945 *Warehouse charges.* On rice stored in an approved warehouse prior to acquisition by CCC and acquired by CCC in such approved storage, with receiving and loading out charges paid by the producer, CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer. Inspection and weighing fees and any special charges assessed by the warehouseman, such as for unpiling and repiling required in order to obtain weights or grade samples in connection with acquisition of the rice by CCC from the producer, shall be for the account of the producer.

§ 421.1946 *Settlement*—(a) *Farm storage loans.* (1) For settlement on loans on farm-stored rice the producer shall, at his own expense at the time of delivery of the rice, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of delivery to CCC of the rice, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage loan, or, where applicable, the commingled receipt for rice originally covered by a farm-storage loan, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipts, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(3) If rice, placed under farm-storage loan in an area where a location differential is in effect, is delivered to CCC by the producer in satisfaction of the loan in a rice producing area where no location differential is applicable, settlement will be made on the basis of the applicable support rate for the area where the rice is delivered.

(b) *Identity-preserved warehouse-storage loans.* (1) For settlement on loans on identity-preserved warehouse stored rice not repaid by maturity, the producer shall, at his own expense and within 10 days after maturity, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition by CCC of rice covered by an

identity-preserved warehouse-storage loan, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse-storage loan, the producer will not be required to furnish lot inspection and weight certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity-preserved, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(c) *Modified commingled warehouse-storage loans.* (1) For settlement on loans on modified commingled warehouse-stored rice not repaid by maturity, the producer shall at his own expense and within 10 days after maturity, furnish to the County Committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified commingled lot against which the warehouse receipt representing the rice under loan was issued. Settlement on such loans shall be made at the applicable support rate for the grade and quality of the rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of any lot of rice covered by a modified commingled warehouse-storage loan, the producer will not be required to furnish lot inspection certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under modified commingled warehouse-storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection cartificate, or commingled receipt, is delivered to the County Committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(d) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(e) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the rice to CCC. However, he may sell to CCC any quantity of eligible rice not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the rice to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date specified in § 421.1943 or such earlier date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible rice stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of rice he elects to sell to CCC. In the case of eligible rice stored in other than approved warehouse storage, or stored identity-preserved or modified commingled in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain rice stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of rice covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rice is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rice is going out of condition or is in danger of going out of condition and that the rice cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of quantity actually delivered.

(4) Eligible rice sold to CCC under a purchase agreement will be purchased at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the County Committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for loans and settlement with the producer will be made at the applicable support rate for the quality of rice shown on such inspection certificates and the quantity of rice shown on the warehouse receipt. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the County Committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date for loans and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on such weight and inspection certificates. Where the rice sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable

support rate for the quantity and quality of rice shown on the commingled warehouse receipt. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(f) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of 2½ cents per cwt. for each 30 days or fraction thereof for the eligible rice accepted for delivery by CCC.

(g) *Weight or inspection certificates.* In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer.

Issued this 31st day of July 1956.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6275; Filed, Aug. 3, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 814.15, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.15 (20 F. R. 9901; 21 F. R. 105) which allots the 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Revision of Sugar Regulation 814.15 is necessary to substitute in the determination of allotments the final data on processings of sugar from 1955–56 crop cane, 1955 marketings and January 1, 1956, inventories of sugar.

The allotments established by the initial order were based upon 1954–55 crop processings as estimates of 1955–56 crop processings; 1955 allotments as estimates of 1955 marketings; and January 1, 1955; inventories plus 1954–55 crop processings less 1955 allotments as estimates of January 1, 1956, inventories. To prevent any allottee from marketing sugar in excess of the allotment established therefor on the basis of the final data, marketings were limited to 80 percent of the allotments. Final data on 1955–56 crop processings, 1955 marketings and January 1, 1956, inventories of sugar are now available and are reflected in the following table together with the measures of the three factors, "processings * * * from proportionate shares * * *," "past marketings," and "ability to market":

Processor	Production of sugar from 1955–56-crop sugarcane		Average annual marketings 1951 through 1955		Jan. 1, 1956, stocks plus production from 1955–56-crop sugarcane		1955 Local marketings	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of allottee's total 1955 marketings
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Antonio Roig, Sucesores, S. en C.	48,354	4.198	47,055	4.168	53,046	4.130	21,274	44.620
Asociacion Azucarera Cooperativa	31,933	2.773	33,034	2.928	33,439	2.604		
Central Aguirre Sugar Co., a trust	109,454	9.503	109,704	9.722	118,396	9.212	1,611	1.459
Central Coloso, Inc	59,600	5.175	56,878	5.041	67,746	5.275	573	.918
Central Eureka, Inc	39,280	3.404	37,052	3.284	44,866	3.493	628	1.534
Central Guanani, Inc	12,574	1.092	11,267	.998	13,563	1.056		
Central Igualdad, Inc	42,098	3.728	43,420	3.848	49,540	3.857	17,464	38.906
Central Junnita, Inc	43,299	3.759	38,223	3.388	55,363	4.311	2,153	4.995
Central Mercedita, Inc	85,357	7.411	75,964	6.732	90,990	7.085	23,705	27.844
Central Monserrate, Inc	25,454	2.210	25,489	2.259	27,586	2.148	100	.382
Central San Francisco	10,505	.917	7,096	.629	12,047	.938	1,875	20.994
Central San Vicente, Inc	59,419	5.159	60,478	5.355	71,514	5.568	64	.090
Compania Azucarera del Camuy, Inc	14,171	1.230	14,247	1.263	14,952	1.164		
Compania Azucarera del Toa	29,667	2.576	31,915	2.828	38,051	2.963		
Cooperativa Azucarera Los Canos	39,695	3.446	36,318	3.219	43,893	3.418		
Eastern Sugar Associates, a trust	117,225	10.178	123,022	10.903	129,232	10.063	14,788	11.888
Fajardo Sugar Co	104,706	9.091	111,808	9.917	123,732	9.634	15	.013
Land Authority of Puerto Rico	70,463	6.639	68,262	6.050	78,695	6.128		
Mario Mercado e Hijos	31,362	2.723	32,078	2.843	34,285	2.670	525	1.592
Mayaguez Sugar Co., Inc	8,426	.732	9,938	.881	8,701	.678	139	1.409
Plata Sugar Co., Inc	51,590	4.479	48,236	4.275	58,234	4.534	275	.537
Seller Sugar Co., Inc	12,840	1.115	12,374	1.097	13,067	1.018		
South Porto Rico Sugar Co. of P. R.	97,457	8.462	94,466	8.372	103,488	8.058	14,778	16.188
Total	1,151,749	100.000	1,128,344	100.000	1,284,276	100.000	99,958	

The record of the public hearing provides for the revision of the order to give effect to final 1955–56 crop production, 1955 marketings and January 1, 1956, carryover data, and the concurrence of each allottee under § 814.15 is included in the transcript or has been received in writing. This agreement was conditioned upon the use of the same allotment formula as was used in the initial order. The revised allotments are based on the same formula used in the initial order. This amendment allots the full amount of both quotas.

Since a number of allottees have already brought in or marketed a large portion of their initial allotments, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraphs (a) and (c) (1) of § 814.15 are hereby amended to read as follows:

§ 814.15 *Allotment of 1955 sugar quotas for Puerto Rico—(a) Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States as established in Part 811 of this chapter (21 F. R. 4653), (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico established in § 812.15 of this chapter (20 F. R. 9850) are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C	27,728	21,608
Asociacion Azucarera Cooperativa	32,509	-
Central Aguirre Sugar Co., a trust	110,110	1,600
Central Coloso, Inc	60,597	551
Central Eureka, Inc	39,632	606
Central Guanajuati, Inc	12,685	-
Central Igualdad, Inc	27,168	16,971
Central Juanita, Inc	43,001	2,217
Central Mercedita, Inc	62,108	23,472
Central Monserrate, Inc	25,887	97
Central San Francisco	8,397	2,128
Central San Vicente, Inc	62,011	55
Compania Azucarera del Cumuy, Inc	14,396	.....
Compania Azucarera del Toa	31,612	.....
Cooperativa Azucarera Los Canos	40,732	-
Eastern Sugar Associates, a trust	166,606	14,084
Fajardo Sugar Co	102,514	14
Land Authority of Puerto Rico	76,440	.....
Mario Mercado e Hijos	31,642	501
Mayaguez Sugar Co., Inc	8,505	120
Plata Sugar Co	52,468	278
Soller Sugar Co	12,897	-
South Porto Rico Sugar Co. of P. R	83,093	15,697
Total	1,080,000	100,000

* * * * * * *

(c) *Restrictions on marketing.* (1) During the calendar year 1956 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section and all other persons are hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable quantities established in columns (1) and (2) of the table in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 1st day of August 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6274; Filed, Aug. 3, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 80]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.380 *Valencia Orange Regulation 80*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on August 2, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 5, 1956, and ending at 12:01 a. m., P. s. t., August 12, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 3, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6383; Filed, Aug. 3, 1956; 11:37 a. m.]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA, COLO.

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL YEAR

Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.208 *Expenses and rate of assessment for the 1956-57 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the amended marketing agreement and order (§§ 940.1 to 940.95), for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1956, and ending February 28, 1957, will amount to $13,000.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at $0.012 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on June 28, 1956, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1956 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until July 23, 1956; (3) shipments of the current crop of peaches from Mesa County, Colorado, are expected to begin on or about August 1, 1956; (4) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1956-57 fiscal year; and (5) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected, and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ship," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 1st day of August 1956, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6269; Filed, Aug. 3, 1956; 8:48 a. m.]

[Lemon Reg. 653]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.760 *Lemon Regulation 653*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 1, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 5, 1956, and ending at 12:01 a. m., P. s. t., August 12, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 2, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6325; Filed, Aug. 3, 1956; 8:55 a. m.]

[Lime Order 3, Amdt. 1]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 6, 1956. Shipments of designated varieties of Florida limes are currently subject to quality and size regulation pursuant to Lime Order 3 (§ 1001.303; 21 F. R. 5033), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supportnig information for regulation of lime shipments subsequent to August 5, 1956, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on July 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were given an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the time hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered: That the provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3; 21 F. R. 5033) are hereby amended to read as follows:

(ii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or persian limes (including Tahiti, Bearss, and similar varieties) unless the limes in such container grade at least U. S. Combination Turning, and are of a size not smaller than 1⅝ inches in diameter, nor larger than 2¼ inches in diameter: *Provided*, That, not to exceed 5 percent, by count, of the limes in any container may fail to meet such diameter requirements; or

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 6, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 1, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6291; Filed, Aug. 3, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6194]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

LIQUOR BOTTLES

In order (a) to liberalize the requirement that the penalty clause may be placed only on the shoulder of a regular liquor bottle, and (b) to delete the requirement that consignees must furnish consignors with a notice of receipt each time a shipment of liquor bottles is received, 26 CFR Part 175 is amended as follows:

PARAGRAPH 1. Section 175.34 is amended by striking therefrom the phrase "on the shoulder", and inserting in lieu thereof the phrase "on the neck, shoulder, or side".

PAR. 2. Section 175.71 is amended as follows:

(A) By amending the headnote to read, "Report of shipment by manufacturer".

(B) By inserting at the end of the section the following new sentence, "The consignee shall note on the report the date the shipment was received and any shortage."

PAR. 3. Section 175.72 is revoked and a new § 175.72 is added as follows:

§ 175.72 *Report of return shipment by bottler.* When a bottler returns unused bottles to a manufacturer, he shall furnish the manufacturer a report showing the date of the bottler's order, the date the return shipment was made, the shipping or delivery destination, the method of shipment, the number of packages, and the size, quantity, and description of the liquor bottles returned. The manufacturer shall note on the report the date the shipment was received and any shortage.

PAR. 4. Section 175.73 and the headnote thereto is amended to read as follows:

§ 175.73 *Records of orders for, and reports of shipment of, liquor bottles.* The person placing the order shall keep in his place of business a copy of each order and the original report of shipment or delivery. The manufacturer-consignor shall keep in his place of business the original order and a copy of the report of shipment or delivery. Where stocks of liquor bottles bearing the same indicia authorized under §175.60 are ordered by a parent company for shipment direct to a wholly owned subsidiary, the parent company shall furnish such subsidiary with a copy of the order. Where such bottles are ordered and received by the parent company and subsequently transferred to a wholly owned subsidiary, the parent company shall furnish the subsidiary with a notice of such shipment. Where such liquor bottles are transferred between the wholly owned subisidiaries, the transferor shall furnish the transferee with a notice of shipment. The records prescribed by this part shall be maintained for a period of two years, available for inspection by internal revenue officers.

PAR. 5. Section 175.87 is amended by striking from the third sentence, which begins "There shall be", the phrase "in the shoulder" and inserting in lieu thereof the phrase "on the neck, shoulder, or side".

PAR. 6. Section 175.94 is amended by striking therefrom the phrase "in the shoulder" and inserting in lieu thereof the phrase "on the neck, shoulder, or side".

Because this Treasury decision is liberalizing in effect and noncontroversial in character, it is hereby found unnecessary to issue the Treasury decision with notice and public procedure thereon under section 4 (a), or subject to the effective date limitation of section 4 (c), of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 1, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-6285; Filed, Aug. 3, 1956; 8:50 a. m.]

Subchapter H—Internal Revenue Practice

PART 601—STATEMENT OF PROCEDURAL RULES

This part, as filed with the FEDERAL REGISTER on June 29, 1955, and as amended on October 13, 1955, is further amended as follows:

PARAGRAPH 1. Section 601.103 (c) (1), *General*, is amended by striking out the second sentence and inserting in lieu thereof the following: "Following review of the protest, the case will be referred to the Appellate Division of the region (if that Division has jurisdiction, see § 601.106 (a) (3)), and the taxpayer may also be accorded a conference in the Appellate Division."

PAR. 2. Section 601.105 (c) (2), *Scope of informal conference procedure*, is amended by striking out in the second sentence after the colon "chapter 35 (relating to wagering)" and by inserting in lieu thereof "subchapter B of chapter 35 (relating to the occupational tax on wagering)".

PAR. 3. Section 601.203 (a), *General*, is amended by striking out all of subparagraph (1) and inserting in lieu thereof the following:

(1) The Commissioner may compromise, in accordance with the provisions of section 7122 of the Code, any civil or criminal case raising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense. Certain functions of the Commissioner with respect to compromises of civil cases involving liability under $5,000, and of certain specific penalties involving only the regulatory provisions of the Code and related statutes, have been delegated to district directors of internal revenue. In civil cases involving liability of $500 or over and in criminal cases the functions of the General Counsel are performed by the Chief Counsel for the Internal Revenue Service. In certain cases these functions are performed in the National Office and in other cases by Regional Counsel. (See also paragraph (c) of this section.)

PAR. 4. Section 601.203 (c), *Consideration of offer*, is amended as follows:

(A) By striking out the third sentence, and that portion of the fourth sentence which precedes (*a*) of subparagraph (1) and inserting in lieu thereof the following:

If the district director has jurisdiction over the processing of the offer he will—

(i) Reject the offer, or

(ii) Accept the offer if it involves a civil liability under $500, or

(iii) Accept the offer if it involves a civil liability of $500 or more, but less than $5,000, or involves a specific penalty (including in the case of narcotics, smoking opium, and marihuana taxes only those specific penalties which involve delinquency in registration or delinquency in payment), and the Regional Counsel concurs in the acceptance of the offer, or

(iv) Recommend to the National Office the acceptance of the offer if it involves a civil liability of $5,000 or over.

(2) (i) If the district director does not have jurisdiction over the entire processing of the offer, the offer is transmitted to the appropriate Regional Counsel if the case is one in which:

(B) By redesignating (*1*), (2), (*3*), and (*4*) of subparagraph (2) (i) (*h*) (as redesignated) as subdivisions (ii), (iii), (iv), and (v).

(C) By amending subdivisions (ii), (iii), and (iv) of subparagraph (2) (as redesignated) by striking out "this subparagraph" each place it appears and inserting in lieu thereof "subdivision (i) of this subparagraph".

(D) By amending subdivision (v) of subparagraph (2) (as redesignated) to read as follows:

(v) An offer under the processing jurisdiction of the Regional Counsel which is considered acceptable is either referred to the district director or to the Office of the Chief Counsel in Washington for approval, depending upon whether the amount of civil liability involved is less than $5,000 or is $5,000 or more.

(E) By redesignating subparagraphs (2) and (3) as subparagraphs (3) and (4).

PAR. 5. Section 601.203 (d), *Conferences*, is amended by adding immediately preceding the last sentence thereof the following: The procedure outlined in the preceding sentence will not be followed if the offer relates to a tax as to which the Appellate Division does not have authority to function. See § 601.106 (a) (3)."

PAR. 6. Section 601.301 (c), *Regulations*, is amended as follows:

(A) By striking out all of subparagraph (30) *Inducements furnished to retailers*, and inserting in lieu thereof the following:

(30) *Inducements furnished to retailers.* Regulations No. 6 (27 CFR Part 6), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the furnishing, giving, renting, lending, or selling of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine, and malt beverages, by other members of the liquor industry (principally vendors), including the furnishing of samples and advertising cuts.

(B) By adding at the end thereof a new subparagraph to read as follows:

(34) *Miscellaneous regulations relating to liquors.* Part 170 of this chapter contains miscellaneous regulations governing the restamping of packages of distilled spirits, redemption of strip stamps and stamps denoting payment of tax that were purchased prior to January 1, 1955, and the refund of tax and duty paid on distilled spirits and wines lost as a result of the hurricanes of 1954.

PAR. 7. Section 601.304 *Preparation and filing of claims*, is amended by striking out the heading of paragraph (h) and inserting in lieu thereof the following: "(h) *Drawback of tax on distilled spirits, wines, and beer.*"

PAR. 8. Section 601.305 (a), *Liability under Internal Revenue Code*, is amended by striking out the fourth and fifth sentences and inserting in lieu thereof the following: "Such offers are forwarded by the district director to the assistant regional commissioner (alcohol and tobacco tax) for consideration and appropriate action. When the offer is acted upon, the district director and the proponent are notified of the acceptance or rejection of the offer."

PAR. 9. Section 601.322 *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms*, is redesignated as § 601.326.

PAR. 10. Immediately preceding § 601.326 (as redesignated) *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms*, the following new sections are added:

§ 601.322 *Rulings.* Any person who is in doubt as to any matter arising in connection with the taxes relating to machine guns and certain other firearms imposed by chapter 53 of the Internal Revenue Code, the licensing of manufacturers of, and dealers in, firearms or ammunition under sections 901 through 909 of title 15 of the United States Code, the registration by importers and manufacturers of, and dealers in, firearms, and the registration of firearms may request a ruling thereon by addressing a letter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. Routine requests for information should be addressed to the assistant regional commissioner (alcohol and tobacco tax) of the region in which the inquirer is located.

§ 601.323 *Assessments.* Where the evidence disclosed by investigation establishes that additional or delinquent tax liability has been incurred and not paid, the Director, Alcohol and Tobacco Tax Division, will notify the district director to list the tax as an assessment. Notification and demand for payment of assessed taxes will be issued the taxpayer by the district director.

§ 601.324 *Redemption of or allowance for stamps or refunds.* The procedure to be followed in the filing of claims for redemption of or allowance for stamps unused or destroyed, mutilated, or rendered useless after purchase, and before liability has been incurred; for refund of taxes assessed and paid; and for refund of taxes paid on firearms exported; are prescribed in Part 179 of this chapter.

§ 601.325 *Offers in compromise.* The procedure in the case of offers in compromise of liability under chapter 53 of the Internal Revenue Code of 1954 is the same as that set forth in § 601.305 (a).

PAR. 11. Section 601.601 (a) (1), relating to the formulation of rules and regulations, is amended as follows:

(A) By striking out the second sentence and inserting in lieu thereof the following: "The most important rules are issued as regulations and Treasury decisions, prescribed by the Commissioner and approved by the Secretary or his delegate."

(B) By striking out the last sentence and inserting in lieu thereof the following: "After approval by the Commissioner, regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final approval."

(R. S. 161; 5 U. S. C. 22)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 56-6278; Filed, Aug. 3, 1956; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1299]

[BLM-041500]

ARKANSAS AND MISSOURI

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH CONSTRUCTION, OPERATION, AND MAINTENANCE OF BULL SHOALS DAM AND RESERVOIR PROJECT

Correction

In Federal Register Document 56-5931, appearing at page 5535, issue of July 24, 1956, the land description in sec. 24 of "T. 20N., R15W., Left Bank of White River" should read: "Sec. 24, S½NW¼, Frac'l. W½SW¼."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 12-21]

PART 12—AMATEUR RADIO SERVICE

OPERATOR EXAMINATION POINTS

In the matter of amendment of Appendix I, Part 12 regarding commercial and amateur Radio Operator examination points.

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing that the number of examinations given does not warrant continued holding of quarterly examinations at Jackson, Mississippi, and that such examinations should instead be given semi-annually; and

It further appearing that for the same reason Butte, Montana, should be changed from a semi-annual to an annual examination point and Tallahassee, Florida, should be eliminated as an annual examination point; and

It further appearing that the amendment herein ordered is not substantive in nature and therefore compliance with the public rule making procedures required by Section 4 (a) and (b) of the Administrative Procedure Act is not required and the amendment may be made effective September 10, 1956.

It is ordered, Pursuant to authority contained in section 0.341, under authority delegated to the Secretary after having secured approval of the Bureau responsible for the particular part or section of the rules involved, and to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 3 (a) of the Administrative Procedure Act, that Appendix I of Part 12 of the Commission's rules be amended as set forth below, effective September 10, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1956.

Released: July 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1. Amend Appendix I, Part 12, by removing Jackson, Mississippi, from the "quarterly" listing, adding that city in alphabetical sequence to the "semi-annual" listing within this subsection.

2. Amend Appendix I, Part 12, by removing from the "semi-annual" listing the city of Butte, Montana, adding this city in alphabetical sequence to the "annual" listing within this subsection.

3. Amend Appendix I, Part 12, by removing from the "annual" listing the city of Tallahassee, Florida.

[F. R. Doc. 56-6259; Filed, Aug. 3, 1956; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

TYPOGRAPHICAL SPECIFICATIONS GENERALLY

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of July A. D. 1956.

There being under consideration Rule 15 of the general rules of practice (§ 1.15):

It is ordered, That § 1.15 be, and the same is hereby, amended so as to read as follows:

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.38 (a)), exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by off-set press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less than Pica type shall be used, except that Elite type may be used in footnotes. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by off-set press will be accepted, provided that the type used is the same size as that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper.

It is further ordered, That this order shall become effective on October 1, 1956.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6282; Filed, Aug. 3, 1956; 8:50 a. m.]

PART 1—GENERAL RULES OF PRACTICE

PETITIONS FOR REHEARING, REARGUMENT, OR RECONSIDERATION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of July A. D. 1956.

There being under consideration Rule 101 of the general rules of practice (§ 1.101 *Petitions for rehearing, reargument, or reconsideration*):

It is ordered, That Rule 101 of the general rules of practice (§ 1.101) be, and the same is hereby, amended by deleting the words "paragraph (d)" from paragraph (f) *Successive petitions on same grounds, not entertained* of § 1.101. As amended, paragraph (f) will read as follows:

(f) *Successive petitions on same grounds, not entertained.* A successive petition under this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

It is further ordered, That the effective date of this order shall be October 1, 1956;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6283; Filed, Aug. 3, 1956; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

CURTAILMENT OF OPEN SEASON

Basis and purpose. On the basis of a poor showing of pink salmon in the Icy Strait district of Southeastern Alaska, it has been determined that the season in that district should be curtailed.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 117.3 is amended in text in paragraph (b) by deleting "6 o'clock postmeridian August 7", and substituting in lieu thereof "6 o'clock antemeridian August 6, 1956."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY, *Director.*

AUGUST 3, 1956.

[F. R. Doc. 56-6382; Filed, Aug. 3, 1956; 11:27 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 923, 972, 1012]

[Docket Nos. AO-251-A1, AO-177-A15, AO-278]

HANDLING OF MILK IN THE APPALACHIAN, TRI-STATE, AND BLUEFIELD MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER FOR THE APPALACHIAN MARKETING AREA, AND PROPOSED MARKETING AGREEMENT AND ORDER FOR BLUEFIELD MARKETING AREA

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to (1) proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Appalachian marketing area, and (2) a proposed marketing agreement and order regulating the handling of milk in the Bluefield marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the recommended regulatory provisions set forth below with respect to the Appalachian and Bluefield marketing areas were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed by the Tri-State Milk Producers Association, Inc. The hearing was held at Bluefield, West Virginia, February 6-10, 1956, pursuant to notice duly published in the FEDERAL REGISTER on January 21, 1956 (21 F. R. 499). The period until March 24, 1956, was reserved to interested parties for the filing of briefs on the record.

The hearing gave consideration, among other things, to the alternative possibilities of (1) expanding the present Appalachian marketing area to regulate the handling of milk in all or part of certain counties in Virginia, West Virginia, and Kentucky referred to as the "Bluefield market"; (2) expanding the present Tri-State marketing area (Huntington district) to regulate the handling of milk in all or part of such counties; or (3) issuing one or more separate orders to regulate the handling of milk in all or part of such counties.

In view of the findings and conclusions set forth below with respect to the need for regulation in the proposed Bluefield marketing area and to the location and organization of such market, it is concluded that the marketing of milk in such marketing area and that in the Tri-State marketing area do not warrant regulation on common terms. It is concluded, therefore, that the record of this hearing does not support expansion of the Tri-State marketing area or need for amendment of any other provision of the order for the latter marketing area. The extent of the relationship existing between the Appalachian and Bluefield markets is discussed below.

At the opening of the hearing, certain distributors of milk serving the proposed Bluefield marketing area moved that consideration be given on this hearing only to the evidence concerning the proper marketing area to be regulated, and that any decision on the handling of milk in the Bluefield market made as the result of the hearing be limited to a determination as to what counties or areas should be made subject to regulation. It was further moved that following a decision on the extent of the area to be regulated, the hearing should be reopened to receive evidence as to the specific regulatory terms and provisions which should be applied. These motions were renewed after the receipt of evidence on the marketing area proposals and again in the brief filed on behalf of such handlers.

Careful consideration has been given to the motions. It is concluded, however, in light of the findings and conclusions which follow, that the record provides a basis for appropriate regulation of the Bluefield marketing area as proposed herein. The motions (1) to limit the current decision to a determination of the area to be regulated, and (2) to reopen the hearing for further evidence on other issues following such a determination, are hereby denied.

Proposed amendments to the Appalachian order—Statement of issues. The material issues of record concerning proposals to amend the provisions of the order regulating the handling of milk in the Appalachian marketing area related to:

1. Whether the Appalachian marketing area should be extended so as to regulate a number of additional counties, including those proposed herein for regulation under a separate order for the Bluefield marketing area.

2. Revision of the definition of "fluid milk plant."

3. Modification of the rules relating to inter-plant transfers of milk.

4. Revision of the computation of uniform prices for base milk and excess milk.

5. Inclusion of a provision for "advance" payments to producers who are members of a cooperative association.

6. Revisions concerning the classification of milk, with particular reference to the computation of shrinkage, the allocation of other source milk, and the classification of skim milk and butterfat utilized as livestock feed or dumped.

7. Modification of the price formula for Class II milk.

8. Revision of the base-forming and base-operating periods and of rules governing base transfers.

9. The introduction of a "supply-demand adjustor" in the Class I price formula; also establishment of an appropriate price for Class I milk in the proposed expanded segment of the marketing area, and

10. Review of all other regulatory provisions and possible changes for administrative purposes.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, the following findings and conclusions are hereby made with respect to the proposed amendments to the Appalachian marketing order:

1. *Appalachian marketing area.* Producers proposed that the counties of Dickenson and Russell in Virginia be included within the Appalachian marketing area.

They testified that scheduled power plant construction and improvement in the demand for coal in Russell and Dickenson counties, Virginia, would increase the demand for dairy products in these counties. Also, that an increase in demand for dairy products may encourage unregulated handlers to distribute dairy products in these counties.

One handler testified that the principal competitors for sales in these two counties are regulated currently. He testified further that because of the rural population there is relatively little milk sold in these counties at this time.

These two counties are only sparsely populated and are not a problem area for producers. There are no milk distributing plants located in such counties. Competition between Appalachian handlers and milk distributors from the proposed Bluefield market for sales in these counties may not be considered sufficient, or to have such adverse effect on the distribution of milk by Appalachian handlers, to require regulation of the Bluefield distributors under the Appalachian order. Moreover, in the event an order for the Bluefield marketing area is made effective, distributors from such market operating routes in Russell and Dickenson counties will be subject to price regulation on terms highly comparable to those applicable under the Appalachian order. It is concluded that the Appalachian marketing area should not be expanded, as proposed by producers, to include Dickenson and Russell counties, Virginia.

There is need for clarification of the marketing area definition. In the Virginia section of the marketing area the corporate municipalities are separate from the counties in which they are located. For example, the city of Bristol, Virginia, geographically located in Washington County, Virginia, is a separate corporate municipality and a question arose at the hearing concerning whether the marketing area definition clearly includes such city. In order that the definition of the Appalachian marketing area may be completely clear as to the entire area included, it should be restated to specify that all territory geographically located within the perimeters of the counties of Sullivan, Washington, and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky is included in the marketing area.

2. *Fluid milk plant.* Producers proposed that plants which furnish supplemental supplies of milk to the market be included in the definition of "fluid milk plant" when any such plant supplies a monthly total in excess of 70,000 pounds of milk in any of the months of August through January, inclusive. Producers contended that such plants are a threat to the stability of the market because they are able to deliver large quantities of milk during the low production months from sources without being subject to minimum price regulation under this order.

Handlers objected to this proposal, on the basis that they would be denied the opportunity of procuring supplemental supplies from unregulated sources.

One handler receives supplemental supplies of approximately 400,000 pounds of milk per month from other regulated markets. This handler's supplemental supply of milk represents a substantial portion of the total quantity of all milk received from sources other than producers. He testified that he had not encountered difficulty in obtaining supplemental supplies of milk from regulated sources. Other handlers also receive milk from other regulated markets as well as from unregulated sources.

Three methods of defining a "fluid milk plant" in terms of its association with the market through delivery performance are possible:

(1) Exemption from regulation regardless of quantities delivered,

(2) Full regulation regardless of quantities delivered (except plants already under regulation by another order), or

(3) Partial exemption on the basis of a minimum delivery requirement.

If handlers were permitted to receive milk from outside the order in unlimited quantities a significant percentage of the market supply of milk in the fall months would not be subject in any way to the pricing and payment provisions of the Appalachian order or of any similar regulation. This could result in (1) a portion of the market supply being procured on a "flat price" basis without regard to the use of milk as distinguished from the classified-price plan provided in the order, (2) limiting the effectiveness of the pricing and payment provisions of the order as a means of encouraging farmers to produce a year-round supply

of pure and wholesome milk for the Appalachian market, and (3) an incentive to handlers to use milk from sources outside regulation in preference to seeking an adequate supply of producer milk in all months. These factors would create a constant threat to the classified price plan and would not be consonant with the ends sought by the regulation.

Under the second method all plants supplying supplemental supplies of milk, even in small quantities (except those already under regulation by another order) would be regulated. Factors limiting the advisability of this method are as follows:

(1) The Appalachian order might be imposed upon plants with primary attachment to another market.

(2) Plants shipping only small, or incidental, amounts of milk would be brought under regulation, resulting in extra expense to the plant operator and increasing administrative expense without necessity in terms of attaining stabilized marketing conditions for producers' milk.

(3) Local producers of Grade A milk might be forced to share a greater proportion of their Class I market with producers shipping milk not meeting equivalent health requirements.

(4) Administrative problems would be incurred in administering the order with respect to plants located at considerable distances from the market.

In view of the above a partial exemption provision is appropriate. After consideration of the size of the plant operations in the market, the supplemental sources available, the extent to which other source milk must be relied upon to satisfy Class I requirements and the necessity for maintaining an adequate reserve of milk, it is concluded that an exemption allowance of 70,000 pounds of milk (approximately two full tank loads) is reasonable. In this connection official notice is taken of the partial exemption provision of the Tri-State order (§ 972.8) under which a supply plant is regulated if it supplies only 25,000 pounds or more (or an amount of skim milk or butterfat from which 25,000 pounds or more of Class I milk are derived) to the Tri-State market. This limitation has been operative in the Tri-State market since May 1, 1954. It is concluded that any plant should be regulated as a fluid milk plant when it furnishes milk, skim milk, or cream in fluid form in excess of 70,000 pounds for the month during the period August through January, inclusive.

3. *Transfers and diversions of milk.* A revision of the conditions on which milk may be transferred to nonfluid milk plants as Class II milk was proposed by producers. They would extend the distance within which a Class II classification may apply from the present radius of 50 miles to a radius of 100 miles from the marketing area. It was stated that such change would permit movements of milk for Class II use to a nonfluid milk plant 70 miles from Bluefield, West Virginia, that has been used at times as a surplus milk outlet for the Bluefield market and is accessible to the Appalachian market.

Handlers first proposed that a mileage limitation be omitted as a condition necessary to the transfer of milk to nonfluid milk plants for use as Class II milk. After further consideration specific suggestions for mileage limitations of 250 miles and 350 miles from the transferor-plant were offered. Any milk moved beyond the particular distance fixed would become Class I milk automatically. One handler reported an offer to have surplus milk hauled to a company manufacturing plant at Columbia, Tennessee, about 350 miles from Bristol, at rates which, it was stated, would make it feasible for such handler to so move the milk for manufacturing purposes.

The order provides that producer milk will be paid for in accordance with the form in which, or the purpose for which, it is used. Classification based only on the purpose for which producer milk is used would require verification of the receipts and final utilization of milk at nonfluid milk plants regardless of the distance or number of nonfluid milk plants involved. Consideration should be given to the increased administrative cost when it is necessary to verify the final use of milk, skim milk, or cream transferred to plants not under regulation.

When the market in its entirety is considered, the volume of surplus milk, even in the peak production months, is not sufficient to require milk to be moved 350 miles for manufacturing. One handler finds it necessary to import a substantial volume of other source milk for Class I use throughout the entire year. In addition, at least four nonfluid milk plants within a distance of approximately 150 miles of Kingsport, Tennessee, are available as outlets for surplus milk. In view of the administrative necessity for limiting the area within which milk may be moved for Class II purposes the interplant transfer provisions should be changed so that milk moved to a nonfluid milk plant less than 150 miles from Kingsport, Tennessee, by the shortest hard-surfaced highway distance, may be classified as Class II milk under certain conditions.

4. *Base and excess price computations.* Producers proposed revisions in the methods of computing the uniform prices for "base milk" and "excess milk" to prevent the uniform price of excess milk from exceeding that of base milk. They claimed that an excess price that exceeds the base price is not in accord with the principle, involved in the base-excess plan, of providing returns to producers which are related directly to a producer's ability to deliver additional supplies of milk in the fall and winter months and relatively smaller supplies of milk during the flush production months.

The order presently provides that uniform prices for base and excess milk shall be computed for each handler for certain months of the year. When the total Class I milk of the handler does not exceed his total base milk receipts, the value of excess milk is determined by multiplying the amount of such milk by the Class II price. The value of base milk is then computed by deducting such value of excess milk from the net obligation of the handler. The order further provides that if the value of base milk computed in this manner exceeds an amount computed by multiplying the pounds of base milk by the Class I milk price, such additional amount is added to the value of excess milk.

Handlers with a high percentage of Class I utilization frequently have experienced a shortage of producer milk in relation to Class I sales in this market. In addition, audit adjustments, inventory reclassifications, and overages may increase the total value of producer milk in a given month. As a result, it is possible for the price of excess milk of a handler to increase, under present order provisions, above the level of base milk (at the Class I price level). No particular purpose is served in terms of moderating the seasonality of milk deliveries when the excess price exceeds the base price. It is concluded therefore that whenever the excess price would exceed the base price the base and excess prices should be recomputed so that they are equal to each other.

5. *Advance payments.* It was proposed that handlers, upon request of a cooperative association, be required to make "advance" payments to the association with respect to member milk in addition to the regular monthly payments. The advance payments would be made on the 23rd day of each month on milk received from those member producers who have requested an advance from the cooperative association for their deliveries of milk during the first fifteen days of such month. The rate of payment would not be less than the Class II price per hundredweight for the preceding month. It was testified that an advance payment for milk would assist producers in defraying production costs more promptly.

Handlers suggested that if advance payments are provided for they be made available to all producers, members or nonmembers of an association, on or before the last day of each month, for milk received during the first fifteen days of such month, at a rate not less than the Class II price per hundredweight for the preceding month. One handler testified that in past years his company had made advance payments for the milk received from farmers during the first fifteen days of the month.

Advance payments are customarily made on a voluntary basis in this market. There is no evidence that handlers have refused to make advance payments to producers when requested. There was no request for an advance payment provision which would apply to all producers. It is concluded that an advance payment provision is not necessary at this time.

6. *Classification of milk.* The definition of Class II milk should be revised.

Milk returned to plants from handlers' routes in this market frequently cannot be processed for resale as other dairy products. Some milk and milk products are either dumped or disposed of as animal feed. There is need, for administrative purposes, to specify additional categories of Class II milk since administrative difficulty has been encountered in determining the proper classification of products disposed of as animal feed on the basis of the wording of present class definitions. In some cases where small quantities are involved dumping is the only practical outlet. This may be particularly necessary during April, May, June and July.

It is concluded that skim milk which is dumped during the months of April, May, June, and July, and skim milk disposed of as animal feed, should be included in Class II milk. Because dumping can be verified only at the time the action is taken, the handler should be required to give six hours' advance notice to the market administrator so that the market administrator may arrange for an inspection of the dumping if he believes it advisable.

Handlers proposed that actual shrinkage not in excess of 2 percent of total producer receipts of skim milk and butterfat be allocated to Class II milk. Also, that actual shrinkage of all other source milk be allocated to such class. However, when producer milk was utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage of skim milk and butterfat allocated to producer milk and other source milk would be computed pro rata according to the proportions of skim milk and butterfat received from such sources, respectively, to their total. It was contended that under a classified-price plan shrinkage should be in the lowest-priced class since it has no actual value in usage.

One handler suggested a modified proposal under which (1) actual shrinkage not in excess of 2 percent of total producer receipts (other than receipts from the pool plant of another handler) of skim milk and butterfat would be allocated to Class II milk, and (2) shrinkage of skim and butterfat classified as Class II milk would be prorated between producer and other source milk. Reasons given by the latter handler for the above shrinkage computation and allocation were as follows: (1) Skim milk and butterfat allocated to Class I should include only milk actually used in making sales, (2) the weights of fluid milk received compared with the fluid milk sold as computed from conversion factors (used in changing units such as quarts, etc. to pounds of fluid milk, and "make" factors used in converting manufactured milk products to their equivalent pounds of fluid milk) leave little need for the computation of shrinkage by formula, (3) a reduction in the loss of milk can be achieved only at the sacrifice of other efficiencies in the fluid milk plant operation, (4) health regulations prevent the full use of milk at the beginning or end of a fluid milk operation, and (5) handlers receive no return from shrinkage but producers would receive the Class II price if allocated to Class II milk.

In opposing, producers testified that the allocation of a maximum of 2 percent of all producer receipts to Class II as shrinkage and the proration of this shrinkage between other source milk and producer receipts of milk would reduce returns to producers for their milk deliveries. It was claimed such a provision would permit handlers selling all producer milk in Class I to pay for a portion of their milk at the Class II price even though no shrinkage could be attributed to the manufacture of a Class II product. Producers contended that if the proposal were adopted they could be penalized for the inefficiencies of a plant's operation and for inaccuracies in the handler's accounting procedures. It was suggested that the percentage of skim milk and butterfat in shrinkage allocated to Class II continue to be not greater than that which the actual quantity of producer milk utilized by the handler in Class II bears to his total receipts of producer milk.

The present provisions for the assignment of shrinkage (2 percent maximum) to Class II milk were developed in conjunction with the class price structure currently in effect in the Appalachian market. Any change in the shrinkage allowances in Class II milk would involve correlative adjustments in the class prices if producer returns are not to be affected.

Since handlers experienced approximately 1 percent shrinkage (annual average) of total receipts for 1955 the effect of the proposal, together with appropriate price adjustments, would be so minor that no significant change in the relationship of handler costs one to another would result. In view of the above, the proposal is denied.

One handler proposed that accounting periods of less than a full month be permitted under certain circumstances. It was testified that seasonal changes in supplies and sales necessitate importations of other source milk. Reference was made to the seasonal pattern of local milk production under which considerable quantities of milk are produced in the spring and summer months and substantially less in the fall and winter; also, that the opening and closing of schools causes rather drastic changes in Class I sales twice a year. In December, there is a characteristic decrease in Class I sales in the closing days of the month.

The primary purpose of the proponent in making this proposal was to provide that when producer milk became short within a period less than a month, and outside supplies were necessary, such supplies could be acquired and assigned to Class I. It was further stated that there are about three months in particular when other source milk is actually used in fulfilling Class I sales but is allocated to Class II milk under the monthly reporting and accounting system. This handler presented percentages to show that at times he needed additional milk during a given month while at other times during the same month he had an excess of producer milk. As a result, it was contended that the producer milk received by such plant was virtually all paid for at the Class I price even though some producer milk was physically disposed of in Class II products. Although supplemental purchases were restricted to a minimum, there was some surplus producer milk in the plant at different times of the month. Proponent contended that to allocate producer milk to Class I, through the monthly accounting method, results in arbitrary and inaccurate classification.

On the other hand, proponent recognized the burden of daily accounting and classification. It was proposed that, as a compromise method, handlers be permitted to report their receipts and utilization on accounting periods consisting of not less than seven days. This privilege to the handler would be applied with respect to any three months of the year. The election by the handler of multiple accounting periods within a month was not intended, however, to alter the present practice of computing his total obligation for the month or the payment of uniform prices for base and excess milk on a monthly basis.

The administrative burden to both the handler and the market administrator of daily reporting and accounting under milk orders is well recognized through the industry. The monthly accounting system has become the standard under this type of regulation and is generally accepted as the most practical method of applying the provision of the act which requires milk to be classified in accordance with the form in which or the purpose for which it is used * * *". There are administrative limitations involved in accounting for specific "lots" of milk according to actual, or physical, disposition and allocation provisions such as those in question are necessary to distinguish the uses of "producer" and "other source milk" for classification purposes. The latter provisions eliminate the impossible administrative task of ascertaining the particular use of each hundredweight of milk regardless of source and make possible an accounting system of practical application. The extent to which producer milk may be given priority assignment of higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection to producers from the substitution of unregulated (unpriced) milk and thus promote orderly marketing. In any event, the handler is not compelled to pay producers for any greater utilization of milk than he actually makes in the particular class.

To operate a fluid milk distributing business individual handlers must choose either to maintain a sufficient volume of producer milk in reserve to meet fully the needs of their fluid milk (Class I) operation or to buy short from regular producers in the low production months with the intent of procuring supplementary supplies as necessary to fulfill Class I requirements. Although the handler buying supplementary supplies customarily pays a handling charge to the seller and transportation costs, which, when added to the price paid, increase the cost of such milk above the Class II price under the order, the handler carrying sufficient reserves to meet his needs at all times may retain such milk only at a cost, including the expense of moving such milk to manufacturing plants from time to time, which may seem a burden to his total operation, but which he determines is justified to assure himself of an adequate supply of producer milk. In either case the costs involved are not attributable to order regulation. The handler determines which method of operation is most economical in his particular circumstance. A proper method of allocation should not depend upon these relative costs.

The allocation of other source milk through multiple reporting periods would provide an incentive for handlers to use unpriced milk in preference to producer milk priced under the order. Thus, producer returns could be jeopardized and subject to considerable instability when handlers use other source milk for Class I purposes. Handlers could bring in more milk than was absolutely essential in the confidence that it would be credited at the Class I price. Such displacement of producer milk from Class I would mean that producer milk would be sold at a lower class price. As a result, producer returns would decrease resulting in less incentive to milk production, or class prices would have to be increased. Since it would not be feasible to increase Class II price to maintain producer returns, the alternative would be to increase the Class I price. Thus, the cost to consumers of maintaining an adequate and dependable supply of milk would be increased.

It must be recognized further that some handlers would not need to avail themselves of the privilege of reporting more than once a month at any time. A handler may carry in his plant all the necessary reserve of producer milk for Class I milk operations, eliminating the need to import outside milk, or may carry, as in the case of one Appalachian handler, so small a quantity of producer milk in relation to his Class I sales that such a provision would be of no significant benefit. Since the division of a month into two or more reporting and classification periods necessarily implies an accounting method which would permit proof of receipts, sales, inventories, and shrinkage for each such period within a month, the administrative effect is comparable to that involved in the longer period of a full month. The administrative functions of the market administrator's office primarily affected by this proposal are those of report processing and auditing. These are the most time consuming functions associated with order administration. They involve the bulk of the administrative cost. Thus, all handlers, rather than those electing the multiple reporting periods, would be required to bear the additional administrative cost of applying the order on the proposed basis.

In view of the above facts, the proposal for multiple reporting periods is denied. However, since it is necessary at times to allocate both regulated (priced under another Federal order) and unregulated milk from outside sources as "other source milk" in Appalachian plants, it is reasonable to allocate the unregulated milk first to the lowest-valued uses prior to the allocation of priced milk to any such use. The order has been so amended.

7. *Class II pricing formula.* Handlers proposed that the Class II pricing formula should be, in all months, the average of prices paid for milk received from dairy farmers at nine local manufacturing plants. At present this average price is used as the Class II price for the months of March through August only. Handlers noted, in this connection, the proposal of producers for a "supply-demand adjustment" factor to be included in the Class I price formula. It was contended that if such a provision were to develop a full year-round supply for the market there would be reserve quantities of milk in the fall months as well as in the flush production season which necessarily would fall into Class II uses. On this basis, it was argued that Class II milk should be priced in the fall months at the same level as the milk which must be used for manufacturing purposes in the months of March through August.

During the months of below-average production a higher level of prices for Class II milk should be provided so as to encourage the transfer of milk from manufacturing to higher-valued uses. In these months there are available outlets for reserve milk in cottage cheese and ice cream which among surplus uses are considered as preferred outlets. Producer receipts were sufficient in only two months during the flush production season of 1955 to cover Class I sales and to provide reasonable Class I reserves. The months of September through February are the months when substantial volumes of milk are received from sources other than local producers, to supply the Class I needs of the market as well as some Class II milk uses. Supplemental supplies of milk during the short production season are received from areas where the price of milk used in the manufacture of butter and nonfat dry milk solids is an important factor in establishing the prevailing farm values of manufacturing milk. It is concluded that the proposed reduction of Class II prices for the months of September through February is not necessary in order to achieve the orderly marketing of milk in this area.

However, it is noted that for the purpose of computing the butter-nonfat dry milk solids price formula for Class II milk and the butterfat differential for adjusting the Class II price the price of 92-score butter at New York is used in lieu of the Chicago butter price as employed in the basic formula price. Since central market pricing of butter and nonfat dry milk solids at Chicago are basic to the price structure for the Appalachian market, it is consistent to utilize the Chicago butter price in connection with the Class II price and butterfat differential computations also. In order to provide a comparable basis of pricing throughout, the Chicago butter price is substituted for the New York butter price in the Class II price and Class II butterfat differential formulas.

8. *Base and excess plan.* Handlers proposed amendments to the base and excess plan. They would have producers establish bases in the period of August through January as a means of providing the proper incentive to farmers to produce adequate milk for the short production months. In addition, handlers would change the "base-paying" period from the months of April through August to the months of March through July. Producers supported these changes with the exception that they be given sufficient notice of the revised "base-forming" period. They contended that farmers should be given substantial advance notice in order to change breeding programs and suggested that the handlers' proposal be made effective in August 1957.

The flush production season occurs in the months of April, May, June and July. During 1955, the production of milk exceeded the needs for Class I and reasonable Class I reserve requirements only in the months of May and June. One handler finds it necessary to receive substantial volumes of Class I milk in all months of the year. Production and Class I requirements are approximately identical in August, whereas February and March are months of short production as compared to Class I requirements. It would not be in the interest of an improved production pattern to decrease the incentive to farmers for the production of milk in February and March for a probable increased incentive in August in view of these previously stated conditions. Because the market has little surplus milk in August and production is in close balance with Class I requirements, August should be excluded from the "base-paying" period. Therefore, it is concluded that the "base-paying" period should include the months of April through July.

Producers proposed the unqualified transfer of base upon notification in writing to the market administrator on or before the last day of any month. In addition, if the base were held jointly and such joint holding were terminated, the entire base transferable by any joint holder would be his portion of such jointly held base as indicated by the joint holders. Handlers supported the proposal to remove the present limitations on base transfers provided that in each instance the base would accompany transfer of the herd.

The producers' proposal opens the possibility of abuse which could be highly detrimental to the base-excess plan. One handler in this market continuously disposes of all producer milk as Class I milk because of a deficit producer milk supply at his plant. Producers who deliver to this handler would be able, under the proposed plan, to sell or loan their bases to other producers who deliver to other handlers in the market, without loss of the base price (in this instance the Class I price) for all milk delivered during the base-paying period. A producer delivering milk to another handler and who otherwise would be paid for some excess milk as the result of his original base, thus would receive the base price for some, or perhaps all, of this excess milk under the additional base received from the other producer. In order to preserve the effectiveness of the base plan any transfer should be limited, in these circumstances, to situations where changes in the operation of a farm result because of new ownership, the death, retirement or entry into military service of a producer, or changes in partnership or tenant-landlord arrangement occur. Since the base plan is effective in determining producer payments in only four of the twelve months in each year and since all producers must establish a new base each year, other provisions than those contained in the order, and particularly the proposals considered herein, for the transfer of bases are unnecessary.

9. *Supply-demand adjustment.* Producers proposed that a "supply-demand adjustment" factor be included in the Class I price formula to reflect automatically changes in local supply and demand conditions. They contended that a supply-demand adjustment factor is essential in obtaining increased supplies of producer milk to meet market needs and inducing producers to remain with handlers in this market.

Handlers opposed the inclusion of a supply-demand adjustment factor in the Class I price formula. They stated that an increase in milk supplies for Grade A purposes from this production area is doubtful because of the lack of additional dairy farms.

Although a supply-demand adjustment factor in the pricing formula conceived from local data would be desirable and serve a useful purpose, it is concluded that the development of such a factor from the data available at present, would not reflect the Appalachian marketing conditions adequately and should be delayed until the Appalachian market has had additional experience under the order. Adequate market experience under regulation is desirable as a basis for determining with accuracy the seasonal patterns of production and demand for use in connection with such a formula.

In view of the discussion on the regulation of the Bluefield market under a separate order, as set forth in another section of this decision, no further consideration with respect to Class I pricing in the proposed extension of the Appalachian marketing area is necessary in connection with the proposed amendments to the Appalachian order.

10. Certain changes of an administrative nature should be made. Distribution facilities which formerly were receiving, processing, or bottling plants are in certain circumstances regulated as "fluid milk plants." The designation of these distribution facilities as fluid milk plants unnecessarily involves the classification and allocation of milk and milk products received at these facilities in finished form. It is concluded that the fluid milk plant definition should not include those buildings, premises, or facilities the primary function of which is to hold or store bottled milk or milk products in finished form while in transit for wholesale or retail route distribution.

The pricing provisions of the order should be revised so that the reporting period for the Chicago butter and nonfat dry milk solids price will conform with the period used by the reporting agency within the Department. Therefore, the reporting period designated in the order for any given month is revised to include the period from the 26th day of the immediately preceding month through the 25th day of the current month.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer organizations and certain handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended:

1. Delete § 923.6 and substitute therefor the following:

§ 923.6 *Appalachian marketing area.* "Appalachian marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeters of the counties of Sullivan, Washington and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

2. Delete § 923.7 (b) and substitute therefor the following: "(b) any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk, or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and"

3. At the end of § 923.7 substitute a colon for the period and add the following proviso: *"And provided further,* That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution."

4. In § 923.17, delete the word "August" and substitute therefor the word "July."

5. In § 923.18, delete the word "August" and substitute therefor the word "July".

6. In § 923.31 (b) (1) delete the word "August" and substitute therefor the word "July".

7. Delete § 923.41 (b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 923.42.

8. In § 923.44 (c), delete the figure "50" and substitute therefor the figure "150". In the same paragraph delete the phrase "nearest point in the marketing area" and substitute therefor "city limits of Kingsport, Tennessee."

9. Delete § 923.46 (a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

10. Delete from § 923.50 (b) the phrase "during the delivery period" and substitute therefor the phrase "for the period from the 26th day of the immediately preceding month to the 25th day of the current month."

11. Delete § 923.51 (b) (2) (i) and substitute therefor the following:

(i) Multiply the Chicago butter price by 4.8.

12. Delete § 923.52 (b) and substitute therefor the following:

(b) Class II price. Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

13. In § 923.71, delete the word "September" and substitute therefor the word "August."

14. In § 923.72, delete the word "August" and substitute therefor the word "July."

15. Delete the proviso in § 923.72 (e) and substitute therefor the following: *"Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base

milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk."

16. Add to § 923.72 (g) after the word "section," the following phrase "and the proviso of paragraph (e) of this section."

17. In § 923.81, delete the word "August" and substitute therefor the word "July."

18. In § 923.90 (a), delete the words "September through March" and substitute therefor the words "August through March" and in the same paragraph delete the words "April through August" and substitute therefor the words "April through July."

Proposed marketing agreement and order for the Bluefield marketing area—Statement of issues. The material issues of record with respect to the proposed marketing agreement and order regulating the handling of milk in the Bluefield marketing area related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, the following findings and conclusions are hereby made with respect to the proposed marketing agreement and order regulating the handling of milk in the Bluefield marketing area:

Commerce in milk. The handling of milk in the Bluefield marketing area, as defined herein, is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The marketing area defined in the proposed order includes the counties of Mercer and McDowell in the State of West Virginia, and Tazewell County in Virginia. There are continuous and substantial movements of milk across state lines both in the procurement of milk from producers supplying this marketing area and the sale of fluid milk and milk products by handlers to consumers.

Milk produced on farms in the States of Kentucky, Ohio, Virginia, and West Virginia is inextricably commingled at a milk distributing plant located at Welch, West Virginia. Milk produced in Virginia and West Virginia is received and commingled at plants located at Bluefield, Virginia and Bluefield, West Virginia. Such milk is bottled and distributed in fluid form throughout the marketing area. Milk from farms in Kentucky and Ohio is sent to a bottling plant in the West Virginia segment of the proposed marketing area and the bottled products then are returned to Kentucky and Ohio for distribution to consumers. Similarly, milk produced on farms in Virginia is sent to a bottling plant at Bluefield, West Virginia, and the bottled products are returned for distribution in Virginia. Milk produced within the State of West Virginia and sold in fluid form within that portion of the marketing area in West Virginia is in direct competition with milk produced in other States. The same situation exists with respect to milk produced within the State of Virginia and sold in fluid form within that portion of the marketing area in Virginia.

Fluid milk bottled in Bluefield, Virginia, is distributed to consumers in Pike County, Kentucky, and in McDowell and Mercer counties in West Virginia. Fluid milk and fluid milk products move from plants in Welch and Bluefield, West Virginia, to wholesale and retail outlets in Boyd, Floyd, and Pike counties, Kentucky; Bland, Buchanan, Giles, and Tazewell counties, Virginia; and Cabell County, Ohio. One handler, who would be regulated under the proposed order receives manufactured milk products from a company-affiliated plant located in the Tri-State market (a federally-regulated area) for distribution in the Bluefield area. On a supplemental supply basis substantial quantities of milk produced in the states of Maryland, Ohio, and Wisconsin are frequently imported by handlers in the Bluefield marketing area to meet a portion of the bottled milk requirements during the low production season of the year.

The seasonal reserve of locally-produced Grade A milk is used in the manufacture of cottage cheese, ice cream, nonfat dry milk solids, and condensed milk. These products, made from producer milk, are manufactured in Virginia and West Virginia plants and are sold in several States within this section of the country.

Need for regulation. The marketing and pricing conditions in the Bluefield marketing area require the issuance of a milk marketing agreement and order to establish and maintain orderly marketing conditions. Such an order will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. For reasons stated in this decision the regulation should be separate from those covering the Appalachian and Tri-State marketing areas.

At least six pricing plans for milk delivered by farmers are operative in the Bluefield market. In addition, the variations in milk classification methods used by handlers affect the relative prices paid to the producers. The pricing and classification plans used have caused wide disparity in returns to producers.

Certain milk distributed in this area is classified for pricing purposes pursuant to the provisions of the Federal milk orders for the Appalachian, Clarksburg, and Tri-State marketing areas. An order issued by the Virginia State Milk Commission applies to milk distributed from a Bluefield, West Virginia, plant into Giles County, Virginia. These regulatory pricing plans which affect milk marketing in this area have varying methods of milk classification for pricing purposes.

Pricing plans devised by handlers (as hereinafter defined) utilize still different methods of classification. One handler, who distributes fluid milk products in this area from a plant located in West Virginia, has established three different classes for pricing purposes, as follows:

(1) Class I—fluid milk products distributed locally (Bluefield, West Virginia and vicinity);

(2) Class I (Kentucky)—fluid milk products distributed in Pike County, Kentucky, and milk separated for buttermilk, chocolate milk drinks, cottage cheese, and for the standardization of fluid milk; and

(3) A class for surplus milk.

This method of pricing has resulted in fluid milk products in Class I distributed by such handler in the proposed marketing area being priced as much as $1.22 above the price for fluid milk products distributed from the same plant to outlets in Kentucky. The Class I (Kentucky) price of this handler is based on, and equivalent to, the Huntington district Class I price under the Tri-State order. Also, this handler purchases milk produced in Virginia and distributes milk in Virginia under the producer and resale price regulations of the Virginia State Milk Commission for the Giles County, Virginia, market. Milk produced under regulation of the Virginia State Milk Commission customarily is priced higher than that sold locally in the Bluefield market.

Another handler, with a plant located in Virginia, has established three classes for pricing purposes, as follows: (1) Class I—fluid milk products distributed in Virginia; (2) Class IA—fluid milk products distributed outside the State of Virginia, buttermilk, and ice cream; and (3) a class for surplus milk. Under this method of pricing fluid milk products in Class I have been priced as high as $6.05 per hundredweight (4.0 percent butterfat basis) when at the same time fluid milk products in Class IA were priced at $4.11 per hundredweight. The Class IA price customarily has been fixed at the level of the Tri-State order Class I price for the Huntington district (adjusted to a 4.0 percent butterfat basis by using the "producer" rather than the "handler" butterfat differential under such order), less 25 cents.

A third handler, with a plant located in West Virginia, prices all his milk as Class I, except for small amounts of seasonal surplus.

The fourth handler in the market is regulated under the provisions of the Tri-State order and thus is required to follow a classification and price plan which differs from the others as described above.

The four local handlers, to which reference has been made, were formerly regulated under a producer price order of the Virginia State Milk Commission which was applicable to the "Southwest Virginia" milk market. They have not been regulated by the Virginia control agency since late 1953, but have continued some aspects of the regulatory

pricing program on a voluntary basis. However, the variations in pricing plans for fluid milk distributed in the Bluefield area have resulted in producer returns which vary in excess of $1.00 per hundredweight for milk produced by farmers with farms located in the same production area. In some instances differences in returns per hundredweight occurred among producers delivering to the same handler in the same month.

The "stated Class I prices of such handlers have varied from $4.08 to $6.05 per hundredweight (4.0 percent butterfat basis) for bottled milk products distributed competitively in the same areas during the same periods of time. In addition, different methods of paying for butterfat above and below 4.0 percent are used and there is no uniformity in the computation of producer butterfat differentials. Because of these factors, together with the classification plans used, the stated Class I prices of unregulated handlers do not reflect with accuracy the level of returns actually received by producers for milk used in bottled milk products. This lack of uniformity in pricing and classification techniques has caused inequities among producers.

It is noted further that at least three types of seasonal incentive programs have been incorporated in the prevailing price plans used by those handlers in the market who are not under some regulatory program, notably the following: (1) Variations of "the base and excess" plan, (2) a modified "Louisville" plan, and (3) combination of a modified "Louisville" plan and "base and excess" plan. Such payment plans also have resulted in inequities among producers.

Handlers using the base and excess plan as a means of obtaining a better seasonal pattern of production frequently changed the period designated as the "base-forming months" without prior notification to the producers. One of these plans provides for some producer milk to be priced as "excess" even in the short production season when the market as a whole is customarily short of milk supplies.

The modified "Louisville" plan was instituted by one handler in 1954, when $0.75 per hundredweight was deducted from the producers' price in the months of April, May, and June, and the same amount per hundredweight added to the price in the months of October, November, and December. Order proponents contend that this resulted in an arbitrary net reduction in returns to such handler's producers since the fall rate of milk production normally is less than in April, May, and June. Producers claim it was their understanding that they would receive in the fall months the full amount of money represented by the deductions made in April, May, and June.

In 1955, the plan was changed without prior notification to the producers and deductions from the producers' price of $0.50 per hundredweight in April and May, and $0.55 in June were made. The amounts subsequently added to the producer's price were $0.50 per hundredweight in October, $0.75 in November, and $0.50 in December. In addition, a "base and excess" plan was instituted in the latter year without any prior notification to producers as to the base-forming period to be used. The changes made in 1955 also resulted in arbitrary reductions in returns to the producers delivering to such handler.

Another disruptive aspect of the latter pricing practice was allocation of varying amounts of surplus among individual producers. Some producers were allocated as much as 40 percent surplus while in the case of other producers no milk was so allocated. This disproportionate distribution of surplus caused a high degree of disparity in prices among producers since the difference between such handler's Class I and surplus prices has been as high as $2.50 per hundredweight.

Many producers in the Bluefield marketing area have no effective means of insuring the accuracy of the weights and tests of their deliveries of milk to handlers. The testing programs of the cooperative and handlers seldom agree on tests made of producers' milk. Producers testified that the cooperative's tests are consistently higher, but that they usually have been unable to obtain adjustments based on the differences shown. In addition, those handlers in the market not under any regulatory program do not permit auditing of their records for the purpose of establishing (1) the accuracy of the utilization of producer receipts according to the classification plan in use, and (2) the appropriate volumes of milk to be paid for as base milk and excess milk. One handler has not paid the cooperative the dues deducted from members and has been delinquent in making payments to cooperative members for their milk.

In summary, the proponent cooperative association has been unable to bargain with handlers concerning prices to be paid for milk received from farmers. Prices paid to producers throughout the Bluefield marketing area are generally at the option of the handler. There is no uniform classification plan whereby farmers supplying the Bluefield marketing area are assured of payment for their milk in accordance with its use. Handlers arbitrarily determine producer butterfat differentials for milk above or below 4 percent in butterfat. There is little uniformity in the seasonal incentive programs now used by handlers. As the result of the producers' inability to obtain satisfactory pricing plans for milk in the Bluefield area plants some producers have shifted their deliveries of milk from this market to plants in Winston-Salem, North Carolina; Charleston, West Virginia; and the Appalachian marketing area. Since the Bluefield market is in a deficit milk production area and supplies customarily have been fairly short in relation to the Class I demand any transfer of milk from the market seriously jeopardizes the delivery of the necessary requirements of fluid milk to this market.

The Federal milk marketing order proposed herein for Bluefield will implement the declared Congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handler's records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(f) Uniform rules for the operation of seasonal incentive which will encourage producers to adjust production seasonally in closer alignment with the relatively even monthly needs for inspected milk; and

(g) Market-wide information on receipts, sales, and other data relating to milk marketing in the area.

Marketing area. The Bluefield marketing area should include all the territory within the counties of McDowell and Mercer in West Virginia, and Tazewell in Virginia.

Producers proposed that the counties of Buchanan and Tazewell in Virginia; McDowell and Mercer in West Virginia; and Floyd and Pike in Kentucky be either (1) established as a separate district within the present Appalachian marketing area, or (2) established as a marketing area to be known as the "Bluefield marketing area" for regulation under a separate marketing order.

One handler proposal would enlarge the marketing area to include in addition to the above-named counties, as proposed by producers, the counties of Boone, Fayette, Greenbrier, Kanawha, Logan, Monroe, Raleigh, Summers, and Wyoming, in West Virginia. This handler, upon further consideration, abandoned the request for the addition of Boone, Fayette, Greenbrier, Kanawha, Monroe, Raleigh, and Summers counties. The same proponent further modified his proposal to include Lincoln, McDowell, Mercer, and Mingo counties in West Virginia.

Another proposal submitted by handlers would adopt all of the counties included in the above handler's final proposal and in addition would include Tazewell County, Virginia, and Floyd and Pike counties, Kentucky. It was further proposed that this proposed marketing area be given consideration as an addition to the Huntington district of the Tri-State marketing area, as an alternative to the two producer proposals.

The problems complained of by the producer proponents of the order center primarily around the handling of milk in plants which either are located in or serve McDowell and Mercer counties, West Virginia. Plants located in McDowell and Mercer counties also handle a large portion of the fluid milk distributed within Tazewell County, Virginia. These three counties consti-

tute perhaps the most populous area in the entire region under consideration and to a large extent are separated from other counties proposed for regulation by mountains and intervening areas which are only sparsely populated. The principal communities located in these counties are Bluefield, Princeton, and Welch, West Virginia, and the city of Bluefield, Virginia. Because of the numerous smaller communities scattered throughout the counties, it appears that orderly marketing can be best achieved by regulating the counties in their entirety rather than to specify particular communities for regulation.

Milk sold for consumption as Grade A milk within all three counties of McDowell, Mercer, and Tazewell must be approved by local health authorities under ordinances, practices, and procedures patterned after the model milk ordinance of the United States Public Health Service. Reciprocal agreements on farm inspections and on finished Grade A milk products for distributors prevail among the area health authorities. Current ratings of the United States Public Health Service are recognized by health authorities as a basis for acceptance of supplemental, or emergency, supplies of milk from distant plant sources. The degree of similarity of minimum health standards throughout the area justifies the uniform application of prices to all inspected milk marketed in these counties.

As previously stated, producers proposed that Buchanan County, Virginia, and Floyd and Pike counties, Kentucky, also be included in the marketing area. There is little, if any, milk distributed in Buchanan County which would not be under the regulation of either the Appalachian or Bluefield order, without the inclusion of such county in the marketing area. Sales in this country are quite limited because of its rural character. For these reasons it is not necessary to include Buchanan County within either of the defined marketing areas. The reasons for not including Floyd and Pike counties in Kentucky are discussed below in conjunction with the consideration of other additional territory as proposed by handlers.

The relatively populous counties of Logan, Mingo, and Wyoming and the sparsely populated county of Lincoln, in West Virginia, are in a region where little milk is produced locally for distribution in fluid form. This is a coal mining region and extremely deficit as to its own milk supply. Milk is transported rather long distances from the markets of Huntington, West Virginia; Athens, Ohio; Beckley, West Virginia; Bluefield, West Virginia; and Charleston, West Virginia, to serve local needs for fluid milk. The milk imported into this area from Huntington and Athens is under regulation of the Federal milk order covering those communities (Tri-State Order No. 72), and the milk from Beckley has been under the regulation of a recently issued milk order for the Clarksburg marketing area (Clarksburg Order No. 109). Charleston handlers have limited sales in this area which are of minor competitive importance. The issuance of a Bluefield order for the marketing area as adopted above would bring under regulation nearly all the remaining milk distributed in these counties.

A situation similar to that noted for such four counties in West Virginia, applies also in the case of Floyd and Pike counties, Kentucky. The milk imported into this area from Huntington and Athens is under regulation of the Federal milk order covering these communities. Similarly, milk imported into this area from Big Stone Gap, Virginia, and Kingsport, Tennessee, is under regulation of the Federal milk order covering the Appalachian market. The issuance of a Bluefield order for the marketing area as adopted above would bring under regulation nearly all the remaining milk distributed in these counties.

It should be noted that the inclusion of any of the areas discussed above in addition to the counties of McDowell and Mercer, West Virginia, and Tazewell, Virginia, would have the effect of transferring plants at Huntington, West Virginia, and Athens, Ohio, now regulated under the Tri-State order, to regulation under the Bluefield order unless some modification of the present terms of the Tri-State order were made to prevent such a transfer. Regulation of such plants under the Bluefield order would not be in the interest of orderly marketing within the Tri-State marketing area. As above stated, the inclusion of the additional counties probably also would involve a portion of the Charleston market under regulation, while a greater portion of the milk for this substantial market would remain unregulated. The application of a Bluefield order in this manner would create difficult competitive problems for the regulated milk originating at Charleston plants and is not necessary to achieve orderly marketing for producers who have primary interest in the proposed Bluefield regulation. Handlers testified that if their Class I prices were reasonably aligned with those effective under the Tri-State order no competitive disadvantage resulting from the purchase of milk from producers would result from the omission of such counties from the defined marketing area since the bulk of the milk distributed in these counties, other than that distributed by handlers who would be regulated under the Bluefield order, is at present priced under the Tri-State order. The inclusion of these counties in the defined marketing area is not required to achieve orderly marketing conditions for the producers primarily concerned with the Bluefield market plants.

The milk distributors who would be regulated under a separate Bluefield order are in competition throughout the particular counties to be regulated. In addition, some milk is distributed within this area from plants located outside the defined area at Beckley, West Virginia, and Athens, Ohio. The operator of the Beckley plant might also become a handler under the regulation. Although some milk is distributed in Tazewell County by persons regulated as handlers under the order currently in effect in the Appalachian marketing area, no milk is distributed within the confines of the latter marketing area by persons who would become handlers under a separate order for the Bluefield marketing area. It is noted also that the points outside the defined area where there is some competition between handlers to be regulated by a Bluefield order and those currently regulated under the Appalachian order are not numerous. There is substantially greater competition in outside markets between Bluefield handlers and distributors in the Tri-State market and Beckley. From the standpoint of route competition there is insufficient relationship between the Appalachian and Bluefield markets to indicate the propriety of a single regulation for handlers in both markets. Further support for this view is found in the tendency for Bluefield handlers to seek new markets generally to the west and north of Bluefield, West Virginia, rather than to compete more vigorously in Bristol and other markets to the south regulated under the Appalachian order.

Milk subject to regulation. Provision should be made in the order to designate clearly what milk will be subject to the pricing provisions of the order. For this reason, definitions of "handler", "plant" (various types), "producer", "producer milk" and "other source milk" should be provided.

A "handler" is defined to be the operator of an "approved plant". The handler is the person to whom the provisions of the order are applicable. The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. He is the one responsible for paying producers not less than the specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of approved plants which do not qualify as "fluid milk plants" (as discussed below) should be considered handlers in order that such persons shall report to the market administrator as may be necessary to determine their status at any given time.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk for sale on retail and wholesale routes in the marketing area. Such plants are defined as "fluid milk plants." More specifically, a fluid milk plant under the attached order is any plant from which a volume of Class I milk equal to either an average of more than 1,000 pounds per day, or more than 2.0 percent of the approved milk of such plant, is disposed of during the month on routes (including routes operated by vendors) or through plant stores or retail or wholesale outlets (except other fluid milk plants) located in the marketing area.

The order should provide also delivery performance standards for plants from which no wholesale or retail routes are

operated, but which represent sources of supply for the market. There are two broad categories of plants that generally provide supplemental supplies of milk for fluid milk markets. One category includes those plants which constitute regular sources of supply and are closely associated with the market by receiving milk subject to the farm inspection of local health authorities. Although there are no such plants serving the Bluefield marketing area at present some provision should be made for the regulation of plants of this type that might become closely associated with the market in the future. Plants of this type are a normal part of the milk procurement facilities in several adjacent markets, and nothing in this order will preclude any plant wherever located from serving the market in the future should a need for its supplies arise. It is concluded that any plant in this category should be included within the definition of a fluid milk plant throughout the year whenever it may become a regular source of supply for any plant from which wholesale or retail routes are operated.

The second category of supply plants are those receiving milk not under the routine farm inspection of health authorities in the market. The Bluefield market receives supplemental milk supplies from a number of plants of this type. These plants normally provide supplemental milk to plants in various other fluid milk markets as well, and their shipments to the Bluefield area for Class I use are primarily seasonal in nature.

Producers proposed that the latter type of plant be included in the definition of a fluid milk plant when any such plant supplies to the market a monthly total of 70,000 pounds (or more) of milk for each of the months of August through January, inclusive. Producers contended that such plants are a threat to the stability of the market because they are able to deliver large quantities of milk during the low production months from other sources and locations where no minimum price regulations are in effect.

It is quite possible that as a result of handlers receiving milk from outside the order in unlimited quantities a situation could arise in which a significant portion of the market supply of milk would not be subject in any way to the pricing and payment provisions of the order. This could result in (1) a portion of the market supply being procured on a "flat price" basis without regard to use of milk as distinguished from the classified price plan provided in the proposed order, (2) limiting the effectiveness of the pricing and payment provisions of the order as a means of encouraging farmers to produce a year-round supply of pure and wholesome milk for the Bluefield market, and (3) incentive to handlers to use milk from sources outside regulation in preference to seeking an adequate supply of producer milk in all months. These factors would create a constant threat to the entire classified price plan.

It is concluded that such plants should be regulated when they furnish milk, skim milk or cream in fluid form in excess of 70,000 pounds (approximately two full tank loads) per month for the months of August through January, inclusive. In addition, these plants should be brought under regulation and made fully subject to the pricing provisions of the order when any shipments are made to fluid milk plants for the months of February through July, inclusive. This provision is similar to the comparable provision of the Appalachian order and is reasonable in view of the similarity of handler operations in the two markets. Milk subject to other orders issued pursuant to the act should not be made subject to the pricing provisions of the order at any time in order that double regulation may be avoided.

Minor quantities of milk are distributed on wholesale and retail routes from plants located outside the marketing area. Such plants generally are receiving supplies produced at considerable distances from the Bluefield milk production area and are primarily in competition with milk of unregulated handlers in markets outside the Bluefield marketing area. Regulation of such plants might place them in an uneconomic and unfavorable competitive position with respect to sales in their home markets. As long as the limit as to sales such a plant may make in the marketing area are kept relatively low, the volume of unpriced milk in the market would not present a disruptive force. It is concluded that this limit should be placed at 2.0 percent of the Grade A milk received at such plant from all sources, or an average of 1,000 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk equal to more than 1,000 pounds per day, or 2.0 percent of its receipts of Grade A milk, skim milk or cream, is disposed of in the marketing area should be designated as a fluid milk plant and be made fully subject to regulation. This limited exemption is similar to that currently contained in the Appalachian order.

Any plant from which Class I milk is distributed in the marketing area, but which does not meet the standards for a fluid milk plant, should be defined as an "approved plant" and be required to file reports and submit to audits by the market administrator in order that he may verify the status of such plant.

"Producer" should be defined as any person, other than a "producer-handler", who produces milk under a dairy farm inspection permit issued by a duly constituted health authority which is customarily received at a fluid milk plant. Provision should be made, however, so that the milk of producers regularly received at a fluid milk plant may be diverted for the account of a handler to a nonfluid milk plant at any time during April, May, June and July, and on not more than 15 days during other months, and still be permitted to retain status as producer milk under the order. This will permit milk regularly associated with the market to be diverted to manufacturers during periods of flush production and over week-ends and holidays when supply and demand relationships may require some reserve and surplus milk to be manufactured in plants not regulated by the order. Producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

"Producer-handler" should be defined as a person who operates a fluid milk plant but handles no milk from dairy farmers other than milk of his own production. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required and maintain and make available to the market administrator, accounts, records, and facilities, so that the market administrator may verify that such person meets the definition of producer-handler. It appears unnecessary to require under the order that a producer-handler pay any particular price for milk produced on his own farm.

A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. However, the classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Supplemental supplies of milk which may be obtained from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. Any milk which a handler receives from a producer-handler would be "other source milk" and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of a handler after the allocation of shrinkage on producer milk. This method of allocating producer-handler milk will insure producers' priority on Class I sales made by the handler to whom milk is supplied. The producer-handler who, by being exempt, enjoys the full advantage of his fluid milk sales, should not also share in the Class I market of other producers.

"Other source milk" should be defined as all skim milk and butterfat contained in products utilized by the handler in his operations, except milk from producers, inventories, and other Class I products received from other fluid milk plants. This includes any non-fluid milk product from any source, including those produced at the handler's plant during the same or an earlier month which are reprocessed or converted to other products during the month in the plant. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

Classification of milk. Milk received by regulated handlers should be classified on the basis of the form in which, or the purpose for which, it is used, as either "Class I milk" or "Class II milk."

A classification plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve of quality milk may be

maintained at all times (and used at prices in line with its value when processed into manufactured dairy products) without disrupting marketing and pricing conditions within the established marketing area.

The products which should be included in Class I milk are those distributed to the consumer in fluid form and required by health authorities in the proposed marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded, or manufacturing, milk price. This higher price should be at such a level that it will yield a uniform (blended) price to producers that will encourage the production of sufficient milk to meet market needs.

Reserve milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products are less perishable, are not required to be made from inspected milk, and must be sold in competition with products made from unapproved milk produced throughout the United States. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream), and any mixture in fluid form of skim milk and cream (except ice cream mix, eggnog, and sterilized products contained in hermetically sealed containers); and (2) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans should not be considered as concentrated milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and cottage cheese, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible to the market administrator to establish the classification of, and to make payments to producers for, such milk. Except for such limited quantities of shrinkage which may under certain conditions (as set forth elsewhere in this decision) be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); non-fat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk.

Cream which is frozen and placed in storage should be classified as Class II milk. Such cream is intended primarily for use in ice cream mixes. Any frozen cream or other Class II products which are used later in a fluid milk plant would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

A handler proposed that Class II milk include all skim milk and butterfat disposed of as livestock feed, and skim milk that is dumped after prior notification to and opportunity for verification by the market administrator. This handler testified that (1) little recovery value is obtained from fluid milk products returned to the handler's plant and sold as livestock feed, and (2) surplus milk is separated and the skim milk dumped for lack of manufacturing facilities to use all surplus milk.

Milk returned to plants from handler routes in this market frequently cannot be processed for resale as other dairy products. Because of the limited facilities in most handler plants for processing manufactured milk products seasonal surplus in small quantities from time to time does not warrant costs associated with disposition to unregulated plants for manufacture. It is concluded that skim milk contained in any product disposed of as animal feed, and skim milk which is dumped during the months of April, May, June and July, should be Class II milk. Because dumping can be verified only at the time the action is taken the handler should be required to give advance notice to the market administrator so that adequate proof of dumping will be possible.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Accounting procedure will be facilitated by providing that ending inventories of all products designated as Class I milk, regardless of whether such products are held in bulk or in packages, be classified in Class II milk. Inventories of such products on hand will then be subtracted from Class II use the following month. If any products which are classified as Class II milk because they are held in inventories or later used in Class I, the higher valued use should be reflected to producers unless producer milk was not available for such use.

Inventories of products designated as Class I milk on hand at a fluid milk plant at the beginning of any month during which such plant becomes a fluid milk plant for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

As in the case of the Appalachian market the question of multiple reporting periods for allocation purposes was considered. The testimony offered primarily with respect to the proposed revision of the Appalachian order is equally applicable to the Bluefield market. The findings and conclusions on this matter, previously set forth in this decision, likewise are applicable in connection with the Bluefield market and therefore are not repeated in this portion of the decision.

The proposals on the amounts of shrinkage to be allowed in Class II milk under a Bluefield order were similar to those previously considered in this decision in connection with proposed amendments to the Appalachian order. For the same reasons presented earlier producers opposed the proposals made by handlers.

As in the Appalachian market fluid milk operations take the bulk of the milk delivered by dairy farmers. A high degree of similarity in plant operations exists between the two markets. The classification, allocation and transfer provisions of the two orders are substantially the same. The class prices adopted for the Bluefield market contemplate similar treatment in accounting for and classifying shrinkage. It is concluded from the above that shrinkage should be determined on the same basis as is provided in the Appalachian order. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. Shrinkage not in excess of 2 percent of total receipts of producer milk and other source milk used to produce a Class II product should be classified as Class II milk, and any shrinkage in excess of this quantity should be classified as Class I milk. None of the shrinkage should be assigned to milk received from other fluid milk plants because shrinkage on such milk is allowed to the transferor-handler.

Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other plants for processing, specific classification procedures should be prescribed for milk transferred between plants.

Milk, skim milk, cream, or other products designated as Class I milk transferred by a handler to the plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers claim in their reports to the market administrator that such milk should be classified as Class II milk. However, in the latter event sufficient Class II utilization must be available at the transferee-plant after prior allocation of shrinkage and other source milk. Furthermore, the assignment to classes must be such as will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These actions will insure that the highest-valued uses should be assigned first to these producers regularly supplying the market.

Producers proposed that milk which is diverted from fluid milk plants to nonfluid milk plants within a range of 100 miles of the marketing area be considered as Class II milk. Reference was made to transfers of surplus milk from a Bluefield plant to a manufacturing milk plant approximately 70 miles away.

One handler proposed that surplus milk which is transported from a fluid milk plant to a nonfluid milk plant within a range of 250 miles of the transferor-plant be considered Class II milk. Surplus milk from this handler's plant has been moved at times to a manufacturing milk plant approximately 190 miles distant.

It is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. This requires verification of the receipts and utilization of milk at nonfluid milk plants which receive producer milk diverted from fluid milk plants. When it is necessary to travel considerable distances to verify the use of milk in nonfluid milk plants, there is excessive administrative expense. At least four nonfluid milk plants within a distance of 200 miles of Bluefield, West Virginia, are available to serve as the major outlets for surplus milk. The costs involved in transporting milk, skim milk, and cream in bulk form are such that generally it would not be economically feasible to move milk in excess of such distance for Class II disposition.

Therefore, it is concluded that milk, skim milk, and cream disposed of to a nonfluid milk plant, including milk which is diverted (sent directly to the nonfluid milk plant from the producer's farm) should be classified as Class I milk, unless the following conditions are met: (1) The operator of a nonfluid milk plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonfluid milk plant, (2) the nonfluid milk plant is located less than 200 miles, by the shortest hard-surfaced highway distance, from Bluefield, West Virginia, (3) the nonfluid milk plant used, during the month, an equivalent amount of skim milk and butterfat in the product use indicated, and (4) in the case of cream the transfer is made without the Grade A certification of any health authority. For reasons previously stated all Class I milk and milk products transferred to a producer-handler should not be subject to the above reclassification.

One handler proposed that a provision be included under which milk custom-bottled by a handler on behalf of an out-of-area plant could be made exempt from the pooling and pricing provisions of the Bluefield order. Specifically, it was requested that, in an emergency, milk moved from Clarksburg, West Virginia, to a plant at Beckley, West Virginia for bottling purposes and then returned to Clarksburg for sale in the Clarksburg marketing area be deducted from Class I milk in allocation at the Beckley plant. Following the classification plan of the present Appalachian order, such a receipt of milk at Beckley (if the Beckley plant were regulated under the Appalachian order) would be handled as a receipt of "other source milk" and allocated in series beginning with the lowest-priced class. The exemption, under the proposal, would apply only to a quantity of milk equivalent to that returned to the Clarksburg market.

In support of the proposal proponent indicated the possibility that its plant located at Clarksburg may be subject to relocation because the land on which it is situated may be purchased by the State of West Virginia for use as a road or highway. The land has been surveyed by the state and appears to be involved in one of two highway routes under consideration. Thus, it may be necessary to process milk at another location pending the erection of a new plant by the company to serve the Clarksburg market.

A custom-bottling provision in the Bluefield order may be an appropriate method of relieving hardship in an emergency situation, as desbribed by proponent, without inequity to other regulated handlers. On the other hand, it has been found necessary in the general application of milk orders to provide stringent rules concerning the receipt and allocation of milk at regulated plants in order to provide a clear basis on which to determine the extent of the handler's responsibility to producers. Any relaxation of an order to the point that some milk received by the regulated handler would not be controlled pricewise by the order and yet displace producer milk in the highest classification should be carefully constructed in light of a specific emergency in order that such a provision may not be utilized to avoid an order restriction in a situation for which it was not intended.

For the most part the testimony was conjectural. There is a real possibility that the potential situation described will not become a fact. In the event the Clarksburg plant is closed at some future time to give way to the new highway, there may be alternative methods under either the Clarksburg order or the Bluefield order of preventing undue hardship to proponent. For example, proponent has a bottling plant at Fairmont, West Virginia. It may be possible for farmers now shipping to the Clarksburg plant to become regular producers at the Beckley plant by securing a change in health permits. A new plant location at Clarksburg may be found. Certainly proponent will receive advance notice to vacate which will provide opportunity to review the problem presented. The necessity and nature of any relief may be more accurately appraised in light of specific facts concerning the extent and time period of the actual emergency. In view of the above, it is concluded that a custom-bottling provision is not appropriate in the present circumstances.

It was proposed further by such handler that milk transferred to any plant regulated by the Bluefield order from a plant under another Federal order be allocated on a basis comparable to the class of utilization of such milk under the marketing order which covers the transferor's plant. Proponent referred particularly to milk which might be received from plants under either the Tri-State or Clarksburg order.

It was contended that such a transfer provision would assist a handler to hold his market against the inroads of milk brought by distributors in other markets for sale on routes since it would be easier for the local handler to obtain supplementary supplies when short of producer milk. Under the proposal any such milk, classified as Class I under an order such as the Clarksburg order, would be deductible from Class I milk in the Bluefield plant.

It is recognized that through the allocation procedure of assigning producer milk under each order to the highest-priced available uses, a quantity of milk may be classified as Class I milk in the exporting market and allocated, as "other source milk", to Class II milk in the receiving market. However, the deduction of the transferred quantity from Class I milk in the transferee-plant while local producer milk remains in Class II would not be justified under the conditions which prevail in the Bluefield area.

The Bluefield market is located in a deficit production area. Likewise, the Appalachian, Tri-State and Clarksburg markets are located in deficit milksheds. Unlike the Chicago market, referred to by proponent, which is relied upon to furnish supplemental supplies to adjacent markets as needed, none of the above-mentioned markets serves as a "balance wheel" to the supply condition of another of such markets. Each market is independent of the others in supply procurement and sources of outside milk vary. Since local producers of the Bluefield market represent the only fully dependable and reasonably near source of milk for most Bluefield handlers, there appears to be no substantial reason to force producer milk into manufacturing uses while temporary, and perhaps, sporadic, supplies from outside sources are assigned to higher-valued uses. Such

procedure would not assist the orderly marketing of milk in the Bluefield area.

Bluefield plants, including proponent's plant, have no substantial capacity to manufacture milk products. Milk imported from other areas is intended primarily to supplement local producer milk in Class I uses. If the need for such supplemental milk is real no handler should experience undue hardship from order requirements under which producer milk is first assigned to the highest-priced class since the bulk of the supplemental milk would be deductible from Class I milk in allocation if actually used for fluid purposes.

In view of the above, inter-market transfers should be allocated in the same general manner as any other milk which is received from sources other than producers. However, since it may be necessary at times to allocate both regulated (priced under another Federal order) and unregulated milk from outside sources as "other source milk" in a Bluefield plant, it is reasonable to allocate the unregulated milk first to the lowest-valued uses prior to the allocation of priced milk in such uses. The latter procedure is adopted.

Class prices. Class I prices should be established at a level which, together with appropriate Class II prices, will return to producers a uniform price sufficient to bring forth the required supply of Grade A milk throughout the year. Class prices established too low will result in the production of insufficient quantities of milk to meet the requirement of the market. However, if prices are too high, it will stimulate production and bring to the market more milk than is needed for Class I and reasonable "reserve" requirements. An overstimulation of production in excess of fluid milk requirements would result in the development of unnecessary and uneconomic surpluses.

Producers included in their proposals for the Bluefield area the same basic price formula now in use under Appalachian Order No. 23. The purpose of a basic price is to reflect the general economic factors underlying the price for milk. The price of milk used in manufactured milk products reflects, to a large extent, changes in general economic conditions affecting supply and demand, because the markets for most manufactured products are nationwide. For these reasons, many fluid milk markets have found it appropriate to use the prices for butter and nonfat dry milk solids, or the prices paid by condenseries (with differentials over these basic manufacturing prices), to establish fluid milk prices.

In the Bluefield market, prices for milk used for fluid purposes are related to prices paid for milk used for manufacturing purposes since the production and marketing of both types of milk are influenced by many of the same economic conditions. Farms producing milk for both fluid milk and manufacturing milk plants are intermingled to some extent in the Bluefield production area. In addition, manufacturing milk plants serve as alternative outlets for milk which is produced to meet fluid milk requirements. The recommended differential added to the basic formula price should, in general, reflect the additional costs required for Grade A milk to be produced and delivered to Bluefield market handlers in the quantities required to meet the needs for fluid milk and cream consumption in the marketing area. The use of alternative components as included in the attached order in the determination of the basic formula price will reflect the basic factors which establish the full farm value of milk for manufacturing uses at any given time.

In view of these facts, it is concluded that the basic price should be the higher of (a) the average of the prices paid by the 13 "Midwestern condenseries", (b) a price computed on the basis of the daily quotations for 92-score butter at Chicago and prices paid for nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area, or (c) the average of the prices paid for milk received from dairy farmers by nine selected manufacturing plants in or near the local milkshed. This basis for pricing, identical to that in the Appalachian market, will assist in maintaining proper price alignment between the markets.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions, and thereby influencing the production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities and the local nature of health regulations and milk distribution systems. Today the technological advances in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities of approving sources of milk derived from a wider supply area under agreement for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production and processing.

These developments have been and are influencing the marketing organization and price structure for producer milk and for fluid milk products in the Bluefield marketing area. Recent highway improvements have made this area accessible from a number of markets. That these developments have affected the level of prices paid for milk in the Bluefield marketing area may be noted from the many references in the record to the need of reasonable alignment of Bluefield marketing area prices with prices in the Appalachian, Clarksburg, and Tri-State markets.

Proponents proposed Class I price differentials (over the basic formula price) for the Bluefield marketing area of $1.35 during the months of April, May, and June; $1.80 during the months of February, March, and July; and $2.25 during all other months which would be added to a basic formula price similar to that used under Appalachian Order No. 23. Producers gave the following reasons for establishing differentials in these amounts: (1) The production area for the Bluefield market overlaps the production areas of Charleston, West Virginia; Winston-Salem, North Carolina; Beckley, West Virginia; Smyth-Wythe, Virginia; Pulaski - Montgomery - Giles, Virginia; Roanoke, Virginia; Galax, Virginia; and the Appalachian market; (2) a proper relationship of prices among markets obtaining fluid milk supplies from the same general production area is of utmost importance; (3) current blend prices have not induced an adequate year-round supply of inspected milk for the market; (4) producers have shifted from the Bluefield market to some of the above-named markets which offer higher returns; (5) increased demand for coal in this area has increased economic activity and the demand for dairy products; and (6) the proposed seasonal variation in price is necessary to encourage a more even production pattern throughout the year.

One handler proposed that the price for Class I milk should be the simple average of the prices established for Class I milk under Appalachian Order No. 23 and under Tri-State Order No. 72 (for the Huntington district). This handler, upon further consideration of this proposal, and his modified marketing area proposal (previously discussed), abandoned this price formula suggestion. Another handler proposed that the Class I price should be equivalent to the Class I price as established by the Tri-State order for the Huntington district. Handlers generally stressed the importance of the proper alignment of Class I prices in the Bluefield and Tri-State marketing areas. They testified that they are in competition with handlers from the Tri-State marketing area in the Logan, Pikeville, Williamson, and Prestonburg markets as to a very large proportion of their fluid milk sales. One handler in the Bluefield market who is regulated by the Tri-State order as to part of his supply bottled at a Bluefield area plant has regularly paid at least 31 cents per hundredweight over the minimum Class I price as required for such plant under the Tri-State order.

Consideration should be given to the need for alignment of Class I prices among the marketing areas of Appalachian, Bluefield, Clarksburg, and Tri-State. In this connection official notice is taken of the price formulas of the Appalachian, Clarksburg, and Tri-State orders. The Appalachian, Bluefield, and Clarksburg markets, and the Huntington district of the Tri-State market are all in deficit milk production areas. Although the Appalachian and Bluefield milk production areas overlap in four counties in Virginia, there is very little if any overlapping of either milkshed with the Tri-State milk production area. The costs of feed, farm labor, hay and dairy ration are quite similar in the production areas of the Appalachian and Bluefield markets. Also, the costs of transporting milk from farms to milk plants are not significantly different in the two markets. The major portion of Bluefield handlers' sales, however, are in direct competition with handlers regulated by the Tri-State order. Handlers from these two areas are the major competitors in the Logan, Williamson, Prestonburg, and Pikeville markets.

The Class I price should be established in the Bluefield order by adding a differential of $1.45 during the months of April, May, June, and July; $1.80 during the months of February, March, and August; and $2.10 during all other months, to the basic formula price. The average Class I price per hundredweight of 4 percent milk in 1955, f. o. b. market, would have been $5.28 as fixed under the recommended formula. The average Class I price per hundredweight for the same period was $5.40 under the Appalachian order and $5.00 for the Huntington district under the Tri-State order. The formula adopted would have resulted in Class I prices per hundredweight of $5.67 in January and $5.27 in February, 1955. The Class I prices per hundredweight in the Appalachian order were $5.67 in January and $5.57 in February and in the Huntington district under the Tri-State order were $5.53 in January and $4.95 in February. A receiving station which receives milk for shipment to the Appalachian market is located at Rural Retreat in the Virginia segment of the Appalachian milkshed. A location differential of 14.5 cents per hundredweight is deductible from the Class I and uniform prices at this location. At this point, where the Bluefield and Appalachian milksheds overlap, the Class I price for Bluefield will be, on an annual average basis, approximately the same as that for the Appalachian market although the seasonal pattern of pricing is more closely aligned to that of the Tri-State market.

Producers proposed that a "supply-demand adjustment factor" be included in the Class I price formula to further reflect changes in local supply and demand conditions. Although a supply-demand adjustment factor in the pricing formula conceived from local data would be desirable and serve a useful purpose, it is concluded that the development of such a factor from the limited data available at present locally, or from experience in the Appalachian market, would not reflect the Bluefield marketing conditions adequately and should be delayed until the Bluefield market has had experience under the order. Market experience under regulation is desirable as a basis for determining with accuracy the seasonal patterns of production and demand for use in connection with such a formula. The class prices included in this order will be terminated eighteen months after this order becomes effective, providing an opportunity for review of the market situation based on more detailed information.

The Class II price formula should reflect a reasonable value of milk for manufacturing purposes in the production area of the Bluefield market. The price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I requirements may be produced from time to time. However, this price should not be so low that handlers will be encouraged to procure or retain milk supplies solely for the purpose of converting substantial quantities into Class II products when a Class I market exists.

Handlers in the Bluefield market use most of their daily reserves of milk for cottage cheese and ice cream production. The manufacture of limited quantities of producer milk into storable products such as condensed milk and nonfat dry milk solids occurs principally in the flush season of production and at plants not operated by handlers. All products included in Class II may be made from ungraded milk.

Producers provided a tank truck to divert surplus milk from a Bluefield handler's plant to a manufacturing plant during the last surplus production season. A premium over the basic manufacturing milk price was received for such milk.

The level of Class II milk prices in the flush production season should not be below that paid for ungraded milk, since such "pay" prices represent the prevailing value in the milkshed for milk for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the months of flush production.

The production areas of the Appalachian and Bluefield markets overlap. Regulated handlers' outlets for surplus milk during the flush production season from the Appalachian and Bluefield markets are manufacturing plants which are the principal buyers of ungraded milk in the milksheds of the two marketing areas. Official notice is taken of the Class II price formula in Appalachian Order No. 23. The Class II price computed for the Appalachian area during the months of March through August is, and will continue to be, the average of the prices paid for milk received from dairy farmers by nine manufacturing plants in the area. These plants are located at Galax and Abingdon, Virginia; Greenville, Lewisburg, and Murfreesboro, Tennessee; Mayfield and Bowling Green, Kentucky; Statesville, North Carolina; and Chester, South Carolina. It is concluded from the above that the Class II price for the months of March through August at Bluefield plants should be the average of the prices paid for milk received from dairy farmers by the nine manufacturing plants at the above locations.

During the months of below-average production a higher level of prices for Class II milk should be provided in the order so as to encourage the transfer of milk from manufacturing uses to fluid uses during the fall and winter months. In these months there are available outlets for reserve milk in cottage cheese and ice cream which, among manufacturing uses, are preferred outlets. These are also the months when considerable quantities of milk are imported into the market. Supplemental supplies of milk during the short production season are received from areas where the price of milk used in the manufacture of butter and nonfat dry milk solids is an important factor in establishing the prevailing farm values of manufacturing milk. Therefore, it is concluded that the Class II price for the months of September through February, should be the higher of either the price computed pursuant to a butter-nonfat solids formula (4.8 times 92-score Chicago butter price per pound plus 8.2 times price per pound spray process nonfat dry milk for Chicago area, minus 75 cents per hundredweight) or the average of the prices paid by the nine manufacturing plants. This will provide alignment of Class II milk prices with the price of milk for similar uses in the Appalachian market.

As previously pointed out in this decision, it was concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content in each product. The basing point from which such adjustments are to be made should be 4.0 percent butterfat. This is the basis now used in both the Bluefield and Appalachian marketing areas. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and such butter price by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market.

The use of butterfat differentials in this manner follow standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I butterfat differential at the same time that the Class I price is announced.

The Class II price and the Class II butterfat differential will not be announced until after the end of the month. Although handlers will not know precisely the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets. Trends in butter prices may be observed from daily and weekly market reports issued by the Department.

The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among produc-

ers according to the varying butterfat tests of their milk.

Proponents originally proposed that no location differentials be adopted in pricing Class I milk for the Bluefield marketing area. It was pointed out that at present no milk is transported from receiving stations to processing plants. After further consideration, producers suggested that location adjustments should be computed on the basis of the distance between the receiving station and the Court House of either Mercer County at Princeton, West Virginia, or McDowell County at Welch, West Virginia, whichever point is nearest the receiving station. Producers gave the following reasons for establishing location adjustments in this manner: (1) The marketing area consists mainly of numerous small towns, (2) handlers' plants are not located in any one central community, and (3) the above two counties are the main centers of population in the proposed marketing area.

One handler proposed that the Class I price should be reduced for those plants which are outside the Bluefield marketing area by 10 cents per hundredweight of milk for the first 50 miles, and by 1.5 cents per hundredweight of milk for each additional 10 miles, or fraction thereof, that such plants are located from the City Hall of Bluefield, Virginia. This handler contended that a point representing the geographical center of the marketing area would be a desirable point from which to measure the cost to handlers in transporting milk to the market.

The farm value of milk for use in a market is affected, of course, by the cost of delivery to the place of utilization by the handler. Milk delivered directly to a plant located within the marketing area is worth more, by at least the cost of transportation, than is other milk to be utilized in the market but delivered to a plant located at a considerable distance from the market. Therefore, it is important to recognize the costs of transporting Class I milk from receiving stations that might become regular sources of supply for the Bluefield marketing area. In addition, it is important to establish the Class I price for milk delivered to processing plants at points in the marketing area and then provide a schedule of deductions from the Class I milk price as location differentials, or adjustments to such price.

In order to have equitable pricing of milk throughout this elongated marketing area it is necessary to provide points representative of the major communities in the marketing area from which location adjustments may be computed. This is an extended marketing area with numerous communities, or centers of population. The processing plants distributing fluid milk products in this area are not located in one central community. In addition, all plants serving the marketing area may not be located within its geographical limits. Accordingly, multiple points for fixing location adjustments should be used. These points should be the City Halls of Bluefield, and Welch, or the County Courthouse at Princeton, all in West Virginia, whichever is nearest to the plant. In view of the elongated character of the marketing area and the intermingling of routes of handlers with plants located in rather widely separated communities, equitable pricing may be best achieved by omitting location differentials with respect to any plant located less than 50 miles from the nearest of the respective points referred to above.

It is concluded that the Class I price should be reduced 10 cents for plants located between 50 and 60 miles distant, and by 1.5 per hundredweight of milk for each additional 10 miles, or fraction thereof. Such differentials as established by this decision are the same as those prescribed in the Appalachian milk marketing order and are related to the cost of hauling milk by an efficient means under conditions similar to those in this market.

Because of the low cost per hundredweight of milk involved in transporting manufactured milk products the value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving that milk. Therefore, no adjustment should be made in the Class II price for reasons of location of the plant at which the producer milk is first received.

Type of pool. The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk.

Under this method of pooling the minimum prices will be uniform to all producers delivering their milk to the same handler. The "blend", "base", and "excess" prices, as the case may be, for each producer will depend on the proportions of Class I and Class II milk used by the handler receiving such producer's milk. Although each handler subject to the order will be required to pay uniform minimum prices to all the producers who deliver to him during each month the minimum uniform prices payable to producers by the various handlers will differ according to the variations among handlers in the proportion of milk used in each class.

Handlers in this market are primarily distributors of fluid milk and fluid milk products and receive little, if any, excess milk for the purpose of supplying other handlers with supplemental milk. These handlers process reserve milk and surplus milk in their own plants for sale as ice cream and cottage cheese. Seasonal surpluses of any substantial volume are transported to manufacturing plants outside the marketing area. Because there is relatively little surplus milk and because such milk is more or less proportionate among the major handlers blended returns to producers are not expected to vary widely. The proximity of the Appalachian production area (where an individual-handler pool plan is used) to the Bluefield production area should also be considered. Because of the fact that plants are rather widely separated and the marketing area is extensive geographically, each handler disposes of any excess supplies by his own means. There are no particular plants to be regulated which serve to balance supplies among plants. It is concluded that individual-handler pools in the Bluefield marketing area will result in optimum allocation of producer milk among handlers according to the Class I needs of the handlers and in maximum returns to producers from their milk.

Producer payment plan. A base and excess plan of distributing returns for milk among producers should be employed for this market.

Several handlers in the Bluefield market are now relying on various forms of base-excess plans to provide the incentive needed to induce producers to attain a more even production pattern throughout the year. Handlers have established the rules of these base-excess plans and have controlled the adjustment and transfer of bases. Although these plans performed a much-needed function, their actual operation in many cases leaves much to be desired from the standpoint of equity among producers.

Base and excess plans are effective means of improving the seasonal pattern of milk deliveries because they relate returns for milk directly to the individual producer's ability to deliver additional milk in the short production season and somewhat less milk during the season of flush production. In this market handlers' fluid milk sales customarily decline during the flush production season. In these months handlers have experienced difficulty in utilizing efficiently all seasonal excesses of milk. Distribution of producer returns under a base and excess plan will encourage a production pattern more even throughout the year.

It is concluded, therefore, that a base-excess plan similar to that in use in the Appalachian market, applied to all producers, by being made a part of the attached order, will play a useful role in stabilizing marketing and pricing conditions in the area.

The base and excess plan provided herein would provide for the calculation of the daily base of each producer by the market administrator by dividing the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during those months to the last day of February, inclusive, but by not less than 120 days. On or before April 1st of each year the market administrator would be required to notify each producer, and the handler receiving milk from him, of the daily base established by such producer. Now producers entering the market would not establish a base until they have met the above 120-day requirement in the same manner as other producers.

During the months of August through March all producers would receive the same uniform, or average, price paid by the handler to which they deliver their milk. For each of the months of April through July, separate uniform prices for "base milk" and "excess milk" would be computed. Class I sales would be allotted first to "base milk." Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days of delivery in the month. The "excess milk" price would be the minimum order Class II price, unless the total Class I sales of the handler exceed the total

quantity of base milk received from producers during the month. In this case, the excess milk used for Class I sales would be reflected in the calculation of the excess milk price. Audit adjustments, inventory reclassification, and overages may further enhance the pooled value of "excess milk" from time to time and it is possible that without proper provision the excess milk price might be higher than the base price. As explained in an earlier part of this decision no useful purpose is served in improving the seasonal production pattern when the excess price exceeds the base price. As in the Appalachian order, the uniform prices for base and excess milk should be recomputed whenever the above condition would otherwise occur in order that the two prices may be equal.

Certain rules are necessary in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Any transfer of base should be limited to situations where changes in the operation of a farm result because of (1) new ownership, (2) the death, retirement or entry into military service of a producer, or (3) changes in partnership or tenant-landlord arrangements. Since the base plan is effective in determining producer payments in only four months of each year and since all producers must establish a new base each year, other provisions than those contained herein for the transfer of bases are unnecessary.

Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform prices. If a producer has given a cooperative association written authorization, in the form of a contract, or in any other form, to collect payments for him and association makes a written request for such payments due such producer payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. Therefore, it is concluded that each handler with respect to milk received from a producer for which payment is not made to a cooperative association should pay such producer at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. With respect to the producers whose milk was caused to be delivered by a cooperative association which is authorized to collect payment for such milk, the handler shall remit, if requested in writing by the cooperative association on or before the 13th day after the end of such month, an amount equal to the sum of the individual payments otherwise payable to such producers.

In making such payments for producer milk to a cooperative association the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of the money to the producer-members for whom it makes collections.

Proponents proposed that in addition to the regular monthly payments handlers should be required, upon request, to make advance payments to the producers' cooperative association for member milk. These advance payments would be made on the 23d day of each month for milk received from member producers who have requested an advance from the cooperative association. The payment would be made with respect to milk delivered during the first fifteen days of such month, at not less than the Class II price per hundredweight for the preceding month. Producers indicated that an advance payment for milk would assist in defraying costs more promptly.

Handlers suggested that if advance payments are included they should be made to each producer on or before the last day of each month for milk received from each producer during the first fifteen days of such month, at not less than the Class II price per hundredweight for the preceding month.

One handler makes payments to each producer twice a month on the 4th and 19th days of the month. Other handlers customarily have made advance payments to producers who requested them. The record lacks evidence of any widespread need for the proposed advance payments and, therefore, they are denied.

Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Such other terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order. It is provided that each handler shall report his Class I sales outside the marketing area as a separate figure. In view of the extent of such sales adequate data should be compiled for review in the event the scope of the marketing area should require revision.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a market-wide basis may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers. It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production), (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonfluid milk plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including the handler's own pro-

duction) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial maximum rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cent per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as verifying tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producers receiving the services. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary the market administrator may accept this in lieu of his own service.

There is a need for a marketing services program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization, and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of the Appalachian market, now under Federal regulation, leads to the conclusion that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and order and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer organizations and certain handlers (as defined in the proposed order). The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order which is made part of this decision:

DEFINITIONS

§ 1012.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1012.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1012.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1012.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1012.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engade in making collective sales of or marketing milk or its products for its members.

§ 1012.6 *Bluefield marketing area.* "Bluefield marketing area," hereinafter called the "marketing area," means all the territory geographically located within the perimeters of the counties of Mercer and McDowell, in West Virginia, and Tazewell in Virginia.

§ 1012.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided*, That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section: *And provided further*, That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution.

§ 1012.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 1012.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 1012.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 1012.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of April through July, and (2) on not more than 15 days during any of the months of August through March: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 1012.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 1012.11.

§ 1012.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk, or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 1012.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1012.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1012.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1012.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 1012.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1012.17 *Base milk.* "Base milk" means milk received at a fluid milk plant from a producer during any of the months of April through July which is not in excess of such producer's base for such month computed pursuant to § 1012.81.

§ 1012.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through July, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 1012.80.

MARKET ADMINISTRATOR

§ 1012.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1012.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1012.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1012.95 (1) of the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1012.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1012.30 and 1012.31, or payments pursuant to §§ 1012.90 through 1012.95;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 1012.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1012.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1012.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk, (iii) the days on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to re-

ceive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1012.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1012.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1012.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 1012.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1012.41 through 1012.46.

§ 1012.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1012.43 and 1012.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 1012.42.

§ 1012.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 1012.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 1012.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 1012.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1012.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1012.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1012.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1012.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 200 miles by the shortest highway distance, as determined by the market administrator, from the City Hall, Bluefield, West Virginia, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk if transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1012.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1012.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1012.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1012.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1012.42 (d);

(2) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 1012.41 (a) (1), according to its classification as determined pursuant to § 1012.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1012.50 *Basic formula price.* The highest of the prices computed pursuant to paragraph (a) or (b) of this section and § 1012.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Bellesville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, is above 5 cents.

§ 1012.51 *Class prices.* Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* For each month during the eighteen-month period following the effective date of this order the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April through July; $1.80 during the months of February, March, and August; and plus $2.10 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department of Agriculture.

§ 1012.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price by 0.12, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

§ 1012.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by shortest hard surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified Class I milk, the price specified in § 1012.51 (a) shall be reduced at the rate of 10 cents per hundredweight for a distance of not less than 50 miles but less than 60 miles, plus 1.5 cents per hundredweight additional for each 10 miles, or fraction thereof, beyond 60 miles, according to the location of the fluid milk plant where such milk is received from producers:

County Courthouse, Princeton, W. Va.
City Hall, Bluefield, W. Va.
City Hall, Welch, W. Va.

Provided, That for the purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1012.46 (a) (1) and (2), and the comparable steps in § 1012.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1012.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1012.60 *Producer-handlers.* Sections 1012.40 through 1012.46, 1012.50 through 1012.53, 1012.70 through 1012.72, 1012.80 through 1012.83, and 1012.90 through 1012.96 shall not apply to a producer-handler.

§ 1012.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be

considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1012.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1012.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Bluefield marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1012.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 1012.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 1012.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1012.46 (a) (3) and (b), whichever is less.

§ 1012.71 *Computation of uniform prices for handlers.* For each of the months of August through March the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions to be made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 1012.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through July, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk.

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the sum of the values obtained pursuant to paragraph (d) and the proviso of paragraph (e) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

§ 1012.81 *Computation of base.* The base of each producer to be applied during the months of April through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided,* That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 1012.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler regulated under this order.

§ 1012.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1012.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 1012.71 for the months of August through March, and at not less than the uniform price for base milk computed pursuant to § 1012.72 with respect to base milk received from such producer

and at not less than the uniform price for excess milk computed pursuant to § 1012.72 with respect to excess milk received from such producer for the months of April through July, subject to the following adjustments: (1) The butterfat differential pursuant to § 1012.91, (2) the location differential pursuant to § 1012.92, (3) marketing service deductions pursuant to § 1012.94, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1012.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 1012.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1012.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1012.92 *Location differential to producers.* In making payment to producers pursuant to § 1012.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate: County Courthouse, Princeton, West Virginia; City Hall, Bluefield, West Virginia; or City Hall, Welch, West Virginia.

Distance in miles	Rate per hundredweight (cents)
50 but not less than 60	10
For each additional 10 miles (or fraction thereof) an additional	1.5

§ 1012.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1012.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1012.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1012.90 (b).

§ 1012.95 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 1012.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is

claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1012.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1012.101.

§ 1012.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1012.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1012.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1012.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1012.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 1st day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6271; Filed, Aug. 3, 1956; 8:48 a. m.]

[7 CFR Parts 960, 963]

[Docket Nos. AO-253-A2, AO-233-A6]

HANDLING OF MILK IN AKRON, OHIO, AND STARK COUNTY, OHIO, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND ORDERS

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Social Hall, YMCA, 80 West Center Street, Akron, Ohio, beginning at 10:00 a. m., e. d. t., August 22, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as now in effect, regulating the handling of milk in the Akron, Ohio, and Stark County, Ohio, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the orders, as in effect, were proposed as enumerated below. Proposal No. 1, to redesignate the Akron, Ohio, marketing area to include, in addition to territory now included, the Stark County, Ohio, marketing area and additional territory, (Sections 6 and 7 of Lake Township, Stark County, Ohio), contemplates suspension of all provisions of Order No. 63 with a merger of the marketing service funds, administrative funds, and producer settlement funds of the present orders upon the adoption of such redesignation. This proposal raises the issue as to whether the present provisions of Order No. 60, regulating the handling of milk in the Akron, Ohio, marketing area, would tend to effectuate the declared policy of the act if applied to the marketing area, as proposed to be redesignated, and if not, what modifications of the provisions of the order, in effect, are appropriate to effectuate the declared policy of the act.

Proposed by the Akron Milk Producers', Inc., and the Stark County Milk Producers' Association:

1. Delete § 960.3 *Marketing area* and insert in lieu thereof the following:

§ 960.3 *Marketing area.* The "Akron-Stark County, Ohio, marketing area" hereinafter referred to as "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; and including Franklin, Ravenna, Brimfield, and Suffield Townships in Portage County; and Lots 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40 in Randolph Township in Portage County; Smith Township in Mahoning County, Ohio, except Great Lot 35 thereof; Knox Township of Columbiana County, Ohio; Stark County, Ohio, except Paris and Sugarcreek Townships; and including Sections 1, 2, 3, 10, 11, and 12, in Sugarcreek Township of Wayne County, Ohio.

2. Amend § 960.7 *Producer* by inserting at the end thereof the following: "A person other than a Producer-handler who produces milk and who holds only a Stark County permit or whose milk is received at a pool plant which is only permitted to distribute milk outside of the territorial limits of the Cities of Alliance, Canton or Massillon in Stark County, is a Producer."

3. Add a new § 960.15 *Eligible milk* reading as follows:

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is not in excess of such producer's daily average quota computed pursuant to § 960.53 multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: Provided, that with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 960.53.

4. Add a new § 960.16 *Ineligible milk* reading as follows:

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is in excess of eligible milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.53.

5. Amend § 960.22 (i) (2) by deleting the period at the end thereof and adding the following: "and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk."

6. Delete § 960.50 *Class I price* and insert in lieu thereof the following:

§ 960.50 *Class I price.* The minimum Class I price per hundredweight to be paid by each handler f. o. b. his pool plant for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization, shall be the higher of the prices computed in § 960.51 (a) or (b) plus $2.25 during all months of the year as increased or decreased by the plus or minus adjustments of the supply-demand provisions of Federal Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area.

7. Amend § 960.51 *Class II prices* by inserting at the end of this section immediately preceding paragraph (a) the following: "*Provided*, That the minimum price for such milk used to produce cottage cheese shall be the higher of the prices computed pursuant to paragraph (a) or (b) of this section plus thirty cents (30¢)."

8. Add a new § 960.53 *Determination of eligible milk quota* reading as follows:

§ 960.53 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.54 the market administrator shall determine quotas for producers as follows: During each of the delivery periods of April through June inclusive, of each year beginning with 1958, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

9. Add a new § 960.54 *Quota rules* reading as follows:

§ 960.54 *Quota rules.* (a) An eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered during the quota-forming period.

(b) The quota of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

10. Renumber § 960.62 to become § 960.64.

11. Add a new § 960.62 *Computation of ineligible milk price* reading as follows:

§ 960.62 *Computation of ineligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value of 3.5 percent butterfat basis on ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

12. Add a new § 960.63 *Computation of eligible milk price,* reading as follows:

§ 960.63 *Computation of eligible milk price.* For each of the delivery periods of April through June the Market Administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f. o. b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in §960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) through (c) and adjusting by any amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

13. Insert a new § 960.82 *Exemptions* reading as follows:

§ 960.82 *Exemptions.* The substantive provisions of §§ 960.15, 960.16, 960.53, 960.54, 960.62, and 960.63 shall not become effective until October 1, 1957.

By the Dairy Branch, Agricultural Marketing Service:

14. Make such changes as may be required to make the orders in their entirely conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the orders now in effect, may be procured from the Market Administrator, Room 213, Eastgate Center, 526 S. Canton Rd., Akron 12, Ohio, or 614 Renkert Building, Canton 2, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: August 1, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6270; Filed, Aug. 3, 1956; 8:48 a. m.]

[7 CFR Part 1003]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ESTABLISHING FREE, RESTRICTED AND WITHHOLDING PERCENTAGES FOR 1956-57 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish a free percentage of 75 percent, a restricted percentage of 25 percent, and a withholding percentage of 33.3 percent, in connection with the handling of marketable Deglet Noor dates during the 1956-57 crop year, beginning on August 1, 1956, and ending July 31, 1957. The proposed rule, which is based on the recommendation of the Date Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed percentages for marketable Deglet Noor dates are based on estimates submitted by the Date Administrative Committee, as follows:

Item	1,000 pounds
1. Uncertified handler carryin	4,524
2. Estimated marketable production	27,456
3. Total subject to regulation	31,980
4. Estimated trade demand	24,250
5. Plus desirable carryout	4,000
6. Less certified handler carryin	4,000
7. Free poundage	24,250
8. Restricted poundage (Item 3 minus 7)	7,730

Although the excess of 7,730,000 pounds approximates 24.17 percent of the estimated supply subject to regulation, it appears desirable to round the restricted percentage to 25 percent, making the free percentage 75 percent and the withholding percentage 33.3 percent. The estimated trade demand of 24,250,000 pounds compares with shipments of whole and pitted Deglet Noor dates in the 1955-56 crop year of only 20,841,000 pounds. The committee's estimate for 1956-57 may be too high, and rounding the restricted percentage as indicated would provide a slightly smaller free supply with better opportunity of achieving stabilized prices.

No restriction is proposed on the quantity of marketable Zahidi and Khadrawy dates which may be handled. Both of these varieties receive limited distribution outside the production area and hence offer little competition to the Deglet Noor dates.

Average return to California producers for 1956 crop dates will not exceed the price level specified in section 2 (1) of the aforesaid act.

The proposed rule is as follows:

§ 1003.204 *Free, restricted and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates of the Deglet Noor variety shall be, for the crop year beginning August 1, 1956 and ending July 31, 1957, as follows: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding percentage, 33.3 percent.

Dated: July 31, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6292; Filed, Aug. 3, 1956; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 655]

[Administrative Order No. 465]

PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF EMPLOYER MEMBER OF INDUSTRY COMMITTEE

Leonard Tuttman, a resident of Puerto Rico, having resigned from Industry Committee No. 22–C, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Sam Schweitzer, another resident of Puerto Rico, to serve in his stead on such Committee as a representative of employers.

Signed at Washington, D. C., this 31st day of July 1956.

[SEAL] JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56–6289; Filed, Aug. 3, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11747]

RADIO BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri).

In the third sentence of paragraph 3 of the Notice of Proposed Rule Making (FCC 56–747) released in the above-captioned matter on July 25, 1956, "Channel 3" should read "Channel 26".

Released: July 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56–6260; Filed, Aug. 3, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 2, Amdt. 4]

NAVAJO URANIUM PROSPECTING AND MINING PERMITS

REDELEGATION OF AUTHORITY

Order 2 (19 F. R. 8675) as amended (20 F. R. 2894, 3941 and 8780) is further amended as hereinafter indicated.

A new section is added to Part 3 under the heading, Functions Relating To Lands and Minerals, to read as follows:

SEC. 3.27 *Navajo uranium prospecting and mining permits.* The approval of tribal prospecting, drilling, and exploration permits and mining permits covering uranium and other minerals associated with it, on forms approved by the Commissioner of Indian Affairs, pursuant to 25 CFR Part 186.

W. WADE HEAD,
Area Director.

Approved: July 31, 1956.

E. J. UTZ,
Acting Commissioner.

[F. R. Doc. 56–6256; Filed, Aug. 3, 1956; 8:45 a. m.]

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Correction

In Federal Register Document 56–5701, published at page 5378 of the issue for Wednesday, July 18, 1956, the third line of the land description for Pine Creek Forest Camp should read: "T. 11 N., R. 45 E. (unsurveyed);".

FEDERAL POWER COMMISSION

[Docket No. E–6699]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

JULY 31, 1956.

Take notice that on July 26, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota, and doing business in the States of North Dakota, South Dakota and Minnesota, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance, by competitive bidding, of $15,000,000 principal amount of its First Mortgage Bonds, Series due 1986. Applicant proposes to issue said bonds on or about September 20, 1956. The bonds will be dated as of September 1, 1956, and will mature on September 1, 1986. The interest rate of said bonds will be determined by competitive bidding. Proceeds from the sale of said bonds will be added to general funds of Applicant and will be used for the payment of certain bank loans, for expenditures for additions and improvements to utility properties, for acquisition from a non-affiliated utility company of certain electric utility properties which will be the subject of a separate application to the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 16th day of August 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6263; Filed, Aug. 3, 1956; 8:46 a. m.]

[Docket No. E–6586]

JOHN H. KERR PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOT SALE OF POWER BY SOUTHEASTERN POWER ADMINISTRATION

AUGUST 1, 1956.

In the matters of United States Department of the Interior, Southeastern Power Administration, John H. Kerr Project.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Assistant Secretary of the Interior filed with the Federal Power Commission for approval, certain rates and charges proposed by the Southeastern Power Administration (SEPA), an agency of the Department of the Interior, for the sale of electric energy generated at the John H. Kerr Project on the Roanoke River in the State of Virginia, but allocated and to be delivered to the State of North Carolina.

The proposed rates and charges for which approval is requested consist of (1) a standard Wholesale Firm Power Rate Schedule K–A–2, applicable to public bodies and cooperatives served by Carolina Power and Light Company (the Carolina Company) from its system for the account of SEPA, and (2) rates and charges contained in a contract between SEPA and Carolina Power and Light Company covering the sale of power to the company.

The proposed Wholesale Firm Power Rate Schedule K–A–2 provides for a monthly demand charge of $0.90 per kw and an energy charge of 4.5 mills per kwh. The minimum bill is the demand charge.

The contract with Carolina Company provides for the purchase of various classes of power and energy by the Carolina Company and for transmission and transfer service by Carolina Company. SEPA will deliver to Carolina Company ⅓ of the dependable and non-dependable capacity of the Kerr Project. Carolina Company will transfer a portion, up to 30,000 kw of the dependable capacity it receives to qualified SEPA customers. The remainder of such dependable capacity received by Carolina Company is retained by Carolina Company for its own use. Certain obligations are specified as to the quantities of energy to be delivered by SEPA and to be taken by Carolina Company. The contract also provides for the sale of dump energy by SEPA and the use of generating units at the project as condensers by Carolina Company. In addition, provision is made for Carolina Company to (A) supply at the project energy rate (4.5 mills per kwh), to those customers not owning generating equipment, the difference between such customers' energy requirements for any month and the amount of project energy available to such customers during that month (deficiency energy); and (B) supply under its applicable rate schedule, any additional demands and the energy associated therewith, required by the preference customers over and above the contract demand obligations of SEPA. The rates for these services are as follows:

Deliveries by SEPA:
Demand charges:
Dependable capacity—$0.90 per kw per month.
Non-dependable capacity — $1.470 per month, plus 1.25 cents per kw per day during the period which secondary capacity is guaranteed to be available for three successive weeks.
Energy charges:
Energy accompanying above capacity—4.5 mills per kwh.
Dump energy—3.0 mills per kwh.
Charge for condenser operation—$5.00 per hour per unit.
SEPA will pay the following charges to the Carolina Company:
For transmitting power and energy to SEPA customers:
Zone 1 (100 miles radius)—0.93 mill per kwh.
Zone 2 (165 miles radius)—1.73 mills per kwh.
The wheeling charges do not apply to the delivery of "deficiency energy."

Under a provision of Rate Schedule K–A–2, it is provided that in the event the Carolina Company increases its rate for "deficiency energy" upon the order of a regulatory body having jurisdiction thereof, that SEPA will reduce its customers' power bills for project power and energy so that the customers' payments for such power and energy and "deficiency energy" will be no higher than if the project rates were applied to such total power and energy.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same in writing on or before August 14, 1956, to the Federal Power Commission, Washington 25, D. C. The proposed rates and contract agreements in their entirety are on file with the Commission and available for inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6286; Filed, Aug. 3, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11802; FCC 56–779]

LETCHER BROADCASTING CORP. (WNKY)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Letcher Broadcasting Corporation (WNKY), Neon, Kentucky, Docket No. 11802, File No. BP–10355; for construction permit.

1. The Commission has before it for consideration a "Protest And Petition For Reconstruction" filed on July 13, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Folkways Broadcasting Company, Inc., licensee of Station WTCW, Whitesburg, Kentucky (920 kc, 1 kw, D), and directed to the Commission's action of June 13, 1956, in granting without hearing the above-captioned application of Letcher Broadcasting Corporation (WNKY) for a construction permit for a new standard broadcast station at Neon, Kentucky, to operate on 1450 kilocycles with a power of 250 watts, unlimited time, File No. BP–10355.

2. Folkways Broadcasting Company, Inc. (hereinafter referred to as WTCW) claims that it is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of those terms in sections 309 (c) and 405 of the act because it will suffer economic injury as the result of the operation of WNKY in Neon, Kentucky, which city is 7.5 airline miles removed from Whitesburg, Kentucky, so that the two stations will be in competition for advertising revenue.

3. In support of its pleading, WTCW alleges that the public interest will not be served by the grant in question, that the area involved does not have sufficient economic resources to permit two standard broadcast stations to operate on an economically sound basis, and that the grant was not properly made on the basis of the application before the Commission.

4. WTCW claims that there are insufficient advertising resources in the area in question to support two stations because, according to the 1950 United States Census, the population of Neon, Kentucky is 1,055; that of Whitesburg, Kentucky, 1,393; and that of Letcher County 39,522 (though latest available figures place the County population at some six thousand fewer and the trend toward a diminishing population has not reversed itself); that at night WNKY's 250 watts operation will be limited to its 21.7 mv/m contour and provide interference-free service to less than two thousand people; that Letcher County (with a large number of coal mines) is economically depressed since the demand for coal has lessened; that even if WNKY took all of WTCW's revenues in Letcher County, about $29,630 a year, WNKY still could not survive because WCTW's 1 kilowatt operation enables it to serve a wider area and WTCW has developed every substantial source of advertising revenue in the County; that WNKY would thus fail and a valuable frequency would have been wasted; and that even if WNKY did not fail, the competitive situation in a market which can support only one station would require programming economies on the part of WTCW and the public would then have a choice of two poor services instead of the one good service to which it is now accustomed.

5. WTCW also claims that WNKY is not legally qualified because it has made no showing of compliance with Article IX of its Articles of Incorporation which states that business could commence "after the sum of $10,000 capital is paid in cash or other property of equivalent value actually received and applied to the purposes to which the Corporation is formed." WTCW contends that, in the absence of such a showing, the Commission could not have found WNKY qualified to commence business.

6. WTCW further claims that WNKY is not financially qualified; that WNKY's estimated costs of construction ($13,578–.25) and first-year operation ($20,000) as well as its expected revenues are unrealistic; that operation by remote control as proposed requires at least an investment of $1,000 for equipment for which no provision has been made; that salary expenses alone would amount to a minimum of $15,000 per year; that WNKY could not operate for one year on the balance of $5,000; that WNKY'S amendment of May 11, 1956, submitting bank commitments for three of the stockholders was not in accordance with §§ 1.303 and 1.307 of the Commission's rules on verification and number of copies and is, therefore, ineffective to resolve questions of financial qualifications raised by the Commission's letter of May 1, 1956, to WNKY; that the balance sheet for W. Pearl Nolan, more than 14 months old when filed, did not show that he could meet his stock commitment and an up-to-date balance sheet should have been requested, especially because the application reflected that Mr. Nolan acquired a daily newspaper in Hazard subsequent to the date of his balance sheet; that the net income after Federal taxes for the past two years was not specifically shown for two stockholders and not properly shown for five other stockholders as required by FCC Form 301; that the financial statement of Dr. Sam Quillen was not dated; that the financial statement of another stockholder, Hillard Kincer, was fifteen months old when filed; and that in the face of these deficiencies the Commission acted improperly in finding the applicant financially qualified.

7. WTCW further claims that WNKY is not otherwise qualified because contrary to representation made in the application, a former officer and stockholder of the permittee corporation is still connected with WNKY; that this connection is a material matter because said person is not qualified to be "entrusted as officer, director, stockholder or station manager with a radio license"; and that the continuing connection of said person with WNKY raises a question as to whether complete disclosure was made to the Commission by the applicant in its amendment filed on March 23, 1956.

8. Because of all of the foregoing, WTCW requests the Commission to reconsider its action in granting without hearing the above-captioned application; and, upon reconsideration, to deny the application, or to designate the application for hearing on issues specified by the protestant and such others as the Commission may prescribe and make the protestant a party to the hearing; postpone the effective date of the grant in question pending hearing and decision

therein; and such other relief as may seem fitting and proper in the case.[1]

9. WTCW specifies the following issues on which it requests the opportunity to present evidence at an evidentiary hearing:

a. To determine whether the applicant on the basis of information submitted in the application is financially qualified to construct, own, and operate the proposed radio station.

b. To determine whether or not the applicant is legally qualified to construct, own, and operate the proposed station.

c. To determine whether the applicant is otherwise qualified to construct, own, and operate a radio station.

d. To determine whether the omissions in the application of Letcher Broadcasting Corporation preclude the grant of the application.

e. To determine the adequacy of Letcher Broadcasting Corporation's financial ability to carry out its proposed operation in the event the revenues expected by it are not obtained.

f. To determine whether the radio advertising potential of the Whitesburg-Neon, Kentucky market is sufficient to support both Station WTCW and the proposed station.

g. To determine, if the foregoing issue is determined in the negative, whether: (a) A grant of the application will jeopardize the continued existence of the local radio station in Whitesburg, Kentucky, with the result that the listening public will be left without adequate radio service, or (b) the radio service to be received from the Whitesburg station and the proposed station may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided to the area from WTCW.

h. To determine whether any concealment was attempted on the part of the applicant with reference to the association or disassociation of Hence Eversole and the applicant.

i. To determine whether or not Hence Eversole has any interest in or connection with the applicant, and if so, the extent thereof.

j. To determine if Hence Eversole is qualified to have an interest in, or be associated with, a radio broadcast station.

k. To determine whether, in the light of the evidence adduced on the foregoing issues, the public interest, convenience, or necessity would be served by a grant of the application of Letcher Broadcasting Corporation for a construction permit.

10. In view of the facts that the protestant is licensee of standard broadcast Station WTCW, Whitesburg, Kentucky, which city is approximately 7.5 airline miles from Neon, Kentucky, where WNKY proposes to operate; and that the two stations would, therefore, be in direct competition and that WTCW would suffer economic injury as a result thereof, we find that the protestant is a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. In re T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008); Clarksville Broadcasting Co., 10 Pike and Fischer RR 1274, 1276. We further find that the protestant has, within the meaning of section 309 (c), specified with sufficient particularity the facts relied upon as showing the grant in question was improperly made or would otherwise not be in the public interest, with respect to the Issues it has designated as a, b, e, f and g (see paragraph 9 supra), to warrant designating the above-captioned application for hearing on those issues. But the Commission is not adopting said issues, and the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on the protestant. Further, in making the above findings, and by including the issues set forth below, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the instant grant was improper, contrary to the public interest, or should be set aside. We further find that WTCW has not specified with sufficient particularity, within the meaning of section 309 (c), the facts relied upon with respect to the Issues it has designated as c, d, h, i and j. Said Issues c, h, i and j are based upon allegations made by WTCW against a former officer and stockholder of WNKY, but WTCW has failed to show that the said party has any present ownership interest in WNKY to make consideration of his qualifications here pertinent. Issue d is unsupported as an issue separate and apart from Issue a, which covers the financial qualifications of WNKY.

11. Section 309 (c) provides that "the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."[2] We thus turn to the need for the service proposed by the instant grantee. No standard broadcast station is presently licensed to serve Neon, Kentucky, and WTCW in Whitesburg, Kentucky, is a daytime only station. Therefore, WNKY would provide a first local radio outlet to Neon, giving it a vehicle of expresson for local issues and providing radio time for local charitable, educational, religious and civic programs of special interest. In addition, WNKY would provide the first local nighttime service to Neon and the surrounding area. Although WTCW, operating with one kilowatt, already provides daytime radio service to all of the 48,210 persons residing within WNKY's proposed 0.5 mv/m contour, it is in the public interest to establish a second local transmission facility in the Neon-Whitesburg area. WTCW does not allege nor does the Commission find that the area in question has a second existing local transmission facility. Accordingly, a need exists for the establishment of a second service in the area to provide listeners an opportunity to choose between two locally originated programs and to bring to the area the stimulus of competition in local radio operations. In re Vermillion Broadcasting Corporation, 7 Pike and Fischer RR 602b (1953).

12. It is apparent from the foregoing that there is a need for the service in question and that the public interest would be served by the initiation of such service, barring countervailing considerations. We turn, therefore, to the other aspect of the judgment—an interlocutory determination of the merits of the protest and the "likelihood that the grant in question would ultimately have to be set aside"—for the limited purpose of deciding whether the grant in issue should be stayed while an evidentiary hearing is being held on the protest.[3] The protestant contends that the grantee is not financially qualified to construct and operate its proposed station for the reasons set forth in paragraph 6, supra. While WNKY's letter of May 11, 1956 transmitting the additional financial information was not verified in accordance with § 1.307 of our rules, the financial material itself, three separate bank commitments to lend money to three stockholders, was under oath. With this information and the data submitted in the application, the Commission was able to conclude that each of the 9 stockholders could meet his respective subscription of $3,000 each. WTCW also contends that WNKY's estimated cost of construction of $13,578 is "unrealistic", but has not supported this statement except to declare that a further expenditure of $1,000 would be needed for remote control equipment. Even by adding $1,000 to the estimated cost of construction it would appear that the $27,000 capitalization of WNKY would be sufficient to meet initial construction and initial operating costs of the station, and that the applicant was financially qualified to receive a grant of its application. WTCW claims that WNKY is not legally qualified because there is no showing by WNKY that it has complied with Article IX of its Articles of Incorporation which states that the corporation could commence business after the sum of $10,000 has been paid in. It is unnecessary for us to determine WNKY's exact corporate status because WNKY as a de facto corporation is legally qualified to file for and receive a construction permit from the Commission. Finally, although WTCW has offered no data as to its gross or net income, WTCW contends that the public interest would not be served by the grant because establishment of the proposed operation would force WTCW to render an inferior program service. We believe, as we stated in Voice of Cullman, 6 Pike and Fischer RR 164 (1950), that "both stations may survive either by attracting sufficient revenue or by reducing expenses without necessarily degrading their program service since quality or program service cannot be measured by cost alone."

13. In summary, we believe the showing made by WTCW (see paragraph 12, supra) does not countervail the factors hereinbefore pointed out in support of the conclusion that the public interest would be served by the grant in question. Moreover, for the reasons noted with respect to each of the issues included in the hearing provided for below, we believe that the likelihood of the grant having to be set aside is small. In these circumstances, we affirmatively find that the public interest requires the grant to remain in effect. In re applications of: Coos County Broadcasters, 13 Pike and Fischer RR 625; Donald F. Whitman, 13 Pike and Fischer RR 849.

14. *Accordingly, it is ordered*, That the subject Protest and Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the applicant on the basis of information submitted in the application is financially qualified to construct, own and operate its proposed station.

2. To determine whether the applicant is legally qualified to construct, own and operate its proposed station.

3. To determine the adequacy of the applicant's financial ability to carry out its proposed operation in the event the revenues expected by it are not obtained.

4. To determine whether the radio advertising potential of the Whitesburg-Neon, Kentucky market is sufficient to support both Station WTCW and the station proposed by the applicant.

5. To determine, if Issue 4 is determined in the negative, whether: (a) A grant of the application will jeopardize the continued existence of Station WTCW in Whitesburg, Kentucky, with the result that the listening public will be left without adequate radio service, or (b) the radio service to be received from the Whitesburg station and the proposed station may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided by WTCW.

6. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, the public interest, convenience, or necessity would be served by a grant of the application of Letcher Broadcasting Corporation for a construction permit.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

1. The appearances by the parties intending to participate in the hearing shall be filed not later than August 29, 1956; and

2. The hearing on the above issues is to commence at 10:00 a. m. on September 27, 1956 before an Examiner to be specified by the Commission; and

3. The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: July 30, 1956.

Released: July 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6261; Filed, Aug. 3, 1956; 8:46 a. m.]

[Amdt. 0-23]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

COMMERCIAL AND AMATEUR RADIO OPERATOR EXAMINATION POINTS

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing that the number of examinations given does not warrant continued holding of quarterly examinations at Jackson, Mississippi, and that such examinations should instead be given semi-annually; and

It further appearing that for the same reason Butte, Montana should be changed from a semi-annual to an annual examination point and Tallahassee, Florida should be eliminated as an annual examination point; and

It further appearing that the amendment herein ordered is not substantive in nature and therefore compliance with the public rule making procedures required by section 4 (a) and (b) of the Administrative Procedure Act is not required and the amendment may be made effective September 10, 1956.

It is ordered, Pursuant to authority contained in section 0.341, under authority delegated to the Secretary after having secured approval of the Bureau responsible for the particular part or section of the rules involved, and to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 3 (a) of the Administrative Procedure Act, that section 0.413 (c) (1) of Statement of Organization, Delegations of Authority and other Information, be amended as set forth below, effective September 10, 1956.

Adopted: July 31, 1956.

Released: July 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1. Amend section 0.413 (c) (1) by removing Jackson, Mississippi from the "quarterly" listing, adding that city in alphabetical sequence to the "semi-annual" listing within this subsection.

2. Amend section 0.413 (c) (1) by removing from the "semi-annual" listing the city of Butte, Montana, adding this city in alphabetical sequence to the "annual" listing within this subsection.

3. Amend section 0.413 (c) (1) by removing from the "annual" listing the city of Tallahassee, Florida.

[F. R. Doc. 56-6262; Filed. Aug. 3, 1956; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 34]

REGIONAL AND ASSISTANT REGIONAL COMMISSIONERS (ALCOHOL AND TOBACCO TAX)

DELEGATION OF AUTHORITY TO ACCEPT OR REJECT CERTAIN OFFERS

Acceptance or rejection of offers in compromise of certain liabilities under Chapter 51, Internal Revenue Code of 1954.

1. There is hereby delegated to each Regional Commissioner and to each Assistant Regional Commissioner (Alcohol and Tobacco Tax) the authority to accept or reject offers in compromise of:

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[1] While WTCW also requests the Commission to postpone immediately the effective date of the grant until the Commission renders a decision on the subject Protest and Petition for Reconsideration in order to preserve the status quo, we hereby deny said request because we have expedited action on this instant Opinion and Order disposing of the subject Protest and Petition for Reconsideration.

[2] The Senate Report on H. R. 5614 amending section 309 (c) (1 Pike and Fischer RR 10:373) reads, in part, as follows:

"It must be recognized that there will be cases where protestants will plead the facts to which the Commission cannot demur, although, on the basis of all the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect but the Commission must affirmatively find and set forth reasons in its decision as to why the public interest requires the grant to remain in effect.

"The Committee is well aware of the very real inconvenience to the public which would result if a grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated. However, in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside. The Committee feels that these requirements will minimize the possibility of the public being deprived of a service on which it has come to rely. In any event, we do not believe that, to insure against the remote possibility that an operating service may have to be taken off the air, it is necessary or advisable to preclude any operation by a station pending a protest hearing regardless of any countervailing public interest considerations."

[3] The protestant, in the evidentiary hearing hereinafter provided for, will have full opportunity to develop supporting evidence for its position. After the evidentiary hearing and the Examiner's Initial Decision we will be able to make a final determination as to whether the public interest is served by the grant in question on the basis of the evidence of record.

(a) Tax liabilities arising from:

(i) The illegal production of untaxpaid distilled spirits, wines, or beer, and

(ii) The failure to file returns of, or to pay, occupational taxes with respect to distilled spirits, wines, or beer, and

(b) Criminal liabilities of retail dealers in liquor arising from violations of the internal revenue laws relating to liquor, including the reuse of liquor bottles.

2. The exercise of the authority delegated herein to each Assistant Regional Commissioner (Alcohol and Tobacco Tax) shall be under the direction and supervision of his Regional Commissioner.

Issued: July 27, 1956.

Effective date: August 1, 1956.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 56-6279; Filed, Aug. 3, 1956; 8:49 a. m.]

[Delegation Order 36]

DIRECTOR OF INTERNATIONAL OPERATIONS

AUTHORITY EXTENDED TO PANAMA CANAL ZONE, PUERTO RICO AND THE VIRGIN ISLANDS

Pursuant to the authority vested in me by Commissioner Delegation Order No. 33, dated June 6, 1956, it is hereby ordered:

1. Subject to the limitations contained in paragraph 2, there are delegated to the Director of International Operations the functions of administering the United States internal revenue laws in the Panama Canal Zone, Puerto Rico, and the Virgin Islands of the United States, and in all other areas of the world outside the United States and the territories of Alaska and Hawaii, to the extent of the authority delegated by Commissioner Delegation Order No. 32, dated May 1, 1956.

2. Nothing in this order shall be deemed to affect the procedures for administrative appeal existing immediately prior to August 1, 1956, or any function of the Assistant Regional Commissioner (Alcohol & Tobacco Tax), New York City Region.

3. This order is effective August 1, 1956.

Dated: July 31, 1956.

[SEAL] C. W. STOWE,
Assistant Commissioner.

[F. R. Doc. 56-6277; Filed, Aug. 3, 1956; 8:49 a. m.]

Office of the Secretary

[Treasury Dept. Order 150-42]

PANAMA CANAL ZONE, PUERTO RICO, AND THE VIRGIN ISLANDS

ADMINISTRATION OF INTERNAL REVENUE LAWS

By virtue of the authority vested in me as Secretary of the Treasury it is hereby ordered:

1. The Panama Canal Zone is removed from the Internal Revenue District, Jacksonville, and from the Atlanta Region; and Puerto Rico and the Virgin Islands of the United States are removed from the Internal Revenue District, Lower Manhattan, and from the New York City Region.

2. The Commissioner shall, to the extent of authority otherwise vested in him, provide for the administration of the United States internal revenue laws in the Panama Canal Zone, Puerto Rico, and the Virgin Islands.

3. This order shall not be deemed to affect the procedures for administrative appeal existing immediately prior to August 1, 1956.

4. This order shall be effective as of August 1, 1956.

Dated: July 27, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6280; Filed, Aug. 3, 1956; 8:50 a. m.]

[Treasury Dept. Order 167-23; CGFR 56-33]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS RELATING TO AIDS TO MARITIME NAVIGATON ON FIXED STRUCTURES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under the act of June 4, 1956 (Public Law 550, 84th Congress), an act which relates to the establishment, maintenance, and operation of aids to maritime navigation on fixed structures.

Dated: July 27, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6276; Filed, Aug. 3, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1520]

GENERAL TIRE & RUBBER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 31, 1956.

In the matter of General Tire & Rubber Company, 3¾ percent Cumulative Preferred Stock, $100 Par Value, File No. 1-1520.

Midwest Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As provided in Article III, section 4, of the Constitution of the Exchange, on June 14, 1956, this security was suspended from trading, and the Executive Committee directed the filing of this application for the following reason:

The Exchange has been informed by the Company that all but 1,771 shares of the subject security have been converted into its 4¼ percent Subordinated Debentures or 4¼ percent Preference Stock and transferable 5-year warrants for the purchase of common stock pursuant to an offer approved by the Company's stockholders on April 3, 1956.

The Midwest Stock Exchange does not feel that the small number of outstanding shares of the 3¾ percent Preferred Stock warrants the continuance of trading in the auction market.

Upon receipt of a request, on or before August 15, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing an this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6264; Filed, Aug. 3, 1956; 8:46 a. m.]

[File No. 1-3823]

RHINELANDER PAPER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 31, 1956.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The outstanding amount thereof, after deducting concentrated holdings of the St. Regis Paper Company, has been so reduced as to make further dealings therein on the Exchange inadvisable in the opinion of the Exchange. Dealings on the Exchange in the Rhinelander Paper Company common stock were suspended before the opening of the trading session on July 23, 1956.

The St. Regis Paper Company pursuant to a prospectus dated March 15, 1956, under the Securities Act of 1933 offered to holders of the outstanding shares of the Common Stock of the Company, one share of Common Stock of St. Regis Paper Company in exchange for each

share of Common Stock of the Company. A report dated July 17, 1956, from the Transfer Department of the St. Regis Paper Company indicates the issuance of 538,060 shares of St. Regis Paper Company in exchange for a like number of shares of Rhinelander Paper Company, thus indicating that there remain outstanding in the hands of others than the St. Regis Paper Company 1,940 shares of Rhinelander Paper Company of the total of 540,000 shares issued and outstanding.

Upon receipt of a request, on or before August 16, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6265; Filed, Aug. 3, 1956; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 20 (Revision 2)]

DEPUTY ADMINISTRATOR FOR PROCUREMENT AND TECHNICAL ASSISTANCE

DELEGATION OF AUTHORITY

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), there is hereby delegated to the Deputy Administrator for Procurement and Technical Assistance the following authority:

A. *General.* To carry out all functions listed for the Deputy Administrator for Procurement and Technical Assistance in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To take any and all actions relating to matters involving Certificates of Competency, including the issuance or denial of such Certificates, under the statutory or other authority of this Administration.

2. To authorize and approve his personal travel and that of the employees of the Washington Office under his supervision except travel where actual subsistence expenses are requested.

3. To approve sick and annual leave, leave without pay not in excess of 30 days, and overtime work for employees under his supervision.

C. *Correspondence.* 1. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the Procurement and Technical Assistance Programs.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authority delegated in I. B. 1 may not be redelegated.

III. All authorities delegated herein may be exercised by any member of SBA designated as Acting Deputy Administrator for Procurement and Technical Assistance.

Dated: July 19, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6266; Filed, Aug. 3, 1956; 8:47 a. m.]

[Delegation of Authority 10 (Revision 1)]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

DELEGATION OF AUTHORITY

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952) as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), there is hereby delegated to the Deputy Administrator for Financial Assistance the authority:

A. *General.* To carry out all functions listed for the Deputy Administrator for Financial Assistance in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To execute Authorizations and all modifications thereof for the disbursement of loan funds.

2. To approve or decline business and disaster loan applications and amendments thereof involving (a) split recommendations by the Loan Review Committee and the Regional Office, (b) unanimous recommendations by the Loan Review Committee and the Regional Office for declination of the application, and (c) unanimous recommendations by the Loan Review Committee and the Regional Office for the approval of the application.

3. To accept for processing disaster loan applications received after expiration of the six months' disaster period.

4. To take any and all actions (not limited to or specifically reserved by the Administrator) relating to the collection of loans and the liquidation of collateral.

5. To authorize or approve his personal travel and the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

6. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* 1. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the financial assistance program.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authority delegated in I B 1 and I B 2 (a) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. I reserve unto myself the authority to act on any and all matters involving or relating to financial assistance.

V. A. All previous authority delegated to the Deputy Administrator or Acting Deputy Administrator for Financial Assistance, including the authority delegated by Delegation of Authority No. 10, dated May 4, 1955, and the Delegation of Authority dated July 7, 1955, is hereby rescinded.

B. All previous authority delegated by the Administrator to the Director, Office of Financial Assistance, or the Acting Director, Office of Financial Assistance, including Authority delegated on July 7, 1955, as amended on July 11, 1955, and Delegation of Authority No. 11, dated May 14, 1956, is hereby rescinded.

C. All previous authority delegated by the Administrator to the Chairman, Loan Review Committee, and the Loan Review Committee, including Delegation of Authority No. 11, dated May 14, 1956, is hereby rescinded.

Dated: July 17, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6267; Filed, Aug. 3, 1956; 8:47 a. m.]

[Delegation of Authority 10-1]

DIRECTOR, OFFICE OF FINANCIAL ASSISTANCE

DELEGATION OF AUTHORITY

I. Pursuant to the authority delegated to the Deputy Administrator for Financial Assistance by the Administrator by Delegation of Authority No. 10 (Revision No. 1), dated July 17, 1956, there is hereby redelegated to the Director, Office of Financial Assistance, the authority:

A. *General.* To carry out all functions listed for the Office of Financial Assistance in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To approve or decline business and disaster loan applications involving (a) unanimous recommendations by the Loan Review Committee and the Regional Office for declination of the application, and (b) unanimous recommendations by the Loan Review Committee and the Regional Office for the approval of the application.

2. To approve or decline all amendatory actions relating to loans.

3. To accept for processing disaster loan applications received after the expiration of the six months' disaster period.

4. To take the following specific actions relating to the collection of problem loans and loans in liquidation:

(a) Approve charge offs up to $2,500.

(b) Approve sales and releases of collateral at not less than liquidating values reflected by the latest appraisal of the property.

(c) Approve advances for care and preservation of collateral up to the lesser of $1,000 or 10 percent of the amount owing on the loan.

(d) Approve expenditures of not to exceed $500 for appraisals by outside appraisers when and if the services of qualified SBA appraisers are not available.

(e) Authorize the carrying of loans having unpaid balances in excess of $50,000 in past due statuses.

5. To authorize or approve his travel and the travel of Washington Office employees under his supervision, except travel where actual subsistence expenses are requested.

6. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy-making correspondence, except congressional correspondence, relating to the functions of the Office of Financial Assistance.

II. The specific authorities delegated in I B 1 (a), I B 3, I B 5, I B 6 (b) and (c) and I C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Financial Assistance.

IV. All previous authority delegated to the Director or Acting Director, Office of Financial Assistance, by the Deputy Administrator for Financial Assistance is hereby rescinded.

Dated: July 31, 1956.

W. NORBERT ENGLES,
Deputy Administrator for Financial Assistance.

[F. R. Doc. 56-6268; Filed, Aug. 3, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Parts 522 and 527 of the regulations issued thereunder (29 CFR Parts 522 and 527), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and in subject to the provisions of Parts 522 and 527. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-56 to 7-18-57 (children's dresses).

Blakely Manufacturing Corp., Highway No. 62, Blakely, Ga.; effective 7-4-56 to 7-3-57 (washable service garments).

E. S. Blouse Co., 106-24 Pinegrove Street, Jamaica, N. Y.; effective 7-2-56 to 1-1-57 (cotton blouses).

Colonial Blouse Co., 112 Line Street, Pottsville, Pa.; effective 7-16-56 to 7-15-57 (ladies' blouses).

Colonial Shirt Corp., Woodbury, Tenn.; effective 7-21-56 to 7-20-57 (dress and sport shirts).

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 7-6-56 to 7-5-57 (work pants, dungarees).

Elena Dress Co., 124 Water Street, Leominster, Mass.; effective 7-6-56 to 7-5-57 (children's dresses and slips).

Elmo Blouse Corp., Palmer Road, Rockwell, N. C.; effective 7-11-56 to 7-10-57 (ladies' cotton work and sport shirts, blouses, etc.).

Evergreen Garment Co., Inc., Pecan Street, Evergreen, Ala.; effective 7-2-56 to 7-1-57 (sport shirts).

Grafton Manufacturing Co., Route No. 4, Riverside Drive, Grafton, W. Va.; effective 7-25-56 to 7-24-57 (ladies' and children's blouses).

Hollywood Corset Co., Athens Mill Building, North Faulk Street, Athens, Tex.; effective 7-16-56 to 7-15-57 (brassieres).

Hunter-Sadler Co., Strauss Street, Tupelo, Miss.; effective 7-16-56 to 7-15-57 (sport shirts).

Huntington Manufacturing Co., Inc., 629 10th Street, Huntington, W. Va.; effective 7-12-56 to 7-11-57 (wash dresses).

Edward Hyman Co., Prentiss, Miss.; effective 7-12-56 to 7-11-57 (washable service apparel).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex.; effective 7-9-56 to 7-8-57 (cotton work clothes).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-56 to 7-2-57 (sport shirts).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 7-3-56 to 7-2-57 (cotton wash dresses).

Kenrose Manufacturing Co., Inc., Radford, Va.; effective 7-3-56 to 7-2-57 (cotton wash dresses).

Lee Mar of California, 910 South Los Angeles Street, Los Angeles, Calif.; effective 7-5-56 to 7-4-57 (blouses).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-56 to 7-20-57 (dresses).

The Neatform Co., Inc., 641 Sixth Avenue, New York, N. Y.; effective 7-2-56 to 1-1-57 (girdles, garter belts, brassieres).

New England Sportswear Co., 47 Walnut Street, Peabody, Mass.; effective 7-3-56 to 7-2-57 (leather garments).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7-15-56 to 7-14-57 (children's dresses).

Renovo Shirt Co., Inc., Mena, Ark.; effective 7-27-56 to 7-26-57 (sport shirts).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-56 to 7-27-57 (work pants).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-9-56 to 7-8-57 (ladies' rainwear).

West Union Garment Co., Inc., West Union, W. Va.; effective 7-11-56 to 7-10-57 (brassieres, sun halters, peddle pushers).

Whiteville Manufacturing Co., Wilmington Road, Whiteville, N. C.; effective 7-8-56 to 7-7-57 (jeans, jackets and shirts) (replacement certificate).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized.

Blue Bell Dress Co., Inc., 33 East Northampton Street, Wilkes-Barre, Pa.; effective 7-9-56 to 7-8-57; 5 learners (ladies' dresses).

David W. Brown Co., 400 Adams Avenue, Woodbine, N. J.; effective 7-5-56 to 7-4-57 (women's blouses).

Elaine Togs, Inc., 808 Driggs Avenue, Brooklyn, N. Y.; effective 7-11-56 to 1-10-57 (children's sportswear).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 7-21-56 to 7-20-57 (pajamas).

Era's, Inc., Salisbury Drive, Mooresville, N. C.; effective 7-9-56 to 7-8-57 (dusters) (replacement certificate).

H & H Dress Co., Inc., Washington Street, Jermyn, Pa.; effective 7-2-56 to 7-1-57 (dresses).

Hollywood Corset Co., 109 East Commerce Street, Eastland, Tex., effective 7-25-56 to 7-24-57 (brassieres).

Hollywood Corset Co., East Main Street, Eastland, Tex., effective 7-12-56 to 7-11-57 (brassieres).

Jeanette's Originals, 4815 Central Avenue, N. W., Albuquerque, N. Mex.; effective 7-5-56 to 7-4-57; 2 learners (ladies' and children's fiesta dresses).

Kent Uniforms, Inc., Burkesville, Ky.; effective 7-12-56 to 7-11-57; 5 learners (nurses and utility uniforms) (replacement certificates).

Lurrie Pizer Co., 717 North Jeffers, North Platte, Nebr.; effective 7-13-56 to 7-12-57; 5 learners (children's dresses).

Newport Manufacturing Co., Inc., Newport, Vt.; effective 7-9-56 to 7-8-57; 5 learners (women's dresses).

Pamela Creations, 11100 Cumpston Street, North Hollywood, Calif.; effective 7-16-56 to 7-15-57; 2 learners (women's bouffant petticoats).

Rita's Sportswear, 242 North Main Street, Moscow, Pa.; effective 7-22-56 to 7-21-57 (ladies' blouses).

Rowker Manufacturing Co., Inc., West Tioga Street, Tunkhannock, Pa.; effective 7-16-56 to 7-15-57; 5 learners (dresses).

Shrewsbury Manufacturing Co., Inc., 46 East Forest Street, Shrewsbury, Pa.; effective 7-11-56 to 7-10-57; 6 learners (women's and children's sleepwear).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Alexis, Inc., Gainesville, Ga.; effective 7-10-56 to 1-9-57; 25 learners (infantswear, rainwear).

Blakely Manufacturing Corp., Highway No. 62, Blakely, Ga.; effective 7-4-56 to 1-3-57; 20 learners (washable service garments).

Byrds Manufacturing Corp., Star City, Ark.; effective 3-1-56 to 8-31-56; 50 learners (sport shirts) (replacement certificate).

Byrds Manufacturing Corp., Star City, Ark.; effective 6-25-56 to 12-24-56; 100 additional learners (sport shirts).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 7-5-56 to 1-4-57; 40 learners (pajamas).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-56 to 1-2-57; 50 learners (sport shirts).

Myrna Mills, Inc., Adamsville, Tenn.; effective 7-11-56 to 1-10-57; 20 learners (men's and boys' sport shirts).

Sunbright Manufacturing Co., Sunbright, Tenn.; effective 7-9-56 to 1-8-57; learners (sport shirts).

Ray Lee, Inc., 1405 Warford Avenue, Memphis, Tenn.; effective 7-10-56 to 1-9-57; 50 learners (dresses) (supplemental certificate).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Heusner Cigar Co., Inc., 228 High Street, Hanover, Pa.; effective 7-5-56 to 2-28-57; 5 learners for normal labor turnover purposes (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Portis Style Industries, Inc., 10th and Green Streets, Michigan City, Ind.; effective 7-16-56 to 7-15-57; 10 learners for normal labor turnover purposes (cloth dress gloves).

Star Glove Co., 424 Apperson Way, Kokomo, Ind.; effective 7-17-56 to 1-16-57; 10 learners for plant expansion purposes (work gloves).

Star Glove Co., 424 Apperson Way, Kokomo, Ind.; effective 7-17-56 to 7-16-57; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated. The number of learners authorized is indicated:

Acca Hosiery Mills, 115½ Young Avenue, Henderson, N. C.; effective 7-9-56 to 7-8-57; 5 learners (seamless).

Dawson Hosiery, Inc., Crawford Drive, Dawson, Ga.; effective 7-16-56 to 7-15-57; 5 learners (full-fashioned).

East Flat Rock Knitting Mill, East Flat Rock, N. C.; effective 7-12-56 to 7-11-57; 5 learners (seamless).

Hollar Hosiery Mills, Inc., 5 First Avenue, NW., Hickory, N. C.; effective 7-6-56 to 7-5-57; 5 learners (seamless).

C. D. Jessup & Co., Claremont, N. C.; effective 7-16-56 to 7-15-57; 5 learners (seamless).

The Noide & Horst Co., Pittsboro, N. C.; effective 7-9-56 to 8-31-56; 10 learners for plant expansion purposes (seamless) (supplemental certificate).

Strutwear, Inc., 1015 South Sixth Street, Minneapolis, Minn.; effective 7-9-56 to 7-8-57; five percent of factory production workers engaged in the manufacture of hosiery (full-fashioned, seamless).

Unique Knitting Co., Acworth, Ga.; effective 7-16-56 to 7-15-57; 5 percent of factory production workers (seamless).

Van Raalte Co., Inc., Athens, Tenn.; effective 7-9-56 to 7-8-57; 5 percent of factory production workers (full-fashioned).

Wytheville Knitting Mills, Inc., Wytheville, Va.; effective 7-6-56 to 7-5-57; five percent of factory production workers (full-fashioned, seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Monroeville Telephone Co., Inc., Monroeville, Ala.; effective 7-12-56 to 7-11-57.

Mountain Home Telephone Co., Inc., 503 Baker Street, Mountain Home, Ark.; effective 7-10-56 to 7-9-57.

Northern Ohio Telephone Co., Attica, Ohio; effective 7-16-56 to 7-15-57.

Northern Ohio Telephone Co., Plymouth, Ohio; effective 7-16-56 to 7-15-57.

Traill County Telephone Co., Hillsboro, N. Dak.; effective 7-12-56 to 7-11-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Arlene Sportswear Co., 2950 Fulton Street, Brooklyn, N. Y.; effective 7-11-56 to 1-10-57; 3 learners (bathing suits, playsuits, etc.).

Dutchess Underwear Corp., Old Forge, Pa.; effective 7-18-56 to 7-17-57; 5 percent of factory production workers.

International Knitting Mills, 53 Parker Street, Wallingford, Conn.; effective 7-12-56 to 7-11-57; 5 learners (ladies' and boys' sweaters).

Rockwell Manufacturing Corp., St. Paul, Va.; effective 7-16-56 to 7-15-57; 5 percent of factory production workers (ladies' slips).

Wonderknit Corp., Plant No. 1, 120 West Grayson Street, Galax, Va.; effective 7-13-56 to 7-12-57, 5 percent; of factory production workers (knitted shirts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Dale Footwear, Inc., Landis Street, Coopersburg, Pa.; effective 7-16-56 to 7-15-57; 10 percent of factory production workers for normal labor turnover purposes.

Mercer Shoe Co., Ballinger, Tex.; effective 7-5-56 to 1-4-57; 15 learners for plant expansion purposes.

Mercer Shoe Co., Ballinger, Tex.; effective 7-5-56 to 7-4-57; 10 learners for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Almont Manufacturing Co., Inc., 36 Whittier Street, Boston, Mass.; effective 7-8-56 to 1-7-57; not less than 90 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 4 learners for normal labor turnover purposes (garment bags, blanket bags, etc.).

E. Bonelli & Co., Inc., 692 Broadway, New York, N. Y.; effective 7-6-56 to 1-5-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits, sportcoats, etc.).

Cameron and Co., Inc.; 2321 Oak Street, Napa, Calif.; effective 7-16-56 to 1-15-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 10 learners for expansion purposes in the manufacture of men's sport coats only (men's sport coats) (supplemental certificate).

Chenille Co. of Georgia, 324 Canal Street, New York, N. Y.; effective 7-5-56 to 1-4-57; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of formers and benders; authorizing the employment of 3 learners for normal labor turnover purposes (chenille novelty pinups).

Comack, Inc., 24 Willow Street, Amsterdam, N. Y.; effective 7-2-56 to 12-31-56; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of sock loopers and sewing machine operators; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of hand sewers; authorizing the employment of 5 learners for normal labor turnover purposes (slipper socks, sock looping).

Delfiner Bros., Inc., 121 North Seventh Street, Philadelphia, Pa.; effective 7-5-56 to 1-4-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 4 learners for normal labor turnover purposes (canvas coat fronts).

Dixie Paper Box Co., Inc., Hartsville, Tenn.; effective 7-12-56 to 1-11-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine operations with the exception of cutting, scoring and slitting; authorizing the employment of 17 learners for expansion purposes (paper boxes).

El Rita Trimmed Hat Co., 1027 Broadway, Kansas City, Mo.; effective 7-9-56 to 1-8-57; not less than 90 cents per hour for a maximum of 160 hours, for the occupation of hat trimmers; authorizing the employment of 2 learners for normal labor turnover purposes (ladies' hats).

Glen L. Evans, Inc., 506 Paynter Avenue, Caldwell, Idaho; effective 7-2-56 to 12-31-56; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of fly tier; authorizing the employment of 10 percent of factory production workers for normal labor turnover purposes (fish flies and cork bugs, etc.).

Goodstein Manufacturing Corp., 10 West 20th Street, New York, N. Y.; effective 7-5-56 to 1-4-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (topcoats, overcoats, sportcoats).

Grieco Bros., 181 Canal Street, Lawrence, Mass.; effective 7-12-56 to 1-11-57; not less than 90 cents per hour for a maximum of 480 hours, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits, sportcoats, etc.).

Millbridge Canning Corp., Millbridge, Maine; effective 7-6-56 to 1-5-57; not less than 80 cents per hour for the first 80 hours and 85 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of fish packer; authorizing the employment of 10 percent of factory production workers for normal labor turnover purposes (sardine canning).

Mohrsville Paper Box Co., Mohrsville, Pa.; effective 7-2-56 to 12-31-56; not less than 90 cents per hour for a maximum of 240 hours for the occupations of stripping and topping; authorizing the employment of 2 learners for normal labor turnover purposes (set-up paper boxes).

Muscatine Pearl Works, Muscatine, Iowa; effective 7-6-56 to 1-5-57; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of finished button sorter; authorizing the employment of 3 learners for normal labor turnover purposes (pearl buttons).

Rawlings Manufacturing Co., Willow Springs Division, Willow Springs, Mo.; effective 7-15-56 to 1-14-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160

hours of the 320-hour learning period, for the occupations of sewing machine operator and hand leather cutter; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 240 hours of the 400-hour learning period, for the occupation of hand stitching of baseballs and softballs; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of die and clicker machine operator; authorizing the employment of 50 learners for expansion purposes (athletic equipment).

Redwood City Knitting Mills, 120 Wilson Street, Redwood City, Calif., effective 7-12-56 to 1-11-57; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of hand embroiderer; authorizing the employment of 2 learners for normal labor turnover purposes (hand embroidery on sweaters).

Southern Tailoring Co., Inc., 301 Tchoupitoulas Street, New Orleans, La.; effective 7-16-56 to 1-15-57; not less than 85 cents per hour for a maximum of 280 hours, for the occupations of sewing machine operating, hand sewers, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (coats and pants).

Tiedright Tie Co., Asheboro, N. C.; effective 7-15-56 to 1-14-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period for the occupations of sewing machine operator, presser, and hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (men's and boys' ties).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Finetex, Inc., Gurabo Road, Km. 5.9, Gurabo, P. R.; effective 6-25-56 to 12-24-56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, machine stitching, hand sewing operations, and machine pressing; authorizing the employment of 26 learners for expansion purposes (sweaters).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Upper Columbia Academy, Spangle, Wash.; effective 7-9-56 to 8-31-56; not less than 80 cents per hour for the first 375 hours and 85 cents per hour for the remaining 375 hours of the 750-hour learning period, for the occupations of basic skilled and semi-skilled hand and machine woodworking and upholstering occupations; authorizing the employment of 52 learners (upholstered furniture).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 20th day of July 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-6257; Filed, Aug. 3, 1956; 8:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

All American Knitters, Inc., 57 Thames Street, Brooklyn, N. Y.; effective 7-23-56 to 1-22-57 (knitted outerwear).

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa.; effective 7-18-56 to 7-17-57 (infants' and children's knit goods).

Carolina Underwear Co., Inc., West Guilford Street, Thomasville, N. C.; effective 7-30-56 to 9-9-56 (children's and ladies' panties) (replacement certificate).

Morris Freezer & Co., Inc., Wytheville, Va.; effective 7-19-56 to 7-18-57 (boys' woven shirts).

Lanier Manufacturing Co., 112 Russell Street, Easley, S. C.; effective 7-19-56 to 7-18-57 (men's sport shirts).

R & G Shirt Corp., Parksley, Va.; effective 7-28-56 to 7-27-57 (sport shirts).

Tic Tac Co., Inc., Dicey Creek Road, R. F. D. 2, Camden, S. C.; effective 7-18-56 to 7-17-57 (children's outerwear).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 7-20-56 to 7-19-57 (ladies' bermuda shorts) (replacement certificate).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 7-20-56 to 7-19-57 (men's pants) (replacement certificate).

Wythe Shirt Corp., Wytheville, Va.; effective 7-19-56 to 7-18-57 (shirts).

The following learner certificates were issued for normal labor turnover purposes, authorizing the employment of not more than 5 learners.

Carleen Sportswear, 409 Bon View Avenue, Ontario, Calif.; effective 7-23-56 to 7-22-57 (leather and suede garments).

Lorraine Manufacturing Co., 1716 Washington Avenue, Northampton, Pa.; effective 7-20-56 to 7-19-57; learners may not be engaged at special minimum wage rates in the production of ladies' and children's suits (ladies' and children's dresses).

McCormick Manufacturing Co., 373 West Ogden Street, Girardville, Pa.; effective 7-17-56 to 7-16-57 (women's and children's blouses).

Skyline Manufacturing Co., Inc., Factory No. 2, Stone Ridge, N. Y.; effective 7-20-56 to 7-19-57 (children's jackets).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 7-18-56 to 1-17-57; 10 learners (sport shirts).

Maury Manufacturing Co., Inc., Mount Pleasant, Tenn.; effective 7-25-56 to 1-24-57; 100 learners (sport shirts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-25-56 to 7-24-57; 10 learners for normal labor turnover purposes (cotton work gloves).

Indianapolis Glove Co., Inc., Indianapolis, Ind.; effective 7-25-56 to 7-24-57; 10 percent of factory production workers engaged in the authorized learner occupations (jersey and cotton flannel work gloves).

Indianapolis Glove Co., Inc., Marion, Ind.; effective 7-25-56 to 7-24-57; 10 learners for normal labor turnover purposes (leather and cotton work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-25-56 to 7-24-57; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

W. T. Brittain Hosiery Mill, East Flat Rock, N. C.; effective 7-18-56 to 7-17-57; 5 learners for normal labor turnover purposes (seamless).

Broadway Hosiery Mills, 53 Burton Street, West Asheville, N. C.; effective 7-19-56 to 7-18-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Broadway Hosiery Mills, 53 Burton Street, West Asheville, N. C.; effective 7-19-56 to 1-18-57; 20 learners for plant expansion purposes (seamless).

Spalding Knitting Mills, East Broad Street, Griffin, Ga.; effective 7-20-56 to 7-19-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Manawa Telephone Co., Manawa, Wis.; effective 7-24-56 to 7-23-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C.; effective 7-30-56 to 9-30-56; 5 learners for normal labor turnover purposes (women's, misses' and children's panties) (replacement certificate).

Carolina Underwear Co., Inc., West Guilford Street, Thomasville, N. C.; effective 7-30-56 to 9-9-56; 5 percent of factory production workers engaged in the production of men's and boys' shorts and ladies' and misses' panties for normal labor turnover purposes (men's and boys' shorts) (replacement certificate).

Marion Rohr Corp., 18 North Main street, Hornell, N. Y.; effective 7-19-56 to 1-18-57; 30 learners for plant expansion purposes (ladies' underwear).

Marion Rohr Corp., 18 North Main Street, Hornell, N. Y.; effective 7-19-56 to 7-18-57; 5 learners for normal labor turnover purposes (ladies' underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Adams Bros., Inc., Catamount Street, Pittsfield, N. H.; effective 7-18-56 to 7-17-57; 10 percent of factory production workers for normal labor turnover purposes.

Beacon Shoe Co., Jonesburg, Mo.; effective 7-23-56 to 7-22-57; 10 percent of factory production workers for normal labor turnover purposes.

Faston Boot & Shoe Co., 410 North 23d Street, St. Louis, Mo.; effective 7-23-56 to 7-22-57; 10 percent of factory production workers for normal labor turnover purposes.

Hamilton Shoe Co., 2107 Lucas Avenue, St. Louis, Mo.; effective 7-20-56 to 7-19-57; 10 percent of factory production workers for normal labor turnover purposes.

Tru-Stitch Moccasin Corp., 40 Duane Street, Malone, N. Y.; effective 7-18-56 to 4-18-57; 10 percent of factory production workers for normal labor turnover purposes (replacement certificate).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Chunky Chocolate Corp., 655 Dean Street, Brooklyn, N. Y.; effective 7-23-56 to 1-22-57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of feeders and machine tenders; authorizing the employment of 10 learners for normal labor turnover purposes (confectionery).

Chunky Chocolate Corp., 200 Delancey Street, New York, N. Y.; effective 7-23-56 to 1-22-57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of feeders and machine tenders; authorizing the employment of 5 learners for normal labor turnover purposes (confectionery).

Ma-Lock Woodcrafts, Highway 74, Wingate, N. C.; effective 7-19-56 to 1-18-57; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of basic all around training as sawyers (rip, band, and jig), shaper operators, lathe operators, drill operators, sanders, construction and painters; authorizing the employment of 5 learners for normal labor turnover purposes (old pine decorator items and accessories).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Raymo Zipper, Inc., Ave. Condado 657, Santurce, P. R.; effective 7-11-56 to 1-10-57; not less than 50 cents per hour for a maximum of 240 hours, for the occupations of cutting and attaching; authorizing the employment of 4 learners for normal labor turnover purposes (zippers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of July 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-6258; Filed, Aug. 3, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32453: *Perlite mix—Socorro, N. Mex., to Western Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite mix, consisting of a mixture of refuse perlite rock fines and expanded perlite rock, carloads, from Socorro, N. Mex., to specified points in Colorado, Nebraska, South Dakota and Wyoming.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. 4157.

FSA No. 32454: *Soda ash—Louisiana and Texas to Gulfport, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified), carloads, from Lake Charles and West Lake Charles, La., Corpus Christi, and Velasco, Tex., to Gulfport, Miss.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 161 to Agent Kratzmeir's I. C. C. 4087; Supplement 225 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32455: *Superphosphate—South to Gowrie and Toledo, Iowa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate, carloads from specified points in southern territory to Gowrie and Toledo, Iowa.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. 1522.

FSA No. 32456: *Petroleum coke—St. Louis-East St. Louis Group to Listerhill, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum coke, carloads, from St. Louis, Mo., East St. Louis, Federal, Roxana, and Wood River, Ill., to Listerhill, Ala.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 295 to Agent Spaninger's I. C. C. 1062.

FSA No. 32457: *Substituted service—motor-rail-motor—Pa. R. R.* Filed by Kenosha Auto Transport Corporation, Agent, for itself and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers and transported on railroad flat cars from Kenosha, Wis., to Kearny, N. J.

Ground for relief: Motor truck competition.

FSA No. 32458: *Iron and steel articles—Illinois Territory to New Orleans, La.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, from points in Illinois territory to New Orleans, La.

Grounds for relief: Circuitous routes via Kansas City, Mo., transit point.

Tariff: Supplement 2 to Agent Raasch's tariff I. C. C. 854.

FSA No. 32459: *Boot and shoe findings—Winchester, Va., to San Francisco, Calif.* Filed by Pan-Atlantic Steamship Corporation, for itself and on behalf of the Weyerhaeuser Steamship Company. Rates on counters, heels, soles, soling, or taps, carloads, from Winchester, Va., on rail carriers to San Francisco, Calif., via Port of Baltimore, Md.

Grounds for relief: Competition with rail carriers.

Tariff: Twenty-first revised page No. 272 to Pan Atlantic Steamship Corporation tariff I. C. C. No. 1.

FSA No. 32460: *Crushed stone and gravel—Illinois and Indiana to Kingsbury, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on crushed stone and gravel, carloads from Chicago, Ill., and other specified points in Illinois, also Whiting, Ind., to Kingsbury, Ind.

Grounds for relief: Truck competition from competing wayside producing points in Indiana and circuitous routes.

Tariffs: Supplement 38 to Agent Hinsch's tariff I. C. C. 4480 and two other tariffs.

FSA No. 32461: *Slack coal—Western Mines to Iowa and Nebraska.* Filed by W. J. Christie, Agent, for interested rail carriers. Rates on bituminous slack coal, carloads from Origin mines in Colorado, New Mexico, Utah, and Wyoming to specified points in Iowa and Nebraska.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 23 to Agent Christie's tariff I. C. C. 54.

FSA No. 32462: *Rough rice—New Orleans, La., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rough rice, carloads from New Orleans, La., to Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32463: *Latex—Dundee, N. J., to Alabama, Louisiana, and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, tank-car loads from Dundee, N. J., to specified points in Alabama, Louisiana, and Tennessee.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6281; Filed, Aug. 3, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-860]

ILLINOIS

LOAN ANNOUNCEMENT

JULY 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Northern Illinois Telephone Company, Illinois 546-A Northern	[1] $1,606,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6293; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-861]

KANSAS

LOAN ANNOUNCEMENT

JULY 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Northern Kans. Telephone Co., Kansas 554-B Northern	$264,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6294; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-862]

GEORGIA

LOAN ANNOUNCEMENT

JULY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Byron Telephone Company, Inc., Georgia 557-A Byron	[1] $191,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6295; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-863]

WYOMING

LOAN ANNOUNCEMENT

JULY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tri-County Telephone Association, Inc., Wyoming 508-C Tri-County	$39,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6296; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-864]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Peoples Rural Telephone Cooperative Corporation, Inc., Kentucky 514-C Peoples	$326,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6297; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-865]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JULY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pinebluff Telephone Company, Inc., North Carolina 533-A Pinebluff	[1] $132,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6298; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-866]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JULY 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Deuel Telephone Cooperative Association, South Dakota 521-C Deuel	$852,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6299; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-867]

WEST VIRGINIA

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
West Side Telephone Company, West Virginia 507-A West Side	[1] $148,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6300; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-868]

MINNESOTA

LOAN ANNOUNCEMENT

JULY 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wendell Telephone Company, Minnesota 578-A Wendell	[1] $332,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6301; Filed, Aug. 3, 1956; 8:52 a. m.]

[Administrative Order T-869]

IOWA

LOAN ANNOUNCEMENT

JULY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wilton Telephone Company, Iowa 542-A Wilton Junction	[1] $254,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6302; Filed, Aug. 3, 1956; 8:53 a. m.]

[Administrative Order T-870]

KANSAS

LOAN ANNOUNCEMENT

JULY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Carter Telephone Company, Inc., Kansas 557-A Carter	[1] $432,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6303; Filed, Aug. 3, 1956; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOHANNES EVALD TANG KRISTENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johannes Evald Tang Kristensen, A. C. Jacobsensveg 16, Norresundby, Denmark; Claim No. 61111; $111.83 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions entitled "Lord Peter's Stableboy" and "The Nightingale and the Two Sisters", movements from "Danish Folk-Music Suite" by Percy Aldridge Grainger, as listed in Exhibit A of Vesting Order No. 4031 (9 F. R. 1633, February 11, 1944), to the extent owned by the claimant, Johannes Evald Tang Kristensen, immediately prior to the vesting thereof by Vesting Order No. 4031.

Executed at Washington, D. C., on July 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6287; Filed, Aug. 3, 1956; 8:51 a. m.]

ALICE FOEHR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice Foehr, Stuttgart, Germany; Claim No. 39388; Cash in the Treasury of the United States; $5,000.00.

Executed at Washington, D. C., on July 30, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-6288; Filed, Aug. 3, 1956; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 152

Washington, Tuesday, August 7, 1956

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

UNIVERSITY OF MICHIGAN

AUG 9 1956

MAIN READING ROOM

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 83]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subdivision (iv) of subparagraph (3) of paragraph (c), relating to Essex County in Massachusetts, is deleted.

2. A new subdivision (viii) is added to subparagraph (3) of paragraph (d), relating to Camden County in New Jersey, to read:

(viii) Lots 42, 44, 46, 48, 50, 52, 54, and 56, Plate 22, Block C, in Berlin Township, owned and operated by Joseph B. Smith.

3. A new subdivision (lxxvii) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxvii) Lots 21F and 21GA, Block 68, in Franklin Township, owned and operated by James Hollaway.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-6326; Filed, Aug. 6, 1956; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 510—EGYPTIAN ASSETS CONTROL REGULATIONS

LICENSE AUTHORIZING CURRENT TRANSACTIONS

The following section (§ 510.502) is hereby added to the Egyptian Assets Control Regulations (31 CFR 510.201–510.801):

§ 510.502. *License authorizing current transactions.* Except for transactions with respect to any funds or other property which, as of the effective date of the regulations, were blocked thereby, all transactions subject to § 510.201 are licensed: *Provided*, That any payment by or on behalf of any ship owner or

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ship operator subject to the jurisdiction of the United States made in Egypt or to the Government of Egypt or any instrumentality thereof with respect to charges in connection with the transit of the Suez Canal is licensed only if accompanied by a statement that the payment is made "under protest and without prejudice to all rights of recovery or otherwise."

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56–6392; Filed, Aug. 3, 1956; 3:59 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

1. In § 536.3, paragraph (c) is amended to read as follows:

§ 536.3 *Determination of compensation for personal injury or death.* • • •

(c) *Proof of damage.* The allowable compensation may be established as to:

(1) Medical, hospital, or burial expenses, by itemized bills.

(2) Loss of time, earnings, diminution of earning capacity and anticipated medical expenses, by a written statement of claimant's employer stating claimant's age, occupation, wage or salary, time lost from work as a result of the incident, whether the person injured was a full time employee, and his actual period of employment by dates. If the claimant is self-employed, written statements or other evidence showing the amount of earnings actually lost may be considered. A written statement by the attending physician should set forth the nature and extent of the injury and the treatment, the duration and extent of the disability involved, the prognosis, and the period of hospitalization or incapacity. When the personal injury appears to be more than slight, the claimant may, with his consent, be examined by a medical officer or other disinterested physician or surgeon to provide independent medical evidence against which to evaluate the statement of the claimant's physician.

Applicable sections	Statute	Title	Coverage	Amount	Method of settlement	Personal injury	Personal property	Real property	Subrogation	Time limit	Remarks
§§ 536.12–536.23 [AR 25–25].	Sec. 1, act of 3 July 1943 (57 Stat. 372) as amended by act 29 May 1945 (59 Stat. 225); act 28 June 1946 (60 Stat. 332); act 26 July 1947 (61 Stat. 501); act 29 March 1956 (PL 446, 84th Cong.); 31 U. S. C. 223b.	• • •	• • •	• • •	• • •	Yes, but as to claims accrued on or before 29 March 1956 only to extent of reasonable medical, hospital, and burial expenses.	• • •	• • •	Entire or partial amount allowed and paid to subrogor and/or subrogee jointly or severally in accordance with their respective interests.	2 years, except that if claim arises in time of war or when war intervenes within 2 years and good cause for delay is shown 2 years after peace is established. Claims arising prior to 29 March 1955 are barred if they were not filed within 1 year.	• • •
§ 536.27 [AR 25–100].	Act of 29 May 1945 (59 Stat. 225) as amended by act 2 July 1947 (61 Stat. 501); act of 3 July 1952 (66 Stat. 321); act of 1 August 1953 (67 Stat. 317); and act of 7 June 1956 (PL 571, 84th Cong.); 31 U. S. C. 223c.	• • •	• • •	$6,500. Any claim settled in the amount of $2,500 solely by reason of the limitation established by the act of 3 July may be reconsidered on written request of the claimant made prior to 7 June 1957.	• • •	• • •	• • •	• • •	• • •	• • •	• • •

(3) Loss of services, by a statement of the cost necessarily incurred to replace the services to which the claimant is entitled in accordance with the law of the place where the incident occurred.

(4) Physical disfigurement, and pain and suffering, by a written statement of the precedents and law in effect in the place where the incident occurred.

2. The claims chart in Part 536 is amended as indicated in the tabulation.

3. Paragraph 2, F. R. Document 56–5924, 21 F. R. 5534, July 24, 1956, is corrected to read: "Section 536.17 (b), Injury or death of military personnel or civilian employees, is revoked".

[C1, AR 25–20, 10 July 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56–6306; Filed, Aug. 6, 1956; 8:45 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

FEDERAL RECOGNITION

Section 1101.3 is revised to read as follows:

§ 1101.3 *Federal recognition*—(a) *Purpose.* The regulations in this section prescribe policies and procedures relative to, and qualifications and requirements for Federal recognition of those officers appointed or promoted in the National Guard under the provisions of §§ 1101.2 and 1101.4.

(b) *Authority.* The National Defense Act, as amended, the Armed Forces Reserve Act of 1952 (Pub. Law 476, 82d Cong.), and the Reserve Officer Personnel Act of 1954 (Pub. Law 773, 83d Cong.).

(c) *Federal recognition*—(1) *Definition.* Federal recognition means acknowledgement by the Federal Government that a person appointed to an authorized grade and position vacancy in the National Guard meets the prescribed Federal standards for such grade and position.

(2) *Policy*—(i) *Appointment.* The appointment of officers in the National Guard is a function of the State.

(ii) *Effective date.* The effective date of Federal recognition is that date on which the individual meets the requirements for Federal recognition. The instrument for Federal recognition is NGB Form 3a issued by the Chief, National Guard Bureau.

(iii) *Duration of recognition.* Recognition will continue in effect as long as the officer continues to meet requirements of his grade and position, or until recognition is withdrawn in accordance with the provisions of this section, or as otherwise provided by law.

(3) *Limitations.* Federal recognition will not be extended to those former officers in the grades of first lieutenant, captain, or major who were separated from the service by reason of having been passed over twice for promotion.

(d) *Temporary Federal recognition.* Temporary Federal recognition may be extended to an officer pending final determination of his eligibility for, and his appointment as, a Reserve commissioned officer of the Army. Temporary Federal recognition may be withdrawn at any time and if not sooner withdrawn or replaced by permanent recognition, it shall automatically terminate 6 months after its effective date. (Section 704, Armed Forces Reserve Act, 1952.) The provisions of this paragraph are not applicable to the following:

(1) Applicants for Federal recognition as general officers.

(2) Applicants federally recognized as commissioned officers in the National Guard.

(3) Officers of the Army Reserve seeking Federal recognition in the same or lower grade and in the same branch.

(4) Officers of the Army Reserve above the grade of second lieutenant seeking Federal recognition in a higher grade to which he has been previously recommended and in the same branch.

(e) *Automatic Federal recognition—To whom granted.* Individuals shown below, if otherwise qualified, may be extended Federal recognition automatically and are exempt from examination by a Federal Recognition Board:

(1) A member of the National Guard of one State appointed to an authorized position vacancy in the National Guard of another State in the same grade or lower grade and in the same branch in which he holds an appointment as a Reserve officer of the Army.

(2) Officers of the Army Reserve applying for Federal recognition in the same or lower grade and in the same branch in the National Guard.

(3) Second lieutenants who are promoted to fill authorized position vacan-

cies, on the date they complete three years of promotion services; and

(4) Officers of the Army Reserve in grades above second lieutenant who are appointed in the next higher grade to fill an authorized position vacancy, provided that they have been recommended for promotion to the higher grade, and have remained in an active status since being recommended, and further provided that they are appointed in the same branch as that held in the Army Reserve. (Sec. 320, Reserve Officer Personnel Act, Pub. Law 773, 83d Cong.).

(f) *Certificates of eligibility*—(1) *Purpose.* In order that individuals of the National Guard for whom there is no position vacancy may be examined to determine their fitness for future appointments or promotions, the State adjutant general may entertain applications for certificates of eligibility. Such applicants will be required to execute NGB Form 62, Standard Forms 88 and 89, and all allied papers prescribed for Federal recognition, except the oath of office and appointment orders, and will be ordered to appear before a Federal recognition board. If found qualified in all respects except position vacancy for a particular grade and branch, the report of board proceedings and allied papers will be forwarded with appropriate indorsement on NGB Form 62 by the State adjutant general to the Chief, National Guard Bureau. If approved, NGB Form 89a (Certificate of Eligibility) will be issued to the person concerned.

(2) *Effective for 2 years.* A Certificate of eligibility is effective for 2 years provided the holder thereof remains otherwise qualified. If, during this period, the State adjutant general should appoint the holder of the certificate to a position vacancy of the same grade and branch in which qualified, a letter requesting Federal recognition, accompanied by an appointment and assignment order and oath of office (NGB Form 337) will be forwarded by the State adjutant general to the Chief, National Guard Bureau. If the original physical examination recorded on Standard Forms 88 and 89 is more than 6 months old, a new physical examination will be required. The Chief, National Guard Bureau will issue NGB Form 3a effective when each of the requirements have been fulfilled.

(3) *Renewal.* Upon expiration, a certificate of eligibility may be renewed through the same procedure as provided in subparagraph (1) of this paragraph.

(g) *Appointment as Reserve commissioned officer of the Army.* Upon being federally recognized, an officer who does not hold an appointment as a Reserve commissioned officer of the Army shall be appointed a Reserve officer of the Army in the same grade in which he holds a federally recognized appointment in the National Guard and concurrently shall become a member of the National Guard of the United States. Term of a Reserve appointment is for an indefinite period, and is not contingent upon continued Federal recognition. (Reference: Sections 224 and 703 (b) Armed Forces Reserve Act, 1952.)

(h) *Requirements*—(1) *General.* The following requirements are a prerequisite for Federal recognition:

(i) *Residence.* The residence of the candidate must be accessible to the unit to which he is assigned.

(ii) *Assignment.* The candidate must be assigned to an existing vacancy in a federally recognized unit or headquarters or an element thereof. (See § 1101.2.)

(iii) *Age*—(*a*) *General.* No candidate will be examined for Federal recognition who is less than 21 years of age, except that, when State laws so permit, the minimum age of 18 will apply to the following:

(*1*) Graduates of accredited officer candidate schools who also have completed an accredited 6 months active duty for training program with the Armed Forces.

(2) Commissioned officers of the Army Reserve who apply for Federal recognition in the National Guard.

(*b*) *Maximum ages*—(*1*) *Appointment.* Applicants for Federal recognition must not have attained the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is desired. Previous service includes service in an active status in any component of the Armed Forces in the same grade. An applicant's age must be such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in § 1101.5. Any applicant to be assigned to the State headquarters and headquarters detachment of a State, Territory, Puerto Rico, or the District of Columbia, may not be more than 59 years old. Provisions of this paragraph are not applicable to applicants for promotion, transfer in branch, and Army Reserve officers seeking Federal recognition in the same (or lower) grade or in higher recommended grade and same branch.

Grade:	Age
2d lieutenant	28
1st lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(2) *Termination.* See § 1101.5.

(*c*) *Minimum ages.* The following minimum ages will apply for original appointment or promotion of officers to the grade indicated (except as provided in subparagraph (1) (iii) (*a*) of this paragraph).

Grade:	Age
2d lieutenant	21
1st lieutenant	22
Captain	24
Major	26
Lieutenant colonel	30
Colonel	34

(iv) *Citizenship.* The candidate must be a citizen of the United States.

(v) *Educational requirements for certain applicants.* Applicants not previously commissioned in the Armed Forces of the United States must have completed a minimum of high school or an accredited preparatory school of equal educational level, or in lieu thereof, have passed the General Educational Development Test (high school level or above) given under the authority of the United States Armed Forces Institute. Each applicant must attain a standard score of 110 or higher on the Armed Forces Qualification Test 1 and 2 or equivalent test.

(vi) *Examination.* Each individual, except those listed in paragraph (e) of this section, who submits an application for Federal recognition in the National Guard must undergo an examination as to his physical, moral, and professional qualifications as determined by a Federal Recognition Board.

(vii) *Oath of office.* Applicants not previously commissioned in the National Guard must complete an oath of office by executing either the NGB Form 337 or NGB Form 337A, as appropriate. Thereafter, no further oaths are required by the National Guard Bureau for personal actions.

(viii) *Security check.* A favorable security check will be required prior to the granting of Federal recognition.

(2) *Persons eligible.* Individuals will be selected from the following sources:

(i) *General.* (*a*) Army and Air Force Reserve Officers and other qualified officers and former officers, with previous honorable and creditable service in any component of the Armed Forces, who have demonstrated their qualifications by service in the grade contemplated, or by the satisfactory discharge of equal and corresponding responsibilities for a period of not less than six (6) months while on active duty.

(*b*) Those who hold a Certificate of Eligibility (NGB Form 89a), as provided in paragraph (f) of this section, may be appointed to the grade for which qualified as stated in the certificate, provided prescribed physical and age in grade requirements are met at the time of the appointment.

(*c*) A civilian official or employee of the United States or the District of Columbia, who is appointed an officer of the National Guard, will not be federally recognized without the consent of the head of the department or branch in which he is employed.

(ii) *Initial appointment of second lieutenant.* (*a*) Graduates of accredited senior ROTC units.

(*b*) Graduates of accredited officer candidate schools.

(*c*) Warrant officers and enlisted men of the upper three enlisted grades with previous honorable and creditable active Federal service of not less than six (6) months in those grades in any component of the Armed Forces, when in the opinion of the examining board their experience clearly satisfies the required standards.

(*d*) Warrant officers and enlisted men who have completed a minimum of one year's service with the Armed Forces, or in the National Guard since 14 August 1945, or a combination of the two, prior to the date of appointment, have successfully completed an appropriate 10-series of the Army Extension Course, or an equivalent course of instruction approved by the Department of the Army, and are otherwise qualified.

(*e*) Warrant officers, former warrant officers and enlisted men who have received a bachelor's degree from an accredited college or university and who have completed one year of honorable and creditable service in an active duty status with any of the Armed Forces of the United States, in active reserve status in a National Guard or Army Reserve unit that requires satisfactory participation in 48 drills per year, or any combination thereof.

(iii) *Special.* (*a*) Wartime service or previous military training is not required for appointment and Federal recognition in the National Guard of:

(*1*) Chaplains, medical officers, dental officers, and judge advocates general provided that no person in this category will be federally recognized in a grade higher than the grade of major. Grade determination will be based on the professional accreditation and professional experience as outlined in Army Special Regulations of the SR 140–105 series.

(2) State adjutants general, for their tenure of office, in the grade authorized by the respective State code, but not to exceed the grade of major general.

(*b*) Former officers who were discharged from the Reserve of the Army in the grade of second lieutenant by reason of failure to qualify for promotion if otherwise qualified will be eligible for Federal recognition in the grade of second lieutenant, and on the effective date of their Federal recognition will be credited with two years of promotion service. (See paragraph (i) (5) (xii) of this section.)

(i) *Procedures Required to Initiate Federal Recognition; actions required by individual.* The following actions will be taken by individual to initiate Federal recognition. Records and documents required herein will become a part of the record of proceedings by the board, except those indicated otherwise.

(1) *Application for Federal recognition.* Complete NGB Form 62 (Application for Federal Recognition) in the number of copies prescribed by the State adjutant general so as to insure that three (3) copies reach the National Guard Bureau.

(2) *Physical examination.* Undergo a standard final type physical examination or a physical examination for flying, as applicable, as prescribed by National Guard regulations. In the event the applicant for recognition has successfully undergone a standard final type physical examination or a physical examination for flying within a period of 90 days prior to appearance before the examining board, a certified true copy of such examination may be accepted in lieu of undergoing a new physical examination. Submit copy of Report of Medical Examination and Report of Medical History (Standard Forms 88 and 89) or three copies of Report of Medical Examination and Medical History for flying, as applicable.

(3) *Loyalty certificate.* Complete DD Form 98 (Loyalty Certificate for Personnel of the Armed Forces), in duplicate, the duplicate copy to be retained in unit 201 file.

(4) *Security check.* Complete DD Form 398 (Statement of Personal History) in quintuplicate, and FBI fingerprint card, one copy only. (A copy of DD Form 398, properly endorsed in "Record of Prior Clearances" section by the Army Area commander will become a part of the board proceedings. However, the FBI fingerprint card will not become a part of the board proceedings but is furnished by the applicant for his security check.)

(5) *Other personal records and documents.* Assemble such personal records and documents listed below under the circumstances prescribed therein:

(i) *Copy of birth certificate.* Each applicant not previously commissioned in the Armed Forces of the United States will provide a copy of his birth certificate or other documentary evidence which will satisfy the requirements of Army Regulations, to substantiate the date of birth and name shown on application.

(ii) *Copy of discharge certificate or certificate of service.* (*a*) A candidate with prior service in the Armed Forces of the United States will present copies of his discharge certificates or certificates of service to the board or copy of conditional release.

(*b*) In the case of an applicant who has not been previously commissioned in the National Guard, photostatic copies of these documents will become a part of the record of proceedings.

(iii) *Evidence of satisfactory completion of extension courses.* Each applicant for commission under the provisions of paragraph (h) (2) (ii) (*d*) of this section will provide a photostatic copy of evidence indicating satisfactory completion of the 10-series, Army Extension Courses.

(iv) *Evidence of citizenship.* Documentary evidence of citizenship, if a naturalized citizen, in all cases where applicant was not formerly commissioned in the Armed Forces of the United States. This evidence will be in the form of a certificate executed by an officer in the active Army or by a notary public, as follows:

I certify that I have this date seen the original certificate of citizenship, Number ------, (or certified copy of the court order establishing citizenship) stating that ---------- was admitted to United States citizenship by the court of ---------- at ---------- on ----------
(City and State) (Date)

or if citizenship is claimed through naturalization of parent,

I certify that I have this date seen the original certificate of citizenship number ---- issued by the Immigration and Naturalization Service, Department of Justice, stating that ---------- acquired
(Name of applicant)
citizenship on ----------.
(Date)

(v) *Evidence of completion of courses of instruction.* (*a*) If applicant has not been previously commissioned in the Armed Forces of the United States, he must have documentary evidence to establish minimum educational requirements as prescribed in paragraph (h) (1) (v) of this section.

(*b*) If applicant has attended a prescribed course of instruction of any Army service school or graduate from an accredited senior division ROTC unit, diploma or certificate of graduation will be submitted.

(*c*) If applicant has completed a course in an accredited officer candidate school, diploma, or certificate of completion will be submitted.

(vi) *Chaplains.* Each candidate for Federal recognition as a chaplain will submit:

(*a*) An ecclesiastical indorsement of his appropriate denominational indorsing agency and

(*b*) Formal transcripts of college and seminary credits.

(vii) *Medical and dental licenses.* License to practice or evidence that applicant is an intern in a hospital, approved by the Council of Medical Education and Hospitals of the American Medical Association or a medical officer in Government service, for medical officers; and license to practice or certificate of completion of dental course approved by the Council on Dental Education of the American Dental Association for dental officers.

(viii) *Law licenses or bar admissions.* Applicants for the Judge Advocate General's Corps will submit a certificate from the highest court of the States, Territory, Puerto Rico, or the District of Columbia, as appropriate, or of a United States District Court, that the applicant is a member in good standing of the bar and is entitled to engage in the practice of law.

(ix) *Army aviators.* A candidate for Federal recognition who previously has had flying status will make available to the board his individual flight records.

(x) *Release from other Reserve components.* If applicant is a member of any other reserve component in a commissioned or enlisted status, he must furnish the board with a written conditional release from such membership. The release will be obtained by the applicant in advance of appearance before the examining board when such appearance is required. This release will be made a part of the record of proceedings.

(xi) *Waivers of requirements.* Waivers will be obtained prior to the appearance of the candidate before the board. The State adjutant general is charged with furnishing the examining board with the evidence of such waiver prior to the appearance of the candidate.

(xii) *Other certificates.* Applicant for Federal recognition under the provisions of paragraph (h) (2) (iii) (*b*) of this section will execute a certificate to indicate that he understands he will not be eligible for promotion until he has completed one year of creditable promotion service subsequent to Federal recognition.

[NGR 20–2, 15 May 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6307; Filed, Aug. 6, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-2, Amdt. 1]

DMO IX-2—CREATING A TELECOMMUNICATIONS ADVISORY BOARD

ADDITION TO LIST OF AGENCIES REPRESENTED ON BOARD

1. Paragraph 1 of Defense Mobilization Order IX-2, effective April 23, 1956, which established the Telecommunications Advisory Board, is hereby amended by adding to the list of agencies represented on the Board the following: "Department of the Treasury."

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 56-6371; Filed, Aug. 6, 1956; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1318]

[1702997]

CALIFORNIA

PARTIALLY REVOKING THE EXECUTIVE ORDER OF SEPTEMBER 11, 1854, WHICH RESERVED PUBLIC LAND FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of September 11, 1854, so far as it reserved Cat Rock, an island comprising 0.5 acre more or less, lying off the south shore of the westerly of three islets comprising the Anacapa Island Lighthouse Reservation, California, is hereby revoked.

The island is subject to the provisions of Proclamation No. 2825 of February 9, 1949, enlarging the Channel Islands National Monument.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 1, 1956.

[F. R. Doc. 56-6309; Filed, Aug. 6, 1956; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

STANDARD FORM OF BYLAWS

Section 301.3 of the rules and regulations for Federal Credit Unions, as amended, (45 CFR 301.3) as amended to read as follows:

§ 301.3 *Standard form of bylaws.* (a) Proposed bylaws, in form and content approved by the Director of the Bureau of Federal Credit Unions, shall be submitted by the incorporators to the Director for his approval at the time of submitting an organization certificate to the Regional Representative.

(b) Specimen copies of the standard form of bylaws (FCU 503-C) may be obtained from the Regional or Washington Offices of the Bureau of Federal Credit Unions.

(Sec. 16, 48 Stat. 1221, as amended, 12 U. S. C. 1776. Interprets sec. 8, 48 Stat. 1219, as amended, sec. 2, 62 Stat. 1091; 12 U. S. C. 1758, 1751a)

Dated: July 16, 1956.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved:

C. I. SCHOTTLAND,
Commissioner of Social Security,

Approved:

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Dated: August 1, 1956.

[F. R. Doc. 56-6308; Filed, Aug. 6, 1956; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

CHARLESTON, W. VA., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of July A. D. 1956.

It appearing that on November 26, 1946, the Commission, division 5, made and entered its report, 46 M. C. C. 665, and order in this proceeding establishing a mileage-population formula for the definition of the limits of the zone adjacent to and commercially a part of every municipality in the United States, with certain exceptions which did not include Charleston, W. Va.;

It further appearing that upon consideration of the record and a petition of certain motor carriers for reconsideration and reply by others, by order of division 5 dated April 15, 1954, the matter of modification of the limits of commercial zone Charleston, W. Va., was assigned for oral hearing;

It further appearing that investigation of the matters and things involved has been made, and division 1, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof; and that proposed rulemaking procedure in accordance with section 4 (a) of the Administrative Procedure Act is deemed unnecessary.

It is ordered, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of Charleston, W. Va., be, and it is hereby reopened for further consideration.

It is further ordered, That Part 170 be, and it is hereby, amended by adding thereto the following paragraph:

§ 170.32 *Charleston, W. Va.* That zone adjacent to and commercially a part of Charleston, W. Va., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt, under section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)), from regulation, includes, and is comprised of, all points and places as follows:

(a) The municipality of Charleston, W. Va., itself.

(b) All points within a line drawn 4 miles beyond the corporate limits of Charleston, W. Va.

(c) All points in that area northwest of those described in (b) above, bounded by a line as follows: Beginning at a point on the line described in (b) above, one-half mile south of U. S. Highway 60 west of Charleston, thence westerly along a line one-half mile south of and parallel to U. S. Highway 60 to a point one-half mile south of the junction of U. S. Highway 60 with West Virginia Highway 17 near 2¾ Mile Creek, thence westerly along a line one-half mile south of and parallel to West Virginia Highway 17 to the Coal River, thence north along the center of the Coal River to West Virginia Highway 17, thence northerly along West Virginia Highway 17 to Scary Creek, near Scary, W. Va., thence east along Scary Creek to the center of the Kanawha River, thence northerly along the center of the Kanawha River to a point opposite the mouth of Blake Creek (between Nitro and Poca, W. Va.), thence easterly along a straight line drawn through the junction of U. S. Highway 35 and West Virginia Highway 25 to a point one-half mile beyond said junction, thence southerly along a line one-half mile northeast of and parallel to West Virginia Highway 25 to the junction of the line described in (b) above.

(d) All points in that area southeast of those described in (b) above, bounded by a line as follows: Beginning at a point on the line described in (b) above one-half mile south of the Kanawha River, thence easterly along a line one-half mile south of, and parallel to, the Kanawha River to junction with a straight line intersecting the highway bridge at Chelyan, W. Va., thence northerly along said straight line across the Kanawha River to a point one-half mile north of the Kanawha River, thence westerly along a line one-half mile north of and parallel to the Kanawha River to the junction of the line described in (b) above.

(e) All of any municipality any part of which is within the limits of the combined areas defined in (b), (c), and (d) above.

And it is further ordered, That this order shall become effective on September 6, 1956, and shall continue in effect until the further order of the Commission.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6313; Filed, Aug. 6, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CHARITABLE, ETC. CONTRIBUTIONS AND GIFTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 170 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 58, 917; 26 U. S. C. 170, 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner,
of Internal Revenue.

The following regulations relating to charitable, etc., contributions and gifts are hereby prescribed under section 170 of the Internal Revenue Code of 1954, and, except as otherwise provided in such regulations, are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

§ 1.170 *Statutory provisions; charitable, etc., contributions and gifts.*

SEC. 170. *Charitable, etc., contributions and gifts*—(a) *Allowance of deduction*—(1) *General rule.* There shall be allowed as a deduction any charitable contribution (as defined in subsection (c)) payment of which is made within the taxable year. A charitable contribution shall be allowable as a deduction only if verified under regulations prescribed by the Secretary or his delegate.

(2) *Corporations on accrual basis.* In the case of a corporation reporting its taxable income on the accrual basis, if—

(A) The board of directors authorizes a charitable contribution during any taxable year, and

(B) Payment of such contribution is made after the close of such taxable year and on or before the 15th day of the third month following the close of such taxable year,

then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the Secretary or his delegate shall by regulations prescribe.

(b) *Limitations*—(1) *Individuals.* In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) *Special rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503 (b) (2), or

(iii) A hospital referred to in section 503 (b) (5),

shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

(B) *General limitation.* The total deductions under subsection (a) for any taxable year shall not exceed 20 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172. For purposes of this subparagraph, the deduction under subsection (a) shall be computed without regard to any deduction allowed under subparagraph (A) but shall take into account any charitable contributions to the organizations described in clauses (i), (ii), and (iii) which are in excess of the amount allowable as a deduction under subparagraph (A).

(C) *Unlimited deduction for certain individuals.* The limitation in subparagraph (B) shall not apply in the case of an individual if, in the taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds 90 percent of the taxpayer's taxable income for such year, computed without regard to—

(i) This section,

(ii) Section 151 (allowance of deductions for personal exemptions), and

(iii) Any net operating loss carryback to the taxable year under section 172.

(D) *Denial of deduction in case of certain transfers in trust.* No deduction shall be allowed under this section for the value of any interest in property transferred after March 9, 1954, to a trust if—

(i) The grantor has a reversionary interest in the corpus or income of that portion of the trust with respect to which a deduction would (but for this subparagraph) be allowable under this section; and

(ii) At the time of the transfer the value of such reversionary interest exceeds 5 percent of the value of the property constituting such portion of the trust.

For purposes of this subparagraph, a power exercisable by the grantor or a nonadverse party (within the meaning of section 672 (b)), or both, to revest in the grantor property or income therefrom shall be treated as a reversionary interest.

(2) *Corporations.* In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

(A) This section,

(B) Part VIII (except section 248),

(C) Any net operating loss carryback to the taxable year under section 172, and

(D) Section 922 (special deduction for Western Hemisphere trade corporations).

Any contribution made by a corporation in a taxable year to which this section applies in excess of the amount deductible in such year under the foregoing limitation shall be deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under the foregoing limitation over the contributions made in such year and (ii) in the case of the first succeeding taxable year the amount of such excess contribution, and in the case of the second succeeding taxable year the portion of such excess contribution not deductible in the first succeeding taxable year.

(c) *Charitable contribution defined.* For purposes of this section, the term "charitable contribution" means a contribution or gift to or for the use of—

(1) A State, a Territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(2) A corporation, trust, or community chest, fund, or foundation—

(A) Created or organized in the United States or in any possession thereof, or under the law of the United States, any State or Territory, the District of Columbia, or any possession of the United States;

(B) Organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(C) No part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(D) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B).

(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(A) Organized in the United States or any of its possessions, and

(B) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

(d) *Disallowance of deductions in certain cases.* (1) For disallowance of deductions in case of contributions or gifts to charitable organizations engaging in prohibited transactions, see section 503 (e).

(2) For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section 11 (a) of the Internal Security Act of 1950 (64 Stat. 996; 50 U. S. C. 790).

(e) *Other cross references.* (1) For charitable contributions of estates and trusts, see section 642 (c).

(2) For nondeductibility of contributions by common trust funds, see section 584.

(3) For charitable contributions of partners, see section 702.

(4) For charitable contributions of nonresident aliens, see section 873.

(5) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(6) For treatment of gifts for benefit of the library of the Post Office Department as gifts to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(7) For treatment of gifts accepted by the Secretary of State under the Foreign Service Act of 1946 as gifts to or for the use of the United States, see section 1021 (e) of that act (60 Stat. 1032; 22 U. S. C. 809 (e)).

(8) For treatment of gifts of money accepted by the Attorney General for credit to the "Commissary Funds Federal Prisons" as gifts to or for the use of the United States, see section 2 of the Act of May 15, 1952 (66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479, 31 U. S. C. 725s–4).

§ 1.170–1 *Charitable, etc., contributions and gifts; allowance of deduction*—(a) *General rule.* Any charitable contribution (as defined in section 170 (c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting employed or when pledged. The deduction is subject to the limitations of section 170 (b) (see §§ 1.170–2 and 1.170–3 below) and subject to verification by the district director. In addition, contributions of corporations may under certain circumstances be deductible even though not paid during the year (see § 1.170–3). In connection with claims for deductions for charitable contributions, taxpayers shall state in their income tax returns the name and address of each organization to which a contribution was made and the amount and the approximate date of the actual payment of each contribution. A Claim for a deduction for a charitable contribution must be substantiated, when required by the district director, by a statement from the organization to which the contribution was made, indicating whether the organization is a domestic organization, the name and address of the contributor, the amount of the contribution, and the date of its actual payment, and by such other information as the district director may deem necessary.

(b) *Contribution in property.* (1) If a contribution is made in property other than money, the amount of the deduction is determined by the fair market value of the property at the time of the contribution. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. If the contribution is made in property of a type which the taxpayer sells in the course of his business, the fair market value is the price which the taxpayer would have received if he had sold the contributed property in the lowest usual market in which he customarily sells at the time and place of the contribution (and in the case of a contribution of goods in quantity, in the quantity contributed). The usual market of a manufacturer or other producer consists of the wholesalers or other distributors to or through whom he customarily sells, unless he sells only at retail in which event it is his retail customers. If a donor makes a charitable contribution of, for example, stock in trade at a time when he could not reasonably have been expected to realize its usual selling price, the value of the gift is not the usual selling price but is the amount for which the quantity of merchandise contributed would have been sold by the donor at the time of the contribution.

(2) Since the market value of the contributed property is being allowed as a charitable deduction, costs and expenses incurred in the year of contribution in producing or acquiring the contributed property are not deductible and are not a part of the cost of goods sold. Moreover, the application of this principle requires that the deduction under section 170 for the market value of the contributed property be reduced by any portion of the market value of such property for which a reduction in income has been allowed in earlier taxable years either as a part of the cost of goods sold or as an expense deduction.

(c) *Exceptions.* (1) This section does not apply to contributions by estates and trusts (see section 642 (c)). For disallowance of certain charitable deductions otherwise allowable under section 170, see sections 503 (e) and 681 (b) (5) (relating to disallowance of deductions for contributions to organizations engaging in prohibited transactions). For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section (11) (a) of the Internal Security Act of 1950 (64 Stat. 996; 50 U. S. C. 790). For denial of deduction for charitable contributions as trade or business expenses, see section 162 (b) and regulations thereunder.

(2) No deduction is allowed in computing the taxable income of a common trust fund or a partnership for charitable contributions. See sections 584 (d) and 703 (a) (2) (D). However, a partner's distributive share of charitable contributions actually paid by a partnership during its taxable year may be allowed as a deduction in the partner's separate return for his taxable year with or within which the taxable year of the partnership ends, to the extent that the aggregate of his share of the partnership contributions and his own contributions does not exceed the limitations in section 170 (b). In the case of a nonresident alien individual, or a citizen of the United States entitled to the benefits of section 931, see sections 873 (c), 876, and 931.

§ 1.170–2 *Charitable deductions by individuals; limitations*—(a) *In general.* (1) A deduction is allowable to an individual under section 170 only for charitable contributions actually paid during the taxable year, regardless of when pledged and regardless of the method of accounting employed by the taxpayer in keeping his books and records. A contribution to an organization described in section 170 (c) is deductible even though some portion or all of the funds of the organization may be used in foreign countries for charitable and educational purposes. The deduction by an individual for charitable contributions under section 170 is limited generally to 20 percent of the taxpayer's adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). If a husband and wife make a joint return, the deduction for contributions is the aggregate of the contributions made by the spouses, and the limitation in section 170 (b) is based on the aggregate adjusted gross income of the spouses. The 20 percent limitation applies to amounts contributed during the taxable year "to or for the use of" those recipients described in section 170 (c). The limitation is computed without regard to contributions qualifying for the additional 10 percent deduction. For examples of the application of the 10 and 20 percent limitation, see paragraph (b) (5) of this section.

(2) No deduction is allowable for contribution of services. However, unreimbursed expenditures made incident to the rendition of services to an organization contributions to which are deductible may constitute a deductible contribution. For example, the cost of a uniform without general utility which is required to be worn in performing donated services is deductible. Similarly, out-of-pocket transportation expenses necessarily incurred in rendering donated services are deductible. Reasonable expenditures for meals and lodging necessarily incurred while away from home in the course of rendering donated services also are deductible. For the purposes of this section, the phrase "while away from home" has the same meaning as that phrase is used for purposes of section 162.

(3) (i) In the case of an annuity or portion thereof purchased from an organization described in section 170 (c), there shall be allowed as a deduction the difference between the amount paid and the value of the annuity or portion purchased.

(ii) The value of the annuity or portion is the value of the annuity determined in accordance with section 101 (b) and the principles stated in § 1.101–2 (e) (1) (iii) (b).

(b) *Additional 10-percent deduction*—(1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct contributions made during the taxable year "to", but not merely "for the use of", a church or a convention or association of churches, an educational organization referred to in section 503 (b) (2), or a hospital, to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). A contribution made to a trust, community chest, or other organization referred to in section 170 (c), which in turn makes

the contribution available to a church, school, or hospital, will not qualify under the 10 percent limitation. The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20 percent limitation. Where the total contributions exceed the 20 percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10 percent limitation, and any excess over the 10 percent limitation should then be added to all other contributions and limited by the 20 percent limitation.

(2) *Church.* For definition of "church", see the regulations under section 511.

(3) *Educational organization.* An "educational organization" with the meaning of section 170 (b) (1) (A) is one whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term, therefore, includes institutions such as primary, secondary, preparatory, or high schools, and colleges and universities. It includes Federal, State, and other public-supported schools which otherwise come within the definition. It does not include organizations engaged in both educational and non-educational activities unless the latter are merely incidental to and growing out of the educational activities. A recognized university which incidentally operates a museum or sponsors concerts is an educational organization. However, the operation of a school by a museum does not qualify the museum as an educational organization. A gift to an educational institution through an alumni association or a class organization, which acts simply as a fund-raising or collection, agency through which gifts may be made currently to the institution, is a gift to the educational organization if the entire gift inures to its benefit, but not if any part of it inures to the general or operating fund of the agency. Similarly, a gift to one or more educational institutions through an association of educational institutions will be considered a gift to the institutions if it inures entirely to their benefit.

(4) *Hospital.* The term "hospital" as used in section 170 (b) (1) (A) means an oragnization the principal function of which is providing hospital and medical care. The term includes Federal and State hospitals otherwise coming within the definition but does not include medical education or research organizations (or organizations for medical care without hospitalization (referred to in section 503 (b) (5). Thus, it does not include outpatient clinics not a part of a regular hospital, convalescent or rehabilitation institutions, or homes for children or the aged.

(5) *Examples.* The application of the special 10 percent limitation and the general 20 percent limitation on contributions by individuals may be illustrated by the following examples:

Example (1). A, an individual, reports his income on the calendar year basis and for the year 1954 has an adjusted gross income of $10,000. During 1954 he made the following charitable contributions:

1. Contributions qualifying for the additional 10 percent deduction under section 170 (b) (1) (A)	$2,400	
2. Other charitable contributions	700	
3. Total contributions paid	3,100	
		Deductible contributions
4. Contributions qualifying for the additional 10 percent deduction under section 170 (b) (1) (A)	$2,400	
5. Special limitation under section 170 (b) (1) (A): 10 percent of adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$1,000
7. Excess of line 4 over line 5	1,400	
8. Add: Other charitable contributions	700	
9. Contributions subject to the general 20 percent limitation under section 170 (b) (1) (B)	2,100	
10. Limitation under section 170 (b) (1) (B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		2,000
12. Contributions not deductible	100	
13. Total deduction for contributions		3,000

Example (2). B, an individual, reports his income on the calendar year basis and for the year 1954 has an adjusted gross income of $10,000. During 1954 he made the following charitable contributions:

1. Contributions qualifying for the additional 10 percent deduction under section 170 (b) (1) (A)	$700	
2. Other charitable contributions	2,400	
3. Total contributions paid	3,100	
		Deductible contributions
4. Contributions qualifying for the additional 10 percent deduction under section 170 (b) (1) (A)	$700	
5. Limitation described in section 170 (b) (1) (A): 10 percent of the adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$700
7. Excess of line 4 over line 5	0	
8. Add: Other charitable contributions	2,400	
9. Contributions subject to the general 20 percent limitation under section 170 (b) (1) (B)	2,400	
10. Limitation under section 170 (b) (1) (B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		2,000
12. Contributions not deductible	400	
13. Total deduction for contributions		2,700

(c) *Unlimited deduction for individuals*—(1) *In general.* The deduction for charitable contributions made by an individual is not subject to the 10 and 20 percent limitations of section 170 (b) if in the taxable year and each of 8 of the 10 preceding taxable years the sum of his charitable contributions paid during the year, plus his payments during the year on account of Federal income taxes, is more than 90 percent of his taxable income for the year (or net income, in years governed by the Internal Revenue Code of 1939). For the purpose of the preceding sentence, taxable income under the 1954 Code is determined without regard to the deductions for charitable contributions under section 170, for personal exemptions under section 151, or for a net operating loss carryback under section 172. On the other hand, for this purpose net income under the 1939 Code is computed without the benefit only of the deduction for charitable contributions. See section 120 of the Internal Revenue Code of 1939. The phrase "income tax" as used in section 170 (b) (1) (C) means only Federal Income Taxes, and does not include the taxes imposed on self-employment income, on employees under the Federal Insurance Contributions Act or on railroad employees and their representatives under the Railroad Retirement Tax Act by chapters 2, 21, and 22, respectively, or corresponding provisions of the Internal Revenue Code of 1939. However, all payments on account of Federal income taxes made by a taxpayer during a taxable year are included,

whether for the taxable year or for preceding taxable years. For example, the amount paid during the taxable year as estimated tax for that year is included, to the extent it does not exceed the tax for the taxable year. A payment of the final installment of estimated tax for the preceding year, a final payment for the preceding year, and the payment of a deficiency for an earlier year are also included.

(2) *Joint returns.* If a husband and wife make a joint return for any taxable year, their deduction for charitable contributions is not subject to the 10 and 20 percent limitations of section 170 (b), if under the rules of the preceding subparagraph, in the taxable year and in each of 8 of the preceding 10 taxable years (regardless of whether separate or joint returns were filed) the aggregate charitable contributions of both spouses paid during the year, plus their aggregate payments during the year on account of Federal income taxes, exceeds 90 percent of their aggregate taxable incomes for the year. Similarly, if a spouse, or the unremarried widow or widower of a deceased spouse, makes a separate return for any taxable year, his deduction for charitable contributions is not subject to the 10 percent and 20 percent limitations of section 170 (b) if under the rules of the preceding subparagraph in the taxable year and each of 8 of the 10 preceding taxable years

(i) For which the taxpayer filed a joint return with his spouse, their aggregate charitable contributions and payments of Federal income taxes made during the year exceed 90 percent of their aggregate taxable income for the year, and

(ii) For which the taxpayer did not file a joint return with his spouse, his charitable contributions and payments on account of Federal income taxes exceed 90 percent of his taxable income for the year.

For the purpose of the preceding sentence, the word "spouse" does not include a spouse from whom the taxpayer has been divorced.

(d) *Transfers in trust.* The value of property transferred to an express or implied trust, the corpus or income of which is certain to be paid over to a charitable organization or used for charitable purposes as described in section 170 (c), would constitute a charitable contribution under section 170 (a). However, no charitable deduction will be allowed for the value of property transferred in trust after March 9, 1954, if the grantor at the time of transfer has a reversionary interest in the property or its income worth more than 5 percent of the total value on which the charitable deduction would otherwise be determined. For purposes of this paragraph, the term "reversionary interest" means a possibility that after the possession or enjoyment of property or its income has been obtained by a charitable donee, the property or its income may return to the grantor or his estate, or may be subject to a power exercisable by the grantor or a nonadverse party (within the meaning of section 672 (b)), or both, to return the property or income to or for the benefit of the grantor or his estate. An interest of the grantor which, in any event, will terminate before the ripening of the assured charitable gift for which a deduction is claimed is not considered a reversionary interest for purposes of this section. For example, assume that a taxpayer conveyed property to a trust under the terms of which the income is payable to the taxpayer's wife for her life, and, if she predeceases him, to him for his life, and after the death of both the property is to be transferred to a charitable organization. The present value of the remainder interest in the property, taking into account the value of the life estates reserved to the taxpayer and his wife, may be allowed as a charitable deduction. Where the corpus of the trust is to return to the grantor after a number of years certain, the value of the reversionary interest at the time of the transfer may be computed by the use of tables showing the present value at 3½ percent a year, compounded annually, of $1 payable at the end of a number of years certain. (See Table II of § 81.10 (i) of Regulations 105 (26 CFR (1939) Part 81).) Where the value of a reversionary interest is dependent upon the continuation or termination of the life of one or more persons, it must be determined on the basis of Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of the Census, and interest at the rate of 3½ percent a year, compounded annually. See Table I of § 81.10 (i) of Regulations 105 (26 CFR (1939) 81.10 (i)) for valuations based on one life, and Internal Revenue Service Publication No. 11 (1955) actuarial values for Estate and Gift Tax for values based on more than one life. In an actual case (not merely proposed or hypothetical), the grantor or his legal representative may, upon request, obtain the information necessary to determine such a value from the district director with whom the grantor files his return. The request must be accompanied by a statement showing the date of birth of each person the duration of whose life may affect the value of the reversionary interest and by copies of the instruments relevant to the transfer.

(e) *Fiscal years and short taxable years ending after March 9, 1954, subject to the Internal Revenue Code of 1939.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in paragraph (d) of this section, to the extent that they relate to transfers in trust occurring after March 9, 1954, shall apply to all taxable years ending after March 9, 1954, even though those years may be subject to the Internal Revenue Code of 1939.

§ 1.170–3 *Contributions or gifts by corporations.* (a) The deduction by a corporation in any taxable year for charitable contributions, as defined in section 170 (c), is limited to 5 percent of its taxable income for the year, computed without regard to:

(1) The deduction for charitable contributions,

(2) The special deductions for corporations allowed under sections 241 through 247,

(3) Any net operating loss carryback to the taxable year under section 172, and

(4) The special deduction for Western Hemisphere Trade Corporations under section 922.

A contribution by a corporation to a trust, chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals is deductible only if the contribution is to be used in the United States or its possessions for those purposes. See section 170 (c) (2). For the purposes of section 170, amounts excluded from the gross income of a corporation under section 114 (relating to sports programs conducted for the American National Red Cross) are not to be considered contributions or gifts. For disallowance of certain charitable, etc., deductions, see § 1.170–1 (c).

(b) A corporation reporting its taxable income on the accrual method may elect to have a charitable contribution (as defined in section 170 (c)) considered as paid during the taxable year, if payment is actually made on or before the fifteenth day of the third month following the close of the year and if, during the year, the board of directors authorized the contribution. The election must be made at the time the return for the taxable year is filed, by reporting the contribution on the return. There shall be attached to the return a written declaration that the resolution authorizing the contribution was adopted by the board of directors during the taxable year, and the declaration shall be verified by a statement signed by an officer authorized to sign the return that it is made under the penalties of perjury. There shall also be attached to the return a copy of the resolution of the board of directors authorizing the contribution.

(c) (1) Any contributions made by a corporation in a taxable year subject to the Internal Revenue Code of 1954 in excess of the amount deductible in that year under the 5 percent limitation of section 170 (b) (2) are deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts:

(i) The excess of the maximum amount deductible for the succeeding year under the 5 percent limitation of section 170 (b) (2) over the contributions made in that year; and

(ii) In the case of the first succeeding taxable year, the amount of the excess contributions; and, in the case of the second succeeding taxable year, the portion of the excess contributions not deductible in the first succeeding taxable year.

(2) The application of the rule in subparagraph (1) is illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $10,000 in June 1954, anticipating taxable income for 1954 of $200,000. Its actual taxable income for 1954 is only $50,000 and the charitable deduction for that year is limited to $2,500 (5 percent of $50,000). The excess charitable contribution not deductible in 1954 ($7,500) represents a carryover potentially available as a deduction in the two succeeding taxable years. The corporation has taxable income of $150,000 in 1955 and makes a charitable contribution of $2,500 in that year. For 1955, the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists first of the $2,500 contribution made in 1955, and $5,000 of the $7,500 carried over from 1954. The remaining $2,500 carried over from 1954 and not allowable as a deduction in 1955 because of the 5 percent limitation may be carried over to 1956. The corporation has taxable income of $100,000 in 1956 and makes a charitable contribution of $3,000. For 1956, the corporation may deduct under section 170 the amount of $5,000 (5 percent of $100,000). This amount consists first of the $3,000 contributed in 1956, and $2,000 of the $2,500 carried over from 1954 to 1956. The remaining $500 of the carryover from 1954 is not allowable as a deduction in any year because of the 2-year limitation provision of section 170 (b) (2).

[F. R. Doc. 56–6316; Filed, Aug. 6, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 985]

[Docket No. AO–240–A2]

MILK IN MUSKEGON, MICH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Occidental Hotel, Muskegon, Michigan, August 28, 1956, at 10:00 a. m., e. s. t., for the purpose of receiving evidence with respect to marketing conditions and proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by the Holland Local of Michigan Milk Producers' Association:

1. Amend § 985.5 *Marketing area* by adding all of the area in Ottawa County not now included in the marketing area and the Townships of Casco, Clyde, Fillmore, Ganges, Laketown, Manlus, Overisel, and Saugatuck in Allegan County.

Proposed by Farr View Dairy, Inc., Highland Park Dairy Co., and Sanitary Dairy Co., and the Michigan Milk Producers' Association:

2. Amend § 985.5 *Marketing area* by adding all of the area in Oceana County and the Townships of Bridgeton, Ashland, Grant, Ensley, Sheridan, Garfield, Denver, Wilcox, Brooks, Croton, Dayton, Sherman, Everett, Big Prairie, and Lincoln in Newaygo County.

Proposed by the Michigan Milk Producers' Association.

3. Amend the order so that Class I milk sold by handlers within the marketing area, governed by another Federal order, shall be priced at the higher of the prices paid for Class I milk in the two areas involved; providing that this section shall not be effective unless there is a corresponding provision in the Federal order regulating prices in the other area.

4. Amend § 985.51 in such a manner as to properly realign the Class I price in the Muskegon order with the Class I price in Detroit and other Michigan markets by increasing the differential that is added to the basic formula.

5. Amend § 985.53 so that the butterfat differential will be more realistic.

6. Amend § 985.70 so that the base rules will more nearly conform to present day market conditions.

Proposed by the Dairy Division:

7. Review all other provisions of Order No. 85 in light of the above stated proposals to extend the marketing area and to consider suggestions for changes in the order language which may be appropriate in redrafting and reissuance of the entire order.

Copies of this notice of hearing and the order now in effect, may be procured from the market administrator, 156 W. Sherman Blvd., Muskegon Heights, Michigan, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: August 2, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56–6305; Filed, Aug. 6, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

ALBERT W. GILMER

NOTICE OF EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Albert W. Gilmer on July 1, 1956, in the Department of the Army. Mr. Gilmer is serving as Chief of the Philadelphia Ordnance District, Philadelphia, Pennsylvania.

Mr. Gilmer is presently employed as a partner with Barnes, Dechert, Price, Myers and Rhoads, Philadelphia, Pennsylvania.

Mr. Gilmer's statement of his personal business interest is set forth below.

Dated: August 2, 1956.

JOHN W. MARTYN, *Administrative Assistant.*

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. (a) Commercial Banking Corporation, Philadelphia, Pa., director; (b) Wilmington Realty Company, Wilmington, Del., assistant secretary.

2. (a) Chicago & Northwestern Railway, Chicago, Ill., stockholder; (b) East Sugar Loaf Coal Company, Philadelphia, Pa., stockholder; (c) Petroleum Conversion Corporation, Wilmington, Del., stockholder; (d) Lehigh Coal & Navigation Company, Bethlehem, Pa., stockholder.

3. (a) Barnes, Dechert, Price, Myers & Rhoads (law firm), Philadelphia, Pa., partner.

4. None.

Dated: July 9, 1956.

ALBERT W. GILMER.

[F. R. Doc. 56–6403; Filed, Aug. 3, 1956; 4:37 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YUMA PROJECT, CALIFORNIA

ORDER OF REVOCATION

OCTOBER 14, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July, 30, 1954, I hereby revoke Departmental Order of October 19, 1920, insofar as said order affects the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 S., R. 7 E.,
Sec. 1, all;
Sec. 2, lots 1, 3 and 4 of the NE¼, lots 1 and 2 of the NW¼;
Secs. 3, 4, 9, 10 and 11, all;
Sec. 12, W½NE¼, W½, NE¼SE¼;
Secs. 13 to 15 inclusive, 21 to 28 inclusive, and 33 to 36 inclusive, all.

T. 6 S., R. 7 E.,
Secs. 1 to 3 inclusive, all;
Sec. 4, lots 1 and 2 of the NE¼, lots 1 and 2 of the NW¼;
Secs. 5 to 7 inclusive, all;
Sec. 8, lots 2, 3 and 4, W½NE¼, NW¼, N½SE¼;
Secs. 9 to 17 inclusive, all;
Sec. 20, NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Secs. 21 to 27 inclusive, all;
Sec. 28, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Secs. 29, and 33 to 36 inclusive, all.
T. 7 S., R. 7 E.,
Secs. 1 to 3 inclusive, and 11 and 12, all;
Sec. 13, N½, N½SW¼, N½SE¼, SW¼SE¼.
T. 5 S., R. 8 E.,
Secs. 7 and 17 all;
Sec. 18, lots 1 and 2 of the NW¼, lots 1 and 2 of the SW¼, NE¼, W½SE¼;
Sec. 19 all;
Sec. 20, E½NE¼, W½;
Secs. 21, and 27 to 35 inclusive, all.
T. 6 S., R. 8 E.,
Sec. 1, all;
Sec. 2, E½ of lot 2 of the NE¼, lot 1 and W½ of lot 2 of the NW¼, SW¼, SW¼SE¼;
Sec. 3, all;
Sec. 4, lots 1 and 2 of the NE¼, lots 1 and 2 of the NW¼, SW¼, S½SE¼;
Secs. 5 to 11 inclusive, all;
Sec. 12, E½;
Secs. 13 to 36 inclusive, all.
T. 7 S., R. 8 E.,
Secs. 1 to 16 inclusive, all;
Sec. 20, N½, N½SE¼, SE¼SE¼;
Secs. 21 to 29, inclusive, and 33, all;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 35 and 36, all.
T. 8 S., R. 8 E.,
Secs. 1 to 3 inclusive, all;
Sec. 4, NE¼, E½SE¼;
Sec. 9, all;
Sec. 10, N½, W½SW¼, SE¼;
Secs. 11 to 13 inclusive, all;
Sec. 14, N½, E½SW¼, N½SE¼, SE¼SE¼;
Secs. 15, and 23 to 25 inclusive, all.
T. 6 S., R. 9 E.,
Sec. 18, lots 1 and 2, E½, E½W½;
Secs. 19 and 20, all;
Sec. 28 N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29, all;
Sec. 30, lots 1 and 2 of the NW¼, lots 1 and 2 of the SW¼;
Sec. 31, all;
Sec. 32, E½, S½NW¼, S½SW¼;
Sec. 33, all;
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼.
T. 7 E., R. 9 E.,
Secs. 2 to 9 inclusive, all;
Sec. 10, W½, SE¼;
Secs. 11 to 13, inclusive, all;
Sec. 14, S½SW¼;
Secs. 15 to 21 inclusive, all;
Sec. 22, W½NE¼, NW¼, S½;
Sec. 23 and 24, all;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, NE¼;
Sec. 30, lots 1 and 2 of the NW¼, NE¼.
T. 8 S., R. 9 E.,
Sec. 18, lots 1 and 2 of the NW¼, lots 1 and 2 of the SW¼;
Secs. 19, and 29 to 32 inclusive, all;
Sec. 33, W½.

The above area aggregates 121,391.72 acres.

E. V. LINDSETH,
Acting Commissioner.

[951766]

AUGUST 1, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. Approximately 112,352 acres are patented lands with no mineral reserved to the United States, or are Indian lands. Approximately 3,360 acres are State school lands.

2. The lands restored by this order are located in Riverside County, near the communities of Indio, Coachella, and Mecca, California. The topography varies from level to steep and mountainous.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 6, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 6, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 6, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 6, 1956.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

DEPUE FALCK,
Acting Director
Bureau of Land Management.

[F. R. Doc. 56-6310; Filed, Aug. 6, 1956; 8:46 a. m.]

Office of the Secretary

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE TUNGSTEN, ASBESTOS, FLUORSPAR AND COLUMBIUM-TANTALUM

SECTION 1. Pursuant to the provisions of section 4 of Public Law 733, 84th Congress, 2d Session, approved July 19, 1956 (70 Stat. 579), the "Domestic Tungsten, Asbestos, Fluorspar and Columbium-Tantalum Production and Purchase Act of 1956" (hereinafter referred to as the "act"), authority is hereby delegated to the Administrator of General Services to accept offers, and to perform all necessary services incident to the purchase, transportation, and storage, of the ores and concentrates specified in the act in accordance with appropriate regulations. Such regulations shall be issued by the Administrator of General Services with my concurrence and in conformity with the provisions of section 2 of the act.

SEC. 2. All materials so acquired shall be held by the Administrator of General Services and disposed of in accordance with the provisions of section 3 of the act.

SEC. 3. The Administrator of General Services shall submit to me or to my designee such reports as from time to time may be requested.

SEC. 4. This delegation of authority shall be effective as of July 19, 1956.

Dated: July 31, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-6311; Filed, Aug. 6, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 217]

HENRY ELAERTS

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of a compliance proceeding against Henry Elaerts doing business under the firm name of Etablissements Henry Elaerts, 38 Rue du Beguinage, Brussels, Belgium, respondent, Case 217.

Henry Elaerts, doing business under the firm name and style of Etablissements Henry Elaerts, in Brussels, Belgium, hereinafter referred to as the respondent, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (a) he made false representations and concealed material facts as to end use and ultimate destination of borax which originated in the United States; (b) he diverted and transshiped borax to countries other than those permitted in export licenses under which it was shipped from the United States; and (c) he diverted and transshipped such borax to countries other than those which he represented as the places of end use and ultimate destination. He duly answered the charges and interposed numerous defenses, alleging, (a) that he obtained assurances from his customers in England that the borax would be consumed there; (b) that he, himself, had not signed end-use statements and so was not bound by the representations in the end-use statements submitted; and (c) that he did not know that some of the borax was from the United States and that he believed the representations as to end use which his vendor demanded from him were demanded because of commercial restrictions as to distribution and not because of governmental requirements. He denies that the borax purchased from one of his vendors was transshipped to Communist China.

In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answers of the respondent, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Henry Elaerts was and now is engaged in the pharmaceutical and chemical business, under the firm name and style of Etablissements Henry Elaerts, in Brussels, Belgium.

2. At all times hereinafter mentioned, he knew that borax delivered to him by vendors in Belgium was so delivered to him solely upon his representations and agreements that the same would be consumed only in Belgium or other countries specifically certified by him as countries of ultimate destination.

3. Beginning in October 1954 and continuing until January 1955, with knowledge that borax to be exported from the United States could be exported only upon the granting of a validated export license restricting its exportation to the particular country or countries therein specified, Elaerts entered into a series of purchase and sale contracts with a supplier in Belgium, in each of which he represented and stated that the borax being purchased by him was destined for Belgium, there to be consumed.

4. Such statements and representations were made to induce the sales to him and with knowledge that the borax so being purchased by him was to be exported from the United States pursuant to export licenses issued upon the condition and representations that the said borax would be consumed in Belgium.

5. Export licenses were thereupon granted by the Bureau of Foreign Commerce authorizing the exportation of said borax and the same was thereafter exported from the United States pursuant to such licenses which restricted the ultimate destination to Belgium.

6. In connection with such exportations, Elaerts' vendor obtained bills of lading on which were endorsed destination control notices saying, "These commodities licensed by U. S. for ultimate destination Belgium. Diversion contrary to U. S. law prohibited," and, for the purpose of effecting delivery of the said borax to Elaerts, his vendor handed said bills of lading to Elaerts' agent, who thereupon became aware of the express United States prohibition against transshipment to a destination other than Belgium.

7. Despite the representations and statements theretofore made by Elaerts to induce the sales to him and the exportations from the United States of the said borax, and despite the warning against transshipment contained in the bills of lading, of which Elaerts is deemed to have had notice, Elaerts did thereafter transship the said borax to countries other than Belgium, the country for which the export licenses had been issued on the basis of the representations made by him to his vendor.

8. At the times when Elaerts made the representations to his vendor that the borax was to be consumed in Belgium, Elaerts was negotiating for the sale of the borax in each instance to a purchaser in a country other than Belgium and, in each instance, at about that time or shortly thereafter, he entered into a contract for the sale thereof to such alien purchaser.

9. In another series of purchases of borax from another supplier, Elaerts was required by that supplier to certify with respect to each purchase the country of ultimate destination of the borax and, to induce the sales to him of the borax sought by him, Elaerts certified to such supplier that the said borax being purchased by him was to be consumed in West Germany or Holland.

10. When making such certifications, Elaerts had knowledge that the terms and conditions of the sales to him required that the borax so sold to him be delivered only to the countries so named by him and to no other countries.

11. The supplier of this borax had obtained it from the United States under the terms of an export license which restricted its ultimate destinations to countries expressly mentioned therein, among which West Germany and Holland were included, and the purpose for which the supplier exacted from Elaerts the representations and statements as to ultimate destination was to assure compliance with the terms of said export license.

12. Nevertheless and in breach of his said representations and certifications, Elaerts did, thereafter, receive and subsequently ship and divert quantities of said borax to Poland and China.

13. By so diverting and shipping said borax to Poland and China, Elaerts did thereby cause the breach and contravention of the regulations and license under which the same had been exported from the United States.

And, from the foregoing, it is my conclusion:

A. That Elaerts knowingly made false representations and concealed material facts for the purpose of or in connection with the reexportation, transshipment or diversion of borax in violation of § 381.5 of the export control regulations;

B. That Elaerts knowingly and without authorization by the Bureau of Foreign Commerce diverted and transshipped and caused to be diverted and transshipped borax to countries of ultimate destination other than the countries of ultimate destination authorized by the export licenses under which such borax had been exported from the United States, in violation of § § 381.4 and 381.6 of the export control regulations;

C. That Elaerts knowingly diverted and transshipped borax to unauthorized countries contrary to prior representations made by him and contrary to notice that such conduct was prohibited, in violation of § 379.10 (c) (2), 381.4 and 381.6 of the export control regulations.

In his report the Compliance Commissioner said,

> A primary issue in this case is whether a foreign national should be held in violation of export control regulations when actual knowledge of the regulations and actual knowledge that the commodity is exported from the United States are not brought home to him. It seems to me that, being charged with the responsibility of achieving effective enforcement of the Act, it is the function of this Department to make sure that goods exported from the United States do not go to prohibited destinations and, if it be found that, under the circumstances of any particular case, a person has sufficient knowledge or understanding of export control laws in general and, with such knowledge, intentionally commits acts which are violations of our export control regulations, then he violates such regulations and should not be permitted to receive goods exported from this country. The result is simply a remedial measure to make certain that our goods do not go to prohibited destinations; it is a result necessary to achieve effective enforcement of the law.
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> . . . . . .
>
> Elaerts explains his disregard of the contract provisions providing for disposition in particular countries by saying he regarded them as mere commercial restrictions. Normally, it would not be too important an element in a proceeding of this nature that a respondent disregarded or breached his contract obligations. However, when the breach of the contract involves or causes, at the same time, a breach of our regulations, then the conduct becomes cognizable here.
>
> . . . . . .
>
> In considering what remedial action ought to be taken in this case, I am taking note of the fact that Elaerts has been denied export privileges since July 28, 1955, that he has

lost for the time being and may irretrievably lose a valuable contract with an American firm which he had represented for ten years prior to the entry of the temporary order and that he seems now to be well aware of the importance of complying with our export regulations affecting American commodities coming within his control. Opposed to this is his misguided failure to provide information properly requested by American agents, which failure he attributes to commercial ethics but seeks to counterbalance with assurances of full disclosure in those cases where he will provide end-use statements for direct submission to the Bureau of Foreign Commerce. It is my recommendation that Elaerts be denied export privileges for a total period of two years, retroactive to the date of the temporary denial order and, of which, the last six months shall be suspended conditioned upon his full compliance with all U. S. export control regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Henry Elaerts or his firm Etablissements Henry Elaerts appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for a period of two years commencing or retroactive to July 28, 1955, the said respondent be, and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondent complies in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing January 28, 1957, he may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to the respondent under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that the respondent has breached the conditions of Part IV hereof, such suspension and denial of his export privileges shall be deemed to commence on the day of such determination and shall continue thereafter for a period of six months or until July 28, 1957, whichever shall be later.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when the respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 2, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-6324; Filed, Aug. 6, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10658]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 1, 1956.

Take notice that United Fuel Gas Company (Applicant), a West Virginia Corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on June 28, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act authorizing it to construct and operate certain proposed facilities for the transmission of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

For the purpose of serving the increased natural gas requirements of E. I. du Pont de Nemours & Company, an existing direct interruptible industrial customer, Applicant proposes to construct and operate approximately 17.7 miles of 12¾ inch gas transmission pipe line (Line SM-88), together with the necessary measuring and regulating facilities at the terminus thereof, extending in a southwesterly direction from a point of interconnection at Applicant's Coco Compressor Station, Kanawha County, West Virginia, to a point of interconnection with du Pont's plant at Belle, Kanawha County, West Virginia.

In order to re-establish the thirty-year old plant's competitive position in the chemical industry, du Pont plans to modernize the plant by replacing process coal used for synthesis gas (carbon monoxide and hydrogen) with natural gas while still using coal for steam production. The synthesis gas is used as a raw material in manfacturing ammonia, ethylene glycol and other chemical products.

Applicant's existing distribution facilities in the Belle area lack capacity to serve du Pont's expanded gas demand. The plant is now supplied from local production of limited volume in the Belle area.

The Coco Compressor Station and nearby storage reservoir (X-52) is the closest large source available to the du Pont plant. These facilities handle interstate gas which United receives from Tennessee Gas Transmission Company and Gulf Interstate Gas Company.

The Applicant's proposed line will have a designed capacity of 78,000 Mcf per day, but only 31,000 Mcf per day is contracted for initially with du Pont.

Annual and peak day gas requirements of du Pont for the first three years, assuming the line is completed by December 1, 1956, are estimated as follows:

Annual requirements, Mcf

1956	1957	1958	1959
279,000	3,932,251	6,434,411	11,032,990

Peak day requirements, Mcf

1956	1957	1958	1959
5,560	11,870	28,050	31,000

The cost of the proposed facilities is estimated at $845,853 which will be financed by the Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 6, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of §1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of the concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6312; Filed, Aug. 6, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8008]

GENERAL PASSENGER FARE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 5, 1956, at 10:00 a. m., e. d. s. t., in Conference Room B, Departmental Auditorium, 12th and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., August 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6370; Filed, Aug. 6, 1956; 8:54 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 110]

NEVADA

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about July 21, 1956, because of the disastrous effects of a flood, damage resulted to residence and business property located in certain areas in the State of Nevada;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Washoe County (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 870 Market Street, Flood Building, Room 952, San Francisco 2, California.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1957.

Dated: July 26, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6314; Filed, Aug. 6, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3499]

UTAH POWER & LIGHT CO.

NOTICE OF PROPOSED AMENDMENT OF CERTIFICATE OF ORGANIZATION AND BY-LAWS CHANGING COMMON STOCK FROM NO-PAR TO PAR, SPLITTING EACH PRESENT SHARE INTO TWO SHARES, AND INCREASING AUTHORIZED NUMBER OF SHARES

AUGUST 1, 1956.

Notice is hereby given that Utah Power & Light Company ("Company"), a registered holding company which is also a utility company operating in the States of Utah, Wyoming and Idaho, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Pursuant to its Certificate of Organization and By-Laws, as amended, the Company is authorized to issue 2,500,000 shares of Common Stock without par value, of which there are issued and outstanding 2,220,000 shares having a stated value of $56,771,563.38, or approximately $25.58 per share. The Company proposes: (1) to transfer $60,436.62 from its earned surplus to its capital stock account, resulting in a stated value of $25.60 per share for each share of its Common Stock presently outstanding; and thereupon (2) to amend its Certificate of Organization and By-Laws so as (a) to increase the authorized Common Stock from 2,500,000 shares without par value to 7,500,000 shares with a par value of $12.80 per share, (b) to change the outstanding Common Stock from 2,220,000 shares without par value to 4,440,000 shares with a par value of $12.80 per share, and (c) to authorize its Board of Directors to fix the consideration, not less than the par value, at which the Company may issue and dispose of its par value stock.

The Company anticipates that the proposed change from no-par to par value stock and the issuance of two shares for one, with the resulting lower unit price per share, will broaden the public interest in and market for the Company's Common Stock and other securities, with a wider distribution of the shares, an increase in the number of shareholders and a greater availability of shares for purchase or sale. It is stated that the proposed changes are advisable to enable the Company to expand and meet its load requirements. The Company expects during the summer or early fall of 1957 to issue and sell securities, including Common Stock, to provide funds to pay off its bank loans (heretofore authorized to an aggregate amount of $25,000,000) and to carry forward its construction program during 1958.

The Company proposes to hold a special meeting of its stockholders on October 8, 1956, to consider and act upon the proposals aforesaid. When the proposed charter amendment becomes effective, the old no-par common shares will represent an equal number of new $12.80 par value shares; and certificates representing an additional share of new $12.80 par value Common Stock for each outstanding share of no-par value stock will be mailed to holders of record.

The Company states that it will apply for listing the par value Common Stock on the New York Stock Exchange so that trading may continue uninterrupted.

Applications for approval of the proposed transactions have also been filed with the Idaho Public Utilities Commission and the Public Service commission of Wyoming, the only other regulatory commissions which, in the opinion of the Company's counsel, have jurisdiction in the matter.

The fees and expenses to be incurred by the Company in connection herewith are estimated as follows:

Proxy solicitation	$2,500
Printing stock certificates	8,000
Special meeting of stockholders	3,000
New York Stock Exchange fee	5,800
State and Federal taxes	200
Transfer agent's fee	5,000
Registrar's fees and expenses	2,000
Legal fees	2,500
Miscellaneous	1,000
Total	30,000

Notice is further given that any interested person may, not later than August 20, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6317; Filed, Aug. 6, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KAREN KELLERMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Karen Kellermann, 138A Gauste Kongerij, Copenhagen, Denmark, $35.55 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to, all monies and amounts by way of royalties, share of profits, or other emolument and all causes of action accrued or to accrue, relating to the compositions entitled "In a Nutshell", "Green Bushes" and "Arrival Platform Hamlet", by Percy Aldridge Grainger, as listed in Exhibit A of Vesting Order No. 4031 (9 F. R. 1633, February 11, 1944), to the extent owned by the claimant, Karen Kellermann, immediately prior to the vesting thereof by Vesting Order No. 4031.

Claim No. 39987.

Executed at Washington, D. C., on July 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6318; Filed, Aug. 6, 1956; 8:48 a. m.]

AGOSTINA BARRANCO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Agostina Barranco, $203.25 in the Treasury of the United States.

Caterina Barranco, $203.25 in the Treasury of the United States.

Giovanni Barranco, $203.25 in the Treasury of the United States.

Concetta Barranco, $203.24 in the Treasury of the United States.

Rosa Barranco, $203.24 in the Treasury of the United States.

Maria Barranco, $203.24 in the Treasury of the United States.

Vincenza Barranco, $203.24 in the Treasury of the United States.

Salvatore Barranco, $195.45 in the Treasury of the United States.

Giuseppe Barranco, $195.45 in the Treasury of the United States.

Rosa Drago, $62.54 in the Treasury of the United States.

All of Cefalu, Italy.

Claim Nos. 45849 and 63225; Vesting Order No. 1524.

Executed at Washington, D. C., on July 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6319; Filed Aug. 6, 1956; 8:48 a. m.]

JEWISH CULTURAL COMMUNITY OF VIENNA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jewish Cultural Community of Vienna, Vienna, Austria, $1,152.33 in the Treasury of the United States.

Claim No. 43951, Vesting Order No. 831.

Executed at Washington, D. C., on July 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6320; Filed, Aug. 6, 1956; 8:48 a. m.]

GERMAINE ANITA JENNY LAVIGNAC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Germaine Anita Jenny Lavignac, 9 rue de Portiers, Paris VII, France, $72.45 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the work entitled "Music and Musicians", by Albert Lavignac, as listed in Exhibit A of Vesting Order No. 3430 (9 F. R. 13768, November 17, 1944), to the extent owned by the claimant, Germaine Anita Jenny Lavignac, immediately prior to the vesting thereof by Vesting Order No. 3430.

Claim No. 46084.

Executed at Washington, D. C., on July 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6321; Filed, Aug. 6, 1956; 8:48 a. m.]

CHARLES MESSAGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles Messager, dit Vildrac, 96 rue de Grenelle, Paris 7, France, $51.37 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue relating to the work entitled "La Brouille" published by D. C. Heath & Company, as listed in Exhibit A of Vesting Order No. 3918 (9 F. R. 9515, August 4, 1944) to the extent owned by the claimant, Charles Messager, dit Vildrac, immediately prior to the vesting thereof by Vesting Order No. 3918.

Claim No. 59438.

Executed at Washington, D. C., on July 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6322; Filed, Aug. 6, 1956; 8:48 a. m.]

DESIRE AND MARIE-LOUISE DIGOUDE-DIODET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Desire Digoude-Diodet, 12, rue Rougemont, Paris, France, and Marie-Louise Digoude-Diodet, 39, rue du Faubourg Saint-Martin, Paris X, France: To each claimant, one-half (½) of the following:

$27.29 in the Treasury of the United States; and

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to, all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions entitled "Love's Torment," "Chanson Bohemienne" and "My Love and the Lark" (a version of "Chanson Bohemienne"), as listed in Exhibit A of Vesting Order No. 3552 (9 F. R. 6464, June 13, 1944) to the extent owned by Louis Digoude-Diodet immediately prior to the vesting thereof by Vesting Order No. 3552.

Claim No. 43837.

Executed at Washington, D. C., on July 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6323; Filed, Aug. 6, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5454]

TEXAS

LOAN ANNOUNCEMENT

JULY 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 76AD Blanco	$230,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6327; Filed, Aug. 6, 1956; 8:48 a. m.]

[Administrative Order 5455]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JULY 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 22S Jefferson	$445,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6328; Filed, Aug. 6, 1956; 8:48 a. m.]

[Administrative Order 5456]

OREGON

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 18N Eugene	$339,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6329; Filed, Aug. 6, 1956; 8:48 a. m.]

[Administrative Order 5457]

OREGON

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 25P Deschutes	$156,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6330; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5458]

MISSOURI

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 26N Ralls	$255,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6331; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5459]

MINNESOTA

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 72K Renville	$76,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6332; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5460]

TEXAS

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 108T Swisher	$956,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6333; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5461]

OREGON

LOAN ANNOUNCEMENT

JULY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 17U Douglas	$184,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6334; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5462]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENTS

JULY 9, 1956.

I hereby amend: (a) Administrative Order No. 4225, dated June 5, 1953, by reducing the loan of $50,000 therein made for "Kentucky 27T Boyle" by $17,807.74 so that the reduced loan shall be $32,192.26.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6335; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5463]

MONTANA

LOAN ANNOUNCEMENT

JULY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 27G Glasgow	$319,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6336; Filed, Aug. 6, 1956; 8:49 a. m.]

[Administrative Order 5464]

ALASKA

LOAN ANNOUNCEMENT

JULY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alaska 6F Golden Valley	$157,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6337; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5465]

ARKANSAS

LOAN ANNOUNCEMENT

JULY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 21AH Lincoln	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6338; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5466]

MISSISSIPPI

AMENDMENT OF LOAN ANNOUNCEMENT

JULY 12, 1956.

I hereby amend: (a) Administrative Order No. 4619, dated June 7, 1954, by reducing the loan of $810,000 therein made for "Mississippi 29X Oktibbeha" by $48,000 so that the reduced loan shall be $762,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6339; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5467]

TEXAS

LOAN ANNOUNCEMENT

JULY 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 80Z Collingsworth	$230,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6340; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5468]

KANSAS

LOAN ANNOUNCEMENT

JULY 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 32Y Reno	$165,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6341; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5469]

OREGON

LOAN ANNOUNCEMENT

JULY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 4R Lincoln	$1,830,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6342; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5470]

NEBRASKA

LOAN ANNOUNCEMENT

JULY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 96G Loup District Public	$9,000,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6343; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5471]

NEBRASKA

LOAN ANNOUNCEMENT

JULY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 94B Adams, District Public	$17,000,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6344; Filed, Aug. 6, 1956; 8:50 a. m.]

[Administrative Order 5472]

ILLINOIS

LOAN ANNOUNCEMENT

JULY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 39U Fulton	$254,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6345; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5473]

IOWA

LOAN ANNOUNCEMENT

JULY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 75M Montgomery	$182,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6346; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5474]

NEBRASKA

LOAN ANNOUNCEMENT

JULY 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 79N Red Willow, District Public	$118,500

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6347; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5475]

OKLAHOMA

LOAN ANNOUNCEMENT

JULY 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 22AE Cotton	$610,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6348; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5476]

MISSOURI

AMENDMENT OF LOAN ANNOUNCEMENT

JULY 18, 1956.

I hereby amend: (a) Administrative Order No. 154, dated October 29, 1937, by reducing the allocation of $3,500 therein made for "Missouri 8019W Boone" by $177 so that the reduced allocation shall be $3,323;

(b) Administrative Order No. 307, dated November 3, 1938, by reducing the allocation of $10,000 therein made for "Missouri R9019W2 Boone" by $91 so that the reduced allocation shall be $9,909; and

(c) Administrative Order No. 4145, dated April 24, 1953, by rescinding the loan of $20,000 therein made for "Missouri 19S Boone".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6349; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5477]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 34S Barren	$705,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6350; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5478]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 49M Clark	$575,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6351; Filed, Aug. 6, 1956; 8:51 a. m.]

[Administrative Order 5479]

COLORADO

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 18L Gunnison	$193,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6352; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5480]

TEXAS

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 102T Jackson	$925,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6353; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5481]

TENNESSEE

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 39H Lincoln	$730,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6354; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5482]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 8AB Roosevelt	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-6355; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5483]

ARKANSAS

LOAN ANNOUNCEMENT

JULY 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 31W Ashley	$125,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Dock. 56-6356; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5484]

MINNESOTA

LOAN ANNOUNCEMENT

JULY 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Minnesota 92P South Itasca---- *Amount* $905,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6357; Filed, Aug. 6, 1956; 8:52 a. m.]

[Administrative Order 5485]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: New Mexico 15F Rio Arriba------ *Amount* $353,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6358; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5486]

MINNESOTA

LOAN ANNOUNCEMENT

JULY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Minnesota 97S Roseau---------- *Amount* $50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-6359; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5487]

CALIFORNIA

LOAN ANNOUNCEMENT

JULY 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: California 39B Twentynine Palms- *Amount* $332,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6360; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5488]

MAINE

AMENDMENT OF LOAN ANNOUNCEMENT

JULY 26, 1956.

I hereby amend: (a) Administrative Order No. 454, dated April 30, 1940, by reducing the allocation of $5,000 therein made for "Maine 0008W2 Aroostook" by $48 so that the reduced allocation shall be $4,952;

(b) Adminstrative Order No. 676, dated February 20, 1942, by rescinding the allocation of $5,000 therein made for "Maine 2008S3 Aroostock"; and

(c) Administrative Order No. 3465, dated September 25, 1951, rescinding the loan of $10,000 therein made for "Maine 8H Aroostook".

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6361; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5489]

COLORADO

LOAN ANNOUNCEMENT

JULY 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Colorado 17W Prowers---------- *Amount* $830,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6362; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5490]

IOWA

LOAN ANNOUNCEMENT

JULY 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Iowa 2N Sioux---------- *Amount* $192,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6363; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5491]

MICHIGAN

LOAN ANNOUNCEMENT

JULY 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Michigan 26AE Ingham--------- *Amount* $280,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6364; Filed, Aug. 6, 1956; 8:53 a. m.]

[Administrative Order 5492]

ALABAMA

AMENDMENT OF LOAN ANNOUNCEMENT

JULY 30, 1956.

I hereby amend: (a) Administrative Order No. 4688, dated July 30, 1954, by reducing the loan of $445,000 therein made for "Alabama 29K Greene" by $74,353.76 so that the reduced loan shall be $370,646.24.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6365; Filed, Aug. 6, 1956; 8:54 a. m.]

[Administrative Order 5493]

ALABAMA

LOAN ANNOUNCEMENT

JULY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Alabama 18V Cullman---------- *Amount* $685,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6366; Filed, Aug. 6, 1956; 8:54 a. m.]

[Administrative Order 5494]

ALABAMA

LOAN ANNOUNCEMENT

JULY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Alabama 32T Geneva---------- *Amount* $375,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6367; Filed, Aug. 6, 1956; 8:54 a. m.]

[Administrative Order 5495]

NEBRASKA

LOAN ANNOUNCEMENT

JULY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Nebraska 65P Wayne, District Public---------- *Amount* $348,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6368; Filed, Aug. 6, 1956; 8:54 a. m.]

[Administrator Order 5496]

TEXAS

LOAN ANNOUNCEMENT

JULY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 95AD Medina---------- *Amount* $200,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-6369; Filed, Aug. 6, 1956; 8:54 a. m.]

UNIVERSITY
OF MICHIGAN
AUG 10 1956
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TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The following riders, issued pursuant to § 420.7 of the above-identified regulations (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473), are hereby published:

A Rider No. 1 for the 1956 and succeeding crop years to the Multiple Crop Insurance Policy for the following counties:

North Dakota—§ 420.82.
Richland—§ 420.82–4.
Tennessee—§ 420.90.
Weakley—§ 420.90–3.

The above-designated riders supersede for the 1956 and succeeding crop years the riders previously published under the above code numbers for Richland County, North Dakota (21 F. R. 4492) and Weakley County, Tennessee (21 F. R. 4500) which are hereby deleted from Federal Register Document 56–4959 published in the issue of Saturday, June 23, 1956.

A Rider No. 1 for the 1957 and succeeding crop years to the Multiple Crop Insurance Policy for the following counties:

Arkansas—§ 420.53.
Arkansas—§ 420.53–1.
Colorado—§ 420.55.
Morgan, Weld—§ 420.55–1.
Illinois—§ 420.61.
Jasper—§ 420.61–1.
Illinois—§ 420.61.
Hamilton, Wayne—§ 420.61–3.
Illinois—§ 420.61.
Bond, Christian, Clinton, Effingham, Fayette, Jersey, Madison, Morgan, Pike, Scott, Schuyler—§ 420.61–5. [Supersedes: §§ 420.61–2 and 420.61–4.]
Indiana—§ 420.62.
Ripley—§ 420.62–4.
Indiana—§ 420.62.
Boone, Shelby, Sullivan, Wells, Whitley—§ 420.62–6. [Supersedes: §§ 420.62–1, 420.62–3, and 420.62–5.]
Kansas—§ 420.64.
Bourbon, Cherokee, Franklin, Linn, Montgomery—§ 420.64–1.
Louisiana—§ 420.66.
St. Martin—§ 420.66–1.
Louisiana—§ 420.66.
Vermilion—§ 420.66–2.
Michigan—§ 420.70.
Gratiot—§ 420.70–1.
Michigan—§ 420.70.
Jackson—§ 420.70–2.
Missouri—§ 420.73.
Johnson—§ 420.73–1.
Missouri—§ 420.73.
Cass, Cooper—§ 420.73–3.
Missouri—§ 420.73.
Audrian — § 420.73–4. [Supersedes: § 420.73–2.]
Nebraska—§ 420.75.
Antelope—§ 420.75–1.
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Ohio—§ 420.83.
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Ohio—§ 420.83.
Hancock, Paulding, Sandusky, Van Wert, Williams—§ 420.83–4. [Supersedes: § 420.83–2.]
Oregon—§ 420.85.
Linn—§ 420.85–1.
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Malheur—§ 420.85–2.
Pennsylvania—§ 420.86.
Lebanon—§ 420.86–1.
Pennsylvania—§ 420.86.
Somerset—§ 420.86–2.
Tennessee—§ 420.90.
Franklin—§ 420.90–1.
Utah—§ 420.92.
Emery—§ 420.92–2. [Supersedes: § 420.–92–1.]
Wyoming—§ 420.98.
Platte—§ 420.98–1.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

F. H. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

§ 420.82 *North Dakota.*

§ 420.82–4 *Richland County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Richland County, N. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

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(b) The coverage per acre for each insured crop except corn and soybeans shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier or (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, or for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye or wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): *Provided, however,* That if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax, oats, rye, soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION,

§ 420.90 *Tennessee.*

§ 420.90–3 *Weakley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Weakley County, Tenn., Beginning With the 1956 Crop year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(d) Sweet potatoes, excluding acreage of less than one acre on an insurance unit.

(e) Tobacco, types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for corn and sweet potatoes shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and sweet potatoes shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 75 percent for any acreage which is released by the Corporation or destroyed after it is too late to plant cotton but before the first cultivation, (2) 60 percent for any acreage which is released by the Corporation or destroyed after first cultivation but prior to laying by the crop and (3) 25 percent for any acreage on which the crop is laid by and not harvested.

(d) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

(e) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting, the cotton crop upon picking the sweet potato crop upon digging, the soybean crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(f) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(g) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except soybeans shall be reduced 50 percent of any acreage released by the Corporation and planted to a substitute crop,

field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year or (ii) October 31 in the case of sweet potatoes and in the case of corn and soybeans December 10 and in the case of cotton December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Notwithstanding any other provision(s) of the contract in determining any loss, the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (c) all the insurable acreage of all incured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production, except harvested production of corn, cotton or tobacco from acreage not qualifying as harvested under the definition in section 8, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Any production of soybeans interplanted in the same row with corn shall not be counted as production. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Notwithstanding the other provisions of this paragraph regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the coverage for such acreage.

(c) "Harvest" for any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(d) "Harvest" with respect to any acreage of soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(e) "Harvest" with respect to any acreage of sweet potatoes means digging the potatoes (by manual or mechanical means) where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.53 *Arkansas.*

§ 420.53–1 *Arkansas County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Arkansas County, Ark., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Oats (fall only) planted for harvest as grain, excluding oats planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Rice planted for harvest as grain.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for oats and rice shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for rice shall be reduced 25 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for oats shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(d) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any insured crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats, and December 10 in the case of rice and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any

threshed production of oats and rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled shall be evaluated at a value per unit determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight basis. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* "Harvest" with respect to any acreage of oats, rice or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. *Irrigation.* (a) Notwithstanding the provisions of section 5 of this rider, any share in an insured crop paid or to be paid for irrigation water shall be considered for purpose of determining insurance units only, as a part of the share of the insured.

(b) The contract will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55 *Colorado.*

§ 420.55–1 *Morgan and Weld Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Morgan and Weld Counties, Colo., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley (spring only) planted for harvest as grain, excluding barley planted with other small grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (Pinto).

(d) Wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except dry edible beans, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop, except dry edible beans, shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for dry edible beans shall be reduced as follows: (1) 35 percent for any acreage which is not pulled or cut, and (2) 15 percent for any acreage which is pulled or cut but not threshed.

3. *Insurance period.* Insurance shall attach (subject to the provisions of section 7 (a) of this rider) at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley and wheat, December 10 in the case of corn, and December 15 in the case of dry edible beans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of the submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. In order for corn to be evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. Any threshed production of beans which will not meet any U. S. Grade for which a fixed price is shown on the county actuarial table because of poor quality due to insured causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price; *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash

or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed production of beans and all harvested production of all other crops, (including any harvested production of barley or wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, (unthreshed production of beans) poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Production of corn shall be counted as grain, except that any production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Irrigated acreage.* (a) In addition to the provisions of section 2 of the policy, where insurance is written on the basis of irrigated coverage, the following provisions shall apply: (1) The acreage of insurable crops which shall be insured on an irrigated basis in any year shall not exceed the smaller of (i) that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (ii) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is planted or during the growing season, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) The contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: November 30.

Cancellation date: June 30.

Date by which county minimum participation requirement must be met for any crop year: August 31 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of dry edible beans means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61 *Illinois.*

§ 420.61–1 *Jasper County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jasper County, Ill., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding, the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61–3 *Hamilton and Wayne Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hamilton and Wayne Counties, Ill., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting

from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61–5 *Bond, Christian, Clinton, Effingham, Fayette, Jersey, Madison, Morgan, Pike, Scott, and Schuyler Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bond, Christian, Clinton, Effingham, Fayette, Jersey, Madison, Morgan, Pike, Scott, and Schuyler Counties, Ill., Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62 *Indiana.*

§ 420.62–4 *Ripley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ripley County, Ind., Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Tobacco type 31.

(d) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans, tobacco or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30 perceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn, soybeans and tobacco.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

(d) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than February 28 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop, or (ii) October 31 in the case of wheat and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium

computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn or tobacco from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder, or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62–6 *Boone, Shelby, Sullivan, Wells, and Whitley Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Boone, Shelby, Sullivan, Wells, and Whitley Counties, Ind., Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans, or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.64 *Kansas.*

§ 420.64–1 *Bourbon, Cherokee, Franklin, Linn and Montgomery Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bourbon, Cherokee, Franklin, Linn, and Montgomery Counties, Kans., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested

production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition of section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66 *Louisiana.*

§ 420.66–1 *St. Martin Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in St. Martin Parish, La., Beginning With the 1957 Crop Year)

Insurable crops. For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest as grain.

(d) Sugarcane, including acreage harvested for seed, and excluding (1) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(e) Sweet potatoes (excluding acreage of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for sugarcane, sweet potatoes and rice shall be reduced 25 percent for any acreage not harvested and not planted to a substitute crop.

(d) The coverage per acre for cotton shall be reduced as follows: (1) 75 percent for any acreage which is destroyed after it is too late to plant cotton but before the first cultivation, (2) 60 percent for any acreage which is destroyed after first cultivation but prior to laying by the crop and (3) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any acreage of any insured crop, except for the second and third year crop of sugarcane in which case insurance shall attach on December 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting, the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, the sweet potato crop upon digging or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) November 30 in the case of cotton, rice and sweet potatoes and December 10 in the case of corn of the calendar year in which the crop is normally harvested and January 31 in the case of sugarcane following the normal time of harvest, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production except harvested production of corn and cotton from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved). An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. Notwithstanding the other provisions of this paragraph (c) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: November 30 following the cancellation date for the crop year.

8. *Definitions.* (a) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) the second and third year crops on December 1 preceding the calendar year in which the crop is normally harvested.

(b) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(c) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the fixed price) to 10 percent or more of the coverage for such acreage.

(d) "Harvest" with respect to any acreage of rice means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(e) "Harvest" with respect to any acreage of sugarcane means cutting the cane (by manual or mechanical means) where the crop has not been destroyed.

(f) "Harvest" with respect to any acreage of sweet potatoes means digging the potatoes (by manual or mechanical means) where the crop has not been destroyed.

9. *Irrigation.* (a) Notwithstanding the provisions of section 5 of this rider, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only, as a part of the share of the insured.

(b) The contract will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66–2 *Vermilion Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Vermilion Parish, La., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(b) Rice planted for harvest as grain.

(c) Sugarcane, including acreage harvested for seed, and excluding (1) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for sugarcane and rice shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for sugarcane and rice shall be reduced 25 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 75 percent for any acreage which is destroyed after it is too late to plant cotton but before the first cultivation. (2) 60 percent for any acreage which is destroyed after first cultivation but prior to laying by the crop and (3) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except for the second and third year crop of sugarcane, in which case insurance shall attach on December 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the cotton crop upon picking, the rice crop upon threshing, and the sugarcane crop upon cutting or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) November 30 in the case of cotton and rice of the calendar year in which the crop is normally harvested and January 31 in the case of sugarcane following the normal time of harvest, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production, except harvested production of cotton from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved). An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. Notwithstanding the other provisions of this paragraph (c) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreage involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: November 30 following the cancellation date for the crop year.

8. *Definitions.* (a) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) the second and third year crops on December 1 preceding the calendar year in which the crop is normally harvested.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the fixed price) to 10 percent or more of the coverage for such acreage.

(c) "Harvest" with respect to any acreage of rice means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(d) "Harvest" with respect to any acreage of sugarcane means cutting the cane (by manual or mechanical means) where the crop has not been destroyed.

9. *Irrigation.* Notwithstanding the provisions of section 5 of this rider, any share of an insured crop paid or to be paid for irrigation water shall be considered for the pur-

pose of determining insurance units only, as a part of the share of the insured. The contract will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70 *Michigan.*

§ 420.70–1 *Gratiot County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Gratiot County, Mich., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Dry edible beans (pea and medium white).

(c) Oats planted for harvest as grain, excluding oats planted with other small grain.

(d) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(e) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn, oats and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn, oats and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

(d) The coverage per acre for dry edible beans shall be reduced as follows: (1) 35 percent for any acreage which is not pulled or cut, and (2) 15 percent for any acreage which is pulled or cut but not threshed.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats or wheat, December 10 in the case of corn or soybeans and December 15 in the case of dry edible beans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of dry edible beans which will not meet any U. S. Grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of dry edible beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed production of dry edible beans and all harvested production of all other crops (including any harvested production of oats or wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production (unthreshed production of dry edible beans), poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested (threshed in the case of dry edible beans) shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats, soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of dry edible beans means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70–2 *Jackson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jackson County, Mich., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain, excluding oats planted with other small grains.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon the threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier or (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats or wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats or wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crops on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–1 *Johnson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Johnson County, Mo., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit

intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 per cent for any acreage not harvested and not planted to a substitue crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–3 *Cass and Cooper Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Cass and Cooper Counties, Mo., Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, wheat or corn may be added as an insurable crop under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31, in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsurable causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73–4 *Audrain County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Audrain County, Mo., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance pro-

vided by the Corporation for the crop year in which the insured has elected to have insurance under the provisions of the Commodity Credit Corporation Act, as amended, or (b) to have insurance under the provisions of the Act of February 16, 1938, as amended. Such election shall be made on or before the cancellation date for the crop year. Failure to make such election shall be deemed an election to have insurance under the provisions of the Commodity Credit Corporation Act, as amended.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.74 *Nebraska.*

§ 420.74–1 *Dawson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dawson County, Nebr., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsurable causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

tection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75 *Nebraska.*

§ 420.75–1 *Antelope County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Antelope County, Nebr., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain, excluding oats planted with other small grains.

(c) Rye planted for harvest as grain, excluding rye planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(d) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats, rye, or wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate of No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats, rye, or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75–2 *Pawnee County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Pawnee County, Nebr., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage

abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75–3 *Washington County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Washington County, Nebr., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested).

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent of any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county acturial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.83 *Ohio.*

§ 420.83–1 *Union County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Union County, Ohio, Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

Provided, however, That for contracts in force during the 1956 crop year, corn, soybeans and wheat shall be considered the designated insurable crops unless the insured notifies the county office in writing prior to September 30, 1956, of a designation of insurable crop(s) other than corn, soybeans and wheat.

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation shall be adjusted dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small gains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.83–3 *Wayne County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Wayne County, Ohio, Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:–

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these reqirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.83–4 *Hancock, Paulding, Sandusky, Van Wert, and Williams Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hancock, Paulding, Sandusky, Van Wert, and Williams Counties, Ohio, Beginning With the 1957 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans in the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such a manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85 *Oregon.*

§ 420.85–1 *Linn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Linn County, Oreg., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Mixtures of any two or more of the following crops planted for harvest as grain: Barley, oats, wheat.

(c) Oats planted for harvest as grain.

(d) Common rye grass planted for harvest as seed.

(e) Wheat planted for harvest as grain.

(f) Vetch hay and mixtures of oats or wheat with vetch and/or Austrian winter peas, planted for hay.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted o a substitute crop.

3. *Determining coverage(s) and premium(s) of mixtures planted for harvest as grain.* For determining the coverage(s) and premium(s) under the contract, a mixture of barley, oats or wheat planted for harvest as grain shall be considered as the crop in the mixture having the lowest coverage unless the mixture planted contains more than 80 percent by weight of one crop in which event the mixture shall be considered to be that crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except that for common rye grass initially planted in the spring insurance shall attach on December 1 following the planting provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest as seed the following harvest season. Insurance shall cease with respect to any portion of the hay crops upon baling or stacking, and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, oats or wheat (including insured mixtures shown in section 1 (b) of this rider) and vetch hay (including mixtures shown in section 1 (f) of this rider) and December 10 in the case of common rye grass, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if property handled, and (2) has a value per bushel which is less than the

lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any threshed production of oats or common rye grass which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled shall be evaluated at a value per unit determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. No adjustment for quality will be made for production from insured acreage planted to the insurable mixtures shown in section 1 (b) of this rider.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production from acreage initially planted for purposes other than for harvest as grain) except harvested production of insured hay which is destroyed prior to baling, stacking or removal from the field. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. In determining production on acreage where a mixture of barley, oats, or wheat planted for harvest as grain is insured, all production shall be counted on a weight basis as the crop used for determining the coverage and premium of such mixture in accordance with section 3 of this rider. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.
Cancellation date: July 31.

9. *Definitions.* (a) For all purposes under the contract common rye grass for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of barley, oats or wheat (including insured mixtures shown in section 1 (b) of this rider) and common rye grass means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any insured acreage of hay means mechanical severance from the land of the crop for hay where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85–2 *Malheur County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Malheur County, Oreg., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.
(b) Barley planted for harvest as grain.
(c) Dry edible beans (small reds).
(d) Mixtures of barley and wheat planted for harvest as grain.
(e) Potatoes (excluding acreages of less than one acre on an insurance unit) commonly known as Irish potatoes.
(f) Red clover planted for harvest as hay or seed.
(g) Sugar beets planted for production of sugar.
(h) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except dry edible beans and sugar beets, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop, except dry edible beans and sugar beets, shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for dry edible beans shall be reduced as follows: (1) 35 percent for any acreage which is not pulled or cut, and (2) 15 percent for any acreage which is pulled or cut but not threshed.

(d) The coverage per acre for sugar beets not lifted and topped shall be reduced as follows:

(i) 80 percent for any acreage released by the Corporation because of damage occurring prior to thinning.

(ii) 60 percent for any acreage which is released by the Corporation because of damage occurring after thinning and planted to a substitute crop.

(iii) 25 percent for any acreage which is released by the Corporation because of damage occurring after thinning and which is not planted to a substitute crop and not lifted and topped.

3. *Determining coverage(s) and premium(s) of mixtures planted for harvest as grain.* For determining the coverage(s) and premium(s) under the contract, a mixture of barley and wheat planted for harvest as grain shall be considered as barley unless the mixture planted contains more than 80 percent by weight of wheat, in which event the mixture shall be considered to be wheat.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa and red clover in which case insurance shall attach on December 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to any portion of the alfalfa crop upon baling or stacking, the red clover crop upon baling, stacking or threshing, the potato crop upon digging, the sugar beet crop upon lifting and topping, and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of alfalfa, small grain(s) and red clover for hay or seed and December 10 in the case of potatoes and sugar beets and December 15 in the case of dry edible beans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any potatoes which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. Any threshed production of beans which will not meet any U. S. grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. No adjustment for quality will be made for production from insured acreage planted to the insurable mixture shown in section 1 (d) of this rider.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed production of beans and all harvested production of all other crops (including any harvested production of barley, wheat or an insured mixture thereof from acreage initially planted for purposes other than for harvest as grain), except harvested production of insured hay which is destroyed prior to baling, stacking or removal from the field. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, (unthreshed production of beans), poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. In determining production on acreage where a mixture of barley and wheat planted for harvest as grain is insured, all production shall be counted on a weight basis as the crop used for determining the coverage and premium of such mixture in accordance with section 3 above. For red clover the Corporation may count the appraised production for seed in place of the hay production for any cutting and the appraisal for hay or the appraisal for seed or both, whichever the Corporation elects, for (1) acreage pastured or (2) production not harvested. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, (threshed in the case of dry edible beans) shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. For any acreage of sugar beets released by the Corporation prior to harvest, the Corporation may count as production any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, as amended.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.
Cancellation date: July 31.

9. *Definitions.* (a) For all purposes under the contract alfalfa and red clover for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of barley, wheat or insured mixtures thereof means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of red clover means mechanical severance from the land of the crop for hay or seed where the crop has not been destroyed.

(d) "Harvest" with respect to any acreage of alfalfa means mechanical severance from the land of the crop for hay where the crop has not been destroyed.

(e) "Harvest" with respect to any acreage of dry edible beans means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

(f) "Harvest" with respect to any acreage of potatoes means digging the potatoes (by manual or mechanical means) where the crop has not been destroyed.

(g) "Harvest" with respect to any acreage of sugar beets means lifting and topping the beets where the crop has not been destroyed.

10. *Irrigated acreage.* (a) In addition to the provisions of section 2 of the policy, the following provisions shall apply: (1) the acreage of insurable crops which shall be insured in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) The contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.86 *Pennsylvania.*

§ 420.86–1 *Lebanon County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lebanon County, Pa., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted in the fall for harvest as grain, excluding barley planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Tobacco, type 41. (Insurance to attach for that crop year only if an election is in effect for that crop year to have Separate Crop Protection.)

(d) Wheat planted for harvest as grain, excluding wheat planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding

the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except tobacco, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop, except tobacco, shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for tobacco shall be reduced 5 percent for each full 5 percent that the market price is less than a price designated for this purpose on the county actuarial table.

(d) In addition to any reduction made under (c) of this section, the coverage per acre for tobacco shall be reduced 35 percent for any acreage which is not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than March 31 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley or wheat and December 10 in the case of corn of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop, except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract, in determining any loss the value of any harvested roduption of tobacco shall be the fair market value as determined by the Corporation. To enable the Corporation to determine the fair market value of tobacco harvested, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Any appraised production of tobacco shall be evaluated at the market price as defined in section 10 (c) of this rider.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn and tobacco from acreage not qualifying as harvested under the definition in section 10 subsection (a) and (b). In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Notice of loss or damage (applicable to tobacco only).* In addition to any other notice of loss or damage required by section 7 of the policy, (a) if after curing the tobacco it appears probable that a loss on any insurance unit under the contract will be sustained, notice in writing shall be given to the Corporation at the county office to allow the Corporation time to make an inspection before the crop is sold, contracted to be sold, or otherwise disposed of and (b) in any case if, at the completion of selling or otherwise disposing of the insured tobacco on an insurance unit, a loss on such insurance unit under the contract is probable, notice in writing shall be given within 15 days to the Corporation at the county office.

10. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of tobacco means cutting an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(c) "Market price" in the case of tobacco means the average price for the applicable type in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the county office.

(d) "Harvest" with respect to any acreage of barley or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.86–2 *Somerset County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Somerset County, Pa., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain, excluding oats planted with other small grain.

(c) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(d) Wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop, except potatoes, shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for potatoes shall be reduced 25 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, the potato crop upon digging, and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats, potatoes and wheat and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of the submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Coporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production, (including any harvested production of oats or wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of potatoes means digging the potatoes (by manual or mechanical means) where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90 *Tennessee.*

§ 420.90–1 *Franklin County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Franklin County, Tenn., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain, including corn with which soybeans are in-

terplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Tobacco, type 31.

(d) Wheat planted for harvest as grain, excluding wheat planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 75 percent for any acreage which is destroyed after it is too late to plant cotton but before the first cultivation, (2) 60 percent for any acreage which is destroyed after first cultivation but prior to laying by the crop and (3) 25 percent for any acreage on which the crop is laid by and not harvested.

(d) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), and (b) any portion of the corn crop upon harvesting the cotton crop upon picking, and the wheat crop upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, December 10 in the case of corn and December 31 in the case of cotton of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting plus any acreage owned by him and worked for him by a sharecropper(s) or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant or worked by the insured as a sharecropper at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn, cotton and tobacco from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. Notwithstanding the other provisions of this paragraph regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the fixed price) to 10 percent or more of the coverage for such acreage.

(b) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(c) "Harvest" with respect to any acreage of tobacco means cutting an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(d) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.92 *Utah.*

§ 420.92-2 *Emery County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emery County, Utah, Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Barley planted for harvest as grain.

(c) Corn planted for silage.

(d) Oats planted for harvest as grain.

(e) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(f) Mixtures of any two or more of the following crops: Barley, oats, and wheat, as defined in this section.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of barley and wheat is seeded, the barley coverage shall apply. If any insurable mixture containing oats is seeded the oats coverage shall apply.

(b) For the purpose of determining the amount of premium, a mixture of barley and wheat shall be considered as barley and any insurable mixture containing oats shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on October 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting, and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of alfalfa, barley, oats, or wheat (including insured mixtures shown in section 1 (f) of this rider) December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any threshed production of oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

No adjustment for quality will be made for production from insured acreage planted to the insurable mixtures shown in section 1 (f) of this rider.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, wheat or insurable mixtures thereof from acreage initially planted for purposes other than for harvest as grain) except harvested production of alfalfa hay which is destroyed prior to baling, stacking or removal from the field. In addition, the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. In determining production on acreage where a mixture of barley and wheat is insured, all the production shall be counted as barley on a weight basis, and where any insurable mixture containing oats is insured, all the production shall be counted as oats on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Irrigated acreage.* (a) In addition to the provisions of section 2 of the policy, the following provisions shall apply: (1) The acreage of insurable crops which shall be insured in any year shall not exceed the smaller of (i) that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (ii) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is seeded or during the growing season, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) The contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determined that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

9. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

10. *Definitions.* (a) For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of corn means cutting the corn for fodder or silage where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of barley, oats, or wheat (including insured mixtures shown in section 1 (f) of this rider) means the mechanical severance from the

land of the matured crop for threshing where the crop has not been destroyed.

(d) "Harvest" with respect to any acreage of alfalfa means mechanical severance from the land of the crop for hay where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.98 *Wyoming.*

§ 420.98–1 *Platte County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Platte County, Wyo., Beginning With the 1957 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay. (Insurance to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (Pinto and Great Northern).

2. *Existing crop insurance contract.* The acceptance by the Corporation of a multiple crop insurance application shall not cancel any existing wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for each insured crop, except dry edible beans, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop, except dry edible beans, shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for dry edible beans shall be reduced as follows: (1) 35 percent for any acreage which is not pulled or cut, and (2) 15 percent for any acreage which is pulled or cut but not threshed.

4. *Insurance period.* Insurance shall attach (subject to the provisions of section 8 (a) of this rider) at the time of planting to any insured acreage of any insured crop except hay on which insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting, the hay crop upon baling or stacking, and the dry edible bean crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of alfalfa, December 10 in the case of corn and December 15 in the case of dry edible beans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit not later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. In order for corn to be evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. Any threshed production of beans which will not meet any U. S. Grade or pick for which a fixed price is shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose.

6. *Insurance unit.* An insurance unit consists of (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed production of beans and all harvested production of all other crops, except (1) harvested production of corn from acreage not qualifying as harvested under the definition in section 10 (a), and (2) harvested production of alfalfa hay which is destroyed prior to baling, stacking or removal from the field. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production (unthreshed production of beans), poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Irrigated acreage.* (a) In addition to the provisions of section 2 of the policy, the following provisions shall apply: (1) The acreage of insurable crops which shall be insured in any year shall not exceed the smaller of (i) that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (ii) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is seeded or during the growing season, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) The contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

9. *Date table.*

Discount date: November 30.

Cancellation date: June 30.

Date by which county minimum participation requirement must be met for any crop year: August 31 following the cancellation date for the crop year.

10. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(c) "Harvest" with respect to any acreage of alfalfa means mechanical severance from the land of the crop for hay where the crop has not been destroyed.

(d) "Harvest" with respect to any acreage of dry edible beans means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 56-6384; Filed, Aug. 7, 1956; 8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1956–57 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1956 CROP OF WHEAT

§ 728.606 *Basis and purpose.* The county acreage allotments for 1956 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1956 as established by the proclamation dated May 13, 1955 (20 F. R. 3494), and to add thereto the increases required by section 1 of Public Law 117, 83d Congress. Prior to determinations of county acreage allotments for 1956 crop wheat, public notice (20 F. R. 655) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of county acreage allotments for 1956 crop wheat which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, including the provisions of section 1 of Public Law 117, 83d Congress.

§ 728.607 *Wheat acreage apportioned to counties for 1956.*

ARKANSAS

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Arkansas	823		135	958
Ashley	24		9	33
Baxter	151			151
Benton	1,538			1,538
Boone	223			223
Carroll	217			217
Chicot	318		49	367
Clay	1,895		118	2,013
Cleburne	33		13	46
Cleveland	1			1
Columbia	4		1	5
Conway	1,284		109	1,393
Craighead	182			182
Crawford	1,632		182	1,814
Crittenden	4,624		999	5,623
Cross	1,354		195	1,549
Dallas	1		1	2
Desha	321		57	378
Drew	8		3	11
Faulkner	201		42	243
Franklin	237		4	241
Fulton	146			146
Garland	23			23
Grant	1		1	2
Greene	332			332
Hempstead	5			5
Hot Spring	20		8	28
Howard	1			1
Independence	3,970			3,970
Izard	17			17
Jackson	1,177			1,177
Jefferson	64		18	82
Johnson	792			792
Lafayette	1			1
Lawrence	525			525
Lee	1,126		187	1,313
Lincoln	75		22	97
Little River	15			15
Logan	1,313			1,313
Lonoke	287		52	339
Madison	323		16	339
Marion	66			66
Miller	2			2
Mississippi	8,712		1,750	10,462
Monroe	49		15	64
Montgomery	52			52
Newton	3			3
Perry	205		41	246
Phillips	797		223	1,020
Poinsett	1,036			1,036
Polk	22			22
Pope	1,176			1,176
Prairie	365		87	452
Pulaski	2,692		131	2,823
Randolph	592			592
St. Francis	2,783		358	3,141
Saline	6			6
Searcy	239			239
Sebastian	363		73	436
Sevier	7			7
Sharp	101		10	111
Stone	283			283
Van Buren	3		1	4
Washington	762			762
White	175		33	208
Woodruff	1,127		321	1,448
Yell	338		59	397
Reserve	193			193
Total	47,433		5,323	52,756

CALIFORNIA

Alameda	1,958	94		2,052
Alpine	19			19
Amador	297			297
Butte	8,937	173		9,110
Calaveras	42			42
Colusa	6,822	385		7,207
Contra Costa	1,885	79		1,964
El Dorado	3			3
Fresno	15,936	457		16,393
Glenn	3,972	402		4,374
Imperial	2,039	37		2,076
Inyo	27			27
Kern	44,151	270		44,421
Kings	975			975
Lake	436			436
Lassen	8,619	19		8,638
Los Angeles	27,608			27,608
Madera	10,900	25		10,925
Marin	341			341
Mariposa	136			136
Mendocino	1,008			1,008
Merced	3,779	179		3,958
Modoc	16,634	50		16,684
Mono	20			20
Monterey	20,045	80		20,125
Napa	1,881	115		1,996
Orange	518			518
Placer	10,962	491		11,453
Plumas	995			995
Riverside	19,967	17		19,984
Sacramento	17,645	341		17,986
San Benito	2,410			2,410
San Bernardino	225	26		251
San Diego	1,217	22		1,239
San Joaquin	9,279	161		9,440
San Luis Obispo	89,232	49		89,281
San Mateo	72			72
Santa Barbara	10,056	126		10,182
Santa Clara	219			219
Santa Cruz	6			6
Shasta	2,574	72		2,646
Sierra	439			439
Siskiyou	21,532	104		21,636
Solano	13,059	23		13,082
Sonoma	787			787
Stanislaus	670	71		741
Sutter	18,694	576		19,270
Tehama	2,307	47		2,354
Trinity	11			11
Tulare	29,942			29,942
Tuolumne	55			55
Ventura	1,056			1,056
Yolo	11,192	40		11,232
Yuba	1,301	65		1,366
Reserve	6,261			6,261
Total	451,123	4,596		455,719

COLORADO

Adams	133,187			133,187
Alamosa	942			942
Arapahoe	58,384			58,384
Archuleta	1,990			1,990
Baca	277,648	113		277,761
Bent	36,188			36,188
Boulder	11,092	38		11,130
Chaffee	566			566
Cheyenne	141,053			141,053
Conejos	2,093			2,093
Costilla	1,268			1,268
Crowley	13,642			13,642
Custer	399			399
Delta	1,270			1,270
Dolores	28,344			28,344
Douglas	12,245			12,245
Eagle	458			458
Elbert	66,955			66,955
El Paso	16,453	35		16,488
Fremont	545			545
Garfield	5,119			5,119
Grand	1,183			1,183
Huerfano	5,651	34		5,685
Jackson	739		21	760
Jefferson	8,948			8,948
Kiowa	228,514			228,514
Kit Carson	235,617	20		235,637
La Plata	18,631	12		18,643
Larimer	21,330	19		21,349
Las Animas	21,301			21,301
Lincoln	136,768			136,768

COLORADO—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Logan	138,628			138,628
Mesa	1,687			1,687
Moffat	32,233			32,233
Montezuma	18,890	14		18,904
Montrose	5,249	26		5,275
Morgan	55,702	55		55,757
Otero	2,143			2,143
Ouray	797			797
Phillips	107,233			107,233
Pitkin	203			203
Prowers	169,164	62		169,226
Pueblo	15,937			15,937
Rio Blanco	6,157			6,157
Rio Grande	3,213	70		3,283
Routt	23,925			23,925
Saguache	963			963
San Miguel	1,041			1,041
Sedgwick	64,442	14		64,456
Teller	18			18
Washington	235,727			235,727
Weld	185,847			139,237
Yuma	139,237			4,376
Reserve	4,376			
Total	2,701,725	512	21	2,702,258

DELAWARE

Kent	15,639	17		15,656
New Castle	12,963	5		12,968
Sussex	7,338			7,338
Reserve	378			378
Total	36,318	22		36,370

GEORGIA

Appling	34			34
Atkinson	1			1
Baker	107		14	121
Baldwin	61			61
Banks	958			958
Barrow	1,161			1,161
Bartow	1,896			1,896
Ben Hill	27		2	29
Berrien		4		4
Bibb	651			651
Bleckley	390			390
Brooks	7		1	8
Bryan	14			14
Bulloch	177	2		179
Burke	1,098			1,098
Butts	989			989
Calhoun	130		21	151
Candler	55			55
Carroll	929			929
Catoosa	362			362
Chattooga	186			186
Cherokee	181			181
Clarke	1,805			1,805
Clay	117			117
Clayton	275			275
Cobb	214			214
Colfax	91			91
Colquitt	8		1	9
Columbia	240			240
Coweta	353			353
Crawford	1,082	9		1,091
Crisp	310			310
Dade	112			112
Dawson	221			221
De Kalb	245			245
Dodge	134			134
Dooly	1,830			1,830
Dougherty	672		61	673
Douglas	213			213
Early	775			775
Effingham	24		2	26
Elbert	2,479			2,479
Emanuel	727	3		730
Evans	49			49
Fannin	19			19
Fayette	475			475
Floyd	703	21		724
Forsyth	478	6		484
Franklin	3,505			3,505
Fulton	454			454
Gilmer	29			29
Glascock	422	2		424
Gordon	541			541
Grady	11		4	15
Greene	413			413
Gwinnett	1,738			1,738
Habersham	146			146
Hall	749			749
Hancock	311	3		314
Haralson	275			275
Harris	177			177
Hart	4,523			4,523

GEORGIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Heard	449	32		481
Henry	1,704	8		1,712
Houston	4,163	134		4,297
Irwin	5			5
Jackson	2,862			2,862
Jasper	559			559
Jefferson	8,820	199		9,019
Jenkins	285	19		304
Johnson	614			614
Jones	105			105
Lamar	470			470
Laurens	1,602	24		1,626
Lee	464	1		465
Lincoln	340			340
Lowndes	19		2	21
Lumpkin	55			55
McDuffie	267			267
Macon	2,012	43		2,055
Madison	7,603			7,603
Marion	214			214
Meriwether	789	5		794
Miller	85		27	112
Mitchell	14			14
Monroe	276			276
Montgomery	60			60
Morgan	874			874
Murray	981	10		991
Newton	553	3		556
Oconee	2,521			2,521
Oglethorpe	5,116	29		5,145
Paulding	276			276
Peach	2,119	4		2,123
Pickens	126			126
Pierce	1			1
Pike	980			980
Polk	968			968
Pulaski	546			546
Putnam	155			155
Quitman	1			1
Rabun	30			30
Randolph	299			299
Richmond	725			725
Rockdale	310	18		328
Schley	232			232
Screven	324			324
Seminole	12	13	102	127
Spalding	1,141	3		1,144
Stephens	378			378
Stewart	73	4		77
Sumter	2,398			2,398
Talbot	155			155
Taliaferro	181			181
Tattnall	42			42
Taylor	253			253
Telfair	73	1		74
Terrell	362			362
Thomas	45		6	51
Tift	21			21
Toombs	90	3	5	98
Towns	151			151
Treutlen	58			58
Troup	73	3		76
Turner	86			86
Twiggs	80	9		89
Union	248			248
Upson	362			362
Walker	770	5		775
Walton	1,947			1,947
Warren	1,414			1,414
Washington	3,340			3,340
Webster	97			97
Wheeler	795			795
White	75			75
Whitfield	1,100			1,100
Wilcox	261		7	268
Wilkes	783			783
Wilkinson	123			123
Worth	29		2	31
Reserve	684			684
Total	105,004	620	257	105,881

IDAHO

Ada	5,948			5,948
Adams	1,091			1,091
Bannock	50,019			50,019
Bear Lake	22,467	39		22,506
Benewah	19,146	46		19,192
Bingham	51,110	289		51,399
Blaine	7,308	43		7,351
Boise	512			512
Bonner	1,975			1,975
Bonneville	90,682			90,682
Boundary	10,906			10,906
Butte	9,463			9,463
Camas	32,469			32,469
Canyon	16,079	10		16,089
Caribou	49,380	77		49,457
Cassia	60,543	272		60,815
Clark	5,504	274		5,778
Clearwater	7,399			7,399

IDAHO—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Custer	1,949			1,949
Elmore	7,490			7,490
Franklin	34,829			34,829
Fremont	47,902			47,902
Gem	2,309	27		2,336
Gooding	6,921	21		6,942
Idaho	57,263			57,263
Jefferson	28,654	69		28,723
Jerome	12,264			12,264
Kootenai	23,133	64		23,197
Latah	62,932			62,932
Lemhi	1,443			1,443
Lewis	38,878			38,878
Lincoln	8,916	188		9,104
Madison	48,925			48,925
Minidoka	19,661	867		19,928
Nez Perce	60,610			60,610
Oneida	68,554			68,554
Owyhee	5,084	15		5,099
Payette	4,970	15		4,985
Power	93,677			93,677
Teton	28,589			28,589
Twin Falls	31,798	78		31,876
Valley	627			627
Washington	18,046			18,046
Reserve	597			597
Total	1,157,422	2,394		1,159,816

ILLINOIS

Adams	33,118	25		33,143
Alexander	4,014	1		4,015
Bond	15,971			15,971
Boone	299			299
Brown	6,335	12		6,347
Bureau	1,920	19		1,939
Calhoun	4,193	50		4,243
Carroll	310			310
Cass	18,174	61		18,235
Champaign	27,176	68		27,244
Christian	44,739	53		44,792
Clark	22,222			22,222
Clay	9,752			9,752
Clinton	32,038			32,038
Coles	21,548	32		21,580
Cook	1,940			1,940
Crawford	14,781	13		14,794
Cumberland	12,314	16		12,330
De Kalb	514			514
De Witt	5,485			5,485
Douglas	16,492	96		16,588
Du Page	3,073			3,073
Edgar	24,796	142		24,938
Edwards	11,056			11,056
Effingham	17,066			17,066
Fayette	20,605	18		20,623
Ford	519			519
Franklin	15,583	19		15,602
Fulton	15,666	50		15,716
Gallatin	7,028			7,028
Greene	21,814			21,814
Grundy	772			772
Hamilton	9,939			9,939
Hancock	22,288	14		22,302
Hardin	147			147
Henderson	4,064	133		4,197
Henry	769			769
Iroquois	11,621	45		11,666
Jackson	16,277	28		16,305
Jasper	19,126			19,126
Jefferson	15,439	11		15,450
Jersey	17,574	34		17,608
Jo Daviess	76			76
Johnson	1,706			1,706
Kane	1,752			1,752
Kankakee	6,907	36		6,943
Kendall	1,010			1,010
Knox	2,970			2,970
Lake	3,229			3,229
La Salle	2,242			2,242
Lawrence	17,655			17,655
Lee	2,882	25		2,907
Livingston	830			830
Logan	19,621	178		19,799
McDonough	10,906	122		11,028
McHenry	1,366	6		1,372
McLean	3,749			3,749
Macon	18,738	12		18,750
Macoupin	39,882	25		39,907
Madison	52,906	49		52,955
Marion	15,766			15,706
Marshall	2,862			2,862
Mason	31,385	52		31,437
Massac	3,051			3,051
Menard	14,716	97		14,813
Mercer	1,589			1,589
Monroe	34,039	84		34,123
Montgomery	37,494			37,494
Morgan	27,810	41		27,851
Moultrie	14,486	42		14,528

ILLINOIS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Ogle	994			994
Peoria	8,620	29		8,649
Perry	16,437	5		16,442
Piatt	14,397	133		14,530
Pike	22,148	130		22,278
Pope	1,704			1,704
Pulaski	3,516	7		3,523
Putnam	1,527			1,527
Randolph	32,212	59		32,271
Richland	10,268			10,268
Rock Island	854	7		861
St. Clair	57,519	52		57,571
Saline	11,350			11,350
Sangamon	37,483	47		37,530
Schuyler	14,195	15		14,210
Scott	13,903			13,903
Shelby	30,216	17		30,233
Stark	563			563
Stephenson	239			239
Tazewell	18,229	62		18,291
Union	6,050			6,050
Vermilion	37,246	182		37,428
Wabash	13,728			13,728
Warren	1,258			1,258
Washington	49,675			49,675
Wayne	12,204			12,204
White	21,531	62		21,593
Whiteside	4,106	24		4,130
Will	7,022	61		7,083
Williamson	4,672			4,672
Winnebago	955			955
Woodford	2,627			2,627
Reserve	4,290			4,290
Total	1,381,860	2,601		1,384,461

INDIANA

Adams	13,687	44		13,731
Allen	28,377			28,377
Bartholomew	21,623	6		21,629
Benton	11,428	30		11,458
Blackford	3,350	28		3,378
Boone	8,719	44		8,763
Brown	352			352
Carroll	12,726			12,726
Cass	11,760	15		11,775
Clark	7,121	4		7,125
Clay	14,823	14		14,837
Clinton	17,096			17,096
Crawford	2,632	3		2,635
Daviess	18,074	48		18,122
Dearborn	6,602	8		6,610
Decatur	25,912	45		25,957
De Kalb	18,952	68		19,020
Delaware	12,409			12,409
Dubois	13,838	37		13,875
Elkhart	19,689	32		19,721
Fayette	10,331			10,331
Floyd	1,898			1,898
Fountain	16,086			16,086
Franklin	15,341			15,341
Fulton	10,988	20		11,008
Gibson	21,537			21,537
Grant	11,922			11,922
Greene	10,303	12		10,315
Hamilton	11,325	33		11,358
Hancock	11,010	20		11,030
Harrison	7,806	66		7,872
Hendricks	10,547	5		10,552
Henry	11,843			11,843
Howard	10,925	45		10,970
Huntington	12,341	13		12,354
Jackson	16,625	30		16,655
Jasper	14,386	94		14,480
Jay	11,753	132		11,885
Jefferson	6,778			6,778
Jennings	9,110	29		9,139
Johnson	13,393			13,393
Knox	31,825	24		31,349
Kosciusko	19,277	33		19,310
Lagrange	16,230			16,230
Lake	11,024	16		11,040
La Porte	29,234	29		29,263
Lawrence	3,086	28		3,114
Madison	14,737	11		14,748
Marion	7,564			7,564
Marshall	15,846	59		15,905
Martin	2,258	4		2,262
Miami	11,384	10		11,394
Monroe	1,356			1,356
Montgomery	16,445	54		16,499
Morgan	8,171	14		8,185
Newton	8,925	25		8,950
Noble	15,533	16		15,549
Ohio	1,252	3		1,255
Orange	3,932	58		3,990
Owen	3,860	8		3,868
Parke	13,272	19		13,291
Perry	5,050	17		5,067
Pike	7,412	13		7,425
Porter	17,527	42		17,569

INDIANA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Posey	23,443	66		23,509
Pulaski	14,083	7		14,090
Putnam	9,374	48		9,422
Randolph	16,176	121		16,297
Ripley	17,277	29		17,306
Rush	24,405	113		24,518
St. Joseph	20,032			20,032
Scott	4,112	13		4,125
Shelby	21,468	68		21,536
Spencer	13,353	11		13,364
Starke	9,289	30		9,319
Steuben	10,637			10,637
Sullivan	17,745	43		17,788
Switzerland	3,079			3,079
Tippecanoe	20,142	80		20,222
Tipton	9,208			9,208
Union	10,765	7		10,772
Vanderburgh	11,079			11,079
Vermillion	9,241			9,241
Vigo	12,475	24		12,499
Wabash	15,389	6		15,395
Warren	12,789			12,789
Warrick	8,788	98		8,886
Washington	9,980	47		10,027
Wayne	16,161	13		16,174
Wells	12,143	54		12,197
White	12,764	74		12,838
Whitley	12,567	52		12,619
Reserve	5,992			5,992
Total	1,161,072	2,412		1,166,484

IOWA

Adair	654	68		722
Adams	1,964	107		2,071
Allamakee	34			34
Appanoose	692	5		697
Audubon	115			115
Benton	230			230
Black Hawk	51			51
Boone	15			15
Bremer	6			6
Buchanan	90			90
Butler	10			10
Calhoun	14			14
Carroll	56			56
Cass	1,924	18		1,942
Cedar	110			110
Cerro Gordo	70			70
Chickasaw	4			4
Clarke	259			259
Clayton	16			16
Clinton	150			150
Crawford	552			552
Dallas	1,269			1,269
Davis	1,751			1,751
Decatur	694	13		707
Des Moines	3,578	136		3,714
Dubuque	88			88
Floyd	8			8
Franklin	1			1
Fremont	10,517	178		10,695
Greene	86			86
Guthrie	698	18		716
Hamilton	31			31
Hancock	30			30
Hardin	3			3
Harrison	15,771	99		15,870
Henry	1,595	17		1,612
Howard	2			2
Ida	16			16
Iowa	214			214
Jackson	31			31
Jasper	1,272			1,272
Jefferson	1,360	35		1,395
Johnson	204			204
Jones	31			31
Keokuk	295			295
Kossuth	1			1
Lee	6,256	39		6,295
Linn	153			153
Louisa	1,630	7		1,637
Lucas	890	66		956
Lyon	74			74
Madison	1,996			1,996
Mahaska	926			926
Marion	1,288	57		1,345
Marshall	143	8		151
Mills	9,207	291		9,498
Mitchell	1			1
Monona	17,911	231		18,142
Monroe	1,025	20		1,045
Montgomery	4,091	88		4,179
Muscatine	966			966
Osceola	3			3
Page	7,465	83		7,548
Palo Alto	15			15
Plymouth	1,054			1,054
Pocahontas	30			30
Polk	3,284	70		3,354
Pottawattamie	7,167	177		7,344

IOWA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Poweshiek	38			38
Ringgold	1,883			1,883
Sac	10			10
Scott	619			619
Shelby	350			350
Sioux	115			115
Story	233			233
Tama	92			92
Taylor	3,880	34		3,914
Union	458	5		463
Van Buren	2,570	72		2,642
Wapello	2,002			2,002
Warren	4,080	106		4,186
Washington	452			452
Wayne	417	48		465
Webster	3			3
Winnebago	1			1
Winneshiek	4			4
Woodbury	7,593	306		7,899
Worth	6			6
Reserve	108			108
Total	137,041	2,402		139,443

KANSAS

Allen	22,348	93		22,441
Anderson	24,979	30		25,009
Atchison	26,873	67		26,940
Barber	119,789			119,789
Barton	236,684			236,684
Bourbon	16,319	63		16,382
Brown	37,030			37,030
Butler	60,491	146		60,637
Chase	17,653	8		17,661
Chautauqua	11,729	45		11,774
Cherokee	57,254	43		57,297
Cheyenne	116,491			116,491
Clark	102,078	52		102,130
Clay	93,069	32		93,101
Cloud	119,829	122		119,951
Coffey	24,184	50		24,234
Comanche	100,319			100,319
Cowley	97,692	73		97,765
Crawford	31,242	48		31,290
Decatur	100,447	167		100,614
Dickinson	141,128			141,128
Doniphan	12,973	15		12,988
Douglas	28,475	20		28,495
Edwards	149,040			149,040
Elk	10,887	62		10,949
Ellis	151,178	106		151,284
Ellsworth	114,936			114,936
Finney	191,822	28		191,850
Ford	269,113			269,113
Franklin	22,843	153		22,996
Geary	27,746	16		27,762
Gove	116,071			116,071
Graham	120,015			120,015
Grant	90,015			90,015
Gray	207,792			207,792
Greeley	142,494			142,494
Greenwood	17,793	14		17,807
Hamilton	144,208	16		144,224
Harper	191,712	38		191,750
Harvey	99,800			99,800
Haskell	146,682			146,682
Hodgeman	153,570	76		153,646
Jackson	33,246	65		33,311
Jefferson	30,500	49		30,549
Jewell	115,174	82		115,256
Johnson	22,335	71		22,406
Kearny	104,935	12		104,947
Kingman	166,168			166,168
Kiowa	117,204			117,204
Labette	54,099	89		54,188
Lane	116,121	12		116,133
Leavenworth	20,753	62		20,815
Lincoln	115,732	60		115,792
Linn	21,059	55		21,114
Logan	115,085			115,085
Lyon	32,002	27		32,029
McPherson	198,690			198,690
Marion	118,378			118,378
Marshall	74,720	56		74,776
Meade	160,320			160,320
Miami	23,611	24		23,665
Mitchell	172,228	23		172,251
Montgomery	40,404	9		40,413
Morris	41,250	8		41,258
Morton	85,640	40		85,680
Nemaha	30,471	92		30,563
Neosho	38,854			38,854
Ness	104,781			104,781
Norton	84,586			84,586
Osage	23,760	52		23,812
Osborne	138,423	37		138,460
Ottawa	118,094	92		118,186
Pawnee	201,925			201,925
Phillips	92,918	77		92,995
Pottawatomie	35,842	74		35,916
Pratt	169,986			169,986

KANSAS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Rawlins	127,500			127,500
Reno	277,321	31		277,352
Republic	87,958			87,958
Rice	161,083			161,083
Riley	31,648			31,648
Rooks	137,874			137,874
Rush	183,081			183,081
Russell	147,436			147,436
Saline	126,477			126,477
Scott	119,930	19		119,949
Sedgwick	186,563	51		186,614
Seward	104,760			104,760
Shawnee	33,610	16		33,626
Sheridan	121,118			121,118
Sherman	153,735			153,735
Smith	106,093	60		106,153
Stafford	165,222			165,222
Stanton	127,972			127,972
Stevens	101,574	41		101,615
Sumner	294,134	35		294,169
Thomas	193,264			193,264
Trego	130,110			130,110
Wabaunsee	26,077	37		26,114
Wallace	82,843	20		82,863
Washington	84,279			84,279
Wichita	112,701			112,701
Wilson	41,636	41		41,677
Woodson	13,348	17		13,365
Wyandotte	2,562			2,562
Reserve	26,041			26,041
Total	10,584,087	3,119		10,587,206

KENTUCKY

Adair	1,490			1,490
Allen	1,939	21		1,960
Anderson	399			399
Ballard	971			971
Barren	1,766	18		1,784
Bath	1,522	2		1,524
Boone	1,128	16		1,144
Bourbon	5,007	29		5,036
Boyd	44			44
Boyle	2,339			2,339
Bracken	1,263			1,263
Breckinridge	4,812	18		4,830
Bullitt	1,528			1,528
Butler	670	8		678
Caldwell	1,639			1,639
Calloway	4,039	20		4,059
Campbell	799			799
Carlisle	410	2		412
Carroll	361			361
Carter	146			146
Casey	742			742
Christian	16,788	33		16,821
Clark	757			757
Clinton	1,010			1,010
Crittenden	1,222	12		1,234
Cumberland	142			142
Daviess	5,212	57		5,269
Edmonson	470			470
Elliott	1			1
Estill	20			20
Fayette	2,038	5		2,043
Fleming	1,512			1,512
Franklin	519			519
Fulton	2,530	45		2,575
Gallatin	317			317
Garrard	1,387			1,387
Grant	566			566
Graves	3,906	2		3,908
Grayson	2,841	14		2,855
Green	1,365	6		1,371
Greenup	183			183
Hancock	1,159	17		1,176
Hardin	3,620	7		3,627
Harrison	2,949			2,949
Hart	309			309
Henderson	4,022	6		4,028
Hickman	3,526			3,526
Henry	1,377			1,377
Hopkins	3,816			3,816
Jackson	100			100
Jefferson	2,410			2,410
Jessamine	1,106			1,106
Kenton	391			391
Knox	49			49
Larue	1,720			1,720
Laurel	123			123
Lee	12			12
Lewis	631			631
Lincoln	2,053			2,053
Livingston	759			759
Logan	14,564	181		14,745
Lyon	909			909
McCracken	533			533
McLean	2,363			2,363
Madison	659			659
Magoffin	3			3
Marion	1,611	15		1,626

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Marshall	1,344			1,344
Mason	4,379			4,379
Meade	3,423	15		3,438
Mercer	2,292	11		2,303
Metcalfe	708			708
Monroe	1,379			1,379
Montgomery	862	4		866
Morgan	25			25
Muhlenberg	2,968	37		3,005
Nelson	3,633	32		3,665
Nicholas	1,329			1,329
Ohio	1,321			1,321
Oldham	1,971			1,971
Owen	472			472
Pendleton	1,222			1,222
Powell	62			62
Pulaski	1,792			1,792
Robertson	486	11		497
Rockcastle	268			268
Rowan	153			153
Russell	475			475
Scott	2,335			2,335
Shelby	3,722			3,722
Simpson	10,676	28		10,704
Spencer	918			918
Taylor	3,544			3,544
Todd	9,497	82		9,579
Trigg	5,543			5,543
Trimble	1,289			1,289
Union	7,223	5		7,228
Warren	3,296			3,296
Washington	1,962	20		1,982
Wayne	1,212			1,212
Webster	4,486	51		4,537
Whitley	5			5
Wolfe	46			46
Woodford	2,672			2,672
Reserve	3,191			3,191
Total	218,665	880		219,495

MARYLAND

Allegany	1,250			1,250
Anne Arundel	1,924			1,924
Baltimore	6,866			6,866
Calvert	909			909
Caroline	12,432			12,432
Carroll	19,726	18		19,744
Cecil	8,783			8,783
Charles	4,329			4,329
Dorchester	11,095			11,095
Frederick	23,273	43		23,316
Garrett	1,772			1,772
Harford	4,552			4,552
Howard	5,704			5,704
Kent	12,531	17		12,548
Montgomery	9,268			9,268
Prince Georges	3,030			3,030
Queen Annes	18,041			18,041
St. Marys	5,513	14		5,527
Somerset	781			781
Talbot	16,338			16,338
Washington	16,631			16,631
Wicomico	625			625
Worcester	1,516			1,516
Reserve	565			565
Total	187,454	92		187,546

MICHIGAN

Alcona	1,912			1,912
Alger	10			10
Allegan	22,603			22,603
Alpena	4,662	9		4,671
Antrim	788			788
Arenac	4,154			4,154
Baraga	13			13
Barry	19,867			19,867
Bay	18,741	25		18,766
Benzie	264			264
Berrien	13,224			13,224
Branch	22,097	16		22,113
Calhoun	28,318	28		28,346
Cass	15,298			15,298
Charlevoix	1,313	2		1,315
Cheboygan	929			929
Chippewa	582	2		584
Clare	2,354	12		2,366
Clinton	31,909	11		31,920
Delta	148			148
Eaton	30,693	8		30,701
Emmet	762	2		764
Genesee	23,972	9		23,981
Gladwin	3,270			3,270
Grand Traverse	1,881			1,881
Gratiot	27,881	32		27,913
Hillsdale	23,352	29		23,381
Houghton	48			48

MICHIGAN—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Huron	49,724			49,724
Ingham	23,509			23,509
Ionia	29,221	6		29,227
Iosco	1,495			1,495
Iron	1			1
Isabella	16,707	24		16,731
Jackson	19,482	3		19,485
Kalamazoo	23,310			23,310
Kalkaska	273			273
Kent	17,373	15		17,388
Lake	594			594
Lapeer	21,148			21,148
Leelanau	907			907
Lenawee	41,369			41,369
Livingston	19,243	24		19,267
Luce	37			37
Mackinac	75			75
Macomb	15,460			15,460
Manistee	870			870
Marquette	4			4
Mason	5,037	21		5,058
Mecosta	5,364	4		5,368
Menominee	328	3		331
Midland	7,761	12		7,773
Missaukee	1,776			1,776
Monroe	32,155	6		32,161
Montcalm	17,250	14		17,264
Montmorency	1,090			1,090
Muskegon	4,088			4,088
Newaygo	5,285	15		5,300
Oakland	11,742			11,742
Oceana	3,168			3,168
Ogemaw	1,742			1,742
Ontonagon	90			90
Osceola	3,229			3,229
Oscoda	117			117
Otsego	294			294
Ottawa	16,401			16,401
Presque Isle	3,319			3,319
Roscommon	64			64
Saginaw	41,089	23		41,112
St. Clair	27,476	27		27,503
St. Joseph	21,936			21,936
Sanilac	49,850	53		49,903
Schoolcraft	50			50
Shiawassee	32,142	25		32,167
Tuscola	43,391	48		43,439
Van Buren	11,823	9		11,832
Washtenaw	25,855			25,855
Wayne	8,003			8,003
Wexford	739			739
Reserve	4,460			4,460
Total	968,961	517		969,478

MINNESOTA

Aitkin	284			284
Anoka	221			221
Becker	15,366	14		15,380
Beltrami	1,418	4		1,422
Benton	342			342
Big Stone	10,636	153		10,789
Blue Earth	3,581	7		3,588
Brown	660			660
Carlton	13			13
Carver	1,133			1,133
Cass	124			124
Chippewa	1,205			1,205
Chisago	242			242
Clay	71,219			71,219
Clearwater	3,519			3,519
Cottonwood	520			520
Crow Wing	112			112
Dakota	5,867			5,867
Dodge	302			302
Douglas	6,528			6,528
Faribault	622			622
Fillmore	311			311
Freeborn	448	5		453
Goodhue	4,812	12		4,824
Grant	6,343	86		6,429
Hennepin	437			437
Houston	241			241
Hubbard	982			982
Isanti	1,143			1,143
Itasca	330			330
Jackson	102			102
Kanabec	80			80
Kandiyohi	1,620			1,620
Kittson	85,055	30		85,085
Koochiching	1,209	9		1,218
Lac Qui Parle	4,746			4,746
Lake of the Woods	3,813			3,813
Le Sueur	4,413			4,413
Lincoln	2,337			2,337
Lyon	2,169			2,169
McLeod	3,518	10		3,528
Mahnomen	10,812	65		10,877
Marshall	94,090	16		94,106
Martin	180			180
Meeker	3,049	17		3,066

MINNESOTA—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Mille Lacs	347			347
Morrison	1,392	5		1,397
Mower	445			445
Murray	109			109
Nicollet	1,743	41		1,784
Nobles	65			65
Norman	45,480	94		45,574
Olmsted	853			853
Otter Tail	28,270	36		28,306
Pennington	9,299	5		9,304
Pine	169			169
Pipestone	42	2		44
Polk	127,786	121		127,907
Pope	4,992	8		5,000
Ramsey	14			14
Red Lake	8,578	18		8,596
Redwood	2,014	10		2,024
Renville	3,955	19		3,974
Rice	2,175			2,175
Rock	13			13
Roseau	25,540	134		25,674
St. Louis	249			249
Scott	2,033			2,033
Sherburne	1,000			1,000
Sibley	4,473			4,473
Stearns	4,125	10		4,135
Steele	288			288
Stevens	6,272	37		6,309
Swift	3,989			3,989
Todd	1,807			1,807
Traverse	19,560	447		20,007
Wabasha	1,196			1,196
Wadena	654	6		660
Waseca	1,258			1,258
Washington	786			786
Watonwan	213	1		214
Wilkin	50,278			50,278
Winona	652			652
Wright	2,828			2,828
Yellow Medicine	3,775			3,775
Reserve	210			210
Total	725,081	1,422		726,503

MISSOURI

Adair	5,055	57		5,112
Andrew	6,840	5		6,845
Atchison	10,958	57		11,015
Audrain	16,225			16,225
Barry	5,421			5,421
Barton	34,690	11		34,701
Bates	24,300			24,300
Benton	7,713	10		7,723
Bollinger	6,117			6,117
Boone	10,793	4		10,797
Buchanan	18,166			18,166
Butler	3,638		346	3,984
Caldwell	9,624			9,624
Callaway	12,153	15		12,168
Camden	821			821
Cape Girardeau	13,821			13,821
Carroll	33,387	167		33,554
Carter	271			271
Cass	13,973	55		14,028
Cedar	9,526			9,526
Charlton	22,081	43		22,124
Christian	3,123		67	3,190
Clark	9,069	13		9,082
Clay	8,054	4		8,058
Clinton	7,659	12		7,671
Cole	9,210			9,210
Cooper	16,182			16,182
Crawford	2,284			2,284
Dade	18,124			18,124
Dallas	2,576	22		2,598
Daviess	14,057	16		14,073
De Kalb	8,823			8,823
Dent	1,829	7		1,836
Douglas	1,677	8		1,685
Dunklin	3,265			3,265
Franklin	18,940			18,940
Gasconade	11,997			11,997
Gentry	8,580	9		8,589
Greene	7,096			7,096
Grundy	4,178	11		4,189
Harrison	8,551	21		8,572
Henry	15,646	36		15,682
Hickory	2,956	8		2,964
Holt	15,435	6		15,441
Howard	12,437	60		12,497
Howell	2,200			2,200
Iron	670			670
Jackson	11,345	5		11,350
Jasper	35,532	13		35,545
Jefferson	5,499	5		5,504
Johnson	12,424			12,424
Knox	8,608			8,608
Laclede	3,671			3,671
Lafayette	21,546	115		21,661
Lawrence	16,276			16,276
Lewis	17,108			17,108

MISSOURI—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Lincoln	18,908	39		18,947
Linn	6,660	8		6,668
Livingston	11,458	31		11,489
McDonald	2,631	11		2,642
Macon	8,270	54		8,324
Madison	1,750			1,750
Maries	5,122	18		5,140
Marion	15,797	41		15,838
Mercer	3,362	49		3,411
Miller	5,567	29		5,596
Mississippi	12,304	19	57	12,380
Monitean	9,247			9,247
Monroe	15,818	16		15,834
Montgomery	14,479	57		14,536
Morgan	6,518			6,518
New Madrid	14,903	75		14,978
Newton	15,231	4		15,235
Nodaway	10,377			10,377
Oregon	1,358			1,358
Osage	10,377	1		10,378
Ozark	1,051	4		1,055
Pemiscot	1,423		35	1,458
Perry	15,423	32		15,455
Pettis	17,664	98		17,762
Phelps	3,645	8		3,653
Pike	14,929	18		14,947
Platte	24,863	9		24,872
Polk	9,106			9,106
Pulaski	1,060			1,060
Putnam	944			944
Ralls	11,496			11,496
Randolph	8,875	13		8,888
Ray	19,003	50		19,053
Reynolds	605			605
Ripley	1,613	1		1,614
St. Charles	34,472	80		34,552
St. Clair	13,719			13,719
St. Francois	2,655			2,655
St. Louis	17,870			17,870
Ste. Genevieve	4,854			4,854
Saline	27,080	61		27,141
Schuyler	1,393	30		1,423
Scotland	4,467	27		4,494
Scott	18,623	32		18,655
Shannon	656			656
Shelby	14,983	16		14,999
Stoddard	22,295			22,295
Stone	637		5	642
Sullivan	2,519			2,519
Taney	134			134
Texas	5,851			5,851
Vernon	27,310	204		27,514
Warren	14,161	16		14,177
Washington	1,330			1,336
Wayne	1,328			1,328
Webster	3,196		4	3,200
Worth	3,783			3,783
Wright	1,720			1,720
Reserve	2,723			2,723
Total	1,161,740	1,946	514	1,164,200

MONTANA

Beaverhead	9,513			9,513
Big Horn	66,336	210		66,546
Blaine	81,296	32		81,328
Broadwater	25,216	142		25,358
Carbon	30,144	21		30,165
Carter	26,864	27		26,891
Cascade	126,256	135		126,391
Chouteau	241,754	142		241,896
Custer	20,642	28		20,670
Daniels	187,728	73		187,801
Dawson	129,418			129,418
Deer Lodge	1,018			1,018
Fallon	82,909	104		83,013
Fergus	153,279	34		153,313
Flathead	25,193			25,193
Gallatin	63,727	56		63,783
Garfield	40,892			40,892
Glacier	48,058			48,058
Golden Valley	19,280	43		19,323
Granite	1,330			1,330
Hill	301,944	100		302,044
Jefferson	9,396			9,396
Judith Basin	80,621	16		80,637
Lake	20,300			20,300
Lewis and Clark	14,545			14,545
Liberty	160,542	56		160,598
Lincoln	882			882
McCone	162,869	48		162,917
Madison	11,605	38		11,643
Meagher	3,700	127		3,827
Mineral	934			934
Missoula	8,542	98		8,640
Musselshell	16,996			16,996
Park	22,965			22,965
Petroleum	6,776			6,776
Phillips	87,436	125		87,561
Pondera	145,154	15		145,169
Powder River	28,456	61		28,517

MONTANA—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Powell	5,294	16		5,310
Prairie	36,473			36,473
Ravalli	7,209	11		7,220
Richland	135,597	192		135,789
Roosevelt	259,260			259,260
Rosebud	24,175	5		24,180
Sanders	7,084			7,084
Sheridan	208,089			208,089
Silver Bow	63			63
Stillwater	57,960	98		58,058
Sweet Grass	11,242	138		11,380
Teton	155,065	45		156,110
Toole	146,700	593		147,293
Treasure	5,886	14		5,900
Valley	225,881	27		225,908
Wheatland	9,452	65		9,517
Wibaux	52,444	50		52,494
Yellowstone	81,922			81,922
Reserve	3,931			3,931
Total	3,999,153	2,985		4,002,138

NEBRASKA

Adams	86,946			86,946
Antelope	7,722	47		7,769
Arthur	6			6
Banner	55,959			55,959
Blaine	1			1
Boone	11,984			11,984
Box Butte	97,188	42		97,230
Boyd	2,256			2,256
Brown	2,442			2,442
Buffalo	41,714	92		41,806
Burt	8,744			8,744
Butler	47,148	11		47,159
Cass	26,682	27		26,709
Cedar	414			414
Chase	74,252			74,252
Cherry	1,463			1,463
Cheyenne	164,297			164,297
Clay	84,070			84,070
Colfax	19,092			19,092
Cuming	1,705			1,705
Custer	48,684			48,684
Dakota	331			331
Dawes	43,059	26		43,085
Dawson	21,155			21,155
Deuel	68,795			68,795
Dixon	261	8		269
Dodge	25,495			25,495
Douglas	2,620			2,620
Dundy	31,103	65		31,168
Fillmore	84,349	20		84,369
Franklin	43,004	11		43,015
Frontier	55,682	107		55,789
Furnas	61,546			61,546
Gage	79,105	79		79,184
Garden	43,104	117		43,221
Garfield	204			204
Gosper	31,565	17		31,582
Greeley	10,401	18		10,419
Hall	33,281			33,281
Hamilton	61,542	43		61,585
Harlan	53,468	13		53,481
Hayes	43,541	13		43,554
Hitchcock	71,961			71,961
Holt	7,499			7,499
Hooker	14			14
Howard	24,217			24,217
Jefferson	59,600	10		59,610
Johnson	24,515	58		24,573
Kearney	69,005	30		69,035
Keith	72,353			72,353
Keya Paha	1,208			1,208
Kimball	134,947			134,947
Knox	3,841	29		3,870
Lancaster	68,057	22		68,079
Lincoln	57,080	235		57,315
Logan	6,708			6,708
Loup	383			383
McPherson	69			69
Madison	6,362			6,362
Merrick	24,206			24,206
Morrill	35,909			35,909
Nance	20,970			20,970
Nemaha	24,413	28		24,441
Nuckolls	47,093			47,093
Otoe	37,459	31		37,490
Pawnee	16,338	79		16,417
Perkins	137,675			137,675
Phelps	56,277			56,277
Pierce	2,498			2,498
Platte	20,863	121		20,984
Polk	36,197			36,197
Redwillow	66,312	13		66,325
Richardson	26,796	20		26,816
Rock	79			79
Saline	75,962	19		75,981
Sarpy	4,085			4,085
Saunders	32,135	64		32,199
Scotts Bluff	17,077			17,077

NEBRASKA—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Seward	1,000			1,000
Sheridan	1,000			1,000
Sherman	1,000			1,000
Sioux	1,000			1,000
Stanton	1,000			1,000
Thayer	1,000			1,000
Thomas	1,000			1,000
Thurston	1,000			1,000
Valley	1,000			1,000
Washington	1,000			1,000
Wayne	1,000			1,000
Webster	1,000			1,000
Wheeler	1,000			1,000
York	1,000			1,000
Total	1,000			1,000

NEVADA

Churchill	1,000			1,000
Clark	1,000			1,000
Douglas	1,000			1,000
Elko	1,000			1,000
Esmeralda	1,000			1,000
Eureka	1,000			1,000
Humboldt	1,000			1,000
Lander	1,000			1,000
Lincoln	1,000			1,000
Lyon	1,000			1,000
Mineral	1,000			1,000
Nye	1,000			1,000
Ormsby	1,000			1,000
Pershing	1,000			1,000
Storey	1,000			1,000
Washoe	1,000			1,000
White Pine	1,000			1,000
Total	1,000			1,000

NEW MEXICO

Bernalillo	1,000			1,000
Catron	1,000			1,000
Chaves	1,000			1,000
Colfax	1,000			1,000
Curry	1,000			1,000
De Baca	1,000			1,000
Dona Ana	1,000			1,000
Eddy	1,000			1,000
Grant	1,000			1,000
Guadalupe	1,000			1,000
Harding	1,000			1,000
Hidalgo	1,000			1,000
Lea	1,000			1,000
Lincoln	1,000			1,000
Los Alamos	1,000			1,000
Luna	1,000			1,000
McKinley	1,000			1,000
Mora	1,000			1,000
Otero	1,000			1,000
Quay	1,000			1,000
Rio Arriba	1,000			1,000
Roosevelt	1,000			1,000
Sandoval	1,000			1,000
San Juan	1,000			1,000
San Miguel	1,000			1,000
Santa Fe	1,000			1,000
Sierra	1,000			1,000
Socorro	1,000			1,000
Taos	1,000			1,000
Torrance	1,000			1,000
Union	1,000			1,000
Valencia	1,000			1,000
Total	1,000			1,000

NORTH DAKOTA

Adams	1,000			1,000
Barnes	1,000			1,000
Benson	1,000			1,000
Billings	1,000			1,000
Bottineau	1,000			1,000
Bowman	1,000			1,000
Burke	1,000			1,000
Burleigh	1,000			1,000
Cass	1,000			1,000
Cavalier	1,000			1,000
Dickey	1,000			1,000
Divide	1,000			1,000
Dunn	1,000			1,000
Eddy	1,000			1,000
Emmons	1,000			1,000
Foster	1,000			1,000
Golden Valley	1,000			1,000
Grand Forks	1,000			1,000
Grant	1,000			1,000
Griggs	1,000			1,000
Hettinger	1,000			1,000
Kidder	1,000			1,000
LaMoure	1,000			1,000
Logan	1,000			1,000
McHenry	1,000			1,000
McIntosh	1,000			1,000
McKenzie	1,000			1,000
McLean	1,000			1,000
Mercer	1,000			1,000
Morton	1,000			1,000
Mountrail	1,000			1,000
Nelson	1,000			1,000
Oliver	1,000			1,000
Pembina	1,000			1,000
Pierce	1,000			1,000
Ramsey	1,000			1,000
Ransom	1,000			1,000
Renville	1,000			1,000
Richland	1,000			1,000
Rolette	1,000			1,000
Sargent	1,000			1,000
Sheridan	1,000			1,000
Sioux	1,000			1,000
Slope	1,000			1,000
Stark	1,000			1,000
Steele	1,000			1,000
Stutsman	1,000			1,000
Towner	1,000			1,000
Traill	1,000			1,000
Walsh	1,000			1,000
Ward	1,000			1,000
Wells	1,000			1,000
Williams	1,000			1,000
Total	1,000			1,000

OKLAHOMA

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Adair	1,000			1,000
Alfalfa	1,000			1,000
Atoka	1,000			1,000
Beaver	1,000			1,000
Beckham	1,000			1,000
Blaine	1,000			1,000
Bryan	1,000			1,000
Caddo	1,000			1,000
Canadian	1,000			1,000
Carter	1,000			1,000
Cherokee	1,000			1,000
Choctaw	1,000			1,000
Cimarron	1,000			1,000
Cleveland	1,000			1,000
Coal	1,000			1,000
Comanche	1,000			1,000
Cotton	1,000			1,000
Craig	1,000			1,000
Creek	1,000			1,000
Custer	1,000			1,000
Delaware	1,000			1,000
Dewey	1,000			1,000
Ellis	1,000			1,000
Garfield	1,000			1,000
Garvin	1,000			1,000
Grady	1,000			1,000
Grant	1,000			1,000
Greer	1,000			1,000
Harmon	1,000			1,000
Harper	1,000			1,000
Haskell	1,000			1,000
Hughes	1,000			1,000
Jackson	1,000			1,000
Jefferson	1,000			1,000
Johnston	1,000			1,000
Kay	1,000			1,000
Kingfisher	1,000			1,000
Kiowa	1,000			1,000
Latimer	1,000			1,000
Le Flore	1,000			1,000
Lincoln	1,000			1,000
Logan	1,000			1,000
Love	1,000			1,000
McClain	1,000			1,000
McCurtain	1,000			1,000
McIntosh	1,000			1,000
Major	1,000			1,000
Marshall	1,000			1,000
Mayes	1,000			1,000
Murray	1,000			1,000
Muskogee	1,000			1,000
Noble	1,000			1,000
Nowata	1,000			1,000
Okfuskee	1,000			1,000
Oklahoma	1,000			1,000
Okmulgee	1,000			1,000
Osage	1,000			1,000
Ottawa	1,000			1,000
Pawnee	1,000			1,000
Payne	1,000			1,000
Pittsburg	1,000			1,000
Pontotoc	1,000			1,000
Pottawatomie	1,000			1,000
Pushmataha	1,000			1,000
Roger Mills	1,000			1,000
Rogers	1,000			1,000
Seminole	1,000			1,000
Sequoyah	1,000			1,000
Stephens	1,000			1,000
Texas	1,000			1,000
Tillman	1,000			1,000
Tulsa	1,000			1,000
Wagoner	1,000			1,000
Washington	1,000			1,000
Washita	1,000			1,000
Woods	1,000			1,000
Woodward	1,000			1,000
Total	1,000			1,000

SOUTH DAKOTA

Aurora	1,000			1,000
Beadle	1,000			1,000
Bennett	1,000			1,000
Bon Homme	1,000			1,000
Brookings	1,000			1,000
Brown	1,000			1,000
Brule	1,000			1,000
Buffalo	1,000			1,000
Butte	1,000			1,000
Campbell	1,000			1,000
Charles Mix	1,000			1,000
Clark	1,000			1,000
Clay	1,000			1,000
Codington	1,000			1,000
Corson	1,000			1,000
Custer	1,000			1,000
Davison	1,000			1,000
Day	1,000			1,000
Deuel	1,000			1,000
Dewey	1,000			1,000
Douglas	1,000			1,000
Edmunds	1,000			1,000
Fall River	1,000			1,000
Faulk	1,000			1,000
Grant	1,000			1,000
Gregory	1,000			1,000
Haakon	1,000			1,000
Hamlin	1,000			1,000
Hand	1,000			1,000
Hanson	1,000			1,000
Harding	1,000			1,000
Hughes	1,000			1,000
Hutchinson	1,000			1,000
Hyde	1,000			1,000
Jackson	1,000			1,000
Jerauld	1,000			1,000
Jones	1,000			1,000
Kingsbury	1,000			1,000
Lake	1,000			1,000
Lawrence	1,000			1,000
Lincoln	1,000			1,000
Lyman	1,000			1,000
McCook	1,000			1,000
McPherson	1,000			1,000
Marshall	1,000			1,000
Meade	1,000			1,000
Mellette	1,000			1,000
Miner	1,000			1,000
Minnehaha	1,000			1,000
Moody	1,000			1,000
Pennington	1,000			1,000
Perkins	1,000			1,000
Potter	1,000			1,000
Roberts	1,000			1,000
Sanborn	1,000			1,000
Shannon	1,000			1,000
Spink	1,000			1,000
Stanley	1,000			1,000
Sully	1,000			1,000
Todd	1,000			1,000
Tripp	1,000			1,000
Turner	1,000			1,000
Union	1,000			1,000
Walworth	1,000			1,000
Yankton	1,000			1,000
Ziebach	1,000			1,000
Total	1,000			1,000

NEBRASKA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Seward	56,284			56,284
Sheridan	54,551	49		54,600
Sherman	14,594	18		14,612
Sioux	8,657			8,657
Stanton	1,699			1,699
Thayer	71,466	51		71,517
Thomas	3			3
Thurston	499			499
Valley	16,025	9		16,034
Washington	8,390	19		8,409
Wayne	430			430
Webster	40,712			40,712
Wheeler	174			174
York	53,467	13		53,480
Reserve	5,164			5,164
Total	3,198,658	1,674		3,200,332

NEW JERSEY

Atlantic	7			7
Bergen	8			8
Burlington	3,515	79		3,594
Camden	559			559
Cape May	183			183
Cumberland	942	13		955
Essex	16		6	22
Gloucester	603			603
Hunterdon	9,601			9,601
Mercer	9,489	135		9,624
Middlesex	6,494	34		6,528
Monmouth	10,155	57		10,212
Morris	797			797
Ocean	237	9		246
Passaic	0			0
Salem	3,057			3,057
Somerset	4,962	19		4,981
Sussex	315	18		333
Union	31			31
Warren	3,164	7		3,171
Reserve	635			635
Total	54,770	371	6	55,147

NEW MEXICO

Bernalillo	1,464			1,464
Catron	360			360
Chaves	699			699
Colfax	9,922	134		10,056
Curry	192,926	266		193,192
De Baca	405			405
Eddy	29			29
Grant	161			161
Guadalupe	226			226
Harding	23,913			23,913
Hidalgo	35			35
Lea	1,045			1,045
Lincoln	283			283
McKinley	317			317
Mora	1,883			1,883
Otero	112			112
Quay	119,279	37		119,316
Rio Arriba	8,509			8,509
Roosevelt	52,628	89		52,717
Sandoval	1,125			1,125
San Juan	854			854
San Miguel	1,505			1,505
Santa Fe	4,503			4,503
Sierra	86			86
Socorro	3,723	38		3,761
Taos	1,810			1,810
Torrance	22,998	443		23,441
Union	9,696	31		9,727
Valencia	4,246			4,246
Reserve	144			144
Total	464,886	1,038		465,924

NEW YORK

Albany	1,949	1		1,950
Allegany	3,853	5		3,858
Broome	228			228
Cattaraugus	1,610			1,610
Cayuga	20,360			20,360
Chautauqua	3,181			3,181
Chemung	2,360			2,360
Chenango	840			840
Clinton	31			31
Columbia	2,506			2,506
Cortland	725	12		737
Delaware	103			103
Dutchess	840			840
Erie	11,719			11,719
Essex	494			494
Franklin	5			5
Fulton	218			218

NEW YORK—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Genesee	21,832			21,832
Greene	1,538			1,538
Herkimer	990	17		1,007
Jefferson	2,855	1		2,856
Lewis	63			63
Livingston	27,336			27,336
Madison	2,732			2,732
Monroe	27,835	11		27,846
Montgomery	2,037			2,037
Nassau	297			297
Niagara	20,576	28		20,604
Oneida	2,236			2,236
Onondaga	10,029	16		10,045
Ontario	26,954	12		26,966
Orange	352			352
Orleans	16,679	22		16,701
Oswego	2,472			2,472
Otsego	622			622
Putnam	2			2
Rensselaer	1,658			1,658
Rockland	21			21
St. Lawrence	219			219
Saratoga	1,071			1,071
Schenectady	400			400
Schoharie	1,845			1,845
Schuyler	5,551			5,551
Seneca	16,315			16,315
Steuben	13,440	46		13,486
Suffolk	1,666			1,666
Sullivan	32			32
Tioga	1,991	1		1,992
Tompkins	6,728			6,728
Ulster	1,381	8		1,389
Warren	3			3
Washington	722			722
Wayne	15,567			15,567
Westchester	57			57
Wyoming	11,566	27		11,593
Yates	12,673	16		12,689
Reserve	567			567
Total	311,952	223		312,175

NORTH CAROLINA

Alamance	7,110	103		7,213
Alexander	3,894	14		3,908
Alleghany	218			218
Anson	6,507	6		6,513
Ashe	48			48
Avery	12			12
Beaufort	367			367
Bertie	26			26
Bladen	1,063	3		1,066
Brunswick	226			226
Buncombe	415	3		418
Burke	2,533			2,533
Cabarrus	8,280			8,280
Caldwell	1,616			1,616
Camden	80			80
Carteret	84			84
Caswell	5,284	5		5,289
Catawba	12,085	2		12,087
Chatham	5,350			5,350
Cherokee	54			54
Chowan	76			76
Clay	99			99
Cleveland	10,824	3		10,827
Columbus	900			900
Craven	375			375
Cumberland	5,225			5,225
Currituck	99			99
Dare			4	4
Davidson	9,257	2		9,259
Davie	4,079			4,079
Duplin	1,074			1,074
Durham	1,197			1,197
Edgecombe	878			878
Forsyth	4,470			4,470
Franklin	2,870	3		2,879
Gaston	6,563			6,563
Gates	97			97
Granville	2,057			2,057
Greene	307			307
Guilford	8,378			8,378
Halifax	1,726			1,726
Harnett	4,217			4,217
Haywood	74			74
Henderson	159			159
Hertford	76			76
Hoke	2,492			2,492
Hyde	61		15	76
Iredell	15,286	6		15,292
Jackson	20			20
Johnston	3,135	55		3,190
Jones	179			179
Lee	1,849	2		1,851
Lenoir	894			894
Lincoln	9,857	11		9,868
McDowell	754	9		763
Macon	94			94
Madison	304			304

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Martin	102		13	115
Mecklenburg	6,368			6,368
Mitchell	1			1
Montgomery	2,617			2,617
Moore	3,895	11		3,906
Nash	2,372			2,372
New Hanover	47		3	50
Northampton	831	13		844
Onslow	91			91
Orange	2,965	10		2,975
Pamlico	257			257
Pasquotank	120			120
Pender	301			301
Perquimans	149			149
Person	3,947	12		3,959
Pitt	598			598
Polk	680			680
Randolph	10,113			10,113
Richmond	3,560			3,560
Robeson	4,602			4,602
Rockingham	5,304			5,304
Rowan	15,478			15,478
Rutherford	4,404	3		4,407
Sampson	2,566			2,566
Scotland	1,394	4		1,398
Stanly	15,916			15,916
Stokes	2,049	24		2,073
Surry	1,836	3		1,839
Swain	1		1	2
Transylvania	31			31
Tyrrell	200			200
Union	12,956			12,956
Vance	1,383			1,383
Wake	4,788			4,788
Warren	3,365			3,365
Washington	256	1		257
Watauga	90			90
Wayne	2,143	10		2,153
Wilkes	2,393			2,393
Wilson	1,630			1,630
Yadkin	4,873			4,873
Yancey	5			5
Reserve	1,156			1,156
Total	283,073	322	32	283,427

NORTH DAKOTA

Adams	146,035			146,035
Barnes	183,339	100		183,439
Benson	182,077	68		182,145
Billings	36,327			36,327
Bottineau	240,819	103		240,922
Bowman	121,462			121,462
Burke	135,234			135,234
Burleigh	100,447	705		101,152
Cass	193,269	143		193,412
Cavalier	197,066	108		197,174
Dickey	69,769	40		69,809
Divide	178,338			178,338
Dunn	125,250	25		125,275
Eddy	54,739	136		54,875
Emmons	135,588	227		135,815
Foster	66,488	83		66,571
Golden Valley	75,503	30		75,533
Grand Forks	173,067	57		173,124
Grant	134,666	57		134,723
Griggs	66,411	144		66,555
Hettinger	195,476			195,476
Kidder	78,729	457		79,186
La Moure	132,207	181		132,388
Logan	101,532	54		101,586
McHenry	190,568	34		190,602
McIntosh	112,517	29		112,546
McKenzie	155,664	98		155,762
McLean	271,148	58		271,206
Mercer	96,948	15		96,963
Morton	158,977			158,977
Mountrail	211,719	190		211,909
Nelson	110,975	109		111,084
Oliver	56,402	99		56,501
Pembina	162,303	49		162,352
Pierce	146,701			146,701
Ramsey	183,721	87		183,808
Ransom	65,460	251		65,711
Renville	127,400			127,400
Richland	83,035	277		83,312
Rolette	98,463	17		98,480
Sargent	71,617	69		71,686
Sheridan	111,679			111,679
Sioux	43,392	42		43,434
Slope	100,897	49		100,856
Stark	157,442			157,442
Steele	76,898	102		77,000
Stutsman	246,885	110		246,995
Towner	170,507			170,507
Traill	99,376	93		99,469
Walsh	175,405	215		175,620
Ward	256,124	23		256,147

NORTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Wells	169,472	86		169,558
Williams	265,821	13		265,834
Reserve	15,166			15,166
Total	7,316,430	4,833		7,321,263

OHIO

Adams	12,531			12,531
Allen	22,033	11		22,044
Ashland	19,668	16		19,684
Ashtabula	13,209			13,209
Athens	2,083			2,083
Auglaize	22,992	26		23,018
Belmont	4,519	1		4,520
Brown	15,898	13		15,911
Butler	19,217	16		19,233
Carroll	7,743	3		7,746
Champaign	23,184	47		23,231
Clark	22,109	18		22,127
Clermont	9,428	19		9,447
Clinton	30,316	26		30,342
Columbiana	13,473	6		13,479
Coshocton	12,654	3		12,657
Crawford	24,362			24,362
Cuyahoga	1,529			1,529
Darke	33,596	25		33,621
Defiance	25,909	5		25,914
Delaware	18,495	94		18,589
Erie	14,226	15		14,241
Fairfield	32,321			32,321
Fayette	31,987			31,987
Franklin	24,654			24,654
Fulton	25,089	9		25,098
Gallia	2,361			2,361
Geauga	5,252			5,252
Greene	27,189	17		27,206
Guernsey	4,951			4,951
Hamilton	3,834			3,834
Hancock	37,157	12		37,169
Hardin	23,892	14		23,906
Harrison	3,403			3,403
Henry	31,839			31,839
Highland	30,667	38		30,705
Hocking	4,393			4,393
Holmes	17,718			17,718
Huron	27,837			27,837
Jackson	2,868	4		2,872
Jefferson	3,798			3,798
Knox	24,049			24,049
Lake	2,163			2,163
Lawrence	741			741
Licking	26,503			26,503
Logan	18,628	9		18,637
Lorain	15,589			15,589
Lucas	13,420			13,420
Madison	30,133	7		30,140
Mahoning	10,184	2		10,186
Marion	19,845	34		19,879
Medina	15,871	15		15,886
Meigs	2,913			2,913
Mercer	25,456	24		25,480
Miami	27,820			27,820
Monroe	2,596	9		2,605
Montgomery	21,838			21,838
Morgan	3,208	7		3,215
Morrow	16,694	10		16,704
Muskingum	10,643	4		10,647
Noble	1,722			1,722
Ottawa	16,866			16,866
Paulding	26,071	9		26,080
Perry	10,184			10,184
Pickaway	42,802	12		42,814
Pike	4,928	26		4,954
Portage	12,193	3		12,196
Preble	25,973	33		26,006
Putnam	37,087			37,087
Richland	22,467			22,467
Ross	30,480	36		30,516
Sandusky	28,009			28,009
Scioto	4,397	31		4,428
Seneca	41,111	10		41,121
Shelby	22,901			22,901
Stark	21,181			21,181
Summit	5,344			5,344
Trumbull	9,424			9,424
Tuscarawas	13,119	20		13,139
Union	20,489	18		20,507
Van Wert	25,091	17		25,108
Vinton	1,684	2		1,686
Warren	18,899			18,899
Washington	4,953	12		4,965
Wayne	34,341			34,341
Williams	25,221			25,221
Wood	49,272	10		49,282
Wyandot	27,731	20		27,751
Reserve	10,797			10,797
Total	1,593,415	818		1,594,233

OKLAHOMA

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Adair	527			527
Alfalfa	219,467			219,467
Atoka	111		13	124
Beaver	267,309	130		267,439
Beckham	46,325			46,325
Blaine	157,461	20		157,481
Bryan	3,511		68	3,579
Caddo	87,595			87,595
Canadian	138,042			138,042
Carter	482	123		605
Cherokee	662			662
Choctaw	223		63	286
Cimarron	186,865			186,865
Cleveland	8,707			8,707
Coal	236			236
Comanche	55,497	24		55,521
Cotton	101,558			101,558
Craig	14,236	30		14,266
Creek	1,375			1,375
Custer	167,332	98		167,430
Delaware	5,946			5,946
Dewey	115,063	172		115,235
Ellis	120,753	55		120,808
Garfield	273,404			273,404
Garvin	6,127		116	6,243
Grady	46,934			46,934
Grant	270,852	19		270,871
Greer	64,369			64,369
Harmon	59,680	123		59,803
Harper	131,825	45		131,870
Haskell	1,339		76	1,415
Hughes	444		73	517
Jackson	132,002			132,002
Jefferson	6,928	22		6,950
Johnston	428	16		444
Kay	185,443	22		185,465
Kingfisher	207,812	254		208,066
Kiowa	188,349	57		188,406
Le Flore	3,218	34	521	3,773
Lincoln	8,869	45		8,914
Logan	70,380	31		70,411
Love	486			486
McClain	8,870	18		8,888
McIntosh	913		140	1,053
Major	139,196			139,196
Marshall	766		76	842
Mayes	6,832			6,832
Murray	1,974			1,974
Muskogee	7,363		80	7,443
Noble	107,840			107,840
Nowata	9,041			9,041
Okfuskee	1,353		149	1,502
Oklahoma	22,419	25		22,444
Okmulgee	537			537
Osage	22,925	66		22,991
Ottawa	20,268			20,268
Pawnee	15,718			15,718
Payne	18,962			18,962
Pittsburg	1,115		208	1,323
Pontotoc	670			670
Pottawatomie	9,201			9,201
Rojer Mills	52,820	40		52,860
Rogers	8,944			8,944
Seminole	1,138			1,138
Sequoyah	4,246		356	4,602
Stephens	13,251	17		13,268
Texas	380,029	32		380,061
Tillman	165,974			165,974
Tulsa	5,685			5,685
Wagoner	9,661	18		9,679
Washington	5,113			5,113
Washita	162,590			162,590
Woods	178,314	58		178,372
Woodward	105,480	120		105,600
Reserve	1,983			1,983
Total	4,858,343	1,714	1,939	4,861,996

OREGON

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Baker	15,387	90		15,477
Benton	5,430			5,430
Clackamas	7,278	8		7,286
Clatsop	1			1
Columbia	268			268
Crook	3,226			3,226
Deschutes	1,518			1,518
Douglas	1,162	15		1,177
Gilliam	87,210			87,210
Grant	2,180	8		2,188
Harney	2,858			2,858
Jackson	1,604	17		1,621
Jefferson	28,423	18		28,441
Josephine	155			155
Klamath	11,342	34		11,376
Lake	17,065			17,065
Lane	4,918	12		4,930
Linn	9,091			9,091
Malheur	15,166	43		15,209
Marion	16,772	3		16,775
Morrow	117,010			117,010
Multnomah	454			454

OREGON—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Polk	12,632	2		12,634
Sherman	92,048			92,048
Umatilla	198,359			198,359
Union	40,596	37		40,633
Wallowa	24,760	45		24,805
Wasco	63,488			63,488
Washington	13,874			13,874
Wheeler	6,453			6,453
Yamhill	15,950			15,950
Reserve	2,512			2,512
Total	819,190	332		819,522

PENNSYLVANIA

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Adams	19,462	13		19,475
Allegheny	3,321			3,321
Armstrong	9,273	55		9,328
Beaver	4,634	9		4,643
Bedford	10,988	50		11,038
Berks	29,423	74		29,497
Blair	5,983	40		6,023
Bradford	3,993	26		4,019
Bucks	17,096	46		17,142
Butler	11,560	15		11,575
Cambria	5,315			5,315
Cameron	24			24
Carbon	2,863	7		2,870
Centre	15,781	9		15,790
Chester	14,234	18		14,252
Clarion	8,785	12		8,797
Clearfield	3,256	18		3,274
Clinton	4,491			4,491
Columbia	15,730	12		15,742
Crawford	9,956			9,956
Cumberland	22,572	20		22,592
Dauphin	12,627	17		12,644
Delaware	533			533
Elk	360			360
Erie	8,711	39		8,750
Fayette	4,639	15		4,654
Forest	318			318
Franklin	31,475			31,475
Fulton	842			842
Greene	1,745	3		1,748
Huntingdon	9,001	7		9,008
Indiana	10,662	54		10,716
Jefferson	5,556			5,556
Juniata	8,842			8,842
Lackawanna	262	1		263
Lancaster	52,121	11		52,132
Lawrence	8,326	20		8,346
Lebanon	13,284	13		13,297
Lehigh	14,658	50		14,708
Luzerne	4,182	6		4,188
Lycoming	12,407	6		12,413
McKean	165	1		166
Mercer	10,275			10,275
Mifflin	7,909			7,909
Monroe	2,413	15		2,428
Montgomery	12,135			12,135
Montour	6,435	20		6,455
Northampton	9,540	43		9,583
Northumberland	15,506	6		15,512
Perry	12,360			12,360
Philadelphia	371			371
Pike	56			56
Potter	698			698
Schuylkill	10,237			10,237
Snyder	10,846	5		10,851
Somerset	6,585			6,585
Sullivan	390	1		391
Susquehanna	462			462
Tioga	2,246			2,246
Union	8,837	7		8,844
Venango	3,143	13		3,156
Warren	1,241	7		1,248
Washington	7,568	2		7,570
Wayne	69	2		71
Westmoreland	12,444	19		12,463
Wyoming	1,072			1,072
York	45,249	102		45,351
Reserve	4,819			4,819
Total	619,294	891		620,185

SOUTH CAROLINA

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Abbeville	4,436			4,436
Aiken	3,499	6		3,505
Allendale	2,026	83		2,109
Anderson	18,610	15		18,625
Bamberg	1,368	13		1,381
Barnwell	1,434			1,434
Berkeley	120		10	130
Calhoun	5,052			5,052
Charleston	116			116
Cherokee	4,561			4,561
Chester	1,605			1,605
Chesterfield	2,511			2,511

SOUTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Clarendon	1,291			1,291
Colleton	284		25	309
Darlington	5,242			5,242
Dillon	1,291			1,291
Dorchester	136			136
Edgefield	2,023			2,023
Fairfield	618			618
Florence	3,431			3,431
Georgetown	73			73
Greenville	7,762			7,762
Greenwood	2,395			2,395
Hampton	1,030		181	1,211
Horry	380			380
Jasper	14			14
Kershaw	1,898			1,898
Lancaster	1,566	4		1,570
Laurens	7,453			7,453
Lee	2,543			2,543
Lexington	2,340			2,340
McCormick	516			516
Marion	358			358
Marlboro	1,476			1,476
Newberry	3,879			3,879
Oconee	3,916			3,916
Orangeburg	3,361	61		3,422
Pickens	3,562			3,562
Richland	3,294			3,294
Saluda	2,776			2,776
Spartanburg	13,565	11		13,576
Sumter	3,422			3,422
Union	1,596			1,596
Williamsburg	610			610
York	3,417			3,417
Reserve	529			529
Total	133,295	193	216	133,704

SOUTH DAKOTA

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Aurora	13,377			13,377
Beadle	81,093	121		81,124
Bennett	48,068	39		48,107
Bon Homme	3,495			3,495
Brookings	1,900	25		1,925
Brown	183,846	127		183,973
Brule	13,339	70		13,409
Buffalo	5,144			5,144
Butte	16,617			16,617
Campbell	86,075			86,075
Charles Mix	30,875			30,875
Clark	67,127	66		67,193
Clay	5,133	49		5,182
Codington	30,939	319		31,258
Corson	114,238			114,238
Custer	4,380	54		4,434
Davison	1,994			1,994
Day	76,426	112		76,538
Deuel	2,158	10		2,168
Dewey	59,133			59,133
Douglas	4,573			4,573
Edmunds	121,736	23		121,759
Fall River	16,645			16,645
Faulk	79,761			79,761
Grant	15,233	107		15,340
Gregory	17,003	11		17,014
Haakon	34,615	93		34,708
Hamlin	7,124	10		7,134
Hand	70,067	82		70,149
Hanson	1,372	2		1,374
Harding	40,672			40,672
Hughes	45,053			45,053
Hutchinson	7,116			7,116
Hyde	20,951	39		20,990
Jackson	14,809			14,809
Jerauld	22,111	83		22,194
Jones	48,601	20		48,621
Kingsbury	27,746	42		27,788
Lake	883			883
Lawrence	5,734			5,734
Lincoln	141			141
Lyman	87,710			87,710
McCook	1,692	13		1,705
McPherson	97,114			97,114
Marshall	54,140	307		54,447
Meade	57,468			57,468
Mellette	27,694	141		27,835
Miner	6,276			6,276
Minnehaha	250			250
Moody	308			308
Pennington	46,004	62		46,066
Perkins	137,577			137,577
Potter	90,364			90,364
Roberts	53,016	94		53,110
Sanborn	5,345	19		5,364
Shannon	20,334	48		20,382
Spink	234,601			234,601
Stanley	27,113			27,113
Sully	100,893			100,893
Todd	10,464			10,464
Tripp	77,613	69		77,682
Turner	909			909

SOUTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Union	9,920			9,920
Walworth	86,036			86,036
Washabaugh	14,949			14,949
Yankton	2,435			2,435
Ziebach	35,253			35,253
Reserve	14,327			14,327
Total	2,747,018	2,257		2,749,275

TENNESSEE

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Anderson	142			142
Bedford	5,705			5,705
Benton	541		29	570
Bledsoe	818	20		838
Blount	4,048			4,048
Bradley	1,156			1,156
Campbell	478			478
Cannon	607	9		616
Carroll	802	18		820
Carter	596			596
Cheatham	1,977	11		1,988
Chester	84			84
Claiborne	4,024			4,024
Clay	787			787
Cocke	2,384			2,384
Coffee	3,311	13		3,324
Crockett	142			142
Cumberland	333	3		336
Davidson	1,562			1,562
Decatur	86		15	101
De Kalb	1,288			1,288
Dickson	1,472	3		1,475
Dyer	1,185	3		1,188
Fayette	24		9	33
Fentress	766			766
Franklin	6,417			6,417
Gibson	1,171			1,171
Giles	3,898	23		3,921
Grainger	2,209			2,209
Greene	8,548			8,548
Grundy	641	2		643
Hamblen	3,916			3,916
Hamilton	535			535
Hancock	1,320	5		1,325
Hardeman	169			169
Hardin	593	4	10	607
Hawkins	5,929	22		5,951
Haywood	206			206
Henderson	33			33
Henry	1,841	47		1,888
Hickman	658	7		665
Houston	385			385
Humphreys	1,111			1,111
Jackson	305	1		306
Jefferson	5,805	1		5,806
Johnson	861			861
Knox	1,787			1,787
Lake	5			5
Lauderdale	146			146
Lawrence	4,897			4,897
Lewis	161			161
Lincoln	4,659			4,659
Loudon	3,321			3,321
McMinn	1,811	9		1,820
McNairy	17		4	21
Macon	1,101			1,101
Madison	276			276
Marion	486	10		496
Marshall	3,832			3,832
Maury	9,212	17		9,229
Meigs	1,024	9		1,033
Monroe	3,908	96		4,004
Montgomery	6,241	48		6,289
Moore	415	7		422
Morgan	305			305
Obion	5,126	24		5,150
Overton	1,868			1,868
Perry	238	7	15	260
Pickett	795			795
Polk	671	6		677
Putnam	1,384			1,384
Rhea	932			932
Roane	983	11		994
Robertson	19,713			19,713
Rutherford	4,379			4,379
Scott	44			4
Sequatchie	258			258
Sevier	3,619			3,619
Shelby	284		39	323
Smith	796			796
Stewart	484			484
Sullivan	3,363			3,363
Sumner	4,999			4,999
Tipton	445		48	493
Trousdale	361			361
Unicoi	135	4		139
Union	598	4		602
Van Buren	199			199
Warren	2,561			2,561
Washington	4,847			4,847

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Wayne	495			495
Weakley	2,298			2,298
White	2,009			2,009
Williamson	6,702			6,702
Wilson	2,307	8		2,315
Reserve	1,483			1,483
Total	198,809	452	169	199,430

TEXAS

Andrews	4			4
Archer	31,741	63		31,804
Armstrong	89,208	130		89,338
Atascosa	303	2		305
Austin	5		1	6
Bailey	16,744	64		16,808
Bandera	64			64
Bastrop	18			18
Baylor	66,592			66,592
Bee	20			20
Bell	5,654	51		5,705
Bexar	1,593	11		1,604
Blanco	571	3		574
Borden	2,120			2,120
Bosque	3,829	25		3,854
Bowie	112	72		184
Brazos	7		3	10
Briscoe	54,506	364		54,870
Brown	16,663	90		16,753
Burleson	9			9
Burnet	1,293	55		1,328
Caldwell	16	7		23
Callahan	20,028			20,028
Carson	153,429			153,429
Castro	109,416	234		109,650
Chambers	3			3
Childress	47,027			47,027
Clay	31,597	31		31,628
Cochran	2,733	80		2,813
Coke	1,961	81		2,042
Coleman	23,955	106		24,061
Collin	40,941	43		40,984
Collingsworth	26,719			26,719
Comal	398	4		402
Comanche	1,789	13		1,802
Concho	24,152	303		24,455
Cooke	24,321	127		24,448
Coryell	8,729	101		8,830
Cottle	27,599			27,599
Crosby	39,667	31		39,698
Culberson	92	8		100
Dallam	71,717	216		71,933
Dallas	23,146	43		23,189
Dawson	2,841	20		2,861
Deaf Smith	219,981	303		220,284
Delta	1,084		16	1,100
Denton	34,255	189		34,444
De Witt	4		1	5
Dickens	23,889			23,889
Dimmit	1			1
Donley	19,006	72		19,078
Eastland	5,781	9		5,790
Edwards	13			13
Ellis	9,681	42		9,723
Erath	1,468	9		1,477
Falls	219	1		220
Fannin	9,789	18	17	9,824
Fisher	29,467	138		29,605
Floyd	139,581			139,581
Foard	68,916	27		68,943
Gaines	2,014	233		2,247
Garza	2,223	1		2,224
Gillespie	6,350			6,350
Glasscock	443		17	460
Goliad	2			2
Gonzales	25			25
Gray	92,360	13		92,373
Grayson	42,997	78		43,075
Guadalupe	384	7		391
Hale	65,514	175		65,689
Hall	16,773			16,773
Hamilton	4,435	136		4,571
Hansford	227,342	18		227,360
Hardeman	89,117	55		89,172
Harris	8			8
Hartley	85,510	78		85,588
Haskell	54,236			54,236
Hays	87			87
Hemphill	38,385			38,385
Henderson	7		2	9
Hill	1,623			1,623
Hockley	1,205			1,205
Hood	177	2		179
Hopkins			14	14
Houston			8	8
Howard	3,035			3,035
Hudspeth	23		8	31
Hunt	2,284		43	2,327
Hutchinson	67,766			67,766
Irion	53			53
Jack	3,915	10		3,925

TEXAS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Jackson	226	21	1	248
Jeff Davis	4			4
Johnson	1,540	11		1,551
Jones	58,337	23		58,360
Karnes	281	17	16	314
Kaufman	1,073		44	1,117
Kendall	1,951	6		1,957
Kent	5,946			5,946
Kerr	1,583			1,583
Kimble	349			349
King	5,141			5,141
Knox	52,142	23		52,165
Lamar	2,233	15	232	2,480
Lamb	6,358			6,358
Lampasas	1,656			1,656
Limestone	36			36
Lipscomb	116,027			116,027
Live Oak	143	4		147
Llano	156			156
Lubbock	5,342			5,342
Lynn	5,120			5,120
McCulloch	13,869	69		13,938
McLennan	6,152			6,152
Martin	472			472
Mason	70			70
Maverick	146			146
Medina	321	9		330
Menard	1,086	7		1,093
Midland	20		2	22
Milam	126			126
Mills	2,461	30		2,491
Mitchell	9,408			9,408
Montague	2,628			2,628
Moore	141,737			141,737
Motley	11,951			11,951
Navarro	332			332
Nolan	16,554			16,554
Ochiltree	246,902			246,902
Oldham	61,113	498		61,220
Palo Pinto	2,851	117		2,968
Parker	600	4		604
Parmer	108,404	827		109,231
Pecos	4			4
Potter	34,007			34,007
Presidio	23			23
Rains	12		3	15
Randall	141,980	48		142,028
Real	2			2
Red River	373	20	52	445
Reeves	26			26
Roberts	30,479	69		30,548
Rockwall	2,564	21	146	2,731
Runnels	38,195	119		38,314
San Saba	2,196	45		2,241
Schleicher	673	22		695
Scurry	12,937	16		12,953
Shackelford	17,001			17,001
Sherman	186,031			186,031
Somervell	53			53
Stephens	12,547	76		12,623
Sterling	323	18		341
Stonewall	22,563	30		22,593
Sutton	2			2
Swisher	125,026	159		125,185
Tarrant	2,573	18		2,591
Taylor	64,569	27		64,596
Terry	14,402	436		14,838
Throckmorton	31,648			31,648
Titus	11		3	14
Tom Green	2,223	10		2,233
Travis	119			119
Uvalde	240	50		290
Van Zandt	113		3	116
Victoria	11			11
Waller	41			41
Ward	6			6
Wharton	53		17	70
Wheeler	24,576	139		24,715
Wichita	61,123	111		61,234
Wilbarger	86,951			86,951
Williamson	1,409	23		1,432
Wilson	266	12		278
Wise	4,891	40		4,931
Yoakum	2,397	22		2,419
Young	48,841	129		48,970
Zavala	134	12		146
Reserve	8,691			8,691
Total	4,219,901	7,235	649	4,227,785

UTAH

Beaver	1,925			1,925
Box Elder	97,292			97,292
Cache	33,158			33,158
Carbon	1,504			1,504
Daggett	42			42
Davis	3,853			3,853
Duchesne	2,872			2,872
Emery	2,974			2,974
Garfield	1,368			1,368
Grand	425			425

UTAH—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Iron	6,423			6,423
Juab	20,717			20,717
Kane	1,186			1,186
Millard	28,755			28,755
Morgan	2,170			2,170
Piute	178			178
Rich	3,625			3,625
Salt Lake	19,431			19,431
San Juan	31,207			31,207
Sanpete	12,068	24		12,092
Sevier	2,995			2,995
Summit	1,224			1,224
Tooele	7,032			7,032
Uintah	3,527			3,527
Utah	17,952			17,952
Wasatch	258			258
Washington	6,809			6,809
Wayne	304			304
Weber	2,880			2,880
Reserve	876			876
Total	314,970	24		314,994

VIRGINIA

Accomac	522			522
Albemarle	1,749	13		1,762
Alleghany	165			165
Amelia	4,888			4,888
Amherst	1,777			1,777
Appomattox	5,162	13		5,175
Augusta	11,085	37		11,122
Bath	384			384
Bedford	5,979			5,979
Bland	1,148			1,148
Botetourt	1,645			1,645
Brunswick	3,172	3		3,175
Buchanan	14			14
Buckingham	4,661			4,661
Campbell	6,950			6,950
Caroline	4,974			4,974
Carroll	763	3		766
Charles City	2,520			2,520
Charlotte	4,331	14		4,345
Chesterfield	1,290	6		1,296
Clarke	3,626	22		3,648
Craig	565			565
Culpeper	2,298	3		2,301
Cumberland	3,202	4		3,206
Dickenson	1			1
Dinwiddie	2,092	15		2,107
Hampton	101			101
Essex	5,548			5,548
Fairfax	1,611			1,611
Fauquier	6,045			6,045
Floyd	1,599	9		1,608
Fluvanna	1,765	17		1,782
Franklin	4,870	3		4,873
Frederick	4,645	13		4,658
Giles	532			532
Gloucester	711	8		719
Goochland	1,901			1,901
Grayson	633			633
Greene	1,331			1,331
Greensville	180	7		187
Halifax	7,266	16		7,282
Hanover	6,109	11		6,120
Henrico	1,423			1,423
Henry	1,067			1,067
Highland	297			297
Isle of Wight	54			54
James City	782	3		785
King and Queen	2,564			2,564
King George	2,349			2,349
King William	2,349			2,349
Lancaster	1,014			1,014
Lee	2,175			2,175
Loudoun	9,411	12		9,423
Louisa	3,844			3,844
Lunenburg	2,354	3		2,357
Madison	2,345	2		2,347
Mathews	268			268
Mecklenburg	5,357	6		5,363
Middlesex	1,414			1,414
Montgomery	1,308			1,308
Nansemond	329			329
Nelson	1,513			1,513
New Kent	1,277			1,277
Norfolk	1,581	42		1,623
Northampton	125			125
Northumberland	3,294			3,294
Nottoway	1,980			1,980
Orange	2,568			2,568
Page	3,768			3,768
Patrick	430			430
Pittsylvania	12,949	26		12,975
Powhatan	1,233			1,233
Prince Edward	5,043			5,043
Prince George	1,507	18		1,525
Prince William	2,323	18		2,341
Princess Anne	1,273			1,273
Pulaski	1,231			1,231

VIRGINIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted from National Reserve	Total
	For old farms	For new farms		
Rappahannock	942			942
Richmond	3,784			3,784
Roanoke	1,323			1,323
Rockbridge	3,725			3,725
Rockingham	11,633	50		11,683
Russell	2,434			2,434
Scott	2,006			2,006
Shenandoah	5,720	3		5,723
Smyth	2,042			2,042
Southampton	401			401
Spotsylvania	1,980			1,980
Stafford	1,261			1,261
Surry	404			404
Sussex	579	3		582
Tazewell	1,801			1,801
Warren	1,803			1,803
Warwick	8			8
Washington	5,148			5,148
Westmoreland	5,781			5,781
Wise	35			35
Wythe	3,934			3,934
York	205			205
Reserve	850			850
Total	260,640	403		261,043

WASHINGTON

Adams	274,147	349		274,496
Asotin	27,395			27,395
Benton	99,925	43		99,968
Chelan	4,557			4,557
Clallam	129			129
Clark	520			520
Columbia	68,894			68,894
Cowlitz	68			68
Douglas	169,898			169,898
Ferry	4,410			4,410
Franklin	101,336	248		101,584
Garfield	67,101			67,101
Grant	131,461	396		131,857
Grays Harbor	172			172
Island	1,201			1,201
Jefferson	70			70
Kitsap	1			1
Kittitas	3			3
Klickitat	8,759			8,759
Lewis	54,915	72		54,987
Lincoln	3,747			3,747
Mason	280,637	14		280,651
Okanogan	11			11
Pacific	26,685	16		26,701
Pend Oreille	3			3
Pierce	955			955
San Juan	43			43
Skagit	315			315
Skamania	1,263			1,263
Snohomish	12			12
Spokane	199			199
Stevens	108,290			108,290
Thurston	18,229	38		18,267
Wahkiakum	687			687
Walla Walla	1			1
Whatcom	175,255			175,255
Whitman	400			400
Yakima	345,833			345,833
Reserve	25,602	229		25,831
Total	4,501			4,501
	2,007,628	1,405		2,009,033

WEST VIRGINIA

Barbour	257			257
Berkeley	4,324			4,324
Braxton	18			18
Brooke	383			383
Cabell	190			190
Calhoun	1			1
Clay	2			2
Fayette	114			114
Gilmer	1			1
Grant	1,397	23		1,420
Greenbrier	2,461	4		2,465
Hampshire	2,071	2		2,073
Hancock	401			401
Hardy	2,224			2,224
Harrison	42			42
Jackson	319			319
Jefferson	8,971			8,971
Kanawha	2			2
Lewis	27			27
Lincoln	23			23
Marion	35			35
Marshall	732	10		742
Mason	2,097			2,097
Mercer	452			452
Mineral	843	9		852
Monongalia	169			169
Monroe	3,229			3,229

WEST VIRGINIA—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Morgan	1,640			1,640
Nicholas	376			376
Ohio	366			366
Pendleton	2,222	8		2,230
Pleasants	24			24
Pocahontas	564			564
Preston	1,355			1,355
Putnam	556			556
Raleigh	92			92
Randolph	265	14		279
Ritchie	30			30
Roane	25			25
Summers	406			406
Taylor	61			61
Tucker	48			48
Tyler	81			81
Upshur	161			161
Wayne	84			84
Webster	7			7
Wetzel	54			54
Wirt	117			117
Wood	796			796
Reserve	2,771			2,771
Total	42,886	70		42,956

WISCONSIN

Adams	344			344
Ashland	37			37
Barron	162			162
Bayfield	230			230
Brown	281			281
Buffalo	659			659
Burnett	98			98
Calumet	584	1		585
Chippewa	148			148
Clark	330			330
Columbia	1,932	11		1,943
Crawford	189			189
Dane	1,560			1,560
Dodge	1,745			1,745
Door	1,200			1,200
Douglas	187			187
Dunn	279			279
Eau Claire	313			313
Florence	22			22
Fond du Lac	743	3		746
Forest	62			62
Grant	440			440
Green	210			210
Green Lake	777			777
Iowa	360	2		362
Iron	11			11
Jackson	474			474
Jefferson	953			953
Juneau	254			254
Kenosha	1,537			1,537
Kewaunee	842			842
La Crosse	363			363
Lafayette	198			198
Langlade	377			377
Lincoln	93			93
Manitowoc	829			829
Marathon	721			721
Marinette	324			324
Marquette	633			633
Milwaukee	1,279			1,279
Monroe	220			220
Oconto	422			422
Oneida	98			98
Outagamie	390			390
Ozaukee	1,008			1,008
Pepin	870			870
Pierce	2,266	5		2,271
Polk	342			342

WISCONSIN—Continued

County	Acreage apportioned to counties from State allotment: For old farms	Acreage apportioned to counties from State allotment: For new farms	Acreage allotted from National Reserve	Total
Portage	588			588
Price	23			23
Racine	3,957	17		3,974
Richland	196			196
Rock	1,651			1,651
Rusk	39			39
St. Croix	721	3		724
Sauk	1,704			1,704
Sawyer	8			8
Shawano	455	5		460
Sheboygan	680			680
Taylor	87			87
Trempealeau	760			760
Vernon	120			120
Vilas	6			6
Walworth	922			922
Washburn	89			89
Washington	1,339			1,339
Waukesha	1,750			1,750
Waupaca	278			278
Waushara	502			502
Winnebago	683	6		689
Wood	419			119
Reserve	1,024			1,024
Total	45,094	53		45,147

WYOMING

Albany	721	250		971
Big Horn	1,766			1,766
Campbell	31,462			31,462
Carbon	11,838			11,838
Converse	6,283			6,283
Crook	27,238	60		27,298
Fremont	3,733			3,733
Goshen	60,673			60,673
Hot Springs	268			268
Johnson	6,204			6,204
Laramie	71,567	17		71,584
Lincoln	4,115			4,115
Natrona	324	13		337
Niobrara	9,543			9,543
Park	2,999	90		3,089
Platte	40,638			40,638
Sheridan	13,465			13,465
Sublette	8			8
Sweetwater	29			29
Teton	654			654
Uinta	193			193
Washakie	239			239
Weston	8,965	30		8,995
Reserve	340			340
Total	303,265	460		303,725
Total commercial States	54,820,686	51,238	9,126	54,881,050
Total, noncommercial States (not apportioned)	73,076			73,076
National Reserve (not apportioned)			45,874	45,874
Total U. S.	54,893,762	51,238	55,000	55,000,000

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 54, 67 Stat. 151; 7 U. S. C. 1334)

Done at Washington, D. C., this 1st day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6273; Filed, Aug. 7, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54152]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

HOUSEHOLD AND PERSONAL EFFECTS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE PANAMA CANAL

In order that the same rule may apply in the classification of members of the armed forces of the United States and civilian employees of the Panama Canal returning to the United States for customs purposes under the provisions of paragraph 1798, Tariff Act of 1930, as amended, as is applied under § 10.16 (b) of the Customs Regulations in cases of all other citizens of the United States or persons who have formerly resided in the United States, § 10.26 (a) of the Customs Regulations is amended to read as follows:

§ 10.26 *Household and personal effects of Army, Navy, and Marine Corps personnel and of civilian employees of the Panama Canal.* (a) A member of the armed forces of the United States or a civilian employee of the Panama Canal Company or Canal Zone Government returning to the United States is ordinarily classifiable for customs purposes under the provisions of paragraph 1798, Tariff Act of 1930, as amended, as a returning resident of the United States, and such person shall be classified as a nonresident only if satisfactory evidence is available to show that the person has established a home elsewhere.

(R. S. 161, 251 sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies par. 1798, secs. 201, 624, 46 Stat. 683, as amended, 759; 19 U. S. C. 201 (par. 1798), 1624)

RALPH KELLY,
Commissioner of Customs.

Approved: August 1, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6390; Filed, Aug. 7, 1956; 8:48 a. m.]

[T. D. 54155]

PART 22—DRAWBACK

MISCELLANEOUS AMENDMENTS

In furtherance of the Department's policy of delegating appropriate administrative functions to collectors of customs, to facilitate the prompt and orderly handling of drawback statements filed by manufacturers and producers who may operate under general drawback rates prescribed in § 22.6, and to establish such rates on two additional classes of articles, the Customs Regulations are amended as follows:

1. Section 22.4 is amended as follows:

a. Paragraph (e) is amended by substituting "Where it appears to the satisfaction of the Bureau, or of the collector in cases within the provisions of § 22.6," for "In cases where it appears to the satisfaction of the Bureau".

b. Paragraph (h) is amended by inserting in the first sentence ", except those operating under § 22.6," after the word "producer".

c. Paragraph (j) is amended by changing the period at the end thereof to a comma and adding "except that in cases under § 22.6 the procedure in paragraphs (a) and (b) of that section shall be followed."

d. Paragraph (l) is amended by deleting the period at the end thereof and adding "or in cases under § 22.6 the statement has been approved."

e. Paragraph (m) is amended by inserting "or the statement approved under § 22.6," after the word "established".

f. Paragraph (n) is amended by deleting "provided for in a rate of drawback", and by inserting "or collector's letter of approval" before the words "was based".

g. Paragraph (o) is amended by inserting in the first sentence "or to change his statement filed under § 22.6" after the word "amended"; and by changing the period at the end of the final sentence to a comma and adding "or by the collector in cases within the provisions of § 22.6."

2. Section 22.6 is amended as follows:

a. The headnote is amended to read "General drawback rates in effect; approval of drawback statements by collectors."; paragraphs (a), (b), and (c) are redesignated (e), (f), and (g), respectively; and new paragraphs (a), (b), (c), (d), (h), and (i) are added reading as follows:

(a) *Drawback statements; filing and approval at one port.* Each manufacturer or producer of articles covered by a drawback rate in this section shall submit through the supervising customs agents to the collector of customs at the port where drawback entries will be filed a statement in duplicate describing the methods used in the manufacture or production of the products involved and setting forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of certificates of manufacture and drawback entries filed hereunder. If the statement shows that the methods and records described therein enable the manufacturer or producer to comply with the law and regulations and if the facts developed by the investigation so warrant, the collector shall approve the statement and promptly notify the applicant, in writing, of such action.

(b) *Drawback statements; filing and approval at more than one port.* In cases where the statement provides for the filing of drawback entries at two or more ports, the statement in duplicate shall be submitted through the supervising customs agents to the collector at each of the ports named. In such case the collector at the port first listed in the statement shall approve the statement, if that action is warranted and is concurred in by the collectors at the other ports named, and shall promptly notify the applicant, in writing, of such action.

(c) *Drawback statements; supplemental.* Supplemental statements covering changes in statements filed under this section shall be handled in accordance with the provisions of paragraphs (a) and (b) of this section.

(d) *Applicability of other drawback provisions to general rates.* The allowance of drawback on articles covered by a drawback rate in this section shall be subject to compliance with the applicable provisions of this part.

* * * * *

(h) *Piece goods.* Drawback may be allowed under the provisions of section 313 (a), Tariff Act of 1930, upon the exportation of bleached, mercerized, printed, dyed, or redyed piece goods manufactured or produced by any one or a combination of the foregoing processes with the use of imported or drawback woven piece goods, subject to the following special regulations:

(1) The records of the manufacturer or producer shall show, as to each lot of piece goods manufactured or produced for exportation with benefit of drawback, the lot number and the date or inclusive dates of manufacture or production, the quantity, identity, and value of the imported or drawback piece goods used, the condition in which imported or received (whether in the gray, bleached, dyed, or mercerized), the working allowance specified in the contract under which they are received, the process or processes applied thereto, and the quantity and description of the piece goods obtained.

(2) The records also shall show the yardage lost by shrinkage or gained by stretching during manufacture, and the quantity of remnants resulting and of spoilage incurred.

(3) Further, the records shall show the quantity of rag waste incurred and its value. In instances where it is impracticable to account for the actual quantity of rag waste incurred, it shall be assumed in liquidation that such rag waste constituted 2 percent of the piece goods put into process.

(4) The piece goods manufactured or produced hereunder may also be subjected to one or more finishing processes.

(5) An abstract of the manufacturing or production records shall be filed with the drawback entry.

(6) The quantity of piece goods upon which drawback may be allowed shall be computed as follows: Deduct from the quantity of piece goods received the quantity of remnants and spoilage, if any, incurred, the proper allowance to be made for shrinkage or stretch, of any, occurring during manufacture or production. Reduce the remaining quantity by the quantity thereof which the value of the rag waste will replace. When necessary for the purposes of liquidation, the value of the imported or drawback piece goods used shall be furnished by the owner.

(7) The drawback allowance shall not exceed the duty paid, less 1 per centum thereof, on the net quantity of finished piece goods exported, determined as above, as shown by the abstract of the manufacturing or production records; or, in the case of piece goods manufactured or produced hereunder with the use of drawback piece goods, the drawback accruing to such net quantity, as established by the abstract of the manufacturing or production records and the certificates of manufacture and delivery covering the drawback piece goods concerned.

(8) Drawback shall not be allowed hereunder when the process performed results only in the restoration of the articles to their condition at the time of importation.

(i) *Fur skins and fur skin articles.* Drawback may be allowed under the provisions of section 313 (a), Tariff Act of 1930, upon the exportation of dressed, redressed, dyed, redyed, bleached, blended, or striped fur skins or fur skin articles manufactured or produced by any one or a combination of the foregoing processes with the use of fur skins or fur skin articles, such as plates, mats, sacs, strips, and crosses, imported in a raw, dressed, or dyed condition, subject to the following special regulations:

(1) The records of the manufacturer or producer shall show, as to each lot of fur skins and fur skin articles manufactured or produced for exportation with benefit of drawback, the lot number and the date or inclusive dates of manufacture or production, the quantity, identity, and description of the imported merchandise used, the condition in which imported, the process or processes applied thereto, the quantity and description of the finished articles obtained, and the quantity of imported pieces rejected, if any, or spoiled in manufacture or production.

(2) An abstract of the manufacturing or production records shall be filed with the drawback entry.

(3) The drawback allowance shall not exceed the duty paid, less 1 per centum thereof, on the quantity of imported merchandise used in the manufacture or production of the exported articles, as shown by the abstract of the manufacturing or production records. The quan-

tity of imported merchandise used shall be determined by deducting from the quantity of fur skins or fur skin articles put into manufacture or production the quantity of rejects and spoilage incurred, if any.

(4) Drawback shall not be allowed hereunder when the process performed results only in the restoration of the articles to their condition at the time of importation.

b. Redesignated paragraph (f) is amended by deleting subparagraph (3); renumbering subparagraphs (4) through (23) as (3) through (22), respectively; changing "§ 22.6 (b)" where it appears in renumbered subparagraphs (14) and (19) to "§ 22.6 (f)"; and substituting in the first sentence of renumbered subparagraph (14) "unless a different period shall have been authorized" for "unless the Bureau shall have authorized a different period".

c. Redesignated paragraph (g) is amended by inserting after the word "allowed" in the first sentence thereof "under the provisions of section 313 (a), Tariff Act of 1930,"; deleting subparagraph (2); renumbering subparagraphs (3) through (18) as (2) through (17); changing "(4)" and "(5)" where they appear in renumbered subparagraph (2) to "(3)" and "(4)", respectively; and changing "(12)" where it appears in renumbered subparagraph (13) to "(11)".

These amendments shall be effective as to drawback statements which have not been transmitted to the Bureau by supervising customs agents prior to the date of publication of the amendments in the weekly Treasury Decisions.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 1, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6391; Filed, Aug. 7, 1956; 8:48 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 124-56]

PART 12—REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF FOREIGN ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE MATTERS UNDER THE ACT OF AUGUST 1, 1956

Pursuant to the authority vested in me by the act of August 1, 1956 (Public Law 893, 84th Congress, 2d Session), the following rules and regulations are hereby prescribed for carrying out the purposes and provisions of that act:

Sec.
12.1 Definitions.
12.2 Administration of act.
12.3 Prior registration with the Foreign Agents Registration Section.
12.4 Inquiries concerning application of act.
12.20 Filing of registration statement.
12.21 Time within which registration statement must be filed.
12.22 Material contents of registration statement.
12.23 Deficient registration statement.
12.24 Forms.
12.25 Amended registration statement.
12.30 Burden of establishing availability of exemptions.
12.40 Public examination.
12.41 Photocopies.
12.70 Partial compliance not deemed compliance.

AUTHORITY: §§ 12.1 to 12.70 issued under sec. 5, Pub. Law 893, 84th Cong.

§ 12.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the act of August 1, 1956, Public Law 893, 84th Congress, 2d Session, requiring the registration of certain persons who have knowledge of, or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party.

(b) The term "Attorney General" means the Attorney General of the United States.

(c) The term "rules and regulations" refers to all rules, regulations, registration forms, and instruction to forms made and prescribed by the Attorney General pursuant to the act.

(d) The term "registration statement" means the registration required to be filed with the Attorney General under section 2 of the act.

(e) The term "registrant" means the person by whom a registration statement is filed pursuant to the provisions of the act.

§ 12.2 *Administration of act.* The administration of the act is assigned to the Registration Section of the Internal Security Division, Department of Justice. Communications with respect to the act shall be addressed to the Registration Section, Department of Justice, Washington 25, D. C. Copies of the act, the regulations contained in this part, including the forms mentioned therein, may be obtained upon request without charge.

§ 12.3 *Prior registration with the Foreign Agents Registration Section.* No person who has filed a registration statement under the terms of the Foreign Agents Registration Act of 1938, as amended by section 20 (a) of the Internal Security Act of 1950, shall be required to file a registration statement under the act, unless otherwise determined by the Chief, Registration Section.

§ 12.4 *Inquiries concerning application of act.* Inquiries concerning the application of the act must be accompanied by a detailed statement of all facts necessary for a determination of the question submitted, including the identity of the person on whose behalf the inquiry is made, the facts which may bring such person within the registration provisions of the act, and the identity of the foreign government or foreign political party concerned.

§ 12.20 *Filing of registration statement.* Registration statements shall be filed in duplicate with the Registration Section, Department of Justice, Washington, D. C. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Registration Section.

§ 12.21 *Time within which registration statement must be filed.* Every person who is or becomes subject to the registration provisions of the act after its effective date shall file a registration statement within fifteen days after the obligation to register arises.

§ 12.22 *Material contents of registration statement.* The registration statement shall include the following, all of which shall be regarded as material for the purposes of the act:

(a) The registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses.

(b) The registrant's citizenship status and how such status was acquired.

(c) A detailed statement setting forth the nature of the registrant's knowledge of the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and the manner in which, place where, and date when such knowledge was obtained.

(d) A detailed statement as to any instruction or training received by the registrant in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, including a description of the type of instruction or training received, a description of any courses taken, the dates when such courses commenced and when they ceased, and the name and official title of the instructor or instructors under whose supervision the courses were received as well as the name and location of schools and other institutions attended, the dates of such attendance, and the names of the directors of the schools and institutions attended.

(e) A detailed statement describing any assignment received in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, including the type of assignment, the date when each assignment began, the date of completion of each assignment, name and title of the person or persons under whose supervision the assignment was executed, and a complete description of the nature of the assignment and the execution thereof.

(f) A detailed statement of any relationship which may exist at the time of registration, other than through employment, between the registrant and any foreign government or foreign political party.

(g) Such other statements, information, or documents pertinent to the purposes and objectives of the act as the Attorney General, having due regard for the national security and the public interest, may require by this part or amendments thereto.

§ 12.23 *Deficient registration statement.* A registration statement which

is determined to be incomplete, inaccurate, misleading, or false, by the Chief Registration Section, may be returned by him to the registrant as being unacceptable for filing under the terms of the act.

§ 12.24 *Forms.* (a) Every person required to register under the act shall file a registration statement on Form GA-1, and such other forms as may from time to time be prescribed by the Attorney General.

(b) Matter contained in any part of the registration statement or other document may not be incorporated by reference as answer, or partial answer, to any other item in the registration statement required to be filed under the act.

(c) Except as specifically provided otherwise, if any item on the form is inapplicable, or the answer is "None," an express statement to such effect shall be made.

(d) Every statement, amendment, and every duplicate thereof, shall be executed under oath and shall be sworn to before a notary public or other officer authorized to administer oaths.

(e) A registration statement or amendment thereof required to be filed shall, if possible, be typewritten, but will be regarded as in substantial compliance with this regulation if written legibly in black ink.

(f) Riders shall not be used. If the space on the registration statement or other form is insufficient for any answer, reference shall be made in the appropriate space to a full insert page or pages on which the item number and item shall be restated and the complete answer given.

§ 12.25 *Amended registration statement.* (a) An amended registration statement may be required by the Chief, Registration Section, of any person subject to the registration provisions of the act whose original registration statement filed pursuant thereto is deemed to be incomplete, inaccurate, false, or misleading.

(b) Amendments shall conform in all respects to the regulations herein prescribed governing execution and filing of original registration statements.

(c) Amendments shall in every case make appropriate reference by number or otherwise to the items in original registration statements to which they relate.

(d) Amendments shall be deemed to have been filed upon the receipt thereof by the Registration Section.

(e) Failure of the Chief, Registration Section, to request any person described in section 2 of the act to file an amended registration statement shall not preclude prosecution of such person for a wilfully false statement of a material fact, the wilful omission of a material fact, or the wilful omission of a material fact necessary to make the statements therein not misleading, in an original registration statement.

§ 12.30 *Burden of establishing availability of exemptions.* In all matters pertaining to exemptions, the burden of establishing the availability of the exemption shall rest with the person for whose benefit the exemption is claimed.

§ 12.40 *Public examination.* Registration statements shall be available for public examination at the offices of the Registration Section, Department of Justice, Tenth Street and Pennsylvania Avenue NW., Washington 25, D. C., from 10:00 a. m. to 4:00 p. m. on each official business day, except to the extent that the Attorney General, having due regard for the national security and public interest, may withdraw such statements from public examination.

§ 12.41 *Photocopies.* (a) Photocopies of registration statements filed in accordance with section 2 of the act are available to the public upon payment of fifty cents per photocopy of each page, whether several copies of a single original page or one or more copies of several original pages are ordered.

(b) Estimates as to prices for photocopies and the time required for their preparation will be furnished upon request addressed to the Registration Section, Department of Justice, Washington 25, D. C.

(c) Payment shall accompany the order for photocopies and shall be made in cash, or by United States money order, or by certified bank check payable to the Treasurer of the United States. Postage stamps will not be accepted.

§ 12.70 *Partial compliance not deemed compliance.* The fact that a registration statement has been filed shall not necessarily be deemed a full compliance with the act on the part of the registrant; nor shall it preclude prosecution, as provided for in the act, for wilful failure to file a registration statement, or for a wilfully false statement of a material fact therein, or for the wilful omission of a material fact required to be stated therein.

This order shall become effective upon its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, for the reason that such compliance would unduly delay and impede the implementation and administration of the act of August 1, 1956, Public Law 893, 84th Congress, 2d session.

Dated: August 6, 1956.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6430; Filed, Aug. 7, 1956; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter C—Areas Subject to Special Laws

[Circular 1956]

PART 119—CHOCTAW-CHICKASAW LANDS, OKLAHOMA

On pages 1799, 1800, and 1801 of the FEDERAL REGISTER for March 23, 1956, there was published a notice of proposed rule making to implement the act of August 3, 1955 (69 Stat. 445). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments adverse to the proposed provisions of the regulations having been received, the regulations as proposed are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 1, 1956.

PART 119—CHOCTAW-CHICKASAW LANDS, OKLAHOMA

Sec.
119.1 Statutory authority.
119.2 Minerals.
119.3 Disposal of materials.
119.4 Rights-of-way.
119.5 Leases and permits for nonmineral resources.
119.6 Disposal of surface fee.
119.7 Sales to persons claiming a legal or equitable interest.
119.8 Sales to occupants.
119.9 Public and subsequent private sales.
119.10 Tracts set apart for street, alleys, or other public purposes.
119.11 Reservations in deeds.
119.12 Contributions and donations of money, services, and property.
119.13 Appeals.

AUTHORITY: §§ 119.1 to 119.13 issued under sec. 1, 69 Stat. 445; 43 U. S. C. 1102.

§ 119.1 *Statutory authority.* The act of August 3, 1955 (69 Stat. 445), authorizes the Secretary of the Interior to provide for the management and disposition of any interest of the United States in those lands which were reconveyed to the United States by deeds of conveyance executed on November 29, 1950 by the principal chief of the Choctaw Nation and the Governor of the Chickasaw Nation or which have been or may be reconveyed to the United States by any further or supplemental conveyances made under the authority of the Interior Department Appropriation Act of June 28, 1944 (58 Stat. 463, 483), the joint resolution of June 24, 1948 (62 Stat. 596), and the First Deficiency Appropriation Act of May 24, 1949 (63 Stat. 76, 84). Such reconveyed lands are referred to in this Part as "Choctaw-Chickasaw lands" and the act of August 3, 1955 is referred to as "the act".

(b) The act of June 28, 1944 (58 Stat. 463, 483), declared the Choctaw-Chickasaw lands to be part of the public domain subject to the applicable public land mining and mineral leasing laws.

§ 119.2 *Minerals.* (a) All deeds for lands disposed of under the act of August 3, 1955 (69 Stat. 445) will contain a reservation to the United States of all its rights to mineral deposits in the lands, together with the right to prospect for, mine, and remove them. Any minerals subject to the public land leasing laws so reserved to the United States may be disposed of to any qualified person under applicable laws and regulations, subject to such conditions as the authorized officer of the Bureau of Land Management deems necessary for the protection of the surface and other nonmineral values of the lands. Until rules and regulations are issued, reserved minerals other than those subject to the public land leasing

laws are not subject to disposition or, except by an authorized Federal agency, to prospecting.

(b) All minerals in the Choctaw-Chickasaw lands, subject to the exception and qualifications in paragraph (a) of this section, are subject to the applicable public land mining and mineral leasing laws and the regulations thereunder (Parts 185, 191, 192, 193, 194, 195, 196 and 197 of this chapter).

§ 119.3 *Disposal of materials.* Materials on the Choctaw-Chickasaw lands, other than minerals subject to disposal under the public land mining and mineral leasing laws, are subject to disposal under the regulations of Part 259 of this chapter.

§ 119.4 *Rights-of-way.* Easements and permits for rights-of-way over the Choctaw-Chickasaw lands may be secured under the regulations of Part 244 of this chapter.

§ 119.5 *Leases and permits for nonmineral resources.* (a) Unless otherwise provided for by the regulations in this part, the Choctaw-Chickasaw lands will not be subject to lease or permit for the development and use of nonmineral resources except (1) where disposal of fee title to the tract, in the discretion of the authorized officer of the Bureau of Land Management, is not in the public interest, (2) where the public interest will be served by the issuance of a lease or permit having a term of not to exceed one year, or (3) where the public interest will be served by the issuance of a lease under the regulations of Part 254 of this chapter.

(b) Leases and permits issued under paragraph (a) (2) of this section will be renewable in the discretion of the authorized officer of the Bureau of Land Management for periods not exceeding one year for each renewal.

(c) The authorized officer of the Bureau of Land Management, in his discretion, may specify the terms and conditions of leases and permits issued under paragraph (a) (1) and (2) of this section consistent with the policies and procedures of the Department of the Interior.

(d) Except for applications to lease under the regulations of Part 254 of this chapter, no particular form of application is required. The applicant, however, must describe the lands desired and the purpose for which he desires them. Every application must be accompanied by a filing fee of $10 which will not be returnable.

§ 119.6 *Disposal of surface fee.* Subject to the reservation of all rights of the United States to minerals in the lands and to the payment of the proportionate cost of any survey which may be necessary to describe properly any lands to be disposed of under the act, Choctaw-Chickasaw lands are subject to disposal as follows:

(a) Private sale of tracts to any person having a legal or equitable interest therein under the regulations of §119.7.

(b) Private sales to occupants under the regulations of § 119.8.

(c) Public sale of tracts and private sale of tracts unsold after offer at public auction, under the regulations of § 119.8.

(d) Private sale of tracts under the provisions of the act of June 4, 1954 (68 Stat. 173; 42 U. S. C. 869) and the regulations thereunder (Part 254 of this chapter).

(e) Conveyance to local governing bodies of tracts set apart for streets, alleys, or other public purposes under the regulations of § 119.10.

§ 119.7 *Sales to persons claiming a legal or equitable interest.* (a) Subparagraph 2 (a) (2) of the act authorizes the Secretary of the Interior to relinquish any tract of Choctaw-Chickasaw lands to any person having a legal or equitable interest therein.

(b) To qualify under subparagraph 2 (a) (2) of the act, a claim of legal or equitable interest must rest on uncertainty as to the title to the tract applied for, resulting from such things as inadequate surveys, judgments, decrees, or orders of condemnation in court proceedings in which the United States did not consent to be a party to the suit, or otherwise. No such claim will be recognized if it is based solely on a lease or permit from the Bureau of Land Management or its predecessors in interest to the lands.

(c) Any individual, group, or corporation which believes it has a legal or equitable interest in one or more tracts of Choctaw-Chickasaw lands may make an application therefor by filing, in duplicate, an application captioned "Claim of legal or equitable interest in Choctaw-Chickasaw lands" with the Manager of the land office at Santa Fe, New Mexico. No particular form of application is required but it must be typewritten or in legible handwriting and signed by the applicant. Every application must be accompanied by a filing fee of $10 which will be nonreturnable. The application must contain a description of the land claimed sufficiently complete to identify the location, boundary, and area of the land and, if possible, the approximate description or location of the land by section, township, and range. It must contain the full name and full post-office address of the claimant. It must also contain a full statement showing the basis for the claim of legal or equitable interest in the lands. The applicant may be called upon to submit documentary or other evidence in support of his claim. Valuable documents submitted by the applicant will be returned to him.

(d) The applicant will be required to publish once a week for four consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file with the land office at Santa Fe, New Mexico, their objections to the issuance of a relinquishment under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication had been had for the required time.

(e) The land applied for will be appraised on the basis of its fair market value at the time of appraisal. However, in determination of the price payable by the applicant, value resulting from improvements by the applicant or his predecessors in interest will be deducted from the appraised price, and consideration will be given to the equities of the applicant. In no case will the land be sold for less than a total of $10.

(f) Applicants will be required to make payment of the sale price of the land and for the cost of survey, if any, within the time stated in the request for payment.

§ 119.8 *Sales to occupants.* (a) Subparagraph 2 (b) of the act authorizes the Secretary of the Interior, in selling any tract of Choctaw-Chickasaw lands, to grant a preference right of purchase to any occupant of the tract who has, or whose predecessors in interest have, lawfully and continuously occupied the tract for home, business, or school purposes since April 30, 1949 or earlier.

(b) Before offering any tract at public sale, the land office manager at Santa Fe, New Mexico, will give any such occupant an opportunity to purchase the tract at its fair market value as appraised by the authorized officer of the Bureau of Land Management. In the event the occupant elects to purchase the tract, he will be required to comply with the requirements of § 119.7 (d) and (f). In the event the occupant elects not to purchase the tract, the land office manager will give the occupant an appropriate period within which the occupant, in the occupant's discretion, may remove improvements on the tract constructed by him or his predecessors in interest or elect to receive compensation for such improvements from the successful purchaser of the tract in an amount equal to the appraised value of the improvements as determined by the authorized officer of the Bureau of Land Management.

§ 119.9 *Public and subsequent private sales.* (a) Subparagraph 2 (a) (1) of the act authorizes the Secretary of the Interior to sell tracts of Choctaw-Chickasaw lands at public sale to the highest responsible bidder, or at private sale.

(b) Upon request of any interested party or upon his own motion, the manager of the land office at Santa Fe, New Mexico, may subject to the regulations in this Part, expose to sale at public auction tracts of Choctaw-Chickasaw lands at not less than their fair market value as appraised by the authorized officer of the Bureau of Land Management.

(c) The manager will cause a notice of sale to be published and posted consistent with the requirements of Part 250 of this chapter. The successful purchaser of a tract will be required to reimburse the Government for the cost of publication of such notices, or if more than one successful purchaser is involved, the several purchasers will be required to pay their proportionate share of such costs determined on an acreage basis.

(d) The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice. Bids may be made by the principal or his agent, either personally at the sale or by mail. Bids sent by mail will be considered only if received at the place and prior to the hour fixed in the notice of the sale. Sealed bids must be accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks for the amounts of the bids and must be enclosed in sealed envelopes which must be marked as prescribed in the notice of sale. In the event that two or more bids sent by mail are identical in amount, they will be considered in the award of the lands in the order of their receipt as shown by the hour and date noted on the envelope.

(e) At the close of bidding, owners in fee simple of lands contiguous to the offered tract, providing that they or their agents are present at the sale, will be granted a preference right of purchase by offering at the sale to meet the highest bid for such tract. In the event two or more preference claimants offer to meet the highest bid and in the absence of an agreement among them as to the award of the lands, the award will be determined through drawing.

(f) An awardee of a tract at public sale will be granted a reasonable time in which to pay the purchase price of the lands, the cost of publication, the cost of survey, if any, and the value of the improvements of the former occupant of the lands, if any, and if he is a preference claimant, to submit proof of his ownership in fee simple of lands adjoining the offered tract. Such proof must consist of (1) a certificate of the local recorder of deeds or an authorized abstracter, or (2) an abstract of title or a certificate of title prepared and certified by a title company or by an abstracting company, showing that the claimant owns adjoining land in fee simple at the date of the sale. After a case has been closed, the data filed pursuant to this section may be returned. In the event that the awardee does not submit within the time specified the amounts requested or the proof of ownership, the lands will be awarded under the same conditions to the drawee next in order, if any, or to the next highest bidder, if any.

(g) Lands remaining unsold after offer at public sale, for a period of one year after date of sale, will be available, at the discretion of the authorized officer of the Bureau of Land Management and at not less than the price at which they were appraised for the public sale, for purchase by the first qualified applicant who tenders to the Manager, Santa Fe Land Office, an amount equal to the price specified by the manager, the cost of publication, and if any, the cost of survey and the value of the improvements of the former occupant.

(h) Until a cash certificate has been issued, the authorized officer may at any time determine that the lands should not be sold, and no bidder or applicant for private sale shall have any contractual or other rights as against the United States, and no action taken will create any contractual right or obligation of the United States.

§ 119.10 *Tracts set apart for streets, alleys, or other public purposes.* (a) Subsection 3 (b) of the act provides that upon the filing of an application by an appropriate local governing body within two years after the date of this part, the Secretary of the Interior may relinquish or convey by quit claim deed to such body, without compensation, the surface rights to any tract of the Choctaw-Chickasaw lands which, prior to the transfer of title to the United States, was set apart for streets, alleys, or public purposes, even though not legally dedicated for such purposes.

(b) No particular form of application is required. Applications, however, must be filed, in duplicate, and must contain the following:

(1) An accurate description of the lands requested to be conveyed.

(2) A reference to the action by means of which the lands were set apart for streets, alleys, or public purposes.

(3) A statement showing the authority of the applicant to act on behalf of the local governing body.

(c) Every application must be accompanied by a $10 filing fee which will be nonreturnable.

(d) No conveyance will be made under Subsection 3 (b) of the act unless the local governing body pays within the period specified by the Manager of the Land Office at Santa Fe, New Mexico, the cost of the survey of the lands, if any.

§ 119.11 *Reservations in deeds.* Deeds for Choctaw-Chickasaw lands disposed of under the regulations in this Part will contain any provision the authorized officer of the Bureau of Land Management deems necessary in order to protect the rights of the holders of existing interests in the lands, or to permit access to any of the lands in which the Federal Government retains an interest.

§ 119.12 *Contributions and donations of money, services, and property.* (a) Section 6 of the act authorizes the Secretary of the Interior to accept contributions or donations of money, services, and property to further the provisions of the act.

(b) Contributions and donations may be offered to the Manager of the Land Office at Santa Fe, New Mexico.

(c) Amounts of money contributed in excess of their appropriate share of expenses as determined by the authorized officer of the Bureau of Land Management, will be refunded to contributors.

§ 119.13 *Appeals.* An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of any officer of the Bureau of Land Management.

[F. R. Doc. 56-6377; Filed, Aug. 7, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 32—SOUTHWESTERN REGION

SUBPART—NATIONAL ELK REFUGE, WYOMING

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that fishing can be permitted at certain times and in certain additional areas of the National Elk Refuge, Wyoming, without interfering with the primary purpose of the refuge.

Inasmuch as the following regulation is a relaxation of existing restrictions applicable to the National Elk Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 32.112 is revised to read as follows:

§ 32.112 *Waters open to fishing.* The waters of the Gros Ventre River within the refuge boundary and the waters of the tributary streams of the said river in Sections 16, 17, and 18, T. 42 N., R. 115 W., 6th P. M., as posted by the refuge officer in charge shall be open to noncommercial fishing at the times and for the species permitted by State law and regulation.

(b) The waters of Flat Creek, from approximately the center of the SE¼ of Sec. 15, T. 41 N., R. 116 W., northward and eastward with the creek to the boundary line of the refuge at the SE¼ of Sec. 34, T. 42 N., R. 115 W., shall be open to hook-and-line fishing as defined by State law during the period August 1 to September 30, inclusive, of each year for such species as may be legally taken under State law and regulation.

(c) No other waters of the refuge are open to fishing.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 2, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56-6374; Filed, Aug. 7, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Reg. 1, Dir. 8—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 8—RESTRICTIONS ON STEEL SHIPMENTS BY DISTRIBUTORS AGAINST UNRATED ORDERS; REVOCATION

Direction 8 (21 F. R. 5484) to DMS Regulation No. 1 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 8 to DMS Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended; 70 Stat. 408; 50 U. S. C. App. 2154)

This revocation is effective August 13, 1956.

Issued: August 6, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-6422; Filed, Aug. 6, 1956; 2:08 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5456–7), notice is hereby given of the intention to modify paragraph (a) of § 130.63 *Assessments, joint works* of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Arizona, by increasing the annual basic assessment from $120,000 to $135,000 per annum and the rate of assessment from $1.20 per acre to $1.35 per acre for each acre of land. The revised paragraph will read as follows:

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a to 130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1953 is estimated to be $135,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $1.35 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1958 and continue thereafter until further notice; the assessment for that part payable by the San Carlos Irrigation and Drainage District being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116 inclusive of 25 CFR.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,
Area Director.

[F. R. Doc. 56-6376; Filed, Aug. 7, 1956; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123-A18]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, regulating the handling of milk in the Louisville, Kentucky, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Louisville, Kentucky on February 27–28, 1956, pursuant to notice thereof which was issued on February 7, 1956 (21 F. R. 955):

The material issues relate to:

1. A change in the classification and pricing of skim milk and butterfat used for cottage cheese, aerated cream, ice cream, ice cream mix, frozen desserts, in fluid milk products disposed of to soda fountains, restaurants and food manufacturing establishments and in inventory of fluid milk products at the end of the month.

2. A change in the time of announcement of basic and Class I milk prices, and the Class I butterfat differential and in the list of condenseries used in computing the basic formula price.

3. Revision of the dates for filing reports by handlers, payments, and for announcement of the uniform price by the market administrator.

4. A provision for partial payments to producers for milk delivered during the first 15 days of the month.

5. Provision for written authorization by producer relative to hauling deductions.

6. Revision and clarification of certain definitions and of other provisions relating to the classification, reporting and accounting for milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record:

(1) The provisions of the order relative to the classification and pricing of milk should be revised.

Producers proposed to change the classification from Class II milk to Class I milk all skim milk and butterfat used to produce cottage cheese, aerated cream and cream mixtures and fluid milk products disposed of to soda fountains, restaurants, bakeries, candy and soup manufacturers. They also proposed that skim milk and butterfat used to produce ice cream and ice cream mix be priced on a year-round basis by the butter-nonfat solids pricing formula which now determines prices for Class II milk during the months of September through December. Handlers on the other hand, argued that no change should be made in the present classification scheme and proposed that the Class II price be lowered by determining such price on the basis of the average paying price of seven local manufacturing plants each month of the year.

It is concluded that the pricing of skim milk and butterfat used to produce products presently included in the Class II milk classification should be refined. This should be accomplished by providing for Class II, Class III–A and Class III milk. Class II milk should include skim milk and butterfat (1) used to produce cottage cheese and aerated cream; and (2) contained in inventory of fluid milk products on hand at the end of the month. Class III–A milk should include skim milk and butterfat used to produce ice cream, ice cream mix, eggnog and frozen desserts. Class III milk should include all skim milk and butterfat (1) used to produce any dairy product not specified in Class I, Class II or Class III–A milk; (2) disposed of in bulk to food manufacturing establishments which do not dispose of fluid milk products; (3) disposed of for livestock feed and (4) plant shrinkage. No change should be made in the present Class I definition, however, the proposed change in the other classes will result in classifying as Class I milk all fluid milk products disposed of by handlers to soda fountains, restaurants and other food establishments which use or dispose of fluid milk products for fluid consumption.

The method of pricing skim milk and butterfat in the new Class III–A classification (ice cream, eggnog and frozen desserts) in each month of the year should be the same as is now used in pricing milk in such uses during the September–December period. The Class II price which applies to milk used for cottage cheese and aerated cream should be the Class III–A price plus 30 cents with a butterfat differential equal to .125 times the Chicago butter price. The present method of pricing skim milk and butterfat in other manufacturing uses, for livestock feed and shrinkage should continue to apply to such uses (redefined as Class III milk).

All fluid milk products disposed of by handlers to soda fountains, restaurants and other food establishments which dispose of fluid milk products to consumers should be priced at the Class I price the same as other fluid products disposed of on retail or wholesale routes. Such milk for fluid consumption must meet the "Grade A" health requirements. It is not administratively feasible to verify classification of milk in accordance with the use of particular lots of milk at such establishments which may be permitted by health regulations to use both Grade A and ungraded milk. Milk disposed of to food processing establishments which are permitted to use ungraded milk in their operations and from which no milk is disposed of for fluid consumption, should be classified as Class III milk.

Class II and Class III–A milk as herein proposed is comprised of milk and milk products which have common characteristics from the standpoints of perishability and competitive factors which are somewhat different from the products included in either Class I milk or Class III milk. Most of the Class II and III–A milk products may be stored somewhat longer than the items which constitute Class I milk but are more perishable than the products included in Class III milk. The products included in these classes provide preferred, or higher valued outlets for milk than the products and uses in Class III milk. A high quality raw milk or milk product is necessary for all Class II and III–A uses and is more essential than in the case of most Class III uses.

After July 1956, the Jefferson County, Kentucky, Health Department will require that cottage cheese and aerated cream mixtures be made from inspected milk. Effective January 1957, this will also be true for cottage cheese for sale in the New Albany and Jeffersonville, Indiana, communities of the marketing area. It is important, therefore, that these Class II milk products should contribute, with other fluid milk products to the extent that competitive conditions will permit, to the increased cost of getting the year-round supply of inspected milk produced for the market.

A Class I classification and pricing, as proposed by producers, for milk used for cottage cheese, however, is not justified on the basis of the record evidence. Although inspected milk generally is being used for this product and will be required by the health departments, it has to compete with the use of nonfat dry milk solids or cheese curd from more distant Grade A sources. Because of the concentrated nature of cottage cheese as compared with milk supplied for fluid use, outlying plants that are qualified from a health standpoint to supply inspected milk to the marketing area can ship cottage cheese into the market at a considerable saving under the cost of shipping whole milk which would be required for the processing of such product. The classification and pricing of milk used in cottage cheese as Class I milk would increase the price appreciably above the level at which it can be, and sometimes is, obtained elsewhere in processed form. To do so would place an undue burden upon the marketing of producer milk at this time with possible disruptive effects upon the market.

Handlers need a reserve supply of Grade A milk to meet day to day fluctuations in receipts of milk and sales of fluid milk products. This necessary reserve supply which normally must be transported to the market is used by handlers in their city plants in products requiring high quality milk, primarily cottage cheese and ice cream.

Except for the inspected milk requirement applying to skim milk and butterfat used for cottage cheese and aerated cream, similar factors relating to competitive conditions, requirement of high quality milk, and a preferred or high valued outlet for milk on a year-round basis, also applies to skim milk and butterfat used for ice cream, eggnog and frozen desserts.

For the foregoing reasons it is concluded that skim milk and butterfat used for these products should be priced somewhat higher than Class III milk, which is considered primarily outlets for unneeded seasonal reserve or distress milk. The butter-nonfat dry milk formula of the basic formula price should be applied on a year-round basis for Class III–A milk. This will result in reasonable and more economic pricing of skim milk and butterfat used in ice cream and related products. Further, it is concluded that the Class II price should be 30 cents higher than Class III–A price with a butterfat differential the same as for Class I milk. This change in pricing milk used for cottage cheese and aerated cream will reflect the recent changes in inspection requirements and will contribute to the increased cost of getting inspected milk produced. It also will result in reasonable prices to handlers for milk for such uses in view of competitive sales conditions and costs of such products from alternative sources.

Based upon prices in the record for the year 1955, the change in pricing of milk in products in Class III–A milk will result in an increase of about 30 cents per hundredweight for milk of 3.8 percent butterfat during the period January through August. Since the butterfat differential is increased from 1.15 to 1.20 during this period, the proposed change will result in increasing the price of skim milk in such uses approximately 19 cents per hundredweight and butterfat 3 cents per pound. During the period September through December there will be no change.

Based upon 1955 prices, the proposed method of pricing Class II milk at 30 cents above the Class III–A price will result in increasing the price of 3.8 percent milk used in cottage cheese and aerated cream 30 cents per hundredweight September through December and 60 cents per hundredweight January through August. When considering the proposed butterfat differential, the price for skim milk will be increased approximately 19 cents per hundredweight during September through December and butterfat approximately 3 cents per pound. During other months of the year the price of skim milk will be increased approximately 37 cents per hundredweight and the price of butterfat approximately 6 cents per pound:

A proposal by handlers to apply the average of prices paid by seven local manufacturing plants as the basis for pricing milk in all manufacturing uses on a year-round basis should be denied.

This would result in reducing the price for Class III milk as proposed herein approximately 30 cents per hundredweight during the months of September through December. The record fails to support a reduction in the prices paid for milk for manufacturing purposes during this period.

Under the proposed classification structure, Class III milk products are essentially outlets for seasonal reserve or "distress" supplies of milk. To promote the most efficient utilization of the over-all market supply of inspected milk, the monthly prices for milk used in the various manufacturing products should be as high as is economically feasible and yet make it possible for handlers to purchase the year-round output of producer milk. Too low a Class III price throughout the year will encourage the procurement of Grade A milk by handlers to engage in such manufacturing operations at the expense of the marketwide pool. The recommended method of pricing Class III milk at the butter nonfat dry milk solids formula price identical with the Class III–A price during the months of September through December, the months of lowest milk production, will encourage producers and handlers to make milk available to those handlers who may need the milk for Class I disposition. This method of pricing will also reflect the preferred outlets which are available for reserve milk when such milk is in short supply during this season of the year.

The proposed changes in the pricing of producer's milk will tend to promote more efficient utilization of the market supply, provide reasonable prices to handlers for milk in accordance with its use and provide returns to producers which more nearly reflect the utilization value of their milk.

2. The time for announcement of the Class I milk price and butterfat differential should be advanced one month and the list of condenseries used in computing the basic formula price should be revised.

Handlers proposed that Class I milk prices should be based on the basic formula price for the preceding month. This would permit the announcement of the minimum Class I milk price early in the month and handlers would know what their Class I milk would cost a month earlier than under the current order provision. Producers, likewise, would have advance information on Class I milk prices. This procedure of announcing Class I prices is followed in a large number of the markets under Federal orders. It is concluded, therefore, that the price for Class I milk per hundredweight should be the basic formula price for the preceding month plus the present differential of $1.25.

The list of condenseries used in determining the basic formula price should

be revised to include prices reported for those plants currently operating. Since the order was last amended, operations at two of the plants previously listed have been terminated. The following plants, therefore, should be eliminated from the list in § 946.50 (c): Carnation Company, Berlin, Wisconsin and Carnation Company, Chilton, Wisconsin.

3. The date for filing reports by handlers and the dates for announcement of the uniform price and for notifying handlers of their pool obligations should be delayed two days.

Handlers proposed changing the dates for the filing of reports from the "5th" to the "7th" of the month. Corresponding changes were also proposed in the dates for announcement of the uniform price by the market administrator, for notification to handlers of their pool obligations and for the payment of handler obligations under the order. Handlers now have difficulty in completing and filing their reports with the market administrator by the 5th of the month, particularly for those months when the last day falls on a week-end. The market administrator likewise has difficulty in computing the pool and announcing the uniform price and in notifying handlers of their pool obligations by the 10th and 11th of the month, respectively. It is concluded that handlers' suggestions with respect to reports, announcement of the uniform price, and notification of pool obligations be adopted. These changes are necessary to accommodate the problems which now are being encountered. The other changes proposed and adopted herein are primarily conforming changes, and are necessary to provide a workable schedule for price announcements, reports and payments under the order.

4. Provision should be made for partial payment to producers for their deliveries of milk during the first 15 days of the month. Producers proposed that handlers be required to make partial payments by the end of the month for milk received from producers during the first 15 days of the month. At present, many producers do not get paid for their deliveries of milk until as much as six weeks later. One handler opposed the proposal for partial payments on the basis that more capital would be required to conduct his business. His testimony showed that other suppliers of goods and services such as his labor force are paid weekly. A number of his producers are presently advanced money prior to the final payment for their milk. Producers of ungraded milk in the Louisville area generally are paid for their milk twice a month. It is not unreasonable to expect handlers to pay producers of Grade A milk twice a month. Dairying is becoming more specialized in the Louisville area. The average production per farm has continued upward for a number of years. This trend calls for the use of additional capital in financing production and marketing operations. A provision for partial payments would provide uniform payment methods for all producers and would assist producers in meeting their current obligations.

It is concluded, therefore, that handlers should make partial payments by the end of the month for receipts of producer milk during the first 15 days of the month. To provide a relatively simple and efficient method of payment, such partial payments should be made at the Class III price for the preceding month with no adjustment for butterfat differentials or for the cost of hauling the milk. Partial payments should not be required on milk received from producers who discontinue shipments during the month. Such accounts should be determined at the time of final payment.

5. Specific provision should be made for written authorization in the case of deductions for hauling.

Hauling costs properly chargeable to a producer include only the cost of transporting the producer's milk from his farm to the pool plant of the handler at which the minimum class prices apply. It has been a common practice for handlers to deduct such charges from amounts otherwise payable to the producer and to remit amounts so deducted to the hauler for the account of the producer. This is a voluntary service done by the handler irrespective of whether it is done because the producer so requests or whether he acquiesces in the practice. Since the obligation is that of the individual producer and the payment when made to the hauler is for the account of the producer and not of the handler, this practice, to the extent that it continues, should be strictly in accord with authorization of the person having the obligation, i. e., the producer. And if there should be a disagreement as to the amount to be paid for hauling or whether the hauler will continue to haul the milk, it is a matter to be worked out between the producer or his agent, and the hauler.

A necessary corollary to the sanction of such a practice under a milk order is that the obligation of the handler to the producer in the amount of any and all deductions made from payments at the uniform price pursuant to a producer's authorization is that the sums so deducted are actually paid over to the person in whose favor the authorization is made. A deduction made without proper remittance to the assignee would constitute an underpayment by the handler.

Producers proposed that the rate per hundredweight, or other method of computing hauling charges, should be authorized in writing by each producer, and all other charges should be supported by records in such form as to permit proper verification thereof. Producers testified that changes in hauling rates of deduction had been made to which producers had never agreed. They stated that provision for a signed authorization by each producer would eliminate changes in the hauling rate without prior approval of the producer. It also would assist the market administrator in verifying authorized hauling deductions in connection with payments to producers under the terms of the order.

It is concluded that to facilitate verification of authorized hauling deductions and assure proper payments to producers, provision should be made to require each handler to have, and make available to the market administrator for audit purposes, written authorizations from his producers regarding the rate per hundredweight or other method for computing hauling charges on such producer milk.

6. In view of the proposed changes heretofore discussed and the need for a number of additional definitions and other changes in order language to set forth more explicitly the reporting and accounting techniques of the order, it is concluded that the entire order should be redrafted and reissued. This will involve the inclusion of a new definition of "fluid milk product", and "route", and changes in the definitions of "producer", "producer milk" and "other source milk".

"Fluid milk product" should be defined to mean milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except eggnog, storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). Such definition is useful in defining other categories of milk and is a short, convenient term for referring to a category of milk in drafting other definitions and the classification, allocation, and transfer provisions of the order.

The definition of "producer" and "producer milk" should be clarified to set forth explicitly the intent of these definitions to exclude the milk of a producer-handler and to limit the term "producer milk", only to milk received directly from a producer at a pool plant or diverted by the operator of a pool plant or a cooperative association for their own accounts.

A "route" definition should be included in the order to facilitate the drafting of other definitions and to make it clear that the term refers not only to disposition of milk from fluid milk plants directly through retail and wholesale outlets, but also includes sales by milk distributors through vendors.

"Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his pool plant operation, except producer milk and fluid milk products and Class II milk products received from other pool plants. Thus, other source milk as such would represent skim milk and butterfat which is not subject to the pricing provisions of the order. It will include all fluid milk products and all manufactured dairy products from plants other than pool plants which are repackaged, reprocessed or converted into another product during the month. It will include also those Class III manufactured products from another pool plant or from the pool plant's own production which are made and are reprocessed or converted into another product in the plant during the same or a later month. It will not include transfers of fluid milk products or Class II milk and milk products between pool plants. The proposed change in the definition of other source milk is necessary to set forth more specifically in the order the milk products which handlers are required to report each month and enters into the accounting and classification of current receipts of producer milk. This method of defining other source milk will clarify the application of the transfer and allocation provisions of the order so as to insure the intent of the order to allocate current receipts of producer milk to the highest valued class usage available at the pool plant(s) of the handler during the month.

By incorporating the above definitions and some minor changes in the reporting sections of the order, the order will be clear in providing categories of milk which are required to be reported and handled separately to arrive at the classification and pricing of current receipts of producer milk. Thus, milk will be dealt with in the following four categories: producer milk, other source milk, milk from other handlers, and inventories of fluid milk products.

Inventories of fluid milk products must be taken into account in establishing the classification of producer milk. The present order makes no reference to inventories in the classification provisions. Inventories on hand at the end of the month should be classified in Class II milk as heretofore stated. It would make no difference in costs to handlers or returns to producers under the provisions of the proposed order if inventory were handled in some other class; however, the accounting and reclassification procedure will be simplified by accounting for inventory in Class II milk. Inventory should be limited to stocks on hand of fluid milk products such as bulk milk, skim milk and cream, and bottled milk and other fluid milk products which are finally disposed of as Class I milk. Processed products in Class II, III-A and Class III milk should not be included in inventory since the milk used to produce such products will have been accounted for in the proper class when such products were made. Handlers, however, will need to maintain adequate records on the stocks of such products and make such reports as are required by the market administrator to verify their use by the handler and to facilitate the market administrator's auditing program.

Because inventories of fluid items are to be accounted for in Class II, as a temporary classification, it is necessary to provide a method for handling milk from inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. Handlers frequently use other source milk in their operations. The procedure for accounting for inventories should provide that producer milk from inventory should have prior claim on Class I milk over receipts of other source milk in the same manner as current receipts of producer milk. This should be accomplished through the accounting procedure by considering the opening inventory of a month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. Other source milk from inventory allocated to Class I milk should be subject to the reclassification charge at the same rate as the compensatory payment on current receipts of other source milk allocated to Class I milk. These inventory provisions will result in equality of cost of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

Producers proposed that classification of shrinkage on other source milk in the lowest priced class be limited to two percent. They contended that the present provisions of the order result in an unjustified amount of shrinkage in the lowest priced class and is inconsistent with the method of determining allowable shrinkage on producer milk. To allow unlimited shrinkage on other source milk and limit shrinkage on producer milk, provides a basis for inequality in the cost of milk among handlers who use other source milk and those who do not. Under the present accounting procedure, the use of other source milk may result in a lower classification of some producer milk under circumstances where substantial amounts of milk are unaccounted for and the handler has received other source milk. For these reasons, the provisions for shrinkage and unaccounted for skim milk and butterfat should be revised to limit shrinkage on other source milk that may be classified as Class III milk to two percent of receipts of other source fluid milk products consistent with that pertaining to producer milk. The entire unaccounted for milk provision also should be rewritten to clarify and simplify the order language.

The present order, under § 946.22 (j), provides authorization for the market administrator to report to each cooperative association the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. To accomplish such reports, provision is made for assigning such milk in each class in the same ratio as milk received from all producers by such handler during the month. The producers proposed that the present report provisions be expanded to include the relationship of total producer receipts in each handler's plant(s) to his total Class I sales, excluding transfers or diversions of milk to other pool plants and to nonpool plants.

Handlers stated on the record that they had no objections to the inclusion of such additional information.

It is concluded that § 946.22 (j) should be revised to provide for the additional information requested by the producers' association. Such a provision is needed to provide the producers' association more information on the utilization of producer milk in particular plants and will assist the association in supplying producer milk to the plants which are in need of additional milk to supply the Class I needs of the market. This will promote the orderly marketing of producer milk.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

DEFINITIONS

§ 946.1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville, the Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charleston, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided,* That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used during the month in the receipt of milk from dairy farmers who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided,* That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the months of April through September from which more than 50 percent of its combined receipts from dairy farmers, who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area, during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plan from the pool for the months of April through September next following.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant used during the month for the processing and packaging of milk any portion of which is disposed of in the marketing area as Class I milk from delivery routes or plant stores.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (as used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area), which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted from a pool plant to another pool plant or a nonpool plant: *Provided,* That such milk so diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further,* That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided,* That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant in accordance with the conditions set forth in § 946.12.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) except Class II and Class III–A products from pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamy butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicious place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) the percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of other source milk and exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided,* That milk diverted to a pool plant as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this subpart to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid

milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II, III–A or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat the utilization of which is established as used to produce (1) cottage cheese and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III–A milk.* Class III–A milk shall be all skim milk and butterfat, the utilization of which is established as used to produce ice cream, ice cream mix, eggnog and frozen desserts.

(d) *Class III milk.* Class III milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraphs (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, and (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a) (3) and (c) (4) shall be known as unaccounted for skim milk and butterfat and classified as follows:

(a) Adjust such handler's receipts of producer milk by (1) deducting the pounds of skim milk and butterfat in producer milk diverted by such handler to a nonpool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, (2) adding the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler;

(b) Prorate the quantities of unaccounted for skim milk and butterfat, respectively, between such handler's receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (a) of this section and in other source milk received in the form of fluid milk products in bulk;

(c) That portion of the quantities of unaccounted skim milk not to exceed five percent during the months of April through July and two percent during other months, and the quantities of butterfat not to exceed two percent in each month, of the skim milk and butterfat, respectively, in receipts of producer milk and other source milk applied pursuant to paragraph (b) of this section shall be known as "shrinkage" and classified as Class III milk: *Provided*, That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products are not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of producer milk pursuant to paragraph (b) of this section shall be classified as Class I milk;

(d) That portion of the quantities of unaccounted for skim milk and butterfat which is in excess of the quantities of skim milk and butterfat, respectively, classified pursuant to paragraph (c) of this section shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located less than 185 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in another class on the basis of a utilization indicated in his report submitted to the market administrator pursuant to § 946.30 on or before the 7th day after the end of the month;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided*, That if upon inspection of the records of the nonpool plant it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remainder shall be classified in the highest valued use classification (as described in § 946.41) in the nonpool plant; and

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 185 miles or more from the City Hall at Louisville, Kentucky, by shortest hard surface highway distance as determined by the market administrator.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided*, That if all of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42 (c);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in Class III milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II and Class I milk, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 946.44 (a);

(8) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraph (1) of § 946.51 (b).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.

White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price for the preceding month rounded to the nearest tenth of a cent plus $1.25.

(b) *Class II milk.* The price for Class II milk shall be the higher of the prices computed pursuant to § 946.50 (a) and § 946.51 (d), rounded to the nearest tenth of a cent, plus 30 cents.

(c) *Class III–A milk.* The price for Class III–A milk shall be the higher of the prices computed pursuant to § 946.50 (a) and § 946.51 (d), rounded to the nearest tenth of a cent.

(d) *Class III milk.* The price of Class III milk for the months of September through December shall be the price per hundredweight computed pursuant to § 946.50 (a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher; and for the months of January through August the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Operator and Location

Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Lawrenceburg, Ky.
Kraft Foods Co., Paoli, Ind.
Salem Cheese and Milk Co., Salem, Ind.
Red 73 Creameries, Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption, f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 6.5 cents and multiply by 8.2.

§ 946.52 *Price adjustments to handlers*—(a) *Butter differentials.* If the weighted average butterfat content of milk received from producers allocated to Class I, Class II, Class III–A, or Class III, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk and Class II milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class III–A milk.* Multiply the Chicago butter price for the month by 0.120.

(3) *Class III milk.* For the months of September through December multiply the Chicago butter price for the month by 0.12, and for the months of January through August, multiply the Chicago butter price for the month by 0.115.

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville:

Mileage zone:	Rate (cents per cwt.)
Not more than 25 miles	0
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the price arrived at by subtracting from

the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differentials; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this subpart, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II, Class III–A, and Class III products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 *Plants subject to other orders.* In the case of any plant from which a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Louisville marketing area, the provisions of this subpart shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46 (a) (2) and the corresponding step of § 946.46 (b) and pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; and

(2) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.85 (a), and less the aggregate of the amounts held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment for producer milk.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 946.71 subject to the butterfat differential computed pursuant to § 946.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed either by such producer or by the cooperative association marketing the producer's milk: *Provided*, That if such handler has not received full payment for such month pursuant to § 946.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80 (b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 (b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 946.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 *Payments out of the producer-settlement fund.* (a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (d) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided*, That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.86 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.88 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on

the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calender month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 936.91.

§ 946.91 *Suspension or termination.* Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If upon the suspension of termination of any or all provisions of this subpart, there are any obligations arising under this subpart the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 946.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 946.101 *Separability of provisions.* If any provision of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., on this 3d day of August 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6406; Filed, Aug. 7, 1956; 8:51 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SPECIAL REGULATION OF PRUNES FOR 1956–57 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering the making of a finding and determination that the estimated seasonal average price of prunes for the crop year which began on August 1, 1956, would be in excess of the price level contemplated by the provisions of section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), if the below-parity regulatory provisions of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended (19 F. R. 1301), regulating the handling of dried prunes and produced in California, effective under said act, were made operative for said crop year. In conjunction with said proposed finding and determination, it is intended that the Secretary of Agriculture will order that the provisions of paragraphs (b), (c), (d), (e), and (f) of § 993.50 of said marketing agreement and order shall apply to all handling of prunes during the said crop year. The invoking of such provisions on the basis of the aforementioned proposed finding and determination would tend to effectuate the declared policy of the act for said crop year and would be in accordance with the authorization contained in paragraph (a) of said § 993.50 in such an event.

While an above-average prune production is indicated in 1956, trading conditions in the 1956–57 crop year are expected to be such as will encourage a greater disappearance of prunes in domestic and export markets than occurred in 1955–56. The outlook for commercial exports is particularly favorable. Handlers report that they are presently quoting and selling prunes in export at prices reflecting producer returns closely approaching parity. The prospective supply and demand situation is such as to make it appear that regulation of prunes pursuant to the below-parity regulatory provisions of this marketing program would result in the seasonal average price for prunes for the 1956–57 crop year exceeding the price level contemplated by section 2 (1) of the act. However, the act authorizes no action which has for its purpose the maintenance of prices to farmers above parity.

This proposed special regulation of prunes is considered to be necessary to assure the marketing of only those prunes which are of a quality reasonably satisfactory to consumers, to promote the interests of the dried prune industry, and to establish such orderly marketing of prunes as will be in the public interest.

Consideration will be given to any data, views, or arguments pertaining to the proposed finding, determination, and special regulation filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the fifth day after the publication of this notice in the FEDERAL REGISTER, except that, if said fifth day after publication should fall on a legal holiday, Saturday or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

Dated: August 3, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6404; Filed, Aug. 7, 1956; 8:50 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 145]

[No. 9891]

OPERATIONS

INTEREST RATES ON CERTAIN LOANS

AUGUST 2, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is proposed that Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) be amended by an amendment the substance of which is as follows:

Amend § 145.8 by adding thereto, immediately before the period at the end thereof, a colon and the following: "*And provided further,* That any Federal association may charge any rate of interest, discount, and fees and make any other charges with respect to loans covered by this section which a state-chartered savings and loan association may charge or make with respect to such loans or similar loans under the laws of the state where the loan is made, but this proviso shall not authorize any Federal association to exceed, with respect to any loan to which the provisions of section 5 of the Federal Home Loan Bank Act are applicable, the charges permitted by the provisions of said section 5".

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., not later than the close of business on September 10, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-6393; Filed, Aug. 7, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Juneau Area Office Redelegation Order 1, Amdt. 1]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Order No. 1, (20 F. R. 5508) is revised to read as follows:

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 8971) as amended, (20 F. R. 2092, 5703; 21 F. R. 2290) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, Area Property and Supply Officer, and Administrative Officer and Special Representative.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

(c) The Administrative Officer and Special Representative, Seattle, may enter into supply and service contracts irrespective of the amounts involved, and perform the duties of contracting officer in regard to such contracts.

SEC. 3. *Authorized Representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

WILLIAM A. OLSEN,
Area Director.

Approved: AUGUST 2, 1956.

E. J. UTZ,
Acting Commissioner.

[F. R. Doc. 56-6375; Filed, Aug. 7, 1956; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 15]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021, 1937, 2555, 5919, 6126, 8936), is further amended as follows:

1. Paragraph (a) of section 2.31 is amended to read as follows:

SEC. 2.31 *Oil and Gas Leases.* (a) Oil and gas leases pursuant to the act of February 25, 1920 (30 U. S. C. secs. 221 et seq.), as amended and supplemented, the act of August 7, 1947 (30 U. S. C. secs. 351–359), and the act of May 21, 1930 (30 U. S. C. secs. 301–305), and oil and gas leases issued pursuant to the act of August 21, 1916 (39 Stat. 519), embracing lands restored to the public domain pursuant to the provisions of the act of August 15, 1953 (67 Stat. 592).

2. Paragraph (f) of section 2.74 is amended to read as follows:

SEC. 2.74 *Special land-use permits.* • • •

(f) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in any such permit, except that in Alaska, the Director in his discretion may issue permits to the Department of Defense for maneuver purposes for such acreages in excess of 50,000 acres and for such periods as he may deem warranted in the circumstances. No permit may be issued under this authority where a withdrawal of a class which the Director is not authorized to make is requested.

3. A new section, designated 2.80 and reading as follows, is added:

SEC. 2.80 *Choctaw-Chickasaw lands.* All matters pertaining to the management and disposition of the Choctaw-Chickasaw lands, pursuant to 43 CFR Part 119.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 1, 1956.

[F. R. Doc. 56-6379; Filed, Aug. 7, 1956; 8:46 a. m.]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 12, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of February 19, 1952, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not af-

fect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 9 E.,
Sec. 1, Lot 4.

The above area aggregates approximately 35 acres.

W. A. DEXHEIMER,
Commissioner.

[66480]

AUGUST 2, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are in proposed Water Power Project No. 334 as to which application for preliminary permit has been rejected by the Federal Power Commission. They are also withdrawn in Power Site Reserve No. 201, and were the subject of the Commission's favorable action of July 18, 1950 in DA–743–California.

2. The lands are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 7, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 7, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 7, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands shall be opened to mining location subject to the provisions of the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621) at 10:00 a. m. on December 7, 1956.

6. The lands shall be subject until 10:00 a. m. on November 1, 1956, to application by the State of Oregon for rights-of-way for public highways, or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

7. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56–6378; Filed, Aug. 7, 1956; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are available, as of August 7, 1956, with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Hair, human, nets and netting.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56–6315; Filed, Aug. 7, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH CALIFORNIA PLUMS

NOTICE OF PURCHASE PROGRAM XMP 96A

In order to encourage the domestic consumption of plums by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Agricultural Marketing Service offers to purchase fresh California plums during the period beginning not earlier than August 3 and ending not later than September 1, 1956, inclusive, in instances where surpluses have created serious marketing problems, subject, for the most part, to marketing conditions at the time of purchase and limitations imposed by the capacity of available outlets to utilize plums without waste. The grade and other specifications, and the purchase price, will be contained in purchase announcements which will be issued by Mr. Oscar H. Chapin, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 701 K Street, Room 302, Sacramento, California. Information as to this purchase program may be obtained from Mr. Chapin or the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c)

Done at Washington, D. C., this 3d day of August 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–6405; Filed, Aug. 7, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 215]

ADOLF DUHME AND ERNST A. FRICK

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Adolf Duhme, 43 Schleifmuehle, P. O. B. 1135, Bremen, Germany, and Ernst A. Frick, Obernstr. 18, Bremen, Germany, respondents, Case No. 215.

The respondents, Adolf Duhme and Ernst A. Frick of Bremen, Germany, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, (a) with making false representations to and concealing material facts from the Office of International Trade (now the Bureau of Foreign Commerce), in connection with goods exported from or sought to be exported from the United States; (b) with using export control documents in an unauthorized manner; (c) with unauthorized diversion and transshipment of commodities exported from the United States and (d) with failure to notify the United States exporter of changes in

facts or intentions as they were set forth in an end-use statement submitted to support an application for an export license, all violations of the Export Control Act of 1949, as amended. The charging letter was duly served on both respondents and both appeared in this proceeding.

In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted. He has found that Frick violated only to the extent that false representations were made to and facts concealed from the Office of International Trade. He has sustained all the charges against Duhme.

Now, after considering the entire record consisting of the charges, the defenses, the evidence submitted in support of and in opposition to the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, Adolf Duhme was and still is engaged in the import and export business in Bremen, Germany, and Ernst Frick, his assistant or employee at the times mentioned, participated in the representations made by Duhme and performed many acts on behalf of Duhme.

2. Heretofore, on the 5th day of November 1951, for the purpose of supporting an application for an export license to the Office of International Trade (now the Bureau of Foreign Commerce), of the U. S. Department of Commerce, Duhme, by Frick, executed and submitted to an exporter in the United States an end-use statement in which he certified and represented that certain caustic soda ordered by him from the American exporter was to be sold to two stated firms in Western Germany for use there in the manufacture of soap and cleaning products and, in the said statement, he further stated that the material would not be transshipped or reexported to other countries and that he would promptly send to the American exporter a supplemental statement in the event of any change of facts or intentions as set forth therein.

3. At the time of the execution of said end-use statement Duhme was negotiating with the persons to whom reference is made in Finding 6, which persons were other than the persons named in the end-use statement as the persons to whom the caustic soda was to be sold, and he, at the said time, had made no arrangements with nor had he had any negotiations concerning such caustic soda with the persons named therein. All this was known to Frick.

4. The American exporter, as intended by Duhme and Frick, did thereafter, on or about the 15th day of November 1951, apply to the Office of International Trade, using the said end-use statement as a supporting document, for a license to export to Duhme, in Western Germany, 365 metric tons of caustic soda to be used in Western Germany.

5. Said license was duly granted on November 16, 1951, and, on the basis thereof, the American exporter exported to Duhme 725 drums of caustic soda on about January 17, 1952, and 270 drums of caustic soda on about January 24, 1952. In connection with such exportation, the American exporter had authenticated two export declarations and obtained two bills of lading, in all of which were set forth legends warning that the ultimate destination of the goods was Western Germany and that diversion contrary to U. S. law was prohibited. Both bills of lading were order bills of lading and a forwarding agent in Rotterdam, the first port of discharge, was designated as the party to be notified of the arrival of the goods. Negotiability of the bills of lading was directed by Duhme and the American exporter sent him copies thereof.

6. In the meantime, on November 30, 1951, Duhme, with the knowledge of Frick, had contracted to sell 725 drums of caustic soda to a firm in Basel, Switzerland, and on December 12, 1951, he had contracted to sell 270 drums of caustic soda to another firm in Basel, Switzerland, but neither he nor Frick ever notified the American exporter of these contracts. Duhme was informed by one of the Swiss purchasers that the caustic soda purchased by that purchaser was destined for Eastern Germany.

7. In accordance with Duhme's contracts with the Swiss firms, the negotiable bills of lading had to be delivered to their agents, designees or purchasers and, in February 1952, after the two lots of caustic soda aforementioned arrived at Rotterdam, they were transshipped to Eastern Germany.

8. In February 1952, Duhme entered into arrangements with the same American exporter for the intended purchase of an additional 500 or 550 tons of caustic soda and, in connection with such arrangements and for the purpose of supporting an application for an export license, Duhme executed and delivered to the American exporter another end-use statement. In the said end-use statement he stated and represented that 500 tons of caustic soda ordered by him from the American exporter were for Western Germany as the ultimate destination to be used in textile factories there and not to be reexported.

9. The American exporter used said end-use statement to support an application for a license to export to Duhme 550 tons of caustic soda, to be used in Western Germany in the textile factories there. Said license was duly granted but, after discovery of the facts hereinafter set forth, was revoked before any exportation thereunder could be effected.

10. At the time that Duhme executed and delivered the said end-use statement to his American supplier, Duhme had no arrangements or intentions to sell the caustic soda therein mentioned to any factory in Western Germany but, on the contrary, was negotiating for the sale thereof to a firm in Zurich, Switzerland.

And, from the foregoing, the following are my conclusions:

A. Duhme and Frick knowingly made and caused to be made false statements, representations, and certifications to, and concealed material facts from, the BFC, in violation of § 381.1 (b) of the export control regulations;

B. Duhme permitted the use of export control documents, namely, bills of lading, for the purpose of facilitating and effecting exportations not in accord with all the terms, provisions, and conditions of such documents, in violation of § 381.3 (a) of the export control regulations;

C. Duhme, without authorization from the Department of Commerce, caused to be diverted 343 metric tons of caustic soda to unauthorized consignees and destinations, (1) contrary to the representations in his statement of November 5, 1951, (2) contrary to the notification of the prohibition against diversion contained in the bill of lading, copy of which was received by him, and (3) contrary to the terms, provisions, and conditions of the validated export license and the export declarations pursuant to which the said caustic soda was exported from the United States, in violation of §§ 381.4 (b)–(e) and 381.1 (b) (3) of the export control regulations; and

D. Duhme failed to notify the U. S. exporter of the changes of fact and intention from the facts and intention as set forth in his statement of November 5, 1951, contrary to his representation that he would give such notice and as required by § 372.3 (d) of the export control regulations.

In his report, the Compliance Commissioner said,

> In making the conclusions above set forth, it should be noted that I concluded that Frick violated only to the extent that false statements, etc. were made and facts concealed from the OIT but I have not made any conclusion that he had anything to do either with the transshipment or the failure to notify the U. S. exporter of the changes of fact and intention. As to the transshipment and diversion, the evidence is not sufficient to make a conclusion linking him therewith. It may be that his activity in the firm was so great as to make it probable that he did so participate. As to the failure to notify OIT of the change of facts and intention, I believe that the commitment contained in the end-use statement was a commitment made on behalf of Duhme and, such being the case, in the absence of a greater identification with the facts which transpired after the making of the commitment, there is insufficient basis to hold that Frick, the agent, was bound thereby. Duhme, of course, as the principal, and as the person on whose behalf the commitment was made in the regular course of his business, was bound thereby.
>
> With respect to the transshipments, in making the conclusion that Duhme caused them to be made, I have taken into consideration the facts that he was informed by one of his vendees that the caustic soda sold to that vendee was destined for Eastern Germany; that he, although charged with responsibility for importing the goods into Germany, nevertheless released negotiable documents of title to others not under his control, thereby providing them with the means whereby they accomplished the unlawful transshipments and diversions; and that, for no apparent reason, assuming that he could have had a bona fide sale to persons in Switzerland, he concealed the fact of such alleged sale to Switzerland, a probably ap-

provable destination, and falsely represented that the caustic soda was destined for Western Germany.

Having concluded that the action recommended by the Compliance Commissioner is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Adolf Duhme and Ernst A. Frick appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for a period of three years, retroactive to February 21, 1955, the date when his export privileges were temporarily revoked (20 F. R. 1188), the respondent Adolf Duhme be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. The respondent Ernst A. Frick, for a period of one year from the date hereof, be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Such denial of export privileges shall extend not only to the respondents but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when either respondent is prohibited under the terms hereof from engaging in any activity within the scope of Parts II, III, and IV hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 3, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-6388; Filed, Aug. 7, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8730 etc.]

WWSW, INC., ET AL.

CONSTRUCTION PERMITS

In re applications[1] of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits. WWSW, Inc. (WIIC), Pittsburgh, Pennsylvania, Docket No. 11644, File No. BMPCT-3486; for modification of construction permit.

The Order of the Commission in the above-entitled proceeding adopted on July 18, 1956, and released on July 25, 1956 (FCC 56-730, Mimeo No. 34116), is corrected in the following particular:

In line 2 of paragraph 2, April 17, 1956, is changed to read April 27, 1956.

Released: August 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6407; Filed, Aug. 7, 1956; 8:51 a. m.]

[1] By Memorandum Opinion and Order (Mimeo No. 22964) released July 26, 1955, the application of Pittsburgh Radio Supply House, Inc., was dismissed.

[Docket Nos. 10286, 10287]

ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

CONSTRUCTION PERMITS

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permits for new television station.

The Commission's Memorandum Opinion and Order in the above-entitled proceeding adopted July 20, 1956 and released on July 23, 1956 (FCC 56-774, Mimeo No. 34187) is corrected in the following particular:

In the final ordering clause on page 3, March 21, 1956 is changed to read March 13, 1956.

Released: August 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6408; Filed, Aug. 7, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9470, G-9471]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND R. H. FULTON

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 1, 1956.

Take notice that Natural Gas Pipeline Company of America (Natural), a Delaware corporation with principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed, on October 12, 1955, as supplemented November 29, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Natural to acquire and operate certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Concurrently therewith, R. H. Fulton (Fulton), an individual with principal place of business at Box 1526, Lubbock, Texas, filed, on October 12, 1955, an application for permission to abandon the aforesaid natural gas facilities by sale thereof to Natural as hereinafter described, pursuant to section 7 (b) of the Natural Gas Act, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Natural proposes to acquire by purchase from Fulton certain facilities described below and to operate the same as an integral part of its pipeline system and Fulton proposes to abandon said facilities upon sale thereof to Natural, all in accordance with a letter agreement between the parties dated August 30, 1954, and for a total consideration of $51,727.29. There will be no change in the service presently being rendered by means of these facilities.

The facilities involved consist of approximately 17,000 feet of 6⅝-inch O. D. pipeline, extending from a point of connection with Natural's 24 inch main transmission pipeline on the south line of Section 59, Block 4-T, T. & N. O. R. R. Co. Survey, northwesterly to a point in the NE/4 of the SW/4 of Section 115, Block 45, H. & T. C. R. R. Co. Survey, all in Hansford County, Texas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, August 27, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6380; Filed, Aug. 7, 1956; 8:46 a. m.]

[Docket No. G-4535, etc.]

WESTERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-4535; Western Natural Gas Company; Ray, Bee County, Tex.; Transcontinental Gas Pipe Line Company.

G-4538; Western Natural Gas Company; West Tuleta, Bee County, Tex.; St. Charles, Arkansas County, Tex.; various fields, in Victoria, DeWitt and Live Oak Counties, Tex.; Transcontinental Gas Pipe Line Company.

G-4545; Western Natural Gas Company; Mineral, Bee County, Tex.; Transcontinental Gas Pipe Line Company.

G-4594; H. L. Brown and W. R. Wheeler; La Gloria, Jim Well County, Tex.; Transcontinental Gas Pipe Line Company.

G-7398; Walter E. Anderson; Northeast Elmore, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7399; Walter E. Anderson; Golden Trend, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7401; Walter E. Anderson; Golden Trend, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7402; Walter E. Anderson; Golden Trend, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7403; Walter E. Anderson; Golden Trend, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7404; Walter E. Anderson; Golden Trend, Garvin County, Okla; Warren Petroleum Corporation et al.

G-7405; Walter E. Anderson; Golden Trend, Garvin County, Okla.; Warren Petroleum Corporation et al.

G-7406; Walter E. Anderson; Golden Trend, McClain County, Okla.; Warren Petroleum Corporation et al.

G-7412; South Penn Oil Company; Kaneshoim, McKean County, Pa.; United Natural Gas Company.

G-7413; South Penn Oil Company; Sackett, Elk County, Pa.; Pennsylvania Gas Company.

G-7414; South Penn Oil Company; Sackett Elk County, Pa.; Pennsylvania Gas Company.

G-7415; South Penn Oil Company; Clarendon, Warren County, Pa.; Pennsylvania Gas Company.

G-7416; South Penn Oil Company; Sackett, Elk County, Pa.; Pennsylvania Gas Company.

G-7417; South Penn Oil Company; Sackett, Elk County, Pa.; Pennsylvania Gas Company.

G-7418; South Penn Oil Company; Sackett, Elk County, Pa.; Pennsylvania Gas Company.

G-7449; Salt Rock Well Service Company; Barboursville, Sabell County, W. Va.; United Fuel Gas Company.

G-7472; Devonian Gas & Oil Company; Benezette-Driftwood, Elk County, Pa.; Manufacturers Light & Heat Company.

G-7508; Little Nick Oil Company; East Cement-Chickasha, Caddo and Grady Counties, Okla.; Consolidated Gas Utilities Corporation.

G-7509; Little Nick Oil Company; East Cement, Caddo County, Okla.; Consolidated Gas Utilities Corporation.

G-7510; Little Nick Oil Company; Chickasha, Grady County, Okla.; Consolidated Gas Utilities Corporation.

G-7511; Little Nick Oil Company; Chickasha, Grady County, Okla.; Consolidated Gas Utilities Corporation.

G-7512; Little Nick Oil Company; Chickasha, Grady County, Okla.; Consolidated Gas Utilities Corporation.

G-7540; Spartan Gas Company; Oriskany, Jackson County, W. Va.; United Fuel Gas Company.

G-7541; Spartan Gas Company; Brown Shale, Lincoln County, W. Va.; United Fuel Gas Company.

G-7542; Spartan Gas Company; Blue Creek, Kanawha County, W. Va.; United Fuel Gas Company.

G-7544; Spartan Gas Company; Brown Shale, Lincoln County, W. Va.; United Fuel Gas Company.

G-7545; Spartan Gas Company; Brown Shale, Lincoln County, W. Va.; United Fuel Gas Company.

G-7547; Spartan Gas Company; Benson, Upshur County, W. Va.; Hope Natural Gas Company.

G-7548; Spartan Gas Company; Oriskay, Kanawha County, W. Va.; West Virginia Gas Corporation.

A public hearing will be held on the 30th day of August 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

August 1, 1956.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6381; Filed, Aug. 7, 1956; 8:47 a. m.]

[Docket No. G-10507]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 3, 1956.

Texas Eastern Transmission Corporation, Applicant, a Delaware corporation, whose address is Shreveport, Louisiana, filed on May 31, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to sell and deliver natural gas to certain of its customers under its W. P. S. (winter peaking service) rate schedule for the period November 16, 1956 through April 15, 1957, and to sell additional short-term gas to its customers for the period September 1, 1956, through August 31, 1957, under its filed firm gas rate schedules as set forth below.

Applicant seeks authorization to sell and deliver the following volumes to these customers for the period November

16, 1956, through April 15, 1957, under its W. P. S. Rate Schedule:

Customer company	1956–57 winter W. P. S. volumes Mcf at 14.73 p. s. i. a.	
	Maximum day	Winter contract
Arkansas-Missouri & Associated Natural	1,020	77,012
Belmont, Miss	51	3,851
Chambersburg, Pa	51	3,851
City Gas Co. of New Jersey	602	45,437
Consumers Gas Co	204	15,402
Equitable Gas Co	1,020	77,012
Huntingdon Gas Co	20	1,540
Indiana Gas & Water Co	1,632	123,219
Missouri Utilities Co	2,040	154,024
National Gas & Oil Corp	2,040	154,024
New Jersey Natural Gas Co	7,140	539,084
The Permian Oil & Gas Co	51	3,851
Philadelphia Electric Co	40,801	3,080,482
Philadelphia Gas Works Division of U. G. I	2,040	154,024
Public Service Electric & Gas Co	10,200	770,121
Somerset, Ky., city of	306	23,104
Transcontinental Gas Pipe Line Corp	5,100	385,060
Waynesburg Home Gas Co	204	15,402
Total	74,522	5,626,500

Applicant also seeks authority to sell and deliver the following quantities to existing customers under its firm rate schedules only for the period September 1, 1956, through August 31, 1957:

ANNUAL CONTRACT QUANTITY SERVICE

	Mcf at 14.73 p. s. i. a.	
	Maximum daily quantity	Annual contract quantity
Rate Schedule DCQ		
The Manufacturers Light & Heat Co., and the Ohio Fuel Gas Co., zones C & D	51,001	18,615,496
The East Ohio Gas Co., Peoples Natural Gas Co., New York State Natural Gas Corp., and Hope Natural Gas Co., zone C	51,001	18,615,496
Public Service Electric & Gas Co., zone D	5,100	1,861,550
Total, DCQ rate schedule	107,102	39,092,542
Rate Schedule GS		
Lewistown Gas Co., zone D	6,120	1,652,444
Philadelphia Gas Works, Division of UGI, zone D	7,650	2,065,555
Total, GS rate schedule	13,770	3,717,999
Rate Schedule SGS		
Lawrenceburg, Tenn., city of, zone B	1,020	372,310
Total, annual contract quantity service	121,892	43,182,851

No new or additional facilities are proposed as deliveries will be made through existing connections.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commisson may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6389; Filed, Aug. 7, 1956; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

C. E. WAMPLER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Addition: J. Ray McDermott Company, stockholder.

Deletions: Southern Pacific Company; Standard Oil Co. of New Jersey.

This amends statement previously published in the FEDERAL REGISTER May 2, 1956 (21 F. R. 2908).

Dated: August 1, 1956.

C. E. WAMPLER.

[F. R. Doc. 56–6394; Filed, Aug. 7, 1956; 8:49 a. m.]

LEROY LUTES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Changes from previous list:

Deletions: Gulf Mobile & Ohio R. R.; Sinclair Oil; Sears Roebuck.

Additions: Hudson Bay Mining (Canadian); U. S. Steel; Bank of America (California); American Trust Co., San Francisco, Calif.

Participation in Insurance Shares of Oakland, Investment Trust in insurance stocks. Official connections with Mansfield Tire and Rubber Company, Mansfield, Ohio, and Pacific Tire and Rubber Company, Oakland, Calif.; no change.

This amends statement previously published in the FEDERAL REGISTER May 8, 1956 (21 F. R. 3071).

Dated: August 1, 1956.

LEROY LUTES,
Lt. Gen., U. S. Army (Ret.).

[F. R. Doc. 56–6395; Filed, Aug. 7, 1956; 8:49 a. m.]

DETLEV W. BRONK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER February 2, 1956 (21 F. R. 757).

Dated: July 29, 1956.

DETLEV W. BRONK.

[F. R. Doc. 56–6396; Filed, Aug. 7, 1956; 8:49 a. m.]

HAROLD S. BLACKMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER May 8, 1956 (21 F. R. 3071).

Dated: August 1, 1956.

HAROLD S. BLACKMAN.

[F. R. Doc. 56–6397; Filed, Aug. 7, 1956; 8:49 a. m.]

MAURICE C. WALSH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER, May 8, 1956 (21 F. R. 3071).

Dated: August 1, 1956.

MAURICE C. WALSH.

[F. R. Doc. 56–6398; Filed, Aug. 7, 1956; 8:49 a. m.]

GEORGE A. STEINER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of March 30, 1956.

This amends statement previously published in the FEDERAL REGISTER May 15, 1956 (21 F. R. 3204).

Dated: August 1, 1956.

GEORGE A. STEINER.

[F. R. Doc. 56–6399; Filed, Aug. 7, 1956; 8:50 a. m.]

JAMES F. BROWNLEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since submission of Form ODM–163, with the exception that I am no longer a stockholder of Emery Air Freight.

This amends statement previously published in the FEDERAL REGISTER May 8, 1956 (21 F. R. 3071).

Dated: August 1, 1956.

JAMES F. BROWNLEE.

[F. R. Doc. 56–6400; Filed, Aug. 7, 1956; 8:50 a. m.]

JOSEPH D. KEENAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

One addition: Oklahoma-Mississippi Power Development.

This amends statement previously published in the FEDERAL REGISTER May 3, 1956 (21 F. R. 2960).

Dated: August 1, 1956.

JOSEPH D. KEENAN.

[F. R. Doc. 56–6401; Filed, Aug. 7, 1956; 8:50 a. m.]

BENJAMIN CAPLAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of February 1, 1956.

This amends statement previously published in the FEDERAL REGISTER May 30, 1956 (21 F. R. 3704).

Dated: August 1, 1956.

BENJAMIN CAPLAN.

[F. R. Doc. 56–6402; Filed, Aug. 7, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 124]

MOTOR CARRIER APPLICATIONS

AUGUST 3, 1956.

Protests consisting of an original and six (6) copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is field (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the Act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 719 Sub 4, filed July 25, 1956, COLUMBIA TRANSPORT, INC., P. O. Box 1254, Broadway and Main Post, Portland, Oreg. Applicant's representative: Thomas J. Hanify, Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum gas, butane, propane, anhydrous ammonia* and *ammonia in solution*, in bulk, in tank vehicles, between points in Washington west of the summit of the Cascade Mountains, and Pasco, Wash., on the one hand, and, on the other, points in Oregon. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 1328 Sub 5, filed July 23, 1956, J. J. LONG, INC., Frankton Pike, Alexandria, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rock wool, mineral wool*, and *rock and mineral wool products*, and *asbestos shingles and siding* when moving in mixed loads with rock wool, mineral wool, and rock and mineral wool products, from Gimco City, Ind. to points in West Virginia, Kentucky, and Tennessee; *damaged shipments* of the above-named commodities on return. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, and Michigan.

No. MS 3057 Sub 3 (Amended), filed May 22, 1956, published in the June 6, 1956 issue, on Page 3885, WALTON HAULING & WAREHOUSE CORP., 609–611 West 46th Street, New York 36, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Television scenery, props, musical instruments, trunks, wardrobes*, and *electrical equipment* and *effects* for use in television productions, between points in New York, New Jersey, and Connecticut, within 75 miles of New York, N. Y., including New York, N. Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia within 250 miles of Columbus Circle, New York, N. Y.

NOTE: Applicant is authorized under Certificate No. MC 3057 to transport *Theatrical equipment and effects*, including electrical equipment and effects, props, scenery, musical instruments, trunks, and wardrobes, for use in stage, radio, television or motion picture productions, between points in New York, New Jersey, and Connecticut within 75 miles of New York, N. Y., including New York, N. Y.

No. MC 4405 Sub 280, filed July 26, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Luggage trailers*, in secondary movements, by truckaway method, (1) between points in California, Oregon and Washington, and (2) from points in California, Oregon and Washington to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 4405 Sub 281, filed July 26, 1956, DEALERS TRANSIT, INC., 12608 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Trailers*, except those

designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway method, from Livermore, Calif., to points in California, Washington, Oregon, Wyoming, Idaho, Montana, Utah, Colorado, Nevada, Arizona, Texas, and New Mexico, and (b) *Tractors*, other than farm tractors, in secondary driveaway movements, only when drawing trailers moving in initial driveaway movements, from Livermore, Calif., to points in Arizona, Nevada, and Oregon. Applicant is authorized to conduct operations throughout the United States.

No. MC 20793 Sub 22, filed July 23, 1956, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Fishkill, N. Y. to the District of Columbia and points in Delaware, Maryland, and New Jersey. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, Virginia, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, New York, and the District of Columbia.

No. MC 24911 Sub 4, filed July 23, 1956, ROBERT A. BLASER, doing business as R. A. BLASER, 191 Polk Street, Twin Falls, Idaho. For authority to operate as a *contract carrier*, over regular routes, transporting: *Seed, feed*, and *gristmill products*, from Mountain Home, Idaho to Ontario, Oreg., from Mountain Home over U. S. Highway 30 to Boise, Idaho, thence over U. S. Highway 20 to Caldwell, Idaho, and thence over U. S. Highway 30 to Ontario, and return over the same routes, serving the intermediate point of Boise, Idaho. Applicant is authorized to conduct operations in Utah and Idaho.

No. MC 26907 Sub 12, filed July 24, 1956, RIPON TRUCKING CO., a Corporation, Oshkosh Street, Ripon, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cookies*, in containers, from Ripon, Wis., to points in the New York, N. Y., Commercial Zone, as defined by the Commission, Buffalo, Rochester and Syracuse, N. Y., and Philadelphia and Allentown, Pa. *Sugar*, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, to Ripon, Wis. Applicant is authorized to conduct operations in Wisconsin, Missouri, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, South Dakota, Pennsylvania, Nebraska, Kentucky, and Tennessee.

No. MC 30844 Sub 30, filed July 26, 1956, HEUER TRUCK LINES, INCORPORATED, 306 May Street, Marshalltown, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *dairy products*, as defined by the Commission, from points in Wisconsin to points in Arkansas, Kansas, Nebraska, Missouri, Oklahoma, and Texas. Applicant is authorized to conduct operations in Michigan, Iowa, Oklahoma, Missouri, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, Indiana, and Illinois.

No. MC 38551 Sub 10, filed July 19, 1956, RAMUS TRUCKING LINE, INC., 3652 East 34th Street, Cleveland, Ohio. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Ashtabula and Lake Counties, Ohio, as off-route points in connection with regular-route operations (a) between Cleveland, Ohio, and Chicago, Ill., and (b) between Cleveland, Ohio, and Boston, Mass. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Massachusetts, New York, Rhode Island, Connecticut, and Pennsylvania.

No. MC 42261 Sub 33, filed July 24, 1956, LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N. J. Applicant's representative: S. S. Eisen, Milton P. Bauman Associates, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, and to points in New Jersey, New York, and Pennsylvania within 100 miles of City Hall, New York City, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, New Hampshire, New Jersey, New York, and Pennsylvania.

No. MC 42487 Sub 317, filed July 23, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimley Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except petroleum products in bulk, but *including Class A and B explosives*, between Missoula, Mont., and Great Falls, Mont., from Missoula, over U. S. Highway 10 to Milltown, thence over Montana Highway 20 to Sun River, thence over U. S. Highway 89 to junction U. S. Highway 91 near Vaughn, Mont., thence over U. S. Highway 91 to Great Falls, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Butte, Mont., and Sweetgrass, Mont., and between Seattle, Wash., and St. Paul, Minn. Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington.

No. MC 50069 Sub 176 (Amended), filed June 20, 1956, published in the July 4, 1956, issue on Page 4985, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, (except petrochemicals) in bulk, in tank vehicles, from Mogadore, Ohio, to points in Jefferson County, Ohio, and Brooke County, W. Va.

NOTE: Applicant states that service is to be limited to transportation of shipments stopped in transit for partial delivery in both counties.

No. MC 50069 Sub 177, filed July 23, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids* (except Milk), in bulk, in tank vehicles, between points in Illinois, Indiana, Ohio and Michigan, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, Kentucky, and West Virginia.

No. MC 52657 Sub 491, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tail gates*, and *construction and road machinery* and *equipment*, including transit mixers and concrete and cement spreaders, and parts thereof moving therewith, from Galion and Marion, Ohio, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 492, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bodies* and *component parts thereof*, when such parts move in connection with bodies being transported, from Wapakoneta, Ohio, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 52709 Sub 65, filed June 21, 1956, (Amended) published July 25, 1956 on Page 5601, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigerated equipment, between Los Angeles, Calif., and Kansas City, Mo., from Los Angeles over U. S. Highway 60 to junction Arizona Highway 71, near Aguila, Ariz., thence over Arizona Highway 71 to junction U. S. Highway 89 at Congress Junction, Ariz., thence over U. S. Highway 89 to junction U. S. Highway 66 at or near Ashfork, Ariz., thence over U. S. Highway 66 to Albuquerque, N. Mex., thence over U. S. Highway 85 via Santa Fe, Las Vegas, and Raton, N. Mex., to Trinidad, Colo., thence over U. S. Highway 350 to La Junta, Colo., thence over U. S. Highway 50 to Garden City, Kans., thence over U. S. Highway 50S to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Utah, and Wyoming.

No. MC 52866 Sub 25, filed April 30, 1956, ROCKY MOUNTAIN SERVICE, INC., 463 East 100 North, St. George, Utah. Applicant's representative: David F. Anderson, 623 Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except petroleum and petroleum products in bulk, Class A and B explosives, baled cotton, household goods as defined by the Commission, and heavy equipment requiring special rigging, (a) between Kanab, Utah, and Glen Canyon Dam Site, Ariz., and points in Utah and Arizona within 25 miles of said dam site: from Kanab over Utah Highway 136 to junction with unnumbered (access) highways, thence over said unnumbered (access) highways to Glen Canyon Dam Site and points in Utah and Arizona within 25 miles of said dam site, and return over the same route, serving all intermediate points; (b) between Fredonia, Ariz., and Glen Canyon Dam Site, Ariz., and points in Utah and Arizona within 25 miles of said dam site: from Fredonia over U. S. Highway 89 to junction with unnumbered (access) highways, and thence over said unnumbered (access) highways to Glen Canyon Dam Site and points in Utah and Arizona within 25 miles of said dam site, and return over the same route, serving all intermediate points; (c) between Los Angeles, Calif., and points in the Los Angeles Harbor Commercial Zone as defined by the Commission, and junction U. S. Highway 89 with unnumbered (access) highways to Glen Canyon Dam Site (near Marble Canyon), Ariz.: from Los Angeles and points in the Los Angeles Harbor Commercial Zone over U. S. Highway 66 to San Bernardino, Calif. (also from above-described points over U. S. Highway 99 to San Bernardino), thence over U. S. Highway 66 to Flagstaff, Ariz., and thence over U. S. Highway 89 to junction with unnumbered (access) highways to Glen Canyon Dam Site (near Marble Canyon), and return over the same route, serving the off-route points of Santa Monica, El Segundo, Wilmington, Long Beach, San Pedro and Pasadena, Calif, and the intermediate point of Flagstaff, intermediate point service at Flagstaff restricted to traffic having an origin or destination at Glen Canyon Dam Site and points in Utah and Arizona within 25 miles of said dam site:

NOTE: Applicant proposes to tack this authority (c) with its existing authority and the new authority hereinabove requested (a) and (b), at the common gateway of junction U. S. Highway 89 with unnumbered (access) highways to Glen Canyon Dam Site (near Marble Canyon), Ariz. (d) between Hurricane, Utah, and Fredonia, Ariz.: from Hurricane over Utah Highway 59 to the Utah-Arizona State Line, thence over unnumbered Arizona Highway to Fredonia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Hurricane and Fredonia as set forth in its Certificate No. MC 52866 Sub 1, Sheets 1 and 2. Applicant is authorized to conduct operations in Utah, Arizona and California.

No. MC 52953 Sub 18, filed June 26, 1956, ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Tenn., and Westminster, S. C., from Cleveland over U. S. Highway 64 to Ranger, N. C., thence over U. S. Highway 19 to Blairsville, Ga., thence over U. S. Highway 76 to Westminster, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that by this application it proposes to change the alternate route between Cleveland, Tenn., and Westminster, S. C., as authorized in Docket No. MC 52953 Sub 16, dated August 16, 1954, and that the proposed route will involve the use of a route seven (7) miles shorter than the authorized route.

No. MC 52978 Sub 14, filed July 23, 1956, MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman Avenue, Detroit, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fly ash*, in bulk, and in bags, between points in Michigan, Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee.

No. MC 54855 Sub 2 (corrected), filed April 30, 1956, published on Page 3240, issue of May 16, 1956, LOUISVILLE, NEW ALBANY AND CORYDON RAILROAD COMPANY, a Corporation, Walnut & Water Streets, Corydon, Ind. Applicant's representative: C. Blaine Hays, Jr., 101–103 East Chestnut Street, Corydon, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Floyd County, Ind. south of a line commencing at the junction of U. S. Highway 460 with the Kentucky State Line at New Albany, Ind., thence extending over U. S. Highway 460 to junction with Indiana Highway 64, and thence over Indiana Highway 64 to the Floyd-Harrison Counties, Ind. line, and points in Harrison County, Ind. south of a line commencing at junction of Indiana Highway 64 and the Floyd-Harrison Counties Line, extending westward over Indiana Highway 64 to junction with Indiana Highway 64 and Harrison-Crawford Counties, Ind. line, on the one hand, and, on the other, Louisville, Ky., excluding points on Indiana Highway 64 and including all other intermediate and off-route points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 55581 Sub 4, filed July 2, 1956, WALTER FREEMAN, 1213 Wetherly Building, 516 Southeast Morrison Street, Portland, Oreg. Applicant's representative: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Oregon to points in Idaho and Utah. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 61265 Sub 48, filed July 26, 1956, SOUTHEASTERN TRUCK LINES, INC., Hill-Blanton Avenue, Nashville, Tenn. Applicant's representative: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier*, transporting: *General commodities, including household goods*, but excepting those of unusual value, Class A and B explosives, automobiles, commodities in bulk, and commodities requiring special equipment or refrigeration, serving the site of the Warrick Works of the Aluminum Company of America plant near Newburgh, Ind. as an off-route point in connection with applicant's authorized regular route operations between Nashville, Tenn. and Evansville, Ind. over U. S. Highways 41 and 41E. Applicant is authorized to conduct operations in Ohio, Tennessee, Georgia, Kentucky, Missouri, Illinois, and Indiana.

No. MC 61396 Sub 61, filed July 23, 1956, HERMAN BROS. INC., 1215 Farnam Street, P. O. Box 1237, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, and *derivatives therefrom*, between points in Nebraska and Kansas.

No. MC 70451 Sub 182, filed May 18, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Batteries, battery parts and/or component parts for batteries*, serving Olathe, Kans., (1) as an intermediate point on applicant's regular route between Kansas City, Mo., and Pueblo, Colo., and (2) as an off-route point in connection with applicant's regular route (a) between Omaha, Nebr., and Kansas City, Mo., and (b) between Kansas City, Mo., and Wheeler, Kans. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Nebraska, Kansas, Colorado, New Mexico, California, Wyoming, and Utah.

No. MC 72442 Sub 5, filed July 19, 1956, AKERS MOTOR LINES, INCORPORATED, New Hope Road, Gastonia, N. C. Applicant's representative: Edgar Watkins, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes,

transporting: *General commodities*, except those of unusual value, Class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods, as defined by the Commission, (1) Between Sandy Hook and Derby, Conn., from Sandy Hook over Connecticut Highway 34 to Derby, and return over the same route, (2) Between Lancaster, Pa., and Junction U. S. Highways 1 and 222 near Conowingo, Md., from Lancaster over Pennsylvania Highway 72 to Junction U. S. Highway 222 near Wakefield, Pa., thence over U. S. Highway 222 to junction U. S. Highway 1, near Conowingo, and return over the same route, (3) Between Lemoyne, Pa., and Junction Virginia Highway 350 and U. S. Highway 1 near Woodbridge, Va., from Lemoyne over U. S. Highway 15 to Frederick, Md., thence over Maryland Highway 78 to Point of Rocks, Md., thence over U. S. Highway 15 to Leesburg, Va., thence over Virginia Highway 7 to Alexandria, Va., thence over Virginia Highway 350 to Junction U. S. Highway 1 near Woodbridge, and return over the same route, (4) Between Gastonia, N. C., and Newport, S. C., from Gastonia over North Carolina and South Carolina Highways 274 to Newport, and return over the same route, (5) Between York and Rock Hill, S. C., from York over South Carolina Highway 5 to Rock Hill, and return over the same route, (6) between Newberry and Columbia, S. C., from Newberry over U. S. Highway 76 to Columbia, and return over the same route, (7) Between Iva, S. C., and Elberton, Ga., from Iva over South Carolina Highway 184 to the South Carolina-Georgia State line, thence over Georgia Highway 82 to Junction Georgia Highway 77, thence over Georgia Highway 77 to Elberton, and return over the same route, (8) Between Hartwell and Elberton, Ga., from Hartwell over Georgia Highway 77 to Elberton, and return over the same route, (9) Between Johnston, S. C., and Thomson, Ga., from Johnston over South Carolina Highway 23 to Modoc, S. C., thence over U. S. Highway 221 to Junction Georgia Highway 150, thence over Georgia Highway 150 to Thomson, and return over the same route, (10) Between Augusta and Dublin, Ga., from Augusta over U. S. Highway 1 to Wadley, Ga., thence over U. S. Highway 319 to Dublin, and return over the same route, (11) Between Macon and Milledgeville, Ga., from Macon over Georgia Highway 49 to Milledgeville, and return over the same route, (12) Between Experiment and Hampton, Ga., from Experiment over unnumbered Highway to Junction Georgia Highway 155, thence over Georgia Highway 155 to McDonough, Ga., thence over Georgia Highway 81 to Junction unnumbered Highway, thence over unnumbered Highway to Hampton, and return over the same route, (13) Between Senoia, Ga., and Junction Georgia Highway 16 and U. S. Highway 29, from Senoia over Georgia Highway 16 to Junction U. S. Highway 29, and return over the same route, and (14) Between Americus and Cordele, Ga., from Americus over U. S. Highway 280 to Cordele, and return over the same route, as alternate routes, for operating convenience only, serving no intermediate points except as otherwise authorized, in connection with applicant's pending application MC 72442 Sub 4. Applicant is authorized to operate over irregular routes in North Carolina, Georgia, South Carolina, Maryland, Delaware, New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, District of Columbia, Virginia, Florida, Alabama, and Tennessee.

No. MC 72442 Sub 6, filed July 20, 1956, AKERS MOTOR LINES, INCORPORATED, New Hope Road, Gastonia, N. C. Applicant's representative: Edgar Watkins, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, (A) serving South Barre, Mass., as an off-route point in connection with applied-for regular routes in applicant's pending application in No. MC 72442 Sub 4, between (1) Boston, Mass., and New York, N. Y., over U. S. Highways 1 and 6, and Massachusetts Highway 28, (2) Boston, Mass., and Norwalk, Conn., over Massachusetts Highway 2, (3) Boston, Mass., and Lenox, Mass., over U. S. Highway 20, (4) Boston, Mass., and Northampton, Mass., over Massachusetts Highway 9, (5) Fitchburg, Mass., and New London, Conn., over Massachusetts Highway 12 and Connecticut Highway 12, (6) Greenfield, Mass., and New Haven, Conn., over U. S. Highway 5, (7) Northampton, Mass., and New Haven, Conn., over Massachusetts Highway 10 and Connecticut Highway 10, (8) Stockbridge, Mass., and Bridgeport, Conn., over U. S. Highway 20, and Massachusetts Highway 8, (9) Sturbridge, Mass., and Hartford, Conn., over Connecticut Highway 15, (10) Sturbridge, Mass. and Putnam, Conn., over Massachusetts Highway 131, and (11) New Haven, Conn., and Shelton, Conn., over Connecticut Highway 34. RESTRICTION: Restricted to traffic moving under connecting authority to or from points south of the Virginia-North Carolina State line. (B) Serving Salem, N. J., as an off-route point in connection with applied-for regular routes in applicant's pending application in No. MC 72442 Sub 4 between (1) New York, N. Y., and Raleigh, N. C., over U. S. Highway 1, (2) Haverstraw, N. Y., and Longwood, Pa., over Pennsylvania Highway 52, (3) New Brunswick, N. J., and South Boston, Va., over U. S. Highways 40 and 130, (4) Morrisville, Pa. and Danville, Va., over U. S. Highway 13, (5) Washington, D. C., and Greensboro, N. C., over U. S. Highway 29, (6) Newark, N. J., and Oxford, Pa., over U. S. Highway 122, (7) Philadelphia, Pa., and Scranton, Pa., over U. S. Highway 309, (8) Philadelphia, Pa., and Harrisburg, Pa., over U. S. Highway 422, (9) Camden, N. J., and York, Pa., over U. S. Highway 30, (10) Allentown, Pa., and West Chester, Pa., over Pennsylvania Highway 29, (11) Trexlertown, Pa., and Bridgeport, N. J., over U. S. Highway 322, (12) Lancaster, Pa., and Harrisburg, Pa., over Pennsylvania Highway 72, (13) Reading, Pa., and Sunbury, Pa., over U. S. Highway 122, (14) Hazelton, Pa., and Molino, Pa., over Pennsylvania Highways 443 and 895, (15) Kingston, Pa., and Baltimore, Md., over U. S. Highway 111, (16) Reidsville, N. C., and Winston-Salem, N. C., over U. S. Highway 153, and (17) Durham, N. C., and a point near Henderson, N. C., over U. S. Highway 158. RESTRICTION: Restricted to traffic moving under connecting authority to or from points south of the Virginia-North Carolina State line. Applicant is authorized to conduct irregular route operations in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, and Virginia.

No. MC 78785 Sub 209, filed July 23, 1956, PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Newport, Oreg., and Toledo, Oreg., from Newport over U. S. Highway 20 to Toledo, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California, Oregon, Arizona, and Nevada.

NOTE: Applicant holds authority under Permit Nos. MC 76787 and Subs thereof to perform certain contract carrier operations Section 210 (dual operations) may be involved.

No. MC 79577 Sub 28, filed July 23, 1956, OILFIELDS TRUCKING COMPANY, P. O. Box 751, Bakersfield, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Bakersfield, Calif., and points within 25 miles thereof on the one hand, and, on the other, points in the Los Angeles Harbor Commercial Zone for export. Applicant is authorized to conduct operations in California and Arizona.

No. MC 79577 Sub 29, filed July 23, 1956, OILFIELDS TRUCKING COMPANY, a corporation, P. O. Box 751, Bakersfield, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Chemicals, liquid fertilizers*, and *insecticides*, in bulk, in tank vehicles, between Fresno, Calif., and points within 20 miles thereof, and between Bakersfield, Calif. and points within 50 miles thereof on the one hand, and, on the other, points in Arizona and Nevada, and (2) *liquid fertilizers* in bulk, in tank vehicles, between points in Orange and Los Angeles Counties, Calif., on the one hand, and, on the other, points in Nevada.

No. MC 86423 Sub 2, filed July 23, 1956, CHARLES HINTON AND COMPANY, LIMITED, 939 Erie Street E., Windsor, Ontario, Canada. Applicant's representative: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, boilers, contractors' equipment and commodities*, the transportation of which because of size, weight or bulk, requires special handling or rigging or the use of special equipment (such as carry-all, winch or pole trailer equipment), between the port of entry on the international boundary line between the United States and Canada at Detroit, Mich., on the one hand, and, on the other, Detroit, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 96489 Sub 20, filed July 23, 1956, BOWEN TRUCKING, INC., Ridge Road, Holley, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials* and *supplies*, used in the manufacture and distribution of food products, from Harrison, Hoboken and Milford, N. J., to points in Orleans County, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. Applicant is authorized to conduct operations in Newark and Pennsylvania.

No. MC 98776 Sub 2, filed July 5, 1956, BARNETT ELDRIDGE, doing business as ELDRIDGE TRUCK LINE, Science Hill, Ky. Applicant's representative: Chat Chancellor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh meats, packing house products*, and *dairy products*, from Somerset, Ky., to points in Boyle, Breathitt, Clay, Estill, Garrard, Laurel, Lee, Leslie, Letcher, Lincoln, Madison, Morgan, Owsley, Perry, Pulaski, Rockcastle, and Whitley Counties, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

No. MC 101741 Sub 4, filed July 2, 1956, LEO E. THOMPSON, 3310 State Street, Boise, Idaho. Applicant's representative: Randall Wallis, 404 Idaho Building, Boise, Idaho. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, in bulk, in a seasonal operation between March 1st and October 31, inclusive, of each year, from railhead at Mountain Home, Idaho, and points within five (5) miles thereof, to Mountain Home Air Force Base, Idaho, and points within ten (10) miles thereof, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-named commodity on return.

No. MC 102376 Sub 18, filed July 16, 1956, ART BROCKMAN, INC., 12850 West Chicago Boulevard, Detroit, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Kentucky and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia.

No. MC 102376 Sub 19, filed July 16, 1956, ART BROCKMAN, INC., 12850 West Chicago Boulevard, Detroit, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment, between points in Michigan, Ohio, Indiana and Illinois, on the one hand, and, on the other, points in California. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia.

No. MC 103802 Sub 5, filed July 23, 1956, ALFRED E. FOSSMEYER, doing business as CHECKER EXPRESS LINES, 709 South 13th Street, Vincennes, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America, located near Newburgh in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Indiana and Missouri.

No. MC 105957 Sub 42, filed July 26, 1956, DELTA MOTOR LINE, INC., P. O. Box 8367, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Greenville, Miss., and Clarksdale, Miss., over Mississippi Highway 1. Applicant is authorized to conduct operations in Louisiana, Mississippi and Tennessee.

No. MC 106289 Sub 10, filed July 24, 1956, SKAGIT RIVER MOTOR LINES, INC., 441 Holgate Street, Seattle, Wash. Applicant's representative: Carl A. Jonson, 400 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those which because of size or weight require the use of special equipment*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities in bulk, between Concrete, Wash., and Upper Baker River Dam, Wash., located approximately 14 miles northeast of Concrete, one mile east of unnumbered highway between Concrete and Baker Lake, Wash. Service from Concrete over unnumbered Highway to Upper Baker River Dam and return over the same route. Applicant is authorized to conduct operations in Washington by virtue of Certificates No. MC 106289 and sub numbers thereunder.

No. MC 106603 Sub 46, filed July 13, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal, fish, and poultry feed*, in bulk and in combination with packaged feeds in truckloads, from Bloomington, Ill., to Detroit, Mich., and Traverse City, Mich., and points in that part of Michigan on and south of a line commencing at Ludington, Mich. and extending along U. S. Highway 10 to junction Michigan Highway 20 and thence along Michigan Highway 20 to Bay City, Mich., and on and west of a line beginning at Bay City and extending along U. S. Highway 23 to Flint, Mich., thence along Michigan Highway 78 to Lansing, Mich., and thence along U. S. Highway 127 to the Michigan-Ohio State line; (2) *insecticides, fungicides*, and *animal medicines*, in less-than-truckload lots, from Bloomington, Ill. to Detroit, Mich. and Traverse, Mich. and points in that part of Michigan described in (1) above; (3) *animal, fish, and poultry feed*, in bulk or in packages, from Bloomington, Ill. to points in the Lower Peninsula of Michigan north and east of a line beginning at Ludington, Mich. and extending along U. S. Highway 10 to junction Michigan Highway 20 and thence along Michigan Highway 20 to Bay City, Mich., and extending along U. S. Highway 23 to Flint, Mich., and thence along U. S. Highway 23 to the Michigan-Ohio State line, excepting Traverse City and Detroit, Mich.; (4) *insecticides, fungicides*, and *animal medicines*, in less-than-truckload lots, from Bloomington, Ill., to points in the Lower Peninsula of Michigan in the area described in (3) above, excepting Traverse and Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, and Ohio.

No. MC 107409 Sub 10 (amended), published on page 5603 issue of July 25, 1956, filed July 5, 1956, RATLIFF AND RATLIFF, INC., P. O. Box 399, Wadesboro, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood* and *wood boxes*, from points in Anson, Richmond, Union, Mecklenburg, Stanley, Cabarrus, Rowan, Randolph, Moore, Montgomery, Hoke, Robeson and Scotland Counties, N. C., and points in Lancaster, Kershaw, Chesterfield, Darlington and Marlboro Counties, S. C., to points in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, West Virginia, North Carolina, Florida, Georgia, and Ohio. Applicant is authorized to conduct operations in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, and West Virginia.

No. MC 107825 Sub 1, filed July 23, 1956, WOODROW KNOLLINGER, doing business as MIDDLE CREEK GARAGE, National Road, Triadelphia, W. Va. Applicant's representative: Clarence I. Schafer, 1305 Eoff Street, Wheeling, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in towaway service, between points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that it is proposed to tow mobile house trailers that are in use and occupied as and for a home, office, laboratory, the storing of instruments, supplies and tools of all kinds, or as a house for pets or animals of all kinds, and that the trailers will be occupied by human beings while being towed or in motion.

No. MC 108380 Sub 43, filed July 26, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo. Applicant's representative: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Billings and Laurel, Mont., to points in South Dakota. Applicant is authorized to conduct operations in Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

No. MC 108449 Sub 38, filed July 26, 1956, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's representative: J. E. Franke, 1947 West County Road "C", St. Paul 13, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Powdered alum*, in bulk, in hopper-type vehicles, from East St. Louis, Ill. to points in Minnesota; *hydrofluosilicic acid*, in bulk, in tank vehicles, from Lansing, Mich., and Mason City, Iowa, and Perry, Iowa, to points in Minnesota.

No. MC 108586 Sub 40, filed June 22, 1956, STEFFKE FREIGHT CO., a Corporation, Box 990, Wausau, Wis. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Eau Claire, Wis., and junction U. S. Highway 10 and Wisconsin Highway 13, from Eau Claire over U. S. Highway 12 to junction U. S. Highway 10, thence over U. S. Highway 10 to junction Wisconsin Highway 13, and return over the same route, serving no intermediate points, and serving junction U. S. Highway 10 and Wisconsin Highway 13 for joinder only, as an alternate route, for operating convenience only, in connection with operations between (a) Eau Claire and Wausau, Wis., which is a portion of regular routes between Minneapolis, Minn., and Chicago, Ill., authorized to be leased from Albrent Freight and Storage Corp., under MC–F 6052; (b) carrier's regular route operations between Wausau and Marshfield, Wis., and Wisconsin Rapids and Marshfield, Wis., and (2) between St. Paul, Minn., and junction U. S. Highways 8 and 51 and junction Wisconsin Highway 91 and U. S. Highway 51, from St. Paul over U. S. Highway 61 to junction U. S. Highway 8, thence over U. S. Highway 8 to junction U. S. Highway 51 (also from junction U. S. Highway 8 and Wisconsin Highway 91 over Wisconsin Highway 91 to junction U. S. Highway 51), and return over the same routes, serving no intermediate points, but serving junction U. S. Highways 8 and 51, and junction Wisconsin Highway 91 and U. S. Highway 51 for joinder only, as an alternate route, for operating convenience only, in connection with operations between (a) St. Paul, Minn., and Wausau, Wis., which is a portion of regular routes between Minneapolis, Minn., and Chicago, Ill., authorized to be leased from Albrent Freight and Storage Corp., under MC–F 6052, (b) Wausau, Wis., and junction Vilas County Truck K, authorizes to be leased from Albrent Freight and Storage Corp., under MC–F 6052 and (c) carrier's regular route operations between Wausau, and Antigo, Wis.

NOTE: By application filed August 16, 1955, authority is sought under section 5 of the Interstate Commerce Act for Steffke Freight Co., a Corporation, to purchase, among other things, the assets and operating rights of Albrent Freight & Storage Corp., of Wausau, Wis.

No. MC 109136 Sub 11, filed July 26, 1956, THE ORIOLE TERMINAL & TRANSPORTATION CO., a corporation, 6301 Quad Avenue, Baltimore 5, Md. Applicant's representative: Dale C. Dillon, Suite 944, Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquified chlorine*, in one-ton containers, from the Army Chemical Center near Edgewood, Md., to Delaware City, Del. and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

No. MC 109259 Sub 1, filed July 23, 1956, STANDARD TRANSFER AND STORAGE, INC., Fourth and Bryant Streets, NE., Washington 2, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Rockville, Md., as an off-route point in connection with applicant's authorized regular route operations to and from Washington, D. C. Applicant is authorized to conduct operations in Maryland and the Washington, D. C., commercial zone, as defined by the Commission.

No. MC 110325 Sub 12, filed July 23, 1956, TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. Applicant's representative: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission and commodities requiring special equipment, serving (1) the junction of U. S. Highways 24 and 36, at or near Monroe City, Mo.; (2) junction of U. S. Highways 51 and 6, at or near La Salle, Ill.; (3) junction of U. S. Highway 51 and Illinois Highway 17, at or near Wenona, Ill.; (4) junction of U. S. Highway 66 and Illinois Highway 17, at or near Dwight, Ill.; (5) junction of U. S. Highways 6 and 66, south of Birds, Ill.; (6) junction of U. S. Highway 6 and Alternate U. S. Highway 66, at or near Joliet, Ill.; and (7) junction of U. S. Highways 66 and 24, at or near Chenoa, Ill., without restrictions and for the purposes of joinder only, in connection with applicant's authorized regular route operations between Kansas City, Mo., and Chicago and Harvey, Ill.; between Kingdom City, Mo., and Chicago, Ill.; between Wenona, Ill., and Dwight, Ill.; between St. Joseph, Mo., and Concordia, Kans.; and between El Paso, Ill., and Huntington, Ind. Applicant is authorized to conduct operations in California, Illinois, Indiana, Kansas, Missouri New Mexico and Oklahoma.

No. MC 110525 Sub 314, filed July 25, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Gerald L. Phelps, Dow, Lohnes and Albertson, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products* and *acids* and *chemicals*, in bulk, in tank vehicles (except acids and chemicals as defined in MC 50404 Sub 15, Maxwell Company Extension—Addyston, decided June 30, 1955, from Niagara Falls and North Tonawanda, N. Y.; and except anhydrous ammonia from Niagara Falls), from points in the States of New York, to the United States–Canadian International Boundary Line at ports of entry on the Niagara River. RESTRICTION: Applied-for authority to be restricted to shipments destined to points in Canada. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 111069 Sub 13, filed July 23, 1956, COLDWAY CARRIERS, INC., State Highway No. 62, Clarksville, Ind. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Louisville, Ky., to points in Alabama, Delaware, Georgia, Massachusetts, North Carolina and South Carolina. Applicant is authorized to conduct operations in Kentucky, Florida, Massachusetts, New Jersey, New York, Maryland, and Pennsylvania.

No. MC 111069 Sub 14, filed July 26, 1956, COLDWAY CARRIERS, INC., State Highway No. 2, P. O. Box 38, Clarksville, Ind. Applicant's representative: Ollie Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prepared dough*, from Downingtown, Pa., to Atlanta, Ga., and Louisville, Ky. Applicant is authorized to conduct operations in all states except the states of New Hampshire, Vermont, North Dakota, South Dakota, Nebraska, New Mexico, Colorado, Wyoming, Montana, Arizona, Idaho, Utah, California, Nevada, Washington, Oklahoma, Oregon, and Maine.

No. MC 111956 Sub 2, filed July 26, 1956, SUWAK TRUCKING COMPANY, a Corporation, 1105-1115 Fayette Street, Washington, Pa. Applicant's representative: William S. Yard, Washington Trust Building, Washington, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Stamping Plant at the village of Twinsburg, Ohio, as an intermediate point in connection with applicant's authorized regular route operations between Washington, Pa., and Cleveland, Ohio. Applicant is authorized to conduct operations in Pennsylvania, Ohio, and West Virginia.

No. MC 112497 Sub 56, filed July 23, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street (P. O. Box 3096, Istrouma Branch), Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Baton Rouge, La., to Gulfport, Miss. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee.

No. MC 112617 Sub 24, filed July 24, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's representative: Gerald L. Phelps and John R. Sims, Jr., Muncy Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Dayton, Ohio to Louisville, Ky., and (2) from Marcus Hook, Pa., to Dayton, Ohio, and Louisville, Ky. Applicant is authorized to conduct operations in Kentucky and Tennessee.

No. MC 112713 Sub 62, filed July 25, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Marshall, Mich., and Effingham, Ill., from Marshall over U. S. Highway 27 to Ft. Wayne, Ind., thence over U. S. Highway 24 to Huntington, Ind., thence over Indiana Highway 37 to Indianapolis, Ind., thence over U. S. Highway 40 to Effingham, and return over the same route, serving no intermediate points, and with service at termini for joinder only, and as an alternate route for operating convenience. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, and Michigan.

No. MC 112713 Sub 63, filed July 25, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America located near Yankeetown, in Warrick County, Ind., as an off-route point in connection with applicant's regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, and Michigan.

No. MC 112854 Sub 13, filed July 24, 1956, PETER HOLLEBRAND, Macedon Road, Ontario Center, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, in refrigerated equipment, (other than frozen fruits and vegetables, frozen fruit and vegetable juices and frozen purees), from, Brockport, Holley, and Morton, N. Y. to Arlington, Bristol, Charlottesville, Crozet, Danville, Front Royal, Lexington, Lynchburg, Norfolk, Quantico, Richmond, Roanoke, Salem, Smithfield, Staunton, Suffolk, Williamsburg and Winchester, Va. (2) *Frozen foods*, in refrigerated equipment, (other than frozen fruits and vegetables) from Rochester, N. Y., to Arlington, Norfolk, Quantico, Richmond, Suffolk and Williamsburg, Va. (3) *Frozen foods*, in refrigerated equipment, (other than frozen vegetables) from Rochester, N. Y., to Roanoke, Va. (4) *Frozen foods*, in refrigerated equipment, from Rochester, N. Y., to Bristol, Charlottesville, Crozet, Danville, Front Royal, Lexington, Lynchburg, Salem, Smithfield, Staunton, and Winchester, Va. (5) *Frozen foods*, in refrigerated equipment, (other than frozen fruits, frozen fruit juices, frozen fruit purees, and frozen vegetables), from Fairport and Webster, N. Y., to Arlington, Norfolk, Quantico, Richmond, Roanoke and Suffolk, Va. (6) *Frozen foods*, in refrigerated equipment, (other than frozen vegetables), from Fairport and Webster, N. Y. to Williamsburg, Va. (7) *Frozen foods*, in refrigerated equipment, (other than frozen fruits, frozen fruit juices, frozen fruit purees, from Fairport and Webster, N. Y. to Bristol, Charlottesville, Crozet, Danville, Front Royal, Lexington, Lynchburg, Salem, Smithfield, Staunton and Winchester, Va. Applicant is authorized to conduct operations in New York and Virginia.

No. MC 113300 Sub 1, filed June 20, 1956, GLEN E. BUCHANAN, an individual, R. F. D. No. 3, Marietta, Ohio. Applicant's representative: Clarence I. Schafer, 1305 Eoff Street, Wheeling, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, such as are transported in dump trucks and which can be unloaded by dumping, between points in Washington County, Ohio, on the one hand, and, on the other, points in Harrison, Jackson, Pleasants, Wetzel, Wood, Mason, Roane, Ritchie, Calhoun, Tyler, Marshall, Doddridge, Wirt, and Gilmer Counties, W. Va. Applicant is authorized to conduct operations in Ohio and West Virginia.

No. MC 114897 Sub 2, filed July 23, 1956, WHITFIELD TANK LINES, INC., 240 West Amador, Las Cruces, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, fertilizers*, and *fertilizer solutions*, from Curtiss, Ariz. and points within ten (10) miles of Curtiss to points in Texas, New Mexico, Colorado, Utah, and Nevada.

No. MC 115847, filed March 1, 1956, JOHN W. MALLERY, doing business as NIXON TRANSFER & WAREHOUSE CO., 30 West 10th Street, Anniston, Ala. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Household goods*, between Anniston, Ala., and points in Georgia.

No. MC 115957 Sub 1, filed July 26, 1956, JERRY N. NEISLER, doing business as NEISLER TRUCKING SERVICE, Boswell Avenue, Lexington, Tenn. Applicant's representatives: Murray & Murray, 209E, Baltimore Street, Jackson, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Untreated wooden cross ties*, from points in Decatur, Montgomery and Perry Counties, Tenn., to Brockport, Ill.; and from points in Stewart, Houston, Perry, Decatur and Montgomery Counties, Tenn., to Carbondale, Ill.

No. MC 115990, filed May 11, 1956, J. FRANK BRASHER, 3403 South State Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Continental Bank Building, Salt Lake

City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *New and used automobiles*, in truckaway service, between points in Davis, Salt Lake, Weber, Cache, Utah and Juab Counties, Utah, on the one hand, and, on the other, points in Nebraska, Colorado, Idaho, Montana, Nevada, Arizona, Wyoming, and New Mexico.

No. MC 115999 Sub 1, filed July 25, 1956, DAVIS BROS. MOTOR TRANSPORT, INC., 656 Hamphill Avenue NW., Atlanta, Ga. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, rough and dressed, and *posts*, treated and untreated, from points in Georgia located on and south of U. S. Highway 78 to points in Florida.

No. MC 116020, filed May 31, 1956, SIDNEY TENNANT, Orion, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm equipment and parts thereof*, from Coldwater, Ohio, to points in Bureau, Henry, Marshall, Peoria, Rock Island, Stark, and Woodford Counties, Ill.

No. MC 116078 (Amended), filed June 27, 1956, published in the July 11, 1956 issue, page 5154, WILLIAM J. LYLE AND JOHN LYLE, doing business as LYLE BROTHERS AUTO PARTS COMPANY, 301 First Avenue, East, Duluth, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled motor vehicles and tractors* for replacement of wrecked or disabled tractors, in truckaway service, between Duluth, Minn. and points in Cook, Lake St. Louis, Carlton, Aitkin, and Itasca Counties, Minn., on the one hand, and, on the other, points in Wisconsin and Michigan.

No. MC 116100, filed July 12, 1956, WILFRED A. LaBOUBE, Berger, Mo. Applicant's representative: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Animal feed and poultry feed* and *agricultural fertilizer*, from National City, Ill., to Berger, Mo., from National City over Illinois Highway 3 to East St. Louis, thence over City Highway 66 through East St. Louis, Ill., and St. Louis, Mo. to junction U. S. Highway 66, thence over U. S. Highway 66 to junction Missouri Highway 100, thence over Missouri Highway 100 to junction Missouri Highway Z, thence over Missouri Highway Z to Berger, serving the intermediate points of East St. Louis, Ill., and Detmold, Mo.

No. MC 116112, filed July 20, 1956, THURMAN'S GARAGE, INC., P. O. Box 1146, Beckley, W. Va. Applicant's representative: J. A. Bibby, Jr., Suite 406 Security Building, Charleston, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Beckley, Rainelle and East Rainelle, W. Va., and *empty containers or other such incidental facilities* (not specified), on return.

No. MC 116119, filed July 23, 1956, JOHN HARRIS, doing business as HOGAN'S TRANSFER, 7 Third Street, Elkins, W. Va. Applicant's representative: Bonn Brown, Elkins, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Beer*, from Cleveland, Ohio, and Baltimore and Oakland, Md., to Elkins, W. Va. *Empty containers or other such incidental facilities* used in transporting the commodity specified, on return. Applicant has common carrier authority to transport household goods in West Virginia, Maryland, Ohio, Pennsylvania, Virginia, the District of Columbia, New Jersey, New York, North Carolina, South Carolina, Delaware, and Michigan in Certificates MC 106002 and Sub–1.

No. MC 116123, filed July 23, 1956, JERRY LIPPS, 1100 North Spanish, Cape Girardeau, Mo. Applicant's representative: Henry Andrae, Central Trust Building, Jefferson City, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel casing* and *iron and steel pipe* for water wells and oil wells, from St. Louis and Louisiana, Mo., and Flora, Centralia and Carlinville, Ill., to points in Mississippi, Alabama, Georgia, and Florida.

No. MC 116125, filed July 24, 1956, JAMES M. CRAIN, doing business as JIM CRAIN'S HOUSE TRAILER REPAIR, Taylors, S. C. Applicant's representative: William P. Donelan, 500 Security Federal Building, 1233 Washington Street, Columbia, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* or *house trailers*, between points in South Carolina, on the one hand, and, on the other, points in the United States.

No. MC 116132, filed July 26, 1956, NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay Street, Columbus 15, Ohio. Applicant's representative: Charles H. Ayers, 736 B. F. Keith Building, Cleveland 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, between Columbia Park, Ohio and points in Kentucky and Indiana.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 202, filed July 17, 1956. PUBLIC SERVICE COORDINATED TRANSPORT, A Corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Law Department Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, during racing seasons, (1) from Camden, N. J., and points along the Black Horse Pike to New Jersey Turnpike Interchange No. 3 at Runnymede, N. J., New Jersey Turnpike, and return; and (2) between Camden, N. J., and points along U. S. Highway 130 to the Delaware Memorial Bridge in Lower Penns Neck Township, N. J., on the one hand, and, on the other, Delaware Park Race Track at Stanton, Del., and Pimlico Race Track at Baltimore, Md.

No. MC 29890 Sub 17, filed July 23, 1956, ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N. J. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in seasonal operation from May 1 to September 30 of each year, between Fort Lee, N. J., and Asbury Park, N. J.: From a point on applicant's present route at junction New Jersey Highway 4 and U. S. Highway 46 in Fort Lee over U. S. Highway 46 to junction with New Jersey Turnpike in Ridgefield Park, N. J., thence over New Jersey Turnpike to junction with U. S. Highway 9 in Woodbridge, N. J., thence over U. S. Highway 9 to junction with Garden State Parkway in Woodbridge, thence over Garden State Parkway to junction with Asbury Avenue in New Shrewsbury, N. J., and thence over Asbury Avenue to Asbury Park, N. J., and return over the same route, serving no intermediate points, traffic over this route from points on applicant's present routes in New York, N. Y., restricted to the Borough of Manhattan north of 165th Street and to the Borough of the Bronx.

NOTE: Applicant now operates with closed doors over that part of the above-described route between junction U. S. Highway 46 and Grand Avenue in Palisades Park, N. J., and junction New Jersey Turnpike with State Highway 3 in Secaucus, N. J. Applicant does not seek through this application any duplication of its present authority. Applicant is authorized to conduct operations in New York and New Jersey.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F 5724, published in the August 18, 1954, issue of the FEDERAL REGISTER on page 5249. Amendment filed July 26, 1956, to show application as one for control and merger by HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va., of the operating rights and property of ELLIOTT BROTHERS TRUCKING COMPANY, INC., in lieu of control by CLETUS HOUFF, and for acquisition by CLETUS HOUFF of control of such rights and property through the transaction.

No. MC–F 6350 (correction) published in the August 1, 1956, issue of the FEDERAL REGISTER on page 5768. The name of the vendor should have been shown as DAVID S. WENGER, (JAMES P. COHO, TRUSTEE), rather than as DAVID S. VENGER, (JAMES P. COHO, TRUSTEE).

No. MC–F 6353. Authority sought for purchase by DVL COMPANY, Post Office Box 188, Paramount, Calif., of the operating rights and property of C. B. BOYDSTON AND J. C. HILTON, doing business as B & H TRANSFER AND STORAGE, 1405 Avenue A, Lubbock, Texas, and the operating rights and property of DEAN VAN LINES, INC., 7750 E. Monroe, P. O. Box 188, Paramount, Calif., and for acquisition by A. E. DEAN, Palos Verdes Estates, Calif., C. B. BOYDSTON, and J. C. HILTON, both of Lubbock, of control of such rights and property through the purchase. Applicants' representatives: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill., and W. D. Benson, Jr., 817 Lubbock National Bldg., Lubbock, Texas. Operating rights sought to be transferred: (B & H TRANSFER AND STORAGE) *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nevada, Oklahoma, Texas, and Utah; (Dean Van Lines, Inc.) *household goods*, as defined by the Commission, as a *common carrier* over irregular routes, from, to and between points and areas in all states in the United States and the District of Columbia, except Arizona and Nevada. Vendee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6354. Authority sought for control by SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, of THE LIBERTY HIGHWAY COMPANY, 211 Lucas Street, Toledo, Ohio, and for acquisition by JAMES R. RILEY, also of Columbus, of control of THE LIBERTY HIGHWAY COMPANY through the acquisition by SUBURBAN MOTOR FREIGHT, INC. Applicant's representatives: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio, and Robert N. Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be controlled: *General commodities*, except Class A and B explosives and except household goods, as defined by the Commission, as a *common carrier* over regular routes including routes between Chicago, Ill., and Cleveland, Ohio, Detroit, Mich., Waukegan, Ill., between Elkhart, Ind., and Bristol, Ind., between South Bend, Ind., and Cassapolis, Mich., between Bryan, Ohio, and Lansing, Mich., between Detroit, Mich., and Flint, Mich., and between Norwalk, Ohio, and Akron, Ohio, serving all intermediate and certain off-route points; three alternate routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, and those in Wayne County, Mich., on the one hand, and, on the other, certain points in Ohio; *glass*, and *glass products*, and *materials, supplies*, and *machinery* used or useful in the manufacture of glass and glass products, between Ottawa, Ill., and points within five miles of Ottawa, on the one hand, and, on the other, Toledo, Ohio, and points within ten miles of Toledo. SUBURBAN MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, West Virginia, Michigan, and Missouri. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6355. Authority sought for purchase by SECURITY STORAGE & VAN COMPANY, INC., 533 City Park Avenue, New Orleans, La., of a portion of the operating rights of W. W. JARMON, doing business as JARMON VAN LINES, P. O. Box 1109, Wichita Falls, Texas. Applicant's representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Texas. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Electra, Tex., and points within 15 miles of Electra, on the one hand, and, on the other, points in Oklahoma and New Mexico. Vendee is authorized to operate in Louisiana, Mississippi, Tennessee, Arkansas, Georgia, Florida, Missouri, Illinois, Alabama, Texas, South Carclina, North Carolina, Virginia, Maryland, New Jersey, New York, Oklahoma, Arizona, California, Oregon, Washington and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6356. Authority sought for purchase by ARROW CARRIER CORPORATION, Park Street and Getty Avenue, Paterson, N. J., of the operating rights of RUDOLPH FREIGHT LINES, INC., 4450 Rising Sun Avenue, Philadelphia, Pa., and for acquisition by J. E. ACKERMAN, R. J. ACKERMAN, SHIRLEY A. DOHERTY AND R. S. DOHERTY, all of Paterson, of control of such rights and property through the purchase. Applicants' representative: Robert H. Griswold, Commerce Building, P. O. Box 452, Harrisburg, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between Philadelphia, Pa., and New York, N. Y., serving all intermediate points; *general commodities*, with certain exceptions including household goods, over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points within 15 miles of Philadelphia; *paper* and *paper products*, from Philadelphia, Pa., to Wilmington, Del. Vendee is authorized to operate in New York, Pennsylvania and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6357. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and property of J. L. NAYLOR, doing business as EL PASO-PECOS VALLEY TRUCK LINES, 151 North Lee Street, El Paso, Texas, and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicants' representative: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Roswell, N. Mex., and the site of the United States Army Air School (approximately five miles south of Roswell), between El Paso, Tex., and Vaughn, N. Mex., between San Antonio, N. Mex., and Carrizozo, N. Mex., between junction U. S. Highways 54 and 70 and the site of Alamogordo Army Air Field, located approximately ten miles west of Alamogordo, N. Mex., between Orogrande, N. Mex., and the site of the White Sands Proving Grounds, N. Mex., and between Alamogordo, N. Mex., and the site of the White Sands Proving Grounds, N. Mex., serving certain intermediate and off-route points; alternate route for operating convenience only between junction unnumbered highway and U. S. Highway 54, approximately four miles north of El Paso, Tex., on the one hand, and, on the other, the site of the White Sands Proving Grounds; *general commodities*, with certain exceptions not including household goods, between El Paso, Tex., and Roswell, N. Mex., and between El Paso, Tex., and Artesia, N. Mex., serving all intermediate and certain off-route points; *dangerous explosives* and *other dangerous articles* (Classes A, B, and C), over regular routes including routes between El Paso, Tex., and Roswell and Artesia, N. Mex., between Roswell, N. Mex., and the site of Walker Army Air Force Base, approximately five miles south of Roswell, N. Mex., between Tularosa, N. Mex., and Vaughn, N. Mex., and between Orogrande, N. Mex., and the site of White Sands Proving Grounds, N. Mex., serving certain intermediate and off-route points. Vendee is authorized to operate in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa, Nevada and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6358. Authority sought for purchase by EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind., of a portion of the operating rights of GARO TRANSPORTATION CO., 37 Progress Street, Union, N. J., and for acquisition by WILSON M. HOUSE, also of Terre Haute, of control of such rights through the purchase. Applicants' representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes between Union, N. J., on the one hand, and, on the other, points in New Jersey within 50 miles of Union. Vendee is authorized to operate as a *common carrier* in Illinois, Ohio, Pennsylvania, New York, New Jersey, Missouri, Indiana, Maryland, West Virginia, Kentucky and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6359. Authority sought for control by W. C. HUDLOW, JR., 1116 Market Street, Chattanooga, Tenn., of GENERAL TRANSPORT, INC., 631 Second Avenue South, Nashville, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights applied for by GENERAL TRANSPORT, INC., and sought to be controlled: *Buttermilk, condensed whole milk, condensed skim milk*, and *ice cream mix*, in bulk, in tank vehicles as a *contract carrier* over irregular routes, between Chattanooga, Tenn., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin. Applicant holds no authority from this Commission but is affiliated with ARROW TRANSFER & STORAGE

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CO. and ARROW EXPRESS CORPORATION, which are authorized to operate as *common carriers*, in Tennessee, Alabama, Kentucky, Georgia, North Carolina, South Carolina, Virginia and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6360. Authority sought for control by VIRGINIA STAGE LINES, INCORPORATED, 401 East Water Street, Charlottesville, Va., of ALLENTOWN AND READING TRANSIT COMPANY, 401 East Water Street, Charlottesville, Va., and for acquisition by SAMUEL A. JESSUP and CLAUDE A. JESSUP, both of Charlottesville, of control of ALLENTOWN AND READING TRANSIT COMPANY through the acquisition by VIRGINIA STAGE LINES, INCORPORATED. Applicant's representative: James E. Wilson, 1012 14th Street NW., Washington, D. C. Operating rights applied for by ALLENTOWN AND READING TRANSIT COMPANY and sought to be controlled: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, as a *common carrier* over regular routes between Allentown, Pa., and Reading, Pa., serving all intermediate and certain off-route points. VIRGINIA STAGE LINES, INCORPORATED, is authorized to operate as a *common carrier* in Virginia, North Carolina and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–6387; Filed, Aug. 7, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32464: *Superphosphate—South Atlantic and Virginia Ports to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), and fertilizer compounds, noibn, dry, carloads, from Charleston, S. C., Norfolk and Newport News, Va., to specified points in North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 35 to Agent Spaninger's I. C. C. 1510.

FSA No. 32465: *Canned or preserved foodstuffs to Official Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from specified points in states in western trunkline territory to and including Colorado and Wyoming to specified points in states in central, trunkline and New England territories.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. A–4168.

FSA No. 32466: *Coal—Cymbling Branch, Ala., to Florida and Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from Cymbling Branch, Ala., on the Federal Barge Line, Inc., to Atlanta, Ga., and Chattahoochee, Fla.

Grounds for relief: Circuitous route.

Tariffs: Supplement 23 to Central of Georgia Ry. Tariff I. C. C. 3297 and two other tariffs.

FSA No. 32467: *Superphosphate—South to Akron, Iowa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate, carloads from specified points in southern territory to Akron, Iowa.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 18 to Agent Spaninger's I. C. C. 1522.

FSA No. 32468: *Commodities from or to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, carloads and various other commodities described in exhibit A of the application from points in the Southwest, or to points in the Southwest to points in official and southern territories or from points in those territories.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–6385; Filed, Aug. 7, 1956; 8:47 a. m.]

[I. C. C. S. O. 911, Taylor's Car Distribution Order 2, Amdt. 1]

RAILROADS SERVING PORTS WHERE ORE IS TRANSFERRED FROM VESSELS TO CARS

ISSUANCE AND REVOCATION OF PERMITS

Pursuant to authority vested in me by paragraph (a) (8) of I. C. C. Service Order No. 911:

It is ordered, That Taylor's Car Distribution Order No. 2 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., August 10, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., July 31, 1956, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 31, 1956.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56–6386; Filed, Aug. 7, 1956; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
AUG 13 1956
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VOLUME 21 NUMBER 154

Washington, Thursday, August 9, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended in 21 F. R. 5205 and 21 F. R. 5685, are hereby further amended as follows:

1. Paragraphs (b) and (c) of § 485.110 are amended by deleting the date "July 20, 1956" wherever it appears and inserting in lieu thereof the date "July 27, 1956."

2. Paragraph (b) of § 485.111 is amended by deleting the date "July 31, 1956" in the first sentence and inserting in lieu thereof the date "August 3, 1956."

3. Paragraphs (c) and (d) of § 485.112 are amended to read as follows:

(c) No crop shall be planted on the acreage reserve after the agreement is signed and prior to January 1, 1957, except that:

(1) Crops approved by the county committee for protective cover may be planted on the acreage reserve: *Provided*, That if a crop approved for protective cover is one which would mature as grain or seed in 1956 such crop must be plowed under or otherwise physically incorporated into the soil, clipped, mowed or cut to prevent maturing, except that a grass or legume need not be disposed of unless it is one which, if left standing on the acreage reserve, would be in such condition that it could be harvested after December 31, 1956. Disposition of grain or seed crops, other than grasses and legumes, must be accomplished not later than a date fixed by the State Committee, which date shall not be later than thirty days before harvest of the crop begins in the area. Disposition of grasses and legumes must be accomplished not later than November 30, 1956. Information as to the approved cover crops which must be disposed of as provided above, and the final date fixed for the area for disposition of grain and seed crops other than grasses and legumes, may be obtained from the county committee.

(2) Crops may be planted on the acreage reserve for harvest during 1957 or later in areas where such crops would normally be planted in the fall of 1956 for such later harvest.

(d) In the event that, at the time the agreement is executed, there is growing on the acreage reserve any crop, such crop must be plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing: *Provided*, That the foregoing shall not apply to (1) an approved cover crop which need not be disposed of under the provisions of paragraph (c) of this section, or (2) crops which require more than one season to reach maturity and which cannot be harvested in 1956. In the case of one of the eligible commodities, the crop must be disposed of not later than the date provided for in § 485.111. In the case of approved cover crops which must be disposed of, the disposition must be accomplished not later than the date indicated in paragraph (c) of this section. In the case of other crops, disposal must be accomplished on or before the date fixed by the State Committee which shall be not later than 15 days before harvest of the crop begins in the area, except that the date fixed shall not be earlier than July 27, 1956, or later than August 3, 1956. Information as to the date fixed for the area may be obtained from the county committee.

4. Appendix 1 to the regulations is amended by adding a base unit rate of $1.13 for wheat in Teller County, Colorado.

(Sec. 124, Public Law 540, 84th Cong.)

Issued at Washington, D. C., this 6th day of August 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 56–6440; Filed, Aug. 8, 1956; 8:49 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby amended, revised and reissued for the operation of

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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a Special Milk Program for Children pursuant to the authority contained in section 201 (c) of the Agricultural Act of 1949, as amended by Public Law 752, 84th Congress, approved July 20, 1956.

Sec.
502.200 General purpose and scope.
502.201 Administration.
502.202 Advance of funds to State agencies.
502.203 Accounting for program funds by State agencies.
502.204 Use of funds.
502.205 Agreements between CCC and State agencies.
502.206 Agreements between State agencies and schools and child-care institutions.
502.207 Agreements between CCC and private schools and child-care institutions.
502.208 Reimbursement.
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502.210 Effective dates for reimbursement.
502.211 Administrative analyses and audits.
502.212 State agency reports and records.
502.213 Investigations.
502.214 Overclaims.
502.215 Definitions.
502.216 Miscellaneous provisions.
502.217 Program information.

AUTHORITY: §§ 502.200 to 502.217 issued under sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interpret or apply sec. 201, 63 Stat. 1052, as amended, 70 Stat. 596; 7 U. S. C. 1446.

§ 502.200 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operaton of the Special Milk Program under section 201 (c) of the Agricultural Act of 1949, as amended, and sets forth the general requirements for participation in the program. The pertinent part of 201 (c), as amended, reads as follows:

• • • for each of the two fiscal years in the period beginning July 1, 1956, and ending June 30, 1958, not to exceed $75,000,000, of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children in (1) nonprofit schools of high-school grade and under; and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

§ 502.201 *Administration.* (a) Within the United States Department of Agriculture, the Agricultural Marketing Service (hereinafter referred to as AMS) shall act for and on behalf of the Commodity Credit Corporation (hereinafter referred to as CCC) in connection with the operation of this program. Within AMS, and under the general supervision of the Administrator of AMS, the Food Distribution Division (hereinafter referred to as FDD–AMS) shall be responsible for program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this program in schools and child-care institutions within the States shall be in the respective educational agency of the State: *Provided, however,* That another agency of the State upon request by an appropriate State official, may be approved by FDD–AMS to administer the program in child-care institutions.

(c) FDD–AMS shall administer the program in any class of schools (hereinafter referred to as private schools) and in child-care institutions in which the program is not administered by the State.

§ 502.202 *Advance of funds to State agencies.* (a) For each Federal fiscal year FDD–AMS shall initially reserve for advance to a State educational agency entering into agreement with CCC an amount equal to 115 percent of the expenditures of that agency under the program in the Federal fiscal year ending June 30, 1956. Expenditures in that year shall be determined by FDD–AMS on the basis of the latest information available to FDD–AMS at the time the initial annual reserve for each State is developed.

(b) This initial reserve shall be advanced to the State educational agency on a quarterly basis. FDD–AMS reserves the right to request any State educational agency to justify its need for any scheduled quarterly payment prior to its advancement. In the event that a State educational agency does not justify the need for the full amount of any scheduled quarterly payment, FDD–AMS shall withhold from such payment the amount determined to be in excess of program needs.

(c) In the event that a State educational agency justifies the need for funds in excess of the amount of its initial reserve, additional funds shall be made available, at such times as needed, up to an amount that will provide a total payment for the year equal to 130 percent of its expenditures in the Federal fiscal year ending June 30, 1956. Any needed funds in excess of 130 percent of its expenditures in that Federal fiscal year, when justified, will be provided to the extent funds are available for such purpose.

(d) For each Federal fiscal year FDD–AMS shall initially reserve for advance to a State agency, other than the State educational agency, entering into an agreement with CCC an amount equal to one hundred dollars for each one thousand children between the ages of 5 and 17 years residing in the State. This initial reserve shall be advanced quarterly to such State agency in an amount estimated to meet anticipated quarterly reimbursement obligations. In the event that such State agency justifies the need for funds in excess of its initial annual reserve, such funds will be provided to the extent funds are available for such purpose.

(e) Following the close of the Federal fiscal year, any funds advanced under this program to an educational or other agency of a State that remain unobligated under the program shall be returned to AMS within 30 days after a demand is made by FDD–AMS. The State shall also pay to AMS any interest paid or credited to it by reason of the deposit of any funds advanced to it under this program.

§ 502.203 *Accounting for program funds by State agencies.* Each State agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this program shall be used to encourage the increased consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State agencies.* CCC shall enter into written agreements with State agencies for the administration of the program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State agency is assuming responsibility.

§ 502.206 *Agreements between State agencies and schools and child-care institutions.* State agencies shall enter into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD–AMS will administer the program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program. The maximum rate of reimbursement shall be 4 cents per half pint for schools serving Type A or Type B meals under the National School Lunch Program. For all other schools and for child-care institutions, the maximum reimbursement rate shall be 3 cents per half pint.

(b) Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) In child-care institutions, and in schools operating a food service outside the National School Lunch Program or serving more than one meal a day, a portion of the milk served to children may be excluded from reimbursement if such action is deemed advisable in order to encourage the continued expansion of the service of complete school lunches or to accomplish the objectives of this program.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk

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a Special Milk Program for Children pursuant to the authority contained in section 201 (c) of the Agricultural Act of 1949, as amended by Public Law 752, 84th Congress, approved July 20, 1956.

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(b) To the extent practicable and permissible under State law, responsibility for the administration of this program in schools and child-care institutions within the States shall be in the respective educational agency of the State: *Provided, however,* That another agency of the State upon request by an appropriate State official, may be approved by FDD–AMS to administer the program in child-care institutions.

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(b) This initial reserve shall be advanced to the State educational agency on a quarterly basis. FDD–AMS reserves the right to request any State educational agency to justify its need for any scheduled quarterly payment prior to its advancement. In the event that a State educational agency does not justify the need for the full amount of any scheduled quarterly payment, FDD–AMS shall withhold from such payment the amount determined to be in excess of program needs.

(c) In the event that a State educational agency justifies the need for funds in excess of the amount of its initial reserve, additional funds shall be made available, at such times as needed, up to an amount that will provide a total payment for the year equal to 130 percent of its expenditures in the Federal fiscal year ending June 30, 1956. Any needed funds in excess of 130 percent of its expenditures in that Federal fiscal year, when justified, will be provided to the extent funds are available for such purpose.

(d) For each Federal fiscal year FDD–AMS shall initially reserve for advance to a State agency, other than the State educational agency, entering into an agreement with CCC an amount equal to one hundred dollars for each one thousand children between the ages of 5 and 17 years residing in the State. This initial reserve shall be advanced quarterly to such State agency in an amount estimated to meet anticipated quarterly reimbursement obligations. In the event that such State agency justifies the need for funds in excess of its initial annual reserve, such funds will be provided to the extent funds are available for such purpose.

(e) Following the close of the Federal fiscal year, any funds advanced under this program to an educational or other agency of a State that remain unobligated under the program shall be returned to AMS within 30 days after a demand is made by FDD–AMS. The State shall also pay to AMS any interest paid or credited to it by reason of the deposit of any funds advanced to it under this program.

§ 502.203 *Accounting for program funds by State agencies.* Each State agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this program shall be used to encourage the increased consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State agencies.* CCC shall enter into written agreements with State agencies for the administration of the program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State agency is assuming responsibility.

§ 502.206 *Agreements between State agencies and schools and child-care institutions.* State agencies shall enter into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD–AMS will administer the program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program. The maximum rate of reimbursement shall be 4 cents per half pint for schools serving Type A or Type B meals under the National School Lunch Program. For all other schools and for child-care institutions, the maximum reimbursement rate shall be 3 cents per half pint.

(b) Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) In child-care institutions, and in schools operating a food service outside the National School Lunch Program or serving more than one meal a day, a portion of the milk served to children may be excluded from reimbursement if such action is deemed advisable in order to encourage the continued expansion of the service of complete school lunches or to accomplish the objectives of this program.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk

to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

(f) A school or child-care center which does not offer milk to children as a separately-priced item shall, at the time it applies for participation, submit for approval the methods and practices under which it plans to encourage increased consumption of milk by children. Assigned rates of reimbursement shall be subject to adjustment if there is a substantial variation between actual and planned performance with respect to increased milk consumption by children.

§ 502.209 *Requirements for participation.* (a) Schools and child-care institutions shall make written application for participation to the State agency, except that in those States in which FDD–AMS administers the program in private schools or child-care institutions, application shall be made to FDD–AMS. In approving the application, the State agency or FDD–AMS shall determine that the applicant is a school or child-care institution as defined in § 502.215 and shall designate the effective date on which the school or child-care institution may begin operations. Schools and child-care institutions whose applications are approved shall execute agreements with the State agency or CCC.

(b) Schools and child-care institutions participating in the program shall meet the following minimum requirements, which requirements shall be included in the agreements entered into between the schools and child-care institutions and State agencies and between the private schools and child-care institutions and CCC:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of § 502.208;

(3) Submit claims for reimbursement in accordance with procedural requirements established by FDD–AMS; and

(4) Maintain such records and furnish such reports and documents as are prescribed by the State agency or by FDD–AMS. All invoices, receipts and records pertaining to the program shall be maintained for a period of three years after the end of each Federal fiscal year's operations. Records shall be made available for audit purposes to the State agency and AMS, or to AMS in the case of a private school or child-care institution which contracts directly with CCC.

§ 502.210 *Effective dates for reimbursement.* A State agency or AMS may grant written approval to begin operations under this program prior to the processing of the application from a school or child-care institution. Such approval shall be attached to the subsequently filed application and the agreement executed by the school or child-care institution. Reimbursement shall be made for any milk served in accordance with the requirements of this part from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That no reimbursement shall be made for milk that was served more than 30 days prior to the receipt of the application by the State agency or AMS: *Provided, further,* That in no event shall reimbursement be made by any State agency for milk served prior to the effective date of the State agency's agreement with CCC.

§ 502.211 *Administrative analyses and audits.* The State agency shall provide AMS with full opportunity to conduct administrative analyses and audits of all operations of the State agency under this program. The State agency shall make available its records, including the receipts and expenditure of funds under the program, upon reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any participating school or child-care institution.

§ 502.212 *State agency reports and records.* Within 30 days after the end of each calendar month, the State agency shall make a report to FDD–AMS concerning the operation of the program for that month, on a form provided by FDD–AMS. The State agency shall maintain for a period of three years after the end of each Federal fiscal year's operations, all records pertaining to the program.

§ 502.213 *Investigations.* The State agency shall promptly investigate all complaints received or irregularities noted in connection with the operation of the program in participating schools and child-care institutions and shall take appropriate action to correct any irregularities.

§ 502.214 *Overclaims.* (a) Excess payments resulting from overclaims made by schools or child-care institutions which are discovered by the State agency during audits, administrative visits or by other means, shall be collected by the State agency either by direct refund or by deduction from subsequently filed claims. Any amounts thus recovered by the State agency may be used to pay other claims of the same Federal fiscal year.

(b) The State agency shall likewise recover all excess payments made by it to schools and child-care institutions discovered by AMS administrative analyses or audits of State agency operations or during AMS audits of participating schools and child-care institutions. However, before a final determination is made in such cases, the State agency shall have full opportunity to submit additional information, explanation or information concerning such excess payments.

(c) Excess payments resulting from overclaims made by schools or child-care institutions in which the program is administered by FDD–AMS, discovered by AMS during audits, administrative visits or by other means, shall be collected by AMS either by direct refund or by deduction from subsequently filed claims.

§ 502.215 *Definitions*—(a) *State.* The 48 States, the District of Columbia, the Territory of Hawaii, and such other Territories as may be designated by the Secretary from time to time.

(b) *School.* (1) Any school which is a public school of high school grade and under within the definition of the statutes of the State, and

(2) Any private school of high school grade and under exempt from income tax under the Internal Revenue Code, as amended. The term "school" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under this program for the school.

(c) *Child-care institution.* Any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp, or similar nonprofit institution devoted to the care and training of children.

(d) *Nonprofit food or milk service.* Food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(e) *Milk.* Fluid whole milk, flavored or unflavored, which meets the State and local standards for unflavored whole milk as to butterfat content and sanitation.

(f) *Cost of milk.* The purchase price paid by the school or child-care institution to the milk distributor for milk delivered to the school. This does not include any amount paid to the milk distributor for the rental of or installment purchase of milk service equipment.

(g) *Distribution costs.* Direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

§ 502.216 *Miscellaneous provisions*—(a) *Disqualifications and compliance clause.* Any State agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of the regulations in this part, its agreement with CCC or the State agency, or other pertinent rules, regulations or instructions. This does not preclude the possibility of other action being taken through other means available where considered necessary. Fraud in the payment of, or claiming for, reimbursement under the program will be prosecuted under applicable Federal statutes. If any part of the money received by the State agency in connection with the program, by any improper or negligent action, is diminished, lost, misapplied, or diverted from the program by the State agency, or by any school or child-care institution to which funds are disbursed, FDD–AMS may order such money to be replaced with funds from sources within the State and, until replaced, may direct that no subsequent payments shall be made to the State agency or to such school or child-care institution. The State agency shall have full opportunity to submit additional evidence, explanation or information concerning instances of noncompliance or diversion of funds, before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be waived, withdrawn, or amended, at any time by AMS: *Provided, however,* That such action shall not be taken without prior notice to State agencies having agreements with CCC.

§ 502.217 *Program information.* Schools and child-care institutions desiring information concerning the program should write to their State educational agency or to the appropriate Area Office of FDD–AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 506, New York 13, New York.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE, Room 252, Atlanta, Georgia.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 226 West Jackson Boulevard, Room 1412, Chicago 6, Illinois.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 1114 Commerce Street, Room 1812, Dallas 2, Texas.

(e) In the States of Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 404, Appraisers Building, 630 Sansome Street, San Francisco 11, California.

Effective date. This part, as revised, shall become effective August 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–6419; Filed, Aug. 8, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. I]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO FARM MARKETING QUOTAS FOR 1956 CROP OF RICE

The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1956 rice marketing quota program at 50 per centum of the June 15, 1956 parity price of rice as required by section 356 (a) of the Agricultural Adjustment Act of 1938, as amended.

Since the only purpose of this amendment is to announce the penalty in cents per pound calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 730.776 of the 1956 rice marketing quota regulations is hereby amended to read as follows:

§ 730.776 *Rate of penalty.* The rate of penalty applicable to 1956 crop rice shall be 2.76 cents per pound, which is 50 per centum of the parity price per pound of rice as of June 15, 1956 which is determined to be 5.52 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 63 Stat. 1060; 7 U. S. C. 1356)

Done at Washington, D. C., this 6th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–6438; Filed, Aug. 8, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO–210–A7]

PART 906—MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Tulsa-Muskogee, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1956), were

engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

Amend the proviso appearing at the end of § 906.53 to read as follows: "*Provided*, That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 6th day of August 1956, to be effective on and after the 1st day of October 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6436; Filed, Aug. 8, 1956; 8:49 a. m.]

[Pear Order 8]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.308 *Pear Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 12, 1956. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 25, 1956, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until August 1, 1956; shipments of the current crop of such pears are expected to begin on or about August 15, 1956, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 12, 1956, and ending at 12:01 a. m., P. s. t., July 1, 1957, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: *Provided*, That, Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenths of one inch in diameter or depth, as the case may be, if they otherwise grade at least U. S. No. 1, and are of a size not smaller than the 135 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size: *Provided*, That, Beurre Bosc pears which grade at least U. S. No. 1 may be shipped in sizes smaller than the 165 size but not smaller than the 180 size: *Provided further*, That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 150 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size;

(iv) Any Winter Nelis pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 210 size: *Provided*, That, Winter Nelis pears which grade at least U. S. No. 1 may be shipped in sizes smaller than the 210 size but not smaller than the 225 size;

(v) Any Beurre Easter pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size: or

(vi) Any Beurre Clairgeau pears unless such pears grade at least U. S. No. 1 and are of a size not smaller than the 165 size.

(2) As used in this section, "pears," "handler," "ship," "shipped," and "Placerville District" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," "U. S. No. 2," "hail marks," and "very seriously misshapen" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (7 CFR 51.1300–51.1321), and "135 size," "150 size," "165 size," "180 size," "210 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 150, 165, 180, 210, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6432; Filed, Aug. 8, 1956; 8:48 a. m.]

[Docket No. AO-103-A14]

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

ORDER AMENDING ORDER AS AMENDED; CORRECTION

In F. R. Document 56-6101, which appeared in the FEDERAL REGISTER July 28, 1956, the following correction is made:

At the end of the third full paragraph appearing in column 3, page 5676, change the period to a comma and add the following: "and who participated in a referendum thereon".

Issued at Washington, D. C., this 6th day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6434; Filed, Aug. 8, 1956; 8:48 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER June 29, 1956 (21 F. R. 4831). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 3, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.221 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $2,660.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be $0.00095 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 3d day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6418; Filed, Aug. 8, 1956; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 118—HOG-CHOLERA VIRUS

PART 119—ANTI-HOG-CHOLERA SERUM

MISCELLANEOUS AMENDMENTS

On June 16, 1956, there was published in the FEDERAL REGISTER (21 F. R. 4259) a notice of rule making with respect to proposed amendments of §§ 114.2, 118.3, and 119.25 of the regulations relating to viruses, serums, toxins, and analogous products, and to certain organisms and vectors (9 CFR 114.2, 118.3, and 119.25, as amended) under the Virus-Serum-Toxin provisions of the Act of March 4, 1913, (21 U. S. C. 151 et seq.). No comments on the proposed amendments were received. After due consideration of the proposal and pursuant to the authority cited above, said regulations are hereby amended as follows:

1. After the first sentence in § 114.2 (b) a new sentence is added to read: "An outline with respect to the preparation of hog-cholera virus for inoculating purposes shall also be submitted to the Branch in accordance with § 118.3."

2. Section 118.3 is amended to read:

§ 118.3 *Virus for inoculating purposes.* (a) Pigs for the production of inoculating virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. Except as provided in paragraph (b) of this section, no hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus, or for inoculating pigs in serum or vaccine tests, unless it has been produced, processed, tested and held in the frozen state by a licensee in accordance with an outline acceptable to the Chief. Virus for such use shall be held under Branch lock or seal and shall be released by the inspector as needed for such use.

(b) Hog-cholera virus obtained from the Animal Disease and Parasite Research Branch of the Department, simultaneous virus produced by a licensee and purchased on the open market, and hog-cholera virus from outbreaks on farms which is admitted to a licensed establishment and passed through pigs as provided in § 121.3 of this subchapter, may be prepared thereafter in accordance with an acceptable outline as provided in paragraph (a) of this section and may then be used for the purposes specified in paragraph (a) of this section. The virus produced in the course of passage through pigs inoculated with the virus from such sources, except that needed for further passage to meet the requirements of an outline under paragraph (a) of this section may be used as hyperimmunizing virus, if the pigs so inoculated reacted as prescribed in § 118.4.

(c) Frozen virus for inoculating purposes under paragraph (a) of this section must be held in containers acceptable to the Chief. When glass containers are used, they shall be of borosilicate type of high resistance and low alkalinity, shall meet the tests developed by the Branch for determining these qualities, shall be properly marked for identification, and shall be guaranteed by the manufacturer to be acceptable to the Branch.

3. The heading of § 119.25 is amended to read: "§ 119.25 *Preservatives.*"

4. Paragraph (c) of § 119.25 is amended to read:

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent occurrence of undesirable changes in the product.

5. A new paragraph (d) is added to § 119.25 to read:

(d) Merthiolate may also be added to anti-hog-cholera serum in a solution in such proportions that the merthiolate will equal a 1–10,000 concentration of the serum recovered gross. Such addition must be compensated for by using a higher concentration of phenol solution as prescribed in this section. The quantity of product obtained by the addition of phenol solution plus the merthiolate shall not exceed the maximum amount permissible by the use of seven and one-half percent phenol solution alone or 83 percent of the defibrinated blood, whichever is less.

6. A new paragraph (e) is added to § 119.25 to read:

(e) In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

The purposes of the amendments are to improve the procedures in producing, processing, testing, and storing hog-cholera virus used for inoculating purposes in the production of anti-hog-cholera serum and hog-cholera virus and vaccine and to permit the addition of merthiolate to anti-hog-cholera serum as an aid in maintaining the purity of the product.

(37 Stat. 832, 21 U. S. C. 154)

Effective date. The foregoing amendments shall become effective 90 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-6437 Filed, Aug. 8, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. ER-214]

PART 295—CLASSIFICATION AND EXEMPTION OF NONCERTIFICATED CARGO CARRIERS

REPEAL OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of August 1956.

Part 295 of the Economic Regulations established a classification of interstate and overseas air carriers designated as "non-certificated cargo carriers". This classification embraced all direct air carriers engaged in interstate or overseas air transportation of property only for compensation or hire on May 5, 1947, who had previously filed applications for certificates of public convenience and necessity authorizing such scheduled air cargo operations. This class of carriers was specifically exempted, pursuant to an exercise of the Board's powers under section 416 (b) of the act, from the statutory requirement that air transportation be furnished only in accordance with certificates of public convenience and necessity. Pursuant to the provisions of § 295.5, the exemption granted to each non-certificated cargo carrier expired 60 days after final disposition by the Board of all or part of its application for certification. As a consequence of recent actions taken by the Board in various route proceedings, all of the exemptions granted by Part 295 have been termi-

nated. Accordingly, it is necessary to repeal the provisions of this part.

Since this amendment does not affect the rights of any party and serves only to eliminate an obsolete rule, notice and publication procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby repeals Part 295 of the Economic Regulations effective August 10, 1956.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-6431; Filed, Aug. 8, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54156]

PART 16—LIQUIDATION OF DUTIES

BULLETIN NOTICES OF LIQUIDATION

As an additional measure to help expedite the liquidation of entries, it has been decided to permit the liquidation of unconditionally free entries filed at ports of entry other than headquarters ports to be performed at such ports of entry in cases where the collector of customs deems it advisable. In such cases, it is believed that the bulletin notice of liquidation of such entries should be prepared at the port of liquidation. Therefore, § 16.2 (g) of the Customs Regulations is amended by deleting the words "prepared at the headquarters port."

(Sec. 624, 46 Stat. 758; 19 U. S. C. 1624. Interprets or applies sec. 505, 46 Stat. 732; 19 U. S. C. 15.05)

[SEAL] WALTER G. ROY, *Acting Commissioner of Customs.*

Approved: August 1, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-6426; Filed, Aug. 8, 1956; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF PIPERONYL BUTOXIDE, PYRETHRINS, AND ALLETHRIN

Petitions were filed with the Food and Drug Administration requesting exemptions from the necessity of tolerances for residues of piperonyl butoxide, pyrethrins, and allethrin in or on certain raw agricultural commodities from postharvest use.

The Food and Drug Administration has determined that for public-health reasons appropriate tolerances rather than exemptions from tolerances should be established for these postharvest uses.

The tolerances already established for piperonyl butoxide and pyrethrins for protective use on certain grains after harvest have been found adequate to permit surface treatment of these same grains.

The tolerances established in this order are adequate to permit useful postharvest application of the pesticide chemicals piperonyl butoxide, pyrethrins, and allethrin. The Secretary of Agriculture has certified that they are useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 1047) are amended by changing §§ 120.113, 120.127, and 120.128 to read as follows:

§ 120.113 *Tolerances and exemptions from the requirement of a tolerance for residues of allethrin (allyl homolog of cinerin I).* (a) Allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, radishes, rutabagas, turnips.

(b) Tolerances of 4 parts per million for residues of allethrin from postharvest use of such pesticide chemical are established in or on the following raw agricultural commodities: Apples, blackberries, blueberries (huckleberries), boysenberries, cherries, crabapples, currants, dewberries, figs, gooseberries, grapes, guavas, loganberries, mangoes, muskmelons, oranges, peaches, pears, pineapples, plums (fresh prunes), raspberries, tomatoes.

§ 120.127 *Tolerances for residues of piperonyl butoxide.* Tolerances for residues of piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

(a) 20 parts per million in or on barley, buckwheat, corn (including popcorn), rice, rye, wheat.

(b) 8 parts per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts, pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

§ 120.128 *Tolerances for residues of pyrethrins.* Tolerances for residues of pyrethrins (insecticidally active principles of Chrysanthemum cinerariaefolium) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

(a) 3 parts per million in or on barley, buckwheat, corn (including popcorn), rice, rye, wheat.

(b) 1 part per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts, pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: August 2, 1956.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-6409; Filed, Aug. 8, 1956; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 9870]

PART 163—OPERATIONS

MINIMUM FIDELITY BOND REQUIREMENTS

JULY 31, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), notice and public procedure having been duly afforded (21 F. R. 2144), the schedule appearing in § 163.19 of the rules and regulations for insurance of accounts (24 CFR 163.19) is hereby amended to read as follows:

Not over $300,000	$10,000 plus $5,000 for each $100,000 or fraction thereof over $100,000.
$300,001 to $1,000,000	$30,000 plus $10,000 for each $100,000 or fraction thereof over $400,000.
$1,000,001 to $10,000,000	$100,000 plus $20,000 for each $1,000,000 or fraction thereof over $2,000,000.
$10,000,001 to $30,000,000	$300,000 plus $40,000 for each $5,000,000 or fraction thereof over $15,000,000.
$30,000,001 to $60,000,000	$470,000 plus $50,000 for each $10,000,000 or fraction thereof over $40,000,000.
$60,000,001 to $100,000,000	$630,000 plus $60,000 for each $15,000,000 or fraction thereof over $70,000,000.
$100,000,001 and over	$820,000 plus $70,000 for each $25,000,000 or fraction thereof over $125,000,000.

Provided, That no insured institution shall be required to provide and maintain a fidelity bond in an amount greater than $2,000,000.

Resolved further, that this amendment shall be effective January 1, 1957.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended, 12 U. S. C. 1725, 1726)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56-6428; Filed, Aug. 8, 1956; 8:47 a .m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 55—WELFARE, MORALS, HEALTH, AND SAFETY OF MEMBERS OF THE READY RESERVE UNDERGOING ACTIVE DUTY FOR TRAINING FOR BASIC TRAINING

Sec.
55.1 Purpose.
55.2 Scope and applicability.
55.3 Welfare.
55.4 Morals.
55.5 Health.
55.6 Safety.
55.7 Cooperation with the National Security Training Commission.

AUTHORITY: §§ 55.1 to 55.7 issued under sec. 262, 69 Stat. 600; 50 U. S. C. 1013.

§ 55.1 *Purpose.* The purpose of this part is to prescribe policy guidance with respect to the welfare, morals, health, and safety of members of the Ready Reserve who are receiving active duty for training for basic training. Such persons are referred to herein as trainees.

§ 55.2 *Scope and applicability.* This part is applicable to those military departments conducting active duty for training programs pursuant to Part 54 of this subchapter.

§ 55.3 *Welfare*—(a) *Community Relations.* Wherever practicable and appropriate, installation commanders shall make every effort to form local Citizens Advisory Committees at stations where active duty for training for basic training is conducted, for the following purposes:

(1) To encourage, by community influence, the operators of establishments serving military personnel to employ proper practices or be declared off-limits.

(2) To insure that commercial establishments in the vicinity of training installations comply with local laws governing the sale of alcoholic beverages to minors.

(3) To encourage local communities to provide wholesome off-duty recreation, entertainment, and social activities for trainees.

(4) To encourage local religious leaders to take an active interest in the welfare of the trainees and their attendance at local religious services and related activities.

(5) To provide trainees, where appropriate, with friendly counsel from local civic leaders, attorneys, clergymen, and businessmen in the solving of any problems which may arise involving the trainees.

(6) To encourage local community leaders to deliver lectures as a part of the cultural and educational activities of the program whenever practicable.

(b) *Educational activities.* (1) Instruction shall be given trainees in general non-military subjects, including character guidance lectures, covering but not limited to such areas as moral principles, democratic responsibility, sex education, and government. Every effort should be made to impress upon the trainees knowledge of their obligation to protect the institutions which give to American life its distinctive qualities and their own importance to the nation in that supreme task.

(2) Trainees shall be accorded opportunities to improve their educational status and to inquire into fields which interest them. The facilities of the United States Armed Forces Institute shall be available to trainees. Any trainee whose attainments do not include a fourth-grade education should be offered courses to raise his educational level toward that grade to the extent possible in light of the required military training.

(3) Installation commanders shall cooperate with local citizens committees in seeking arrangements for the extension of city library loan privileges to trainees. The customary library facilities of military installations shall also be available to trainees.

(c) *Athletics.* Each of the services' training programs shall include athletics and body building programs comparable to those offered to basic trainees of the Active Forces.

(d) *Social recreation.* Social activities, adequate lounge facilities, snack bars, informal game facilities, and motion picture facilities shall be made available to trainees during their off-duty hours. Recreational assistance may be sought at the installation level from local USO Committees, civic groups, and other related associations.

(e) *Hobbies.* Hobby shops shall be made available to trainees to the greatest practicable extent, and opportunities will be accorded trainees to take part in extra curricular activities such as dramatics, band, orchestra, and glee club.

(f) *Legal processes.* (1) Commanding officers, courts martial, and appropriate reviewing and appellate authorities shall give full regard to the youth and inexperience of the trainees in imposing punishment or in approving or affirming such punishment.

(2) The trainee's rights and duties under applicable laws and regulations, including State and local laws regarding behavior, should be carefully explained to the trainees as soon as possible after their arrival at an installation.

(g) *Compensation.* Trainees shall be permitted to continue to receive compensation from any person, firm, or corporation while in training on the same basis as other persons of the reserve components undergoing active duty for training.

(h) *Trainers and instructors.* Necessary action will be taken to insure that trainers and instructors have the highest moral and ethical standards. Such personnel should exercise a 24-hour-day responsibility and example, taking an interest in everything the trainees do, visiting their mess halls, barracks, and clubs regularly.

(i) *Facilities.* (1) Installation facilities such as soda fountains; snack bars; filling stations; laundries; barber, tailor and shoe repair shops; photographic studies; and news stands should be available to trainees.

(2) Guest houses for visiting parents should be provided whenever possible.

§ 55.4 *Morals*—(a) *Religious activities.* (1) Chaplains of the Protestant, Catholic, and Jewish faiths shall be available for personal counseling and regular services. In the event that a particular faith has no chaplain available when needed by a trainee, a local minister, priest, or rabbi should be called upon for help.

(2) Services and instructions such as those available to regular military and civilian personnel shall be made available to trainees. All sacraments and rites shall be made available to trainees.

(3) Chaplains should:

(i) Extend to the trainees a word of welcome upon arrival at training stations, explain to them what a chaplain does in the Armed Forces and invite them to come at any time to talk with him as friend and counselor.

(ii) Interview each trainee as soon as possible after he enters training. Based on this interview, a religious data and interview card can be prepared for the chaplain's guidance during the training period.

(iii) Be available for counsel at all times.

(iv) Give opportunities to church-related trainees to share voluntarily in choirs and in Bible and religious education classes.

(v) Make available to trainees of no church relationship voluntary instruc-

tion in religious principles or preparatory classes for baptism and church membership.

(vi) Visit and be available to hospital patients for counsel, personal conferences, or any other services they can render.

(b) *Associates.* To protect the trainees against undesirable associates, no person who has been convicted of any felony shall be permitted to enlist into the program.

(c) *Control of alcoholic beverages.* (1) Regulations pertaining to the sale of alcoholic beverages to trainees, including the prohibition of sales to minors, will be in conformity with applicable Federal, State, Territorial, or local laws or regulations.

(2) Establishments which do not comply with local laws governing the sale of alcoholic beverages to minors shall be placed off-limits.

(3) To facilitate compliance with such laws the identification cards of trainees will show clearly date of birth, age, or otherwise indicate that the trainee is a minor when such is the case.

(4) Soft drinks and other such refreshments will be within easy access of trainees in enlisted men's clubs.

§ 55.5 *Health—(a) Equality of treatment.* Medical treatment, including hospitalization and surgical care, shall be furnished to trainees in the same manner as furnished to members of the Armed Forces in general.

(b) *Medical care.* Trainees are entitled to be retained beyond their training period for the purpose of receiving hospitalization, or medical, surgical, or dental care occasioned by accidents or illness.

(c) *Inspections.* Quarters, food, and sanitary facilities shall be inspected frequently and regularly by the proper authorities to insure adequacy.

§ 55.6 *Safety—(a) Vehicle registration.* All motor vehicles belonging to trainees and operated on military installations shall be registered and their use thereon strictly supervised.

(b) *Supervision of recreational activities.* Recreational activities, such as swimming, shall be closely supervised. The opportunity to learn to swim should be afforded to all trainees.

§ 55.7 *Cooperation with the National Security Training Commission—(a) Visitations.* Subsection 262 (e), 69 Stat. 601, 50 U. S. C. 1013 charges the National Security Training Commission with advising the President and the Secretary of Defense and reporting annually to the Congress with respect to the welfare of persons enlisted under section 262, 69 Stat. 600, 50 U. S. C. 1013 while performing the initial period of active duty for training. In order to carry out its statutory responsibilities:

(1) The Commission has established procedures under which Commissioners, or other qualified persons designated by them, will conduct periodic visitations to the training installations. While the Commission has no responsibility for military training itself, it will inquire into all other aspects of the program, including such matters as food, housing, recreation, health, safety, religious activity, morals, welfare, character guidance, information, and education.

(2) The Commission and its authorized representatives shall have access to all matters relating to the welfare of trainees in each of the training installations and should be authorized to talk freely to commanding officers, training personnel, and trainees.

(b) *Access to Commission.* No trainee shall be denied the right of direct and private access to the Commission and its representatives.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 56-6420; Filed, Aug. 8, 1956; 8:47 a. m.]

PART 144—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFICATION, AND SEARCH OF RECORDS

MISCELLANEOUS AMENDMENTS

1. The authority citation of Part 144 has been amended to read as follows: "AUTHORITY: §§ 144.1 to 144.8 issued under sec. 501, 65 Stat. 290; 5 U. S. C. 140. Interpret or apply Pub. Law 599, 84th Cong."

2. Subparagraphs (3) and (4) of § 144.4 (b) are amended to read as follows:

§ 1.144.4 Fees. * * *

(b) *Exemptions.* * * *

(3) The address of record of an active duty member or former member of the Armed Forces when it can be furnished informally through local directory (locator) reference, when requested by a member of the Armed Forces or a relative or legal representative of a member of the Armed Forces or the address of record requested by any source when the address is required for the purpose of paying monies or forwarding property to a member or former member of the Armed Forces.

(4) Any services requested by or on behalf of a member or former member of the Armed Forces pertaining to requests for:

(i) Information required to obtain financial benefits.

(ii) Document showing membership and military record in the Armed Forces if discharge or release was under honorable conditions.

(iii) Information relating to a decoration or award or information required for memorialization purposes.

(iv) Review or change in type of discharge or correction of records.

(v) Personal documents, e. g. birth certificates, when such documents were required to be furnished by the individual.

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C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 56-6421; Filed, Aug. 8, 1956; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 179—TRANSFER OF OPERATING RIGHTS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 23d day of June A. D. 1952.

The matter of reprinting the rules and regulations governing transfers, under sections 206, 209, and 212 (b) of the Interstate Commerce Act (49 U. S. C. 306, 309, and 312 (b)), of rights to operate as a motor carrier, in interstate or foreign commerce, being under consideration:

It appearing that by order entered August 7, 1943, the Commission approved rules and regulations governing the transfer of rights to operate as a motor carrier in interstate or foreign commerce effective December 1, 1943,

It further appearing that since the effective date of the said rules and regulations, the Commission issued supplemental orders dated August 4, 1949, December 12, 1949, September 27, 1950, July 20, 1951, and April 7, 1952, approving amendments to said rules and regulations;

It is ordered That, effective on the date hereof, rules 1 to 5, inclusive, of the rules and regulations prescribed August 7, 1943, as revised by supplemental orders, be, and they are hereby adopted and promulgated in revised form as follows:

Sec.
179.1 Definitions.
179.2 Applications.
179.3 Operations by fiduciaries.
179.4 Transfers and contracts to operate for limited periods, considerations.
179.5 Orders of Court.

AUTHORITY: §§ 179.1 to 179.5 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 551, as amended, 552, as amended, 555, as amended; 49 U. S. C. 306, 309, 312.

§ 179.1 *Definitions.* As used in this part, the following words and terms are construed to mean:

(a) *Transfer.* All transactions, not included within sections 5[1] and 210a (b) of the Interstate Commerce Act, whether by purchase, lease, contract to operate, or otherwise, whereby an operating right as a motor carrier arising out of the Interstate Commerce Act is acquired by one person from another.

(b) *Operating right.* The right to operate as a motor carrier in interstate or foreign commerce over a route or routes or within a specified territory, as authorized by a certificate of public convenience and necessity or a permit issued by this Commission under the provisions of the Interstate Commerce Act, or as authorized by those provisions of said act under which a motor carrier may continue operations pending consideration of its application to the Commission for a certificate or permit. The term does not include the right to operate under the second proviso of section 206 (a).[2]

(c) *Duplicating rights.* Operating rights which authorize the transportation of passengers or of the same commodities from and to, or between, the same points.

(d) *Control.* The same meaning as that contained in section 1 (3) (b) of the Interstate Commerce Act (49 U. S. C. 1 (3) (b)).

(e) *Holder.* The record holder of the operating rights, including a lessor.

(f) *Person.* Same as defined in section 203 (a) (1) of the Interstate Commerce Act (49 U. S. C. 303 (a) (1)).

§ 179.2 *Applications—(a) Form.* Applications for approval of the transfer of operating rights shall be made in writing to the Commission and shall be in such form and contain such information as the Commission shall prescribe.

(b) *Filing.* The verified original of such application and four copies thereof shall be filed with the Commission at Washington, D. C., one copy thereof shall be delivered, in person or by mail, to the District Director in each district of the Bureau of Motor Carriers in which headquarters of the parties signing such application are located, and one copy thereof shall be delivered, in person or by mail, to the board, commission, or official (or to the Governor where there is no board, commission, or official) having authority to regulate the business of transportation by motor vehicle, of each State in which either of the applicants operates. Proof of delivery of copies of the application to each of such persons shall be made as a part of the original verified application filed with the Commission.

(c) *General basis for approval.* (1) Except as may be otherwise provided in this part, the proposed transfer described in any such application shall be approved if it appears that the proposed transaction is one which is not subject to the provisions of section 5, Interstate Commerce Act; that the proposed transfer, if approved, will not result in unlawful ownership or control of a motor carrier; and that the proposed transferee is fit, willing, and able properly to perform the service authorized by the operating rights sought to be transferred, and to conform to the provisions of the Interstate Commerce Act and the requirements, rules, and regulations of the Commission thereunder. Otherwise the application shall be denied.

(2) The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer and have not been performed for a substantial period will be approved only upon a showing that the cessation of operations was caused by circumstances over which the holder of such operating rights had no control.

(d) *General basis for disapproval.* (1) No attempted tranfer of any operating right shall be effective except upon full compliance with these rules and regulations and until after the Interstate Commerce Commission has approved such transfer as herein provided. The mere execution of a chattel mortgage, deed of trust, or other similar document, does not constitute a transfer within the meaning of the rules in this part, and does not require the approval of the Commission, unless it embraces the conduct of the operation by a person other than the holder of the operating right. A proposed transfer of operating rights by means of the foreclosure of a mortgage or deed of trust or other lien upon such rights, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without compliance with these rules and regulations and the prior approval of the Commission.

(2) A proposed transfer of operating rights will not be approved if the Commission finds that the transferee does not intend to, or would not, engage in bona fide motor carrier operations under such operating rights, or if the Commission finds that the transferor acquired such operating rights for the purpose of profiting therefrom and has not engaged in bona fide motor carrier operations under such operating rights.

(3) An application for transfer of operating rights by sale and purchase thereof will not be approved if the Commission considers and determines that the purchase price to be paid would be excessive and contrary to the public interest.

(4) The Commission will not approve a transfer of operating rights to a person who controls or who is controlled by, or who is under common control with another person who is the holder of operating rights with duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

(5) The Commission will not approve a transfer of operating rights for a limited period, whether by lease, operating contract, or otherwise, to a person who is the holder of operating rights which duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

CONDITION: The rules set forth in paragraph (d) (4) and (5) of this section may be suspended, in the discretion of the Commission, with respect to transfers which are proposed because of conditions resulting from national emergency.

(e) *Division of rights.* An operating right may be divided as to routes or territories, and part thereof transferred, provided such routes or territories are clearly severable and the division thereof does not permit the creation of duplicate operating rights. No division of operating rights based upon the class or classes of property authorized to be transported will be approved, unless it appears to the satisfaction of the Commission that the part of the operating rights sought to be transferred is, because of a difference in the nature or type of the service rendered, clearly distinguishable and severable from the remaining operating rights.

§ 179.3 *Operations by fiduciaries.* (a) Unless or until otherwise ordered by the Commission, administrators and executors of the estates of deceased holders of operating rights, guardians of incapacitated holders of operating rights, persons having custody of the business of dissolved partnerships the members of which held operating rights as partners, and trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve property of financially disabled, bankrupt, or deceased holders of operating rights may continue the operations authorized by such operating rights without approval by the Commission of a transfer thereof but shall, within 30 days after assuming control of such operations, give notice thereof by a letter, properly enclosed in a stamped envelope addressed to the Secretary of the Commission, Washington, D. C., describing such operations, identifying the operating rights under authority of which they are conducted, stating the full name and address of the person or persons who are continuing the operations, and stating the date on which and the circumstances under which such person or persons assumed control of such operations.

(b) Operations referred to in paragraph (a) of this section shall be continued in the name or names of the record holder of the certificate, permit, or other operating rights, followed also by the name or names of the person or persons conducting the operations and a designation of his or their capacity.[3] Compliance with this rule with respect to all tariffs, schedules, reports, or other documents filed in accordance with the Interstate Commerce Act or the rules and regulations prescribed thereunder, shall be sufficient compliance with any requirement, rule, or regulation that such tariffs, schedules, reports, or documents be filed in the name of the holder of the operating rights.

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[1] Sec. 5 (10) provides as follows:

"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in sec. 1 (3)), and where the aggregate number of motor vehicles owned, leased, controlled, or operated by such parties, for purposes of transportation subject to part II, does not exceed twenty.

"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are street, suburban, or interurban electric railways none of which is controlled by or under common control with any carrier which is operated as part of a general steam railroad system of transportation."

[2] A transferee of a State certificate of public convenience and necessity who engages in operations in interstate or foreign commerce under the second proviso of sec. 206 (a) is required to file properly executed Form B. M. C. 75, regardless of whether the transferor of such State certificate previously engaged in operations under said proviso.

[3] For example:

John Jones, Richard Smith, administrator; John Jones, Richard Smith, executor; John Jones and Richard Smith, d/b/a Jones & Smith, R. Roe, trustee; John Jones, Richard Smith, guardian; John Jones, Richard Smith, trustee; John Jones, Richard Smith, receiver; John Jones, Richard Smith, conservator; and John Jones, Richard Smith, assignee.

§ 179.4 *Transfers and contracts to operate for limited periods, considerations.* (a) Applicants who seek approval of a transfer of operating rights for a limited period, whether by lease, operating contract, or otherwise, shall state in their application the specific period for which such transfer is sought, the consideration for such transfer, the time and method of payment thereof, and that the applicants have agreed in writing that all operating rights involved in the transaction shall revert to the transferor at the expiration of said term, or upon a discontinuance of operations thereunder by the transferee at any time prior to the expiration of said term. In case of reversion, the transferor shall give immediate notice thereof to the Commission.

(b) Unless unsual circumstances are involved, an application for the transfer of operating rights for a limited period of time will not be approved for a period longer than one year, during which time the parties will be expected to consider and determine whether they want to enter into a permanent transaction of sale and purchase of the rights: *Provided*, That nothing herein shall be construed as approving a sale and purchase of operating rights in advance of application therefor.

(c) An application for the transfer of operating rights for a limited period of time will not be approved unless the terms of such transfer provide for a maximum rental stated in dollars.

(d) An application for the transfer of operating rights for a limited period of time which might otherwise be approved for a period of one year will not be so approved if the Commission considers and determines that the rental charge resulting from the transfer for the one-year period would be excessive and contrary to the public interest.

§ 179.5 *Orders of Court.* If any proposed transfer presented to the Commission for approval shall also require the authority or approval of any court, applicants shall file with the Commission, at the time of filing their application, a certified copy of the order of the court authorizing the transfer of the operating rights involved, or applicants shall file with the Commission, within 30 days after such transfer has been approved by the Commission, a certified copy of the order of Court approving such transfer.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 56-6425; Filed, Aug. 8, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

DRIED FIGS PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING REGARDING THE ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR DRIED FIGS FOR THE 1956–57 CROP YEAR

Notice is hereby given that a proposed rule is being considered to establish a salable percentage of 80 percent and a surplus percentage of 20 percent in connection with dried figs which are produced in California and such percentages shall be applicable to each variety separately and acquired by handlers during the 1956-57 crop year. These percentages were recommended by the Dried Fig Administrative Committee in accordance with the applicable provisions of Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the proposed rule which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director, not later than the close of business on the next following business day.

The proposed percentages are based on the following estimates pertaining to California dried figs, which were submitted by the Dried Fig Administrative Committee and accepted by the Department: (1) Carry-in of about 9,400 tons of dried figs (all varieties) on August 1, 1956; (2) a total merchantable production of approximately 21,000 tons of dried figs in 1956; (3) a total available supply of 30,400 tons (item 1 plus item 2); (4) an expected disappearance of approximately 23,500 tons in normal trade channels; (5) a desirable carry-out of 2,500 tons on July 31, 1957; and (6) a surplus of about 4,400 tons in the 1956–57 crop year.

Although the surplus reflected by the above estimates is approximately 21 percent of the 1956 production, it is desirable to round the surplus percentage to the 20 percent and the salable percentage to the 80 percent recommended by the committee in view of the tentative nature of the supply and disposition estimates at this time. Since each of the four major varieties of dried figs have some degree of interchangeability of use, and since the grower income earned by a surplus pool should be maximized in holding each variety separate and selling each in terms of their respective demand, the application of this percentage should be to each variety, and the proposed rule so provides.

On the basis of the information now available to the Department, it appears that the estimated average price of dried figs to producers for the crop year beginning August 1, 1956, will not exceed the price level contemplated in § 2 (1) of the aforesaid act.

The proposed percentage rule is as follows:

§ 964.200 *Dried fig salable tonnage and surplus tonnage regulation for the 1956–57 crop year.* The salable percentage of natural condition dried figs acquired by handlers during the crop year beginning August 1, 1956, and ending July 31, 1957, shall be 80 percent, and the surplus percentage of such dried figs for the said crop year shall be 20 percent, and such percentages shall be applicable to each variety separately.

Dated: August 3, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 56-6433; Filed, Aug. 8, 1956; 8:48 a. m.]

[7 CFR Part 967]

[Docket No. AO-170-A10]

MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Oliver Hotel, South Bend, Indiana, beginning at 10:00 a. m., c. d. t., Tuesday, August 14, 1956, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area (7 CFR 967 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, milk marketing area are as follows:

Proposed by Pure Milk Association, Chicago, Illinois:

1. Amend § 967.41 to establish a new Class (Class I–A) for milk used in cottage cheese.

2. Amend § 967.44 (c) to read as follows:

(c) As Class I milk if received by transfer or diversion at a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II classification on the basis of utilization in the unapproved plant in his report submitted to the market administrator pursuant to § 967.30 for the month in which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant, and which are made available to the market administrator, and (3) in such receiver's plant there actually had been used during the delivery period in the use indicated in such report not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream with which such receipts were commingled: *Provided*, That if upon inspection of such receiver's records there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

3. Reconsider the allocation of Class I and Class II milk values to skim milk and butterfat as now provided in § 967.46.

4. Delete the following firms listed in § 967.50 (a):

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.

5. Delete § 967.50 (b) in its entirety.

6. Amend § 967.51 to provide a special price for Class I–A milk as follows: "From the price of spray process nonfat dry milk (Chicago area manufacturing plants) deduct two cents per pound, multiply the resultant figure by 8.5. The result shall be known as the price per hundredweight of skim milk used in cottage cheese."

7. Amend § 967.51 (a) to read:

(a) Add to the basic formula price (3.5 percent butterfat milk) $1.30 per hundredweight for each delivery period of the year: *Provided*, That such Class I price shall be increased or decreased respectively, by the supply-demand adjustment computed under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area.

8. Amend § 967.61 to read:

§ 967.61 *Diverted Milk.* (a) Except for the months of September, October, November and December, producer milk diverted from a handler's plant to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

(b) During the months of September, October, November and December, milk diverted to a non-approved plant shall not be considered as producer milk.

9. Add a new § 967.46 (f) as follows:

(f) Subtract from the remaining pounds of skim milk and butterfat any amount in excess of 20 percent of receipts from producers. The resultant amount shall be the amount of Class III skim milk and butterfat.

10. Add a new § 967.53 to read:

§ 967.53 *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk for each delivery period shall be the marketwide uniform price for the respective delivery period.

Proposed by South Bend-Mishawaka Handlers:

11. Amend § 967.41 to establish a new class (Class II–A) for butterfat used in churning butter.

12. Amend § 967.51 to provide a special price for butterfat used in churning as follows:

§ 967.51 *Class I milk prices.* The minimum price per hundredweight for all butterfat which is used by a handler to churn butter or which may be sold to a non-handler or transferred to a handler and is actually used for the churning of butter shall be computed as follows:

(a) Multiply by 100 the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound as reported by the Department during the delivery period.

Proposed by the Dairy Division, Agricultural Marketing Service:

13. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 116 South William Street, P. O. Box 216, South Bend 24, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 6, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6435; Filed, Aug. 8, 1956; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF OXYTETRACYCLINE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Chas. Pfizer and Company, Inc., 630 Flushing Avenue, Brooklyn 6, New York, proposing the establishment of a tolerance of 10 parts per million for residues of oxytetracycline in or on uncooked poultry.

The analytical method proposed in the petition for determining residues of oxytetracycline is the method of Grove and Randall in "Assay Methods of Antibiotics," pages 50–52, published by Medical Encyclopedia, Inc. (1955).

Dated: August 2, 1956.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-6410; Filed, Aug. 8, 1956; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

UNLISTED TRADING

Notice is hereby given that the Commission has under consideration a proposed amendment to paragraph (a) of § 240.12f–2 (Rule X-12F–2) under the Securities Exchange Act of 1934.

Section 12 (f) of the Securities Exchange Act of 1934 provides that a national securities exchange, upon application to and approval of such application by the Commission under certain conditions, may continue unlisted trading privileges to which a security has been admitted on such exchange prior to March 1, 1934, or may extend unlisted trading privileges to any security duly listed and registered on another national securities exchange, or any security for which there is available from data filed with the Commission pursuant to its rules under the Federal securities laws information substantially equivalent to that available in case of a security duly listed and registered.

Rule X-12F–2 deals with the continuation of unlisted trading privileges granted to a security pursuant to section 12 (f) when changes occur with respect to the security. Paragraph (a) of Rule X-12F–2 provides that a security admitted to unlisted trading privileges shall be deemed to be the security theretofore admitted to such privileges notwithstanding specified changes including changes in the par value, the number of shares authorized, or the number of shares outstanding. The proposed amendment would clarify this paragraph to make it clear that a security will not be deemed to be the security theretofore admitted to unlisted trading privileges if the change occurs in connection with a merger, a sale or acquisition of assets, or under circumstances which involve a substantial change in the identity or business of the issuer. If in such cases the exchange believes that, notwithstanding the change, the security is sub-

stantially equivalent to the security previously admitted to unlisted trading privileges and it wants to be able to continue unlisted trading privileges on this basis, it would be necessary for the exchange to file an application, under paragraph (b) of the rule, requesting the Commission to determine whether the security is substantially equivalent to the security previously admitted to unlisted trading privileges.

The proposed amendment would be adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 (f) and 23 (a) thereof.

The text of paragraph (a) of § 240.12f–2 as proposed to be amended is as follows:

§ 240.12f–2 *Changes in securities admitted to unlisted trading privileges.* (a) Unless the changes enumerated in subparagraphs (1), (2) or (3) of this paragraph occur in connection with a merger, a sale or acquisition of assets, or under any circumstances which involve a substantial change in the identity or business of the issuer, a security admitted to unlisted trading privileges on a national securities exchange shall be deemed to be the security theretofore admitted to such privileges on such exchange although changed in one or more of the following respects:

(1) Title of such security or the name of the issuer;

(2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

(3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock.

Such exchange shall notify the Commission in writing of any change promptly after learning thereof, except that such notification need not be filed if such security is also listed and registered on another national securities exchange.

All interested persons are invited to submit views and comments on the proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before August 31, 1956. Views and comments received will be available for public inspection unless in any case a person requests that his comments shall not be made public.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 30, 1956.

[F. R. Doc. 56–6416; Filed, Aug. 8, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 35]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO AGREEMENTS AS DETERMINATIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue by section 1.1313 (a)–4 (c) of Treasury Decision 6162 approved February 3, 1956, the authority to enter into agreements on Form 2259, pursuant to section 1313 (a) (4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby redelegated to the following officers of the Internal Revenue Service.

(a) Associate Chiefs of Regional Appellate Divisions;

(b) Assistant Chiefs of Regional Appellate Divisions; and

(c) Special Assistants to the Chiefs of Regional Appellate Divisions.

Issued: July 27, 1956.

Effective: July 27, 1956.

[SEAL] O. GORDON DELK, *Acting Commissioner.*

[F. R. Doc. 56–6427; Filed, Aug. 8, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

AUGUST 2, 1956.

Notice of proposed withdrawal and reservation of lands, serial No. Colorado 013628 dated July 16, 1956, identified as F. R. Doc. 56–5932, filed July 23, 1956, 8:46 a. m., and appearing in FEDERAL REGISTER of July 24, 1956, pages 5538–39, is corrected as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Under "Lake Elmo Recreation Area" the description should read:

Lake Elmo Recreation Area:
T. 6 N., R. 83 W., unsurveyed,
In approximate Section 25.
Beginning at corner No. 1, from which the SW. corner of Section 19, T. 6 N., R. 82 W., bears N. 69° E. a distance of 27 chains, due south 25 chains to corner No. 2, thence due west 25 chains to corner No. 3, thence due north 25 chains to corner No. 4 and thence due east 25 chains to corner No. 1, the point of beginning.

J. ELLIOTT HALL, *Acting State Supervisor.*

[F. R. Doc. 56–6411; Filed, Aug. 8, 1956; 8:45 a. m.]

[W–043682]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5, Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, Departmental Order dated March 20, 1920, establishing Stock Driveway No. 128, Wyoming No. 13, under section 10 of the act of December 29, 1916 (39 Stat. 865, 43 U. S. C. 300) is hereby revoked as far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 87 W.,
Sec. 1: Lot 2, N½N½SW¼NE¼.

The area described aggregates 38.64 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) by which the offered land will benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and the Korean Conflict and others.

LOWELL M. PUCKETT, *State Supervisor.*

[F. R. Doc. 56–6412; Filed, Aug. 8, 1956; 8:45 a. m.]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

A plat of survey of each township as described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. September 6, 1956

SALT LAKE MERIDIAN

T. 21 S., R. 11 E.,
Sections 1, 2, 3, 16, 31, 32, 33, 36.

Area surveyed: 5,787.52 acres.
Plat of survey accepted June 11, 1956.

The land is principally broken, rolling benches with scattered mesas lying on the San Rafael Swell. The soil is of a shallow sandy clay and rocky, lying on limestone and sandstone bedrock. The

township is covered with a scattered growth of juniper and pinon pine, many types of bushes and grasses.

T. 24 S., R. 10 E.,
Sections 2, 16, 31, 32 and 36.

Area surveyed: 3,433.88 acres.
Plat of survey accepted June 26, 1956.

The land is composed of broken rolling benches with scattered mesas. The soil is shallow sandy clay and rocky, lying on limestone and sandstone bedrock. The township is covered with a scattered growth of juniper and pinon pine, many types of bushes and grasses.

T. 24 S., R. 12 E.,
Sections 2, 16, 31, 32 and 36.

Area surveyed: 2,913.64 acres.
Plat of survey accepted June 26, 1956.

The land in this township is principally rough and broken sandstone slopes with scattered pinon and juniper.

T. 25 S., R. 10 E.,
Sections 2, 16, 31, 32 and 36.

Area surveyed: 3,199.72 acres.
Plat of survey accepted June 26, 1956.

The land is composed of shale and limestone. The township is drained by a number of canyons beginning on the San Rafael Swell and draining southerly. There is a medium growth of scrub juniper and pinon over most of the township. There is a lack of water.

T. 29 S., R. 14 E.,
Sections 31, 32, 33, 34, 35 and 36.

Area surveyed: 3,832.01 acres.
Plat of survey accepted June 11, 1956.

In general, the terrain is rough and mountainous with a few scattered juniper and pinon; with a sparse undergrowth of scrub sagebrush, salt brush and bunch grass.

T. 33 S., R. 8 E.,
Sections 1, 2, 3, 16, 32, 33, and 36.

Area surveyed: 4,188.16 acres.
Plat of survey accepted June 11, 1956.

In general, the terrain is characterized by steep sandstone slopes, cut by box canyons, and clay badlands. The soil is poor, mostly a shallow sand to rocky clay loam. The timber is a dwarf juniper and stunted pinon, with very little undergrowth.

T. 33 S., R. 9 E.,
Sections 1, 2, 3, 16, 32, and 36.

Area surveyed: 3,837.76 acres.
Plat of survey accepted June 11, 1956.

The township is principally high mesas cut by deep, steep-sided box canyons. The soil is poor, mostly clay. The timber is dwarf juniper and pinon, with very little undergrowth. The canyons have intermittent streams of alkaline water during the wet season.

T. 34 S., R. 8 E.,
Sections 1, 2, 3, 16, 32, 33, and 36.

Area surveyed: 4,480.92 acres.
Plat of survey accepted June 11, 1956.

The township is mountainous country cut by deep canyons draining in a southwesterly direction. The soil is mostly sand on top of a sandstone strata. There is a medium dense growth of juniper and pinon. The undergrowth is mostly brush with very little grass.

T. 34 S., R. 9 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 4,813.64 acres.
Plat of survey accepted June 11, 1956.

The township is mountainous, cut by numerous steep-sided canyons. The soil is mainly a deep blue clay but on some is a shallow sandy clay. There is a very widely scattered growth of dwarf juniper. The undergrowth consists of various brushes and some grama grass.

T. 35 S., R. 8 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,119.52 acres.
Plat of survey accepted June 11, 1956.

The township is composed of high mesas, broken away by erosion. The soil is loose sandy to rocky clay loam. The timber is mainly juniper and stunted pinon. The undergrowth in the sandy part is principally grama grass and in the clay areas brushes and weeds.

T. 35 S., R. 9 E.,
Sections 1, 2, 3, 16, 32, 33, and 36.

Area surveyed: 4,477.52 acres.
Plat of survey accepted June 11, 1956.

The land is mainly broken sandstone slopes, cut by numerous box canyons and gulches. The soil is a poor grade of sand and clay, and is very rocky. The only timber is dwarf juniper and stunted pinon. The underbrush consists mainly of shadscale, rabbit brush, weeds and very little grass.

It is presumed that the right of the State of Utah attaches to sections 2, 16, 32, 36, of the above-described townships on the date of acceptance of plats of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, do not attach to these sections.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other non-mineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands in the foregoing townships are hereby opened for filing of applications in accordance with the following:

a. Applications under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 6, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 6, 1956, will be governed by the time of filing.

3. All valid applications under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 6, 1956, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312, Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

ERNEST E. HOUSE, *Manager, Land Office.*

AUGUST 1, 1956.

[F. R. Doc. 56–6413; Filed, Aug. 8, 1956; 8:46 a. m.]

Office of the Secretary

[Order 2815]

HEADS OF BUREAUS

DELEGATION OF AUTHORITY WITH RESPECT TO FIRE PROTECTION AND ASSISTANCE

SECTION 1. *Delegation of authority.* The head of each bureau is authorized to exercise the authority vested in the Secretary of the Interior pursuant to the act of May 27, 1955 (69 Stat. 66; 42 U. S. C., 1952 ed., Supp. III, sec. 1856), with respect to reciprocal agreements with fire organizations and the rendering of emergency assistance in extinguishing fires or preserving life and property from fire, subject to the regulations prescribed by the Secretary of the Interior.

SEC. 2. *Redelegation.* The head of each bureau may, in writing, redelegate or authorize written redelegation of the

authority granted in section 1 of this order.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 133z–15, note)

FRED A. SEATON,
Secretary of the Interior.

AUGUST 1, 1956.

[F. R. Doc. 56–6415; Filed, Aug. 8, 1956; 8:46 a. m.]

ORDER DESIGNATING THE CHIMNEY ROCK NATIONAL HISTORIC SITE, BAYARD, NEBRASKA

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas Chimney Rock, located in the vicinity of the City of Bayard in the County of Morrill, and State of Nebraska, is recognized by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, as possessing national significance as a unique and celebrated landmark on the Oregon trail, the great transcontinental route of the covered wagon migration during the mid-nineteenth century; and

Whereas the State of Nebraska, through the Nebraska State Historical Society, holds title to the land containing this historic landmark; and

Whereas a cooperative agreement has been made between the Nebraska State Historical Society, the City of Bayard, and the United States of America, providing for the designation, preservation, and use of Chimney Rock as a national historic site:

Now, therefore, under and by virtue of the authority conferred by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), I do hereby designate the following described lands to be a national historic site, having the name "Chimney Rock National Historic Site":

A tract of land in the Southwest Quarter of Section 17, Township 20 North, Range 52 West, of the 6th P. M., Morrill County, Nebraska, more particularly described as follows:

80.2 acres, more or less, in the Southwest Quarter (SW¼) of Section Seventeen (17), Township Twenty (20) North, Range Fifty-two (52) West of the 6th P. M., Morrill County, Nebraska, more particularly described as follows: Beginning at the southwest corner of said Section 17, running thence north on the section line a distance of 34.00 chains, running thence at right angles and east a distance of 23.50 chains, running thence south a distance of 34.14 chains to a point on the south line of said Section 17, said point being 16.50 chains west of the south quarter corner of said Section 17, running thence west along the south line of said Section 17 to the southwest corner thereof, the point of beginning; and

A tract of land described as follows:

Beginning at a point which is on the North line of the NW¼ of Section 20 T. 20 N., R. 52 W. and 40 feet West of the North one quarter corner thereof: Thence turning an angle of 60 degrees and 00 minutes to the left from the said North line of the NW¼ of Section 20 and running Southwesterly a distance of 244.00 feet to a point; thence turning an angle of 67 degrees and 50 minutes to the right from the last course and running Northwesterly a distance of 935.00 feet to a point; thence turning an angle of 35 degrees and 40 minutes to the right from the last course and running North and Westerly a distance of 113.00 more or less to intersect the North line of the said NW¼ of Section 20 at a point 1169.00 feet West of the North one quarter corner of the said Section 20; thence running east along the North line of the said NW¼ of Section 20 a distance of 1129.00 feet more or less to the point of beginning of the tract being described. The above-described tract lies wholly within the NW¼ of Section 20 T. 20 N., R. 52 W. and contains 3.50 acres of land more or less, but excepting .34 of an acre, more or less, which was formerly included within the area of a cemetery surveyed and platted July 31, 1896, by the Chimney Rock Cemetery Association.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 2d day of August 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56–6414; Filed, Aug. 8, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. AND MITSUI STEAMSHIP CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8104, between Matson Navigation Company and Mitsui Steamship Company, Limited (Mitsui Line), covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to European Continental sea ports, with transhipment at U. S. Pacific Coast ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 3, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–6423; Filed, Aug. 8, 1956; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F 16]

POWER REACTOR DEVELOPMENT CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the Power Reactor Development Company. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

Construction permit. Power Reactor Development Company of Detroit, Michigan (hereinafter "PRDC") on January 7, 1956, filed its application for license under section 104b of the Atomic Energy Act of 1954 (hereinafter "the act") to construct and operate a nuclear reactor (hereinafter "the reactor"). Amendments to the application were filed on June 6, 1956, July 12, 1956, July 20, 1956, and July 23, 1956. The original application together with said amendments is hereinafter referred to as "the application".

In its application PRDC has presented information on the general design of the reactor and its program for carrying out further investigations leading to a final design of the reactor. Based on the information submitted by PRDC, the Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be a utilization facility involved in the conduct of research and development activities leading to the demonstration of the practical value of that type of facility for industrial or commercial purposes.

C. PRDC, Atomic Power Development Associates, Commonwealth Associates, Inc., and United Engineers and Constructors, Inc., are technically qualified to design and construct said reactor.

D. (1) There are identified areas of uncertainty regarding the hazards potential of fast neutron breeder reactors that must be investigated and resolved. From the current state of the tecnology applicable to such reactors it can reasonably be inferred that there may be other areas of uncertaintly not yet identified and requiring investigation and resolution. Of primary importance among the identified areas of uncertainty are:

(a) Whether there exists in the PRDC reactor a positive component of the temperature coefficient similar to that exhibited in the Commission's experimental breeder reactor (EBR–I). The source of the positive component of the temperature coefficient exhibited by EBR–I (presently believed to be caused by dimensional distortion of the core structure) must be identified and its effect, if any, in the PRDC reactor must be eliminated.

(b) Whether there is a credible condition of meltdown and reassembly of the fuel of the PRDC reactor which could result in an explosion that would breach the gas-tight building surrounding the reactor. Further investigations must be carried out to establish that a credible condition of meltdown with consequent U–235 accumulation of critical dimensions cannot result in such an explosion.

(2) On the basis of information presently available, the Commission believes that the problems relating to the safety of operation of the PRDC reactor will prove to be of a kind that can be satisfactorily resolved within a reasonable time. There is some doubt whether they can be resolved in time to meet the schedule proposed by PRDC in its application and it may turn out that further investigations beyond the program of investigation outlined by PRDC in its application will be needed.

E. Although PRDC has submitted evidence of a commitment from certain banks for a loan of $15,000,000 and has described its plan for obtaining additional financing from its member companies, the evidence submitted to date does not justify a finding with respect to the financial qualifications of PRDC and accordingly the continued effectiveness of this permit will be conditioned upon a further showing in this regard as stated below.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a conditional construction permit to PRDC to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to the conditions specified below:

A. The earliest date for the completion of the reactor is December 15, 1959. The latest date for completion of the reactor is December 15, 1960. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location known as Lagoona Beach, Monroe County, Michigan, specified in the application.

C. The general type of facility authorized for construction is a fast neutron breeder reactor, more fully described in Report APDA–108, designed to operate at 300,000 KW equivalent of thermal energy and furnish approximately 100,000 kilowatts of electrical energy, and which will use uranium enriched in the isotope uranium 235 as fuel.

D. Unless, within twelve months from the date of this construction permit, PRDC submits sufficient information relating to its financial resources to enable the Commission to make a finding that the Company has adequate financial resources to meet the requirements of the law and the regulations, this permit shall expire; provided that the Commission may for good cause shown extend the time for the submission of such data.

The conversion of this permit to a license is subject to submittal by PRDC to the Commission (by amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time). The final Hazards Summary Report must show that the final design provides reasonable assurance to the satisfaction of the Commission that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph A above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, upon finding that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to PRDC pursuant to section 104b of the act, which license shall expire twenty-five (25) years after the date of this construction permit.

From time to time PRDC may submit to the Commission, in writing, reports upon the progress being made in experimental and developmental work. Following the submission of each such report the Commission will review the data included therein to determine whether the results of such work can be incorporated as technical specifications by appropriate amendment to this permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commisison has allocated to PRDC, for use in connection with the operation of the reactor, 3,929 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in PRDC's application for license. Shipments by the Commission to PRDC in accordance with Schedule 1 of the Appendix hereto will be conditioned upon PRDC's return to the Commisison of material substantially in accordance with Schedule 2 of the Appendix.

Dated at Washington, D. C., this 6th day of August 1956.

Date of issuance: August 4, 1956.

For the Atomic Energy Commission.

H. L. PRICE, *Director,*
Division of Civilian Application.

APPENDIX "A" TO CONSTRUCTION PERMIT

SCHEDULE 1—ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO PRDC

Year of transfer	Kilograms of contained U-235
1958	607
1959	0
1960	607
1961	1,819
1962	1,819
1963	3,032
1964	1,819
1965	3,031
1966	2,426
1967	1,819
1968	1,819
1969	1,819
1970	1,212
1971	1,819
1972	1,819
1973	1,212
1974	1,819
1975	1,819
1976	1,819
1977	1,212
1978	1,819
1979	1,819
1980	
Total for license period	38,805

SCHEDULE 2—ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM PRDC TO THE COMMISSION

Year of transfer	Kilograms of contained U-235		Total
	In scrap	In spent fuel	
1958	122	0	122
1959	0	0	0
1960	122	0	122
1961	363	920	1,283
1962	363	920	1,283
1963	606	1,839	2,445
1964	363	2,299	2,662
1965	606	1,362	1,968
1966	486	2,269	2,754
1967	363	1,792	2,155
1968	363	1,326	1,689
1969	363	1,309	1,672
1970	363	1,309	1,672
1971	242	873	1,115
1972	363	1,309	1,672
1973	363	1,309	1,672
1974	242	873	1,115
1975	363	1,309	1,672
1976	363	1,309	1,672
1977	242	873	1,115
1978	363	1,309	1,672
1979	363	1,309	1,672
1980			
Total for license period			34,876

[F. R. Doc. 56–6429; Filed, Aug. 6, 1956; 3:38 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3494]

ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE OF NOTES TO BANK

AUGUST 3, 1956.

Arkansas Power & Light Company ("Arkansas"), a public-utility subsidiary

of Middle South Utilities, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Arkansas has entered into a credit agreement with The Hanover Bank of New York City, pursuant to which Arkansas proposes to borrow from time to time up to November 30, 1956, an aggregate of not more than $8,000,000. The loans are to be evidenced by notes payable on or before two years from the date of the first of such borrowings and are to bear interest from their respective dates of issuance at the rate of 3¾ percent per annum to and including December 31, 1957, and thereafter at the rate of 3⅞ percent per annum.

The notes are to be prepayable in whole or in part without premium unless the prepayment is made from the proceeds of, or in anticipation of, bank borrowings at an interest rate lower than that then accruing on the notes to be prepaid, in which case Arkansas will pay a premium at the rate of ¼ of 1 percent per annum on the unpaid principal of the notes to be prepaid.

The proceeds from the proposed borrowings together with treasury funds will be used to make refunds to customers of about $8,500,000.

The fees and expenses incurred or to be incurred in connection with the proposed transactions are estimated to be as follows:

Fee of Arkansas Public Service Commission	$4,500.00
Printing	300.00
Expenses of The Hanover Bank	1,000.00
Miscellaneous expenses (telephone tolls)	50.00
Total	5,850.00

The Arkansas Public Service Commission has issued an order authorizing the proposed transactions. It is represented that no other State or Federal agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice of the filing of the application having been duly given in the manner prescribed by Rule U-23 promulgated under the Act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, other than those contained in Rule U-24, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application as amended be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended, be, and it hereby is, granted effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6417; Filed, Aug. 8, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32469: *Trailer-on-flat-car service—Between Trunk Line and Southwestern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between points in Delaware, District of Columbia, Maryland, New Jersey, New York and eastern Pennsylvania, on one hand, and points in Arkansas, Louisiana, Missouri, Oklahoma and Texas, on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4213.

FSA No. 32470: *Caustic soda to Ashland, Wis.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on caustic soda (sodium hydroxide), in solution, tank-car loads from Akron, Barberton, Fairport Harbor, Perry, Painesville, Ohio, Charleston, Natrium, Perkings, W. Va., Buffalo, Solvay, Syracuse, N. Y., Detroit, Midland, Whitehall-Montague, Wyandotte, Mich., and Saltville, Va., to Ashland, Wis.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 36 to Agent C. W. Boin's I. C. C. 1034; Supplement 121 to Agent H. R. Hinsch's I. C. C. 4370.

FSA No. 32471: *Substituted service—Motor-rail-motor—M. K. T. Lines.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., and Kansas City, Kans., on the one hand, and Muskogee, Oklahoma City and Tulsa, Okla., Dallas and Ft. Worth, Tex., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32472: *Substituted service—Motor-rail-motor—N. Y. N. H. & H. R. R.* Filed by the New York, New Haven and Hartford Railroad Company, for itself and on behalf of the McFaddin Express, Inc. Rates on freight loaded in semi-trailers, and transported on railroad flat cars between Boston, Springfield, Worcester, Mass., Hartford, New Haven, New London, Conn., and Providence, R. I., on the one hand, and Harlem River, N. Y. on the other.

Grounds for relief: Motor truck competition.

FSA No. 32473: *Calcium cyanamid—Niagara Falls, Ontario, to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on calcium cyanamid, carloads from Niagara Falls, Ont., Canada to points in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern region), New Mexico, Oklahoma and Texas.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

Tariff: Supplement 158 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32474: *Tin or terne plate—Aliquippa, Pa., to Tampa, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tin or terne plate, carloads from Aliquippa, Pa., to Tampa, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Boin's I. C. C. A-1081.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6424; Filed, Aug. 8, 1956; 8:47 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.293]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 Designation of differential posts, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (b) is amended by the deletion of the following:

Dar-es-Salaam, Tanganyika.
Kermanshah, Iran.
Pusl, China.
Tabriz, Iran.
Turrialba, Costa Rica.
Villahermosa, Mexico.

2. Effective as of the beginning of the first pay period following March 24, 1956, parargaph (b) is amended by the deletion of the following:

Cuenca, Ecuador.

3. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (b) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
Iran, all posts except Ahwaz, Kerman, Kermanshah, Tabriz and Tehran.
Turkey, all posts except Adana, Ankara, Elazig, Iskenderun, Istanbul, Izmir and Konya.

4. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (d) is amended by the deletion of the following posts:

Algiers, Algeria.
Cyprus, all posts.

5. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (a) is amended by the addition of the following:

Diyarbakir, Turkey.
Khorramshahr, Iran.
Wanta, Taiwan, China.

6. Effective as of the beginning of the first pay period following March 24, 1956, paragraph (b) is amended by the addition of the following:

Ecuador, all posts except Guayaquil, Pichilinque, Portoviejo, Quevedo and Quito.

7. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (b) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
Dar-es-Salaam, Tanganyika.
Iran, all posts except Ahwaz, Isfahan, Kerman, Khorramshahr, Shiraz and Tehran.
Turkey, all posts except Adana, Ankara, Diyarbakir, Elazig, Iskenderun, Istanbul, Izmir, Konya and Samsun.
Turrialba, Costa Rica.

8. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (c) is amended by the addition of the following:

Algiers, Algeria.
Cyprus, all posts.
Isfahan, Iran.
Samsun, Turkey.
Shiraz, Iran.

9. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (d) is amended by the addition of the following:

Damascus, Syria.
Jerusalem, Jerusalem.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: July 30, 1956.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 56-6443; Filed, Aug. 9, 1956; 8:45 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[Administration Letters 447 (440) and 433 (400)]

PART 390—ASSISTANCE IN THE GREAT PLAINS AREA

Chapter II, Title 6, Code of Federal Regulations, is amended to add a new Part 390 in Subchapter G, entitled, "Part 390—Assistance in the Great Plains Area," with a Subpart A entitled, "Great Plains Emergency loans," and a Subpart B entitled, "Voluntary Debt Adjustment Program," and to read as follows:

SUBPART A—GREAT PLAINS EMERGENCY LOANS

Sec.
390.1 General.
390.2 Types of credit assistance authorized.
390.3 Relationships with other sources of credit.
390.4 Making and servicing non-supervised loans.
390.5 Making and servicing supervised loans.

SUBPART B—VOLUNTARY DEBT ADJUSTMENT PROGRAM

390.21 General.
390.22 Policy.
390.23 Methods of adjustment.
390.24 Processing adjustments.

SUBPART A—GREAT PLAINS EMERGENCY LOANS

AUTHORITY: §§ 390.1 to 390.5 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 2 (a), (e), (f), 63 Stat. 44, as amended; 12 U. S. C. 1148a–2 (a), (e), (f).

§ 390.1 *General.* This subpart provides the policies, procedures and authorities for a broader emergency credit program to meet the special problems in certain counties of the Great Plains area. The objective of this lending program is to supplement the credit now available through private and Governmental sources in assisting farmers and stockmen in (a) making adjustments in their operations and in otherwise developing sound farm management programs that are consistent with the long-range agricultural program for proper land use in the area, and (b) meeting operating expenses and other obligations, which must be met if they are to continue in business. Loans under this program will be made under authority of section 2 (a) of Public Law 38, 81st Congress, as amended, and only in counties designated for that purpose by the Secretary of Agriculture.

§ 390.2 *Types of credit assistance authorized.* Loans will be made under this subpart only when it is determined, in each individual case, that there is a sound basis for credit and it is expected that the loan will be repaid. Each applicant will be required to obtain a land capability map for his farm or ranch, prepared by the Soil Conservation Service, which will become a part of the loan docket. However, when such maps cannot be furnished by the Soil Conservation Service so that loans can be processed by the time the funds will be needed by the applicants, State Directors are authorized to make exceptions to this requirement with respect to present borrowers and in other clearly justifiable cases, with the understanding that maps will be obtained as soon as possible. The land capability map (including any supplementary information available from the Soil Conservation Service necessary for a proper interpretation and use of the map) will be considered along with other information, such as acreage allotments, availability of Federal Crop Insurance, minimum resource guides, past production record of the farm, the applicant's experience and demonstrated ability, and other available information, as a basis for determining the soundness of the proposed operations. Two types of credit assistance are authorized, as follows:

(a) *Supervised.* Loans made to assist applicants in making needed adjustments in their farming or ranching operations will be considered as "supervised" loans. In addition to the credit extended under the authority contained herein, these borrowers will receive the same type of supervision and service, including planning and year-end analysis, as now required in connection with Production and Subsistence adjustment loan cases. Loans of this type will be based on farm and home plans developed on Form FHA–14, "Farm and Home Plan," and Form FHA–14A, "Long-Time Farm and Home Plan."

(b) *Non-supervised.* Loans made to assist applicants whose credit needs are only for operating expenses will be considered as "non-supervised" loans. Relatively small amounts may be included in these loans for machinery replacements; however, where substantial credit is needed for this purpose, repayable over several crop years, such loans shall be handled as supervised loans. Form FHA–197A, "Operating Budget and Financial Statement," will be used for documenting these loans, and they will be made and serviced as indicated under § 390.4.

§ 390.3 *Relationship with other sources of credit.* The assistance authorized in this subpart is intended to supplement and not replace the credit available to farmers and stockmen in the area through banks, cooperative lending agencies and other established sources, including other programs of the Farmers Home Administration.

(a) Loans will not be made under this subpart to any applicant whose credit needs can be met with a Production and Subsistence adjustment loan, Farm Ownership loan, Soil and Water Conservation loan, or a combination of such loans. However, if an eligible applicant's total need for credit of a type that is available under one or more of those regular lending programs cannot be met thereunder, an Emergency loan as authorized in this subpart will be made to meet the entire need for that particular type of credit.

(b) Loans will not be made under this subpart to any applicant who is predominantly a livestock operator and whose need for operating credit in connection with his livestock operations (including the purchase of livestock and replacement machinery) can be met with a Special Livestock loan under Part 384 of this chapter.

§ 390.4 *Making and servicing non-supervised loans.* All non-supervised loans will be made and serviced in accordance with Part 381 of this chapter except as follows:

(a) It will not be necessary for an applicant to establish that he has suffered a substantial production loss.

(b) When a real estate lien is to be taken as additional security, title evidence will be obtained in the same manner as outlined in § 390.5 (f) (4) (vi).

§ 390.5 *Making and servicing supervised loans.* All supervised loans will be made and serviced in accordance with the following policies and procedures:

(a) *Eligibility.* Any farm owner, farm operator, or stockman, including a partnership or corporation, is eligible for an Emergency loan under this subpart if it is determined that the applicant:

(1) Possesses legal capacity to contract for the loan.

(2) Is an established operator with a good past record of operations under normal conditions.

(3) Is primarily engaged in farming or livestock operations.

(4) Is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources, or through other programs of the Farmers Home Administration, the credit required to meet his needs, or if the applicant is a partnership or corporation the partners or stockholders are not in a position to finance the operations involved.

(5) Will own or have available under satisfactory tenure arrangements a farm suitable for carrying on successful farming operations.

(6) Can be expected to endeavor honestly to carry out the undertakings and obligations required of him under the loan.

(b) *Loan purposes.* Loans may be made for any agricultural purposes consistent with the objectives of the program as outlined in § 390.1, such as the following:

(1) The purchase of livestock, farm equipment, farm equipment repairs, seed, fertilizer, feed, insecticides, and farm supplies. These purposes do not include the purchase of passenger automobiles.

(2) To meet family living expenses, including premiums on reasonable amounts of health and life insurance and expenses for medical care.

(3) The payment of a year's interest on debts secured by liens on livestock and farm machinery at a rate not in excess of that which is reasonable and customary for the area.

(4) The payment of cash rent for not more than one year in advance where no other satisfactory rental arrangements can be effected, provided (i) the applicant is obligated under a written lease to pay in advance the amount to be loaned for such purpose, and (ii) the terms of the lease provide the applicant with reasonable secure and satisfactory tenure.

(5) The payment of bills that were incurred for annual recurring operating expenses in connection with the production of livestock, livestock products, and crops that are to be harvested or marketed during the crop year for which the loan is being made. This does not authorize the payment of bills incurred in connection with crops or livestock that have been lost, destroyed or disposed of prior to loan approval.

(6) The payment of taxes and insurance premiums on real and personal property owned by the applicant and essential to his farming operations. However, loan funds will not be used to pay insurance premiums or taxes, either current or delinquent, on Farm Ownership, Farm Housing, or Soil and Water Conservation loan farms.

(7) To finance basic land and soil improvements as may be necessary to develop farms in accordance with approved conservation and land use practices for the area, including the reseeding of grasslands, fencing, brush removal, and soil and water erosion control measures.

(8) The development and improvement of domestic and irrigation water supplies and the repair and installation of water facilities, including the purchase of stock in water companies or associations when necessary.

(9) To make essential repairs and improvements to existing farm buildings or to erect new farm buildings in exceptional cases when needed in connection with a reorganization of the farm business.

(10) The purchase of additional land to enable applicants owning inadequate farms to enlarge their farms so they will constitute economic family-type units.

(11) The payment of interest and principal on debts (other than those owed to the Farmers Home Administration) secured primarily by liens on farm real estate to the extent required to restore the applicant's real estate account to a current basis, provided (i) such action is necessary for the applicant to retain possession of his property, and (ii) the installments falling due in succeeding years are within the appli-

cant's anticipated repayment ability or the balance of the indebtedness is reamortized on that basis. Under similar conditions, loans may be made also for the payment of interest and principal due on farm real estate purchase contracts provided the applicant owns a mortgageable interest in the purchase contract or it is converted to a deed and mortgage prior to the time the loan is closed.

(12) The refinancing of debts secured by liens on livestock and farm machinery that are essential to a continuation of the farming operations under the farm and home plan developed, when such action is necessary in order for the applicant to retain possession of such property. The amount advanced for this purpose will not exceed the value of the chattels as determined by a current appraisal. All liens against the chattels must be satisfied of record.

(13) The payment of fees and expenses incident to the making of loans which are required to be paid by the applicant.

(c) *Loan limitations.* Loans will not be made to enable applicants to expand their operations beyond those considered to be family-type for the area.

(d) *Terms of loans.* (1) Interest will be charged at the rate of 3 percent per annum and will accrue from the date of the loan check on outstanding principal only.

(2) Loans will be scheduled to be repaid in accordance with the borrower's reasonable repayment ability, determined by an analysis of his farm and home operations. Except as provided in subparagraph (3) of this paragraph, installments on such loans will be scheduled for repayment from each year's income, subject to the following:

(i) Advances for annual recurring expenses, including amounts advanced for the payment of bills as authorized in paragraph (b) (5) of this section, will be scheduled for repayment when the principal income from the year's operations normally would be received. Advances for such purposes as seeding permanent-type legumes and grasses and for basic soil treatment are not considered annual recurring expenses.

(ii) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market will be scheduled for repayment when the principal income from the sale of such livestock or the livestock products normally can be expected.

(iii) Amounts advanced for other operating purposes, including the purchase of livestock and equipment and the refinancing of debts secured by liens on chattels only, or by liens on chattels with liens on real estate as additional security, will be scheduled for repayment over the shortest period consistent with the applicant's repayment ability but not in excess of seven years or the useful life of the chattel security, whichever is the shorter period. In addition, amounts advanced for real estate and water facilities purposes which are to be secured by liens on crops and chattels, as authorized in paragraph (e) (3) of this section will be scheduled for repayment as prescribed in this subpart.

(iv) Amounts advanced for land development, farm enlargement, building improvements, and other real estate purposes, the payment of interest and principal installments on real estate debts, and fees in connection with such advances will be scheduled for repayment over the shortest period consistent with the applicant's repayment ability but not in excess of 20 years from the date of the advance. It is recognized that it may be necessary to schedule smaller payments during the first few years of the loan because of the larger interest payments which will be due during those years, and because several years may be required for the applicant to realize sufficient income from his farming operations as reorganized to make larger payments during those years. At the same time, it is not expected that mere token payments will be scheduled. With the authority to defer payments until the end of the second full crop year, it is expected that installments generally will be approximately equal, taking into consideration the accrued interest that will be due each year.

(3) When an applicant's income will be abnormally low during the first year because of the conversions and adjustments to be made in his farming operations, or because of the drought conditions which have prevailed, and the balance available for debt payments on his Emergency loan at the end of the first crop year, the initial payment may be scheduled for repayment at the end of the second full crop year following the date of the loan.

(4) In some states original notes evidencing loans secured by liens on chattels cannot be scheduled for repayment over the entire repayment period agreed upon with the applicant because crop and chattel mortgage liens in those states are not valid for that length of time. In such states, when the repayment period agreed upon with the applicant extends beyond the period for which such security instruments are valid, Form FHA–258, "Agreement to Extend Payment Period," will be used to reflect the agreement and serve as a basis for taking the original notes and security instruments, as well as for taking additional notes and security instruments to extend the debt and lien. In states where the use of Form FHA–258 is required, the use thereof will be in accordance with State Instructions which have been issued by the State Director supplementing § 341.4 (d) of this chapter.

(e) *Security policies.* Each loan will be secured in a manner that will protect adequately the interest of the Government. In no event will the amount advanced, exclusive of funds for annual recurring expenses, exceed the applicant's equity in the real estate and chattels offered as security. The applicant's equity will be determined by deducting from the value (normal market value for real estate—current market value for chattels) of such property any liens not to be refinanced. When a lien on real estate must be taken to meet the security requirements specified herein, an appraisal of the property will be made as required in paragraph (f) (5) (ii) of this section. An appraisal of the real estate is not necessary if the loan approval official merely required a lien on the real estate as additional security. Subject to these policies each loan will be secured as follows:

(1) Amounts advanced for operating purposes as outlined in paragraph (d) (2) (i), and (iii) of this section will be secured by the following:

(i) A first lien on the crops growing or to be grown by the applicant, except:

(*a*) When a loan is being made to a tenant the Government's lien may be subject to the landlord's claim for a reasonable share of the crops for rent for the current year.

(*b*) When a loan is made to an applicant whose crops are subject to a lien contained in a purchase contract or a real estate mortgage, the Government's lien may be taken subject to the existing lien for the current year's installment on the real estate debt, provided the amount of such installment is reasonable when related to the normal rental charges for similar farms in the area.

(c) If a particular crop of the applicant is under lien as security for advances made by another creditor to produce that crop, or is to be financed by another creditor, the Government's lien may be subject to the lien of the other creditor, provided no advance will be made by the Farmers Home Administration in connection with such crops.

(ii) A first lien on all livestock and farm equipment purchased or refinanced with proceeds of the loan, except no lien will be taken on small tools and equipment of negligible value.

(iii) A first lien on all livestock being fed for market and productive livestock, other than that to be used for subsistence purposes, when advances are made to purchase or produce feed for such livestock. When it is not possible to obtain a first lien, however, a second lien will be acceptable provided the applicant has sufficient equity in the property to justify such action and prior lienholders execute Form FHA–916, "Agreement—Special Livestock Loan," agreeing to a definite non-disturbance period and to a division of the income to be received from the livestock which will permit the borrower to pay his loan in accordance with the policies expressed herein. When Form FHA–916 is used, the words "Special Livestock" will be changed to "Emergency" whenever it appears.

(iv) The best lien obtainable on as much of the livestock and farm equipment of security value owned by the applicant at the time the loan is made as is necessary to protect the interest of the Government. However, when a loan is made to a tenant, the landlord will be required to subordinate any interest or lien which he may have on such livestock and equipment that resulted from advances made for supplies, supplies furnished, or past-due rent.

(v) Written assignments of the proceeds of crop insurance when borrowers have insurance on crops from which payments are expected. If such insurance is to be obtained after the loan is made, an agreement will be reached with the borrower to give an assignment when the insurance is obtained.

(vi) Assignments of milk income when loans are made to finance dairy enterprises from which payments are expected and assignments of water stock when loans are made for the purchase thereof. Assignments of the proceeds from the sale of other agricultural products will be required when necessary to protect the interest of the Government.

(vii) The best lien obtainable on real estate when there is insufficient equity in the chattels to secure the amount advanced or the loan approval official determines that such security is necessary for other reasons.

(2) Except as provided in subparagraph (3) of this paragraph, amounts advanced for land development, or any of the other purposes outlined in paragraph (d) (2) (iv), of this section, will be secured by the following:

(i) A first lien on all real estate purchased with the proceeds of the loan.

(ii) The best lien obtainable on real estate when funds are advanced for the payment of interest and principal on the debt secured by a lien on such property in order to bring the account current.

(iii) The best lien obtainable on all other farm real estate owned by the applicant and on any other real estate owned by the applicant when necessary to adequately secure the loan.

(3) Amounts not in excess of $1,000 advanced for any of the purposes outlined in paragraph (d) (2) (iv) of this section, may be secured as prescribed in subparagraph (1) of this paragraph, if the loan approving official determines that the loan can be secured adequately in that manner.

(f) *Loan processing.* (1) Applications for loans will be received and processed for consideration by County Committees under the provisions of Subpart A of Part 301 of this chapter, except that Form FHA–197, "Application for Farmers Home Administration Services," will be used for both initial and subsequent loans.

(2) When the loan will be made to a tenant and the proposed operations involve adjustments or practices that are not permissible under the terms of the lease, or when it appears necessary for other reasons, the landlord must agree in writing for the tenant to carry out the planned operations. This agreement may be obtained through a revision of the lease, by letter, the signature of the landlord on the farm plan, or any other satisfactory method. In addition, when the loan will include funds for land development or other improvements to the real estate, the tenant must have a written lease for a sufficient period and under terms that will enable him to obtain reasonable returns on his investment. Furthermore, the lease must provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease.

(3) Applications for loans which are to be secured primarily by crop and chattel mortgages, even though real estate liens may be taken as additional security, will be processed in accordance with Part 342 of this chapter, except as follows:

(i) Sections 342.1, 342.2, 342.3 (a) and (b) of this chapter are not applicable.

(ii) Form FHA–910B, "County Committee Certification (Emergency Loans—Great Plains)," will be used in lieu of Form FHA–49, "Certifications—Production and Subsistence Loans." Before a loan is approved, the County Committee must make the necessary certifications on Form FHA–910B which will be executed in an original only.

(iii) Form FHA–203, "Promissory Note," will be used instead of Form FHA–31, "Promissory Note," as required by § 342.3 (f) of this chapter, and any reference to Form FHA–31 in Part 342 of this chapter will be interpreted to mean Form FHA–203. Section 342.3 (f) of this chapter is otherwise applicable except that repayments will be scheduled in accordance with paragraph (d) of this section. The rate of interest will be shown on Form FHA–203 as 3 percent. When the applicant is a corporation, Form FHA–203 will be executed by the appropriate officials of the corporation, and in order to evidence their personal liability, by the principal stockholders. When the applicant operates as a partnership, Form FHA–203 will be executed by all members as partners and also as individuals.

(iv) Section 342.3 (h) of this chapter is not applicable. Instead, Form FHA–5, "Loan Authorization," will be prepared in accordance with § 381.9 (c) of this chapter.

(v) Section 342.3 (i) of this chapter is modified hereby to provide that loans may not be disbursed in more than four advances and the last advance must be disbursed not later than 12 months from the date of the first advance.

(vi) When a real estate lien is to be taken as security, title evidence will be obtained in the same manner as outlined for Soil and Water Conservation loans in § 352.1 (d) of this chapter and the lien will be taken on Form FHA–76 —, "Real Estate Mortgage."

(4) Loans made for farm enlargement, farm development, and similar purposes that will be secured by liens on real estate will, in general, be processed in accordance with the procedures applicable to processing direct Farm Ownership loans subject to the following:

(i) Where funds are being advanced for farm enlargement purposes, options will be obtained in accordance with the provisions of Subpart B of Part 321 of this chapter.

(ii) An appraisal of the farm will be made and reported on Form FHA–596, "Appraisal Report," by an employee authorized to make appraisals.

(iii) Title evidence will be obtained in the same manner as outlined for Soil and Water Conservation loans in § 352.1 (d) of this chapter. Loan dockets will be developed in accordance with Part 332 of this chapter except as follows:

(*a*) Sections 332.2, 332.3 and 332.4 of this chapter are not applicable.

(*b*) Section 332.6 of this chapter is amended hereby by substituting Form FHA–910B for Form FHA–491.

(*c*) Section 332.7 of this chapter is not applicable. Instead, loans will be reviewed and acted upon by the loan approval official in accordance with § 342.4 of this chapter. If the loan is approved, the title evidence required will be obtained and when it is determined that the necessary security requirements can be met, Forms FHA–5 and FHA–203 will be forwarded to the Finance Office for issuance of the loan check.

(*d*) Section 332.8 of this chapter is not applicable. However, when farm enlargement is involved, the option will be accepted following loan approval on Form FHA–191, "Acceptance of Option (Vendor to Furnish Abstract)," or FHA–191B, "Acceptance of Option (Vendor to Furnish Title Insurance)," whichever is applicable.

(*e*) Sections 332.9 and 332.12 of this chapter are not applicable and § 332.13 of this chapter is not applicable unless title insurance is used, in which case only those portions of this section dealing with title insurance and closing instructions are applicable.

(iv) The borrower will keep the buildings on the property insured against loss or damage by fire, lightning, windstorm, hail, and other hazards and natural catastrophies as required by the Farmers Home Administration.

(g) *Loan approval authority.* The loan approval authority delegated pursuant to § 381.10 of this chapter is applicable.

(h) *Servicing.* Supervised loans made under this subpart will be serviced in accordance with the authorities, policies, and procedures applicable to the servicing of adjustment Production and Subsistence loans, except that Part 364 of this chapter is not applicable. Non-supervised loans will be serviced as indicated under § 390.4.

SUBPART B—VOLUNTARY DEBT ADJUSTMENT PROGRAM

AUTHORITY: §§ 390.21 to 390.24 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 22, 60 Stat. 1071; 7 U. S. C. 1008.

§ 390.21 *General.* This subpart provides the policies, procedures, and authorities for the administration of a program of assistance in the voluntary adjustment of debts, pursuant to section 22 of Public Law 731, 79th Congress, between farm debtors and their creditors in counties in the Great Plains area in which the credit program under Subpart A of this part has been authorized by the Secretary of Agriculture. Because of the extended drought and wind erosion in some counties in the Great Plains area, many farmers and stockmen have been unable to meet their obligations for several years. As a result, some are indebted beyond their ability to pay, even over an extended period. Many of these farmers and stockmen will find it impossible to continue in business unless they are able to effect a satisfactory adjustment of their debts. It is the intent of this program to assist farm debtors and their creditors in working out voluntary adjustment of such debts.

§ 390.22 *Policy.* Assistance may be rendered under this program in the voluntary adjustment of debts between any farm debtor and his creditor, other than the Government, when such assistance is requested by the debtor or the creditor, or when an adjustment of debts appears necessary in order to qualify

the debtor for a Farmers Home Administration loan. It is not the policy, however, to assist any farmer or stockman in avoiding the payment of bona fide obligations within his reasonable ability to pay. It is expected that adjustments will be made on the basis that each debtor will meet his obligations to the full extent of his ability to pay, considering his resources and the demands upon his income.

§ 390.23 *Methods of adjustments.* The adjustment of debts under this program will be accomplished by rearrangement of terms, reduction in amount or interest rate, refinancing, conveyance of property, a combination of the above, or any other equitable means.

§ 390.24 *Processing adjustments.* All requests for assistance under this program will be made to the County Supervisor.

(a) Any farm debtor requesting assistance hereunder will be required to furnish complete information concerning his debts, financial condition, and farming or livestock operations. If the debtor is applying for loan assistance from the Farmers Home Administration, or recently has applied for such assistance, the information on Form FHA–14, "Farm and Home Plan," should be sufficient for this purpose. If the debtor is not applying for loan assistance and has not so applied recently, he will be required to complete and execute Form FHA–197A and the title of the form will be changed to read: "Request for Debt Adjustment Assistance." When a creditor of a farm debtor requests debt adjustment assistance, the debtor will be advised and asked to furnish the necessary information about his situation, as indicated above, if it is not already available.

(b) If the information developed on Form FHA–14 or Form FHA–197A shows a need for an adjustment of debts, the information will be made known to the creditors involved, who will be invited to make proposals for the adjustment of the debts they hold. This preliminary contact with creditors may be made by the debtor, the County Supervisor, or a member or members of the Farmers Home Administration County Committee. If the proposals made in response to this contact are adequate for reasonable and equitable adjustment, the proposals will be formalized into written agreements in accordance with paragraph (d) of this section.

(c) When a satisfactory adjustment cannot be reached in accordance with paragraph (b) of this section, all creditors involved will be invited to attend a meeting of the County Committee for the purpose of discussing the debtor's situation and attempting to arrive at adjustments within the debtor's ability to pay. Any satisfactory agreements reached at such a meeting will be formalized into written agreements in accordance with paragraph (d) of this section.

(d) Each satisfactory agreement reached for the adjustment of a debt within the debtor's ability to pay will be documented on Form FHA–241, "Debt Adjustment Agreement," and executed by both parties. Form FHA–241 will be prepared and executed in an original and two copies. The original will be delivered to the debtor, one copy will be delivered to the creditor, and the copy will be filed in the County Office.

Dated: August 6, 1956.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56-6470; Filed, Aug. 9, 1956; 8:52 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4004, and 4785 containing the specific requirements for the 1956 Crop Barley Price Support Program are further supplemented as follows:

Section 421.1683 (d) (1) is amended by adding to the list of basic support rates at designated terminal markets the following:

Terminal market:	*Rate per bushel*
Saint Paul, Minn.	$1.24

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 6th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6451; Filed, Aug. 9, 1956; 8:48 a. m.]

[1956 CCC Peanut Bulletin 721 (Peanuts 56)-1]

PART 446—PEANUTS

SUBPART—1956 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1956 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

Sec.
446.801 Administration.
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446.821 Eligibility requirements for No. 2 peanuts.
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446.823 Period in which offers will be accepted.
446.824 Minimum quantity and terms of offer.
446.825 Inspecting, grading, sealing and rejecting No. 2 peanuts.
446.826 Net weight of No. 2 peanuts.
446.827 Delivery and passage of title.
446.828 Payment for No. 2 peanuts.
446.829 Records and reports.
446.830 Assignment.
446.831 Officials not to benefit.
446.832 Contingent fees.

AUTHORITY: §§ 446.801 to 446.832 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 446.801 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by Agricultural Stabilization and Conservation State committees and by Agricultural Stabilization and Conservation county committees (hereinafter called State and county committees) and the Dallas CSS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan Agreement, CCC Peanut Form 27 (1956) with CCC (hereinafter referred to as an Agreement with CCC), may receive, arrange for storage, and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.802 *Availability*—(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1957 and will mature on May 31, 1957, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1957. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1957. Warehouse receipts for peanuts delivered to an association operating under an agreement with CCC must be dated not later than January 31, 1957, and must have been issued within two business days after the peanuts were received in the warehouse.

§ 446.803 *Methods of price support.* CCC will support the price of eligible 1956 crop quota peanuts through non-recourse farm storage loans to eligible producers and non-recourse warehouse storage loans to associations operating under an agreement with CCC.

§ 446.804 *Definitions.* As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling peanuts for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC; and meets the following requirements:

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members and any non-members for whom the association handles peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts which it receives from producers who have no right to redeem or obtain possession of their peanuts after delivery to the association;

(4) The manager of the association must not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the marketing quota regulations which in general defines a farm as all adjacent or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The farm peanut acreage allotment for the 1956 crop of peanuts established pursuant to the marketing quota regulations.

(e) *Farmers' stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1956, which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the State in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1956 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Marketing Quota Regulations for peanuts of 1956 crop issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto (20 F. R. 6033 and 21 F. R. 3867).

(i) *Net weight.* That weight obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Operator.* The person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) *Producer.* A person who, as landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(l) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(m) *Type.* The generally known types of peanuts (i. e. Runner, Spanish, Valencia, and Virginia) as defined in § 729.704 of the proclamation "Determination With Respect to Types of Peanuts in Insufficient Supply for the 1956-57 Marketing Year" issued February 21, 1956, by the Acting Secretary of Agriculture (21 F. R. 1259), except that any peanuts which would otherwise be considered Virginia type but which contain less than 30% "Fancy" size (peanuts riding a 34/64 x 3 inch slotted screen) will be considered Runner type peanuts.

(n) *Within quota card.* MQ–76 Peanuts (1956) or MQ–76–VC Peanuts (1956), 1956 Peanut Within Quota Marketing Card issued pursuant to the marketing quota regulations.

§ 446.805 *Support prices.* The national average support price is $227.04 per ton. The support prices and loan rates by types, and the premiums and discounts with respect thereto, are contained in § 446.806.

§ 446.806 *Price support schedule.* The following price support schedule applies to net weight merchantable farmers stock peanuts in bulk or in bags, eligible for loans pursuant to the terms of the CCC peanut program.

(a) *Average support prices.* The support price by type per average ton of 1956 crop quota peanuts will be:

	Per ton
Virginia	$242.98
Runner type	212.56
Southeastern Spanish type	230.30
Southwestern Spanish type	223.43
Valencia type suitable for cleaning and roasting	231.83

(b) *Calculation of support prices.* The support price per ton for each type of peanuts shall be calculated on the basis of the following rates, premiums and discounts:

(1) *Kernel values.*

(i) Price for each percent of sound mature kernels:	
Virginia type	$3.28
Runner type	3.15
Southeastern Spanish type	3.25
Southwestern Spanish type	3.20
Valencia type:	
A. Southwestern area:	
(aa) Suitable for cleaning and roasting	3.42
(bb) Not suitable for cleaning and roasting	3.20
B. Areas other than Southwest	3.25
(ii) Price for each percent of kernels other than sound mature kernels	1.50
(iii) Premiums for Virginia type extra large kernels for each one percent above 15 percent	1.25

(2) *Damaged kernel discount.* The discount for damaged kernels riding the prescribed screen for determination of sound mature kernels for each type in excess of 1 percent shall be as follows per ton for all types.

Peanuts containing damaged kernels of:	*Discount*
2 percent	$3.50
3 percent	7.00
4 percent	12.25
5 percent	19.25
6 percent	26.25
7 percent	36.75

Peanuts with damaged kernels riding the prescribed screen of 8 percent and over shall not be eligible for price support.

(3) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(4) *Discount for Florispan peanuts.* Peanuts of Florispan variety will be discounted 35 percent in addition to other discounts.

(c) *Definitions*—(1) *Sound mature kernels.* The term "sound mature kernels" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts, and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(*a*) $15/64$ x $3/4$ inch perforations in the case of Spanish and Valencia peanuts,

(*b*) $15/64$ x 1 inch perforations in the case of Virginia peanuts,

(*c*) $16/64$ x $3/4$ inch perforations in the case of Runner peanuts.

(2) *Extra large kernels.* "Extra large kernels" means any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia Peanuts (effective November 1, 1939) and which will not pass through a screen having $21.5/64$ x 1 inch perforations.

(3) *Virginia type peanuts.* Any lot or load of peanuts which would normally be considered Virginia type and which

contains not less than 30 percent "fancy" size (peanuts riding a $3^{1}/_{64}$ x 3 inch slotted screen). Any lot or load of peanuts normally considered Virginia type but which contains less than 30 percent "fancy" size will be considered Runner type peanuts.

(4) *Valencia type peanuts, suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(d) *Producer advance values.* The association shall advance to the producer on eligible peanuts delivered to the association an amount equal to the support price of the peanuts less $9.00 per ton for payment of inspection and storage costs and part of the association's operating expenses in connection with the loan program.

§ 446.807 *Eligible peanuts.* Peanuts eligible for price support are 1956 crop farmers stock peanuts which:

(a) Contain 10 percent or less foreign material, 7 percent or less damaged kernels, 10 percent or less moisture when placed under a farm storage loan, or a percentage of moisture, when received in the warehouse, within the minimum and maximum limitations specified by the association for peanuts which are to be pledged as collateral for a loan to the association; except that peanuts which have been mechanically dried must contain at least 5 percent moisture when placed under a farm storage loan or when received in the warehouse and must not show evidence of damage from drying process, including (but not limited to) slippage of the skin.

(b) Are identified by a within quota marketing card in accordance with the marketing quota regulations.

(c) Are produced by an eligible producer on a farm on which the 1956 farm peanut acreage does not exceed the larger of the 1956 farm allotment or one acre, or for which a within quota marketing card is issued to the producer or operator upon the execution of Form MQ–92—Peanuts (1956) "Agreement by Operator of Overplanted Farm, 1956 Peanut Program", in which he agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(1) The liquidated damages payable to CCC under such agreement may be waived to such extent as the Executive Vice President of CCC or his designated representative may determine appropriate in any case where he determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(2) Copies of Form MQ–92—Peanuts (1956) may be obtained from the county committee. The county committee may decline to execute Form MQ–92—Peanuts (1956) in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

(d) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained: *Provided, however,* That peanuts under a loan to an association may be subject to liens for warehouse charges specified in the warehouse contract, CCC Peanut Form 28 (1956), or CCC Peanut Form 28A (1956).

(e) If bagged, are in bags made of material weighing ten ounces or less per square yard and containing no sisal fibers.

§ 446.808 *Eligible producer.* A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

§ 446.809 *Type and grade.* Federal or Federal-State inspectors shall determine the type and grade of each lot of peanuts:

(a) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made.

(b) When delivered in settlement of a farm storage loan.

(c) When received in a warehouse under contract CCC Peanut Form 28 (1956) or CCC Peanut Form 28A (1956); and

(d) When delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1956) or CCC Peanut Form 28A (1956).

The grade shall be expressed in terms of the percentages of sound mature kernels, damaged kernels, other kernels, loose shelled kernels, foreign material, moisture, and extra large kernels in Virginia type peanuts.

§ 446.810 *Approved lending agencies.* An approved lending agency shall be a bank or other financial organization with which CCC has entered into a lending agency agreement on CCC Form 322 in the case of producer farm storage loans and on CCC Peanut Form 50 in the case of loans to peanut associations.

§ 446.811 *Service charges and fees.* (a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. No refund of service charges will be made. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage loan and the association will pay the fee for inspecting peanuts placed under a loan to the association. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

(c) The association will pay the warehouse charges on peanuts redeemed. CCC will pay warehouse charges with respect to loan collateral peanuts acquired by CCC, except that the producer will be required to defray storage charges for a period of eight months.

(d) The service charges and fees specified in this section will be computed on gross weights.

§ 446.812 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default, and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 446.813 *Personal liability of the borrower.* The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts by the borrower may render such borrower subject to criminal prosecution under Federal law and shall render him personally liable for the amount received (plus interest) and for any resulting expense incurred by any holder of the note.

§ 446.814 *Payments and collections; amounts not exceeding $3.* To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 446.815 *Set-offs.* (a) If a producer who obtains a loan is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, plus interest if any, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders.

(b) Associations shall deduct from their advance payments to producers and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 446.816 *Purchase of notes.* (a) The county committee, acting on behalf of CCC, will purchase from approved lending agencies notes evidencing approved farm storage loans. The purchase price will be the principal sums remaining due on such notes plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

(b) Approved lending agencies making loans to associations may assign all or part of such loans to CCC and obtain payment for the amounts assigned by means of sight drafts drawn on CCC payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies may act as agents for CCC in servicing the loan or portion thereof assigned to CCC.

§ 446.817 *Foreclosure.* If the loan is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts and sell them. Any sum due the borrower as a result of the sale of the peanuts shall be payable only to the borrower without right of assignment.

§ 446.818 *Farm storage loan provisions.* Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans will apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet the requirements therefor, the county office will determine the amount of the loan and prepare and approve the loan documents. Copies of all such documents will be kept in the county office. After the loan documents are approved, the producer may obtain the loan from any approved lending agency or from CCC. The producer may deliver the peanuts to CCC upon maturity of the loan, or may redeem the peanuts at any time prior to such delivery by repaying the amount of the loan plus interest and charges.

(a) *Approved farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structures shall be dry and well-ventilated.

(b) *Method of determining quantity—*(1) *Peanuts placed under loan.* The net weight of the peanuts to be placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this section. A 5 percent minimum reduction in such estimated gross weight is required in an effort to avoid underdelivery at maturity in the event the loan is not repaid.

(i) *Peanuts stored in bulk.* The estimated gross weight of bulk peanuts may be determined either by weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot for the type of peanuts indicated below (such number of pounds has been reduced by approximately 5 percent from the estimated actual weight):

Type:	*Weight per cu. ft. (pounds)*
Runner	17.0
Spanish	19.0
Valencia	17.0
Virginia	12.0

If the estimated gross weight of bulk peanuts is determined by actual weight instead of by measurement, deduct from such weight an amount specified by the State committee which amount shall be not less than 5 percent of such gross weight.

(ii) *Peanuts stored in bags.* The estimated gross weight of bagged peanuts to be placed under loan shall be determined by weighing all of the bags, or by weighing a sufficient number of bags to estimate the gross weight of all the bags and then by deducting an amount not less than 5 percent of such gross weight specified by the State committee.

(2) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of the loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

(c) *Forms.* Loan forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. Commodity Loan Forms A and AA must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(d) *Disbursement.* Disbursement of farm storage loans will be made by approved lending agencies or by sight drafts drawn on CCC by the county office. Disbursement, regardless of where made, shall not be made after February 15, 1957, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence or are not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Insurance.* CCC will not require the borrower to insure the peanuts placed under a farm-storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds must be paid to CCC to the extent of its interest, after first satisfying the borrower's equity in the peanuts involved in the loss.

(f) *Safeguarding the peanuts.* The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

(g) *Loss or damage to the peanuts under farm storage loan.* (1) The producer is responsible for any loss in grade and for any loss in weight, except that CCC will assume uninsured physical loss or damage occurring after disbursement of the loan funds without fault, negligence or conversion on the part of the producer or of any other person having control of a storage structure not located on the farm, provided such loss or damage resulted solely from an external cause other than insect infestation, vermin or rodents and the producer gave the county committee immediate notice confirmed in writing of such loss or damage. Losses under the provisions of this subsection will be assumed by CCC to the extent of the settlement value of the quantity destroyed or in an amount equivalent to the extent of the damage, as determined by CCC, provided there has been no fraudulent misrepresentation made by the producer in the loan documents or in obtaining the loan.

(2) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

(h) *Redemption of the peanuts under farm storage loan.* A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC pursuant to paragraph (i) of this section, redeem the peanuts remaining under farm storage loan by paying to the holder of the note and supplemental loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of evidence of payment, the county office shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county office after making payment to the holder of the note for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan, but only upon prior approval of

the county office. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the peanuts must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the peanuts from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(i) *Settlement of farm storage loans.* (1) The producer is required to pay off the loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county office. If the producer fails to deliver mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(2) If, either before or after maturity, the peanuts are or are in danger of going out of condition, the producer shall so notify the county committee and confirm such notice in writing. If the county committee determines that the peanuts are or are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(3) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(4) Settlement for peanuts delivered to CCC will be made, subject to the provisions of the Producers Note and Supplemental Loan Agreement, at the applicable support price, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered, for the type, grade (except as provided above for peanuts going out of condition), and quantity, of the peanuts delivered and accepted by the county committee: *Provided, however,* That the settlement value for peanuts delivered to CCC which do not meet the eligibility requirements with respect to moisture, damage or foreign material shall be determined at the support price for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the peanuts delivered, as determined by CCC. Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered.

§ 446.819 *Loans to associations.* An association which desires to receive, store, or arrange for storage and handle peanuts for and on behalf of producers who have the right to share in its profits from the handling of such peanuts, may obtain a loan on all eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC. Such loan will be made pursuant to the terms of the Association Loan Agreement, CCC Peanut Form 27 (1956) between the association and CCC, and shall be evidenced by a blanket note in form prescribed by CCC. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The associaton may obtain the loan from an approved lending agency or from CCC. Each producer from whom the association receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the price support value of such peanuts less deductions approved by CCC. At any time on or before maturity, the association may redeem peanuts for sale in accordance with policies established by CCC. The association shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

§ 446.820 *Purchase of No. 2 shelled peanuts.* Subject to the terms and conditions of §§ 446.820 through 446.832, CCC will purchase from shellers No. 2 shelled peanuts (hereinafter referred to as "No. 2 peanuts") offered to the associations listed below, each of which is designated to accept No. 2 peanuts on behalf of CCC in the area specified. Shellers located in any such area who are interested in selling No. 2 peanuts to CCC should so notify the association within 60 days after the date this subpart is published in the FEDERAL REGISTER, or such later date as may be specified by CCC. Purchases will be made from only those shellers who have indicated such intention within the time prescribed.

Southeastern area: GFA Peanut Association, Camilla, Ga.

Southwestern area: Southwestern Peanut Growers' Association, Gorman, Tex.

Virginia-Carolina area: Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 446.821 *Eligibility requirements for No. 2 peanuts.* No. 2 peanuts of any type offered to CCC must:

(a) Meet the U. S. Standards for U. S. No. 2 shelled peanuts of such type: *Provided however,* That such peanuts shall contain 7 percent or less damaged kernels, 9 percent or less moisture, and 2 percent or less foreign material.

(b) Be 1956 crop peanuts, free and clear of all liens and encumbrances;

(c) Not exceed the quantity of No. 2 peanuts which CCC determines that the sheller could reasonably produce from eligible 1956 crop farmers stock peanuts purchased by the sheller direct from producers or from an association prior to the end of the period in which offers from shellers will be accepted by CCC. The type and grade of all such farmers stock peanuts must have been determined by Federal or Federal-State inspectors.

§ 446.822 *Sheller's agreement to service producers and the association.* Each sheller who notifies the association of his intention to offer No. 2 peanuts to CCC shall, upon request, (a) inform a producer of the amount he could obtain for his peanuts under a price support loan to the association and also inform the producer where he may deliver his peanuts to the association, and (b) make available to the association warehouse space for storage of loan peanuts under contract CCC Peanut Form 28 (1956), except that if the sheller demonstrates to the association that he needs the space for his customary business operations, he will not be required to make such space available.

§ 446.823 *Period in which offers will be accepted.* (a) A sheller may offer, in writing, No. 2 peanuts to CCC from October 1, 1956, through June 30, 1957, unless a later date is approved in writing by CCC: *Provided, however,* That CCC, may at any time prior to June 30, 1957, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. The date the offer is received by the association shall be deemed to be the date of the offer. The offer, the provisions of §§ 446.820 through 446.832, and the written acceptance by the association shall constitute the contract between the sheller and CCC.

(b) At any time prior to the end of the period during which offers will be accepted, the association may send the sheller a written request for information with respect to the quantity of No. 2 peanuts in the sheller's inventory which are eligible for sale to CCC, and the sheller shall furnish such information within 5 days after the date of the request. The association may, by written notice dated not more than 10 days after receipt of such information from the sheller, request the sheller to offer a specified quantity of No. 2 peanuts, which quantity may be all or any part, but not less than 25,000 pounds, of his inventory of No. 2 peanuts which are eligible for sale to CCC. If he does not offer such quantity of No. 2 peanuts within 5 days after the date of the request for an offer, CCC shall not be obligated to buy any No. 2 peanuts from such sheller for a period of 60 days after the date of such request.

(c) If the sheller fails to furnish, within the 5-day period specified above, information with respect to the quantity of peanuts eligible for sale to CCC, CCC shall not be obligated thereafter to purchase any peanuts from such sheller.

§ 446.824 *Minimum quantity and terms of offer.* (a) The minimum quantity of No. 2 peanuts which may be offered at any time is 25,000 pounds. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer.

(b) Each offer shall be made in the manner prescribed by CCC and shall contain the sheller's certification and agreement that (1) the offer is made pursuant to the terms and conditions of all the provisions of this subpart relating to No. 2 peanuts, (2) the peanuts meet the eligibility requirements in § 446.821, (3) the sheller has fulfilled all the obligations of this subpart relating to No. 2 peanuts which are required to be fulfilled prior to the submission of an offer, and (4) the sheller will carry out all of the obligations which remain to be performed after the offer is made.

§ 446.825 *Inspecting, grading, sealing, and rejecting No. 2 peanuts offered.* (a) The type and grade of the No. 2 peanuts purchased by CCC pursuant to each offer shall be determined by Federal or Federal-State inspectors and evidenced by inspection certificates issued by such inspectors. The sheller shall pay the cost of inspection and grading.

(b) The inspection data shall be used to determine (1) that the No. 2 peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.821, (2) the net weight and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the inspection agency procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal-State Inspection Service. CCC shall have the right to re-inspect the No. 2 peanuts at its own expense within 5 days after receipt at destination.

(d) CCC may reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer at the time of the original inspection or re-inspection does not meet the eligibility requirements in § 446.821.

§ 446.826. *Net weight of No. 2 peanuts.* The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the percentage of foreign material shown on the inspection certificate issued pursuant to § 446.825. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.827 *Delivery and passage of title.* (a) (1) The sheller shall deliver No. 2 peanuts in accordance with instructions issued by the association. Such delivery instructions, except as provided in paragraph (b) of this section, shall be issued within 25 days after the date of the association's written acceptance of the offer.

(2) The sheller shall deliver all No. 2 peanuts in bags of uniform size, which are packed in accordance with good commercial practice. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by CCC may be required in some instances.

(3) If the sheller fails to exercise rodent and insect control to the extent that the No. 2 peanuts offered to CCC are subject to seizure by the Food and Drug Administration, Department of Health, Education, and Welfare, such peanuts shall not be eligible for delivery to CCC, and any amount paid to the sheller therefor shall be refunded to CCC.

(4) If the sheller fails to deliver, as prescribed in the delivery instructions, a quantity of No. 2 peanuts equal to at least 95 percent of the quantity offered by him and accepted by the association, or if he delivers a quantity of No. 2 peanuts in excess of the quantity eligible for delivery to CCC pursuant to § 446.821, he shall pay to CCC, as liquidated damages and not as a penalty, an amount equal to 2 cents per pound (i) for the quantity by which the quantity delivered is less than 95 percent of that offered by the sheller and accepted by CCC; or (ii) for the quantity delivered which is in excess of the quantity eligible for delivery to CCC. Because of the difficulty in ascertaining the exact damages which CCC would suffer in either situation, CCC and the sheller agree that such liquidated damages constitute a reasonable estimate of the probable actual damages.

(b) Title to the No. 2 peanuts shall pass to CCC upon delivery from the sheller's plant, f. o. b. railroad cars or trucks at CCC's option; except that in the event the association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the No. 2 peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate issued by an authorized inspector showing that the peanuts meet the quality requirements for eligibility. The gross weight of the peanuts for which the storage certificate is issued shall be determined after the expiration of the 25-day period within which the association was to have issued shipping instructions, by a weighmaster and on scales approved by CCC. The sheller shall be responsible for deterioration after passage of title to CCC which is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise. If the sheller fails to issue the storage certificate, title shall not pass until the peanuts are delivered in accordance with instructions issued by the association, and CCC shall not pay any storage or handling charges with respect to such peanuts.

§ 446.828 *Payment for No. 2 peanuts.* (a) The price per pound net weight of No. 2 peanuts purchased by CCC shall be as follows:

No. 2 peanuts containing damaged kernels of—	All types (cents)
1 percent	15.50
2 percent	15.25
3 percent	15.00
4 percent	14.50
5 percent	13.60
6 percent	12.50
7 percent	10.50

(b) With respect to No. 2 peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.827 (b), payment for warehouse charges shall be the sum of:

(1) $.50 per net weight ton for handling-in charges,

(2) $.50 per net weight ton for handling-out charges (delivery f. o. b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton per month, fractions of ton and month in proportion, for storage charges. The storage month shall begin on the date title passes to CCC and shall run from that date to, but not including, the corresponding day of the next calendar month. The storage period shall end on the day prior to the date the peanuts are delivered from storage.

(c) (1) Payment for the No. 2 peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for the No. 2 peanuts for which title passed to CCC upon delivery shall be made, after delivery, on the net weight determined from the gross weight obtained at the time the No. 2 peanuts are loaded out of the sheller's plant.

(3) Payment for the No. 2 peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities, as provided in § 446.827 (b), shall be made after title has passed to CCC; but payment of the warehouse charges specified in paragraph (b) of this section for such No. 2 peanuts shall be made after the peanuts are delivered. The net weight on which the amount of payment for both the No. 2 peanuts and the warehouse charges is determined, shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.829 *Records and reports.* (a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers and for which the type and grade were determined by Federal or Federal-State inspectors, the date and place received, the names and addresses of the producers, the types, grades, and the pounds of each such grade received from each producer, (2) the type, grade, and quantity of farmers stock peanuts purchased from an association, (3) the types, grades, and quantity of farmers stock peanuts purchased without inspection by Federal or Federal-State inspectors and (4) the types, grades, and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The association or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at his main office at any time an audit is made. All books, accounts, and records shall be retained for a period of two years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.830 *Assignment.* No contract, claim or payment pursuant to any of the provisions of this subpart relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.831 *Officials not to benefit.* No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this subpart relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation.

§ 446.832 *Contingent fees.* The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this subpart relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Issued this 6th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-6469; Filed, Aug. 9, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 653, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.760 (Lemon Regulation 653; 21 F. R. 5821) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6468; Filed, Aug. 9, 1956; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

REGISTRATION; MARKET AGENCY AND DEALER BONDS

Pursuant to the authority vested in me under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U. S. C. 181 et seq.), paragraph (d) of § 201.10 and § 201.29 of the regulations under such act (9 CFR, 1955 Supp., 201.10 (d), 201.29) are hereby amended in the respects specified below.

1. Paragraph (d) of § 201.10 is amended by striking the last sentence thereof and by inserting in lieu of such sentence the following: "No market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered dealer on and after September 1, 1956, or for any independently operated and separately registered market agency on and after September 1, 1957."

2. Section 201.29 is amended by striking "September 1, 1956" and inserting in lieu thereof "September 1, 1957."

The purpose of the amendments is to provide that on and after September 1, 1957, instead of September 1, 1956, as previously specified in the regulations, no market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered market agency and that on and after September 1, 1957, instead of September 1, 1956, as previously specified in the regulations, the only bond equivalent that may be filed, or maintained, by a market agency engaged in selling livestock on an agency basis shall be one representing a pledge of fully-negotiable bonds of the United States Government. The amendments relieve temporarily certain restrictions previously scheduled to become effective on September 1, 1956, and should be made effective prior to such date. Accordingly, pursuant to sections 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a) and (c)), it is found upon good cause that notice and other public procedure with respect to such amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than thirty days after publication in the FEDERAL REGISTER.

(Sec. 407, 42 Stat. 169; 7 U. S. C. 228)

Done at Washington, D. C., this 6th day of August 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6449; Filed, Aug. 9, 1956; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1319]

[33307]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER 587 OF MAY 23, 1949, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President by the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 304) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 587 of May 23, 1949, reserving certain lands at Whittier, Alaska, for use of the Department of the Army for military purposes, which was partially revoked by Public Land Order No. 787 of January 10, 1952, is hereby revoked so far as it affects the following land comprising a part of Parcels No. 1 and No. 3 as described in that order:

Those parts in Parcels No. 1 and No. 3 of Public Land Order No. 587 described as follows:

Beginning at a point from which the common corner and point of beginning for said Parcels No. 1 and No. 3 bears S. 10° E., 1,100 feet, thence N. 10° W., 1,900 feet; N. 58° 30' E., 4,000 feet; East, 2,200 feet to the west shore line of Passage Canal; Southwesterly, 3,500 feet, approximately, along line of mean high water; West, 700 feet; S. 17° 30' W., 795 feet; S. 73° E., 497.11 feet; S. 8° 13' W., 721.56 feet; West, 2,550 feet to point of beginning.

The tract described contains approximately 235 acres.

The released lands are subject to the reservations made by Executive Order No. 1919½ of April 21, 1914, Public Land Orders No. 219 of March 28, 1944, and No. 396 of August 19, 1947.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 6, 1956.

[F. R. Doc. 56-6441; Filed, Aug. 9, 1956; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 5]

PART 99—STOCKPILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON

The above captioned regulation, as amended (16 F. R. 8680, 8848, 8894; 17 F. R. 7125; 18 F. R. 2846; 18 F. R. 5678; 20 F. R. 740), is hereby further amended by adding thereto a new section which shall be numbered § 99.110, and by modifying the language contained in § 99.104.

Purpose. The purpose of this amendment is (1) provide a procedure under which the Government may accept chrome ore or concentrates at locations other than at the Grants Pass, Oreg. purchasing depot when the offering by a producer is of such quantity that its acceptance at the depot is impractical, and (2) extend the termination date of the program.

1. Immediately following § 99.109, add the following new section:

§ 99.110 *Car-load shipments.* (a) Any producer proposing to deliver to the Government under the provisions of this part, as amended, chrome ore or concentrates, in one offering, consisting of one or more railroad carloads (as used in this section carload means the quantity carried in one railroad car equalling or exceeding the minimum tonnage which can be moved at the lowest transportation rate) shall notify the Government of the intended delivery and request shipping instructions. Such notice shall state the approximate quantity proposed to be delivered, the approximate date of delivery, and the proposed shipping point (as used in this section shipping point means the location at which the producer will make delivery f. o. b. railroad cars). Producers in the States of California, Nevada, and Arizona shall address such notice of delivery to the Regional Commissioner, General Services Administration, San Francisco 3, California. Producers in the States of Washington, Oregon, Idaho, Montana, and the Territory of Alaska shall address such notice of delivery to the Regional Commissioner, General Services Administration, Seattle 4, Washington.

(b) Shipping instructions shall be issued to the producer by the Government. Offerings made pursuant to this section shall be delivered, at the expense of the producer, f. o. b., railroad cars at the shipping point designated by the Government; type of railroad car to be designated by the Government. Fractional carload will not be accepted. Charges incurred due to railway cars being loaded in excess of the maximum limit shall be for the account of the producer.

(c) Sampling and screen size determination shall be made at the shipping point. Sampling, screen size determination, moisture content determination, and chemical analysis shall be performed, at the expense of the producer, by a commercial sampler-analyst firm approved by the Government. The producer and the Government, each bearing its own expense, may have a representative at the sampling.

(d) Sampling and screen size determination shall be made at the time of loading of the railroad car or cars and the certificate of the sampler-analyst shall so recite. A representative sample shall be taken in accordance with standard and established methods. Sample preparation, moisture content determination, and chemical analysis shall be performed in accordance with methods approved by ferrochromium manufacturers. The chrome content shall be considered to be 68.4 percent of the chromic oxide content.

(e) The weight of each offering shall be, at the Government's option, the gross railroad track scale weight of the car less the actual light weight of the car unloaded or the light weight stenciled on the car, less the moisture content as determined by the sampler-analyst. The weight certificate and the certificate of the sampler-analyst as to sampling, screen size, moisture content, and chemical analysis shall be final and conclusive.

(f) Demurrage charges incurred at the shipping point shall be for the account of the producer.

(g) Title to and responsibility for the shipment shall remain vested in the producer until the producer is notified by the Government of the acceptability of the shipment. Upon receipt of the certificate of the sampler-analyst, the producer shall be notified with respect to the acceptability of the shipment. Upon notification of acceptance, the shipment shall move forward in accordance with the shipping instructions issued by the Government.

(h) Offerings made pursuant to this section, failing to meet the specifications, terms and conditions contained in this part, as amended, shall not be accepted. No offering shall be accepted on a weighted average basis. The producer shall be notified of a rejected shipment, and removal of the shipment shall be by and at the expense of the producer. The producer shall be held accountable for any expense incurred by the Government in connection with rejected shipments.

(i) Payment for accepted shipments shall be made in accordance with the price provisions contained in § 99.107.

2. Delete the date "June 30, 1957" appearing in § 99.104, and in lieu thereof, substitute the following: "June 30, 1959."

This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 63 Stat. 289, as amended, 40 U. S. C. 486. Interprets or applies sec. 3, 53 Stat. 811, as amended; 50 U. S. C. 98b)

Dated: August 6, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-6486; Filed, Aug. 8, 1956; 4:49 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given that the Department is considering the approval of proposed amendments, hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 914.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The amendments to the said rules and regulations were proposed by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendments are as follows:

1. Amend § 914.101 *Communications* by deleting therefrom the address shown as the mailing address of the Navel Orange Administrative Committee and inserting in lieu thereof the following: "117 West Ninth Street, Room 105, Los Angeles 15, California."

2. Amend § 914.102 *Nomination procedure* as follows:

a. Delete from the second sentence in paragraph (a) (3) the words "not less than two grower members, two alternate grower members" and insert in lieu thereof "one grower member, one alternate grower member."

b. Delete paragraph (a) (4) and substitute therefor the following:

(4) The name of the person receiving the highest total number of votes, for a particular position, at the meetings held pursuant to subparagraph (3) of this paragraph shall be submitted to the Secretary as the nominee for such position.

3. Amend § 914.110 *Prorate bases and allotments* by redesignating paragraphs (c) and (d) thereof as paragraphs (d) and (e), respectively, and inserting a new paragraph (c) reading as follows:

(c) *Change in control of oranges occasioned by transfer of real property.* In the event a change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control shall request the committee to make the adjustment prescribed in § 914.53 (e). Such request shall set forth the names of the parties to the transfer, and be accompanied by a legal description of the real property transferred, the name of the county, the book, page number, and date showing that such transfer has been duly recorded. The request shall also set forth the name of the person losing control of the oranges. Upon determination by the committee that the change in control of the oranges has been occasioned by such transfer, the quantity of oranges available for current shipment of the person gaining the control shall be adjusted by adding thereto a quantity of oranges equal to the quantity deducted from the oranges available for current shipment of the person losing control of such oranges. Such quantity shall be added during the same periods in which the deductions are effected in accordance with the provisions of paragraph (d) of this section.

4. Amend § 914.111 *Allotment loans* by inserting immediately following paragraph (c) thereof a new paragraph (d) reading as follows:

(d) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 914.57 but not later than 5:00 p. m., Monday of the immediately succeeding week.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendments should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: August 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6450; Filed, Aug. 9, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1956 Dept. Circ. 980]

2¾ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B–1957; TAX ANTICIPATION SERIES

OFFERING OF CERTIFICATES

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 2¾ percent Treasury Certificates of Indebtedness of Series B–1957. The amount of the offering is $3,000,000,000, or thereabouts. The books will be open only on August 6 for the receipt of subscriptions.

II. *Description of certificates.* 1. The certificates will be dated August 15, 1956, and will bear interest from that date at the rate of 2¾ percent per annum, payable with the principal at maturity on March 22, 1957. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on March 15, 1957.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 3 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 3 percent payment in excess of 3 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before August 15, 1956, or on later allotment. In every case where payment is not so completed, the payment with application up to 3 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for not more than 80 percent of the amount of certificates allotted to it for itself and its customers (up to the amount for which it shall be qualified in excess of existing deposits) when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56-6455; Filed, Aug. 9, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COMMODITY STABILIZATION SERVICE

ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F. R. 74), as amended, is further amended as follows:

The following paragraphs m and n are added to section 1100, Assignment of Functions, Commodity Stabilization Service:

m. Determination and proclamation of agricultural commodities in excess supply pursuant to section 211 (c) of the Agricultural Act of 1956.

n. Marketing certificate program for rice.

Done at Washington, D. C., August 7, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6452; Filed, Aug. 9, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

T. R. SPEDDEN ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8101 between T. R. Spedden, New Orleans and Stone Forwarding Company, Inc. (Houston, Galveston, and Corpus Christi, Texas);

(2) Agreement No. 8102 between T. R. Spedden and Charleston Overseas Forwarders, Inc. (Charleston, S. C.);

(3) Agreement No. 8105 between T. R. Spedden and T. A. Provence & Company (Mobile, Ala.),

are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 3, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-6472; Filed, Aug. 9, 1956; 8:52 a. m.]

Office of the Secretary

WILLIAM L. SANDSTON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 27, 1956.

Dated: July 30, 1956.

W. L. SANDSTON.

[F. R. Doc. 56-6453; Filed, Aug. 9, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7454 etc.]

SEVEN STATES AREA INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 1001 and 1002 (b) of the act, that the second session of the hearing in the above-entitled proceeding is assigned to be held on September 18, 1956, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., August 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6471; Filed, Aug. 9, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11588, 11777; FCC 56M–746]

JOSEPH M. RIPLEY, INC., AND ROBERT HECKSHER

ORDER SCHEDULING HEARING

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP–9768; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP–10255; for construction permits.

It is ordered, This 2d day of August 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6457; Filed, Aug. 9, 1956; 8:49 a. m.]

[Docket No. 11679; FCC 56M–743]

FARWEST FISHERMEN, INC.

ORDER SETTING PRE-HEARING CONFERENCE

In the matter of Farwest Fishermen, Inc., Anacortes, Washington, Docket No. 11679, File No. 1619–M–K; application for construction permit for a new limited Class II–B coast station.

It is ordered, This 2d day of August 1956, that pursuant to the provisions of § 1.813 of the Commission's rules, all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference at the offices of the Commission in Seattle, Washington, at 10:00 a. m., on Tuesday, September 4, 1956, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Such other matters as will be conducive to an expeditious conduct of the hearing which is to commence on September 6, 1956, in Seattle, Washington.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6458; Filed, Aug. 9, 1956; 8:50 a. m.]

[Docket Nos. 11711, 11712; FCC 56M–751]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER CONTINUING HEARING

In re applications of Al H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP–9969; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP–10195; for construction permits.

The Hearing Examiner having under consideration the motion for continuance filed on August 1, 1956, by South Georgia Broadcasting Company;

It appearing that the following schedule has been established for the events named: August 24—exchange of direct affirmative cases; September 4—prehearing conference; September 11—commencement of the hearing; and

It further appearing that counsel for South Georgia has been hospitalized and his condition is such that it will require absence from his office during most of the month of August; and

It further appearing that the other parties have consented both to the continuance and to a waiver of the 4-day rule;

It is ordered, This 3d day of August 1956, that the motion for continuance is granted; and that the direct affirmative

cases will be exchanged on September 24, 1956, a prehearing conference will be held October 4, 1956, and the hearing is continued from September 11 to October 15, 1956, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6459; Filed, Aug. 9, 1956; 8:50 a. m.]

[Docket Nos. 11773, 11774; FCC 56M-749]

RADIO HUNTSVILLE, INC., AND J. B. FALT, JR.

ORDER SCHEDULING HEARING

In re applications of Radio Huntsville, Incorporated, Huntsville, Alabama, Docket No. 11773, File No. BP-10324; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 11774, File No. BP-10519; for construction permits.

It is ordered, This 2d day of August 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6460; Filed, Aug. 9, 1956; 8:50 a. m.]

[Docket No. 11775; FCC 56M-737]

RADIO STATION KODY (KODY)

ORDER SCHEDULING HEARING

In re application of John Alexander, George B. Dent, Jr., and Townsend E. Dent, d/b as Radio Station KODY (KODY), North Platte, Nebraska, Docket No. 11775, File No. BP-10333; for construction permit.

It is ordered, This 2d day of August 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6461; Filed, Aug. 9, 1956; 8:50 a. m.]

[Docket No. 11776; FCC 56M-738]

LEO JOSEPH THERIOT (KLFT)

ORDER SCHEDULING HEARING

In re application of Leo Joseph Theriot (KLFT), Golden Meadow, Louisiana, Docket No. 11776, File No. BP-10482; for construction permit.

It is ordered, This 2d day of August 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 19, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6462; Filed, Aug. 9, 1956; 8:50 a. m.]

[Docket No. 11786, 11787, 11788; FCC 56M-747]

WEST SHORE BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Samuel Babbitt, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

It is ordered, This 2d day of August 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence October 16, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6463; Filed, Aug. 9, 1956; 8:51 a. m.]

[Docket Nos. 11789; 11790; FCC 56M-753]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920; for modification of construction permit.

Pursuant to §§ 1.813 and 1.841, *It is ordered,* This 6th day of August 1956, that a prehearing conference is scheduled for Wednesday, September 5, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6465; Filed, Aug. 9, 1956; 8:51 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-748]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER SCHEDULING HEARING

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920; for modification of construction permit.

It is ordered, This 2d day of August 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6464; Filed, Aug. 9, 1956; 8:51 a. m.]

[Docket No. 11791; FCC 56M-745]

RADIO MOUNT KISCO, INC.

ORDER SCHEDULING HEARING

In re application of Radio Mount Kisco, Inc., Mt. Kisco, New York, Docket No. 11791, File No. BP-10344; for construction permit.

It is ordered, This 2d day of August 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 28, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6466; Filed, Aug. 9, 1956; 8:51 a. m.]

[Docket No. 11801; FCC 56M-739]

GLOBE WIRELESS, LTD.

ORDER SCHEDULING HEARING

In the matter of Globe Wireless, Ltd., Docket No. 11801; revision of tariff F. C. C. No. 33, to increase charges for registered code addresses.

It is ordered, This 2d day of August 1956, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 18, 1956, in Washington, D. C.

Released: August 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6467; Filed, Aug. 9, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-12409]

LEWISOHN COPPER CORP.

ORDER FIXING TIME AND PLACE OF HEARING AND DESIGNATING OFFICER TO TAKE EVIDENCE

AUGUST 6, 1956.

I. The Commission's public files disclose that Lewisohn Copper Corp. (registrant) filed on March 30, 1956, a registration statement under the Securities Act of 1933 covering a proposed public offering of 100,000 shares of its 10 cent par value Common Stock at an offering price to be determined by mutual agreement by the company and the underwriter prior to the effective date of the registration statement; that said registration statement was amended on April 18, May 7, May 18, June 6, June 25, July 13, and August 1, 1956; and that said registration statement has not become effective.

II. The Commission has reasonable cause to believe that said registration statement filed by registrant includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, as more specifically set forth in the Statement of Matters to be considered pursuant to section 8 (d) of the Securities Act of 1933, which Statement of Matters is incorporated herein by reference and made a part hereof.

III. *It is ordered,* That a hearing be held in such matter, pursuant to the provisions of section 8 (d) of the Securities Act of 1933, such hearing to be commenced at 10:00 a. m., e. d. s. t., on August 20, 1956, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. and to continue thereafter at such time and place as the officer hereinafter designated may determine.

It is further ordered, That Sidney L. Feiler, an officer of the Commission, or such other officer as the Commission may designate, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6444; Filed, Aug. 9, 1956; 8:46 a. m.]

[File No. 70-3498]

AMERICAN LOUISIANA PIPE LINE CO.

NOTICE OF FILING OF APPLICATION REGARDING PROPOSAL TO ISSUE AND SELL TO BANKS PRINCIPAL AMOUNT OF FIVE-YEAR NOTES

AUGUST 6, 1956.

Notice is hereby given that American Louisiana Pipe Line Company ("American Louisiana"), a non public-utility subsidiary of American Natural Gas Company, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated section 6 (b) of the act and Rules U-50 (a) (2) and U-70 (b) (2) promulgated under the act, as applicable to the proposed transactions.

All interested persons are referred to the application on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

American Louisiana proposes to enter into a credit agreement providing for its borrowing, from time to time, prior to July 1, 1957, of up to $28,000,000 from the banks and in the respective amounts set forth below;

The First National City Bank of New York, N. Y.	$7,000,000
The Hanover Bank, New York, N. Y.	7,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	7,000,000
National Bank of Detroit, Mich.	7,000,000
Total	28,000,000

The amounts borrowed are to be evidenced by unsecured installment notes maturing in five equal amounts on December 15 of each of the years 1957 through 1961. The notes are to bear interest, with respect to the first two maturities, at the prime rate for commercial loans at The First National City Bank of New York on the dates of the respective borrowings, with a minimum rate of 3½ percent and a maximum rate of 4 percent. The rate with respect to the last three maturities is to be ¼ of 1 percent higher than such prime rate, with a minimum rate of 3¾ percent and a maximum rate of 4¼ percent. The notes are to be prepayable in whole, or in part pro rata, without prepayment premium, except that if prepayment is made from the proceeds from other bank borrowings a prepayment premium is to be paid in an amount equal to ¼ of 1 percent per annum of the amount prepaid for the unexpired term of the notes. The company is to pay a stand-by charge equal to ¼ of 1 percent per annum on the average daily unused balance of the commitments computed from the date of the credit agreement to the date on which the aggregate borrowings equal the total aggregate commitment, or July 1, 1957, whichever is earlier. The company may reduce the commitment at any time without penalty.

Approximately $12,000,000 of the proceeds from the proposed bank loans are to be used to complete the initial development of its natural gas pipe line from Louisiana to Michigan. The remaining proceeds are to be used to pay the costs of expansion, estimated at $16,000,000, of such pipe line capacity beyond the initial development stage by approximately 100,000 Mcf per day, authorization for which is now being sought in proceedings before the Federal Power Commission.

Applicant states that no State commission, and no Federal regulatory authority other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 20, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as it may be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6445; Filed, Aug. 9, 1956; 8:46 a. m.]

[File No. 812-1006]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND MAGNECORD, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

AUGUST 6, 1956.

Notice is hereby given that American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, nondiversified investment company, and Magnecord, Incorporated ("Magnecord"), Chicago, Illinois, an affiliate of Research, have filed an application and an amendment thereto pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting the transactions summarized below from the provisions of section 17 (a) of the act.

Magnecord, an Illinois corporation organized in 1946, with its subsidiary, Magne Music, Inc., is engaged in the manufacture of professional, industrial and consumer magnetic recording tape and recording equipment for recording sound or any other information which can be translated into electric impulses. Its products are widely used by radio and television stations, scientific and industrial laboratories, university language training classes, high fidelity music enthusiasts and others.

Magnecord has outstanding $324,000 face amount of 6 percent notes due 1962 (convertible into common stock at $5 per share), of which $274,000 are held by Research; $300,000 principal amount of 6 percent non-convertible subordinated notes due 1961, all held by Research; $300,000 face amount 6 percent convertible subordinated notes due 1961, and $805,247 face amount 6 percent short term notes due October 1 and November 30, 1956, of which $700,000 face amount is held by Research. Magnecord also has outstanding 142,637 shares of common

stock, $3 par value, of which 55,200 shares or 38.7 percent are held by Research and which were acquired by it for an aggregate consideration of $276,000.

During the seven months ending December 31, 1955, Magnecord had an operating loss of $456,653. Magnecord has recently secured the services of Bruce Payne and Associates ("Payne"), a firm of management consultants. Payne has assumed active management of Magnecord and has reexamined its products and policies. Prior to and after assumption by Payne of the management of Magnecord, Research had advanced money to Magnecord on short term notes. During this period Magnecord's financial position was precarious, but its management now believes that the policies put into effect and the arrangements made with creditors and suppliers have put Magnecord in a position to continue in business.

As part of these changes Magnecord needs to improve its credit rating and provide funds for the arrangements made with past creditors and suppliers. Magnecord has therefore arranged to issue $800,000 principal amount of Registered Notes of the 1956 Series ("1956 Series Notes"), which have been privately offered to less than 20 offerees. The 1956 Series Notes will be dated March 19, 1956, will bear interest at the rate of 6 percent per annum and will mature April 30, 1961. They will be sold pursuant to agreements providing for the purchase, at any time on or prior to April 30, 1961, of related Registered Stock Warrants for a number of shares of Common Stock of Magnecord equal, at the exercisable price of $5.00 per share, to the principal amount of the 1956 Series Notes. The purchase price of the Warrants will be 1 cent per share covered and they may be exercised for cash or 1956 Series Notes. The 1956 Series Notes will be subordinated to any bank indebtedness heretofore or hereafter created by Magnecord.

Research has agreed, subject to obtaining an order of this Commission under section 17 (b) of the act exempting the proposed transactions from the provisions of section 17 (a) of the act, to purchase up to $100,000 principal amount of said 1956 Series Notes for cash, to exchange $400,000 principal amount of short term notes now held for an additional $400,000 principal amount of 1956 Series Notes and to purchase Registered Stock Warrants covering 100,000 shares of Common Stock of Magnecord for $1,000 in cash. In addition, it is expected that Research will extend the maturities of the balance of $300,000 face amount of short term notes due November 30, 1956, to April 30, 1961, and will subordinate that debt to the 1956 Series Notes. Under the exception of section 17 (a) (3) of the act, Research has also advanced $100,000 to Magnecord on a sixty-day note (since extended to October 1, 1956) in anticipation of its obligation to buy up to $100,000 of 1956 Series Notes for cash. The proceeds of sale of the 1956 Series Notes to Research and others will be used in part to pay off said note.

Magnecord and Research consider the refunding of Magnecord's short term notes and the acquisition of additional working capital as described above to be essential to Magnecord at this time. Applicants represent that the private sale of the 1956 Series Notes and related Warrants have been negotiated at arm's length with the purchasers, and Research will be purchasing said Notes and related Warrants on the same basis as the other purchasers except that it will substitute Magnecord notes due or about to become due for cash at the face amount (which was the purchase price) to the extent of $500,000. Applicants state that these negotiations with other purchasers insure that the considerations to be paid and received are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transactions are consistent with the policies of Research as recited in its Registration Statement and reports filed under the act and with the general provisions of the act.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exemptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the act, and is consistent with the general purposes of the act.

Because of the holding of 38.7 percent of the Common Stock of Magnecord by Research, the two companies are affiliated persons of each other, as defined in the act, hence the transactions between them are prohibited under section 17 (a) unless the Commission grants the application pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than August 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6446; Filed, Aug. 9, 1956; 8:46 a. m.]

[File No. 24 D-1407]

UTAH PETROLEUM AND GAS CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 6, 1956.

I. Utah Petroleum and Gas Company, a Nevada corporation with its principal office located at 1222 South Main Street, Salt Lake City, Utah, having filed with the Commission on September 7, 1954, a notification on Form 1–A and a statement required by Rule 219 (b), and subsequently having filed an amendment thereto, relating to an offering of 30,500 shares of its $1 par value common stock at $1 per share for an aggregate of $30,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2–A as is required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6447; Filed, Aug. 9, 1956; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 111]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about July 26, 1956, because of the disastrous effects of a flood, damage resulted to residences and business property located in certain areas in the State of Pennsylvania;

Whereas the Small Business Administration has investigated and has received

other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Beaver County (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pennsylvania.

Small Business Administration Branch Office, Fulton Building, Rooms 801–802, 107 Sixth Street, Pittsburgh 22, Pennsylvania.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1957.

Dated: July 27, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-6454; Filed, Aug. 9, 1956; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Louis Balish, 555 Carey Avenue, Wilkes-Barre, Pa.; effective 7-25-56 to 7-24-57; 5 learners (children's dresses).

Bestform Foundations of Pennsylvania, Inc., Baumer and Cherry Streets, Johnstown, Pa.; effective 8-3-56 to 8-2-57; 10 percent of factory production workers (brassieres, girdles, corselets).

Brookfield Mills, Inc., 206 North Elm Avenue, Sanford, Fla.; effective 7-30-56 to 7-29-57; 10 percent of factory production workers (women's nightgowns and pajamas).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-56 to 8-4-57; 10 percent of factory production workers (sport shirts).

Dickson Manufacturing Co., Dickson, Tenn.; effective 8-8-56 to 8-7-57; 10 percent of factory production workers (men's cotton work shirts).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 7-30-56 to 7-29-57; 10 learners (men's trousers and coveralls).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW., 321 Albermarle Avenue SE., Roanoke, Va.; effective 7-30-56 to 7-29-57; 10 percent of factory production workers (cotton wash dresses).

C. A. Neuburger Co., 908-920 South Main Street, Oshkosh, Wis.; effective 7-30-56 to 7-29-57; 10 percent of factory production workers (dresses).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-56 to 8-7-57; 10 percent of factory production workers (boys' outerwear).

Sharon Manufacturing Co., New Sharon, Iowa; effective 7-23-56 to 7-22-57; 4 learners (jackets, overalls, dungarees).

Utica Sportswear, Inc., 800 State Street, Utica, N. Y.; effective 7-30-56 to 7-29-57; 5 learners (ladies' dresses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Budd Cigar Co., Quincy, Fla.; effective 7-25-56 to 7-24-57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Indianapolis Glove Co., Inc., Conshocton, Ohio; effective 8-3-56 to 8-2-57; 10 learners for normal labor turnover purposes (flannel work gloves).

Indianapolis Glove Co., Inc., Eaton, Ohio; effective 8-3-56 to 8-2-57; 10 learners for normal labor turnover purposes (jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Terrell Manufacturing Co., Crawford Drive, Dawson, Ga.; effective 8-1-56 to 1-31-57; 20 learners for plant expansion purposes (full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Lapel Telephone Co., Inc., Lapel, Ind.; effective 7-30-56 to 7-29-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The Davidson Bros. Corp., 125 Providence Street, West Warwick, R. I.; effective 7-27-56 to 7-26-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' lingerie).

Mosar Laces, Inc., Sweater Division, Route No. 3, Crossville, Tenn.; effective 7-30-56 to 1-29-57; 10 learners for plant expansion purposes (sweaters).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 7-25-56 to 1-24-57; 15 learners for plant expansion purposes (knitted cotton polo shirts) (replacement certificate).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 7-25-56 to 2-28-57; 5 learners for normal labor turnover purposes (knitted cotton polo shirts) (replacement certificate).

Royal Crest Manufacturing Co., Inc., 43 East 12th Street, New York, N. Y.; effective 7-24-56 to 1-23-57; 5 percent of factory production workers for normal labor turnover purposes (children's and ladies' underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Ba-Ru-Be, Inc., Ephrate, Pa.; effective 7-27-56 to 7-26-57; 10 percent of factory production workers for normal labor turnover purposes.

Malsak-Handler Shoe Co., Inc., Senath, Mo.; effective 8-1-56 to 7-31-57; 10 learners for normal labor turnover purposes.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Gerrit H. Mos Co., 117 South 8th Street, Philadelphia, Pa.; effective 7-30-56 to 1-29-57; not less than 90 cents per hour for a maximum of 160 hours, for the occupation of enameler (charger); authorizing the employment of 1 learner for normal labor turnover purposes (enameling of jewelry).

Michaels, Stern & Co., Inc., 214 Liberty Street, Penn Yan, N. Y.; effective 8-1-56 to 1-31-57; not less than 85 cents per hour for the first 280 hours, and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 38 learners for expansion purposes (men's suits, sportcoats, etc.).

Needlecraft Pad Corp., 234 West 39th Street, New York, N. Y.; effective 7-26-56 to 1-25-57; not less than 85 cents per hour for a maximum of 114 hours, for the occupation of sewing machine operator; authorizing the employment of 3 learners for normal labor turnover purposes (fishing rod bags).

Palm Beach Co., Danville, Ky.; effective 8-1-56 to 1-31-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operators, final pressers and hand sewers; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's coats).

Palm Beach Co., Talledega, Ala.; effective 7-30-56 to 10-30-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of machine operators (except cutting), handsewers, and final pressing, authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's summer wash pants).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not

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available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 31st day of July 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 56-6442; Filed, Aug. 9, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32475: *Brick—Indiana to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on brick and related articles, carloads from specified points in Indiana grouped with and taking Rockport, Ind., rates to specified points in states in southern territory.

Grounds for relief: Short-line distance formula, grouping, and circuitous routes.

Tariff: Supplement 116 to Agent Spaninger's I. C. C. 1278.

FSA No. 32476: *Commodities from and to points in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts, carloads, and other commodities described in the application, from specified points in official territory to specified points in southern and official territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 32477: *All freight—Cincinnati, Ohio, to Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Cincinnati, Ohio, to Melbourne, New Smyrna Beach, and Daytona Beach, Fla.

Grounds for relief: Truck competition and circuity.

Tariff: Supplement 48 to Agent Spaninger's I. C. C. 1458.

FSA No. 32478: *Iron and steel articles New Orleans, La., to Pensacola, Fla., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on iron and steel articles, carloads from New Orleans, La., to Pensacola, North Pensacola, and Goulding, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 150 to Agent Spaninger's I. C. C. 1258.

FSA No. 32479: *Trailer-on-flat-car service—Classification exceptions rates—Pennsylvania Railroad.* Filed by The Pennsylvania Railroad Company, for itself and on behalf of the Long Island Railroad Company. Rates on freight of various kinds, moving on trailerload classification exceptions rates, in trailers and transported on railroad flat cars, between points in official territory.

Grounds for relief: Motor carrier competition.

Tariffs: Pennsylvania Railroad Company tariff I. C. C. 3504; Agent C. W. Boin's tariff I. C. C. A-1109.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6448; Filed, Aug. 9, 1956; 8:47 a. m.]

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AUG 13 1956
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 21 NUMBER 156

Washington, Saturday, August 11, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective August 15, 1956, paragraphs (k) and (o) of § 6.101 are amended as set out below.

§ 6.101 *Entire executive civil service.*

* * *

(k) Subject to prior approval of the Commission, temporary, parttime, or intermittent employment on construction or repair work of employees in recognized trades and crafts or other skilled mechanical crafts and in unskilled, semiskilled, or skilled manual-labor occupations and supervisory employees in these trades, crafts, and occupations, where the activity is carried on in places where there is no local Board of U. S. Civil Service Examiners to service the employing establishment and because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

* * * * * *

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional and branch office cities of the Commission where there is no local Board of U. S. Civil Service Examiners to service the employing establishment, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, and in the International Boundary and Water Commission.

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6499; Filed, Aug. 10, 1956; 8:51 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENTS OF COMMERCE AND AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (7) of § 6.112 is revoked, and paragraph (i) (16) is added to § 6.311 as set out below.

§ 6.311 *Department of Agriculture.*

* * *

(i) *Commodity Stabilization Service.*

* * *

(16) Director, Soil Bank Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6484; Filed, Aug. 10, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Second Rev., Supp. 7]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76-2a

(Continued on p. 5999)

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FEDERAL REGISTER

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(20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956, March 14, 1956, April 17, 1956, May 9, 1956, June 7, 1956, and July 5, 1956 (21 F. R. 573, 1575, 2463, 3073, 3897, 4943), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra bettle in and upon such premises:

ARIZONA

Arizona Flour Mills, Tempe.
Elva Barnes Farm, Route 1, Box [illegible]3, Gilbert.
C. A. Batty Farm, Box 27, Glenbar.
G & H Feed Store, 812 Thatcher Boulevard, Safford.
J. D. Hardin Grocery & Market, Cashion.
Tom Jones Farm, P. O. Box 531, Mesa.
Millett Feed Barn & Millett Feed & Storage Warehouse, 254 South Sirrine Street, Mesa.
Delbert T. Mortenson Farm, Route 1, Box 116, Gilbert.
Red Star Feed & Seed Store, 220 Mill Street, Tempe.
Vita-Gro Feed Store, 155 West Main Street, Mesa.
Norman Welker Farm, Route 1, Safford.
Norman Welker Farm No. 2, 311 East Revelation Street, Safford.

CALIFORNIA

Albers Milling Co. property, 6130 South Avalon Boulevard, Los Angeles.
Bakersfield Cattle Feeding Co. Ranch, Box 3155, Greenfield.
Beckwith & Co., 614 High Street, Delano.
Joe Bowers Ranch, Road 66, three-fourths mile west of Road B, Route 1, Box 14, Calipatria.
Madeline Britton Property, 219 First Street, Calexico.
Ralph Butters Ranch, on County Road 50 at intersection of County Road East M, Route 2, Box 111, Brawley.
Central Valley Feed Yard, Inc., East Eighth Street and RR. tracks, Imperial.
Louis J. Charlebois, Jr., Ranch, Route 2, Box 375, Blythe.
W. Denewiler Ranch, Route 1, Box 77, Blythe.
Desert Edge Farms, Repair Shop & Feed Lot (J-Bar Ranches), 340 East Main Street, Calipatria.
Rosie Diffenboeker Ranch, County Road No. 68, one-half mile west of Highway 111, Calipatria.
John W. Flier Ranch, one mile north and one-quarter mile east of Harris Store, Route 2, Box 210, Bard.
Frank Hall Ranch, 6770 East Rose Avenue, Selma.
J. A. Ivey Ranch, Route 2, Box 167, Blythe.
Carl Jensen Ranch, located one mile west and one-half mile south of Calipatria High School. Mail address P. O. Box 487, Calipatria.
H. Johnson Ranch, Route 1, Box 206, Terra Bella.
Everet Jones Ranch, intersection of East R and Road 56, Route 2, Box 174, Brawley.
Clarence Keel Ranch, Highway 111, 4 miles north of Calipatria.
F. B. Marlow Ranch, intersection of West A and Road 54, Star Route, Box 27, Westmoreland.
Mee Ranches (lessee), 1901 East Brundage Lane, Bakersfield.
L. C. Myers Ranch, intersection of East V and County Road 58, Brawley.
Palo Verde School District Farm, Palo Verde Junior College, west side of Lovekin, between Chancelor Way and 10th Avenue, Blythe.
Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Brawley.
C. E. Rodgers property, corner Kelm Boulevard and 26th Avenue (Ripley area). Mail address Route 2, Box 247, Blythe.
F. W. Schoneman Ranch, at southwest corner of intersection of County Roads East T and 54, Brawley.
Walter E. Scott Ranch, southwest corner of 14th Avenue and Defrain Boulevard, P. O. Box 283, Blythe.
Frank Sherwood Ranch, 920 Lewelling Avenue, Hayward.
Union Development Co. Warehouse, approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.
Charles Vonderahae Ranch, intersection of Roackwood Road and Narcissus Canal, located at County Roads East C and No. 59. Mail address P. O. Box 235, Brawley.
Albert Whitlock Ranch, southeast corner of intersection of Highway 111 and Road 77, P. O. Box 19, Calipatria.
Wilkerson Brothers Ranch, on south side of County Road No. 74, one-half mile east of County Road East J, Calipatria.
W. E. Young Ranch, intersection of East N and Road 66, P. O. Box 267, Calipatria.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Attaway Ranch Market, Box 59, Coolidge.
Clark Ranch, Box 1327, Coolidge.
Ray Luster Farm, Box 246, Pima.
Mile Hi Hatchery, P. O. Box 1711, Prescott.
TK Bar Ranch, Kirkland.

CALIFORNIA

Jay Farms (John Ohanneson, owner), located at Wasco and Wildwood Avenue, T. 26 S., R. 23 E., sec. 36. Mail address 422 James Street, Shafter.

(c) The items appearing in the list, contained in such instructions under the subhead Arizona, as "Allied Grain Company, 310 South 24th Avenue, Phoenix," "Southern Feed & Hardware, 25 East Southern Avenue, Phoenix," and "Tucson Hay and Grain Co., 4734 East Speedway, Tucson," are changed to read, respectively, as Advance Seed & Grain Company, 310 South 24th Avenue, Phoenix; Norton's Used Furniture, 25 East Southern Avenue, Phoenix; and Amado's Consumers Appliance & Fritz's Meats, 4734 East Speedway, Tucson.

This amendment shall become effective August 11, 1956.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects certain designations of presently regulated areas.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of August 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-6501; Filed, Aug. 10, 1956; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1957–58 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1957 CROP OF WHEAT

§ 728.706 *Basis and purpose.* The county acreage allotments for 1957 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1957 as established by the proclamation dated May 16, 1956 (21 F. R. 3303) and to add thereto the increases required by section 1 of Public Law 117, 83d Congress. Prior to determinations of county acreage allotments for 1957 crop wheat, public notice (20 F. R. 10062) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of county acreage allotments for 1957 crop wheat which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, including the provisions of section 1 of Public Law 117, 83d Congress.

§ 728.707 *Wheat acreage apportioned to Counties for 1957.*

ARKANSAS

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Arkansas	856	42
Ashley	22	5
Baxter	145	
Benton	2,024	41
Boone	201	
Carroll	198	
Chicot	386	30
Clark	1	1
Clay	2,618	228
Cleburne	32	8
Conway	1,405	56
Craighead	183	
Crawford	1,880	46
Crittenden	5,182	527
Cross	1,609	129
Desha	310	14
Faulkner	221	19
Franklin	253	8
Fulton	145	
Garland	30	
Greene	432	13
Hempstead	7	
Hot Spring	17	4
Independence	4,468	
Izard	19	
Jackson	1,273	
Jefferson	74	12
Johnson	885	
Layfayette	12	
Lawrence	648	21
Lee	1,228	90
Lincoln	86	14
Little River	10	
Logan	1,446	
Lonoke	312	28
Madison	337	7
Marion	53	
Mississippi	9,534	909
Monroe	65	12
Montgomery	42	
Newton	3	
Perry	238	28
Phillips	827	128
Poinsett	1,099	
Polk	17	
Pope	1,260	38
Prairie	378	47
Pulaski	2,798	
Randolph	801	9
St. Francis	3,120	94
Saline	7	
Searcy	235	
Sebastian	409	42
Sevier	3	
Sharp	121	12
Stone	313	
Van Buren	30	7
Washington	892	
White	317	46
Woodruff	1,312	218
Yell	442	38
Reserve new farms	100	
Reserve missed farms and corrections	100	
Total	53,479	2,971

CALIFORNIA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Alameda	1,809	
Alpine	16	
Amador	274	
Butte	7,901	
Calaveras	29	
Colusa	6,299	
Contra Costa	1,629	
El Dorado	1	
Fresno	16,679	
Glenn	3,711	
Imperial	2,325	
Inyo	20	
Kern	39,408	
Kings	973	
Lake	370	
Lassen	8,486	
Los Angeles	27,593	
Madera	10,858	
Marin	403	
Mariposa	135	
Mendocino	992	
Merced	3,486	
Modoc	15,691	
Mono	17	
Monterey	18,527	
Napa	1,703	
Orange	574	
Placer	10,582	
Plumas	879	
Riverside	19,760	
Sacramento	16,295	
San Benito	2,061	
San Bernardino	208	
San Diego	1,100	
San Joaquin	9,716	
San Luis Obispo	92,369	
San Mateo	83	
Santa Barbara	7,544	
Santa Clara	199	
Santa Cruz	4	
Shasta	1,976	
Sierra	387	
Siskiyou	20,473	
Solano	12,652	
Sonoma	710	
Stanislaus	525	
Sutter	18,277	
Tehama	2,174	
Tulare	29,963	
Tuolumne	26	
Ventura	655	
Yolo	10,769	
Yuba	1,459	
Reserve new farms	4,361	
Reserve missed farms and corrections	1,000	
Total	436,142	

COLORADO

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	135,731	
Alamosa	890	
Arapahoe	60,646	
Archuleta	1,957	
Baca	278,374	
Bent	34,229	
Boulder	11,364	
Chaffee	201	
Cheyenne	145,263	
Conejos	1,888	
Costilla	1,209	
Crowley	12,769	
Custer	374	
Delta	1,231	
Dolores	31,196	
Douglas	12,498	
Eagle	405	
Elbert	67,365	
El Paso	15,779	
Fremont	602	
Garfield	5,257	
Grand	1,187	
Huerfano	5,884	
Jackson	697	
Jefferson	8,836	
Kiowa	236,959	
Kit Carson	245,230	
La Plata	19,836	
Larimer	22,104	
Las Animas	23,071	
Lincoln	142,244	
Logan	142,732	
Mesa	1,612	
Moffat	33,996	
Montezuma	21,816	
Montrose	5,394	
Morgan	58,526	
Otero	2,128	
Ouray	828	
Phillips	111,204	
Pitkin	213	
Prowers	166,356	
Pueblo	16,553	
Rio Blanco	6,273	
Rio Grande	3,100	
Routt	24,310	
Saguache	789	
San Miguel	994	
Sedgwick	66,389	
Teller	20	
Washington	236,894	
Weld	191,251	
Yuma	143,891	
Reserve new farms	2,700	
Reserve missed farms and corrections	2,700	
Total	2,766,025	

DELAWARE

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Kent	14,610	
New Castle	11,710	
Sussex	6,981	
Reserve new farms	200	
Reserve missed farms and corrections	100	
Total	33,601	

GEORGIA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Appling	33	
Atkinson	1	
Baker	93	7
Baldwin	55	
Banks	925	
Barrow	1,043	
Bartow	1,883	
Ben Hill	25	2
Bibb	630	
Bleckley	383	
Brooks	8	
Bryan	13	
Bulloch	211	
Burke	1,077	
Butts	1,025	
Calhoun	119	15
Candler	49	
Carroll	968	
Catoosa	345	
Chattooga	182	
Cherokee	165	
Clarke	1,706	
Clay	121	
Clayton	286	
Cobb	187	
Coffee	88	
Colquitt	7	
Columbia	204	
Coweta	326	
Crawford	1,074	
Crisp	353	
Dade	106	
Dawson	200	
De Kalb	216	
Dodge	126	
Dooly	2,067	
Dougherty	595	16
Douglas	199	
Early	752	110
Effingham	24	2
Elbert	2,365	
Emanuel	681	
Evans	51	
Fannin	22	
Fayette	451	
Floyd	654	
Forsyth	475	
Franklin	3,406	
Fulton	419	
Gilmer	29	
Glascock	461	
Gordon	512	
Grady	23	6
Greene	383	
Gwinnett	1,554	
Habersham	130	
Hall	705	
Hancock	269	
Haralson	277	
Harris	156	
Hart	4,514	
Heard	455	
Henry	1,603	
Houston	4,229	
Jackson	2,718	
Jasper	512	
Jefferson	8,957	
Jenkins	281	
Johnson	609	
Jones	95	
Lamar	432	
Laurens	1,669	
Lee	455	
Lincoln	303	
Lowndes	23	2
Lumpkin	55	
McDuffie	257	
Macon	1,983	
Madison	7,641	
Marion	185	
Meriwether	712	
Miller	124	28
Mitchell	16	
Monroe	257	
Montgomery	48	
Morgan	835	
Murray	1,009	
Muscogee	1	1
Newton	541	
Oconee	2,361	
Oglethorpe	5,103	
Paulding	272	
Peach	2,134	
Pickens	117	
Pierce	1	
Pike	928	
Polk	902	
Pulaski	565	
Putnam	155	
Quitman	14	
Rabun	27	
Randolph	291	
Richmond	693	
Rockdale	272	
Schley	225	
Screven	330	
Seminole	49	13
Spalding	1,135	
Stephens	363	
Stewart	70	
Sumter	2,317	
Talbot	159	
Taliaferro	187	
Tattnall	40	
Taylor	236	
Telfair	62	
Terrell	359	
Thomas	50	6
Tift	19	1
Toombs	80	3
Towns	134	
Treutlen	53	
Troup	67	
Turner	94	1
Twiggs	73	
Union	234	
Upson	353	
Walker	694	
Walton	1,840	
Warren	1,378	
Washington	3,232	
Webster	97	
Wheeler	770	
White	71	
Whitfield	1,071	
Wilcox	240	
Wilkes	742	
Wilkinson	124	
Worth	28	
Reserve new farms	825	
Reserve missed farms and corrections	209	
Total	103,143	213

IDAHO

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Ada	5,892	
Adams	1,055	
Bannock	50,339	
Bear Lake	22,599	
Benewah	19,414	
Bingham	52,317	
Blaine	7,161	
Boise	495	
Bonner	1,777	
Bonneville	88,190	
Boundary	9,197	
Butte	9,298	
Camas	32,107	
Canyon	16,522	
Caribou	48,868	
Cassia	61,625	
Clark	5,083	
Clearwater	7,475	
Custer	1,935	
Elmore	7,342	
Franklin	35,159	
Fremont	48,020	
Gem	2,103	
Gooding	7,092	
Idaho	57,884	
Jefferson	27,812	
Jerome	12,591	
Kootenai	23,447	
Latah	63,087	
Lemhi	1,355	
Lewis	39,882	
Lincoln	9,104	
Madison	49,586	
Minidaka	20,571	
Nez Perce	61,365	
Oneida	67,205	
Owyhee	4,990	
Payette	4,894	
Power	91,387	
Teton	28,582	
Twin Falls	32,520	
Valley	591	
Washington	17,660	
Reserve new farms	1,572	
Reserve missed farms and corrections	0	
Total	1,156,480	

ILLINOIS

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	33,804	
Alexander	4,194	
Bond	16,795	
Boone	297	
Brown	6,632	
Bureau	1,869	
Calhoun	4,339	
Carroll	297	
Cass	18,436	
Champaign	28,578	
Christian	45,775	
Clark	22,805	
Clay	10,723	
Clinton	32,102	
Coles	22,599	
Cook	1,938	
Crawford	15,582	
Cumberland	13,408	
De Kalb	512	
De Witt	5,274	
Douglas	17,307	
Du Page	3,060	
Edgar	25,886	
Edwards	11,040	
Effingham	18,090	
Fayette	21,839	
Ford	526	
Franklin	15,980	
Fulton	15,465	
Gallatin	7,448	
Greene	22,333	
Grundy	762	
Hamilton	10,280	
Hancock	22,629	
Hardin	158	
Henderson	3,995	
Henry	860	
Iroquois	11,593	
Jackson	16,760	
Jasper	20,096	
Jefferson	16,221	
Jersey	17,886	
Jo Daviess	55	
Johnson	1,811	
Kane	1,838	
Kankakee	7,022	
Kendall	957	
Knox	2,824	
Lake	3,262	
La Salle	2,161	
Lawrence	18,228	
Lee	2,870	
Livingston	814	
Logan	19,277	
McDonough	10,675	
McHenry	1,381	
McLean	3,673	
Macon	19,219	
Macoupin	41,286	
Madison	52,456	
Marion	17,171	
Marshall	2,842	
Mason	30,875	
Massac	3,021	
Menard	14,704	
Mercer	1,462	
Monroe	33,757	
Montgomery	38,348	
Morgan	28,348	
Moultrie	15,519	
Ogle	1,055	
Peoria	8,997	
Perry	16,893	
Piatt	14,801	
Pike	22,201	
Pope	1,771	
Pulaski	3,615	
Putnam	1,554	
Randolph	33,104	
Richland	10,693	
Rock Island	845	
St. Clair	57,349	
Saline	11,600	
Sangamon	38,167	
Schuyler	14,301	
Scott	13,569	
Shelby	32,166	
Stark	563	
Stephenson	234	
Tazewell	17,941	
Union	6,017	
Vermilion	38,501	
Wabash	13,631	
Warren	1,198	
Washington	49,705	
Wayne	13,220	
White	22,245	
Whiteside	3,917	
Will	7,239	
Williamson	4,938	
Winnebago	941	
Woodford	2,592	
Reserve new farms	4,000	
Reserve missed farms and corrections	3,503	
Total	1,414,575	

INDIANA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	12,694	
Allen	26,721	
Bartholomew	21,557	
Benton	11,796	
Blackford	2,955	
Boone	8,969	
Brown	344	
Carroll	12,658	
Cass	11,730	
Clark	6,934	
Clay	14,963	
Clinton	16,776	
Crawford	2,418	
Daviess	18,421	
Dearborn	6,345	
Decatur	25,564	
De Kalb	17,981	
Delaware	11,590	
Dubois	13,609	
Elkhart	19,035	
Fayette	9,899	
Floyd	1,788	
Fountain	16,364	
Franklin	14,977	
Fulton	11,179	
Gibson	21,418	
Grant	11,690	
Greene	16,504	
Hamilton	10,753	
Hancock	10,470	
Harrison	7,749	
Hendricks	10,998	
Henry	11,231	
Howard	10,958	
Huntington	11,129	

INDIANA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Jackson	16,472	
Jasper	14,108	
Jay	10,439	
Jefferson	6,792	
Jennings	9,165	
Johnson	12,954	
Knox	30,885	
Kosciusko	18,703	
Lagrange	16,323	
Lake	10,854	
La Porte	29,079	
Lawrence	3,095	
Madison	14,164	
Marion	7,209	
Marshall	15,748	
Martin	2,221	
Miami	11,101	
Monroe	1,297	
Montgomery	16,186	
Morgan	7,944	
Newton	8,784	
Noble	15,106	
Ohio	1,233	
Orange	3,767	
Owen	3,830	
Parke	13,056	
Perry	4,962	
Pike	7,408	
Porter	17,651	
Posey	23,570	
Pulaski	14,055	
Putnam	8,966	
Randolph	14,480	
Ripley	17,278	
Rush	23,267	
St. Joseph	19,887	
Scott	4,185	
Shelby	21,016	
Spencer	13,683	
Starke	9,442	
Steuben	10,685	
Sullivan	18,302	
Switzerland	2,955	
Tippecanoe	20,310	
Tipton	9,407	
Union	10,538	
Vanderburgh	10,994	
Vermillion	9,380	
Vigo	12,611	
Wabash	14,793	
Warren	13,050	
Warrick	8,860	
Washington	10,124	
Wayne	15,350	
Wells	10,461	
White	12,760	
Whitley	11,607	
Reserve new farms	5,721	
Reserve missed farms and corrections	2,859	
Total	1,144,137	

IOWA

Adair	253	
Adams	1,534	
Allamakee	12	
Appanoose	641	
Audubon	60	
Benton	245	
Black Hawk	50	
Boone	27	
Bremer	4	1
Buchanan	86	
Calhoun	12	
Carroll	34	
Cass	1,314	
Cedar	73	
Cerro Gordo	57	
Chickasaw	6	1
Clarke	186	
Clayton	8	
Clinton	128	
Crawford	381	
Dallas	635	
Davis	1,370	
Decatur	599	
Des Moines	3,361	
Dubuque	73	
Floyd	21	1
Fremont	9,290	
Greene	22	
Guthrie	449	
Hamilton	22	
Hancock	22	
Harrison	14,034	
Henry	1,118	
Humboldt	9	1
Ida	12	
Iowa	118	
Jackson	32	

IOWA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Jasper	823	
Jefferson	1,005	
Johnson	174	
Jones	26	
Keokuk	206	
Lee	6,411	
Linn	125	
Louisa	1,207	
Lucas	657	
Lyon	45	
Madison	1,278	
Mahaska	559	
Marion	835	
Marshall	86	
Mills	8,214	
Monona	11,829	
Monroe	770	
Montgomery	3,615	
Muscatine	883	
Page	6,519	
Palo Alto	29	
Plymouth	794	
Pocahontas	29	
Polk	2,142	
Pottawattamie	5,954	
Poweshiek	61	
Ringgold	1,629	
Sac	14	
Scott	487	
Shelby	189	
Sioux	30	
Story	125	
Tama	70	
Taylor	3,033	
Union	286	
Van Buren	2,136	
Wapello	1,394	
Warren	2,950	
Washington	313	
Wayne	284	
Woodbury	5,980	
Worth	1	
Reserve new farms	2,500	
Reserve missed farms and corrections	501	
Total	115,485	4

KANSAS

Allen	22,678	
Anderson	25,274	
Atchison	26,711	
Barber	120,937	
Barton	233,330	
Bourbon	16,989	
Brown	36,702	
Butler	61,007	
Chase	17,812	
Chautauqua	11,925	
Cherokee	57,736	
Cheyenne	119,355	
Clark	101,917	
Clay	94,035	
Cloud	119,572	
Coffey	24,560	
Comache	100,291	
Cowley	96,601	
Crawford	31,361	
Decatur	102,250	
Dickinson	140,701	
Doniphan	13,146	
Douglas	28,725	
Edwards	148,473	
Elk	10,992	
Ellis	151,437	
Ellsworth	113,410	
Finney	190,459	
Ford	270,940	
Franklin	23,130	
Geary	27,554	
Gove	113,892	
Graham	120,405	
Grant	90,143	
Gray	208,495	
Greeley	142,042	
Greenwood	17,683	
Hamilton	143,769	
Harper	101,008	
Harvey	101,136	
Haskell	147,725	
Hodgeman	154,293	
Jackson	33,117	
Jefferson	30,358	
Jewell	115,113	
Johnson	22,487	
Kearny	105,000	
Kingman	168,089	
Kiowa	118,491	
Labette	54,542	
Lane	117,435	
Leavenworth	21,113	

KANSAS—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Lincoln	116,747	
Linn	21,615	
Logan	113,855	
Lyon	32,476	
McPherson	198,516	
Marion	118,990	
Marshall	75,687	
Meade	160,961	
Miami	24,303	
Mitchell	169,494	
Montgomery	40,581	
Morris	41,593	
Morton	86,783	
Nemaha	30,437	
Neosho	39,547	
Ness	196,888	
Norton	84,517	
Osage	23,955	
Osborne	139,996	
Ottawa	117,206	
Pawnee	202,865	
Phillips	93,718	
Pottawatomie	36,241	
Pratt	171,495	
Rawlins	128,306	
Reno	276,770	
Republic	88,705	
Rice	161,309	
Riley	31,973	
Rooks	138,381	
Rush	181,148	
Russell	148,203	
Saline	127,354	
Scott	120,017	
Sedgwick	186,491	
Seward	103,872	
Shawnee	34,079	
Sheridan	122,340	
Sherman	158,247	
Smith	106,179	
Stafford	167,505	
Stanton	128,351	
Stevens	102,244	
Sumner	290,826	
Thomas	195,635	
Trego	129,682	
Wabaunsee	26,335	
Wallace	83,943	
Washington	84,472	
Wichita	115,504	
Wilson	41,951	
Woodson	13,631	
Wyandotte	2,673	
Reserve new farms	10,615	
Reserve missed farms and corrections	8,932	
Total	10,615,188	

KENTUCKY

Adair	1,351	
Allen	1,947	
Anderson	392	
Ballard	928	
Barren	1,808	
Bath	1,358	
Boone	1,035	
Bourbon	4,872	
Boyd	38	
Boyle	2,342	
Bracken	1,242	
Breckenridge	4,785	
Bullitt	1,523	
Butler	703	
Caldwell	1,646	
Calloway	4,123	
Campbell	662	
Carlisle	484	7
Carroll	352	
Carter	149	
Casey	617	
Christian	16,641	
Clark	702	
Clinton	975	
Crittenden	1,222	
Cumberland	133	
Daviess	5,236	
Edmonson	475	
Estill	19	2
Fayette	2,039	
Fleming	1,467	
Franklin	472	
Fulton	2,556	
Gallatin	272	
Garrard	1,222	
Grant	491	
Graves	3,820	
Grayson	3,022	
Green	1,247	
Greenup	134	
Hancock	1,179	

KENTUCKY—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Hardin	3,527	
Harrison	2,534	
Hart	326	
Henderson	3,957	
Henry	1,400	
Hickman	3,669	
Hopkins	3,865	
Jackson	82	
Jefferson	2,359	
Jessamine	1,096	
Kenton	197	
Knox	41	
Larue	1,548	
Laurel	65	
Lee	3	
Lewis	551	
Lincoln	1,781	
Livingston	754	
Logan	14,202	
Lyon	929	
McCracken	662	
McLean	2,293	
Madison	659	
Magoffin	2	1
Marion	1,556	
Marshall	1,104	
Mason	4,110	
Meade	3,454	
Menefee	2,020	
Mercer	638	
Metcalfe	1,325	
Monroe	756	
Montgomery	40	
Morgan	2,875	
Muhlenberg	3,705	
Nelson	1,179	
Nicholas	1,217	
Ohio	1,825	
Oldham	553	
Owen	1,013	
Pendleton	57	
Powell	1,588	
Pulaski	436	
Robertson	173	
Rockcastle	134	
Rowan	462	
Russell	2,190	
Scott	3,492	
Shelby	10,608	
Simpson	1,007	
Spencer	3,467	
Taylor	9,571	
Todd	5,491	
Trigg	1,288	
Trimble	7,368	
Union	3,241	
Warren	1,775	
Washington	1,141	
Wayne	4,445	
Webster	1	
Whitley	10	
Wolfe	2,452	
Woodford	2,139	
Reserve new farms	118	
Reserve missed farms and corrections	2,135	
Total	213,891	10

MARYLAND

Allegany	1,113	
Anne Arundel	1,750	
Baltimore	6,176	
Calvert	828	
Caroline	12,004	
Carroll	18,671	
Cecil	8,548	
Charles	4,027	
Dorchester	10,811	
Fredrick	22,020	
Garrett	1,821	
Harford	4,040	
Howard	5,227	
Kent	12,039	
Montgomery	8,942	
Prince Georges	2,889	
Queen Annes	17,427	
St. Marys	5,345	
Somerset	671	
Talbot	15,483	
Washington	15,844	
Wicomico	558	
Worcester	1,306	
Reserve new farms	448	
Reserve missed farms and corrections	894	
Total	178,898	

MICHIGAN

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Alcona	1,901	
Alger	10	
Allegan	22,560	
Alpena	4,448	
Antrim	759	
Arenac	3,973	
Baraga	12	
Barry	19,623	
Bay	18,820	
Benzie	240	
Berrien	12,811	
Branch	21,435	
Calhoun	28,324	
Cass	15,291	
Charlevoix	1,242	
Cheboygan	828	
Chippewa	530	
Clare	2,262	
Clinton	31,858	
Crawford	5	
Delta	126	
Eaton	30,675	
Emmet	737	
Genesee	21,132	1
Gladwin	3,191	
Grand Traverse	1,873	
Gratiot	27,410	
Hillsdale	23,370	
Houghton	41	
Huron	48,903	
Ingham	23,880	
Ionia	29,172	
Iosco	1,334	
Isabella	17,171	
Jackson	19,795	
Kalamazoo	23,285	
Kalkaska	276	
Kent	17,594	
Lake	587	
Lapeer	21,369	
Leelanau	878	
Lenawee	40,038	
Livingston	19,755	
Luce	33	
Mackinac	67	
Macomb	13,676	
Manistee	831	
Marquette	3	
Mason	4,780	
Mecosta	5,691	
Menominee	272	
Midland	7,523	
Missaukee	1,611	
Monroe	31,103	
Montcalm	17,664	
Montmorency	1,064	
Muskegon	4,134	
Newaygo	5,078	
Oakland	11,578	
Oceana	3,243	
Ogemaw	1,725	
Ontonagon	74	
Osceola	3,225	
Oscoda	118	
Otsego	274	
Ottawa	16,070	
Presque Isle	3,132	
Roscommon	57	
Saginaw	40,750	
St. Clair	26,613	
St. Joseph	21,994	
Sanilac	48,205	
Schoolcraft	41	
Shiawassee	31,773	
Tuscola	42,707	
Van Buren	11,664	
Washtenaw	20,638	
Wayne	8,069	
Wexford	754	
Reserve new farms	750	
Reserve missed farms and corrections	250	
Total	957,020	

MINNESOTA

Aitkin	254	
Anoka	167	
Becker	15,024	
Beltrami	1,280	
Benton	257	
Big Stone	9,210	
Blue Earth	3,934	
Brown	500	
Carlton	8	
Carver	907	
Cass	94	
Chippewa	1,116	

MINNESOTA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Chisago	177	
Clay	71,257	
Clearwater	3,278	
Cottonwood	292	
Crow Wing	80	
Dakota	5,310	
Dodge	265	
Douglas	5,401	
Faribault	476	
Fillmore	245	
Freeborn	370	
Goodhue	4,035	
Grant	5,694	
Hennepin	342	
Houston	233	
Hubbard	746	
Isanti	1,023	
Itasca	215	
Jackson	80	
Kanabec	66	
Kandiyohi	1,297	
Kittson	85,532	
Koochiching	1,147	
Lac qui Parle	3,709	
Lake of the Woods	3,762	
LeSueur	4,202	
Lincoln	1,695	
Lyon	1,632	
McLeod	2,919	
Mahnomen	10,466	
Marshall	93,844	
Martin	138	
Meeker	2,481	
Mille Lacs	310	
Morrison	1,137	
Mower	382	
Murray	87	
Nicollet	1,631	
Nobles	46	
Norman	45,124	
Olmsted	724	
Otter Tail	25,146	
Pennington	9,139	
Pine	112	
Pipestone	46	
Polk	125,625	
Pope	3,910	
Ramsey	19	
Red Lake	8,232	
Redwood	1,654	
Renville	3,230	
Rice	1,831	
Rock	9	
Roseau	25,032	
St. Louis	217	
Scott	1,807	
Sherburne	804	
Sibley	3,868	
Stearns	3,263	
Steele	247	
Stevens	5,715	
Swift	3,190	
Todd	1,223	
Traverse	17,858	
Wabasha	959	
Wadena	469	
Waseca	1,111	
Washington	662	
Watonwan	144	
Wilkin	49,637	
Winona	670	
Wright	2,269	
Yellow Medicine	3,163	
Reserve new farms	2,098	
Reserve missed farms and corrections	1,398	
Total	699,354	

MISSOURI

Adair	5,211	
Andrew	7,714	
Atchison	11,525	
Audrain	17,718	
Barry	6,174	
Barton	36,330	
Bates	26,330	
Benton	8,299	
Bollinger	6,531	
Boone	12,193	
Buchanan	18,618	
Butler	5,640	588
Caldwell	10,684	
Callaway	13,157	
Camden	1,031	40
Cape Girardeau	14,098	
Carroll	35,394	
Carter	398	

MISSOURI—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Cass	4,897	
Cedar	10,469	
Charlton	23,696	
Christian	4,381	287
Clark	9,668	
Clay	9,497	
Clinton	8,381	
Cole	9,646	
Cooper	17,454	
Crawford	2,437	
Dade	19,179	
Dallas	3,283	88
Daviess	15,461	
De Kalb	9,666	
Dent	2,113	
Douglas	1,975	
Dunklin	4,174	35
Franklin	19,260	
Gasconade	12,108	
Gentry	9,779	
Greene	9,159	138
Grundy	4,991	
Harrison	9,835	
Henry	17,000	
Hickory	3,406	
Holt	16,689	
Howard	13,374	
Howell	2,359	
Iron	646	
Jackson	12,467	
Jasper	37,002	
Jefferson	5,620	
Johnson	14,199	
Knox	8,799	
Laclede	4,616	143
Lafayette	24,220	
Lawrence	18,351	
Lewis	17,657	
Lincoln	10,661	
Linn	7,175	
Livingston	12,172	
McDonald	2,985	
Macon	9,053	
Madison	1,822	
Maries	5,506	
Marion	10,421	
Mercer	3,700	
Miller	6,022	
Mississippi	13,278	
Moniteau	10,078	
Monroe	17,145	
Montgomery	15,421	
Morgan	7,250	
New Madrid	16,057	
Newton	15,748	
Nodaway	10,559	
Oregon	1,578	
Osage	10,618	
Ozark	1,230	
Pemiscot	1,610	
Perry	15,634	
Pettis	18,743	
Phelps	3,839	
Pike	15,687	
Platte	25,796	
Polk	10,697	
Pulaski	1,206	
Putnam	1,073	
Ralls	12,602	
Randolph	9,794	
Ray	20,589	
Reynolds	935	
Ripley	1,921	
St. Charles	34,718	
St. Clair	14,074	
St. Francois	2,670	
St. Louis	18,044	
Ste. Genevieve	4,902	
Saline	31,084	
Schuyler	1,372	
Scotland	4,725	
Scott	10,812	
Shannon	839	
Shelby	15,921	
Stoddard	25,076	
Stone	1,146	100
Sullivan	2,951	
Taney	141	
Texas	6,462	
Vernon	28,757	
Warren	14,209	
Washington	1,495	
Wayne	1,598	
Webster	4,389	280
Worth	3,948	
Wright	2,601	208
Reserve new farms	1,600	
Reserve missed farms and corrections	1,000	
Total	1,253,735	1,912

MONTANA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Beaverhead	9,728	
Big Horn	67,314	
Blaine	82,177	
Broadwater	25,663	
Carbon	30,119	
Carter	26,843	
Cascade	127,910	
Chouteau	344,394	
Custer	20,833	
Daniels	191,999	
Dawson	129,717	
Deer Lodge	1,008	
Fallon	84,640	
Fergus	153,603	
Flathead	25,675	
Gallatin	64,617	
Garfield	41,875	
Glacier	48,734	
Golden Valley	18,597	
Granite	1,331	
Hill	308,617	
Jefferson	9,266	
Judith Basin	80,361	
Lake	20,304	
Lewis and Clark	14,676	
Liberty	102,162	
Lincoln	894	
McCone	163,738	
Madison	11,427	
Meagher	3,956	
Mineral	930	
Missoula	8,668	
Musselshell	16,985	
Park	23,108	
Petroleum	6,831	
Phillips	88,370	
Ponders	147,067	
Powder River	29,126	
Powell	5,369	
Prairie	36,234	
Ravalli	7,230	
Richland	136,866	
Roosevelt	253,760	
Rosebud	24,629	
Sanders	7,175	
Sheridan	211,388	
Silver Bow	67	
Stillwater	58,062	
Sweet Grass	11,003	
Teton	158,520	
Toole	150,925	
Treasure	5,985	
Valley	220,726	
Wheatland	9,599	
Wibaux	52,503	
Yellowstone	83,676	
Reserve new farms	4,000	
Reserve missed farms and corrections	2,603	
Total	4,042,623	

NEBRASKA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	90,368	
Antelope	6,816	
Arthur	10	
Banner	56,055	
Blaine	1	
Boone	11,277	
Box Butte	99,519	
Boyd	1,955	
Brown	2,364	
Buffalo	43,887	
Burt	8,473	
Butler	47,933	
Cass	27,075	
Cedar	349	
Chase	74,191	
Cherry	1,286	
Cheyenne	167,219	
Clay	85,565	
Colfax	13,964	
Cuming	1,524	
Custer	50,157	
Dakota	28	
Dawes	43,813	
Dawson	19,886	
Deuel	68,771	
Dixon	302	
Dodge	25,383	
Douglas	2,382	
Dundy	32,500	
Fillmore	86,434	
Franklin	44,141	
Frontier	55,936	
Furnas	61,536	
Gage	80,137	
Garden	42,636	
Garfield	150	
Gosper	31,792	
Greeley	10,096	
Hall	33,906	
Hamilton	61,892	
Harlan	54,605	
Hayes	43,202	
Hitchcock	71,453	
Holt	7,138	
Hooker	12	
Howard	25,379	
Jefferson	60,836	
Johnson	24,258	
Kearney	70,725	
Keith	72,302	
Keya Paha	1,071	
Kimball	135,614	
Knox	3,552	
Lancaster	60,499	
Lincoln	56,575	
Logan	6,677	
Loup	242	
McPherson	70	
Madison	5,738	
Merrick	24,061	
Merrill	36,577	
Nance	21,468	
Nemaha	24,132	
Nuckolls	49,345	
Otoe	38,205	
Pawnee	15,831	
Perkins	140,864	
Phelps	50,806	
Pierce	1,939	
Platte	21,734	
Polk	36,185	
Redwillow	66,066	
Richardson	26,488	
Rock	55	
Saline	77,356	
Sarpy	3,875	
Saunders	32,154	
Scotts Bluff	16,895	
Seward	57,410	
Sheridan	55,446	
Sherman	15,820	
Sioux	8,445	
Stanton	1,527	
Thayer	73,344	
Thurston	460	
Valley	16,132	
Washington	8,037	
Wayne	360	
Webster	43,366	
Wheeler	142	
York	54,377	
Reserve new farms	3,000	
Reserve missed farms and corrections	1,004	
Total	3,234,827	

NEW JERSEY

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Atlantic	8	
Bergen	7	
Burlington	3,428	
Camden	495	
Cape May	151	
Cumberland	910	
Essex	12	3
Gloucester	622	
Hunterdon	9,378	
Mercer	9,517	
Middlesex	6,567	
Monmouth	10,199	
Morris	741	1
Ocean	230	
Passaic	1	
Salem	2,930	
Somerset	4,753	
Sussex	264	
Union	28	
Warren	3,066	
Reserve new farms	300	
Reserve missed farms and corrections	202	
Total	53,859	3

NEW MEXICO

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Bernalillo	1,399	
Catron	414	
Chaves	869	
Colfax	13,466	
Curry	189,644	
De Baca	481	
Eddy	20	

NEW MEXICO—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Grant	142	
Guadalupe	214	
Harding	26,042	
Hidalgo	16	
Lea	940	154
Lincoln	268	
Mckinley	332	
Mora	1,925	
Otero	111	
Quay	117,393	
Rio Arriba	8,300	
Roosevelt	55,348	
Sandoval	1,217	
San Juan	878	
San Miguel	1,660	
Santa Fe	4,898	
Sierra	74	
Socorro	3,695	
Taos	2,041	
Torrance	25,898	
Union	10,241	
Valencia	4,279	
Reserve new farms	1,000	
Reserve missed farms and corrections	99	
Total	470,705	154

NEW YORK

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Albany	2,040	
Allegany	3,946	
Broome	228	
Cattaraugus	1,520	
Cayuga	20,917	
Chautauqua	2,275	
Chemung	2,333	
Chenango	819	
Clinton	34	
Columbia	2,220	
Cortland	703	
Delaware	103	
Dutchess	846	
Erie	12,134	
Essex	448	
Franklin	4	
Fulton	122	
Genesee	22,061	
Greene	1,411	
Herkimer	1,106	
Jefferson	2,540	
Lewis	60	3
Livingston	28,072	
Madison	2,787	
Monroe	28,207	
Montgomery	2,108	
Nassau	281	
Niagara	19,593	
Oneida	2,314	
Onondaga	10,381	
Ontario	27,833	
Orange	338	
Orleans	16,566	
Oswego	2,413	
Otsego	708	
Putnam	1	1
Rensselaer	1,731	
Rockland	19	
St. Lawrence	192	
Saratoga	1,170	
Schenectady	403	
Schoharie	1,908	
Schuyler	5,488	
Seneca	16,608	
Steuben	13,642	
Suffolk	1,671	
Sullivan	31	
Tioga	1,941	
Tompkins	7,098	
Ulster	1,398	
Warren	4	
Washington	715	
Wayne	17,101	
Westchester	55	
Wyoming	11,989	
Yates	13,092	
Reserve new farms	159	
Reserve missed farms and corrections	158	
Total	317,602	4

NORTH CAROLINA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Alamance	7,012	
Alexander	3,651	
Alleghany	217	
Anson	6,402	
Ashe	39	
Avery	19	
Beaufort	391	
Bertie	32	
Bladen	1,155	
Brunswick	245	
Buncombe	387	
Burke	2,441	
Cabarrus	8,140	
Caldwell	1,580	
Camden	85	11
Carteret	86	
Caswell	5,365	
Catawba	12,362	
Chatham	4,969	
Cherokee	49	
Chowan	67	
Clay	72	
Cleveland	11,373	
Columbus	925	
Craven	432	
Cumberland	5,397	
Currituck	107	
Davidson	8,991	
Davie	3,849	
Duplin	1,210	
Durham	1,252	
Edgecombe	903	
Forsyth	4,457	
Franklin	3,015	
Gaston	6,515	
Gates	160	6
Granville	2,145	
Greene	321	
Guilford	8,512	
Halifax	1,755	
Harnett	4,328	
Haywood	73	
Henderson	155	
Hertford	101	
Hoke	2,533	8
Hyde	64	
Iredell	15,014	
Jackson	20	
Johnston	3,503	
Jones	189	
Lee	1,902	
Lenoir	980	
Lincoln	10,088	
McDowell	705	
Macon	83	
Madison	243	
Martin	126	8
Mecklenburg	6,102	
Mitchell	1	
Montgomery	2,470	
Moore	3,884	
Nash	2,503	
New Hanover	46	1
Northampton	849	
Onslow	112	
Orange	3,466	
Pamlico	272	
Pasquotank	193	13
Pender	380	3
Perquimans	177	
Person	4,019	
Pitt	591	
Polk	645	
Randolph	10,085	
Richmond	3,696	
Robeson	4,716	
Rockingham	5,895	
Rowan	15,278	
Rutherford	4,537	
Sampson	2,624	
Scotland	1,330	
Stanly	15,106	
Stokes	1,991	
Surry	1,885	
Swain	1	
Transylvania	29	
Tyrrell	215	
Union	12,921	
Vance	1,462	
Wake	4,997	
Warren	3,571	
Washington	272	
Watauga	80	
Wayne	2,296	
Wilkes	2,428	
Wilson	1,728	
Yadkin	4,874	
Yancey	3	
Reserve new farms	285	
Reserve missed farms and corrections	285	
Total	284,254	53

NORTH DAKOTA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	146,294	
Barnes	181,633	
Benson	189,002	
Billings	36,140	
Bottineau	242,203	
Bowman	123,063	
Burke	137,632	
Burleigh	97,426	
Cass	193,932	
Cavalier	160,901	
Dickey	69,694	
Divide	178,806	
Dunn	127,869	
Eddy	65,448	
Emmons	135,493	
Foster	66,481	
Golden Valley	74,754	
Grand Forks	172,747	
Grant	135,243	
Griggs	66,338	
Hettinger	196,750	
Kidder	78,451	
La Moure	131,901	
Logan	100,144	
McHenry	180,283	
McIntosh	114,434	
McKenzie	156,118	
McLean	260,327	
Mercer	96,482	
Morton	156,036	
Mountrail	211,916	
Nelson	112,759	
Oliver	56,589	
Pembina	165,850	
Pierce	147,534	
Ramsey	186,691	
Ransom	64,636	
Renville	125,088	
Richland	81,940	
Rolette	98,604	
Sargent	70,521	
Sheridan	110,812	
Sioux	43,038	
Slope	101,338	
Stark	158,182	
Steele	76,893	
Stutsman	245,643	
Towner	175,318	
Traill	98,604	
Walsh	178,999	
Ward	254,583	
Wells	169,123	
Williams	265,927	
Reserve new farms	5,129	
Reserve missed farms and corrections	5,130	
Total	7,327,856	

OHIO

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	12,325	
Allen	21,916	
Ashland	19,625	
Ashtabula	13,179	
Athens	1,775	
Auglaize	21,669	
Belmont	4,076	
Brown	15,716	
Butler	18,754	
Carroll	7,525	
Champaign	23,198	
Clark	22,120	
Clermont	9,075	
Clinton	20,713	
Columbiana	13,354	
Coshocton	12,491	
Crawford	23,505	
Cuyahoga	1,316	
Darke	33,422	
Defiance	26,019	
Delaware	17,820	
Erie	14,180	
Fairfield	32,132	
Fayette	32,079	
Franklin	24,445	
Fulton	24,635	
Gallia	2,090	
Geauga	5,025	
Greene	27,104	
Guernsey	4,616	
Hamilton	3,683	
Hancock	36,685	
Hardin	23,685	
Harrison	2,979	
Henry	31,295	
Highland	30,437	
Hocking	4,071	
Holmes	17,302	
Huron	27,700	
Jackson	2,603	
Jefferson	3,694	
Knox	23,095	
Lake	2,092	

OHIO—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Lawrence	661	
Licking	26,500	
Logan	18,306	
Lorain	14,704	
Lucas	13,282	
Madison	30,300	
Mahoning	9,935	
Marion	19,385	
Medina	15,265	
Meigs	2,588	
Mercer	24,700	
Miami	27,620	
Monroe	2,328	
Montgomery	21,528	
Morgan	3,142	
Morrow	16,560	
Muskingum	10,281	
Noble	1,480	
Ottawa	16,569	
Paulding	25,250	
Perry	10,086	
Pickaway	42,837	
Pike	4,479	
Portage	12,013	
Preble	25,443	
Putnam	35,709	
Richland	21,865	
Ross	30,432	
Sandusky	27,593	
Scioto	3,999	
Seneca	40,371	
Shelby	22,473	
Stark	20,889	
Summit	5,283	
Trumbull	9,190	
Tuscarawas	12,682	
Union	19,986	
Van Wert	25,636	
Vinton	1,464	
Warren	18,714	
Washington	4,335	
Wayne	32,999	
Williams	25,114	
Wood	48,789	
Wyandot	27,085	
Reserve new farms	2,000	
Reserve missed farms and corrections	1,011	
Total	1,558,108	

OKLAHOMA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adair	643	
Alfalfa	221,048	
Atoka	107	1
Beaver	268,030	
Beckham	44,437	
Blaine	159,288	
Bryan	3,730	
Caddo	88,285	
Canadian	138,535	
Carter	472	
Cherokee	836	
Choctaw	274	45
Cimarron	180,119	
Cleveland	8,958	
Coal	251	12
Comanche	55,266	
Cotton	104,073	
Craig	15,906	
Creek	1,486	
Custer	163,448	
Delaware	6,486	
Dewey	112,953	
Ellis	119,439	
Garfield	273,440	
Garvin	6,502	281
Grady	47,216	
Grant	272,833	
Greer	64,053	
Harmon	59,857	
Harper	132,585	
Haskell	1,481	2
Hughes	466	36
Jackson	133,071	
Jefferson	7,062	
Johnston	424	
Kay	186,045	
Kingfisher	207,575	
Kiowa	187,040	
Le Flora	3,630	232
Lincoln	9,275	
Logan	71,284	
Love	524	
McClain	9,635	
McIntosh	1,372	10
Major	139,720	
Marshall	639	57
Mayes	7,309	

OKLAHOMA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Murray	2,002	
Muskogee	8,411	
Noble	108,266	
Nowata	9,599	
Okfuskee	1,453	90
Oklahoma	22,632	
Okmulgee	597	
Osage	22,984	
Ottawa	21,607	
Pawnee	16,707	
Payne	19,737	
Pittsburg	1,205	120
Pontotoc	670	14
Pottawatomie	9,836	
Roger Mills	51,521	
Rogers	9,634	
Seminole	1,234	
Sequoyah	4,727	77
Stephens	13,654	
Texas	396,920	
Tillman	164,683	
Tulsa	5,785	
Wagoner	10,600	
Washington	5,276	
Washita	160,901	
Woods	176,613	
Woodward	102,690	
Reserve new farms	2,000	
Reserve missed farms and corrections	500	
Total	4,378,623	977

OREGON

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Baker	15,142	
Benton	5,383	
Clackamas	7,135	
Columbia	278	
Crook	3,639	
Deschutes	1,527	
Douglas	1,116	
Gilliam	83,305	
Grant	1,993	
Harney	2,742	
Jackson	1,495	
Jefferson	28,213	
Josephine	141	
Klamath	11,361	
Lake	17,057	
Lane	4,977	
Linn	7,694	
Malheur	15,316	
Marion	17,570	
Morrow	114,876	
Multnomah	470	
Polk	12,646	
Sherman	91,286	
Umatilla	198,039	
Union	42,089	
Wallowa	24,302	
Wasco	63,925	
Washington	14,838	
Wheeler	6,497	
Yamhill	16,690	
Reserve new farms	750	
Reserve missed farms and corrections	1,498	
Total	819,060	

PENNSYLVANIA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Adams	18,998	
Allegheny	3,075	
Armstrong	9,105	
Beaver	4,547	
Bedford	10,228	
Berks	28,706	
Blair	6,024	
Bradford	3,771	
Bucks	16,076	
Butler	11,531	
Cambria	5,165	
Cameron	22	
Carbon	2,823	
Centre	15,411	
Chester	13,604	
Clarion	8,571	
Clearfield	3,199	
Clinton	4,486	
Columbia	15,637	
Crawford	9,260	
Cumberland	22,188	
Dauphin	12,082	
Delaware	499	
Elk	303	
Erie	8,804	

PENNSYLVANIA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Fayette	4,073	
Forest	288	
Franklin	30,136	
Fulton	7,497	
Greene	1,557	
Huntingdon	8,573	
Indiana	10,521	
Jefferson	5,498	
Juniata	8,725	
Lackawanna	180	
Lancaster	50,310	
Lawrence	8,272	
Lebanon	12,723	
Lehigh	14,497	
Luzerne	4,112	
Lycoming	12,421	
McKean	156	
Mercer	10,604	
Mifflin	7,641	
Monroe	2,388	
Montgomery	11,411	
Montour	6,465	
Northampton	9,315	
Northumberland	15,242	
Perry	12,100	
Philadelphia	341	
Pike	48	
Potter	761	
Schuylkill	9,986	
Snyder	10,672	
Somerset	6,669	
Sullivan	348	
Susquehanna	384	
Tioga	2,139	
Union	8,719	
Venango	3,159	
Warren	1,185	
Washington	7,061	
Wayne	69	
Westmoreland	11,707	
Wyoming	1,011	
York	41,468	
Reserve new farms	1,291	
Reserve missed farms and corrections	1,202	
Total	609,751	

SOUTH CAROLINA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Abbeville	4,499	
Aiken	3,701	
Allendale	2,103	
Anderson	18,762	
Bamberg	1,474	
Barnwell	1,451	
Berkeley	137	7
Calhoun	5,424	
Charleston	132	
Cherokee	4,596	
Chester	1,625	
Chesterfield	2,441	
Clarendon	1,344	
Colleton	289	12
Darlington	5,372	
Dillon	1,217	
Dorchester	143	
Edgefield	2,071	
Fairfield	679	
Florence	3,593	
Georgetown	79	
Greenville	7,554	
Greenwood	2,326	
Hampton	1,286	153
Horry	491	
Jasper	21	2
Kershaw	2,049	
Lancaster	1,520	
Laurens	7,345	
Lee	2,945	
Lexington	2,417	
McCormick	510	
Marion	367	
Marlboro	1,570	
Newberry	3,864	
Oconee	4,011	
Orangeburg	3,894	
Pickens	3,414	
Richland	3,432	
Saluda	2,817	
Spartanburg	13,269	
Sumter	4,024	
Union	1,512	
Williamsburg	643	
York	3,367	
Reserve new farms	250	
Reserve missed farms and corrections	150	
Total	136,151	174

SOUTH DAKOTA

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Aurora	11,750	
Beadle	80,769	
Bennett	46,201	
Bon Homme	2,777	
Brookings	1,573	
Brown	186,924	
Brule	12,472	
Buffalo	3,203	
Butte	16,833	
Campbell	87,202	
Charles Mix	31,236	
Clark	63,326	
Clay	4,430	
Codington	28,151	
Corson	117,793	
Custer	3,907	
Davison	1,671	
Day	74,305	
Deuel	1,778	
Dewey	66,224	
Douglas	3,575	
Edmunds	125,706	
Fall River	17,006	
Faulk	82,180	
Grant	12,985	
Gregory	16,148	
Haakon	36,403	
Hamlin	6,440	
Hand	70,022	
Hanson	1,178	
Harding	41,697	
Hughes	45,450	
Hutchinson	5,961	
Hyde	20,869	
Jackson	14,748	
Jerauld	20,750	
Jones	48,482	
Kingsbury	25,229	
Lake	735	
Lawrence	5,447	
Lincoln	139	
Lyman	90,668	
McCook	1,143	
McPherson	96,450	
Marshall	52,073	
Meade	57,807	
Mellette	27,254	
Miner	5,882	
Minnehaha	156	
Moody	251	
Pennington	46,097	
Perkins	141,398	
Potter	93,445	
Roberts	48,066	
Sanborn	4,711	
Shannon	19,851	
Spink	238,432	
Stanley	28,036	
Sully	105,209	
Todd	10,692	
Tripp	76,112	
Turner	759	
Union	8,910	
Walworth	86,930	
Washabaugh	14,067	
Yankton	2,003	
Ziebach	36,648	
Reserve new farms	5,000	
Reserve missed farms and corrections	6,865	
Total	2,746,578	

TENNESSEE

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Anderson	135	
Bedford	5,620	
Benton	661	32
Bledsoe	883	
Blount	3,707	
Bradley	1,155	
Campbell	396	
Cannon	519	28
Carroll	800	
Carter	357	
Cheatham	2,080	
Chester	93	
Claiborne	3,742	
Clay	761	
Cocke	2,353	
Coffee	8,222	
Crockett	138	
Cumberland	314	
Davidson	1,571	
Decatur	90	8
De Kalb	1,210	
Dickson	1,416	
Dyer	1,321	83
Fayette	24	5
Fentress	728	
Franklin	6,412	
Gibson	1,240	

TENNESSEE—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Giles	3,926	
Grainger	2,124	
Greene	9,065	
Grundy	632	
Hamblen	3,975	
Hamilton	499	
Hancock	1,210	
Hardeman	176	
Hardin	714	43
Hawkins	5,840	
Haywood	230	
Henderson	39	11
Henry	2,029	183
Hickman	637	
Houston	416	
Humphreys	1,139	
Jackson	361	
Jefferson	5,684	
Johnson	728	
Knox	1,644	
Lake	33	74
Lauderdale	149	14
Lawrence	4,913	
Lewis	144	
Lincoln	4,695	
Loudon	3,105	
McMinn	1,729	
McNairy	21	3
Macon	1,150	
Madison	245	
Marion	490	
Marshall	3,859	
Maury	9,708	
Meigs	1,037	
Monroe	3,805	
Montgomery	6,310	
Moore	429	
Morgan	277	
Obion	5,429	177
Overton	1,827	
Perry	256	27
Pickett	732	
Polk	655	
Putnam	1,336	
Rhea	901	
Roane	925	
Robertson	20,026	
Rutherford	4,474	
Sequatchie	236	
Sevier	3,434	
Shelby	313	47
Smith	680	
Stewart	3,253	14
Sullivan	5,154	
Sumner	502	89
Tipton	358	
Trousdale	107	
Unicoi	527	
Union	179	
Van Buren	2,491	
Warren	4,481	
Washington	579	11
Wayne	2,872	190
Weakley	1,964	
White	6,511	
Williamson	2,892	
Wilson	599	
Reserve new farms		
Reserve missed farms and corrections	199	
Total	198,701	1,039

TEXAS

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Archer	31,408	
Armstrong	88,564	
Atascosa	282	
Austin	4	
Bailey	17,619	
Bandera	50	
Bastrop	17	
Baylor	67,016	
Bee	13	
Bell	5,293	
Bexar	1,395	
Blanco	517	
Borden	1,948	
Bosque	3,533	
Bowie	117	
Brazos	8	2
Briscoe	53,383	
Brown	16,726	
Burnet	1,318	
Caldwell	13	
Callahan	19,993	
Carson	153,376	
Castro	103,432	
Childress	46,142	
Clay	31,200	
Cochran	2,209	
Coke	2,148	

TEXAS—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Coleman	23,847	
Collin	41,538	
Collingsworth	25,786	
Comal	313	
Comanche	1,735	
Concho	23,103	
Cooke	22,712	
Coryell	8,135	
Cottle	26,736	
Crosby	36,509	
Culberson	36	5
Dallam	69,818	
Dallas	23,291	
Dawson	2,287	
Deaf Smith	201,949	
Delta	1,004	
Denton	33,742	
De Witt	4	
Dickens	23,307	
Donley	17,600	
Eastland	5,495	
Edwards	16	
Ellis	9,855	
Erath	1,307	
Falls	212	
Fannin	10,437	
Fisher	30,528	
Floyd	133,805	
Foard	69,720	
Gaines	1,536	
Garza	2,007	
Gillespie	5,894	
Glasscock	354	28
Gonzales	19	
Gray	90,144	
Grayson	43,656	
Guadalupe	302	
Hale	62,756	
Hall	14,937	
Hamilton	4,114	
Hansford	220,550	
Hardeman	90,578	
Harris	8	
Hartley	80,663	
Haskell	52,416	
Hays	72	
Hemphill	37,551	
Henderson	8	2
Hill	1,515	
Hockley	939	
Hood	188	
Hopkins	7	2
Houston	6	1
Howard	2,870	
Hudspeth	18	4
Hunt	2,554	
Hutchinson	67,693	
Irion	57	
Jack	3,767	
Jackson	195	
Johnson	1,432	
Jones	59,314	
Karnes	294	9
Kaufman	1,161	13
Kendall	1,786	
Kent	6,094	
Kerr	1,401	
Kimble	296	
King	5,338	
Knox	51,613	
Lamar	2,311	59
Lamb	6,269	
Lampasas	1,420	
Limestone	34	1
Lipscomb	114,840	
Live Oak	132	
Llano	103	
Lubbock	4,671	
Lynn	4,204	
McCulloch	13,675	
McLennan	6,079	
Martin	356	
Mason	62	
Maverick	106	
Medina	268	
Menard	1,016	
Midland	13	2
Milam	143	
Mills	2,269	
Mitchell	8,517	
Montague	2,535	
Moore	143,399	
Motley	11,622	
Navarro	374	
Nolan	15,743	
Nueces	248,502	
Oldham	60,684	
Palo Pinto	2,740	
Parker	509	
Parmer	102,700	
Pecos	3	
Potter	33,944	
Presidio	14	
Rains	11	2

TEXAS—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Randall	139,314	
Red River	409	17
Reeves	14	2
Roberts	30,619	
Rockwall	3,032	58
Runnels	36,368	
San Saba	2,869	
Schleicher	624	
Scurry	12,442	
Shackelford	17,444	
Sherman	183,376	
Somervell	57	
Stephens	12,781	
Sterling	276	
Stonewall	22,307	
Swisher	119,917	
Tarrant	2,321	
Taylor	64,462	
Terry	13,808	
Throckmorton	32,438	
Titus	13	3
Tom Green	1,763	
Travis	102	
Uvalde	212	
Van Zandt	122	
Victoria	10	
Waller	36	
Wharton	59	13
Wheeler	23,815	
Wichita	60,577	
Wilbarger	88,112	
Williamson	1,203	
Wilson	211	
Wise	4,553	
Yoakum	2,367	
Young	50,169	
Zavala	110	
Reserve new farms	6,000	
Reserve missed farms and corrections	2,001	
Total	4,149,071	223

UTAH

Beaver	1,705	
Box Elder	97,598	
Cache	33,662	
Carbon	1,419	
Daggett	25	
Davis	3,776	
Duchesne	2,866	
Emery	2,897	
Garfield	1,382	
Grand	440	
Iron	6,357	
Juab	20,771	
Kane	1,022	
Millard	28,489	
Morgan	2,134	
Piute	100	
Rich	3,640	
Salt Lake	19,206	
San Juan	31,157	
Sanpete	12,618	
Sevier	2,960	
Summit	1,353	
Tooele	7,174	
Uintah	3,716	
Utah	17,276	
Wasatch	253	
Washington	6,667	
Wayne	394	
Weber	2,815	
Reserve new farms	200	
Reserve missed farms and corrections	201	
Total	394,303	

VIRGINIA

Accomac	499	
Albemarle	1,638	
Alleghany	143	
Amelia	4,992	
Amherst	1,715	
Appomattox	5,007	
Augusta	10,255	
Bath	354	
Bedford	5,675	
Bland	1,076	
Botetourt	1,480	
Brunswick	3,201	
Buchanan	14	
Buckingham	4,487	
Campbell	6,757	
Caroline	4,981	
Carroll	824	
Charles City	2,577	

VIRGINIA—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Charlotte	4,290	
Chesterfield	1,311	
Clarke	3,316	
Craig	547	
Culpeper	2,100	
Cumberland	3,153	
Dickenson	1	
Dinwiddie	2,106	
Elizabeth City	97	
Essex	5,580	
Fairfax	1,554	
Fauquier	5,737	
Floyd	1,537	
Fluvanna	1,679	
Franklin	4,777	
Frederick	4,213	
Giles	512	
Gloucester	699	
Goochland	1,803	
Grayson	621	
Greene	1,282	
Greensville	183	
Halifax	7,343	
Hanover	6,335	
Henrico	1,477	
Henry	964	
Highland	280	
Isle of Wight	59	
James City	849	
King and Queen	2,627	
King George	2,289	
King William	2,392	
Lancaster	991	
Lee	1,935	
Loudoun	8,993	
Louisa	3,731	
Lunenburg	2,355	
Madison	2,187	
Mathews	247	
Mecklenburg	5,809	
Middlesex	1,412	
Montgomery	1,252	
Nansemond	313	
Nelson	1,418	
New Kent	1,330	
Norfolk	1,559	
Northampton	107	
Northumberland	3,226	
Nottoway	1,967	
Orange	2,392	
Page	3,565	
Patrick	389	
Pittsylvania	13,210	
Powhatan	1,207	
Prince Edward	5,029	
Prince George	1,504	
Prince William	2,213	
Princess Anne	1,278	
Pulaski	1,136	
Rappahannock	848	
Richmond	3,669	
Roanoke	1,184	
Rockbridge	3,358	
Rockingham	10,848	
Russell	2,177	
Scott	1,953	
Shenandoah	5,409	
Smyth	1,851	
Southampton	352	
Spotsylvania	1,963	
Stafford	1,233	
Surry	362	
Sussex	595	
Tazewell	1,721	
Warren	1,656	
Warwick	12	
Washington	4,754	
Westmoreland	5,724	
Wise	23	
Wythe	3,650	
York	220	
Reserve new farms	505	
Reserve missed farms and corrections	124	
Total	252,514	

WASHINGTON

Adams	270,374	
Asotin	26,815	
Benton	101,861	
Chelan	4,593	
Clallam	91	
Clark	435	
Columbia	68,141	
Cowlitz	30	
Douglas	167,796	
Ferry	4,200	
Franklin	100,798	
Garfield	66,624	
Grant	133,363	

WASHINGTON—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Grays Harbor	139	
Island	1,211	
Jefferson	57	
Kittitas	8,944	
Klickitat	56,382	
Lewis	3,331	
Lincoln	276,697	
Mason	9	
Okanogan	27,806	
Pacific	1	
Pend Oreille	962	
Pierce	34	
San Juan	249	
Skagit	1,202	
Skamania	1	
Snohomish	182	
Spokane	110,191	
Stevens	18,877	
Thurston	551	
Walla Walla	174,714	
Whatcom	381	
Whitman	341,665	
Yakima	20,782	
Reserve new farms	2,495	
Reserve missed farms and corrections	2,494	
Total	1,994,450	

WEST VIRGINIA

Barbour	247	
Berkeley	3,823	
Braxton	6	
Brooke	337	
Cabell	155	
Doddridge	3	
Fayette	95	
Gilmer	1	
Grant	1,302	
Greenbrier	2,356	
Hampshire	2,134	
Hancock	383	
Hardy	1,995	
Harrison	25	
Jackson	258	
Jefferson	8,122	
Kanawha	1	
Lewis	25	
Lincoln	20	
Marion	23	
Marshall	612	
Mason	1,977	
Mercer	447	
Mineral	766	
Monongalia	148	
Monroe	3,019	
Morgan	1,499	
Nicholas	384	
Ohio	360	
Pendleton	2,134	
Pleasants	21	
Pocahontas	511	
Preston	1,121	
Putnam	487	
Raleigh	86	
Randolph	229	
Ritchie	19	
Roane	23	
Summers	410	
Taylor	58	
Tucker	43	
Tyler	63	
Upshur	141	
Wayne	73	
Webster	8	
Wetzel	43	
Wirt	86	
Wood	648	
Reserve new farms	360	
Reserve missed farms and corrections	3,000	
Total	40,030	

WISCONSIN

Adams	288	
Ashland	27	
Barron	128	
Bayfield	194	
Brown	285	
Buffalo	581	
Burnett	78	
Calumet	503	
Chippewa	121	
Clark	291	
Columbia	1,628	
Crawford	153	
Dane	1,363	

WISCONSIN—Continued

Counties	Acreage apportioned to counties from State allotment	Acreage allotted from National Reserve
Dodge	1,433	
Door	1,094	
Douglas	169	
Dunn	241	
Eau Claire	238	
Florence	3	
Fond du Lac	661	
Forest	73	
Grant	360	
Green	155	
Green Lake	641	
Iowa	202	
Iron	7	
Jackson	380	
Jefferson	840	
Juneau	191	
Kenosha	1,510	
Kewaunee	812	
La Crosse	247	
Lafayette	128	
Langlade	302	
Lincoln	98	
Manitowoc	740	
Marathon	686	
Marinette	295	
Marquette	487	
Milwaukee	1,140	
Monroe	176	
Oconto	395	
Oneida	80	
Outagamie	305	
Ozaukee	676	
Pepin	714	
Pierce	1,997	
Polk	284	
Portage	503	
Price	19	
Racine	4,331	
Richland	191	
Rock	1,655	
Rusk	31	
St. Croix	674	
Sauk	1,489	
Sawyer	6	
Shawano	383	
Sheboygan	650	
Taylor	61	
Trempealeau	640	
Vernon	87	
Vilas	4	
Walworth	924	
Washburn	69	
Washington	1,317	
Waukesha	1,709	
Waupaca	249	
Waushara	427	
Winnebago	268	
Wood	95	
Reserve new farms	100	
Reserve missed farms and corrections	206	
Total	40,215	

WYOMING

Albany	612	
Big Horn	1,595	
Campbell	31,004	
Carbon	11,744	
Converse	6,221	
Crook	26,782	
Fremont	3,223	
Goshen	60,164	
Hot Springs	215	
Johnson	6,641	
Laramie	70,610	
Lincoln	3,997	
Natrona	297	
Niobrara	9,476	
Park	2,804	
Platte	40,132	
Sheridan	13,026	
Sublette	7	
Sweetwater	21	
Teton	661	
Uinta	138	
Washakie	197	
Weston	8,911	
Reserve new farms	500	
Reserve missed farms and corrections	250	
Total	298,678	
Total, commercial States	54,900,115	7,737
Total, noncommercial States (not apportioned)	83,385	
National Reserve (not apportioned)		8,763
Total U. S.	54,983,500	16,500

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 54, 67 Stat. 151; 7 U. S. C. 1334)

Done at Washington, D. C., this 6th day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6439; Filed, Aug. 10, 1956; 8:45 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of queta that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas in accordance with the provisions of the recently amended act, and to give effect to such quotas.

The quotas established herein differ from those in effect under Sugar Regulation 811, Amendment 3 (21 F. R. 5709). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.84 (a) and 811.85 (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709), are further amended to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,675,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,884,975
Mainland cane sugar	580,025
Hawaii	1,052,000
Puerto Rico	1,093,750
Virgin Islands	12,000

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	Quotas in terms of short tons, raw value
Republic of the Philippines	980,000
Cuba	2,949,360
Other foreign countries	122,890

4. Paragraph (a) of § 811.84 is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations.* Pursuant to subsection (c) of section 202 of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, as adjusted to the extent required by section 411 of the act, as follows:

Country:	Prorations as adjusted, short tons, raw value
Dominican Republic	35,008
El Salvador	4,141
Haiti	3,388
Mexico	14,515
Nicaragua	7,823
Peru	51,871
Unspecified countries	6,144
Total	122,890

5. Paragraph (b) (1) of § 811.85 is amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations.* • • •

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

	Direct-consumption sugar, short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	41,783

Statement of bases and considerations—Requirements. In major outline the bases and considerations for this action are the same as those for the action taken on July 26, 1956, in increasing requirements to 8,625,000 short tons, raw value, except that certain features of the situation have intensified.

For the year through July 28 domestic deliveries by primary distributors amounted to 200,000 tons more than those for the corresponding period last year. Deliveries by beet processors, however, were 124,000 tons less for the period than a year earlier with the result that deliveries of cane sugar exceeded those for the corresponding period last year by 324,000 tons.

As of July 28 supplies of cane sugar remaining to be charged against all quotas were 177,000 tons less than charges after July 28, 1955, although this smaller quota balance is offset in part by larger inventories in the hands of refiners and importers.

Sugar beet processors had 202,000 tons more to deliver after July 28 than they delivered after that date in 1955. On July 1 they had approximately 140,000 tons more to deliver than they delivered during the last half of 1955.

Quotas. To give effect to the increase in total sugar requirements made effective by this order, amendments have been made to §§ 811.80, 811.81, 811.82, 811.84 and 811.85 of Sugar Regulation 811, pursuant to the respective sections of the act referred to in each of the sections of the regulation. These amendments to the regulation make the following changes: (1) the quotas for domestic areas are increased by 27,500 tons to total 4,622,750 tons, with the increase distributed 7,081 tons to the Domestic Beet Sugar Area, 6,669 tons to the Mainland Cane Sugar Area, and 13,750 tons to Puerto Rico; (2) the quotas for foreign countries other than the Republic of the Philippines are increased by 22,500 tons to 3,072,250 tons which is distributed among such foreign countries as provided in sections 202 (c) and 411 of the amended act; (3) the total direct-consumption portion of the quota for foreign countries other than Cuba and the Republic of the Philippines is increased by 306 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 7th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6502; Filed, Aug. 10, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 81]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.381 *Valencia Orange Regulation 81*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on August 9, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 12, 1956, and ending at 12:01 a. m., P. s. t., August 19, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 10, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6553; Filed, Aug. 10, 1956; 11:25 a. m.]

[Lemon Reg. 654]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.761 *Lemon Regulation 654*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 8, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 12, 1956, and ending at 12:01 a. m., P. s. t., August 19, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 9, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6543; Filed, Aug. 10, 1956; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6503]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LEANN FINE FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Comparative; savings and discounts subsidized; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Modified order to cease and desist, LeAnn Fine Furs, Inc., et al., East St. Louis, Ill., Docket 6503, July 27, 1956]

In the Matter of LeAnn Fine Furs, Inc., a Corporation, and David Sandow and Sylvia Sandow, Individually and as Officers of Said Corporation

Order modifying Commission's decision of May 24, 1956—charging a corporation and its officers, with office in East St. Louis, Ill., with violating the Fur Products Labeling Act, and the Federal Trade Commission Act, through false advertising, misbranding, and false invoicing of fur products, through failing to disclose in newspaper advertisements, on attached labels, and on invoices, the information required by the act; and in advertisements naming animals other than those specified in the Fur Products Name Guide, and misrepresenting the amount of savings possible to purchasers.

The modified order to cease and desist is as follows:

It is ordered, That respondent LeAnn Fine Furs, Inc., a corporation, and its officers, and respondent David Sandow and respondent Sylvia Sandow, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of secondhand or used fur when such is a fact;

c. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

d. The name of the country of origin of imported furs contained in the fur products.

2. Makes use of comparative prices or percentage saving claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

3. Contains the name or names of an animal or animals other than those producing the fur contained in the fur product.

B. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. That name of the country of origin of any imported furs used in the fur product.

C. Making comparative pricing claims or representations unless there is maintained full and adequate records disclosing the facts upon which such claims or representations are based.

D. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such as a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

By "Order Reopening Proceeding and Modifying Initial Decision", report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6479; Filed, Aug. 10, 1956; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter C—Federal Savings and Loan System

[No. 9902]

PART 145—OPERATIONS

AMENDMENT LIBERALIZING LOAN PROVISIONS

AUGUST 7, 1956.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) is hereby amended as follows, effective August 7, 1956:

(1) The table of contents to Part 145 is hereby amended by striking out the language "145.6–7 Real estate loans and investments subject to 15-percent-of-assets limitation" and inserting in lieu thereof the language "145.6–7 Real estate loans and investments subject to 20-percent-of-assets limitation";

(2) The title of § 145.6–7 is hereby amended by striking out the language "15-percent-of-assets" and inserting in lieu thereof the language "20-percent-of-assets";

(3) Section 145.6–7 is hereby amended by striking out the figure "15" and inserting in lieu thereof the figure "20";

(4) Section 145.8 is hereby amended by striking out in the first proviso the language "$2,500" and inserting in lieu thereof the language "$3,500".

Resolved further that, as these amendments only liberalize the terms and conditions under which Federal savings and loan associations are permitted to make or invest in certain loans, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 108.12 of the general regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as such amendments relieve restrictions, deferment of the effective date thereof is not required under section 4 (c) of said act.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56-6487; Filed, Aug. 10, 1956; 8:47 a. m.]

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

1. In § 201.1 paragraphs (l) and (p) are amended to read as follows:

§ 201.1 *Definitions.* • • •

(l) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the Act and whose interest in the property to be improved is:

(1) A fee title, or

(2) A life estate, or

(3) A fee title or life estate subject to a mortgage, deed of trust, or other lien securing a debt, or

(4) A mutually binding contract for the purchase of the property where the borrower is rightfully in possession and the purchase price is payable in installments, or

(5) A lease having a fixed term, expiring not less than six calendar months after the maturity of the loan.

The borrower or borrowers shall have at least one-third of one of such interests in the property to be improved.

• • • • •

(p) "Existing structure" means a residential structure completed and occupied at least 90 days prior to the application for the Title I loan or a structure for other than residential purposes which was a completed building with a distinctive functional use prior to the application for the Title I loan: *Provided,* That the requirement with respect to the period of occupancy and completion of a new residential structure shall not apply to loans having a principal amount, exclusive of financing charges, of $600 or less or where such residential structures have been damaged in a disaster which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster.

2. In § 201.2 paragraphs (c) and (d) (2) (i) are amended to read as follows:

§ 201.2 *Eligible notes.* • • •

(c) *Payments.* The note shall be payable in equal monthly installments. The first installment or the final installment may be more or less than the other installments provided that it is not less than one-half or more than one and one-half times the amount of a regular installment. A note may not provide for a first payment more than two calendar months from the date of the note. However, if 51 percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the Credit Application. In such cases, the first payment must be made within 12 months of the date of the note and at least one payment shall be made in each 12 months thereafter, provided that no two payments shall be more than 12 months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years.

(d) *Maturity.* • • •

(2) *Maximum.* • • •

(i) A Class 1 (a) or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of $600 or less is 3 years and 32 days from the date of the note; and a Class 1 (a) or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of more than $600 is 5 years and 32 days from the date of the note.

3. In § 201.3 paragraphs (a), (b) and (c) are amended to read as follows:

§ 201.3 *Maximum amount of loans*—(a) *Class 1 (a) loan.* A Class 1 (a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $3,500.

(b) *Class 1 (b) loan.* A Class 1 (b) loan shall not involve a principal amount, exclusive of financing charges, in excess of $2,500 per dwelling unit in the improved structure and shall not exceed $15,000.

(c) *Class 2 loan.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $3,500.

4. In § 201.4 paragraph (a) is amended to read as follows:

§ 201.4 *Financing charges*—(a) *Maximum charge.* The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (b) of this section which may be paid or collected for interest, discount, and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, not in excess of $2,500 and having a maturity not in excess of 7 years and 32 days, may have a financing charge not in excess of an amount equivalent to $5.00 discount per $100 original face amount of a 1-year note, to be paid in equal monthly installments, calculated from the date of the note.

(2) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, in excess of $2,500 and a maturity not in excess of 7 years and 32 days, may have a financing charge equivalent to the total of (i) an amount, with respect to so much of the net loan proceeds as does not exceed $2,500, equivalent to $5.00 discount per $100 original face amount of a 1-year note payable in equal monthly installments, plus (ii) an amount, with respect to any portion of the net loan proceeds in excess of $2,500, equivalent to $4.00 discount per $100 original face amount of a 1-year note to be paid in equal monthly installments, calculated from the date of the note.

(3) Class 2 (b) loans, having a maturity in excess of 7 years and 32 days, shall not have a financing charge in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one year note, to be paid in equal monthly installments, calculated from the date of the note.

(4) Such charges correctly based on tables of calculations issued by the Federal Housing Commissioner are deemed to comply with this section. An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than 30 days after the date of the note, shall not be deemed to be in conflict with this section.

5. In § 201.7 paragraph (a) (1) is amended to read as follows:

§ 201.7 *Eligible improvements*—(a) *Ineligible items.* • • •

(1) *List of ineligible items.* No part of the proceeds of a loan shall be used to finance any of the following items:

Barbecue pits.
Bathhouses.
Burglar alarms.
Burglar protection bars.
Door opening and closing devices.
Dumbwaiters.
Fire alarms or fire detecting devices.
Fire extinguishers.
Flower boxes.
Greenhouses (except commercial greenhouses).
Hangars (airplane).
Kennels.
Outdoor fireplaces or hearths.
Penthouses.
Photo murals.
Radiator covers or enclosures.
Stands.
Steam cleaning of exterior surfaces.
Swimming pools.
Television antennae.
Tennis courts.
Tree surgery.
Valance or cornice boards.

6. In § 201.9 paragraph (b) (1) is amended to read as follows:

§ 201.9 *Refinancing.* • • •

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of $600 or less may be refinanced for an additional period not in excess of 3 years and 32 days from the date of the refinancing, but not to exceed 5 years from the date of the original note. A Class 1 (a) loan or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of more than $600 may be refinanced for an additional period not in excess of 5 years and 32 days from the date of the refinancing, but not to exceed 7 years from the date of the original note.

7. Section 201.10 is amended to read as follows:

§ 201.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within 15 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 201.9 shall likewise be reported on the prescribed form within 15 days from date of refinancing. Any loan transferred as provided in § 201.12 (e) shall be reported on the prescribed form within 31 days from the date of such transfer. In any case, the Commissioner may, in his discretion, accept a late report.

8. In § 201.12 paragraph (c) is amended to read as follows:

§ 201.12 *Insurance reserve.* • • •

(c) *Adjustment of general reserve.* After August 1, 1956, the amount of the general insurance reserve to the credit of each insured shall be adjusted on July 1 of each year by deducting therefrom an amount equivalent to 15 percent of the amount of such insurance reserve on the records of the Commissioner as of the date of such adjustment: *Provided,* That no such adjustment shall reduce the insurance reserve of any insured to an amount less than $5,000: *Provided further,* That no such adjustment shall be made in the insurance reserve of any financial institution until the first day of July next following the expiration of a period of 30 months after the issuance of a contract of insurance to such institution by the Commissioner, and no such adjustment shall be made in the insurance reserve of any financial institution after the termination of the contract of insurance issued to such institution by the Commissioner, or after the termination of the Commissioner's authority to insure against losses pursuant to Title I of the National Housing Act.

9. In § 201.13 paragraphs (a), (b) and (d) (3) are amended to read as follows:

§ 201.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner an insurance charge equal to sixty-five one hundreds (0.65) of one percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided,* That in the case of a Class 1 (b) loan in excess of $3,500, exclusive of financing charges, and in the case of a Class 2 (b) loan having a maturity in excess of 7 years and 32 days, such insurance charge shall be forty-five one-hundredths (0.45) of one percent per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 14 days.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within 5 days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan; *Provided,* That on loans having a maturity in excess of five years and 32 days, such charge may be paid in installments, the first of which shall be equal to the charge for 3 years and be paid within said 5 days, and the second and succeeding installments, each equal to the charge for one year, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

• • • • •

(d) *Refund or abatement.* • • •

(3) The charge paid on a loan or portion thereof found to be ineligible; but no refund shall be made unless a claim is denied by the Commissioner or the ineligibility is reported by the insured promptly upon discovery and an application for refund made. In no event shall charges be refunded where the application for refund is not made until after the loan is paid in full.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. In § 221.17 paragraphs (a) (4), (5) and (b) are amended, and paragraph (a) (6) and (7) are added to read as follows:

§ 221.17 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) • • •

(4) 95 percent of $9,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $9,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(5) 90 percent of $9,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $9,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

(6) The percentages referred to in subparagraphs (4) and (5) of this paragraph shall be each reduced by 2 percent as long as this subparagraph shall remain in effect.

(7) An amount equal to 85 percent of any of the amounts computed under the provisions of this section if the mortgagor is not the occupant of the property.

(b) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least five percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent: *Provided,* That with respect to a mortgage executed by a mortgagor who is 60 years of age or older as of the date the mortgage is accepted for insurance, the mortgagor may enter into a contract or agreement with a corporation or person satisfactory to the Commissioner, which contract may provide for the corporation or person to lend the mortgagor the payment required by this paragraph plus settlement costs including initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. Any such contract or agreement may require the mortgagor to give as security for the loan a note or other evidence of indebtedness which note or evidence of indebtedness may bear interest at a rate not in excess of

that permitted in the insured mortgage: *Provided further,* That the aggregate amount of the insured mortgage and the loan referred to in this paragraph shall not exceed an amount equal to 100 percent of the Commissioner's estimate of the appraised value of the property plus an amount equal to the settlement costs.

2. Section 221.18 is amended to read as follows:

§ 221.18 *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

3. In § 221.22 paragraph (b) is amended to read as follows:

§ 221.22 *Mortgagor's payments to include other charges.* • • •

(b) Mortgages involving a principal obligation not in excess of $6,650 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

4. In § 221.42 paragraph (f) is amended by changing the proviso at the end thereof to read as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* • • •

(f) • • • *Provided,* That the principal obligation of any such mortgage shall not be in excess of $12,000.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. In § 232.1 paragraph (d) is amended to read as follows:

§ 232.1 *Information for preliminary examination.* • • •

(d) If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

2. Section 232.4 is amended to read as follows:

§ 232.4 *Maximum mortgage amounts*—(a) *Mortgage amount—private mortgagors.* A mortgage executed by a mortgagor of the character described in § 232.17 (a) may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000;

(2) 90 percent of the estimated value (replacement cost if project is located in Alaska or in Guam) of the project;

(3) $2,250 per room (or $8,100 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use;

(4) The amount which the Commissioner estimates will be the cost of the completed improvements of the project exclusive of public utilities and streets and organization and legal expenses.

(b) *Mortgage amount—public mortgagors.* A mortgage executed by a mortgagor of the character described in § 232.17 (b) may involve a principal obligation not in excess of the lesser of the following:

(1) $50,000,000;

(2) 90 percent of the estimated value (replacement cost if project is located in Alaska or in Guam) of the project.

(3) $2,250 per room (or $8,100 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use;

(4) The amount which the Commissioner estimates will be the cost of the completed improvements of the project exclusive of public utilities and streets and organization and legal expenses.

(c) *Mortgage amount—elderly persons project.* A mortgage, executed by a mortgagor of the character described in § 232.17 (c), covering a project specially designed for the use and occupancy of elderly persons (as defined in § 232.20 (c)) may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000;

(2) 90 percent of the amount which the Commissioner estimates will be the replacement cost of such project when the proposed physical improvements are completed.

(3) $8,100 per family unit for such part of such project as may be attributable to dwelling use.

(d) *Increased mortgage amount—elevator-type structures.* With respect to a mortgage meeting the requirements of paragraphs (a) and (b) of this section and covering a project consisting of elevator-type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of $2,250 per room to not to exceed $2,700 per room and the dollar amount limitation of $8,100 per family unit to not to exceed $8,400 per family unit, as the case may be, to compensate for the higher costs incident to construction of elevator-type structures of sound standards of construction and design.

(e) *Increased mortgage amount—high cost areas.* The Commissioner may, in any geographical area where he finds cost levels so require, increase the maximum dollar amount limitations per room set out in paragraphs (a) or (b) of this section by not to exceed $1,000 per room. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, he may increase the maximum for the principal obligation of mortgages otherwise meeting the requirements of paragraphs (a), (b) and (c) of this section in such amounts as he shall find necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(f) *Adjusted mortgage amount—rehabilitaton projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of paragraphs (a) to (e) of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; plus (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; plus (ii) the actual purchase price of the land and improvements but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repairs and rehabilitation.

(g) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

3. In § 232.17 paragraph (b) is amended, and a new paragraph (c) is added as follows:

§ 232.17 *Classification.* • • •

(b) *Public mortgagors.* A federal or state instrumentality, a municipal corporate instrumentality of one or more states, or a limited dividend or redevelopment or housing corporation formed under and restricted by federal or state laws or regulations of a state banking or insurance department as to rents, charges, capital structure, rate of return, or methods of operation; or

(c) *Non-profit organizations as mortgagors.* In the case of a mortgage of the character described in § 232.4 (c) a financially qualified non-profit organization acceptable to the Commissioner.

4. Section 232.18 is amended by adding a new paragraph (d) as follows:

§ 232.18 *In general.* • • •

(d) A mortgagor of the character described in § 232.17 (c) which cannot meet the requirements of paragraph (c) of this section shall execute a regulatory agreement or other contractual document, acceptable to the Commissioner, providing for supervision and regulation of such mortgagor.

5. Section 232.20 is amended to read as follows:

§ 232.20 *Occupancy requirements*—(a) *Family with children.* The mortgagor must certify under oath that in selecting tenants for the project covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family; and that, the mortgagor will not sell the project while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner: *Provided,* That the provisions of this paragraph shall not be applicable to a mortgagor of the character described in § 232.17 (c).

(b) *Transient or hotel purposes.* The mortgagor must certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

(c) *Elderly persons.* A mortgagor under a mortgage of the character described in § 232.4 (c) shall certify under oath that so long as the mortgage is insured by the Commissioner, preference or priority of opportunity to occupy will be given to elderly persons, and that the mortgagor will not sell the project while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner. For the purpose of this part the term elderly person shall mean a person who is 60 years of age or older as of the date such person intends to occupy the premises, or a family the head of which (or his spouse) is an elderly person as defined herein.

6. In § 232.26 paragraph (b) is amended to read as follows:

§ 232.26 *Certificate of actual cost.* • • •

(b) When the work has been completed under a contract as described in § 232.25 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, and such allocations of general overhead items as are acceptable to the Commissioner, plus a reasonable allowance for the builder's profit as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep and make available records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

7. Section 232.28 is amended to read as follows:

§ 232.28 *Rehabilitation projects.* In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either paragraph (a) or paragraph (b) of § 232.26 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or 90 percent of the Commissioner's estimate of the fair market value of the repair or rehabilitation, of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the applicable statutory percentage of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

8. Section 232.29 is amended to read as follows:

§ 232.29 *Requisites of agreement and certification.* (a) Any agreement, undertaking, statement or certification required by § 232.26 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

(b) Upon the Commissioner's approval of the mortgagor's certification as required by § 232.26 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

1. In § 241.1 paragraph (c) is amended, and new paragraphs (f), (g) and (h) are added, to read as follows:

§ 241.1 *Definitions of terms as used in this part.* • • •

(c) The term "veteran" means a person who has served in the active military or naval service of the United States at any time on or after April 6, 1917 and prior to November 12, 1918, or on or after September 16, 1940 and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955.

• • • • • • •

(f) The term "veteran project" means a project, the mortgagor of which is a corporation or trust and at least 50 percent of the membership of the corporation or number of beneficiaries of the trust consists of veterans.

(g) The term "investor sponsored project" means a project, the mortgagor of which is a private corporation, association or trust entity which has certified in accordance with section 213 (a) (3) of the Act that it intends to sell such project to a nonprofit cooperative ownership housing corporation or trust qualifying as the mortgagor of a management type project.

(h) The term "approved percentage" means 85 percent in the case of an investor sponsored project; 90 percent in the case of a non-veteran project; and 95 percent in the case of a veteran project.

2. In § 241.3 paragraph (b) is amended by adding a new subparagraph (3) and paragraph (d) is amended as follows:

§ 241.3 *Application and commitment fees.*

(b) • • •

(3) In the case of an investor sponsored project, the application and commitment fees to be paid under this section shall be based upon the commitment amount applicable to the owner of a management type project.

• • • • • • •

(d) If an application is rejected before it is assigned for processing by the Commissioner or in such other instances as the Commissioner may determine, the

entire fee or any portion thereof may be returned to the applicant.

3. Section 241.7 is amended to read as follows:

§ 241.7 *Maximum mortgage amounts—*(a) *Management type non-veteran projects.* A mortgage executed by the mortgagor of a management type non-veteran project may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000 ($25,000,000 if the mortgage is executed by a mortgagor of the character described in § 241.20 (b));

(2) 90 percent of the amount which the Commissioner estimates will be the replacement cost of the project;

(3) $2,250 per room (or $8,100 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use, or with respect to a mortgage covering a project consisting of elevator-type structures, $2,700 per room or $8,400 per family unit.

(b) *Management type veteran projects.* A mortgage executed by the mortgagor of a management type veteran project may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000 ($25,000,000 if the mortgage is executed by a mortgagor of the character described in § 241.20 (b));

(2) 95 percent of the amount which the Commissioner estimates will be the replacement cost of the project;

(3) $2,375 per room (or $8,550 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use, or with respect to a mortgage covering a project consisting of elevator-type structures, $2,850 per room or $8,900 per family unit.

(c) *Investor sponsored projects.* A mortgage executed by the mortgagor of an investor sponsored project may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000 ($25,000,000 if the mortgage is executed by a mortgagor of the character described in § 241.20 (b));

(2) 85 percent of the amount which the Commissioner estimates will be the replacement cost of the project;

(3) $2,250 per room (or $8,100 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use, or with respect to a mortgage covering a project consisting of elevator-type structures, $2,700 per room or $8,400 per family unit.

(d) *Sales type non-veteran projects.* A mortgage executed by the mortgagor of a sales type non-veteran project may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000;

(2) The greater of the following amounts:

(i) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgage which would meet the requirements of section 203 (b) (2) of the act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the act; or

(ii) A sum equal to the maximum amount which does not exceed $2,250 per room (or $8,100 per family unit if the numer of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use but not in excess of 90 percent of the amount which the Commissioner estimates will be the replacement cost of the project.

(e) *Sales type veteran projects.* A mortgage executed by the mortgagor of a sales type veteran project may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000;

(2) The greater of the following amounts:

(i) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgages which would meet the requirements of section 203 (b) (2) of the act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the act; or

(ii) A sum equal to the maximum amount which does not exceed $2,375 per room (or $8,550 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use but not in excess of 95 percent of the amount which the Commissioner estimates will be the replacement cost of the project.

(f) *Increased mortgage amount—high cost areas.* The Commissioner may, in any geographical area where he finds cost levels so require, increase the maximum dollar amount limitations per room set out in the preceding paragraphs of this section by not to exceed $1,000 per room. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, he may increase the maximum for the principal obligation of mortgages otherwise meeting the requirements of this paragraph in such amounts as he shall find necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(g) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of the paragraphs (a) to (f) of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; plus (ii) such portion of the outstanding indebtedness which does not exceed the approved percentage of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; plus (ii) the actual purchase price of the land and improvements but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repairs and rehabilitation.

(h) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(i) *Mortgagor's minimum investment—sales type projects.* At the time a mortgage executed by a mortgagor of a sales type project is insured, the mortgagor shall have paid on account of the project at least 5 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and each member or stockholder of the mortgagor shall have paid the amount required by § 243.9 (b) of Part 243 of this subchapter. The amount required for working capital specified in § 241.26 may be included in the 5 percent payment required by this paragraph.

4. Section 241.10 is amended to read as follows:

§ 241.10 *Interest rate.* The mortgage shall bear interest, not exceeding 4¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee.

5. In § 241.20 paragraph (a) is amended to read as follows:

§ 241.20 *Eligibility of mortgagors.* (a) In order to be eligible as a mortgagor under this part, an applicant must be the owner of:

(1) A management type project or a sales type project formed or created with the approval of the Commissioner and regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return and methods of operation; or

(2) An investor sponsored project formed or created with the approval of the Commissioner with the intention of providing housing for sale to the mortgagor of a management type project, and regulated by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation.

6. Section 241.31 is amended to read as follows:

§ 241.31 *Mortgagors subject to regulation and restriction—*(a) *In general.* Except as otherwise provided in this section, all mortgagors shall be subject to regulation and restriction by the Commissioner with respect to the matters set forth in this part. A mortgagor of the character described in § 241.20 (b) shall not be subject to regulation and restriction by the Commissioner with respect to matters set forth in §§ 241.24, 241.25, 241.29 and 241.30.

(b) *Additional regulations and restrictions applicable to mortgagors of investor sponsored projects.* In addition to the provisions of this part, the mortgagor of an investor sponsored project shall be subject to the provisions of § 232.19 (b) covering rate of return, § 232.19 (e) covering rents and charges, and § 232.25 covering form of contract of Part 232 of this subchapter. Such mortgagor shall not be subject to the provisions of §§ 241.30 (d) and 241.34.

7. Section 241.33 is amended to read as follows:

§ 241.33 *Certification of cost requirements.* Prior to initial endorsement for insurance of a mortgage executed by the mortgagor of a management type project or the mortgagor of an investor sponsored project, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over statutory limitations based on actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

8. In § 241.34 paragraphs (a) and (b) are amended to read as follows:

§ 241.34 *Form of contract.* • • •

(a) *Non-identity of interest.* If it is found by the Commissioner that: (1) no identity of interest exists between the mortgagor or any of its officers, directors or stockholders and the general contractor, and (2) a cost plus form of contract is not required in the interests of the Commissioner; there may be used a lump sum form of contract.

(b) *Identity of interest.* If the Commissioner does not make the findings described in paragraph (a) of this section, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a specified builder's fee in addition thereto. The builder's fee shall not exceed a reasonable allowance therefor as established by the Commissioner, in accordance with customary practices in the area.

9. Section 241.35 is amended to read as follows:

§ 241.35 *Certificate of actual cost.* The mortgagor's certificate of actual cost shall be submitted upon completion of physical improvements to the satisfaction of the Commissioner and prior to final endorsement. Its content and requirements regarding verification are as follows:

(a) When the work has been completed under a lump sum contract the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate the amount actually paid under the construction contract after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders; plus the cost to the mortgagor of architects' fees, off-site public utilities and streets not included in the general contract, organizational and legal work, and other items of expense approved by the Commissioner. For verification of these amounts the mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and shall make available for examination such records, including any collateral agreements, upon request by the Commissioner.

(b) When the work has been completed under a cost plus contract the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, and such allocations of general overhead items as are acceptable to the Commissioner, plus a reasonable allowance for the builder's profit as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep and make available records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(c) The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

10. Section 241.36 is amended to read as follows:

§ 241.36 *Adjustment resulting from cost certification.* Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost, provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements. If the principal obligation of the mortgage exceeds the approved percentage of this total amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

11. Section 241.37 is amended to read as follows:

§ 241.37 *Rehabilitation projects.* In the event the mortgage is to finance repair or rehabilitation the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either paragraph (a) or paragraph (b) of § 241.35 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds will be used to finance the purchase of the land or structures involved the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repairs or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or the approved percentage of the Commissioner's estimate of the fair market value, of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the approved percentage of this amount, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value, of land and existing improvements prior to repair or re-

habilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the approved percentage of this amount, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

12. Section 241.38 is amended to read as follows:

§ 241.38 *Requisites of agreement and certification.* (a) Any agreement, undertaking, statement or certification required by § 241.35 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

(b) Upon the Commissioner's approval of the mortgagor's certification as required by § 241.35 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

13. The centered heading immediately preceding § 241.45 is amended to read as follows: "Other Eligible Mortgages."

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

1. Section 266.5 is amended to read as follows:

§ 266.5 *Maximum mortgage amount; dollar limitation.* The dollar limitation on the amount of the mortgage to be insured is an amount not in excess of $9,000, except that the Commissioner may increase this amount by not to exceed $1,000 in any geographical area where he finds that cost levels so require. The dollar limitation is in addition to the loan-to-value limitation provided in § 266.6.

2. In § 266.6 paragraph (a) is amended to read as follows:

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* • • • (a) the Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance; or

3. Section 266.6a is amended to read as follows:

§ 266.6a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 40 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, 30, 35, or 40 years by providing for either 120, 180, 240, 300, 360, 420, or 480 monthly amortization payments.

4. Section 266.8 is amended to read as follows:

§ 266.8 *Mortgagor's minimum investment.* At the time the mortgage is insured, the mortgagor shall have paid on account of the property at least $200 in cash or its equivalent, which may include amounts to cover settlement costs and initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner.

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

1. In § 268.1 paragraph (a) is amended by adding to, and changing, the headings of the listed provisions as follows:

§ 268.1 *Incorporation by reference.*
(a) • • •

§ 232.4 Maximum mortgage amounts.
• • • • •
§ 232.17 Classification.
• • • • •
§ 232.20 Occupancy requirements.
• • • • •
§ 232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
• • • • •

2. Section 268.4 is amended to read as follows:

§ 268.4 *Eligible mortgagors—private nonprofit entities.* The mortgagor shall be a private nonprofit corporation or association or other acceptable private nonprofit organization, regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor must be in such form and in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

3. Section 268.6 is amended to read as follows:

§ 268.6 *Maximum mortgage amounts*—(a) *Limitation.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000;

(2) The Commissioner's estimate of the value of the project;

(3) $9,000 per family unit for such part of such project as may be attributable to dwelling use.

(b) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; and (ii) such portion of the outstanding indebtedness which does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; and (ii) the actual purchase price of the land and improvements but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repairs and rehabilitation.

4. Section 268.9 is amended to read as follows:

§ 268.9 *Increased mortgage amount—high cost areas.* The Commissioner may, in any geographical area where he finds cost levels so require, increase the maximum dollar amount limitations per family unit, as set forth in § 268.6 to an amount not in excess of $10,000 per family unit. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, he may increase the maximum for the principal obligation of mortgages otherwise meeting the requirements of this section in such amounts as he shall find necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

5. Part 268 is amended by adding a new § 268.9a as follows:

§ 268.9a *Occupancy requirements*—(a) *Family with children.* The mortgagor must certify under oath that in selecting tenants for the property covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family, and that the mortgagor will not sell the property while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner.

(b) *Transient or hotel purposes.* The mortgagor must certify under oath that so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U. S. C. 1715l)

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

1. Section 292a.2 is amended to read as follows:

§ 292a.2 *Certification by Secretary to Commissioner.* Applications for mortgage insurance will not be accepted unless there has been executed an instrument by the Secretary of Defense or his designee certifying to the Commissioner that the Secretary or his designee has met the requirements of section 803 (b) (2) of the National Housing Act, as amended.

2. In § 292a.7 paragraph (a) is amended to read as follows:

§ 292a.7 *Maximum mortgage amount; replacement cost.* (a) The mortgage shall involve a principal obligation not to exceed the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed including the replacement cost of ranges, refrigerators, shades, screens and fixtures. Such cost may include the cost of the land, the physical improvements, and utilities within the boundaries of the property or project.

3. In § 292a.8 paragraph (a) is amended to read as follows:

§ 292a.8 *Maximum mortgage amount; dollar limitation.* (a) The mortgage shall involve a principal obligation in an amount not to exceed an average of $16,500 per family unit for such part of the project as may be attributable to dwelling use including ranges, refrigerators, shades, screens and fixtures, less the amount of the Commissioner's estimated value of any usable utilities within the boundaries of the project where owned by the United States and not provided for out of the proceeds of the mortgage.

4. In § 292a.9 paragraph (a) is amended to read as follows:

§ 292a.9 *Maximum mortgage amount; successful bid.* (a) The mortgage shall involve a principal obligation not to exceed the amount of the successful bid of the eligible bidder of the project. The term "eligible bidder" means a person, partnership, firm, or corporation determined by the Secretary of Defense, after consultation with the Commissioner (1) to be qualified by experience and financial responsibility to construct housing of the type described and provided for under Title VIII of the National Housing Act, and (2) to have submitted the lowest acceptable bid.

5. Section 292a.27 is amended to read as follows:

§ 292a.27 *Completion assurance.* Assurance for the completion of a project shall be a performance bond and a payment bond satisfactory to the Commissioner and the Secretary of Defense or his designee with the mortgagor and mortgagee as joint obligees.

6. In § 292a.39 the introductory text is amended to read as follows:

§ 292a.39 *Title evidence.* Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner, a survey satisfactory to him and such evidence of title as provided in this section, as the Commissioner may require.

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In § 293a.1 paragraph (g) is amended to read as follows:

§ 293a.1 *Definitions.* • • •

(g) The term "State" includes the several States and Alaska, Hawaii, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and Midway Island.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., August 8, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-6498; Filed, Aug. 10, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6195]

[Regs. 111, 118]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

CREDITS OF CORPORATIONS; CREDIT FOR DIVIDENDS PAID ON PREFERRED STOCK OF PUBLIC UTILITIES

In order to conform Regulations 118 (26 CFR (1939) Part 39) and Regulations 111 (26 CFR (1939) Part 29), relating to income taxes, to the decision in Philadelphia Electric Company v. The United States, 117 F. Supp. 424 (Ct. Cl. 1954), such regulations are hereby amended as follows:

PARAGRAPH 1. Section 39.26 (h)-1 (c) (1) is amended by striking from the first sentence the words "earnings or profits either currently or in liquidation", and inserting in lieu thereof the words "current distributions".

PAR. 2. Section 29.26-5 (a) as amended by Treasury Decision 5384, approved June 30, 1944, is further amended by striking from the first sentence of the second paragraph the words "earnings or profits either currently or in liquidation", and inserting in lieu thereof the words "current distributions".

Because this Treasury decision is liberalizing in character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 8, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-6492; Filed, Aug. 10, 1956; 8:49 a. m.]

[T. D. 6197]

Subchapter C—Miscellaneous Excise Taxes

[Regs. 44]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

DEFINITION OF TERM "MANUFACTURER"

On September 14, 1955, notice of proposed rule making regarding amendments to Regulations 44 (1944 edition) (26 CFR (1939) Part 314), relating to the taxes on gasoline, lubricating oil, and matches, such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, and Regulations 44 (1932, 1934, and 1939 editions), was published in the FEDERAL REGISTER (20 F. R. 6750). The amendments would exclude from the term "manufacturer", as used in the regulations in connection with the sale or use of lubricating oil, (1) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (2) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 44 as so published are hereby adopted for the periods therein stated.

(53 Stat. 419, 467, sec. 7805, 68A Stat. 917; 26 U. S. C. 3450, 3791, 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 8, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56-6493; Filed, Aug. 10, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

HOW TO DETERMINE RECEIPTS OR ACCRUALS SUBJECT TO RENEGOTIATION: MATERIALS OTHER THAN NEW DURABLE PRODUCTIVE EQUIPMENT NOT INCORPORATED IN END PRODUCT

Section 1456.5 *How to determine receipts or accruals subject to renegotiation: materials other than new durable productive equipment not incorporated in end product* is amended by adding at the end thereof the following: "The extent to which equipment covered by this section is used or to be used in renegotiable production shall be determined according to the percentage of time that such equipment is used or to be used in renegotiable as compared to non-renegotiable production during the first twelve months following the delivery of the equipment to the purchaser. For the purposes of this computation, periods during which the equipment is idle shall not be taken into consideration. When the seller does not know or it is not practicable for the seller to ascertain the extent of renegotiable use at the time the seller is required to file its financial statement for the fiscal year in which it has received or accrued payment for the equipment, the seller shall make such determination on the basis of estimates, supported so far as practicable by information available to the seller at the time of the delivery of the equipment or at any time thereafter."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: August 7, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-6483; Filed, Aug. 10, 1956; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Regulation No. 1, Direction 9 of August 10, 1956]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 9—SPECIAL RULES REGARDING SHIPMENTS BY STEEL PRODUCERS AGAINST AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Shipments by steel producers against certain authorized controlled material orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I-7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this direction does.* The purpose of this direction is to insure, so far as practicable, that all authorized controlled material orders for August or earlier delivery placed with steel mills whose production was suspended, are shipped not later than September 30, 1956.

SEC. 2. *Shipments by steel producers against certain authorized controlled material orders.* (a) The provisions of this section apply only to those producers of steel controlled materials whose production was suspended during the work stoppage which began during July 1956.

(b) A steel controlled materials producer who, prior to the effective date of this direction, has accepted an authorized controlled material order for steel calling for delivery on or before August 31, 1956, shall make shipment against such order as close to the requested delivery date as is practicable. In complying with this provision he may schedule his production and shipments to fill such authorized controlled material orders in any sequence he desires: *Provided, however,* That shipment against all such authorized controlled material orders shall be made not later than September 30, 1956. To the extent that he is unable to make shipment by September 30, 1956, against any such authorized controlled material orders, he shall promptly notify BDSA, Iron and Steel Division, by letter or telegram, listing such orders.

SEC. 3. *Applicability of other regulations and orders.* The provisions of the DMS regulations, BDSA Order M-1A, and of any other BDSA regulations and orders as heretofore issued, including the directions and amendments thereto, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects the provisions of such regulations, orders, directions, and amendments shall remain in full force and effect.

This direction shall take effect August 10, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-6536; Filed, Aug. 10, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 56-23]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PHYSICAL EXAMINATIONS AND STANDARDS

By virtue of the authority contained in the act of July 9, 1952, (66 Stat. 481) as amended, and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.1401 is hereby amended to read as follows:

§ 8.1401 *Physical standards.* The physical standards for appointment, enlistment, reappointment, reenlistment, promotion and retention of members of the Coast Guard Reserve shall be as set forth in the Coast Guard Medical Manual.

2. Paragraphs (a) and (b) of § 8.1403 are hereby amended to read as follows:

§ 8.1403 *Persons authorized to conduct physical examinations.* (a) Physical examinations of Reservists and of applicants for appointment, enlistment, or reenlistment shall, if practicable, be conducted by a board of at least two medical officers of the U. S. Public Health Service. If impracticable to assemble such a board, physical examinations shall be conducted by one medical officer of the U. S. Public Health Service. If such a medical officer is unavailable, physical examinations may be conducted by one medical officer of any component of the Armed Forces. In special cases, physical examinations may be conducted by a reputable civilian physician provided that, unless otherwise authorized, no expense to the government is incurred.

(b) A Reservist whose duties involve flying shall be given a flight physical examination in accordance with the instructions and requirements contained in Chapter 3, Coast Guard Medical Manual.

3. Section 8.1404 is hereby amended to read as follows:

§ 8.1404 *Physical examination for short periods of training duty.* (a) Notwithstanding any other provision of these regulations, a Reservist who is ordered or authorized to perform short periods of active duty, active duty for training or inactive duty training, with or without pay, of not more than seven days duration will establish physical qualifications incident thereto in one of the following manners:

(1) If the member indicates he has suffered injury, sickness, or disease since his last military physical examination, a physical examination complete in every respect shall be accomplished.

(2) If the member has not satisfactorily passed a military physical examination within one year, a physical examination pursuant to § 8.1407 (b) shall be accomplished.

(3) If the member has satisfactorily passed a military physical examination within one year and provided his certificate of physical condition indicates a satisfactory medical history, no physical examination will be required.

(b) Physical examination will not be required upon completion of such a period of training duty except when injury, sickness, or disease is incurred incident thereto. In such cases, a physical examination complete in every respect is required and appropriate entries shall be made in the health record and orders and required reports will be submitted.

4. Subparagraphs (2) and (7) of paragraph (a), and paragraph (b) of § 8.1406 are hereby amended to read as follows:

§ 8.1406 *Reports and records of physical examinations.* (a) • • •

(2) *Upon notification of promotion.* This subparagraph applies only to Reserve officers not on active duty and in accordance with the following:

(i) Upon appointment to a higher grade for temporary service.

(ii) Upon permanent appointment to a grade higher than that in which serving.

(iii) In the case of a permanent appointment in a grade in which the Reserve officer is already serving for temporary service, the Commandant may waive physical examination and require instead submission of a certificate of physical condition.

• • • • •

(7) When indicated under § 8.1404.

(b) Reservists on active duty shall undergo physical examinations in accordance with requirements for personnel of the Regular Coast Guard as set forth in the Coast Guard Medical Manual.

5. Paragraph (b) of § 8.1407 is hereby amended to read as follows:

§ 8.1407 *Completeness of physical examinations.* (a) • • •

(b) Physical examinations pursuant to § 8.1404 (a) (2) and, if the period of duty is not in excess of 30 days, pursuant to § 8.1406 (a) (3) and (4) will be conducted as follows:

(1) The physical examination need only be sufficiently complete for the medical examiner to determine whether or not the Reservist is qualified to perform duties assigned and is free from infectious or contagious disease. Each Reservist so examined shall be required to execute a certificate of physical condition indicating a satisfactory medical history since the last military physical examination. The result of this examination shall be entered upon the Reservist's orders and in his health record if he is found to be physically qualified. The certificate of physical condition and the result of the examination may be entered upon the same report using such forms as the Commandant may require.

(2) If the Reservist is found not physically qualified, or if injury, sickness, or disease was incurred while performing active duty or during the interval since his preceding military physical examination, or if a quadrennial examination will become due within one year, a physical examination complete in every respect shall be accomplished and required reports shall be submitted.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. app. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved: June 20, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: July 18, 1956.

CHARLES S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 56-6490; Filed, Aug. 10, 1956; 8:49 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

REVISION OF CHAPTER

As amended, parts 201 and 202 read as follows, effective upon publication in the FEDERAL REGISTER:

PART 201—GENERAL PROVISIONS

Sec.
201.1 Communications with the Copyright Office.
201.2 Information given by the Copyright Office.
201.3 Catalog of Copyright Entries.
201.4 Assignments of copyright and other papers.
201.5 Amendments to completed Copyright Office registrations and other records.
201.6 Payment and refund of Copyright Office fees.
201.7 Preparation of catalog card.
201.8 Import statements.

AUTHORITY: §§ 201.1 to 201.8 issued under sec. 207, 61 Stat. 666; 17 U. S. C. 207.

§ 201.1 *Communications with the Copyright Office.* Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

§ 201.2 *Information given by the Copyright Office*—(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions or advice on such matters as:

(i) The validity or status of any copyright other than the facts shown in the records of the Office;

(ii) The rights of persons, whether in connection with cases of alleged copyright infringement, contracts between authors and publishers or other matters of a similar nature;

(iii) Protection of works in foreign countries or interpretation of foreign copyright laws or court opinions;

(iv) The sufficiency, extent or scope of compliance with the copyright law.

(2) In addition, the Office cannot undertake to furnish the names of copyright attorneys, publishers, agents, or other similar information.

(b) *Inspection and copying of records.* Inspection of the records, indexes and deposits may be made at such times as will not result in interference with or delay in the work of the Copyright Office. In connection with matters directly relating to copyrights and the rights of an author or proprietor in copyrighted property, copies may be made of the entries in the record books, the applications for registration after they have been passed for entry and numbered, the indexes to registrations, and similar official records of the Office. The copying from the Copyright Office records of names and addresses of copyright owners for the purpose of compiling mailing lists and other similar uses is expressly prohibited.

(c) *Correspondence.* (1) Official correspondence between copyright claimants or their agents and the Copyright Office, and directly relating to the registration of an application or to a recorded document, is made available for inspection by persons properly and directly concerned. Such persons who desire copies of the correspondence may obtain the same upon application to the Register of Copyrights, Library of Congress, Washington 25, D. C., and payment of the duplicating fees. The request for copies should identify the specific material desired and must contain a statement enabling the Office to determine whether the writer is properly and directly concerned.

(2) Correspondence relating either to a pending or a rejected application is considered to be of a confidential nature and is not available for inspection.

(3) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for copies of copyright deposits and Copyright Office records should be sent to the Chief, Photoduplication Service, Library of Congress, Washington 25, D. C., the accompanying fees in payment of such services being made payable to that official. When the copy is to be certified by the Copyright Office, the additional certification fee should be made payable to the Register of Copyrights and both remittances together with the transmittal letter are to be sent to the Copyright Office.

(2) Requests for copies of copyright deposits will be granted when one or more of the following conditions are fulfilled:

(i) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(ii) *Request by attorney.* When required in connection with litigation, actual or prospective, in which the copyrighted work is involved; but in all such cases the attorney representing the actual or prospective plaintiff or defendant for whom the request is made shall give in writing: (*a*) The names of the parties and the nature of the controversy; (*b*)

the name of the court where the action is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyright work is involved; and (c) satisfactory assurances that the requested copy will be used only in connection with the specified litigation.

(iii) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 *Catalog of Copyright Entries.* The current subscription price for all parts of the complete yearly Catalog of Copyright Entries is $20.00. Each part of the Catalog is published in two semiannual numbers covering, respectively, the periods January–June and July–December. The prices given in the list below are for each semiannual number. The Catalog may be obtained, upon payment of the established price, from the Register of Copyrights, Library of Congress, Washington 25, D. C., to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals, $2.50.

Part 2—Periodicals, $1.00.

Parts 3–4—Dramas and Works Prepared for Oral Delivery, $1.00.

Part 5A—Published Music, $1.50.

Part 5B—Unpublished Music, $1.50.

Part 5C—Renewal Registration—Music, $1.00.

Part 6—Maps and Atlases, $0.50.

Parts 7–11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, $1.00.

Part 11B—Commercial Prints and Labels, $1.00.

Parts 12–13—Motion Pictures and Filmstrips, $0.50.

§ 201.4 *Assignments of copyright and other papers.* Assignment of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, agreements between authors and publishers covering a particular work or works and the rights thereto, mortgages, certificates of change of corporate title, wills, and decrees of distribution. The original, signed instrument should be submitted for recordation, and is returned to the sender with a certificate of record. Where the original instrument is not available, a certified or other copy may be submitted, but it shall be accompanied by a statement that the original is not available.

§ 201.5 *Amendments to completed Copyright Office registrations and other records*—(a) *No cancellations.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

(b) *Correction by new registration.* In exceptional cases, where an applicant desires to correct, amend or amplify a registration previously made in accordance with information furnished by a claimant or his agent, a new application indicating its amendatory purpose shall be filed, accompanied by the statutory fee and the same number of copies required for a new application. Where it is satisfactorily established that copies of the original work cannot be obtained for submission, photostat or microfilm copies of the original may be submitted.

§ 201.6 *Payment and refund of Copyright Office fees*—(a) *In general.* All fees sent to the Copyright Office should be in the form of a money order, check or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may be refunded in postage stamps. All larger amounts will be refunded by check.

(d) *Return of deposit copies.* Copies of works deposited in the Copyright Office pursuant to law are either retained in the Copyright Office, transferred for the permanent collections or other uses of the Library of Congress, or disposed of according to law. When an application is rejected, the Copyright Office reserves the right to retain the deposited copies.

§ 201.7 *Preparation of catalog card.* The catalog card which may accompany a work of foreign origin, as provided in section 215 of title 17, U. S. Code, as amended, may be a catalog card supplied by a library in the country of publication. In lieu of such a card the applicant may prepare his own card, or may fill out the form supplied by the Copyright Office. The catalog card should contain the full name of the author of the original work, title and description from the title page, paging, copyright claimant, the city and year of publication, and the names of all other authors, editors, etc., whom the applicant considers of sufficient importance to record. When available, the year of birth of each author named should be given. If the form furnished by the Office is not used, the size of the card should preferably be 5 inches wide by 3 inches deep or 12.5 centimeters wide by 7.5 centimeters deep. The Register of Copyrights reserves the right to accept catalog cards not complying with the above requirements.

§ 201.8 *Import statements.* The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, U. S. Code, as amended. A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge at the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.
202.1 Material not subject to copyright.
202.2 Copyright notice.
202.3 Application forms.
202.4 Books (Class A).
202.5 Periodicals (Class B).
202.6 Lectures or similar productions prepared for oral delivery (Class C).
202.7 Dramatic and dramatico-musical compositions (Class D).
202.8 Musical compositions (Class E).
202.9 Maps (Class F).
202.10 Works of art (Class G).
202.11 Reproductions of works of art (Class H).
202.12 Drawings or plastic works of a scientific or technical character (Class I).
202.13 Photographs (Class J).
202.14 Prints, pictorial illustrations and commercial prints or labels (Class K).
202.15 Motion pictures (Classes L–M).
202.16 Deposit of photograph or other identifying reproduction in lieu of copies.
202.17 Renewals.
202.18 Notices of use.

AUTHORITY: §§ 202.1 to 202.18 issued under sec. 207, 61 Stat. 666; 17 U. S. C. 207.

§ 202.1 *Material not subject to copyright.* The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

(a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;

(b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;

(c) Works designed for recording information which do not in themselves convey information, such as, time cards, graph paper, account books, diaries, bank checks, score cards, address books, report forms, order forms and the like;

(d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

§ 202.2 *Copyright notice*—(a) *General.* (1) With respect to a published work, copyright is secured, or the right to secure it is lost, at the date of publication, i. e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time.

(2) If publication occurs by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, the right to secure copyright is lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i. e., the word "Copyright", the abbreviation "Copr.", or the symbol ©; the name of the copyright proprietor; or, when required, the year date of publication);

(2) The elements of the notice are dispersed;

(3) The notice is not in one of the positions prescribed by law;

(4) The notice is in a foreign language;

(5) The name in the notice is that of someone who had no authority to secure copyright in his name;

(6) Copyright was first secured by registration of a work in unpublished form, and copies of the same work as later published without change in substance bear a copyright notice containing a year date subsequent to the year date of the unpublished registration;

(7) A book published abroad, for which ad interim copyright has been obtained, is subsequently published in the United States without change in substance and contains a year date in the copyright notice subsequent to the year of first publication abroad;

(8) The year date in the copyright notice is subsequent to the date of actual publication (i. e., the work contains a post-dated notice);

(9) A notice is permanently covered so that it cannot be seen without tearing the work apart;

(10) A notice is illegible or so small that it cannot be read without the aid of a magnifying glass: *Provided, however,* That where the work itself requires magnification for its ordinary use (e. g., a microfilm, microcard or motion picture) a notice which will be readable when so magnified, will not constitute a reason for rejection of the claim;

(11) A notice is on a detachable tag and will eventually be detached and discarded when the work is put in use;

(12) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put in use;

(13) The notice is restricted or limited exclusively to an uncopyrightable element, either by virtue of its position on the work, by the use of asterisks, or by other means.

§ 202.3 *Application forms*[1]—(a) *In general.* Section 5 of title 17 of the U. S. Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15 inclusive, for the purpose of assisting persons, who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* (1) All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application, together with the statutory registration fee.

(2) Where these separate elements are not received simultaneously, the Copyright Office holds the submitted elements for a reasonable time and, in default of the receipt of the missing element or elements after a request made therefor, the submitted item or items may be returned to the sender. Such action does not constitute a waiver of the right of the Register of Copyrights pursuant to section 14, title 17, U. S. Code, to demand compliance with the deposit provisions of that title.

(3) Applications for copyright registration covering published works should reflect the facts existing at the time of first publication, and should not include information concerning changes that have occurred between the time of publication and registration. The name given as copyright claimant in the application should agree with the name appearing in the copyright notice.

(4) Applications should be submitted by the copyright claimant, or by someone acting under his authority.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Published book manufactured in the United States of America (Class A).

Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America (Classes A–B).

Form A–B Foreign—Book or periodical manufactured and first published outside the United States of America, except works subject to the ad interim provisions of the copyright law of the United States of America (Classes A–B).

Form B—Periodical manufactured in the United States of America (Class B).

Form BB—Contribution to a periodical manufactured in the United States of America (Class B).

Form C—Lecture or similar production prepared for oral delivery (Class C).

Form D—Dramatic or dramatico-musical composition (Class D).

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America (Class E).

Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F—Map (Class F).

Form G—Work of art or a model or design for a work of art (Class G).

Form H—Reproduction of a work of art (Class H).

Form I—Drawing or plastic work of a scientific or technical character (Class I).

Form J—Photograph (Class J).

Form K—Print or pictorial illustration (Class K).

Form KK—Print or label used for article of merchandise (Class K).

Form L–M—Motion picture (Classes L–M).

Form R—Renewal of a copyright.

Form U—Notice of use of music on mechanical instruments.

§ 202.4 *Books (Class A)*—(a) *Subject matter and forms.* This class includes such published works as fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, as books, either bound or in loose-leaf form, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A; in books manufactured and first published outside of the United States of America, except those subject to the ad interim provisions of the copyright law, on Form A–B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A–B Ad Interim.

(b) *Ad interim registrations.* (1) An American edition of an English-language book or periodical identical in substance to that first published abroad will not be registered unless an ad interim registration is first made.

(2) When a book or periodical has been registered under the ad interim provisions, an American edition of the same work, to be registrable, must be manufactured and published in the United States within five years after the date of first publication abroad.

(3) Since by law ad interim copyright expires at the end of the ad interim term unless an American edition is published during that term, a renewal application covering a work registered only under the ad interim provisions will be rejected. Where both an ad interim and an American edition have been registered, the registrability of the renewal application is governed by the date of the first publication abroad.

§ 202.5 *Periodicals (Class B).* This class includes such works as newspapers, magazines, reviews, bulletins, and serial publications, published at intervals of less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the

[1] Filed as part of the original document.

United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured and first published outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A–B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad interim provisions of the copyright law, on Form A–B Ad Interim. Applications for registration of claims to copyright in contributions to periodicals manufactured in the United States of America are made on Form BB. Application for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

§ 202.6 *Lectures or similar productions prepared for oral delivery (Class C).* This class includes the scripts of unpublished works prepared in the first instance for oral delivery, such as lectures, sermons, addresses, monologs, panel discussions, and variety programs prepared for radio or television. The script submitted for registration in Class C should consist of the actual text of the work to be presented orally. Formats, outlines, brochures, synopses, or general descriptions of radio and television programs are not registrable in unpublished form. When published with notice as prescribed by law, such works may be considered for registration as "books" in Class A.

§ 202.7 *Dramatic and dramatico-musical compositions (Class D).* This class includes published or unpublished works dramatic in character such as the acting version of plays for the stage, motion pictures, radio, television and the like, operas, operettas, musical comedies and similar productions, and pantomimes. Choreographic works of a dramatic character, whether the story or theme be expressed by music and action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

§ 202.8 *Musical compositions (Class E).* (a) This class includes published or unpublished musical compositions in the form of visible notation (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations or arrangements, and editing when such editing is the writing of an author. The words of a song, when unaccompanied by music, are not registrable in Class E.

(b) A phonograph record or other sound recording is not considered a "copy" of the compositions recorded on it, and is not acceptable for copyright registration. Likewise, the Copyright Office does not register claims to exclusive rights in mechanical recordings themselves, or in the performances they reproduce.

§ 202.9 *Maps (Class F).* This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.10 *Works of art (Class G).* (a) General: This class includes published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings and sculpture.

(b) In order to be acceptable as a work of art, the work must embody some creative authorship in its delineation or form. The registrability of a work of art is not affected by the intention of the author as to the use of the work, the number of copies reproduced, or the fact that it appears on a textile material or textile product. The potential availability of protection under the design patent law will not affect the registrability of a work of art, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(c) When the shape of an article is dictated by, or is necessarily responsive to, the requirements of its utilitarian function, its shape, though unique and attractive, cannot qualify it as a work of art. If the sole intrinsic function of an article is its utility, the fact that it is unique and attractively shaped will not qualify it as a work of art. However, where the object is clearly a work of art in itself, the fact it is also a useful article will not preclude its registration.

§ 202.11 *Reproductions of works of art (Class H).* This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.12 *Drawings or plastic works of a scientific or technical character (Class I).* (a) This class includes published or unpublished two-dimensional and three-dimensional works which have been designed for a scientific or technical use and which contain copyrightable graphic, pictorial, or sculptural material. Works registrable in Class I include diagrams or models illustrating scientific or technical works or formulating scientific or technical information in linear or plastic form, such as, for example: a mechanical drawing, an astronomical chart, an architect's blueprint, an anatomical model, or an engineering diagram.

(b) A work is not eligible for registration as a "plastic" work in Class I merely because it is formed from one of the commonly known synthetic chemical derivatives such as styrenes, vinyl compounds, or acrylic resins. The term "plastic work" as used in this context refers to a three-dimensional work giving the effect of that which is molded or sculptured. Examples of such works include statues of animals or plants used for scientific or educational purposes, and engineers' scale models.

§ 202.13 *Photographs (Class J).* This class includes published or unpublished photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on Form K.

§ 202.14 *Prints, pictorial illustrations and commercial prints or labels (Class K).* (a) This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works when published are registered on Form K.

(b) A print or label, not a trademark, containing copyrightable pictorial matter, text, or both, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK. In the case of a print which is published in a periodical, use Form KK if the print is used in connection with the sale or advertisement of an article of merchandise, Form BB if it is not. Multipage works are more appropriately classified in Class A than in Class K.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter. While the Copyright Office will not investigate whether the matter has been or can be registered at the Patent Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registration at the Patent Office.

§ 202.15 *Motion pictures (classes L–M).* A single application Form L–M is available for registration of works in Classes L (Motion Picture Photoplays) and M (Motion Pictures other than Photoplays).

(a) *Photoplays (Class L).* This class includes published or unpublished motion pictures that are dramatic in character and tell a connected story, such as feature films, filmed television plays, short subjects and animated cartoons having a plot.

(b) *Other than photoplays (Class M).* This class includes published or unpublished non-dramatic films such as newsreels, travelogs, training or promotional films, nature studies, and filmed television programs having no plot.

§ 202.16 *Deposit of photographs or other identifying reproductions in lieu of copies—(a) Availability of option.* In the case of a published work which is reproduced in copies for sale, classified in Classes (g), (h), (i), and (k) of section 5, title 17, U. S. Code, copies of which are considered by the Register of Copyrights to be impracticable of deposit because of their size, weight, fragility, or monetary value, photographs or other identifying reproductions may be deposited in lieu of copies as provided by section 13, title 17, U. S. Code. The deposit of such photographs or reproductions shall be made in accordance with the following criteria:

(1) The number of sets of photographs or reproductions to be submitted shall be the same as the number of copies provided by said section 13. Each set shall consist of as many photographs or reproductions in black and white, or in color, as are necessary to identify the work.

(2) All photographs or reproductions of any one work shall be of equal size, not exceeding 9 x 12 inches, but preferably 8 x 10 inches, and shall present an image of the work not smaller than 4 inches in its greatest dimension. The exact measurement of at least one dimension of the work shall be indicated on at least one photograph of reproduction.

(3) The copyright notice and its position on the work must be clearly shown on at least one photograph or reproduction. If, because of the size or location of the copyright notice, a photographic reproduction cannot be prepared, a drawing may be submitted of the same size as the photographs or reproductions, showing the exact appearance of the notice, its dimensions, and its specific position on the work.

(4) The title of the work shall appear on the front or back of each photograph or reproduction.

(5) A copy shall be considered to be impracticable of deposit if, because of its size, weight, fragility or monetary value, it is unsuited to the filing procedures of the Copyright Office.

(b) *Exceptions.* The provisions of this section, permitting the deposit of photographs in lieu of copies in certain cases, shall not apply to fine prints and two-dimensional art reproductions. The Register of Copyrights reserves the right in any other particular case to require as a condition precedent to registration, the deposit of copies of the work as published.

§ 202.17 *Renewals.* (a) Claims to renewal copyright must be registered within the last (28th) year of the original copyright term. The original term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(b) Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

§ 202.18 *Notice of use.* Notices of use of copyrighted musical compositions on mechanical instruments will be recorded upon payment of the prescribed fees, pursuant to section 1 (e) of title 17, U. S. Code. Notices of intention to use will be received, pursuant to section 101 (e) of title 17, U. S. Code.

Approved: August 8, 1956.

[SEAL] ARTHUR FISHER,
Register of Copyrights.
L. QUINCY MUMFORD,
Librarian of Congress.

[F. R. Doc. 56-6468; Filed, Aug. 10, 1956; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

CURTAILMENT OF FISHING

Basis and purpose. On the basis of light runs of pink salmon in the late streams of the Kodiak area, it has been determined that fishing should be curtailed.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, §§ 108.3, 108.3a, 108.3b, 108.3c, 108.4, 108.5, and 108.5a are amended in text by deleting "August 13" and substituting in lieu thereof "August 11."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

AUGUST 9, 1956.

[F. R. Doc. 56-6535; Filed, Aug. 9, 1956; 4:19 p. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form S–3 (§ 239.13) under the Securities Act of 1933. This form is used for registration of capital stock of any mining corporation which is engaged or intends to engage primarily in the exploration, development, or exploitation of mineral deposits, other than oil or gas, where the securities being registered are to be sold to the public for cash. The form is prescribed only for such companies which have no active subsidiaries or record of succession and, if in the production stage, have had only limited gross receipts from the sale of ore.

The purpose of the proposed revision is to bring the form up to date and merge into it Form S–11 (§ 239.18) which is also prescribed for mining companies in the exploratory or development stage. A copy of the proposed revision is attached hereto.[1]

All interested persons are invited to submit views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before September 15, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 31, 1956.

[F. R. Doc. 56-6480; Filed, Aug. 10, 1956; 8:46 a. m.]

[17 CFR Part 239]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form S–4 (§ 239.14) under the Securities Act of 1933. This form is used for registration under that act of securities of closed-end management investment companies which are registered under the Investment Company Act of 1940 on Form N-8B–1 (§ 274.11).

A registration statement on this form consists largely of certain of the information and documents which would be required in a registration statement under the Investment Company Act of 1940, if such a statement were currently being filed. Registrants on this form are thus permitted to base their registration statements under the 1933 Act in large part upon the information and documents filed with the Commission in the original registration statement under the 1940 Act and subsequent reports filed thereunder. This is supplemented by information and documents required for registration under the 1933 Act which have not been previously furnished under the 1940 Act.

Form S–4 is being revised at this time to bring it into line with the revised Form N-8B–1. A copy of the proposed revision is attached hereto.[1]

All interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before August 31, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 31, 1956.

[F. R. Doc. 56-6481; Filed, Aug. 10, 1956; 8:46 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 182, 212]

FORMULAS FOR DENATURED ALCOHOL

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

PART 212—FORMULAS FOR DENATURED ALCOHOL

Preamble. 1. The regulations in this part shall supersede the appendix to 26 CFR Part 182, designated in F. R. Doc. 54–10417 as Appendix A "Completely Denatured Alcohol Formulae", and Appendix B "Specially Denatured Alcohol Formulae"; 19 F. R. 9438, as corrected in 20 F. R. 275.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
212.1 Formulas for denatured alcohol.
212.2 Forms prescribed.
212.3 Stocks of discontinued formulas.

Subpart B—Definitions

212.5 Meaning of terms.

Subpart C—Completely Denatured Alcohol Formulas

212.10 General.
212.11 Formula No. 18.
212.12 Formula No. 19.

Subpart D—Specially Denatured Alcohol Formulas and Authorized Uses

212.15 General.
212.16 Formula No. 1.
212.17 Formula No. 2–B.
212.18 Formula No. 2–C.
212.19 Formula No. 3–A.
212.20 Formula No. 3–B.
212.21 Formula No. 4.
212.22 Formula No. 6–B.
212.23 Formula No. 12–A.
212.24 Formula No. 13–A.
212.25 Formula No. 17.
212.26 Formula No. 18.
212.27 Formula No. 19.
212.28 Formula No. 20.
212.29 Formula No. 22.
212.30 Formula No. 23–A.
212.31 Formula No. 23–F.
212.32 Formula No. 23–H.
212.33 Formula No. 25.
212.34 Formula No. 25–A.
212.35 Formula No. 27.
212.36 Formula No. 27–A.
212.37 Formula No. 27–B.
212.38 Formula No. 28–A.
212.39 Formula No. 29.
212.40 Formula No. 30.
212.41 Formula No. 31–A.
212.42 Formula No. 32.
212.43 Formula No. 33.
212.44 Formula No. 35.
212.45 Formula No. 35–A.
212.46 Formula No. 36.
212.47 Formula No. 37.
212.48 Formula No. 38–B.
212.49 Formula No. 38–C.
212.50 Formula No. 38–D.
212.51 Formula No. 38–F.
212.52 Formula No. 39.
212.53 Formula No. 39–A.
212.54 Formula No. 39–B.
212.55 Formula No. 39–C.
212.56 Formula No. 39–D.
212.57 Formula No. 40.
212.58 Formula No. 40–A.
212.59 Formula No. 42.
212.60 Formula No. 44.
212.61 Formula No. 45.
212.62 Formula No. 46.

Subpart E—Specifications for Denaturants

212.65 General.
212.66 U. S. P. or N. F.
212.67 Acetaldehyde.
212.68 Acetaldol.
212.69 Benzene.
212.70 Bone oil (Dippie's oil).
212.71 Brucine alkaloid.
212.72 *n*-Butyl alcohol.
212.73 *tert.*-Butyl alcohol.
212.74 Chloroform.
212.75 Diethyl phthalate.
212.76 Ethyl acetate.
212.77 Ethyl ether.
212.78 Gasoline.
212.79 Kerosene.
212.80 Methyl alcohol.
212.81 Methyl isobutyl ketone.
212.82 Nicotine solution.
212.83 Pyridine bases.
212.84 Pyronate.
212.85 Rubber hydrocarbon solvent.
212.86 Shellac.
212.87 Sodium (metallic)
212.88 Sucrose octa acetate.
212.89 Vinegar.
212.90 Wood alcohol.

Subpart F—Uses of Specially Denatured Alcohol

212.95 Listing of products and processes using specially denatured alcohol and formulas authorized therefor.

Subpart G—Denaturants Authorized for Denatured Alcohol

212.100 Listing of denaturants authorized in denatured alcohol.

Subpart H—Weights of Specially Denatured Alcohol

212.105 Weights of specially denatured alcohol.

AUTHORITY: §§ 212.1 to 212.105 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 5331, 68A Stat. 661; 26 U. S. C. 5331.

SUBPART A—SCOPE OF REGULATIONS

§ 212.1 *Formulas for denatured alcohol.* The regulations in this part, "Formulas for Denatured Alcohol" relate to formulas used for the denaturation of alcohol. The regulations give formulas for the production of specially and completely denatured alcohol, the specifications for denaturants, a listing of processes and products in which specially denatured alcohol is used and specific formulas authorized for each use, a listing of denaturants and the formulas in which used, and a table of weights of the formulas of specially denatured alcohol. The procedural and substantive requirements relative to the issuance of permits and to the production, disposition, and use of denatured alcohol are prescribed in Part 182 of this chapter.

§ 212.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

§ 212.3 *Stocks of discontinued formulas.* Denaturers or specially denatured alcohol dealers or users having on hand stocks of formulas of specially denatured alcohol no longer authorized by this part may (a) continue to supply or use such stocks in accordance with permits until the stocks are exhausted; (b) otherwise dispose of such stocks in a manner satisfactory to the Director, Alcohol and Tobacco Tax Division pursuant to an approved application; or (c) on approval by the assistant regional commissioner of an application to do so, destroy such stocks under such supervision as the assistant regional commissioner may prescribe.

SUBPART B—DEFINITIONS

§ 212.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

Alcohol. "Alcohol" means that substance known as ethyl alcohol, ethanol, hydrated oxide of ethyl, or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more, but does not include the substances commonly known as whisky, brandy, rum, gin, or other spirits, produced at registered distilleries or fruit distilleries under Parts 220 and 221 of this chapter.

Assistant regional commissioner. "Assistant regional commissioner" means the assistant regional commissioner (alcohol and tobacco tax), who is responsible to, and functions under the direction and supervision of, the regional commissioner.

Commissioner. "Commissioner" means the Commissioner of Internal Revenue.

Completely denatured alcohol. "Completely denatured alcohol" means denatured alcohol in which the denaturants are of such a nature that such denatured alcohol may be sold and used within certain limitations without permit and bond.

Denaturant. "Denaturant" means a material which, when added to alcohol in accordance with formulas in this part, destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

Denatured alcohol. "Denatured alcohol" means alcohol to which has been added denaturing material which destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

Director, Alcohol and Tobacco Tax Division. "Director, Alcohol and Tobacco Tax Division" means the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

Essential oil. "Essential oil" means one of the volatile odoriferous oils found in plants and imparting to the plants odor, and often other characteristic properties, and includes imitation essential oils, aromatic substances, and synthetic oils which possess the denaturing characteristics of essential oils.

Gallon. "Gallon" or "wine gallon" means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Includes and including. The terms "includes" and "including" when used in this part shall not be deemed to exclude other things otherwise within the meaning.

I. R. C. "I. R. C." means the Internal Revenue Code of 1954.

Manufacturer or user. "Manufacturer" or "user" means a person who holds a permit to use specially denatured alcohol in any process or in the manufacturing of any substance, preparation, or product, including the product obtained by further manufacture or by combination with other materials; who recovers completely or specially denatured alcohol; or who recovers articles containing denatured alcohol.

Proof. "Proof" means the ethyl alcohol content of a liquid at 60° Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proprietary solvent. "Proprietary solvent" means a solvent containing more than 25 percent of alcohol by volume which is manufactured with specially denatured alcohol in accordance with a formula approved by the Director and is generally adopted for specific uses.

Regional commissioner. "Regional commissioner" means the regional commissioner of internal revenue in each of the internal revenue regions.

Rubbing alcohol compound. "Rubbing alcohol compound" means any product manufactured with specially denatured alcohol which is represented to be a "rubbing alcohol compound".

Secretary. "Secretary" means the Secretary of the Treasury.

Specially denatured alcohol. "Specially denatured alcohol" means denatured alcohol in which the denaturant or denaturants are of such a nature that such denatured alcohol may be used in a greater number of specified arts and industries than completely denatured alcohol, but, except as otherwise provided in Part 182 of this chapter, may be sold, possessed, and used only pursuant to permit and bond.

SUBPART C—COMPLETELY DENATURED ALCOHOL FORMULAS

§ 212.10 *General.* Completely denatured alcohol will be denatured in accordance with formulas prescribed in this subpart.

§ 212.11 *Formula No. 18.* To every 100 gallons of ethyl alcohol of not less than 160° proof add:

2.50 gallons of methyl isobutyl ketone;
0.125 gallon of pyronate or a compound similar thereto;
0.50 gallon of acetaldol (b-hydroxybutyraldehyde); and
1.00 gallon kerosene.

§ 212.12 *Formula No. 19.* To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4.0 gallons of methyl isobutyl ketone; and
1.0 gallon of kerosene.

SUBPART D—SPECIALLY DENATURED ALCOHOL FORMULAS AND AUTHORIZED USES

§ 212.15 *General*—(a) *Formulas.* Specially denatured alcohol will be denatured in accordance with formulas prescribed in this subpart. Alcohol of 190, 192, or 200 degrees of proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise authorized by the Director, Alcohol and Tobacco Tax Division.

(b) *Uses.* Users and manufacturers holding approved Forms 1479–A covering manufacture of products or use in processes no longer authorized for a particular formula may continue such use. The Director, Alcohol and Tobacco Tax Division, may authorize, in his discretion, the use of any formula of specially denatured alcohol for uses not specifically authorized in this part. The code number before each item under "authorized uses" shall be used in reporting the use of specially denatured alcohol.

§ 212.16 *Formula No. 1*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons wood alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
041. Proprietary solvents (standard formulations).
042. Other solvents and thinners.
043. Special solvents (restricted sale).
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulphite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals including alkaloids.
345. Processing blood and blood products.
349. Miscellaneous, drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photo-engraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oil.
740. Refrigerating uses.
750. Other fluid uses.
760. Proprietary anti-freeze.

(5) Miscellaneous uses:

900. Specialized uses (unclassified).

(c) *Standard Proprietary Solvents Formulations using S. D. A. No. 1*—(1) *Formulation No. I.*

Specially denatured alcohol formula:	Gallons
No. 1	100
Ethyl acetate	5
Gasoline	1

(2) *Formulation No. II.*

Specially denatured alcohol formula:	Gallons
No. 1	100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline	1

(3) *Formulation No. III.*

Specially denatured alcohol formula:	Gallons
No. 1	100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline	1

(4) *Formulation No. IV.*

Specially denatured alcohol formula:	Gallons
No. 1	100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline	1

(5) *Formulation No. V.*

Specially denatured alcohol formula:	Gallons
No. 1	100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline	1

§ 212.17 *Formula No. 2–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon benzene or one-half gallon rubber hydrocarbon solvent.

(b) *Authorized uses*—(1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals, including alkaloids.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
524. Sodium ethylate, anhydrous (for own use only).
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(c) *Conditions governing use.* This formula must be used in a closed and continuous system unless it is shown that it is not practical to do so.

§ 212.18 *Formula No. 2–C*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-three pounds, or more, of metallic sodium and either one-half gallon benzene or one-half gallon rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

523. Miscellaneous ethyl esters.
524. Sodium ethylate, anhydrous (for own use only).
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

(c) *Conditions governing use.* This formula must be used in a closed and continuous system unless it is shown that it is not practical to do so.

§ 212.19 *Formula No. 3–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soaps and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.

(5) Miscellaneous uses:

810. Laboratory, reagent and pilot plant uses.
900. Specialized uses (unclassified).

§ 212.20 *Formula No. 3–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of pine tar N. F.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
141. Shampoos.
142. Soap and bath preparations.
410. Disinfectants, insecticides, fungicides and other biocides.

§ 212.21 *Formula No. 4*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of the following solution: Five gallons of an aqueous solution containing 40 percent nicotine; and 3.6 av. ounces of methylene blue, N. F.; water sufficient to make 100 gallons.

(b) *Authorized uses.* (1) As a solvent:

460. Tobacco sprays and flavors.

§ 212.22 *Formula No. 6–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon pyridine bases.

(b) *Authorized uses.* (1) As a raw material:

523. Miscellaneous ethyl esters.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.23 *Formula No. 12–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of benzene.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.24 *Formula No. 13–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
052. Inks (including meat branding inks).
241. Collodion (U. S. P. or N. F.).
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones and yeasts.

343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

523. Miscellaneous ethyl esters.
561. Ethyl ether.
562. Other ethers.
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.25 *Formula No. 17*—(a) *Formula.* To every 100 gallons of alcohol add:

Five-hundredths (0.05) gallon (6.4 fluid ounces) of bone oil (Dipple's oil).

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.26 *Formula No. 18*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of vinegar containing not less than 9 percent of acetic acid.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

§ 212.27 *Formula No. 19*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
241. Collodion (U. S. P.).

§ 212.28 *Formula No. 20*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of chloroform.

(b) *Authorized uses.* (1) As a raw material:

579. Miscellaneous chemicals (chloroform).

§ 212.29 *Formula No. 22*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of formaldehyde solution (U. S. P.)

(b) *Authorized uses.* (1) As a solvent:

420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.30 *Formula No. 23–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of acetone, N. F.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
015. Candy glazes.
016. Other coatings.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents).
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Body deodorants and deodorant creams.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

(2) As a fluid:

740. Refrigerating uses.
750. Miscellaneous fluid uses.

§ 212.31 *Formula No. 23–F*—(a) *Formula.* To every 100 gallons of alcohol add:

Three pounds of salicylic acid, U. S. P., 1 pound resorcin, U. S. P.; and 1 gallon bergamot oil, N. F., or bay oil, N. F.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).

§ 212.32 *Formula No. 23–H*—(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, N. F. and 1.5 gallons of methyl isobutyl ketone.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
220. Rubbing alcohol compounds.
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).

(c) *Standard Formula for rubbing alcohol compound.*

S. D. A. No. 23-H	103.3 fl. oz.
Sucrose octa-acetate	0.5 av. oz.
Water q. s	1 gal.

All rubbing alcohol compounds or preparations coming under the general classification of rubbing alcohols must be manufactured with specially denatured alcohol Formula No. 23–H according to the above formula except that manufacturers may also add to the formula other odorous or medicinal ingredients provided they are shown in the formula submitted for approval and that the finished product contains 70 percent absolute alcohol by volume.

§ 212.33 *Formula No. 25*—(a) *Formula.* To every 100 gallons of alcohol add:

Twenty pounds of iodine, U. S. P. and 15 pounds of either potassium or sodium iodide U. S. P.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).

(c) *Formula for Strong Iodine Tincture N. F. (using S. D. A. Formula No. 25).*

Iodine U. S. P	6.50 av. oz.
Potassium iodide U. S. P	4.50 av. oz.
Distilled water	6.40 fl. oz.
S. D. A. Formula No. 25 q. s	128.00 fl. oz.

(d) *Formula for Iodine Tincture U. S. P. (using S. D. A. Formula No. 25).*

Iodine U. S. P	1.0 av. oz. 11.0 gr.
Sodium iodide U. S. P	1.0 av. oz. 431.0 gr.
Distilled water	65.0 fl. oz. 134.0 min.
S. D. A. Formula No. 25 q. s	128.0 fl. oz.

(e) *N. F. and U. S. P. preparations.* In preparation of N. F. and U. S. P. formulas, pursuant to paragraphs (c) and (d) of this section the quantities of iodine and potassium or sodium iodide referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol, and are the quantities that must be added in order that the finished products may comply with the official U. S. P. or N. F. preparations.

§ 212.34 *Formula No. 25–A*—(a) *Formula.* To every 100 gallons of alcohol add:

A solution composed of 20 pounds of iodine U. S. P., 15 pounds of potassium or sodium iodide U. S. P. and 15 pounds of water.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).

(c) *Formula for Strong Iodine Tincture, N. F. (using S. D. A. Formula No. 25–A).*

Iodine U. S. P	6.50 av. oz.
Potassium iodide U. S. P	4.50 av. oz.
Distilled water	4.40 fl. oz.
S. D. A. Formula No. 25–A q. s	128.0 fl. oz.

(d) *Formula for Iodine Tincture, U. S. P. (using S. D. A. Formula No. 25–A).*

Iodine U. S. P	1.0 av. oz. 11.0 gr.
Sodium iodide U. S. P	1.0 av. oz. 431 gr.
Distilled water	64.0 fl. oz.
S. D. A. Formula No. 25–A q. s	128.0 fl. oz.

(e) *N. F. and U. S. P. preparations.* In preparation of N. F. and U. S. P. formulas, pursuant to paragraphs (c) and (d) of this section the quantities of iodine and potassium or sodium iodide

referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol, and are the quantities that must be added in order that the finished products may comply with the official U. S. P. or N. F. preparations.

§ 212.35 *Formula No. 27*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of rosemary oil, N. F. and 30 pounds of camphor, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

243. Liniments, U. S. P. or N. F.

(c) *Formula for Camphor and Soap Liniment N. F. (using S. D. A. Formula No. 27).*

Hard soap, N. F. dried and granulated or powdered.	8.0 av. oz. 5 gr.
Camphor U. S. P. (small pieces).	2.0 av. oz. 280 gr.
Rosemary oil N. F.	185 min.
S. D. A. Formula No. 27	93.75 fl. oz.
Distilled water q. s.	128.0 fl. oz.

(d) *N. F. preparation.* In the preparation of N. F. formula pursuant to paragraph (c) of this section the quantities of soap, camphor and oil of rosemary referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol and are quantities that must be added in order that the finished produce may comply with the official N. F. preparation.

§ 212.36 *Formula No. 27–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five pounds of camphor, U. S. P. and 1 gallon of clove oil, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals (not U. S. P. or N. F.).

§ 212.37 *Formula No. 27–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of lavender oil, U. S. P., and 100 pounds of medicinal soft soap, U. S. P.

(b) *Authorized uses.* (1) As a solvent.

141. Shampoos.
210. External pharmaceuticals (not U. S. P. or N. F.).
243. Liniments (U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.

(c) *Formula for medicinal soft soap liniment U. S. P. (using S. D. A. Formula No. 27–B).*

Medicinal soft soap, U. S. P.	81.0 av. oz. 240 gr.
Lavender oil, U. S. P.	2.0 fl. oz. 66 min.
S. D. A. Formula No. 27–B q. s.	128.0 fl. oz.

(d) *U. S. P. preparation.* In the preparation of U. S. P. formula pursuant to paragraph (c) of this section the quantities of ingredients referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol and are necessary additions in order that the finished product may comply with the official formula.

§ 212.38 *Formula No. 28–A*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of gasoline.

(b) *Authorized uses.* (1) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

§ 212.39 *Formula No. 29*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent acetaldehyde, or, where approved by the Director, Alcohol and Tobacco Tax Division, as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. Where material other than acetaldehyde is proposed to be used the applicant will furnish the Director, Alcohol and Tobacco Tax Division, with specifications and duplicate 8 ounce samples.

(b) *Authorized uses.* (1) As a raw material:

512. Acetic acid.
521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.

(c) *Conditions governing use.* This formula is restricted to processes in which the alcohol loses its identity by being converted into other chemicals.

§ 212.40 *Formula No. 30*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of pure methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
035. Soldering flux.
036. Adhesives and binders.
051. Polishes.
052. Inks.
053. Stains.
142. Soap and bath preparations.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure solutions and dyes.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fluid in:

740. Refrigerating uses.
750. Other fluid uses.

(4) Miscellaneous uses:

810. Laboratory use.

§ 212.41 *Formula No. 31–A*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred pounds of glycerol, U. S. P. and 20 pounds of hard soap, N. F.

(b) *Authorized uses.* (1) As a solvent:

113. Lotions and creams (hand, face, and body).
131. Tooth paste and tooth powder.
141. Shampoos.

§ 212.42 *Formula No. 32*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
052. Inks (including meat branding inks).
241. Collodion (U. S. P.).
332. Processing miscellaneous food products.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

522. Ethyl chloride.
523. Other ethyl esters.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.

§ 212.43 *Formula No. 33*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty pounds of methyl violet, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

052. Inks.

(c) *Conditions governing use.* Meat branding inks made with Formula No. 33 do not meet U. S. Department of Agriculture meat inspection specifications for use in federally inspected establishments. Such inks must be made with FD&C Violet No. 1. Specially denatured alcohol Formulas No. 23–A and 32 are authorized for this purpose.

§ 212.44 *Formula No. 35*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five gallons of ethyl acetate.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

§ 212.45 *Formula No. 35–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl acetate.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing miscellaneous chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

511. Vinegar.
521. Ethyl acetate.
523. Other ethyl esters.

§ 212.46 *Formula No. 36*—(a) *Formula.* To every 100 gallons of ethyl alcohol add:

Three gallons of strong ammonia solution, U. S. P.

(b) *Authorized uses.* (1) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).

§ 212.47 *Formula No. 37*—(a) *Formula.* To every 100 gallons of alcohol add:

Forty-five fluid ounces of eucalyptol, U. S. P., 30 av. ounces of thymol, N. F. and 20 av. ounces of menthol, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
131. Dentifrices.
132. Mouth washes.
210. External pharmaceuticals (not U. S. P. or N. F.).
244. Antiseptic solutions (U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.48 *Formula No. 38–B*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one or a total of 10 pounds of two or more of the oils and substances listed below:

Anethol, U. S. P.
Anise oil, U. S. P.
Bay oil (myrcia oil), N. F.
Benzaldehyde, N. F.
Bergamot oil, N. F.
Bitter almond oil, N. F.
Camphor, U. S. P.
Cedar leaf oil, U. S. P. XIII
Chlorothymol, N. F.
Cinnamic aldehyde, N. F. IX
Cinnamon oil (cassia oil), U. S. P.
Citronella oil, natural (pure)
Clove oil, U. S. P.
Coal tar, U. S. P.
Eucalyptol, U. S. P.
Eucalyptus oil, N. F.
Eugenol, U. S. P.
Guaiacol, N. F.
Lavender oil, U. S. P.
Menthol, U. S. P.
Mustard oil, volatile (allyl isothiocyanate), U. S. P. XII.
Peppermint oil, U. S. P.
Phenol, U. S. P.
Phenyl salicylate (salol), N. F.
Pine oil, N. F.
Pine needle oil, dwarf, N. F.
Rosemary oil, N. F.
Safrol, pure
Sassafras oil, N. F.
Spearmint oil, N. F.
Spike lavender oil, natural (pure).
Storax, U. S. P.
Thyme oil, N. F.
Thymol, N. F.
Tolu balsam, U. S. P.
Turpentine oil, N. F.
Wintergreen oil (methyl salicylate), U. S. P.

Each ingredient and the amount used to make up the required 10 pounds of denaturants must be stated on Form 1479–A. Where it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, application may be made to use another essential oil or substance having denaturing properties satisfactory to the Director, Alcohol and Tobacco Tax Division. In such case the applicant will furnish the Director, Alcohol and Tobacco Tax Division, with specifications and duplicate 8 ounce samples for examination.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
131. Dentifrices.
132. Mouth washes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
243. Liniments, U. S. P. or N. F.
244. Antiseptic solutions, U. S. P. or N. F.
249. Miscellaneous external pharmaceuticals U. S. P. or N. F.
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.49 *Formula No. 38–C*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of menthol, U. S. P., and 1.25 gallons of Formaldehyde solution U. S. P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

§ 212.50 *Formula No. 38–D*—(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half pounds of menthol, U. S. P. and 2.5 gallons of Formaldehyde Solution, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

§ 212.51 *Formula No. 38–F*—(a) *Formula.* To every 100 gallons of alcohol add:

(1) Six pounds of boric acid, U. S. P., 1½ pounds thymol, N. F., 1½ pounds chlorothymol, N. F., and 1½ pounds menthol, U. S. P.; or

(2) Seven pounds of boric acid, U. S. P. and a total of 3 pounds of any two or more denaturing materials listed under Formula No. 38–B. The denaturants selected and the amounts must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

132. Mouth washes.
244. Antiseptic solutions (U. S. P. or N. F.).

§ 212.52 *Formula No. 39*—(a) *Formula.* To every 100 gallons of alcohol add:

Nine pounds of sodium salicylate or salicylic acid, U. S. P., 1.25 gallons fluid extract of quassia, N. F. VII and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
121. Perfume and perfume tinctures.
122. Toilet waters and colognes.

§ 212.53 *Formula No. 39–A*—(a) *Formula.* To every 100 gallons of ethyl alcohol add:

Sixty av. ounces of any one of the following alkaloids or salts together with ⅛ gallon of *tert*-butyl alcohol:

Quinine, N. F.
Quinine bisulfate, N. F.
Quinine hydrochloride, U. S. P.
Cinchonidine, pure.
Cinchonidine sulfate, N. F. IX.

The denaturant selected must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
122. Toilet waters and colognes.
141. Shampoos.

§ 212.54 *Formula No. 39–B*—(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half gallons of diethyl phthalate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense and room deodorants.
485. Miscellaneous solutions.

§ 212.55 *Formula No. 39–C*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of diethyl phthalate.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters.
142. Soaps and bath preparations.
470. Theater sprays, incense and room deodorants.

432. Miscellaneous dye solutions (own use only).

(c) *Conditions governing use.* Preparations manufactured with Formula No. 39–C must contain in each gallon of finished product not less than 2 fluid ounces of perfume material (essential oils, isolates, aromatic chemicals, etc.) satisfactory to the Director, Alcohol and Tobacco Tax Division.

§ 212.56 *Formula No. 39–D*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of bay oil, N. F. and either 50 av. ounces of quinine sulphate, U. S. P., 50 av. ounces of quinine bisulphate, N. F., or 200 av. ounces of sodium salicylate, U. S. P.

The denaturant selected must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.

§ 212.57 *Formula No. 40*—(a) *Formula.* To every 100 gallons of alcohol add:

Three av. ounces of brucine (alkaloid) or brucine sulfate, N. F. IX and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

§ 212.58 *Formula No. 40–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five pounds of sucrose octa-acetate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
470. Theater sprays, incense and room deodorants.
485. Miscellaneous solutions.

§ 212.59 *Formula No. 42*—(a) *Formula.* To every 100 gallons of alcohol add:

(1) Eighty grams of potassium iodide, U. S. P. and 109 grams of red mercuric iodide, N. F.;

(2) Ninety-five grams of thimerosal, N. F.; or

(3) Seventy-six grams of any of the following: phenyl mercuric nitrate, N. F.; phenyl mercuric chloride, N. F. IX or phenyl mercuric benzoate, pure.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

§ 212.60 *Formula No. 44*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of *n*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

§ 212.61 *Formula No. 45*—(a) *Formula.* To every 100 gallons of alcohol add:

Three hundred pound of refined white or orange shellac.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

§ 212.62 *Formula No. 46*—(a) *Formula.* To every 100 gallons of alcohol add:

Twenty-five fluid ounces of phenol, U. S. P. and 4 fluid ounces of wintergreen oil (methyl salicylate), U. S. P.

(b) *Authorized uses.* (1) As a solvent:

220. An antiseptic, sterilizing and bathing solution having restricted use.

(c) *Conditions governing use.* This formula may be used only by institutions and organizations which are of a semi-public character and engaged in charitable work.

SUBPART E—SPECIFICATIONS FOR DENATURANTS

§ 212.65 *General.* Denaturants prescribed in this part shall comply with the specifications set forth in this subpart: *Provided*, That, in order to meet requirements of national defense or for other valid reason, the Director, Alcohol and Tobacco Tax Division, may authorize variations from such specifications or authorize the use of substitute denaturants where such variation or substitution will not jeopardize the revenue.

§ 212.66 *U. S. P. or N. F.* Denaturing materials and products listed in this part as "U. S. P." or "N. F." shall meet the specifications set forth in the current United States Pharmacopea or National Formulary or the latest volume in which they appeared as official preparations. The designations "U. S. P." and "N. F." shall be considered interchangeable when preparations are transferred from one official publication to the other.

§ 212.67 *Acetaldehyde.*

Aldehyde content (as acetaldehyde). Not less than 95.0 percent by weight.
Color. Colorless.
Odor. Characteristic pungent, fruity odor.
Specific gravity at 15.56°/15.56° C. Not less than 0.7800.

§ 212.68 *Acetaldol.*

Purity. Not less than 90 percent by weight acetaldol as determined by the following method:

Dissolve 15 grams of the acetaldol in distilled water and dilute to 1 liter in a volumetric flask. Transfer 5 ml. of this solution to a 250 ml. glass-stoppered flask containing 25 ml. distilled water. Add 25 ml. of a freshly prepared 1 percent sodium bisulfite solution. Prepare a blank omitting the acetaldol solution. Place the flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove flasks and titrate free bisulfite with 0.1 N. Iodine solution using starch indicator.

$$\text{Percent acetaldol by weight} = \frac{(\text{ml. blank} - \text{ml. test}) \times 200 \times 0.44}{\text{weight of sample}}$$

Titrations in excess of 100 percent may be obtained if the sample contains appreciable amounts of acetaldehyde.
Specific gravity at 20° C. 1.098 to 1.105.

§ 212.69 *Benzene.*

Distillation range—(*A. S. T. M. D–86–53*). When 100 ml. of benzene are distilled by this method, not more than 1 ml. should distill below 77° C., and not less than 95 ml. below 85° C.
Odor. Characteristic benzene odor.
Specific gravity at 15.6/15.6° C. 0.875 to 0.886.
Water solubility. When 10 ml. of benzene are shaken with an equal volume of water in a glass-stoppered cylinder, graduated to 0.1 ml., and allowed to stand 5 minutes to separate, the upper layer of liquid shall measure not less than 9.5 ml.

§ 212.70 *Bone oil (Dipple's oil).*

Color. The color shall be a deep brown.
Distillation range. When 100 ml. are distilled in the manner described for wood alcohol, not more than 5.0 ml. should distill below 90° C.
Pyrrol reaction. Prepare a 1.0 percent solution of bone oil in 95 percent alcohol. Prepare a second solution containing 0.025 percent bone oil by diluting 2.50 ml. of the first solution to 100 ml. with 95 percent alcohol. Dip a splinter of pine, previously moistened with concentrated hydrochloric acid, into 10 ml. of the 0.025 percent bone oil solution. After a few minutes the splinter should show a distinct red coloration.
Reaction with mercuric chloride. Add 5 ml. of the 1.0 percent bone oil solution above to 5 ml. of a 2 percent alcoholic solution of mercuric chloride. A turbidity is formed at once which separates into a flocculent precipitate on standing several minutes. Add 5.0 ml. of the 0.025 percent bone oil solution to 5.0 ml. of a 2.0 percent alcoholic solution of mercuric chloride. A faint turbidity appears after several minutes.

§ 212.71 *Brucine alkaloid.*

Identification test. Add a few drops of concentrated nitric acid to about 10 mg. of brucine alkaloid. A vivid red color is produced. Dilute the red solution with a few drops of water and add a few drops of freshly made dilute stannous chloride solution. A reddish purple (violet) color is produced.
Melting point. 178° C. ±1°. Dry the alkaloid in an oven for one hour at 100° C., increase the temperature to 110° and dry to a constant weight before taking melting point.
NOTE: Brucine alkaloid—4 H_2O melts at 105° C. while the anhydrous form melts at 178° C.
Strychnine test. Brucine alkaloid shall be free of strychnine when tested by the method listed under Brucine Sulfate in the National Formulary, 9th Edition.
NOTE: If the brucine contains as much as 0.05 percent strychnine, a clear distinctive violet color, characteristic of strychnine, will be obtained.
Sulfate test. No white precipitate is formed that is not dissolved by hydrochloric acid when several drops of a 1 N barium chloride solution are added to 10 ml. of a solution of the alkaloid.

§ 212.72 *n-Butyl alcohol.*

Acidity (as acetic acid). 0.03 percent by weight maximum.
Color. Colorless.
Dryness at 20° C. Miscible without turbidity with 10 volumes of 60° Bé. gasoline.
Odor. Characteristic odor.
Specific gravity at 20°/20° C. 0.810 to 0.815.

§ 212.73 *tert.-Butyl alcohol.*

Acidity (as acetic acid). 0.003 percent by weight maximum.
Color. Colorless.
Distillation range (A. S. T. M. D–1078–49–T). When 100 ml. of tertiary butyl alcohol are distilled, none should distill below 78° C. and none above 85° C. More than 95 percent should distill between 81°—83° C.
Dryness at 20° C. Miscible without turbidity with 19 volumes of 60° Bé. gasoline.
Freezing point (first needle). Above 20° C.
Identification test. Place 5 drops of a solution containing approximately 0.1 percent tertiary butyl alcohol in ethyl alcohol in a test tube. Add 2 ml. of Denige's reagent. (Dissolve 5 grams of red mercuric oxide in 20 ml. concentrated sulfuric acid. Add this solution to 80 ml. of distilled water, and filter when cool.) Heat the mixture just to the boiling point and remove from the flame. A yellow precipitate forms within a few seconds.
Non volatile matter. Less than 0.005 percent by weight.
Odor. Characteristic odor.
Residual odor after evaporation. None.
Specific gravity at 25°/25° C. 0.780 to 0.786.

§ 212.74 *Chloroform.*

Odor. Characteristic chloroform odor.
Specific gravity at 25°/25° C. Not less than 1.400.

§ 212.75 *Diethyl phthalate.*

Color. Colorless.
Distillation range (A. S. T. M. D–1078–49). When 100 ml. of diethyl phthalate are distilled by this method none should distill, below 290° C. and none above 297° C.
Ester content (as diethyl phthalate). Not less than 99 percent by weight.
NOTE: The sample taken for ester determination should be approximately 0.8 gram. The number of ml. of 0.5N KOH used in saponification multiplied by 0.05555, indicates the grams of ester in the sample taken for assay.
Odor. Practically odorless.
Solubility. Soluble in 2 parts of 60 percent alcohol.
Specific gravity at 25°/25° C. 1.115 to 1.118.

§ 212.76 *Ethyl acetate.*

Acidity (as acetic acid). Not more than 0.015 percent by weight.
Color. Colorless.
Distillation range (A. S. T. M. D–1078–49–T). When 100 ml. of ethyl acetate are distilled by this method none shall distill below 70° C.; not more than 10 ml. shall distill below 72° C., and none above 80° C.
Ester content. Not less than 85 percent by weight.
Odor. Characteristic ethyl acetate odor.
Specific gravity at 20°/20° C. Not less than 0.885.

§ 212.77 *Ethyl ether.*

Odor. Characteristic odor.
Specific gravity at 15.56°/15.56° C. Not more than 0.728.

§ 212.78 *Gasoline.*

Distillation range (A. S. T. M. D–86–53). When 100 ml. of gasoline are distilled none shall distill below 90° F. Not more than 5 ml. shall be collected below 140° F., and not less than 50 ml. shall distill below 230° F.

§ 212.79 *Kerosene.*

Distillation range (A. S. T. M. D–86–53). No distillate should come over below 340° F. and none above 570° F.
Flash point. 115° F. minimum.
Odor. Characteristic kerosene odor.

§ 212.80 *Methyl alcohol.*

For making Specially Denatured Alcohol Formula No. 3A.
Acetone content. 4.0 percent by weight maximum.
Purity. Commercially pure grade or better.
Specific gravity at 15.56°/15.56° C. 0.810 maximum.
For making Specially Denatured Alcohol Formula No. 30.
Acetone content. Trace or none.
Purity. Chemically pure grade.
Specific gravity at 15.56°/15.56° C. 0.799 maximum.

§ 212.81 *Methyl isobutyl ketone.*

Acidity (as acetic acid). 0.02 percent by weight, maximum.
Color. Colorless.
Distillation range (A. S. T. M. D–1078–49T). No distillate should come over below 111° C. and none above 117° C.
Odor. Characteristic methyl isobutyl ketone odor.
Specific gravity at 20°/20° C. 0.799 to 0.804.

§ 212.82 *Nicotine solution.*

Composition: Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 av. oz. methylene blue N. F.; water sufficient to make 100 gallons.
Color. One ml. of the nicotine solution (previously agitated in the presence of air) is measured into 100 ml. of water and thoroughly mixed. Fifty ml. of this colored solution is compared, using Nessler tubes, with 50 ml. of a standard color solution containing 5 grams of $CuSO_4 \cdot 5H_2O$, C. P. in 100 ml. of water. The color intensity of the solution tested should be equal to or greater than that of the standard solution.
Nicotine content. The above solution must contain not less than 1.88 percent of nicotine determined by the following process: 20 ml. of the solution are measured into a 500 ml. Kjeldahl flask provided with a suitable bulb tube, 50 ml. of 0.1 N NaOH added and the mixture distilled in a current of steam until the distillate is no longer alkaline (about 500 ml.). The distillate is then titrated with 0.1 N H_2SO_4 using rosolic acid or methyl red as indicator. Not less than 23.2 ml. should be required for neutralization.

§ 212.83 *Pyridine bases.*

Alkalinity. One ml. of pyridine bases dissolved in 10 ml. of water is titrated with N H_2SO_4 until a drop of the mixture placed upon Congo paper shows a distinct blue border, which soon disappears. A minimum of 9.5 ml. of the acid must be required for the end point. (Congo paper: filter paper treated with 0.1 percent aqueous solution of Congo red and dried.)
Distillation range. 100 ml. of the denaturant are distilled in the same apparatus prescribed for wood alcohol. At least 50 ml. must distill at or below 140° C. and at least 90 ml. below 160° C.
Reactions. Dissolve 1 ml. of pyridine bases in 100 ml. of water. (a) 10 ml. of this solution are treated with 5 ml. of 5 percent aqueous solution of anhydrous fused $CaCl_2$ and the mixture vigorously shaken. An abundant crystalline separation should occur within 10 minutes.
(b) 10 ml. of the pyridine solution mixed with 5 ml. of Nessler's reagent must give a white precipitate.
Water content. 20 ml. of pyridine bases are shaken with 20 ml. of a caustic soda solution having a specific gravity of 1.40 (15.56°/15.56° C.) and the mixture allowed to stand until completely separated into two layers. The amount of the pyridine base layer should be 18.5 ml., minimum.

§ 212.84 *Pyronate.*

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:
Acidity (as acetic acid). Not more than 0.1 percent by weight, determined as follows:
Add 5.0 ml. sample to 100 ml. distilled water in an Erlenmeyer flask and titrate with 0.1 N NaOH to a bromthymol blue endpoint.
Color. The color shall be no darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparison shall be made in 4 oz. oil sample bottles viewed crosswise.
Distillation range—(*A. S. T. M. D–1078–49*). When 100 ml. are distilled not more than 5 ml. shall distill below 70° C., and not less than 50 ml. below 160° C., and not less than 90 ml. below 205° C.
NOTE: Any material submitted as pyronate must agree in color, odor, taste and denaturing value with a standard sample furnished by the Alcohol and Tobacco Tax Division, Internal Revenue Service, to chemists authorized to examine samples of denaturants.

§ 212.85 *Rubber hydrocarbon solvent.*

Rubber hydrocarbon solvent is a petroleum derivative:
Distillation range—(*A. S. T. M. D–86–53*). When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 162° F. nor less than 120° F. When 90 percent has been recovered in the receiver the thermometer shall not read more than 250° F.

§ 212.86 *Shellac (refined).*

Arsenic content. None as determined by the Marsh Method or Gutzeit Method.
Color. White or orange.
Rosin content. None when tested by the following method: Add 20 ml. of absolute alcohol or glacial acetic acid (m. p. 13° to 15° C.) to 2 grams of the shellac and thoroughly dissolve. Add 100 ml. of petroleum ether and mix thoroughly. Add approximately 2 liters of water and separate a portion of the ether layer (at least 50 ml.) and filter if cloudy. Evaporate the petroleum ether and test as follows: Solution A—5 ml. phenol dissolved in 10 ml. carbon tetrachloride. Solution B—1 ml. bromine dissolved in 4 ml. carbon tetrachloride. To the residue obtained above add 2 ml. of Solution A and transfer the mixture to a porcelain spot plate, filling one cavity. Immediately fill an adjacent cavity with Solution B. Cover the plate with a watch glass and observe any color formation in Solution A. A decided purple or deep indigo blue color is an indication of the presence of rosin.

§ 212.87 *Sodium (metallic).*

Color. Silvery-white (metallic luster) when freshly cut.
Identification test. Clean a platinum wire by dipping it in concentrated hydrochloric acid and holding it over a Bunsen burner until the flame is no longer colored. Moisten the wire loop with hydrochloric acid and dip it into the sample. Hold the wire in the Bunsen flame and note the color. Sodium

produces a golden yellow flame; not observed when viewed through a cobalt glass.

Purity. Technical grade or better.

§ 212.88 *Sucrose octa-acetate.*

Sucrose octa-acetate is an organic acetylation product occurring as a cream-colored, nonhydroscopic powder, having an intensely bitter taste.

Free acid (as acetic acid). Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml. of neutralized ethyl alcohol (or SDA No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

$$\text{Percent acid as acetic acid} = \frac{\text{ml. NaOH used} \times 0.6}{\text{weight of sample}}$$

Insoluble matter. 0.30 percent by weight maximum.

Melting point. Not less than 78.0° C. or more than 84.0° C.

Purity. Sucrose octa-acetate 98% minimum by weight when determined by the following procedure: Transfer a weighed 1.50 gram sample to a 500 ml. Erlenmeyer flask containing 100 ml. of neutral ethyl alcohol (or SDA No. 30) and exactly 50.0 ml. of 0.5 N sodium hydroxide. Reflux for one hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

$$\text{Percent sucrose octa-acetate} = \frac{(\text{ml. NaOH} - \text{ml. } H_2SO_4) \times 4.2412}{\text{weight of sample}}$$

§ 212.89 *Vinegar.*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

§ 212.90 *Wood alcohol.*

The wood alcohol submitted must be a partially purified distillate from crude wood alcohol obtained only by the destructive distillation of wood. It may be a blend of those distillation fractions commonly known as the methyl acetone, methyl alcohol, and allyl fractions. This blend shall consist in its entirety of all or portions of each of the fractions.

A mere physical mixture of the essential chemical constituents will not be approved nor will the addition of water subsequent to distillation in order to make the specific gravity conform to the specifications. It is the intent of these specifications that the chemical findings outlined below shall be due only to those impurities or ingredients naturally formed in the course of the destructive distillation of wood and that the extent of the presence of such impurities or ingredients be due entirely to their natural occurrence in the fractions mentioned above.

Acetone. Not less than 10.0 grams nor more than 20.0 grams of acetone and other substances estimated as acetone per 100 ml. of sample when tested by the following method: One ml. of a mixture of 10 ml. wood alcohol and 90 ml. of water is treated with 10 ml. of 2 N sodium hydroxide solution. To this mixture is added, with shaking, 50 ml. of 0.1 N iodine solution. After standing for fifteen minutes the solution is acidified with dilute sulfuric acid. The excess iodine is titrated with 0.1 N sodium thiosulfate solution using 1–2 ml. starch indicator. From 10.3 to 20.7 ml. of 0.1 N iodine solution should be required by the sample. The test should be made at a temperature between 15° and 20° C.

Calculation:

X=grams of acetone in 100 ml. sample.
Y=ml. of 0.1 N iodine solution required.
N=ml. of sample taken for titration.

Then:

$$X = \frac{Y(0.0968)}{N}$$

It is recommended that a blank be run with each test using a solution of 16 grams of acetone, C. P., made up to 100 ml. with absolute methanol. The difference between the known value and the titrated value of the blank is added to the amount of acetone found in the sample.

Color. Not darker than a freshly prepared solution of 2 ml. of 0.1 N iodine diluted to one liter with distilled water.

Distillation range (at 760 mm.) Of a 100 ml. sample taken, 90 ml. or more distillate shall be collected at a temperature not exceeding 75° C. when distilled in the following manner: The sample is placed in a short-necked glass flask of about 200 ml. capacity which is rested on an asbestos plate having a circular opening of 30 mm. in diameter. The neck of this flask is fitted with a frationating tube 12 mm. in diameter and 170 mm. long and having a bulb just 1 cm. below the side tube which is connected with a Liebig condenser having a water jacket not less than 400 mm. in length. A standardized thermometer is placed in the fractionating tube so that the mercury bulb is suspended in the center of the fractionating bulb. Heat is applied slowly and in such manner that 5 ml. of distillate is collected per minute in a graduated cylinder.

Correction may be made for variations in barometric pressure by allowing 1° C. for each variation of 30 mm. from normal (760 mm.). Thus, at 770 mm., 90 ml. should have distilled at 75.3° C. and at 750 mm., 90 ml. should have distilled at 74.7° C.

Esters (as methyl acetate). Not less than 3 nor more than 10 grams per 100 ml. when determined as follows: Dilute 10 ml. of wood alcohol to 500 ml. with distilled water and agitate until thoroughly mixed. Transfer 100 ml. of this mixture to a 500 ml. flask, neutralize free acid, add 50 ml. excess 0.1 N sodium hydroxide (carbonate free) connect flask with air-cooled condenser about 2 feet in length, heat for two hours on a steam bath, allow to cool and titrate excess alkali with 0.1 N sulfuric acid, using phenolphthalein indicator solution.

Calculation:

M=grams of methyl acetate per 100 ml. of sample.
V=ml. of sample titrated (2 ml. in this case).
B=ml. of 0.1 N sodium hydroxide solution required.

Then

$$M = \frac{B(0.0074) \times 100}{V}$$

Miscibility with water (25° to 30° C.). No distinct separation of an oily layer shall be observed three minutes after mixing with twice its volume of water.

Pyroligneous bodies (by bromine adsorption). It must contain such a quantity of pyroligneous bodies (derived entirely from the methyl acetone, methyl alcohol and allyl fractions) that not less than 14 ml. nor more than 21 ml. shall be required to decolorize a standard solution containing 0.5 gram of bromine prepared as follows: Transfer 12.406 grams of potassium bromide and 3.481 grams of potassium bromate, C. P., (oven dried for 2 hours at 105° C.) to a liter volumetric flask and make up to volume with distilled water. Transfer 50 ml. of this solution containing 0.5 gram of bromine to a 200 ml. glass-stoppered flask, acidify with dilute sulfuric acid (1 to 4) and allow to stand for five minutes. From a burette add the sample of wood alcohol dropwise, not exceeding 5 ml. per minute, until the bromine color disappears. Record the ml. of sample required. The temperature of the mixture should be 20° C.

Specific gravity 15.56°/15.56° C. 0.8198 minimum.

In addition to the above requirements, the wood alcohol must be of such a character as to impart its characteristic odor and taste to the ethyl alcohol with which it is mixed, thereby giving an unmistakable warning of its presence.

SUBPART F—USES OF SPECIALLY DENATURED ALCOHOL

§ 212.95 *Listing of products and processes using specially denatured alcohol and formulas authorized therefor.* This section gives a listing, alphabetically by product or process, of formulas of specially denatured alcohol authorized for use in such products or processing, and a listing of the code numbers assigned thereto.

USES OF SPECIALLY DENATURED ALCOHOL

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	1, 2-B, 29.
Adhesives and binders	036	1, 3-A, 23-A, 30.
Aldehydes, miscellaneous	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	769	1.
Antiseptic, bathing solution (restricted)	220	46.
Antiseptic solutions, U. S. P. or N. F.	244	37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 23-A, 30, 38-B, 39-B, 39-C, 40, 40-A.
Bay rum	112	23-A, 37, 39, 39-B, 39-D, 40, 40-A.
Biocides, miscellaneous	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Blood and blood products (processing)	345	1, 3-A, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A.
Candy glazes	015	13-A, 23-A, 35, 35-A, 45.
Cellulose coatings	011	1, 23-A.
Cellulose compounds (dehydration)	311	1, 2-B, 3-A.
Cellulose intermediates	034	1, 3-A, 13-A, 19, 23-A.
Chemicals (miscellaneous)	579	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 20, 29, 30, 32.
Cleaning solutions	450	1, 3-A, 23-A, 23-H, 30, 39-B, 40.
Coatings, miscellaneous	016	1, 23-A.
Collodions, industrial	034	1, 3-A, 13-A, 19, 23-A.
Collodions, U. S. P. or N. F.	241	13-A, 19, 32.
Colognes	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Crude drugs (processing)	341	1, 2-B, 3-A, 23-A, 30.
Cutting oils	730	1, 3-A.
Dehydration products, miscellaneous	315	1, 2-B, 3-A.
Dentifrices	131	31-A, 37, 39-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 38-B, 39-B, 39-C, 40, 40-A.
Detergents, household	450	1, 3-A, 23-A, 23-H, 30, 39-B, 40.
Detergents, industrial	440	1, 3-A, 23-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Drugs and medicinal chemicals	575	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing)	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Duplicating fluids	485	1, 3-A, 30.

USES OF SPECIALLY DENATURED ALCOHOL—Continued

Product or process	Code No.	Formulas authorized
Dyes and intermediates	540	1, 2-B, 2-C, 3-A, 12-A, 29, 30.
Dyes and intermediates (processing)	351	1, 2-B, 3-A, 12-A.
Dye solutions, miscellaneous	482	1, 3-A, 23-A, 30, 39-C, 40.
Embalming fluids, etc	420	1, 3-A, 22, 23-A.
Esters, ethyl (miscellaneous)	523	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 29, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	621	1, 2-B, 20, 35-A.
Ethylamines (rubber processing)	539	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dibromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A.
External pharmaceuticals (not U. S. P. or N. F.)	210	23-A, 23-F, 23-H, 27-A, 27-B, 37, 38-B, 39-B, 40, 40-A.
External pharmaceuticals, miscellaneous (U. S. P. or N. F.)	249	23-A, 25, 25-A, 38-B.
Fluid uses, miscellaneous	750	1, 3-A, 23-A, 30.
Food products, miscellaneous (processing)	332	1, 2-B, 3-A, 13-A, 23-A, 30, 32, 35-A.
Fuel uses, miscellaneous	630	1, 3-A, 28-A.
Fuels, airplane and supplementary	612	1, 3-A, 28-A.
Fuels, automobile and supplementary	611	1, 3-A, 28-A.
Fuels, proprietary heating	620	1, 3-A, 28-A.
Fuels, rocket and jet	613	1, 3-A, 28-A.
Fungicides	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Glandular products (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations	111	3-H, 23-A, 23-F, 23-H, 37, 38-H, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A.
Hormones (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 22, 37, 38-H, 39-H, 39-C, 40, 40-A.
Inks	052	1, 3-A, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Iodine solutions (including U. S. P. and N. F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale)	810	3-A, 30.
Laboratory uses [1]	810	3-A, 30.
Lacquer thinners	042	1, 23-A.
Liniments (U. S. P. or N. F.)	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand)	113	23-A, 31-A, 37, 38-B, 39-B, 39-C, 40, 40-A.
Medicinal chemicals (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous chemicals (processing)	358	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing)	359	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes	132	37, 38-B, 38-C, 38-D, 38-F.
Pectin (processing)	331	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Perfume materials (processing)	372	1, 2-B, 3-A, 12-A, 13-A, 30.
Perfumes and perfume tinctures	121	38-B, 39, 39-B, 39-C, 40, 40-A.
Petroleum products	320	1, 3-A, 3-A.
Photoengraving dyes and solutions	481	1, 3-A, 13-A, 30, 32.
Photographic chemicals (processing)	353	1, 3-A, 2-H, 13-A, 30.
Photographic film and emulsions	031	1, 2-B, 3-A, 13-A, 19, 30, 32.
Pill and tablet manufacture	340	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Plastics, cellulose	021	1, 2-B, 3-A, 12-A, 13-A, 30.
Plastics, noncellulose	022	1, 2-B, 3-A, 12-A, 13-A, 30.
Polishes	051	1, 3-A, 30.
Preserving solutions	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Proprietary solvents (standard formulas)	041	1.
Refrigerating uses	740	1, 3-A, 23-A, 30.
Resin coatings, natural	014	1, 23-A.
Resin coatings, synthetic	012	1, 23-A.
Room deodorants	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Rotogravure dyes and solutions	481	1, 3-A, 13-A, 30, 32.
Rubber synthetic	580	29, 32.
Rubbing alcohol compound	220	23-H.
Scientific instruments	710	1, 3-A.
Shampoos	141	1, 3-A, 3-B, 23-A, 27-B, 31-A, 38-B, 39-A, 39-B, 40, 40-A.
Shellac coatings	013	1, 23-A.
Soaps, industrial	440	1, 3-A, 23-A, 30.
Soaps, toilet	142	1, 3-A, 3-B, 23-A, 30, 38-B, 39-B, 39-C, 40, 40-A.
Sodium ethylate, anhydrous (restricted)	624	2-B, 2-C
Sodium hydrosulfite (dehydration)	312	1, 2-B, 3-A.
Soldering flux	035	1, 3-A, 23-A, 30.
Solutions, miscellaneous	485	1, 3-A, 23-A, 30, 39-B, 40, 40-A.
Solvents and thinners, miscellaneous	042	1, 23-A.
Solvents, special (restricted sale)	043	1.
Stains (wood)	053	1, 3-A, 23-A, 30.
Sterilizing solutions	439	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Tobacco sprays and flavors	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Toilet waters	460	4.
Transparent sheetings	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Unclassified uses [2]	032	1, 2-B, 3-A, 13-A, 23-A.
Vaccine (processing)	900	1, 3-A.
Vinegar	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vitamins (processing)	511	18, 35-A.
Xanthates	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Yeast (processing)	573	1, 2-B, 2-C, 29.
	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.

[1] Formula No. 3-A and Formula No. 30 are authorized for general laboratory purposes under Code 810. Other formulas may be authorized for laboratory use in connection with specific product development.

[2] Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on Form 1479-A.

SUBPART G—DENATURANTS AUTHORIZED FOR DENATURED ALCOHOL

§ 212.100 *Listing of denaturants authorized for denatured alcohol.* Following is an alphabetical listing of denaturants authorized for use in denatured alcohol:

DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (C. D.) AND SPECIALLY DENATURED ALCOHOL (S. D.)

Acetaldehyde ---------- S. D. 29
Acetone N. F. ---------- S. D. 23-A; 23-H
Acetaldol ---------- C. D. 18
Almond oil, bitter N. F. ---------- S. D. 38-B
Ammonia solution, strong U. S. P. ---- S. D. 36
Anethole U. S. P. ---------- S. D. 38-B
Anise oil U. S. P. ---------- S. D. 38-B
Bay oil (myrcia oil) N. F. ---------- S. D. 23-F; 38-B; 39-D
Benzaldehyde N. F. ---------- S. D. 38-B
Benzene ---------- S. D. 2-B; 2-C; 12-A
Bergamot oil N. F. ---------- S. D. 23-F; 38-B
Bone oil (Dipple's oil) ---------- S. D. 1[illegible]
Boric acid U. S. P. ---------- S. D. 38-F
Brucine alkaloid ---------- S. D. 40
Brucine sulfate N. F. IX ---------- S. D. 40
n-Butyl alcohol ---------- S. D. 44
tert-Butyl alcohol ---------- S. D. 39; 39-A; 39-B; 40; 40-A
Camphor U. S. P. ---------- S. D. 27; 27-A; 38-B
Cedar leaf oil U. S. P. XIII ---------- S. D. 38-B
Chloroform ---------- S. D. 20
Chlorothymol N. F. ---------- S. D. 38-B; 38-F
Cinnamon oil (cassia oil) U. S. P. ---- S. D. 38-B
Citronella oil, natural (pure) ---------- S. D. 38-B
Cinchonidine (pure) ---------- S. D. 39-A
Cinchonidine sulfate N. F. IX ---------- S. D. 39-A
Cinnamic aldehyde (cinnamaldehyde) N. F. IX ---------- S. D. 38-B
Clove oil U. S. P. ---------- S. D. 27-A; 38-B
Coal tar U. S. P. ---------- S. D. 38-B
Diethyl phthalate ---------- S. D. 39-B; 39-C
Ethyl acetate ---------- S. D. 35; 35-A
Ethyle ether ---------- S. D. 13-A; 19; 32
Eucalyptol U. S. P. ---------- S. D. 37; 38-B
Eucalyptus oil N. F. ---------- S. D. 38-B
Eugenol U. S. P. ---------- S. D. 38-B
Formaldehyde solution U. S. P. ---------- S. D. 22; 38-C; 38-D
Gasoline ---------- S. D. 28-A
Glycerol U. S. P. ---------- S. D. 31-A
Guaiacol N. F. ---------- S. D. 38-B
Iodine U. S. P. ---------- S. D. 25; 25-A
Kerosene ---------- C. D. 18; 19
Lavender oil U. S. P. ---------- S. D. 27-B; 38-B
Menthol, U. S. P. ---------- S. D. 37; 38-B; 38-C; 38-D; 38-F
Mercuric iodide, red N. F. ---------- S. D. 42
Methylene blue N. F. ---------- S. D. 4
Methyl alcohol ---------- S. D. 3-A; 30
Methyl isobutyl ketone ---------- C. D. 18; 19; S. D. 23-H
Methyl violet (methylrosaniline chloride) U. S. P. ---------- S. D. 33
Mustard oil, volatile (allyl isothiocyanate), U. S. P. XII ---------- S. D. 38-B
Nicotine solution ---------- S. D. 4
Peppermint oil U. S. P. ---------- S. D. 38-B
Phenol U. S. P. ---------- S. D. 38-B; 46
Phenyl mercuric benzoate (pure) ---- S. D. 42
Phenyl mercuric chloride N. F. IX ---- S. D. 42
Phenyl mercuric nitrate N. F. ---------- S. D. 42
Phenyl salicylate (salol) N. F. ---- S. D. 38-B
Pine needle oil, dwarf N. F. ---------- S. D. 38-B
Pine oil, N. F. ---------- S. D. 38-B
Pine tar, N. F. ---------- S. D. 3-B
Potassium iodide, U. S. P. ---- S. D. 25; 25-A; 42
Pyridine bases ---------- S. D. 6-B
Pyronate ---------- C. D. 18
Quassia, fluid extract of, N. F. VII ---- S. D. 39
Quinine, N. F. ---------- S. D. 39-A
Quinine bisulfate N. F. ------ S. D. 39-A; 39-D
Quinine hydrochloride U. S. P. ---- S. D. 39-A
Quinine sulfate U. S. P. ---------- S. D. 39-D
Resorcin, U. S. P. ---------- S. D. 23-F
Rosemary oil, N. F. ---------- S. D. 27; 38-B
Rubber hydrocarbon solvent ---- S. D. 2-B; 2-C
Safrol, (pure) ---------- S. D. 38-B
Salicylic acid, U. S. P. ---------- S. D. 23-F; 39
Sassafras oil, N. F. ---------- S. D. 38-B
Shellac (refined) ---------- S. D. 45
Sodium iodide, U. S. P. ---------- S. D. 25; 25-A
Sodium, metallic ---------- S. D. 2-C
Sodium salicylate, U. S. P. ---- S. D. 39; 39-D
Soap, hard, N. F. ---------- S. D. 31-A
Soap, medicinal soft, U. S. P. ---------- S. D. 27-B
Spearmint oil, N. F. ---------- S. D. 38-B
Spike lavender oil, natural (pure) ---- S. D. 38-B
Storax, U. S. P. ---------- S. D. 38-B

Sucrose octa-acetate	S. D. 40–A
Thimerosal, N. F.	S. D. 42
Thyme oil, N. F.	S. D. 38–B
Thymol, N. F.	S. D. 37; 38–B; 38–F
Tolu balsam, U. S. P.	S. D. 38–B
Turpentine oil, N. F.	S. D. 38–E
Vinegar	S. D. 18
Wintergreen oil (methyl salicylate) U. S. P.	S. D. 38–B; 46
Wood alcohol	S. D. 1

SUBPART H—WEIGHTS OF SPECIALLY DENATURED ALCOHOL

§ 212.105 *Weights of specially denatured alcohol.* The weight of one gallon of each formula of specially denatured alcohol at 15.56° C (60° F) is as listed in this section. (Weight of 1 gallon of water at 15.56° C (60° F) is 8.32823 pounds in air.)

WEIGHTS OF SPECIALLY DENATURED ALCOHOL

(Weights are based on use-of 190 proof alcohol, except as otherwise noted. Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants.)

Formula No.:	*Pounds per gallon at 15.56° C. (60° F.)*
1	6.788
2–B	6.795
2–C [2]	7.143
3–A	6.785
3–B	6.810
4	6.823
6–B	6.801
12–A	6.820
13–A	6.740
17	6.795
18	7.802
19	6.468
20	7.062
22	7.037
23–A	6.788
23–F	6.808
23–H	6.785
25	7.080
25 [1]	7.083
25–A	7.119
25–A [1]	7.117
27	6.846
27–A	6.867
27–B	7.027
28–A	6.766
28–A [2]	6.605
29	6.822
30	6.785
31–A	7.167
32	6.769
33	6.893
35	6.956
35–A	6.821
36	6.837
37	6.794
38–B	6.804
38–C	6.832
38–D	6.863
38–F	6.830
39	6.867
39–A	6.810
39–B	6.857
39–C	6.824
39–D	6.819
40	6.795
40–A	6.815
42	6.797
44	6.790
45	7.545
46	6.805

[1] With sodium iodide.
[2] With absolute alcohol as a base.

[F. R. Doc. 56–6491; Filed, Aug. 10, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 681 and 682 of the Internal Revenue Code of 1954:

Sec.	
1.681–1	Limitations on charitable contributions deduction of trusts; in general.
1.681 (a)	Statutory provisions; estates and trusts; limitation on charitable contributions deduction; unrelated business income.
1.681 (a)–1	Limitation on charitable contributions deduction of trusts with trade or business income.
1.681 (b)	Statutory provisions; estates and trusts; limitation on charitable contributions deduction; prohibited transactions.
1.681 (b)–1	Limitation on charitable contributions deduction of trusts engaged in prohibited transactions.
1.681 (b)–2	Disallowance to donors of certain charitable, etc., deductions for gifts made in trust.
1.681 (c)	Statutory provisions; estates and trusts; limitation on charitable contributions deductions; trusts accumulating income.
1.681 (c)–1	Limitation on charitable contributions deduction of trusts accumulating income.
1.681 (d)	Statutory provisions; estates and trusts; disallowance of certain charitable contributions deductions; cross reference.
1.681 (d)–1	Disallowance of certain charitable contributions deductions.
1.632 (a)	Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; inclusion in gross income of wife.
1.682 (a)–1	Income of trust in case of divorce, etc.
1.682 (b)	Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; wife considered a beneficiary.
1.682 (b)–1	Application of trust rules to alimony payments.
1.682 (c)	Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; definitions of "husband" and "wife".
1.682 (c)–1	Definitions.

§ 1.681–1 *Limitations on charitable contributions deduction of trust; in general.* Under section 681, the unlimited charitable contributions deduction otherwise allowable to a trust under section 642 (c) is, in general, subject to percentage limitations, corresponding to those applicable to contributions by an individual under sections 170 (b) (1) (A) and (B), under the following circumstances:

(a) To the extent that the deduction is allocable to "unrelated business income";

(b) If the trust has engaged in a "prohibited transaction";

(c) If income is accumulated for a charitable purpose and the accumulation is (1) unreasonable, (2) substantially diverted to a noncharitable purpose, or (3) invested against the interests of the charitable beneficiaries.

Further, if the circumstance set forth in paragraph (a) or (c) of this section is applicable, the deduction is limited to income actually paid out for charitable purposes, and is not allowed for income only set aside or to be used for those purposes. If the circumstance set forth in paragraph (b) of this section is applicable, deductions for contributions to the trust may be disallowed. The provisions of section 681 are discussed in detail in §§ 1.681 (a)–1 through 1.681 (c)–1. For definition of the term "income" see section 643 (b) and § 1.643 (b)–1.

§ 1.681 (a) *Statutory provisions; estates and trusts; limitation on charitable contributions deduction; unrelated business income.*

SEC. 681. *Limitation on charitable deduction*—(a) *Trade or business income.* In computing the deduction allowable under section 642 (c) to a trust, no amount otherwise allowable under section 642 (c) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to its unrelated business income for such year. For purposes of the preceding sentence, the term "unrelated business income" means an amount equal to the amount which, if such trust were exempt from tax under section 501 (a) by reason of section 501 (c) (3), would be computed as its unrelated business taxable income under section 512 (relating to income derived from certain business activities and from certain leases).

§ 1.681 (a)–1 *Limitation on charitable contributions deduction of trusts with trade or business income*—(a) *In general.* No charitable contributions deduction is allowable to a trust under section 642 (c) for any taxable year for

amounts allocable to the trust's unrelated business income for the taxable year. For the purpose of section 681 (a) the term "unrelated business income" of a trust means an amount which would be computed as the trust's unrelated business taxable income under section 512 and the regulations thereunder, if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3). For the purpose of the computation under section 512, the term "unrelated trade or business" includes a trade or business carried on by a partnership of which a trust is a member, as well as one carried on by the trust itself. While the charitable contributions deduction under section 642 (c) is entirely disallowed by section 681 (a) for amounts allocable to "unrelated business income", a partial deduction is nevertheless allowed for such amounts by the operation of section 512 (b) (11), as illustrated in paragraphs (b) and (c) of this section. This partial deduction is subject to the percentage limitations applicable to contributions by an individual under section 170 (b) (1) (A) and (B), and is not allowed for amounts set aside or to be used for charitable purposes but not actually paid out during the taxable year. Charitable contributions deductions otherwise allowable under section 170, 542 (b) (2), or 642 (c) for contributions to a trust are not disallowed solely because the trust has unrelated business income.

(b) *Determination of amounts allocable to unrelated business income.* In determining the amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) which are allocable to unrelated business income, and therefore not allowable as a deduction, the following steps are taken:

(1) There is first determined the amount which would be computed as the trust's unrelated business taxable income under section 512 and the regulations thereunder if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3), but without taking the charitable contributions deduction allowed under section 512 (b) (11).

(2) The amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) is then allocated between the amount determined in subparagraph (1) of this paragraph and any other income of the trust. Unless the facts clearly indicate to the contrary, the allocation to the amount determined in subparagraph (1) of this paragraph is made on the basis of the ratio (but not in excess of 100 percent) of the amount determined in subparagraph (1) of this paragraph to the taxable income of the trust, determined without the deduction for personal exemption under section 642 (b), the charitable contributions deduction under section 642 (c), or the deduction for distributions to beneficiaries under section 661 (a).

(3) The amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) which is allocable to unrelated business income as determined in subparagraph (2) of this paragraph, and therefore not allowable as a deduction, is the amount determined in subparagraph (2) of this paragraph reduced by the charitable contributions deduction which would be allowed under section 512 (b) (11) if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3).

(c) *Examples.* (1) The application of this section may be illustrated by the following examples, in which it is assumed that the Y charity is not a church, an educational organization, or a hospital described in section 170 (b) (1) (A) (see subparagraph (2) of this paragraph):

Example (1). The X trust has income of $50,000. There is included in this amount a net profit of $31,000 from the operation of a trade or business. The trustee is required to pay half of the trust income to A, an individual, and the balance of the trust income to the Y charity, an organization described in section 170 (c) (2). The trustee pays each beneficiary $25,000. Under these facts, the unrelated business income of the trust (computed before the charitable contributions deduction which would be allowed under section 512 (b) (11)) is $30,000 ($31,000 less the deduction of $1,000 allowed by section 512 (b) (12)). The deduction otherwise allowable under section 642 (c) is $25,000, the amount paid to the Y charity. The portion allocable to the unrelated business income (computed as prescribed in paragraph (b) (2) of this section above) is $15,000, that is, an amount which bears the same ratio to $25,000 as $30,000 bears to $50,000. The portion allocable to the unrelated business income, and therefore disallowed as a deduction, is $15,000 reduced by $6,000 (the charitable contributions deduction which would be allowable under section 512 (b) (11)), or $9,000.

Example (2). Assume the same facts as in example (1), except that the trustee has discretion as to the portion of the trust income to be paid to each beneficiary, and the trustee pays $40,000 to A and $10,000 to the Y charity. The deduction otherwise allowable under section 642 (c) is $10,000. The portion allocable to the unrelated business income computed as prescribed in paragraph (b) (2) of this section is $6,000, that is, an amount which bears the same ratio to $10,000 as $30,000 bears to $50,000. Since this amount does not exceed the charitable contributions deduction which would be allowable under section 512 (b) (11) ($6,000, determined as in example (1)), no portion of it is disallowed as a deduction.

Example (3). Assume the same facts as in example (1), except that the terms of the trust instrument require the trustee to pay to the Y charity the trust income, if any, derived from the trade or business, and to pay to A all the trust income derived from other sources. The trustee pays $31,000 to the Y charity and $19,000 to A. The deduction otherwise allowable under section 642 (c) is $31,000. Since the ratio prescribed in paragraph (b) (2) of this section does not apply, the amount allocable to the unrelated business income computed before the charitable contributions deduction under section 512 (b) (11) is $30,000. The amount allocable to the unrelated business income and therefore disallowed as a deduction is $24,000.

Example (4). (i) Under the terms of the trust, the trustee is required to pay half of the trust income to A, an individual, for his life, and the balance of the trust income to the Y charity, an organization described in section 170 (c) (2). Capital gains are allocable to corpus and upon A's death the trust is to terminate and the corpus is to be distributed to the Y charity. The trust has taxable income of $50,000 computed without any deduction for specific exemption, charitable contributions, or distributions. The amount of $50,000 consists of $10,000 capital gains, $30,000 ($31,000 less the $1,000 deduction allowed under section 512 (b) (12)) unrelated business income (computed before the charitable contributions deduction which would be allowed under section 512 (b) (11)) and other income of $10,000. The trustee pays each beneficiary $20,000.

(ii) The deduction otherwise allowable under section 642 (c) is $30,000 ($20,000 paid to Y charity and $10,000 capital gains allocated to corpus and permanently set aside for charitable purposes). The portion allocable to the unrelated business income is $15,000, that is, an amount which bears the same ratio to $20,000 (the amount paid to Y charity) as $30,000 bears to $40,000 ($50,000 less $10,000 capital gains allocable to corpus). The portion allocable to the unrelated business income, and therefore disallowed as a deduction, is $15,000 reduced by $6,000 (the charitable contributions deduction which would be allowable under section 512 (b) (11)), or $9,000.

(2) If, in the examples in subparagraph (1) of this paragraph, the Y charity were a church, an educational organization, or a hospital described in section 170 (b) (1) (A), then the deduction allowable under section 512 (b) (11) would be computed at a rate of 30 percent.

§ 1.681 (b) *Statutory provisions; estates and trusts; limitation on charitable contributions deductions; prohibited transactions.*

SEC. 681. *Limitation on charitable deduction.* • • •

(b) *Operations of trusts*—(1) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under section 642 (c) as a deduction shall not exceed 20 percent of the taxable income of the trust (computed without the benefit of section 642 (c) but with the benefit of section 170 (b) (1) (A)) if the trust has engaged in a prohibited transaction, as defined in paragraph (2).

(2) *Prohibited transactions.* For purposes of this subsection, the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in section 642 (c)—

(A) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(B) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(C) Makes any part of its services available on a preferential basis to;

(D) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(E) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(F) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of a family (as defined in section 267 (c) (4)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a

corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(3) *Taxable years affected.* The amount otherwise allowable under section 642 (c) as a deduction shall be limited as provided in paragraph (1) only for taxable years after the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in section 642 (c), and such transaction involved a substantial part of such corpus or income.

(4) *Future charitable, etc., deductions of trusts denied deduction under paragraph (3).* If the deduction of any trust under section 642 (c) has been limited as provided in this subsection, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under section 642 (c), may, under regulations prescribed by the Secretary or his delegate, file claim for the allowance of the unlimited deduction under section 642 (c), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in paragraph (1) shall not apply with respect to taxable years after the year in which such claim is filed.

(5) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 170, 545 (b) (2), 642 (c), 2055, 2106 (a) (2), or 2522, shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under section 642 (c) is limited by paragraph (1). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in section 642 (c), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or before the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 267 (c) (4)) was a party to such prohibited transaction.

(6) *Definition.* For purposes of this subsection, the term "gift or bequest" means any gift, contribution, bequest, devise, or legacy, or any transfer without adequate consideration.

§ 1.681 (b)–1 *Limitation on charitable contributions deduction of trusts engaged in prohibited transactions*—(a) *In general.* (1) If a trust has engaged in a "prohibited transaction", the charitable contributions deduction which would otherwise be allowable to the trust under section 642 (c) is limited by section 681 (b) (1) to 20 percent of the taxable income of the trust (computed without any charitable contributions deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to a church, an educational organization, or a hospital qualifying under section 170 (b) (1) (A). There is no requirement that amounts subject to the 20-percent limitation be actually paid, if they are set aside or are to be used exclusively for charitable or other purposes so that they would be deductible under section 642 (c).

(2) A "prohibited transaction" is any transaction described in section 681 (b) (2) (A) through (F), entered into after July 1, 1950, by a trust holding income or corpus permanently set aside or to be used exclusively for purposes described in section 642 (c), with (i) the creator of the trust, (ii) any substantial contributor to the trust, (iii) a member of the family (as defined in section 267 (c) (4), dealing with transactions between related taxpayers) of the creator or of a substantial contributor, or (iv) a corporation which the creator or a substantial contributor controls (within the meaning of the last portion of section 681 (b) (2)).

(3) If the trust entered into a prohibited transaction for the purpose of diverting income or corpus from the charitable or other purposes described in section 642 (c), and if the transaction involved a substantial portion of such income or corpus, the limitation of section 681 (b) (1) is applicable for the taxable year of the trust in which the transaction was commenced and for all subsequent taxable years. See examples under §§ 1.681 (b)–2 and 1.503–1. Otherwise, the limitation is only applicable for taxable years of the trust after the taxable year in which there is mailed to it, by registered or certified mail directed to the last known address of the fiduciary, a written notice by the Commissioner that it has engaged in a prohibited transaction.

(b) *Restoration of unlimited deduction.* A trust whose charitable contributions deduction under section 642 (c) has been limited by reason of the provisions of section 681 (b) (1) may file, in any taxable year following the taxable year in which notice of limitation of the deduction was issued, a claim for allowance of an unlimited deduction under section 642 (c). This claim shall be filed with the district director with whom the fiduciary is required to file the income tax return of the trust. The claim must contain or have attached to it a written declaration made under the penalties of perjury by the fiduciary (or fiduciaries) that he will not knowingly permit the trust again to engage in a prohibited transaction. If the district director is satisfied that the trust will not knowingly again engage in a prohibited transaction, he shall so notify the trust in writing. In such case the trust will be allowed an unlimited deduction under section 642 (c) (subject to the provisions of section 681) with respect to taxable years subsequent to the taxable year in which the claim is filed. Section 681 (b) (3) contemplates that a trust whose charitable contributions deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

§ 1.681 (b)–2 *Disallowance to donors of certain charitable, etc., deductions for gifts made in trust*—(a) *In general.* Section 681 (b) (5) provides that no contribution which would otherwise be allowable as a deduction under sections 170 (c) (2), 545 (b) (2), or 642 (c) is allowable if made to a trust whose charitable contribution deduction under section 642 (c) is limited, in the taxable year of the trust in which the contribution is made, under the provisions of section 681 (b) (1) by reason of a prohibited transaction. However, this disallowance is applicable only to contributions made in taxable years of the trust after the taxable year in which occurred the prohibited transaction causing the trust's charitable deduction to be limited, unless—

(1) The trust has been notified in a previous taxable year (in or subsequent to the year in which the transaction was commenced) by the Commissioner, pursuant to section 681 (b) (3), that it has engaged in a prohibited transaction, or

(2) The donor of the contribution or, if the donor is an individual, any member of his family (as defined in section 267 (c) (4), dealing with transactions between related taxpayers) was a party to the prohibited transaction.

(b) *Subsection not exclusive.* The prohibited transactions enumerated in section 681 (b) (2) are in addition to and not in limitation of the restrictions contained in section 170 (c) (2), 545 (b) (2), or 642 (c). A deduction may not be allowed in view of the general provisions of those sections, even though the trust has not engaged in any of the prohibited transactions referred to in section 681 (b) (2). Thus, if the donor or the fiduciary of the trust enters into a transaction with the trust, the transaction will be closely scrutinized to ascertain whether the contribution is in fact made for the stated exempt purposes.

(c) *Example.* Under the terms of an irrevocable trust established by A in 1954, the trustees were to pay half of the income of the trust to A's wife for life, and the trustees were given discretion either to accumulate the remaining half of the income for, or distribute it to, a specified charitable beneficiary. Upon the death of the wife, the entire corpus was to be paid to the named charity. The trust makes its income tax returns on the basis of the calendar year. For 1954, A takes a charitable contributions deduction for the amount of the gift in trust to the charity. In 1957, 1958, 1959, and 1960, A makes further contributions to the trust and he takes deductions for those years under section 170 (c) (2). In 1958, 1959, and 1960, B (not a member of A's family) also makes contributions to the trust for its designated charitable purpose and he takes deductions for those years. In 1958, the trust commences purposely to divert to A, the creator of the trust, income and corpus which had been set aside for its charitable purpose and a substantial amount of income and corpus is so diverted by the close of the year 1959. For 1958 and subsequent years, the deduction allowed the trust under section 642 (c) is limited by reason of the provisions of section 681 (b) (1). Both A and B are disallowed any deduction for their charitable contributions made during 1960 to the trust. Moreover, the deductions taken by A for contributions to the trust in the years 1958 and 1959 would also be disallowed since A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1957 by A was for the purpose of the prohibited transaction, then A's charitable contribution deduction for the year 1957 is also disallowed since the prohibited transaction would then have commenced with the making of the contribution and the deduction allowed the trust under section 642 (c) would then be limited for 1957 by reason of the provisions of section 681 (b) (1). The deductions taken by B for 1958 and 1959 are allowed.

§ 1.681 (c) *Statutory provisions; estates and trusts; limitation on charitable contributions deduction; trusts accumulating income.*

SEC. 681. *Limitation on charitable deduction.* • • •

(c) *Accumulated income.* If the amounts permanently set aside, or to be used exclusively for the charitable and other purposes described in section 642 (c) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(1) Are unreasonable in amount or duration in order to carry out such purposes of the trust;

(2) Are used to a substantial degree for purposes other than those prescribed in section 642 (c); or

(3) Are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries,

the amount otherwise allowable under section 642 (c) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 20 percent of the taxable income of the trust (computed without the benefit of section 642 (c) but with the benefit of section 170 (b) (1) (A)). Paragraph (1) shall not apply to income attributable to property of a decedent dying before January 1, 1951, which is transferred under his will to a trust created by such will. In the case of a trust created by the will of a decedent dying on or after January 1, 1951, if income is required to be accumulated pursuant to the mandatory terms of the will creating the trust, paragraph (1) shall apply only to income accumulated during a taxable year of the trust beginning more than 21 years after the date of death of the last life in being designated in the trust instrument.

§ 1.681 (c)–1 *Limitation on charitable contributions deduction of trusts accumulating income*—(a) *In general.* If income of a trust permanently set aside or to be used by a trust exclusively for charitable or other purposes described in section 642 (c) during the taxable year or any prior taxable year (including taxable years beginning before the effective date of section 681), is not actually paid out by the end of the taxable year, the charitable contributions deduction which would otherwise be allowable to the trust under section 642 (c) for the taxable year is subject to the limitations of section 681 (c), described in paragraph (b) of this section, under the following circumstances:

(1) If accumulations of income are unreasonable. (See paragraph (c) of this section.)

(2) If income accumulated for the charitable or other purposes is used to a substantial degree for purposes other than those described in section 642 (c).

(3) If income accumulated for the charitable or other purposes is invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries.

Whether the foregoing conditions are present in any case must be determined from all relevant facts. Such conditions may result from the use of a chain of two or more organizations, as well as from the use of only one trust. Charitable contributions deductions otherwise allowable under section 170, 545 (b) (2), or 642 (c) for contributions to a trust are not disallowed solely because the trust is subject to the provisions of section 681 (c).

(b) *Extent of limitation.* If a trust is subject to the limitations of section 681 (c) for any taxable year, the charitable deduction which would otherwise be allowable to the trust under section 642 (c) is limited to amounts actually paid out during the taxable year, and is limited to 20 percent of the taxable income of the trust (computed without any charitable deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to a church, an educational organization or a hospital qualifying under section 170 (b) (1) (A).

(c) *Unreasonable accumulations.* Accumulations of income for a charitable or other purpose described in section 642 (c) are unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the charitable or other purpose for which the income was set aside. If the gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, is not within a reasonable time reinvested in property acquired and held in good faith for the production of investment income, the gain (except the gain upon the sale or exchange of a donated asset to the extent that the gain represents the excess of the fair market value of the asset when acquired by the trust over its substituted basis in the hands of the trust) will be considered income for the purposes of this section. The limitation of section 681 (c) (1) upon trusts unreasonably accumulating income does not apply to a testamentary trust created by a decedent dying before January 1, 1951, except to the extent that its income is attributable to property transferred to the trust by some one other than the decedent. Further, the limitation of section 681 (c) (1) does not apply to income accumulated pursuant to the mandatory terms of testamentary trusts created by decedents dying on or after January 1, 1951, except as to income accumulated during a taxable year beginning more than 21 years after the death of the last life in being designated in the trust instrument.

(d) *Restoration of unlimited deduction.* A trust whose charitable contributions deduction under section 642 (c) has been limited by reason of the provisions of section 681 (c) may file a claim for allowance of unlimited deduction under section 642 (c). This claim shall be filed with the district director with whom the fiduciary is required to file the income tax return of the trust. The claim must contain or be accompanied by information or evidence showing that the circumstances that brought about the application of section 681 (c) no longer exist, and a written declaration made under the penalties of perjury by the fiduciary (or fiduciaries) that he will not knowingly permit the trust again to violate the terms of such section. Section 681 (c) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

§ 1.681 (d) *Statutory provisions; estates and trusts; disallowance of certain charitable contributions deductions; cross reference.*

SEC. 681. *Limitation on charitable deduction.* • • •

(d) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under section 642 (c), see section 503 (e).

§ 1.681 (d)–1 *Disallowance of certain charitable contributions deductions.* For disallowance of certain charitable contributions deductions otherwise allowable under section 642 (c), see section 503 (e) and the regulations thereunder.

§ 1.682 (a) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; inclusion in gross income of wife.*

SEC. 682. *Income of an estate or trust in case of divorce, etc.*—(a) *Inclusion in gross income of wife.* There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or of separate maintenance (or who is separated from her husband under a written separation agreement) the amount of the income of any trust which such wife is entitled to receive and which, except for this section, would be includible in the gross income of her husband, and such amount shall not, despite any other provision of this subtitle, be includible in the gross income of such husband. This subsection shall not apply to that part of any such income of the trust which the terms of the decree, written separation agreement, or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such husband. In case such income is less than the amount specified in the decree, agreement, or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

§ 1.682 (a)–1 *Income of trust in case of divorce, etc.*—(a) *In general.* (1) Section 682 (a) provides rules in certain cases for determining the taxability of income of trusts as between spouses who are divorced, or who are separated under a decree of separate maintenance or a written separation agreement. In such cases, the spouse actually entitled to receive payments from the trust is considered the beneficiary rather than the spouse in discharge of whose obligations the payments are made, except to the extent that the payments are specified to be for the support of the obligor spouse's minor children in the divorce or separate maintenance decree, the sepa-

ration agreement or the governing trust instrument. For convenience, the beneficiary spouse will hereafter in this section and in § 1.682 (b)–1 be referred to as the "wife" and the obligor spouse from whom she is divorced or legally separated as the "husband". (See section 7701 (a) (17).) Thus, under section 682 (a) income of a trust—

(i) Which is paid, credited, or required to be distributed to the wife in a taxable year of the wife, and

(ii) Which, except for the provisions of section 682, would be includible in the gross income of her husband,

is includible in her gross income and is not includible in his gross income.

(2) Section 682 (a) does not apply in any case to which section 71 applies. Although section 682 (a) and section 71 seemingly cover some of the same situations, there are important differences between them. Thus, section 682 (a) applies, for example, to a trust created before the divorce or separation and not in contemplation of it, while section 71 applies only if the creation of the trust or payments by a previously created trust are in discharge of an obligation imposed upon or assumed by the husband (or made specific) under the court order or decree divorcing or legally separating the husband and wife, or a written instrument incident to the divorce status or legal separation status, or a written separation agreement. If section 71 applies, it requires inclusion in the wife's income of the full amount of periodic payments received attributable to property in trust (whether or not out of trust income), while, if section 71 does not apply, section 682 (a) requires amounts paid, credited, or required to be distributed to her to be included only to the extent they are includible in the taxable income of a trust beneficiary under sections 641 through 668.

(3) Section 682 (a) is designed to produce uniformity as between cases in which, without section 682 (a), the income of a so-called alimony trust would be taxable to the husband because of his continuing obligation to support his wife or former wife, and other cases in which the income of a so-called alimony trust is taxable to the wife or former wife because of the termination of the husband's obligation. Furthermore, section 682 (a) taxes trust income to the wife in all cases in which the husband would otherwise be taxed not only because of the discharge of his alimony obligation but also because of his retention of control over the trust income or corpus. Section 682 (a) applies whether the wife is the beneficiary under the terms of the trust instrument or is an assignee of a beneficiary.

(4) The application of section 682 (a) may be illustrated by the following examples, in which it is assumed that both the husband and wife make their income tax returns on a calendar year basis:

Example (1). Upon the marriage of H and W, H irrevocably transfers property in trust to pay the income to W for her life for support, maintenance, and all other expenses. Some years later, W obtains a legal separation from H under an order of court. W, relying upon the income from the trust payable to her, does not ask for any provision for her support and the decree recites that since W is adequately provided for by the trust, no further provision is being made for her. Under these facts, section 682 (a), rather than section 71, is applicable. Under the provisions of section 682 (a), the income of the trust which becomes payable to W after the order of separation is includible in her income and is deductible by the trust. No part of the income is includible in H's income or deductible by him.

Example (2). H transfers property in trust for the benefit of W, retaining the power to revoke the trust at any time. H, however, promises that if he revokes the trust he will transfer to W property in the value of $100,000. The transfer in trust and the agreement were not incident to divorce, but some years later W divorces H. The court decree is silent as to alimony and the trust. After the divorce, income of the trust which becomes payable to W is taxable to her, and is not taxable to H or deductible by him. If H later terminates the trust and transfers $100,000 of property to W, the $100,000 is not income to W nor deductible by H.

(b) *Alimony trust income designated for support of minor children.* Section 682 (a) does not require the inclusion in the wife's income of trust income which the terms of the divorce or separate maintenance decree, separation agreement, or trust instrument fix in terms of an amount of money or a portion of the income as a sum which is payable for the support of minor children of the husband. The portion of the income which is payable for the support of the minor children is includible in the husband's income. If in such a case trust income fixed in terms of an amount of money is to be paid but a lesser amount becomes payable, the trust income is considered to be payable for the support of the husband's minor children to the extent of the sum which would be payable for their support out of the originally specified amount of trust income. This rule is similar to that provided in the case of periodic payments under section 71. See § 1.71–1.

§ 1.682 (b) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; wife considered a beneficiary.*

SEC. 682. *Income of an estate or trust in case of divorce, etc.* • • •

(b) *Wife considered a beneficiary.* For purposes of computing the taxable income of the estate or trust and the taxable income of a wife to whom subsection (a) or section 71 applies, such wife shall be considered as the beneficiary specified in this part. A periodic payment under section 71 to any portion of which this part applies shall be included in the gross income of the beneficiary in the taxable year in which under this part such portion is required to be included.

§ 1.682 (b)–1 *Application of trust rules to alimony payments.* (a) For the purpose of the application of sections 641 to 668, inclusive, the wife described in section 682 or section 71 who is entitled to receive payments attributable to property in trust is considered a beneficiary of the trust, whether or not the payments are made for the benefit of the husband in discharge of his obligations.

(b) A periodic payment includible in the wife's gross income under section 71 attributable to property in trust is included in full in her gross income in her taxable year in which any part is required to be included under section 652 or 662. Assume, for example, in a case in which both the wife and the trust file income tax returns on the calendar year basis, that an annuity of $5,000 is to be paid to the wife by the trustee every December 31 (out of trust income if possible and, if not, out of corpus) pursuant to the terms of a divorce decree. Of the $5,000 distributable on December 31, 1954, $4,000 is payable out of income and $1,000 out of corpus. The actual distribution is made in 1955. Although the periodic payment is received by the wife in 1955, since under section 662 the $4,000 income distributable on December 31, 1954, is to be included in the wife's income for 1954, the $1,000 payment out of corpus is also to be included in her income for 1954.

§ 1.682 (c) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; definitions "husband" and "wife".*

SEC. 682. *Income of an estate or trust in case of divorce, etc.* • • •

(c) *Cross reference.* For definitions of "husband" and "wife", as used in this section, see section 7701 (a) (17).

§ 1.682 (c)–1 *Definitions.* For definitions of the terms "husband" and "wife" as used in section 682, see section 7701 (a) (17) and the regulations thereunder.

[F. R. Doc. 56-6494; Filed, Aug. 10, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO-252-A2]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the tenth day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Jackson, Mississippi, on December 15–21, 1955 (20 F. R. 8756). The material issues of record related to:

1. Extension of the marketing area.
2. The type of pool to be provided under the order for distributing payments to producers.
3. Qualifications for market-wide pool participation.
4. Order changes to conform with market-wide pooling.
5. Compensatory payment on unpriced milk.
6. Compensatory payment on sales in the marketing area of milk subject to the pricing provisions of another Federal order.
7. A change in the level of the Class I milk price.
8. The use of a supply-demand provision for adjusting the Class I price.
9. A change in the level of the Class II milk price.
10. Rules governing the base-excess provisions.
11. The inclusion of a provision to permit a cooperative association to authorize deductions from payments made by handlers to producer members.
12. A revision of the location differential to producers and handlers.
13. A change in provision concerning adjustment of accounts to include payments due a cooperative association.
14. A revision of the marketing service provision to provide that such services may be performed by a cooperative association under the supervision of the market administrator.
15. A revision of the classification and pricing provision to include a Class III milk category.
16. The inclusion in the order of a provision directing the market administrator to notify handlers each month concerning pricing information required by the order.
17. A proviso, to be included in the provision concerning payments to the producer-settlement fund, which would require interest on overdue payments.
18. Administrative and conforming changes.

Findings and conclusions. By an expedited decision of the Assistant Secretary, issued March 15, 1956 (21 F. R. 1723), action has been taken with respect to Issues No. 2 through 6. Findings and conclusions with respect to the remaining material issues, all of which are based on the evidence introduced at the hearing, and the record thereof, are as follows:

1. A Federal milk marketing order should not be promulgated at this time for the following counties located in the State of Mississippi: Attala, Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Washington and Yazoo.

Proponents of the order were primarily interested in justifying the inclusion of these counties, referred to at the hearing as the "Delta" area, as part of the Central Mississippi marketing area. The proposal to establish a separate order for the "Delta" area was supported as a second choice. Relatively little effort was made to justify the promulgation of a separate order for the "Delta" counties. It is concluded that evidence in the record on the character of commerce and marketing conditions in the aforementioned counties does not justify the issuance of a separate order at this time.

Nor should the present marketing area be extended to include the area comprising the aforesaid counties. Regulated handlers do not distribute milk in Attala, Carroll, Coahoma, Choctaw, Grenada, Issaquena, Montgomery, Quitman, Tallhatchie and Winston counties. Five regulated handlers distribute in the remaining ten counties. In Bolivar, Humphreys, Leake, Sharkey, Sunflower and Yazoo counties, two regulated handlers distribute seven percent or less of their Class I sales in all those counties combined. Two regulated handlers distribute in Holmes county. Testimony is lacking with respect to the extent of distribution by one of such handlers. The other regulated handler estimated that approximately ten percent of his Class I sales are distributed in Holmes county. The remaining regulated handler distributes approximately 39 and 7 percent of his Class I sales in Washington county (where the plant is located), and in Leflore county, respectively. The regulated plant located in Washington county is a considerable distance from the marketing area. It qualifies as a regulated plant mainly from the sales of a special type of milk primarily in the city of Jackson. The distribution of milk in the marketing area by this plant represents only a small portion of the total sales in the marketing area by regulated handlers.

Altogether, there are only a few regulated handlers involved in competition with unregulated handlers in these counties; and regulated handlers, with plants located in the marketing area, compete scarcely at all with local handlers in this area. The territory between this area and the present marketing area is predominantly rural. The trade in this area has little relation to the trade in the present marketing area. For this reason, extension of this regulation to this area, at this time, would not be justified.

Regulated handlers do not distribute in Wilkinson county. No evidence was presented at the hearing to justify the proposal that this county should be included in the marketing area. It is concluded that the marketing area should not be extended to include Wilkinson county at this time.

No testimony was submitted by proponents concerning the distribution of fluid milk by regulated handlers in Pike county. No testimony was submitted which would indicate the extent and significance of competition for fluid sales among regulated and unregulated handlers in Amite county. It is concluded that these counties should not be included in the marketing area.

The marketing area should be extended to include Lauderdale, Neshoba, Newton and Clarke counties.

Producers proposed that the marketing area be extended to include these four counties. This territory is located approximately northeast of the present marketing area. Regulated handlers are in substantial competition with unregulated handlers in the area recommended for inclusion. Plants located at Meridian and Newton (in Lauderdale and Newton counties, respectively) distribute fluid milk in the present marketing area and are regulated. In Newton county, regulated handlers distribute most of the Class I sales to consumers. In Lauderdale and Neshoba counties, regulated handlers distribute about 50 percent of the Class I sales in that area. Regulated handlers have experienced severe price competition from unregulated handlers. All milk sold in Clarke county is distributed by regulated handlers. No additional regulation would be involved by including this county in the marketing area. It is concluded that the marketing area should be extended to include Lauderdale, Neshoba, Newton and Clarke counties.

The marketing area should also be extended to include the counties of Adams, Jefferson, Lincoln, Franklin and the remainder of Lawrence county (Beats 1, 2 and 3).

Regulated handlers distribute fluid milk in these counties. The largest concentration of such distribution occurs in Adams and Lincoln counties where one regulated handler, among others, disposes of approximately 16 percent of his Class I sales in that area. Another regulated handler distributes approximately 12 percent of his Class I sales in an area which includes Jefferson, Lawrence and Lincoln counties. It is recommended that Franklin county be included in the marketing area, in order to establish a contiguous area, and to assure handlers, who may become regulated as a result of the area extension cited above, that their costs for milk distributed in Franklin county will be on a competitive basis.

It was also proposed that Beat 5 of Forrest county be deleted from the present marketing area. By a decision issued by the Acting Secretary of Agriculture on September 3, 1954, this area was included in the Central Mississippi marketing area. Official notice is hereby taken of said decision (19 F. R. 5820). Beat 5 is part of the regularly established trade area of regulated handlers located in Forrest county. It is located only 14 miles from the plant of a regulated handler. Marketing conditions in the area proposed for deletion have changed little if at all since the hearing held in March 1954. It is concluded that Beat 5 of Forrest county should not be deleted from the marketing area at this time.

7. The level of the Class I milk price should not be changed at this time.

The Class I milk price under the order is computed by adding to a basic formula price for the preceding month, seasonal differentials of $2.25 during each of the months of July through February and $1.85 during all other months. The order does not provide for an adjustment of the Class I price in response to changes in supply-sales relationships. During the year 1955 the average monthly Class I price was $5.62 f. o. b. market for milk of 4.0 percent butterfat content.

Three proposals were submitted by regulated handlers. Each proposal would reduce the level of the Class I milk price.

One handler proposed that the Class I differentials be reduced to $2.08 during each of the months of September through February and $1.68 during the remaining months of the year. A proviso included as part of this proposal would prohibit the Class I price under Order No. 87 from exceeding the Class I price established by the Memphis, Tennessee, milk marketing Order No. 18 by more than 40 cents per hundredweight. In establishing a Class I price for Central Mississippi pursuant to this proposal, the proponent would not include any adjustment resulting from the action of the Memphis supply-demand provision. If this proposal had been in effect in 1955 it would have reduced the average monthly Class I price by approximately 26 cents per hundredweight.

One of the effects of this proposal would be to change the months during which the respective Class I differentials apply. No showing was made at the hearing by proponents as to why the lower differential should apply in July and August except to coincide with the change in seasonal differentials under the Memphis order. During the 1955 production year, the months of highest seasonal production under Order No. 87 were March through June which coincides with the present seasonal differentials for Class I milk. It is concluded that the months for which the seasonal differentials apply should not be changed at this time.

Another proposal would delete the present seasonal differentials and substitute a differential of $1.75. This differential would apply in all months of the year. If this differential had been used in computing the Central Mississippi Class I price during the year 1955, the average Class I milk price for the year would have been reduced approximately 37 cents. While daily average production per producer has increased since the inception of the order producer numbers have decreased. The proponent testified that his plan has experienced an increase of three percent more milk although the number of producers shipping to the plant has decreased eight percent. This tendency is also reflected in market-wide statistics. Since the inception of the order in November 1955, average daily production per producer increased while producer numbers decreased.

Official notice is hereby taken of the Central Mississippi market administrator's statistical reports of December 1955 through March 1956. The relationship of producer receipts expressed as a percentage of Class I sales for the period November 1954–February 1955, compared with the same period in 1955–56, has increased from 104 to 111. This change does not signify that supplies have become excessive.

Another handler proposal would base the Central Mississippi Class I price on the Class I price established under the Memphis, Tennessee, milk marketing Order No. 18, plus 30 cents per hundredweight. This proposal would include as part of the Central Mississippi price any increase or decrease in the Class I price resulting from the operation of the supply-demand provisions under the Memphis order. A rigid 30 cents margin between the Memphis and Central Mississippi markets without regard for local supply-sales conditions would be undesirable in that it might preclude economic shifts in production based on comparative advantage.

The price changes proposed were generally justified on the alleged necessity to align Central Mississippi Class I prices with those established under the Memphis order only by the amount of the transportation cost between the two markets. Such cost was estimated to be approximately 30–40 cents per hundredweight. The production areas of the Memphis and Central Mississippi orders overlap in the northern portion of the State of Mississippi. At the same time, the production area for Order No. 87 also overlaps with that of the New Orleans marketing order in the southern part of the State. There is no evidence that the difference in the Class I prices under the Memphis and Central Mississippi orders has resulted in an uneconomic shifting of producers between the two markets. In the portion of the production area which overlaps with that of the New Orleans market there has been some shifting of producers to the New Orleans market. Such shifting is of no particular significance at the present time.

Handlers regulated under the Central Mississippi order complained of a disadvantageous position in competing with Memphis handlers outside the Central Mississippi marketing area, particularly in northern Mississippi. Official notice is taken of a decision on proposed amendments to the Memphis order issued by the Assistant Secretary of Agriculture, on July 13, 1956 (21 F. R. 5419). In this decision it is proposed that the annual average Class I milk price be increased approximately 14 cents. When this is accomplished, the situation complained of by Central Mississippi handlers will be relieved. It must be pointed out, however, that class prices are established primarily to supply the marketing area with an adequate supply of pure and wholesome milk. This has been accomplished at the present price level. The present price level was originally established to take into consideration the relationship of the Central Mississippi market with the New Orleans market as well as its relationship with the Memphis market. The price relationship which has been maintained among the three markets has caused no uneconomic shifts of milk supplies. It is concluded that the Class I price level should not be changed at this time.

Producers proposed that the price for Class I milk, which is received at a fluid milk plant directly from farms on bulk tank pickup routes, or bulk tank shipments received at distributing plants from supply plants, should be 30 cents per hundredweight above the regularly established Class I milk price. While the proposal included bulk farm tanks, the evidence presented at the hearing primarily concerned receipts at distributing plants of milk in bulk tanks from supply plants.

This proposal was offered by the major milk producers' association in the area to offset a practice adopted by some handlers in the market. Such handlers closed down their receiving facilities for direct-shipped milk in producers' cans. Needed supplies were obtained in bulk tank, generally from another producers' cooperative supplying the market. Handlers operating in this manner, paying only the Class I price for milk, are relieved of the cost of receiving milk from producers in cans. The seller absorbs the cost of receiving, cooling and transporting such milk to the handler's plant. The intent of the producers' proposals would be to equalize the cost of milk to handlers whether it is received in cans or in bulk as described.

Effective April 1, 1956, a market-wide pool was provided for the Central Mississippi market. This action requires all regulated handlers (including cooperatives operating as handlers) to account to the pool at the class prices for Class I sales. The returns from Class I sales are then equalized among all producers serving the market. If the members of the cooperative elect to accept a lower blend price by absorbing the hauling and handling costs on such milk, the order does not prevent such action. Since the returns from Class I sales are equalized among all producers, as defined in the order, under a market-wide pool, and since it is recommended elsewhere herein that the Class II price be increased, an operating cooperative may not be as easily induced as under an individual-handler pool to absorb hauling and handling costs in supplying proprietary handlers with bulk milk. It should be noted that the situation described has occurred in other Federal order markets without the necessity of establishing a differential as proposed. It is concluded that the adoption of the proposal to add 30 cents per hundredweight to the Class I price for milk received at a fluid milk plant in bulk tanks would not be appropriate at this time.

8. The use of a supply-demand adjustor in conjunction with the computation of the Class I price should not be adopted at this time.

Producers proposed that the order provide for a supply-demand adjustor to increase or decrease the Class I milk price depending on the relationship of supplies to sales.

The order under which the Central Mississippi milk marketing area operates became effective in November 1954. At the time of the hearing held December 1955, the order had been in operation just over a year. Data concerning supply-sales relationships are available for this period only. This is a short period on which to base the operation of a supply-demand adjustor. For this reason a supply-demand adjustor should not be established at this time. The present method of computing the Class I milk price should be terminated 18 months after the effective date of this amendment. Before such termination

is accomplished, however, a new hearing should be convened primarily for the purpose considering the level of the Class I milk price, including an appropriate supply-demand adjustor.

9. The Class II milk price should be increased by adding a differential of 10 cents in computing the Class II price during the months of March through June and 20 cents during all other months.

Producers proposed that the method of computing the price for Class II milk should be changed. At the present time, the price for Class II milk is determined by computing an average of prices reported to the market administrator for milk of 4.0 percent butterfat content at five Mississippi milk manufacturing plants. During the year 1955, the average monthly Class II price under Order No. 87 was $2.96 per hundredweight for milk of 4.0 percent butterfat content.

Producers proposed that the present method of computing the Class II milk price should be retained for each of the months of March through June. For all other months, it was proposed that the Class II milk price be the local milk manufacturing plant price pursuant to § 987.50 (c) of the present order, or the butter-powder portion of the present basic formula price less 20 cents, whichever is higher.

In the eight months of the order preceding the hearing the proposed change would have increased the Class II price an average of 32 cents per hundredweight. The average monthly Class II price on an annual basis would have been increased approximately 20 cents.

Producers based their proposal on evidence that handlers who diverted milk during the period March through June 1955 received a premium of 20 cents per hundredweight over the New Orleans Class II price. One Central Mississippi handler received premiums ranging from 10 to 20 cents per hundredweight on surplus milk sold to two manufacturing plants in Louisiana. A producer representative testified that at least one plant in the Central Mississippi area is willing to pay a 35 cent premium for Grade A milk procured for manufacturing purposes. Producers contend that since such milk was diverted, and not received or otherwise handled by Central Mississippi handlers, the premiums received should have accrued to producers. The major milk producers' association in the Central Mississippi market can obtain outlets for Class II milk at the proposed price level. If a regulated handler chooses to keep milk, which might otherwise be diverted, such milk is worth at least what can be obtained for it by diversion.

Unless the Class II price is increased under the market-wide pool, handlers might be encouraged to accept increased production in order to obtain whatever premium accrues to diverted milk. A higher Class II price under the market-wide pool already established as the result of this hearing would assist in shifting milk where needed among handlers regulated by Order No. 87. The present Class II price level has encouraged some handlers in the Central Mississippi area to develop increasing supplies of Grade A milk for the purpose of utilizing such milk in Class II products. Under an individual-handler pool this is a choice which a handler may make on his own initiative knowing that his blend price will be influenced accordingly. Under a market-wide pool, however, with a market-wide uniform price, a Class II price level which encouraged handlers to procure Grade A supplies for Class II use needlessly dissipates returns to producers.

It is concluded that the Class II price level recommended will reflect the additional value accruing to surplus Grade A milk in the Central Mississippi marketing area as established by the hearing record. The Class II price level recommended will also assure producers that returns computed under the recently established market-wide pool will not be needlessly reduced.

10. The base provisions of the order should be amended to clarify them and liberalize base transfers. The order presently provides that the entire base of a producer may be transferred to another person only under conditions involving death, retirement or entry into military service, and joint holdings which are terminated.

A cooperative association of milk producers proposed that the order be amended to allow a producer to transfer his entire base to another person or to the producer association. This association also proposed that all bases of members be credited in one lump sum to the cooperative association.

The primary objective of the base-excess plan in the order is to provide a means whereby each producer may share in the net proceeds from milk on the basis of his individual production record during the normal short period of production. If the base of member producers were credited to the association or transferred to the association, the base-excess plan would not function uniformly in encouraging level production and in the determination of plant prices for members and non-members.

The record indicates that the base rules on transfer of bases should be liberalized. Producers point out that many occasions have arisen in the past when a producer had to dispose of his herd on short notice due to death in the family or bad health of the operator. An amendment to the order to provide that a producer may transfer his earned base to another person by notifying the market administrator in writing on or before the last day of the month in which the transfer is to be effective would, in such hardship cases, prevent any financial loss to the producer in disposing of his herd.

Present provisions of the order provide that a daily base is computed by dividing all deliveries of a producer made to a handler by the number of days from the first day shipment was made on or after September 1st through January 31st, but not less than 120 days. A cooperative association of milk producers proposed that the daily base be computed by dividing deliveries to a handler by the total number of days in the base forming period. This proposal would unduly restrict the entrance on the market of new producers. New producers would have to enter the market during the month of August or on the first day of September to avoid being penalized in the formation of their base. The present provision of the order provides reasonable protection to producers supplying the market and also allows new producers to enter the market on an equitable basis.

A cooperative association of producers proposed a change in the computation of a producer's delivered base. The present order provides that a producer's delivered base be computed by multiplying the base of each producer by the number of days such producer's milk was received by a handler during the month. The record indicates that there is considerable producer milk delivered to handlers on an every-other-day basis or at infrequent intervals. This provision should be changed to provide that a producer's delivered base be computed by multiplying the daily base by the number of days' production delivered by a producer to such handlers.

11. The proposal to allow a cooperative association to authorized deductions from payments made by handlers to producers should not be adopted.

The Mississippi Milk Producers Association proposed that the payment provisions of the order be amended to permit a cooperative association to authorize proper deductions in writing from handlers' payments to producers. The order now provides that each handler may withhold proper deductions authorized by the producer to whom payment is made pursuant to the order.

The association justified the proposal on the basis that a provision of this nature would permit a cooperative to authorize deductions, which would cover the costs of diverting milk. In this connection it should be pointed out that this proposal was submitted in addition to a proposal which would permit diversions by cooperatives only. With the market-wide pool made effective April 1, 1956, diversion by handlers was authorized.

The payment provisions of the order now authorize a cooperative association to receive payment from handlers for its members. This would permit the cooperative, if it chose, to receive payments from handlers and reblend to its members, taking into account the transactions resulting from diversions handled by the cooperative. There is no need at this time to include in the order any additional provisions which would authorize a cooperative to deduct costs involved in diverting milk. It is concluded therefore that the proposal should not be adopted.

12. The basis for determining location adjustments to handlers and producers should be changed.

Order No. 87 presently provides a location adjustment differential to handlers in the amount of 10 cents per hundredweight of milk received from producers at a pool plant located outside the marketing area and 50 miles or more from the State Capitol Building, Jackson, Mississippi, when the milk is moved to another pool plant and assigned to Class I or otherwise classified as Class I milk at the plant first receiving the milk. A location adjustment

differential of 10 cents per hundredweight applies to all producer milk received at a pool plant located outside the marketing area and 50 miles or more from the State Capitol Building.

There were two proposals offered at the hearing which would alter the present pattern of location differentials. A cooperative association proposed that the location differentials to handlers and producers be made to apply at pool plants located 60 miles or more from the edge of the marketing area. This proposal did not offer to change the present single rate of 10 cents per hundredweight.

A regulated handler proposed that location differentials to handlers and producers be allowed at pool plants located 40 miles or more from the State Capitol Building irrespective of the plant's location with respect to the marketing area. It was further proposed that the amount of the adjustment be raised from 10 to 20 cents per hundredweight.

Elsewhere in this decision certain changes in the Central Mississippi milk marketing area are recommended which would increase the size of the marketing area. The major change in this regard is the proposed addition of the Meridian, Mississippi, area to the marketing area. The marketing area would thus include three important urban areas. These are Jackson, Meridian, and Hattiesburg, Mississippi. These cities are almost equidistant and approximately 100 miles from each other. In addition, the inclusion of Adams county will establish the city of Natchez as part of the marketing area.

Location differentials should be designed so as to reflect costs of moving milk from production areas to the principal distribution areas. In a milk marketing area built around a single metropolitan area the problem is more easily resolved in an area like Central Mississippi which embraces several sales and distribution areas.

It is recommended that the points from which location differentials shall be calculated be changed from the present point (State Capitol, Jackson, Mississippi) to locations which will be equitable from the standpoint of milk moved into the Meridian and Hattiesburg areas as well as the Jackson area. This may be achieved by basing location differentials for any plant on its distance from Jackson, Meridian, or Hattiesburg, whichever is closest. In order to assure that handlers in the southwestern portion of the marketing area, notably Natchez and Brookhaven, will be on a competitive basis with other regulated handlers in the marketing area, it is recommended that the city of Meadville, in Franklin County, be included as a basing point for the purpose of determining location adjustments. This would make the location differential for any plant contingent upon its location in relation to the nearest major sales area in the marketing area. It further would give handlers in each major sales area the same opportunity to offset part or all of the cost of moving milk from a supply plant to the area in which the milk is to be processed or sold. At the present time, with the location differential based on distances from Jackson, handlers do not have the same opportunity to receive location credits on milk when it is moved comparable distances. Location differentials based on distances from Jackson, Meridian, Meadville or Hattiesburg would provide location differentials more uniformly applicable to all handlers in the market.

A market-wide pool was made effective for the Central Mississippi market on April 1, 1956. In order to allow for the cost of moving Class I milk from distant plants which may become eligible under the new pooling arrangement as regular sources of supply for the Central Mississippi market, it is necessary to establish the Class I price for milk delivered to plants in the marketing area, and then provide a schedule of deductions from the Class I milk price as location differentials or adjustments. The type of location adjustment provision included herein is comparable to those contained in Federal orders throughout the nation and in territory surrounding the Central Mississippi area. The terrain and conditions under which milk might be transported to the Central Mississippi area are such that the rates provided herein are reasonable. The recommended rate of 1.5 cents for every 10 miles beyond the base zone will permit handlers to move milk into the market by an efficient means.

13. The proposal to revise the adjustment of accounts provision so that the market administrator, as a result of audit, may notify handlers with respect to money due producers or a cooperative association was automatically made as a conforming change in the amended order effective April 1, 1956 and need not be dealt with further in this decision.

14. There should be no change in the marketing service assessment collectible by a cooperative association or in the method used in collecting the membership dues of cooperative members.

A cooperative association of producers proposed amendments to the order which would limit the amount of membership dues collectable by a cooperative to the seven cents per hundredweight specified in the order and provide that the market administrator would act as collecting agent for the membership dues of a cooperative association of milk producers.

The marketing service assessment provided in the order is on non-member milk and is limited in use by the market administrator to check testing and weighing of non-member producer milk and to providing non-members with marketing information on milk. A cooperative association of producers may collect the amount specified in their membership contract and may provide other services for their members than those specified for non-members. Any restriction on the amount of cooperative association dues would necessarily restrict the activities of a cooperative in marketing their producer milk.

The record fails to substantiate any need for a change in the order to provide that the market administrator collect dues for a cooperative association. The collection of membership dues is usually performed by cooperative associations operating in Federal order markets, and is considered by the Department to be an appropriate arrangement. The cooperative acts as the agent for its members, and operates under a membership contract with them. The collection of dues by the cooperative may be considered a routine procedure in return for the considerations specified in such contract. The proposal, if effectuated would also duplicate work involved in collection and transmission of these funds and cause delay in the cooperative association receiving the dues collected from members.

15. The provisions of the order relative to the classification of milk should not be revised.

A handler proposed to add a new classification (Class III) for any milk not utilized in Class I or in the production of Class II products, and which is transferred or diverted by a handler in bulk tanks or producer cans. It was also proposed that the price for such Class III milk should be the per hundredweight price for Class II milk as presently computed pursuant to the order, less 20 cents.

The handler stated that the purpose of this proposal was to establish a means of recovering, wholly or partially, the costs involved in receiving, cooling and handling milk which is subsequently not used in Class I, nor manufactured into Class II products in his plant. The present practice of the handler is to transfer such milk to any of a number of milk manufacturing plants within reach of the Central Mississippi marketing area.

An adequate market supply of milk for fluid use includes some supply in excess of daily Class I usage. The order provides a Class II classification for such reserve supplies. It is not the purpose of a Federal milk marketing order to encourage the production of Class II milk, beyond what is necessary to assure the market of adequate supplies of Class I milk.

The proposal to establish a new classification (Class III), and price such Grade A milk at a level below the current price for manufacturing milk in order to recover costs involved in receiving, cooling and shipping such milk to a manufacturing plant, would encourage handlers to expand Class II operations without regard to the needs of the market for Class I usage. It is concluded that the present classification provisions of the order should be maintained.

16. There should be no change in the present method of handling producer payrolls under the order. A cooperative association of producers proposed to amend the order to provide that handlers submit payrolls containing individual producer weights, tests and deductions to the market administrator's office by the 6th of each month. The market administrator would make extensions on the payroll after computing the uniform price(s) and return the completed payroll to each handler on the 10th of each month.

The present order provisions require handlers to submit a report of their receipts and utilization of milk and milk products by the 6th of each month. The market administrator is required to notify handlers of the minimum uniform prices on the 10th of each month. Handlers then are required to pay producers by the 15th of each month and furnish the market administrator's office a copy of the producer payroll by the 20th of each month.

Historically the handlers in the Central Mississippi marketing area have computed the producer payroll and paid producers. Handlers have the trained personnel and basic records readily available for computing the payroll. To furnish the market administrator a copy of the basic payroll on the 6th of the month would impose on the handler an added burden of bookkeeping. The market administrator would have added work in computing the payroll during the period of computing pool prices which could cause an added expense.

The present system of handling producer payrolls has operated satisfactorily, and should not be changed.

17. The proposal to add interest charges to overdue payments to the producer-settlement fund should not be adopted at this time.

In establishing a market-wide pool effective April 1, 1956, a section was included providing for a producer-settlement fund to effectuate the equalizing of returns from Class I sales among producers. A section was also included in the order as a conforming change specifying the payments to be made to the producer-settlement fund. No testimony appears in the record, however, to support the producers' proposal to include a proviso to charge interest on payments to the producer-settlement fund which are overdue. For this reason, the proviso should not be included in the order at this time.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statement of fact, proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following order amending the order, as amended, regulating the handling of milk in the Central Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 987.6 and substitute therefor the following:

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne, all in the State of Mississippi.

2. Delete § 987.51 (a) and substitute the following:

(a) *Class I milk price.* During an 18-month period following the effective date of this subpart, the minimum price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85 during the months of March, April, May and June, and plus $2.25 during all other months.

3. Delete § 987.51 (b) and substitute the following:

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March, April, May and June plus 20 cents during all other months.

4. Amend § 987.81 by deleting all of the section following the colon and inserting in lieu thereof the following "multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month."

5. Amend § 987.82 (b) by deleting the entire paragraph and inserting in lieu thereof the following:

(b) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

6. Amend § 987.53 to read as follows:

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Provided: That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.

7. Amend § 987.92 to read as follows:

§ 987.92 *Location differential to producers.* In making payments to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Issued at Washington, D. C., this 8th day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6500; Filed, August 10, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 418]

AVIATION SAFETY REPRESENTATIVES

PILOT EXAMINERS

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following revision to Part 418 of the Regulations of the Administrator. Section 418.21 (a) would be revised by consolidating the current designations "Private Pilot Examiner" and "Commercial Pilot Examiner" into the single designation "Pilot Examiner". The experience standards for the new designation would be comparable with current requirements for a commercial examiner designation. The new designation would contain the privileges of both current designations.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 418.21 *Pilot examiners*—(a) *Types.* The types of pilot examiner designations issued by the CAA are: Pilot Examiner, Instrument Rating Examiner, and Airline Transport Pilot Examiner.

(Sec. 310, 64 Stat. 1079; 49 U. S. C. 460)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6473; Filed, Aug. 10, 1956; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES IN OR ON CERTAIN RAW AGRICULTURAL COMMODITIES AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

The U. S. Department of Agriculture has requested that action be taken to permit the use of ethylene dibromide as a fumigant in the following programs:

1. The current Mediterranean Fruit Fly Control Program in Florida.

2. The Quarantine Program to prevent entry into the United States of several species of fruit fly from outside the continental United States.

In the Mediterranean Fruit Fly Program, ethylene dibromide is used as a fumigant at the rate of 8 ounces per 1,000 cubic feet for 2 hours at temperatures of 77° F. and above or at 10 ounces per 1,000 cubic feet for 2 hours at temperatures of 76° F. and below. The crops involved in this program are citrus, pineapples, guavas, papayas, mangoes, cucumbers, and bell peppers.

In the Quarantine Program, ethylene dibromide is used at generally the same dose on pineapples, citrus, mangoes, bitter melon, cucumbers, Cavendish bananas, papayas, Zuccini squash, and string beans. Preshipment treatments are made in Puerto Rico, Cuba, Mexico, and Hawaii. Treatments may be made when the commodities arrive at ports of entry into the United States.

The U. S. Department of Agriculture states that the residues of inorganic bromides resulting from the treatment in either program do not exceed 10 parts per million of inorganic bromide. These residues on the crops involved will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 514; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs on his own initiative that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 5620) be amended by changing § 120.146 to read as follows:

§ 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.* (a) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(b) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melon (Mormodica charantia), Cavendish bananas, citrus fruits, cucumbers, guavas, mangoes, papayas, peppers (bell), pineapples, Zuccini squash.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethylene dibromide, may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: August 6, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6476; Filed, Aug. 10, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

HERMAN W. BEVIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 302 (c) of Executive Order 10647.

1. Name of Appointee: Herman W. Bevis.
2. Employing Agency: Office, Secretary of the Air Force.
3. Date of Appointment: September 30, 1955.
4. Title of Position: Consultant.
5. Name of Private Employer: Price Waterhouse & Company, New York, N. Y.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: General Time Corporation.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of May 15, 1956.

This statement is made as of August 1, 1956.

Dated: July 24, 1956.

HERMAN W. BEVIS.

[F. R. Doc. 56-6527; Filed, Aug. 9, 1956; 1:36 p. m.]

RALPH E. CROSS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

State of changes in financial interests required by section 302 (c) of Executive Order 10647.

1. Name of Appointee: Ralph E. Cross.
2. Employing Agency: Office, Secretary of the Air Force.
3. Date of Appointment: February 1, 1956.
4. Title of Position: Consultant.
5. Name of Private Employer: The Cross Company, Detroit, Mich.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: Columbia Gas System, Texas Eastern Transmission Corp., Kuhlman Electric, Chemical Fund, Public Service Electric & Gas, S. D. Warren, New England Electric, American Spring of Holly, Wellington Fund, Ranco, Inc., Fidelity Fund, Carolina Power and Light, Hoskins Manufacturing Co.

B. Additions: Yellow Manufacturing Acceptance Corp., City of Los Angeles Sewer Bonds, New York State Thruway Bonds, Portland Housing Authority (Maine), Wayne County Metropolitan Water Supply (Michigan), Monsanto Chemical, Gerber Products Company, Standard Oil of Indiana, Eastman Kodak Company, Liby Tulip Cup Corporation, Trane Company, Grosse Point Pub. Schools Bond (Michigan), St. Louis County Public Improvement (Missouri), Fidelity-Phoenix Fire Ins. Company.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of February 29, 1956, page 1328.

This statement is made as of August 1, 1956.

Dated: August 1, 1956.

RALPH E. CROSS.

[F. R. Doc. 56-6528; Filed, Aug. 9, 1956; 1:36 p. m.]

JOHN B. INGLIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 302 (c) of Executive Order 10647.

1. Name of Appointee: John B. Inglis.
2. Employing Agency: Office, Secretary of the Air Force.
3. Date of Appointment: September 30, 1955.
4. Title of Position: Consultant.
5. Name of Private Employer: Price Waterhouse & Company, New York, N. Y.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of May 15, 1956, page 3200.

This statement is made as of August 1, 1956.

Dated: July 24, 1956.

JOHN B. INGLIS.

[F. R. Doc. 56-6529; Filed, Aug. 9, 1956; 1:36 p. m.]

JOHN W. MCEACHREN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 302 (c) of Executive Order 10647.

1. Name of Appointee: John W. McEachren.
2. Employing Agency: Office, Secretary of the Air Force.
3. Date of Appointment: September 30, 1955.
4. Title of Position: Consultant.
5. Name of Private Employer: Touche, Niven, Bailey and Smart, Detroit, Mich.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This supplements my statement of financial interests reported in the FEDERAL REGISTER, of May 15, 1956, page 3200.

This statement is made as of August 1, 1956.

Dated: August 1, 1956.

JOHN W. MCEACHREN.

[F. R. Doc. 56-6530; Filed, Aug. 9, 1956; 1:36 p. m.]

ROBERT M. TRUEBLOOD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 302 (c) of Executive Order 10647.

1. Name of Appointee: Robert M. Trueblood.
2. Employing Agency: Office, Secretary of the Air Force.
3. Date of Appointment: September 30, 1955.
4. Title of Position: Consultant.
5. Name of Private Employer: Touche, Niven, Bailey & Smart, Pittsburgh, Pa.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of May 15, 1956, page 3200.

This statement is made as of August 1, 1956.

Dated: July 30, 1956.

ROBERT M. TRUEBLOOD.

[F. R. Doc. 56-6531; Filed, Aug. 9, 1956; 1:37 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 3, 1956.

The United States Forest Service of the Department of Agriculture has filed and application, Serial No. Colorado 014003, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as recreation areas in the White River National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

Meadow Creek Recreation Area:
T. 3 S., R. 90 W. (unsurveyed),
Sec. 6: S½SW¼;
Sec. 7: NW¼.

T. 3 S., R. 91 W. (unsurveyed),
Sec. 12: E½NE¼, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.
Black Lakes Recreation Area:
T. 6 S., R. 79 W. (unsurveyed),
Sec. 4: S½NW¼SE¼, S½SE¼;
Sec. 9: E½NE¼, E½NW¼NE¼, E½E½SE¼;
Sec. 10: W½W½.
Gold Park Recreation Area:
T. 7 S., R. 81 W. (unsurveyed),
Sec. 27: N½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼.

Total area, 1,198.43 acres, more or less.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 56-6489; Filed, Aug. 10, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN L. CROSS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John L. Cross.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 15, 1956.
4. Title of position.: Consultant.
5. Name of private employer: Westinghouse Electric Corporation, Sharon, Pa.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank deposits.
Westinghouse Electric Corporation.

Dated: July 27, 1956.

J. L. CROSS.

[F. R. Doc. 56-6475; Filed, Aug. 10, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

AERO FINANCE CORP. AND PENINSULAR AIR TRANSPORT

[Docket No. 6124]

AERO-PENINSULAR COMPLIANCE CASE; NOTICE OF ORAL ARGUMENT

In the matter of a complaint against Aero Finance Corporation and Peninsular Air Transport under the provisions of the Board's Rules of Practice in Economic Proceedings.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 5, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 8, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6503; Filed, Aug. 10, 1956; 8:52 a. m.]

[Docket No. 7173]

FOREIGN AIR CARRIER OFF-ROUTE CHARTER SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 12, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 8, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6504; Filed, Aug. 10, 1956; 8:52 a. m.]

[Docket No. 8097]

FRONTIER AIRLINES, INC., ET AL.

ROUTE 26 INTERIM LOCAL SERVICE INVESTIGATION; NOTICE OF HEARING

In the matter of the investigation to determine whether and by which air carrier interim local service should be provided to Mitchell, Yankton, Sioux Falls, S. Dak., Norfolk, Nebr., Watertown and Brookings, N. Dak.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 6, 1956, at 10:00 a. m., c. s. t., in the "Assembly Room" of the Sheraton-Martin Hotel, Sioux City, Iowa, before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the alteration, amendment, or modification of the certificates of public convenience and necessity of Frontier Airlines, Inc., North Central Airlines, Inc., and Ozark Air Lines, Inc., so as to authorize any of said air carriers to serve in scheduled air transportation a route segment or segments, or any portion of such segment or segments, extending from Omaha, Nebr., to Bismarck-Mandan, N. Dak., via Norfolk, Sioux City, Yankton, Sioux Falls, Mitchell, Huron, and Aberdeen and/or from Omaha, Nebr., to Grand Forks, N. Dak., via Norfolk, Sioux City, Yankton, Sioux Falls; Mitchell, Brookings, Watertown, and Fargo until the expiration of 60 days after final decision by the Board in the Seven States Area Investigation, Docket No. 7454 et al.?

2. Whether the named local service air carriers are fit, willing and able to properly perform the air transportation stated and comply with the provisions of the act and the rules and regulations of the Board thereunder?

For further details of the issues involved in this proceeding interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before September 6, 1956, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., August 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6505; Filed, Aug. 10, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3005, etc.]

HEFNER CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure

(18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field, and Purchaser

G-3005; The Hefner Company; Tatums-Goodwin, Carter County, Okla.; Lone Star Gas Company.

G-3769; National Bank of Commerce of Houston, Executor of B. T. Connwell's Estate, et al.; Carthage, Panola County, Tex.; Texas Eastern Transmission Corporation.

G-3949; H. F. Sears; Panhandle, Hutchinson County, Tex.; F. P. Henderson Trust No. 2.

G-4115; James Porter Owen; Maxie, Acadia Parish, La.; Louisiana Natural Gas Corporation.

G-4604; F. A. Callery, Inc., et al.; Bayou Mallet, Acadia Parish, La.; Texas Northern Gas Corporation.

G-4937; Sohio Petroleum Company; Liberal Light, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G-6523; Oil Development Company of Texas; Wasson, Gaines and Yoakum Counties, Tex.; Shell Oil Company and Coltexo Corporation.

G-6563; G. H. Vaughn; North Lansing, Harrison County, Tex.; H. L. Hunt.

G-6564; Spartan Drilling Company; Spartan, San Patricio County, Tex.; Tennessee Gas Transmission Company.

G-6565; G. H. Vaughn; Haynesville, Claiborne Parish, La.; Louisiana Nevada Transit Company.

G-6566; Klein and Vaughn; Lisbon, Claiborne and Lincoln Parishes, La.; United Gas Pipe Line Company.

G-6567; Spartan Drilling Company, W. H. Klein, G. Henry Vaughn III Trust, and Jack C. Vaughn Enterprises; Vealmor, Borden and Howard Counties, Tex.; Reef Fields Gasoline Corporation.

G-6568; Klein and Vaughn; Lisbon, Claiborne and Lincoln Parishes, La.; United Gas Pipe Line Company.

G-6696; Leah Hirsch Moyse, Susan Hirsch Solomon, Edwina Hirsch Reisfeld, and Cecile Arent Taylor; Monroe, Quachita Parish, La.; United Carbon.

A public hearing will be held on the 5th day of September 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

AUGUST 6, 1956.

[F. R. Doc. 56-6477; Filed, Aug. 10, 1956; 8:46 a. m.]

[Docket No. G-9707]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 6, 1956.

Texas Eastern Transmission Corporation (applicant) filed an application on November 28, 1955, as supplemented on January 6, 1956, and June 26, 1956, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and sales hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in applicant's application and supplements which are on file with the Federal Power Commission and open for public inspection.

Applicant requests authority to construct and operate an additional 4-inch tap and metering and regulating station to serve an existing customer at a new location.

Applicant in its original application proposed the same and delivery of up to 5100 Mcf per day of natural gas on a firm basis to joint buyers East Ohio Gas Company, The Peoples Natural Gas Company, and New York State Natural Gas Company, such delivery to be transferred from applicant's Zone C to its Zone D at a delivery point at approximately Mile Post 67.39 in Blair County, Pennsylvania, on the 24-inch Texas Eastern Penn-Jersey Transmission Corporation line leased to and operated by applicant.

In the supplement filed by applicant on June 26, 1956, applicant requested authority to deliver to The Peoples Natural Gas Company through the proposed new delivery point in Blair County, Pennsylvania, up to 7,000 Mcf of natural gas per day instead of the original request which was authorized by temporary certificate granted applicant on January 24, 1956. The Peoples Natural Gas Company is one of the operating companies of the Consolidated Natural Gas System.

Applicant states that this request to increase the quantities to be delivered to the Blair County interconnection is prompted by the necessity of providing adequate gas for more efficient operation and service in The Peoples Natural Gas Company's market area in the eastern portion of its system near Altoona, Pennsylvania.

The Peoples Natural Gas Company has requested that applicant make this additional 2,000 Mcf per day available to it at this point.

Applicant alleges that no additional deliveries to the companies of the Consolidated Natural Gas System are proposed over and above the authorized volume and applicant will encounter no difficulty in transporting and delivering the 7,000 Mcf per day to Peoples without adversely affecting its other service.

No new markets are proposed to be served by Peoples from the new delivery point.

Applicant also states that on June 5, 1956, it filed its service agreement dated May 11, 1956, with the East Ohio Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and Hope Natural Gas Company as joint buyer, providing for the delivery of a maximum daily quantity of 326,500 Mcf and an annual contract quantity of 119,172,500 Mcf at 15.025 psia under its Rate Schedule DCQ–C and DCQ–D. The maximum quantity deliverable on a firm basis under Rate Schedule DCQ–C is 319,500 Mcf and under Rate Schedule DCQ–D is 7,000 Mcf. The agreement supersedes an existing agreement providing for the same maximum daily quantity but limiting deliveries under Rate Schedule DCQ–D to 5,000 Mcf per day.

It is alleged that with the recent construction of the Texas Eastern Penn-Jersey line near Peoples' eastern markets and with the growth in load of such eastern markets, Peoples has decided it would be desirable to have a new delivery point in applicant's Zone D even though the deliveries in that zone will cost more than if such deliveries were made in Zone C as at present.

Applicant further states that its proposed facilities are estimated to cost $19,722, which will be paid out of cash on hand, and estimated sales for the year ending May 1957 in Zones C and D are 116,617,500 Mcf for $39,416,160, or 33.7 cents per Mcf, and 2,555,000 Mcf for $924,446, or 36.1 cents per Mcf, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application and supplements: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6478; Filed, Aug. 10, 1956; 8:46 a. m.]

[Docket No. G-3025, etc.]

F. C. DEEMER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such applicant to continue to sell natural

gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name of Applicant; Gas Field, and Purchaser

G–3025; F. C. Deemer; Jefferson County, Pa.; United Natural Gas Company.

G–3105, as amended 10–6–55; Humble Oil & Refining Company; Gwinville, Jefferson Davis and Simpson Counties, Miss.; Southern Natural Gas Company.

G–3131, as amended 6–25–56; J. I. Roberts; Simsboro, Lincoln Parish, La.; Mississippi River Fuel Corporation; Arkansas-Louisiana Gas Company.

G–3169, G–3170, and G–3186; M. H. Marr; North Ruston and Unionville, Lincoln, La.; East Haynesville, Claiborne, La.; Mississippi River Fuel Corporation; Arkansas-Louisiana Gas Company; Texas Eastern Transmission Corporation.

G–3246; M. H. Marr and J. M. Forgotson; Delhi, West Delhi and Big Creek, Franklin, Madison and Richland Parishes, La.; Texas Eastern Transmission Corporation.

G–3221; National Associated Petroleum Company; Hugoton, Haskell County, Kans.; Stanolind Oil and Gas Company.

G–3270; Marshall R. Young; West Mermantau, Jefferson Davis Parish; Bancroft and S. Bancroft, Beauregard Parish, La.; Baxterville, Lamar County, Miss.; United Gas Pipe Line Company.

G–3277 and G–3278; Seneca Development Company; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company; Louisiana-Nevada Transit Company.

G–3279 and G–3296; Nebo Oil Company, Inc.; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company; Louisiana-Nevada Transit Company.

G–3515 to G–3517, inclusive, as amended 2–18–55; West Edmond Oil Company; West Edmond Hunton Lime, Kingfisher and Logan Counties, Okla.; Cities Service Gas Company.

G–3573; Southern Petroleum Exploration, Inc.; Panhandle, Gray County, Tex.; Reinecke, Borden County, Tex.; Penrose-Skelly-Drinkard, Lea County, N. Mex.; Eunice, Lea County, N. Mex.; South Eunice, Lea County, N. Mex.; Eunice-Monument, Lea County, N. Mex.; Hobbs, Lea County, N. Mex.; N. E. Blanco, Rio Arriba County, N. Mex.; Rincon, Rio Arriba County, N. Mex.; Kerr-McGee Oil Industries, Inc.; Reef Fields Gasoline Corporation; Gulf Oil Corporation; El Paso Natural Gas Company; Phillips Petroleum Company; Skelly Oil Company; Warren Petroleum Corporation.

G–3579; Pennwells Corporation; Leidy, Leidy Township, Clinton County, Pa.; New York State Natural Gas Corporation.

G–3840 to G–3845, inclusive; Woodley Petroleum Company; Cotton Valley, Webster Parish, La.; Sligo, Bossier Parish, La.; Haynesville, Claiborne Parish, La.; Bayou Mallet, Acadia Parish, La.; United Gas Pipe Line Company; Arkansas-Louisiana Gas Company; Louisiana-Nevada Transit Company.

G–3910, Texas Gulf Producing Co.; G–4121, M. H. Marr; G–4125, J. W. O'Boyle, Trustee, under Kathleen O'Boyle Trust No. 2; G–4228, W. G. Ray; G–4233, W. C. Woolf; G–4866, H. L. Hunt; G–5208, Ralph A. Bristol, Agent for Marion Jean Bristol Wakefield; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company.

G–3951 and G–3952; John L. Smith; Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G–4008; M. B. Rudman; Hico-Knowles, Lincoln Parish, La.; Mississippi River Fuel Corporation.

G–4012, G–4014, G–4015, and G–4320; Hollandsworth Oil Company, et al.; Woodlawn, Harrison County, Tex.; Woodlawn, Marion County, Tex.; Mississippi River Fuel Corporation.

G–4057; R. W. Fair, et al.; Woodlawn, Harrison County, Tex.; Mississippi River Fuel Corporation.

G–4094; The Sparta Oil Company; Lou Ella, San Patricio County, Tex.; Trunkline Gas Company.

G–4105; W. L. Pickens; West Mission Valley, Goliad County, N. Mex.; Transcontinental Gas Pipe Line Corporation.

G–4173; Sam Sklar, Trustee; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.

G–4265; Southern Natural Gas Company; North Choudrant, Lincoln Parish, La.; Bear Creek, Bienville Parish, La.; Mississippi River Fuel Corp., Texas Eastern Transmission Corp., Arkansas-Louisiana Gas Company.

G–4425; Levi Epstein Sons Oil Co.; Brown Lot, Warren County, Pa.; Godfrey Tract, Forest County, Pa.; Pennsylvania Gas Company.

G–4426; Placid Oil Company; G. T. Allison Unit, Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.

A public hearing will be held on the 4th day of September 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

AUGUST 3, 1956.

[F. R. Doc. 56–6485; Filed Aug. 10, 1956; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3–DC–03]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA; CORRECTION

F. R. Doc. 56–5874 which was published in the FEDERAL REGISTER for ten consecutive issues beginning July 18, 1956, is corrected as follows:

In the letter of approval of the Director of the Bureau of the Budget the estimated site cost parenthetically referred to in item 1 of paragraph one was shown as "$75,000"; it should have read "$750,000".

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–1909]

HARPENER BERGBAU-AKTIEN-GESELLSCHAFT

ORDER GRANTING APPLICATION

AUGUST 7, 1956.

Harpener Bergbau - Aktien - Gesellschaft, a corporation organized and existing under the laws of Germany, having filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, 4½ percent Debt Adjustment Bonds, due January 1, 1970, to be issued by Harpener Bergbau - Aktien - Gesellschaft under an indenture to be dated as of January 1, 1953, between Harpener Bergbau-Aktien-Gesellschaft and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft Dr. Alexander Kreuter as Co-Trustee, in connection with Harpener Bergbau-Aktien-Gesellschaft's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries; and

It appearing to the Commission with respect for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) Harpener has outstanding an issue of Gold Mortgage 6 Percent Bonds, Series of 1929, which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. Harpener is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by Harpener for its outstanding obligations provide for the issuance by Harpener of the above described debt Adjustment Bonds, due January 1, 1970, in exchange for its outstanding validated bonds.

(2) The rights in the security of both the holders of the old and the new bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such rights in the security should be adjudicated only by German courts.

(3) Vesting of title to the security in the Co-Trustee necessarily results in certain acts being performable by the Co-Trustee. The acts which are performable only by the Co-Trustee relate to the release of property, the reduction of the registered amount of the liens and the disposition of release moneys and such action is, in each case, subject to ultimate control by the institutional trustee.

Notice of filing of said application having been duly given, applicant having waived hearing thereon, the Commission not having received a request for hearing within the period specified in said notice and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

It is ordered, That, insofar as the indenture permits the above described acts to be performed by the Co-Trustee, the said Debt Adjustment Bonds be, and the same hereby are, exempted from the provisions of section 310 (a) (3) of the Trust Indenture Act of 1939.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6482; Filed, Aug. 10, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–73]

GOVERNMENT OF RUMANIA

In re: debt owing to the Government of Rumania; F–57–964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: The certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "C. A. F. A. Casa Autonoma de Finantare si Amortizare, Bucarest, Roumania, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 7, 1956.

[SEAL] HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 56–6495; Filed, Aug. 10, 1956; 8:50 a. m.]

[Vesting Order SA–74]

GOVERNMENT OF RUMANIA

In re: debt owing to the Government of Rumania; F–57–964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363) and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Ingersoll-Rand Company, 11 Broadway, New York 4, N. Y., arising out of an account payable entitled, "Ministere Economie Nationale Roumania Direction Comm. Redevances Imports Mineris," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 7, 1956.

[SEAL] HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 56–6496; Filed, Aug. 10, 1956; 8:50 a. m.]

[Vesting Order SA–75]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania; F–57–964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled "Roumanian Government, Special Account, (Blocked Account)," maintained at the Fifth Avenue Office of the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by

the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 7, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6497; Filed, Aug. 10, 1956; 8:50 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

REEMPLOYMENT PRIORITY

Section 20.7 (a) is amended as set out below.

§ 20.7 *Reemployment priority*—(a) *Reemployment priority list.* Each agency shall establish and maintain a reemployment priority list for each commuting area from which career or career-conditional employees have been separated in reductions in force, from competitive positions on the basis of notices as provided in § 20.6. Each of these employees shall have his name entered upon the reemployment priority list for all competitive positions in the commuting area for which he is qualified and available. The name of a career employee shall be continued on such list for a period of two (2) years, and the name of a career-conditional employee for one (1) year, from the date of such notice. His name may be deleted from such list upon his signed written request, upon his acceptance of a nontemporary position in any Federal agency, or if he declines reemployment to a nontemporary position in the competitive service equivalent in grade and salary to the position from which separated by reduction in force.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6518; Filed, Aug. 13, 1956; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (2) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture.* * * *

(d) *Forest Service.* * * *

(2) Positions in Alaska of Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6532; Filed, Aug. 13, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.1]

PART 361—ROUTINE

APPLICATION OF REFUNDS TO LOAN ACCOUNTS

Paragraph (c) of § 361.5 of Title 6, Code of Federal Regulations (20 F. R. 9294), is revoked and paragraphs (b) and (d) of § 361.5 are revised to provide for the application of refunds on loan accounts to both principal and interest, and to read as follows:

§ 361.5 *Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loan accounts coded J), Farm Housing and Other Real Estate loan accounts.* * * *

(b) *Extra payments and refunds*—(1) *Direct loan accounts.* Extra payments and refunds on direct loan accounts will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note. Extra payments and refunds will not affect the schedule status of a borrower with a direct loan, except when reamortization is involved as provided in paragraph (h) of § 361.8. When a borrower has two or more notes outstanding at different interest rates,

(Continued on p. 6055)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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refunds will be applied only to interest and principal on the note representing the account from which the advance was made.

(2) *Insured loan accounts.* Extra payments and refunds on insured loan accounts will be applied first to interest accrued on the note as of the date of the U. S. Treasury check issued to the holder and the remainder will be applied to the principal balance on the note. Extra payments and refunds will not affect the schedule status of a borrower with an insured loan or relieve him from paying the amount due the insurance account each year.

(c) [Revoked.]

(d) *Finance Office handling*—(1) *Direct loan accounts.* The application of principal and interest on direct loan accounts will be reflected in the record of accounts maintained by the Finance Office, as indicated on the yellow copy of Form FHA–37 returned to the County Supervisor. Amounts paid on direct loan accounts will be credited on the Finance Office records as of the date of Form FHA–37. Collections received from borrowers who have both initial and subsequent direct Farm Ownership loans bearing different rates of interest will be applied by the Finance Office in the following order of priority to:

(i) In the case of refunds, interest and principal on the note representing the account from which the advance was made.

(ii) Unpaid accrued interest on the initial loan.

(iii) Unpaid accrued interest on the subsequent loan(s).

(iv) Unpaid principal behind schedule on the initial loan.

(v) Unpaid principal behind schedule on the subsequent loan(s).

(vi) Unpaid principal balances on the initial and subsequent loans, prorated between such loans on the basis of the ratio between the annual installments on the initial and subsequent loans.

(2) *Insured loan accounts.* The Finance Office will distribute the payments between the insurance account and the note account in accordance with paragraph (a) (2) of this section.

(i) *Insurance account.* Amount distributed to the insurance account will be credited on the Finance Office records as of the date of Form FHA–37.

(ii) *Note account.* When distributing a payment to the borrower's note account, the Finance Office will apply it first to interest accrued to the date of the U. S. Treasury check issued to the holder and any remainder to principal. Form FHA–282 will be sent to the U. S. Treasury Regional Disbursing Office for inclusion in the envelope containing the check to be sent to the holder. Such amounts will be credited on the Finance Office records as of the date of the U. S. Treasury check issued to the holder.

Dated: August 8, 1956.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100, sec. 1 (4), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c), 16 U. S. C. 590x–3 (a) (7))

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F R. Doc. 56–6517; Filed, Aug. 13, 1956; 8:48 a. m.]

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.10]

PART 372—FARM OWNERSHIP LOANS

SUBPART H—ASSIGNMENT OF INSURED MORTGAGES TO THE GOVERNMENT IN TRUST

Part 372 of Title 6, Code of Federal Regulations, is hereby amended to add a new Subpart H, entitled "Assignment of Insured Mortgages to the Government in Trust." Section 372.129, Title 6, Code of Federal Regulations (20 F. R. 3493) is hereby superseded; the provisions thereof are revised and incorporated in Subpart H to read as follows:

Sec.
372.141 General.
372.142 Delegations of authority.
372.143 Assigning mortgages to the Government as trustee.
372.144 Assignment of notes.
372.145 Servicing actions when mortgages are held by Government as trustee.

AUTHORITY: §§ 372.141 to 372.145 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 372.141 *General.* This subpart provides for assigning insured Farm Ownership mortgages to the Government, as trustee, by the holders of the mortgages. The mortgage will be held in trust for the benefit of the holder of the note. When such an assignment has been completed, the Government will take all actions usually performed by mortgagees, including the execution of partial releases, subordinations, and satisfactions. Holders of the notes may then sell them separately by endorsement and delivery without further assignment of the mortgages. Notice of such sales, nevertheless, must be given to the Government. Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by holders of such mortgages when they sell the notes to buyers who have agreed to such assignment, except when the mortgaged property is located in Louisiana or Puerto Rico. Assignments of insured Farm Ownership mortgages to the Government in trust also may be executed by holders who intend to retain the notes, except when the mortgaged property is located in Alaska, Louisiana, Nevada, Puerto Rico, or South Carolina.

(Sec. 12 (c) (6), (c) (7), (f) (1), (h), (i), 60 Stat. 1076, 1077; 7 U. S. C. 1005b (c) (6), (c) (7), (f) (1), (h), (i))

§ 372.142 *Delegations of authority.* Subject to the policies and procedures prescribed in this subpart:

(a) The Director, Finance Office, is authorized on behalf of the Government to execute required documents and perform other necessary actions in connection with insured Farm Ownership mortgages assigned or to be assigned to the Government in trust.

(b) The State Director and County Supervisor are authorized to take the same servicing actions for Farm Ownership mortgages which have been assigned in trust that they are authorized in §§ 372.2 to 372.8 to perform for direct Farm Ownership loans with respect to partial releases, subordinations, or consents; actions by third parties affecting security; lease of farm by or on behalf of borrower; vacated farms; securing a caretaker; and death of borrower. With respect to such servicing actions, the State Director is authorized to perform the functions assigned to the State Field Representative.

§ 372.143 *Assigning mortgages to the Government as trustee.* (a) The Director, Finance Office, will advise any holder or buyer of an insured Farm Ownership mortgage who is interested in a trust assignment of the procedures to be followed.

(b) When the Government holds salable notes and mortgages, either for the Insurance Fund, or as Trustee of a State Rural Rehabilitation Corporation under a section 2 (f) agreement, the mortgages may be assigned to the Government in trust in connection with the sale of the notes.

(c) The assignment of mortgages to the Government shall be accomplished by the holder executing an approved form of assignment in trust covering each mortgage. The Director, Finance Office, will provide the holder with the required number of forms and with instructions for completing and executing them. The holder, after executing a form for each loan, will return it to the Finance Office, along with the original recorded mortgage and related documents, such as previous assignments, partial releases, subordination agreements, and water stocks. Any Forms FHA–359, "Borrower-Insurer-Lender Triple Agreement," FHA–38, "Letter of Certification," and FHA–206, "Supplemental Purchase Agreement (Insured Mortgage-Fixed Period)," or FHA–207, "Supplemental Purchase Agreement (Insured Mortgage-Automatic Rewnewal)," will be transferred or retained with the note.

(d) Upon receipt of the executed form of trust assignment, the Director, Finance Office, will forward it, and any prior assignments which have not been recorded, to the appropriate County Supervisor for recording where the original mortgage was recorded. The cost of recording will be paid by the Government. After recordation, the original recorded trust assignment will be forwarded to the holder of the note. The

original recorded mortgage and related documents will be kept in the County Office, except for water stock which will be kept in the State Office. The State Director will take such action as may be necessary to transfer the water stock on the books of the company, have the certificates endorsed or new certificates issued, or obtain a new pledge agreement, when required, as the case may be.

(Sec. 2 (f), 64 Stat. 99; 40 U. S. C. 440 (f))

§ 372.144 *Assignment of notes*—(a) *Between private parties.* After a trust assignment has been effected, the note may be bought and sold by private holders independently of the mortgage without disturbing the trust. The assignment of the note will be processed in accordance with § 375.5 of this chapter. The original trust assignment and any Forms FHA–359, FHA–38, FHA–206 or FHA–207 will be delivered to the buyer with the note.

(b) *To the Government,* (1) When a noteholder requests that the Government accept assignment of the note during the 12-month period following the expiration of a fixed period, the assignment will be handled in accordance with § 375.6 (a) of this chapter. The original trust assignment and any Forms FHA–359, FHA–38, FHA–206 or FHA–207 will be delivered to the Government with the note.

(2) When the State Director determines that action will be taken to liquidate a loan through voluntary conveyance or foreclosure, he will request the Director, Finance Office, to require the holder to endorse the note to the Government and to deliver the endorsed note, the original trust assignment and any Forms FHA–359, FHA–38, FHA–206 or FHA–207 to the Government. The Director, Finance Office, will process payment to the holder in full from the Insurance Fund, and assign the mortgage to the Government for the account of the Insurance Fund by executing an assignment from the Government as trustee on an approved form.

(c) *From the Insurance Fund to a private buyer.* Upon completion of negotiations for assignment to a private buyer of an insured note held by the Insurance Fund, when the mortgage is subject to a trust assignment, the assignment will be handled in accordance with § 375.7 of this chapter. The original trust assignment, any Forms FHA–359 or FHA–38, and any supplemental purchase agreement specified by the National Office, will be delivered to the buyer with the note. The buyer will be informed in the transmittal letter that the mortgage is held by the United States in trust for the noteholder.

(Secs. 12 (i), 13 (a), (d), 60 Stat. 1077, 1078, sec. 12 (j), added 62 Stat. 535; 7 U. S. C. 1005b (i), (j), 1005c (a), (d))

§ 372.145 *Servicing actions when the mortgages are held by the Government as trustee.* Whenever servicing actions require the consent or approval of the State Director, the County Supervisor will be responsible for informing him that the mortgage is held by the Government in trust for the noteholder.

(a) Security servicing actions will be processed as follows:

(1) Partial releases, subordinations, or consents will be processed in accordance with § 372.4.

(2) Actions by third parties affecting security will be handled in accordance with § 372.5.

(3) Lease of farm by or on behalf of borrower will be handled in accordance with § 372.6.

(4) Vacated farms will be handled in accordance with § 372.7 except that the borrower will be encouraged to sell his farm either within or outside the program for an amount sufficient to fully repay the loan, the transfer of the farm and assumption of the indebtedness by another applicant is not authorized, and the loan will be assigned to the Government before voluntary conveyance of title to the Government or institution of foreclosure action.

(5) Upon death of a borrower, the actions prescribed in § 372.8 will be taken except the transfer of the farm and assumption of the indebtedness by another applicant is not authorized. The loan will be assigned to the Government before voluntary conveyance of title to the Government or institution of foreclosure action.

(b) Any documents signed in connection with security servicing actions will be executed as follows by the authorized Farmers Home Administration official:

UNITED STATES OF AMERICA FOR ITSELF AND AS TRUSTEE,

By: _____

Title: _____

Dated: August 8, 1956.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56-6516; Filed, Aug. 13, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Form Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1957 CROP OF WHEAT

REALLOCATION OF ALLOTMENTS; PRESERVATION OF UNUSED ALLOTMENTS

The amendments herein are issued pursuant to amendments to marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, contained in the Agricultural Act of 1956 for the purposes of providing (1) for the release and reapportionment of unused 1957 farm acreage allotments and (2) for farmers who underplant their 1957 acreage allotments to preserve their future acreage allotments by making formal request for such preservation of allotments to the county ASC committee within the prescribed period of time.

Since farmers in many areas are now preparing to seed wheat for the 1957 crop, it is imperative that they be notified of these amendments and of any revised farm acreage allotments resulting therefrom as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to farm acreage allotments for the 1957 crop (21 F. R. 1895) are amended as follows:

1. Section 728.720 is revised to read as follows:

§ 728.720 *Reallocation of allotments*—(a) *Released from farms removed from agricultural production.* The allotment determined or which would have been determined for any farm which is removed from agricultural production by acquisition in 1950 or thereafter by a United States agency for national defense purposes shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or acquired by owners displaced because of acquisition of their farms by the United States. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any other farm owned or acquired by him equal to an allotment which shall be comparable to the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(b) *Released voluntarily to county committee.* Any part of any 1957 farm wheat acreage allotment on which wheat will not be planted in 1957 and which is voluntarily released to the county committee by the closing date established by the State committee for the entire State, or for areas in the State if there is a substantial difference in planting dates for different areas in the State, which shall be the date on which the planting of wheat normally becomes general on farms in the State or area, shall be deducted from the wheat acreage allotment for such farm and may be reapportioned by the county committee not later than the date established by the State committee, which shall be the latest date on which wheat can normally be planted on farms in the State or area with reasonable expectations of producing an average crop, to other farms receiving allotments in the same county in amounts determined to be fair and reasonable on the basis of the wheat acreage for the years 1952, 1953, 1954, and 1955, tillable acres, crop-rotation practices, type of soil, and topography, but without regard to the limitations imposed under § 728.716. If all the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for new farm allotments as provided under § 728.719, but without regard to the limitation imposed under § 728.718 with respect to the wheat acreage indicated by cropland, soil type, and topography. Any wheat acreage allotment released for 1957 only shall in determining future wheat acreage allotments be regarded as having been planted on the farm releasing such allotments if wheat was seeded on such farm for harvest as grain in at least one of the three years immediately preceding the year for which the allotment is determined. Any part of the farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph, in which case the farm from which the allotment is released shall be considered as having no wheat on such released acreage for any of the 1954, 1955, and 1956 crops. In determining future farm wheat acreage allotments, the acreage planted for harvest as grain in 1957 of reapportioned acreage allotment under this paragraph shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

2. A new § 728.725 is added to read as follows:

§ 728.725 *Preservation of unused allotments.* If the owner or operator of any farm on which the 1957 acreage of wheat is less than the 1957 farm wheat acreage allotment notifies the county committee not later than May 1, 1957, on a form prescribed by the Deputy Administrator for such purpose of his desire to preserve such allotment, the entire 1957 farm wheat acreage allotment shall be considered to have been planted to wheat for purposes of future State, county, and farm acreage allotments. Where notice of preservation of allotment is given under this section the acreage by which the wheat acreage is less than the acreage allotment may not be reapportioned or otherwise transferred to any other farm. The provisions of this section shall not apply in any case in which the amount of wheat of the 1956 or any prior crop required to be stored to postpone or avoid payment of penalty has been reduced because the 1957 allotment was not fully planted.

Done at Washington, D. C., this 8th day of August 1956.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6545; Filed, Aug. 13, 1956; 8:52 a. m.]

[1026 (Peanuts-56)-I, Amdt. 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1956 CROP OF PEANUTS

Basis and purpose. Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 75 per centum of the support price for peanuts for the marketing year (August 1–July 31). When the Marketing Quota Regulations for the 1956 Crop of Peanuts were issued by the Secretary of Agriculture on May 31, 1956, the support price for peanuts was not available and the exact rate of penalty could not be included in such regulations. The support price is now available and the purpose of the first amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of peanuts for the 1956 crop. The purpose of the second amendment contained herein is to include in the regulations the rule governing the issuance of excess penalty marketing cards. The remainder of the amendment contained herein deals with the records and reports to be maintained by persons who shell farmers' stock peanuts for producers. The regulations are being amended to clarify the procedure to be followed by such persons.

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the amendments set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be known to producers who desire to market peanuts, and to buyers who are charged in the regulations with the duty of collecting the penalty on peanuts marketed subject to penalty, and that excess penalty cards may be issued to producers and the records and reports required herein may be kept and made in connection with the marketing of said peanut crop which has begun. Accordingly it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.755 (a) of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867), is amended to read as follows:

§ 729.755 *Rate of penalty.* (a) The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year. The support price for peanuts of the 1956 crop is 11.35 cents per pound, and the basic penalty rate is, therefore, 8.5 cents per pound.

Section 729.748 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867) is amended by adding the following new paragraph (e):

§ 729.748 *Issuance of marketing cards.* * * *

(e) An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the larger of the farm allotment or one acre and the farm is not eligible for a within quota card under paragraph (d) of this section.

Section 729.754 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867) is amended by changing the form number in the fourth sentence to read MQ–93 instead of MQ–91.

Section 729.762 (c) of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867) is amended to read as follows:

§ 729.762 *Records and reports of buyers and others.* * * *

(c) *Report of shelled peanuts purchased or acquired from producers.* (1) Any person who purchases shelled peanuts from a producer shall record the transaction on the marketing card, execute a sales memorandum, collect penalty and report such marketings to the State office in the same manner as purchases of farmers' stock peanuts purchased from producers are recorded and reported to the State office, unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling farmers' stock peanuts for a producer. Persons who shell peanuts for producers and purchase and retain a quantity of shriveled, damaged, split, and broken peanut kernels which were produced in shelling the farmers' stock peanuts for the producer shall record and report on Form MQ–93—Peanuts the following information regarding each transaction unless the peanuts are identified to the seed sheller by valid within quota marketing cards:

(i) Serial number of within quota marketing card presented by the producer;

(ii) Name and address of the producer;

(iii) Date of shelling;

(iv) Pounds of farmers' stock peanuts shelled;

(v) Pounds of shelled peanuts returned to the producer;

(vi) Pounds of shelled peanuts retained by sheller;

(vii) The penalty rate; and

(viii) Amount of penalty collected.

(2) The CSS copies of Form MQ–93—Peanuts with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State office not later than the end of two calendar weeks after the buyer has ceased the shelling operation. If the peanuts to be shelled for the producer are identified to the sheller by a valid within quota marketing card and the sheller retains a quantity of the shriveled, damaged, split, and broken peanut kernels which were produced in shelling the farmers' stock peanuts for the producer he shall keep such records as will enable him to show the following information regarding each transaction:

(i) Serial number of within quota marketing card presented by the producer;

(ii) Name and address of the producer;

(iii) Date of shelling;

(iv) Pounds of farmers' stock peanuts shelled;

(v) Pounds of shelled peanuts returned to the producer; and

(vi) Pounds of shelled peanuts retained by sheller.

(3) The record maintained by the sheller with respect to such peanuts shall be available for examination in accordance with § 729.766.

Section 729.763 of the Maketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867) is amended to read as follows:

§ 729.763 *Record and report of peanuts shelled for producers.* (a) Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall make a record of the shelling of each lot of such peanuts by executing Form MQ–93—Peanuts showing the following information:

(1) Name and address of sheller;

(2) If known, State, county and farm serial number;

(3) Date of transaction;

(4) Net in-weight of peanuts shelled;

(5) Name and address of producer; and

(6) Pounds of peanuts shelled and pounds of peanuts returned to producer.

(b) The CSS copies of Form MQ–93 shall be forwarded to the ASC State office not later than two calendar weeks following the week in which the peanuts are shelled.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 373, 52 Stat. 65, as amended, sec. 359, 55 Stat. 90, as amended; 7 U. S. C. 1373, 1359)

Done at Washington, D. C., this 8th day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–6546; Filed, Aug. 13, 1956; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 177]

PART 608—RESTRICTED AREAS

SOUTH DAKOTA

The restricted area alteration to § 608.49, appearing in paragraph 6 of Amendment 175, published in the FEDERAL REGISTER on July 26, 1956 (21 F. R. 5619), is hereby corrected to read: "Scenic, South Dakota Area," in lieu of "Scenic, North Dakota Area."

[SEAL] JAMES T. PYLE,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 56–6560; Filed, Aug. 10, 1956; 2:37 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6473]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WERNET DENTAL MANUFACTURING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service;* § 13.195 *Safety;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wernet Dental Manufacturing Co., Inc., et al., Jersey City, N. J., Docket 6473, July 31, 1956]

In the Matter of Wernet Dental Manufacturing Company, Inc., a Corporation Trading as Hudson Products, and Melvin A. Block, Leonard Block, and Alfred Roberts, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Jersey City, New Jersey, with falsely representing in advertising in newspapers, circulars, etc., that the drug preparation "Sentrol" was a new and different kind of pain-relieving preparation, would relieve headaches and pains which other analgesics could not relieve, was three times more effective than aspirin, could not cause stomach upset, and that its ingredient salicylamide was the most amazing pain-relieving discovery of modern medicine—and an agreement between the parties for a consent settlement disposing of all the issues.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on July 31 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Wernet Dental Manufacturing Company, Inc., a corporation, trading as Hudson Products, or under any other trade name, and its officers, and Melvin A. Block, Leonard Block, and Alfred Roberts, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the drug preparation "Sentrol" or of any product of similar composition or possessing similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that said preparation:

a. Is a new or different kind of analgesic;

b. Is more effective in any degree as an analgesic than aspirin;

c. Is capable of relieving severe headaches or severe pains or will have any analgesic effect in excess of affording temporary relief of minor headaches or minor pains;

d. Is capable of relieving headaches or pains which aspirin or other analgesics would be incapable of relieving;

e. Cannot cause stomach upset;

f. Contains or is composed of ingredients which are amazing or new discoveries or which are among the most effective pain-relievers yet discovered.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 31, 1956.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56–6514; Filed, Aug. 13, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54158]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

ORAL DECLARATIONS

So as to allow the acceptance of an oral declaration from a returning United States resident for articles within the resident's exemption and accompanying him when the total value of such articles acquired by him while abroad does not exceed $200, § 10.19 (b) of the Customs Regulations is amended by substituting "$200" for "$100".

(Secs. 498, 624, 46 Stat. 728, as amended, 759; 19 U. S. C. 1498, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 27, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–6553; Filed, Aug. 13, 1956; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6197; Regs. 44]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

DEFINITION OF TERM "MANUFACTURER"

Correction

Federal Register Document 56–6493, appearing at page 6019 of the issue for Saturday, August 11, 1956, was incomplete, the text of the adopted amendments having been inadvertently omitted. This text reads as follows:

This Treasury decision amends Regulations 44, relating to the taxes on gasoline, lubricating oil, and matches, to exclude from the term "manufacturer", as used therein in connection with the sale or use of lubricating oil, (1) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (2) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined.

PARAGRAPH 1. Section 314.40 of Regulations 44 (1944 edition) (26 CFR (1939) Part 314) and § 314.40 of such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, are each amended as follows:

(A) Paragraph (c) (26 CFR (1939) 314.40 (c)) is amended by adding the word "and" after the comma at the end of subparagraph (1), and by changing the comma after the words "with other substances" in subparagraph (2) to a period and striking the remainder of the paragraph, so that paragraph (c) as so amended will read as follows:

(c) The term "manufacturer" includes (1) any person who produces lubricating oil by any process of manufacturing, refining, or compounding, or any manipulation involving substantially more than mere mixing of taxable oils, and (2) any person who produces lubricating oil by mixing taxable oils with other substances.

(B) Paragraph (d) (26 CFR (1939) 314.40 (d)) is amended by inserting "(1)" after the words "does not include", and by changing the period at the end of the paragraph to a comma and adding after such comma the words "(2) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (3) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined.", so that paragraph (d) as so amended will read as follows:

(d) The term "manufacturer" does not include (1) a person who merely blends or mixes two or more taxable lubricating oils, (2) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (3) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined.

PAR. 2. The amendments made by paragraph 1 of this Treasury decision to § 314.40 of Regulations 44 (1944 edition) (covering the period beginning November 7, 1944, and ending December 31, 1954, inclusive) and to § 314.40 of such regulations as made applicable to the Internal Revenue Code of 1954 (covering the period after December 31, 1954) are hereby made applicable to the periods prior to November 7, 1944 (such periods being covered by Regulations 44 (1932, 1934, and 1939 editions)).

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6196]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

TAX ON SELF-EMPLOYMENT INCOME

On February 10, 1956, notice of proposed rule making with respect to regulations under chapter 2 (relating to tax on self-employment income) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 940). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below:

PARAGRAPH 1. Paragraph (a) of § 1.1402 (a)–1 is revised as follows:

(A) By inserting a new sentence after the first sentence of subparagraph (2).

(B) by changing subparagraph (3) to read as set forth below.

PAR. 2. Section 1.1402 (a)–1 (d) (5) is revised to read as set forth below.

PAR. 3. Section 1.1402 (c)–1 (e) is revised as follows:

(A) By changing subparagraph (2) (ii) (*d*) (*1*) to read as set forth below.

(B) By striking "is not in the exercise of his ministry" from subparagraph (3) (iii) and inserting in lieu thereof "is not considered to be in the exercise of his ministry for purposes of the tax on self-employment income".

PAR. 4. Paragraph (d) of § 1.1402 (e)–1 is revised as follows:

(A) By changing subparagraph (2) to read as set forth below.

(B) By changing subparagraph (4) to read as set forth below.

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

Approved: August 8, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

The regulations set forth below are hereby prescribed under chapter 2 of the Internal Revenue Code of 1954, as amended by the Social Security Amendments of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

TAX ON SELF-EMPLOYMENT INCOME

Sec.	
1.1401	Statutory provisions; rate of tax on self-employment income.
1.1401–1	Tax on self-employment income.
1.1402 (a)	Statutory provisions; definitions; net earnings from self-employment.
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AUTHORITY: §§ 1.1401 to 1.1403–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

TAX ON SELF-EMPLOYMENT INCOME

§ 1.1401 *Statutory provisions; rate of tax on self-employment income.*

SEC. 1401. *Rate of tax.* In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows:

(1) In the case of any taxable year beginning before January 1, 1960, the tax shall be equal to 3 percent of the amount of the self-employment income for such taxable year;

(2) In the case of any taxable year beginning after December 31, 1959, and before January 1, 1965, the tax shall be equal to 3¾ percent of the amount of the self-employment income for such taxable year;

(3) In the case of any taxable year beginning after December 31, 1964, and before January 1, 1970, the tax shall be equal to 4½ percent of the amount of the self-employment income for such taxable year;

(4) In the case of any taxable year beginning after December 31, 1969, and before January 1, 1975, the tax shall be equal to 5¼ percent of the amount of the self-employment income for such taxable year;

(5) In the case of any taxable year beginning after December 31, 1974, the tax shall be equal to 6 percent of the amount of the self-employment income for such taxable year.

[Sec. 1401 as amended by sec. 208 (a), Social Security Amendments 1954]

§ 1.1401–1 *Tax on self-employment income.* (a) There is imposed, in addition to other taxes, a tax upon the self-employment income of every individual at the rates prescribed in section 1401. This tax shall be levied, assessed, and collected as part of the income tax imposed by subtitle A of the Internal Revenue Code and, except as otherwise expressly provided, will be included with the tax imposed by section 1 or 3 in computing any deficiency or overpayment and in computing the interest and additions to any deficiency, overpayment, or tax. Since the tax on self-employment income is part of the income tax, it is subject to the jurisdiction of the Tax Court of the United States to the same extent and in the same manner as the other taxes under subtitle A of the Internal Revenue Code. However, this tax is not required to be taken into account in computing any estimate of the taxes required to be declared under section 6015.

(b) In general, self-employment income consists of the net earnings derived by an individual (other than a nonresident alien) from a trade or business car-

ried on by him as sole proprietor or by a partnership of which he is a member, including the net earnings of certain employee newsboys and certain employee ministers and members of religious orders. See, however, the exclusions, exceptions, and limitations set forth in §§ 1.1402 (a)–1 through 1.1402 (c)–1.

§ 1.1402 (a) *Statutory provisions; definitions; net earnings from self-employment.*

SEC. 1402. *Definitions*—(a) *Net earnings from self-employment.* The term "net earnings from self-employment" means the gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by this subtitle which are attributable to such trade or business, plus his distributive share (whether or not distributed) of income or loss described in section 702 (a) (9) from any trade or business carried on by a partnership of which he is a member; except that in computing such gross income and deductions and such distributive share of partnership ordinary income or loss—

(1) There shall be excluded rentals from real estate and from personal property leased with the real estate (including such rentals paid in crop shares) together with the deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;

(2) There shall be excluded dividends on any share of stock, and interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), unless such dividends and interest (other than interest described in section 35) are received in the course of a trade or business as a dealer in stocks or securities;

(3) There shall be excluded any gain or loss—

(A) Which is considered as gain or loss from the sale or exchange of a capital asset,

(B) From the cutting of timber, or the disposal of timber or coal, if section 631 applies to such gain or loss, or

(C) From the sale, exchange, involuntary conversion, or other disposition of property if such property is neither—

(i) Stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor

(ii) Property held primarily for sale to customers in the ordinary course of the trade or business;

(4) The deduction for net operating losses provided in section 172 shall not be allowed;

(5) If—

(A) Any of the income derived from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife; and

(B) Any portion of a partner's distributive share of the ordinary income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner, and no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner;

(6) A resident of Puerto Rico shall compute his net earnings from self-employment in the same manner as a citizen of the United States but without regard to section 933;

(7) The deduction for personal exemptions provided in section 151 shall not be allowed;

(8) An individual who is—

(A) A duly ordained, commissioned, or licensed minister of a church or a member of a religious order; and

(B) A citizen of the United States performing service described in subsection (c) (4) as an employee of an American employer (as defined in section 3121 (h))

shall compute his net earnings from self-employment derived from the performance of service described in subsection (c) (4) without regard to section 911 (relating to earned income from sources without the United States) and section 931 (relating to income from sources within possessions of the United States). If the taxable year of a partner is different from that of the partnership, the distributive share which he is required to include in computing his net earnings from self-employment shall be based on the ordinary income or loss of the partnership for any taxable year of the partnership ending within or with his taxable year. In the case of any trade or business which is carried on by an individual who reports his income on a cash receipts and disbursements basis, and in which, if it were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 3121 (g), (i) if the gross income derived from such trade or business by such individual is not more than $1,800, the net earnings from self-employment derived by him therefrom may, at his option, be deemed to be 50 percent of such gross income in lieu of his net earnings from self-employment from such trade or business computed as provided under the preceding provisions of this subsection, or (ii) if the gross income derived from such trade or business by such individual is more than $1,800 and the net earnings from self-employment derived by him therefrom, as computed under the preceding provisions of this subsection, are less than $900, such net earnings may instead, at the option of such individual, be deemed to be $900. For the purpose of the preceding sentence, gross income derived from such trade or business shall mean the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the preceding provisions of this subsection.

[Sec. 1402 (a) as amended by sec. 201 (a) and (c) (4), Social Security Amendments 1954, for taxable years ending after 1954. For taxable years ending before 1955, sec. 1402 (a), as set forth below, is applicable.

SEC. 1402. *Definitions*—(a) *Net earnings from self-employment.* The term "net earnings from self-employment" means the gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by this subtitle which are attributable to such trade or business, plus his distributive share (whether or not distributed) of income or loss described in section 702 (a) (9) from any trade or business carried on by a partnership of which he is a member; except that in computing such gross income and deductions and such distributive share of partnership ordinary income or loss—

(1) There shall be excluded rentals from real estate (including personal property leased with the real estate) and deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;

(2) There shall be excluded income derived from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 3121 (g); and there shall be excluded all deductions attributable to such income;

(3) There shall be excluded dividends on any share of stock, and interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), unless such dividends and interest (other than interest described in section 35) are received in the course of a trade or business as a dealer in stocks or securities;

(4) There shall be excluded any gain or loss—

(A) Which is considered as gain or loss from the sale or exchange of a capital asset,

(B) From the cutting of timber, or the disposal of timber or coal, if section 631 applies to such gain or loss, or

(C) From the sale, exchange, involuntary conversion, or other disposition of property if such property is neither—

(i) Stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor

(ii) Property held primarily for sale to customers in the ordinary course of the trade or business;

(5) The deduction for net operating losses provided in section 172 shall not be allowed;

(6) If—

(A) Any of the income derived from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions of the wife; and

(B) Any portion of a partner's distributive share of the ordinary income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner, and no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner;

(7) A resident of Puerto Rico shall compute his net earnings from self-employment in the same manner as a citizen of the United States but without regard to section 933;

(8) The deduction for personal exemptions provided in section 151 shall not be allowed.

If the taxable year of a partner is different from that of the partnership, the distributive share which he is required to include in computing his net earnings from self-employment shall be based on the ordinary income or loss of the partnership for any taxable year of the partnership ending within or with his taxable year.]

§ 1.1402 (a)–1 *Net earnings from self-employment*—(a) *Definition.* (1) Subject to the special rules set forth in paragraph (c) of this section and to the exclusions set forth in § 1.1402 (c)–1, the term "net earnings from self-employment" means—

(i) The gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by chapter 1 of the Internal Revenue Code which are attributable to such trade or business, plus

(ii) His distributive share (whether or not distributed), as determined under section 704, of the income (or minus the loss), described in section 702 (a) (9) and as computed under section 703, from any trade or business carried on by any partnership of which he is a member.

(2) Gross income derived by an individual from a trade or business includes payments received by him from a partnership of which he is a member for services rendered to the partnership or for the use of capital by the partnership, to the extent the payments are determined without regard to the income of the partnership. However, such payments received from a partnership not engaged in a trade or business within the meaning of section 1402 (c) and § 1.1402 (c)–1 do not constitute gross income derived by an individual from a trade or business. See section 707 (c) and the regulations thereunder, relating to guaranteed payments to a member of a partnership for services or the use of capital. See also section 706 (a) and the regulations thereunder, relating to the taxable year of the partner in which such guaranteed payments are to be included in computing taxable income.

(3) Gross income derived by an individual from a trade or business includes gross income received (in the case of an individual reporting income on the cash receipts and disbursements method) or accrued (in the case of an individual reporting income on the accrual method) in the taxable year from a trade or business even though such income may be attributable in whole or in part to services rendered or other acts performed in a prior taxable year as to which the individual was not subject to the tax on self-employment income.

(b) *Computation of net earnings*—(1) *General rule.* In general, the gross income and deductions of an individual attributable to a trade or business (including a trade or business conducted by an employee referred to in § 1.1402 (c)–1 (c) (1) or (2)), for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sections 1 and 3. Thus, if an individual uses the accrual method of accounting in computing taxable income from a trade or business for the purpose of the tax imposed by section 1 or 3, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 453, to use the installment method in computing income for purposes of the tax under section 1 or 3, he must use the same method in determining net earnings from self-employment. Except as otherwise provided in paragraph (c) (6) of this section, relating to certain residents of Puerto Rico, and in paragraph (c) (8) of this section, relating to ministers or members of religious orders, income which is excludable from gross income under any provision of subtitle A of the Internal Revenue Code is not taken into account in determining net earnings from self-employment. Thus, in the case of a citizen of the United States conducting, in a foreign country, a trade or business in which both personal services and capital are material income-producing factors, any part of the income therefrom which is excluded from gross income as earned income under the provisions of section 911 and the regulations thereunder is not taken into account in determining net earnings from self-employment.

(2) *Trade or business carried on.* The trade or business must be carried on by the individual, either personally or through agents or employees. Accordingly, income derived from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of such estate or trust.

(3) *Aggregate net earnings.* Where an individual is engaged in more than one trade or business within the meaning of section 1402 (c) and § 1.1402 (c)–1, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in this section) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

(4) *Partnerships.* The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the income or loss, described in section 702 (a) (9), from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of such income or loss of a partnership shall be determined as provided in section 704, subject to the special rules set forth in section 1402 (a) and in this section and to the exclusions provided in section 1402 (c) and in § 1.1402 (c)–1. For provisions relating to the computation of the taxable income of a partnership, see section 703.

(5) *Different taxable years.* If the taxable year of a partner differs from that of the partnership, the partner shall include, in computing net earnings from self-employment, his distributive share of the income or loss, described in section 702 (a) (9), of the partnership for its taxable year ending with or within the taxable year of the partner.

(6) *Meaning of partnerships.* For the purpose of determining net earnings from self-employment, a partnership is one which is recognized as such for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known at common law, but, also, a syndicate, group, pool, joint venture, or other unincorporated organization which carries on any trade or business, financial operation, or venture, and which is not, within the meaning of the Internal Revenue Code, a trust, estate, or a corporation. An organization described in the preceding sentence shall be treated as a partnership for purposes of the tax on self-employment income even though such organization has elected, pursuant to section 1361 and the regulations thereunder, to be taxed as a domestic corporation.

(7) *Nature of partnership interest.* The net earnings from self-employment of a partner include his distributive share of the income or loss, described in section 702 (a) (9), of the partnership of which he is a member, irrespective of the nature of his membership. Thus, in determining his net earnings from self-employment, a limited or inactive partner includes his distributive share of such partnership income or loss. In the case of a partner who is a member of a partnership with respect to which an election has been made pursuant to section 1361 and the regulations thereunder to be taxed as a domestic corporation, net earnings from self-employment include his distributive share of the income or loss, described in section 702 (a) (9), from the trade or business carried on by the partnership computed without regard to the fact that the partnership has elected to be taxed as a domestic corporation.

(8) *Proprietorship taxed as domestic corporation.* A proprietor of an unincorporated business enterprise with respect to which an election has been made pursuant to section 1361 and the regulations thereunder to be taxed as a domestic corporation shall compute his net earnings from self-employment without regard to the fact that such election has been made.

(c) *Special rules for computing net earnings.* For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the income or loss, described in section 702 (a) (9), from any trade or business carried on by a partnership of which he is a member shall be computed in accordance with the following special rules:

(1) *Rentals from real estate.* (i) Rentals from real estate and from personal property leased with the real estate (including such rentals paid in crop shares) and the deductions attributable thereto, unless such rentals are received by an individual in the course of a trade or business as a real-estate dealer, are excluded. Whether or not an individual is engaged in the trade or business of a real-estate dealer is determined by the application of the principles followed in respect of the taxes imposed by sections 1 and 3. In general, an individual who is engaged in the business of selling real estate to customers with a view to the gains and profits that may be derived from such sales is a real-estate dealer. On the other hand, an individual who merely holds real estate for investment or speculation and receives rentals therefrom is not considered a real-estate

dealer. Where a real-estate dealer holds real estate for investment or speculation in addition to real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, only the rentals from the real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, and the deductions attributable thereto, are included in determining net earnings from self-employment; the rentals from the real estate held for investment or speculation, and the deductions attributable thereto, are excluded. Rentals paid in crop shares include income derived by an individual as the owner or lessee of land under an agreement entered into with another person pursuant to which such other person undertakes to produce a crop or livestock on such land and pursuant to which (*a*) the crop or livestock, or the proceeds thereof, are to be divided between such individual and such other person, and (*b*) the amount of such individual's share depends on the amount of the crop or livestock produced.

(ii) Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple-housing units are generally rentals from real estate. Except in the case of real-estate dealers, such payments are excluded in determining net earnings from self-employment even though such payments are in part attributable to personal property furnished under the lease.

(iii) Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, or payments for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate; consequently, such payments are included in determining net earnings from self-employment. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas, the furnishing of heat and light, the cleaning of public entrances, exits, stairways and lobbies, the collection of trash, and so forth, are not considered as services rendered to the occupant.

(iv) Except in the case of a real-estate dealer, where an individual or a partnership is engaged in a trade or business the income of which is classifiable in part as rentals from real estate, only that portion of such income which is not classifiable as rentals from real estate, and the expenses attributable to such portion, are included in determining net earnings from self-employment.

(v) The application of this subparagraph may be illustrated by the following example:

Example. A, an individual, owns a building containing four apartments. During the taxable year, he receives $1,400 from apartments numbered 1 and 2, which are rented without services rendered to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services rendered to the occupants. His fixed expenses for the four apartments aggregate $1,200 during the taxable year. In addition, he has $500 of expenses attributable to the services rendered to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 ($500 plus ½ of $1,200) attributable thereto. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment for the taxable year from the building.

(2) *Dividends and interest.* (i) All dividends on shares of stock are excluded unless they are received by an individual in the course of his trade or business as a dealer in stocks or securities.

(ii) Interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), is excluded unless such interest is received in the course of a trade or business as a dealer in stocks or securities. However, interest with respect to which a credit against tax is allowable as provided in section 35, that is, interest on certain obligations of the United States and its instrumentalities, is not included in net earnings from self-employment even though received in the course of a trade or business as a dealer in stocks or securities. Only interest on bonds, debentures, notes, or certificates, or other evidence of indebtedness, issued with interest coupons or in registered form by a corporation, is excluded in the case of all persons other than dealers in stocks or securities; other interest received in the course of any trade or business (such as interest received by a pawnbroker on his loans or interest received by a merchant on his accounts or notes receivable) is not excluded.

(iii) Dividends and interest of the character excludable under the preceding subdivisions of this subparagraph received by an individual on stocks or securities held for speculation or investment are excluded whether or not the individual is a dealer in stocks or securities.

(iv) A dealer in stocks or securities is a merchant of stocks or securities with an established place of business, regularly engaged in the business of purchasing stocks or securities and reselling them to customers; that is, he is one who as a merchant buys stocks or securities and sells them to customers with a view to the gains and profits that may be derived therefrom. Persons who buy and sell or hold stocks or securities for investment or speculation, irrespective of whether such buying or selling constitutes the carrying on of a trade or business, are not dealers in stocks or securities.

(3) *Gain or loss from disposition of property.* (i) There is excluded any gain or loss: (*a*) Which is considered as gain or loss from the sale or exchange of a capital asset; (*b*) from the cutting of timber or the disposal of timber or the disposal of coal, even though held primarily for sale to customers, if section 631 is applicable to such gain or loss; and (*c*) from the sale, exchange, involuntary conversion, or other disposition of property if such property is neither (*1*) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor (2) property held primarily for sale to customers in the ordinary course of a trade or business. For the purpose of the special rule in (*c*) of this subdivision, it is immaterial whether a gain or loss is treated as a capital gain or loss or as an ordinary gain or loss for purposes other than determining net earnings from self-employment. For instance, where the character of a loss is governed by the provisions of section 1231, such loss is excluded in determining net earnings from self-employment even though such loss is treated under section 1231 as an ordinary loss. For the purposes of this special rule, the term "involuntary conversion" means a compulsory or involuntary conversion of property into other property or money as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof; and the term "other disposition" includes the destruction or loss, in whole or in part, of property by fire, storm, shipwreck, or other casualty, or by theft, even though there is no conversion of such property into other property or money.

(ii) The application of this subparagraph may be illustrated by the following example:

Example. During the taxable year 1954, A, who owns a grocery store, realized a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he sustained a loss of $2,000 as a result of damage by fire to the store building. In computing taxable income, all of these items are taken into account. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

(4) *Net operating loss deduction.* The deduction provided by section 172, relating to net operating losses sustained in years other than the taxable year, is excluded.

(5) *Community income*—(i) *In case of an individual.* If any of the income derived by an individual from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income, and the deductions attributable to such income, shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife. For the purpose of this special rule, the term "management and control" means management and control in fact, not the management and control imputed to the husband under the community property laws. For example, a wife who operates a beauty parlor without any appreciable collaboration on the part of her husband will be considered as having substantially all of the management and control of such business despite the provision of any community property law vesting in the husband the right of management and control of community property; and the income and deductions attributable to the operation of such beauty parlor will be considered the income and deductions of the wife.

(ii) *In case of a partnership.* Even though a portion of a partner's distributive share of the income or loss, described in section 702 (a) (9), from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner; no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner. In any case in which both spouses are members of the same partnership, the distributive share of the income or loss of each spouse is included in computing the net earnings from self-employment of that spouse.

(6) *Puerto Rico*—(i) *Residents.* A resident of Puerto Rico, whether or not a bona fide resident thereof during the entire taxable year, and whether or not an alien, a citizen of the United States, or a citizen of Puerto Rico, shall compute his net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. See § 1.1402 (b)–1 (d) for rules relating to nonresident aliens. For the purpose of the tax on self-employment income, the gross income of such a resident of Puerto Rico also includes income from Puerto Rican sources. Thus, under this special rule, income from Puerto Rican sources will be included in determining net earnings from self-employment of a resident of Puerto Rico engaged in the active conduct of a trade or business in Puerto Rico despite the fact that, under section 933, such income may not be taken into account for purposes of the tax under section 1 or 3.

(ii) *Nonresidents.* A citizen of Puerto Rico who is also a citizen of the United States and who is not a resident of Puerto Rico will compute his net earnings from self-employment in the same manner and subject to the same provisions of law and regulations as other citizens of the United States.

(7) *Personal exemption deduction.* The deduction provided by section 151, relating to personal exemptions, is excluded.

(8) *Ministers and members of religious orders.* (i) For each taxable year ending after 1954 in which a minister or member of a religious order is engaged in a trade or business, within the meaning of section 1402 (c) and § 1.1402 (c)–1 (e), with respect to service performed in the exercise of his ministry or in the exercise of duties required by such order, net earnings from self-employment from such trade or business include the gross income derived during the taxable year from any such service, less the deductions attributable to such gross income. If a minister or member of a religious order engaged in such a trade or business is a citizen of the United States and performs service, in his capacity as a minister or member of a religious order, as an employee of an American employer, as defined in section 3121 (h) and subdivision (ii) of this subparagraph, his net earnings from self-employment derived from such service shall be computed without regard to the exclusions from gross income provided in section 911, relating to earned income from sources without the United States, and section 931, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member for service of the character to which this subparagraph is applicable was derived from sources without the United States, or from sources within possessions of the United States, and therefore may be excluded from gross income, such income is included in computing net earnings from self-employment.

(ii) For the purpose of this subparagraph, the term "American employer" means an employer which is—

(*a*) The United States or any instrumentality thereof,

(*b*) An individual who is a resident of the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico),

(*c*) A partnership, if two-thirds or more of the partners are residents of the United States,

(*d*) A trust, if all of the trustees are residents of the United States, or

(*e*) A corporation organized under the laws of the United States or of any State (including the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico).

(9) *Income from agricultural activity*—(i) *Taxable years ending before 1955.* (*a*) Income derived in a taxable year ending before 1955 from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 3121 (g), and all deductions attributable to such income, are excluded. In case the services are in part agricultural and in part nonagricultural, the time devoted to the performance of each type of service is the test to be used to determine whether the major portion of the services would constitute agricultural labor. If more than half of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 3121 (g), all income, and the deductions attributable to the income, shall be excluded. If only half, or less, of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 3121 (g), all income, and the deductions attributable to the income, shall be included. In every case the time spent in performing the services will be computed by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on such trade or business and the members of his family) in performing such services. The operation of this special rule is not affected by section 3121 (c), relating to the included-excluded rule for determining employment.

(*b*) The rules prescribed in (*a*) of this subdivision have no application where the nonagricultural services are performed in connection with an enterprise which constitutes a trade or business separate and distinct from the trade or business conducted as an agricultural enterprise. Thus, the operation of a roadside automobile service station on farm premises constitutes a trade or business separate and distinct from the agricultural enterprise, and the gross income derived from such service station, less the deductions attributable thereto, is to be taken into account in determining net earnings from self-employment.

(ii) *Taxable years ending after 1954.* Income derived in a taxable year ending after 1954 from agricultural activities (see subdivision (i) of this subparagraph) is includible in computing net earnings from self-employment. Income derived from agricultural activities includes income derived by an individual under an agreement entered into by such individual with another person pursuant to which such individual undertakes to produce a crop or livestock on land owned or leased by such other person and pursuant to which (*a*) the crop or livestock produced by such individual, or the proceeds thereof, are to be divided between such individual and such other person, and (*b*) the amount of such individual's share depends on the amount of the crop or livestock produced. However, the income derived under such an agreement by the owner or lessee of the land is not includible in computing net earnings from self-employment. See subparagraph (1) of this paragraph. For options relating to the computation of net earnings from self-employment, see paragraph (d) of this section.

(d) *Options available to farmers in computing net earnings from self-employment for taxable years ending after 1954*—(1) *Computation of net earnings.* In the case of any trade or business which is carried on by an individual who reports his income on the cash receipts and disbursements method, and in which, if it were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 3121 (g) (see paragraph (c) (9) (i) of this section), net earnings from self-employment may, for a taxable year ending after 1954, at the option of the taxpayer, be computed as follows:

(i) *Gross income $1,800 or less.* If the gross income, computed as provided in subparagraph (2) of this paragraph, from such trade or business is $1,800 or less, the taxpayer may, at his option, treat as net earnings from self-employment from such trade or business an amount equal to 50 percent of such gross income. If the taxpayer so elects, the amount equal to 50 percent of such gross

income shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any.

(ii) *Gross income in excess of $1,800.* If the gross income, computed as provided in subparagraph (2) of this paragraph, from such trade or business is more than $1,800, and the actual net earnings from self-employment from such trade or business are less than $900, the taxpayer may, at his option, treat $900 as net earnings from self-employment. If the taxpayer so elects, $900 shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any. However, if the taxpayer's actual net earnings from such trade or business, as computed in accordance with paragraphs (a), (b), and (c) of this section, are $900 or more, such actual net earnings shall be used in computing his self-employment income.

(2) *Computation of gross income.* For purposes of subparagraph (1) of this paragraph, gross income shall consist of the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the provisions of paragraph (c) of this section, relating to income and deductions not included in computing net earnings from self-employment.

(3) *Examples.* Application of the rules prescribed in subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). F, a farmer, uses the cash receipts and disbursements method of accounting in making his income tax returns. F's books and records show that during the calendar year 1955 he received $1,200 from the sale of produce raised on the farm, $200 from the sale of livestock raised on the farm and not held for breeding or dairy purposes, and $600 from the sale of a tractor. The income from the sale of the tractor is of a type which is excluded from net earnings from self-employment by section 1402 (a). F's actual net earnings from self-employment, computed in accordance with the provisions of paragraphs (a), (b), and (c) of this section, are $450. F may report $450 as his net earnings from self-employment or he may elect to report $700 (one-half of $1,400).

Example (2). C, a cattleman, uses the cash receipts and disbursements method of accounting in making his income tax returns. C had actual net earnings from self-employment, computed in accordance with the provisions of paragraphs (a), (b), and (c) of this section, of $725. His gross receipts were $1,000 from the sale of produce raised on the farm and $1,200 from the sale of feeder cattle, which C bought for $500. The income from the sale of the feeder cattle is of a type which is included in computing net earnings from self-employment. Therefore, C may report $725 as his net earnings from self-employment or he may elect to report $850, one-half of $1,700 ($2,200 minus $500).

Example (3). R, a rancher, has gross income of $3,000 from the operation of his ranch, computed as provided in subparagraph (2) of this paragraph. His actual net earnings from self-employment from farming activities are less than $900. R, nevertheless, may elect to report $900 as net earnings from self-employment from such trade or business. If R had actual net earnings from self-employment from his farming activities in the amount of $900 or more, he would be required to report such amount in computing his self-employment income.

(4) *Two or more agricultural activities.* If an individual is engaged in more than one agricultural trade or business within the meaning of paragraph (c) (9) (i) of this section (for example, the business of ordinary farming and the business of cotton ginning), the gross income derived from each agricultural trade or business shall be aggregated for purposes of the optional method provided in subparagraph (1) of this paragraph for computing net earnings from self-employment.

(5) *Exercise of option.* A taxpayer shall, for each taxable year with respect to which he is eligible to use the optional method provided by subparagraph (1) of this paragraph, make a determination as to whether his net earnings from self-employment are to be computed in accordance with the optional method. If the taxpayer elects the optional method for a taxable year, he shall signify such election by computing net earnings from self-employment under the optional method as set forth in Schedule F (Form 1040) of the income tax return filed by the taxpayer for such taxable year. If the optional method is not elected at the time of the filing of the return for a taxable year with respect to which the taxpayer is eligible to elect such optional method, such method may be elected on an amended return (or on such other form as may be prescribed for such use) filed within the period prescribed by section 6501 and the regulations thereunder for the assessment of the tax for such taxable year. If the optional method is elected on a return for a taxable year, the taxpayer may revoke such election by filing an amended return (or such other form as may be prescribed for such use) for the taxable year within the period prescribed by section 6501 and the regulations thereunder for the assessment of the tax for such taxable year. If the taxpayer is deceased or unable to make a return, the person designated in section 6012 (b) and the regulations thereunder may, within the period prescribed in this subparagraph, elect the optional method for any taxable year with respect to which the taxpayer is eligible to use the optional method and revoke an election previously made by or for the taxpayer.

(6) *Members of farm partnerships.* The optional method provided by subparagraph (1) of this paragraph for computing net earnings from self-employment is not available to a member of a partnership with respect to his distributive share of the income or loss from any trade or business carried on by any partnership of which he is a member.

§ 1.1402 (b) *Statutory provisions; definitions; self-employment income.*

SEC. 1402. *Definitions.* • • •

(b) *Self-employment income.* The term "self-employment income" means the net earnings from self-employment derived by an individual (other than a nonresident alien individual) during any taxable year; except that such term shall not include—

(1) That part of the net earnings from self-employment which is in excess of—

(A) For any taxable year ending prior to 1955, (i) $3,600, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(B) For any taxable year ending after 1954, (i) $4,200, minus (ii) the amount of the wages paid to such individual during the taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For purposes of clause (1), the term "wages" includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees), or under an agreement entered into pursuant to the provisions of section 3121 (l) (relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations), as would be wages under section 3121 (a) if such services constituted employment under section 3121 (b). An individual who is not a citizen of the United States but who is a resident of the Virgin Islands or a resident of Puerto Rico shall not, for purposes of this chapter be considered to be a nonresident alien individual.

[Sec. 1402 (b) as amended by sec. 201 (b), Social Security Amendments 1954, for taxable years ending after 1954. For taxable years ending before 1955, sec. 1402 (b), as set forth below, is applicable.

SEC. 1402. *Definitions.* • • •

(b) *Self-employment income.* The term "self-employment income" means the net earnings from self-employment derived by an individual (other than a nonresident alien individual) during any taxable year; except that such term shall not include—

(1) That part of the net earnings from self-employment which is in excess of—

*(A) $3,600, minus

(B) The amount of the wages paid to such individual during the taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For purposes of clause (1), the term "wages" includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees) as would be wages under section 3121 (a) if such services constituted employment under section 3121 (b). An individual who is not a citizen of the United States but who is a resident of the Virgin Islands or a resident of Puerto Rico shall not, for purposes of this chapter be considered to be a nonresident alien individual.]

§ 1.1402 (b)–1 *Self-employment income*—(a) *In general.* Except for the exclusions in paragraphs (b) and (c) of this section and the exception in paragraph (d) of this section, the term "self-employment income" means the net earnings from self-employment derived by an individual during a taxable year.

(b) *Maximum self-employment income.* (1) The maximum self-employment income of an individual for any taxable year (whether a period of 12 months or less) is $4,200, except that the maximum self-employment income for any taxable year ending before 1955 is $3,600. If an individual is paid wages as defined in section 3121 (a), the maximum self-employment income is the excess of $4,200 ($3,600 for a taxable year ending before 1955) over the amount of such wages. For example, if during the taxable year 1955 no such wages are paid and the individual has

$5,000 of net earnings from self-employment, he has $4,200 of self-employment income for such taxable year. If, in addition to having $5,000 of net earnings from self-employment, such individual is paid $1,000 of such wages, he has only $3,200 of self-employment income for the taxable year.

(2) For the purpose of the limitation prescribed in subparagraph (1) of this paragraph, the term "wages" includes such remuneration paid to an employee for services covered by—

(i) An agreement entered into pursuant to section 218 of the Social Security Act (42 U. S. C. 418), which section provides for extension of the Federal old-age and survivors insurance system to State and local government employees under voluntary agreements between the States and the Secretary of Health, Education, and Welfare (Federal Security Administrator before April 11, 1953), or

(ii) An agreement entered into pursuant to the provisions of section 3121 (l), relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations,

as would be wages under section 3121 (a) if such services constituted employment under section 3121 (b). For an explanation of the term "wages", see Subpart B of the Employment Tax Regulations (Part 31 of this chapter).

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of self-employment income. This would occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of the wages received by the individual during that taxable year exceed $4,200 ($3,600 for taxable years ending before 1955). For example, if an individual has net earnings from self-employment of $1,000 for 1955 and also receives wages of $4,000 during that taxable year, his self-employment income for that taxable year is $200.

(d) *Nonresident aliens.* A nonresident alien individual never has self-employment income. For the purpose of the tax on self-employment income, an individual who is not a citizen of the United States but who is a resident of the Virgin Islands or of Puerto Rico is not considered to be a nonresident alien individual. While a nonresident alien individual who derives income from a trade or business carried on within the United States, Puerto Rico, or the Virgin Islands (whether by agents or employees, or by a partnership of which he is a member) may be subject to the applicable income tax provisions on such income, such nonresident alien individual will not be subject to the tax on self-employment income, since any net earnings which he may have from self-employment do not constitute self-employment income.

§ 1.1402 (c) *Statutory provisions; definitions; trade or business.*

SEC. 1402. *Definitions.* • • •

(c) *Trade or business.* The term "trade or business", when used with reference to self-employment income or net earnings from self-employment, shall have the same meaning as when used in section 162 (relating to trade or business expenses), except that such term shall not include—

(1) The performance of the functions of a public office;

(2) The performance of service by an individual as an employee (other than service described in section 3121 (b) (14) (B) performed by an individual who has attained the age of 18 and other than service described in paragraph (4) of this subsection);

(3) The performance of service by an individual as an employee or employee representative as defined in section 3231;

(4) The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(5) The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, or Christian Science practitioner; or the performance of such service by a partnership.

The provisions of paragraph (4) shall not apply to service (other than service performed by a member of a religious order who has taken a vow of poverty as a member of such order) performed by an individual during the period for which a certificate filed by such individual under subsection (e) is in effect. The provisions of paragraph (5) shall not apply to service performed by an individual in the exercise of his profession as a Christian Science practitioner during the period for which a certificate filed by him under subsection (e) is in effect.

[Sec. 1402 (c) as amended by secs. 201 (c) and 205 (e), Social Security Amendments 1954, for taxable years ending after 1954. For taxable years ending before 1955, sec. 1402 (c), as set forth below, is applicable.

SEC. 1402. *Definitions.* • • •

(c) *Trade or business.* The term "trade or business", when used with reference to self-employment income or net earnings from self-employment, shall have the same meaning as when used in section 162 (relating to trade or business expenses), except that such term shall not include—

(1) The performance of the functions of a public office;

(2) The performance of service by an individual as an employee (other than service described in section 3121 (b) (16) (B) performed by an individual who has attained the age of 18);

(3) The performance of service by an individual as an employee or employee representative as defined in section 3231;

(4) The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(5) The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public accountant, accountant registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer; or the performance of such service by a partnership.]

§ 1.1402 (c)–1 *Trade or business*—(a) *In general.* In order for an individual to have net earnings from self-employment, he must carry on a trade or business, either as an individual or as a member of a partnership. Except for the exclusions discussed in paragraphs (b), (c), (d), (e), and (f) of this section, the term "trade or business", for the purpose of the tax on self-employment income, shall have the same meaning as when used in section 162. An individual engaged in one of the excluded activities specified in this section may also be engaged in carrying on an included trade or business. Whether or not he is also engaged in an included trade or business will be dependent upon all of the facts and circumstances in the particular case.

(b) *Public office.* The performance of the functions of a public office does not constitute a trade or business. The term "public office" includes any elective or appointive office of the United States or any possession thereof, or of a State or its political subdivisions, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(c) *Employees.* The performance of service by an individual as an employee, as defined in the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code), with two exceptions, does not constitute a trade or business. The exceptions are as follows:

(1) Service performed by an individual, who has attained the age of 18, in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, and

(2) Service described in section 1402 (c) (4) performed by an individual during taxable years for which a certificate filed in accordance with the provisions of § 1.1402 (e)–1 is in effect. See also paragraph (e) of this section.

As to when an individual is an employee, see Regulations 128 (26 CFR (1939) Part 408) and Subpart B of the Employment Tax Regulations (Part 31 of this chapter), both of which relate to the Federal Insurance Contributions Act.

(d) *Individuals under Railroad Retirement System.* The performance of service by an individual as an employee or employee representative as defined in section 3231 (b) and (c), respectively (see §§ 31.3231 (b)–1 and 31.3231 (c)–1 of the Employment Tax Regulations (Part 31 of this chapter)), that is, an individual covered under the railroad re-

tirement system, does not constitute a trade or business.

(e) *Ministers and members of religious orders*—(1) *In general.* For taxable years ending before 1955, a duly ordained, commissioned, or licensed minister of a church or a member of a religious order is not engaged in carrying on a trade or business with respect to service performed by him in the exercise of his ministry or in the exercise of duties required by such order. However, for taxable years ending after 1954, any individual who is a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) may elect, as provided in § 1.1402 (e)–1, to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to service performed by him in his capacity as such a minister or member. If such a minister or a member of a religious order makes an election pursuant to § 1.1402 (e)–1, he is, with respect to service performed by him in such capacity, engaged in carrying on a trade or business for each taxable year to which the election is effective. An election by a minister or member of a religious order has no application to service performed by such minister or member which is not in the exercise of his ministry or in the exercise of duties required by such order.

(2) *Service by a minister in the exercise of his ministry.* (i) A certificate of election filed by a duly ordained, commissioned, or licensed minister of a church under the provisions of § 1.1402 (e)–1 has application only to service performed by him in the exercise of his ministry.

(ii) Except as provided in subparagraph (3) (iii) of this paragraph, service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:

(*a*) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.

(*b*) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing, managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes.

(*c*) (*1*) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization.

(2) The rule in (*1*) of this subdivision may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged to perform service as chaplain at N University. M devotes his entire time to performing his duties as chaplain which include the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is performing service in the exercise of his ministry.

(*d*) (*1*) If a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of such organization (see subdivision (ii) (*b*) of this subparagraph) is in the exercise of his ministry.

(2) The rule in (*1*) of this subdivision may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by the N Religious Board to serve as director of one of its departments. He performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is performing service in the exercise of his ministry.

(*e*) (*1*) If a minister, pursuant to an assignment or designation by a religious body constituting his church, performs service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him, even though such service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of his ministry.

(2) The rule in (*1*) of this subdivision may be illustrated by the following example:

Example. M, a duly ordained minister, is assigned by X, the religious body constituting his church, to perform advisory service to Y Company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is performing service in the exercise of his ministry.

(3) *Service by a minister not in the exercise of his ministry.* (i) A certificate filed by a duly ordained, commissioned, or licensed minister of a church under the provisions of § 1.1402 (e)–1 has no application to service performed by him which is not in the exercise of his ministry.

(ii) (*a*) If a minister is performing service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the service is not performed pursuant to an assignment or designation by his ecclesiastical superiors, then only the service performed by him in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of his ministry. See, however, subdivision (iii) of this subparagraph.

(*b*) The rule in (*a*) of this subdivision may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. He performs no other service for N although from time to time he performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not performing the service for N pursuant to an assignment or designation by his ecclesiastical superiors. The service performed by M for N University is not in the exercise of his ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of his ministry.

(iii) Service performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, Territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of the foregoing, is not considered to be in the exercise of his ministry for purposes of the tax on self-employment income, even though such service may involve the ministration of sacerdotal functions or the conduct of religious worship. Thus, for example, service performed by an individual as a chaplain in the Armed Forces of the United States is considered to be performed by a commissioned officer in his capacity as such, and not by a minister in the exercise of his ministry. Similarly, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of his ministry.

(4) *Service in the exercise of duties required by a religious order.* A certificate of election filed by a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) under the provisions of § 1.1402 (e)–1 has application to all duties required of him by such order. The nature or extent of such service is immaterial so long as it is a service which he is directed or required to perform by his ecclesiastical superiors.

(f) *Members of certain professions*—(1) *Taxable years ending before 1955.* For taxable years ending before 1955, an individual is not engaged in carrying on a trade or business with respect to the performance of service in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public accountant, accountant registered or licensed as an accountant

under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer.

(2) *Taxable years ending after 1954.* (i) Except as provided in subdivision (ii) of this subparagraph, for taxable years ending after 1954 an individual is not engaged in carrying on a trade or business with respect to the performance of service in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, or Christian Science practitioner.

(ii) For taxable years ending after 1954, a Christian Science practitioner may elect, as provided in § 1.1402 (e)–1, to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to service performed by him in the exercise of his profession as a Christian Science practitioner. If an election is made pursuant to § 1.1402 (e)–1, the Christian Science practitioner is, with respect to the performance of service in the exercise of such profession, engaged in carrying on a trade or business for each taxable year to which the election is effective. An election by a Christian Science practitioner has no application to service performed by him which is not in the exercise of his profession as a Christian Science practitioner.

(3) *Legal requirements.* The exclusions specified in subparagraphs (1) and (2) of this paragraph apply only if the individuals meet the legal requirements, if any, for practicing their professions in the place where they perform the service. Thus, an individual who is not licensed as a veterinarian but who is publicly engaged in the practice of veterinary medicine in a jurisdiction which requires that an individual engaged in such practice be licensed is not within the exclusion.

(4) *Meaning of terms.* The designations in subparagraphs (1) and (2) of this paragraph are to be given their commonly accepted meaning. Thus, the term "physician" means an individual who is legally qualified to practice medicine, and the term "lawyer" means an individual who is legally qualified to practice law.

(5) *Partnerships.* In the case of a partnership engaged in the practice of any of the designated excluded professions, the partnership shall not be considered as carrying on a trade or business for the purpose of the tax on self-employment income, and none of the distributive shares of the income or loss, described in section 702 (a) (9), of such partnership shall be included in computing net earnings from self-employment of any member of the partnership. On the other hand, where a partnership is engaged in a trade or business not within any of the designated excluded professions, each partner must include his distributive share of the income or loss, described in section 702 (a) (9), of such partnership in computing his net earnings from self-employment, irrespective of whether such partner is engaged in the practice of one or more of such professions and contributes his professional services to the partnership.

§ 1.1402 (d) *Statutory provisions; definitions; employee and wages.*

SEC. 1402. *Definitions.* • • •

(d) *Employee and wages.* The term "employee" and the term "wages" shall have the same meaning as when used in chapter 21 (sec. 3101 and following, relating to Federal Insurance Contributions Act).

§ 1.1402 (d)–1 *Employee and wages.* For the purpose of the tax on self-employment income, the term "employee" and the term "wages" shall have the same meaning as when used in the Federal Insurance Contributions Act. For an explanation of these terms, see Regulations 128 (26 CFR (1939) Part 408) and Subpart B of the Employment Tax Regulations (Part 31 of this chapter).

§ 1.1402 (e) *Statutory provisions; definitions; ministers, members of religious orders, and Christian Science practitioners.*

SEC. 1402. *Definitions.* • • •

(e) *Ministers, members of religious orders, and Christian Science practitioners*—(1) *Waiver certificate.* Any individual who is (A) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or (B) a Christian Science practitioner may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that he elects to have the insurance system established by title II of the Social Security Act extended to service described in subsection (c) (4), or service described in subsection (c) (5) insofar as it relates to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, as the case may be, performed by him.

(2) *Time for filing certificate.* Any individual who desires to file a certificate pursuant to paragraph (1) must file such certificate on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1954 for which he has net earnings from self-employment (computed, in the case of an individual referred to in paragraph (1) (A), without regard to subsection (c) (4), and, in the case of an individual referred to in paragraph (1) (B), without regard to subsection (c) (5) insofar as it relates to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner) of $400 or more, any part of which was derived from the performance of service described in subsection (c) (4), or from the performance of service described in subsection (c) (5) insofar as it relates to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, as the case may be.

(3) *Effective date of certificate.* A certificate filed pursuant to this subsection shall be effective for the first taxable year with respect to which it is filed (but in no case shall the certificate be effective for a taxable year with respect to which the period for filing a return has expired, or for a taxable year ending prior to 1955) and all succeeding taxable years. An election made pursuant to this subsection shall be irrevocable.

[Sec. 1402 (e) as added by sec. 201 (c) (3), Social Security Amendments 1954]

§ 1.1402 (e)–1 *Election by ministers, members of religious orders, and Christian Science practitioners for self-employment coverage*—(a) *In general.* Any individual who is (1) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or (2) a Christian Science practitioner may elect to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by such order, or in the exercise of his profession as a Christian Science practitioner, as the case may be. Such an election shall be made by filing a certificate on Form 2031 in the manner provided in paragraph (b) of this section and within the time specified in paragraph (c) of this section. If a minister or member to whom this paragraph has application, or a Christian Science practitioner, makes an election by filing Form 2031 such individual shall, for each taxable year to which the election is effective (see paragraph (d) of this section), be considered as carrying on a trade or business with respect to the performance of service in his capacity as such a minister or member, or as a Christian Science practitioner, as the case may be.

(b) *Waiver certificate.* (1) The certificate on Form 2031 shall be filed in triplicate with the district director of internal revenue for the internal revenue district in which is located the legal residence or principal place of business of the individual who executed the certificate. If such individual has no legal residence or principal place of business in the United States, Puerto Rico, or the Virgin Islands, such certificate shall be filed with the District Director of Internal Revenue, Baltimore 2, Maryland. The certificate must be filed within the time prescribed in paragraph (c) of this section. If an individual to whom this section has application submits to a district director of internal revenue a dated and signed statement indicating that he desires to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to his services, such statement will be treated as a waiver certificate, if filed within the time specified in paragraph (c) of this section, provided that without unnecessary delay such statement is supplemented by a properly executed Form 2031.

(2) An application for a social security account number filed on Form SS–5 or the filing of an income tax return showing an amount representing self-employment income or self-employment tax shall not be construed to constitute an election referred to in paragraph (a) of this section.

(c) *Time limitation for filing waiver certificate.* (1) (i) Any individual referred to in paragraph (a) of this section who desires to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to his services must file the waiver certificate (Form 2031) prescribed by paragraph (a) of this section on or before the due date of the income tax return (see section 6072), including

any extension thereof (see section 6081), for his second taxable year ending after 1954 for which he has net earnings from self-employment (computed as prescribed in subparagraph (3) of this paragraph) of $400 or more, any part of which:

(a) In the case of a duly ordained, commissioned, or licensed minister of a church, consists of remuneration for service performed in the exercise of his ministry,

(b) In the case of a member of a religious order who has not taken a vow of poverty as a member of such order, consists of remuneration for services performed in the exercise of duties required by such order,

(c) In the case of a Christian Science practitioner, consists of remuneration for service performed in the exercise of his profession as a Christian Science practitioner.

Thus, a minister who performs service in the exercise of his ministry and who makes his income tax returns on the basis of a calendar year and has, for each of the calendar years 1955 and 1956, net earnings from self-employment of $400 or more (computed as prescribed in subparagraph (3) of this paragraph), a portion of which was derived from such service, may not make an election with respect to his service as a minister after the due date (April 15, 1957) prescribed for filing his income tax return for 1956, or any extension thereof. If a minister, a member of a religious order, or a Christian Science practioner receives remuneration in a taxable year for service performed in such capacity and the deductions allowed by chapter 1 of the Internal Revenue Code, which are attributable to the portion of such remuneration which constitutes gross income, equal or exceed the amount of such gross income, no part of the net earnings from self-employment (computed as prescribed in subparagraph (3) of this paragraph) for such taxable year shall be considered to consist of remuneration for such service. See, however, paragraph (d) of this section for provisions relating to the effective period of the waiver certificate.

(ii) The application of the rule set forth in subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). M, a licensed minister, has been employed as a toolmaker by the XYZ Corporation for the taxable years 1955 and 1956 and also engages in activities as a minister on week-ends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1955 and 1956, M received wages of $4,200 from the XYZ Corporation and derived $400 (all of which constituted net earnings from self-employment computed as prescribed in subparagraph (3) of this paragraph) from his activities as a minister. In such case if M wishes to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to his services as a minister, he must file the waiver certificate on or before the due date (April 15, 1957) prescribed for filing his income tax return for 1956, or any extension thereof. A waiver certificate filed after such date will be invalid.

Example (2). M was ordained as a minister in May 1956. During each of the taxable years 1956 and 1958, M, who makes his income tax returns on a calendar year basis, derived net earnings in excess of $400 from his activities as a minister. M had net earnings of $350 for the taxable year 1957, $200 of which was derived from service performed by him as a minister. If M wishes to have the Federal old-age and survivors insurance system established by title II of the Social Security Act extended to his service as a minister, he must file the waiver certificate on or before the due date (April 15, 1959) prescribed for filing his income tax return for 1958, or any extension thereof.

(2) The right of an individual to file a waiver certificate shall cease from his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file a waiver certificate for such decedent.

(3) For the purpose of this paragraph, net earnings from self-employment shall be determined without regard to the fact that, without an election, the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(d) *Effective date of waiver certificate.* (1) A certificate on Form 2031 filed in accordance with the provisions of this section shall be effective for the first taxable year with respect to which it is filed and all subsequent taxable years. A certificate must be made effective for either the first or second taxable year ending after 1954 in which the individual has net earnings from self-employment of $400 (determined as provided in paragraph (c) (3) of this section) from service of the character with respect to which an election may be made. However, a certificate on Form 2031 may not be effective, even though filed within the time specified in paragraph (c) (1) of this section, for any taxable year with respect to which the due date for filing the individual's income tax return (including any extension thereof) has expired at the time such certificate is filed. Further, a certificate on Form 2031 may not be effective for any taxable year ending before 1955. In order for an election to be effective for the first or second taxable year ending after 1954 in which the individual has net earnings from self-employment (determined as provided in paragraph (c) (3) of this section) from service of the character with respect to which an election may be made, the certificate on Form 2031 must be filed on or before the due date for filing the income tax return of the individual for such first or second taxable year, or of any extension thereof. Thus, if an individual makes his income tax returns on a calendar year basis and the due date of his return for the calendar year 1955 is April 15, 1956, a waiver certificate, to be effective for the calendar year 1955, must be filed on or before April 15, 1956. If such individual files a certificate after April 15, 1956, and before the due date of his income tax return for 1956, the first taxable year for which the certificate may be effective is the calendar year 1956.

(2) If an individual makes an election to become effective beginning with respect to any taxable year, such election shall be effective with respect to such taxable year unless the individual, on or before the due date for filing the income tax return for such taxable year (including any extension thereof), files, with the district director of internal revenue with whom the certificate on Form 2031 was filed, a written notice of his desire to withdraw the certificate. If the individual is deceased or unable to make a return, the written notice of withdrawal of the certificate on Form 2031 may be filed for or on behalf of the individual by the person designated in section 6012 (b) and the regulations thereunder. In the absence of a withdrawal of a certificate on or before the due date for filing the income tax return for the taxable year (including any extension thereof), the election shall be effective with respect to such taxable year and all subsequent taxable years provided all the provisions of this section are met.

(3) A certificate filed and intended to be effective for a particular taxable year which for any reason is ineffective for such taxable year shall become effective with respect to the next succeeding taxable year provided the requirements of paragraph (c) of this section are met with respect to such taxable year.

(4) An election which has become effective in accordance with the provisions of this section is irrevocable.

§ 1.1403 *Statutory provisions; miscellaneous provisions.*

SEC. 1403. *Miscellaneous provisions*—(a) *Title of chapter.* This chapter may be cited as the "Self-Employment Contributions Act of 1954".

(b) *Cross references.* (1) For provisions relating to returns, see section 6017.

(2) For provisions relating to collection of taxes in Virgin Islands and Puerto Rico, see section 7651.

§ 1.1403–1 *Cross references.* For provisions relating to the requirement for filing returns with respect to net earnings from self-employment, see § 1.6017–1. For other administrative provisions relating to the tax on self-employment income, see the applicable sections of the regulations in this part (§ 1.6001–1 et seq.) and the applicable sections of the regulations on procedure and administration (Part 301 of this chapter).

[F. R. Doc. 56-6511; Filed, Aug. 13, 1956; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

BOSTON HARBOR AND ADJACENT WATERS, MASSACHUSETTS; LUTAK INLET, ALASKA

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.75 governing the operation of drawbridges in Boston Harbor and adjacent waters, Massachusetts, is hereby amended revoking paragraph (i) (2), governing the operation of drawbridges across the portion of Fort Point Channel declared nonnavigable by act of Congress and prescribing temporary special regulations for certain bridges across Charles River, Fort Point Channels, and Reserved Channel and other minor changes, as follows:

NOTE: The temporary special regulations contained in paragraph (h) (2), and paragraphs (i) and (j), are on a trial basis and are subject to review and amendment at any time by the Department of the Army.

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* (a) The regulations in this section shall govern the operation of all drawbridges across Boston Harbor, Massachusetts, including the following waters in and adjacent thereto:

(1) Chelsea River.
(2) Mystic River.
(3) Malden River (excluding the Massachusetts Department of Public Works highway bridge at Medford Street, Malden).
(4) Little Mystic Channel.
(5) Charles River.
(6) Fort Point Channel (excluding therefrom the portion of Fort Point Channel lying above the easterly side of the highway bridge at Dorchester Avenue).
(7) Reserved Channel.
(8) Neponset River.
(9) Weymouth Fore River.
(10) Weymouth Back River.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels and for assisting vessels while passing through the draws. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draws to open.

(c) Except as otherwise provided in paragraphs (g) to (j), inclusive, of this section, the draw of each bridge shall, upon oral request or upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided*, That the draw shall not be opened when a train or vehicle is approaching so closely that it cannot safely be stopped before reaching the draw: *Provided further*, That when any draw shall have been open for 10 minutes or longer it may be closed to permit any waiting trains, vehicles, or persons to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary it shall again be opened promptly for the passage of vessels or other watercraft if there be any such desiring to pass.

NOTE: The length of time a draw has been open shall be computed from the time that the draw begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(d) *Signals*—(1) *Call signal for opening of draw.* Two long blasts followed immediately by two short blasts, sounded within signaling distance of the bridge: *Provided*, That the call signal for the City of Boston bridge across Chelsea River connecting Meridian Street, East Boston, and Pearl Street, Chelsea, shall be two long blasts followed immediately by two short blasts and one long blast: *Provided further*, That the call signal for those bridges across Mystic River, Charles River, and Fort Point Channel referred to in paragraphs (g), (h), and (i) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraphs (f) to (i), inclusive, of this section, shall be four long blasts.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Three long blasts.

(ii) *When draw cannot be opened immediately.* Two long blasts.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn of approximately three seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn of approximately one second's duration.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraph (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (j), inclusive, of this section, prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Boston of other municipality for police and fire protection. All such United States and municipal vessels shall be passed without delay through the draws of all bridges at any hour day or night.

(g) *Mystic River*—(1) *Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:45 and 9:00 a. m., 9:10 and 10:00 a. m., and 5:00 and 6:00 p.m., except on Sundays and on legal holidays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Metropolitan District Commission highway bridge opposite Harvard Street, Medford.* (i) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between 8:00 a. m. and 4:30 p. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges, Metropolitan District Commission, Charles River Dam, Boston, Massachusetts, at least one hour in advance of the time passage is desired. Whenever an opening is required between 4:30 p. m. and 8:00 a. m. on all days other than Sundays and legal holidays observed in the locality, notice to that effect shall be given to the Superintendent of Bridges not later than 4:00 p. m. Whenever an opening is required on a Sunday or a legal holiday observed in the locality, notice to that effect shall be given to the Superintendent of Bridges not later than 4:00 p. m. of the day preceding the Sunday or holiday on which the opening is required. In cases of emergency, the draw shall be opened promptly upon notification.

(iii) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the special regulations in this paragraph pertaining to the bridge together with a notice stating how the Superintendent of Bridges may be reached.

(h) *Charles River*—(1) *Bridges from mouth to and including Metropolitan District Commission Bridge at Charles River Dam, except Charlestown Bridges.* The draws of all bridges except the Charlestown Bridge, from the mouth to and including the Metropolitan District Committee bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a. m. and 4:15 and 7:40 p. m., except on Sundays and on legal holidays observed in the locality: *Provided*, That when high tide at Charlestown Navy Yard occurs between 6:15 and 9:10 a. m., the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feeet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

(2) *Charlestown Bridge.* The draw of the Charlestown Bridge shall not be required to open for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1 the draw shall not be required to open for the passage of vessels before 9:30 a. m. and after 4:00 p. m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31 the draw shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(i) *Fort Point Channel*—(1) *City of Boston highway bridges at Northern Avenue, Congress Street, and Summer Street.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:00 and 9:00 a. m. and 4:30 and 6:30 p. m., except on Sundays and legal holidays observed in the locality: *Provided*, That any vessel or other watercraft preceding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Congress Street and Summer Strect Bridges.* The draws of these bridges shall not be required to open for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draws shall not be required to open for the passage of vessels before 9:30 a. m. and after 4:00 p. m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draws shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(j) *Reserved Channel.* The draw of the Summer (L) Street Bridge shall not be required to be opened for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draw shall not be required to open for the passage of vessels before 9:30 a. m. and after 4:00 p. m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draw shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

[Regs., July 23, 1956, 823.01 (Boston Harbor, Mass.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.801 is hereby prescribed establishing and governing the use and navigation of a restricted area surrounding the Army POL dock in Lutak Inlet, Alaska, as follows:

§ 207.801 *Lutak Inlet, Alaska; restricted area*—(a) *The area.* (1) The waters of Lutak Inlet bounded as follows: Beginning at the water's edge 900 feet northwest of the centerline of the landward end of the POL dock; thence 800 feet, 51° true; thence 1,400 feet, 157° true, thence 450 feet, 211° true to the water's edge at a point approximately 720 feet from the most southwest corner of the seaward end of the POL dock; thence along the water's edge to the point of beginning.

(2) The area will be marked at points approximately 200 feet apart along the shore by white signs containing the word "Warning". The signs will not be lighted.

(b) *The regulations.* (1) No vessels or other craft shall enter or remain in the area when tankers are engaged in discharging oil at the POL dock.

(2) The regulations in this section shall be enforced by the District Engineer, Corps of Engineers, Anchorage, Alaska, and such agencies as he may designate.

[Regs., 800.2121 (Lutak Inlet, Alaska)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6506; Filed, Aug. 13, 1956; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

CRATER LAKE NATIONAL PARK; TRUCKING

1. Section 20.2 *Crater Lake National Park* is amended by the addition of paragraph (e) *Trucking* reading as follows:

(e) *Trucking.* (1) Trucks with a rated load capacity in excess of ¾ ton are prohibited from using park roads except that trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular automobile fee.

(2) The Superintendent may, in his discretion, issue permits for the use of park roads for non-commercial trucking, for which fees will be charged as follows, on rated capacity:

Truck, 1 ton or less	$1.00
Truck, over 1 ton but not more than 2 tons	2.00
Truck, over 2 tons but not more than 3 tons	3.00
Truck, over 3 tons but not more than 5 tons	4.00
Truck, over 5 tons but not more than 10 tons	5.00
Truck, over 10 tons	10.00

(3) The fees listed in subparagraph (2) of this paragraph shall entitle the holder to one round trip if performed on the same day of issue; otherwise, the fee will be for a one-way trip.

(4) The word "trucks", as used in this section, shall mean truck, tractor, trailers, semi-trailers, and/or any combination thereof.

(5) Nothing in this section shall be construed to prohibit trucks used in connection with park operation.

(6) The fees established in this section shall also apply to special emergency trucking permits issued pursuant to § 1.37 (a) of this chapter.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 7th day of June 1956.

[SEAL] THOMAS J. WILLIAMS,
Superintendent,
Crater Lake National Park.

[F. R. Doc. 56-6510; Filed, Aug. 13, 1956; 8:46 a. m.]

Chapter II—Forest Service, Department of Agriculture

[Reg. S-13, Amdt.]

PART 221—TIMBER

PAYMENT IN ADVANCE OF CUTTING; REFUNDS AND TRANSFERS

By virtue of the authority vested in the Secretary of Agriculture, Regulation S-13 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 221.13, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended.

1. Paragraph (a) of § 221.13 is amended to read as follows:

§ 221.13 *Payment in advance of cutting; refunds and transfer.* (a) Timber and forest products must be paid for in advance of cutting under any sale contract or sale permit except that, when the contract or permit so specifies, payment may be made after the timber is cut and scaled provided the purchaser prior to cutting furnishes a bond with corporate surety, satisfactory to the Forest Service or in lieu thereof deposits with a Federal depository, through the Forest Service, negotiable securities of the United States, having face value not lower than the value of the timber to be cut before payment is made and accompanied by power of attorney and agreement authorizing the bond approving officer to sell or collect such securities if payment is not made for timber cut. Sums deposited for payment in advance of cutting in excess of amounts found to be due the United States may be refunded to original depositors, their local representatives, or to successors in interest.

(Sec. 1, 30 Stat. 35, as amended, 16 U. S. C. 551. Interprets or applies Sec. 1, 33 Stat. 628, 16 U. S. C. 472)

Done at Washington, D. C., this 9th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6508; Filed, Aug. 13, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 718]

DETERMINATION OF ACREAGE AND PERFORMANCE

NOTICE OF REGULATIONS TO BE ISSUED

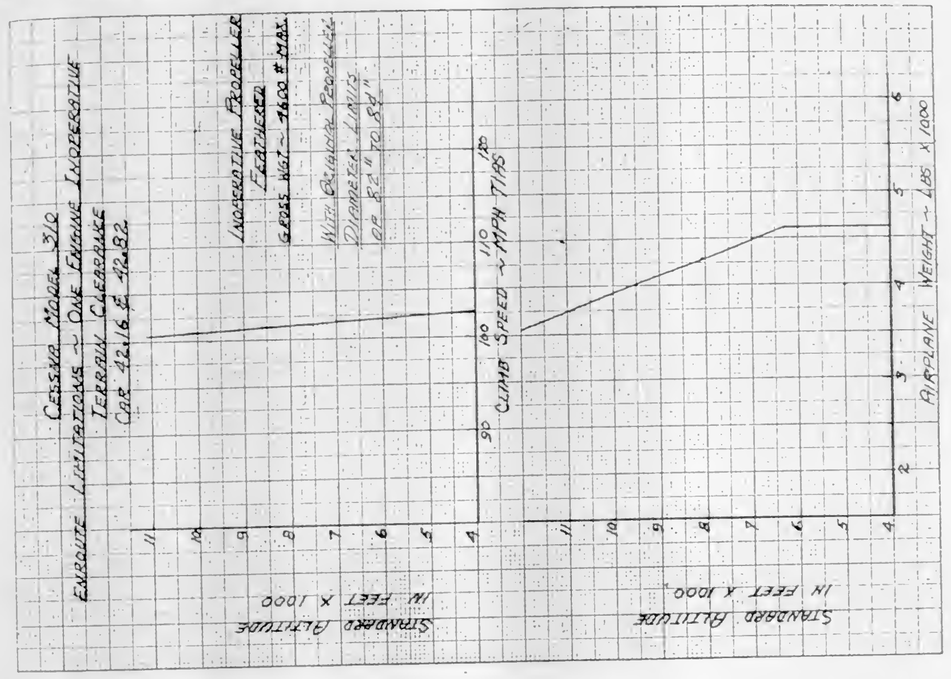
Pursuant to the authority contained in sections 374 and 375 of the Agricultural Adjustment Act of 1938, section 401 of the Agricultural Act of 1949, section 403 of the Sugar Act of 1948, and section 124 of the Soil Bank Act, the Secretary of Agriculture is preparing to issue regulations governing the determination of acreage and compliance with the provisions of the programs carried out under the above-mentioned acts. The regulations will pertain to identification of farms, methods of measurement, measuring equipment and materials, farm inspection, acreage reports, determination and computation of acreages, notices of acreages to farm operators, remeasurements and redeterminations of acreages, adjustments of excess acreages, cost of measurements, and other related matters.

Prior to issuing said regulations consideration will be given to data, views and recommendations pertaining thereto which are submitted in writing to the Director, Performance and Aerial Photography Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 8th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56-6547; Filed, Aug. 13, 1956; 8:52 a. m.]



days after publication of this notice in the FEDERAL REGISTER.

It is proposed to amend the introductory paragraph of § 42.80–6 and establish, by tables and charts, the en route limitations for the Cessna Model 310 and DeHavilland Dove Series 1A, 2A, 5A, and 6A as follows:

§ 42.80–6 *En route limitations on multiengine aircraft with maximum allowable takeoff weight below 12,500 pounds (CAA rules which apply to § 42.80).* The following en route limitations data shall be used in determining compliance with § 42.80. These data are presented in tabular and graphic form by aircraft make and model. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS[3]

CESSNA MODEL 310—WITH ORIGINAL PROPELLER DIAMETER LIMITS OF 82 INCHES TO 84 INCHES

Weight in pounds	Terrain clearance [1] in feet and climb speed in m. p. h. (IAS)	
	Feet	Miles per hour
4,600	6,300	102.9
4,500	6,900	101.4
4,250	8,250	101.4
4,000	9,600	101.0
3,750	10,950	100.6

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

NOTE: Inoperative propeller feathered.

DE HAVILLAND DOVE SERIES

Weight in pounds	Terrain clearance [1] in feet and climb speed in m. p. h. (IAS)		
	m. p. h.	Feet	
		1A and 2A series	5A and 6A series
8,800	110	[illegible]	5,000
8,500	108	6,600	6,600
8,000	105	8,300	8,300
7,500	102	9,900	9,900

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

NOTE: Inoperative propeller feathered.

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

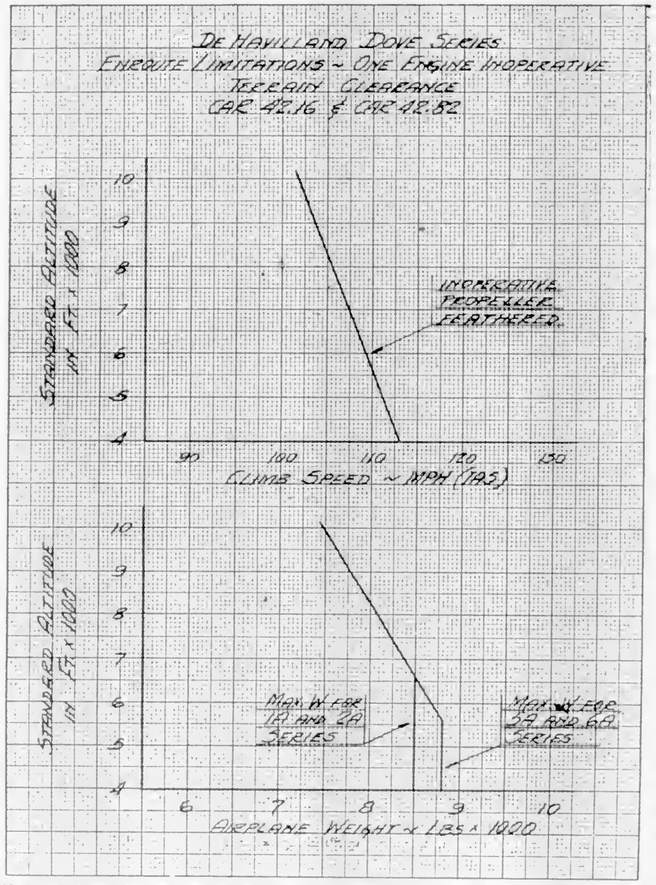
[14 CFR Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS ON CERTAIN MULTIENGINE AIRCRAFT

Notice is hereby given that pursuant to the authority contained in § 42.80, the Administrator of Civil Aeronautics proposes to establish en route limitations for the Cessna Model 310 and DeHavilland Dove Series 1A, 2A, 5A, and 6A. In addition, it appears desirable to delete the aircraft designations in the introductory paragraph of § 42.80–6 so that en route limitations may be added or changed without affecting the introductory paragraph.

All interested persons who desire to submit written data, views, or comments for consideration by the Administrator in connection with the proposed rules, should send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30



(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6373; Filed, Aug. 13, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Cong., 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of the intention to modify §§ 130.24, 130.26, and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1957, an assessment of $213,800 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 71,933.2 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1957, an assessment of $33,900 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,617.0 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1957, an assessment of $19,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,986.2 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

M. A. JOHNSON,
Assistant Area Director.

[F. R. Doc. 56-6508; Filed, Aug. 13, 1956; 8:45 a. m.]

Bureau of Land Management

[43 CFR Part 244]

RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

PROCEDURE WHEN RESERVED LAND IS INVOLVED; RIGHTS-OF-WAY OVER REVESTED AND RECONVEYED LANDS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874; 43 U. S. C. 1181a), and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations governing the construction under R. S. 2477 of highways over the Revested and Reconveyed Lands in Oregon.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 8, 1956.

Section 244.59 is amended to read as follows:

§ 244.59 *Procedure when reserved land is involved; rights-of-way over Revested and Reconveyed Lands.* (a) When a right-of-way is desired for the construction of a highway under R. S. 2477, over public land reserved for public uses, and such reserved land is under the jurisdiction of the Department of the Interior, and when a right-of-way is desired for the construction of a highway under R. S. 2477 over the Revested and Reconveyed Lands (see § 115.37 (d) of this chapter), an application should be made in accordance with § 244.3. Such application should be accompanied by a map, drawn on tracing linen, with two print copies thereof, showing the location of the proposed highway with relation to the smallest legal subdivisions of the lands affected.

(b) Where reserved lands are involved, no rights to establish or construct the highway will be acquired by reason of the filing of such application, unless and until the reservation shall have been revoked or modified so as to permit construction of the highway, subject to such terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve.

(c) Where Revested and Reconveyed Lands are involved, no rights to establish or construct the highway will be acquired by reason of the filing of such application unless and until the authorized officer of the Bureau of Land Management shall grant permission to construct the highway, subject to such terms and conditions as he deems necessary for the adequate protection and utilization of the lands, and for the maintenance of the objectives of the act of August 28, 1937 (50 Stat. 874; 43 U. S. C. 1181a).

[F. R. Doc. 56-6509; Filed, Aug. 13, 1956; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-3518 etc.]

MID-STATES OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-3518; Mid-States Oil Corporation; North Lansing, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-3519; Mid-States Oil Corporation; Bethany, Panola County, Tex.; Arkansas-Louisiana Gas Company.

G-3526; Mid-States Oil Corporation; South Hallsville, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-3527; Mid-States Oil Corporation; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-3531; Mid-States Oil Corporation; Waskom, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G-3540; Mid-States Oil Corporation; Sibley, Webster Parish, La.; Arkansas-Louisiana Gas Company.

G-3533; Mid-States Oil Corporation; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-3534; Mid-States Oil Corporation; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-3535; Mid-States Oil Corporation; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-3546; Mid-States Oil Corporation; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-3536; Mid-States Oil Corporation; Longwood, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G-3520; Mid-States Oil Corporation; Bethany, Panola County, Tex., United Gas Pipe Line Company.

G-3521; Mid-States Oil Corporation, Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-3522; Mid-States Oil Corporation; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-3523; Mid-States Oil Corporation; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-3528; Mid-States Oil Corporation; Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G-3529; Mid-States Oil Corporation; Waskom, Harrison County, Tex.; United Gas Pipe Line Company.

G-3530; Mid-States Oil Corporation; Waskom, Caddo Parish, La.; United Gas Pipe Line Company.

G-3532; Mid-States Oil Corporation; Waskom, Caddo Parish, La.; United Gas Pipe Line Company.

G-3538; Mid-States Oil Corporation; Logansport, DeSoto Parish, La.; United Gas Pipe Line Company.

G-3539; Mid-States Oil Corporation; Logansport, DeSoto Parish, La.; United Gas Pipe Line Company.

G-3552; Mid-States Oil Corporation; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company.

G-3544; Mid-States Oil Corporation; South Caesar, Bee County, Tex.; United Gas Pipe Line Company.

G-3524; Mid-States Oil Corporation; Woodlawn, Harrison County Tex.; Mississippi River Fuel Corporation.

G-3525; Mid-States Oil Corporation; Woodlawn, Harrison County Tex.; Mississippi River Fuel Corporation.

G-3537; Mid-States Oil Corporation; Lisbon, Claiborne Parish, La.; Hassie Hunt Trust.

G-3541; Mid-States Oil Corporation; Meyersville, De Witt County, Tex.; Wilcox Trend Gathering System.

G-3542; Mid-States Oil Corporation; South Cottonwood Creek, De Witt County, Tex.; Wilcox Trend Gathering System.

G–3543; Mid-States Oil Corporation; North Pettus, Goliad County, Tex.; Wilcox Trend Gathering System.

G–3547; Mid-States Oil Corporation; Delhi, Franklin County, Tex.; Texas Eastern Transmission Corporation.

G–4488; Mid-States Oil Corporation; Big Creek, Madison Parish, La.; North Crowley, Richland Acadia Parishes, La.; Texas Eastern Transmission Corporation.

G–3553; Mid-States Oil Corporation; Cotton Valley, Webster Parish, La.; Louisiana-Nevada Transit Company.

G–4433; Mid-States Oil Corporation; Carthage, Panola County, Tex.; Tennessee Gas Transmission Company.

A public hearing will be held on the 6th day of September 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

AUGUST 7, 1956.

[F. R. Doc. 56–6512; Filed, Aug. 13, 1956; 8:47 a. m.]

[Docket No. G–10512]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 8, 1956.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation whose address is Houston, Texas, filed on June 1, 1956, an application for a certificate of public convenience and necessity pursuant to sectiton 7 (c) of the Natural Gas Act, authorizing Applicant to sell and deliver gas to Kings County Lighting Company, New York and Richmond Gas Company, Elizabethtown Consolidated Gas Company, The Brooklyn Union Gas Company, and Atlanta Gas Light Company under its proposed WPS Rate Schedule (Winter Peaking Service) for the period of November 16, 1956, through April 15, 1957. All of the aforementioned companies are present customers of Applicant.

The volumes applicant is proposing to sell to each of the above named customers under its proposed WPS Rate Schedule are as follows:

Customer company	Mcf at 14.73 p. s. i. a.	
	Maximum day	Winter volume
Kings County Lighting Co	1,022	77,169
New York & Richmond Gas Co	1,533	115,754
Elizabethtown Consolidated Gas Co	1,022	77,169
The Brooklyn Union Gas Co	1,022	77,169
Atlanta Gas Light Co	511	38,585
Total	5,110	385,846

Applicant proposes to purchase from Texas Eastern Transmission Corporation under Texas Eastern's WPS Rate Schedule equivalent quantities of natural gas as it is proposing to sell essentially on a cost-plus basis to the above companies.

No new facilities are proposed as deliveries will be made through existing connections. Applicant submits that its system is capable of delivering the additional WPS gas plus its existing obligations next winter without adverse effect on its customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6513; Filed, Aug. 13, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. L. ZIEGLER, INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8106: Between H. L. Ziegler, Inc. (Houston), and Albert E. Bowen (New York).

Agreement No. 8107: Between H. L. Ziegler, Inc. (Houston), and Schaefer & Krebs, Inc. (New York).

Agreement No. 8108: Between H. L. Ziegler, Inc. (Houston), and V. Alexander & Co. (Memphis and New Orleans).

Agreement No. 8109: Between H. L. Ziegler, Inc. (Houston), and Exporters Forwarding Co., Inc. (New York).

Each of these agreements is a cooperative working arrangement whereby freight forwarding services are to be performed by the parties for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 9, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6542; Filed, Aug. 13, 1956; 8:51 a. m.]

H. L. ZIEGLER, INC., AND REYNOIR SHIPPING AGENCY

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8111 between H. L. Ziegler, Inc., of Houston, Texas, and Reynoir Shipping Agency, New Orleans, Louisina, is a cooperative working arrangement under which the parties perform freight forwarder services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 9, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6541; Filed, Aug. 13, 1956; 8:51 a. m.]

H. L. ZIEGLER, INC., AND A. E. NYDEGGER & CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8125 between H. L. Ziegler, Inc., Houston, Texas, and A. E. Nydegger & Co., Inc. of New York, is a cooperative working arrangement whereby freight forwarding services are to be performed by the parties for each other.

Interested parties may inspect this agreement and obtain copies thereof at

the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 9, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6540; Filed, Aug. 13, 1956; 8:51 a. m.]

[Docket No. S–65]

LYKES BROS. STEAMSHIP CO., INC., AND BLOOMFIELD STEAMSHIP CO.

NOTICE OF HEARING WITH RESPECT TO EXTENSION OF TRADE ROUTE

Notice is hereby given that a public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of Lykes Bros. Steamship Co., Inc., to extend its Trade Route No. 21—Line B–2 Service to include areas in the U. S. East Gulf (Port St. Joe—Gulfport Range, both inclusive) and an application of Bloomfield Steamship Company to include East Gulf ports, especially Mobile, in its Service on Trade Route 21.

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the applications with respect to operations from United States East Gulf ports to ports on the East Coast United Kingdom, Continental Europe and Baltic and Scandinavian ports are, with respect to a vessel or vessels to be operated on a service, route or line served by citizens of the United States, in addition to the existing service or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and in the accomplishment of the purpose and policy of the act, additional vessels should be operated thereon; (2) whether the applications covering the aforesaid operations are with respect to a vessel or vessels operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect would be to give undue advantage or be unduly prejudicial as between citizens of the United States; and (3) whether it is necessary to enter into a contract covering the aforesaid operations from United States East Gulf Coast to East Coast United Kingdom, Scandinavian and Baltic ports in order to provide adequate service by vessels of the United States registry.

The hearing will be before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: August 9, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6538; Filed, Aug. 13, 1956; 8:50 a. m.]

[Docket No. S–67]

T. J. McCARTHY STEAMSHIP CO.

NOTICE OF HEARING WITH RESPECT TO APPLICATION FOR OPERATING-DIFFERENTIAL AGREEMENT

Notice is hereby given that a public hearing will be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of T. J. McCarthy Steamship Company for an operating-differential subsidy agreement on the following described service:

During the Great Lakes navigation season, two sailings per month with dry-cargo vessels, until the opening of the St. Lawrence Seaway and thereafter three to four sailings per month, between United States ports on the Great Lakes and St. Lawrence River and the North Atlantic European ports of Antwerp, Rotterdam and Hamburg with the privilege of calling at Bremen and LeHavre (in addition, service is contemplated to the Port of London at a future date); and for written permission to engage in trade on the Great Lakes from Detroit to Cleveland, Ohio; Buffalo, New York; and Duluth, Minnesota, with owned unsubsidized vessels.

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the application with respect to operations from United States Great Lakes and St. Lawrence River ports is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the application covering the aforesaid operations from United States Great Lake ports and St. Lawrence River ports is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of the subsidy would be to give undue advantage or be unduly prejudicial as between citizens of the United States, in competitive services, routes, or lines; and (3) whether it is necessary to enter into a contract covering the aforesaid operations from United States Great Lakes and St. Lawrence River ports in order to provide adequate service by vessels of the United States registry.

The purpose of the hearing under section 805 (a) is to receive evidence relevant to whether granting such application (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said act.

The hearing will be before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: August 9, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6539; Filed, Aug. 13, 1956; 8:50 a. m.]

Office of the Secretary

A. M. M. VAN DE LOOVEREN, N. V., AND ANTHONIUS M. M. VAN DE LOOVEREN

APPEALS BOARD DECISION

In the matter of: A. M. M. Van de Looveren, N. V. (formerly known as West Europe Associated Merchants, N. V.), and Anthonius M. M. Van de Looveren, Willemsparkweg 80, Amsterdam C, Netherlands; Appeals Board Docket No. FC–30, B. F. C. Case No. 202.

Following an oral hearing on the record before the Appeals Board the extensive record in this matter has been carefully examined and due weight has been given to the written statements of this appellant in support of his appeal.

Not finding justification for a modification of the Order Revoking Export Licenses and Denying Export Privileges, issued by the Director of Export Supply, Bureau of Foreign Commerce, dated December 12, 1955 (20 F. R. 9431), the Board finds that the order should be sustained.

Now, therefore; it is ordered, That:

1. The appeal be and hereby is denied.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

AUGUST 7, 1956.

[F. R. Doc. 56–6537; Filed, Aug. 13, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

R. CARTER WELLFORD.

[F. R. Doc. 56-6519; Filed, Aug. 13, 1956; 8:48 a. m.]

JAMES H. TAYLOR

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER May 30, 1956 (21 F. R. 3704).

Dated: August 1, 1956.

JAMES H. TAYLOR.

[F. R. Doc. 56-6520; Filed, Aug. 13, 1956; 8:48 a. m.]

G. R. LE SAUVAGE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from last report.

This amends statement previously published in the FEDERAL REGISTER May 8, 1956 (21 F. R. 3071).

Dated: August 3, 1956.

G. R. LE SAUVAGE.

[F. R. Doc. 56-6521; Filed, Aug. 13, 1956; 8:49 a. m.]

GORDON B. CARSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER July 19, 1956 (21 F. R. 5431).

Dated: August 1, 1956.

GORDON B. CARSON.

[F. R. Doc. 56-6522; Filed, Aug. 13, 1956; 8:49 a. m.]

JOHN D. YOUNG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in report previously submitted.

This amends statement previously published in the FEDERAL REGISTER February 22, 1956 (21 F. R. 1211).

Dated: August 6, 1956.

JOHN D. YOUNG.

[F. R. Doc. 56-6523; Filed, Aug. 13, 1956; 8:49 a. m.]

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletions since last submission of Form ODM-163: Edison Electric Institute, director; York Corporation.

This amends statement previously published in the FEDERAL REGISTER June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

WILLIAM WEBSTER.

[F. R. Doc. 56-6524; Filed, Aug. 13, 1956; 8:49 a. m.]

RUSSELL G. MCCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: Own stocks in following companies: General Motors Corp., General Electric Co., Eastman Kodak Co., International Nickel Co., Monsanto Chemical Co., Gerber Products Co., Gulf Oil Corp.

This amends statement previously published in the FEDERAL REGISTER June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

RUSSELL G. MCCARTHY.

[F. R. Doc. 56-6525; Filed, Aug. 13, 1956; 8:49 a. m.]

CARLTON S. DARGUSCH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of ODM-163.

This amends statement previously published in the FEDERAL REGISTER April 29, 1956 (21 F. R. 2800).

Dated: August 1, 1956.

CARLTON S. DARGUSCH.

[F. R. Doc. 56-6526; Filed, Aug. 13, 1956; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO ADVANCES FOR PUBLIC WORKS PLANNING

1. Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator, in connection with advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U. S. C. 462:

(a) Approve planning projects and execute offers to public agencies for planning projects involving advances in amounts not exceeding $7,500 per project, and amend or modify contracts resulting from the acceptance of such offers, provided that such amendments or modifications do not increase the Government advances for any project beyond $7,500;

(b) Execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of $7,500, and amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Government advance shall not be executed until the prior approval thereof has been obtained from the Community Facilities Commissioner;

(c) Approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs (a) or (b) above;

(d) Authorize payments under any contracts resulting from acceptance of offers under subparagraphs (a) or (b) above; and

(e) Redelegate to such officers and employees as he may select any of the authorities delegated in subparagraphs (c) and (d) above.

2. This delegation of authority supersedes the delegation to the Regional Administrators effective December 2, 1955 (20 F. R. 8865).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 14th day of August 1956.

LEWIS E. WILLIAMS,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 56-6534; Filed, Aug. 13, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32480: *All commodities—New York, N. Y., to Florida points.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from New York, N. Y., and points grouped therewith to Melbourne and New Smyrna Beach, Fla.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Supplement 11 to Agent Boin's ICC A-1069.

FSA No. 32481: *Fertilizer solution—Idaho and Utah to Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on phosphatic fertilizer solution, tank-car loads from Don, Idaho, and Garfield, Utah to specified points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 25 to Agent Prueter's tariff ICC A-4123; supplement 29 to Union Pacific Railroad tariff ICC 5415.

FSA No. 32482: *Ammonium phosphate—Garfield, Utah, to Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on ammonium phosphate, monobasic, crude, carloads from Garfield, Utah to specified points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 25 to Agent Prueter's tariff ICC A-4123; Supplement 30 to Union Pacific Railroad tariff ICC 5415.

FSA No. 32483: *Fertilizer compounds—Kansas and Nebraska to Utah.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizers) carloads from Lawrence, Military and Parsons, Kans., and La Platte, Nebr., to specified points in Utah.

Grounds for relief: Short-line distance scale, market competition and circuity.

Tariff: Supplement 25 to Agent Prueter's ICC A-4123.

FSA No. 32484: *Grain and products—Oklahoma to Alabama, Florida, and Georgia.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads from specified stations in Oklahoma to specified stations in Alabama, Georgia and Florida.

Grounds for relief: Rates constructed on basis prescribed in Docket 30548, and circuitous routes.

Tariff: Agent Kratzmeir's tariff ICC No. 4220.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6515; Filed, Aug. 13, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AUGUST 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in August under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months 3¼ percent per annum.

For periods over 6 months up to and including 18 months 3¾ percent per annum.

For periods over 18 months up to and including 36 months 4¼ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

AUGUST 1956 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" at storage location of product. Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate. Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk solids (in carloads only): spray, 112,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17.0 cents per pound; in bags (as available), 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-14 and supplements. In barrels and drums, 11.5 cents per pound; in bags (as available), 10.65 cents per pound. Export, unrestricted use: Under LD-5 and amendments. Spray process, U. S. Extra Grade: In barrels and drums, 9.9 cents per pound; in bags (as available), 9.05 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound. Export, restricted use (animal and poultry feed): Under LD-23. Competitive bid on 50,000,000 pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the following Monday.
Butter (in carloads only), as available.	Domestic, unrestricted use: 63.25 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States, 62.5 cents per pound. Domestic, restricted use: Under DA-111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 25 cents per pound. Export, unrestricted use: Under LD-7, 39 cents per pound. Export, restricted use: (a) Under DA-111 and supplements. For recombining with U. S. produced nonfat dry milk: To make recombined dairy products, approved by CCC (other than evaporated milk) 35 cents per pound. To make reconbined evaporated milk, 25 cents per pound. (b) Under LD-19 and amendments for specified industrial uses approved by CCC, 25 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 209,000,000 pounds.	Domestic: 38 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States, 37 cents per pound. Export: Under LD-5 and amendments, 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7 in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 as amended, and NO-C-8 as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of NO-C-6. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.

See footnotes at end of table.

AUGUST 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay and pasture seeds (bagged).—Total (especially seed) as available.	Offers will not be accepted for less than warehouse receipt lot. Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 17 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.59. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Gum rosin (in galvanized metal drums averaging 517 pounds net).—	Domestic, unrestricted use: Market price as determined by CCC, but not less, than the legal minimum price (1956 loan rate basis point of production plus 5 percent plus 11 cents per cwt.). Domestic, unrestricted use (for feed only): Competitive bid basis by Dallas and Portland CSS Commodity Offices. Export, unrestricted use: 1956 support rate f. a. s. port (port at option of CCC). Where deliveries are made at points other than ports, appropriate price deductions will be made. Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas and Portland CSS Commodity Offices.
Gum turpentine (bulk in tanks).—	Domestic: For U. S. No. 2, the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 11 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U. S. No. 4 or better
Bluebonnet	$11.00	$8.45	$6.50
Zenith	9.02	7.08	6.00

Export: A schedule of prices as announced by Dallas CSS Commodity Office.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC), or for Texas-Mexico border points:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens) (1953 crop)	Second heads U. S. No. 4 or better
Bluebonnet	$10.20	$7.80 $6.00	$4.45
Zenith	8.70	6.49 $6.00	4.20

Specific prices and quantities may be obtained from Dallas CSS Commodity Office.
Special export (1953 crop): Competitive bid under terms and conditions of DL-MR-53 announced by Dallas CSS Commodity Office.
Special export: Competitive bid on U. S. No. 5 and better under DL-MR-400 and GR-301 as announced by Dallas CSS Commodity Office.[2]
Domestic (for feed) or export (unrestricted use): Other brokens: Competitive bid under DL-BR-1/56 announced by Dallas CSS Commodity Office.
Domestic (unrestricted use): Other brokens (in sacks): Competitive bid under DL-BR-1/56 but not less than $6.01 per hundredweight as announced by Dallas CSS Commodity Office.
Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable.
For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1955 support price differentials.
Export: Competitive bid as announced by the Portland CSS Commodity Office.
Domestic: Market price but not less than $7.85 per 100 pounds Nebraska points of production. Available Kansas City and Portland CSS Commodity Offices.
Export: Competitive bid as announced by Kansas City and Portland CSS Commodity Offices.
Domestic: Market price but not less than $7.04 per 100 pounds points of production, Denver rate area. Available Kansas City and Portland CSS Commodity Offices.
Export: Competitive bid as announced by the Kansas City and Portland CSS Commodity Offices.
Domestic: Market price but not less than $7.93 per 100 pounds points of production. Available Portland CSS Commodity Office.
Export: Competitive bid as announced by Portland CSS Commodity Office.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops) 102,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,250,000 pounds in August) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis ex warehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Tung oil	Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT-OP-8 and amendments thereto. Available Cincinnati CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CSS Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office.
Flaxseed, bulk 1955 crop, as available.	Domestic or export, unrestricted use: Market price basis in store, but not less than the 1956 loan rate basis point of production plus 21 cents per bushel. Example of minimum price per bushel: Minneapolis No. 1, $3.60. Available Minneapolis, Chicago and Portland CSS Commodity Offices.
Soybeans, bulk 1955 crop, as available.	Domestic or export, unrestricted use: Market price basis in store, but not less than the 1955 loan rate basis point of production, plus 35 cents per bushel. Available Minneapolis, Chicago, Dallas, and Kansas City CSS Commodity Offices.
Corn, bulk	Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 32 cents per bushel). Examples of minimum price per bushel, including average paid-in freight: Chicago No. 3 yellow, $2.09; Minneapolis No. 3 yellow, $2.00; Kansas City No. 3 yellow, $2.08; Portland No. 3 yellow, $2.25. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of the applicable 1955 loan rate, plus 32 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Corn is also available as follows: (1) Nonstorable corn at the above offices. (2) In flat storage in the Pacific Northwest on competitive bid basis for export.
Wheat	Domestic: Commercial wheat-producing area: Market price, basis in store [1] but not less than the legal minimum price (1956 loan rate for class, grade, quality, and location, plus 14 cents per bu.) Examples of minimum price per bushel: Chicago No. 1 RW, $2.45; Minneapolis No. 1 DNS, $2.48; Kansas City No. 1 HW, $2.45. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus 14 cents per bushel. Export: Under the terms and conditions of Announcements GR-212 revised, GR-261 revised, and GR-262 revised, at prices announced daily. Export may be made either as wheat or flour.[2] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale.
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 7 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.85; Minneapolis No. 3 oats or better, $0.80. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices.
Barley, bulk	Export: Price as determined by CCC. Offering also on competitive bid as announced by the Chicago, Portland and Dallas CSS Commodity Offices.[3] Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 9 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 barley, $1.33. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices.
Rye, bulk	Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3] Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 10 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 or better, $1.59. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices. Export: Price as determined by CCC. Offering also on competitive bid as announced by the Dallas, Chicago, and Portland CSS Commodity Offices.
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 17 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.59. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Rice, rough	Domestic, unrestricted use: Market price as determined by CCC, but not less, than the legal minimum price (1956 loan rate basis point of production plus 5 percent plus 11 cents per cwt.). Domestic, unrestricted use (for feed only): Competitive bid basis by Dallas and Portland CSS Commodity Offices. Export, unrestricted use: 1956 support rate f. a. s. port (port at option of CCC). Where deliveries are made at points other than ports, appropriate price deductions will be made. Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas and Portland CSS Commodity Offices.
Rice, milled	Domestic: For U. S. No. 2, the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 11 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U. S. No. 4 or better
Bluebonnet	$11.00	$8.45	$6.50
Zenith	9.02	7.08	6.00

Export: A schedule of prices as announced by Dallas CSS Commodity Office.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC), or for Texas-Mexico border points:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens) (1953 crop)	Second heads U. S. No. 4 or better
Bluebonnet	$10.20	$7.80 $6.00	$4.45
Zenith	8.70	6.49 $6.00	4.20

Specific prices and quantities may be obtained from Dallas CSS Commodity Office.
Special export (1953 crop): Competitive bid under terms and conditions of DL-MR-53 announced by Dallas CSS Commodity Office.
Special export: Competitive bid on U. S. No. 5 and better under DL-MR-400 and GR-301 as announced by Dallas CSS Commodity Office.[2]
Domestic (for feed) or export (unrestricted use): Other brokens: Competitive bid under DL-BR-1/56 announced by Dallas CSS Commodity Office.
Domestic (unrestricted use): Other brokens (in sacks): Competitive bid under DL-BR-1/56 but not less than $6.01 per hundredweight as announced by Dallas CSS Commodity Office.
Dry edible beans (bagged) — Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable.
For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1955 support price differentials.
Baby lima beans, 1954 crop, 50,000 hundredweight. — Export: Competitive bid as announced by the Portland CSS Commodity Office.
Great Northern beans, 1955 crop, 150,000 hundredweight. — Domestic: Market price but not less than $7.85 per 100 pounds Nebraska points of production. Available Kansas City and Portland CSS Commodity Offices. Export: Competitive bid as announced by Kansas City and Portland CSS Commodity Offices.
Pinto beans, 1955 crop, 200,000 hundredweight. — Domestic: Market price but not less than $7.04 per 100 pounds points of production, Denver rate area. Available Kansas City and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Kansas City and Portland CSS Commodity Offices.
Small red beans, 1955 crop, 400,000 hundredweight. — Domestic: Market price but not less than $7.93 per 100 pounds points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay and pasture seeds (bagged).—Total (especially seed) as available.	Offers will not be accepted for less than warehouse receipt lot. Domestic: Market price, basis in store, but not less than the legal minimum price (1956 loan rate basis point of production plus 5 percent plus 11 cents per cwt.) for certain lots of low germination seed from common and certified stocks. Available Chicago CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).—	Domestic or Export: Offer and acceptance, "as is," in the stated quantities on the designated storage yards, subject to the prices, terms and conditions of Announcement TP-21 and Supplements issued not more frequently than weekly by the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks).—	Domestic or export: Offer and acceptance, "as is," in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TP-21 and Supplements issued not more frequently than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised, but in the case of these commodities under the announcement indicated.
[3] Offering also available in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427 sec. 208, 63 Stat. 901)

Issued: August 8, 1956.

[SEAL]

WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6544; Filed, Aug. 13, 1956; 8:51 a. m.]

UNIVERSITY

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THE NATIONAL ARCHIVES

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VOLUME 21 NUMBER 158

Washington, Wednesday, August 15, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3149

FIRE PREVENTION WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the teaching and the practice of fire prevention are of invaluable assistance in saving lives and protecting property throughout the Nation; and

WHEREAS enormous losses can be avoided through effective fire-prevention measures; and

WHEREAS fire-prevention programs meet vital community needs and should be the concern of all our people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 7, 1956, as Fire Prevention Week.

I call upon our people to join in effective programs to promote safety in the control of fire; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of August in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-6632; Filed, Aug. 13, 1956; 4:58 p. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.23, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.23 (20 F. R. 9851; 21 F. R. 5343) which established allotments of the 1956 sugar quota for the Mainland Cane Sugar Area totaling 500,000 short tons, raw value. This amendment is necessary to allot the increase in quota for the area established by Sugar Regulation 811, Amendments 2, 3 and 4 (21 F. R. 4653, 5709, 6009).

Omission of recommended decision and effective date. On the basis of the finding contained in Sugar Regulation 814.23, Amendment 1 with respect to the necessity for an early effective date, and a showing in the record of the reopened hearing held in this proceeding that the same reasoning applies to this amendment (R. 126), it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding and that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Preliminary statement. Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et. seq.) allotment

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FEDERAL REGISTER

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was made (21 F. R. 5343) of the quota for the Mainland Cane Sugar Area established in Sugar Regulation 811 for 1956 (20 F. R. 9848) amounting to 500,000 short tons, raw value. The 1956 quota for the area, in short tons, raw value, was increased to 560,019 in Sugar Regulation 811, Amendment 2, to 573,356 in Sugar Regulation 811, Amendment 3 and to 580,025 in Sugar Regulation 811, Amendment 4. Pursuant to the rules of practice and procedure, as amended (21 F. R. 4251), a notice was issued June 28, 1956 (21 F. R. 4967), reopening the hearing in this proceeding in Room 2W, Administration Building of the Department at 9:30 a. m., e. d. s. t., on July 16, 1956, to permit presentation of evidence relating to the allotment of the increase in quota established by Sugar Regulation 811, Amendment 2, or any subsequent change arising from actions taken pursuant to sections 201 and 202 of the act, as amended. The reopened hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. In the reopened hearing the Government witness proposed that the quota, as increased or subsequently changed, be allotted on the same basis as the 500,000 short tons, raw value, was allotted in Sugar Regulation 814.23, Amendment 1 (21 F. R. 5343; R. 124), without further notice or hearing (R. 126) and that paragraph (b) Restrictions on marketings in S. R. 814.23, Amendment 1, be amended so that the marketings of each allottee would be limited to 95 percent of his allotment during the first eleven months of 1956 in order to facilitate adjustments of allotments in case of a decrease in the quota during that period (R. 125).

The record reveals that the National Sugar Refining Company, on June 27, 1956, received title from Godchaux Sugars, Inc., to the sugar processing mill at Reserve, Louisiana (R. 132), and that on July 6, 1956, the name of Godchaux Sugars, Inc., was changed to Gulf States Land & Industries, Inc. (R. 133). To deal with such cases of succession of interest in allotments, which require review of facts not available in the record, the Government witness proposed that

provision be made for dealing with any succession in interest in allotments without further notice or hearing (R. 126).

Findings and conclusions. In addition to the findings and conclusions made in S. R. 814.23, Amendment 1, and on the basis of the record of the hearing (including the reopened portion), I hereby further find and conclude that:

(1) Allotting any 1956 quota established for the Mainland Cane Sugar Area in the same manner as provided for the distribution of 500,000 short tons, raw value, in S. R. 814.23, Amendment 1, is fair, efficient and equitable and meets the requirements of section 205 (a) of the act.

(2) This order shall be revised without further notice or hearing to adjust allotments to take account of any change in the quota due to actions pursuant to sections 201 and 202 (a) of the act, on the same basis as the 500,000 short tons, raw value, was allotted in Sugar Regulation 814.23, Amendment 1.

(3) Marketings of each allottee during the first eleven months of 1956 shall be limited to 95 percent of the allotment established for such allottee.

(4) In order that appropriate and proper utilization of allotments may be made, it is necessary that the allotment order provide that the Director of the Sugar Division, Commodity Stabilization Service, may permit marketings to be made by one allotee, or other person, within the allotment or portion thereof established for another allottee, upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That § 814.23, as amended, be further amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Mainland Cane Sugar Area of 580,025 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	6,501
Alice C. Plantation & Refinery, Inc.	7,638
Alma Plantation, Ltd	7,348
J. Aron & Company, Inc	12,973
Billeaud Sugar Factory	7,742
Breaux Bridge Sugar Coop., Inc.	7,098
J. M. Burguieres Co., Ltd., The	6,107
Burton-Sutton Oil Co., Inc	6,530
Calre & Graugnard	3,218
Caldwell Sugars Coop., Inc	11,848
Catherine Sugar Co., Inc	6,785
Columbia Sugar Co	5,196
Cora-Texas Manufacturing Co., Inc.	2,360
Dugas & LeBlanc, Ltd	10,926
Duhe & Bourgeois Sugar Co., Inc.	8,363
Erath Sugar Co., Ltd	4,732
Evan Hall Sugar Coop., Inc	20,831
Evangeline Pepper & Food Products, Inc	4,848
Fellsmere Sugar Producers Assoc.	8,264
Frisco Cane Co., Inc	881
Glenwood Coop., Inc	13,767
Godchaux Sugars, Inc	33,960
Helvetia Sugar Coop., Inc	6,733
Iberia Sugar Coop., Inc	12,816
LaFourche Sugar Co	14,632
Harry L. Laws & Co., Inc	9,540
Levert-St. John, Inc	8,484
Loisel Sugar Co., Inc	5,272
Louisiana State Penitentiary	3,630
Lula Factory, Inc	11,233
Meeker Sugar Coop., Inc	3,364
Milliken & Farwell, Inc	12,086
Okeelanta Sugar Refinery, Inc	11,703
M. A. Patout & Son, Ltd	7,794
Poplar Grove Plt'g. & Ref. Co., Inc.	6,170
St. James Sugar Coop., Inc	12,091
St. Mary Sugar Coop., Inc	12,561
Slack Bros., Inc	3,132
Smedes Bros., Inc	4,483
South Coast Corp., The	42,485
Southdown Sugars, Inc	39,070
Sterling Sugars, Inc	11,564
J. Supple's Sons Plt'g. Co., Ltd	4,309
United States Sugar Corp	105,697
Valentine Sugars, Inc	11,964
Vermilion Sugar Co., Inc	2,239
Vida Sugars, Inc	4,378
A. Wilbert's Sons Lbr. & Sh. Co.	8,623
Young's Industries, Inc	5,956
Louisiana State University	100
Any other person	000
Total	580,025

(b) *Restrictions on marketings.* Each person named in paragraph (a) of this section and any other person is hereby prohibited from marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section during the calendar year 1956 or in excess of 95 percentum of such allotment during the first 11 months of such calendar year.

(c) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act: (1) Permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment, and (2) permit, when approved in writing by him, the transfer of allotments made in paragraph (a) of this section, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1956-crop sugarcane because of inability of the transferor, arising subsequent to the processing of the 1955-crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section; may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 10th day of August, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6577; Filed, Aug. 14, 1956; 8:51 a. m.]

[Sugar Reg. 814.32, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.32 (20 F. R. 9853; 21 F. R. 2589), which established allotments of the 1956 sugar quota for the Domestic Beet Sugar Area totaling 1,800,000 short tons, raw value. This amendment is necessary to allot the increase in quota for the area established by Sugar Regulation 811, Amendments 2, 3, and 4 (21 F. R. 4653, 5709, 6009).

Omission of recommended decision and effective date. On the basis of the finding contained in Sugar Regulation 814.32, Amendment 1, and a showing in the record of the reopened hearing held in this proceeding that the same reasoning applies to this amendment (R. 43), it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) allotment was made (21 F. R. 2589) of the quota for the Domestic Beet Sugar Area established in Sugar Regulation 811 for 1956 (20 F. R. 9848) amounting to 1,800,000 short tons, raw value. The 1956 quota for the area, in short tons, raw value, was increased to 1,863,731 in Sugar Regulation 811, Amendment 2, to 1,877,894 in Sugar Regulation 811, Amendment 3 and to 1,884,975 in Sugar Regulation 811, Amendment 4. Pursuant to the rules of practice and procedure, as amended (21 F. R. 4251), a notice was issued on June

28, 1956 (21 F. R. 4967) reopening the hearing in this proceeding in room 2W, Administration Building of the Department at 10:30 a. m., e. d. s. t., on July 16, 1956, to permit presentation of evidence relating to the allotment of the increase in quote established by Sugar Regulation 811, Amendment 2, or any subsequent change arising from actions taken pursuant to secs. 201 and 202 of the act, as amended. The reopened hearing was held at the place and time indicated in the notice.

Basis for findings and conclusions. The record of the hearing includes a schedule of allotments and method of distributing increases in quota unanimously recommended by all processors named in Sugar Regulation 814.32 (Ex. 6) for consideration by the Secretary. The data contained in Exhibit 8 indicate that the distribution of the quota proposed by the processors bears a relationship to processings from sugar beets to which proportionate shares pertained, past marketings and the ability of each processor to market the quantity allotted to him so as to reflect effective consideration to these factors as required by section 205 (a) of the act at any level of quota that may reasonably be anticipated in 1956.

In the reopened hearing the Government witness proposed that paragraph (d) of the order be amended so that the marketings of each allottee would be limited to 98 percent of his allotment during the first eleven month of 1956 in order to facilitate adjustment of allotments in case of a decrease in the quota during that period (R. 42). No exception was taken to this proposal either in testimony or briefs.

Findings and conclusions. In addition to the findings and conclusions made in Sugar Regulation 814.32, Amendment 1, and on the basis of the record of the hearing (including the reopened portion), I hereby further find and conclude that:

(1) The schedule of allotments unanimously recommended by all processors in the Domestic Beet Sugar Area constitutes the basis for a fair, efficient and equitable distribution of any quota in excess of 1,800,000 short tons, raw value, for that area and meets the requirements of section 205 (a) of the act.

(2) This order shall be revised, without further notice or hearing, to adjust allotments to take account of any change in the quota due to actions pursuant to sections 201 and 202 (a) of the act, on the basis unanimously recommended by all processors as set forth in Exhibit 6.

(3) Marketings of each allottee during the first eleven months of 1956 shall be limited to 98 percent of the allotments established for such allottee.

(4) The quota of 1,884,975 short tons, raw value, is equivalent to 35,233,178 one-hundred pound bags of refined beet sugar.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; *It is hereby ordered*, That paragraphs (a) and (d) of § 814.32, as amended, be further amended to read as follows:

§ 814.32 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area.*—(a) *Allotments.* The 1956 sugar quota for the Domestic Beet Sugar Area of 1,884,975 short tons, raw value, expressed in equivalent quantity as 35,233,178 one-hundred pound bags of refined beet sugar, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processor	Allotments (hundredweight refined beet sugar)
Amalgamated Sugar Co., The	4,441,445
American Crystal Sugar Co	5,246,511
Buckeye Sugars, Inc	167,328
Franklin County Sugar Co	187,074
Garden City Co., The	197,074
Great Western Sugar Co., The	7,409,468
Holly Sugar Corp	5,839,306
Layton Sugar Co	171,328
Menominee Sugar Co	118,480
Michigan Sugar Co	1,465,416
Monitor Sugar Division of Robt. Gage Coal Co	606,953
National Sugar Manufacturing Co., The	82,105
Northern Ohio Sugar Co	452,097
Spreckels Sugar Co	3,797,471
Superior Sugar Refining Co	89,380
Union Sugar Division of Consolidated Foods Corp	1,558,167
Utah-Idaho Sugar Co	3,403,575
Any other person	000
Total	35,233,178

* * * * *

(d) *Restrictions on marketings.* Each person named in paragraph (a) of this section and any other person are hereby prohibited from marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section during the calendar year 1956 or in excess of 98 percentum of such allotment during the first eleven months of such calendar year.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 10th day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6576; Filed, Aug. 14, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice is hereby given of the approval of the amendment, as hereinafter set forth, of the rules and regulations (7 CFR 922.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

It is hereby found and determined that the said amendment of the rules and regulations is in accordance with provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations are amended as follows:

1. Amend § 922.110 *Prorate bases and allotments* by redesignating paragraphs (c) and (d) thereof as paragraphs (d) and (e), respectively, and inserting a new paragraph (c) reading as follows:

(c) *Change in control of oranges occasioned by transfer of real property.* In the event a change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control shall request the committee to make the adjustment prescribed in § 922.53 (e). Such request shall set forth the names of the parties to the transfer, and be accompanied by a legal description of the real property transferred, the name of the county, the book, page number and date showing that such transfer has been duly recorded. The request shall also set forth the name of the person losing control of the oranges. Upon determination by the committee that the change in control of the oranges has been occasioned by such transfer, the quantity of oranges available for current shipment of the person gaining such control shall be adjusted by adding thereto a quantity of oranges equal to the quantity deducted from the oranges available for current shipment of the person losing control of such oranges. Such quantity shall be added during the same periods in which the deductions are effected in accordance with the provisions of paragraph (d) of this section.

2. Amend § 922.133 *minimum quantities and types of shipments* by adding thereto a new paragraph as follows:

(b) Any handler who desires to furnish at his own expense oranges controlled by him for exhibits or displays without regard to volume and size regulations then in effect shall make written application to the committee for exemption so to handle such oranges. Such application shall show: (1) The location and duration of the exhibit or display; (2) the estimated quantity of oranges to be so furnished for use in the exhibit or display; and (3) the disposition to be made of such oranges upon termination of the exhibit or display. The handler shall be notified in writing of the action taken by the committee on his application. Upon approval of the application, the handler may furnish such oranges at his own expense for the exhibit or display without regard to the then current volume and size regulations. This exemption shall not apply to sales of oranges made at a packinghouse.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of the current crop of Valencia oranges is now in progress, and shipments of such oranges are currently regulated pursuant to §§ 922.51 through 922.64 of the aforesaid marketing agreement and order; (2) this document amending the rules and regulations prescribes a procedure necessary in the granting of exemptions from such regulation to handlers who wish to handle oranges for exhibit or display, and the opportunity for such exhibit or display is greatest at agricultural fairs and like places of exhibition at the present season of the year; (3) the document also establishes a procedure necessary to the making of adjustments affecting the volume of oranges which may be shipped by handlers; (4) such adjustment is required under § 922.53 (c) of the aforesaid marketing agreement and order, and to be of maximum benefit the said procedure should be established as soon as possible; (5) handlers have been notified of the proposed adoption and recommendation to the Secretary of the said amendments; and (6) the procedures established by such amendment of the rules and regulations will not require any preparation which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 10th day of August 1956, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6554; Filed, Aug. 14, 1956; 8:46 a. m.]

[Valencia Orange Reg. 80, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.380 (Valencia Orange Regulation 80, 21 F. R. 5820) are hereby amended to read as follows:

(ii) District 2: 831,600 cartons.

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. 608c)

Dated: August 10, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6574; Filed, Aug. 14, 1956; 8:50 a. m.]

[Lemon Reg. 653, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.760 (Lemon Regulation 653; 21 F. R. 5821) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 10, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6555; Filed, Aug. 14, 1956; 8:46 a. m.]

Subchapter B—Prohibition of Imported Commodities

[Grapefruit Reg. 2]

PART 1068—GRAPEFRUIT

IMPORTATION INTO UNITED STATES

§ 1068.2 *Grapefruit Regulation No. 2.* (a) On and after the effective time of this section, the importation into the United States of any grapefruit is prohibited unless such grapefruit meets the following requirements:

(1) The grapefruit shall grade at least U. S. No. 2 Russet except that the requirements of this section as to the minimum juice content of the respective sizes of such grapefruit shall be as shown in the following Table I, and the requirements of this section as to the minimum ratio of the total soluble solids to the anhydrous citric acid of the juice of such grapefruit shall be as shown in the following Table II:

TABLE I

Size:	Minimum juice content
28	320 c. c.
36	280 c. c.
46	255 c. c.
54	225 c. c.
64	210 c. c.
70	185 c. c.
80	170 c. c.
96	150 c. c.
112	140 c. c.

TABLE II

Minimum total solids (percent):	Minimum ratio solids to acid
Under 8.0	7.00 to 1
8.0 to (not including) 9.0	6.50 to 1
9.0 to (not including) 9.1	6.45 to 1
9.1 to (not including) 9.2	6.40 to 1
9.2 to (not including) 9.3	6.35 to 1
9.3 to (not including) 9.4	6.30 to 1
9.4 to (not including) 9.5	6.25 to 1
9.5 to (not including) 9.6	6.20 to 1
9.6 to (not including) 9.7	6.15 to 1
9.7 to (not including) 9.8	6.10 to 1
9.8 to (not including) 9.9	6.05 to 1
9.9 and above	6.00 to 1

(2) All seeded grapefruit shall be of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(3) All seedless grapefruit shall be of a size not smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; and

(4) Each such importation is made in conformance with the general regulations (Part 1060 of this subchapter) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit pursuant to § 1060.3 of the aforesaid general regulations.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the container;

(7) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes may be imported without regard to the restrictions specified herein. The provisions of this paragraph do not supersede the restrictions or prohibitions imposed on the importation of this commodity under the Plant Quarantine Act of 1912 or any other applicable law or regulation.

(g) It is hereby found and determined that (1) imports of grapefruit are in most direct competition with grapefruit grown in the State of Florida, and (2) on the basis of information currently available, the requirements set forth in this section are comparable to those in effect for grapefruit grown in Florida (Grapefruit Regulation 246; § 933.798 of this chapter; 21 F. R. 3966), and it is not practicable for the restrictions in effect for the Florida-grown grapefruit to be made applicable to imported grapefruit because of variations in characteristics between the domestic and imported grapefruit.

(h) The terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the Revised United States Standards for Florida Grapefruit, §§ 51.750 to 51.790 of this title (standard nailed box—inside dimensions 12 by 12 by 24 inches). All other terms shall have the same meaning as when used in the general regulations.

Termination of Grapefruit Regulation No. 1. Grapefruit Regulation No. 1 (§ 1068.1) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) in that the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulations mandatory; imports of grapefruit are currently regulated under Grapefruit Regulation No. 1 (§ 1068.1); and this regulation relieves restrictions on such imports.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e–1)

Done at Washington, D. C., this 10th day of August 1956, to become effective at 12:01 a. m., e. s. t., August 19, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6575; Filed, Aug. 14, 1956; 8:51 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

PART 104—PROCEEDINGS TO SUSPEND OR REVOKE THE RIGHT OF ANY AGENT TO APPEAR BEFORE THE SMALL BUSINESS ADMINISTRATION

Sec.

104.1 Rules of procedure.
104.2 Service.
104.3 Notice.
104.4 Extension of time.
104.5 Answer and request to be heard.
104.6 Request for additional information.
104.7 Hearing.
104.8 Decision.
104.9 Effect of decision.
104.10 Reopening.
104.11 Immaterial mistakes.
104.12 Intermediate proceedings.

AUTHORITY: §§ 104.1 to 104.12 issued under R. S. 161, sec. 205, 67 Stat. 234; 5 U. S. C. 22, 15 U. S. C. 634.

§ 104.1 *Rules of procedure.* The Small Business Administrator (hereinafter referred to as "Administrator") may, in accordance with § 102.3 (d) of this chapter suspend or revoke the right of any agent (hereinafter called "Respondent") to appear before the Small Business Administration of the United States (hereinafter called "Administration"). Proceedings for such purpose shall be governed by the rules in this part.

§ 104.2 *Service*—(a) *Service of Notice.* Notice of suspension or revocation of the right of Respondent to appear before the Administration, signed by the Administrator, shall be served upon the Respondent in the following manner:

(1) By delivering it to the Respondent personally, or

(2) By registered mail, return receipt requested; *Provided*, That, if an agent shall have signed and filed with the Administrator his written consent to be served in some other manner it shall be sufficient if service is made in that manner. Where the service is by registered mail, the return receipt duly signed shall be satisfactory evidence of the date of service.

(b) *Service of papers other than Notice.* Papers other than the Notice shall be served on the Respondent as follows:

(1) By delivering them to the Respondent personally; or

(2) By leaving them at his office with his clerk or with a person in charge thereof; or

(3) By depositing them in a United States post office or post office box, enclosed in a sealed envelope, plainly addressed to such Respondent at the address under which he is enrolled or at the last address known to the Administration.

(4) When the Respondent is represented by attorney, by service upon the attorney in the same manner as provided in subparagraphs (1), (2) and (3) of this paragraph for service on the Respondent.

(c) *Service of papers upon the Administrator.* Papers shall be served upon the Administrator as follows:

(1) By delivering them to the General Counsel of the Administration, or

(2) By depositing them in a United States post office or post office box, enclosed in a sealed envelope, plainly addressed to the General Counsel of the Small Business Administration, Washington 25, D. C.

§ 104.3 *Notice.* The Notice shall set forth, specifically and in detail, the charges upon which the Administrator bases the suspension or revocation of the right of Respondent to appear before the Administration. The Notice shall also specify the date upon which the suspension or revocation shall become effective. Said effective date shall be not earlier than 20 days from the date of service of the Notice on Respondent.

§ 104.4 *Extension of time.* The Administrator may, in his discretion and upon appropriate application and showing by the Respondent, extend the effective date of the suspension or revocation.

§ 104.5 *Answer and request to be heard.* At any time prior to the effective date of the suspension or revocation, the Respondent may file a written Answer with this Administration, or request an opportunity to be heard in answer to the charges, or both. The Answer of the Respondent must be considered by the Administrator. If the Respondent files a written Answer or requests such a Hearing, the effective date of the suspension or revocation shall be stayed until the Administrator decides the issues as hereinafter provided.

§ 104.6 *Request for additional information.* If Respondent desires additional information as to the charges, he may present a request in writing to the Administrator asking that the Notice be made more specific and setting forth in detail the additional information requested. If the requested information is relevant and material to the charges, the Administrator shall furnish the Respondent with such information.

§ 104.7 *Hearing.* The Hearing shall be informal. It shall be held before the Administrator or an employee of the Administration duly authorized by the Administrator to hear the matter and shall be upon the charges and Respondent's answer thereto. Respondent may, in addition to filing a written Answer, furnish affidavits or produce witnesses at the Hearing in support of his Answer. Subject to this part, the Administrator, or the employee duly authorized to hear the matter, may determine the time, place and manner in which Respondent shall be heard, the form in which evidence shall be received, and may adopt rules of procedure and modify same from time to time as the occasion requires for the orderly disposition of the charges. Written notice of the time and place of all Hearings shall be given the Respondent in the manner provided in this part for the service of papers. No Hearing shall be held without reasonable notice thereof to the Respondent. The Administrator or the duly authorized employee may postpone or adjourn Hearings when necessary or desirable, on notice to the parties.

§ 104.8 *Decision.* The Administrator shall make the decision in the matter based on the entire record in the case. The decision shall be in writing and served upon the Respondent. If the Administrator determines that suspension or revocation is warranted, the decision shall set forth the reasons for the action taken and its effective date. If the Hearing is held before a duly authorized employee of the Administration, the decision of the Administrator will be based on the entire record in the case, including any findings and conclusions recommended to the Administrator by the Administration employee hearing the matter.

§ 104.9 *Effect of decision.* The decision of the Administrator shall, without further proceedings, become the final decision of the Agency.

§ 104.10 *Reopening.* Any agent who has been suspended or whose right to appear has been revoked may make written Application in duplicate to the Administrator to have the order of suspension or revocation vacated or modified upon the grounds of newly discovered information, or that important information is now available which the applicant was unable to produce at the original Hearing. Such Application must set forth specifically the precise character of the information relied upon in its support, and shall state the reasons why the applicant was unable to produce such information when the original charges were heard. The Administrator, after due consideration of the Application, may in his sole discretion, grant or deny the Application, or fix a time and place for a further Hearing of the Application and give due notice thereof to applicant. In the event the Administrator shall issue an order vacating or modifying the prior order to suspend or revoke the right of an agent to appear before the Administration, notice thereof shall be given by the Administration to all those to whom notice of the original order to suspend or revoke the right to appear before the Administration was sent.

§ 104.11 *Immaterial mistakes.* The Administrator shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove an immaterial allegation, or any other immaterial mistake.

§ 104.12 *Intermediate proceedings.* In proceedings pending at the time of publication of the rules in this part, if in the judgment of the Administrator the procedure followed prior to publication of this part has been in substantial compliance with applicable rules as set forth in this part, the Administration shall continue the proceedings in accordance with the rules in this part.

This part shall become effective as of the date of the filing in the FEDERAL REGISTER.

Dated: August 7, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6572; Filed, Aug. 14, 1956; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

CHARACTER OF BUSINESS

Section 1460.14 *Character of business* is amended by inserting in paragraph (b) (3), immediately preceding the last sentence thereof, the following: "In other words, although a contractor who subcontracts work may not reasonably expect to be allowed as large a profit thereon as if it had done the work itself, subcontracting of the kind described in this subparagraph, especially the extent to which subcontracts are placed with small business concerns, is given favorable consideration in determining excessive profits."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: August 10, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-6563; Filed, Aug. 14, 1956; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

APPEALS

Paragraph (e) of § 210.4 is revised to read as follows:

§ 210.4 *Rules of the Corps of Engineers Claims and Appeals Board.* * * *

(e) *Rule 5, Clearance of appellant's legal counsel or other representative.* The appellant may be represented by legal counsel or by any other duly authorized person. Each and every representative of the appellant who is an officer or employee (civilian or military) of the United States Government, or a former officer or employee (civilian or military) of the Government whose active service or employ terminated within the past two years or a retired officer of the Regular component of the Armed Forces shall file a Notice of Appearance on DA Form 1627 with the contracting officer or the Recorder of the Board. A copy of the form of Notice of Appearance may be obtained from either the contracting officer or the Recorder of the Board. The representative of the appellant must conform in all respects with the requirements of Army Regulations No. 632–35 (32 CFR 583.1).

[Regs., August 1, 1956, ENGAC–12] (R. S. 161; 5 U. S. C. 22; Interprets or applies 62 Stat. 21; 41 U. S. C. 151–162)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56-6561; Filed, Aug. 14, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 21]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS FOR TETERBORO AIRPORT, NEW JERSEY

The purpose of this supplement is to prescribe traffic patterns for Teterboro

Airport, New Jersey. At the present time there is no adequate prescribed traffic pattern established by the Port of New York Authority for air traffic taking off or landing at the Teterboro Airport, New Jersey. The increase of traffic at such airport makes it necessary, in the interest of safety in air commerce, to prescribe a uniform traffic pattern which shall be adhered to by all aircraft landing and taking off at the airport. The Civil Aeronautics Administration, with the cooperation and approval of the representatives of the Port of New York Authority, has established a traffic pattern which provides a uniform and safe procedure for the landing and takeoff of aircraft at this airport.

The traffic patterns appearing hereinafter are adopted to become effective upon publication in the FEDERAL REGISTER in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

The following rules are hereby adopted:

§ 60.18-8 *Traffic patterns for Teterboro Airport, New Jersey (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at Teterboro Airport, New Jersey, under VFR shall adhere to the following traffic patterns and altitudes made a part thereof unless otherwise authorized or directed by Air Traffic Control. Heavy or fast aircraft, and light and slow aircraft, shall follow their respective patterns as indicated by diagrams in this section.[1]

(a) Definitions: (1) "Heavy" or "fast" aircraft. "Heavy" or "fast" aircraft shall mean those aircraft with a maximum certificated takeoff weight of more than 12,500 pounds or a stall speed of more than 60 miles per hour (52.1 knots).

(2) "Light" and "slow" aircraft. "Light" and "slow" aircraft shall mean those aircraft with a maximum certificated takeoff weight of 12,500 pounds or less and a stall speed of 60 miles per hour (52.1 knots) or less.

(b) General rules: (1) Flights over populated areas shall be at an altitude of 1,200 feet or above whenever practicable.

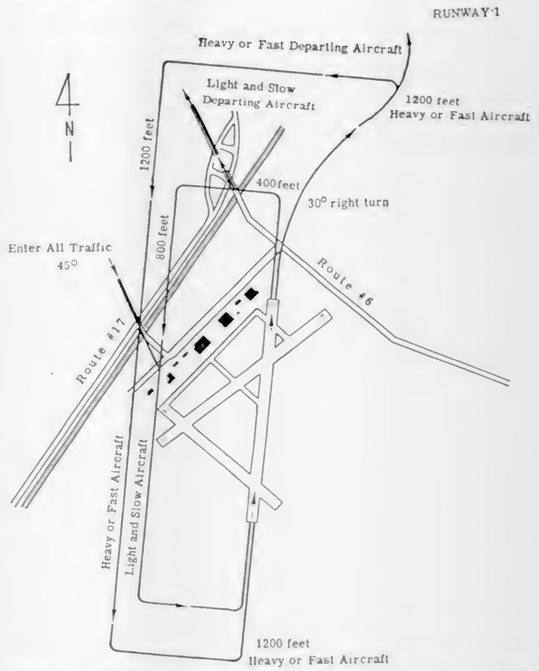
(2) Safe distances shall be maintained from all buildings, radio towers, and obstacles as well as from all other aircraft.

(3) The minimum traffic pattern altitudes shall be: (i) 800 feet for light and slow aircraft and, (ii) 1,200 feet for heavy or fast aircraft.

(4) Extreme caution shall be exercised in conforming to the flow of traffic as indicated by the diagrams set forth in paragraphs (c) through (h) of this section because of seaplane bases, obstacles, and high radio towers.

(c) The traffic pattern for runway 1 shall be:

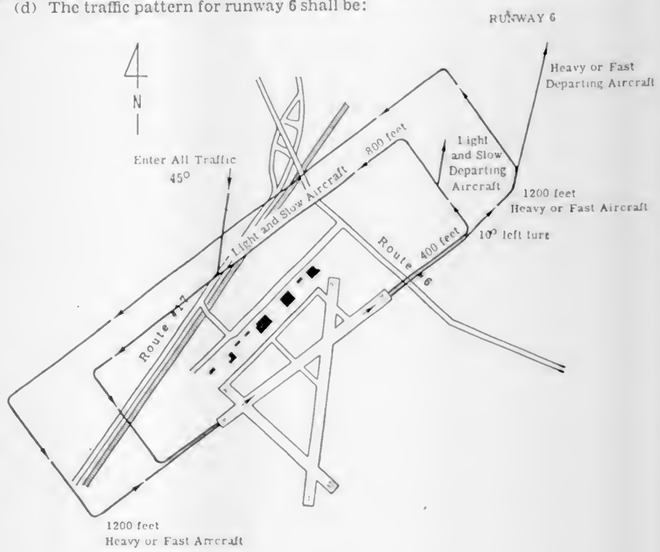
[1] Flight paths as shown on traffic pattern diagrams show flow of traffic only and have not been drawn to scale.



(1) Heavy or fast aircraft shall make a 30° turn to the right as soon as practicable after takeoff and follow the Hackensack River until an altitude of 1,200 feet is reached.

(2) Any aircraft authorized by the Teterboro tower to make a straight-in approach shall maintain an altitude of 1,200 feet as long as possible and consistent with good operational practices.

(d) The traffic pattern for runway 6 shall be:

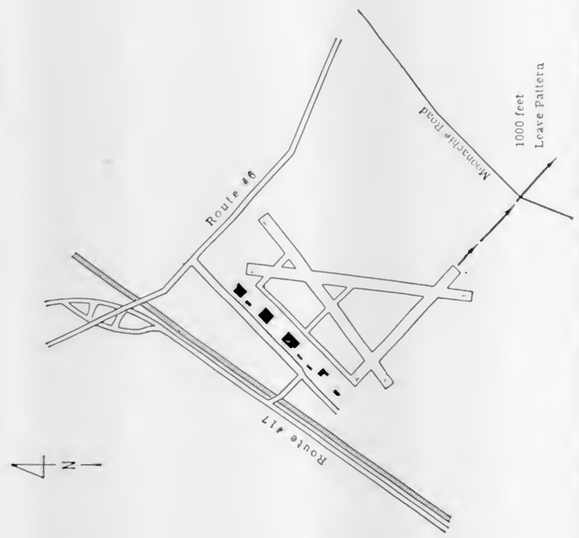


(1) Heavy or fast aircraft shall make a 10° turn to the left as soon as practicable after takeoff and follow the Hackensack River until an altitude of 1,200 feet is reached.

(2) Any aircraft authorized by the Teterboro tower to make a straight-in approach shall maintain an altitude of 1,200 feet as long as possible and consistent with good operational practices.

(3) Heavy or fast aircraft shall maintain an altitude of 1,200 feet until east of Route 17 on base leg.

(e) The traffic pattern for all aircraft using runway 14 shall be:

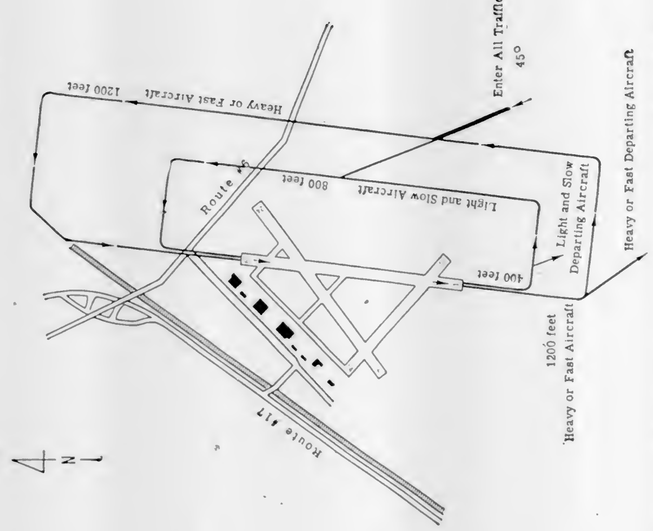


(1) All aircraft shall climb straight out until an altitude of 1,000 feet is reached before proceeding on course.

[1] The Airman's Guide may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., annual subscription $2.75, domestic; individual copy price varies.

(2) No landing authorized. Caution: Use of runway for night takeoff is restricted by airport operator (see Airman's Guide).[1] Extreme caution shall be exercised because of seaplane operations at 500 feet, east of Moonachie Road.

(f) The traffic pattern for runway 19 shall be:

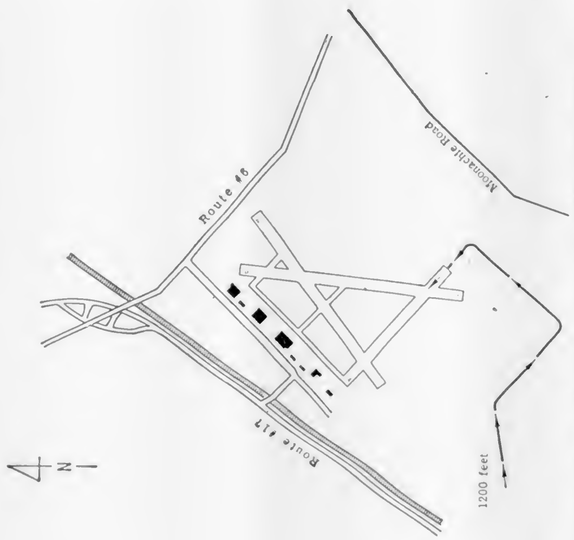


(1) Heavy or fast aircraft shall climb straight out until an altitude of 1,200 feet is reached.

(2) Any aircraft, when authorized by the Teterboro tower to make a straight-in approach, shall maintain an altitude of 1,200 feet as long as possible and consistent with good operational practices.

(3) All aircraft shall avoid direct flight over hospital area 2 miles north of airport.

(h) The traffic pattern for all aircraft using runway 32 shall be:



(1) Aircraft on base leg shall remain west of Moonachie Road.
(2) Aircraft shall maintain an altitude of 1,200 feet until east of Route 17 on downwind leg of pattern.
(3) No takeoff authorized. Caution: Use of runway for night landing is restricted by airport operator (see Airman's Guide).[1] Extreme caution shall be exercised because of seaplane operations at 500 feet, east of Moonachie Road.

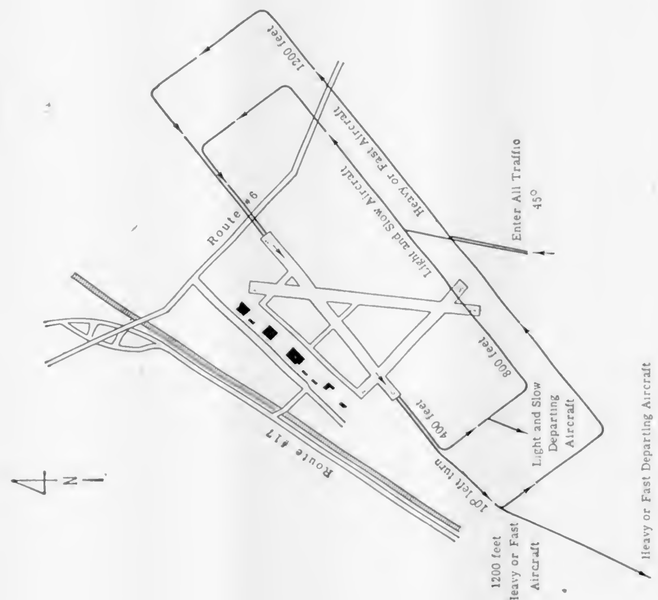
(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6474; Filed, Aug. 14, 1956; 8:45 a. m.]

(g) The traffic pattern for runway 24 shall be:



(1) Heavy or fast aircraft shall make a 10° turn to the left as soon as practicable after takeoff and remain east of the ridge until an altitude of 1,200 feet is reached.
(2) Any aircraft, when authorized by the Teterboro tower to make a straight-in approach, shall maintain an altitude of 1,200 feet as long as possible and consistent with good operational practices.

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

NOTICE OF PROPOSED RULE MAKING

Part 522 of Title 29 of the Code of Federal Regulations provides general regulations governing the issuance of certificates under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), authorizing the employment of learners at wages less than the $1.00 per hour required by section 6 of the act. Part 522 also provides supplemental regulations on this subject for several specified industries, but the industry producing small electrical products is not one of them. A number of applications for such certificates by establishments producing small electrical products has been received, and protests have been made concerning the action taken on several of these applications.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, and in accordance with subsections 4 (a) and 4 (b) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the General Learner Regulations (29 CFR 522.12), notice is hereby given that interested persons will be given opportunity to submit oral and written data, views, and arguments before Harry Weiss, an authorized representative of the Administrator, in Room 5223, United States Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C. at 10:00 a. m., e. d. s. t., on September 11, 1956, on the question set out below, with a view to possible amendment of 29 CFR Part 522 to provide supplemental regulations for the small electrical products industry.

The question is the extent, if any, to which it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of learners in plants manufacturing small electrical products, or parts or components thereof, at wages below $1.00 per hour, and what limitations as to time, number, proportion, and length of service should be prescribed incident to any such provision.

For the purpose of this notice the small electrical products industry is defined as the manufacture of such items as small switches, coils, relays, armatures, transformers, fuses, condensers, capacitors, radio speakers and antennas.

Written statements in lieu of personal appearance may be mailed to the Administrator of the Wage and Hour Division at any time prior to September 11, 1956.

Signed at Washington, D. C., this 9th day of August 1956.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 56-6559; Filed, Aug. 14, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 10, 40, 41, 42]

[Draft Release No. 56-20]

SPECIAL REGULATIONS FOR TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by October 15, 1956. Copies of such communications will be available after October 19, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 4b of the Civil Air Regulations contains rules governing the design of transport category airplanes. For a number of years, this part has established a level of airworthiness for this category of airplanes by prescribing detailed provisions to be met for the issuance of a type certificate. The part throughout the years has been subject to numerous revisions intended to keep it current with the state of the art for application to latest designs.

Until recently, the progress made by the manufacturing industry in improved designs of transport airplanes, although rapid, has not been so radical as to prevent Part 4b from being in step with respect to the newest designs being type certificated. The advent of turbine-powered airplanes (jets, turbo-props, etc.) has brought about considerably higher speeds and operating altitudes than was the case with reciprocating engine airplanes. These higher speeds and altitudes as well as certain inherent characteristics of turbine engines have introduced numerous new technical design problems and have necessitated a re-evaluation of many detailed provisions in Part 4b.

In recent years the Board has amended Part 4b by introducing numerous technical provisions more specifically applicable to turbine-powered airplanes. These were included in amendments 4b-2 and 4b-3 pertaining to structural, flight characteristics, powerplant installations, and other provisions. At the present time, consideration is being given to additional amendments to Part 4b in conjunction with the Board's 1956 Annual Airworthiness Review. It is believed that, when the Board resolves the various proposals now being considered, Part 4b will be quite complete in its applicability to turbine-powered airplanes, and that, from then on, further amendments to the part will be relatively minor in nature aimed mainly at reflecting the latest experience in the certification and operation of these airplanes.

As of this date, the Administrator of Civil Aeronautics has received at least 11 applications for type certification of turbine-powered airplanes, a considerable portion of which are from foreign manufacturers. The earliest of these applications was filed near the end of 1954. However, the so-called "non-retroactive" clause of § 4b.11 (a) does not make applicable to a particular airplane type any amendment which is adopted after an application is filed by the manufacturer for type certificate for that airplane. Thus, most of these airplanes are not now required to meet the presently effective provisions of Part 4b of the Civil Air Regulations unless the Board prescribes otherwise.

Unless appropriate changes are made in the regulations, the Administrator of Civil Aeronautics intends to apply, in the case of an individual applicant for type certificate, the provisions of Part 4b effective on the date of application for the type certificate and, in lieu of those provisions in Part 4b which are not specifically applicable to that particular type airplane, intends to prescribe, in accordance with § 4b.10, conditions of equivalent safety and such other conditions as he considers will assure that the airplane has no unsafe features. However, such an ad hoc application of equivalent safety provisions with respect to the various applications now pending is rather difficult under the circumstances because, in certain areas, the presently effective provisions in Part 4b, being detailed in their applicability to airplanes with reciprocating engines, do not clearly define a level of airworthiness appropriate for turbine-powered airplanes. This is particularly so in regard to the performance requirements.

With so many applications for type certificate on hand, it becomes essential for the Board to establish and to make effective to these applications a set of requirements more specifically and uniformly applicable. For this reason, the Board intends to promulgate at an early date a Special Civil Air Regulation to be effective with respect to all turbine-powered transport category airplanes. In essence, the Special Civil Air Regulation would prescribe a revised set of performance requirements and would make applicable also such of the provisions of amendments 4b-2 and 4b-3, and of any amendment to Part 4b stemming from the 1956 Annual Airworthiness Review, as the Administrator finds necessary to assure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

The Board has been advised that, pending adoption by the Board of more specific regulations such as now being proposed, the Administrator contemplates applying to airplanes now being type certificated a set of special condi-

tions including the important provisions of amendments 4b–2 and 4b–3, and those which might stem from the 1956 Annual Airworthiness Review. For this reason, making effective these amendments in accordance with the proposed Special Civil Air Regulation would not, in fact, impose any undue hardship upon the applicants for type certificates and would contribute to a more uniform application of requirements to all airplane types.

In regard to performance requirements, pending formulation by the Board of specific regulations, the Administrator contemplates applying a set of conditions intended to reflect as closely as possible the level of performance implied in the presently effective performance rules. The present performance rules were promulgated over ten years ago to be applicable to airplanes then known. These rules have remained practically unchanged throughout the years and are considered by the Board to be in a form not conducive to direct application to turbine-powered airplanes. With this in mind, the Board has been studying a revised set of performance regulations in conjunction with the 1956 Annual Airworthiness Review and a proposal for amendment of Parts 4b, 40, 41, and 42 of the Civil Air Regulations was introduced in Appendix I to the proposed agenda issued on April 16, 1956, as Civil Air Regulation Draft Release No. 56–9. It was contemplated that Appendix I would be discussed at the Annual Airworthiness Meeting in September after which a formal proposal would be included in a notice of proposed rule making sometime in October of this year.

The Board now considers that it would definitely be advantageous to all concerned if a revised set of performance requirements were adopted in the form of a Special Civil Air Regulation to be applicable to turbine-powered transport airplanes currently being certificated rather than to revise the performance requirements now contained in Parts 4b, 40, 41, and 42. The adoption of such a Special Civil Air Regulation at this time would establish a detailed performance code considered by the Board to represent an appropriate level of performance for uniform use by the current applicants for type certificates. Thus, the applicants as well as prospective operators could make more precise analyses of the weight-carrying capabilities of the airplanes.

A point of considerable importance with respect to a revised set of performance regulations is the fact that the Special Civil Air Regulation would include not only the performance requirements necessary for the certification of an airplane, but also the complementary performance operating limitations. These two phases of any performance code are so interrelated that they cannot be treated separately. It should be noted that, whereas the Administrator has authority to establish equivalent certification conditions under § 4b.10, no similar authority exists for the formulation of equivalent operating conditions by the Administrator in Parts 40, 41, and 42. Without a revised set of regulations, the Administrator's equivalent safety conditions would have to be predicated to a great extent upon an assumption as to what performance operating limitations the Board might make applicable to turbine-powered airplanes in Parts 40, 41, and 42. Thus, the equivalent conditions for the Part 4b performance which the Administrator would apply, would not insure accurate evaluation of the weight-carrying capabilities of the airplanes.

In developing the proposed set of performance requirements contained in Appendix I of the Proposed Agenda for the 1956 Annual Airworthiness Review, the Board, in addition to its own studies, took advantage of recent work being conducted by the industry and the CAA in conjunction with the preparation by the latter of the "equivalent" conditions. After the publication of Appendix I, the Board received informal comments by various interested parties. As a result, the proposal contained herein consists essentially of material from Appendix I, modified to reflect the Board's latest thinking.

In the realization that the proposed revised performance regulations for turbine-powered airplanes require a thorough exchange of views between all interested parties, the Board, before adopting the revised regulations, is prepared to consider suggested changes in the proposal. In order to offer additional opportunity for exchange of views on the subject, the Board is placing the matter on the Agenda for the Annual Airworthiness Meeting which will commence on September 10, 1956. Discussions at the meeting, together with the written comments received on this notice of proposed rule making, will form the basis for the proposed Special Civil Air Regulation, the adoption of which the Board will consider shortly after the deadline date for comment on this notice of proposed rule making.

In view of the fact that the Board intends to take action on this proposal before any amendment stemming from the 1956 Annual Airworthiness Review is adopted, this Special Civil Air Regulation at that time will not contain any provision stemming from discussions at the 1956 Annual Airworthiness Meeting except those with respect to performance. When amendments are adopted in the normal course on the 1956 Annual Airworthiness Review, the Board will amend the Special Civil Air Regulation to include appropriate provisions.

The Board considers that the adoption of the proposed Special Civil Air Regulation will effectively complete the revisions of the airworthiness requirements to make them more specifically applicable to turbine-powered transport category airplanes. However, further changes probably will be necessary from time to time to reflect the latest experience in the design, certification, and operation of these airplanes. In particular, the performance requirements might be subject to change when results of their application to currently designed airplanes become known. It is the intention of the Board to make such changes in the Special Civil Air Regulation without delay. Only when the provisions of the proposed Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, and 42 of the Civil Air Regulations.

The Special Civil Air Regulation herein proposed is not intended to compromise the authority of the Administrator under § 4b.10 to impose such special conditions as he finds necessary in any particular case to assure equivalent safety and the absence of unsafe design features.

In view of the foregoing, notice is hereby given that the Board intends to adopt a Special Civil Air Regulation as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which the original type certificate is issued after the effective date of this Special Civil Air Regulation shall comply with the following:

1. In addition to the provisions of Part 4b effective on the date of application for type certificate, such of the provisions of subsequent amendments of Part 4b up to and including an amendment which the Board may adopt as a result of the 1956 Annual Airworthiness Review, as the Administrator finds necessary to assure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of §§ 4b.110 through 4b.125, and 4b.743, the following shall be applicable:

§ 4b.110a *General.* The performance of the airplane shall be determined in accordance with, and shall meet the minima prescribed herein. General conditions of paragraphs (a) through (c) of this section shall apply.

(a) The performance shall correspond with standard atmospheric conditions and still air, except in cases where temperature accountability or wind accountability are specifically prescribed and except for humidity accountability specified in paragraph (b) of this section.

(b) The performance as affected by engine power (thrust), instead of being based on dry air, shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(c) The performance shall correspond with engine power (thrust) not exceeding the rated power (thrust) less the installation loss and less the power (thrust) absorbed by the accessories appropriate to the particular flight conditions. The rated power (thrust) shall be the power (thrust) within the approved limitations at the particular altitude.

§ 4b.111a *Airplane configuration.* (a) The airplane configuration (e. g. wing and cowl flaps, air brakes, landing gear, propeller setting, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating practices.

§ 4b.112a *Stalling speeds.* (a) The speed, V_{s_0}, shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stalling speed);

(2) Propeller pitch controls in the position normally used for take-off;

(3) Landing gear extended;

(4) Wing flaps in the landing position;

(5) Cowl flaps closed;

(6) Center of gravity in the most unfavorable position within the allowable landing range;

(7) The weight of the airplane equal to the weight in connection with which V_{s_0} is being used as a factor to determine a required performance.

(b) The speed, V_{s_1}, shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stalling speed);

(2) Propeller pitch controls in the position normally used for take-off, the airplane in all other respects (flaps, landing gear, etc.) in the particular condition existing in the particular test in connection with which V_{s_1} is being used;

(3) The weight of the airplane equal to the weight in connection with which V_{s_1} is being used as a factor to determine a required performance.

(c) The stall speeds defined in this section shall be the minimum speeds obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph:

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_{s_1} and from a speed sufficiently above the stalling speed to assure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 shall be complied with.

§ 4b.113a *Take-off; general.* (a) The take-off data in §§ 4b.114a through 4b.117a shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and temperatures within the operational range of the airplane established by the applicant.

(2) In the configuration for take-off (see § 4b.111a).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes the take-off surface shall be smooth water, while for skiplanes it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational range of the airplane established by the applicant.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

§ 4b.114a *Take-off speeds.* (a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by aerodynamic means alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative. Such speed shall not be critically affected by wet or icy runways or by crosswind components of up to five knots.

(b) The minimum take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the rate [Alt. gradient][1] of climb required in § 4b.120a (a) and (b), but it shall not be less than:

(1) 1.2 V_{s_1} for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative).

(2) 1.5 V_{s_1} for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in stalling speed with power on (one engine inoperative).

(3) 1.10 times the minimum control speed V_{MC} established under § 4b.133.

(c) If engine failure is assumed to occur at or after the attainment of V_2, the demonstration in which the take-off run is continued to include the take-off climb, as provided in paragraph (a) of this section, shall not be required.

§ 4b.115a *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1.

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected under normal conditions of operation, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

§ 4b.116a *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where the limit on the use of take-off and auxiliary power (thrust) is reached or where the transition from the take-off to the en route configuration is completed, whichever occurs later. The conditions of paragraphs (a) through (h) of this section shall apply in determining the take-off path.

(a) The airplane shall be accelerated on the ground to the speed V_2 during which time the critical engine shall be assumed to fail at the speed V_1 and shall be assumed to remain inoperative during the remainder of the take-off.

(b) During the take-off, changes in the airplane's configuration, in power (thrust), and in speed shall be in accordance with a procedure established by the applicant for the operation of the airplane in service. The procedure shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(2) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedure as may be reasonably expected to occur during service.

(c) The take-off path shall be determined by a continuous demonstrated take-off, or alternatively, by synthesizing the take-off path into segments. If a segmented flight path is used, its elements shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power (thrust), and in speed.

(d) The take-off path shall be determined on the basis of the take-off power (thrust) used for normal take-off operation. In addition, it shall be permissible to include standby power (thrust), in accordance with subparagraphs (1) and (2) of this paragraph.

(1) Standby power (thrust) available, but not to exceed 25 percent of the maximum take-off power (thrust) of any one engine, shall be included.

(2) The take-off distance (see § 4b.117a) determined with standby power (thrust) shall not be less than:

$$L_1 - 0.5(L_1 - L_A);$$

where:

L_1 = the take-off distance with one engine inoperative determined in accordance with the provisions of this section without the use of standby power (thrust);

L_A = the take-off distance determined with all engines operating without the use of standby power (thrust).

(e) The start of the take-off shall be at the weight for which the take-off path is being determined minus a weight of fuel approved by the Administrator representing the fuel normally used in service during the run-up of the engines and in taxiing prior to take-off. It shall

[1] An alternative approach is being presented which would express climb in terms of gradients instead of rates of climb. Where applicable, the alternative wording is placed in brackets. It is intended that the regulations, if adopted, would be expressed only in terms of rates of climb or in gradients of climb, and not in both.

be acceptable to determine the take-off path with the weight of the airplane progressively reduced by the consumption of fuel and other propellants.

(f) The speed during the airborne portion of the take-off shall not be less than V_2.

(g) The slope of the airborne portion of the take-off path shall be positive at all points.

(h) The take-off path shall be so related to the weight of the airplane that the minimum climb provision of § 4b.120a (c) is met.

§ 4b.117a *Take-off distance.* The take-off distance shall be the horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface as determined in accordance with § 4b.116a.

§ 4b.118a *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4b.119a through 4b.121a at all weights and altitudes within the operational range of the airplane established by the applicant.

§ 4b.119a *All engines operating landing climb.* In the landing configuration, the steady rate of climb in feet per minute shall not be less than $0.08\ V_{s_0}^2$ [Alt: gradient of climb shall not be less than 5 percent] with:

(a) The center of gravity in the most unfavorable position permitted for landing;

(b) All engines operating at the take-off power (thrust) available at the altitude;

(c) The weight equal to the maximum landing weight for the altitude;

(d) A climb speed not in excess of $1.4\ V_{s_0}$.

(e) The temperature equal to standard plus 25° F.

(f) The landing gear extended.

§ 4b.120a *One - engine - inoperative climb*—(a) *Take-off; landing gear extended.* In the take-off configuration at the point of the flight path where the airplane's speed first reaches V_2, in accordance with § 4b.116a but without ground effect, the steady rate of climb [Alt: gradient] shall be positive with:

(1) The center of gravity in the most unfavorable position permitted for take-off;

(2) The critical engine inoperative, the remaining engine(s) operating at the take-off power (thrust) and the standby power (thrust) available at the altitude and existing, in accordance with § 4b.116a, at the time the airplane's landing gear is fully retracted;

(3) The weight equal to the maximum take-off weight for the altitude;

(4) The speed equal to the speed V_2;

(5) The temperature equal to standard plus 25° F.

(b) *Take-off; landing gear retracted.* In the take-off configuration at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with § 4b.116a but without ground effect, the steady rate of climb shall not be less than $0.036\ V_{s_1}^2$ [Alt: gradient of climb shall not be less than 3 percent] with all other conditions as prescribed in paragraph (a) of this section, except that the take-off power (thrust) and the standby power (thrust) shall be that power (thrust) on the operating engines which exists, in accordance with § 4b.116a, at the time the transition to the cruising configuration is completed.

(c) *Final take-off.* In the en route configuration the steady rate [Alt: gradient] of climb shall be determined at all temperatures within the operational range of the airplane established by the applicant, and shall not be less than $0.026\ V_{s_0}^2$ [Alt: 1.2 percent] at the end of the take-off path, as determined by § 4b.116a, with:

(1) The center of gravity in the most unfavorable position;

(2) The critical engine inoperative, the remaining engine(s) operating at the maximum continuous power (thrust) available at the altitude;

(3) The weights corresponding with those determined in accordance with § 4b.116a;

(4) [Alt: The speed equal to the best angle of climb speed.]

(d) *En route*—(1) *Minimum climb.* In the en route configuration the steady rate of climb in feet per minute [Alt: gradient] at an altitude of 5,000 feet and at the maximum take-off weight shall not be less than

$$1.33\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2;$$

$$\left[\text{Alt:}\left(3.6-\frac{4.8}{N}\right)\text{percent}\right];$$

where N is the number of engines installed, with:

(i) The center of gravity in the most unfavorable position;

(ii) The critical engine inoperative, the remaining engine(s) operating at the maximum continuous power (thrust) available at the altitude;

(iii) [Alt: The speed equal to the best angle of climb speed.]

(2) *Flight path.* The one-engine-inoperative net flight path data based on the conditions of subparagraph (1) of this paragraph shall be determined in such a manner that they represent the airplane's actual climb performance diminished by the minimum climb prescribed in subparagraph (1) of this paragraph. The data shall include variation of the airplane's weight along the flight path to permit taking into account the progressive consumption of fuel and oil by the operating engine(s).

(3) *Unequal power engines.* If an airplane is equipped with more than two engines with unequal powers (thrusts), the value of N in subparagraph (1) of this paragraph shall be equal to (n_1+rn_2) where n_1 equals the number of engines of higher power (thrust), n_2 equals the the number of engines of lower power (thrust), and r is the ratio of the lower to the higher maximum continuous power (thrust).

(e) *Approach.* In the approach configuration such that V_{s_1} does not exceed $1.10\ V_{s_0}$, the steady rate of climb in feet per minute shall not be less than $0.044\ V_{s_0}^2$ [Alt: gradient of climb shall not be less than 2.4 percent] with:

(1) The center of gravity in the most unfavorable position permitted for landing;

(2) The critical engine inoperative, the remaining engine(s) operating at the take-off power (thrust) available at the altitude;

(3) The weight equal to the maximum landing weight for the altitude;

(4) A climb speed not in excess of $1.5\ V_{s_1}$;

(5) The temperature equal to standard plus 25° F.

§ 4b.121a *Two - engine - inoperative climb.* For airplanes with four or more engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a rate of climb in feet per minute equal to $0.0133\ V_{s_0}^2$ [Alt: gradient of climb equal to 0.6 percent]. The data shall include variations of the airplane's weight along the flight path to permit taking into account the progressive consumption of fuel and oil by the operating engines. The conditions of paragraphs (a) through (d) of this section shall apply.

(a) The airplane shall be in an en route configuration.

(b) The center of gravity shall be in the most unfavorable position.

(c) The two critical engines shall be inoperative, with the remaining engines operating at the maximum continuous power (thrust) available at the altitude.

(d) The speed shall be selected by the applicant.

§ 4b.122a *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined at all weights, altitudes, and winds within the operational range of the airplane established by the applicant. The conditions of paragraphs (a) through (d) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power (thrust), and in speed shall be in accordance with a procedure established by the applicant for the operation of the airplane in service. The procedure shall comply with the provisions of subparagraphs (1) through (4) of this paragraph.

(1) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(2) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedure as may be reasonably expected to occur in service.

(4) The landing shall be preceded by a steady gliding approach down to the 50 foot height with a calibrated air speed of not less than $1.3\ V_{s_0}$.

(b) Landing distances shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During the landing, the airplane shall not exhibit excessive vertical acceleration, no tendency to bounce, nose over, ground loop, porpoise, or water loop. In addition, the landing distances shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(c) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(d) If the Administrator finds that devices on the airplane other than wheel brakes have a noticeable effect on the landing distance and if such devices depend upon the operation of the engines, the landing distances shall be determined by assuming the critical engine to be inoperative (see also § 4b.122a (a) (2)).

§ 4b.123 *Limitations and information*—(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also § 4b.743a.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with § 4b.120a (a), (b), and (d) (1) for altitudes within the operational range of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4b.119a and 4b.120a (e) for altitudes within the operational range of the airplane (see subparagraph (4) of this paragraph).

(3) *Take-off distances.* The minimum distances required for take-off shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4b.115a and 4b.117a for weights, altitudes, temperatures, wind components, and runway gradients within the operational range of the airplane (see subparagraph (4) of this paragraph).

(4) *Range of operational variables.* The range of operational variables of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (e. g. weight, altitude, temperature, etc.). (See §§ 4b.113a (a) (1), (b), 4b.118a, 4b.120a (c), 4b.122a, and 4b.123a.)

(b) *Performance information.* The performance information on the operation of the airplane shall be presented in compliance with the generally applicable provisions of this regulation and with §§ 4b.116a, 4b.120a (d) (2), 4b.121a, and 4b.122a for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational range of the airplane (see subparagraph (a) (4) of this section). (See also § 4b.743a.)

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§ 4b.743a *Performance limitations and information*—(a) *Limitations.* The airplane's performance limitations shall be given in accordance with § 4b.123a (a).

(b) *Information.* The performance information prescribed in § 4b.123a (b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc. under which the data were determined.

(c) *Procedures.* Procedures shall be given for all stages of flight, including airplane configurations, power (thrust) settings, and indicated air speeds, to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section.

(d) *Miscellaneous.* An explanation shall be given of any significant or unusual flight or ground handling characteristics.

3. In lieu of §§ 40.70 through 40.78, 41.28 through 41.36d, and 42.70 through 42.83, the following shall be applicable:

§ 40.80 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation the provisions of §§ 40.80 through 40.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance information in the Airplane Flight Manual shall be applied in determining compliance with the provisions of §§ 40.81 through 40.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

§ 40.81 *Airplane's certificate limitations.* (a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport.

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of the airport of destination.

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with a take-off runway to be used, taking into account the effective runway gradient and the ambient temperature and wind component existing at the time of take-off.

(d) No airplane shall be operated outside the range of operational variables specified in the Airplane Flight Manual.

§ 40.82 *Take-off limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a take-off path which clears all obstacles either by at least 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 35 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the effective runway gradient and for the ambient temperature and wind component existing at the time of take-off.

§ 40.83 *En route limitations*—(a) *One-engine-inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of § 40.84 (b), the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In applying this limitation, the provisions of subparagraphs (1) through (7) of this paragraph shall be complied with.

(1) The engine shall be assumed to fail at the most critical point along the route.

(2) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The flight path, as shown in the Airplane Flight Manual, shall have a positive slope at 1,000 feet above the airport used as the alternate.

(4) An approved method shall be used of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) Fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 40.390.

(7) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two-engines-inoperative.* No airplane shall be flown along an intended track except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an airport at which a landing can be made in accordance with the provisions of § 40.84 (b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two engines inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of § 40.84 (b), the flight path having a positive slope at all points of the route 1,000 feet above the ground or obstruction within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. In applying this limitation, the provisions of subdivisions (i) through (iii) of this subparagraph shall be complied with.

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

§ 40.84 *Landing limitations*—(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the specific altitude and wind conditions, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph.

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i. e. landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, except that the airplane shall be brought to rest within 70 percent of the effective length of runway.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., August 9, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–6581; Filed, Aug. 14, 1956; 8:52 a. m.]

NOTICES

POST OFFICE DEPARTMENT

DIRECTOR, OFFICE OF RESEARCH AND ENGINEERING ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO TRAVEL CREDENTIALS

The Director (including the person acting as such officer), Office of Research and Engineering, and such officers under his supervision as he may designate, are authorized to issue temporary travel credentials necessary for officers and employees under his supervision to obtain free transportation on railroad lines in the performance of their official duties.

(R. S. 161, 396, as amended; sec. 1(b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56–6551; Filed, Aug. 14, 1956; 8:46 a. m.]

SOLICITOR

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

The following is the text of Order No. 55628, dated May 17, 1954 (19 F. R. 3065), delegating certain authority to the Solicitor for the Post Office Department, as amended by Order No. 56175, dated August 7, 1956:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066) and of Postmaster General Order No. 55507 dated January 13, 1954, there is hereby delegated to the Solicitor (including the Acting Solicitor) for the Post Office Department—

1. Authority to execute and exercise in his own name the powers, functions and duties conferred upon the Postmaster General by sections 255, 256, 257, 259, 259a and 732 of Title 39 United States Code.

2. Authority to modify, suspend or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Solicitor pursuant to the powers, functions, authority and duties conferred upon the Postmaster General by the sections of Title 39 U. S. Code set forth in paragraph No. 1 above.

3. Authority to publish, revise or amend the Post Office Department Rules of Practice governing proceedings under the Administrative Procedure Act (5 U. S. Code 1001–1011).

4. Authority to execute and exercise in his own name the powers, functions, and duties conferred upon the Postmaster General by Public Law 821, approved July 27, 1956 (70 Stat. 699).

Decisions of the Solicitor made under the authority of this order shall be the final agency decision except that the Solicitor may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

Paragraph "1" of Postmaster General's Order No. 55510 dated January 14, 1954 (19 F. R. 361) is hereby rescinded.

(R. S. 161, 396, as amended, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56–6552; Filed, Aug. 14, 1956; 8:46 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

BENJAMIN B. MATHIS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Benjamin B. Mathis on August 1, 1956 in the Department of the Army. Mr. Mathis is serving as Chief of the Springfield Ordnance District, Springfield, Massachusetts.

Mr. Mathis is presently employed by A. J. Stonina, Inc., Chicopee, Massachusetts.

Mr. Mathis' statement of his personal business interests is set forth below.

Dated: August 8, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. List or indicate none: A. J. Stonina, Inc., president and director.
2. List or indicate none: Holyoke Water Power, Black Sivals, Bryson, New England Gas & Electric, Package Machinery, Kennametal Inc., Four Corner Uranium, Hancock Bank, Bates Mfg., Diversified Stock Fund.
3. List or indicate none: None.
4. List or indicate none: None.

Dated: August 1, 1956.

BENJAMIN B. MATHIS.

[F. R. Doc. 56–6573; Filed, Aug. 14, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MOUNTAIN HOME DIVISION, SNAKE RIVER PROJECT, IDAHO

ORDER OF REVOCATION

DECEMBER 15, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 30, 1951, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 2 E.,
Sec. 25, NW¼SE¼.

The above area aggregates 40 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[61715]

AUGUST 9, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located in Ada County, Idaho, near Grand View.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 13, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 13, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56–6562; Filed, Aug. 14, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF UNITED STATES ATLANTIC AND GULF PUERTO RICO CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 6120–7, between the member lines of the United States Atlantic and Gulf Puerto Rico Conference, modifies the basic agreement of that conference (No. 6120) to amplify the provision prohibiting the giving of special, free or reduced rates, or other privileges, by the member lines.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime, Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 10, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–6556; Filed, Aug. 14, 1956; 8:47 a. m.]

WARD GARCIA, S. A., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8122 between Ward Garcia, S. A. (Ward Line), and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

(2) Agreement No. 8123 between Ward Garcia, S. A. (Ward Line), and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Mexico to Puerto

Rico, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 10, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-6557; Filed, Aug. 14, 1956; 8:47 a. m.]

AJAX FORWARDING CO. ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 8th day of August 1956, the Board entered the following order:

Whereas the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR Part 244):

Name	Registration No.	Date issued
Ajax Forwarding Co. (New York) (Nathan E. Goldman, d. b. a.)	1815	Dec. 21, 1951
Ideal World Forwarding Service (New York) (Frank J. Gross, d. b. a.)	1842	Mar. 18, 1955
Korber Freight Forwarders (New York) (Stanley E. Korber, d. b. a.)	1857	Apr. 7, 1955
Ocean International Ltd. (Chicago)	1901	July 26, 1955
Pan American Freight Brokers (Miami) (Enrique Cartaya, d. b. a.)	1893	July 11, 1955
Venezuelan Mercantile Enterprises (New Orleans) (A. J. Gallard, d. b. a.)	1828	Feb. 1, 1955

Whereas the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to § 244.3 of General Order 72; and

Whereas registered mail sent to Korber Freight Forwarders, Ocean International Ltd., Pan American Freight Brokers, and Venezuelan Mercantile Enterprises has been returned by the post office as undeliverable, and the Board is therefore unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas the other two registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated; and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that notice of such cancellation shall be sent to the registrant by the Secretary; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: August 10, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-6558; Filed, Aug. 14, 1956; 8:47 a. m.]

Office of the Secretary

LOUIS A. SCHLUETER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, and March 20, 1956:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1956.

Dated: AUGUST 3, 1956.

L. A. SCHLUETER.

[F. R. Doc. 56-6578; Filed, Aug. 14, 1956; 8:51 a. m.]

FRANK R. BAILEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, and March 20, 1956:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1956.

Dated: August 6, 1956.

F. R. BAILEY.

[F. R. Doc. 56-6579; Filed, Aug. 14, 1956; 8:52 a. m.]

G. H. KROHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 28, 1956:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 6, 1956.

Dated: August 6, 1956.

G. H. KROHN.

[F. R. Doc. 56-6580; Filed, Aug. 14, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 125]

MOTOR CARRIER APPLICATIONS

AUGUST 10, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall notify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 126 Sub 17, filed July 13, 1956, HUEY MOTOR EXPRESS, a corporation, 1040 Flint Street, Cincinnati, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between junction Kentucky Highway 36 and U. S. Highway 42, near Carrollton, Ky., and junction U. S. Highways 421 and 42, near Bedford, Ky., from junction Kentucky Highway 36 and U. S. Highway 42 over Kentucky Highway 36 to junction U. S. Highway 421, thence over U. S. Highway 421 to junction U. S. Highway 42, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 954 Sub 48, filed July 31, 1956, MID-STATES FREIGHT LINES, INC., 5200 South Pulaski Road, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chrysler Corporation Stamping Plant located near Twinsburg, Ohio, as an off-route point in connection with regular routes between Chicago, Ill., and Cleveland, Ohio, over U. S. Highway 6, which is a portion of carrier's authorized regular route operations between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

No. MC 1150 Sub 17, filed August 2, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's representative: Van Osdel & Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Glendive, Mont., and points within 10 miles of Glendive, to points in that part of South Dakota bounded on the east by U. S. Highway 83 and on the south by U. S. Highway 14, serving points on the portions of the highways specified; and from Lodge Grass, Mont., and points within 20 miles of Lodge Grass, to points in South Dakota and points in that part of North Dakota bounded on the east by the Missouri River, and on the north by U. S. Highway 10, serving points on the highway specified. Applicant is authorized to conduct operations in Kansas, North Dakota, South Dakota, and Wyoming.

No. MC 5117 Sub 10, filed July 26, 1956, JOHN F. VAN SOMEREN, FRANK A. VAN SOMEREN, AND JOHN VAN SOMEREN, JR., doing business as VAN SOMEREN TRUCKING CO., Baldwin, Wis. Applicant's representative: W. P. Knowles, New Richmond, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refrigerators, coolers*, and *cooling equipment*, manufactured and sold by Erickson Industries, Inc., from River Falls, Wis., to points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, and *supplies, materials, and equipment* used by Erickson Industries, Inc., in the manufacture of their products on return.

No. MC 8681 Sub 49, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *New and used automobiles and trucks*, in truckaway service, in secondary movements, between points in Colorado, on the one hand, and, on the other, points in Texas and Arizona; *damaged shipments of new automobiles and trucks* and *shipments of the above-described units enroute to the factory for repair*, on return. Applicant is authorized to conduct operations in Colorado, Michigan, Nevada, Wyoming, Idaho, Washington, California, Utah, Indiana, Missouri, Iowa, Arizona, New Mexico, Oregon, Illinois, and Nebraska.

No. MC 8681 Sub 50, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizer applicators*, set up and uncrated, and *parts thereof* when such parts belong to and move with the unit being transported, from points in Louisiana, on the one hand, and, on the other, points in the United States; *damaged shipments* and *shipments of the above-described units enroute to the factory for repair on return*.

No. MC 8681 Sub 51, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm tractors*, and *parts thereof* when such parts belong to and move with the unit being transported, from Detroit, Mich., to points in Mississippi, Louisiana, Arkansas, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California; *damaged shipments* of *farm tractors and parts* and *farm tractors enroute to the factory for repair*, on return. Applicant is authorized to transport farm tractors from Willow Run, Mich. to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 10928 Sub 28, (Correction) filed July 13, 1956, SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo., published on Page 5599, issue of July 25, 1956: The highway designated Texas Highway 6 between Bremond, Tex., and Richland, Tex., was in error. The correct highway designation is *Texas Highway 14*.

No. MC 13087 Sub 13, filed July 26, 1956, FRED J. STOCKBERGER, doing business as STOCKBERGER TRANSFER & STORAGE, 524 Second Street SW., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Waukesha, Wis., and St. Louis, Mo., to Charles City and Mason City, Iowa, (2) from LaCrosse, Wis., St. Joseph, Mo., and Peoria, Ill., to Mason City, Iowa, and (3) from Milwaukee, Wis., to Charles City, Iowa. *Empty malt beverage containers*, (1) from Charles City and Mason City, Iowa, to Waukesha, Wis. and St. Louis, Mo., (2) from Mason City, Iowa, to LaCrosse, Wis., St. Joseph, Mo., and Peoria, Ill., and (3) from Charles City, Iowa, to Milwaukee, Wis. Applicant is authorized to conduct operations in Wisconsin, Illinois, Iowa, and Nebraska.

No. MC 29988 Sub 61, filed August 1, 1956, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver 2, Colo. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the General Motors Euclid Division Plant located near Darrowville, Summit County, Ohio, as an off-route point in connection with regular route operations between Elyria, Ohio, and Painesville, Ohio, over U. S. Highway 20, which is a portion of carrier's authorized regular route operations between Chicago, Ill., and New York, N. Y.

No. MC 35155 Sub 2, filed July 2, 1956, A. MINGER AND LAWRENCE J. WEAVER, doing business as MINGER TRUCK LINE, 526 Southeast Division Place, Portland, Oreg. Applicant's representative: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including household goods as defined by the Commission*, but excluding commodities of unusual value, Class A and B explosives, commodities in bulk and those requiring special equipment, between Portland, Oreg., and Oregon City, Oreg., over Oregon Highway 43, serving all intermediate points, and the off-route points of Willamette, West Linn and Lake Grove, Oreg. Applicant is authorized to conduct operations in Oregon.

No. MC 35396 Sub 17, filed July 23, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, P. O. Box 429, Madisonville, Ky. Applicant's representative: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common*

carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Warrick Works of the Aluminum Company of America plant, located in Warrick County, Ind., near Newburgh, Ind., approximately ten (10) miles from Evansville, Ind., and near Indiana Highway 66, as an off-route point in connection with applicant's authorized regular route operations to and from Evansville, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Tennessee.

No. MC 35396 Sub 18, filed July 25, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, P. O. Box 429, Madisonville, Ky. Applicant's representative: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greenville, Ky., and junction Kentucky Highways 181 and 81, near Bremen, Ky., over Kentucky Highway 181, serving all intermediate points, and points three (3) miles of said route as off-route points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Tennessee.

No. MC 35628 Sub 200, filed July 30, 1956, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue SW., Grand Rapids 2, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, serving the site of the new plant of General Motors Corporation, Chevrolet Division, in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized routes between Cleveland and Salem, Ohio, over Ohio Highway 14. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Kentucky, West Virginia, Maryland, New York, Massachusetts, New Jersey, and the District of Columbia.

No. MC 35890 Sub 9, filed July 30, 1956, BLODGETT UNCRATED FURNITURE SERVICE, INC., 835 Chestnut Street NW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New Furniture* (uncrated), as defined by the Commission, (1) from points in Chautauqua, Cattaraugus, Erie, Monroe, and Onondaga Counties, N. Y., and Warren County, Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin, and (2) from Keene, N. H., to East Northfield, Mass., and *return, refused and/or damaged furniture*, on return. Applicant is authorized to conduct operations in Michigan, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, Maryland, District of Columbia, Iowa, Minnesota, New Jersey, Massachusetts, Connecticut, and Rhode Island.

No. MC 40302 Sub 21, filed August 2, 1956, FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the Warrick Works of the Aluminum Company of America located near Newburgh, Ind., as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and Evansville, Ind., over U. S. Highways 25, 33, 40 and 41, Ohio Highway 29, and Indiana Highways 67, 32, and 9. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, and Kentucky.

No. MC 41002 Sub 13, filed July 27, 1956, THE VICTORY TRANSIT CORPORATION, P. O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Kentucky, Tennessee, North Carolina and that part of Alabama on and north of a line beginning at the Mississippi-Alabama State line extending over U. S. Highway 82 to junction of U. S. Highway 11 at Tuscaloosa, Ala., thence over U. S. Highway 11 to junction U. S. Highway 78 at Birmingham, Ala., thence over U. S. Highway 78 to the Alabama-Georgia State line, and that part of Georgia on and north of a line beginning at the Alabama-Georgia State line, thence over U. S. Highway 78 to junction of U. S. Highway 29 at Athens, Ga., and thence over U. S. Highway 29 to the Georgia-South Carolina State line, to points in Ohio, Indiana, and Kentucky.

No. MC 42469 Sub 1, filed July 23, 1956, JOSEPH ARTH, 1430 Marcus Avenue, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, building tile* and *building block*, in specialized flat bed vehicles, from points in that part of Illinois bounded by a line beginning at the Iowa-Illinois State line, thence east along U. S. Highway 136 to junction Illinois Highway 1, thence south along Illinois Highway 1 to the Ohio River, thence west along the Ohio River to the Mississippi River, thence north along the Mississippi River to the point of beginning, including points on the indicated highways specified, to St. Louis, Mo. *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 48975 Sub 8, filed July 31, 1956, C. J. URLING, 2700 Penn Avenue, Pittsburgh 22, Pa. Applicant's representative: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper products*, and *materials and supplies* used in the manufacture of paper products, from Pittsburgh, Pa. and Grafton, W. Va. to Hagerstown, Md., and *damaged and defective shipments*, on return. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, and Virginia.

No. MC 50544 Sub 40, filed May 4, 1956, THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, A Corporation, Texas and Pacific Building, 1025 Elm Street, Dallas, Tex. Applicant's representative: Tom Farmer, The Texas and Pacific Railway Company, Law Department, Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, between New Orleans, La., and junction U. S. Highway 190 and Louisiana Highway 1, from New Orleans over U. S. Highway 61 to junction U. S. Highway 190, thence over U. S. Highway 190 to junction Louisiana Highway 1, and return over the same route, serving no intermediate points, nor any points not presently authorized to be served, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (1) New Orleans and Port Allen, La., (2) Port Allen and Innis, La., and (3) Port Allen and New Roads, La.

No. MC 52986 Sub 9, filed August 3, 1956, NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, P. O. Box 1695, Billings, Mont. Applicant's representative: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk*, but excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Helena, Mont. and Spokane, Wash., from Helena over U. S. Highway 10N to Garrison, Mont., and thence over U. S. Highway 10 to Spokane, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in Montana, Minnesota, and North Dakota.

No. MC 56887 Sub 4, filed July 27, 1956, JESS EDWARDS, INC., P. O. Box 2287, Corpus Christi, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between Albuquerque and Gallup, N. Mex., on the one hand, and, on the other, points in New Mexico on and north of U. S. Highway 66. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

No. MC 59120 Sub 12 (Amended), filed April 17, 1956, published on Page 3442, issue of May 23, 1956, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa. Applicant's representative: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (but including perishable commodities requiring refrigerator equipment), (1) between Norwalk, Ohio, and Girard, Pa.: from Norwalk over U. S. Highway 20 to Girard, and return over the same route, and (2) between Akron, Ohio, and Conneaut, Ohio; from Akron over Ohio Highway 5 to junction Ohio Highway 7, and thence over Ohio Highway 7 to Conneaut, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular routes in Certificate MC 59120 and MC 59120 Sub 11, serving no intermediate or off-route points and serving the termini for purposes of joinder only; and (3) between Warren, Ohio, and junction U. S. Highway 62 and Pennsylvania Highway 18 in Mercer County, Pa.: from Warren over Ohio Highway 82 to the Ohio-Pennsylvania State line, thence over U. S. Highway 62 to junction with Pennsylvania Highway 18 in Mercer County, Pa., and return over the same route, serving no off-route points and serving the termini for purposes of joinder only, but serving the intermediate point of Sharon, Pa. Applicant is authorized to conduct operations in Pennsylvania, New York, Illinois, and Ohio.

No. MC 59185 Sub 20, filed August 6, 1956, HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company Plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio and Detroit, Mich. over U. S. Highways 24 and 25 and Ohio Highways 2, 57, and 254. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 64994 Sub 19, filed August 1, 1956, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's representative: James E. Wilson, Continental Building, 14th Street, at K NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Textiles*, and *textile products*, from Rocky Mount, N. C., to Greensboro, N. C. Applicant is authorized to conduct operations in Chicago Commercial Zone, Pennsylvania, Ohio, and West Virginia.

No. MC 66562 Sub 1297, filed July 27, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, *ice cream mix*, in cans, moving in railroad baggage service of Atchison, Topeka and Santa Fe Railway, and *U. S. Mail*, between Denver, Colo., and La Junta, Colo.; from Denver over U. S. Highway 85 to Pueblo, thence over Colorado Highway 96 to Boone, thence over Colorado Highway 209 to junction with U. S. Highway 50, and thence over U. S. Highway 50 to La Junta, and return over the same route, serving the intermediate and off-route points of Colorado Springs, Pueblo, Devine, Avondale, Boone, Fowler, Manzanola, Rocky Ford and Swink, Colo. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Denver, Colo.

No. MC 66562 Sub 1298, filed July 27, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Los Angeles, Calif., and Anaheim, Calif.: From Union Terminal Express Annex, Los Angeles, over Aliso Street to Alameda Street, thence over Alameda Street to Commercial Street, thence over Commercial Street to Santa Ana Freeway at Hewitt Street, thence over Santa Ana Freeway to Center Street and thence over Center Street to Union Pacific Station, Anaheim, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail or air express service will be made at Los Angeles, Calif.

No. MC 66562 Sub 1299, filed July 27, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General Commodities, including Class A and B explosives*, moving in express service, between Chester, Pa., and Philadelphia, Pa.: From Chester over Pennsylvania Highway 291 to Philadelphia, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail, air, or substituted motor-for-rail truck routes will be made at Philadelphia and/or Chester, Pa.

No. MC 66562 Sub 1300, filed July 30, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Lexington, Ky., and Hazard, Ky.: From Lexington over U. S. Highway 60 to Winchester, thence over Kentucky Highway 15 via Pine Ridge to Hazard, and return over the same route; and (2) between Hazard, Ky., and Lexington, Ky.: from Hazard over Kentucky Highway 15 to Pine Ridge, thence over Kentucky Highway 11 via Beattyville to junction with Kentucky Highway 52, thence over Kentucky Highway 52 to Irvine, thence over Kentucky Highway 89 to Winchester, and thence over U. S. Highway 60 to Lexington, and return over the same route, serving the intermediate points

of Winchester, Irvine, Beattyville and Jackson, Ky. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of landing, or express receipt, covering, in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Lexington and Winchester, Ky., respectively.

No. MC 66650 Sub 3, filed July 30, 1956, AMY T. McCORMICK and EDITH M. SMITH, doing business as A. T. McCORMICK, 601 Centre Street, Ashland, Pa. Applicant's representative: John P. McCord, Law Building, Frackville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bakery products* (except biscuits, crackers and cookies) from Philadelphia, Pa., to Walkersville and Hagerstown, Md., and *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

No. MC 69236 Sub 8, filed July 27, 1956, SCHIEN TRUCK LINES, INC., 416 West Main Street, Sedalia, Mo. Applicant's representative: La Tourette & Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading, between Lebanon and Springfield, Mo., over U. S. Highway 66, serving no intermediate points but serving Lebanon, Mo., for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Bolivar, Mo., and East St. Louis, Ill., and between Halfway, Mo., and Springfield, Mo. Applicant is authorized to conduct operations in Illinois, Kansas, and Missouri.

No. MC 70272 Sub 15, filed August 2, 1956, KING VAN LINES, INC., 6809 East Kellogg, Wichita, Kans. Applicant's representative: Leo P. Kitchen, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in California, Idaho, Oregon, and Washington.

No. MC 74721 Sub 56, filed August 2, 1956, MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chevrolet Division of General Motors Corporation in Lordstown Township, Trumbull County, Ohio, in connection with carrier's authorized regular route operations to and from Warren, Ohio.

No. MC 88370 Sub 7, filed July 19, 1956, LANDA MOTOR LINES, P. O. Box 1733, Shreveport, La. Applicant's representative: W. E. Davis, The Kansas City Southern Railway Company, 114 West Eleventh Street, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, between Leigh, Tex., and Shreveport, La., from Leigh over Texas Highway 1999 to the Texas-Louisiana State Line, thence over Blanchard-Latex Road to Louisiana Highway 169, (also continue over Blanchard-Latex Road to Blanchard, La.) thence over Louisiana Highway 169 to Longwood, La., thence over Blanchard-Furrh Road to Blanchard, La., thence over Louisiana Highway 173 to Shreveport, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Texas and Louisiana.

NOTE: The purpose of this application is to secure authority to operate over a shorter route between Leigh, Tex., and Shreveport, La., and the relocated freight station of the parent railroad company, Louisiana & Arkansas Railway Company, at Shreveport.

No. MC 89706 Sub 23, filed July 27, 1956, MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plastic containers*, and *caps, covers and tops therefor*, when transported as mixed shipments with glass bottles, glass jars and caps, covers, discs and tops therefor, from Gas City, Ind., to points in Pennsylvania, West Virginia, New York, Maryland and New Jersey. Applicant is authorized to conduct operations in West Virginia, Ohio, Pennsylvania, Michigan, Kentucky, Indiana, Illinois, Missouri, New York, and New Jersey.

No. MC 89706 Sub 24, filed July 27, 1956, MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass containers*, and *caps, covers, and tops therefor*, and *corrugated paperboard containers* and *parts therefor*, from Huntington, W. Va., and points within three (3) miles thereof to points in Illinois and New Jersey, and points in that part of Wisconsin on and south of a line beginning at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to the Wisconsin-Iowa State line, and thence along the Wisconsin-Iowa State line to Dubuque, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 95540 Sub 273, filed July 27, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foods* and *juices*, requiring refrigeration, from points in Florida to points in Arizona, California and New Mexico. Applicant is authorized to conduct operations in all states in the United States and the District of Columbia, except the states of Colorado, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, and Wyoming.

No. MC 95540 Sub 274, filed July 31, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen bakery products*, from Grand Rapids, Mich., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. Applicant is authorized to conduct operations in Illinois, Alabama, Georgia, South Carolina, Nebraska, Florida, North Carolina, Virginia, Louisiana, Mississippi, Arizona, California, New Mexico, and Tennessee.

No. MC 96498 Sub 12, filed August 2, 1956, FRED BONIFIELD, ALFRED BONIFIELD and REUBEN BONIFIELD, doing business as BONIFIELD BROTHERS TRUCK LINES, 2nd and Yasoda Streets, Metropolis, Ill. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Warrick Works of the Aluminum Company of America, located near Newburgh, in Warrick County, Ind., as an off-route point in connection with applicant's authorized regular route operations between Benton, Ill., and Evansville, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Missouri.

No. MC 96568 Sub 10, filed July 23, 1956, MUSKIN TRUCKING CO., a corporation, East Palestine, Ohio. Applicant's representative: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, (1) from East Palestine, Ohio and Tyler, Tex., to points in Georgia and South Carolina; (2) from East Palestine, Ohio to points in Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, and Delaware; and (3) *damaged, defective, or returned shipments* of the above-described commodity, from the above-specified destination points to the respective origin points of East Palestine, Ohio and Tyler, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it already has authority to transport *New furniture*, uncrated, from East Palestine, Ohio to Boston, Mass., and Providence, R. I. Duplicating authority to be eliminated.

No. MC 103066 Sub 11, filed August 1, 1956, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main and trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, points in Arizona.

No. MC 103654, Sub 36, filed August 1, 1956, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul 4, Minn. Applicant's representative: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* and *all derivatives* thereof, in bulk, in tank vehicles, between points in Minnesota, upper Michigan and Wisconsin.

NOTE: No authority sought between points within any one state and all duplicating authority to be eliminated. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

No. MC 107227 Sub. 38, filed August 3, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck-tractors, motor truck chassis, motor vehicles* (except trailers) designed for transportation of passengers and property, with or without bodies, and *parts* thereof, in secondary movements, in driveaway service, (1) between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; (2) between points described in (1) above, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming. RESTRICTION: Applicant states that the service will be restricted to the transportation of motor vehicles manufactured or assembled at Emeryville, Calif. Applicant is authorized to conduct operations in all states in the United States and the District of Columbia.

No. MC 107227 Sub 39, filed August 3, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, earth moving and road building equipment*, set up and uncrated; *mobile cranes; straddle trucks; fork lift trucks; trailers* (except trailers designed to be drawn by passenger automobiles); and *Wagner tractors;* and *parts* thereof when such parts belong to and move with the unit being transported, from Portland, Oreg., to points in the United States, and *damaged shipments* of the above-described units on return. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 107825 Sub 1, (Correction), filed July 23, 1956, published page 5954, issue of August 8, 1956, WOODROW KNOLLINGER, doing business as MIDDLE CREEK GARAGE (See Below), National Road, Triadelphia, W. Va. Applicant's representative: Clarence I. Schafer, 1305 Eoff Street, Wheeling, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in towaway service, between points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia. Application was filed in the name of WOODROW KNOLLINGER, doing business as WOODY'S HOUSE TRAILER TOWING SERVICE. The trade name "MIDDLE CREEK GARAGE" was shown in the publication to agree with carrier's present common carrier authority in Certificate No. MC 107825. Applicant's representative has filed a petition to permit the use of the trade name WOODY'S HOUSE TRAILER TOWING SERVICE in conducting the proposed operations, and retain the trade name "MIDDLE CREEK GARAGE" in conducting the operations authorized in Certificate No. MC 107825. *CORRECTION:* That portion of the "NOTE" following the route description reading: "will be occupied by human beings", was in error. The correct reading is: "will be *UNOCCUPIED* (*NOT* occupied) by human beings".

No. MC 107839 Sub 20, filed July 20, 1956, DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Dairy products*, as defined by the Commission, from Springfield, Mo., to Pueblo, Colorado Springs and Denver, Colo., and (2) *frozen foods*, in refrigerated equipment, from Anthony, Tex., to points in Colorado, New Mexico and Texas. Applicant is authorized to conduct operations in Colorado, New Mexico, and Texas.

No. MC 108671 Sub 14, filed July 26, 1956, TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Weldon Springs, Mo., and points within 10 miles thereof, as off-route points in connection with carrier's authorized regular route operations to and from St. Louis, Mo.

No. MC 109637 Sub 35, filed July 30, 1956, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. Applicant's representative: Charles W. Dobbins, 310 West Liberty, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Ky., to points in Lucas County, Ohio. Applicant is authorized to conduct operations in Illinois, Kentucky, Indiana, and Tennessee.

No. MC 109914 Sub 10, filed July 30, 1956, DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant, located at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive in Lyon Township, Oakland County, Mich., and near the village of Wixom, as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 110698 Sub 78 filed July 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6,

D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal oil* and *animal grease*, in bulk, in tank vehicles, from Society Hill, S. C., and points within five (5) miles thereof, to points in North Carolina, Georgia, and Tennessee. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 110940 Sub 12, filed July 30, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, animal oils, and blends thereof*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Chattanooga, Tenn., and points in Alabama, Georgia, Mississippi, and North Carolina.

No. MC 111401 Sub 74, filed July 30, 1956, GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. Applicant's representative: Marion Jones, Denham Building, Denver, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid, invert, and dry sugar, syrups*, and *flour*, in bulk, in specialized semi-trailers, between points in Iowa, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 111785 Sub 3, filed July 20, 1956, FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 Third Avenue, Marlinton, W. Va. Applicant's representative: J. A. Bibby, Jr., Suite 406 Security Building, Charleston, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tanned animal hides*, processed for the making of leather, from Durbin, W. Va., to Mt. Jewett and West Hickory, Pa., Milwaukee, Wis., Worcester and Boston, Mass., and Portsmouth, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 113410 Sub 7, filed August 9, 1956, DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. Applicant's representative: John R. Simms, Jr., Munsey Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, and all derivatives thereof*, in bulk, in tank vehicles, between points in Wisconsin, the upper Peninsula of Michigan, and Minnesota.

NOTE: No authority sought to transport between points within any one state. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 114194 Sub 4, filed June 22, 1956, KREIDER TRUCK SERVICE, INC., 304 East Clay Street, Collinsville, Ill. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Haydite* (used in concrete and concrete blocks for light weight construction work), and *wooden pallets*, from points in Madison and St. Clair Counties, Ill., to St. Louis, Mo., and points in St. Louis and St. Charles Counties, Mo.

No. MC 114533 Sub 2, filed July 31, 1956, BANKER'S DISPATCH CORPORATION, 4652 South Kedzie Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Office records; such commercial papers, documents and written instruments*, except coins, currency and negotiable securities, *as are used in the conduct and operation of banks and banking institutions*, between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U. S. Highway 40, and those in Waukesha, Kenosha, Racine, Milwaukee, Manitowoc, Brown, Winnebago, Fond du Lac, Washington, Outagamie, Ozaukee, Kewaunee, Calumet, Rock, Dane, and Sheboygan Counties, Wis.

NOTE: In Certificate No. MC 114533 applicant holds authority to transport such commercial papers, documents and written instruments, except coins, currency, and negotiable securities, as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in Lake, Porter, La Porte, St. Joseph, and Elkhart Counties, Ind.

No. MC 114816 Sub 2, filed July 27, 1956, AMERICAN HIGHWAY CARRIERS, INC., 1916 South California Avenue, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: Baking pans, between Columbus and Canton, Ohio, on the one hand, and, on the other, points in that part of Michigan beginning at and including Detroit, Mich., thence continuing north on U. S. Highway 25 to and through Port Huron, Mich., thence west on Michigan Highway 21 to junction with U. S. Highway 31 at Holland, Mich., thence south over U. S. Highway 31 to junction with U. S. Highway 12, thence over U. S. Highway 12 to and including Chicago, Ill., thence south over the Illinois-Indiana State Line to junction with U. S. Highway 460 at New Harmony, Ind., thence east over U. S. Highway 460 including Evansville, Ind., and Louisville, Ky. to the Ohio River, thence east along the Ohio River including Cincinnati, Ohio, and Huntington, Parkersburg, and Wheeling, W. Va., to the Ohio-Pennsylvania State Line, thence north to the Southern Boundary of Lake Erie, thence west over the south and west boundaries of Lake Erie, to and including the City of Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Kentucky, Missouri, Iowa, Indiana, and Ohio.

No. MC 115067 Sub 1, filed July 30, 1956, C. D. SPENCER, JR., AND LOUISE M. SPENCER, doing business as INDEPENDENT MOTOR TRANSPORT, 530 West Queen Avenue, Albany, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *Kraft paper products*, in rolls and in bundles, (1) from Albany, Oreg., to Vancouver, Wash., over U. S. Highway 99E, and (2) between Albany, Oreg., and Portland, Oreg., over U. S. Highway 99E, and return over the same routes, serving no intermediate points.

No. MC 115885 (CORRECTION), LADISLAUS J. HUZINA, doing business as L. J. HUZINA TRUCKING COMPANY, published page 5766, issue of August 1, 1956. Letter dated August 3, 1956, advises that Francis E. Barrett, 7 Water Street, Boston, Mass., is not applicant's representative.

No. MC 116058 Sub 1, filed July 27, 1956, LAWRENCE D. NIEDENS, doing business as NIEDENS TRUCKING SERVICE, 814 North Elm, Hoisington, Kans. Applicant's representative: Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *tile*, from the plant of the Kansas Brick and Tile Co., Inc., at Hoisington, Kans., to points in Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Devel, Keith, Perkins, Chase, Dundy, Lincoln, Hayes, Hitchcock, Frontier, Redwillow, Dawson, Gosper, Furnas, Buffalo, Phelps, Harlan, Kearney, Franklin, Hall, Adams, Webster, Merrick, Hamilton, Clay, Nuckolls, Platte, Polk, York, Fillmore, Thayer, Colfax, Butler, Seward, Saline, Jefferson, Dodge, Saunders, Lancaster, Gage, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee and Richardson Counties, Nebraska, and Cimarron, Texas, Beaver, Harper, Ellis, Roger Mills, Beckham, Woods, Woodward, Dewey, Custer, Washita, Alfalfa, Major, Blaine, Caddo, Grant, Garfield, Kingfisher, Canadian, Kay, Noble, Logan, Creek, Oklahoma, Osage, Pawnee, Payne, Lincoln, Washington, Nowata, Rogers, Tulsa, Craig, Ottawa and Delaware Counties, Okla., and Oklham, Potter, Carson, Gray, Wheeler, Hartley, Moore, Hutchinson, Roberts, Hemphill, Dallam, Sherman, Hansford, Ochiltree and Lipscomb Counties, Tex., and Jasper, Barton, Vernon, Bates, Cass, Jackson, Clay, Platte, Buchanan, Andrew, Holt, Atchison, Nodaway and Newton Counties, Mo., and points in that part of Colorado on and bounded by a line extending west along U. S. Highway 50 from the Kansas-Colorado State line to Pueblo, Colo., thence north along U. S. Highway 87 to the Colorado-Wyoming State line, thence east along the northern boundary of Colorado to the Colorado-Nebraska State line, and thence south along the eastern boundary of Colorado to the point of beginning, and *returned shipments* of the above named commodities on return.

No. MC 116073 (Amended), filed June 25, 1956, published July 11, 1956, on page 5154, JOHN C. BARRETT and LLOYD G. PLADSON, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's representative: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New house trailers*, (a) between points in Clay County, Minn., and points in North Dakota and Montana, and (b) between points in Minnesota and Montana, and (2) *Used house trailers*, between points in Minnesota and North Dakota and Montana.

No. MC 116093, filed July 9, 1956, WILLIAM WAYNE BLACKWELDER, JR., AND WILLIAM SESSIONS GRAY, JR., doing business as MARINE TRANSPORT, 1700 Tyne Boulevard, Nashville 12, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats, boat parts, boat accessories, including but not limited to life preservers, spare propellers, and anchors*, and *boat supplies, including but not limited to galley equipment, berth supplies, life rafts and dinghies*, (1) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia; (2) between points in the above-named States, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

No. MC 116095, filed July 10, 1956, ADAMS & HUIE, INC., P. O. Box 1437, 54½ East San Francisco Street, Santa Fe, N. Mex. Applicant's representative: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore* and *ore concentrates*, in bulk, in dump trucks and dump trailers, from points in Taos, Rio Arriba, Colfax, and Mora Counties, N. Mex., to points in El Paso County, Tex., and Saguache County, Colo., and *steel shavings* and *empty tin cans*, in bulk, from the above-described destination points to points in Taos, Rio Arriba, Colfax, and Mora Counties, N. Mex., on return.

No. MC 116102, filed July 16, 1956, FRED GORDON EDWARDS, doing business as EDWARDS TRUCKING, P. O. Box 54, Hemingway, S. C. Applicant's representative: Jerome P. Askins, Jr., Hemingway, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery* and *farm implements, lumber* and *lumber products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Williamsburg, Florence, and Georgetown Counties, S. C., and points in North Carolina, Georgia, Virginia, Kentucky, and Tennessee.

No. MC 116109, filed July 19, 1956, BART J. SOLOMON, doing business as KANSAS CITY TOW SERVICE, 31 West 31st Street, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled motor vehicles and trucks*, by wrecker truck, between Kansas City, Mo., and points in Missouri and Kansas.

No. MC 116128, filed July 27, 1956, RALPH D. NUNEMAKER, doing business as RALPH'S SERVICE DELIVERY, 20608 Eighth Avenue South, Seattle 88, Wash. For authority to operate as a *common carrier*, over irregular routes transporting: *Baggage* of airplane passengers, from the Seattle-Tacoma Airport near Bow Lake, Wash., to points in Pierce, King and Snohomish Counties, Wash.

No. MC 116130, filed July 27, 1956, BENEDETTO J. INDIVIGLIA, doing business as MY-OWN TRUCKING CO., 1288 Daffodil Lane, Wantagh, N. Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Metal furniture* (new), from Westbury, Merrick, Rockville Center and Lindenhurst, Long Island, N. Y., to points in the New York, N. Y., Commercial Zone, and points on Long Island, N. Y., and *damaged shipments* on return.

No. MC 116133, filed July 30, 1956, POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington 1, D. C. Applicant's representative: Russell E. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D. C., and Macleay, Lynch and Macdonald, Commonwealth Building, 1625 K Street, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Baltimore, Md., and Washington National Airport, at Gravelly Point, Va., and (2) between Washington, D. C., and Friendship National Airport, in Anne Arundel County, Md., restricted to traffic having a prior or subsequent movement by air.

No. MC 116137, filed July 30, 1956, CLAYTON H. ZEIGLER, doing business as ZEIGLER'S STORAGE & TRANSFER, 137 West South Street, Carlisle, Pa. Applicant's representative: William D. Boswell, 800–806 Blackstone Building, 112 Market Street, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated new furniture, fixtures, equipment, lock boxes and assemblies*, and *office equipment*, which are utilized in offices, institutions, governmental installations, hospitals, schools, stores, museums or any other establishment, for The Federal Equipment Company, from points in the Borough of Carlisle, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, Missouri and Texas, and *damaged shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 116139, filed July 30, 1956, JOSEPH (JACK) E. ELI, doing business as ELI TOWING SERVICE, 5028 Oakley, Kansas City, Mo. Applicant's representative: Jack G. Beamer, 724 Rialto Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles* (wrecked, disabled or repossessed), between points in the Kansas City, Mo.-Kans. Commercial Zone, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska, and Iowa.

No. MC 116141, filed August 1, 1956, Z. J. NICHOLS, 5219 Gladstone, Kansas City, Mo. Applicant's representative: Edgar S. Carroll, Suite 508, Pickwick Building, 903 McGee Street, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fuel oil*, and *road oil*, in bulk, in tank vehicles, (1) *Road oil*, from Kansas City, Kans. to points in Missouri and (2) *fuel oil*, from Chanute and El Dorado, Kans., to points in Missouri.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 20, filed July 30, 1956, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip charter operations, (1) from points in Nassau and Suffolk Counties, Long Island, N. Y. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida and the District of Columbia, (2) beginning and ending in Nassau and Suffolk Counties and extending to points in the above named states. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

No. MC 1508 Sub 25, filed July 27, 1956, RICHMOND GREYHOUND LINES, INC., Transportation Building, Broad at Jefferson Street, Richmond 20, Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Norfolk, Va., and the Junction of the Hampton Roads Bridge-Tunnel Project and Virginia Highway 168 at or near Warwick, Va., from Norfolk over the Hampton-Roads Bridge-Tunnel Project Route to junction with Virginia Highway 168, and return over the same route, serving all intermediate points, including Hampton and Newport News. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

No. MC 29890 Sub 18, filed July 30, 1956, ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N. J. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from junction Ridgewood Road and Lafayette Avenue (a point on applicant's authorized operations), to junction Mill Street and Third Avenue (a point on applicant's authorized operations), both

in Westwood, N. J., from junction Ridgewood Road and Lafayette Avenue over Lafayette Avenue and Mill Street to junction Third Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 109312 Sub 23, filed July 3, 1956, DE CAMP BUS LINES, 30 Allwood Road, Clifton, N. J. Applicant's representative: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) from the Bloomfield-Clifton boundary line over the Garden State Parkway in Clifton, N. J., to junction New Jersey Highway 3, thence over New Jersey Highway 3 Ramp to junction of New Jersey Highway 3, and return over the same routes, serving all intermediate points; (2) from the southerly Bloomfield-Nutley boundary line over the Garden State Parkway in Nutley, N. J., to the westerly Nutley-Bloomfield boundary line, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

APPLICATIONS FILED UNDER SECTION 5 AND 210a (b)

No. MC–FC 6356 (correction) published in the August 8, 1956, issue of the FEDERAL REGISTER on page 5957. The name of P. S. DOHERTY, one of the persons controlling vendee, was incorrectly shown as R. S. DOHERTY. The address of applicants' representative should be shown as P. O. Box 432 rather than as P. O. Box 452.

No. MC-F 6361. Authority sought for purchase by BLUE AND WHITE LINE, INC., 1016 13th Street, Altoona, Pa., of the operating rights and certain property of W. C. ROHM, MRS. W. C. ROHM AND MAXWELL G. ROHM, doing business as ROHM TRANSIT COMPANY, 334 Washington Street, Huntingdon, Pa. Applicants' representative: R. R. Long, President, Blue and White Line, Inc., 1016 13th Street, Altoona, Pa. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between junction U. S. Highways 22 and 522 near Mount Union, Pa., and Lewistown, Pa., between Mount Union, Pa., and junction Pennsylvania Highway 986 and U. S. Highway 22, between Mapleton Depot, Pa., and junction Pennsylvania Highway 376 and U. S. Highway 22, and between Orbisonia, Pa., and Huntingdon, Pa., serving all intermediate points; *passengers and their baggage*, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from New Bloomfield, Pa., to points in Virginia and the District of Columbia and return, and from Williamsburg, Riddlesburg, Hopewell, Langdondale, Defiance, Coaldale, and Saxton, Pa., points in Fulton County, Pa., those in Huntingdon County, Pa., (except those on the above-specified regular route between Orbisonia and Huntingdon, Pa., including Orbisonia and Huntingdon), those in Franklin County, Pa. (except Waynesboro, Greencastle, Mercersburg, Chambersburg, Caledonia Park, Scotland, Fayetteville, Washington, and Quincy), those in Perry County, Pa. (except Duncannon, New Buffalo, New Bloomfield, Millerstown, and Newport), those in Juniata County, Pa., except McAllisterville, Mifflintown, and points on Pennsylvania Highway 35, and those in Mifflin County, Pa. (except Lewistown, Burnham, Yeagertown, Reedsville, Milroy, and Granville), to points in Ohio, Maryland, Virginia, West Virginia, Delaware, New Jersey, New York, Pennsylvania and the District of Columbia, and return. Vendee is authorized to operate as a common carrier in Pennsylvania and Maryland. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6362. Authority sought for purchase by MISSOURI - TRANSIT COMPANY, INC., 231 North Rollins Street, Macon, Mo., of a portion of the operating rights and certain property of MISSOURI PACIFIC TRANSPORTATION COMPANY, 1600 Missouri Pacific Building, St. Louis, Mo. Applicants' representative: P. W. Fletcher, President, Missouri Transit Company, Inc., 231 North Rollins Street, Macon, Mo. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over a regular route between Jefferson City, Mo., and Springfield, Mo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Iowa and Missouri. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6363. Authority sought for purchase by CASSENS TRANSPORT COMPANY, P. O. Box 473, Edwardsville, Ill., of the operating rights and certain property of GREAT LAKES FORWARDING CORPORATION, 925 West Pensacola Street, Chicago, Ill., and for acquisition by GEORGE CASSENS, ALBERT CASSENS and ARNOLD CASSENS, all of Edwardsville, of control of such rights and property through the purchase. Applicants' representative: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be transferred: *New automobiles, new trucks, new bodies, new cabs*, and *new chassis*, restricted to initial volume movements, in truckaway service, as a *common carrier*, over irregular routes, from places of manufacture and assembly in Detroit, Mich., to points in Iowa, Michigan, Illinois, and Indiana, and from South Bend, Ind., to Detroit, Mich.; *automobiles, trucks, bodies, cabs*, and *chassis*, new, used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway service, between all points as described above; *new automobiles, new trucks*, and *new chassis*, restricted to initial volume movements, in driveaway service from places of manufacture and assembly in Detroit, Mich., to points in Iowa, Michigan, Illinois, Indiana, and Wisconsin; *automobiles, trucks*, and *chassis*, new, used, and unfinished, restricted to secondary movements, in driveaway service, between all points as described immediately above; *new trucks, truck chassis, truck cabs*, and *truck bodies*, finished and unfinished, in truckaway and driveaway service, from points in Macomb County, Mich., to points in Indiana, Illinois, and Iowa, and those in Wisconsin on and south of U. S. Highway 10. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Ohio, Iowa, Louisiana and Kentucky. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6550; Filed, Aug. 14, 1956; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32485: *Ethylene glycol—Texas to Clinton, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene glycol, tank-car loads from Houston, North Seadrift, Orange, Port Neches, Texas City, and Velasco, Tex., to Clinton, Iowa.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 101 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 32487: *Roofing materials—Houston, Tex., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials, carloads from Houston, Tex., to Memphis, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 14 to Agent Kratzmeir's I. C. C. 4148.

FSA No. 32488: *Crude rubber—Louisiana and Texas to Lebanon, Pa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, viz.: artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Houston and Port Neches, Tex., to Lebanon, Pa.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 162 to Agent Kratzmeir's I. C. C. 4087; supplement 226 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32489: *Sulphuric acid—New Orleans, La., to Panama City, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to Panama City, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 125 to Agent Spaninger's I. C. C. 1357.

FSA No. 32490: *Fertilizer and materials—Bishop, Md., to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Bishop, Md., to specified points in southern territory.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 7 to Agent Boin's tariff I. C. C. A–1075.

FSA No. 32491: *Fertilizer solutions—Lima, Ohio, to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer solutions, carloads, from Lima, Ohio to New Orleans, La., and Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32492: *Commodities from and to official territory.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on abrasives, carloads, and other commodities described in the application from specified points in official territory to specified points in official and southern territories.

Grounds for relief: Carrier, competition, and circuity.

FSA No. 32493: *Trailer-on-flat-car service—N. Y. N. H. & H. R. R.* Filed by The New York, New Haven & Hartford Railroad Company for interested rail carriers. Rates on various commodities, moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between points on the New Haven Line in Connecticut, Massachusetts, and Rhode Island, on the one hand, and points in Illinois, Indiana, Kentucky, New York, Pennsylvania, and Ohio, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to New York, New Haven and Hartford Railroad tariff I. C. C. F–4394.

FSA No. 32494: *Class rates within and from and to Mountain-Pacific and intermountain territories.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on freight, carloads, and less-than-carloads, as described in the uniform freight classification between (1) points within Mountain-Pacific territory, (2) points in Pacific coast territory, on the one hand, and points in the United States generally east of the Rocky Mountains, on the other, and (3) points in Intermountain territory, on one hand, and points in the United States generally east of the Rocky Mountains on the other.

Grounds for relief: Maintenance of prescribed rates, shortline distance formula, grouping and circuitous routes.

Tariffs: Agent J. P. Haynes' I. C. C. No. 1590; Agent W. J. Prueter's I. C. C. No. 1579; Agent W. J. Prueter's I. C. C. No. 1578.

FSA No. 32495: *Live stock—Indiana to Alabama and Georgia.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cattle, calves, goats, kids, lambs or sheep, carloads from specified points in Indiana to specified points in Alabama and Georgia.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4664.

FSA No. 32496: *Carbon blacks—Southwest to Helena, Ark., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbon blacks, gas or oil, carloads from specified points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma and Texas to Helena and West Helena and in the reverse direction on returned shipments on like property.

Grounds for relief: Maintenance of destination rate group relations and circuitous routes.

Tariff: Supplement 190 to Agent Kratzmeir's I. C. C. 3744.

FSA No. 32497: *Woodpulp and woodpulp screenings from Thorold, Ontario, Canada.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on woodpulp and woodpulp screenings, straight or mixed carloads from Thorold, Ont., Canada to Milford, N. J.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 17 to Canadian National Tariff I. C. C. No. E–500.

FSA No. 32498: *Scrap iron or steel to Richmond, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from stations on the High Point, Thomasville & Denton Railroad Company in North Carolina to Richmond, Va.

Grounds for relief: Circuitous route.

Tariff: Supplement 120 to Agent Spaninger's I. C. C. 1329.

FSA No. 32499: *Pipe—Louisiana and Oklahoma to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wrought iron and steel pipe, and fittings, straight or mixed carloads from Shreveport, La., and Tulsa, Okla., to specified points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 4116.

FSA No. 32500: *Grain and products—Cairo, Ill., to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from Cairo, Ill., to specified points in Arkansas, Louisiana, Oklahoma, and Texas.

Grounds for relief: Circuitous routes via transit point, Ft. Smith, Ark.

Tariff: Supplement 82 to Agent Kratzmeir's I. C. C. 3940.

AGGREGATE OF INTERMEDIATES

FSA No. 32486: *Ethylene glycol—Texas to Clinton, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene glycol, tank-car loads from Houston, North Seadrift, Orange, Port Neches, Texas City, and Velasco, Tex., to Clinton, Iowa.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

Tariff: Supplement 101 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6549; Filed, Aug. 14, 1956; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–76]

AMERICAN CAR CO., A. G.

In re: Debt owing to American Car Company, A. G.; F–11–28.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363) and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York 19, New York, arising out of an account payable entitled, "6LB American Car Company, Sofia, Bulgaria", maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by American Car Company, A. G., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the

extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6564; Filed, Aug. 14, 1956; 8:48 a. m.]

[Vesting Order SA-77]

AMERICAN CAR CO., A. G.

In re: Debt owing to American Car Company, A. G.; F-11-28.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of The Kelly-Springfield Tire Company, Export Division, Cumberland, Maryland, arising out of an account payable entitled, "American Car Company, A. G., Sofia, Bulgaria", maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by American Car Company, A. G., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6565; Filed, Aug. 14, 1956; 8:48 a. m.]

[Vesting Order SA-78]

BANQUE FRANCO-BULGARE S. A.

In re: Debts owing to Banque Franco-Bulgare S. A.; F-11-38.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Banque Franco-Bulgare, Sofia, Bulgaria, Inactive Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled "Banque Franco-Bulgare, Sofia, Bulgaria, Old Checks Outstanding," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Franco-Bulgare S. A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6566; Filed, Aug. 14, 1956; 8:49 a. m.]

[Vesting Order SA-79]

BANQUE FRANCO-BULGARE S. A.

In re: Debt owing to Banque Franco-Bulgare S. A.; F-11-38.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of the Irving Trust Company, 1 Wall Street, New York 15, New York, in the amount of $320.00, being a portion of funds on deposit in an account entitled, "Banque Nationale de Bulgarie, Administration Centrale, Direction des Devises, Sofia," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Franco-Bulgare S. A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with

directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6567; Filed, Aug. 14, 1956; 8:49 a. m.]

[Vesting Order SA-80]

INTERCONTINENTALE A. G.

In re: Debt owing to Intercontinentale A. G.; F-11-229.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of Wedemann & Godknecht, Inc., 3 State Street, New York 4, New York, appearing on its books as an account payable to Intercontinentale A. G., Sofia, Bulgaria, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by Intercontinentale A. G., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6568; Filed, Aug. 14, 1956; 8:49 a. m.]

[Vesting Order SA-81]

NATIONAL BANK OF HUNGARY

In re: Debts owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank; F-34-11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Those certain debts or other obligations of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of two accounts entitled, "National Bank of Hungary, Banking Department, Budapest, Hungary," maintained at the aforesaid Bank, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "National Bank of Hungary, Free Account, Budapest, Hungary," maintained by the aforesaid Bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as the Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6569; Filed, Aug. 14, 1956; 8:49 a. m.]

[Vesting Order SA-82]

SIGMUND BUCHLER & CO.

In re: Debt owing to Sigmund Buchler & Co.; F-34-69.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York, New York, in the amount of $5,279.80, being a portion of an account entitled "Rohner Gehrig & Co. Inc., Special account", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947,

was, owned directly or indirectly by Sigmund Buchler & Co., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6570; Filed, Aug. 14, 1956; 8:49 a. m.]

[Vesting Order SA-83]

NATIONAL LAND MORTGAGE INSTITUTE

In re: Debt owing to National Land Mortgage Institute; F-34-231.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled "National Land Mortgage Institute," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by National Land Mortgage Institute, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6571; Filed, Aug. 14, 1956; 8:50 a. m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

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Washington, Thursday, August 16, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

TEMPORARY APPOINTMENT IN ABSENCE OF ELIGIBLES; PREFERENCE

Paragraph (d) of § 2.302 is amended as set out below.

§ 2.302 *Temporary appointment in absence of eligibles.* * * *

(d) *Preference.* In making temporary appointments under this section, agencies shall give preference to veterans as follows:

(1) For professional and scientific positions in and above grades GS-9 of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authority, preference shall be given to veterans without regard to type of preference.

(2) For all other positions, preference shall be given first to ten-point veterans who have a compensable service-connected disability of ten percent or more, and second to other veterans.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6631; Filed, Aug. 15, 1956; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 847.2, Supp. 2]

PART 847—PUERTO RICO

LOCAL PRODUCING AREA FOR 1954-55 CROP; MAYAGÜEZ

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950-51 and Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Conservation Caribbean Area Office hereby determines that two wards of the municipality of Mayagüez shall constitute one local producing area for the 1954-55 crop year, as follows:

§ 847.4 *Mayagüez, Puerto Rico.* For the 1954-55 crop year, the wards of Sabalos and Guanajibo of the municipality of Mayagüez, Puerto Rico, shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The two wards specified herein are adjacent to one another, and are designated as one local producing area for determining eligibility of sugarcane farms located therein for acreage abandonment or crop deficiency payments with respect to the 1954-55 crop of sugarcane as provided in the Sugar Act of 1948, as amended. Flood conditions in these wards reduced the yields of sugar below 80 percent of the normal yields for the farms whose harvested sugarcane acreage for the 1954-55 crop was more than 10 percent of the total sugarcane acreage of such crop harvested from all farms in such wards.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

[SEAL] G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation Caribbean Area Office.

JULY 30, 1956.

[F. R. Doc. 56-6634; Filed, Aug. 15, 1956; 8:56 a. m.]

[Sugar Determination 847.2, Supp. 3]

PART 847—PUERTO RICO

LOCAL PRODUCING AREA FOR 1954-55 CROP; AÑASCO AND SAN SEBASTIÁN

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950-51 and Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Con-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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servation Caribbean Area Office hereby determines that two wards of the municipality of Añasco and one ward of the municipality of San Sebastián shall constitute one local producing area for the 1954–55 crop year, as follows:

§ 847.5 *Añasco and San Sebastián, Puerto Rico.* For the 1954–55 crop year, the wards of Rio Arriba and Corcovada of the municipality of Añasco, and ward Altosano of the municipality of San Sebastián, Puerto Rico, shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The three wards specified herein are adjacent to one another, and are designated as one local producing area for determining eligibility of sugarcane farms located therein for acreage abandonment or crop deficiency payments with respect to the 1954–55 crop of sugarcane as provided in the Sugar Act of 1948, as amended. Flood conditions in these wards reduced the yields of sugar below 80 percent of the normal yields for the farms whose harvested sugarcane acreage for the 1954–55 crop was more than 10 percent of the total sugarcane acreage of such crop harvested from all farms in such wards.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

[SEAL] G. LAGUARDIA,
Director, Agricultural Stabilization and Conservation Caribbean Area Office.

JULY 30, 1956.

[F. R. Doc. 56-6635; Filed, Aug. 15, 1956; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910; 19 F. R. 3019), regulating the handling of vegetables grown in certain designated counties in Colorado, was published in the FEDERAL REGISTER July 19, 1956 (21 F. R. 5419). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the San Luis Valley Vegetable Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 910.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $1,650.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be sixtenths of one cent ($0.006) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6582; Filed, Aug. 15, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 204—ATOMIC AND RADIATION PHYSICS

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

CALIBRATION OF ALPHA RAY SOURCES; DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. A new schedule, § 204.902 *Calibration of alpha ray sources,* is added under Radioactivity to read as follows:

Item	Description	Fee
204.902a...	Calibration of alpha emitting standard supplied by customer.	$15.00

2. In § 230.11 *Descriptive list,* the schedule in paragraph (p) *Standards for rubber compounding,* is amended by the addition of a new sample to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
386	Styrene-butadiene rubber	34,000	$27.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

WALLACE R. BRODE,
Acting Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-6613; Filed, Aug. 15, 1956; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Because of the number of outstanding amendments to Part 14 since it was last published in the FEDERAL REGISTER (May 24, 1955, 20 F. R. 3607), Part 14 is recapitulated as of August 15, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

Sec.
14.1 Basis and purpose.

Subpart A—Definition of Terms

14.2 General definitions.
14.3 Geographic definitions.
14.4 Definitions in other parts applicable.

Subpart B—Applications

14.21 Authorization required for operation of a radio station.
14.22 Application precedent to authorization.
14.23 One application for fixed and coast station.
14.24 Affirmative showing of need for service.
14.25 Rules in other parts applicable.

Subpart C—Station Authorization

14.61 License period of fixed coast and ship stations.
14.62 One authorization for fixed and coast stations.
14.63 Dispatch points.
14.64 Discontinuance of operation of a station on land.
14.65 Rules in other parts applicable.

Subpart D—Station and Operating Requirements

14.101 Priority of distress and other signals.
14.102 Practices concerning transmission of public correspondence.
14.103 Hours of service of fixed stations.
14.104 Coast station facilities for 2182 kc.
14.105 Fixed and coast station operating arrangements.
14.106 Documents required for fixed stations.
14.107 Documents required for coast stations.
14.108 Documents required for ship stations.
14.109 Fixed and coast station records.
14.110 Ship station records.
14.111 Coast station communication.
14.112 Coast station working frequency required.
14.113 Suspension of coast station watch.
14.114 Use of developmental fixed stations.
14.115 Rules in other parts applicable.

Subpart E—Standard Technical Requirements

14.151 Authorized frequency tolerance.
14.152 Authorized classes of emission.
14.153 Authorized transmitter power.
14.154 Modulation limiter for fixed and coast stations.
14.155 Rules in other parts applicable.

Subpart F—Assignment and Use of Fixed Service Frequencies

14.201 Cooperative use of frequency assignments.
14.202 Protection of government services.
14.203 Alternate transmission on same radio-channel.
14.204 Frequencies assigned for use in all zones.
14.205 Frequencies assigned for use in particular zones.
14.206 Frequencies for communication with ACS.
14.207 Use of United States Government frequencies.
14.208 Extended interim use of conditional fixed service frequencies.
14.209 Temporary frequencies for treaty implementation.

Subpart G—Assignment and Use of Maritime Service Frequencies

14.251 Cooperative use of frequency assignments.
14.252 Protection of government services.
14.253 Alternate transmission on same radio-channel.
14.254 Frequencies to be used for distress signals.
14.255 Ship station frequencies for use in all zones for telegraphy only.
14.256 Coast station frequencies for use in all zones for telegraphy only.
14.257 Safety frequencies for ship and coast stations in all zones using telephony.
14.258 Frequencies for ship-to-ship communication in all zones by telephony.
14.259 Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.
14.260 Frequencies for ship-shore public telephone service in all zones.
14.261 Frequencies above 156 Mc for business and operational purposes.
14.262 Use of marine utility stations.
14.263 Frequencies for temporary use in all zones.
14.264 Frequencies assigned for use in particular zones.
14.265 Rules in other parts applicable.
14.266 Extended interim use of conditional maritime service frequencies.
14.267 Temporary frequencies for treaty implementation.

AUTHORITY: §§ 14.1 to 14.267 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 14.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions, to issue licenses for radio stations, and to regulate common carriers of interstate and foreign communication.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which frequencies may be made available for radio-communication, including public correspondence, in the maritime mobile service for the Territory of Alaska and between fixed points on land within that Territory.

SUBPART A—DEFINITION OF TERMS

§ 14.2 *General definitions*—(a) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the United States Army Signal Corps.

(b) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(c) *Fixed service.* A service of radio-communication between specified fixed points.

(d) *Fixed station.* A station in the fixed service.

(e) *Alaska-public fixed station.* A fixed station in the Territory of Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(g) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

NOTE: Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service.

§ 14.3 *Geographic definitions*—(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131 degrees west longitude, thence due south to 54 degrees and 30 minutes north latitude, thence due west to 142 degrees west longitude, thence due south to 50 degrees north latitude, thence due west to 165 degrees west longitude, thence due south to 47 degrees north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is established by the Atlantic City Radio Regulations, 1947), thence generally northward along this boundary line to 80 degrees north latitude, thence due east to 135 degrees west longitude, thence due south to 70 degrees north latitude, thence due west to 140 degrees west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142 degrees west longitude and south of 61 degrees north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61 degrees north latitude which coincides with 142 degrees west longitude, and by a line north of 61 degrees north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61 degrees north latitude which joins those two lines; and bounded on the west by a line south of 62 degrees north latitude which coincides with 149 degrees west longitude, thence running due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62 degrees north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62 degrees north latitude and extends eastward from 155 degrees west longitude to 149 degrees west longitude, thence due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155 degrees west longitude, thence due north to 62 degrees north latitude.

Zone 4. That portion of the Alaska area west of 155 degrees west longitude which is bounded on the north by a line coinciding with 62 degrees north latitude extending due west to 164 degrees west longitude, thence bounded on the west by a line coinciding with 164 degrees west longitude extending due south to 58 degrees north latitude, thence bounded on the north by a line coinciding with 58 degrees north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155 degrees west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155 degrees west longitude and north of 62 degrees north latitude.

NOTE: See Figure 1 following Subpart G of this part.

§ 14.4 *Definitions in other parts applicable.* (a) The definitions set forth in the rules and regulations governing stations in the maritime services (Subpart A of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2 (a) to and including 7.2 (o), 7.2 (q), 7.7 (a) to and including 7.7 (h), 7.7 (j), 7.7 (m), 7.7 (n) and 7.8.

SUBPART B—APPLICATIONS

§ 14.21 *Authorization required for operation of a radio station.* (a) Radio stations in the Alaska area required by the Communications Act to be licensed shall not be operated in the fixed service, in the maritime mobile service, or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radio-communication are set forth in part 18 of this chapter, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station on land subject to this part for which a permit for construction is required unless such permit has first been granted by the Commission upon written application therefor: *Provided,* That when applications for related construction permit and station license are filed under and in accordance with the provisions of § 7.39 (a) (2) of this chapter, a construction permit and station license for a fixed or coast station subject to this part may be granted at the same time.

§ 14.22 *Application precedent to authorization.* (a) Except as otherwise provided in §§ 7.26 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.26, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, no authorization will be granted for use or operation of any radio station subject to this part, nor for any change in station control, services, or transmitting apparatus, unless formal written application therefor in proper form first is filed with the Commission. Except as otherwise permitted by § 14.23 or by applicable rules in Parts 7 and 8 of this chapter (including such rule sections applicable to Alaska-public fixed stations as are designated in § 14.24), a separate application shall be filed in respect to each station and service subject to this part. Except as otherwise provided in §§ 7.32, 7.36 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.35, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization (or change in authorization) be granted by the Commission in order that action thereon may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form or otherwise specifically requested by the Commission.

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) All applications for renewal of station license (when continued operation without change is desired) shall be filed direct with the Commission at its offices at Washington 25, D. C.

(d) All applications for authority to operate ship stations, including correspondence relating thereto, shall be filed direct with the Commission at its offices in Washington 25, D. C., or with respect to applications for interim ship station licenses made pursuant to § 8.35 of this chapter, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only. The provisions of this paragraph shall apply to each application for license, modification of license, or renewal of license.

(e) When an application for construction permit for an Alaska-public fixed station or a public coast station is filed by a corporation, a copy of the applicant's articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official, shall, unless previously filed with the Commission, be submitted with such application.

(f) With reference to the provisions of § 7.25 of this chapter, applications for station authorizations submitted from any location in Alaska may be signed by the attorney for the applicant in case of (1) physical disability of the applicant or (2) absence of the applicant from Alaska.

NOTE: Standard forms are prescribed in applicable rule sections of Parts 7 and 8 of this chapter for use in connection with the majority of applications submitted for Commission consideration under the provisions of this part. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices. With reference to the required signature of applications under oath or affirmation, postmasters in Alaska are authorized by Act of Congress (Public Law 294, 76th Congress, approved August 5, 1939) to administer oaths and affirmations.

§ 14.23 *One application for fixed and coast station.* (a) In addition to the provisions of § 7.40 (a) (3), (4) and (b) of this chapter, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

(1) Application for construction permit;

(2) Application for license;

(3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;

(4) Application for renewal of license.

(b) The provisions of paragraph (a) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

§ 14.24 *Affirmative showing of need for service.* Only one Alaska-public fixed or public coast station will be authorized to serve any area whose point-to-point or ship-shore communication needs can be adequately served by a single radio-communication facility, either government (ACS) or non-government.

§ 14.25 *Rules in other parts applicable.* (a) The rules relating to applications set forth in the rules and regulations governing stations in the maritime services (Subparts B of Parts 7 and 8 of this

chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39 (a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, and 7.48.

SUBPART C—STATION AUTHORIZATION

§ 14.61 *License period of fixed, coast and ship stations.* Unless otherwise specified in the license, the normal license period (including renewed licenses) for each Alaska-public fixed station, each coast station in Alaska, and each ship station operated primarily in the Alaska area, shall be four years from the effective date of grant.

NOTE: The license period of the other classes of stations in the maritime services is designated in Subpart C of Parts 7 and 8 of this chapter.

§ 14.62 *One authorization for fixed and coast stations.* (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when—

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(b) Whenever a single station authorization is issued in accordance with paragraph (a) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of frequency tuning range, technical adjustment, power, frequency stability, emission, etc. of being so used.

§ 14.63 *Dispatch points.* Any dispatch point in connection with an Alaska-public fixed station or a coast station in the Alaska area may be installed and used without obtaining any authorization from the Commission: *Provided*, That information relative to the location of each regularly used dispatch point, which is not located at an authorized control point and is located more than 500 feet from the authorized radio transmitting apparatus, shall be submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is established.

NOTE: The term "dispatch point" is defined in § 7.7 (n) of this chapter.

§ 14.64 *Discontinuance of operation of a station on land.* (a) When the operation of a station on land in the Alaska area subject to this part, or Part 7 of this chapter, is permanently discontinued, the licensee shall, as soon as practicable, notify the Commission's engineer in charge at Anchorage, Alaska.

(b) If the station license covers authorization only for the particular station whose operation has been permanently discontinued, the licensee shall, without undue delay, forward the station license to the Commission's engineer in charge at Seattle, Washington, for cancellation by the Commission at its Washington, D. C., office.

(c) If the station license also covers authorization for a different class of station at the same location whose operation is not being permanently discontinued, the licensee shall, without undue delay, file with the Commission's engineer in charge at Seattle, Washington, a formal application for appropriate modification of license.

(d) With respect to stations on land in the Alaska area, including Alaska-public fixed stations, the provisions of this section shall apply in lieu of § 7.76 of this chapter.

§ 14.65 *Rules in other parts applicable.* (a) The rules relating to station authorizations set forth in the rules and regulations governing stations in the maritime services (Subparts C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63 (b), apply to stations of these services in the Alaska area so far as they are consistent with this part. Further, with respect to the use of telegraphy on frequencies exclusively within the band 156.25–157.05 Mc, by limited coast stations in the Alaska area, the provisions of §§ 7.351, 7.352, 7.354, and 7.355 of this chapter shall apply to such operation, and the provisions of §§ 7.203, 7.204, and 7.205 shall not apply thereto.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.61, 7.62, 7.64, 7.66, 7.67, 7.69, 7.70, 7.71 (a), and (b) and 7.73. Section 7.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

SUBPART D—STATION AND OPERATING REQUIREMENTS

§ 14.101 *Priority of distress and other signals.* (a) Stations operating in the fixed service or the maritime mobile service in the Alaska area shall, at all times, give absolute priority to radio communications or signals relating to any ship or aircraft in distress. When any distress signal or communication is anticipated or intercepted by any station, it shall cease all transmission on any frequency or frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

(b) Stations of the maritime mobile service shall observe priority of communications in accordance with the requirements of §§ 7.180, 7.181, 8.176 and 8.177 of this chapter. Alaska public fixed stations, when operating on an assigned frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in paragraph (a) of this section, and to urgent or safety signals, or any communication preceded by one of these signals.

NOTE: The type of signals to which reference is made in § 14.101 are defined in §§ 7.7 (d), (e), (f) and (g) and 8.6 (d), (e), (f) and (g) of this chapter.

§ 14.102 *Practices concerning transmission of public correspondence.* (a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station or public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Washington.

(b) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station, public ship station, or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

§ 14.103 *Hours of service of fixed stations.* (a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

NOTE: The hours of service of public coast stations and ship stations are regulated by §§ 7.186 and 8.183 of this chapter.

§ 14.104 *Coast station facilities for 2182 kc.* Each public coast station in the Alaska area licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

§ 14.105 *Fixed and coast station operating arrangements.* (a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part: *Provided*, That for these stations the date of required compliance with paragraphs (c) and (d) and (e) (2) of that section shall be not later than May 1, 1957.

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part: *Provided*, That the date of required compliance with paragraph (g) (1) of that section shall be not later than May 1, 1957.

(c) The radio equipment of each station subject to this part must be capable of permitting reception of the class or classes of emission on the frequency or frequencies used in accordance with the provisions of this part for the service carried on by the particular station. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the station.

§ 14.106 *Documents required for fixed stations.* (a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102 (a) and (b) of this chapter;

(2) The necessary operator license or licenses, available in accordance with § 7.155 of this chapter;

(3) The station log as designated in § 14.109;

(4) This part and Part 7 of this chapter.

(b) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.107 *Documents required for coast stations.* (a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213 (a) of this chapter: *Provided*, That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605–5000 kc, the following documents may be substituted in lieu of the documents specified by paragraph (a) (4), (5) and (6) of § 7.213 of this chapter:

(1) A complete list of coast stations (including call signs) located in the Alaska area (including coast stations of the ACS), open to public correspondence, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and authorized to transmit on frequencies within the band 1605–5000 kc;

(b) Each limited coast station in the Alaska area authorized to use telegraphy on a frequency or frequencies below 30 Mc shall be provided with this part and the documents prescribed in § 7.213 (b) of this chapter.

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter: *Provided*, That in Class II public coast stations that do not provide communication with ocean-going vessels, the documents specified in paragraph (a) (1) and (2) of this section may be substituted in lieu of the international "Alphabetical List of Call Signs" and the international "List of Coast Stations and Ship Stations."

(d) Each limited coast station in the Alaska area using telephony on any authorized frequency, and/or authorized to use telegraphy on frequencies solely above 30 Mc, shall be provided with this part and with the documents prescribed in § 7.369 of this chapter.

(e) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.108 *Documents required for ship stations.* (a) Each ship station in the Alaska area using telegraphy shall be provided with this part and the documents listed in § 8.329 of this chapter; except that in any ship station using telegraphy and located on board a vessel not compulsorily fitted with a radiotelegraph installation while in the Alaska area or while engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada:

(1) The following documents may be substituted in lieu of those specified in paragraph (a) (4) and (5) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605–5000 kc, or solely within the latter band and the band 156.35–156.95 Mc:

(i) A complete list of coast stations (including call signs) which are authorized to transmit on frequencies within the band 1605–5000 kc, which are open to public correspondence, or which maintain watch on 2182 kc or 2091 kc and are located in the Alaska area (including coast stations of ACS) and on the Pacific seaboard of the continental United States and Canada;

(ii) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and/or on voyages between Alaska and other places on the Pacific seaboard of the continental United States or Canada, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) The documents specified in paragraph (a) (4) and (5) of § 8.329 of this chapter or the substitutes therefor specified in subparagraph (1) of this paragraph need not be provided if the ship station uses telegraphy on frequencies solely within the band 156.35–156.95 Mc.

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter: *Provided*, That ship stations on vessels engaged on international voyages solely between Alaska and other places on the Pacific seaboard of the continental United States and Canada (either within or outside inland waters of the United States or Canada) must, if they operate on frequencies within the band 1605–5000 kc, be provided with the documents specified in paragraph (a) (1) (iv) and (v) of § 8.367 of this chapter or in lieu thereof the documents prescribed in subparagraph (1) of paragraph (a) of this section.

(c) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.109 *Fixed and coast station records.* (a) Each Alaska-public fixed station and each public coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required for public coast stations by §§ 7.214 (a) and 7.314, respectively, of this chapter: *Provided*, That coast stations, with respect to operation on frequencies within the bands 1605–5000 kc and 156.35–162.05 Mc, and all Alaska-public fixed stations, may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

(b) Each limited coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 7.214 (b) and 7.370, respectively, of this chapter.

§ 14.110 *Ship station records.* Each ship station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 8.330 and 8.711 for telegraphy, and 8.368 for telephony, of this chapter: *Provided*, That with respect to operation on frequencies within the bands 1605–5000 kc and 156.25–157.45 Mc,

ship stations in the Alaska area and on board vessels engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada may express the time of making each log entry in local standard time in the same manner as is permitted by §§ 8.330 (d) and 8.368 of this chapter for ship stations navigated on inland waters of the United States.

§ 14.111 *Coast station communication.* (a) Except as otherwise stated in paragraphs (b) and (c) of this section, the provisions of § 7.302 of this chapter shall apply to public coast stations subject to this part.

(b) In lieu of the provisions set forth in § 7.302 (a) (3) and (4) of this chapter, public coast stations in the Alaska area using telephony are authorized to communicate with public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations for the transmission or reception of public correspondence when the mobile station uses telephony on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the mobile station and the coast station transmit alternately on the same radio-channel.

(c) In lieu of the requirement of § 7.302 (b) (2) (i) of this chapter, the station with which communication is carried on shall transmit to the coast station on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the fixed station and the coast station transmit alternately on the same radio-channel.

§ 14.112 *Coast station working frequency required.* Coast stations in the Alaska area using telephony shall be regarded as complying with § 7.104 (c) (1) of this chapter when the particular coast station is capable also of transmitting and receiving (and is licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 1605 to 3500 kc in lieu of the band 2000 to 35000 kc.

§ 14.113 *Suspension of coast station watch.* If, for any reason, a watch on 500 kc or 2182 kc maintained by a coast station, licensed for continuous or definite hours of service, is suspended, impaired, or discontinued during the regular season of operation of that station, notification thereof shall be given at the earliest practicable time by the station licensee to the nearest station or office of the U. S. Coast Guard or the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's engineer in charge at Anchorage, Alaska. This notification shall include a statement of any estimated time of resumption of such watch if it has been suspended only, and shall state the reason for suspension, impairment, or discontinuance of the watch. When such watch is resumed after being suspended, or when impairment thereof no longer exists, notification of this fact likewise shall be given at the earliest practicable time. The provisions of this section shall apply to coast stations in the Alaska area in lieu of the provisions of §§ 7.74 and 7.75 of this chapter.

§ 14.114 *Use of developmental fixed stations.* (a) Developmental fixed stations subject to this part shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

NOTE: The rules applicable to developmental coast stations and developmental stations on board ship are contained in Subpart M of Part 7 and Subpart Q of Part 8, respectively, of this chapter.

§ 14.115 *Rules in other parts applicable.* (a) The rules relating to station and operating requirements and other rules set forth in the rules and regulations governing stations in the maritime services (Subpart D and Subparts F through P of Part 7 of this chapter, and Subpart D and Subparts F through V of Part 8 of this chapter) shall, except as otherwise specifically provided in this part, apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subparts D, F, G, H, I, M, O and P of Part 7 of this chapter shall apply to stations of the fixed service subject to this part:

7.101	7.155	7.310
7.102 (a) (b)	7.171	7.311
7.107 (a)	7.173	7.501
7.108	7.174	7.502
7.109	7.175	7.503 (a)
7.110	7.179 (e)	7.505
7.111	7.190	7.506
7.115	7.191	7.507
7.116	7.192	7.551
7.151	7.209	7.552
7.152	7.210	7.601
7.154	7.211	7.602

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 14.151 *Authorized frequency tolerance.* (a) Unless the particular station authorization specifically provides otherwise, the frequency tolerance authorized for coast stations and fixed stations subject to this part shall be as prescribed in paragraphs (b) and (c) of this section. This section shall apply to coast stations subject to this part, in lieu of § 7.131 of this chapter except as to coast station operation within any frequency band not designated in this section.

(b) Authorized frequency tolerances:

Assigned frequencies	Class of station	Percent tolerance
From 50 to 515 kc	Fixed or coast	0.02
From 1605 to 3400 kc	do	.01
On frequencies within the band from 5000 to 9000 kc.	Fixed	.01
On frequencies within the band from 4000 to 9000 kc.	Coast	.005
From 156.35 to 162.05 Mc	do	.005

NOTE: The authorized frequency tolerances applicable to ship stations are set forth in § 8.131 of this chapter.

(c) Fixed stations which, in exceptional cases are authorized to use plate (anode) input power in excess of the respective value specified below shall, when using such higher power, maintain the respective frequency tolerance designated below:

Class of emission in use	Class of radio frequency amplifier used in last stage of transmitter	Plate (anode) input power in use	Frequency band	Percent tolerance
A0, A1, A2, A2a, A2b	Any class for telegraphy	More than 300 watts	1605-3400 kc	0.005
		More than 750 watts	5000-9000 kc	.003
	Class C; plate, or plate and screen-grid modulated.	More than 300 watts	1605-3400 kc	.005
		More than 750 watts	5000-9000 kc	.003
	Class C; control, screen, or suppressor-grid modulated.	More than 600 watts	1605-3400 kc	.005
		More than 1,500 watts	5000-9000 kc	.003
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as produced by the unmodulated carrier or by the keyed unmodulated carrier, respectively.	Class C; cathode modulated	More than 480 watts	1605-3400 kc	.005
		More than 1,200 watts	5000-9000 kc	.003
	Class B; linear	More than 600 watts	1605-3400 kc	.005
		More than 1,500 watts	5000-9000 kc	.003
	Class BC; high efficiency	More than 360 watts	1605-3400 kc	.005
		More than 900 watts	5000-9000 kc	.003
	Other classes; primarily for telephony.	As specified in the station authorization.	1605-3400 kc	.005
			5000-9000 kc	.003

NOTE: See § 7.8 (hh) of this chapter for definition of plate (anode) input power.

§ 14.152 *Authorized classes of emission.* (a) Unless the particular station authorization specifically provides otherwise, the classes of emission authorized for coast stations and fixed stations subject to this part and ship stations when in the Alaska area shall, with respect solely to frequencies within the following limits assigned in this part for use by such stations, be as set forth in the following paragraphs of this section. This section shall, solely in reference to such frequencies as are duly assigned in this part, apply to coast stations subject to this part in lieu of § 7.132 of this chapter and to ship stations in the Alaska area in lieu of § 8.132 of this chapter.

(b) For stations authorized by this part to use telegraphy on a frequency or frequencies within the respective frequency ranges designated in this paragraph the authorized classes of emission for telegraphy on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1606.5 to 1800 kc (except 1666 kc)	A-1, and for brief testing A-0.
	From 200 to 2065 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
	From 415 to 490 kc	A-1 and for brief testing A-0, A-2, A-2a, A-2b for brief testing and listening, urgency and safety signals, or any communication preceded by one of these signals.
Coast	From 490 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Ship	From 415 to 515 kc	A-1, A-2, A-2a, A-2b and for brief testing A-0.
	From 1605 to 1800 kc	
	From 2065 to 2107 kc	
Coast and ship	From 2107 to 3400 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
	From 5000 to 9000 kc	
Coast and ship	From 2065 to 2107 kc	A-1, and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F-1, F-2, and for brief testing F-0.

(c) For stations authorized by this part to use telephony on a frequency or frequencies within the respective frequency ranges designated in this paragraph the authorized classes of emission for telephony on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 1605 to 1800 kc	A-3, A-3a, A-3b, and for brief testing A-0; also for brief operating signals A-1, A-2, A-2a, A-2b.
	From 2065 to 2065 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast and ship	From 1605 to 1800 kc	A-3, A-3a, A-3b, and for brief testing A-0; also for brief operating signals A-1, A-2, A-2a, A-2b.
	From 2065 to 2065 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Do	From 156.25 to 162.05 Mc	F-3, and for brief operating signals F-1 and F-2; also for brief testing F-0.

(d) As used in paragraphs (b) and (c) of this section, the letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier. For radiotelegraph communication, the use of class A2, A2a, or A2b emission is permissible only when the modulated emission is keyed. In telegraph communication, keying only the modulating audio frequency is not authorized except when used in connection with radiotelephone communication solely for transmitting brief operating signals. On assigned frequencies from 1605 kc to 9000 kc, any form of A2 emission for radiotelegraph communication shall not be permissible after May 1, 1957.

(e) Classes of emission not authorized in paragraphs (b) and (c) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2, and to Subparts E of Parts 7 and 8 of this chapter.

§ 14.153 *Authorized transmitter power.* (a) Each fixed station and each coast station subject to this part, and each ship station when in the Alaska area, may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the respective maximum authorized transmitter power as set forth herein shall not be exceeded (subject to the provisions of §§ 7.110 (a) and 8.110 (a) of this chapter and the provisions of paragraph (b) of this section) when transmitting on any frequency, assigned by this part for use by such station, which is within any frequency band set forth herein. The maximum authorized transmitter power for this purpose is designated in column 5 of the following table in relation to the respective controlling elements designated in columns 1, 2, 3 and 4:

1	2	3	4	5
Class of emission in use	Class of radio frequency amplifier used in the last radio stage of transmitter	Frequency band	Class of station	Maximum authorized transmitter power
A0, A1	Any class for telegraphy	From 50 to 200 kc	Fixed	500 watts.
		From 400 to 515 kc	Coast or ship	265 watts, with or without modulation.
A0, A1, A2, A2a, A2b	Any class for telegraphy	From 1605 kc to 9000 kc	Fixed, coast or ship	150 watts when or without modulation.
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as provided the amplitude of the carrier shall not exceed its effective amplitude as used for telephony with the class of amplifier specified.	Class C—plate, or plate and screen-grid modulated.			150 watts when no modulation is present. 300 watts when no modulation is present.
	Class C—control, screen or suppressor-grid modulated.			240 watts when no modulation is present. 360 watts when no modulation is present.
	Class C—cathode modulated.			
	Class B—linear	From 1605 kc to 9000 kc.	Fixed, coast or ship.	180 watts when no modulation is present. As specified in the station authorization.
	Class BC—high efficiency.			
	Other classes: primarily for telephony.			
F0, F1, F2, F3	Any class for frequency-modulated transmission.	From 156.25 to 157.45 Mc.	Ship	100 watts. (Limited—50 watts.)
			Coast	1,000 watts.
		From 161.85 to 162.05 Mc.	Public coast	1,000 watts.

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter power" are defined in Subparts A of Parts 7 and 8 of this chapter. See §§ 7.8 (gg), (hh), (ll), (kk), and 8.7 (ee), (ff), (gg), and (ii).

(b) The limitations governing the maximum authorized transmitter power set forth in paragraph (a) of this section may be exceeded when necessary:

(1) By a ship or coast station to expedite communication concerning a ship or aircraft in distress;

(2) To enable a ship station using a radio installation required for safety purposes by treaty or statute to satisfy the applicable transmitter power or communication range (distance) stipulated by such treaty or statute; or

(3) To provide effective communication, under exceptional conditions, on an assigned frequency or frequencies within the band 1605 kc to 6000 kc between an Alaska-public fixed station and one or more fixed stations of the Alaska Communication System. Such exceptional power, however, must be specifically requested in each case by the applicant or licensee and, before being used must be specifically authorized by the Commission. Except as may be otherwise determined by the Commission, such authorization will not be granted unless concurred in by the ACS. Each request for such authority must show at least that the local representative of the ACS has been fully informed thereof, and that technical means are available and can be used to reduce the power to not more than that permitted by paragraph (a) of this section when operating on assigned frequencies which would not be covered by such exceptional authorization.

(c) Unless the station license specifically provides otherwise, ship stations in the Alaska area shall, in addition to the provisions of this section, be subject to § 8.134 (c) (2) of this chapter in respect to minimum authorized transmitter

power on frequencies between 2000 kc and 25000 kc authorized for telephony, only when transmitted by telephony to a public coast station which is providing a direct electrical connection between the ship-shore radio channel in use and a public land-telephone system.

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall, at the earliest practicable date and in no event later than May 1, 1957, always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

§ 14.155 *Rules in other parts applicable.* (a) The rules relating to standard technical requirements set forth in the rules and regulations governing stations in the maritime services (Subparts E of Parts 7 and 8 of this chapter) shall, except § 7.137 (a), apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, §§ 7.133 and 7.136 of this chapter shall apply to stations of the fixed service subject to this part.

SUBPART F—ASSIGNMENT AND USE OF FIXED SERVICE FREQUENCIES

§ 14.201 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.202 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a fixed station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.203 *Alternate transmission on same radio-channel.* Except for communication between licensed fixed stations and fixed stations of the Alaska Communication System as hereinafter specifically designated in this Subpart, all transmission, on each radio-channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.204 *Frequencies assigned for use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part. These frequencies are authorized for use by stations located in any zone of the Alaska area, for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area:

(1) 149.6 for telegraphy only; the use of this frequency by non-government stations shall be shared with government stations of the ACS in accordance with §§ 14.201 and 14.206.

(2) 1622 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided,* That after September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(3) 2118 for telegraphy and/or telephony; available on a shared basis with maritime mobile service. The use of this frequency by fixed stations shall be coordinated with ship-to-shore communication on 2134 kc in the Alaska area so as to avoid harmful interference.

(4) 2382 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided,* That after September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(5) 3201 for telegraphy and/or telephony; in so far as is practicable, fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(6) [Reserved]

(7) 5167.5 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(8) 8070 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6:00 a. m. to 6:00 p. m. local standard time, except in zone 4 west of 165 degrees west longitude where the hours of its use shall not be limited.

§ 14.205 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations employing telegraphy and/or telephony in accordance with Subpart E, of this part. These frequencies are authorized for use (on a shared basis—except 1660 kc—with stations of the maritime mobile service) exclusively by stations located in the zone or zones designated herein opposite the respective frequency; for use, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column, for communication with other Alaska-public fixed stations. In so far as is practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in in its own zone or in a contiguous zone.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646	1652	1708	1646 1660 (b) 1708	1652 1712 (c)	1646 1660 (b)
1712 2066 (d) (e) 2422		2422			
	2430 (k) (e)	2450 (e) (f) 2482 (e) (k) (g)	2430 (e) 2450 (f) 2482 (e) (g)	2430 (e)	2450 (f) 2482 (e) (g)
2512	2512 2538	2512 2538	2512	2506 (h)	2506 (h)
2566 (e) 2616 (d) (e) (i) 3261 (j)			2566 3261 (j)	2566 3261 (j)	

(b) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(c) To minimize interference to the service of stations in zone 4 operating on 1708 kc, use of the frequency 1712 kc in zone 5 is authorized only for stations located north of 62 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive; and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To provide for the most effective use of assigned frequencies available under this part and to minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (e) is applied is authorized for use in the respective zone for fixed service, exclusively by coast station licensees who operate a public coast station at the same location and on the same frequency for maritime mobile service; and, in order to serve adequately an industry in Alaska, have an established requirement for a radio-communication system of fixed service and maritime mobile service on a radio-channel common to both of these services.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, fixed stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(k) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (k) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(l) To provide for continuance of existing fixed service in the Alaska area for a temporary period in which necessary changes in the frequency assignments of certain stations may be effected, any fixed station at any authorized location in Alaska, which, before June 20, 1955, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with any other fixed station in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (k) of this section) until January 1, 1957. After that date, such station shall operate only in conformity with the provisions of those paragraphs: *Provided,* That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (k) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs, or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

NOTE: The frequencies designated in paragraph (a) of § 14.205 are additionally available (except 1660 kc) for maritime mobile service as provided in Subpart G of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of point-to-point and ship-shore communication.

§ 14.206 *Frequencies for communication with ACS.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part, for communication with fixed stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence: *Provided,* That to assure necessary coordination each Alaska-public fixed station when communicating with a fixed station of the ACS shall transmit only on a frequency listed in this section which is specifically designated for such use by that station in a written notification to the respective station licensee from the ACS in response to a written request therefor received by the ACS from that licensee. Likewise, the periods of time during which the licensed station may transmit on such frequency shall be those which are designated in such notification from the ACS. The particular ACS station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting to the licensed station are designated by the ACS in its written notice to the station licensee:

(1) 149.6 for telegraphy only; normally for use at any appropriate location in the Alaska area.

NOTE: The frequency 149.6 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(2) 1666 for telegraphy only; normally for communication with ACS stations located at Ketchikan and Naknek. The use of this frequency shall be coordinated as necessary with use of the frequency 1660 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The frequency 1666 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(3) 2256 for telegraphy and/or telephony; for communication with ACS stations located at Anchorage and Ketchikan.

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, Petersburg, Naknek and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(5) 2474 kc for telegraphy and/or telephony; normally for communication with ACS stations located at Sitka, Kodiak, Nome and Barrow. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(6) 2632 for telegraphy and/or telephony; normally for communication with ACS stations located at Cordova, Fairbanks, Bethel and Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 2616 kc by other stations in the Alaska area so as to avoid harmful interference.

(7) 2694 for telegraphy and/or telephony; for communication with ACS stations located at Juneau and Cold Bay.

(8) 2776 for telegraphy and/or telephony; for communication with ACS station located at Ketchikan.

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks, Anchorage, and Juneau. The use of this frequency for communication with Anchorage shall be coordinated as necessary with use of the frequency 3353 kc by United States Government stations so as to avoid harmful interference to the latter. The use of 3357 kc for communication with Juneau, Fairbanks and Anchorage shall be coordinated as necessary with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The ACS station at Anchorage will act as coordinator between the non-Government stations transmitting to Anchorage on 3357 kc and the Government stations operating on 3353 kc.

(10) 3365 for telegraphy and/or telephony; for communication with ACS station located at Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(11) 5137.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Anchorage and Ketchikan. The use of this frequency shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(12) 5207.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Juneau, Fairbanks and Kodiak. The use of this frequency (except in zone 4 west of 165 degrees west longitude) shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(13) Frequencies shown herein which are designated for transmission to particular ACS stations shall be utilized only for transmission to those stations except with respect to the frequencies 2466, 2474, 2632, 5137.5 and 5207.5 kc. In the case of these five frequencies, the ACS may designate other station locations depending upon operational requirements.

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. In so far as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used; after January 1, 1957, the use of class A2 emission for telegraphy on these frequencies above 2000 kc, under the provisions of § 14.152, is not permissible.

§ 14.207 *Use of United States Government frequencies.* Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

§ 14.208 *Extended interim use of conditional fixed service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain fixed stations until not later than January 1, 1957, those stations may, if the respective station licensee has made proper application not later than January 1, 1957 for renewal of the respective fixed station license, continue to transmit on such frequency for fixed service until the date on which the licensee receives the renewed license, or pending Commission action on the respective application until May 1, 1957, whichever date first occurs.

§ 14.209 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

SUBPART G—ASSIGNMENT AND USE OF MARITIME SERVICE FREQUENCIES

§ 14.251 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a ship or coast station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.252 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a ship or coast station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.253 *Alternate transmission on same radio-channel.* Except for communication between coast stations of the Alaska Communication System and licensed ship stations as hereinafter specifically designated in this subpart, all transmission, on each radio channel within the frequency-band 1605 kc–2035 kc, 2107 kc–9000 kc, or 156.25 Mc–157.25 Mc assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.254 *Frequencies to be used for distress signals.* (a) In case of distress in the maritime service, the frequency to be used shall be the international radiotelegraph distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible, use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services.

(c) No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signaling its position, and obtaining help. No provision of this part shall prevent a mobile station in distress from using any frequency assigned by this part for the transmission of distress signals or distress communications in the event it is impossible, impracticable, or ineffective for such station to use the frequency 500 kc or 2182 kc to draw attention, signal its position and obtain help.

NOTE: To determine the detailed procedure to follow in case of distress in the maritime mobile service, refer to Subpart J of Part 8 and § 7.187 of this chapter.

§ 14.255 *Ship station frequencies for use in all zones for telegraphy only.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by ship stations in any zone of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with other stations of the maritime mobile service using telegraphy:

500—for calling and distress as provided in §14.254 of this subpart and in Subparts J and N of Part 8 of this chapter.

425, 448, 454, 468, 480—for working as provided in Subpart N of Part 8 of this chapter.

410—for maritime radionavigation service (radio direction-finding) as provided in Subpart P of Part 8 of this chapter. In addition to the transmission of specific signals for direction-finding, this frequency may be used for communication by telegraphy with direction-finding stations in connection with established international operating procedure relative to radiolocation by means of direction-finding.

444—exclusively for communication with United States Government stations; the use of this frequency for any other communication (except distress) is not authorized. The use of this frequency shall not cause harmful interference to the service of any coast station.

(b) (1) The frequency 2091 kc is the Region 2 (including the Alaska area) international calling frequency for ship stations using telegraphy within the band 2065–2107 kc. This frequency shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065–2107 kc or with coast stations using telegraphy and operating within the band 2035–2065 kc. Additionally in the Alaska area, this frequency may be used as a calling frequency to establish communication with ship or coast stations using telegraphy and operating within the band 1605–2035 kc or 2107–3400 kc. Transmission by ship stations for the purposes herein set forth on any calling frequency within the band 2088.5–2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. (These alternative calling frequencies are 2089, 2089.5, 2090, 2090.5, 2091.5, 2092, 2092.5 and 2093 kc.) The use of the frequency 2091 kc or any other calling frequency within the band 2088.5–2093.5 kc by ship stations for purposes other than those set forth herein (except for distress traffic) is not authorized. A ship station, after establishing communication on a calling frequency within this band, shall change to an authorized telegraph working frequency for the transmission of message traffic by means of telegraphy.

(2) Working frequencies within the band 2065–2107 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are authorized for use as assigned frequencies by ship stations using telegraphy in the Alaska area in accordance with the applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

(c) Assigned calling and working frequencies below 405 kc and within the band 4000–25000 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are available for use by ship stations in the Alaska area using telegraphy and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.256 *Coast station frequencies for use in all zones for telegraphy only.* Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area, in accordance with § 7.202 of this chapter:

500—for calling and distress as provided in §§ 7.187, 7.207 (a), 7.208 (b), and 7.212 of this chapter.

416 and 438—for working as provided in Subpart H of Part 7 of this chapter.

2052.5—calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2065–2107 kc.

§ 14.257 *Safety frequencies for ship and coast stations in all zones using telephony.* Each of the following frequencies is authorized as an assigned frequency for telephony for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Subparts I and J of Part 7 and Subpart O of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part:

2182—for distress, calling and safety purposes; ship-shore and ship-to-ship;

156.8 Mc—primarily for calling and safety purposes; ship-shore and ship-to-ship;

156.7 Mc—primarily for communication between ship stations and limited coast stations for the exchange of information essential to maritime radiolocation service.

§ 14.258 *Frequencies for ship-to-ship communication in all zones by telephony.* (a) The assigned frequencies 2638 kc and 2738 kc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony are available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall be governed by Subpart E of this part in lieu of the particular provisions of Part 8 of this chapter relative to emission and power authorized for these two frequencies.

NOTE: Except for test purposes, the frequency 2738 kc may not be used or assigned unless certification regarding attenuation of emission on the related second harmonic frequency (5476 kc) has been submitted to the Commission's office at Washington, D. C., as required by applicable provisions of Part 8 of this chapter.

(b) The assigned frequency 156.3 Mc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony is available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with the applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

§ 14.259 *Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(1) For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel—1622, 2382.

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony—1622 and 2382, except that after September 15, 1955, the use of these frequencies shall be—

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—4386.2;

(ii) Additionally the frequency 4386.2 kc may be used on a secondary basis for communication by telephony, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—

(*a*) Between public coast stations, separated not less than 50 miles, for the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; on condition that ship-shore communication shall be given priority at all times;

(*b*) Between ship stations on board any type of vessel for business, operational and safety purposes, on condition that harmful interference shall not be caused to the service of any coast station using telephony. In so far as is practicable, the use of this frequency of this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc or above 156 Mc would not be effective.

§ 14.260 *Frequencies for ship-shore public telephone service in all zones.* (a) The frequency 2134 kc is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the frequency-band 1605–3400 kc and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed herewith as of April 6, 1955, for the information of ship station licensees.

ACS coast station location:	Respective transmitting frequency (kc)
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
Naknek	2312
Nome	2784
Petersburg	2312
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provisions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of

telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.4. These two frequencies comprise one radio telephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.3. These two frequencies comprise one radio telephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.4 Mc or 157.3 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radiotelephone circuit in this frequency-band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.4 Mc for a two-frequency circuit or the frequency 157.4 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.3 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.4 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

(c) Frequencies within the band 4000 kc–30 Mc designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.261 *Frequencies above 156 Mc for business and operational purposes.* (a) The provisions of this section shall, in respect to use of the assigned frequencies 156.4, 156.5, 156.6, 156.7, 156.9 and 157.0 Mc for business and operational purposes, apply to limited coast stations in the Alaska area in lieu of related provisions of §§ 7.356 and 7.361 of this chapter and to ship stations in the Alaska area in lieu of related provisions of § 8.360 of this chapter.

(b) Each of the following frequencies in megacycles is authorized as an assigned frequency for communication, in accordance with Subpart E of this part, between ship stations and limited coast stations and between ship stations in all zones of the Alaska area to serve the business and operational needs of ships, subject to the conditions herein set forth. These frequencies are not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

(1) (i) 156.4, 156.5 and 156.9—for telegraphy and/or telephony. The use of these frequencies by ship stations shall be limited to such stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska.

(ii) Additionally, limited coast stations authorized to transmit on one or more of these frequencies may communicate thereon with other limited coast stations in any zone of the Alaska area as may be necessary to facilitate the business or operation of ships in the Alaska area, or for transmission of any emergency messages relating to the safety of life or property.

(2) 156.7—for the same use and purposes and under the same conditions as are prescribed for 156.4, 156.5 and 156.9 Mc in subparagraph (1) of this paragraph; upon the express condition that its use, at the particular location and at the particular time, is not required for any maritime radio-location service as provided in §§ 7.356 (a) (1) and 8.359 (f) (1) of this chapter.

(3) 156.6—for telephony only; for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control. This frequency may be used for such purposes by limited coast stations and by ship stations on board any class of vessel.

(c) The frequency 157.0 Mc is authorized as an assigned frequency exclusively for use by ship stations in all zones of the Alaska area for ship-to-ship communication by means of telephony in accordance with Subpart E of this part; on condition that such ship stations are capable of transmitting and receiving (and are authorized to transmit) on the ship-to-ship frequency 156.3 Mc also. This frequency shall be used only by ship stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska, to serve the business and operational needs of such vessels. This frequency is not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

NOTE: The term "commercial transport vessel" is defined in § 8.2 (o) (3) of this chapter.

§ 14.262 *Use of marine utility stations.* Licensed marine-utility stations are authorized to be used on land and on board ship in all zones of the Alaska area on each of the frequencies 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9 and 157.0 Mc, in conformity with the provisions of this part which are applicable to the use of these frequencies in the Alaska area, and subject further to such provisions of Parts 7 and 8 of this chapter that apply to this class of station which are not inconsistent with the applicable provisions of this part.

§ 14.263 *Frequencies for temporary use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, temporarily for a limited period as designated herewith; for public coast stations in Alaska and for ship stations in Alaskan waters employing primarily telephony (telegraphy also is permissible) for ship-shore and ship-to-ship communication upon the condition that no interference will result to other services:

(1) 1660 and 3201—available for maritime mobile service (on a shared basis with fixed service) under the respective provisions of subparagraphs (2) and (3) of this paragraph until not later than January 1, 1957, only to ship and coast stations licensed to transmit on the respective frequency before June 20, 1955;

(2) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by fixed stations in the Alaska area so as to avoid harmful interference;

(3) At locations where use of the frequency 1660 kc or 3201 kc for maritime mobile service after September 15, 1955, causes harmful interference to the service of a licensed fixed station or stations operating in accordance with applicable provisions of this part, or to any authorized government service, the station using either of these frequencies for maritime mobile service shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

§ 14.264 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided,* That telephony only shall be employed on the frequencies 4406.9 and 4434.5 kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (l) of this section, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (l) in reference to each frequency:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646	1652	1708	1646 1708	1652	1646.
1712 (b)				1712 (b)	
2065 (d)					
	2118 (m)		2118 (m)		
2422		2422			
	2430 (c) (n)		2430	2430	
		2450 (f)	2450 (f)		2450 (f).
		2482 (n) (g)	2482 (g)		2482 (g).
				2506 (h)	2506 (h).
2512	2512 2538 (c)	2512 2538 (c)	2512		
2566			2566	2590	
3201 (j) (i)			3261 (j)	3261 (j)	
4406.9 (k)	4406.9 (k)	4406.9 (k)			
			4434.5 (k)	4434.5 (k)	4434.5 (k).

(b) To minimize interference to the service of stations in zone 3 or 4 operating on 1708 kc, ship stations in zone 1 shall not transmit on 1712 kc when west of 138 degrees west longitude, nor in zone 5 when south of 62 degrees north latitude; also coast stations in zone 5 south of that latitude shall not transmit on 1712 kc.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc to any public coast station in the vicinity of Seattle, Washington, ship stations in zone 2 shall not transmit on 2430 kc when south of 59 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive, and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc and located in the vicinity of Vancouver, British Columbia, ship stations in zones 2 and 3 shall not transmit on 2538 kc when south of 56 degrees north latitude.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, ship and coast stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 156 Mc.

(k) (1) The frequencies 4406.9 and 4434.5 kc are authorized for telephony exclusively; for use during the hours from 6:00 a. m. to 9:00 p. m. local standard time only. Such use of the frequency 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only, on 4406.9 kc or 4434.5 kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an assigned frequentcy which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided,* That for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency, in accordance with § 14.253. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(m) Use of the frequency 2118 kc for maritime mobile service is subject to interference from transmission by ship stations on frequencies within the band 2065 to 2107 kc. Use of 2118 kc shall be coordinated as necessary with use of the frequency 2134 kc as authorized in § 14.260 (a) so as to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (n) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(o) To provide for continuance of existing maritime mobile service in the Alaska area for a temporary period in which necessary changes in the frequency assignments of certain stations may be effected, any coast or ship station at any authorized location in Alaska, which, before June 20, 1955, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with stations of the maritime mobile service in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (n) of this section) until January 1, 1957. After that date, the station shall operate only in conformity with the provisions of those paragraphs: *Provided,* That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (n) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4406.9 and 4434.5 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.265 *Rules in other parts applicable.* The rules relating to the assignment and use of frequencies for ship, aircraft, marine-utility, and coast station operating in the maritime mobile service and for stations operating in the maritime radiolocation service which are set forth in Parts 7 and 8 of this chapter (except §§ 7.307, 7.308 and 8.356) shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

§ 14.266 *Extended interim use of conditional maritime service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain coast and ship stations until not later than January 1, 1957, coast stations may, if the licensee thereof has made proper application not later than January 1, 1957 for renewal of the respective coast station license, continue to transmit on such frequency for maritime mobile service until the date on which the licensee receives the renewed license, or, pending Commission action on the respective application, until May 1, 1957, whichever date first occurs. Ship stations may so continue until May 1, 1957.

§ 14.267 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other assigned frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.



TERRITORY OF ALASKA

Frequency Assignment Zones

FIGURE 1—(See § 14.3)

[F. R. Doc. 56-6456; Filed, Aug. 15, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6506]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PREMIER KNITTING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* §13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act: *Maker or seller, etc.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Premier Knitting Co., Inc., et al., New York, New York, Docket 6506, August 2, 1956]

In the Matter of Premier Knitting Company, Inc., a Corporation, and Arnold A. Saltzman, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its responsible officer with violating the Wool Products Labeling Act through labeling as "Pure Cashmere" and "Pure Imported Cashmere" ladies' sweaters which were a blend of hair from the Cashmere goat and sheep's wool; through failing to label certain of the sweaters with the name or registration number of the manufacturer, etc.; and through removing stamps, tags, etc., containing the information required by the act—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on August 2, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Premier Knitting Company, Inc., a corporation, and its officers, and respondent Arnold A. Saltzman, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' sweaters or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing wool, as that term is defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such product exclusive of ornamentation not exceeding five per centum of said total weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

It is further ordered, That respondent Premier Knitting Company, Inc., a corporation, and its officers and respondent Arnold A. Saltzman, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale, or distribution of wearing apparel or any other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 2, 1956.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-6602; Filed, Aug. 15, 1956; 8:50 a. m.]

[Docket 6508]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GLOVE CITY CHAMOIS CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.110 *Indorsements, approval and testimonials;* § 13.130 *Manufacture or preparation;* § 13.135 *Nature:* Product or service. Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1255 *Manufacture or preparation;* § 13.1260 *Nature.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1685 *Nature.* Subpart—*Using misleading name*—Vendor: § 13.2450 *Products.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Glove City Chamois Co., Inc., et al., Gloversville, N. Y., Docket 6508, August 2, 1956]

In the Matter of Glove City Chamois Company, Inc., a Corporation, and Catherine Hauser, Individually and as an Officer of Said Corporation, and Benjamin Kaplan, Individually and as General Manager of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Gloversville, N. Y., with representing falsely through labeling and branding and through use of the word "Chamois" in their corporate name and on letterheads, circulars, and other advertising, that certain of their leather products were genuine chamois and oil tanned; that their product labeled "Deerskin Chamois" was a type of chamois, was oil tanned, superior to genuine chamois, and was approved and endorsed by the New York State Weights and Measures and the Federal Trade Commission—and an agreement betwen the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on August 2, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Glove City Chamois Company, Inc., a corporation, and its officers, and Respondents Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, and said Respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution of leather products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Branding or labeling such products as "Chamois" or "Chamois Type", or in any other manner representing that such products are "Chamois" or "Chamois Type" or are made from "Chamois" unless such products are made—

(a) From the skin of the Alpine Antelope, commonly known and referred to as Chamois, or

(b) From the fleshers or undersplits of sheep skin which have been tanned in oil after splitting.

2. Using the name "Chamois" in any corporate or trade name in connection with the sale and distribution of leather products unless and until such leather products are composed and made of "Chamois" as set forth in paragraph 1 hereof.

3. Representing, directly or indirectly, that their products are superior to Chamois.

4. Representing, directly or indirectly, that their products are oil tanned.

5. Representing, directly or indirectly, that any of their products are approved or endorsed by the Federal Trade Commission or the New York State Weights and Measures.

6. Representing, directly or indirectly, that any of their products are approved or endorsed by any governmental agency, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Glove City Chamois Company, Inc., a corporation, and Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: August 2, 1956.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-6601; Filed, Aug. 15, 1956; 8:50 a. m.]

[Docket 6525]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED CIGAR-WHELAN STORES CORP. AND PRODUCT ADVERTISING CORP.

Subpart—*Discriminating in price under section 5, Federal Trade Commission Act:* § 13.892 *Knowingly inducing or receiving discriminating payments.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Cigar-Whelan Stores Corporation et al., Brooklyn, N. Y., Docket 6525, July 31, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Brooklyn corporate operator of a chain of some 1350 retail drugstores and tobacco shops throughout the United States, and its wholly owned advertising agency, with violating Sec. 5 of the Federal Trade Commission Act, through inducing many of their suppliers to enter into contracts for participation in their television programs known variously as "Whelan's Playhouse", "Whelan's Film Playhouse", or "Whelan's Cavalcade of Stars", providing that respondents would advertise the suppliers' products and that such suppliers contribute toward the cost of the program, with result that in the year 1954 such contributions of 57 suppliers aggregated more than $363,000, while the suppliers did not offer to all their other customers competing with United-Whelan any similar payments on proportionally equal terms—and an agreement between counsel containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on July 31 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent United Cigar-Whelan Stores Corporation, a corporation, and respondent Product Advertising Corporation, a corporation, and their respective officers, employees, agents and representatives, directly or through any corporate or other device in or in connection with the purchase in commerce (as "commerce" is defined in the Federal Trade Commission Act) of drug, cosmetic, or tobacco products or other merchandise, do forthwith cease and desist from: Knowingly inducing or receiving, or contracting for the receipt of, any payment or other consideration from any supplier of United Cigar-

[1] New.

Whelan Stores Corporation for or in connection with television or radio programs which are sponsored by United Cigar-Whelan Stores Corporation or which advertise or promote United Cigar-Whelan Stores Corporation, when such payment or other consideration is not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all other customers competing with United Cigar-Whelan Stores Corporation in the sale and distribution of the supplier's products:

Provided, however, That this order shall not be construed to prohibit respondent Product Advertising Corporation from selling to other persons, corporations or firms, including suppliers of United Cigar-Whelan Stores Corporation, advertising time on television or radio programs which are not sponsored by respondent United Cigar-Whelan Stores Corporation and which do not advertise or promote United Cigar-Whelan Stores Corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents United Cigar-Whelan Stores Corporation, a corporation; and Product Advertising Corporation, a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: July 31, 1956.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6598; Filed, Aug. 15, 1956; 8:49 a. m.]

[Docket 6530]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

N. L. KAPLAN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, N. L. Kaplan, Inc., et al., Buffalo, N. Y., Docket 6530, August 2, 1956]

In the Matter of N. L. Kaplan, Inc., a Corporation, and Nathan L. Kaplan and Ann R. Kaplan, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Buffalo, N. Y., with violating the Fur Products Labeling Act through (a) failing to set forth on labels on fur products, and in proper form, the information required by the act; (b) invoicing certain products falsely; and (c) in advertising, failing to show the names of animals that produced certain fur, and representing prices as reduced and the products as of greater value than the sale price, without maintaining adequate records as basis for such claims—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, on August 2, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents N. L. Kaplan, Inc., a corporation, and its officers, and Ann R. Kaplan, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped or received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

3. Failing to set forth on labels attached to fur products an item number or mark assigned to such products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to show the name or names of the animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

D. Making price claims or representations in advertisements respecting the wholesale prices, manufacturers' cost, reduced prices, comparative prices, percentage savings, value or quality of fur or fur products, unless there is maintained by respondents an adequate record disclosing the facts upon which such claims or representations are based.

It is further ordered, That the complaint be, and it hereby is dismissed as to respondent Nathan L. Kaplan.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent N. L. Kaplan, Inc., a corporation, and its officers, and Ann R. Kaplan, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which

they have complied with the order to cease and desist.

Issued: August 2, 1956.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 56-6600; Filed, Aug. 15, 1956; 8:50 a. m.]

[Docket 6466]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MINUTE MAID CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Minute Maid Corporation, New York, N. Y., Docket 6466, July 27, 1956.]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging the Minute Maid Corporation with violating section 2 (d) of the Clayton Act through paying $5,750 to the Food Fair Stores, Inc., of Philadelphia, Pa., and $250 to the Giant Food Shopping Center, Inc., of Washington, D. C., as compensation for advertising furnished by them in connection with the sale of its "Minute Maid" and "Snow Crop" frozen foods, while not offering such allowances on proportionally equal terms to all other customers competing with Food Fair and Giant in the sale of its products—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on July 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Minute Maid Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of frozen food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other service or facilities furnished by or through such customer, in connection with the handling, offering for sale, or resale of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available to all competing customers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6599; Filed, Aug. 15, 1956; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950 ——)

COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; FILING OF SINGLE WAGE REPORT WHERE INDIVIDUAL IS JOINTLY EMPLOYED BY MORE THAN ONE EMPLOYEE

Regulations No. 4, as amended (20 CFR 404.1201 et seq.) is further amended as follows:

Section 404.1250 is further amended by adding a new paragraph (d) reading as follows:

(d) *Filing of single wage report where individual is jointly employed by more than one employer.* Where the State and any of its political subdivisions or any two or more political subdivisions jointly employ any individuals to perform services in employment, the aggregate wages paid to such individuals by the State and any of its political subdivisions, or by any two or more political subdivisions, as the case may be, may, upon request by the State and with the approval of such request by the Secretary, be reported by an agent duly appointed to file such reports if—

(1) There is included in the agreement each of the coverage groups of employees of the State and its political subdivisions, or of two or more political subdivisions, as the case may be, of which such individuals are members;

(2) There is uniformity with respect to such coverage groups in the effective dates of coverage and both in the services covered and the services excluded from coverage;

(3) There is filed by such agent one wage report for each calendar quarter on Form OAR–S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by the State and the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by each political subdivision of the State, or, if the individual is not employed by the State, the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954) paid by or caused to be paid by each political subdivision of the State by which such individual is employed. For provisions relating to the furnishing of wage statements to employees, see § 404.1230.)

(4) There is included on the wage report (Form OAR–S3) the name and identification number of the State and of each political subdivision of the State, by which the individual is employed, or, if the individual is not employed by the State, the name and identification number of each such political subdivision, and the name and address and the identification number of the agent by which the wage reports are filed.

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302.)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: August 9, 1956.

HAROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-6585; Filed, Aug. 15, 1956; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 9—COLOR CERTIFICATION

EXT D&C RED NO. 14

Pursuant to Public Law 672, 84th Cong., 2d Sess. (70 Stat. 512, 513; 21 U. S. C. 342 (c)) and in accordance with its terms, the following footnote is hereby inserted in Part 9—Color Certification, immediately following the color designated as EXT D&C Red No. 14 in § 9.5 (a), for the purpose of supplying public information:

EXT D&C RED NO. 14 [1]

• • • • •

[1] Pursuant to Public Law 672, 84th Cong., 2d Sess., 70 Stat. 512, 513; 21 U. S. C. 342 (c), EXT D&C Red No. 14 may be used until March 1, 1959, for coloring the skins of oranges.

This action is taken under the authority granted the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996).

Notice and public procedure hereon are unnecessary since the action is required by the terms of Public Law 672, 84th Cong., 2d Sess. (70 Stat. 512, 513; 21 U. S. C. 342 (c)).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: August 9, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6584; Filed, Aug. 15, 1956; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6198]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EXCLUSION OF UNINCORPORATED ORGANIZATION FROM TREATMENT AS PARTNERSHIP

In order to clarify the requirements for exclusion of an unincorporated organization from treatment as a partnership under subchapter K of chapter I of the Internal Revenue Code of 1954, the regulations issued under section 761 of the Internal Revenue Code of 1954 as Treasury Decision 6175 (21 F. R. 3500), approved May 23, 1956, are amended by striking subparagraph (2) of § 1.761–1 (a) and inserting in lieu thereof the following:

(2) *Exclusion of certain partnerships from provisions of subchapter K*—(i) *In general.* Under conditions set forth in this paragraph, an unincorporated organization described in subdivision (ii) or (iii) of this subparagraph may be excluded from the application of all or a part of the provisions of subchapter K. Such organization must be availed of for investment purposes only and not for the active conduct of a business, or for the joint production, extraction, or use of property, but not for the purpose of selling services or property produced or extracted. The members of such organization must be able to compute their income without the necessity of computing partnership taxable income. Any syndicate, group, pool, or joint venture which is classifiable as an association, or any group operating under an agreement which creates an organization classifiable as an association, does not fall within these provisions.

(ii) *Investing partnership.* Where the participants in the joint purchase, retention, sale, or exchange of investment property—

(*a*) Own the property as coowners,

(*b*) Reserve the right separately to take or dispose of their shares of any property acquired or retained, and

(*c*) Do not actively conduct business or irrevocably authorize some person or persons acting in a representative capacity to purchase, sell, or exchange such investment property, although each separate participant may delegate authority to purchase, sell, or exchange his share of any such investment property for the time being for his account, but not for a period of more than a year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph.

(iii) *Operating agreements.* Where the participants in the joint production, extraction, or use of property—

(*a*) Own the property as coowners, either in fee or under lease or other form of contract granting exclusive operating rights, and

(*b*) Reserve the right separately to take in kind or dispose of their shares of any property produced, extracted, or used, and

(*c*) Do not jointly sell services or the property produced or extracted, although each separate participant may delegate authority to sell his share of the property produced or extracted for the time being for his account, but not for a period of time in excess of the minimum needs of the industry, and in no event for more than one year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph. However, the preceding sentence does not apply to any uincorporated organization one of whose principal purposes is cycling, manufacturing, or processing for persons who are not members of the organization.

(iv) *Method of election*—(*a*) *Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761 (a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the district director for the district in which the organization has its principal office or place of business. For the purpose of determining the district in which the organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated organization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:R, Washington, D. C., no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year shall be the calendar year in accordance with section 441 (g).

(*b*) *Partial exclusion from subchapter K.* An unincorporated organization which wishes to be excluded from only certain sections of subchapter K must submit to the Commissioner, not later than 90 days after the beginning of the first taxable year for which partial exclusion is desired, a request for permission to be excluded from certain provisions of subchapter K. The request shall set forth the sections of subchapter K from which exclusion is sought and shall state that such organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, and that the members of the organization elect to be excluded to the extent indicated. Such exclusion shall be effective only upon approval of the election by the Commissioner and subject to the conditions he may impose.

(v) *Information to be filed by organizations excluded under section 761.* (*a*) An organization which elects under subdivision (iv) (*a*) of this subparagraph to be excluded from all of subchapter K shall file the following:

(*1*) For the first taxable year for which it wishes to be excluded: a partnership return, as provided in subdivision (iv) (*a*) of this subparagraph;

(*2*) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under section 761 (a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the Commissioner of Internal Revenue, Midwest Service Center, Kansas City, Missouri.

(*b*) Organizations partially excluded from subchapter K shall file partnership returns containing such information as the Commissioner may require upon the granting of the partial exclusion under section 761 (a).

Because the amendment made by this Treasury decision clarifies the requirements for excluding an unincorporated organization from the application of all or part of subchapter K of chapter I of the Internal Revenue Code of 1954 and clarifies the requirements for filing returns or other information by such unincorporated organizations, it is found unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section (4) (c) of that act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: August 10, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

[F. R. Doc. 56–6591; Filed, Aug. 15, 1956; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

MISCELLANEOUS AMENDMENTS

Basis and purpose. (1) Heretofore the Red Rock Lakes Migratory Waterfowl Refuge has been erroneously designated as the Red Rock Lakes National Wildlife Refuge. Corrections are therefore required to show the proper designation in the title of the subpart in Part 31 and in §§ 17.3, 31.281, and 31.282.

(2) On the basis of observations and reports of representatives of the Fish and Wildlife Service, it has been determined that additional fishing privileges can be authorized without interfering with the primary purpose for which the refuge was established.

Inasmuch as the following regulation is a relaxation of existing restrictions applicable to the Red Rock Lakes Migratory Waterfowl Refuge, notice and public procedure are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.287 is revised to read as follows:

§ 31.287 *Fishing permitted.* Sport fishing is permitted in accordance with State laws and regulations on those waters located within the boundaries of the Red Rock Lakes Migratory Waterfowl Refuge described specifically as follows: Culver Pond, Odell Creek, Red Rock Creek, Elk Springs Creek, Culver Springs Creek, and Shambo Pond, subject to the requirements and conditions of §§ 31.288 to 31.290, inclusive.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 10, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56–6586; Filed, Aug. 15, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF EXTENSION OF TIME TO SUBMIT DATA, VIEWS OR ARGUMENTS

The proposed regulations under sections 161, 162, 168, and 169 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for July 10, 1956 (21 F. R. 5091). That notice provided that consideration would be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of that notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and any data, views, or arguments pertaining to those proposed regulations which are submitted not later than Monday, August 20, 1956, will be given consideration.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 56–6592; Filed, Aug. 15, 1956; 8:48 a. m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NEW PROCEDURE FOR RETURN AND PAYMENT OF TAX WITHHELD UNDER CHAPTER 3 OF THE INTERNAL REVENUE CODE OF 1954 AND FOR EXCHANGE OF INFORMATION UNDER INCOME TAX CONVENTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 6041, 6042, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 745, 746, and 917; 26 U. S. C. 6041, 6042, and 7805).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to provide a new procedure for the return and payment of tax withheld under chapter 3 (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds) of the Internal Revenue Code of 1954 and for the exchange of information under the income tax conventions, the Income Tax Regulations (26 CFR Part 1) are hereby amended as follows:

PARAGRAPH 1. Section 1.1461–1 is amended as follows:

(A) By inserting at the end of paragraph (d) thereof the following new sentences: "In the case of ownership certificates filed with the withholding agent after December 31, 1956, the certificate shall also show the amount of tax withheld; or, if the certificate has been used under a tax treaty regulation to claim a release of tax withheld, then it shall show both the amount of tax withheld, if any, and also the amount of tax released. After December 31, 1956, this paragraph shall apply to all special variations of Form 1001 referred to in paragraph (i) of this section."

(B) By striking out the period at the end of paragraph (f) (3) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such statement shall be forwarded to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., with the annual return on Form 1042."

(C) By inserting at the end of paragraph (h) thereof the following new sentence: "Duplicate copies of Form 1000 are not required."

(D) By striking out the period at the end of paragraph (i) thereof and inserting in lieu thereof the following: "and paragraph (d) of this section. In the case of payments of income made before January 1, 1957, duplicate copies of Form 1001 are not required; on and after that date Form 1001 shall be filed in duplicate whenever the form is required by this section. The special variations of Form 1001 shall be filed in duplicate, as required by the applicable tax treaty regulation."

(E) By inserting at the end thereof the following new paragraph:

(k) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 2. The regulations under section 1461 are amended by inserting immediately after § 1.1461–1 the following new section:

§ 1.1461–2 *Return and payment of tax withheld on and after January 1, 1957—*(a) *Effective date.* This section shall apply only with respect to payments of income made on and after January 1, 1957. For provisions relating to payments made before that date, see § 1.1461–3.

(b) *Form 1042—*(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax withheld under chapter 3 upon all the items of income to which that chapter applies. Form 1042 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. The return shall be prepared in duplicate and shall show in summary form the tax required to be withheld under chapter 3 during the previous calendar year and to be shown on Forms 1000, 1001, 1042S, and on all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1. The duplicate copy of Form 1042 shall be retained by the withholding agent.

(2) *Summary of accompanying forms.* Form 1042 shall be accompanied by the original and duplicate copies of all Forms 1000, 1001, 1042S, and all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1, which were filed with, or prepared by, the withholding agent during the previous calendar year, including such forms upon which income exempt from tax is reported. The various forms so forwarded with Form 1042 are not required to be listed thereon, but they shall be summarized on Form 1042 by showing in the manner prescribed thereon the total number of each form submitted and, with respect to that particular form, the gross amount of income paid and the rates of tax applicable thereto, the gross amount of exempt income paid, the amount of tax withheld at the various applicable rates, and the amount of tax withheld but released or refunded by the withholding agent. The information so given with respect to Form 1042S shall be arranged on a per-country basis as to payees with addresses in the various foreign countries which have entered into an income tax convention with the United States and on a combined basis as to payees with addresses in all other countries. This per-country arrangement is not required in the case of the other forms forwarded with Form 1042. The exemption and reduced rate certificates, such as Form 1001A–D or Form 1001A–J, referred to in paragraph (g) (2) of § 1.1461–1 are not required to accompany, or to be summarized on, Form 1042.

(3) *Modification of Form 1042.* If Form 1000 is modified in accordance with paragraph (h) of § 1.1461–1 to show the name and address of a fiscal or paying agent in the United States, Form 1042 shall be likewise modified.

(c) *Form 1042S—*(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042S of all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid during the previous calendar year to nonresident alien individuals, nonresident partnerships composed in whole or in part of nonresident alien individuals, and nonresident foreign corporations, including such items of income upon which, under the authority of any Treasury regulation or ruling of the Commissioner of Internal Revenue, no withholding of tax is required or in respect of which the tax, though required to be withheld, has been released or refunded to the payee. Income paid to such persons and required to be shown on Form W–2, Form 1001, or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute thereof, is not, however, required to be returned on Form 1042S. The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(2) *Information to be furnished.* (i) Form 1042S shall show the name and address of the payee of the income, of the withholding agent, of the agent for the withholding agent, and of the payer of the income if the payer is not the same as the withholding agent. It shall also show the nature of the item of income paid, the gross amount of the item, and, if withholding upon that item is required under chapter 3, the rate of tax applicable thereto and the amount of tax withheld. If any part of the tax required to be withheld has been released or refunded to the payee, Form 1042S shall show the amount of tax so released or refunded.

(ii) If a Form 1042S is prepared in respect of an item of income upon which tax has not been withheld under chapter 3, a brief statement as to the authority for such failure to withhold shall be made upon the form itself. If necessary, however, a separate statement as to such authority may be attached to the original copy of the Form 1042S.

(iii) If a Form 1042S is prepared in respect of compensation from which the personal exemption is deducted in accordance with paragraph (e) of § 1.1441–3, the amount of the compensation allocable to labor or personal services performed within the United States, together with the amount of the deduction for the prorated personal exemption, shall be shown on a separate statement attached to the original copy of that form.

(3) *Manner of preparing Form 1042S.* (i) Form 1042S shall be prepared in quadruplicate with respect to each separate payment of any item of income made during the calendar year, except that, at the option of the withholding agent, one form may be used to show the total amount of any item paid during the calendar year to the same payee. Items different in kind may not be combined on one Form 1042S. Thus, if three dividends on the same stock are paid to the same payee during the calendar year, the three payments may be entered on three separate Forms 1042S or in total amount on one Form 1042S. On the other hand, a payment of interest, dividends, and rents may not be shown on the same Form 1042S. Payment of an item of income to a nominee or representative for the benefit of other persons in respect of whom Forms 1042S are required may not be shown on a single Form 1042S but must be identified with the ultimate recipients of the income if such information is known to the withholding agent.

(ii) The Forms 1042S prepared by any withholding agent shall be arranged alphabetically both as to the name of the payee and the name of the country in which the payee has an address. Separate adding machine tapes shall then be prepared for each such country which has entered into an income tax convention with the United States, showing as to that country the gross amount of exempt income paid and, as to each separate applicable rate of tax, the gross amount of income paid and the amount of tax withheld. Another adding machine tape showing the same information shall then be prepared with respect to the combined number of all other countries. These adding machine tapes shall be properly identified with the respective groups of forms to which they apply, and the totals thereon used as a basis for making the summary on Form 1042 prescribed by paragraph (b) (2) of this section. If circumstances warrant, the withholding agent may use any other appropriate method, in lieu of adding machine tapes, for presenting the information required by this subdivision.

(iii) The triplicate copy of Form 1042S shall be furnished to the payee indicated thereon, and the quadruplicate shall be retained by the withholding agent.

(4) *Alternative methods.* To the extent that the withholding agent's system of record keeping makes impractical the use of Form 1042S in the manner prescribed by subparagraph (3) of this paragraph, he may devise and submit for the prior approval of the Commissioner a variation of Form 1042S which will include the information required by subparagraph (2) of this paragraph and which will substantially comply with the requirements of subparagraph (3) of this paragraph. Request for such approval shall be accompanied by an explanation as to why such variation is necessary.

(d) *Information to be furnished by Commissioner.* If a foreign country has entered into an income tax convention with the United States which provides for the mutual exchange of information, the Commissioner of Internal Revenue shall, as soon as practicable after the close of a calendar year during which the convention is in effect, transmit to the appropriate authority designated in the convention with that country all the duplicate copies of the following forms which have been filed pursuant to this section for that year in respect of payees with addresses in that country, namely, Form 1001, Form 1042S, and the special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1 which is applicable to that country.

(e) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 3. Section 1.1461–2 is amended as follows:

(A) By striking out the period at the end of paragraph (a) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(B) By striking out the period at the end of the second sentence of paragraph (b) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(C) By striking out the period at the end of the first sentence of paragraph (c) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such tax shall be paid to the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(D) By striking out so much thereof as precedes paragraph (a) (1) thereof and inserting in lieu thereof the following:

§ 1.1461–3 *Return and payment of tax withheld before January 1, 1957—*(a) *Effective date.* This section shall apply only with respect to payments of income made before January 1, 1957. For provisions relating to payments made on and after that date, see § 1.1461–2.

(b) *Interest on certain bonds—*

(E) By redesignating paragraphs (b), (c), and (d) thereof as paragraphs (c), (d), and (e), respectively.

[F. R. Doc. 56–6593; Filed, Aug. 15, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO–225–A7]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on February 28 through March 7, 1956, pursuant to notice thereof which was issued on February 7, 1956 (21 F. R. 953).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 5, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in the proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 8, 1956 (21 F. R. 3936).

The material issues, the findings and conclusions, and the general findings of the recommended decision (21 F. R. 3936; F. R. Doc. 56–4519) are hereby approved and adopted as the material issues, the findings and conclusions, and the general findings of this decision as if set forth in full herein, subject to the following revisions:

1. On page 3937, in the paragraph continued at the top of column 1, change the phrase "months of August through January" to read "months of September through February"; change the phrase "months of February through July" to read "months of March through August"; and change the phrase "August 1, 1956" to read "September 1, 1956".

2. On page 3939 delete the last complete paragraph in column 3 and substitute therefor the following:

The point was made in the filed exceptions that the primary purpose of the transfer amendment can be accomplished without having it apply in all months of the year. It appears appropriate to continue to assign transferred milk first to any Class I use during the months of July through March, but to assign it first to any Class II uses at the nonpool plant during the flush production months of April, May, and June.

During these three months supplies are greatest in relation to sales both in Detroit and in adjacent markets. Accordingly, there is least likelihood of a nonpool plant depending upon milk transferred from Detroit for bottling purposes. In July and August, however, there are substantial demands for Class I milk in the resort areas of the State. Data presented at the hearing for the years 1954 and 1955 show that there were much larger quantities of milk transferred to nonpool plants having bottling operations in July than in June. The months following the resort season are those of lowest production, and demands for milk for bottling purposes would be substantial.

It is concluded that the transfer provisions adopted November 1, 1955, and requiring that any pool milk transferred to a nonpool plant be assigned first to Class I should continue to apply during the months of July through March. However, during April, May, and June such milk should be assigned first to any Class II utilization at the nonpool plant.

3. Delete in its entirety topic numbered 5, "Class I price", starting at the bottom of column 3, page 3939, and substitute therefor the following:

5. *Class I price.* A seasonal change of 40 cents per hundredweight should be introduced in the stated Class I differential. The new differentials would be $1.63 for the months of August through January and $1.23 for the months of February through July instead of the present differential of $1.43 in all months. Also, the schedule of standard percentages used in computing the Class I supply-demand adjustment should be revised to reflect a supply of producer milk equal to 124 percent of Class I sales for November instead of the present percentage of 120 percent. Proportionate changes should be made in the standard percentages for the other months. The supply-demand adjustment should change at the rate of 3 cents for each point of indicated oversupply or undersupply instead of changing only at 5-point intervals in the amount of 15 cents.

The increase in the normal or standard supply percentage reflects operating experience in the market since the major handlers have adopted six-day instead of seven-day operation of their bottling plants. This major change in operations is so recent that its final effect on market organization is not yet fully established. It is sufficiently extensive to limit severely the value of previous experience in supply-demand relationships. It is clear, however, that bottling plant operators now call for greatly increased quantities of milk late in the week for sale on Friday and Saturday. On Sunday when no bottling occurs, the plants receive as little milk from farmers or country plants as possible. The result is that unless adequate holding tank facilities can be provided at country and city plants, a larger total supply is necessary to meet these uneven demands during the week.

In November 1955, market supplies of producer milk were equal to 123.9 percent of Class I sales. It was testified that during this month supplies were barely adequate to meet Class I needs on days of maximum demand. In fact these demands were met only by maximum use of all available holding facilities, including the milk tank trucks ordinarily employed to ship milk from country stations to the city bottling plants. To meet bottling needs, it was also necessary to allocate milk away from handlers who might have liked to have had the milk for Class II purposes but did not actually need it for bottling, to other handlers who could use the milk for Class I purposes.

In raising the standard percentages, the monetary effects of the supply-demand adjustment should also be revised. The present order provides price changes of 15 cents when supplies depart from normal by from 5 to 10 percent, a 30-cent change for supply variations for 10 to 15 percent and a 45-cent change when supplies are more than 15 percent away from normal. For many months in 1955 and early 1956, supplies were, in fact, a few percentage points above normal. In most months, the oversupply was less than 5 percent so no supply-demand adjustment resulted. However, in December 1955 and February and March 1956

the indicated supplies were slightly more than 5 percent above normal and price adjustments of minus 15 cents were in effect. The result is that with only minor changes in supplies a rather sizeable adjustment of 15 cents affected Class I prices in these three months. It appears clearly preferable that the supply-demand adjustment should be at the rate of 3 cents for each point of indicated over or undersupply. Since November 1, 1955, the date of the last previous amendment to the order, the supply-demand adjustment provided herein would have been minus 3 cents in November and December 1955, zero in January 1956, minus 6 cents in February, minus 9 cents in March, plus 3 cents in April, plus 6 cents in May, plus 9 cents in June, and plus 12 cents in July. (Official notice is taken of market receipts and Class I sales for the months of February through June 1956.) For this nine-month period the adjustment would have averaged plus 1 cent instead of the minus 5 cents provided by the present order.

Producers contended that milk production could not long be maintained at the order prices which have prevailed in recent years. They cited data to the effect that farm wage rates and other production costs were particularly high in the Detroit region. However, it must be recognized that large quantities of manufacturing grade milk are still produced in Michigan at the same general level of prices as prevails elsewhere in the United States for milk of similar grade. In fact, several of the Detroit receiving stations are operated in close proximity to or in conjunction with such plants. Moreover, the Class I differentials under the Detroit order have been fully adequate to increase supplies sufficiently to care for the growth in Class I sales. The supply-demand adjustment can provide considerable additional increase in price if supplies begin to fall behind. Finally, Detroit order prices are fully as high as those in the most directly competitive Federal order markets. In 1955, for example, the Detroit Class I price for milk delivered to city plants averaged $4.40 as compared with a Toledo price of $4.30. There is direct competition between distributors at these prices and there is also some competition with Detroit handlers having a sixteen-cent location differential. Competition between the Detroit and Cleveland markets is in the procurement of milk from farms rather than in sales of the bottled product. The Cleveland blend price at Coldwater, Michigan, averaged $3.71 during 1955 as compared with a Detroit blend at nearby location (Hillsdale and Litchfield, Michigan) of $3.86.

A moderate seasonal change in the Class I differential should be adopted. The Detroit market has previously relied exclusively on the base-rating plan as a means of encouraging level production. Under this plan farmers have maximized their production during the fall in order to establish as high a base as possible for the following year. By having a lower Class I differential in the spring than in the fall months, the difference between the base and excess prices will be narrowed, and the effect of the base plan will be somewhat lessened. However, the seasonal differential will provide additional money to farmers during the fall months when costs are highest. The net effect on farmers' seasonal plans may not be greatly affected, although it is difficult to predict the amount of price change which may be necessary to offset the change in the base plan incentive.

A basic reason for adopting a seasonal change in the Class I differentials is to have the Detroit Class I price conform more closely to out-of-area prices. Sales competition with the Toledo market and other Federal order areas where the Class I prices vary seasonally are described in more detail in connection with issue number 12. In markets not under Federal orders, it is common for prices to be lower in the flush production season and higher in the season of lowest production.

4. On page 3940, change the first sentence in the last paragraph beginning in column 3 to read as follows: "However, the differentials to handlers should move in amounts of one-tenth cent."

5. On page 3941 insert after the partial paragraph at the top of column 1, the following: "The Butterfat differential to producers should be computed at the same rate as the differential to handlers, namely 0.113 times the market price of butter. However, the result should be rounded to the nearest half cent instead of the nearest one-tenth of a cent in order to facilitate computing the amounts due to the thousands of producers to whom payment must be made each month."

6. On page 3941 delete the last two sentences of the third complete paragraph in column 1 and substitute therefor the following: "In the recommended decision it was concluded that the location adjustments should be reduced both by lowering the rate in the 34–50 mile zone from 14 to 12 cents per hundredweight and by halving the rate per mile in the more distant zones. However, exception was taken that the resulting reductions would be too great, especially in relation to the increases in wage rates and other costs which had already occurred at the time of the hearing and the further increases which were in prospect. In view of these factors, it is concluded that the rate in the first zone should be retained at the present level of 14 cents and that the rate for additional mileage should be halved, to 1 cent per 20 miles or fraction thereof."

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Detroit, Michigan, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 10th day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on February 28 through March 7, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Revise § 924.5 to read as follows:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York, and Augusta in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

2. In § 924.16 (b) delete from the proviso the phrase, "during each of the months of November 1955 through January 1956 and, in subsequent years".

3. Revise § 924.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classificaton of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification, and allocation shall apply.

4. Delete § 924.46 (b) and substitute therefor the following:

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

5. In §924.46 change the designation of paragraph "(c)", "(d)", and "(e)", to "(d)", "(e)", and "(f)", respectively.

6. Revise § 924.51 to read as follows:

§ 924.51 *Class I milk prices.* (a) Subject to the adjustment provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased by 3 cents for each percentage point that such percentage is above the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage) and increased by 3 cents for each percentage point that such percentage is below the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage):

Month:	*Percentages*
January	129.8
February	130.3
March	134.7
April	142.0
May	151.7
June	157.5
July	143.1
August	140.9
September	131.0
October	125.7
November	124.0
December	129.9

Provided, That in no event shall the Class I price be increased or decreased pursuant to this paragraph by more than 45 cents.

7. Revise § 924.52 to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of: (1) The price per hundredweight as described in § 954.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

(b) In the months of October, November, December, and January add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

8. Revise § 924.53 to read as follows:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

9. In § 924.60 (b) change the phrase, "other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47" to read, "other source milk is allocated to Class I pursuant to § 924.46 (b) and the corresponding step of § 924.47."

10. In § 924.60 (c), change the tabulation of road distances and rates per hundredweight to read as follows:

Shortest road distance from Detroit City Hall:	*Rate per hundredweight*
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 70 miles	.15
Add 1 cent for each 20 miles or fraction thereof over 70 miles.	

11. At the end of § 924.71 (c) change the phrase "may retain his base without loss for six months." to read "may retain his base without loss for twelve months."

12. Change § 924.82 to read as follows:

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

[F. R. Doc. 56-6583; Filed, Aug. 15, 1956; 8:45 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 941]

[Docket No. AO–101–A22]

Handling of Milk in Chicago, Illinois, Marketing Area

Decision With Respect to Proposed Marketing Agreement and Proposed Order Amending the Order, as Amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 20, 1956 (21 F. R. 5590), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to certain issues on the record of the hearing, and notice of opportunity to file written exception thereto.

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.
2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; "reload point" as a type of pool plant; and accounting and payments for nonpool milk received at a pool plant.
3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.
4. Revision of price differentials to producers in nearby zones.
5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.
6. Expansion of the surplus milk manufacturing area.
7. Classification of malted milk.

In addition to the issues here listed, certain other matters were referred to in proposals included in the hearing notice, but were either abandoned or not specifically mentioned at the hearing. These matters included the price level for Class II milk, expansion of the marketing area to include all of Lake County, Illinois, advance payments to producers, new producer bases, and accounting for own-farm production. It is concluded that no action with respect to these matters should be taken on this record.

A request was made on the record that early action be taken on Issues No. 2 and No. 3, so that any resulting changes in the order could be made effective September 1, 1956. The recommended decision of the Acting Deputy Administrator issued July 20, 1956, dealt only with Issues No. 2 and No. 3, and this decision deals with these same issues. Issues No. 1 and Nos. 4 through 7 are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based on the evidence contained in the record of the hearing:

Pool plants. The order requirements with respect to the qualifications to be met by plants for participation in the market-wide pool should be modified. The eligibility of supply plants for pooling should be based on the actual delivery of milk in the current month, or actual delivery in the months of September, October and November preceding, to plants processing and distributing Class I milk products or any Chicago inspected Class II milk product in the marketing area.

Present order provisions establish three categories of plants. The first category includes all plants which process and package any Class I milk product which is disposed of in the marketing area for consumption in fluid form. A second category is comprised of those supply plants which are not on the approved list of the Board of Health of Chicago, Illinois, and which are suppliers of plants from which Class I milk is distributed in the segment of the marketing area which lies outside the city limits of Chicago. Such supply plants are eligible for pooling on the basis of shipments of not less than 50 percent of the butterfat received from producers in fluid form as milk or cream. Any such plant fulfilling these requirements for each of the months of September, October and November, may remain in the pool through August of the following year. A third category of plants, the largest group, is comprised of those supply plants which are under the approval of the Board of Health of Chicago. These plants are automatically included in the pool on the basis of such approval but are subject to suspension from the pool during the months of March through July if they have not met certain requirements in the previous September, October and November. These requirements are, essentially, that such plants must make at least 50 percent of their producer milk available to the market during the fall months, either through actual shipment or by offers to sell to other pool plants. (In meeting the 50 percent requirement, however, allowance is made for Class I and Class II disposition within the surplus milk manufacturing area other than to pool plants.) Shipments in the form of milk, skim milk, concentrated milk, condensed skim milk, and fluid cream are given credit toward qualification under this requirement. The total requirement for all such types of disposition or offers, is 50 percent of the pounds of butterfat in milk received from producers at the plant, or 50 percent of the pounds of whole milk received from producers.

A proposal was made by a producer organization to alter substantially the requirements for pool participation by country supply plants. With respect to all country supply plants, the proposal would terminate credit toward pool qualification based on offers to sell milk to plants processing and distributing Class I milk products in the marketing area. In the future pool qualification would be based on actual shipments from the supply plant to plants which process and package any Class I milk product or any Class II milk product required to be made from inspected milk. The requirement that a supply plant would have to meet, under the proposal, would be the shipment in such manner of at least 50 percent of the butterfat in milk received from producers. Proponent requested also that milk delivered to "receiving stations" which supply the market indirectly through shipments to other supply (pool) plants should also be permitted to qualify for pooling. In determining whether milk at such a receiving station qualifies, the receipts of both plants would be added together and the shipments from the intermediate plants would need to include at least 50 percent of the butterfat in the total receipts of both the receiving station(s) and the intermediate plant. The proposal also would provide that any plant meeting the above requirements during each of the months of September, October and November could remain a "pool plant" until the following September, unless the particular plant is voluntarily withdrawn from the pool through advance notice to the market administrator. An additional feature of the proposal is that the operator of a pool plant would be credited at the uniform price for any milk (which does not violate health requirements) received from a plant not meeting the requirements for pool participation.

The proposal to base the qualification of supply plants for pooling on actual shipments was supported by handler representatives. A request was made, however, that the order not be changed with respect to the forms of milk products allowed for credit toward qualification, i. e., that the privilege of shipping either 50 percent of butterfat in producer milk receipts, or the equivalent of 50 percent of producer milk receipts as milk or skim milk (fluid or condensed), be continued.

Opposition by a producer group to the proposed change in the pool plant requirements, as set forth in their brief, stressed the possibilities that the new requirements would eliminate a number of plants from the pool, result in uneconomical shipments of milk to the market, and benefit nearby producers at the expense of more distant producers. This producer group also objected to basing the pool requirement for supply plants solely on butterfat shipments.

Record data on the percentages of pool milk used for Class I and Class II uses in such fall months show that the average utilization in these classes has been well above 50 percent of total producer milk receipts. In the fall of 1955, the combined percentages for these classes were as follows: September, 86.8 percent; October, 80.2 percent; and November, 78.2 percent.

On the assumption that in these months milk received at pool plants in zones 1 and 2 was completely available for Class I and Class II uses, then of the milk received at plants in the remaining zones, most of which would be delivered

by producers to supply plants rather than to distributing plants, at least 74 percent in September 1955, 63 percent in October, and 61 percent in November would have been required to fulfill total Class I and Class II needs.

In the fall of 1953, the total supply of pool milk was unusually large in relation to Class I and Class II needs. If plants in zones 1 and 2 are likewise assumed to have received milk directly from farms and to have achieved utilization of all such milk in Class I and Class II at that time, the remaining plants would have had average utilization in these classes of 55 percent in September, 60 percent in October, and 46 percent in November. The need for milk to supply Class I and Class II utilization from plants in zones 3–22 would be still higher, of course, if, as is likely, bottling plants in the first two zones could not achieve full utilization in Class I and Class II of direct-shipped milk. Higher levels of utilization prevailed in the fall months of 1951, 1952, and 1954.

A plant which may be considered an integral part of the market supply should be able to attain an average utilization of at least 50 percent of its milk in Class I and Class II in the fall months under foreseeable circumstances. It is recognized that the total utilization in Classes I and II in these months, as referred to above, included bulk milk sales to distant points outside the surplus milk manufacturing area, but elimination of these sales from the computation would leave sufficient Class I and Class II milk to result in average utilization significantly greater than 50 percent at plants beyond the first two zones under the conditions outlined.

It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular and dependable part of the market supply. This may occur under the present provisions which allow plants to qualify on the basis of offers rather than actual shipments. Plants in which the principal operation is the manufacture of milk products may be attracted to the pool primarily to participate in the higher utilization of the fluid milk market without acceptance of responsibility for making supplies available to meet the higher-valued Class I and Class II requirements of the market when supplies may be urgently needed. Although trial of the present provisions has produced some beneficial effect in arresting plants which find the pool attractive for such purpose, difficulties in securing adequate market supplies have not been eliminated. Because of the foregoing considerations it is desirable to base participation of supply plants in the pool on a specified percentage of supplies shipped to the market.

The types of shipments allowed for qualification credit, i. e., milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, should remain as presently provided in the order. Also, there is no substantial reason for continuing to make distinction between the requirements applicable to Chicago approved supply plants and those concerned only with the suburban portion of the marketing area.

Proponents of the new pool plant provisions objected to the allowance of qualification credit on skim milk items shipped to market. This objection was based on the proposition that under the present "milk equivalent of butterfat" accounting method no price differential over the manufacturing price level is realized by producers from skim milk in Class II milk. Skim milk, however, is frequently needed by bottling plants for Class I disposition in the marketing area in such forms as "standardized" bottled milk, buttermilk and milk drinks, and skim milk, condensed or whole, is used at plants in the marketing area for Class II disposition as cottage cheese, ice cream and related products, all of which require substantial quantities of skim milk from inspected sources. Accordingly, shipments of these milk products, as well as the butterfat in milk or cream, should be considered as necessary to fulfill the total need for supplies for all Class I and Class II uses. For this particular purpose, it is not material that the present accounting plan does not provide a price differential on skim milk in Class II uses.

In the recommended decision it was concluded that a plant could qualify as a pool plant for the months of December through the following August if, during each of the immediately preceding months of September, October and November, the sum of its shipments to regulated plants of milk or butterfat in the specified forms equaled at least 50 percent of the volume of producer milk received at the plant during the month. In exceptions, some producers and handlers requested that the percentage requirement be an average for the three-month period, so as to make allowance for irregularities in receipts and market requirements. It is so provided in the amending language. To qualify for pool status on this basis, however, the plant should maintain a substantial connection with the market in each of the three months. A plant should not acquire pool status for the balance of the year if it fails in any one of the three months to ship at least 30 percent of its receipts in the manner prescribed.

It is appropriate to use the months of September, October and November as a basis for qualifying a plant for participation in the pool for the remainder of the year, since these have tended to be the months of shortest supply. Some plants supplying the market during these months may need to move only a small part, or perhaps none, of their milk to the market in the spring months, but the fact that a plant ships a substantial portion of its supply during the months of shortest production justifies its participation in the pool as part of the supply system throughout the year. Furthermore, it would be uneconomical to require such plants to ship to the market during the remainder of the year the same percentage of their receipts as is required during the fall months to insure a sufficient supply.

Plants which do not meet the 50-percent delivery performance requirement in the September–November period should be required to meet such standard each month until the plant has demonstrated a firm association with the market in the short production season. In this connection it should be noted that relaxation of the delivery standard for any such plant, particularly for the months when production is approaching the seasonal high, would increase the attractiveness of the pool to milk which is surplus to a plant's fluid operations outside the Chicago marketing area, thus increasing the burden of seasonal surpluses carried by established Chicago producers. Such a plant should have a substantial, and continuing, outlet for milk in the marketing area to attain equal status with established suppliers of the market.

As mentioned previously herein, the proposal would allow a supply plant to qualify by shipments of milk to another supply plant, provided the latter plant shipped sufficient milk to distributing plants to qualify both plants. It was testified that to this extent flexibility in the provisions is needed to accommodate existing "feeder-plant" systems for assembling milk for movement to market. On reasonable balance between total producer (pool) receipts and Class I and Class II uses, a handler operating such a system of plants doubtless would need milk from all such plants in the September-November period, and thus would be able to qualify all plants in the system for the remainder of a twelve-month period.

On the other hand the order should not allow a handler to add a plant to his system without specific delivery performance during the months of December through August if such plant did not qualify for pool status in the prior September-November period as part of the handler's system on the basis of the 50 percent shipment standard. Such a limitation is desirable, since the provision for qualifying a system of supply plants as pool plants should not provide greater encouragement to handlers to add plants to the pool in months when additional milk is definitely not needed than to those plant operators looking to the market for the first time.

Some producer organizations requested that plants be protected against loss of pool status because of labor disputes. Such a provision is included in the amending language. This provision would exclude from the computation as to pool plant qualification, for the months of September, October and November, the receipts and shipments on the days affected by the labor dispute.

A corollary proposal of producer proponents is to allow the handler credit at the uniform price (adjusted for location) for milk received at pool plants from plants not having pool status in the computation of the handler's obligation for milk. The total value of the handler's milk receipts, including a value for "other source milk" received from plants not having pool status, would be computed at the class prices provided in the order. Against this aggregate value the handler would be credited at the market-wide uniform price for the amount of such other source milk received at a pool plant. Thus, milk received at a pool plant from a non-pool plant (except milk received in violation

of health requirements) would be valued to the handler at a price per hundredweight equal to the average market price to all producers. Any remaining milk in a non-pool plant would receive a return based on its use or disposition to outlets other than pool plants and would not be dependent in any way upon pricing or valuation under the order. In the major segments of the Chicago milkshed, the uniform price to producers computed under the order reasonably reflects the prevailing (or alternative outlet) value for milk of Grade A quality during several months of the year.

However, in the months of March, April, May and June, the uniform price sometimes declines below the price for Class IV milk in the most distant zones of the milkshed, and the alternative use value of inspected milk at such times approximates the Class IV price. Thus, the pricing of other source milk to the handler on the basis of its utilization, and a credit to the handler at the uniform price in the July-February period, and at the Class IV price in the months of March through June, together with complementary provisions for allocation, will prevent any displacement of producer milk in higher-valued uses and preserve the integrity of the classified-price plan. Although it would be possible for some other source milk, on which credit at the uniform price is applied, to be delivered to market and utilized in Class III or Class IV milk, any advantages to be gained by sending milk to pool plants for such uses are limited by the locations of plants and consequent adjustment of the uniform price credit based on pool plant location. In the event efforts are made to gain price advantage through use of nearby producer milk in the lower-valued classes and the substitution of other source milk from more distant locations in Class I and Class II uses, it would be appropriate to reconsider the amount of the credit allowed. When milk is transferred from a non-pool plant to a pool plant solely for manufacturing, credit to the pool plant at the uniform price on such milk would result in disadvantage to producers. In the latter instance credit at the Class IV price is appropriate and is so provided.

Price for Class I and Class II milk sold outside the surplus milk manufacturing area. The provisions for special (higher) prices for Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area during September, October, and November should be eliminated.

Elimination of the special price differential on milk and cream moved to distant markets in fall months was proposed by several producer organizations. This proposal was supported on the record primarily by incorporating by reference testimony and exhibits from previous hearings. The producer proponents of the revised pool plant qualification provisions suggested that the out-of-market price differential would no longer be appropriate if its pool plant proposal were adopted.

Prior testimony in support of the continuance of the special price provisions was based on the contentions that: (1) Some such provisions were needed to make milk available in the marketing area during the short production season for Class I and Class II requirements, and (2) the additional 70 cents per hundredweight to be paid by handlers during fall months on sales outside the surplus milk manufacturing area would compensate the market pool for the attendant surplus in other months due to the tendency for out-of-market sales to be seasonal. Opposition testimony in the prior hearings alleged that the special price provisions hinder the sale of milk to other markets for Class I and Class II use, and consequently reduce the value of pool utilization below what it otherwise would be.

The 70-cent price differential added in case of Class I and Class II milk sold outside the surplus milk manufacturing area was first included in the order on July 1, 1951, at the time when the orders for Chicago and the suburban area were consolidated. The special price differential was adopted for the short production months of September, October, and November.

These provisions have been subject to modification and suspension from time to time with respect to whether the differential would apply in certain months or to particular shipments. Effective July 3, 1954, an amendment was adopted which made the application of the 70-cent differential in the fall months dependent on utilization in the market pool in the third preceding month. This amendment was based on a hearing in August 1953 from which it was concluded that the special price would not be appropriate in months when there was an ample supply of milk for both the Chicago marketing area and the outside fluid markets customarily served. On October 1, 1955, the price provisions on sales to other markets were amended so that the 70-cent differential would not apply to shipments made on any Friday or Saturday in view of the fact that marketing area demand for fluid requirements are low on these days as compared with other days in the week.

The application of the 70-cent differential on out-of-market sales has also been suspended several times. The suspension orders were supported by the industry generally on the basis that the price differential was inappropriate under the conditions which prevailed at the particular time.

At the June 1956 hearing, handlers and producers who, in previous hearings, had been principal supporters of continuance of the special 70-cent differential on out-of-market sales, as well as previous opponents of the provision, suggested its elimination at this time on the basis that the proposed new provisions for pool plants would operate to make more milk available to the marketing area in the fall season and would render the out-of-market price differential unnecessary. Inasmuch as the amendments to the pool plant provisions recommended herein are designed to achieve generally the objectives of the special price provisions, it is concluded that the latter provisions should be eliminated.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interests; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Order of the Secretary Directing That a Referendum Be Conducted; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area) who, during the month of April 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is filed herewith.

The month of April 1956 is hereby determined to be the representative period for the conduct of such referendum.

J. L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 13th day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area*

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effecuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 941.8 by eliminating the word "or" at the end of paragraph (c), substituting a comma for the period at the end of paragraph (d), adding the word "or" following the comma and adding a new paragraph (e) as follows:

(e) Operates a nonpool plant qualified to supply Class I milk to the marketing area from which milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, is shipped to a regulated plant.

2. Amend § 941.45 by deleting paragraphs (e), (f), (g), (h), (i), and (j) and substituting therefor the following:

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk, or Class IV milk, the pounds of such other source milk used in Class I milk and Class II milk, respectively, from the remaining pounds in the class of use unless such other source milk is in violation of the applicable health requirements;

(f) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk which is not approved by the applicable health authority for distribution in the marketing area as any Class I milk product or as any Class II milk product required to be made from inspected milk;

(g) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk received at a pool plant which is not engaged in processing and packaging any Class I milk product specified in § 941.41(a)(1) or any Class II milk product required to be made from inspected milk by any health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area;

(h) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraphs (e), (f) and (g) of this section;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a) and IV milk are greater than the amount of milk received from producers, the difference shall be considered as other source milk and subtracted from the remaining amount of Class I milk; and

3. Amend § 941.52 by deleting the following:

a. The phrase "except as set forth in subparagraph (3) of this paragraph," from paragraphs (a) (1), (2), (b) (1) and (2),

b. Paragraphs (a) (3) and (b) (3), and

c. Paragraph (e).

4. Delete § 941.61 and substitute therefor the following:

§ 941.61 *Obligation for other source milk.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70, shall:

(a) Add an amount determined by multiplying the pounds of other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f) by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period;

(b) For the delivery periods March through June, inclusive, add an amount computed as follows:

(1) Multiply the pounds of other source milk which is allocated to Class I milk or Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period, and

(2) Subtract therefrom the value obtained by multiplying such Class I milk and the 36 percent cream equivalent of the butterfat in such Class II milk by the rates of location adjustment credit set forth in paragraphs (a) and (b), respectively, of § 941.53.

(c) For the delivery periods July through February, inclusive, add or subtract, as the case may be, an amount computed as follows:

(1) Multiply the pounds of other source milk allocated to Class I and Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, and to Class III, Class III (a) and Class IV milk pursuant to paragraph (h) of that section by the appropriate class prices, and add together the resulting amounts.

(2) Subtract therefrom the values obtained by multiplying (i) the pounds of other source milk allocated to Class I milk pursuant to paragraphs (g) and (j) of § 941.45, and the pounds of other source milk received as milk or skim milk in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (a), and (ii) the pounds of 36 percent cream equivalent of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the butterfat in other source milk allocated to Class II milk pursuant to paragraph (g) of § 941.45, and the other source milk received as cream in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a), or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (b).

(3) Multiply the total pounds of milk used in computing the value in subparagraph (1) of this paragraph by the uniform price applicable to milk received from producers during the delivery period, adjusted by the rate(s) of location adjustment specified in § 941.81.

(4) Subtract the value obtained in subparagraph (3) of this paragraph from the value remaining in subparagraph (2) of this paragraph and any plus difference shall be added to, and any minus difference shall be subtracted from, the handler's net pool obligation.

5. Delete § 941.66 and substitute therefor the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area, or;

(b) Ships during the delivery period at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided*, That:

(1) In computing the percentages of milk, skim milk and cream on a product pounds basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during September, October or November, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the foregoing conditions set forth in this paragraph, which are in excess of the minimum quantity which qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives butterfat or milk in any of the forms described in this subparagraph from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant;

(3) If, during September, October, or November, a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon vertification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph; and

(4) Any plant which, during the three-month period of September, October and November, ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of, at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers, shall be a pool plant beginning with December of the same year and continuing through August of the following year, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled: *Provided*, That no plant shall acquire pool plant status pursuant to this subparagraph if it fails to ship (or be credited with shipments of) in any one of the months of September, October and November, at least 30 percent of the pounds of butterfat in, or at least 30 percent of the volume of, milk received from dairy farmers at such plant, in the forms and in the manner specified in this subparagraph to a plant(s) which operates in the manner described in paragraph (a) of this section.

6. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Handlers who operate nonpool plants.* No provision of this order shall apply to the milk received at a nonpool plant from which some milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form, meeting the requirements of an applicable health authority in the marketing area, is shipped to a regulated plant, except that the handler operating such nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

7. Amend § 941.70 (b) by inserting after the word "Add" the following phrase: "or subtract, as the case may be,".

8. Amend § 941.86 by deleting the words following "other source milk" and substituting therefor the following: "used in the computations made pursuant to § 941.61".

[F. R. Doc. 56-6633; Filed, Aug. 15, 1956; 8:56 a. m.]

[7 CFR Part 964]

[Docket No. AO 258- A 1]

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956 upon proposed amendments to Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Deputy Administrator, Marketing Services, United States Department of Agriculture, on July 12, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (21 F. R. 5376) on July 18, 1956. No exception to said recommended decision was filed.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 56-5718; 21 F. R. 5376) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below.

The corrections are as follows: In the issue numbered 4 (in the seventh line from the bottom of the third column on page 5376) change the word "provisions" to "provision;" and in the issue numbered 5 (in the sixth line of the second column on page 5377) change "necssary" to "necessary."

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Dried Figs Produced in California" and "Order Amending the Order Regulating the Handling of Dried Figs Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order amending the order, which will be published with this decision.

Order[1] *Amending the Order Regulating the Handling of Dried Figs Produced in California*

§ 964.0 *Findings and determinations.* The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (20 F. R. 1685) of this marketing order, and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956, upon proposed amendments of Marketing Agreement No. 123 and Order No. 64 (7 CFR Part 964; 20 F. R. 1685), regulating the handling of dried figs produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said marketing order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(3) There are no differences in the production and marketing of dried figs in the production area covered by this marketing order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of dried figs produced in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Delete the provisions of § 964.21 (a) and substitute for existing paragraph (a) the provisions of paragraph (c) of that section, relettered as paragraph (a), and amended to read as follows:

§ 964.21 *Selection and term of office of members of the committee*—(a) *Selection of members.* Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23 and 964.25.

2. Amend the provisions of § 964.21 (b) to read as follows:

(b) *Term of office of members.* The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1.

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 *Nomination of producer members of the committee*—(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 *Nomination of handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of paragraph (c) of § 964.34 to read as follows:

(c) *Voting requirements.* No action shall be taken by the committee at an assembled meeting including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained; *Provided however*, That any recommendation to establish volume regulation under § 964.55 shall require the concurring vote of not less than four handler members and four producer members, or alternate members acting in the place and stead of members. The committee may vote by mail or telegraph, when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, shall be held to be a dissenting vote. No action to establish volume regulation under § 964.55 can be taken on the basis of a mail or telegraphic vote.

6. Amend the provisions of subparagraph (2) of paragraph (c) of § 964.90 to read as follows:

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as fig paste, or sliced dried figs being prepared for disposition as sliced dried figs: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) no sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams.

Order Directing That a Referendum Be Conducted; Designating Agents To Conduct Such Referendum; and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who during the period August 1, 1955 through July 31, 1956 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production, for market, of dried figs to determine whether such producers approve or favor the issuance of an order amending the order regulating the handling of dried figs produced in California, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

W. Allmendinger, W. B. Blackburn, T. R. Sturdevant, F. M. Grasberger, and Hugh Ross, of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended (15 F. R. 5176; 19 F. R. 35)", except that the

definition of "producer" in paragraph a (1) is hereby amended by adding, at the end thereof, the following sentence: "This definition shall apply only to producers of figs who dry the same, either personally or through others on a fee basis, and to dry yard operators and other dehydrators who dry figs which they own."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C.

Ballots and other necessary forms and instructions for use in the referendum, also copies of the order amending the marketing order may be obtained from W. Allmendinger, Oakland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3529 East Tulare Street, Fresno 2, California.

Dated: August 13, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6637; Filed, Aug. 15, 1956; 8:57 a. m.]

Commodity Exchange Authority

[17 CFR Part 6]

SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

REPORTS BY ONION SHIPPERS, MERCHANDISERS, PROCESSORS, AND DEALERS WITH ONION FUTURES OPEN CONTRACTS OF SPECIFIED SIZE

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), that the Secretary of Agriculture is considering the issuance of regulations under the Commodity Exchange Act, to be designated §§ 6.16 to 6.19, inclusive, of Part 6, Chapter I, Title 17, Code of Federal Regulations (17 CFR Part 6), and the amendment of § 6.21 thereof (17 CFR 6.21), to read substantially as follows:

FORM 604

§ 6.16 *Shippers, merchandisers, processors, and dealers holding or controlling open contracts of specified size in onion futures to report weekly on Form 604.* Every person who is engaged in shipping, merchandising, processing, or dealing in onions or onion products and who holds or controls open contracts in any one onion future on any contract market which equal or exceed the amount fixed in § 6.21, shall report to the Commodity Exchange Authority on Form 604, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown.

§ 6.17 *Information shown in reports on Form 604.* Reports made by any person on Form 604 shall be prepared in accordance with the instructions appearing on Form 604 and shall contain the following information:

(a) The makeup of the cash-onion position held or controlled by such person showing the amount of

(1) Onions being raised or expected to be raised in the ensuing 12 months, including the acreage in each State,

(2) Inventory (stocks) of onions in storage (other than cold storage) and in cold storage,

(3) Onions in transit, by railroad (including cars on track), and by truck,

(4) Unfilled fixed-price purchase commitments,

(5) Unfilled fixed-price sales commitments,

(6) Onion products, including unfilled fixed-price purchase and sales commitments; and

(b) The amount of open contracts held or controlled by such person in all onion futures on all boards of trade (exchanges) in the United States and elsewhere.

§ 6.18 *Cash-onion position; how determined.* (a) In determining the cash-onion position of any person reporting on Form 604, such person shall use such standards and such conversion factors as are usual and common to the business in which he is engaged. If, in determining the cash-onion position of such person for hedging purposes, it be his practice regularly to exclude certain products, such products shall be excluded in reporting such cash-onion position on Form 604.

(b) Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the kind and amount of each product included in computing his cash-onion position and the conversion factor used for each such product.

§ 6.19 *Time of filing reports on Form 604.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 604 shall be filed with the Commodity Exchange Authority not later than the next business day following the day covered by the report: *Provided*, That reports may be transmitted by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing.

§ 6.21 *Amount fixed for reporting on Forms 603 and 604.* For the purpose of §§ 6.10, 6.14, and 6.16, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 603 and Form 604 is 25 carlots.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than September 4, 1956.

Issued: August 13, 1956.

[SEAL] RODGER R. KAUFFMAN,
Administrator,
Commodity Exchange Authority.

[F. R. Doc. 56-6636; Filed, Aug. 15, 1956; 8:57 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

BATTERY INDUSTRY

This matter is before the Secretary of Labor for initial decision on a determination of prevailing minimum wages for the battery industry on the record of a hearing at which a hearing officer presided.

1. *Definition.* The notice of hearing defined the battery industry as follows: The battery industry is that industry which manufactures or furnishes all types of electric batteries, including lead-acid storage batteries or plates therefor; dry primary batteries; all other batteries or parts therefor except glass containers and porcelain covers for wet primary batteries.

No comments or objections as to the adequacy of the definition having been received, and after full consideration of the record, I find that the definition as stated in the notice is appropriate for this industry.

2. *Product differentials.* Evidence in the record indicates that there is a considerable difference in the procedures involved in manufacturing different types of batteries.

The manufacture of dry primary batteries is largely light assembly work, whereas the production of lead acid and other batteries is heavy work which requires more training. The record further indicates that the different types of batteries are made in different plants or departments and that there is a difference in skill requirements, end product, materials used, weight of the product and hazards involved in the manufacture of the different types of batteries.

The data compiled by the Bureau of Labor Statistics indicate significant differences in the average hourly earnings of workers making the different types of batteries. For example, median rates were $1.84 for lead-acid storage batteries, $1.42 for dry primary batteries, and $1.70 for other batteries. The proportions of workers receiving rates below certain levels also differed considerably. Bureau of Labor Statistics Table No. 2 indicates that 6.8 percent of the lead acid storage battery workers (except beginners and apprentices) received less than $1.35 compared with 42.2 percent for dry primary batteries and 14.2 percent for other batteries.

Based upon the above considerations, I find that the determination should provide separate minimum wage rates for the three branches of the industry.

3. *Marketing and competitive factors.* Marketing information presented by the Government shows that during the calendar year 1954 Government agencies awarded 168 battery contracts valued at $39,701,000 which were subject to the Walsh-Healey Public Contracts Act. Of this total, 84 contracts valued at $16,049,000 were for lead-acid storage batteries, 59 contracts valued at $15,811,000 were for dry primary batteries, and 25 contracts valued at $7,841,000 were for other batteries.

Dry primary batteries. The Signal Corps (the largest government procurement agency for dry primary batteries), acts as a centralized procurement agency for the Department of Defense. I take official notice that it is the practice of the Signal Corps to award contracts for the manufacture and supply of dry primary batteries upon the basis of low bidder f. o. b. factory, as the delivery points of the purchased batteries are not known at the time of the award. Shipping instructions are sent to the successful bidders after the awards; the batteries are shipped over Government Bills of Lading.

Government Exhibit No. 11 shows the place of manufacture of dry primary batteries as reported on seven invitations to bid for dry primary contracts to be awarded by the Signal Corps for the fiscal year 1955. The exhibit further shows that for six out of the seven invitations to bid listed on the exhibit, the places of manufacture indicated by the bidders were scattered among all five regions shown on the exhibit (New England, Middle Atlantic, Southeast, Great Lakes and Middle West). The places of manufacture indicated by those receiving contracts were distributed among all five regions on four out of the seven invitations to bid, and in no case were there less than three regions represented on any single invitation.

It is apparent from the foregoing that no geographic limitations are feasible in this branch of the industry. The area of competition is industry-wide. On any particular invitation, bids are received and contracts awarded to firms located throughout the United States. As the contracting agency does not know prior to issuing an invitation to bid where the particular batteries are to be shipped and contracts are awarded to the lowest bidder f. o. b. factory rather than f. o. b. destination point, procurement officers can anticipate receiving bids from firms located throughout the country, and it is impossible to predict where any particular contract materials will be manufactured when bids are invited.

For these reasons, I find that the locality in which dry primary batteries are to be manufactured or furnished under Government contracts extends to all of that area in which the dry primary branch of the industry has its plants, and that geographic differentials cannot be adopted for this branch of the industry without defeating the purpose of the Public Contracts Act.

Lead-acid storage batteries and other batteries. In order to show the marketing and competitive aspects of the lead-acid storage battery branch and the other battery branch of the battery industry, the Government introduced various exhibits based on statistics compiled from the General Services Administration and the Army Ordnance Command, two of the larger Government buyers of lead-acid storage batteries and other batteries.

The General Services Administration divides its storage battery procurement into two separate classifications—automotive type and heavy duty electric storage batteries. This latter group also encompasses the type of battery we have classified for purposes of this determination as other batteries. For each classification of batteries, General Services Administration publishes a Federal Supply Schedule. Use of these schedules is mandatory upon all departments and establishments in the Executive Branch of the Government, except the Department of Defense.

In compiling its supply schedule for the purchase of heavy duty electric storage batteries, it is the practice of the General Services Administration to issue an invitation to bid for contracts to be awarded for a forthcoming fiscal year. I hereby take official notice of the General Services Administartion Invitation for Bids, which indicates awards are made to the "bidder offering the lowest cost per ampere-hour capacity at rate requested for the respective items, f. o. b. factory". The firm submitting the lowest bid per ampere-hour for a particular battery is then listed on the Federal Supply Schedule, and is the only manufacturer from whom the particular battery may be purchased for the year in which the Schedule is in force.

In compiling its automotive storage battery procurement schedule for a forthcoming year, the General Services Administration issues invitations to bid based on delivered price to particular defined areas. Evidence in the record indicates that bids are received from many firms located outside these delivery areas. The record further indicates that firms manufacturing this type of battery are located throughout the United States.

The Army Ordnance Tank Command, Detroit, Michigan, purchases a large proportion of all lead-acid and other storage batteries for use by the Department of Defense. Unlike General Services Administration, the Ordnance Tank Command does not differentiate between types of storage batteries, but generally procures all lead-acid storage batteries and other batteries in the same way. The Ordnance Tank Command uses only one bidder's list (Government Exhibit No. 10) for procuring lead-acid and other batteries. The Command acts in the capacity of a centralized purchasing agency, and I take official notice of the fact that generally it does not know at the time of an award to what destination the purchased batteries will be shipped. This being the case, contracts are awarded f. o. b. factory, and shipping instructions are sent to the successful contractor at a later date. The batteries are generally shipped over Government bills of lading.

Government Exhibit No. 10, which is the only bidder's list used by the Army Ordnance Command in soliciting bids for all lead-acid and other batteries, indicates that the firms from which bids are solicited are located throughout the United States. The record further indicates that on any particular invitation to bid, as many as 20 firms appearing on this list can reasonably be expected to submit a bid.

To further supplement the evidence bearing on the marketing and competitive aspects of this industry, the Wage and Hour Division of the Department sent inquiries to the firms appearing on the Government Award List and asked them to submit information relating to the distribution of batteries manufactured in their individual plants. These firms were asked, specifically, whether a battery produced in a specific plant was only distributed in a limited geographic area. The responses were tabulated and appear in this evidence as Government Exhibit No. 7. This exhibit indicates that firms supplying 83 percent of the dollar value of lead-acid batteries and 100 percent of the dollar value of the other batteries distribute their batteries nationwide.

From the foregoing, it is apparent that no geographic limitations are feasible in the lead-acid storage battery branch and the other battery branch of this industry. The area of competition in each branch is industry-wide. Due to the fact that these types of batteries are generally procured f. o. b. factory, a procurement officer can anticipate receiving bids from firms located throughout the country, and it would be impossible to predict where any particular contract materials will be manufactured when bids are received.

Even in situations where procurement agencies (GSA-automotive storage batteries) have solicited bids for delivery to specified areas, bids are received and contracts are awarded to manufacturers located outside the specific areas. It is officially noticed that automotive storage batteries account for only approximately 10 percent of all Government lead-acid storage battery procurement.

For these reasons, I find that the locality in which lead-acid storage batteries and other batteries are to be manufactured or furnished under Government contracts extends to all that area in which the lead-acid battery branch of the industry, and the other battery branch of the industry have their plants, and that geographic differentials cannot be adopted without defeating the purposes of the Public Contracts Act.

4. *Locality.* At the hearing and in post hearing briefs arguments were presented by representatives of both labor and management with regard to whether recognition of a single industry-wide rate would be consistent with the statutory language and intent of the Public Contracts Act. It was argued by counsel representing a dry primary battery manufacturer that section 1 (b) of the act requires that minimum rates be established for each small geographic area in which dry primary batteries are manufactured, and that the act cannot be construed as authorizing industry-wide rates. In accordance with this interpretation, counsel urged the Secretary to establish prevailing minimum wage rates for (1) "cities wherein the population is in excess of 50,000; next the Secretary should fix a differential

for those manufacturers located in towns under 50,000 population," or (2) "use an area definition which will specify that a rate is applicable to all manufacturers located in metropolitan areas, such as Chicago, and to all adjoining and contiguous counties, with a lesser rate applicable to all other counties in the state."

Labor representatives at the hearing presented arguments to show that the statutory language and the purpose of the Public Contracts Act require a construction which would permit recognition of an industry-wide minimum, and that the factors present in the Battery Industry require that a single industry-wide minimum be recognized in this case.

Counsel's argument that section 1 (b) of the act requires that minimum rates be established for each small geographic area in which dry primary batteries are manufactured, and that the act cannot be construed as authorizing industry-wide rates, is without merit. The United States Court of Appeals for the District of Columbia in Mitchell v. Covington Mills, 229 F. 2d 506, certiorari denied, 76 S. Ct. 546, has recently confirmed the Secretary's long-standing interpretation of the act, holding that an industry-wide determination is authorized, if not required, where the competition is industry-wide. The court further stated that to fix separate minima according to the wages that prevail in each separate community would freeze the competitive advantage of concerns operating in low wage communities and defeat the purpose of the act.

Counsel's suggestion to determine prevailing minimum wages based upon population or upon metropolitan and rural areas, where the competition is industry-wide, as here, would have the effect of freezing the competitive advantages of manufacturers operating in low wage communities, and must be rejected.

5. *Nature and adequacy of wage data.* The wage data presented at the hearing consist primarily of a survey of the battery industry conducted and prepared by the Bureau of Labor Statistics (hereinafter referred to as BLS). This survey included all establishments and separate departments of establishments primarily engaged in the manufacture of batteries and employing five or more workers. The survey includes separate tabulations for the manufacture of lead acid storage batteries, dry primary batteries, and other batteries.

Of the plants and departments studied, the Bureau of Labor Statistics survey includes 171 of an estimated total of 176 lead acid storage battery establishments, 28 of an estimated total of 28 dry primary establishments, and 10 of an estimated total of 11 other battery establishments studied. These establishments account for 99.8 percent of the 10,207 covered workers in the lead acid storage battery establishments, and 98.4 percent of the 1,284 covered workers in the other battery establishments.

A review of the survey and the evidence adduced at the hearing indicated a need for a supplemental tabulation showing the lowest rate paid to all covered workers irrespective of work experience. In order to correct the situation and in accordance with section 7 (d) of the Administrative Procedure Act, I hereby take official notice and make part of the record Supplemental Government Exhibit Table 8 (hereinafter referred to as BLS Table 8) prepared by the Bureau of Labor Statistics. This table is composed of a combination of the data contained in Tables 3 and 3–A which indicate the wages paid to experienced workers (excluding apprentices and beginners) and beginners, and which were included in the survey prepared by the Bureau of Labor Statistics accepted into evidence at the hearing. Additional copies of Supplemental Government Exhibit Table 8 are available and will be furnished interested parties upon request.

In addition to the above survey, the record contains exhibits introduced by labor representatives indicating minimum job rates in plants with which they have contracts, wage increases in these plants which have been negotiated and are in effect since the Bureau of Labor Statistics survey, and the estimated cost of selected fringe benefits in effect in various plants with which they have contracts.

The only wage data presented by management representatives consisted of a comparison of straight-time hourly rates for telephone operators in Freeport and Chicago, Illinois, and wage information for various manufacturing industries taken from the Daily Labor Reporter of April 27, 1955.

Upon a review of the entire record, I find that the evidence of record is sufficient to determine the prevailing minimum wage for the Battery Industry.

6. *Recommendations on prevailing minimum wages.* A minimum rate of not more than $1.00 per hour was recommended by the management representatives who testified at the hearing. The proposal was based on the Fair Labor Standards Act minimum of $1.00 per hour effective March 1, 1956, as well as data included in the Bureau of Labor Statistics survey. Management representatives contended that Bureau of Labor Statistics Table 6 presented the only pertinent wage data as the other tabulations reported average hourly earnings, including incentive payments.

The AFL and IBEW proposed a minimum of $1.24 for the dry primary battery branch, $1.51 for the lead acid storage branch, and $1.33 for the other battery branch of the industry. These proposals were based upon an analysis of Bureau of Labor Statistics Tables 2, 2A, 2C, 5, 5A, and 5B and the inclusion of an estimated 6 cent increase since the date of the survey, based upon Bureau of Labor Statistics Earnings and Hours data and changes in union contract rates. They also recommended that these rates be adjusted to include any additional increases occurring before the date of the determination.

The IUE (CIO) proposed a minimum of at least $1.50 per hour for lead acid storage batteries and based their proposal upon data shown in Bureau of Labor Statistics Tables 2, 3, 4A, and 5 and an estimated 7-cent increase since November 1954 based upon Bureau of Labor Statistics monthly wage data reports. Reference was also made to contract rates in IUE (CIO) plants. This union has no contracts in dry primary battery plants but suggested a minimum of at least $1.25 per hour for dry primary batteries. They also proposed that plants making other batteries be classified as storage or primary and included in the respective branches.

The UAW (CIO) recommended a minimum of at least $1.50 per hour for lead acid storage batteries and $1.24 per hour for dry primary batteries with fringe benefits to be added. They proposed that plants in the other batteries be separated into storage and dry primary batteries and combined with the respective groups. The $1.50 per hour minimum proposed for lead-acid storage batteries was justified on three bases: (1) Union contract minimum rates; (2) the cluster theory applied to Bureau of Labor Statistics data; and (3) the lowest rate paid by about half of the establishments with about half of the workers, as shown in Bureau of Labor Statistics Tables 3 and 5. A 7-cent increase since November 1954 was included in the above proposed $1.50 rate, based upon Bureau of Labor Statistics monthly data (November 1954–July 1955) and on the basis of wage increases reflected in union contracts which have become effective and also those which will become effective before the date of the determination. The $1.24 rate proposed for dry primary batteries was based upon data shown in BLS Tables 2 and 5A and includes a 6-cent increase since November 1954, based upon BLS Earnings and Hours data.

7. *Lead acid storage batteries branch—Analysis of wage data.* The labor representatives contended that BLS Table 3 justifies a finding of $1.43 and $1.45 as the prevailing minimum wage rates for the lead-acid storage batteries branch. However, Table 8 shows that only about 38 percent of the establishments in this branch paid a minimum wage to covered workers of as much as $1.43 per hour. Their contention also finds no support in the evidence as to the lowest job rates and the lowest hiring rates in the plants reporting each type. Lowest established job rates of $1.43 or more were shown by only 44.7 percent of the 114 establishments reporting such rates (BLS Table 4A), and lowest established hiring rates of $1.43 or more per hour in only 27 percent of the 122 plants reporting hiring rates (BLS Table 4).

On the other hand, 51.7 percent of the 176 lead-acid storage battery plants in this branch employing 77 percent of all the covered workers in the branch (exclusive of beginners and apprentices) paid all of their covered workers at least $1.35 per hour in November 1954 (BLS Table 5).

Bureau of Labor Statistics Table 3A indicates that only 25 percent of the 176 lead-acid storage battery plants employed beginners. Fifty-two percent of these 44 plants, employing 58 percent of the 2,243 covered workers in such plants, paid all beginners more than $1.35.

Consideration has also been give to the lowest established job rates in lead-acid storage battery plants, although some reported rates may not have been paid recently. Fifty-two percent of the establishments having established job rates reported rates of $1.35 per hour or more (BLS Table 4A). Of the 8,666 covered workers employed in these 114 establishments, 77 percent are employed in establishments reporting rates of $1.35 per hour or more.

Fifty-nine percent of the 7,523 covered workers employed in the 122 plants reporting established hiring rates for beginners, were employed in establishments with hiring rates of $1.35 or more (BLS Table 4).

IBEW Exhibit No. 1 shows that only one of the 12 plants having agreements with this union had a minimum hiring rate in November 1954 below $1.35, the others ranging from $1.49 to $1.59 per hour. Minimum job rates in the 12 establishments varied from $1.40 to $1.69. Of the 19 establishments for which minimum hourly rates are shown in UAW Exhibit G, only one had a non-incentive rate below $1.35 per hour, and that rate applied to a janitor in a plant with approximately 10 workers. The record indicates that all except one of the plants with IUE contracts had lowest job rates in excess of $1.50 in November 1954; and three plants had hiring rates below $1.50.

Further evidence of the prevalence of the $1.35 per hour minimum rate is shown by BLS Table 8, which indicates the minimum wages paid to all employees, irrespective of work experience. This table shows that 48.3 percent of the lead-acid storage battery plants which employ approximately 74 percent of all the covered workers in the Branch pay no worker, regardless of work experience, less than $1.35 per hour. Bureau of Labor Statistics Tables 2, 2B and 7 show that 92.4 percent of the covered workers received straight-time average hourly earnings of $1.35 per hour or more in November 1954.

The evidence submitted by the Labor representatives further strengthens the conclusion that the prevailing minimum wage rate for the manufacture of lead-acid storage batteries is not less than $1.35 per hour. The union contract data seem to justify an increase of at least six cents (since the date of the survey) for plants having union contracts, but very limited information appears in the record with reference to wage increases in other plants. This being the case, and since the number of plants represented by the unions is a relatively small proportion of the total of 176 establishments, I conclude that these data are inadequate for determining the amount of change in hourly wage rates since November 1954, the date of the survey.

The Labor representatives also used as the basis of their recommendations the BLS Earnings and Hours data published monthly, pointing out that these data also indicate a six-cent increase in gross hourly earnings since the date of the survey. A change in gross hourly earnings, however, does not necessarily reflect a change in minimum wages or even of wage rates exclusively, but may also result from variations in hours worked, employment, and shift premiums. For these reasons, I find that these data are also inadequate for determining what change, if any, has taken place in hourly wage rates since November 1954, the date of the survey.

Accordingly, based upon substantial evidence of record I find that the prevailing minimum wage in the lead-acid storage battery branch of the industry is $1.35 per hour.

8. *Dry primary batteries branch—Analysis of wage data.* The prevailing minimum rate of $1.18 per hour in November of 1954 as proposed by the labor representatives for employees working in dry primary battery plants is not supported by the BLS survey. Only 7 of the 28 establishments employing 28 percent of the covered workers paid all covered workers (exclusive of beginners and apprentices) $1.18 per hour or more (BLS tables 3). In addition, lowest established job rates of $1.18 per hour or more were reported by only 6 of the 28 plants (BLS Table 4A), and lowest established hiring rates of $1.18 or more, by only 3 of the 16 establishments reporting such rates (BLS Table 4). The contention of the labor representatives is not supported by substantial evidence.

The record indicates beginners are not widely employed in this branch of the industry, or substantially at wages below those paid experienced workers. BLS Table 8 shows the lowest wage rate actually paid all workers in this branch of the industry irrespective of work experience. This table shows that 53.6 percent of the plants employing 59 percent of the workers pay no worker, irrespective of work experience, less than $1.08 per hour.

Evidence submitted by the labor representatives of changes in hourly earnings occuring since the time of the survey may not be considered for the same reasons stated above in the discussion of the prevailing minimum wage rate for the lead-acid storage battery branch of the industry.

Accordingly, based upon substantial evidence of record, I find that the prevailing minimum wage in the dry primary battery branch of the industry is $1.08 per hour.

9. *Other batteries branch—analysis of wage data.* Five (45.5 percent) of the 11 plants in this branch of the industry with 75.9 percent of the covered workers (excluding beginners and apprentices) paid all such workers $1.34 per hour or more in November 1954. Fifty percent of the 8 establishments reporting lowest established job rates reported rates also of $1.34 per hour or more (BLS Table 4A). These establishments accounted for 86.1 percent of the employment in the plants reporting lowest established job rates in this branch of the industry.

It is apparent from the record, that although beginners are not widely employed in this branch of the industry, those that are employed at wages considerably less than those paid experienced workers. This being the case and in order not to impose undue hardship upon the plants employing beginners at wages lower than those paid to experienced workers, a tolerance from the prevailing minimum rate for the employment of beginners is indicated.

A beginner for purposes of the BLS survey was defined as "a new plant employee hired at a rate lower than that established for a specific job during the period of time required to receive orientation or initial training for that job".

BLS Table 3A indicates that 4 out of the 11 plants in the other batteries branch-employed beginners. Three (75 percent) of these plants paid no beginners less than $1.15 per hour.

Table 4B is a tabulation showing the time required for beginners hired at the lowest hiring rate to reach the rate level of the lowest established job rate, by product. This table indicates that only four plants reported differentials between the lowest established hiring rate and the lowest established job rate. This table further indicates that in these four plants it took six months for the beginner to reach the level of the job rate. As the new worker experiences no such delay at all in reaching the established rate in the remainder of this branch of the industry, it appears that a three-month tolerance for beginners would be the determination which would be least disruptive to employment practice in any part of this branch of the industry.

Accordingly, based upon substantial evidence of record I find that the prevailing minimum wage in the other battery branch of the industry for experienced workers is $1.34 per hour and I conclude, also, that the employment of beginners at subminimum rates should be authorized, and that a wage rate of $1.15 an hour, arrived at either on a time or incentive basis, for a period not to exceed three months, is appropriate and shall be permitted for beginners in the other battery branch of the battery industry.

Apprentices. The record indicates that there is no extensive employment of apprentices in this industry. However, it has consistently been the policy of the Department to encourage the training of workers in the skilled trades, and it appears appropriate and desirable to permit employment of bona fide apprentices at rates lower than $1.35 per hour in the lead-acid storage battery branch, $1.08 per hour in the dry primary battery branch, and $1.34 per hour in the other battery branch provided their employment is in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

10. *Proposed determination.* Accordingly, upon the findings and conclusions stated herein, and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 237), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 202, by the addition of § 202.54 (41 CFR Part 202) to read as follows:

§ 202.54 *Battery industry*—(a) *Definition.* (1) The lead-acid storage battery branch of the battery industry is defined as that industry which manufactures or furnishes lead-acid storage batteries or parts therefor.

(2) The dry primary battery branch of the battery industry is defined as that

industry which manufactures or furnishes dry primary batteries.

(3) The other battery branch of the battery industry is defined as that industry which manufactures or furnishes all batteries and parts therefor, other than (i) lead-acid storage batteries and dry primary batteries, and their parts, and (ii) glass containers and porcelain covers for wet primary batteries.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the lead-acid storage battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.35 per hour arrived at either on a time or piece rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the dry primary battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.08 per hour arrived at either on a time or piece rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products of the other battery branch of the battery industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.34 per hour arrived at either on a time or piece rate basis.

(c) *Tolerances.* (1) Beginners as defined in this paragraph may be employed in the other battery branch of the battery industry at wages of not less than $1.15 per hour, arrived at either on a time or piece rate basis. A beginner for the purpose of this section is a person who has had less than three months' experience in the plant in which he is employed.

(2) Apprentices may be employed at wages less than $1.35 per hour in the lead-acid storage battery branch, $1.08 per hour in the dry primary battery branch, and $1.34 per hour in the other battery branch, upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue cerificates under the Public Contracts Act for the employment of apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 9th day of August 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6630; Filed, Aug. 15, 1956; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 239, 271, 274]

COMMISSION'S STATEMENT OF POLICY WITH RESPECT TO USE, FORM AND CONTENT OF SALES LITERATURE EMPLOYED IN SALE OF INVESTMENT COMPANY SECURITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of the Statement of Policy adopted by the Commission August 11, 1950, and effective January 31, 1955 (20 F. R. 791), and that a public hearing on the proposed revision will be held in Room 193 at its office, 425 Second Street NW., Washington, D. C., on November 15, 1956, at 10:00 a. m.

The Statement of Policy sets forth the respects in which the Commission considers that literature used in connection with the sale of investment company shares may be misleading and violate the standards of the securities acts which, generally speaking, provide that it shall be unlawful to offer or sell securities by means of any untrue statement or omission of a material fact or by any fraudulent or deceitful practice or device.

Since the amendments to the Statement of Policy adopted on January 31, 1955, the Commission has received requests from representatives of the National Association of Securities Dealers, Inc. and other investment company businesses to revise the Statement in a manner which would permit greater latitude in the preparation of illustrative charts and tables. The Commission has considered the various suggestions received and has concluded it would not be appropriate to adopt these proposals at this time.

The Commission has reviewed sales literature used in the sale of the securities of investment companies since the revision of the Statement of Policy on January 31, 1955. As a result of its study, the Commission has decided to propose certain revisions to the Statement of Policy which it is believed would eliminate many of the problems which presently exist. The proposed revisions relate to the manner of presentation in chart or tabular form of the results of an assumed investment in the shares of an investment company.

One of the underlying purposes of the Statement of Policy is to prevent the practice of combining investment income, securities profits and changes in asset value of shares for the purpose of portraying a purported overall result, in terms of a rate of return or a percentage yield on the original investment. Thus, the Statement of Policy declares that it is misleading to combine into any one amount distributions from net investment income with distributions from any other source. The Commission believes the suggested revisions should reinforce these principles by requiring that charts or tables show separately the three elements involved in investment company performance—namely, investment income, capital gains distributions and asset value reflecting unrealized appreciation or depreciation.

Briefly stated, the proposed revision would restate paragraph (j) of the Statement of Policy so as to require that any chart or table depicting the record of an assumed investment shall show separately, and not in any combination, changes in net asset value of the original investment at year-ends, amounts of dividends from net investment income and amounts of distributions from capital gains paid in any year. The Statement of Policy as presently in effect permits use of a chart showing the cumulative amount of distributions from capital gains as an addition to, and thus in combination with, the line showing changes in net asset value of the original investment. The proposed revision requires that such distributions be shown only in a separate bar chart in the same manner as distributions from net investment income.

The proposed revision also requires that any chart or table showing either the record of an assumed investment or of a company shall be prepared on a basis which does not assume reinvestment of investment income or capital gains distributions. The restriction presently in the Statement of Policy limiting charts or tables to a period of not more than ten years would be eliminated. The rate of return represented by the dividends from net investments income paid during each period will be required to be shown in prospectuses and in sales literature as a percentage of the average monthly offering price for that period.

In addition, the Commission proposes to eliminate the provisions of paragraph (n) (4) of the Statement of Policy, which presently permits use of summary tables showing the results of a plan under which dividends from investment income are assumed to be reinvested.

The Commission has also proposed a new paragraph (s) of the Statement of Policy which would require investment companies to point out that capital gains distributions are taxable to stockholders, whether received in cash or reinvested in additional shares of the investment company, and that such distributions may represent a return of capital and not a gain in or increase over the capital investment made by the stockholder in the shares of the investment company.

In connection with the foregoing proposed revision, the Commission is also considering a proposed revision and consolidation of Forms N-8B-2 and N-8B-3 (§§ 274.12 and 274.13) and a proposed revision of Form S-6 (§ 239.16) under the Securities Act of 1933 as amended.

1. Paragraph (j) of the Statement of Policy as proposed to be revised will read as follows:

(j) (1) To use any chart designed to depict the record of an assumed investment in the shares of an investment company over a specific period of time unless it is prepared in accordance with the following:

(i) Such chart shall be drawn to scale which shall be shown on the left-hand side of the chart and the same scale shall be used for all segments of the chart. The period covered by the chart shall be the life of the company or the immediately preceding ten years, provided that periods longer than ten years may be used if such additional periods are in multiples of five years and provided that a portion of the current year may be added to the period ended with the last fiscal or calendar year.

(ii) The initial asset value and the maximum selling commission currently in effect shall be shown separately in a single bar, drawn to scale, at the left side of the chart together with the total cost of the investment. In addition a line showing the amount of the total investment shall be drawn across the face of the chart.

(iii) Figures shall be placed on the chart giving the net asset values at each year-end.

(iv) Dividends from investment income for each year depicted and the total thereof shall be shown on a non-reinvested basis in a separate bar chart drawn to the same scale used in showing net asset value. The percentage rate of return computed as prescribed in paragraph (a) (1) hereof shall also be shown for each year covered by the chart or table.

(v) Distributions from profits realized upon the sale of securities or other realized capital gains for each year depicted and the total thereof shall be shown on a non-reinvested basis in a separate bar chart drawn to the same scale used in showing net asset value.

(vi) The text and graphic detail shall be as shown on Sample Chart A,[1] except that any reasonable paraphrase may be used. Such chart, however, shall not be captioned or characterized as the record of the fund. Charts may be set up in amounts other than the $10,000 shown on the sample chart, or on a per share basis. Appropriate footnotes may be used to show that the selling commission on single purchases over certain figures is less than the gross selling commission shown in the bar on the left side of the chart.

Any table containing the same information and covering the same period of time as set forth above as to charts may also be used. Any table designed to depict a continuous investment program shall be prepared on a basis which does not assume reinvestment of investment income or capital gains distributions, shall be based on the actual offering prices of the shares of a particular investment company and shall show the total cumulative payments at each year end, the asset value at year end, annual amounts of investment income and capital gains distributions and the aggregate amount of each for the entire period.

(2) To use any chart or table depicting the record of an investment company (as distinguished from charts or tables depicting assumed investment experience covered in (j) (1) above) over a specific period of time other than the following:

(i) A single chart as shown in Sample Chart B[1] depicting the net asset value per share at year ends (either calendar or fiscal). Such a chart may cover the life of the company or periods of ten years or longer provided such additional periods are in multiples of five years and provided that a portion of the current year may be added to the period ended with the last fiscal or calendar year. Such a chart shall show annual distributions per share from net investment income and from capital gains on a non-cumulative and non-reinvested basis in tabular form beneath the base line of the chart.

(ii) A statistical table covering the life of the company or periods of ten years or longer, provided such periods are in multiples of five years, which shows the following information as of each year-end or for each year (either calendar or fiscal) covered for a share outstanding throughout the year: net asset value at beginning of year, effect of changes in realized and unrealized gains (or losses) on portfolio securities during year, distributions of capital gains, net investment income, dividends from net investment income, net asset value at end of year, shares outstanding at end of year, and may include the number of shares outstanding, number of shareholders and total net assets at end of year.

Such chart or table shall also show for each year covered the percentage rate of return from dividends from net investment income computed as prescribed in paragraph (a) (1) hereof.

(3) To use any chart or table in which investment income payments or capital gains distributions are shown on a reinvested basis.

2. Paragraph (s) as proposed will read as follows:

(s) To discuss or refer to capital gains, securities profits or other capital distributions without pointing out—

(1) That such distributions are taxable to the security holder whether received in cash or property or reinvested in additional stock of the investment company; and

(2) That such distributions may represent a return of capital and not a gain in or increase over the capital investment made by the stockholder in the shares of the investment company and that such distributions are taxable to the stockholder even though they represent a return of capital.

Any person interested in presenting his views on the proposed revision of the Statement of Policy at the public hearing should, not later than 5:30 p. m., on November 12, 1956, submit to the Commission, in writing, a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition all other interested persons are invited to submit their views and comments on the proposed revision, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 8, 1956.

[F. R. Doc. 56-6609; Filed, Aug. 15, 1956; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 1705-6]

AIRFREIGHT RATE CASE

NOTICE OF HEARING

In the matter of minimum rates for airfreight forwarders.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404, and 1002 of said act, that a public hearing in the above-entitled proceeding will be held September 5, 1956, at 10 a. m., e. d. s. t., in room No. 5132, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Whether the existing minimum rates and charges for transportation of airfreight as provided in order No. E-1639, as amended, should be prescribed for airfreight forwarders, and

2. If existing minimum rates and charges for the transportation of airfreight should not be made applicable to airfreight forwarders, what are the fair and reasonable minimum rates and charges for transportation of airfreight by airfreight forwarders?

Notice is further given that any interested person, other than parties of record, desiring to be heard regarding

[1] Filed as part of the original document.

the issues consolidated in this proceeding must file with the Civil Aeronautics Board on or before September 5, 1956, a statement setting forth the matters of fact or law upon which he desires to be heard.

Dated at Washington, D. C., August 13, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-6639; Filed, Aug. 15, 1956; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[60471]

UTAH

POWER SITE RESERVE NO. 7 ADJUSTMENT

AUGUST 10, 1956.

The land description in Power Site Reserve No. 7, which was created by Executive order of July 2, 1910, so far as it affects the lands described in sections 18, 19, and 30, T. 3 S., R. 21 E., S. L. M., Utah, is hereby conformed to existing plats of survey to read as follows:

SALT LAKE MERIDIAN

T. 3 S., R. 21 E.,
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 30, lots 5, 6, 7, 8, 9, 15, NW¼NE¼, NE¼SW¼.

The areas described aggregate 501.88 acres.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6587; Filed, Aug. 15, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Bureau of Land Management has filed an application, Serial No. Fairbanks 012558, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for camping, picnicking and other public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SLIME CREEK AREA

An area surrounding a portion of Slime Creek at approximately mile 9 of the McKinley Park-Cantwell Road as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point in the center of the McKinley Park-Cantwell Road at approximate latitude 63°30'36" N., longitude 148° 48'44" W. as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (C–4) Alaska, approximately one chain northerly of the intersection of said road with Slime Creek; thence 15 chains southerly along the centerline of said road; thence east 8 chains; thence northerly parallel to the centerline of said road 15 chains; thence west 8 chains to the center of said road and the point of beginning.

Aggregating approximately 12 acres.

TWO-TOM OR TWIN LAKES

An area situated between the Two-Tom or Twin Lakes which are located at about mile 7.5 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the north shore of the southernmost of the two lakes at approximate latitude 63°23'45" N., longitude 148°40'0" W., where the longitudinal bearing intersects the shoreline of the said lake and as shown on the 1951 edition of the U. S. G. S. topographic quadrangle designated Healy (B–4), Alaska; thence westerly along the edge of this lake 15 chains; thence north approximately 15 chains to the south shore of the northernmost of the two lakes; thence easterly along the south shore of the said lake approximately 15 chains to a point directly north of the point of beginning; thence south approximately 10 chains to the point of beginning.

Containing approximately 18.7 acres.

UNNAMED CREEK AT MILE 14.75

An area surrounding the crossing of an unnamed creek by the Denali Highway at approximately mile 14.75 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads more particularly described as follows:

Beginning at a point in the center of the Denali Highway where it crosses an unnamed creek at approximate latitude 63°23'02" N., longitude 148°25'56" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B–3), Alaska; thence southerly along the west bank of the creek 5 chains; thence westerly parallel with the centerline of the Denali Highway 5 chains; thence north 5 chains to the centerline of the Denali Highway; thence north 5 chains; thence easterly parallel with the centerline of the Denali Highway 5 chains; thence south 5 chains to the centerline of the Denali Highway and the point of beginning.

Containing approximately 5 acres.

LILLY CREEK AREA

An area bordering Lilly Creek and a small tributary thereof where they are crossed by the Denali Highway at approximately mile 23 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it crosses Lilly Creek at approximate latitude 63°20'07" N., longitude 148°16'11" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B–3), Alaska; thence northwesterly along the centerline of the Denali Highway approximately 10 chains to its intersection with the tributary of Lilly Creek; thence northeasterly downstream along the southern bank of said tributary to its confluence with Lilly Creek; thence southeasterly upstream along the southern bank of Lilly Creek to its crossing by the Denali Highway and the point of beginning.

Containing approximately 2.5 acres.

SEATTLE CREEK AREA

An area abutting the Denali Highway at Seattle Creek at approximate mile 24 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it crosses Seattle Creek at approximate latitude 63°19'31" N., longitude 148°14'48" W., and as shown on the 1952 edition of the U. S. G. S. topographic quadrangle designated Healy (B–3), Alaska; thence northwesterly along the centerline of the Denali Highway 5 chains; thence north 60° E. 5 chains; thence southeasterly parallel to the centerline of the Denali Highway 24 chains; thence south 60° W. approximately 5 chains to a point on the centerline of the Denali Highway; thence northwesterly along said centerline approximately 19 chains to the point of beginning.

Containing approximately 12 acres.

BRUSHKANA CREEK

An area situated on the west side of Brushkana Creek and north side of the Denali Highway at the highway crossing which is located approximately mile 30.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway on the west bank of Brushkana Creek at the Highway bridge crossing situated at approximately latitude 63°17'22" N., longitude 148°03'45" W., and as shown on the 1952 edition of the U. S. G. S. Topographic Quadrangle designated Healy (B–3), Alaska; thence northwesterly along the centerline of the Denali Highway 10 chains; thence N. 18°30' E. 41 chains approximately to a point on the west bank of the Brushkana Creek; thence southwesterly upstream along said west banks approximately 65 chains to the centerline of the Denali Highway at the bridge crossing and the point of beginning.

Containing approximately 65 acres.

CANYON CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of Canyon Creek approximately at mile 40.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it intersects Canyon Creek at approximate latitude 63°14'46" N., longitude 147°48'04" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (A–2), Alaska; thence southerly along the centerline of said Highway 10 chains; thence west to a point situated on the west side of Canyon Creek, 5 chains; thence northerly parallel to the centerline of the Denali Highway, 10 chains; thence east approximately 5 chains to the centerline of the Highway and the point of beginning.

Containing approximately 5 acres.

CONSTANCE CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of a stream locally known as Constance Creek at approximate mile 107 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and about 3.5 miles west of the Tangle Lakes Bridge and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway where it intersects the west bank of Constance Creek at approximate latitude 63°04'15" N., longitude 146°06'12" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Mount Hayes (A–5), Alaska; thence southerly meandering the west bank of said creek 12 chains; thence north 45° W. and approximately parallel with the Highway 20 chains; thence north 45° E. 8 chains approximately to a point on the centerline of the said Highway; thence approximately south 45° E. along the centerline of the Highway approximately 11 chains to the point of beginning.

Containing 12.4 acres.

Aggregating in total 8 sites containing approximately 132.60 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6588; Filed, Aug. 15, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Territorial Department of Lands has filed an application, Serial No. Anchorage 032306, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for its archaeological and historical values and the preservation thereof.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

YUKON ISLAND

Beginning at a point situated at mean high tide on the west side of Yukon Island in Kachemak Bay, Alaska, at approximate latitude 59°31'45" N., longitude 151°30'15" W., thence S. 70° E., 25 chains; thence S. 20° W. 30 chains; thence N. 70° W. 23 chains, approximately to the line of mean high tide; thence northerly along the line of mean high tide approximately 35 chains to the point of beginning.

Containing approximately 57 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6589; Filed, Aug. 15, 1956; 8:47 a. m.]

[1034743]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

AUGUST 8, 1956.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights the orders described below opening lands in the Tongass National Forest for entry under the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506–509) as amended, are hereby revoked as to the lands hereinafter described:

LIST NO. 8–16; DATE OF ORDER OF OPENING, JUNE 9, 1922

Lands described in Homestead Entry Survey No. 164, containing 66.03 acres.

LIST NO. 8–100; DATE OF ORDER OF OPENING, OCTOBER 22, 1926

Beginning at Corner H–1, M. C., which is identical with F. S. M. located at line of mean high tide on east bank of large stream flowing into Tenakee Inlet, approximate latitude 57° 54' N., longitude 135° 44' W., thence
N. 59° W., 33.50 chains to Corner H–2;
S. 74° 30' W., 11.30 chains to Corner H–3;
S. 56° 30' W., 29.90 chains to Corner H–4;
S. 58° 30' E., 34.50 chains to Corner H–5, M. C.; thence by meander along N. W. bank of aforesaid stream
N. 0° 45' E., 16.20 chains;
N. 81° E., 16.00 chains;
S. 70° E., 14.60 chains;
N. 41° E., 8.70 chains to Corner H–1, the place of beginning.

The area described contains 102.09 acres.

LIST NO. 6–2074; DATE OF ORDER OF OPENING, SEPTEMBER 9, 1919

Beginning at Corner No. 1, identical with Forest Service Monument, consisting of a hewn post marked FSMH/1, situated on a knoll on the west bank of creek opposite a wooded point in Snook Bay, Baranof Island, Alaska, approximate latitude 57°24' N., longitude 135°12' W., thence
S. 88° W., 17.38 chains;
S. 34° 30' E., 26.60 chains;
S. 17.50° E., 11.16 chains;
N. 67° E., 7.68 chains;

thence meandering along west bank of creek.

N. 36° E., 5.75 chains;
N. 4° 30' W., 4.67 chains;
N. 18° 30' W., 3.63 chains;
N. 23° W., 2.75 chains;
N. 24° 30' W., 2.34 chains;
N. 32° W., 4.28 chains;
N. 35° 30' W., 2.75 chains;
N. 50° W., 3.29 chains;
N. 24° W., 3.79 chains to the place of beginning.

The area described contains 45.92 acres.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6614; Filed, Aug. 15, 1956; 8:53 a. m.]

Bureau of Reclamation

AMERICAN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 10, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of September 14, 1942, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 9 E.,
Sec. 10, NW¼NE¼.

The above area aggregates 40 acres.

E. G. NIELSEN,
Assistant Commissioner.

[70171]

AUGUST 10, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are grazing lands in the north central portion of Sonoma County, California.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on September 15, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 15, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 15, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 15, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-6590; Filed, Aug. 15, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6702]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION

AUGUST 13, 1956.

Take notice that on August 9, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Southern Nevada Power Co. ("Applicant"), a corporation organized under the laws of the State of Nevada and doing business in said State, with its principal business office at Las Vegas, Nevada, seeking an order authorizing the issuance and sale by competitive bidding $4,000,000 principal amount of its First Mortgage Bonds, Series C due 1986. Applicant also proposes to issue First Mortgage Bonds, 4¾ Percent Series due 1983 and 4¼ Percent Series B due 1984 in exchange for and in all respects identical in terms with its First Mortgage Bonds, 4¾ Percent Series due 1983 and First Mortgage Bonds, 4¼ Percent Series B due 1984, respectively, outstanding except to the extent that the outstanding First Mortgage Bonds shall be changed by the execution of the Second Supplemental Indenture. Applicant will give holders of its outstanding First Mortgage Bonds notice of the proposed changes, but does not presently propose any exchange of physical certificates evidencing bonds. Applicant believes the proposed issue of 4¾ Percent Series Bonds due 1983 and the 4¼ Percent Series B Bonds due 1984 constitutes an issuance pro rata to existing holders of its First Mortgage Bonds pursuant to a reorganization. The proceeds from the proposed issuance and sale of its First Mortgage, Series C due 1986, applicant states, will provide funds for its construction program for the year 1956.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 29th day of August, 1956, file with the Federal Power Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6612; Filed, Aug. 15, 1956; 8:52 a. m.]

[Docket No. G-8471, etc.]

VILLAGE OF FRANKLIN, ILL. ET AL.

NOTICE OF RECONVENED HEARING

AUGUST 9, 1956.

In the matters of Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

Notice is hereby given that the hearing now scheduled for September 26, 1956, in the above-designated matters will reconvene on September 17, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6594; Filed, Aug. 15, 1956; 8:48 a. m.]

[Docket No. G-10564]

N. B. HUNT

ORDER AMENDING ORDER SUSPENDING PROPOSED CHANGES IN RATES

N. B. Hunt (Applicant), on May 14, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges were contained in the following designated filings which were proposed to be made effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date

Contract dated March 6, 1956, Supplemental Agreements dated August 1, 1952, January 26, 1954, and April 15, 1955; notice of change, dated May 14, 1956; Texas-Illinois Natural Gas Pipeline Co.; Applicant's FPC Gas Rate Schedule No. 8[1] and Supplements 1, 2, 3, and 4; June 14, 1956.

By order issued herein on June 13, 1956, the Commission suspended the above-designated rate schedule and supplements and deferred the use thereof until November 14, 1956, and such further time as they are made effective in the manner prescribed by the Natural Gas Act. In its said order the Commission provided, among other things, that neither the Rate Schedule nor the Supplements thereby suspended should be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission. On July 9, 1956, Applicant, pursuant to the above-stated proviso, filed a "Request For Permission To Amend Notice Of Change" wherein Applicant requested permission to substitute its "Amended Notice of Change" filed also on July 9, 1956, and designated by the Commission as Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8, for the "Notice of Change" designated as Supplement No. 4 to the same rate schedule and theretofore filed on May 14, 1956.

The Commission finds: Good cause exists to permit the substitution of Supplement No. 5 for Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 8: *Provided, however,* That the said Supplement No. 5 be suspended and the use thereof deferred in the same manner and to the same extent as provided by the order issued herein on June 13, 1956 with respect to Supplement No. 4 to Applicant's said rate schedule.

The Commission orders:

(A) The "Amended Notice of Change" filed herein by Applicant on July 9, 1956, and designated as Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8, be and it is hereby accepted for filing in substitution for Supplement No. 4 to the said rate schedule. Said Supplement No. 4 is hereby superseded.

(B) Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 8 be and it hereby is suspended and the use thereof deferred until November 14, 1956, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Except as hereby amended, the Order Suspending Proposed Changes In Rates, issued herein on June 13, 1956, shall remain in full force and effect.

Issued: August 9, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6595; Filed, Aug. 15, 1956; 8:48 a. m.]

[Docket No. G-10876]

SKELLY OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On July 16, 1956, Skelly Oil Company (Skelly) tendered for filing Supplements Nos. 2 and 3 to its FPC Gas Rate Schedule No. 89, applicable to its sales of natural gas to Permian Basin Pipeline Company for resale.

Under the present contract between Skelly and Permian, gas from the Lovington Gasoline plant in Lea County, New Mexico, is sold to Permian at a contract price of 10.5124 cents per Mcf measured at a pressure base of 15.025 psia.

Skelly states that both parties to the contract agreed that if Skelly would extend its gathering lines of its Lovington Plant and would purchase the additional casinghead gas thereby made available, and sell the residue gas therefrom to Permian under the subject rate schedule, the contract measurement pressure base would be reduced from 15.025 psia to 14.65 psia. The effect of such change is to increase the price for gas from 10.5124 cents per Mcf to 10.7815 cents per Mcf measured at the old pressure base of 15.025 psia. Skelly requests that the change in the contract measurement pressure base be made effective July 16, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4, 5, 15 and 16 thereof, and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the increased rates and charges proposed; and, pending such hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until January 16, 1957, and until such further times as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: August 10, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6596; Filed, Aug. 15, 1956; 8:49 a. m.]

[Docket No. G-10883]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant) on July 13, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Designation; and Effective Date[1]

Notice of change dated July 10, 1956; Panhandle Eastern Pipeline Company; Supplement No. 22 to Applicant's FPC Gas Rate Schedule No. 5; August 13, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 10, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6597; Filed Aug. 15, 1956; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 267]

DEPUTY ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY

AUGUST 10, 1956.

1. *Delegation of authority.* The Deputy Administrator is hereby delegated all the authorities vested in the Administrator by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and other applicable statutes and executive orders, except as limited by sections 101 (c), 106, 205 (d), and 307 (b) of the act.

2. *Redelegation.* The authority delegated to the Deputy Administrator may not be redelegated.

3. *Existing instructions.* Any existing delegations of authority, instructions, or orders issued prior to the effective date of this delegation of authority are modified to the extent of such inconsistency.

4. *Effective date.* This delegation of authority shall be effective as of the date hereof.

F. G. FLOETE,
Administrator.

[F. R. Doc. 56-6629; Filed, Aug. 15, 1956; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32501: *Live stock—Farmland, Ind., to Georgia and Tennessee.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cattle, calves, hogs, goats, kids, lambs and sheep, carloads from Farmland, Ind., to Atlanta and Moultrie, Ga., and Nashville, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4664.

FSA No. 32502: *Caustic soda—Michigan, Ohio, and West Virginia, to Foley, Fla.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car load from Detroit, Whitehall-Montague and Wyandotte, Mich., Barberton, Painesville, Fairport Harbor and Perry, Ohio, Natrium and Perkins, W. Va., to Foley, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4664.

FSA No. 32503: *Scrap or waste paper within and between Southern and Illinois Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap or waste paper, carloads between points in southern territory and between points in southern territory, on one hand, and points in Illinois territory, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 12 to Agent Spanninger's tariff I. C. C. 1525; supplement 7 to Agent R. G. Raasch's tariff I. C. C. 861.

FSA No. 32504: *Trailer-on-flat-car-service—Eastern points to Western points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities moving on classification exceptions rates, loaded in or on

[1] Supersedes Applicant's FPC Gas Rate Schedule No. 6.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

trailers and transported on railroad flat cars from points in New Jersey, New York, and Pennsylvania on the Reading Company to points in Illinois, Minnesota and Wisconsin on specified carriers.

Grounds for relief: Short-line distance formula, motor truck competition, and circuitous routes.

Tariff: Reading Company tariff I. C. C. 2377.

FSA No. 32505: *Commodities between points in Texas.* Filed by Lee Douglas, Alternate Agent, for interested rail carriers. Rates on aqua ammonia, carloads, and other commodities, carloads, as described in the application between points in Texas over interstate routes.

Grounds for relief: Short-lined distance formula, intrastate competition, and circuitous routes.

Tariff: Supplement 27 to Agent Brown's tariff I. C. C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32506: *Commodities between points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on various commodities, carloads, as described in the application between points in Texas over interstate routes.

Grounds for relief: Maintenance of depressed rates, established to meet intrastate competition not applicable in constructing combination rates.

Tariff: Supplement 27 to Agent Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-6603; Filed, Aug. 15, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

STANLEY RUTTENBERG.

[F. R. Doc. 56-6615; Filed, Aug. 15, 1956 8:53 a. m.]

J. R. KILLIAN, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions:
I now own stock in the Lehman Brothers Corporation.

I am now Chairman of the Board of Trustees of the Institute for Defense Analyses, Inc.

This amends statement previously published in the FEDERAL REGISTER February 2, 1956 (21 F. R. 758).

Dated: July 29, 1956.

J. R. KILLIAN, JR.

[F. R. Doc. 56-6616; Filed, Aug. 15, 1956; 8:53 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER May 30, 1956 (21 F. R. 3704).

Dated: August 6, 1956.

DAVID C. HOLUB.

[F. R. Doc. 56-6617; Filed, Aug. 15, 1956; 8:53 a. m.]

SHAW LIVERMORE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of February 9, 1956.

This amends statement previously published in the FEDERAL REGISTER February 22, 1956 (21 F. R. 1212).

Dated: August 9, 1956.

SHAW LIVERMORE.

[F. R. Doc. 56-6618; Filed, Aug. 15, 1956; 8:53 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 112]

COLORADO

DECLARATION OF DISASTER AREA

Whereas it has been reported that from July 26, 1956, through July 29, 1956, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Colorado:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Denver, Jefferson, Arapahoe, and Morgan.

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colorado.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1957.

Dated: August 2, 1956.

[SEAL] WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6610; Filed, Aug. 15, 1956; 8:52 a. m.]

[Declaration of Disaster Area 113]

UTAH

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about July 26, 1956, because of the disastrous effects of a flood, damage resulted to residences and business property located in certain areas in the State of Utah;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the city of Cedar City (including any areas adjacent to said city) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colorado.

2. No special field office will be established at this time.

3. Aplications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1957.

Dated: August 1, 1956.

[SEAL] WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6611; Filed, Aug. 15, 1956; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-88; 59-9; 54-173]

PHILADELPHIA CO.

ORDER PURSUANT TO SECTIONS 1081 THROUGH 1083, AND 4382 (b) OF INTERNAL REVENUE CODE

AUGUST 10, 1956.

Philadelphia Company ("Philadelphia") is a registered holding company under the Public Utility Holding Company Act of 1935 ("act") and a subsidiary of Standard Gas and Electric Company and Standard Shares Inc. (the latter being formerly known as Standard Power and Light Corporation), both of which are also registered holding companies.

On June 1, 1948, the Commission issued its Findings, Opinion and Order, pursuant to sections 11 (b) (1) and 11 (b) (2) of the act, directing, among other things, the liquidation and dissolution of Philadelphia. Thereafter Philadelphia effectuated various steps toward compliance with the Commission's order and on August 3, 1956, advised the Commission, pursuant to Rule U-44 (c) promulgated under the act, that it proposes to sell non-utility property, consisting of a parking lot at 609 Grant Street, Pittsburgh, Pa., to a non-affiliated purchaser for a cash consideration of $167,000.

Philadelphia proposes to apply the proceeds of the sale, or an amount equal thereto, to the payment and retirement of a like principal amount of a note or notes then owing to Mellon National Bank and Trust Company, which bank loan is presently represented by a note of Philadelphia in the principal amount of $1,000,000 maturing August 21, 1956.

Philadelphia has requested the Commission to enter an order herein effective forthwith, containing the recitals required by sections 1081 through 1083 and section 4382 (b) (2) of the Internal Revenue Code.

The Commission having considered the request of Philadelphia and deeming it appropriate that an order, as requested, should issue:

It is ordered, That this order become effective upon issuance.

It is further ordered and recited, That the transfers, conveyances, sales, expenditures, investments and receipts hereinafter described and recited in subparagraphs I and II below, are hereby authorized and approved, and are necessary and appropriate to the integration and simplification of the holding company system of which Philadelphia is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and the orders of the Commission previously entered thereunder, all in accordance with the meaning and requirements of sections 1081 through 1083 of the Internal Revenue Code and section 4382 (b) (2) thereof, the stock and securities and other property to be transferred, conveyed, sold or received upon such transactions, and the expenditures and investments to be made, being specified and itemized as follows:

I. The sale by Philadelphia of the real property owned by it, located at 609 Grant Street, Pittsburgh, Pa., and recently used as a parking lot, for $167,000 in cash, and the transfer and conveyance of said property to the purchaser pursuant to said sale and the receipt by Philadelphia of the purchase price therefor.

II. The payment and expenditure by Philadelphia of the entire $167,000 to be received by it upon the sale specified in subparagraph I above, or an amount equal thereto, in and for the redemption, retirement and cancellation of a like principal amount of the note or notes then representing Philadelphia's bank loan from Mellon National Bank and Trust Company, which bank loan is presently represented by a note of Philadelphia in the principal amount of $1,000,000 maturing August 21, 1956.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6607; Filed, Aug. 15, 1956; 8:51 a. m.]

[File No. 24D-1396]

URANIUM OXIDE PRODUCERS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 9, 1956.

I. Uranium Oxide Producers, Inc., a Delaware corporation with its principal office located at 11 West 42nd Street, New York 36, New York, having filed with the Commission on August 24, 1954, a notification on Form 1-A and an offering circular relating to an offering of 4,500,000 shares of its 1 cent par value common stock, such stock to be offered at 5 cents per share for an aggregate of $225,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports on Form 2-A required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6605; Filed, Aug. 15, 1956; 8:51 a. m.]

[File No. 24D-1874]

DIX URANIUM CORP.

NOTICE OF AND ORDER FOR HEARING

AUGUST 9, 1956.

Dix Uranium Corporation, Provo, Utah, having filed with the Commission on August 10, 1955, a notification on Form 1-A and an offering circular relating to a proposed public offering of 6,000,000 shares of 5 cents par value common stock at 5 cents per share, and having filed certain amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on June 25, 1956, having issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 temporarily suspending the exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on August 3, 1956, from the corporation; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on August 17, 1956, at 10:00 a. m., m. s. t., at the Denver Regional Office of the Commission, at Room 573, New Customhouse, 19th and Stout Streets, Denver, Colorado, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

1. Whether the terms and conditions of Regulation A have been complied with by Dix Uranium Corporation.

2. Whether the notification and offering circular are false and misleading in naming Weber Investment Company as the principal underwriters; in omitting to state that Ruth J. Rains was intended to act as the principal underwriter; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

3. Whether the offering circular is false and misleading in stating, "The Underwriter agrees to use its best efforts to sell such stock directly and through securities dealers registered in Nevada and such other states wherein this offer-

ing has been registered and cleared for sale," and in omitting to state that the State of Nevada does not register securities dealers or securities being offered for sale in such state.

4. Whether the offering circular is false and misleading in omitting to state that Weber Investment Company, named as underwriters therein, ceased its underwriting business in July 1955, and withdrew its registration with the Commission as a broker-dealer effective November 23, 1955.

5. Whether the issuer has failed to file a report on Form 2–A of sales of securities being offered, as required by Rule 224.

6. Whether the order dated June 25, 1956, suspending the exemption under Regulation A with respect to Dix Uranium Corporation should be vacated or made permanent.

It is further ordered, That Maurice Miller or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 15, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–6606; Filed, Aug. 15, 1956; 8:51 a. m.]

[File No. 70–3493]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

ORDER AUTHORIZING OPEN-ACCOUNT ADVANCES BY PARENT TO SUBSIDIARY FOR CONSTRUCTION OF OFFICE BUILDING

AUGUST 10, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary service company Columbia Gas System Service Corporation ("Service") have filed a joint declaration and an amendment thereto pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder, with respect to the following proposed transaction:

Columbia will advance to Service, on open account as required, not to exceed $1,500,000 for the construction of an office building at Marble Cliff, near Columbus, Ohio. Each several advance will bear interest from the date advanced at 3¾ percent per annum.

The building will be erected for the purpose of consolidating in suitable quarters at one location the departments of Service located in Columbus, Ohio. Upon completion of the building, Service plans either (i) to sell the building to a non-affiliate and lease it back on a long-term contract, or (ii) to finance the building on a long-term basis through the sale of securities to Columbia; at which time Service will repay to Columbia the open-account loan proposed herein together with $95,000 heretofore advanced on open-account by Columbia for the purchase of the building site. It is stated that, to the extent that the Commission has jurisdiction over the final transaction, applications relating thereto will be filed with the Commission.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–6608; Filed, Aug. 15, 1956; 8:51 a. m.]

[File No. 70–3496]

APPALACHIAN ELECTRIC POWER CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE OF NOTES TO BANKS

AUGUST 9, 1956.

Appalachian Electric Power Company ("Appalachian"), a public utility subsidiary of American Gas and Electric Company ("American"), a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the first and second sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Appalachian has orally established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time, prior to June 30, 1957, not in excess of $26,000,000:

Irving Trust Co., New York, N. Y.	$5,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,000,000
First National City Bank of New York, New York, N. Y.	5,000,000
Manufacturers Trust Co., New York, N. Y.	5,000,000
Guaranty Trust Co. of New York, New York, N. Y.	3,000,000
Bankers Trust Co., New York, N. Y.	2,200,000
The Hanover Bank, New York, N. Y.	800,000
Total	26,000,000

Of the $26,000,000 proposed to be borrowed Appalachian has, at June 30, 1956, borrowed $10,000,000 from such banks and has issued notes in evidence thereof. This amount and additional borrowings of $6,000,000 are stated to be exempt from section 6 (a) of the act by the first sentence of section 6 (b) thereof.

Appalachian now requests approval for additional borrowings under the above line of credit in an amount not to exceed $10,000,000, such borrowings to be evidenced by Notes to be dated as of the date of the borrowings and to mature not more than 270 days after the date of issuance. The Notes are to bear interest from the date thereof at the then current prime rate, which is presently 3¾ percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

According to the filing, Appalachian's outstanding notes payable to banks at the time of its next permanent financing will be paid off from the proceeds of such financing which is expected to occur prior to April 30, 1957.

The proceeds from the notes will be used by Appalachian to pay part of the costs of its construction program estimated to amount to $38,534,000 in 1956 and $55,444,000 in 1957.

The expenses to be incurred by Appalachian are estimated at not in excess of $500. No fees, commissions or other expenses are to be paid except that routine services incident to the proposed transactions will be performed by the service company for the American system.

The Virginia State Corporation Commission has issued an order authorizing the proposed transactions. It is represented that no other State commission or Federal agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice of the filing of the application having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, other than those contained in Rule U-24, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application as amended be granted forthwith:

It is ordered, Pursuant to section 6 (b) of the act and Rule U-23 thereunder, that the application as amended be, and it hereby is, granted forthwith, so that the borrowing permitted by the first and second sentences of section 6 (b) is hereby increased to $26,000,000, the authorization for such increase to terminate on April 30, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–6604; Filed, Aug. 15, 1956; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–84]

PRECISION TOOL AND MACHINE CO., LTD.

In re: Debt owing to the Precision Tool and Machine Company, Ltd., (Praecisios Szerszam es Gepgyar Rt.), also known as Precision Tool Factory (Precizios Keziszerszamgyar). F–34–239.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363) and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Mr. George J. Binet, Special Account, Brimfield, Massachusetts," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Precision Tool and Machine Company, Ltd., (Praecisios Szerszam es Gepgyar Rt.), also known as Precision Tool Factory (Precizios Keziszerszamgyar), Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr., *Attorney General.*

[F. R. Doc. 56–6619; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA–85]

PROVIDENTIA VERSICHERUNGS A. G.

In re: Debt owing to Providentia Versicherungs A. G., also known as the Providentia Insurance Company. F–34–383; F–63–2748 (Basle).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the sum of $6,229.25, being a portion of an account entitled, "Societe de Banque Suisse, Basle, account Providentia Versicherungs A. G. Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Providentia Versicherungs A. G., also known as the Providentia Insurance Company, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr., *Attorney General.*

[F. R. Doc. 56–6620; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA–86]

PROVIDENTIA VERSICHERUNGS A. G.

In re: Debt owing to Providentia Versicherungs A. G., also known as the Providentia Insurance Company. F–34–383.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Providentia Versicherungs Aktiengesellschaft, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Providentia Versicherungs A. G., also known as the Providentia Insurance Company, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the

President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6621; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA-87]

FIRST HUNGARIAN GENERAL ASSURANCE CO.

In re: Debt owing to the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft. F-34-1018.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "First Hungarian General Assurance Company in Liquidation, Budapest 40, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6622; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA-88]

FIRST HUNGARIAN GENERAL ASSURANCE CO.

In re: Debt owing to the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft. F-34-1018.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Erste Ungarische Allgemeine Assecuranz Gesellschaft," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6623; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA-89]

GELDINSTITUTS-ZENTRALE

In re: Securities owned by Geldinstituts-Zentrale. F34-1682; F62-478.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955, (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Two thousand eight hundred and thirty-nine (2,839) Uniform Certificates of Deposit for Kreuger & Toll Company (Aktiebolaget Kreuger & Toll) 5 percent Secured Sinking Fund Gold Debentures (Depositary—Guaranty Trust Company of New York) bearing the numbers UNRM 8319, 16860, 17034/71035, 17497, 23546/23555, 24004, 24469/24478, 24488/24500, 24501/24506, 24546/24562, 24594/24634, 24702/24711, 24767/24773, 24775/24779, 24790/24797, 24780/24789, 24988/25012, 25115/25117, 25686/25691, 25789/25791, 25934, 26030/26032, 26243, 26376/26380, 26461/26463, 26469/26470, 26519, 26501/26518, 25723/25772, 27505/27510, 28160, 28505, 28764/28818, 28834/28899, 28972/28981, 29126/29138, 29266/29271, 29333/29343, 29358/29382, 29395/29402, 29462/29495, 29528, 29637/30343, 30344/30599, 30745/30994, 32076/32100, 32106/32114, 32234, 32241/32365, 32421/2, 32504/32513, 32789/ 32796, 32486/32498, 32910/32916, 33402/33403, 33407/33412, 33475/33487, 33517/33518, 33617/33619, 33651, 33786/33788, 33190/33219, 33228/33246, 33252, 33255/33259, 33261/33269, 33281/33299, 33315/33316, 33342/33343, 33345/33353, 33384/33386, 33401, 33068/33087, 33103/33162, 33170/33189, 32433/32434, 32852/32883, 33002/33067, 32884/32899, 32917/32984, 33092/33096, 33168, 32423/32432, 33794, 33801, 33853, 33857/8, 33860/33954, 34470 at $1,000; UNRD 6499/6509, 6659/6672, 6677/6692, 6698/6699, 6957/7113, 7114/7136, 7163/7184, 6859/60, 7224/5, 7242/7243, 7265/7268, 7288/7309, 7323/7387, 7429/7434, 7581/7582, 7589/7590, 7631/7640, 7645/7652, 7766/7769, 7780/7791, 7794/7799, 7803/7804 at $500, said certificates registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto,

b. Forty-five (45) Class A Certificates of Deposit for Kreuger & Toll Company (Aktiebolaget Kreuger & Toll) 5 Percent Secured Sinking Fund Gold Debentures (Depositary—Guaranty Trust Company of New York) at $1,000 each bearing the numbers AM 29061/29065, 29150, 29279/29286, 28819/28833, 29040/29049, 28524/28529, registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto,

c. One hundred and seventy-eight (178) Certificates of Deposit for Kreuger & Toll Company 5 Percent Secured Sinking Fund Gold Debentures dated March 1, 1929 (Depositary—Title Guarantee and Trust Company) bearing the numbers 1857/1878, 1882/1942, 1944/5, 1947 2034, 2041/2 at $1,000; 1881, 2036 and 2043 at $500, registered in the name of and presently in the custody of J. & W. Seligman & Co. in an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden Blocked Account," together with any and all rights thereunder and thereto,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Geldinstituts-Zentrale, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6624; Filed, Aug. 15, 1956; 8:54 a. m.]

[Vesting Order SA-90]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Agency of The Royal Bank of Canada, 68 William Street, New York 5, New York arising out of an account entitled, "Banque de Paris et des Pays Bas, Amsterdam, Netherlands," maintained at the aforesaid bank, together with any and all rights to demand enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned by the National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6625; Filed, Aug. 15, 1956; 8:55 a. m.]

[Vesting Order SA-91]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account entitled "Banque De Paris Et Des Pays Bas, Amsterdam, Netherlands," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Roumainia, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered,

sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6626; Filed, Aug. 15, 1956; 8:55 a. m.]

[Vesting Order SA-92]

NATIONAL BANK OF ROUMANIA

In re: Debt owing to National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F-57-85; F-27-6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Hanover Bank, 70 Broadway, New York 15, New York, in the sum of $893.22, being a portion of an account entitled, "The Banque de Paris et des Pays Bas, Amsterdam, Holland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Roumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumanici, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6627; Filed, Aug. 15, 1956; 8:55 a. m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 160

Washington, Friday, August 17, 1956

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Order 3, Amdt. 2]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. 1. Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restriction on the handling of limes.

It is, therefore, ordered, That the provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3, as amended; 21 F. R. 5033, 5821) are hereby amended to read as follows:

(ii) Any container of limes grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) unless the limes in such container grade at least U. S. Combination Turning, and are of a size not smaller than 1⅝ inches in diameter: *Provided,* That, not to exceed 5 percent, by count, of the limes in any container may be smaller than 1⅝ inches in diameter; or

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 18, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6703; Filed, Aug. 16, 1956; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter IV—Foreign-Trade Zones Board

[Order 42]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURE

ORGANIZATION OF BOARD

Pursuant to the provisions of section 8 of the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 1000; 19 U. S. C. 81h), the General Regulations Governing Foreign-Trade Zones in the United States, with rules of procedure (15 CFR Part 400), are hereby amended as follows:

Amend § 400.1301 to read as follows:

§ 400.1301 *Organization of the Board.* The Secretary, as Chairman of the Board, shall designate an Executive Secretary of the Foreign-Trade Zones Board. The duties of the Executive Secretary shall be to arrange meetings of the Board, to keep accurate minutes of the Board's deliberations, to direct the execution of the orders of the Board, to initiate recommendations to the Board for uniform procedures and practices in the several zones, to make periodic inspections of the zones, and to perform such other duties as are required by the Secretary of Commerce as Executive Officer of the Board, and as the Board may direct. The Executive Secretary is au-

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thorized to appoint staff members, including an Assistant Executive Secretary who will assist him generally and act for him in his absence. All records of the Board will be maintained in the office of the Executive Secretary.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to the administrative functions of the Foreign-Trade Zones Board, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

(Sec. 8, 48 Stat. 1000; 19 U. S. C. 81h)

Signed at Washington, D. C. this 10th day of August 1956.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:
JOSEPH M. MARRONE,
Executive Secretary.

[F. R. Doc. 56-6644; Filed, Aug. 16, 1956; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Cotton Bulletin 1, Amdt. 3]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

SCHEDULE OF EFFECTIVE MINIMUM LOAN RATES FOR ELIGIBLE QUALITIES OF 1956-CROP EXTRA LONG STAPLE COTTON

In order to provide for increased loan rates on 1956-crop extra long staple cotton because the parity price for extra long staple cotton as of the beginning of the marketing year (August 1, 1956) is higher than the parity price used to compute the loan rates heretofore published, § 427.732 (b) of the regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 3856 and containing the instructions and requirements with respect to the 1956 Cotton Loan Program, is hereby amended to read as follows:

(b) *Schedule of minimum loan rates (in cents per pound net weight) for eligible qualities of 1956-crop extra long staple cotton*—(1) *American-Egyptian cotton.*

Grade	(Staple length (inches))					
	1⅜		1⅜₁₆		1½ and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	56.97	57.37	60.02	60.42	61.37	61.77
2	55.97	56.37	59.12	59.52	60.52	60.92
3	54.42	54.82	57.47	57.87	59.37	59.77
4	50.42	50.82	53.87	54.27	55.82	56.22
5	44.92	45.32	48.32	48.72	50.12	50.52
6	39.07	39.47	42.07	42.47	44.42	44.82
7	35.27	35.67	37.97	38.37	40.32	40.72
8	31.22	31.62	33.87	34.27	35.92	36.32
9	27.22	27.62	29.82	30.22	31.87	32.27

(2) *Sea Island and Sealand cotton.*

Grade	(Staple length (inches))		
	1⅜	1⅜₁₆	1½ and longer
1	54.17	57.02	58.32
1½	53.22	56.17	57.52
2	51.77	54.62	56.42
2½	47.92	51.22	53.07
3	42.72	45.97	47.67
3½	37.22	40.07	42.27
4	33.62	36.17	38.42
4½	29.82	32.27	34.22
5	25.97	28.47	30.42

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 406, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1426)

Issued this 13th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-6671; Filed, Aug. 16, 1956; 8:49 a. m.]

[1956 CCC Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED UPLAND COTTON

The 1956 Cotton Loan Bulletin (1956 CCC Cotton Bulletin 1) is hereby amended by adding § 427.734 to read as follows:

§ 427.734 *Basic loan rates for farm-stored upland cotton.* The base loan rates applicable to Middling White 1-inch upland cotton, under Commodity Credit Corporation's 1956 Cotton Loan Program, are as follows:

[All rates expressed in cents per pound, gross weight, basis Middling White 1-inch cotton]

ALABAMA

In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour — 33.44

ALABAMA—Continued

In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour — 33.34
In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston — 33.24
In the counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington — 33.14
In the counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Greene, Sumter, Marengo, Choctaw, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh — 33.04
In the counties of Mobile and Baldwin — 32.96

ARIZONA

In the county of Greenlee — 32.17
In the counties of Cochise and Graham — 32.07
In all counties not listed above — 31.90

ARKANSAS

In the counties of Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Monroe, Poinsett, St. Francis, and Woodruff — 32.84
In the county of Phillips — 32.83
In the counties of Arkansas, Clay, Cleveland, Desha, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Pulaski, and White — 32.82
In the county of Chicot — 32.81
In all counties not listed above — 32.79

CALIFORNIA

In all counties — 31.90

FLORIDA

In all counties east of Jackson, Liberty, and Franklin — 33.34
In the counties of Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Liberty, and Washington — 33.24
In the county of Walton — 33.14
In the county of Okaloosa — 33.04
In the counties of Santa Rosa and Escambia — 32.96

GEORGIA

In all counties east of Union, Lumpkin, Dawson, Forsyth, Gwinnett, Walton, Morgan, Putnam, Hancock, Jefferson, Glascock, and Burke — 33.64
In all counties except Dade and counties having a rate of 33.64 north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan — 33.54
In the county of Dade and all counties south of Chattahoochee, Marion, Schley, Macon, Houston, Pulaski, Dodge, Laurens, Treutlen, Emanuel, Candler, Bulloch, Effingham, and Chatham, and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn — 33.44
In all counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh — 33.34

ILLINOIS

In all counties — 32.91

KENTUCKY

In all counties — 32.95

LOUISIANA

In the Parishes of Barnard, East Baton Rouge, East Feliciana, Jefferson, Livingston, Orleans, Plaquemines, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana	32.91
In the Parishes of Concordia, East Carroll, Madison, and Tensas	32.81
In the Parish of West Carroll	32.80
In all Parishes not listed above	32.79

MISSISSIPPI

In the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, De Soto, Granada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha	32.96
In the counties of Clarke, Copiah, Covington, Forrest, George, Greene, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, and Wayne	32.93
In the counties of Adams, Amite, Bolivar, Claiborne, Coahoma, Franklin, Hancock, Harrison, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Pearl River, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, and Yazoo	32.91

MISSOURI

In the counties of Dunklin, New Madrid, and Pemiscot	32.84
In the counties of Butler, Mississippi, Scott, and Stoddard	32.82
In all counties not listed above	32.79

NEW MEXICO

In the county of Lea	32.59
In the counties of Chaves and Eddy	32.50
In the counties of Colfax, Curry, De Baca, Dona Ana, Guadalupe, Harding, Lincoln, Mora, Otero, Quay, Roosevelt, San Miguel, Sierra, Socorro, Torrance, and Union	32.49
In the county of Luna	32.26
In the counties of Grant and Hidalgo	32.17
In all counties not listed above	31.90

NORTH CAROLINA

In all counties west of Granville, Wake, Harnett, Hoke, and Scotland	33.74
In all counties east of Person, Durham, Chatham, Lee, Moore, and Richmond	33.64

OKLAHOMA

In all counties east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Stephen, and Jefferson	32.79
In all counties west of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Pontotoc, Murray, Carter, and Love; and east of Woods, Woodward, and Ellis	32.71
In all counties west of Alfalfa, Major, Dewey, and Roger Mills	32.69

SOUTH CAROLINA

In all counties west of Marlboro, Darlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell	33.74
In all counties east of Chesterfield, Kershaw, Richland, Lexington and Aiken	33.64

TENNESSEE

In all counties east of Marion, Sequatchie, Bledso, Cumberland, Morgan, and Scott	33.44
In the counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland	33.34
In the counties of Franklin, Coffee, Warren, Van Buren, White, and Overton	33.24
In the counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, De Kalb, and Wilson	33.14
In the counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury	33.04
In the counties of Hardin, Decatur, Chester, Fayette, Hardeman, Henderson, McNairy, Madison, and Shelby	32.96
In the counties of Benton, Stewart, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Obion, Tipton, and Weakley	32.95

TEXAS

In all counties east of Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Wharton, and Matagorda	32.79
Beginning with and including the county of Hardeman, and thence proceeding clockwise, all counties contained within the area surrounded by and including Wilbarger, Wichita, Clay, Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Austin, Fayette, Bastrop, Caldwell, Guadalupe, Comal, Blanco, Burnet, Lampasas, Mills, Brown, Callahan, Shackelford, Throckmorton, Baylor, and Foard	32.71
In the counties of Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Gillespie, Gray, Hall, Haskell, Hemphill, Jones, Kendall, Kent, King, Knox, Lipscombe, Llano, McCulloch, Mason, Mitchell, Motley, Nolan, Ochiltree, Roberts, Runnels, San Saba, Scurry, Stonewall, Taylor, Tom Green, and Wheeler	32.69
In the counties of Armstrong, Briscoe, Carson, Castro, Dallam, Deaf Smith, Floyd, Hale, Hansford, Hartley, Hutchinson, Moore, Oldham, Potter, Randall, Sherman, and Swisher	32.63
In the counties of Andrews, Bailey, Bandera, Borden, Cochran, Crane, Crockett, Crosby, Dawson, Ector, Edwards, Gaines, Garza, Glasscock, Hockley, Howard, Irion, Kerr, Kimble, Lamb, Lubbock, Lynn, Martin, Menard, Midland, Parmer, Reagan, Real, Schleicher, Sterling, Sutton, Terry, Upton, and Yoakum	32.61
In the counties of Loving, Pecos, Reeves, Terrell, Ward, Winkler, and Val Verde	32.59
In the counties of Aransas, Calhoun, Colorado, De Witt, Gonzales, Jackson, Lavaca, Matagorda, Refugio, Victoria, and Wharton	32.53
In the counties of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio	32.50
In the county of El Paso	32.49
In the counties of Bee, Bexar, Goliad, Karnes, Nueces, San Patricio, and Wilson	32.48
In the counties south of Edwards, Real, and Bandera; and west of Bexar, Wilson, Karnes, Bee, San Patricio, and Nueces	32.43

VIRGINIA

In all counties	33.64

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 13th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6672; Filed, Aug. 16, 1956; 8:49 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations contained herein govern the 1957 acreage reserve part of the Soil Bank Program.

Sec.

485.201 Definitions.
485.202 Purpose of the acreage reserve program.
485.203 Administration.
485.204 Availability.
485.205 Eligible commodities.
485.206 "New farm allotments"; "new producers" not eligible.
485.207 National acreage reserve goals.
485.208 State and county allocations of funds.
485.209 Limits on extent of participation.
485.210 Acreage Reserve Agreement.
485.211 Reduction of acreage.
485.212 Designation and use of acreage reserve.
485.213 Compliance with acreage allotments.
485.214 Amount of compensation.
485.215 Rate of compensation per acre.
485.216 Commodity base unit rates.
485.217 Method of determining normal yield.
485.218 Determination of acreage and extent of calculations.
485.219 Division of compensation between landlords, tenants, and sharecroppers.
485.220 Additional provisions relating to tenants and sharecroppers.
485.221 Manner of compensation.
485.222 Time of compensation.
485.223 Set-offs.
485.224 Successors-in-interest.
485.225 Assignments.
485.226 Schemes or devices to defeat purposes of agreement.
485.227 Violations of agreement.
485.228 Penalty for grazing or harvesting.
485.229 Compensation not subject to claims.
485.230 Access to farm and records.
485.231 State Committee approval of determinations of county committees.
485.232 Finality of determinations.
485.233 Effect on acreage allotment and marketing quota programs.

AUTHORITY: §§ 485.201 to 485.233 issued under sec. 124, Pub. Law 540, 84th Cong. Interpret or apply secs. 101-106, 114-123, Pub. Law 540, 84th Cong.

§ 485.201 *Definitions.* As used in §§ 485.201 to 485.233 and in all agreements, forms, documents and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator" means the Administrator, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "State" means any one of the continental United States.

(g) "County" means county or parish. The extra long staple cotton producing areas located in the northern part of Puerto Rico shall be considered a county, and the extra long staple cotton producing areas located in the southern part of Puerto Rico shall be considered a county.

(h) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county committees. In Puerto Rico, "county committee" means the ASC Caribbean Area Committee.

(j) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico, "State committee" means the ASC Caribbean Area Committee.

(k) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The term "person" shall include two or more persons having joint or common interest.

(l) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(m) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crop or the proceeds thereof.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Producer" means any person who is an owner or a landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, sharecropper, or a person who furnishes water for a share of the crop.

(q) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as a part of the same unit in producing range livestock, or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(r) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued, an erosion hazard to the community.

(s) "Commercial corn-producing area" means the area designated by the Secretary for the 1957 crop of corn pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended.

(t) "Commercial wheat-producing area" means all areas except the area designated by the Secretary (21 F. R. 3305) pursuant to section 335 (e) of the Agricultural Adjustment Act of 1938, as amended.

(u) "Corn" means field corn, including sweet corn which is produced for feed or silage, planted alone or interplanted with other crops.

(v) "Cotton" means upland cotton and extra long staple cotton.

(w) "Commodity" means any one of the commodities listed in § 485.205.

(x) "Allotment" means the 1957 acreage allotment established for a farm for a particular commodity pursuant to the Agricultural Adjustment Act of 1938, as amended.

(y) "Soil Bank corn base" means the base acreage for 1957-crop corn established for a farm pursuant to section 103 (b) of the act.

(z) "Acreage reserve" means the tract or tracts of cropland designated in an acreage reserve agreement for a farm as being withdrawn from the production of a particular commodity.

(aa) "Agreement" means Form CSS-800-1 (Soil Bank—1957), "Soil Bank Acreage Reserve Agreement 1957."

§ 485.202 *Purpose of the acreage reserve program.* The purpose of the acreage reserve program is to assist producers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities by compensating them for reducing their acreage below their allotment, or in the case of corn, their Soil Bank corn base or allotment, whichever is in effect.

§ 485.203 *Administration.* The 1957 acreage reserve program will be administered by the Commodity Stabilization Service under the general direction and supervision of the Administrator. In the field, the program will be carried out by State and county committees. Members of county committees are hereby authorized to sign agreements on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of any agreement. Any authority herein delegated to the Administrator may also be exercised by the Deputy Administrator.

§ 485.204 *Area of availability.* The acreage reserve program will be available in the continental United States, and in the Commonwealth of Puerto Rico with respect to cotton.

§ 485.205 *Eligible Commodities.* The acreage reserve program provided for in §§ 485.201 to 485.233 shall apply to the 1957 crops of cotton, corn produced in the commercial corn-producing area, wheat produced in the commercial wheat-producing area, peanuts, rice, flue-cured tobacco, burley tobacco, Maryland tobacco, dark air-cured tobacco, fire-cured tobacco, Virginia sun-cured tobacco, cigar binder tobacco, types 51, 52, 54, and 55, and Ohio Cigar filler tobacco types 42, 43, and 44.

§ 485.206 *"New farm allotments"; "new producers" not eligible.* Producers on farms which receive allotments or Soil Bank corn bases as "new farms" under regulations governing the establishment of acreage allotments or Soil Bank corn bases for the 1957 crops, shall not be eligible for participation in the acreage reserve program with respect to such "new farm" allotments or Soil Bank corn bases. In the case of rice, producers who receive allotments as "new producers" under regulations governing the establishment of allotments for the 1957 crop of rice shall not be eligible to participate with respect to such rice allotments.

§ 485.207 *National acreage reserve goals.* (a) There is hereby established a national acreage reserve goal for wheat of 15,000,000 acres.

(b) National acreage reserve goals for commodities other than wheat will be established by the Secretary at a later date.

§ 485.208 *State and county allocations of funds.* (a) To give producers a fair and equitable opportunity to participate in the acreage reserve programs, State and county allocations of amounts which may be obligated for each commodity shall be established to govern the extent of participation by producers in each State and county.

(b) The State allocations, determined after taking into consideration the State acreage allotments, normal yields, the estimated extent of participation in the program by farmers, the supply and demand conditions for different classes, grades and quality of the commodity produced in several States, are specified in Appendix 1 set forth below. Any portion of the allocation for any State may be reapportioned by the Administrator to any one or more other States if it is determined by him that such action is necessary to achieve the national acreage goal or to give producers a fair and equitable opportunity to participate.

(c) County allocations shall be determined by the State committee, taking into consideration the same factors as provided in paragraph (b) of this section for State allocations. Any portion of the allocation for any county may be reapportioned by the State committee to any one or more other counties if it is determined by the State committee that such action is necessary to achieve the national acreage goal or to give producers a fair and equitable opportunity to participate.

§ 485.209 *Limits on extent of participation*—(a) *Maximum acreage.* The acreage for any commodity which may be placed in the acreage reserve for a farm may not exceed the allotment for the commodity, or in the case of corn, the Soil Bank corn base or allotment, whichever is in effect. Within such limitation, the acreage which may be placed in the acreage reserve may not exceed the following:

(1) *Wheat.* (i) Except as provided in subdivision (ii) of this subparagraph, the maximum acreage for wheat shall be (*a*) 50 acres, or (*b*) 50 percent of the allotment, whichever is larger. To the extent of the allocation to the county, agreements covering not more than such maximum acreage shall be entered into on a "first-come, first served" basis, i. e., in the order in which they are filed with the county committee.

(ii) In the event that allocations to the county are in an amount in excess of that required to cover all agreements filed with the county committee for an acreage not in excess of the maximum acreage specified in subdivision (i) of this subparagraph, producers who have indicated on the agreement a desire to place more than such maximum acreage in the program will be permitted to place additional acreage in the program, to such extent as may hereafter be authorized.

(2) *Commodities other than wheat.* The maximum acreage for commodities other than wheat will be specified in regulations to be issued at a later date.

(b) *Minimum acreage.* (1) The minimum acreage for wheat which may be placed in the acreage reserve for a farm shall be (i) three acres, or (ii) the allotment, whichever is smaller.

(2) The minimum acreage for commodities other than wheat will be specified in regulations to be issued at a later date.

§ 485.210 *Acreage Reserve Agreement.* (a) In order for producers on a farm to participate in the program, a Soil Bank Acreage Reserve Agreement 1957, Form CSS–800–1 (Soil Bank) must be entered into by the operator. In addition, if the operator is a share-tenant, the agreement must be signed by each person who as owner or landlord has control of the land on which the acreage reserve is located or the land on which the acreage of the commodity is being reduced, or who is to receive any compensation under the agreement.

(b) In the event that wheat is planted on a farm in the fall of 1956 and the producers wish to participate in the 1957 acreage reserve program for wheat, the agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must be filed with the county committee not later than September 21, 1956, except as provided in paragraph (e) of this section.

(c) In the case of commodities other than wheat, and in the case of wheat where no wheat was planted on the farm in the fall of 1956, an agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided by paragraph (e) of this section, be filed with the county committee before any acreage of the 1957 crop of the commodity is planted on the farm, and not later than a date fixed by the State committee for the county or area in which the farm is located, which date shall be not later than the date planting of the commodity begins generally in the county or area. Information as to the date fixed for the county or area shall be available in the office of the county committee.

(d) In the case of wheat, if the operator has indicated on the agreement filed with the county committee his desire to place in the acreage reserve an additional acreage in excess of the maximum specified in § 485.209 (a), and the allocation made to the county is sufficient to permit additional acreage to be placed in the acreage reserve, the operator shall be notified, as soon as possible after the final date for filing agreements, of the amount of additional acreage which he may place in the acreage reserve. In order to place such additional acreage in the acreage reserve, the producers must sign a new agreement and file it with the county committee not later than ten days after the date that the notice to the operator was postmarked.

(e) If a person in addition to the operator is required to sign the agreement, but is not available for the signing of the agreement on or before the applicable final date specified in the preceding paragraphs of this section, the operator must sign the agreement and deliver a signed copy to the county committee not later than such applicable final date, and must obtain the signature of such other person and furnish the executed agreement to the county committee not later than 30 days after such applicable final date.

§ 485.211 *Reduction of acreage.* (a) The 1957 acreage of a commodity covered by an agreement must be reduced below the allotment, or, in the case of corn, the Soil Bank corn base or allotment, whichever is in effect.

(b) In the case of wheat, the producer shall not be limited with respect to the number of acres which he may plant. However, the producer must agree not to harvest an acreage of wheat which exceeds the allotment less the number of acres which the producer agrees to place in the acreage reserve. The acreage planted to wheat in excess of the number of acres which the producer may harvest must be disposed of in such manner that no part of the crop could be harvested therefrom. Such disposition must be accomplished in a manner which is permitted, and not later than the final disposition date fixed, for compliance with allotments for purposes of marketing quotas and price support: *Provided*, That wheat planted on the acreage reserve may not be cut for hay or otherwise harvested, or grazed, in 1957, except as provided in § 485.212 (e). Information as to the date fixed shall be available in the office of the county committee, and shall be obtained by the farm operator from such office. Failure to so dispose of the excess acreage shall constitute a violation of the agreement. Nothing in this paragraph shall be deemed to authorize the planting of wheat on the acreage reserve unless it is approved by the State and county committees for protective cover in accordance with § 485.212 (d).

(c) Provisions governing the reduction of acreage of commodities other than wheat will be published in regulations to be issued at a later date.

(d) Any producer who knowingly and wilfully harvests any crop from excess acreage in violation of the provisons of paragraph (b) of this section will be subject to the civil penalty specified in § 485.228.

§ 485.212 *Designation and use of acreage reserve.* (a) The tract or tracts of cropland constituting the acreage reserve for each commodity must be specifically designated in the agreement. The tract or tracts constituting the acreage reserve must have been devoted to the production of the commodity during one or more of the years 1952 through 1956, inclusive. The county committee shall have the right to reject the designation of tracts which are of such size or shape as to make it impracticable to determine performance of the agreement. The rates of compensation under the 1958 and 1959 acreage reserve programs shall be such as to provide an incentive for designating as the acreage reserve the same tract of land which is designated under the 1957 program.

(b) No crop shal be harvested from the acreage reserve in 1957: *Provided*, That such restriction shall not apply to a crop which matured and normally would be harvested in 1956 but was not harvested in 1956 due to conditions beyond the control of the operator.

(c) The acreage reserve shall not be grazed in 1957 unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship or suffering caused by severe drought, flood, or other natural disaster and gives written consent to such grazing.

(d) No crop shall be planted on the acreage reserve in 1957 except (1) crops planted in the fall of 1957 for harvest in 1958 in areas where such crops would normally be planted in the fall of 1957 for harvest in 1958, and (2) crops approved by the State and county committees for protective cover. A crop approved for protective cover shall not be harvested after December 31, 1956. If a crop approved for protective cover, other than grasses, legumes, Sudan, broomcorn, or sweet sorghums, would mature as grain or seed in 1957, such crop shall be disposed of in such manner that no part of the crop can be harvested. Such disposition must be made not later than 15 days before harvesting of the crop begins in the area. If a grass, legume, Sudan, broomcorn, or sweet sorghums, approved for protective cover would mature as grain or seed in 1957 and would be in such condition that it could be harvested after December 31, 1957, such crop shall be disposed of in such manner that no part of the crop could be harvested. Such disposition must be made not later than the date fixed by the State committee for the area, which date shall not be later than November 30, 1957. Information as to crops approved for protective cover and the disposition dates, if any, for such crops shall be available in the office of the county committee, and shall be obtained by the farm operator from such office.

(e) In the event that, at the time the agreement is signed and filed with the county committee, there is growing on the acreage reserve any crop, such crop shall not be harvested and must be disposed of in such manner that no part of the crop can be harvested: *Provided*, That the foregoing shall not apply to (1) a crop which will be harvested, or under normal conditions would be harvested, before December 31, 1956, (2) an approved cover crop which need not be disposed of under the provisions of paragraph (d) of this section. Disposition must be made not later than the date fixed by the State committee for the area, which date shall be not later than 15 days before harvesting of the crop begins in the area, except that in the case of grasses, legumes, Sudan, broomcorn, and sweet sorghums, approved for protective cover, such date shall be not later than November 30, 1956. Information as to the crops required to be disposed of, and the disposition dates for such crops, shall be available in the office of the county committee and shall be obtained by the farm operator from such office.

(f) The producer shall, without reimbursement under the agreement take such steps as may be prescribed by the county committee to prevent the acreage reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds shall be available in the office of the county committee, and shall be obtained by the farm operator from that office.

(g) The acreage reserve shall be in addition to any acreage in the conservation reserve program.

§ 485.213 *Compliance with acreage allotments.* No person shall be eligible for compensation under the acreage reserve program with respect to any farm on which (a) the 1957 acreage of cotton, rice, or tobacco (including cigar binder tobacco, type 53) exceeds the allotment, or (b) the 1957 acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the allotment or 15 acres; or (c) the 1957 acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the Soil Bank corn base or allotment, whichever is in effect; or (d) the 1957 acreage of peanuts exceeds the larger of the allotment or one acre. For purposes of this provision, such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for such commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.214 *Amount of compensation.* The amount of compensation payable for each commodity in the event there has been no violation of the agreement shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.215, by (a) the number of acres in the acreage reserve, or the number of acres which the producer has agreed to place in the acreage reserve, whichever is the smaller, less (b) the number of acres of new land brought into production on the farm: *Provided*, That no compensation will be paid for the particular commodity if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve.

§ 485.215 *Rate of compensation per acre.* The rate of compensation per acre for the commodity shall be determined by multiplying the base unit rate for the commodity by the normal yield for the farm unless the county committee determines that the normal yield for the tract of land designated as the acreage reserve is less than the normal yield for the farm, in which case the rate of compensation shall be determined by multiplying the base unit rate for the commodity by the normal yield for the tract of land designated as the acreage reserve.

§ 485.216 *Commodity base unit rates.* The base unit rates for wheat are specified in Appendix 2 set forth below. The base unit rates for other commodities will be specified in regulations to be issued at a later date.

§ 485.217 *Method of determining normal yield.* (a) County normal yields for wheat shall be determined by the Administrator on the basis of the county average yields for wheat during the years 1945 through 1954, inclusive, adjusted for drought, flood, or other abnormal conditions. Community check yields for wheat shall be established by the county committee for communities or areas of the county as deemed necessary to reflect significant variations in the wheat yields between such communities or areas. Where reliable records of the actual average yield per acre for all of the ten years 1946 through 1955, inclusive, are presented by the farmer or are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for drought, flood, or other abnormal conditions, and trends in yields. If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall be appraised by the county committee, taking into consideration drought, flood, or other abnormal conditions, the normal yield for the county (or community check yield if one is established), the yield in years for which data is available, the productivity of the land on the farm normally devoted to the production of wheat, and the farming practices of the operator. The wheat normal yield so established for the farm shall be subject to such adjustment as is necessary in order that wheat normal yields for all farms in the county, weighted by the wheat allotments, will not exceed the county normal yield for wheat.

(b) For commodities other than wheat, the normal yield for the farm will be determined in accordance with regulations to be issued at a later date.

(c) The normal yield for the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the normal yield for the farm, and (2) any factors affecting yield which indicate that the productivity of the tract of land designated as the acreage reserve varies significantly from the productivity of the land on the form normally devoted to the commodity.

§ 485.218 *Determination of acreage and extent of calculations.* (a) The number of acres in the acreage reserve and the acreage by which the commodity is reduced below the allotment, or in the case of corn, the Soil Bank corn base or allotment, whichever is in effect, shall be determined in the same manner as acreage is determined in connection with allotment and marketing quota programs.

(b) The extent of calculations shall be as follows:

(1) The acreage of each type of tobacco shall be expressed in hundredths of an aere and fractions of less than a hundredth of an acre shall be dropped.

(2) The acreages of crops other than tobacco shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(c) In determining the acreage reserve for a commodity, the method of calculation set forth in paragraph (b) of this section for the commodity shall be followed.

§ 485.219 *Division of compensation between landlords, tenants, and sharecroppers.* The agreement entered into with the producers shall specify the basis

on which the landlords, tenants, and sharecroppers are to share in the compensation payable thereunder. The basis on which the tenants and sharecroppers share in such compensation must be approved by the county committee as being fair and equitable. In considering whether the tenants and sharecroppers will share in the compensation on a fair and equitable basis, the county committee shall give consideration to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the agreement and the basis on which they would have shared in such crops or the proceeds thereof. In general, the basis for sharing compensation may be approved by the county committee if:

(a) The total compensation is allocated among the shares of the allotment or Soil Bank corn base for the commodity, which in the absence of participation in the acreage reserve program would be farmed by (1) a landowner, cash-tenant, or fixed-rent tenant, with his own labor or with hired labor other than sharecroppers, or (2) a share-tenant without the aid of any sharecropper, or (3) a sharecropper, in proportion to the number of acres contributed from each such share of the allotment or Soil Bank corn base to the acreage diverted from production under the agreement; and

(b) The share of the landlord, and operator, if other than the landlord, in the compensation allocated to any share of the allotment or Soil Bank corn base farmed by a tenant or sharecropper does not result in the landlord and operator receiving substantially in excess of the return they would have received if they were not participating in the acreage reserve program for furnishing the land and farm management less any savings in cost to them which result from not producing a crop on the acreage diverted from production and less the amount of any enhancement in value of the land diverted from production as a result of conservation practices carried out on such land.

§ 485.220 *Additional provisions relating to tenants and sharecroppers.* (a) No agreement with respect to any commodity shall be entered into with a producer if it shall appear:

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the agreement in proportion to the number of acres in the respective shares of the allotment or Soil Bank corn base made available to such tenants or sharecroppers; or

(2) That the landlord or operator has, as a result of participation in the Soil Bank program, reduced the number of tenants and sharecroppers on the farm, or the shares of the allotment or Soil Bank corn base made available to such tenants or sharecroppers;

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any agreement hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any compensation to be paid to him under the agreement; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the compensation or any other right or privilege of his under the agreement to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's share of the allotment or Soil Bank corn base in contemplation of the signing of the agreement; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his compensation or any other right under the agreement.

(b) The agreement shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the agreement, or if, after the signing of the agreement, the producer enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

§ 485.221 *Manner of compensation.* Compensation will be paid to each producer entitled thereto through the issuance to such producer of negotiable certificates, redeemable by Commodity Credit Corporation. Such certificates will be redeemable in cash upon presentation by the producer to whom issued or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation should be made through regular banking channels. The designated Federal Reserve Bank or Branch will accept the certificates as cash items for immediate credit. In the case of certificates issued with respect to wheat, rice, and corn, the producer to whom the certificate is issued (but not any other person) may obtain redemption of such certificates in grain to the extent provided in regulations to be issued by the Secretary. Commodities delivered to producers in redemption of certificates shall not be eligible for tender to CCC under the price support program.

§ 485.222 *Time of compensation.* Certificates shall be issued to the producer or producers entitled thereto upon determination by the county committee that there has been compliance with the acreage reduction requirements of the program.

§ 485.223 *Set-offs.* If any producer to whom compensation is payable under the acreage reserve program is indebted to the United States Department of Agriculture, or any agency thereof including Commodity Credit Corporation, or is indebted to any other agency of the United States and such indebtedness to such other agency is listed on the county debt register, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 485.224 *Successors-in-interest.* (a) In case any producer who is entitled to any compensation under any agreement, dies, becomes incompetent or disappears before receiving such compensation, the compensation shall be made to his successor, as determined in accordance with the regulations issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) In the event of the sale or transfer of the farm, other than by death or incompetency, after the agreement is signed, but before compensation is paid thereunder, compensation will be paid to the original signer of the agreement, if he retains the interest in the crop with respect to which the compensation is to be paid. If the interest in the crop with respect to which the compensation is to be paid is transferred to the buyer or other person succeeding the original signer of the agreement, and the county committee is notified in writing of such sale or transfer before compensation has been paid, compensation shall be paid to the buyer or successor, provided he becomes a party to the agreement by executing a form prescribed by the Secretary for such purpose.

(c) If there is a change in a tenant or sharecropper after the agreement is signed, but before compensation is paid thereunder, compensation shall be paid to the original tenant or sharecropper if he retains the interest in the crop with respect to which compensation is to be paid. If the successor tenant or sharecropper succeeds to the interest in the crop with respect to which the compensation is to be paid, and the county committee is so notified in writing before compensation is paid, the compensation shall be paid to the successor tenant or sharecropper, provided, in the case of a tenant-operator, that the tenant-operator becomes a party to the agreement by executing a form prescribed by the Secretary for such purpose.

§ 485.225 *Assignments.* Any person who may be entitled to any compensation under the acreage reserve program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a 1957 crop, including the carrying out of soil, water, forest and wildlife conserving practices. No assignment will be recognized unless it is made in writing on a form prescribed by the Secretary and, insofar as applicable, in accordance with regulations issued by the Secretary for assignment of payments under the Soil Conservation and Domestic Allotment Act (7 CFR Part 1110), which are available in the offices of the State and county committees.

§ 485.226 *Schemes or devices to defeat purposes of agreement.* No producer entering into an agreement with the Secretary hereunder shall employ any scheme or device which would tend to defeat the purpose of the agreement.

§ 485.227 *Violations of agreement.* (a) In the event the Secretary determines that there has been a violation of any agreement and that such violation is of such a substantial nature as to warrant termination of the agreement all rights to compensation under the agreement shall be forfeited and all compensation paid shall be refunded. The producers who sign the agreement will be obligated to refund all compensation received not only by them but also by any tenant or sharecropper. The tenant or sharecropper shall also be obligated to refund any compensation received by him. In the event that any of the certificates issued as compensation cannot be returned, the face amount of such certificates, plus interest at the rate of six percent per annum, shall be paid to the United States.

(b) In the event the Secretary determines that there has been a violation of any agreement but that the violation is of such a nature as not to warrant termination of the agreement, rights to compensation under the agreement shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the agreement will be obligated to accept such adjustments in compensation, forfeit such benefits, and make such refunds to the United States of compensation received not only by them but also by any tenant or sharecropper as the Secretary determines to be appropriate. The tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in compensation paid or otherwise payable to him as the Secretary determines to be appropriate. In the event that any of the certificates issued as compensation cannot be returned in accordance with the determination of the Secretary, the face amount of such certificates, plus interest at the rate of six percent per annum shall be paid to the United States. In the event that a refund of less than the face amount of a certificate is required, interest at the rate of six percent per annum on the amount required to be refunded shall be paid to the United States.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether the violation is of such a nature as to warrant termination of the agreement, and the amount of any adjustment, forfeiture or refund which shall be made if the violation is of such a nature as not to warrant termination of the agreement, and the rules and procedure for review of such determinations will be published separately at a later date.

§ 485.228 *Penalty for grazing or harvesting.* Section 123 of the act imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of an agreement equal to 50 per centum of the compensation payable for compliance with such agreement. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the agreement.

§ 485.229 *Compensation not subject to claims.* Any compensation due any person hereunder shall be determined and allowed without regard to questions of title under State law, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 485.230 *Access to farm and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purposes of ascertaining the accuracy of the representations made in or in connection with any agreement entered into hereunder and the performance of the terms and conditions of the agreement, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale or any such agricultural commodity, and the landlord or operator shall furnish such information relating to the farm as may be requested by the county committeemen or their representatives or authorized representatives of the secretary.

§ 485.231 *State Committee approval of determinations of county committees.* The State Committee may revise or require revision of any determination made by the county committee in connection with the acreage reserve program.

§ 485.232 *Finality of determinations.* The facts constituting the basis for any compensation, or the amount thereof, under any agreement when officially determined in conformity with §§ 485.201 to 485.233, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government, except that the act provides for judicial review in the case of the termination of an agreement.

§ 485.233 *Effect on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out an agreement shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments and Soil Bank corn bases.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6)), and section 326 (b) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out an agreement, shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

Issued at Washington, D. C., this 13th day of August, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

APPENDIX 1—STATE ALLOCATIONS OF AMOUNTS WHICH MAY BE OBLIGATED FOR WHEAT

1957 ACREAGE RESERVE PROGRAM

State:	*Allocation (thousand dollars)*
Alabama	------
Arizona	------
Arkansas	256
California	3,186
Colorado	15,894
Connecticut	------
Delaware	191
Florida	------
Georgia	484
Idaho	10,642
Illinois	11,526
Indiana	7,775
Iowa	858
Kansas	67,437
Kentucky	1,030
Louisiana	------
Maine	------
Maryland	1,055
Massachusetts	------
Michigan	7,096
Minnesota	3,962
Mississippi	------
Missouri	8,410
Montana	20,646
Nebraska	25,169
Nevada	------
New Hampshire	------
New Jersey	385
New Mexico	1,017
New York	2,630
North Carolina	1,593
North Dakota	30,863
Ohio	11,059
Oklahoma	26,237
Oregon	8,141
Pennsylvania	4,082
Rhode Island	------
South Carolina	695
South Dakota	10,479
Tennessee	895
Texas	15,344
Utah	2,134
Vermont	------
Virginia	1,494
Washington	20,011
West Virginia	221
Wisconsin	320
Wyoming	1,783

APPENDIX 2—BASE UNIT RATES FOR WHEAT

1957 ACREAGE RESERVE PROGRAM

ARKANSAS

County	*Base unit rate*	*County*	*Base unit rate*
Arkansas	$1.22	Fulton	$1.19
Ashley	1.25	Garland	1.23
Baxter	1.19	Grant	1.23
Benton	1.17	Greene	1.24
Boone	1.14	Hempstead	1.25
Bradley	1.24	Hot Spring	1.25
Calhoun	1.24	Howard	1.25
Carroll	1.17	Independence	1.23
Chicot	1.25	Izard	1.21
Clark	1.25	Jackson	1.24
Clay	1.24	Jefferson	1.22
Cleburne	1.23	Johnson	1.19
Cleveland	1.23	Lafayette	1.25
Columbia	1.25	Lawrence	1.24
Conway	1.21	Lee	1.26
Craighead	1.25	Lincoln	1.23
Crawford	1.17	Little River	1.25
Crittenden	1.28	Logan	1.17
Cross	1.26	Lonoke	1.23
Dallas	1.24	Madison	1.17
Desha	1.24	Marion	1.19
Drew	1.24	Miller	1.25
Faulkner	1.21	Mississippi	1.25
Franklin	1.18	Monroe	1.24

ARKANSAS—Continued

County	Base unit rate
Montgomery	$1.23
Nevada	1.25
Newton	1.18
Ouachita	1.25
Perry	1.20
Phillips	1.24
Pike	1.25
Poinsett	1.27
Polk	1.25
Pope	1.19
Prairie	1.23
Pulaski	1.22
Randolph	1.24
St. Francis	1.26
Saline	$1.22
Scott	1.20
Searcy	1.14
Sebastian	1.18
Sevier	1.25
Sharp	1.22
Stone	1.21
Union	1.25
Van Buren	1.19
Washington	1.17
White	1.24
Woodruff	1.24
Yell	1.21

CALIFORNIA

County	Base unit rate
Alameda	$1.31
Alpine	1.19
Amador	1.27
Butte	1.26
Calaveras	1.27
Colusa	1.27
Contra Costa	1.31
El Dorado	1.25
Fresno	1.27
Glenn	1.25
Humboldt	1.16
Imperial	1.25
Inyo	1.18
Kern	1.27
Kings	1.27
Lake	1.27
Lassen	1.17
Los Angeles	1.30
Madera	1.28
Marin	1.31
Mariposa	1.29
Mendocino	1.26
Merced	1.28
Modoc	1.13
Mono	1.16
Monterey	1.27
Napa	1.30
Orange	1.29
Placer	$1.28
Plumas	1.18
Riverside	1.28
Sacramento	1.28
San Benito	1.28
San Bernardino	1.30
San Diego	1.27
San Joaquin	1.29
San Luis Obispo	1.26
San Mateo	1.31
Santa Barbara	1.27
Santa Clara	1.31
Santa Cruz	1.29
Shasta	1.22
Sierra	1.18
Siskiyou	1.17
Solano	1.30
Sonoma	1.30
Stanislaus	1.28
Sutter	1.27
Tehama	1.25
Tulare	1.27
Tuolumne	1.29
Ventura	1.30
Yola	1.23
Yuba	1.28

COLORADO

County	Base unit rate
Adams	$1.17
Alamosa	1.11
Arapahoe	1.17
Archuleta	1.06
Baca	1.18
Bent	1.17
Boulder	1.17
Chaffee	1.09
Cheyenne	1.18
Conejos	1.10
Costilla	1.11
Crowley	1.17
Custer	1.13
Delta	1.06
Denver	1.17
Dolores	.98
Douglas	1.17
Eagle	1.07
Elbert	1.17
El Paso	1.17
Fremont	1.15
Garfield	1.06
Grand	1.09
Huerfano	1.16
Jackson	.89
Jefferson	1.17
Kiowa	1.18
Kit Carson	$1.18
La Plata	1.06
Larimer	1.17
Las Animas	1.16
Lincoln	1.17
Logan	1.17
Mesa	1.06
Moffat	1.06
Montezuma	1.00
Montrose	1.06
Morgan	1.17
Otero	1.17
Ouray	1.06
Phillips	1.18
Pitkin	1.06
Prowers	1.18
Pueblo	1.17
Rio Blanco	1.06
Rio Grande	1.10
Routt	1.06
Saguache	1.10
San Miguel	1.02
Sedgwick	1.19
Summit	1.09
Washington	1.17
Weld	1.17
Yuma	1.18

DELAWARE

County	Base unit rate
Kent	$1.35
New Castle	1.35
Sussex	$1.34

GEORGIA

County	Base unit rate
All counties	$1.32

IDAHO

County	Base unit rate
Ada	$1.07
Adams	1.06
Bannock	1.05
Bear Lake	$1.07
Benewah	1.13
Bingham	1.04
Blaine	$1.04
Boise	1.07
Bonner	1.12
Bonneville	1.04
Boundary	1.10
Butte	1.04
Camas	1.03
Canyon	1.08
Caribou	1.05
Cassia	1.05
Clark	1.04
Clearwater	1.13
Custer	1.04
Elmore	1.06
Franklin	1.05
Fremont	1.04
Gem	1.08
Gooding	1.04
Idaho	1.12
Jefferson	$1.04
Jerome	1.04
Kootenai	1.13
Latah	1.13
Lemhi	1.04
Lewis	1.12
Lincoln	1.04
Madison	1.04
Minidoka	1.04
Nez Perce	1.13
Oneida	1.05
Owyhee	1.07
Payette	1.09
Power	1.05
Shoshone	1.12
Teton	1.04
Twin Falls	1.06
Valley	1.07
Washington	1.09

ILLINOIS

County	Base unit rate
Adams	$1.24
Alexander	1.28
Bond	1.27
Boone	1.27
Brown	1.25
Bureau	1.26
Calhoun	1.27
Carroll	1.25
Cass	1.26
Champaign	1.26
Christian	1.26
Clark	1.25
Clay	1.26
Clinton	1.27
Coles	1.26
Cook	1.28
Crawford	1.25
Cumberland	1.26
De Kalb	1.27
De Witt	1.26
Douglas	1.26
Du Page	1.28
Edgar	1.26
Edwards	1.25
Effingham	1.26
Fayette	1.26
Ford	1.26
Franklin	1.26
Fulton	1.25
Gallatin	1.23
Greene	1.27
Grundy	1.27
Hamilton	1.25
Hancock	1.24
Hardin	1.21
Henderson	1.24
Henry	1.25
Iroquois	1.26
Jackson	1.26
Jasper	1.25
Jefferson	1.26
Jersey	1.27
Jo Daviess	1.25
Johnson	1.22
Kane	1.28
Kankakee	1.28
Kendall	1.28
Knox	1.25
Lake	1.28
La Salle	1.27
Lawrence	1.25
Lee	$1.26
Livingston	1.26
Logan	1.26
McDonough	1.25
McHenry	1.27
McLean	1.26
Macon	1.26
Macoupin	1.27
Madison	1.28
Marion	1.26
Marshall	1.26
Mason	1.28
Massac	1.25
Menard	1.26
Mercer	1.24
Monroe	1.27
Montgomery	1.27
Morgan	1.26
Moultrie	1.26
Ogle	1.27
Peoria	1.26
Perry	1.26
Piatt	1.26
Pike	1.25
Pope	1.23
Pulaski	1.26
Putnam	1.26
Randolph	1.26
Richland	1.25
Rock Island	1.25
Saint Clair	1.27
Saline	1.23
Sangamon	1.26
Schuyler	1.25
Scott	1.26
Shelby	1.26
Stark	1.26
Stephenson	1.25
Tazewell	1.26
Union	1.26
Vermilion	1.26
Wabash	1.24
Warren	1.25
Washington	1.26
Wayne	1.25
White	1.24
Whiteside	1.25
Will	1.28
Williamson	1.26
Winnebago	1.26
Woodford	1.26

INDIANA

County	Base unit rate
Adams	$1.22
Allen	1.23
Bartholomew	1.27
Benton	1.24
Blackford	1.24
Boone	1.24
Brown	1.24
Carroll	1.25
Cass	1.25
Clark	1.29
Clay	1.22
Clinton	1.24
Crawford	$1.27
Daviess	1.22
Dearborn	1.25
Decatur	1.26
De Kalb	1.23
Delaware	1.22
Dubois	1.25
Elkhart	1.24
Fayette	1.24
Floyd	1.31
Fountain	1.23
Franklin	1.24
Fulton	$1.25
Gibson	1.22
Grant	1.24
Greene	1.24
Hamilton	1.24
Hancock	1.24
Harrison	1.25
Hendricks	1.24
Henry	1.23
Howard	1.24
Huntington	1.23
Jackson	1.27
Jasper	1.27
Jay	1.23
Jefferson	1.25
Jennings	1.25
Johnson	1.25
Knox	1.23
Kosciusko	1.24
Lagrange	1.24
Lake	1.27
La Porte	1.25
Lawrence	1.27
Madison	1.23
Marion	1.24
Marshall	1.24
Martin	1.24
Miami	1.24
Monroe	1.28
Montgomery	1.24
Morgan	1.24
Newton	1.25
Noble	1.24
Ohio	1.25
Orange	$1.28
Owen	1.24
Parke	1.24
Perry	1.24
Pike	1.24
Porter	1.27
Posey	1.22
Pulaski	1.25
Putnam	1.24
Randolph	1.23
Ripley	1.25
Rush	1.24
Saint Joseph	1.24
Scott	1.27
Sheby	1.24
Spencer	1.25
Starke	1.25
Steuben	1.23
Sullivan	1.22
Switzerland	1.25
Tippecanoe	1.24
Tipton	1.24
Union	1.24
Vanderburgh	1.25
Vermillion	1.24
Vigo	1.25
Wabash	1.24
Warren	1.24
Warrick	1.24
Washington	1.28
Wayne	1.23
Wells	1.22
White	1.26
Whitley	1.24

IOWA

County	Base unit rate
Adair	$1.26
Adams	1.27
Allamakee	1.25
Appanoose	1.24
Audubon	1.27
Benton	1.25
Black Hawk	1.25
Boone	1.25
Bremer	1.25
Buchanan	1.25
Buena Vista	1.25
Butler	1.25
Calhoun	1.25
Carroll	1.27
Cass	1.27
Cedar	1.24
Cerro Gordo	1.26
Cherokee	1.25
Chickasaw	1.26
Clarke	1.25
Clay	1.25
Clayton	1.25
Clinton	1.24
Crawford	1.27
Dallas	1.25
Davis	1.23
Decatur	1.25
Delaware	1.25
Des Moines	1.24
Dickinson	1.26
Dubuque	1.24
Emmet	1.27
Fayette	1.25
Floyd	1.26
Franklin	1.25
Fremont	1.28
Greene	1.25
Grundy	1.25
Guthrie	1.26
Hamilton	1.25
Hancock	1.26
Hardin	1.25
Harrison	1.28
Henry	1.23
Howard	1.27
Humboldt	1.25
Ida	1.26
Iowa	1.24
Jackson	1.24
Jasper	1.24
Jefferson	$1.22
Johnson	1.24
Jones	1.24
Keokuk	1.22
Kossuth	1.26
Lee	1.24
Linn	1.25
Louisa	1.24
Lucas	1.25
Lyon	1.26
Madison	1.25
Mahaska	1.23
Marion	1.24
Marshall	1.25
Mills	1.29
Mitchell	1.27
Monona	1.27
Monroe	1.24
Montgomery	1.28
Muscatine	1.24
O'Brien	1.25
Osceola	1.25
Page	1.28
Palo Alto	1.26
Plymouth	1.26
Pocahontas	1.25
Polk	1.25
Pottawattamie	1.29
Poweshiek	1.24
Ringgold	1.25
Sac	1.25
Scott	1.24
Shelby	1.23
Sioux	1.25
Story	1.25
Tama	1.25
Taylor	1.26
Union	1.26
Van Buren	1.23
Wapello	1.23
Warren	1.25
Washington	1.23
Wayne	1.24
Webster	1.25
Winnebago	1.27
Winneshiek	1.26
Woodbury	1.26
Worth	1.27
Wright	1.25

KANSAS

County	Base unit rate
Allen	$1.26
Anderson	1.27
Atchison	1.28
Barber	1.22
Barton	1.22
Bourbon	1.26
Brown	1.27
Butler	1.23
Chase	1.25
Chautauqua	1.25
Cherokee	1.25
Cheyenne	1.19
Clark	1.21
Clay	1.24
Cloud	1.24
Coffey	1.26
Comanche	1.21
Cowley	1.23
Crawford	1.26
Decatur	1.21
Dickinson	1.24
Doniphan	1.28
Douglas	1.28
Edwards	1.22
Elk	1.25
Ellis	1.22
Ellsworth	1.23
Finney	1.20
Ford	1.21
Franklin	1.28
Geary	1.25
Gove	1.21
Graham	1.22
Grant	1.19
Gray	1.21
Greeley	1.19
Greenwood	1.25
Hamilton	1.19
Harper	1.23
Harvey	1.23
Haskell	1.20
Hodgeman	1.22
Jackson	1.27
Jefferson	1.28
Jewell	1.23
Johnson	1.28
Kearny	1.19
Kingman	1.23
Kiowa	1.22
Labette	1.25
Lane	1.21
Leavenworth	1.28
Lincoln	1.23
Linn	$1.26
Logan	1.20
Lyon	1.25
McPherson	1.23
Marion	1.23
Marshall	1.25
Meade	1.20
Miami	1.28
Mitchell	1.23
Montgomery	1.25
Morris	1.24
Morton	1.18
Nemaha	1.26
Neosho	1.26
Ness	1.22
Norton	1.22
Osage	1.26
Osborne	1.23
Ottawa	1.23
Pawnee	1.22
Phillips	1.22
Pottawatomie	1.26
Pratt	1.22
Rawlins	1.20
Reno	1.23
Republic	1.24
Rice	1.23
Riley	1.25
Rooks	1.22
Rush	1.22
Russell	1.22
Saline	1.23
Scott	1.20
Sedgwick	1.23
Seward	1.19
Shawnee	1.26
Sheridan	1.21
Sherman	1.19
Smith	1.23
Stafford	1.22
Stanton	1.19
Stevens	1.19
Sumner	1.23
Thomas	1.20
Trego	1.22
Wabaunsee	1.25
Wallace	1.19
Washington	1.24
Wichita	1.19
Wilson	1.25
Woodson	1.26
Wyandotte	1.28

KENTUCKY

County	Base unit rate
Adair	$1.26
Allen	1.28
Anderson	1.29
Ballard	1.27
Barren	1.28
Bath	1.29
Bell	1.26
Boone	1.28
Bourbon	1.30
Boyd	1.30
Boyle	1.30
Bracken	1.29
Breathitt	1.26
Breckenridge	1.27
Bullitt	1.26
Butler	1.27
Caldwell	1.27
Calloway	1.27
Campbell	1.28
Carlisle	1.27
Carroll	1.28
Carter	1.29
Casey	1.29
Christian	1.27
Clark	1.30
Clay	1.28
Clinton	1.29
Crittenden	1.27
Cumberland	1.28
Daviess	1.27
Edmonson	1.27
Elliott	1.29
Estill	$1.29
Fayette	1.30
Fleming	1.29
Franklin	1.29
Fulton	1.27
Gallatin	1.28
Garrard	1.30
Grant	1.29
Graves	1.27
Grayson	1.28
Green	1.29
Greenup	1.30
Hancock	1.27
Hardin	1.28
Harrison	1.29
Hart	1.28
Henderson	1.27
Henry	1.28
Hickman	1.27
Hopkins	1.27
Jackson	1.28
Jefferson	1.28
Jessamine	1.30
Johnson	1.28
Kenton	1.28
Knox	1.28
Larue	1.28
Laurel	1.29
Lawrence	1.29
Lee	1.29
Lewis	1.30
Lincoln	1.30
Livingston	$1.27
Logan	1.27
Lyon	1.27
McCracken	1.27
McCreary	1.28
McLean	1.27
Madison	1.30
Magoffin	1.28
Marion	1.29
Marshall	1.27
Mason	1.29
Meade	1.27
Menifee	1.28
Mercer	1.30
Metcalfe	1.28
Monroe	1.28
Montgomery	1.29
Morgan	1.28
Muhlenberg	1.27
Nelson	1.29
Nicholas	1.29
Ohio	1.27
Oldham	1.28
Owen	1.29
Owsley	$1.28
Pendleton	1.29
Powell	1.29
Pulaski	1.30
Robertson	1.29
Rockcastle	1.30
Rowan	1.30
Russell	1.28
Scott	1.29
Shelby	1.28
Simpson	1.28
Spencer	1.28
Taylor	1.29
Todd	1.27
Trigg	1.27
Trimble	1.28
Union	1.27
Warren	1.27
Washington	1.30
Wayne	1.29
Webster	1.27
Whitley	1.28
Wolfe	1.28
Woodford	1.30

MARYLAND

County	Base unit rate
Allegany	$1.29
Anne Arundel	1.33
Baltimore	1.34
Calvert	1.32
Caroline	1.35
Carroll	1.34
Cecil	1.34
Charles	1.32
Dorchester	1.34
Frederick	1.33
Garrett	1.26
Hartford	1.34
Howard	$1.36
Kent	1.35
Montgomery	1.34
Prince Georges	1.33
Queen Annes	1.35
St. Marys	1.32
Somerset	1.34
Talbot	1.35
Washington	1.31
Wicomico	1.34
Worcester	1.34

MICHIGAN

County	Base unit rate
Alcona	$1.16
Alger	1.20
Allegan	1.22
Alpena	1.16
Antrim	1.15
Arenac	1.17
Baraga	1.23
Barry	1.22
Bay	1.21
Benzie	1.21
Berrien	1.24
Branch	1.22
Calhoun	1.22
Cass	1.24
Charlevoix	1.15
Cheboygan	1.15
Chippewa	1.15
Clare	1.21
Clinton	1.22
Crawford	1.17
Delta	1.19
Dickinson	1.19
Eaton	1.22
Emmet	1.15
Genesee	1.22
Gladwin	1.19
Gogebic	1.25
Grand Traverse	1.17
Gratiot	1.22
Hillsdale	1.22
Houghton	1.21
Huron	1.20
Ingham	1.22
Ionia	1.22
Iosco	1.17
Iron	1.21
Isabella	1.20
Jackson	1.22
Kalamazoo	1.24
Kalkaska	1.15
Kent	1.22
Keweenaw	1.21
Lake	$1.19
Lapeer	1.22
Leclanau	1.15
Lenawee	1.23
Livingston	1.22
Luce	1.15
Mackinac	1.15
Macomb	1.24
Manistee	1.19
Marquette	1.22
Mason	1.18
Mecosta	1.19
Menominee	1.20
Midland	1.21
Missaukee	1.18
Monroe	1.24
Montcalm	1.21
Montmorency	1.16
Muskegon	1.21
Newaygo	1.20
Oakland	1.22
Oceana	1.19
Ogemaw	1.19
Ontonagon	1.20
Osceola	1.19
Oscoda	1.19
Otsego	1.15
Ottawa	1.22
Presque Isle	1.15
Roscommon	1.19
Saginaw	1.22
Saint Clair	1.23
Saint Joseph	1.24
Sanilac	1.22
Schoolcraft	1.19
Shiawassee	1.22
Tuscola	1.21
Van Buren	1.23
Washtenaw	1.23
Wayne	1.23
Wexford	1.19

MINNESOTA

County	Base unit rate
Aitkin	$1.29
Anoka	1.31
Becker	1.25
Beltrami	$1.26
Benton	1.29
Big Stone	1.26
Blue Earth	$1.28
Brown	1.28
Carlton	1.30
Carver	1.31
Cass	1.28
Chippewa	1.27
Chisago	1.30
Clay	1.25
Clearwater	1.25
Cottonwood	1.27
Crow Wing	1.28
Dakota	1.31
Dodge	1.28
Douglas	1.27
Faribault	1.27
Fillmore	1.27
Freeborn	1.28
Goodhue	1.29
Grant	1.27
Hennepin	1.31
Houston	1.27
Hubbard	1.27
Isanti	1.30
Itasca	1.28
Jackson	1.27
Kanabec	1.28
Kandiyohi	1.29
Kittson	1.22
Koochiching	1.24
Lac qui Parle	1.27
Lake of the Woods	1.24
Le Sueur	1.30
Lincoln	1.27
Lyon	1.27
McLeod	1.30
Mahnomen	1.25
Marshall	1.24
Martin	1.27
Meeker	1.30
Mille Lacs	1.30
Morrison	$1.28
Mower	1.27
Murray	1.27
Nicollet	1.29
Nobles	1.25
Norman	1.25
Olmsted	1.28
Otter Tail	1.27
Pennington	1.24
Pine	1.29
Pipestone	1.26
Polk	1.24
Pope	1.27
Ramsey	1.31
Red Lake	1.25
Redwood	1.23
Renville	1.28
Rice	1.30
Rock	1.25
Roseau	1.24
Saint Louis	1.28
Scott	1.31
Sherburne	1.30
Sibley	1.29
Stearns	1.29
Steele	1.28
Stevens	1.27
Swift	1.27
Todd	1.28
Traverse	1.26
Wabasha	1.29
Wadena	1.27
Waseca	1.28
Washington	1.31
Watonwan	1.27
Wilkin	1.26
Winona	1.28
Wright	1.30
Yellow Medicine	1.27

MISSOURI

County	Base unit rate
Adair	$1.24
Andrew	1.28
Atchison	1.27
Audrain	1.25
Barry	1.25
Barton	1.26
Bates	1.27
Benton	1.26
Bollinger	1.25
Boone	1.25
Buchanan	1.28
Butler	1.24
Caldwell	1.27
Callaway	1.25
Camden	1.23
Cape Girardeau	1.25
Carroll	1.27
Carter	1.19
Cass	1.28
Cedar	1.28
Charlton	1.26
Christian	1.25
Clark	1.24
Clay	1.28
Clinton	1.28
Cole	1.24
Cooper	1.25
Crawford	1.26
Dade	1.25
Dallas	1.24
Daviess	1.27
De Kalb	1.28
Dent	1.25
Douglas	1.23
Dunklin	1.22
Franklin	1.27
Gasconade	1.26
Gentry	1.27
Greene	1.25
Grundy	1.26
Harrison	1.26
Henry	1.27
Hickory	1.26
Holt	1.28
Howard	$1.25
Howell	1.20
Iron	1.26
Jackson	1.28
Jasper	1.25
Jefferson	1.28
Johnson	1.27
Knox	1.24
Laclede	1.23
Lafayette	1.27
Lawrence	1.25
Lewis	1.25
Lincoln	1.28
Linn	1.25
Livingston	1.27
McDonald	1.25
Macon	1.24
Madison	1.25
Maries	1.25
Marion	1.25
Mercer	1.25
Miller	1.24
Mississippi	1.23
Moniteau	1.25
Monroe	1.25
Montgomery	1.26
Morgan	1.25
New Madrid	1.23
Newton	1.25
Nodaway	1.27
Oregon	1.19
Osage	1.25
Ozark	1.21
Pemiscot	1.22
Perry	1.26
Pettis	1.26
Phelps	1.25
Pike	1.25
Platte	1.28
Polk	1.25
Pulaski	1.24
Putnam	1.25
Ralls	1.25
Randolph	1.25
Ray	1.27

MISSOURI—Continued

County	Base unit rate	County	Base unit rate
Reynolds	$1.24	Shelby	$1.25
Ripley	1.23	Stoddard	1.24
Saint Charles	1.28	Stone	1.24
Saint Clair	1.27	Sullivan	1.25
Sainte Genevieve	1.26	Taney	1.23
Saint Francois	1.26	Texas	1.23
Saint Louis	1.28	Vernon	1.27
Saline	1.27	Warren	1.28
Schuyler	1.23	Washington	1.26
Scotland	1.24	Wayne	1.25
Scott	1.24	Webster	1.23
Shannon	1.19	Worth	1.27
		Wright	1.23

MONTANA

Beaverhead	$1.03	Madison	$1.07
Big Horn	1.09	Meagher	1.08
Blaine	1.09	Mineral	1.06
Broadwater	1.08	Missoula	1.06
Carbon	1.08	Musselshell	1.10
Carter	1.15	Park	1.08
Cascade	1.08	Petroleum	1.08
Chouteau	1.08	Phillips	1.11
Custer	1.14	Pondera	1.08
Daniels	1.12	Powder River	1.13
Dawson	1.15	Powell	1.06
Deer Lodge	1.06	Prairie	1.14
Fallon	1.15	Ravalli	1.04
Fergus	1.08	Richland	1.15
Flathead	1.06	Roosevelt	1.15
Gallatin	1.08	Rosebud	1.11
Garfield	1.13	Sanders	1.07
Glacier	1.08	Sheridan	1.14
Golden Valley	1.08	Silver Bow	1.06
Granite	1.04	Stillwater	1.08
Hill	1.08	Sweet Grass	1.08
Jefferson	1.06	Teton	1.08
Judith Basin	1.08	Toole	1.08
Lake	1.06	Treasure	1.11
Lewis and Clark	1.07	Valley	1.12
Liberty	1.08	Wheatland	1.08
Lincoln	1.07	Wibaux	1.15
McCone	1.13	Yellowstone	1.08

NEBRASKA

Adams	$1.24	Harlan	$1.23
Antelope	1.25	Hayes	1.20
Arthur	1.19	Hitchcock	1.21
Banner	1.17	Holt	1.24
Blaine	1.22	Hooker	1.21
Boone	1.26	Howard	1.25
Box Butte	1.19	Jefferson	1.26
Boyd	1.23	Johnson	1.27
Brown	1.22	Kearney	1.24
Buffalo	1.24	Keith	1.19
Burt	1.28	Keya Paha	1.22
Butler	1.28	Kimball	1.17
Cass	1.28	Knox	1.24
Cedar	1.25	Lancaster	1.28
Chase	1.19	Lincoln	1.21
Cherry	1.21	Logan	1.22
Cheyenne	1.17	Loup	1.24
Clay	1.25	McPherson	1.21
Colfax	1.28	Madison	1.26
Cuming	1.27	Merrick	1.26
Custer	1.23	Morrill	1.18
Dakota	1.26	Nance	1.26
Dawes	1.18	Nemaha	1.27
Dawson	1.24	Nuckolls	1.25
Deuel	1.19	Otoe	1.28
Dixon	1.26	Pawnee	1.26
Dodge	1.28	Perkins	1.19
Douglas	1.28	Phelps	1.23
Dundy	1.19	Pierce	1.25
Fillmore	1.26	Platte	1.27
Franklin	1.24	Polk	1.27
Frontier	1.22	Red Willow	1.21
Furnas	1.22	Richardson	1.26
Gage	1.27	Rock	1.22
Garden	1.19	Saline	1.27
Garfield	1.24	Sarpy	1.28
Gosper	1.23	Saunders	1.28
Grant	1.19	Scotts Bluff	1.17
Greeley	1.25	Seward	1.28
Hall	1.25	Sheridan	1.19
Hamilton	1.26	Sherman	1.24

NEBRASKA—Continued

County	Base unit rate	County	Base unit rate
Sioux	$1.17	Washington	$1.28
Stanton	1.26	Wayne	1.25
Thayer	1.25	Webster	1.24
Thomas	1.21	Wheeler	1.25
Thurston	1.27	York	1.26
Valley	1.24		

NEW JERSEY

Bergen	$1.32	Middlesex	$1.31
Burlington	1.33	Monmouth	1.32
Camden	1.34	Morris	1.31
Cape May	1.30	Ocean	1.31
Cumberland	1.31	Passaic	1.32
Essex	1.32	Salem	1.31
Gloucester	1.32	Somerset	1.31
Hunterdon	1.31	Sussex	1.31
Mercer	1.33	Warren	1.31

NEW MEXICO

Bernalillo	$1.13	Mora	$1.13
Catron	1.09	Otero	1.15
Chaves	1.16	Quay	1.18
Colfax	1.12	Rio Arriba	1.06
Curry	1.19	Roosevelt	1.18
De Baca	1.16	Sandoval	1.13
Dona Ana	1.13	San Juan	.94
Eddy	1.16	San Miguel	1.13
Grant	1.05	Santa Fe	1.12
Guadalupe	1.16	Sierra	1.13
Harding	1.15	Socorro	1.13
Hildalgo	1.10	Taos	1.10
Lea	1.18	Torrance	1.15
Lincoln	1.15	Union	1.16
Luna	1.05	Valencia	1.10
McKinley	1.05		

NEW YORK

Albany	$1.36	Oneida	$1.33
Allegany	1.31	Onondaga	1.32
Broome	1.31	Ontario	1.31
Cattaraugus	1.29	Orange	1.30
Cayuga	1.32	Orleans	1.31
Chautauqua	1.27	Oswego	1.32
Chemung	1.32	Otsego	1.30
Chenango	1.32	Putnam	1.31
Clinton	1.26	Rensselaer	1.34
Columbia	1.33	Rockland	1.31
Cortland	1.32	Saratoga	1.33
Delaware	1.29	Schenectady	1.35
Dutchess	1.31	Schoharie	1.34
Erie	1.31	Schuyler	1.32
Essex	1.28	Seneca	1.32
Franklin	1.24	Steuben	1.32
Fulton	1.29	St. Lawrence	1.28
Genesee	1.32	Suffolk	1.28
Greene	1.32	Sullivan	1.29
Herkimer	1.33	Tioga	1.32
Jefferson	1.29	Tompkins	1.32
Lewis	1.30	Ulster	1.31
Livingston	1.31	Warren	1.31
Madison	1.32	Washington	1.31
Monroe	1.32	Wayne	1.31
Montgomery	1.35	Westchester	1.31
Nassau	1.29	Wyoming	1.31
Niagara	1.31	Yates	1.31

NORTH CAROLINA

All counties	$1.33

NORTH DAKOTA

County	Base unit rate	County	Base unit rate
Adams	$1.18	Foster	$1.22
Barnes	1.24	Golden Valley	1.16
Benson	1.21	Grand Forks	1.24
Billings	1.18	Grant	1.19
Bottineau	1.19	Griggs	1.24
Bowman	1.18	Hettinger	1.19
Burke	1.18	Kidder	1.22
Burleigh	1.21	La Moure	1.23
Cass	1.24	Logan	1.22
Cavalier	1.21	McHenry	1.20
Dickey	1.24	McIntosh	1.21
Divide	1.18	McKenzie	1.16
Dunn	1.18	McLean	1.20
Eddy	1.22	Mercer	1.19
Emmons	1.21	Morton	1.19

NORTH DAKOTA—Continued

County	Base unit rate	County	Base unit rate
Mountrail	$1.19	Sioux	$1.19
Nelson	1.22	Slope	1.16
Oliver	1.19	Stark	1.19
Pembina	1.22	Steele	1.24
Pierce	1.21	Stutsman	1.23
Ramsey	1.22	Towner	1.21
Ransom	1.24	Traill	1.24
Renville	1.19	Walsh	1.22
Richland	1.25	Ward	1.19
Rolette	1.21	Wells	1.22
Sargent	1.24	Williams	1.18
Sheridan	1.21		

OHIO

Adams	$1.23	Licking	$1.24
Allen	1.24	Logan	1.24
Ashland	1.25	Lorain	1.25
Ashtabula	1.27	Lucas	1.24
Athens	1.24	Madison	1.24
Auglaize	1.23	Mahoning	1.26
Belmont	1.25	Marion	1.24
Brown	1.23	Medina	1.25
Butler	1.23	Meigs	1.23
Carroll	1.25	Mercer	1.23
Champaign	1.23	Miami	1.23
Clark	1.23	Monroe	1.25
Clermont	1.23	Montgomery	1.23
Clinton	1.23	Morgan	1.25
Columbiana	1.25	Morrow	1.24
Coshocton	1.25	Muskingum	1.25
Crawford	1.24	Noble	1.25
Cuyahoga	1.25	Ottawa	1.24
Darke	1.23	Paulding	1.23
Defiance	1.23	Perry	1.24
Delaware	1.24	Pickaway	1.24
Erie	1.24	Pike	1.23
Fairfield	1.24	Portage	1.25
Fayette	1.23	Preble	1.23
Franklin	1.24	Putnam	1.24
Fulton	1.23	Richland	1.25
Gallia	1.23	Ross	1.24
Geauga	1.27	Sandusky	1.24
Greene	1.23	Scioto	1.23
Guernsey	1.25	Seneca	1.24
Hamilton	1.23	Shelby	1.23
Hancock	1.24	Stark	1.25
Hardin	1.24	Summit	1.25
Harrison	1.25	Trumbull	1.27
Henry	1.23	Tuscarawas	1.25
Highland	1.23	Union	1.24
Hocking	1.24	Van Wert	1.23
Holmes	1.25	Vinton	1.24
Huron	1.24	Warren	1.23
Jackson	1.23	Washington	1.25
Jefferson	1.25	Wayne	1.25
Knox	1.25	Williams	1.23
Lake	1.26	Wood	1.24
Lawrence	1.23	Wyandot	1.24

OKLAHOMA

Adair	$1.21	Greer	$1.20
Alfalfa	1.21	Harmon	1.20
Atoka	1.20	Harper	1.19
Beaver	1.17	Haskell	1.20
Beckham	1.20	Hughes	1.20
Blaine	1.20	Jackson	1.20
Bryan	1.20	Jefferson	1.20
Caddo	1.20	Johnston	1.20
Canadian	1.20	Kay	1.22
Carter	1.20	Kingfisher	1.20
Cherokee	1.22	Kiowa	1.20
Choctaw	1.20	Latimer	1.20
Cimarron	1.16	Le Flore	1.20
Cleveland	1.20	Lincoln	1.20
Coal	1.20	Logan	1.20
Comanche	1.20	Love	1.20
Cotton	1.20	McClain	1.20
Craig	1.24	McCurtain	1.20
Creek	1.21	McIntosh	1.21
Custer	1.20	Major	1.19
Delaware	1.24	Marshall	1.20
Dewey	1.19	Mayes	1.24
Ellis	1.18	Murray	1.20
Garfield	1.21	Muskogee	1.21
Garvin	1.20	Noble	1.21
Grady	1.20	Nowata	1.25
Grant	1.21	Okfuskee	1.20

OKLAHOMA—Continued

County	Base unit rate	County	Base unit rate
Oklahoma	$1.20	Seminole	$1.20
Okmulgee	1.21	Sequoyah	1.21
Osage	1.22	Stephens	1.20
Ottawa	1.24	Texas	1.17
Pawnee	1.21	Tillman	1.20
Payne	1.20	Tulsa	1.23
Pittsburg	1.20	Wagoner	1.22
Pontotoc	1.20	Washington	1.24
Pottawatomie	1.20	Washita	1.20
Pushmataha	1.20	Woods	1.21
Roger Mills	1.19	Woodward	1.19
Rogers	1.24		

OREGON

Baker	$1.12	Lake	$1.12
Benton	1.22	Lane	1.21
Clackamas	1.24	Lincoln	1.19
Clatsop	1.22	Linn	1.22
Columbia	1.23	Malheur	1.09
Coos	1.16	Marion	1.24
Crook	1.21	Morrow	1.21
Curry	1.16	Multnomah	1.25
Deschutes	1.21	Polk	1.24
Douglas	1.18	Sherman	1.28
Gilliam	1.22	Tillamook	1.25
Grant	1.21	Umatilla	1.18
Harney	1.05	Union	1.12
Hood River	1.25	Wallowa	1.12
Jackson	1.15	Wasco	1.25
Jefferson	1.22	Washington	1.25
Josephine	1.15	Wheeler	1.21
Klamath	1.15	Yamhill	1.24

PENNSYLVANIA

Adams	$1.32	Lackawanna	$1.30
Allegheny	1.27	Lancaster	1.33
Armstrong	1.27	Lawrence	1.27
Beaver	1.27	Lebanon	1.32
Bedford	1.29	Lehigh	1.32
Berks	1.33	Luzerne	1.30
Blair	1.29	Lycoming	1.29
Bradford	1.31	McKean	1.29
Bucks	1.34	Mercer	1.27
Butler	1.27	Mifflin	1.29
Cambria	1.27	Monroe	1.30
Carbon	1.30	Montgomery	1.34
Centre	1.29	Montour	1.29
Chester	1.34	Northampton	1.31
Clarion	1.28	Northumberland	1.29
Clearfield	1.28	Perry	1.29
Clinton	1.29	Pike	1.29
Columbia	1.32	Potter	1.27
Crawford	1.27	Schuylkill	1.30
Cumberland	1.31	Snyder	1.29
Dauphin	1.30	Somerset	1.26
Delaware	1.35	Sullivan	1.32
Elk	1.29	Susquehanna	1.31
Erie	1.27	Tioga	1.29
Fayette	1.27	Union	1.29
Forest	1.27	Venango	1.27
Franklin	1.31	Warren	1.26
Fulton	1.30	Washington	1.27
Greene	1.26	Wayne	1.28
Huntingdon	1.29	Westmoreland	1.27
Indiana	1.27	Wyoming	1.32
Jefferson	1.28	York	1.23
Juniata	1.29		

SOUTH CAROLINA

All counties	$1.32

SOUTH DAKOTA

County	Base unit rate	County	Base unit rate
Aurora	$1.22	Corson	$1.19
Beadle	1.24	Custer	1.16
Bennett	1.19	Davison	1.23
Bon Homme	1.24	Day	1.25
Brookings	1.25	Deuel	1.25
Brown	1.24	Dewey	1.19
Brule	1.22	Douglas	1.23
Buffalo	1.22	Edmunds	1.23
Butte	1.15	Fall River	1.16
Campbell	1.21	Faulk	1.23
Charles Mix	1.23	Grant	1.25
Clark	1.25	Gregory	1.23
Clay	1.26	Haakon	1.19
Codington	1.25	Hamlin	1.25

SOUTH DAKOTA—Continued

County	Base unit rate	County	Base unit rate
Hand	$1.24	Minnehaha	$1.25
Hanson	1.24	Moody	1.25
Harding	1.18	Pennington	1.17
Hughes	1.22	Perkins	1.18
Hutchinson	1.24	Potter	1.22
Hyde	1.22	Roberts	1.25
Jackson	1.18	Sanborn	1.24
Jerauld	1.24	Shannon	1.19
Jones	1.19	Spink	1.24
Kingsbury	1.25	Stanley	1.21
Lake	1.25	Sully	1.21
Lawrence	1.15	Todd	1.21
Lincoln	1.25	Tripp	1.22
Lyman	1.20	Turner	1.25
McCook	1.24	Union	1.26
McPherson	1.22	Walworth	1.22
Marshall	1.24	Washabaugh	1.18
Meade	1.16	Yankton	1.25
Mellette	1.21	Ziebach	1.18
Miner	1.24		

TENNESSEE

Anderson	$1.31	Lauderdale	$1.26
Bedford	1.30	Lawrence	1.29
Benton	1.28	Lewis	1.29
Bledsoe	1.30	Lincoln	1.30
Blount	1.32	Loudon	1.31
Bradley	1.31	McMinn	1.31
Campbell	1.31	McNairy	1.27
Cannon	1.29	Macon	1.28
Carroll	1.27	Madison	1.27
Carter	1.33	Marion	1.30
Cheatham	1.28	Marshall	1.30
Chester	1.27	Maury	1.29
Claiborne	1.33	Meigs	1.31
Clay	1.29	Monroe	1.32
Cocke	1.32	Montgomery	1.28
Coffee	1.30	Moore	1.30
Crockett	1.27	Morgan	1.31
Cumberland	1.30	Obion	1.27
Davidson	1.28	Overton	1.30
Decatur	1.28	Perry	1.28
DeKalb	1.29	Pickett	1.30
Dickson	1.28	Polk	1.32
Dyer	1.26	Putnam	1.30
Fayette	1.26	Rhea	1.30
Fentress	1.30	Roane	1.31
Franklin	1.30	Robertson	1.28
Gibson	1.27	Rutherford	1.29
Giles	1.30	Scott	1.31
Grainger	1.32	Sequatchie	1.30
Greene	1.33	Sevier	1.32
Grundy	1.30	Shelby	1.26
Hamblen	1.33	Smith	1.29
Hamilton	1.31	Stewart	1.28
Hancock	1.33	Sullivan	1.34
Hardeman	1.27	Sumner	1.28
Hardin	1.28	Tipton	1.26
Hawkins	1.34	Trousdale	1.28
Haywood	1.27	Unicoi	1.38
Henderson	1.28	Union	1.32
Henry	1.27	Van Buren	1.30
Hickman	1.28	Warren	1.30
Houston	1.28	Washington	1.33
Humphreys	1.28	Wayne	1.28
Jackson	1.29	Weakley	1.27
Jefferson	1.32	White	1.30
Johnson	1.33	Williamson	1.29
Knox	1.32	Wilson	1.28
Lake	1.27		

TEXAS

County	Base unit rate	County	Base unit rate
Andrews	$1.19	Brown	$1.25
Archer	1.20	Burleson	1.28
Armstrong	1.20	Burnet	1.25
Atascosa	1.25	Caldwell	1.27
Bailey	1.25	Callahan	1.20
Bandera	1.25	Carson	1.20
Bastrop	1.27	Castro	1.20
Baylor	1.20	Chambers	1.30
Bee	1.25	Childress	1.20
Bell	1.27	Clay	1.20
Bexar	1.26	Cochran	1.20
Blanco	1.27	Coke	1.20
Borden	1.20	Coleman	1.23
Bosque	1.26	Collin	1.25
Bowie	1.22	Collingsworth	1.20
Briscoe	1.20	Comal	1.27

TEXAS—Continued

County	Base unit rate	County	Base unit rate
Comanche	$1.21	Lipscomb	$1.18
Concho	1.23	Live Oak	1.25
Cooke	1.22	Llano	1.25
Coryell	1.25	Loving	1.16
Cottle	1.20	Lubbock	1.20
Crosby	1.20	Lynn	1.20
Culberson	1.15	McCulloch	1.24
Dallam	1.17	McLennan	1.27
Dallas	1.25	Martin	1.19
Dawson	1.20	Mason	1.25
Deaf Smith	1.20	Maverick	1.18
Delta	1.24	Medina	1.26
Denton	1.25	Menard	1.23
DeWitt	1.27	Midland	1.19
Dickens	1.20	Milam	1.23
Dimit	1.21	Mills	1.25
Donley	1.20	Mitchell	1.20
Eastland	1.21	Montague	1.22
Edwards	1.18	Moore	1.16
Ellis	1.26	Motley	1.20
Erath	1.22	Navarro	1.27
Falls	1.27	Nolan	1.20
Fannin	1.22	Ochiltree	1.18
Fisher	1.20	Oldham	1.20
Floyd	1.20	Palo Pinto	1.22
Foard	1.20	Parker	1.24
Gaines	1.20	Parmer	1.19
Galveston	1.36	Pecos	1.16
Garza	1.20	Potter	1.20
Gillespie	1.24	Presidio	1.15
Glasscock	1.20	Randall	1.20
Goliad	1.27	Real	1.23
Gray	1.19	Reeves	1.16
Grayson	1.22	Refugio	1.27
Gundalupe	1.27	Roberts	1.19
Hale	1.20	Robertson	1.27
Hall	1.20	Rockwall	1.25
Hamilton	1.23	Runnels	1.22
Hansford	1.18	San Saba	1.25
Hardeman	1.20	Schleicher	1.19
Harris	1.36	Scurry	1.20
Hartley	1.18	Shackelford	1.20
Haskell	1.20	Sherman	1.17
Hays	1.27	Somervell	1.24
Hemphill	1.18	Stephens	1.20
Hill	1.27	Sterling	1.19
Hockley	1.20	Stonewall	1.20
Hood	1.24	Sutton	1.18
Howard	1.20	Swisher	1.20
Hudspeth	1.15	Tarrant	1.25
Hunt	1.24	Taylor	1.21
Hutchinson	1.18	Terry	1.20
Irion	1.18	Throckmorton	1.21
Jack	1.22	Tom Green	1.20
Jackson	1.27	Travis	1.27
Jeff Davis	1.15	Uvalde	1.23
Johnson	1.26	Van Zandt	1.25
Jones	1.20	Victoria	1.27
Karnes	1.25	Waller	1.34
Kaufman	1.25	Ward	1.17
Kendall	1.25	Wharton	1.33
Kent	1.20	Wheeler	1.19
Kerr	1.24	Wichita	1.20
Kimble	1.24	Wilbarger	1.20
King	1.20	Williamson	1.28
Kinney	1.21	Wilson	1.25
Knox	1.20	Wise	1.23
Lamar	1.22	Yoakum	1.20
Lamb	1.20	Young	1.22
Lampasas	1.25	Zavala	1.21
Limestone	1.27		

UTAH

County	Base unit rate	County	Base unit rate
Beaver	$1.09	Piute	$1.01
Box Elder	1.05	Rich	1.07
Cache	1.05	Salt Lake	1.07
Carbon	1.07	San Juan	1.07
Daggett	1.07	Sanpete	1.04
Davis	1.07	Sevier	1.02
Duchesne	1.07	Summit	1.07
Emery	1.07	Tooele	1.05
Garfield	1.01	Uintah	1.07
Grand	1.07	Utah	1.07
Iron	1.09	Wasatch	1.07
Juab	1.05	Washington	1.09
Kane	1.01	Wayne	1.01
Millard	1.06	Weber	1.07
Morgan	1.07		

VIRGINIA

County	Base unit rate	County	Base unit rate
Accomac	$1.33	Lancaster	$1.33
Albermarle	1.32	Lee	1.31
Alleghany	1.31	Loudoun	1.32
Amelia	1.33	Louisa	1.32
Amherst	1.32	Lunenburg	1.33
Appomattox	1.33	Madison	1.32
Arlington	1.32	Mathews	1.33
Augusta	1.32	Mecklenburg	1.32
Bath	1.31	Middlesex	1.33
Bedford	1.32	Montgomery	1.31
Bland	1.31	Nansemond	1.32
Botetourt	1.31	Nelson	1.32
Brunswick	1.32	New Kent	1.33
Buchanan	1.31	Norfolk	1.32
Buckingham	1.33	Northampton	1.33
Campbell	1.32	Northumberland	1.33
Caroline	1.33	Nottaway	1.33
Carroll	1.31	Orange	1.32
Charles City	1.33	Page	1.32
Charlotte	1.33	Patrick	1.31
Chesterfield	1.33	Pittsylvania	1.32
Clarke	1.32	Powhatan	1.33
Craig	1.31	Prince Edward	1.33
Culpeper	1.32	Prince George	1.33
Cumberland	1.33	Prince William	1.32
Dickenson	1.31	Princess Anne	1.32
Dinwiddie	1.33	Pulaski	1.31
Elizabeth City	1.33	Rappahannock	1.32
Essex	1.33	Richmond	1.33
Fairfax	1.32	Roanoke	1.31
Fauquier	1.32	Rockbridge	1.32
Floyd	1.31	Rockingham	1.32
Fluvanna	1.32	Russell	1.31
Franklin	1.31	Scott	1.31
Frederick	1.32	Shenandoah	1.32
Giles	1.31	Smyth	1.31
Gloucester	1.33	Southampton	1.32
Goochland	1.33	Spotsylvania	1.33
Grayson	1.31	Stafford	1.33
Greene	1.32	Surry	1.32
Greensville	1.32	Sussex	1.32
Halifax	1.32	Tazewell	1.31
Hanover	1.33	Warren	1.32
Henrico	1.33	Warwick	1.33
Henry	1.31	Washington	1.31
Highland	1.31	Westmoreland	1.33
Isle of Wight	1.32	Wise	1.31
James City	1.33	Wythe	1.31
King and Queen	1.33	York	1.33
King George	1.33		
King William	1.33		

WASHINGTON

Adams	$1.15	Lewis	$1.22
Asotin	1.13	Lincoln	1.15
Benton	1.18	Mason	1.19
Chelan	1.17	Okanogan	1.13
Clallam	1.18	Pacific	1.19
Clark	1.25	Pend Oreille	1.12
Columbia	1.17	Pierce	1.25
Cowlitz	1.24	San Juan	1.23
Douglas	1.14	Skagit	1.23
Ferry	1.09	Skamania	1.25
Franklin	1.16	Snohomish	1.24
Garfield	1.17	Spokane	1.14
Grant	1.15	Stevens	1.11
Grays Harbor	1.20	Thurston	1.22
Island	1.23	Wahkiakum	1.24
Jefferson	1.18	Walla Walla	1.18
King	1.25	Whatcom	1.22
Kitsap	1.25	Whitman	1.14
Kittitas	1.19	Yakima	1.18
Klickitat	1.23		

WEST VIRGINIA

Barbour	$1.29	Greenbrier	$1.31
Berkeley	1.31	Hampshire	1.31
Boone	1.28	Hancock	1.27
Braxton	1.28	Hardy	1.31
Brooke	1.27	Harrison	1.28
Cabell	1.27	Jackson	1.27
Calhoun	1.28	Jefferson	1.32
Clay	1.28	Kanawha	1.28
Doddridge	1.27	Lewis	1.28
Fayette	1.30	Lincoln	1.28
Gilmer	1.28	Logan	1.28
Grant	1.30	McDowell	1.30

WEST VIRGINIA—Continued

County	Base unit rate	County	Base unit rate
Marion	$1.28	Raleigh	$1.29
Marshall	1.27	Randolph	1.30
Mason	1.27	Ritchie	1.27
Mercer	1.30	Roane	1.27
Mingo	1.28	Summers	1.31
Mineral	1.30	Taylor	1.29
Monongalia	1.28	Tucker	1.30
Monroe	1.30	Tyler	1.27
Morgan	1.31	Upshur	1.29
Nicholas	1.30	Wayne	1.28
Ohio	1.27	Webster	1.30
Pendleton	1.31	Wetzel	1.27
Pleasants	1.27	Wirt	1.27
Pocahontas	1.31	Wood	1.27
Preston	1.29	Wyoming	1.29
Putnam	1.27		

WISCONSIN

Adams	$1.24	Marathon	$1.25
Ashland	1.27	Marinette	1.21
Barron	1.27	Marquette	1.24
Bayfield	1.27	Milwaukee	1.28
Brown	1.23	Monroe	1.25
Buffalo	1.28	Oconto	1.22
Burnett	1.29	Oneida	1.22
Calumet	1.24	Outagamie	1.24
Chippewa	1.27	Ozaukee	1.25
Clark	1.25	Pepin	1.28
Columbia	1.24	Pierce	1.29
Crawford	1.25	Polk	1.29
Dane	1.25	Portage	1.24
Dodge	1.25	Price	1.26
Door	1.21	Racine	1.28
Douglas	1.30	Richland	1.23
Dunn	1.28	Rock	1.25
Eau Claire	1.28	Rusk	1.27
Florence	1.22	Saint Croix	1.30
Fond du Lac	1.24	Sauk	1.24
Forest	1.24	Sawyer	1.27
Grant	1.23	Shawano	1.22
Green	1.25	Sheboygan	1.25
Green Lake	1.24	Taylor	1.25
Iowa	1.23	Trempealeau	1.27
Iron	1.25	Vernon	1.25
Jackson	1.27	Vilas	1.22
Jefferson	1.25	Walworth	1.26
Juneau	1.25	Washburn	1.28
Kenosha	1.28	Washington	1.25
Kewaunee	1.22	Waukesha	1.25
La Crosse	1.25	Waupaca	1.23
Lafayette	1.24	Waushara	1.23
Langlade	1.22	Winnebago	1.24
Lincoln	1.21	Wood	1.25
Manitowoc	1.24		

WYOMING

Albany	$1.08	Natrona	$1.09
Big Horn	1.08	Niobrara	1.15
Campbell	1.12	Park	1.07
Carbon	1.06	Platte	1.15
Converse	1.12	Sheridan	1.10
Crook	1.13	Sublette	1.06
Fremont	1.05	Sweetwater	1.06
Goshen	1.17	Teton	1.04
Hot Springs	1.08	Uinta	1.06
Johnson	1.10	Washakie	1.08
Laramie	1.17	Weston	1.14
Lincoln	1.06		

[F. R. Doc. 56-6628; Filed, Aug. 16, 1956; 8:45 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 126-56]

PART 21—WITNESS FEES

USE OF TABLE OF DISTANCES IN COMPUTATION OF MILEAGE

By virtue of the authority vested in me by section 1821 of title 28 of the United States Code, as amended by the act of August 1, 1956, 70 Stat. 798, I hereby amend Part 21, Chapter I, Title 28 of the Code of Federal Regulations by adding thereto a new section numbered and reading as follows:

§ 21.4 *Use of table of distances.* Regardless of the mode of travel actually employed, mileage payable to witnesses under section 1821 of title 28 of the United States Code, as amended by the act of August 1, 1956, 70 Stat. 798, shall be computed on the basis of highway distances as stated in any generally accepted highway mileage guide which contains a short-line nation-wide table of distances and which is designated by the Administrative Assistant Attorney General for such purpose: *Provided*, That with respect to travel in areas for which no such highway mileage guide exists, mileage payable under the said section 1821 shall be computed on the basis (a) of the mode of travel actually employed, (b) of a usually-traveled route, and (c) of distances as generally accepted in the locality.

This order shall be effective as of August 1, 1956. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, for the reason that such compliance would unduly delay and impede the implementation of the act of August 1, 1956, 70 Stat. 798.

(Sec. 1, 62 Stat. 950, as amended; 28 U. S. C. 1823. Interprets or applies sec. 45, 68 Stat. 1242, as amended, Pub. Law 875, 84th Cong.; 28 U. S. C. 1821)

Dated: August 13, 1956.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56—6675; Filed, Aug. 16, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 208]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance; facility to airport	Minimum altitude over facility on final approach course (ft.)	Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	7	6	8	9	10	11	12
AKRON, COLO. Akron Muni Field, 4,585'. SBM-LFR-2PTW. Procedure No. 1. Amendment Original. Effective date: September 8, 1956.	AKO VOR	134—3.1	5,500	T-dn C-dn A-dn	300-1 800-1½ 800-2	NA NA NA	NA NA NA	Within 3.1 miles, climb to 6,000' on S course AKO LFR within 20 miles. Note: Turf field—Rough. Heavy aircraft use with caution. Not authorized for air carrier use.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance; facility to airport	Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
GOODLAND, KANS. Goodland, 3,653'. FDO-LFR-2PTW. Procedure No. 1. Amendment No. 1. Effective date: September 8, 1956. Supersedes Form ACA-1725, dated February 16, 1956. Major changes: (1) New form; (2) procedure turn distance revised; (3) adds caution note; (4) minimums added more than 2 engines; (5) transitions deleted.				W side of course, 010° outbound, 190° inbound, 4,700' within 10 miles.	4,200	100—0.7	*T-dn *C-dn *A-dn	300-1 1, 100-2 1, 100-2	300-1 1, 100-2 1, 100-2	200-½ 1, 100-2 1, 100-2	Within 0.7 mile, climb to 5,000' on 190° R within 20 miles. CAUTION: 4,482' mean sea level tower 1.7 miles S of airport and 4,021' mean sea level tower 3 miles SW of airport. *Night operation authorized only on SW/SE runway.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

When ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date.	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BROWNSVILLE, TEX. Rio Grande Valley International, 22'. ILS-BRO. LOM-BR. Combination ILS and ADF. Procedure No. 1. Amendment No. 11. Effective date: September 8, 1956. Supersedes Amendment 10, dated April 30, 1955. Major changes: Add final from Intersection BRO VOR 330° R and Intersection N course ILS.	BRO VOR	OM	317—3.9	1,200	W side of N course: 353° outbound. 173° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	ILS 1,200	1,150—3.8	240—0.6	T-dn	300-1	300-1	200-1½	Climb to 1,200' on S course ILS or 3.8 miles after passing LOM (ADF), climb to 1,200' on course 173° within 10 miles. *400-¾ required when glide slope not utilized.
	BRO LFR	LOM	022—2.2	1,200		ADF 600 over LOM			C-dn	500-1	500-1	500-1½	
	Los Fresnos FM	N course ILS or bearing 173° to LOM.	100—3.5	1,200					S-dn 17 ILS	*200-½	*200-½	*200-½	
									ADF	500-1	500-1	500-1	
	Intersection BRO VOR R 330 and N course ILS (final).	OM	173—2.2	ILS 1,200					A-dn ILS	600-2	600-2	600-2	
				ADF 600					ADF	800-2	800-2	800-2	
JOPLIN, MO. Joplin, 980'. ILS-IJLN. LOM-IJL. Combination ILS and ADF. Procedure No. 1. Amendment No. 1. Effective date: September 8, 1956. Supersedes Amendment Original, dated December 25, 1953. Major changes: (1) New form; (2) transitions revised; (3) distance revised, column 6; (4) ADF altitude added, column 7; (5) procedure turn changed; (6) minimums revised.	Intersection NW course ILS and E course CNU-LFR (final ILS).	Glide path intercept via localizer.	130—21.4	2,500	W side of NW course: 310° outbound. 130° inbound. 2,500 within 10 miles.	ILS 2,100	2,127—4.0	1,153—0.6	T-dn	300-1	300-1	200-1½	Within 4 miles, climb to 2,500' on SE course ILS or on 130° course from JLN-LOM within 20 miles, or when directed by ATC: (1) Make left turn, climbing to 2,500' and proceed to JLN-LOM. *All installed components of ILS must be operating; otherwise, alternate minimums of 800-2 apply.
	Intersection NW course ILS and E course CNU-LFR.	LOM via localizer course.	139—23.0	2,500		ADF 2,000			C-d	400-1	500-1	500-1½	
									C-n	400-1½	500-1½	500-1½	
	Intersection SE course ILS and SW course SGF-LFR.	LOM via localizer course.	310—21.5	2,500					S-dn 13 ILS	300-¾	300-¾	300-¾	
									ADF	400-1	400-1	400-1	
	Neosho VOR	LOM	336—23.0	2,500					A-dn *ILS	600-2	600-2	600-2	
	Intersection SE course ILS and R233 SGF VOR.	LOM via localizer course.	310—22.0	2,500					ADF	800-2	800-2	800-2	
JOPLIN, MO. Joplin, 980'. ILS-IJLN. Combination VOR ILS. Procedure No. 2. Amendment No. 1. Effective date: September 8, 1956. Supersedes Amendment Original, dated December 25, 1953. Major changes: (1) New form; (2) Transitions revised; (3) distance revised, column 6; (4) minimums added for more than 2 engines.	Intersection SE course ILS and SW course SGF LFR or R231 SGF-VOR.	#Intersection	310—13.1	Final 1,800	E side of SE course: 130° outbound. 310° inbound. 2,300' within 10 miles of #intersection.	No glide slope	No outer marker	No middle marker	T-dn	300-1	300-1	200-½	Within 3.5 miles after passing #intersection, climb to 2,500' on NW ILS course within 20 miles. #Intersection SE course ILS and R351 Neosho VOR. Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
									C-d	500-1	500-1	500-1½	
						Altitude over #intersection 1,800	Altitude over and miles from #intersection 1,800—3.5		C-n	500-1½	500-1½	500-1½	
	ILS-LOM	#Intersection	130—8.4	2,500					S-dn 31	500-1	500-1	500-1	
	Intersection NW course ILS and E course CNU-LFR via ILS localizer course.	#Intersection	130—31.0	2,500					A-dn	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
OAKLAND, CALIF. International, 5'. ILS-OAK. Procedure No. 1. Amendment No. 10. Effective date: September 8, 1956. Supersedes Amendment 9, dated February 5, 1955. Major changes: Change name of Newark FM HW to Fremont FM HW.	Fremont FM HW	Hayward MHW.	339—6.2	2,600	#S side of E course: 095° outbound. 275° inbound. 3,500' within 10 miles of HWD MHW. Beyond 10 miles not authorized.	2,600	HWD MHW 2,590—8.2	230—0.6	T-dn	300-1	300-1	**200-½	Climb to 2,000' on NW course Oak LFR within 14 miles or to 2,000' on 310° radial from OAK VOR within 14 miles (Richmond Intersection). All maneuvering W of course. Missed approaches must cross OAK LFR or VOR at not above 1,500'. This procedure does not meet the obstruction clearance requirements for missed approach altitude. •These transitions authorized day on top only, unless radar vectoring is utilized. #Procedure turn on OAK LFR or VOR transition only. Upon completion of procedure turn and transition to localizer course inbound, descent from glide path interception is authorized to cross Hayward MHW at 2,600'. **NOTE: 300-1 required for takeoff on runway 33.
	OAK LFR	Hayward MHW.	099—9.4	3,500					C-dn	500-1	600-1	600-1½	
	OAK VOR	Hayward MHW.	094—10.6	3,500					S-dn 27R	600-2	600-2	200-½	
	Baypoint FM•	Hayward MHW.	168—21.5	6,000			OM 1,320—4.1		A-dn			600-2	
	Altamont Intersection•	Hayward MHW.	227—18.5	5,000									
	Decoto Intersection	Hayward MHW.	333—5.3	2,600									
	SFO LOM	Fremont MHW.	075—10.9	4,000									
	SFO LFR	Fremont MHW.	078—13.9	4,000									
	VSF VOR	Fremont MHW.	329—10.6	3,500									
	Altamont Intersection	Fremont MHW.	212—21.6	5,000									
	NUQ LFR	Fremont MHW.	343—11.1	3,500									
	Radar vectoring to final approach localizer course authorized in accordance with procedures approved for ASR approach.												
SAN FRANCISCO, CALIF. International, 11'. ILS-SFO-LOM-SF. Combination ILS and ADF. Procedure No. 1. Amendment No. 9. Effective date: September 8, 1956. Supersedes Amendment 8, dated February 5, 1955. Major changes: Change name of Newark FMHW to Fremont FMHW; add transition from Half Moon Bay Intersection.	SFO LFR	•Belmont Intersection (via SE course SFO-LFR).	108—5.0	1,700	No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern. (1 minute left turns, 2,000' minimum altitude) final approach course. 101° outbound. 281° inbound.	1,700	1,660—5.5	230—0.6	T-dn	300-1	300-1	#200-½	Within 5.5 miles after passing LOM (ADF) climb to 3,000' on NW course of SFO LFR or on 285° track from LOM within 20 miles. •After passing through Belmont Intersection, make left turn of approximately 180° to intercept localizer course inbound SE of LOM. #300-1 required for takeoff on runway 19L/R. CAUTION: This procedure does not meet the obstruction clearance requirements for circling minimums due to high terrain SW of airport.
	VSF VOR	LOM	290—16.9	1,700			ADF over LOM 1,660		C-dn	500-1	600-1	600-1½	
	Moffett LFR	LOM	269—15.8	1,700					S-dn 28R ILS	200-½	200-½	200-½	
	Fremont FMHW	LOM	284—10.9	1,700					28L,R ADF	400-1	400-1	400-1	
	OAK LFR	LOM	175—10.4	ILS 2,000 ADF 3,000					A-dn ILS	600-2	600-2	600-2	
	OAK VOR	LOM	167—9.7	ILS 2,000 ADF 3,000					ADF	800-2	800-2	800-2	
	Half Moon Bay Intersection.	LOM	046—12.2	3,000									
	Radar vectoring to final approach localizer course authorized in accordance with procedures approved for ASR approach.												

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6372; Filed, Aug. 16, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 165—CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT FORMING

FINAL ORDER REFUSING TO AMEND REGULATIONS

In the matter of amending the regulations designating certain chemical derivatives of substances named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act as habit forming by removing acetylcarbromal and bromural from the list of habit-forming chemical derivatives of carbromal:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 502 (d), 701, 52 Stat. 1050, 1055, 53 Stat. 854; 21 U. S. C. 352 (d), 371 (e)), upon the basis of the whole record made at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3113), and after consideration of the petition to reopen the hearing filed subsequently to the proposed order published in the FEDERAL REGISTER on March 27, 1956 (21 F. R. 1866), which petition is disallowed by order published this date in the FEDERAL REGISTER, the following order is hereby promulgated:

FINDINGS OF FACT [1]

1. Under section 502 (d) of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health, Education, and Welfare may designate by regulations, after investigation, habit-forming chemical derivatives of a number of substances, including carbromal. Derivatives that have been so designated are required to bear the label statement "Warning—May be habit forming." In 1942, on the basis of evidence received at a public hearing, regulations were promulgated designating the drugs acetylcarbromal and bromural as habit-forming chemical derivatives of carbromal. A petition has now been filed to remove the drugs acetylcarbromal and bromural from the list of drugs designated as habit forming. If removed from the list, drugs containing acetylcarbromal or bromural will no longer be required to bear the legend "Warning—May be habit forming." (Ex. 1).

[1] The citation following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

2. Evidence received at the hearing on the petition included a study of the medical literature relating to the drugs acetylcarbromal and bromural. In all but two of the sources referred to in the study, no mention is made of the tendencies of the drugs to cause addiction or habit formation. One reference stated that habituation to bromural may be induced under certain circumstances and one other reference stated that a compound containing carbromal (the parent substance of acetylcarbromal and bromural) and bromural was not habit forming. With these two exceptions, the information contained in this study was negative as to the habit-forming nature of the drugs acetylcarbromal and bromural. Such a study is only informative in evaluating the habit-forming tendency of a drug if substantiated by adequate clinical investigations. (R. 20–21, 147; Ex. 3)

3. Also included in the evidence was an affidavit of a medical practitioner describing the administration of a drug containing acetylcarbromal and bromural to 37 patients for varying periods of time, up to 22 weeks. The author of the affidavit concluded that the drug used was not habit forming and that its components, acetylcarbromal and bromural, would also not be habit forming. The affidavit does not, however, contain reference to the criteria applied by the author to determine the existence of habit-forming tendencies. In addition, it cannot be determined from the affidavit the nature of the observations from which it was concluded that the drugs were not habit forming or the manner in which control was exerted over the subjects to insure that they took the drug as directed and that no other drugs having similar physiological effect were taken during the test period. Without knowledge of these facts, a study conducted for the purpose of determining the existence of habit forming tendencies in a drug cannot be evaluated. (R. 155–156, 160, 164–167; Ex. 2)

4. Other evidence of record related to use of a drug containing a mixture of acetylcarbromal and bromural in a clinical study involving 40 subjects. It is impossible to determine the length of this study, since there is a discrepancy in the dates of the final interviews of some of the subjects as shown in Exhibit 4A and the date of the completion of the study as shown in Exhibit 4. As described in the evidence, this clinical study had certain defects. These include:

a. The criteria utilized for the determination of the existence of habit-forming tendencies were not appropriate for that purpose.

b. The study was conducted on ambulatory patients. The use of such patients is not satisfactory in a clinical study dealing with habit-forming tendencies of a drug, since control of the intake of the drug under study, as well as drugs having similar physiological effect, is almost impossible with ambulatory patients.

c. The study, as originally reported, made only ambiguous references to prior use of sedative drugs by the subjects, an important factor in determining the tendency of a drug to habit formation. Subsequently, Exhibit 4A was prepared and submitted in evidence. This additional exhibit does not contain information in sufficient detail to permit the evaluation of the habit-forming tendency of the drugs upon which the study was conducted.

d. Observations for withdrawal symptoms were not begun until 1 week after the termination of administration of the drug under study. It is possible that withdrawal symptoms might have begun and ended before the first observation, after termination of administration was made.

Because of the presence of these deficiencies in the study as reported, it does not determine whether or not acetylcarbromal and bromural have habit-forming tendencies. (R. Ex. 4, 4a, 120–126, 153–155, 164–167, 169–170)

5. The record included expert medical testimony that sedatives such as the drugs acetylcarbromal and bromural or a combination of them are or may be habit forming and that their label should bear a statement to that effect. (R. 69–71, 151)

Conclusion. It is concluded that the whole record does not warrant the removal of the drugs acetylcarbromal and bromural from the list of drugs that are required to bear the label statement "Warning—May be habit forming": *Therefore, it is ordered,* That Part 165—Certain Chemical Derivatives of Substances Named in Section 502 (d) of the Federal Food, Drug, and Cosmetic Act Designated as Habit Forming, not be amended.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended; 21 U. S. C. 352)

Dated: August 13, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F R. Doc. 56-6650; Filed, Aug. 16, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

INSTITUTIONAL PHASE

In Part 862, §§ 862.1 to 862.19 are rescinded and the following substituted therefor:

Sec.
862.1 Policy.
862.2 Mission.
862.3 Purpose and objectives.
862.4 Definitions.
862.5 Organization.
862.6 Establishment and disestablishment.
862.7 Eligibility requirements.
862.8 Completion of courses.
862.9 Categories of advanced course cadets.
862.10 Additional requirements.
862.11 Waivers for enrollment.
862.12 Conditional enrollment.
862.13 Informally enrolled cadets.
862.14 Credit for previous military training.
862.15 Concurrent membership in Reserve component.
862.16 Compression, curtailment, or concurrent pursuit of courses.
862.17 Transfer.
862.18 Discharge.
862.19 Appointment as Reserves of the Air Force.
862.20 Certificate of entitlement.

AUTHORITY: §§ 862.1 to 862.20 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply secs. 40-47, 39 Stat. 191-192, as amended 10 U. S. C. 381-390.

DERIVATION: AFR 45-48, April 16, 1956.

§ 862.1 *Policy.* (a) The Air Force Reserve Officer Training Corps (AFROTC) program is confined to accredited, four year, degree granting institutions, and the military phase coincides with the normal academic program leading to a baccalaureate degree. The Department of the Air Force does not extend this program downwards to the secondary school level.

(b) The Department of the Air Force interposes no objections to recruiting visits to educational institutions having AFROTC units by representatives of other services. However, basic course cadets who have executed a deferment agreement and advanced course cadets will not be eligible for procurement programs of those services unless they have the written concurrence of the professor of air science (PAS).

§ 862.2 *Mission.* The mission of the AFROTC is to select and prepare cadets through a permanent program of instruction at civilian institutions, to serve as officers in the Reserve and Regular components of the Air Force, and to assist in discharging, where necessary, any institutional obligations to offer military training.

§ 862.3 *Purpose and objectives.* The AFROTC program is a major source of officers for the Air Force. The purpose and specific objectives of the program are:

(a) To develop in the cadet by precept, example, and participation the attributes of character, personality, and leadership which are essential to every officer of the Air Force.

(b) To develop in the cadet an interest in the Air Force and an understanding of its missions, organization, problems, and techniques.

(c) To provide the cadet with a course of military education which, with his academic curriculum, will quality him to discharge the duties and responsibilities required of him as an officer of the Air Force.

(d) To develop in the cadet the desire to make a career as an officer in a component of the Air Force.

(e) To motivate the cadet to obtain an aeronautical rating in the Air Force upon graduation.

§ 862.4 *Definitions.* For the purpose of §§ 862.1 to 862.20, the following definitions will apply:

(a) *Detachment.* Air Force personnel assigned to Headquarters Air Force ROTC with duty station at a civilian institution.

(b) *Unit.* The organization which includes the detachment and AFROTC cadets at an institution.

(1) *Standard unit.* The principal AFROTC unit at an institution.

(2) *Subunit.* That portion of a standard unit located at a subdivision of an institution which is physically separated from the parent campus.

(c) *Department of air science.* The integral academic subdivision of an educational institution which includes all AFROTC activities conducted at the institution as stipulated in the contract with the Air Force.

(d) *Air science.* The official designation of the AFROTC program of instruction.

(e) *Basic course.* The first- and second-year program of instruction in air science.

(f) *Advanced course.* The third- and fourth-year program of instruction in air science.

(g) *AFROTC summer training.* A period of training for the advanced course cadets conducted at an Air Force installation. In the Air Force, this training is the camp for practical instruction authorized by section 47a, National Defense Act, as amended.

(h) *Professor of air science.* The senior commissioned officer of the Air Force assigned to duty with a standard unit of the AFROTC.

(i) *Institutional phase.* That portion of the entire AFROTC program conducted at civilian educational institutions, as distinguished from the AFROTC summer training phase.

(j) *Academic year.* The period that begins September 1, and ends August 31, the following year, except for the University of Puerto Rico, where the period begins the opening date of registration in August and ends the day before August registration the following year.

(k) *Formally enrolled cadet.* A student who has been admitted to full membership in the AFROTC and is entitled to all benefits authorized by law and regulations pertaining thereto.

(l) *Informally enrolled cadet.* A student who is not a member of the AFROTC but is permitted to pursue the institutional phase of the AFROTC course for academic credit only, and who is not a candidate for appointment on the basis of the completion of the AFROTC program.

(m) *Conditionally enrolled cadet.* A student who is tentatively accepted and enrolled in the advanced course pending determination of his eligibility for formal enrollment.

(n) *Category.* A classification of cadets based on flight aptitude, interest, academic background, and prior military service.

(o) *AFROTC graduate.* A formally enrolled cadet who has successfully completed the AFROTC program prescribed by law and regulations, including the prescribed AFROTC summer training, and has been awarded a baccalaureate degree.

(p) *Graduating class.* Consists of formally enrolled cadets who initially qualify for appointment during the period of May 1, of any particular year through April 30, of the following year.

(q) *On-board year.* Fiscal year in which the commissioned members of the graduating class, as defined in paragraph (p) of this section, are brought on active duty. For example, the graduating class of 1955 is made up of cadets appointed during the period of May 1, 1955 through April 30, 1956. They are brought on active duty during FY 1956 (July 1, 1955 through June 30, 1956), which is the on-board year for that graduating class.

§ 862.5 *Organization.* The AFROTC is organized as a subordinate command of the Air University with the procedural functions and responsibilities of a numbered air force. It is composed of a headquarters, standard units, and certain sub-units. By Federal statutes, a senior division and a junior division of the ROTC are authorized. The Air Force establishes and maintains ROTC units of the senior division only.

§ 862.6 *Establishment and disestablishment.* An AFROTC unit will not be established or disestablished without the approval of the Secretary of the Air Force.

§ 862.7 *Eligibility requirements*—(a) *Statutory.* Eligibility for formal enrollment is limited by law to students at institutions where AFROTC units are established who are:

(1) Citizens of the United States.

(2) Not less than 14 years of age.

(3) Physically qualified for military service, or will be so on arrival at military age.

(b) *Character.* Good moral character is a prerequisite for enrollment and continuance in the AFROTC.

(1) A student who has been convicted by a court-martial or by a civil court for any offense other than a minor traffic violation will not be certified for Selective Service deferment as a basic student nor will he be enrolled initially or continued in the advanced course unless such offense is waived by competent authority. The Commander, Air University, is authorized to waive nonrecurrent minor violations considered not prejudicial to performance of duty as an officer of the Air Force nor indicative of unacceptable traits of character.

(2) Persons eliminated from a service academy or from any officer training program of the Army, Navy, or Air Force for military inaptitude, indifference, or undesirable traits of character will not be formally enrolled or permitted to wear the AFROTC uniform. This restriction applies to persons who resign in the face of impending charges as well as those eliminated by official action. However, persons who have been eliminated for academic inaptitude may apply for enrollment in the AFROTC. Such applications will be referred to the Commandant AFROTC for review and approval prior to formal enrollment of these persons.

(3) Persons eliminated for disciplinary reasons from a service academy or from one of the officer training programs of the Army, Navy, or Air Force will neither be certified for Selective Service deferment as basic students nor formally

enrolled in the advanced course, unless a waiver is granted by the Commander, Air University.

(c) *Loyalty.* (1) A student who does not sign the following certificate which will be a part of his record, will not be formally enrolled in the basic course: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God."

(2) If an advanced course applicant fails or refuses after instruction to fill out DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces," in its entirety, the professor of air science will deny his formal enrollment in the advanced course. If an applicant completes DD Form 98 with qualification or makes entries thereon which provide reason for believing that his enrollment is not clearly consistent with the interest of national security, the professor of air science will withhold his formal enrollment. The professor of air science will forward all pertinent information, including DD Form 98, to Director of Personnel Procurement and Training, Headquarters USAF, Washington 25, D. C., Attention: AFROTC Branch, for action and decision.

(3) At his discretion and that of institution authorities, the professor of air science may accept such persons, whom the institution may require or permit to take military training and who are not accepted for formal enrollment, for instruction in the AFROTC basic course as informally enrolled cadets.

(4) A National Agency Check must be completed with favorable results on each applicant prior to tendering an appointment in the Air Force Reserve.

(d) *Age.* A student will not be enrolled initially or be allowed to reenroll in the AFROTC after a period of nonparticipation in AFROTC training, if his age is such that he will be unable to complete all requirements for appointment as a Reserve of the Air Force prior to reaching his 28th birthday.

§ 862.8 *Completion of courses.* The AFROTC program is composed of two separate and distinct courses, a 2-year basic course and a 2-year advanced course. Completion of the basic course does not quarantee acceptance into the advanced course. As stipulated in the agreement between the institution and the Air Force, each cadet who has enrolled in either course must complete that course as a prerequisite to his graduation from the institution. This obligation may be waived under policies prescribed by the Secretary of the Air Force.

§ 862.9 *Categories of advanced course cadets.* Four categories are open to advanced course enrollees. Qualified students may be enrolled in the appropriate category in such number as deemed necessary to fulfill, but not to exceed, quotas set by Headquarters USAF, and suballotted by the Commandant, AFROTC, for the graduating class in which they will be appointed.

(a) *Category I.* Consists of cadets who qualify for flying training. They must meet the required physical, measured aptitude, and interest qualifications, and desire entry in this category. Cadets accepted in this category who have no active duty obligation under existing law but are commissioned upon completion of the AFROTC program and graduation will be required to serve the same active duty tour as that required of cadets who have an active duty obligation by law. For reporting purposes, Category I is divided into two subcategories, I for pilot candidates, and IA for observer candidates. AF Form 1056, "Category I Agreement for Certain Members of the Air Force Reserve Officers Training Corps," will be used for enrollment of cadets in this category.

(b) *Category II.* Consists of service-obligated cadets enrolled in college programs leading to baccalaureate degrees, with majors in prescribed engineering and scientific fields of study, who meet physical standards for an Air Force commission and are selected for the advanced course. AF Form 1056a, "Category II Agreement for Certain Members of the Air Force Reserve Officers Training Corps," will be used for enrollment of cadets in this category.

(c) *Category III.* Consists of service-obligated cadets enrolled in college programs leading to baccalaureate degrees, with majors in other than engineering and scientific fields of study, who meet physical standards for an Air Force commission and are selected for the advanced course. AF Form 1056b, "Category III Agreement for Certain Members of the Air Force Reserve Officers Training Corps," will be used for enrollment of cadets in this category.

(d) *Category IV.* Consists of service-exempt cadets, other than those accepted in Category I, selected for the advanced course. Cadets who have served on active duty for training, as provided in the Reserve Forces Act of 1955 (P. L. 305), (69 Stat. 598) will not be enrolled in Category IV. AF Form 1056c, "Category IV Agreement for Certain Members of the Air Force Reserve Officers Training Corps," will be used for enrollment of cadets in this category.

§ 862.10 *Additional requirements.* (a) Each cadet accepted for enrollment in the advanced course:

(1) Must have completed the basic course or must have received credit for it.

(2) Must meet prescribed physical requirements.

(3) Must have successfully completed such general survey or screening tests as may be prescribed for entrance into each of the categories.

(4) Must sign a deferment agreement, unless otherwise exempt by prior service.

(b) Normally, entrance into the advanced course will be phased so that completion of the advanced course and the awarding of the degree will coincide. Exceptions may be made under policies prescribed by the Commandant, AFROTC.

(c) Graduate students may be enrolled in the advanced course provided that:

(1) Their selection is within category quotas.

(2) Selection is in competition with undergraduate students.

(3) The provisions of paragraph (a) (1) of this section are fulfilled.

§ 862.11 *Waivers for enrollment.* Waivers to permit enrollment of cadets in the advanced course are discouraged.

§ 862.12 *Conditional enrollment.* (a) The purpose of conditional enrollment is to enable the professor of air science to accept, tentatively, a cadet for enrollment in the advanced course pending determination of his eligibility or notification of enrollment quotas.

(b) The Commandant AFROTC will prescribe specific policy governing conditional enrollment of cadets. Before conditional enrollment, each cadet will sign the following:

I understand and agree that no rights or benefits will be made available to me, or in my behalf, unless and until it is determined by proper authority that I am fully qualified and selected for formal enrollment in the advanced course of the AFROTC; that, upon such determination being made by proper authority, I will be entitled to receive all rights and benefits I would have earned and accrued but for the conditional nature of my enrollment from the date upon which I began work of the advanced course under the terms of this agreement. I further understand and agree that, if I am found to be not fully qualified and selected for such enrollment, I will be considered as not having been an advanced course cadet and will not be entitled to any rights or benefits under the terms of this agreement.

(c) Cadets accepted for conditional enrollment are authorized deferment as outlined in §§ 862.76 to 862.83.

§ 862.13 *Informally enrolled cadets.* (a) When authorized by institutional authorities and the professor of air science, persons who for any reason cannot be formally or conditionally enrolled may be permitted to pursue the advanced course informally. Additional personnel will not be assigned for the purpose of conducting instruction for informally enrolled cadets. Such cadets will not be charged against enrollment quotas. Students accepted under this section are not entitled to commutation of subsistence or Government uniforms, or uniform allowance, but may use arms and equipment issued for instructional purposes. Arms and equipment will not be procured for the benefit of such cadets.

(b) Such cadets will be required to sign the following statement:

I ----------, do hereby
(Name)
agree and understand that, as an informally enrolled cadet, I am not a member of the AFROTC, that notwithstanding the fact that I am permitted to pursue the AFROTC course for academic credit, I am not qualified for, nor will the Air Force tender me, a commission as a Reserve of the Air Force based upon my successful completion of the institutional phase of the advanced course, nor will I be permitted to attend the summer training.

(c) Category I and IA cadets who have been discharged from formal enrollment in the advanced course because of failure to maintain physical standards for these categories may be permitted to pursue the rest of the course for academic credit only. These cadets will sign the statement in paragraph (b) of this section upon informal enrollment; however, the final words, "nor will I be permitted to attend the summer training," will be deleted from their agreements. Such cadets may be awarded Certificates of Entitlement in conformance with the policies of Headquarters, USAF.

(d) Female students are not eligible for formal enrollment in the AFROTC; however, they may be permitted to pursue the AFROTC course of instruction for academic credit only.

§ 862.14 *Credit for previous military training.* (a) An AFROTC cadet who transfers to another institution at which an AFROTC unit is also maintained will be given credit for that part of the AFROTC course which he successfully completed at the losing institution, as evidenced by the AFROTC cadet record form.

(b) On the basis of previous honorable active service in the Air Force, Army, Navy, Marine Corps, or Coast Guard, a cadet may request a waiver of the basic course, or any portion thereof, as a requirement for entrance into the advanced course. The professor of air science may then waive so much of the basic course as he considers equivalent to the active service training: *Provided,* That he does not waive any portion which the cadet can complete prior to entrance into the advanced course. To satisfy entrance requirements for the advanced course, veterans entering an institution at freshmen or sophomore level who desire a commission through AFROTC will be required to take in phase with non-veteran contemporaries the portion of the basic program which remains.

(c) The professor of air science may waive on a year-for-year basis so much of the AFROTC program as he considers equivalent to previous training at the United States Air Force Academy, United States Military Academy, United States Naval Academy, United States Coast Guard Academy, or in the Senior Division of the Army ROTC or Naval ROTC, for students eligible and accepted for formal enrollment.

(d) Advanced standing will not be granted for training received prior to the student's 14th birthday; nor for training received as a member of the Civil Air Patrol; nor for training received as a member of a Reserve component of any of the Armed Forces of the United States when not in the active military service; nor for training received at an institution at which no commission officer of the active military forces is detailed by orders of the appropriate department as professor of military science and tactics, professor of naval science, or professor of air science; nor for training received as a member of the Junior Division Army ROTC.

§ 862.15 *Concurrent membership in Reserve component.* (a) Present and former commissioned officers of any component of the Army, Navy, Air Force, Marine Corps, or Coast Guard, and officers or former officers of the Public Health Service may not be enrolled in the AFROTC.

(b) Members of any component of the Armed Forces who are on active military duty may not be enrolled in the AFROTC.

(1) *Basic course.* Membership in an Armed Force Reserve will not preclude enrollment and continuance in the basic course.

(2) *Advanced course.* Members of an Armed Force Reserve component, other than the Air Force Reserve, will not be enrolled in the advanced course. Such Air Force Reserve members may be assigned to the Non-affiliated Reserve Section, Ineligible Reserve Section, or the Inactive Status List Reserve Section only, and may not be selectively assigned to a position within mobilization requirements.

(i) Air Force Reserve members who are assigned to programs other than those specified in paragraphs (a), (b), (c), and (d) of this section or who are selectively assigned may be conditionally enrolled pending release from such assignment. Subsequent to release, they may participate concurrently in Air Force Reserve point-earning activities as members of the Non-affiliated Reserve Section in either a training attachment or in USAF Extension Course Institute correspondence courses. A professor of air science will comply with §§ 864.31 to 864.39 of this subchapter if he has Air Force Reserve airmen enrolled.

(ii) Members of other Armed Forces Reserve components must gain discharge from their reserve components or transfer to the Air Force Reserve to become eligible for enrollment in the advanced course. The provisions of §§ 864.31 to 864.39 of this subchapter will apply.

§ 862.16 *Compression, curtailment, or concurrent pursuit of courses.* Under Federal statute, the basic course may not be compressed or curtailed into less than 2 academic years. The combined basic and advanced courses are expected to cover 4 full academic years. However, the Commandant, AFROTC, may permit reduction of the entire institutional phase into not less than 3 full academic years, through concurrent enrollment in both basic and advanced courses, or similar advanced course compression, under the following circumstances.

(a) For cadets enrolled in an academic program involving less than 4 years of resident study for the degree.

(b) For cadets with outstanding leadership qualities who would otherwise be unable to complete the entire AFROTC course of study prior to the award of a degree.

(c) The academic phase of the AFROTC course of study will not be curtailed.

§ 862.17 *Transfer.* Interservice transfer of AFROTC cadets is authorized under the Statements of Joint ROTC Policies.

§ 862.18 *Discharge*—(a) *From basic course.* With the concurrence of the institutional authorities, the professor of air science may discharge a basic cadet from the AFROTC. Such discharge relieves the institution of its obligation to require the cadet concerned to complete the basic course as a prerequisite for graduation.

(b) *From advanced course.* (1) The professor of air science may discharge a cadet from the advanced course. Each such discharge must receive the concurrence of the head of the institution or his designated representative.

(2) A cadet will be discharged from the advanced course for the "convenience of the Government." A refund of commutation of subsistence paid the cadet will not be required.

(3) A cadet who, for any reason, is unable to continue regular enrollment in the institution, will be discharged from the advanced course. Such cadet may be reenrolled in the advance course upon his return to an institution having an AFROTC unit.

(4) A cadet who, under competitive criteria, falls below acceptable retention standards will be discharged from the advanced course. Such cadet may be reenrolled only upon approval of the Commandant, Air Force ROTC.

(5) The professor of air science may discharge a cadet because of inaptitude, indifference to training, incompatibility, willfully evading the terms of his advanced course agreement, for disciplinary reasons, or for reasons involving undesirable traits of character. A cadet so discharged will not be reenrolled in the advanced course.

(6) The professor of air science will establish such board or boards as required to consider the cases of cadets recommended for discharge for reasons stated in subparagraph (5) of this paragraph. The board will be composed of at least three Air Force officers. The institution will be invited to provide a representative for board membership.

(c) *With prejudice.* A cadet whose conduct is or has been such as to bring dishonor on the corps and upon himself may be discharged "with prejudice" subject to approval of the head of the institution and the Commandant AFROTC. A cadet discharged "with prejudice" is not eligible for enrollment in an Air Force officer procurement program or for appointment in any component of the Air Force.

§ 862.19 *Appointment as Reserves of the Air Force.* A member of the advanced course, AFROTC, accrues no vested right to a commission in any component of the Air Force by virtue of such membership. Air Force ROTC graduates may be appointed second lieutenants in the Reserve of the Air Force upon successful completion of the military training prescribed by law and regulations and upon being awarded a baccalaureate degree from an accredited educational institution.

§ 862.20 *Certificate of entitlement.* Category I and IA cadets, who are certified medically disqualified for flying duty subsequent to formal enrollment in their final year of AFROTC training and who continue the AFROTC program as informally enrolled cadets for academic credit only, will be given a letter certificate, provided the following requirements are met:

(a) Are medically qualified for general service.

(b) Have completed the entire Air Force ROTC program, including the summer training phase.

(c) Have received a baccalaureate degree.

(d) Are recommended for such a certificate by the professor of air science.

This certificate will entitle them to a special two-year enlistment in the Air Force and an appointment in the Reserve of the Air Force following fulfillment of their National Service obligation, provided they are still otherwise qualified.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-6640; Filed, Aug. 16, 1956; 8:45 a. m.]

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

DEFERMENT OF AIR FORCE RESERVE OFFICERS'

In Part 862, §§ 862.76 to 862.87 are rescinded and the following substituted therefor:

Sec.
862.76 Purpose.
862.77 Policy.
862.78 Definitions.
862.79 Selection for deferment.
862.80 Obligations.
862.81 Length of deferment.
862.82 Enrollment for members of the reserve.
862.83 Transfers.

AUTHORITY: §§ 862.76 to 862.83 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 3, 6, 12, 62 Stat. 605, 609, 622 as amended; 50 U. S. C. App., 453, 456, 462.

DERIVATION: AFR 45-52, June 21, 1956.

§ 862.76 *Purpose.* Sections 862.76 to 862.83 prescribe the procedure by which cadets of the Air Force Reserve Officers Training Corps (AFROTC) may be deferred from induction under the Universal Military Training and Service Act, (62 Stat. 604-622, as amended, 50 U. S. C. App., 451-462).

§ 862.77 *Policy.* The Air Force ROTC deferment procedure is designed solely to enable selected cadets of the Air Force ROTC to qualify for appointment as commissioned officers of a component of the Air Force through uninterrupted completion of academic and military courses. The Air Force will not select for deferment a cadet who cannot ultimately qualify for a commission through enrollment and training afforded by the Air Force ROTC or who evidences lack of desire to become an officer of the Air Force.

§ 862.78 *Definitions.* For definitions of terms not explained in §§ 862.76 to 862.83 see §§ 862.1 to 862.20.

§ 862.79 *Selection for deferment.* To be deferred from induction under section 6 (d) (1) of the Universal Military Training and Service Act, (50 U. S. C. App., 456 (d) (1)), a cadet must be selected by his Professor of Air Science. Informally enrolled cadets are not eligible for deferment under that section.

(a) Fall enrollees in Air Science I will not be deferred before February 16. Midyear enrollees in Air Science I will not be deferred until after the completion of one academic semester or quarter at the institution. Deferments will not be granted until it has been determined that the enrollee is in good standing in the institution and in the Air Force ROTC. A cadet is "in good standing" if he meets or exceeds the minimum standards of the institution in which he is enrolled and is so certified by the registrar.

(b) Cadets whose deferments have been cancelled are not again eligible for deferment under §§ 862.76 to 862.83 without the approval of the Commandant, Air Force ROTC. He is an officer subordinate to the Commander, Air University, and is responsible for the field activities of the Air Force ROTC program. The Commandant may delegate redeferment authority to Professors of Air Science.

§ 862.80 *Obligations.* To be deferred from induction, those selected for enrollment or continuance in the Air Force ROTC program must sign AF Form 1041, "Deferment Agreement," which states, in part:

I, ----------, hereby agree to complete the basic course, if enrolled therein; to enroll in and complete the advanced course at the proper time, if accepted therefor; upon completion or termination of the course of instruction therein, to accept a commission, if tendered; to serve on active duty in the Air Force for a period of not less than 2 years after receipt of such commission, subject to call by the Secretary of the Air Force; and to remain a member of a Regular or Reserve component of the Air Force until the sixth anniversary of the receipt of my commission; or, if the Air Force does not require my service on active duty for 2 years in fulfillment of my obligation, to serve on active duty for training with the Air Force for a period of 6 months after receipt of my commission and thereafter to remain a member of an appropriate Reserve unit until the eighth anniversary of the receipt of my commission.

(a) The Professor of Air Science or his officer representative will explain to Air Force ROTC cadets the obligations they assume as a result of signing a deferment agreement. Specifically, he will explain that:

(1) Registrants who are continued in a deferred status under section 6, Universal Military Training and Service Act (50 U. S. C. App., 456 (b)) remain liable for training and service in the Armed Forces until their 35th birthday.

(i) The deferment of an individual will cease when he enters on extended active duty under the 6-year obligation, and the individual will then be exempt from induction while serving on extended active duty under section 6 (a), Universal Military Training and Service Act. On completing his required tour of extended active duty an individual will be exempt from induction under section 6 (b) (3), Universal Military Training and Service Act.

(ii) Those individuals who enter on active duty for training and incur the 8-year obligation will continue in a deferred status. After an individual completes the required tour of active duty for training, his deferment will be continued as long as he participates satisfactorily in a Ready reserve unit or mobilization assignment position. After he has completed a total period of 8 years of required active duty for training and satisfactory participation in a Ready reserve training program his deferred status will cease and he will then be exempt from induction.

(2) Upon being commissioned, the cadet will assume either a six- or eight-year obligation, as stated in the agreement. That obligation is distinct from any total-service obligation that he may have incurred under other provisions of law, and the partial or entire discharge of that other obligation does not affect the one resulting from the AFROTC appointment.

(3) Air Force ROTC cadets who have been granted deferment by the Selective Service System and have reached their eighteenth but not their twenty-sixth birthday are not excused from registration and must register under section 3 of the Universal Military Training and Service Act on the day or days proclaimed by the President (50 U. S. C. App., 453).

(b) All cadets accepted for enrollment in the Air Force ROTC course must complete AF Form 1041 before signing an advanced course contract, unless, because of prior active military service, they are not liable for induction under the Universal Military Training and Service Act.

(c) A cadet who voluntarily signs AF Form 1041 while otherwise liable for induction is bound by the provisions of his deferment agreement and, upon failure or refusal to fulfill it, may be subject to the penalties prescribed in section 12 of the Universal Military Training and Service Act (50 U. S. C. App., 462).

§ 862.81 *Length of deferment.* Selected cadets may be deferred from induction under the Universal Military Training and Service Act until they have completed both the Air Force ROTC course and the academic course required for a commission.

(a) To qualify for continued deferment, cadets must satisfy all Air Force ROTC standards, including the following:

(1) They must remain in good standing in academic courses.

(2) Their attendance must be continuous, except for the following periods of authorized absence:

(i) Regularly scheduled vacation periods.

(ii) Periods of sick leave authorized by the PAS.

(iii) Periods of leave from the military course of instruction that are authorized by the Commandant, Air Force ROTC.

(iv) Periods of regularly scheduled on-the-job training under a cooperative plan.

(v) Periods after completion of the Air Force ROTC program and before completion of the academic course, when authorized by the Commandant, Air Force ROTC.

(vi) They must graduate within twelve months after completing Air Science IV (including Air Force ROTC summer training).

(b) Cadets who have postponed their Air Force ROTC summer training by authority of the Commandant, Air Force ROTC, will be deferred until they complete it. If they do not complete it during the summer following graduation, however, their deferment will be cancelled.

(c) The deferment of a cadet who transfers from a 5-year course to a 4-year course may be cancelled if he has not earned his degree at the end of four years of study.

(d) Deferment of a cadet under section 6 (d) (1) of the Universal Military Training and Service Act (50 U. S. C. App., 456) will also be cancelled if he

(1) Ceases to be a formally enrolled Air Force ROTC cadet.

(2) Fails to accept an appointment as a commissioned officer.

(3) Is not among the quota of graduating cadets who are offered a commission. In this instance, his deferment will be cancelled within 60 days after graduation.

(e) The deferment of cadets who do not reenroll during the fall or spring semester will be cancelled not later than October 15, and March 15, respectively.

§ 862.82 *Enrollment for members of the reserve.* (a) Students who are enlisted members or warrant officers of the National Guard of the United States, Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve may be enrolled in the basic course of the Air Force ROTC on the same basis as any other student, provided they are otherwise qualified and are not on active duty. They are not exempt under other provisions of law, however, from call to active military service as members of a Reserve component.

(b) Students who are members of Reserve components of the other services or of the Air National Guard of the United States must be discharged from those components or transferred to the Air Force Reserve before they may be formally enrolled in the advanced course of the Air Force ROTC or selected for deferment under §§ 862.76 to 862.83. Provisions governing the transfer of such person are contained in §§ 864.31 to 864.43.

§ 862.83 *Transfers.* When an Air Force ROTC cadet intends to transfer to another institution which has an Air Force ROTC unit, he must notify the Professor of Air Science of the losing unit. As soon as the cadet has enrolled in the appropriate Air Science course at the new institution, his new Professor of Air Science will advise the former one that the cadet has enrolled and that a new DD Form 44 has been sent to the local Selective Service System board. The losing Professor of Air Science will then drop the cadet from accountability and send a revised DD Form 44 to the former Selective Service Board to rescind the one he had previously submitted. On the new form, he will identify the Air Force ROTC unit to which the cadet transferred.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-6641; Filed, Aug. 16, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

SAN JOAQUIN RIVER, CALIF., AND MANATEE RIVER, FLA.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.224 establishing and governing the use of anchorage grounds in San Francisco Bay and tributary waters, California, is hereby amended with respect to paragraph (e) (2) revoking General Anchorage No. 29, as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.* * * *

(e) San Joaquin River, Calif. * * *

(2) *Anchorage 29 (General).* [Revoked.]

[Regs., August 1, 1956, 800.212 (San Joaquin River, Calif.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), the following special regulations are prescribed to govern the operation of the State Road Department of Florida bridge across Manatee River near Bradenton, Florida, as follows:

§ 203.463 *Manatee River, Fla.; State Road Department of Florida bridge near Bradenton.* (a) Between 7 a. m. and 9 a. m. and between 4 p. m. and 6 p. m., the draw need not be opened for the passage of vessels, except as provided in paragraph (b) of this section.

(b) The draw shall be opened promptly on signal for the passage of (1) Government owned or operated vessels, (2) any vessel during the existence of a hurricane alert issued by the United States Weather Bureau and affecting the area, and (3) any vessel in an emergency involving danger of life or property. An emergency shall be indicated by four blasts of a whistle, horn, or megaphone blown on the vessel.

(c) At times other than those specified in paragraph (a) of this section, and in all other respects the regulations contained in § 203.240 shall govern the operation of this bridge.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations of this section.

[Regs., July 31, 1956, 823.01 (Manatee River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6642; Filed, Aug. 16, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In Part 21, immediately above the centerhead "Appeals", add the headnote "Subpart A—Servicemen's Readjustment Act of 1944 and the Vocational Rehabilitation Acts (Public Laws 16, 78th Congress, as Amended, and 894, 81st Congress, as Amended)".

2. In Part 21, delete the headnote "Veterans' Readjustment Assistance Act of 1952" and add the headnote "Subpart B—Veterans' Readjustment Assistance Act of 1952".

3. In Part 21, Subpart C is added to read as follows:

Subpart C—War Orphans' Educational Assistance Act of 1956

Sec.
21.3000 Statement of policy.
21.3005 Definitions.

ELIGIBILITY AND ENTITLEMENT

21.3010 Entitlement to educational assistance.
21.3014 Duration of eligible person's entitlement.
21.3016 Age limitations.
21.3017 Election of benefits.
21.3018 Charges against and exhaustion of entitlement.
21.3030 Applications.

PROGRAM OF EDUCATION (TITLE III)

21.3031 Development of educational program and final approval of application.
21.3032 Change of program.
21.3033 Courses precluded.
21.3034 Discontinuance for unsatisfactory conduct or progress.
21.3035 Reentrance after discontinuance.
21.3036 Period of operation for approval.
21.3037 Institutions listed by Attorney General.
21.3051 Conditions governing payment of educational assistance allowance.
21.3052 Rates of educational assistance allowances.
21.3054 Effective beginning dates of entrance or reentrance into training and for payment of educational assistance allowance.
21.3055 Effective closing dates of an authorization of educational assistance allowance.
21.3056 Effective date of change or discontinuance of educational assistance allowance.
21.3057 Duplication of benefits.
21.3063 Apportionments of educational assistance allowance.
21.3066 Measurement of full- or part-time courses.
21.3067 Overcharges by educational institutions.
21.3151 Approval of courses.

Sec.
21.3208 Disapproval of courses and discontinuance of educational assistance allowances under Public Law 634, 84th Congress.
21.3210 Reports by institutions.

SPECIAL RESTORATIVE TRAINING (TITLE IV)

21.3224 Cross references.
21.3225 General.
21.3226 Need for special restorative training.
21.3227 Extent of training.
21.3228 Conditions governing payment of special training allowance.
21.3229 Rates of special training allowances.
21.3231 Effective beginning dates of entrance or reentrance into special restorative training for the payment of a special training allowance.
21.3232 Effective ending dates of an authorization of a special training allowance.
21.3233 Status "interrupted."
21.3234 Reentrance after interruption.
21.3236 Authority to make agreements.
21.3237 Supervision of the eligible person during special restorative training.

MISCELLANEOUS PROVISIONS

21.3300 Educational and vocational counseling.
21.3301 Control by agencies of the United States.
21.3302 Conflicting interests.
21.3304 Liability of educational institutions on account of overpayments of educational assistance allowance, section 506, Public Law 634, 84th Congress.
21.3305 Overpayments of education and training and other Veterans Administration benefits.
21.3306 Examination of records.
21.3307 False or misleading statements.
21.3308 Criminal penalties and forfeiture of rights.
21.3309 Appeals.
21.3310 Waiver of recovery of overpayments.
21.3311 Application of other laws.

AUTHORITY: §§ 21.3000 to 21.3311 issued under sec. 501, P. L. 634, 84th Cong.

SUBPART C—WAR ORPHANS EDUCATIONAL ASSISTANCE ACT OF 1956

§ 21.3000 *Statement of policy.* The statement of policy as contained in Title I of the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Congress) is as follows:

The Congress hereby declares that the educational program established by this act is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the death of a parent from a disease or injury incurred or aggravated in the Armed Forces during World War I, World War II, or the Korean conflict, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the death of such parent.

§ 21.3005 *Definitions.* (a) For the purposes of Public Law 634, 84th Congress, the following definitions apply:

(1) The term "World War I" means the period beginning on April 6, 1917, and ending on November 11, 1918.

(2) The term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

(3) The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.

(4) The term "eligible person" means a child of a person who died of a disease or injury incurred or aggravated in line of duty in the active service in the Armed Forces during World War I, World War II, or the Korean conflict, but only if such service did not terminate under dishonorable conditions. The standards and criteria for determining incurrence or aggravation of a disease or injury in line of duty shall be those applicable under disability compensation laws administered by the Veterans Administration.

(5) The term "child" means a legitimate or legally adopted child, a stepchild if he was a member of the household of the parent from whom eligibility is derived, or an illegitimate child if it is shown by evidence satisfactory to the Administrator that the person from eligibility is derived was the parent.

(6) The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

(7) The term "duty with the Armed Forces" as used in § 21.3016 (b) (2) and in the last sentence of § 21.3010 (a) means (i) full-time duty in the active military or naval service, other than for training purposes, (ii) full-time active duty for training for a period of six or more consecutive months by a member of a reserve component (including the National Guard), or (iii) active duty for training required by section 262 (c) (1) of the Armed Forces Reserve Act of 1952 (Public Law 476, 82d Congress) as amended by Public Law 305, 84th Congress, i. e., a period of active duty for training of not less than 3 months nor more than 6 months, as required by that act.

(8) The term "parent or guardian" means a father, a mother, a father through adoption, a mother through adoption, a fiduciary legally appointed by a court of competent jurisdiction, or any person who is determined by the Administrator in accordance with section 21 of the World War Veterans' Act, 1924, as amended (38 U. S. C. 450) to be otherwise legally vested with the care of the eligible person. (As used throughout the regulations for this law, the term "parent or guardian" has reference to a legal custodian recognized pursuant to section 21 supra and § 13.207 of this chapter as the person legally vested with the care of the eligible person or his estate.)

(9) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill the requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

(10) The term "educational institution" means any public or private secondary school, vocational school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above.

(11) The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(12) The term "Administrator" means the Administrator of Veterans Affairs.

(13) The term "special restorative training" means training furnished under Title IV.

(14) The term "law" wherever it appears in §§ 21.3000 through 21.3311 means Public Law 634, 84th Congress, approved June 29, 1956.

(15) The term "ending eligibility date" means the final date for expiration of all educational assistance under the law on behalf of an eligible person.

(16) The terms "enroll" and "reenroll", whatever their form or reference, mean the actual commencement or recommencement of and the active pursuit of the program of education or special restorative training under the provisions of the law.

(17) The term "completion of secondary school education" means the completion of a curriculum offered by a public or private school which satisfies the requirements for a high school diploma or its equivalent—usually completion of the 12th grade in the public school system.

(b) If an eligible person has attained his majority under the laws applicable in his State of residence as shown on his application and is under no known legal disability all references in the regulations under this law to the "parent or guardian" shall refer to the eligible person himself.

ELIGIBILITY AND ENTITLEMENT

§ 21.3010 *Entitlement to educational assistance.* (a) Under the conditions and within the limitations hereinafter specified, each person shall be entitled to receive educational assistance (including special restorative training when needed) who is a child of a person who died of a disease or injury incurred or aggravated in line of duty in the active service in the Armed Forces during World War I, World War II, or the Korean conflict and such service did not terminate under dishonorable conditions; except that if the person himself served with the Armed Forces, his discharge or release from each period of such service must have been under conditions other than dishonorable. No educational assistance may be provided an otherwise eligible person during any period he is on duty with the Armed Forces.

(b) The provisions of §§ 4.14 (c), 4.15 (b), and 4.15a (b) of this chapter are governing as to determination of relationship of a "child," except that for the purpose of this law, the married or unmarried status of a child is not for consideration.

(c) Active service in the Armed Forces means active service in the U. S. Army, the U. S. Navy, the U. S. Air Force, the U. S. Marine Corps, or the U. S. Coast Guard at any time during World War I, World War II, or the Korean conflict (§ 21.3005 (a) (1), (2), or (3)), including members of the Commissioned Corps of the U. S. Public Health Service who performed active duty during one of these periods, under detail by proper authority, with the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard of the United States.

(d) The determination as to whether death was due to a disease or injury incurred in or aggravated during service in World War I, World War II, or the Korean conflict, in line of duty, as required by paragraph (a) of this section, shall be made in accordance with the standards and criteria for determining incurrence or aggravation of a disease or injury in line of duty under applicable Veterans Administration regulations relating to disability compensation laws. The determination will be made by adjudicating personnel to whom authority has been delegated to make such determinations for the purposes of compensation for disability or death.

(e) The provisions of § 21.2011 (b) shall be applied in those instances where the otherwise eligible person was discharged or released from any period of active service with the Armed Forces under conditions neither honorable nor dishonorable.

§ 21.3014 *Duration of eligible person's entitlement.* (a) Each eligible person shall be entitled to educational assistance (including special restorative training where needed) for a period not in excess of 36 months (or the equivalent thereof in part-time training), except that:

(1) The period of entitlement of an eligible person under this law shall be reduced by the full-time equivalent of any period of education or training received by the eligible person under Title II of the Veterans' Readjustment Assistance Act of 1952 or of vocational rehabilitation training received under Public Law 894, 81st Congress.

(b) The period of entitlement of an eligible veteran under Title II of the Veterans' Readjustment Assistance Act of 1952 shall be reduced by the full-time equivalent of any period of training received by the eligible person under this law.

§ 21.3016 *Age limitations.* (a) The program of education or special restorative training to which an eligible person is entitled under § 21.3014 may not be afforded prior to the person's 18th birthday or the successful completion of his secondary schooling, whichever first occurs, except:

(1) The eligible person may begin his training before his 18th birthday even though he has not completed high school if he is above the age of compulsory school attendance under applicable State law and it is determined by the Veterans Administration through counselling that his best interests will be served thereby.

(b) The program of education or special restorative training to which an eligible person is entitled under § 21.3014 may not be afforded beyond that date which occurs last, determined in accordance with the following standards:

(1) The eligible person had not reached his 18th birthday on June 29, 1956 in which event the ending date shall be June 29, 1961.

(2) The eligible person had not reached his 23d birthday on June 29, 1956 and serves on duty with the Armed Forces as an eligible person on or after June 29, 1956 and before his 23d birthday in which event the ending date shall be 5 years from the date of the eligible person's first discharge or release from active duty with the Armed Forces after June 29, 1956.

(3) The eligible person had not reached his 23d birthday on June 29, 1956 and the death of the parent from whom eligibility was derived occurs after June 29, 1956 and after the eligible person's 18th but before his 23d birthday, in which event the ending date shall be 5 years from the date of the death of the parent.

(4) When the date otherwise determined beyond which educational assistance or special restorative training may not be afforded to an eligible person enrolled in an educational institution regularly operated on the quarter or semester system occurs during the last half of a quarter or semester, such ending date shall be extended to the end of the unexpired quarter or semester.

(5) When the date otherwise determined beyond which educational assistance or special restorative training may not be afforded to an eligible person enrolled in courses offered by educational institutions not operating on quarter or semester system occurs during the last half of the course such ending date shall be extended to the end of the course or for 9 weeks whichever is earlier.

(6) Under any other circumstances the ending date shall be the eligible person's 23d birthday.

(c) Notwithstanding the provisions of paragraph (b) (1) to (6) of this section, inclusive, educational assistance or special restorative training shall in no event be afforded to an eligible person beyond his 31st birthday or after the exhaustion of the months and days of his entitlement.

(d) For the purposes of the provisions of paragraph (b) (4) and (5) of this section, the definitions of quarter, semester, "summer quarter" (term or session) etc., as specified in § 21.2014 (b) (5) (i), (ii), (iii), (iv), and (vii), shall be for application.

(e) The term "duty with the Armed Forces" as used in paragraph (b) (2) of this section is defined in § 21.3005 (a) (7).

(f) The term "first discharge or release" as used in paragraph (b) (2) of this section means the first unconditional discharge from active service. It does not mean release for the Administrative purpose of accepting a commission or for any other change of status, unless at the time of discharge or release for change in status the eligible person was eligible for release under the length of service system or other criteria then in effect, and elected to remain in the service.

§ 21.3017 *Election of benefits.* (a) An eligible person who is entitled to educational assistance under this law and also to vocational rehabilitation under Public Law 894, 81st Congress, must elect whether he will receive educational assistance under this law, or vocational rehabilitation under Public Law 894. If he elects to receive educational assistance under this law he will have no further right to vocational rehabilitation training under Public Law 894, 81st Congress. If he elects to receive vocational rehabilitation under Public Law 894 he will have no further right to educational assistance under this law. The election of benefits shall be in writing.

(b) An eligible person who enters or resumes a program of education or special restorative training under this law after he initially has been determined to have a compensable disability incurred during the period from June 27, 1950, to January 31, 1955, inclusive, and notified of potential rights to vocational rehabilitation under Public Law 894; or continues to pursue a program of education or special restorative training under this law for a period of more than 30 days after such notification without having filed an application for vocational rehabilitation under Public Law 894 or, having filed such an application, continues under this law for a period of more than 30 days after being found in need under Public Law 894, will be considered to have made his election.

(c) Where the eligible person becomes entitled to vocational rehabilitation training under Public Law 894, after having commenced a program of education or special restorative training under this law and elects to receive vocational rehabilitation, the program of education or special restorative training previously pursued under this law shall be utilized to the fullest extent practicable in determining the character and duration of vocational rehabilitation to be furnished him.

§ 21.3018 *Charges against and exhaustion of entitlement.* Charges against entitlement of an eligible person pursuing a program of education will be made in terms of months and days for periods during which the person is carried in a training status. The period to be charged will be determined by subtracting the calendar date on which the person commenced training from the ending calendar date of the certified period of enrollment. If, after dates are expressed in months and days, it becomes necessary to "borrow" a month to permit a subtraction of days, 30 days will be considered a month. In order to account for both the beginning and ending date of the certified period of enrollment 1 day will be added to the result obtained. If an interruption or discontinuance occurs at a date prior to the ending date of the certified period of enrollment such date of interruption or discontinuance will be substituted as the minuend in the subtraction made to determine the charge against the eligible person's entitlement, and the necessary adjustments in the entitlement accounting record will be made, as appropriate. Where a program of education is pursued on a part-time basis, either one-half or three-fourths of the elapsed time in following such program, as appropriate, will be charged against the eligible person's period of entitlement. A fraction of more than one-half day in the final re-

sult will be counted as one day. A fraction of one-half day or less will be disregarded. For the purpose of determining the period of entitlement stipulated in § 21.3014, all periods of entitlement time represented by charges against entitlement under Public Law 550, 82d Congress, and Public Law 894, 81st Congress, will be used, except that in computing time expended in pursuit of training under the latter there shall be excluded the period for which subsistence allowance is payable after determination of employability (par. 3, pt. VII, Veterans Regulation 1 (a), as amended, 38 U. S. C. ch. 12A).

§ 21.3030 *Applications.* (a) The parent or guardian of a person for whom a program of education or special restorative training is sought under this law shall submit an application to the Veterans Administration on VA Form VB 7–5490. The receipt of such form fully and completely executed as to all essential items is a prerequisite to the approval of a program of education or special restorative training. If an application is not complete, the parent or guardian will be requested to submit a fully completed application.

(b) Any communication from or action by a parent or guardian which clearly indicates an intent to apply for benefits under the law may be considered an informal application thereunder if followed promptly by a formal application, VA Form VB 7–5490, properly executed. The effective date of an application (formal or informal) will be the date of its receipt in the Veterans Administration. The act of an eligible person enrolling in an approved institution does not, in itself, constitute an informal application.

(c) Upon receipt of the properly completed application a determination shall be made as to whether the person on whose behalf the application has been filed is an eligible person. If the person is found to be eligible, the parent or guardian shall be notified of provisional approval of the application. If the person is found to be ineligible, the parent or guardian shall be notified of disapproval.

(d) Further determinations concerning the provisionally approved application shall be pursuant to §§ 21.3031 and 21.3300 respecting counseling and the development of an educational plan, or pursuant to the provisions of §§ 21.3226 and 21.3227 where application has been made for special restorative training.

PROGRAM OF EDUCATION (TITLE III)

§ 21.3031 *Development of educational program and final approval of application.* (a) Upon provisional approval of an application for educational assistance, the parent or guardian will be notified that educational or vocational counseling must be provided to assist in the selection of an objective and in the development of a program of education before further action may be taken.

(b) During or subsequent to counseling the parent or guardian shall prepare on a prescribed form an educational plan which shall set forth the objective selected through counseling or a different objective selected by the parent or guardian, the proposed program of education, the educational institution(s) at which such program is proposed to be pursued, an estimate of the sum which will be required for tuition and fees in completion of such program, and such other information as may be required to establish a program of education in accordance with provisions of the law. This educational plan shall be signed by the parent or guardian and shall become an integral part of the application for educational assistance under the law.

(c) The development of a program of education shall consist of:

(1) The determination and specific identification of an educational, professional, or vocational objective.

(2) The choice of an approved course or courses, or curriculum or curricula generally considered necessary for attainment of the objective.

(3) The choice of an approved educational institution which can provide the program of education required for attainment of the objective.

(d) The objective to be attained through a program of education will be designated as follows:

(1) An educational objective will be designated as the completion of an approved curriculum or curricula leading to the award of a diploma, degree, or certificate which indicates educational attainment as distinguished from certificates or licenses which indicate qualification to practice a trade or profession.

(2) A professional or vocational objective will be designated in terms of an occupation normally pursued as a means of earning a livelihood for which an eligible person desires to prepare himself.

(3) An educational objective may be designated without specific indication of its relationship to a professional or vocational goal or objective. When a professional or vocational objective is designated, however, it may be held to include educational objectives as may be essential to the attainment of the professional or vocational objective. Any program consisting of a series of courses not leading to an educational objective, must be related directly to attainment of or advancement in a professional or vocational objective, and in such cases the professional or vocational objectives must be designated.

(e) An application for a program of education under the law will be given final approval when it is determined that:

(1) Counseling has been conducted to the point of identification of the most suitable objective(s), and

(2) The program of education selected meets the criteria contained in the definition of a program of education as stated in § 21.3005 (a) (9), and

(3) The eligible person is not already qualified by reason of previous education or training for the objective for which the program of education is offered (see § 21.2031 (b) (4) (i), (ii) and (iii)), and

(4) The program of education does not contain courses or elements the enrollment in which is precluded by § 21.3033, and

(5) An educational plan has been submitted in accordance with paragraphs (b) and (c) of this section, and

(6) Pursuit of the proposed program of education does not violate any provision of this law.

§ 21.3032 *Change of program.* (a) A request for a change of program will be made by an eligible person, with concurrence of his parent or guardian, on a prescribed form. Not more than two changes of program will be approved.

(b) The definition of a change of program as contained in § 21.2032 (b) will govern.

(c) In determining the types of course adjustment that will not be considered as changes of program under this law, the provisions of § 21.2032 (d) will be applied.

(d) A change of program will be approved when authorization of the new program is recommended as a result of required counseling conducted in accordance with § 21.3300 (d), provided the recommended program of education meets the other criteria for approval as contained in § 21.3031 (e).

§ 21.3033 *Courses precluded*—(a) *Avocational and recreational courses.* The provisions of § 21.2033 are for application to courses in bartending, dancing, personality development, photography, entertainment, music, public speaking, athletics and any other type of course which the Administrator determines by Veterans Administration regulation to be avocational or recreational.

(b) *Other courses.* The Veterans Administration is prohibited from approving the enrollment under this law of an eligible person in the following courses:

(1) *Flight training.* No course of flight training may be pursued under this law except one given by an institution of higher learning for credit toward the standard collegiate degree for which the eligible person is enrolled.

(2) *Apprenticeship, on-farm, correspondence, television and radio courses.* An eligible person may not pursue under this law any course of apprenticeship or other training on the job, any course of institutional on-farm training or any course to be pursued by correspondence, television or radio.

(3) *Courses in foreign countries.* No course may be pursued under this law at an educational institution not located within the continental limits of the United States, the Territories, and possessions of the United States, or the Commonwealth of Puerto Rico.

(4) *Courses on secondary level.* A curriculum offered by a public or private school at the secondary school level leading to the completion of the eligible person's regular secondary school education, that is, leading to a high school diploma or its equivalent, may not be pursued as a program of education or as a part of a course of education under this law. Where the eligible person has ended his secondary school education by completion, or otherwise after having passed the age of compulsory school attendance, he may pursue a specialized vocational program of education in a school at the secondary level if such program is adjudged to be a specialized vocational program which terminates in qualifying for a bona fide vocational objective. A determination that the proposed program may be pursued would be in order when such program at the secondary school level is deemed to be adequate to prepare graduates to enter directly into employment in the community in the occupation or vocation which the eligible person expects to enter. However, in those instances where the program, although containing essential elements of vocational instruction, includes a heavy weighting of academic subjects of secondary level thereby requiring for completion a total number of instructional hours approximately equal to that normally required for high school graduation, a determination will be proper that enrollment by eligible persons is precluded under this law. All facts bearing upon the past experience of graduates of the specialized vocational program in obtaining employment will be afforded due weight in making the determination.

§ 21.3034 *Discontinuance for unsatisfactory conduct or progress*—(a) *Satisfactory pursuit of training.* Entitlement to a period of education is subject to the provision that an eligible person, having selected a program of education and having commenced the pursuit of such program, continues to maintain satisfactory progress and conduct throughout the period in accordance with the regularly prescribed standards and practices of the institution in which he is enrolled.

(b) *Maintenance of satisfactory conduct and progress.* Educational assistance allowance will be discontinued in any case where it is established that by reason of his unsatisfactory conduct or progress the eligible person will no longer be retained as a student or would not be readmitted as a student by the educational institution in which he is or was enrolled.

§ 21.3035 *Reentrance after discontinuance.* (a) An eligible person may be reentered into training and payment of educational assistance allowance resumed following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(1) The cause of the unsatisfactory conduct or progress has been removed, and

(2) It is determined through further counselling that the program which the eligible person now proposes to pursue is suitable to his aptitudes, interests and abilities.

(b) Reentrance may be for the same program, for a revised program or for an entirely different program depending on the cause of the discontinuance, the removal of that cause, and the determinations arrived at through further counseling.

§ 21.3036 *Period of operation for approval.* For the purpose of this law the provisions of § 21.2036 will govern with respect to the required period of operation of a course.

§ 21.3037 *Institutions listed by Attorney General.* For the purpose of this law the provisions of § 21.2037 will govern in respect to institutions listed by the Attorney General.

§ 21.3051 *Conditions governing payment of educational assistance allowance.* (a) The educational assistance allowance shall be paid to the guardian of the eligible person; to the person recognized as legal custodian pursuant to section 21 of the World War Veterans' Act, as amended (38 U. S. C. 450) and § 13.207; to the eligible person himself if he has attained his majority and has no known legal disability; or to the person so designated under paragraph (c) of this section.

(b) Where the eligible person has not attained his majority, or if he has attained his majority is under a known legal disability, recognition of a person's legal custodian or action towards the appointment of a guardian shall be the responsibility of the Chief Attorney in accordance with governing guardianship regulations.

(c) Parents or guardians normally or generally have responsibilities with respect to the education of their children. There will be some instances, however, where because of distance, illness, indifference, etc., such responsibility will not be properly exercised. In recognition of this fact, when it is found by the Manager after investigation that it would be contrary to the best interest of the eligible person, would result in undue delay, or would not be administratively feasible, the regulations governing submission of application and other action required to be taken by or with respect to the parent or guardian shall not apply. In such event, the eligible person himself shall be designated as the person by or with respect to whom the action so required should be taken, unless the Manager determines that there is some known reason to conclude that the eligible person should not be so designated in which event the Chief Attorney will designate a person suitable to take such actions and/or receive the payments. In no event shall payments be made to a guardian or legal custodian not living in a State (§ 21.3005 (a) (11)).

(d) The educational assistance allowance shall be paid only for the period of the eligible person's approved enrollment, but no allowance shall be paid:

(1) On behalf of any person enrolled in a course which leads to a standard college degree for any period when such person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of the law, or

(2) On behalf of any person enrolled in a course which does not lead to a standard college degree for any day of absence in excess of 30 days in a 12-month period, or pro rata part thereof for enrollment of less than 12 months in length, counting as absences days during school vacation periods such as at Thanksgiving, Christmas, and Easter, but not counting as absences weekends or legal holidays established by Federal or State law during which the institution is not regularly in session.

(e) For the purposes of paragraph (d) (1) of this section, a course which leads to a standard college degree is defined as any course which leads to: (1) A 4-year baccalaureate or higher degree; (2) advanced professional degree or objective; or (3) collegiate or university associate degree, diploma, certificate or title, provided the following conditions are met: (i) High school graduation or equivalent is required for admission to the course, (ii) a minimum of two full-time academic years is required for completion, and (iii) standard semester or quarter credit-hours are awarded for the course or curriculum, not less than 40 percent of which are acceptable at full value in fulfillment of requirements for a baccalaureate degree by the element of the institution which awards such a degree, or by other baccalaureate degree-granting institutions.

(f) The principle of payment of allowances in arrears as provided by Public Law 550, 82d Congress, is extended to educational assistance allowance payable under this law. Accordingly, such allowance shall be paid to or on behalf of an eligible person for any period only after the Veterans Administration shall have received from the educational institution a report certified to by the eligible person and the educational institution on a form provided by the Veterans Administration for that purpose, showing that the eligible person has been pursuing his course as required by the law. Insofar as they apply to the types of courses and to the extent of training which may be authorized under this law, the principles of the following sections shall govern. References to accredited courses in the relevant sections apply under this law to courses which lead to a standard college degree, and those provisions pertaining to nonaccredited courses apply under this law to those courses which do not lead to a standard college degree.

(1) Section 21.2051 (b) and (d)—submission of monthly certifications of training.

(2) Section 21.2051 (c)—certification of enrollment.

(3) Section 21.5051 (e)—maintenance of record of absences.

(4) Section 21.2051 (f) and (f) (1)—determination of maximum allowable absences.

(5) Section 21.2051 (f) (2) (i), (ii) and (iii)—basis for reduction of educational assistance allowance on account of excessive absences.

(6) Section 21.2051 (f) (3) (i)—amount of reduction for excessive absences.

(7) Section 21.2051 (f) (4)—absences disclosed following termination of training.

(g) Payment of educational assistance allowance shall be subject to offset of amounts of compensation or pension paid over the same period on behalf of a child based on school attendance.

§ 21.3052 *Rates of educational assistance allowances*—(a) *Institutional training; full- and part-time rates.* (1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (i) $110 per month if pursued on a full-time basis, (ii) $80

per month if pursued on a three-quarters time basis, and (iii) $50 per month if pursued on a half-time basis.

(2) No educational assistance allowance shall be paid on behalf of an eligible person for any period during which he is enrolled in and pursuing an institutional course on a less than half-time basis.

(b) *Cooperative courses.* (1) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of $90 per month.

(2) No educational assistance allowance shall be paid on behalf of an eligible person for any period during which he is enrolled in and pursuing a cooperative course on less than a full-time basis.

§ 21.3054 *Effective beginning dates of entrance or reentrance into training and for payment of educational assistance allowance.* (a) No educational assistance allowance shall be paid for any period prior to October 1, 1956.

(b) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for the payment of educational assistance allowance upon original entrance into training will be the date of receipt of application, date of commencement of the course as certified by the institution on VA Form VB 7–5499, or the effective date of approval of the course by the appropriate approving agency or by the Veterans Administration, whichever is later. The effective date of the approval of the course by the appropriate approving agency shall be the effective date specified by the approving agency in its notice of approval, if such notice of approval is received by the Veterans Administration not later than 60 days after the effective date specified therein by the State approving agency. Where the notice of approval is not received by the Veterans Administration within 60 days from the effective date set forth in the notice of approval, the effective date of approval for the purpose of this paragraph shall be as of the date 60 days prior to the date of notice of approval is received by the Veterans Administration.

(1) The effective beginning date for the payment of educational assistance allowance upon reentrance into training in the same course in the same institution will be the date of recommencement of the course as certified by the institution on VA Form VB 7–5499.

(2) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for payment of educational assistance allowance upon approved reentrance into training which involves a change of program or a change of institution will be the date of commencement or recommencement of the course as certified by the institution on VA Form VB 7–5499, or the date the eligible person's request (concurred in by his guardian or legal custodian) for such change was received by the Veterans Administration, whichever is later.

(3) Where the original application for a program of education, or a request for a change of program or institution, is not received by the Veterans Administration on or prior to the date of enrollment or reenrollment into such program, the effective date for the commencement or recommencement of benefits by virtue of either application shall not be prior to the date of its receipt by the Veterans Administration, except that in an individual case, if the facts, the equities, and the demonstrated good faith on the part of the guardian or legal custodian justify such action, the Manager may personally waive the requirement for timely submission of such applications, or such requirements may be waived by appellate decision pursuant to the appeal of the parent or guardian, or by the eligible person himself, where applicable.

§ 21.3055 *Effective closing dates of an authorization of educational assistance allowance.* The effective closing date shall be the ending date of the course, or the ending date of the period of enrollment as certified by the school, or the ending eligibility date for expiration of all educational assistance for the eligible person, or the expiration of the eligible person's entitlement, whichever occurs first.

§ 21.3056 *Effective date of change or discontinuance of educational assistance allowance.* (a) The effective date of a change in the authorization of educational assistance allowance shall be:

(1) In the event of a change in the extent of the course being pursued, the date the change occurred, e. g., change from full-time to part-time pursuit of course.

(b) The effective date of discontinuance of educational assistance allowance shall be:

(1) In the event of the death of the eligible person, as of the date of death.

(2) In the event of termination of training because of the eligible person's reentry into the active military service as of the date prior to such reentry into the military service, or last date of attendance, whichever is earlier. The educational assistance allowance of members of the organized reserves recalled to active service for brief periods of training duty need not be discontinued: *Provided*, That it is the practice of the institution to grant exception from classes for such periods without requiring formal interruption of training: *And provided further*, That in courses not leading to a standard college degree such days of absence shall be subject to the limitations of § 21.3051 governing payment for absences. Duty with the Armed Forces as defined in § 21.3005 (a) (7) shall not be considered "brief" periods of training duty.

(3) In the event it is found that the conduct or progress of the eligible person is unsatisfactory, as of the date the eligible person is dropped by the educational institution, or as of the date such determination is made by the Administrator, whichever is earlier.

(4) In the event a school in which the eligible person is enrolled is subsequently listed by the Attorney General under paragraph 3, Part III, of Executive Order No. 9835, or section 12, Executive Order No. 10450, as of the date preceding the date of such listing.

(5) As of the date of enrollment in the event the Veterans Administration does not receive the properly completed periodic certifications of training for the first two reporting periods in a period of enrollment.

(6) As of the end of the month for which the last proper payment was made, in the event the eligible person has commenced his course but the Veterans Administration does not receive the properly completed periodic certification of training for two consecutive reporting periods.

(7) In the event of disapproval of a course by the State approving agency, as of the date of receipt in the Veterans Administration of such notice of disapproval, or as of the date of such disapproval, which ever is later, or, in the event of disapproval of a course by the Administrator, as of the date of such disapproval.

(8) In the event discontinuance of educational assistance allowance is effected because of a determination that one or more of the conditions specified in § 21.3208 (b) (2) exist, as of the date specified in § 21.3208 (b) (2).

(9) In the event an eligible person interrupts training in a course prior to completion of the course or completion of the certified period of enrollment, as of the last date of attendance.

(10) In the event the eligible person shall forfeit by reason of fraud all rights, claims, and benefits, as of the date preceding the date of the commission of the act upon which the central committee on waivers and forfeitures based the forfeiture: *Provided, however*, That if the evidence of record establishes that the eligible person was guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its Allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date of decision of forfeiture both for accrued and current allowances.

§ 21.3057 *Duplication of benefits.* (a) The commencement of a program of education under this law shall be a bar to any future payments of compensation or pension under any law administered by the Veterans Administration based on the death of a parent to or on behalf of an eligible person over the age of 18 by reason of pursuing a course in an educational institution, or of increased rates, or additional amounts, of compensation or pension under any law administered by the Veterans Administration because of such a person's pursuit of a course over the age of 18.

(1) The payment of compensation or pension on account of the death of a parent on behalf of a child who is not over the age of 18, or of a child who is permanently incapable of self support, is not affected by reason of the payment of an educational assistance allowance on behalf of such a person.

(b) The provisions of § 21.2057 concerning duplication of benefits shall also bar payment of educational assistance allowance under this law.

§ 21.3063 *Apportionments of educational assistance allowance.* There is no authority under the law for the authorization of apportioned shares of the educational assistance allowance.

§ 21.3066 *Measurement of full- or part-time courses.* (a) Excluding references to less than ½-time training, the principles of the following cited sections shall govern the measurement of courses for purposes of payment of educational assistance allowance under this law:

(1) *Institutional trade or technical courses.* Section 21.2066 (a).

(2) *Institutional courses below college level on a clock-hour basis.* Section 21.2066 (b).

(3) *Institutional undergraduate course recognized for credit toward a standard college degree.* Section 21.2066 (d).

(4) *Accredited graduate or advanced professional courses.* Section 21.2066 (e).

(5) *Law courses.* Section 21.2066 (f).

(6) *Cooperative courses.* Section 21.2066 (h).

(7) *Concurrent enrolment.* Section 21.2066 (j).

(8) *Internship courses; residency courses; registered nursing and registered professional nursing courses; practical nursing courses; and X-ray technician, medical technician, medical records librarian, and physical therapist courses.* The principles of § 21.2066 (k), (l), (m), (n) and (o), respectively, shall govern, except that since the courses referred to in § 21.2066 (o) (2) are considered on-the-job training they may not be pursued under this law.

§ 21.3067 *Overcharges by educational institutions.* (a) The Administrator is authorized to disapprove any educational institution for the enrollment of any eligible person under this law or any eligible veteran under Title II, Public Law 550, 82d Congress, not already enrolled therein, if he finds that such educational institution has charged or received from any eligible person or any veteran eligible for benefits under Title II, Public Law 550, 82d Congress, any amount in excess of the institution's established charges for tuition and fees which the institution requires other similarly circumstanced students to pay.

(b) The charges for tuition and fees for eligible persons enrolled under this law will be those published charges for tuition and fees applicable to all students similarly circumstanced. A charge made by an institution to veterans under the exception in section 234, Public Law 550, 82d Congress (§ 21.2067), will not be considered as a customary charge for tuition or fees.

§ 21.3151 *Approval of courses.* (a) An eligible person shall receive benefits under this law while enrolled in a course of education offered by an educational institution only if the course is approved by the State approving agency for the State where such educational institution is situated, or where appropriate, by the Administrator.

(b) Prior to the date for expiration of all education and training under Public Law 550, 82d Congress, courses will be considered approved for purposes of Public Law 634, 84th Congress, when they have been approved by the State approving agency or by the Administrator in accordance with those criteria and provisions of §§ 21.2151, 21.2203, and 21.2204 provided they are not precluded by § 21.3033 and have not been disapproved under the provisions of section 256 of that act. Where the eligible person desires to take a course which has not been approved under Public Law 550, the institution offering such course should apply to the State approving agency or the Administrator, as appropriate, for approval under Public Law 550.

(c) Subsequent to the date of expiration of all education and training under Public Law 550, 82d Congress, approval of any additional courses for purposes of this law will be the responsibility of the Administrator under the criteria of sections 253 and 254, Title II, Public Law 550, 82d Congress, which are for application to the types of courses which may be pursued under this law.

§ 21.3208 *Disapproval of courses and discontinuance of educational assistance allowance under Public Law 634, 84th Congress.* (a) Any course which has been disapproved by a State approving agency under section 256 (a) of Public Law 550, 82d Congress, shall be considered disapproved for eligible persons under the provisions of this law.

(b) (1) The Administrator, pursuant to section 313 of this law, is authorized to discontinue the educational assistance allowance of any eligible person if he finds that the course of education in which the eligible person is enrolled fails to meet any of the requirements of the law or any of the standards and criteria of section 253 or 254 of Public Law 550, 82d Congress, or if he finds that the educational institution offering such course has violated any provision of the law or fails to meet any of its requirements.

(2) When it has been determined through the application of § § 21.2208 (d) (3) through (11) and 21.2209 that one or more of the following conditions exist, the educational assistance allowances of all eligible persons enrolled in the course or courses offered by an educational institution will be discontinued pursuant to such responsibility and authority effective as of the date specified in § 21.2208 (d) (12) and the Manager shall not thereafter approve the enrollment or reenrollment of any eligible person therein unless subsequently authorized in advance to do so by the Director, Vocational Rehabilitation and Education Service:

(i) The educational institution has willfully and knowingly made a false report or certification concerning an eligible person or his course of education which has resulted or could result in an improper payment of allowances to the eligible person.

(ii) The educational institution has willfully and knowingly failed to report to the Veterans Administration excessive absences from a course or discontinuance or interruption of a course by an eligible person which failure has resulted or could result in improper payment of allowances to the eligible person.

(iii) The educational institution through gross negligence has submitted improper and incorrect reports which have caused or could result in improper payment of allowances to eligible persons. This condition will not be found to exist where the improper report occurs only in an isolated instance or instances or where it is the first occurrence and the educational institution has not been notified previously in writing or where the improper report or reports may be attributed to clerical errors and are shown not to be the result of the failure of the educational institution to provide a recording and reporting procedure which normally would have resulted in proper reports to the Veterans Administration.

(iv) The educational institution after written notice of a violation of a provision of the law or of a failure of the course to meet a specific requirement of the law other than one of the standards and approval criteria included in section 253 or 254 of Public Law 550, 82d Congress, has failed to correct the situation within 30 days of date of such notice or has knowingly and willfully repeated the violation.

(v) The educational institution willfully and knowingly has charged, or received from, an eligible person or a veteran eligible for benefits under Public Law 550, 82d Congress, any amount in excess of the established charges for tuition and fees which the educational institution requires other students similarly circumstanced who are enrolled in the same course to pay (except that the charges permitted by § 21.2067 (a), with respect to veterans enrolled under Public Law 550 in tax-supported public educational institutions which have no established charges for tuition and fees shall not be considered overcharges).

(vi) The educational institution fails or refuses to make available for examination to duly authorized representatives of the Government records and accounts pertaining to the training of eligible persons enrolled therein under the law.

(vii) The course of education in which an eligible person or persons is enrolled fails to meet any one of the standards or approval criteria included in section 253 or 254 of Public Law 550, 82d Congress, a written notice having been given to the State approving agency as to the specific standards or criteria not being met, the failures have not been eliminated within 30 days after such notice.

§ 21.3210 *Reports by institutions*—(a) *Certification forms required.* Educational institutions shall promptly certify to the Veterans Administration the enrollment or reenrollment of an eligible person in a program of education under the provisions of Public Law 634, 84th Congress. Such educational institutions will submit for each eligible person enrolled therein periodic certifications of training showing the person's continued pursuit of his course, attendance, conduct, progress, interruption or

termination of training, and modifications of course which affect the payment of educational assistance allowance.

(i) The enrollment or reenrollment of an eligible person shall be certified by the educational institution on VA Form VB 7–5499.

(i) If the eligible person is enrolled in an institution of higher learning in an undergraduate curriculum leading to a degree objective, the institution's certification of enrollment shall designate the specific curriculum or degree objective for which he is enrolled, e. g., A. B. liberal arts, B. S. engineering, B. S. business administration, etc., except that where it is the practice of the institution to enroll students originally in the "lower division" with the selection of the specific field of specialization for the baccalaureate degree objective postponed until the completion of the lower division curriculum, the institution shall certify to the Veterans Administration as the name of the eligible person's course "lower division—baccalaureate degree," and such a certification will be deemed adequate for Veterans Administration purposes: *Provided, however*, That at the time of the eligible person's next enrollment in his program immediately following the completion of the lower division curriculum, the institution shall certify to the Veterans Administration the exact degree objective for which the eligible person becomes enrolled. This adjustment in the name of the person's objective under these circumstances will not be considered to be a change of program.

(ii) If the eligible person is enrolled in a junior college, the institution shall certify to the Veterans Administration the established curriculum in which he is enrolled, e. g., prelaw, preengineering, associate of arts, etc., irrespective of the fact that the eligible person may have indicated on his application that the objective of a program of education was a 4-year undergraduate college course leading to a baccalaureate degree.

(2) VA Form VB 7–5496, Periodic Certification of Training (under Public Law 634, 84th Congress), shall be signed by the eligible person and an appropriate official of the educational institution monthly for each eligible person enrolled in and pursuing a program of education.

(b) *Reporting the interruption or termination of training.* Educational institutions shall promptly notify the Veterans Administration on VA Form VB 7–5496 in any case where:

(1) The eligible person's training is interrupted or terminated by the eligible person or by the educational institution; or

(2) The eligible person ceases to attend or ceases to maintain satisfactory conduct and progress in accordance with the regularly prescribed standards and practices of the educational institution.

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans Administration under Public Law 634, 84th Congress, an allowance at the rate of $1 per month for each eligible person enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications.

(2) The amount of such allowance to be paid each institution shall be computed on the basis of $1 for each required certification of training actually received by the Veterans Administration for the reporting period.

(3) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by voucher.

SPECIAL RESTORATIVE TRAINING (TITLE IV)

§ 21.3224 *Cross references.* The sections listed below are for application to special restorative training:

Section 21.3000—Statement of policy.
Section 21.3005—Definitions.
Section 21.3010—Entitlement to educational assistance.
Section 21.3014—Duration of eligible person's entitlement.
Section 21.3016—Age limitations.
Section 21.3017—Election of benefits.
Section 21.3018—Charges against and exhaustion of entitlement.
Section 21.3030—Applications.
Section 21.3037—Institutions listed by Attorney general.
Section 21.3057—Duplication of benefits.
Section 21.3063—Apportionments of educational assistance allowance.

§ 21.3225 *General.* (a) A course of special restorative training for purposes of Title IV of Public Law 634, 84th Congress, is designed to overcome, or lessen, the effects of a physical or mental disability by providing suitable training or retraining to restore or improve the eligible person's ability with respect to physical or mental functions in which he is handicapped and which are essential to enable him to undertake and pursue a program of education as defined in § 21.3005 (a) (9). Special restorative training does not include medical care and treatment or psychiatric treatment.

(b) Special restorative training courses which may be prescribed by the vocational rehabilitation board are courses of training in speech and voice correction or retention, language retraining, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, nondominant handwriting, personal and social adjustment training and remedial reading. Other special restorative training may be prescribed by the Manager upon the recommendation of the vocational rehabilitation board.

(c) No facility operated by the Veterans Administration may be used to provide special restorative training to an eligible person.

§ 21.3226 *Need for special restorative training.* (a) The determination as to the need for and medical feasibility of providing special restorative training, when requested by a parent or guardian under this law will be made by the vocational rehabilitation board (established in each Veterans Administration regional office under § 21.715 (a)) upon the basis of information developed in the counseling process, including data and opinions secured from medical specialists and other experts as appropriate in the case.

(1) A determination will be made that need for special restorative training is established when all of the following conditions are found:

(i) The eligible person has a handicap which may be expected to interfere with pursuit of a program of education.

(ii) The physical and mental condition of the eligible person is such that pursuit of special restorative training would be medically feasible.

(iii) It may reasonably be expected that pursuit of special restorative training will overcome or lessen the handicap by restoring or improving the eligible person's abilities to such extent that it will be practicable for him to pursue a program of education.

(2) When the board finds that the eligible person is in need of only minor elements of a restorative training course, and that these can be pursued concurrently with the pursuit of a program of education, a recommendation will be made that such elements be pursued concurrently with (but not as a part of) a program of education and will find the eligible person not in need of a course of special restorative training.

(3) In the case of an eligible person for whom special restorative training is needed, if the board finds that his physical or mental condition is such that it is not medically feasible to initiate special restorative training, action on the request for restorative training will be suspended until his condition improves to such extent that training is feasible, and the parent or guardian will be informed in writing of this determination. In such case appropriate followup will be made to ascertain when it may be feasible to take further action on the request for special restorative training.

(4) Where the board finds that need for special restorative training is not established, the parent or guardian will be informed of the decision and of his right of appeal.

(b) When the board finds that there is need for a course of special restorative training, such a course suitable to the needs and capacities of the individual, will be developed and approved by the board for referral to a training officer to provide the assistance and supervision that may be necessary for implementation of training plans.

(1) When developing a course of special restorative training activities, the board will give special consideration to the ultimate objective to be accomplished through a program of education to be pursued subsequent to the completion of special restorative training, if such objective has been agreed upon in the process of counseling, in order that the elements of the training course may contribute toward the ultimate objective as far as practicable, and without loss of time in changing from special restorative training to the program of education.

(2) When it is not found practicable for the counselor and the parent or guardian and the eligible person to select a suitable objective for a program of education prior to providing special restorative training, the special restorative training course will be directed toward improving the eligible person's abilities, within the limits of his work tolerance, so that an objective may be chosen and a program of education initiated as early as possible.

(3) If the eligible person proposes to pursue a program of education for an objective which is not considered suitable for him, the special restorative training course will be directed toward restoring or improving his abilities, within the limits of his work tolerance, so that a program of education toward his objective may be initiated as early as possible.

(c) The vocational rehabilitation board will review the case of an eligible person who is referred by the training officer for consideration of reentrance to special restorative training following interruption.

(1) If the board finds that the cause of interruption has been removed and that there is reasonable expectation that the purpose of special restorative training may be accomplished, reentrance will be approved.

(2) If the board finds that there is continuing medical infeasibility of training, action on the request will be suspended while such medical infeasibility continues. In such case the board may recommend any measures considered practicable for the eligible person to take in order to reestablish medical feasibility.

(3) If the board finds that by reason of misconduct or other basis for failure on part of the eligible person to pursue or benefit by special restorative training, there is no reasonable likelihood that further pursuit of such training will accomplish its purpose, discontinuance of training under Title IV of the law will be recommended.

§ 21.3227 *Extent of training.* A course of special restorative training will be prescribed on a full-time basis as determined in each individual case in accordance with one of the following requirements:

(a) The course will require devotion of that amount of time per week which is commonly devoted to a full-time course at an educational institution in each case where, based on medical findings, it is determined that the effects of the physical or mental disability of the eligible person would not preclude the devotion of that amount of time to his training.

(b) The course will require devotion of the maximum amount of time per week which is determined by medical findings to be commensurate with the limitations imposed by the eligible person's disability in each case where medical authority determines that, due to such limitations, the time he should devote to his course is less than the amount of time indicated in paragraph (a) of this section.

(c) The course will require the inclusion of subject matter which will contribute toward the ultimate objective of a program of education tentatively selected by the parent or guardian when it is determined that such additional subject matter is necessary to make the course meet the provisions for the amount of time required by paragraph (a) or (b) of this section because the hours that can reasonably be devoted per week to the elements of needed restorative training will not of themselves meet the relevant requirement.

§ 21.3228 *Conditions governing payment of special training allowance.* (a) Payments shall be made to the person designated to receive the payments under the provisions of § 21.3051 (a) and (b).

(b) The special training allowance shall be paid only for the period of the eligible person's approved enrollment as certified by the responsible training officer. In no event however shall such allowance be paid:

(1) Unless the eligible person is pursuing the prescribed course of special restorative training that has been determined to be full-time training with respect to the capacities of the individual trainee. (See § 21.3227.)

(2) For any period during which the payment of an educational assistance allowance is made.

(c) Payment of special training allowance shall be subject to offset of amounts of compensation or pension paid over the same period on behalf of a child based on school attendance.

§ 21.3229 *Rates of special training allowances.* (a) While the eligible person is enrolled in and pursuing a course of special restorative training the special training allowance shall be computed at the basic rate of $110 per month. This amount may be increased under the conditions provided by paragraph (b) of this section.

(b) If the cost for tuition and fees applicable to any such training averages in excess of $35 per calendar month during a period of enrollment the basic monthly allowance may be increased by the amount that such average costs exceed $35 a month, provided the guardian or legal custodian elects to have the eligible person's period of entitlement reduced by one day for each $3.60 that the special training allowance paid exceeds the basic monthly rate of $110. Fractions of more than one-half day will be charged as one day; fractions of one-half or less will be disregarded. For example, an eligible person pursues special restorative training in speech (lip) reading for a period of 9 months at a tuition cost of $381.50, or an excess of $66.50 over $315 (9 months at $35). If the excess amount is paid the eligible person's entitlement will be reduced by 18 days ($66.50 divided by $3.60 equals 18.4), in addition to the regular 9 months' reduction of entitlement. Such charges will be recorded at the time the authorization action entering the eligible person into training is effected and will be subsequently revised if circumstances require such action. Regular charges against an eligible person's entitlement will be computed on the basis prescribed by § 21.3018 for full-time training.

§ 21.3231 *Effective beginning dates of entrance or reentrance into special restorative training for the payment of a special training allowance.* (a) No special training allowance shall be paid for any period prior to October 1, 1956.

(b) The beginning date of an authorization of a special training allowance shall be the date of entrance or reentrance into the prescribed course of special restorative training, or the date the vocational rehabilitation board approved such course for the eligible person, whichever is later.

§ 21.3232 *Effective ending dates of an authorization of a special training allowance.* (a) The ending date of the payment of a special training allowance will be:

(1) The ending date of the course, or the ending date of the period of enrollment as certified by the training officer, or the ending eligibility date for expiration of all educational assistance for the eligible person, or the expiration of the eligible person's entitlement, whichever occurs first.

(2) Interruption of course, as determined by the training officer under § 21.3233.

(3) As prescribed by § 21.3056 (b) (1), (4), and (10) under the conditions therein described.

§ 21.3233 *Status "interrupted."* (a) An eligible person once entered into special restorative training should pursue his course to completion without interruption. Wherever possible, continuous training shall be provided for each such eligible person, including training during the summer, except where, because of his physical condition or other good reason, it would not be to his best interest to pursue training during the summer.

(b) Special restorative training will be interrupted as necessary under the following conditions:

(1) During summer vacations or periods when no instruction is given before and after summer sessions.

(2) During a prolonged period of illness or medical infeasibility.

(3) When the eligible person voluntarily abandons special restorative training.

(4) When the eligible person fails to make satisfactory progress in the special restorative training course.

(5) When the eligible person is found to be no longer acceptable to the institution because of failure to maintain satisfactory conduct or progress in accordance with the rules of the institution.

§ 21.3234 *Reentrance after interruption.* (a) When a course of special restorative training has been interrupted for one of the reasons set forth in § 21.3233 and the eligible person presents himself for reentrance, the training officer will take action as follows:

(1) Where special restorative training was interrupted under § 21.3233 for a scheduled vacation period, for a short

period of illness or for other reason which does not prevent reentrance in the same course of special restorative training without corrective action the training officer will approve reentrance.

(2) Where special restorative training was interrupted under § 21.3233 by reason of failure to maintain satisfactory conduct or progress or for any other reason which requires corrective action such as change of place of training, change of course, personal adjustment, etc., the case will be referred by the training officer to the vocational rehabilitation board for action in accordance with § 21.3226 (c).

(i) If it is determined that the conditions for which interruption action was taken can be overcome the board will recommend the means by which adjustment in the case is to be made and refer the case to the training officer for appropriate action.

(ii) If all efforts by the board to bring about proper adjustment in the case meet with failure and the board determines that adjustment cannot be made the board will notify the training officer that reentrance is denied and that discontinuance action is to be taken. Inasmuch as discontinuance of special restorative training under this law precludes any further pursuit of such restorative training, action to discontinue should be taken only as a last resort and after all facts lead to the conclusion that there is no warrant to continue special restorative training. In any case of discontinuance the guardian or legal custodian will be notified in writing of the action taken and of his right of appeal. He will also be informed of potential rights to a program of education under Title III of the law.

§ 21.3236 *Authority to make agreements.* (a) The law provides that the Administrator may by agreement arrange with public or private educational institutions or others to provide training arrangements as may be suitable and necessary to accomplish the purposes of Title IV.

(b) The law also provides that in any instance where the Administrator finds that a customary tuition charge is not applicable he may agree on the fair and reasonable amounts which may be charged the parent or guardian for the training provided an eligible person.

(c) The Manager, Assistant Manager and Chief, Vocational Rehabilitation and Education Division, are authorized to enter into agreements in accordance with existing laws, Veterans Administration regulations and policies with public educational or training institutions or individuals in the territory of the regional office for the purpose of providing courses of special restorative training for eligible persons under the provisions of the law. Authority to sign such agreements may be delegated to the Chief, Education and Training, in those regional offices where the Chief, Vocational Rehabilitation and Education Division, recommends such action to the Manager. Each agreement shall contain the same type of information as required for special restorative training contracts under Part VII, including the requirement that educational institutions, or others with whom arrangements have been made to provide training, report to the Veterans Administration promptly the enrollment, interruption or termination of the eligible person's course of special restorative training. An educational institution will be paid $1 upon claim by the institution in accordance with § 21.3210 (c), for any month in which it submits one or more of the above reports required by the Veterans Administration under the terms of the agreement.

§ 21.3237 *Supervision of the eligible person during special restorative training.* (a) Special restorative training is provided for the purpose of overcoming or lessening the effects of a physical or mental disability which would handicap the eligible person in the pursuit of a program of education. In order that the course of special restorative training will accomplish the purpose intended in a satisfactory manner, there will be close supervision to assure satisfactory progress and when needed proper and timely adjustments. In the process of supervision the training officer must keep in mind two factors in particular:

(1) That unless the course is properly provided both in kind and amount the eligible person's chances for ultimate successful completion of a program of education are jeopardized.

(2) Because all time spent in a course of special restorative training is subtracted from the time the law allows for a program of education, there must not be any waste of time or prolonging of the course of special restorative training beyond that necessary to accomplish the purpose of such training.

(b) Supervision by the training officer shall as a minimum consist of the following:

(1) Knowledge as to the progress of the eligible person at all times.

(2) The assisting of the eligible person and his instructor in all matters affecting training.

(3) A continuing alertness to discover any new developments which may affect progress and the exertion of every effort to forestall or remove any disadvantageous factors.

(4) The maintaining of adequate records of the progress of the eligible person. This will include records of the eligible person's attendance, personal conduct and application to the course.

(c) When in the process of supervision it is determined that adjustments are needed in the course or in the training situation the training officer will take immediate action to bring about such adjustments in accordance with the following:

(1) When the eligible person or his instructor indicates dissatisfaction with elements of the program the training officer through personal discussion with the eligible person and/or his instructor will effect, if possible, a correction of the difficulty through such means as making minor adjustments in the course or through persuading the eligible person to give more attention to performance.

(2) When it develops that there are difficulties of major significance which cannot be corrected by the training officer, he will prepare a report of all pertinent facts and submit it to the vocational rehabilitation board for proper action. This report will include the training officer's recommendations.

(3) When in process of supervision it is determined by the training officer that the eligible person is making progress much faster than was anticipated and it is clear that his course may be terminated with satisfactory results short of the time originally planned, he will take action to terminate the course at the proper time so that the eligible person's entitlement to an educational program may be conserved.

(d) As long as the eligible person is making satisfactory progress toward the established objective of overcoming the effect of his handicap, the training officer will continue the eligible person in his course of training without accounting for days of nonattendance within his authorized enrollment. However, in any instance where the training officer finds that the eligible person's progress toward his objective is unsatisfactory or that because of the person's negligence, lack of application or misconduct, his progress is being materially retarded he will interrupt the course of instruction.

MISCELLANEOUS PROVISIONS

§ 21.3300 *Educational and vocational counseling.* (a) Educational and vocational counseling will be required and provided to assist the parent or guardian and the eligible person in selecting a suitable educational, professional, or vocational objective and in developing an appropriate program of education. Counseling will be provided eligible persons under this law at Veterans Administration regional offices; and will include the application, as appropriate in individual cases, of comprehensive vocational counseling techniques and procedures which have been established for counseling veterans. This will include counseling with regard to related personal problems which are likely to interfere with the selection of a suitable objective or successful pursuit of a program of education.

(b) Counseling will be required in the case of each eligible person in whose behalf an application for a program of education has been approved provisionally under § 21.3030.

(1) The purpose of initial counseling will be to assist the eligible person in selecting a suitable educational, vocational, or professional objective and in developing an appropriate program of education to attain it.

(2) For the purpose of compliance with § 21.3031 (e) (1) the counselor will execute an appropriate certificate, when counseling has been provided as needed for the purpose indicated in subparagraph (1) of this paragraph. The objective and program of education will be entered on the certificate if the selection is made during the counseling process.

(3) If desired, the counselor will also assist in the preparation of an educational plan to supplement the application. (See § 21.3031 (b).) If an objective and the educational plan to accomplish it are not mutually agreed upon during counseling, the parent or guardian will be informed that the educational plan desired by the parent or guardian must be prepared and submitted before final action can be taken on the application.

(c) Counseling will be required in the case of each eligible person for whom special restorative training is requested, for purposes stated below.

(1) Counseling will be provided before referral of a case to the vocational rehabilitation board in accordance with § 21.3226 in order to develop the information which will be needed by the board for consideration of need for special restorative training and for planning and prescribing a course of such training to meet the needs of the individual.

(2) When an eligible person completes or discontinues a course of special restorative training under Title IV, without an objective and program of education having been selected under Title III, additional counseling will be provided to assist in selecting a program of education in accordance with paragraph (b) of this section.

(d) Additional counseling will be required before taking action upon a request for reentrance after discontinuance of a program of education under § 21.3034, or any request for a change of program, except that such request received from an eligible person who has previously made two changes of program will be denied without requiring additional counseling.

(1) When there is no record of unsatisfactory conduct or progress, the counselor will recommend authorization of a change of program if he finds that an objective and program selected in the counseling process is suitable for the eligible person with respect to his aptitudes interests, and abilities. If the eligible person will not select a suitable objective and program, the counselor will disapprove the request for change of program and inform the parent or guardian in writing of the decision and of his right of appeal.

(2) When an eligible person desires to reenter training after his educational assistance allowance has been discontinued because of unsatisfactory conduct or progress in accordance with § 21.3034, or when an eligible person requests a change of program prior to discontinuance because he is not making satisfactory progress, the counselor will recommend authorization of reentrance or of a change of program of education under the following conditions:

(i) If the cause of discontinuance was unsatisfactory conduct, the counselor will secure information concerning it, including a report of the institution at which the eligible person was enrolled, and any other evidence to indicate whether it may reasonably be expected that such conduct will not recur. If the counselor finds a reasonable basis for assurance that misconduct will not recur, he will take appropriate action as provided in subdivision (ii) of this subparagraph. All other cases involving misconduct will be referred for final determination to a committee consisting of the Chief of the Vocational Rehabilitation and Education Division, a representative from Counseling and from Education and Training.

(ii) In cases involving unsatisfactory progress, if the counselor finds that the cause of unsatisfactory progress has been removed, he will recommend authorization of reentrance or of a change of program provided the program of education (the same or revised) selected is suitable to the aptitudes, interests, and abilities of the eligible person.

(iii) A request for reentrance after discontinuance because of unsatisfactory conduct or progress or for a change of program after unsatisfactory progress will be disapproved when:

(*a*) The finding regarding conduct is unfavorable; or

(*b*) It is determined that the cause of failure to progress has not been removed; or

(c) The eligible person fails during the counseling process to select a suitable program of education.

Notice of disapproval and of the right of appeal will be sent to the parent or guardian.

(e) Travel at Government expense, including meals and lodging, may be authorized as necessary for an eligible person to and from the place where counseling appointments are scheduled for him in accordance with paragraphs (a) through (d) of this section.

(f) Notice of required counseling will be sent to the eligible person, and the parent or guardian. When an eligible person fails to report for required educational or vocational counseling or refuses to cooperate in the process of counseling to the extent necessary for certification in accordance with § 21.3031 (e) (1), the parent or guardian will be informed that action to approve the application or request cannot be taken until the eligible person is prepared to cooperate in carrying forward the counseling process.

(g) Additional counseling may be provided an eligible person while pursuing a program of education or during a period of interruption, only when the counselor determines that the circumstances in the case justify such assistance because of uncertainty as to the suitability of the program being pursued by the eligible person or because of personal problems which are interfering with pursuit of his program of education. When counseling is provided upon such requests of the parent or guardian, travel will not be authorized at Government expense.

§ 21.3301 *Control by agencies of the United States.* (a) The principles set forth in § 21.2301 are fully applicable to Public Law 634, 84th Congress.

§ 21.3302 *Conflicting interests.* (a) Section 504 of Public Law 634, 84th Congress, provides that:

SEC. 504. (a) Every officer or employee of the Veterans' Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person was pursuing a course of education under this Act shall be immediately dismissed from his office or employment.

(b) The Administrator may, after reasonable notice and public hearings, waive in writing the application of the this section in the case of any officer or employee of the Veterans' Administration, if he finds that no detriment will result to the United States or to eligible persons by reason of such interest or connection of such officer or employee.

(b) This section of the law applies only to an institution operated for profit and only to a period when at least one eligible person was—or is—enrolled therein under Public Law 634, 84th Congress.

(c) Where it is found that a Veterans Administration employee owns or has owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any such educational institution, the Manager, in the case of a field station employee, or the responsible Central Office official concerned, in the case of a central office employee, will proceed in accordance with the provisions set forth in governing personnel policies respecting conflicting interests under Public Law 550, 82d Congress.

(d) Where a request is made to the Administrator for waiver of the application of section 504, Public Law 634, 84th Congress, with respect to any officer or employee of the Veterans Administration, the Administrator, unless for other valid reasons it is shown that waiver should not be granted, will find that no detriment will result to the United States or to eligible persons by reason of such interest or connection of such officer or employee, provided the employee concerned (1) acquired his interest in such institution by operation of law, or acquired it, or his connection with such institution began, before the statute became applicable to such employee, and such interest has been disposed of and his connection discontinued, or (2) meets all the following conditions:

(i) His position involves no policy determinations, at any administrative level, having to do with matters pertaining to Public Law 634.

(ii) His position has no relationship with the processing of any eligible person's claim for educational assistance under the law.

(iii) His position precludes him from taking any adjudication action on individual cases under the law.

(iv) His position does not require him to perform duties involved in the investigation of irregular actions on the part of schools or eligible persons in connection with the Public Law 634.

(v) His position is not connected with the processing of claims by, or payments to, institutions or students enrolled therein under the provisions of the Public Law 634.

(vi) His work is not connected in any way with the inspection, approval, or supervision of institutions desiring to train eligible persons under the provisions of Public Law 634, 84th Congress.

(e) There is hereby delegated to the Director, Vocational Rehabilitation and Education Service, the authority to grant waivers in the case of any employee who meets the criteria set forth in paragraph (d) of this section and to deny all re-

quests for waivers which do not meet such criteria, except those requests which, in the opinion of the Director, Vocational Rehabilitation and Education Service, should be submitted to the Administrator for final decision. The Administrator reserves the right to grant waivers in the case of any employee who does not meet all of the criteria set forth in paragraph (d) of this section, when he determines that no detriment will result to the United States or to eligible persons by reasons of the interest or connection of the officer or employee involved.

§ 21.3304 *Liability of educational institutions on account of overpayments of educational assistance allowance, section 506, Public Law 634, 84th Congress.* (a) Section 506, Public Law 634, 84th Congress, provides:

> If the Administrator finds that an overpayment has been made to an eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required by this act and applicable regulations, to the Veterans Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person. This section shall not preclude the imposition of any civil or criminal action under this or any other act.

(b) The principles set forth in § 21.2304 are fully applicable with respect to this section of the law.

§ 21.3305 *Overpayments of education and training and other Veterans Administration benefits.* (a) Where a parent or guardian has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made in behalf of the eligible person under this law or where the eligible person has failed to make such satisfactory arrangements to restore or refund an outstanding overpayment made to him under any law administered by the Veterans Administration and due the Government, the benefits and facilities activity may not thereafter reenter the eligible person into his program of education or special restorative training until satisfactory arrangements have been made to liquidate the outstanding overpayment. In any such instance, the benefits and facilities activity will be responsibile for giving proper notification to the parent or guardian and the institution.

(1) Where an eligible person has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of vocational rehabilitation and education benefits under either Public Law 550, 82d Congress, or Public Law 894, 81st Congress, original entry into training under this law may not be permitted until arrangements have been made to liquidate the overpayment. The parent or guardian and institution will be appropriately notified.

(b) Where further benefits have been denied under the conditions referred to in paragraph (a) of this section, and satisfactory arrangements are subsequently made with the finance activity to restore or refund an outstanding overpayment, the effective date of commencement of educational assistance allowance or special training allowance shall not be earlier than the date the satisfactory arrangements were made to refund the overpayment.

§ 21.3306 *Examination of records.* (a) The records and accounts of educational institutions pertaining to eligible persons enrolled in programs of education or special restorative training under Public Law 634, 84th Congress, shall be available for examination by duly authorized representatives of the Government.

(b) Each educational institution which is enrolling or has enrolled eligible persons under Public Law 634, 84th Congress, shall upon request of duly authorized representatives of the Government make available for examination all appropriate records and accounts including but not limited to:

(1) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all eligible persons enrolled under the law and from other students similarly circumstanced.

(2) Records of previous education or training of eligible persons enrolled under the law at the time of admission as students and records of advance credit, if any, granted by the institution at the time of admission, and

(3) Records of the eligible person's grades and progress.

(c) The institution having eligible persons enrolled in a course or courses which do not lead to a standard college degree will make available in addition to the records and accounts required in paragraph (b) of this section, the following:

(1) Records of leave, absences, class cuts, makeup work and tardiness.

(d) The institution having eligible persons enrolled in courses approved under section 254 of Public Law 550, 82d Congress, will make available, in addition to the records and accounts required in paragraphs (b) and (c) of this section, the following:

(1) Records of interruptions for unsatisfactory conduct or attendance.

(2) Records of refunds of tuition, fees and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

(e) Failure to make such records available as provided in this section shall be grounds for discontinuing the payment of educational assistance or special training allowances under the law.

§ 21.3307 *False or misleading statements.* The Veterans Administration shall not make any payments under the law to any person found by the Veterans Administration to have willfully submitted any false or misleading claim. In each case where the Manager finds that an educational institution or other person has willfully submitted a false or misleading claim or where an eligible person with the complicity of an educational institution or other person has submitted such a claim the Manager shall report the complete facts to the appropriate State approving agency and, where deemed advisable, to the United States Attorney for appropriate action. The latter shall be done by the Chief Attorney or the General Counsel in accordance with existing Veterans Administration regulations if in the opinion of such official there is a basis for either civil or criminal action.

§ 21.3308 *Criminal penalties and forfeiture of rights.* Public Law 634, 84th Congress, makes provision for certain penalties upon the finding of willful, fraudulent acts having to do with any claim for payment or any matter arising under the law including forfeiture of rights, claims and benefits thereunder and under Public Law 2, 73d Congress, as amended. In carrying out these provisions of the law the principles and procedures set forth in § 21.2308 (a) will govern.

§ 21.3309 *Appeals.* All questions respecting any adjudicatory determination under Public Law 634, 84th Congress, are subject to the right of the parent or guardian to appeal to the Administrator of Veterans Affairs and any notice of the determination adverse to the interest of the claimant shall include information respecting such right of appeal. All applicable regulatory provisions governing notice of right of appeal, reception, development, processing and certification of appeal upon the part of the vocational rehabilitation and education activity of original jurisdiction are governing.

§ 21.3310 *Waiver of recovery of overpayments.* All applicable regulatory provisions governing waiver of recovery of overpayments shall be applicable to overpayments of educational assistance allowance or special training allowance under this law.

§ 21.3311 *Application of other laws.* (a) The provisions of the following cited statutes, and governing Veterans Administration regulations thereunder shall be for application under this law:

(1) Public Law 262, 74th Congress, relative to payments to mental incompetents and to persons under other legal disabilities and to nonassignability of payments and exemption thereof from taxation and claims of creditors.

(2) Section 15 of Public Law 2, 73d Congress, making certain false statements and claims a crime and for forfeiture of veterans' benefits in such cases.

(3) Paragraph V, Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12A), relating to payments of unpaid benefits after death.

(4) Titles II and III of Public Law 844, 74th Congress, relating to agents and attorneys and to investigations, subpenas, etc.

This regulation is effective August 17, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-6648; Filed, Aug. 16, 1956; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 111—FEDERAL ASSISTANCE UNDER TITLE IV, AFTER JUNE 30, 1956, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Part 111 is added to 45 CFR, Subtitle B, Chapter I, and, among other things, establishes regulations for the filing and processing of applications for Federal grants for school construction under Title IV of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as extended and amended by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949, 84th Congress (70 Stat. 968); establishes a cutoff date for filing such applications; and provides for priority indices to establish the order of approval of such applications and of making payments from funds available on the cutoff date.

Part 111 reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.
111.1 Definitions.
111.2 Procedure if funds are inadequate to make all payments.
111.3 Determination of priority indices for applications under section 401.
111.4 Determination of available and usable school facilities.
111.5 Certification of payments.
111.6 Priority and approval of applications; conditioned upon readiness to proceed with construction.
111.10 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Deadline for Filing Applications

111.20 First deadline for applications during fiscal year 1957.

AUTHORITY: §§ 111.1 to 111.20 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply sec. 210, 64 Stat. 976, as amended, secs. 11, 109, 70 Stat. 908, 968, sec. 1, 67 Stat. 526, as amended; 20 U. S. C. 280, 311.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 111.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and not defined in this section shall have the meaning given to them in Public Law 815, as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The act" means title IV of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as extended and amended by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and such provisions of titles I and II of Public Law 815 as are made applicable to title IV by Public Law 246.

(b) *Title IV.* "Title IV" means title IV of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, extended and amended by the 84th Congress by Public Law 382, Public Law 896, and Public Law 949, and such provisions of titles I and II of Public Law 815 as are made applicable to it by Public Law 246.

(c) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(d) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(e) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria for the first year prior to the first elementary grade.

(f) *Applicant.* An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(g) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under title IV and this part shall be considered complete applications under title IV.

(h) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for providing school facilities under title IV.

(i) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date as established by Subpart B of this part.

(j) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums, and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(k) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(l) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(m) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(n) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(o) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(p) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative ur-

gency of need for the purpose of determining, under title IV, the order of approval of applications and the order of payments.

(q) *Substantial percentage.* An application will not be considered to meet the "substantial percentage" requirement under section 401 (a) (1) of title IV which does not show that the total number of children who reside on Federal property (for whom the applicant is providing or, upon completion of the school facilities for which provision is made in section 401 (a), will provide free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under title II or title III of Public Law 815, as amended) is in excess of 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education.

§ 111.2 *Procedure if funds are inadequate to make all payments.* Section 401 (c), title IV, reads in part as follows:

> In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility.

§ 111.3 *Determination of priority indices for applications under section 401.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 401 by adding (1) the percentage that the estimated membership of the eligible federally connected children of the school district is of the total estimated membership of all children of such school district at the close of the regular school year 1957–58 to (2) the percentage of the estimated school membership within the school district which at the same time is without minimum school facilities: *Provided*, That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph.

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1957–58, and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

§ 111.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes shall be considered as available and usable unless such facilities have become unsafe or otherwise unusuable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility, or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children, will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants

(b) All school facilities for the construction of which contracts have been let on or before any final date for filing applications shall be considered to be available and usable for the purpose of the applications filed on such date; and all school facilities which have been approved under title II, title III, or title IV of Public Law 815 shall be considered as available and usable as of the date of approval.

(c) All minimum school facilities which with full utilization of practically available financial resources could be provided from local, State, or other Federal sources shall be considered as available and usable in making determinations under title IV. The capacity of school facilities which could be so provided shall be determined by dividing the sum of such resources by the cost per pupil of providing minimum school facilities in the applicant's school district.

§ 111.5 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however: Payments under title IV shall not exceed the portion of the cost of minimum school facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of Public Law 815, 81st Congress, as amended, or any other law; and such payments may be upon such terms and in such amounts, subject to the provisions of title IV, as the Commissioner may consider to be in the public interest.

§ 111.6 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 111.7 *Preceding provisions not exhaustive of jurisdiction of the Commissioner.* No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisidiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINE FOR FILING APPLICATIONS

§ 111.20 *First deadline for applications with respect to funds available during fiscal year 1957.* Pursuant to section 401 (c) of title IV, December 3, 1956, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title IV from funds then available for such purpose shall be filed.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: August 13, 1956.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-6666; Filed, Aug. 16, 1956; 8:49 a. m.]

PART 112—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JUNE 30, 1956

Part 112 is added to 45 CFR, Subtitle B, Chapter I, and, among other things, establishes regulations for the filing and processing of applications for Federal Grants for school construction under title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949, 84th Congress (70 Stat. 968); establishes regulations for a new method of determining available facilities; establishes a first cutoff date for filing applications with respect to funds available during fiscal year 1957; and provides for priority indices to establish the order of approval of applications and of making payments from funds available on a cutoff date.

Part 112 reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.
112.1 Definitions.
112.2 Procedure if funds are inadequate to make all payments.
112.3 Determination of priority indices for applications under section 305.
112.4 Determination of available and usable school facilities.
112.5 Criteria for waiver under section 305 (e), title III of the act.
112.6 School facilities for children whose membership is of temporary duration only.
112.7 Certification of payments.
112.8 Additional payments under section 308 of the act.
112.9 Priority and approval of applications; conditioned upon readiness to proceed with construction.
112.10 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Deadlines for Filing Applications

112.20 First deadline for applications with respect to funds available during fiscal year 1957.

AUTHORITY: §§ 112.1 to 112.20 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply sec. 203, 64 Stat. 971, as amended, sec. 210, 64 Stat. 976, as amended, sec. 1, 67 Stat. 522, as amended, secs. 101–103, 70 Stat. 968; 20 U. S. C. 273, 280, 291–301.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 112.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949, 84th Congress (70 Stat. 968), and not defined in this section shall have the meaning given to them in Public Law 815 as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The act" means title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and such provisions of titles I and II of Public Law 815, as amended, as are made applicable to title III by Public Law 246, as amended.

(b) *Title III.* "Title III" means title III of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, and as amended by Public Law 731, 83d Congress, and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and such provisions of titles I and II of Public Law 815, as amended, as are made applicable to it by Public Law 246, as amended.

(c) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(d) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(e) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(f) *Applicant.* An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(g) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under title III (other than section 306 (b) (3)) and this part shall be considered complete applications under title III.

(h) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for constructing school facilities under title III.

(i) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Comissioner and postmarked, on or before the applicable filing date as may be established by Subpart B of this part.

(j) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(k) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(l) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(m) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(n) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(o) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(p) *Membership of children of temporary duration only.* "Membership of children of temporary duration only" means the school membership of children whose residence in the school area the Commissioner determines probably will be for less than six years beyond the date of the approval of the complete applications and whose number is required to be excluded from computation of maximum payments under section 305.

(q) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under title III, the order of approval of applications, and the order of payments.

§ 112.2 *Procedure if funds are inadequate to make all payments.* Section 303, title III, reads in part as follows:

> The Commissioner shall from time to time set dates, the last of which shall be not later

than June 30, 1958, by which applications for payments under this title with respect to construction projects must be filed. If the funds appropriated under this title and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this title have not already been obligated), the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, for approval of such applications.

§ 112.3 *Determination of priority indices for applications under section 305.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 306 by adding (1) the percentage that the estimated membership of the eligible Federally-connected children in the school district (or in the approved attendance area) is of the total estimated membership of all children in such area at the close of the regular school year 1957–58 to (2) the percentage of the estimated school membership within the school district (or in the approved attendance area) which at the same time is without minimum school facilities: *Provided*, That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1957–58; and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

(c) In those cases where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the district are practically unavailable to meet the needs of the attendance areas affected by Federal activities, then, in such case, the percentages described in subparagraphs (1) and (2) of paragraph (a) of this section will be determined with respect to the "Federally affected attendance areas," and not with respect to the entire school district. (The conditions of this paragraph may be met only in large county unit school systems and, possibly, in other extensive districts having large housing projects constructed for defense workers or military personnel which have overburdened one or more attendance centers to such an extent that additional school facilities are required to house the children.)

§ 112.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes, unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children, will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) All school facilities which are "under contract as of the date on which the Commissioner set, under section 303, the earliest date on or before which the application for such project is filed." Thus facilities, for which contracts are entered into after the date on which the Commissioner set the earliest cutoff date under this act on or before which the application was first filed, shall not be counted as available. The date on which the Commissioner set the cutoff date shall be the date on which the regulation setting such date was approved by the Secretary of Health, Education, and Welfare.

(c) All school facilities projects which, as of the date of approval of the application, have been approved under title II, title III, or title IV of Public Law 815.

§ 112.5 *Criteria for waiver under section 305 (e) of the act.* (a) The Commissioner's authority in section 305 (e) of the act to waive or reduce the percentage requirement or requirements in section 305 (c), to waive the requirement contained in the first sentence of subsection 305 (d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless:

(1) The applicant meets all conditions of eligibility under title III or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions;

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under title III, only membership of children within the federally impacted attendance area shall be considered;

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system;

(4) There has been an unusually large Federal impact from the close of the regular school year 1955–56 to the close of the regular school year 1957–58 in an attendance area affecting one or more attendance centers;

(5) It would not be practicable to transport students in the federally impacted attendance area to other available school facilities of the applicant because of distance, topography, or other equally cogent reasons; and

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of title III.

(b) If the Commissioner, on the basis of the minimum criteria above set forth, determines, under subsection 305 (e), to exercise his authority to waive or reduce one or more of the specified requirements:

(1) He shall determine which requirement or requirements he will waive, or reduce, and if the latter, the extent of such reduction;

(2) He shall determine the geographical area of the applicant which shall be considered as constituting the "federally impacted attendance area"; and

(3) The application otherwise will be processed under title III and this part, taking into consideration only the established "federally impacted attendance area" but in no case shall payments hereunder exceed the amounts computable on the basis of the district as a whole taking into consideration the waivers or reductions approved by the Commissioner.

§ 112.6 *School facilities for children whose membership is of temporary duration only.* (a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 305 of the act, will be of temporary duration only, as defined in § 112.1 (p), the membership of such children will be excluded in computing maximum payments under section 305.

(b) The Commissioner, when proper request therefor is made in a Part I application, (1) may make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be members of the applicant's school system for a sufficient period of time to justify the expense; or (2) he may, where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of title III) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, provided that the amount so paid shall not exceed the cost, in the school district of the applicant, of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

(c) Section 4 of Public Law 382 (amending sections 203 and 309 of Public Law 815) authorizes the transfer of temporary school facilities built and owned by the Federal Government pursuant to section 203 or 309 of Public Law 815 to the local educational agency concerned; and provides that "any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time, as the Commissioner deems appropriate to carry out the purposes of" titles II and III. It will be the policy of the Commissioner to transfer such facilities in those cases where there is need on a continuing basis for such facilities for school purposes, and where the use of such facilities is not inconsistent with overall State plans for providing school facilities. Applications for such transfers shall contain or be supported by the assurances required under section 205 (b) (1) (B), (C) and (F).

§ 112.7 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however:

(a) Within the maximum otherwise payable under title III (except as provided in § 112.8), the Federal share of the cost of a title III project which will be certified for payment shall be equal to cost but shall in no case exceed the cost of constructing minimum school facilities in the school district of the applicant and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the school of such applicant at the close of the regular school year 1957–58 and who will otherwise be unhoused.

(b) Nothing contained in the regulations in this part shall be deemed to bar an applicant under title III, with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, monies otherwise obtained to provide a higher type or larger or better implemented school facility. The applicant will be required to show in such cases that the added cost is being thus independently met.

§ 112.8 *Additional payments under section 308 of the act.* Pursuant to the authority vested in the Commissioner by section 308 of the act:

(a) Not to exceed 10 per centum of any amount appropriated under title III (exclusive of any sums appropriated for administration) is reserved and may be used by the Commissioner to make grants to applicants under title III when (1) the application would be approved under the title but for the applicant's inability, unless aided by such grant, to finance the non-Federal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project.

(b) Under the authority of paragraph (a) (1) of this section, a complete application under title III (except an application with respect to which the Commissioner has waived or reduced eligibility requirements under section 305 (e) of the act and § 112.5) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children, provided: (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under title III for the school year 1957–58 equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant district for the school year 1955–56; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the non-Federal share of the cost of the project less all financial resources practicably available to the applicant; nor shall it exceed the difference between (1) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the Act, or the average cost in the State of providing such facilities, whichever is the lesser, and (2) the Federal funds made available to the applicant under section 305 of the act.

(c) Under the authority of paragraph (a) (2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under title III has been approved, provided: (1) Federal monies reserved under paragraph (a) of this section are available; (2) the applicant cannot complete the project because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project; and (3) that the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority, and Federal aid. The payment to be made under this paragraph shall not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purpose, including the proceeds of any insurance.

§ 112.9 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 112.10 *Preceding provisions not exhaustive of jurisdiction of the Commissioner.* No provisions of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINES FOR FILING APPLICATIONS

§ 112.20 *First deadline for applications with respect to funds available during fiscal year 1957.* Pursuant to section 308 of title III, December 3, 1956, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title III from funds then available for such purposes shall be filed.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: August 13, 1956.

HEROLD C. HUNT,
Acting Secretary of Health, Education and Welfare.

[F. R. Doc. 56-6687; Filed, Aug. 16, 1956; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of known improvements in certain salmon runs in the Alaska Peninsula area, it has been determined that some additional fishing time can be permitted. Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Section 105.2 is amended in paragraph (d) by deleting ", including Bechevin Bay" and by adding to paragraph (e) "including Bechevin Bay," in 1956 only.

2. The restriction of paragraph (h) of § 105.19 is hereby suspended from 6 o'clock antemeridian to 6 o'clock postmeridian August 20, 1956.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

AUGUST 14, 1956.

[F. R. Doc. 56-6712; Filed, Aug. 16, 1956; 11:07 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LIMEADE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Frozen Concentrate for Limeade (7 CFR 52.2521 to 52.2532), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, et seq., as amended, 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for the addition of suitable artificial coloring material and define the requirements of color with respect to the artificially colored product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change § 52.2521 to read:

§ 52.2521 *Product description.* Frozen concentrate for limeade is the product prepared from lime juice and one or more nutritive sweetening ingredients to which may be added oil derived from limes for added flavor, and may or not contain water in sufficient quantities to standardize the product. The lime juice is produced from fresh, sound, mature, and thoroughly cleansed fruit of one or more of the varieties of the species citrus aurantifolia. Such juice may be fresh or frozen or may be fresh juice concentrated or frozen concentrated. The concentrate for limeade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product. If properly labeled any artificial color permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be added.

2. Change § 52.2526 to read:

§ 52.2526 *Color—(a) "A" classification.* Frozen concentrate for limeade which, when prepared as limeade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of limeade prepared from freshly expressed lime juice; or, if artificially colored, possesses a bright attractive light green color typical of artificially colored limeade.

(b) *"B" classification.* If the frozen concentrate for limeade, when prepared as limeade, possesses a reasonably good color a score of 14 to 16 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of limeade prepared from freshly expressed lime juice and is not dark or otherwise discolored for any reason, or, if artificially colored, possesses a reasonably bright color typical of artificially colored limeade.

(c) *"Substandard" classification.* If the limeade fails to meet the requirements of paragraph (b) of this section a score of 0 to 13 point may be given. Frozen concentrate for limeade that fall into this classification shall not be scored above "Substandard" regardless of the total score for the product (this is a limiting rule).

Dated: August 14, 1956.

(SEAL) ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6761; Filed, Aug. 16, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 711, 712, 713]

[Administrative Order 4-56]

PLASTIC PRODUCTS INDUSTRY, METAL MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY, ELECTRICAL INSTRUMENT, AND RELATED PRODUCTS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES AND NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearing of Industry Committee No. 24-A for the metal, machinery, transportation equipment, and allied products industry in Puerto Rico; Industry Committee No. 24-B for the plastic products industry in Puerto Rico; and Industry Committee No. 24-C for the electrical instrument, and related products industry in Puerto Rico.

Industry Committee No. 24-A is composed of the following representatives:

For the public: Judge Nathan Cayton, Chairman, Washington, D. C., John McConnell, Ithaca, New York, and Juan Labadie Eurite, San Juan, Puerto Rico.

For the employers: James A. Milling, Indianapolis, Indiana, George Goldberg, San Juan, Puerto Rico, and Everett C. Weber, Bayamon, Puerto Rico.

For the employees: Albert Epstein, Washington, D. C., David Sternback, San Juan, Puerto Rico, and David Lasser, Washington, D. C.

For the purpose of this order the metal machinery, transportation equipment, and allied products industry in Puerto Rico is defined as follows:

The manufacture of metal products (except ordnance, machinery, and transportation equipment, not elsewhere classified), and the manufacture of professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; and any activity included within the jewelry, silverware, and plated ware industry, as defined in the wage orders for these industries in Puerto Rico.

Industry Committee No. 24-B is composed of the following representatives:

For the public: Judge Nathan Cayton, Chairman, Washington, D. C., John McConnell, Ithaca, New York, and Juan Labadie Eurite, San Juan, Puerto Rico.

For the employers: James A. Milling, Indianapolis, Indiana, Samuel Seltzer, Rio Piedras, Puerto Rico, and Lester Hardman, Rio Piedras, Puerto Rico.

For the employees: Albert Epstein, Washington, D. C., David Sternback, San Juan, Puerto Rico, and David Lasser, Washington, D. C.

For the purpose of this order the plastic products industry in Puerto Rico is defined as follows:

The molding, extrusion, lamination, other forming, and fabrication of plastic products: *Provided, however,* That the definition shall not include (1) the manufacture of primary plastic materials, such as sheets, rods, tubes, granules, powders, and liquids, and other products of the chemical, petroleum, and related products industry in Puerto Rico; (2) the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); (3) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in nature; (4) the manufacture from plastic materials of footwear and cut stock and findings for footwear; (5) the manufacture of apparel, apparel furnishings and accessories, and miscellaneous fabricated textile products made from pliable plastics in sheet or film form; and (6) any activity included in the leather, other goods, and related products industry, as defined in the wage order for that industry in Puerto Rico.

Industry Committee No. 24-C is composed of the following representatives:

For the public: Judge Nathan Cayton, Chairman, Washington, D. C., John McConnell, Ithaca, New York, and Juan Labadie Eurite, San Juan, Puerto Rico.

For the employers: James A. Milling, Indianapolis, Indiana, Lawrence Simonin, Rio Piedras, Puerto Rico, and Roy J. Colon, San Juan, Puerto Rico.

For the employees: Albert Epstein, Washington, D. C., and David Sternback, San Juan, Puerto Rico, and Albin F. Hartnett, Washington, D. C.

For the purpose of this order the electrical instrument, and related products industry in Puerto Rico is defined as follows:

The manufacture, assembly, and repair of machinery, apparatus, equipment and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, apparatus, and equipment for scientific, professional, industrial measurement, photographic, musical, and horological purposes: *Provided, however,* That the definition shall not include (1) industrial and commercial machinery powered by electric motors, (2) measuring-and-dispensing pumps, and (3) any activity included in the clay and clay products industry, the jewel cutting and polishing industry, or the stone, glass, and related products industry, as defined in the wage orders for these industries in Puerto Rico.

I hereby refer to the above mentioned industry committees the question of the minimum wage rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 24-A shall commence its hearing on September 17, 1956, at 2:00 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 24-A, Industry Committees Nos. 24-B and 24-C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 24-A will meet at 10:00 a. m. on September 17, 1956, and Industry Committees Nos. 24-B and 24-C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees employed in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as to determine to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on account of race or color or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages currently established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of the reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678). Among other requirements, these regulations provide that a prehearing statement containing certain specified data, shall be filed, together with eleven copies, at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and that one copy of such prehearing statement shall be filed at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., not later than September 7, 1956, in the present matters, by all persons who would participate either as witnesses or parties.

Signed at Washington, D. C., this 13th day of August 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-6760; Filed, Aug. 16, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 165]

ACETYLCARBROMAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT; DESIGNATED AS HABIT FORMING

ORDER DENYING PETITION TO HOLD IN ABEYANCE

On June 7, 1955, pursuant to a petition by Tailby-Nason Company, 420 Amherst Street, Cambridge 42, Massachusetts, and notice duly published in the FEDERAL REGISTER of May 7, 1955 (20 F. R. 3114), a public hearing was held in Washington, D. C., for the purpose of receiving evidence on the proposal to remove acetylcarbromal and bromural from the list of habit-forming chemical derivatives of carbromal (21 CFR 165.1).

Testimony was heard and exhibits were received in evidence including an affidavit of Dr. Frank C. Combes. At that time attention was called to the fact that it could be given little weight in the face of oral testimony and in view of the lack of opportunity to cross-examine the affiant.

On the petitioner's request the hearing was recessed until September 13, 1955, to enable petitioner to complete a clinical study and to obtain further evidence in support of its proposal that the two drugs in question be removed from the list of habit-forming drugs.

A second hearing was held on September 13, 1955, when additional testimony and exhibits were offered. Nothing more was said about the Combes affidavit. Dr. Combes was not offered as a witness, and no explanation of his unavailability was made.

Thereafter, on March 27, 1956, there was published in the FEDERAL REGISTER (21 F. R. 1866) a proposed order containing findings of fact and conclusions based on the whole record made at the public hearings. The Department concluded that the evidence did not warrant the removal of acetylcarbromal and bromural from the list of drugs the label of which are required to bear the statement "Warning—May be habit forming."

The Tailby-Nason Company, on or about May 16, 1956, filed a petition to hold in abeyance the proposed order and to reopen the hearing to permit the petitioner to adduce further evidence in support of its position. The petition outlines in general terms the evidence intended to be produced. Petitioner offers to bring Dr. Combes to testify in person about clinical studies he has made, both before and after the public hearing, on ambulatory patients. The petition of-

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

fers the testimony of unnamed clinicians about their clinical observations on ambulatory patients, and offers to have these clinicians testify that the judgment criteria applied by the Department in Finding 4, particularly the requirement that test subjects not be ambulatory, are arbitrary and unsound. The essence of the petition is that the Department is wrong in finding that ambulatory patients are not satisfactory in a clinical study of habit-forming potentialities of drugs.

The evidence intended to be produced at the hearing, if reopened, is not newly discovered; it could have been produced at either hearing. It admittedly does not meet the standard required by the proposed order for evaluation of habituation to drugs, but would be concerned with ambulatory patients only and would be subject to the objections specifically enumerated in Finding 4b. Since this testimony would be merely cumulative and would prove nothing more than that some clinicians believe that ambulatory patients are suitable for studies of this kind (contrary to the Department's judgment based on the testimony of a highly qualified expert), it would not change the result if it were received.

Therefore, it is ordered, That the petition to reopen the hearing be denied.

Dated: August 13, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-6649; Filed, Aug. 16, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice 2 of Requirement of Certificate, 1956]

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

REPUBLIC OF THE PHILIPPINES

Pursuant to § 817.4 (13 F. R. 127; 14 F. R. 1169; 16 F. R. 12347), notice is hereby given that the 1956 sugar quota for the Republic of the Philippines, amounting to 980,050 short tons, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4, after the close of business on August 16, 1956, and for the remainder of the calendar year 1956, Collectors of Customs shall not permit the entry into the continental United States from the Republic of the Philippines of any sugar unless and until the certification described in § 817.4 (a) is issued.

Issued this 14th day of August 1956.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 56-6686; Filed, Aug. 16, 1956; 8:53 a. m.]

Office of the Secretary

IOWA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following named counties in the State of Iowa a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Iowa: Adair, Audubon, Carroll, Clarke, Crawford, Guthrie, Madison, Union.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 14th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6674; Filed, Aug. 16, 1956; 8:49 a. m.]

UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4639; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and Section 301 of Public Law 480, 83d Congress, San Juan County, Utah, was determined on August 8, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 14th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6673; Filed, Aug. 16, 1956; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. L. ZIEGLER, INC., AND TEXAS AND FARRELL SHIPPING CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8103 between H. L. Ziegler, Inc. of Houston, Texas and Farrell Shipping Co., Inc., New Orleans, is a cooperative working arrangement whereby freight forwarding services are to be performed by the parties for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 13, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMAN,
Assistant Secretary.

[F. R. Doc. 56-6657; Filed, Aug. 16, 1956; 8:45 a. m.]

Office of the Secretary

ROBERT L. SEBASTIAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 8941 of December 3, 1956 and 21 F. R. 1809-10 of March 23, 1956.

A Deletions: No change.
B Additions: No change.

This statement is made as of August 1, 1956.

Dated: August 8, 1956.

ROBERT L. SEBASTIAN.

[F. R. Doc. 56-6643; Filed, Aug. 16, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 133]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 43

Correction

In F. R. Doc. 56-5966, appearing at page 5595 of the issue for Wednesday, July 25, 1956, the first land description in paragraph 3 (d) Sec. 5 should read "SE^1_4 NW^1_4 SW^1_4 SE^1_4," instead of "$SE^1_4W^1_4SW^1_4SE^1_4$."

FEDERAL POWER COMMISSION

[Docket Nos. G-9161, G-10884]

TEXAS CO.

ORDER PERMITTING CHANGE IN RATES DUE TO CHANGE IN TEXAS PRODUCTION TAX AND SUSPENDING PROPOSED INCREASE IN RATES

The Texas Company (Applicant) on July 20, 1956, tendered for filing proposed changes in its rate schedule effective subject to refund for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Requested Effective Date

Note of change, undated; Texas Illinois Natural Gas Pipeline Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1; September 1, 1956.

The Commisison, by order issued July 21, 1955, as modified by order issued August 11, 1955, in Docket No. G-9161, suspended the increased rates and charges proposed by the Applicant in Supplement No. 2 to its FPC Gas Rate Schedule No. 1. Those increased rates and charges are presently being collected by the Applicant subject to corporate undertaking to refund if subsequently so ordered by the Commission.

The Applicant, by its filing tendered on July 20, 1956, proposes, as of the requested effective date, to give effect in the rates being collected under corporate undertaking to the reduction in the Texas occupation or production tax which will become effective September 1, 1956. Under that proposal the rate to be collected under corporate undertaking will be 15.5478 cents per Mcf.

By its filing submitted July 20, 1956, the Applicant also proposes a periodic rate increase as of the same requested effective date, to change its rates and charges from 15.5478 cents per Mcf to 15.7496 cents per Mcf, an increase of 0.2018 cents per Mcf or approximately $36,300 per year. The increased rates and charges proposed in the aforementioned filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is appropriate and in the public interest that the change in rates proposed in Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1 to give effect to the change in the Texas production tax be permitted to become effective as of September 1, 1956; provided, however, that such change in rates shall in no way amend, modify or alter the rate suspension proceedings instituted by the order issued July 21, 1955, as amended by order issued August 11, 1955, in Docket No. G-9161.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1, and that said supplement insofar as it pertains to the periodic rate increase be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1, so far as it provides for a change in rate to give effect to the change in Texas production tax, hereby is permitted to become effective as of September 1, 1956, subject to the proviso contained in Finding (1), above.

(B) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's General Rules and Regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1; and pending such hearing and decision thereon, said Supplement No. 3, insofar as it relates to the proposed increased rates and charges described above, hereby is suspended and the use thereof deferred until February 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 13, 1956.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6660; Filed, Aug. 16, 1956; 8:49 a. m.]

[Project No. 2212]

MARATHON CORP.

NOTICE OF APPLICATION FOR LICENSE

AUGUST 13, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Marathon Corporation of Menasha, Wisconsin, for license for constructed water power Project No. 2212 located on Wisconsin River and its tributary, Rib River, in the region of Wausau, Schofield, and Rothschild, in Marathon County, Wisconsin, affecting navigable waters of the United States. The project consists of a dam about 830 feet long composed of a timber crib sluiceway section, a concrete overflow section, a concrete sluiceway section, and a concrete powerhouse section; concrete retaining walls at each end of the dam; a fish ladder; a reservoir with normal water surface at elevation 1,158.88 feet (U. S. C. & G. S. datum) and covering approximately 1,774 acres; hydroelectric installation of 3,750 kilowatts (approximately 5,000 horsepower) in seven units; transmission line about 1.2 mile long from the powerhouse to applicant's pulp and paper mills; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 19, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6661; Filed, Aug. 16, 1956; 8:49 a. m.]

[Docket Nos. G-10548, G-10549]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO., CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 13, 1956.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware Corporation, address 20 North Wacker Drive, Chicago 6, Illinois, and a subsidiary of The Peoples Gas Light and Coke Company, filed on July 11, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of a portion of its existing pipeline system as hereinafter described.

Texas Illinois proposes, adjacent to its existing 20-inch pipeline extending from Joliet to Volo, Illinois, to construct and operate a 30-inch loop line extending from Joliet for a distance of approximately 38 miles to a proposed connection with the existing 30-inch pipeline facilities of Chicago District Pipeline Company, known as the Howard Street Pipeline. The estimated cost of Texas Illinois' proposed facilities is $6,411,000 and will be financed from funds on hand.

Take notice that Chicago District Pipeline Company (Chicago District), a Illinois Corporation, address Field Office Building, Troy Road, Joliet, Illinois, and a subsidiary of The Peoples Gas Light and Coke Company, filed on June 11, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system as hereinafter described.

Chicago District proposes to construct and operate a 36-inch pipeline extending easterly from the eastern terminus of its Howard Street Pipeline for a distance of approximately 14.1 miles to the north-

[1] Acting Chairman Digby dissenting as to suspension of proposed increase in rates. Commissioner Kline not participating.

erly city limits of Chicago where it will make an additional connection with The Peoples Gas Light & Coke Company and Northern Illinois Gas Company. The cost of construction is estimated at $4,600,000 to be financed by loan, issuance of common stock and funds on hand.

It is contended that the proposed facilities will enable Chicago District to deliver substantial quantities of gas to Peoples in north Chicago making it unnecessary for Peoples to carry such gas from existing points of connection in west and south Chicago to north Chicago, where load growth is increasing. It is claimed that the capacity of the Peoples system can be increased thereby by nearly 50 percent, such increase being needed in the event of severe winter weather and to meet expected increased demands.

These related applications should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, September 4, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6662; Filed, Aug. 16, 1956; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

ALBERT J. PHILLIPS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There have been no changes in my statement of business interests dated February 1, 1956.

This amends statement previously published in the FEDERAL REGISTER June 8, 1956 (21 F. R. 3945).

Dated: August 1, 1956.

ALBERT J. PHILLIPS.

[F. R. Doc. 56-6663; Filed, Aug. 16, 1956; 8:49 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletion: Studebaker-Packard Corporation.

This amends statement previously published in the FEDERAL REGISTER June 1, 1956 (21 F. R. 3732).

Dated: August 1, 1956.

PETER HENLE.

[F. R. Doc. 56-6664; Filed, Aug. 16, 1956; 8:49 a. m.]

E. D. REEVES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER June 19, 1956 (21 F. R. 4302).

Dated: August 1, 1956.

E. D. REEVES.

[F. R. Doc. 56-6665; Filed, Aug. 16, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1817]

BENGUET CONSOLIDATED, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Benguet Consolidated, Inc., Capital Stock, File No. 7-1817.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Comission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6666; Filed, Aug. 16, 1956; 8:46 a. m.]

[File No. 27-111]

THUNDERBIRD MINERALS, LTD.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

I. Thunderbird Minerals, Ltd. (hereinafter referred to as the "issuer"), 412 Lancaster Building, Calgary, Alberta, Canada, having filed with the Commission on July 20, 1956, a Notification on Form 1-D relating to a proposed public offering of 300,000 shares without nominal or par value at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the offering circular is incomplete and misleading in the following particulars:

1. Failure to state in connection with the issuer's properties:

(a) That the issuer's holdings of acreage must be classed as wildcat as they were chosen at random without the benefit of specific favorable geologic structural information as to any of such acreage, which adds to the hazards inherent to the discovery of crude oil or natural gas on such acreage.

(b) That the greater portion of issuer's reservations are 60 or more miles Northeast of proven crude oil production in Alberta and in an area having much thinner section of sedimentary formations than are present in all of the areas to the South and West where oil and gas production of importance has been found, which limits and decreases the possibility of issuer's acreage proving to be productive.

(c) That the geological information available to the issuer is not the result of detailed surface geological surveys or geophysical surveys which indicate the existence of geological structures considered favorable for the accumulation of oil and gas.

(d) That the geological information available to the issuer clearly indicates the accumulation of oil in the "Granite Wash" formation to be relatively small in area.

(e) The depth, direction and distance from the nearest of the issuer's blocks for each dry hole within a reasonable distance from each block as to each of the 3 reservations.

(f) The important features of Crown reservations, including rental, royalty and reversion to lease provisions.

(g) That Imperial Oil Company Ltd. reportedly completed a non-productive well on the Bow-Valley Acreage at approximately the same location where issuer proposes to drill.

(h) The aggregate yearly assessment work requirements on the mining claims and the significance on the retention of the claims if the assessment work is not done.

2. Failure to state in connection with the issuer's business:

(a) The cost to the promoters of the properties transferred the issuer.

(b) That an offering of 500,000 shares was commenced in Canada in November 1955 without giving details as to sales volume, and results of the offering.

(c) That the offering price is an arbitrary price having no direct relation to the value of the company's properties.

B. That the offering circular and sales literature proposed to be used are false and misleading in the following particulars:

(a) In stating "geological reports on these lands indicate the probable presence of petroleum" whereas in fact the geological reports furnished do not so indicate.

(b) In stating the Red Earth discovery is some 60 miles North West of the issuer's acreage, whereas in fact such discovery is twice that distance from two claims comprising 75 percent of the issuer's acreage and in failing to state that more recently a dry hole has been completed only 5 miles North of such Red Earth discovery.

(c) In stating "the United States is practically drilled out at economic levels and Western Canada now stands as the last opportunity on this continent for the exploration of oil."

(d) In couching in half-truths, unwarranted conjecture and misleading implications the prospects of the business as to the items above mentioned.

C. That the terms and conditions of Regulation D have not been complied with in that the offering circular fails to state:

1. As required by Rule 504 (b) (4):

(a) The methods by which the securities are to be offered;

(b) That P. N. R. Morrison is the underwriter for the company;

(c) The connection P. N. R. Morrison Investments Ltd. will have with the underwriting of the issue;

(d) The relationship of P. N. R. Morrison Investments Ltd. with the company.

2. As required by Rule 504 (b) (6):

(a) The order of priority in which the proceeds will be used;

(b) The disposition of proceeds in the event sales are insufficient for the purposes stated.

D. That the use of said offering circular in connection with the offering of the issuer's securities would operate as a fraud and deceit upon the purchasers of such securities.

It is ordered, Pursuant to Rule 509 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6647; Filed, Aug. 16, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32507: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for the Pennsylvania Railroad Company, and interested motor carriers. Rates on various commodities loaded in motor-truck trailers, and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other, on traffic destined to, or originating at points beyond the points served and reached by motor truck carriers.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 10.

FSA No. 32508: *Kyanite—Kings Mountain, N. C., to Hartford, Conn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on kyanite, carloads, from Kings Mountain, N. C., to Hartford, Conn.

Grounds for relief: Market competition with Clover, S. C., and circuitous routes.

Tariff: Supplement 114 to Agent Spaninger's I. C. C. 1346.

FSA No. 32509: *Plaster and related articles—New Orleans, La., to Mobile, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, carloads from New Orleans, La., to Mobile, Ala.

Grounds for relief: Circuitous route.

Tariff: Supplement 3 to Agent Spaninger's tariff I. C. C. 1459.

FSA No. 32510: *Scrap iron and steel—Augusta, Ga., to Savannah, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Augusta, Ga., to Savannah, Ga.

Grounds for relief: Interstate circuitous route meeting rate over intrastate route.

Tariff: Supplement 120 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 32511: *Sugar—Southwestern Louisiana to southern territory.* Filed by J. H. Marque, Alternate Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads, as described in item 95-I of exhibit 1 of the application, from specified points in southwestern Louisiana taking origin groups Nos. 2 through 6 inclusive, in tariff listed below to Cherokee, Ala., specified points in Kentucky, Mississippi, and Tennessee, also to Cairo and Metropolis, Ill., and Evansville, Ind.

Grounds for relief: Market competition, and maintenance of origin group relations, with New Orleans, La., and circuitous routes in part west of the Mississippi River.

Tariff: Supplement 317 to Alternate Agent Marque's tariff I. C. C. 380.

FSA No. 32512: *Sugar—South Atlantic and Gulf ports and western Louisiana to Ohio River crossings.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on Sugar, cane or beet, carloads, from South Atlantic and Gulf ports and specified points in southwestern Louisiana to Cincinnati, Ohio, Lexington, Louisville and Winchester, Ky., and Evansville, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 317 to Alternate Agent Marque's I. C. C. No. 380.

FSA No. 32513: *Grain and products from St. Louis, Mo., and group to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, carloads from St. Louis, Mo., East St. Louis, Ill., and intermediate points in Missouri described in the application to specified points in Arkansas, Louisiana and Texas.

Grounds for relief: Circuitous routes via Ft. Smith, Ark., transit points.

Tariffs: Supplement 73 to Agent Kratzmeir's I. C. C. 3940; Supplement 130 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 32514: *Soda ash—Louisiana and Texas points to Crystal City, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), in

bulk in cars, carloads from Baton Rouge, North Baton Rouge, Lake Charles and West Lake Charles, La., and Corpus Christi and Velasco, Tex., to Crystal City, Mo.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 163 to Agent F. C. Kratzmeir's I. C. C. 4087 and two other tariffs.

FSA No. 32516: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for the Pennsylvania Railroad Company, and interested motor carriers. Rates on freight loaded in or on highway motor-truck trailers and transported on railroad flat cars between Indianapolis, Ind., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 10.

FSA No. 32517: *Brick—Cordova, Ala., to Tennessee points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on brick, and related articles, carloads from Cordova, Ala., to Nashville, Hermitage, and Lebanon, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 118 to Agent Spaninger's I. C. C. 1278.

FSA No. 32518: *Shale or slate aggregate in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on shale or slate aggregate, expanded, carloads between points in southern territory, and between points in southern territory, on the one hand, and points in trunk-line territory in Virginia, as described in the application, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 75 to Agent Spaninger's I. C. C. 1469.

FSA No. 32519: *Anhydrous ammonia—Woodstock, Tenn., and Yazoo City, Miss., to Arkansas, Louisiana and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Woodstock, Tenn., and Yazoo City, Miss., to points in Arkansas, Louisiana and Missouri within 230 miles (short-line) from origins.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 159 to Agent Kratzmeir's I. C. C. 4112.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32515: *Soda ash—Louisiana and Texas points to Crystal City, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk in cars, carloads from Baton Rouge, North Baton Rouge, Lake Charles and West Lake Charles, La., Corpus Christi and Velasco, Tex., to Crystal City, Mo.

Grounds for relief: Maintenance of depressed barge-competitive rates not applicable in constructing combination rates from points beyond named origins.

Tariffs: Supplement 163 to Agent Kratzmeir's I. C. C. 4087 and two other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-6652; Filed, Aug. 16, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated. The number of learners authorized is indicated:

Capital Blouse and Sportswear Co., 20 Berger Street, Brooklyn, N. Y.; effective 7-31-56 to 1-30-57; 10 percent of factory production workers (ladies' blouses, etc.).

Clyde Shirt Co., Northampton, Pa.; effective 8-4-56 to 8-3-57; 10 percent of factory production workers (women's blouses).

Congress Sportswear Co., Inc., 831 Middle Street, Bath, Me.; effective 8-1-56 to 7-31-57; 10 percent of factory production workers (sport shirts and jackets).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-18-56 to 8-17-57; 10 percent of factory production workers (men's and boys' pants).

Cute-Togs of New Orleans, Inc., 1636 St. Roch Avenue, New Orleans, La.; effective 8-7-56 to 4-11-57; 10 percent of factory production workers (infantswear) (replacement certificate).

Delvin Sportwear Co., 2168 Fulton Street, Brooklyn, N. Y.; effective 8-2-56 to 2-1-57; 4 learners (cotton pajamas).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8-19-56 to 8-18-57; 10 learners (women's sleepwear).

Marine Garment Co., Marine, Ill.; effective 8-5-56 to 8-4-57; 10 learners (women's sportswear).

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N. C.; effective 7-31-56 to 7-30-57; 10 learners (ladies' pajamas).

Pocono Apparel Manufacturing Co., 310 North Seventh Street, Scranton, Pa.; effective 7-30-56 to 7-29-57; 10 percent of factory production workers engaged in the production of boys' suburban jackets only (boys' jackets, etc.).

R. & J. Manufacturing Co., Inc., New London, Conn.; effective 8-1-56 to 7-31-57; 10 percent of factory production workers (children's pajamas).

Salem Garment Co., Inc., Salem, S. C.; effective 8-11-56 to 8-10-57; 10 percent of factory production workers (cotton wash dresses and housecoats).

Sharp Bros., Inc., 121 North Seventh Street Philadelphia, Pa.; effective 8-3-56 to 8-2-57, 6 learners (boys' slacks, trousers, jeans and shorts).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-56 to 8-18-57; 10 percent of factory production workers (denim overalls).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-1-56 to 7-30-57; 10 percent of factory production workers (work pants, work shirts).

Freedman Soloff Co., 1637 North Main Street, Fall River, Mass.; effective 8-1-56 to 7-31-57; 10 learners (men's and boys' outerwear).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 8-2-56 to 2-1-57; 80 learners for plant expansion purposes (women's blouses).

Trimble Manufacturing Corp., Trimble, Tenn.; effective 8-3-56 to 8-2-57; 10 percent of factory production workers (sport jackets).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 8-1-56 to 7-31-57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Riegel Textile Corp., Warlong Division, Conover, N. C.; effective 8-3-56 to 2-28-57; 10 percent of factory production workers engaged in the authorized learner occupations (work gloves) (replacement certificate).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 8-11-56 to 8-10-57; 10 learners for normal labor turnover purposes (ladies' knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

B & K Hosiery Mill, Route No. 4, Hickory, N. C.; effective 8-1-56 to 7-31-57; 5 learners for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Alco of Texas, Inc., 342 South Chadbourne Street, San Angelo, Tex.; effective 8-2-56 to 8-1-57; ten percent of factory production workers for normal labor turnover purposes (washable footwear and moccasins).

Manistee Shoe Manufacturing Co., 50 Filer Street., Manistee, Mich.; effective 8-7-56 to 8-6-57; 10 learners for normal labor turnover purposes.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Alex Hirschenfang Co., 725 Broadway, New York, N. Y.; effective 8-6-56 to 2-5-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewer; authorizing the employment of 3 learners for normal labor turnover purposes (men's sack coats).

K & P, Inc., 1501 Lincoln Street, Laredo, Tex.; effective 8-6-56 to 12-5-56; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of polisher and press operator; authorizing the employment of 10 learners for expansion purposes (metal watch bands).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of August 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 56-6645; Filed, Aug. 16, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-93]

BANCA ARDELEANA S. A. R., BUCHAREST BRANCH

In re: Debt owing to Banca Ardeleana S. A. R., Bucharest Branch. F-57-95.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Banca Ardeleana S. A. R., Bucharest, Roumania, Mail to: Bank of The Roumanian Peoples Republic, The States Bank at Bucharest, Bucharest, Roumania," maintained at the aforesaid bank, together with all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banca Ardeleana S. A. R., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6653; Filed, Aug. 16, 1956; 8:48 a. m.]

[Vesting Order SA-94]

BANCA ARDELEANA S. A. R., CLUJ BRANCH

In re: Debt owing to Banca Ardeleana S. A. R., Cluj Branch. F-57-95.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, in the sum of $77,047.00 arising out of an account entitled, "Banca Ardeleana S. A. R., Cluj, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banca Ardeleana S. A. R., Cluj, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6654; Filed, Aug. 16, 1956; 8:48 a. m.]

[Vesting Order SA-95]

BANCA ARDELEANA S. A. R., TIMISOARA BRANCH

In re: Debt owing to Banca Ardeleana S. A. R., Timisoara Branch. F-57-95.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Banca Ardeleana, Timisoara, Roumania," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947,

was, owned directly or indirectly by Banca Ardeleana S. A. R. Timisoara, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6655; Filed, Aug. 16, 1956; 8:48 a. m.]

[Vesting Order SA-96]

UNIREA SOCIETATE ANONIMA ROMANA DE PETROL

In re: Debt owing to Unirea Societate Anonima Romana de Petrol. F-57-629.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Unirea Societate Anonima Romana de Petrol," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Unirea Societate Anonima Romana de Petrol, Ploesti, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6656; Filed, Aug. 16, 1956; 8:48 a. m.]

[Vesting Order SA-97]

UNIREA SOCIETATE ANONIMA ROMANA DE PETROL

In re: Debt owing to Unirea Societate Anonima Romana de Petrol. F-57-629.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The National Supply Company, 2 Gateway Center, Pittsburgh, Pennsylvania, appearing on the books and records of said Company as an account payable entitled "Unirea, S. A. R., also known as Phoenix Oil and Transport Company, Limited and as Unirea, S. A. R. de Petrol," together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by Unirea Societate Anonima Romana de Petrol, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6657; Filed, Aug. 16, 1956; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 161

Washington, Saturday, August 18, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans
[FHA Instructions 422.1 and 443.2]

PART 322—APPRAISAL OF FARMS

PART 332—PROCESSING INITIAL LOANS

Subchapter F—Security Servicing and Liquidations
[FHA Instructions 465.2 and 465.6]

PART 372—FARM OWNERSHIP LOANS

Subchapter G—Miscellaneous Regulations
[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

MISCELLANEOUS AMENDMENTS

1. Part 322 of Title 6, Code of Federal Regulations (13 F. R. 9401), is revised to prescribe regulations applicable generally to the appraisal of real estate in connection with Farm Ownership and other types of loans, and to read as follows:

PART 322—APPRAISAL OF FARMS

Sec.
322.1 General.
322.2 Definitions of values to be recommended.
322.3 Long-time commodity prices, costs, and other basic appraisal data.

AUTHORITY: §§ 322.1 to 322.3 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (f), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (f), 42 U. S. C. 1480 (g), 40 U. S. C. 422 (c). § 322.2 (a) interprets or applies sec. 2 (b), 60 Stat. 1074; 7 U. S. C. 1002 (b).

§ 322.1 *General*—(a) *Appraisals required.* An appraisal report will be required in connection with each Initial loan to be made under Title I of the Bankhead-Jones Farm Tenant Act, and in connection with each Soil and Water Conservation loan in excess of $5,000 to be secured by a lien on the farm to be improved. An appraisal report also will be prepared when required by Farmers Home Administration regulations or when requested by the County Committee, County Supervisor, or State Director in connection with making subsequent loans under Title I of the Bankhead-Jones Farm Tenant Act, Soil and Water Conservation loans not in excess of $5,000, and making and servicing loans where real estate is taken as security.

(b) *Employees authorized to appraise farms.* For the purpose of this part, an "appraiser" is an employee of the Farmers Home Administration who has been designated in writing to appraise farms.

(c) *Appraisal forms.* Form FHA-596, "Appraisal Report," and Form FHA-596B, "Map of Farm," will be used in recording appraisals. In addition, when a farm under consideration is to be irrigated or is located in a drainage or levee district, or when minerals, timber, or other rights are leased, reserved, or exempted, Form FHA-596A, "Supplemental Report (Irrigation, Drainage, Levee, and Minerals)," will be used to the extent applicable.

(d) *Real estate improvements to be considered.* In making an appraisal, the appraiser will consider the real estate improvements already on the farm and those to be made by the applicant in connection with the loan, rather than those real estate improvements that a typical operator would have.

(e) *Typical owner-operator.* In appraising the farm, the appraiser will assume that the farm will be operated by a typical owner-operator for the area in which the farm is located. Such operator will be representative of the farmers in the area who possess average skills and managerial ability. The typical operator to be assumed should not be one who is significantly above or below average in managerial ability for the area. For example, the appraiser will assume that the operator would be a typical dairyman if the farm being appraised is in an area where both dairy farming and corn-hog farming have proven successful and the farm has building and land resources, including improvements to be made in connection with the loan, which make it more suitable for dairying.

§ 322.2 *Definitions of values to be recommended*—(a) *Normal earning capacity value.* This value is defined as the maximum amount that can be invested safely in a family-type farm consistent with the net income that the farm unit reasonably can be expected to produce, after any planned land and building improvements are completed. A distinction will be made between "nor-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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mal earning capacity" and "normal earning capacity value." The term "normal earning capacity" means the long-time average annual production and income that reasonably can be expected from the farm. The term "normal earning capacity value" is an expression of the value of the farm based on its normal earning capacity. It is determined in connection with family-type farms being considered for Title I loans. For a normal earning capacity appraisal, the appraiser will:

(1) Make the following assumptions:

(i) The farm will be operated by a typical owner-operator for the area.

(ii) Cropping and livestock systems used are typical for the farm under consideration and will maintain the anticipated productivity. In determining the proper cropping system, the appraiser will take into account acreage allotments for the basic crops.

(iii) Average crop yields and livestock production estimates are used for the farm under consideration.

(iv) Approved commodity prices and farm operating costs are employed in estimating net income.

(v) The farm will be improved as shown in the Farm Development Plan.

(vi) The normal farm operating and family living expenses, the cost of necessary farm and equipment repairs and replacements, and principal and interest payments will be met out of farm income.

(vii) Income credited to the farm will include only income from the sale of farm commodities.

(2) Consider the amount that could be invested in the farm based upon capitalization of the net farm income available for payment on real estate loans. The minimum capitalization rate will be six percent. Farming systems which include major enterprises considered to be high-risk enterprises, or farms located in areas with unusual hazards such as droughts, hail, flood, and frosts which cause yields to fluctuate to the extent that net farm income is reduced significantly at rather frequent intervals, should be capitalized at rates higher than six percent.

(3) Determine the normal earning capacity value which should be consistent with and suported fully by the earning ability of the farm. Such value, however, is not merely a mathematical computation resulting from capitalization of the net farm income available for payment on the real estate loan(s). Some other factors that he must consider in determining normal earning capacity value are:

(i) The desirability of the farm for a home.

(ii) The adaptability of the farm for alternative systems of farming.

(iii) Natural characteristics of the farm that would cause it to remain productive or characteristics that would cause production to decline because of such factors as erosion or leaching.

(b) *Normal market value of farm as improved.* This value is defined as the amount a typical purchaser would, under normal conditions, be willing to pay and be justified in paying for the farm, as improved, for farming purposes and for any nonagricultural assets the farm may have. This value is reflected by prices at which comparable properties in the community have been sold for similar use over a period of years, assuming long-time prices and costs. This value assumes that the farm normally may be expected to sell for that amount with a reasonable amount of effort and that the purchaser is a willing but not anxious buyer and the seller is a willing but not forced seller. Some of the important factors that the appraiser must consider in determining the normal market value are:

(1) Net farm earnings to the owner-operator and to the landlord based on long-time prices and cost.

(2) Improvement shown on the Farm Development Plan.

(3) Hazards of weather and high-risk enterprises.

(4) Location of farm with respect to:

(i) Off-farm employment opportunities and dependability of such employment.

(ii) Community services such as schools, churches, markets, trading centers, and roads.

(5) Condition and suitability of buildings.

(6) Condition and productivity of land.

(7) Nonagricultural assets such as timber, gravel, stone, or proven minerals.

(8) The price at which comparable properties in the area have sold. These prices will be adjusted to normal market values.

(9) Opinion of informed people who are familiar with real estate values in the area such as agricultural leaders, real estate brokers, and private and cooperative lenders.

(c) *Normal market value of acreage to be purchased.* This value will be determined as outlined in paragraph (b) of this section, except that planned improvements to be made by the applicant in connection with the loan will not be considered.

(d) *Present market value of farm as improved.* This value is defined as the amount a typical purchaser would be willing to pay and be justified in paying for the farm, as improved, for farming purposes and for any nonagricultural assets the farm may have. This value assumes that on the current market the farm may be expected to sell for that amount with a reasonable amount of effort and that the purchaser is a willing but not anxious buyer and the seller is a willing but not forced seller. In determining present market value, the appraiser will consider the same factors as listed in paragraph (b) of this section as they apply to present conditions rather than normal conditions.

§ 322.3 *Long-time commodity prices, costs, and other basic appraisal data.* Long-time prices for farm commodities, long-time farm operating and family living costs, and other basic appraisal data will be used in the preparation of Form FHA–596.

(a) *Long-time commodity price schedules.* A State schedule of long-time farm commodity prices will be prepared by the State Director. Each State schedule will be submitted to the National Office for approval before issuance.

(b) *Cost schedules.* A State schedule of cost items will be prepared by the State Director.

(c) *Other basic appraisal data.* The State Director will assemble other basic appraisal data for use of employees authorized to appraise farms as an aid to securing greater consistency in appraisals. All available sources of materials, such as publications of Agricultural Experiment Stations, Agricultural Colleges, United States Department of Agriculture, and so forth, should be utilized in developing and assembling the data. Such data will include to the extent practicable:

(1) A listing of recognized systems of farming, and the areas in the State where applicable.

(2) Standard crop rotations for various soils, conditions, and enterprises.

(3) Approved feed tables.

(4) Hired labor cost figures.

(5) Machinery requirements and depreciation rates.

(6) Tractor expense data.

(7) Values of buildings and depreciation rates.

(8) Method of determining the cash expense for family living.

(9) Capitalization rates.

(10) Other items which will be helpful to appraisers.

2. Section 332.3 of Title 6 (20 F. R. 3669) is amended by changing references to Form FHA–596, "Earning Capacity Report," and Form FHA–440, "Farm Appraisal Report," to Form FHA–596, "Appraisal Report."

3. Section 372.25 (f), (g), and (j) of Title 6 (18 F. R. 4785, 4786) are amended by changing all references to "Earning Capacity Report" to read "Appraisal Report."

4. Section 372.108 (c) of Title 6 (13 F. R. 9472) is amended by changing reference to Form FHA–736 to Form FHA–596, "Appraisal Report."

5. Section 383.10 (b) of Title 6 (21 F. R. 3480) is amended by changing reference to Form FHA–440 to Form FHA–596, "Appraisal Report."

Dated: August 15, 1956.

[SEAL] M. H. HOLLIDAY, Jr.,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–6710; Filed, Aug. 17, 1956; 8:51 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

The 1956 Cotton Bulletin (1956 CCC Cotton Bulletin 1) is hereby amended by adding § 427.733 to read as follows:

§ 427.733 *Basic loan rates by warehouse locations.* The base loan rates, in cents per pound, gross weight, applicable to Middling white 1-inch upland cotton, under Commodity Credit Corporation's 1956 Cotton Loan Program, are as follows:

ALABAMA

City and county	Basis Middling White 1-inch loan rate
Abbeville, Henry	33.24
Akron, Hale	33.14
Albertville, Marshall	33.34
Alexander City, Tallapoosa	33.44
Aliceville, Pickens	33.04
Altoona, Etowah	33.44
Andalusia, Covington	33.14
Anniston, Calhoun	33.44
Arab, Marshall	33.34
Ardmore, Limestone	33.14
Ashford, Houston	33.24
Ashland, Clay	33.44
Athens, Limestone	33.14
Atmore, Escambia	33.04
Attalla, Etowah	33.44
Auburn, Lee	33.44
Banks, Pike	33.24
Bankston, Fayette	33.14
Belk, Fayette	33.14
Berry, Fayette	33.14
Bessemer, Jefferson	33.24
Birmingham, Jefferson	33.24
Blountsville, Blount	33.34
Boaz, Marshall	33.34
Boligee, Greene	33.04
Brantley, Crenshaw	33.14
Brantley, Dallas	33.14
Brent, Bibb	33.24
Brewton, Escambia	33.04
Bridgeport, Jackson	33.24
Browntown, Jackson	33.24
Brundidge, Pike	33.24
Butler, Choctaw	33.04
Camden, Wilcox	33.04
Camp Hill, Tallapoosa	33.44
Carbon Hill, Walker	33.14
Carrollton, Pickens	33.04
Centerville, Bibb	33.24
Centre, Cherokee	33.44
Chavles, DeKalb	33.34
Childersburg, Talladega	33.44
Clanton, Chilton	33.24
Clayton, Barbour	33.34
Clio, Barbour	33.34
Collinsville, DeKalb	33.34
Columbia, Houston	33.24
Columbiana, Shelby	33.34
Cooper, Chilton	33.24
Cordova, Walker	33.14
Courtland, Lawrence	33.14
Cullman, Cullman	33.24
Dadeville, Tallapoosa	33.44
Dancy, Pickens	33.04
Deatsville, Elmore	33.34
Decatur, Morgan	33.24
Demopolis, Marengo	33.04
Detroit, Lamar	33.04
Dothan, Houston	33.24
Dozier, Crenshaw	33.14
Dutton, Jackson	33.24
Eclectic, Elmore	33.34
Elba, Coffee	33.24
Elkmont, Limestone	33.14
Enterprise, Coffee	33.24
Ethelsville, Pickens	33.04
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Eutaw, Greene	33.04
Evergreen, Conecuh	33.04
Fackler, Jackson	33.24
Fadette, Geneva	33.24
Faunsdale, Marengo	33.04
Fayette, Fayette	33.14
Flat Rock, Jackson	33.24
Florala, Covington	33.14
Florence, Lauderdale	33.04
Fort Deposit, Lowndes	33.14
Fort Payne, DeKalb	33.34
Fyffe, DeKalb	33.34
Gadsden, Etowah	33.44
Gantt, Covington	33.14
Geneva, Geneva	33.24
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Luverne, Crenshaw	33.14
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Maplesville, Chilton	33.24
Marion, Perry	33.14
Millport, Lamar	33.04
Mobile, Mobile	32.96
Monroeville, Monroe	33.04
Montevallo, Shelby	33.34
Montgomery, Montgomery	33.24
Moores Bridge, Tuscaloosa	33.14
Moores Valley, Wilcox	33.04
Moulton, Lawrence	33.14
Moundville, Hale	33.14
Newbern, Hale	33.14
New Brockton, Coffee	33.24
New Hope, Madison	33.24
Newville, Henry	33.24
Northport, Tuscaloosa	33.14
Notasulga, Macon	33.34
Oakman, Walker	33.14
Oneonta, Blount	33.34
Opelika, Lee	33.44
Opp, Covington	33.14
Ozark, Dale	33.24
Panola, Sumter	33.04
Pell City, St. Clair	33.34
Peterman, Monroe	33.04
Phil Campbell, Franklin	33.04
Pickensville, Pickens	33.04
Pine Hill, Wilcox	33.04
Pisgah, Jackson	33.24
Pollard, Escambia	33.04
Prattville, Autauga	33.24
Ralph, Tuscaloosa	33.14
Red Bay, Franklin	33.04
Red Level, Covington	33.14
Reform, Pickens	33.04
Repton, Conecuh	33.04
Roanoke, Randolph	33.44
Rogersville, Lauderdale	33.04
Russellville, Franklin	33.04
Samantha, Tuscaloosa	33.14
Samson, Geneva	33.24
Scottsboro, Jackson	33.24
Section, Jackson	33.24
Selma, Dallas	33.14
Sheffield, Colbert	33.04
Slocomb, Geneva	33.24
Stevenson, Jackson	33.24
Stewart, Hale	33.14
Sulligent, Lamar	33.04
Sweet Water, Marengo	33.04
Sylacauga, Talladega	33.44
Sylvania, DeKalb	33.34
Talladega, Talladega	33.44
Tallassee, Elmore	33.34
Thomasville, Clarke	33.04
Thorsby, Chilton	33.24
Troy, Pike	33.24
Tuscaloosa, Tuscaloosa	33.14
Tuscumbia, Colbert	33.04
Tuskegee, Macon	33.34
Union Springs, Bullock	33.34
Uniontown, Perry	33.14
Vernon, Lamar	33.04
Vina, Franklin	33.04
Wadley, Randolph	33.44
Warrior, Jefferson	33.24
Webb, Houston	33.24
Wetumpka, Elmore	33.34
Winfield, Marlon	33.04
Woodville, Jackson	33.24
York, Sumter	33.04

ARIZONA

City and county	Basis Middling White 1-inch loan rate
Amado, Santa Cruz	31.90
Buckeye, Maricopa	31.90
Casa Grande, Pinal	31.90
Chandler, Maricopa	31.90
Coolidge, Pinal	31.90
Eloy, Pinal	31.90
Gilbert, Maricopa	31.90
Litchfield Park, Maricopa	31.90
McMicken, Maricopa	31.90
Marana, Pima	31.90
Phoenix, Maricopa	31.90
Picacho, Pinal	31.90
Safford, Graham	32.07
Sahuarita, Pima	31.90
Willcox, Cochise	32.07
Yuma, Yuma	31.90

ARKANSAS

City and county	Basis Middling White 1-inch loan rate
Arkadelphia, Clark	32.79
Ashdown, Little River	32.79
Batesville, Independence	32.79
Blytheville, Mississippi	32.84
Boughton, Nevada	32.79
Bradley, Lafayette	32.79
Brinkley, Monroe	32.84
Camden, Ouachita	32.79
Conway, Faulkner	32.79
Cotton Plant, Woodruff	32.84
Dardanelle, Yell	32.79
Dell, Mississippi	32.84
Dumas, Desha	32.82
Earle, Crittenden	32.84
England, Lonoke	32.82
Eudora, Chicot	32.81
Evadale, Mississippi	32.84
Fordyce, Dallas	32.79
Forrest City, St. Francis	32.84
Fort Smith, Sebastian	32.79
Gurdon, Clark	32.79
Harrisburg, Poinsett	32.84
Helena, Phillips	32.83
Hope, Hempstead	32.79
Hughes, St. Francis	32.84
Hulbert, Crittenden	32.87
Jonesboro, Craighead	32.84
Junction City, Union	32.79
Leachville, Mississippi	32.84
Lepanto, Poinsett	32.84
Little Rock, Pulaski	32.82
Lonoke, Lonoke	32.82
McCrory, Woodruff	32.84
McGehee, Desha	32.82
Magnolia, Columbia	32.79
Malvern, Hot Springs	32.79
Marianna, Lee	32.84
Marked Tree, Poinsett	32.84
Marvell, Phillips	32.84
Morrilton, Conway	32.79
Nashville, Howard	32.79
Newport, Jackson	32.82
Osceola, Mississippi	32.84
Paragould, Greene	32.84
Pine Bluff, Jefferson	32.82
Portland, Ashley	32.79
Prescott, Nevada	32.79
Russellville, Pope	32.79
Searcy, White	32.82
Sparkman, Dallas	32.79
Trumann, Poinsett	32.84
Waldo, Columbia	32.79
Walnut Ridge, Lawrence	32.82
Warren, Bradley	32.79
West Memphis, Crittenden	32.87
Wilson, Mississippi	32.84
Wynne, Cross	32.84

CALIFORNIA

City and county	Basis Middling White 1-inch loan rate
Arvin, Kern	31.90
Bakersfield, Kern	31.90
Buttonwillow, Kern	31.90
Calico, Kern	31.90
Caruthers, Fresno	31.90
Chowchilla, Madera	31.90
Coalinga, Fresno	31.90
Corcoran, Kings	31.90
El Centro, Imperial	31.90
Firebaugh, Fresno	31.90
Five Points, Fresno	31.90
Fresno, Fresno	31.90
Hanford, Kings	31.90
Helm, Fresno	31.90
Huron, Fresno	31.90
Kerman, Fresno	31.90
Kingsburg, Fresno	31.90
Lemoore, Kings	31.90
Locke, Sacramento	31.90
McFarland, Kern	31.90
Madera, Madera	31.90
Oakland, Alameda	31.90
Pinedale, Fresno	31.90
Pond, Kern	31.90
Reedley, Fresno	31.90
Richmond, Contra Costa	31.90
San Francisco, San Francisco	31.90
San Joaquin, Fresno	31.90
San Jose, Santa Clara	31.90
San Pedro, Los Angeles	31.90
Selma, Fresno	31.90
Stockton, San Joaquin	31.90
Stratford, Kings	31.90
Tipton, Tulare	31.90
Tranquility, Fresno	31.90
Tulare, Tulare	31.90
Visalia, Tulare	31.90

FLORIDA

City and county	Basis Middling White 1-inch loan rate
Jay, Santa Rosa	32.96
Pensacola, Escambia	32.96

GEORGIA

City and county	Basis Middling White 1-inch loan rate
Abbeville, Wilcox	33.44
Adairsville, Bartow	33.54
Adrian, Emanuel	33.54
Alamo, Wheeler	33.44
Albany, Dougherty	33.44
Allentown, Wilkinson	33.54
Alma, Bacon	33.44
Alvaton, Meriwether	33.54
Americus, Sumter	33.44
Arabi, Crisp	33.44
Arlington, Calhoun	33.34
Ashburn, Turner	33.44
Athens, Clarke	33.64
Atlanta, Fulton	33.54
Augusta, Richmond	33.64
Bainbridge, Decatur	33.34
Barnesville, Lamar	33.54
Bartow, Jefferson	33.54
Baxley, Appling	33.44
Bishop, Oconee	33.64
Blackshear, Pierce	33.34
Blakely, Early	33.34
Braselton, Jackson	33.64
Bronwood, Terrell	33.44
Brooklet, Bulloch	33.54
Brunswick, Glynn	33.34
Buchanan, Haralson	33.54
Buena Vista, Marion	33.54
Buford, Gwinnett	33.54
Butler, Taylor	33.54
Byromville, Dooly	33.44
Cadwell, Laurens	33.54
Cairo, Grady	33.34
Calhoun, Gordon	33.54
Camilla, Mitchell	33.34
Canon, Franklin	33.64
Carnegie, Randolph	33.34
Carrollton, Carroll	33.54
Cartersville, Bartow	33.54
Cedartown, Polk	33.54
Chamblee, DeKalb	33.54
Chauncey, Dodge	33.54
Chester, Dodge	33.54
Chipley, Harris	33.54
Claxton, Evans	33.44
Cochran, Bleckley	33.54
Coleman, Randolph	33.34
Colquitt, Miller	33.34
Columbus, Muscogee	33.54
Comer, Madison	33.64
Commerce, Jackson	33.64
Concord, Pike	33.54
Conyers, Rockdale	33.54
Cordele, Crisp	33.44
Covington, Newton	33.54
Culloden, Monroe	33.54
Cuthbert, Randolph	33.34
Dallas, Paulding	33.54
Dalton, Whitfield	33.54
Davisboro, Washington	33.54
Dawson, Terrell	33.44
Dexter, Laurens	33.54
Doerun, Colquitt	33.34
Donalsonville, Seminole	33.24
Douglas, Coffee	33.44
Dublin, Laurens	33.54
Dudley, Laurens	33.54
Eastman, Dodge	33.54
East Point, Fulton	33.54
Eatonton, Putnam	33.54
Edison, Calhoun	33.34
Elberton, Elbert	33.64
Ellaville, Schley	33.54
Fairburn, Fulton	33.54
Farrar, Jasper	33.54
Fayetteville, Fayette	33.54
Findlay, Dooly	33.44
Fitzgerald, Ben Hill	33.44
Forsyth, Monroe	33.54
Fort Gaines, Clay	33.34
Fort Valley, Peach	33.54
Gainesville, Hall	33.64
Garfield, Emanuel	33.54
Gay, Meriwether	33.54
Glennville, Tattnall	33.44
Grantville, Coweta	33.54
Graymont, Emanuel	33.54
Greensboro, Greene	33.64
Greenville, Meriwether	33.54
Gresston, Dodge	33.54
Griffin, Spalding	33.54
Haralson, Coweta	33.54
Harrison, Washington	33.54
Hartsfield, Colquitt	33.34
Hartwell, Hart	33.64
Hawkinsville, Pulaski	33.54
Hogansville, Troup	33.54
Hollonville, Pike	33.54
Ideal, Macon	33.54
Jackson, Butts	33.54
Jefferson, Jackson	33.64
Jeffersonville, Twiggs	33.54
Jesup, Wayne	33.44
Jonesboro, Clayton	33.54
Kelly, Jasper	33.54
Kingston, Bartow	33.54
Kite, Johnson	33.54
Lafayette, Walker	33.54
LaGrange, Troup	33.54
Lavonia, Franklin	33.64
Lawrenceville, Gwinnett	33.54
Leary, Calhoun	33.34
Leesburg, Lee	33.44
Leslie, Sumter	33.44
Lilly, Dooly	33.44
Lincolnton, Lincoln	33.64
Locust Grove, Henry	33.54
Loganville, Walton	33.54
Louisville, Jefferson	33.54
Lumpkin, Stewart	33.44
Luthersville, Meriwether	33.54
Lyons, Toombs	33.44
McDonough, Henry	33.54
McRae, Telfair	33.44
Macon, Bibb	33.54

GEORGIA—Continued

City and county	Basis Middling White 1-inch loan rate
Madison, Morgan	33.54
Manchester, Meriwether	33.54
Mansfield, Newton	33.54
Marietta, Cobb	33.54
Marshallville, Macon	33.54
Meansville, Pike	33.54
Meigs, Thomas	33.34
Metter, Candler	33.54
Midville, Burke	33.54
Milan, Telfair	33.44
Milledgeville, Baldwin	33.54
Millen, Jenkins	33.54
Monroe, Walton	33.54
Montezuma, Macon	33.54
Monticello, Jasper	33.54
Montrose, Laurens	33.54
Moreland, Coweta	33.54
Morven, Brooks	33.34
Moultrie, Colquitt	33.34
Newborn, Newton	33.54
Newnan, Coweta	33.54
Ochlochnee, Thomas	33.34
Ocilla, Irwin	33.44
Oglethorpe, Macon	33.54
Omega, Tift	33.44
Orchard Hill, Spalding	33.54
Parrott, Terrell	33.44
Pelham, Mitchell	33.34
Perry, Houston	33.54
Pinehurst, Dooly	33.44
Pitts, Wilcox	33.44
Plains, Sumter	33.44
Portal, Bulloch	33.54
Pulaski, Candler	33.54
Quitman, Brooks	33.34
Rebecca, Turner	33.44
Rentz, Laurens	33.54
Reynolds, Taylor	33.54
Rhine, Dodge	33.54
Richland, Stewart	33.44
Roberta, Crawford	33.54
Rochelle, Wilcox	33.44
Rockmart, Polk	33.54
Rocky Ford, Screven	33.54
Rome, Floyd	33.54
Royston, Franklin	33.64
Rutledge, Morgan	33.54
Sandersville, Washington	33.54
Savannah, Chatham	33.54
Scotland, Telfair	33.44
Senoia, Coweta	33.54
Shady Dale, Jasper	33.54
Sharpsburg, Coweta	33.54
Shellman, Randolph	33.34
Shellman, Bartow	33.54
Social Circle, Walton	33.54
Soperton, Treutlen	33.54
Sparta, Hancock	33.54
Statesboro, Bulloch	33.54
Summit, Emanuel	33.54
Swainsboro, Emanuel	33.54
Sycamore, Turner	33.44
Sylvania, Screven	33.54
Sylvester, Worth	33.44
Tallapoosa, Haralson	33.54
Taylorsville, Bartow	33.54
Temple, Carroll	33.54
Tennille, Washington	33.54
Thomaston, Upson	33.54
Thomson, McDuffie	33.64
Tifton, Tift	33.44
Tignall, Wilkes	33.64
Toccoa, Stephens	33.64
Turin, Coweta	33.54
Twin City, Emanuel	33.54
Tyrone, Fayette	33.54
Unadilla, Dooly	33.44
Valdosta, Lowndes	33.34
Vidalia, Toombs	33.44
Vienna, Dooly	33.44
Villa Rica, Carroll	33.54
Wadley, Jefferson	33.54
Warrenton, Warren	33.64
Washington, Wilkes	33.64
Watkinsville, Oconee	33.64
Waynesboro, Burke	33.54
West Point, Troup	33.54

GEORGIA—Continued

City and county	Basis Middling White 1-inch loan rate
Williamson, Pike	33.54
Winder, Barrow	33.64
Woodbury, Meriwether	33.54
Woodland, Talbot	33.54
Wrightsville, Johnson	33.54
Yatesville, Upson	33.54
Zebulon, Pike	33.54

ILLINOIS

Cairo, Alexander	32.91

LOUISIANA

Alexandria, Rapides	32.79
Arcadia, Bienville	32.79
Bernice, Union	32.79
Bryceland, Bienville	32.79
Bunkie, Avoyelles	32.79
Chatham, Jackson	32.79
Choudrant, Lincoln	32.79
Coushatta, Red River	32.79
Delhi, Richland	32.80
Dubach, Lincoln	32.79
Farmerville, Union	32.79
Ferriday, Concordia	32.81
Franklinton, Washington	32.91
Gibsland, Bienville	32.79
Haynesville, Claiborne	32.79
Homer, Claiborne	32.79
Jonesboro, Jackson	32.79
Lake Charles, Calcasieu	32.79
Lake Providence, East Carroll	32.81
Leesville, Vernon	32.79
Logansport, De Soto	32.79
Mansfield, De Soto	32.79
Marion, Union	32.79
Minden, Webster	32.79
Monroe, Ouachita	32.79
Natchitoches, Natchitoches	32.79
Newellton, Tensas	32.81
New Orleans, Orleans	32.91
Oak Grove, West Carroll	32.80
Opelousas, Saint Landry	32.79
Plain Dealing, Bossier	32.79
Rayville, Richland	32.79
Ringgold, Bienville	32.79
Ruston, Lincoln	32.79
Shreveport, Caddo	32.79
Springhill, Webster	32.79
Tallulah, Madison	32.81
Winnsboro, Franklin	32.79
Westwego, Jefferson	32.91

MISSISSIPPI

Aberdeen, Monroe	32.96
Amory, Monroe	32.96
Batesville, Panola	32.96
Belmont, Tishomingo	32.96
Belzoni, Humphreys	32.91
Booneville, Prentiss	32.96
Brookhaven, Lincoln	32.93
Canton, Madison	32.96
Carthage, Leake	32.96
Clarksdale, Coahoma	32.91
Cleveland, Bolivar	32.91
Coffeeville, Yalobusha	32.96
Columbia, Marion	32.93
Columbus, Lowndes	32.96
Como, Panola	32.96
Corinth, Alcorn	32.96
Crystal Springs, Copiah	32.93
Drew, Sunflower	32.91
Durant, Holmes	32.96
Flora, Madison	32.91
Forest, Scott	32.93
Gloster, Amite	32.91
Goodman, Holmes	32.96
Greenville, Washington	32.91
Greenwood, Leflore	32.91
Grenada, Grenada	32.96
Gulfport, Harrison	32.91
Hattiesburg, Forrest	32.93
Hollandale, Washington	32.91
Holly Springs, Marshall	32.96
Houston, Chickasaw	32.96
Indianola, Sunflower	32.91
Inverness, Sunflower	32.91
Itta Bena, Leflore	32.91

MISSISSIPPI—Continued

City and county	Basis Middling White 1-inch loan rate
Jackson, Hinds	32.93
Kosciusko, Attala	32.96
Laurel, Jones	32.93
Leland, Washington	32.91
Lexington, Holmes	32.91
Liberty, Amite	32.91
Louisville, Winston	32.96
McComb, Pike	32.93
Macon, Noxubee	32.96
Magee, Simpson	32.93
Magnolia, Pike	32.93
Marks, Quitman	32.91
Meridian, Lauderdale	32.96
Mount Olive, Covington	32.93
Natchez, Adams	32.91
New Albany, Union	32.96
Newton, Newton	32.93
Okolona, Chickasaw	32.96
Oxford, Lafayette	32.96
Philadelphia, Neshoba	32.96
Pontotoc, Pontotoc	32.96
Port Gibson, Claiborne	32.91
Prentiss, Jefferson Davis	32.93
Quitman, Clarke	32.93
Ripley, Tippah	32.96
Rolling Fork, Sharkey	32.91
Rosedale, Bolivar	32.91
Ruleville, Sunflower	32.91
Shaw, Bolivar	32.91
Shelby, Bolivar	32.91
Shuqualak, Noxubee	32.96
Sledge, Quitman	32.91
Summit, Pike	32.93
Tunica, Tunica	32.91
Tupelo, Lee	32.96
Tutwiler, Tallahatchie	32.91
Tylertown, Walthall	32.93
Union, Newton	32.96
Vicksburg, Warren	32.91
Water Valley, Yalobusha	32.96
Wesson, Copiah	32.93
West Point, Clay	32.96
Yazoo City, Yazoo	32.91

MISSOURI

Arbyrd, Dunklin	32.84
Caruthersville, Pemiscot	32.84
Charleston, Mississippi	32.82
Gideon, New Madrid	32.82
Hayti, Pemiscot	32.84
Kennett, Dunklin	32.82
Lilbourn, New Madrid	32.82
Malden, Dunklin	32.82
Portageville, New Madrid	32.81
Sikeston, Scott	32.82

NEVADA

All point origins, all point origins	31.90

NEW MEXICO

Animas, Hidalgo	32.17
Artesia, Eddy	32.50
Carlsbad, Eddy	32.50
Deming, Luna	32.26
Hobbs, Lea	32.59
Las Cruces, Dona Ana	32.49
Lordsburg, Hidalgo	32.17
Lovington, Lea	32.59
Roswell, Chaves	32.50
Sage, Luna	32.26
Socorro, Socorro	32.49

NORTH CAROLINA

Avondale, Rutherford	33.74
Battleboro, Nash	33.64
Benson, Johnston	33.64
Bessemer City, Gaston	33.74
Bethel, Pitt	33.64
Bladenboro, Bladen	33.64
Bostic, Rutherford	33.74
Candor, Montgomery	33.74
Carthage, Moore	33.74
Charlotte, Macklenburg	33.74
Cherryville, Gaston	33.74
Clayton, Johnston	33.64
Clinton, Sampson	33.64
Columbus, Polk	33.74

NORTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Concord, Cabarrus	33.74
Conway, Northampton	33.64
Dunn, Harnett	33.64
Durham, Durham	33.74
Edenton, Chowan	33.64
Elizabeth City, Pasquotank	33.64
Enfield, Halifax	33.64
Farmville, Pitt	33.64
Fayetteville, Cumberland	33.64
Forest City, Rutherford	33.74
Franklinton, Franklin	33.64
Gastonia, Gaston	33.74
Godwin, Cumberland	33.64
Goldsboro, Wayne	33.64
Greensboro, Guilford	33.74
Gumberry, Northampton	33.64
Harris, Rutherford	33.74
Henderson, Vance	33.64
Hickory, Catawba	33.74
High Point, Guilford	33.74
Hope Mills, Cumberland	33.64
Jackson, Northampton	33.64
Kings Mountain, Cleveland	33.74
Kinston, Lenoir	33.64
La Grange, Lenoir	33.64
Laurel Hill, Scotland	33.64
Lourinburg, Scotland	33.64
Lewiston, Bertie	33.64
Lilesville, Anson	33.74
Lincolnton, Lincoln	33.74
Littleton, Halifax	33.64
Louisburg, Franklin	33.64
Lumberton, Robeson	33.64
Marshville, Union	33.74
Matthews, Mecklenburg	33.74
Maxton, Robeson	33.64
Monroe, Union	33.74
Mooresville, Iredell	33.74
Morven, Anson	33.74
Mount Gilead, Montgomery	33.74
Mount Olive, Wayne	33.64
Murfreesboro, Hertford	33.64
Nashville, Nash	33.64
Newton, Catawba	33.74
Norlina, Warren	33.64
Parkton, Robeson	33.64
Pates, Robeson	33.64
Pembroke, Robeson	33.64
Pikesville, Wayne	33.64
Pinetops, Edgecombe	33.64
Raeford, Hoke	33.64
Raleigh, Wake	33.64
Ranlo, Gaston	33.74
Red Springs, Robeson	33.64
Reidsville, Rockingham	33.74
Rich Square, Northampton	33.64
Roanoke Rapids, Halifax	33.64
Rockingham, Richmond	33.74
Rocky Mount, Edgecombe	33.64
Rowland, Robeson	33.64
Rutherfordton, Rutherford	33.74
Saint Pauls, Robeson	33.64
Salisbury, Rowan	33.74
Sanford, Lee	33.74
Scotland Neck, Halifax	33.64
Seaboard, Northampton	33.64
Shelby, Cleveland	33.74
Smithfield, Johnston	33.64
Spring Hope, Nash	33.64
Stantonsburg, Wilson	33.64
Statesville, Iredell	33.74
Tarboro, Edgecombe	33.64
Wadesboro, Anson	33.74
Wagram, Scotland	33.64
Wake Forest, Wake	33.64
Warrenton, Warren	33.64
Washington, Beaufort	33.64
Weldon, Halifax	33.64
Wilmington, New Hanover	33.64
Wilson, Wilson	33.64
Wingate, Union	33.74
Woodland, Northampton	33.64

OKLAHOMA

Ada, Pontotoc	32.79
Altus, Jackson	32.71
Anadarko, Caddo	32.71

OKLAHOMA—Continued

City and county	Basis Middling White 1-inch loan rate
Ardmore, Carter	32.79
Carter, Beckham	32.71
Chandler, Lincoln	32.71
Chickasha, Grady	32.71
Clinton, Custer	32.71
Cushing, Payne	32.79
Durant, Bryan	32.79
Eakly, Caddo	32.71
Elk City, Beckham	32.71
Erick, Beckham	32.71
Foss, Washita	32.71
Frederick, Tillman	32.71
Guthrie, Logan	32.71
Hobart, Kiowa	32.71
Hugo, Choctaw	32.79
Konawa, Seminole	32.79
Lawton, Comanche	32.71
McAlester, Pittsburg	32.79
Mangum, Greer	32.71
Marlow, Stephens	32.71
Mountain View, Kiowa	32.71
Muskogee, Muskogee	32.79
Oklahoma City, Oklahoma	32.71
Pauls Valley, Garvin	32.71
Purcell, McClain	32.71
Ryan, Jefferson	32.71
Sentinel, Washita	32.71
Shawnee, Pottawatomie	32.79
Snyder, Kiowa	32.71
Stroud, Lincoln	32.79
Tipton, Tillman	32.71
Waurika, Jefferson	32.71
Weleetka, Okfuskee	32.79
Wynne Wood, Garvin	32.71

SOUTH CAROLINA

Abbeville, Abbeville	33.74
Aiken, Aiken	33.74
Allendale, Allendale	33.64
Anderson, Anderson	33.74
Andrews, Georgetown	33.64
Angelus, Chesterfield	33.74
Ashwood, Lee	33.64
Atkins, Lee	33.64
Bamberg, Bamberg	33.64
Barnwell, Barnwell	33.64
Batesburg, Lexington	33.74
Belton, Anderson	33.74
Bennettsville, Marlboro	33.64
Bethune, Kershaw	33.74
Bishopville, Lee	33.64
Blacksburg, Cherokee	33.74
Blackstock, Fairfield	33.74
Blackville, Barnwell	33.64
Blair, Fairfield	33.74
Blaney, Kershaw	33.74
Blenheim, Marlboro	33.64
Bowman, Orangeburg	33.64
Boykin, Kershaw	33.74
Brunson, Hampton	33.64
Calhoun Falls, Abbeville	33.74
Camden, Kershaw	33.74
Cameron, Calhoun	33.64
Campobello, Spartanburg	33.74
Carlisle, Union	33.74
Catawba, York	33.74
Cateechee, Pickens	33.74
Centenary, Marion	33.64
Central, Pickens	33.74
Chappells, Newberry	33.74
Charleston, Charleston	33.64
Cheraw, Chesterfield	33.74
Chesnee, Spartanburg	33.74
Chester, Chester	33.74
Chesterfield, Chesterfield	33.74
Clinton, Laurens	33.74
Clio, Marlboro	33.64
Clover, York	33.74
Columbia, Richland	33.74
Conestee, Greenville	33.74
Cope, Orangeburg	33.64
Cordova, Orangeburg	33.64
Cowpens, Spartanburg	33.74
Crockettville, Hampton	33.64
Cross Anchor, Spartanburg	33.74
Cross Hill, Laurens	33.74
Darlington, Darlington	33.64

SOUTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Davis Station, Clarendon	33.64
Denmark, Bamberg	33.64
Dillon, Dillon	33.64
Drake, Marlboro	33.64
Due West, Abbeville	33.74
Dunbar, Marlboro	33.64
Dumbarton, Barnwell	33.64
Duncan, Spartanburg	33.74
Easley, Pickens	33.74
Edgefield, Edgefield	33.74
Ehrhardt, Bamberg	33.64
Elko, Barnwell	33.64
Ellenton, Aiken	33.74
Elliott, Lee	33.64
Elloree, Orangeburg	33.64
Enoree, Spartanburg	33.74
Estill, Hampton	33.64
Eureka, Aiken	33.74
Eutawville, Orangeburg	33.64
Fairfax, Allendale	33.64
Fairforest, Spartanburg	33.74
Fairmont, Spartanburg	33.74
Filbert, York	33.74
Fingerville, Spartanburg	33.74
Florence, Florence	33.64
Fountain Inn, Greenville	33.74
Gaffney, Cherokee	33.74
Gray Court, Laurens	33.74
Greenville, Greenville	33.74
Greenwood, Greenwood	33.74
Greer, Greenville	33.74
Hamer, Dillon	33.64
Hampton, Hampton	33.64
Hartsville, Darlington	33.64
Heath Springs, Lancaster	33.74
Hickory Grove, York	33.74
Holly Hill, Orangeburg	33.64
Honea Path, Anderson	33.74
Inman, Spartanburg	33.74
Iva, Anderson	33.74
Jefferson, Chesterfield	33.74
Jenkinsville, Fairfield	33.74
Johnsonville, Florence	33.64
Johnston, Edgefield	33.74
Jonesville, Union	33.74
Kershaw, Kershaw	33.74
Kings Creek, Cherokee	33.74
Kingstree, Williamsburg	33.64
Kinsler Siding, Richland	33.74
Kline, Barnwell	33.64
Kollock, Marlboro	33.64
Lake City, Florence	33.64
Lamar, Darlington	33.64
Lancaster, Lancaster	33.74
Landrum, Spartanburg	33.74
Lanford, Laurens	33.74
Latta, Dillon	33.64
Laurens, Laurens	33.74
Leesville, Lexington	33.74
Lester, Marlboro	33.64
Liberty, Pickens	33.74
Little Rock, Dillon	33.64
Lowrys, Chester	33.74
Lugoff, Kershaw	33.74
Luray, Hampton	33.64
Lynchburg, Lee	33.64
McBee, Chesterfield	33.74
McColl, Marlboro	33.64
McCormick, McCormick	33.74
Manning Clarendon	33.64
Marion, Marion	33.64
Mauldin, Greenville	33.74
Mayesville, Sumter	33.64
Mount Carmel, McCormick	33.74
Mount Croghan, Chesterfield	33.74
Mountville, Laurens	33.74
Mullins, Marion	33.64
Neeses, Orangeburg	33.64
Newberry, Newberry	33.74
Newry, Oconee	33.74
New Zion, Clarendon	33.64
Ninety Six, Greenwood	33.74
Norris, Pickens	33.74
North, Orangeburg	33.64
Norway, Orangeburg	33.64
Olenta, Florence	33.64
Olar, Bamberg	33.64

SOUTH CAROLINA—Continued

City and County	Basis Middling White 1-inch loan rate
Orangeburg, Orangeburg	33.64
Oswego, Sumter	33.64
Owings, Laurens	33.74
Pageland, Chesterfield	33.74
Pamplico, Florence	33.64
Parksville, McCormick	33.74
Pelzer, Anderson	33.74
Pendleton, Anderson	33.74
Pickens, Pickens	33.74
Piedmont, Greenville	33.74
Plum Branch, McCormick	33.74
Pomaria, Newberry	33.74
Princeton, Laurens	33.74
Remini, Clarendon	33.64
Richburg, Chester	33.74
Ridge Springs, Saluda	33.74
Ridgeway, Fairfield	33.74
Rock Hill, York	33.74
Roebuck, Spartanburg	33.74
Rowesville, Orangeburg	33.64
Salley, Aiken	33.74
Saluda, Saluda	33.74
Sandy Springs, Anderson	33.74
Scotia, Hampton	33.64
Seigling, Allendale	33.64
Sellers, Marion	33.64
Seneca, Oconee	33.74
Sharon, York	33.74
Silver, Clarendon	33.64
Simpsonville, Greenville	33.74
Six Mile, Pickens	33.74
Smoaks, Colleton	33.64
Spartanburg, Spartanburg	33.74
Springfield, Orangeburg	33.64
Starr, Anderson	33.74
St. Matthews, Calhoun	33.64
Summerton, Clarendon	33.64
Sumter, Sumter	33.64
Swansea, Lexington	33.74
Syracuse, Darlington	33.64
Tatum, Marlboro	33.64
Timmonsville, Florence	33.64
Trenton, Edgefield	33.74
Union, Union	33.74
Vance, Orangeburg	33.64
Van Wyck, Lancaster	33.74
Wagener, Aiken	33.74
Walhalla, Oconee	33.74
Wallace, Hampton	33.64
Walterboro, Colleton	33.64
Waterloo, Laurens	33.74
Wattsville, Laurens	33.74
Wedgefield, Sumter	33.64
Westminster, Oconee	33.74
Wet Union, Oconee	33.74
Whitmire, Newberry	33.74
Whitney, Spartanburg	33.74
Williamston, Anderson	33.74
Williston, Barnwell	33.64
Windsor, Aiken	33.74
Winnsboro, Fairfield	33.74
Wisacky, Lee	33.64
Wolfton, Orangeburg	33.74
Woodruff, Spartanburg	33.74
York, York	33.74

TENNESSEE

Appleton, Lawrence	33.04
Brownsville, Haywood	32.95
Chattanooga, Hamilton	33.44
Covington, Tipton	32.95
Decherd, Franklin	33.24
Dyersburg, Dyer	32.95
Elora, Lincoln	33.14
Fayetteville, Lincoln	33.14
Five Points, Lawrence	33.04
Halls, Lauderdale	32.95
Henderson, Chester	32.96
Humboldt, Gibson	32.95
Jackson, Madison	32.96
Knoxville, Knox	33.44
Lawrenceburg, Lawrence	33.04
Loretto, Lawrence	33.04
Memphis, Shelby	32.96
Milan, Gibson	32.95
Murfreesboro, Rutherford	33.14
Ripley, Lauderdale	32.95

TENNESSEE—Continued

City and County	Basis Middling White 1-inch loan rate
South Pittsburg, Marion	33.34
Tiptonville, Lake	32.95
Winchester, Franklin	33.24

TEXAS

Abernathy, Hale	32.63
Abilene, Taylor	32.69
Ackerly, Dawson	32.61
Afton, Dickens	32.69
Aiken, Floyd	32.63
Alba, Wood	32.79
Alvarado, Johnson	32.71
Amherst, Lamb	32.61
Anson, Jones	32.69
Anton, Hockley	32.61
Aspermont, Stonewall	32.69
Athens, Henderson	32.79
Atlanta, Cass	32.79
Austin, Travis	32.71
Austonio, Houston	32.71
Avery, Red River	32.79
Baileyboro, Bailey	32.61
Bakersfield, Pecos	32.59
Ballinger, Runnels	32.69
Balmorhea, Reeves	32.59
Barry, Navarro	32.71
Bartlett, Bell	32.71
Beaumont, Jefferson	32.79
Beckville, Panola	32.79
Belton, Bell	32.71
Bertram, Burnett	32.71
Big Spring, Howard	32.61
Bledsoe, Cochran	32.61
Bloomburg, Cass	32.79
Bogata, Red River	32.79
Bonham, Fannin	32.79
Bovina, Parmer	32.61
Brady, McCulloch	32.69
Breckenridge, Stephens	32.71
Brenham, Washington	32.71
Broadview, Lubbock	32.61
Brownfield, Terry	32.61
Brownsville, Cameron	32.43
Brownwood, Brown	32.71
Bryan, Brazos	32.71
Bula, Bailey	32.61
Bynum, Hill	32.71
Caldwell, Burleson	32.71
Calvert, Robertson	32.71
Cameron, Milam	32.71
Carthage, Panola	32.79
Celina, Collin	32.71
Center, Shelby	32.79
Chapel Hill, Washington	32.71
Childress, Childress	32.69
Chillicothe, Hardeman	32.71
Clarksville, Red River	32.79
Cleburne, Johnson	32.71
Coble, Hockley	32.61
Coleman, Coleman	32.69
Colorado City, Mitchell	32.69
Commerce, Hunt	32.79
Cooper, Delta	32.79
Corpus Christi, Nueces	32.48
Corsicana, Navarro	32.71
Crockett, Houston	32.71
Crosbyton, Crosby	32.61
Cuero, DeWitt	32.53
Cumby, Hopkins	32.79
Dalngerfield, Morris	32.79
Dallas, Dallas	32.71
Dean, Hockley	32.61
Dean, Clay	32.71
Dean, Leon	32.71
Decatur, Wise	32.71
Denison, Grayson	32.79
Denton, Denton	32.71
Deport, Lamar	32.79
Dimmitt, Castro	32.63
Dublin, Erath	32.71
Eden, Concho	32.69
Edgewood, Van Zandt	32.79
El Campo, Wharton	32.53
Elgin, Bastrop	32.71
Elkhart, Anderson	32.71
El Paso, El Paso	32.49
Elysian Fields, Harrison	32.79

TEXAS—Continued

City and County	Basis Middling White 1-inch loan rate
Emhouse, Navarro	32.71
Enloe, Delta	32.79
Ennis, Ellis	32.71
Enochs, Bailey	32.61
Fabens, El Paso	32.49
Fairfield, Freestone	32.71
Farwell, Parmer	32.61
Fauna, Harris	32.79
Floydada, Floyd	32.69
Forney, Kaufman	32.71
Fort Stockton, Pecos	32.59
Fort Worth, Tarrant	32.71
Frisco, Collin	32.71
Gainesville, Cooke	32.79
Galveston, Galveston	32.79
Ganado, Jackson	32.53
Garland, Dallas	32.79
Gary, Panola	32.79
Gatesville, Coryell	32.71
Gilmer, Upshur	32.79
Gonzales, Gonzales	32.53
Grand Saline, Van Zandt	32.79
Grandview, Johnson	32.71
Granger, Williamson	32.71
Grapeland, Houston	32.71
Grassland, Lynn	32.61
Greenville, Hunt	32.79
Hale Center, Hale	32.63
Hamilton, Hamilton	32.71
Hamlin, Jones	32.69
Harlingen, Cameron	32.43
Hart, Castro	32.63
Haskell, Haskell	32.69
Hearne, Robertson	32.71
Hebron, Denton	32.71
Hedley, Donley	32.69
Henderson, Rusk	32.79
Hillsboro, Hill	32.71
Hoban, Reeves	32.59
Honey Grove, Fannin	32.79
Houston, Harris	32.79
Hubbard, Hill	32.71
Hughes Spring, Cass	32.79
Huntsville, Walker	32.71
Hutto, Williamson	32.71
Irene, Hill	32.71
Itasca, Hill	32.71
Jacksonville, Cherokee	32.79
Jarrell, Williamson	32.71
Jayton, Kent	32.69
Jefferson, Marion	32.79
Jewett, Leon	32.71
Kaufman, Kaufman	32.79
Kenedy, Karnes	32.48
Kerens, Navarro	32.71
Killeen, Bell	32.71
Knox City, Knox	32.69
Krum, Denton	32.71
Ladonia, Fannin	32.79
LaGrange, Fayette	32.71
Lamesa, Dawson	32.61
Levelland, Hockley	32.61
Lindale, Smith	32.79
Littlefield, Lamb	32.61
Lobo, Culberson	32.50
Lockhart, Caldwell	32.71
Lockney, Floyd	32.63
Longview, Gregg	32.79
Loraine, Mitchell	32.69
Lorenzo, Crosby	32.61
Lovelady, Houston	32.71
Lubbock, Lubbock	32.63
Lueders, Jones	32.69
McAdoo, Dickens	32.69
McCamey, Upton	32.59
McGregor, McLennan	32.71
McKinney, Collin	32.79
McLean, Gray	32.69
Madisonville, Madison	32.71
Marfa, Presidio	32.50
Marlin, Falls	32.71
Marshall, Harrison	32.79
Mart, McLennan	32.71
Maypearl, Ellis	32.71
Meadow, Terry	32.61
Memphis, Hall	32.69
Mercedes, Hidalgo	32.43

TEXAS—Continued

City and County	Basis Middling White 1-inch loan rate
Mereta, Tom Green	32.69
Merkel, Taylor	32.69
Mexia, Limestone	32.71
Midland, Midland	32.61
Midlothian, Ellis	32.71
Mineola, Wood	32.79
Monahans, Ward	32.59
Morton, Cochran	32.61
Mt. Pleasant, Titus	32.79
Muleshoe, Bailey	32.61
Munday, Knox	32.69
Nacogdoches, Nacogdoches	32.79
Naples, Morris	32.79
Navasota, Grimes	32.71
Needmore, Bailey	32.61
Needmore, Delta	32.79
New Boston, Bowie	32.79
New Braunfels, Comal	32.71
Nocona, Montague	32.71
Norton, Runnels	32.69
O'Donnell, Lynn	32.61
Old Glory, Stonewall	32.69
Olton, Lamb	32.63
Omaha, Morris	32.79
Paducah, Cottle	32.69
Palestine, Anderson	32.71
Paris, Lamar	32.79
Patricia, Dawson	32.61
Peacock, Stonewall	32.69
Pecos, Reeves	32.59
Petersburgh, Hale	32.63
Pettit, Hockley	32.61
Pilot Point, Denton	32.71
Pittsburg, Camp	32.79
Plainview, Hale	32.63
Plano, Collin	32.79
Post, Garza	32.61
Presidio, Presidio	32.50
Princeton, Collin	32.79
Quanah, Hardeman	32.71
Quitaque, Briscoe	32.63
Quitman, Wood	32.79
Ralls, Crosby	32.61
Raymondville, Willacy	32.43
Rice, Navarro	32.71
Roans Prairie, Grimes	32.71
Roaring Springs, Motley	32.69
Robstown, Nueces	32.48
Roby, Fisher	32.69
Rochelle, McCulloch	32.69
Rochester, Haskell	32.69
Rockwall, Rockwall	32.79
Roscoe, Nolan	32.69
Rosebud, Falls	32.71
Rotan, Fisher	32.69
Rowlett, Dallas	32.79
Royse City, Rockwall	32.79
Rule, Haskell	32.69
Salado, Bell	32.71
San Angelo, Tom Green	32.69
San Antonio, Bexar	32.67
San Augustine, San Augustine	32.79
San Marcos, Hays	32.71
Saragosa, Reeves	32.59
Schulenburg, Fayette	32.71
Seagraves, Gaines	32.61
Seguin, Guadalupe	32.71
Seymour, Baylor	32.71
Shallowater, Lubbock	32.61
Shamrock, Wheeler	32.69
Sherman, Grayson	32.79
Shiner, Lavaca	32.53
Shiro, Grimes	32.71
Silverton, Briscoe	32.63
Slaton, Lubbock	32.61
Snyder, Scurry	32.69
Spade, Mitchell	32.69
Spade, Lamb	32.61
Spur, Dickens	32.69
Stamford, Jones	32.69
Stanton, Martin	32.61
Streetman, Freestone	32.71
Sudan, Lamb	32.61
Sugar Land, Fort Bend	32.79
Sulphur Springs, Hopkins	32.79
Sweetwater, Nolan	32.69

TEXAS—Continued

City and County	Basis Middling White 1-inch loan rate
Swenson, Stonewall	32.69
Taft, San Patricio	32.48
Tahoka, Lynn	32.61
Tarzan, Martin	32.61
Tatum, Rusk	32.79
Taylor, Williamson	32.71
Teague, Freestone	32.71
Temple, Bell	32.71
Tenaha, Shelby	32.79
Terrell, Kaufman	32.79
Texarkana, Bowie	32.79
Texas City, Galveston	32.79
Timber, Montgomery	32.79
Timpson, Shelby	32.79
Troup, Smith	32.79
Turkey, Hall	32.63
Twitty, Wheeler	32.69
Tyler, Smith	32.79
Valley Mills, Bosque	32.71
Van Horn, Culberson	32.50
Venus, Johnson	32.71
Vernon, Wilbarger	32.71
Victoria, Victoria	32.53
Waco, McLennan	32.71
Wall, Tom Green	32.69
Waxahachie, Ellis	32.71
Wellington, Collinsworth	32.69
Weslaco, Hidalgo	32.43
West, McLennan	32.71
Whiteface, Cochran	32.61
Whitewright, Grayson	32.79
Wichita Falls, Wichita	32.71
Wills Point, Van Zandt	32.79
Wilson, Lynn	32.61
Winnsboro, Wood	32.79
Winters, Runnels	32.69
Wolfe City, Hunt	32.79
Wolfforth, Lubbock	32.61
Yoakum, Lavaca	32.53
Yorktown, DeWitt	32.53

VIRGINIA

Brodnax, Brunswick	33.64
Kenbridge, Lunenburg	33.64
Norfolk, Norfolk	33.64

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 13th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

ESTABLISHMENT OF OFFICIAL U. S. STANDARDS FOR GRADES OF CERTAIN PORK CARCASSES AND CERTAIN SWINE

On April 27, 1956, a notice of rule making was published in the FEDERAL REGISTER (21 F. R. 2724) regarding the establishment of official United States standards for grades of sow carcasses and official United States standards for grades of slaughter sows, under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as amended by Public Law 272, 84th Congress.

After due consideration of all relevant material submitted pursuant to the notice, and under the aforesaid sections of the Agricultural Marketing Act of 1946, official United States standards for grades of sow carcasses and official United States standards for grades of slaughter sows are hereby established, to appear in 7 CFR Part 53, respectively, as follows:

§ 53.144 *Application of standards for grades of sow carcasses.* (a) The standards for grades of sow carcasses are based on (1) differences in yields of lean cuts and of fat cuts and (2) differences in quality of cuts. There are rather uniform differences in these characteristics from one grade to another. The U. S. No. 1 grade has about the minimum degree of finish required to produce cuts of acceptable palatability. The four major trimmed lean cuts—hams, loins, picnics, and butts—normally make up more than 48 percent of carcass weight. The U. S. No. 2 and U. S. No. 3 grades have successively higher degrees of finish resulting in lower yields of lean cuts and higher yields of fat cuts than U. S. No. 1 grade. Yields of lean cuts average 45 to 48 percent and under 45 percent of carcass weight, respectively, for U. S. No. 2 and U. S. No. 3 grades. In addition, the cuts from these grades have more fat remaining after trimming of external fat than do the cuts from U. S. No. 1 grade carcasses. Medium grade carcasses are underfinished and exhibit the lack of firmness and indications of little or no marbling (fat interspersed within the lean) associated with low palatability. Cull grade carcasses are decidedly underfinished and the pork is soft with very little evidence of marbling and is of low palatability.

(b) The standards for grades of sow carcasses apply only to carcasses with the firmness appropriate to their degree of finish. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with the standards provided they are identified as soft or oily along with the grade.

(c) There are differences in the bellies of sow carcasses which are peculiar to the class. Increasing numbers of litters farrowed and raised by a sow results in greater development of mammary tissue and increasing roughness of the belly along the teat line with accompanying seediness. In addition, when pigs were weaned only a short time before the sow was slaughtered the mammary tissue still contains milk and the bellies are commonly termed "wet". However, the smoothness or dryness of bellies has little appreciable effect on the basic grade determining factors and the standards contain no provision for altering the grade of a sow carcass due to these belly characteristics. Rather than forming a part of the basis for grade, it is the intent of the standards that smoothness and dryness of bellies should be a separate consideration used in conjunction with grade, weight, and other factors in evaluating sow carcasses.

(d) Average back fat thickness measurements provide a reliable indication

of the yields of cuts and the quality of cuts which determine the grade of sow carcasses. Therefore, indication of a specific range in back fat thickness for each grade forms a part of the standards for grade. Analysis of measurement and cutting data for sow carcasses reveals that yields of cuts are approximately equal in carcasses which are equal in fat thickness but widely different in weight. Thus, to maintain comparable yields in a grade at all weights, back fat thickness requirements for a grade are the same at all weights. This is in contrast to the standards for barrows and gilts, in which the fat thickness for a grade increases for heavier or longer carcasses in order to maintain yields of cuts. With practice in the grading operation, visual estimates of fat thickness may often replace actual measurements with satisfactory accuracy. The following table of measurements provides an objective guide in determining the grade of sow carcasses.

Grade:	*Average back fat thickness* [1]
U. S. No. 1	1.5 to 1.9 inches.
U. S. No. 2	1.9 to 2.3 inches.
U. S. No. 3	2.3 or more inches.
Medium	1.1 to 1.5 inches.
Cull	Less than 1.1 inches.

[1] Average of three measurements, skin included, made opposite first and last ribs and the last lumbar vertebra.

(e) In addition to the measurement guides to grade, the standards also include descriptive specifications outlining the characteristics of sow carcasses typical of the minimum degree of finish for each grade. Average back fat thickness is a major factor in grading, but more accurate appraisal of yields of cuts and quality of cuts is achieved in borderline cases by consideration of thickness of muscling, conformation of the major cuts, uniformity of fleshing and finish, firmness, and indications of marbling. However, in no case may the final grade of a carcass be more than one-half the width of a grade different from that indicated by average back fat thickness.

(f) The standards describe rather typical carcasses of each grade, and no attempt is made to describe the numerous combinations of characteristics that may qualify a carcass for a particular grade.

§ 53.145 *Specifications for official United States standards for grades of sow carcasses*—(a) *U. S. No. 1 grade.* U. S. No. 1 grade sow carcasses have about the minimum degree of finish required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are slightly high. Yield of fat cuts is slightly low. The ratio of total lean and fat to bone is slightly high. Carcasses with the minimum finish required for U. S. No. 1 grade are moderately long and slightly wide in relation to weight. The back and loins are moderately full and thick with a well-rounded appearance. Hams are usually moderately thick and plump and are slightly full in the lower part toward the hock. Bellies are moderately long, slightly thick, and moderately uniform in thickness with a slightly thick belly pocket. Shoulders are slightly thick and full. Carcasses are usually moderately well-balanced and moderately uniform in fleshing and finish. There are moderate quantities of interior fat in the pelvic area, a slightly thin but moderately extensive layer of fat lining the inside surface of the ribs, and a slightly small quantity of feathering, or fat intermingled with the lean between the ribs. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the U. S. No. 1 grade but with thin muscling in the major cuts, uneven fleshing and finish, or thick and uneven bellies shall be graded U. S. No. 2. Carcasses with back fat thickness qualifying them for the thinner one-half of the U. S. No. 1 grade but with only a moderately thin and incomplete rib lining, a moderately small quantity of feathering, slightly thin bellies with moderately thin belly pockets, and moderately soft lean and fat shall be graded Medium.

(b) *U. S. No. 2 grade.* U. S. No. 2 grade sow carcasses have a higher degree of finish than the minimum required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are slightly low. Yield of fat cuts is slightly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish required for U. S. No. 2 grade are slightly short and moderately wide in relation to weight. The back and loins are full and thick and are especially full near the edges. Hams are usually thick and plump and are moderately full in the lower part toward the hock. Bellies are slightly short, moderately thick, and rather uniform in thickness with a moderately thick belly pocket. Shoulders are moderately thick and full. Carcasses are usually well-balanced and uniform in fleshing and finish. There are slightly large quantities of interior fat in the pelvic area, a slightly thick and rather extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the U. S. No. 2 grade but with thin muscling in the major cuts, uneven fleshing and finish, or very thick and uneven bellies shall be graded U. S. No. 3. Carcasses with back fat thickness qualifying them for the thinner one-half of the U. S. No. 2 grade but with thick muscling in the major cuts, well-balanced fleshing and uniform finish, and slightly thick bellies shall be graded U. S. No. 1.

(c) *U. S. No. 3 grade.* U. S. No. 3 grade sow carcasses have a decidedly higher degree of finish than the minimum required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are low. Yield of fat cuts is high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish required for U. S. No. 3 grade are short and wide in relation to weight. The back and loins are very full and thick and are decidedly full at the edges. Hams are usually very thick and plump and are full in the lower part toward the hock due to a thick fat covering. Bellies are short and thick and uniform in thickness with a thick belly pocket. Shoulders are thick and full. Carcasses are usually well-balanced and uniform in fleshing and finish. There are large quantities of interior fat in the pelvic area, a moderately thick and extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness indicative of nearly minimum finish for the U. S. No. 3 grade but with thick muscling in the major cuts, well-balanced fleshing and uniform finish, and moderately thick bellies shall be graded U. S. No. 2.

(d) *Medium grade.* Medium grade sow carcasses have a lower degree of finish than the minimum required to produce pork cuts of acceptable palatability. Yield of lean cuts from carcass weight is moderately high. Yield of fat cuts is moderately low. The ratio of total lean and fat to bone is moderately low. Carcasses with the minimum finish required for Medium grade are long and rather narrow in relation to weight. The back and loins are rather thin, lack fullness, and slope away from the center. Hams are usually slightly thin, lack plumpness, and taper toward the hock. Bellies are long and moderately thin and are somewhat uneven in thickness with a thin belly pocket. Shoulders are moderately thin and flat. Carcasses tend to be uneven and lack uniformity of fleshing and finish. There are slightly small quantities of interior fat in the pelvic area, a thin and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. The lean is moderately soft with little evidence of marbling. Both exterior and interior fats are moderately soft, white to creamy white, and of moderately low quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the Medium grade that are firm and have slightly thick bellies and belly pockets, a slightly thin but moderately extensive rib lining, and a slightly small quantity of feathering shall be graded U. S. No. 1. Carcasses with back fat thickness qualifying them for the thinner one-half of the Medium grade but with little or no rib lining and feathering, thin bellies and very thin belly pockets, and soft lean and fat shall be graded Cull.

(e) *Cull grade.* Cull grade sow carcasses have a decidedly lower degree of finish than the minimum required to produce pork cuts of acceptable palatability. Yield of lean cuts from carcass weight is high. Yield of fat cuts is low. The ratio of total lean and fat to bone is low. Carcasses with the degree of finish typical of the Cull grade are long and narrow in relation to weight. The back and loins are thin and decidedly lacking in fullness with a definite slope toward the sides. Hams are usually thin and flat and taper toward the hock. Bellies are very long and thin and are uneven in thickness with a very thin belly pocket. Shoulders are thin and flat. Carcasses tend to be uneven and lack uniformity of fleshing and finish.

There are only small quantities of interior fat in the pelvic area, little or no fat lining the inside surface of the ribs, and scant feathering. The lean is soft and watery with very little evidence of marbling. Both exterior and interior fats are soft, creamy white to white, and of low quality. Carcasses with back fat thickness indicative of nearly maximum finish for the Cull grade that are only moderately soft and have moderately thin bellies and belly pockets, a thin and incomplete rib lining, and a small quantity of feathering shall be graded Medium.

§ 53.154 *Application of standards for grades of slaughter sows.* (a) The standards for grades of slaughter sows are based on (1) differences in yields of lean cuts and of fat cuts and (2) differences in quality of cuts. These characteristics vary rather consistently from one grade to another. The U. S. No. 1 grade has about the minimum degree of finish necessary to produce pork carcasses with quality characteristics indicative of acceptable palatability in the cuts. The U. S. No. 2 grade is overfinished and the U. S. No. 3 grade is decidedly overfinished in relation to the minimum finish associated with acceptable palatability. Yields of lean cuts are lower and yields of fat cuts are higher, in proportion to the degree of overfinish, in these grades than in the U. S. No. 1 grade. Medium grade sows are underfinished and produce carcasses which are soft and have indications of insufficient quality for acceptably palatable cuts. Cull grade sows are decidedly underfinished and the pork is soft and watery with little or no marbling and low palatability.

(b) The grades for slaughter sows are closely related to the grades for sow carcasses, and the desired objective in grading sows is the accurate prediction of the carcass grade that will be produced. Degree of finish is an important factor in grading, and the expected average back fat thickness of carcasses produced by each grade of slaughter sows forms a part of the standards. The results of study of carcass measurement and cutting data show that carcasses equal in fat thickness are approximately equal in yields of cuts regardless of differences in weight. Therefore, the expected back fat thickness of carcasses from each grade of slaughter sows is the same at all weights. The following table outlines the carcass fat thickness guides for each grade of slaughter sows.

Grade:	*Average back fat thickness*
U. S. No. 1	1.5 to 1.9 inches.
U. S. No. 2	1.9 to 2.3 inches.
U. S. No. 3	2.3 or more inches.
Medium	1.1 to 1.5 inches.
Cull	Less than 1.1 inches.

(c) The standards for grades also include descriptive specifications of the characteristics of slaughter sows with the minimum degree of finish for each grade. Application of the standards requires an accurate appraisal of these live animal characteristics indicative of carcass finish and grade. No attempt is made to describe in the standards the many combinations of characteristics which may qualify an animal for a particular grade, and sound judgment is required to appropriately analyze varying combinations.

(d) Slaughter sows that have produced several litters of pigs may show considerable roughness along the underline due to extensive development of mammary tissue. In addition, sows from which pigs were weaned only a short time prior to grading may show evidence that the mammary tissue is still active in milk production and not completely dry. Since smoothness and dryness of the underline have little effect on the basic grade determining factors, no provision is made in the standards for altering the grade of slaughter sows due to differences in these characteristics. It is recognized that the value determining factors to be considered in marketing sows include dryness and smoothness as well as such other factors as weight, degree of finish, quality, and fill. However, consideration of all such factors in determining grade would require a complicated system with a great number of grades in order to make each grade sufficiently restrictive to be practical and useful. Therefore, the grades outlined in these standards identify differences in slaughter sows with respect to yields of cuts and quality. They were designed as practical aids in evaluating slaughter sows when used in conjunction with other factors such as weight, fill, smoothness, and dryness.

§ 53.155 *Specifications for official United States standards for grades of slaughter sows*—(a) *U. S. No. 1 grade.* U. S. No. 1 grade slaughter sows have an intermediate degree of finish near the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for U. S. No. 1 grade are moderately long and slightly wide in relation to weight. Width of body is rather uniform from top to bottom and from front to rear. The back, from side to side, is moderately full and thick with a well-rounded appearance and blends smoothly into the sides. The sides are moderately long and slightly thick; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams are usually moderately thick and full with a slightly thick covering of fat. Jowls are usually moderately thick and full but appear trim. Sows in this grade produce U. S. No. 1 grade carcasses.

(b) *U. S. No. 2 grade.* U. S. No. 2 grade slaughter sows have a moderately high degree of finish that is somewhat greater than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for the U. S. No. 2 grade are slightly short and moderately wide in relation to weight. Width of body is often greater over the top than at the underline and tends to be slightly greater through the shoulders than through the hams. The back, from side to side, is full and thick and appears slightly flat with a noticeable break into the sides. The sides are slightly short and moderately thick; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to depth at the fore flank. Hams are usually thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears rather short. Sows in this grade produce U. S. No. 2 grade carcasses.

(c) *U. S. No. 3 grade.* U. S. No. 3 grade slaughter sows have a high degree of finish that is considerably greater than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for U. S. No. 3 grade are short and wide in relation to weight. Width of body is often somewhat greater over the top than at the underline and tends to be greater through the shoulders than through the hams. The back, from side to side, is very full and thick and appears nearly flat with a pronounced break into the sides. The sides are short and thick; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams are usually very thick and full with a thick covering of fat especially over the lower part. Jowls are usually very full and thick, and the neck appears short. Sows of this grade produce U. S. No. 3 grade carcasses.

(d) *Medium grade.* Medium grade slaughter sows have a low degree of finish which is somewhat less than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for Medium grade are long and moderately narrow in relation to weight. Width of body is often less over the top than at the underline and tends to be slightly less through the shoulders than through the hams. The back, from side to side, is moderately thin and appears rather peaked at the center with a distinct slope toward the sides. The hips are moderately prominent. The sides are long and moderately thin; the flanks are thin. Depth at the rear flank is less than depth at the fore flank. Hams are usually moderately thin and flat and taper toward the shank. Jowls are usually slightly thin and flat, and the neck appears rather long. Sows in this grade produce Medium grade carcasses.

(e) *Cull grade.* Cull grade slaughter sows have a very low degree of finish which is considerably lower than that required to produce pork cuts of acceptable palatability. Sows with the finish typical of the Cull grade are long and narrow in relation to weight. Width of body is often somewhat less over the top than at the underline and tends to be less through the shoulders than through the hams. The back, from side to side, is thin and lacks fullness and is peaked at the center with a decided slope toward the sides. The hips are prominent. The sides are very long and thin; the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are usually thin and flat with a definite taper toward the shank. Jowls are usually thin and flat, and the neck appears long. Sows in this grade produce Cull grade carcasses.

The heading for Part 53 of Title 7, Code of Federal Regulations, is changed to read as set forth above.

(Secs. 203, 205, 60 Stat. 1087, 69 Stat. 553; 7 U. S. C. 1622, 1624)

Since the foregoing standards provide a basis for market news reporting and certain statistical work of the Department and should be made effective as soon as possible to be of maximum benefit in connection therewith, and since the use of the standards will not be mandatory under the Agricultural Marketing Act upon any members of the public, good cause is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for making the standards effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing standards shall become effective September 1, 1956.

Done at Washington, D. C., this 15th day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6704; Filed, Aug. 17, 1956; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 855.4]

PART 855—MAINLAND CANE SUGAR AREA

1957 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereafter referred to as "act"), the following determination is hereby issued:

§ 855.4 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1957 crop*—(a) *Farm proportionate share.* A 1957-crop proportionate share for each sugarcane farm in the Mainland Cane Sugar Area as constituted at the beginning of harvest of the 1957 crop on such farm shall be established in terms of acres (acreage or acres as used herein means the area of sugarcane harvested for seed or abandoned and classified as bone fide abandonment under procedure issued by the Commodity Stabilization Service and the area on which sugarcane is grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar, except any area on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar for use as livestock feed, or for the production of livestock feed (referred to in this section as "sugar for livestock")), as follows:

(1) *All farms except those in Avoyelles, St. Landry and Rapides Parishes, Louisiana.* The proportionate share for each farm for which a 1956 farm base was established pursuant to § 855.3 (Determination of Proportionate Shares for the 1956 Crop) shall be such base, except that for any farm for which the 1956 farm base was established on the basis of 125 percent of the 1955 production, pursuant to paragraph (a) (1) of such section, the proportionate share for such farm shall be the 1955 proportionate share established pursuant to § 855.2 (Determination of Proportionate Shares for the 1955 Crop).

(2) *All farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The proportionate share for each farm for which a proportionate share was established pursuant to § 855.3 (Determination of Proportionate Shares for the 1956 Crop, as revised), shall be 115 percent of such share.

(3) *New farms.* The proportionate share for any farm not eligible for a share as provided under subparagraph (1) or (2) of this paragraph shall be 5.0 acres.

(4) *Transfer of farm proportionate shares.* The proportionate share established or which would have been established pursuant to subparagraphs (1) and (2) of this paragraph for any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, State or any other agency or entity having the right of eminent domain, shall, upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as "State Office"), within five years from the date of such transfer, be added to the proportionate share, if any, established for other land owned, purchased, or leased by the owner of the land so transferred.

(5) *Dividing or combining acreage records.* (i) For the purposes of this subparagraph, the term "1956 base" shall mean the 1956 farm base established for all farms in the Mainland Cane Sugar Area, except for farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana, pursuant to § 855.3 (Determination of Proportionate Shares for the 1956 Crop); and for farms in such parishes shall mean the 1956 proportionate share established pursuant to § 855.3 (Determination of Proportionate Shares for the 1956 Crop as revised). Where a farm as constituted for the 1956 program is subdivided, a proportionate share for each subdivision shall be determined by multiplying the 1956 base of the farm of which such subdivisions were a part by the percentage that the cropland suitable for the production of sugarcane in each subdivision is of the total cropland acreage suitable for the production of sugarcane in the 1956 farm, except that if the Agricultural Stabilization and Conservation county committee (referred to in this section as "county committee") determines that the use of the cropland relationships in any case results in the establishment of a proportionate share which is not representative of the 1957-crop sugarcane acreage on any subdivision at the time of subdivision, or is inconsistent with any written evidence of the acreage of sugarcane on any subdivision during the crop years 1954, 1955, and 1956, such proportionate share shall be adjusted by the county committee taking into consideration such sugarcane acreage; *Provided, that,* upon written application joined in by all the parties concerned in any subdivision of a farm, and filed with the county committee not later than the beginning of harvest of the 1957-crop sugarcane on the farm, and upon approval by the county committee, the proportionate share may be established or re-established by multiplying the 1956 base of the farm which is subdivided, by the percentage that the total acreage of sugarcane in each subdivision of the farm for the crop years 1954, 1955, and 1956 is of the total acreage of sugarcane grown within proportionate shares for said three years on the 1956 farm or on the ownership tract (a farm or a portion of a farm which is separately owned); *Provided further, that,* if the subdivision of a farm occurs after the planting of the 1957-crop sugarcane, and if prior to the beginning of harvest of such crop, all interested parties so request by joining in a written request to the county committee, the 1957-crop proportionate share for each subdivision shall be determined by multiplying the 1957 proportionate share for the farm of which the subdivision was a part by the percentage that the 1957 measured sugarcane acreage on each subdivision is of the total measured 1957 sugarcane acreage within the proportionate share on such farm.

(ii) If two or more farms or subdivisions are combined, or there is a combination of one or more farms and one or more subdivisions, the proportionate share for the combined farm shall be the sum of the proportionate shares determined as provided in this section for the parts of the combined farm.

(6) *Reallotment of unused acreage.* If it is determined by the Agricultural Conservation and Stabilization Louisiana State Committee that the proportionate share established in accordance with the foregoing provisions for any farm in Avoyelles, St. Landry, and Rapides Parishes of Louisiana will not be fully used, the proportionate shares for other farms within such parishes on which the producers desire to market sugarcane for sugar or liquid sugar or harvest sugarcane for seed from an acreage in excess of the proportionate shares established as provided in this paragraph may be increased prior to August 1, 1957, by prorating the total unused acreage among such farms on the basis of their proportionate shares established under this paragraph. Before prorating unused acreage with respect to any farm, the State Committee shall obtain a statement from the operator thereof as to the number of acres within the proportionate share that will not be used.

(7) *Delegation.* Farm proportionate shares shall be established by the county committee in accordance with this section.

(8) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this section is inequitable may file an appeal in writing at the local county Agricultural Stabilization and Conservation Office (referred to in this section as "county office") prior to July 1, 1957. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In other cases, the county committee shall, after review of all of the facts, forward the case, together with its recommendation, to the Agricultural Stabilization and Conservation State Committee (referred to in this section as "State Committee"). The State Committee shall review the county committee's recommendation and act upon the appeal, and shall return the case to the county committee indicating the appropriate disposition. Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision, he may appeal in writing before September 1, 1957, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final. In acting upon the appeal the State Committee or the Director shall consider only such matters as under the provision of this section are required or permitted to be considered by the county committee in the establishment of the farm proportionate share to be reviewed.

(9) *Erroneous notice of 1957 proportionate shares.* If through error a producer is officially notified in writing of a 1957 proportionate share for his farm greater than the proportionate share properly established pursuant to this section, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice, marketed 1957-crop sugarcane from an acreage in excess of the proportionate share properly established, the producer will be deemed to be in compliance with the farm proportionate share unless he marketed sugarcane for sugar from an acreage in excess of the proportionate share stated in the erroneous notice or unless it is determined by the State Committee that the error was so gross as to place the producer on notice regarding the error. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly established proportionate share.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* In addition to compliance with the proportionate share for the farm in accordance with this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1957 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met all other requirements of the act and the determinations issued pursuant thereto with respect to child labor, wage rates, and, in the case of a processor-producer, prices paid for sugarcane.

(c) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1957-crop season shall be made on form SU-120 by the producer on the farm or his legal representative, who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1959.

(d) *Determination of eligibility and basis for payment and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee. Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider such determination. The county committee shall notify the producer of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify the producer of its decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final. Determinations by the county committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(e) *Obtaining information regarding eligibility for payment.* For the purposes of obtaining information, where necessary, to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or for the purposes of assisting, where necessary, the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any employees of the county committee designated by the county office manager to be qualified to carry out the duty of ascertaining such information, or any employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties, shall visit any farm with respect to which application for such payment is made and enter thereon if such entry will facilitate the acquisition of the required information. Where measurement by an employee of the county committee or State Office is required with respect to the extent of sugarcane acreage growing, harvested, abandoned, or otherwise disposed of on any farm for which application is made for any payment authorized under Title III of the act, the employee, designated as provided in this paragraph of the county committee or the State Office as the case may be, shall measure such acreage by identification of fields or parts of fields by use of a map, aerial photography, or by use of a steel or metallic tape, or by a combination of these methods. In connection with any measurements of any sugarcane acreage, remeasurements, rechecks and spot checks thereof may be made by the county office manager, county performance supervisor, district performance supervisor or any other employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties. If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the county committee from obtaining information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment or the amount thereof, and until such farm operator or his representative permits such information to be obtained, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed), except for livestock feed, or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. For the Mainland Cane Sugar Area, the term "proportionate share" means the individual farm's share of the total acreage of sugarcane required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of producers in any local producing area whose past production has been adversely, seriously,

and generally affected by drought, storm, freeze, flood, disease, insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms must be established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment. Restrictive proportionate shares are required in any area when the indicated production will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Acreage restrictions on the Mainland Sugarcane Crop have been in effect for three years, beginning with the 1954 crop of sugarcane. During this period a total reduction of approximately 30 percent in acreage has been effected. However, new varieties of sugarcane and other favorable conditions have resulted in increased yields of sugar per acre and increases in the effective inventory of sugar (i. e. sugar on hand at the beginning of the year, plus sugar processed after January 1 from the sugarcane crop of the previous year's designation) during each year. In keeping with the objectives of a provision of H. R. 7030, as passed by the House of Representatives during the first session of the 84th Congress, and of a Senate Resolution approved by the Senate during the same session, the Department purchased approximately 78,000 tons of sugar in the Mainland Sugarcane Area to help alleviate this sugar inventory situation.

Situation indicated for 1957. The effective inventory of sugar on January 1, 1956, was approximately 470,000 tons, or about 70,000 tons higher than that on January 1, 1955. The July estimate of sugarcane production converted on the basis of the average recoveries of sugar per ton of cane for the past three crops indicates a production of about 530,000 tons of sugar for the 1956 crop. Thus, sugar supplies in the Mainland Area for the year will total about 1 million tons. With the purchase of 78,000 tons by the Department and assumed 1956 marketings equal to a quota of 573,356 tons, the effective inventory on January 1, 1957, will be about 349,000 tons. Although this inventory is about 121,000 tons below that of a year ago, it is still in excess of averages for previous recent years. Therefore, restrictions on the 1957 crop are clearly necessary to prevent further accumulation of stocks greater than those needed to fill the quota and provide a normal carryover inventory.

Public hearing. An informal public hearing was held in New Orleans, Louisiana, on July 19, 1956, for the purpose of receiving information and recommendations for establishing farm proportionate shares for the 1957 crop. To provide a basis for discussion at the hearing, the Department issued a press release on June 29, 1956, suggesting that the provisions of the 1957-crop determination be generally similar to those for the 1956 crop. In addition, the Department asked for the views of interested persons relating to (1) the acreage level for the 1957 crop, (2) the quantity of sugar that should be considered as a normal inventory, (3) methods of allocating farm acreage history for use in establishing proportionate shares where part of a farm is transferred, (4) the limitation of the 1957 proportionate share to 125 percent of the 1956 production for any farm failing to fill its 1956 proportionate share up to the 80 percent level due to a cause within the producer's control, and (5) the extent to which plantings which were prevented due to abnormal and uncontrollable conditions should be recognized in establishing proportionate shares. The hearing was attended by approximately 40 persons from Louisiana and Florida. Testimony was presented by several persons, one of whom represented growers producing a large percentage of the sugarcane in the area. In addition, five briefs were filed.

There was general concurrence with the Department's proposal to extend certain of the 1956-crop provisions to the 1957 crop. In view of the hardships to individual producers resulting from the acreage reductions during the previous three years, increases in the quota for the Mainland Area pursuant to recent amendments to the Sugar Act, and the possibility of crop failures, the industry recommended unanimously that the 1955 acreage level be restored. This was the unanimous recommendation, therefore, of those who must bear the burden of carrying the resulting inventories and of those who will be adversely affected if such inventories should have the effect of depressing prices.

Recommendations received regarding the method of allocating farm history in case a farm is subdivided would provide for a division of such history in substantially the same manner provided under the 1956-crop determination unless the parties concerned in the subdivision agreed to a division based upon the cropland relationship between each tract and the 1956 farm or a division based upon the relationship between the sugarcane acreage for the last three years in each tract to the sugarcane acreage in the 1956 farm. In addition, if requested by all parties interested, it was recommended that the division of the 1957 proportionate share for a farm after the planting of the 1957 crop be accomplished by assigning a proportionate share to each subdivision based upon the percentage that the 1957 sugarcane acreage on each part bears to the total sugarcane acreage on the farm of which it was a part. This method would be effective only for the 1957 crop.

It was recommended that the provision contained in the 1956-crop determination providing for the establishment of farm bases at a level of 125 percent of the planted acreage for farms failing to plant 80 percent of the previous year's proportionate share be retained. However, it was suggested that this provision be broadened to provide for no reduction in any case when the failure to fill the proportionate share to the 80 percent level was due to any cause beyond the control of the operator. The 1956 determination enumerated six specific reasons beyond the control of the operator.

Determination. This determination provides for the issuance of 1957 proportionate shares approximating the 1955-crop share level, thus restoring the reduction in acreage affected under the 1956-crop determination. In establishing this acreage level, consideration has been given to the prospective sugar supply and inventory situation, the marketing possibilities of the area, factors which affect production, such as variations in yields and the possibilities of crop damage from freeze, to the testimony presented at the hearing, to briefs filed since the hearing, and to experience under previous restrictive programs.

Based upon the yield of sugar per acre from the 1955 crop, the production of sugar from the acreage level provided for in this determination would approximate the marketing outlets for the area under the quota. While increased yields of sugar per acre may result in some addition to the inventory, the carryover of sugar would not appear to be excessive. Moreover testimony at the hearing indicated that the industry did not consider the prospective inventory to be burdensome. In the circumstances therefore, the 1957 acreage level will permit the production of sufficient sugar to enable the area to fill its quota and provide a normal carryover.

For the 1956-crop determination, the proportionate shares established for farms under the 1955-crop determination became the 1956 farm bases, except that where the 1955 acreage on a farm was less than 80 percent of its 1955 proportionate share due to a cause other than drought, flood, storm, freeze, disease, or insects, the base was the larger of 125 percent of such 1955 acreage or 5.0 acres. By applying a factor to the farm bases established for the larger farms, the reduction in the 1956 acreage was effected. For the 1957 crop, the 1956 base established for a farm will become the 1957 proportionate share, except that if the 1956 base was computed on the basis of 125 percent of the 1955 production, the 1957 farm proportionate share will be the 1955 proportionate share. Generally, farms which were exempt from reductions in acreage in 1956 will not receive increases in 1957. In view of an amendment to the 1956-crop determination affecting farms in Avoyelles, St. Landry and Rapides Parishes, Louisiana, under which some 1956 proportionate shares were recomputed, 1957-crop proportionate shares for this area will be computed by multiplying the previous year's shares by 115 percent. Although this percentage will be applied to all farms regardless of size, it will have the basic effect of merely restoring the 1955 acreage level as is being done in the balance of the area. The increases for the smaller farms will be negligible.

A provision similar to one effective in the 1956-crop determination limiting the base to 125 percent of the 1955 acreage for any farm on which such acreage was less than 80 percent of the proportionate share has not been included in this determination. The industry recommended that this provision be extended with a liberalization to provide for no reduction in any case when the failure to fill the proportionate share to the 80 percent level was due to a cause beyond the control of the operator. In view of the limited applicability of a liberalized provision, such a provision has been omitted entirely.

The provision of the 1956-crop determination relating to the transfer of proportionate shares where land is removed from sugarcane production because of transfer by sale, lease or donation to any Federal, State or other agency has been continued.

As was the case for the 1956-crop determination, new producers will be entitled to a share of five acres for the 1957 crop.

Under this determination, the proportionate shares for farms which are subdivided will be established generally on the basis of the relationship of the cropland in each part of the subdivision to the cropland in the parent farm, unless the parties concerned agree to a division of the proportionate share for the parent farm on the basis of the record of sugarcane production during the last three years. However, if the 1957-crop sugarcane has been planted on the farm at the time of subdivision, the proportionate shares for 1957 for each of the parts will be established on the basis of the relationship between the 1957 sugarcane acreage planted thereon and the total 1957 sugarcane acreage planted on the parent farm, if requested by the interested parties. This method of establishing proportionate shares for farms involved in subdivisions is substantially the same as that recommended by the representatives of a large majority of the cane producers in the Mainland Sugarcane Area. It is believed that this method will prove more equitable than the method followed under previous programs and extreme care will be exercised by ASC county committees to insure that subdivisions are not made for the purpose of trafficking in proportionate shares.

In view of the fact that acreages which were abandoned for bona fide reasons during the base period were used in establishing proportionate shares, and in view of the high weighting accorded the largest acreage for any year in such period, the effects of one or two crops of below-average plantings have been largely counteracted. Accordingly, except to the extent that recognition has been given in this determination to adverse weather conditions in distinguishing the parishes of Avoyelles, Rapides and St. Landry, in Louisiana from the remainder of the Mainland Cane Sugar Area, it is not deemed necessary to make any other special provision in this determination to implement the amendment to section 302 (b) of the Sugar Act by Public Law 545, 84th Congress, approved May 29, 1956.

Provisions similar to those included in the revised 1956-crop determination for producers in the parishes of Avoyelles, Rapides and St. Landry, Louisiana, have been continued in this determination.

Other new provisions included in this determination relate to such procedural matters as appeals from the determination of compliance with conditions for payment, filing of applications for payment, the establishment of a closing date for filing applications for payment, and the right of entry on farms to permit the measurement and verification of acreages, to estimate potential sugarcane production and to obtain information pertaining to facts constituting the basis for payments and the amounts thereof.

It is believed that this determination provides an equitable basis for establishing proportionate shares for the 1957 Mainland Sugarcane Crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 14th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6709; Filed, Aug. 17, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES OF ALMONDS DURING THE CROP YEAR BEGINNING JULY 1, 1956

Pursuant to the provisions of § 909.62 of Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909) regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of a recommendation and estimates of the Almond Control Board, established and operating under the aforesaid marketing agreement and order, and other information available to this Department, it is hereby found and determined that the establishment of the salable and surplus percentages for the handling of almonds for the crop year which began July 1, 1956, as hereinafter set forth, will tend to effectuate the declared policy of the act.

While a large 1956 crop of domestic almonds is indicated, foreign almond production is expected to be about 15 percent smaller than the short crop of 1955 and only about 44 percent of the 1950–54 average. Domestic and world almond market prices are higher than a year ago. Prices to growers for the 1955 crop averaged 43 cents per pound, compared with the 1955–56 season average parity price of 27.4 cents. On the basis of indicated field prices, and the general market situation, it is expected that prices to growers in 1956–57 will exceed the season average parity price. The current parity price is 27.7 cents per pound. The Agricultural Marketing Agreement Act of 1937, as amended, authorizes no action which has for its purpose the maintenance of prices to farmers above parity, which precludes restriction of the quantity available for the domestic market in 1956–57.

Therefore, after consideration of all relevant matters, the following administrative rule is issued:

§ 909.206 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1956.* The salable and surplus percentages for almonds during the crop year beginning July 1, 1956, shall be 100 percent and zero percent respectively.

It is hereby found and determined that notice of proposed rule making, public participation therein, and 30 days notice prior to its effective date (See section 4 of the Administrative Procedure Act: 5 U. S. C. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest. The 1956–57 crop year has already begun, and it is desirable that this action be made effective as soon as possible. The action taken will require no advance preparation on the part of almond handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 15th day of August 1956, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6702; Filed, Aug. 17, 1956; 8:49 a. m.]

[Valencia Orange Reg. 82]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.382 *Valencia Orange Regulation 82*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective

as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on August 16, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 19, 1956, and ending at 12:01 a. m., P. s. t., August 26, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 17, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6758; Filed, Aug. 17, 1956; 11:35 a. m.]

[Lemon Reg. 655]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.762 *Lemon Regulation 655*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 15, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 19, 1956, and ending at 12:01 a. m., P. s. t., August 26, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6741; Filed, Aug. 17, 1956; 8:54 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

SPECIAL REGULATION OF PRUNES FOR THE 1956-57 CROP YEAR

Notice was published in the August 8, 1956, issue of the FEDERAL REGISTER (21 F. R. 5942) that the Secretary of Agriculture was considering a proposed rule whereunder the provisions of paragraphs (b), (c), (d), (e), and (f) of § 993.50 of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), would be made applicable to all handling of prunes during the crop year which began on August 1, 1956. In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto.

After consideration of the data, views, or arguments which were submitted by interested persons, and other available information, it is hereby found and determined that the estimated seasonal average price of prunes for the crop year which began on August 1, 1956 would be in excess of the price level contemplated by the provisions of section 2 (1) of the act if the below-parity provisions of the marketing agreement and order, as amended, were made operative for said crop year. It is further found and determined that the application of the provisions of paragraphs (b), (c), (d), (e), and (f) of § 993.50 will tend to effectuate the declared policy of the act during such crop year. Accordingly, it is hereby ordered that such provisions shall apply to all handlings of prunes during said crop year.

This special regulation of prunes is considered to be necessary to assure the marketing of only those prunes which are of a quality reasonably satisfactory to consumers, to promote the interests of the dried prune industry, and to establish such orderly marketing of prunes as will be in the public interest.

It is hereby found and determined that good cause exists for not postponing the effective time of this order later than the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The crop year in question has already begun, and it is necessary that this order be made effective as soon as practicable; (2) handlers need to know as early as possible the regulations that will apply to their handlings of prunes during the new crop year; (3) a notice of the proposed rule in this matter was published in the FEDERAL REGISTER on August 8, 1956, and the possibility that this action would be taken is already well known to the prune industry; and (4) it will require no advance preparation by prune handlers, as this is the same regulation which was in effect during the 1955-56 crop year. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 15, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-6705; Filed, Aug. 17, 1956; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 110—RESURRECTION BAY AREA

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

OPEN SEASON

Basis and purpose. On the basis of field observations of salmon runs, it has been determined that the following amendments are necessary.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Section 110.3 is amended by changing the period at the end to a colon and adding the following proviso: "*Provided,* That fishing is prohibited west of 149 degrees 30 minutes west longitude after 6 o'clock postmeridian August 18, 1956."

2. Section 119.3 is amended in paragraph (b) as it relates to the southern section by deleting "August 18" and substituting in lieu thereof "August 20, 1956."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

JOHN L. FARLEY,
Director.

AUGUST 17, 1956.

[F. R. Doc. 56-6762; Filed, Aug. 17, 1956; 12:08 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-215]

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

FORMAL REQUIREMENTS; INCORPORATION BY REFERENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of August 1956.

In 1952 the Civil Aeronautics Board and the Air Transport Board of Canada entered into an arrangement to facilitate the authorization of commercial air services, other than scheduled operations, across the international border between the United States and Canada, and between Canada and Alaska. As a result, a substantial number of permits have been issued by the aeronautical authorities of the two countries to carriers conducting casual, occasional and infrequent operations with small aircraft. All such permits have been for a temporary period of three years.

Small U. S. operators holding Canadian permits are able to obtain renewal of these permits by submitting a letter to the Canadian Air Transport Board setting forth the changes (if any) which have taken place in the carrier's organization subsequent to the filing of its formal application for an original permit. Such changes must be verified and sworn to before a Notary Public. However, small Canadian carriers holding 402 permits are required by the Civil Aeronautics Board's regulations to comply with more stringent procedural requirements than are imposed by the Canadian Government upon the U. S. carriers.

In 1952 the Board reduced to a minimum the proof and hearing requirements of these small Canadian carriers with respect to their applications for 402 permits. To date, there have been no interventions in any of the original permit or renewal cases in spite of the fact that in some instances operations involve service between points served by a scheduled U. S. carrier. In view of the lack of interest in this type of case by the certificated carriers, the absence of any objecting parties in these proceedings and the very limited procedural requirements imposed on U. S. carriers by the Canadian Government, it would be desirable to relax, as far as possible, the procedural requirements which these small Canadian carriers are required to meet with respect to their applications for 402 permits.

This amendment reduces the number of copies of applications required for foreign air carrier permits for casual, occasional and infrequent flights with small aircraft across the Canada-United States and Canada-Alaska borders. Further, with regard to applications for renewals of permits for such flights, incorporation of information by reference to any previously granted application is being permitted, provided that the renewal applications shall contain the details of any changes that may have occurred since the filing of the previous application.

Inasmuch as the amendments effectuated by this revision relate only to a rule of agency practice, or will serve to liberalize the present provisions, the Board finds that notice and public procedure hereon are not necessary and that these amendments may be made effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby amends §§ 211.1 and 211.4 of the Economic Regulations (14 CFR, Part 211) effective August 18, 1956, to read as follows:

1. By amending § 211.1 to read as follows:

§ 211.1 *Formal requirements.* Applications for permits to engage in foreign air transportation under the terms of section 402 of the act (hereinafter called foreign air carrier permits) shall meet the requirements set forth in § 302.3 of this chapter as to execution, number of copies, formal specifications of papers, and verifications, except that Canadian operators filing applications for foreign air carrier permits authorizing casual, occasional and infrequent flights with small aircraft across the Canada-United States border or the Canada-Alaska border shall file one original and seven true copies of the application. The verifications shall be subscribed and sworn to before a Notary Public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of applicant's citizenship, an application verified before a United States consular officer will be deemed to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

2. By amending § 211.4 to read as follows:

§ 211.4 *Incorporation by reference.* In general it is desirable that incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant. Canadian operators filing applications for renewal of previously granted foreign air carrier permits authorizing casual, occasional and infrequent flights across the Canada-United States border or the Canada-Alaska border with small aircraft may incorporate by reference supporting documents previously submitted in connection with their applications for original 402 permits where no substantial changes have occurred since the filing of the original documents.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 402, 52 Stat. 991; 49 U. S. C. 482)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 56-6699; Filed, Aug. 17, 1956; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 209]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

When LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
SEATTLE, WASH. Seattle-Tacoma International, 424'. SBRAZ-SEA. ILS-SEA. Combination LFR and ILS. Procedure No. 4. Amendment original. Effective date: September 15, 1956.	Hobart FM to SEA-LFR	269—12.9	4,000	W side of NW course: SEA-LFR. 297° outbound. 117° inbound. 2,000' within 15 miles of Harbor Island FM. Not authorized beyond 15 miles.	Over airport 800	From intersection NW course SEA-LFR and N course ILS 158—4.7.	T-dn C-dn S-dn Runway 16 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 4.7 miles, after passing intersection NW course SEA-LFR and N course ILS climb to 2,000' on S course ILS within 8 miles of LOM. Alternate missed approach: When requested by ATC turn right, climb to 2,000' on 225° radial SEA-VOR within 20 miles. CAUTION: Tank 561' mean sea level located immediately NE of airport.
	SEA-LOM to SEA-LFR	354—7.8	2,000								
	SEA-VOR to SEA-LFR	013—4.0	2,000								
	Vashon Intersection to SEA-LFR.	045—9.7	2,000								
	NEJ-LFR to Harbor Island FM.	173—12.2	2,000								
	SEA-LOM to Harbor Island FM.	328—12.8	2,000								
	SEA-VOR to Harbor Island FM.	324—8.7	2,000								
	Radar fix 5 miles NW of Harbor Island FM on NW course SEA-LFR to Harbor Island FM (final).	117—5.0	1,500								
	Intersection W course NEJ-LFR and SEA localizer course to intersection NW course SEA-LFR and SEA localizer course.	158—14.3	2,000								
	Harbor Island FM to intersection NW course SEA-LFR and SEA localizer course (final).	117—3.4	1,200								
	All fixes within 30 nautical miles of Seattle GCA station may be determined by surveillance radar.										

2. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

When a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums				If visual contact not established at TVOR, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR 6. Amendment No. 2. Effective date: September 15, 1956. Supersedes Amendment 1, dated February 5, 1955. Major changes: (1) Night circling minimums for 2-engine aircraft reduced to 1 mile; (2) missed approach limited to 20 miles.	----------	----------	----------	S side of course: 232° outbound. 052° inbound. 2,300' within 10 miles.	1,700	062—0.5	T-dn C-dn S-dn 6 A-dn	300–1 800–1 800–1 800–2	300–1 800–1 800–1 800–2	200–½ 800–1½ 800–1 800–2	Within 0 mile, climb to 2,100' on R072 within 20 miles.
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR 12. Amendment No. 2. Effective date: September 15, 1956. Supersedes Amendment 1, dated February 5, 1955. Major changes: (1). Night circling minimums, 2-engine aircraft, reduced to 1 mile; (2) missed approach limited to 20 miles.	----------	----------	----------	S side of course: 308° outbound. 128° inbound. 2,200' within 10 miles.	1,500	122—0.7	T-dn C-dn S-dn 12 A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1½ 600–1 800–2	Within 0 mile, make left climbing turn to 2,100' on 072R within 20 miles.
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR 24. Amendment No. 2. Effective date: September 15, 1956. Supersedes Amendment 1, dated February 5, 1955. Major changes: (1) Night circling minimums, 2-engine aircraft, reduced to 1 mile; (2) missed approach limited to 20 miles.	----------	----------	----------	N side of course: 072° outbound. 252° inbound. 2,100' within 10 miles.	1,500	242—0.6	T-dn C-dn S-dn 24 A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1½ 600–1 800–2	Within 0 mile, climb to 2,300' on 232R within 20 miles.

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude over facility on final approach course (ft.)	Ceilings and visibility minimums			Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	If visual contact not established at TVOR, or if landing not accomplished
				Condition	2 engines or less			
					65 knots or less	More than 65 knots	More than 2 engines; more than 65 knots	
1	2	3	4	8	9	10	11	12
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR 36. Amendment No. 3. Effective date: September 15, 1956. Supersedes Amendment 2, dated November 19, 1955. Major changes: (1) Night circling minimums, 2-engine aircraft, reduced to 1 mile; (2) missed approach initial to 20 miles; (3) missed approach altitude raised 100' account trees obstruction.		002—0.5	1,560	T-din C-din S-1in 36 A-din	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–1½ 600–1½ 600–1 800–2	Within 0 mile, climb to 2,100' on 350R within 20 miles.

These procedures shall become effective on the dates indicated on the proced ures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6507; Filed, Aug. 17, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 557—SERVICE CLUBS AND LIBRARIES

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

Subchapter I—Transport

PART 634—VEHICLES

MISCELLANEOUS AMENDMENTS

1. Sections 557.10, 557.11, and 557.12 (Army Library Service) are revoked.

[AR 28-85, May 28, 1956, superseding AR 680-50] (R. S. 161; 5 U. S. C. 22)

2. Section 577.4 is revised to read as follows:

§ 577.4 *Medical care in medical treatment facilities of Federal agencies outside Department of Defense*—(a) *For whom authorized.* The personnel listed in § 577.2 (a), and none other, except as provided in paragraph (b) of this section, are entitled to and will be provided medical care in medical treatment facilities of other Federal agencies outside the Department of Defense at the expense of Army Medical Service funds when the required care cannot be provided by available medical treatment facilities of the Department of Defense. Determination of availability of military facilities will be made, except in emergencies, by the immediate commanding officer of the individual receiving such care. The duty status of officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy does not effect their right to receive medical care in facilities of other Federal agencies.

(b) *Utilization of other Federal agencies by Army medical treatment facilities.* If it is necessary to utilize the laboratory facilities of Federal agencies outside the Department of Defense to supplement Army medical treatment facilities and/or Armed Forces Examining Stations, the commanding officer of the Army facility may obtain such laboratory services on his written request direct to the officer in charge of the Federal medical facility concerned.

[AR 40-104, July 19, 1956] (R. S. 161; 5 U. S. C. 22)

3. Part 634, Vehicles, is revoked.

[AR 700-2300-1, June 1, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6676; Filed, Aug. 17, 1956; 8:45 a. m.]

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

1. The introductory portion of § 562.11 is revised to read as follows:

§ 562.11 *Divisions and units.* The Army ROTC is composed of three divisions: senior division, military schools division, and junior division. (The military schools division, although listed separately herein, is a part of the senior division in accordance with section 40 of the National Defense Act when ROTC training thereat is conducted in connection with college level academic training.) Training units are established at participating civilian educational institutions in conformity with the provisions of the National Defense Act and this part.

* * * * *

2. In § 562.21, revise paragraphs (b) and (c) (3), (v), and add paragraph (c) (3) (vi), as follows:

§ 562.21 *Requirements for enrollment in specific cases.* * * *

(b) *Basic course senior division and MST–3 and 4 course military schools division.* * * *

(2) *Loyalty requirement.* Prior to enrollment in the basic course, each student must execute satisfactorily the Loyalty Oath–ROTC (item 15, DA Form 131 (ROTC Students' Record)). If the student refuses to sign the Loyalty Oath, enrollment will be denied him. This does not preclude action under § 562.26 in appropriate cases. However, a student who does not sign the oath will not be permitted to wear the Army ROTC uniform or insignia.

(c) *Advanced course senior division and MST–5 and –6 course military schools division.* * * *

(3) *Student requirement.* A student enrolling in these courses must:

* * * * *

(v) Execute DA Form 597 (Advanced Course Students Contract) as prescribed in § 562.31.

(vi) If exempt from induction by reason of prior service in the active military service or if a member of a reserve component, execute DA Form 1803 ROTC Enrollment Agreement) as prescribed in § 562.31.

* * * * *

3. In § 562.22, revise paragraph (d) to read as follows:

§ 562.22 *Eligibility for membership of personnel of Armed Forces.* * * *

(d) Members of the Army Reserve and Army National Guard are eligible for enrollment in the ROTC subject to the following conditions:

(1) A warrant officer or enlisted member of the Army Reserve or National Guard is eligible for membership in the basic course ROTC, provided he is otherwise qualified. Such student, however, will be subject to orders for active duty with his unit in the event the unit is mobilized.

(2) A warrant officer or enlisted member of a Ready Reserve unit (Army Reserve and National Guard) is not eligible for enrollment in the advanced course (or MST–5 and –6 course) ROTC unless he is transferred to a USAR Control Group (Reinforcement). An advanced course (or MST–5 and –6 course) student currently in dual status may retain this status until September 1, 1957. Effective that date such student will be dropped from the enrollment in the advanced course (or MST–5 and –6 course) unless he is transferred to a USAR Control Group (Reinforcement). Prior to enrollment the Professor of Military Science and Tactics will:

(i) Advise each applicant that he may not join a Ready Reserve unit while enrolled in the advanced course (or MST–5 and –6 course).

(ii) Inform each applicant who is currently a member of a Ready Reserve unit and the commanding officer of the unit that the student must be transferred to a USAR Control Group (Reinforcement) before the 1957 fall semester or be dropped from ROTC enrollment.

* * * * *

4. In § 562.31 (a), revise subparagraphs (2) and (4) to read as follows:

§ 562.31 *Contracts and emoluments*—(a) *Contracts.* * * *

(2) *Military schools division.* No contract will be executed between the Government and a student who enrolls in MST–1 and –2 or MST–3 and –4 courses of the military schools division. Prior to enrollment in MST–5 and –6 course, the student must execute the following contracts:

(i) DA Form 597 must be properly executed by the student, the Professor of Military Science and Tactics, and the head of the institution before the student may be enrolled in MST–5 and become eligible to receive commutation of subsistence. In signing DA Form 597, the student agrees to the provisions of the contract prescribed in subparagraph (4) of this paragraph.

(ii) DA Form 1608 (ROTC Deferment Agreement) if selected for deferment under the provisions of the UMT&S Act as amended (subparagraph (3) of this paragraph).

(iii) DA Form 1083 as prescribed in subparagraph (4) of this paragraph if exempt from induction by reason of prior active military service or if a member of a reserve component.

* * * * *

(4) *Advanced course, senior division.* Prior to enrollment in the advanced course, the student must execute the following forms:

(i) DA Form 597 must be properly executed by the student, the Professor of Military Science and Tactics, and the head of the institution before the student may be enrolled in the advanced course and become eligible to receive commutation of subsistence. In signing DA Form 597, the student agrees:

(*a*) To continue in the ROTC for the remainder of his course at the institution in which enrolled.

(*b*) To devote a minimum of 5 hours a week to the military training prescribed by the Secretary of the Army.

(*c*) To pursue the course in camp training prescribed by the Secretary of the Army.

(*d*) To accept appointment as a Reserve or Regular officer of the Army if such appointment is tendered.

(*e*) If commissioned at the time of graduation, and subject to the order of the Secretary of the Army, to serve on active duty as a commissioned officer in the Army for not less than 2 consecutive years or to serve on active duty for training for a period of 6 months, unless sooner relieved of such obligation or discharged under regulations prescribed by the Secretary of the Army. (Prior to signing DA Form 597 the professor of Military Science and Tactics will advise students who have had prior active service as a result of induction or enlistment in the Active Forces, that the policy of the Department of the Army is not to order such individuals to active duty for 2 years involuntarily as long as the officer requirements of the Army can be met from other sources. It will be explained that the Army cannot determine 2 years in advance just how many ROTC graduates will be required for active service at time of appointment and therefore cannot give prior servicemen complete assurance that they will not be ordered to active duty involuntarily for 2 years. Professors of Military Science and Tactics will avoid making any statements which could be construed by students as positive assurance that prior service graduates will not be ordered to active duty but may cite the experience of previous years to indicate the probability of receiving such orders. In any event such individuals will be advised that if not ordered to active duty for 2 years, they will be ordered to active duty for training for 6 months during which they will attend the basic course at their branch school (subdivision (ii) of this subparagraph).

(*f*) That his fulfillment of the obligations specified in (*a*), (*b*), (*c*), and (*d*) of this subdivision is a prerequisite for his graduation from the institution, unless he is relieved of these obligations under regulations prescribed by the Secretary of the Army.

(*g*) That this agreement continues in full force and effect in the event the student transfers to another institution. The student agrees to apply for enrollment in the advanced course Army ROTC at the new institution if a unit is maintained thereat.

(ii) DA Form 1803, in duplicate, if exempt from induction by reason of prior service in the active military service or if a member of the Army Reserve. In signing DA Form 1803, the student agrees to participate actively in the military service for a period of 4 years after date of commission, if not required by law to serve for a longer period. The Professor of Military Science and Tactics will inform these individuals that unless ordered to active duty for 2 years, they will be required to serve 6 months active duty for training. During this 6-month period the appointee will attend the basic course of his branch school. The original copy of DA Form 1803 will be retained by the Professor of Military Science and Tactics until the individual makes application for appointment. At the appropriate time prior to appointment, the original will be attached to the student's application for appointment and forwarded to the Department of the Army. The duplicate will be retained by the student. Initial distribution of DA Form 1803 will be made to Professors of Military Science and Tactics on or about September 1, 1956.

* * * * *

[C4, AR 145-350, July 24, 1956] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 41 Stat. 778; 10 U. S. C. 354, 381–387, 441)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6677; Filed, Aug. 17, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-1B, Amdt. 1 of August 17, 1956]

M-1B—NICKEL ALLOYS

CHANGE IN DEFINITION OF NICKEL ALLOYS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as

amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M–1B by changing the definition of "nickel alloys" to insert "(including anode bars)" after the word "bars" which appears in the listing in said definition, and by deleting the words "(rolled, drawn, or extruded)" and "Anodes (rolled or cast)" which appear in the listing in said definition. It also affects Table I of BDSA Order M–1B by adding the words "(except anode bars)" after the first item listed, by adding the words "(including anode bars)" after the last item listed, and by deleting the item "Anodes" and the words "Rolled" and "Cast" thereunder.

1. Paragraph (c) of section 2 of BDSA Order M–1B is amended to read as follows:

(c) "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the following mill and foundry shapes and forms:

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars (including anode bars), pipe, tubing, and shapes.
Wire and wire rod.
Powder.
Castings (less gates and risers, rough as cast).

It also includes cast iron (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

2. Table I of BDSA Order M–1B is amended to read as follows:

TABLE I OF BDSA ORDER M–1B—NICKEL ALLOYS TO WHICH THIS ORDER APPLIES

Column A Name of product	Column B Number of days in advance of first day of month in which shipment is required
Rods and bars (except anode bars):	
Hot rolled	90
Forging quality	105
Cold finished	120
Sheet and strip:	
Hot rolled	90
Cold rolled	120
Foil	120
Plate	90
Pipe, tubing	120
Wire	120
Other mill forms:	
Ingots	75
Blooms, slabs, billets	75
Wire rod	90
Powder (produced mechanically from melted shot)	90
Castings (less gates and risers, rough as cast)	90
Shapes and forms not listed above (including anode bars)	(1)

(1) By direct negotiation between producer and customer.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect August 17, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-6736; Filed, Aug. 17, 1956; 8:52 a. m.]

[DMS Regulation No. 1, Direction 6, Amdt. 1 of August 17, 1956]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 6—DESIGNATION OF NICKEL ALLOYS AS CONTROLLED MATERIALS BEGINNING WITH OPERATIONS FOR THE FOURTH CALENDAR QUARTER OF 1956

CHANGE IN DEFINITION OF NICKEL ALLOYS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects Direction 6 to DMS Regulation No. 1 by changing the definition of "nickel alloys" to insert "(including anode bars)" after the word "bars" which appears in the listing in said definition, and by deleting the words "(rolled, drawn, or extruded)" and "Anodes (rolled or cast)" which appear in the listing in said definition.

Section 2 of Direction 6 to DMS Regulation No. 1 is amended to read as follows:

SEC. 2. *Definition.* As used in this direction, "nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the following mill and foundry shapes and forms:

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars (including anode bars), pipe, tubing, and shapes.
Wire and wire rod.
Powder.
Castings (less gates and risers, rough as cast).

It also includes cast iron (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect August 17, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-6735; Filed, Aug. 17, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 211, 212, 213, 215, and 217 of the Internal Revenue Code of 1954, relating to additional itemized deductions for individuals. These regulations shall be effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.211 Statutory provisions; allowance of deductions.
1.211–1 Allowance of deductions.
1.212 Statutory provisions; expenses for production of income.
1.212–1 Nontrade or nonbusiness expenses.
1.213 Statutory provisions; medical, dental, etc., expenses.
1.213–1 Medical, dental, etc., expenses.
1.215 Statutory provisions; alimony, etc., payments.
1.215–1 Periodic alimony, etc., payments.
1.217 Statutory provisions; cross references.

INDIVIDUALS

§ 1.211 *Statutory provisions; allowance of deductions.*

SEC. 211. *Allowance of deductions.* In computing taxable income under section 63 (a), there shall be allowed as deductions the items specified in this part, subject to the exceptions provided in part IX (section 261 and following, relating to items not deductible).

§ 1.211–1 *Allowance of deductions.* In computing taxable income under section 63 (a), the deductions provided by sections 212, 213, 214, 215, and 216 shall be allowed subject to the exceptions provided in part IX (section 261 and following, relating to items not deductible).

§ 1.212 *Statutory provisions; expenses for production of income.*

SEC. 212. *Expenses for production of income.* In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year—

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

§ 1.212–1 *Nontrade or nonbusiness expenses.* (a) An expense may be deducted under section 212 only if—

(1) It has been paid or incurred by the taxpayer during the taxable year (i) for the production or collection of income which, if and when realized, will be required to be included in income for Federal income tax purposes, or (ii) for the management, conservation, or maintenance of property held for the production of such income, or (iii) in connection with the determination, collection, or refund of any tax; and

(2) It is an ordinary and necessary expense for any of the purposes stated in subparagraph (1) of this paragraph.

(b) The term "income" for the purpose of section 212 includes not merely income of the taxable year but also income which the taxpayer has realized in a prior taxable year or may realize in subsequent taxable years; and is not confined to recurring income but applies as well to gains from the disposition of property. For example, if defaulted bonds, the interest from which if received would be includible in income, are purchased with the expectation of realizing capital gain on their resale, even though no current yield thereon is anticipated, ordinary and necessary expenses thereafter incurred in connection with such bonds are deductible. Similarly, ordinary and necessary expenses incurred in the management, conservation, or maintenance of a building devoted to rental purposes are deductible notwithstanding that there is actually no income therefrom in the taxable year, and regardless of the manner in which or the purpose for which the property in question was acquired. Expenses incurred in managing, conserving, or maintaining property held for investment may be deductible under this provision even though the property is not currently productive and there is no likelihood that the property will be sold at a profit or will otherwise be productive of income and even though the property is held merely to minimize a loss with respect thereto.

(c) Expenses of carrying on transactions which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses. The question whether or not a transaction is carried on primarily for the production of income or for the management, conservation, or maintenance of property held for the production or collection of income, rather than primarily as a sport, hobby, or recreation, is not to be determined solely from the intention of the taxpayer but rather from all the circumstances of the case. For example, consideration will be given to the record of prior gain or loss of the taxpayer in the activity, the relation between the type of activity and the principal occupation of the taxpayer, and the uses to which the property or what it produces is put by the taxpayer.

(d) Expenses, to be deductible under section 212, must be "ordinary and necessary". Thus, such expenses must be reasonable in amount and must bear a reasonable and proximate relation to the production or collection of taxable income or to the management, conservation, or maintenance of property held for the production of income.

(e) A deduction under section 212 is subject to the restrictions and limitations in sections 261 through 273, relating to items not deductible. Thus, no deduction is allowable under section 212 for any amount allocable to the production or collection of one or more classes of income which are not includible in gross income, or for any amount allocable to the management, conservation or maintenance of property held for the production of income which is not included in gross income. See section 265. Nor does section 212 allow the deduction of any expenses which are disallowed by any of the provisions of subtitle A, even though such expenses may be incurred for one of the purposes specified in section 212.

(f) Among expenditures not allowable as deductions under section 212 are the following: Commuter's expenses; expenses of taking special courses or training; expenses for improving personal appearance; the cost of rental of a safe-deposit box for storing jewelry and other personal effects; expenses such as those incurred in seeking employment or in placing oneself in a position to begin rendering personal services for compensation, campaign expenses of a candidate for public office, bar examination fees and other expenses incurred in securing admission to the bar, and corresponding fees and expenses incurred by physicians, dentists, accountants, and other taxpayers for securing the right to practice their respective professions.

(g) Fees for services of investment counsel, custodial fees, clerical help, office rent, and similar expenses paid or incurred by a taxpayer in connection with investments held by him are deductible under section 212 only if (1) they are paid or incurred by the taxpayer for the production or collection of income or for the management, conservation, or maintenance of investments held by him for the production of income; and (2) they are ordinary and necessary under all the circumstances, having regard to the type of investment and to the relation of the taxpayer to such investment.

(h) Ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held for use as a residence by the taxpayer are not deductible. However, ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held by the taxpayer as rental property are deductible even though such property was formerly held by the taxpayer for use as a home.

(i) Reasonable amounts paid or incurred by the fiduciary of an estate or trust on account of administration expenses, including fiduciaries' fees and expenses of litigation, which are ordinary and necessary in connection with the performance of the duties of administration are deductible under this section, notwithstanding that the estate or trust is not engaged in a trade or business, except to the extent that such expenses are allocable to the production or collection of tax-exempt income. But see section 642 (g) and the regulations thereunder for disallowance of such deductions to an estate where such items are allowed as a deduction under section 2053 or 2054 in computing the net estate subject to the estate tax.

(j) Reasonable amounts paid or incurred for the services of a guardian or committee for a ward or minor, and other expenses of guardians and committees which are ordinary and necessary, in connection with the production or collection of income inuring to the ward or minor, or in connection with the management, conservation, or maintenance of property, held for the production of income, belonging to the ward or minor, are deductible.

(k) Expenditures incurred in defending or perfecting title to property, in recovering property (other than investment property and amounts of income which, if and when recovered, must be included in gross income), or in developing or improving property, constitute a part of the cost of the property and are not deductible expenses. Attorneys' fees paid in a suit to quiet title to lands are not deductible; but if the suit is also to collect accrued rents thereon, that portion of such fees is deductible which is properly allocable to the services rendered in collecting such rents. Expenditures incurred in protecting or asserting one's rights to property of a decedent as heir or legatee, or as beneficiary under a testamentary trust, are not deductible.

(l) Expenses paid or incurred by an individual in connection with the determination, collection, or refund of any tax, whether the taxing authority be Federal, state, or municipal, and whether

the tax be income, estate, gift, property, or any other tax, are deductible. Thus, expenses incurred in connection with the preparation of tax returns or in connection with any proceedings involved in determining the extent of tax liability or in contesting a tax liability are deductible.

(m) Except in the case of expenses relating to tax liability (to the extent that such expenses are deductible under paragraph (l) of this section), and expense paid or incurred by an individual in determining or contesting a liability asserted against him does not become deductible by reason of the fact that property held by him for the production of income may be required to be used or sold for the purpose of satisfying such liability.

(n) Capital expenditures are not allowable as nontrade or nonbusiness expense. The deduction of an item otherwise allowable under section 212 will not be disallowed simply because the taxpayer was entitled under subtitle A to treat such item as a capital expenditure, rather than to deduct it as an expense. For example, see section 266. Where, however, the item may properly be treated only as a capital expenditure or where it was properly so treated under an option granted in subtitle A, no deduction is allowable under this section; and this is true regardless of whether any basis adjustment is allowed under any other provision of the Internal Revenue Code of 1954.

(o) The provisions of section 212 are not intended in any way to disallow expenses which would otherwise be allowable under section 162 and the regulations thereunder. Double deductions are not permitted. Amounts deducted under one provision of the Code cannot again be deducted under any other provision thereof.

§ 1.213 *Statutory provisions; medical, dental, etc., expenses.*

SEC. 213. *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* There shall be allowed as a deduction the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152)—

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year, to the extent that such expenses exceed 3 percent of the adjusted gross income; or

(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of the taxpayer and his spouse, and

(B) The amount by which such expenses for the care of such dependents exceed 3 percent of the adjusted gross income.

(b) *Limitation with respect to medicine and drugs.* Amounts paid during the taxable year for medicine and drugs which (but for this subsection) would be taken into account in computing the deduction under subsection (a) shall be taken into account only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income.

(c) *Maximum limitations.* The deduction under this section shall not exceed $2,500, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151 (other than exemptions allowed by reason of subsection (c) or (d), relating to additional exemptions for age or blindness); except that the maximum deduction under this section shall be—

(1) $5,000, if the taxpayer is single and not the head of a household (as defined in section 1 (b) (2)) and not a surviving spouse (as defined in section 2 (b)) or is married but files a separate return; or

(2) $10,000, if the taxpayer files a joint return with his spouse under section 6013, or is the head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)).

(d) *Special rule for decedents*—(1) *Treatment of expenses paid after death.* For purposes of subsection (a), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred.

(2) *Limitation.* Paragraph (1) shall not apply if the amount paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent, but this paragraph shall not apply if (within the time and in the manner and form prescribed by the Secretary or his delegate) there is filed—

(A) A statement that such amount has not been claimed or allowed as a deduction under section 2053, and

(B) A waiver of the right to have such amount allowed at any time as a deduction under section 2053.

(e) *Definitions.* For purposes of this section—

(1) The term "medical care" means amounts paid—

(A) For the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance), or

(B) For transportation primarily for and essential to medical care referred to in subparagraph (A).

(2) The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013 (d) (relating to determination of status as husband and wife).

(f) *Exclusion of amounts allowed for care of certain dependents.* Any expense allowed as a deduction under section 214 shall not be treated as an expense paid for medical care.

§ 1.213–1 *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* (1) Section 213 permits a deduction from gross income of payments for certain medical expenses (including expenses for medicine and drugs). Except as provided in paragraph (d) of this section (relating to special rule for decedents) a deduction is allowable only to individuals and only with respect to medical expenses actually paid during the taxable year, regardless of when the incident or event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. Thus, if the medical expenses are incurred but not paid during the taxable year, no deduction for such expenses shall be allowed for such year.

(2) Except as provided in subparagraph (4) (i) of this paragraph, only such medical expenses (including the allowable expenses for medicine and drugs) are deductible as exceed 3 percent of the adjusted gross income for the taxable year. For the amount paid during the taxable year for medicine and drugs which may be taken into account in computing total medical expenses, see paragraph (b) of this section. For the maximum deduction allowable under section 213, see paragraph (c) of this section. As to what constitutes "adjusted gross income", see section 62.

(3) (i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer not compensated for by insurance or otherwise. See section 152 and the regulations thereunder for definition of a dependent.

(ii) An amount excluded from gross income under subsection (c) or (d) of section 105 (relating to amounts received under accident and health plans) and the regulations thereunder shall not constitute compensation for expenses paid for medical care. Exclusion of such amounts from gross income will not affect the deductibility of such expenses paid for medical care.

(iii) The application of the rule allowing a deduction for medical expenses to the extent not compensated for by insurance or otherwise may be illustrated by the following example in which it is assumed that neither the taxpayer nor his wife has attained the age of 65:

Example. Taxpayer H, married to W and having one dependent child, had adjusted gross income for 1954 of $3,000. During 1954 he paid $300 for medical care, of which $100 was for treatment of his dependent child and $200 for an operation on W which was performed in September 1953. In 1954 he received a payment of $50 for health insurance to cover a portion of the cost of W's operation performed during 1953. The deduction allowable under section 213 for the calendar year 1954, provided the taxpayer itemizes his deductions and does not compute his tax under section 3 by use of the tax table, is $160, computed as follows:

Payments in 1954 for medical care	$300
Less: Amount of insurance received in 1954	50
Payments in 1954 for medical care not compensated for during 1954	250
Less: 3 percent of $3,000 (adjusted gross income)	90
Excess, allowable as a deduction for 1954	160

(4) (i) Where either the taxpayer or his spouse has attained the age of 65 before the end of the taxable year, the 3 percent limitation on the deduction for medical expenses does not apply with respect to expenses for the medical care of the taxpayer or his spouse. In such a case the taxpayer may deduct, subject to the 1 percent limitation with respect to medicine and drugs set forth in paragraph (b) of this section and subject to the maximum amount allowable as described in paragraph (c) of this section—

(*a*) The amount of all payments for the medical care of the taxpayer and his spouse, and

(*b*) The amount by which his payments for the medical care of his dependents exceed 3 percent of his adjusted gross income.

In determining the amount described in (*b*) of this subdivision, the amount described in (*a*) of this subdivision shall not be taken into account.

(ii) For the purposes of this subparagraph, the age of a taxpayer shall be determined as of the last day of his taxable year. In the event of the taxpayer's death, the date of his death shall be the last day of his taxable year. The age of a taxpayer's spouse shall be determined as of the last day of the taxpayer's taxable year, except that, if the spouse dies within such taxable year, her age shall be determined as of the date of her death.

(iii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). Taxpayer E, who attained the age of 65 on February 22, 1954, makes his return on the basis of the calendar year. During the year 1954, E has adjusted gross income of $8,000, and pays the following medical bills: (a) $560 (7 percent of adjusted gross income) for the medical care of himself and his spouse, and (b) $160 (2 percent of adjusted gross income) for the medical care of his dependent son. No part of these payments was for medicine and drugs nor compensated for by insurance or otherwise. The allowable deduction under section 213 for 1954 is $560, the full amount of the medical expenses for the taxpayer and his spouse. No deduction is allowable for the amount of $160 paid for medical care of the dependent son since the amount of such payment (determined without regard to the payments for the care of the taxpayer and his spouse) does not exceed 3 percent of adjusted gross income.

Example (2). H and W who have a dependent child make a joint return for the calendar year 1954. H became 65 years of age on August 15, 1954. The adjusted gross income of H and W in 1954 is $40,000 and they pay in such year the following amounts for medical care: (a) $3,000 for the medical care of H; (b) $2,000 for the medical care of W; and (c) of $3,000 for the medical care of the dependent child. No part of these payments was for medicine and drugs nor compensated for by insurance or otherwise. The allowable deduction under section 213 for medical expenses paid in 1954 is $6,800 computed as follows:

Payments for medical care of H and W in 1954		$5,000
Payments for medical care of the dependent in 1954	$3,000	
Less: 3 percent of $40,000 (adjusted gross income)	1,200	
		1,800
Allowable deduction for 1954		6,800

(b) *Limitation with respect to medicine and drugs.* (1) Amounts paid for medicine and drugs are to be taken into account in computing the allowable deduction for medical expenses paid during the taxable year only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income for the taxable year. Thus, if the aggregate of the amounts paid for medicine and drugs exceeds 1 percent of adjusted gross income, the excess is added to other medical expenses for the purpose of computing the medical expense deduction. For definition of medicine and drugs, see paragraph (e) (2) of this section. The application of this subparagraph may be illustrated by the following example:

Example. The taxpayer, a single individual with no dependents, had an adjusted gross income of $6,000 for the calendar year 1954. During 1954, he paid a doctor $300 for medical services, a hospital $100 for hospital care, and also spent $100 for medicine and drugs. These payments were not compensated for by insurance or otherwise. The deduction allowable under section 213 for the calendar year 1954 is $260, computed as follows:

Payments for medical care in 1954:		
Doctor		$300
Hospital		100
Medicine and drugs	$100	
Less: 1 percent of $6,000 (adjusted gross income)	60	
		40
Total medical expenses to be taken into account		440
Less: 3 percent of $6,000 (adjusted gross income)		180
Allowable deduction for 1954		260

(2) The 1 percent limitation rule is applicable to all taxpayers, including a taxpayer (or his spouse) who has attained the age of 65. In a case where either a taxpayer or his spouse has attained the age of 65 and the taxpayer pays an amount in excess of 1 percent of adjusted gross income for medicine and drugs for himself, his spouse, and his dependents, it is necessary to apportion the 1 percent of adjusted gross income (which is not taken into account as expenses paid for medical care) between the taxpayer and his spouse on the one hand and his dependents on the other. The part of the 1 percent allocable to the taxpayer and his spouse is an amount which bears the same ratio to 1 percent of his adjusted gross income which the amount paid for medicine and drugs for the taxpayer and his spouse bears to the total amount paid for medicine and drugs for the taxpayer, his spouse, and his dependents. The balance of the 1 percent shall be allocated to his dependents. The amount paid for medicine and drugs in excess of the allocated part of the 1 percent shall be taken into account as payments for medical care for the taxpayer and his spouse on the one hand and his dependents on the other, respectively. The application of this subparagraph may be illustrated by the following example:

Example. H and W who have a dependent child made a joint return for the calendar year 1954. H became 65 years of age on September 15, 1954. The adusted gross income of H and W for 1954 is $10,000. During the year, H and W pay the following amounts for medical care: (a) $1,000 for doctors and hospital expenses and $180 for medicine and drugs for themselves; and (b) $500 for doctors and hospital expenses and $140 for medicine and drugs for the dependent child. These payments were not compensated for by insurance or otherwise. The deduction allowable under section 213 (a) (2) for medical expenses paid in 1954 is $1,420, computed as follows:

H and W:			
Payments for doctors and hospital			$1,000.00
Payments for medicine and drugs		$180.00	
Less: Limitation for medicine and drugs (see computation below)		56.25	
			123.75
Medical expenses for H and W to be taken into account			1,123.75
Dependent:			
Payments for doctors and hospital		$500.00	
Payments for medicine and drugs		$140.00	
Less: Limitation for medicine and drugs (see computation below)		43.75	
			96.25
Total medical expenses			596.25
Less: 3 percent of $10,000 (adjusted gross income)			300.00
Medical expenses for the dependent to be taken into account			296.25
Allowable deduction for 1954			1,420.00
Payments for medicine and drugs:			
H and W			180.00
Dependent			140.00
Total payments			320.00
Less: 1 percent of $10,000 (adjusted gross income)			100.00
Payments to be taken into account			220.00
Allocation of 1 percent exclusion:			
H and W	$\frac{180}{320}\times\$100=$		56.25
Dependent	$\frac{140}{320}\times\$100=$		43.75
Total			100.00

(c) *Maximum limitations.* (1) The maximum deduction allowable for medical expenses paid in any one taxable year is the lesser of:

(i) $2,500 multiplied by the number of exemptions allowed under section 151 (exclusive of exemptions allowed under section 151 (c) for a taxpayer or spouse attaining the age of 65, or section 151 (d) for a taxpayer who is blind and a spouse who is blind),

(ii) $5,000, if the taxpayer is single, not the head of a household (as defined in section 1 (b) (2)) and not a surviving spouse (as defined in section 2 (b)), or is married and files a separate return; or

(iii) $10,000, if the taxpayer is married and files a joint return with his spouse under section 6013, or is the head of a household (as defined in section 1 (b) (2)), or a surviving spouse (as defined in section 2 (b)).

(2) For the purposes of subparagraph (1) of this paragraph, the determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013 (d) (relating to determination of status as husband and wife).

(3) For the purposes of subparagraph (1) (i) of this paragraph, the determination of whether an individual is married and files a separate return shall be made in accordance with the provisions of section 6013 (b) (relating to joint returns of husband and wife).

(4) For the purposes of subparagraph (1) (ii) of this paragraph, the determination of whether an individual is a head of a household shall be made in accordance with the provisions of section 1 (b) (2) (relating to definition of head of household).

(5) For the purposes of subparagraph (1) (iii) of this paragraph, the determination of whether an individual is married and files a joint return with his spouse shall be made in accordance with the provisions of section 6013 (a) (relating to joint returns of husband and wife).

(6) For the purposes of subparagraph (1) (iii) of this paragraph, the determination of whether an individual is a head of a household shall be made in accordance with the provisions of section 1 (b) (2) (relating to definition of head of household).

(7) For the purposes of subparagraph (1) (iii) of this paragraph, the determination of whether an individual is a surviving spouse shall be made in accordance with the provisions of section 2 (b) (relating to definition of surviving spouse).

(8) For the purposes of subparagraph (1) of this paragraph, the determination of whether an individual has attained the age of 65 before the close of the taxable year shall be made in accordance with the provisions of paragraph (a) (4) (ii) of this section.

(9) For the purposes of subparagraph (1) of this paragraph, the determination of whether an individual is blind shall be made as of the close of the taxable year; except that if the taxpayer or his spouse dies during such year, such determination shall be made as of the time of such death.

(d) *Expenses paid after death.* (1) Section 213 (d) (1) provides that for the purposes of subsection (a), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred. Section 213 (d) (2) provides that paragraph (1) shall not apply if the amount paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent, but that this paragraph shall not apply if (within the time and in the manner and form prescribed by the Secretary or his delegate) there is filed a statement that such amount has not been claimed or allowed as a deduction under section 2053, and a waiver of the right to have such amount allowed at any time as a deduction under section 2053.

(2) The statement and waiver described in section 213 (d) (2) shall be filed with the district director for the district in which is filed the return of the estate tax imposed by chapter 11 of the Code. The statement and waiver shall be filed on or before the date prescribed for the filing of the return of the estate tax imposed by chapter 11 of the Code, including any extension of time granted for the filing of such return. The statement and waiver shall be signed by the executor or administrator of the estate of the decedent. If there is more than one executor or administrator, the statement and waiver shall be signed by all executors or administrators.

(3) The statement and waiver described in section 213 (d) (2) shall be filed in duplicate. The statement and waiver shall contain sufficient information to identify the decedent, the estate, and the executor or administrator. The statement and waiver shall also contain sufficient information to identify the amount of the deduction for medical expenses which is waived.

(4) The statement and waiver described in section 213 (d) (2) shall be filed before the expiration of the period of limitation for the assessment of the tax imposed by chapter 1 of the Code for the taxable year in which the medical expenses are paid. The statement and waiver shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(5) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(6) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(7) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(8) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(9) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(10) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(11) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(12) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(13) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(14) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(15) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(16) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(17) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(18) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(19) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(20) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(21) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(22) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(23) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(24) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(25) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(26) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(27) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(28) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(29) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(30) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(31) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(32) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(33) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(34) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(35) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(36) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(37) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(38) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(39) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(40) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(41) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(42) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(43) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(44) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(45) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(46) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(47) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(48) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(49) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(50) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(51) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(52) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(53) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(54) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

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(56) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(57) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(58) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(59) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(60) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(61) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(62) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(63) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(64) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(65) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(66) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(67) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(68) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(69) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(70) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(71) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(72) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

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(90) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

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(92) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(93) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(94) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

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(99) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(100) The statement and waiver described in section 213 (d) (2) shall be filed even though the amount of the deduction for medical expenses which is waived is not allowable as a deduction for the taxable year in which the medical expenses are paid.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. H and W make a joint return for the calendar year 1954 and are allowed five exemptions (exclusive of exemptions under section 151 (c) or (d)), one for each taxpayer and three for their dependents. The adjusted gross income of H and W in 1954 is $40,000. They pay during such year $12,500 for medical care, no part of which is compensated for by insurance or otherwise. The deduction allowable under section 213 for the calendar year 1954 is $10,000, computed as follows:

Payments for medical care in 1954	$12,500
Less: 3 percent of $40,000 (adjusted gross income)	1,200
Excess of medical expenses in 1954 over 3 percent of adjusted gross income	11,300
Allowable deduction for 1954 $2,500 multiplied by 5 exemptions allowed under section 151 (b) and (e) but not in excess of $10,000)	10,000

(d) *Special rule for decedents.* (1) For the purpose of section 213 (a), expenses for medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time the medical services were rendered. However, no credit or refund of tax shall be allowed for any taxable year for which the statutory period for filing a claim has expired. See section 6511.

(2) The rule prescribed in subparagraph (1) of this paragraph shall not apply where the amount so paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent unless there is filed in duplicate (i) a statement that such amount has not been allowed as a deduction in computing the taxable estate of the decedent under section 2053 and (ii) a waiver of the right to have such amount allowed at any time as a deduction under section 2053. The statement and waiver shall be filed with the return, amended return, or claim for credit or refund for the decedent for any taxable year for which such an amount is claimed as a deduction.

(e) *Definitions*—(1) *General.* (i) The term "medical care" includes the diagnosis, cure, mitigation, treatment, or prevention of disease. Expenses paid for "medical care" shall include those paid for the purpose of affecting any structure or function of the body, for accident or health insurance, or for transportation primarily for and essential to medical care. Amounts paid for hospitalization insurance, for membership in an association furnishing cooperative or so-called free-choice medical service, or for group hospitalization and clinical care are expenses paid for medical care. However, premiums paid by a taxpayer under an insurance contract which provides reimbursement for loss of earnings due to accident or illness do not constitute amounts expended for medical care. In the case of a policy providing reimbursement for both loss of earnings and medical expenses, only the pro rata portion of such premium payments which is properly attributable to the coverage for medical expenses will constitute an expense paid for medical care.

(ii) Amounts paid for operations or treatments affecting any portion of the body, including obstetrical expenses and expenses of therapy or X-ray treatments, are deemed to be for the purpose of affecting any structure or function of the body and are therefore paid for medical care. Amounts expended for illegal operations or treatments are not deductible. Deductions for expenditures for medical care allowable under section 213 will be confined strictly to expenses incurred primarily for the prevention or alleviation of a physical or mental defect or illness. Thus, payments for the following are payments for medical care: hospital services, nursing services (including nurses' board where paid by the taxpayer), medical, laboratory, surgical, dental and other diagnostic and healing services, X-rays, medicine and drugs (as defined in subparagraph (2) of this paragraph, subject to the 1 percent limitation in paragraph (b) of this section), artificial teeth of limbs, and ambulance hire. However, an expenditure which is merely beneficial to the general health of an individual, such as for a vacation, is not an expenditure for medical care.

(iii) A capital expenditure for a permanent improvement or betterment of property shall not be deductible as an expenditure for medical care, even though it may have some relation to medical care. Thus, the cost of a swimming pool, the addition of an elevator or a first floor bedroom and bath to a house for the benefit of a person unable to climb stairs, the installation of an oil burner to alleviate an allergy to coal, etc., would not be a deductible expense. A capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies, shall, however, be deductible; for example, an expenditure for eye glasses, a seeing eye dog, a wheel chair, crutches, an inclinator which is detachable from the property and purchased only for the use of a sick person, artificial teeth and limbs, etc.

(iv) Expenses paid for transportation primarily for and essential to the rendition of the medical care are expenses paid for medical care. However, an amount allowable as a deduction for "transportation primarily for and essential to medical care" shall not include the cost of any meals and lodging while away from home receiving medical treatment. For example, if a doctor prescribes that a taxpayer go to a warm climate in order to alleviate a specific chronic ailment, the cost of meals and lodging while there would not be deductible. On the other hand, if the travel is undertaken merely for the general improvement of a taxpayer's health, neither the cost of transportation nor the cost of meals and lodging would be deductible. If a doctor prescribes an operation or other medical care, and the taxpayer chooses for purely personal considerations to travel to another locality (such as, a resort area) for the operation or the other medical care, neither the cost of transportation nor the cost of meals and lodging (except where paid as part of a hospital bill) is deductible.

(v) The cost of in-patient hospital care (including the cost of meals and lodging therein) is an expenditure for medical care. The extent to which expenses for care in an institution other than a hospital shall constitute medical care is primarily a question of fact which depends upon the condition of the individual and the nature of the services he receives (rather than the nature of the institution). In general, the following rules will be applied:

(*a*) Where an individual is in an institution because his condition is such that the availability of medical care (as defined in subdivisions (i) and (ii) of this subparagraph) in such institution is a principal reason for his presence there, and meals and lodging are furnished as a necessary incident to such care, the entire cost of medical care and meals and lodging at the institution, which are furnished while the individual requires continual medical care, shall constitute an expense for medical care. For example, medical care includes the entire cost of institutional care for a person who is mentally ill and unsafe when left alone. While ordinary education is not medical care, the cost of medical care includes the cost of attending a special school for a mentally or physically handicapped individual, if his condition is such that the resources of the institution for alleviating such mental or physical handicap are a principal reason for his presence there. In such a case, the cost of attending such a special school will include the cost of meals and lodging, if supplied, and the cost of ordinary education furnished which is incidental to the special services furnished by the school. Thus, the cost of medical care includes the cost of attending a special school designed to compensate for or overcome a physical handicap, in order to qualify the individual for future normal education or for normal living, such as a school for the teaching of braille or lip reading. Similarly, the cost of care, supervision, treatment and training of a mentally retarded individual at an institution is within the meaning of the term "medical care".

(*b*) Where an individual is in an institution, although his condition is such that the availability of medical care in such institution is not a principal reason for his presence there, only that part of the cost of care in the institution as is attributable to medical care (as defined in subdivisions (i) and (ii) of this subparagraph) shall be considered as a cost of medical care; meals and lodging at the institution in such a case are not considered a cost of medical care for purposes of this section. For example, an individual is in a home for the aged for personal or family considerations and not because he requires medical or nursing attention. In such case, medical care consists only of that part of the cost for care in the home which is attributable to medical care or nursing attention furnished to him; his meals and lodging at the home are not considered a cost of medical care.

(*c*) It is immaterial for purposes of this subdivision whether the medical care is furnished in a Federal or State institution or in a private institution.

(vi) See section 262 and the regulations thereunder for disallowance of deduction for personal, living, and family expenses not falling within the definition of medical care.

(2) *Medicine and drugs.* The term "medicine and drugs" shall include only items which are legally procured and which are generally accepted as falling within the category of medicine and drugs (whether or not requiring a prescription). Such term shall not include toiletries or similar preparations (such as toothpaste, shaving lotion, shaving cream, etc.) nor shall it include cosmetics (such as face creams, deodorants, hand lotions, etc., or any similar preparation used for ordinary cosmetic purposes) or sundry items. Amounts expended for items which, under this subparagraph, are excluded from the term "medical and drugs" shall not constitute amounts expended for "medical care".

(3) *Status as husband and wife.* In the case of medical expenses for the care of a person who is the taxpayer's spouse or dependent, the deduction under section 213 is allowable if the status of such person as "spouse" or "dependent" of the taxpayer exists either at the time the medical services were rendered or at the time the expenses were paid. Thus, payments made in June 1954, by A, for medical services rendered in 1953 to B, his wife, may be deducted by A for 1954 even though, before the payments were made, B may have died or in 1954 secured a divorce. Payments made in July 1954, by C, for medical services rendered to D in 1953 may be deducted by C for 1954 even though C and D were not married until June 1954. However, the status of a person as the "spouse" of the taxpayer must exist as of the close of the taxable year of the taxpayer in which either the services were rendered or the payment was made, or, in the case of the death of the spouse in either such year, as of the time of such death. In determining whether such status exists, a taxpayer who is legally separated from his spouse under a decree of separate maintenance is not considered as married.

(f) *Exclusion of amounts allowed for care of certain dependents.* Amounts allowable under section 214 as a deduction for the care of certain dependents shall not be treated as expenses paid for medical care.

(g) *Reimbursement for expenses paid in prior years.* (1) Where reimbursement, from insurance or otherwise, for medical expenses is received in a taxable year subsequent to a year in which a deduction was claimed on account of such expenses, the reimbursement must be included in gross income in such subsequent year to the extent attributable to (and not in excess of) deductions allowed under section 213 for any prior taxable year. See section 104, relating to compensation for injuries or sickness, and section 105 (b), relating to amounts expended for medical care, and the regulations thereunder, with regard to amounts in excess of or not attributable to deductions allowed.

(2) If no medical expense deduction was taken in an earlier year, e. g., if the standard deduction under section 141 was taken for the earlier year, the reimbursement received in the taxable year for the medical expense of the earlier year is not includible in gross income.

(3) In order to allow the same aggregate medical expense deductions as if the reimbursement received in a subsequent year or years had been received in the year in which the payments for medical care were made, the following rules shall be followed:

(i) If the amount of the reimbursement is equal to or less than the amount which was deducted in a prior year, the entire amount of the reimbursement shall be considered attributable to the deduction taken in such prior year (and hence includible in gross income); or

(ii) If the amount of the reimbursement received in such subsequent year or years is greater than the amount which was deducted for the prior year, that portion of the reimbursement received which is equal in amount to the deduction taken in the prior year shall be considered as attributable to such deduction (and hence includible in gross income); but

(iii) If the deduction for the prior year would have been greater but for the limitations on the maximum amount of such deduction provided by section 213 (see paragraph (c) of this section), then the amount of the reimbursement attributable to such deduction (and hence includible in gross income) shall be the amount of the reimbursement received in a subsequent year or years reduced by the amount disallowed as a deduction because of the maximum limitation, but not in excess of the deduction allowed for the previous year.

(4) The application of subparagraphs (1), (2) and (3) of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer C, a single individual (not the head of a household and not a surviving spouse) with one dependent, is entitled to two exemptions under the provisions of section 151. He had an adjusted gross income of $35,000 for the calendar year 1954. During 1954 he paid $9,000 for medical care. C received no reimbursement for such medical expenses in 1954, but in 1955 he received $6,000 upon an insurance policy covering the medical expenses which he paid in 1954. C was allowed a deduction of $5,000 (the maximum) from his adjusted gross income for 1954. The amount which C must include in his gross income for 1955 is $3,050 and the amount to be excluded from gross income for 1955 is $2,950, computed as follows (see section 104):

Payments for medical care in 1954 (not reimbursed in 1954)	$9,000
Less: 3 percent of $35,000 (adjusted gross income)	1,050
Excess of medical expenses not reimbursed in 1954 over 3 percent of adjusted gross income	7,950
Allowable deduction for 1954	5,000
Amount by which the medical deduction for 1954 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	2,950
Reimbursement received in 1955	$6,000
Less: Amount by which the medical deduction for 1954 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	$2,950
Reimbursement received in 1955 reduced by the amount by which the medical deduction for 1954 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	$3,050
Amount attributed to medical deduction taken for 1954	3,050
Amount to be included in gross income for 1955	3,050
Amount to be excluded from gross income for 1955 ($6,000 less $3,050)	2,950

Example (2). Assuming that C, in example (1), receives $8,000 in 1955 as reimbursement for the medical expenses which he paid in 1954, the amount which C must include in his gross income for 1955 is $5,000 and the amount to be excluded from gross income for 1955 is $3,000, computed as follows (see section 104):

Reimbursement received in 1955	$8,000
Less: Amount by which the medical deduction for 1954 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	2,950
Reimbursement received in 1955 reduced by the amount by which the medical deduction for 1954 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	5,050
Deduction allowable for 1954	5,000
Amount of reimbursement received in 1955 to be included in gross income for 1955 as attributable to deduction allowable for 1954	5,000
Amount to be excluded from gross income for 1955 ($8,000 less $5,000)	3,000

(h) *Substantiation of deductions.* In connection with claims for deductions under section 213, the taxpayer shall furnish the name and address of each person to whom payment for medical expenses was made and the amount and date of the payment thereof in each case. If payment was made in kind, such fact shall be so reflected. Claims for deductions must be substantiated, when requested by the district director, by a statement or itemized invoice from the individual or entity to which payment for medical expenses was made showing the nature of the service rendered, and to or for whom rendered; the nature of any other item of expense and for whom incurred and for what specific purpose, the amount paid therefor and the date of the payment thereof; and by such other information as the district director may deem necessary.

§ 1.215 *Statutory provisions; alimony, etc., payments.*

SEC. 215. *Alimony, etc., payments*—(a) *General rule.* In the case of a husband described in section 71, there shall be allowed as a deduction amounts includible under section 71 in the gross income of his wife, payment of which is made within the husband's taxable year. No deduction shall be allowed under the preceding sentence with respect to any payment if, by reason of section 71 (d) or 682, the amount thereof is

not includible in the husband's gross income.

(b) *Cross reference.* For definitions of "husband" and "wife", see section 7701 (a) (17).

§ 1.215–1 *Periodic alimony, etc., payments.* (a) A deduction is allowable under section 215 with respect to periodic payments in the nature of, or in lieu of, alimony or an allowance for support actually paid by the taxpayer during his taxable year and required to be included in the income of the payee wife or former wife, as the case may be, under section 71. As to the amounts required to be included in the income of such wife or former wife, see section 71 and the regulations thereunder. For definition of husband and wife in such cases, see section 7701 (a) (17).

(b) The deduction under section 215 is allowed only to the obligor spouse. It is not allowed to an estate, trust, corporation, or any other person who may pay the alimony obligation of such obligor spouse. The obligor spouse, however, is not allowed a deduction for any periodic payment includible under section 71 in the income of the wife or former wife, which payment is attributable to property transferred in discharge of his obligation and which, under section 71 (d) or section 682, is not includible in his gross income.

(c) The following examples, in which both H and W file their income tax returns on the basis of a calendar year, illustrate cases in which a deduction is or is not allowed under section 215:

Example (1). Pursuant to the terms of a decree of divorce, H, in 1954, transfers securities valued at $100,000 in trust for the benefit of W, which fully discharges all his obligations to W. The periodic payments made by the trust to W are required to be included in W's income under section 71. Such payments are stated in section 71 (d), not to be includible in H's income and, therefore, under section 215 are not deductible from his income.

Example (2). A decree of divorce obtained by W from H incorporated a previous agreement of H to establish a trust, the trustees of which were instructed to pay W $5,000 a year for the remainder of her life. The court retained jurisdiction to order H to provide further payments if necessary for the support of W. In 1954 the trustee paid to W $4,000 from the income of the trust and $1,000 from the corpus of the trust. Under the provisions of sections 71 and 682 (b), W will include $5,000 in her income for 1954. H will not include any part of the $5,000 in his income nor take a deduction therefor. If H had paid the $1,000 to W pursuant to court order rather than allowing the trustees to pay it out of corpus, he would have been entitled to a deduction of $1,000 under the provisions of section 215.

(d) For other examples, see sections 71 and 682 and the regulations thereunder.

§ 1.217 *Statutory provisions; cross references.*

SEC. 217. *Cross references.* (1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

(2) For deductions in respect of a decedent, see section 691.

[F. R. Doc. 56–6688; Filed, Aug. 17, 1956; 8:47 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 13, 21, 24, 25]

PARCELS SUBJECT TO POSTAL INSPECTION

NOTICE OF PROPOSED RULE MAKING

The Post Office Department proposes to place in effect regulations which will do away with the long-standing requirement for endorsements to authorize the opening of sealed parcels sent at the third-class rate or fourth-class rate of postage. The proposed amendments to the existing regulations in Chapter I of Title 39, Code of Federal Regulations, are set forth below.

The proposed amendments are designed to give effect to the mailer's intention and to eliminate the need for collecting deficient postage from the addressee of parcels inadvertently sealed by the sender. The Department does not desire to collect first-class postage, if the sender's intention was to send his parcel at the fourth-class rate. Mailing at the third or fourth-class rate will, in effect, be a license to open sealed parcels for inspection unless a contrary intention is shown by marking the parcel "First Class Mail". No longer will the sender be required to endorse the sealed parcel "May be opened for postal inspection".

The Postmaster General desires, however, to afford patrons of the Postal Service an opportunity to present written views in favor of or against the proposed amendments. Such written views may be submitted to N. R. Abrams, Assistant Postmaster General, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to September 15, 1956.

1. In § 13.3 *Where to put handling instructions* strike out paragraph (c) and the illustration immediately thereafter.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

2. In § 21.2 *Classification* amend subdivision (iv) of paragraph (a) (1) to read as follows:

(iv) Matter sealed or closed against inspection. (See §§ 24.8 (a) and 25.7 of this chapter for mailing of sealed parcels at the third- and fourth-class rates of postage.)

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

3. In § 24.8 *Sealing* amend paragraphs (a) and (b) as follows:

a. Amend paragraph (a) to read as follows:

(a) Third-class mail must be prepared so that it can be easily examined. Mailing of sealed parcels at the third-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

b. Amend the first sentence of paragraph (b) to read as follows: "Articles, other than parcels mailed at the third-class rate of postage, may not be sealed."

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C., 22, 369, 39 U. S. C. 250)

4. Section 25.7 Sealing is amended to read as follows:

§ 25.7 *Sealing.* Fourth-class mail must be wrapped or packaged so that it can be easily examined. Mailing of sealed parcels at the fourth-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C., 22, 369, 39 U. S. C. 250)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 56–6690; Filed, Aug. 17, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO–247 A3]

HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order regulating the handling of milk in the Upstate Michigan marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Traverse City, Michigan, on May 24, 1956 pursuant to notice thereof issued May 8, 1954 (21 F. R. 3064.)

The material issues of record relate to:

(1) Consideration of the Class I differential and revision of location adjustments with respect to both rate and basing points;

(2) Enlargement of the marketing area; and

(3) Revision of Class II with respect to both price and products classified.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Class I pricing provisions of the order should be revised to:

(a) Provide a 40-cent seasonal change in the Class I price;

(b) Increase the average annual Class I price 13.3 cents per hundredweight;

(c) Change the basing points used in the determination of location differentials; and

(d) Reduce the initial location adjustment of the 90 mile zone by 6 cents and halve the rate for additional mileage.

The Class I price of the order for the Upstate Michigan marketing area is presently $1.15 above a basic formula price. This price is subject to a location adjustment for milk received at plants located 90 miles or more from the nearer of Gaylord or Traverse City, in the amount of 18 cents plus 1 cent for each 10 miles in excess of 100 miles.

The outer reaches of the Detroit milkshed extend to the vicinity of the Upstate Michigan marketing area. Accordingly the pricing provisions of the Detroit order, particularly prices at the nearest Detroit plants, were influential in establishing the present prices of the Upstate Michigan order. The Upstate Michigan price was established at 28 cents less than the Detroit price at the marketing area, exclusive of the effect of changes in the Detroit price due to changes in supply-demand relationships.

Need for proper alignment of Upstate prices with those of the Detroit market continues to be important, and changes in the Detroit order resulting from a public hearing held in Detroit February 28–March 7, 1955, provide the basis for certain changes proposed in the Upstate Michigan order. Official notice is hereby taken of the decision recently issued with respect to Class I pricing provisions and location differentials under the Detroit order. That decision provides that the Detroit Class I price (subject to supply-demand adjustment) shall be a basic formula price plus $1.23 in the months of February through July and plus $1.63 in the months of August through January. It also reduces the location differential for plants more than 50 miles from Detroit, thus increasing the Detroit prices applicable at plants nearest the Upstate marketing area by from 6 to 9 cents in relation to prices f. o. b. Detroit.

Certain marketing changes have occurred since the Upstate Michigan order became effective November 1955 which indicate need to consider price relationships between the two markets over a somewhat wider area. A plant formerly regulated by the Detroit order has entered the Upstate market and is presently regulated by the Upstate order. There are a number of Detroit supply plants in the general area in which this plant is located. The marginal area from which the two markets draw milk appears for all practical purposes to lie in a general area bounded by a line approximately 100 miles south from Grayling and 70 miles north from Detroit. Experience has shown that in these areas where the milksheds of two marketing areas mingle, Class I prices should be about the same so that milk will flow to the market needing the supply for Class I use. While differences in pooling arrangements such as those between the market-wide pool of the Detroit market and the handler pool of the Upstate market may at times result in producer prices that obscure Class I alignment and market wide needs for milk, proper alignment of Class I prices must be relied upon to allocate milk properly between markets and to prevent competitive advantages to dealers.

The basing points used for measuring location adjustments should be changed to points nearer the southern boundary of the marketing area. The geographical location of the marketing area is such that location adjustments have practical application only to the southward. Use of Traverse City and Gaylord as basing points provides substantial adjustment to handlers located relatively short distances from the marketing area while handlers with plants within the area compete with each other at greater distances.

Changes in the Class I pricing and location differential provisions of the Upstate Michigan order are required by the changes decided upon in the Detroit order, by the need to provide closer alinement of prices with Detroit in the enlarged marginal production area and to avoid providing competitive advantage to some handlers located near the edge of the marketing area.

It is concluded that these objectives can best be achieved by providing:

1. That the Class I differential of the order be $1.05 for the months of February through June and $1.45 for the months of July through January. The annual average differential will then be $1.283 or 14.7 cents less than that of the Detroit market. The seasonal pattern will follow that of the Detroit market except for the month of July, which is a month of exceptionally high sales in the Upstate market for which the seasonally high price should apply.

2. That basing points from which location adjustments are determined be changed from Traverse City and Gaylord to Manistee and Grayling. Adjustments from these points should then be computed on the basis of 12 cents for distance of 90–110 miles plus 1 cent for each 20 miles or fraction thereof in excess of 110 miles. While this rate is somewhat less than that to be provided under the Detroit order the difference appears fully justified by differences in hauling conditions in the two areas.

3. The marketing area should not be increased on the basis of this hearing record.

The Upstate Michigan marketing area is presently defined to include eleven counties and portions of two others. Handlers proposed that there be added to this area the major portion of Wexford County, of which three townships are now included in the area, and all of Missaukee and Roscommon counties. Cadillac, in Wexford County with a population of 10,000 is the principal urban center in the area proposed. There are in addition resort areas surrounding lakes in each of the three counties that provide demand for milk in the vacation period.

Three handlers presently regulated by the Upstate Michigan order make sales in the area proposed. One confines his sales beyond the present area to the northern portion of Wexford County, and distributes no milk in Cadillac. Another, with a plant in the portion of Wexford County now included in the marketing area, sells some milk in Cadillac. The third handler distributes approximately 90 percent of his milk outside the defined area, but is regulated on the basis of the sales made in the area. With his plant located in Roscommon County this handler sells throughout the area proposed, which apparently constitutes the majority of his market.

Local handlers in Manton and Cadillac also serve the proposed area. The record fails to provide data with respect to producer prices paid by these handlers so that no comparison may be made with respect to the relative costs of milk incurred by regulated handlers and local handlers competing for business in the area proposed.

Sales in these areas are also made by handlers from Bay City, Saginaw, and Grand Rapids. The record shows that such handlers pay Class I prices higher than those required under the Upstate Michigan Order.

In view of the absence of need for extending the area of producer price regulation shown on this record, the marketing area should not be enlarged to include Missaukee and Roscommon counties, and the additional portions of Wexford County as proposed.

4. Skim milk and butterfat used in the production of butter, dry milk (whole or nonfat) and cheese other than cottage cheese, disposed of for livestock feed or accounted for as shrinkage of other source milk should be classified separately as Class III milk and be priced 20 cents per hundredweight less than the remaining uses now included in Class II milk. The price for Class II milk should then be the basic formula price of the order.

Class II utilization under the Upstate Michigan order now includes all milk disposed of as fluid cream or for livestock feed, used to produce manufactured dairy products or accounted for as shrinkage within allowable limits. The Class II milk price is currently based on the prices reported paid at four Michigan manufacturing plants. This four-plant price is also used as an alternative in determining the basic formula price of the order, and as such has been the effective basic formula price most months since the order became effective.

Upstate Michigan fluid milk handlers maintain limited facilities in their plants for disposition of milk in excess of their fluid milk needs. Much of such milk must be processed in unregulated manufacturing plants which are located at some distance from the fluid milk plants. Handlers claim they cannot realize the Class II price of the order for milk moved to such plants. The operator of one of the four plants which determine

the Class II price will accept surplus milk from fluid milk handlers only at a 20-cent discount from his regular paying price to dairy farmers. Similar returns are realized for milk disposed of to other plants in the area.

Handlers presently are accepting at their plants little milk beyond their fluid needs, and producers, principally through their cooperative association, are responsible for marketing most milk in excess of fluid needs. For March and April 1956 less than seven percent of all approved milk was classified in Class II milk for which handlers were responsible, while approximately 26 percent was marketed to unregulated manufacturing plants as "associated producer milk" under the amendment to the order effective March 1, 1956, which permits such milk to share in the Class I sales of the handlers to whom these producers delivered milk in the preceding November. The cooperative association that has marketed this milk has realized a net return approximately 20 cents per hundredweight less than the Class II milk price.

Milk manufacturing plants in the area are principally engaged in the production of butter, nonfat dry milk, and hard type cheese. Provision for a price for milk used in such products at approximately the level that can be realized for it in the area will assist in orderly marketing of producer milk supplies. The handler pooling provisions of the order should deter handlers from increasing milk supplies solely for manufacturing purposes.

It is concluded that the lower classification and price should apply to milk used in the production of butter, dry milk (whole or nonfat), and cheese other than cottage cheese. In addition, milk disposed of for livestock feed, skim milk dumped and shrinkage allocated to other source milk should be classified as Class III milk. The record fails to indicate whether or not any substantial disposition for livestock feed or dumping occurs; such disposition, however, obviously has a value no higher than the other uses to be included in Class III milk. Classification of shrinkage of other source milk as Class III milk preserves the priority of producer milk for higher class uses.

While the present four-plant price has so far generally been higher than the 13-condensery and butter-powder formula prices which also serve as alternative basic formula prices of the order, this situation may not continue indefinitely. The uses retained in Class II milk are principally fluid cream, ice cream and cottage cheese, for which a price fully representative of the value of manufacturing milk is always appropriate. The basic formula price of the order is designed to be such a price. It is concluded that the Class II milk price should be the basic formula price rather than a single alternative of such price. The price for Class III milk should be the basic formula price less 20 cents.

The record indicates need for revising designation of two of the four plants to reflect changes in ownership and corporate name.

Milk disposed of as "associated producer milk" is primarily disposed of for use in products to be designated as Class III milk. Accordingly the value of such milk to be used in the computation of uniform prices and payments to associated producers should be the value of such milk at the Class III price.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply-demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included with this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended:

1. Amend § 916.22 (i) (1) by deleting "§§ 916.51 and 916.52" and substituting therefor "§ 916.51" and further deleting "§ 916.53" and substituting therefor "§ 916.52".

2. Delete § 916.41 and substitute therefor the following:

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, and half-and-half or other mixtures of cream and milk containing less than 18 percent butterfat; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of as fluid cream; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce butter, dry milk (either whole or non-fat) or cheese in any form except cottage cheese; (2) for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of other source milk.

3. Delete § 916.43 and substitute therefor the following:

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a fluid milk plant to another handler in the form of milk or skim milk shall be Class I utilization, unless utilization in another class is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided,* That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a fluid milk plant to a person not a handler shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in such class or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in such class.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer handler shall be Class I utilization.

4. Delete § 916.45 and substitute therefor the following:

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, Class II, and Class III utilization for such handler.

5. Amend § 916.50 (c) by deleting "Beatrice Foods Co., Cadillac, Mich." and "Kraft Cheese Co., Clare, Mich." and substituting therefor "Kraft Foods Co., Cadillac, Mich." and "Kraft Foods Co., Clare, Mich."

6. Delete §§ 916.51, 916.52, 916.53, and 916.54 and substitute therefor the following:

§ 916.51 *Class prices.* Subject to the provisions of §§ 916.52 and 916.53 the prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 916.6 for milk received from producers or from cooperative associations, during the month, shall be as follows:

(a) *Class I milk.* Through June 30, 1958 the Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

(b) *Class II milk.* The Class II milk price shall be the basic formula price.

(c) *Class III milk.* The Class III milk price shall be the basic formula price less 20 cents.

§ 916.52 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to § 916.51, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.71.

§ 916.53 *Handler location adjustments.* For milk which is received from producers at a fluid milk plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the courthouse in either Grayling or Manistee, whichever is closer, and utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant), the price shall be the price effective pursuant to § 916.51 (a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles.

7. Amend § 916.61 (b) by deleting the term "Class II" and substituting therefor "Class III".

8. Amend § 916.70 (c) (1) by deleting the terms "Class II" and "§ 916.52" and substituting therefor "Class III" and "§ 916.51 (c)".

9. Amend § 916.72 by deleting the terms "Gaylord or Traverse City" and "§ 916.54" and substituting therefor "Grayling or Manistee" and "§ 916.53".

Filed at Washington, D. C., this 15th day of August 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6707; Filed, Aug. 17, 1956; 8:50 a. m.]

[7 CFR Part 987]

[Docket No. AO-252-A2]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the Central Mississippi marketing area, which was issued August 8, 1956 (21 F. R. 6040), is hereby extended to September 5, 1956.

Dated: August 15, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6711; Filed, Aug. 17, 1956; 8:51 a. m.]

[7 CFR Part 1018]

[Docket No. AO-286]

MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

NOTICE OF HEARING ON A PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the auditorium of the Broward National Bank of Fort Lauderdale, Florida, 25 South Andrews Avenue, Fort Lauderdale, Florida, beginning at 10 a. m., e. s. t., on September 5, 1956.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Southeastern Florida marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and proposed order is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Proposal No. 1: The following marketing agreement and order has been proposed by Independent Dairy Farmers' Association, Inc., Miami, Florida:

DEFINITIONS

§ 1018.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1018.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1018.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1018.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1018.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1018.6 *Southeastern Florida marketing area.* "Southeastern Florida marketing area" hereinafter called the "marketing area" means all territory included within the counties of Dade, Broward and Monroe, and all the territory in Palm Beach County east of a line extending due north and south from the junction of the Okeechobee Canal and the West Palm Beach Canal, all in the State of Florida. All government reservations within this territory shall be considered part of the marketing area as herein defined.

§ 1018.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with fluid milk product requirements of a duly constituted health authority having jurisdiction within the marketing area, and whose milk is received at a pool plant.

§ 1018.8 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a pasteurizing plant but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 860 pounds of Class I milk in the marketing area.

§ 1018.9 *Handler.* "Handler" means any person in his capacity as the opera-

tor of a pasteurizing plant or a supply plant.

§ 1018.10 *Pasteurizing plant.* "Pasteurizing plant" means a plant which pasteurizes and packages fluid milk products and which is (a) located in the marketing area and disposes of such products on routes in the marketing area, or (b) located outside the marketing area and disposes of not less than 50 percent of such products on routes in the marketing area.

§ 1018.11 *Supply plant.* "Supply plant" means a plant, other than a pasteurizing plant, from which fluid milk products are supplied to a pasteurizing plant.

§ 1018.12 *Pool plant.* "Pool plant" means:

(a) A pasteurizing plant; or

(b) A supply plant, no less than 50 percent of whose milk is shipped to pasteurizing plants.

§ 1018.13 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 1018.14 *Producer milk.* "Producer milk" means skim milk or butterfat contained in milk received from producers.

§ 1018.15 *Other source milk.* "Other source milk" means all skim milk and butterfat in milk other than producer milk.

§ 1018.16 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), chocolate milk, skim milk, and fortified skim milk.

§ 1018.17 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

§ 1018.18 *Base milk.* "Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 1018.100, multiplied by the number of days in the month.

§ 1018.19 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer which is in excess of base milk.

§ 1018.20 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.21 *Chicago powder price.* "Chicago powder price" means the carlot price per pound of nonfat dry milk solids, spray process, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

MARKET ADMINISTRATOR

§ 1018.30 *Designation.* The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1018.31 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1018.32 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1018.91:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1018.95, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1018.40 through 1018.42, or payments pursuant to §§ 1018.90 through 1018.96;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 25th day of each month, the Class I price for the following month;

(2) The 5th day of each month, the Class II price for the preceding month, and

(3) The 11th day of each month, the uniform price for all producer milk, and the uniform base price for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1018.40 *Reports of sources and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1018.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each month, the aggregate quantity of base milk received at his pool plants for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including the pounds of base milk, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plants his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times, as the market administrator shall prescribe.

(c) Each handler operating a pool plant shall report the total quantity of milk received from each producer and the number of days of such delivery or production, for each of the months of August 1956 through January 1957, together with such other information relating to the computation of bases as the market administrator may prescribe.

§ 1018.42 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butteraft handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1018.43 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1018.50 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1018.40 (a) shall be classified by the market administrator, pursuant to the provisions of §§ 1018.51 through 1018.55.

§ 1018.51 *Classes of utilization.* Subject to the conditions set forth in §§ 1018.52 through 1018.55, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk for livestock feed; and

(4) In shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk and other source milk, respectively.

§ 1018.52 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1018.53 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1018.40: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the respective amounts thereof remaining in Class II milk at the pool plants of the receiving handler after the subtraction of other source milk pursuant to §1018.55;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred in bulk form as milk or skim milk to a nonpool plant shall be classified as Class I milk unless,

(1) The transferee-plant is located less than 250 miles from the Dade County Court House, by the shortest hard-surfaced highway distance, as determined by the market administrator,

(2) The transferring handler claims classification in Class II milk in his report,

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant, in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk, and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified as Class I milk unless,

(1) The transferring handler claims classification in Class II milk,

(2) The handler gives the market administrator sufficient notice to allow him to verify the shipment,

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 1018.54 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1018.40 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1018.55 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified

as Class II milk pursuant to § 1018.51 (b) (4),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk; *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(4) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1018.53 (a),

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1018.60 *Class prices.* Subject to the provisions of §§ 1018.61 and 1018.62, the minimum prices per hundredweight to be paid by each handler for milk containing 3.8 percent butterfat received at his pool plants from producers shall be as follows:

(a) *Class I milk price.* The basic prices for Class I milk shall be $6.55 for the months of April through July and $7.00 for the months of August through March, plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph as follows:

(1) (i) Before determining the Class I price to be announced for each month, the market administrator shall calculate a utilization percentage by dividing the net pounds of producer milk into the net pounds of Class I milk disposed of from pool plants plus Class I milk disposed of in the marketing area by nonpool plants, multiply the quotient by 100, and rounding the resultant figure to the nearest one-tenth percent.

(ii) Whenever, for three consecutive months, the utilization percentage so calculated is higher than the maximum of the range of utilization percentage in the accompanying schedule for the corresponding month, 45 cents per 100 pounds shall be added to the basic Class I price; whenever, for three consecutive months, the utilization percentage so calculated is less than the minimum of the range of utilization percentage for the corresponding month shown in the accompanying schedule, 45 cents per 100 pounds shall be deducted from the basic Class I price.

SCHEDULE FOR UTILIZATION ADJUSTMENT

Month	Normal range (percent)	
	Minimum	Maximum
January	88	92
February	88	92
March	88	92
April	88	92
May	87	91
June	83	87
July	88	92
August	92	96
September	94	98
October	93	97
November	89	93
December	90	94

(2) (i) Before determining the Class I price to be announced for each month, the market administrator shall compute an economic index, using the most recent data available on prices paid by producers for dairy feed and the most recent data on weekly wages of industrial workers in Southern Florida.

(ii) The current data, in each case, shall be divided by the comparable average for the year 1956 and multiplied by 100 to give an index figure.

(iii) The feed price index shall be given a weight of 60 percent and the industrial wage index a weight of 40 percent. The resultant economic index shall be used to further adjust the Class I price for the following month according to the following schedule:

When the cost index is within the range of:	*Adjust the Class I price as follows:*
76 to 85	Minus 90 cents.
86 to 95	Minus 45 cents.
96 to 105	No adjustment.
106 to 115	Plus 45 cents.
116 to 125	Plus 90 cents.

(b) *Class II milk price.* The minimum Class II price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents, and multiply the result by 3.8.

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

§ 1018.61 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.8 percent butterfat, the class prices calculated pursuant to § 1018.60 shall be increased or decreased, respectively, for each one-tenth percent of butterfat at the rate of 7.5 cents per hundredweight.

§ 1018.62 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located outside the marketing area and 90 miles or more from Dade County Court House, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, when moved to another pool plant, or classified as Class I milk without such movement, the price specified in § 1018.60 shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance from Dade County Court House, Miami, Fla. (miles):	
90 but not more than 150	30 0
For each additional 10 miles or fraction thereof an additional	1 0

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1018.55 (a) (1) through (3), and the comparable steps in § 1018.55 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1018.63 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1018.70 *Producer-handler.* Sections 1018.50 through 1018.55, 1018.60 through 1018.62, 1018.72, 1018.80 through 1018.85, 1018.90 through 1018.97, and 1018.100 through 1018.102 shall not apply to a producer-handler.

§ 1018.71 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any pool plant which

(1) Would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and

(2) Does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1018.72 *Handlers operating nonpool plants.* On or before the 15th day after the end of each month, each handler operating a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk

disposed of as Class I milk from such plant on routes in the marketing area, by the price arrived at by subtracting the Class II price from the Class I price adjusted by the location differential pursuant to § 1018.62.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1018.80 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1018.55 by the applicable class price; total the resulting amounts, and add any amount necessary to reflect adjustments for the location differentials required by the proviso in § 1018.62;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1018.55 (a) (6) and (b) by the applicable class price; and

(c) Add the amount computed by multiplying the difference between the Class II price and the Class I price by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1018.55 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.55 (a) (3) and (b) for the current month, whichever is less.

(d) Except for milk received from a nonpool plant subject to the pricing provisions of another federal order add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.55 (a) (2) by the rate determined by subtracting the Class II price from the Class I price adjusted by the location differential pursuant to § 1018.62: *Provided*, That this provision shall not apply for months for which in excess of 95 percent of producer milk is classified as Class I milk.

§ 1018.81 *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of producer milk of 3.8 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1018.80 for the producer milk of all handlers who submitted reports prescribed in § 1018.40 and who are not in default of payments pursuant to §§ 1018.90 and 1018.92,

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential pursuant to § 1018.83 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 1018.84;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.8 percent butterfat content.

§ 1018.82 *Computation of the uniform prices for base milk and excess milk.* The market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 3.8 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submitted reports pursuant to § 1018.40, and who are not in default of payments pursuant to § 1018.90 or § 1018.92 by multiplying the hundredweight of such excess milk by the Class II price;

(b) The uniform price for excess milk shall be the Class II price as determined pursuant to § 1018.60 (b);

(c) Subtract the total value of excess milk as determined pursuant to paragraph (a) of this section, from the total value of producer milk as determined according to the calculations set forth in § 1018.81 (a) through (b);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract the amount specified by § 1018.81 (f) from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content.

§ 1018.83 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate of 7.5 cents per hundredweight.

§ 1018.84 *Location differential to producers.* The applicable uniform prices computed pursuant to §§ 1018.81 and 1018.82 to be paid for producer milk received at a pool plant located outside the marketing area and 90 miles or more from the Dade County Court House, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 1018.62.

§ 1018.85 *Notification of handlers.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The amount and value of his base milk and excess milk, respectively, and the totals thereof;

(c) The uniform prices computed pursuant to §§ 1018.81 and 1018.82 and the butterfat differentials;

(d) The amounts to be paid by such handler pursuant to §§ 1018.92, 1018.95, and 1018.96 and the amount due such handler pursuant to § 1018.93.

PAYMENTS

§ 1018.90 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 15th day of the following month, an amount equal to not less than the uniform prices pursuant to § 1018.60 (a) and (b) adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of base milk and excess milk received from each producer, subject to the following adjustment: (i) Less marketing service deductions made pursuant to § 1018.85, (ii) plus or minus adjustments for errors made in previous payments made to such producer, and (iii) less proper deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.93 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and which has requested of any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 10th day of the month, the total pounds of milk received during the preceding month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The total pounds of base and excess milk;

(4) The amount or rate and nature of any authorized deductions to be made from payments, and

(5) The amount and nature of payments due pursuant to § 1018.94.

§ 1018.91 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1018.92 and out of which he shall make all payments pursuant to § 1018.93: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1018.92 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1018.80, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 1018.82, adjusted by the producer butterfat and location differentials.

§ 1018.93 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1018.80, is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1018.94 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1018.95 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1018.90, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1018.96 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1018.55 (a) (2) and (b).

§ 1018.97 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1018.100 *Computation of monthly bases for each producer.* (a) Subject to the rules set forth in § 1018.101, a daily average gross base for each producer shall be calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 150, whichever is more.

(b) The daily average gross base for each producer, computed pursuant to paragraph (a) of this section, shall be adjusted as follows:

Compute monthly adjustment factors by dividing into the daily average Class I sales in each of the 12 immediately preceding months ended with January, the daily average of Class I sales in the preceding period of August through January, and apply these monthly adjustment factors to the daily average base of each producer. The resultant figure for each month is the producer's monthly base: *Provided,* That for the purpose of computing each producer's monthly base for months prior to February 1958, the following adjustment factors shall be used:

February	1.24	August	1.02
March	1.25	September	1.09
April	1.20	October	1.13
May	1.08	November	1.17
June	1.02	December	1.21
July	.98	January	1.27

§ 1018.101 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1018.100 to each person for whose account producer milk was delivered to pool plants during the months of August through January: *And provided,* That any producer who has not earned a base or any producer who elects to relinquish his base by giving written notice to the market administrator, shall be allotted a base equal to 75 percent of his deliveries for each succeeding month until new bases are announced for all producers.

(b) An entire base may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1018.102 *Announcement of established bases.* On or before January 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's monthly bases for the ensuing months of February and March, and on or before February 25th, he shall give a similar notification of the monthly bases of each producer for the ensuing months of April through January.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1018.110 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1018.111 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1018.112 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1018.113 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1018.120 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1018.121 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposal No. 2: Southern Dairies, Inc. has proposed the following definition of the marketing area:

Southeastern Florida marketing area, hereinafter called the "marketing area," means all territory included within the Counties of Dade, Broward, Monroe, Palm Beach, Martin and Hendry, all in the State of Florida. All Government reservations and installations within this territory shall be considered part of the marketing area as herein defined.

Issued at Washington, D. C., this 15th day of August, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6706; Filed, Aug. 17, 1956; 8:50 a. m.]

Agricultural Research Service

[9 CFR Parts 1, 7, 16, 17, 18]

MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71, et seq.) it is proposed to amend §§ 1.1, 7.1, 7.6, 16.14, 17.2, 17.9, and 18.7 of the Meat Inspection Regulations (9 CFR, 1.1, 7.1, 7.6, 16.14, 17.2, 17.9, and 18.7, as amended) as follows:

1. Section 1.1 would be amended by adding a new paragraph (bb) to read:

(bb) *Preservative.* Any substance added to product to retard or prevent spoilage due to bacteria, molds, or similar organisms.

2. Section 7.1 would be amended to read:

§ 7.1 *Facilities for branch employees.* Furnished office room, including light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspectors and other branch employees assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the inspector in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of branch supplies and with facilities suitable for branch employees to change clothing. Outer work clothing except for footwear for the inspectors and laundry service for such clothing shall be provided by official establishments.

3. Section 7.6 would be amended to read:

§ 7.6 *Inspectors to furnish implements and maintain hands and implements in sanitary condition.* Inspectors shall furnish their own implements, such as knives, steels, flashlights, and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 8.8 (c) of this subchapter.

4. Section 16.14 would be amended by changing the first sentence to read: "A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as 'spices' or 'flavorings,' and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as 'flavorings,' and antioxidants may be designated as 'antioxidants,' without naming each."

5. Section 17.2 (b) (2) would be amended by changing the first sentence to read: "The list of ingredients shall appear as part of or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as 'spices' or 'flavorings,' and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as 'flavorings,' and antioxidants may be designated as 'antioxidants,' without naming each."

6. Section 17.2 (b) (2) would be further amended to change the final proviso therein to read as follows: "*And provided further,* That when a meat food product consisting of a mixture of edible fats obtained from cattle, sheep, swine or goats, is labeled as 'compound' or 'shortening,' the term 'animal fats,' 'meat fats,' and 'food fats' may be used to identify such fats in the list of ingredients, and, when a meat food product labeled as 'compound' or 'shortening' consists of a mixture of one or more edible fats obtained from cattle, sheep, swine, or goats and one or more edible vegetable fats, the term 'meat and vegetable fats' or 'vegetable and meat fats,' depending upon whether the meat or vegetable fat content predominates, or the term 'food fats,' may be used to identify the edible fats in the ingredient statement."

7. Section 17.9 would be amended by changing the heading to read: "*Labeling product prepared with artificial coloring, artificial flavoring, preservative, or antioxidant*"; and by adding a new paragraph (f) to read:

(f) When an antioxidant is added to product, as permitted under Parts 1 through 29 of this subchapter, there shall appear on the label in prominent lettering and contiguous to the name of the product the words "antioxidant added", and the kind and amount of antioxidant may also be shown.

8. Section 18.7 (d) would be amended by changing the word "preservatives" to "antioxidants" and the phrase "a preservative" to "an antioxidant" wherever they appear therein.

Any person who wishes to submit data, views, or arguments concerning the pro-

posed amendments may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-6708; Filed, Aug. 17, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORDER VACATING AND CANCELING SMALL TRACT CLASSIFICATION ORDER NO. 479

AUGUST 13, 1956.

1. Pursuant to authority delegated to me by Order 541 of the Director of the Bureau of Land Management, as amended, F. R. Document No. 56-5466, Small Tract Classification No. 479, Filed July 10, 1956; 8:48 a. m., is hereby revoked in its entirety. The said document classified the following described lands for lease and sale for homesite purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 4 S., R. 7 E., S. B. M.,
Secs. 4, 10, 14, All.

2. The order is revoked for the reason it is deemed advisable to dispose of the vacant tracts subject to application through use of Veterans Drawing-Entry cards, rather than through general filing of applications.

R. R. BEST,
State Supervisor.

[F. R. Doc. 56-6678; Filed, Aug. 17, 1956; 8:46 a. m.]

Office of the Secretary

TERMINATION OF FEDERAL SUPERVISION OVER THE PROPERTY OF THE WESTERN OREGON TRIBES AND BANDS OF INDIANS OF OREGON, AND THE INDIVIDUAL MEMBERS THEREOF

BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Pursuant to the authority vested in me by section 13 of the act of August 13, 1954 (68 Stat. 724), I, Fred A. Seaton, Secretary of the Interior, do hereby proclaim that:

1. On and after August 13, 1956, the tribes, bands, groups, or communities of Indians located west of the Cascade Mountains in Oregon, including the Confederated Tribes of the Grand Ronde Community, Confederated Tribes of Siletz Indians, Alsea, Applegate Creek, Calapooya, Chaftan, Chempho, Chetco, Chetlessington, Chinook, Clackamas, Clatskanie, Clatsop, Clowwewalla, Coos, Cow Creek, Euchees, Galic Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Port Orford, Pudding River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siuslaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututul, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla, and the individual members thereof, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians.

2. Effective on August 13, 1956, all powers of the Secretary of the Interior, or any other officer of the United States, to take, review, or approve any action under the constitution and by-laws of the Confederated Tribes of the Grand Ronde Community of Oregon approved May 13, 1936, pursuant to the act of June 18, 1934 (48 Stat. 984), are terminated. Any powers conferred upon the tribe by its constitution and by-laws that are inconsistent with the provisions of the act of August 13, 1954, supra, are terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and by-laws that is consistent with that act without the participation of the Secretary or other officer of the United States in such action.

3. Effective on August 13, 1956, the corporate charter of the Confederated Tribes of the Grand Ronde Community of Oregon, issued pursuant to the act of June 18, 1934 (48 Stat. 984), and ratified on August 22, 1936, is revoked.

4. Effective on August 13, 1956, the proceeds from the sales of lands of owners whose whereabouts cannot be ascertained shall be deposited in the Treasury of the United States for safekeeping until properly claimed.

5. On and after August 13, 1956, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the western Oregon tribes, bands, groups, or communities of Indians of Oregon or the members thereof, and the laws of the several States shall apply to the tribes, bands, groups, or communities and members thereof in the same manner as they apply to other citizens or persons within their jurisdiction.

6. Nothing in this proclamation shall affect any claim heretofore filed against the United States by any tribe, band, group, or community of Indians of western Oregon.

7. Nothing in this proclamation shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved.

8. Nothing in this proclamation, issued pursuant to the act of August 13, 1954 (68 Stat. 724) shall affect the status of the members of the tribes, bands, groups, or communities as citizens of the United States.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 13th day of August 1956.

[SEAL] FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-6679; Filed, Aug. 17, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on September 10, 1956, at 10:00 a. m., e. d. s. t., in Room 1050, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., August 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6700; Filed, Aug. 17, 1956; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 37]

TRANSFER OF PROPERTY KNOWN AS SPOKANE FISH-CULTURAL STATION (I-WASH-512), SPOKANE COUNTY, WASHINGTON

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated July 10, 1956, that property known as Spokane Fish-Cultural Station (I-Wash-512), Spokane County, Washington, and more particularly described in said deed, has been transferred from the United States to the State of Washington.

2. The above-described property is transferred to the State of Washington for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE,
Commissioner of
Public Buildings Service.

AUGUST 13, 1956.

[F. R. Doc. 56-6689; Filed, Aug. 17, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1806]

FANSTEEL METALLURGICAL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Fansteel Metallurgical Corporation, Common Stock, File No. 7-1806.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6680; Filed, Aug. 17, 1956; 8:46 a. m.]

[File No. 7-1808]

HERTZ CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Hertz Corporation, Common Stock, File No. 7-1808.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6681; Filed, Aug. 17, 1956; 8:46 a. m.]

[File No. 7-1809]

INLAND STEEL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Inland Steel Company, Capital Stock, File No. 7-1809.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6682; Filed, Aug. 17, 1956; 8:46 a. m.]

[File No. 7-1810]

LEHMAN CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Lehman Corporation, Capital Stock, File No. 7-1810.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6683; Filed, Aug. 17, 1956; 8:46 a. m.]

[File No. 7-1813]

REYNOLDS METALS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Reynolds Metals Company, Common Stock, File No. 7-1813.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVILLE L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6684; Filed, Aug. 17, 1956; 8:47 a. m.]

[File No. 7-1814]

SHARON STEEL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Sharon Steel Corporation, Common Stock, File No. 7-1814.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 29, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6685; Filed, Aug. 17, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32520: *Trailer-on-flat-car service—Between St. Louis-Kansas City groups and southwestern points.* Filed by Missouri Pacific Railroad Company, for itself, and interested rail carriers. Rates on freight, moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between East St. Louis, Ill., St. Louis, Mo., and Kansas City, Mo.-Kans., on one hand, and points in Arkansas, Louisiana and Texas, on the other.

Grounds for relief: Motor-truck competition and circuitous routes.

Tariff: Missouri Pacific Railroad Company tariff I. C. C. 21.

FSA No. 32521: *Commodities from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on synthetic plastics, carloads, and other commodities, carloads, as described in the application from or to specified points in southwestern territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 32522: *Household appliances—Louisville, Ky., to North Atlantic and Virginia Ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on household appliances, carloads from Louisville, Ky., to Baltimore, Md., Boston, Mass., New York, N. Y., Philadelphia, Pa., Newport News and Norfolk, Va., and points grouped with and taking same rates, for export.

Grounds for relief: Competition with Port of New Orleans, when to the Virginia ports, port relationships when to other ports, and circuity.

Tariff: Supplement 190 to Agent Hinsch's I. C. C. No. 4542.

FSA No. 32523: *Grain and products—New Orleans, La., to Alabama, Florida, and Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads and less-than-carloads from New Orleans (when from Colorado, Kansas and other western points) to points in Alabama, Florida, and Georgia.

Grounds for relief: Maintenance of prescribed rates, and circuitous routes.

Tariffs: Supplement 151 to Agent Spaninger's I. C. C. 1325; Supplement 75 to Agent Spaninger's I. C. C. 1353.

FSA No. 32524: *Cement—North Paulding, Ohio, to Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, clinker, common, hydraulic, masonry, mortar, natural or portland, carloads from North Paulding, Ohio to specified points in Indiana and Ohio, also Louisville, Ky.

Grounds for relief: Modified short-line distance scale formulas, Motor-truck competition, and circuitous routes.

Tariff: Supplement 11 to New York Central Railroad Company's I. C. C. 1632.

FSA No. 32525: *Petroleum and products—Iowa to Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and its products, tank-car loads from Coralville, Des Moines, Iowa City and Julien, Iowa to specified points in Illinois.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 2 to Agent Prueter's I. C. C. A-4157.

FSA No. 32526: *Cotton—Southwest to Western, Northern, and Eastern Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads from specified points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also from Memphis, Tenn., Natchez, and Vicksburg, Miss., to specified points in western trunk-line, Illinois, and official territories.

Grounds for relief: Motor-truck competition, and circuitous routes.

Tariff: Supplement 93 to Agent Kratzmeir's I. C. C. 4014.

FSA No. 32527: *Manufactured tobacco—Louisville, Ky., to Greensboro, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on manufactured tobacco articles, including cigarettes, chewing, and smoking tobacco, carloads from Louisville, Ky., to Greensboro, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 297 to Agent Spaninger's I. C. C. 1062.

FSA No. 32528: *Crude rubber from Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic, neoprene, crude, carloads, minimum 60,000 and 70,000 pounds from Baton Rouge and North Baton Rouge, La., to specified points in southern territory also to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariffs: Supplement 15 to Agent Spaninger's I. C. C. 1526 and two other tariffs.

FSA No. 32529: *Pulpboard or fibreboard—Northern to Southwestern Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard or fibreboard, noibn, carloads from specified points in Michigan, Minnesota, and Wisconsin to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas in southwestern territory.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 17 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32530: *Pulpboard or fibreboard—Pekin, Ill., to Sherman, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard or fibreboard carloads from Pekin, Ill., to Sherman, Tex.

Grounds for relief: Circuitous route.

Tariff: Supplement 18 to Agent Kratzmeir's I. C. C. 4198.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-6638; Filed, Aug. 17, 1956; 8:45 a. m.]

[No. 32032]

CHESAPEAKE AND OHIO RAILWAY CO. ET AL.

INCREASED FARES, OFFICIAL TERRITORY, 1956

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1956.

It appearing, that on August 10, 1956, The Cheseapeake and Ohio Railway Company, Lehigh Valley Railroad Company, The New York Central Railroad Company, Norfolk and Western Railway Company, The Pennsylvania Railroad Company, The Pennsylvania-Reading Seashore Lines, Pittsburgh and Lake Erie Railroad Company, and Reading Company, hereinafter referred to as respondents, filed a petition requesting the Commission to institute an investigation into the level of their one-way basic passenger fares, and to authorize respondents to increase their basic passenger fares in coaches by 5 percent and in sleeping and parlor cars by 45 percent (except the Lehigh Valley Railroad Company and Reading Company which seek only an increase in their basic coach fares) as more specifically set forth in the petition. Respondents also seek increases in excess baggage charges, modification of outstanding orders of the Commission, and make application for such relief as may be necessary under section 4 of the Interstate Commerce Act to publish and make effective the said proposed increased fares and charges.

It is ordered, That:

1. An investigation under the caption hereof be, and it is hereby, instituted into and concerning the reasonableness and lawfulness of the proposed increase in passenger fares and charges above described, including any increases in passenger fares and charges which may be subsequently filed in the proceeding. The investigation shall include the application filed for authority to establish and maintain the said fares and charges without observing section 4 of the act, as set forth in the petition, and the modification of outstanding orders to the extent necessary for the proposed increased fares and charges to become effective, including modification of outstanding orders involving intrastate fares entered by this Commisson under section 13 (4) of the act. Docket No. 11762, Michigan Passenger Fares, 60 I. C. C. 245, and as subsequently modified).

2. Except as provided in paragraph 3 (a) hereof, all evidence, except oral cross-examination provided for in paragraph 4 hereof, will be submitted in the form of verified statements (affidavits) with or without exhibits attached.

3. Special rules of practice will apply as follows:

(a) *Use of Commission's records and other documents.* Unless valid objection is made, the Commission will take official notice of, and consider as part of the record in this proceeding, the following documents:

Annual, quarterly and monthly report of individual railroads, filed with the Commission;

Annual Report on the Statistics of Railways in the United States;

Annual Report on Transport Statistics in the United States, and Annual Returns of Railroads to Valuation Order No. 3.

Quarterly Publications: Series No. Q-750.

Monthly Publications: Series No. M-100, 125, 150, 200, 213, 215, 220, 230, 240, 250 and 300.

This will extend to such documents on file or to be filed or issued during the pendency of the proceeding, and is for the benefit of all parties as well as the Commission.

Parties desiring to enter objection to the consideration of such documents, or to any particular matter contained therein upon the ground of revelance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 4 hereof. The objection should specify the matter objected to and the reasons therefor. The Commission may at the hearing hereinafter provided request the parties to stipulate other matters received during the pendency of the proceeding.

(b) *Verified statements by respondents and other parties in support of the proposed increase.* Evidence by respondents and other parties in support of the proposed increased fares and charges must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 20 copies must be furnished to the Commission. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of Regional Offices and Regional Managers is attached hereto as Appendix A. These verified statements must be filed on or before September 4, 1956. Any person desiring a copy or copies of such verified statements may obtain same from Mr. R. D. Brooks, 466 Lexington Avenue, New York 17, N. Y.

(c) *Verified statements by parties in opposition to the proposed increase.* Evidence by parties in opposition to the proposed increased fares and charges must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 20 copies must be furnished to the Commission and 10 copies shall be furnished to Mr. R. D. Brooks, 466 Lexington Avenue, New York, N. Y. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. These verified statements must be filed on or before September 20, 1956.

(d) *Reply verified statements.* Any party may file a verified statement in reply to any of the verified statements provided for in paragraphs (b) and (c). An original and 20 copies must be furnished to the Commission. The party whose verified statement is being replied to should be served with a copy of the reply by first-class mail, and a copy of each verified reply statement should be sent to each of the Regional Offices of the Commission where it will be open to public inspections. These reply verified statements must be filed on or before September 27, 1956.

4. A hearing for the purpose of cross-examining witnesses who have filed verified statements or reply verified statements will be held at the office of the Commission in Washington, D. C., beginning at 9:00 o'clock a. m., U. S. standard time (10:00 o'clock a. m., District of Columbia daylight savings time) October 3, 1956, before Examiner Barber. If cross-examination of a witness is desired by any party, request therefor must reach the witness or his attorney on or before October 1, 1956. The Commission should be promptly notified of such request for cross-examination.

5. Rule 21 (c) of the Commission's general rules of practice allowing 5 days additional time for parties located at or west of the El Paso, Texas-Helena, Montana line will not apply in this proceeding.

It is further ordered, That the said railroads be, and they are hereby, made respondents to this proceeding;

And it is further ordered, That a copy of this order be served upon each of the respondents, and that copies for public inspection be filed in the office of the Secretary of the Commission and with each of the Commission's Regional Offices, and that a copy be filed with the Director, Division of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

INTERSTATE COMMERCE COMMISSION REGIONAL OFFICES

Region 1—Territory: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts. Headquarters: Boston 9, Mass., 824 New Post Office Building. In charge: George R. Nuzum, regional manager.

Region 2—Territory: New York, New Jersey, Connecticut. Headquarters: New York 13, N. Y., Room 1111, 346 Broadway. In charge: Thomas L. McClelland, regional manager.

Region 3—Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia. Headquarters: Philadelphia 6, Pa., 800 U. S. Custom House Building, Second and Chestnut Streets. In charge: T. G. Reynolds, regional manager.

Region 4—Territory: Western Pennsylvania, Ohio, West Virginia. Headquarters: Columbus 15, Ohio, 311 Old Post Office Building. In charge: Roy M. Snetzer, regional manager.

Region 5—Not active.

Region 6—Territory: Georgia, Florida, Alabama, North Carolina, South Carolina. Headquarters: Atlanta 3, Ga., 743 Peachtree Street Seventh Building, 60 Seventh Street NE. In charge: William Addams, regional manager.

Region 7—Territory: Kentucky, Tennessee, Mississippi. Headquarters: Nashville 3, Tenn., Room 701, U. S. Court House, 801 Broadway. In charge: E. S. Craig, regional manager.

Region 8—Territory: Indiana, Illinois, Michigan. Headquarters: Chicago 7, Ill., 852 U. S. Custom House Building, 610 South Canal Street. In charge: Harry P. Raymond, regional manager.

Region 9—Territory: Wisconsin, Minnesota, North Dakota, South Dakota. Headquarters: Minneapolis, Minn., 618 Metropolitan Building, Second Avenue South and Third Street. In charge: W. E. Hustleby, regional manager.

Region 10—Territory: Iowa, Missouri, Nebraska, Kansas. Headquarters: Kansas City 6, Mo., 500 Federal Office Building, 911 Walnut Street. In charge: H. Joseph Simmons, regional manager.

Region 11—Not active.

Region 12—Territory: Texas, Oklahoma, Arkansas, Louisiana. Headquarters: Fort Worth 2, Tex., Room 2104, 300 West Vickery Street. In charge: R. K. Hagarty, regional manager.

Region 13—Territory: Wyoming, Colorado, New Mexico, Utah, Montana. Headquarters: Denver, Colo., 251 New Customs Building,

19th and Stout Streets. In charge: Bert L. Penn, regional manager.

Region 14—Not active.

Region 15—Territory: Oregon, Washington, Idaho. Headquarters: Portland, Oreg., 538 Pittock Block, 921 SW. Washington Street. In charge: Frank E. Landsburg, regional manager.

Region 16—Territory: Arizona, California, Nevada. Headquarters: San Francisco 2, Calif., Room 944, Flood Building, 870 Market Street. In charge: Pete H. Dawson, regional manager.

[F. R. Doc. 56-6668; Filed, Aug. 17, 1956; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-98]

CONTUARUL DOBROGEA, BUCAREST, RUMANIA

In re: Debt owing to Contuarul Dobrogea, Bucarest, Rumania. F-57-1263, F-49-844.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled "Havero Handelsvereeniging Overzee N. V., Rotterdam, Holland", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Contuarul Dobrogea, Bucarest, Rumania, a national of Rumania, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6658; Filed, Aug. 16, 1956; 8:48 a. m.]

[Vesting Order SA-99]

AKTIEBOLAGET ECAMBRIAN

In re: Property owned by Aktiebolaget Ecambrian. F-62-478.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York, N. Y., in the amount of $1,150.60, constituting a portion of an account entitled "Skandinaviska Banken Aktiebolag, Stockholm, Sweden, 'Special Account U,' General Ruling No. 6", together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Aktiebolaget Ecambrian, Stockholm, Sweden, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect, of all, or a substantial part, of its shares by Pester Ungarische Commercial Bank, a/k/a Hungarian Commercial Bank of Pest, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 9, 1956.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6659; Filed, Aug. 16, 1956; 8:48 a. m.]

SAKU OGAWA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Saku Ogawa, Hiroshima-Shi, Japan, $31.01 in the Treasury of the United States.

Edith H. Yamamoto, Honolulu, T. H., $20.68 in the Treasury of the United States.

Peggy O. Williams, Kaneohe, Oahu, T. H., $20.68 in the Treasury of the United States.

Mae K. Ochi, Kaneohe, Oahu, T. H., $20.67 in the Treasury of the United States.

Claim No. 45188, Vesting Order No. 1501.

Executed at Washington, D. C., on August 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6691; Filed, Aug. 17, 1956; 8:47 a. m.]

LUDWIG DOBLINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ludwig Doblinger (Bernhard Herzmansky), K. G., Wien I, Dorotheergasse 10, Austria; Claims Nos. 8803, 11881 and 40812; $57,183.29 in the Treasury of the United States.

All right, title, and interest relating to the musical compositions entitled The Chocolate Soldier, Blossom Time, Baby Save Your Tears, and Little Cafe Down the Street, as listed in Exhibit A to the Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944), to the extent owned by Ludwig Doblinger (Bernhard Herzmansky) K. G. immediately prior to the vesting thereof by the aforementioned vesting order.

Executed at Washington, D. C., on August 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6692; Filed, Aug. 17, 1956; 8:47 a. m.]

COMPAGNIE DE PRODUITS CHIMIQUES ET ELECTROMETALLURGIQUES ALAIS FROGES ET CAMARGUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, Paris, France; Claim No. 40681, Vesting Order No. 3000; $1,293.75 in the Treasury of the United States.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue by virtue of an option agreement dated January 1, 1939 (including all modifications thereof and supplements thereto, if any), by and between I. G. Farbenindustrie Aktiengesellschaft, Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue and Eastman Kodak Company, which agreement relates, among other things, to United States Letters Patent No. 1,982,985, to the extent owned by Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue immediately prior to the vesting thereof by Vesting Order No. 3000 (9 F. R. 1834, February 16, 1944).

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, by virtue of every agreement by and between I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, relating to United States Letters Patent No. 1,982,985, to the extent owned by Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue immediately prior to the vesting thereof by Vesting Order No. 3000.

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,022,589; 2,026,466; 2,059,934; and 2,224,151.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6693; Filed, Aug. 17, 1956; 8:48 a. m.]

GEORGE URIEL ROOZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

George Uriel Rooz, Tel Aviv, Israel; Claim No. 39498, Vesting Order No. 4605; $654.52 in the Treasury of the United States.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6694; Filed, Aug. 17, 1956; 8:48 a. m.]

MAX SAWADY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Max Sawady, Nova Iguana, Brazil; Claims Nos. 44666, 44677, 44682; $2,487.71 in the Treasury of the United States.

Martin Sawady, New York, New York; Claims Nos. 44667, 44679, 44681; $2,487.71 in the Treasury of the United States.

Ruth Sawady, London, England, Claims Nos. 44670, 44678, 44685; $2,487.71 in the Treasury of the United States.

Heinz Jacob Klein, New York, New York, Claims Nos. 44672, 44675, 44687; $2,487.71 in the Treasury of the United States.

Hilde Israelsky, New York, New York, Claims Nos. 44668, 44676, 44683; $829.24 in the Treasury of the United States.

Rosa Osman, New York, New York, Claims Nos. 44669, 44673, 44684; $829.25 in the Treasury of the United States.

Harry Sawady, Tel Aviv, Israel, Claims Nos. 44671, 44674, 44686; $829.25 in the Treasury of the United States.

Vesting Order No. 1958.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6695; Filed, Aug. 17, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF GRIETJE BILGREY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Grietje (Grete) Bilgrey, Eduard van Dam, Ella Effros, and Wilhelmina and Maarten de Kadt, L. S. Claim No. 224; Norfolk & Western Railway Company 4/96 Bond No. 15167, in the principal amount of $1,000.

Nathan van Geldere, Anna de Wit, Ludwig Knip, Johnny Heilbron, and Sara and Abraham Blaaser, Jacob Blaaser; L. S. Claim No. 423; American & Foreign Power Company 5/2030 Debenture No. 925, in the principal amount of $500.

Claude and Henry Gumbert, L. S. Claim No. 450; Standard Power & Light Corporation 6/57 Debenture Nos. 1063, 4324 and 4687, in the principal amount of $1,000 each.

Louki and Louis de Leeuw; L. S. Claim No. 566; Union Pacific Railroad Company 4/47 Bond No. 61144, in the principal amount of $1,000.

Joanna Albertina Cornelia Bijvoet; L. S. Claim No. 597; Union Pacific Railroad Company 4/47 Bond No. 9224, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6696; Filed, Aug. 17, 1956; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
AUG 24 1956

STATE OF NETHERLANDS FOR THE BENEFIT OF ALEXANDER VON DER HORST ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Alexander, Meyer, Leo, Michel and Abraham Krukziener, Bernardine Boasson, Helene and Eva van der Horst; L. S. Claim No. 550; Cities Service Company 5/58 Debenture No. 12583, in the principal amount of $1,000.

Hendrik Ferdinand van der Veen; L. S. Claim No. 770; Cities Service Company 5/58 Debenture No. 13114, in the principal amount of $1,000.

Henriette Rijpma; L. S. Claim No. 792; Cities Service Power and Light Company 5½ 52 Debenture No. 44536, in the principal amount of $1,000.

Alfred van Westerborg; L. S. Claim No. 802; Southern Railway Company 4/56 Bond No. 51101, in the principal amount of $1,000.

Antonia Wolf; L. S. Claim No. 810; Southern Pacific Railroad Company 4/55 Bond No. 886, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6697; Filed, Aug. 17, 1956; 8:48 a. m.]

BATTISTA BARBATI ET AL.

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on December 29, 1954 (19 F. R. 9312) with respect to the return to Battista Barbati of the sum of $99.00 in the Treasury of the United States;

Whereas information was subsequently received to the effect that Battista Barbati died in Italy on January 28, 1952, and that his proper successors-in-interest are Pio Barbati, Maria Barbati, Lucia Barbati and Concetta Barbati;

Whereas the aforesaid successors-in-interest have been substituted as claimants in this matter;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under "Claimant" the name of Battista Barbati and under "Property and Location" $99.00 in the Treasury of the United States, and substituting therefor the following:

Claimants, Claim No., Property, and Location

Pio Barbati, Maria Barbati, Lucia Barbati and Concetta Barbati, All of Lama Mocogno, Modena, Italy; Claim No. 57266, Vesting Order No. 1888, $99.00 in the Treasury of the United States.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on August 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6698; Filed, Aug. 17, 1956; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 15]

BADMINTON RACKETS

NOTICE OF INVESTIGATION ORDERED AND HEARING SET

In the matter of complaint of unfair methods of competition and unfair acts in the importation and sale of certain game (badminton) rackets.

Having considered the complaint under oath filed with the United States Tariff Commission on June 11, 1956, by George A. Allward, d. b. a. H. & A. Manufacturing Company, Lacombe, Louisiana, alleging unfair methods of competition and unfair acts in the importation of certain game (badminton) rackets and in the sale thereof in the United States in violation of the provisions of section 337 of the Tariff Act of 1930, and after preliminary inquiry with respect to the matters alleged in the said complaint in accordance with § 203.3 of the rules of practice and procedure of the United States Tariff Commission, the Commission, on the 14th day of August 1956 ordered:

(1) That an investigation pursuant to section 337 of the Tariff Act of 1930 in the matter of the aforementioned allegations be instituted; and

(2) That a public hearing in said investigation be held in the Hearing Room of the United States Tariff Commission, Eighth and E Streets, NW., Washington, D. C., beginning at 10 a. m., e. s. t., on the 11th day of December 1956, at which hearing all parties concerned will be afforded opportunity to be present, to produce evidence, and to be heard concerning the said alleged unfair methods of competition and unfair acts.

Public notice of the receipt of the aforesaid complaint was duly issued on June 22, 1956 (21 F. R. 4695; June 28, 1956, issue of Treasury Decisions), and the said complaint has been available for inspection by interested parties since that date at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York office of the Tariff Commission located in Room 437 of the Custom House.

I hereby certify that the institution of the foregoing investigation and the hearing therein were ordered by the United States Tariff Commission on the 14th day of August 1956.

Issued August 15, 1956.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-6701; Filed, Aug. 17, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
AUG 24 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 162

Washington, Tuesday, August 21, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (2) is added to § 6.105 as set out below.

§ 6.105 *Department of the Army.* • • •

(c) *Engineer Department.* • • •

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating plant operations located at sites outside District or Division Headquarters cities, where because of turnover, lack of housing facilities, mobility or work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate-hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; and in no event can it be used for employment in Civil Service central office and regional and branch office cities or where there is a local Board of U. S. Civil Service Examiners to service the employing establishment.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6738; Filed, Aug. 20, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR NORTHERN GROWN ONIONS

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Northern Grown Onions which have been in effect since July 31, 1944. These standards are currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et. seq.).

INTRODUCTION

Sec.
51.2830 Introduction.

GRADES

51.2831 U. S. No. 1.
51.2832 U. S. Commercial.
51.2833 U. S. No. 1 Boilers.
51.2834 U. S. No. 1 Picklers.
51.2835 U. S. No. 2.

UNCLASSIFIED

51.2836 Unclassified.

DEFINITIONS

51.2837 Mature.
51.2838 Fairly firm.
51.2839 Fairly well shaped.
51.2840 Doubles.
51.2841 Bottlenecks.
51.2842 Scallions.
51.2843 Damage.
51.2844 Diameter.
51.2845 Badly misshapen.
51.2846 Serious damage.
51.2847 One type.

AUTHORITY: §§ 51.2830 to 51.2847 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

INTRODUCTION

§ 51.2830 *Introduction.* (a) The tolerances for the standards are on a container basis. However, not to exceed 10 percent of the individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified and provided further, that decay in any one package shall in no case exceed three times the tolerance.

(b) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(c) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

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FEDERAL REGISTER

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(Revised through June 1)

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GRADES

§ 51.2831 *U. S. No. 1.* U. S. No. 1 shall consist of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, free from decay, doubles, bottlenecks, scallions, and from damage caused by seedstems, splits, tops, roots, sunscald, sunburn, sprouting, freezing, peeling, cracked fleshy scales, dirt or staining, foreign matter, disease, insects, or mechanical or other means. Unless otherwise pscified, the minimum size shall be 1½ inches in diameter, and in the case of yellow, brown, or red onions, 40 percent or more, and in the case of white onions, 30 percent or more, by weight, of the onions in any lot shall be 2 inches or larger in diameter.[1]

(a) In order to allow for variations other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any container may be damaged by peeling, and not more than 5 percent may be below the remaining requirements of this grade but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the minimum size specified, and not more than 15 percent may be above any specified maximum size. No part of any tolerance shall be allowed to reduce the percentage of onions which shall be 2 inches or larger in diameter or any other specified size or larger, but individual containers may have not more than 25 percent less than the percentage specified, provided that the entire lot averages within the percentage specified.

§ 51.2832 *U. S. Commercial.* U. S. Commercial shall consist of onions of similar varietal characteristics which are mature, not soft or spongy, not badly misshapen, free from decay, doubles, bottlenecks, scallions, and from damage caused by seedstems, tops, roots, sunscald, sunburn, cracked fleshy scales, sprouting, freezing, disease, insects, or mechanical or other means, and from serious damage by splits, dirt or staining, or other foreign matter. Unless otherwise specified, the minimum size shall be 1½ inches in diameter.

(a) In order to allow for variations other than size, incident to proper grading and handling, not more than 5 percent, by weight, of the onions in any container may be below the requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the size specified, and not more than 15 percent may be above any specified maximum size.

§ 51.2833 *U. S. No. 1 Boilers.* U. S. No. 1 Boilers shall consist of onions which meet all requirements for U. S. No. 1 grade except for size. The size of onions of this grade shall be not less than 1 inch nor more than 1⅞ inches in diameter.

(a) In order to allow for variations other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any container may be damaged by peeling, and not more than 5 percent, by weight, of the onions may be below the remaining requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the minimum size, and not more than 15 percent may be above the maximum size specified for this grade.

§ 51.2834 *U. S. No. 1 Picklers.* U. S. No. 1 Picklers shall consist of onions which meet all requirements for U. S. No. 1 grade except for size. The maximum size of onions of this grade shall not be more than one inch in diameter.

(a) In order to allow for variations other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any container may be damaged by peeling, and not more than 5 percent, by weight, of the onions may be below the remaining requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 15 percent, by weight, may be above the maximum size specified for this grade.

§ 51.2835 *U. S. No. 2.* U. S. No. 2 shall consist of onions of one type, which are mature, not soft or spongy, free from decay, scallions, and from serious damage caused by seedstems, sunscald, sprouting, freezing, disease, insects, mechanical or other means. Unless otherwise specified, the minimum size shall be 1½ inches in diameter.

(a) In order to allow for variations other than size, incident to proper grading and handling, not more than 5 percent, by weight, of the onions in any container may be below the requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the minimum size specified, and not more than 15 percent may be above any specified maximum size.

UNCLASSIFIED

§ 51.2836 *Unclassified.* Unclassified shall consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.2837 *Mature.* "Mature" means dry and well cured. Midseason onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy.

§ 51.2838 *Fairly firm.* "Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.2839 *Fairly well shaped.* "Fairly well shaped" means having the shape characteristic of the variety, but slightly off-type, slightly elongated or slightly misshapen onions shall be admitted to U. S. No. 1 grade.

§ 51.2840 *Doubles.* "Doubles" means onions which have developed more than one distinct bulb joined only at the base.

§ 51.2841 *Bottlenecks.* "Bottlenecks" are onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.2842 *Scallions.* "Scallions" are onions which have thick necks and relatively small and poorly developed bulbs.

§ 51.2843 *Damage.* "Damage" means any defect which materially affects the appearance of the lot or the edible or shipping quality of the individual onions. Any one of the following defects shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than ¼ inch in diameter.

(b) "Damage by splits." A split is an onion which has more than one distinct bulb at least partially covered by an outer scale. Such an onion, if not well cured, shall be considered damaged when not completely covered by more than one outer scale. If well cured, such an onion shall not be regarded as damaged if practically covered by an outer scale, unless the distinct bulbs cause the onion to be materially misshapen.

(c) "Damage by tops." In considering this factor the appearance of the lot of onions as a whole should be considered. While all onions should be trimmed to less than 2 inches, there are often some that have been cut with tops a little longer. However, any lot of onions having more than 20 percent of

[1] Any lot of onions quoted as being of size smaller than 1½ inches minimum such as "U. S. No. 1, 1¼ inches min." is not required to meet the percentages which shall be 2 inches or larger as specified in the U. S. No. 1 grade.

onions with tops over 2 inches in length shall be considered as damaged. This percentage is given only as a guide and it may be reduced if the tops are very long. For example, not more than 10 percent of onions may have tops longer than 5 inches.

(d) Sunscald which affects the shipping or market quality. Slight dry scald which is not readily apparent without peeling the onion shall not be considered as damage.

(e) "Peeled" onions when more than one-half of the thin papery skin is missing, leaving the larger portion of the fleshy outer scale unprotected. Such onions are sometimes referred to as "bald" or "skinned" onions, or "peelers".

(f) Cracked fleshy scale, when one or more of the fleshy scales are cracked. Such onions are undesirable because of the possibility of decay organisms entering the insured tissue. Cracking of the thin papery skins shall not be regarded as damaged.

(g) "Damage by dirt or staining." Any lot of onions which is dirty or materially stained shall be considered as damaged. In this connection the number of stained onions permitted before the lot is considered damaged, will depend upon the degree of staining on individual onions. As a guide, a lot of yellow, brown, or red onions should be considered damaged if the appearance is affected to a greater extent than the presence of 15 percent appreciably stained plus 5 percent badly stained onions. A lot of white onions should be considered damaged if the appearance is affected to a greater extent than the presence of 10 percent appreciably stained plus 5 percent badly stained onions. If a lot of onions contains the percentages of appreciably stained and badly stained onions mentioned above and most of the remainder of the onions in the lot shows staining of a lesser degree, but approaches that which is considered appreciably stained, then the lot shall be considered damaged by staining. If a lot of onions contains slightly more than the percentages of appreciably stained onions mentioned above and most of the remainder of the onions in the lot shows none or very little staining, then the lot should be considered as not damaged by staining. Onions with adhering or caked dirt which affects the appearance to the same extent as apprecially stained or badly stained onions shall be seored in combination with any stained onions that may be present in the lot.

§ 51.2844 *Diameter.* "Diameter" means the greatest dimension at right angles to a straight line running from the stem to the root.

§ 51.2845 *Badly misshapen.* "Badly misshapen" means that the onion is so elongated or misshapen that its appearance is seriously affected.

§ 51.2846 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance of the lot or the edible or shipping quality of the individual onions. Any one of the following defects shall be considered as serious damage:

(a) Splits, when the condition causes the onion to be badly misshapen.

(b) Any lot of onions that is seriously damaged by dirt including badly stained onions. A lot of onions shall be considered seriously damaged by staining when more than 25 percent of the lot is badly stained. Onions with adhering or caked dirt which affects the appearance to the same extent as badly stained onions shall be scored in combination with any badly stained onions that may be present in the lot.

(c) Seedstems which are more than one-half inch in diameter.

(d) Sprouting, when the sprouts are more than one-half inch in length or the onion has become soft or spongy.

§ 51.2847 *One type.* "One type" means that the onions are of the same color.

Dated: August 16, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6743; Filed, Aug. 20, 1956; 8:50 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Cigar-Filler and Binder-56)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS 1956-57 MARKETING YEAR

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AUTHORITY: §§ 723.730 to 723.762 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 314, 372, 373, 374, 375, 52 Stat. 38, 47, 48, 65, 66, as amended. 69 Stat. 24; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 723.730 *Basis and purpose.* Sections 723.730 to 723.762 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder tobacco during the 1956–57 marketing year. Prior to preparing §§ 723.730 to 723.762, public notice (21 F. R. 5191) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 723.730 to 723.762 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.731 *Definitions.* As used in §§ 723.730 to 723.762, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco, such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1956 which has not been marketed or which has not been disposed of under § 723.745.

(d) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County officer manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Producer" means a person who as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(n) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(p) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "Tobacco" means (1) (i) type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (ii) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (iii) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (iv) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut; (v) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (vi) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (vii) type 54 tobacco—that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type, produced principally south and east of the Wisconsin river; and (viii) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin river, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture; (2) tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash; (3) for the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each kind of tobacco (cigar-filler and binder, type 42–44 and 51–55) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1956 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(s) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1956 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.745.

(t) "Tobacco subject to marketing quotas" means any tobacco of types 42–44 and 51–55, inclusive, marketed during the period October 1, 1956, to September 30, 1957, inclusive, and any tobacco of 42–44 and 51–55 types, inclusive, produced in the calendar year 1956 and marketed prior to October 1, 1956.

(u) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.732 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.733 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1956 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.63

cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.734 *Identification and location of farms.* (a) Each farm as operated for the 1956 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1956 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principay dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.735 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1956 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1956 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator, or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. The county committee may at any time redetermine the tobacco acreage for any farm and shall, at the request of the State committee, make a redetermination of tobacco acreage for any farm. Such redetermination of tobacco acreage shall supersede any prior determination of tobacco acreage for the farm. A redetermination of tobacco acreage shall be based on measurements made in the manner provided for in this paragraph by either a reporter, county office manager, county performance supervisor, district performance supervisor, or any other employees of the ASC State office who are determined by the State administrative officer to be qualified to perform such measurements. In connection with any measurement of tobacco acreage for any farm made as provided in this paragraph, rechecks and spot checks of such measurements may be made by any of the county and State office employees authorized in this paragraph to perform measurements of farm tobacco acreage.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.738 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 tobacco acreage and the tobacco acreage in excess of the 1956 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.736 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Filler and Binder-56)-1, Marketing Quota Regulations 1956-57 (20 F. R. 6059). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco.

§ 723.737 *Transfer of farm marketing quotas.* There shall be no transfer of farm marketing quotas except as provided in §§ 723.720 and 723.726 of the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotment and normal yields, 1956–57 marketing year.

§ 723.738 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county office manager or the State administrative officer as provided in § 723.739 two or more marketing cards may be issued for any farm. Upon return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or County office manager, who issued the card to have been lost, destroyed or stolen.

(b) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1956 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.744 (b) except that if:

(i) More than one kind of tobacco is produced on a farm in 1956 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if at the time of issuing marketing cards for the farm the harvested acreage of any kind is in excess of the farm acreage allotment;

(ii) For any kind of tobacco produced on a farm in 1956 the acreage of which is in excess of the allotment and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of the excess tobacco acreage or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, a "zero percent" excess marketing card shall be issued for each such kind of tobacco even though the excess acreage is disposed of other than by marketing unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or

(iii) Any tobacco is physically harvested from a farm in 1956 from an acreage in excess of the allotment for the farm and even though it is disposed of in accordance with § 723.745 (a), a "zero percent" excess marketing card shall be issued for each such kind of tobacco, unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only the following:

(i) Name and address of the publicly owned Experiment Station;

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only;

(iv) A certification signed by the Director of the publicly-owned Agricultural Experiment Station to the effect that: (a) Such acreage of tobacco was grown on each farm for experimental purposes only; (b) the tobacco was grown under his direction; and (c) that the acreage in each plot was considered necessary for carrying out the experiment.

The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(c) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (b) of this section, except that if the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 723.747.

§ 723.739 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards issued for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 723.738 (b) (2).

(b) Except as provided in paragraph (a) of this section the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall place his initials immediately below the name of the State administrative officer or the name of the county office manager as the case may be.

§ 723.740 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.741 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.742 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the State administrative officer or the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the State administrative officer or the county office manager who issued the card, then such card shall become valid.

§ 723.743 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.744 *Extent to which marketing from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.745 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced except that if the excess portion of the carry-over tobacco has been disposed of under § 723.745 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1956 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.745 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1956 harvested acreage is less than the 1956 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1956 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.744 (b) is less than the 1956 allotment may be marketed penalty free.

§ 723.746 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1956 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar

723.749 Marketings deemed to be excess tobacco.
723.750 Payment of penalty.
723.751 Request for return of penalty.

RECORDS AND REPORTS

723.752 Producer's records and reports.
723.753 Buyer's records.

damage" means any defect which seriously affects the appearance of the lot or the edible or shipping quality of the individual onions. Any one of the following defects shall be considered as serious damage:

(f) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(g) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each

pressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68

cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.734 *Identification and location of farms.* (a) Each farm as operated for the 1956 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1956 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principay dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.735 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1956 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1956 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator, or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. The county committee may at any time redetermine the tobacco acreage for any farm and shall, at the request of the State committee, make a redetermination of tobacco acreage for any farm. Such redetermination of tobacco acreage shall supersede any prior determination of tobacco acreage for the farm. A redetermination of tobacco acreage shall be based on measurements made in the manner provided for in this paragraph by either a reporter, county office manager, county performance supervisor, district performance supervisor, or any other employees of the ASC State office who are determined by the State administrative officer to be qualified to perform such measurements. In connection with any measurement of tobacco acreage for any farm made as provided in this paragraph, rechecks and spot checks of such measurements may be made by any of the county and State office employees authorized in this paragraph to perform measurements of farm tobacco acreage.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.738 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 tobacco acreage and the tobacco acreage in excess of the 1956 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.736 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Filler and Binder-56)-1, Marketing Quota Regulations 1956–57 (20 F. R. 6059). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco.

§ 723.737 *Transfer of farm marketing quotas.* There shall be no transfer of farm marketing quotas except as provided in §§ 723.720 and 723.726 of the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotment and normal yields, 1956–57 marketing year.

§ 723.738 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county office manager or the State administrative officer as provided in § 723.739 two or more marketing cards may be issued for any farm. Upon return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or County office manager, who issued the card to have been lost, destroyed or stolen.

(b) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1956 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.744 (b) except that if:

(i) More than one kind of tobacco is produced on a farm in 1956 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if at the time of issuing marketing cards for the farm the harvested acreage of any kind is in excess of the farm acreage allotment;

(ii) For any kind of tobacco produced on a farm in 1956 the acreage of which is in excess of the allotment and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of the excess tobacco acreage or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, a "zero percent" excess marketing card shall be issued for each such kind of tobacco even though the excess acreage is disposed of other than by marketing unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or

(iii) Any tobacco is physically harvested from a farm in 1956 from an

acreage in excess of the allotment for the farm and even though it is disposed of in accordance with § 723.745 (a), a "zero percent" excess marketing card shall be issued for each such kind of tobacco, unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only the following:

(i) Name and address of the publicly owned Experiment Station;

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only;

(iv) A certification signed by the Director of the publicly-owned Agricultural Experiment Station to the effect that: (*a*) Such acreage of tobacco was grown on each farm for experimental purposes only; (*b*) the tobacco was grown under his direction; and (*c*) that the acreage in each plot was considered necessary for carrying out the experiment.

The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(c) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (b) of this section, except that if the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 723.747.

§ 723.739 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards issued for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 723.738 (b) (2).

(b) Except as provided in paragraph (a) of this section the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall place his initials immediately below the name of the State administrative officer or the name of the county office manager as the case may be.

§ 723.740 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.741 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.742 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the State administrative officer or the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the State administrative officer or the county office manager who issued the card, then such card shall become valid.

§ 723.743 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.744 *Extent to which marketing from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.745 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced except that if the excess portion of the carry-over tobacco has been disposed of under § 723.745 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1956 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.745 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1956 harvested acreage is less than the 1956 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1956 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.744 (b) is less than the 1956 allotment may be marketed penalty free.

§ 723.746 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1956 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar

month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.747 *Rate of penalty.* Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1955–56 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1955–56 marketing year was 32.5 cents per pound.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1956–57 marketing year shall be twenty-four (24) cents per pound.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.744.

§ 723.748 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than by a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.749 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State administrative officer showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(d) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1956 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.752 (c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of false identification or failure to account. The filing of a report by a producer under § 723.752 (c) or (d) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee concludes that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.735 shall be paid by the producer.

§ 723.750 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.745 (b), or in the case of false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) The penalty due on any sale of tobacco by a producer as determined under §§ 723.730 to 723.762 shall be paid as specified in § 723.748 even though the penalty may exceed the proceeds for the tobacco.

§ 723.751 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.730 to 723.762 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.752 *Producer's records and reports.*—(a) *Report of tobacco acreage.* The farm operator or his representative shall file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1956 Acreage, showing all fields of tobacco on the farm in 1956. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm even though the farm operator or his representative refuses to sign such report the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1956 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1957. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise to the county committee, the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year. The county office manager or the State administrative officer who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1957.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(i) If the 1956 harvested acreage is not in excess of the 1956 farm tobacco acreage allotment: The producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1956 harvested acreage is in excess of the 1956 farm acreage allotment: The producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.744 (b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyers of such products or residue. Failure to file such report or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer-manufacturer to account for the production and disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year, and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.749 (d).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.730 to 723.762, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report,

(1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage to tobacco harvested from the farm,

(2) The total pounds of tobacco produced,

(3) The amount of tobacco on hand and its location, and

(4) As to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

§ 723.753 *Buyer's records.*—(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95—Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.730 to 723.762.

§ 723.754 *Buyer's reports.*—(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASC State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the penalty rate of twenty-four cents per pound in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.755 *Buyers not exempt from regular records and reports.* No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which receives tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and

remit penalties in case of receiving such tobacco for sale, as required in §§ 723.730 to 723.762 for buyers.

§ 723.756 *Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.757 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.758 *Failure to keep records or make reports.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.730 to 723.762 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a buyer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall be given by the Director.

§ 723.759 *Additional records and reports to Director.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.730 to 723.762, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.730 to 723.762.

§ 723.760 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 723.761 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 723.730 to 723.762 for the 1956–57 marketing year shall be kept by him until September 30, 1959. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.762 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.730 to 723.762 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of tho act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 16th day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6745; Filed, Aug. 20, 1956; 8:50 a. m.]

[1026 (Maryland-56)-1]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1956–57 MARKETING YEAR

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AUTHORITY: §§ 727.730 to 727.762 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 727.730 *Basis and purpose.* Sections 727.730 to 727.762 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco; the collection and refund of penalties,, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1956–57 marketing year. Prior to preparing §§ 727.730 to 727.762, public notice (21 F. R. 5294) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 727.730 to 727.762, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.731 *Definitions.* As used in §§ 727.730 to 727.762 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1956, which has not been marketed or which has not been disposed of under § 727.745.

(c) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as Agricultural Stabilization and Conservation State committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue or any other authority.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Field Assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 727.730 to 727.762 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) Pick-ups means:

(1) "Pickups (a)" which is any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course or business, or

(2) "Pickups (b)" which is any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman, and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back by the warehouseman to a dealer.

(q) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound of tobacco" means one pound of tobacco weighed in its unstemmed form and in the condition in which it is usually marketed by producers.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(l) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco shall be considered Maryland tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be

considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1956 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco" and the other provisions of §§ 727.730 to 727.762, inclusive, tobacco in hogsheads which at the close of business on September 30, 1956, is or was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1956, shall not be considered to be "tobacco" within the meaning of this subpart if the hogshead tobacco warehouseman has furnished a report to the ASC State committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1956 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 727.745.

(aa) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1956 to September 30, 1957, inclusive, and any Maryland tobacco produced in the calendar year 1956 and marketed prior to October 1, 1956.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.732 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.733 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1956 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 4.550, 4.555 or 4.559 acres would be 4.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.734 *Identification and location of farms.* (a) Each farm as operated for the 1956 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1956 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.735 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1956 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1956 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. The county committee may at any time redetermine the tobacco acreage for any farm and shall, at the request of the State committee, make a redetermination of tobacco acreage for any farm. Such redetermination of tobacco acreage shall supersede any prior determination of tobacco acreage for the farm. A redetermination of tobacco acreage shall be based on measurements made in the manner provided for in this paragraph by either a reporter, county office manager, county performance supervisor, or any other employees of the ASC State office who are determined by the State administrative officer to be qualified to perform such measurements. In connection with any measurement of tobacco acreage for any farm made as provided in this paragraph, rechecks and spot checks of such measurements may be made by any of the county and State office employees authorized in this paragraph to perform measurements of farm tobacco acreage.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.738 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 tobacco acreage and the tobacco acreage in excess of the 1956 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.736 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 727.711 to 727.728, 1023 (Maryland–56)–1, Maryland Tobacco Marketing Quota Regulations, 1956–57 (20 F. R. 6069). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the farm acreage allotment.

(b) The excess tobacco on any farm during the 1956–57 marketing year shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the number of acres harvested in excess of the 1956 farm acreage allotment. (The excess tobacco on any farm during the 1957–58 marketing year will be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the number of acres harvested in excess of the 1957 farm acreage allotment, plus (2) any excess carry-over tobacco for the farm.)

§ 727.737 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 727.720 and 727.726 of the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year.

§ 727.738 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having 1956 crop tobacco available for marketing. Subject to the approval of the county office manager or the State administrative officer as provided in § 727.739, two or more marketing cards may be issued for any farm for use in marketing 1956 crop tobacco produced on the farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the ASC Issuing Office of the marketing card issued with respect to the 1956 crop after all of the memoranda of sale have been issued therefrom and before the marketing of the 1956 crop tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm for use in marketing 1956 crop tobacco produced on the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or the county office manager, who issued the card, to have been lost, destroyed or stolen.

(b) A marketing card shall be issued for each farm having carry-over tobacco available for marketing. Such card shall be marked "Carry-over", shall show the number of pounds and location of such carry-over tobacco as of October 1, 1956, and shall be signed by the farm operator. Subject to the approval of the county office manager or the State administrative officer as provided in § 727.739, two or more marketing cards, so marked and signed, may be issued for any farm for use in marketing carry-over tobacco. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the issuing office of the marketing card issued with respect to carry-over tobacco after all of the memoranda of sale have been issued therefrom and before the marketing of the carry-over tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm for use in marketing carry-over tobacco from the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager or State administrative officer who issued the card to have been lost, destroyed or stolen.

(c) *Within quota marketing card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of the 1956 crop tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1956 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 727.744 (b) except that if:

(i) More than one kind of tobacco is produced on a farm in 1956 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if at the time of issuing marketing cards for the farm the harvested acreage of any kind is in excess of the farm acreage allotment;

(ii) For any kind of tobacco produced on a farm in 1956 the acreage of which is in excess of the allotment and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of the excess tobacco acreage or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, a "zero percent" excess marketing card shall be issued for each such kind of tobacco even though the excess acreage is disposed of other than by marketing unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or

(iii) Any tobacco is physically harvested from a farm in 1956 from an acreage in excess of the allotment for the farm and even though it is disposed of in accordance with § 727.745 (a), a "zero percent" excess marketing card shall be issued for each such kind of tobacco, unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(2) If the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only the following:

(i) Name and address of the publicly-owned Experiment Station;

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only;

(iv) A certification signed by the Director of the publicly-owned Agricultural Experiment Station to the effect that: (*a*) Such acreage of tobacco was grown on each farm for experimental purposes only; (*b*) the tobacco was grown under his direction; and (c) that the acreage in each plot was considered necessary for carrying out the experiment.

The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(d) *Within Quota Marketing Card (MQ–76—Tobacco) marked "Carry-Over".* A Within Quota Marketing Card marked "Carry-Over" authorizing the marketing without penalty of carry-over tobacco only from the farm shall be issued for a farm with respect to which there is carry-over tobacco.

(e) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of 1956 crop tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (c) of this section, except that if the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card for the 1956 crop, an excess marketing card shall be issued showing that all the 1956 crop tobacco from the farm is subject to the rate of penalty determined by the Secretary pursuant to § 727.747.

§ 727.739 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 727.738 (c) (2).

(b) Except as provided in paragraph (a) of this section the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall

place his initials immediately below the name of the State administrative officer or the name of the county office manager as the case may be.

§ 727.740 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.741 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.742 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC county office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.743 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.744 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of 1956 crop tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 727.745 by the total acreage of tobacco harvested from the farm.

(b) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty determined by the Secretary pursuant to § 727.747 by the percent excess obtained under paragraph (a) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.745 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any 1956 crop tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 727.746 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1956 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from a marketing card marked "Carry-over" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1956, and the words "old crop" will be entered by the warehouseman or buyer on each such memorandum executed with respect to a marketing of tobacco produced prior to 1956.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse and who keeps records showing the information specified in § 727.754, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.730 to 727.762. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) Each bill of nonwarehouse sale covering any marketing (except as described under paragraph (a) (1) (ii) of this section) shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.747 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for Maryland tobacco for the 1955–56 marketing year, as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(b) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of 1956 crop tobacco marketed which the 1956 crop tobacco available for marketing in excess of the farm marketing quota is of the total amount of 1956 crop tobacco available for marketing from the farm, as determined under § 727.744.

§ 727.748 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.749 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by a MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or, if purchased prior to the opening of the local auction markets (if the tobacco is not to be resold through a hogshead tobacco warehouse), is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales as reported under §§ 727.730 to 727.762 is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 727.730 to 727.762 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.730 to 727.762 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1956 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.752 (c) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee concludes that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.735 shall be paid by the producer.

§ 727.750 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State Office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.730 to 727.762 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.751 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.730 to 727.762 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 727.752 *Producer's records and reports.*—(a) *Report of tobacco acreage.* The farm operator or his representative shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1956 Acreage, showing all fields of tobacco on the farm in 1956. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1956 or for which a marketing card is issued, shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1957. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise to the county committee, the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

(c) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.730 to 727.762, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on form MQ–108—Tobacco a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report: (1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco

produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

§ 727.753 *Warehouseman's records and reports*—(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s);

and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups (subparagraphs (1) and (2) of § 727.731 (p).

(3) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(4) In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse).* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended," write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1956, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases, by or for the warehouse, of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman at auction from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases, by or for the warehouse, of tobacco from dealers other than warehousemen and resales, by or for the warehouse, of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor;

(ii) The total pounds and gross amount of "loan tobacco" billed to any association;

(iii) The total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 727.731 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor;

(iv) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 727.731 (p) (1) or (2)), or floor sweepings;

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and

(vi) The total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen, and all resales over other warehouse floors or to dealers other than warehousemen. A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor sweepings and pick-ups sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall submit weekly reports (each such report to be submitted not later than the end of the calendar week following the week during which the transactions occurred) to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the bill-out to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to whether the tobacco in the hogshead was produced in 1956 or in a year prior to 1956.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1956, and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1956.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the bill-out for tobacco resold through the hogshead warehouse.

(h) *Report of Penalties.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 727.730 to 727.762.

§ 727.754 *Dealer's records and reports.* Each dealer, except as provided in § 727.755 shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1956, the fact that such tobacco was bought by him from a crop produced prior to 1956.

(c) *Report of penalties.* Each dealer, unless the tobacco is to be marketed through a hogshead tobacco warehouse, shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A dealer who purchases tobacco which is to be marketed through a hogshead tobacco warehouse shall remit the penalty with his reports on MQ–79—Tobacco, Dealer's Record, together with memoranda of sale and memoranda of sale without marketing card to the ASC State office not later than the end of the calendar week following the week during which he purchased the tobacco.

(d) *Memorandum of sale and bill of nonwarehouse sale.* (1) A bill of nonwarehouse sale and a memorandum of sale from the 1956 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(2) Any dealer who acquires scrap tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s);

and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1956, the fact that such tobacco was bought by him from a crop produced prior to 1956.

(f) *Forwarding of reports.* All reports shall be forwarded to the ASC State office not later than the end of the week following the calendar week covered by the reports.

§ 727.755 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.754: *Provided, however*, That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale, shall be subject to the provisions of § 727.754 with respect to such purchases. Each such dealer or buyer shall make such reports to the State administrative officer, in addition to the foregoing, as he may find necessary to enforce §§ 727.730 to 727.762.

§ 727.756 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 727.757 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.758 *Failure to keep records or make reports.* Any warehouseman,

dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.730 to 727.762, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.730 to 727.762 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, dealer or trucker shall be given by the State Administrative Officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 727.759 *Additional records and reports to Director.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made under §§ 727.730 to 727.762, keep such records and make such reports to the Director as he may find necessary to enforce §§ 727.730 to 727.762.

§ 727.760 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, paper, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.761 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 727.730 to 727.762 for the 1956–57 marketing year shall be kept by him until September 30, 1959. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.762 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.730 to 727.762 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 16th day of August 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6746; Filed, Aug. 20, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 654, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.761 (Lemon Regulation 654; 21 F. R. 6010) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6740; Filed, Aug. 20, 1956; 8:50 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.322 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 2, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, that would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from August 23, 1956, through June 30, 1957, no handler shall ship (i) any potatoes of the round varieties grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2⅛ inches minimum diameter or (ii) any potatoes of the long varieties grown in Area No. 2 unless such potatoes meet the requirement of the U. S. No. 2, or better grade, and are of a size not less than 2⅛ inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from August 23, 1956, through October 8, 1956, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes (i) of the Russet Burbank or Red McClure variety grown in Area No. 2 if such potatoes are more than "slightly skinned" as such term is defined in said United States Standards, which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered," and (ii) of any other varieties grown in Area No. 2 if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered."

(3) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 17, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-6777; Filed, Aug. 20, 1956; 8:54 a. m.]

[Avocado Order 9, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, it is hereby found that the limitation of handling avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of avocados.

It is ordered, That subparagraph (1) of paragraph (b) of § 969.309, as amended (Avocado Order 9, as amended; 21 F. R. 4514) is further amended by adding at the end thereof a new subdivision (vi) reading as follows:

(vi) Fiberboard cartons, with inside dimensions 13½ by 16½ by 4½ inches: *Provided*, That the avocados in such container shall be packed in one layer only.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 22, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 17, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-6776; Filed, Aug. 20, 1956; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

INTEREST ON TIME DEPOSITS WITH ALTERNATE MATURITIES

§ 217.112 *Interest on time deposits with alternate maturities.* (a) The Board was asked recently whether four forms of time deposit contracts complied with the requirements of this part. The first was evidenced by a certificate which provided for a maturity 6 months after date of deposit with an option on the part of the depositor to withdraw part or all of the funds, without notice, on the 30th day after the date of deposit, or on the 90th day after the date of deposit, and which provided that funds withdrawn on the 30th day would bear interest at a rate of 1 percent, funds withdrawn on the 90th day would bear interest at a rate of 2 percent, and funds withdrawn at the end of 6 months would bear interest at a rate of 2½ percent.

(b) With respect to the form of certificate in paragraph (a) of this section, the Board referred to its interpretation published as § 217.105 which expressed the view that if a time certificate permits withdrawal either at a specified maturity or prior to such time after a specified period of written notice, the maximum rate of interest will depend upon which of such withdrawal privileges is elected by the depositor and the maximum rate applicable under the regulation in the circumstances of the withdrawal privilege so elected. For example, a certificate providing for payment 5 years after date with interest at 2½ percent, but providing also for earlier payment after 90 days' written notice with interest at 2 percent, would comply with the regulation. Such a certificate has a single fixed maturity but provides that an earlier maturity may be fixed at the option of the depositor with a resulting reduction in the rate of interest payable.

(c) The Board pointed out that, by contrast, the certificate described in paragraph (a) of this section had several fixed maturities, the first of which was 30 days after date of deposit, so that the deposit when established was payable 30 days after date. Section 217.6 provides that no member bank shall pay interest at a rate in excess of 1 percent per annum on a time deposit having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days. The Board said that, consequently, the 2 percent and 2½ percent rates of interest provided for under the form of time certificate described in paragraph (a) of this section would be in excess of the maximum rates prescribed by this part.

(d) The second deposit contract on which the Board's views were requested was a 6 months' time deposit with interest at a rate of 2¼ percent but with an alternate fixed maturity of 90 days after date with interest at 2 percent. The third contract represented a deposit payable 11 months after date with interest at a rate of 2⅜ percent but with alternate fixed maturities of 90 days, 4 months, and 5 months, with interest at 2 percent; 6, 7, and 8 months, with interest at 2¼ percent; and 9 and 10 months with interest at 2⅜ percent. The Board stated that the foregoing views expressed with respect to the form of deposit contract described in paragraph (a) of this section were applicable also to the second and third forms of contracts described in this paragraph.

(e) The fourth form of contract represented a time deposit having a fixed maturity dated 6 months after the date of deposit but with an option on the part of the depositor to withdraw a part or all of the funds either on 90 days' advance written notice at a rate of 2 percent, or on 30 days' advance written notice at a rate of 1 percent if withdrawn during the first 90 days or at a rate of 2 percent if withdrawn after the 90th day following the date of deposit. The Board said that such a contract providing for payment of interest at a rate of 2 percent on a deposit withdrawn after 30 days' written notice would not comply with this part.

(f) The Board said that in connection with all four of the forms of deposit contracts described in this section, it is important to bear in mind that the maximum permissible interest rate does not depend upon the length of time the deposit is left with the bank. Where the deposit contract provides a fixed maturity but with an option on the part of the depositor to withdraw after a prescribed period of notice, the maturity is that named in the certificate unless and until the depositor exercises his option to change that maturity, and in that event the maximum interest rate payable will be the rate applicable under the regulation with respect to the period of such notice of withdrawal given by the depositor. Where the certificate itself names alternate fixed maturities,

as in three of the certificates discussed in this section, without provision for withdrawal after notice upon the option of the depositor, the certificate must be regarded as maturing at the earliest fixed maturity and, if not withdrawn at that time or at any subsequent fixed maturity, as being automatically renewed until the date of the next following fixed maturity; and the maximum interest rate payable upon withdrawal at any fixed maturity would be the maximum rate applicable under the regulation to the period from the previous automatic renewal to the date of such withdrawal.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 19, 24, 38 Stat. 270, as amended; 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc 56-6729; Filed Aug. 20, 1956; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 103.204]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

FORMER EXCHANGE VISITORS

Parts 41 and 42 of Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Part 41 of Chapter I, Title 22 of the Code of Federal Regulations, is amended by the addition of the following new section immediately after § 41.101:

§ 41.102 *Former exchange visitors.* (a) No alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to the effective date of this regulation, shall be eligible to apply for and receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act notwithstanding the approval of a petition as provided in section 214 (c) of the act unless (1) the consular officer is satisfied that such alien has resided and been physically present abroad for an aggregate of at least two years since his departure from the United States following the termination of his exchange-visitor status in a country or countries cooperating in the exchange-visitor program, or (2) the requirements of this paragraph are waived as provided in section 201 (b) of the United States Information and Educational Exchange Act of 1948, as amended. (See paragraph (c) of § 42.42 of this chapter in cases of former exchange visitors who apply for immigrant visas.)

(b) Notwithstanding the provisions of paragraph (a) of this section, the requirement of a two-year residence and physical presence abroad shall not apply in the case of an alien who was in the United States as an exchange visitor on or before June 4, 1956, who proceeded abroad temporarily on a personal visit or for reasons related to his exchange-visitor program, and who was readmitted into the United States subsequent to June 4, 1956, for the remainder of the period of authorized stay granted prior to the effective date of this regulation to continue his participation in the exchange-visitor program with which he was connected at the time of his departure from the United States.

2. Section 42.42 is amended by the addition of the following paragraph (c) at the end thereof:

(c) *Former exchange visitors.* (1) No alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to the effective date of this regulation, shall be eligible to apply for and receive an immigrant visa notwithstanding the provisions of section 203 (b), (c), or (d) of the act, or the provisions of § 42.25 unless (i) the consular officer is satisfied that such alien has resided and been physically present abroad for an aggregate of at least two years since his departure from the United States following the termination of his exchange-visitor status in a country or countries cooperating in the exchange-visitor program, or (ii) the requirements of this subparagraph are waived as provided in section 201 (b) of the United States Information and Educational Exchange Act of 1948, as amended. (See § 41.102 in cases of former exchange visitors who apply for nonimmigrant "H" visas.)

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, the requirement of a two-year residence and physical presence abroad shall not apply in the case of an alien who was in the United States as an exchange visitor on or before June 4, 1956, who proceeded abroad temporarily on a personal visit or for reasons related to his exchange-visitor program, and who was readmitted into the United States subsequent to June 4, 1956, for the remainder of the period of authorized stay granted prior to the effective date of this regulation to continue his participation in the exchange-visitor program with which he was connected at the time of his departure from the United States.

The regulations contained in this order shall become effective thirty days after their publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 60 Stat. 174; 8 U. S. C. 1104)

Dated: August 10, 1956.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 56-6730; Filed, Aug. 20, 1956; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Q—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, Business, and Other Purposes

PART 171—LEASING AND PERMITTING

PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE NATION, OKLAHOMA

MISCELLANEOUS AMENDMENTS

1. Section 171.6 (c) and (e) is revised and new paragraph (g) is added to § 171.6 to read as follows:

§ 171.6 *Duration of leases and permits of restricted land.* • • •

(c) Farming leases not requiring such investment or development may be executed for a term of not to exceed five years for dry-farming lands or ten years for irrigable lands.

• • • • •

(e) Unless otherwise provided by the Commissioner or his authorized representative, the rental on leases granted for more than five years shall be subject to adjustment at not more than five year intervals.

• • • • •

(g) With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases.

2. Section 171.7 (c) is revised to read as follows:

§ 171.7 *Power of superintendent to grant leases or permits for restricted lands of individual Indians.* • • •

(c) Where the majority interest in land being leased is owned by Indians authorized to negotiate their leases as provided for in § 171.8 and such Indians have agreed to and executed a lease on terms satisfactory to the superintendent, the superintendent is authorized to execute the lease in behalf of undetermined presumptive heirs owning the minority interest in such lands and in behalf of such Indians whose lands he is authorized to lease under paragraphs (a) and (b) of this section, without advertising such minority interest and without the limitation as to term as provided for in § 171.6 (f).

3. Section 171.9 (a) is revised to read as follows:

§ 171.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands, at not less than the appraised value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

• • • • •

4. Section 171.17 is revised to read as follows:

§ 171.17 *Special mandatory provisions.* All leases or permits issued under this part shall contain provisions as follows:

(a) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land during the term of this lease; however, such termination shall not serve to abrogate this lease. In the event of such termination, all powers, duties, or other functions of the Secretary of the Interior or his authorized representative shall terminate, and the responsibility for enforcing compliance with the covenants of this lease shall be assumed by the lessor, his heirs, devises, executors, administrators, or assigns.

(b) In the event of termination of Federal supervision, the lessor and lessee, or their successors in interest, shall have a period of 30 days from the anniversary date provided for in the lease for adjustment of the rental within which to agree upon the rental adjustment or to agree upon a commercial appraiser to determine the fair annual rental value. If no agreement can be reached at the end of 30 days, the lessor and lessee, or their successors, shall each appoint an appraiser and the two appraisers shall select a third appraiser. The three appraisers so selected shall constitute the appraisal board to revaluate the fair annual rental.

(c) The lessee (permittee) further agrees that he will not use or permit to be used any part of said premises for any unlawful conduct or purpose whatsoever; that he will not use or permit to be used any part of said premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto, and that any violation of this clause by the lessee (permittee) or with his knowledge, shall render this lease voidable at the option of the superintendent.

5. Section 171.24 (c) is revised to read as follows:

§ 171.24 *Crow Reservation.* • • •

(c) The approval of the superintendent of the Crow Agency shall not be required under § 171.8 with respect to leases or permits which are issued by Indian allottees whose names appear as competent on the rolls completed in accordance with the provisions of section 3 of the act of June 4, 1920 (41 Stat. 751), as supplemented by the acts of May 19, 1926 (44 Stat. 566), May 2, 1928 (45 Stat. 482), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 695), and which cover their own allotments or the allotments of their minor children for farming or grazing purposes except that leases other than farming and grazing made pursuant to the provisions of the act of August 9, 1955 (69 Stat. 539), all leases made by adult Crow Indians not classified as competent, and leases on heirship lands of Crow Indians having more than five competent devisees or heirs require the approval of the superintendent. Leases or permits requiring the approval of the superintendent shall provide that all rentals are to be paid by the lessee or permittee to the superintendent for the benefit of the Indian owners. Copies of all leases and permits that do not require the approval of the superintendent shall be filed promptly with the superintendent of the Crow Agency. Such filing shall impart constructive notice to all persons of its contents. No such lease which has not been so filed shall be recognized by the superintendent or by the Bureau as against lessees, purchasers, or encumbrancers of the same land in good faith for value and without notice. Any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made by him pursuant to this section.

6. All of Part 177 is hereby revoked.

(R. S. 161; 5 U. S. C. 22)

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1956.

[F. R. Doc. 56-6715; Filed, Aug. 20, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter E—Claims

PART 750—NAVY GENERAL CLAIMS

PART 753—FOREIGN, NONCOMBAT CLAIMS

MISCELLANEOUS AMENDMENTS

a. Change § 750.18 to read as follows:

§ 750.18 *Statutory authority.* The first section of the act of December 28, 1945 (59 Stat. 662; 31 U. S. C. 223d), makes applicable to the Navy the act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended by the act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 223b), the act of June 28, 1946 (60 Stat. 332; 31 U. S. C. 223b), the act of July 26, 1947 (61 Stat. 501; 31 U. S. C. 223b), the joint resolution of July 3, 1952 (66 Stat. 334; 31 U. S. C. 223b), the joint resolution of March 31, 1953 (67 Stat. 18; 31 U. S. C. 223b), the joint resolution of June 30, 1953 (67 Stat. 131; 31 U. S. C. 223b), and the act of March 29, 1956 (70 Stat. 60; 31 U. S. C. 223b). Pursuant to, and subject to the limitations of, this authority, as amended, the Secretary of the Navy and, subject to appeal to the Secretary of the Navy, such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are authorized to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000 where accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such manner as the Secretary of the Navy may by regulation prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damage to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise.

b. Amend § 750.19 in the following respects:

§ 750.19 *Scope of the act of December 28, 1945, as amended.* (a) Subject to the exceptions set forth in paragraph (b) of this section, claims not in excess of $1,000, arising on or after May 27, 1941, for damage to or loss or destruction of real or personal property, or for personal injury or death caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damages to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damage to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise, are payable by the Secretary of the Navy or his designees under the act of December 28, 1945, as amended, and §§ 750.17 to 750.27.

(b) The provisions of the act of December 28, 1945, as amended, and §§ 750.17 to 750.27 do not apply to:

• • • • • •

(3) Any claim for personal injury or death incurred on or before March 29, 1956, other than for reasonable medical, hospital, and burial expenses actually incurred as a result thereof.

• • • • • •

c. Change § 750.21 to read as follows:

§ 750.21 *Claims in excess of $1,000.* Claims in excess of $1,000, if otherwise within the scope of the act of December 28, 1945, as amended, and §§ 750.17 to 750.27, may be reported by the Secretary of the Navy to Congress for its consideration. Such claims, if found to be meritorious, will ordinarily be reported to Congress in a deficiency appropriation bill, obviating the claimant's initiation of private relief legislation.

d. Change § 750.27 to read as follows:

§ 750.27 . *Statute of limitations.* No claim may be settled under the act of December 28, 1945, and §§ 750.17 to 750.27 unless it is presented in writing within two years after the occurrence of the accident or incident out of which it arises. However, if such accident or incident occurs in time of war or armed conflict, or if war or such armed conflict intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within two years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict for the purpose of the act of July 3, 1943, as amended and applicable to the Navy (see § 750.18) will be established by concurrent resolution of the Congress or by determination of the President. The provisions of this section do not revive claims in regard to which the period of limitation had expired prior to March 29, 1956, under the law then in effect.

e. Amend § 750.30 in the following respects:

§ 750.30 *Measure of damages.* • • •

(b) In claims for personal injury or death cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of Title 28, United States Code, Section 1346 (b), the measure of damages is determined by the law of the place where the act or omission occurred. In claims for personal injury or death cognizable under the act of December 28, 1945, as amended, accruing on or before March 29, 1956, the measure of damages is restricted to reasonably necessary medical, hospital, and burial expenses, reasonable in amount and actually incurred, including, but not limited to, the following:

• • • • •

(c) In claims for personal injury or death cognizable under the act of December 28, 1945, as amended, accruing after March 29, 1956, the measure of damage may include reasonable medical, hospital, and burial expenses, reasonable compensation for anticipated medical expenses, loss of earnings and services, diminution of earning capacity, pain and suffering, permanent injury and death. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a guide. In case of death, only one claim arises; the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries and in the proportions, prescribed by law or custom of the place in which the accident or incident resulting in death occurs.

• • • • •

f. Change § 750.35 (a) (3) to read as follows:

(3) When injury or death results to any civilian other than an employee of the Government acting in the performance of his duty and covered by the United States Employees' Compensation Act.

g. Change § 750.36 (a) and (b) to read as follows:

(a) Immediate responsibility for the investigation of an incident in accordance with the regulations in this part lies with the commanding officer or officer in charge of the local naval activity which is most directly concerned, normally the commanding officer or officer in charge of the personnel involved or of the activity in which the incident occurred. When two or more activities are involved, the senior of the commanding officers or officers in charge concerned shall decide which of them shall have immediate responsibility for the investigation.

(b) When an accident or incident occurs at a place where the naval service does not have an installation or unit conveniently located for conducting an investigation, the commanding officer or officer in charge having immediate responsibility for making such investigation may request assistance from the commanding officer of any other organization of the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. Likewise, in the event that under similar circumstances the commanding officer or officer in charge of any other organization of the Department of Defense requests such assistance from the commanding officer or officer in charge of a naval installation or unit, the latter will comply with the request. If a complete investigation is requested, the report will be made in accordance with the regulations of the requested service. These investigations will normally be conducted without reimbursement for per diem, mileage, or other expenses incurred by the investigating installation or unit.

h. Change § 750.37 to read as follows:

§ 750.37 *The investigating officer.* Every investigation required by the regulations in this part shall be conducted by an investigating officer. The commanding officer or officer in charge of each naval activity shall designate a qualified individual under his command, preferably one with legal training and experienced in the conduct of investigations, as the investigating officer for the activity. Whenever necessary, in the discretion of the commanding officer or officer in charge, additional or assistant investigating officers may be appointed, each with all and the same powers as the investigating officer, except that all assistant investigating officers shall be under the general supervision of the investigating officer. To insure prompt investigation of every incident while witnesses are available and before damage has been repaired, the duties of an officer in his capacity as an investigating officer shall ordinarily have priority over any other assignments he may have.

i. Change § 750.38 (a) (5) to read as follows:

(5) To ascertain the nature, extent, and amount of damage and to obtain all pertinent repair bills or estimates, medical, hospital, and associated bills as are necessary to the proper adjudication of a claim against or in favor of the Government which may arise from the incident. For proper method of computing the amount of damages, see § 750.30. Claims for loss of earnings and diminution of earning capacity arising under the Federal Tort Claims Act or the act of December 28, 1945, as amended, after March 29, 1956, require submission by the claimant of a statement by his employer executed before a notary public, or where the claimant is in business for himself a certified copy of company records, showing claimant's age, occupation, wage or salary, and time lost from work as a result of the incident. Where such statements or records are not available, a sworn statement by the claimant will be obtained. Claims for loss of earnings, diminution of earning capacity, medical and hospital expenses, anticipated medical expense, pain and suffering, physical disfigurement, and temporary or permanent injury arising under the Federal Tort Claims Act or the act of December 28, 1945, as amended, require submission by the claimant of a written statement by the attending physician setting forth the nature and extent of the injury and treatment, the duration and extent of the disability involved, the prognosis, and period of hospitalization or incapacity.

j. Change § 750.40 to read as follows:

§ 750.40 *Action by the commanding officer or officer in charge.* The investigative report will be reviewed and, if necessary, returned to the investigating officer for the correction of any omissions noted. If there is a legal officer available, the commanding officer or officer in charge should ordinarily use his services in reviewing and, if desirable, endorsing the report. If the report is in order, it shall be forwarded by endorsement, with any pertinent comments and recommendations. In cases in which the certificate report authorized by § 750.39 (b) is used, the commanding officer or officer in charge may indicate his approval of the certificate report by signing this report in the space provided thereon. One copy of the report shall be retained in the file of the local activity and shall be made available to safety officers for use in accident prevention and to superior commands upon request. The original and one copy of the report, together with all three copies of any claim filed, shall be forwarded by means of the aforementioned endorsement, without regard to chain of command, to the Commandant of the naval district in which the incident occurs, attention District Legal Officer. In cases where the incidents occur outside the geographical limits of any naval district, the commanding officer or officer in charge shall promptly forward such reports to the Judge Advocate General.

k. Change § 750.42 to read as follows:

§ 750.42 *Approval of claims.* (a) Claims cognizable under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 shall be approved or disapproved, in whole or in part, by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Assistant Judge Advocate General.

(3) The Director, Civil Law Division of the Office of the Judge Advocate General.

(4) The Head, General Claims Branch, Civil Law Division of the Office of the Judge Advocate General.

(5) Such other officers as may be specifically designated by the Secretary of the Navy from time to time on an ad hoc basis to act upon claims arising out of particular incidents.

(6) The Commandant or the District Legal Officer of the naval district within which the claims arose, if the combined liquidated and known potential claims of all possible claimants for the property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(7) The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(b) Claims cognizable under the act of December 28, 1945, and §§ 750.17 to 750.27 shall be approved or disapproved, in whole or in part by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Assistant Judge Advocate General.

(3) The Director, Civil Law Division of the Office of the Judge Advocate General.

(4) The Head, General Claims Branch, Civil Law Division of the Office of the Judge Advocate General.

(5) Such other officers as may be specifically designated by the Secretary of the Navy from time to time on an ad hoc basis to act upon claims arising out of particular incidents.

(6) The Commandant or the District Legal Officer of the naval district within which the claims arose, if the combined liquidated and known potential claims of all possible claimants for the property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(7) The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(8) Foreign Claims Commissions to the extent authorized by Department of Defense Notices of January 28, 1955 (20 F. R. 775) and December 11, 1953 (18 F. R. 8513). (See § 753.33 of this chapter.)

(c) Claims cognizable under the act of July 11, 1919, as amended, and §§ 750.28 to 750.29 shall be approved or disapproved by the Secretary of the Navy.

(d) Subject to the provisions of Title 28, United States Code, section 1346 (b), and §§ 750.8 to 750.16 respecting civil action against the United States, and subject to the provisions of § 750.43, with regard to appeal, any award or determination of the Secretary of the Navy, or his designees, under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, is final and conclusive upon all officers of the Government, except when procured by means of fraud. Notwithstanding any other provision of law to the contrary, any settlement made by the Secretary of the Navy under the authority of the act of December 28, 1945, and §§ 750.17 to 750.27, or, subject to the provisions of § 750.43 with regard to appeal to the Secretary of the Navy, by his designees for the purpose, is final and conclusive for all purposes.

l. Change § 753.19 (a) to read as follows:

§ 753.19 *Creation.* (a) All commanding officers are hereby granted authority to appoint Foreign Claims Commissions. For the purposes of the Foreign Claims Act and the regulations in this part, the officer in charge of the United States Sending State Office for Italy and naval attachés are to be considered commanding officers. Commissions may be appointed to consider each claim as presented, or to constitute a standing claims commission to consider all claims presented to it. The commanding officer to whom a claim is presented has the duty of referring the claim to a commission and of appointing a commission himself where necessary or expeditious. Each Foreign Claims Commission will be composed of one or more officers.

(Sec. 1, 55 Stat. 880, as amended; 31 U. S. C. 224d)

By direction of the Secretary of the Navy.

W. R. SHEELEY,
Rear Admiral, U. S. Navy, Judge Advocate General of the Navy (Acting).

AUGUST 14, 1956.

[F. R. Doc. 56-6719; Filed, Aug. 20, 1956; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

FLUSHING CREEK, N. Y.; PACIFIC OCEAN OFF POINT REYES, CALIFORNIA

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.157 is hereby prescribed to govern the operation of the Whitestone Parkway Bridge across Flushing Creek, New York, as follows:

§ 203.157 *Flushing Creek, N. Y.: Whitestone Parkway Bridge.* (a) The owner of or agency controlling this bridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) Vessels owned, controlled, or employed by the United States Government, State Government, or by municipal departments shall be passed without delay through the draw of this bridge at any time, day or night, after giving a signal of four blasts of the whistle.

(c) All other vessels unable to pass under the closed bridge shall be passed through the draw of this bridge at any time, day or night, after giving a signal of three blasts of the whistle, repeated at intervals when necessary until answered from the bridge, except between 6:30 and 9:30 a. m. and 4:00 and 7:30 p. m.

(d) Upon receiving the signal from the vessel, the operator of the bridge, in case the draw can be opened immediately shall reply by three blasts of a whistle or horn. In case of accident to the machinery or other contingency necessitating delay in opening of the draw, the signal from the vessel shall be answered by the operator of the bridge by two blasts of a whistle or horn.

(e) Pedestrians and vehicles shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage over, through, or under the bridge shall be prompt, to prevent delay to either land or water traffic.

(f) Clearance gauges of a type to be approved by the District Engineer, Corps of Engineers, shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gauges shall consist of two board gauges painted white with black figures not less than

nine inches high, which shall indicate the headroom clearances under the closed span at all stages of the tide. These gauges shall be so placed, that they will be plainly visible to the operator of a vessel approaching the bridge either upstream, or downstream, and shall be illuminated at night and during periods of decreased visibility caused by fog, rain and snow.

(g) To the end that the draw of the bridge shall not be required to be opened or operated oftener than necessary outside of closed periods specified in paragraph (c) of this section, the height of the highest fixed point above water when light, of each vessel regularly and habitually navigating the waterway, shall be conspicuously posted, where it can be seen by the person in charge of said vessel. Each tug, barge and other small craft regularly and habitually navigating the waterway shall be subject to inspection and measurement by the District Engineer, Corps of Engineers, to determine which vessels, if any, would by reasonable reductions in heights of masts and/or stacks, be capable of passing under the closed draw of the bridge affording a least vertical clearance of 34 feet at mean high water. The said District Engineer will notify the owners of such vessels as can be so modified, of the date by which the modifications shall be completed. In the event of the failure of said owners to comply with such notification, the District Engineer will authorize the bridge owner to delay opening of the bridge for the passage of said vessels until convenient to do so, but on no occasion for more than forty-five minutes: *Provided, however*, That such vessel shall not be so delayed when it has in tow another vessel or craft of such height as to require the opening of the bridge, or when, because of the stress of weather, prompt opening is necessary. Any vessel passing the draw of the bridge as often as once a day for 10 days in any 30-day period, will be regarded as a regular and habitual user of the waterway within the meaning of this paragraph.

[Reg., August 7, 1956, 823.01 (Flushing Creek, N. Y.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204. 218 establishing and governing the use and navigation of a naval bomb target area in the Pacific Ocean off Point Reyes, California, is hereby revoked, as follows:

§ 204.218 *Pacific Ocean off Point Reyes, Calif., northwest of Farallon Islands; bombing target area, Naval Air Station, Alameda, Calif.* [Revoked]

[Regs., August 6, 1956, 800.2121 (Pacific Ocean, Calif.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6713; Filed, Aug. 20, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PART 5—CENTRAL COMMITTEE ON WAIVERS AND FORFEITURES AND FIELD COMMITTEES ON WAIVERS

MISCELLANEOUS AMENDMENTS

1. In part 3, paragraph (a) of § 3.26 is amended to read as follows:

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 8–526, upon receipt by the Veterans Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 8–526, Veteran's Application for Compensation or Pension: VA Form 8–526 is designated as an application for either compensation or pension, or both. It constitutes a formal claim for both benefits, and it is not necessary that the veteran subsequently file a separate claim for either. It is not required that the claim be processed or adjudicated for compensation and pension routinely and in all instances. Depending upon the manner of execution, that is, the items of information recorded on the form, it should be readily apparent whether the veteran is claiming either compensation or pension, or both benefits. If items 23, 24, and 25 are used, item 36 checked "No," and items 37 through 49 not used, the claim is for compensation and will be so adjudicated. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 45 are used, the claim is also only for compensation but with an allegation of total disability. However, all disabilities, both service connected and nonservice connected, will be evaluated and the greater benefit awarded. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 49 used, the claim is for both compensation and pension. If items 23, 24, and 25 are not used, item 36 is checked "Yes," and items 37 through 49 used, the claim is for pension. Any statement on VA Form 8–526, or in a separate communication, showing an intent to file a claim for additional disability resulting from training, hospitalization, medical or surgical treatment, or examination, filed within 2 years after the injury or aggravation was suffered, may be accepted as a claim under section 31, Public Law 141, 73d Congress; section 12, Public Law 866, 76th Congress; section 2 (par. 4, pt. VII), Public Law 16, 78th Congress, or Public Law 894, 81st Congress.

Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans Administration and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans Administration as of the date of receipt by the State Department representative.

* * * * * * *

2. In Part 4, paragraph (b) (3) of § 4.0 is amended to read as follows:

§ 4.0 *Application for death benefits.* * * *

(b) *Furnishing of claim forms by the Veterans Administration.* * * *

(3) *Death due to Veterans Administration hospital treatment, etc.* An application for benefits under section 31, Public Law 141, 73d Congress, section 12, Public Law 866, 76th Congress, section 2 (par. 4, pt. VII), Public Law 16, 78th Congress, or Public Law 894, 81st Congress, will not be initiated. A statement on VA Form VB 8–534 or 8–535 or in a separate communication showing an intent to file a claim under those specific provisions of the law may be accepted as a claim.

* * * * * * *

(Sec. 5, 43 Stat. 609, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

3. In Part 5, § 5.4 is revised to read as follows:

§ 5.4 *Jurisdiction.* The Central Committee on Waivers and Forfeitures has exclusive jurisdiction to consider questions of forfeiture relating to the submission of false or fraudulent evidence, or mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies. (See sec. 504, World War Veterans' Act, 1924, as amended, 38 U. S. C. 555, as preserved and continued by sec. 11, Public Law 2, 73d Cong., 38 U. S. C. 711; sec. 15, Public Law 2, 73d Cong., 38 U. S. C. 715; sec. 9, Public Law 304, 75th Cong., 38 U. S. C. 510; sec. 4, Public Law 144, 78th Cong., 38 U. S. C. 728; sec. 1500, Public Law 346, 78th Cong., 38 U. S. C. 697; sec. 9, Public Law 23, 82d Cong., 38 U. S. C. 858; and sec. 270, Public Law 550, 82d Cong.) This jurisdiction does not include questions of forfeiture under the National Service Life Insurance Act of 1940 (Public Law 801, 76th Cong.), as amended, or under title V of the Servicemen's Readjustment Act of 1944, as amended. The field Committees on Waivers have no jurisdiction over forfeiture questions.

4. In § 5.5, paragraphs (c) and (d) are amended to read as follows:

§ 5.5 *When forfeiture questions arise.* * * *

(c) The Chief, Veterans Claims Division, if the veteran or alleged veteran is alive and the claim is under the jurisdiction of Veterans Benefits Office—District of Columbia.

(d) The Chief, Dependents Claims Division, if the veteran or alleged veteran is deceased and the claim is under the jurisdiction of Veterans Benefits Office—District of Columbia.

5. In § 5.6, paragraph (a) is amended to read as follows:

§ 5.6 *Actions preliminary to submissions.* (a) Where the question relates to what is thought to be false or fraudulent evidence, it shall be the duty of the official designated in § 5.5 to review the alleged false or fraudulent evidence and authorize an investigation when in his opinion there is reasonable assumption that such evidence is fraudulent, and when in his opinion any prior investigation is inadequate. Where the question involved is one of possible guilt of an offense mentioned in section 4, Public Law 144, 78th Congress, such official shall not request an investigation but shall refer the folder or folders to the Central Committee on Waivers and Forfeitures for development, with a letter or memorandum stating the known facts. However, the Manager, Veterans Administration Regional Office, Republic of the Philippines, may authorize an investigation in the Philippines for the purpose of procuring evidence of an offense named in said section 4, Public Law 144, as well as in those cases involving what is thought to be false or fraudulent evidence; and may also as to the latter class suspend or in death cases recommend suspension of payments if warranted by the circumstances.

* * * * * * *

6. In § 5.7, paragraph (a) is amended to read as follows:

§ 5.7 *Submission of forfeiture questions.* (a) When an investigation has been completed or the evidence considered as provided in § 5.6 (a) and (b), the appropriate official designated in § 5.5 shall determine whether a submission to the Central Committee on Waivers and Forfeitures is warranted; and, if he determines that it is, shall forward the evidence and the folder or folders to said committee for a decision as to whether there is a forfeiture of rights under the statutory provisions specified in § 5.4. A submission may also be made to the Central Committee on Waivers and Forfeitures by the director of a service (or the Chairman, Board of Veterans Appeals, the Chief Medical Director, or the General Counsel) for the office concerned if the facts warrant. Prior to the submission of the folder or folders to the Central Committee on Waivers and Forfeitures for consideration of what is thought to be false or fraudulent evidence, payments shall be suspended as of the date of last payment, pending final action by that committee. Where the question is one of possible guilt of one of the offenses mentioned in section 4, Public Law 144, 78th Congress, payments in an active case shall not be suspended prior to a declaration of forfeiture.

* * * * * * *

7. Section 5.8 is revised to read as follows:

§ 5.8 *Determinations under section 4, Public Law 144, 78th Congress.* Section 4, Public Law 144, 78th Congress, provides in part that "Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents: * * *" As to any person who is not beyond the jurisdiction of the United States courts, no forfeiture for any of those offenses shall be declared except upon conviction in a court of competent jurisdiction; or otherwise after full notice and hearing with representation by counsel, if desired. Pending trial or hearing and declaration of forfeiture, benefits shall not be suspended or discontinued. If in any case wherein forfeiture for such offenses has been declared, the person shall be later tried within the jurisdiction of the United States courts and found not guilty of the same offense, other than because of the defense of the statute of limitations, the forfeiture may be lifted as of its effective date, but any apportioned payments made in the meantime shall be valid and charged against amounts otherwise payable.

8. In § 5.9, paragraph (a) is amended to read as follows:

§ 5.9 *Decisions and actions pursuant thereto.* (a) When it is determined that a forfeiture is in order, the Central Committee on Waivers and Forfeitures shall render a decision to that effect. In cases involving section 4, Public Law 144, 78th Congress, a declaration of forfeiture must be approved by the Director, Compensation and Pension Service, and by the General Counsel. The decision shall be final unless appeal therefrom to the Administrator of Veterans Affairs is made in accordance with existing appeals regulations and procedure. In any case where there has been a forfeiture of rights, the claims folder and the R & E folder shall be retained in the Veterans Benefits Office, District of Columbia, during the lifetime of the person whose rights are forfeited, except that in the event entitlement to Veterans Administration benefits is claimed on the basis of service in the Armed Forces subsequent to the commission of the offense on which forfeiture determination was based, veterans records will, upon request, be permanently transferred to the regional office of jurisdiction. It is the duty of the division having jurisdiction over the benefits affected by the forfeiture to discontinue payments by stop payment notice as of the proper definite date, i. e., the date of the commission of the offense, or in section 4, Public Law 144, 78th Congress cases, the date of the decision of forfeiture, or where appropriate, date of last payment.

* * * * * * *

9. In § 5.10, paragraphs (a), that portion of (b) immediately preceding (1), (c), and (e) are amended to read as follows:

§ 5.10 *Central Committee on Waivers and Forfeitures.* (a) The Central Committee is established in central office under a Chairman and Section Chairmen. The Chairman is responsible to the Director, Compensation and Pension Service.

(b) The Central Committee has original jurisdiction to consider:

* * * * * * *

(c) The Chairman of the Central Committee is authorized by the Administrator to certify waivers of recovery of overpayments or of collection of indebtedness specified in § 5.0 (a), (b), (c), and (d). The Section Chairmen are authorized to perform this function in the absence of the Chairman, or when directed by him.

* * * * * * *

(e) Three members of the Central Committee, including the Chairman or a Section Chairman, must concur in a forfeiture decision. These three members will be the same group to whom a case was assigned for consideration, hearing and decision. In case of nonconcurrence by any one member, the case will be assigned to the entire Central Committee for majority decision after full and impartial consideration. A decision shall, in other than section 4, Public Law 144, 78th Congress cases, be final. In the excepted cases a declaration of forfeiture shall be subject to the approval or disapproval of the Director, Compensation and Pension Service, and the General Counsel. Except as to the determinations specified in § 5.13 (b), all declarations of forfeiture shall be subject to an appeal to the Board of Veterans Appeals in accordance with existing appeals regulations and procedure. The Central Committee shall render a final decision on any request for an administrative review of a determination that an educational institution or training establishment is liable under section 7, Public Law 610, 81st Congress, or section 266, Public Law 550, 82d Congress, for an overpayment of subsistence allowance or educational and training allowance; and any such decision shall be valid if it is concurred in and signed by any two members of the specially constituted review section that is designated in § 5.13 (b).

* * * * * * *

10. Section 5.11 is revised to read as follows:

§ 5.11 *Committees on Waivers in field offices.* (a) In each district office and regional office there is established a field Committee on Waivers, consisting of three members designated from among the employees of that field office, whose service on the committee is in addition to their regular duties. In the Veterans Benefits Office, District of Columbia, there are established two field Committees on Waivers, of three members each, whose service on the committee is in addition to their regular duties as employees of the Veterans Benefits Office. No authorized certifying officer of the finance activity shall serve as a member of any of these committees. The Manager of the field office shall designate the members of the committee. In regional offices, the committee shall function directly under, and be administratively responsible to, the adjudication officer. In district offices, the committee shall function directly under, and be administratively responsible to, the Director, Claims Service. In the Veterans Benefits Office, District of Columbia, the two committees shall function directly under, and be administratively responsible to, the Chief, Veterans Claims Division, and the Chief, Dependents Claims Division, respectively. If the Manager of the field office considers that a larger committee is necessary because of unusual conditions he may appoint additional members for the period during which such conditions prevail, but the membership of the committee shall not exceed seven. Questions of the jurisdiction of the committee and the assignment of cases to its members shall be determined by the Chairman. The Manager of the field office shall re-

port to the Chairman, Central Committee on Waivers and Forfeitures, the name of each person designated as a member of the Committee on Waivers and the name of each person appointed as Chairman or Section Chairman.

(b) The Committee on Waivers shall have one Chairman; and either one Section Chairman or two Section Chairmen, at the discretion of the Manager, all appointed by the Manager. The Chairman and Section Chairmen are members of the committee. The duties of the Chairman shall be discharged by a Section Chairman when the Chairman is absent or when he authorizes the Section Chairman to do so. The Chairman and the Section Chairmen have been delegated authority to certify waiver of recovery of overpayments.

11. In § 5.13, paragraphs (a) and (b) (1) are amended to read as follows:

§ 5.13 *Administrative reviews.* * * *

(a) Except as provided in paragraph (b) of this section, a request for an administrative review of a decision of a Committee on Waivers may be made by (1) the claimant, his guardian, his agent duly authorized over the claimant's signature, or (2) on the part of the Veterans Administration, by the Manager of the field office. The request must be in writing and, unless the committee extends the time, shall be presented within 60 days from receipt of notice of the field committee's action. An additional period of 30 days may be granted when, in the committee's judgment, exceptional circumstances justify. The Central Committee may make an administrative review, on its own motion, of any decision of a field Committee on Waivers. A decision rendered upon administrative review by the Central Committee on Waivers and Forfeitures shall be subject to the right of any Chief Director or Service Director concerned or the General Counsel to appeal to the Administrator of Veterans Affairs within 1 year from the date thereof with decisions to be made by the Board of Veterans Appeals.

(b) * * *

(1) There is established in the Central Committee on Waivers and Forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the Chairman, Central Committee on Waivers and Forfeitures, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Central Committee on Waivers and Forfeitures who will preside over the meetings of said section or will designate one member to preside in his stead to be known as a Section Chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of decisions of the field Committee on Waivers in:

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs: 28, 504, 43 Stat. 615, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, sec. 9, 50 Stat. 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 60 Stat. 908, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681, 67 Stat. 192; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 80o, 858, ch. 12A)

This regulation is effective August 21, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-6728; Filed, Aug. 20, 1956; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdts. 1-6, 9-4; FCC 56-789]

PART 1—PRACTICE AND PROCEDURE

PART 9—AVIATION SERVICES

USE OF CIVIL AIR PATROL APPLICATION FORM (FCC FORM 480) FOR RENEWAL OF CAP AUTHORIZATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of August 1956;

The Commission having under consideration a request by National Headquarters, Civil Air Patrol, to permit the use of FCC Form 480 for renewal of CAP authorizations; and

It appearing that, approval of the above-described request is justified in terms of increased efficiency in the handling of CAP applications, both within the Commission and the CAP National Headquarters; and

It further appearing that, since the amendments herein ordered are procedural and editorial in nature, notice of proposed rules making under section 4 (a) of the Administrative Procedure Act is unnecessary and would serve no useful purpose;

It is ordered, That, pursuant to authority contained in sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended, Parts 1 and 9 of the Commission's rules and regulations be amended, effective the 17th day of September, 1956, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interpret or apply secs. 303, 308, 48 Stat. 1083, 1085; 47 U. S. C. 303, 308)

Released: August 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1. Amend § 1.312 (e) to read as follows:

(e) FCC Form 480, "Application for Civil Air Patrol Radio Station Authorization."

2. Amend § 9.108 (e) to read as follows:

(e) Application for renewal of radio station license, except Civil Air Patrol, shall be submitted on FCC Form 405-A. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

[F. R. Doc. 56-6748; Filed, Aug. 20, 1956; 8:51 a. m.]

[Rules Amdt. 12-22]

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in §§ 12.23, 12.27, 12.156 and Appendix 1 of its rules governing Amateur Radio Service; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's statement of organization, delegations of authority and other information;

It is ordered, This 16th day of August 1956, that, effective August 27, 1956, Part 12 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: August 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1a. Section 12.23 (e) (2) (i) is amended to read as follows:

(i) 3700 to 3750 kc, radiotelegraphy using only type A1 emission.

b. Section 12.23 (e) (2) (iv) is amended to read as follows:

(iv) 145 to 147 Mc, radiotelegraphy or radiotelephony using types of emission as set forth in Section 12.111.

2. Section 12.27 (d) is amended to read as follows:

(d) A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

3. That portion of § 12.156 which precedes paragraph (a) is amended as follows: Change "Regional Manager" to "Engineer in Charge."

4. Appendix I of Part 12 is amended to delete the list of the offices of the Regional Managers of the Field Engineering and Monitoring Bureau.

[F. R. Doc. 56-6749; Filed, Aug. 20, 1956; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1320]

[1267231]

IDAHO

REVOKING EXECUTIVE ORDER NO. 4682 OF JULY 4, 1927, WHICH WITHDREW PUBLIC LAND FOR USE OF STATE OF IDAHO AS A RIFLE RANGE FOR IDAHO NATIONAL GUARD

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4682 of July 4, 1927, which withdrew the following-described public land for use of the State of Idaho as a rifle range for the Idaho National Guard is hereby revoked:

BOISE MERIDIAN

T. 4 N., R. 38 E.,
Sec. 18, NW¼.

The area described aggregates approximately 157.48 acres.

The land is located in Jefferson County about 5½ miles west of Rigby, Idaho, at an elevation of about 4,800 feet. The soil is mainly of sandy texture formed from disintegrated basalt. There is considerable lava rock outcrop and float rock. Vegetative cover is primarily sagebrush, cheatgrass, Russian thistle and some annual weeds. The land is within Grazing District No. 3.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on September 20, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 20, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on December 20, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The land has been opened to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. It will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on December 20, 1956.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1956.

[F. R. Doc. 56-6717; Filed, Aug. 20, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

[Hearing Clerk Docket No. SH-138]

1956 SUGAR QUOTAS FOR PUERTO RICO

NOTICE OF REOPENED HEARING

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. 1100 et. seq.), hereinafter referred to as the "act," the 1956 Mainland quota of 1,080,000 short tons, raw value, and the direct-consumption portion thereof amounting to 123,033 short tons, raw value, for Puerto Rico as established by Sugar Regulation 811 (20 F. R. 9848) and the local quota of 100,000 short tons, raw value, for Puerto Rico as established in Sugar Regulation 812 (20 F. R. 9850) were allotted in Sugar Regulation 814.15, Amendment 1 (21 F. R. 5819) and 814.16 (20 F. R. 9901; 21 F. R. 105). The act was amended by Public Law 545, 84th Congress, approved May 29, 1956, which provided, among other things, for increases in the mainland and direct-consumption quotas for Puerto Rico above the previously fixed levels when total sugar requirements exceed 8,650,000 short tons, raw value. In accordance therewith, the 1956 mainland quota for Puerto Rico was increased by 13,750 short tons, raw value, to total 1,093,750 short tons, raw value, by Sugar Regulation 811, Amendment 4 (21 F. R. 6009) effective August 11, 1956, and the 1956 direct-consumption portion of the quota for Puerto Rico will be increased by 1,605 short tons, raw value, to total 127,638 by a subsequent amendment to Sugar Regulation 811.

In view of such increases in the 1956 sugar quotas for Puerto Rico and to provide a basis for the allotment thereof and any further changes in such quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such quota identified as Hearing Clerk Docket No. SH-138, to permit evidence, limited to the subjects and issues hereafter stated, to be introduced into such record. Accordingly, pursuant to section 205 of the act (62 Stat. 926, as amended by sec. 10, Public Law 545, 84th Congress) and in accordance with the applicable rules of practice and procedure (21 F. R. 4251) notice is hereby given that a public hearing will be held in Room 2W, Administration Building, U. S. Department of Agriculture,

August 31, 1956, beginning at 9:30 a. m., e. d. s. t.

The scope of such hearing will be limited to the presentation of evidence relevant and pertinent to the following subjects and issues.

1. The allotment, in accordance with section 205 of the act, of (a) the increase of 13,750 short tons, raw value, in the 1956 mainland sugar quota for Puerto Rico and the allotment of any further increases or reductions of that part of the quota in excess of 1,080,000 short tons, raw value, and (b) any increase or decrease in the local quota for Puerto Rico, and (c) the indicated increase of 1,605 short tons, raw value, in the portion of the quota for Puerto Rico which may be filled by direct-consumption sugar and the allotment of any further increases or reductions of that part of the direct-consumption limit in excess of 126,033 short tons, raw value.

At the hearing, the Department of Agriculture will propose (1) that the increase of 13,750 short tons, raw value, in the 1956 mainland sugar quota for Puerto Rico, and any further increases or reductions of that part of the mainland quota in excess of 1,080,000 short tons, raw value, and any increase or decrease in the local quota for Puerto Rico be allotted in the same manner used in determining local and mainland allotments as established in S. R. 814.15, Amendment 1 (21 F. R. 5819), and (2) that the increase of 1,605 short tons, raw value, in the portion of the quota for Puerto Rico which may be filled by direct-consumption sugar and any further increases or decreases therein in excess of 126,033 short tons, raw value, be allotted in the same manner used in determining allotments established in S. R. 814.16 (20 F. R. 9901).

It also will be appropriate at the hearing to present evidence of any corporate merger or consolidation or of any transfer of sugar processing facilities on the basis of which the Secretary may attribute the production, marketing and inventory of one processor to another and establish allotments accordingly, or may permit marketing of sugar for local consumption and bringing into continental United States for consumption therein by one allottee, or other person, within the allotment of another. A Government witness will propose that a paragraph be included in the allotment order as follows: "The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketing of sugar for local consumption in Puerto Rico and bringing sugar into continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment."

Issued at Washington, D. C., this 16th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6744; Filed, Aug. 20, 1956; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41]

[Draft Release No. 56-21]

REQUIREMENTS FOR PILOT ROUTE QUALIFICATIONS IN SCHEDULED INTERSTATE AIR CARRIER OPERATIONS AND SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation to supersede Special Civil Air Regulations Nos. SR-413 and SR-414 and to extend the authority therein which permits pilots to be qualified at airports by means other than those required by the applicable provisions of Parts 40 and 41 of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Sept. 14, 1956. Copies of such communications will be available after Sept. 17, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Board, on September 23, 1955, promulgated Special Civil Air Regulation No. SR-413 and on December 23, 1955, promulgated Special Civil Air Regulation No. SR-414. These regulations permit air carriers, with the approval of the Administrator, to qualify their pilots at airports by means other than physical entry. SR-413 is applicable to scheduled air carrier operations outside the continental limits of the United States, whereas SR-414 is applicable to scheduled domestic air carrier operations. Both SR-413 and SR-414 terminate September 23, 1956.

The history of these special regulations began with the publication by the Bureau of Safety Regulation of Civil Air Regulations Draft Release No. 55-3 on January 20, 1955. This draft release was concerned with the overall problem of pilot airport and route qualification. Therein considerable emphasis was placed in particular on recent developments of motion picture panoramic view of airports and their environs which showed excellent promise of providing an effective means for insuring pilot airport qualification. The Bureau expressed the view that the regulations should be amended in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, the Bureau stated that it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following publication of Draft Release No. 55-3, the Board received petitions from American Airlines, Inc., and Pan American World Airways, Inc., requesting permission to qualify their pilots on certain routes and at specified airports by means other than those presently required by §§ 40.303 (c) and 41.50 of Parts 40 and 41, respectively, of the Civil Air Regulations. These air carriers based their requests upon, among other things, the consideration that each had developed a comprehensive training program based on the use of color motion pictures or slides showing clear daylight views of the complete physical layout of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to the pilot. Furthermore, it appeared that certain precautionary procedures would be employed to assure that the training programs would be effective and the operations would be conducted safely.

The Board considered that the programs developed by these air carriers would provide a timely opportunity for evaluating the use of pictorial means of airport and route qualification by industry and the Government, and that a Special Civil Air Regulation was the appropriate vehicle for permitting the controlled introduction of the new techniques. Accordingly, the Board promulgated SR-413 for air carriers conducting operations pursuant to Part 41 and SR-414 for those air carriers conducting their operations under Part 40. The Board made clear, however, that nothing in SR-413 and SR-414 was to be construed to prejudice final action by the Board on the proposals presented originally in Draft Release No. 55-3.

In view of the fact that Special Civil Air Regulations Nos. SR-413 and SR-414 will terminate on September 23, 1956, the Bureau, on June 15, 1956, requested the views of the Civil Aeronautics Administration (CAA), the Air Transport Association (ATA), and the Air Line Pilots Association (ALPA) with respect to the effectiveness of SR-413 and SR-414 and asked for any recommendations they might have concerning these special regulations.

In consideration of an evaluation made of the views and recommendations received from the CAA, ALPA, and ATA, the Bureau believes that the controlled introduction of new pictorial techniques of pilot airport qualification should be permitted to continue for another year. This will enable industry and the Government alike to obtain additional information and experience with respect to improving pilot airport qualifications and procedures.

However, the Bureau is cognizant of the Board's policy that the same standards should be applied to scheduled international and domestic operations, except where the inherent differences in the types of operations require differentiation. It is the Bureau's opinion that pilot airport qualification is a type of operation which can be conducted uniformly in both international and domestic operations. Accordingly, the Bureau proposes herein to combine the authority presently contained in SR-413 and SR-414 into one Special Civil Air Regulation, the provisions of which would be uniformly applicable to Parts 40 and 41 air carriers desiring to employ means of pilot airport qualification other than those presently required by §§40.303 (c) and 41.50 of Parts 40 and 41, respectively. The language used is essentially the same as that presently contained in SR-414, with certain modifications and additions which are discussed below.

This proposed special regulation contains a provision which would permit a pilot to make an initial entry at an airport under day VFR without being accompanied by a pilot qualified at the airport only when such entry has the approval of the Administrator. While it is recognized that many airports could be safely entered for the first time under minimum VFR conditions, it is proposed to require the approval of the Administrator because it is believed that such an initial entry at airports located in certain mountainous or congested areas would be an undesirable practice in an air carrier operation.

Special Civil Air Regulations Nos. SR-413 and SR-414 provide that physical entry shall not be required if the air carrier shows that the pilot airport qualification can be accomplished by "other means" approved by the Administrator. It has come to the Bureau's attention that there is need to clarify the meaning of the words "other means." During the past three years, these words have had significance only in two respects: First, to permit pilot airport qualification by approved pictorial means; and second, to authorize the Administrator to find, on the basis of certain factors surrounding a transfer of an air carrier's operations to an airport in close proximity to one at which the pilots are qualified, that the pilots involved are adequately qualified at the new airport even though they have not made an actual entry. Therefore, in this proposed special regulation, the words "other means" are omitted and the two aforementioned situations are clearly spelled out as those to be covered by this regulation.

It should be clearly understood that this proposed temporary regulation will not relieve any air carrier of the responsibility of showing that each pilot in command is thoroughly qualified for the routes and airports which he is scheduled to serve. Furthermore, nothing in this proposed regulation should be construed to prejudice final action by the Board on the proposals presented in Draft Release No. 55-3.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of Parts 40 and 41 of the Civil Air Regulations notwithstanding, an air carrier conducting scheduled interstate operations or scheduled operations outside the continental limits of the United States may, subject to the approval of the Administrator, comply with the following provisions in lieu of the applicable provisions of §§ 40.303 and 41.50:

(a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), (d), and (e) of this regulation and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment. He shall be accompanied by a pilot who is qualified at the airport, except when such entry is approved by the Administrator to be made under day VFR.

(d) An air carrier shall not be required to qualify its pilots in accordance with the entry requirements of paragraph (c) of this regulation when the air carrier:

(1) Shows that the pilot airport qualifications can be accomplished by an approved pictorial means; or

(2) Notifies the Administrator that it intends to inaugurate operations at an airport in close proximity to an airport into which the pilots involved are presently qualified by entry, and the Administrator finds that such pilots are adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport, and such other factors as the Administrator deems necessary to support such a finding.

(e) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under CFR weather conditions to permit the qualifying pilot to observe terrain along the route.

It is proposed that this regulation shall supersede Special Civil Air Regulations Nos. SR-413 and SR-414 and shall be effective for a period of one year.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., August 13, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-6747; Filed, Aug. 20, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11297; FCC 55-1120]

TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. The commission has under consideration its notice of proposed rule making (FCC 55-268) issued in this proceeding on March 3, 1955 and published in the FEDERAL REGISTER on March 9, 1955 (20 F. R. 1410), proposing to amend § 3.685 of its rules governing Television Broadcast Stations, which relates to the location of transmitter and antenna systems. The proposed amendment would require television antennas to be located within 5 miles of the nearest border of the city or boundary of the principal community to be served unless good cause is shown for locating the site beyond this limit. The notice was issued in response to a petition filed by Lake Huron Broadcasting Corporation, Saginaw, Michigan.

2. Joint comments in support of the proposal were filed by Boise Valley Broadcasters, Inc., Boise, Idaho; KCOR, Inc., San Antonio, Texas; King Broadcasting Company, Seattle, Washington; KOTV, Inc., Tulsa, Oklahoma; Lucille Ross Lansing, Tyler, Texas; Meredith Engineering Company, Kansas City, Missouri; Meredith Syracuse Television Corporation, Syracuse, New York; Meredith WOW, Inc., Omaha, Nebraska; Nathan Frank, New Bern, North Carolina; Premier Television, Inc., Evansville, Indiana; Sir Walter Television Company, Raleigh, North Carolina; Southwestern Radio and Television Company, Fort Smith, Arkansas; Tupelo Citizens Television Company, Tupelo, Mississippi; TV Denver, Inc., Denver, Colorado; and Wabash Valley Broadcasting Corporation, Terre Haute, Indiana. Comments supporting the proposal were also filed by Lake Huron Broadcasting Corporation, Saginaw, Michigan; the Department of Defense, Washington, D. C.; Susquehanna Broadcasting Company, York, Pennsylvania; Mount Hood Radio and

Television Broadcasting Corporation, Portland, Oregon; Mid-Florida Radio Corporation and Mid-Florida Television Corporation, Orlando, Florida; Twin Valley Broadcasters, Inc., Coldwater, Michigan; The Montana Network, Billings, Montana; WKY Radiophone Company, Oklahoma City, Oklahoma; Northeastern Indiana Broadcasting Company, Inc., Fort Wayne, Indiana; Central Florida Broadcasting Company, Orlando, Florida; WORZ, Inc., Orlando, Florida; Havens and Martin, Inc., Richmond, Virginia; Greenville Television Company, Greenville, South Carolina; and Houston Consolidated Television Company, Houston, Texas. Triangle Broadcasting Corporation, Winston-Salem, South Carolina; and Arnold, Fortas and Porter, Esqs., Washington, D. C., submitted comments with respect to the application of the proposed amendment.

3. Comments in opposition to the proposed amendment were filed by Albuquerque Broadcasting Company, Albuquerque, New Mexico; WJR, The Goodwill Station, Inc., Flint, Michigan; The New Britain Broadcasting Company, New Britain, Connecticut; WGAL, Inc., Lancaster, Pennsylvania; Associated Broadcasters, Inc., Bethlehem, Pennsylvania; The National Association of Radio and Television Broadcasters, Washington, D. C.; Voice of Dixie, Incorporated, Birmingham, Alabama; Gulfport Broadcasting Corporation, Pensacola, Florida; Capitol Broadcasting Company, Raleigh, North Carolina; KTBS, Inc., Shreveport, Louisiana, and others; Bell Publishing Company, Temple, Texas; Gulf Television Company, Galveston, Texas; Association of Federal Communications Consulting Engineers, Washington, D. C.; WCHS–TV, Inc., Charleston, West Virginia; Telrad, Inc., Daytona Beach, Florida; Deep South Broadcasting Company, Selma, Alabama; Tribune Publishing Company, Tacoma, Washington; A. Earl Cullum, Jr., Dallas, Texas; WMBD, Inc., Peoria, Illinois; Storer Broadcasting Company; McClatchy Broadcasting Company; WHAS, Inc., Louisville, Kentucky; Aladdin Broadcasting Corporation, Denver, Colorado; Intermountain Broadcasting and Television Corp., Salt Lake City, Utah; WSTV, Inc., Steubenville, Ohio; Midwestern Broadcasting Company, Traverse City, Michigan; Sarkes Tarzian, Inc., Bloomington, Indiana; KHQ, Inc., Spokane, Washington; K-Six Television, Inc., Corpus Christi, Texas; Tri-Cities Television Corporation, Bristol, Tennessee; American Broadcasting-Paramount Theaters, Inc.; Columbia Broadcasting System, Inc.; Allan B. DuMont Laboratories, Inc.; National Broadcasting Company, Inc.; National Council of Farmer Cooperatives, Washington, D. C.; The National Grange, Washington, D. C.; and The American Farm Bureau Federation.

4. Under the Commission's present rules television stations are afforded considerable latitude and flexibility in selecting their transmitter and antenna sites. The rules contain no provisions which specify the distance such sites must be located from the principal community a station is authorized to serve. However, certain rules do have a limiting effect on the choice of a site. Section 3.607 provides that television channels are available for use in the cities listed in the Table of Assignments (3.606) and to communities within 15 miles of such listed cities. Section 3.610, relating to minimum co-channel and adjacent channel separations, requires that transmitters be located a minimum distance from certain other stations and assignments. Section 3.685 (a) further limits the location of transmitters by specifying that stated minimum field intensity contours must be placed over the entire community to be served. Section 3.685 (b) provides that the antenna shall be located at a point of high elevation to reduce the shadow effect on propagation due to hills and buildings and that, in general, the antenna should be located at the most central point at the highest elevation available. Certain additional general criteria to guide the selection of antenna sites are set forth in this section, but the maximum distance that antennas may be located from the community to be served is not specified.

5. In the above-mentioned notice the Commission proposed to amend § 3.685 by adding the following paragraph:

(j) (1) Subject to subparagraphs (2) and (3) of this paragraph, no application will be granted proposing the location of the antenna more than five miles from the nearest border of the city limits or boundary of the principal city to be served.

(2) The foregoing provision may be waived only upon written request by the applicant if the Commission shall find that the public interest, convenience or necessity would be better served by the location of the antenna as proposed instead of within the five-mile limit.

(3) Any request for waiver shall set forth the facts and reasons warranting such a finding and shall include the following information:

(i) A full disclosure of all understandings and agreements, oral or written, with any network organization or representatives thereof, pertaining to network affiliations or pertaining to the availability of network programs contingent upon the proposed location of the antenna.

(ii) A full disclosure of the applicant's known plans with respect to the location of all studios, main or otherwise, the hours of local programming, and a description of the general nature thereof, proposed to be provided through each such studio.

(iii) A full disclosure of all of the applicant's reasons for proposing the location of the antenna outside the five-mile limit and the facts which the applicant believes demonstrate that locating the antenna as proposed would better serve the public interest, convenience and necessity.

6. The parties supporting the proposed amendment submit that the nationwide television Table of Assignments is predicated upon assignment principles and priorities which represent a fair, efficient, and equitable distribution of available facilities as required by section 307 (b) of the Communications Act. They maintain that the proposed five-mile limitation on transmitter and antenna sites is required to insure that television channels are employed to serve primarily the communities and areas for which the channels have been assigned as contemplated by the basic television channel assignment plan and to prevent a relative concentration of service in particular areas and communities at the expense or to the detriment of others. They urge that the present absence of restrictions on transmitter sites can result in a substantial circumvention of the television assignment plan. Several cases are cited wherein applicants have allegedly attempted to "straddle" other markets and to "leap frog" assignments by choosing sites at considerable distances from the principal community to be served. It is contended that stations conducting a regional type of operation at sites remote from the principal community design their programming and commercial efforts for the larger markets, which generally already have adequate service, instead of for the principal communities and areas to be served, or employ a general programming format that includes little or no programming tailored particularly for the communities the stations are authorized to serve. It is charged that as a result the competitive position of local stations, particularly UHF, in such other markets are jeopardized and the principal communities to be served are deprived of the local service contemplated under the Table of Assignments. It is further asserted that to permit stations to achieve economic dominance in a wide, regional market through location of their transmitter at great distances from the principal community to be served is contrary to the public interest and to the furthering of competition. It is urged that location of the transmitter and antenna system relatively close to the principal community and the main studio would make possible better overall technical operation and on-the-spot management more closely identified with the principal community to be served; that it would tend to provide a better signal over the principal community and a more uniform signal over the trade area; that it would discourage the straddling of two or more communities and that it would discourage regional operations at sites distant from the principal communities to be served which thwart the establishment of television station operations for local self-expression. The Department of Defense is of the opinion that the proposed amendment would materially assist it and the Commission in preventing the erection of obstructions that would be menaces to air navigation.

7. While recognizing that the Commission has stated on a number of occasions that antenna sites at points substantially distant from the principal city would be considered on a case-to-case basis, Port Huron urges that the proposed rule would assist the Commission in considering the problems on a case-to-case basis by delineating the relevant factors. It is also stated that the proposed rule would furnish applicants with a guide as to the showing required for location of an antenna at a distance from the city to be served.

The parties urge that the proposed amendment is reasonable and not overly restrictive since the five-mile limitation would not be an absolute requirement and would not preclude an application which, by an appropriate showing, establishes a proper basis for locating the transmitter and antenna system outside the five-mile limit. However, they recognize the need for a waiver provision to take care of individual cases where special circumstances, such as air hazard considerations, local zoning restrictions, etc., may prevent compliance with the five-mile requirement. But it is urgent that waivers should not be granted on an automatic basis. It is suggested by some of the parties that applicants proposing sites outside the five-mile limit be required to furnish the engineering data originally suggested in the Lake Huron petition in order for the Commission to obtain the necessary data on areas and populations losing service, the existing services available to these areas, etc., so that the merits of such proposals can be assessed.

8. Several of the parties urge that, in order to avoid undue hardship, the rule should be prospective only and that it should exempt existing authorizations and applications already on file or in hearing. Other parties suggest that the rule be made applicable to pending applications; that pending applications in conflict with the rule be considered on a "case-to-case basis" with a view to withholding action until a decision is rendered in this proceeding; and that the rule apply to existing stations which propose to increase their coverage by increase in transmitter power, effective radiated power, antenna height or other modification. Lake Huron notes that the proposed amendment would enable an applicant to defeat the purpose of the rule and locate its transmitter up to 20 miles away from the city to which the channel is assigned. It argues that this could be done by selecting as the community to be served a city within 15 miles of the city to which the channel is assigned in the Table under the provisions of the "15-mile rule" (§ 3.607) and then locating the transmitter five miles from the nearest boundary of that community.

9. The parties opposing the proposed amendment direct many of their objections to the lack of any need for its adoption and to its invalidity. They urge that the present requirements afford applicants reasonable latitude for selection of the best possible sites and, at the same time, provide adequate safeguards to assure that the sites selected will serve the public interest and be consistent with the overall purpose of the assignment plan. They note that the Commission is not required to grant an application unless it would serve the public interest and that, in determining whether it meets this criterion, it can afford full consideration to the site proposed from the standpoint of whether it effectuates a fair, efficient and equitable distribution of television service and whether it would deprive areas and population of service. They submit that the Commission has recognized in its rules (§ 3.685) that the choice of a transmitter location depends upon a variety of factors which may differ in each case and that the general factors which should go into a choice of sites are delineated with sufficient clarity and completeness. They point out that the rules and the application form require applicants to make full disclosures as to proposed antenna sites as well as understandings regarding ownership, management, control and networks, and that the Commission has authority under section 308 (b) of the Communications Act to secure whatever additional information it requires. They urge the Commission to continue its present policy of considering antenna site proposals on a case-to-case basis.

10. Some parties charge that the Commission has a duty to consider site proposals on a case-to-case basis and cannot avoid this responsibility by any "cut and dried" formula. It is pointed out that the question of appropriate location of a television antenna is a complex one which does not lend itself to rule making, and that, in the past, when the Commission has attempted to deal with situations by promulgating "rules of thumb," it has eventually determined that case-to-case consideration was preferable. It is contended that the proposed rule would not only be contrary to the general concept of public interest, convenience and necessity but would violate specific provisions of the Communications Act and firmly established Commission policy. It is urged that strict application of the proposed rule would tend to deprive rural areas of service; and that in instances where an antenna location within five miles of the principal city to be served did not provide the most efficient use of the channel involved, adherence to the rule would conflict squarely with section 307 (b) of the act. It is further maintained that under the proposed rule, an antenna site outside the five-mile limit would be conclusive evidence that the granting of an application would be against the public interest unless a waiver is obtained; that if a waiver is not requested, the applicant would be automatically disqualified and precluded from a hearing on the merits; and that if a waiver is requested, the Commission could determine without a hearing whether the waiver should be granted or the application dismissed.

11. Many of those opposing the adoption of the five-mile rule urge that it is undesirable because of its arbitrary character. They state that no reasons for its adoption are given in the notice other than a statement of the contentions made by Lake Huron and that no technical or other basis is advanced for selecting the five-mile figure. They submit that the antenna location has no bearing on the question of whether a station is providing an adequate local transmission service, that only the location of the main studio and the quantity and quality of local programming are of importance in this respect. They further contend that a fixed mileage figure bears no relation to the facts of television propagation and reception and is unsound from an engineering standpoint; that coverage depends upon a number of particular local factors of which distance is but one; that a fixed-mileage figure would unduly restrict the location of sites and would fail to take into account such factors as population density, topography, area configuration, zoning requirements, aeronautical restrictions, costs, etc. It is argued that antennas located in close proximity to the principal city often result in the city receiving a poorer service and may prevent maximum population coverage of outlying rural areas and smaller communities. Attention is also called to the desirability of locating high-powered stations with tall towers at a distance from population centers. It is urged that the proposed limitation goes contrary to the objective of encouraging the use of tall towers to enable stations to obtain wide coverage. Tall towers, it is urged, would afford better service, prevent overloading of receivers and avoid other problems arising from ghosting and blanketing.

12. The opponents further urge that the proposed mileage yardstick is inconsistent with the objectives of section 303 (g) and 307 (b) of the Communications Act, § 3.685 (b) of the Rules, and previous Commission decisions. It is submitted that while service to the principal community is elementary to television operation, almost equally important is the valuable service which may be provided to outlying rural areas and other communities with little or no local television service of their own, and that in many cases such areas could not be reached if antenna locations were arbitrarily confined. It is contended that television service under the rule would be denied to many rural and small market areas since it would tend to force applicants to pick sites within five miles of the principal city—even though this might not be the best site for coverage—rather than incur the uncertainty and expense of seeking a waiver. It is urged that in the present state of the art, a television station cannot operate successfully in many of the smaller markets because of the lack of adequate advertising revenue; that a limitation on antenna site locations could reduce the number of viewers of a station and thus make it even more difficult for a station in a small community to compete for advertising with a station in a larger neighboring community; that stations in smaller communities, particularly UHF stations and marginal and submarginal operations, must be permitted to take every advantage of terrain and to select an antenna site affording maximum coverage and the greatest economic potential. It is asserted that unless this ability to compete is preserved, prospective operators of unassigned facilities would be unwilling in many cases to make the substantial investments required to construct and maintain stations in the smaller communities. It is further urged that the proposed rule constitutes a threat to competitive network television since in many of the important markets the only opportunity for a third network to obtain coverage is through VHF stations in nearby communities which provide usable signals to such markets, and that the offering of network programs to such communities by out-of-town stations is not in-

consistent with the obligations of those stations to provide a local service to the communities which they are licensed to serve.

13. Among the other objections raised to the adoption of the proposed amendment are that it would work an unconscionable hardship on the many existing stations with antenna sites located beyond the proposed five-mile limit if they are required to conform to the rule; that it would be highly discriminatory against future applicants if existing stations are not required to conform; that it would give existing stations another weapon with which to prevent and delay applicants from serving new areas; that the establishment of new services could be delayed by the filing of objections to requests for waiver; and that the proposed rule would be more observed by exceptions and waivers than by conformity to the rule.

14. In lieu of the proposed amendment, several parties suggest that the public interest would be better served by a technical standard related to improved service rather than an arbitrary mileage limitation on antenna locations. They suggest that stations should be required to locate their antennas to cover the city to which the channel has been assigned with a signal stronger than that placed over any other major city in the area. One party suggests that, in addition to such a requirement, the antenna should be located closer to the city to which the channel is assigned than to any other city having an assigned channel, whether VHF or UHF, and that provision should be made to permit locating an antenna closer to a different city from that to which the channel is assigned if a directional antenna is employed to place the strongest signal over the city to which the channel is assigned. Another party suggests that instead of the instant proposal, a rule be adopted to require the transmitter site to be chosen so that a higher signal intensity would be provided to the business and industrial district of the principal community to be served in order to provide an improved technical service and insure that a station's operation was related to the community. In the event the proposed rule is adopted, most of the parties urge that it should not be made applicable to existing stations and outstanding authorizations. Others suggest that it similarly should not apply to applications on file or in hearing; to applications for renewal or extensions of STA of existing stations at existing antenna sites; to applications of existing stations for modification of facilities at existing sites; to applications of existing stations not involving a substantial change in site; to applications of existing stations for modification of existing antenna facilities already beyond the proposed mileage limit, nor to any application proposing a transmitter location within the area of an "antenna farm" established for the principal community to be served. It is suggested that if the proposed rule is adopted, specific language be added to indicate its applicability and also the several bases on which a waiver will be considered. It is also urged that provision be made for an evidentiary hearing to evaluate a site proposal before a request for waiver is denied. Finally, Deep South Broadcasting Company requests that a full evidentiary hearing or an oral argument be scheduled to resolve the legal, technical, economic and sociological issues involved in this proceeding.

15. The Commission's present rules afford wide flexibility in the choice of transmitter sites. The proposed amendment, however, would place a fixed mileage limitation on the location of such sites. We have carefully reviewed and evaluated the comments filed in this proceeding, and have concluded that a fixed limitation on the location of sites is neither desirable nor practicable. In our view, a provision which would require transmitters to be located within a specified distance from the city to be served could defeat the objectives of our assignment table by preventing the most efficient employment of television channels. It is essential, we believe, that the licensee retain flexibility in choosing a site since many varied factors enter into the selection of a site—factors such as terrain, local zoning regulations, air hazard considerations, economics, etc.

16. We believe that the present rules, which contemplate consideration on a case-by-case basis, afford adequate safeguards in insuring that the channels will be employed to serve the cities and areas contemplated by the Table of Assignments. The problem of site selection does not lend itself to treatment by hard and fast rule and can best be handled on a case-by-case basis on the particular facts in each case. We are convinced that our present procedure of considering proposed sites as they arise in each case is the most effective means of dealing with site problems and have concluded that this procedure should be continued.

17. In view of the foregoing, we have concluded that the proposed amendment should not be adopted. *Accordingly, it is ordered,* That the petition of Lake Huron Broadcasting Corporation is denied; and this proceeding is hereby terminated.

Adopted: November 9, 1955.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-6750; Filed, Aug. 20, 1956; 8:51 a. m.]

[1] Commissioner Lee dissented in opinion.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

ACCELERATION POLICY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration, for inclusion in the general rules and regulations under the Securities Act of 1933, a proposed note to § 230.460 (Rule 460) which would specify certain of the more common situations where it is the policy of the Commission to deny acceleration of the effective date of a registration statement under the standards of section 8 (a) of the act. Existing Rule 460 recites the effect of the distribution of the preliminary prospectus upon the Commission's acceleration policy. The proposed note would represent a major step in rounding out the program of publishing the Commission's policies as a part of the general rules and regulations under the act, and would facilitate administration of the long-standing policy of the Commission, announced in Securities Act Release No. 2340, August 23, 1940, to cooperate with registrants in order that the effectiveness of registration statements filed under the act may be expedited as much as possible consistent with the public interest and the protection of investors. Subject to the standards of section 8 (a), it is the general policy of the Commission to declare a registration statement effective as soon as practicable after the filing of an appropriate amendment correcting the deficiencies, if any, and an amendment setting forth the price, if the price and terms of offering were not originally included in the registration statement.

Background. As originally enacted, section 8 (a) incorporated the 20-day period between the filing and the effective date of a registration statement as a rigid requirement of the act for a "waiting" or "cooling" period. The only acceleration authority granted to the Commission was in connection with amendments which otherwise would have commenced new periods of 20 days before the registration statement could become effective. In the exercise of this power to make the amendment relate back to the original filing date, no standards were established to control the Commission's determination other than the general congressional purpose as revealed by the act as a whole.

As amended in August 1940, section 8 (a) authorizes the Commission to determine that the registration statement may become effective at a date earlier than in the 20th day after filing "having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors."

In adopting this amendment to the act, Congress charged the Commission with responsibility for shortening the waiting period only where such action was consistent with the broad standards set forth in the amendment. In passing upon requests for acceleration of the effective date of a registration statement, the Commission acts on a case-by-case basis after consideration of all pertinent factors. However, certain of the principal areas in which the Commission has refused acceleration have formed a pattern and the decisions in these areas are reflected in the proposed note.

Analysis of proposal. The proposed note would give notice of the Commission's policy against acceleration of the effective date or registration statements

in cases of indemnification by the registrant (by contract, charter, by-law, statute, or otherwise) of its officers, directors or controlling persons against liabilities arising under the Securities Act of 1933. The Commission regards such indemnification as unenforceable under the policies of the act and acceleration may be denied except where appropriate waivers are obtained or an agreement is included in the registration statement to submit such claims for indemnification to a Court of appropriate jurisdiction. The note makes clear that this policy also relates to indemnification agreements in underwriting contracts in cases where an officer, director and controlling person of the registrant is an underwriter or a controlling person of the underwriter.

The note also declares that the Commission may deny acceleration where the issuer, a controlling person or an underwriter is being investigated by the Commission under one of the statutes administered by the Commission. For example, acceleration may be denied if the Commission has reason to believe that an underwriter of the securities covered by the registration statement has engaged in "gun jumping," that is, has sold such securities prior to the effective date of registration.

Another area covered by the note is the refusal of the Commission to grant requests for acceleration where a registration statement relates to a preferred stock which has a par or stated value substantially less than its liquidating preference and no agreement is made to restrict surplus to the point where capital and surplus would at least equal the liquidating preference of the preferred stock. This policy has been followed even though the disparity between the liquidating preference of the stock and its par or stated value is disclosed in the registration statement.

Section 240.15c3–1 (Rule X-15C3–1), adopted under section 15 (c) (3) of the Securities Exchange Act of 1934 provides, generally speaking, that no broker or dealer shall permit his aggregate indebtedness to other persons to exceed 2,000 per cent of his net capital. In determining net capital there must be deducted specified percentages of "open contractual commitments" in respect to the purchase of securities and "contractual commitments" are defined to include "underwriting contracts." The general purpose of Rule X-15C3–1 is to provide a safeguard for investors with respect to the financial responsibility of brokers and dealers. The proposed note would provide that the Commission may refuse to accelerate the effective date of a registration statement where one or more of the underwriters of the securities to be offered fails to meet the responsibility test of Rule X-15C3–1.

The proposed note would also provide that a request for acceleration of the effective date of registration may be denied when a registration statement covers securities held by individual stockholders who are not paying their equitable share of the expenses of registration and sale. Included in the concept of such expenses are such matters as indemnification by the issuer to the underwriters.

Another provision of the proposed note relates to the Commission's policy to refuse acceleration where there have been prior transactions in a registrant's stock by persons connected with the offering, which tend artifically to raise the market price of the securities being offered.

Statutory basis. The authority to adopt the proposed note is vested in the Commission by the Securities Act of 1933, particularly sections 8 (a) and 19 (a).

Text of note. The text of the proposed note, which would be added to § 230.460, is as follows:

§ 230.460 *Preparation and distribution of preliminary prospectus.* * * *

NOTE: Having due regard to the adequacy of information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors, as provided in section 8 (a) of the act, it is the general policy of the Commission, upon request as provided in § 230.461 (Rule 461), to permit acceleration of the effective date of a registration statement as soon as practicable after the filing of an appropriate amendment correcting the deficiencies therein, if any, and setting forth the offering price and related terms (if the price and terms of offering were not originally included in the registration statement).

In determining the date on which a registration statement shall become effective the following are included in the situations in which the Commission considers that the statutory standards of section 8 (a) may not be met and may refuse to accelerate the effective date:

(a) Where, by reason of any charter provision, by-law, contract, arrangement, statute, or otherwise, provision is made for indemnification by the registrant of a director, officer, or controlling person of the registrant against liabilities arising under the Securities Act of 1933, unless waiver is obtained from such officer, director or controlling person of the benefits of such indemnification with respect to the proposed offering or there is included in the registration statement a brief description of the indemnification provision and an undertaking in substantially the following form:

Insofar as indemnification for liabilities arising under the Securities Act of 1933 may be permitted to directors, officers and controlling persons of the registrant pursuant to the foregoing provisions, or otherwise, the registrant has been advised that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is, therefore, unenforceable. In the event that a claim for indemnification against such liabilities is asserted by a director, officer or controlling person of the registrant in connection with the securities being registered, the registrant will, unless in the opinion of its counsel the matter has been settled by controlling precedent, submit to a court of appropriate jurisdiction the question whether such indemnification by it is against public policy as expressed in the act and will be governed by the final adjudication of such issue.

(b) Where the underwriting agreement with reference to the securities being registered contains provisions by which indemnification against liabilities arising under the Securities Act of 1933 are given by the registrant to the underwriter or controlling persons of the underwriter and a director, officer or controlling person of the registrant is such an underwriter or a controlling person thereof or member of any firm which is such an underwriter unless a waiver or an undertaking of the character specified in paragraph (a) is included in the registration statement.

(c) Where the Commission is currently making an investigation of the issuer, a person controlling the issuer, or one of the underwriters of the securities to be offered, pursuant to any of the acts administered by the Commission.

(d) Where a registration statement relates to a preferred stock or the issuer has outstanding a preferred stock which has a par or stated value substantially less than its liquidating preference and no agreement is made to restrict the surplus available for dividends to any junior security to the point where capital and surplus would at least equal the liquidating preference of the preferred stock.

(e) Where one or more of the underwriters, although firmly committed to purchase securities covered by the registration statement, are subject to and do not meet the financial responsibility requirements of Rule X-15C3–1 under the Securities Exchange Act of 1934. For the purposes of this paragraph underwriters will be deemed to be firmly committed even though the obligation to purchase is subject to the usual conditions as to receipt of opinions of counsel, accountants, etc., the accuracy of warranties or representations, the happening of calamities or the occurrence of other events the determination of which is not expressed to be in the sole or absolute discretion of the underwriters.

(f) Where there have been transactions in securities of the registrant by persons connected with or proposed to be connected with the offering which may have artificially affected or may artificially affect the market price of the security being offered.

(g) If a registration statement covers securities to be distributed directly or indirectly for the account of a selling stockholder, where such selling stockholder does not bear an equitable proportion of the expenses of registration and sale. For the purposes of this paragraph, indemnification of the underwriter will be deemed to be included in the concept of expenses of registration.

All interested persons are invited to submit views and comments on the proposed note in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Unless the person submitting any such comments or suggestions requests that his views not be made part of the Commission's public files, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 8, 1956.

[F. R. Doc. 56-6732; Filed, Aug. 20, 1956; 8:48 a. m.]

[17 CFR Parts 230, 239]

FORM AND CONTENT OF PROSPECTUSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule under the Securities Act of 1933 providing for the use of summary prospectuses and proposed amendments to Forms S–1 and S–9 (§§ 239.11 and

239.22) which would prescribe the content of such prospectuses.

Section 10 (b) of the act, as amended in 1954, authorizes the Commission to adopt rules and regulations permitting the use in making offers of securities of a prospectus which omits in part or summarizes information required to be set forth in the more complete prospectus required to be used in connection with the sale of securities. It is proposed that summary prospectuses contain substantially the same information as now specified for newspaper prospectuses relating to securities registered on those forms and that the requirements with respect to the two types of prospectuses be merged. This would permit a summary prospectus to be published in a newspaper or other periodical, or to be printed in a form suitable for manual or other distribution.

Under the proposed regulations, the use of summary prospectuses would be limited to registrants which file reports under section 13 or 15 (d) of the Securities Exchange Act of 1934. The purpose of this provision is to limit the use of such prospectuses to companies which have been publishing information and financial statements meeting the Commission's disclosure standards.

1. The text of the proposed rule would be as follows:

§ 230.434a *Summary prospectuses.* (a) A prospectus prepared in accordance with this rule shall be deemed to be a summary prospectus which meets the requirements of section 10 for the purpose of section 5 (b) (1) of the act if the registrant files periodic reports with the Commission pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 and the form used for registration provides for the use of a summary prospectus.

(b) A summary prospectus shall contain the items of information specified in the instructions as to sumary prospectuses in the form used for registration of the securities to be offered. Such prospectus shall not contain any information the substance of which is not contained in the registration statement.

(c) All information included in a summary prospectus, other than the statements specified below, may be expressed in such condensed or summarized form as may be appropriate in the light of the circumstances under which the prospectus is to be used. The information need not follow the numerical sequence of the items of the form used for registration and no information, other than the capitalization table and the summary of earnings, need be given in tabular form. Every summary prospectus shall be dated approximately as of the date of its first use.

(d) When used prior to the effective date of the registration statement, a summary prospectus shall be captioned a "Preliminary Summary Prospectus" and shall contain the further statement required by § 230.433 (b) (Rule 433 (b)).

(e) There shall be set forth at the end of every summary prospectus, in conspicuous print, a statement to the following effect:

Copies of a more complete prospectus which must be furnished each purchaser may be obtained from the following persons. (Insert names.)

(f) All information and statements included in a summary prospectus shall be set forth in type at least as large as ten-point modern type, with a leading of at least two points, provided that financial or other tabular data need only be set in type at least as large as eight-point modern type, with a leading of at least two points, and provided further, that any summary prospectus published in a newspaper, magazine or other periodical, need only be set in type at least as large as seven-point modern type.

(g) Eight copies of every proposed summary prospectus shall be filed with the registration statement as a part thereof, or as an amendment thereto, at least 5 business days prior to the use thereof, or prior to the submission of definitive copies thereof to any newspaper, magazine or other periodical for publication, whichever is earlier. Within 7 days after the first use or publication thereof, 5 additional copies shall be filed in the exact form in which it was used or published.

(h) A summary prospectus used pursuant to this section shall be subject to the suspension power of the Commission under section 10 (b) of the act.

2. *Proposed amendment to Form S–1.* The Instructions as to Newspaper Prospectuses would be deleted from Form S–1 (§ 239.11) and the following instructions adopted in lieu thereof:

Instructions as to summary prospectuses. A summary prospectus used pursuant to § 230.434a (Rule 434A) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

(a) As to Item 1, the aggregate offering price to the public, the aggregate underwriting discounts and commissions and the offering price per unit to the public; as to Item 2 (a), a brief statement as to the nature of the underwriter's obligation to take the securities; as to Item 2 (c), a brief statement as to the manner of distribution; as to Item 3, a brief statement of the principal purposes for which the proceeds are to be used; Item 4; Item 5; Item 6; Item 7; Item 8; as to Item 9, a brief statement of the general character of the business done and intended to be done; as to Item 10, a brief statement of the general type of property; Item 11 (a); as to Item 12, a brief statement of the nature and present status of any pending bankruptcy, receivership, anti-trust or similar proceedings; Item 13 (a); Item 14 (a); as to Item 15, information corresponding to the foregoing; and Item 18 (b) if the securities being registered are equity securities and there are outstanding options to purchase securities of the same class.

(b) The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

3. *Proposed amendment of Form S–9.* The Instructions as to Newspaper Prospectuses would be deleted from Form S–9 (§ 239.22) and the following instructions adopted in lieu thereof:

Instructions as to summary prospectuses. A summary prospectus used pursuant to § 230.434a (Rule 434A) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

(a) As to Item 1, the aggregate and per unit offering price to the public and the per unit underwriting discounts or commissions; as to Item 2, a brief statement of the purpose for which the proceeds are to be used; Item 3; and Item 4 (a).

(b) The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

The foregoing action is proposed pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19 (a) thereof.

All interested persons are invited to submit data, views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications be kept confidential they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 10, 1956.

[F. R. Doc. 56–6733; Filed, Aug. 20, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18085, Amdt.]

HANS NITSCHMANN

In re: Securities owned by and debts owing to Hans Nitschmann. F–28–31482.

Vesting Order 18085, dated June 20, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2–c of said Vesting Order 18085, and substituting therefor the following:

c. That certain debt or other obligation, matured and unmatured, evidenced by a Cities Service Power & Light Company 5½ percent Gold Debenture, due 1949, of $1,000 face value, bearing the number M–5388, and evidenced by coupons attached to or detached from said bond and due on or after June 1, 1943, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond, and coupons, and

All other provisions of said Vesting Order 18085 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–6739; Filed, Aug. 20, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10576 etc.]

ALAMEDA COOPERATIVE GAS ASSOCIATION, INC., ET AL.

NOTICE OF APPLICATIONS

AUGUST 15, 1956.

In the matters of Alameda Cooperative Gas Association, Inc., Docket No. G–10576; Blackfoot Cooperative Gas Association, Inc., Docket No. G–10577; Burley Cooperative Gas Association, Inc., Docket No. G–10578; Caldwell Cooperative Gas Association, Inc., Docket No. G–10579; Idaho Falls Cooperative Gas Association, Inc., Docket No. G–10580; Jerome Cooperative Gas Association, Inc., Docket No. G–10581; Meridian Cooperative Gas Association, Inc., Docket No. G–10582; Montpelier Cooperative Gas Association, Inc., Docket No. G–10583; Mountain Home Cooperative Gas Association, Inc., Docket No. G–10584; Pocatello Cooperative Gas Association, Inc., Docket No. G–10585; Rupert Cooperative Gas Association, Inc., Docket No. G–10586; Weiser Cooperative Gas Association, Inc.,[1] Docket No. G–10587.

Take notice that there have been filed with the Federal Power Commission, on June 14, 1956, twelve applications pursuant to subsections (a) and (c) of section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and for orders directing Pacific Northwest Pipeline Corporation (Pacific) to establish physical connection of its transportation facilities with the proposed facilities of the respective Applicants and to sell and deliver natural gas to each as hereinafter described, all as more fully represented in the respective applications, which are now on file with the Commission and open to public inspection.

Each Applicant is a non-profit privately owned cooperative association existing under the laws of the State of Idaho and propose to construct and operate facilities for the distribution of natural gas in their respective communities, as included in the names of the cooperatives.

The fifth year peak day requirements of the respective applicants are as follows:

Applicant	Peak day MCF
Alameda Cooperative Gas Association, Inc.	2,707
Blackfoot Cooperative Gas Association, Inc.	2,942
Burley Cooperative Gas Association, Inc.	3,474
Caldwell Cooperative Gas Association, Inc.	5,837
Idaho Falls Cooperative Gas Association, Inc.	8,995
Jerome Cooperative Gas Association, Inc.	2,091
Meridian Cooperative Gas Association, Inc.	1,000
Montpelier Cooperative Gas Association, Inc.	1,276
Mountain Cooperative Gas Association, Inc.	2,239
Pocatello Cooperative Gas Association, Inc.	8,989
Rupert Cooperative Gas Association, Inc.	539
Weiser Cooperative Gas Association, Inc.	2,197

Protests or petitions to intervene may be filed with the Commission in accordance with § 1.8 or § 1.10 of its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1956.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6722; Filed, Aug. 20, 1956; 8:46 a. m.]

[1] Hereinafter referred to collectively, as "Applicants".

[Project No. 2146]

ALABAMA POWER CO.

NOTICE OF AMENDMENT AND SUPPLEMENT TO APPLICATION FOR LICENSE

AUGUST 14, 1956.

Public notice is hereby given that Alabama Power Company of Birmingham, Alabama, has filed an amendment and supplement to its application for license, notice of which was published during January and February 1956. The amendment requests that Alabama Power Company's existing hydroelectric developments, licensed as Project Nos. 82 and 618, designated Mitchell and Jordan, respectively, be included in the license for Project No. 2146 if issued. The Mitchell and Jordan developments are located immediately downstream from the existing Lay development described in the original application for Project No. 2146. Applicant proposes to surrender its licenses for Project Nos. 82 and 618, upon issuance of a license for Project No. 2146 to include the Mitchell and Jordan developments which consist of: (1) Mitchell Development: A concrete dam and gated spillway; a reservoir with normal pool elevation of 350 feet (U. S. Army datum); a powerhouse integral with the dam containing three 24,000-horsepower turbines and one 29,000-horsepower turbine; a step-up substation and switching station located on the deck of the dam; a double circuit 110 KV steel tower transmission line extending to a substation at Lay Dam; and appurtenant mechanical and electrical facilities; and (2) Jordan Development: A concrete gravity dam comprised of a gated spillway section, powerhouse intake section and abutment sections; a reservoir with normal pool elevation of 290 feet (U. S. Army datum); a powerhouse integral with the dam containing four 36,000-horsepower turbines; a substation and switchyard; three 110 KV transmission lines; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is September 27, 1956. The application is on file with the Commission for public inspection.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6721; Filed, Aug. 20, 1956; 8:46 a. m.]

[Project No. 2210]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 14, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Appalachian Electric Power Company of Roanoke, Virginia, for preliminary permit for proposed water power Project No. 2210 to be located on Roanoke River (sometimes called Staunton River) in the region of Roanoke, Rockymount, Moneta, Altavista and Gretna, and in Bedford, Pittsylvania, Franklin, and Roanoke Counties, Virginia, affecting navigable waters of the United States. The proposed project would consist of a rock-fill dam approximately 200 feet high located in gap of Smith Mountain about 4 miles above mouth of Pigg River, with side-channel spillway; a storage reservoir extending about 38 miles upstream from damsite and having gross capacity of about 1,000,000 acre-feet; and a powerhouse located at foot of dam with installed capacity of 60,000 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 20, 1956. The application is on file with the Commission for public inspection.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–6720, Filed, Aug. 20, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 2, Amdt. 5]

GENERAL SUPERINTENDENTS, SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY; NAVAJO AGENCY

Order No. 2, as amended (19 F. R. 8675; 20 F. R. 2894, 3941, and 8780), is further amended as hereinafter indicated.

PART 5—AUTHORITY OF SUBAGENCY SUPERINTENDENTS, NAVAJO AGENCY

FUNCTIONS RELATING TO TRADE WITH INDIANS

Section 5.170, is further amended to read as follows:

SEC. 5.170 *Peddler permits.* The issuance of permits to Indian peddlers pursuant to the provisions of 25 CFR Part 277, provided each such permit is limited to lands under the jurisdiction of the Subagency Superintendent issuing the permit.

W. WADE HEAD,
Area Director.

Approved: August 15, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-6716; Filed, Aug. 20, 1956; 8:45 a. m.]

Bureau of Land Management

[Document 138]

[Classification 52]

ARIZONA

SMALL TRACT CLASSIFICATION

AUGUST 13, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955, (20 F. R. 3514–15), I hereby classify the following described public lands, totalling approximately 800 acres in Maricopa County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 3 E.,
- Sec. 21: E½ exclusive of patented mining claim;
- Sec. 22: W½ exclusive of patented mining claim;
- Sec. 22: W½SW¼NE¼, W½SW¼NW¼NE¼;
- Sec. 27: N½ exclusive of patented mining claim;
- Sec. 27: N½S½ exclusive of patented mining claim and other patented land.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to May 7, 1946 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-6718; Filed, Aug. 20, 1956; 8:46 a. m.]

[Area Order 8]

STATE SUPERVISORS ET AL., AREA III

REDELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

JULY 10, 1956.

Pursuant to the authority contained in section 1 of Order No. 615 of the Director, Bureau of Land Management, the following are authorized to enter into contracts for construction, supplies, or services, and lease of space in real estate as provided above when the amount in any contract does not exceed $500.00:

State Supervisors, Area III.
Land Office Managers, Area III.
District Range Managers, Area III.
Chiefs, Cadastral Survey Parties, Area III.

W. B. WALLACE,
Area Administrator.

[F. R. Doc. 56-6731; Filed, Aug. 20, 1956; 8:48 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN CLASSES OF POSITIONS IN A NUMBER OF PROFESSIONAL ENGINEERING AND PHYSICAL SCIENCE SERIES IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay at grades GS–9, GS–11, GS–12, GS–13, GS–14, GS–15, GS–16, and GS–17 for 34 classication specializations covering classes of positions specified by the following titles:

Research Engineer (Aeronautical Instrumentation)	GS–801–0
Aeronautical Structural Materials Research Engineer	GS–806–0
Aeronautical Propulsion Systems Materials Research Engineer	GS–806–0
Aeronautical Lubrication Research Engineer	GS–806–0
Mechanical Engineer (Aeronautical Nuclear Propulsion Research)	GS–830–0
Aeronautical Power Plant Research Engineer	GS–834–0
Aeronautical Rocket Power Plant Research Engineer	GS–834–0
Aeronautical Rocket Power Plant Research Engineer (Thermodynamics)	GS–834–0
Aeronautical Power Plant Research Engineer (Propulsion Systems Controls)	GS–834–0
Aeronautical Power Plant Research Engineer (Propulsion Systems Control Theory)	GS–834–0
Aeronautical Power Plant Research Engineer (Combustion)	GS–834–0
Aeronautical Power Plant Research Engineer (Fuels and Combustion)	GS–834–0
Aeronautical Power Plant Research Engineer (Structures)	GS–834–0
Aeronautical Power Plant Research Engineer (Thermodynamics)	GS–834–0
Aeronautical Research Engineer (Aerodynamics)	GS–861–0
Aeronautical Research Engineer (Aerodynamic Theory)	GS–861–0
Aeronautical Research Engineer (Rotary Wing)	GS–861–0
Aeronautical Research Engineer (Stability and Control)	GS–861–0
Aeronautical Research Engineer (Automatic Stability and Control)	GS–861–0
Aeronautical Research Engineer (Flutter and Vibration)	GS–861–0
Aeronautical Research Engineer (Structures)	GS–861–0
Aeronautical Research Engineer (Structures Theory)	GS–861–0
Aeronautical Research Engineer (Hydrodynamics)	GS–861–0
Aeronautical Research Engineer (Aerodynamic Loads)	GS–861–0
Aeronautical Research Engineer (Propulsion Aerodynamics)	GS–861–0
Aeronautical Research Engineer (Landing Loads)	GS–861–0
Aeronautical Research Engineer (Landing Loads Theory)	GS–861–0
Aeronautical Research Engineer (Aerothermodynamics)	GS–861–0
Aeronautical Research Engineer (Flight Systems)	GS–861–0
Aeronautical Research Engineer and Pilot	GS–861–0
Aeronautical Research Administrator	GS–1301 0
Physicist (Solid State)	GS–1310–0
Physicist (Physics of Atmosphere)	GS–1310–0
Chemist (Aeronautical Fuels Research)	GS–1320–0

The new minimum rates of pay have been set as follows:

GS–9	$6,250 (top step).
GS–11	7,465 (top step).
GS–12	8,645 (top step).
GS–13	10,065 (top step).
GS–14	11,395 (top step).
GS–15	12,690 (top step).
GS–16	13,760 (top step).
GS–17	14,835 (top step).

The increases will be effective on the first day of the first pay period which begins after September 22, 1956, and apply to these positions throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6737; Filed, Aug. 20, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1818]

BENGUET CONSOLIDATED, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 15, 1956.

In the matter of application by the San Francisco stock exchange for unlisted trading privileges in Benguet Consolidated, Inc., Capital Stock, File No. 7-1818.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 31, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6734; Filed, Aug. 20, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32531: *Substituted service—motor-rail-motor — Pennsylvania Railroad.* Filed by Transamerican Freight Lines, Inc., Agent, for itself, The Pennsylvania Railroad Company and other interested motor carriers. Rates on freight loaded in highway truck semitrailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and Philadelphia, Pa., or Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Transamerican Freight Lines, Inc., tariff I. C. C. No. 5.

FSA No. 32532: *All freight—Illinois and Iowa points to official territory.* Filed by The Chicago, Rock Island and Pacific Railroad Company, for itself and interested rail carriers. Rates on freight, all kinds, mixed carloads from Davenport, Iowa, Joliet and Peoria, Ill., to specified points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Circuitous routes.

Tariff: Chicago, Rock Island and Pacific Railroad Company tariff, I. C. C. No. C–13556.

FSA No. 32533: *Liquefied petroleum gas—southwest and mid-continent fields to Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma and Texas to Batavia, Cincinnati, Lebanon, and Loveland, Ohio.

Grounds for relief: Equalization of rates via St. Louis, Mo., gateways with rates over other gateways and circuitous routes.

Tariff: Supplement 68 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 32534: *Petroleum and products—Fairmont, Pa., group to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Fairmont, Karns City, Petrolia, and Bruin, Pa., to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, also Cincinnati, Ohio.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 11 to Agent Boin's tariff I. C. C. A–1035.

FSA No. 32535: *Fertilizer solutions—Tuscola, Ill., and Lima, Ohio to Louisville, Ky.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on nitrogen and ammoniating fertilizer solutions, tank-car loads from Tuscola, Ill., and Lima, Ohio to Louisville, Ky.

Grounds for relief: Market competition and circuitous routes.

Tariff: Baltimore and Ohio Railroad Company Tariff I. C. C. 24320 and five other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6724; Filed, Aug. 20, 1956; 8:47 a. m.]

VETERANS ADMINISTRATION

CHAIRMAN, CENTRAL COMMITTEE ON WAIVERS AND FORFEITURES ET AL

DELEGATION OF AUTHORITY WITH RESPECT TO WAIVERS CONCERNING RECOVERY OF PAYMENTS

In section 6 (appearing in the issue of Thursday, October 28, 1954, 19 F. R. 6963), paragraph (b) is amended to read as follows:

SEC. 6. *Delegation of authority to certain employees.* * * *

(b) The Chairman, Central Committee on Waivers and Forfeitures, Section Chairman, Central Committee on Waivers and Forfeitures, Chairmen and Section Chairmen, Committee on Waivers, are hereby delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of Title 38, sections 33, 453, 507a, and 809, U. S. Code, as amended, subject to any limitations imposed by current regulations and instructions.

* * * * *

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-6727; Filed, Aug. 20, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ALEXANDER HASBANY

REVOCATION OF DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS

Section II *Delegations of final authority*, is amended as follows:

Paragraph G11, delegating certain powers to Alexander Hasbany, Realty Assistant, is hereby revoked.

Date approved: August 13, 1956.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56-6723; Filed, Aug. 20, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
AUG 24 1956
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 163

Washington, Wednesday, August 22, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

The regulations in this subpart govern the conservation reserve part of the Soil Bank Program.

Sec.
485.150 Definitions.
485.151 Administration.
485.152 Purpose.
485.153 Land eligible for conservation reserve.
485.154 Geographical applicability.
485.155 National and State conservation reserve goals.
485.156 Conservation reserve contract.
485.157 Designation.
485.158 Farm soil bank base.
485.159 Reconstitution of farm.
485.160 Compliance with acreage allotments.
485.161 Pooling arrangements.
485.162 Practice cost-sharing.
485.163 Annual payments.
485.164 Limitation of payments.
485.165 Manner and time of payments.
485.166 Set-offs.
485.167 Division of payment between landlords, tenants, and sharecroppers.
485.168 Additional provisions relating to tenants and sharecroppers.
485.169 Successors-in-interest.
485.170 Assignments.
485.171 Payments not subject to claims.
485.172 Violations of contract.
485.173 Penalty for grazing or harvesting.
485.174 Filing of false claims.
485.175 Misuse of purchase orders.
485.176 Access of farm and records.
485.177 State committee approval of determinations of county committees.
485.178 Finality of determinations.
485.179 Effect on acreage allotment and marketing quota programs.
485.180 Appeals.
485.181 Waivers.
485.182 Delegation of authority.

AUTHORITY: §§ 485.150 to 485.182 issued under sec. 124, 70 Stat. 198. Interpret or apply secs. 107–123, 125, 126, 70 Stat. 191–198.

§ 485.150 *Definitions.* As used in this subpart and in all contracts, forms, documents, and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator, ACPS," means the Administrator or Acting Administrator of the Agricultural Conservation Program Service, United States Department of Agriculture.

(d) "Administrator, CSS," means the Administrator or Acting Administrator of the Commodity Stabilization Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(g) "State" means any one of the continental United States.

(h) "County" means county or parish.

(i) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(j) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(k) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(l) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(m) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for

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FEDERAL REGISTER

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(n) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(o) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(p) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(q) "Producer" means any person who is an owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on the farm, and includes a person who furnishes water for a share of the crop or proceeds thereof.

(r) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, machinery, and labor substantially separate from that for any other land, and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(s) "Cropland" means farm land which was tilled or was in regular crop-rotation during the year immediately preceding the first year of the contract period, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(t) "Acreage reserve" means the tract of land on a farm which is designated by a producer under the Acreage Reserve Program as being withdrawn from the production of a particular commodity.

(u) "Conservation reserve" means the tract or tracts of land on a farm which is designated by a producer in his conservation reserve contract as being set aside for soil-, water-, wildlife-, or forest-conserving uses for a period of years specified in the contract.

(v) "Producer unit" means a tract of land farmed by (1) a landlord, owner, cash tenant, or fixed-rent tenant, with his own labor or with hired labor (not with tenants or sharecroppers), or (2) a share tenant without the aid of any sharecropper, or (3) a sharecropper.

(w) "Tame hay" means a stand of perennial grass or legumes which normally requires preparation of the land seeding and from which hay was harvested during either of the 2 years preceding the first year of the contract period. The stands of grass or legumes which will be classified as tame hay in a State will be determined by the State committee in consultation with the Land Grant College.

(x) "Contract" means a Soil Bank Conservation Reserve Contract (Form CSS–811 (Soil Bank)).

(y) "Farm Soil Bank base" means the acreage established as the Soil Bank base for the farm pursuant to § 485.158 (c).

(z) "Soil Bank base crops" means the crops included in establishing the farm Soil Bank base.

§ 485.151 *Administration.* (a) The conservation reserve program will be administered in the field by State and county committees under the general direction and supervision of the Administrator, CSS. Members of county committees are hereby authorized to sign "Conservation Reserve Contracts" Form CSS–811 (Soil Bank) on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto, and do not have authority to modify or waive any of the provisions of any contract entered into hereunder except to the extent specifically authorized in this subpart.

(b) The State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having responsibility for farm forestry in the State shall be responsible for developing, within national authorizations, recommendations and requirements needed to adapt the conservation practices to the conditions in the State. The President of the Land Grant College, the State Director of the Farmers Home Administration, the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, State Foresters, State Fish and Game Departments, Federal Fish and Wildlife Service and other appropriate State and Federal agencies within the State shall be invited to designate representatives to participate in the deliberations on these State recommendations and requirements.

(c) The county committee (including the county agricultural extension agent), the local Soil Conservation Service technician, and the Forest Service representative having responsibility for farm forestry in the county, in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county, shall be responsible for developing, within national and State authorizations, recommendations and requirements needed to adapt the conservation practices to the conditions in the county. The community committeemen, the governing body of the Soil Conservation District, the County Supervisor of the Farmers Home Administration, representatives of the State Fish and Game Department, and representatives of other appropriate State and federal agencies within the county shall be invited to participate in the deliberations on the county recommendations and requirements. The work plans of the Soil Conservation District and of the federal agencies involved shall be considered in developing the county recommendations and requirements.

§ 485.152 *Purpose.* The conservation reserve program is a long-term program designed to carry out the policy of the act by assisting farmers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities and to carry out soil, water, forest, and wildlife conservation practices. In carrying out this program, the Secretary will enter into contracts with producers (a) to share the costs of establishing approved conservation practices on the conservation reserve and (b) to make annual payments to such producers for maintaining the conservation uses for the term of the contract.

§ 485.153 *Land eligible for conservation reserve.* Land eligible to be designated as the conservation reserve is limited to cropland, land devoted to tame hay which does not require annual tillage, and land which was tilled or was in regular crop-rotation during the year immediately preceding the first year of the contract period which constitutes, or will constitute if tillage is continued, an erosion hazard to the community, but excluding land designated as acreage reserve and land owned by the Federal Government, including any corporation wholly owned by the Federal Government. Eligible land shall include land which is devoted to crops, such as tame hay, alfalfa, or clovers, which do not require annual tillage. The total acreage of land on a farm which may be devoted to the conservation reserve shall be not less than 5 acres, except that (a) in case the conservation reserve is to be planted to trees the minimum acreage shall be two acres and (b) in any county recommended by the county committee and approved by the State committee where the average tillable acreage on farms in the county is relatively small, the minimum may be reduced to not less than one acre for any farm if the county committee determines that such action will promote the purposes of the program and that the total tillable acreage on the farm is too small to warrant a larger minimum.

§ 485.154 *Geographical applicability.* The conservation reserve program will be applicable only in the continental United States.

§ 485.155 *National and State conservation reserve goals.* National conservation reserve goals for 1956 and 1957 are hereby established as follows: 1956, 4,000,000 to 6,000,000 acres; 1957, 20,000,000 acres. Goals for later years will be announced not later than February 1 of each year. The National conservation reserve goals are hereby apportioned among States as follows:

State	1956	1957
	1,000 acres	*1,000 acres*
Alabama	75 to 110	360
Arizona	10 to 15	50
Arkansas	85 to 130	435
California	100 to 150	495
Colorado	130 to 200	640
Connecticut	5 to 9	27
Delaware	5 to 10	18
Florida	25 to 35	125
Georgia	80 to 120	390
Idaho	50 to 75	265
Illinois	130 to 200	680
Indiana	100 to 150	505
Iowa	180 to 270	900
Kansas	275 to 415	1,385
Kentucky	115 to 175	585
Louisiana	55 to 85	280
Maine	15 to 20	70
Maryland	20 to 30	100
Massachusetts	6 to 10	35
Michigan	100 to 150	485
Minnesota	150 to 225	735
Mississippi	70 to 100	355
Missouri	165 to 250	830
Montana	150 to 225	760
Nebraska	160 to 235	790
Nevada	3 to 5	17
New Hampshire	5 to 9	24
New Jersey	10 to 15	50
New Mexico	30 to 40	175
New York	90 to 135	470
North Carolina	50 to 75	275
North Dakota	240 to 360	1,200
Ohio	100 to 150	480
Oklahoma	140 to 210	710
Oregon	50 to 75	260
Pennsylvania	75 to 110	365
Rhode Island	1 to 2	4
South Carolina	40 to 60	195
South Dakota	125 to 185	620
Tennessee	100 to 150	520
Texas	350 to 525	1,680
Utah	15 to 25	85
Vermont	15 to 20	70
Virginia	60 to 75	260
Washington	85 to 125	440
West Virginia	20 to 30	110
Wisconsin	125 to 190	640
Wyoming	25 to 35	120

§ 485.156 *Conservation reserve contract*—(a) *Required signatures.* In order for producers on a farm to participate in the conservation reserve program, a Soil Bank Conservation Reserve Contract (Form CSS-811 (Soil Bank)) must be entered into by the producers having control of the farm. The farm owner or owners must sign the contract, except that a farm operator who is a cash tenant, standing-rent tenant, or fixed-rent tenant (but not a share tenant) for the entire contract period may sign the contract in lieu of the owner upon presentation of evidence satisfactory to the county committee of his control of the farm for such period. The farm operator if other than the owner must also sign the contract. Where parts of the farm are separately owned, each owner, or the farm operator in lieu thereof as provided above, must execute the contract. If an owner or a tenant-operator who enters into a contract loses control of the farm before the end of the contract period, his successor, if any, as owner or tenant-operator, as the case may be, during the contract period may upon his request be substituted under the contract as owner or tenant-operator by executing a form prescribed by the Administrator, CSS for such purposes. Sharecroppers and other producers on a farm who do not have any control thereof are not required to sign the contract.

(b) *Closing dates.* A contract which includes 1956 as a part of the contract period must be signed by all the producers who are required to sign the contract and filed with the county committee not later than October 15, 1956. A contract under which the contract period begins with any year subsequent to 1956 must be signed by all the producers who are required to sign the contract and filed with the county committee not later than March 15 of the first year of the contract period or such earlier date as may be established by the State committee, except that contracts starting with the year 1961 must be entered into not later than December 31, 1960, and no contract can be entered into after this date. However, a contract entered into by that date may be extended as provided in this subpart.

(c) *Contract period.* The contract period shall be not less than three calendar years or more than fifteen calendar years, as follows:

(1) If the county committee determines that the acreage on the farm designated as the conservation reserve is adequately covered by approved protective vegetative cover, the contract period shall be three years or five years, at the election of the producer: *Provided*, That no contract shall expire prior to December 31, 1959.

(2) If the county committee determines that the acreage on the farm designated as the conservation reserve requires the establishment of protective vegetative cover (other than trees or shrubs), water storage facilities, or other soil-, water-, or wildlife-conserving uses, the contract period shall be five years, except that it may be ten years at the election of the producer in the case of grass or legume cover established under practice A–2, but may not extend beyond December 31, 1969.

(3) If the contract provides that the conservation reserve is to be established in tree cover under practice A–7, the contract period shall be 10 years: *Provided*, That if recommended by the State committee and approved by the Administrator, ACPS, as necessary to obtain the land use objectives of the Soil Bank Program, the contract period may be 15 years, but may not extend beyond December 31, 1974.

(4) If 1956 is included as a part of the contract period, the contract period shall be considered as beginning with the calendar year 1957 for the purpose of computing the minimum contract period: three years for cover already established, five years for practices other than tree cover, and ten years for tree cover.

(5) If more than one tract of land on the same farm is designated as the conservation reserve, the contract may provide for different contract periods as determined under subparagraphs (1), (2), and (3) of this paragraph for the different tracts.

(6) In order to include 1956 as a part of the contract period, the producers must meet all of the requirements of the contract for the entire calendar year 1956. Among such requirements, the producers (i) must designate the conservation reserve as required by § 485.157, (ii) must have established the conservation use on the conservation reserve, or must take all practicable steps to establish such conservation use in 1956, (iii) must not have grazed or harvested any crop from the conservation reserve since January 1, 1956, and (iv) must comply with the acreage limitations on the production of soil bank base crops in 1956 as provided in § 485.158.

(d) *Modification and termination of contracts by mutual consent.* Contracts previously entered into with producers may be modified or terminated upon mutual agreement of the contract signers and the county committee only if such modification or termination is specifically approved by the Administrator, CSS, or is authorized under general policies established by him. No contract may be so terminated unless the Administrator, CSS, determines either specifically or in the general policies authorizing termination that such termination would be in the public interest.

§ 485.157 *Designation and use of conservation reserve*—(a) *Designation.* The tract or tracts of land constituting the conservation reserve must be specifically designated in the contract, and shall not include any land in the acreage reserve.

(b) *Establishment and maintenance of vegetative cover and practices.* (1) Each producer signatory to the contract shall agree to establish and maintain (or to maintain only, in the case of approved cover already established) in accordance with good farming practice for the contract period so long as he retains control of the farm an approved protective vegetative cover or other approved conservation practices on the conservation reserve as specified in the contract: *Provided*, That the conservation reserve may, in the fall of the final year of the contract period, be planted in any crop which is normally seeded in the fall in the area for harvest in a later year. Failure to maintain for the contract period the protective vegetative cover or other conservation practices for which cost-sharing was received under this program shall be considered a violation of the contract.

(2) Approved protective vegetative cover (other than tree and shrub cover) shall be limited to tame varieties of perennial grasses and perennial legumes normally seeded in the area for hay or pasture: *Provided*, That approved protective vegetative cover may include other grasses and legumes upon recommendation by the State committee and approval of the Administrator, ACPS. Approved protective vegetative cover shall be adequate to provide good protection from wind and water erosion and where practical shall be of specific benefit to wildlife, as determined by the county committee.

(c) *Selection of conservation practices.* The conservation practices to be carried out on the conservation reserve shall be approved by the county committee. The producers on the farm shall be given the opportunity to request from the eligible practices designated in paragraph (d) of this section the particular practices they desire to carry out on the conservation reserve. In approving the practices for any farm, the county committee shall take into consideration the request of the producers on the farm, the type of farming operations carried out by the producers, the type of practice needed for the conservation reserve, and the benefits to be obtained from the practice in relation to its cost.

(d) *Eligible practices.* (1) The conservation practices eligible to be carried out on the conservation reserve are listed in this paragraph. The practice shall be carried out in conformity with specifications which are applicable for the practice at the time the contract was signed or at the time the practice is carried out, at the election of the producer. Such specifications will be available at the office of the county committee and the producer shall obtain such information at that office.

(2) Eligible practices are as follows:

A–2—Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.

A–4—Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection. (Cost-sharing for liming materials, rock phosphate or gypsum applied under this practice shall be limited to applications needed in connection with the establishment of eligible vegetative cover.)

A–7—Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.

B–7—Constructing dams, pits, or ponds as a means of protecting vegetative cover. (The use of such water for irrigating land other than the conservation reserve acreage shall not be permitted during the period covered by the contract.)

C–14—Constructing dams, pits, or ponds for irrigation water. (The use of such water for irrigating land other than the conservation reserve acreage shall not be permitted during the period covered by the contract.)

D–1—Establishment of vegetative cover for winter protection from erosion.

D–2—Establishment of vegetative cover for summer protection from erosion.

(3) Approval of the use of annual grasses, annual or biennial legumes, and small grains, when seeded without a perennial grass or perennial legume, shall be limited to cases in which the county committee determines that (i) they are of varieties which will reseed so as to provide adequate cover throughout the contract period, (ii) such seedings are necessary to provide temporary protection before more enduring protective vegetative cover can be established, or (iii) seed of adapted perennials is not available.

(4) The specifications for the practices listed in subparagraph (2) of this paragraph will be the same as are applicable under the then current agricultural conservation program (7 CFR Part 1101), except for changes or additions needed to bring the practice within the provisions of the conservation reserve program. Such specifications will be available at the office of the county committee, and the producer shall obtain such information at that office.

(5) The conservation practices listed in subparagraph (2) of this paragraph are designed primarily for the conservation of soil and water for agricultural purposes; however, where practicable, encouragement shall be given in carrying out practices with the use of materials and methods which will provide wildlife conservation benefits.

(6) The following eligible practices are designed primarily to protect and conserve wildlife resources:

G–1—*Establishment and management of cover specifically beneficial to wildlife.* This practice will have general applicability in all States, although the plant species and cultural and other operations used may differ from State to State and in different sections of the same State. It includes wildlife cover and food plantings, land operations such as partial discing, and a variety of practices designed to improve wildlife habitat.

G–2—*Water and marsh management to benefit fish and wildlife.* This practice includes the development of shallow water areas to improve habitat for waterfowl, fur animals and other wildlife as well as restoration of drained areas (formerly marshland) by installing earth plugs or water control structures in drainage ditches.

G–3—*Constructing dams or ponds for fish.*

(e) *Use of liming materials, rock phosphate, gypsum, and commercial fertilizers.* (1) For practices which authorize Federal cost-sharing for application of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which Federal cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however*, That if the State committee determines that available facilities for making soil tests are not adequate, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such application. Such alternative basis shall be such as to insure beneficial use of the Federal cost-sharing and shall be formulated by the State committee in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(2) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

(f) *Restoration or improvement of protective vegetative cover.* If the county committee determines that a satisfactory stand or protective vegetative cover has been established on the conservation reserve, but due to conditions beyond the control of the producer the stand has deteriorated during the contract period to the extent that the acreage should be reseeded or replanted or that other restoration or improvement measures should be carried out on the conservation reserve for soil protection, the committee may authorize cost-sharing for the reseeding or replanting or other needed restoration or improvement measures except that no cost-sharing shall be approved for restoration or improvement during the last year of the contract period. If the contract is for a period of less than 5 years, restoration or improvement of protective vegetative cover shall not be authorized by the county committee unless the contract is extended for two additional years.

(g) *Compliance with regulatory measures.* Producers who carry out conservation reserve contracts shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

(h) *Responsibility for technical phases of practices.* (1) The Soil Conservation Service shall be responsible for soil suitability information whenever needed and practicable in conjunction with the selection and establishment of practices. The Soil Conservation Service shall also be responsible for the technical phase of practices B–7 and C–14, which shall include (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, ACPS, and the Administrator, Soil Conservation Service, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees.

(2) The Forest Service is responsible for the technical phases of practice A–7. This responsibility shall include (i) providing necessary technical assistance, (ii) development of specifications for forestry practices, and (iii) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State or Federal agencies in carrying out these assigned responsibilities.

(i) *Harvesting or grazing or using stored water from the conservation reserve.* (1) No crop shall be harvested from the conservation reserve during the contract period except timber in accordance with sound forestry management as determined by the county committee and wildlife or other natural products of such acreage which do not increase supplies of food for domestic animals. No Christmas trees, ornamentals, or Christmas greens may be harvested from the conservation reserve during the contract period. Water from water storage for which cost-sharing was received under this program shall not be used for irrigation except for crops on the conservation reserve on the farm.

(2) The conservation reserve shall not be grazed during the contract period unless the Secretary, after certification by the Governor of the State in which the farm is located of the need for grazing on the conservation reserve, determines that it is caused by severe drought, flood, or other natural disaster and gives written consent to such grazing: *Provided*, That grazing in accordance with sound pasture management principles may be authorized by the Secretary after the first 3 years of the contract period.

(j) *Noxious weeds.* The contract signers shall, without reimbursement under the contract, take such steps as may be prescribed by the county committee to prevent the acreage in the conservation reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds will be available in the office of the county committee, and the contract signers shall obtain such information from that office.

§ 485.158 *Farm soil bank base.* (a) A farm soil bank base shall be established for the farm by the county committee equal to the average acreage of land devoted during the two years immediately preceding the first year of the contract period to the production of crops for harvest on the farm other than (1) annual grasses pastured or cut for hay or ensilage, (2) biennial legumes, (3) perennial grasses and legumes, (4) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, and (5) land devoted to a garden primarily for home consumption. Annual grasses from which a crop of seed or grain is harvested shall not be considered as used for pasture, hay or ensilage. The acreage of any commodity for which payment is made under the acreage reserve program during the two years shall be considered as being devoted to the commodity and shall be included in determining the farm soil bank base. The average acreage devoted to such crops shall be adjusted by the county committee when necessary to make due allowance for abnormal weather conditions or for the established crop-rotation system for the farm to the extent that such abnormal weather conditions or crop-rotation system affected the acreage of such crops during the two years. The farm soil bank base established hereunder may provide different acreages for alternate years where necessary to reflect an established summer fallow rotation system.

(b) If the farm soil bank base for any year of the contract period is more than 30 acres, the producers (1) shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops (i.e., the crops included in determining the farm soil bank base) in excess of the farm soil bank base less the number of acres in the conservation reserve, and (2) may place an acreage in the conservation reserve in excess of the number of acres in the farm soil bank base only if the entire eligible land on the farm (excluding any land in the acreage reserve during the first year of the contract period) is placed in the conservation reserve, in which event the nondiversion rate specified in § 485.163 (c) shall apply to the acreage in the conservation reserve in excess of the number of acres in the farm soil bank base.

(c) If the farm soil bank base for each year of the contract period is not more than 30 acres, (1) the producers may enter into a contract under which the entire conservation reserve is placed in the conservation reserve program at the non-diversion rate specified in § 485.163 (c), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the soil bank base, or (2) the producers may enter into a contract under which a specified acreage of the conservation reserve, not to exceed the number of acres in the farm soil bank base, is placed in the conservation reserve program at the regular rate specified in § 485.163 (b) (such acreage may be in addition to acreage placed in the conservation reserve program at the non-diversion rate), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres placed in the conservation reserve program at the regular rate.

(d) For purposes of determining compliance with the provisions of paragraphs (b) and (c) of this section, the acreage reserve on any farm shall not be considered as having been devoted to the production of the commodity to which such reserve is applicable except to the extent that such land may in fact have actually been devoted to the production of such commodity.

(e) The producer shall agree not to harvest an acreage of soil bank base crops in excess of the acreage permitted to be devoted to such crops under the contract. Any producer who knowingly and willfully harvests any crop in violation of such agreement shall be subject to the civil penalty provided in § 485.173. A producer shall not be deemed to have harvested an acreage in excess of that permitted under the provisions of paragraphs (b) and (c) of this section unless the acreage harvested exceeds the number of acres permitted by more than 3 acres or 3 per centum of the acreage permitted, whichever is larger.

§ 485.159 *Reconstitution of farm.* (a) The definition of a farm in this subpart is the same as the definition of a farm as used in establishing acreage allotments under the Agricultural Adjustment Act of 1938, as amended. If, after a contract is entered into under this subpart, a farm is defined differently for purposes of acreage allotments than a farm is defined at the time the contract is executed, such new definition shall, at the election of the Secretary, apply to the contract from the effective date of such new definition or such later date as the Secretary may specify.

(b) If two or more farms as constituted at the time a contract is entered into are later combined, or if one farm as constituted at the time the contract is entered into is later divided into two or more farms, as a result of a change in the definition of a farm or otherwise, the provisions of the contract and this subpart shall apply to the farm on which the conservation reserve is located after the farm is reconstituted. In such case the contract shall be modified to reflect the change in the farm soil bank base required by such reconstitution.

§ 485.160 *Compliance with acreage allotments.* No producer shall be eligible for payments or compensation (including practice payments) under the conservation reserve program for any year with respect to any farm on which (a) the acreage of cotton, rice or tobacco exceeds the farm acreage allotment for the commodity; or (b) the acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the farm acreage allotment for wheat or 15 acres; or (c) the acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the soil bank corn base or the allotment whichever is in effect; or (d) the acreage of peanuts exceeds the larger of the farm acreage allotment for peanuts or one acre. For purposes of this provision such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for the commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.161 *Pooling arrangements.* Producer(s) in any local area may, with the prior approval of the county and State committees, enter two or more farms jointly in the program if a plan is developed to the satisfaction of such committees that would result in better management of family farms or better land use of the farms through such joint participation than would be obtained through individual farm participation.

§ 485.162 *Practice cost-sharing*—(a) *Rates of cost-sharing for practices.* Subject to the further limitations provided in paragraph (b) of this section, the maximum share which the Secretary will bear of the cost of carrying out an approved practice on the conservation reserve shall be 80 percent of the average cost of performing the practice. The State committee may establish a rate of cost-sharing for practices lower than that specified herein, and the county committee may establish a rate lower than that specified herein or than that established by the State committee. For purposes of establishing rates of cost-sharing for practices, the average cost for carrying out a practice may be the average cost for a State, county, a part of a county, or a farm, as determined by the State committee.

(b) *Maximum cost-share limitations for practices.* The maximum cost-share for a water storage facility shall be $500, except that a higher maximum cost-share may be established for a State or an area within a State upon recommendation of the State committee and approval by the Administrator, ACPS. The maximum cost-share for practices G–1, G–2, and G–3 shall with respect to any farm be limited to an amount not in excess of that determined by multiplying the number of acres devoted to such practices multiplied by the maximum rate per acre which would be approved for practice A–2, A–7, D–1, or D–2, whichever is the highest on the conservation reserve.

(c) *Items of cost on which cost-sharing is authorized.* For practices A–2, A–4, A–7, B–7, C–14, D–1 and D–2, cost-sharing is authorized for the same items of cost-sharing which are or could be authorized for the same practices under the agricultural conservation program, except that no cost-sharing shall be allowed for the construction of fencing. The items of cost for which cost-sharing will be authorized will be available at the office of the county committee and the producer shall obtain such information at that office. Cost-sharing under the conservation reserve program in lieu of cost-sharing under the agricultural conservation program is authorized for eligible practices approved subsequent to January 1, 1956, provided the contract period includes the calendar year 1956. Except as provided in the preceding sentence, a producer is not eligible to receive cost-sharing under the conservation reserve program for a practice or practice component for which he has received or is due to receive cost-sharing on the same land under the agricultural conservation program.

(d) *Completion of practice.* Except as specified in paragraphs (g) and (h) of this section, Federal cost-sharing for eligible practices is conditioned upon approval of the county committee and upon the completion of performance of the practice in accordance with all applicable specifications and program provisions, and upon approval of the application for payment by the county committee. However, the cost-shares for any completed component of a practice may be paid before completion of the remaining components upon application therefor by the producers and approval by the county committee.

(e) *Practices involving the establishment of protective vegetative cover.* Costs for practices involving the establishment of protective vegetative cover may be shared even though a good stand is not established if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the producer. The county committee shall require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

(f) *Failure to meet minimum requirements.* Notwithstanding other provisions of the program, costs may be shared for practices treating with the establishment of protective vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the producer establishes to the satisfaction of the county committee and the State committee (1) that he made every reasonable effort to meet the minimum requirements, and (2) that the practice as performed adequately meets the conservation problem.

(g) *Practices carried out with State or Federal aid.* For the purpose of computing cost-shares to be borne by the Secretary, the total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was borne by a State or Federal agency. Materials or services furnished through the conservation reserve program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State agency for the performance of practices on its land shall not be regarded as costs borne by a State or Federal agency for the purposes of this section.

(h) *Conservation materials and services.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished under the conservation reserve program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit the furnishing of materials and services.

(2) Title to any material furnished shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(3) The producer shall pay that part of the cost of the material or service as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service, or upon request by the producer and approval by the county committee, the producer shall pay that part of the cost of the material or service which is in excess of the producer's Federal cost-share for all components of the practice.

(4) The producer to whom a material or service is furnished will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the producer uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares or payments otherwise due him under the program.

(5) Any producer to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another producer or otherwise disposed of at the expense of the producer who abandoned or failed to use the material.

§ 485.163 *Annual payments* — (a) *Amount of payment.* An annual payment will be made to the producers on the farm for the period of the contract upon determination by the county committee that they have fulfilled the provisions of the contract entitling them to such payment. The amount of the annual payment shall be determined by multiplying the rate or rates of payment per acre determined in accordance with paragraph (b) or paragraph (c) of this section by the number of acres determined in accordance with paragraph (d) of this section.

(b) *Regular rates of payment.* (1) State annual payment rates per acre for the conservation reserve are as follows:

State	Regular rate
Alabama	$8.00
Arizona	9.00
Arkansas	9.00
California	12.00
Colorado	8.00
Connecticut	13.00
Delaware	12.00
Florida	8.00
Georgia	8.00
Idaho	11.00
Illinois	12.00
Indiana	12.00
Iowa	12.00
Kansas	10.00
Kentucky	10.00
Louisiana	10.00
Maine	9.00
Maryland	12.00
Massachusetts	13.00
Michigan	11.00
Minnesota	11.00
Missouri	9.00
Mississippi	10.00
Montana	9.00
Nebraska	9.00
Nevada	7.00
New Hampshire	10.00
New Jersey	13.00
New Mexico	8.00
New York	11.00
North Carolina	10.00
North Dakota	9.00
Ohio	12.00
Oklahoma	9.00
Oregon	12.00
Pennsylvania	11.00
Rhode Island	12.00
South Carolina	9.00
South Dakota	9.00
Tennessee	10.00

State	Regular rate
Texas	$10.00
Utah	11.00
Vermont	10.00
Virginia	10.00
Washington	13.00
West Virginia	10.00
Wisconsin	11.00
Wyoming	8.00

(2) The State committee shall establish a payment rate per acre for each county. In establishing the county payment rates, the State committee shall take into consideration the cash value of the land for the production of commodities customarily grown on such kind of land in the county, the prevailing rates for cash rentals of land used for the production of such crops customarily grown in the county, and the productivity of land in the county as compared with land in other counties in the State. County payment rates shall be adjusted by the State committee, where necessary, so that the county average payment rates per acre for all counties in the State, weighted by the acreage of cropland for the respective counties will equal the State annual payment per acre.

(3) The farm payment rate for each farm in the county shall be the county payment rate determined for the county pursuant to subparagraph (2) of this paragraph except that (i) the State committee may establish different payment rates for different areas of a county to reflect substantial differences between such areas in land productivity, cash value and prevailing rental rates of land used for the production of crops customarily grown in such areas, in which case the rates per acre established for the various areas in a county weighted by the cropland acreage in the respective areas may not exceed the county payment rate, and (ii) the county committee may establish a rate per acre for a farm which is lower than the rate established for the county or the area where it is determined that the land on such farm has a substantially lower productivity, cash value or rental rate than the average of the land in the county or area for which the payment rate for the county or area was established by the State committee.

(4) If any part of the conservation reserve is grazed as provided in § 485.157 during the first 3 years of the contract period, no annual payment will be made for such part of the conservation reserve for the year in which grazed, and if any part of the conservation reserve is so grazed after the first 3 years of the contract period, such annual payment shall be at a rate determined in accordance with regulations to be issued by the Secretary.

(c) *Non-diversion rate.* The non-diversion payment rate for a farm shall be 30 per centum of the regular payment rate for the farm, rounded to the nearest ten cents, and shall apply to that part of the conservation reserve which the producers have placed in the conservation reserve program without agreeing to make a corresponding reduction in the acreage devoted to soil bank base crops below the farm soil bank base. The non-diversion rate shall be applicable only (1) if the farm soil bank base for each year of the contract period is not more than 30 acres, or (2) if the producers place the entire eligible land on the farm in the conservation reserve.

(d) *Determination of acreage.* (1) In the case of farms on which any acreage is placed in the conservation reserve at the regular rate, including farms on which acreage is also placed in the conservation reserve at the non-diversion rate—(i) the number of acres used in computing the amount of the annual payment for any year at the regular rate shall be the smaller of (*a*) the acreage placed in the conservation reserve at the regular rate, or (*b*) the number of acres by which the acreage devoted to soil bank base crops on the farm for such year is less than the farm soil bank base for such year, and (ii) the number of acres used in computing the amount of the annual payment for any year at the non-diversion rate shall be the number of acres, if any, placed in the conservation reserve at the non-diversion rate: *Provided*, That no payment shall be made and the producer shall be considered in violation of his contract in any year in which the acreage devoted to soil bank base crops exceeds the number of acres of such crops permitted under the contract by more than 3 acres or 3 per centum of the number of acres permitted, whichever is larger.

(2) In the case of farms on which the entire acreage in the conservation reserve is placed in the conservation reserve at the non-diversion rate, the number of acres which shall be used in computing the amount of the annual payment for any year shall be the number of acres placed in the conservation reserve, less the number of acres, if any, by which the acreage devoted to soil bank base crops on the farm for such year exceeds the farm soil bank base: *Provided*, That no payment shall be made and the producer shall be considered in violation of his contract in any year in which the acreage devoted to soil bank base crops exceeds the farm soil bank base by more than 3 acres or 3 per centum of the farm soil bank base, whichever is larger.

(3) The number of acres in the tract or tracts of land designated as the conservation reserve and the number of acres on the farm devoted to soil bank base crops shall be measured or otherwise ascertained in the same manner as acreage is determined under the acreage allotment and marketing quota programs.

§ 485.164 *Limitation on payments.* The total of all annual payments under the conservation reserve program to any producer for any year with respect to all farms in which he has an interest shall not exceed $5,000.00, except that with the approval of the Secretary the total annual payment limitation may be increased in any case where the entire eligible land on a farm is designated as conservation reserve or where the erosion hazard is such that an increase in the limitation is warranted in order to more effectively accomplish the purposes of the program.

§ 485.165 *Manner and time of payments*—(a) *Practice payments.* The cost-sharing payment for practices shall be made by the State or county committee by means of a Commodity Credit Corporation sight-draft, payable to the producer or his assignee. Payments shall be made as soon as practicable after the extent of the performance of the approved conservation practice, or a component of such practice if authorized by the county committee, has been established. It shall be the responsibility of the producers eligible for payment to submit to the office of the county committee forms and information needed to establish the extent of the performance of approved conservation practices and compliance with the terms and conditions of the contract. Payment of cost-shares for conservation practices carried out on the conservation reserve will be made only upon application submitted on the prescribed form to the office of the county committee by June 30 of the year following the calendar year in which the practice is completed.

(b) *Annual payments.* The annual payment due producers for each calendar year during the contract period shall be made by the county or State committee by means of Commodity Credit Corporation sight-drafts, payable to the producer or his assignee. The annual payment shall be made as soon as practicable each year after the county committee has determined the acreage devoted to crops and other uses on the farm.

§ 485.166 *Set-offs.* If any producer to whom compensation is payable under the conservation reserve program is indebted to the United States Department of Agriculture, or any agency thereof including Commodity Credit Corporation and Federal Crop Insurance Corporation, or is indebted to any other agency of the United States and such indebtedness to such other agency is listed on the county register of indebtedness, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 485.167 *Division of payment between landlords, tenants, and sharecroppers*—(a) *Practice payments.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the producer to whom the materials or services are furnished. The remainder of the Federal cost-share shall be credited to the producer who carried out the practices by which such remainder of the Federal cost-share is earned. If more than one producer contributed to the carrying out of such practices, the Federal cost-share shall be divided among such producers in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Annual payments.* The contract entered into with the producers shall specify the basis on which the landlords, tenants, and sharecroppers are to share in the annual payments. The basis on which the tenants and sharecroppers share in such annual payments must be approved by the county committee as being fair and equitable. In considering whether the tenants and sharecroppers will share in the annual payment on a fair and equitable basis, the county committee shall give consideration to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the contract and the basis on which they would have shared in such crops or the proceeds thereof. In general, the basis for sharing the annual payments may be approved by the county committee if—

(1) The total annual payment is allocated among the producer units (as defined in § 485.150 hereof) which would have been in effect if the producers were not participating in the conservation reserve program in proportion to the number of acres contributed from each producer unit to the acreage diverted from production under the contract; and

(2) The share of the landlord, and operator if other than the landlord, in the annual payments allocated to any producer unit farmed by a tenant or sharecropper does not result in the landlord and operator receiving substantially in excess of the return they would have received if they were not participating in the conservation reserve program for furnishing the land and farm management less any savings in cost to them which resulted from not producing a crop on the acreage diverted from production and less the amount of any enhancement in value of the land diverted from production as a result of conservation practices carried out on such land.

§ 485.168 *Additional provisions relating to tenants and sharecroppers.* (a) No contract shall be entered into with a producer if it shall appear—

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the contract in proportion to the number of acres in the respective producer units of such commodity farmed by such tenants or sharecroppers; or

(2) That the landlord or operator has, as a result of participation in the soil bank program, reduced the number of tenants and sharecroppers on the farm, or the size of their producer units; or

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any contract hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any payment to be paid to him under the contract; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the payment or any other right or privilege of his under the contract to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenants' or sharecropper's producer unit in contemplation of the signing of the contract; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his payment or any other right under the contract.

(b) The contract shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the contract, or if, after the signing of the contract, the producer enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

§ 485.169 *Successors-in-interest.* (a) In case of death, incompetency, or disappearance of any producer, any Federal cost-share or other payment under the contract due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) The loss of control of the farm by sale or otherwise by any owner signatory to the contract or by any cash tenant, standing-rent tenant or fixed-rent tenant who has a lease for the entire contract period and who signed the contract in lieu of the owner shall terminate the contract as to such producer. In the event of such termination, the producer losing control shall not be entitled to further compensation under the contract and shall refund all Federal cost-shares received by him under the contract unless the producer who acquires his interest in the farm is or becomes a party to the contract and assumes all obligations thereunder. The loss of control of the farm by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract except as otherwise provided in this subpart.

(c) If, after the contract is signed but before the crops are planted on the farm, a tenant or sharecropper is substituted for a tenant or sharecropper who is not signatory to the contract, the share of the original tenant or sharecropper in the annual payment shall be made to the substituted tenant or sharecropper. If such substitution occurs after the crops are planted on the farm, the original tenant or sharecropper shall be entitled to the share of the annual payment as specified in the contract.

§ 485.170 *Assignments.* Any person who may be entitled to any practice payment or annual payment under the Conservation Reserve Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in any year during the contract period, including the carrying out of soil-, water-, forest-, and wildlife-conserving practices. No assignment will be recognized unless it is made in writing on a form prescribed by the Secretary and, insofar as applicable, in accordance with regulations issued by the Secretary for assignment of payments under the Soil Conservation and Domestic Allotment Act (7 CFR Part 1110), which are available in the offices of the State and county committees.

§ 485.171 *Payments not subject to claims.* Any annual payment or cost-share, or portion thereof, due any person hereunder shall be determined and allowed without deduction of claims for advances (except as provided in § 485.170 and except for indebtedness to the United States subject to set-off); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 485.172 *Violations of contract.* (a) In the event the Secretary determines that there has been a violation of any contract during the time the producer has control of the farm, and that such violation is of such a substantial nature as to warrant termination of the contract, all rights to annual and cost-share payments and grants under the contract shall be forfeited and all such payments and grants received by the producer shall be refunded with interest at the rate of six per centum per annum. The producers who sign the contract will be obligated to refund all such payments and grants received not only by them but also by any tenant or sharecropper who is not signatory to the contract. Any such tenant or sharecropper shall also be obligated to refund any such payment or grant received by such tenant or sharecropper.

(b) In the event the Secretary determines that there has been a violation of any contract but that such violation is of such a nature as not to warrant termination of the contract, the annual and cost-share payments and grants under the contract shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the contract will be obligated to accept such adjustments, forfeit such benefits, and make such refunds to the United States of annual and cost-share payments and grants received not only by them but also by any tenant or sharecropper not signatory to the contract as

the Secretary determines to be appropriate. Any such tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in annual and cost-share payments and grants paid or otherwise payable to such tenant or sharecropper as the Secretary determines to be appropriate. The Secretary may require payment of interest at a rate not in excess of six per centum per annum on any refund provided for in this paragraph.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether such violation is of such a substantial nature as to warrant termination of the contract, and the amount of any adjustment, forfeiture or refund which shall be made if such violation is of such a nature as not to warrant termination of the contract, and the rules and procedure for review of such determinations will be published separately at a later date.

§ 485.173 *Penalty for grazing or harvesting.* Section 123 of the act imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract equal to 50 per centum of the amount payable (cost-share and annual payments) for compliance with such contract for the year in which the violation occurs. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the contract.

§ 485.174 *Filing of false claims.* No producer shall file a claim for a payment to which he knows he is not entitled under the provisions of the regulations in this subpart and the contract including claim for a cost-share payment not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 485.175 *Misuse of purchase orders.* No producer shall knowingly use a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and the misuse of the purchase order shall constitute a violation of the contract.

§ 485.176 *Access to farm and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of the representations made in or in connection with any contract entered into hereunder and the performance of the terms and conditions of such contract, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity, and the landlord or operator shall furnish such information relating to the farm as may be requested by the county committeemen or their representatives or authorized representatives of the Secretary.

§ 485.177 *State committee approval of determinations of county committees.* The State committee upon its own motion or at the request of any person may revise or require revision of any determination made by the county committee in connection with the conservation reserve program except that the State committee may not make a revision of any executed contract other than as specifically authorized herein.

§ 485.178 *Finality of determinations.* The facts constituting the basis for any payment, or the amount thereof, under any contract when officially determined in conformity with applicable regulations shall be final and conclusive and shall not be reviewable by any other office or agency of the Government, except that the Act provides for judicial review in the case of the termination of a contract.

§ 485.179 *Effects on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out a contract shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments and corn base acreages.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6)), and sections 326 (b) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out a contract shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

§ 485.180 *Appeals.* (a) Any producer may request the county committee to reconsider, prior to the execution of the contract by the producer, any determination made by the county committee affecting the contract except rates of payment. Such request shall be in writing and shall be made within 15 days after notice to him of such determination. The producer shall be deemed to have received notice of the determination if such determination is communicated to him verbally or if a letter, form, or other document has been mailed or delivered to him which discloses such determination. The county committee shall notify the producer of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after notice of the decision appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. The decision of the State committee shall be final. If the producer fails to request reconsideration of a determination by the county committee, or fails to appeal from a decision of the county committee, within the 15-day period, the determination or decision of the county committee shall be final. If the final decision is not made prior to fifteen days before the closing date for executing contracts, the producers shall have fifteen days following such decision within which to execute the contract.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations, see § 485.172), which is not disposed of by agreement, shall be decided by the State committee. The State committee shall notify the producer in writing that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to the date of the notice. If the producer requests such an opportunity within 15 days from the date of receipt of such notice, he shall be given an opportunity to appear before the county committee and to offer any relevant evidence which he may wish to present. The county committee shall submit a report including its recommendation to the State committee. The producer shall also be afforded an opportunity to be heard by the State committee and to offer evidence in support of his position. If the producer does not request an opportunity to appear or to present evidence, the State committee shall proceed to consider the matter on the basis of such information as may be available to it.

§ 485.181 *Waiver.* The Administrator, ACPS in any matter involving a conservation practice, or the Administrator, CSS in any other matter, in order to prevent undue hardship, may waive the requirements of any provision of the regulations in this subpart or in the contract if not prohibited by law, if, in his judgment, such waiver is in the best interests of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

§ 485.182 *Delegation of authority.* (a) Any authority delegated to the Administrator, CSS in the regulations in this subpart may be exercised by the Deputy Administrator.

(b) Any authority delegated to the State committee in the regulations in this subpart may be redelegated to a member of the State committee or to any employee of the State committee.

Done at Washington, D. C., this 16th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6779; Filed, Aug. 21, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-225-A7]

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than September 1, 1956. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Detroit, Michigan, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held during February 28–March 7, 1956; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on June 5, 1956, and a final decision was issued on August 10, 1956. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective September 1, 1956.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Detroit, Michigan, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Revise § 924.5 to read as follows:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York, and Augusta in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

2. In § 924.16 (b) delete from the proviso the phrase, "during each of the months of November 1955 through January 1956 and, in subsequent years".

3. Revise § 924.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification, and allocation shall apply.

4. Delete § 924.46 (b) and substitute therefor the following:

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

5. In §924.46 change the designation of paragraphs "(c)", "(d)", and "(e)", to "(d)", "(e)", and "(f)", respectively.

6. Revise § 924.51 to read as follows:

§ 924.51 *Class I milk prices.* (a) Subject to the adjustment provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased by 3 cents for each percentage point that such percentage is above the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage) and increased by 3 cents for each percentage point that such percentage is below the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage):

Month:	Percentages
January	129.8
February	130.3
March	134.7
April	142.0
May	151.7
June	157.5
July	143.1
August	140.9
September	131.0
October	125.7
November	124.0
December	129.9

Provided, That in no event shall the Class I price be increased or decreased pursuant to this paragraph by more than 45 cents.

7. Revise § 924.52 to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of: (1) The price per hundredweight as described ing § 924.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

(b) In the months of October, November, December, and January add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

8. Revise § 924.53 to read as follows:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

9. In § 924.60 (b) change the phrase, "other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47" to read, "other source milk is allocated to Class I pursuant to § 924.46 (b) and the corresponding step of § 924.47."

10. In § 924.60 (c), change the tabulation of road distances and rates per hundredweight to read as follows:

Shortest road distance from Detroit City Hall:	Rate per hundredweight
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 70 miles	.15
Add 1 cent for each 20 miles or fraction thereof over 70 miles.	

11. At the end of § 924.71 (c) change the phrase "may retain his base without loss for six months." to read "may retain his base without loss for twelve months."

12. Change § 924.82 to read as follows:

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 17th day of August 1956, to be effective on and after the 1st day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-6778; Filed, Aug. 21, 1956; 8:50 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended, (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 25, 1956 (21 F. R. 5594). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, it is hereby found and determined that:

§ 957.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreemnt No. 98 and Order No. 57, as amended, to enable such committee to perform agreement and order, as amended, during the fiscal year ending May 31, 1957, will amount to $25,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6759; Filed, Aug. 21, 1956; 8:46 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in Washington, was published in the FEDERAL REGISTER July 25, 1956 (21 F. R. 5594). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1957, will amount to $20,330.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 113 and Order No. 92 shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6760; Filed, Aug. 21, 1956; 8:47 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAM

ALLOWANCES

Notice is hereby given that the following amendment has been adopted by the Atomic Energy Commission effective upon publication in the FEDERAL REGISTER.

10 CFR 60.5a (3) (i) is amended to read as follows:

(3) *Allowances.* (i) A development allowance of $0.50 per pound U_3O_8 in ores assaying 0.10 percent U_3O_8 or more in recognition of expenditures incurred or likely to be incurred in the development or exploration necessary for maintaining and increasing developed reserves of uranium ores. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent.

* * * * *

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 9th day of August 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-6751; Filed, Aug. 21, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54166]

PART 1—CUSTOMS DISTRICTS AND PORTS

NEW CUSTOMS COLLECTION DISTRICT NO. 50 (NEW MEXICO)

AUGUST 15, 1956.

The new customs collection district created by section 7 of the Customs Simplification Act of 1956 (Public Law 927, 84th Congress, approved August 2, 1956), which comprises the State of New Mexico, is hereby designated as Customs Collection District No. 50 (New Mexico) and Columbus, New Mexico, a customs port of entry, is hereby designated as the headquarters port of said district.

Section 1.1, Customs Regulations, is amended as follows:

Paragraph (c) is amended by adding the following at the appropriate place in the tabulation of customs districts and ports of entry:

District No.	Name of district	Area of district	Ports of entry
50	New Mexico (T. D. 54166).	The State of New Mexico.	Columbus, N. Mex.

and is further amended by adding: "; T. D. 54166" after "1917" within the parentheses opposite "El Paso" in the column headed "Name of district" in District No. 24 (El Paso); by deleting "The State of New Mexico and" from the column headed "Area of district" in District No. 24 (El Paso); and by deleting "Columbus, N. Mex." from the column headed "Ports of entry" in District No. 24 (El Paso).

The citation of authority for § 1.1 is amended to read as follows:

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, 70 Stat. 943; 19 U. S. C. 1, 2.)

Section 1.4, Customs Regulations, is amended by adding "No. 50---- New Mexico" after "No. 26---- Arizona" under the heading "Comptroller of customs, New Orleans, La."

Section 1.5, Customs Regulations, is amended by changing the period to a comma after "24 (El Paso)" in customs agency district No. 10, with headquarters at Laredo, Texas, and by adding "50 (New Mexico)." after "24 (El Paso),".

Section 1.6, Customs Regulations, is amended by adding the following at the appropriate place in the tabulation of headquarters of appraisers of merchandise:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
50	New Mexico	Columbus, N. Mex.	(*)

Section 1.7, Customs Regulations, is amended by deleting "and" preceding "27" and by adding "and 50." after "27" in the column headed "Customs collection districts" opposite "531 Mateo St., Los Angeles, Calif."

(R. S. 161, sec. 1, 37 Stat. 634, sec. 1, 38 Stat. 623, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1, 2, 1624)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6765; Filed, Aug. 21, 1956; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of adequate escapements of salmon in certain bays in the Alaska Peninsula area, it has been determined that additional fishing can be permitted.

Therefore, effective at 6 o'clock antemeridian August 23 and for the remainder of the 1956 season:

1. Section 105.3a is amended in paragraph (f) by suspending the proviso.

2. Section 105.19 is amended by suspending the restrictions of paragraphs (f) and (h).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

JOHN L. FARLEY,
Director.

AUGUST 21, 1956.

[F. R. Doc. 56-6841; Filed, Aug. 21, 1956; 11:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSAL TO REVISE DOSAGES RECOMMENDED FOR NEOMYCIN SULFATE NASAL DROPS AND SPRAYS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576, 5582) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below.

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by changing subparagraph (9) (vii) to read as follows:

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, the equivalent of 0.24 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, the equivalent of 0.16 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period.

Dated: August 16, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6752; Filed, Aug. 21, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123 A18]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given

that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area, which was issued August 3, 1956 (21 F. R. 5932), is hereby extended to August 28, 1956.

Dated: August 16, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6761; Filed, Aug. 21, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 56-22]

AIR TRAFFIC RULES

SPEED CONTROL AND COMMUNICATION RULES FOR CERTAIN HIGH DENSITY AIRPORTS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 24, 1956. Copies of such communications will be available after September 26, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-408A, which authorized the Washington high density air traffic zone rules, terminated on July 31, 1956. The purpose of this special regulation was to delegate to the Administrator sufficient authority to permit him to designate a "high density air traffic zone" in the Washington, D. C., area and to establish special operating rules in the zone on a temporary basis. These special rules were designed to facilitate movement of traffic in the zone under VFR conditions in a safer and more efficient manner.

To evaluate properly the effects of such rules, they were placed in effect at Washington, D. C., August 1, 1955, on a trial basis for a one-year period. The program conducted under these special rules has been monitored and evaluated by a special working group of the Air Coordinating Committee (ACC). Members of this group included representatives of the Civil Aeronautics Administration, Civil Aeronautics Board, Department of the Army, Department of the Navy, Department of the Air Force, Air Line Pilots Association, Air Transport Association, Aircraft Owners and Pilots Association, National Association of State Aviation Officials, and the National Business Aircraft Association.

In order to obtain the information necessary to make a proper evaluation of the effectiveness of the high density rules, the working group distributed questionnaires to pilots operating into and out of the Washington area. An airport traffic control questionnaire survey was also conducted. Information obtained as a result of these surveys was cataloged and thoroughly evaluated. In addition, the working group has conducted personal interviews with airport traffic controllers from the three airports in the zone in order to obtain their views respecting the practicability of the special operating rules.

This special working group has completed its final report which has recently been reviewed by the ACC Air Traffic Control and Navigation Panel (NAV Panel). The recommendations that were adopted by the NAV Panel indicate that the special operating rules prescribed by the Administrator for the high density zone in the Washington, D. C., area have been found, in part, to be effective, and that these rules or modifications thereto could be successfully applied at other airports of high traffic density.

The Washington high density air traffic zone rules can be considered to comprise four basic elements:

1. A speed limit;
2. A communication requirement;
3. A minimum visibility requirement for VFR operations; and
4. The size or configuration of the airspace within which the preceding rules apply.

With respect to each of these rules, the NAV Panel adopted the following conclusions and recommendations:

1. With regard to the speed limit, it was agreed that this element of the rules had definitely contributed to improved safety of flight operations. It was recommended that appropriate rules be promulgated which would impose a speed limit for VFR traffic in areas of high traffic density.

2. While there is some controversy regarding the value of all of the provisions of the high density zone communication requirements, it was the view of the majority of the Panel that a communication requirement has contributed to improved safety of operations, the limitations of existing communication systems and procedures notwithstanding. The Panel, therefore, recommended that appropriate communication requirements be applied to VFI traffic at least to insure that arriving and departing flights have two-way radio communication with the pertinent air traffic control facility serving such areas.

3. While it was found difficult to measure the exact extent of the effectiveness of the one-mile visibility rule, it was the view of the majority of the Panel that the rule provided an added degree of safety and to some extent had alleviated the traffic controllers' problems associated with the special handling of VFR flights in IFR weather conditions. Opponents of the rule believed that, in the absence of more significant facts and statistics, the continued use of this rule could not be justified. However, the majority favored retention of the rule and it was recommended that a minimum visibility condition be established for VFR flight within such areas.

4. With regard to the configuration of the zone, it was agreed that as these special operating rules are applied to other areas, modifications in the size and configuration will obviously be required to tailor the zone to the particular requirements of a specific area. The needs and requirements of other areas can best be determined by consultation with the users involved, using the subject rules as a pattern. It was recommended that rules be promulgated empowering the Administrator of Civil Aeronautics to evaluate the needs of other areas and to prescribe a zone configuration peculiar to the needs of each particular area.

The Bureau is of the opinion that the foregoing views require serious consideration by the Board in its continued rule making activities relating to the control of traffic in high density areas. In 1954, when SR-408 was originally adopted, the Board advised interested persons that the Board's decision to make possible the trial of certain operational procedures in the Washington area was reached without prejudice to future consideration of the merits of any particular procedure. At least one request for hearing was denied by the Board on the grounds that such a hearing with respect to the merits of the special regulation would serve no useful purpose at that time because of its temporary and experimental nature. However, now that the Washington trial operation has run its course, we believe it timely that the Board consider the particular rules involved with a view toward incorporating them permanently into the Civil Air Regulations by amendment.

It is the view of the Bureau that because of the congestion of air traffic in the vicinity of certain large metropolitan airports, additional means of affording safety and efficiency in the movement of all aircraft in such areas are necessary. It is believed that a speed limit is a most practical method in achieving this objective. The Bureau believes that a speed limit can alleviate the hazards and the traffic handling problems arising from the widely differing speed ranges of aircraft operating in congested areas. Of paramount importance to the successful application of a speed limit is the configuration of the zone within which a speed-limit rule would be applied. It appears that each zone should be tailored to the particular needs of each specific area involved.

It is apparent that the efficient handling of air traffic at a high density airport depends in great measure upon a rapid exchange of information between pilots and controllers. Many high density airports during peak periods handle as many as sixty to seventy operations per hour. One need only to consider the speed, closure rates, and volume of aircraft to realize that such airport efficiency presupposes the availability of rapid pilot-tower communications.

While the Bureau recognizes that communications are essential to efficient high density airport operations, we are at the same time mindful of the possibility of restricting unnecessarily large areas of airspace to aircraft not equipped or not adequately equipped for communications. However, the CAA has advised that they believe specific areas can be designated consistent with the communications capabilities and the needs of the particular airspace involved.

In regard to the one-mile visibility limitation, the Bureau recognizes that the trial plan may not have provided sufficient statistical data to completely substantiate a conclusion as to whether this limitation effected an improvement in the safety of operations. However, the Bureau, apart from the trial plan evaluation, has circulated Civil Air Regulations Draft Release No. 56-7 dated March 15, 1956, which, if adopted, will establish a one-mile visibility minimum for VFR flight in all airport control zones. This Draft Release proposed to correct the apparent misunderstanding which exists with respect to the conditions under which aircraft having received a traffic clearance may operate VFR within a control zone by clarifying the operating rules which apply within a control zone to a flight which has received traffic clearance; and by establishing visibility minimums below which VFR flight would be prohibited even though a traffic clearance had been issued. Because of this action, the Bureau finds it unnecessary to consider further the one-mile visibility requirement in this particular notice of proposed rule making.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended:

By amending § 60.18 by adding a new paragraph (f) to read as follows:

§ 60.18 *Operation on and in the vicinity of an airport.* * * *

(f) *High density air traffic zones.* In any area not above 3,000 feet above the surface in which the Administrator finds that traffic congestion is such as to adversely affect safety, he may designate such airspace as a high density air traffic zone in which the following rules shall apply:

(1) *Speed.* No aircraft shall be operated within a high density air traffic control zone at a speed in excess of 180 mph or 156 knots indicated airspeed unless operational limitations for a particular aircraft require greater airspeeds, in which case the aircraft shall not be flown in excess of the minimum speed consistent with safety.

(2) *Communications requirements.* Prior to flight within a high density air traffic zone, radio communication with the appropriate control tower shall be established. Thereafter, a continuous listening watch shall be maintained to receive any air traffic control information or clearances that may be issued: *Provided,* That aircraft not equipped with functioning two-way radio may be operated to or from an airport located within the zone with prior authorization from the appropriate airport traffic control tower.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., August 15, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-6788; Filed, Aug. 21, 1956 8:51 a. m.]

[14 CFR Part 234]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING AND ON-TIME PERFORMANCE REQUIRED

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that consideration of the proposed rule has been set down for Oral Argument on September 26, 1956 at 10 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6789; Filed, Aug. 21, 1956; 8:52 a.m.

[14 CFR Part 241]

[Draft Release No. 82]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS; PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that consideration of the proposed rule, with Bureau Counsel participating, has been set down for Oral Argument on September 19, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-6790; Filed, Aug. 21, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 174, 405]

SURETY BONDS AND POLICIES OF INSURANCE

NOTICE OF PROPOSED RULE MAKING

JULY 17, 1956.

Proposed revision of certain rules governing the filing of insurance and other security by motor carriers and brokers subject to part II of the Interstate Commerce Act and by freight forwarders subject to part IV.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed revision of certain rules and regulations relating to the filing of insurance or other security for the protection of the public required pursuant to sections 215 and 403 (c) and (d) of the Interstate Commerce Act, which pertain to motor carriers subject to part II and to freight forwarders subject to part IV, respectively. The revisions proposed to be made are set forth below and include explanatory notes covering the purpose and effect of such proposed revisions.

No oral hearing on the proposed revisions is contemplated; however, interested parties may file with this Commission, within thirty days from the publication of this notice, written statements of facts, opinions or arguments concerning the herein proposed revisions. Any written statement so filed shall conform with the specifications provided in Rule 15 of the Commission's rules of practice. An original signed copy and six additional copies shall be furnished for use of the Commission.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. Section 174.7 *Forms and procedure*—(a) *Forms of endorsements, cancellation notices, etc.* and § 405.8 *Forms and procedure*—(a) *Forms* to be amended in each case by the addition of the following sentence at the end thereof: "Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds covering periods of less than twelve months duration."

Explanation. This proposal is self-explanatory with respect to its principal provision. Like those that follow, it contemplates uniformity with respect to its provisions pertaining to motor carriers and to freight forwarders. Its adoption will ease the burden of preparing and filing annual certificates of insurance (or surety bonds) by insurance and surety companies and that of the Commission's staff in handling the many details attendant upon the annual renewal system. The proposed requirement for "continuous" certificates (or bonds) in lieu of permitting an option in the manner of filing as heretofore will make it important for companies to give the Commission seasonable notice of cancellation with respect to any risks which are not renewed at the termination of any annual contract. The provision for special permission is extended to cover such short-term or interim coverages as might exist under such special circum-

stances as in the changing of coverages, when only temporary or seasonal operations are performed, or incidental to transfer proceedings.

2. Section 174.7 (d) *Cancellation notice* and § 405.8 (d) *Cancellation* to be amended to read, respectively, as follows:

(d) Except as provided in paragraph (e) of this section, surety bonds, certificates of insurance and other securities and agreements shall not be cancelled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, broker or other party thereto, as the case may be, has first been given to the Commission at its office in Washington, D. C., which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

(d) Except as provided in paragraph (f) of this section, certificates of insurance, surety bonds and other securities and agreements shall not be cancelled or withdrawn until after 30 days' notice in writing has first been given by the insurance company or companies, surety or sureties, freight forwarder or other party thereto, as the case may be, to the Commission at its office in Washington, D. C., which period of 30 days shall commence to run from the date such notice is actually received at the office of the Commission.

Explanation. This proposal, which relates directly to that which follows, contemplates no change in the basic thirty-day notice requirement as it has heretofore existed. It does, however, contemplate the removal of the following provision, which, it is felt, has not been fully utilized: "However, such surety bonds, certificates of insurance and other securities and agreements may be cancelled prior to the expiration of the said thirty days if, on or before the date notice of cancellation is received, a replacement filing acceptable to the Commission shall have been received, such replacement being effective on or before the effective date of such cancellation. No cancellation may become effective before the date of receipt of such notice by the Commission."

Instead, a new sub-section (see Proposal No. 3) is proposed to be added at this point with respect to both the motor carrier and freight forwarder rules, which will spell out more definitely and precisely the conditions under which cancellation or termination of existing coverage may be made effective other than under the basic thirty-day provision.

3. New §§ 174.7 (e), and 405.8 (f), with respect to motor carriers and freight forwarders, respectively, to be inserted as follows:

(e) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided,* The said replacement certificate, bond or other security meets all of the following conditions: (1) It must be acceptable to the Commission under these rules and regulations; (2) It must be accompanied by a letter of authorization, in duplicate, signed by the motor carrier involved or an authorized employee of such motor carrier, authorizing such replacement and verifying the effective date thereof; and (3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate, bond or other security.

(f) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided,* The said replacement certificate, bond or other security meets all of the following conditions: (1) It must be acceptable to the Commission under these rules and regulations; (2) It must be accompanied by a letter of authorization, in duplicate, signed by the freight forwarder involved or an authorized employee of such freight forwarder, authorizing such replacement and verifying the effective date thereof; and (3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate, bond or other security.

Explanation. As indicated in connection with Proposal No. 2, this proposal provides a means of terminating a certificate of insurance or surety bond without the necessity of giving the full thirty days notice of cancellation required under § 174.7 (d), but only in those cases in which proper replacement coverage has been furnished and proper authorization is received from the motor carrier or freight forwarder involved, as the case may be. Even in such cases the cancellation or termination of existing coverage may not become effective earlier than thirty days prior to the receipt of replacement coverage and authorization. This limitation as to effectiveness is intended to minimize any confusion which might result from possible attempts to have the records adjusted with respect to long-standing coverage, particularly in such cases as those in which information had been furnished from Commission records in reply to inquiries pertaining to coverage on file. The provision for authorization "in duplicate" herein furnishes a means for notifying the retiring insurer as to the date of termination of its coverage.

4. Section 174.8 (b) *Financial resources* and § 405.6 (b) *Financial resources* both to be amended to read as follows:

(b) *Financial resources.* Each insurance and surety company must possess and maintain surplus funds (policyholders' surplus) of not less than $500,000, which minimum will be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the state of domicile (home state) of such company, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary.

Explanation. This proposal would increase the minimum policyholders' surplus requirement which was established in 1944, bringing the Commission's requirements, respecting both motor carriers and freight forwarders, in line with present day conditions and, incidentally, with those of a great majority of the states. The proposed minimum would apply alike to all stock and nonstock companies, organizations or associations. If this proposal is adopted, it is contemplated that the very few companies with less than $500,000 policyholders' surplus now qualified to file certificates or bonds with the Commission would be allowed ample time within which to adjust their finances to meet the increased minimum requirement.

[F. R. Doc. 56-6774; Filed, Aug. 21, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 146]

UNITED BONDING INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 16, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $40,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which incorporated: United Bonding Insurance Company, Indianapolis, Indiana.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6766; Filed, Aug. 21, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDES

AUGUST 13, 1956.

The U. S. Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 022424 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the land for a recreation area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Sheridan Lake Recreation Area:
T. 1 S., R. 5 E.,
Sec. 13: N½SW¼;
Sec. 14: N½SE¼.

Total area 160 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 56-6753; Filed, Aug. 21, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 216]

GYMA LABORATORIES OF AMERICA, INC., AND ROLF LIPTON

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of a compliance proceeding against Gyma Laboratories of America, Inc. and Rolf Lipton, 83–10 Baxter Avenue, Jackson Heights 73, New York, respondents, Case No. 216.

The respondents, Gyma Laboratories of America, Inc., and Rolf Lipton, its vice president, (hereafter Gyma),[1] having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and an order and regulations promulgated thereunder, duly appeared in this proceeding and were represented by counsel; and, after admitting the facts as set forth in the charging letter, but denying that they knew or had any intention that their conduct was or would be in violation of the law or any order or regulation promulgated thereunder, submitted a proposal that a consent order be entered against them as hereinafter set forth; and said proposal having been presented to the Compliance Commissioner as provided in § 382.10 of the export control regulations; and the Agent in Charge, Investigation Staff, having agreed to the same; the Compliance Commissioner duly considered the evidence in support of the charges and all evidence and data submitted by respondents in mitigation thereof, and he then reported the facts as found by him to the undersigned with his recommendation that the proposal be accepted.

Now, after reading the report of the Compliance Commissioner, the consent proposal, the statements and data submitted on behalf of the respondents and, after consideration of the evidence in support of the conclusions hereinafter made, I hereby make the following findings of fact:

1. Gyma Laboratories of America, Inc., is an experienced exporter of commodities from the United States and Rolf Lipton, its vice-president, was the official who handled the export transaction involved herein.

2. In January 1955, K. Burgi-Tobler & Co. of Zurich, Switzerland (hereafter Burgi-Tobler), requested from Gyma and Gyma furnished to it price quotations on various culture media (peptone proteose, peptone tryptose and peptone bacto).

3. On February 21, 1955, the Bureau of Foreign Commerce issued an order temporarily denying to Burgi-Tobler all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination. The order, effective that day, was to remain in effect until the termination of administrative compliance proceedings then being prepared by the Bureau of Foreign Commerce against Burgi-Tobler. Its text was duly published on February 25, 1955, in the FEDERAL REGISTER. (20 F. R. 1188). The Current Export Bulletin of the Bureau of Foreign Commerce, No. 746 of March 3, 1955, as an addition to Supplement No. 1 to Part 382 of the Export Regulations, reported that Burgi-Tobler was subject to an export denial order, effective February 21, 1955, until further notice, covering all general and validated licenses pertaining to all commodities for any destination, and gave the citation to the volume and page of the FEDERAL REGISTER where the text of said order appeared.

4. The said order of February 21, 1955 and the export regulations, (§ 381.10), specifically provided, among other things, that no person or business organization within the United States or elsewhere should, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity obtain or use any shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or dispose of, finance, transport, forward, or otherwise participate in an exportation from the United States, with respect to which any suspended party, (Burgi-Tobler), or any company related to it had any interest or participation of any kind or nature, direct or indirect, or directly or indirectly obtained any benefit therefrom.

5. Gyma subscribed to the Department of Commerce publication containing the export regulations, received the Current Export Bulletin of March 3, and, on or about March 17, 1955, read the report of the said denial order issued against Burgi-Tobler. At about the same time Burgi-Tobler notified Gyma that it had been suspended by the Department of Commerce.

6. On March 21, 1955, Burgi-Tobler wrote to Gyma placing an order with it for specified quantities of the aforesaid culture media at the prices previously quoted by Gyma. Burgi-Tobler requested Gyma to send the goods to an Antwerp, Belgium, forwarding firm, and to send to Burgi-Tobler the original bills of lading to facilitate the release of the merchandise in time. Burgi-Tobler also asked Gyma to mail the commercial invoice for such consignment to another specifically named firm in Zurich, and advised Gyma that the amount of the invoice would be remitted to Gyma, as usual, through a specified bank in Switzerland. Gyma did not ship in accordance with this order.

7. Gyma later received a letter dated April 7, 1955, on the stationery of the Zurich firm named in Burgi-Tobler's letter of March 21, ordering the same quantities of the culture media as specified in Burgi-Tobler's letter of March 21, at the prices originally quoted by Gyma to Burgi-Tobler in January. All documentation was to be forwarded to the Zurich firm. Gyma received a second letter from the Zurich firm, dated May 25, asking that Gyma expedite this order of April 7.

8. Following its receipt of the April 7 letter, Gyma, without making any inquiry into the text of the denial order, or into the relationship between Burgi-Tobler and the other Zurich firm, and without any notification to the Bureau of Foreign Commerce, exported the said culture media from the United States to the firm in Zurich under General License GRO on June 2, 1955. Gyma consigned the goods to the order of the bank in Switzerland, and issued its sight draft to the said bank upon an invoice to the Zurich firm.

9. The letters of April 7 and May 25 on stationery of the Zurich firm were prepared and signed by Burgi-Tobler, allegedly without the knowledge or consent of that firm, on stationery entrusted by it to Burgi-Tobler for other purposes, with the intention to receive the goods for its own disposition. Gyma was not

[1] Charges against K. Burgi-Tobler & Co., Zurich, Switzerland, arising out of this transaction, have been severed and will be disposed of separately.

charged with knowledge or reason to suspect that this had been done.

10. The Bureau of Foreign Commerce, acting on information that the goods, unless stopped, would reach Burgi-Tobler, ordered the exporting carrier to return them to the United States pursuant to § 371.11 of the export regulations and, upon their arrival in New York, they were duly seized by the Collector of Customs.

The Investigation Staff contended and the respondents have conceded that the fact that an export transaction is originally arranged or participated in by a party denied U. S. export privileges, is a material fact which a U. S. exporter is required to disclose to the Bureau of Foreign Commerce before effecting an exportation to any other purchaser or consignee appearing to have taken over the transaction and that the language in denial orders and in the Export Regulations directed to third persons, prohibiting them, except with Bureau of Foreign Commerce approval, from engaging in any activity concerning commodities exported or to be exported from the United States with respect to which the party denied export privileges "has any interest or participation of any kind or nature, direct or indirect" or "directly or indirectly receives any benefit therefrom" is language of the broadest scope. Similarly, it was contended and is now conceded that a shipment to a customer of a suspended party, even if the only interest of the suspended party is in retaining its customer's good will, is included within that prohibition. It is my belief that disclosure by Gyma of the circumstances of the transaction would have led to an investigation of the new transaction and discovery of the apparent forgery, and so Gyma should be held accountable for its erroneous assumption that the shipment was proper and that it was not required to disclose the facts to the Bureau of Foreign Commerce.

It is my conclusion that respondents, Gyma Laboratories of America, Inc., and Rolf Lipton, did violate the said order of February 21, 1955, temporarily denying export privileges to Burgi-Tobler, and §§ 381.2, 381.4, and 381.10 of the export regulations by their exportation of commodities in the circumstances above summarized without obtaining the prior approval of the Bureau of Foreign Commerce. Giving consideration to the facts that this is the first case involving a violation of a denial order applicable to a third party and that the purchase order upon which respondents acted appears to have been a forgery, *It is hereby ordered:*

I. All outstanding validated export licenses in which Gyma Laboratories of America, Inc., and Rolf Lipton, the respondents, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For the period specified in paragraph IV hereof, the said respondents are hereby suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, or in a transshipment or reexportation outside of the United States of any commodity in whole or in part exported from the United States. Without limitation of the generality of the foregoing denial of export privileges, such participation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the said respondents, but also to any person, firm, corporation, or business organization which may be related now or hereafter to either of them by ownership, control, or position of responsibility in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Such denial of export privileges shall be for a period of three months, of which the first month shall be and become effective forthwith and the remaining two months shall be suspended during a period of good behavior to continue until the expiration of three months from the date hereof. During the said remaining period of two months, all export privileges otherwise denied to the respondents shall be restored to them without further action upon condition that, during said period of good behavior, the respondents comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder. The privileges so conditionally restored to the respondents may be revoked summarily and without notice, but subject to the right of respondents to appeal therefrom, upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondents or either of them, at any time within three months following the date hereof, have knowingly failed to comply with the condition upon which they have been permitted to engage in the export business during the last two months of said period of good behavior, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that the respondents, or either of them, have breached the said condition, the continued effective denial of their or his export privileges shall commence on the day of such determination and shall continue thereafter for two full months or three months from the date hereof, whichever shall be the later.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents and related parties are prohibited under the terms hereof from engaging in any activity within the scope of paragraph II hereof, shall, without prior disclosure to and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States or a transshipment or reexportation of any commodity exported from the United States, in which the respondents or any related party may have any interest or obtain any benefit of any kind or nature, directly or indirectly.

Dated: August 21, 1956.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 56-6773; Filed, Aug. 21, 1956; 8:49 a. m.]

Federal Maritime Board

INTERNATIONAL EXPEDITERS INC., AND VAIRON & CO. INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8131 between International Expediters Inc. of Los Angeles, California and Vairon & Company, Inc. of New York, New York, is a cooperative working arrangement between these freight forwarders under which International Expediters Inc. performs forwarding services on behalf of Vairon & Company, Inc.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 16, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-6770; Filed, Aug. 21, 1956; 8:48 a. m.]

Office of the Secretary

HARRY F. BOWER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 9, 1955, 20 F. R. 9164 and March 20, 1956, 21 F. R. 1736–37.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1956.

HARRY F. BOWER.

[F. R. Doc. 56-6780; Filed, Aug. 21, 1956; 8:50 a. m.]

TERRY B. MARTIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1329.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1956.

Dated: August 15, 1956.

TERRY B. MARTIN.

[F. R. Doc. 56-6784; Filed, Aug. 21, 1956; 8:51 a. m.]

JAMES F. REID, SR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 9, 1956.

Dated: August 15, 1956.

JAMES F. REID, SR.

[F. R. Doc. 56-6785; Filed, Aug. 21, 1956; 8:51 a. m.]

COURTLAND F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938, and March 23, 1956, 21 F. R. 1809–10.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1956.

Dated: August 15, 1956.

COURTLANDT F. DENNEY.

[F. R. Doc. 56-6786; Filed, Aug. 21, 1956; 8:51 a. m.]

ROBERT E. OLIVER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Robert E. Oliver.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 6, 1956.
4. Title of position: Chief, Business Research and Analysis Branch, Columbia-Geneva Steel Division.
5. Name of private employer: U. S. Steel, San Francisco, Calif.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Steel Castings Corp., Chrysler Corporation, Climax Molybdenum Co., Pennsylvania Railroad, Sun Oil Company, Vanadium Corp. of America, Westinghouse Air Brake Co., Chemical Fund, Bank Deposits.

Dated: August 15, 1956.

CLYDE B. JENNI.

[F. R. Doc. 56-6782; Filed, Aug. 21, 1956; 8:50 a. m.]

CLARENCE W. SEELEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Clarence W. Seeley.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 19, 1956.
4. Title of position: Consultant.
5. Name of private employer: Scoville Mfg. Company, Waterbury, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

United States Steel Corporation, Borg-Warner Corp., Dow Chemical Co., Fluor Corp., Southern Railway, Lone Star Steel Corp., Ampex Corp., United Airlines, Canadian Chemical & Cellulose Corp., Merck & Co., Kaiser Steel Corp., El Paso Gas Co., Commonwealth Stock Fund, Television-Electronics Fund, Bank Deposits.

Dated: August 15, 1956.

ROBERT E. OLIVER.

[F. R. Doc. 56-6781; Filed, Aug. 21, 1956; 8:50 a. m.]

CLYDE B. JENNI

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Clyde B. Jenni.

Scovill Manufacturing Co., U. S. Government Bonds, Hancock Manufacturing Co., Bank Deposits.

Dated: August 14, 1956.

C. W. SEELEY.

[F. R. Doc. 56-6783; Filed, Aug. 21, 1956; 8:50 a. m.]

EARLE D. PITT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Earle D. Pitt.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 13, 1956.

4. Title of position: Director, Communications Equipment Division.

5. Name of private employer: Western Union Telegraph Company, Atlanta, Georgia.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Western Union Telegraph Company, Victoreen Instrument Company, Cuban-Venezuela Oil Company, Bank Deposits.

Dated: August 17, 1956.

EARLE D. PITT.

[F. R. Doc. 56-6787; Filed, Aug. 21, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2560 etc.]

VANSON PRODUCTION CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1956.

In the matters of Vanson Production Corporation, Docket No. G-2560; L. O. McMillan, Docket No. G-2571; Forest Oil Corporation, Docket Nos. G-2593, G-2954; Sherwood and Blohm and Thomas J. Holmes, a partnership, Docket No. G-2654; Carnes W. Weaver, Docket No. G-2678; Newman Brothers Drilling Company, a partnership, Docket Nos. G-2686, G-2687; H. F. Sears, Docket Nos. G-2724, G-2800, G-2840; P-T Corporation, Docket No. G-2750; Claud B. Hamill, Docket Nos. G-2752, G-2766, G-2767; J. E. Beymer et al., Docket No. G-2851; E. W. Campbell, et al., Docket No. G-2854; H. F. Sears and G. B. Cree, Docket No. G-2861; Cockburn Oil Corporation and H. C. Cockburn, individually, Docket No. G-2871; C. Rampy and R. and M. Well Servicing and Drilling Company, a corporation, Docket No. G-2937; D. E. Ackers, Docket No. G-2948; Alfred C. Glassell, Jr., individually, and as co-trustee for various trusts and various parties, Docket No. G-2956; J. M. Huber Corporation, Docket No. G-3000; George G. Johnson Drilling Company et al., G-3017; Stonetex Oil Corporation, Docket No. G-3051; Foster Petroleum Corporation, Docket Nos. G-3223—G-3232, inclusive; J. F. Darby Estate, Docket No. G-3236; N. H. Wheless Oil Company, Docket No. G-3291; Phillips Chemical Company, Docket Nos. G-3292, G-3876; W. L. Hartman et al., Docket No. G-3328; Phillips Petroleum Company, Docket Nos. G-3488—G-3500, inclusive; G-3502 and G-3503; Alf M. Landon, Docket No. G-3570; Margaret Landon Mills, Docket No. G-3589; Paul R. Turnbull et al., Docket No. G-3600; James Webb and F. F. Williams, Docket No. G-3615; James Webb, Docket Nos. G-3616, G-3617; Jake L. Hamon, Docket No. G-3634; Kerr-McGee Oil Industries, Inc., Docket Nos. G-3661 and G-3968; Mel Dar Corporation, Docket No. G-3699; Edwin W. Pauley, Docket Nos. G-3713, G-3789; Eastern States Petroleum Company, Inc., Docket No. G-3744; Henry Beissner et al., by Agent, Christie, Mitchell & Mitchell Co., Docket No. G-3750; V. L. Rossi, Trustee, for James V. Rossi, Docket No. G-3752; Bayou Oil Company, Docket No. G-3779; San Jacinto Petroleum Corporation, Docket No. G-3783; J. B. Mitchell and A. J. Lewis, Docket No. G-3790; H. R. Smith et al., Docket No. G-3800; Rand Morgan, Docket No. G-3821; N. C. Ginter et al., Docket No. G-3828; N. C. Ginter et al., Docket No. G-3829; Nelmor Oil Company, Docket No. G-3832; N. C. Ginter et al., Docket No. G-3850; Hawn Brothers, a co-partnership, Docket No. G-3871; C. N. Housh, Docket No. G-3879; South-Tex Corporation, Docket No. G-3882; W. H. Foster and J. C. Trahan, Docket No. G-3899; The Easter-Wood Production Company, Docket No. G-3936; Gillring Oil Company, Docket No. G-3938; R. Lacy, Inc., for itself and as agent for B. F. Lacy, Ann Lacy Crain, Patsy Lacy Griffith, Edwin Lacy, Jack Price, W. H. Mitchell, The Chicago Corporation, Robert K. Crain, Ann Scott Ferguson, E. Paul Harding, Madge Scott Terrill, Delta Gulf Drilling Company, Clyde H. Alexander, Hayden Oil Company, and Norman V. Kinsey, and estate of R. Lacy, deceased, Docket No. G-4241; Associated Oil and Gas Company, Docket No. G-4733; Shamrock Oil and Gas Corporation, Docket No. G-4880; F. M. Hood and M. B. Chastain, Docket No. G-7293; Keener and High, Docket No. G-7296; Charles B. Wrightsman, Docket No. G-7297; John Nisbett, Docket No. G-7298; Richards and Hartman Oil and Gas Company, Docket No. G-8092; Richards and Hartman Oil and Gas Company, Docket Nos. G-8097, G-8099; James W. Forgotson, Docket No. G-8768.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commisison, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

2560; Spider Field, De Soto Parish, La.; Southern Natural Gas Company.
2571; Mary Feidt Lease, Grayson County, Tex.; Lone Star Gas Company.
2593; North Eagen Field, Acadia Parish, La.; Transcontinental Gas Pipeline Corporation.
2654; North Chesterville Field, Colorado County, Tex.; Tennessee Gas Transmission Company.
2678; East Slick Field, Goliad County, Tex.; United Gas Pipe Line Company.
2686, 2687; Green Branch Field, McMullen and La Salle Counties, Tex.; Tennessee Gas Transmission Company.
2724; West Panhandle Field, Hutchinson County, Tex.; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.
2750; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.
2752; Egypt Field, Wharton County, Tex.; Tennessee Gas Transmission Company.
2766; Cypress Area, Harris County, Tex.; Tennessee Gas Transmission Company.
2767; Bucksnag Area, Colorado County, Tex.; Tennessee Gas Transmission Company.
2800; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.
2840; West Panhandle Field, Moore and Hutchinson Counties, Tex.; Phillips Petroleum Company.
2851; Hugoton Field, Kearney County, Kans.; Colorado Interstate Gas Company.
2854; Hugoton Field, Kearney County, Kans.; Northern Natural Gas Company.
2861; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.
2871; East Bernard Field, Wharton County, Tex.; Tennessee Gas Transmission Company.
2937; Deckers Prairie South Field, Montgomery County, Tex.; Tennessee Gas Transmission Company.
2948; Various Sections in Stevens County, Kans.; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company.
2954; Brayton and Agua Dulce Fields Nueces County, Tex.; Tennessee Gas Transmission Company.
2956; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Company.
3000; Laredo Field, Reno County, Kans.; Panhandle Eastern Pipe Line Company.
3017; Spraberry Trend Area, Reagan County, Tex.; Phillips Petroleum Company
3051; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.
3223; Kansas-Hugoton Field, Kearney County, Kans.; Cities Service Gas Company.
3224; Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Company.
3225–3232, inclusive; Various Leases, Moore County, Tex.; Phillips Petroleum Company.
3236; Chickasaw Field, Okla.; Consolidated Gas Utilities Corporation.
3291; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Company; United Gas Pipeline Company.
3292; Golden Trend Area, Garvin County, Tex.; Warren Petroleum Corporation; Cities Service Oil Company; Kerr McGee Oil Industries, Inc.; Oklahoma Natural Gas Company; and The Texas Company.
3328; Hugoton Field, Finney County, Kans.; Colorado Interstate Gas Company.
3488; Hugoton Field, Sherman County, Tex., and Panhandle Field, Moore County, Tex.; Shamrock Oil and Gas Corporation.
3489; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.
3490; Hugoton Field, Sherman County, Tex.; Southwestern Public Service Company.
3491, 3492, 3493; Jal Field, Lea County, N. Mex.; El Paso Natural Gas Company.
3494; West Panhandle Field, Moore County, Tex.; Panhandle Eastern Pipe Line Company.

3496; Lewisburg Field, Acadia Parish, La.; United Gas Pipe Line Company.
3497; Houma Field, Terrebonne Parish, La.; United Gas Pipe Line Company.
3498, 3499; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Company.
3500; Breton Island Field, Breton Island Area, Offshore Plaquemines Parish, La.; Southern Natural Gas Company.
3502; Tigre Lagoon Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corporation.
3503; Guyman-Hugoton Field, Texas County, Okla.; Gray County, Tex.; Cities Service Gas Company.
3570; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company.
3589; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company.
3600; Santellana Field (Santa Anita Grant), Hidalgo County, Tex.; Tennessee Gas Transmission Company.
3615, 3617; Floyd County, Ky.; United Fuel Gas Company.
3616; Pike County, Ky.; Kentucky West Virginia Gas Company.
3634; Wilson Field, Bee County, Tex.; Tennessee Gas Transmission Company.
3661; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Company.
3699; Shamrock Oil, Mustang Island Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3713; Spraberry Trend Area, Midland, Glasscock, Reagan, Upton and Martin Counties, Tex.; Phillips Petroleum Company; Texas Gas Products Corporation; El Paso Natural Gas Company.
3744; West Bishop Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3750; Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company.
3752; Brayton Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3779; Panhandle Field, Sherman, Moore and Hartley Counties, Tex.; Phillips Petroleum Company.
3783; Chesterville Field, Colorado County, Tex.; Bay City Gas Field, Matagorda County, Tex.; San Juan Basin, San Juan County, N. Mex.; La Plata and Archuleta Counties, Colo.; Tennessee Gas Transmission Company.
3789; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.
3790; Zim-Ricaby Field, Starr County, Tex.; Tennessee Gas Transmission Company.
3800; West Magnolia City Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.
3821; Farenthold and Rand Morgan Fields, Jim Wells and Nueces Counties, Tex.; Associated Oil and Gas Company.
3828; Brayton Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3829; West Vidauri Field, Refugio County, Tex.; Tennessee Gas Transmission Company.
3832; West Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.
3850; Sarco Creek Field, Goliad County, Tex.; Tennessee Gas Transmission Company.
3871; Sancito Field, La Capita Area, Starr County, Tex.; Tennessee Gas Transmission Company.
3876; Doyle Field, Stephens County, Okla.; Universal Gasoline Company.
3879; Cecil-Noble Fields, Colorado County, Tex.; Tennessee Gas Transmission Company.
3882; Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3899; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.
3936; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.
3938; Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.
3968; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Company.
4241; Carthage Field, Panola County, Tex.; Lone Star Gas Company.
4733; Rand Morgan Field, Jim Wells and Nueces Counties, Tex.; Tennessee Gas Transmission Company.
4880; Panhandle and Hugoton Fields, Tex.; Phillips Petroleum Company.
7293; Rodessa Field, Caddo Parish, La.; Arkansas Louisiana Gas Company.
7296; Brown Field, Crowley County, Kans.; Cities Service Gas Company.
7297; Saint Martin Field, Saint Martin Parish, La.; United Gas Pipe Line Company.
7298; Southwest Jefferson Field, Marion County, Tex.; Arkansas Louisiana Gas Company.
8092; Murphy District, Ritchie County, W. Va.; South Penn Natural Gas Company.
8097; Murphy District, Ritchie, County, W. Va.; South Penn Natural Gas Company.
8099; Clay and Grant District, Ritchie County, W. Va.; Tennessee Production Company.
8768; Delhi Field, Franklin Parish, La.; Texas Eastern Gas Transmission Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6763; Filed, Aug. 21, 1956; 8:47 a. m.]

[Docket No. G-10908]

PHILLIPS PETROLEUM CO.

ORDER PROVIDING FOR HEARING

Phillips Petroleum Company (Phillips), on June 29, 1956, submitted to the Commission a revised billing statement to supersede the sample billing statement previously submitted to show how the billing amount is determined for the sale of natural gas, on and after June 7, 1954, to Panhandle Eastern Pipe Line Company (Panhandle), under Phillips' FPC Gas Rate Schedule No. 61.

The original sample billing submitted by Phillips for the month of June 1954, for the above-designated sale, reflects a rate of 3.1824 cents per Mcf at 14.65 psia. The revised billing statement submitted on June 29, 1956, contains a rate of 3.7120 cents per Mcf at 14.65 psia. Phillips avers that the difference of 0.5296 cent per Mcf is occasioned by the failure of Panhandle, who does the billing under the terms of the contract, to include in the original rate the incremental amount required by a royalty escalation clause in the contract. Based upon sales for the month of June 1954, the revised billing would produce an increase of $3,058 in the cost of purchased gas to Panhandle for that month. Should the revised billing be found to be correct, an additional amount of approximately $73,000 would be due and owing to Phillips for the period June 1954 to date.

In its letter of July 9, 1956, addressed to the Commission, Panhandle protests the submittal by Phillips of the revised billing statement for the month of June 1954. In substance Panhandle contends that such revised billing statement could not be used as a basis for effecting a change in rate with respect to either past or future deliveries of gas to it by Phillips; that the revised billing statement submitted by Phillips is not in accordance with Phillips' FPC Gas Rate Schedule No. 61 and does not reflect the rate Panhandle agreed to pay for such deliveries; and that such revised billing does not reflect a correct determination of such rate, pursuant to the provisions of the rate schedule.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that a hearing be held to determine the correct rate as of June 7, 1954, for the sale of natural gas by Phillips under its FPC Gas Rate Schedule No. 61, to Panhandle Eastern Pipe Line Company.

The Commission orders: A public hearing be held, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, commencing on September 27, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the submittal by Phillips of the revised billing statement for sales of gas by it to Panhandle Eastern Pipe Line Company under Phillips' FPC Gas Rate Schedule No. 61, and the protest thereto by Panhandle.

Issued: August 16, 1956.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6764; Filed, Aug. 21, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

CHICAGO AND FORT WORTH OFFICES

Section I, Description of Agency and Programs, is amended as follows:

Effective September 1, 1956, subparagraphs 2 and 3 of paragraph G are amended to read as follows:

2. *Chicago Regional Office.* Illinois, Indiana, Iowa, Kansas (Liquidating Emergency Housing Program only), Michigan, Minnesota, Missouri (City of St. Louis and County of St. Louis only), Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. *Fort Worth Regional Office.* Arkansas, Colorado, Kansas (except Liquidating Emergency Housing Program), Louisiana, Missouri (except the City of St. Louis and the County of St. Louis), New Mexico, Oklahoma, Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

Date approved: August 16, 1956.

[SEAL] JOHN D. CURRIE,
Acting Commissioner.

[F. R. Doc. 56-6754; Filed, Aug. 21, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

AUGUST 15, 1956.

The organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17), effective July 17, 1956, is set forth below.

[SEAL] HAROLD D. McCOY,
Secretary.

(References are to the Interstate Commerce Act, as amended, unless otherwise specified.)

1.1 The following organization schedule and assignment of work and functions shall be effective until duly changed:

DIVISIONS OF THE COMMISSION

2.1 There shall be four divisions of the Commission to be known, respectively, as divisions one, two, three and four.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, or functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) Proceedings required by section 205 of the Instate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as defined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of sec. 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

2.6 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN OF THE COMMISSION

3.1 The following duties and responsibilities are delegated to the Chairman (or, in his absence, to the Acting Chairman who shall be the available senior Commissioner in point of service) to be exercised in addition to his statutory duties and any other duties that may be assigned or delegated to him:

3.2 He shall be the executive head of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 Except in instances where the duty is otherwise delegated or provided for, he shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, (b) report periodically, not less than once every six months, to the Commission on the state of the Commission's work, and (c) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules.

3.9 He shall be relieved, during his chairmanship, of any regular assignment as a member of a division.

3.10 In any case in which it appears desirable, he may designate an additional Commissioner or Commissioners to sit with a division.

3.11 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.12 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall represent the Commission in supervising, guiding and directing the Managing Director, the Secretary and the General Counsel in the performance of their duties and shall serve as the channel through which they submit recommendations to the Commission.

3.13 In accordance with section 1003 (a) of the Civil Aeronautics Act of 1938, he is directed, when the occasion arises, in conjunction with corresponding action by the Chairman of the Civil Aeronautics Board, to designate a like number of Commissioners to function as members of a joint board to consider and pass upon matters referred to it as provided under subsection (c) of such section.

3.14 He shall be the Commission's representative on the United States National Commission for the Pan American Railway Congress Association.

ASSIGNMENT OF DUTIES TO DIVISIONS

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon (including, for each division to which the subject matter or the principal part thereof is assigned, authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto), as follows:

4.2 Division One: Motor Carrier Division (Commissioners Tuggle (Chairman), Minor, and McPherson):

(a) Section 203 (b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203 (b) (8) and to casual transportation operations by motor vehicle, referred to in section 203 (b) (9).

(b) Section 204 (a) (1) to (3), inclusive, so far as relates to reasonable requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees and safety of operation and equipment for common, contract, and private carriers, but not including requirements for the same transportation of explosives and other dangerous articles.

(c) Section 204 (a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports).

(d) Section 204 (a) (4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(e) Section 204 (a) (7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(f) Section 204 (b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(g) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(h) Section 209, relating to permits, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(i) Section 210, relating to dual operations, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(j) Section 210a (a) relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Motor Carrier Board.

(k) Section 211, relating to brokerage licenses, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(l) Section 212 (a), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(m) Section 212 (b), relating to transfer of certificates or permits, except determination of applications which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(n) Section 215, relating to security for the protection of the public.

(o) Section 224, relating to identification of motor carriers.

(p) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders.

(q) Section 204 (c) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II and IV assigned to Division One or requirements established pursuant thereto.

(r) Any other matters arising under Part II not specially assigned or referred to other divisions.

(s) In connection with the foregoing assignments Division One is authorized to institute, conduct and determine investigations into motor-carrier practices pertaining to matters covered by such assignments.

4.3 Division Two: Rates, Tariffs, and Valuation Division (Commissioners Freas (Chairman), Wincheli, and Murphy):

(a) Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(b) Section 5a, relating to agreements between or among carriers.

(c) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules, or regulations.

(d) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(e) Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III, and 406 (c) of Part IV, relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, and III, and freight forwarders under Part IV, as ancillary to a proceeding of investigation and suspension when such matter is certified to the Division by the Suspension Board, when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or when there are involved petitions for suspension of schedules filed in purported

compliance with any decision, order, or requirement of the Commission or a Division thereof; and including authority to vacate or discontinue orders in proceedings instituted by Division 2 wherein respondents have withdrawn the matter under suspension, except in those instances where authority has been delegated to the Board of Suspension.

(f) Section 6 (11) (b) and (12) of the Interstate Commerce Act and section 11 (d) of the Panama Canal Act, 49 U. S. C. 51, relating to the establishment, under the additional authority conferred upon the Commission by the Panama Canal Act of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce.

(g) Institution of investigations of intrastate rates, fares, and charges, classifications and practices under section 13 (3) of Part I and section 406 (f) of Part IV on the petition of carriers or freight forwarders.

(h) Section 19a, relating to the valuation of the property of carriers.

(i) Section 20 (11) of Part I and section 210 of Part II, so far as relating to the authorization of released rates and ratings.

(j) Sections 3 (2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(k) Section 22 so far as relating to reduced rates in case of calamitous visitation or disaster.

(l) Section 220 (a) relating to contracts between motor contract carriers and shippers.

(m) Section 304 (d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(n) Section 204 (c), section 304 (c), and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto.

(o) Section 20 (1) to (10), inclusive; section 204 (a) (1), (2), and (4); section 220 (a) to (f), inclusive; section 222 (b), (d), and (g); sections 313, 316 (b), 317 (d), and (e); and sections 412, 417 (b), and 421 (d) and (e), so far as those sections relate to accounting and statistical reports, records, and accounts of carriers, lessors, brokers, freight forwarders and other persons under Parts I, II, III, and IV, and so far as matters arising under the stated sections are not assigned to individual commissioners.

(p) Formal complaints and suspension cases in which the issues relate primarily and predominantly to the interpretation and application of tariffs.

4.4 Division Three: Rates, Service, and Safety Division (Commissioners Clarke (Chairman), Hutchinson, and Walrath):

(a) Section 1 (9), relating to switch connections.

(b) Section 1 (14) (b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(c) Section 1 (10) to (14) (a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto.

(d) Section 5 (1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(e) Section 3 (5), relating to requirement of common use of terminals and compensation therefor.

(f) Section 6 (11) (a) of the Interstate Commerce Act, and section 11 (d) of the Panama Canal Act, relating to the additional jurisdiction over rail and water traffic conferred upon the Commission by the Panama Canal Act, 49 U. S. C. 51, with respect to physical connections between rail lines and docks; and section 201 (c), Transportation Act, 1920, as amended, 49 U. S. C. 141 (c).

(g) Section 15 (10), relating to the direction of the routing of unrouted traffic.

(h) Sections 15 (13), 225, 314, and 415, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, The Tap Line Case.

(i) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad.

(j) Section 1 (21) so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(k) Section 204 (a), (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances.

(l) Section 403 (b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(m) Section 404 (d), relating to agreements between freight forwarders for joint loading of traffic.

(n) Section 204 (c) and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II and IV, hereinbefore assigned to Division Three, or requirements established pursuant thereto.

(o) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

(p) Matters coming from the Section of Informal Cases of the Bureau of Rates, Tariffs and Informal Cases.

(q) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act, Safety Appliance Act, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, 39 U. S. C. 6, 12, 13, 14, and 15, so far as those acts relate to duties of the Commission.

(r) Authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto if the subject matter is otherwise unassigned.

(s) Standard Time Act of March 19, 1918, as amended, 15 U. S. C. 261–265, inclusive.

4.5 Divisions Two and Three, except in special circumstances, alternately, in monthly rotation, commencing with Division Three in January, 1954:

(a) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

4.6 Division Four: Finance Division (Commissioners Mitchell (Chairman), Clarke, and Hutchinson):

(a) Section 1 (18) to (20), inclusive, and sections 303 (1), 309, 310, 311, and 312, relating to certificates of convenience and necessity under Parts I and III and permits under Part III, and section 410, relating to permits under Part IV, including abandonments of service by freight forwarders under section 410 (f).

(b) Section 5 (2) to (13), inclusive and section 210a (b) of Part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to noncarrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

(c) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(d) Section 302 (e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(e) Sections 20a and 214 relating to the issuance and approval of securities of carriers under Parts I and II, and to the holding of interlocking positions as director or officer.

(f) Section 20b relating to voluntary adjustments of capital structures under Part I.

(g) Section 304 (c), relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(h) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(i) Sections 204 (c), 304 (e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division Four or requirements established pursuant thereto.

(j) The Uniform Bankruptcy Act, as amended, 11 U. S. C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(k) Section 3 of Public Law No. 478 relating to review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission.

(l) Matters arising under section 20c, providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(m) Matters arising under the Clayton Antitrust Act, as amended.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and a Committee on Rules composed of three Commissioners each.

5.2 Commission Committees and Commissioners:

(a) Legislation: Arpaia (Chairman), Commissioners Clarke and Minor.

(b) Rules: Arpaia (Chairman), Commissioners Tuggle and Hutchinson.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the general rules of practice.

(b) Claims arising under Federal Tort Claim Act, 28 U. S. C. 2671 et seq., except claims covered by section 2672 of that act.

(c) Approval for publication of statistical releases: Chairman of the Commission.

6.3 Dismissal of complaints upon requests of complainants: If the proceeding has been assigned to a Commissioner, the Commissioner to whom it is assigned; otherwise, to the Chairman of the Commission.

6.4 Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein: Commissioner through whom the General Counsel reports [Chairman ex officio].

6.5 (a) With respect to carriers and others subject to Part II, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting requirements.

(b) Authority to permit the use of prescribed accounts for carriers and other persons under Parts I, II, III, and IV, which by provisions of their own texts require special authority.

(c) Authority to permit departures from general rules prescribing uniform systems of accounts for carriers and other persons under Parts I, II, III, and IV.

(d) Authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipe line.

(e) Authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers subject to Parts I, II, III, and IV: Commissioner through whom the Bureau of Accounts, Cost Finding and Valuation reports [Commissioner Winchell].

6.6 Applications under section 20a (12) for authority to hold the position of officer or director of more than one corporation: Commissioner through whom the Bureau of Finance reports [Commissioner Mitchell].

6.7 (a) Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6, 217, 218, 306, 405 and 409 (a);

(b) Released rates applications under section 20 (11);

(c) Ex Parte No. 13, with respect to modifications under section 6 (3) of posting requirements of section 6 (1); and

(d) Reduced rates authorizations in cases of calamitous visitation under section 22.

(e) Applications and complaints on the special docket: Commissioner through whom the Bureau of Rates, Tariffs and Informal Cases reports [Commissioner Freas].

6.8 (a) Uncontested matters arising under the Boiler Inspection Act, as amended: Commissioner through whom the Bureau of Safety and Service reports [Commissioner Clarke].

(b) Uncontested matters under section 25, the Safety Appliance Acts, as amended, the Hours of Service Act, as amended, and section 3 of the Accident Reports Act (including the making of reports of investigations under that section except those in which testimony is taken at a public hearing).

(c) Uncontested matters relating to the transportation of explosives and other dangerous articles.

6.9 (a) With respect to carriers and others persons subject to Parts I, III, and IV, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting and accounting requirements.

(b) Requests for access to waybills or photostat copies thereof: Commissioner through whom the Bureau of Transport Economics and Statistics reports [Commissioner Murphy].

6.10 Admission, disbarment, and suspension of practitioners before the Commission under Rules 7 to 13, inclusive, of the General Rules of Practice: Commissioner Mitchell.

6.11 The making of reports of investigations under section 220 of the act except those in which testimony is taken at a public hearing: Commissioner Tuggle.

6.12 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the Chairman of the Commission may act on such matters: Chairman of the respective divisions. Chairman of the Commission.

6.13 The functions, powers, responsibilities, and duties of the Defense Transport Administration transferred and delegated to the Commission pursuant to the Defense Production Act of 1950, as amended, effective July 1, 1955: Commissioner through whom the Bureau of Safety and Service reports[1] [Commissioner Clarke].

6.14 In each of the foregoing delegations and assignments, except Item 6.13, to an individual Commissioner, in event of the absence or disability of such individual Commissioner, the senior member of the division which has jurisdiction of the subject matter or proceeding who is present shall act instead of the Commissioner above designated. In the event of the absence or disability of a Commissioner to whom a proceeding not referred to a division has been assigned for administrative handling or preparation of report, procedural matters in connection with such proceeding may be acted upon by the Chairman of the Commission.

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned to Boards of employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17 (6) of the Interstate Commerce Act as herein provided.

7.2 Fourth Section Board: Section Four, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division Two any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 Suspension Board: Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III and 406 (e) of Part IV, relating

[1] In the event of the absence or disability of the Commissioner who is responsible for the supervision of the Bureau of Safety and Service, the senior member of Division Three who is present shall act in his place and stead in performing the duties and exercising the powers vested in that Commissioner by delegation or redelegation issued pursuant to the Defense Production Act of 1950, as amended, or by the Director of the Office of Defense Mobilization pursuant to law, provided further that, in the event of the absence or disability of all members of Division Three, the Chairman (or, in his absence, the Acting Chairman) of the Commission shall act in the place and stead of said Commissioner in performing such duties and exercising such powers.

to the initial disposition of petitions or requests for suspension of schedules and tariffs, or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and freight forwarders under Part IV, as ancillary to the suspension of any tariff or schedule, including also the power to enter orders discontinuing investigation and suspension proceedings, when, prior to hearing, the suspended schedules have been withdrawn and canceled pursuant to special permission authority. This delegation of authority shall not include (1) petitions or requests relating to tariffs or schedules filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or a wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify any question or matter which, in its judgment, should be acted upon by Division 2 or, upon the recommendation of Division 2, by the Commission.

7.4 Motor Carrier Board: (a) In applications under sections 206, 207, 208, 209, 210, and 211, which have not involved the taking of testimony at a public hearing, determination of whether applications should be dismissed at the request of applicants.

(b) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle.

(c) Determination of uncontested motor carrier revocation proceedings under section 212 (a) which have not involved the taking of testimony at a public hearing.

(d) Determination of applications under section 212 (b), relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(e) Any matter referred to the board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(f) The board may certify to Division One any matter which in its judgment should be passed on by that Division or the Commission.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the Rules of Practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioner, Board of Suspension, Fourth Section Board or Motor Carrier Board.

8.2 In respect of all such matters, petitions for reconsideration or for rehearing of any order or decision of an individual Commissioner as herein authorized shall be initially passed upon by the division to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Except in matters assigned to the Motor Carrier Board, and further excepting matters relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such matters have not been subject to formal hearing; and further excepting matters relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, as more especially provided in a succeeding paragraph, any such petition (and any supporting or opposing documents): (a) In a proceeding decided unanimously with respect to the final conclusion by the participating members of a division, except as indicated in (b), shall be considered by the Commission; and (b) in a proceeding not decided unanimously with respect to the final conclusion by the participating members of a division, or where, without regard to the unanimity of the division, the head of a Commission's bureau by whom the matter is circulated recommends the granting of such petition, shall be considered by the appropriate division as constituted at the time the petition is processed and circulated for action; if the division grants the same, the petition will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order or requirement of the division shall be subject to petition for rehearing or reconsideration as provided in the act. If the division does not grant the petition, it will be considered by the Commission.

8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.6 Announcements of the staying or postponement of decisions, orders, or requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

BUREAUS AND OFFICES OF THE COMMISSION

9.1 The Bureaus and Offices of the Commission shall report as follows, except with respect to matters within the jurisdiction of the Managing Director:

Bureaus or offices of the Commission	Headed by—	Reports to the commission or appropriate division through—
9.2 Office of the Managing Director	Managing Director	Chairman ex officio.
(a) Budget and fiscal	Budget Officer.	
(b) Personnel	Personnel Director.	
(c) Stenography	Chief of Section.	
(d) Supplies and publications	Purchasing Agent.	
(e) Regional offices	13 Regional Managers.	
9.3 Office of the Secretary	Secretary	Chairman ex officio.
(a) Dockets	Chief of Section.	
(b) Mails and files	Chief of Section.	
(c) Reference services	Chief of Section.	
9.4 Office of the General Counsel	General Counsel	Chairman ex officio.
9.5 Accounts, Cost Finding and Valuation	Director	Commissioner Winchell.
(a) Accounting	Chief Accountant.	
(b) Cost finding	Chief of Cost Finding.	
(c) Engineering	Head Valuation Engineer.	
(d) Field service	Chief of Field Service.	
(e) Land	Head Land Appraiser.	
(f) Valuation order No. 3	Head Auditor, Property Changes.	
9.6 Finance	Director	Commissioner Mitchell.
(a) Convenience and necessity and interlocking directorates.	Chief of Section.	
(b) Securities and reorganizations	Chief of Section.	
9.7 Formal Cases (General)	Director, Chief Examiner	Commissioner Arpaia, Chairman of Division.
(a) Matters pending before division	Chief of Section.	
(b) Examiners reviewing	Director	Commissioner Minor.
9.8 Inquiry and Compliance	Assistant Director and Chief of Section	
(a) Motor carrier enforcement	Chief of Section.	
(b) Rail, water and forwarder enforcement	Director	Commissioner Tuggle.
9.9 Motor Carriers	Administrative Officer.	
(a) Administration	Chief of Section.	
(b) Insurance	Chief of Section.	
(c) Operating rights	Chief of Section.	
(d) Safety	Chairman of Board.	
(e) Motor Carrier Board	Assistant Director.	
(f) Field organization	District Director.	
(g) 13 Districts	Director	Commissioner Freas.
9.10 Rates, Tariffs and Informal Cases	Assistant Director and Chief of Section.	
(a) Rail tariffs (including water, pipeline, and express tariffs).	Assistant Director and Chief of Section.	
(b) Motor tariffs (including freight forwarder tariffs and motor carrier-freight forwarder agreements under section 409).	Assistant Director and Chief of Section.	
(c) Informal cases	Chairman of Board.	
(d) Suspension Board	Chairman of Board.	
(e) Fourth Section Board		

Bureaus or offices of the Commission	Headed by—	Reports to the commission or appropriate division through—
9.11 Safety and Service	Director	Commissioner Clarke.[1]
(a) Car service	Assistant Director.	
(b) Locomotive inspection	Assistant Director of Bureau and Director of Locomotive Inspection.	
(c) Railroad safety	Assistant Director.	
(d) Explosives branch	Chief of Branch.	
9.12 Transport Economics and Statistics	Director	Commissioner Murphy.
(a) Section of reports	Chief of Section.	
(b) Section of research	Chief of Section.	
(c) Section of traffic statistics	Chief of Section.	
9.13 Water Carriers and Freight Forwarders.	Director	Commander Walrath.
(a) Section 5a, Applications.		
(b) Operating authorities.		
9.14 Transport Mobilization Staff	Chief, Mobilization Planning	See Item 6.13 and footnote of Item 9.11.

[1] Also serves as the delegate for administration and performance of duties arising under Defense Production Act of 1950, as amended. The staff performing these functions is designated as Transport Mobilization Staff. See Items 6.13 and 9.14.

[F. R. Doc. 56–6726; Filed, May 21, 1956; 8:47 a. m.]

[Notice 126]

MOTOR CARRIER APPLICATIONS

AUGUST 17, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be suported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1353 Sub 14, filed August 7, 1956, M. H. HUMMEL, doing business as HUMMEL WAREHOUSE TRUCKING CO., 728–40 North 15th Street, Allentown, Pa. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums* and *advertising material* for the account of The Procter & Gamble Distributing Company, (1) from the plant sites and warehouse facilities of The Procter & Gamble Manufacturing Company at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, N. J., and Port Newark, N. J., to points in Susquehanna, Pike, Monroe, Northumberland, Northampton, Wayne, Lackawanna, Columbia, Berks, Schuylkill, Lehigh, Wyoming, Luzerne, Montour, Carbon, Union, and Snyder Counties, Pa, and those in Sussex, Warren, and Hunterdon Counties, N. J.; and (2) from the warehouses of the Hummel Warehouse Company at Allentown, Pa., to points in Sussex, Warren, and Hunterdon Counties, N. J., and *damaged, defective, or returned shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NOTE: Applicant has common carrier, irregular route authority under Certificate No. MC 52820, dated March 27, 1944. Section 210 (dual operations) may be involved.

No. MC 1872 Sub 39, filed July 31, 1956, ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah. Applicant's representative: Stockton, Linville and Lewis, the 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment, materials and supplies*, and *building materials* as defined by the Commission, between points in Utah, on the one hand, and, on the other, points in Coconino, Navajo and Apache Counties, Ariz.

No. MC 2229 Sub 78, filed July 27, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Tex. Applicant's representative: Joe H. Eidson, Jr., Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Center, Tex., and San Augustine, Tex., from Center over Texas Highway 87 to junction Texas Highway 147, thence over Texas Highway 147 to San Augustine, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Beaumont, Tex., and Tenaha, Tex. over U. S. Highway 96. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 2229 Sub 79, filed July 27, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Tex. Applicant's representative: Joe H. Eidson, Jr., Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Big Sandy, Tex., and Palestine, Tex., over Texas Highway 155, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (1) Between Cayuga, Tex., and Palestine, Tex., over U. S. Highways 287 and 79; (2) between Jacksonville, Tex., and Tyler, Tex., over U. S. Highways 69 and 271; (3) between Jacksonville, Tex., and Gladewater, Tex., over U. S. Highways 69 and 271; and (4) between Gilmer, Tex., and Big Sandy, Tex., over Texas Highway 155. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 3107 Sub 13, filed August 8, 1956, WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant, located at the intersection of Huron River Drive and McKean Road in Washtenaw County, Mich., near the Village of Rawsonville, as an off-route point in connection with applicant's authorized regular route operations between Pontiac, Mich., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

No. MC 3261 Sub 22, filed August 8, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General*

commodities, except those of unusual value, and except Class A and B explosives, household goods, as defined by the Commission, and those requiring special equipment, serving Hampstead, Md., as an off-route point in connection with applicant's regular-route operations to and from Baltimore, Md. Applicant is authorized to conduct operations in Illinois, Ohio, Michigan, Indiana, Pennsylvania, Maryland, New York, New Jersey, and the District of Columbia.

No. MC 10928 Sub 29, filed August 7, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities including Class A and B explosives*, but excepting articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Oklahoma City, Okla., and El Paso, Tex., from Oklahoma City over U. S. Highway 66 to Amarillo, Tex., thence over U. S. Highway 87 to junction with U. S. Highway 60 at or near Canyon, Tex., thence over U. S. Highway 60 to Clovis, N. Mex., thence over U. S. Highway 70 to Alamogordo, N. Mex., and thence over U. S. Highway 54 to El Paso, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Oklahoma City, Okla., and Kansas City, Mo., and between specified points in Texas as described in Certificate No. MC 30165. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee and Texas.

No. MC 26621 Sub 9, filed August 10, 1956, NORTHERN TRANSPORTATION COMPANY, a corporation, 603 Liberty Street, Green Bay, Wis., also, P. O. Box 48, Neenah, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between junction of Brown County, Wis., trunk Highway V with U. S. Highway 141 and the junction of Brown County trunk Highway V with Brown County trunk Highway P, over Brown County trunk Highway V; (2) between junction of Brown County trunk Highway P with Wisconsin Highway 54 and the junction of Brown County trunk Highway P with Brown County trunk Highway V, over Brown County trunk Highway P; and (3) between junction unnamed town road with Brown County trunk Highways P and V and the Brown-Kewaunee County line, over unnamed town road, serving all intermediate points. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 27970 Sub 25, filed August 3, 1956, CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York 11, N. Y. Applicant's representatives: S. Harrison Kahn,, 726–34 Investment Building, Washington, D. C., and Thomas F. Connor, 72 Fifth Avenue, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between New York, N. Y., on the one hand, and, on the other, points in that part of New Jersey on the north of New Jersey Highway 33, (2) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of Philadelphia, and (3) between New York, N. Y., and points in that part of New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey within 25 miles of Philadelphia. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Applicant is performing the service under (1) and (2) above as lessee under No. MC–FC 31294, a portion of the service authorized in Certificate No. MC 87168, in the name of Whippet Motor Lines Corp.

NOTE: Applicant states the authority sought in (1) and (2) above is the subject of an application before the Interstate Commerce Commission under the provisions of Section 5 of the Interstate Commerce Act assigned Docket No. MC–F–5816, Chicago Express, Inc.—Purchase (Portion)—Whippet Motor Lines Corp. Applicant contends that the operations sought in (3) above are permitted under the authorities described in (1) and (2) above and that the authority sought in (3) is for clarification. The authority requested herein will be tacked with the existing authority of the applicant to continue operations currently authorized.

No. MC 29780 Sub 6, filed August 9, 1956, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South Second Street, Raton, N. Mex. Applicant's representative. Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Academy, located west of combined U. S. Highways 85 and 87, near Husted, Colo., approximately sixty (60) miles south of Denver, Colo., and ten (10) miles north of Colorado Springs, Colo., as an off-route point in connection with applicant's authorized regular route operations (1) between Denver, Colo., and Clayton, N. Mex., and (2) between Trinidad, Colo., and Tucumcari, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 30383 Sub 4, filed August 7, 1956, JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York 19, N. Y. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums and advertising material* for the account of the Procter & Gamble Distributing Company, from the plant sites and warehouse facilities of the Procter & Gamble Manufacturing Company at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, and Newark, N. J., to points in Monmouth, Mercer, Middlesex, Somerset, Union, Essex, Passaic, Bergen, Morris and Hudson Counties, N. J., and points in Nassau, Suffolk, Westchester and Rockland Counties, N. Y., and *unclaimed, unsalable or rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 30867 Sub 64, filed August 6, 1956 CENTRAL FREIGHT LINES INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Junction of U. S. Highway 69 and Farm to Market Road 365 and Fannett, Tex., from junction of U. S. Highway 69 and Farm to Market Road 365 over Farm to Market Road 365 to Fannett, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route, and the off-route point of Humble Oil & Refining Company plant; (2) between junction of Texas Highway 124 and Texas Highway 73 and Port Arthur, Tex., from junction of Texas Highway 124 and Texas Highway 73 over Texas Highway 73 to junction of Texas Highway 73 and Texas Highway 87, thence over Texas Highway 87 to Port Arthur, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route, and the off-route points of Smith's Dryer Company plant and the Koppers Company. Applicant is authorized to conduct operations in Texas.

No. MC 30867 Sub 65, filed August 6, 1956, CENTRAL FREIGHT LINES INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Arlington, Tex., and Keller, Tex., from Arlington over Farm to Market Road 157 to Grapevine, thence over Farm to Market Road 1709 to intersection of Farm to Market Road 1709 and U. S. Highway 377 at Keller, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route. Applicant is authorized to conduct operations in Texas.

No. MC 40858 Sub 45, filed August 6, 1956, THE SILVER FLEET MOTOR EXPRESS, INC., 216 West Pearl Street, Louisville 2, Ky. Applicant's representative: Robert W. Brunow, 1511–1516 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Clayton & Lambert Manufacturing Co. Plant Site, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations between. Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42.

No. MC 41849 Sub 6, filed August 6, 1956, KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Haydite* and *slag*, from points in Madison County, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

No. MC 46054 Sub 72, filed August 6, 1956, BROWN EXPRESS, 434 South Main Avenue, San Antonio, Tex. Applicant's representative: Herbert L. Smith, Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, transporting: *Carbon black*, between the plant site of the United Carbon Company at Kosmos, Tex., and Houston, Tex., over Texas Highway 35 to junction Texas Highway 172, thence over Texas Highway 172 to junction U. S. Highway 59 at Ganada, Tex., as an alternate route for operating convenience only, serving no intermediate points but using Ganada for the purpose of joinder only, in connection with applicant's authorized regular route operations over U. S. Highways 59, 77, and 181 and Texas Highway 35 between the plant site at Kosmos and Houston, Tex. Applicant is authorized to conduct operations in Texas.

No. MC 52460 Sub 35, filed August 1, 1956, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Kansas City, Kans., to Memphis, Tenn., and St. Louis, Mo. Applicant is authorized to conduct operations in Oklahoma, Texas, Kansas, Missouri, and Arkansas.

No. MC 52657, Sub 493, filed August 10, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Motor vehicles, including trailers, and parts thereof* when moving with such vehicles, from Allentown, Pa., and points within five miles of Allentown, and from Plainfield, N. J., and points within five miles of Plainfield, in initial truckaway and driveaway service, to all points in the United States; and (2) *Tractors*, in secondary driveaway service only when drawing trailers moving in initial driveaway service as described above, from Allentown, Pa., and points within five miles of Allentown, and from Plainfield, N. J., and points within five miles of Plainfield, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 494, filed August 13, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, tractors, chassis*, and *parts thereof* (when such parts belong to and are moving with the vehicles being transported), in secondary truckaway service, between points in Missouri, on the one hand, and, points in Minnesota, on the other. Applicant is authorized to conduct operations throughout the United States.

No. MC 54435 Sub 26, filed July 20, 1956, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Boulevard, Dearborn, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only with no service at intermediate or off-route points and serving the termini for the purpose of joinder only: (1) between junction Ohio Highway 18 and Ohio Highway 45 and Warren, Ohio, over Ohio Highway 45; (2) between Salem, Ohio and junction of Ohio Highway 18 and Ohio Highway 45, over Ohio Highway 45; (3) between Youngstown, Ohio and Salem, Ohio, over U. S. Highway 62; (4) between Canton, Ohio and Dover, Ohio, over Ohio Highway 8; (5) between junction U. S. Highway 224 and Ohio Highway 14 and Youngstown, Ohio, over U. S. Highways 224 and 62; (6) between Cleveland, Ohio and junction of Ohio Highway 14 and U. S. Highway 224, over Ohio Highway 14; (7) between Warren, Ohio and junction of Ohio Highway 10 and U. S. Highway 20, over Ohio Highway 5, Ohio Highway 82 and Ohio Highway 57; (8) between Cleveland, Ohio and junction of Ohio Highway 91 and Ohio Highway 8, over Ohio Highways 14 and 91; (9) between Wooster, Ohio and Columbus, Ohio, over Ohio Highway 3; (10) between Galion, Ohio and Marion, Ohio, over U. S. Highway 30S; (11) between junction of U. S. Highway 40 and U. S. Highway 42 and Xenia, Ohio, over U. S. Highway 42; (12) between Cincinnati, Ohio and Portsmouth, Ohio, over U. S. Highway 52; (13) between Dayton, Ohio, and the junction of Ohio Highway 48 and U. S. Highway 40, over Ohio Highway 48; (14) between Dayton, Ohio and Greenville, Ohio, over Ohio Highway 49 and U. S. Highway 40, serving the junction of the two highways for joinder only; (15) between Piqua, Ohio and Urbana, Ohio, over U. S. Highway 36; (16) between Wapakoneta, Ohio and Bellefontaine, Ohio, over U. S. Highway 33; (17) between junction of U. S. Highway 25 and Ohio Highway 67 and Kenton, Ohio, over Ohio Highway 67; (18) between New Haven, Ind., and junction of Ohio Highway 15 and U. S. Highway 224, over Indiana Highway 14, Ohio Highway 113 and Ohio Highway 15; (19) between junction U. S. Highway 24 and Ohio Highway 108 and junction of Ohio Highway 108 and U. S. Highway 20, over Ohio Highway 108; (20) between junction of Ohio Highway 101 and Ohio Highway 99 and junction of Ohio Highway 99 and Ohio Highway 4, over Ohio Highway 99; (21) between Howell, Mich., and Pontiac, Mich., over M–59; (22) between Cincinnati, Ohio and Seymour, Ind., over U. S. Highway 50; (23) between junction U. S. Highway 52 and Indiana Highway 46 and Indianapolis, Ind., over Indiana Highway 46 and U. S. Highway 421; (24) between Greenville, Ohio and junction of Indiana Highway 28 and U. S. Highway 27, over Ohio Highway 71 and Indiana Highway 28; (25) between Marion, Ind., and junction of Indiana Highway 15 and U. S. Highway 30, over Indiana Highway 15; (26) between junction of U. S. Highway 6 and Indiana Highway 51 and junction of Indiana Highway 130 and U. S. Highway 30, over Indiana Highway 51 and Indiana Highway 130; and over the following service routes, (1) between Springfield, Ohio and Sharonville, Ohio, over U. S. Highways 68 and 42, serving Xenia and Kings Mills, Ohio, as intermediate points; and (2) between Kokomo, Ind., and Richmond, Ind., over U. S. Highway 35, serving Jonesboro and Muncie, Ind., as intermediate points.

NOTE: With reference to the last two described routes, applicant is now authorized to serve the points of Xenia and Kings Mills, Ohio, and Jonesboro and Muncie, Ind., and the named termini points in each instance, from presently authorized service routes, and does not seek to serve any other intermediate or off-route points which it is not now authorized to serve. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana and Ohio.

No. MC 60868 Sub 9, filed August 7, 1956, RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y. Applicant's representative: Martin R. Martino, 431 Tower Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, and *shell* and *grit*, from Newfield, N. J., to points in Steuben, Chemung, Tioga, Broome, Delaware, Otsego, Chenango, Cortland, Tompkins, Schuyler, Erie, Wyoming, Livingston, Schuyler, Erie, Seneca, Cayuga, Herkimer, Oneida, Madison, Onondaga, Wayne, Monroe, Genesee, Orleans, Niagara, Oswego, Jefferson and Lewis Counties, New York.

No. MC 63081 Sub 2, filed July 30, 1956, EDGAR J. DAUGHERTY and JEANNE B. DAUGHERTY, a partnership, doing business as DAUGHERTY TRUCKING, Baggs, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, seed, farm machinery* and *fertilizers*, between Denver and Johnstown, Colo., and Baggs, Wyo., from Denver to Fort Collins, Colo., over U. S. Highway 287, thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to Creston Junction, Wyo., thence over Wyoming Highway 789 to Baggs, Wyo.

No. MC 67200 Sub 5, filed August 7, 1956, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's representative: 160–16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, uncrated, from Boston, Mass. to points in Connecticut, New Jersey, and points in the New York, N. Y. Commercial Zone, as defined by the Commission, Long Island, N. Y. and points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission.

No. MC 76430 Sub 11, filed August 8, 1956, MILLER TRANSPORT CO., INC., 342 North 23d Street, Philadelphia 1, Pa. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums and advertising material for the account of the Procter & Gamble Distributing Company*, from the plant sites and warehouse facilities of the Procter & Gamble Manufacturing Co. at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, N. J. and Newark, N. J., to points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and those in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N. J.

NOTE: Applicant is authorized in Certificate No. MC 84665 to transport general commodities, with certain exceptions, in Pennsylvania, New York, New Jersey, and Connecticut. Dual operations may be involved.

No. MC 92983 Sub 173, filed August 6, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chlorinated trisodium phosphate*, in bulk, in special multi-unit hopper trucks, from Chicago Heights, Ill., to St. Louis, Mo.

No. MC 93941 Sub 8, filed July 13, 1956, W. G. McVICKER, Belle Fourche, S. Dak. Applicant's representative: R. A. Smiley, Belle Fourche, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Clay products*, raw, in bulk, or in packages, and manufactured or processed, in bulk or in packages, from points in Wyoming, Montana and South Dakota to points within 300 miles of Belle Fourche, S. Dak., including Belle Fourche (except from Rapid City, S. Dak., to points in McCone, Garfield, Richmond, Wibaux, Fallon, Treasure, Yellowstone, Sheridan, Daniels, Roosevelt, Valley, Dawson, Powder River, Carter, Prairie, Rosebud, Big Horn and Custer Counties, Mont., and except from Belle Fourche, S. Dak., to points in Wyoming and Montana within 200 miles of Belle Fourche); (2) *mill feeds, cotton cake, grain, salt* and *other livestock and poultry feeds*, from Sioux City, Iowa, Omaha and Lincoln, Nebr., and points within 100 miles of each, to points in South Dakota west of the Missouri River, and points in Wyoming and Montana within 300 miles of Belle Fourche, S. Dak.; (3) *agricultural implements* and *machinery* from points in Iowa and Nebraska to Belle Fourche, S. Dak., and points in South Dakota, Wyoming and Montana within 200 miles of Belle Fourche; and (4) *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities the transportation of which by reason of size or weight require special equipment, between points in South Dakota, Wyoming, Montana, and North Dakota within 300 miles of Belle Fourche, S. Dak., including Belle Fourche. Applicant is authorized to conduct operations in Colorado, Iowa, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

No. MC 101093 Sub 8, filed July 27, 1956, HAROLD BAKER, Stone Creek, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, (1) from points in Brown Township, Carroll County, Ohio, to points in New York, Indiana, Maryland, Pennsylvania, the southern peninsula of Michigan, those in that part of Illinois on, north and east of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 24 to junction U. S. Highway 51, and thence along U. S. Highway 51 to the Illinois-Wisconsin State line, and those in that part of Wisconsin on, north and east of a line beginning at the Illinois-Wisconsin State line and extending along Wisconsin Highway 13 to junction Wisconsin Highway 30, and thence along Wisconsin Highway 30 to Lake Michigan; (2) from Mogadore, Ohio to points in Indiana, Maryland, New York, West Virginia, and Pennsylvania, and the area in Illinois and Wisconsin described in (1) above; *brick*, from points in Tuscarawas County, Ohio to the District of Columbia, points in that part of Pennsylvania east of U. S. Highway 15, and those in Maryland. Applicant is authorized to conduct operations in Ohio, Illinois, Kentucky, Michigan, New York, Indiana, West Virginia, and Pennsylvania.

No. MC 102326 Sub 8, filed June 21, 1956, DONALD E. GOULD, Coudersport, Pa. Applicant's representative: James S. Berger, Coudersport, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting:

Fertilizers, lime, and *spray materials*, from Baltimore, Md., to points in Potter, Cameron, McKean and Elk Counties, Pa.; and *chemicals, tanning materials*, and *ingredients and constituents used in manufacturing tanning materials* and *oil and gas well drilling material*, from Coudersport, Pa., to points in Ohio, Maryland, Delaware, Tennessee, Kentucky, Virginia, West Virginia, Michigan, New York, North Carolina, New Jersey, Indiana and Illinois. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York and Pennsylvania. Any duplication with present authority to be eliminated.

NOTE: In Permit No. MC 102326 Sub 2 applicant is authorized to transport *chemicals, tanning materials* and *products* used in the manufacture of tanning materials, and empty containers, on return, over specified regular routes from Coudersport, Pa., to Buffalo, Tonawanda, Binghamton, and Bainbridge, N. Y., over specified regular routes, serving no intermediate points.

No. MC 103880 Sub 173, filed July 30, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bradford, Pa., to points in Michigan, and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 106200 Sub 5, filed August 7, 1956, HOFFMAN TRANSFER, INC., 12204 East 47th Street, Independence, Mo. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums* and *advertising material* for the account of The Proctor and Gamble Distributing Company, from the site of The Proctor and Gamble Manufacturing Company plant at Kansas City, Kans., to points in Nebraska and those in Iowa on and west of U. S. Highway 218, and *unclaimed* and *unsalable shipments* of the above-specified commodities on return.

NOTE: Applicant has authorized regular route authority in Permit No. MC 106200 dated August 1, 1950, to transport *Soap, soap powder, cleaning and washing compound, lard substitute, vegetable oil shortening*, and *advertising matter* and *premiums* used in connection with the sale of such commodities from Kansas City, Kans., to points in Nebraska and those in Iowa on and west of U. S Highway 218.

No. MC 106379 Sub 27, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment* and *commodities*, the transportation of which, because of their size or weight, require the use of special equipment between points in the lower Peninsula of Michigan and Ohio, on the one hand, and, on the other, points in Oklahoma, Kansas and Nebraska, to constitute an alternate route eliminating common point operation over North Texas. Applicant is authorized to conduct operations in Texas, Ohio, and Michigan.

No. MC 106379 Sub 28, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up thereof, in connection with main lines, between points in Michigan, Ohio, Indiana, and Illinois on the one hand, and, on the other, points in Oklahoma, Kansas, and Nebraska.

No. MC 106608 Sub 1, filed July 20, 1956, L. C. REYNOLDS, 1423 First Street NE., Massillon, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electrical household appliances* and *parts thereof, die castings, advertising matter, office furniture, supplies, and equipment* and *machinery, supplies equipment, and materials* used in the manufacture of electrical household appliances electrical household appliance parts and die castings, between Canton, and North Canton, Ohio, and points on the international boundary between the United States and Canada at Niagara Falls and Buffalo (Peace Bridge-Fort Erie), N. Y. Applicant is authorized to conduct operations in Ohio and Illinois.

No. MC 107227 Sub 40, filed August 6, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service, from Santa Clara, Calif., to points in the United States. Applicant is authorized to conduct operations in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107496 Sub 82, filed August 10, 1956, RUAN TRANSPORT CORPORATION, 408 South East 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petrolcum* and *petrolcum products*, in bulk, in tank vehicles, from points in Minnesota to points in Iowa; *liquid fertilizers* and *fertilizer ammoniating solutions, including but not limited to anhydrous ammonia, aqua ammonia and nitrogen solutions*, in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone, as defined by the Commission, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. RESTRICTION: No authority is sought to render service between any two points located in any one single state. All duplicating authority is to be eliminated. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota.

No. MC 107515 Sub 233, filed August 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers, from Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Mississippi.

No. MC 107527 Sub 32, filed August 9, 1956, POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Hydrochloric acid* (muriatic) and *caustic soda*, in bulk, in tank vehicles, from Henderson, Nev., to points in Arizona, Colorado and New Mexico. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Utah, and Wyoming.

No. MC 108678 Sub 12, filed August 6, 1956, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis 44, Ind. Applicant's representative: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid ethanolamides*, in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill.

No. MC 109223 Sub 1, filed August 6, 1956, MANCUSO TRUCKING SERVICE, INC., 1785 West Jefferson, Detroit 16, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities*, as are used or sold by S. S. Kresge Company, from Detroit, Mich., to points in Michigan on and south of Michigan Highway 55 where outlets of the S. S. Kresge Company are located and *damaged and rejected shipments* of the commodities specified on return movements.

No. MC 109397 Sub 16, filed August 9, 1956, TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 315 East Seventh Street, P. O. Box 113, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Building, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives; blasting supplies, materials* and *agents* and *the component parts thereof*, between points in Quarry Township, Jersey County, Ill., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Nebraska, New Mexico, Oklahoma and Texas. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 109772 Sub 11, filed July 26, 1956, ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson, Los Angeles, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New and used motor vehicles*, not including trailers, in secondary movements, in truckaway service, between points in Arizona, California, Nebraska, and New Mexico. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 110157 Sub 10, filed August 6, 1956, C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, P. O. Box 1625, 2504 Texas Avenue, Lubbock, Tex. Applicant's representative: W. D. Benson, Jr., Suite 1105, Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lubbock, Tex., and Olton, Tex., from Lubbock over U. S. Highway 84 to Anton, Tex., thence over Texas Highway 304 to Olton, and return over the same route, serving the intermediate point of Spade, Tex., and (2) between Spade, Tex., and Littlefield, Tex., from Spade over Texas Highway 54 to Littlefield, and return over the same route, serving no intermediate points.

NOTE: In Certificate No. MC 110157 applicant is authorized to transport the above specified commodities between Lubbock, Tex., and Farwell, Tex., over U. S. Highway 84 as a portion of the authorized regular route between Lubbock, Tex., and Fort Sumner, N. Mex. Any duplication with present authority should be eliminated.

No. MC 110478 Sub 5, filed August 9, 1956, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's representative: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products* and *fire clay*, from points in Tuscarawas County, Ohio; Springfield Township, Summit County, Ohio, Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio, to points in Massachusetts, Connecticut and Rhode Island. *Empty containers, pallets, cardboard and lumber used in the manufacture, packing or shipping of clay products and fire clay*, from points in Massachusetts, Connecticut and Rhode Island to points in Tuscarawas County, Ohio; Springfield Township, Summit County, Ohio; Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 110663 Sub 3, filed August 3, 1956, R. CONLEY, INC., State Road, Springbrook, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Ex-

change Street, Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cream; condensed and evaporated skim milk; condensed and evaporated whole milk; condensed milk; powdered milk*, skim or whole; *milk mixed with condensed milk;* in bulk, in tank vehicles, or in mechanically refrigerated equipment, (1) from points in Erie, Niagara, Cattaraugus, Chautauqua, Genesee, Orleans and Allegany Counties, N. Y., to points in New Jersey and Pennsylvania; and (2) from Erie, Pa., and points in Pennsylvania within 100 miles of Erie, to points in New Jersey, and points in Erie, Niagara, Cattaraugus, Chautauqua, Genesee, Orleans and Allegany Counties, N. Y.

NOTE: The purpose of this application is for clarification of the term "milk" of the applicant's authority which authorizes it to transport Dairy Products, as defined in Section (b) in the appendix to the report in Modification of Permits of Motor Carriers of Packing House Products, 46 M. C. C. 23, 48 M. C. C. 628.

No. MC 111545 Sub 19, filed August 7, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors*, (not including tractors used for pulling trailers) *road construction machinery, maintenance machinery*, and *contractors equipment, including parts, attachments and accessories*, all moving on flat bed or low boy trailers, between points in Iowa, Illinois, and Wisconsin on the one hand, and, on the other, points in Florida. Applicant is authorized to conduct operations in Iowa and Georgia.

No. MC 111545 Sub 20, filed August 9, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors* (not including trailer pulling truck tractors) and *road construction machinery, maintenance machinery, and contractors' equipment, including parts, attachments and accessories*, all moving on flat or low boy trailers, between points in Iowa, Illinois and Wisconsin, on the one hand, and, on the other, points in Georgia. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin.

No. MC 112020 Sub 20, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, oils*, and *greases, products* and *blends* thereof, other than petroleum and petroleum products and blends thereof, between points in New Mexico, Arizona, Oklahoma and Texas. Applicant is authorized to conduct operations in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

No. MC 112020 Sub 21, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup, glucose*, unmixed, between points in Oklahoma, Arkansas, Texas and Louisiana. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma and Texas.

NOTE: Any duplication with present authority should be eliminated.

No. MC 112055 Sub 3, (Amended) published on page 5765, issue of August 1, 1956, filed July 17, 1956, ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, (1) from Springfield and Alton, Ill., to Tucson, Phoenix and Yuma, Ariz., San Diego, Sacramento, San Jose, Long Beach, Los Angeles, San Francisco and Stockton, Calif., and all military installations in the State of California on and south of U. S. Highway 40; (2) from St. Louis, Mo., to Tucson, Phoenix and Yuma, Ariz., San Diego, Sacramento, San Jose and Long Beach, Calif., and all military installations in the State of California on and south of U. S. Highway 40. Applicant is authorized to conduct operations in Missouri and California.

No. MC 112370 Sub 8, filed August 7, 1956, HENRY C. BUNGIE, doing business as WASHINGTON-SOLOMONS FREIGHT LINE, 4403 Sheriff Road NE., Washington 19, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Washington, D. C., on the one hand, and, on the other, Rockville, Md., and points in Maryland within ten (10) miles of Rockville. Applicant is authorized to conduct operations in Maryland and the Washington, D. C. Commercial Zone, as defined by the Commission.

No. MC 112497 Sub 58, filed August 6, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096 Istrouma Branch, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina*, from East Point, Ga., to Coldwater, Ala.

No. MC 112841 Sub 3, filed August 10, 1956, ILLINOIS-RUAN TRANSPORT CORPORATION, 205 Old St. Louis Road, Wood River, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road oil* and *asphalt*, in bulk, in tank vehicles, from Wood River, Ill., Hartford, Ill., and Roxana, Ill. to points in Missouri.

NOTE: All duplicating authority is to be eliminated. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 113410 Sub 7, (Correction) filed August 9, 1956, published August 15, 1956, on page 6104 DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. Applicant's representative: John R. Simms, Jr., Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, and all derivatives thereof*, in bulk, in tank vehicles, between points in Wisconsin, upper Michigan, and Minnesota.

NOTE: No authority sought to transport between points within any one State. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 114647 Sub 2, filed August 8, 1956, ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 135 North 11th Street, Forest City, Iowa. Applicant's representative: R. C. Brown, Forest City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Manufactured fertilizer*, in bags and in bulk, from Forest City, Iowa, to points in Martin, Faribault, Freeborn, and Mower Counties, Minn.

No. MC 114655 Sub 3, filed August 6, 1956, COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Boxes, fibreboards*, corrugated or non-corrugated, knocked down, flat in bundles, or on skids, *partitions* and *liners*, in truckload lots only, between Seattle, Wash., and points on the International Boundary Line between the United States and Canada at or near Blaine, Wash.

No. MC 114655 Sub. 4, filed August 6, 1956, COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 654 Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Boxes, fiberboards*, corrugated and non-corrugated, knocked down, flat in bundles, and on skids, and *partitions* and *liners*, in truckload lots only, between Portland, Oreg., and points in Yakima County, Wash.

No. MC 114912 Sub 8, filed July 21, 1956, CHARLES J. KOTWICA, doing business as ROME EXPRESS 714 West Court Street, Rome N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cellulose film, paper sealing tape lids* and *aluminum foil caps*, from the site of the Smith-Lee Co., Inc., plant located at Onelda, N. Y. to Baltimore, Md., extending to points in New Hampshire, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, New York, and that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line and extending along U. S. Highway 11 to Lemoyne, Pa., thence across the Susquehanna River to Harrisburg, Pa., thence along Pennsylvania Highway 14 to Northumberland, Pa., and thence along U. S. Highway 15 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New Jersey, New York, and Massachusetts.

No. MC 115119 Sub 1, filed August 8, 1956, SERVICE TRANSFER & STORAGE, INC., Third and Cass Streets, La Crosse, Wis. Applicant's representative John L. Bruemmer, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, as defined by the Commission, (1) between Rockford, Ill., and Camp McCoy, Wis. (near Sparta, Wis.), as follows: from Rockford over Illinois Highway 2 to Beloit, Wis., thence over U. S. Highway 51 to junction U. S. Highway 12, near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, and return over the same route, serving no intermediate points; and (2) between Rockdale, Ill., and/or the site of a lot operated by the Welco Petroleum Company, located at junction U. S. Highways 66 and 66A, approximately fourteen (14) miles north of Joliet, Ill., also known as Welco, Ill., on the one hand, and, on the other, Camp McCoy, Wis., as follows: (a) From Rockdale (near Joliet, Ill.), over city streets to junction U. S. Highway 30, thence over U. S. Highway 30 to Plainfield, Ill., thence over Illinois Highway 59 to junction Illinois Highway 62, thence over Illinois Highway 62 to Algonquin, Ill., thence over Illinois Highway 31 to junction U. S. Highway 14, thence over U. S. Highway 14 to junction U. S. Highway 12 near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, Wis., and return over the same route, serving no intermediate points; and (b) from the site of a lot operated by the Welco Petroleum Company, located at junction U. S. Highways 66 and 66A, approximately fourteen (14) miles north of Joliet, Ill., over U. S. Highway 66 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction Illinois Highway 62, thence over Illinois Highway 62 to Algonquin, Ill., thence over Illinois Highway 31 to junction U. S. Highway 14, thence over U. S. Highway 14 to junction U. S. Highway 12 near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, Wis., and return over the same route, serving no intermediate points.

No. MC 115499 Sub 1, filed August 9, 1956, LAKE COUNTY EXCAVATORS, INC., 411 State Street, Painesville, Ohio. Applicant's representative: James H. Nacey, Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Calcium carbide*, in special containers from points in Ashtabula County, Ohio, to points in New York, West Virginia, Pennsylvania, Kentucky, Indiana, Illinois and Michigan; and from points in Niagara County, N. Y., to points in Ohio, West Virginia, Pennsylvania, Kentucky, Indiana, Illinois and Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, from the above-specified destination points to points in Ashtabula County, Ohio, and Niagara County, N. Y.

No. MC 115940 Sub 2, filed August 6, 1956, CITY TANK LINE, INC., 18405 South Main Street, Gardena, Calif. Applicant's representative: D. H. Marken, Suite 12, 2716 North Broadway, Los Angeles 31, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lard, lard compounds, lard substitutes* and *vegetable oil shortening*, in bulk, in tank vehicles, from Los Angeles and San Diego Counties, Calif., to the port of entry between the United States and Mexico at San Ysidro, Calif.

No. MC 116077 Sub 9, filed August 9, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's representative: Looney, Clark & Moorhead, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, between points in Harris County, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Louisiana, Mississippi, Oklahoma, and Tennessee.

No. MC 116115, filed July 19, 1956, ECONOMY REFRIGERATION CO., INC., 1035–9 North Front Street, Philadelphia, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Used home refrigerators*, from points in New Castle County, Del., Camden, Gloucester, and Salem Counties, N. J., and those in that part of Burlington and Mercer Counties, N. J., on and west of U. S. Highway 206 from its junction with the Burlington-Atlantic County line at a point approximately two miles south of Atsion, N. J., to Trenton, N. J., including the points named, to Philadelphia, Pa., and (2) *Home freezers*, between Philadelphia, Pa., on the one hand, and, on the other, points in the Delaware and New Jersey origin territory described above.

No. MC 116116, filed July 20, 1956, FOOD EXPRESS, INC., 103 West College Avenue, Appleton, Wis. Applicant's representative: David B. Bliss, Zuelke Building, Appleton, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products* as defined by the Commission, and *frozen foods*, in truckload and less-than-truckload lots, between points in Illinois, Wisconsin and Minnesota, on the one hand, and, on the other, points in Alabama, Texas, Oklahoma, Arizona, New Mexico, Louisiana, Mississippi, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Arkansas, Colorado, California, Nevada, Utah, Kansas, Missouri, Idaho, Oregon, Montana, Wyoming, Washington, Nebraska, Pennsylvania, New York, New Jersey, Massachusetts and Illinois.

NOTE: Applicant states the above service will be from the producer to the wholesaler, or between wholesalers, or from the producer and wholesaler to the retailer.

No. MC 116144, filed August 2, 1956, ARTHUR W. SORENSEN, Johnson Road, Woodbridge, Conn. Applicant's representative: Hugh M. Joseloff, 419 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bags or other containers, from Carteret, N. J. and Cambridge and North Weymouth, Mass., to points in New Haven County, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 116145, filed August 3, 1956, G. G. PARSONS, P. O. Box 615, North Wilkesboro, N. C. Applicant's representative: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass bottles*, one gallon or less in capacity, in barrels, boxes or crates, and *other manufactured glass products*, from Mount Vernon, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1504 Sub 128, filed July 6, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction Old and Relocated U. S. Highways 35 near Centerville, Ohio, and junction Old and Relocated Highways 35, approximately 2.2 miles Southeast of Rio Grande, Ohio, over Relocated U. S. Highway 35, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Simultaneously with the granting of the authority herein requested applicant wishes to abandon and have deleted from the certificate its present authority to operate over Old U. S. Highway 35 between the same points.

No. MC 114271 Sub 3, filed August 9, 1956, CONTINENTAL CRESCENT LINES, INC., Box 4407, Alexandria, La. For authority to operate as a *common carrier*, over regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Oneonta, Ala., and junction Alabama Highway 18 and U. S. Highway 278, from Oneonta over unnumbered county road, via Tait's Gap Junction, to Altoona, Ala., thence over Alabama Highway 18 to junction U. S. Highway 278 (a distance

of about 18 miles), and return over the same route, serving the intermediate points of Tait's Gap Junction and Altoona, Ala., and all other intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

No. MC 116005, filed May 21, 1956, ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N. Y. Applicant's representative: Daniel H. Greenberg, Empire State Building, 350 Fifth Avenue, New York 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in round-trip charter and special operations beginning and ending in Auburn, Skaneateles, Marcellus, and Syracuse, N. Y., and points within the Counties of Cayuga and Onondaga, N. Y., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Virginia, and Wisconsin, and the District of Columbia.

APPLICATIONS OF MOTOR CARRIERS UNDER SECTION 5 AND 210a (b)

No. MC–F 6356, published in the August 8, 1956, issue of the FEDERAL REGISTER on page 5957. Supplemental application filed August 14, 1956, to show J. E. ACKERMAN, R. J. ACKERMAN and P. S. DOHERTY in control of vendee as trustees of the estate of JOHN E. ACKERMAN, DECEASED.

No. MC–F 6364. Authority sought for purchase by LYON VAN LINES, INC., 1950 South Vermont Avenue, Los Angeles 7, Calif., of the operating rights and property of CLARENCE WILLIAM FORD, SR., ET AL., doing business as FORD TRANSFER & STORAGE COMPANY, 217 Wall Street, Twin Falls, Idaho, and for acquisition by LYON VAN & STORAGE CO., also of Los Angeles, of control of such rights and property through the purchase. Applicants' representative: Wyman C. Knapp, 612 Citizens National Bank Bldg., 453 South Spring Street, Los Angeles 13, Calif. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Twin Falls, Idaho, on the one hand, and, on the other, points in that part of Idaho within 50 miles of Twin Falls; *household goods*, as defined by the Commission, between Twin Falls, Idaho, and points within 50 miles of Twin Falls, on the one hand, and, on the other, points in Idaho, Utah, Nevada and that part of Oregon on and east of U. S. Highway 97, between Twin Falls, Idaho, and points in Idaho within 50 miles of Twin Falls, on the one hand, and, on the other, points in California and those in Oregon west of U. S. Highway 97, between points in Idaho, on the one hand, and, on the other, points in Idaho, Utah, California, Oregon, and Nevada, between certain points in Nevada on the one hand, and, on the other, points in Oregon, California, and Utah, and between certain points in Oregon on the one hand, and, on the other, points in California and Utah. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Idaho, Montana, Arizona, New Mexico, Texas, Arkansas, Illinois, Iowa, Kansas, Louisiana, Oklahoma, Missouri, Nebraska, Indiana, Ohio, Michigan, Nevada, Wyoming and Colorado. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6365. Authority sought for purchase by C & H TRANSPORTATION CO., INC., P. O. Box 5976, Dallas, Texas, of the operating rights of JOE BARNETT, doing business as TEXAS GREAT LAKES MOTOR FREIGHT COMPANY, (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 201 Dallas Drive, Denton, Texas, and for acquisition by W. O. HARRINGTON, Coppel, Texas, of control of such rights through the purchase. Applicants' representative: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Road and bridge-building machinery and equipment*, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Ohio, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Pennsylvania, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Montana, Arkansas, Wisconsin, North Dakota, Wyoming, South Dakota, Missouri, Nebraska, and Colorado. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6366. Authority sought for purchase by CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans., of a portion of the operating rights and certain property of C & G TRUCK LINE, INC., 202 Humbolt Avenue, Fort Scott, Kans., and for acquisition by CHARLES SEETIN, Topeka, Kans., GALAND SEETIN, Kansas City, Kans., and ELBERT SEETIN, St. Joseph, Mo., of control of such rights and property through the purchase. Applicants' representatives: Wentworth E. Griffin, 1012 Baltimore Ave., Kansas City 5, Mo., and Carll V. Kretsinger, 1014 Temple Bldg., Kansas City 6, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Pittsburg, Kans., and Kansas City, Mo., and between Godfrey, Kans., and Farlington, Kans., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6367. Authority sought for purchase by YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo., of the operating rights and property of RUSSEL A. HALL, doing business as HALL BROS. TRUCK LINES, P. O. Box 288, Lawrence, Kans. Applicants' representatives: Kenneth E. Midgley, 906 Commerce Building, Kansas City 6, Mo., and D. S. Hults, Lawrence, Kans. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Kansas City, Mo., and Topeka, Kans., serving certain intermediate and off-route points. Vendee is authorized to operate in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6368. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul 14, Minn., of the operating rights and property of SUPERIOR SERVICE COMPANY, INC., 320 East Central Avenue, Minot, N. Dak., and for acquisition by L. M. GLENDENNING, St. Paul Park, Minn., of control of such rights and property through the purchase. Applicants' representative: Gordon Rosenmeier, American National Bank Bldg., Little Falls, Minn. Operating rights sought to be purchased: *General commodities* and *livestock*, as a *common carrier* under the Second Proviso of section 206 (a) (1), between Minot, N. Dak., and ten miles in each direction thereof on the one hand and other points and places in North Dakota on the other, as well as between points and places between Minot and ten miles in each direction thereof. Vendee is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota, Wisconsin, Nebraska, and North Dakota. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 43475 Sub 40 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–6775; Filed, Aug. 21, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1019]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND SYNCO RESINS, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

AUGUST 16, 1956.

Notice is hereby given that American Research and Development Corporation ("American Research"), a registered closed-end non-diversified management investment company, and Synco Resins, Incorporated ("Synco"), a manufacturing company, have filed an application and amendment thereto, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of section 17 (a) of the act certain transactions between American Research and Synco described below.

Synco was organized in 1946 as Snyder Chemical Company under the laws of New York with its principal place of business located in Bethel, Connecticut. Its original business was the production of acid catalyzed phenolic adhesives for utilization in wood assemblies for freight car and truck bodies. The company's product line has been expanded to include phenolic, urea and alkyd resins and molding powders. New resins have recently been developed for the paper industry.

American Research owns the following securities of Synco:

Securities	Outstanding	American Research's holdings	Percentage
5-percent note, Series A, due Dec. 31, 1964	$100,000	$50,000	50.0.
5-percent debentures due Dec. 31, 1964	$50,000	$8,640	17.3.
5-percent cumulative preferred, $1 par value	154,290 shares	50,000 shares	32.4.
Common stock $0.01 par value	141,515 shares	21,000 shares	15.3.

Synco has proposed a plan for the exchange of common stock for the outstanding notes, debentures and preferred stock on the basis of one share of common stock for each $2 of principal amount of debt or par value of preferred stock with certain holders of such securities including American Research as follows:

Number of shares of common stock	Amount of debt or preferred shares to be exchanged	Amount of debt and shares of preferred to be outstanding
47,500	$95,000 notes	$5,000 notes.
21,420	$18,840 debentures	$1,160 debentures.
68,780	$137,560 shares preferred.	$16,730 shares preferred.

The holders of the debt and preferred stock, including American Research, who have agreed to make the exchange have also agreed to waive accrued and unpaid interest and dividends aggregating $54,181, represented by $18,063 and $1,728, applicable respectively to the notes and debentures, and $34,390 of dividend arrears on the preferred stock. The application states that one note holder, four debenture holders and seven preferred stockholders have not agreed to make the exchange; none of these security holders, except four preferred stockholders who were former employees of Synco, have any relationship with the applicants.

For the fiscal year ended March 31, 1956, Synco sustained an operating loss of approximately $28,000; however, it is stated that operations for the fiscal year ending March 31, 1957, and ensuing years are expected to be profitable. In that connection applicants declare that there has been a substantial development in Synco's operations which has been reflected in a marked expansion in its sales during the past year. Applicants claim that the proposed recapitalization will simplify Synco's capital structure and thereby enable it to secure regular back loans and to raise equity capital to finance its expanded business.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and consistent with the general purposes of the act.

Since American Research owns more than 5 percent of the common stock of Synco, these companies are affiliated persons of each other as defined in section 2 (a) (3) of the act. Hence, the transactions between them pursuant to the proposed plan of recapitalization are prohibited under section 17 (a) of the act unless the Commission grants the application herein, and issues an order of exemption pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than August 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–6755; Filed, Aug. 21, 1956; 8:46 a. m.]

[File No. 70–3478]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARIES, AND ACQUISITION THEREOF BY PARENT

AUGUST 16, 1956.

In the matter of The Columbia Gas System, Inc., The Manufacturers Light and Heat Company, Virginia Gas Distribution Corporation, Cumberland and Alleghany Gas Company et al.; File No. 70–3478.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including The Manufacturers Light and Heat Company ("Manufacturers"), Virginia Gas Distribution Corporation ("Distribution"), and Cumberland and Alleghany Gas Company ("Cumberland"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 9, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, regarding, among others, the following proposed transactions:

As new money is required in connection with their several 1956 construction programs, Manufacturers, Distribution, and Cumberland will issue and sell, and Columbia will purchase for cash, at par or face amount, the following securities:

Company	Common stock			Installment notes, aggregate amount not to exceed—
	Number of common shares	Par value	Aggregate amount	
Manufacturers	50,000	$50	$2,500,000	$7,950,000
Distribution	8,000	25	200,000	350,000
Cumberland	10,000	25	250,000	1,925,000

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. Columbia will first purchase Common Stock up to the aggregate amounts stated, and thereafter Installment Notes. The notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982 inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum, which was the approximate cost of money to Columbia on its last sale of debentures. None of the Common Stock or Installment Notes will be issued or purchased after March 31, 1957.

Authorization for the issuance and sale of the securities as proposed has been obtained from the regulatory commissions of the several states in which the said subsidiary companies are organized and doing business, as follows: from the Pennsylvania Public Utility Commission by Manufacturers, from the State Corporation Commission of Virginia by Distribution, and from the Public Service Commission of West Virginia by Cumberland.

The fees and expenses to be paid by the several subsidiary companies in connection with the proposed transactions are estimated as follows:

	Services of System Service Company	Federal original issue tax	Miscellaneous
Manufacturers	$100	$2,750	$300
Distribution	100	220	500
Cumberland	100	275	100

The record with respect to other transactions proposed in said application-declaration, involving four additional subsidiaries of Columbia, has not yet been completed.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith as to such transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith as to the particular transactions described herein, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said joint application-declaration, as to which the record is not yet complete.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6756; Filed, Aug. 21, 1956; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 10-2]

CHAIRMAN, LOAN REVIEW COMMITTEE

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by the Deputy Administrator by Delegation of Authority No. 10-1, dated July 31, 1956, there is hereby redelegated to the Chairman, Loan Review Committee, the authority:

A. *General.* To carry out all functions listed for the Loan Review Committee in Section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To approve business and disaster loan applications when the recommendations of the Loan Review Committee and the Regional Office are unanimous for approval.

2. To approve or decline all amendatory actions relating to loans.

3. To approve sick and annual leave for employees of the Loan Review Committee.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chairman of the Loan Review Committee.

IV. All previous authority delegated to the Chairman or Acting Chairman, Loan Review Committee, by the Director, Office of Financial Assistance, is hereby rescinded.

Dated: July 31, 1956.

J. F. MATCHETT,
Director,
Office of Financial Assistance.

[F. R. Doc. 56-6771; Filed, Aug. 21, 1956; 8:48 a. m.]

[Delegation of Authority 10-3]

CHIEF, ADMINISTRATION AND LIQUIDATION DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by the Deputy Administrator by Delegation of Authority No. 10-1, dated July 31, 1956, there is hereby redelegated to the Chief, Administration and Liquidation Division, the authority:

A. To take the following specific actions relating to the collection of problem loans and loans in liquidation:

1. Approve charge offs up to $2,500.

2. Approve sales and releases of collateral at not less than liquidating values reflected by the latest appraisal of the property.

3. Approve advances for care and preservation of collateral up to the lesser of $1,000 or 10 percent of the amount owing on the loan.

4. Approve expenditures of not to exceed $500 for appraisals by outside appraisers when and if the services of qualified SBA appraisers are not available.

5. Authorize the carrying of loans having unpaid balances in excess of $50,000 in past due statuses.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Administration and Liquidation Division.

Dated: July 31, 1956.

J. F. MATCHETT,
Director,
Office of Financial Assistance.

[F. R. Doc. 56-6772; Filed, Aug. 21, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-100]

BANCA GENERALA DE ECONOMII DIN SIBIU

In re: Debt owing to Banca Generala de Economii din Sibiu, a/k/a Hermannstadter Allgemeine Spakassa Hermannstadt Romane. F-57-1261.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the State Comptroller of the State of New York, Albany, New York, arising out of an account entitled "Spakassa Hermannstadt, c/o Banca Republici Populare, Romane, Bucharest, Roumania", maintained by the aforesaid Comptroller, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banca Generala de Economii din Sibiu, a/k/a Hermannstadter Allgemeine Spakassa Hermannstadt Romane, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-6767; Filed, Aug. 21, 1956; 8:47 a. m.]

[Vesting Orders SA-101]

BRADUL CARPATIN S. A. R.

In re: Debt owing to Bradul Carpatin S. A. R. F-57-1266, F-63-2748 (Basle).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $590.00, being a portion of an account entitled, "Swiss Bank Corporation, Basle, Switzerland, ordinary blocked account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Bradul Carpatin S. A. R., Cernauti, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-6768; Filed, Aug. 21, 1956; 8:48 a. m.]

[Vesting Order SA-102]

CHINOIN FABRIK CHEMISCH-PHARMAZEUTISCHER PRODUKTE, A. G.

In re: debt owing to Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G., also known as Chinoin Chemical and Pharmaceutical Works, Ltd. and as Chinoin Fabrik fur Heilmittel und Chemische Produkte A. G. F-34-78.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Parke, Davis & Company, Detroit 32, Michigan, arising out of an account payable entitled, "Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G.," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G., also known as Chinoin Chemical and Pharmaceutical Works, Ltd. and as Chinoin Fabrik fur Heilmittel und Chemische Produkte A. G., Ujpest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-6769; Filed, Aug. 21, 1956; 8:48 a. m.]

Office of the Attorney General

[Order No. 130-56]

REGISTRATION SECTION

CHANGE OF NAME

AUGUST 2, 1956.

The Internal Security Division is hereby authorized to change the name of the Foreign Agents Registration Section to the Registration Section.

In addition to the administration of the Foreign Agents Registration Act, as amended, the Registration Section will perform the necessary functions pursuant to the act of August 1, 1956, Public Law 893, 84th Congress, 2d session.

HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 56-6757; Filed, Aug. 21, 1956; 8:46 a. m.]

UNIVERSITY
OF MICHIGAN
AUG 29 1955
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 21 NUMBER 164

Washington, Thursday, August 23, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10675

AMENDMENT OF SECTION 203 OF EXECUTIVE ORDER NO. 10577 [1] OF NOVEMBER 22, 1954, PROVIDING FOR THE CONVERSION OF CERTAIN CAREER-CONDITIONAL APPOINTMENTS TO CAREER APPOINTMENTS

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631) and by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Section 203 of Executive Order No. 10577 of November 22, 1954, is hereby amended to read as follows:

"SEC. 203. The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may be converted to a career appointment: *Provided*, that not later than December 31, 1957, the agency in which he is employed so recommends and certifies to the Commission that he has satisfactorily completed a one-year probationary period: *Provided further*, that any such employee who is not certified for career appointment under this section shall have his career-conditional appointment converted to a career appointment when he has completed the service requirement for such appointment prescribed under section 2.2 (a) of Civil Service Rule II."

SEC. 2. This order shall be effective as of January 23, 1955, the effective date of the said Executive Order No. 10577.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 21, 1956.

[F. R. Doc. 56-6846; Filed, Aug. 21, 1956; 8:03 p. m.]

[1] 19 F. R. 7521, 9315; 3 CFR, 1954 Supp., p. 84.

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN BOSTON, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 904), regulating the handling of milk in the Boston, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of § 940.43 will not tend to effectuate the declared policy of the act for the period September 1, 1956, to the effective date of any amendment to the order made on the basis of the hearing held in Boston on February 28 and 29, 1956 (Docket No. AO–14–A24).

This section provides that when the rail tariff on milk and cream is increased or decreased, some price differentials set forth in the table in § 904.42 should be correspondingly changed to the extent of any change in the difference between the rail tariff for the mileage distance of 201 to 210 miles and for other applicable distances. This provision was based on the concept that any change in the rail tariff on milk and cream would be made only in terms of the rate applying to shipments from specific 10-mile zones via rail mileage. However, New England Joint Tariff M No. 8 effective September 1, 1956 has substituted point-to-point rates in place of the traditional zone rates. The differences between the old and new rates vary considerably from any uniformity of change by 10-mile zones, and by their very nature their effect cannot be uniformly reflected in the order's zone table.

At the public hearing held in February, 1956 (Docket No. AO–14–A24) consideration was given to a proposal to amend the zone differentials of the order to reflect highway rather than railroad

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mileages. The point-to-point rates included in M No. 8 are closely compatible with the rates proposed at this hearing. Pending action by the Department of Agriculture on this docket it is found necessary to issue this suspension order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective September 1, 1956.

It is therefore ordered, That the provisions of § 904.43 be and they are hereby suspended during the period September 1, 1956, to the effective date of any amendment made to the order as a result of the public hearing held February 28, and 29 (Docket No. AO–14–A24).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56–6819; Filed, Aug. 22, 1956; 8:52 a. m.]

PART 934—MILK IN MERRIMACK VALLEY, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR Part 934), regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of § 934.43 will not tend to effectuate the declared policy of the act for the period September 1, 1956 to the effective date of any amendment to the order made on the basis of the hearing held in Boston on February 28 and 29, 1956 (Docket No. AO–83–A20).

This section provides that when the rail tariff on milk and cream is increased or decreased zone price differentials would be correspondingly increased or decreased. This provision was based on the concept that any change in the rail tariff on milk and cream would be made only in terms of the rate applying to shipments from specific 10-mile zones via rail mileage. However, New England Joint Tariff M No. 8 effective September 1, 1956, has substituted point-to-point rates in place of the traditional zone rates. The differences between the old and new rates vary considerably from any uniformity of change by 10-mile zones, and by their very nature their effect cannot be uniformly reflected in the order's zone table.

At the public hearing held in February, 1956 (Docket No. AO–83–A20) consideration was given to a proposal to amend the zone differentials of the order to reflect highway rather than railroad mileages. The point-to-point rates included in M No. 8 are closely compatible with the rates proposed at this hearing. Pending action by the Department of Agriculture on this docket it is found necessary to issue this suspension order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective September 1, 1956.

It is therefore ordered, That the provisions of § 934.43 be and they are hereby suspended during the period September 1, 1956, to the effective date of any amendment made to the order as a result of the public hearing held February 28 and 29 (Docket No. AO–83–A20).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56–6820; Filed, Aug. 22, 1956; 8:52 a. m.]

[Avocado Order 12, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 22, 1956. This amendment relieves restrictions on specified varieties of avocados in that it will permit the shipment of such varieties at an earlier date than now provided. It also establishes maturity requirements for these and other varieties which will be applicable on and after the time the shipment of such varieties is permitted. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until August 14, 1956; determinations as to the time of maturity of the varities of avocados covered by this amendment were made at the meeting of said committee on August 14, 1956, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

b. It is therefore ordered as follows:

1. The provisions set forth in Table I of paragraph (b) of § 969.312 (Avocado Order 12; 21 F. R. 3307, 5469) are hereby amended by adding thereto the following:

TABLE I

(1) Variety	(2) Date	(3) Minimum weight or diameter	(4) Date	(5) Minimum weight or diameter	(6) Date	(7) Minimum weight or diameter	(8) Date
Booth 8	9–17–56	15 oz., 3⅝ in	9–24–56	13 oz., 3⅝ in	10–15–56	11 oz., 3⅛ in	11– 5–56
Simpson	10– 1–56	16 oz	10–15–56	14 oz	10–29–56	10 oz	11–19–56
Booth 7	10–15–56	16 oz., 3⅛ in	10–29–56	14 oz., 3⅝ in	11–12–56	10 oz., 3⅜ in	12– 3–56
Lula	10– 8–56	18 oz., 3⅛ in	10–22–56	16 oz., 3⅝ in	11– 5–56	14 oz., 3⅝ in	11–19–56
Hickson	10–22–56	14 oz., 3⅝ in	11– 5–56	11 oz., 3 in	11–19–56	9 oz., 2⅞ in	12–10–56
Collinson	10–22–56	16 oz., 3⅛ in	11– 5–56	14 oz., 3⅝ in	11–19–56	10 oz., 3⅛ in	12–10–56
Avon	10–22–56	14 oz., 3⅝ in	11– 5–56	12 oz., 3⅜ in	11–19–56	9 oz., 2⅞ in	12–10–56
Booth 5	10–22–56	16 oz., 3⅛ in	11– 5–56	14 oz., 3⅝ in	11–19–56	9 oz., 3⅛ in	12–10–56
Monroe	11–29–56	24 oz	11–26–56	20 oz	12–17–56	14 oz	1– 7–57

TABLE I—Continued

(1) Variety	(2) Date	(3) Minimum weight or diameter	(4) Date	(5) Minimum weight or diameter	(6) Date	(7) Minimum weight or diameter	(8) Date
Hall	11- 5-56	20 oz., 3⅜6 in.	11-19-56	16 oz., 3⅜6 in.	12- 3-56	14 oz., 3⅜6 in.	12-24-56
Herman	11- 5-56	16 oz., 3⅜6 in.	11-19-56	14 oz., 3⅞6 in.	12- 3-56	10 oz., 3⅝6 in.	12-24-56
Winslowson	11- 5-56	18 oz., 3⅛6 in.	11-19-56	16 oz., 3⅛6 in.	12- 3-56	10 oz., 3⅜6 in.	12-24-56
Ajax (B-7-B)	11-12-56	18 oz., 3⅛6 in.	11-26-56	15 oz., 3⅜6 in.	12-10-56	11 oz., 3⅜6 in.	12-31-56
Booth 3	11-19-56	16 oz., 3⅜6 in.	12- 3-56	14 oz., 3⅞6 in.	12-17-56	10 oz., 3⅛6 in.	1- 7-57
Booth 1	11-19-56	16 oz., 3⅛6 in.	12- 3-56	14 oz., 3⅜6 in.	12-17-56	10 oz., 3⅛6 in.	1- 7-57
Taylor	11-19-56	14 oz., 3⅛6 in.	12- 3-56	12 oz., 3⅜6 in.	12-17-56	9 oz., 2⅛6 in.	1- 7-57
Choquette	11-16-56	24 oz.	12-10-56	18 oz.	12-24-56	14 oz.	1-14-57
Linda	12-10-56	18 oz.	12-24-56	15 oz.	1- 7-57	12 oz.	1-21-57
Wagner	12-17-56	12 oz., 3⅝6 in.	12-31-56	10 oz., 3⅜6 in.	1-14-57	8 oz., 2⅛6 in.	2- 4-57
Fairchild	8-22-56	16 oz., 3⅛6 in.	9- 3-56	14 oz., 3⅛6 in.	9-17-56	10 oz., 3 in.	10- 1-56
Nirody	9-17-56	18 oz., 3⅛6 in.	10- 1-56	15 oz., 3⅛6 in.	10-15-56	10 oz., 3⅛6 in.	11- 5-56
Rue	10- 8-56	30 oz., 4⅜6 in.	10-15-56	24 oz., 3⅛6 in.	10-29-56	18 oz., 3⅜6 in.	11-12-56
Black Prince	10- 8-56	16 oz.	10-22-56	14 oz.	11- 5-56	10 oz.	11-26-56
Sherman	10-15-56	16 oz.	10-29-56	14 oz.	11-12-56	10 oz.	12- 3-56
Vaca	10-15-56	16 oz., 3⅛6 in.	10-29-56	14 oz., 3⅛6 in.	11-12-56	10 oz., 3 in.	12- 3-56
Blair	10-22-56	16 oz.	11- 5-56	14 oz.	11-19-56	9 oz.	12-10-56
Nelson	10-22-56	14 oz., 3⅜6 in.	11- 5-56	12 oz., 3⅛6 in.	11-19-56	9 oz., 2⅛6 in.	12-10-56
Booth 10	11- 5-56	16 oz.	11-19-56	14 oz.	12- 3-56	9 oz.	12-24-56
Booth 11	11- 5-56	16 oz.	11-19-56	14 oz.	12- 3-56	9 oz.	12-24-56
Dunedin	11-19-56	16 oz., 3⅛6 in.	12- 3-56	14 oz., 3⅜6 in.	12-17-56	9 oz., 2⅛6 in.	1- 7-57
Byars 1	12-10-56	16 oz.	12-24-56	14 oz.	1- 7-57	9 oz.	1-28-57
Nabal	12-10-56	14 oz., 3⅜6 in.	12-24-56	12 oz., 3⅜6 in.	1- 7-57	8 oz., 2⅛6 in.	1-28-57
Schmidt	1-28-57	16 oz.	2-11-57	14 oz.	2-25-57		
Itzamma	2-25-57						
Marcus	10-15-56	32 oz.	11-26-56				

2. The provisions of subparagraph (6) of paragraph (b) of § 969.312 (Avocado Order 12; 21 F. R. 3307, 5469), and of Table II following said subparagraph, are hereby terminated and the following substituted therefor:

(6) During the period beginning at 12:01 a. m., e. s. t., November 5, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit weighs at least 9 ounces or measures at least 2 1/16 inches in diameter; and during the period beginning at 12:01 a. m., e. s. t., November 19, 1956, and ending at 12:01 a. m., e. s. t., December 10, 1956, no handler shall handle any avocados of the Lula variety unless the individual fruit weighs at least 11 ounces or measures at least 2 5/16 inches in diameter: *Provided*, That up to 10 percent, by count, of the individual fruit contained in each lot of Booth 8 or Lula avocados may weigh less than the minimum weight specified in this subparagraph for such variety and may measure less than the minimum diameter so specified if such avocados weigh not more than two ounces less than the applicable specified weight;

3. The reference to Table II in subparagraph (7) of paragraph (b) of § 969.312 (Avocado Order 12; 21 F. R. 3307, 5469) is hereby deleted.

c. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 22, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6742; Filed, Aug. 21, 1956; 1:02 p. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 996), regulating the handling of milk in the Springfield, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of § 996.43 will not tend to effectuate the declared policy of the act for the period September 1, 1956 to the effective date of any amendment to the order made on the basis of the hearing held in Boston on February 28 and 29, 1956 (Docket No. AO-203-A6).

This section provides that when the rail tariff on milk and cream is increased or decreased zone price differentials would be correspondingly increased or decreased. This provision was based on the concept that any change in the rail tariff on milk and cream would be made only in terms of the rate applying to shipments from specific 10-mile zones via rail mileage. However, New England Joint Tariff M No. 8 effective September 1, 1956, has substituted point-to-point rates in place of the traditional zone rates. The differences between the old and new rates vary considerably from any uniformity of change by 10-mile zones, and by their very nature their effect cannot be uniformly reflected in the order's zone table.

At the public hearing held in February, 1956 (Docket No. AO-203-A6) consideration was given to a proposal to amend the zone differentials of the order to reflect highway rather than railroad mileages. The point-to-point rates included in M No. 8 are closely compatible with the rates proposed at this hearing. Pending action by the Department of Agriculture on this docket it is found necessary to issue this suspension order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective September 1, 1956.

It is therefore ordered, That the provisions of § 996.43 be and they are hereby suspended during the period September 1, 1956 to the effective date of any amendment made to the order as a result of the public hearing held February 28 and 29 (Docket No. AO-203-A6).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6822; Filed, Aug. 22, 1956; 8:52 a. m.]

PART 999—MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 999), regulating the handling of milk in the Worcester, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of § 999.43 will not tend to effectuate the declared policy of the act for the period September 1, 1956 to the effective date of any amendment to the order made on the basis of the hearing held in Boston on February 28 and 29, 1956 (Docket No. AO-204-A6).

This section provides that when the rail tariff on milk and cream is increased or decreased zone price differentials would be correspondingly increased or decreased. This provision was based on the concept that any change in the rail tariff on milk and cream would be made only in terms of the rate applying to shipments from specific 10-mile zones via rail mileage. However, New England Joint Tariff M No. 8 effective September 1, 1956 has substituted point-to-point rates in places of the traditional zone rates. The differences between the old and new rates vary considerably from any uniformity of change by 10-mile zones, and by their very nature their effect cannot be uniformly reflected in the order's zone table.

At the public hearing held in February, 1956 (Docket No. AO-204-A6) consideration was given to a proposal to amend the zone differentials of the order to reflect highway rather than railroad mileages. The point-to-point rates included in M No. 8 are closely compatible with the rates proposed at this hearing. Pending action by the Department of Agriculture on this docket it is found necessary to issue this suspension order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective September 1, 1956.

It is Therefore Ordered, That the provisions of § 999.43 be and they are hereby suspended during the period September 1, 1956, to the effective date of any amendment made to the order as a result of the public hearing held February 28 and 29 (Docket No. AO-204-A6).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-6821; Filed, Aug. 22, 1956; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

Correction

In F. R. Document 56-6670, appearing in the issue for Saturday, August 18, 1956, at page 6210, under "Mississippi," the loan rate for "Tylertown, Walthall" should read "32.93" instead of "32.98".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs. Amdt. 6 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

MISCELLANEOUS AMENDMENTS

1. Section 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (c) *Government surplus agricultural commodities* is amended to read as follows:

(c) *Surplus agricultural commodities and manufacturers thereof.* (1) The provisions of this paragraph apply to any of the following types of exportations when shipped under this general license: [2]

(i) Any exportation, regardless of value, which consists in whole or in part of a commodity obtained directly or indirectly from the Commodity Credit Corporation in a purchase from that agency amounting to $100,000 or more, either in the form acquired or in processed form.

(ii) Any exportation, regardless of value, which consists in whole or in part of a commodity being shipped in substitution for a commodity acquired from the Commodity Credit Corporation under an export disposal program in a purchase from that agency amounting to $100,000 or more.

(iii) Any exportation, regardless of value, which consists in whole or in part of a commodity which is subsidized for export by the Commodity Credit Corporation either by cash payments or by payments in kind, if the exportation is based on a sales or consignment contract with a foreign party amounting to $100,000 or more.

(2) For any such exportation, the exporter shall file an additional copy of the Shipper's Export Declaration with the Collector of Customs and send one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading) to the Bureau of Foreign Commerce, Washington 25, D. C. The additional copy of the Shipper's Export Declaration and the copy of the Bill of Lading shall bear the notation "FC-2610" in the upper right corner, and shall also show the CCC identification number.

NOTE: Where commodities are to be exported by a party other than the original purchaser of the commodities from the Commodity Credit Corporation, the original purchaser shall inform the exporter in writing of the requirement for submitting the additional copy of the Shipper's Export Declaration and Bill of Lading.

2. Section 371.23 *General License GHK; shipments of certain commodities to Hong Kong*, paragraph (b) *Government surplus agricultural commodities* is amended to read as follows:

(b) *Surplus agricultural commodities and manufactures thereof.* The provisions of § 371.8 (c) apply to exportations of surplus agricultural commodities and manufactures thereof which are shipped under General License GHK.

3. Section 373.5 *Agricultural commodities owned or previously owned by the Commodity Credit Corporation (CCC)* and the note following are amended to read as follows:

§ 373.5 *Licensing policy for agricultural commodities and manufactures thereof.* (a) It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export, or authority to reexport, agricultural commodities and manufactures thereof to any Subgroup A destination where the proposed shipment (1) consists of any commodity which is acquired directly or indirectly from the Commodity Credit Corporation, whether in the form acquired or in processed form; (2) consists of any commodity which is shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; and (3) is subsidized for export by the Commodity Credit Corporation either by cash payments or by payments in kind.

(b) License applications covering proposed shipments of agricultural commodities and manufactures thereof destined to Eastern European countries of the Soviet Bloc may be considered for approval, if approval would not be in conflict with the policy stated in paragraph (a) of this section. Such license applications submitted to the Bureau of Foreign Commerce shall contain the following certification in the column headed "Commodity Description":

I (we) certify (1) that the commodities covered by this application have not been and will not be obtained directly or indirectly from Commodity Credit Corporation stocks; (2) that the commodities will not be shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

NOTE: See § 371.8 for exportations under General License GRO of surplus agricultural commodities and manufactures thereof.

4. Section 373.49 *Machinery and equipment*, paragraph (c) *Tools incorporating diamonds*, subparagraph (1) *Commodities included* is amended to read as follows:

(1) *Commodities included.* Any tool incorporating diamonds requires a validated license (unless General License GLV applies to the shipment of the tool) for export to all R and O country destinations, whether or not the tool is shipped with the machine with which it is to be used.

5. Section 373.55 *Chemicals and medicinals*, paragraph (c) *Poliomyelitis vaccine* is amended to read as follows:

(c) *Poliomyelitis vaccine*—(1) *Licensing policy.* License applications to export poliomyelitis vaccine, Schedule B No. 812200 will be considered for approval as set forth below:

(i) *Immunization program.* Where the vaccine is to be used for an immunization program abroad, the Bureau of Foreign Commerce will give licensing priority to the use of the vaccine in a country that has:

(*a*) A high poliomyelitis incidence or a current epidemic situation.

(*b*) An effective program for utilizing the vaccine.

(ii) *Other purposes.* In addition to the above, the Bureau of Foreign Commerce

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[1] This amendment was published in Current Export Bulletin No. 767, dated August 23, 1956.

[2] This procedure is also applicable to such shipments under General License GHK (§ 371.23).

will give consideration to applications for vaccine to be used for one of the following purposes:

(*a*) Product registration;

(*b*) Biologics control;

(*c*) Laboratory experimentation or research other than for immunization purposes;

(*d*) Inoculation of United States nationals stationed abroad (excluding members of the United States Armed Services and United States Government employees stationed abroad for whom provisions have been made to receive vaccine inoculations through United States Government facilities);

(*e*) Other uses which merit consideration because of unusual or special considerations not falling specifically within one of the above categories.

(2) *Submission of license applications.* In addition to the provisions of § 372.5 of this subchapter, a license application covering the exportation of poliomyelitis vaccine shall include the information described below.

(i) If the vaccine is to be used for the purpose of an immunization program the application shall be supported by a statement from the Ministry of Public Health of the country of destination setting forth the need and the program for effective use and distribution of the vaccine. In addition, the statement shall contain the following information:

(*a*) Number of cases in the country per hundred thousand of total population.

(*b*) Specific locality to which the disease is confined.

(*c*) Age groups having highest reported incidence.

(*d*) Number of persons to be inoculated.

(*e*) Any other pertinent substantiated scientific data.

(ii) If the vaccine is to be used for the purpose of laboratory experimentation or research (excluding immunization programs), the license application shall be accompanied by a statement signed by the ultimate consignee which sets forth the following information:

(*a*) Purpose for which the vaccine will be used, i. e., laboratory experimentation or research;

(*b*) Type and purpose of research or experimentation which will be conducted (specify whether tests are to be conducted on animals or humans);

(*c*) Any other information as to end use; and

(*d*) Name and address of the foreign firm or organization which will conduct the research or experimentation.

(iii) If the vaccine is to be used for the inoculation of United States nationals abroad (excluding members of the United States Armed Services and United States Government employees stationed abroad for whom provisions have been made to receive vaccine inoculations through United States Government facilities), the license application shall show the number of United States nationals to be inoculated.

(3) *Waiver to application requirements.* (i) In those instances where the need is immediate and urgent or other special circumstances warrant, the Bureau of Foreign Commerce will consider waiving the requirement for a statement from the Ministry of Public Health as provided in subparagraph (2) (i) of this paragraph.

(ii) Consideration will also be given to granting a waiver from the requirement for a signed statement from the ultimate consignee as provided in subparagraph (2) (ii) of this paragraph where it is shown that the statement would impose an undue hardship on the United States exporter.

(iii) Where a request for waiver is made, a supporting document setting forth the reason for requesting the waiver shall accompany the license application.

6. Section 379.3 *Presentation of Shipper's Export Declaration*, paragraph (c) *Number of copies to be presented*, subparagraph (4) *Government surplus agricultural commodities* is amended to read as follows:

(4) *Surplus agricultural commodities and manufactures thereof.* See also § 371.8 (c) of this subchapter for exportations of surplus agricultural commodities and manufactures thereof.

Parts 1, 2, 3, 4 and 6 of this amendment shall become effective as of August 30, 1956, and part 5 of this amendment shall become effective as of August 11, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-6808; Filed, Aug. 22, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File 21-416]

PART 187—ADVERTISING AND SALES PROMOTION OF MAIL ORDER INSURANCE

ORDER REPEALING TRADE PRACTICE RULES

Whereas on February 3, 1950, the Commission promulgated trade practice rules relating to the Advertising and Sales Promotion of Mail Order Insurance which were codified in the Code of Federal Regulations (16 CFR Part 187); and

Whereas on June 15, 1956, the Commission promulgated trade practice rules for the Accident and Health Insurance Industry which cover the advertising and sales promotion of accident and health insurance by mail, and which contain provisions substantially different from provisions of the rules relating to the Advertising and Sales Promotion of Mail Order Insurance; and

Whereas the Commission directed that a hearing be held pursuant to notice in the FEDERAL REGISTER to afford industry members an opportunity to be heard and make known their objections, if any, to repeal of the trade practice rules relating to the Advertising and Sales Promotion of Mail Order Insurance; and

Whereas the hearing was duly held on July 10, 1956, and all views there presented, or otherwise received, have been considered:

It is ordered, That the trade practice rules relating to the Advertising and Sales Promotion of Mail Order Insurance be, and the same hereby are, repealed.

Issued: August 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6814; Filed, Aug. 22, 1956; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

INFORMATION FOR OFFICE OF SMALL BUSINESS/ICA

AUGUST 16, 1956.

Section 201.13 of ICA Regulation 1 is hereby amended to read as follows effective as of October 1, 1956:

§ 201.13 *Information for Office of Small Business/ICA.* (a) To permit ICA, in accordance with section 504 of the act, to give United States suppliers (particularly small independent enterprises) an opportunity to participate in supplying commodities and services financed by ICA, the importer, before placing or agreeing to place any order covered by a subauthorization of more than $5,000, shall, insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of the act, furnish by registered mail to the Office of Small Business, ICA, Washington, D. C., the following information in the following form in duplicate in the English language with specifications stated in terms of United States standards.

Name and address of importer.	ICA PA or PIO/C number (if known).	Quotations will be accepted until ---------- (Date)
Subauthorization or Import license number (if known).	Cabled quotations will ( ) will not ( ) be accepted. If yes, give cable address.	Approximate dollar amount of proposed purchase.

Full description of commodities and services (excluding ocean transportation and marine insurance) to be imported, including sizes, quantities, etc., and any special conditions: ----------

---------- (Name of importer)

By ---------- (Authorized signature)

(b) The importer shall not accept any offer or place any order or agree to accept any offer or place any order under a subauthorizaton until after 30 days have elapsed from the time that the information described in paragraph (a) of this section reaches, or in the normal course of the mail would reach, the Office of Small Business, ICA, Washington, D. C. The Office of Small Business may, upon application by the importer, waive or reduce the 30 day waiting period where such action is deemed appropriate by the Office of Small Business.

(c) Where procurement is undertaken directly by a cooperating country government or its governmental agency on the basis of formal sealed bids, the importer, in lieu of furnishing the information described in paragraph (a) of this section, shall transmit so as to be received by the Office of Small Business, ICA, Washington, D. C., at least 30 days before the closing date for bids, a copy of the complete invitation for bids (including specifications according to United States standards, terms and conditions, the closing hour and date for bids, the applicable invitation number, and the address where invitation forms and complete specifications may be obtained by prospective suppliers).

(d) The provisions of paragraphs (a), (b), and (c) of this section, shall not apply to imports of agricultural commodities except as otherwise specifically provided for in any PA or PIO covering agricultural commodities.

(e) Where ICA-financed purchases are made on the basis of sealed bids, the importer shall, within 30 days after making the award, furnish the Office of Small Business, ICA, Washington, D. C., an abstract of the bids showing the names and addresses of all bidders, the bids they submitted in terms of commodities, quantity, and prices, and the name and address of the successful bidder or bidders. The abstract of bids shall not be required in cases where the supplier and importer are private commercial operators unless the Office of Small Business, ICA, Washington, D. C., specifically requests the importer for such an abstract.

(f) The provisions of this section shall not apply to procurement undertaken by United States Government Agencies. Such procurement, however, shall be based upon specifications in terms of United States standards.

(Sec. 525, 68 Stat. 856; 22 U. S. C. 1785)

JOHN B. HOLLISTER,
Director,
International Cooperation Administration.

[F. R. Doc. 56-6815; Filed, Aug. 22, 1956; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ROCKY MOUNTAIN NATIONAL PARK

Paragraph (b) *Fishing*, of § 20.7 *Rocky Mountain National Park*, is amended to read as follows:

(b) *Fishing.* (1) Along the eastern shores of Shadow Mountain Lake and the Granby Reservoir fishing shall be done in conformity with the laws and regulations of the State of Colorado.

(2) Elsewhere in the Park, fishing shall be permitted in conformity with the laws and regulations of the State of Colorado regarding minimum size limits and the method of handling and returning undersized fish to the water; and, the following additional provisions:

(i) The open season for fishing shall be June 15 through September 30.

(ii) Permissible hours for fishing shall be 4:00 a. m. to 8:30 p. m., m. s. t.

(iii) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(iv) Fishing with minnows, small fish, fish eggs, or other live bait or the release or freeing thereof, in any of the waters is prohibited.

(v) The number of fish that may be taken by any person in any one day is limited to 10 fish (not exceeding a total of 10 pounds). The possession of more than one day's catch by any person at any time is prohibited.

(vi) Fishing in rearing ponds or other posted waters is prohibited.

(vii) Tonahutu Creek is closed for a distance of 3 miles upstream from the park boundary.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 4th day of June 1956.

JAMES V. LLOYD,
Superintendent,
Rocky Mountain National Park.

[F. R. Doc. 56-6799; Filed, Aug. 22, 1956; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1321]

[Fairbanks 012949]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF COAST AND GEODETIC SURVEY, DEPARTMENT OF COMMERCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Coast and Geodetic Survey, Department of Commerce, in connection with the installation of a geomagnetic observatory:

FAIRBANKS MERIDIAN

T. 1 N., R. 2 W.,
Sec. 20, SW¼SW¼ (unsurveyed).

The area described contains 40 acres.

The jurisdiction granted by this order shall not continue beyond the expiration of five years after the publication hereof in the FEDERAL REGISTER. At that time jurisdiction over the lands hereby reserved, if not sooner terminated, shall be revested in the Department of the Interior and any other department or agency of the Federal Government, according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 17, 1956.

[F. R. Doc. 56-6794; Filed, Aug. 22, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

WHITE-FRINGED BEETLE

DOMESTIC QUARANTINE NOTICE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator, Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and section 3 of the Insect Pest Act (7 U. S. C. 143), is considering amending notice of quarantine No. 72 relating to the white-fringed beetle and the regulations supplemental to said quarantine (7 CFR, and 1955 Supp., 301.72, 301.72-1 et seq.) to read as follows:

QUARANTINE

Sec.
301.72 Notice of quarantine.

REGULATIONS

301.72-1 Definitions.
301.72-2 Designation of regulated areas.
301.72-3 Regulated articles.

Sec.

301.72–4 Conditions governing interstate movement of certain regulated articles.
301.72–5 Conditions governing the issuance of certificates and limited permits.
301.72–6 Assembly of articles for inspection.
301.72–7 Cancellation of certificates and limited permits.
301.72–8 Inspection of shipments en route.
301.72–9 Disinfecting vehicles, machinery, and other articles.
301.72–10 Shipments for experimental and scientific purposes.
301.72–11 Nonliability of Department.

AUTHORITY: §§ 301.72 to 301.72–11 issued under sections 8, 9, of the Plant Quarantine Act of August 20, 1912, as amended, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; secs. 1, 3, 33 Stat. 1269, 1270; 7 U. S. C. 161, 162, 141, 143.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee have been and hereby are continued to be quarantined to prevent the spread of introduced species of the genus Graphognathus, commonly known as white-fringed beetles, dangerous insects of foreign origin notoriously injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), supplemental regulations are hereinafter prescribed (§§ 301.72–1 to 301.72–11) governing the movement of white-fringed beetles and carriers thereof. Hereafter (a) live white-fringed beetles in any stage of development, (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (c) soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles; (d) grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay; (e) uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed; (f) scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders; (g) forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties; (h) railway cars, trucks, and other means of conveyance; construction and maintenance equipment; containers; and other articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading white-fringed beetles as determined in accordance with the supplemental regulations §§ 301.72–1 to 301.72–11, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the supplemental regulations, as from time to time amended: *Provided*, That the requirements of this quarantine and of the supplemental regulations, except as otherwise provided in the regulations, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of white-fringed beetles, except that such limitation is further conditioned upon the affected State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon the State's enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the infestations of said insects: *Provided, further*, That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the supplemental regulations apply, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.72–1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *White-fringed beetle.* Species of the genus Graphognathus, in any stage of development.

(b) *Infestation.* The presence of white-fringed beetles.

(c) *Regulated areas.* The counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.72–2 as regulated areas.

(d) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots.

(e) *Regulated articles.* Products or articles of any character whatsoever, the movement of which is regulated by this quarantine (§ 301.72) and regulations supplemental thereto (§§ 301.72–1 to 301.72–11).

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly, from a regulated area. "Movement" and "move" shall be construed accordingly.

(h) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(i) *Master certificate.* A document, indicating the quantity and nature of the articles covered thereby, issued by an inspector for use with bulk or lot shipments of regulated articles by rail, boat, or road vehicle, authorizing their interstate movement from the regulated areas.

(j) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* A document, constituting an agreement to comply with stipulated quarantine conditions, executed by persons or firms engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of the provisions thereof by the Chief of the Plant Pest Control Branch, Agricultural Research Service.

(m) *Interstate.* From one State, Territory, or District of the United States into or through another.

§ 301.72–2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, parishes, cities, sections, townships, militia districts, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the white-fringed beetle therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.72–3 *Regulated articles—(a) White-fringed beetles; removal prohibited, exception.* The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live white-fringed beetles, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141). Provisions for the removal of live white-fringed beetles, for scientific purposes, are set forth in § 301.72–10.

(b) *Other regulated articles; movement regulated.* Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in the regulations in this subpart:

(1) Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots.

(2) Soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles, except that the movement of processed sand and gravel is not regulated.

(3) Grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay.

(4) Uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed.

(5) Scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders.

(6) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Other articles of any character whatsoever that might present a hazard of spread of white-fringed beetles.

§ 301.72–4 *Conditions governing interstate movement of certain regulated articles.—(a) Certificate or limited permit required.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.72–10, regulated articles designated in § 301.72–3 (b) shall not be moved from any regulated area into or through any point outside thereof unless accompanied by a valid certificate or limited permit issued under § 301.72–5. In issuing such administrative instructions, the Chief of the Plant Pest Control Branch will designate the regulated articles to be exempt from the requirements of the regulations supplemental to the quarantine and set forth any special conditions which qualify certain articles for such exemption.

(b) *Use of certificates on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72–5 (b) for movement of noncertified shipments under limited permits to designated destinations for processing, every container of regulated articles moved from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with the regulations in this subpart. However, in the case of carload or less-than-carload shipments by freight, express, or truck, either in containers or in bulk, a single master certificate shall be attached to the waybill or invoice. In the case of less-than-carload shipments by freight or express, an additional certificate shall be attached to one of the containers.

(c) *Articles originating outside the regulated areas.* No certificates or limited permits are required for the movement of regulated articles designated in § 301.72–3 (b) which originate outside any regulated area and are moved through or reshipped from any regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles have been protected while in the regulated area, in a manner satisfactory to the inspector.

(d) *Protecting certified articles.* Subsequent to certification as provided in § 301.72–3 (b), regulated articles must be loaded, handled, and shipped only under such protection and safeguards against infestation as are required by the inspector.

§ 301.72–5 *Conditions governing the issuance of certificates and limited permits—(a) Certificates.* Certificates may be issued for the movement from a regulated area of the regulated articles designated in § 301.72–3 (b) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement from a regulated area of noncertified regulated articles designated in § 301.72–3 (b) to such destinations and consignees as may be authorized and designated by the Plant Pest Control Branch for processing or other safe handling. As conditions of such authorization and designation, persons or firms shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to maintenance of identity, handling, or subsequent movement of such articles, and to the cleaning or treatment of railway cars, trucks, and other means of conveyance, and containers used in the transportation of such articles, as may be required by the inspector.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person or firm engaged in producing, purchasing, assembling, exchanging, processing, or transporting such regulated articles originating or stored in regulated areas, may be required to sign a dealer-carrier agreement stipulating that he will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles.

§ 301.72–6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles designated in § 301.72–3 (b) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.72–7 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of white-fringed beetles.

§ 301.72–8 *Inspection of shipments en route.* Any vehicle, boat, ship, vessel, receptacle, or any other means of transportation, moving interstate which an inspector has probable cause to believe carries or contains any white-fringed beetles, the transportation of which is illegal, or any other regulated article controlled by § 301.72 and the regulations in this subpart shall be subject to inspection by the inspector.

§ 301.72–9 *Disinfesting vehicles, machinery, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfecting, or other sanitary treatments of railway cars, trucks, other vehicles, machinery, implements, and other articles, will be required by the inspector before they may be moved to points outside the regulated areas.

§ 301.72–10 *Shipments for experimental and scientific purposes.* Live white-fringed beetles may be removed from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved interstate from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.72–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, or for the chemical or mechanical injury of any commodity treated under the regulations in this subpart, other than for the services of the inspector.

This amendment would authorize the Chief of the Plant Pest Control Branch to publish, from time to time, in administrative instructions a list of the minor civil divisions or parts thereof, in quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested districts, and to designate such civil divisions or parts thereof as a regulated area. Civil divisions or parts thereof so designated would, under the proposed amendment, continue in a regulated status until the Chief of the Plant Pest Control Branch has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the infestation therein or that regulation of such area is not otherwise necessary for quarantine enforcement purposes, and has issued administrative instructions revoking the designation of such civil divisions or parts thereof as a regulated area.

Other amendments would make the provisions of these regulations conform as closely as possible in phraseology with similar domestic plant quarantine regulations and make numerous clarifying changes.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56–6618; Filed, Aug. 22, 1956; 8:51 a. m.]

[7 CFR Part 301]

WHITE-FRINGED BEETLE QUARANTINE

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM CERTIFICATION REQUIREMENTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, pursuant to the authority to be conferred by a proposed amendment of the White-Fringed Beetle Quarantine No. 72 (7 CFR 301.72, *supra*), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering amending the administrative instructions exempting certain articles from requirements of the regulations supplemental to said quarantine (7 CFR, 1955 Supp., 301.72a) to read as follows:

§ 301.72a *Administrative instructions exempting certain articles from requirements of regulations.* The Chief of the Plant Pest Control Branch has found that facts exist as to the pest risk involved in the movement of the following regulated articles making it safe to modify, by making less stringent, the requirements of the regulations supplemental to the white-fringed beetle quarantine as follows:

(a) The movement of the following articles, when they are free of soil, or when they have not been exposed to infestation, or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector, is hereby exempted from the certification requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(4) Potatoes (Irish) when freshly harvested, grown in the regulated areas in Baldwin or Escambia Counties, Alabama; or Escambia County, Florida.

(b) The movement of the following articles, when they meet the requirements of paragraph (a) of this section or when the storage yards or premises and environs thereof have been surface treated with an insecticide, at dosages administratively approved and at intervals prescribed by the inspector, is hereby exempted from the certification requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(2) Brick, tile, stone; concrete slabs, pipe, building blocks; and cinders.

The proposed amendment of the administrative instructions would exempt the same articles as heretofore, but would provide a less stringent condition for the exemption of forest products, brick, tile, stone, concrete slabs, pipe, building blocks, and cinders.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; 7 CFR Supp. 301.72)

Done at Washington, D. C., this 17th day of August 1956.

[SEAL] L. F. CURL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56–6816; Filed, Aug. 22, 1956; 8:51 a. m.]

[7 CFR Part 301]

WHITE-FRINGED BEETLE QUARANTINE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, contingent upon authority being delegated to him in conformity with § 301.72–2 of the proposed amendment of the white-fringed beetle regulations (7 CFR 301.72–2, *supra*), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering issuing the following administrative instructions, to appear in 7 CFR Supp. 301.72–2a, listing counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, and parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby designating such counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, and parts thereof, as white-fringed beetle regulated areas within the meaning of the provisions of this subpart:

§ 301.72–2a *Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.* Infestations of white-fringed beetles have been determined to exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

ALABAMA

Baldwin County. S½ T. 3 S., Rs. 3 and 4 E.; SE¼ T. 3 S., R. 2 E.; Tps. 4 and 5 S., Rs. 3 and 4 E.; E½ Tps. 4 and 5 S., R. 2 E.; Tps. 6 and 7 S., R. 4 E.; E½ T. 7 S., R. 3 E.; E½ and secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 6 S., R. 3 E.; secs. 1, 2, 3, 10, 11, and 12, T. 6 S., R. 2 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; S⅔ T. 7 S., R. 5 E.; and T. 7 S., R. 6 E.

Clarke County. N½ T. 8 N., R. 3 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the South line of T. 6 N.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dale County. Secs. 25 and 36, T. 4 N., R. 25 E.; secs. 28, 29, 30, T. 4 N., R. 26 E.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; the N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. All of Geneva County.

Houston County. All of Houston County west of West line of R. 28 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. All of Mobile County.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Wilcox County. N½ T. 10 N., Rs. 6, 7 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River and south of Pine Barren Creek.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. S½ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. All of Jackson County east of Cowarts Creek and the Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S. Highway 441 with said highway as a center line for a distance of one mile.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a centerline to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a centerline to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a centerline for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a centerline to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north

from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township lines between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.

Tangipahoa Parish. Secs. 26, 27, 28, 33, 34, and 35, T. 6 S., R. 7 E.; secs. 2, 3, 4, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 30, and 31, T. 6 S., R. 8 E., including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E½ Tps. 3 and 4 S., R. 13 E.; E½ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; W½ T. 1 N., R. 14 E.; and W½ T. 10 N., R. 9 W.

Copiah County. Secs. 32, 33, 34, 35, and 36, T. 1 N., R. 2 W.; secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, T. 10 N., R. 8 E.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; E⅝ T. 6 N., R. 3 W.; W½ T. 6 N., R. 2 W.; and that area within the corporate limits of Jackson.

Jackson County. All of Jackson County.

Jasper County. T. 3 N., R. 10 E.; W⅔ T. 2 N., R. 10 E.; secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3, T. 10 N., R. 13 W.; T. 1 N., R. 13 E.; that portion of T. 10 N., R. 9 W., and the E⅔ T. 10 N., R. 10 W., lying in Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Lamar County. All of Lamar County.

Lauderdale County. Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian

Lawrence County. That part lying east of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 8 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; W⅓ T. 10 N., R. 8 E.; and E½ T. 10 N., R. 7 E.; and T. 9 N., R. 8 E.

Lincoln County. T. 7 N., R. 8 E.; and E½ T. 7 N., R. 7 E.

Marion County. N½ T. 3 N., Rs. 17, 18, and 19 W.; T. 4 N., Rs. 17, 18, and 19 W.; T. 5 N., R. 17 W.; and all of T. 5 N., Rs. 18 and 19 W., in Marion County.

Pearl River County. All of Pearl River County.

Perry County. S⅔ T. 3 N., Rs. 9, 10, and 11 W.; T. 2 N. R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 1 and 2, T. 4 N., R. 10 W.; secs. 25, 26, 35, and 36, T. 5 N., R. 10 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.

Pike County. Secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 3 N., R. 8 E.; secs. 31 and 32, T. 4 N., R. 8 E., and secs. 34, 35, and 36, T. 4 N., R. 7 E.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E., Tps. 5 and 6 N., Rs. 1 and 2 E.

Scott County. W⅔ T. 8 N., R. 8 E.; and secs. 3, 4, 5, and 6, T. 7 N., R. 8 E.

Simpson County. Tps. 9 and 10 N., Rs. 17, 18, and 19 W.; T. 1 N., Rs. 4, 5, and 6 E.; T. 2 N., Rs. 3, 4, and 5 E.

Stone County. All of Stone County.

Walthall County. Secs. 23, 24, 25, 26, 35, and 36, T. 2 N., R. 10 E.; N½ T. 1 N., R. 11 E., N½ T. 1 N., R. 12 E.; S½ T. 2 N., R. 11 E.; S½ T. 2 N., R. 12 E.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T 8 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a centerline to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15–A with said highway as a centerline for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a centerline for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Onslow County. That area 3½ miles wide extending along U. S. Highway 17 with said highway as a centerline from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a centerline to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15–A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15–A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by an imaginary line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

Fairfield County. That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5½ miles northwest of the city of Winnsboro.

TENNESSEE

Hamilton County. That area included within a circle having a ½-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Hardeman County. That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

Shelby County. All of Shelby County.

Tipton County. That area within the corporate limits of the town of Mason and that area within a ½-mile radius on the east, north, and west, and to the Shelby County line on the south with the center at E. L. Reed homeplace.

These administrative instructions list the localities that are proposed for regulation under a revision of the white-fringed beetle notice of quarantine and supplemental regulations now being concurrently considered for issuance. The instructions would add to the regulated areas for the first time parts of Coffee and Dale counties, Alabama; and parts of Copiah, Hinds, Lincoln, Pike, Scott, and Walthall counties, Mississippi; and would increase the size of the regulated areas in Geneva, Houston, and Mobile counties, Alabama; Jackson county, Florida; Leake and Marion counties, Mississippi; and Shelby and Tipton counties, Tennessee. The instructions would also delete from the present regulated area 14 sections in Iberia Parish, Louisiana.

All persons who desire to submit written data, views, or arguments in connection with the matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; 7 CFR Supp. 301.72–2)

Done at Washington, D. C., this 17th day of August, 1956.

[SEAL] L. F. CURL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56–6817; Filed, Aug. 22, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–78]

[Docket 3666; Notice 27]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JULY 27, 1956.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in an Appendix hereto.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before September 5, 1956. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8264, 8265, 8266, 8267, 8268, 8269, 8271, 8272, 8273, Dec. 2, 1950) (18 F. R. 5270, Sept. 1, 1953) (21 F. R. 3008, 3025, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Bromine pentafluoride	Cor. L	No exemption, 73.284	White	100 pounds.
Bromine trifluoride	Cor. L	No exemption, 73.283	do	Do.
Chlorine trifluoride	Cor. L	No exemption, 73.285	do	Do.
Dichlorodifluoromethane	Nonf. G	73.302, 73.306, 73.314, 73.315.	Green	300 pounds.
Highway fuses	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Igniters, jet thrust (jato), class B explosives.	Expl. B	No exemption, 73.92	None	Do.
Igniters, jet thrust (jato), class A explosives.	Expl. A	No exemption, 73.79	do	Not accepted.
Matches, book, card, or strike-on-box	See § 73.176 (g).			
ØMethyl chloride	F. G.	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
Railway fuses	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Vinyl chloride, inhibited	F. G	73.302, 73.308, 73.314	Red Gas	300 pounds.
(Add)				
Argon, pressurized liquid	Nonf. G	No exemption, 73.308	Green	Do.
ØDichlorodifluoromethane - dichlorotetrafluoroethane mixture.	Nonf. G	73.302, 73.306, 73.314, 73.315.	do	Do.
ØDichlorodifluoromethane - monochlorodifluoromethane mixture.	Nonf. G	73.302, 73.306, 73.314	do	Do.
ØDichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture.	Nonf. G	73.302, 73.306, 73.314	do	Do.

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Dichlorodifluoromethane-trichlorofluoroethane mixture.	Nonf. G	73.302, 73.306, 73.314	Green	300 pounds
Fusees. See Railway or highway fusees.				
Hand signal devices	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
(Under Initiating explosive)				
Lead mononitroresorcinate		No exemption, 73.70		
Lead mononitroresorcinate. See Initiating explosive.				
Methyl dichlorosilane	F. L	No exemption, 73.136	Red	10 gallons.
Nitrogen, pressurized liquid	Nonf. G	No exemption, 73.308	Green	300 pounds.
Oxygen, pressurized liquid	Nonf. G	No exemption, 73.308	do	Do.
Pyroforic fuel	F. L	No exemption, 73.134	Red	Not accepted.
Signal flares	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Smoke candles	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Smoke pots	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Smoke signals	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Starter cartridges, jet engine, class B explosives.	Expl. B	No exemption, 73.92		Do.
Very signal cartridges	Expl. C	No exemption, 73.100(y), 73.108.		Do.
(Cancel)				
Flares, signal. See Common fireworks.				
Pressurized flammable liquid, n. o. s.	F. L	No exemption, 73.142	Red	10 gallons.
Signals, highway. See Common fireworks.				
Smoke candles. See Common fireworks.				
Smoke pots. See Common fireworks.				
Smoke signals. See Common fireworks.				
Very signal cartridge. See Special fireworks.				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.21 amend paragraph (b) (18 F. R. 801, 802, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.21) to read as follows:

§ 73.21 *Prohibited packing.* • • •

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

2. In § 73.25 amend paragraph (b) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.25) to read as follows:

§ 73.25 *Specification containers in outside containers.* • • •

(b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except under the following conditions:

(1) As provided in §§ 73.242, 73.257, 73.258, 73.259, 73.260, 73.261, and 73.286.

(2) Electrolyte acid or alkaline corrosive battery fluid in packages prescribed in §§ 73.257 and 73.258 may be included in outside shipping containers with dry charged storage batteries when packed to prevent movement within the outside containers.

(3) The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "This Side Up" or "This End Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

3. In § 73.34 amend entire paragraph (f), and (h); amend paragraph (k) table, and paragraph (k) (11) (16 F. R. 9373, Sept. 15, 1951) (18 F. R. 5270, Sept. 1, 1953) (19 F. R. 3259, June 3, 1954) (15 F. R. 8283, Dec. 2, 1950) (19 F. R. 6267, Sept. 29, 1954) (19 F. R. 8524, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(f) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. (Cylinders shall not be shipped with leaking safety relief devices. Safety relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal.) Exceptions are as follows:

(1) Except as provided in Notes 1, 2 and 3, safety relief devices are not required on cylinders 12" or less in length, exclusive of neck, and 4½" or less in outside diameter.

NOTE 1: Safety relief devices are required on specs. 9, 40, and 41 (§§ 78.63, 78.66, and 78.67 of this chapter) cylinders.

NOTE 2: Safety relief devices are required on cylinders charged with a liquefied gas for which this part requires a service pressure of 1,800 pounds per square inch or higher.

NOTE 3: Safety relief devices are required on cylinders charged with nonliquefied gases to a pressure of 1,800 pounds per square inch or higher at 70° F.

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas under pressure of 300 pounds per square inch or less at 70° F.

(3) Safety relief devices are prohibited on cylinders charged with poisonous gas or liquid as defined in § 73.326 (a).

(4) Safety relief devices are prohibited on cylinders charged with fluorine.

(5) Safety relief devices are not required on cylinders charged with methyl mercaptan; mono, di, or trimethylamine, anhydrous; with not over 10 pounds of nitrosyl chloride; or with less than 165 pounds of anhydrous ammonia.

(6) Safety relief devices are not required on drums containing liquefied petroleum gas as provided for in § 73.312 (a).

• • • • • •

(h) Cylinders exposed to the action of fire. Cylinders which have been in a fire must not again be placed in service until they have been properly heat treated and retested as prescribed in paragraph (i) of this section: *Provided*, That cylinders made of plain carbon steel with not over 0.25 percent carbon need not be heat treated, and may be used after passing the pressure test prescribed. Acetylene cylinders, except those authorized in specification ICC–8, to be made of 4130X steel and those made to comply with specification 8AL, need not be treated or tested, provided porous filling is found to be unchanged and intact. The inner cylinders made under specification 4L may be used after again passing the original hydrostatic test.

• • • • • •

(k) • • •

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC–3	3,000 pounds.
ICC–3A; ICC–3AA; ICC–3D; ICC–4A; ICC–26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC–3B; ICC–3BN; ICC–4AA480; ICC–4B; ICC–4BA; ICC–4D; ICC–4DA; ICC–26 marked for filling at 450 pounds and below.	2 times service pressure. (See § 73.301 (g).)
ICC–3C; ICC–3E; ICC–4C; ICC–4L; ICC–8; ICC–8AL	Quinquennial test not required.
ICC–7 when used as authorized in § 73.312 (a) (4)	300 pounds.
ICC–7 when not used under authority of § 73.312 (a) (4)	Quinquennial test not required.
ICC–4	700 pounds.
ICC–9	400 pounds.
ICC–25; ICC–38	500 pounds.
ICC–33	800 pounds.

• • • • •

(11) Cylinders made in compliance with specifications ICC–4B, ICC–4BA, and ICC–26–300,' (§§ 78.50 and 78.51 of this chapter), used exclusively for anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, methyl chloride, or liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochoroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoroethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first ten-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(Notes 1 and 2 remain the same.)

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.53 amend paragraphs (b), (c), (d), and (e) (19 F. R. 8525, Dec. 14, 1954) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(b) *Type 2.* Solid explosives which contain a liquid explosive ingredient, and which, when unconfined (See Note 3), can be detonated by means of a No. 8 test blasting cap (See Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (See Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing a liquid explosive ingredient.

(c) *Type 3.* Solid explosives which contain no liquid explosive ingredient and which can be detonated, when unconfined (See Note 3), by means of a No. 8 test blasting cap (See Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (See Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing no liquid explosive ingredient, trinitrotoluene, amatol, tetryl, picric acid, urea nitrate, pentolite, and commercial boosters.

(d) *Type 4.* Solid explosives which can be caused to detonate when unconfined (see Note 3), by contact with sparks or flame such as produced by safety fuse or an electric squib; or which can be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), in more than 50 percent of the trials under a drop of less than 4 inches. Example: Initiating and priming explosives, lead azide, fulminate of mercury, etc., and high explosives.

(e) *Type 5.* Desensitized liquid explosives are explosives which may be detonated separately or when absorbed in sterile absorbent cotton, by a No. 8 test blasting cap (see Note 2); but which cannot be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), by a drop of less than 10 inches. The desensitizer must not be significantly more voltatile than nitroglycerine and the desensitized explosive must not freeze at temperatures above minus 10° F. Example: High explosives, desensitized nitroglycerine.

2. In § 73.56 amend paragraph (f) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.56, 1950 Rev.) to read as follows:

§ 73.56 *Ammunition, projectiles, grenades, bombs, mines, and torpedoes.* • • •

(f) Each exterior package or projectile, bomb, or mine must be plainly marked "Explosive Projectile," "Explosive Torpedo," "Explosive Mine," "Explosive Bomb," "Hand Grenades," or "Rifle Grenades," as the case may be, except that each device need not be so marked when palletized and the palletized units are plainly marked and shipped as carload or truckload shipments.

3. In § 73.60 add paragraph (b) (3) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.60, 1950 Rev.) to read as follows:

§ 73.60 *Black powder and low explosives.* • • •

(b) • • •

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 5 gallons capacity each, without opening except bunghole not exceeding 2.3 inches in diameter. Authorized for carload or truckload shipments only.

4. In § 73.63 amend paragraph (c) (2) (20 F. R. 8099, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* • • •

(c) • • •

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing, or with not more than two inside containers which must be securely closed polyethylene bags not less than 0.004 inch in thickness of not more than 12½ pounds capacity each packed in a securely closed polyethylene or paper bag and packed in polyethylene lined outside fiberboard boxes. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

5. Amend entire § 73.70 (15 F. R. 8291, Dec. 2, 1950) (16 F. R. 11776, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.70) to read as follows:

§ 73.70 *Diazodinitrophenol or lead mononitroresorcinate.* (a) The offering of diazodinitrophenol or lead mononitroresorcinate in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Diazodinitrophenol or lead mononitroresorcinate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of diazodinitrophenol in one container must not exceed 220 pounds and the dry weight of lead mononitroresorcinate in one container must not exceed 100 pounds. The bags containing diazodinitrophenol or lead mononitroresorcinate must be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured alcohol and water may be used to prevent freezing in transit.

(d) Each barrel, box, drum, or keg must be plainly marked "Initiating Explosive—Dangerous—Do Not Store or Load With Any High Explosive."

(e) Diazodinitrophenol or lead mononitroresorcinate, wet, must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

6. In § 73.88 amend the introductory text of paragraph (e); add paragraph (e) (2) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definitions of class B explosives.* • • •

(e) Jet thrust units (jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

• • • • • •

(2) Starter cartridges, jet engine, consist of plastic cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

7. In § 73.91 amend paragraph (a) (3) (20 F. R. 4414, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp. 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles, toy torpedoes, and aeroplane flares.

8. In § 73.92 amend paragraph (a) (3); add paragraph (a) (4) (21 F. R. 3009, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B.* (a) • • •

(3) Spec. 23F (§ 78.214 of this chapter). Fiberboard boxes. Authorized for igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, only, which must be packed in tightly closed inside fiberboard boxes, at least 200-pound test (Mullen or Cady), or metal containers. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment:

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, when the containers are approved by the Bureau of Explosives.

9. In § 73.100 amend the introductory text of paragraph (r); cancel paragraph (r) (12); add paragraph (y) (18 F. R. 3134, June 2, 1953) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of Class C explosives.* • • •

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y), inclusive, of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 73.51, are classed as Special Fireworks (see § 73.88 (d)).

• • • • • •

(12) [Canceled.]

• • • • • •

(y) Smoke candles, smoke pots, and smoke signals containing not more than 200 grams of pyrotechnic composition each, hand signal devices, Very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

10. In § 73.108 amend the introductory text of paragraph (a), and amend paragraph (d) (15 F. R. 8297, Dec. 2, 1950) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.108) to read as follows:

§ 73.108 *Common fireworks, signal flares, hand signal devices, railway or highway fuses, smoke signals, smoke candles, smoke pots, and Very signal cartridges.* (a) Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke pots, and Very signal cartridges, except as otherwise authorized, must be securely packed in containers complying with the following specifications:

• • • • • •

(d) Each outside package must be plainly marked in letters not less than 3/16 inch in height "Common Fireworks," "Signal Flares," "Hand Signal Devices," "Railway Fusees," "Highway Fusees," "Smoke Signals," "Smoke Candles," "Smoke Pots," or "Very Signal Cartridges," as the case may be, and with the additional words "Handle Carefully—Keep Fire Away."

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend entire § 73.115 (21 F. R. 670, Jan. 31, 1956) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.115) to read as follows:

§ 73.115 *Flammable liquids; definition.* (a) A flammable liquid for the purpose of Parts 71–78 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. and having vapor pressure not over 40 pounds per square inch absolute at 100° F.

(b) Flammable liquids are described as viscous flammable liquids (see § 73.119 (j)) when viscosity is determined by one of the following methods:

(1) The viscosity of the liquids must be determined in a Stormer viscosimeter with an actuating weight of 400 grams and with the liquid maintained at a temperature of 28° C. The cylinder of the viscosimeter must be immersed in the liquid.

(2) For transparent liquids the sample may be tested in a vertical glass tube, 1 inch inside diameter by approximately 13 inches long, having two marks 10 inches apart engraved thereon, the lower mark being 2 inches above the bottom of the tube; the liquid to be tested shall be poured into the tube until its surface rises one-half inch above the upper mark and must be maintained at a temperature of 28° C. during the test; a polished steel ball one-fourth inch in diameter shall be supported one-half inch above the surface of the liquid at the center of the tube and dropped therein.

(3) When the speed of the cylinder in the first test does not exceed 10 revolutions per 13 seconds, or the time required in the second test for the steel ball to fall the vertical distance between the two lines upon the glass tube is not less than 4 seconds the material is classed as "viscous."

2. In § 73.118 add paragraph (c) (35) and (36) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(35) Methyl dichlorosilane.

(36) Pyroforic fuel.

3. In § 73.119 amend Note 1 to paragraph (f) (3); amend the introductory text of paragraph (j); cancel paragraphs (j) (1), (2), and (3) (15 F. R. 8299, 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* • • •

(f) • • •

(3) • • •

NOTE 1: Tanks built in compliance with American Railway Association specifications for Class IV–A1 tank cars authorized for use effective October 1, 1925, may be continued in service for the transportation of ethyl chloride and other liquids which do not have a vapor pressure exceeding 28 pounds per square inch, gauge pressure, at 100° F., provided there is stenciled on each side of the tank immediately below the valve protecting housing the words "Liquids having vapor pressure exceeding 28 pounds per square inch at 100° F. must not be loaded into this tank" in letters and figures at least 1 inch high. These tank cars must be retested as prescribed in current spec. 105A100 (§ 78.270 of this chapter), except that safety valves must open at pressure not exceeding 35 pounds, and be vapor tight at 28 pounds per square inch.

(No change in Notes 2 and 3.)

• • • • • •

(j) *Viscous flammable liquids.* Flammable liquids having a viscosity as determined by one of the methods prescribed in § 73.115 (b) must be shipped in specification containers as prescribed in paragraph (k) or (l) of this section.

(1) [Canceled.]

(2) [Canceled.]

(3) [Canceled.]

4. In § 73.122 amend paragraph (a) (3) and Note 1 thereto (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.122) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) • • •

(3) Spec. 105A500–W (§ 78.288 of this chapter). Tank cars.

NOTE 1: Spec. 105A500–W (§ 78.288 of this chapter) tank cars stenciled 105A300–W (§ 78.286 of this chapter) because of safety valve settings may also be used.

5. Amend entire § 73.134 (21 F. R. 3009, May 5, 1956) (49 CFR 73.134, 1950 Rev.) to read as follows:

§ 73.134 *Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl.* (a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl must be shipped in cylinders as prescribed for any compressed gas, except acetylene, or in devices or apparatus of a type approved by the Bureau of Explosives.

(b) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl must not be offered for transportation by rail express.

6. In § 73.135 add paragraph (a) (7), (8), and (9) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(7) Spec. 103 or 103W (§ 78.265 or § 78.280 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100, 105A100–W or 105A300–W (§ 78.270, § 78.285 or § 78.286 of this chapter). Tank cars.

(9) Spec. MC300 or MC303 (§ 78.321 or § 78.324 of this chapter). Tank motor vehicles.

7. In § 73.136 amend the introductory text of paragraph (a); add paragraph (a) (6) and (7) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.136, 1950 Rev.) to read as follows:

§ 73.136 *Methyl dichlorosilane and trichlorosilane.* (a) Methyl dichlorosilane and trichlorosilane must be packed in specification containers as follows:

• • • • • •

(6) Spec. 103 or 103W (§ 78.265 or § 78.280 of this chapter). Tank cars, without bottom discharge outlet.

(7) Spec. 105A100, 105A100–W or 105A300–W (§ 78.270, § 78.285 or § 78.286 of this chapter). Tank cars.

8. In § 73.141 amend paragraph (a) (7) (19 F. R. 8526, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.141) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(7) Spec. 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§ 78.286, § 78.287, § 78.288, or § 78.289 of this chapter). Tank cars.

9. Cancel entire § 73.142 (17 F. R. 7281, Aug. 9, 1952) (21 F. R. 3009, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.142)

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend entire § 73.158 (15 F. R. 8304, Dec. 2, 1950) (17 F. R. 7281, Aug. 9, 1952) (16 F. R. 11777, Nov. 21, 1951) (17 F. R. 4295, May 10, 1952) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.158) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) Benzoyl peroxide, dry, lauroyl peroxide, dry chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry, may be shipped when packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect contents with equal efficiency. Net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

(2) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, net weight not over 100 pounds, authorized only for lauroyl peroxide, dry.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 (§ 78.205 of this chapter) boxes may be more than 65 but not more than 70 pounds provided net weight of contents does not exceed 50 pounds.

2. In § 73.202 amend paragraph (a) (1) (21 F. R. 671, Jan. 31, 1956) (49 CFR 73.202, 1950 Rev.) to read as follows:

§ 73.202 *Sodium and potassium, metallic liquid alloy.* (a) • • •

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.

3. In § 73.206 amend paragraph (c) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.206) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* • • •

(c) • • •

(1) Spec. 105A300–W (§ 78.286 of this chapter), tank cars, having exterior heater coils fusion welded to tank shell and properly stress-relieved, the material to be in molten condition when loaded into the tank and allowed to solidify before car is offered to the carrier.

4. In § 73.218 amend paragraph (a) (1) (19 F. R. 8526, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.218) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes, or other equally efficient container when approved by the Bureau of Explosives, with glass, metal, or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.242 amend paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* (a) Bottles containing acid or other corrosive liquids, as defined by § 73.240, must not be packed in the same outside container with any other article, except as specifically provided in paragraphs (b) and (c) of this section and § 73.25, § 73.257, § 73.258, § 73.259, § 73.260, § 73.261, or § 73.286.

2. In § 73.247 amend paragraph (a) (6) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.247) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl*

chloride, tin tetrachloride (anhydrous), and titanium tetrachloride. (a) • • •

(6) Spec. 103A, 103A–W, or 105A300–W (§ 78.266, § 78.281, or § 78.286 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

3. In § 73.249 amend paragraph (b) (1) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* • • •

(b) • • •

(1) In containers as prescribed in § 73.249 (a) (8), (9), and (10).

4. In § 73.253 add paragraph (a) (5) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.253, 1950 Rev.) to read as follows:

§ 73.253 *Chloracetyl chloride.* (a) • • •

(5) Spec. 5K (§ 78.88 of this chapter). Nickel drums.

5. In § 73.257 amend paragraph (a) (6) (21 F. R. 3026, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant non-fragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multiwall containers or not less than 0.006 inch for single wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers; gross weight of completed package shall not exceed 65 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

6. In § 73.258 amend the introductory text of paragraph (a) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.258, 1950 Rev.) to read as follows:

§ 73.258 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.* (a) Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries, except as provided in § 73.257 (a) (6), must be packed in specification containers as follows:

• • • • •

7. In § 73.262 amend the introductory text of paragraph (a); add paragraph (b) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.262, 1950 Rev.) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) Hydrobromic acid not over 49 percent strength must be packed in specification containers as follows:

• • • • •

(b) Hydrobromic acid greater than 49 percent strength but not over 63 percent strength must be packed in specification containers as follows:

(1) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys in plywood drums.

8. In § 73.264 amend the introductory text of paragraph (a); cancel paragraph (a) (3), (4), (5), (6); add Note 5 to paragraph (a) (7); add Note 1 to paragraph (a) (8); cancel paragraph (a) (12); add Note 1 to paragraph (a) (14); amend paragraph (b) (2) (15 F. R. 8317, 8318, Dec. 2, 1950) (17 F. R. 1562, Feb. 20, 1952) (21 F. R. 4565, June 26, 1956) (18 F. R. 6779; Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.264) to read as follows:

§ 73.264 *Hydrofloric acid.* (a) Hydrofluric acid must be packed in specification containers as follows:

• • • • •

(3) [Canceled.]
(4) [Canceled.]
(5) [Canceled.]
(6) [Canceled.]
(7) • • •

NOTE: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined steel containers, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(8) • • •

NOTE 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined metal tank cars, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

• • • • •

(12) [Canceled.]

• • • • •

(14) • • •

NOTE 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined tank motor vehicles, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

• • • • •

(b) • • •

(2) Spec. 105A300–W, 105,[1] 105A500–W, or ARA–V[1] (§ § 78.286 and 78.288 of this chapter) tank cars, equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

• • • • •

9. In § 73.272 amend the introductory text of paragraph (i); amend paragraph (i) (6) (15 F. R. 8321, Dec. 2, 1950) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(i) For sulfuric acid of concentrations not to exceed 51 percent (approximately 1.408 specific gravity (42° Baumé), unless otherwise provided:

• • • • •

(6) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized for sulfuric acid concentrations not over 76 percent. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

10. In § 73.280 add paragraphs (a) (7) and (8) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.280, 1950 Rev.) to read as follows:

§ 73.280 *Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) • • •

(7) Spec. 103, 103A, 105A 100, or 105A 100–W (§ 78.265, § 78.266, § 78.270, or § 78.285 of this chapter). Tank cars.

(8) Spec. MC310 or MC311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles of steel or stainless steel construction.

11. In § 73.289 amend paragraph (a) (2) (21 F. R. 3011, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(2) Spec. 103C–W or 103E–W (§ 78.283 or § 78.298 of this chapter). Tank cars stenciled "For Formic Acid Only".

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend the introductory text of paragraph (a); add paragraph (a) (9) (21 F. R. 3011, May 5, 1956) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326(a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), or (9) of this paragraph, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

(9) Inside nonrefillable metal containers of a capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) charged with a solution of nonpoisonous and nonflammable materials and nonliquefied compressed gases. Pressure in the container not to exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

2. In § 73.304 add paragraph (f) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* • • •

(f) The pressure in ICC–4L (§ 78.57 of this chapter) cylinders must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. The liquid portion of the gas must not completely fill the cylinder. For ICC–4L (§ 78.57 of this chapter) cylinders insulated by a vacuum the pressure control valve must be set at least 15 pounds per square inch lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to ICC–4L (§ 78.57 of this chapter) cylinders.

3. In § 73.306 amend the introductory text of paragraph (d) (19 F. R. 1279, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.306) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(d) Mixtures containing compressed gas or gases which are nonpoisonous but which are flammable as determined by Bureau of Explosives' flammability test, as provided in § 73.300 (b) (2), (3), and (4), except that the material shall not have a flame flashback in the prescribed test, nor shall the flame be sustained at any degree of the valve opening; the above flashback and sustained flame restriction shall not apply provided the valve is protected by an overcap or other device approved by the Bureau of Explosives such as to prevent accidental discharge of the valve in transit; and the product, as tested in accordance with Bureau of Explosives' test procedure for flammability, shall not have a flash point under 20° F. and must be shipped in cylinders as prescribed in paragraph (a) of this section or in specification containers as follows:

4. In § 73.308 amend paragraph (a) table, and amend Note 1 thereto (19 F. R. 8527, Dec. 14, 1954) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.308) as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.31 (c) to (e)
(Add)		
Argon, pressurized liquid	115	ICC–4L250.
Oxygen, pressurized liquid	96	ICC–4L250.
Nitrogen, pressurized liquid	80	ICC–4L250.
(Change)		
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous, and mixtures of flammable gases with nitrogen, carbon dioxide, or air (see Note 10).	(5)	ICC–3AA300, ICC–3AA900, ICC–4BA300, ICC–4BA900, ICC–4D300, ICC–4DA300.

• • • • •

NOTE 1: Cylinders complying with spec. 3E (§ 78.42 of this chapter) are also authorized for all gases named in this table for which steel cylinders are authorized except where ICC–3A2000, 3AA2000, and 4L200 (§§ 78.36, 78.37 and 78.57 of this chapter) cylinders are specified.

5. In § 73.312 add paragraph (a) (7) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.312, 1950 Rev.) to read as follows:

thereto (19 F. R. 8528, Dec. 14, 1954) (21 F. R. 673, Jan. 31, 1956) (21 F. R. 4565, June 26, 1956) (18 F. R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.314) as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Add)		
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	110	ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture	110	ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane-monochlorodifluoromethane mixture	110	ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane-trichloromonofluoro-methane-monochlorodifluoromethane mixture.	110	ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
	125	ICC–105A300, 105A300W.
(Change)		
Dichlorodifluoromethane	119	ICC–106A500, 106A500X, 110A500W Notes 12 and 19.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, Note 12. ICC–105A300, 105A300W.
Dispersant gas, n. o. s.	Note 16	ICC–106A500, 106A500X, Notes 12 and 19.
		ICC–105A300, 105A300W.
Trifluorochloroethylene	115	ICC–105A300W, Note 19.
	115	ICC–106A500X, Note 19.
	120	ICC–105A300, 105A300W.
Refrigerant gas, n. o. s.	Note 16	ICC–105A500, 106A500X, Notes 12 and 19.
		ICC–110A500W, Note 19.
		ICC–105A300, 105A300W, Note 19.

• • • • •

NOTE 9: For tank cars of other than ICC–106A type (§ 78.275 or § 78.276 of this chapter), used for shipping liquefied hydrocarbon gas or liquefied petroleum gas, interior pipes of liquid and gas discharge valves must be equipped with check valves of approved design.

• • • • •

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monochlorotrifluoromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane - trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are

present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight motor vehicle shipments.

• • • • •

NOTE 19: Only dichlorodifluoromethane, dichlorodifluoromethane - difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane - trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, and monochlorotetrafluoroethane may be shipped as dispersant gas, n. o. s. or refrigerant gas, n. o. s. in accordance with provisions of table (a).

7. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.315) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
(.1dd)				
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	119	See Note 7	ICC-51, MC-330	150

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(.1dd)	
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	None

• • • • • •

(1) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (psig)
(.1dd)	
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	150

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.353 amend paragraph (a) (4) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

§ 73.353 *Methyl bromide or mixtures of methyl bromide and ethylene dibromide, liquid.* (a) • • •

(4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres for aircraft use only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

2. In § 73.354 amend paragraph (a) (4) (20 F. R. 8103, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.354) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(4) Spec. 105A300–W (§ 78.286 of this chapter). Tank cars. Stenciled on both sides of the tank "For Motor Fuel Antiknock Compound Only". Tank cars not authorized for tetraethyl lead.

3. In § 73.357 amend paragraph (b) (1) (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.357) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.* • • •

(b) • • •

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C (§ 78.36, § 78.37, § 78.38, § 78.40, § 78.41, § 78.42, § 78.49, § 78.50, § 78.51, or § 78.52 of this chapter). Metal cylinders of not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders closed by means of solid plugs may have the plugs protected by metal collars. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

SUBPART I—SHIPPING INSTRUCTIONS

1. In § 73.429 amend paragraph (b) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.429, 1950 Rev.) to read as follows:

§ 73.429 *Receipts; rail express shipments.* • • •

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.532 amend paragraph (c) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(c) Packages protected by labels or exempted from labels by § 73.402 (c) must be so loaded that they cannot fall and in such manner that other packages cannot fall onto or slide against them. Packages bearing marking "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart, § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid", "Alkaline Caustic Liquid", or "Corrosive Liquid" labels, except that shippers loading carload shipments may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 74.538 paragraph (a) chart, amend item b and item 2 vertical and horizontal columns; amend footnote b to paragraph (a) chart (17 F. R. 1563, Feb. 20, 1952) (21 F. R. 3013, May 5, 1956) (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"b" High explosives or propellant explosives, class A.

• • • • •

"2" Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B.

• • • • •

[b] Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles. ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading carload shipments of white label and yellow label articles may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• • • • •

SUBPART C—PLACARDS ON CARS

1. In § 74.549 amend paragraphs (f) and (h) (15 F. R. 8351, Dec. 2, 1950) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 74.549) to read as follows:

§ 74.549 *Application of placards.* • • •

(f) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of a container car on which a container or containers loaded with explosives, class A or B, or with dangerous articles requiring labels, are placed; or placards must be securely applied to both ends of such a car and to both sides of a container loaded with such articles. Car certificates required by § 74.525 must be securely applied to both sides of a container car on which a container or containers loaded with class A explosives are placed.

• • • • •

(h) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of car, or to both sides and both ends of truck body or trailer loaded on flat cars, containing explosives or other dangerous articles. Car certificates as required by § 74.525 must be securely applied to both sides of such cars.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

1. In § 74.584 amend the introductory text of paragraph (a) (16 F. R. 11781, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 74.584) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* (a) The revenue waybill, astray waybill, switching order or any other billing issued in lieu thereof, prepared from the shipping order or other shipping paper, or shipping orders used as waybills, must describe the article by shipping name as prescribed in § 72.5 of this chapter, and must show the color or kind of label notations for less-than-carload shipments or placard notations for carload shipments of explosives and other dangerous articles and placard indorsement as follows:

• • • • •

Dichlorodifluoromethane	Green gas label	In cylinders not exceeding 12 x 51 inches, and with pressure not exceeding 300 pounds at 70° F.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	Green gas label	
Dichlorodifluoromethane-trichlorotrifluoroethane mixture	Green gas label	
Dichlorodifluoromethane-monochlorodifluoromethane mixture.	Green gas label	
Dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture.	Green gas label	
Hydrogen	Red gas label	
Oxygen	Green gas label	
Anhydrous ammonia	Green gas label	In cylinders not exceeding 4½ by 22 inches.
Chlorine	Green gas label	
Ethylene	Red gas label	
Liquefied carbon dioxide	Green gas label	
Liquefied petroleum	Red gas label	
Methyl chloride	Red gas label	
Nitrous oxide	Green gas label	
Oxygen	Green gas label	
Sulfur dioxide	Green gas label	

• • • • •

PART 75—CARRIERS BY RAIL EXPRESS

1. In § 75.654 amend paragraph (b) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.654, 1950 Rev.) to read as follows:

§ 75.654 *Receipts.* • • •

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

2. In § 75.657 amend paragraph (a) (17 F. R. 1563, Feb. 20, 1952) (49 CFR 75.657, 1950 Rev.) to read as follows:

§ 75.657 *Waybills.* (a) The waybill or delivery sheet when used as a waybill, or other billing issued in lieu thereof, and the transfer sheet, or interchange record used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show color or kind of label applied. Abbreviations must not be used.

PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

1. In § 76.703 amend the introductory text of paragraph (b) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 76.703, 1950 Rev.) to read as follows:

§ 76.703 *Acceptable articles.* • • •

(b) Compressed gases:

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.814 paragraph (a), amend the 3d line of the report form now reading, "Bureau of Service" to read as follows: "Bureau of Safety and Service" (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.814, 1950 Rev.)

2. In § 77.818 amend paragraph (b) (15 F. R. 8363, Dec. 2, 1950) (49 CFR 77.818, 1950 Rev.) to read as follows:

§ 77.818 *Receipts.* • • •

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

SUBPART B—LOADING AND UNLOADING

1. In § 77.840 amend paragraph (c), (18 F. R. 3139, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 77.840) to read as follows:

§ 77.840 *Compressed gases.* • • •

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, or dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoroethane - monochlorodifluoromethane mixture, dispersant gas, n.o.s., or refrigerant gas, n.o.s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

2. In § 77.848 paragraph (a) chart, amend item b and item 2 vertical and horizontal columns; amend footnote b to paragraph (a) chart (17 F. R. 1564, Feb. 20, 1952) (21 F. R. 3013, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"b" High explosives or propellant explosives, class A.

• • • • •

"2" Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B.

• • • • •

[b] Acid or other corrosive liquids, white label, must not be loaded above or adjacent to flammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or propellant explosive, except that shippers loading truckload shipments of white label and yellow label packages may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. In § 78.50–14 amend entire paragraph (d) (15 F. R. 8404, Dec. 2, 1950) (49 CFR 78.50–14, 1950 Rev.) to read as follows:

§ 78.50 *Specification 4B; welded and brazed steel cylinders.*

§ 78.50–14 *Hydrostatic test.* • • •

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

2. In § 78.51–14 amend entire paragraph (d) (15 F. R. 8406, Dec. 2, 1950)

(49 CFR 78.51–14, 1950 Rev.) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51–14 *Hydrostatic test.* • • •

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

3. Add § 78.57 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.57, 1950 Rev.) to read as follows:

§ 78.57 *Specification 4L; welded cylinders insulated.*

§ 78.57–1 *Compliance.* (a) Required in all details.

§ 78.57–2 *Type, size, service pressure*[1] *and service temperature.*[2] (a) *Type and size.* Must be fusion welded; not over 1,000 pounds water capacity (nominal).

(b) The service pressure shall be at least 150 and not over 500 pounds per square inch.

(c) The service temperature shall be minus 320° F.

§ 78.57–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

§ 78.57–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements of this specification.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance with all specification requirements. Obtain samples for all tests. Obtain samples for check chemical analyses, where required. Witness all tests. Report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.57–22) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.57–5 *Material.* (a) Designations and limiting chemical compositions of steel authorized by this specification shall be as shown in § 78.57–21 (a), Table I.

§ 78.57–6 *Identification of material.* (a) Required; by any suitable method.

§ 78.57–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.57–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. The shell portion must be a reasonably true cylinder.

(b) The heads must be seamless, concave side to the pressure, hemispherical or ellipsoidal in shape with the major diameter not more than twice the minor diameter. Minimum thickness of heads shall be not less than 90 percent of the required thickness of the sidewall. The heads must be reasonably true to shape, shall have no abrupt shape changes and the skirts must be reasonably true to round.

(c) The surface of the cylinder must be insulated. Any insulating material must be fire resistant. The insulation must be covered with a steel jacket of not less than 0.060 inch thickness so constructed that moisture cannot come in contact with the insulating material. The construction must be such that the total heat transfer from the atmosphere at ambient temperature to the contents of the cylinder shall not exceed 0.0005 B. t. u. per hour per degree F differential in temperature per pound of water capacity of the cylinder.

§ 78.57–9 *Welding.* (a) All seams of the cylinder must be fusion welded. Means must be provided for accomplishing complete penetration of the joint. Only butt or joggle butt joints for the cylinder seams are authorized. All joints in the cylinder must be in reasonably true alignment.

(b) All attachments to the sidewalls and heads of the cylinder must be by fusion welding and must be of a weldable material complying with the impact requirements of § 78.57–17 (d).

(c) For welding the cylinder, procedure and operators must be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[3]

(d) Brazing, soldering and threading are permitted only for joints not made directly to the cylinder body. Threads must comply with § 78.57–12.

§ 78.57–10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be such that the calculated wall stress at minimum required test pressure shall not exceed the least value of the following:

(1) 45,000 pounds per square inch.

(2) One-half of the minimum tensile strength across the welded seam determined as required in § 78.57–17 (a).

(3) One-half of the minimum tensile strength of the base metal determined as required in § 78.57–15.

(4) The yield strength of the base metal determined as required in § 78.57–15.

(5) Further provided that wall for cylinders having longitudinal seams must not exceed 85 percent of the above value, whichever applies.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for hydrostatic test;
D = outside diameter in inches;
d = inside diameter in inches.

§ 78.57–11 *Heat treatment*—(a) *Permissible.* If heat treatment is used each cylinder must be uniformly and properly heat treated as required in § 78.57–21 (a), Table I, after all forming and prior to test.

§ 78.57–12 *Openings in cylinder.* (a) Openings permitted in heads only. They must be circular and shall not exceed 3 inches diameter or ⅓ of the cylinder diameter, whichever is the smaller. Each opening in the cylinder must be provided with a fitting, boss or pad securely attached to the cylinder body by fusion welding. Attachments to a fitting, boss or pad may be made by welding, brazing, soldering or threading. Threads must comply with following:

(1) Threads must be clean cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads must have at least 4 engaged threads and have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, inert to the commodity and adequate to prevent leakage.

§ 78.57–13 *Safety devices and pressure control valves.* (a) Must be as required by Interstate Commerce Commission Regulations that apply (§§ 73.34 (f), and 73.304 (f) of this chapter).

§ 78.57–14 *Hydrostatic test.* (a) Each cylinder before insulating and jacketing must be examined under a pressure of at least 2 times the service pressure, maintained for at least 30 seconds without evidence of leakage, visible distortion or other defect. Pressure gauge must permit reading to accuracy of 1 percent.

§ 78.57–15 *Physical test.* (a) Determine yield strength, tensile strength, and elongation on 2 specimens selected from material of each heat and in the same condition as that in the completed cylinder.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; or, gauge length at least 24 times thickness with width not over 6 times thickness (authorized when cylinder wall is not over 3/16 inch thick). The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic expansion of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on the elastic modulus of the material used. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed 1/8 inch per minute during yield strength determination.

§ 78.57–16 *Acceptable results for physical tests.* (a) Physical properties must meet the limits specified in § 78.57–21 (a), Table I, for the particular steel in the annealed condition. If heat treatment is not used, the specimens must show at least 20 percent elongation for 2-inch gauge length except that the percentage may be reduced numerically by 2 for each 75,000 pounds per square inch increment of tensile strength above 100,000 pounds per square inch to a maximum of 5 such increments. Yield strength and tensile strength must meet the requirements of § 78.57–21 (a), Table I.

§ 78.57–17 *Tests of welds*—(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[4] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fails to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (a) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fails to meet the requirements, the entire lot represented shall be rejected.

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 100,000 pounds per square inch, as provided in § 78.57–16 (a).

(d) *Impact tests.* Two sets of three Charpy impact specimens shall be cut from each cylinder or welded test plate used for the tensile test specified in paragraph (a) of this section. These two sets of specimens shall be used for determining the impact properties of the weld metal and heat affected area. One set of impact specimens shall be taken across the weld with the notch in the weld metal and one set shall be similarly taken with the notch in the adjacent metal in the heat-affected zone.

(1) The impact test specimens shall be of the Charpy type, keyhole or milled U-notch, and shall conform in all respects to Figure 3 in ASTM E–23–47T. The standard 10 mm x 10 mm specimen shall be used where the cylinder thickness is 7/16 inch or greater, and for thinner material, a similar specimen shall be used except that the dimension along the axis of the notch shall be reduced to the largest possible of 7.5 mm, 5 mm, or 2.5 mm. When the material in the cylinder is not of sufficient thickness to permit preparation of specimens to the smallest size provided for, specimens shall be prepared from the welded test plate.

(2) Impact test specimens shall be cooled in liquid nitrogen (−320° F.). The apparatus for testing the specimens must conform to the requirements of ASTM Standard E–23–47T. The test piece, as well as the handling tongs, shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The temperature of the cooling device shall be maintained within a range of plus or minus 3° F. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

(3) The impact properties of each set of impact specimens shall be not less than the values in the following table:

Size of specimen	Minimum impact value required for average of each set of three specimens (ft-lb)	Minimum impact value permitted on one specimen only of a set of three (ft-lb)
10 mm x 10 mm	15	10
10 mm x 7.5 mm	12.5	8.5
10 mm x 5 mm	10	7.0
10 mm x 2.5 mm	5	3.5

(4) When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen and the value for more than one specimen is below the required average value, or when the value for one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value of each of these retest specimens shall equal or exceed the required average value. When an erratic result is caused by a defective specimen, or there is uncertainty in test procedure, a retest is authorized.

§ 78.57–18 *Radiographic examination.* (a) The techniques and acceptability of radiographic inspection shall conform to the standards set forth in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).

(b) Cylinders must be examined as follows:

(1) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographed throughout its entire length. Should the radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional seams of the same lot shall be examined, and if either of these fail to meet the requirements, each cylinder may be examined as outlined above; only those passing are acceptable.

§ 78.57–19 *Rejected cylinders.* Welds may be repaired by suitable methods of fusion welding; reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests.

§ 78.57–20 *Marking.* (a) Marking required by stamping plainly and permanently on shoulder or top head of jacket or on a permanently attached plate or head protective ring as follows:

(1) ICC–4L followed by the service pressure (for example, ICC–4L200).

(2) Serial number and identifying symbol; location of number to be just below the ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications not authorized.

Example:

ICC–4L200
1234
XY

(3) Inspector's official mark, date of test (such as 10–55 for October 1955), near serial number.

[1] The service pressure limits the use of the cylinder. It is shown by marks on the cylinder; for example: ICC–4L200 indicates the service pressure as 200 pounds per square inch.

[2] The service temperature is the lowest temperature at which the cylinder may be used.

[3] Available from the Compressed Gas Association, Inc, 11 West 42d Street, New York 36, N. Y.

[4] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

(4) Size of markings at least ¼ inch high if space permits.

(b) Except for serial number, all markings prescribed in paragraph (a) of this section must be duplicated on each cylinder by any suitable means.

§ 78.57–21 *Authorized steels.* (a) Electric furnace steel of uniform quality. The following chemical analyses and physical properties are authorized.

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis, limits in percent; stainless steel; type 304 [1]
Carbon [2] (maximum)	0.08
Manganese (maximum)	2.50
Phosphorus (maximum)	0.035
Sulphur (maximum)	0.030
Silicon (maximum)	0.85
Nickel (minimum)	8.00
Chromium (minimum)	18.00
Molybdenum	-----
Titanium	-----
Columbium	-----
Physical properties (annealed)	
Tensile strength, p. s. i. (minimum)	75,000
Yield strength, p. s. i. (minimum)	30,000
Elongation in 2-inch (minimum) (percent)	30.0
Elongation other permissible gage lengths (percent)	15.0

[1] Identical to ASTM A–240, Grade S, type 304 modified.
[2] The carbon analysis shall be reported to the nearest hundredth of 1 percent.
[3] Heat treatment is authorized, and if used must be suitable and proper.

§ 78.57–22 *Inspector's report.* (a) Required to be clear, legible and in following form:

(Place) _____
(Date) _____

Steel gas cylinders.

Manufactured for _____
Location at _____
Manufactured by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Cylinders were hydrostatically tested at _____ pounds per square inch and found to be satisfactory.
Maximum and minimum weight _____
Maximum and minimum volumetric capacity _____
Marks stamped into the _____
(Location of marking)
of the cylinder are:
Specification ICC– _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks _____

These cylinders were made by process of _____

The material used was authorized by § 78.57–21.

The material used was identified by the following _____
(Heat-purchase order)
numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification No. ICC–4L _____ were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder _____ been
(Has—has not)
equipped with safety devices as follows: _____

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4L except as follows:

Exceptions _____

_____
(Manufacturer's name)
By _____
(Signed) _____
(Inspector)
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis										
				C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zr

Steel was manufactured by _____ Company. The originals of the certified mill test reports are in the files of the manufacturer.

Chemical analyses were made by _____
(Place) _____
(Date) _____

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Test No.	Cylinders represented by test (serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in inches)	Impact test results	Weld tensile test	Weld bend test

(Signed) _____

4. Add § 78.58 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.58, 1950 Rev.) to read as follows:

§ 78.58 *Specification 4DA; inside containers, welded steel for aircraft use.*

§ 78.58–1 *Compliance.* (a) Required in all details.

§ 78.58–2 *Type, size, and service pressure*—(a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 100 pounds water capacity.

(b) *Service pressure.*[1] At least 500 to not over 900 pounds per square inch.

§ 78.58–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within the limits of the United States.

§ 78.58–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one container out of each lot of 200 or less.

(c) Verify compliance of containers with all requirements including markings; inspect inside before closing; verify heat treatment and welding procedure as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight and minimum thickness of wall noted.

(d) Render complete report to purchaser, container maker, and the Bureau of Explosives.

[1] The "service pressure" limits the use of the container. It is shown by marks on container; for example ICC–4DA500 indicates the service pressure as 500 pounds per square inch.

§ 78.58–5 *Steel.* (a) Open-hearth or electric steel of aircraft quality. The following chemical analyses are authorized (see Note 1):

4130

	Percent
Carbon	0.28/0.33.
Manganese	0.40/0.60.
Phosphorus	0.040 max.
Sulfur	0.040 max.
Silicon	0.20/0.35.
Chromium	0.80/1.10.
Molybdenum	0.15/0.25.

NOTE 1: A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual entitled "Alloy Steel; Semi-finished; Hot Rolled and Cold Finished Bars" dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

§ 78.58–6 *Identification of material.* (a) Required; any suitable method except that plates and billets for hot-drawn containers shall be marked with heat number.

§ 78.58–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized. Defects in welded joints shall not exceed the limits specified in § 78.58–17 covering radiographic inspection.

§ 78.58–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably, reasonably smooth and uniform surface finish required. No abrupt change in wall thickness permitted. Certification of welders and/or process required in accordance with the sections that apply of Compressed Gas Association Standards for Welding and Brazing on Thin Walled Containers (CGA Pamphlet C–3–1954).[2]

(b) All seams of the sphere or cylinders must be fusion welded. Seams shall be of the butt or joggle butt type and means must be provided for accomplishing complete penetration of the joint.

§ 78.58–9 *Welding.* (a) Attachments to the container are authorized by fusion welding provided that such attachments are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130 steel.

§ 78.58–10 *Wall thickness.* (a) The minimum wall thickness shall be such that the wall stress at the minimum specified test pressure shall not exceed 67 percent of the minimum tensile strength of the steel as determined from the physical and burst tests required and shall not be over 70,000 psi. Minimum wall 0.060 inch for any diameter container.

(b) Calculation for a sphere must be made by the formula:

$$S=\frac{PD}{4tE}$$

where:
S = wall stress in pounds per square inch;
P = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
D = outside diameter in inches;
t = minimum wall thickness in inches;
E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
E = 1.0 (for all other areas).

(c) Calculation for a cylinder must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:
S = wall stress in pounds per square inch;
P = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
D = outside diameter in inches;
d = inside diameter in inches.

§ 78.58–11 *Heat treatment.* (a) The completed containers must be uniformly and properly heat-treated prior to tests. Heat-treatment of containers of the authorized analysis shall be as follows:

(1) All containers must be oil quenched except as noted in subparagraph (5) of this paragraph.

(2) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall exceed 1,750° F.

(3) The steel shall be tempered at the temperature most suitable for the analysis except that in no case shall the tempering temperature be less than 1,000° F.

(4) The steel may be normalized at a temperature of 1,650° F. instead of being quenched, and containers so normalized need not be tempered.

(5) The steel coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

§ 78.58–12 *Openings in container.* (a) Each opening in the container must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding.

(b) Attachments to a fitting, boss, or pad must be adequate to prevent leakage. Threads must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

§ 78.58–13 *Safety devices.* (a) Safety relief devices must be as required by the Interstate Commerce Commission's Regulations. (See § 73.34 (f) of this chapter.)

§ 78.58–14 *Hydrostatic test.* (a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each container must be tested to at least 2 times service pressure.

§ 78.58–15 *Burst test.* (a) One container taken at random out of 200 or less shall be hydrostatically tested to destruction. Rupture pressure shall be included as part of the inspector's report.

§ 78.58–16 *Flattening test*—(a) *Flattening test for spheres.* At the weld between parallel steel plates on a press with welded seam at right angles to the plates, test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test one cylinder taken at random out of each lot of 200 or less, after hydrostatic test.

§ 78.58–17 *Radiographic inspection.* (a) Required on all welded joints which are subjected to internal pressure, except that at the discretion of the disinterested inspector, openings less than 25 percent of the sphere diameter need not be subjected to radiographic inspection. Evidence of any defects likely to seriously weaken the container shall be cause for rejection.

§ 78.58–18 *Physical test and specimens for spheres and cylinders*—(a) *Physical test for spheres.* Required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which the 2 specimens are to be cut must receive the same heat-treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.

(b) *Specimens for spheres.* Specimens must be gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when wall of sphere is not over $^3/_{16}$ inch thick.

(c) *Physical test for cylinders.* Required on 2 specimens cut from 1 cylinder taken at random out of each lot of 200 or less.

(d) *Specimens for cylinders.* Specimens must be gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at

[2] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N. Y.

least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–42.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed 1/8 inch per minute during yield strength determination.

§ 78.58–19 *Acceptable results for physical, flattening, and burst tests.* (a) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases.

(b) Flattening required to 50 percent of the original outside diameter without cracking.

(c) Burst pressure shall be at least 3 times service pressure.

§ 78.58–20 *Rejected containers.* (a) Reheat-treatment authorized; subsequent thereto, acceptable containers must pass all prescribed tests. Repair of welded seams by welding prior to reheat-treatment authorized.

§ 78.58–21 *Marking.* (a) Marking on each container by stamping plainly and permanently only on a permanent attachment or on a metal nameplate permanently secured to the container by means other than soft solder, as follows:

(1) ICC–4DA followed by the service pressure (for example, ICC–4DA900).

(2) A serial [3] number and an identifying symbol (letters); location of number to be just below the ICC mark; location [4] of symbol to be just below the number. The symbols and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

Example:

ICC–4DA900
1234
XY

(3) Inspector's official mark, near serial number, date of test (such as 8–50 for August 1950), so placed that dates of subsequent tests can be easily added.

§ 78.58–22 *Size of marks.* (a) Of sufficient size to be legible.

§ 78.58–23 *Inspector's report.* (a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

Gas _____
(Spheres-cylinders)
Manufactured for _____ Company.
Location at _____
Manufactured by _____ Company.
Location at _____
Consigned to _____ Company.
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
(Shoulder-metal plate, § 78.58–21.)
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____

These containers were made by process of _____

The material used was identified by the following _____
(Heat-purchase order)
numbers _____

The material was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each container was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the container. The processes of manufacture and heat treatment of containers were supervised and found to be efficient and satisfactory.

The container walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4DA were made in the presence of the inspector and all material and containers accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these containers proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4DA except as follows:

Exceptions: _____

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading, "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Heat No.	Check analysis No.	Containers represented (Serial Nos.)	Chemical analysis						
				C	P	S	Si	Mn	Ni	Cr

The analyses were made by _____

(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Test No.	Containers represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test

(Signed) _____

[3] Lot numbers not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[4] Symbol in front or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Serial numbers of containers tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity

NOTE: When specifications require test for only 1 out of each lot of 200 or less containers, the check on the others must be indicated by a notation hereon reading "Each container was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the container by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

5. In § 78.67–17 amend the introductory text of paragraph (a) (21 F. R. 3015, May 5, 1956) (49 CFR 78.67–17, 1950 Rev.) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.*

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on the valve end or footring of cylinder before heat-treatment, the marks ICC–41 and registered symbol of the manufacturer, except that stamping of all prescribed marks on the valve end of all cylinders having wall thickness of 0.042 inch or greater is authorized providing no stamping shall exceed 0.015 inch in depth.

* * * * *

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.100–5 paragraph (a) table, amend the 3d column heading, to read "Type of container [3]", and add footnote 3 to paragraph (a) table (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100–5, 1950 Rev.) to read as follows:

[3] When drum is used in conjunction with an inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum as a composite package, two 1/8-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime.

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100–5 *Parts and dimensions.* (a) * * *

2. In § 78.117–6 amend paragraph (a); in § 78.117–8 amend paragraph (b) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–6, 78.117–8, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

§ 78.117–6 *Chime reinforcement.* (a) Chime reinforcement required and to be not less than 12 gauge.

§ 78.117–8 *Rolling hoops and convex heads.* * * *

(b) *Convex heads.* Convex (crowned) heads; minimum convexity to be 3/8 inch, with minimum chime height of 7/8 inch.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205–7 add paragraph (b); in § 78.205–17 amend the introductory text of paragraph (a), and add paragraph (a) (3) (15 F. R. 8475, Dec. 2, 1950) (18 F. R. 5277, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 78.205–7, –17) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–7 *Tape.* * * *

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.205–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of 1/2 inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

§ 78.205–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

* * * * *

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.205–7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2 1/2 inches.

* * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.270–12 amend paragraph (d) (21 F. R. 4577, June 26, 1956) (49 CFR 78.270–12, 1950 Rev.) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.270–12 *Venting, loading and unloading, gauging and sampling devices and thermometer well.* * * *

(d) Tanks used in transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

2. In § 78.285–12 amend paragraph (d) (21 F. R. 4598, June 26, 1956) (49 CFR 78.285–12, 1950 Rev.) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–12 *Venting, loading, and unloading, gauging and sampling devices and thermometer well.* * * *

(d) Tanks used for the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

3. In § 78.286–12 amend paragraph (d) (21 F. R. 4600, June 26, 1956) (49 CFR 78.286–12, 1950 Rev.) to read as follows:

§ 78.286 *Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78286–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* * * *

(d) Tanks for use in the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

4. In § 78.287–12 amend paragraph (d) (21 F. R. 4601, June 26, 1956) (49 CFR 78.287–12, 1950 Rev.) to read as follows:

§ 78.287 *Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.287–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(d) Tanks for use in the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

5. In § 78.288–12 amend paragraph (d) (21 F. R. 4603, June 26, 1956) (49 CFR 78.288–12, 1950 Rev.) to read as follows:

§ 78.288 *Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(d) Tanks for use in the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

6. In § 78.289–12 amend paragraph (d) (21 F. R. 4605, June 26, 1956) (49 CFR 78.289–12, 1950 Rev.) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(d) Tanks for use in the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

7. In § 78.294–12 amend paragraph (d) (21 F. R. 4614, June 26, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.294–12) to read as follows:

§ 78.294 *Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.294–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(d) Tanks for use in the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with check valves of an approved design.

8. In § 78.300–12 amend paragraph (d) (21 F. R. 4626, June 26, 1956) (49 CFR 78.300–12, 1950 Rev.) to read as follows:

§ 78.300 *Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.300–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(d) Tanks used for the transportation of liquefied hydrocarbon gas or liquefied petroleum gas must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Amend § 78.321 heading; amend § 78.321–11 (b); amend the introductory text of § 78.321–12 (b); amend § 78.321–13; amend § 78.321–14 (a) (15 F. R. 8544, Dec. 2, 1950) (16 F. R. 11785, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 78.321, –11, –12, –13, –14) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel or combination of mild steel with high-tensile steel or in combination with ferrous alloy steel.*

§ 78.321–11 *Properties of material.* • • •

(b) *Properties of ferrous alloy steel sheets.* All ferrous alloy steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum	30,000 lb. per sq. in.
Ultimate strength, minimum	65,000 lb. per sq. in.
Minimum elongation, standard 2-inch sample	20 percent.

§ 78.321–12 *Thickness of steel sheets.* • • •

(b) *Thickness of ferrous alloy steel sheets.* The minimum thickness of ferrous alloy steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles, or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

• • • • •

§ 78.321–13 *Cargo tanks constructed of a combination of mild and ferrous alloy steels.* (a) Mild steel sheets as specified in § 78.321–12 (a) may be used in combination with ferrous alloy steel sheets as specified in § 78.321–12 (b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank.

§ 78.321–14 *Joints*—(a) *Method of joining.* Mild tank sheets, ferrous alloy steel tank sheets, or combination thereof shall be joined by fusion welding, riveting and fusion welding, brazing, or riveting and brazing at the option of the motor carrier.

• • • • •

2. Amend § 78.324 heading; amend § 78.324–11 (a) (15 F. R. 8551, 8552, Dec. 2, 1950) (49 CFR 78.324, –11, 1950 Rev.) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy steel.* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.324–11 *Material.* (a) All sheets for such cargo tanks shall be of ferrous alloy steel, meeting the following minimum requirements:

Yield point	30,000 lb. per sq. in.
Ultimate strength	65,000 lb. per sq. in.
Elongation, 2-inch sample	20 percent.

3. In § 78.325–8 (d) amend the text following the second table and preceding the last table; amend the text following the last table in paragraph (d) (21 F. R. 3016, May 5, 1956) (20 F. R. 8114, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.325–8) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325–8 *Minimum thickness of material.* • • •

(d) • • •

Minimum thicknesses of ferrous alloy steel tank sheets, in U. S. standard gauges, subject to the foregoing requirements in this section:

(NOTE: Table remains the same.)

• • • • •

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

Yield point	30,000 p. s. i.
Ultimate strength	65,000 p. s. i.
Elongation, 2-inch sample	20 percent.

4. In § 78.330–14 amend paragraphs (b) and (c) (15 F. R. 8555, Dec. 2, 1950) (49 CFR 78.330–14, 1950 Rev.) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.* To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.

§ 78.330–14 *Tank outlets.* • • •

(b) *Bottom outlets.* Bottom outlets shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

(c) *Bottom wash-out chambers.* Tanks may be equipped with bottom washout chambers. Bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

5. In § 78.331–11 amend paragraphs (b) and (c) (18 F. R. 6784, Oct. 27, 1953) (49 CFR 78.331–11, 1950 Rev.) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.* To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.

§ 78.331–11 *Tank outlets.* • • •

(b) *Bottom wash-out chambers.* Tanks may be equipped with bottom washout chambers. Bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(c) *Bottom outlets.* Bottom outlets shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

Section and Reason for Amendment	
73.119 (f) (3) Note 1	To refer to new designation for tank cars.
73.119 (j) (1), (2), (3)	To conform to the change made in section 73.115.
73.122 (a) (3)	To delete reference to obsolete specifications.
73.134, entire section	To provide for the transportation of pyroforic fuel.
73.135 (a) (7), (8), (9)	To provide for the transportation of certain flammable liquids in tank cars and tank motor vehicles.
73.136 (a) (6), (7)	To provide for the transportation of methyl dichloroslane and trichlorosilane in tank cars.
73.141 (a) (7)	To delete reference to obsolete specifications.
73.142, entire section	Pressurized flammable liquids considered no greater hazard than liquids under normal vapor pressure.
73.168, entire section	To provide an inside paper bag lined with polyethylene for certain peroxides.
73.202 (a) (1)	To authorize a greater weight of sodium or potassium liquid alloy to be shipped in one outside container.
73.206 (c) (1)	To delete reference to obsolete specification.
73.218 (a) (1)	To delete reference to an obsolete specification.
73.242 (a)	To clarify the provisions under which bottles of corrosive liquids may be packed in the same outside container with other articles.
73.247 (a) (6)	To delete reference to an obsolete specification.
73.249 (b) (1)	To authorize spec. 12B fiberboard box for the transportation of certain corrosive liquids by rail express.
73.253 (a) (5)	To provide spec. 5K, nickel drum, for the transportation of chloracetyl chloride.
73.257 (a) (6)	To provide spec. 12C fiberboard box for the transportation of electrolyte (acid) or corrosive battery fluid; to provide for the use of inside containers made of materials other than plastic.
73.258 (a)	To clarify that spec. 12B fiberboard box is authorized for the transportation of electrolyte, acid or alkaline corrosive battery fluid packed with storage batteries.
73.262 (a), (b) (1)	To provide for the transportation of hydrobromic acid greater than 49 percent but not over 63 percent strength.
73.264 (a) (3), (4), (5), (6), (a) (7) Note 5, (a) (8) Note 1, (a) (12), (a) (14) Note 1.	To align the requirements for shipping hydrofluoric acid with present day shipping practices.
73.264 (b) (2)	To delete reference to obsolete specifications.
73.272 (1) and (1) (6)	To authorize greater concentration of sulfuric acid to be shipped in spec. 6J steel containers having inside polyethylene drum.
73.280 (a) (7), (8)	To provide for the transportation of certain corrosive liquids in tank cards and tank motor vehicles.
73.289 (a) (2)	To provide spec. 103E–W tank car for formic acid.
73.302 (a) and (a) (9)	To provide exemptions for certain aerosol containers.
73.304 (f)	To provide for filling density of spec. 4L cylinder.
73.306 (d)	To provide exceptions to flashback and sustained flame restriction for shipping aerosols.
73.308 (a) table, and Note 1 thereto.	To provide for the transportation of certain pressurized liquids in spec. 4L cylinders; to authorize spec. 4DA500 cylinders for certain liquefied nonflammable gases.
73.312 (a) (7)	To provide spec. 2F, inside metal container, for liquefied petroleum gas.
73.314 (a) table; Notes 12 and 10.	To authorize the transportation of additional compressed gases (freons) in tank cars and to provide for the truck handling of these commodities; to authorize spec. 110A 500–W tank car for certain compressed gases.
73.314 (a) Note 9	To restore previous restrictions against certain flammable gases.
73.315 (a) (1), (h) table, (1) (2) table.	To provide for the transportation of dichlorodifluoromethane-dichlorotetrafluoroethane mixture in cargo and portable tanks.

APPENDIX

Section and Reason for Amendment	
72.5 (a), Commodity List	Provides additions, amendments and cancellations to keep commodity list on a current basis.
73.21 (b)	To clarify that all unstable materials are included, regardless of reason for instability.
73.25 (b)	To permit electrolyte acid or alkaline battery fluid packed in specification containers to be included in the same outside container with dry charged storage batteries.
73.34 (f)	Clarifies requirements pertaining to safety relief devices on cylinders.
73.34 (h)	To make applicable certain tests for spec. 4L cylinders, exposed to the action of fire, before reuse.
73.34 (k), table	To provide minimum retest pressure for spec. 4DA and 4L cylinders.
73.34 (k) (11)	To authorize decennial retesting of certain cylinders used in anhydrous dimethylamine, anhydrous monomethylamine, and anhydrous trimethylamine service.
73.53 (b), (c), (d), and (e)	To include certain high explosives as additional examples for classifying class A explosives.
73.56 (f)	To omit marking requirements on each bomb, mine, etc., exterior when palletized for shipment.
73.60 (b) (3)	To provide spec. 17E metal drum for the transportation of black powder.
73.63 (c) (2)	To provide additional type of inside container for high explosives with liquid explosive ingredient.
73.70, entire section	To provide for the transportation of lead mononitroresorcinate.
73.88 (e)	To properly describe the usage of jet thrust units (jato), class B, as a means of identification.
73.88 (e) (2)	To define starter cartridges, jet engine, and explain their function.
73.91 (a) (3)	To permit the transportation of fireworks shells in spec. 12B fiberboard box.
73.92 (a) (3)	To authorize spec. 23F fiberboard box for starter cartridges, jet engine, class B; to authorize the use of an inside fiberboard container.
73.92 (a) (4)	To restore a provision that was erroneously omitted in the revision of the entire section in Ord. 25.
73.100 (r), (r) (12), and (y)	To remove certain articles from the common fireworks category.
73.108 (a)	To provide specification packaging requirements for certain class C explosives transferred from the common fireworks category.
73.108 (d)	To provide marking requirements for outside packages of certain class C explosives.
73.115, entire section	To clarify the definition of flammable liquids and viscous flammable liquids.
73.118 (c) (35), (36)	To include methyl dichlorosilane and pyroforic fuel that are not exempt from the regulations, in any quantity.

Section and Reason for Amendment	
73.353 (a) (4)	To provide for the use of spec. 4DA500 cylinder for certain poisons.
73.354 (a) (4)	To delete reference to an obsolete specification.
73.357 (b) (1)	To authorize the use of cylinders closed with solid plugs protected by metal collars for chlorpicrin and mixtures thereof.
73.429 (b)	To stipulate that abbreviations must not be used on receipts for shipments by rail express.
74.532 (c)	To authorize mixed loading of yellow and white labeled articles under given conditions.
74.538 (a) chart, and footnote b	To correct an omission; to provide loading requirements for starter cartridges, jet engines, class B; to authorize mixed loading of yellow and white labeled articles under given conditions.
74.549 (f)	To provide for the transportation of class A explosives on container cars along with proper application of car certificates and placards.
74.549 (h)	To require certificates on car or truck body or trailer loaded on flat cars, containing class A explosives.
74.584 (a)	To make consistent with the requirements of section 73.428.
75.654 (b)	To permit color or kind of label and to prohibit abbreviations on receipts issued for express shipments.
75.657 (a)	To clarify that abbreviations must not be used on waybills.
76.703 (b)	To provide for the transportation of certain compressed gases in rail baggage service.
77.814 (a)	To show correct Bureau title.
77.818 (b)	To permit color or kind of label and to prohibit abbreviations on receipts issued for express shipments.
77.840 (c)	To provide for handling additional compressed gases (freons) by motor vehicles.
77.848 (a) chart, and footnote (b).	To correct an omission; to provide loading requirements for starter cartridges, jet engines, class B; to authorize mixed loading of yellow and white labeled articles under given conditions.
78.50–14 (b) (1), (2)	To reduce the test pressure to 480 psi when cylinders are tested in accordance with the modified test.
78.51–14 (d) (1), (2)	To reduce the test pressure to 480 psi when cylinders are tested in accordance with the modified test.
78.57, entire section	To provide for the construction of new spec. 4L cylinder.
78.58, entire section	To provide for the construction of new spec. 4DA container.
78.67–17 (a)	To authorize the application of prescribed markings on footrings of spec. 41 cylinders.
78.100–5 (a) table, and footnote 3.	To permit small holes in spec. 6J drum to facilitate insertion of spec. 2S polyethylene drum.
78.117–6 (a)	To allow reduction in chime reinforcement from 11 gauge to 12 gauge.
78.117–8 (b)	To allow reduction in convexity of heads and to proportionally reduce chime height.
78.205–7 (b)	To provide reinforced tape as additional method of closure for spec. 12B fiberboard box.
78.205–17 (a) and (a) (3)	To provide for additional method of closure.
78.270–12 (d)	To restore previous restrictions against certain flammable gases.
78.285–12 (d)	To restore previous restrictions against certain flammable gases.
78.286–12 (d)	To restore previous restrictions against certain flammable gases.
78.287–12 (d)	To restore previous restrictions against certain flammable gases.
78.288–12 (d)	To restore previous restrictions against certain flammable gases.
78.289–12 (d)	To restore previous restrictions against certain flammable gases.
78.294–12 (d)	To restore previous restrictions against certain flammable gases.
78.300–12 (d)	To restore previous restrictions against certain flammable gases.
78.321 heading, 78.321–11 (b), 78.321–12 (b), 78.321–13 (a), 78.321–14 (a).	To authorize the use of stainless steels in the construction of MC300 cargo tanks.
78.324 heading, 78.324–11 (a)	To authorize the use of stainless steels in the construction of MC303 cargo tanks.
78.325–8 (d)	To authorize the use of stainless steels in the construction of MC304 cargo tanks.
78.330–14 (b) and (c)	To clarify the necessity and application of a valve or plug at the upper end of bottom wash-out chambers.
78.331–11 (b) and (c)	To clarify the necessity and application of a valve or plug at the upper end of bottom wash-out chambers.

[F. R. Doc. 56–6725; Filed, Aug. 22, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11793]

TELEVISION BROADCAST STATIONS; NADINE, N. MEX., AND MONAHANS, TEX.

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, (Nadine, New Mexico—Monahans, Texas).

1. On July 24, 1956, the Commission issued a notice of proposed rule making in the above-entitled proceeding proposing to shift television Channel 9 from Monahans, Texas to Nadine, New Mexico and to substitute Channel 35 in Monahans. The notice specified that comments with respect to the proposal should be filed on or before August 22, 1956, with reply comments 10 days thereafter.

2. On August 15, 1956, Hobbs Television Company filed a request for an extension of time within which to file comments. Hobbs states that it is in the process of making studies in connection with technical questions related to the proposal and that additional time will be necessary for the preparation of various data. Hobbs requests that the time for filing comments be extended for 30 days. In addition, by telegram dated August 15, 1956, the Monahans Chamber of Commerce has requested a 30-day extension in order that it may prepare comments.

3. The Commission is of the view that the foregoing parties have set forth adequate reasons for extending the time for filing comments and that the public interest would be served by extending the time.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to September 24, 1956, with reply comments due 10 days thereafter.

Adopted: August 16, 1956.

Released: August 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56–6829; Filed, Aug. 22, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

COMMISSIONER OF PUBLIC ROADS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Pursuant to the authority vested in the Secretary of Commerce by law, the Commissioner of Public Roads is hereby authorized to exercise all the authority, duties, and responsibilities vested in or delegated to the Commissioner of Public Roads under any law, order, or regulation in effect immediately prior to the enactment of Public Law 966, 84th Congress, approved August 3, 1956. The authority delegated herein shall remain in effect, unless otherwise amended or revoked, pending the appointment of the Federal Highway Administrator under said law and thereafter, subject to the direction of the Federal Highway Administrator, until such time as the functions and authorities of the Administrator and Commissioner are prescribed by the Secretary of Commerce as provided in the statute.

The authority delegated herein may be redelegated by the Commissioner of Public Roads to be exercised subject to the same conditions set forth above.

Dated: August 3, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56–6792; Filed, Aug. 22, 1956; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956 Supp. 147]

ST. PAUL MERCURY INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS; NOTICE OF CHANGE OF NAME

AUGUST 16, 1956.

Effective at 10:45 a. m. July 19, 1956, Mercury Insurance Company, St. Paul, Minnesota, formally changed its name to "St. Paul Mercury Insurance Company". A copy, certified by the Secretary of State of the State of Minnesota, of a Certificate of Amendment changing the name of Mercury Insurance Company to St. Paul Mercury Insurance Company has been received and filed in the Treasury.

The change in name of Mercury Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947, (6 U. S. C. secs. 6–13), to qualify as sole surety on such obligations.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56–6807; Filed, Aug. 22, 1956; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE MILITARY DEPARTMENTS

REDELEGATION OF AUTHORITY WITH RESPECT TO EXERCISE OF POWERS VESTED IN SECRETARY OF DEFENSE CONCERNING APPOINTMENT OF PERSONS FROM FOREIGN COUNTRIES TO MILITARY ACADEMIES

I. *Purpose.* The purpose of this notice is to redelegate to the Secretaries of the Military Departments the presidential authority now delegated to the Secretary of Defense by Executive Order No. 10661, dated February 27, 1956, with respect to appointment of persons from certain foreign countries to the military academies.

II. *Effect.* The powers delegated by the President to the Secretary of Defense under Executive Order 10661, February 27, 1956, are hereby redelegated to the Secretaries of the Military Departments as follows: (1) The Secretary of the Army is designated to exercise the powers vested in the Secretary of Defense under section 1 thereof; (2) the Secretary of the Navy is designated to exercise the powers vested in the Secretary of Defense under section 2 thereof; (3) the Secretary of the Air Force is designated to exercise the powers vested in the Secretary of Defense under section 3 thereof. In accordance with section 5 of Executive Order 10661, no person shall be designated under the authority of that order to receive instruction except after consultation by the designating officer with the Secretary of State.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 56–6791; Filed, Aug. 22, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 23]

FUNCTIONS RELATING TO INDIAN LAND AND MINERALS, CREDIT MATTERS AND FUNDS AND FISCAL MATTERS

REDELEGATION OF AUTHORITY

AUGUST 17, 1956.

Order 551 (16 F. R. 2939) as amended (16 F. R. 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 6590, 5442; 21 F. R. 222, 503, 1455, 1905, 2896) is further amended as hereinafter indicated;

1. Section 12 under the heading Functions Relating to Indian Lands and Minerals is amended and a new section 28 is added to read as follows:

SEC. 12. *Leases and permits.* The exercise of any and all the authorities of the Commissioner set forth in 25 CFR Part 171.

SEC. 28. *Roads.* The exercise of any and all of the authorities delegated to the Commissioner under 25 CFR 261.6, 261.8 and 261.9 and pursuant to section 28 of Secretarial Order 2508.

2. Sections 120 and 127 under the heading Functions Relating to Credit Matters are amended to read as follows:

SEC. 120. *Loan agreements.* The approval of applications pursuant to 25 CFR Part 21, subject to the availability of funds, where the total indebtedness of the applicant to the lender does not exceed:

(a) $100,000 in the case of loans by the United States to corporations, tribes, bands, and credit associations;

(b) $15,000 in the case of loans by the United States to cooperative associations and, except on loans for educational purposes, to individual Indians;

(c) $500 for a one-year course of studies or $2,000 for a four-year course of studies in the case of educational loans by the United States to individual Indians;

(d) $20,000 in the case of loans by corporations, tribes, and bands to cooperative associations and individual Indians, and loans by credit associations to individual Indians, or such lesser amount as may be agreed to by the lender and the Commissioner;

(e) $50,000 in the case of loans and advances by corporations, tribes, and bands to corporate and tribal enterprises.

SEC. 127. *Modifications of loan agreements.* The approval of modifications of loan agreements pursuant to 25 CFR Part 21 where the total indebtedness of the borrower to the lender does not exceed:

(a) $100,000 in the case of loans by the United States to corporations, tribes, bands, and credit associations, except modifications extending the repayment terms;

(b) $15,000 in the case of loans by the United States to cooperative associations and to individual Indians;

(c) $20,000 in the case of loans by corporations, tribes, and bands to cooperative associations and individual Indians, and loans by credit associations to individual Indians, or such lesser amount as may be agreed to by the lender and the Commissioner;

(d) $50,000 in the case of loans and advances by corporations, tribes, and bands to corporate and tribal enterprises, except modifications extending the repayment terms.

3. Section 261 under the heading Functions Relating to Funds and Fiscal Matters is amended to read as follows:

SEC. 261. *Investment of Osage funds.* The investment of funds of Osage Indians held in the accounts of the Indian Bureau for individual Indians and Indian associations in any public debt of the United States, bonds, notes, or other obligations, authorized under the Act of February 27, 1925 (Ch. 359, 43 Stat. 1008, 1009), provided the principal of any such investment is guaranteed by the United States.

4. Section 400 *Repeals* is amended by addition of the following:

SEC. 14. *Tribal fees.*
SEC. 128. *Loan agreements and modifications.*

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56–6793; Filed, Aug. 22, 1956; 8:46 a. m.]

Bureau of Land Management

WYOMING

CLASSIFICATION ORDER NO. 4, WYOMING NO. 1, REVOKED IN PART

1. On May 16, 1941, the vacant public lands in the following described areas in the Cheyenne, Wyoming Land District, were classified by the Secretary of

the Interior as chiefly valuable for development under the five-acre tract act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and opened for leasing under that act as cabin, health, convalescent and reacreational sites, but not home, camp, or business sites.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 79 W.,
Tract 43: Lots A and B;
Sec. 15: SW¼NW¼.

2. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by section 2.9, Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby rescind Small Tract Classification Order No. 4, Wyoming No. 1 as it applies to the following subdivisions:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 79 W.
Tract 43: Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25;
Sec. 15: S½SE¼SW¼NW¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6795; Filed, Aug. 22, 1956; 8:47 a. m.]

[W-042188]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 042188, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws and mineral leasing laws.

The applicant desires the land for the protection and preservation in public ownership of the "Medicine Wheel", an item of wide archaeological interest, and an access road to the site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

MEDICINE WHEEL HISTORIC AREA

T. 56 N., R. 92 W.,
Sec. 15: SW¼SW¼;
Sec. 16: SE¼SE¼.

MEDICINE WHEEL ROAD, NO. 104 ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the Medicine Wheel Road, No. 104 through the following legal subdivisions:

T. 56 N., R. 92 W.,
Sec. 22: NE¼NW¼NW¼, NE¼NW¼, NE¼SE¼NW¼, N½S½NE¼;
Sec. 23: N½SW¼NW¼, SE¼NW¼, NE¼NE¼SW¼, NW¼SE¼, S½NE¼SE¼;
Sec. 24: SW¼NW¼SW¼, SW¼SW¼;
Sec. 25: NE¼NW¼NW¼, W½NE¼NW¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6796; Filed, Aug. 22, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Railroad has filed an application, Serial No. Anchorage 032727, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws.

The applicant desires the land for use in connection with trainship operation.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land lying below the line of ordinary high tide on Passage Canal, Whittier, Alaska, and defined by metes and bounds as follows:

Beginning at Corner No. 2 of P. L. O. 1056, dated January 18, 1955, which bears N. 2° 293/4' E., 630.60 feet and thence N. 11° 09' E., 337.20 feet from U. S. Location Monument No. 2559, Whittier Townsite; thence, from the point of beginning, N. 11°.09' E., 375 feet; thence S. 68° 00' 17" E., 713.43 feet to Corner No. 4 of P. L. O. 1056; thence S. 56° 09' W., 500 feet to Corner No. 3 of P. L. O. 1056; thence N. 60° 51' W., 365.0 feet to Corner No. 2 of P. L. O. 1056, the point of beginning.

The above described tract contains 4.88 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-6797; Filed, Aug. 22, 1956; 8:47 a. m.]

National Park Service

[Southwestern National Monuments, Order 2]

ASSISTANT GENERAL SUPERINTENDENT, ADMINISTRATIVE OFFICER, AND PROCUREMENT AND PROPERTY ASSISTANT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

JULY 24, 1956.

SECTION 1. *Assistant General Superintendent.* The Assistant General Superintendent may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant General Superintendent in behalf of any area under the supervision of the General Superintendent of the Southwestern National Monuments.

SEC. 2. *The Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any area under the supervision of the General Superintendent of the Southwestern National Monuments.

SEC. 3. *Procurement and Property Clerk.* The Procurement and Property Clerk may execute and approve contracts not in excess of $2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Clerk in behalf of any area under the supervision of the General Superintendent of the Southwestern National Monuments.

SEC. 4. *Revocation.* This order supersedes Southwestern National Monuments Order No. 1 dated August 15, 1955 (20 F. R. 6985), and amendment No. 1 to Order No. 1 dated January 10, 1956 (21 F. R. 1039).

(National Park Service Order No. 14 (19 F. R. 8824) and amendments thereto; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Three, Order No. 3 (21 F. R. 1494))

[SEAL] JOHN M. DAVIS,
General Superintendent,
Southwestern National Monuments.

[F. R. Doc. 56-6798; Filed, Aug. 22, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10928]

WELORI LUMBER CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Welori Lumber Company (Applicant) on July 19, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, undated; Louisiana-Nevada Transit Co.; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 2; August 18, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until January 18, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 17, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6800; Filed, Aug. 22, 1956; 8:48 a. m.]

[Docket No. G-2864, etc.]

RAY LONDON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 17, 1956.

In the matters of Ray London and or D. E. London, Docket No. G-2864; W. A. Stockard, Docket No. G-3835; Riley & Scott, Trustees for Homer Sowards and others as Assignees and Successors of Frank Scott, Docket No. G-3860; Puenticitas Oil Co., operating as Agent for D. H. Perry, et al., Docket No. G-3901; Charm Oil Co., Docket No. G-3935; La Gloria Oil & Gas Co., Docket No. G-3973; Wiltex Corporation, Docket No. G-3974; Irene Sheerin, Individually and as Independent Executrix of the Estate of John J. Sheerin, Docket No. G-3975; C. C. Small and Binford Arney, Trustees under Indentures dated May 17, 1941, Docket No. G-3976; Kerr-McGee Oil Industries, Inc., Docket No. G-3977; Jack C. Staley, Docket No. G-3989; The Nueces Co., Docket No. G-3999; C. P. Burton, Docket Nos. G-4001—G-4004, inclusive; Stanolind Oil & Gas Company, Docket Nos. G-4066—G-4068, inclusive, G-4756, G-4874, G-7484, G-7494, G-7499, G-7506, G-7514, G-7517, G-7519, G-7521, G-7523, G-7534; F. M. Lefforge and E. H. Klein d. b. a. Lefforge and Klein, Docket No. G-4081; Placid Oil Company, Docket Nos. G-4099, G-4100; The Zephyr Drilling Corporation, Docket Nos. G-4103, G-4206, G-4329; W. H. Hodnett & Company, Inc., Docket No. G-4106; Johnny E. Hines et al., Docket No. G-4109; Wasatch Corporation, Docket No. G-4132; Airfleets, Inc., Docket No. G-4135; Petro-Atlas Corporation,[1] Docket No. G-4136; W. A. Richardson Oil Company, W. A. Richardson et al., Docket No. G-4177; El Dorado Refining Company, Docket No. G-4182; H. C. Heldenfels, Trustee, Operator, Docket No. G-4196; Sohio Petroleum Company, Docket Nos. G-4208, G-4267; Phelps Dodge Corporation, Docket No. G-4219; W. D. Kennard, Docket No. G-4221; Standard Oil Company of Texas, Docket No. G-4269; Pan-American Production Company, Docket Nos. G-4297—G-4306, inclusive; Samedan Oil Corporation and A. A. Kemnitz, Docket No. G-4312; The Estate of N. V. Duncan et al., Docket No. G-4323; Nichols-Duncan Drilling Company, Docket No. G-4347; The Hortex Oil Company, Docket No. G-4415; H. F. Sears, Docket No. G-4440; Reynolds Mining Corporation, Docket No. G-4527; T. J. Ahern et al., Docket No. G-4528; W. M. Bevly, Docket No. G-4529; Bevly Oil and Developing Corporation et al., Docket No. G-4530; Consumers Gas Utility Company, Docket No. G-4566; Westheimer-Neustadt, Docket No. G-4672; Sinclair Oil and Gas Company, Docket No. G-4676; Bovaird, Inc., Docket No. G-4678; L. J. McHenry, Docket No. G-4694; Walter Van Norman, Docket No. G-4729; Mutual Investments, Inc., Docket No. G-4739; Southeast Improvement Company, Docket No. G-4740; Amerada Petroleum Corporation, Docket Nos. G-4770—G-4775, inclusive, G-4777—G-4779, inclusive; Carter Oil Company, Docket Nos. G-4801, G-4910, G-4985—G-4987, inclusive, G-4992; Hope Producing Company, Docket No. G-4802; C. D. Davis, Individually and as Agent for Carl Casey and Robert M. Bergstein, Docket No. G-4846; The Gilmer Oil Company, Docket No. G-4854; Texas Natural Gasoline Corporation and H. W. Bass and Sons, Inc., Docket No. G-4875; Ada Oil Company, Docket Nos. G-4888—G-4890, inclusive; E. J. Brindley, Docket No. G-4925; Barron Kidd, Docket No. G-4938; Jake L. Hamon, Docket Nos. G-7428—G-7430, inclusive; Pecos Petroleum Company, Docket No. G-9299; The Atlantic Refining Company, Docket No. G-9311.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

2864; Ridgeway Area, Jefferson and Stephens County, Okla.; Lone Star Gas Company.

3835; Gohlke Field, Victoria County, Tex; Texas Eastern Transmission Corporation.

3860; Coal Run Field, Pike County, Ky.; United Fuel Gas Company.

3901; Brayton and Agua Dulce Field, Nueces County, Tex; Tennessee Gas Transmission Company.

3935; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company; Phillips Petroleum Company.

3973; La Gloria, Bandera, Tigernacaneles, Blucher Fields, Jim Wells County; Old Ocean Field, Brazoria County; Cottonwood Creek and South Cottonwood Creek Fields, De Witt County; Waskom Field, Harrison County; East Mathis Field, San Patricio County, Tex.; Transcontinental Gas Pipe Line Corporation; Texas-Illinois Natural Gas Pipe Line Company; Texas Eastern Transmission Corporation; Gas Gathering Company; Arkansas-Louisiana Gas Company.

3974, 3975, 3976; La Gloria Field, Jim Wells and Brooks Counties, Tex.; Transcontinental Gas Pipe Line Corporation; Texas-Illinois Gas Pipe Line Company.

3977; Leases in Sherman County, Tex.; Phillips Petroleum Co.

3989; Charles Hicks Lease, Wheeler County, Tex.; Lone Star Gas Company.

3999; Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

4001-4004, inclusive; North Healdton Field, Carter County, Okla.; All Star Gas Company.

4066-4068, inclusive; Agua Dulce Field, Nueces County, Tex.; Texas Eastern Transmission Corporation.

4081; East and West Panhandle Fields, Gray and Hutchinson Counties, Tex.; Phillips Petroleum Company.

4099; North Lansing Field, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

4100; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

4103; Katie Bol Pool, Garvin County, Okla.; Lone Star Gas Company.

4106; Chesterville Field, Colorado County, and Bay City, Matagorda County, Tex.; Tennessee Gas Transmission Company.

4109; East Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

4132; Cologne Field, Victoria County, Tex.; Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Company; Louisiana-Nevada Transit Company; Tennessee Gas Transmission Company.

4135, 4136; Cologne Field, Victoria County, Tex.; Cotton Valley Field, Webster Parish, La.; Tennessee Gas Transmission Company; Louisiana-Nevada Transit Company; United Gas Pipe Line Company.

4177; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

4182; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Company.

4196; South Karon Field, Live Oak County, Tex.; Texas Eastern Transmission Corporation.

4206; Yeary-Vaughn Lease, Garvin County, Okla.; Lone Star Gas Company.

4208; Deckers Prairie Field, Harris and Montgomery Counties, Tex.; Tennessee Gas Transmission Company.

4219; Treblock Pool Area, Chickasaw County, Miss.; Texas Eastern Transmission Corporation.

4221, 4267; Rachal Field, Brooks County, Tex.; Tennessee Gas Transmission Company.

4269; Alta Mesa Field, Brooks County, Tex.; Tennessee Gas Transmission Company.

4297; Tom O'Connor Field, Refugio County, Tex.; Tennessee Gas Transmission Company.

[1] The original application was filed by the San Diego Corporation; however, since the original filing of said application San Diego Corporation has merged into Petro-Atlas Corporation effective June 1, 1956.

4298; Cecil Nobel Field, Colorado County, Tex.; Tennessee Gas Transmission Company.
4299; Witte Field, Victoria County, Tex.; Tennessee Gas Transmission Company.
4300; Sicily Island Field, Catahoula Parish, La.; Olin Gas Transmission Company.
4301; West Vidauri Field, Refugio County, Tex.; Tennessee Gas Transmission Company.
4302; Shield Field, Nueces County, Tex.; Transcontinental Gas Pipe Line Corporation.
4303; North Pettus Field, Bee County, Tex.; United Gas Pipe Line Company.
4304; Olive Field, Hardin County, Tex.; Tennessee Gas Transmission Company.
4305; Ruston Field, Lincoln Parish, La.; Arkansas-Louisiana Gas Company.
4306; Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.
4312; Penrose Skelly Field, Lea County, N. Mex.; Permian Basin Pipe Line Company.
4323; West Edmond Field, Oklahoma County, Okla.; Phillips Petroleum Company; Continental Oil Company.
4329; The Hensley Lease, Garvin County, Okla.; Lone Star Gas Company.
4347; Sadler Pennsylvania Field, Grayson County, Tex.; Texas Natural Gasoline Corporation.
4415; Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.
4440; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.
4527; Lissie Field, Colorado and Wharton Counties, Tex.; Tennessee Gas Transmission Company.
4528; Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company.
4529, 4530; Odem Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.
4566; Gas Fields in Ritchie County, W. Va.; Hope Natural Gas Company.
4672; Sholem-Alchem Field, Carter County, Okla.; Lone Star Gas Company.
4676; Freisburg, New Ulm, Glasscock and Cecil Nobel Fields, Austin and Colorado Counties, Tex.; Tennessee Gas Transmission Company.
4678; Panhandle Field, Wheeler County, Tex.; Phillips Petroleum Company.
4694; Hugoton Field, Stevens County, Kans.; Panhandle Eastern Pipe Line Company.
4729; Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.
4739; Carter Bonner Lease, Jefferson County, Okla.; Lone Star Gas Company.
4740; Asphaltum Field, Jefferson County, Okla.; Lone Star Gas Company.
4756; Northeast Lisbon Field, Claiborne Parish, La.; Hassle Hunt Trust.
4770; Yarborough-Allen Field, Claiborne Parish, La.; El Paso Natural Gas.
4771; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas.
4772; Winnsboro Field, Wood County, Tex.; Lone Star Gas Company.
4773; Dial and Riverdale Fields, Goliad County, Tex.; Texas Eastern Transmission Corporation.
4774; Chesterville Field, Colorado County, Tex.; Tennesseee Gas Transmission Company.
4775; Fairbanks Field, Harris County, Tex.; Texas Illinois Natural Gas Pipe Line Company.
4777; South Bayou Mallet Field, Acadia Parish, La.; Texas Northern Gas Corporation.
4778; Mallard Bay Field, Cameron Parish, La.; Trunkline Gas Supply Company.
4779; Lake Creek Field, Montgomery County, Tex.; Trunkline Gas Supply Company.
4801; Dillard Gasoline Plant, Carter County, Okla; Lone Star Gas Company.
4802; Monroe Field, Ouchita and Union Parishes, La.; Texas Gas Transmission Corporation.
4846; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.
4854; Creel Lease, Stephens County, Okla.; Lone Star Gas Company.
4874; Hugoton Field, Sherman, Dallam, and Hansford Counties, Tex.; Cimarron Field, Beaver and Texas Counties, Okla.; Phillips Petroleum Company.
4875; Various Fields in Grayson County, Tex.; Lone Star Gas Company.
4888; South Crowley Field, Acadia Parish, La.; Phillips Petroleum Company.
4889; Liverpool Field, Brazoria County, Tex.; Phillips Petroleum Company.
4890; Guymon-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Company.
4910; West Edmond Field, Oklahoma and Canadian Counties, Okla.; Cities Service Gas Company.
4925; Leidy Field, Trenton County, Pa.; New York State Natural Gas Corporation.
4938; Areas in Ritchie and Tyler Counties, W. Va.; South Penn Oil Company; Equitable Gas Company; Hope Natural Gas Company.
4985; Chickasaw Field, Grady County, Okla.; Consolidated Gas Utilities Corporation.
4986; Golden Trend Area, Garvin County; Velma Pool, Stephens County, Okla.; Lone Star Gas Company.
4987; Floris Area, Beaver County, Okla.; Michigan Wisconsin Pipe Line Company.
4992; Katie Field, Garvin County, Okla.; Lone Star Gas Company.
7428; North Brady Field, Garvin County, Okla.; Lone Star Gas Company.
7429; North Hostetter Field, McMullen County, Tex.; Wilcox Trend Gathering System, Inc.
7430; Jake Hamon Field, McMullen County, Tex.; Tennessee Gas Transmission Company.
7484; Hico Field, Lincoln Parish, La.; Southwest Gas Producing Company.
7494, 7499; Hendrick Field, Winkler County, Tex; C. V. Lyman.
7506; Kermit Field, Winkler County, Tex.; C. V. Lyman.
7514; Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.
7517; Whelan Field, Harrison County, Tex.; H. L. Hunt.
7519, 7534; Fairbanks Field, Harris County, Tex.; Warren Petroleum Corporation.
7521; Panhandle Field, Moore County, Tex.; Sinclair Oil and Gas Company; Shell Oil Company.
7523; Lake Creek Field, Montgomery County, Tex.; Superior Oil Company.
9299; Tunstill and Mason Fields, Reeve and Loving Counties, Tex.; El Paso Natural Gas Company.
9311; Black 11 Field, Andrews County, Tex.; Martinpool Gasoline Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commisison's rules of practice and procedure, a hearing will be held on September 12, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6802; Filed, Aug. 22, 1956; 8:48 a. m.]

[Docket No. G-10251]

SCRANTON SPRING BROOK WATER SERVICE CO.

NOTICE OF HEARING

AUGUST 17, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter involved in and the issues presented by the application in this proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6801; Filed, Aug. 22, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3497]

NORWOOD GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY, AND PROPOSAL OF PARENT COMPANY TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS AND TO OFFER TO PURCHASE ALL SHARES HELD BY MINORITY STOCKHOLDERS

AUGUST 17, 1956.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Norwood Gas Company ("Norwood"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 6 (b), 7 (e), 9 (a), and 10 of the act and Rule U-40 (a) (6) thereunder as applicable to the proposed transactions, which are summarized as follows:

The authorized capital stock of Norwood consists of 3,010 common shares (par value $100 per share), of which 2,810 shares are outstanding. Norwood proposes to reduce its authorized capital stock to the 2,810 shares presently outstanding, and thereupon increase its capital stock by the issue and sale of 1,405 additional shares, offering such shares to its stockholders at the price of $100 per share on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days; but only full shares will be issued.

NEES, which now owns 2,791 shares (99.324 percent) of Norwood's outstanding stock, proposes to exercise its rights to subscribe for the 1,395 full shares of additional stock to which it will be entitled. The minority public holders (four in number, owning 19 shares) will be entitled to subscribe for 9 full shares. NEES also proposes, during the subscription period, to offer to purchase the present holdings of the minority stockholders, together with their rights to subscribe for additional shares, on the basis of $120 a share, and at the end of the subscription period to purchase from Norwood all unsubscribed shares at the subscription price. The price of $100 per share for the additional capital stock to be issued by Norwood and the price of $120 per share to be offered by NEES for the present minority holdings together with rights to subscribe for additional shares, are stated to have been determined by the directors of the respective companies after consideration of the earnings and book value of the Norwood stock and other comparable utility company stocks.

NEES will use treasury funds for its proposed acquisitions. Norwood will apply the proceeds from the sale of the additional capital stock, $140,500, to the discharge of a like amount of short-term notes payable to NEES, reducing its note indebtedness to NEES from $590,000 to $449,500. Such indebtedness was incurred by Norwood for extensions, enlargements and additions to its plant and property. Norwood and NEES desire to consummate the issue and sale of the additional capital stock in order to finance permanently a portion of the capitalizable additions to Norwood's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the small minority interest in Norwood.

The Massachusetts Department of Public Utilities has authorized and approved the increase of Norwood's authorized capital stock from 2,810 to 4,215 shares, the issuance of 1,405 additional shares, the acquisition by NEES of any shares unsubscribed by the minority stockholders, and the application by Norwood of the proceeds of the sale.

The expenses to be incurred by Norwood and NEES herein are estimated to be $2,300 and $300 respectively.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than August 31, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6804; Filed, Aug. 22, 1956; 8:48 a. m.]

[File No. 812-1024]

GIBCO, INC.

NOTICE OF FILING REQUESTING ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATED PERSONS

AUGUST 17, 1956.

Notice is hereby given that certain affiliated persons of Gibco, Inc. ("Gibco"), a registered closed-end, nondiversified investment company, have filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 (the "act") for exemption from the provisions of section 17 (a) (2) of the participation by such affiliated persons of Gibco in a proposed exchange of securities.

On April 30, 1956, Gibco sold substantially all its assets to Hupp Corporation ("Hupp") in exchange for cash and securities of Hupp. Gibco has made an offer to permit its shareholders (at the shareholders' option and for a limited period of time) to tender their Gibco stock for Hupp securities and cash.

The only outstanding securities of Gibco are 600,000 shares of Common Stock, par value $1 per share. Hupp, which owns 359,200 shares of the Gibco stock, has advised Gibco that it will not accept the offer.

The present assets of Gibco consist of:

(1) 150,000 shares of 5 percent Series A Preferred Stock, par value $50 per share, of Hupp;

(2) 695,176 shares of Common Stock, par value $1 per share, of Hupp;

(3) A 5 percent Subordinated Promissory Note of Hupp, in the principal amount of $1,200,000, convertible (until maturity or prepayment) into shares of Hupp common stock at a conversion price of $10 per share and maturing April 30, 1961; and

(4) $378,900 in cash.

Gibco expects to file a claim for refund of Federal income taxes in the approximate amount of $300,000, said claim being based upon a tax loss resulting from the sale to Hupp of the assets of Gibco on April 30, 1956.

Gibco has offered to acquire from each holder of its common stock all shares of Gibco owned by such holder. All shareholders who tender all of their Gibco shares will receive for each share of Gibco: 1½ shares of Common Stock of Hupp; ¼ share of 5 percent Series A Preferred Stock of Hupp; and $1 in cash.

The offer will expire at 3:00 p. m., central daylight saving time, on September 4, 1956.

On July 31, 1956 the closing price on the New York Stock Exchange for the Common Stock of Hupp was $6⅛ and the closing price of the Preferred Stock of Hupp was $39¼. Valuing the Hupp stock at those prices and the Hupp Subordinated Promissory Note at its principal amount, the net asset value of a share of Gibco Common Stock on July 31, 1956, was $19.55, without allowing for the tax refund claim. If Gibco eventually receives the entire tax refund claim and if no deficiencies in its past income taxes are determined the net asset value per share would be increased by approximately 50 cents. On July 31, 1956, the closing price on the Midwest Stock Exchange for the Common Stock of Gibco was $16¾.

Valuing the Hupp Preferred Stock and Common Stock at their closing prices on the New York Stock Exchange on July 31, 1956, the value of the distribution offered on tenders was $20 per share of Gibco.

John F. Bolger, a director of Gibco, owns 100 shares of Gibco stock. H. E. Greene, a director of Gibco, is a trustee of and has a beneficial interest in a trust which is the holder of 100 shares of Gibco stock. Glenn G. Paxton, an assistant-secretary of Gibco is the holder of 100 shares of such stock. Under the provisions of section 2 (a) (3) of the act each of such persons is an "affiliated person" of Gibco.

Section 17 (a) (2) of the act prohibits, among other things, an affiliated person of a registered investment company from purchasing any security from such registered company, subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). Under the terms of section 17 (b) an exemption shall be granted by the Commission if evidence establishes: that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act; and that the proposed transaction is consistent with the general purposes of the act. Applicants have requested that the Commission issue an order exempting the transaction from the provisions of section 17 (a) (2) to the extent applicable, pursuant to the provisions of section 17 (b) of the act.

Applicants represent that the terms of the proposed transaction are reasonable and fair; that the partial liquidation to be effected by the exchange is consistent with the policy stated by Gibco that its present intention is to continue to hold the Hupp securities not taken on tenders and it has no present intention of engaging in any other significant business transaction.

Notice is further given that any interested person may not later than August 30, 1956, at 5:30 p. m., submit to the

Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6805; Filed, Aug. 22, 1956; 8:49 a. m.]

[File No. 70-3500]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO AUTHORIZE, ISSUE AND SELL SHARES OF NEW SERIES OF PREFERRED

AUGUST 17, 1956.

Notice is hereby given that Blackstone Valley Gas and Electric Company ("Blackstone"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal by it to authorize, issue and sell 25,000 shares of a new series of preferred stock, and to reduce its outstanding bank notes. Declarant has designated sections 6 (a) and 7 of the act and Rules U-42 (b) (2) and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone proposes, subject to appropriate approval of its stockholders, to authorize a new series of redeemable cumulative preferred stock ("new preferred stock"), consisting of 25,000 shares of $100 per value each, and ranking pari passu with the outstanding 4.25 percent preferred stock, except as to number of shares, rate of dividend, date from which such dividends commence to accumulate, and the redemption prices thereof.

Blackstone further proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 25,000 shares of the new preferred stock, of which 1,430 shares will be subject to a subscription offer to be made, on a share for share basis, to the common stockholders other than EUA. EUA, the owner of 99.17 percent of Blackstone's outstanding common stock, has agreed to waive its right to subscribe for the new preferred stock. The dividend rate of the new preferred stock, and the price, exclusive of accumulated dividends, to be paid the company, and the subscription price (which shall be the initial offering price to the public) are to be fixed by the competitive bidding.

The proceeds from the proposed issue and sale of new preferred stock will be used to retire in part Blackstone's short-term bank notes outstanding in the aggregate principal amount of $3,050,000.

The declaration states that the proposed issue and sale of new preferred stock is subject to the jurisdiction of the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island, the State in which Blackstone is organized and doing business, and that an appropriate order of authorization from the Administrator will be obtained and filed as an exhibit in this proceeding.

Notice is further given that any interested person may not later than September 4, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-6806; Filed, Aug. 22, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA GALLO LA BELLA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Gallo La Bella, Angiolina La Bella, and Antonio La Bella, individually and as guardian on Domenico La Bella, a minor, all residing at 333 Tree Street, Philadelphia, Pennsylvania, and Maria La Bella, Michelina La Bella, and Serafina La Bella, all residing at Comune of Piscopio, Province of Catanzaro, Italy; Claim No. 42868, $7,780.68 in the Treasury of the United States, 3/9ths thereof to Maria Gallo La Bella and the remaining 6/9ths to the following individuals, in the proportion of 1/9th to each: Angiolina La Bella, Antonio La Bella, Antonio La Bella, guardian of Domenico La Bella, a minor, Maria La Bella, Michelina La Bella, Serafina La Bella.

Voluntary turnover.

Executed at Washington, D. C., on August 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6810; Filed, Aug. 22, 1956; 8:50 a. m.]

YASUNARI KAMEI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yasunari Kamei, No. 182, Taira-machi, Meguro-Ku, Tokyo, Japan, Claim No. 45545, $5,842.57 in the Treasury of the United States. Vesting Order Nos. 9928 and 10815.

Executed at Washington, D. C., on August 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6809; Filed, Aug. 22, 1956; 8:50 a. m.]

RUTH PRESS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ruth Press, nee Adler, London, England, Justin Adler, Santiago, Chile, Joseph Adler, Santiago, Chile, Claim No. 63524, to each of the three claimants listed herein an undivided one-fourth (¼th) part of all right, title, interest and claim of any kind or character whatsoever of the four legitimate descendants of Alma Adler, who was one of six children of Isaac Rosenbaum, deceased, and who died prior to September 18, 1948, in and to that property acquired by the Attorney General of the United States pursuant to Vesting Order No. 3715, filed with the FEDERAL REGISTER on June 2, 1944 (9 F. R. 6038), as the interest of the legitimate descendants, names unknown, of the children of Isaac Rosenbaum, deceased, in and to the Trust created under the Will of Henrietta Friend, also known as Henriette Friend, deceased. The property is in the process of administration by the First Wisconsin Trust Company, Milwaukee, Wisconsin, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

Executed at Washington, D. C., on August 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6811; Filed, Aug. 22, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF VERA SUSSMANOWITZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Vera Sussmanowitz, L. S. Claim No. 759, Atchison Topeka and Santa Fe Railway Company 4/95 Bond No. 12577, in the principal amount of $1,000.

Estella, Abraham, Helena and Louis Wolf, Reintje de Winter and Saartje Biederman, L. S. Claim No. 812, Central Pacific Railway Company 4/49 Bond No 5437, in the principal amount of $1,000; and Southern Pacific Railroad Company 4/55 Bond No. 128040, in the principal amount of $1,000.

Hanna and Louis Workum, and Elise Muller, L. S. Claim No. 817, Cities Service Company 5/69 Debenture No. 943, in the principal amount of $1,000.

Sara Goldsmit, L. S. Claim No. 820, Southern Pacific Company 4/49 Bond No. 5120, in the principal amount of $500.

Mrs. Trude Loeb (sole heiress of both E. & R. Ullmann), L. S. Claim No. 824, Southern Railway Company 4/56 Bond No. 3585, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6812; Filed, Aug. 22, 1956; 8:50 a. m.]

CAMILLA H. AND HELEN BUCHERER

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The claimant described below having died, the notice of intention to return vested property (20 F. R. 8616), is hereby revoked.

Claimant, Claim No., and Property

Camilla H. Bucherer, administratrix of the estate of Helen Bucherer, deceased, Bonn, Germany, Claim No. 29605, $14,792.48 in the Treasury of the United States.

A one-half interest in one (1) $1000 United States Treasury Bond, No. 220901, 2½ percent, due 1964-69 presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on August 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6813; Filed, Aug. 22, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 20, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32536: *Crude Rubber—Louisiana and Texas to Oklahoma City, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, viz.: artificial, synthetic, or neoprene, loose or in packages, straight or mixed carloads from Baton Rouge, Lake Charles and West Lake Charles, La., Baytown, Borger, Houston and Port Neches, Tex., to Oklahoma City, Okla.

Grounds for relief: Short-line distance formulas, and circuitous routes.

Tariffs: Supplement 102 to Agent Kratzmeir's I. C. C. 4025; Supplement 15 to Agent Kratzmeir's I. C. C. 4179.

FSA No. 32537: *Paper and paper articles—Arkansas, Louisiana, and Texas to Kansas City, Mo.-Kans.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in Arkansas, Louisiana, and Texas to Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 43 to Agent Kratzmeir's I. C. C. 4151.

FSA No. 32538: *Iron ore—Ontario, Canada, to Youngstown, Ohio.* Filed by Roy S. Kern, Agent, for interested rail carriers. Rates on iron ore, carloads from Clara Belle, Copper Cliff and Falconbridge, Ont., Canada to Youngstown, Ohio.

Grounds for relief: Circuitous routes through Butler, Pa.

Tariffs: 12th revised page 73-B of Canadian National Railway's I. C. C. E-366; 18th revised page 91 of Canadian Pacific Railway's I. C. C. E-2577.

FSA No. 32539: *Kyanite—Kings Mountain, N. C., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on kyanite, carloads from Kings Mountain, N. C., to specified points in official territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 115 to Agent Spaninger's I. C. C. 1346.

FSA No. 32540: *Roofing and building material between Memphis, Tenn., and New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building material, carloads between Memphis, Tenn., and New Orleans, La.,

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32541: *Commodities to and from southwestern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on (a) Tile or tiling and related articles, carloads and (b) chloroform, tank-car loads, (1) from Delaware, New Jersey and Pennsylvania points to Little Rock, Ark., as to rates on commodities in (a) above, and (2) from Velasco, Tex., to Louisville, Ky., as to rates on chloroform.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6803; Filed, Aug. 22, 1956; 8:48 a. m.]

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FEDERAL REGISTER

1934
OF THE UNITED STATES

VOLUME 21 NUMBER 165

Washington, Friday, August 24, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (2) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture.* • • •

(d) *Forest Service.* • • •

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6845; Filed, Aug. 23, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, 2d Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS; INTERPRETATION RE CERTAIN PRODUCTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.78–3 (b), 301.78–4, 301.78–5; 21 F. R. 3214, 3215), and an interpretation re certain other products, to appear as § 301.78a in Title 7, Code of Federal Regulations, as follows:

§ 301.78a *Administrative instructions exempting certain articles from specified requirements; interpretation re nursery stock, cut flowers, bulbs, etc.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5:

(a) *Fruits.* (1) Coconuts.
(2) Lemons, when picked green and commercially packed.
(3) Sour limes, when picked green and commercially packed.
(4) Strawberries, blackberries, and dewberries.

(b) *Vegetables.* (1) Beans.
(2) Broccoli.
(3) Brussels sprouts.
(4) Cabbage.
(5) Carrots.
(6) Cauliflower.
(7) Celery, when free of soil.
(8) Corn.
(9) Gourds.
(10) Kohlrabi.
(11) Lettuce, endive (escarole), chicory and other leafy (salad) vegetables.
(12) Okra.
(13) Onions.
(14) Peas, field, English or garden.
(15) Peppers, chili and cayenne (not including bell peppers).
(16) Potatoes (Irish).
(17) Pumpkins.
(18) Radishes.
(19) Spinach, collards, mustard and other leafy greens.
(20) Squash.
(21) Sweet potatoes.
(22) Tomatoes, green, when commercially packed.
(23) Turnips.
(24) Watermelons.

(c) *Vegetables produced under approved conditions.* (1) All other vegetables produced in the Counties of Broward, Collier, Hendry, Lee, and Palm

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Beach, when grown under approved conditions that include spray schedules where required, and when handled under sanitary conditions satisfactory to an inspector.

(2) Nursery stock, without fruit or berries and free of soil; bulbs, corms, tubers, and rhizomes, other than vegetables, when free of soil; and cut flowers; are not considered as being regulated articles within the meaning of the regulations in this subpart.

These revised instructions shall be effective on August 24, 1956, and on that day shall supersede P. P. C. 616, revised, which was effective June 16, 1956 (7 CFR 301.78a, 21 F. R. 4251).

The purpose of this revision is to add okra to the list of vegetables that are exempt from the requirements of the Mediterranean fruit fly quarantine and regulations, and similarly to exempt all vegetables produced in Broward, Collier, Hendry, Lee, and Palm Beach counties when they have been grown under certain approved conditions and have been handled in a manner to safeguard them from reinfestation. The latter exemption is based on progress of control work and consequent reduction of Mediterranean fruit fly population in the five counties named. It has been determined that movement of such vegetables will not result in the spread of the Mediterranean fruit fly and that the restrictions provided by the quarantine and regulations upon such movement are unnecessary. In order to be of maximum benefit to affected shippers, the revised instructions relieving such restrictions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the revised instructions are impracticable and unnecessary.

Since the instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 21st day of August 1956.

[SEAL] L. F. CURL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-6856; Filed, Aug. 23, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 655, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.655 (Lemon Regulation 21 F. R. 6222) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6853; Filed, Aug. 23, 1956; 8:50 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ESTABLISHMENT OF FREE, RESTRICTED, AND WITHHOLDING PERCENTAGES FOR 1956–57 CROP YEAR

Notice was published in the August 4, 1956 issue of the FEDERAL REGISTER (21 F. R. 5847) that the Secretary of Agriculture was considering a proposed rule to establish for the 1956–57 crop year a free percentage, a restricted percentage, and a withholding percentage for Deglet Noor dates, as set forth in such notice. These percentages were proposed after consideration of the recommendation of the Date Administrative Committee and other available information, in accordance with the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. The said agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In the notice, opportunity was afforded interested persons to file written data, views, or arguments with respect thereto.

After consideration of the data, views, or arguments which were submitted, and other available information, it is concluded that to establish a free percentage, a restricted percentage, and a withholding percentage as set forth in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

Therefore, it is hereby ordered, That the free percentage, restricted percentage, and withholding percentage for Deglet Noor dates for the 1956–57 crop year shall be as follows:

§ 1003.204 *Free, restricted, and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates of the Deglet Noor variety shall be, for the crop year beginning August 1, 1956 and ending July 31, 1957, as follows: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding percentage, 33.3 percent.

It is hereby found and determined that good cause exists for not postponing the effective time of this order later than the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Shipments of Deglet Noor dates will begin soon; (2) handlers need to know with certainty and as soon as is practicable the withholding percentage which shall apply against their shipments of marketable Deglet Noor dates during the 1956–57 crop year; (3) since the free, restricted, and withholding percentages established for the 1955–56 crop year continue to apply until the percentages for the 1956–57 crop year become effective, at which time the withholding obligations for the 1956–57 crop year must be ad-

justed to the new percentages, it is necessary that the percentages for the 1956–57 crop year become effective soon so as to minimize adjustments; and (4) handlers are aware that new percentages were proposed for the 1956–57 crop year and they should need no additional advance notice for compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 21, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6854; Filed, Aug. 23, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station. The portion of this airway above 5500 feet above mean sea level within 60 miles of a point at latitude 34°54'30'', longitude 76°53'00'' is excluded daily from sunset to sunrise.

2. Section 600.210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* is amended between Birmingham, Ala., and Atlanta, Ga., by deleting the portion which reads: "the intersection of the east course of the Birmingham, Ala., radio range and the west course of the Campbellton, Ga., radio range; Campbellton, Ga., radio range station;" and substituting the following in lieu thereof: "the intersection of the east course of the Birmingham, Ala., radio range and a line bearing 267° True from the Atlanta, Ga., radio range;"

3. Section 600.267 is amended to read:

§ 600.267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., radio range station via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the southwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the northeast course of the Columbus, Ga., radio range and a line bearing 182° True from the Marietta, Ga. (Lost Mountain), nondirectional radio beacon to the intersection of the line bearing 182° True from the Marietta, Ga. (Lost Mountain) nondirectional beacon and the southwest course of the Atlanta, Ga., radio range, excluding the portions above 19,000 feet MSL which lie within Tyndall restricted area (R–336) between sunset and sunrise, and excluding the portion which overlaps Fort Benning restricted area (R–129).

4. Section 600.6001 is amended to read:

§ 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).* From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; point of intersection of the Wilmington omnirange 005° True and the New Bern, N. C., 297° True radials; Cofield, N. C., omnirange station; intersection of the Cofield omnirange 058° True radial and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course. From the point of intersection of the Norfolk, Va., VAR north course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk VAR north course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 038° True and the Coyle omnirange 203° True radials; Coyle, N. J., omnirange station; to the Idlewild, N. Y., omnirange station. These portions of this airway between the Coyle, N. J., omnirange station and the point of intersection of the Colts Neck, N. J., omnirange 073° True and the Coyle, N. J., omnirange 031° True radials lying more than 3 miles either side of the center line, and those portions in conflict with the Patuxent restricted area (R–43) and the Warren Grove restricted area (R–26), are excluded.

5. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing all after the West Chester, Pa., omnirange station to read: "West Chester, Pa., omnirange station; to the point of intersection of the West Chester omnirange direct radial to the Coyle, N. J., omnirange station and the Woodstown, N. J., omnirange 045° True radial."

6. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by changing the portion which reads: "Shreveport, La., omnirange station;" to read: "Shreveport, La., omnirange station, including an east alternate;".

7. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all between the Big Spring, Tex., omnirange station and the Texarkana, Ark., omnirange station to read: "Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station, including a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Dallas, Tex., omnirange station, including a south alternate; Sulphur Springs, Tex., omnirange station, including a north alternate from the Mineral Wells omnirange station to the Sulphur Springs omnirange station via the intersection of the Mineral Wells omnirange 066° True and the Sulphur Springs omnirange 272° True radials; Texarkana, Ark., omnirange station, including a north alternate;".

8. Section 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended by changing all after the Waco, Tex. omnirange station to read: "Waco, Tex., omnirange station, including an east alternate; intersection of the Waco omnirange 352° True and the Fort Worth omnirange 159° True radials; Fort Worth, Tex., omnirange station; Oklahoma City, Okla., omnirange station; Gage, Okla., omnirange station; Garden City, Kans., omnirange station; to the Goodland omnirange station, including a west alternate."

9. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "Crazy Woman, Wyo., omnirange station, including an east alternate;" to read: "Crazy Woman, Wyo., omnirange station, including an east alternate via the intersection of the Casper, Wyo., 007° True and the Crazy Woman omnirange 146° True radials;".

10. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion which reads: "New Orleans, La., omnirange station;" to read: "New Orleans, La., omnirange station, including a south alternate;".

11. Section 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "White Cloud, Mich., omnirange station;" to read: "White Cloud, Mich., omnirange station, including a north alternate;".

12. Section 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* is amended by changing the portion which reads: "Salinas, Calif., omnirange station;" to read: "Salinas, Calif., omnirange station, including a west alternate from the Paso Robles omnirange station to the Salinas omnirange station via the intersection of the Paso Robles omnirange 314° True and the Salinas omnirange 149° True radials, excluding the portion which conflicts with the Fort Ord restricted area (R–284) and also excluding the portion which conflicts with the Camp Roberts restricted area (R–415) during the hours of daylight;".

13. Section 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)* is amended by changing the portion which reads: "From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 274° True and the Fort Myers omnirange 133° True radials;" to read: "From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 276° True and the Fort Myers omnirange 142° True radials;".

14. Section 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)* is amended by changing the portion which reads: "From the Iowa City, Iowa, omnirange station via the intersection of the Iowa City omnirange 092° True and the Joliet omnirange 265° True radials;" to read: "From the Iowa City, Iowa, omnirange station via the intersection of the Iowa City omnirange 093° True and the Joliet omnirange 265° True radials;".

15. Section 600.6054 is amended by changing the caption to read: "*VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.)*" and by changing the portion which reads: "From the Texarkana, Ark., omnirange station via the Little Rock, Ark., omnirange station, including a north alternate via the intersection of the Texarkana omnirange 031° True and the Little Rock omnirange 255° True radials;" to read: "From the Quitman, Tex., omnirange station via the Texarkana, Ark., omnirange station; Little Rock, Ark., omnirange station, including a north alternate via the intersection of the Texarkana omnirange 031° True and the Little Rock omnirange 255° True radials;".

16. Section 600.6061 is amended to read:

§ 600.6061 *VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).* From the Fort Worth, Tex., omnirange station via the intersection of the Fort Worth omnirange 315° True and the Wichita Falls omnirange 139° True radials; Wichita Falls, Tex., omnirange station, to the Lawton, Okla., omnirange station.

17. Section 600.6063 is amended by changing the caption to read: "*VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.)*" and by adding a new first portion to read: "From the Waco, Tex., omnirange station via the intersection of the Waco omnirange 036° True and the Sulphur Springs omnirange 234° True radials; to the Sulphur Springs, Tex., omnirange station."

18. Section 600.6066 is amended by changing the caption to read: "*VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.)*" and by changing all after the Culberson, Tex., omnirange station to read: "Culberson, Tex., omnirange station; intersection of the Culberson omnirange 090° True and the Midland omnirange 234° True radials; Midland, Tex., omnirange station; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station; intersection of the Abilene omnirange 066° True and the Fort Worth omnirange 248° True radials; Fort Worth, Tex., omnirange station; to the Sulphur Springs, Tex., omnirange station."

19. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "intersection of the San Antonio omnirange 169° True and the Corpus Christi omnirange 321° True radials;" to read: "intersection of the San Antonio omnirange 168° True and the Corpus Christi omnirange 321° True radials;".

20. Section 600.6073 is amended to read:

§ 600.6073 *VOR civil airway No. 73 (Wichita, Kans., to Salina, Kans.).* From the Wichita, Kans., omnirange station via the Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 025° True and the Salina omnirange 184° True radials; to the Salina, Kans., omnirange station.

21. Section 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to Des Moines, Iowa)* is amended by deleting the portion which reads: "Oklahoma City omnirange 187° True" and substituting the following in lieu thereof: "Oklahoma City omnirange 180° True".

22. Section 600.6091 is amended to read:

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec).* That airspace over U. S. territory from the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 042° True and the Wilton omnirange 185° True radials; Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station, including an east alternate via the intersection of the Poughkeepsie omnirange 007° True and the Albany omnirange 140° True radials and also a west alternate; Plattsburg, N. Y., omnirange station; to the Montreal, Que., omnirange station.

23. Section 600.6094 is amended to read:

§ 600.6094 *VOR civil airway No. 94 (Salt Flat, Tex., to Longview, Tex.).* From the Salt Flat, Tex., omnirange station via the Carlsbad, N. Mex., omnirange station to the Hobbs, N. Mex., omnirange station. From the Abilene, Tex., omnirange station via the intersection of the Abilene omnirange 096° True and the Britton omnirange 254° True radials; Britton, Tex., omnirange station; to the Gregg County, Tex., omnirange station.

24. Section 600.6114 is amended to read:

§ 600.6114 *VOR civil airday No. 114 (Pueblo, Colo., to New Orleans, La.).* From the Pueblo, Colo., omnirange station via the Dalhart, Tex., omnirange station; Amarillo, Tex., omnirange station, including a north alternate; Childress, Tex., omnirange station, including a south alternate; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station; intersection of the Dallas 135° True and the Gregg County omnirange 273° True radials; Gregg County, Tex., omnirange station, including a north alternate from the Dallas omnirange station to the Gregg County omnirange station via the Quitman, Tex., omnirange station; point of intersection of the Shreveport, La., omnirange 176° True and the Alexandria omnirange 300° True radials; Alexandria., La., omnirange station, including a north alternate from the Gregg County omnirange station to the Alexandria omnirange station via the Shreveport omnirange station and the point of intersection of the Shreveport omnirange 176° True with the Alexandria omnirange 300° True radials; Baton Rouge, La., omnirange station; to the New Orleans, La. omnirange station.

25. Section 600.6131 is amended to read:

§ 600.6131 *VOR civil airway No. 131 (Emporia, Kans., to Topeka, Kans.).* From the Emporia, Kans., omnirange station via the intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials; to the Topeka, Kans., omnirange station.

26. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing all after the Coyle, N. J., omnirange station to read: "Coyle, N. J., omnirange station; to the Idlewild, N. Y., omnirange station, excluding the portions of this airway between the Coyle, N. J., omnirange station and the point of intersection of the Coyle omnirange 031° True and the Colts Neck, N. J., omnirange 073° True radials more than 3 miles either side of the centerline and the portions which overlap the Aberdeen restricted area (R–54)."

27. Section 600.6161 is amended by changing the caption to read: "*VOR civil airway No. 161 (Fort Worth, Tex., to Minneapolis, Minn.)*" and by changing all before the Blue Springs, Mo., omnirange station to read: "From the Fort Worth (Amon Carter Field), Tex., ILS localizer via the intersection of the Fort Worth (Amon Carter Field) ILS localizer northwest course and the Ardmore omnirange 192° True radial; Ardmore, Okla., omnirange station; Tulsa, Okla., omnirange station; Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station;".

28. Section 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.)* is amended by changing the last portion to read: "From the Waco, Tex., omnirange station via the intersection of the Waco omnirange 315° True and the Mineral Wells omnirange 198° True radials; Mineral Wells, Tex., omnirange station; Fort Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City omnirange station, including a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 331° True and the Oklahoma City omnirange 180° True radials and also an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 222° True radials. The portions of this airway which conflict with the Corpus

Christi restricted area (R–227) are excluded."

29. Section 600.6186 is amended to read:

§ 600.6186 *VOR civil airway No. 186 (St. Louis, Mo., to Vandalia, Ill.).* From the St. Louis, Mo., omnirange station via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; to the Vandalia omnirange station.

30. Section 600.6229 added to read:

§ 600.6229 *VOR civil airway No. 229 (Wilmington, N. C., to Cofield, N. C.).* From the Wilmington, N. C., omnirange station via the New Bern, N. C., omnirange station; to the Cofield, N. C., omnirange station. The portion of this airway above 5,500 feet above mean sea level within 60 miles of a point at latitude 34°54'30" north, longitude 76°53'00" west, is excluded daily from sunset to sunrise.

31. Section 600.6231 is added to read:

§ 600.6231 *VOR civil airway No. 231 (Missoula, Mont., to Ronan, Mont.).* From the Missoula, Mont., omnirange station to the point of intersection of the Missoula omnirange 354° True and the Mullan Pass, Mont., omnirange 089° True radials.

32. Section 600.6241 *VOR civil airway No. 241 (Kinston, N. C., to Cofield, N. C.)* is revoked.

33. Section 600.6247 is added to read:

§ 600.6247 *VOR civil airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).* From the Douglas, Wyo., omnirange station to the Crazy Woman, Wyo., omnirange station.

34. Section 600.6248 is added to read:

§ 600.6248 *VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).* From the Paso Robles, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. September 20, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–6824; Filed, Aug. 23, 1956; 8:45 a. m.]

[Amdt. 13]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1127 *Control area extension (Pasco, Wash.)* is amended by changing the words "VOR civil airway No. 103" to read: "VOR civil airway No. 112".

2. Section 601.1170 *Control area extension (Campbellton, Ga.)* is revoked.

3. Section 601.1200 *Control area extension (Columbia, S. C.)* is amended by adding the following portion to present control area extension: "and the airspace south of Columbia bounded on the northeast by Blue civil airway No. 28, on the southwest by Red civil airway No. 10 and on the northwest by Red civil airway No. 16, and the airspace southeast of Columbia bounded on the north by Red civil airway No. 16, on the east by Amber civil airway No. 7, and on the southwest by Blue civil airway No. 28, excluding the portion which overlaps restricted area (R–384)."

4. Section 601.1230 is amended to read:

§ 601.1230 *Control area extension (Miami, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Tamiami, Fla., nondirectional radio beacon to a circle 10 miles in radius centered on the intersection of a line bearing 276° True from the Tamiami nondirectional radio beacon and the eastern boundary of the New Orleans Oceanic control area, excluding the portion which lies within Sarasota warning area (W–168) and excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

5. Section 601.1223 *Control area extension (Miramar, Calif.)* is amended by changing last portion to read: "excluding the airspace below 15,000 feet MSL, which lies within restricted area (R–297)."

6. Section 601.1282 *Control area extension (Wichita, Kans.)* is amended by adding the following portion to present control area extension: "and the airspace lying within 5 miles either side of a direct line extending from the Wichita, Kans., omnirange station to the Tulsa, Okla., omnirange station."

7. Section 601.1293 is amended to read:

§ 601.1293 *Control area extension (Fort Smith, Ark.).* That airspace northeast of Fort Smith within a 25-mile radius of the Fort Smith omnirange station extending clockwise from the eastern boundary of VOR civil airway No. 13 to the northern boundary of VOR civil airway No. 74.

8. Section 601.1325 *Control area extension (Tampa, Fla.)* is amended by adding the following portion to present control area extension: "including the airspace northwest of Tampa bounded on the northeast by VOR civil airway No. 97, on the southwest by Tampa control area extension 601.1226, and on the northwest by a line 5 miles west of and parallel to the 207° True radial of the Cross City, Fla., omnirange, excluding the airspace below 2,000 feet MSL which lies outside the continental limits of the United States."

9. Section 601.1983 *Three-mile radius zones* is amended by adding the following airport: Jacksonville, N. C.: New River MCAF.

10. Section 601.2121 *Rockford, Ill., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line extending from the Greater Rockford Airport through the Rockford nondirectional radio beacon to a point 12 miles south of the nondirectional radio beacon."

11. Section 601.2163 *Pensacola, Fla., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the ILS localizer northwest course extending from the localizer to a point 15 miles northwest."

12. Section 601.2255 is amended to read:

§ 601.2255 *Aguadilla, P. R., control zone.* Within a 10-mile radius of Ramey Air Force Base, Aguadilla, P. R., and within 2½ miles either side of the extended center line of the Ramey AFB east-west runway extending to points 12 miles east and west of the runway ends.

13. Section 601.2279 is amended to read:

§ 601.2279 *Anchorage, Alaska, control zone.* That airspace within a 5-mile radius of Elmendorf Air Force Base, within 5 miles either side of a direct line from the Elmendorf AFB to and including a 5-mile radius of Anchorage International Airport, and within 2 miles either side of the ILS localizer course extending from the Anchorage International Airport to a point 10 miles beyond the outer marker, excluding the portion which overlaps restricted area (R–348).

14. Section 601.2324 is amended to read:

§ 601.2324 *New Bern, N. C., control zone.* Within a 6-mile radius of Simmons-Nott Airport and within 2 miles either side of a line bearing 265° True extending from the New Bern nondirectional radio beacon to a point 10 miles west of the radio beacon, excluding the portion which overlaps Cherry Point restricted area (R–123), and excluding the airspace above 5,500 feet above mean sea level daily from sunset to sunrise.

15. Section 601.2390 is added to read:

§ 601.2390 *North, S. C., control zone.* Within an 8-mile radius of North AF (AUX) Field, North, S. C., and within 2 miles either side of a line bearing 233° True extending from the airfield to a point 10 miles southwest.

16. Section 601.6020 is amended to read:

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).* All of VOR civil airway No. 20 including north and south alternates, but excluding the airspace between the main airway and its north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

17. Section 601.6054 is amended to read:

§ 601.6054 *VOR civil airway No. 54 control areas (Quitman, Tex., to Charlotte, N. C.).* All of VOR civil airway No. 54 including north alternates.

18. Section 601.6061 is amended to read:

§ 601.6061 *VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).* All of VOR civil airway No. 61.

19. Section 601.6063 is added to read:

§ 601.6063 *VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.).* All of VOR civil airway No. 63 including west alternates.

20. Section 601.6066 is amended to read:

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex.).* All of VOR civil airway No. 66 including north alternates.

21. Section 601.6073 is amended to read:

§ 601.6073 *VOR civil airway No. 73 control areas (Wichita, Kans., to Salina, Kans.).* All of VOR civil airway No. 73.

22. Section 601.6091 is amended to read:

§ 601.6091 *VOR civil airway No. 91 control areas (New York, N. Y. to Montreal, Quebec).* All of VOR civil airway No. 91 including an east alternate and a west alternate.

23. Section 601.6094 is amended to read:

§ 601.6094 *VOR civil airway No. 94 control areas (Salt Flat, Tex., to Longview, Tex.).* All of VOR civil airway No. 94.

24. Section 601.6131 is amended to read:

§ 601.6131 *VOR civil airway No. 131 control areas (Emporia, Kans., to Topeka, Kans.).* All of VOR civil airway No. 131.

25. Section 601.6148 is amended to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Kremmling, Colo., to North Platte, Nebr.).* All of VOR civil airway No. 148.

26. Section 601.6150 is amended to read:

§ 601.6150 *VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno, Nev.).* All of VOR civil airway No. 150.

27. Section 601.6161 is amended to read:

§ 601.6161 *VOR civil airway No. 161 control areas (Fort Worth, Tex., to Minneapolis, Minn.).* All of VOR civil airway No. 161.

28. Section 601.6163 is amended to read:

§ 601.6163 *VOR civil airway No. 163 control area (Brownsville, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including an east and a west alternate.

29. Section 601.6186 is amended to read:

§ 601.6186 *VOR civil airway No. 186 control areas (St. Louis, Mo., to Vandalia, Ill.).* All of VOR civil airway No. 186.

30. Section 601.6229 is added to read:

§ 601.6229 *VOR civil airway No. 229 control areas (Wilmington, N. C., to Cofield, N. C.).* All of VOR civil airway No. 229.

31. Section 601.6231 is added to read:

§ 601.6231 *VOR civil airway No. 231 control areas (Missoula, Mont., to Ronan, Mont.).* All of VOR civil airway No. 231.

32. Section 601.6241 *VOR civil airway No. 241 control areas (Kinston, N. C., to Cofield, N. C.)* is revoked.

33. Section 601.6247 is added to read:

§ 601.6247 *VOR civil airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).* All of VOR civil airway No. 247.

34. Section 601.6248 is added to read:

§ 601.6248 *VOR civil airway No. 248 control areas (Paso Robles, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 248.

35. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Britton, Tex., omnirange station.
Huntsville, Ala., omnirange station.
Maxwell Intersection: The intersection of the Lafayette, Ind., omnirange 122° True and the Indianapolis, Ind., omnirange 084° True radials.
Whitehurst Intersection: The intersection of the north course of the Norfolk, Va., VAR and of the northeast course of the Norfolk, Va., ILS localizer.

by revoking the following reporting point:

Ringling Intersection: The intersection of the Ardmore, Okla., omnirange 274° True and the Oklahoma City, Okla., omnirange 175° True radials.

and by changing the following reporting point to read:

Richmond Intersection: The intersection of the Oakland, Calif., omnirange 330° True and the Sacramento, Calif., omnirange 233° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 001 e. s. t. September 20, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56 6825; Filed, Aug. 23, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54167]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

EXCEPTIONS TO MARKING REQUIREMENTS

Under section 304 (a) (3) (J) of the Tariff Act of 1930, as amended (19 U. S. C. 1304 (a) (3) (J)), the Secretary of the Treasury is authorized by regulation to except from the marking requirements of that section articles of a class or kind with respect to which he has given notice by publication in the weekly Treasury Decisions within two years after July 1, 1937, that articles of such class or kind were imported in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin. Pursuant to that authority, lists of articles of such class or kind were published in (1938) T. D. 49690 (1938), T. D. 49835, and (1939) T. D. 49896. These articles have been excepted from the marking requirements by § 11.10 (a) of the Customs Regulations.

Notice was published in the FEDERAL REGISTER of June 1, 1956, that consideration was being given to the revocation of the exception from the marking requirements of "ornaments, glass Christmas tree," which is one of the articles listed in the above-mentioned T. D. 49896. Consideration has been given to all data, views, and arguments, submitted in response to that notice and it has been concluded that the public interest requires more effective notice of the country of origin of glass Christmas tree ornaments.

Therefore, the exception under section 304 (a) (3) (J) of the Tariff Act of 1930, as amended, of "ornaments, glass Christmas tree," from the marking requirements of section 304 is hereby revoked as to such ornaments entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after publication of this Treasury Decision in the FEDERAL REGISTER and the Customs Regulations are amended as set forth below.

Section 11.10 (a) is hereby amended by adding the following new sentence: "The exceptions under section 304 (a) (3) (J) are set forth in T. D. 49690, T. D. 49835, T. D. 49896, and T. D. 54167."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 304, 46 Stat. 687, as amended; 19 U. S. C. 1304)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 17, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–6851; Filed, Aug. 23, 1956; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 600—FEDERAL, STATE, AND LOCAL TAXES

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. The Purchases Branch, Office of the Deputy Chief of Staff for Logistics, has been redesignated as the Contracts Branch, Office of the Deputy Chief of Staff for Logistics. References to "Purchases Branch" throughout Subchapter G are changed to read "Contracts Branch".

2. In § 591.201, revise paragraphs (f) and (i), and revoke paragraph (j) as follows:

§ 591.201 *Preparation of forms.* • • •

(f) *Place of delivery.* (1) Transportation factors to be included in invitations for bids are set forth in § 606.1005 (b) of this subchapter.

(2) When transportation costs are important and the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place may be designated in the known geographical sector as the point to which transportation costs will be computed in determining the low bidder. In order that prospective bidders may understand the method of evaluation to be used, the following clause should be incorporated in the Schedule:

For the purpose of evaluating bids (and for no other purpose), the final destination(s) for the supplies will be considered to be as follows • • •

• • • • •

(i) *Price escalation.* If it is anticipated that some or all of the bidders will respond with bids which will include a provision for escalation, the Invitations for Bids will clearly state the specific escalation clause (to be selected by the Contracting Officer from the clauses appearing in § 7.106 of this title and § 596.151 of this subchapter) which may be included in the bid and which will be considered responsive. The Invitations for Bids shall further state that all bids which include a provision for escalation will be evaluated after applying the maximum amount of escalation.

(j) *Price escalation.* [Revoked.]

3. Revise § 591.202 (a) and add §§ 592.157 and 592.158, as follows:

§ 591.202 *Methods of soliciting bids*—(a) *Issue of Invitations for Bids.* Invitations for Bids shall be issued by a Contracting Officer, or by an agency or individual authorized by him. The Contracting Officer shall, however, make each award and sign each contract.

• • • • •

§ 592.157 *Disclosure of mistakes after award.* It is the policy of the Department of the Army to conduct negotiations with a view towards complete and final understanding between the contracting parties prior to the execution of a formal contract. The consideration to be given a mistake alleged by a contractor after completion of negotiations and award of the contract will depend on whether the evidence establishes that the claim of mistake is bona fide. Except for such cases where the matter is resolved under Subpart D, Part 606 of this subchapter, mistakes alleged by contractors after award will be processed in the same manner as prescribed in § 591.405–3 for advertised procurements.

§ 592.158 *Protests involving negotiated procurements.* Protests or objections to actions taken or to be taken by a Contracting Officer in connection with a negotiated procurement will be handled in accordance with the requirements and procedure set forth in § 591.452 except that:

(a) Copies of proposals and requests for proposals, if any, and an abstract of proposals will be submitted to higher authority in lieu of the requirement for copies of bids, the invitation for bids and abstract of bids under § 591.452 (f).

(b) The file required by § 591.452 (f) will include a copy of the contract, or reference to the number and date thereof.

4. Revise §§ 596.103–12, 596.103–14, 596.103–16, 596.103–17, and 596.103–18, and revoke § 596.103–21, as follows:

§ 596.103–12 *Disputes*—(a) *General*—(1) *Contract clause.* The "Disputes" Clause contained in § 7.103–12 of this title will be inserted as specified, except for contracts entered into by major oversea commanders and to be performed outside the United States (48 States and the District of Columbia) (paragraph (c) of this section). The "disputes" Clause may be modified to provide for an intermediate appeal to the Head of a Procuring Activity upon approval of the Head of the Procuring Activity concerned.

(2) *Armed Services Board of Contract Appeals.* The charter and rules of the Armed Services Board of Contract Appeals are set forth in § 30.1 of this title. References herein to "rules" are to the mentioned rules.

(3) *Correspondence and communications.* All official correspondence with the Board will be addressed to the "Army Contract Appeals Panel, Armed Services Board of Contract Appeals, Office of the Secretary of the Army, Washington 25, D. C." All official correspondence with the Chief Trial Attorney, will be addressed "Chief Trial Attorney, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C." The Chief Trial Attorney and the attorneys assigned to his office are authorized to communicate directly by telephone or otherwise with any person or organization to secure any witnesses, documents or information considered necessary in connection with properly protecting the interests of and representing the Government in matters before the Board.

(4) *Time of filing of appeal to be indorsed.* When a notice of appeal has been received by the Contracting Officer or the Head of a Procuring Activity, as the case may be, there shall be indorsed thereon the date of receipt and also, where apparent, the date of mailing or, if dispatched by appellant by other means, the date of such dispatch.

(b) *Procedure for handling disputes*—(1) *Screening.* (i) The Contracting Officer should screen disputes arising under contracts to insure that findings and decisions appealable under the "Disputes" Clause are rendered only on disputes concerning questions of fact or disputes otherwise made subject to the "Disputes" procedure by specific contract provisions, such as a dispute as to an equitable adjustment under § 7.103–2 of this title, "Changes" Clause or § 7.103–5 of this title, "Inspection" Clause, or a dispute resulting from failure to agree on a redetermined price under § 596.152–1 "Price Redetermination" Clause. For example, an appealable decision and finding should not be issued by the Contracting Officer: (*a*) Where a mistake in bid is alleged by the Contractor after award in that the procedure outlined in § 2.405–3 of this title and § 591.405 of this subchapter covers such cases, or (*b*) where § 7.104–16 of this title "Gratuities" Clause is to be invoked in that under such clause and § 30.4 of this title, findings of fact are made by duly designated representatives of the Secretary.

(ii) Whenever a Contracting Officer has doubt as to whether findings and a decision should be made pursuant to the "Disputes" Clause he should obtain the advice of legal counsel.

(2) *Findings and decision*—(i) *Definitions.* "Findings" means a separate written and signed document which contains in detail findings of fact or subsidiary matters pertinent to and supporting the Contracting Officer's "decision." The Contracting Officer's "decision" means the written and signed conclusions of the Contracting Officer based on the "findings" and deciding the matter in dispute.

(ii) Whenever it becomes necessary to render a decision on a dispute the Contracting Officer will prepare and sign findings, a true copy of which with his written decision will be promptly furnished the Contractor. When the Contractor has a right to appeal under the contract and such right is directly to the Secretary, the Contracting Officer will conclude his decision with the following paragraph:

If the decision hereinbefore set forth results in a dispute concerning a question of fact or a dispute otherwise made subject to the Disputes procedure by specific contract provisions, you are hereby notified that you may appeal from this decision to the Secretary of the Army in accordance with the provisions of Clause --------, "Disputes" of the above numbered contract. A notice of appeal must be in writing and should indicate that an appeal is thereby intended, and should identify the contract (by number) and the decision from which the appeal is taken. The original, together with two copies, should be filed with the undersigned Contracting Officer. If a Notice of Appeal is filed, it will be forwarded to the Armed Services Board of Contract Appeals and the Recorder of that Board will docket the appeal and will forward to you a copy of the Rules of the Board. Under the Rules, the original and three copies of a complaint may be filed with the Contracting Officer at the time the Notice of Appeal is filed, or it may be filed with the Recorder of the Board after the Appeal has been docketed. The rules provide that a complaint should set forth a simple, concise, and direct statement of each claim and show wherein a Contractor contends that he is entitled to relief. The rules further provide that each claim shall be stated with as much particularity as is practical, that each claim should be separately identified, that documentary evidence in support of claims may be filed as exhibits to the complaint, that all documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint, and that an original and three copies of the complaint shall be filed.

(iii) It is emphasized that, where a contract provides for a decision or a determination to be made by a Contracting Officer, he must give his personal and independent consideration to the making of each determination, "decision" or "findings," with the aid of such technical and legal advice as may be available to him.

(3) *Appeals to Secretary from decisions of Contracting Officers*—(i) *Action by Contracting Officer.* (*a*) When a Contracting Officer receives a notice of appeal and does not receive therewith a copy of the complaint (see Rule 5), he will, within 10 days after receipt thereof, forward same to the Board through the Head of the Procuring Activity concerned. He will also promptly forward to the Chief Trial Attorney, through the Head of the Procuring Activity, the following:

(*1*) The findings and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(*2*) The contract and pertinent plans, specifications, amendments, and change orders.

(*b*) When a complaint is not filed with the Contracting Officer with the Notice of Appeal, but is filed later with the Board, the Chief Trial Attorney shall transmit a copy thereof to the Contracting Officer through the Head of the Procuring Activity concerned. Within 15 days after receipt of the complaint the Contracting Officer will forward to the Chief Trial Attorney, through the Head of the Procuring Activity concerned, a comprehensive report substantiating the Contracting Officer's position with regard to the dispute, and will include the following:

(*1*) Correspondence between the parties and other data pertinent to the appeal;

(*2*) Transcripts of any testimony taken during the course of the proceedings on the matter in dispute prior to the filing of the notice of appeal with this Board;

(*3*) The name of each witness having knowledge that will support the Government's position, a statement signed by each witness reflecting facts to which he will be able to testify, (or a summary thereof if it is impossible to get the signed statement) and a statement as to the expected availability at the hearing of each witness.

(*4*) A statement of the factual and legal issues involved in the appeal; also a comment as to each allegation of fact in the complaint or notice of appeal (treating them in the order set forth therein) and a comment as to wether it is well founded and, if not, a recital of the evidence to refute the same.

(*5*) Such additional information as the Contracting Officer may consider material.

(*c*) Where the complaint is filed with the Contracting Officer with the Notice of Appeal under Rule 3, the Contracting Officer will forward Notice of Appeal and the original and three copies of the complaint to the Board through the Head of the Procuring Activity within 10 days. Within 20 days after receipt of the notice of appeal and complaint from the Contractor, the Contracting Officer will prepare and forward to the Chief Trial Attorney, through the Head of the Procuring Activity, a single comprehensive report containing the items described in (*a*) and (*b*) of this subdivision, and substantiating the position taken by the Contracting Officer.

(*d*) In order that the Chief Trial Attorney may file an answer under Rule 6 within 60 days after service of the complaint, or in order that he may have justification for any request for extension of time, the above time limits must either be met or the Chief Trial Attorney must be notified of the reason for the delay and the estimated extent thereof.

(ii) *Action by Head of a Procuring Activity.* The Head of the Procuring Activity receiving an appeal to the Secretary from a decision of a Contracting Officer will:

(*a*) Forward the required copies of the Notice of Appeal and the complaint (if the complaint was furnished to the Contracting Officer with the Notice of Appeal) to the Board without delay.

(*b*) Carefully review the "decision" or "findings" from which the appeal is taken to ascertain that all basic "findings" are complete as to all issues bearing on the matter in dispute.

(*c*) Insure that the reports submitted by the Contracting Officer under subdivision (i) of this subparagraph are complete and ascertain that the evidence relied upon in support of the "decision" or "findings" does support the Government's position.

(*d*) Refer to the Contracting Officer for supplemental findings cases in which the original "findings" do not contain all of the basic findings required to support the decision or in which the "findings" are not complete as to all issues bearing upon the matter in dispute.

(*e*) Return to the Contracting Officer for reconsideration, along with appropriate instructions, all cases wherein a timely appeal has been taken and it is clear from the evidence, contractual provisions and the applicable law, that the Contracting Officer's "decision" or "findings" is erroneous or not supported by competent and available evidence.

(*f*) Notify the Chief Trial Attorney within 10 days after action has been taken by the Head of the Procuring Activity under (*d*) and (*e*) of this subdivision; this notification will indicate the nature thereof, and will include an estimate as to when the appeal will be either withdrawn, or ready for preparation of an answer.

(*g*) Where action is not taken under (*d*) and (*e*) of this subdivision, forward to the Chief Trial Attorney (within 10 days after receipt) each of the reports of the Contracting Officer referred to in subdivision (i) of this subparagraph together with the Head of the Procuring Activity's evaluation of the factual and legal issues involved as well as his conclusions and recommendations thereon. Where action is taken under (*d*) and (*e*) of this subdivision and the action does not dispose of the appeal, the Head of the Procuring Activity will take the same steps with regard to the reports of the Contracting Officer as are outlined in the foregoing sentence. The Head of the Procuring Activity will also furnish any additional evidence (documents, statements of witnesses, etc.) considered essential to enable the Trial Attorney to properly protect the interests of and represent the Government before the Board.

(*h*) Insure that assistance is rendered to the Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the Government's position to the Board. In order that the Chief Trial Attorney may file timely pleadings in accordance with the Rules of the Board or that he may have justification for any request for extensions of time, it is imperative that Heads of Procuring Activities furnish information within the prescribed time limit, or that the reason for the delay and estimated extent thereof be furnished to the Chief Trial Attorney.

(4) *Intermediate appeal to Heads of Procuring Activities.* Where a clause providing for intermediate appeal of the Head of a Procuring Activity has been authorized, necessary instructions covering the processing of such appeals to the Head of the Procuring Activity may be issued: *Provided*, That appeal taken from decision of the Head of the Procuring Activity must be processed in accordance with the procedure prescribed herein.

(5) *Appeals to Secretary from decisions of Heads of Procuring Activities.* Within 15 days after receipt of a Notice of Appeal, the Head of a Procuring Activity will prepare and forward to the Chief Trial Attorney a complete report containing a statement of the factual and legal issue involved in the appeal and inclosing therewith the following: a copy of his findings and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings and decision of the Contracting Officer; all papers and correspondence pertaining to the contract and pertinent to the consideration of the appeal; the name of each witness having knowledge that will support the Government's position; a statement signed by each witness re-

flecting facts to which he will be able to testify or a summary thereof if it is impossible to get the signed statement (a statement signed by an individual witness may be omitted if the substance of expected testimony is set forth in the transcript of proceedings); a statement as to the expected availability at the hearing of each witness; and such other information as may be necessary to substantiate the position taken by the Head of the Procuring Activity with regard to the appeal. Additionally, the Chief Trial Attorney shall transmit to the Head of the Procuring Activity a copy of the complaint, and the Head of the Procuring Activity will furnish comments as to each allegation of fact in such complaint (treating them in the order set forth therein) and comments as to whether it is well founded and, if not, a recital of the evidence to refute the same. Further, he shall insure that all essential witnesses and documentary evidence will be available at the time of the hearing of the appeal.

(6) *Appeals filed with the Secretary or the Board.* In cases wherein an appeal is filed directly with the Office of the Secretary of the Army or the Armed Service Board of Contract Appeals, the Board, pursuant to its rules of procedure, will promptly furnish a copy thereof to the Procuring Activity concerned, through the Chief, Trial Attorney's Office. Upon the receipt of such appeal the Procuring Activity will process the same as though it had been initially filed with the Activity.

(7) *Appeals improperly filed.* If any officer or agency of the Department other than the officer or agency designated in the contract, should receive a written appeal, the recipient will, after endorsing thereon the date of its receipt, immediately transmit the appeal to the Head of the Procuring Activity concerned:

(i) For appropriate action as provided in subparagraph (5) of this paragraph if the appeal is from the decision of the Head of a Procuring Activity, or

(ii) If the appeal is from the decision of a Contracting Officer, then for action as required by subparagraph (3) of this paragraph.

(8) *Functions of the Office of the Chief Trial Attorney*—(i) *New facts or circumstances.* Upon discovery of new facts or circumstances the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Procuring Activity for reconsideration in the light of the additional facts or circumstances disclosed.

(ii) *Agreements or stipulations.* Pursuant to Rule 27, the Office of the Chief Trial Attorney may enter into an agreement, by stipulation or otherwise with appellant or his attorney on matters as to which there is no substantial controversy. Such agreements may be of two types:

(*a*) *Agreements on matters not disposing of an appeal.* An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial Attorney or by an individual Trial Attorney provided authority therefor shall have been granted in advance by the Chief Trial Attorney.

(*b*) *Agreement on matters disposing of an appeal.* Pursuant to Rule 27, the Board may suspend further processing of an appeal in order to permit reconsideration by the Contracting Officer whenever it appears that appellant and the Trial Attorney are in agreement as to the disposition of a controversy, subject to the provision that if the case is not actually disposed of by agreement it may be restored to the Board's calendar for hearing. In appropriate cases, such as those in which it is desirable to avoid time consuming delays incident to returning the appeal to the Contracting Officer, the Chief Trial Attorney (or an individual Trial Attorney acting with the prior approval of the Chief Trial Attorney) may enter into an agreement with an appellant which will have the effect of disposing of an appeal after concurrence has been obtained from a representative of the Head of the Procuring Activity. Such agreement may then become the basis of a Board decision disposing of the appeal.

(*c*) *Major oversea commands.* The following "Disputes" Clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in § 7.103–12 of this title:

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (--------[1]) and the decision of the Commanding General (--------[1]), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, upon personal approval by the Commanding General (--------[1]) or his designated deputy, shall unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (--------[1]) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive; provided that, if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (--------[1]) shall be final and conclusive.

[1] Specify name of major oversea command concerned.

In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(2) Each commanding general of a major oversea command will appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board will consist of three or more members who will be persons trained in the law, one of whom will be designated by the appointing authority as the President of the Board. There also will be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(3) The Board, created pursuant to the provisions of paragraph 3 above, will be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board's final decision, however, will be subject to his personal approval, or that of his deputy designated for such purposes. The Board will be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, will adopt its own methods of procedures, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command will designate one or more trial attorneys, who will be qualified attorneys at law, for the preparation and presentation of the contentions of the Procuring Activity in relation to appeals filed with the Board.

§ 596.103–14 *Buy American Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–16 *Eight-Hour Law of 1912.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–17 *Walsh-Healey Public Contracts Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–18 *Nondiscrimination in employment.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–21 *Termination for the convenience of the Government.* [Revoked.]

5. Sections 596.104–1 and 596.104–2 are revised to read as follows:

§ 596.104–1 *Davis Bacon Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.104–2 *Copeland Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

6. Sections 600.452 and 600.452–1 are added as follows:

§ 600.452 *Maryland sales and use tax.* The Maryland statute exempts transactions from the taxes if the purpose of the purchaser or user of tangible personal property is to resell the property or to use or incorporate it as a material or part of other tangible personal property to be produced for sale (Md. Code Ann. 1951, Art. 81, Secs. 320 (f) and 368 (d)). Whenever a contract calls for the transfer to the Government in its original form or after processing, of property which has been purchased by a Contractor, the resale exemption is considered applicable. Where title to the property assessed was in the Government at all times when the property was in Maryland, it is constitutionally immune from the sales and use taxes. Exemption may, in many cases, depend on the place and time at which title passed to the Government under the terms of the contract. The situations where such exemption is most likely to be denied by the Maryland taxing officials are:

(a) Purchases of materials under facilities contracts, where the materials will comprise special tooling or equipment, acquired or manufactured for use in Government contracts.

(b) Purchases of materials pursuant to experimental contracts, such as research and development contracts for the development of an idea, process or theory. Many of these contracts are combined in part with production contracts.

(c) Purchases of materials which will be consumed or used in the performance of production contracts, but which will not be incorporated in the end product.

§ 600.452–1 *Procedure to be followed pending disposition of litigation.* (a) Where the total amount of the tax applicable to the Contractor is $1000 or more, the following procedure will apply:

(1) Where the tax is assessed in any manner by the Maryland authorities, the Contractor should pay the tax and apply for a refund within 30 days of the mailing of the notice of the assessment. Refunds, after assessment, must be applied for within 30 days of assessment or recovery is foreclosed (Md. Code Ann. 1951, Art. 81, Sec. 347). Where assessment has taken place, the contractor should be instructed to retain counsel for the purpose of making application for refund within the appropriate period.

(2) The contractor should be instructed to pay, at the appropriate time, the tax considered to be due, in order to avoid an assessment by the State. When the tax is paid without assessment, the contractor should be instructed not to apply for a refund except as herein directed. Under Maryland law a claim for refund may be filed at any time within three years of payment of the tax if no assessment has been made (Md. Code Ann. 1951, Art. 81, Sec. 344). To facilitate the filing of claims, contracting agencies should maintain records of the contracts and amounts of taxes involved.

(3) Whenever 30 months have elapsed from the time of initial payment, The Office of The Judge Advocate General (ATTN: Procurement Law Division) should be notified of the fact and furnished all information necessary to determine whether the tax should be contested. In this connection the provisions of § 600.350 will be strictly followed.

(4) If any substantial payment of tax was made more than 35 months previous to date of this publication, the contractor is authorized to retain counsel and to file application for refund directly. The Office of the Judge Advocate General (ATTN: Procurement Law Division) should be notified promptly of such action. Every claim for refund should be made in accordance with the provisions of Md. Code Ann. 1951, Art. 81, Sec. 344, and should state as grounds: (i) That the sales to the taxpayer were not retail sales within the meaning of Md. Code Ann. 1951, Art. 81, Sec. 320 (f) and were not subject to the tax imposed by Sec. 321 of that Article, and in the alternative, that title passed directly from the vendor to the Government without vesting in the taxpayer; (ii) that the property bought by the taxpayer was not used, stored, or consumed by the taxpayer in Maryland within the meaning of Md. Code Ann. 1951, Art. 81, Secs. 368 and 369, and that the taxpayer was not subject to the tax imposed by Sec. 369, and in the alternative, that title passed directly from the vendor to the Government without vesting in the taxpayer; and (iii) any additional grounds which counsel for the taxpayer deems applicable.

(b) Contracting Officers will insure that Contractors who are subject to the Maryland sales and use taxes are advised of the provisions of this section.

7. Section 606.204–3 is revised and in § 606.204–4, revise opening portion of paragraph (a) and paragraph (c) (7) (i), as follows:

§ 606.204–3 *Construction or rehabilitation of installations, and repairs and utilities*—(a) *Chief, Contracts Branch.* Awards of negotiated contracts for the construction or rehabilitation of installations, and repairs and utilities will be submitted to the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Department of the Army, for approval when entered into by a Contracting Officer under the jurisdiction of (1) Chiefs of Technical Services (other than the Chief of Engineers) and the amount involved exceeds $1,000,000; (2) the Chief of Engineers and the amount involved exceeds $15,000,000; or (3) the ZI army commanders or the Commanding General, Military District of Washington and the amount involved exceeds $1,000,000.

(b) *Chief of Engineers.* Awards of negotiated contracts entered into by the Chief of Engineers for construction or rehabilitation of installations and repairs and utilities will be approved by the Chief of Engineers, or personally selected members of his organization designated by him, when the amount involved does not exceed $15,000,000. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the Chief of Engineers, awards of contracts included in this paragraph amounting to less than $100,000 do not require approval of higher authority.

(c) *Chiefs of Technical Services (other than Chief of Engineers).* Chiefs and acting chiefs of Technical Services (other than Chief of Engineers) are authorized to approve awards of negotiated contracts for construction or rehabilitation, and repairs and utilities not in excess of $1,000,000, for projects approved pursuant to AR 420–10 (Army Regulations pertaining to repairs and utilities). This authority may be redelegated by Chiefs of Technical Services to the extent deemed necessary without authority of further redelegation. Subject to any further instructions which may be issued by the Chief of a Technical Service, contracts included in this section amounting to less than $100,000 do not require approval by higher authority.

(d) *ZI army commanders.* Awards of negotiated contracts entered into by the continental armies or the Military District of Washington for construction or rehabilitation of installations, and repairs and utilities will be approved personally by ZI army commanders or their deputies, or the Commanding General, Military District of Washington, or his Deputy, when the amount involved exceeds $250,000 but does not exceed $1,000,000. ZI army commanders and the Commanding General, Military District of Washington may delegate authority to approve awards of such negotiated contracts to personally selected subordinate commanders or their deputies, without authority of further redelegation when the amount involved exceeds $100,000 but does not exceed $250,000. ZI army commanders and the Commanding General, Military District of Washington, may also personally select alternates for the subordinate commanders to exercise this authority. Subject to any further instructions which may be issued by ZI army commanders and the Commanding General, Military District of Washington, contracts included in this section amounting to less than $100,000 do not require approval by higher authority.

(e) *Commanding generals of major oversea commands.* Awards of negotiated contracts entered into by major oversea commands for the construction or rehabilitation of installations and repairs and utilities will be submitted to the commanding generals of major oversea commands for approval when the amount exceeds $1,000,000. The authority to approve awards of such contracts amounting to $1,000,000 or less may be delegated by commanding generals of major oversea commands to the extent deemed necessary to selected individuals within their commands. Such selected individuals are not authorized to redelegate this authority.

§ 606.204–4 *Architect-Engineer contracts.* (a) Awards of Architect-Engineer contracts for both the production and delivery of designs, plans, drawings, and specifications (commonly referred to as Title I services) and the supervision and inspection of construction (commonly referred to as Title II services)

will be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief Contracts Branch, for approval of the Assistant Secretary of the Army (Logistics) in all cases where:

• • • • •

(c) Awards approved under the foregoing authority must conform with the following further conditions:

• • • • •

(7) In the case of contracts for architect-engineer services of a personal services nature:

(i) Provision shall not be made therein for the performance of services which will exceed the delegation of authority issued for each fiscal year, except that this requirement shall not apply to contracts obligating funds which are available for expenditure during a period in excess of a fiscal year.

• • • • •

8. Revise §§ 606.204–5, 606.204–6, 606.204–9, and 606.204–11, to read as follows:

§ 606.204–5 *Utility service contracts*—(a) *Army Power Procurement Officer.* The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer. The Army Power Procurement Officer is responsible for the administration of the purchase and sale of utilities services, and for policies, engineering, rates and legal sufficiency in connection with all utilities services transactions and contracts relating thereto in which the Department of the Army has a monetary interest.

(b) *Approval of contracts.* The purchase of utility services is governed by AR 420–62 and SR 420–470–1, administrative regulations of the Army, which define the term "utilities services" and prescribe the required approvals for utilities services contracts and supplemental agreements. All contracts and supplemental agreements which, under the provisions of the regulations cited above, are subject to the manual approval of the Army Power Procurement Officer, or his authorized representative, shall be submitted for approval to the Chief of Engineers, attn: Army Power Procurement Officer, together with the supporting information required by § 606.205 (b).

§ 606.204–6 *Negotiated contracts in general.* Award approvals required for all negotiated contracts for supplies, services, approved research and development projects within the research and development program, or construction, not included in §§ 606.204–1 through 606.204–5, are as indicated below.

(a) *Chief, Purchases Branch.* Awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5, except as otherwise specifically delegated in writing, will be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch, for approval when (1) the amount exceeds $5,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of the Chief Chemical Officer, Chief of Engineers, The Quartermaster General, The Surgeon General, or Chief of Transportation, (2) the amount exceeds $10,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of the Chief Signal Officer; (3) the amount exceeds $25,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of the Chief of Ordnance; or (4) when the amount exceeds $100,000 and the contract is being entered into by a Contracting Officer not under the jurisdiction of a technical service.

(b) *Chief of Technical Services.* Chiefs and Acting Chiefs of Technical Services are authorized to approve awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5 in the following amounts: (1) Chief Chemical Officer, Chief of Engineers, Quartermaster General, Surgeon General and Chief of Transportation, not in excess of $5,000,000; (2) Chief Signal Officer in amounts not in excess of $10,000,000; and (3) Chief of Ordnance in amounts not in excess of $25,000,000. This authority may be redelegated by Chiefs of Technical Services to the extent deemed necessary without authority of further redelegation.

(c) *Heads of Procuring Activities other than Technical Services.* Heads of Procuring Activities other than Technical Services are authorized to approve awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5, in amounts not in excess of $100,000. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

(d) *Armed Services Medical Procurement Agency.* The Chief, ASMPA, and his Deputy are authorized to approve awards of negotiated contracts that come within the ASMPA Charter as approved by the Department of Defense in amounts not in excess of $1,000,000.

§ 606.204–9 *Modifications of contracts.* (a) Heads of Procuring Activities are authorized to approve supplemental agreements to existing supply, research and development or nonpersonal contracts, except Utility Service Contracts (§ 606.204–5), regardless of dollar value under the conditions set forth below. This authority may be redelegated at the discretion of the Head of a Procuring Activity, subject to the same conditions.

(1) The proposed supplement pertains to (i) a basic contract previously approved by the Deputy Chief of Staff for Logistics, or higher authority; or (ii) pertains to a basic contract having a previous supplement which has been so approved.

(2) The proposed supplement contains no deviations from procurement regulations which were not authorized for use in the previously approved basic contract or supplement.

(3) The profit or fee does not exceed any limitation imposed by ASPR, this Procedure, or other procurement directives.

(4) Terms and conditions of the proposed supplement are such that there is no statutory requirement for approval by higher authority. Supplements to facilities contracts involving nonseverable facilities will continue to be submitted to the Deputy Chief of Staff for Logistics, for approval.

(5) The proposed supplement applies to an approved program for which funds are available.

(b) Where a basic contract or a previous supplement thereto has not been approved by the Deputy Chief of Staff for Logistics, any supplement which serves to increase the total contract amount in excess of the amount delegated in §§ 606.204–3, 606.204–4 and 606.204–6 will be submitted to the Deputy Chief of Staff for Logistics for approval. Subsequent supplements may then be approved by Heads of Procuring Activities, subject to the conditions in paragraph (a) of this section.

(c) Any supplemental agreement, change order, or any other type of modification of a contract coming within the purview of § 606.204–8 (or otherwise proposed to be entered into pursuant to the authority granted in Title II, First War Powers Act, 1941, as amended), will conform to the requirements of Subpart D of this part.

§ 606.204–11 *Contract review.* At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts, except purchases of $1,000 or less, prior to contract approval by the subordinate commanders or chiefs of field offices. This review will apply to both advertised and negotiated procurements, regardless of the level of procuring authority, and will be for the purpose of insuring that the clauses and conditions of the contract comply with the principles of good procurement and that the interest of the Government is adequately protected. In those instances wherein this is impracticable, this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the chief of a technical service, as appropriate.

9. Subpart D of Part 606 is revised to read as follows:

SUBPART D—TITLE II, FIRST WAR POWERS ACT, AS AMENDED, AND E. O. 10210

§ 606.400 *Scope of subpart.* This subpart sets forth the policy and procedures relative to the exercise of authority under title II of the First War Powers Act, as amended.

§ 606.401 *Statutory and administrative authority.* (a) Title II of the First War Powers Act, 1941, 50 U. S. Code App. 611, as amended by Public Law 921, 81st Congress (hereafter referred to as the "act"), enables the President to issue Executive orders relative to procurement and incidents of the procurement function shall be applicable without reference to existing law (such as the Armed Services Procurement Act of 1947, PL 413, 80th Congress).

(b) Executive Order No. 10210, 2 February 1951 (16 F. R. 1049) authorized the Secretary of the Army, under such regulations as may be prescribed or approved by the Secretary of Defense, to exercise the authority granted in the act cited in paragraph (a) of this section.

(c) "Regulations Governing the Exercise of Certain Authority Granted by Title II of the First War Powers Act, as amended, and Executive Order No. 10210, Issued Thereunder," 21 February 1951, have been issued jointly by the Procurement Secretaries of the Army, the Navy, and the Air Force, and approved by the Secretary of Defense. These regulations do not purport to cover all the authority conferred by the act and the Executive Order, but are confined to the areas as set forth in § 606.402 (a). All authority not expressly delegated in the regulations is reserved to the Secretary of the Army.

§ 606.402 *Limitations on authority.* (a) The regulations (cited in § 606.401 (c)) limit the authority granted by the act and the Executive Order to the actions indicated below:

(1) Amendments of contracts without consideration.

(2) Correction of mistakes in contracts.

(3) Formalization of informal commitments.

(b) The regulations (cited in §606.401 (c)) further limit the exercise of the above authority in the following respects:

(1) Approval of requests for amendments of contracts without consideration may not be delegated by the Secretary of the Army below the level of a contract adjustment board.

(2) Approval of requests for correction of mistakes and ambiguities in contracts and for formalization of informal commitments may not be delegated below the level of the Head of the Procuring Activity, without the specific authority of the Secretary of the Army.

§ 606.403 *Delegations of authority.*

§ 606.403–1 *Army Contract Adjustment Board.* The following authority has been delegated to the Army Contract Adjustment Board, heretofore established in the Office of the Assistant Secretary of the Army (Logistics):

(a) To approve all requests for amendments of contracts without consideration.

(b) To approve correction of all mistakes in contracts.

(c) To approve correction of mutual mistakes and ambiguities in contracts, and contracts formalizing informal commitments, irrespective of amount.

(d) To consider, adjust, and make final determinations of all requests for relief under this procedure and the authorities referred to in § 606.401.

(e) All authority under the regulations not otherwise expressly delegated in these procedures is reserved to the Board.

§ 606.403–2 *Deputy Chief of Staff for Logistics, Department of the Army.* (a) To approve correction of mutual mistakes (as defined in § 606.408–1 (a)) and ambiguities in contracts when the estimated or actual increase in price granted or to be granted to the Contractor does not exceed $50,000, subject to the limitations contained in § 606.408–1 (b).

(b) To approve contracts formalizing informal commitments when the amount involved does not exceed $50,000.

(c) To redelegate to the Head of a Procuring Activity, as defined in § 1.201–4 of this title, all or part of the authority in paragraphs (a) and (b) of this section provided, however, that such authority shall not be delegated below the level of the Head of a Procuring Activity, or Acting Head of a Procuring Activity, without specific approval of the Assistant Secretary of the Army (Logistics).

§ 606.403–3 *Heads of Procuring Activities.* All of the authority delegated to the Deputy Chief of Staff for Logistics, Department of the Army, as set forth in § 606.403–2, provided, however, that such delegated authority may not be redelegated without specific approval of the Assistant Secretary of the Army (Logistics).

§ 606.403–4 *Contracting officers and field procuring agencies.* When authorized by heads of procuring activities, the authority to deny applications for relief under the authority cited in § 606.401.

§ 606.404 *General considerations.* (a) The authority granted herein is an extraordinary one and its exercise must be carefully administered.

(b) Carelessness and laxity on the part of Contractors should not be encouraged by the practice of granting relief to such Contractors even though denial of relief in a particular case may result in some lack of cooperation on the part of a Contractor.

(c) The exercise of authority hereunder is not intended as an alternative to compliance with the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress. The design of the Act, Executive Order, and Regulations referred to in § 606.401, is to accomplish the actions therein authorized under such authority only when normal procurement procedures are inapplicable.

(d) No action under the above-described authority should be taken or recommended to higher authority unless the officer or official required to take such action or make such recommendation is firmly and clearly convinced that the action is necessary to facilitate the national defense.

(e) (1) Proper exercise, or recommendation of exercise, of the authority granted under Title II of the First War Powers Act, 1941, as amended, and E. O. 10210, will be facilitated, if it is clearly understood that the basic law is in part substantive, and, in part, procedural.

(2) With respect to amendment of contracts without consideration; elimination of the general requirement of advertisement, competitive bidding and certain bonds; and formalization of informal commitments, the authority is substantive, in that such authority is in derogation of existing substantive law. For example, existing law requires that no official of the Government may amend a contract so as to disburse Government funds or release a vested right of the Government, without consideration. The authority granted herein changes that law as long as this procedure is effective.

(3) With respect to the correction of mutual mistakes and ambiguities (§ 606.408), the authority granted herein does not change substantive law but only changes procedure. For example, except for the authority herein granted, mistakes in bids, etc., particularly after award, can be corrected only by the Comptroller General. This authority permits other officials to perform these functions but does not change the basic law as to the circumstances under which these functions may be performed.

(4) When acting, or recommending action in cases which are in derogation of substantive law (such as subparagraph (2) of this paragraph), the justification for such action must be clear and convincing because, on one hand, the Contractor has no further recourse to the courts; and on the other hand, the Government would not be in a position to correct errors other than in cases of fraud.

(5) When acting, or recommending action in cases where procedure only has been changed (such as subparagraph (3) of this paragraph), any doubts as to the propriety of granting relief should be resolved in favor of the Government, because the Contractor is still in a position, after denial of relief, to pursue his normal remedies. And if the official passing on the case is of the opinion that normal channels should be followed, e. g., to the Comptroller General, there is no prohibition against following such channels.

(6) Even if the applicant appears to be entitled to relief under basic law and regulation, it is reiterated and emphasized that such relief cannot be granted under this authority unless a finding can be made to the effect that the granting of such relief will facilitate the national defense.

(f) Applications for relief will be reviewed and passed upon only with full consideration of the provisions of this section.

(g) All determinations and findings required by § 606.405 will be made.

(h) The determination of whether in a particular case a contract amendment to be entered into without consideration, or the correction of a mistake or ambiguity in a contract, or the formalization of an informal commitment will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case.

§ 606.405 *Determinations and findings.* (a) Any action taken or recommended to a higher authority under this subpart must be based on a written finding that the national defense will be facilitated thereby.

(b) As to all amendments of contracts without consideration and correction of mistakes, other than mutual mistakes as defined in § 606.408–1 (a), each contract and amendment to a contract will contain an individual affirmative finding and each report and recommendation will contain an individual affirmative or negative finding, with respect to the facilitation of the national defense.

§ 606.406 *Amendments to contracts without consideration.*

§ 606.406–1 *Conditions under which relief may be granted or recommended.* (a) Where an actual or threatened loss on a defense contract, however caused,

will impair the productive ability of a Contractor whose continued operation as a source of supply is generally found to be essential to the national defense, the contract generally will be equitably adjusted to the extent necessary to avoid such impairment of the Contractor's productive ability.

(b) Where a Contractor suffers a loss (not merely diminution of anticipated profits) on a defense contract as a result of Government action, the character of the Government action generally will determine whether any adjustment in the contract will be made and its extent.

(1) Where the Government action is directed primarily at the Contractor and is taken by the Government in its capacity as the other contracting party, the contract may be equitably adjusted if fairness so requires. Thus where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some equitable adjustment in the contract.

(2) When the action is not taken by the Government in its capacity as the other contracting party, but in its sovereign capacity, relief will generally not be granted. However, exceptional cases, depending on the nature of the action, the circumstances, and the effect on the Contractor, may require an equitable adjustment in the contract when necessary to insure maximum cooperation and production in the national defense effort.

(c) Relief recommended in appropriate cases may include such action as (1) termination of contract without cost to either party, (2) amendment to contract increasing the contract amount, (3) revision of delivery schedules, (4) other actions appropriate in the circumstances.

§ 606.406 *Administrative procedures*—(a) *Contractor's application.* (1) Written requests for amendments of contracts without consideration shall be filed by Contractors with the Contracting Officer administering the contract or his properly appointed successor, in quadruplicate.

(2) In the event that such request refers to contracts with more than one Purchasing Office or Procuring Activity, it shall be submitted initially to the Contracting Officer administering the contract or contracts involving the greatest amount (or aggregate amount if administering more than one contract) of the Procuring Activity under which the largest total dollar value of contracts has been awarded as of the date of the application.

(3) The Contractor's request for relief shall be substantially in the form set forth in § 606.406–3 (a), and shall contain, as a minimum requirement, the information requested in such form. Necessary adaptations may be made when required, as in application involving more than one contract.

(b) *Action by Contracting Officer.* (1) The Contracting Officer will review the application and verify the contents thereof.

(2) If further information is required, request the Contractor to furnish the same, in writing.

(3) If in the opinion of the Contracting Officer the application does not justify the granting of the relief sought after consideration of §§ 606.404 and 606.406–1, a written finding may be furnished to the Contractor in substantially the form indicated in § 606.406–3 (b), providing such action is authorized by Procuring Activity instructions.

(4) If in the opinion of the Contracting Officer, after consideration of the provisions of §§ 606.404 and 606.406–1, the application should be granted, an indorsement in triplicate, inclosing three copies of the Contractor's application, exhibits, and contractual documents, shall be forwarded to the Head of the Procuring Activity, in accordance with instructions issued by such Head of the Procuring Activity setting forth as a minimum the following information. (See suggested form for indorsement in § 606.406–3 (c)).

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct except as specifically indicated.

(ii) A brief description of the contract, including reference to any special pricing clauses.

(iii) Whether final payment has been made (including date, if made), or any final administrative determination made of the amount due.

(iv) The importance of the contract or the Contractor to the furtherance of the national defense effort, indicating present or future need for the item.

(v) The quality of performance by the Contractor.

(vi) Present status of deliveries and payments.

(vii) Probable future orders to the Contractor on other national defense work.

(viii) Other available sources of supply in comparison with the Contractor.

(ix) A statement of the factors causing financial distress.

(x) If relief is recommended involving an increase in price, indicate whether appropriated funds are sufficient to cover the proposed or requested additional payment to the Contractor.

(xi) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(xii) An opinion on the merits as to whether the requested relief should be granted, or to what extent the same or alternative relief should be granted.

(xiii) A specific recommendation as to the nature of, and extent to which relief should be granted.

(xiv) A statement of opinion as to whether the granting of such relief will facilitate the national defense effort.

(5) Contractual documents and invitations to bid or request for proposals, and abstracts thereof, will be submitted in duplicate.

(6) The Contracting Officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by Procuring Activity instructions.

(c) *Action by intermediatec reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable, provided, however, that in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether, and the extent to which, the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded to, and initial determinations denying applications to be made in, the office of the Head of Procuring Activity or in any lower echelon, including the Contracting Officer.

(d) *Action by Heads of Procuring Activities.* (1) Heads of Procuring Activities will take appropriate action as required by § 606.406–2 (c).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the Head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of the Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.406–1 the application should be granted, an indorsement in duplicate, enclosing copies in duplicate of the Contractor's application, all indorsements and findings, and attached papers, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Assistant Secretary of the Army (Logistics), Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where, in the opinion of any of the above mentioned officers, there is a serious doubt as to whether the relief should be granted or denied, in whole or in part, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations, and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reasons why it is believed that consideration should be given to the application by higher echelon.

§ 606.406–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Capt. John Doe
Contracting Officer
(Address)

Date _____

Subject: Request for Relief Under Title II, First War Powers Act, 1941, As Amended.

DEAR SIR:

1. The undersigned hereby makes application for the following relief pursuant to Title II of the First War Powers Act, 1941, as amended:

_____
(State briefly relief desired including specific amounts claimed, if any)

2. The undersigned believes that he (it) is entitled to the above-mentioned relief by reason of the following facts: _____

_____
(Explain factors causing financial distress)

3. In support of such application the following statements are made.

a. Contract No. _____
b. Item _____
c. Date executed _____
d. Specification No. _____
e. Unit price _____ Total amount _____
f. Delivery schedule.

Quantity	*Date*

Total quantity _____

g. Deliveries made.

h. Payments received.

Amount	*Date*

i. Final payment, or a final administrative determination of the amount due has ☐ has not ☐ been made. (Check appropriate box.)

j. Attached hereto and marked Exhibit "A" is a statement and analysis of the financial condition of the undersigned as of _____
(Date not more than 15 days prior to date of application)
with comparative balance sheets and profit and loss statements for the preceding twelve month period, signed by the principal accounting officer of the undersigned ☐ a certified public accountant ☐. (Check appropriate box.)

k. If the relief requested is denied, the effect upon the financial condition of the undersigned will be as follows: _____

l. The rate of production of the contract item up to and including the date of this application has averaged _____ per _____
(Quantity) (Day, week or other period)

m. To date there have been submitted _____ lots consisting of _____ units per lot, of which _____ lots consisting of a total of _____ units have been rejected upon first submission. Of the rejected lots _____ lots consisting of a total of _____ units were thereafter resubmitted and accepted, and _____ lots consisting of _____ units were again rejected.

n. (1) As of the date of this application the undersigned and/or its subsidiaries have submitted bids and/or proposals on the following Invitations for Bid and/or Requests for Proposals, upon which contracts have as yet not been awarded:

I, B or Request Nos.	*Issuing Office*
Item	*Price Quoted*

(2) The undersigned and/or its subsidiaries have been awarded the following contracts which are now being performed:

Contract Nos.	*Issuing Office*
Item	*Price*

o. Upon information and belief, there are ☐ are not ☐ other sources of supplies for the items furnished by the undersigned. (Check appropriate box.)

p. Attached hereto and marked Exhibit "B" is a statement covering the twelve-month period prior to the date of this application, of salaries, bonuses, dividends (including cash, stock or "in kind"), repayments of loans, and any other property and/or moneys paid or transferred to any officer, stockholder, director, partner or other/principal of the undersigned, and a statement of moneys or other property of the undersigned received by or loaned to the aforementioned officials of the undersigned, during said twelve-month period.

q. The increase in amount requested herein will ☐ will not ☐ result in a total payment to the undersigned in excess of the ceiling price for supplies or services furnished under the contract or contracts above mentioned.

r. Previous application has ☐ has not ☐ been made for the same or similar relief sought herein. (Check appropriate box; if the box marked "has" is checked, complete the following sentence.) Such previous application was made to _____ located _____
(State agency where application was filed)
at _____ under date of _____, and has been assigned claim Number _____. The nature of the request made therein was: _____
Action taken thereon was as follows: _____

s. This claim has ☐ has not ☐ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims Act of 1940, as amended to _____
(Name of Assignee)
of _____ (Attach three
(Address)
copies of assignment, and three copies of assignee's notice.)

t. Additional facts and circumstances believed to justify granting of relief sought _____

4. The undersigned affirms that the statements made above, including those made in exhibits and attachments hereto, are true to the best of his knowledge and belief.

Incls:

_____
(Name of firm (print or type))

_____
(Signature)

_____
(Print or type name and title of person signing)

(b) *Denial of application.*

Gentlemen (Dear Sir or Madam):

Receipt is acknowledged of your application, dated _____ for relief pursuant to Title II of the First War Powers Act of 1941, as amended.

After due consideration of your application, the undersigned finds the following facts: (use appropriate findings as required).

By reason of the above, it is determined that the national defense would not be facilitated by the granting of your application.

Therefore, your application must be, and hereby is, denied.

JOHN DOE,
Captain, Ord,
Contracting Officer.

(c) *Contracting Officer's indorsement recommending approval of application.*

Heading and Date

Addressee and Address

1. The foregoing application of _____ has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows: _____
_____
(State any corrections required)

2. The description of the contract as contained in Contractor's application is correct, except as follows: _____
Special pricing clauses contained therein are as follows: _____

3. Final payment has ☐ has not ☐ been made, nor has any final administrative determination of the amount due been made. (Date of final payment, if made, _____.)

4. The importance of the contract or Contractor to the furtherance of the national defense effort is _____
(Indicate also present or future need for the item)

5. The quality of performance by the Contractor is found to be _____

6. Present status of deliveries is as follows:

DELIVERY SCHEDULE

Quantity	*Date*

DELIVERIES MADE

Quantity	*Date*

7. Present status of payments is as follows:

Amount	*Date*

8. Probable future orders to the Contractor on other national defense work consist of _____

9. Other available sources of supply in comparison with the Contractor are: _____

10. The factors causing financial distress were ☐ were not ☐ caused by an act of the Government in its contracting ☐ sovereign ☐ capacity, to wit: _____

11. Appropriated funds are ☐ are not ☐ sufficient to cover the proposed additional payment to the Contractor.

12. Appropriated funds allocated to other Deparments are ☐ are not ☐ involved. The Department concerned is _____

13. In the opinion of the undersigned, the requested relief should be granted to the following extent and for the following reasons: _____
(Or state alternative relief recommended)

14. In the opinion of the undersigned the granting of such relief will ☐ will not ☐ facilitate the national defense effort.

JOHN DOE,
Captain, QMC.
Contracting Officer.

§ 606.407 *Correction of mistakes in contracts (other than mutual mistakes and ambiguities).*

§ 606.407–1 *Conditions under which relief may be granted.* Criteria for determination and recommendations with respect to correction of mistakes in contracts (other than mutual mistakes, as

defined in § 606.408–1 (a)), and ambiguities, are identical with those contained in § 606.406–1.

§ 606.407–2 *Administrative procedures.* (a) The procedure set forth in § 606.406–2 is applicable to applications for correction of mistakes other than mutual mistakes, as defined in § 606.408–1 (a), and ambiguities and mistakes in a bid not within the scope of § 2.405 of this title and § 591.405 of this subchapter.

(b) In addition to information required by paragraph (a) of this section, the applicant will be required to submit supporting evidence of the alleged mistake such as work sheets or other data used in preparing the bid or proposal, as well as the complete facts on which the allegation of mistake is based.

(c) The Contracting Officer will indicate in his indorsement the date when a notice of the alleged mistake was received and annex copies of any written notice thereof received by him, as well as triplicate copies of (1) the invitation for bids or request for proposals; (2) abstract of bids or summary of proposals; (3) contractual documents.

§ 606.407–3 *Forms.* Forms set forth in § 606.406–3 are applicable.

§ 606.408 *Correction of mutual mistakes and ambiguities.*

§ 606.408–1 *Conditions under which relief may be granted.* (a) For the purpose of exercising authority, under the statutory and administrative authority cited in § 606.401, only, the term "mutual mistakes" includes:

(1) A mistake which consists of the failure to express in a written contract the agreement as both parties understood it.

(2) A mistake on the part of the Contractor which is so obvious that it was, or should have been, apparent to the Contracting Officer.

(3) A mutual mistake as to a material fact.

(b) Mutual mistakes, as defined in paragraph (a) of this section, and ambiguities may be corrected by the Deputy Chief of Staff for Logistics, Department of the Army, or at the level of the Head of a Procuring Activity under the authority of the statutory and administrative authorities cited in § 606.401 only if:

(1) The actual or estimated increase in cost to the Government will not, in the opinion of the Head of the Procuring Activity, exceed $50,000. Such opinion must be affirmatively stated as a finding of fact.

(2) The requested correction of mutual mistake or ambiguity must not deal with or directly affect any matter under the contract which has been referred to, or is pending before, or has been decided by, the General Accounting Office.

(3) The Contractor has furnished written notice of the mistake or ambiguity to the Contracting Officer (i) before completion of performance of the contract by the Contractor or (ii) prior to the issuance of a Notice of Termination for Convenience or Default, pursuant to § 8.304 of this title or § 596.103–11 (d) of this subchapter, as the case may be.

(4) Final payment, approval of a final voucher, or a final administrative determination of the amount due has not been made under the contract.

(5) The correction will not result in payment to the Contractor of a sum, which, when added to other payments made under the contract, exceeds the amount of the next lowest responsive bid of a responsible bidder (in the case of contracts entered into after formal advertising).

(6) The correction will not result in payment to the Contractor of a sum, which, when added to other payments made under the contract, exceeds the amount of any other proposal considered in the negotiations (in case of negotiated contracts). Where the contract was placed on the basis of considerations other than price, this limitation shall not be applicable.

(7) Notice of allegation of mistake, oral or written, has not been furnished to the Contracting Officer (i) before award of a contract entered into after formal advertising or (ii) before award of a negotiated contract upon a form not requiring execution by both contracting parties or (iii) before execution of negotiated contracts entered into on forms requiring signatures of two or more parties.

(c) Mutual mistakes (paragraph (a) of this section) and ambiguities, occurring in formally advertised procurement, notice of allegation of which was furnished to the Contracting Officer prior to award of contracts, will be processed as required by the provisions of § 2.405–2 of this title and § 591.405–2 of this subchapter. Where the notice of allegation of a mutual mistake or ambiguity was furnished to the Contracting Officer after award and prior to final payment thereunder, the Contracting Officer will process the case in accordance with the provisions of § 591.405–3 of this subchapter.

(d) Cases involving an estimated or actual increase in the amount to be paid to the Contractor, exceeding $50,000, or in which final payment or final determination of the amount due has been made, will be processed to the Army Contract Adjustment Board in accordance with § 606.408–2.

§ 606.408–2 *Administrative procedure.* (a) This procedure is applicable to the type of mistake and ambiguity only as set forth in § 606.408–1 (a).

(b) Contractor's application: The contractor will submit, in quadruplicate, an application for relief, substantially in the form set forth in § 606.408–3 (a). In addition thereto, he will submit supporting evidence of the alleged mistake such as work sheets used in preparing the bid or proposal or other data, as well as the complete facts on which the allegation of mistake is based.

(c) Action of Contracting Officer: (1) The Contracting Officer will examine and review the application.

(2) If further information is required request the Contractor to furnish the same in writing.

(3) If, after consideration of the elements set forth in §§ 606.404 and 606.408–1 he determines that the application under this authority should be denied, and provided such action is authorized by Procuring Activity instructions, he will prepare written findings of fact and a determination which will be mailed, or otherwise furnished to the Contractor. The Contractor will be informed that he may, if he so desires, submit a claim to the Comptroller General under existing law and regulation other than Title II of the First War Powers Act, 1941, as amended; and that denial of relief under this authority is not necessarily a determination that the Contractor is not entitled to relief under normal procedures.

(4) If after consideration of the elements set forth in §§ 606.404 and 606.408–1 the Contracting Officer is of the opinion that the application should be granted, or if otherwise required by Procuring Activity instructions, the Contracting Officer will prepare an indorsement in triplicate setting forth as a minimum the following facts:

(i) That the Contractor's application has been examined and reviewed.

(ii) A brief description of the contract including any special pricing clauses.

(iii) That the facts therein stated are certified to be substantially correct except as specifically indicated.

(iv) The date when notice of the alleged mistake was received, annexing copies of any written notice.

(v) The quality of performance by the Contractor.

(vi) Present status of deliveries and payments.

(vii) Whether final payment has been made (including date, if made), or whether final administrative determination has been made of the amount due.

(viii) Other available sources of supply in comparison with the Contractor.

(ix) The importance of the contract or the Contractor to the furtherance of the national defense effort, including present or future need for the item.

(x) An opinion on the merits as to whether the requested relief should be granted, and the extent thereof recommended for approval. In the alternative, a recommendation of what relief should be granted other than that requested by the Contractor.

(xi) If relief is recommended involving an increase in price, whether appropriated funds are sufficient to cover the proposed additional payment to the Contractor.

(xii) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(xiii) A finding that the granting of such relief will facilitate the national defense effort.

(5) The following documents will be inclosed, in triplicate:

(i) Invitation for bids or request for proposals.

(ii) Abstract of bids or summary of proposals.

(iii) Contractual documents.

(6) The Contracting Officer's indorsement and inclosures will be forwarded, in triplicate, through such channels and be reviewed and approved by such intermediate offices and commands as may

be required by Procuring Activity instructions.

(d) Action by intermediate reviewing agencies: (1) Each echelon reviewing and passing upon such applications, subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable, provided, however, that in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded to, and initial determinations denying applications to be made by, the office of the Head of the Procuring Activity or by any lower echelon, including the Contracting Officer.

(e) Action by Heads of Procuring Activities: (1) Heads of Procuring Activities will take appropriate action as required by § 606.408–2 (d).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the Head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.408–1 and subject to the limitation contained in § 606.408–1 (d), that the application should be granted, written findings of fact will be prepared and furnished to the Contracting Officer together with proper instructions relative to amendment or termination of the contract.

(4) In cases involving an increase in price in excess of $50,000, if in the opinion of the Head of the Procuring Activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the Contractor's application and all indorsements and findings, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Assistant Secretary of the Army (Logistics), Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(f) Action in cases of general public interest or doubt: (1) In any case where, in the opinion of any of the above mentioned officers there is a serious doubt as to whether the relief should be granted or denied, in whole or in part, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations, and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by higher echelon.

§ 606.408–3 *Forms*—(a) *Contractor's application.* (1) Application shall be made on a form substantially similar to that set forth in § 606.406–3 (a), except that:

(i) Subject will be referred to as follows:

Subject: Request for Correction of Mistakes Under Title II, First War Powers Act, 1941; as amended.

(ii) Heads of Procuring Activities may authorize omission of replies to items 3j and 3p of the form.

(2) The applicant will submit satisfactory evidence of the alleged mistake, including, but not limited to, original work sheets.

(b) *Denial of application.* Form set forth in § 606.406–3 (b) may be adapted.

(c) *Contracting Officer's indorsement recommending approval of application.* Form suggested in § 606.406–3 (c) may be used and/or adapted.

§ 606.409 *Formalization of informal commitments.*

§ 606.409–1 *Conditions under which relief may be granted.* (a) Where any person has arranged to furnish or has furnished, on or after 25 June, 1950, to a contracting agency of the Department of the Army or (at the request of such agency) to a defense Contractor any materials, services, or facilities relating to the national defense, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of such contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, such contracting agency may enter into an appropriate contract providing fair compensation therefor. The formalization of informal commitments may be finally approved at the level of the Head of a Procuring Activity when the amount involved does not exceed $50,000. Where the amount involved exceeds $50,000, the case will be processed to the Army Contract Adjustment Board in accordance with § 606.409–2 (d).

(b) The above authority shall not be used (1) as a substitute for modification of existing contracts in accordance with existing regulations or (2) for the purpose of eliminating competition. Where the instruction or request to proceed was of the type which, when given, could properly have been embodied in a change order, supplemental agreement, or other amendment under a then existing contract, this authority will not be exercised if final payment has been made under such contract.

(c) Informal commitments shall be made only in situations where the need therefor is compelling and of unusual urgency, as when the national defense would be seriously impaired or impeded, if the supplies or services were not furnished before the contracting agency has an opportunity to prepare the necessary contractual forms. See also § 592.409 (c) of this subchapter. The following are illustrative of circumstances with respect to which this authority may be used:

(1) Supplies or services needed at once because of a fire, flood, explosion or other disaster.

(2) Essential equipment for or repair to a ship when such equipment or repair is needed at once for compliance with the orders of the ship.

(3) Essential equipment for, or repair to, aircraft grounded or about to be grounded, when such equipment or repair is needed at once for the performance of an operational mission.

(4) Supplies or services needed at once because of requirements of operational missions or emergencies, and so certified in advance by the Head of a Procuring Activity.

(d) Resultant contracts formalizing informal commitments shall contain a finding of fact justifying the informal commitment as well as the action of formalization.

(e) Compensation shall be awarded or recommended in an amount which provides fair compensation for the services or supplies furnished. Fair compensation normally will be the reasonable market value of the supplies or services furnished at the time and place furnished, including such considerations as extra cost involved in immediate compliance with informal commitment or necessary performance and delivery during other than normal business hours.

§ 606.409–2 *Administrative procedure*—(a) *Contractor's application.* Written requests for formalization of informal commitments shall be filed by Contractors with the purchasing office which entered into the commitment, in quadruplicate, within 10 days after completion of performance of the informal commitment. The request shall be substantially in the form set forth in § 606.409–3 (a).

(b) *Action by Contracting Officer.* (1) The Contracting Officer will review the application and verify the contents thereof.

(2) If further information is required, request the Contractor to furnish the same in writing.

(3) If in the opinion of the Contracting Officer (i) an informal commitment was not entered into, or (ii) such informal commitment was made by an unauthorized person, or (iii) the Contractor should not as a reasonably intelligent businessman have relied upon the apparent authority of a person who ordered the supplies, services, or construction, a written finding will be furnished to the Contractor to that effect, setting forth appropriate findings of fact, providing such action is authorized by Procuring Activity instructions.

(4) If in the opinion of the Contracting Officer, after consideration of the provisions of §§ 606.404 and 606.409–1, the application should be granted, an indorsement in triplicate, inclosing three copies of the Contractor's application, shall be forwarded to the Head of the Procuring Activity, in accordance with

instructions issued by such Head of Procuring Activity, setting forth as a minimum, the following information (see suggested form in § 606.409–3 (b)).

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct except as specifically indicated.

(ii) That no payments have been made, nor any final administrative determination made of the amount due.

(iii) The importance of the material furnished or work performed to the furtherance of the national defense effort.

(iv) The quality of performance by the Contractor.

(v) Present status of deliveries.

(vi) Whether appropriated funds are sufficient to cover the proposed payment to the Contractor.

(vii) Whether appropriated funds allocated to other Departments are involved; if such funds are involved, name the Department.

(viii) A statement of the reasons why an informal commitment was necessary, and why an authorized form of contract could not have been prepared and processed before the supplies or services involved were furnished to the Government.

(ix) That the formal commitment was entered into by an authorized individual, and, if prior approval was required, that such prior approval was obtained from the proper authority.

(x) That the fair compensation for the supplies or services furnished or construction performed is as stated. Justification shall set forth as to amount by reference to the reasonable market price or other reasonable price at the time and place of delivery or performance.

(xi) A specific recommendation as to the proposed contract or purchase order or modification of a then existing contract to be issued, including unit price (where applicable) and total contract amount. The proposed contract or modification should be annexed.

(xii) A finding that the national defense would be facilitated by granting of the relief requested.

(5) The Contracting Officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by Procuring Activity instructions.

(c) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the Contracting Officer's review and verification will review and verify the contents of the application to the fullest extent practicable: *Provided, however,* That in any case such echelons of review are authorized to rely fully upon the verification made by the Contracting Officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of Procuring Activities are authorized to require all applications to be forwarded to, and initial determinations denying applications to be made in, the office of the Head of the Procuring Activity or in any lower echelon, including the Contracting Officer.

(d) *Action by Heads of Procuring Activities.* (1) Heads of Procuring Activities will take appropriate action as required by § 606.409–2 (c).

(2) Heads of Procuring Activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the head of the Procuring Activity for that purpose, including the Contracting Officer.

(3) If in the opinion of the Head of the Procuring Activity, after consideration of the provisions of §§ 606.404 and 606.409–1 and subject to the limitation contained in § 606.409–1, the application should be granted, written findings of fact will be prepared and furnished to the Contracting Officer together with proper instructions as to the form of and required clauses to be inserted in resultant contracts.

(4) In cases involving contracts exceeding $50,000 in amount, if in the opinion of the Head of the Procuring Activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the Contractor's application and all indorsements and findings, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Assistant Secretary of the Army (Logistics), Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where, in the opinion of any of the above mentioned officers, there is a serious doubt as to whether the relief should be granted or denied, in while or in part, or when the matter is believed to be of such general public interest that the initial determination denying the applition should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by higher echelon.

§ 606.409–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Date _____

Capt. John Doe
Contracting Officer
(Address)

Subject: Request for Formalization of Informal Commitment Under Title II, First War Powers Act, 1941, As Amended.

DEAR SIR:

1. The undersigned hereby makes application for formalization of the hereinafter described informal commitment pursuant to Title II of the First War Powers Act, 1941, as amended.

2. The undersigned was ordered by _____ (Name _____, of individual ordering services or supplies) orally ☐ in writing ☐ to furnish the supplies or services described in paragraph 3, below. Such oral order was given in person ☐ by telephone ☐ by the aforementioned to _____ of this firm on the _____ (Name) _____ day of _____ 195... A true copy of the written order above-mentioned is attached hereto. (Complete applicable information or attach written order.)

3. Such order required the undersigned to furnish the following supplies or services, at _____ on _____ (Place of performance) _____ (Date or dates of required performance) _____ (Detail supplies or services ordered)

4. The circumstances under which the above-mentioned supplies or services were ordered, to the best of my knowledge and belief were as follows: _____ _____ (State circumstances if known)

5. Pursuant to such order the following supplies or services were furnished at _____ on _____ (Place or installation) _____ (Date or duties of performance) _____ (List supplies and services furnished)

6. a. The fair and reasonable value of the supplies and services furnished, at the time and place furnished is _____. Attached (Amount) hereto is analysis of the cost and price of the supplies or services furnished, indicating profit separately. (Attach Cost and Price Analysis.)

b. The above-mentioned amount does ☐ does not ☐ exceed the applicable ceiling price for the supplies or services furnished.

7. The following payments have been received:

Date	*Amount*

8. Final payment, or a final administrative determination of the amount due has ☐ has not ☐ been made. (Check appropriate box.)

9. Previous application has ☐ has not ☐ been made for the relief sought herein. (Check appropriate box; if the box is marked "has" is checked, complete the following sentence.) Such previous application was made to _____ (State agency where application was filed) located at _____ under date of _____. The nature of the request made therein was: _____ _____. Action taken thereon was as follows: _____

10. This claim has ☐ has not ☐ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims of 1940, as amended, to _____, (Name of assignee) of _____. (Attach three signed (Address) copies of assignment and three signed copies of assignee's notice.)

11. Additional facts and circumstances believed to justify granting of relief sought: _____

12. The undersigned affirms that the statements made above, including those made in exhibits and attachments hereto are true to the best of his knowledge and belief.

_____
Name of firm (print or type)

_____
(Signature)
(Print or type name and title of person signing)

(b) *Contracting Officer's indorsement recommending approval of application.*

1st Ind.

Heading and date.
Addressee and address.

1. The foregoing application of _____ has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows: _____ (State any corrections required)

2. The informal commitment was entered into substantially as stated by the Contractor in paragraphs _____ and _____ of his application, except as follows: _____

3. The circumstances under which the above-mentioned informal commitment was made, and the reasons why such informal commitment was necessary, are as follows: _____

4. The person who ordered the supplies or services, _____ was duly authorized so to do by _____ (State _____, (or had apparent authority authorization) to issue the order). Strike out inapplicable words.

5. The supplies and/or services furnished to the Government pursuant to such informal commitment related to national defense and were as follows: _____

6. The above supplies and/or services were furnished at _____ on _____ (Location) _____ (Date or dates)

7. The undersigned finds that the fair and reasonable value of the supplies and services furnished, at the time and place furnished, is $_____; and that sum would constitute fair compensation to the applicant.

8. The following payments have been made to the contractor:

Date	*Amount*

9. Final payment, or final administrative determination of the amount due has ☐ has not ☐ been made.

10. Appropriated funds are ☐ are not ☐ sufficient to cover the proposed payment to the contractor.

11. Appropriated funds allocated to other Departments are ☐ are not ☐ involved. The Department concerned is _____ _____

12. In the opinion of the undersigned a formal contract (purchase order) (or modification) should be issued formalizing the above-mentioned informal commitment, at a unit price of $_____, total amount $_____ substantially in the form annexed hereto.

13. In the opinion of the undersigned the granting of such relief will ☐ will not ☐ facilitate the national defense effort.

JOHN DOE,
Captain, QMC,
Contracting Officer.

§ 606.416 *Contract clauses required.* All contracts and amendments to contracts made under the authority of this subpart, shall:

(a) Make reference to Title II, First War Powers Act, 1941, as amended; and

(b) Contain a statement of facts and circumstances which justify action;

(c) Include a finding that the national defense is facilitated thereby;

(d) Include the following clause:

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder which may hereafter be made, a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontractor purchase orders for public utility services at rates established for uniform applicability to the general public.

(e) Include a statement regarding the approval obtained indicating specifically the office or officer duly authorized to make, and who granted, such final approval.

§ 606.417 *Records.* Complete written data, including but not limited to memorandum to file a personal conferences and telephone conversations and all approvals or denials of application, shall be maintained in the Contracting Officer's files as the office of record. Such data shall be available for inspection by authorized personnel at all times.

§ 606.418 *Reporting under Tile II, First War Powers Act (Reports Control Symbol CSGLD–376 (R2)).*

§ 606.418–1 *Reporting agencies.* Heads of procuring activities will render monthly, a report relative to claims received and actions taken pursuant to the authority contained in §§ 606.406, 606.407, 606.408 and 606.409 (Amendments to contracts without consideration, correction of mistakes in contracts and formalization of informal commitments).

§ 606.418–2 *Reporting procedure.* (a) A separatee DA Form 1763–R (8 by 10½-inch) will be completed for each claim received. These forms will be dispatched in duplicate, to the Deputy Chief of Staff for Logistics, Department of the Army, attn: Chief, Contracts Branch, on or before the 15th day of the month following the month in which the claim is received. Letters of transmittal will not be used. Negative reports are not required.

(b) For the initial report, a separate DA Form 1763–R will be completed for each claim pending as of 30 June 1956. This report will be dispatched on or before 15 July 1956.

(c) A report of all actions taken, i. e., approvals, denials, withdrawals, adjustments (transfer of claim from one category to another, increase or decrease of dollar value and other adjustments) with respect to each claim will be submitted on the following DA Form 1764–R (8" x 4" paper):

Reporting Under Title II, First War Powers Act (Claims Received) (App. 30–418.2)	Case Number	Reports Control Symbol CSGLD-376 (RS)
Technical Service or Command	Contractual Instrument Number	
Name and Address of Contractor	Date Claim Received	
	Type of Claim ☐ Aw/oC ☐ C/M ☐ F/C ☐ Other	
Item Produced or Service Performed	Value of Claim (omit cents) $ _____	
	Value of Contract (omit cents) $ _____	
	Type of Contract ☐ Advertised ☐ Negotiated	
Circumstances Upon Which Claim of Contractor Is Based		

DA Form 1763–R, 1 Jun 56.

Reporting Under Title II, First War Powers Act (Disposition of Claims) (APP 30-418.2)	Case Number	Reports Control Symbol CSGLD-376 (R2)
Technical Service or Command	Date of Action	
Name of Contractor	Action Taken ☐ Approved ($.....) ☐ Denied ☐ Withdrawn, Returned, etc. ☐ Adjustments	
Reason for Action		

DA Form 1764-R, 1 Jun 56.

(d) A listing, by case number only, of claims pending as of the end of each quarter will be submitted with DA Forms 1763–R and 1764–R.

(e) The following list of instructions covers only those portions of the forms which are not self-explanatory.

(1) *Case number.* Heads of procuring activities will assign a serial number to each case by numbering consecutively each claim received, beginning with number "1".

(2) *Contractual instrument number.* Enter the number of the basic contract. If the contractual instrument is not numbered, so state.

(3) *Type of claim.* Check the appropriate block to indicate the type of claim involved. (Aw/oC–Amendments Without Consideration, C/M–Correction of Mistakes, F/C–Formalization of Informal Commitments). If "Other" is checked, include in the block "Circumstances Upon Which Claim of Contractor is Based," the specific authority under which the claim will be considered.

(4) *Item produced or service performed.* Except for classified items, enter a brief description of the items or service involved.

(5) *Value of claim.* Enter, to the nearest dollar, the amount of the claim. If none, or none stipulated, so state.

(6) *Value of contract.* Enter the total dollar value of the contract.

(7) *Circumstances upon which the claim of the contractor is based and reasons for action.* Enter only a brief summary which will provide information sufficient for a general understanding of the claim or action taken.

(f) Claims referred to the Army Contract Adjustment Board for action will be reported as pending, by the Head of the Procuring Activity submitting the claim. Final action on such claim will be reported by the Head of the Procuring Activity with a notation that such action was taken by the Army Contract Adjustment Board.

§ 606.418–3 *Reproduction of forms.* DA Forms 1763–R and 1764–R will be locally reproduced, and will conform to arrangement and size as set forth in § 606.418–2.

10. Section 606.1003 is revised, paragraph (c) is added to § 606.1004, and in § 606.1005, revise paragraphs (b) (3) and (c) as follows:

§ 606.1003 *General responsibilities*—(a) *Contracting Officers and Contract Administrators.* (1) To afford, during the procurement cycle, proper analysis and consideration of transportation factors affecting both domestic and export purchases.

(2) To seek advice, assistance, or traffic information from appropriate sources as indicated in § 606.1004.

(3) To incorporate the soundest available transportation provisions in contracts and to see that transportation requirements are met during the performance of contracts.

(4) To bring to the attention of appropriate authorities any practicable improvements in procedures, practices, contract clauses, the terms or quantities of requirements, or similar methods by which transportation factors and other procurement elements may be better coordinated to the advantage of the Government.

(5) At the earliest possible phase in the procurement cycle, to provide, through installation transportation officers, information of prospective procurements or movements so as to facilitate rate negotiation or other traffic management actions.

(b) *Transportation officers.* (1) To analyze and determine the effect of transportation factors on purchases.

(2) To advise Contracting Officers of transportation costs, methods of shipment, and other transportation information for the evaluation of bids and award of contracts in a manner most advantageous to the Government.

§ 606.1004 *Sources of transportation assistance.* • • •

(c) Transportation officers will furnish the best rates available for appropriate means of shipment and any other transportation information which would assist the Contracting Officer in evaluating the bids and awarding the contract in a manner most advantageous to the Government. The best rates available may be rates in effect or to become effective at a later date. The use of freight rates to become effective at a later date for evaluation of bids will be limited to those rates or rate changes on file in the rate-furnishing office prior to the date of opening bids. Whenever a rate request to a rate-furnishing office does not specify a date, rates furnished will be those on file in that office at the time the files are examined.

§ 606.1005 *Transportation considerations in the procurement cycle.* • • •

(b) *Solicitation phase.* • • •

(3) Invitations for bids or requests for proposals to be solicited on an FOB origin basis will include the following information:

(i) That evaluation of bids will be on the basis of bid price plus Government transportation cost from point of origin to the destinations named herein or to be determined prior to the award of the contract.

(ii) The best available freight rates in effect or to become effective at a later date, for the selected method of shipment, will be used for the evaluation of bids.

(iii) The use of freight rates to become effective at a future date for evaluation of bids, will be limited to those rates or rate changes on file in the rate-furnishing office prior to the opening date of bids.

(iv) Bidders will be informed, to the extent possible and practicable, when any of the following factors apply to shipments:

(*a*) Method of shipment as well as rail, water, air, or truck.

(*b*) Minimum quantities or lots such as LCL, LTL, CL, or TL.

(*c*) Actual or designated destinations for evaluation purposes.

(*d*) Packing, crating, and other preparations.

(*e*) Use of transit arrangements (paragraph (c) (4) of this section).

(*f*) Special arrangements for shipment such as the movement of unusually large or heavy items.

(c) *Evaluation and award phase.* From issuance of invitation through actual award.

(1) In evaluating bid or proposals submitted on an FOB origin basis when destinations or distribution patterns are known, the cost of transportation must be added to the bid or proposal in calculating the actual cost to the Government. Accurate weights and cubage, current transportation rates, and use of the proper modes of transportation are essential in his process. When oversea destination is known and more than one United States port is appropriate for use in the evaluation, the difference in ocean costs or other costs among the pertinent ports will be considered, so that award will reflect the most advantageous basis of cost of the supplies landed at the oversea port. In such case, the precise total cost is not important, but the comparative cost through the ports respectively serving the bidders is quite important. Pertinent information can be obtained upon request to Zone Transportation Offices.

(2) Contracting Officers will consider transportation costs, methods of shipment, and other transportation factors in the evaluation of FOB origin bids and in the award of contracts. The best available freight rates in effect or to become effective at a later date should be used. The use of rates to become effective at a later date will be limited to those on file in the rate-furnishing office prior to the date for opening bids.

(3) In determining, by preaward survey or otherwise, the capabilities of a bidder to carry out a contract, definite consideration should be given to the adequacy of transportation facilities at the bidder's plant, including his ability to accumulate and ship in carload or truckload lots.

(4) Consideration should be given to the possibility of obtaining benefit for the Government through the use of transit arrangements. Such arrangements permit the forwarding of a shipment in the same direction after it has been halted in transit (sometimes for as much as 2 years), for storage, processing, fabrication, or other purpose as specified by the carriers; all at the through rate (as contrasted with the combination of rates in and out of the transit point) plus nominal surcharges. Transit arrangements are not universal and are varied; traffic management personnel can furnish necessary information and analysis of situations where transit may be beneficial.

(5) When comparing the initial portion of a procurement and the "set aside" portion in conjunction with "set asides" under Defense Manpower Policy No. 4 (§§ 1.302–4, 2.205, and 3.219 of this title) or partial joint or Small Business determinations, the transportation aspects involved in each portion must be considered to insure correct comparison.

(6) Whenever it appears to the Contracting Officer that award for shipment to the designated destination will plainly result in cross-hauling or back-hauling to the disadvantage of the Government, considering subsequent moves of the supplies, the matter will be brought to the attention of the requiring agency or appropriate distribution authorities.

(7) If information for possible rate negotiation purposes has not been furnished earlier, or if adjustment in such information is required appropriate advice will be furnished the Chief of Transportation, through the local transportation officer, immediately upon execution of a contract indicating firm shipment plans.

(8) Contracts, when executed, must be specific with respect to all transportation responsibilities.

• • • • •

[C 20, APP, June 11, 1956, and C 22, APP, July 12, 1956] (62 Stat. 21; 41 U. S. C. 151–162)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-6823; Filed, Aug. 23, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1322]

ARIZONA AND WASHINGTON

REVOKING DEPARTMENTAL ORDER OF NOVEMBER 1, 1906, AND PUBLIC LAND ORDER NO. 23, OF AUGUST 7, 1942, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

ARIZONA

[71355]

1. The departmental order of November 1, 1906, reserving the following-described public lands within the Tonto National Forest, Arizona, for use of the Forest Service, Department of Agriculture, as an administrative site, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 10 E.,
Sec. 26, E½SW¼;
Sec. 35, NE¼NW¼.

The areas described aggregate 120 acres.

WASHINGTON

[1866530]

2. Public Land Order No. 23 of August 7, 1942, which temporarily withdrew the following-described public lands in Washington for use of the Forest Service, Department of Agriculture, as an administrative site in connection with the administration of the Columbia (now Gifford Pinchot) National Forest, is hereby revoked:

WILLAMETTE MERIDIAN

T. 7 N., R. 5 E.,
Sec. 28, SE¼NE¼.

The area described contains 40 acres.

3. The lands described in paragraph 1 of this order are within the Tonto National Forest, Arizona, and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on September 26, 1956.

4. The SE¼NE¼, sec. 28, T. 7 N., R. 5 E., Willamette Meridian, is included in Federal Power Project No. 2111 of the Pacific Power and Light Company, being constructed under a license issued under the Federal Power Act, with respect to which the provisions of section 2 of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621 (a) (1)) are applicable. These lands are therefore not open to mining location.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 17, 1956.

[F. R. Doc. 56-6848; Filed, Aug. 23, 1956; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 915]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of August A. D. 1956.

It appearing that the number of freight cars available for the movement of box car freight in the States of Oregon, California, Arizona and Nevada, has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD, PFE and WP refrigerator cars in that territory not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, California, Arizona and Nevada. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.915 *Substitution of refrigerator cars for box cars.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada, and destined to points in the States of Oregon, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, PFE or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car.

(i) Two (2) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of 40' 7'', or less, subject to the carload minimum weight which would have been applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of over 40' 7'', but not over 50' 7'', subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 7:00 a. m., August 27, 1956.

(d) Expiration date: This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in

substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6844; Filed, Aug. 23, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 42]

FACILITIES AND SERVICES TAXES

TAX ON TRANSPORTATION OF PERSONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

In order to provide regulations under sections 4261, 4262, 4263, and 4264 of Part I Subchapter C of Chapter 33 and sections 4291, 4292, and 4293 of Subchapter E of Chapter 33, the following regulations are prescribed:

Sec.
42.4261.0-1 Introduction.
42.4261 Statutory provisions; amounts paid within the United States; amounts paid outside the United States; seats, berths, etc.; by whom paid.
42.4261-1 Scope of tax; in general.
42.4261-2 Rate and application of tax.
42.4261-3 Payments made within the United States.
42.4261-4 Payments made in the United States; evidence of nontaxability.
42.4261-5 Payments made outside the United States.
42.4261-6 Payments made outside the United States; evidence of nontaxability.
42.4261-7 Examples of payments subject to tax.
42.4261-8 Examples of payments not subject to tax.
42.4261-9 Seats and berths; rate and application of tax.
42.4261-10 By whom paid.
42.4262 (a) Statutory provisions; taxable transportation.
42.4262 (a)-1 Taxable transportation.
42.4262 (b) Statutory provisions; exclusion of certain travel.
42.4262 (b)-1 Exclusion of certain travel.
42.4262 (c) Statutory provisions; definitions; continental United States; 225-mile zone.
42.4262 (c)-1 Definitions.
42.4263 (a) Statutory provisions; exemptions; commutation travel.
42.4263 (a)-1 Commutation tickets.
42.4263 (a)-2 Charges not exceeding 60 cents.
42.4263 (b) Statutory provisions; exemptions; small vehicles on nonestablished lines.
42.4263 (b)-1 Motor vehicles with seating capacity of less than ten.
42.4263 (c) Statutory provisions; exemptions; fishing trips.
42.4263 (c)-1 Fishing trips.
42.4263 (d) Statutory provisions; exemptions; certain organizations.
42.4263 (d)-1 Transportation furnished to certain organizations.
42.4263 (e) Statutory provisions; exemptions; members of the Armed Forces.
42.4263 (e)-1 Members of the Armed Forces.
42.4264 (a) Statutory provisions; special rules; payments made outside the United States for prepaid orders.
42.4264 (a)-1 Duty to collect the tax; payments made outside the United States.
42.4264 (b) Statutory provisions; special rules; tax deducted upon refunds.
42.4264 (b)-1 Duty to collect the tax in the case of certain refunds.
42.4264 (c) Statutory provisions; special rules; payment of tax.
42.4264 (c)-1 Special rule for the payment of tax.
42.4264 (d) Statutory provisions; special rules; application of tax.
42.4264 (d)-1 Cross reference.
42.4264 (e) Statutory provisions; special rules; round trips.
42.4264 (e)-1 Round trips.
42.4264 (f) Statutory provisions; special rules; transportation outside the northern portion of the Western Hemisphere.
42.4264 (f)-1 Transportation outside the northern portion of the Western Hemisphere.
42.4291 Statutory provisions; cases where persons receiving payment must collect tax.
42.4291-1 Duty to collect tax.
42.4292 Statutory provisions; State and local government exemption.
42.4292-1 State and local government exemptions.
42.4293 Statutory provisions; exemption for United States and possessions.
42.4293-1 Exemption for the United States and possessions.

SUBPART D—TRANSPORTATION OF PERSONS

§ 42.4261.0-1 *Introduction*—(a) *Scope of regulations.* The regulations contained in this subpart relate to the tax on the transportation of persons imposed by part I of subchapter C of chapter 33 of the Internal Revenue Code of 1954, as amended.

(b) *Period covered.* The regulations in this subpart apply to amounts paid on or after October 1, 1956, for transportation of persons commencing on or after such date. The regulations with respect to amounts paid after December 31, 1954, and before October 1, 1956, for transportation of persons commencing at any time and with respect to amounts paid after September 30, 1956, for transportation of persons commencing before October 1, 1956, are contained in Regulations 42 (1942 edition) (26 CFR (1939) Part 130), as prescribed and made applicable to part I of subchapter C of chapter 33 of the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954. The regulations relating to certain related administrative provisions contained in Subpart G of Regulations 42, and the provisions of Treasury Decision 6131, approved April 29, 1955, apply to amounts paid for the transportation of persons which are covered by the regulations in this subpart. The regulations with respect to other applicable administrative provisions contained in subtitle F (Procedure and Administration) of the Internal Revenue Code of 1954 are set forth in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 42.4261 *Statutory provisions; amounts paid within the United States; amounts paid outside the United States; seats, berths, etc.; by whom paid.*

SEC. 4261. *Imposition of tax*—(a) *Amounts paid within the United States.* There is hereby imposed upon the amount paid within the United States for taxable transportation (as defined in section 4262) of any person by rail, motor vehicle, water, or air a tax equal to 10 percent of the amount so paid.

(b) *Amounts paid outside the United States.* There is hereby imposed upon the amount paid without the United States for taxable transportation (as defined in section 4262) of any person by rail, motor vehicle, water, or air, but only if such transportation begins and ends in the United States, a tax equal to 10 percent of the amount so paid.

(c) *Seats, berths, etc.* There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) or (b) a tax equivalent to 10 percent of the amount so paid.

(d) *By whom paid.* Except as provided in section 4264, the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

[Section 4261 as amended by section 1 and section 4 (b) of Pub. Law 796 (70 Stat. 644, 646) approved July 25, 1956]

§ 42.4261-1 *Scope of tax; in general.* Section 4261 imposes a tax at the rate of 10 percent upon payments made for taxable transportation of persons by rail, motor vehicle, water, or air. For a definition of the term "taxable transportation", see section 4262 and § 42.4262-1. The tax accrues at the time payment is made for the transportation, irrespective of when the transportation is furnished. The purpose of the transportation, whether business or pleasure, is immaterial. It is not necessary that the transportation be between two definite points. If not otherwise exempt, a payment for continuous transportation beginning and ending at the same point is subject to the tax.

§ 42.4261-2 *Rate and application of tax.* (a) The tax under section 4261 is 10 percent of the amount paid for taxable transportation.

(b) The tax is measured by the total amount paid, whether paid at one time or collected at intervals during the course of a continuous transportation, as in the case of a carrier operating under the zone system.

(c) The tax is determined by the amount paid for transportation with respect to each person. Thus, where a single payment is made for the transportation of two or more persons, the taxability of the payment and the amount of the tax, if any, payable with respect thereto, must be determined on the basis of the portion of the total payment properly allocable to each person transported.

(d) Where a payment covers charges for nontransportation services as well as for transportation of a person, such as charges for meals, hotel accommodations, etc., the charges for the nontransportation services may be excluded in computing the tax payable with respect to such payment, provided such charges are separable and are shown in the exact amounts thereof in the records pertaining to the transportation charge. If the charges for nontransportation services are not separable from the charge for transportation of the person, the tax must be computed upon the full amount of the payment.

§ 42.4261-3 *Payments made within the United States*—(a) *Transportation beginning and ending in the United States or the 225-mile zone.* The tax imposed under section 4261 (a) applies to payments made within the United States for transportation which begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone. For example, an amount paid within the United States for transportation between New York and Montreal, Canada; between Vancouver, Canada, and Windsor, Canada; or between Nogales, Mexico, and Hermosillo, Mexico, would be fully taxable. See section 4262 (c) (2) for definition of the 225-mile zone.

(b) *Other transportation.* In the case of transportation other than that described in paragraph (a) of this section for which payment is made in the United States, the tax applies with respect to the amount paid for that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. Thus, on a trip from Chicago to London, England, with a stop at New York, for which payment is made in the United States, tax would apply on the part of the payment which is applicable to the transportation from Chicago to New York.

(c) *Method of computing tax on taxable portion.* Where a payment is made for transportation which is partially taxable under paragraph (b) of this section—

(1) The tax may be computed on that proportion of the total amount paid which the mileage of the taxable portion of the transportation bears to the mileage of the entire trip, or

(2) The tax may be computed on the basis of the applicable local fare for transportation of a like class between the ports or stations described in paragraph (b) of this section. In the absence of such a local fare, the tax must be determined in accordance with subparagraph (1) of this paragraph.

(d) *Cross reference.* See section 4262 (b) and regulations thereunder for a partial exclusion with respect to amounts paid for certain transportation.

§ 42.4261-4 *Payments made in the United States; evidence of nontaxability*—(a) *Presumption of taxability.* The tax imposed by section 4261 (a) shall apply to any amount paid within the United States for the transportation of any person, unless the taxpayer establishes in accordance with the provisions of this section that at the time of payment the transportation is not transportation in respect of which tax is imposed by section 4261 (a). See section 4264 (d).

(b) *Through tickets.* In the case of transportation which is wholly or in part not taxable transportation, the issuance of one ticket (commonly known as a "through ticket") covering such transportation will be sufficient to establish that the amount paid for such transportation is wholly or in part not subject to tax. Thus, if A purchases a through ticket in the United States for transportation by air from Chicago to Edmonton, Canada, with a stop at Minneapolis, no further evidence will be required to establish that no tax applies with respect to the amount paid for the portion of the transportation between Minneapolis and Edmonton.

(c) *Separate tickets.* Where a separate ticket or order is issued for taxable transportation as defined in section 4262 (a) (1) (hereinafter referred to as the "domestic ticket or order"), but the domestic ticket or order is to be used in conjunction with a ticket or order for additional transportation (hereinafter referred to as the "international ticket or order") which changes the tax consequences, unless the domestic ticket or order and the international ticket or order are purchased from a single agency or carrier at the same time, the person making payment for the domestic ticket or order shall at the time of payment exhibit the international ticket or order to the agency or carrier receiving such payment. The agency or carrier which receives the payment for the domestic ticket or order shall inscribe the tickets or orders for the entire journey in the following manner:

(1) The international ticket or order shall be inscribed or stamped with an appropriate legend (for example, "Cannot be reused to obtain any tax exemption on a domestic ticket or order") to show that a domestic ticket or order has been purchased wholly or partially tax free for use in conjunction therewith.

(2) The domestic ticket or order shall be inscribed to show (i) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket or order), (ii) the origin and destination of the additional transportation, (iii) the identity of the carrier furnishing the additional transportation, and (iv) the serial number of the ticket or order covering such additional transportation. If the domestic ticket or order is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket or order.

§ 42.4261-5 *Payments made outside the United States*—(a) *In general.* The tax imposed under section 4261 (b) applies to amounts paid outside the United States for the taxable transportation of persons, but only if such transportation begins and ends in the United States. Thus, in addition to the exclusion provided for certain travel under section 4262 (b), the tax imposed by section 4261 (b) shall not apply unless the transportation both begins and ends within the United States. Accordingly, the tax does not apply to a payment made without the United States for one-way or round-trip transportation between a point within the United States and a point outside the United States.

(b) *Transportation between two or more points in the United States.* (1) For purposes of this section, a payment made outside the United States for transportation between two or more points in the United States is a payment for transportation which begins and ends in the United States, even though additional transportation to or from a point outside the United States is involved in the entire journey, if at the time of making payment for the transportation between two or more points in the United States it is not definitely established, under the rules set forth in § 42.4261-6, that such transportation is purchased for use in making the journey from or to a point outside the United States. In such case, the fact that the entire journey includes transportation from or to a point outside the United States is not in itself determinative of the liability for tax.

(2) The following examples illustrate the application of this paragraph:

Example (1). W travels from Havana, Cuba, to New York by way of Miami. He purchases in Havana a steamship ticket for his transportation from Havana to Miami and an exchange order for air transportation from Miami to New York. The ticket for the connecting transportation from Havana to Miami, and the order for the transportation from Miami to New York were not appro-

priately inscribed by the agency or carrier which received the payment for the air transportation involved at the time such payment was received so as to clearly show that the ticket and order were purchased for use in conjunction with each other. Therefore, the agency or carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York is required to collect the tax which applied to the amount paid outside the United States for such transportation.

Example (2). X travels on a round trip from Montreal, Canada, to Los Angeles by way of New York. He purchases in Montreal air transportation for the round trip between New York and Los Angeles, and uses a private automobile for transportation from Montreal to New York and return to Montreal. The amount paid in Montreal for the round-trip transportation between New York and Los Angeles is a payment for transportation which begins and ends in the United States, and is therefore subject to tax.

(c) *Cross reference.* See section 4262 (b) and regulations thereunder for a partial exclusion with respect to amounts paid for certain transportation.

§ 42.4261–6 *Payments made outside the United States; evidence of nontaxability*—(a) *In general.* The tax does not apply to a payment made outside the United States for transportation which begins or ends outside the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points within the United States (such transportation being referred to hereinafter in this section as "the United States portion"), which is part of transportation from or to a point outside the United States is a payment for transportation which begins or ends outside the United States, where it is definitely established at the time of making payment for the United States portion that such portion is purchased for use in making the journey from or to a point outside the United States. The nontaxable character of the payment made outside the United States for the United States portion shall be established under the rules set forth in paragraphs (b) through (e) of this section.

(b) *Through tickets.* Where one ticket (commonly known as a "through ticket") is issued to cover all of the United States portion of a journey which begins or ends outside the United States and to cover also the connecting transportation from or to a point outside the United States, no further evidence of the nontaxable character of the transportation covered by such ticket will be required.

(c) *Separate tickets.* Where separate tickets or orders are issued for the United States portion of a journey which begins or ends outside the United States, the agency or carrier which receives payment for such tickets or orders shall definitely determine at the time of receiving the payment that the United States portion is being purchased for use in conjunction with connecting transportation from or to a point outside the United States, and shall appropriately inscribe the tickets or orders issued outside the United States for the United States portion and for the connecting transportation from or to a point outside the United States to show clearly that such tickets or orders are purchased for use in conjunction with each other. Such tickets or orders shall be inscribed in the following manner:

(1) The ticket or order for the connecting transportation from or to a point outside the United States shall be inscribed or stamped with an appropriate legend (for example, "Not to be used again for purchase of tax-free United States transportation") to show that the United States portion has been purchased tax free for use in conjunction therewith.

(2) Where the ticket for the United States portion is issued outside the United States, it shall be inscribed to show (i) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket), (ii) the origin and destination of the connecting transportation, (iii) the identity of the carrier furnishing the connecting transportation, and (iv) the serial number of the ticket or order covering such connecting transportation. If the ticket is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket.

(3) Where an order for the United States portion is issued outside the United States, it shall be inscribed to show (i) the origin and destination of the connecting transportation, (ii) the identity of the carrier furnishing the connecting transportation, and (iii) the serial number of the ticket or order covering such connecting transportation.

(d) *Ticket issued pursuant to inscribed order.* Where the ticket for the United States portion is issued in the United States pursuant to an order which was purchased and properly inscribed outside the United States under the rules set forth in paragraph (c) (3) of this section liability for payment or collection of tax will not be incurred upon the issuance of the ticket provided the agency or carrier issuing such ticket stamps or inscribes thereon an appropriate legend, for example, "Tax not paid—furnished on order", or "Exempt—order".

(e) *Maintenance of records.* In any case where a payment for the United States portion is not subject to tax under the rules set forth in this section, the carrier furnishing transportation for the United States portion shall procure and maintain appropriate evidence which will clearly show that the tickets or orders for such transportation were purchased for use in conjunction with connecting transportation from or to a point outside the United States.

(f) *Examples.* The following are examples of nontaxable transportation:

Example (1). Y travels from London, England, to San Francisco by way of New York. He purchases from an agency or carrier in England all of the transportation involved in such journey, which includes air transportation from London to New York and from New York to San Francisco, for which separate tickets are issued. The agency or carrier which receives the payment for Y's transportation from New York to San Francisco will not be required to collect tax with respect to the payment, provided it determines at the time such payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from London to New York and it appropriately inscribes both of the tickets for the journey.

Example (2). Z travels from Havana, Cuba, to New York by way of Miami. He purchases in Havana, Cuba, a ticket for his transportation by water from Havana to Miami, and later purchases from a travel agency in Havana air transportation from Miami to New York for which the travel agency issues an exchange order. To establish the nontaxable character of the payment for Z's transportation from Miami to New York the travel agency shall determine at the time payment is received by it that the transportation in question is being purchased for use in conjunction with the connecting transportation from Havana to Miami, and shall make the appropriate inscription on the ticket and the order. The carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York will not be required to collect tax with respect to the ticket so issued if it appropriately inscribes the ticket as provided in paragraph (d) of this section.

§ 42.4261–7 *Examples of payments subject to tax.* The following are examples of payments for transportation which, unless otherwise exempt under section 4263, 4292, or 4293, are subject to tax.

(a) *Cash fares.* The tax applies to payments of so-called "cash fares" where no ticket or other evidence of the right to transportation is issued to the passenger.

(b) *Scrip books.* The tax applies to the amount paid for scrip books. The tax shall be collected from the purchaser at the time the scrip book is sold, and not when and as the scrip is used for transportation.

(c) *Additional charges.* Amounts paid as additional charges for changing the class of accommodations, changing the destination or route, extending the time limit of a ticket, as "extra fare", or for exclusive occupancy of a section, etc., are subject to the tax.

(d) *Round-trip tickets.* An amount in excess of 60 cents paid for a round-trip ticket is taxable (1) if the one-way fare of like class is more than 60 cents, or (2) if there is no established one-way fare of like class.

(e) *Commutation or season tickets.* (1) An amount paid for a commutation or season ticket good for more than one month is subject to tax where the single trip is 30 miles or more. For this purpose the term "30 miles" means 30 constructive miles where the rate for transportation is fixed on the constructive mileage. The tax shall be collected from the purchaser at the time of payment for the commutation or season ticket, and not when and as the ticket is used for transportation.

(2) In the event that a partly used exempt commutation or season ticket is redeemed and the carrier makes a charge at regular rates for the used portion of the ticket, the tax applies to such charge, if the one-way fare is more than 60 cents.

(f) *Prepaid orders, exchange orders, or similar orders.* The tax applies to the amount paid for a prepaid order, exchange order, or similar order for transportation. An additional amount paid in procuring transportation in connection with the use of a prepaid order, exchange order, or similar order, is likewise subject to tax.

(g) *Combinations of rail, motor vehicle, water, or air transportation.* The tax applies to the total amount paid for transportation over the lines of a number of connecting carriers; and also to the total amount paid for any combination of rail, motor vehicle, water, or air transportation, such as rail-air line, air line-motor bus, or motor bus-steamship, etc.

(h) *Chartered conveyances.* (1) An amount paid for the charter of a special car, train, motor vehicle, aircraft, or boat for transportation purposes, provided no charge is made by the charterer to the persons transported, is subject to tax if the amount paid represents a per capita charge of more than 60 cents for each person actually transported. For the exemption of amounts paid for transportation of persons on boats chartered for fishing purposes, see § 42.4263 (c)–1.

(2) The charterer of a conveyance who sells transportation to other persons must collect and account for the tax with respect to all amounts paid to him for transportation which are in excess of 60 cents. In such case, no tax will be due on the amount paid for the charter of the conveyance but it shall be the duty of the owner of the conveyance to advise the charterer of his liability for collecting and accounting for the tax.

(i) *All-expense tours.* An amount paid for an all-expense tour is subject to tax with respect to that portion representing taxable transportation.

(j) *Payments remitted to foreign countries by persons in the United States.* Payments for transportation tickets, prepaid orders, exchange orders, or similar orders are subject to the tax where the payment for such tickets or orders is accomplished by the purchaser either (1) by transmission from within the United States via telegraph or mail of cash, checks, postal or telegraphic money orders, and similar drafts to ticket offices or travel agencies, etc., located in any place without the United States, or (2) by the delivery of the funds to an agency located in the United States for transmission to ticket offices, or travel agencies, etc., without the United States. Such payments are considered to be payments made within the United States.

§ 42.4261–8 *Examples of payments not subject to tax.* In addition to payments specifically exempt under sections 4263, 4292, and 4293 the following are examples of payments not subject to tax.

(a) *Exchange of prepaid order, scrip, etc., for tickets.* A ticket issued pursuant to an exchange order, prepaid order, airline pilot order, or scrip, is not subject to tax where the tax is paid at the time of payment for the order or scrip.

(b) *Caretakers and messengers accompanying freight shipments.* The tax on the transportation of persons does not apply to an amount paid for transportation of freight that includes also the transportation of caretakers or messengers for which no specific charge as such is made. However, such amount is subject to the tax on the transportation of property imposed by section 4271.

(c) *Special baggage cars.* An amount paid for a special baggage car is not subject to the tax on the transportation of persons if separable from the payment for transportation of persons and if shown in the exact amount of the charge on the records covering the taxable transportation payment. However, such amount is subject to the tax on the transportation of property imposed by section 4271.

(d) *Circus or show trains.* The amount paid pursuant to a contract for the movement of a circus or show train where the amount covers only the transportation of the performers, laborers, animals, equipment, etc., by the circus or show train is not subject to the tax on the transportation of persons imposed by section 4261, but is subject to the tax on the transportation of property imposed by section 4271. However, if the contract payment also covers the issuance to advance agents, bill posters, etc., of circus or show scrip books, or other evidence of the right to transportation, for use on regular passenger trains, that portion of the contract payment properly allocable to such scrip books or other evidence is subject to the tax on the transportation of persons. The balance of the contract payment is subject to the tax on the transportation of property.

(e) *Corpses.* The tax on the transportation of persons does not apply to the amount paid for the transportation of a corpse, but does apply to the amount paid for the transportation of any person accompanying the corpse. The amount paid for the transportation of the corpse is subject to the tax on the transportation of property imposed by section 4271.

(f) *Miscellaneous charges.* Where the charge is separable from the payment for the transportation of a person and is shown in the exact amount thereof on the records pertaining to the transportation payment, the tax on the transportation of persons does not apply to the following and simliar charges:

(1) Charges for transportation of baggage, including incidental charges such as excess value, storage, transfer, parcel checking, special delivery, etc.

(2) Charges for transportation of an automobile in connection with the transportation of a person.

(3) Charges for bridge or road toll, or a ferry charge of 60 cents or less, made in connection with the transportation of a person by bus. Charges incurred by the carrier which are part of its costs of operation, such as bridge tolls, road tolls, or ferry charges, paid by the carrier on account of the bus and driver, cannot be deducted from the charge made to the passenger in determining the taxable charges for transportation.

(4) Charges for admissions, guides, meals, hotel accommodations, and other nontransportation services, for example, where such items are included in a lump sum payment for an all-expense tour.

(5) Charges in connection with the charter of a land, water, or air conveyance for the transportation of persons, such as for parking, icing, sanitation, "layover" or "waiting time", movement of equipment in deadhead service, dockage, wharfage, etc.

In the case of subparagraphs (1) and (2) of this paragraph the amounts paid are, however, subject to the tax on the transportation of property imposed by section 4271.

§ 42.4261–9 *Seats and berths; rate and application of tax.* (a) Section 4261 (c) imposes a tax upon payments of any amount for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by section 4261 (a) or (b).

(b) The tax is 10 percent of the amount of the taxable payment for the seating or sleeping accommodations.

(c) The rules and provisions of §§ 42.4261–1 to 42.4261–6, inclusive, with respect to the tax on payments for transportation imposed by section 4261 (a) or (b) are also applicable to the tax on payments for seating or sleeping accommodations.

§ 42.4261–10 *By whom paid.* The tax imposed by section 4261 is payable by the person making the taxable payment for transportation or for seats, berths, etc., and is collectible by the person receiving such payment. See section 4264 (a) and (c) for special rules relating to payment and collection of tax.

§ 42.4262 (a) *Statutory provisions; taxable transportation.*

SEC. 4262. *Definition of taxable transportation*—(a) *Taxable transportation; in general.* For purposes of this part, except as provided in subsection (b), the term "taxable transportation" means—

(1) Transportation which begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone; and

(2) In the case of transportation other than transportation described in paragraph (1), that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States.

[Section 4262 (a) as added by section 3 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4262 (a)–1 *Taxable transportation*—(a) *In general.* Except as excluded under section 4262 (b) (see § 42.4262 (b)–1), taxable transportation means—

(1) Transportation which begins in the United States or in that portion of Canada or Mexico which is not more than 225 miles from the nearest point in the continental United States (the "225-mile zone") and ends in the United States or in the 225-mile zone; and

(2) In the case of any other transportation, that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. Transportation from one port or station in the United States to another port or station in the United States occurs whenever a carrier, after leaving any port or station in the United States, makes a stop at another port or station in the United States. In determining whether a stop takes place, the purpose for which the carrier stops (except for emergencies), whether stop-overs are

permitted or whether the passenger disembarks, is immaterial.

(b) *Illustrations of taxable transportation under section 4262 (a) (1).* In each of the following examples the transportation is taxable transportation and the amount paid within the United States for such transportation is subject to the tax:

(1) New York to Seattle;

(2) New York to Vancouver, Canada, with a stop at Jasper, Canada;

(3) Chicago to Monterrey, Mexico;

(4) Montreal, Canada, to Toronto, Canada; and

(5) Miami to Los Angeles via Panama.

If in subparagraphs (1) and (5) of this paragraph, payment for the transportation had been made outside the United States, such payment would nevertheless have been subject to tax since in each case the transportation begins and ends in the United States.

(c) *Illustrations of taxable transportation under section 4262 (a) (2).* The following examples will illustrate the application of section 4262 (a) (2):

Example (1). A purchases in New York a round-trip ticket for transportation by air from New York to Havana, Cuba, with a stop at Miami. The amount paid for that part of the transportation between New York and Miami on both going and return trips is subject to tax, since such transportation is from one station in the United States to another station in the United States.

Example (2). B purchases a ticket in San Francisco for combination rail and water transportation from San Francisco to New York to Halifax, Canada, to London, England. The amount paid for that part of the transportation between San Francisco and New York is subject to tax, since such transportation is from one station in the United States to another station in the United States. Although Halifax is in the 225-mile zone, the transportation between New York and Halifax is not taxable because it is not transportation from one port in the United States to another port in the United States.

Example (3). C purchases a ticket in Seattle for transportation from Seattle to Lisbon, Portugal, with stops at Vancouver, Edmonton, and Montreal, Canada, and New York. The amount paid for that part of the transportation from Seattle to New York is subject to tax, since it is indirectly from one station in the United States to another station in the United States.

Example (4). E purchases in Chicago a ticket for transportation by air from Chicago to New York to Gander, Newfoundland, to London, England. Only the amount paid for that part of the transportation between Chicago and New York is subject to tax. If, while on the New York-Gander leg of the journey the aircraft is forced to land at Boston, because of weather or other emergency, no tax is imposed by reason of such emergency stop.

Example (5). G charters a plane in New York for transportation to Bogota, Colombia, and pays the charter charges in New York. The plane stops at Miami for refueling. The tax attaches with respect to that part of the transportation which is between New York and Miami.

(d) *Illustrations of transportation which is not taxable transportation.* The following examples will illustrate transportation which is not taxable transportation:

(1) New York to Trinidad by water with no stops in the United States;

(2) Minneapolis to Edmonton, Canada, with a stop at Winnipeg, Canada; and

(3) Los Angeles to Mexico City, Mexico, with stops at Tia Juana and Guadalajara, Mexico.

Amounts paid for the transportation referred to in the examples in this paragraph are not subject to the tax regardless of where payment is made, since none of the trips (i) begins in the United States or the 225-mile zone and ends in the United States or the 225-mile zone, nor (ii) contains a portion which is directly or indirectly from one port or station in the United States to another port or station in the United States.

§ 42.4262 (b) *Statutory provisions; exclusion of certain travel.*

SEC. 4262. *Definition of taxable transportation.* • • •

(b) *Exclusion of certain travel.* For purposes of this part, the term "taxable transportation" does not include that portion of any transportation which meets all 4 of the following requirements:

(1) Such portion is outside the United States;

(2) Neither such portion nor any segment thereof is directly or indirectly—

(A) Between (i) a point where the route of the transportation leaves or enters the continental United States, or (ii) a port or station in the 225-mile zone, and

(B) A port or station in the 225-mile zone;

(3) Such portion—

(A) Begins at either (i) the point where the route of the transportation leaves the United States, or (ii) a port or station in the 225-mile zone, and

(B) Ends at either (i) the point where the route of the transportation enters the United States, or (ii) a port or station in the 225-mile zone; and

(4) A direct line from the point (or the port or station) specified in paragraph (3) (A), to the point (or the port or station) specified in paragraph (3) (B), passes through or over a point which is not within 225 miles of the United States.

[Section 4262 (b) as added by section 3 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4262 (b)–1 *Exclusion of certain travel*—(a) *In general.* Under section 4262 (b) taxable transportation does not include that portion of any transportation which meets all four of the following requirements:

(1) Such portion is outside the United States;

(2) Neither such portion nor any segment thereof is directly or indirectly—

(i) Between (*a*) a point where the route of the transportation leaves or enters the continental United States, or (*b*) a port or station in the 225-mile zone, and

(ii) A port or station in the 225-mile zone;

(3) Such portion—

(i) Begins at either (*a*) the point where the route of the transportation leaves the United States, or (*b*) a port or station in the 225-mile zone, and

(ii) Ends at either (*a*) the point where the route of the transportation enters the United States, or (*b*) a port or station in the 225-mile zone; and

(4) A direct line from the point (or the port or station) specified in subparagraph (3) (i) of this paragraph, to the point (or the port or station) specified in subpardgraph (3) (ii) of this paragraph, passes through or over a point which is not within 225 miles of the United States.

For purposes of this section, the route of the transportation shall be deemed to leave or enter the United States when it passes over (1) the international boundary line between any part of the United States and a contiguous foreign country, or (2) a point three nautical miles (3.45 statute miles) from low tide on the coast line.

(b) *Transportation to or from the Territories of Alaska and Hawaii.* (1) Under the provisions of section 4262 (b) transportation between the continental United States or the 225-mile zone and the Territory of Alaska or the Territory of Hawaii will be partially exempt from the tax. The portion of such transportation which (i) is outside the United States, (ii) is not transportation between ports or stations within the continental United States or the 225-mile zone, and (iii) is not transportation between ports or stations within the Territory of Alaska or the Territory of Hawaii, meets all the requirements set forth in section 4262 (b) and is excluded from taxable transportation.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A buys a ticket for transportation by air from Seattle to Fairbanks, Alaska, via Ketchikan, and Juneau, Alaska, and Whitehorse, Yukon Territory, Canada. The portion of the transportation between the point where the route of the transportation leaves the continental United States and the point where it first enters Alaska is not subject to tax.

Example (2). B purchases a ticket in the United States for transportation by air from Vancouver, Canada, to Honolulu, T. H. No part of the route followed by the carrier passes through or over any part of the continental United States. The only part of the payment made by B for this transportation which is subject to the tax is that applicable to the portion of the transportation between the three mile limit off the coast of Hawaii and the airport in Honolulu.

(c) *Method of computing tax on travel not excluded.* (1) Where a payment is made for transportation which includes transportation excluded under the provisions of section 4262 (b)—

(i) The tax may be computed on that proportion of the total amount paid which the mileage of the taxable portion of the transportation bears to the mileage of the entire trip, or

(ii) If the taxable portion of the transportation includes transportation from one port or station to another port or station for which an applicable local fare of a like class is available, the tax may be computed on the amount of such local fare, plus an amount equivalent to that proportion of the remainder of the total amount paid which the mileage of the remainder of the taxable portion of the transportation bears to the remainder of the mileage of the entire trip. In the absence of such a local fare, the tax must be computed in accordance with subdivision (i) of this subparagraph.

(2) The basis for determining the proportions described in subparagraph (1) (i) and (ii) in this paragraph shall be the average mileage of the established route traveled by the carrier between given points under normal circumstances.

(d) *Illustration.* The application of § 42.4262 (b)–1 (c) may be illustrated by the following example:

Example. A purchases in San Francisco a ticket for transportation by air to Honolulu, T. H. The portion of the transportation which is outside the continental United States and is outside the Territory of Hawaii is excluded from taxable transportation. The tax applies to that part of the payment made by A which is applicable to the portion of the transportation between the airport in San Francisco and the three-mile limit off the coast of California (a distance of 15 miles) and between the three-mile limit off the coast of Hawaii and the airport in Honolulu (a distance of 5 miles). The part of the payment made by A which is applicable to the taxable portion of his transportation and the tax due thereon are computed in accordance with paragraph (c) (1) of this section as follows:

Mileage of entire trip (San Francisco airport to Honolulu airport)	2,400 miles.	
Mileage in continental United States	15	
Mileage in Hawaii	5	
	20 miles.	
Fare from San Francisco to Honolulu		$168.00.
Payment for taxable portion (20/2400 × $168)		$1.40.
Tax due (10% × $1.40)		$0.14.

All distances and fare assumed for purposes of this example.

§ 42.4262 (c) *Statutory provisions; definitions; continental United States; 225-mile zone.*

SEC. 4262. *Definition of taxable transportation.* • • •

(c) *Definitions.* For purposes of this section—

(1) *Continental United States.* The term "continental United States" means the existing 48 States and the District of Columbia.

(2) *225-mile zone.* The term "225-mile zone" means that portion of Canada and Mexico which is not more than 225 miles from the nearest point in the continental United States.

[Section 4262 (c) as added by section 3 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4262 (c)–1 *Definitions*—(a) *The continental United States.* For the purposes of this subpart, the term "continental United States" means the existing 48 States and the District of Columbia, plus a distance of 3 nautical miles (3.45 statute miles) from low tide on the coast line.

(b) *The 225-mile zone.* For purposes of this subpart, the term "225-mile zone" means that portion of Canada and Mexico which is not more than 225 miles from the nearest point in the continental United States. Whether any point in Canada or Mexico is not more than 225 miles from the continental United States is to be determined by measuring the distance from such point to the nearest point on the boundary of the continental United States.

§ 42.4263 (a) *Statutory provisions; exemptions; commutation travel.*

SEC. 4263. *Exemptions*—(a) *Commutation travel, etc.* The tax imposed by section 4261 shall not apply to amounts paid for transportation which do not exceed 60 cents, to amounts paid for commutation or season tickets for single trips of less than 30 miles, or to amounts paid for commutation tickets for one month or less.

[Section 4262 (b), redesignated section 4263 (a) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956, and as amended by Pub. Law 1015 (70 Stat. 1077) approved August 7, 1956]

§ 42.4263 (a)–1 *Commutation tickets.* (a) Amounts paid for commutation or season tickets or books for single trips of less than 30 miles are exempt from the tax imposed under section 4261, regardless of the length of time for which such tickets or books are valid. The phrase "less than 30 miles" means less than 30 constructive miles in instances where the charge is based on constructive mileage.

(b) Amounts paid for commutation tickets or books for one month or less are exempt from the tax regardless of the distance of a single trip.

§ 42.4263 (a)–2 *Charges not exceeding 60 cents*—(a) *In general.* The tax imposed by section 4261 does not apply to transportation payments of 60 cents or less.

(b) *Round trips.* The exemption is determined by the amount paid for a single one-way trip. Thus, an amount of more than 60 cents paid for round-trip transportation is exempt from tax, if the regular one-way single fare of like class between the terminal points of the round trip does not exceed 60 cents.

(c) *Charters.* An amount paid for the charter of a car, train, motor vehicle, aircraft, or boat is exempt from the tax, if the payment represents a per capita charge of 60 cents or less for each person actually transported.

(d) *Seating or sleeping accommodations.* Any amount paid for seating or sleeping accommodations is not subject to tax under section 4261 (c) where the amount of the related payment for transportation is 60 cents or less. However, where the payment for transportation exceeds 60 cents, a payment for seating or sleeping accommodations in connection with such transportation is subject to the tax regardless of the amount thereof.

§ 42.4263 (b) *Statutory provisions; exemptions; small vehicles on nonestablished lines.*

SEC. 4263. *Exemptions.* • • •

(b) *Small vehicles on nonestablished lines.* The tax imposed by section 4261 shall not apply to transportation by motor vehicles having a passenger seating capacity of less than ten adult passengers, including the driver, except when such vehicle is operated on an established line.

[Section 4262 (c), redesignated section 4263 (b) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (b)–1 *Motor vehicles with seating capacity of less than ten.* No tax is imposed under section 4261 on transportation by a motor vehicle having a seating capacity of less than ten adult passengers, including the driver, unless such vehicle is operated on an established line. The term "operated on an established line" means operated with some degree of regularity between definite points. It does not necessarily mean that strict regularity of schedule is maintained; that the full run is always made; that a particular route is followed; or that intermediate stops are restricted. The term implies that the person rendering the service maintains and exercises control over the direction, route, time, number of passengers carried, etc.

§ 42.4263 (c) *Statutory provisions; exemptions; fishing trips.*

SEC. 4263. *Exemptions.* • • •

(c) *Fishing trips.* The tax imposed by section 4261 shall not apply to amounts paid for transportation by boat for the purpose of fishing from such boat.

[Section 4262 (d), redesignated section 4263 (c) by section 2 of Public Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (c)–1 *Fishing trips.* No tax is imposed under section 4261 upon any amount paid for transportation by boat where the transportation is for the purpose of fishing from such boat.

§ 42.4263 (d) *Statutory provisions; exemptions; certain organizations.*

SEC. 4263. *Exemptions.* • • •

(d) *Certain organizations.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished to an international organization, or any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(Section 4262 (e), redesignated section 4263 (d) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956)

§ 42.4263 (d)–1 *Transportation furnished to certain organizations*—(a) *The American National Red Cross.* The tax imposed by section 4261 does not apply to amounts paid for transportation or facilities furnished to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864 (The American National Red Cross).

(b) *International organizations.* The tax imposed by section 4261 does not apply to amounts paid for transportation or facilities furnished to an international organization. See section 7701 (a) (18) for the definition of "international organization". An international organization is designated as such by the President through an Executive order or orders. When an organization has been designated by the President as entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act, or part thereof, including exemption from the tax, the exemption applies to amounts so paid unless the President otherwise provides. The exemption is subject to withdrawal or revocation by the President. In case of withdrawal or revocation, unless otherwise provided by the President, the exemption is inapplicable to payments on or after the date of issuance of the order of withdrawal or the date of revocation.

(c) *Evidence of right to exemption.* The right to exemption under section 4263 (d) shall be established by the use of exemption certificate, Form 731. See § 42.4292–1 (b) for the rules applicable

when the right to exemption is evidenced by exemption certificates.

§ 42.4263 (e) *Statutory provisions; exemptions; members of the armed forces.*

SEC. 4263. *Exemptions.* • • •

(e) *Members of the armed forces.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate.

[Section 4262 (f), redesignated section 4263 (e) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (e)–1 *Members of the armed forces.* The tax imposed by section 4261 does not apply to amounts paid for transportation or for seating or sleeping accommodations furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, including authorized cadets and midshipmen, traveling in unlform of the United States at their own expense when on official leave, furlough, or pass. A person claiming exemption under this section will be required to exhibit to the agent of the carrier a properly executed certificate to show that he is traveling on official leave, furlough, or pass, but the submission of an exemption certificate on Form 731 is not necessary in such case.

§ 42.4264 (a) *Statutory provisions; special rules; payments made outside the United States for prepaid orders.*

SEC. 4264. *Special rules.*

(a) *Payments made outside the United States for prepaid orders.* If the payment upon which tax is imposed by section 4261 is made outside the United States for a prepaid order, exchange order, or similar order, the person furnishing the initial transportation pursuant to such order shall collect the amount of the tax.

[Section 4264 (a) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (a)–1 *Duty to collect the tax; payments made outside the United States.* Where payment is made outside the United States for a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States or for seating or sleeping accommodations in connection therewith, the person furnishing the initial transportation pursuant to such order shall collect all the tax applicable to such transportation or accommodations. See section 4291 and the regulations thereunder for cases where persons receiving payment must collect the tax.

§ 42.4264 (b) *Statutory provisions; special rules; tax deducted upon refunds.*

SEC. 4264. *Special rules.* • • •

(b) *Tax deducted upon refunds.* Every person who refunds any amount with respect to a ticket or order which was purchased without payment of the tax imposed by section 4261, shall deduct from the amount refundable, to the extent available, any tax due under such section as a result of the use of a portion of the transportation purchased in connection with such ticket or order, and shall report to the Secretary or his delegate the amount of any such tax remaining uncollected.

[Section 4264 (b) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (b)–1 *Duty to collect the tax in the case of certain refunds*—(a) *Special rule for collection of tax.* Section 4264 (b) provides a special rule for the collection of the tax where an unused ticket or order (or portion thereof) purchased without payment of tax is presented for refund and, as a result of the use of only a portion of the transportation purchased in connection with such ticket or order, liability for payment of tax has been incurred. In such a case, the person making the refund shall deduct the amount of the tax due, to the extent available, from the amount which would otherwise be refundable. If the redemption value of the unused ticket or order (or portion thereof) is less than the amount of the tax due on the amount paid for the travel actually performed, the person redeeming the unused ticket or order (or portion thereof) shall make no refund but shall apply the entire amount against the tax due and shall, within 90 days, make a report of the amount of the tax remaining uncollected, together with the name and address of the person who sought the refund. The report shall be made to the office of the district director of internal revenue for the district in which the person making such report is located, and a copy of the report shall be furnished to the person presenting the unused ticket or order for redemption.

(b) *Return of tax.* Any person who has made a collection of tax in accordance with the preceding paragraph shall include such amount in his regular return of taxes required to be collected under section 4291.

(c) *Illustration.* A carrier receives for redemption a ticket purchased in the United States for transportation from Calgary, Canada, to Edmonton, Canada, which the purchaser bought for use in conjunction with a ticket for non-stop transportation from Seattle to Calgary. The person applying for the refund does not establish to the satisfaction of the carrier that the tax on the Seattle-Calgary ticket has been paid or that the Seattle-Calgary ticket has been redeemed. The carrier, before making any refund for the unused ticket, is required to deduct from the amount otherwise refundable the tax applicable to the amount paid by the purchaser for the transportation from Seattle to Calgary and to report the tax so collected in its quarterly return on Form 720. In the event that the redemption value of the unused Calgary to Edmonton ticket is less than the amount of the tax due on the amount paid for the transportation from Seattle to Calgary, the carrier should not make any refund to the purchaser but should apply against the outstanding tax the entire amount refundable and should make a report, within 90 days, to the office of the district director of internal revenue for the district in which the carrier is located, setting forth the name and address of the purchaser and the amount of the tax remaining uncollected.

§ 42.4264 (c) *Statutory provisions; special rules; payment of tax.*

SEC. 4264. *Special rules.* • • •

(c) *Payment of tax.* Where any tax imposed by section 4261 is not paid at the time payment for transportation is made, then, under regulations prescribed by the Secretary or his delegate, to the extent that such tax is not collected under any other provision of this subchapter—

(1) Such tax shall be paid by the person paying for the transportation or by the person using the transportation;

(2) Such tax shall be paid within such time as the Secretary or his delegate shall prescribe by regulations after whichever of the following first occurs:

(A) The rights to the transportation expire; or

(B) The time when the transportation becomes subject to tax; and

(3) Payment of such tax shall be made to the person to whom the payment for transportation was made or to the Secretary or his delegate.

[Section 4264 (c) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (c)–1 *Special rule for the payment of tax*—(a) *Rule.* When any tax imposed by section 4261 is not paid at the time payment for the transportation is made, then to the extent that such tax is not collected under any other provision of law, such tax shall be paid by the person paying for the transportation or by the person using the transportation. The provisions of section 4264 (c) apply where the amount paid for transportation is (1) subject to tax at the time such payment is made, but no tax is paid at that time, or (2) not subject to tax at the time such payment is made, but because of some subsequent event the payment becomes subject to tax. The payment of tax shall be made to the district director of internal revenue for the district in which the taxpayer resides, or to the person from whom the transportation was purchased, within thirty days after whichever of the following first occurs: (i) The rights to the transportation expire, or (ii) the transportation becomes subject to tax. Such payment shall be accompanied with an explanation that it is being made in accordance with section 4264 (c).

(b) *Relationship to other sections.* Section 4264 (c) and this section are not intended in any way to relieve the person receiving the payment for taxable transportation of persons from his duty under section 4291 of collecting the tax at the time such payment is received by him. The provisions of section 4264 (c) and this section also do not apply in any case where the tax is collected in the manner provided in section 4264 (a) or (b) or in other provisions of law.

(c) *Illustration.* The provisions of this section may be illustrated by the following example:

Example: A purchases in New York a round-trip ticket for transportation between New York and London, England, with a stop-over in Montreal, Canada. After arriving in Montreal A decides not to continue his trip to London and returns to New York. A is liable for tax with respect to the amount paid for his transportation from New York to Montreal and return. A's transportation became taxable transportation at the time he began his return trip to New York, and within thirty days thereafter A must pay the tax to either the person from whom he purchased the ticket or the appropriate district director of internal revenue.

§ 42.4264 (d) *Statutory provisions; special rules; application of tax.*

SEC. 4264. *Special rules.* • • •

(d) *Application of tax.* The tax imposed by section 4261 shall apply to any amount paid within the United States for transportation of any person unless the taxpayer establishes, pursuant to regulations prescribed by the Secretary or his delegate, at the time of payment for the transportation, that the transportation is not transportation in respect of which tax is imposed by section 4261.

[Section 4264 (d) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (d)–1 *Cross reference.* For the rules applicable under section 4264 (d) see § 42.4261–4.

§ 42.4264 (e) *Statutory provisions; special rules; round trips.*

SEC. 4264. *Special rules.* • • •

(e) *Round trips.* In applying this part to a round trip, such round trip shall be considered to consist of transportation from the point of departure to the destination, and of separate transportation thereafter.

[Section 4264 (e) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (e)–1 *Round trips*—(a) *In general.* For purposes of this subpart, a round trip shall be considered to consist of two separate trips, i. e., one trip from the point of departure to the destination and a second trip in returning from the destination. A round trip includes certain journeys in which the same routing is not followed on the return trip from the destination to the point of departure as was taken on the going trip (sometimes referred to as "circle trips"). In the case of a cruise or tour (i. e., transportation to no set destination but with one or more intermediate stops en route) the point farthest from the point of departure will be regarded as the destination for purposes of applying the term "round trip". If a cruise or tour ends at a point other than the one at which it began, the rules of "open jaw" transportation set forth in paragraph (b) of this section apply.

(b) *Open jaw transportation.* Transportation which qualifies under this paragraph as "open jaw" transportation will be treated in the same manner as a round trip. For purposes of this subpart, "open jaw" transportation means (1) transportation from the point of departure to a specified destination and return from the specified destination to a point other than the original point of departure, or (2) transportation from the point of departure to a specified destination and return from a point other than the specified destination to the original point of departure, provided that where the points of the open jaw are within the continental United States or the 225-mile zone, the distance between the points of the open jaw does not exceed the distance of the shorter segment traveled. For example, a trip from New York to New Orleans via Panama would be considered as one trip from New York to Panama and separate trip from Panama to New Orleans, since the distance between the points of the open jaw (i. e., New York and New Orleans) is shorter than the distance between Panama and New Orleans (the shorter of the two segments traveled). Both trips would be nontaxable. On the other hand, transportation from New York to Miami via Bermuda does not qualify as "open jaw" transportation and therefore would be considered a single trip from New York to Miami and would be taxable.

§ 42.4264 (f) *Statutory provisions; special rules; transportation outside the northern portion of the Western Hemisphere.*

SEC. 4264. *Special rules.* • • •

(f) *Transportation outside the northern portion of the Western Hemisphere.* In applying this part to transportation any part of which is outside the northern portion of the Western Hemisphere—

(1) If the route of such transportation leaves and re-enters the northern portion of the Western Hemisphere, such transportation shall be considered to consist of transportation to a point outside such northern portion, and of separate transportation thereafter.

(2) If such transportation is transportation by water on a vessel which makes one or more intermediate stops at ports within the United States on a voyage which begins or ends in the United States and ends or begins outside the northern portion of the Western Hemisphere, a stop at an intermediate port within the United States at which such vessel is not authorized both to discharge and to take on passengers shall not be considered to be a stop at a port within the United States.

For purposes of this subsection, the term "northern portion of the Western Hemisphere" means the area lying west of the 30th meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

[Section 4264 (f) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (f)–1 *Transportation outside the northern portion of the Western Hemisphere*—(a) *Transportation which leaves and re-enters the northern portion of the Western Hemisphere.* For purposes of this subpart, transportation, any part of which is outside the northern portion of the Western Hemisphere (as defined in paragraph (c) of this section) shall, if the route of the transportation leaves and re-enters the northern portion of the Western Hemisphere, be considered to consist of transportation to the point outside such northern portion and of separate transportation thereafter. The amount paid for such transportation will be considered to be a payment made for two trips and the taxability of the payment will be determined accordingly. Thus, an amount paid for transportation from New York to San Francisco with a stop at Caracas, Venezuela, will be considered an amount paid for a trip from New York to Caracas and for a separate trip from Caracas to San Francisco neither of which is taxable transportation.

(b) *Transportation by water on a vessel*—(1) *Special rule.* Section 4264 (f) (2) provides a special rule in the case of transportation, any part of which is outside the northern portion of the Western Hemisphere, by water on a vessel which makes one or more intermediate stops at ports within the United States on a voyage which (i) begins or ends in the United States, and (ii) ends or begins outside the northern portion of the Western Hemisphere. In such a case, a stop at an intermediate port within the United States at which such vessel is not authorized both to discharge and to take on passengers shall not be considered to be a stop at a port within the United States. A vessel is considered to be authorized both to discharge and to take on passengers at an intermediate port unless there is a legal or other authoritative prohibition of such traffic. For purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from other discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

(2) *Illustrations.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A purchases a steamship ticket in New York for transportation from New York to Southampton, England. The vessel on which A sails makes an intermediate stop during the course of such voyage at Boston to take on passengers. The vessel is not, however, authorized to discharge passengers at such port. No tax applies to the portion of the transportation between New York and Boston since under section 4264 (f) (2) the vessel is not considered to have made a stop at Boston.

Example (2). B purchases a steamship ticket in San Francisco for a voyage from San Francisco to Tokyo, Japan. The vessel on which B travels makes a stop at Honolulu, T. H., to discharge passengers. The vessel is also permitted to take on passengers in Honolulu. Since the vessel is permitted both to discharge and take on passengers at the stop in Honolulu, the portion of the transportation between San Francisco and Hawaii not excluded under section 4262 (b) (i. e., the portion of such transportation between the pier in San Francisco and the three-mile limit off the coast of California and between the three-mile limit off the coast of Hawaii and the pier in Honolulu) is taxable under section 4262 (a) (2) as transportation from one port in the United States to another port in the United States.

(c) *Northern portion of the Western Hemisphere.* For purposes of this subpart, the term "northern portion of the Western Hemisphere" means the area lying west of the 30th meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

§ 42.4291 *Statutory provisions; cases where persons receiving payment must collect tax.*

SEC. 4291. *Cases where persons receiving payment must collect tax.* Except as pro-

vided in section 4264 (a), every person receiving any payment for facilities or services on which a tax is imposed upon the payor thereof under this chapter shall collect the amount of the tax from the person making such payment. • • •

[Section 4291 as amended by section 4 (c) of Pub. Law 796 (70 Stat. 646) approved July 25, 1956]

§ 42.4291–1 *Duty to collect tax.* Except as provided in section 4264 (a) and § 42.4264 (a)–1, the rules applicable under section 4291 by reason of Treasury Decision 6091, signed August 16, 1954, remain in full force and effect until superseded.

§ 42.4292 *Statutory provisions; State and local government exemption.*

SEC. 4292. *State and local governmental exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section • • • 4261 • • • upon (1) any payment received for services or facilities furnished to • • • the Government of any State, Territory of the United States, or any political subdivision of the foregoing or the District of Columbia.

§ 42.4292–1 *State and local government exemptions*—(a) *In general.* The tax imposed by section 4261 shall not apply to amounts paid by a State, Territory of the United States, any political subdivision of the foregoing, or the District of Columbia, for the transportation of persons or for seating or sleeping accommodations furnished therewith. Amounts paid for transportation or facilities by an officer or employee of a State, Territory, etc., who is traveling on a mileage or other allowance basis are exempt from tax where reimbursement is made to such officer or employee.

(b) *Evidence of right to exemption.* The right to exemption under section 4292 (referred to in paragraph (a) of this section) shall be established by the use of (1) government transportation requests, or (2) exemption certificates, Form 731. When exemption certificates are used a separate certificate must be furnished with respect to each amount paid for transportation or for seating or sleeping accommodations furnished in connection therewith. Where an exempt agency purchases transportation or facilities for a group of persons, as in the case of an officer conducting a number of prisoners, one certificate covering the total amount paid may be accepted by the carrier. Where an exempt agency makes periodic payments for transportation or facilities furnished officers or employees, one certificate covering the total amount paid at any one time may be accepted by the carrier. One exemption certificate covering a number of separate payments may not be accepted by the carrier. Every person claiming exemption from the tax must identify himself by presenting credentials in the form of papers, documents, or other evidence which will reasonably assure the agent of the carrier collecting a payment that he is the person covered by the exemption certificate issued on behalf of the exempt agency. The exemption certificate must be submitted to the carrier at the time the payment for transportation or facilities is made. The carrier will retain all exemption certificates accepted, with the record of services and facilities rendered, available for inspection by internal revenue officers for at least three years from the date the tax would have become due if payable.

§ 42.4293 *Statutory provisions; exemption for United States and possessions.*

SEC. 4293. *Exemption for United States and possessions.* The Secretary may authorize exemption from the taxes imposed by • • • subchapters • • • C of chapter 33, as to any particular • • • service or class of • • • services, to be purchased for the exclusive use of the United States. If he determines that the imposition of such taxes with respect to such • • • services, or class of • • • services will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

§ 42.4293–1 *Exemption for the United States and possessions.* The tax imposed by section 4261 does not apply to any payments for transportation of persons or for seating or sleeping accommodations in connection therewith furnished to the United States upon a United States of America Transportation Request.

[F. R. Doc. 56-6873; Filed, Aug. 22, 1956; 12:34 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 SEASON

Notice is hereby given that the Department is giving consideration to the following recommendations, submitted by the Industry Committee, established pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(a) That the Secretary of Agriculture find that expenses not to exceed $27,050.00 are likely to be incurred by said committee during the season beginning April 1, 1956, and ending March 31, 1957, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.006 per standard package, or the equivalent thereof in weight of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing such to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: August 21, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6855; Filed, Aug. 23, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 132]

ELECTRIC POWER SYSTEM, COLORADO RIVER IRRIGATION PROJECT, ARIZONA

DEMAND DISCOUNTS

Notice is hereby given of intention to amend § 132.54 *Demand discounts*, Title 25—Indians, of the Code of Federal Regulations, for the purpose of providing a special discount rate for the lighting of recreational grounds of the Colorado River Tribe, pursuant to authority contained in the act of June 28, 1941 (55 Stat. 319), and section 22 of Title 5, U. S. C., 1952 ed.

All interested persons are hereby given opportunity to submit views, data and arguments in writing to the Area Director, Phoenix Area Office, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within thirty (30) days from the date of the publication of this notice in the FEDERAL REGISTER.

Section 132.54 is proposed to be amended by designating the text of the present section as paragraph (a) and adding paragraph (b) as follows:

§ 132.54 *Demand discounts.* (a) The following discounts will be applied in accordance with maximum billing demand.

Discounts do not apply to minimum charge:

	Percent
Less than 10 kw. demand	0
10 kw. demand and less than 15 kw. demand	4
15 kw. demand and less than 20 kw. demand	6
20 kw. demand and less than 25 kw. demand	8
25 kw. demand and less than 32 kw. demand	10
32 kw. demand and less than 40 kw. demand	12
40 kw. demand and less than 48 kw. demand	14
48 kw. demand and less than 58 kw. demand	16
58 kw. demand and less than 70 kw. demand	18
70 kw. demand and less than 85 kw. demand	20
85 kw. demand and less than 100 kw. demand	22
100 kw. demand and less than 125 kw. demand	24
125 kw. demand and less than 150 kw. demand	26
150 kw. demand and less than 175 kw. demand	28
175 kw. demand and less than 210 kw. demand	30
210 kw. demand and less than 245 kw. demand	32
245 kw. demand and less than 295 kw. demand	34
295 kw. demand and less than 360 kw. demand	36
360 kw. demand and less than 600 kw. demand	38
600 kw. demand and over	40

(b) Monthly bills for power used in lighting recreational grounds operated by the Colorado River Tribe near Parker, Arizona, calculated pursuant to § 132.53 less discounts prescribed by paragraph (a) of this section shall be subject to an additional discount of 10 percent provided that such additional discount shall not exceed an amount of $25.00 in any one month.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

AUGUST 17, 1956.

[F. R. Doc. 56-6847; Filed, Aug. 23, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11798]

TELEVISION BROADCAST STATIONS; BOZEMAN-HELENA, MONT.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Bozeman-Helena, Montana).

1. On July 25, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56–750) instituting the subject rule making proceeding. The notice provided that comments should be filed on or before August 22, 1956, and that reply comments should be filed on or before September 1, 1956.

2. On August 15, 1956, Montana State College, filed a petition requesting the Commission to extend the time for filing comments to September 10, 1956.

3. In support of its request Montana State College states that it is concerned over the Commission's alternate proposal to delete the reservation of Channel 9 for an educational station at Bozeman and is in the process of preparing its comments; that additional time is required for the preparation of its comments in final form; and that the President of the College will be in Washington early in September to discuss the matter with the attorney for the petitioner.

4. The Commission believes that good cause for an extension of time for filing reply comments in this proceeding has been established and that such extension will serve the public interest, convenience and necessity.

5. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from August 22, 1956, to September 10, 1956, and that the time for filing reply comments is extended from September 1, 1956, to September 20, 1956.

Adopted: August 16, 1956.

Released: August 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6830; Filed, Aug. 22, 1956; 12:33 p. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54168]

HARDBOARD FROM SWEDEN

ANTIDUMPING

AUGUST 17, 1956.

The Acting Secretary of the Treasury partially rescinds the finding of dumping with respect to Swedish hardboard.

After due investigation, I find, as of August 17, 1956, that the following exporters of hardboard from Sweden are no longer selling, or likely to sell, hardboard in the United States at less than its fair value: Ankarsviks A/B, Backa-Hosjo A/B, Kramfors A/B, Ljusne-Woxna A/B, Wifstavarfs A B.

The finding of dumping made August 26, 1954, is modified accordingly.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6852; Filed, Aug. 23, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CROSS REFERENCE: For Memorandum of Agreement Between Department of Commerce and Department of the Interior With Respect to Transfer of the Alaska Road Commission From the Department of the Interior to the Department of Commerce, see Department of Commerce, F. R. Doc. 56–6826, *infra*.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OREGON

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2(a)), as amended, it has been determined that in Wheeler County, Oregon, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after December 31, 1956, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 21st day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6839; Filed, Aug. 23, 1956; 8:47 a. m.]

WEST VIRGINIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of West Virginia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

West Virginia: Berkeley, Jefferson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 21st day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6840; Filed, Aug. 23, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MEMORANDUM OF AGREEMENT BETWEEN DEPARTMENT OF COMMERCE AND DEPARTMENT OF THE INTERIOR WITH RESPECT TO TRANSFER OF THE ALASKA ROAD COMMISSION FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF COMMERCE

By virtue of the authority vested in each of us under section 107 of the Federal-Aid Highway Act of 1956 (Public

Law 627, 84th Congress, 2d Session), and in the interests of the internal management of the Government, the following areas of agreement are set forth:

1. All records, property, personnel, funds and activities of the Alaska Road Commission shall be transferred from the Department of the Interior to the Department of Commerce, effective on September 16, 1956.

2. All records in the headquarters office of the Office of Territories, Department of the Interior, pertaining exclusively to the Alaska Road Commission, shall be transferred from the Department of the Interior to the Department of Commerce, effective on September 16, 1956.

3. Any claims pending before the Interior Board for Contract Appeals will be determined by that board and such determination will be binding upon the Department of Commerce.

4. Any existing contract, lease, easement, license, permit, or agreement heretofore entered into by or granted by or to the Department of the Interior by and through the Alaska Road Commission shall remain in full force and effect and shall be transferred to the Department of Commerce and shall be binding upon that Department.

5. All actions pursuant to this agreement will be consonant with applicable procedures approved by other appropriate Government agencies, including, but not limited to, the General Services Administration, Civil Service Commission, General Accounting Office, and Bureau of the Budget.

6. Such further measures as may be determined to be necessary to effectuate the purposes and provisions of this agreement shall be carried out in such manner as is mutually agreed upon by our representatives.

SINCLAIR WEEKS,
Secretary of Commerce.

AUGUST 14, 1956.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1956.

[F. R. Doc. 56-6826; Filed, Aug. 23, 1956; 8:45 a. m.]

FOREIGN EXCESS PROPERTY OFFICER

APPOINTMENT AND DELEGATION OF AUTHORITY WITH RESPECT TO DETERMINATIONS CONCERNING APPLICATIONS TO IMPORT FOREIGN EXCESS PROPERTY

1. Pursuant to section 404 (b) of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 399, 40 U. S. C. 514 (b), and pursuant to authority delegated to the Secretary of Commerce by the Secretary of State in § 508.15 of Foreign Liquidation Commissioner's Regulation 8, as amended (15 F. R. 845, 5930; 44 CFR 308.15), Howard E. Way, Business and Defense Services Administration, is hereby appointed Foreign Excess Property Officer and authorized to make such determinations as may be required under section 402 of said act, as amended (40 U. S. C. 512), in respect to applications to import foreign excess property filed under Foreign Excess Property Order 1, as amended August 23, 1950 (15 F. R. 5847; 44 CFR Part 401). In making such determinations he shall employ the criteria prescribed by section 402 of said act (40 U. S. C. 512), said Foreign Liquidation Commissioner's Regulation 8, as amended, and Foreign Excess Property Order 1, as amended.

2. In the absence of said Howard E. Way, the authority conferred upon him by this delegation may be exercised by Oscar T. Madsen, Business and Defense Services Administration, and the said Oscar T. Madsen may act as Foreign Excess Property Officer during such absence.

3. The delegation to Howard E. Way and to Paul R. Moyer as alternate to Howard E. Way, dated December 21, 1953, is revoked but such revocation shall not affect any actions taken by Howard E. Way and Paul R. Moyer under such delegation, the purpose of the present instrument being to substitute Oscar T. Madsen as alternate in the place and stead of Paul R. Moyer, deceased.

Dated: March 16, 1954.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-6828; Filed, Aug. 23, 1956; 8:46 a. m.]

BUREAU OF THE BUDGET

ORDER TRANSFERRING TO TENNESSEE VALLEY AUTHORITY USE, POSSESSION, AND CONTROL OF CERTAIN RIGHTS-OF-WAY WITHIN THE AREA OF THE OLD HICKORY LOCK AND DAM PROJECT

By virtue of the authority vested in the President of the United States by section 7 (b) of the Tennessee Valley Authority Act of 1933, 48 Stat. 63, and delegated to the Director of the Bureau of the Budget by section 1 (i) of Executive Order No. 10530 of May 10, 1954, it is ordered that the use, possession, and control of the easement and right-of-way hereinafter described be, and they are, hereby transferred from the Department of the Army to the Tennessee Valley Authority, subject, however, to the right of the Department of the Army to flood said right-of-way as required by the operation and maintenance of the Old Hickory Lock and Dam. Said transfer is necessary and proper for the purposes of the Authority as stated in the said Tennessee Valley Authority Act of 1933, as amended:

A permanent easement and right-of-way, for the following purposes, namely: the perpetual right to enter at any time and from time to time and to erect, maintain, repair, rebuild, operate, and patrol one or more electric power transmission lines, and one or more telephone lines, including the right to erect poles and other transmission line structures, wires, cables, and any necessary appurtenances; the right to clear said right-of-way and keep the same clear of brush, trees, buildings, and fire hazards; and the right to remove danger trees, if any, located beyond the limits of said right-of-way; all over, upon, across, and under the following described tract of land:

A strip of land for a right-of-way located in the Fourth Civil District of Sumner County, State of Tennessee, as shown on a map entitled "South Nashville-Springfield Gallatin Tap Transmission Line" filed in the office of the Register of Sumner County, said strip being 100 feet wide, lying 50 feeet on each side of the centerline of a transmission line relocation, the centerline being more particularly described as follows:

Commencing at a point where the center line of the present location of the South Nashville-Springfield Gallatin Tap Transmission Line crosses the center line of a road, which is the east line of the land of the U. S. A. Corps of Engineers, U. S. Army and the west line of the land of E. N. Frye, at survey station 839+07 on the center line of said present location, said point being 53 feet, as measured along the center line of the road in a southerly direction, from the corner of the lands of the U. S. A. Corps of Engineers, U. S. Army and E. N. Frye; thence with the center line of the present location N. 78° 20' W., 370.1 feet to a point where there is an equation in stationing on the center line survey, survey station 835+36.9 on the center line of the relocation of the South Nashville-Springfield Gallatin Tap Transmission Line; thence, leaving the center line of the present location, with the center line of the relocation N. 41° 50' W., 84.1 feet to the point of beginning where the center line of the relocation crosses the north line of the present right-of-way at survey station 836+51.9, the strip being bounded on the southeast end by the said present right-of-way line, a line that bears S. 78° 20' E.; thence, entering the strip herein described, N 41° 50' W., 414.4 feet to survey station 832+37.5; thence N. 61° 26' W., 1449.5 feet to survey station 817+88.0; thence S. 62° 24' W., 591.3 feet to a point where the center line crosses the northeast line of the present right-of-way at survey station 811+96.7, the strip terminating at the said present right-of-way line, a line that bears S. 39° 55' E.

The above described strip of land is a continuous right-of-way 100 feet wide through the said property between the above named boundary lines and includes the center line for a net distance of 2455.2 feet.

PERCIVAL F. BRUNDAGE,
Director of the Bureau of the Budget.

AUGUST 20, 1956.

[F. R. Doc. 56-6842; Filed, Aug. 23, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11594; FCC 56M-761]

HAROLD M. BORING

ORDER CONTINUING HEARING

In the matter of Harold M. Boring, Los Angeles, California, suspension of amateur radio operator license.

The Hearing Examiner having under consideration a motion filed August 2, 1956 by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled for September 6, 1956, at Washington, D. C., be continued until November 6, 1956;

It appearing that no opposition has been filed to such motion and good cause has been shown for the grant thereof;

It is ordered, This 9th day of August 1956, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be, and the same is hereby, continued to November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6831; Filed, Aug. 23, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10375 etc.]

SOUTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 17, 1956.

In the matters of Southern Natural Gas Company, Docket No. G-10375; Olin Gas Transmission Corporation, Docket No. G-10377; Estate of Lyda Bunker Hunt, Deceased, Docket No. G-10405; H. L. Hunt, Docket No. G-10406; Secure Trusts, Docket No. G-10407; Mississippi River Fuel Corporation, Docket No. G-10820.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce and construction and operation of facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are now on file with the Commission and open to public inspection.

The Applicants listed below propose to produce and sell natural gas in gas producing areas to Southern Natural Gas Company for transportation in interstate commerce for resale as indicated below:

Docket No.; Applicant; Address; and Location of Field

G-10377; Olin Gas Transmission Corporation; 400 Ouachita National Bank Building, Monroe, La.; Lake Enfermer Field Lefourche Parish, La.

G-10405; Estate of Lyda Bunker Hunt, Deceased; 700 Mercantile Bank Building, Dallas, Tex.; Lake Enfermer Field, Lefourche Parish, La.

G-10406; H. L. Hunt; 700 Mercantile Bank Building, Dallas, Tex.; Lake Enfermer Field, Lefourche Parish, La.

G-10407; Secure Trusts; 700 Mercantile Bank Building, Dallas, Tex.; Lake Enfermer Field, Lefourche Parish, La.

G-10820; Mississippi River Fuel Corporation; 407 North Eighth Street, St. Louis 1, Mo.; King's Ridge and East Golden Meadow Fields, Lefourche Parish, La.

Southern Natural Gas Comapny, a Delaware Corporation, with its principal place of business in Birmingham, Alabama, filed on May 10, 1956, as amended on June 28, 1956, an application in Docket No. G-10375, wherein it proposes to construct and operate facilities to permit it to receive and deliver into its main system natural gas produced as described above, for transportation and sale in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6832; Filed, Aug. 23, 1956; 8:46 a. m.]

[Docket No. G-10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. AND GULF REFINING CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 20, 1956.

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket Nos. G-10398, G-10399, G-10400, G-10442 and G-10443.

Take notice that American Louisiana Pipe Line Company (American Louisiana), a Delaware corporation with principal place of business at 645 Griswold Street, Detroit 26, Michigan, filed on May 14, 1956, Docket No. G-10396, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain facilities for the transportation and sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

American Louisiana seeks a certificate of public convenience and necessity authorizing it to construct and operate (as additions to the facilities heretofore certificated in Docket No. G-2306) [1] 35.8 miles of 8⅝ inch "gathering" pipeline, meter and regulator stations, four new compressor stations with an aggregate of 42,000 horsepower and an addition of 2,000 horsepower to two of its three presently certificated compressor stations.

American Louisiana proposes to construct the facilities in two steps as follows:

"Step one" consists of the construction of two new 12,000 horsepower compressor stations, numbers 8 and 11 to be constructed in Indiana and Ohio, and the addition of 2,000 horsepower in each of the presently certificated compressor stations 3 and 6. American Louisiana proposes to complete this construction and place the additional facilities in operation by November 1, 1956, thereby increasing system daily delivery capacity from approximately 300,000 Mcf to approximately 360,000 Mcf of natural gas per day.[2]

"Step two" consists of the construction of two new compressor stations, numbers 2 and 5, one of 8,000 horsepower to be constructed in Louisiana and one of 10,000 horsepower to be constructed in Tennessee. American Louisiana proposes to complete and place in operation the two new compressor stations by July 1, 1957.

American Louisiana's overall system daily delivery capacity would be increased to approximately 400,000 Mcf of natural gas per day upon the completion and operation of all the proposed facilities.

American Louisiana proposes to construct and operate the 35.8 miles of 8⅝ inch "gathering" lines, as needed to enable it to purchase additional supplies of natural gas from Gulf Refining Company in five fields in Louisiana from which it is not now obtaining natural gas.

The estimated total cost of the additional facilities is $16,078,000.

Further take notice that Gulf Refining Company (Gulf) a Delaware corporation, filed on May 14, and May 21, 1956, the applications hereinafter referred to for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to sell natural gas to American Louisiana for transportation and resale in interstate commerce from the fields as shown in the several docketed applications as follows:

Docket No. G-10398; Krotz Springs, La.
Docket No. G-10399; Church Point, La.
Docket No. G-10400; West Little Chenier, La.
Docket No. G-10442; Hayes, La.
Docket No. G-10443; Washington, La.

The several foregoing applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the

[1] See In the Matters of American Louisiana Pipe Line Company, et al. Docket Nos. G-2306, et al., Opinion Nos. 276 and 291 issued October 1, 1954, and May 7, 1956, respectively.

[2] On July 13, 1956, American Louisiana filed an application for temporary authorization to proceed with "Step one" of its construction program, and temporary authorization therefor was granted by the Commission on August 8, 1956, without prejudice to the ultimate disposition of American Louisiana's application.

Commission's rules of practice and procedure, a hearing be held commencing on October 9, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G–10396, G–10398, G–10399, G–10400, G–10442 and G–10443.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1956.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–6833; Filed, Aug. 23, 1956; 8:46 a. m.]

[Docket No. E–6670]

NORTHERN ELECTRIC COOPERATIVE

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

AUGUST 20, 1956.

Take notice that on July 9, 1956, The Northern Electric Cooperative (Applicant), Opheim, Montana, completed the filing of an application for authorization to export from the United States to Canada up to 50,000 kwh of electric energy per year, at a maximum rate of transmission of 80 kw. Transmission will be at four crossings on the international border between the State of Montana and the Dominion of Canada. Applicant also seeks authorization, pursuant to Executive Order No. 10485, to construct, operate, maintain and connect facilities at the international border to accomplish such exportation. The purchasers of the energy which Applicant seeks to export are the Dominion of Canada and three private persons; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 4, 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–6834; Filed, Aug. 23, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3243]

WARREN PETROLEUM CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 20, 1956.

In the matter of Warren Petroleum Corporation, Common Stock, File No. 1–3243.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 3,935 of the outstanding 1,947,925 shares of Warren Petroleum Corporation stock have been exchanged for shares of Gulf Oil Corporation capital stock, pursuant to an offer of the latter by prospectus dated February 1, 1956, according to advices dated August 3, 1956, from the Mellon National Bank & Trust Company, agent for the Gulf Oil Corporation. In the opinion of the Exchange, further dealings on its floor in Warren Petroleum Corporation stock are inadvisable and dealings were suspended therein before the opening of the trading session on August 8, 1956.

Upon receipt of a request, on or before September 4, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6835; Filed, Aug. 23, 1956; 8:47 a. m.]

[File No. 1–3849]

CONTINENTAL FOUNDRY & MACHINE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

In the matter of Continental Foundry & Machine Company, Common Stock, File No. 1–3849.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stockholders on October 31, 1955, adopted a plan of complete liquidation of the Company pursuant to which its plant properties, inventories and certain other assets were sold to Blaw-Knox Company and cash distributions to stockholders aggregating $53 per share were made through May 31, 1956. The company by circular letter dated May 15, 1956 indicated that the further liquidating value amounted to about $2.25 per share without allowance for a claim for a $500,000 refund for Federal income taxes, there being 510,835 outstanding shares. In the opinion of the Exchange, further dealings in the stock on its floor are inadvisable and dealings therein were suspended before the opening of the trading session on June 11, 1956.

Upon receipt of a request, on or before September 4, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6836; Filed, Aug. 23, 1956; 8:47 a. m.]

[File No. 1–3303]

C. N. I. LIQUIDATING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 16, 1956.

In the matter of C. N. I. Liquidating Company, Common Stock, File No. 1–3303.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stockholders on April 3, 1956, adopted a plan of complete liquidation of the Company and authorized sale of all its principal properties and assets to Standard Brands, Inc., change of name from Clinton Foods, Inc., to C. N. I. Liquidating Company, and dissolution thereof. The sale occurred on April 16, 1956, and an initial liquidating distribution of $43 per share was made payable April 26, 1956. An unaudited balance sheet of the Company as of March 31, 1956, indicated a possible further net asset value of approximately $4.30 per share, there being 1,364,828 shares outstanding. A certificate of dissolution was filed in the office of the Secretary of State in Delaware on June 8, 1956, and has become effective. In the opinion of the Exchange, further dealings on its floor in the subject stock are inadvisable and dealings therein were suspended at the opening of the trading session on July 2, 1956.

Upon receipt of a request, on or before September 4, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6837; Filed, Aug. 23, 1956; 8:47 a. m.]

[File No. 812–1023]

RAILWAY AND UTILITIES INVESTING CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES INCIDENT TO LIQUIDATION

In the matter of Railway and Utilities Investing Corporation, File No. 812–1023.

Notice is hereby given that Railway and Utilities Investing Corporation ("RUIC"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act certain transactions between affiliates incident to a proposed dissolution and complete liquidation of RUIC.

RUIC, a Delaware Corporation, had outstanding as of June 30, 1956, 18,443 shares of Convertible Preferred Stock $3.50 Series, 5,138 shares of Convertible Preferred Stock $3 Series, 145,939 shares of Class A Common Stock and 10,000 shares of Class B Common Stock. The preferred stock is entitled in liquidation to $50 per share, plus accrued and unpaid dividends which, as of June 30, 1956, were $39.585 per share on the $3.50 Series and $33.93 per share on the $3 Series. The two classes of common stock rank equally as to assets and dividends. The assets of RUIC consist primarily of common stocks of railroad and public utility companies.

It is proposed that RUIC be liquidated pursuant to a plan of dissolution and complete liquidation. The plan provides that the preferred stockholders of RUIC will be paid the liquidating value of their shares at the date of distribution in cash or, at their option, in market value of portfolio securities and cash. The market value of portfolio securities will be computed as of a day determined by the board of directors of RUIC, such day to be within ten days prior to the date of distribution but not earlier than the day on which such determination is made by the board of directors.

The portfolio securities which are to be set aside for distribution pro rata (by Series) to the preferred stockholders duly electing to receive them comprise all of RUIC's holdings of the common stocks of Florida Power & Light Company, General Public Utilities Corporation, Great Northern Railway Company, Kentucky Utilities Company, Niagara Mohawk Power Corporation, Puget Sound Power & Light Company, United Gas Corporation and Utah Power & Light Company, 50 percent of RUIC's holdings of the common stock of Seaboard Air Line Railroad Company and approximately 55 percent of its holdings of the common stock of Western Pacific Railroad Company. To the extent that some of the preferred stockholders may choose cash, it may be necessary to reduce the aggregate amount of portfolio securities reserved for the preferred stockholders. Any such reduction will be effected by a reduction, to the extent necessary, in the common stock of Seaboard Air Line Railroad Company set aside for distribution to the preferred stockholders. On the other hand, if the portfolio securities reserved for preferred stockholders should be insufficient for the distribution, additional shares of common stock of Seaboard Air Line Railroad Company will be set aside for distribution to the preferred stockholders. The per share allotments of portfolio securities to the $3.50 Series and the $3 Series will be substantially the same except for such adjustments as are practicable to give effect to the difference in the liquidation value of the two series.

The portfolio securities and cash of RUIC not required to satisfy the prior claims of the preferred stockholders will be divided among the common stockholders of RUIC on a pro rata basis. The portfolio securities to which common stockholders who do not duly elect to receive such securities are entitled will be sold for the account of such stockholders and the net proceeds will be distributed to them. Shares of portfolio securities representing fractional shares distributable under the plan to preferred and common stockholders will be sold for their account and the net proceeds will be distributed to the stockholders entitled thereto.

The plan of dissolution and complete liquidation of RUIC will be effective upon the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of capital stock of RUIC and the filing by the owners of at least 80 percent of the outstanding shares of capital stock beneficially owned by non-corporate owners of elections to be governed by the provisions of section 333 of the Internal Revenue Code of 1954. The application states that such elections are required in order to qualify the plan under that section of the Code so that stockholders who so elect may postpone taxation on gains derived from the receipt of portfolio securities acquired by the company prior to 1954 until such time as said securities may be disposed of by the holders. Substantially all of the portfolio securities of RUIC were acquired prior to 1954.

Applicants declare that the proposed dissolution and complete liquidation is the most desirable course of action and the one in the best interests of the company and its stockholders.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since certain of the officers, directors and holders of 5 percent or more of the voting securities (affiliated persons) of RUIC own shares of RUIC to be exchanged in the liquidation for portfolio securities, the application requests an order pursuant to section 17 (a) of the act exempting from the provisions of section 17 (b) the transactions between affiliated persons incident to the liquidation.

Notice is further given that any interested person may, not later than September 4, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notifide if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–6838; Filed, Aug. 23, 1956; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 114]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about August 6, 1956, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Allegheny, Washington, Fayette, Westmoreland.

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pennsylvania.

Small Business Administration Branch Office, Fulton Building, Rooms 801–802, 107 Sixth Street, Pittsburgh 22, Pennsylvania.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1957.

Dated: August 9, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-6849; Filed, Aug. 23, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18874, Amdt.]

J. A. VOORBEYTEL CANNENBURG

In re: Bond and coupons owned by J. A. Voorbeytel Cannenburg, also known as Jacobus Adrianus Voorbeytel Cannenburg, F–28–31880.

Vesting Order 18874, dated May 15, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That J. A. Voorbeytel Cannenburg, also known as Jacobus Adrianus Voorbeytel Cannenburg, whose last known address is Eduard Lehmannstrasse 9, Wender a/d Handel, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by an Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent bond of $500 face value, said bond numbered D05546 issued in bearer form, and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1952, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond and coupons, and

b. Twenty three (23) coupons detached from the Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent bond numbered D05546 described in subparagraph 2 (a) hereof, said coupons of $10.00 face value each and presently in the custody of Kidder, Peabody and Company, 17 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, J. A. Voorbeytel Cannenburg, also known as Jacobus Adrianus Voorbeytel Cannenburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-6850; Filed, Aug 23, 1956, 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32542: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Household Goods Carriers Bureau, Agent, for the Pennsylvania Railroad Company and interested motor carriers. Rates on household goods, and other freight loaded in highway trailers, and transported on railroad flat cars between central, middlewest, southwestern, Rocky Mountain and Pacific coast territories, on one hand, and points in central, middle Atlantic and New England territories, on the other.

Grounds for relief: Motor truck competition.

FSA No. 32543: *Crude rubber—Baton Rouge, La., group to Olathe, Kans.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Olathe, Kans.

Grounds for relief: Short-line distance formulas, and circuitous routes.

Tariff: Supplement 193 to Alternate Agent Marque's I. C. C. 417.

FSA No. 32544: *Coal—To Mitchell and McManus, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines in Alabama, southwestern and western Kentucky, eastern Tennessee, and southern Illinois.

Grounds for relief: Competition with fuel oil and circuitous routes.

Tariffs: Supplement 48 to Agent Spaninger's I. C. C. No. 1247; Supplement 38 to Agent Spaninger's I. C. C. No. 1414; Supplement 19 to Agent Spaninger's I. C. C. No. 1499.

FSA No. 32545: *Commodities from or to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, as described in exhibit A of the application from various points in southern territory to various points in southern territory and in other territories.

Grounds for relief: Carrier competition, and circuity.

FSA No. 32546: *Foodstuffs—Official Territory to Western Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from specified points in central, trunk-line and New England territories to specified points in western trunk-line territory.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 10 to Agent Hinsch's tariff I. C. C. 4720.

FSA No. 32547: *Iron and steel castings—Denver, Colo., to Bessemer City, N. C.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel castings, carloads from Denver, Colo., to Bessemer City, N. C.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 121 to Agent Prueter's I. C. C. A–3973.

FSA No. 32548: *Cotton factory sweepings—Roanoke, Ala., to Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cotton factory sweepings, carloads from Roanoke, Ala., to Atlanta, East Point, Fort McPherson and Hapeville, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 169 to Agent Spaninger's I. C. C. 1295.

FSA No. 32549: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Household Goods Carriers Bureau, Agent, for The Pennsylvania Railroad Company and interested motor carriers. Rates on freight, in highway truck semi-trailers, transported on railroad flat cars between Chicago and East St. Louis, Ill., and Kearny, N. J., and Philadelphia, Pa., on traffic originating at or destined to points, and moving via motor carriers beyond the named points.

Grounds for relief: Truck competition.

Tariff: Supplement 10 to Household Goods Carrier's Bureau tariff MF–I. C. C. No. 60.

FSA No. 32550: *Lumber—North Pacific Coast to Elbow Lake, Minn.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber, shingles, and other related articles, carloads from specified points in Alberta, British Columbia, California, Idaho, Montana, Oregon and Washington to Elbow Lake, Minn.

Grounds for relief: Circuitous routes resulting from abandonment of a portion of the line of the Great Northern Railway Company.

Tariff: Supplement 1 to Agent Prueter's I. C. C. 1581.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-6843; Filed, Aug. 23, 1956; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 166

Washington, Saturday, August 25, 1956

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1957–58 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.708 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1957 through June 30, 1958 under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1957–58 marketing year (21 F. R. 3217). The Secretary announced (21 F. R. 3234) that a referendum would be held on July 20, 1956 to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1957 through June 30, 1958. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.708 *Proclamation of the results of the wheat marketing quota referendum for the marketing year 1957–58.* In a referendum of farmers engaged in the production of wheat for the 1957 crop held on July 20, 1956, 280,466 farmers voted. Of those voting 245,081 or 87.4 percent favored quotas for the marketing year beginning July 1, 1957. Therefore, wheat marketing quotas will be in effect for the 1957–58 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 22d day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6891; Filed, Aug. 24, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 83]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.383 *Valencia Orange Regulation 83*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on August 23, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recom-

(Continued on p. 6405)

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FEDERAL REGISTER

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mendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 26, 1956, and ending at 12:01 a. m., P. s. t., September 2, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 831,600 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 24, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6939; Filed, Aug. 24, 1956; 11:28 a. m.]

[Lemon Reg. 656]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.763 *Lemon Regulation 656*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 22, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 26, 1956 and ending at 12:01 a. m., P. s. t., September 2, 1956 is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 23, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6925; Filed, Aug. 24, 1956; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1323]

[72702]

IDAHO

INTERFOREST TRANSFERS OF LANDS IN BITTERROOT, CLEARWATER, LOLO, AND NEZPERCE NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 and upon the recommendation of the Department of Agriculture, it is ordered as follows:

The following-described lands within the exterior boundaries of the Bitterroot National Forest are hereby transferred to the Nezperce National Forest, effective July 1, 1956:

Beginning at a point on the Montana-Idaho State Line at the first angle point on the 295 mile and identified as Blodgett Mountain, thence in a westerly direction along the hydrographic divide between Big Sand Creek on the north and Dead Elk Creek on the south to Jeanette Mountain, thence southwesterly down the divide just east of Jeanette Creek to the mouth of said creek, thence westerly and southerly down Moose Creek to the mouth of Cedar Creek, thence due west approximately 2 miles to the intersection with Maple Lake ridge, thence northeasterly along said ridge to Bench Mark 7565, thence northwesterly along the hydrographic divide at the head of the Isaac drainage to the saddle or pass at the head of the North Fork of Moose Creek in approximate Section 27 in unsurveyed T. 35 N., R. 13 E., B. M.,

thence southwesterly down the North Fork of Moose Creek to the mouth of Rhoda Creek, thence westerly up Rhoda Creek to the mouth of Wounded Doe Creek, thence southerly in a direct line to Big Rock Mountain, thence southerly along the hydrographic divide just east of Three Link drainage which includes Saddle Fork Creek to the mouth of Three Link Creek, thence easterly up the Selway River to the mouth of Martin Creek, thence southeasterly up the hydrographic divide just east of Martin Creek to its intersection with Moose Ridge at a point on the unsurveyed line between Sections 3 and 4, T. 31 N., R. 12 E., B. M., thence southwesterly along said ridge and easterly along the hydrographic divide at the head of Ditch Creek to Wylies Peak, thence southerly in a direct line to the mouth of the North Fork of Goat Creek, thence easterly down Goat Creek to the mouth of Box Car Creek, thence southeasterly in a direct line to Archer Mountain, thence easterly along and down the hydrographic divide forming the southerly boundary of the Long Prairie Creek drainage passing over Archer Point Lookout and thence northeasterly to the Selway River, thence down the Selway River approximately one-half mile to a point directly south of Elevator Mountain, thence north to Elevator Mountain, thence easterly along the hydrographic divide around the head of North Star Creek to Gardiner Peak, thence easterly following the hydrographic divide between the headwaters of Gardiner Fork, Fry Pan, Brushy Fork and Cub Creeks on the north and the headwaters of Gardiner, Bad Luck, Lookout Creeks, and the tributaries of White Cap Creek on the south to the Montana-Idaho State Line at Monument 323.925, thence northerly along the said Montana-Idaho State Line to the point of beginning.

The following-described lands within the exterior boundaries of the Clearwater National Forest are hereby transferred to the Nezperce National Forest, effective July 1, 1956:

Beginning at Stanley Butte on the hydrographic divide between the Boulder Creek drainage on the north and the Old Man Creek drainage on the south in approximately what may be Section 33 of T. 34 N., R. 10 E., when surveyed, thence northeasterly along the hydrographic divide between Boulder and Fish Lake Creeks and their tributaries on the north and Rhoda; Wounded Doe and West Moose Creeks on the south to its intersection with the hydrographic divide between the drainage of Warm Springs Creek on the East and the drainages of Fish Lake and West Moose Creeks on the West and South respectively, thence southeasterly along said divide passing over McConnell Mountain and through Chain Meadows to its intersection, in approximate Sec. 27 of unsurveyed T. 35 N., R. 13 E., B. M., with the North Fork of Moose Creek, thence southwesterly down the North Fork of Moose Creek to its junction with Rhoda Creek, thence westerly up Rhoda Creek to its junction with Lizard Creek, thence westerly up Lizard Creek to Lizard Lake, thence westerly in a direct line to East Peak on the hydrographic divide between the Rhoda Creek drainage on the East and the Old Man Creek drainage on the West, thence northwesterly along said hydrographic divide to Stanley Butte, the place of beginning.

The following-described lands within the exterior boundaries of the Nezperce National Forest are hereby transferred to the Clearwater National Forest, effective July 1, 1956:

Beginning at a point approximately on the section line between Sections 32 and 33 in T. 35 N., R. 7 E., B. M., on the hydrographic divide between the Lolo Creek drainage on the west and the Lochsa River drainage on the east where the hydrographic divide between the Fish Creek drainage on the north and the Canyon Creek drainage on the south intersects said divide, thence easterly along the said hydrographic divide between the Fish Creek drainage on the north and the Canyon, Deadman and Bimerick Creek drainages on the south to McLendon Butte, passing over Frenchman and Middle Buttes, thence southeasterly down the hydrographic divide just south of Snowshoe Creek to the mouth of said creek, thence southeasterly in a direct line to Huckleberry Butte, thence southeasterly along the hydrographic divide between the Boulder Creek drainage on the north and the Old Man Creek drainage on the south to Stanley Butte, thence southeasterly along the hydrographic divide between the Rhoda Creek drainage on the east and the Old Man Creek drainage on the west to East Peak, thence southwesterly along the hydrographic divide between the drainages of the Selway River to the south and the Lochsa River to the north, passing over Fenn Mountain, The Craigs, Chimney Peak, Louse Point, Ghost Mountain, and Coolwater Ridge to an intersection with the east line of T. 32 N., R. 7 E., B. M., at or near the east ¼ corner of Section 1 of said township, thence southwesterly in a direct line to the south ¼ corner of said Section 1, thence west along the south lines of Sections 1, 2, 3, and 4 to the meander corner on the south line of said Section 4 on the east bank of the Selway River, thence northerly along the meander line on the east bank of the Selway River to its confluence with the Lochsa River, at which point is the beginning of the Middle Fork of the Clearwater River, thence across said river to its north bank, thence westerly along the meander line on the north bank of the Middle Fork of the Clearwater River to the west line of T. 32 N., R. 6 E., B. M., thence north along the west lines of Townships 32 and 33 N., R. 6 E., B. M., to an intersection with the hydrographic divide between the drainage of Lolo Creek on the north and the Lochsa River on the southeast, at or near the west ¼ corner of Section 18, T. 33 N., R. 6 E., B. M., thence northeasterly along said divide approximately 15 miles to the point of beginning.

The following-described lands within the exterior boundaries of the Lolo National Forest are hereby transferred to the Clearwater National Forest, effective July 1, 1956:

Beginning at Indian Grave Peak on the hydrographic divide between the drainages of the North Fork of the Clearwater River on the north and the Lochsa River on the south at or near what probably will be, when surveyed, the southwest corner of Section 36, T. 37 N., R. 10 E., B. M., thence northerly along the hydrographic divide around the head of the Gravey Creek drainage on the east of Raspberry Butte, thence easterly down the hydrographic divide just north of Gravey Creek to Cayuse Creek at the mouth of Gravey Creek, thence northeasterly up the hydrographic divide just west and north of Potatoe Creek to Lund Peak, thence easterly and northerly along the hydrographic divide between Toboggan Creek to the north and Cayuse Creek to the south to Toboggan Ridge, thence easterly along Toboggan Ridge to Blacklead Mountain, thence southerly and westerly along and down the hydrographic divide just east of Mink Creek to Cayuse Creek at the mouth of Mink Creek, thence southerly in a direct line to Spring Mountain and Bench Mark 6310 on the hydrographic divide between Cayuse Creek on the north and the Lochsa River drainage on the south, thence southwesterly along said hydrographic divide approximately 16 miles to Indian Grave Peak, the place of beginning.

The exterior boundaries of the Forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national-forest status shall become a part of the forest to which it is transferred.

This order shall not be construed as giving a national-forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national-forest status.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 21, 1956.

[F. R. Doc. 56-6864; Filed, Aug. 24, 1956; 8:45 a. m.]

[Public Land Order 1324]

[1956267, 1989575]

WASHINGTON

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 261 OF JANUARY 24, 1945 AS AMENDED BY PUBLIC LAND ORDER NO. 881 OF JANUARY 30, 1953

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 261 of January 24, 1945, reserving certain public lands in Washington for use of the War Department, as amended by Public Land Order No. 881 of January 30, 1953, transferring jurisdiction of the lands to the Atomic Energy Commission, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 12 N., R. 28 E.,
Sec. 2, lot 4, SW¼NW¼, and W½SW¼;
Sec. 14, SE¼NE¼.

The areas described aggregate 189.76 acres.

The released lands are included in existing first form withdrawals for reclamation purposes. They will be open to applications and offers under the mineral-leasing laws beginning at 10:00 a. m. on September 26, 1956.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 21, 1956.

[F. R. Doc. 56-6865; Filed, Aug. 24, 1956; 8:46 a. m.]

[Public Land Order 1325]

[1030461]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 6050 OF FEBRUARY 27, 1933, AS AMENDED BY EXECUTIVE ORDER NO. 7794 OF JANUARY 20, 1938, WHICH RESERVED LANDS FOR USE AS SITE FOR AN ARMY RADIO RECEIVING STATION

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6050 of February 27, 1933, as amended by Executive Order No. 7794 of January 20, 1938, so far as it assigned to and placed under the control of the Secretary of War the following-described lands in Alaska for use as a site for the Army radio receiving station at Juneau, Alaska, is hereby revoked:

PARCEL ONE

Beginning at corner No. 7 of United States Survey No. 1762, Juneau Elimination Boundary, said corner being an iron post 36 inches long, 2 inches in diameter, marked on cap C7 FES 1762-1927, and set 27 inches in the ground, from which a spruce tree 14 inches in diameter marked C7 FES 1762 BT bears N. 19° 50' W., 529 links, and a second spruce tree 14 inches in diameter marked C7 FES 1762 BT bears N. 34° 10' E., 376 links;

Thence from said initial point, by metes and bounds: S. 78° 22' E., 708.18 feet; N. 62° 30' E., 462.0 feet; S. 44° 15' E., 605.0 feet; South, 1,228 feet; West, 2,000 feet, in a northerly direction, 1,700 feet, more or less, along the easterly line of lots "M", "L", "K", and "I" of Forest Service Homesite Survey, S. 89° 50' E., 586 feet; South, 111.50 feet, to the place of beginning.

The tract described contains approximately 74.30 acres.

The land is partly within the Tongass National Forest and consists of tide flats.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 21, 1956.

[F. R. Doc. 56-6866; Filed, Aug. 24, 1956; 8:46 a. m.]

[Public Land Order 1326]

[123173]

ARIZONA

REVOKING EXECUTIVE ORDER NO. 1315 OF MARCH 14, 1911, WHICH RESERVED PUBLIC LANDS FOR USE OF ARIZONA NATIONAL GUARD AS TARGET RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1315 of March 14, 1911, which reserved the following-described public lands for use of the Arizona National Guard as a target range, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 10, E½;
Sec. 11, SW¼;
Sec. 14, NW¼.

The areas described aggregate 640 acres.

The released lands are embraced in forest exchange application, Arizona 011656, filed on behalf of the City of Flagstaff under the act of March 20, 1922 (42 Stat. 465; 16 U. S. C. 485) as amended, by which the offered lands will benefit a Federal land program. The lands, therefore, are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 21, 1956.

[F. R. Doc. 56-6867; Filed, Aug. 24, 1956; 8:46 a. m.]

[Public Land Order 1327]

[72623]

CALIFORNIA

TRANSFER OF LANDS FROM SHASTA NATIONAL FOREST TO KLAMATH NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Acting Secretary of Agriculture, it is ordered as follows:

The following-described lands within the exterior boundaries of the Shasta National Forest are hereby transferred to the Klamath National Forest, effective July 1, 1956:

MOUNT DIABLO MERIDIAN

T. 42 N., R. 1 E.,
Secs. 4, 5, 6, 7, and 18, those parts lying north of the Klamath River-McCloud River divide.
T. 43 N., R. 1 E.,
Secs. 1 to 33, inclusive;
Secs. 34, 35, and 36, those parts lying north of the Klamath River-McCloud River divide.
T. 44 N., R. 1 E.,
Sec. 1, NE¼, N½NW¼, SE¼NW¼, SE¼SW¼, and SE¼;
Sec. 2, N½, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 3 and 4;
Sec. 5, N½, S½SW¼, and SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, E½NE¼, and NE¼SE¼;
Sec. 7;
Sec. 8, E½ and W½W½;
Secs. 9 and 10;
Sec. 11, W½W½, SE¼NW¼, and NE¼SW¼;
Sec. 12, E½ and E½W½;
Sec. 13;
Sec. 14, S½SW¼, and SE¼;
Sec. 15, NE¼;
Sec. 16;
Sec. 17, NE¼NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 18, lots 2 and 3, and NE¼NE¼;
Sec. 19;
Sec. 20, NE¼, SW¼NW¼, W½SW¼, N½SE¼, and SW¼SE¼;
Sec. 21, N½, N½SW¼, SE¼SW¼, and N½SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 29, E½, NW¼NW¼, and E½SW¼;
Sec. 30, lots 1, 2, and 3, E½NE¼, and NE¼SE¼;
Sec. 31, lot 4 and SE¼SE¼;
Secs. 32 to 34, inclusive;
Sec. 35, N½NE¼, NW¼, and W½SW¼;
Sec. 36, NW¼NE¼ and N½NW¼.
T. 45 N., R. 1 E.,
Sec. 8, W½;
Secs. 19 to 36, inclusive.
T. 43 N., R. 2 E.,
Secs. 1 to 10, inclusive;
Secs. 11, 12, 13, 14, and 15, those parts lying north of the Klamath River-McCloud River divide;
Secs. 16 to 20, inclusive;
Sec. 21, those parts lying north of the Klamath River-McCloud River divide;
Sec. 28, those parts lying north of the Klamath River-McCloud River divide;
Secs. 29 and 30;
Secs. 31 and 32, those parts lying north of the Klamath River divide.
T. 44 N., R. 2 E.,
Secs. 1 to 36, inclusive.
T. 45 N., R. 2 E.,
Sec. 10, S½;
Secs. 14 to 16, inclusive;
Sec. 17, S½;
Secs. 19 to 36, inclusive.
T. 43 N., R. 3 E.,
Secs. 4 and 5, those parts lying north of the Modoc National Forest boundary;
Sec. 6;
Sec. 7, those parts lying north of the Klamath River-McCloud River divide;
Sec. 8, those parts lying north of the Klamath River-McCloud River divide and the Modoc National Forest boundary.
T. 44 N., R. 3 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 45 N., R. 3 E.,
Sec. 19, S½;
Sec. 20, S½;
Sec. 21, SW¼;
Sec. 27, SW¼;
Secs. 28 to 33, inclusive;
Sec. 34, W½ and SE¼.
T. 42 N., R. 1 W.,
Secs. 1 to 18, inclusive;
Secs. 19 to 24, inclusive, those parts lying north of the Klamath River-McCloud River divide;
Sec. 28, those parts lying north of the Klamath River-McCloud River divide.
T. 43 N., R. 1 W.,
Sec. 2, W½E½ and W½;
Sec. 3, E½ and E½W½;
Sec. 4, W½;
Secs. 5 to 7, inclusive.
Sec. 8, E½ and E½W½;
Sec. 9, W½, NW¼SE¼, and S½SE¼;
Sec. 10, NE¼, W½NW¼, and S½;
Sec. 11, W½E½ and W½;
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 24, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 25 to 36, inclusive.
T. 44 N., R. 1 W.,
Sec. 1, N½NE¼, SW¼NE¼, NW¼, and NW¼SE¼;
Sec. 2, W½W½;
Sec. 3, E½, NW¼, and N½SW¼;
Sec. 4, NE¼, N½NW¼, and N½SE¼;
Sec. 5, NW¼NE¼, and W½;
Secs. 6 and 7; and sec. 8, W½W½;
Sec. 10, E½ and SW¼;
Sec. 11;
Sec. 12, S½NE¼, NW¼, and S½;
Sec. 13, E½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 14;
Sec. 15, E½ and NW¼;
Sec. 16, NW¼NE¼NW¼;
Sec. 18, NE¼NE¼, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 21, E½E½;
Sec. 22, E½;
Secs. 23 to 27, inclusive;
Sec. 29;
Sec. 30, N½, SW¼, and N½SE¼;
Secs. 32 and 33;
Sec. 34, N½ and SE¼;
Sec. 35, W½E½ and W½.
T. 45 N., R. 1 W.,
Sec. 15;
Sec. 17, E½ and E½W½;
Sec. 18, W½SE¼;
Sec. 20, S½NE¼, E½SW¼, and SE¼;
Sec. 21;
Sec. 22, NE¼, E½NW¼, SW¼NW¼, and S½;

Secs. 23 to 28, inclusive;
Sec. 29, E½, E½NW¼, NW¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 30, lots 2, 3, 4, and E½SE¼;
Sec. 31;
Sec. 32, E½W½;
Secs. 33 to 35, inclusive;
Sec. 36, NE¼, N½NW¼, and SE¼NW¼.

T. 42 N., R. 2 W.,
Secs. 1 to 16, inclusive;
Secs. 17 and 18, those parts lying north of the Military Pass Road;
Secs. 20 and 21, those parts lying north of the Military Pass Road;
Secs. 22 to 24, inclusive;
Secs. 25 and 26, those parts lying north of the Klamath River-McCloud River divide;
Sec. 27, those parts lying north of a line drawn from the intersection of the Military Pass Road and the Hart Camp Road and the summit of Ash Creek Butte;
Sec. 28, those parts lying north of the Military Pass Road and those parts lying north of a line drawn from the intersection of the Military Pass Road and Hart Camp Road and the summit of Ash Creek Butte;
Sec. 35, those parts lying north of the Klamath River-McCloud River divide.

T. 43 N., R. 2 W.,
Secs. 1 and 2;
Secs. 4 to 8, inclusive;
Sec. 9, W½E½ and W½;
Sec. 10, E½E½;
Secs. 11 to 14, inclusive;
Sec. 16, W½E½ and W½;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 3, E½NE¼, and NE¼SE¼;
Sec. 20, N½, E½SW¼, and SE¼;
Sec. 21, N½NE¼ and NW¼;
Secs. 24 to 36, inclusive.

T. 44 N., R. 2 W.,
Sec. 1 and 2;
Sec. 3, W½NW¼ and S½;
Sec. 4, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Secs. 5 to 7, inclusive;
Sec. 8, W½ and W½SE¼;
Secs. 9 to 11, inclusive;
Sec. 12, N½NW¼ and NW¼SW¼;
Secs. 13 and 14;
Sec. 15, NW¼ and S½;
Sec. 16;
Sec. 17, N½NE¼, SE¼NE¼, NW¼, NW¼SW¼, S½SW¼, and SE¼;
Sec. 18, lots 1, 2, E½NE¼, and SE¼SE¼;
Sec. 19, S½;
Secs. 20 to 22, inclusive;
Sec. 23, N½, SW¼, and N½SE¼;
Sec. 24, W½NE¼;
Sec. 26, NW¼ and S½;
Secs. 27 to 35, inclusive.

T. 45 N., R. 2 W.,
Sec. 1, lots 3, 4, and N½NE¼SW¼;
Sec. 2, W½ lot 3 and lot 4;
Sec. 6, lot 4;
Sec. 7;
Sec. 8, NW¼NW¼ and S½SE¼;
Sec. 9, S½SW¼ and SE¼;
Sec. 10, E½ and NE¼NW¼;
Sec. 11;
Sec. 12, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 14, W½E½ and W½;
Sec. 15;
Sec. 16, E½NE¼, NW¼, and S½;
Sec. 22, N½ and SE¼;
Sec. 23;
Sec. 24, W½ and W½SE¼;
Secs. 25 to 27, inclusive;
Secs. 34 and 35;
Sec. 36, N½N½.

T. 46 N., R. 2 W.,
Sec. 6, NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 7;
Sec. 8, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 15, SW¼;
Sec. 16, S½N½ and S½;
Secs. 17 to 21, inclusive;
Sec. 22, SE¼NW¼ and N½SW¼;
Sec. 28, N½ and N½SE¼;
Sec. 29;
Sec. 30, N½;
Sec. 31;
Sec. 32, N½ and SW¼;
Sec. 33.

T. 47 N., R. 2 W.,
Secs. 5 and 7;
Sec. 8, E½, E½NW¼, SW¼NW¼, and SE¼SW¼;
Sec. 17, W½E½ and W½;
Sec. 30, E½NE¼ and NE¼SE¼.

T. 48 N., R. 2 W.,
Sec. 16, lots 3, 4, and SW¼;
Sec. 17, N½ and SE¼;
Sec. 20, W½NW¼ and NW¼SW¼;
Sec. 22;
Sec. 24, E½SW¼;
Sec. 26, N½.

T. 42 N., R. 3 W.,
Secs. 1 and 2;
Secs. 3, 10, 11, 12, and 13, those parts lying north of the Military Pass Road.

T. 43 N., R. 3 W.,
Sec. 1, W½;
Secs. 2 and 3;
Sec. 4, those parts lying east of the Southern Pacific Railroad tracks;
Secs. 10 to 16, inclusive;
Sec. 20, those parts lying north of the Weed-Klamath Falls Highway and the Military Pass Road;
Sec. 21, those parts lying north of the Military Pass Road;
Sec. 22;
Sec. 23, NW¼;
Sec. 24, N½N½ and S½;
Secs. 25 to 27, inclusive;
Sec. 28, those parts lying north of the Military Pass Road;
Sec. 29, those parts lying north of the Weed-Klamath Falls Highway;
Secs. 33 and 34, those parts lying north of the Military Pass Road;
Secs. 35 and 36.

T. 44 N., R. 3 W.,
Sec. 1, N½NE¼, SW¼NE¼, NW¼, and S½;
Sec. 2;
Sec. 3, N½N½, S½NE¼, E½SE¼, and SW¼SW¼;
Sec. 6;
Secs. 11 and 12;
Sec. 13, E½ and E½NW¼;
Sec. 18;
Secs. 22 and 23, those parts lying south of the Southern Pacific Railroad tracks;
Sec. 24, E½, and in S½SW¼ those parts lying south of the Southern Pacific Railroad tracks;
Secs. 25 and 26;
Sec. 27, E½ and E½NW¼;
Sec. 30;
Sec. 32, N½;
Sec. 33, those parts lying east of the Southern Pacific Railroad tracks;
Secs. 34 to 36, inclusive.

T. 45 N., R. 3 W.,
Sec. 2;
Sec. 4, lots 3 and 4;
Sec. 8, SE¼SW¼ and SW¼SE¼;
Sec. 10, NE¼;
Sec. 14, E½, E½NW¼, and SW¼;
Sec. 15, E½SE¼;
Sec. 16, E½E½, S½SW¼, and SW¼SE¼;
Sec. 18, NW¼SW¼, S½S½, and NE¼SE¼;
Secs. 19 and 20;
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, E½;
Sec. 24, N½NE¼, SE¼NE¼, NE¼SW¼, and SW¼;
Sec. 25, E½NE¼, SW¼NE¼, SW¼NW¼, and S½;
Sec. 26, NW¼NE¼, W½, and S½SE¼;
Sec. 27, NW¼NE¼, NW¼SW¼, S½S½, and NE¼SE¼;
Secs. 28 to 30, inclusive;
Sec. 32;
Sec. 34, N½, N½SE¼, and SE¼SE¼;
Secs. 35 and 36.

T. 46 N., R. 3 W.,
Sec. 2, W½ and SE¼;
Secs. 3 to 5, inclusive;
Secs. 8 to 12, inclusive;
Secs. 14 to 17, inclusive;
Secs. 20 to 23, inclusive;
Sec. 24, W½ and SE¼;
Secs. 25 to 29, inclusive;
Sec. 32, N½NE¼, SW¼NE¼, and NE¼NW¼;
Sec. 33, N½;
Secs. 34 and 35.

T. 47 N., R. 3 W.,
Sec. 1;
Sec. 2, NE¼ and W½;
Secs. 4 and 5;
Sec. 8;
Sec. 12, SW¼;
Sec. 17;
Secs. 20 and 21;
Sec. 22, SE¼;
Secs. 28 and 29;
Secs. 32 and 33;
Sec. 34, NW¼ and S½.

T. 48 N., R. 3 W.,
Sec. 20, W½;
Sec. 22, NW¼ and SW¼SW¼;
Sec. 28, N½NE¼, SE¼NE¼, SW¼NW¼, and N½SW¼;
Sec. 32, S½.

T. 43 N., R. 4 W.,
Sec. 8, SW¼NW¼ and SW¼;
Sec. 10, SW¼;
Sec. 14;
Sec. 18, E½;
Secs. 20, 24, and 26;
Sec. 32, S½;
Sec. 33, S½;
Secs. 34, 35, and 36, those parts lying north of the Weed-Klamath Falls Highway.

T. 44 N., R. 4 W.,
Sec. 2, SW¼NE¼, E½NW¼, and NW¼SE¼;
Sec. 14, SW¼;
Sec. 24, SW¼.

T. 45 N., R. 4 W.,
Sec. 1, W½ and SE¼;
Sec. 2;
Sec. 12, N½ and SE¼;
Secs. 13 and 14;
Sec. 15, SE¼;
Secs. 23 and 24;
Sec. 26;
Sec. 27, E½ and SW¼;
Sec. 35.

T. 46 N., R. 4 W.,
Secs. 1, 3, 9, and 11;
Sec. 14, NE¼ and W½;
Sec. 15, N½ and N½S½;
Sec. 23, N½N½, SE¼NE¼, and E½SE¼;
Sec. 24;
Sec. 26, N½N½ and S½;
Sec. 35.

T. 47 N., R. 4 W.,
Secs. 1, 3, 11, and 13;
Sec. 14, NW¼;
Secs. 15, 21, and 23;
Sec. 24, SW¼;
Sec. 25;
Sec. 26, W½E½ and E½W½;
Secs. 27, 33, 35, and 36.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfer made by this order, and any transferred land now having a national forest status shall become a part of the forest to which it is transferred.

This order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 21, 1956.

[F. R. Doc. 56-6868; Filed, Aug. 24, 1956; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

[Amdt. 14]

Subchapter A—Armed Services Procurement Regulations

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART C—GENERAL POLICIES

In furtherance of Congressional policy, expressed in the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480, 83d Cong.), a procedure has been developed, in coordination with the Departments of State and Agriculture, which authorized procurement, on a barter basis, in connection with certain procurements both within and outside of the United States. Details are set forth in a new § 1.310. In general, procedures for evaluation and solicitation of bids and proposals do not differ from usual procedures; however, a copy of the bid or proposal is sent to the Commodity Credit Corporation, Department of Agriculture. If the Commodity Credit Corporation can enter into a barter agreement with the successful bidder, payments under the contract are made to the Department of Agriculture, which, in turn, makes payment to the contractor in the form of agricultural products. Section 1.310 reads as follows:

§ 1.310 *Procurement by barter—Commodity Credit Corporation.*

§ 1.310–1 *General.* The purpose of this section is to establish procedures which will assist the Commodity Credit Corporation to arrange and to make, through private trade channels, barters and exchanges of United States surplus agricultural commodities.

§ 1.310–2 *Procurement effected within the continental United States.* (a) On requirements of $100,000 or more for:

(1) Materials or equipment required in connection with foreign economic and military aid and assistance programs;

(2) Materials or equipment required for off shore construction programs; or

(3) Other supplies not subject to the Buy American Act or the limitations contained in the annual appropriations act (Berry Amendment), or which have been previously excepted therefrom pursuant to Part 6, Subpart A;

the purchasing office shall send a copy of the Invitation for Bids or Request for Proposals to the Commodity Credit Corporation, Barter and Stockpiling Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) Such Invitations for Bids or Requests for Proposals shall contain appropriate space for indicating alternate prices, one clearly labeled for barter prices and the other clearly labeled for nonbarter prices. In addition, such Invitations for Bids and Requests for Proposals shall include the following clause:

NOTE—PAYMENT BY BARTER

Attention is directed to Section 303 of the Agricultural Trade Development and Assistance Act of 1954 (P. L. 480, 83d Cong.) which authorizes the disposal by barter or exchange of surplus agricultural commodities for use outside of the United States. Bidders or Offerors Interested in a Barter Arrangement (accepting payment in agricultural commodities for use outside of the United States rather than in dollars) Should Consult, and Make Appropriate Arrangements With, The Commodity Credit Corporation, Barter and Stockpiling Division, United States Department of Agriculture, Washington 25, D. C., prior to submitting a bid.

Simultaneously with the issuance of this Invitation for Bids or Request for Proposals, a copy thereof is being furnished to the Commodity Credit Corporation.

Bids or proposals may be made on a barter basis, or on a non-barter basis, or on both bases in the alternative. Bids or proposals on either basis shall be stated in terms of dollars, not in terms of the desired commodity. Arrangements for converting dollar receipts under the contract into commodities must be made by separate agreement with the Commodity Credit Corporation.

Any bid or proposal based on a barter arrangement must be submitted directly to the purchasing office issuing this Invitation for Bids or Request for Proposals. In addition, a copy of the official bid or proposal must be forwarded to the Commodity Credit Corporation, by the time specified for submitting bids or proposals, in a sealed envelope marked with the Invitation for Bids or Request for Proposals number, and the date and time of opening by the purchasing office.

The Commodity Credit Corporation will consider the barter aspects of all such bids or proposals and will then advise the purchasing office issuing this Invitation for Bids or Request for Proposals which bids or proposals, if any, based on a barter arrangement are acceptable to the Commodity Credit Corporation. Any such bids or proposals which are acceptable to the Commodity Credit Corporation will be considered and evaluated by the purchasing office in connection with the evaluation of the non-barter bids or proposals received hereunder. If the lowest acceptable barter type bid or proposal is equal to or less than the price of the lowest responsive non-barter bid or proposal, preference will be given to the barter type bid or proposal.

No award will be made on a barter basis unless the bidder or offeror has entered into a suitable agreement with the Commodity Credit Corporation and the Commodity Credit Corporation has informed the purchasing office that the barter bid or proposal is acceptable. If the award is made on the basis of a barter type bid or proposal, the bidder or offeror, pursuant to the clause of the contract entitled Assignment of Claims and notwithstanding any language to the contrary contained therein, hereby irrevocably assigns all the moneys due or to become due under the resultant contract to the Commodity Credit Corporation. The bidder or offeror will be entitled to acquire commodities on the basis of its agreement with the Commodity Credit Corporation.

(c) The Commodity Credit Corporation will retain the barter bids or proposals which it receives in a locked container until at least 24 hours after the specified opening time for bids or proposals. The bids or proposals based on a barter arrangement will then be opened and analyzed by the Commodity Credit Corporation, which will advise the contracting officer as to which such bids or proposals are acceptable to the Commodity Credit Corporation.

(d) The contracting officer shall make an award on the basis of the lowest responsive bid or proposal, and shall advise the Commodity Credit Corporation in the event the award is made on the basis of a barter type bid or proposal. No award will be made until the Commodity Credit Corporation advises the procuring office as to which barter type bids or proposals, if any, are acceptable, or until ten days after the date set for the opening of bids or receipt of proposals. If the lowest acceptable bid or proposal is on a barter basis, the contracting officer, prior to making the award, shall require such bidder or offeror to furnish evidence of an agreement with the Commodity Credit Corporation covering the payment and assignment arrangements. Where no barter type bids are received by the Commodity Credit Corporation, the Commodity Credit Corporation will promptly advise the contracting officer.

(e) Where the award is made on the basis of a barter type bid or proposal, payment will be made in accordance with the terms of the contract, but to the Commodity Credit Corporation rather than directly to the contractor.

(f) Negotiated contracts based on a barter type proposal shall contain a provision reciting the irrevocable assignment of the contractor's claim for payment to the Commodity Credit Corporation.

§ 1.310–3 *Procurement effected outside the continental United States.* On procurements of $100,000 or more for supplies or services, except those procurements to be funded and denominated in local currencies or funded in dollars and denominated in local currencies, major oversea commands shall utilize the procedures outlined below:

(a) Major oversea commands shall make available to designated representatives of the Commodity Credit Corporation a copy of all new contracts resulting from procurements described above.

(b) Contracting officers shall distribute to prospective contractors, with the Invitation for Bids or Request for Proposals, or during the course of negotiations, a Commodity Credit Corporation information sheet describing the procurement by barter program.

(c) Designated representatives of the Commodity Credit Corporation are authorized direct contact with contracting officers for the purpose of obtaining information with respect to pertinent clauses in specific existing contracts which may affect barter negotiations.

(d) Commodity Credit Corporation may obtain from a contractor an assignment of moneys due or to become due to the contractor and must, in accordance with the provisions of the Assignment of Claims clause, forward a Notice of Assignment of Claims to the contracting officer, to the disbursing officer, and to any sureties on the contract. The contracting officer shall insure that the Notice of Assignment of Claims is signed by an authorized representative of the Commodity Credit Corporation and that a true copy of the instrument of assignment between the contractor and the

Commodity Credit Corporation is attached to the notice. The contracting officer shall acknowledge receipt of the Notice of Assignment of Claims from the Commodity Credit Corporation.

(e) Upon presentation of invoices by the contractor, the contracting officer shall insure that each invoice contains a statement by the contractor that he recognizes the assignment to the Commodity Credit Corporation, its validity, and the right of the Commodity Credit Corporation to receive payment. Disbursing officers shall effect appropriate payment to the Commodity Credit Corporation for the amount of the invoice, less any authorized deductions.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

Section 3.212–2 has been revised so as to authorize negotiation of certain contracts made by the Department of Defense for certain highly sensitive agencies, which contracts, though unclassified, are required by such agencies not to be publicly disclosed. The revised language is to be applied strictly to such situations, and does not constitute a general authority to negotiate unclassified contracts.

§ 3.212 *Classified purchases.*

§ 3.212–2 *Application.* This authority may be used for purchases or contracts classified "Confidential" or higher, or where, because of other considerations, the purchase or contract should not be publicly disclosed.

PART 4—COORDINATED PROCUREMENT

SUBPART B—POLICIES AND GENERAL PRINCIPLES

An editorial change has been made to § 4.202–3, as follows: § 4.202 *Responsibilities under single procurement.*

* * * * *

§ 4.202–3 *Plant cognizance procurement.* Responsibilities for procurement and mobilization planning are as set forth in Department of Defense Instruction 4115.1, dated October 12, 1955, subject: "Department of Defense Procurement Assignments", and any amendments thereto.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAIMS FOR FIXED-PRICE SUPPLY CONTRACTS

In order to permit the Departments to employ procedures best adapted to a particular situation (including Part 8 procedures), a new contract clause is set forth in § 7.103–2 (b), for insertion in fixed-price supply contracts, which gives the contracting officer the right to select methods of effecting equitable adjustments when change orders render inventory obsolescent for the performance of a contract. Section 7.103–2 as revised, reads as follows:

§ 7.103 *Required clauses.*

* * * * *

§ 7.103–2 *Changes and disposition of inventory resulting from changes*—(a) *Changes.*

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change; *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Department procedures.

(b) *Disposition of inventory resulting from changes.*

DISPOSITION OF INVENTORY RESULTING FROM CHANGES

Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment pursuant to the Changes clause of this contract, the Contracting Officer shall have the right to prescribe the manner of disposition of such property.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

The last paragraph (unnumbered) of § 7.203–7 Records, has been amended by changing the organizational element under the Department of the Navy, as follows:

§ 7.203–7 *Records.* * * *

In the foregoing clause, insert, in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the words "the Contract Audit Division of the Comptroller of the Navy," in the space designated by an asterisk (----*).

PART 11—FEDERAL, STATE AND LOCAL TAXES

Several changes have been made in Subpart A of Part 11 to reflect the extension of existing tax rates in connection with special fuels, motor vehicles, and gasoline, in accordance with the Tax Rate Extension Act of 1956 (Pub. Law 458, 84th Cong.). Minor adjustments of clarifying nature have also been made in various paragraphs of this part.

SUBPART A—FEDERAL EXCISE TAXES

§ 11.101–5 *Special fuels.* (a) A tax of 2 cents per gallon through 31 March 1957, and 1½ cents per gallon thereafter, is imposed upon certain fuels, other than those taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3) as follows:

(1) Diesel fuel—any liquid—

(i) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or

(ii) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under subdivision (i) of this subparagraph; and

(2) Special motor fuels—benzol, benzene, naphtha, liquid petroleum gas or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable under subparagraph (1) of this paragraph—

(i) Sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane; or

(ii) Used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane unless there was a taxable sale of such liquid under subdivision (i) of this subparagraph.

(b) If fuel upon which this tax has been paid is not used as a fuel in a diesel-powered highway vehicle or to propel a motor vehicle, motorboat, or airplane, the retailer is entitled to a credit or refund for the tax paid, if such retailer has not included the tax in the sales price or otherwise collected the tax from the purchaser, has repaid the tax to the purchaser, or has the purchaser's written consent to take the credit or refund. When it is economically advantageous to do so, this credit or refund shall be utilized in accordance with Departmental procedures.

(c) If the manufacturers' excise tax on gasoline (see § 11.102–3) has been paid on any material used in the production of a special motor fuel taxable under paragraph (a) (2) of this section, the manufacturer of the gasoline is entitled to a refund or credit of such tax, subject to the conditions stated in paragraph (b) of this section. The contract price for special motor fuels purchased by any Department shall not include an amount for any manufacturers' excise tax on gasoline that was used in the production of the special motor fuel.

§ 11.102–1 *Motor vehicles.* (a) A tax at the indicated rates is imposed upon the following supplies (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—8 percent through 31 March 1957, and 5 percent thereafter; except that this tax does not apply to equipment designed for off-the-road use, such as self-propelled construction equipment and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and trailers (other than house trailers) suitable for use with passenger automobiles—10 percent through 31 March 1957, and 7 percent thereafter; and

(3) Parts or accessories—8 percent through 31 March 1957, and 5 percent thereafter. Parts or accessories are defined to include any article—

(i) The primary use of which is to improve, repair, replace, or serve as a component part of a motor vehicle;

(ii) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle are treated as parts or accessories whether or not primarily adapted for such use. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax. If, after August 31, 1955, a manufacturer uses a tax-paid part or accessory as material in the manufacture of, or as a component part of, any article, such manufacturer is entitled to a credit or refund of the tax paid on the part or accessory. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on automobile parts or accessories purchased for use, or after August 31, 1955 used in the manufacture of any article.

(b) The tax on automotive parts or accessories does not apply to tires, inner tubes, and automobile radio and television receivers. If a manufacturer of motor vehicles sells these articles in connection with the sale of a taxable motor vehicle, he may take a credit against the motor vehicle tax in the amount of the motor vehicle tax rate applied to his purchase price of the tires, inner tubes, and automobile radio and television receivers. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on motor vehicles or automotive parts or accessories to the extent that these credits are available.

§ 11.102–3 *Gasoline.* A tax of 2 cents per gallon through March 31, 1957, and 1½ cents per gallon thereafter, is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene gas oil, or fuel oil, and also excluding any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (see § 11.101–5). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

§ 11.103–3 *Transportation of property.* (a) A tax of 3 percent (4 cents per short ton on coal, including lignite, coal dust, coke briquettes) is imposed upon amounts paid to a person engaged in the business of transporting property for hire by rail, motor vehicle, water, or air. The tax applies to—

(1) Amounts paid within or without the United States for transportation from one point in the United States to another; and

(2) Amounts paid within the United States for that portion within the United States of transportation from a point outside to a point within the United States.

(b) The tax does not apply to the transportation of property in the course of exportation or shipment to a possession of the United States (see § 11.201), nor to an uninterrupted shipment moving through the United States from a possession or a foreign point to a possession or a foreign point. If any such shipment is interrupted in the United States for any purpose of the shipper rather than a fault of transportation, it is treated as two shipments, one to and the other from the point of interruption, of which the former may be taxable in whole or in part according to the rules stated above. If the tax is expressly excluded from the contract (or subcontract) price and an exemption certificate prescribed by the Treasury Regulations is filed with the carrier, the tax is inapplicable to shipments for export under a commercial bill of lading consigned to an officer of a Military Department at a port of exportation. When it is economically advantageous to do so, this exemption shall be utilized in accordance with Departmental procedures.

(c) For the taxability of exported domestic shipments under a Government bill of lading, see § 11.202 (c).

(d) The amount subject to tax includes—

(1) Any charges for services incident to the transportation movement, such as loading, unloading, blocking, staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, and handling, feeding, and watering of livestock; and

(2) Separate and itemized charges for baggage transported in connection with the transportation of persons, including incidental charges for excess weight or value, storage, transfer, special delivery, and the like.

The tax applies to all forms of transportation, local or otherwise, including drayage, towing, ferrying, and switching; however, it does not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project, nor does it apply to the transportation of coal from the mine to a preparation plant. No amount paid for the transportation of property is subject to tax if and to the extent that a tax on such transportation previously has been paid. An amount paid for the transportation of coal, coke, or briquettes is not taxable if there has been a previous taxable transportation of the coal or coal dust from which the coke or briquettes were made.

PART 13—GOVERNMENT PROPERTY

Section 13.000 has been revised as follows:

§ 13–000 *Scope of part.* This part sets forth the general policies of the Departments with respect to providing property for use by contractors in connection with procurement by the Military Departments and sets forth applicable contract clauses.

SUBPART A—GENERAL

Based upon the report of a Special Committee (the Cooper Committee) on Accounting Control and Management of Inventory of Government-owned Industrial Facilities and Equipment in the Department of Defense, changes have been made in § 13.101 and in various paragraphs of Part 30.2, Appendix B—"Manual for Control of Government Property in Possession of Contractors." The effect of these changes is to: (i) establish monetary control for industrial facilities, as required by Public Law 216, 83d Congress; (ii) reduce administrative costs in connection with minor plant equipment; (iii) strengthen control over Government property in the hands of subcontractors; (iv) encourage single department property administration; (v) clarify applicability of Part 30.2, above, to reserve plants; and (vi) provide improved definitions.

§ 13.101 *Definitions.* As used in this part, the following terms have the meaning stated below:

(a) "Property" includes all physical property, both real and personal. For the purpose of this Part, it consists of and is treated under three separate categories—material, special tooling, and industrial facilities.

(b) "Government property" means all property owned by or leased to the Government, including property acquired by the Government under the terms of a contract; except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purpose of this Part be classified as Government property. With this exception, Government property includes both Government-furnished property and contractor-acquired property as defined below:

(i) "Government-furnished property" is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the contractor; and

(ii) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide," as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property," is intended to include both Government-furnished property and contractor-acquired property.

(c) "Contractor-furnished property" means all property used by the contractor in the performance of a contract, other than Government property.

(d) "Material" means such property which may be incorporated into or attached to an end product to be delivered to the Government or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed materials, parts, components, assemblies, and small tools and supplies which may be consumed in normal use during the life of the contract.

(e) "Special tooling" means property of such specialized nature that its use, without substantial modification or alteration, is limited to the production of the particular supplies or performance of the particular services for which acquired or furnished. It includes, but is not limited to, jigs, dies, fixtures, molds, patterns, special taps, special gauges, and special test equipment.

(f) "Industrial facility" means property, other than material and special tooling, of use for the performance of a contract or subcontract, including real property and rights therein, buildings, structures, improvements, and plant equipment.

(g) "Industrial property," as distinguished from military property, means any contractor-acquired or Government furnished property, including materials, special tooling, and industrial facilities furnished or acquired in the performance of a contract or subcontract.

(h) "Non-severable industrial facility" means an industrial facility which, after erection or installation, cannot be removed without substantial loss of value or damage thereto, or to the premises where installed.

(i) "Plant equipment" means personal property of a capital nature (consisting of machinery, equipment, furniture, vehicles, machine tools, accessory and auxiliary items, and other production equipment, but excluding special tooling) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose.

(j) "Production equipment" means those items of plant equipment located within a manufacturing, processing, assembly or service establishment and used for cutting, abrading, grinding, shaping, forming, joining, measuring, testing, heating or treating production materials or work in process.

(k) "Machine tools" means those items of production equipment which are power-driven, non-portable machines used for cutting, abrading, grinding, shaping or forming metal.

(l) "Accessory item" means an item which facilitates or enhances the operation of plant equipment but which is not essential for its operation, such as remote control devices.

(m) "Auxiliary item" means an item without which the basic unit of plant equipment cannot operate, such as motors for pumps and machine tools.

(n) "Salvage" means property recoverable for further use or which, because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations but which has some value in excess of its scrap value.

(o) "Scrap" means property in such condition that it has no reasonable prospect of being sold except for the recovery value of its basic material content.

(p) "Facilities contract" means a contract under which industrial facilities are provided by the Government for use in connection with the performance of a separate contract or contracts for supplies or services.

(q) "Educational or other non-profit organization" means any corporation, foundation, trust, or institution operated for scientific or educational purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

SUBPART D—INDUSTRIAL FACILITIES

Sections 13.400, 13.407, and 13.408, have been amended, based upon the Cooper Committee Report, setting forth uniform procedures regarding use and maintenance of Government-owned industrial facilities by contractors in connection with (i) military contracts and (ii) civilian work and contracts of other Government departments. In general, contractors will pay rental at rates set forth in the procedures for the use of facilities in connection with civilian work and contracts with other Government departments. Contractors may use such facilities in connection with military contracts when no undue competitive advantage is gained thereby and the Government receives consideration by way of reduced costs or otherwise. Facilities contracts will not be continued for the sole purpose of enabling contractors to use facilities on work other than in connection with military contracts.

§ 13.400 *Scope of Subpart.* This subpart sets forth policies with respect to providing industrial facilities for use by contractors in connection with procurement by the Military Departments and for other incidental uses. Nothing in this Subpart D shall be construed as affecting any authority granted under Departmental procedures to employ a lease as a means of making property available to a contractor for performing Government work.

§ 13.407 *Right of contractor to use.* (a) Each facilities contract shall limit the right of the contractor to use the industrial facilities to the performance of the contracts specified or otherwise identified in the facilities contract or added thereto by amendment. Such use may be without charge to the contractor, provided:

(1) The contractor is not thereby placed in a favored competitive position; and

(2) The Government receives adequate consideration through reduced cost for the supplies or services or otherwise. Such reduced cost may be established in the initial negotiation of new contracts, or by the readjustment of prices (including fixed-fees and allowable costs) of existing contracts, or by price redetermination in the case of negotiated fixed-price contracts where the saving to the contractor cannot be accurately forecast.

When use without charge to the contractor is not advisable because of the competitive aspect, administrative difficulties, or other considerations, the contract shall require the contractor to pay a fair and reasonable use charge. Such fair and reasonable use charge shall be established on the basis of sound commercial practice, including any prevailing commercial rates, and shall be such as to prevent the contractor from obtaining an unfair competitive advantage by reason thereof. The use charge for metal-working equipment and for other personal property and equipment constituting industrial facilities shall conform to the rates prescribed in § 13.601–2 (a) and (b) except that the charge may be negotiated without regard to said prescribed rates, to the extent provided in § 13.601–3. Unless determined by the contracting officer to be impracticable or contrary to the best interest of the Government, the use charge shall be made on the basis of the time during which the property is available for the contractor's use, rather than on the basis of the time during which the property is actually used.

(b) A facilities contract may also provide that the contractor may be authorized by the contracting officer to make incidental use of all or part of the facilities covered by the contract for work other than for a Military Department. However, where a facilities contract is no longer required in connection with the performance of a Government contract or contracts, as provided in (a) above, it shall not be continued solely for the purpose of authorizing commercial use of all or any part of the facilities covered by the facilities contract. The rental rates applicable to Government facilities as provided in § 13.601, shall be applicable to facilities furnished under a facilities contract for the period that such facilities are authorized for use for commercial purposes. The rental shall be charged on the basis of the time during which the property is available for use rather than on the basis of the time during which the property is actually used, unless determined to be impracticable or contrary to the best interest of the Government. Where rental is to be charged on a time-in-use basis, the terms and conditions of such rental shall be in accordance with appropriate Departmental procedures designed to insure that no unfair competitive advantage has been thereby granted.

§ 13.408 *Maintenance.* Each facilities contract shall require the contractor, without cost to the Government thereunder, to protect, preserve, maintain, and repair the facilities provided thereunder, in accordance with sound industrial practice, until relieved of responsibility therefor. However, when authorized by the Department concerned, such contract may provide for:

(a) A specified degree of protection, preservation, maintenance and repair that is less than sound industrial practice as to any part or parts of the facilities as are determined by the Department concerned to be nonessential to future utilization of the facilities as a whole;

(b) Reimbursement by the Government for the cost of protecting, maintaining, preserving and repairing facilities not authorized for use by the contractor; and

(c) Reimbursement by the Government for repairs, replacements, and restoration performed by the contractor when such repairs, replacements and restoration are in excess of normal maintenance and are directed or approved by the contracting officer.

The facilities contract shall contain no warranty, express or implied, regarding the condition or fitness for use of any item of industrial facilities. Nothing in this section shall limit a contractor's rights with respect to costs properly allowable under other contracts.

A new Subpart F has been added to Part 13, as follows:

SUBPART F—USE OF GOVERNMENT OWNED INDUSTRIAL FACILITIES ON WORK OTHER THAN FOR A MILITARY DEPARTMENT

§ 13.600 *Scope of subpart.* The preceding subparts of this part are intended to be applicable only to those situations in which Government property is provided to contractors or subcontractors of any tier, for use in connection with procurement by the Military Departments. This subpart relates to making available to contractors, former contractors, or other parties, Government owned industrial facilities under the control of a Military Department for use solely or principally on work other than for a Military Department. (As to making industrial facilities available principally for use in connection with procurement by the Military Departments, and incidentally for use on work other than for a Military Department, see § 13.407.) The question of making industrial facilities available for use on work other than for a Military Department may arise with respect to such property in the possession of the Government (e. g., machine tools in reserve storage) or in the possession of the potential user (e. g., where a contractor has completed the contract under which the property was originally provided). Basic authority to permit the use of Government property on work other than for a Military Department is found in statutes authorizing the Secretaries of the Military Departments to lease property under their control (see 34 U. S. C. 522a; 10 U. S. C. 1270; 5 U. S. C. 626s–3; 50 U. S. C. App. 1173).

§ 13.601 *Rental.*

§ 13.601–1 *General.* Whenever industrial facilities are made available for use on work other than for a Military Department, the user shall be charged a fair and reasonable rental: *Provided*, That under Departmental procedures consistent with § 13.407 (a) (1) and (2) rental may be waived with regard to such property furnished solely for use in performing work for Government agencies. Such rental shall be established on the basis of sound commercial practice, including any prevailing commercial rates. Except as otherwise provided in § 13.601–2 (a), such rental may, where permitted by the law under which the contract or agreement is executed (see statutes cited in § 13.600), take into consideration obligations assumed by the user to protect and maintain the property as well as to perform other services as all or part of the consideration for the contract or agreement. The rental shall, in any event, be such as to prevent the user from obtaining an unfair competitive advantage by reason thereof over competitors who own their facilities or obtain them from private sources. The rental shall be charged on the basis of the time during which the property is available for use rather than on the basis of the time during which the property is actually used, unless determined by the Secretary of the Department concerned, or his representative duly authorized to approve the contract or agreement by which the property is made available, to be impracticable or contrary to the best interest of the Government. The Government shall make no warranty, express or implied, regarding the condition or fitness for use of any item of property.

§ 13.601–2 *Minimum rent.* Except as provided in § 13.601–3, rental charged under § 13.601 for personal property and equipment constituting industrial facilities shall conform to the following rates, which rates have been determined to be fair and reasonable:

(a) As to metalworking equipment of the types referred to in paragraph 401.2 of Part 30.2, Appendix B of this subchapter, or paragraph 307.2 of part 30.3 appendix C of this subchapter, a rent equivalent to that computed as follows shall be charged regardless of the extent and value of any obligations undertaken by the user to provide maintenance or other services:

Year of Purchase of Tool or Equipment and Rate
1950 and subsequent: 2 percent per month of the tool acquisition cost.
1942 through 1949: 1.5 percent per month of the tool acquisition cost.
Prior to 1942: 1 percent per month of the tool acquisition cost.

The tool acquisition cost to be used in the above formula for determining rental rates shall be the price of the machine charged the Government when the machine was purchased. When special tools, attachments or accessories are rented with the machine, the tool acquisition cost for determining rental rates shall be increased to include the price charged the Government for such tools, attachments or accessories. If this information as to price is not available or cannot be accurately estimated or obtained from the manufacturer of the machine, the Office of the Assistant Secretary of Defense (Supply and Logistics) will provide a basis for estimating the acquisition cost.

(b) As to personal property and equipment constituting industrial facilities other than metal working equipment covered in paragraph (a) of this section, and with respect to which there are no prevailing commercial rates, a rent at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment shall be charged.

Except to the extent otherwise permitted by Departmental procedures in the case of property covered by paragraph (b) of this section, the contract or agreement under which property covered by this § 13.601–2 is made available shall require the user to protect, preserve, maintain and repair the property in accordance with sound industrial practice without cost to the Government under such contract or agreement.

§ 13.601–3 *Exceptions.* The requirements of § 13.601–2 shall not be applicable.

(a) In the case of leases which cover entire Government-owned plants or otherwise involve substantial Government-owned real property as well as equipment; or

(b) With respect to Government-owned industrial facilities which a procuring activity, in aid of the Government's program for maintaining capacity for essential military production needs in the event of mobilization, desires to make or keep available at any plant for use by a contractor: *Provided*, That, as to any machine tools and metalworking equipment involved, either or both of the following conditions prevail:

(1) The items of machine tools and metalworking equipment are such that the size, complexity or performance characteristics present unusual problems reflected in the time required in connection with preparing for shipment, shipping from storage or supply point, installing and making ready for operation;

(2) The items of machine tools and metalworking equipment are contained in a complete complement of production equipment and tools, capable of producing military end items or components thereof, and provided under a facilities contract, lease, or contract for operation of a Government-owned plant and being used for current production or being administered under standby provisions such as those referred to in § 13.414.

The following paragraphs of Part 30.2—Appendix B, have been amended.

PART 1—INTRODUCTION

102. *Applicability of Manual.* This Manual applies to all types of contracts, leases and bailments pursuant to which Government property is furnished to or acquired by a contractor.

103. *Definitions.* As used in this Part 30.2, the following terms have the meanings shown:

(a) "Contract administrator" means the individual duly designated by appropriate authority in the Military Departments to administer the contract. In the case of the Army and Air Force, usually this is a contracting officer, and in the Navy, usually this is the authorized representative of the contracting officer having administrative cognizance over the contract.

(b) "Property administrator" means the Government representative responsible to the contract administrator for:

(i) reviewing the contractor's industrial property control procedures;

(ii) examining the records maintained by the contractor of Government-furnished and contractor-acquired property;

(iii) making usage analyses of industrial property; and

(iv) the maintenance of such Government property records as are required by this Manual.

(c) "Government property" means all property owned by or leased to the Government, including property acquired by the

Government under the terms of a contract; except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purpose of this Part 30.2 be classified as Government property. With this exception, Government property includes both Government-furnished property and contractor-acquired property as defined below:

(i) "Government-furnished property is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the contractor; and

(ii) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide", as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property", is intended to include both Government-furnished property and contractor-acquired property.

(d) "Industrial facility" means property, other than material and special tooling, of use for the performance of a contract or subcontract, including real property and rights therein, buildings, structures, improvements, and plant equipment.

(e) "Industrial property," as distinguished from military property, means any contractor-acquired or Government-furnished property, including materials, special tooling, and industrial facilities furnished or acquired in the performance of a contract or subcontract.

(f) "Real property," for purposes of accounting classification means (i) land and rights therein, (ii) utility distribution systems, and (iii) buildings, structures, and improvements thereto, excluding plant equipment.

(g) "Utility distribution system" means a system (including distribution and transmission lines, substations, and installed equipment forming an integral part of the system), by which gas, water, steam, electricity, sewerage, or other utility services are transmitted between (i) the outside of the building or structure in which the services are used, and (ii) the point of origin or disposal, or the connection with some other system. For the purpose of this Manual it does not include communication services.

(h) "Plant equipment" means personal property of a capital nature (consisting of machinery, equipment, furniture, vehicles, machine tools, accessory and auxiliary items, and other production equipment, but excluding special tooling) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose.

(i) "Minor plant equipment" means an item of plant equipment having a unit value of less than $100 and other plant equipment, regardless of cost, when so designated by the Government.

(j) "Production equipment" means those items of plant equipment located within a manufacturing, processing, assembly or service establishment and used for cutting, abrading, grinding, shaping, forming, joining, measuring, testing, heating or treating production materials or work in process.

(k) "Machine tools" mean those items of production equipment which are power-driven, non-portable machines used for cutting, abrading, grinding, shaping or forming metal.

(l) "Accessory item" means an item which facilitates or enhances the operation of plant equipment but which is not essential for its operation, such as remote control devices.

(m) "Auxiliary item" means an item without which the basic unit of plant equipment cannot operate, such as motors for pumps and machine tools.

(n) "Special tooling" means property of such specialized nature that its use, without substantial modification or alteration, is limited to the production of the particular supplies or performance of the particular services for which acquired or furnished. It includes, but is not limited to, jigs, dies, fixtures, molds, patterns, special taps, special gauges, and special test equipment.

(o) "Material" means such property which may be incorporated into or attached to an end product to be delivered to the Government or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies which may be consumed in normal use during the life of the contract.

PART II—GENERAL PROVISIONS

202. *Designation of property administrator.* (a) A property administrator shall be designated for each Government contract involving Government property. In appropriate cases the contract administrator may be assigned the additional duty of property administrator.

(b) It is the Department of Defense policy to encourage single property administration at each industrial facility. Consequently when a contractor is engaged in the performance of contracts for more than one procuring activity, a single property administrator shall be designated for all contracts if mutually agreeable to the procuring activities concerned.

(c) Assistant property administrators for specific contracts may be appointed in accordance with the procedures of each Department.

(d) Property administrators may be civilian or military personnel.

(e) The property administrator will not be required by virtue of his duty as property administrator to post a bond.

203. *Duties and responsibilities of the property administrator.* (a) The property administrator shall familiarize himself with the provisions of this Part 30.2 and the contract provisions pertaining to Government property.

(b) He shall, as the authorized representative of the contract administrator or administrators, insure compliance with the contract requirements relative to Government property and insure fulfillment of all obligations imposed by this Part 30.2.

(c) He shall examine the documents, including but not limited to consumption or usage reports, adjustment reports, reports of spoilage or shrinkage, sales, shipments, transfers, etc., recorded by the contractor in the property account, to the extent necessary to establish the correctness and completeness of such records.

(d) It shall be his responsibility to determine whether the contractor is using Government property for the purposes authorized by the contract, and whether the contractor is exercising the degree of care in the handling of Government property prescribed in the contract.

(e) He shall make usage analyses to determine the reasonableness of the consumption and expenditure of Government property. Control records shall be utilized in the performance of the usage survey and, to the extent necessary, selective physical inspections of Government property shall be made in the appropriate stages of production.

(f) He shall periodacilly examine all property records to determine whether such records reflect the status of Government property and indicate compliance with the provisions of the contract and applicable directives. He shall report promptly in writing to the contract administrator any noncompliance by the contractor with the contract provisions and applicable directives.

(g) He shall advise the contract administrator on all property matters.

PART III—RECORDS TO BE MAINTAINED

301. *General.* (a) In order satisfactorily to perform work under a Government contract, a contractor must maintain some form of control records for all Government property, whether furnished to or acquired by a contractor for the account of the Government. It is the Government's policy to designate and use such records as the official contract records, and not to maintain duplicate property control records, other than those required by paragraph 303, and other than industrial facility records. With respect to industrial facilities, additional records shall be maintained by the property administrator or higher headquarters, as may be required by the respective Departments pursuant to paragraph 303.1 (c). Exceptions to the above policy may be authorized by the respective Departments in special circumstances, such as where the administrative expense of maintaining Government personnel at the contractor's plant or providing frequent official visits to the plant would exceed the cost of maintaining Government records or otherwise not be in the best interest of the Government.

(b) The contractor's property control records and procedures shall be reviewed and approved in writing by the contract administrator at the inception of the contract. Any necessary corrective action will be required of the contractor prior to approval.

(c) The contractors' property control system will provide financial accounts for Government-owned industrial facilities in the contractors' possession or control. The system will be subject to internal control standards and be supported by property records for such facilities; in the manner described in paragraph 304.

(d) The official records shall be kept in such condition that at any stage of completion of the work under a contract the status of Government property may be readily ascertained.

(e) Separate property records for each contract are desirable but a consolidated property record may be maintained provided that the consolidated record provides the information set forth in paragraph 304.

(f) Property records shall be established for any usable components which are permanently removed from items of Government property, as a result of modification, or otherwise.

(g) Special tooling and equipment fabricated from materials which are the property of the Government will be appropriately recorded immediately upon fabrication. Special tooling and equipment fabricated from materials which are the property of the contractor will be appropriately recorded at the time title passes to the Government.

(h) Departmental policies will govern the establishment of monetary levels below which individual item records of plant equipment will not be required.

304. *Records to be maintained by the contractor.* It is the contractors' responsibility (i) to maintain adequate control records in accordance with the requirements of this Manual of all Government property provided under a contract, including property provided under such contract as may be in the possession or control of a subcontractor, and to establish separate property accounts to be located at the subcontractor's plant and at the contractor's secondary site when so requested by the contract administrator.

304.1 *Records of material.* All Government material furnished to the contractor, as well as all other material, title to which has passed to the Government, by reason of allocation from contractor-owned stores, or by reason of purchase by the contractor for direct charge to a Government contract, or otherwise, shall be recorded in accordance with the contractor's property control system, as follows:

(a) *Contractor's property control system.* Except as provided in (d) below, the contractor's property control system shall be such as to provide the following information:

(1) Contract number.
(2) Nomenclature or description of item.
(3) Quantity received.
(4) Quantity issued.
(5) Balance on hand.
(6) Posting reference.
(7) Date received or issued.
(8) Unit price.
(9) Location.
(10) Disposition action taken.

(b) *Consolidated stock record.* Where a contractor has more than one Government contract, under which Government property is provided, a consolidated record for materials may be authorized, provided the total quantity of any item is allocated to each contract by contract number and each requisition of property from the contractor's stores is charged to the contract on which the property is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

(c) *Custodial records.* Custodial records shall be maintained for tool crib items, guard force items, protective clothing and other items issued for the use of individnals in the performance of their work under the contract.

(d) *Use of receipt and issue documents.* Based on a determination of the contracting officer in accordance with paragraph 301 (b), the contractor may maintain in lieu of "stock records" a file of appropriately cross-referenced documents representing receipt, issue, and adjustments of Government-provided material in performance of a Government contract. Such determination shall be consistent with generally accepted accounting practices and a low frequency of receipt and issue of the items of material specified (i. e. usually issued directly upon receipt). In accordance with Departmental procedures:

(i) The contracting officer may authorize this method of property control for Government-provided material, including but not limited to items used in manufacturing or maintenance, office supplies, etc.

(ii) This method of property control may be used for research and development contracts.

304.3 *Records of plant equipment.* Plant equipment shall be accounted for by individual item except as provided in subparagraphs (a), (b), and (c) below. The form of property records to be maintained for plant equipment shall be prescribed by the respective departments and will include as a minimum the information prescribed by Exhibit A.

(a) *Record of accessory and auxiliary equipment.* Individual records for accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and which is required for its normal operation need not be maintained, but the description of such accessory and auxiliary equipment shall be entered on the respective plant equipment records.

(b) *Record of manufacturing systems.* Where plant equipment and accessory type items are assembled and interconnected to form a single operating unit designed to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and reported as a single item of plant equipment on one plant equipment record in lieu of an individual record for each component comprising the item of plant equipment. This does not preclude the requirement for completely describing the component items nor does it preclude the use of more than one plant equipment record when additional space is required.

(c) *Record of minor plant equipment.* Summary stock records, rather than individual item records, shall generally be maintained for minor plant equipment.

304.7 *Financial control accounts.* The contractors' property control system should be such as to provide annually, or not more often than quarterly if required in accordance with Departmental procedures, the dollar amounts of Government-owned industrial facilities in the following classifications.

(i) Land and rights therein,
(ii) Utility distribution systems,
(iii) Buildings, structures and improvements thereto, excluding plant equipment,
(iv) Plant equipment, excluding production equipment and minor plant equipment, and
(v) Production equipment.

The contractor's accounts will be susceptible to local reconciliation in total and subtotals as to whether contractor-acquired or Government-furnished.

(R. S. 161; 5 U. S. C. 22)

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

AUGUST 20, 1956.

[F. R. Doc. 56-6858; Filed, Aug. 24, 1956; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

TEXAS CITY DISASTER CLAIMS

1. Section 536.110 is amended to read as follows:

§ 536.110 *Purpose.* The regulations in §§ 536.110 to 536.129 set forth the rules of procedure for handling claims against the United States for death, personal injury, and property losses proximately resulting from the explosions and fires at Texas City, Texas, on April 16 and 17, 1947, under the act of August 12, 1955 (69 Stat. 707), as amended (Public Law 675, 84th Cong.; 70 Stat. 516), hereinafter referred to as the "act".

2. In §§ 536.111 (a) and 536.113 (d), that portion reading "prior to April 25, 1950" is amended to read "on or before April 25, 1950".

3. In § 536.114, that portion reading "SR 25–20–1" is changed to read "AR 25–20".

[C2, AR 25–150, August 16, 1956] (Sec. 3, 69 Stat. 707, Pub. Law 675, 84th Cong.)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56–6859; Filed, Aug. 24, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–6, Supp. 9]

DMO VII–6—EXPANSION GOALS

GLYCERIN

1. Defense Mobilization Order VII–6, dated December 3, 1953 (18 F. R. 7876) is supplemented by transferring the following expansion goal from List III, Open, to List I, Closed.

Goal No.; Title; and Delegate Agency
82; Glycerin; Commerce.

2. This supplement shall be effective on August 22, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–6881; Filed, Aug. 24, 1956; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Correction

In F. R. Document 56–6738, appearing in the issue of Tuesday, August 21, 1956, on page 6251 in § 6.105 (c) (2), line 9, the word "or" following the word "mobility" should be "of".

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

ORDER OF SELECTION

Section 20.4 (a) is amended as set out below.

§ 20.4 *Order of selection*—(a) *Determination of competitive area.* (1) A normal competitive area shall be a bureau or an equivalent part of an agency in the departmental service, or all of a field installation in a local commuting area, or any combination of these as may be determined by the agency.

(2) Agencies must obtain prior approval of the Commission before they may use competitive areas smaller than the normal competitive area referred to in subparagraph (1) of this paragraph. Agencies may establish competitive areas which meet or exceed the normal competitive area without obtaining prior approval of the Commission.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–6890; Filed, Aug. 24, 1956; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.295]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

SUBPART E—UNHEALTHFUL POSTS

1. Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following places are hereby added to the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 and 108.224 of March 13, 1952, and June 1, 1954, respectively:

Khorramshahr, Iran.
Kuwait, Kuwait.
San Pedro Sula, Honduras.
Taichung, Taiwan, China.

2. The effective date of inclusion of the above places on the list of unhealthful places shall be January 1, 1942.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U. S. C. 843, 888, 1093, 5 U. S. C. 118h)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

AUGUST 15, 1956.

[F. R. Doc. 56-6883; Filed, Aug. 24, 1956; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter B—Receipt, Administration and Payment of Claims Under the War Claims Act of 1948, as Amended

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

PART 507—ENTITLEMENT TO AWARDS

PART 515—PAYMENT

MISCELLANEOUS AMENDMENTS

1. Section 505.1 (b) is hereby amended to read as follows:

(b) Any communication, letter, note, or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of section 5 (a) through (e), as amended, section 5 (g), section 6 (e), as amended, 7 (h), section 15, section 16 and section 17 of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within thirty (30) days from the date it was transmitted for execution, if the claimant resides in the continental United States or forty-five (45) days if outside the continental United States, the claim will be disallowed.

2. In § 505.2, paragraphs (d), (e) and (f) are redsignated (e), (f), and (g) respectively, and a new paragraph (d) is added to read as follows:

(d) Claims of religious organizations made under section 7 (h) of the act will be received by the Commission during the period August 6, 1956 through February 6, 1957, pursuant to the provisions of section 7 (h) (3) of Public Law 997, 84th Congress, approved August 6, 1956. Claims to be accepted must be postmarked before midnight February 6, 1957, or delivered to the Office of the Foreign Claims Settlement Commission of the United States, Washington, D. C., or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight February 6, 1957.

3. In § 505.3, the introductory sentence preceding paragraph (a) is hereby amended to read as follows:

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for processing. Claim forms are available at the Washington offices of the Commission and through other agencies as the Commission shall designate. An official form is provided for each type of claim that may be made under all the provisions of sections 5, 6, 7, 15, 16, and 17 of the War Claims Act of 1948, as amended. The official forms provided for use with respect to each type of claim under the provisions of these sections are designated and identified as follows:

* * * * *

4. In § 505.3, paragraphs (d), (e) and (f) are redesignated (f), (g) and (h) respectively, and new paragraphs (d) and (e) are added to read as follows:

(d) For reimbursement for relief furnished by a religious organization, FCSC Form 997-A,[1] Application for Reimbursement for Relief Furnished by Religious Organizations.

(e) For compensation to a religious organization for loss of or damage to certain property or facilities as a consequence of the war, FCSC Form 997-B,[1] Application by Religious Organization for Compensation for Loss and Damage to Property as a Consequence of World War II.

5. Section 505.5 is hereby amended to read as follows:

§ 505.5 *Documents to accompany forms.* All claims filed pursuant to the provisions of section 5 (a) through (e), 5 (g), 6 (e), 7 (h), 15, 16, and 17 of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany each type of official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within 30 days provided the claimant resides within the continental United States or 45 days if the claimant is outside continental United States following the date of request, the claim may be deemed to have been abandoned and be disallowed.

[1] Available upon request to the Foreign Claims Settlement Commission, Washington 25, D. C.

6. In Part 507—Entitlement to Award, after Subpart C add new Subpart D, as follows:

SUBPART D—REIMBURSEMENT TO RELIGIOUS ORGANIZATIONS UNDER SUBSECTION (h) OF SECTION 7

Sec.
507.200 Eligible claimants.
507.201 Religious organization functioning in the Philippines.
507.202 Expenditures incurred.
507.203 Fair value of supplies used.
507.204 Furnishing shelter, food, clothing, hospitalization, medicines, and medical services and other relief.
507.205 Members of the Armed Forces of the United States.
507.206 Civilian American citizens (as defined in section 5 of the act).
507.207 Definitions of "compensated."
507.208 Loss or damage sustained as a consequence of the war.
507.209 "Other property or facilities connected with" within the meaning of section 7 (h) of the act.
507.210 Educational, medical and welfare work within the meaning of section 7 (h) of the act.
507.211 Cost of replacement.

AUTHORITY: §§ 507.200 to 507.211 issued under sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. 2001.

§ 507.200 *Eligible claimants.* Eligible claimants under subsection (h) of section 7 of the act are restricted to religious organizations functioning in the Philippines and of the same denomination as a religious organization functioning in the United States which furnished relief as described, and during the period designated in subsection (a) of section 7 of the act.

§ 507.201 *Religious organization functioning in the Philippines.* The term "religious organization functioning in the Philippines" for purposes of section 7 (h) of the act, means any church, sect, denomination, religious order or congregation, or any group, body, corporation, association or other entity formed for religious purposes, professing and adhering to the tenets of some particular religious faith or form of worship and which maintained under its auspices in the Philippine Islands, on or after December 7, 1941, a church, chapel, or other place of divine worship or a religious house, community, mission, convent or facilities for divine worship, or operated a school, dormintory, hospital, dispensary, orphanage or other like institutions under religious auspices; or any part, division or association of such churches, sects, denominations, religious orders, congregations, groups, bodies, corporations or entities. Such religious organization must not have received an award under subsection 7 (a) or (b) of the act and for the purposes of section 7 (h) (1) (B) of the act must have received an award for war damages from the Philippine War Damage Commission under the provisions of the Philippine Rehabilitation Act of 1946, as amended.

§ 507.202 *Expenditures incurred.* An expenditure shall be deemed to have been incurred by such Philippine organization when money or any other article of calculable value which was the property of, or for which such organization was obliged to make repayment or restitution, was voluntarily spent, paid over, donated, contributed, used or consumed or which, after being designated for use in accordance with the terms of section 7 of the act of 1948, was lost, confiscated, or destroyed, while held for delivery or during delivery, to, or in behalf of members of the Armed Forces of the United States or civilian American citizens in the Philippines the persons described in §§ 507.205 and 507.206: *Provided,* That the aforesaid expenditures were not incurred in accordance with an agreement with the Japanese authorities which provided for compensation.

§ 507.203 *Fair value of supplies used.* The term "fair value of supplies used" means the original cost of such supplies or the present replacement value, whichever is greater. In the event the supplies have already been replaced at a cost in excess of either the original cost or the present replacement price, the actual amount thus expended shall constitute the fair value. If such amount expended for replacement is less than the present replacement price then the original cost or the actual amount expended in replacing such supplies, whichever is greater, shall constitute the fair value. The term "fair value of services furnished in accordance with the provisions of section 7 of the act" means either the fee, price or rental charge prevailing in the Philippine Islands at the time such services were furnished or such fixed or standard valuation as the Commission shall establish. In computing the fair value of supplies used or services furnished any compensation received by the claimant, in pursuance thereof, whether at the time of the delivery or use of the supplies, at the time of performance of the service, or subsequent thereto shall be deducted. Whenever the claimant is unable to adduce relevant, reliable and probative evidence which tends to establish fair value, the Commission will establish as the fair value of the supplies used or the services performed, an amount which, being consistent with the intent and purpose of section 7 of the act, it deems equitable and reasonable.

§ 507.204 *Furnishing shelter, food, clothing, hospitalization, medicines, and medical services and other relief.* A religious organization functioning in the Philippines will be deemed to have furnished shelter, food, clothing, hospitalization, medicines and medical aid in the Philippines when such organization voluntarily, either directly or indirectly, provided refuge for, fed, clothed, provided hospital, medical, and nursing services to, or supplied medicines, drugs, religious articles and the like, or furnished such other services and supplies determined by the Commission to be consistent with the intent and purpose of section 7 or the act, or provided funds or other means whereby such things were provided, or where items of supply after being designated for such use were confiscated, or destroyed while held for delivery or during delivery, to or in behalf of members of the Armed Forces of the United States or civilian American citizens in the Philippines the persons described in §§ 507.205 and 507.206: *Provided,* That such shelter, food, clothing, hospitalization, medicines, and medical aid, and the like were not furnished in accordance with an agreement with Japanese authorities which provided for compensation.

§ 507.205 *Members of the armed forces of the United States.* The term "members of the armed forces of the United States" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States Army, Navy, Marine Corps and Coast Guard; commissioned officers of the United States Public Health Service who were detailed for active duty with the Army, Navy, Marine Corps or Coast Guard; commissioned officers of the United States Coast and Geodetic Survey who were assigned to duty during World War II on projects of the War and Navy Departments outside the continental United States; members of the organized Philippine Army of the government of the Commonwealth of the Philippines and other units who were called or ordered into service of the armed forces of the United States in valid orders by the General, United States Army, designated by the Secretary of War, pursuant to and in compliance with the Military Order of the President of the United States, dated July 26, 1941 (3 CFR, 1943 Cum. Supp.).

§ 507.206 *Civilian American citizen (as defined in section 5 of the act).* The term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place or who went into hiding at any such place in order to avoid capture or internment by such government.

§ 507.207 *Definitions of "compensated".* (a) Within the contemplation of section 7 (h) (1) (A) of the act the word "compensated" means (1) with respect to "expenditures incurred" that the award shall be made in dollars, the amount of the award to be computed on the basis of the rate of exchange applicable at the date such expenditures were incurred, and (2) with respect to "payment of the fair value of supplies used", that the award shall be made in dollars, the amount of the award to be computed in accordance with the provisions of § 507.203.

(b) The word "compensated" as employed in section 7 (h) (1) (B) of the act shall be deemed to include a computation of the loss or damage sustained, deducting therefrom any amounts which such religious organization, as defined in § 507.201 or any person or entity, has heretofore received from, or which have been expended by the Philippine War Damage Commission or any other agency of the United States on account of the same loss or damage.

§ 507.208 *Loss or damage sustained as a consequence of the war.* Within the contemplation of section 7 (h) (1) (B) of the act, the term "loss or damage sustained as a consequence of the war" shall be deemed to include any such loss or damage which resulted directly from one or more of the following perils subsequent to December 6, 1941, and prior to August 15, 1945:

(a) Enemy attack;

(b) Action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy;

(c) Action taken by enemy representatives, civil or military, or by the representatives of any government cooperating with the enemy;

(d) Action by the Armed Forces of the United States in opposing, resisting, or expelling the enemy from the Philippines;

(e) Looting, pillage, or other lawlessness or disorder accompanying the collapse of civil authority determined by the Commission to have resulted from any of the other perils enumerated in this section or from control by enemy forces.

§ 507.209 *"Other property or facilities connected with" within the meaning of section 7 (h) (1) (B) of the act.* The term "other property or facilities connected with" within the meaning of section 7 (h) (1) (B) of the act shall be deemed to include any property, both real and personal, owned by such religious organization, as defined in § 507.201, which was substantially used and necessarily maintained in the operation of its schools, colleges, universities, scientific observatories, hospitals, dispensaries, and orphanages in the furtherance of its work in the fields of education, medicine and welfare.

§ 507.210 *Educational, medical and welfare work within the meaning of section 7 (h) (1) (B) of the act.* Educational, medical and welfare work shall be deemed to include those programs, curricula and other duly constituted procedures and services essential to the functioning of educational, medical and welfare institutions, and regularly offered by such schools, colleges, universities, scientific observatories, hospitals, dispensaries and orphanages.

§ 507.211 *Cost of replacement.* The term "cost of replacement" as used in the phrase "postwar cost of replacement" for purposes of section 7 (h) (4) of the act

shall be the amount determined to be fair and equitable for the 12-month period ending October 1, 1952, as determined by the Commission, required to restore the property lost or damaged as a consequence of the war as provided in § 507.-208 to the same actual functional capacity or degree of usefulness as existed immediately prior to the loss or damage.

7. In § 515.1, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

(d) Any award made to a religious organization under section 7 (h) of the act will be certified to the Secretary of the Treasury for payment to an organization or individual in the United States designated by the claimant, and in the case of claims under clause (B) of paragraph (1) of section 7 (h) such religious organization or individual in the United States shall be required to certify that all money paid on said claim and received by the designated organization or individual will be used for the purpose of restoring the educational, medical, and welfare facilities described in the claims and located in the Philippines.

(Sec. 2, 62 Stat. 1240, 50 U. S. C. App. 2001)

These amendments to the regulations shall become effective upon filing with the FEDERAL REGISTER.

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 56-6899; Filed, Aug. 24, 1956, 8:50 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 52]

FEES FOR INSURED MAIL

NOTICE OF PROPOSED RULE MAKING

The Post Office Department proposes to revise the fees for insured mail, and to make other changes in the regulation relating to insured mail service, as indicated in the proposed amendments to §§ 52.2 and 52.3 of Title 39, Code of Federal Regulations, set forth below.

However, before he makes the proposed changes effective, the Postmaster General desires to afford patrons of the postal service an opportunity to present such written views as they may care to make with respect to the proposed amendments. Such written views may be submitted to Albert J. Robertson, Assistant Postmaster General and Controller, Bureau of Finance, Post Office Department, Washington 25, D. C., at any time prior to September 22, 1956.

1. In § 52.2 *Fees* amend the table in paragraph (a) to read as follows:

Liability:	*Fee*
$0.01 to $10	$0.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

Liability for insured mail is limited to $200.

2. In § 52.3 *Mailing* amend subparagraph (1) of paragraph (d) to read as follows:

(1) Parcels on which the 10-cent fee is paid are not numbered and should be listed on separate sheets or grouped together. Prepare only one copy.

(R. S. 161, 396, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-6904; Filed, Aug. 24, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 81B]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

MANUAL TO BE MADE IMMEDIATELY EFFECTIVE; WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING

AUGUST 13, 1956.

On May 15, 1956, a notice of proposed rule making concerning this matter was published in the FEDERAL REGISTER (21 F. R. 3188). This draft release proposed to incorporate into the uniform system presently in effect certain important changes embodied in the revised system scheduled to become effective on January 1, 1957.

Subsequently, the industry requested and was granted a substantial extension of time within which to file its comments. Upon consideration of these comments, it appears that the industry may require some additional time to make the necessary conversions to the new accounting system. Furthermore, it does not appear that any significant time could be saved by immediate implementation of these provisions.

In view of the foregoing circumstances the Board finds that it is proper to withdraw the provisions of the aforementioned notice so that the industry will have until January 1, 1957, to complete the task of converting its internal accounting procedures to conform to the modified provisions of the new system. Accordingly, the Board hereby withdraws Draft Release No. 81.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 56-6886; Filed, Aug. 24, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

CLAUDE S. LAWSON

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Claude S. Lawson on July 25, 1956 in the Department of the Army. Mr. Lawson is serving as Chief of the Birmingham Ordnance District, Birmingham, Alabama.

Mr. Lawson is presently employed by United States Pipe and Foundry Company, Birmingham, Alabama.

Mr. Lawson's statement of his personal business interests is set forth below.

Dated: August 20, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interest

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

United States Pipe and Foundary Company: Chairman of the Board of Directors, President and Director.
Louisville & Nashville Railroad Company: Director.
Birmingham Trust National Bank: Director.
Jefferson Federal Savings & Loan Association: Director.
Birmingham Fire Insurance Company: Director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

United States Pipe and Foundry Company: Stockholder.
Louisville & Nashville Railroad Company: Stockholder.
Birmingham Trust National Bank: Stockholder.
Birmingham Fire Insurance Company: Stockholder.
Nashville, Chattanooga and St. Louis Railway: Stockholder.
Vulcan Life Insurance Company: Stockholder.
Independence Life Insurance Company: Stockholder.
Servo Mechanisms: Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

None.

Dated: July 25, 1956.

C. S. LAWSON.

[F. R. Doc. 56-6860; Filed, Aug. 24, 1956; 8:45 a. m.]

RALPH M. BESSE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Ralph M. Besse on July 26, 1956, in the Department of the Army. Mr. Besse is serving as Chief of the Cleveland Ordnance District, Cleveland, Ohio.

Mr. Besse is presently employed by the Cleveland Electric Illuminating Company, Cleveland, Ohio.

Mr. Besse's statement of his personal business interest is set forth below.

Dated: August 20, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

United States Pipe and Foundry Company: Stockholder.
Louisville & Nashville Railroad Company: Stockholder.
Birmingham Trust National Bank: Stockholder.
Birmingham Fire Insurance Company: Stockholder.
Nashville, Chattanooga and St. Louis Railway: Stockholder.
Vulcan Life Insurance Company: Stockholder.
Independence Life Insurance Company: Stockholder.
Servo Mechanisms: Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

Answers to foregoing questions:

1. Officer and Director—Cleveland Electric Illuminating Co. Director—Cleveland Trust Co.
2. Bank of America, Canada General Fund, Ltd., Cleveland Electric Illuminating Co., Cleveland Trust Co., Dow Chemical Company, Gerber Products Co., Massachusetts Investment Trust, Controls Corporation of America, National Screw & Mfg. Co., Ohio Oil Co., Producing Properties, Inc., Socony Mobil Oil Co., Standard Oil of New Jersey, Television Electronics Fund, United States Gypsum Co., Diamond Portland Cement Co.
3. None.
4. None.

Dated: July 26, 1956.

RALPH M. BESSE.

[F. R. Doc. 56-6861; Filed, Aug. 24, 1956; 8:45 a. m.]

HARRY S. ROBINSON

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Harry S. Robinson on July 24, 1956, in the Department of the Army. Mr. Robinson is serving as Chief of the Cincinnati Ordnance District, Cincinnati, Ohio.

Mr. Robinson is presently retired.

Mr. Robinson's statement of his personal business interests is set forth below.

Dated: August 20, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests;

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner; and

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interests.

Answers to foregoing questions:

1. Director, Hamilton-Ferro Com., Cincinnati, Ohio; Director, Technical Equipment Co., Cincinnati, Ohio.
2. Borg-Warner Corp., Food Machinery & Chemical Co., General Electric Co., General Portland Cement Co., Halliburton Oil Well Cementing Co., McGraw Hill Publishing Co., Monarch Machine Tool Co., Republic Steel Co., Southern Co., Standard Oil of California, Standard Oil of Indiana, Standard Oil of New Jersey, West Pennsylvania Electric Co., Central Trust Co., Cincinnati, Fifth-Third Union Trust, Cincinnati, U. S. Shoe Corp., Cincinnati, Hamilton-Ferro Com., Cincinnati, Technical Equipment Co., Cincinnati, American Gas & Electric Co., Cincinnati Enquirer.
3. None.
4. None.

Dated: July 24, 1956.

HARRY S. ROBINSON.

[F. R. Doc. 56-6862; Filed, Aug. 24, 1956; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 148]

ORIENT INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 22, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $480,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of Principal Executive Office and State in which incorporated: Orient Insurance Company, Hartford, Connecticut.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6916; Filed, Aug. 24, 1956; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 3, Amdt. 1]

ASSISTANT AREA DIRECTOR, ADMINISTRATION, AND AREA PROPERTY AND SUPPLY OFFICER

REDELEGATIONS OF AUTHORITY WITH RESPECT TO SUPPLY AND SERVICE CONTRACTS

Order No. 3 (20 F. R. 6304), is amended as hereinafter indicated.

Section 2 is revised as follows and a new subsection is added:

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service

contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

L. P. TOWLE,
Acting Area Director.

Approved: August 21, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-6863; Filed, Aug. 24, 1956; 8:45 a. m.]

Bureau of Land Management

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Wyoming National Guard has filed an application, Serial No. Wyoming 029381, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but excluding the mineral leasing laws subject to the following condition:

Future oil and gas leases or present leases when extended, on the lands described within this withdrawal shall contain the stipulation that drilling will not be conducted within the withdrawn area except during periods from September 1, to April 1, unless the oil and gas lessee and/or operator can negotiate an agreement with the Wyoming National Guard to discontinue the use of the range during the period of such drilling, and in the event of discovery of oil or gas, that the Wyoming National Guard be reimbursed for expenditures on the withdrawn area so that it could establish a similar rifle range elsewhere.

The applicant desires the land for use as a National Guard Rifle Range.

For a period of thirty days from date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 409, Federal Office Building, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 93 W.,
Sec. 2: All;
Sec. 3: All;
Sec. 10: All;
Sec. 11: All;
Sec. 14: All;
Sec. 15: All;
Sec. 22: Lots 1, 2, 3, 4, N½, NE¼SE¼;
Sec. 23: All.
T. 48 N., R. 93 W.,
Sec. 34: S½;
Sec. 35: S½.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6869; Filed, Aug. 24, 1956; 8:47 a. m.]

[W-042284]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application, Serial No. Wyoming 042284, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for use as an experimental area in furtherance of the Act of May 22, 1928 (45 Stat. 699) as amended.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIGHORN EXPERIMENTAL RANGE

T. 55 N., R. 89 W.,
Sec. 2: Lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 3: Lots 1, 2, 3, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 10: N½NE¼, NE¼NW¼;
Sec. 11: N½NW¼, NW¼NE¼;
T. 56 N., R. 89 W.,
Sec. 34: S½SE¼, SE¼SW¼;
Sec. 35: S½SW¼, SW¼SE¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6870; Filed, Aug. 24, 1956; 8:47 a. m.]

[W-043372]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 043372, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for camp grounds, winter sports areas, and administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BIGHORN NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN, WYOMING

Five Springs Camp Grounds and Winter Sports Area:
T. 56 N., R. 92 W.,
Sec. 20: SE¼SW¼NW¼, S½SE¼NW¼, SW¼NE¼, SE¼NE¼, E½NW¼SW¼, NE¼SW¼, NW¼SE¼, NE¼SE¼, NE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼, NW¼SE¼SE¼;
Sec. 21: S½SW¼NW¼, N½NW¼SW¼.
Bald Mountain Camp Grounds:
T. 56 N., R. 91 W.,
Sec. 30: S½ of lot 1, lot 2, S½NE¼NW¼, S½NW¼NE¼, SE¼NW¼, SW¼NE¼.
Porcupine Creek Recreation Area:
T. 56 N., R. 91 W.,
Sec. 7: lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 18: lots 1, 2, 3, 4, E½W½, N½N½NE¼.
T. 56 N., R. 92 W.,
Sec. 12: all;
Sec. 13: lots 1, 2, 3, 4, W½E½, N½NW¼.
Medicine Wheel Ranger Station Administrative Site:
T. 56 N., R. 91 W.,
Sec. 17: S½NW¼NW¼, SW¼NW¼, NW¼SW¼, N½SW¼SW¼;
Sec. 18: S½NW¼NE¼, S½NE¼NE¼, N½SW¼SE¼, N½SE¼SE¼.
Burgess Ranger Station Administrative Site:
T. 56 N., R. 89 W.,
Sec. 25: SW¼, W½W½SE¼;
Sec. 26: SE¼NE¼SE¼, E½SE¼SE¼;
Sec. 35: E½E½NE¼;
Sec. 36: NW¼, NW¼SW¼, W½NE¼SW¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-6871; Filed, Aug. 24, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated. The number of learners authorized is indicated:

Bay Slacks, Inc., Bay Minette, Ala.; effective 8-13-56 to 4-5-57; 10 percent of factory production workers (men's dress slacks) (replacement certificate).

Bridgeport Pants Co., Inc., 54 West Fourth St., Bridgeport, Pa.; effective 8-13-56 to 8-12-57; 10 percent of factory production workers (men's dress pants).

Cardinal Cottons Corp., 135 East Chestnut Street, Coatesville, Pa.; effective 8-10-56 to 8-9-57; 10 percent of factory production workers (women's cotton dresses and dusters).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 8-9-56 to 8-8-57; 10 percent of factory production workers (boys' cotton, rayon, wool, and synthetic fiber outerwear).

Fuller Sportswear Co., Broad and Union Streets, Fullerton, Pa.; effective 8-15-56 to 8-14-57; 10 percent of factory production workers (women's and children's blouses).

Horse Cave Manufacturing Co., Horse Cave, Ky.; effective 8-8-56 to 2-7-57; 20 learners for plant expansion purposes (men's pants, hobby jeans, sport jackets).

Kent Sportswear, Inc., Beech Street, Curwensville, Pa.; effective 8-7-56 to 8-6-57; 10 percent of factory production workers (men's outerwear).

Lehigh Valley Shirt Manufacturing Co., 428 Union Street, Allentown, Pa.; effective 8-13-56 to 8-12-57; 10 percent of factory production workers (ladies' blouses and men's shirts).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 8-10-56 to 8-9-57; 10 learners (men's work shirts and pants).

Miss Fashion, Inc., Sixth and Hickory Streets, Mount Carmel, Pa.; effective 8-7-56 to 8-6-57; 5 learners (ladies' woven pajamas, nightgowns, etc.).

Mylecraft Manufacturing Co., Inc., South Main Plant, Rich Square, N. C.; effective 8-8-56 to 8-7-57; 5 learners (ladies' robes).

New England Industries, Inc., 40-50 Church Street, Pawtucket, R. I.; effective 8-8-56 to 8-7-57; 10 percent of factory production workers (raincoats).

Phoenix Fashions, 1915 North Main Avenue, Scranton, Pa.; effective 8-9-56 to 8-8-57; 5 learners (dresses).

J. Rogat Shirt Co., 55-61 Broadway, Bangor, Pa.; effective 8-9-56 to 8-8-57; 5 learners (men's shirts).

The Shirtcraft Co., Inc., 300 North Cedar Street, Hazelton, Pa.; effective 8-19-56 to 8-18-57; 10 percent of factory production workers (men's sport shirts and outerwear).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-56 to 8-17-57; 10 percent of factory production workers (men's and boys' nightwear).

Star Coat Co., 53 Hanover Street, Boston, Mass.; effective 8-13-56 to 8-12-57; 3 learners (raincoats).

Welsrog Manufacturing Co., 55-61 Broadway, Bangor, Pa.; effective 8-9-56 to 8-8-57; 5 learners (women's blouses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Pennstate Cigar Corp., 426 East Allegheny Avenue, Philadelphia, Pa.; effective 8-13-56 to 8-12-57; 10 percent of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Elizabeth Meade Hosiery Mill, Inc., Hawkins Street, Burlington, N. C.; effective 8-10-56 to 8-9-57; 5 learners for normal labor turnover purposes (seamless).

Paul Knitting Mills, Inc., Pulaski, Va.; effective 8-9-56 to 8-8-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Stanly Knitting Mills, Inc., Oakboro, N. C.; effective 8-9-56 to 2-28-57; 5 learners for normal labor turnover purposes (full-fashioned and seamless) (replacement certificate).

Swink Hosiery Mills, New River, N. C.; effective 8-13-56 to 8-12-57; 5 learners for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Athens, Tenn.; effective 8-9-56 to 2-8-57; 25 learners for plant expansion purposes (full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Milan Telephone Co., Milan, Mo.; effective 8-13-56 to 8-12-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Beeren Knitwear, Inc., Clover, S. C.; effective 8-9-56 to 8-8-57; 5 learners for normal labor turnover purposes (men's and boys' T-shirts).

Beeren Knitwear, Inc., Clover, S. C.; effective 8-9-56 to 2-8-57; 10 learners for plant expansion purposes (men's and boys' T-shirts).

Rockwell Manufacturing Corp., St. Paul, Va.; effective 8-9-56 to 2-8-57; 10 learners for plant expansion purposes (ladies' slips).

Wonderknit Corp., Plant No. 1, 120 West Grayson Street, Galax, Va.; effective 8-9-56 to 2-8-57; 10 learners for plant expansion purposes (knitted shirts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of August 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 56-6872; Filed, Aug. 24, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. L. ZIEGLER, INC., AND MARION SHIPPING AGENCY, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8133 between H. L. Ziegler, Inc. of Houston Texas and Maron Shipping Agency, Inc., New York, New York, is a cooperative working arrangement under which the parties perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 22, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-6887; Filed, Aug. 24, 1956; 8:50 a. m.]

Office of the Secretary

IRVING P. MACAULEY

STATEMENT OF CHANGE IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R., 1329.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 13, 1956.

Dated: August 18, 1956.

I. P. MACAULEY.

[F. R. Doc. 56-6915; Filed, Aug. 24, 1956; 8:51 a. m.]

LEWIS P. FAVORITE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Lewis P. Favorite.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 8, 1956.
4. Title of position: Director, Aluminum & Magnesium Division.
5. Name of private employer: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh 19, Pa.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminum Company of America, Dow Chemical Company, General Electric Company, General Motors Corporation, National Aviation Corporation, Sears Roebuck Company, United States Steel Corporation, Bank Deposits.

Dated: August 14, 1956.

LEWIS P. FAVORITE.

[F. R. Doc. 56-6914; Filed, Aug. 24, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2396 et al.]

EASTERN AIR LINES, INC., ET AL.; GREAT LAKES-SOUTHEAST SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc., and other applicants for certificates or amendments of certificates of public convenience and necessity in the consolidated proceeding known as the Great Lakes-Southeast Service Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on September 11, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick, is postponed and reassigned for hearing on September 18, 1956, at 10:00 a. m., e. d. s. t., in the U. S. Department of Commerce Auditorium, Fourteenth and Constitution Avenues NW., Washington, D. C.

Dated at Washington, D. C., August 21, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-6885; Filed, Aug. 24, 1956; 8:50 a. m.]

[Docket No. 8055]

RAILWAY EXPRESS AGENCY, INC.; VALUATION CHARGES

NOTICE OF HEARING

In the matter of the increased valuation and C. O. D. charges proposed by Railway Express Agency, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404, and 1002 thereof, the above-entitled proceeding is assigned for hearing on September 10, 1956 at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented herein, particular attention will be directed to the following questions:

1. Are the increased charges for excess valuation just and reasonable?

(a) Are the increased charges for excess valuation reasonably related to the risks involved?

2. Are the increased charges on C. O. D. shipments just and reasonable?

(a) Are the increased charges for C. O. D. shipments reasonably related to the costs incurred?

3. Are charges for c. o. d. shipments unjustly discriminatory?

For further details concerning the issues herein reference is made to the material filed in the Docket of this proceeding at the Civil Aeronautics Board, particularly order No. E-10352 and the prehearing conference report served July 18, 1956.

Notice is further given that any person other than parties of record desiring to be heard herein shall file with the Board on or before September 10, 1956, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., August 21, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-6884; Filed, Aug. 24, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2657 etc.]

JAKE L. HAMON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

In the matters of Jake L. Hamon et al., Docket No. G-2657; Warren Petroleum Corporation, Docket No. G-2682; Associated Oil and Gas Company for itself and as Agent for Huskey Oil Company, E. W. Ogden and L. B. Herring, Docket No. G-2683; Sultex Oil and Gas Corporation,[1] Docket No. G-2718; Phillips Petroleum Company; Docket Nos. G-2811, G-2857, G-6808, G-8725, G-8739, G-9191, G-9300, G-9708; J. B. Dial, R. C. Oberthier, and W. H. Oberthier, Docket No. G-3020; Lynn Drilling Company, Docket No. G-3152; Burdette Graham, Operator, Docket No. G-4026; Sunray Mid-Continent Oil Company,[2] Docket Nos. G-4268, G-4416, G-8663, G-8791, G-8825, G-9530, G-9782; H. F. Sears, Docket No. G-4507; San Salvador Development Company, Inc., Docket No. G-4534; The Hefner Production Company, Docket No. G-4684; Carl V. Benz et al., Docket No. G-4794; The Carter Oil Company, Docket No. G-4988; La.-Tex Petroleum Products Corporation, Docket No. G-5233; The Sharples Oil Corporation, Docket No. G-6079; John M. Hickey et al., Docket No. G-6520; Hawn Bros. et al., Docket No. G-6806; Phillips Chemical Company, Docket No. G-6809; Big "6" Drilling Company, Docket No. G-6874; Claud B. Hamill, Docket No. G-6945; Ralph R. Gilster et al., Docket No. G-7099; H. W. Perritt, Docket No. G-7316; John C. Robbins, Jr., Individually and as Independent Executor of the Estate of John C. Robbins, Sr., Deceased, and Dorothy Robbins Sage, Docket No. G-7683; L. B. Hatch et al., Docket No. G-7880; Veva L. Borton, Docket No. G-7916; Aurora Gasoline Company, Docket No. G-8152; Gulf Oil Corporation, Docket No. G-8155; Foster Petroleum Corporation, Docket No. G-8239; Utah Oil Refining Company, Docket No. G-8291; John B. Hawley, Jr., Docket No. G-8294; Northern Pump Company et al., Docket No. G-8476; William Graham Oil Company, Docket No. G-8486; The Atlantic Refining Company, Docket Nos. G-8521, G-9393, G-9484, G-9625; Placid Oil Company, Docket No. G-8586; Stanolind Oil and Gas Company, Docket Nos. G-8612, G-8708; Walter Kuhn, Operator, Docket No. G-8761; Acme Oil Corporation, Docket No. G-8917; Aylward Drilling Company, filing for itself and on behalf of Harry Beren, et al., Docket No. G-9006; Humble Oil and Refining Company, Docket No. G-9008; John R. LeBosquet, Docket No. G-9028; Otto C. Neumann et al., Docket No. G-9032; Davis-Wharton Drilling Company, Docket Nos. G-9050, G-9051; Pennowa Oil and Gas Company, Docket No. G-9075; Simon Lebow et al., Docket No. G-9192; North American Petroleum Company, Docket No. G-9252; Amerada Petroleum Corporation, Docket No. G-9314; W. H. Helmerich III et al., Docket No. G-9495; G. N. McDaniel, Jr., and or Power Petroleum Company, Docket No. G-9582.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

2657; N. E. Roady Field, Garvin County, Okla.; Lone Star Gas Company.

2682, 2683; Trans-Tex Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

2718; South Pincon Field (Barbacoas), Starr County, Tex.; Tennessee Gas Transmission Company.

2811; Ivan Field, Bossier Parish, La.; Arkansas Louisiana Gas Company.

2857; Lazy "J" Pennsylvania Field, Lea County, N. Mex.; Warren Petroleum Corporation,

[1] Sultex Oil and Gas Corporation was changed from Sotex Oil and Gas Corporation by charter amendment dated April 18, 1955.

[2] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company.

3020; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

3152; Big Mineral Creek Field, Grayson County, Tex.; Texas Natural Gasoline Corporation; H. W. Bass and Sons, Inc.

4026; Robstown Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

4268; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

4416; Tubb Gas and Blineberry Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

4507; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.

4534; San Salvador Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

4684; Keyes Field, Cimarron and Texas Counties, Okla.; Colorado Interstate Gas Company.

4794; Lissie Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

4988; Cedar Creek Field, Bowman County, N. Dak.; Montana Dakota Utilities Company.

5233; South Crowley Field, Acadia Parish, La.; also gas purchased from Phillips Petroleum Company, et al.; Tennessee Gas Transmission Company.

6079; Barnhart Field, Reagan County, Tex.; Barnhart Hydrocarbon Corporation.

6520; Millcreek Township, Clarion County, Pa.; United Natural Gas Company.

6806; Scott and Hopper Fields, Brooks County, Tex.; Tennessee Gas Transmission Company.

6808, 6809; South Crowley Field, Acadia Parish, La.; Louisiana-Texas Petroleum Products Corporation.

6874; Calallen Field, Nueces and San Patricio Counties, Tex.; Tennessee Gas Transmission Company.

6945; Nada Field, Area, Wharton County, Tex.; Tennessee Gas Transmission Company.

7099; South Hallsville Area, Harrison County, Tex.; Tennessee Gas Transmission Company.

7316; Ivan Field, Webster and Bossier Parishes, La.; Arkansas Louisiana Gas Company.

7683; Willow Springs Field, Gregg County, Tex.; Arkansas Louisiana Gas Company.

7880; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

7916; Leases in Nowata County, Okla.; Cities Service Gas Company.

8152; Leases in Barber County, Kans.; Cities Service Gas Company.

8155; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

8239; West Panhandle Field, Moore County, Tex.; Phillips Petroleum Company.

8291; Powder Wash Area, Moffat County, Colo.; Mountain Fuel Supply Company.

8294; Hugoton Field, Haskell County, Kans.; Cities Service Gas Company.

8476; Hugoton Field, Finney County, Kans.; Northern Natural Gas Company.

8486; Hugoton Field, Stanton County, Kans.; Cities Service Gas Company.

8521; Hobbs Field, Lea County, N. Mex.; Phillips Petroleum Company.

8586; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

8612; Hugoton Field, Seward County, Kans.; Northern Natural Gas Company.

8663; Beaurline Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

8708; Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

8725; Fox Pool, Carter County, Okla.; Signal Oil and Gas Company.

8739; West Panhandle Field, Hutchinson County, Tex.; Northern Natural Gas Company.

8761; Kansas-Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company.

8791; Rincon and Flores Fields, Starr and Hidalgo Counties, Tex.; Tennessee Gas Transmission Company.

8825; El Panal Field, Starr County, Tex.; Tennessee Gas Transmission Company.

8917; Hugoton Field, Haskell County, Kans.; Northern Natural Gas Company.

9006; Whelan Oil and Gas Field, Barber County, Kans.; Cities Service Gas Company.

9008; Spraberry Area, Reagan County, Tex.; El Paso Natural Gas Company.

9028; Nurse Field, Barber County, Kans.; Cities Service Gas Company.

9032; Acreage in Barber County, Kans.; Cities Service Gas Company.

9050, 9051; Mayflower Field, Grant County, Okla.; Consolidated Gas Utilities Corporation.

9075; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

9191; Jal Field, Lea County, N. Mex.; Gulf Oil Corporation.

9192; Borger Area, Hutchinson County, Tex.; Phillips Petroleum Company.

9252; North Merrick Field, Logan County, Okla.; Gas Transmission Company.

9300; Brahaney Field, Yoakum County, Tex.; Shell Oil Company; Coltexo Corporation.

9314; Greenwood Field, Morton County, Kans., Baca County, Colo.; Colorado Interstate Gas Company.

9393; Hardtner Area, Barber County, Kans.; Cities Service Gas Company.

9484; East Lovington Field, Lea County, N. Mex.; Skelly Oil Company.

9495; Hugoton Field, Haskell County, Kans.; Northern Natural Gas Company.

9530; North Hostetter Field, McMullen County, Tex.; Tennessee Gas Transmission Company.

9582; Texas Panhandle Field, Hutchinson County, Tex.; Shamrock Oil and Gas Corporation.

9625; Riverton Dome Field, Fremont County, Wyo.; Northern Utilities Company.

9708; West Panhandle Field, Moore and Hutchinson Counties, Tex.; Shamrock Oil and Gas Corporation.

9782; Hugoton Field, Kearny County, Kans., Kansas Colorado Utilities Inc.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Issued: August 21, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6874; Filed, Aug. 24, 1956; 8:48 a. m.]

[Docket No. G-10000]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF SUPPLEMENTAL APPLICATION

AUGUST 21, 1956.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation, having its principal place of business in Houston, Texas, filed on July 20, 1956, pursuant to section 7 of the Natural Gas Act, a Supplemental Application for a certificate of public convenience and necessity, authorizing the construction and operation of certain facilities in addition to those set out in its original application in Docket No. G-10000 as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its said Supplemental Application, which is on file with the Commission and open for public inspection.

Transco's original application was filed on February 27, 1956 and noticed on April 20, 1956. Hearings are currently in progress before this Commission on the original application.

Transco states in its Supplemental Application that it proposes to construct and operate 73.84 miles of 30" and 36" loop lines along its main transmission system in addition to the facilities described in its original application. These facilities are to be constructed in 1957.

Transco estimates that the cost of these additional facilities is approximately $8,550,000, which will be met out of a financing program of Transco, involving the issuance of bonds and debentures.

Transco proposes to utilize these additional facilities:

(1) To provide an additional capacity of 20,000 Mcf per day above the 40,000 Mcf of capacity provided in its original application, or an aggregate of 60,000 Mcf per day of capacity for delivery of natural gas to the Tidewater Areas of North Carolina, and South Carolina and

(2) To eliminate the bottleneck heretofore existing on Transco's system and to avoid the accumulation of idle capacity below Transco's Compressor Station 16 by providing 40,000 Mcf per day of additional capacity above that proposed in its original application for delivery of said quantity of gas anywhere on its system above station 16 and to utilize initially said 40,000 Mcf per day of capacity above station 16 for the sale and delivery of "E" gas to its northern customers and for the transportation of gas to Sun Oil Company on an interruptible basis.

In addition, Transco proposes in its said Supplement to render service to the following intervenors in Docket No. G-

10000 who were not listed as proposed customers in the original application: The United Gas Improvement Company, Abbeville Natural Gas Company, the Cities of Laurence, Greer and Simpsonville, South Carolina, and the Cities of Greensboro and Union Point, Georgia.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6d75; Filed, Aug. 24, 1956; 8:48 a. m.]

[Docket No. G-10942]

M. H. MARR

ORDER SUSPENDING PROPOSED CHANGES IN RATES

M. H. Marr (Applicant) on July 23, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated July 20, 1956; Louisiana-Nevada Transit Co.; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 6; August 22, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until January 22, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 20, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-6876; Filed, Aug. 24, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

[Project No. 2211]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 21, 1956.

Public notice is hereby given that Public Service Company of Indiana, Inc., of Plainfield, Indiana, has filed an application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2211 located on the Ohio River at the proposed highlift U. S. Government Markland Navigation Dam, approximately one mile upstream from Markland, in Switzerland County, Indiana, affecting navigable waters of the United States and utilizing surplus water or water power from the United States' Markland Navigation Dam, and consisting of a powerhouse located at the Indiana end of the Markland Dam with installed capacity of 80,000 kilowatts; a substation; and a transmission line to deliver project energy to the applicant's existing transmission system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is October 4, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6877; Filed, Aug. 24, 1956; 8:48 a. m.]

[Docket Nos. E-6703, E-6704]

INTERSTATE POWER CO. AND NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

AUGUST 21, 1956.

Take notice that Interstate Power Company (Interstate) and Northern States Power Company (Northern), by separate applications filed August 20, 1956, seek authorization, pursuant to section 203 of the Federal Power Act, for the sale and transfer by Interstate of the electric transmission and distribution systems and related rights and assets constituting its "Waconia Area" properties located in the State of Minnesota, and the purchase and acquisition of the same by Northern.

Interstate's application (E-6703) shows it to be a corporation organized and existing under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Illinois, Iowa, Minnesota, and South Dakota, having its principal place of business in Dubuque, Iowa. Northern's application (E-6704), shows it to be a corporation organized and existing under the laws of the State of Minnesota, qualified to do business as a foreign corporation in the States of North Dakota and South Dakota, having its principal place of business in Minneapolis, Minnesota.

The proposed transaction between the companies would be carried out in accordance with an agreement of sale dated July 26, 1956, between Interstate and Northern. Under that agreement, Northern would pay a base cash purchase price of $2,275,000, subject to closing adjustments, which consideration is said to have been arrived at by arm's-length bargaining. According to Interstate's application, the properties to be sold constitute all of the real estate included in 16 parcels which it owns in the Waconia area, all of the transmission lines, sub-stations and urban and rural distribution systems located in Carver, Hennepin, McLeod, Sibley, Scott and Wright counties, Minnesota, all of the franchises and other rights pertinent to said electric systems and all customer and merchandise accounts receivable, unbilled revenue, materials and supplies and merchandise and appliances appurtenant to said electric systems. Interstate's application further states that the properties proposed to be sold are isolated from the remainder of its utility system and for many years they have been connected with the generating and transmission system of Northern, from whom Interstate has heretofore purchased all of the electric energy requirements of the general public served by the electric transmission and distribution systems proposed to be sold; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to either application, should on or before the 14th day of September 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6908; Filed, Aug. 24, 1956; 8:51 a. m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION

RELIGIOUS ORGANIZATIONS IN PHILIPPINES[1]

FILING OF CLAIMS FOR COMPENSATION FOR RELIEF

Notice is hereby given that pursuant to Public Law No. 997, 84th Congress, approved August 6, 1956, which amended the War Claims Act of 1948, as amended, the Foreign Claims Settlement Commission of the United States will receive, during the 6-month period ending at midnight February 6, 1957, claims by any religious organization functioning in the Philippines during World War II and of the same denomination as a religious organization functioning in the United States in accordance with the terms and conditions prescribed in such Public Law and in accordance with the regulations of the Commission made with respect thereto.

Public Law No. 997, 84th Congress, in adding new subsection (h) to section 7 of the War Claims Act of 1948, as amended, authorizes the filing of claims by such religious organizations for compensation for relief furnished in the Philippines during World War II to members of the armed forces of the United States and civilian American citizens, and claims for compensation for war damage to educational, medical and welfare property of such organizations if they furnished relief as prescribed in subsection (a) of section 7 of the act. Payments cannot be made under Public Law 997 to any such organization which has previously received an award under section 7 (a) or 7 (b). Similarly, no payments for war damages can be made under Public Law 997 to any such religious organization unless it received an award for war damages from the Philippine War Damage Commission under the provisions of the Philippine Rehabilitation Act of 1946, as amended.

The basis of any claim by an eligible organization, under Public Law 997 is generally the same as that provided for in the case of claims filed under sections 7 (a) and 7 (b) of the War Claims Act of 1949, as amended.

Dated: August 17, 1956.

By the Commision.

ANDREW T. MCGUIRE, *General Counsel.*

[F. R. Doc. 56-6888; Filed, Aug. 24, 1956; 8:50 a. m.]

[1] See Title 45, Chapter V, Parts, 505, 507, and 515, *supra.*

GENERAL SERVICES ADMINISTRATION

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO LEASE OF SPACE AT HONOLULU, TERRITORY OF HAWAII

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of Commerce to procure by lease for a term not in excess of five years, in accordance with section 3 of the act of August 27, 1935, as amended (40 U. S. C. 304c), necessary storage, shop, and related space at Honolulu, Territory of Hawaii.

2. Any such lease shall be executed by June 30, 1957, and may be amended or renewed from time to time, but any single renewal for longer than one year shall require approval of the Administrator of General Services.

3. The Secretary of Commerce may redelegate this authority to any officer or employee of the Department of Commerce.

4. This delegation of authority is effective immediately.

Dated: August 21, 1956.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-6923; Filed, Aug. 24, 1956; 8:57 a. m.]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY AUTHORIZING NEGOTIATION FOR SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS; ALASKA PUBLIC WORKS PROGRAM

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending September 1, 1957 to the Secretary of the Interior, to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of architectural and engineering firms in connection with the construction activities under the Alaska Public Works Program authorized by the act of August 24, 1949 (63 Stat. 627), as amended by the act of July 15, 1954 (68 Stat. 483).

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

5. The prior delegation of authority on the same subject to the Secretary of the Interior, dated August 22, 1955 (20 F. R. 6307), is hereby superseded.

Dated: August 21, 1956.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-6924; Filed, Aug. 24, 1956; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3499]

UTAH POWER & LIGHT CO.

ORDER APPROVING PROPOSED AMENDMENT OF CERTIFICATE OF ORGANIZATION AND BY-LAWS CHANGING COMMON STOCK FROM NO-PAR TO PAR, SPLITTING EACH PRESENT SHARE INTO TWO SHARES, AND INCREASING AUTHORIZED NUMBER OF SHARES

AUGUST 21, 1956.

Utah Power & Light Company ("Company"), a registered holding company which is also a public-utility company, has filed with this Commission a declaration and an amendment thereto pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 thereunder regarding the following proposed transactions:

Pursuant to its Certificate of Organization and By-Laws, as amended, the Company is authorized to issue 2,500,000 shares of Common Stock without par value, of which there are issued and outstanding 2,220,000 shares having a stated value of $56,771,563.38, or approximately $25.58 per share. The Company proposes: (1) To transfer $60,436.62 from its earned surplus to its capital stock account, resulting in a stated value of $25.60 per share for each share of its Common Stock presently outstanding; and thereupon (2) to amend its Certificate of Organization and By-Laws so as (a) to increase the authorized Common Stock from 2,500,000 shares without par value to 7,500,000 shares with a par value of $12.80 per share, (b) to change the outstanding Common Stock from 2,220,000 shares without par value to 4,440,000 shares with a par value of $12.80 per share, and (c) to authorize its Board of Directors to fix the consideration, not less than the par value, at which the Company may issue and dispose of its par value stock.

The Company proposes to hold a special meeting of its stockholders on October 8, 1956, to consider and act upon the proposals aforesaid, and to solicit proxies in favor of the proposed amendments. When the proposed charter amendment becomes effective, the old no-par common shares will represent an equal number of new $12.80 par value shares; and certificates representing an additional share of new $12.80 par value Common Stock for each outstanding share of no-par value stock will be mailed to holders of record.

The proposed transactions have been approved by the Idaho Public Utilities Commission and by the Public Service Commission of Wyoming, the only other regulatory commissions which, in the opinion of the Company's counsel, have jurisdiction in the matter.

Total fees and expenses paid and to be paid by the Company in connection with said transactions are estimated at $30,000, including legal fees in the amount of $2,500.

Due notice of the filing of said declaration having been given in the manner provided by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6878; Filed, Aug. 24, 1956; 8:48 a. m.]

[File No. 70-3498]

AMERICAN LOUISIANA PIPE LINE CO.

ORDER GRANTING APPLICATION REGARDING PROPOSAL TO ISSUE AND SELL TO BANKS FIVE YEAR NOTES

AUGUST 21, 1956.

American Louisiana Pipe Line Company ("American Louisiana"), a nonpublic utility subsidiary of American Natural Gas Company, a registered holding company, has filed with this Commission, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), an application and amendments thereto, regarding the following proposed transactions:

American Louisiana proposes to enter into a credit agreement providing for its borrowing, from time to time, prior to July 1, 1957, of up to $28,000,000 from the banks and in the respective amounts set forth below:

The First National City Bank of New York, N. Y.	$7,000,000
The Hanover Bank, New York, N. Y.	7,000,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	7,000,000
National Bank of Detroit, Michigan	7,000,000
Total	28,000,000

The amounts borrowed are to be evidenced by unsecured installment notes maturing in five equal amounts on December 15 of each of the years 1957 through 1961. The notes are to bear interest, with respect to the first two maturities, at the prime rate for commercial loans at The First National City Bank of New York on the dates of the respective borrowings, with a minimum rate of 3½ percent and a maximum rate of 4 percent. The rate with respect to the last three maturities is to be ¼ of 1 percent higher than such prime rate, with a minimum rate of 3¾ percent and a maximum rate of 4¼ percent. The notes are to be prepayable in whole, or in part, pro rata, without premium, except that if prepayment is made from the proceeds of other bank borrowings a prepayment premium is to be paid in an amount equal to ¼ of 1 percent per annum of the amount prepaid for the unexpired term of the notes. The company is to pay a stand-by charge equal to ¼ of 1 percent per annum on the average daily unused balance of the commitments computed from the date of the credit agreement to the date on which the aggregate borrowings equal the total aggregate commitment, or July 1, 1957, whichever is earlier. The company may reduce the commitment at any time without penalty.

Approximately $12,000,000 of the proceeds from the proposed bank loans are to be used to complete the initial development of American Louisiana's natural gas pipeline from Louisiana to Michigan. The remaining proceeds are to be used to pay the costs of expansion, estimated at $16,000,000, of such pipe line capacity beyond the initial development stage by approximately 100,000 Mcf per day, authorization for which is now being sought in proceedings before the Federal Power Commission.

It is represented that no State commission, and no Federal regulatory authority other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated as follows:

Counsel fees: Sidley, Austin, Burgess & Smith	$1,000
Accountant fees: Arthur Andersen & Co.	1,000
Service Company: American Natural Gas Service Company (at cost)	2,000
Miscellaneous	500
Total	4,500

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the applicable provisions of the act and of the rules and regulations thereunder are satisfied, and the Commission observing no basis for the imposition of terms and conditions and it further appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth herein; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application, as amended, be, and it hereby is granted, effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6879; Filed, Aug. 24, 1956; 8:49 a. m.]

[File No. 1-3243]

WARREN PETROLEUM CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 21, 1956.

In the matter of Warren Petroleum Corporation, Common Stock, File No. 1-3243.

San Francisco Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

According to advices from counsel for Warren Petroleum Corporation, all but 3,935 of its shares have been exchanged for shares of Gulf Oil Corporation capital stock pursuant to an offer of the latter by prospectus dated February 1, 1956. The Warren Petroleum Corporation stock was suspended from dealings by the applicant Exchange prior to the opening of business on August 8, 1956, and this application is based on the limited number of such shares currently outstanding.

Upon receipt of a request, on or before September 5, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6880; Filed, Aug. 24, 1956; 8:49 a. m.]

[File No. 7-1819]

HARSCO CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 22, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Harsco Corporation, Common Stock, File No. 7-1819.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 10, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6899; Filed, Aug. 24, 1956; 8:51 a. m.]

[File No. 812-1022]

SCUDDER, STEVENS & CLARK FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING OFFER BY OPEN-END COMPANY TO SELL ITS SHARES AT A PRICE OTHER THAN PUBLIC OFFERING PRICE IN CONNECTION WITH MERGER OF NON-AFFILIATED COMPANY

AUGUST 22, 1956.

Notice is hereby given that Scudder, Stevens & Clark Fund, Inc. ("Scudder"), an open-end diversified, investment company, registered under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of sections 10 (d) (4) and 22 (d) of the act the proposed issuance of shares of Scudder for substantially all of the assets of Phillips Investment Company ("PIC"), not registered under the act.

Scudder, a Massachusetts corporation, is an investment company of the kind described in section 10 (d) of the act and, as such, sells its shares to investors directly and through Scudder Fund Distributors, Inc., a wholly owned subsidiary of Scudder, at their net asset value as described in the prospectus, without the addition of any sales charge.

PIC, a Delaware corporation, is a personal holding company. PIC was founded as a family holding corporation, and holds a substantial amount of common stock of Phillips Petroleum Company. The firm of Scudder, Stevens & Clark ("Adviser"), a partnership registered with this Commission under the Investment Advisers Act of 1940, furnishes investment advice to PIC for a fee based on Adviser's standard fee schedule for such services. Adviser is also investment adviser to Scudder.

The application states that after various negotiations, an agreement and Plan of Reorganization dated June 11, 1956, was entered into between Scudder, PIC and the stockholders of PIC. The agreement provides for a sale of all the assets of PIC, less (a) certain PIC claims for refund of taxes, and (b) a cash reserve for certain expenses, in exchange for shares of stock of Scudder on the basis of the net asset value of the Scudder and PIC stock on the closing day except that the value of the PIC stock is to be reduced by an amount equal to 12½ percent of the capital gains which would be realized for Federal income tax purposes if the PIC assets were sold at that time. PIC will distribute the Scudder shares received for its assets to its stockholders in liquidation.

The agreement also provides that PIC will, prior to the closing date, sell all assets other than investment securities, and will also sell certain investment securities set forth in the Agreement and other investment securities designated by Scudder as not suitable investments for Scudder. PIC will also realize capital gains to the extent necessary so that the percentage of PIC assets representing unrealized appreciation will approximate the percentage of Scudder's assets representing unrealized appreciation at the closing date While the unrealized appreciation of each company will thus bear the same relationship to the total assets of each company, the discount of 12½ percent of the possible capital gain of PIC was insisted upon by Scudder. The small number of holders of PIC who would become the holders of large blocks of the redeemable shares of Scudder made a discount necessary to afford protection to the existing shareholders of Scudder from the tax consequence of possible redemption by such PIC stockholders even though for tax reasons it would not be in the interests of said stockholders to redeem. The 12½ percent discount is the result of arm's-length bargaining between Scudder and PIC.

At August 9, 1956, the Scudder assets had a value of $60,078,369. Unrealized appreciation amounted to $20,216,310 or an amount which is 33.65 percent of Scudder's total assets. As of this date PIC's assets had a value of $16,580,018 of which unrealized appreciation accounted for $9,432,712 or 56.89 percent of the total. To achieve the result required in the agreement of equalizing the relative percentages of unrealized appreciation on the assets of the two companies at the date of closing, it will be necessary for PIC to sell about $6,360,000 of its investment securities. Assuming no change in market values at the date of closing, Scudder will thus acquire $15,368,743 of assets consisting of $5,437,587 of cash and $9,931,156 of investment securities with unrealized appreciation of $4,987,614. On this basis the discount on the unrealized appreciation would amount to $623,451.

Section 22 (d) of the act prohibits the sale of redeemable securities of a registered investment company except at a current public offering price described in the prospectus, with certain exceptions not pertinent here. Since PIC will receive the shares of Scudder on the basis of net asset value, less a discount as discussed above, PIC may be said to be paying more than the public offering price of Scudder's shares described in its prospectus. In addition, Scudder, as a company which complies with the requirements of section 10 (d) must also comply with section 10 (d) (4) which provides in substance that any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum. It may therefore be said that the operation of the formula would prevent Scudder from complying with the provisions of section 10 (d) (4) of the act.

Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. In all the circumstances Scudder believes that an exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the provisions of the act.

Notice is further given that any interested person may, not later than September 5, 1956 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6901; Filed, Aug. 24, 1956; 8:51 a. m.]

[File No. 70-3503]

OHIO EDISON CO.

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

AUGUST 22, 1956.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public-utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a) (1) and 10 of the act as applicable to the proposed transaction, which is summarized as follows:

Pursuant to a Sale Agreement dated August 9, 1956, between the Company and the Village of Plain City, Ohio ("Village"), the Company proposes to acquire, for a cash consideration of $410,000 (of which $102,500 has already been paid on account), the Village's generating plant other than land and buildings, and its electric distribution and street lighting systems including land and land rights necessary for the operation of such systems, together with materials and supplies and all related fixtures and appliances. The property includes five diesel engine generators with a total capacity of 1,550 Kw., 15 pole miles of overhead distribution facilities, 111 street lights, and 113 line transformers of 2,716 Kva. aggregate capacity. The property presently serves about 825 customers. The company estimates that operating revenues for the first full year of operation will approximate $110,000.

It is stated that the Village is situated within the Company's service area and in close proximity to communities presently served by the Company. Upon consummation of the acquisition, the property will be physically connected with the Company's facilities. It is expected that integration of the acquired property with the Company's system will result in improvement of the local serv-

ice and an overall reduction in electric rates.

The Sale Agreement was entered into as the result of the acceptance of a sealed bid filed by the Company pursuant to public notice by the Village that it would dispose of the property upon the receipt of bids from prospective purchasers. The Company is advised by representatives of the Village that its records do not contain an accumulated total cost of the property. The Company proposes to record the property on its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of The Public Utilities Commission of Ohio and the Federal Power Commission, which will have jurisdiction with respect thereto. It is stated that no commission other than this Commission has jurisdiction over the proposed acquisition.

The Company estimates its fees and expenses herein as follows:

Commonwealth Associates, Inc., for engineering services	$250
Winthrop, Stimson, Putnam & Roberts, for legal services	1,500
Company payroll costs and expenses	6,000
Miscellaneous	300
Total	8,050

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than September 4, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6900; Filed, Aug. 24, 1956; 8:51 a. m.]

[File No. 24NY-4232]

ARROW GRAPHIC CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 22, 1956.

I. Arrow Graphic Corporation, a Delaware company, 210 Fifth Avenue, New York, New York, filed with the Commission on February 20, 1956, a notification and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 50,000 shares of its 1¢ par value common stock to be offered at $3.50 per share and $70,000 ten year 8 percent debentures to be offered at $10 per unit or $245,000 in the aggregate without the services of an underwriter, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission, on the basis of information reported to it by its staff as a result of an investigation, having reasonable cause to believe:

A. That the promoter and a principal stockholder of the issuer, John V. Holmes, on July 6, 1956, consented to the entry of a judgment of the New York State Supreme Court permanently enjoining him from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

B. That a principal underwriter of the offering herein, Abraham Stein, on July 10, 1956, consented to the entry of a judgment of the New York State Supreme Court permanently enjoining him from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

C. That an exemption under Regulation A is not available for the present offering in that the aggregate offering price of all securities being offered exceeds the limitation of $300,000 as prescribed by Rule 217 (a) (iii) since John V. Holmes is an affiliate of the issuer and an affiliate of Central Reserve Oil Company which filed on May 31, 1955, a notification and offering circular (File No. 240-1683) in connection with an aggregate offering of $300,000 of its securities.

D. That the terms and conditions of Regulation A have not been complied with in that:

1. Item 1 of the notification failed to state all the jurisdictions in which the issuer's securities are being offered;

2. Item 4 of the notification failed to list as an affiliate of the issuer, the name and address of Central Reserve Oil Company, 210 Fifth Avenue, New York, New York;

3. An offering of the securities of the issuer has been made by communications not filed with the Commission pursuant to Rule 221 under Regulation A; and

4. Ronald Sugden Tilley, Robert M. Schulster, Abraham Stein, Sheldon Gottheim, Harry Kass, Norman Grant and Al Rich are acting as underwriters without being named as such in the notification and offering circular.

E. That the offering of securities by the issuer would and did operate as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6902; Filed, Aug. 24, 1956; 8:52 a. m.]

[File No. 24SF-2219]

APACHE URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 22, 1956.

I. Apache Uranium Company, 519 Carson Street, Las Vegas, Nevada, having filed with the Commission on December 27, 1955 a Notification on Form 1-A and an Offering Circular, and amendments thereto, relating to a proposed public offering of 1,425,000 shares of its 1¢ par value common capital stock at 7¢ per share, and a proposed offering of rescission to persons who had previously purchased 4,695,500 shares of its 1¢ par value common capital stock for an aggregate of $40,450.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

(1) The written consent of the principal underwriter or underwriters is not attached as an Exhibit to the Notification on Form 1-A, as required by Item 7 (b) thereof;

(2) The name and address of the principal underwriter or underwriters are not stated in the Offering Circular; the tabular data on the facing page of the Offering Circular does not reflect the per unit or any amount of underwriting commissions to be paid; and the aggregate amount of underwriting commissions is not stated in the Offering Circular; all as required by Rule 219 (c) (4);

(3) A report on Form 2-A filed with the Commission on May 8, 1956 pursuant to Rule 224 is false, inaccurate and misleading with respect to the number of shares sold, the per unit and aggregate sales price thereof, and the disposition of the proceeds of such sale.

B. The Offering Circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly in that:

(1) The Offering Circular falsely states that the Company has no present intention of engaging the services of an underwriter, and that no underwriting commissions will be paid;

(2) The Offering Circular fails to disclose the existence of outstanding options issued by the Company for its 1¢ par value common capital stock at prices less than the public offering price, and the contemplated issuance of options for additional stock at prices less than the public offering price;

(3) The Offering Circular contains an offer of rescission by the issuer with respect to the prior sale of 4,695,500 shares of the issuer's common capital stock for an aggregate of $40,450, and states that Mr. Robert Stanley personally guarantees the refund of the money to the purchasers of such stock; however, the Offering Circular fails to disclose that neither the issuer nor Mr. Robert Stanley is financially able to repay moneys to purchasers who tender their stock for rescission.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6903; Filed, Aug. 24, 1956; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 115]

PUERTO RICO

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about August 12, 1956, because of the disastrous effects of a hurricane, damage resulted to residences and business property located in certain areas in the Commonwealth of Puerto Rico;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Adminstration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the Commonwealth of Puerto Rico suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Peachtree Seventh Building, Room 265, 50 Seventh Street Northeast, Atlanta 23, Georgia.

Small Business Administration Branch Office, Chamber of Commerce Building, 100 Tetuan Street, San Juan, Puerto Rico.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1957.

Dated: August 17, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-6909; Filed, Aug. 24, 1956; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-103]

MAGYAR PAMUTIPAR, R. T.

In re: debt owing to Magyar Pamutipar, R. T., a/k/a Ungarische Baumwolle Industrie A. G.; F-34-1205.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: that certain debt or other obligation of Anderson, Clayton & Co., of Houston, Texas arising out of a running book account entitled "Ungarische Baumwolle Industrie A. G.", maintained with said Company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Magyar Pamutipar, R. T., a/k/a Ungarische Baumwolle Industrie A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 22, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6857; Filed, Aug. 24, 1956; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER May 15, 1956 (21 F. R. 3204).

Dated: August 4, 1956.

GEOFFREY BAKER.

[F. R. Doc. 56-6882; Filed, Aug. 24, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
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TITLE 1—GENERAL PROVISIONS

Appendix A—Guide to Record Retention Requirements

NOTE: Appendix A to Title 1 (20 F. R. 2217) is revised to read as follows:

Introduction. The following list was compiled as a guide to generally applicable provisions of Federal laws and regulations relating to the retention of records by the public. The list is derived from the laws contained in the United States Code as amended by the laws enacted in 1955, and from the regulations contained in the Code of Federal Regulations as amended in the daily issues of the FEDERAL REGISTER through December 31, 1955. It represents an effort to show (1) what published requirements there are on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) how long they must be kept.

The list does not have the effect of law, regulation, or ruling. It is merely a guide to requirements that appear to be in effect at the end of 1955.

Coverage. The list is confined to generally applicable published requirements on record retention. Not included are requirements applying to named individuals and corporations such as professional or patriotic associations, port or bridge authorities. Also not included are requirements as to the furnishing of reports to Government agencies, the filing of tax returns, the submission of supporting evidence with applications or claims, and similar materials. Likewise the provisions of individual Government contracts may require the keeping of records, but no attempt has been made to include all such provisions.

In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, or to keep working papers necessary to the preparation of a report. Ordinarily such implied requirements are not included.

The list also does not contain requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, and similar documents, unless they are closely related to other records which must be kept. It does not include requirements as to the display of posters, notices, or other signs in factories, hotels, or other places of business.

Arrangement. The list is arranged alphabetically by the names of the Departments, followed by the major agencies imposing or having a special interest in the requirements, and thereunder by the bureau or office immediately concerned with the requirements. Individual items are numbered to simplify indexing, but they are not alphabetically arranged.

Four supplements to the list contain generalized information about certain requirements under the Defense Production Act of 1950 and the Emergency Price Control Act of 1942; a detailed listing of National Production Authority orders and regulations that were still in effect on December 31, 1955; a detailed listing of requirements of the Petroleum Administration for Defense, some of which are still in effect; and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 22T to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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I. DEPARTMENT OF AGRICULTURE

1. Office of the Secretary

1.1 *Persons importing certain dairy commodities.* To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.27

2. Agricultural Conservation Program Service

2.1 *Persons eligible for agricultural conservation payments.* To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: Until presented to the farm inspector at time of inspection: 7 CFR 1102.311–1105.559 containing numerous references to record requirements.

2.2 *Producers of gum naval stores from turpentine trees.* To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: Until requested by the local inspector (area forester). 1953 provisions—7 CFR 1106.402 (17 F. R. 7270); 1954—7 CFR 1106.502; 1955—7 CFR 1106.602; 1956—7 CFR 1106.705

3. Agricultural Marketing Service

MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

INDIVIDUAL HANDLERS OF VARIOUS COMMODITIES UNDER MARKETING ORDERS

3.1 *Tomato handlers.* To maintain records of tomatoes received and disposed as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 years. 7 CFR 945.80

3.2 *Central marketing organizations.* To keep records regarding allotment transactions for lemon handlers.

Retention period: Not specified. 7 CFR 953.62

3.3 *Dried fig handlers.* To keep records as prescribed by the Dried Fig Administrative Committee, of all dried figs handled, including dried figs acquired, stored, and disposed.

Retention period: At least 2 years after the end of the crop year to which such records apply. 7 CFR 964.65, 964.66, 964.165

3.4 *Almond handlers.* To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: Not specified. 7 CFR 909.80

3.5 *Walnut handlers.* To keep storage records of walnuts held or disposed of with respect to Control Board certificates.

Retention period: Not specified. 7 CFR 984.76

3.6 *Raisin handlers.* To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, and disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77

3.7 *Raisin handlers.* To keep complete, accurate, and current records showing quantity and varieties of raisins handled, identity of producers and dehydrators, to whom sold, and other details of activities.

Retention period: 2 years from date of transaction. 7 CFR 989.173, 989.175

3.8 *Prune handlers.* To keep records of prunes received, held, and disposed as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.76, 993.176

3.9 *Pecan handlers and subsidiaries and affiliates thereof.* To keep books and records showing the details of the respective persons handling unshelled pecans.

Retention period: 2 years after date of transaction. 7 CFR 994.80

3.10 *Filbert handlers.* To keep records of all filberts held or disposed.

Retention period: Not specified. 7 CFR 997.83

3.11 *Lime handlers.* To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 1001.60

3.12 *Date handlers.* To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 1003.68

VALENCIA AND NAVEL ORANGE GROWERS AND HANDLERS UNDER MARKETING ORDERS 22 AND 14

3.13 *Growers and handlers of Valencia and navel oranges under Marketing Orders 22 and 14.* To maintain copies of exemption certificates.

Retention period: Not specified. 7 CFR 914.120, 922.120

3.14 *Handlers—by-product manufacturers, or charitable institutions, handling Valencia oranges under Marketing Order 22.* To maintain a file of orange diversion reports.

Retention period: Not specified. 7 CFR 922.131

SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

3.15 *Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.* To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 years) 7 CFR 936.141, 939.125, 945.80 (tomatoes)

(Certificate (record) returned after shipment of commodities (grapes and potatoes) 7 CFR 951.122, 981.104)

DIVERSION, AND EXPORT SUBSIDY PROGRAMS COVERING FRUITS, HONEY, AND IRISH POTATOES UNDER SECTION 32, PUBLIC LAW 320, 74TH CONGRESS, AS AMENDED

3.16 *Orange and grapefruit exporters.* To keep adequate records showing purchases, sales, and deliveries of products exported or to be exported.

Retention period: Fiscal 1955—at least 2 years after November 1, 1954. 6 CFR 517.446

3.17 *Citrus fruit exporters.* To keep adequate records showing purchases, sales, and deliveries of products exported or to be exported.

Retention period: 2 years after effective date of program. 6 CFR 517.466

3.18 *Raisin exporters.* To keep adequate records showing purchases, sales, and deliveries of raisins exported or to be exported.

Retention period: UMX 95a Program (1954)—until September 30, 1956, 6 CFR 518.426 (18 F. R. 5118); VMX 95a Program (1955)—until April 15, 1957, 6 CFR 518.465; VMX 95b Program (1955)—until October 14, 1957, 6 CFR 518.485

3.19 *Exporters of dried apricots under the dried apricot export payment program.* To keep adequate records showing purchases, sales, and deliveries of dried apricots exported or to be exported.

Retention period: For 1953–54 crop, to be kept until August 31, 1956. 6 CFR 518.446 (19 F. R. 2531–2532)

3.20 *Date diverters.* To maintain records and accounts relating to dates diverted or disposed of under the Date Diversion Payment Program.

Retention period: 1954 marketing season—at least until October 31, 1957, 6 CFR 518.505; 1955 marketing season—at least until October 31, 1958, 6 CFR 518.524

3.21 *Irish potato diverters.* To keep records and accounts relative to fresh Irish potatoes diverted and sold for use as livestock feed.

Retention period: 1955 crop Irish potatoes, 2 years after date of last payment, 6 CFR 519.115

3.22 *Exporters of honey under the honey export program.* To keep records showing purchases, sales, and deliveries of honey exported, or to be exported, and other documents relating to any transaction in connection with the honey export program.

Retention period: 1953 marketing season—until March 31, 1956, 6 CFR 524.306 (18 F. R. 1958); 1954 marketing season—until March 31, 1957, 6 CFR 524.381 (19 F. R. 4494)

3.23 *Honey diversion payments program applicants and other diverters.* To keep accurate records with respect to honey diverted and sold for diversion, showing quantities, sales prices, date of delivery, and dates of completion of diversion.

Retention period: 1953 marketing season—until March 31, 1956, 6 CFR 524.333 (18 F. R. 1959); 1954 marketing season—until March 31, 1957, 6 CFR 524.353

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

3.24 *Commission merchants, dealers and brokers.* To keep accounts, records, memoranda, and documents which disclose all business transactions, including ownership of such business by stockholding or otherwise.

Retention period: 2 years. 7 CFR 46.15, 46.16, 46.19

AGRICULTURAL COMMODITY DISTRIBUTION PROGRAMS

3.25 *Cooperating State agencies and private institutions.* The Agricultural Marketing Service, in carrying out the National School Lunch Program and the Special School Milk Program, and programs for the distribution of various agricultural commodities, considers all pertinent records of cooperating State agencies and private institutions as non-Federal, subject, however, to administrative review by AMS and to fiscal audit by AMS or GAO auditors.

Retention period: School Lunch Program—not less than 3 years, 42 U. S. C. 1760; Special School Milk Program—3 years after the end of each Federal fiscal year's operation, 6 CFR 502.203, 502.210, 502.213; distribution of various agricultural commodities—not less than 2 years. 7 U. S. C. 612c, 7 U. S. C. 1431, 42 U. S. C. 1755

INSPECTION AND GRADING OF MEAT AND DAIRY PRODUCTS

3.26 *Applicants for meat grading service.* To keep official certificates.

Retention period: Until disposition is ordered by the Administrator. 7 CFR 53.21

3.27 *Dairy products manufacturers, processors, and packagers operating approved plants under Department of Agriculture inspection.* To maintain records of quality tests of producers of raw milk and of producers, sellers, and shippers of raw cream; and plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.169

PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

3.28 *Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.* To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified. 9 CFR 201.22

3.29 *Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.* To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceed of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: Not specified. 9 CFR 201.45

3.30 *Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.* To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: Not specified. 9 CFR 201.46

3.31 *Sellers of live poultry under Packers and Stockyards Act regulations.* To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: Not specified. 9 CFR 201.48

3.32 *Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.* To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: Not specified. 9 CFR 201.49

3.33 *Stockyard owners, registrants, and licensees.* To keep books, records, documents, or papers which contain, explain, or modify transactions in his business under the Packers and Stockyards Act.

Retention period: Above-mentioned records cannot be destroyed or disposed of without the consent in writing of the Chief of the Packers and Stockyards Branch, AMS, Department of Agriculture. 9 CFR 201.50

3.34 *Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.* To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Service).

Retention period: Not specified. 9 CFR 201.74

3.35 *Authorized State livestock associations and agencies.* To keep adequate detailed records of collection of fees, disbursement, inspections, and brands and marks.

Retention period: Not specified. 9 CFR 201.86

3.36 *Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.* To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified. 9 CFR 201.89

WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

3.37 *Licensed warehousemen.* To keep copies of all receipts issued.

Retention period: Not specified. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 109.17, 110.17, 111.18, 112.17, 113.17, 114.17

3.38 *Licensed warehousemen.* Shall preserve returned and canceled receipts in numerical sequence.

Retention period: Not specified. 7 CFR 101.28, 102.34, 103.28, 104.28d, 105.29, 106.30, 107.31, 108.29, 109.34, 110.29, 111.33, 112.29, 113.29, 114.29

3.39 *Licensed warehousemen.* To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 109.35, 110.30, 111.34, 112.30, 113.30, 114.30

3.40 *Licensed warehousemen.* Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 109.40, 110.34, 111.41, 112.34, 113.36, 114.34

3.41 *Licensed warehousemen.* Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: As may be prescribed by the Department or Service. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 109.42, 110.36, 111.44, 112.36, 113.38, 114.36

3.42 *Licensed warehousemen.* To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: Not specified. 7 CFR 101.47, 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 109.25, 111.56, 112.49, 113.52, 114.50

3.43 *Licensed cotton warehousemen.* To keep records of cotton sampling including the written request, if any.

Retention period: Not specified. 7 CFR 101.49

3.44 *Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.* To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 109.64, 110.61, 111.70, 112.59, 113.65, 114.64

3.45 *Licensed grain warehousemen.* To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: Not specified. 7 CFR 102.30

3.46 *Licensed warehousemen.* To keep inquiries received in writing advising of interest in deteriorating commodities stored in warehouse.

Retention period: Not specified. 7 CFR 102.54, 103.39, 107.51, 108.42, 109.49, 110.46, 111.52, 112.43, 113.47, 114.46

REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

3.47 *Milk handlers.* To keep detailed accounts and summary records of their operations and facilities with respect to (a) the receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products.

Retention period: Shall be retained for a period of 3 years to begin at the end of the calendar month to which such books and receipts pertain except when ordered to be held for a longer period by the Marketing Administrator. 7 CFR Parts 903–1009 (see specific milk marketing area).

3.48 *Operators of milk transferee plants.* To keep books and records showing the utilization of all skim milk and butterfat in any form at such plants.

Retention period: Not specified. 7 CFR 903.43, 916.43, 924.43

3.49 *Operators of unapproved milk plants.* To keep books and records showing the receipts and utilization of all skim milk and butterfat at such plants.

Retention period: Not specified. 7 CFR 905.44, 928.44, 949.44, 991.44

3.50 *Operators of nonfluid milk plants.* To keep books and records showing the utilization of milk and milk products (skim milk and butterfat) received at such plants.

Retention period: Not specified. 7 CFR 907.45, 942.43, 952.44, 966.44, 978.43, 988.43, 998.44

3.51 *Receivers and operators of nonpool milk plants.* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 908.43, 911.44, 932.44, 943.44, 963.44, 967.44, 973.43, 975.53, 977.43, 985.43, 1002.43, 1004.43, 1009.43

3.52 *Nonhandlers of milk manufacturing or processing plants.* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 912.4, 930.42, 944.44

3.53 *Buyers (purchasers).* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 921.44, 929.43, 931.44, 972.34

FEDERAL SEED ACT

Regulations pertaining to handlers, shippers, and procurers of seeds as follows:

3.54 *Persons handling agricultural seeds subject to the Federal Seed Act regulations.* To keep complete records of each lot of agricultural seed handled.

Retention period: 3 years. 7 CFR 201.4

3.55 *Country shippers of agricultural seeds subject to the Federal Seed Act regulations.* To keep copies of declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery, and records of purity and germination tests.

Retention period: 3 years. 7 CFR 201.5, 201.6, 201.7 (retention: 201.4)

3.56 *Procurers of seeds from growers subject to the Federal Seed Act regulations.* To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

3.57 *Growers of seeds subject to the Federal Seed Act regulations.* To keep copy of the growers declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

3.58 *Cotton quotation committees.* To keep records of spot markets cotton sales.

Retention period: Not specified. 7 CFR 27.98

3.59 *Licensed cotton classifiers.* To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 28.83

3.60 *Licensed cotton classifiers.* To keep records of bale classifications, provided that cotton is actually owned, received, or handled by the person for whom such service is performed.

Retention period: At least 1 year. 7 CFR 28.84

3.61 *Licensed cotton samplers and classifiers.* To keep books, papers, records, and accounts relating to the performance of their duties available for inspection or examination by the Department or their representatives.

Retention period: Not specified. CFR 28.84, 28.108, 61.35

3.62 *Licensed cottonseed chemists* To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year. 7 CFR 61.15

NAVAL STORES ACT OF 1923, AS AMENDED

3.63 *Accredited turpentine and rosin processors for naval stores.* To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

4. Agricultural Research Service

4.1 *Alaskan fur farmers.* To keep books and records for inspection by the Alaska Game Commission.

Retention period: Not specified. 9 CFR 160.3

4.2 *Aircraft operators affected by the Japanese beetle quarantine and the regulations thereunder.* To make suitable records of required treatments for disinsectization in the aircraft log, weight and balance manifest, or cargo manifest, as evidence of compliance with instructions.

Retention period: Not specified. 7 CFR 301.48–8a

4.3 *Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.* To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: Permanent. 9 CFR 116.1

4.4 *Licensees preparing anti-hog-cholera serum and hog-cholera virus.* To keep records as specified in the sections cited.

Retention period: Permanent. 9 CFR 116.2, 116.3

5. Commodity Exchange Authority

5.1 *Futures commission merchants.* To keep an exact copy of each application for registration (Form 1–R), financial statement (Form 1–RF), and supplemental statement (Form 3–R), filed with the CEA.

Retention period: 5 years.[1] 17 CFR 1.10, 1.14 (retention: 1.31)

5.2 *Floor brokers.* To keep an exact copy of each application (Form 2–R) and supplemental statement (Form 3–R) filed with the CEA.

Retention period: 5 years.[1] 17 CFR 1.10, 1.14 (retention: 1.31)

5.3 *Futures commission merchants depositing customers' monies in a bank or trust company.* Must secure a written waiver agreement from such bank or trust company and keep as a permanent record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

5.4 *Futures commission merchants investing customers' money or loaning customers' money on the security of negotiable warehouse receipts.* To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization and keep an executed copy of agreement with bank, trust company, or clearing organization as specified in the section cited.

Retention period: 5 years after termination of agreement.[1] 17 CFR 1.26 (retention: 1.31)

5.5 *Futures commission merchants.* To keep the following records re obligations and investment securities, date investments made, name of person from whom obligations bought, amount of money paid, description of obligations, date disposition made and amount received therefor, name of person to whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.[1] 17 CFR 1.27 (retention: 1.31)

5.6 *Futures commission merchants.* To keep a permanent record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

5.7 *Futures commission merchants.* To keep record showing position of each customer in each future of each commodity on each contract market as of last business day of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

5.8 *Futures commission merchants.* To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

5.9 *Futures commission merchants.* To keep statement to show as of close of last business day of fiscal year and semiannually thereafter, net profit or loss from combined open trades, credit or debit balance of commodity margin account of each customer, whether or not customer has open trades or contracts, description of all securities and property in segregated account received from each customer to margin, guarantee or secure trades or contracts.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

5.10 *Futures commission merchants and members of contract market.* To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of any sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

5.11 *Futures commission merchants and clearing members of contract markets.* To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

5.12 *Futures commission merchants.* To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

5.13 *Futures commission merchants.* To keep record showing for each futures account name, address and principal occupation of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

5.13a *Contract markets.* To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years. 17 CFR 1.39 (retention: 1.31)

5.14 *Contract markets shall require warehouse operators whose receipts are deliverable in satisfaction of futures contracts.* To keep records showing stocks traded for future delivery on contract market, in store by kind, class, and grade including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

5.15 *Persons having or controlling open contracts in futures in excess of amounts specified.* To keep books and records showing details of such contracts and related transactions, names and addresses of all futures commission merchants, and board of trade members with whom contracts held, all persons having a participating financial interest, name and address of partners, stockholders controlling 20 percent or more of capital stock of corporation, persons participating in management or having financial or beneficial interest in trading operations of associations or trusts.

Retention period: 5 years.[1] 17 CFR 2.14, 2.15, 3.14, 3.15, 4.14, 4.15, 5.14, 5.15, 6.14, 6.15, 7.14, 7.15, 8.14, 8.15, 9.14, 9.15, 10.14, 10.15, 11.14, 11.15 (retention: 1.31)

6. Commodity Stabilization Service

MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE

6.1 *Ginners of upland cotton.* To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (h) kind and bagging and ties used on each bale.

Retention period:[2] 1954 crop—until December 31, 1956, 7 CFR 722.576; 1955 crop—until December 31, 1957, 7 CFR 722.676

6.2 *Buyers and transferees of upland cotton.* To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; (e) amount of penalties to be collected, if any; and (f) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

Retention period:[2] 1954 crop—until December 31, 1956, 7 CFR 722.577, 722.578; 1955 crop—until December 31, 1957, 7 CFR 722.677, 722.678

6.3 *Buyers and transferees of upland cotton not identified by marketing cards, marketing certificates, or loan documents.* To keep copy of report showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: 1954 crop—until December 31, 1956, 7 CFR 722.577, 722.578; 1955 crop—until December 31, 1957, 7 CFR 722.677, 722.678

6.4 *Buyers and transferees of upland cotton identified by marketing certificates.* To keep copy of report of transactions (Form MQ91—Cotton (Upland)).

Retention period: Not specified. 1954 crop—7 CFR 722.577, 722.578; 1955 crop—7 CFR 722.677, 722.678

6.5 *Warehousemen, processors, common carriers, and other persons handling upland cotton.* To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: Not specified. 1954 crop—7 CFR 722.579; 1955 crop—7 CFR 722.679

6.6 *Producers of upland cotton marketed to persons not within the United States:* To keep copy of certificate showing names and address of buyer or transferee.

Retention period: Not specified. 1954 crop—7 CFR 722.580; 1955 crop—7 CFR 722.680

6.7 *Ginners of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (a) date of ginning; (b) name of the operator of the farm on which produced; (c) name of the producer; (d) county and State in which produced; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot less than a bale; and (h) kind of bagging and ties used.

Retention period:[2] 1954 crop—until December 31, 1956, 7 CFR 722.1176; 1955 crop—until December 31, 1957, 7 CFR 722.1276

6.8 *Buyers and transferees of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing origin and weight of cotton; (d) number of pounds in each bale and lot purchased; and (e) penalties to be collected, if any.

Retention period:[2] 1954 crop—until December 31, 1956, 7 CFR 722.1177, 722.1178; 1955 crop—until December 31, 1957, 7 CFR 722.1277, 722.1278

6.9 *Buyers and transferees of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.* To keep copy of report showing (a) name and address of the producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: Not specified. 1954 crop—7 CFR 722.1177, 722.1178; 1955 crop—7 CFR 722.1277, 722.1278

6.10 *Buyers and transferees of extra long staple cotton identified by marketing certificates.* To keep copy of report of transaction (Form MQ 91—Cotton (ELS)).

Retention period: Not specified. 1954 crop—7 CFR 722.1177, 722.1178; 1955 crop—7 CFR 722.1277, 722.1278

6.11 *Warehousemen, processors, common carriers, and other persons handling extra long staple cotton.* To keep records concerning such cotton, so that the accuracy of any reports or other records that may be required can be checked.

Retention period: Not specified. 1954 crop—7 CFR 722.1179; 1955 crop—7 CFR 722.1279

6.12 *Producers of extra long staple cotton marketed to persons not within the United States.* To keep copy of certificate showing name and address of buyer or transferee.

Retention period: Not specified. 1954 crop—7 CFR 722.1180; 1955 crop—7 CFR 722.1280

6.13 *Producers and producer-manufacturers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep copies of specified reports on disposition of tobacco.

Retention period:[3] 1953–54 marketing year—until September 30, 1956, 7 CFR 723.450, 723.453 (18 F. R. 3308, 3309); 1954–55 year—until September 30, 1957, 7 CFR 723.550, 723.558; 1955–56 year—until September 30, 1958, 7 CFR 723.652, 723.661

6.14 *Buyers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period:[3] 1953–54 marketing year—until September 30, 1956, 7 CFR 723.451–723.452, 723.458 (18 F. R. 3308, 3309); 1954–55 year—until September 30, 1957, 7 CFR 723.551–723.552, 723.558; 1955–56 year—until September 30, 1958, 7 CFR 723.653, 723.654, 723.661

6.15 *Truckers and persons engaged in sorting, stemming, packing, or otherwise processing cigar-filler tobacco and cigar-filler and binder tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period:[3] 1953–54 marketing year—until September 30, 1956, 7 CFR 723.454, 723.458 (18 F. R. 3309); 1954–55 year—until September 30, 1957, 7 CFR 723.554, 723.558; 1955–56 year—until September 30, 1958, 7 CFR 723.656, 723.661

6.16 *Producers of burley and flue-cured tobacco.* To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period:[3] 1953–54 marketing year—until June 30, 1956, for flue-cured tobacco and until September 30, 1956, for burley tobacco, 7 CFR 725.450, 725.458 (18 F. R. 3108, 3110); 1954–55 year—until June 30, 1957, for flue-cured tobacco and until September 30, 1957, for burley tobacco, 7 CFR 725.550, 725.558; 1955–56 year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.652, 725.661

6.17 *Warehousemen handling burley and flue-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period:[3] 1953–54 marketing year—until June 30, 1956, for flue-cured tobacco and until September 30, 1956, for burley tobacco, 7 CFR 725.451, 725.458 (18 F. R. 3108, 3110); 1954–55 year—until June 30, 1957, for flue-cured tobacco and until September 30, 1957, for burley tobacco, 7 CFR 725.551, 725.558; 1955–56 year—until June 30, 1958, for flue-cured tobacco, and until September 30, 1958, for burley tobacco, 7 CFR 725.653, 725.661

6.18 *Dealers handling burley and flue-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

[2] As specified, or longer if requested by the Director, Cotton Division, CSS.

[3] As specified, or longer if requested by the State administrative officer or the Director, Tobacco Division, CSS.

Retention period:[2] 1953–54 marketing year—until June 30, 1956, for flue-cured tobacco and until September 30, 1956, for burley tobacco, 7 CFR 725.452, 725.458 (18 F. R. 3109, 3110); 1954–55 year—until June 30, 1957, for flue-cured tobacco and until September 30, 1957, for burley tobacco, 7 CFR 725.552, 725.558; 1955–56 year—until June 30, 1958, for flue-cured tobacco, and until September 30, 1958, for burley tobacco, 7 CFR 725.654, 725.661

6.19 *Truckers and persons redrying, prizing, or stemming burley and flue-cured tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period:[2] 1953–54 marketing year—until June 30, 1956, for flue-cured tobacco and until September 30, 1956, for burley tobacco, 7 CFR 725.454, 725.458 (18 F. R. 3109, 3110); 1954–55 year—until June 30, 1957, for flue-cured tobacco and until September 30, 1957, for burley tobacco, 7 CFR 725.554, 725.558; 1955–56 year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.656, 725.661

6.20 *Producers of fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount of tobacco on hand and its location, (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period:[2] 1953–54 marketing year, until September 30, 1956, 7 CFR 726.450, 726.458 (18 F. R. 3313, 3315); 1954–55 year, until September 30, 1957, 7 CFR 726.550, 726.558; 1955–56 year—until September 30, 1958, 7 CFR 726.652, 726.661

6.21 *Warehousemen handling fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period:[2] 1953–54 marketing year—until September 30, 1956, 7 CFR 726.451, 726.458 (18 F. R. 3314, 3315); 1954–55 year, until September 30, 1957, 7 CFR 726.551, 726.558; 1955–56 year—until September 30, 1958, 7 CFR 726.653, 726.661

6.22 *Dealers handling fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced in prior years; and to keep copies of required reports.

Retention period:[2] 1953–54 marketing year—until September 30, 1956, 7 CFR 726.452, 726.458 (18 F. R. 3315); 1954–55 year—until September 30, 1957, 7 CFR 726.552, 726.558; 1955–56 year—until September 30, 1958, 7 CFR 726.654, 726.661

[2] As specified, or longer if requested by the State administrative officer or the Director, Tobacco Division, CSS.

6.23 *Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period:[3] 1953–54 marketing year—until September 30, 1956, 7 CFR 726.454, 726.458 (18 F. R. 3315); 1954–55 year—until September 30, 1957, 7 CFR 726.554, 726.558; 1955–56 year—until September 30, 1958, 7 CFR 726.656, 726.661

6.24 *Producers of Maryland tobacco.* To keep copies of reports with respect to disposition of tobacco produced showing (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, number of pounds marketed, gross price, and date of marketing.

Retention period:[3] 1953–54 marketing year—until September 30, 1956. 7 CFR 727.450, 727.458 (18 F. R. 4277, 4280)

6.25 *Warehousemen handling Maryland tobacco.* To keep records that will permit furnishing detailed information on all transactions.

Retention period:[3] 1953–54 marketing year—until September 30, 1956. 7 CFR 727.451, 727.458 (18 F. R. 4277, 4280)

6.26 *Dealers handling Maryland tobacco.* To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1953; and to keep copies of required reports.

Retention period:[3] 1953–54 marketing year—until September 30, 1956. 7 CFR 727.452, 727.458 (18 F. R. 4279, 4280)

6.27 *Truckers and persons redrying, prizing, or stemming Maryland tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period:[3] 1953–54 marketing year, until September 30, 1956. 7 CFR 727.454, 727.458 (18 F. R. 4279, 4280)

6.28 *Wheat producers, warehousemen, elevator operators, feeders, processors, and buyers.* To keep records of wheat transactions (as specified in the regulation).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 1954 marketing year—7 CFR 728.486, 728.487, 728.490; 1955 year—7 CFR 728.586, 728.587, 728.590; 1956 year—7 CFR 728.687, 728.688, 728.691

6.29 *Peanut producers.* To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period:[4] 1953–54 marketing year—until July 31, 1956, 7 CFR 729.461, 729.467 (18 F. R. 3320, 3321); 1954–55 year—until July 31, 1957, 7 CFR 729.561, 729.567; 1955–56 year—until July 31, 1958, 7 CFR 729.661, 729.667

6.30 *Peanut buyers.* To keep detailed records of peanuts marketed and sales memoranda with respect to purchases of farmers stock peanuts.

Retention period:[4] 1953–54 marketing year—until July 31, 1956, 7 CFR 729.462, 729.467 (18 F. R. 3320, 3321); 1954–55 year—until July 31, 1957, 7 CFR 729.562, 729.567; 1955–56 year—until July 31, 1958, 7 CFR 729.662, 729.667

6.31 *Peanut shellers purchasing or retaining shelled peanuts.* To keep record of such purchases or acquisitions (form prescribed).

Retention period:[4] 1953–54 marketing year—until July 31, 1956, 7 CFR 729.462, 729.467 (18 F. R. 3320, 3321); 1954–55 year—until July 31, 1957, 7 CFR 729.562, 729.567; 1955–56 year—until July 31, 1958, 7 CFR 729.662, 729.667

6.32 *Peanut shellers not purchasing or retaining shelled peanuts.* To keep records of the shellings of each lot of peanuts (form prescribed).

Retention period:[4] 1953–54 marketing year—until July 31, 1956, 7 CFR 729.463, 729.467 (18 F. R. 3320, 3321); 1954–55 year—until July 31, 1957, 7 CFR 729.563, 729.567; 1955–56 year—until July 31, 1958, 7 CFR 729.663, 729.667

6.33 *Rice producers, warehousemen, mill operators, or processors, and buyers.* To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.687, 730.688, 730.691

IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT

6.34 *Persons marketing sugar and liquid sugar produced from sugar beets and sugar cane grown in the continental United States.* To keep record of processings, receipts and marketings of mainland sugar.

Retention period: 5 years following the end of the calendar year in which sugar is marketed. 7 CFR 815.7

6.35 *Importers (individuals, partnerships, corporations, associations, or bonded importers of sugar for reexport).* To keep records of transactions in sugar or liquid sugar.

Retention period: 2 years from the date of the exportation of sugar covered by such bond. 7 CFR 818.5

6.36 *Persons importing, using, or marketing sugar for alcohol or livestock feed.* To keep records of transactions in or uses of such sugar or liquid sugar or any other necessary records.

Retention period: Not less than 2 years from the date of entry or marketing of such sugar or liquid sugar, or from date of acquisition of such sugar or liquid sugar by the user. 7 CFR 819.3

6.37 *Employers of Virgin Island apprentice operators of mechanical loaders and tractors in the sugar industry.* To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

6.38 *Employers of Virgin Island handicapped workers in the sugar industry.* To keep a copy of the certificate of individual worker impairment issued

[4] As specified, or longer if requested by the Director, Oils and Peanuts Division, CSS.

by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

7. Commodity Stabilization Service and Commodity Credit Corporation

7.1 *Cooperative marketing associations of producers participating in the Rice Loan and Purchase programs.* To maintain records of the total quantity of rough rice acquired by or delivered to the association from all sources, the quantity of eligible rice delivered by eligible producer members, and separate records of both eligible and ineligible rice.

Retention period: 1954 crop—at least until May 1, 1960, 6 CFR 421.577; 1955 crop—at least until May 1, 1961, 6 CFR 421.1337

7.2 *Borrowers under Milk and Butterfat Price Support program from the Commodity Credit Corporation.* To keep complete and accurate records and accounts showing all details incident to acquisition and disposition of inventories of all types of milk solids products for which loans made.

Retention period: 3 years after March 31, 1955, or 2 years after date of audit by CCC. 6 CFR 430.175

7.3 *Cottonseed crushers participating in the 1954 Cottonseed Price Support program.* To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 2 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1044

7.4 *Peanut shellers participating in the Peanut Price Support program.* To keep accounts with respect to the production and purchase of No. 2 peanuts and farmers stock peanuts from which No. 2 peanuts were produced, including types, grades, and quantity, names and addresses of producers, and date and place received.

Retention period: 1955 crop, for 2 years after the last No. 2 peanuts are delivered to CCC. 6 CFR 446.729

7.5 *Mohair producers participating in the Payment Program for Mohair, and their marketing agencies.* To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 1955 program, until April 1, 1959. 6 CFR 468.39

7.6 *Handlers participating in the 1954 Wool Price Support program.* To keep authorization from pool manager to represent him and pool manager's assurance to comply with all requirements of the program.

Retention period: Not specified. 6 CFR 472.521

7.7 *Pool managers and member-associations participating in the 1954 Wool Price Support program.* To keep agreements or other documents showing membership and authorization to handler.

Retention period: Not specified. 6 CFR 472.522

7.8 *Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies.* To maintain books, records, and accounts showing the marketing of wool on which application for payment is based.

Retention period: 1955 program, until April 1, 1959. 6 CFR 472.618

7.9 *Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and slaughterers, commission firms, order buyers, and dealers certifying or furnishing evidence to an applicant to enable him to receive payment under the program.* To maintain books, records, and accounts covering the marketing and slaughtering of lambs and yearlings on which an application for payment is based.

Retention period: 1955 program, until April 1, 1959. 6 CFR 472.666

7.10 *State agencies distributing feed grain under Disaster Relief programs.* To maintain records pertaining to the receipt and distribution of feed grain delivered by CCC.

Retention period: Until January 1, 1961. 6 CFR 476.108

7.11 *Wheat and wheat-flour exporters participating in the Commodity Credit Corporation subsidy program and under the International Wheat Agreement.* To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program.

Retention period: 2 years after date of export. 6 CFR 481.570, 481.670, 571.370 (18 F. R. 3749)

7.12 *Organizations receiving food commodities under section 416 of Agricultural Act of 1949.* To maintain records of distribution and submit reports as directed.

Retention period: Not specified. 6 CFR 501.105

8. Farmers Home Administration

8.1 *Borrowers for direct and insured Farm Ownership Loans.* To maintain such records and accounts as required.

Retention period: Not specified. 6 CFR 316.2

8.2 *Farm ownership borrowers.* To maintain annual record book (Form FHA–195 "Farm Family Record Book").

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 337.1

8.3 *Group services (a means by which two or more farmers may provide themselves with such services, equipment, and facilities which they could not otherwise obtain individually on an economically sound basis) financed in whole or part by FHA.* To maintain such records as are necessary to provide information on which to determine results of operation and to aid in future planning.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 344.6

8.4 *Renters of Farm Ownership farms.* To be encouraged to keep records of farming operations.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 372.6

9. Federal Crop Insurance Corporation

9.1 *Insured under Federal Crop Insurance Corporation.* To keep records of harvesting, storage, shipment, sale, or other disposition of all (a) flax, (b) corn, (c) tobacco, (d) wheat, (e) cotton, (f) multiple crops, (g) dry edible beans, (h) citrus, (i) soybeans, and (j) barley produced on each insurance unit covered by the contract, and separate records showing the same information for production on an uninsured acreage in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR (a) 415.10, sec. 27, (b) 416.10, sec. 27, (c) 417.8, sec. 19, (d) 418.6, sec. 18 (1953–56 crop years, 7 CFR 418.210, sec. 26), (e) 419.7, sec. 18 (1952–55 crop years, 7 CFR 419.13, sec. 25), (f) 420.8, sec. 17 (1950–55 crop years, 1 year after time of loss, 7 CFR 420.33, sec. 20), (g) 421.6, sec. 18 (1950–55 crop years, 7 CFR 421.32, sec. 24), (h) 422.28, sec. 19, (i) 423.6, sec. 17, and (j) 424.6, sec. 18

10. Forest Service

10.1 *Pilots navigating aircraft within airspace reservation over certain areas of Superior National Forest in Minnesota.* To keep records and reports of flights within said airspace reservations for reasons of safety or conducting rescue operations.

Retention period: Not specified. 36 CFR 251.28, 251.29

II. DEPARTMENT OF COMMERCE

1. Business and Defense Services Administration

1.1 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulations 1 and 2.* To keep accurate and complete records of receipts and deliveries (including records of allotments received and made) in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1—Basic Rules of the Defense Materials System; and DMS Reg. 2—Construction under the Defense Materials System, as applicable.

Retention period: For at least 2 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 25 (a) and (b); DMS Reg. 2, sec. 21 (a) and (b)

1.2 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Order M–107.* To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M–107—Titanium Mill Products.

Retention period: For at least 2 years. 32A CFR Ch. VI, BDSA Order M–107, sec. 7 (a)

1.3 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulations 2 and BDSA (formerly NPA) Orders M–1A, M–5A, M–11A, M–17, M–41, and M–43A.* To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M–1A—Iron and Steel; BDSA Order M–5A—Aluminum; BDSA Order M–11A—Copper and Copper-Base Alloys; BDSA Order M–17—Components or Parts; BDSA Order M–41—Metalworking Machines: Delivery; BDSA Order M–43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, Reg. 2, sec. 24 (a); Order M–1A, sec. 19 (a); Order M–5A, sec. 15 (a); Order M–11A, sec. 14 (a); Order M–17, sec. 8 (a); Order M–41, sec. 13 (a); Order M–43A, sec. 9 (a)

1.4 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.* To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, Reg. 6, sec. 8 (a)

2. Civil Aeronautics Administration

NOTE: For additional interpretations and implementations of the Administration see Civil Aeronautics Board.

2.1 *Manufacturers of aircraft.* To keep at factory, for all aircraft type certificated under the delegation option procedures, current records containing the following: (a) Technical data file for each type aircraft, (b) complete inspection record for each airplane produced, (c) report required to be submitted with the original application for the production certificate, (d) factory inspection reports, (e) records of all major repairs and alterations performed.

Retention period: Technical data, report submitted with application, and repair records, for duration of manufacturers operations; inspection records, 2 years. 14 CFR 410.32, 410.33, 410.39

2.2 *Contractors for construction of public airports.* To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 550.7

2.3 *Sponsors of the construction of public airports.* To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 550.7

2.4 *Sponsors of the construction of public airports.* To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: Until final payment. 14 CFR 550.8

2.5 *Sponsors of public airports.* To keep, after the completion of the project and during the term of these covenants, a current system of airport accounts and records, sufficient to provide annual statements of income and expenses. Also all airport records affecting the airport, including deeds, leases, operations, and use agreements, regulations and other instruments.

Retention period: Term of covenant, but not to exceed 20 years. 14 CFR 550.11

2.6 *Petitioners for reimbursement for cost of rehabilitation or repair to public airports.* To secure and retain in their files documentary evidence of costs and payments therefor such as invoices, cost estimates, payrolls, vouchers, canceled checks or warrants, and receipts.

Retention period: Until final payment. 14 CFR 560.15

2.7 *Airport traffic control tower personnel.* To keep records of all visibility observations made from control tower, times of observation; each time observational duties are transferred from Weather Bureau to control tower or returned, or transferred from one observer to another in the control tower, the time, initials of the observer involved shall be recorded.

Retention period: Not specified. 14 CFR 617.30

2.8 *Airport traffic control tower personnel.* To keep file of permanent records of tower transmission. Control tower radio transmissions shall be maintained where permanent-type recorders are furnished for this purpose.

Retention period: Records may be disposed of only as prescribed by the operating agency. 14 CFR 617.30

3. Bureau of Foreign Commerce

3.1 *Persons requesting Certificate of Eligibility to participate in the British Token Import Plan.* To keep available for inspection documentary evidence supporting data supplied in Request for Certification.

Retention period: Not specified. 15 CFR 361.3

3.2 *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Vouchers.

Retention period: 3 years from the date of receipt by the Department of the application for Token Quota Vouchers covering accepted orders. 15 CFR 361.4

3.3 *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Vouchers to share in Token Quota Balances.

Retention period: 3 years from the date of receipt by the Department of the application for such Token Quota Vouchers covering accepted orders. 15 CFR 361.7

3.4 *Applicants for export licenses.* To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from date of receipt of the application by the Bureau as shown on Form IT– or FC–116. 15 CFR 372.4

3.5 *Applicants for export licenses.* To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from date of receipt of the license application by the Department (as shown on Form IT– or FC–116). 15 CFR 372.9

3.6 *Exporters of copper ores, concentrates, aluminum scrap (new and old), and aluminum remelt ingots.* To keep all documents evidencing commitment of sale by producers.

Retention period: 3 years from date of receipt of application by Bureau as shown on Form IT– or FC–116. 15 CFR 373.41

3.7 *Applicants for a time limit license.* To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from the date of receipt of the application (as shown on Form IT– or FC–116). 15 CFR 377.3

3.8 *Applicants for foreign distribution licenses.* To keep records of orders relating to reexportations.

Retention period: 3 years from date of reexportation. 15 CFR 378.4

3.9 *Transferors of export licenses.* To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from date of certification. 15 CFR 380.1

Foreign Trade Zones Board

3.10 *Grantees of foreign trade zones.* To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

4. Maritime Administration

4.1 *General agents (shipping companies) or their subcontractors and berth agents.* To keep books, records, documents and accounts (which shall be the property of the U. S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Not specified. 32A CFR Ch. XVIII, AGE–1, sec. 2 (b) Article 3 (g) (1), Article 14—General Agents Service Agreement; Article 3 (e) (1), Article 14—Berth Agents Service Agreement

4.2 *Agents entering into service agreements.* To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS–1, sec. 1

4.3 *Agents entering into service agreements.* To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

4.4 *General agents.* To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS–2, sec. 3 (a) (1), sec. 5

4.5 *General agents.* To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, INS–1. sec. 7 (b)

4.6 *General agents.* To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Not specified. 32 CFR Ch. XVIII, OPR–1, Sec. 2 (e)

4.7 *Masters.* To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Not specified, 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

4.8 *General agents.* To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Not specified. 32A CFR Ch. XVIII, SRM–1, sec. 3 (a) (1)

4.9 *General agents.* To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Not specified. 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3 (d); SRM–4, sec. 2; SRM–5, sec. 3 (a) and sec. 19

4.10 *Operators of vessels newly constructed under Federal Maritime Board ship construction contracts, containing guarantee clauses.* To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: Not specified. 46 CFR 247.4

4.11 *Operators of operating-differential subsidized vessels.* To keep copy of Form MA–140, Summary report on voyage repairs.

Retention period: To be held available for examination when audit is made. 46 CFR 272.6

4.12 *Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.* To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: Not specified. 46 CFR 282.00, 282.01, 292.3

4.13 *Operating-differential subsidy contractors.* To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: Not specified. 46 CFR 282.364

4.14 *Contractors and subcontractors.* To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: Not specified. 46 CFR 285.5

4.15 *Contractors and subcontractors.* To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: Not specified. 46 CFR 285.35

4.16 *Operators of operating-differential subsidy agreements and depositories.* To keep certified copies of resolutions authorizing the establishment of special and construction reserve funds involved.

Retention period: Not specified. 46 CFR 286.1, 287.6

4.17 *Taxpayers establishing construction reserve funds.* To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: Not specified. 46 CFR 287.24

4.18 *Operators of operating-differential subsidy agreements.* To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Not specified. 46 CFR 282.8

4.19 *Citizen applicants to purchase or charter a war-built vessel.* To keep books, records, and accounts available for examination as deemed necessary by the Maritime Commission to verify financial statements submitted.

Retention period: Not specified. 46 CFR 299.8

4.20 *Purchasers of war-built vessels.* To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Not specified. 46 CFR 299.21

4.21 *Charterers of war-built vessels.* To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: Not specified. 46 CFR 299.31

4.22 *Charterers of war-built vessels.* To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided,* That if the Charterer if subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: Not specified. 46 CFR 299.37–2, 299.82

4.23 *Charterers of war-built vessels.* To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: Not specified. 46 CFR 299.37–4

4.24 *Underwriting agent war risk insurance program for hull, P & I and second seamen.* To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders of policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Secretary of Commerce.

Retention period: Not specified. 46 CFR 308.7

4.25 *Builders of vessels insured under war risk builder's risk program.* To maintain records from which there may be determined the cost of material then destined for inclusion as a part of the vessel at risk at the shipyard of the builder plus the cost of labor, other direct charges, overhead and profit of not exceeding 10 percent.

Retention period: Not specified. 46 CFR 308.402

4.26 *Those assured under war risk cargo insurance program.* To keep records in such form and manner that all information available to the assured as to the amounts at risk and the amounts

of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Not specified. 46 CFR 308.517

4.27 *Underwriting agents under war risk cargo insurance program.* To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Not specified. 46 CFR 308.548

4.28 *State marine academies.* To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Not specified. 46 CFR 310.3

4.29 *Charterers of war-built vessels under Philippine Rehabilitation Act of 1946.* To keep books and accounts relating to the vessels as the Maritime Administration may prescribe.

Retention period: Not specified. 46 CFR 311.21

5. Bureau of Public Roads

5.1 *State highway departments or their agents.* To keep accounts, records, and all supporting documents pertaining to the cost of construction, inspection, tests, and maintenance of Federal-aid highway projects.

Retention period: Not specified. 23 CFR 1.19

6. Under Secretary of Commerce for Transportation

6.1 *Ship and aircraft owners, masters, officers, employees and agents participating in transportation.* To retain records of shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 (Shipping restrictions; Sub Group A, Hong Kong and Macoa), T–2 (Shipping restrictions; Communist China), have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

III. DEPARTMENT OF DEFENSE

1. Office of the Secretary of Defense

1.1 *Contractors with negotiated fixed price supply contracts and purchase orders in excess of $1,000.* A standard "Examination of Records" clause is provided. Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104–15. ASPR 7–104.15

1.2 *Subcontractors with contracts or purchase orders in excess of $1,000 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $1,000.* Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after fixed payment under the subcontract. 32 CFR 7.104–15. ASPR 7–104.15

1.3 *Contractors with cost reimbursement type supply contracts.* A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-a-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

1.4 *Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime contracts.* Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

1.5 *Subcontractors whose contracts are other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour contracts under cost reimbursement type prime contracts.* Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203–7. ASPR 7–203.7

1.6 *Contractors with fixed price contracts in excess of $1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.701. ASPR 8–701

1.7 *Contractors with cost-type contracts for supplies and experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or non-profit institutions.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.702. ASPR 8–702

1.8 *Contractors with fixed price construction contracts amounting to more than $1,000 (or $5,000 in certain cases).* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.703. ASPR 8–703

1.9 *Subcontractors with fixed price subcontracts.* The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.706. ASPR 8–706

1.10 *Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).* To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403–1. ASPR 12–403.1 (4)

1.11 *Contractors with Army, Navy, Air Force.* To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item. Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304. 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

1.12 *Contractors having access to classified information.* To keep records of the receipt and dispatch of all classified information.

Retention period: 1 year following transfer or destruction of the documents. 32 CFR 66.9, 66.10

1.13 *Contractors with the Department of Defense (and elements thereof).* To keep a current record of employees who have been cleared for access to classified information, including the degree and date of clearance and whether cleared by a specific military department or the contractor.

Retention period: Not specified. 32 CFR 66.21

1.14 *Contractors with the Department of Defense (and elements thereof) handling graphic arts involving classified information.* Production control records may be combined with receipt system.

Retention period: If so combined, 1 year. 32 CFR 66.44

1.15 *Contractors with the Department of Defense (and elements thereof) handling graphic arts involving classified information.* To keep a record of the numbers and disposition of proofs (proofs themselves to be retained until product is delivered, then returned to the contracting officer); and a record of the quantity in each container of graphic arts products that are shipped in bulk.

Retention period: Not specified. 32 CFR 66.46

1.16 *Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.* To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.60

1.17 *Contractors receiving advance payments secured by lien on supplies and property covered by contract.* To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.60

2. Department of the Army

2.1 *Manufacturers for export.* To keep sales records together with evidence of exportation.

Retention period: 4 years from last day of the month following sale. 32 CFR 600.202

2.2 *Contractors within the continental United States and its territories.* To keep weekly payroll records (in accordance with Copeland Act).

Retention period: 3 years from date of completion of the contract. 32 CFR 601.404–6

2.3 *Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.* To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

2.4 *Owners of private interstate toll bridges.* To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U. S. C. 528

2.5 *States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.* To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U. S. C. 529

3. Department of the Navy

3.1 *Contractors with cost-type contract.* Must keep on file and make available for inspection and audit, books, records, and other documents which evidence costs and expenditures applicable to performance of the contract.

Retention period: Not specified. 32 CFR 741.9

4. Department of the Air Force

4.1 *Vendors (persons or firms with whom time and material or labor-hour contracts are placed).* To maintain detailed, complete, and accurate accounting records on a job order basis, individual daily job time cards preferably signed by the workers performing the services and in all cases by evidence of actual payment, and paid invoices or storeroom requisitions on material charges.

Retention period: At least 3 years. 32 CFR 1002.403

4.2 *Contractors with cost-plus-a-fixed-fee contract and subcontractors thereof.* Contract to include provision that contractor preserve books, records, documents and other evidence bearing on costs and expenses under the contract.

Retention period: 5 years after final payment. 32 CFR 1006.202

4.3 *Contractors with fixed price service contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1006.402

4.4 *Contractors with time and materials contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1006.502

4.5 *Contractors with time and materials contracts.* Contract to include provision that contractor keep detailed, complete and accurate accounting records on a job-order basis.

Retention period: 6 years after completion of contract. 32 CFR 1006.502

4.6 *Contractors with facilities contracts (contracts under which the Government furnishes to the contractor facilities) and subcontractors thereof.* Contract to include clause providing the contractor will keep records and books of account showing the cost to it of all items of labor, materials, equipment, supplies, services and other expenditures of any nature for which reimbursement is to be made under the contract.

Retention period: 5 years after final termination settlement, providing disposal is approved by the contracting officer. 32 CFR 1006.902

4.7 *Contractors with cost-reimbursement contracts.* Contract to include clause providing that books, papers and other accounting records relating to work under contract be kept.

Retention period: 3 years after completion or cessation of work under contract, providing disposal is approved by the contracting officer. 32 CFR 1006.1102

4.8 *Contractors with fixed-price contracts for nonpersonal services.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the

contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1007.704

4.9 *Contractors with time and material contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to work terminated.

Retention period: 6 years after final settlement. 32 CFR 1007.707

4.10 *Employers subject to the Fair Labor Standards Act of 1938, amended.* To make and preserve records of persons employed by him, and of wages, hours, and other conditions and practices of employment maintained by him.

Retention period: Not specified. 32 CFR 1011.702

4.11 *Contractors with Government property in their possession.* To keep adequate property control records in accordance with the provisions of the Manual for Control of Government Property in Possession of Contractors (see 32 CFR Part 30).

Retention period: Not specified. 32 CFR 1012.810

4.12 *Contractors with the Department of the Air Force.* To keep adequate property control records relating to Government property in contractors' possession.

Retention period: Not specified. 32 CFR 1012.906

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Food and Drug Administration

1.1 *Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep food shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.13

1.2 *Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep drugs and devices shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such drug or device will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.107

1.3 *New drug distributors and importers for investigational use.* To keep statement by expert that drug will be used with proper facilities by or under him for investigation and complete records of shipments and deliveries.

Retention period: 3 years after introduction of shipment or delivery into interstate commerce or 3 years after the disposition by such importer of the lot of such drug to which such statement and records relate. 21 CFR 1.114

1.4 *Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep cosmetics shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep a written agreement containing such specifications as will insure that such cosmetic will not be adulterated or misbranded upon completion of such processing, labeling or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.204

1.5 *Coal-tar color distributors or manufacturers to whom certificates have been issued by the Food and Drug Administration.* To keep complete records of disposal of all coal-tar color from the batch covered by each certificate.

Retention period: At least 1 year after disposal of all such color. 21 CFR 9.12

1.6 *Packers of processed shrimp and canned oysters operating under the seafood inspection service.* To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 1 year after date of shipment. 21 CFR 85.9, 85.24

1.7 *Antibiotic and antibiotic-containing drug distributors to whom certifications have been issued by the Food and Drug Administration.* To keep complete records of shipments and deliveries.

Retention period: Not less than 3 years. 21 CFR 146.5, 146.18–146.23

1.8 *Insulin distributors to whom certifications have been issued by the Food and Drug Administration.* To keep records of shipments and deliveries.

Retention period: 3 years after disposal of all the batch covered by a certificate. 21 CFR 164.8

1.9 *Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.* To keep all thermograph charts.

Retention period: For 1 year unless within that period examined and released by authorized agent of Secretary. 21 CFR 290.17

2. Public Health Service

2.1 *Cooperating agencies receiving grants to establish and maintain organized community programs of heart disease control.* To maintain records of authorized personnel training for health work under Federal grants provided under sec. 314 of the Public Health Service Act for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in the plan of the cooperating agency.

Retention period: Not specified.[a] 42 CFR 51.11, 51.15

2.2 *Cooperating agencies receiving grants to establish and maintain organized community programs of heart disease control.* To establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls) in the administration of grants under sec. 314 of the Public Health Service Act, maintaining a separate and distinct fund account for each Public Health Service grant.

Retention period: Not specified.[a] 42 CFR 51.13

2.3 *Applicants receiving Federal funds for hospital and medical facilities survey and contruction projects.* To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction of hospitals and medical facilities under the Public Health Service Act.

Retention period: Not specified. 42 CFR 53.129

2.4 *Institutions receiving Federal grants for training in heart disease.* To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

2.5 *Representatives of licensed foreign establishments distributing biologic products or trivalent organic arsenicals into any State or possession of the United States.* To keep such records of distribution as are required of domestic licensed establishments.

Retention period: Minimum of 6 months after expiration date with 5 years as the extreme interval. 42 CFR 73.21, 73.36

2.6 *Licensed domestic manufacturing establishments of biologic products or trivalent organic arsenicals.* To keep records of production and distribution, with dates of the various steps in the manufacture, testing, disposition, and distribution of each lot, complete records of recall from distribution of any product not in compliance with acceptable standards, records of sterilization, including date, duration and temperature of each sterilization, animal necropsy records, and records clearly indicating the degree of responsibility for establishments participating in manufacture.

Retention period: For production records, an interval of 6 months to 5 years after the expiration date sufficient to permit the return of any clinical report of unfavorable reactions; for distribution records, until each lot ceases to be the property of the manufacturer; for others, not specified. 42 CFR 73.36

[a] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

3. Social Security Administration

Bureau of Federal Credit Unions

3.1 *Treasurers (general managers) of Federal Credit Unions.* To provide and maintain full and complete records of all the assets and liabilities of the credit unions.

Retention period: Not specified.[a] 45 CFR 301.3 Article VIII, sec. 5

3.2 *Clerks of Federal Credit Unions.* To prepare and maintain full and correct records of all meetings of the members and of the boards of directors.

Retention period: Not specified.[a] 45 CFR 301.3 Article VIII, sec. 7

3.3 *Secretaries of Federal Credit Union credit committees.* To prepare and maintain full and correct records of all actions taken by the credit committees.

Retention period: Not specified.[a] 45 CFR 301.3 Article IX, sec. 3

3.4 *Secretaries of Federal Credit Union supervisory committees.* To keep and maintain full and correct records of all actions taken by the supervisory committee including audit reports.

Retention period: Not specified.[a] 45 CFR 301.3 Article X, sec. 2 and sec. 3

3.5 *Federal Credit Unions.* To keep all applications for loans and the reports of the credit committees.

Retention period: Permanent. 45 CFR 301.3 Article XII, sec. 7

3.6 *Federal Credit Unions.* To keep copies of its organization papers, its by-laws, and any amendments thereto.

Retention period: Not specified. 45 CFR 301.3 Article XIX, sec. 6

3.7 *Treasurers of Federal Credit Unions.* To keep copies of the Supervision Fee Certificates.

Retention period: Permanent. 45 CFR 301.6

3.8 *Federal Credit Unions.* To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified.[a] 45 CFR 301.14

3.9 *Federal Credit Unions voluntarily liquidated.* To keep settled passbooks of members along with the books and records of the credit unions.

Retention period: Not specified. 45 CFR 310.9

3.10 *Federal Credit Unions liquidated.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union.

Retention period: 5 years following the date of cancellation of the charter. 45 CFR 310.13

[a] See Accounting Manual for Federal Credit Unions (October 1954), pp. 109–111.

Bureau of Old-Age and Survivors Insurance

3.11 *State and local government employees under special coverage agreements.* Advised (not mandatory) to keep permanent, accurate records of identification, service dates, payments made, withholdings and collections, and adjustments or settlements, as specified in 20 CFR 404.1256 and in statements furnished employees by the State, in a form suitable for retention.

Retention period: Permanent. 20 CFR 404.1230, 404.1256

3.12 *State and local government employees under special coverage agreements.* To retain the receipt of the Social Security Administration acknowledging employee's application for account number.

Retention period: Not specified. 20 CFR 404.1243

V. DEPARTMENT OF THE INTERIOR

1. Alaska Game Commission

1.1 *Persons selling or otherwise disposing of designated poisons.* To keep a record in a special book, showing name and address of persons purchasing or otherwise procuring said poisons, and the kind and amount thereof, as required by Section 8 of the Alaska Game Law.

Retention period: Not specified. 50 CFR 162.1

1.2 *Persons selling strychnine or other poison designated by the Commission.* To keep a record showing name and address of purchaser, kind and amount sold.

Retention period: Not specified. 48 U. S. C. 197

2. Fish and Wildlife Service

2.1 *Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.* To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: Not specified (but records kept to permit making of report not later than January 10 of each year). 50 CFR 6.8 and permit forms presently in use.

2.2 *Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.* To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: Not specified. 50 CFR 6.9

2.3 *California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.* To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: Not specified (but records kept to permit a report to be made not later than January 1 of each year). 50 CFR 6.52

2.4 *State fish and game departments conducting wildlife restoration projects with Federal aid.* To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: Not specified. 50 CFR 41.50

2.5 *Alaska fur dealers, mission stores and cooperative stores operated exclusively by and for native Indians and Eskimos.* To keep records showing the number of each kind of furs purchased or procured, from whom purchased and to whom sold, date of purchase or sale, name and license number of trapper.

Retention period: Not specified. 50 CFR 46.57

2.6 *Hunters and trappers in Alaska.* To keep records showing the kind and number of each species of animal or bird taken in Alaska.

Retention period: Not specified (except that hunters taking big-game animals in certain areas must report such taking on or before December 10). 50 CFR 46.58

2.7 *Persons conducting fishing operations in Alaska.* To furnish daily reports of fish taken in waters where a rack or weir is maintained by the Fish and Wildlife Service for the purpose of counting salmon ascending to the spawning grounds.

Retention period: Not specified (but note that a report must be made of each day's catch of fish). 50 CFR 102.4

2.8 *Buyers or processors of fish or shellfish operating in Alaska.* To (a) file notice of intention to operate, listing extent, nature, and location of operation; (b) report individual receipts of fish and allied data; (c) maintain statistical records on receipts and production; (d) submit report of operations at the close of the season on statistical forms disclosing information concerning operation, production, personnel, wages, and equipment used, and (e) report, for statistical purposes, immediately in de-

tail any disposition of fish or shellfish not processed within the statutory 48-hour time limitation.

Retention period: Not specified. 50 CFR 102.7

2.9 *Otter trawl operators in Alaska.* To maintain a running log of fishing operations and furnish not later than December 15 of each year complete statistics of operations.

Retention period: Not specified. 50 CFR 102.30

2.10 *Fishermen operating in Bristol Bay Area, Alaska.* To report daily the number of boats and salmon catches by species and gear.

Retention period: Not specified. 50 CFR 104.8

2.11 *Fishermen operating in the Cook Inlet Area, Alaska.* To report all unprocessed salmon caught in the Cook Inlet area before transporting such salmon out of the area.

Retention period: Not specified (but note that reporting requirement relates to day-to-day operations or operations limited in time). 50 CFR 109.2b

3. Geological Survey

3.1 *Coal-mine lessees (federally owned lands).* To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or bi-weekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 *Oil and gas lessees (federally owned and restricted Indian lands).* To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period. Not specified. 30 CFR 221.23

3.3 *Mineral lessees, potash, sodium, and other minerals (federally owned lands).* To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

3.4 *Oil and gas and sulphur lessees (outer Continental Shelf).* To keep well records and production records, and information obtained in the course of well operations.

Retention period: Not specified. 30 CFR 250.37

4. Bureau of Indian Affairs

4.1 *Voters, Annette Islands Reserve, Alaska.* May be required to present receipts for taxes, fines or fee for permit to occupy land as evidence of entitlement to vote.

Retention period: Not specified. 25 CFR 1.4

4.2 *Secretary of Annette Islands Reserve, Alaska.* To keep a record of the labor on public works performed by each person without remuneration, showing the dates, number of hours and character of the service rendered by each person.

Retention period: Not specified. 25 CFR 1.13

4.3 *Secretary of Annette Islands Reserve, Alaska.* To keep the minutes of all proceedings of the council and to be custodian of all official documents of the Annette Islands Reserve.

Retention period: Not specified. 25 CFR 1.29

4.4 *Secretary of executive committee, Annette Islands Reserve, Alaska.* To keep record of the proceedings of the Executive Committee.

Retention period: Not specified. 25 CFR 1.34, 1.46

4.5 *Treasurer, Annette Islands Reserve, Alaska.* To keep in a book a correct account of all moneys received and paid out by him. Book shall at all times be open to inspection of mayor, the secretary, the auditing committee and the representative of the U. S. Bureau of Indian Affairs.

Retention period: Not specified. 25 CFR 1.40

4.6 *Secretary, Annette Islands Reserve, Alaska.* To preserve in the official records duplicates of permits to occupy lots within the town of Metlakahtla or to occupy tracts of land within Annette Islands Reserve.

Retention period: Not specified. 25 CFR 1.59, 1.60

4.7 *Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.* To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 21.7

4.8 *Indian corporations and tribes.* To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 23.9

4.9 *Chippewa Indian Marketing Association.*[1] To keep records.

Retention period: During time the Association is indebted to the "Chippewa in Minnesota Fund." 25 CFR 27.18

4.10 *Secretary, Klamath Tribal Loan Board.* To keep a complete record of all meetings of the board.

Retention period: Not specified. 25 CFR 28.3

4.11 *Klamath Tribal Loan Board.* To keep records and accounts regarding the status of loans.

Retention period: Not specified. 25 CFR 28.9

4.12 *Lessees of Osage Reservation lands for oil and gas mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 180.44

[1] The Association is defunct.

4.13 *Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.34

4.14 *Lessees of tribal lands for mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 186.18

4.15 *Lessees of restricted allotted Indian lands for mining.* To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 189.25

4.16 *Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.* To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 192.25

4.17 *Lessees of lands in Crow Indian Reservation, Montana, for mining.* To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 195.18

4.18 *Lessees of lands under Quapaw Agency for lead and zinc mining.* To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 201.24

4.19 *Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.* To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 204.13

4.20 *Oil and gas pipeline operators with rights-of-way over Indian lands.* To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 256.25

4.21 *Traders on Navajo, Zuni, and Hopi Reservations.* To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 277.7, 277.17

4.22 *Red Lake Fisheries Association.* To keep books and records showing all receipts and disbursements, names and addresses of all persons from whom fish are purchased and to whom fish are sold, and all other transactions.

Retention period: Not specified. 25 CFR 291.13

5. International Pacific Halibut Commission

5.1 *Masters or operators of vessels holding Pacific halibut fisheries license or permit.* To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: Not specified. 50 CFR 301.9

5.2 *Halibut dealers.* To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: Not specified. 50 CFR 301.10

6. International Whaling Commission

6.1 *Factory whaling ships and land stations.* To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

7. Bureau of Land Management

7.1 *Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.* To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: Not specified. 43 CFR 5.5

7.2 *Mining recorders of notices.* To keep records of notice of location defining the tunnel claim, to which must be attached the sworn statement or declaration of the owners, claimants or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors; the extent of the work performed and their intention to prosecute work with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both.

Retention period: Not specified—to be kept in the recorder's files for future reference. 43 CFR 185.23

8. Bureau of Mines

8.1 NOTE (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U. S. C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months immediately preceding the date of request for such data.

9. National Park Service

9.1 *Concessioners.* To keep records of their employees, payrolls, and other records with respect to compliance with State labor standards (laws).

Retention period: 3 years. 36 CFR 28.7, 28.9

10. Office of Oil and Gas (Connally Act Administration)

10.1 *Petroleum producers in designated areas (in all of Louisiana and certain counties in Texas and New Mexico).* To keep records of inventories, production, consumption, and deliveries, and gauge tickets, run tickets, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

10.2 *Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants, persons dealing in; brokers, buyers and sellers.* To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

10.3 *Petroleum and petroleum products reclamation plants.* To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

10.4 *Petroleum and petroleum products pipelines.* To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

10.5 *Petroleum and petroleum products transporting agencies.* To keep records of shipments, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

VI. DEPARTMENT OF JUSTICE

1. General

1.1 *Foreign agents required to register under 22 U. S. C. 611 et seq.* To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

1.2 *Organizations registered under Subversive Activities Control Act of 1950.* To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

1.3 *Manufacturers of and dealers in gambling devices.* To keep monthly record of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: Not specified. 15 U. S. C. 1173

1.4 *Foreign agents.* To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. 22 U. S. C. 615

2. Office of Alien Property

2.1 *Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.* To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5 (b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in §§ 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

VII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 *Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.* To keep weekly payroll records setting out name, occupation and hourly wage rate of each employee, hours worked during payroll period, full weekly wages earned, and deductions made from such weekly wages, and actual weekly wages paid him.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4, 5.5

1.2 *Employers subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (See 29 CFR 5.1).* To keep payroll records for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract. 29 CFR 3.4, 5.5

1.3 *Employers subject to child-labor provisions of the Fair Labor Standards Act.* To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 4.3

1.4 *State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 4.86, 515.6

1.5 *Employers subject to minimum age standards of child labor provisions of Fair Labor Standards Act.* To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 4.121

1.6 *Maritime employers.* To keep a record of any injury to an employee.

Retention period: Not specified. 33 U. S. C. 929

2. Bureau of Employees' Compensation

2.1 *Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.* To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 *Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 *Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Division of Public Contracts

3.1 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep certificate of age of employee issued by Secretary of Labor under Fair Labor Standards Act as protection against employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 201.105

3.2 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age, certificate of age (if minor), wage and hour records.

Retention period: 4 years from date of last entry. 41 CFR 201.501

3.3 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep records of injury frequency rates of employees.

Retention period: 4 years after date of entry. 41 CFR 201.502

4. Wage and Hour Division

4.1 *State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 4.86, 515.6

4.2 *Employers making retroactive payment of wages to employees or industrial homeworkers under supervision of the Administrator.* To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: Not specified. 29 CFR 516.2, 516.21, 545.7, 681.7, 695.6

4.3 *Employers subject to Fair Labor Standards Act.* To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for payrolls and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.5, 516.6

4.4 *Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.* To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 521.8

4.5 *Joint apprenticeship committees holding certificates issued by Administrator.* To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 521.8

4.6 *Employers subject to Fair Labor Standards Act employing learners under special learners certificates.* To keep payroll records of learners; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 522.7

4.7 *Independent telephone industry exchanges authorized to employ learners.* To keep payroll records of learners and occupation in which each learner is employed.

Retention period: Not specified. 29 CFR 522.91

4.8 *Employers subject to Fair Labor Standards Act.* To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.9 (retention: 516.15)

4.9 *Sheltered workshops (as defined in 29 CFR 525.1).* To keep records of the nature of each client's handicap, and records required under applicable provisions of 29 CFR Part 516

Retention period: Not specified. 29 CFR 525.10

4.10 *Educational institutions employing student-workers as learners at subminimum wage rates.* To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 527.7

4.11 *Employers of homeworkers in the needlework and fabricated textile products industry in Puerto Rico.* To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7, 545.8

4.12 *Homeworkers in the needlework and fabricated textile products industry in Puerto Rico.* To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7, 545.8

4.13 *Employer and employees (homeworkers) in the needlework and fabricated textile products industry in Puerto Rico.* To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee, 2 years. 29 CFR 545.7, 545.8

4.14 *Homeworkers and employers in the women's apparel industry.* To maintain one copy each of certificate authorizing employment of industrial homeworkers in the women's apparel industry.

Retention period: Not specified. 29 CFR 605.8

4.15 *Employers of industrial homeworkers in the women's apparel industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 605.9

4.16 *Homeworkers and employers in the jewelry manufacturing industry.* To keep a copy of certificate authorizing the employment of industrial homeworkers in the jewelry manufacturing industry.

Retention period: Not specified. 29 CFR 607.8

4.17 *Employers of industrial homeworkers in the jewelry manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 607.9

4.18 *Employers of industrial homeworkers engaged in making hand-fashioned jewelry of the Navajo, Pueblo, and Hopi Indian reservations.* To keep records, including name, address, and age of homeworker, description of work performed, amount and date of cash payments, and schedule of piece rates paid.

Retention period: Not specified. 29 CFR 607.12

4.19 *Homeworkers and employers in the knitted outerwear industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the knitted outerwear industry with employment record.

Retention period: Not specified. 29 CFR 617.8

4.20 *Employers of industrial homeworkers in the knitted outerwear industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 617.9

4.21 *Homeworkers and employers in the gloves and mittens industry.* To keep the certificate authorizing employment of industrial homeworkers in the gloves and mittens industry.

Retention period: Not specified. 29 CFR 621.9

4.22 *Employers of industrial homeworkers in the gloves and mittens industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 621.10

4.23 *Homeworkers and employers in the button and buckle industry.* To keep the certificate authorizing the employment of industrial homeworkers.

Retention period: Not specified. 29 CFR 625.8

4.24 *Employers of industrial homeworkers in the button and buckle manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 625.9

4.25 *Homeworkers and employers in the handkerchief manufacturing industry.* To keep certificate authorizing employment of industrial homeworkers in the handkerchief manufacturing industry.

Retention period: Not specified. 29 CFR 628.8

4.26 *Employers of industrial homeworkers in the handkerchief manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 628.9

4.27 *Homeworkers and employers in the embroideries industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the embroideries industry.

Retention period: Not specified. 29 CFR 633.8

4.28 *Employers of industrial homeworkers in the embroideries industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 633.9

4.29 *Employers of persons engaged in commerce or in the production of goods for commerce in the needlework and fabricated textile products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 655.3

4.30 *Employers of persons engaged in the hairnet industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 656.3

4.31 *Employers of persons engaged in the tobacco industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 657.2

4.32 *Employers of persons engaged in the shipping industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 660.3

4.33 *Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 661.2

4.34 *Employers of persons engaged in the cement industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 662.2

4.35 *Employers of persons engaged in designated industries in the Virgin Islands (liquor, shipping, property motor carrier, wholesaling, communications, electric power, meat packing, bay oil, bay rum, other manufacturing and others except banking).* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 669.3

4.36 *Employers of persons engaged in chemical, petroleum, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.2

4.37 *Employers of persons engaged in communications, utilities, and miscellaneous transportation industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 671.2

4.38 *Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 672.2

4.39 *Employers of persons engaged in the food and related products industries in Puerto Rico.* To keep notices of wage

orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.2

4.40 *Employers of persons engaged in the lumber and wood products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 675.2

4.41 *Employers of persons engaged in the paper, paper products, printing, publishing, and related industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.2

4.42 *Employers of persons engaged in the stone, glass, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 678.2

4.43 *Employers of persons engaged in the woven and knitted fabric glove division and leather glove division of the needlework industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 680.3

4.44 *Employers of homeworkers in Puerto Rico (other than needlework industries).* To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

4.45 *Employers of homeworkers in industries in Puerto Rico (other than needlework industries).* To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

4.46 *Employers of persons engaged in the wholesaling, warehousing, and other distribution industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 683.3

4.47 *Employers of persons engaged in the hooked rug industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 684.2

4.48 *Employers of persons engaged in the shoe manufacturing and allied industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 686.3

4.49 *Employers of persons engaged in the hosiery industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 687.3

4.50 *Employers of persons engaged in the artificial flower industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 688.3

4.51 *Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 689.3

4.52 *Employers of persons engaged in the railroad, railway express, and property motor transport industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 692.2

4.53 *Employers of persons engaged in industries in the Virgin Islands.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention Period: Not specified. 29 CFR 694.3

4.54 *Employers of homeworkers in industries in the Virgin Islands.* To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

4.55 *Employers of homeworkers in industries in the Virgin Islands.* To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

4.56 *Employers of persons engaged in the textile and textile products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

4.57 *Employers of persons engaged in the clay and clay products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 700.3

4.58 *Employers of persons engaged in the handicraft products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 702.3

4.59 *Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 703.3

4.60 *Employers of persons engaged in the leather, leather goods, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 704.2

4.61 *Employers of persons engaged in the decorations and party favors industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 705.3

4.62 *Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 706.2

4.63 *Employers of persons engaged in the jewel cutting and polishing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 707.2

4.64 *Employers of persons engaged in the rubber, straw, hair and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 708.2

4.65 *Employers of persons engaged in the button, buckle, and jewelry industry in Puerto Rico.* To keep wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 709.2

4.66 *Employers of persons engaged in the corsets, brassieres, and allied garments industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 710.3

4.67 *Employers of persons engaged in the electrical instrument and related manufacturing industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 711.3

4.68 *Employers of persons engaged in the metal, machinery, transportation equipment, and allied industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 712.3

4.69 *Employers of persons engaged in the plastic products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 713.3

VIII. POST OFFICE DEPARTMENT

1.1 *Postage meter licensees.* To keep a Meter Record Book (Form 3602–A), showing daily register readings of metered mail.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

1.2 *Apartment-house managers.* To maintain a record of key numbers furnished by manufacturers and jobbers relating the key numbers to mail receptacle numbers or, in case of keyless locks, to be instructed to keep a record of the combinations so that new tenants may be advised and, where there are 25 or more receptacles, to maintain a complete alphabetical directory of all persons receiving mail and a separate directory for each of the apartment house units having 25 or more receptacles.

Retention period: Not specified. 39 CFR 97.1

IX. DEPARTMENT OF STATE

1.1 *Alien applicants for nonimmigrant visas.* To retain all documents and letters in support of a claim for eligibility to receive a nonimmigrant visa which were presented to, and returned by, the consular officer.

Retention period: For examination by immigration officials at port of entry. 22 CFR 41.10

1.2 *Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.* To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records relating to the importation and exportation of articles enumerated in the United States Munitions List. Records of imports shall contain information on the consignor and the country of origin. Records of exports shall contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of the shipments. Records covering both import and export shipments shall, in addition, include statistics on quantities shipped and the estimated values thereof.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 75.28

X. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 *General depositaries.* To retain one copy of the certificate of deposit, distributed in accordance with instructions printed thereon.

Retention period. Not specified. 31 CFR 202.6

1.2 *Active general depositaries.* To retain copies of the daily transcripts of the Treasurer's account, describing the checks charged to the account of the Treasurer of the United States, in order to secure coverage of accompanying checks under the Government Losses in Shipment Act, and the quadruplicate copies of certificates of deposit.

Retention period: Not specified. 31 CFR 202.21, 205.3

1.3 *Depositaries for Federal taxes.* To establish and maintain an adequate record of all deposits received from employers, including date of payment, employer's identification number, and the total amount of tax deposit.

Retention period: Not specified. 31 CFR 213.5

1.4 *Authorized depositaries for bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds.* To retain duplicate copy of receipt for deposit of bonds, notes, or other obligations as security for penal bonds.

Retention period. Not specified. 31 CFR 225.8

1.5 *Depositors of money paid in offer in compromise on claims in favor of United States under 31 U. S. C. 194.* To keep duplicate copy of certificate of deposit (Form 209, formerly 6599).

Retention period: Not specified. 31 CFR 240.3

1.6 *Consignees of shipments under Government Losses in Shipment Act.* To make a matter of record all findings of consignee on inspection of shipment, subject to the call or inspection of the Secretary of the Treasury or other duly authorized Government officer.

Retention period: Not specified. 31 CFR 261.5

1.7 *Public and private agencies holding refugee relief loans.* To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 *National banks acting as insurance agents and as brokers or agent for loans on real estate.* To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Not specified. 12 CFR 2.2, 2.4

2.2 *National banks exercising trust powers.* To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under Regulations and State and local law.

Retention period: Not specified. 12 CFR 4.1, 4.3 [See also 12 CFR 206.7.]

2.3 *National banking associations.* To retain list of names and residences of all shareholders, current list to be kept in main office of the bank.

Retention period: Not specified. 12 CFR 4.1

3. Bureau of Customs

3.1 *Importers of leather sold to be used in the manufacture of footwear.*[1] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.84

3.2 *Importers of leather to be used in the manufacture of harness or saddlery.*[1] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.85

3.3 *Importers of hides and skins of the India water buffalo to be used in the manufacture of rawhide articles.*[1] To keep records to support blanket certificates issued to show sales of such hides and skins during a specific period to a specified manufacturer showing quantity and description of the hides and skins and identifying such hides and skins with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.86

3.4 *Importers of leather to be used in the manufacture of footballs, basketballs, soccer balls, or medicine balls.*[1] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.87

3.5 *Importers of Patna rice to be used in the manufacture of canned soups.*[1] To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.88

3.6 *Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.* To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Not specified. 19 CFR 10.93

3.7 *Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.* To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c)

[1] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period or at completion of lot: (g) quantities and description of any yarns spun.

Retention period: Not specified. 19 CFR 10.94

3.8 *Manufacturers, processors, or dealers of articles of wool or hair of the camel.* To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Not specified. 19 CFR 10.95

3.9 *Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.*[a] To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.100

3.10 *Importers of limestone to be used in the manufacture of fertilizer.*[a] To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.101

3.11 *Importers of bauxite, calcined, to be used in the manufacture of firebrick or other refractories.*[a] To keep records to support blanket certificates issued to show sales of such bauxite during a specific period to a specified manufacturer showing quantity and description of the bauxite and identifying such bauxite with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.102

3.12 *Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.*[a] To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of ore and crude metal on hand at the beginning of the period and the dutiable contents thereof; the quantities of ore and crude metal received during the period and the dutiable contents thereof; the quantities of ore and crude metal to be accounted for and the dutiable contents thereof; the quantities of ore and crude metal on hand at the end of the period and the dutiable contents thereof; the quantities of ore and crude metal worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: Not specified. 19 CFR 19.19

3.13 *Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.* To maintain such records as will enable customers officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: Not specified. 19 CFR 19.34

3.14 *Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.*[a] To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported merchandise used, the quantity of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 19 CFR 22.4, 22.6

3.15 *Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (b), Tariff Act of 1930, as amended.*[a] To keep records showing (a) the quantity, identity, kind, and quality of the duty-paid sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or of the articles manufactured or produced under drawback regulations with the use of such merchandise (hereinafter referred to as designated merchandise) designated as the basis for the allowance of drawback on the exported articles; (b) that such designated merchandise was used by the manufacturer or producer of the exported articles within 3 years after the date on which it was received by such manufacturer or producer; (c) that the exported articles were manufactured or produced with the use of sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or domestic products of any of the foregoing, as the case may be, of the same kind and quality as the designated merchandise; (d) that the exported articles were manufactured or produced within 3 years after the date on which the designated merchandise was received by the manufacturer or producer of the exported articles; (e) that duty-free or domestic merchandise of the same kind and quality as the designated merchandise was used by the manufacturer or producer of the exported articles within 3 years after the date on which the designated merchandise was received by such manufacturer or producer; and (f) the quantity of sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or domestic products of any of the foregoing, of the same kind and quality as the designated merchandise, used in the manufacture or production of the exported articles.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 19 CFR 22.5, 22.6

3.16 *Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313 (d), Tariff Act of 1930, as amended.*[a] To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 19 CFR 22.23, 22.24

3.17 *Licensed customhouse brokers.* To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business, and, except for limitations provided under 31 CFR 11.8 (b) (3), a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 31 CFR 11.8

4. Foreign Assets Control

4.1 *Persons engaged in transactions subject to Foreign Assets Control regulations.* To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804

[a] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

5. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect on December 31, 1955. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 5.11 regardless of other requirements which for other purposes allow shorter retention periods.

Citations are to the 1939 Code of Federal Regulations unless otherwise indicated.

5.1 *Persons engaged in construction of aircraft for the Army and the Air Force.* To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13

5.2 *Persons engaged in construction of naval vessels or aircraft for the Navy.* To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14

5.3 *Persons engaged in the production, purchase, or sale of merchandise.* To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.22 (c)–1, 39.22 (d)–2 (retention: 39.54–1); 26 CFR (1954) 1.1321–1, 1.1321–2

5.4 *Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.* To keep records of all factors entering into the computation of depreciation allowances.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (*l*)–9 (retention: 39.54–1)

5.5 *Persons claiming allowance for depletion of natural gas property without reference to discovery value or percentage depletion.* To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)–2 (retention: 39.54–1)

5.6 *Persons claiming an allowance for depletion and depreciation of mineral property.* To keep accurate accounts in which shall be recorded the cost or other basis of the mineral deposit and of the plant and equipment, together with subsequent allowable capital additions to each account and all of the other adjustments required: Records shall also be kept of the amounts of periodic depletion and depreciation computed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)–11 (retention: 39.54–1)

5.7 *Persons claiming an allowance for depletion or depreciation of timber property.* To keep accurate ledger accounts in which shall be recorded the cost or other basis of the timber property (including plants, improvements, and equipment) together with subsequent allowable capital additions to each account and all other adjustments required. In such accounts the quantity of timber, of land, and of other resources, if any, shall be set up separately and a proper part of the total cost or value allocated to each. Records shall also be kept of the amounts of periodic depletion and depreciation computed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)–28 (retention: 39.54–1)

5.8 *Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.* To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR 39.23 (p)–2

5.9 *Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.* To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.24 (a)–4 (retention: 39.54–1)

5.10 *Corporations claiming allowance for dividends paid to shareholders.* To keep permanent records necessary (a) to establish that dividends with respect to which the allowance is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.27 (b)–2 (retention: 39.54–1)

5.11 *Persons subject to income tax, except persons whose gross income consists solely of compensation for personal services rendered or arises solely from growing and selling products of the soil.* To keep permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, and other matters required to be shown in any income tax return. In addition, every organization which is exempt from income tax but required to file an annual income return must keep permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.54–1 (See also 26 CFR 39.41–3, 39.41–4, and 39.44–1 dealing with accounting methods and periods.)

5.12 *Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations under the 1939 Code or 1954 Code.* To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.54–1; 26 CFR (1954) 1.393–3

5.13 *Persons who participate in a transfer to a corporation controlled by the transferor.* To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (6)–3 (retention: 39.54–1); 26 CFR (1954) 1.351–3

5.14 *Corporations receiving distributions in complete liquidation of subsidiaries.* To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (6)–5 (retention: 39.54–1); 26 CFR (1954) 1.332–6

5.15 *Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.* To keep records in substantial form showing all facts pertinent to the recognition and

treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (7)–5 (retention: 39.54–1); 26 CFR (1954) 1.333–5

5.16 *Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (10)–2 (retention: 39.54–1); 26 CFR (1954) 1.371–1

5.17 *Persons who participate in a tax-free exchange in connection with a corporate reorganization.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (g)–6 (retention: 39.54–1); 26 CFR (1954) 1.362–3

5.18 *Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (l)–2 (retention: 39.54–1); 26 CFR (1954) 1.371–2

5.19 *Persons making or receiving gifts of property acquired by gift after December 31, 1920.* To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.113 (a) (2)–1 (retention: 39.54–1)

5.20 *Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.* To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.113 (a) (5)–1 (retention: 39.54–1)

5.21 *Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.* To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.131 (c)–1 (retention: 39.54–1)

5.22 *Regulated investment companies.* To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.362–3, 39.362–4

5.23 *Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.* To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.371–11 (retention: 39.54–1)

5.24 *Executors of estates.* (a) To preserve in their files letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales, of stocks and bonds which are not listed upon an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 81.10

(b) To keep complete and detailed records of the affairs of the estate as will enable the Commissioner to determine accurately the amount of the tax liability.

Retention period: Not specified. 26 CFR 81.103

5.25 *Persons making transfers of property by gift.* (a) To preserve in their files letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales, of stocks and bonds which are not listed upon an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 86.19

(b) To keep such books of account or records as are necessary to establish the amount of their total gifts together with the deductions allowable in determining the amount of their net gifts, and the other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 86.25

5.26 *Persons required to collect and account for admissions and cabaret taxes*—(a) *Admissions.* (1) To keep the portions of the tickets taken up by them.

Retention period: Not less than six months. 26 CFR 101.18

(2) To keep a copy of the statement of the numbers of obsolete and unusable tickets destroyed, their denominations, and all other pertinent information.

Retention period: Not specified. 26 CFR 101.18

(3) To keep substantially in accordance with the form outlined in the regulations an accurate daily record of admissions to all classes, including free or complimentary tickets or admissions and reduced rate admissions; a classified daily record showing as to each class of tickets sold all figures and other information necessary to determine the amount of tax due for the day, and due as charges in excess of established price for the day, to keep sworn copies of management reports attached to and made a part of the records for the period covered thereby.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32.

(b) *Cabarets.* (1) To keep waiters' checks or bills or cash register tapes where the passing on of the tax to patrons is evidenced by entries thereon.

Retention period: Not less than 6 months. 26 CFR 101.18, 101.32

(2) To keep adequate and sufficient records with respect to the operations for each day on which public performances are held showing receipts from charges paid by all patrons entitled to be present during any part of the performance, and the tax due.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32

(c) *Duplicate returns and credits.* A complete and detailed record of all credits taken and a duplicate of the returns shall also be kept.

Retention period: 4 years from the date the tax became due, and, with respect to credits, 4 years from the date of the return on which the credit is taken. 26 CFR 101.32, 101.33, 101.41

5.27 *Social, athletic, or sporting club or organization required to collect the tax on dues or initiation fees.* To keep up-to-date records showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. To also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax became due, and, with respect to credits, 4 years from the date of the return on which the credit is taken. 26 CFR 101.38, 101.41

5.28 *Persons making contracts of sale of cotton for future delivery, and persons who act in capacity of clearing houses or associations for such transactions.* To keep detailed records concerning the contracts and parties thereto in accordance with forms prescribed in regulations.

Retention period: Not less than 2 years. 26 CFR 110.8, 110.9, 110.10, 110.11

5.29 *Parties to transfers of any interest in silver bullion.* To keep accurate and complete record of every transfer of interest in silver bullion, and the record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined.

Retention period: 4 years from the date the tax became due. 26 CFR 112.101

5.30 *Persons engaged in the business of buying, selling, or transferring stocks or bonds.* To keep a record of each transaction showing date of transaction, names of all parties involved, number, names, description, par and face value, selling price of stocks, and other related information.

Retention period: 4 years from the time of the transaction. 26 CFR 113.38, 113.68, 113.150

5.31 *Members of a stock exchange involved in transferring accounts through clearing houses, engaged in the business of clearing settling, or adjusting transactions in stocks or bonds.* To keep records of the particulars of transactions transferring the accounts of customers without change of ownership of the securities of such customers, wherever a clearing house carries upon its sheets or records information or reports of such transactions.

Retention period: 4 years from the time of the related transaction. 26 CFR 113.41, 113.71, 113.150

5.32 *Members of a securities exchange registered with the Securities and Exchange Commission as a national exchange who have appointed clearing houses for affixing stamps.* To maintain in permanent form complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stocks and bonds, whether taxable or not, including rights to subscribe for or to receive stocks or bonds, arising in the conduct of their business, irrespective of whether the stocks or bonds are listed or unlisted, whether the transactions are clearable or not, and including transactions involving loans or borrowings of stocks or bonds, and over-the-counter sales, showing with respect to each transaction the amount of tax payable or the basis on which exemption from tax is claimed.

Retention period: 4 years from the date of the transaction. 26 CFR 113.41, 113.71

5.33 *Clearing houses appointed for the purpose of affixing stamps by members of a securities exchange registered with the Securities and Exchange Commission as a national exchange.* To keep in permanent form the daily reports received from its members, and the daily summary statement of the total tax shown on such reports (if one is made).

Retention period: 4 years from the date of the report or statement. 26 CFR 113.41, 113.71

5.34 *Persons having control or possession of policies of insurance or reinsurance issued by foreign insurers.* To keep the instrument of insurance.

Retention period: 4 years from the date of issuance of the policy. 26 CFR 113.107

5.35 *Persons, solicitors, or brokers accepting, placing, or soliciting contracts of insurance or reinsurance by foreign insurers.* To keep a record of each policy or other instrument subject to tax.

Retention period: 4 years from the time of the transaction. 26 CFR 113.109, 113.150

5.36 *Persons required to keep records with respect to documentary stamp taxes.* To maintain and preserve all instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; and all other records required by the documentary stamp tax regulations.

Retention period: 4 years from the time of the related transaction. 26 CFR 113.150

5.37 *Persons required to collect tax on use of safe deposit boxes.* To keep accurate records and accounts of all transactions subject to tax and evidence of the right to exemption on any such transaction in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

5.38 *Carriers of petroleum by pipe line.* To keep accurate records and accounts showing (a) the daily volume of commodities accepted for transportation; (b) daily run records of the amount taken into the pipe lines and the amount delivered from such lines; (c) deductions from acceptances or allowances for evaporation, basic sediment, water, etc.; and (d) the charge per barrel, and the total charge for each movement. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

5.39 *Persons required to collect taxes on amounts paid for (a) telegraph, telephone, cable, or radio dispatches, messages, or conversations (b) any leased wire, or talking circuit special service, or wire and equipment services, etc., or (c) any local telephone services, etc.* To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credit taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.47, 130.71, 130.77

5.40 *Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.* To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.62, 130.71, 130.77

5.41 *Domestic manufacturers of cigarette papers and tubes.* To keep a book record of cigarette papers made up into packages, books, sets, or tubes and the number of tubes sold, and to keep a record of manufacturers and others to whom sold showing the number of tubes so sold tax-free and taxpaid.

Retention period: Not specified. 26 CFR 140.190

5.42 *Proprietors of bonded sea stores warehouses.* To keep an accurate account of articles received, withdrawn, delivered, transferred, repacked, and on hand.

Retention period: Not specified. 26 CFR 141.14

5.43 *Persons engaged in the business of transporting property for hire.* To keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 143.33, 143.34, 143.51, 143.60

5.44 *Persons who ship or pay for transportation of shipments to points of export.* To retain triplicates of Export Exemption Certificates with shipping papers, and documentary evidence of the exportation of property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported.

Retention period: 4 years. 26 CFR 143.33, 143.34

5.45 *Manufactures of smoking opium.* To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Not specified. 26 CFR 150.10

5.46 *Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.* To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.10

5.47 *Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages*—(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.59

5.48 *Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.* To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.70, 151.88, 151.96

5.49 *Registrants authorized to execute and present order forms for narcotic drugs.* (a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.76, 151.85, 151.88, 151.89

5.50 *Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.* To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.88, 151.197

5.51 *Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.* To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not specified. 26 CFR 151.97

5.52 *Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.* To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not specified. 26 CFR 151.102

5.53 *Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.* To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Not specified. 26 CFR 151.115, 151.116, 151.117, 151.150, 151.151

5.54 *Manufacturers importing opium or medicinal coca leaves.* To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Not specified. 26 CFR 151.129, 151.139

5.55 *Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.* To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.163

5.56 *Retail dealers and other persons qualified to sell narcotic drugs at retail.* To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.174

5.57 *Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).* To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which, dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not specified. 26 CFR 151.177, 151.178, 151.179

5.58 *Manufacturers, producers, compounders, and vendors (including dispensing physicians) of exempt narcotic preparations.* To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of exempt preparations. Separate records shall be kept of dispositions to registrants and dispositions to consumers. The record of dispositions to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation, and the date upon which delivery to registrant, his agent or a carrier is made. The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparations, and the date of delivery. Manufacturers of and dealers in exempt preparations, who also manufacture and deal in taxable drugs, are deemed in compliance with this requirement as to records if all such dispositions are evidenced by vouchers or invoices, which contain all the required information and are kept in a separate file arranged chronologically. Registrants, supplying exempt preparations to consumers pursuant to prescriptions issued by registered physicians, are deemed in compliance with the requirement as to records of dispositions to consumers if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filing, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not specified. 26 CFR 151.185

5.59 *Laboratories using narcotics.* To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.186, 151.187a

5.60 *Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests*—(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the written approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 5.59 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.187a

5.61 *Persons required to make statements with respect to narcotics lost or destroyed*—(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not specified. 26 CFR 151.194

5.62 *Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.* To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.195

5.63 *Narcotic registrants disposing of excess or undesired narcotics.* To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 151.196

5.64 *Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.* To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.8

5.65 *Transferors and transferees of marihuana*—(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.49

5.66 *Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practioners dispensing or administering marihuana to patients.* To keep daily records showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.53, 152.54

5.67 *Dealers filling marihuana prescriptions.* To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotic Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.64

5.68 *Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.* To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.68, 152.68a, 152.78

5.69 *Persons required to render returns with respect to marihuana.* To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.75, 152.78

5.70 *Persons registered to obtain marihuana for laboratory use.* To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.77, 152.78

5.71 *Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.* To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.77a, 152.78

5.72 *Persons taxable under the Marihuana Tax Act.* To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.78

5.73 *Persons required to make statements with respect to marihuana lost or destroyed*—(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not specified. 26 CFR 152.97

5.74 *Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.* To retain on file with marihuana records special-tax stamps returned by district

director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.98

5.75 *Marihuana registrants disposing of excess, undesirable, or useless marihuana.* To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.98

5.76 *Operators of distilleries.* To keep records pertaining to distilled spirits produced or redistilled at registered distilleries and fruit distilleries, and distilled spirits transferred in bond to, or removed for an authorized purpose from, registered distilleries and fruit distilleries under 26 CFR Part 171, Subpart G, are to be maintained in accordance with 26 CFR Part 171, Subpart G, and applicable provisions of 26 CFR (1954) Parts 220 and 221.

Retention period: Not specified. 26 CFR 171.237

5.77 *Proprietors of internal revenue bonded warehouses.* To keep records of the receipt and disposition of distilled spirits in accordance with 26 CFR 171, Subpart G, and applicable provisions of 26 CFR (1954) Part 225.

Retention period: Not specified. 26 CFR 171.244

5.78 *Operators of industrial alcohol plants, and industrial alcohol bonded warehouses (as defined in 26 CFR 171.182, 171.183).* To keep records pertaining to distilled spirits redistilled at industrial alcohol plants, and distilled spirits transferred in bond to, or removed for an authorized purpose from, industrial alcohol plants and industrial alcohol bonded warehouses (under 26 CFR Part 171, Subpart G, to be maintained in accordance with 26 CFR Part 171, Subpart G, and applicable provisions of 26 CFR (1954) Part 182).

Retention period: Not specified. 26 CFR 171.256

5.79 *Proprietors of distilleries.* To keep records pertaining to reporting and accounting for distilled spirits of 160 degrees or more of proof withdrawn free of tax from distilleries and internal revenue bonded warehouses for denaturation.

Retention period: Not specified. 26 CFR 171.264

5.80 *Proprietors of distilleries engaged in national emergency transfers of distilled spirits (under 26 CFR Part 171, Subpart G).* To keep such records as the Commissioner may deem necessary to meet the requirements of the national defense.

Retention period: Not specified, but regulations and operations under them cease to be effective 5 years from date of enactment of sec. 3183 I. R. C. 26 CFR 171.279

5.81 *Persons or organizations holding, on November 1, 1951, distilled spirits, wines, and malt liquors intended for sale upon which internal revenue tax has been paid.* To keep copies of inventories, reports, and records relating to inventories of distilled spirits, wines, and malt liquors as required by 26 CFR 171.300.

Retention period: Not specified. 26 CFR 171.302–171.310

5.82 *Proprietors of industrial alcohol plants or warehouses.* To file copies of Forms 1440 and 1701, regarding withdrawals of alcohol.

Retention period: Not specified. 26 CFR 199.44

5.83 *Denaturers or bonded dealers.* To keep application for removal of alcohol from plant or warehouse for transportation to and deposit in a foreign-trade zone for exportation (Form 1701).

Retention period: Not specified. 26 CFR 199.60

5.84 *Proprietors of distillery denaturing bonded warehouses.* To keep application (Form 1701) for removal of denatured rum from warehouse for transportation to and deposit in a foreign-trade zone.

Retention period. Not specified. 26 CFR 199.70

5.85 *Brewers.* To keep copy of report of removal (Form 1701) of fermented liquor for deposit in and subsequent exportation from a foreign trade zone.

Retention period: Not specified. 26 CFR 199.180

5.86 *Manufacturers of white phosphorus matches.* To keep a daily record on a prescribed form showing the total of each material used each day and the total number of matches produced, and the number of stamped packages and original packages in which packed, also the total number of stamped packages and original packages, together with the total number of matches disposed of each day. To also keep the names of customers to whom matches are consigned and the quantities so sold.

Retention period: Not specified. 26 CFR 300.20, 300.23

5.87 *Manufacturers of filled cheese.* To keep a daily record of the number of pounds of each material used by him in the manufacture of filled cheese and the number of pounds of each such kind of material used for purposes other than the manufacture of filled cheese; the number of taxable pounds of filled cheese produced; the number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; the number of taxable pounds of filled cheese returned to the factor in each instance, name of person by whom returned, date of receipt, and address from which returned; the number of taxable pounds of filled cheese reworked, dumped, or destroyed; and the total values of filled-cheese stamps purchased and used. A duplicate of the return shall also be kept.

Retention period: 4 years. 26 CFR 301.22, 301.23

5.88 *Wholesale dealers in filled cheese.* To keep a daily record of the number of pounds in each consignment received by him, giving the name and address of the consignor and date of receipt; and the number of pounds disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent. A duplicate of the return shall also be kept.

Retention period: 4 years. 26 CFR 301.32, 301.33

5.89 *Persons responsible for returns and payment of tax on sales of pistols and revolvers.* To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR 302.9, 302.12, 302.15

5.90 *Persons making exports of pistols and revolvers*—(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR 302.16, 302.17, 302.18

5.91 *Processors of coconut and other vegetable oils.* To keep on file accurate records and accounts (and in detail as specified) with respect to such processing. A separate record must be kept for each plant where oil or oils are processed. A complete and detailed record of each overpayment, for which claim for refund or credit is filed, must also be kept.

Retention period: 4 years from the date the tax became due, and, with respect to overpayments, 4 years from the date a claim for credit or refund has been filed. 26 CFR 306.8, 306.19

5.92 *Manufacturers of oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing materials or ingredients used, number of pounds produced and distributed, and total value of tax stamps purchased and used.

Retention period: 4 years. 26 CFR 310.24

5.93 *Wholesale dealers in oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing number of pounds in each consignment, name and address of consignor and date of receipt, number of pounds in each lot disposed of, name of consignee, address to which delivered, and date of shipment.

Retention period: At least 4 years. 26 CFR 310.42

5.94 *Manufacturers of adulterated and process or renovated butter.* (a) To keep records showing (1) the number of pounds of each material or ingredient used in the production of adulterated and process or renovated butter, and the number of pounds of such materials used for other purposes, (2) the number of pounds of adulterated and process or renovated butter produced, (3) the number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment, (4) the number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt, (5) the number of pounds reworked, disposed of as grease, or otherwise destroyed, (6) the total value of adulterated and process or renovated butter tax stamps purchased and used.

(b) To record (1) sample packages of taxpaid adulterated and process or renovated butter distributed gratuitously in the same manner as adulterated and process or renovated butter which is sold, (2) transfers by a manufacturer to himself as a wholesale or retail dealer in the same manner as a transfer to another person, (3) deliveries of adulterated and process or renovated butter to each address separately, where one person is doing business at different places, as in the case of chain stores, (4) shipments of adulterated and process or renovated butter to one person on the order of another person in the name and address of the consignee, followed by "acc't of" and the name and address of the person for whose account the shipment was made, but not consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party. Carbon duplicates of complete returns and copies of certificates executed by officer supervising the dumping and repacking of adulterated and process or renovated butter shall also be retained.

Retention period: 4 years. 26 CFR 310.109, 310.123

5.95 *Wholesale dealers in adulterated and process or renovated butter.* (a) To keep records showing (1) the number of pounds in each consignment of adulterated and process or renovated butter received, the name and address of the consignor, and the date of receipt, and (2) the number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(b) To record (1) sample packages of taxpaid adulterated and process or renovated butter received and disposed of gratuitously in the same manner as adulterated and process or renovated butter which is purchased and sold, (2) transfers by a wholesale dealer to himself as a retail dealer in the same manner as a sale to another person, (3) deliveries of adulterated and process or renovated butter to each address separately, where one person is doing business at different places, as in the case of chain stores, (4) shipments of adulterated and process or renovated butter to one person on the order of another person in the name and address of the consignee followed by "acc't of" and the name and address of the person giving the order, but not receipts of adulterated and process or renovated butter which a wholesale dealer orders delivered direct to a third party, nor consignments in the name of agents, solicitors, or other persons transmitting orders for other parties, (5) returns of adulterated and process or renovated butter by customers separately from other receipts, returns of adulterated and process or renovated butter to manufacturers or other wholesale dealers separately from other disposals, and sales of repossessed goods with other disposals. Carbon duplicates of returns shall also be retained.

Retention period: 4 years. 26 CFR 310.115, 310.127

5.96 *Persons who manufacture manufactured sugar.* (a) To keep an accurate record of the manufacturing done by them, separately at and for each place where the manufacturing is done, showing (1) the quantity of manufactured sugar and other sugar on hand at the beginning of, received during, and on hand at the end of the month, (2) the quantity of manufactured sugar produced, sold, and used in the production of other articles for sale during the month, and (3) the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

(b) Records shall contain sufficient information to enable Commissioner to determine amount of tax due, and shall be kept of all transactions involved in any way in any claim or deduction based upon an exemption, or in connection with any claim for payment, refund, credit, or abatement.

Retention period: 4 years. 26 CFR 312.504

5.97 *Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.* To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales, and complete and detailed records of overpayments, for which credit is taken or refund is claimed, must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs, or, in the case of overpayments, 4 years from the date credit is taken or refund claimed. 26 CFR 314.23, 314.60, 314.62, 314.64

5.98 *Persons liable to pay floor stocks tax on gasoline held on November 1, 1951.* To keep records showing payment of floor stocks tax on gasoline, including the duplicate of the return, inventories, and other relevant papers and material. Persons holding gasoline at more than one location shall keep separate inventories for each location (one copy at each location and one copy at the principal place of business) consolidated into a single inventory at the principal place of business.

Retention period: 4 years from the date the tax is due. 26 CFR 314.71, 314.73, 314.74

5.99 *Licensed manufacturers of firearms.* To keep complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers.

Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70, 315.71

5.100 *Licensed dealers in firearms.* To keep complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of business.

Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70, 315.72

5.101 *Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.* To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 316.7, 316.23, 316.24, 316.26, 316.28, 316.29, 316.61a, 316.63, 316.72, 316.81, 316.121, 316.200, 316.202, 316.204, 316.204a

5.102 *Persons dealing in, handling, or receiving articles exempt from manufacturers' excise tax.* To keep certificates, which are not turned over to manufacturers of articles, together with proper records, supporting orders, and invoices with respect to exempt sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.22, 316.26, 316.27, 316.28, 316.72, 316.204

5.103 *Persons required to file a return and pay tax on the sale of an article at retail.* To keep accurate records, including duplicates of returns, and accounts of all transactions. To maintain evidence of sales at retail for export, or shipment to a possession of the United States, sales at retail to the United States, States, or Territories of the United States, political subdivisions thereof, or District of Columbia, sales for resale, and sales at retail of articles for religious purposes which could also be used for nonreligious purposes, upon which no tax is due. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due; in the case of tax-free sales, 4 years from the last day of the month following the month in which the sale was made; and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 320.20, 320.21, 320.22, 320.23, 320.37, 320.72, 320.76

5.104 *Persons claiming exemption for tax on sale of diesel fuel*—(a) *Sales to a State or Territory of the United States, or a political subdivision thereof, or the District of Columbia.* To be prepared to produce evidence, such as clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, of right to exemption.

(b) *Sales for export and shipments to possessions of the United States.* To maintain adequate records to establish that the liquid was sold for export and documentary evidence that it was in fact exported.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 324.30, 324.31, 324.33, 324.42

5.105 *Persons required to file a return and pay tax on the sale or use of diesel fuel.* To keep accurate records and accounts of all taxable transactions. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 324.42, 324.45

5.106 *Persons required to pay excise tax on wagering.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 325.32, 325.35

5.107 *Persons paying excise tax on wagering claiming credit or refund of tax on laid-off wagers.* To keep a complete and detailed record of each laid-off wager including a copy of the certificate obtained from the person accepting the laid-off wager in support of the claim.

Retention period: 4 years from the date any credit is taken or refund is claimed. 26 CFR 325.34

5.108 *Persons engaged in receiving wagers for or on behalf on another person at any place other than a registered place of business of such other person.* To keep daily records showing, (a) the gross amount of wagers received, (b) the amount retained as a commission or as compensation, (c) the amount turned over to the person for whom the wagers were received and such person's name and address.

Retention period: 4 years from the date the wager was received. 26 CFR 325.51

5.109 *Employers liable for Federal Insurance Contributions Act taxes.* To keep records of all remuneration (whether in cash or in a medium other than cash) paid to employees after December 31, 1939, for services performed after December 31, 1936. (Under Federal Insurance Contributions Act.) To keep copies of returns, schedules, statements, and other required documents.

Retention period: At least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. 26 CFR 402.609

5.110 *Persons claiming refund, credit, or abatement of Federal Insurance Contributions Act tax, penalty or interest.* To keep complete records with respect to tax, penalty, or interest.

Retention period: At least 4 years after the date the claim is filed. 26 CFR 402.609

5.111 *Employers subject to tax under the Federal Unemployment Tax Act*—(a) *General.* To keep such records as are necessary to establish: (1) The total amount of remuneration paid to employees for services performed; (2) the amount of such remuneration which constitutes wages subject to tax; (3) the amount of contributions paid into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and not deducted from the remuneration of employees, and (ii) payments made and deducted from the remuneration of employees; and (iii) the information required to be shown on the prescribed return and the extent to which the employer is liable for the tax. If the total remuneration and the amount thereof which is subject to the tax are not equal, the reason therefor shall be made a matter of record. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Records of persons who are not employers.* To keep proper records which will establish that person is not an employer subject to tax (including, where necessary, records of the number of employees employed each day).

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. Records required by paragraph (b) shall be maintained for a period of at least 4 years after the due date of the tax for the calendar year to which they relate. Records required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 403.511

5.112 *Employers required to deduct and withhold income tax on wages paid.*—(a) *General.* To keep accurate records of all remuneration paid to employees, showing with respect to each employee: (1) The name and address of the employee; (2) to the extent material, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable, and the character of the services performed; (3) the total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment, and the period of services covered by such payment; (4) the amount of each remuneration payment which constitutes wages subject to withholding; (5) the amount of tax withheld or collected with respect to each remuneration payment and, if collected at a time other than the time such payment was made, the date collected; (6) the withholding exemption certificates (Form W–4) filed with the employer by the employee; (7) the agreements, if any, between the employer and the employee for the withholding of additional amounts of tax; (8) copies of any statements furnished by nonresident alien employees in Canada or Mexico exempt from tax by reason of performing services in transportation service; (9) copies of any statements furnished by the employee relating to residence or physical presence in a foreign country; (10) copies of any statements furnished by the employee relating to bona fide residence in Puerto Rico; (11) the amount of each payment of sick pay excludable from the gross income of the employee on which income tax is not withheld and information evidencing the employee's entitlement to the sick pay exclusion. Accurate records of the details of each adjustment or settlement shall also be kept. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is

later. Records required by paragraph (b) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 406.207, 406.226, 406.607

5.113 *Employers liable for tax under Federal Insurance Contributions Act*—(a) *General.* To keep a record of his identification number and accurate records of all remuneration paid to his employees for services performed for him. Such records shall show with respect to each employee: (1) The name, address, and account number of each employee (if the employee does not have an account number but has a receipt showing he has applied for a number, the employer shall enter in his records the date of issue of the receipt, its termination date, the address of the issuing office of the Social Security Administration, and the name and address of the employee exactly as shown in the receipt); (2) to the extent material to the determination of tax liability, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable to the employee, and the character of the services performed, and in addition, in the case of agricultural labor, whether such agricultural labor is performed on a full-time basis, and the date on which the employer-employee relationship commenced in each instance and, if terminated, the date of the termination thereof; (3) the total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment and the period of services covered by such payment; (4) the amount of such remuneration payment which constitutes wages subject to tax; and (5) the amount of employees' tax withheld or collected with respect to such payment, and if collected at a time other than the time such payment was made, the date collected. If the total remuneration payment and the amount thereof which is taxable are not equal, the reasons therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement shall also be kept. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Statements supporting employers' claims for employee tax.* Where an employer files a claim for refund, credit, or abatement of employees' tax collected from an employee, the employer shall maintain as a part of his records the written receipt of the employee, showing the date and amount of the repayment of the employees' tax or the written consent of the employee to allowance of the refund, credit, or abatement.

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later; and records required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 408.501, 408.504, 408.609, 408.801

5.114 *Persons subject to the Railroad Retirement Tax Act*—(a) *Employers.* To keep accurate records of all remuneration other than tips paid to his employees for services rendered. Such records shall show with respect to each employee: (1) The name and address of the employee; (2) the total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment; (3) the amount of such payment of remuneration with respect to which the tax is imposed; and (4) the amount of employees' tax withheld or collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected. If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement, including the date and amount of each adjustment or settlement shall also be kept.

(b) *Employee representative.* To keep accurate records of all remuneration paid to him for services rendered (including "time lost") by him as an employee representative. Such records shall show: (1) the name and address of each employee organization employing him; (2) the total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom) and the period of service (including any period of absence from active service) covered by such payment; and (3) the amount of such payment of remuneration with respect to which the employee representatives' tax is imposed. If the total payment of remuneration and the amount thereof with respect to which the employee representatives' tax is imposed are not equal, the reason therefor shall be made a matter of record.

(c) *Copies of returns, schedules, and statements.* To keep a copy of returns, schedules, statements, and other required documents.

(d) *Records of claimants.* Every person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraphs (a), (b), and (c) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. Records required by paragraph (d) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 411.608

5.115 *Manufacturers of filled cheese and playing cards.* To keep original permits to withdraw products from factory free of tax for use of the United States and daily entries of each withdrawal in revenue book or other Government record.

Retention period: Not specified. 26 CFR 450.4, 450.6

5.116 *Proprietors of bonded internal revenue tobacco export warehouses.* To keep an account of tobacco manufactures showing quantities on hand, received, withdrawn, and returned.

Retention period: Not specified. 26 CFR 451.45

5.117 *Employers required to deduct and withhold income tax on wages paid after December 31, 1955.* To keep records of all remuneration paid such employees, showing the beginning and ending dates of periods of absence from work for which any such payment was made, and amount and weekly rate of such payment.

Retention period: Not specified. 26 CFR (1954) 31.6001, 31.6001–5

5.118 *Importers of bottled distilled spirits and persons bringing bottled distilled spirits into the United States from the Virgin Islands (other than tourists).* To maintain record of strip stamps redeemed and reissued.

Retention period: 2 years. 26 CFR (1954) 170.30 (retention: 250.271, 250.272, 251.131, 251.132)

5.119 *Persons disposing of yeast foods or fermentable materials.* To keep all records pertaining to disposition of yeast foods or fermentable materials, etc., used in the manufacture of distilled spirits or chemicals promoting fermentation so that such records will enable rendering of returns regarding stocks and withdrawals.

Retention period: 3 years. 26 CFR (1954) 173.25

5.120 *Persons consigning, selling, or otherwise disposing of denatured alcohol, denatured rum, ethyl acetate, etc.* To keep all records pertaining to consignment, sale, or other disposition of denatured alcohol, denatured rum, ethyl acetate, and any liquid substance or preparation which contain more than 25 percent by volume of denatured alcohol or denatured rum.

Retention period: 3 years. 26 CFR (1954) 173.25

5.121 *Importers and bottlers of distilled spirits.* To keep commercial records covering receipt, disposition, and stocks of all liquor bottles.

Retention period: Not specified. 26 CFR (1954) 175.64

5.122 *Persons ordering liquor bottles.* To keep in his place of business a copy of each order, the original report of shipment or delivery, and a copy of the notice of receipt of shipment or delivery.

Retention period: 2 years. 26 CFR (1954) 175.73

5.123 *Manufacturer-consignor of liquor bottles and consignees.* To keep records relating to orders for liquor containers, shipping records, and records of receipt of liquor containers.

Retention period: 2 years. 26 CFR (1954) 175.73

5.124 *Manufacturers, bottlers, and importers of liquor bottles.* To keep records relating to manufacture, shipment,

delivery, purchase, use or sale of all liquor bottles as may be required by the assistant regional commissioner from time to time.

Retention period: 2 years. 26 CFR (1954) 175.73, 175.74

5.125 *Applicants for exemption from firearms transfer tax.* To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Commissioner may require.

Retention period: Not specified. 26 CFR (1954) 179.105

5.126 *Manufacturers, importers, or dealers in firearms (including pawnbrokers).* To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR (1954) 179.150

5.127 *Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.* To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: 4 years. 26 CFR (1954) 179.151

5.128 *Proprietors or permittees operating industrial alcohol plants, bonded warehouses, or denaturing plants.* To keep all forms of records and reports necessary to carry into effect the law and the regulations in this part and all requirements and instructions contained in such forms.

Retention period: 3 years, or, if required by assistant regional commissioner, up to 6 years. 26 CFR (1954) 182.324

5.129 *Persons authorized by Director, Alcohol and Tobacco Tax Division, to conduct experimental operations in connection with production of alcohol.* To keep such records as prescribed by Director.

Retention period: 3 to 6 years. 26 CFR (1954) 182.328 (retention: 182.324)

5.130 *Proprietors of industrial alcohol plants.* To keep commercial record of all materials received on industrial alcohol plant premises intended for use in production of alcohol.

Retention period: 3 years, or, if required by assistant regional commissioner, up to 6 years. 26 CFR (1954) 182.335 (retention: 182.324)

5.131 *Proprietors of industrial alcohol plants.* To keep separate record (Form 1442), where materials are used primarily for the production of substances other than alcohol, and such materials produce a small amount of ethyl alcohol as a by-product, for each process of fermentation showing the materials used and the resulting production of ethyl alcohol and chemicals therefrom.

Retention period: Permanent. 26 CFR (1954) 182.341 (retention: 182.461)

5.132 *Proprietors of industrial alcohol plants.* To keep materials slips showing date, name, number, and location of industrial alcohol plant, kind and quantity of materials received and used, and the serial numbers of the fermenters filled, together with such other information as may be required.

Retention period: 1 year. 26 CFR (1954) 182.343

5.133 *Proprietors of industrial alcohol plants.* To keep copy of Form 1440 covering details of all alcohol gauged and withdrawn from the plant.

Retention period: Permanent. 26 CFR (1954) 182.455b

5.134 *Proprietors of industrial alcohol plants.* To keep a daily record of industrial alcohol plant operations on Form 1442, Proprietor's Report of Operations at Industrial Alcohol Plant.

Retention period: Permanent. 26 CFR (1954) 182.456, 182.461

5.135 *Proprietors of industrial alcohol plants or bonded warehouses who maintain taxpaid storerooms in connection with such warehouses.* To keep Form 52–E, Monthly Record and Report of Importer or Proprietor of Tax-Paid Premises, and Record 52, Wholesale Liquor Dealer's Record.

Retention period: 2 years. 26 CFR (1954) 182.456a, 182.648

5.136 *Proprietors of industrial alcohol bonded warehouses.* To keep one copy of each Form 1440 covering the deposit or withdrawal of alcohol in or from the warehouse.

Retention period: Permanent. 26 CFR (1954) 182.643–182.643b

5.137 *Proprietors of every bonded warehouse.* To keep copies of monthly Form 1443–A, Report of Uncoopered Alcohol, and Form 1443–B, Report of Alcohol in Packages.

Retention period: Permanent. 26 CFR (1954) 182.647

5.138 *Proprietors of industrial alcohol plants or bonded warehouses selling or offering for sale warehouse receipts.* To keep record of warehouse receipts (Form 52–F).

Retention period: 3 to 6 years. 26 CFR (1954) 182.648a–182.648b (retention: 182.324)

5.139 *Proprietors of industrial alcohol plants.* To keep copy of Form 1697, report of distilled spirits stamps.

Retention period: 3 to 6 years. 26 CFR (1954) 182.648c (retention: 182.324)

5.140 *Persons holding permits to use tax-free alcohol.* To keep copy of Form 1451, report of tax-free alcohol.

Retention period: Permanent. 26 CFR (1954) 182.669 (retention: 182.668, 182.461)

5.141 *Denaturers.* To keep records showing symbols and serial numbers of packages furnished their agents for filling with completely denatured alcohol and such records of packages filled and disposed of by the denaturers or for their account at places other than the denaturing plant or filling agency, including symbols and serial numbers, as will enable internal revenue officers to trace receipts and disposals.

Retention period: 3 years. 26 CFR (1954) 182.727

5.142 *Denaturers agents.* To keep records of receipts and disposition of completely denatured alcohol including the symbol and serial numbers of packages to permit the tracing of the receipt and disposal of such alcohol by the assistant regional commissioner.

Retention period: 3 years. 26 CFR (1954) 182.727

5.143 *Proprietors of denaturing plants.* To keep copy of Forms 1466 and 1467, daily reports and monthly records of all alcohol and denaturants used and denatured alcohol produced.

Retention period: Permanent. 26 CFR (1954) 182.781–182.784

5.144 *Proprietors of denaturing plants.* To keep copies of Forms 1440 and 1520 covering alcohol and distillates received at denaturing plant; Forms 1453–A and 1473 covering withdrawals.

Retention period: Permanent. 26 CFR (1954) 182.785, 182.788

5.145 *Proprietors of every denaturing plant.* To keep monthly records on Forms 1468–A, B, C, D, E, and F, showing all alcohol and denaturants used for denaturation and removal (either before or after denaturation) during the month.

Retention period: Permanent. 26 CFR (1954) 182.787

5.146 *Dealers and manufacturers receiving, storing, selling, or using as much as 11 drums or barrels of completely denatured alcohol in a calendar month.* To keep records of receipt, storage, and disposition of completely denatured alcohol.

Retention period: 3 years. 26 CFR (1954) 182.796

5.147 *Dealers and manufacturers of proprietary anti-freeze solutions.* To keep records of production, receipt, and disposition of proprietary anti-freeze solutions.

Retention period: 3 years, or, if required by assistant regional commissioner, up to 6 years. 26 CFR (1954) 182.805 (retention: 182.324)

5.148 *Bonded dealers and users of specially denatured alcohol.* To keep copy of Form 1473, covering receipts of denatured alcohol.

Retention period: Permanent. 26 CFR (1954) 182.821 (retention: 182.811a, 182.835a)

5.149 *Bonded dealers holding permits to deal in specially denatured alcohol.* To keep Form 1478, covering his transactions for each month.

Retention period: Permanent. 26 CFR (1954) 182.822 (retention: 182.461, 182.819)

5.150 *Manufacturers holding permits to use specially denatured alcohol or to recover denatured alcohol or articles for reuse.* To keep a copy of reports on

Form 1482, covering transactions for each month.

Retention period: Permanent. 26 CFR (1954) 182.874, 182.896 (retention: 182.461, 182.819)

5.151 *Persons holding permits to use specifically denatured alcohol in the manufacture of articles.* To keep Records 133 and 134 as to specified articles. To keep records of quantities of specially denatured alcohol on hand and used, quantities of articles manufactured and of sales, deliveries, and disposals of unspecified articles. To keep copies of invoices covering the purchase of materials and articles and the disposition of articles.

Retention period: 3 to 6 years. 26 CFR (1954) 182.875 (retention: 182.324)

5.152 *Bonded dealers and manufacturers selling, using, procuring, or recovering denatured rum.* To keep forms, records, and reports as prescribed.

Retention period: 3 to 6 years. 26 CFR (1954) 182.880–182.882 (retention: 182.324)

5.153 *Carriers of tax-free or specially denatured and undenatured ethyl alcohol.* To keep certified copy of withdrawal permit.

Retention period: Permanent. 26 CFR (1954) 182.906

5.154 *Carriers holding a basic permit to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks.* To keep record (in book form) showing name and address of consignor and consignee of alcohol received for transportation; kind and quantity of alcohol contained in each package or other container, and date of shipment.

Retention period: 3 to 6 years. 26 CFR (1954) 182.912 (retention: 182.324)

5.155 *Wholesale liquor dealers.* To keep daily commercial record of the physical receipt and disposition of distilled spirits and daily recapitulation record showing in wine gallons total quantities distilled spirits received and disposed of.

Retention period: 2 years. 26 CFR (1954) 194.210, 194.216, 194.217, 194.221, 194.234

5.156 *Wholesale liquor dealers and wholesale beer dealers.* To keep complete record of quantities of wine and beer received, showing date and from whom received.

Retention period: 2 years. 26 CFR (1954) 194.211, 194.234

5.157 *Proprietors of industrial alcohol plants, registered distilleries, fruit distilleries, internal revenue bonded warehouses, taxpaid bottling houses, and rectifying plants.* To keep records as wholesale dealers as prescribed by Parts 182, 220, 221, 225, 230, and 235 of Title 26 (1954).

Retention period: As cited in parts noted above. 26 CFR (1954) 194.215

5.158 *Retail liquor dealers and retail beer dealers.* To keep a record in book form, or keep all invoices or bills for distilled spirits, wines or beer received.

Retention period: 2 years. 26 CFR (1954) 194.229

5.159 *Liquor dealers selling primarily at retail making occasional sales as wholesale liquor dealers.* To keep records of distilled spirits received and disposed if he sells, or offers for sale, distilled spirits in the quantities of five wine-gallons or more to the same person at the same time.

Retention period: 2 years. 26 CFR (1954) 194.230

5.160 *Wholesale liquor dealers who maintain retail department at same premises.* To keep records of distilled spirits received and disposed of.

Retention period: 2 years. 26 CFR (1954) 194.231, 194.234

5.161 *Proprietors of vinegar factories.* To keep record of vinegar production (Form 1623).

Retention period: Permanent. 26 CFR (1954) 195.175, 195.177

5.162 *Proprietors of vinegar stills.* To keep an approved copy of Form 26, Registry of Still.

Retention period: Not specified. 26 CFR (1954) 195.195

5.163 *Persons having possession, custody, or control of stills or distilling apparatus.* To keep approved copy of Form 26, covering registration of still.

Retention period: Not specified. 26 CFR (1954) 196.45

5.164 *Manufacturer or vendor of distilling apparatus.* To keep record covering manufacture, receipt and removal of still when sold to a person intending to use still for purposes other than for distilling (as defined in 26 CFR 196.10) to show purchaser's name, address, purpose for which still bought, etc.

Retention period: 2 years. 26 CFR (1954) 196.80

5.165 *Vendors removing distilling apparatus for exportation without payment of tax.* To keep copy of bill of lading.

Retention period: 2 years. 26 CFR (1954) 196.82

5.166 *Manufacturers intending to file drawback claims.* To keep a copy of distilled beverages formula (Form 1678).

Retention period: Not specified. 26 CFR (1954) 197.95

5.167 *Manufacturers intending to claim a drawback on distilled spirits used in manufacture or production of nonbeverage products.* To keep a permanent record showing quantity, proof, kind of distilled spirits received, date received, etc. (Information specified.)

Retention period: Not less than 2 years. 26 CFR (1954) 197.130, 197.131, 197.132

5.168 *Proprietors of concentrate plants.* To keep an approved copy of registry of still (Form 26).

Retention period: Not specified. 26 CFR (1954) 198.166

5.169 *Proprietors of concentrate plants.* To keep commercial records with respect to volatile fruit flavor concentrates.

Retention period: Not less than 2 years. 26 CFR (1954) 198.185, 198.186, 198.187

5.170 *Proprietors of concentrate plants.* To keep one copy, in bound form, of Form 1695, monthly summary report of fruit flavor concentrate plant.

Retention period: Not less than 2 years. 26 CFR (1954) 198.190

5.171 *Proprietors of distillery denaturing bonded warehouses.* To keep records of procurement of rum (Form 573), denaturation (Form 576), filling of containers (Form 577), disposition of denatured rum (Form 597 and Form 1453–A), and shipment of samples of 1 quart or more (Form 595), and a monthly record and report (Form 575), of receipt and use of rum for denaturation, production and withdrawal of denatured rum, and denaturants used.

Retention period: Permanent. 26 CFR (1954) 216.196, 216.214, 216.265, 216.266, 216.268, 216.315

5.172 *Proprietors of distillery denaturing bonded warehouses.* To keep a commercial record of shipments of samples of less than one quart of denatured rum.

Retention period: Not specified. 26 CFR (1954) 216.211, 216.214

5.173 *Distillers.* To keep material slips showing the name, number, and location of the distillery, on which he will enter the date, kind and quantity of materials received and used and the serial numbers of the fermenters filled, etc. (to be prepared in duplicate).

Retention period: At least 1 year. 26 CFR (1954) 220.371

5.174 *Distillers.* To keep copy of approved registry of stills on Form 26.

Retention period: Not specified. 26 CFR (1954) 220.690, 221.705

5.175 *Distillers.* To keep daily and monthly records of distillery operations (Form 1598).

Retention period: Permanent. 26 CFR (1954) 220.755, 220.756, 220.758, 220.766

5.176 *Distillers.* To keep a record of all spirits, bottled and bulk, received and disposed of at taxpaid premises. (Form 52E, bulk spirits, and Record 52, bottled spirits.)

Retention period: 2 years. 26 CFR (1954) 220.759, 220.764

5.177 *Distillers.* To keep a record of all purchases and sales of warehouse receipts (Form 52F).

Retention period: Not specified. 26 CFR (1954) 220.760

5.178 *Distillers.* To keep a separate record of serial numbers of cases of distilled spirits.

Retention period: 2 years. 26 CFR (1954) 220.763

5.179 *Proprietors of fruit distilleries.* To keep a record of materials received.

Retention period: Not specified. 26 CFR (1954) 221.357

5.180 *Proprietors of fruit distilleries.* To keep daily and monthly records of distillery operations on Form 15.

Retention period: Permanent. 26 CFR (1954) 221.770

5.181 *Proprietors of fruit distilleries.* To keep records of sales at taxpaid premises (Form 52–E or Record 52).

Retention period: 2 years. 26 CFR (1954) 221.774, 221.779

5.182 *Proprietors of fruit distilleries.* To keep records of warehouse receipts (Form 52–F)

Retention period: Not specified. 26 CFR (1954) 221.775

5.183 *Proprietors of fruit distilleries.* To keep a separate record of serial numbers of cases.

Retention period: 2 years. 26 CFR (1954) 221.778

5.184 *Proprietors of internal revenue bonded warehouses.* To keep record of all bulk and bottled in bond distilled spirits removed from warehouse (Form 52C).

Retention period: 2 years. 26 CFR (1954) 225.1120, 225.1126

5.185 *Proprietors of internal revenue bonded warehouses.* To keep record of sales at taxpaid premises (Form 52E, or Record 52).

Retention period: 2 years. 26 CFR (1954) 225.1121, 225.1126

5.186 *Proprietors of internal revenue bonded warehouses.* To keep record of warehouse receipts (Form 52F).

Retention period: Not specified. 26 CFR (1954) 225.1122

5.187 *Proprietors of internal revenue bonded warehouses.* To keep a separate record showing serial numbers of cases of distilled spirits disposed, with necessary identifying data.

Retention period: 2 years. 26 CFR (1954) 225.1125

5.188 *Proprietors of internal revenue bonded warehouses.* To keep monthly summary report on Form 338 (where Record 52 is kept), and on Form 52–E.

Retention period: Not specified, for Form 338; 2 years, for Form 52–E. 26 CFR (1954) 225.1126, 225.1128

NOTE: The summary report on Form 52–C (part 2) was discontinued some years ago and is not available. Such requirement in 26 CFR (1954) 225.1126 is in error and was corrected by T. D. 6159 effective January 10, 1956.

5.189 *Proprietors of internal revenue bonded warehouses.* To keep record of strip stamps received and used on Form 1606.

Retention period: Not specified. 26 CFR (1954) 225.1129, 225.1130

5.190 *Proprietors of internal revenue bonded warehouses.* To keep record of transactions at off-premises export storage room.

Retention period: 2 years. 26 CFR (1954) 225.1132, 225.1126

5.191 *Proprietors of taxpaid bottling houses.* To keep record on Form 52–D and Record 52 of all spirits received, dumped for bottling, bottled, and disposed of at bottling house.

Retention period: 2 years. 26 CFR (1954) 230.280, 230.286, 230.287

5.192 *Proprietors of taxpaid bottling houses.* To keep record of warehouse receipts.

Retention period: Not specified. 26 CFR (1954) 230.282

5.193 *Proprietors of taxpaid bottling houses.* To keep a separate record of serial number of cases.

Retention period: 2 years. 26 CFR (1954) 230.285

5.194 *Proprietors of taxpaid bottling houses.* To keep daily and monthly record of all red strip stamps received and used on Form 182.

Retention period: Not specified. 26 CFR (1954) 230.288, 230.289

5.195 *Proprietors of taxpaid bottling houses.* To maintain separate files for Forms 230, 237, 1440, and 1520 for all spirits received, dumped for bottling, bottled and disposed of at bottling house.

Retention period: 2 years. 26 CFR (1954) 230.291

5.196 *Proprietors of taxpaid wine bottling houses.* To keep daily records of all wine received at and removed from premises.

Retention period: 3 years. 26 CFR (1954) 231.110, 231.114

5.197 *Proprietors of taxpaid wine bottling houses.* To keep record of wine cases filled (Form 2060) and serial number of cases.

Retention period: 3 years. 26 CFR (1954) 231.111, 231.114

5.198 *Proprietors of taxpaid wine bottling houses.* To keep record of wine packages filled for removal, showing date packaged, number filled, kind and alcohol content, and serial number.

Retention period: 3 years. 26 CFR (1954) 231.112, 231.114

5.199 *Proprietors of taxpaid wine bottling houses.* To keep record of inventory and working papers.

Retention period: 3 years. 26 CFR (1954) 231.113, 231.114

5.200 *Rectifiers.* To keep copy of Form 2057 for sparkling wine to be manufactured by secondary fermentation within the bottle.

Retention period: 2 years. 26 CFR (1954) 235.498 (retention: 235.831)

5.201 *Rectifiers.* To keep monthly record (Form 45) for all distilled spirits, wines, and other liquors received, dumped for rectification, packaged or bottled after rectification, bottled without rectification at the rectifying plant, and disposed of at the rectifying plant or contiguous wholesale liquor dealer premises used exclusively for products bottled at the rectifying plant.

Retention period: 2 years. 26 CFR (1954) 235.815 (retention: 235.831)

5.202 *Rectifiers.* To keep record (Form 52) of all bottled distilled spirits (rectified and unrectified) received and disposed of at his contiguous wholesale liquor premises where such contiguous premises are not used exclusively for products bottled at the rectifying plant and where a noncontiguous wholesale liquor dealer room is maintained.

Retention period: 2 years. 26 CFR (1954) 235.816, 235.817 (retention: 235.831, 235.833)

5.203 *Proprietors of rectifying plants.* To keep records (Form 52–F) of all purchases and sales of warehouse receipts.

Retention period: Not specified. 26 CFR (1954) 235.818, 235.823, 235.824

5.204 *Proprietors of rectifying plants.* To keep in place of Forms 45 and 52 a separate record of serial numbers of cases.

Retention period: 2 years. 26 CFR (1954) 235.821 (retention: 235.831)

5.205 *Rectifiers.* To keep record of red strip stamps received and used, Form 182.

Retention period: 2 years. 26 CFR (1954) 235.828, 235.829 (retention: 235.831)

5.206 *Rectifiers.* To keep Forms 122, 230, 237, 1440 and 1520 on all distilled spirits, wine and other liquors received or disposed of.

Retention period: 2 years. 26 CFR (1954) 235.833

5.207 *Rectifiers.* To keep approved copy of Form 26, registry of stills.

Retention period: Not specified. 26 CFR (1954) 235.891

5.208 *Proprietors of bonded wine cellars.* To keep copies of Forms 275 and 1520 when using wine spirits in the production of wine. Recordings to be made at time wine spirits are gauged and added to wine.

Retention period: 3 to 6 years. 26 CFR (1954) 240.379, 240.904 (retention: 240.924)

5.209 *Proprietors of bonded wine cellars.* To keep copy of Form 702, monthly report covering all operations of the bonded wine cellar.

Retention period: 3 to 6 years. 26 CFR (1954) 240.900 (retention: 240.924)

5.210 *Proprietors of bonded wine cellars.* To keep copy of Form 2050 covering the number of gallons of wine of each tax class removed a day, amount of tax due by tax class, and total tax due.

Retention period: 3 to 6 years. 26 CFR (1954) 240.901 (retention: 240.924)

5.211 *Proprietors of bonded wine cellars.* To keep copy of Form 2052 covering specific quantity of wine to be removed when desiring to prepay tax as provided in 26 CFR (1954) 240.593.

Retention period: 3 to 6 years. 26 CFR (1954) 240.902 (retention: 240.924)

5.212 *Proprietors of bonded wine cellars.* To keep copy of Form 702–C showing detailed record of each inventory taken of all wines on storage at the close of business on June 30 and December 31 of each year, and at any other time an inventory is taken.

Retention period: 3 to 6 years. 26 CFR (1954) 240.903 (retention: 240.924)

5.213 *Proprietors of bonded wine cellars.* To keep copies of forms where prescribed for the keeping of cellar records. (See Subpart covering specific subject.)

Retention period: 3 to 6 years. 26 CFR (1954) 240.905 (retention: 240.924)

5.214 *Proprietors of bonded wine cellars.* To keep copy of Form 2054 (wine fermentation record, showing details of fermentation and amelioration) when engaged in the production of still wine, using a separate Form 2054 for each kind of fruit or primary material used.

Retention period: 3 to 6 years. 26 CFR (1954) 240.906 (retention: 240.924)

5.215 *Proprietors of bonded wine cellars.* To keep copy of Form 2055, wine reserve inventory record.

Retention period: 3 to 6 years. 26 CFR (1954) 240.907 (retention: 240.924)

5.216 *Proprietors of bonded wine cellars.* To keep copy of Form 2056, record of still wine produced or received.

Retention period: 3 to 6 years. 26 CFR (1954) 240.908 (retention: 240.924)

5.217 *Proprietors of bonded wine cellars.* To keep copy of Form 2057, record of effervescent wine.

Retention period: 3 to 6 years. 26 CFR (1954) 240.909 (retention: 240.924)

5.218 *Proprietors of bonded wine cellars.* To keep copy of Form 2058, special natural wine production record.

Retention period: 3 to 6 years. 26 CFR (1954) 240.910 (retention: 240.924)

5.219 *Proprietors of bonded wine cellars.* To keep copy of Form 2059, record of distilling material or vinegar stock.

Retention period: 3 to 6 years. 26 CFR (1954) 240.911 (retention: 240.924)

5.220 *Proprietors of bonded wine cellars.* To keep copy of Form 2060, record of wine cases filled.

Retention period: 3 to 6 years. 26 CFR (1954) 240.912 (retention: 240.924)

5.221 *Proprietors of bonded wine cellars.* To keep record of sugar received, used, and stored, showing kind, quantity, date of receipt, and from whom received.

Retention period: 3 to 6 years. 26 CFR (1954) 240.914 (retention: 240.924)

5.222 *Proprietors of bonded wine cellars.* To keep separate record of materials received and used.

Retention period: 3 to 6 years. 26 CFR (1954) 240.915 (retention: 240.924)

5.223 *Proprietors of bonded wine cellars.* To keep complete tank records, or similar records, so that origin may be verified when desiring to account for or dispose of wine under varietal or vintage designations.

Retention period: 3 to 6 years. 26 CFR (1954) 240.916 (retention: 240.924)

5.224 *Proprietors of bonded wine cellars.* To keep record of use of acids.

Retention period: 3 to 6 years. 26 CFR (1954) 240.917 (retention: 240.924)

5.225 *Proprietors of bonded wine cellars.* To keep records of chemicals, preservatives, or materials other than acids used in the cellar treatment of wines.

Retention period: 3 to 6 years. 26 CFR (1954) 240.918 (retention: 240.924)

5.226 *Proprietors of bonded wine cellars.* To keep records of wine baked.

Retention period: 3 to 6 years. 26 CFR (1954) 240.919 (retention: 240.924)

5.227 *Proprietors of bonded wine cellars.* To keep record of taxpaid removals of wine from bond.

Retention period: 3 to 6 years. 26 CFR (1954) 240.920 (retention: 240.924)

5.228 *Proprietors of bonded wine cellars.* To maintain a separate record at taxpaid room whether room is maintained on or off bonded premises, showing the quantities, serial numbers, kind and alcohol content of wine received and shipped, including dates of receipt and shipment, and names and addresses of persons to whom shipped.

Retention period: 3 to 6 years. 26 CFR (1954) 240.921 (retention: 240.924)

5.229 *Brewers.* To keep record of all beer daily transferred from the brewery to the brewery bottling house.

Retention period: 2 years. 26 CFR (1954) 245.307, 245.345 (retention: 245.357)

5.230 *Brewers.* To keep daily and monthly record (Forms 2051 and 103) showing quantity of each kind of material received on brewery premises, quantity used in production of fermented liquor, quantity of fermented liquor removed from premises.

Retention period: 2 years. 26 CFR (1954) 245.340, 245.341 (retention: 245.357)

5.231 *Brewers.* To keep worksheets used in establishing actual inventories of bulk and bottled beer.

Retention period: 2 years. 26 CFR (1954) 245.346 (retention: 245.357)

5.232 *Brewers.* Where a brewer desires to keep shortages disclosed by actual inventory at a minimum by taking credit currently for actual losses due to breakage, casualty, or other cause, a record of daily losses must be maintained.

Retention period: 2 years. 26 CFR (1954) 245.347 (retention: 245.357)

5.233 *Brewers.* To maintain purchase invoices for brewing materials received.

Retention period: 2 years. 26 CFR (1954) 245.348 (retention: 245.357)

5.234 *Brewers.* To keep daily production record of each brew.

Retention period: 2 years. 26 CFR (1954) 245.349 (retention: 245.357)

5.235 *Brewers.* To keep daily records of packages filled, cereal beverages transferred through the racking meter, packages sold or removed, quantities set aside for consumption on premises, and quantities of beer returned to brewery stock.

Retention period: 2 years. 26 CFR (1954) 245.350 (retention: 245.357)

5.236 *Brewers.* To keep daily summary record of removals of bottled beer and cereal beverage.

Retention period: 2 years. 26 CFR (1954) 245.351 (retention: 245.357)

5.237 *Brewers.* To keep daily sales record of beer and cereal beverages.

Retention period: 2 years. 26 CFR (1954) CFR 245.352 (retention: 245.357)

5.238 *Brewers.* To keep copy of application to dispose of unsalable or returned beer.

Retention period: 2 years. 26 CFR (1954) 245.354 (retention: 245.357)

5.239 *Brewers.* To keep record of unsalable bottled beer destroyed without supervision.

Retention period: 2 years. 26 CFR (1954) 245.355 (retention: 245.357)

5.240 *Brewers.* To retain all records reflecting his operations at the brewery.

Retention period: 2 years. 26 CFR (1954) 245.357

5.241 *Persons, except tourists, bringing distilled spirits into United States from Puerto Rico.* To keep records on Form 52–E, or Form 52, of distilled spirits brought into the United States and the disposition thereof, and on Form 52–F, of sales by warehouse receipts and copies of summary reports on Form 52–E and 338.

Retention period: Not specified, for Forms 52–F and 338; 2 years, for Forms 52–E and 52. 26 CFR (1954) 250.163–250.172

5.242 *Persons, except tourists, bringing distilled spirits into United States from Puerto Rico.* To keep separate records of serial numbers of cases of distilled spirits disposed of (when such records are not entered on Form 52E or Record 52).

Retention period: 2 years. 26 CFR (1954) 250.168

5.243 *Importers or consignees procuring red strip stamps for bottled liquors coming into United States from Virgin Islands.* To keep record of red strip stamps procured and used for bottled liquors coming into the United States from the Virgin Islands, and copy of monthly report showing stamps procured and used during the month (Form 96)

Retention period: 2 years. 26 CFR (1954) 250.270–250.272

5.244 *Persons, except tourists, bringing distilled spirits into United States from Virgin Islands.* To keep records on Forms 52–E, or Form 52, of distilled spirits brought into the United States from the Virgin Islands and the disposition thereof, and on Form 52–F, of sales by warehouse receipts and copies of summary reports on Forms 52–E and 338.

Retention period: Not specified, for Forms 52–F and 338; 2 years, for Forms 52–E and 52. 26 CFR (1954) 250.274–250.283

5.245 *Persons, except tourists, bringing distilled spirits into United States from Virgin Islands.* To keep separate records of serial numbers of cases of distilled spirits disposed of (when such records are not entered on Form 52E or Record 52).

Retention period: 2 years. 26 CFR (1954) 250.279

5.246 *Importers of distilled spirits.* To keep records of red strip stamps (Form 96).

Retention period: 2 years. 26 CFR (1954) 251.130, 251.131, 251.132, 251.133

5.247 *Importers of distilled spirits.* To keep records on Form 52–E, or Form 52, of distilled spirits brought into the United States and the disposition thereof, and on Form 52–F, of sales by warehouse receipts and copies of summary reports on Forms 52–E and 338.

Retention period: Not specified, for Forms 52–F and 338; 2 years, for Forms 52–E and 52. 26 CFR (1954) 251.134, 251.135, 251.138, 251.139, 251.140

5.248 *Importers who maintain wholesale liquor dealer premises.* To keep record (Record 52) of all bottled distilled spirits received and disposed of.

Retention period: 2 years. 26 CFR (1954) 251.137, 251.140

5.249 *Proprietors of rectifying plants, taxpaid bottling houses, and taxpaid wine bottling houses.* To retain a copy of Form 1684.

Retention period: Not specified. 26 CFR (1954) 252.74, 252.80

5.250 *Proprietors of taxpaid wine bottling houses bottling or packaging wines for export with benefit of drawback.* To keep copy of Form 230.

Retention period: Not specified. 26 CFR (1954) 252.80

5.251 *Proprietors of taxpaid wine bottling houses.* To keep record of bottling, packaging, and disposition of wine especially for export with benefit of drawback.

Retention period: 3 years. 26 CFR (1954) 252.83 (retention: 231.114)

5.252 *Airlines withdrawing distilled spirits or wine from its stock held in customs.* To keep copy of requisition.

Retention period: Not specified. 26 CFR (1954) 252.107

5.253 *Exporters of distilled spirits claiming drawback of tax paid on distilled spirits in distiller's original casks or packages.* To retain copy of Form 696.

Retention period: Not specified. 26 CFR (1954) 252.140

5.254 *Manufacturers of cigars and cigarettes.* To keep daily record and monthly report of operations in connection with manufacture of cigars and cigarettes.

Retention period: 2 years after the close of the year covered in the record. 26 CFR (1954) 270.142, 270.143

5.255 *Manufacturers and importers of tobacco or cigars and cigarettes.* To keep copy of order form for tax stamps marked "paid" by district director.

Retention period: 2 years following the close of the year in which purchased. 26 CFR (1954) 270.148, 270.192, 275.137, 275.181

5.256 *Manufacturers and dealers of tobacco or cigars and cigarettes.* To keep copy of notice (customs dated) of release of imported tobacco materials, cigars, and cigarettes released from customs custody.

Retention period: 2 years after the close of the year in which released. 26 CFR (1954) 270.166, 275.155, 280.121

5.257 *Manufacturers of tobacco.* To keep daily record and monthly report of operations in manufacture of tobacco.

Retention period: 2 years after the close of the year covered in the record. 26 CFR (1954) 275.132, 275.133

5.258 *Agents of farmers or growers of leaf tobacco, and cooperative associations.* To keep records of all receipts and sales of tobacco.

Retention period: Not specified. 26 CFR (1954) 280.52, 280.53

5.259 *Persons who operate or control a group of warehouses solely for the storage of tobacco material.* To keep a consolidated record, at the warehouse or establishment having direction or control of such places, instead of registering each warehouse.

Retention period: 2 years after the close of the year covered in the record. 26 CFR (1954) 280.60 (retention: 280.127)

5.260 *Manufacturers of tobacco, snuff, cigars, cigarettes and cigarette papers or tubes.* To keep one copy each of the requisition, Form 7996, and the notice of shipment, Form 7997, at the factory from which the tax-free shipment is made to the Federal requisitioner.

Retention period: 1 year after the close of the year in which the removal is made. 26 CFR (1954) 295.51, 295.52

5.261 *Manufacturers of tobacco products, or cigarette papers and tubes.* To keep records and reports of removals as prescribed by 26 CFR (1954) Parts 270, 275, and 280.

Retention period: As cited in parts noted above. 26 CFR (1954) 295.56

5.262 *Manufacturers of tobacco products, or cigarette papers and tubes.* To keep one copy of the certificate, Form 7998, at the factory from which the shipment was removed showing the certification by the officer responsible for receiving the shipment of tax-free tobacco products, or cigarette papers and tubes.

Retention period: Not specified. 26 CFR (1954) 295.58

6. Bureau of the Mint

6.1 *Persons licensed to acquire, hold, process and dispose of gold.* To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semi-processed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 *Licensed importers of gold-bearing materials for reexport of gold refined therefrom.* To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the mint at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 *Persons delivering silver under 31 CFR Part 80 and persons owning or operating a smelter or refinery at which silver to be delivered is mixed with secondary or foreign silver, or both.* To keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939, and July 1, 1946, including, among other things, records of the dates of mining, acquisition, and disposition.

Retention period: At least 1 year after last delivery. 31 CFR 80.10, 80.12

7. Bureau of Narcotics

7.1 *Importers of crude opium or coca leaves.* To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U. S. C. (I. R. C. 1954) 4705)

7.2 *Exporters of narcotic drugs.* To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U. S. C. (I. R. C. 1954) 4705)

7.3 *Exporters of narcotic drugs.* To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Not specified. 21 CFR 302.27

7.4 *Importers of special coca leaves.* To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: Not specified. 21 CFR 302.46

7.5 *Producers of opium poppies.* To keep duplicate copy of annual return accounting for all transfers and dispositions of opium poppies and fully accounting for all opium poppies produced or otherwise obtained.

Retention period: Not specified. 21 CFR 303.14

7.6 *Manufacturers of opium or opium products from opium poppies.* To keep duplicate copy of quarterly return accounting for all such manufacturing operations.

Retention period: Not specified. 21 CFR 303.15

8. Bureau of the Public Debt

8.1 *Qualified banking institutions issuing United States Savings Bonds, Series E.* To open and maintain or continue for account of the Federal Reserve Bank, a separate deposit account for proceeds of bond sales and render reports in accordance with instructions.

Retention period: Not specified. 31 CFR 317.4 and note to this part.

8.2 *Banks receiving bearer securities for restrictive endorsement.* To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in § 328.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 328.5

8.3 *Qualified paying agents, United States Savings Bonds.* To maintain such records as are necessary to establish the receipt of owners' instructions respecting payment or exchange of bonds and disposition of proceeds and compliance with the instructions.

Retention period: Not specified. 31 CFR 330.5

9. United States Coast Guard

9.1 *Coast Guard contractors and subcontractors.* To keep books, documents, papers and records directly pertinent to contract or subcontract transactions for examination by the Comptroller General of the United States or his representatives.

Retention period: 3 years after final payment. 33 CFR 118.03–5

9.2 *Manufacturers of equipment used on vessels and approved by the Coast Guard.* To keep drawings, plans, blueprints, specifications, production models, qualification tests, X-ray or radiographic prints and films, etc., associated with or related to equipment or appliances or materials when required by vessel inspection laws and regulations administered by the Coast Guard.

Retention period: 6 months after termination of approval. 46 CFR 2.90–1

9.3 *Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.* To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01–10

9.4 *Owners, agents, masters, or other persons in charge of vessel involved in marine casualties.* To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65

9.5 *Master or senior deck officer in charge of transfer of inflammable and combustible cargo.* To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35–30

9.6 *Welders.* To maintain qualification test records with identification data.

Retention period: Not specified. 46 CFR 56.01–10

9.7 *Owners, agents, masters and other persons in charge of nautical school ships involved in marine casualties.* To keep voyage records of nautical school ships that are maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of drafts, aid to mariners, radiograms sent and received, radio logs, and lists of persons aboard.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 136.05–15, 167.65–65

9.8 *Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).* To keep records of temperature readings.

Retention period: During period of transportation or storage. 46 CFR 146.02–12

9.9 *Owners of vessels.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: At least 1 year. 46 CFR 146.02–22

9.10 *Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: At least 1 year. 46 CFR 146.02–22

9.11 *Vessel operators.* To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: Until transaction is completed. 46 CFR 146.05–12, 146.05–13

9.12 *Owners, charterers, agents, or masters of vessels.* To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: Until transaction is completed. 46 CFR 146.05–12

9.13 *Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12

9.14 *Owners, charterers or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep ashore copies of dangerous cargo manifests or lists.

Retention period: At least 1 year. 46 CFR 146.06–18 (retention: 146.02–22)

9.15 *Vessel owners, charterers, or agents.* To keep ashore copies of cargo stowage plans or lists.

Retention period: At least 1 year. 46 CFR 146.06–19 (retention: 146.02–22)

9.16 *Vessel operators.* To keep shipping papers of railroad vehicles loaded with dangerous substances and transported on board vessels.

Retention period: At least 1 year. 46 CFR 146.07–8 (retention: 146.02–22)

9.17 *Vehicle operators carrying explosives.* Shipping papers required covering transportation of dangerous goods in highway vehicles on board common carriers.

Retention period: Until transaction is completed. 46 CFR 146.08–4

9.18 *Undocumented vessels.* To have available the certificates of award of number.

Retention period: For period of operation of vessel by the owner. 46 CFR 172.10–15

XI. ATOMIC ENERGY COMMISSION

1.1 *Cost-type contractors.* To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 10 CFR 5.509. (For detailed instructions and retention periods see AEC Manual, Ch. 0230.)

1.2 *Persons possessing or using radioisotopes.* To keep accurate and complete records showing the receipt, use, storage, delivery, and disposal of radioisotopes, and the safety measures used to protect health.

Retention period: Permanent. 10 CFR 30.50

1.3 *Supervisors of persons possessing or using radioisotopes.* To keep reports of overexposure to radioisotopes, including observed effect on persons so overexposed, described in detail.

Retention period: Not specified. 10 CFR 30.51

1.4 *Applicants for bonus payments for production of uranium-bearing ores.* To keep records concerning production and deliveries of uranium ores for which application for bonus payments is made.

Retention period: Not specified. 10 CFR 60.6

1.5 *Persons conducting research and development activities in atomic fields.* To keep records of activities as to fissionable materials for inspection, etc.

Retention period: Not specified. 42 U. S. C. 1810 (c)

1.6 *Contractors having negotiated contracts with Atomic Energy Commission and their subcontractors.* To keep directly pertinent books, documents, papers, and records.

Retention period: Not specified. The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to

examine the above-mentioned records. P. L. 703, Ch. 14, Sec. 166. 83d Cong. 2d sess. All 68 Stat. 919. (For detailed instructions on retention and disposal of contractor's records see AEC Manual, Ch. 0230.)

XII. CIVIL AERONAUTICS BOARD

1.1 *Aircraft and related products manufacturers.* To maintain complete records of all purchases and disposition of such purchases.

Retention period: At least 2 years. 14 CFR 1.32–2

1.2 *Aircraft and related products manufacturers.* To maintain records of all incoming inspections, which include information concerning source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with recognized aircraft standards and disposition of materials handled.

Retention period: At least 2 years. 14 CFR 1.32–2

1.3 *Aircraft and related products manufacturers.* To maintain complete company inspection forms and records which present a historical compilation of all events during the course of manufacture.

Retention period: At least 2 years subsequent to the date of sale and delivery of the product involved. 14 CFR 1.34–1

1.4 *Airplane flight test applicants under the Civil Air Regulations, transport category.* To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4b.16–3

1.5 *Airframe, powerplant, propeller, or appliance owners or registered owners.* To keep maintenance, repair, rebuilding, or alteration records giving description of work performed, completion date of work done, name of individual, etc., doing work, and signature of person authorized to approve work done.

Retention period: Permanent. 14 CFR 18.20–18.23

1.6 *Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.* To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (ACA–337) and when an official maintenance release is furnished owner for retention as a part of the permanent record required.

Retention period: At least 2 years. 14 CFR 18.22–2

1.7 *Certified airline transport pilots.* To keep an accurate record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 21.44

1.8 *Certified lighter-than-air pilots and persons receiving flight instructions.* To maintain certified record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 22.32

1.9 *Certified parachute riggers.* To keep bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised on parachutes other than those in military service.

Retention period: At least 2 years after the date of the last entry therein. 14 CFR 25.84

1.10 *Aircraft dispatcher course operators.* To maintain an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: 1 year following filing of annual report. 14 CFR 27.7–1

1.11 *Flight radio operator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 33.31–2

1.12 *Flight navigator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 34.6–5

1.13 *Flight engineer course operators.* To keep an accurate record of each student, including a chronological log of all instructions, attendance, subjects covered, credits granted, examinations and examination grades.

Retention period: Not specified. 14 CFR 35.6–1

1.14 *Air carriers.* To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: At least 3 months after termination of employment. 14 CFR 40.280, 40.289, 40.300, 42.44–1 (retention: 40.501)

1.15 *Air carriers (scheduled interstate).* To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, a load manifest and flight plan, and maintenance records, including the airplane's maintenance log and a maintenance release.

Retention period: In accordance with provisions of 14 CFR 249.4 unless otherwise specified. 14 CFR 40.502, 40.505–40.507, 40.511

1.16 *Air carriers (scheduled interstate).* To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months after termination of employment. 14 CFR 40.501

1.17 *Air carriers (operating scheduled air transportation outside continental United States).* To keep records of total time in service, time since last overhaul, and time since last inspection on all aircraft components, engines, propellers, and, where practicable, on instruments, equipment, and accessories.

Retention period: In accordance with provisions specified in 14 CFR 249.4. 14 CFR 41.43

1.18 *Air carriers (operating scheduled air transportation outside continental United States).* To retain copies of maintenance release, clearance, and load manifest forms.

Retention period: 90 days. 14 CFR 41.99

1.19 *Air carriers (operating scheduled air transportation outside continental United States).* To maintain records pertaining to any flight which was interrupted because of weather conditions and failed to land at point to which flight was originally cleared.

Retention period: Not less than 1 year from the date of flight. 14 CFR 41.133

1.20 *Air carriers (irregular and off-route).* To keep full information on maintenance and inspection work performed on the aircraft.

Retention period: not specified. 14 CFR 42.31–4

1.21 *Air carriers (irregular and off-route).* To record all mechanical irregularities in operation of aircraft including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such corrections.

Retention period: not specified. 14 CFR 42.32–4

1.22 *Air carrier operators (irregular and off-route air carriers).* To keep a continuous record for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included in order that a computed weight and c. g. location may be established at any time.

Retention period: Not specified, except weight manifests to be kept at least 30 days. 14 CFR 42.32–5

1.23 *Air carriers (irregular and off-route).* To keep at principal operations base maintenance records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transporation.

Retention period: 2 years. 14 CFR 42.91, 42.91–3

1.24 *Air carriers (irregular and off-route).* To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year. 14 CFR 42.92, 42.92–1, 42.92–3

1.25 *Air carriers (irregular and off-route).* To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42.93, 42.93–1

1.26 *Air carriers (irregular and off-route).* To retain copy of pilot's emergency deviation report to the local Aviation Safety Agent.

Retention period: At least 1 year. 14 CFR 42.94, 42.94–1

1.27 *Air carriers (irregular and off-route).* To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42.95

1.28 *Registered owners of certificated aircraft.* To maintain aircraft and engine records, including flight time of aircraft and each engine, reports of inspections, minor repairs, and minor alterations of the aircraft structure, engines, and propellers.

Retention period: Not specified. 14 CFR 43.23—43.23–1

1.29 *Aircraft pilots under Civil Air Regulations.* To keep a record in a bound log book of flight time used to substantiate recent experience or qualification for certificates or ratings, with specified information as required.

Retention period: Not specified. 14 CFR 43.43

1.30 *Air carriers.* To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 49.3

1.31 *Airman agency flight or ground schools.* To keep accurate individual record of each student, which shall include a chronological log of all instructions, attendance, subjects covered, examinations, and examination grades.

Retention period: Not specified. 14 CFR 50.28

1.32 *Repair stations for airframes, powerplants, propellers, and appliances.* To maintain current records of personnel who are directly in charge of maintenance, repair, inspection, or alteration, including information concerning the experience qualifications of each such individual.

Retention period: Not specified. 14 CFR 52.24—52.24–1

1.33 *Certificated repair stations for airframes, powerplants, propellers, and appliances.* To maintain records of all work performed.

Retention period: At least 2 years. 14 CFR 52.46

1.34 *Foreign repair stations for airframes, powerplants, propellers, and appliances.* To keep maintenance record of all work performed on U. S. registered aircraft, including major repairs and alterations.

Retention period: Not specified. 14 CFR 52.61—52.61–1

1.35 *Certificated aircraft mechanic schools.* To maintain a current record of each student enrolled, including attendance, courses, examinations, and grades, and a progress chart or individual progress record for each student, showing the practical projects or laboratory work completed or to be completed, and properly authenticated transcripts of grades acquired at other accredited schools.

Retention period: At least 2 years from date of termination of enrollment. 14 CFR 53.56—53.56–1

1.36 *Holders of parachute loft certificates.* To maintain records regarding work performed.

Retention period: At least 2 years. 14 CFR 54.15

1.37 *Pilots, owners, or operators of small fixed-wing aircraft involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Administration. 14 CFR 62.15, 62.18

1.38 *Operators of aircraft (other than small fixed-wing) involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Board. 14 CFR 62.40, 62.41

1.39 *Holders of permits to operate foreign aircraft in the United States.* To keep true copies of all manifests, air waybills, invoices, and other traffic documents covering flights and records documenting each flight.

Retention period: Not specified. 14 CFR 190.50

1.40 *Air carriers and foreign air carriers.* To keep permanently at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep file of current tariffs at all places tickets are sold or property received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.4

1.41 *Air carriers.* To maintain records of all passes issued and related correspondence or memos.

Retention period: 6 years. 14 CFR 223.5, 249.4

1.42 *Air carriers (local service).* To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.43 *Large irregular carriers, and noncertificated cargo carriers.* To keep accounts, records, and memoranda necessary for statistical and flight reports.

Retention period: Data for statistical reports—3 years; data for flight reports—1 year. 14 CFR 242.2

1.44 *Air carriers.* Preservation of accounts, records, and memoranda.

Retention periods: Listed in detail throughout the part. 14 CFR Part 249

XIII. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 *Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.* To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

Retention period: Not specified. 41 CFR 301.6

1.2 *Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.* To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 301.1).

Retention period: Not specified. 41 CFR 301.6

XIV. FEDERAL COMMUNICATIONS COMMISSION

1.1 *Licensees of standard and FM broadcast (radio) stations.* To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 3.47, 3.254

1.2 *Licensees of standard, FM, and international radio and television broadcast stations.* To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 3.63, 3.255, 3.555, 3.638, 3.757

1.3 *Licensees or permittees of standard, FM, and international radio and television broadcast stations.* To keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims.[1] 47 CFR 3.111, 3.112, 3.116, 3.281, 3.282, 3.286, 3.581, 3.582, 3.586, 3.663, 3.664, 3.781, 3.782, 3.786

1.4 *Licensees of standard and FM radio, and television broadcast stations.* To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and change, if any, if requests granted.

Retention period: 2 years. 47 CFR 3.120, 3.290, 3.590, 3.657

1.5 *Licensees or permittees of FM broadcast stations.* To maintain logs for the SCA operations.

Retention period: Not specified. 47 CFR 3.295

1.6 *Television and FM broadcast stations.* To keep at transmitter locations accurate circuit diagrams and lists of required spare tubes, as furnished by manufacturers of the transmitters.

Retention period: Not specified. 47 CFR 3.687

1.7 *Licensees of experimental and auxiliary broadcast services including experimental and experimental facsimile broadcast stations, developmental broadcast stations, remote pickup broadcast stations, broadcast STL or FM intercity relay stations and television auxiliary broadcast stations.* To keep adequate records of operation including logs.

Retention period: 2 years. 47 CFR 4.181, 4.281, 4.381, 4.481, 4.581, 4.681

1.8 *Licensees of experimental stations.* To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165

1.9 *Licensees of public radiocommunication stations (other than maritime mobile).* To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 6.47

1.10 *Licensees of public radiocommunication stations (other than maritime mobile).* To keep records as follows: by all stations — transmitting measurements data, and service or maintenance records which may affect proper station operation; base stations and auxiliary test stations—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty, and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year: *Provided,* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 6.507, 6.511

1.11 *Licensees of radio stations on land in the maritime services including public and limited coast stations, marine utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including stations in Alaska).* To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 7.115, 7.214, 7.314, 7.370, 7.458, 7.477, 7.536, 14.109

1.12 *Licensees of limited coast stations or marine-utility stations used on shore.* To keep copy of agreement with vessel owners, verifying that licensee has sole right of control of involved ship radio station.

Retention period: Not specified. 47 CFR 7.352

1.13 *Licensees of limited coast stations, marine-utility stations, and marine fixed stations.* To keep records which reflect the cost of the service and its nonprofit, cost-sharing cooperative arrangement.

Retention period: Not specified. 47 CFR 7.352, 7.451

1.14 *Licensees of radio stations on shipboard in the maritime services including Public and Limited ship stations and marine utility ship stations including such stations in Alaska—radiotelegraph stations operating on any frequency and radiotelephone stations operating on a frequency of 30 Mc or below.* To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for the filing of suits upon such claims. 47 CFR 9.151, 9.152, 9.153, 9.513

1.17 *Air carrier aircrafts.* To keep adequate records to permit ready identification of individual aircraft in lieu of radio station call letter, the official aircraft registration number, or company flight identification.

Retention period: Not specified. 47 CFR 9.191

1.18 *Licensees of public safety, industrial and land transportation radio services stations.* To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the Industrial and Land Transportation radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; for stations in the special emergency service—record of the nature and time of each communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 10.161, 10.163, 11.160, 16.160

1.19 *Licensees of public safety radio services.* To keep records of all Conelrad tests and operations as part of the log of radio stations.

Retention period: 1 year. 47 CFR 10.166 (retention: 10.163)

1.20 *Licensees of industrial radio stations and land transportation (base) radio stations sharing costs and facilities with other licensees in the same service.* To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: Not specified. 47 CFR 11.6, 16.3

1.21 *Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services.* To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 11.251, 11.301, 11.351, 11.401, 11.451

1.22 *Licensees of amateur radio stations.* To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided,* That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 12.136, 12.137, 12.244

1.23 *Radio officers of amateur civil emergency services.* To keep records of abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 12.245

1.24 *Manufacturers, owners, or distributors of radio receivers.* To keep certificate of compliance with radiation intereference limits.

Retention period: 5 years. 47 CFR 15.64

1.25 *Employees of railroads who operate radio stations in the railroad radio service.* To keep suitable records of each employee who has been examined with respect to the applicable Railroad Radio General and Operating Rules.

Retention period: Not specified. 47 CFR 16.354

1.26 *Licensees of radio stations which have antenna structures requiring illumination.* To keep station records of inspections required.

Retention period: Not specified. 47 CFR 17.38

1.27 *Licensees of citizens radio service stations.* To keep a record of illumination for those stations whose antenna or antenna supporting structure is required to be illuminated.

Retention period: Not specified. 47 CFR 19.65

1.28 *Disaster communications service radio stations.* To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 20.25

1.29 *Disaster communications service radio stations.* To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 20.26

1.30 *Telephone carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified. 47 CFR 45.8

1.31 *Wire-telegraph, ocean-cable and radiotelegraph carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified in 47 CFR 46.9

XV. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 *Incorporators of proposed State banks applying for Federal deposit insurance.* To keep Form 82—Application for Federal deposit insurance, or Form 82–M in case of proposed mutual savings banks.

Retention period: Not specified. 12 CFR 304.3

1.2 *State banks applying for Federal deposit insurance.* To keep Form 84—Application for Federal deposit insurance, or Form 84–M in case of mutual savings banks.

Retention period: Permanent. 12 CFR 304.3

1.3 *State nonmember insured banks (except District banks) applying to establish branch or move main office or branch.* To keep Forms 85, 85a and 85b—Applications to establish branch or move main office or branch, or Forms 85-M and 85a-M in case of mutual savings banks.

Retention period: Permanent. 12 CFR 304.3

1.4 *Insured banks applying for consent for which no specific form prescribed.* To keep Form 102—Application for consent for which no specific form prescribed.

Retention period: Not specified. 12 CFR 304.3

1.5 *Insured banks.* To keep records necessary to support the assessment base of each certified statement and to permit verification of all figures therein including any deduction or exclusion in determining the assessment base.

Retention period: To keep such records for the year 1945 and subsequent years until a field audit of the assessment records of the insured bank has been made by the Corporation and any required adjustment of the assessment under such audit has been made. See FDIC instructions concerning the preparation of certified statements and the maintenance of assessment records effective March 30, 1954. 12 U. S. C. 1817 (a); 12 CFR 327.1

1.6 *Insured banks.* To keep Form 545—Certified statement.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.7 *Insured banks.* To keep Form 555—Tabulation of assessment base and supporting papers.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.8 *Insured banks.* To keep Form 645—First certified statement.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.9 *Insured banks.* To keep Form 845—Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank, or Form 845A when the assuming bank executes the certified statement for the bank whose deposits were assumed.

Retention period: Same as for item 1.5. 12 CFR 304.3

XVI. FEDERAL HOME LOAN BANK BOARD

1.1 *Federal savings and loan associations.* To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 24 CFR 145.13, 145.14, 145.15, 145.19, 145.20

1.2 *Savings-building and loan associations insured by the Federal Savings and Loan Insurance Corporation.* Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 24 CFR 163.10

XVII. FEDERAL POWER COMMISSION

1.1 *Public utilities and licensees.* Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.2.

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, G. P. O., Washington, 1951.

1.2 *Natural gas companies.* To keep all books and records supporting entries to its accounts.

Retention period: Until destruction is permitted by rules and regulations of the

Commission. Until rules and regulations have been issued, each company may continue its existing practice with respect to retention or destruction of records. 18 CFR 201.02–2

XVIII. FEDERAL TRADE COMMISSION

1.1 *Wool products manufacturers.* To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 *Fur products manufacturers and dealers in furs and fur products.* To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased, and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

1.3 *Dealers advertising prices of furs and fur products.* To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.* To keep the guaranty received and identification of the fabrics or fabrics guarantied.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.* To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guarantied.

Retention period: 3 years after test. 16 CFR 302.8

1.6 *Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.* To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

XIX. GENERAL ACCOUNTING OFFICE

1.1 *Contractor using bill of lading as shipper.* To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 8.5

1.2 *Contractors having Government contracts negotiated without advertising.* (Not involving the establishment or development of military installations and facilities in foreign countries excepted from the requirement by the President acting pursuant to section 305 of the act of July 15, 1955, 69 Stat. 350.) To keep records relating to contracted project.

Retention period: 3 years after final payment under contract. 41 U. S. C. 153, 254. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B-101404, September 8, 1952.

1.3 *Contractors.* Contracts and amendments to contracts made under authority of regulations under the First War Powers Act of 1941, as amended, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts.

Retention period: 3 years after final payment under the contract. 50 U. S. C. App. 611

1.4 *Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).* Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment. 68 Stat. 276; and 42 U. S. C. 2206

XX. GENERAL SERVICES ADMINISTRATION

1.1 *War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.* To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency and war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943).

Retention period: (a) Five years after such disposition of termination inventory by such war contractor or Government agency, or (b) five years after the final payment or settlement of such war contract, or (c) December 31, 1951, whichever applicable period is longer: *Provided, however,* That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above five-year period is reduced to three years. 18 U. S. C. 443; and 32 CFR 2011.2–2011.4a

1.2 *Sellers to the Government of tungsten, manganese, mica, beryl, asbestos, columbium-tantalum, and mercury.* To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 32A CFR Ch. XIV, Reg. 2, sec. 8; Reg. 3, sec. 8; Reg. 4, sec. 12; Reg. 5, sec. 8; Reg. 6, sec. 12; Reg. 7, sec. 6; Reg. 8, sec. 7; Reg. 9, sec. 7; Reg. 10, sec. 12; Reg. 11, sec. 7

1.3 *Sellers to the Government of domestic chrome ore and concentrates at Grants Pass, Oregon.* To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 44 CFR 99.109

1.4 *Contractors.* Contract clause required by the act of October 31, 1951 (65 Stat. 700, 41 U. S. C. 254 (c)), to be included in each contract negotiated without advertising pursuant to authority contained in title III of the Federal Property and Administrative Services Act of 1949, as amended, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment under the contract. (See GSA Administrative Order 115, of December 21, 1951; GSA Manual GS 5–1, sec. 403.02)

1.5 *Contractors.* Contracts and amendments to contracts made under authority of regulations under the First War Powers Act of 1941, as amended, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts.

Retention period: 3 years after final payment under the contract. 50 U. S. C. App. 611; GSA Manual GS 1, Vol. GS 1–1, sec. 1004.09

XXI. HOUSING AND HOME FINANCE AGENCY

1. Office of the Administrator

1.1 *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA-FHA Form No. 3352) submitted by eligible defense workers renting dwelling units in accordance with CR–3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: Not specified. 32A CFR Ch. XVII, CR 3, sec. 11

1.2 *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA–FHA Form No. 3352) submitted by eligible defense workers who bought dwellings erected for sale in accordance with CR–3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: 6 months after date of sale. 32A CFR Ch. XVII, CR 3, sec. 16

1.3 *Applicants for assistance under the programs administered by the Community Facilities Service (preparation by public agencies of plans for public works).* To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. Federal Housing Administration

2.1 *Lending agencies.* To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.1, 200.3, 201.2, 201.4, 201.8, 201.11, 202.8, 233.8, 242.5, 282.8, 286.5, 286.6, 289.9, 293.1, 297.1

2.2 *Lending agencies.* To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.25, 201.8

2.3 *Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 803, and 908 of the National Housing Act.* Records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, notices of any dividend or other distribution to mortgagor stockholders and semi-annual financial statements after distribution of any semi-annual dividends, annual CPA reports, copies of minutes of stockholder's and director's meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 232.19, 241.30, 263.1, 268.1, 292.1, 292a.1, 296.1

2.4 *Mortgagors of multifamily housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 232.19, 241.30, 263.1, 268.1, 292.1, 292a.1, 294.31, 296.1

2.5 *Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 232.26, 241.35, 241.37, 263.1, 268.1, 292.1, 292a.1, 294.37, 296.1

2.6 *Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage (or loan, sec. 609) transaction.

Retention period: Not specified. 24 CFR 233.8, 242.5, 264.1, 269.1, 282.8, 286.5, 286.6, 289.8, 293.1, 293a.1, 297.1

2.7 *Mortgagors of multifamily rental housing under sections 608, 610 and 803, except Federal, State, and municipal mortgagors when requirements are waived under section 803 of the National Housing Act.* Shall keep full and complete records of all corporate meetings of directors, stockholders, and finance committee, if any, and of the elections and resignations of its officers; and, whether an individual or corporate mortgagor, shall keep orderly and accurate books of account and shall also keep copies of written contracts or other instruments which affect it or any of its property which shall be subject to inspection and examination by the Commissioner or his duly authorized agents at all reasonable times.

Retention period: Not specified. 24 CFR 280.30, 283.29, 292.1, 292a.1

2.8 *Manufacturers in connection with house manufacturing loans under section 609 of the National Housing Act.* The books, records, contracts, documents, papers, etc., used in connection with and pertaining to the manufacture of the houses shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times; and shall furnish, at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, including all papers and documents relating to the cost of manufacturing of such houses.

Retention period: Not specified. 24 CFR 285.5

2.9 *Investors insured under yield insurance provisions under title VII of the National Housing Act.* Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and

operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 291.6

2.10 *Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 608, 609, 611, 803, and 908, National Housing Act of 1934

2.11 *Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954

XXII. INTERSTATE COMMERCE COMMISSION

1.1 *Car lines and protective service.* To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24.01–2, 110.100

1.2 *Steam railroad companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.12

1.3 *Electric railway companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

1.4 *Sleeping car companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

1.5 *Express companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

1.6 *Pipeline companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.90

1.7 *Motor carriers other than class 1.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.1

1.8 *Brokers for motor carriers.* To keep same records for same periods as motor carriers other than class 1, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

1.9 *Motor carriers, class 1.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.307

1.10 *Water carriers.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.12

1.11 *Freight forwarders.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

XXIII. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 *Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.* To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

1.2 *Masters of vessels at foreign ports destined for Canal Zone ports.* To keep sanitary logs, or other official records of health measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.43, 24.51

1.3 *Masters of vessels at sea, destined for Canal Zone ports.* To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.52, 24.54

1.4 *Vessels undergoing sanitary inspection at Canal Zone ports.* To keep certificates covering deratization or exemption from deratization.

Retention period: 6 months, plus an additional month if vessel proceeds to its home port. 35 CFR 24.89

1.5 *Vessels transiting or partially transiting Panama Canal.* To keep tonnage certificate a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

XXIV. RAILROAD RETIREMENT BOARD

1.1 *Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.* To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

1.2 *States (employment agencies).* To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U. S. C. 503 (c) (1)

XXV. SECURITIES AND EXCHANGE COMMISSION

1.1 *Exchange members, brokers, and dealers.* To keep books and records relating to their business including blotters, ledgers, and other records of orders, purchases, sales, and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. 17 CFR 240.17a–3, 240.17a-4

1.2 *Exchange members, brokers and dealers.* To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. 17 CFR 240.17a–4

1.3 *National securities exchanges.* To keep copies of statements and exhibits filed with Commission, and all information regarding securities registered.

Retention period: Material in respect to listed securities filed pursuant to sections 12, 13, 14, and 16 of Securities Exchange Act of 1934 may be destroyed after five years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule X-17A–6. 17 CFR 240.17a–6, 240.24b–3

1.4 *Mutual service companies and subsidiary service companies associated with registered public utility holding companies.* To keep uniform books of account and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission pursuant to the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. 17 CFR 256.01–8

1.5 *Registered public utility holding companies which are not also operating companies.* To keep uniform books of account to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Destroy only upon consent and approval of the Commission pursuant to the Uniform System of Accounts for Public Utility Holding Companies. 17 CFR 257.0–3

1.6 *Registered investment companies and underwriters, brokers, dealers, or investment advisers which are majority-owned subsidiaries of such companies.* To keep such records, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. These records include general and auxiliary ledgers (or other records reflecting asset, liability, reserve, capital, income and expense accounts), all general and special journals (or other records forming the basis for entries in such ledgers) and all minute books, vouchers, memoranda, correspondence, and other documents.

Retention period: For vouchers, memoranda, correspondence, etc.—6 years. For other records—permanent, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule N–31A–1. 17 CFR 270.31a–1

1.7 *Persons having transactions with registered investment companies (every investment adviser not a majority-owned subsidiary of, and every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company).* To keep books and documents necessary or appropriate to record transactions with company.

Retention period: 6 years, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule N–31A–2. 17 CFR 270.31a–2

XXVI. VETERANS ADMINISTRATION

1.1 *Institutions furnishing educational or training courses to veterans under Public Law 16 and title II, Public Law 346 (78th Cong.)*—(a) *Supply records.* To keep certification by the instructor, dean, or president of the institution of the itemized list of supplies required by each student: a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or Veterans Administration); may keep the records in microfilm form. 38 CFR 21.530

(b) *General records.* To keep records of progress and attendance of veterans; adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration). 38 CFR 21.672

1.2 *Institutions furnishing correspondence courses to veterans under Public Law 16 and title II, Public Law 346 (78th Cong.).* To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: Minimum of 3 years following date upon which final payment under contract becomes due. Even after 3 years, records may be destroyed only upon written authorization from the Veterans Administration. 38 CFR 21.626

1.3 *Educational institutions under Veterans' Readjustment Assistance Act of 1952, title II, Public Law 550 (82d Cong.).* To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.4 *Educational institutions furnishing nonaccredited courses under section 254 of title II of Public Law 550, supra.* To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.5 *Educational institutions furnishing institutional on-farm training courses under section 252, title II, Public Law 550, supra.* To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.6 *Training establishments furnishing apprentice or other training-on-the-job courses under title II, Public Law 550, supra.* To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306.

1.7 *Holders of loans guaranteed or insured by the Veterans Administration under title III of Public Law 346 (78th Cong.) and title III of Public Law 550 (82d Cong.).* To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Not specified. 38 CFR 36.4330.

1.8 *Holders of loans insured by the Veterans Administration under title III of Public Law 346 (78th Cong.) and title III of Public Law 550 (82d Cong.).* To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370.

Supplement I—Requirements Under the Defense Production Act of 1950, Executive Order 10160 of September 9, 1950, the Emergency Price Control Act of 1942, and the Second War Powers Act of 1942

Executive Order 10160 of September 9, 1950, requires that every individual, corporation, partnership, association, or other organized group which sold or delivered goods or services, or offered them for sale or delivery, in the course of trade or business during the period from May 24 to June 24, 1950, inclusive, shall preserve all records relating to prices received or asked for such goods or services and the labor, material, acquisition, and other costs incurred in connection with such goods or services (with certain exceptions). The Defense Production Act (sec. 705 (a)) empowers the President to require that these records be kept until 2 years after the expiration of the Act.

Requirements contained in World War II price control regulations have expired,

B. The following NPA orders and regulations contain special provisions for retention of records. The order or regulation itself should be consulted in each instance.

Order No.	Title	Section No.	Effective date of revocation	Retention period (years)
CMP:				
Reg. 2	Inventories of Controlled Materials	10	May 1, 1953	3
Reg. 5	Maintenance, Repair, and Operating Supplies, Installation, and Minor Capital Additions Under the Controlled Materials Plan.	14 (a)	July 1, 1953	3
Reg. 6	Construction	32 (a) and (b)	do	3
M-47B	Use of Controlled Materials in Certain Consumer Durable Goods.	7 (a)	do	3
M-78	Maintenance, Repair, Operating Supplies, and Capital Additions for Mining Industry.	18 (a)	May 25, 1953	3
M-80, Sched. A	Iron and Steel—Alloying Material and Alloy Products—Nickel-Bearing Stainless Steel, High Nickel Alloy, Nickel Silver, and Permanent Magnets Containing Nickel.	5	Nov. 1, 1953	3
M-105	Maintenance, Repair, Operating Supplies, Capital Additions, and Replacements for Iron and Steel Producers.	13 (a)	July 1, 1953	3

Supplement III—Former Requirements of the Petroleum Administration for Defense

No.	Title	Retention period	Date of expiration
NPA Ord. M-46	Priorities Assistance for the Petroleum and Gas Industries in the U. S. and Canada.	3 years	July 1, 1953
NPA Ord. M-46B	Defense Production Act of 1950, as amended (see sec. 705).	2 years after effect of act	

Supplement IV—Civil Aeronautics Requirements on Availability of Credentials for Inspection in 14 CFR

Party	Competency certificate	Medical certificate	Identification card
Pilots	43.40		20.58.
Airline Transport Pilot	21.22	21.40 (c)	21.45.
Limited Airline Pilot	22.32 (a)	22.32 (a) (1)	22.32 (g).
Mechanics	24.8		24.11.
Repairman	24.103		24.111.
Parachute Rigger	26.9		26.37.
Control Tower Operator	26.29	26.30	26.37.
Dispatcher	27.11		27.23.
Radio Operator	33.41	33.42	33.46.
Navigator	34.14	34.15	34.20.
Engineer	35.15	35.16	35.20.
Ground Instructor	51.3		51.6.
Manufacturers:			
Type Certificate	1.17		
Production Certificate	1.45		
Airworthiness Certificate	1.85		
Ground and Flight School	20.21		
Repair Station	52.9		
Mechanic School	53.9		
Parachute Loft	54.10		
Carriers:			
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Other Scheduled Carrier	41.4		
Irregular Carrier	42.7		
General Operator	43.10		
Foreign Air Carrier	44.3		
Flight Crew Foreign Air Carrier	45.2		
Commercial Operator	45.3		
Foreign Civil Aircraft	190.20		
Airman—Foreign Civil Aircraft	190.21		

Supplement II—Former National Production Authority Orders and Regulations Under Which an Obligation to Preserve Records Was in Effect on December 31, 1955

A. The following NPA orders and regulations contained provisions which require that each person participating in any transaction covered by the particular order or regulations shall make and preserve for at least 3 years thereafter accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with that order or regulation as the case may be.

Order No.	Title	Section No.	Effective date of revocation
NPA: Reg. 1	Inventory Control	17 (a)	May 1, 1953
CMP:			
Reg. 4	Deliveries of Controlled Materials by Distributors	6 (a)	July 1, 1953
Reg. 7	Repair Parts and Materials for Equipment Under the Controlled Materials Plan.	9 (a)	May 25, 1953
M-1	Iron and Steel	15 (a)	July 1, 1953
M-2	Rubber	9 (a)	May 8, 1953
M-5	Aluminum	19 (a)	July 1, 1953
M-6A	Tin Distributors	11 (a)	Do.
M-8	Tin	12 (a) (1)	Feb. 1, 1953
M-11	Copper and Copper-Base Alloys	17 (a)	July 1, 1953
M-16	Distribution of Copper Raw Materials	9 (a)	June 4, 1953
M-20	Iron and Steel Scrap	8 (a)	April 15, 1953
M-22	Distribution and Use of Aluminum Scrap	10 (a)	Mar. 2, 1953
M-25	Tin Plate and Terneplate	11 (a)	Feb. 1, 1953
M-26	Cans	11 (a)	Do.
M-27	Packaging Closures	8 (a)	Do.
M-28	Collapsible Tubes	7 (a)	Do.
M-36	Government Orders for Paper	11 (a)	Jan. 1, 1953
M-48	Construction Machinery—Distribution	11 (a)	July 1, 1953
M-76	Petroleum Assistance to the Petroleum and Gas Industries in the United States and Canada.	18 (a)	Do.
M-46A	Priority Assistance for Foreign Petroleum Operations	10 (a)	Do.
M-46B	Construction Limitations for the Petroleum and Gas Industries of the United States.	12 (a)	Do.
M-49	Electric Utilities	4 (a)	Do.
M-54	Plastic Pipe	9 (a)	May 1, 1953
M-70	Marine Maintenance, Repair, and Operating Supplies, and Minor Capital Additions.	14 (a)	July 1, 1953
M-71	Priorities Assistance to Technical and Scientific Laboratories.	13 (a)	Do.
M-73	Maintenance, Repair, Installation, and Operating Supplies and Minor Capital Additions for Rail Transportation Systems.	10 (a)	Do.
M-77	Communications	9 (a)	Do.
M-80	Iron and Steel-Alloying Materials and Alloy Products	21 (b)	Nov. 1, 1953
M-81	Pure Tungsten and Pure Molybdenum	8 (a)	Apr. 6, 1953
M-82	Distribution of Brass Mill Products to Distributors	10 (a)	May 26, 1953
M-83	Alumina and Aluminum Ingot Consumers	9 (a)	May 26, 1953
M-84	Distribution of Copper Wire Mill Products to Distributors	11 (a)	May 26, 1953
M-88	Aluminum Distributors	15 (c)	July 1, 1953
M-89	Distribution of Controlled Materials to Retailers	13 (a)	Do.
M-90	Color Television	6 (a)	Mar. 26, 1953
M-91	Smelting Grades of Chrysotile Asbestos Fibre	12 (a)	Feb. 25, 1953
M-98	Used Cans for Copper Production	8 (a)	May 21, 1953
M-99	Cryolite	10 (a)	May 20, 1953
M-101	Certain Used and Imported Metalworking Machines	6 (a)	July 1, 1953
M-102	Cleaning, Plating, Diamond Powder or Dust, and Unreporting of Inventory	6 (a)	May 12, 1953
M-103	Diamond Grinding Wheels	8 (a)	Sept. 28, 1953

INDEX

Explanation. The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product, or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—PROHIBITED PRACTICES

FEDERAL POSITIONS THE INCUMBENTS OF WHICH ARE PERMITTED TO HOLD STATE AND LOCAL OFFICES

Paragraphs (j) and (k) are added to § 4.203, to read as follows:

§ 4.203 *Federal positions the incumbents of which are permitted to hold State and local offices.* • • •

(j) *Selective Service System.* State or local employees may serve as part-time clerical employees of local Selective Service boards.

(k) *Department of the Army.* Employees of the Department of the Army, with the approval of the Secretary or his designee, may accept appointments or commissions as deputy sheriffs under the laws of States or Territories in which such employees may be on duty, provided that their services as deputy sheriffs shall be without compensation.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633, E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6920; Filed, Aug. 27, 1956; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED RAISINS

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found that to modify for the 1956–57 crop year, the minimum grade and condition standards for natural condition raisins and the minimum grade standards for packed raisins as hereinafter provided will tend to effectuate the declared policy of the act.

The requirements pertaining to the maximum permissible moisture content of Layer Muscat raisins, in both their natural condition form and packed form, as set forth in the aforesaid order, were relaxed for most of the 1955–56 crop year because the then available data indicated that such requirements were unduly restricting the marketing of such raisins.

The results of limited study of this matter during the 1955-56 crop year disclosed that the average moisture content of a particular lot of Layer Muscat raisins is not necessarily correlated with the keeping quality of such raisins during the relatively short period in which a substantial part of them are marketed. Indications are that keeping quality may depend on the moisture content of the individual clusters of raisins and not so much on the average of the lot. Hence, further studies are required to provide more specific data on desirable moisture requirements and how they should be applied with respect to individual clusters and the lot as a while. In these circumstances, the relaxation of the requirements with respect to the permissible moisture content for Layer Muscat raisins as prescribed in the order should be continued during the 1956–57 crop year.

Therefore, it is hereby ordered: That effective as of September 1, 1956, and continuing until 12:00 midnight, P. s. t., August 31, 1957:

1. Section 989.97 B 3 is, pursuant to the authority contained in § 989.58 (b) of the order, hereby modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content of Layer Muscats)" and by changing subparagraph (d) of said section to read as follows:

(d) Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

2. The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a (b) of said standards.

It is hereby further found and determined that good cause exists for not postponing the effective date of this document later than September 1, 1956 (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The maximum permissible moisture content restrictions of Layer Muscat raisins, as set forth in the effective standards, will unnecessarily restrict the marketing of such raisins handled during the 1956–57 crop year; (2) it is necessary that the relaxation of such restrictions be continued so that normal marketing of such raisins may proceed without change; (3) handlers require no advance notice for preparation to comply with the continuation of this relaxation. In these circumstances, this document should be made effective on the indicated date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 22, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-6905; Filed, Aug. 27, 1956; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6551]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LESTER PIANOS, INC.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1695 *Old, second-hand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lester Pianos, Inc., Philadelphia, Pa., Docket 6551, Aug. 11, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate dealer in pianos in Philadelphia with representing by oral statements and otherwise that pianos returned to it upon termination of rental agreements and thereupon refurbished and reconditioned at its shop,, were new and unused—and an agreement between the parties providing for entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of August 10, became on August 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Lester Pianos, Inc., its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of used pianos, or any other used product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that such product is new or unused.

2. Offering for sale or selling such product without clearly disclosing that it is used or not new.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 10, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6897; Filed, Aug. 27, 1956; 8:46 a. m.]

[Docket 6553]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BUSINESS OPPORTUNITIES CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Contracts and obligations; Customer connection; Individual as cooperative;[1] Individual as corporation; Prospects; Size and extent; § 13.143 *Opportunities.* Subpart—*Mis-*

[1] New.

representing oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1397 *Customer connection;* § 13.1448 *Individual or private business as cooperative or corporation;* § 13.1555 *Size, extent or equipment.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, William D. Cope doing business as the Business Opportunities Company, Evanston, Ill., Docket 6553, Aug. 4, 1956]

In the Matter of William D. Cope, Individually and Doing Business as The Business Opportunities Company

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual engaged in Evanston, Ill., in publishing a monthly "Business Brokers Bulletin" listing businesses and properties for sale in various States and in the selling of advertising therein, with representing falsely on letterheads and business forms and by other means that his private business was a cooperative or corporation; and with representing falsely in his advertising matter, on printed forms furnished property owners and other printed matter, and by oral statements including long distance telephone calls made to prospects by himself and his agents, that he had in his employ or under contract or was associated with 2,000 licensed real estate and business brokers and 5,000 of their sub-agents in 48 States with whom a non-exclusive open listing of the prospects' properties would be made; that purchasers of their properties were immediately available; and that upon payment of a stipulated amount of money for advertising or traveling expenses, sales would be consummated within a short stipulated period—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of August 3, became on August 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent William D. Cope, individually and doing business as The Business Opportunities Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in his publication designated "Business Brokers Bulletin," or any other publication or bulletin, or any other advertising matter, do forthwith cease and desist from representing, directly or by implication, that:

1. The Business Opportunities Company is a co-op or cooperative association, or a corporation.

2. Respondent has 2,000 licensed real estate and business brokers in 48 states of the United States in his employ or under contract or is associated with said number of brokers or 5,000 of their sub-agents, or has in his employ or under contract, or is associated with any other number of brokers or their sub-agents in any number of states.

3. A purchaser is immediately available, or is available at any time, to buy the business or property of those who purchase advertising in respondent's bulletin or any other publication.

4. The businesses or properties of advertisers or prospective advertisers in respondent's bulletin or any other publication will be sold upon payment of traveling expenses of a buyer, or prospective buyer or broker.

5. Respondent will effectuate a non-exclusive open listing or any other listing of the businesses or properties of advertisers or prospective advertisers with any number of brokers or salesmen that is not in accordance with the facts.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered. That the respondent herein shall, within sitxy (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 3, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-6898; Filed, Aug. 27, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1328]

[1506645]

COLORADO

PARTIALLY REVOKING THE EXECUTIVE ORDER OF SEPTEMBER 8, 1933, WHICH ESTABLISHED PUBLIC WATER RESERVE NO. 152

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of September 8, 1933, establishing Public Water Reserve No. 152, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 10 N., R. 96 W.,
Sec. 2, W½SW¼.
T. 11 N., R. 96 W.,
Sec. 24, SE¼.

The areas described aggregate 240 acres.

The released lands are embraced in State Exchange Applications, Colorado 014223 and 014224, by which the offered lands will benefit a Federal land program. The lands, therefore, are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

AUGUST 22, 1956.

[F. R. Doc. 56-6827; Filed, Aug. 27, 1956, 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

Sections 100.1 to 100.13 are revised as follows:

Sec.
100.1 Applicability.
100.2 Recording presence.
100.3 Preservation of property.
100.4 Conformity with signs and emergency directives.
100.5 Nuisances.
100.6 Gambling.
100.7 Intoxicating beverages and narcotics.
100.8 Soliciting and vending.
100.9 Photography for news, advertising, or commercial purposes.
100.10 Dogs and other animals.
100.11 Vehicular and pedestrian traffic.
100.12 Concealed weapons.
100.13 Penalties; other laws.

AUTHORITY: §§ 100.1 to 100.13 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.1 *Applicability.* The rules and regulations in this part apply at all Federal property under the charge and control of the General Services Administration and to all persons entering in or on such property. Unless otherwise stated herein Federal property under the charge and control of the General Services Administration is referred to as "property." It is the responsibility of the occupant agencies to require observance of these rules and regulations by their employees.

§ 100.2 *Recording presence.* Persons entering or leaving properties during periods when such properties are closed to the public shall sign the register and/or display authorized identification documents when requested by the guard, watchman, or other authorized individuals.

§ 100.3 *Preservation of property.* It is unlawful to wilfully destroy, damage, or remove property or any part thereof, including signs, regulations, decorations, or other facility or equipment, or any tree or other plant life.

§ 100.4 *Conformity with signs and emergency directions.* Persons in and on property shall comply with "No Smoking" and other official signs of a prohibitory or directory nature, and at the time of a fire alarm or other emergency signal shall comply with the directions of building police and other authorized individuals.

§ 100.5 *Nuisances.* The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemingly or disorderly conduct on property, and throwing articles of any kind from a building and climbing upon any part of a building, is prohibited.

§ 100.6 *Gambling.* Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property, is prohibited.

§ 100.7 *Intoxicating beverages and narcotics.* Entering property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on property, is prohibited.

§ 100.8 *Soliciting and vending.* The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on property, is prohibited. This rule does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the occupant agencies, concessions, or personal notices posted by employees on authorized bulletin boards.

§ 100.9 *Photography for news, advertising, or commercial purposes.* Permission will be granted by the General Services Administration Building Superintendent or Custodian in charge, for taking photographs for news, advertising, or commercial purposes within the property, provided the consent of the occupant agency or agencies has been obtained.

§ 100.10 *Dogs and other animals.* Dogs and other animals, except seeing eye dogs, shall not be brought upon property for other than official purposes.

§ 100.11 *Vehicular and pedestrian traffic.* (a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs; (b) the blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited; (c) except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time with the approval of the Administrator by the issuance and posting of specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 100.12 *Concealed weapons.* No person while on property shall carry concealed weapons except for official purposes.

§ 100.13 *Penalties—Other Laws.* Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both. Nothing contained in the rules and regulations in this part shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations, applicable to any area in which property is situated.

Dated: August 23, 1956.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-6960; Filed, Aug. 27, 1956; 10:35 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 908, 918]

[Dockets Nos. AO-219-A7, AO-243-A3]

HANDLING OF MILK IN MEMPHIS, TENNESSEE, AND CENTRAL ARKANSAS MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Holiday Inn, 908 South Third Street, Memphis, Tennessee, beginning at 10:00 a. m., local time, Wednesday, September 5, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders as now in effect, regulating the handling of milk in the Memphis, Tennessee, and Central Arkansas marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by the Dean Milk Company, Franklin Park, Illinois:

1. For the purposes of determining the application of the respective orders, the Department shall use as the determining quantities, the volume of Class I milk shipped to the different markets.

2. The compensatory payment provisions of the Central Arkansas order should be revised to conform with any changes resulting from Proposal No. 1.

3. Consideration should be given to the establishment in the Central Arkansas order of a location adjustment which would enable this firm to be competitive in the Memphis area irrespective of which order it is regulated under.

By the Dairy Division, Agricultural Marketing Service:

4. Make such changes as may be required to make the orders in their entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the orders now in effect, may be obtained from the Market Administrator, 2428 Poplar Avenue, Memphis 12, Tennessee, or 1611 Main Street, Little Rock, Arkansas, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: August 23, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-6906; Filed, Aug. 27, 1956; 8:46 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A-14]

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washintgon, D. C., not later than the close of business the seventh day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amend-

ed, were formulated, was conducted at Nashville, Tennessee, on July 24, 1956 (21 F. R. 5378). The material issues of record related to:

1. Changes in the months in which the higher seasonal Class I price differential would apply.

2. The rate of adjustment of the Class I price based on utilization.

3. Need for emergency action to amend the order with respect to issues No. 1 and No. 2.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. *Seasonal pricing.* The period in which the higher seasonal Class I price differential should apply should include the months of August through January, except that for the year 1957, the month of February should be included.

A proposal made by producers would change the seasonal pattern of prices for Class I milk by beginning the period with the higher differential over the basic formula price one month earlier than now provided in the order. The Class I price differentials now provided in the order are $1.40 for the months of September through February, and $1.10 for the months of March through August. The producer proposal would make the $1.40 differential regularly apply in the months of August through February.

Producers based the need for including August in the months with seasonally higher prices on the increased cost of milk production in this month compared to earlier months of spring and summer. Another reason given was the desirability of having the higher seasonal prices apply in the months when producers earn their bases. In this connection producer representatives pointed out that an amendment to the order effective July 1, 1956, moved the base-earning period forward one month by changing it from September through February, to August through January, beginning with August 1957.

In the decision issued by the Under Secretary on June 22, 1956 (21 F. R. 4678), it was stated that: "The present base-excess plan for distributing the market returns from milk among producers was established in the order as the result of a hearing held in August 1951. At the time the present base-excess plan was adopted, the months September through February were normally those of relatively low production in relation to fluid sales. Since that time, producer receipts during the months of August have generally been below average deliveries computed for each year. Likewise, deliveries of producer milk during the month of February have increased each year since 1951 to the point where such deliveries during the past two years have been above the average computed for each year. It is concluded that the base-excess plan should be revised to provide that the months August through January should include the base-forming period." It was also noted in that decision that, in view of the evidence presented concerning months of generally high and low production in connection with the base-excess plan, that consideration might need to be given in a further hearing to changing the months in which the seasonal Class I differentials apply. No such change had been considered at the hearing on which the July 1 amendment was based.

In this market, seasonal changes in the Class I price differentials have served as an incentive to producers to adjust their production to the needs of the fluid market. This pattern of prices has served conjointly with the base plan to accomplish such purpose.

In this connection, some consideration needs to be given, also, to seasonal changes in sales of Class I milk of Nashville handlers. The record data indicate that Class I sales, characteristically, are lower during the summer months of June, July and August than during other months of the year. Deliveries by producers, on the other hand, have usually been highest in the month of May, and by the end of summer are in a declining trend.

The relationship of deliveries by producers to handlers' Class I sales during the month of August each year has become closer in recent years. In August 1955, deliveries by producers were 114 percent of Class I sales as compared to 136 percent of Class I sales in August 1953. The relationship of producer deliveries to Class I sales in the month of February each year has varied considerably from year to year. Although the relation of supply to sales in February has shown a decrease in recent years, the supply has remained ample and higher in relation to sales than in August.

The request made by producers that the $1.40 Class I differential apply in the period August through February each year involves the problem of the annual level of the Class I price, since this change would mean that seven months instead of six would be at the higher level. The problem of the general level of the Class I price is dealt with elsewhere in this decision. With respect to seasonal pricing, it does not appear from this record that February needs to be regularly a month with the higher seasonal price. (An exception is made with respect to February 1957.) The record shows that the supply of milk in February has generally been adequate for market needs. Furthermore, inasmuch as February is at the beginning of, or just prior to, the flush production season, it would appear unnecessary to give producers a seasonal incentive to increase their production in this month. It is concluded that the months in which the higher Class I price differentials regularly apply should be August through January.

Following the hearing, an order suspending certain provisions of the Nashville order was issued July 31, 1956. This suspension order made the $1.40 Class I differential effective for August 1956.

With respect to the month of February 1957, however, producer representatives at the hearing stressed that this would be a base-forming month and that therefore the seasonal drop in the Class I price should not be changed until the year following. Because of this factor, it is concluded that the change in the seasonal pricing should be made fully effective at the same time as the change in the months of the base-forming period which will begin in August 1957.

2. *Supply-demand adjustment.* The rate of change in the Class I price based on the supply-demand adjustment, should be increased from one cent per percentage change in the utilization ratio, to two cents per percentage point. For the months of October 1956 through January 1957, the order should provide that there will be no price deductions due to the supply-demand adjustment, if the most recent twelve-month utilization percentage is 125 percent or less.

The order provides that the Class I price shall be adjusted each month on the basis of utilization of producer milk in the twelve-month period ending with the second preceding month, plus or minus the change from utilization similarly calculated for the twelve-month period ending with the fifth preceding month. The utilization ratio so calculated, which is in terms of the percentage that producer milk is of Class I sales, results in an increase of one cent per hundredweight in the Class I price for each percentage point that the utilization ratio is less than 125, and results in a decrease at the same rate if the utilization ratio exceeds 130 percent.

The producer association proposed that the rate of price adjustment be increased from one cent per percentage point, to four cents per point, whenever the utilization ratio is less than 125 percent. The association requested that no change be made from the present rate of price adjustment when the utilization ratio is more than 130 percent.

The computation of the supply-demand price adjustment was modified by an amendment to the order effective July 1, 1956. Prior to that time, the computation of the utilization ratio was based entirely on average utilization in the twelve-month period ending with the second preceding month. A further change at that time was the elimination from the supply-demand computation of receipts and sales of plants disposing of less than an average of 1,000 pounds of fluid milk products per day in the marketing area. These changes were designed to make the supply-demand adjustment more representative of market conditions and to make it respond faster to changes in conditions.

No supply-demand adjustment was effective from the time the individual-handler pooling arrangement was instituted (April 1955), through March 1956.

Producer witnesses pointed out that the one cent per percentage point is a relatively low rate of price adjustment compared to the rates of price adjustments in other markets, based on utilization. The record shows that the supply-demand adjustment has had little effect on prices during the period in which it has been effective.

Because of recent changes in computation of the supply-demand adjustment, it is not possible, from the record, to reconstruct precisely a supply-demand adjustment on the basis proposed by producers, for periods prior to July 1956. The record does show, however, that for the twelve-month period ending with February 1956, the average ratio of producer milk to Class I sales (excluding handlers with less than 1,000 pounds daily in the marketing area) was 117.7 percent. If the new type of adjustor had been in effect at that time, the amount of adjustment would have reflected also a decreased supply-sales ratio of the three-month period ending with February 1956, compared to a year earlier. From this it appears that the resulting price adjustment at the ratio proposed by producers would have been an addition of at least 32 cents per hundredweight.

The most recent data in the record show that the ratio of producer deliveries to Class I sales (excluding handlers with less than 1,000 pounds daily in the marketing area) during the twelve-month period ending with June 1956, was 120.8 percent. This percentage, which is part of the computation for the August Class I price, is modified by the change from the twelve-month period ending with March 1956, which was 117.8 percent. The increase in utilization percentage between these two twelve-month periods results in an adjusted utilization ratio of 124 percent, or a price adjustment of one cent added to the August Class I price.

As previously noted herein, producer and handler witnesses estimated the supply-sales relationship would be about the same for August and fall months this year as occurred in 1955. If this proves to be true, it may be estimated that, during the late fall and winter period, the supply-demand adjustment (at the current rate) would add about four cents. Furthermore, if the utilization of producer milk in Class I this year in July and months following is higher than a year previous, the amount of price adjustment in fall months would be greater.

It is apparent, from the record, that the rate of price adjustment tends to be relatively slow as presently calculated, even with the modifications of the supply-demand adjustor made effective July 1, 1956. On the other hand, the rate of price adjustment proposed by producers, which would increase the rate of change four times, could result in relatively large price adjustments. Comparison with the rates of price change per percentage point used in other Federal orders, as made in the record, is not a sufficient indication as to the most desirable rate for this market, because of different marketing conditions and because of differences in the types of supply-demand adjustors used. In view of the recent changes in the supply-demand adjustment computation and short experience as to their effect, it appears advisable to make a more moderate change in the rate of adjustment than that proposed by producers. It is concluded that a rate of adjustment of two cents per percentage point of the utilization ratio should be used until further experience is gained. Furthermore, it is concluded that, for a preliminary period, the effect of the increased rate of price adjustment should be based only on the utilization in the twelve-month period ending with the second preceding month. The complete change should become effective in February 1957.

Producers also proposed that when the ratio exceeds 130 percent, the present rate of price adjustment should be retained, so that the producers who have entered the market or increased their production at a time when the market needs additional milk do not suffer financial loss if the market subsequently becomes over-supplied. It was contended that a producer cannot readily reduce his level of production in response to price changes, and that, therefore, a higher rate of price decline does not benefit the market. It is here concluded that this proposal should be denied, since such a pattern of price adjustments could result in serious misalignment of prices with the supply and demand situation.

3. *Emergency action.* Omission of a recommended decision is not necessary with respect to the amendments herein proposed. A price adjustment for the month of August 1956 was effected by the Assistant Secretary in an order suspending certain provisions, issued July 31, 1956.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained proposed findings and conclusions, and arguments with respect to the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as proposed to be further amended:

1. In § 978.51 (a) (1) (ii), add the following words: "except that such amount shall not be added or subtracted in computing prices for the months of October 1956 through January 1957, inclusive, and".

2. In § 978.51 (a), delete subparagraph (2) and substitute the following:

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents.

3. In § 978.51 (a), delete subparagraph (3).

4. In § 978.51 (e), delete the language before the proviso, and substitute the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of August through January, except that for the year 1957, the month of February shall be included; and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

Issued at Washington, D. C., this 23d day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6907; Filed, Aug. 27, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[44 CFR Part 401]

DISPOSAL OF FOREIGN EXCESS PROPERTY

NOTICE OF PROPOSED ISSUANCE OF SUPPLEMENT NO. 1 TO FOREIGN EXCESS PROPERTY ORDER NO. 1 (REVOCATION OF CERTAIN OUTSTANDING AUTHORIZATIONS)

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed issuance of Supplement No. 1 to Foreign Excess Property Order No. 1, as amended, 44 CFR Part 401, 15 F. R. 5847.

It is proposed to publish Supplement No. 1 in substantially the following form:

FOREIGN EXCESS PROPERTY ORDER NO. 1, SUPPLEMENT NO. 1

Foreign Excess Property Order No. 1, as amended August 23, 1950 (15 F. R. 5847) is hereby supplemented as follows:

SECTION 1. [§ 401.11] All authorizations, permits, determinations, licenses, and approvals issued on or before December 31, 1955 by the Foreign Excess Property Officer of the Department of Commerce for the importation into the United States of nonagricultural foreign excess property are hereby cancelled, rescinded and revoked.

SEC. 2. [§ 401.121] The provisions of Section I [§ 401.111] of this Supplement shall not apply to importations into the United States of foreign excess property with respect to which authority for such importations is withdrawn pursuant to Section 1 hereof, provided such foreign excess property has been acquired prior to the date of this Supplement by holders of authorizations, permits, determinations, licenses or approvals issued on or before December 31, 1955 for such importation, if such foreign excess property shall be delivered on or before September 15, 1956 to a carrier for transportation to the United States.

The reason for the proposed publication of Supplement No. 1 is that it has now been ascertained that certain authorizations, permits, determinations, licenses or approvals have heretofore been issued for the importation of stated quantities of certain classes of foreign excess property which were unlimited as to expiration date. More than a reasonable time has elapsed since such issuance. Since January 1, 1956, all such authorizations, etc., have been limited to a period of six months from date of issuance. Since the conditions no longer prevail under which certain earlier authorizations, etc., were issued it is now deemed appropriate, in the national interest, to provide a reasonable opportunity within which foreign excess property already acquired thereunder may be delivered to a carrier for transportation to the United States, and thereafter to terminate such opportunity. Supplement No. 1 will also limit rights of importation of foreign excess property by holders of authorizations, etc., to such foreign excess property as they have acquired pursuant to such authorizations, etc., prior to the date of its issuance.

Interested persons may submit to the Foreign Excess Property Officer, Room 4120, Department of Commerce, Washington 25, D. C., data, views or arguments in writing but not orally relative to the proposed issuance of Supplement No. 1. All relevant material received within 20 days following the day of publication of this notice will be considered.

It is proposed to make Supplement No. 1 effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 402, 63 Stat. 393; 40 U. S. C. 512. Interprets or applies Foreign Excess Property Order No. 1, as amended, 44 CFR Part 401, 15 F. R. 4657)

Dated: August 17, 1956.

LOUIS S. ROTHSCHILD,
Acting Secretary of Commerce.

[F. R. Doc. 56-6926; Filed, Aug. 27, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED TUNA FISH

NOTICE OF PROPOSALS TO ADOPT DEFINITION AND STANDARD OF IDENTITY AND STANDARD OF FILL OF CONTAINER

Notice is hereby given that a petition has been filed by National Canners Association, 1133 Twentieth Street NW., Washington, D. C., and the following canners of tuna fish: Barbey Packing Corporation, F. E. Booth Company, Inc., California Marine Curing and Packing Company, Columbia River Packers Association, Inc., Crown Packers, Inc., Farwest Fishermen, Inc., Franco-Italian Packing Company, Inc., Hawaiian Tuna Packers Ltd., High Seas Tuna Packing Company, Inc., Pan-Pacific Fisheries, Inc., Point Adams Packing Company, Portland Fish Company, Seattle Seafoods, Inc., South Coast Fisheries, Inc., Star-Kist Foods, Inc., Union Fishermen's Co-Operative Packing Company, Van Camp Sea Food Company, Inc., Washington Packing Corporation, West Coast Fish Company, Inc., Westgate-California Tuna Packing Company, Whiz Fish Products Company.

The petition sets forth proposals to adopt a definition and standard of identity and a standard of fill of container for canned tuna. The proposals are set forth below.

Notice is also given that supplementary petitions have been filed by Hawaiian Tuna Packers Limited, 215 Market Street, San Francisco 8, California, and by the California Fish Canners Association, Inc., Ferry Building, Terminal Island, California, each proposing certain additional provisions to be added to the definition and standard of identity for canned tuna proposed by the National Canners Association. The proposals contained in these supplementary petitions are also set forth below.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046; Pub. Law 905, 84 Cong., 2d Sess.; 21 U. S. C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER:

1. The definition and standard of identity and the standard of fill of container proposed for canned tuna by the National Canners Association are as follows:

§ 37.1 *Canned tuna; definition and standard of identity; label statement of optional ingredients.* (a) Canned tuna is the food consisting of processed fish of the species enumerated in paragraph (b) of this section, prepared in one of the optional forms of pack specified in paragraph (c) of this section, conforming to one of the color designations specified in paragraph (d) of this section, in one of the optional packing media specified in paragraph (e) of this section, and may contain one or more of the seasonings and flavorings specified in paragraph (f) of this section. It is packed in hermetically sealed containers and so processed by heat as to prevent spoilage. It is labeled in accordance with the provisions of paragraph (h) of this section.

(b) The fish included in the class known as tuna fish are:

Thunnus thynnus	Bluefin tuna.[1]
Thunnus maccoyii	Southern bluefin tuna.[1]
Thunnus orientalis	Oriental tuna.[2]
Thunnus germo	Albacore.[3]
Parathunnus mebachi	Big-eyed tuna.[4]
Neothunnus macropterus.	Yellowfin tuna.[4]
Neothunnus rarus	Northern bluefin.[2]
Katsuwonus pelamis	Skipjack.[3]
Euthynnus alletteratus	Little tunny.[3]
Euthynnus lineatus	Little tunny.[3]
Euthynnus yalto	Kawakawa.[4]

[1] "A Comparison of the Bluefin Tunas, Genus Thunnus, from New England, Australia, and California," by H. C. Godsil and Edwin K. Holmberg, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 77 (1950).

[2] "Contributions to the Comparative Study of the So-called Scombroid Fishes," by Kamakichi Kishinouye, Journal of the College of Agriculture, Imperial University of Tokyo, Vol. VIII, No. 3 (1923).

[3] "A Systematic Study of the Pacific Tunas," by H. C. Godsil and Robert D. Byers, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 60 (1944).

[4] "A Descriptive Study of Certain Tuna-Like Fishes," by H. C. Godsil, State of California, Department of Fish and Game, Fish Bulletin No. 97.

The description of each species will be found in the text to which reference is made.

(c) The optional forms of processed tuna consist of loins and other striated muscular tissue of the fish. The loin is the longitudinal quarter of the great lateral muscle freed, in accordance with good commercial practice, from skin, scales, visible blood clots, bones, gills, viscera, and black meat. Black meat is the nonstriated part of the great lateral muscle of tuna, known anatomically as the median superficial muscle, highly vascular in structure, dark in color because of retained blood, and granular in form. Canned tuna is prepared in one of the following forms of pack, the identity of which is determined in accordance with the methods prescribed in paragraph (b) of § 37.2.

(1) Solid or solid pack consists of loins cut in transverse segments to which no free fragments are added. In containers of 1 pound or less of net contents, such segments are cut in lengths suitable for packing in one layer. In containers of more than 1 pound net contents, such segments may be cut in lengths suitable for packing in one or more layers of equal thickness. A piece of a segment may be added if necessary to fill a container. The proportion of free flakes broken from loins in the canning operation shall not exceed 18 percent.

(2) Chunks or chunk style consists of a mixture of pieces of tuna in which the original muscle structure is retained. The pieces may vary in size, but not less than 50 percent of the weight of the pressed contents of a container is retained on ½-inch-mesh screen.

(3) Flakes consist of a mixture of pieces of tuna in which more than 50 percent of the weight of the pressed contents of the container will pass through a ½-inch-mesh screen, but in which the muscular structure of the fish is retained.

(4) Grated consists of a mixture of particles of tuna that have been reduced to uniform size and in which more than 50 percent of the pressed weight of the contents of the container will pass through a ½-inch-mesh screen, and in which the particles are discrete and do not comprise a paste.

(d) Canned tuna, in any of the forms of pack specified in paragraph (c) of this section, falls within one of the following color designations, measured by visual comparison with matte surface neutral reflectance standard corresponding to the specified Munsell units of value, determined in accordance with paragraph (g) of this section:

(1) *White tuna.* This color designation is limited to the species of tuna Thunnus germo (albacore), and is not darker than Munsell value 6.3.

(2) *Light tuna.* This color designation includes any tuna not darker than Munsell value 5.3.

(3) Dark tuna. This color designation includes all tuna darker than Munsell value 5.3.

(4) *Blended tuna.* This color designation may be applied only to tuna flakes specified in paragraph (c) (3) of this section, which consist of a mixture of tuna flakes a substantial portion of which meet the color standard for either white tuna or light tuna, and the remainder of which fall within the color standard for dark tuna. The color designation for blended tuna is determined in accordance with paragraph (g) of this section.

(e) Canned tuna is packed in one of the following optional packing media:

(1) Any edible vegetable oil other than olive oil, or any mixture of such oils not containing olive oil.

(2) Olive oil.

(3) Water.

(f) Canned tuna may be seasoned or flavored with one or more of the following:

(1) Salt.

(2) Purified monosodium glutamate.

(3) Hydrolyzed protein.

(4) Hydrolyzed protein with reduced monosodium glutamate content.

(5) Spices or spice oils or spice extracts.

(6) Vegetable broth or sauce, in an amount not in excess of 5 percent of the volume capacity of the container, such broth or sauce to consist of a minimum of 0.5 percent by weight of vegetable extractives and to be prepared from two or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, red bell peppers and green bell peppers, spinach, and tomatoes.

(g) For determination of the color designations specified in paragraph (d) of this section, the following method shall be used: Recombine the separations of presscake resulting from the method prescribed in § 37.2 (b). Pass the combined portions through a circular sieve 12 inches in diameter, fitted with woven-wire cloth of ¼-inch mesh which complies with the specifications for such wire cloth set forth in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 581 of the U. S. Department of Commerce, National Bureau of Standards. Mix the sieved material by hand, and place a sufficient quantity into a 307 x 113 size container (bearing a top seam and having a false bottom approximately ½-inch deep and painted flat black inside and outside) so that after tamping and smoothing the surface of the sample, the material will be ⅛-inch to ¼-inch below the top of the container.

(1) Determine the Munsell color value of the sample surface by visual comparison, using a comparator eyepiece containing a color filter centering between 550 mμ and 560 mμ, which filter does not pass significant amounts of visible radiation of wavelengths below 540 mμ or above 570 mμ.

(2) The standards with which comparisons are to be made are any essentially neutral matte finish standards of luminous reflectance equivalent to 6.3 and 5.3 Munsell units of value. These standards shall be cut in circles 3¼ inches in diameter and shall be mounted in 307 x 113 size containers, bearing a top seam and painted flat black both inside and outside, so that the surfaces of the standard are 3/16-inch below the top of the containers in which they are mounted.

(3) In the case of blended tuna, the foregoing method shall be varied by first separating, as completely as feasible, the two different colors of tuna flakes, and then proceeding with each portion separately for the determination of its color value.

(h) (1) The specified names of the canned tuna for which definitions and standards of identity are prescribed by this section, except where water is the packing medium, are formed by combining the form of the pack with the color designation of the tuna; for example, "Solid Pack White Tuna," "Grated Dark Tuna," etc. In the case of blended tuna, there shall be used the applicable color designation of the blended flakes determined, in accordance with the color designation of the predominating portion found in the container; for example, "Blended White and Dark Tuna Flakes," "Blended Dark and Light Tuna Flakes."

(2) The specified name of the canned tuna when water is used as the packing medium is formed as described in subparagraph (1) of this paragraph, followed by the words "In water" for example, "Grated Light Tuna in Water."

(3) When the packing medium is vegetable oil or olive oil, the label shall bear the name of the optional packing medium used, as specified in paragraph (e) of this section, preceded by the word "in" or the words "packed in." In the case of the optional ingredient specified in paragraph (e) (1) of this section, the name or names of the oil used may be stated, of the general term "Vegetable Oil" may be used.

(4) In case solid pack white, light, or dark tuna is packed in olive oil, the designation "Tonno" may also appear.

(5) Where the canned tuna contains one of the ingredients listed in paragraph (f) of this section, the label shall bear the statement "Seasoned with ---------" the blank being filled in with the name or names of the ingredient or ingredients used, except that if the ingredient designated in paragraph (f) (6) of this section is used, the label shall bear the statement "Seasoned with Vegetable Broth" or "Seasoned with Vegetable Sauce," and if the ingredient designated in paragraph (f) (5) of this section is used alone, the label may bear the statement "Spiced" or "With Added Spice."

(6) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients used as specified by subparagraphs (3) and (5) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the common name of the species of tuna fish used may be so intervened, but the species name "albacore" may be employed only for fish of that species which meets the color designation prescribed by paragraph (d)-(1) of this section.

§ 37.2 *Canned tuna; fill of container; label statement of substandard fill.* (a) (1) The standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans, as determined by the method prescribed by paragraph (b) of this section, is not less than the minimum value specified for the corresponding can size and form of tuna ingredient in the following table:

I. Can size and form of tuna ingredient	II. Minimum value for weights of pressed cake (average of 24 cans)
	Ounces
211 x 109:	
Solid	2.25
Chunks	1.98
Flakes	1.58
Grated	2.00
307 x 113:	
Solid	4.47
Chunks	3.92
Flakes	3.92
Grated	3.93
401 x 206:	
Solid	8.76
Chunks	7.68
Flakes	7.63
Grated	7.73
603 x 408:	
Solid	43.2
Chunks	37.9
Flakes	37.9
Grated	38.3

If the can size in question is not listed, calculate the value for column II as follows: From the list select as the comparable can size that one which has nearest the water capacity of the can size in question and multiply the value listed in column II for the same form of tuna ingredient by the water capacity of the can size in question and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in § 10.2 (a) of this chapter.

(b) The methods referred to in paragraph (a) of this section for determining the weight of the pressed cake and referred to in § 37.1 (c) for determining the percent of free flakes and the percent of pieces which pass through a ½-inch-mesh sieve are as follows:

(1) Have each of the 24 cans and contents at a temperature between 65° F.

and 80° F. Test each can in turn as follows:

(2) Cut out the top of the can (code end), using a can opener that does not remove nor distort the double seam.

(3) With the cut top held on the can contents, invert the can, and drain the free liquid by gently pressing on the cut lid with the fingers so that most of the free liquid comes from the can.

(4) With the cut lid still in place, cut out the bottom of the can with the can opener, then turn the can upright and remove the cut can top (code end). Scrape off any adhering tuna particles into the tuna mass in the can.

(5) Place the proper size press cylinder as provided in paragraph (c) (1) of this section in a horizontal position on a table, then using the cut bottom of the can as a pusher, gently force the can contents from the can into the cylinder. Remove the bottom of the can that was used as the pusher and scrape any adhering particles from the can body and bottom of the can, and put them in the cylinder.

(6) Place the cylinder plunger on top of the can contents in the cylinder. Remove the eyebolt and put the cylinder and plunger in position on the press (paragraph (c) (3) of this section).

(7) Begin the operation of the hydraulic ram of the press, and as soon as liquid is observed coming from the plunger start timing the operation. Apply pressure to the plunger slowly, so that a full minute is used to reach a pressure of 414 pounds per square inch on the can contents. Hold this pressure for 1 additional minute and then release the pressure. Tip the press cylinder so that any free liquid is drained out.

(8) Remove the piston from the pressing cup. Loosen the cake from the cup with a thin blade and remove the entire press cake as gently as possible, to keep the mass in a single cake during this operation. Place the cake and any pieces that adhered to the piston and pressing cup in a tared receiving pan and determine the weight of the pressed material.

(9) For cans larger than 401 x 206: Cut out the top of the can and drain off free liquid from the can contents as in subparagraphs (2) and (3) of this paragraph. Determine the gross weight of the can and remaining contents. Using a tared core cutter as provided for in paragraph (c) (2) of this section, cut vertically a core of the drained material in the can. Determine the weight of the core. With a thin spatula transfer the core to the pressing cup for 401 x 206 cans. Determine the press weight as in subparagraphs (5) and (8) of this paragraph. Remove the remaining drained contents of the can, reserving the contents for the determination of free flakes (subparagraph (11) of this paragraph), weigh the empty can, and calculate the weight of the total drained material. Calculate the weight of presscake on the entire can basis by multiplying the weight of the presscake of the core by the ratio of the weight of the drained contents of the can to the weight of the core before pressing.

(10) Repeat the press-weight determination on the remainder of the 24 cans and determine the average weight for the purpose of paragraph (a) of this section.

(11) Determination of free flakes: If the optional form of tuna ingredient is solid pack, determine the percent of free flakes. Only fragments that were broken in the canning procedure are considered to be free flakes. If the can is of such size that its entire drained contents were pressed as described in subparagraphs (1) to (8), inclusive, of this paragraph, examine the presscake carefully for free flakes; using a spatula, scrape free flakes gently from the outside of the cake. Examine the body of the presscake itself as carefully as possible for free flakes that may have been added in the packing. Weigh the total free flakes and determine the percent by weight of flakes to the total weight of presscake. If the can is of such size that a core was cut out for pressing as described in subparagraph (9) of this paragraph, make the examination for free flakes on a weighed portion of the drained material remaining after the core was removed. The weight of the portion should approximately equal the weight of the core before pressing. Carefully examine the weighed portion, pick out free flakes and weigh them. Calculate the weight of the free flakes as a percentage of the weight of the portion examined.

(12) Determination of particle size: If the optional form of tuna ingredient is chunks, flakes, or grated, the presscake resulting from the operations described in subparagraphs (1) to (9), inclusive, of this paragraph is gently separated by hand, care being taken to avoid breaking the pieces. The separated pieces are evenly distributed over the top sieve of the screen separation equipment described in paragraph (c) (4) of this section. Beginning with the top screen, lift and drop each sieve by its open edge three times. Each time, the open edge of the sieve is lifted the full distance permitted by the device. Combine and weigh the material remaining on the three top screens (1½-inch, 1-inch, ½-inch screens), and determine the combined percentage retention by weight in relation to the total press weight.

(c) (1) The pressing cups and pistons referred to in paragraph (b) of this section are made of stainless steel. The pressing cups are made with a lip to facilitate collection of the liquid. Pistons have a threaded center hole about half as deep as the thickness of the piston. The hole is for receiving a ringbolt to assist in removing the piston from the pressing cup. Dimensions for pressing cups and pistons are as follows:

For can size 211 x 209

Pressing cup:
Inside depth, approximately 3¾ inches.
Inside diameter, 2.593 inches.
Wall thickness, approximately ⅜ inch.
Piston:
Thickness, approximately 1 inch.
Diameter, 2.568 inches.

For can size 307 x 113

Pressing cup:
Inside depth, approximately 4 inches.
Inside diameter, 3.344 inches.
Wall thickness, approximately ⅜ inch.
Piston:
Thickness, approximately 1¼ inches.
Diameter, 3.319 inches.

For can size 401 x 206

Pressing cup:
Inside depth, approximately 4⅛ inches.
Inside diameter, 3.969 inches.
Wall thickness, approximately ½ inch.
Piston:
Thickness, approximately 1¼ inches.
Diameter, 3.944 inches.

For can sizes where the diameter is greater than 401, the core cutter described in subparagraph (2) of this paragraph shall be used and the resulting core pressed in the pressing cup for can size 401 x 206. For can sizes differing from those specified above, special pressing cups and pistons may be used. Special pressing cups have inside diameters $\frac{1}{10}$-inch less than the outside diameters at the double seam for the can sizes for which the cups are used, and the piston diameters are 0.025 inch less than the inside diameters of the pressing cups.

(2) The core cutter referred to in paragraphs (b) (9) and (11) of this section and subparagraph (1) of this paragraph is made from a previously sealed 300 x 407 can. The cover, including the top seam, is cut out. The edge is smoothed and sharpened. A small hole to permit passage of air is made in the bottom.

(3) The hydraulic press referred to in paragraph (b) (6) to (10), inclusive, of this section is made by so mounting a hydraulic jack in a strong frame that it will press horizontally against the center of the piston in the pressing cup used. The frame should be so braced that it does not change shape when pressure is applied. Provision is made for collecting the pressed-out liquid in a suitable receptacle. The gauge on the hydraulic jack is so calibrated that it will indicate for the piston being used when the piston is pressing against the contents of the pressing cup with a pressure of 414 pounds per square inch of piston face.

(4) The sieving device referred to in paragraph (b) (12) of this section consists of three sieves, each approximately 1 foot square, loosely mounted, one above the other, in a metal frame. The mesh in the top sieve complies with the specifications for 1½-inch woven-wire cloth as set forth in "Standard Specifications for Sieves," as published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The meshes in the sieves below comply with similar specifications for 1-inch and ½-inch woven-mesh cloth as set forth in the same publication. The sides of each sieve are formed from ¾-inch metal strap. The frame has tracks made of ⅜-inch angle metal to support each sieve under each side. The tracks are so positioned as to permit each sieve a free vertical travel of 1¾ inches.

(d) If canned tuna falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.3 (b) of this chapter, in the manner and form therein specified.

2. The proposals of Hawaiian Tuna Packers Limited are as follows:

a. That § 37.1 (g) and (h) in the above-proposed standard of identity for canned tuna be redesignated as (h) and (i), respectively, and that a new paragraph (g), reading as follows, be inserted therein:

(g) Any one of the forms of pack of canned tuna specified in paragraph (c) of this section may be smoked. Canned smoked tuna will be labeled in accordance with the provisions of paragraph (i) (5) of this section.

b. In § 37.1 (i), redesignated as above, subparagraphs (5) and (6) would be redesignated as (6) and (7), respectively, and it is proposed that a new subparagraph (5), reading as follows, be inserted therein:

(5) In case any of the forms of canned tuna specified in paragraph (c) of this section are smoked, the designation "Smoked" shall appear on the label, as for example, "Light Smoked Tuna Flakes."

3. The proposal of the California Fish Canners Association, Inc., is as follows: That the proposed standard of identity for canned tuna fish submitted by the National Canners Association et al. be amended to incorporate garlic as an ingredient, under § 37.1 (f) of the proposal. Paragraph (f) would read as follows:

(f) Canned tuna may be seasoned or flavored with one or more of the following:

(1) Salt.
(2) Purified monosodium glutamate.
(3) Hydrolyzed protein.
(4) Hydrolyzed protein with reduced monosodium glutamate content.
(5) Spices or spice oils or spice extracts.
(6) Vegetable broth or sauce, in an amount not in excess of 5 percent of the volume capacity of the container, such broth or sauce to consist of a minimum of 0.5 percent by weight of vegetable extractives and to be prepared from two or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, red bell peppers, green bell peppers, spinach, and tomatoes.
(7) Garlic.

Dated: August 20, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6894; Filed, Aug. 27, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11677]

REMOTE CONTROL OPERATION OF CERTAIN STANDARD, FM AND NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING REPLY COMMENTS

In the matter of amendment of §§ 3.66, 3.274 and 3.572 of the rules and regulations relating to Remote Control Operation of certain Standard, FM and Noncommercial Educational FM Broadcast Stations.

1. The Commission has before it for consideration the request of the National Association of Radio and Television Broadcasters, filed August 20, 1956, for extension of time in which to file reply comments in the above-entitled proceeding.

2. In support of its request, the NARTB states that rule making was instituted on its proposal in this proceeding on April 12, 1956, with June 1, 1956, and twenty days thereafter, as the dates, respectively, for filing of comments and reply comments; that subsequently the time for filing comments was extended to July 2, 1956 and for reply comments to July 22, 1956 (Mimeo 32073) upon request of the International Brotherhood of Electrical Workers (AFL–CIO), and thereafter, the time for filing comments was again extended to August 2, 1956 and for reply comments to August 22, 1956 (Mimeo 33643) upon request of the National Association of Broadcast Employees and Technicians; that these parties and other principal opponents to the NARTB proposal have filed comments in the proceeding which challenge the data and conclusions of its proposal; and that the NARTB needs an additional 60-day extension of time to file reply comments rebutting the arguments raised by those opposing its proposal. The NARTB urges that since the time for filing comments in this proceeding was extended 60 days at the request of those opposing its proposal, neither the Commission nor any party would be prejudiced by a grant of its request.

3. In view of the numerous comments filed in this proceeding and the representations of petitioner, the Commission believes that the public interest would be served by affording a further extension of time for filing replies.

4. *Accordingly, it is ordered,* This 21st day of August 1956, that the time for filing reply comments in the above-entitled proceeding is extended from August 22, 1956 to October 21, 1956.

Released: August 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6910; Filed, Aug. 27, 1956; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 11781]

TABLE OF ASSIGNMENT, TELEVISION BROADCAST STATIONS, ST. JOSEPH, TENN.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, (St. Joseph, Tennessee).

1. On June 11, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56–679) instituting the subject rule making proceeding. The Notice provided that comments should be filed on or before August 15, 1956 and that reply comments should be filed on or before August 25, 1956.

2. On August 8, 1956, the Tennessee Educational Television Commission filed a petition requesting the Commission to extend the time for filing comments to October 15, 1956.

3. In support of its request the Tennessee Educational Television Commission states that additional time is required to consult with the many persons who are vitally concerned with this proceeding particularly Governor Clement, who is out of the State attending the National Democratic Convention, and the Executive Secretary of the Commission who will be on active duty from August 10 until after September 3, 1956.

4. The Commission believes that the Tennessee Educational Television Commission has established good cause for an extension of time for filing comments in this proceeding and that such an extension will serve the public interest, convenience and necessity. We do not believe, however, that an extension until October 15 is warranted.

In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended from August 15, 1956, to September 17, 1956, and that the time for filing reply comments is extended until September 27, 1956.

Adopted: August 15, 1956.

Released: August 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6911; Filed, Aug. 27, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 218]

JOSE BENCHIMOL AND ELIEZNER BENCHIMOL

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Jose Benchimol and Eliezner Benchimol, copartners doing business under the firm names and styles of Benchimol & Company and Hollywood Enterprises, 8 East 52d Street, New York 22, New York, Respondents Case No. 218.

The Investigation Staff, Bureau of Foreign Commerce, having charged the respondents, Jose Benchimol and Eliezner Benchimol, copartners, doing business under the firm names and styles of Benchimol & Company and Hollywood Enterprises, with having inserted false export declaration numbers in dock receipts given for goods intended to be ex-

ported from the United States, with having placed on a dock for exportation goods for which no export declaration had been authenticated, and with having exported goods from the United States without first having authenticated an export declaration required for such exportation; and

The charging letter having been duly served on both of the respondents, who duly appeared herein, admitted the facts, offered an explanation for their conduct and demanded an oral hearing;

This proceeding was duly referred to the Compliance Commissioner, who, in accordance with the practice, held a hearing in New York City, at which hearing both respondents were present and represented by counsel. He has submitted his written report, including findings of fact and findings that violations have occurred.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the explanations and other data submitted on behalf of the respondents, I hereby make the following findings of fact:

1. At all times hereinafter mentioned the respondents, Jose Benchimol and Eliezner Benchimol, were and now are doing business under the firm names and styles of "Benchimol & Company" and of "Hollywood Enterprises" at 8 East 52d Street, in New York City, New York.

2. Respondents' business consisted mainly of purchasing goods in the United States for travellers who were returning or had returned to the Argentine from visits to the United States. Incidental to that phase of their business, respondents acted also as forwarding agents to expedite the shipment of personal baggage to or for such travellers.

3. On or about the 3d day of November 1955, for the purpose of shipping to about twenty-seven such travellers commodities purchased by or for such travellers, or baggage not already taken by such travellers, respondents delivered to the pier of Argentine State Line, a steamship line not a party hereto, about twenty-seven lots of goods.

4. The said steamship line refused to accept delivery of the said goods and refused to sign dock receipts therefor unless there were inserted in the said dock receipts the numbers of duly authenticated export declarations covering the goods sought to be delivered.

5. In order to induce the said steamship line to accept delivery of said lots of goods and sign the dock receipts tendered, respondents inserted in the said dock receipts false export declaration numbers because, at the time, they had not yet obtained authentication of export declarations for said lots of goods.

6. The purpose of the steamship line, in demanding such insertion of export declaration numbers, was to make certain that export declarations had been duly authenticated for goods sought to be exported from the United States.

7. Respondents thereafter, but not until after the ship on which the said lots of goods had been loaded had sailed from the United States, obtained duly authenticated shipper's export declarations for all the said lots of goods.

And, from the foregoing, it is my conclusion that respondents—

(a) Made false representations and statements and falsified and concealed material facts in connection with the preparation and submission of export control documents for the purpose of and in connection with effecting exports of commodities from the United States, thereby violating § 381.5 (a) and (b) of the export regulations.

(b) Placed or caused commodities to be placed on a pier or dock or other place for loading aboard a carrier for the purpose of exporting without first having presented duly executed shipper's export declarations to, and obtained authentication from, a U. S. Collector of Customs, thereby violating § 379.1 (a) of the export regulations.

(c) Exported commodities from the United States without the authorization of either a validated export license or a general license, thereby violating § 370.2 (a) of the export regulations.

In recommending, as he did, that the respondents be denied export privileges for a period of one month, and that the denial be deferred for a period of one month, the Compliance Commissioner took into consideration the prompt admission by respondents that they had committed the acts charged, their good reputation in the trade, the nature of their business, the fact that respondents had been confronted with strike difficulties at their packer's place of business, the possible effects on respondents' innocent customers of the denial action and that goods of no strategic importance were involved.

It is now therefore, after careful consideration of the entire record, the answer, the representations on behalf of the respondents and the report of the Compliance Commissioner, hereby ordered:

I. The respondents and each of them for a period of one month commencing September 23, 1956, be and they hereby are denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by either of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States;

II. Such denial of export privileges shall apply not only to each of the respondents, but also to any person, firm, corporation, or business organization with which either of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith;

III. All outstanding validated export licenses held by or issued in the name of either of the respondents or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, shall, on September 23, 1956, be deemed to be revoked and shall be returned on that day to the Bureau of Foreign Commerce for cancellation;

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when either respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 23, 1956.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 56-6922; Filed, Aug. 27, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541, Amdt. 10]

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

AUGUST 22, 1956.

Bureau Order No. 541 is further amended as follows:

PART I—REDELGATION OF AUTHORITY TO AREA ADMINISTRATORS

1. Section 1.6 (a) is amended to read as follows:

(a) *Oil and gas leases.* Act on oil and gas leases pursuant to the act of February 25, 1920 (30 U. S. C. secs. 221 et seq.), as amended and supplemented, the Act of August 7, 1947 (30 U. S. C. secs. 351–359), and the Act of May 21, 1930 (30 U. S. C. secs. 301–305), and oil and gas leases issued pursuant to the act of August 21, 1916 (39 Stat. 519), embracing lands restored to the public domain pursuant to the provisions of the act of August 15, 1953 (67 Stat. 592). Also leases of oil and gas deposits transferred to this Department for measures to protect the deposits from drainage. This authority does not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communization agreements, operating, drilling or development contracts without regard to acreage limitation or the sale of royalty oil taken in account of production.

2. Section 1.8 (k) is amended to read:

(k) *Mining claims.* Take all actions on claims pursuant to the general mining laws and laws supplemental thereto and 43 CFR Parts 69, 185 and 186.

3. Section 1.9 (i) is amended to read as follows:

(i) *Sites for recreational or any public purpose.* Take all actions with respect to conveyances and leases to Federal, State, Territory and local governmental units and to non-profit associations and corporations pursuant to 43 CFR Part 254, and to other applicable regulations and all actions in connection with the construction, maintenance and disposition of recreational facilities in Alaska pursuant to the Act of May 4, 1956 (70 Stat. 130).

4. Section 1.9 (p) (6) is amended to read:

(6) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in any such permit, except that in Alaska permits may be issued to the Department of Defense for maneuver purposes for such acreages in excess of 50,000 acres and for such periods as may be deemed warranted in the circumstances. No permit may be issued under this authority where a withdrawal of a class which the Director is not authorized to make is requested.

5. The present section 1.9 (w) is hereby revoked and a new section is substituted as follows:

(w) *Choctaw-Chickasaw lands.* Take all actions on matters pertaining to the management and disposition of the Choctaw-Chickasaw lands pursuant to 43 CFR Part 119.

PART III–B—REDELEGATIONS TO RANGE MANAGERS

6. Section 3.3 is amended by adding thereto the following:

(b) (1) Contributions and refunds.

* * * * * *

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

7. Section 3.8 is amended to read as follows:

SEC. 3.8 *Forest management.* The Range Manager may take all the actions on:

(a) Disposition of forest products.

PART III–C—REDELEGATION TO DISTRICT FORESTERS

8. Section 3.3 is amended by adding thereto the following:

(b) (1) Contributions and refunds.

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6921; Filed, Aug. 27, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4331 etc.]

UNION OIL COMPANY OF CALIFORNIA

ORDER CHANGING DATE FOR REARGUMENT

In the matters of Union Oil Company of California, Docket No. G-4331; Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-4332; Morris Rauch, et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

The Commission having by order issued July 24, 1956, fixed September 6, 1956 as the date for reargument on the exceptions to the Presiding Examiner's decision in these proceedings issued May 2, 1956, orders:

The date fixed by the order issued July 24, 1956 for oral reargument before the Commission be changed to September 5, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's Decision.

Issued: August 21, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-6896; Filed, Aug. 27, 1953; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
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THE NATIONAL ARCHIVES

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Washington, Wednesday, August 29, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 11—SPECIAL TRANSITIONAL AUTHORITIES

CONVERSION OF CAREER-CONDITIONAL TO CAREER APPOINTMENTS

Section 11.302 is amended as set out below.

§ 11.302 *Conversion of career-conditional to career appointments.* The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten percent or more may be converted to a career appointment if, not later than December 31, 1957, the agency in which he is employed so recommends and certifies to the Commission that he has satisfactorily completed a one-year probationary period.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6949; Filed, Aug. 28, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 481—WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

SUBPART—TERMS AND CONDITIONS OF 1956–57 PROGRAM

MISCELLANEOUS AMENDMENTS

Whereas the Terms and Conditions of the 1956–57 Wheat and Wheat-Flour Export Payment Program (21 F. R. 4645) were issued on June 21, 1956, by the Secretary of Agriculture pursuant to authority contained in section 32, Public Law 320, 74th Congress, as amended, and whereas subsequent thereto on August 3, 1956, the International Wheat Agreement Act was amended authorizing the President, acting through CCC, to carry out the functions set forth in said Terms and Conditions in connection with the renewed International Wheat Agreement, it has therefore been deemed advisable to amend the Terms and Conditions in order to enable CCC to carry out said functions. Accordingly, the Terms and Conditions of the 1956–57 Wheat and Wheat-Flour Export Payment Program (21 F. R. 4645) issued on June 21, 1956, are amended as follows:

The authority is amended by deleting "Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sec. 612C" and substituting therefor "Sec. 2, 63 Stat. 945, 946, Sec. 104, 64 Stat. 198, 67 Stat. 358; 70 Stat. 966; 7 U. S. C. 1641, 1642."

Section 481.725 is amended by deleting "Section 32, Public Law 320, 74th Congress, as amended", and substituting therefor "Section 2 of the International Wheat Agreement Act of 1949, as amended".

Section 481.731 is amended to extend from December 31, 1956 until July 31, 1957, the period during which sales may be entered into for recording against the 1956–57 Wheat Agreement guaranteed quantities to be eligible for payment under the offer. Also, wherever the terms, "Secretary" and "Administrator" appear in §§ 481.725 to 481.789, inclusive, they are amended to make such terms mean "CCC" and "Vice President, CCC", respectively.

This amendment shall become effective on August 24, 1956, at 3:31 p. m., e. d. t., with respect to sales confirmed thereafter in accordance with § 481.748.

(Sec. 2, 63 Stat. 945, 946, Sec. 104, 64 Stat. 198, 67 Stat. 358; 70 Stat. 966; 7 U. S. C. 1641, 1642)

Issued this 24th day of August 1956.

[SEAL] R. E. MOODY,
Acting Vice President,
Commodity Credit Corporation.
WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-6956; Filed, Aug. 28, 1956; 8:52 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

REVISION OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1956.

Experience under the provisions of currently effective Part 20 of the Civil Air Regulations, which establishes the requirements for the issuance of student, private, and commercial pilot certificates, and for aircraft, instrument, and instructor ratings, has shown the need for a revision of the part in order to identify more easily the applicable sections, clarify the intent of certain of the regulations, revise the age, knowledge, experience, and skill requirements, and delete those provisions which impose unnecessary burdens.

In order to make Part 20 more serviceable and to clarify its certification provisions, the requirements have been divided into subparts so as to include all of the requirements for the issuance of student, private, and commercial pilot certificates with an airplane rating under a single heading. A similar organization has been accomplished for the rotorcraft and glider rating requirements.

The following changes and additions have been incorporated in the certification and rating requirements:

1. *General.* (a) The present private, commercial, and instructor "ratings" have been changed to private, commercial, and instructor "certificates" to conform more closely with common usage.

(b) Since Part 20 no longer contains any citizenship requirements, the provisions which limit the duration of certificates to 12 months for non-citizens have been deleted.

(c) In 1945 the new photographically reproduced type of pilot certificate was introduced and the regulations were amended to provide for the expiration of all pilot certificates issued between January 1, 1942, and July 1, 1945, and the exchange of these certificates at any time prior to July 1, 1947, without any further showing of competence. This section was amended in 1947 extending the exchange privilege indefinitely. As ample time has been allowed for the exchange of those certificates which expired in 1947, this section is deleted from the revision and none of these certificates will be exchanged after the effective date of this revision.

(d) The identification card requirement contained in present Part 20 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it has been deleted from this revision. All persons who commented on this requirement in Draft Release No. 55–12 were emphatically of the view that it should be rescinded and the record appears clearly to support this view.

(e) Draft Release No. 55–12 proposed to delete the minimum age requirements for student pilot applicants. Significant objection to authorizing children to operate aircraft in solo flights was offered by several of those who commented on this item. Consequently, the present minimum student pilot ages of 16 years for powered aircraft and 14 years for gliders are continued.

(f) The draft release proposed to require parental consent only for those students younger than the currently prescribed minimum ages for student pilot applicants. Considerable adverse comment was received to this proposal. The principal objections called attention to the financial responsibility of parents for property damage or personal injury which might result from any activity in which minor children are engaged. Upon reconsidering this matter, it was decided that the present parental consent requirement for all student pilot applicants under 21 years of age would be continued.

2. *Student pilot certificates; airplane rating.* (a) The draft release proposed that a student receive a demonstration of straight flight and turns solely by reference to instruments before he is authorized to make solo flights. The comment was overwhelmingly opposed to this proposal. Since the publication of the draft release, the Board has received other recommendations concerning requirements for instrument flight instruction for student, private, and commercial pilots. It is apparent that these recommendations involve conflicting views with respect to the importance of instrument flight instruction for such pilots, the type of instruction needed, and the degree of competence to be sought. In view of the obvious controversy surrounding this matter, the Board has decided that further study is required. Consequently, the proposal for instrument flight demonstration is being deferred and will be the subject of separate rule making, proposals concerning which will be circulated at a later date.

(b) The draft release proposed to require instruction in recovery from spins along with other maneuvers in which the student must receive instruction before being authorized to make solo flights. A spin requirement had previously been included in the skill tests for both private and commercial pilots but was eliminated in 1949. In view of the unfavorable comment on this proposal and considering the suggestions that greater emphasis on the recognition of and recovery from stalls would contribute more effectively to safety, this proposal has been omitted.

(c) To insure that the student pilot has received instruction in all the prescribed procedures and techniques prior to solo flight, the flight instructor will be required to endorse the student's logbook for each instruction flight.

3. *Private pilot certificates; airplane rating.* (a) In lieu of requiring a minimum number of hours of dual instruction, the rule has been amended to specify the particular procedures and maneuvers in which the student must receive instruction. However, 3 hours of dual instruction after the first solo cross-country flight have been included with the expectation that this instruction will tend to correct any bad flying habits which the student might develop between the time of his first solo cross-country flight and his final flight test.

(b) The draft release proposed to modify the flight test to consist of basic airwork and the satisfactory completion of the principal steps in making a cross-country flight. This change was proposed in order to make it possible to complete the test on a single flight and still provide the examiner with a satisfactory basis for judging the applicant's aeronautical skill. The Board is of the view that such a change is required, however, due to the suggestions received and the Board's intention to reconsider the tests for other grades of certificates as well, it has been decided to continue the present skill requirements pending further refinement of the substitute rules. A separate notice of proposed rule making in this matter will be circulated in the near future.

4. *Commercial pilot certificates; airplane rating.* (a) The experience requirements are modified by requiring 50 hours of cross-country time as pilot in command. Present regulations do not require dual instruction time for a commercial pilot certificate, but 10 hours required dual instruction time has been included in this revision to make more certain that the applicant possesses a satisfactory level of competence for the certificate.

(b) Night flight experience requirements have been deleted in this revision, but will be considered in connection with a project under way for evaluation of instrument flight experience require-

ments for both commercial and private pilots. Until action is taken with respect to this study, an applicant issued a commercial pilot certificate shall be limited in his night flying activity by the recent experience provisions of Part 43.

(c) In the skill tests proposed in the draft release, the acrobatic-type maneuvers were deleted and a cross-country flight similar to the one now required in the private pilot flight test was added. However, further consideration indicated that the proposed test did not differentiate sufficiently between the private and commercial requirements nor did it reflect the skill required of the commercial pilot in the performance of those privileges which he is authorized to exercise. Consequently, the skill test for the commercial pilot will be reevaluated together with the test for the private pilot to align them more closely with the privileges of each certificate. In the meantime, the present skill requirements are being continued.

5. *Pilot certificates; rotorcraft.* Due to the many improvements in rotorcraft since the present regulations were adopted, piloting techniques have changed correspondingly; hence, virtually all of the flight experience requirements are new. New skill requirements were proposed in the draft release for the rotorcraft pilot but the present ones are being continued with the understanding that new skill tests will be developed in conjunction with the consideration of new tests for pilots with airplane ratings.

6. *Pilot certificates; gliders.* Experience requirements for the private glider certificate have been modified to allow three methods for meeting the required flight time—100 glider flights, 10 hours of flight time, or 3 hours in light airplanes and 7 hours in gliders. The skill requirements for glider pilots contained in the draft release were substantively the same as those in the present regulations and no adverse comment was received. The proposed experience requirements are included in this revision with the addition of certain alternative experience provisions which have been suggested by interested persons.

7. *Special issuance of pilot certificates.* (a) The present regulations give the graduate of an approved flying school full credit for having met the aeronautical experience requirements. The draft release proposed to give the graduate credit for having met the knowledge and skill requirements also. However, comment in opposition to the extension of this credit indicated that the present level of training in approved schools is not always of sufficient caliber to warrant the proposed additional privileges. Consequently, the provisions of the draft release have been modified to authorize the Administrator to recognize the written examinations and flight tests of those schools in which the examination and tests are found by him to be the equivalent of those prescribed in Part 20, and at the same time, retain the provisions which give credit for aeronautical experience gained in a certificated flying school.

(b) The eligibility of members of the various branches of the armed forces for the issuance of pilot certificates on the basis of military competence has been expanded to include the National Guard and the Coast Guard and their reserve components.

(c) In consideration of the high standards of competence set by the military for the issuance of a military instrument certificate, a private or commercial pilot holding a currently effective military instrument certificate may be issued a civilian instrument rating if he meets the other requirements for the issuance of such rating.

(d) The revised regulation will permit the Administrator to credit an applicant, who possesses a foreign pilot certificate, with satisfactory completion of certain required examinations and tests when he finds that the corresponding foreign examinations and tests previously accomplished by such applicant are at least the equivalent of those prescribed pursuant to this part.

8. *Instrument ratings.* In lieu of a specified number of flight hours to satisfy the experience requirements for this rating, an applicant must either hold a commercial pilot certificate, or hold a private pilot certificate and meet the aeronautical experience requirements for the issuance of a commercial pilot certificate. However, a requirement for 10 hours of instrument flight instruction by a rated instrument flight instructor has been added in the belief that this will better insure meeting at least a minimum level of competence on the part of applicants for instrument ratings.

9. *Flight instructor certificates.* (a) The draft release proposed to change the flight instructor rating to a flight instructor certificate and to introduce a new junior flight instructor certificate that would be temporary in nature and enable the CAA to judge the competence of an applicant for a permanent flight instructor certificate by the proficiency of the students he had instructed. The comment was generally in favor of introducing the probationary type of certificate but serious objection to the word "junior" was indicated. The concept of the junior instructor certificate is retained in the revision with the name changed to "limited" flight instructor certificate which is considered to be a more appropriate term. The holder of this limited certificate must either qualify for a regular flight instructor certificate within 2 years or have his certificate renewed. In addition, he must have all of his students examined by a CAA Aviation Safety Agent rather than by a designated flight examiner.

(b) The issuance of the regular flight instructor certificate is based on the instruction record of the limited flight instructor rather than on the basis of a flight test as has been done in the past. In addition to aircraft category ratings for the flight instructor, a new instrument flight instructor rating has been added. A pilot with an instrument rating may secure a flight instructor certificate with an instrument instructor rating by demonstrating that he is competent to give instructions in instrument flying; he will not be required to comply with the general flight instructor provisions.

(c) In line with the general policy of giving the flight instructor more responsibility for preparing students for appropriate certificates and ratings, he will be required to keep a record of each instruction flight.

(d) The present flight instructor rating may be exchanged for a regular flight instructor certificate without further showing of competence.

Interested persons have been afforded an opportunity to participate in the revision of this part (20 F. R. 3028), and due consideration has been given to all relevant matter presented. Since persons affected by the provisions of this revised part need not comply until more than 30 days after it has become effective, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows, effective August 23, 1956:

Subpart A—General

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20.2 Optional compliance.
20.5 Definitions.

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20.10 Application and issuance.
20.11 Duration of certificates.
20.12 Citizenship.
20.13 Re-examination after failure.
20.14 Prerequisites for examinations and tests.
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20.21 Education.
20.22 Physical standards.
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COMMERCIAL

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PRIVATE

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COMMERCIAL

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20.131 Renewal and reissuance.
20.135 Flight instructor certificates.
20.136 Flight instruction records.
20.137 Limited flight instructor limitations.
20.138 Validity and exchange of flight instructor ratings and certificates.

AUTHORITY: §§ 20.1 to 20.138 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 608–610, 52 Stat. 1007, 1008, 1011, 1012, as amended; 49 U. S. C. 551, 552, 558–560.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 20.1 *Applicability of this part.* This part prescribes standards for the issuance of student, private, and commercial pilot and flight instructor certificates and aircraft and instrument ratings. Regulations for the issuance of airline transport and lighter-than-air pilot certificates are specified in Parts 21 and 22, respectively, of this subchapter.

§ 20.2 *Optional compliance.* In lieu of compliance with the provisions of this part, the Administrator, prior to March 1, 1957, shall issue certificates and ratings, on request, in accordance with the provisions of this part that were effective immediately prior to the effective date of this revision.

§ 20.5 *Definitions.* As used in this part terms shall be defined as follows:

Actual instrument flight time. Actual instrument flight time is flight time during which the pilot is operating an aircraft solely by reference to instruments under actual instrument weather conditions.

Aircraft. An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Calendar month. A calendar month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

NOTE: A period of 12 calendar months would extend from any day within any month to the end of the last day of the same month of the following year.

Category (of aircraft). A category is a broad classification of aircraft with distinct configuration and operating characteristics such as airplane, rotorcraft, or glider.

Class (of aircraft). A class is a classification of aircraft within a category differentiating between single-engine and multiengine and land and water configurations.

Day VFR flight time. Day VFR flight time is that flight time acquired under visual flight rules between the beginning of morning civil twilight and the ending of evening civil twilight, as published in the "American Air Almanac" converted to local time for the locality concerned.

Dual instruction time. Dual instruction time is that portion of flight time during which a person is receiving flight instruction from a certificated flight instructor on board the aircraft.

Flight instruction time. Flight instruction time is that portion of a flight during which a person is receiving flight instruction from a certificated pilot authorized by the Civil Air Regulations to give flight instruction.

Flight instructor. A flight instructor is a certificatcd pilot authorized by the Civil Air Regulations to give flight instruction.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

Glider. A glider is a heavier-than-air aircraft the free flight of which does not depend principally upon a power-generating unit.

Instrument time. Instrument time is that time during which a pilot is operating an aircraft under actual or simulated instrument flight conditions solely by reference to instruments, or time acquired in a synthetic trainer approved for instrument flight training.

Night VFR flight time. Night VFR flight time is that flight time acquired under visual flight rules between the ending of evening civil twilight and the beginning of morning civil twilight, as published in the "American Air Almanac" converted to local time for the locality concerned.

Pilot in command. A pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Rotorcraft. A rotorcraft is a power-driven aircraft, heavier than air, which is supported during flight by one or more rotors.

Second pilot. A second pilot is a certificated pilot serving in any piloting capacity other than as pilot in command on an aircraft equipped with dual controls.

Simulated instrument flight time. Simulated instrument flight time is flight time during which the pilot is operating an aircraft solely by reference to instruments under simulated instrument flight conditions.

Solo flight time. Solo flight time is flight time during which the pilot is the sole occupant of the aircraft.

Synthetic trainer. A synthetic trainer is a device the use of which is approved by the Administrator to simulate certain operating conditions.

Type [of aircraft]. Type is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

GENERAL

§ 20.10 *Application and issuance.* (a) An application for a pilot certificate or any rating shall be made on a form furnished by the Administrator.

(b) A student, private, or commercial pilot or flight instructor certificate with appropriate aircraft ratings shall be issued by the Administrator to an applicant who meets the applicable requirements. Additional aircraft category, class, and type, and instrument ratings for which an applicant has been found qualified shall be issued in connection with a pilot or flight instructor certificate. A pilot certificate with appropriate limitations shall be issued to an applicant who cannot comply with all the prescribed skill requirements due to the special characteristics of the aircraft used in the flight test if he meets all other requirements for the issuance of the certificate sought.

(c) An applicant for a pilot certificate who presents a medical certificate issued under the physical-deficiencies provision of Part 29 of this subchapter and meets all other requirements for the issuance of the certificate sought shall be issued a pilot certificate containing such operating limitations as the Administrator may find are commensurate with the physical deficiencies entered on his medical certificate.

(d) The prescribed examinations and tests shall be given by a person designated by the Administrator.

§ 20.11 *Duration of certificates.* (a) Student pilot and limited flight instructor certificates shall expire 24 calendar months after the date of issuance.

(b) Private and commercial pilot and flight instructor certificates shall remain

in effect until surrendered, suspended, or revoked, or until a general termination date is set by the Board.

(c) A temporary pilot certificate effective for a period not to exceed 90 days may be granted to an applicant pending issuance of the certificate or rating sought.

§ 20.12 *Citizenship.* An applicant for a pilot or flight instructor certificate may be a citizen of any country or a person without nationality.

§ 20.13 *Re-examination after failure.* An applicant who fails to pass any theoretical or practical examination may reapply after the expiration of 30 days or upon presenting a statement from a rated flight or ground instructor, as applicable, certifying that he has given the student additional instruction and now deems him competent to pass the examination.

§ 20.14 *Prerequisites for examinations and tests.* (a) To be eligible to take a flight test for a pilot or flight instructor certificate or aircraft or instrument rating, the applicant shall meet the following requirements:

(1) He must have passed the prescribed written examination within the preceding 24 calendar months;

(2) He must have acquired the prescribed aeronautical experience; and

(3) He must hold a valid medical certificate appropriate to the certificate or rating sought.

(b) There are no prerequisites for taking the written or physical examinations.

§ 20.15 *Aircraft used in flight tests.* The applicant shall furnish a certificated aircraft equipped with fully functioning dual controls for all flight tests except those for which the Administrator determines that fully functioning dual controls are not necessary.

§ 20.16 *Logging of flight time.* All flight time used to meet the experience requirements for any pilot certificate, rating, or operating privilege shall be substantiated by a reliable record but the logging of other flight time is not required. Such record shall include the following information:

(a) *General.* (1) Date,

(2) Duration,

(3) Cross-country distance and destination,

(4) Type of aircraft, and

(5) Identification mark of the aircraft.

(b) *Type of piloting time.* (1) Pilot-in-command,

(2) Second pilot,

(3) Dual instruction, including the procedures and maneuvers, or

(4) Synthetic trainer.

(c) *Conditions of flight.* (1) Day VFR,

(2) Night VFR,

(3) Actual instrument flight, or

(4) Simulated instrument flight.

§ 20.17 *Change of address.* Within 30 days after any change in the permanent mailing address of the holder of a pilot certificate, he shall notify the Administrator in writing of his new address. This notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

SUBPART B—PILOT CERTIFICATES; AIRPLANE RATING

STUDENT

§ 20.20 *Age.* An applicant shall be at least 16 years of age. If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

§ 20.21 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his student pilot certificate.

§ 20.22 *Physical standards.* An applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.23 *Requirements for solo flight.* A student pilot shall not operate an airplane in solo flight until:

(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter;

(b) He has received dual instruction in such preparatory and flight procedures as preflight inspection, starting, warming up, operating, and stopping the engine; taxying, take-offs, landings, and parking; traffic pattern procedures; level flight, turns, climbs, and glides; and stalls and emergency landings; and

(c) His student certificate has been endorsed by an appropriately rated flight instructor who has examined him and found him to have complied with the provisions of paragraphs (a) and (b) of this section and otherwise to be competent to make solo flights.

§ 20.24 *Flight area limitations.* A student pilot shall not operate an airplane in solo flight outside of a local area designated by his flight instructor until:

(a) He is familiar with such flight planning elements as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in crosswind and simulated soft-field take-offs and landings; climbing and gliding turns at minimum safe speeds; cross-country navigation by reference to aeronautical charts; conforming with air traffic control instructions furnished by radio or lights, as appropriate; and safe operating practices in simulated emergencies which might occur due to engine failure, loss of flying speed, deteriorating weather, getting lost, and similar critical situations; and

(c) His student pilot certificate has been endorsed by an appropriately rated flight instructor who has found him to have complied with paragraphs (a) and (b) of this section and otherwise to be competent to make solo cross-country flights.

§ 20.25 *Airplane type limitations.* A student pilot shall operate in solo flight only those types of airplanes that have been endorsed on his student pilot certificate by an appropriately rated flight instructor.

PRIVATE

§ 20.30 *Age.* An applicant shall be at least 17 years of age.

§ 20.31 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.32 *Physical standards.* An applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.33 *Aeronautical knowledge.* An applicant shall pass an examination on the following:

(a) The Civil Air Regulations governing private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, and radio communication procedures;

(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and

(d) General safety practices in the operation of airplanes.

§ 20.34 *Aeronautical experience.* An applicant shall present his student pilot certificate appropriately endorsed for solo and cross-country flights and meet each of the following minimum flight experience requirements:

(a) 40 hours total flight time;

(b) 20 hours of solo flight time at least 15 of which shall have been in airplanes;

(c) 10 hours of solo cross-country flight time. Each solo cross-country flight shall include a landing at a point more than 25 miles from the point of departure and at least one flight shall include a landing at a point more than 100 miles from the point of departure; and

(d) 3 hours of dual instruction after the first solo cross-country flight which shall include a review of the procedures and maneuvers previously learned and additional instruction in preparation for the private pilot flight test.

§ 20.35 *Aeronautical skill.* An applicant shall satisfactorily accomplish a practical examination with respect to the following procedures and maneuvers:

(a) Preflight inspection, starting, taxying, and run-up check of the airplane before take-off;

(b) Planning of a cross-country flight to a specified destination, reckoning with weather conditions, fuel requirements, check points, estimated time of arrival, and available alternate airports, and accomplishing such portion of the planned flight, including change of course to an alternate airport, as is necessary to demonstrate proficiency in cross-country flying;

(c) Straight and level flight, left and right medium banked turns, left and right climbing and gliding turns at normal and at minimum controllable speeds, and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes;

(d) Turns while maintaining a constant radius, or track, around a point, or area, including a 720° turn in each direction in a banked attitude of more than 45°;

(e) Normal and cross-wind take-offs and landings following appropriate traffic control procedures of the airport involved, using power, flaps, and slips at the applicant's discretion for assistance in landing; and

(f) Simulated emergencies, including one short or soft-field take-off, and one landing, if in single-engine aircraft, with engine throttled and using flaps, slips, or both, for assistance; or, if in multiengine aircraft, in accordance with proper engine-out procedure.

COMMERCIAL

§ 20.40 *Age.* An applicant shall be at least 18 years of age.

§ 20.41 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.42 *Physical standards.* An applicant shall hold at least a valid second class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.43 *Aeronautical knowledge.* An applicant shall pass a written examination based on the following:

(a) Meteorology, including the recognition of basic weather conditions and trends, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;

(b) Navigation, including pilotage, dead reckoning, and the use of instruments and radio aids to air navigation;

(c) Principles of safe flight operations, including theory of flight and the operation and maintenance of airplanes and general safety practices and procedures for coping with emergencies and critical situations; and

(d) Civil Air Regulations pertaining to the privileges and limitations of a commercial pilot and the general operating, air traffic, and accident reporting rules.

§ 20.44 *Aeronautical experience.* An applicant shall have acquired at least 200 hours of flight time and meet each of the following minimum flight experience requirements:

(a) 100 hours in powered aircraft which shall include 50 hours in airplanes of which at least 15 hours shall have been solo;

(b) 100 hours as pilot in command, of which 50 hours shall have been cross-country and shall include one round-trip flight of not less than 350 miles in the course of which 3 full-stop landings were made at different points, one of which was at least 150 miles away from the point of departure;

(c) 10 hours of dual instruction in airplanes in preparation for the commercial pilot flight test; and

(d) 10 hours of instrument flight experience which shall include not less than 5 hours of instrument flight instruction given by an instrument flight instructor; the remaining 5 hours may be acquired in flight under simulated instrument conditions accompanied by a safety pilot or in a synthetic trainer approved for instrument flight training: *Provided,* That an applicant who does not meet the instrument flight experience requirements of this paragraph but does meet the other requirements may be issued a commercial pilot certificate in which event the Administrator shall appropriately endorse such certificate to show that the holder thereof does not meet the instrument flight experience requirements. At such time as the holder of a certificate so endorsed submits reliable documentary evidence to the Administrator that he has met such instrument flight experience requirements, he shall be reissued a certificate without such endorsement.

§ 20.45 *Aeronautical skill.* An applicant shall competently perform the following maneuvers:

(a) A series of 3 landings from an altitude not to exceed 1,000 feet with engine throttled and a 180° change in direction, the aircraft touching the ground in normal landing attitude beyond and within 200 feet of a designated line or point. At least one landing shall be accomplished from a forward slip;

(b) A spiral in each direction of not less than 3 full turns in a banked attitude of not less than 60°, with engine throttled;

(c) 3 shallow on-pylon figure eights, 3 steep on-pylon figure eights, and one 720° power turn in each direction in a banked attitude of at least 60°. During each of these maneuvers the total variation in altitude shall not exceed 100 feet; and

(d) Straight climbs, climbing turns, slips, maneuvers at minimum controllable speeds, and emergency maneuvers such as simulated forced landings and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

SUBPART C—PILOT CERTIFICATES; ROTORCRAFT RATING

STUDENT

§ 20.50 *Age.* An applicant shall be at least 16 years of age. If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

§ 20.51 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his student pilot certificate.

§ 20.52 *Physical standards.* An applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.53 *Requirements for solo flight.* A student pilot shall not operate a rotorcraft in solo flight until:

(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter;

(b) He has received dual instruction in such preparatory and flight procedures as preflight inspection, starting, warming up, operating, and stopping the engine; taxying, take-offs, hovering, landing, and parking; traffic pattern procedures; and emergency procedures, including engine failure; and

(c) His student certificate has been endorsed by an appropriately rated flight instructor who has examined him and found him to have complied with the provisions of paragraphs (a) and (b) of this section and otherwise to be competent to make solo flights.

§ 20.54 *Flight area limitations.* A student pilot shall not operate a rotorcraft in solo flight outside of a local area designated by his flight instructor until:

(a) He is familiar with such flight planning elements as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in pilotage by reference to aeronautical charts; conforming with air traffic control instructions furnished by radio or lights, as appropriate; and safe operating practices in simulated emergencies which might occur due to engine failure, deteriorating weather, getting lost, and similar critical situations; and

(c) His student pilot certificate has been endorsed by an appropriately rated flight instructor who has found him to have complied with paragraphs (a) and (b) of this section and otherwise to be competent to make solo cross-country flights.

PRIVATE

§ 20.60 *Age.* An applicant shall be at least 17 years of age.

§ 20.61 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.62 *Physical standards.* An applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.63 *Aeronautical knowledge.* An applicant shall pass an examination on the following:

(a) The Civil Air Regulations governing private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, and radio communication procedures;

(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and

(d) General safety practices in the operation of rotorcraft.

§ 20.64 *Aeronautical experience.* An applicant shall present his student pilot certificate appropriately endorsed for solo and cross-country flights and meet each of the following minimum flight experience requirements:

(a) 40 hours total flight time;
(b) 15 hours of solo flight time in rotorcraft; and
(c) 3 hours of solo cross-country flying which shall include a landing at an airport more than 25 miles from the point of departure.

§ 20.65 *Aeronautical skill.* An applicant shall satisfactorily accomplish a practical examination with respect to the maneuvers prescribed by the Administrator appropriate to the type of rotorcraft used.

COMMERCIAL

§ 20.70 *Age.* An applicant shall be at least 18 years of age.

§ 20.71 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.72 *Physical standards.* An applicant shall hold at least a valid second class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.73 *Aeronautical knowledge.* An applicant shall pass a written examination based on the following:
(a) Meteorology, including the recognition of basic weather conditions and trends, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;
(b) Navigation, including pilotage, dead reckoning, and the use of instruments and radio aids to air navigation;
(c) Principles of safe flight operations, including theory of flight and the operation and maintenance of rotorcraft and general safety practices and procedures for coping with emergencies and critical situations; and
(d) Civil Air Regulations pertaining to the privileges and limitations of a commercial pilot and the general operating, air traffic, and accident reporting rules.

§ 20.74 *Aeronautical experience.* An applicant shall have acquired at least 150 hours of flight time and meet each of the following minimum flight experience requirements:
(a) 100 hours in powered aircraft which shall include 50 hours in rotorcraft of which at least 15 hours shall have been solo;
(b) 100 hours as pilot in command, of which 20 hours shall have been cross-country; and
(c) 10 hours of dual instruction in rotorcraft in preparation for the commercial pilot flight test.

§ 20.75 *Aeronautical skill.* An applicant shall competently perform the procedures and maneuvers prescribed by the Administrator appropriate to the type of rotorcraft used.

SUBPART D—PILOT CERTIFICATES; GLIDER RATING

STUDENT

§ 20.80 *Age.* An applicant shall be at least 14 years of age. If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

§ 20.81 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his student pilot certificate.

§ 20.82 *Physical standards.* An applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.83 *Requirements for solo flight.* A student pilot shall not operate a glider in solo flight until:
(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter and the procedure to follow in conducting preflight inspections;
(b) He has received flight instruction in take-offs, landings, glides, and gliding turns; and recovery from stalls entered from all normally anticipated flight attitudes; and
(c) His student certificate has been endorsed by an appropriately rated flight instructor who has examined him and found him to have complied with the provisions of paragraphs (a) and (b) of this section and otherwise to be competent to make solo flights.

§ 20.84 *Flight area limitations.* A student pilot shall not operate a glider in solo flight outside of a local area designated by his flight instructor until:
(a) He is familiar with obtaining and evaluating weather reports;
(b) He has received flight instruction in cross-country navigation by reference to aeronautical charts; and
(c) His student pilot certificate has been endorsed by an appropriately rated flight instructor who has found him to have complied with paragraphs (a) and (b) of this section and otherwise to be competent to make solo cross-country flights.

PRIVATE

§ 20.90 *Age.* An applicant shall be at least 16 years of age.

§ 20.91 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.92 *Physical standards.* An applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.93 *Aeronautical knowledge.* An applicant shall pass an examination on the following:
(a) The Civil Air Regulations governing private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;
(b) The practical aspects of cross-country flying;
(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and
(d) General safety practices in the operation of gliders.

§ 20.94 *Aeronautical experience.* An applicant shall present his student pilot certificate appropriately endorsed for solo and cross-country flights and meet each of the following minimum flight experience requirements:
(a) 100 glider flights which shall include 25 flights during each of which a 360° turn was made; or 10 hours of flight time which shall include 50 glider flights or 30 flights if flight training has been accomplished using aero tows; or 3 hours dual instruction in light airplanes directed toward glider training and 7 hours of glider flight time which shall include 50 gliding flights; and
(b) One hour of flight instruction in recovery from stalls entered from all normally anticipated flight attitudes.

§ 20.95 *Aeronautical skill.* An applicant shall demonstrate a satisfactory level of competence in the following procedures and maneuvers:
(a) Preparatory flight procedures;
(b) At least 2 flights, of which one shall include a 360° approach to the left and one a 360° approach to the right, landing each time beyond and within 200 feet of a designated point or line; and
(c) Recovery from stalls entered from all normally anticipated flight attitudes.

COMMERCIAL

§ 20.100 *Age.* An applicant shall be at least 18 years of age.

§ 20.101 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate.

§ 20.102 *Physical standards.* An applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.103 *Aeronautical knowledge.* An applicant shall pass a written examination based on the following:
(a) Meteorology, including the recognition of basic weather conditions and trends, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;
(b) Navigation, including pilotage and the use of navigational instruments;
(c) Principles of safe flight operations, including theory of flight and the operation and maintenance of gliders; and
(d) Civil Air Regulations pertaining to the privileges and limitations of a commercial pilot and the general operating, air traffic, and accident reporting rules.

§ 20.104 *Aeronautical experience.* An applicant shall have acquired at least 25 hours flight time and meet the following minimum experience requirements:
(a) 20 hours flight time in gliders;
(b) 2 hours of flight instruction in gliders in preparation for the commercial pilot flight test;
(c) 100 flights in gliders as pilot in command; and
(d) 25 glider flights with 360° right and left approaches.

§ 20.105 *Aeronautical skill.* An applicant shall demonstrate a satisfactory level of competence in the following procedures and maneuvers:
(a) Preparatory flight procedures;
(b) At least 2 flights, of which one shall include a 360° approach to the left and one a 360° approach to the right, landing each time beyond and within 100 feet of a designated point or line;
(c) A spiral in each direction of at least 3 full turns in a banked attitude of at least 45°;
(d) A glider flight when towed by an airplane during climb, and when above, below, and to one side of the slipstream during level flight;
(e) A glider flight when launched by an automobile or winch; and
(f) Recovery from stalls entered from all normally anticipated flight attitudes.

SUBPART E—SPECIAL ISSUANCE OF PILOT CERTIFICATES

§ 20.110 *Graduates of certificated flying schools.* (a) A graduate of a certificated flying school shall be deemed to have met the aeronautical experience requirements of this part if he presents an appropriate certificate of graduation within 60 days after his graduation date: *Provided*, That an applicant for an instrument rating or a limited flight instructor certificate shall meet the prescribed aeronautical experience requirements for the issuance of a commercial pilot certificate.
(b) The Administrator may issue a private or commercial pilot or limited flight instructor certificate or an instrument or aircraft rating without further showing of competence to an applicant who has graduated from an approved course of a certificated flying school within the preceding 90 days if the Administrator finds that the aeronautical knowledge and skill requirements of such course are the equivalent of those prescribed in this part.

§ 20.111 *Military competence.*—(a) *Pilot certificates.* An applicant for a private or commercial pilot certificate shall be deemed to have met the requirements for the issuance of such certificate if he passes a written examination on the Civil Air Regulations pertaining to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents reliable evidence that:
(1) He is a member of the armed forces of the United States, the National Guard, or the Coast Guard or any reserve component thereof and either is on solo flying status as a rated pilot or the equivalent, or has been graduated from and rated as a pilot or the equivalent by a military flying school within the preceding 12 months; or
(2) He has been honorably discharged from the armed forces, the National Guard, or the Coast Guard within the preceding 12 months, and was at the time of discharge on solo flying status as a rated pilot or the equivalent: *Provided*, That if he has been honorably discharged for a period longer than 12 months preceding the date of application, he shall be required to meet the prescribed physical standards and pass the appropriate flight test.

(b) *Aircraft category, class, and type ratings.* An applicant for a particular category, class, or type rating who has applied for or holds a pilot certificate issued on the basis of military competence or otherwise shall be issued appropriate ratings upon the presentation of reliable documentary evidence that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which the rating is sought, or has taken a flight test.
(c) *Instrument rating.* An instrument rating shall be issued to a private or commercial pilot who holds a currently effective military instrument rating.

§ 20.112 *Foreign pilot certificates.* (a) An applicant for a pilot certificate who holds a currently effective pilot certificate issued by a foreign government may receive credit for his flight experience and for those examinations and tests, completed in securing his pilot certificate, which the Administrator finds to be at least the equivalent of those required in the Civil Air Regulations for the issuance of a comparable U. S. pilot certificate.
(b) A pilot certificate with appropriate limitations may be issued for a specific purpose to an applicant who is a citizen of a foreign country and holds a currently effective pilot license issued by his government upon submitting to the Administrator reliable evidence of his aeronautical experience and passing an examination on the air traffic rules contained in Part 60 of this subchapter. The Administrator shall limit the duration of the certificate to not more than 90 days and may prescribe such additional limitations as he finds necessary for safety.

SUBPART F—AIRCRAFT AND INSTRUMENT RATINGS

AIRCRAFT RATINGS

§ 20.120 *Aircraft ratings.* Aircraft ratings issued to private and commercial pilots shall be classified as follows:
(a) *Category ratings.* (1) Airplane.
(2) Rotorcraft.
(3) Glider.
(b) *Class ratings.* (1) Single-engine land.
(2) Multiengine land.
(3) Single-engine sea.
(4) Multiengine sea.
(c) *Type ratings.* Each type of aircraft having a maximum certificated take-off weight of more than 12,500 pounds.

§ 20.121 *Additional aircraft ratings.* An applicant for an additional aircraft rating subsequent to the original issuance of a private or commercial pilot certificate shall meet the following requirements:
(a) *Category rating.* An applicant for an additional category rating shall:
(1) Meet all the aeronautical experience requirements for the original issuance of his grade of certificate with the category rating sought; and
(2) Pass an appropriate flight test.
(b) *Class or type rating.* An applicant for an additional class or type rating shall:
(1) Have made at least 5 take-offs and landings as pilot in command and sole manipulator of the controls of an aircraft of the class or type for which a rating is sought; and
(2) Pass an appropriate flight test.

INSTRUMENT RATING

§ 20.125 *Issuance.* An instrument rating shall be issued to a private or commercial pilot who meets the prescribed aeronautical knowledge, experience, and skill requirements.

§ 20.126 *Aeronautical knowledge.* An applicant shall pass a written examination based on the following:
(a) Civil Air Regulations as they apply to flight under IFR conditions;
(b) Radio navigation systems and procedures, instrument landing systems and procedures, and radio communication procedures; and
(c) Meteorology, including the characteristics of air masses and fronts and the weather associated with them; the elementary principles of forecasting; and the availability, evaluation, and utilization of the various types of meteorological reports.

§ 20.127 *Aeronautical experience.* An applicant shall meet the following minimum flight experience requirements:
(a) He shall hold a commercial pilot certificate or a private pilot certificate and meet the aeronautical experience requirements for the issuance of a commercial pilot certificate; and
(b) He shall have acquired 40 hours of instrument time under actual or simulated instrument conditions, of which not less than 20 hours shall have been in flight and have included 10 hours of instrument flight instruction given by a rated instrument flight instructor.

§ 20.128 *Aeronautical skill.* An applicant shall demonstrate a satisfactory level of competence in the following procedures and maneuvers:
(a) Flight maneuvers, solely by reference to instruments, including recovery from critical attitudes such as steep turns, spirals, and stalls using the minimum instrumentation prescribed for instrument flight in Part 43 of this subchapter.
(b) Planning and conducting a simulated instrument flight including:
(1) Preparing and filing an instrument flight plan;
(2) Radio navigation including orientation;
(3) Radio communications;
(4) A standard instrument approach complying with traffic control instructions and standard holding procedures; and
(5) Recovery from emergency situations such as a missed approach, radio or instrument failure, and failure of an engine if the test is conducted in a multiengine airplane.

SUBPART G—FLIGHT INSTRUCTOR CERTIFICATES

§ 20.130 *Limited flight instructor certificates.* A limited flight instructor cer-

tificate with appropriate ratings shall be issued to an applicant who meets the following requirements:

(a) He shall hold a valid airline transport or commercial pilot certificate of if he holds a private pilot certificate he shall meet the aeronautical knowledge, experience, and skill requirements for the issuance of a commercial pilot certificate;

(b) He shall demonstrate in each category of aircraft in which he desires to give flight instruction his ability to teach the performance of such flight maneuvers and procedures as are necessary and appropriate for the safe piloting of that category of aircraft; and

(c) He shall show that he is familiar with effective flight instruction methods and procedures as set forth in the CAA Flight Instruction Manual; or

(d) He shall demonstrate his ability to give instrument flight instruction if he desires to be rated as an instrument flight instructor.

§ 20.138 *Validity and exchange of flight instructor ratings and certificates.* The holder of a flight instructor rating may exercise the privileges of such rating until July 1, 1958. Prior to this date he may exchange such rating for a flight instructor certificate without further showing of competence. After July 1, 1958, the holder of a flight instructor rating shall not exercise the privileges of such rating but he may exchange it for a flight instructor certificate upon demonstrating continued competence to give flight instruction.

NOTE: The record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 56-6959; Filed, Aug. 28, 1956; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Under section 601 of the Civil Aeronautics Act of 1938 and the delegation of authority from the Civil Aeronautics Board in §§ 3.18, 4a.31, 4b.18, 6.18, and 7.18 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to adopt performance standards and specifications of materials, parts, processes, and appliances used in aircraft as he may find necessary to implement provisions of the Civil Air Regulations. The Administrator adopted the Technical Standard Order system as a means to carry out this delegated authority. This system, in brief, provides for CAA-industry cooperation in the development of these performance standards, and a form of self-regulation by industry in demonstrating compliance with these standards. Since the original adoption of this part, which contains the C series TSO's, it has been found desirable to make clarifying editorial and format changes. Hence, Part 514 of the regulations of the Administrator is being amended to provide two subparts. Subpart A contains the general requirements applicable to all Technical Standard Orders, such as "Method of Conformance," "Marking," and "Deviations." Subpart B contains the technical specifications to which a specific product must conform.

All existing technical standards in sections of Part 514 (14 CFR Rev. 1952) and subsequent Technical Standard Orders will be issued or re-issued as a section of the new Subpart B.

The changes to Part 514 as reflected in Subpart A are editorial in nature; hence, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is considered unnecessary.

In order to accomplish the proposed rearrangement of Part 514 (14 CFR Rev. 1952), the following new Subpart A—General, is hereby adopted to become effective September 15, 1956. The heading for Subpart B is hereby established, and §§ 514.1 through 514.25 of Part 514 (14 CFR Rev. 1952) are redesignated as §§ 514.11 through 514.35. This redesignation is required because the section numbers (§§ 514.1 through 514.4) have been reassigned within Subpart A of the new part.

Part 514 is amended as follows:

1. The part heading is revised to read as set forth above.

2. Sections 514.1 through 514.25 of this part are redesignated as §§ 514.11 through 514.35.

3. The following new §§ 514.1 through 514.4 are adopted to read as follows:

SUBPART A—GENERAL

Sec.
514.1 Basis and purpose.
514.2 Method of conformance.
514.3 Marking.
514.4 Deviations.

AUTHORITY: §§ 514.1 to 514.4 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425.

§ 514.1 *Basis and purpose*—(a) *Basis.* Section 601 of the Civil Aeronautics Act of 1938, as amended, and §§ 3.18, 4a.31, 4b.18, 6.18, and 7.18 of this title.

(b) *Purpose.* The purpose of this part is to establish minimum performance standards for aircraft materials, parts, processes, and appliances which are to be used on civil aircraft of the United States, and to prescribe the manner by which the manufacturer must show compliance with such performance standards.

§ 514.2 *Method of conformance.* (1) A manufacturer of an aircraft material, part, process, or appliance for which standards are established in Subpart B of this part, prior to distribution for use on a civil aircraft of the United States shall furnish a written statement of conformance certifying that the material, part, process, or appliance meets the applicable performance standards established in this part. The statement of conformance shall be signed by a person duly authorized by the manufacturer, and shall be furnished to the Chief, Aircraft Engineering Division, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C.

(2) If complaints of nonconformance with the requirements of this order are brought to the attention of the CAA and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product in civil aircraft.

§ 514.3 *Marking.* Materials, parts, processes, and appliances for which a statement of conformance has been submitted, shall be legibly and permanently marked with the following information:

(a) Name and address of the manufacturer responsible for compliance,

(b) Equipment name, or type or model designation,

(c) Weight to the nearest pound and fraction thereof,

(d) Serial number and/or date of manufacture, and

(e) Applicable Technical Standard Order (TSO) number.

§ 514.4 *Deviations* No deviation will be granted from the performance standards established in Subpart B of this part. Requests for deviation from other requirements of this part should be addressed to the Aircraft Engineering Division, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C.

3. The following heading for Subpart B is adopted: Subpart B—Minimum Performance Standards.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

This amendment shall become effective September 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 56-6937; Filed, Aug. 28, 1956, 8:48 a. m.]

[Amdt. 178]

PART 608—RESTRICTED AREAS

ALTERATION; CHERRY POINT, N. C.

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.41, the Cherry Point, North Carolina, area No. 2 (R-125), amended on July 7, 1956, in 21 F. R. 5049, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Cherry Point, N. C., restricted area (R-125) (Norfolk).	Beginning at latitude 35°46'30", longitude 76°47'00"; thence southwesterly along the East edge of Amber Civil Airway #2 to latitude 34°21'40", longitude 77°41'30"; thence clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54'30", longitude 76°53'00"; to latitude 34°26'50", longitude 77°46'35"; thence North to latitude 35°20'30", longitude 77°40'50"; thence Northeast to latitude 35°40'00", longitude 77°23'40"; thence clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54'30", longitude 76°53'00"; to the point of beginning.	6,000 feet mean sea level to unlimited.	Sunset to sunrise daily.	MCAS, Cherry Point, N. C.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 20, 1956.

[SEAL] J. M. BEARDSLEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6938; Filed, Aug. 28, 1956; 8:48 a. m.]

[Amdt. 7]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From North Scituate, INT, R. I.; to Boston, Mass., LFR; MEA 1,800.

Section 610.13 *Green civil airway 3* is amended to read in part:

From Allentown, Pa., LFR; to Belle Mead INT, N. J.; MEA 2,500.
From Youngstown, Ohio, LFR; to Pardoe INT, Pa.; MEA 2,600.
From Pardoe INT, Pa.; to Philipsburg, Pa., LFR; MEA 4,000.

Section 610.16 *Green civil airway 6* is amended to read in part:

From Maxwell AFB, Ala.; to Int. E crs Maxwell and SW crs Atlanta; MEA 1,600.
From Int. E crs Maxwell and SW crs Atlanta; to Atlanta, Ga., LFR; MEA 2,000.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From *Newhall, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000. *7,000—MCA Newhall LFR, northbound.
From Castaic, Calif., FM; to Newhall, Calif., LFR, southbound only; MEA 8,000.
From Wheeler Ridge INT, Calif.; to *Bakersfield, Calif., LFR, northbound, MEA 6,000; southbound, MEA 10,000. *7,000—MCA Bakersfield LFR, southbound.

Section 610.210 *Red civil airway 10* is amended to read in part:

From Birmingham, Ala., LFR; to Eden INT, Ala.; MEA 3,000.
From Eden INT, Ala.; to Tallapoosa INT, Ga.; MEA 4,000.
From Tallapoosa INT, Ga.; to Atlanta, Ga., LFR; MEA 2,700.

Section 610.251 *Red civil airway 51* is amended to read in part:

From Blackstone, Va., LFR; to Dinwiddie INT, Va.; MEA 1,800.

Section 610.268 *Red civil airway 68* is amended to read in part:

From Tyler, Tex., LFR; to Shreveport, La., LFR; MEA 2,100.

Section 610.284 *Red civil airway 84* is amended to read in part:

From Marion INT, Ala.; to Maxwell AFB, Ala., LFR; MEA 1,500.
From Maxwell AFB, Ala.; to Mt. Meigs, Ala., LF/RBN; MEA 1,600.
From Mt. Meigs, Ala., LF/RBN; to Columbus, Ga., LFR; MEA 2,000.

Section 610.647 *Blue civil airway 47* is amended to read in part:

From Brodnax INT, Va.; to Blackstone, Va., LFR; MEA 1,800.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Greensboro, N. C., LFR; to Roanoke, Va.; LFR; MEA 5,500.
From Crossville, Tenn., VOR; to Lexington, Ky.; VOR; MEA *7,000. *5,000—MOCA.
From Roanoke, Va., LFR; to Int. S crs Roanoke, Va., LFR and NE crs Greensboro, N. C., LFR; MEA 5,600.
From Waterloo, Iowa, VOR; to Moline, Ill., VOR; MEA *3,200. *3,100—MOCA.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From School INT, N. Mex.; to Clovis, N. Mex., LF/RBN, northwestbound, MEA 8,000; southeastbound, MEA 7,000.
From Galena, Alaska, LFR; to Kotzebue, Alaska, LF/RBN; MEA 6,500.
From Hinchinbrook, Alaska, LFR; to Middleton Island, Alaska, LFR; MEA 5,000.
From Kodiak, Alaska, LFR; to Middleton Island, Alaska, LFR; MEA 4,000.
From Kodiak, Alaska, LFR; to King Salmon, Alaska, LFR; MEA 8,800.
From McGrath, Alaska, LFR; to Galena, Alaska, LFR; MEA 6,200.
From Middleton Island, Alaska, LFR; to Homer, Alaska, LFR; MEA 8,000.

Section 610.6001 *VOR civil airway 1* is amended to delete:

From Coyle, N. J., VOR; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6001 *VOR civil airway 1* is amended by adding:

From Coyle, N. J., VOR; to Idlewild, N. Y., VOR; MEA 1,500.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Wilmington, N. C., VOR; to LaGrange INT, N. C.; MEA *2,300. 1,400—MOCA.
From LaGrange INT, N. C.; to Cofield, N. J., VOR; MEA *3,000. *1,400—MOCA.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Brunswick, Ga., VOR; to *Harris Neck INT, Ga.; MEA 1,500. *4,000—MRA.
From Harris Neck INT, Ga.; to Savannah, Ga., VOR; MEA 1,500.
From Savannah, Ga., VOR; to *Burton INT, S. C., MEA 1,400. *5,500—MRA.
From Burton INT, S. C.; to Charleston, S. C., VOR; MEA 1,400.
From District INT, Md.; to Hereford INT, Md.; MEA *5,000. *2,000—MOCA.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From *Long Beach, Calif., VOR via N alter.; to Covina INT, Calif., via N alter., northeastbound, MEA 12,000; southwestbound, MEA 4,000. *10,000—MCA Long Beach VOR, northeastbound.
From Covina INT, Calif., via N alter.; to Hawkins INT, Calif., via N alter., northeastbound, MEA 12,000; southwestbound, MEA 9,000.
From Hawkins INT, Calif., via N alter.; to Daggett, Calif., VOR via N alter.; MEA 12,000.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From West Chester, Pa., VOR; to Boothwyn INT, Pa.; MEA 1,800.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From West Chester, Pa., VOR; to Echelon INT, Pa.; MEA 1,800.

Section 610.6013 *VOR civil airway 13* is amended by adding:

From Lufkin, Tex., VOR via E alter; to Shreveport, La., VOR via E alter; MEA *2,500. *1,900—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Tulsa, Okla., VOR; to *Chelsea INT, Okla.; MEA 2,000. *2,600—MRA.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Abilene, Tex., VOR; to Mineral Wells, Tex., VOR; MEA *3,500. *3,100—MOCA.
From Mineral Wells, Tex., VOR; to Lake Worth INT, Tex.; MEA 2,300.
From Lake Worth INT, Tex.; to Dallas, Tex., VOR; MEA 2,700.
From Abilene, Tex., VOR via S Alter.; to Cisco INT, Tex., via S alter.; MEA 3,100.
From Cisco INT, Tex., via S alter.; to Mineral Wells, Tex., VOR via S alter.; MEA 3,200.
From Mineral Wells, Tex., VOR via S alter.; to Russell INT, Tex., via S alter.; MEA 2,300.
From Russell INT, Tex., via S alter.; to Dallas, Tex., VOR via S alter.; MEA 2,700.
From Mineral Wells, Tex., VOR via N alter.; to Haslet INT, Tex., via N alter.; MEA 2,400.
From Haslet INT, Tex., via N alter.; to Lewisville INT, Tex., via N alter.; MEA *3,000. *1,900—MOCA.
From Lewisville INT, Tex.; to Little Elm INT, Tex., *3,800; via N alter; MEA *3,800. *1,700—MOCA.
From Little Elm INT, Tex.; to *McKinney INT, Tex.; MEA **——. *4,300—MRA. **2,100—MOCA.

From McKinney INT, Tex., via N alter.; to Princeton INT, Tex., via N alter.; MEA *2,900. *2,100—MOCA.

From Princeton INT, Tex., via N alter.; to Sulphur Springs, Tex., VOR via N alter.; MEA *2,000. *1,800—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to delete:

From Waco, Tex., VOR via W alter.; to Ft. Worth, Tex., VOR via W alter.; MEA *2,300. *2,000—MOCA.

Section 610.6017 *VOR Civil Airway 17* is amended to read in part:

From Waco, Tex., VOR; to Riovista INT, Tex.; MEA *2,000. *1,900—MOCA.

From Riovista INT, Tex.; to Joshua INT, Tex.; MEA 2,100.

From Joshua INT, Tex.; to Lake Worth INT, Tex.; MEA 2,000.

From Lake Worth INT, Tex.; to Ft. Worth, Tex.; VOR; MEA 2,400.

From Ft. Worth, Tex., VOR; to Cole INT, Okla.; MEA *2,800. 2,500—MOCA.

From Cole INT, Okla.; to Bray INT, Okla.; MEA *2,800. *2,300—MOCA.

From Bray INT, Okla.; to *Blanchard INT, Okla.; MEA **2,800. *2,800—MRA. **2,400—MOCA.

From Blanchard INT, Okla.; to Oklahoma City, Okla.; VOR; MEA 2,400.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Casper, Wyo., VOR via E alter.; to Crazy Woman, Wyo., VOR via E alter.; MEA 7,500.

Section 610.6020 *VOR civil airway 20* is amended by adding:

From Lafayette, La., VOR via S. alter.; to New Orleans, La., VOR via S. alter.; MEA *2,000. *1,400—MOCA.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From New Orleans, La., VOR; to *Dog INT, La.; MEA **3,900. *3,900—MRA. **1,600—MOCA.

From Dog INT, La.; to *Bon Secour INT, Fla.; MEA **3,900. *2,000—MRA. **1,100—MOCA.

From Bon Secour INT, Fla.; to Saufley, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6026 *VOR civil airway 26* is amended by adding:

From Green Bay, Wis., VOR via N alter.; to White Cloud, Mich., VOR via N alter.; MEA *4,000. *2,700—MOCA.

Section 610.6027 *VOR civil airway 27* is amended by adding:

From *Paso Robles, Calif., VOR via W alter.; to **Salinas, Calif., VOR via W alter.; MEA 8,000. *8,000—Paso Robles VOR, northbound. **4,000—MCA Salinas VOR, southbound.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Miami, Fla., VOR; to *Tamiami INT, Fla.; MEA 1,200. *2,700—MRA.

From Tamiami INT, Fla., to *Copeland INT, Fla.; MEA 1,200. *2,200—MRA.

From Copeland INT, Fla.; to Ft. Myers, Fla., VOR; MEA *2,200. *1,100—MOCA.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Savannah, Ga., VOR; to *Grays INT, S. C.; MEA 1,400. *2,500—MRA.

From Grays INT, S. C.; to Columbia, S. C., VOR; MEA 1,400.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Iowa City, Iowa, VOR; to Prairie INT, Iowa; MEA 2,100.

From Prairie INT, Iowa; to *Annawan INT, Iowa; MEA **4,000. *4,000—MRA. **2,100—MOCA.

From Annawan INT, Iowa; to Triumph INT, Ill.; MEA *6,000. *2,000—MOCA.

From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.

Section 610.6048 *VOR civil airway 48* is amended to read in part:

From Burlington, Iowa, VOR; to Peoria, Ill., VOR; MEA 1,900.

Section 610.6053 *VOR civil airway 53* is amended by adding:

From Columbia, S. C., VOR; to Spartanburg, S. C., VOR; MEA 2,300.

Section 610.6054 *VOR civil airway 54* is amended by adding:

From Quitman, Tex., VOR; to Texarkana, Tex., VOR; MEA 1,700.

Section 610.6057 *VOR civil airway 57* is amended to read in part:

From Graham, Tenn., VOR; to Bowling Green, Ky., VOR; MEA *2,400. *1,700—MOCA.

Section 610.6060 *VOR civil airway 60* is amended to read in part:

From Albuquerque, N. Mex., VOR; to *Otto, N. Mex., VOR; MEA 12,000. *10,000—MCA Otto VOR, westbound.

Section 610.6061 *VOR civil airway 61* is amended to delete:

From Ft. Worth, Tex., VOR; to Bridgeport INT, Tex.; MEA 2,300.

From Bridgeport INT, Tex.; to Wichita Falls, Tex., VOR; MEA 2,600.

From Ft. Worth, Tex., VOR via W alter.; to Boonsville INT, Tex., via W alter.; MEA 2,300.

From Boonsville INT, Tex., via W alter.; to Wichita Falls, Tex., VOR via W alter.; MEA 3,000.

Section 610.6061 *VOR civil airway 61* is amended by adding:

From Ft. Worth, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 2,600.

Section 610.6062 *VOR civil airway 62* is amended to read in part:

From Anton Chico, N. Mex., VOR; to *Ima INT, N. Mex.; MEA 8,000. *11,000—MRA.

From IMA INT, N. Mex.; to School INT, N. Mex.; MEA, 8,000.

From School INT, N. Mex.; to Field INT, N. Mex.; MEA *11,500. *7,800—MOCA.

Section 610.6063 *VOR civil airway 63* is amended by adding:

From Waco, Tex. VOR; to *Ennis INT, Tex.; MEA **2,400. *2,400—MRA. **2,000—MOCA.

From Ennis INT, Tex.; to Sabine INT, Tex.; MEA *4,500. *1,800—MOCA.

From Sabine INT, Tex.; to Sulphur Springs, Tex., VOR; MEA 1,800.

Section 610.6066 *VOR civil airway 66* is amended to delete:

From Columbus, N. Mex., VOR; to *Animas INT, N. Mex.; MEA 10,000. *10,000—MRA.

Section 610.6066 *VOR civil airway 66* is amended by adding:

From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,400.

From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 4,000.

From Abilene, Tex., VOR; to Breckenridge INT, Tex.; MEA *3,500. *3,100—MOCA.

From Breckenridge INT, Tex.; to Chapel INT, Tex.; MEA *4,000. *2,500—MOCA.

From Chapel INT, Tex.; to Ft. Worth, Tex., VOR; MEA 2,500.

From Ft. Worth, Tex. VOR; to Prosper INT, Tex.; MEA 2,100.

From Prosper INT, Tex.; to Princeton INT, Tex.; MEA *2,900. *2,100—MOCA.

From Princeton INT, Tex.; to Sulphur Springs, Tex., VOR; MEA *2,600. *1,800—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Gila Bend, Ariz., VOR; to Tucson, Ariz., VOR; MEA 7,000.

From Columbus, N. Mex., VOR via N alter.; to El Paso, Tex., VOR via N alter.; MEA 9,200.

From *San Diego, Calif., VOR; to Jamul, Calif., LF/RBN, eastbound; MEA 8,000; westbound, MEA 4,500. *4,000—MCA San Diego VOR, eastbound.

From Jamul, Calif., LF/RBN; to *Seeley INT, Calif.; MEA **11,000. *7,000—MCA Seeley INT, westbound. **8,000—MOCA.

From Barrett Lake; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.

From Seeley INT, Calif.; to Yuma, Ariz., VOR; MEA *6,000. *4,000—MOCA.

Section 610.6071 *VOR civil airway 71* is amended by adding:

From Butler, Mo., VOR; to Grandview INT, Mo.; MEA 2,400.

From Grandview INT, Mo.; to Kansas City, Mo., VOR; MEA 3,000.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Binghamton, N. Y., VOR; to *Sidney INT, N. Y.; MEA 3,500. *4,500—MRA.

Section 610.6073 *VOR civil airway 73* is amended to delete:

From Tulsa, Okla., VOR; to *Cambridge INT, Kans.; MEA 3,000. *3,000—MRA.

From *Cambridge INT; to **Rock INT, Kans.; MEA 3,000. *3,000—MRA. **4,000—MRA.

From *Rock INT, Kans.; to Wichita, Kans., VOR; MEA 3,000. *4,000—MRA.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Wichita Falls, Tex., VOR via E alter.; to Bray INT, Okla., via E alter.; MEA *2,800. *1,500—MOCA.

From Bray INT, Okla., via E. alter.; to *Blanchard INT, Okla., via E alter.; MEA **2,800. *2,800—MRA. *2,400—MOCA.

From Blanchard INT, Okla., via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA 2,400.

Section 610.6083 *VOR civil airway 83* is amended by adding:

From Roswell, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 9,000.

Section 610.6091 *VOR civil airway 91* is amended by adding:

From Poughkeepsie, N. Y., VOR via W. alter.; to Albany, N. Y., VOR via W. alter.; MEA 5,000.

From Poughkeepsie, N. Y., VOR via E. alter.; to Brainard INT, N. Y., via E. alter.; MEA 4,000.

From Brainard INT, N. Y., via E. alter.; to Albany, N. Y., VOR via E alter.; MEA 3,000.

Section 610.6093 *VOR civil airway 93* is amended to read in part:

From Baltimore, Md., VOR; to Norris INT, Pa.; MEA 2,000.

From Norris INT, Pa.; to Lancaster INT, Pa.; MEA *3,000. *2,000—MOCA.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From *Salt Flat, Tex., VOR; to Carlsbad, N. Mex., VOR; MEA 10,800. *9,800—MCA Salt Flat VOR, northeastbound.

From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000. *8,100—MCA Carlsbad VOR, southwestbound.

Section 610.6094 *VOR civil airway 94* is amended by adding:

From Abilene, Tex, VOR; to Cisco INT, Tex.; MEA 3,100.

From Cisco INT, Tex., to *Mill INT, Tex.; MEA **6,500. *3,500—MRA. **2,800—MOCA.

From Mil INT, Tex.; to Joshua INT, Tex.; MEA *3,500. *2,300—MOCA.

From Joshua INT, Tex.; to Britton, Tex., VOR; MEA 2,000.

From Britton, Tex., VOR; to Waxahachie INT, Tex.; MEA 2,600.

From Waxahachie INT, Tex.; to *Kemp INT, Tex.; MEA 1,900. *4,000—MRA.

From Kemp INT, Tex.; to Gregg County, Tex., VOR; MEA *4,000. *2,300—MOCA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Alexandria, La., VOR; to Baton Rouge, La., VOR; MEA 1,300.

Section 610.6114 *VOR civil airway 114* is amended to delete:

From Wichita Falls, Tex., VOR; to Alvord INT, Tex.; MEA 2,600.

From Alvord INT, Tex.; to Decatur INT, Tex.; MEA *3,000. *2,000—MOCA.

From Decatur INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.

From Wichita Falls, Tex., VOR via N alter.; to Sanger INT, Tex., via N alter.; MEA *2,700. *2,500—MOCA.

From Sanger INT, Tex., via N alter.; to Little Elm INT, Tex., via N alter.; MEA *2,400. *1,800—MOCA.

From Little Elm INT, Tex., via N alter.; to Dallas, Tex., VOR, via N alter.; MEA 2,000.

From Dallas, Tex., VOR; to Gregg County, Tex., VOR; MEA 2,300.

From Dallas, Tex., VOR via S alter.; to Crandall INT, Tex., via S alter.; MEA 2,000.

From Crandall INT, Tex., via S alter.; to Gregg County, Tex., VOR via S alter.; MEA *4,000. *2,300—MOCA.

Section 610.6114 *VOR civil airway 114* is amended by adding:

From Wichita Falls, Tex., VOR; to Alvord INT, Tex.; MEA 2,600.

From Alvord INT, Tex.; to Denton INT, Tex.; MEA *3,000. *2,000—MOCA.

From Denton INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.

From Dallas, Tex., VOR; to *Kemp INT, Tex.; MEA 2,000. *4,000—MRA.

From Kemp INT, Tex.; to Gregg County, Tex., VOR; MEA *4,000. *2,300—MOCA.

From Dallas, Tex., VOR via N alter.; to Quitman, Tex., VOR via N. alter.; MEA 2,000.

From Quitman, Tex., VOR via N. alter.; to Gregg County, Tex., VOR via N alter.; MEA 1,800.

Section 610.6120 *VOR-civil airway 120* is amended to read in part:

From Mullen Pass, Mont., VOR; to Charlo INT, Mont., eastbound, MEA 12,700; westbound, MEA 10,000.

From Charlo INT, Mont.; to Augusta INT, Mont.; MEA 12,700.

From Augusta INT, Mont.; to Great Falls, Mont., VOR, westbound, MEA 12,700; eastbound, MEA 7,000.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From Raleigh, N. C., VOR; to LaGrange INT, N. C.; MEA 2,500.

From LaGrange INT, N. C.; to New Bern, N. C., VOR; MEA 1,400.

Section 610.6130 *VOR civil airway 130* is amended to read in part:

From Albany, N. Y., VOR; to Brainard INT, N. Y.; MEA 3,000.

From Brainard INT, N. Y.; to Colebrook INT., Mass.; MEA 4,000.

Section 610.6131 *VOR civil airway 131* is amended to delete:

From Ponca City, Okla., VOR; to *Cambridge INT, Kans.; MEA 2,500.

From *Cambridge INT, Kans.; to Emporia, Kans., VOR; MEA **3,500. *3,000—MRA. **2,800—MOCA.

Section 610.6140 *VOR civil airway 140* is amended to delete:

From Coyle, N. J., VOR; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6140 *VOR civil airway 140* is amended by adding:

From Coyle, N. J., VOR; to Idlewild, N. Y., VOR; MEA 1,500.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Tulsa, Okla., VOR via N alter.; to *Chelsea INT, Okla., via N alter.; MEA 2,000. *2,600—MRA.

Section 610.6157 *VOR civil airway 157* is amended to read in part:

From LaGrange INT, N. C.; to Rocky Mount, N. C., VOR; MEA 1,400.

Section 610.6161 *VOR civil airway 161* is amended by adding:

From Ft. Worth (Carter) Tex., ILS loc.; to Roanoke INT, Tex.; MEA 2,000.

From Roanoke INT, Tex.; to *Fox INT, Tex.; MEA 2,000. *3,500—MRA.

From Fox INT, Tex.; to Ardmore, Okla., VOR; MEA *3,500. *2,400—MOCA.

From Ardmore, Okla., VOR; to Tulsa, Okla., VOR; MEA *4,600. *2,400—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Waco, Tex., VOR; to Mill INT, Tex.; MEA *3,500. *2,500—MOCA.

From Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA *3,500. *2,400—MOCA.

From Mineral Wells, Tex., VOR; to Fort Worth, Tex., VOR; MEA 2,500.

From Fort Worth, Tex., VOR; to Ardmore, Okla., VOR; MEA *3,000. *2,600—MOCA.

From Ardmore, Okla., VOR via W alter.; to *Blanchard INT, Okla., via W alter., MEA **2,800. *2,800—MRA. **2,500—MOCA.

From Blanchard INT, Okla., via W alter.; to Oklahoma City, Okla., VOR via W alter.; MEA 2,400.

Section 610.6172 *VOR civil airway 172* is amended to delete:

From Int. 071° T rad. Des Moines VOR and 268° T rad. Polo VOR; to Big Rock INT, Iowa; MEA #2,200.

Section 610.6184 *VOR civil airway 184* is amended to read in part:

From Erie, Pa., VOR; to *Hickory INT, Pa.; MEA 3,500. *5,000—MRA.

From Hickory INT, Pa.; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6185 *VOR civil airway 185* is amended to read in part:

From Savannah, Ga., VOR; to *Kildare INT, Ga.; MEA 1,300. *3,500—MRA.

From Kildare INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

Section 610.6186 *VOR civil airway 186* is amended to delete:

From Vandalia, Ill., VOR; to *Union Center INT, Ind.; MEA 2,000. *2,400—MRA.

From Union Center INT, Ind.; to Scotland, Ind., VOR; MEA 2,400.

Section 610.6189 *VOR civil airway 189* is amended to delete:

From Pittsburgh, Pa., VOR; to Ford INT, Pa.; MEA 3,000.

From Ford INT, Pa.; to *Brookville INT, Pa.; MEA 3,500. *4,000—MRA.

Section 610.6192 *VOR civil airway 192* is amended to read in part:

From Corona, N. Mex., VOR; to *Ima INT, N. Mex.; MEA **11,000. *11,000—MRA. **9,000—MOCA.

From Ima Int., N. Mex.; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From Raleigh, N. C., VOR via S. alter.; to Rocky Mount, N. C., VOR via S. alter.; MEA 2,500.

Section 610.6195 *VOR civil airway 195* is amended by adding:

From Oakland, Calif., VOR via W alter.; to Rio INT, Calif.; via W alter; MEA 4,000.

From Williams, Calif., VOR; to Red Bluff, Calif., VOR; MEA 3,000.

Section 610.6229 *VOR civil airway 229* is added to read:

From Wilmington, N. C., VOR; to New Bern, N. C., VOR; MEA 1,400.

From New Bern, N. C., VOR; to Cofield, N. C., VOR; MEA *1,300. *1,200—MOCA.

Section 610.6231 *VOR civil airway 231* is added to read:

From *Missoula, Mont., VOR; to Charlo INT, Mont.; MEA 12,700. *10,500—MCA Missoula VOR, northbound.

Section 610.6241 *VOR civil airway 241* is amended to delete:

From LaGrange INT, N. C.; to Cofield, N. C., VOR; MEA *3,000. *1,400—MOCA.

Section 610.6247 *VOR civil airway 247* is added to read:

From Douglas, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 7,500.

Section 610.6248 *VOR civil airway 248* is added to read:

From Paso Robles, Calif., VOR; to Belridge INT, Calif.; MEA 5,000.

From Belridge INT, Calif.; to Bakersfield, Calif., VOR, eastbound, MEA 2,000; westbound, MEA 3,000.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective September 20, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6893; Filed, Aug. 28, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1956 UPLAND CROP

Correction

In F. R. Doc. 56-5558, appearing at page 5164 of the issue for Thursday, July 12, 1956, the following changes should be made:

1. In the first column of page 5168, § 722.745 should be numbered "§ 722.754."

2. In the first column of page 5171, § 722.744 should be numbered "§ 722.774."

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141e) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146e) are amended as indicated below:

1. Part 141e is amended by adding the following new section:

§ 141e.428 *Capsules bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*—(a) *Potency*—(1) *Bacitracin content.* Using a representative number of capsules (usually six) in a blending jar, proceed as directed in § 141e.417 (a) (1). Its bacitracin content is satisfactory if it contains not less than 85 percent of that which it is represented to contain.

(2) *Streptomycin content.* Using the contents of a representative number of capsules (usually six), proceed as directed in § 141b.101 (a) to (i), inclusive, of this chapter, and use 0.1 *M* potassium phosphate buffer, pH 8.0, for preparing the sample instead of sterile distilled water as directed in § 141b.101 (e). Its content of streptomycin is satisfactory if it contains not less than 85 percent of that which it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. In § 146.26 *Animal feed containing penicillin* • • •, paragraph (b) (18) (ii) is amended by changing the reference "(6) and (7) or (16) and (17)" at both places where used to read "(6) and (7) and/or (9) and (10) or (16) and (17)".

3. Section 146a.104 *Penicillin V for oral suspension* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the first sentence to read as follows: "Penicillin V for oral suspension is a mixture of penicillin V and one or more suitable and harmless suspending agents, colorings, and flavorings, with or without one or more suitable and harmless buffer substances and preservatives, and with or without one or more suitable sulfonamides."

b. In paragraph (c) *Labeling*, subparagraph (1) is amended by renumbering subdivision (iii) as (iv) and inserting a new subdivision (iii), reading as follows, between subdivision (ii) and renumbered subdivision (iv):

(iii) The name of each buffer substance and the name and quantity of each sulfonamide and preservative used in making the batch.

c. In paragraph (c) (1), renumbered subdivision (iv) is amended by changing the colon after the word "certified" to a comma and adding the following new clause: "except that if it contains sulfonamides the blank shall be filled in with the date that is 12 months after the month during which the batch was certified:".

d. Paragraph (c) (2) (ii) is amended by inserting after "may be omitted" the words "from the immediate container".

e. Paragraph (c) is further amended by renumbering subparagraph (3) as (4) and inserting a new subparagraph (3), reading as follows, between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if it contains sulfonamides, after the name "penicillin V for oral suspension," wherever it appears, the words "with sulphonamides," in juxtaposition with such name.

4. Part 146e is amended by adding the following new section:

§ 146e.428 *Capsules bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.* Capsules bacitracin methylene disalicylate and streptomycin sulfate oral veterinary are capsules that conform to all requirements and are subject to all procedures prescribed by § 146e.426 for tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, except that each capsule shall contain not less than 150 units of bacitracin activity and not less than 15 milligrams of streptomycin activity.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 23, 1956.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6928; Filed, Aug. 28, 1956; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

On May 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 462 (21 F. R. 3328) appointed, convened, and noticed the hearings of Industry Committee No. 21 for Puerto Rico. The committee was directed to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the sugar manufacturing industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and hearing, conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A of the Secretary (15 F. R. 3290), (1) the recommendations of the committee are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective September 14, 1956, Part 689 of Title 29 is amended to read as follows:

Sec.
689.1 Definition of the sugar manufacturing industry in Puerto Rico.
689.2 Wage rate.
689.3 Notices.

AUTHORITY: §§ 689.1 to 689.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 689.1 *Definition of the sugar manufacturing industry in Puerto Rico.* The sugar manufacturing industry in Puerto Rico to which this part shall apply is hereby defined as follows: The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage orders for the shipping industry, or the railroad, railway express and property motor transport industry in Puerto Rico, or any transportation activity to which the agricultural exemption contained in section 13 (a) (6) of the act is applicable.

§ 689.2 *Wage rates.* Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the sugar manufacturing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 689.3 *Notices.* Every employer subject to the provisions of § 689.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 689.2 are working such notices of this order as shall be prescribed from time to time by the Administsrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 23d day of August 1956.

NEWELL BROWN,
Administrator, Wage and Hour Division.

[F. R. Doc. 56-6957; Filed, Aug. 28, 1956; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 7-12]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

OPERATIONAL DESIGNATOR FOR CERTAIN COAST STATIONS

In the matter of amendment of Part 7 of the Commission's rules to include therein a new operational designator for certain coast stations.

The Commission having under consideration the above-captioned matter;

It appearing that a new operational designator "(L)" is now being used on coast station licenses to indicate that certain coast stations render local service on a frequency assignment above 30 Mc, as well as on other frequencies; and

It further appearing that the definitions in Part 7 should be amended in order to reflect this new operational designator; and

It further appearing that because the amendment is minor in nature and merely conforms the Commission's rules to the current licensing procedure, compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that since the amendment is non-substantive in nature, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required;

It is ordered, This 21st day of August 1956, that, pursuant to authority contained in section 303 (a) and (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information § 7.3 (k) is amended, effective August 28, 1956, by inserting therein operational designator "(L)" with a brief explanation of its function. As amended, § 7.3 (k) reads as follows:

(k) *Operational designator.* The letter "A", "B", or "F", appended to the term "class I", "class II", or "class III", as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile. The designator "L" means "local" and is used to indicate (in lieu of a separate class III coast station license for the same station) that a class I or a class II station provides maritime mobile service of a local character on a frequency or frequencies above 30 Mc in addition to its service on other frequencies. Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I-A, Public III-B, Limited II-A, Limited III-BF, Public II-AB, Public II-BL, Public I-AL, etc.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 49 Stat. 1082, as amended; 47 U. S. C. 303)

Released: August 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6933; Filed, Aug. 28, 1956; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 8—PROCLAMATIONS DESIGNATING AREAS CLOSED TO HUNTING

CERTAIN LANDS AND WATERS ADJACENT TO ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS; CLOSED AREAS UNDER MIGRATORY BIRD TREATY ACT

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, Fred G. Aandahl, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, said area identified and described as follows:

All those parts of the waters of San Antonio Bay, Aransas Bay, and St. Charles Bay, including islands lying therein, in Aransas and Calhoun Counties, Texas, immediately contiguous to and abutting upon lands of the United States (Aransas National Wildlife Refuge) within the following-described limits:

Beginning at a point, in the westerly boundary of the Aransas National Wildlife Refuge, at the head of St. Charles Bay, on the right or west bank and at the mouth of Twin (Willow) Creek, said point being marked by a U. S. Fish and Wildlife Service standard concrete monument number "29";

Thence, with part of the westerly boundary of said national wildlife refuge, upstream with the west bank meanders of Twin (Willow) Creek, approximately 122.30 chains to monument number "23";

Thence seventeen (17) courses with the westerly and northerly boundaries of the Aransas National Wildlife Refuge, crossing Blackjack Peninsula,

N. 13° 39' E., 48.90 chains to an iron pipe monument;

N. 18° 06' E., 42.81 chains to an iron pipe monument;

N. 12° 13' E., 2.271 chains to concrete monument number "22";

S. 00° 49' E., 80.08 chains to concrete monument number "21";

N. 89° 12' E., 94.53 chains to concrete monument number "20";

N. 00° 43' W., 39.85 chains to concrete monument number "19";

N. 89° 11' E., 119.08 chains to concrete monument number "18";

N. 00° 51' W., 80.04 chains to concrete monument number "17";

N. 89° 15' E., 120.03 chains to concrete monument number "16";

N. 00° 44' W., 61.58 chains to concrete monument number "15";

N. 89° 07' E., 76.70 chains to an iron pipe monument;

S. 1° 30' E., 40.44 chains to an iron pipe monument;

S. 89° 28' E., 40.27 chains to concrete monument number "13";

South, 0.352 chain to an iron pipe monument;

East, 0.188 chain to an iron pipe monument;

S. 00° 28' E., 6.85 chains to concrete monument number "12";

N. 89° 31' E., 163.06 chains to a point on Webb Point on the west shore of San Antonio Bay, said point being marked by a concrete monument No. "11"; from which U. S. Coast and Geodetic Survey triangulation station "Nettie" bears N. 13° 46' E., 51.46 chains distant;

Thence leaving the boundary of said national wildlife refuge and continuing in San Antonio Bay,

N. 89° 31' E., 20.00 chains to a point;

S. 30° 57' W., 108.05 chains to a point on an unnamed reef;

S. 24° 52' E., 79.08 chains to a point on Dagger Reef;
S. 34° 04' E., 85.83 chains to a point on V Reef;
S. 38° 23' E., 159.29 chains to an intersection with the southeasterly right-of-way boundary of the Louisiana-Texas' Intracoastal Waterway;
Thence continuing in San Antonio Bay with the southeasterly right-of-way boundary of the Louisiana-Texas Intracoastal Waterway;
S. 51° 10' 32" W., 157.41 chains to a point near the west shore of San Antonio Bay at False Live Oak Point from which point the U. S. Coast and Geodetic Survey triangulation station "Live" bears N. 35° 15' E., 8.22 chains distant;
Thence leaving said right-of-way boundary and continuing in San Antonio Bay,
S. 42° 53' W., 402.76 chains to a point in Ayres Bay from which point the U. S. Coast and Geodetic Survey triangulation station "Mullet" bears North 10.00 chains distant;
Thence crossing Ayres Bay and Back Bay,
S. 51° 56' W., 206.01 chains to Daybeacon Pointer No. 7 northeast of Cedar Point in the southerly right-of-way boundary and angle point of the Old Intracoastal Canal;
Thence three (3) courses with said right-of-way boundary crossing Mud Bay into Aransas Bay;
S. 50° 25' W., 58.04 chains to Daybeacon Pointer No. 9;
S. 27° 12' W., 97.05 chains to Daybeacon Pointer No. 13;
S. 37° 37' W., 94.91 chains to Daybeacon Pointer No. 19;
Thence leaving said canal and continuing in Aransas Bay, West 275.00 chains to a point south of Blackjack Point;
N. 14° 42' W., 69.94 chains to a point in East Pocket northwest of Blackjack Point;
N. 13° 53' E., 234.62 chains to a point in St. Charles Bay opposite Egg Point;
Thence continuing in St. Charles Bay;
N. 30° 00' E., 180.00 chains to a point opposite Big Sharp Point;
N. 25° 00' W., 130.00 chains to a point opposite Melle Dietrich Point;
N. 30° 00' E., 330.00 chains to the place of beginning.

In accordance with section 4 (c) of the Administrative Procedure Act, this regulation is effective 30 days after date of publication and it shall on that date supersede the regulation designating as a closed area certain lands and water adjacent to or in the vicinity of the Aransas National Wildlife Refuge, Texas, issued by the Acting Secretary of the Interior on March 31, 1941, and approved by the President by Proclamation No. 2478 of April 15, 1941 (6 F. R. 1995).

Issued at Washington, D. C., this 23d day of August 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56-6929; Filed, Aug. 28, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A21]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Missouri, on July 26, 1956, pursuant to notice thereof issued on July 17, 1956, and published in the FEDERAL REGISTER on July 20, 1956 (21 F. R. 5447).

The material issues of record are concerned with:

1. The pricing of Class I milk; and
2. The need for prompt action by the Secretary with respect to Issue No. 1.

Findings and conclusions—1. *Class I price.* The amount of Class I price adjustment per percentage point of indicated undersupply or oversupply in the market should be continued at a rate of 5 cents per point through November 1956, with a limit of plus or minus 45 cents per hundredweight.

The supply-demand adjustment is one of the components of the Class I pricing formula. In the St. Louis order Class I prices are based upon the value of the milk for manufacturing uses as reflected in a "basic formula price". To this manufacturing value is added a Class I differential which varies seasonally from a low of 70 cents per hundredweight during the flush production months to a high of $1.45 in the months of lowest production. These differentials are further subject to a supply-demand adjustment which automatically reduces the Class I price when supplies are above normal in relation to sales and raises the price when supplies are below normal.

The permanent rates of supply-demand adjustment provided in the order are 3 cents per point of indicated oversupply or undersupply during the three short production months of September, October, and November, 1 cent per point during the flush months of April, May, and June, and 2 cents per point during the intermediate months of December, January, February, March, July, and August. However, as a result of a hearing held in October 1955, the order was amended, effective December 1, to provide a rate of 4 cents per point during April, May, and June 1956, and 5 cents per point in all other months through August 1956.

These higher rates were based principally on the prospective results of a requirement by the St. Louis Health Department that milk received from producers at milk plants be not over 50 degrees Fahrenheit. It was then apparent that many producers had to undertake significant additional investments in cooling equipment to meet the requirements and that some of them might seek other markets or terminate their dairy operations in preference to making the necessary investment.

The conditions which prompted the increased rate of supply-demand adjustment are still operating in the market and require extension of the higher rates for the next three months. The 12-month moving average of supplies in relation to sales has been declining steadily since the period ending October 1954. It has averaged 117 percent for the 12-month period ending June 1956 as compared with a "normal" of 125 percent. It was testified that the 50-degree requirement has been a significant factor in the failure of supplies to keep pace with Class I sales. Many farmers have purchased highly efficient bulk coolers. In December 1955, 11.3 percent of the total supply came from farmers so equipped and by June 1956 this proportion has risen to 29.7 percent. However, many producers have not been willing or able to make the large additional investments involved in conversion to bulk tank. Alternative markets have been particularly attractive in recent months, especially to producers whose farms are located in or near Illinois. The Illinois legislature has approved a requirement that all milk sold for fluid purposes within the State after July 1, 1957, must meet Grade A standards. As a result, milk dealers in Southwestern Illinois cities have been soliciting St. Louis Grade A shippers in order to assure themselves of an adequate supply by the effective date of the new enactment. The 50-degree ordinance of the St. Louis Health Department is being actively enforced. The milk delivered by individual producers is checked frequently and some producers had already received a second warning at the time of the hearing. The problem involves the farm-to-plant hauling of the milk as well as its care at the farm; one producer whose milk was in excess of 50 degrees upon receipt at the plant had shipped it at 38 degrees. Some haulers are helping to meet the requirement by picking up the milk in the evenings, icing their loads, or installing mechanical refrigeration on their trucks, but any extensive alterations on their part involve additional costs which must be passed back to the farmer.

The effects of the pricing action herein contained will automatically be adjusted in proportion to the amount by which supplies remain less than normal in relation to Class I sales. The supply-demand adjustment for July 1956 was based on utilization data for the 12-month period ending May 31, 1956. This percentage was 117, 8 points less than the normal of 125. In addition, pursuant to the amendments of December 1, 1955, the fact that supplies were 1 point shorter for the 12 months ending May than for the 12 months ending February 1956 made a total deficit of 9 points. At 5 cents per point of indicated undersupply, the supply-demand adjustment was plus 45 cents. If the same relationships continue, the use of a 5-cent rate instead of a 3-cent rate will increase Class I prices by 18 cents per hundredweight through November 1956. However, if supplies increase in relation to sales, the amount of supply-demand adjustment will be rather rapidly diminished.

It appears that this action will maintain St. Louis prices in appropriate relationship to those under the Chicago order. If present supply-demand relationships continue, there will be a supply-demand adjustment of minus 6 cents under the Chicago order and one of plus 45 cents under the St. Louis order for the months of September-November. The Class I price for St. Louis would then exceed the Chicago Class I price by 81 cents per hundredweight in September, October, and November 1956. Hauling costs, less location adjustments under the Chicago order at plants from which milk was procured in 1955 approximate 45 cents. In addition, plant charges on irregular shipments such as these are commonly larger than at the St. Louis country plants which regularly supply bulk milk to the bottling plants. In late 1955 the extra plant charges incurred by one of the handlers averaged 45 cents in September, 50 cents in October, 38 cents in November, and 29 cents in December. These amounts, plus the hauling charges, make the prospective net cost of Chicago to St. Louis handlers milk higher than the cost of producer milk through December.

The range of action of the supply-demand adjustment has been limited to plus or minus 45 cents. Under the marketing conditions in prospect for the next three months an addition of 45 cents appears to be as great as competitive relationships with other areas, especially Chicago, will allow. Limits of this magnitude are common in the supply-demand adjustments in other markets. Any greater departure from normal in supply-demand relationships should be considered at an amendment proceeding where the level of the Class I price and all other features of the order could be fully explored.

2. *Prompt action.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond September 1, 1956, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the St. Louis marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Milk Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 903.51 (a) (2) delete the proviso and substitute therefor the following: "*Provided*, That for the months of September, October, and November, 1956 such rate shall be five cents and the maximum amount shall be plus or minus 45 cents."

[F. R. Doc. 56-6942; Filed, Aug. 28, 1956, 8:48 a. m.]

[7 CFR Part 919]

[Docket No. AO-249-A2]

HANDLING OF MILK IN SOUTHWEST KANSAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dodge City, Kansas, on August 8, 1956, pursuant to notice thereof dated July 31, 1956, and published in the FEDERAL REGISTER on August 3, 1956 (21 F. R. 5807).

The material issues of record are concerned with:

1. The pricing of Class I milk for the period September–November 1956; and

2. The need for immediate action by the Secretary with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions are based upon evidence in the record of the hearing:

1. *Class I price.* The Class I price should be increased by 25 cents per hundredweight during the months of September, October, and November 1956.

The producers regularly supplying the Southwest Kansas marketing area face exceptionally unfavorable production conditions. These conditions are so widespread and serious that they threaten to impair the maintenance of adequate supplies of milk for the market.

The Department's report of pasture feed conditions as of July 1 indicates that pasture conditions throughout almost the entire milkshed were less than 35 percent of normal, a condition characterized as one of "extreme drought". Official notice is taken of the report of pasture feed conditions as of August 1, showing that conditions in the milkshed varied from "extreme drought" to "severe drought", a term applying to pastures ranging from 35 to 50 percent of normal.

Twenty-five counties in Western and Southwestern Kansas have been declared as drought disaster areas by the Department and farmers are eligible to purchase feed grains at a discount upon appropriate certification. Almost the entire Southwestern Kansas milkshed is within this drought disaster territory.

Individual producers described the impact of these officially reported conditions on their own operations. The almost complete lack of pasture and the failure of feed and forage crops have left dairymen largely dependent on purchased concentrates and roughages. These add greatly to the cash costs of producing milk. It appears that only the lack of any more favorable alternative farm enterprises have kept many milk producers in business.

Substantial quantities of other source milk were drawn upon by Southwest Kansas handlers during the months of September, October, and November 1955. They were equal to approximately 10 percent of the total supply of milk during that period, and prospects are that similarly large quantities will need to be drawn upon in the same months of 1956. During June 1956, supplies were 2.4 percent less in relation to sales than in June 1955, although official notice is taken of the fact that in July 1956 supplies were 9.9 percent greater in relation to sales than in July 1955.

Farmers supplying the Southwest Kansas market need some encouragement under the present adverse conditions to maintain production at as near normal levels as possible. The increase in the Class I prices provided herein will restore prices to approximately the July 1956 level.

The limiting factor in the amount of price increase is the close relationship between the Southwest Kansas and the Wichita markets. At the time of the original hearing on an order for the Southwest Kansas area, there was already considerable competition with Wichita handlers, both in the sale and procurement of milk. Based upon such competition, Class I prices in Southwest Kansas were set at the same level as the Wichita Class I prices. Since the inception of this order, the competition has become even more widespread. One of the Wichita handlers now distributes milk over virtually the entire Southwest Kansas area. In recent months, another Wichita handler has begun to compete for sales in the eastern portion of this marketing area. The Wichita market is also a source of supplemental supplies. A considerable proportion of other source milk obtained by Southwest Kansas handlers in the fall of 1955 was from Wichita. The Wichita market currently has larger supplies than are needed for Class I uses and it appears likely that this market would again be drawn upon for supplemental milk.

It is approximately 160 miles from Wichita to Dodge City, which is roughly the geographic center of the Southwest Kansas marketing area. Frequently quoted contract rates for transporting bulk milk in large tank trucks approximate 1.5 to 1.8 cents per hundredweight per 10 miles. These rates are also in line with the cost quoted by the cooperative association for transporting milk in a tank truck owned by the association. It is apparent, therefore, that the bulk supplemental milk obtained from Wichita would cost from 24 to 29 cents per hundredweight more than milk from local producers. No evidence was presented at the hearing relative to the additional costs incurred by Wichita handlers in moving packaged milk to the Southwest Kansas area. It is, however, apparent that any Southwest Kansas handlers covering the entire market also incur comparatively large hauling costs. It is concluded that an increase of 25 cents in the Class I price for the 3 months will not too seriously disrupt competitive relationships between the Southwest Kansas and the Wichita handlers and that such increase should be granted to help offset adverse production conditions.

2. *Prompt action.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond September 1, 1956, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Southwest Kansas marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southwest Kansas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Southwest Kansas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Southwest Kansas Marketing Area

§ 919.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Change the period at the end of § 919.51 (a) to a colon and add the following: "*Provided*, That during each of the months of September, October, and November 1956, such price should be increased by 25 cents per hundredweight."

[F. R. Doc. 56-6954; Filed, Aug. 28, 1956; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BUERRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $28,657.50 are likely to be incurred by said committee during the fiscal period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at six mills ($0.006) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 24, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-6955; Filed, Aug. 28, 1956; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release No. 83]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

ACCOUNTING AND REPORTING FOR DEFENSE AND OTHER NONSCHEDULED OPERATIONS

AUGUST 24, 1956.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendment of the accounting and reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule prescribes uniform accounting and reporting requirements for nonscheduled transport services of the certificated air carriers, including operations conducted for the defense establishment, and would be incorporated into the uniform system which becomes effective on January 1, 1957.

The principal features of the proposed amendment are explained in the Explanatory Statement set forth below, and the proposed revision to Part 241 is also set forth below.

This regulation is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before the thirtieth day following the date of publication of the proposed rule in the FEDERAL REGISTER will be considered by the Board before taking further action thereupon. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

Explanatory statement. In Draft Release No. 68, dated July 6, 1954, which proposed a Revised Uniform System of Accounts and Reports for Certificated Air Carriers, the Board gave notice that changes in the accounting and reporting requirements with respect to defense contract activities would be deferred for later modification in order to conform them to the revised accounting and reporting system adopted by the Board. The revised uniform system was adopted on April 30, 1956, to be effective January 1, 1957.

In reviewing the needs of the Board with respect to the accounting and reporting requirements for defense activities it was apparent that a review of the requirements for all nonscheduled transport and non-common carrier activities was also desirable. After consideration of these over-all requirements, it appears that certain modifications of the accounting and reporting system are required to achieve consistency in the principles to be applied to both defense and other special nonscheduled transport activities.

The major provisions of the proposed rule, which encompasses the accounting and reporting requirements for all nonscheduled transport services, are as follows:

1. The name of profit and loss account 07 Charter has been changed to 07 Charter and Special. It is intended that this account include gross revenues from all nonscheduled transport services, whether derived at published tariff or contractual rates, where the responsibility for providing transportation rests in the air carrier and the remuneration paid by the party receiving transportation for the exclusive use of the aircraft accrues directly to the air carrier.

Expenses associated with the operation of such nonscheduled transport services would be included, in gross, in the appropriate transport operations expense accounts.

2. Revenues and related expenses, associated with flight facilities furnished or operated by the air carrier, where the responsibility for providing transportation rests in others and the remuneration paid by the party receiving transportation accrues directly to others would continue to be included in classification 4600 Incidental Revenues—Net.

3. Nonscheduled transport services may become of such magnitude as to distort the results of regularly scheduled certificated services. The proposed rule sets forth a standard to define this magnitude. Where such distortion occurs, the Board is handicapped in its regulatory functions to the extent that the nonscheduled services are not separately identified in CAB Form 41 reports. Consequently, such services would be reported on appropriate schedules of CAB Form 41 in the same manner as if conducted by a separate transport entity.

4. A new schedule (D–1), which is essentially the same as the Form 41–D Waiver Report now required, is proposed for reporting in summary form the volume of activities performed for the defense establishment. It is not proposed to require special accounting treatment for nontransport activities conducted for the defense establishment. Accounting for such activities would follow the same accounting procedures as prescribed for other similar nontransport activities. However, both transport and nontransport defense activities would be reported on Schedule D–1.

5. Aircraft days assigned to aircraft rented, leased or loaned to others (exclusive of interchange aircraft), would be reported by aircraft type as a footnote to Schedule T–3 Quarterly Statement of Aircraft Operating Statistics.

6. Under the proposed procedure information related to defense operations may be accorded a restricted classification when, and as, required by the national interest without disturbing standard operating and accounting practices or comparability with results during periods in which defense operations are not classified.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) which will become effective January 1, 1957, in the following respects:

1. By amending account 07 of § 241.12 to read as follows:

07 *Charter and Special.* (a) Record here the revenue from nonscheduled transport services provided by the accounting air carrier where the party receiving the transportation obtains exclusive use of an aircraft at either published tariff or other contractual rates and the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, the air carrier.

(b) This account shall not include revenues or fees received from other air carriers or others for flight facilities furnished or operated by the accounting air carrier where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, other air carriers or others. Such revenues and related expenses shall be included in profit and loss accounts 11 Rents, 13 Interchange Sales-Associated Companies, 15 Interchange Sales-Outside, or 18 Other Incidental Revenues, as appropriate.

2. By amending account 18 of § 241.12 to read as follows:

18. *Other Incidental Revenues.* (a) Record here revenues from and expenses related to incidental services not provided for in profit and loss accounts 10 through 17, inclusive, such as revenues and expenses incident to flight facilities operated by the accounting air carrier, except those operated under aircraft interchange agreements, where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, other air carriers or others; and revenues and expenses incident to vending machines, parcel rooms, storage facilities, etc.

(b) Revenues from the rental of property and equipment to others shall not be included in this account but in profit and loss account 11 Rents.

(c) This account shall be subdivided as follows by all air carrier groups:

18.1 Gross Revenues.
18.2 Depreciation Expense.
18.3 Other Expenses.

3. By amending account 19 of § 241.12 to read as follows:

19 *Other Operating Revenues.* (a) Record here revenues associated with air transportation conducted by the air carrier, not provided for in profit and loss accounts 01 through 09, inclusive, such as revenue from service charges for failure to cancel or for late cancellation of air transportation reservations, revenue from the transportation of corpses, and revenue from nontransportation service charges collected on both revenue and nonrevenue flights.

(b) Revenues derived from aerial photography, advertising, or other special flights shall not be included in this account but in account 07 Charter and Special.

(c) This account shall be subdivided as follows by all air carrier groups:

19.1 Reservations Cancellation Fees.
19.9 Miscellaneous Operating Revenues.

4. By amending § 241.21 (i) to read as follows:

(i) The entities for which separate reports are hereinafter prescribed shall be those for which separate reports are being made as of December 31, 1956; provided:

(1) Where the total available ton-miles flown in, or gross revenues from, all nonscheduled transport services of a reporting entity, in any two consecutive calendar quarters exceed, respectively, 10 percent of such volumes of the scheduled transport services of such reporting entity, the air carrier shall make reports of such nonscheduled transport services as if they were conducted by a physically separated transport entity. Such reports shall be made on the appropriate schedules of Form 41 designated for the reporting by separate transport entities of balance sheet, profit and loss, and traffic and capacity elements.

(2) Where a carrier has more than one reporting entity, nonscheduled transport services shall be assigned to the entity to which most closely related and the determination as to whether separate reports for the nonscheduled transport services are required shall be made on the basis of such assignment. However, where separate reports of nonscheduled transport services are not required in accordance with the foregoing, such services shall be included in the reports of the reporting entity to which they are most closely related.

5. By amending the second sentence of paragraph (h), instructions for Schedule T–3 Quarterly Statement of Aircraft Operating Statistics, § 241.25, to read as follows: "It shall not include aircraft which are otherwise rented, leased, or loaned to others, for which aircraft days shall be reported by equipment type as a footnote to this schedule, or aircraft of others used by the air carrier under interchange agreements."

6. By inserting § 241.27 to read as follows:

§ 241.27 *National defense elements.*

SCHEDULE D–1—SERVICES PERFORMED FOR THE DEFENSE ESTABLISHMENT [1]

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Item 1 or item 2 shall be checked, as appropriate to indicate the status of the operating entity with respect to services performed for the defense establishment.

(d) The volume of services performed for the defense establishment shall be indicated, where item 2 has been checked, by inserting the required information. These data shall not include transportation performed in the air carrier's regularly scheduled transport services. Item 2A, Gross revenues, fees, and reimbursements, shall include all gross revenues and fees, together with reimbursements of expenses which are properly chargeable against income under the principles reflected in this system of accounts, for services performed for the defense establishment. Hours and miles flown in transport services shall be reported by aircraft type in columns (1) and (2) of item 2C.

[F. R. Doc. 56-6958; Filed, Aug. 28, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in Cavalier County, North Dakota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 24th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6943; Filed, Aug. 28, 1956; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–6]

BATTELLE MEMORIAL INSTITUTE

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the facility license set forth below to Battelle Memorial Institute, Columbus, Ohio. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

License; No. R–4. 1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Battelle Memorial Institute, Columbus, Ohio (hereinafter referred to as "the Institute"):

(a) Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act"), and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

(b) Pursuant to the act and 10 CFR, Chapter I, Part 70, "Special Nuclear Materials Regulations," to receive, possess and use:

(1) 5.2 kilograms of contained uranium 235 in fuel element assemblies as fuel for operation of the facility;

(2) 1.63 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility.

(c) Pursuant to the act and 10 CFR, Chapter I, Part 30, "Licensing of By-Product Material," to possess, but not to separate from the fuel, such special nuclear and by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor which is owned by the Institute and located at West Jefferson, Ohio, and described in the Institute's application dated May 4, 1955.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, including the proposed "Standards for Protection Against Radiation" regulation (10 CFR, Part 20) published in the FEDERAL REGISTER July 15, 1955; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, August 5, 1965, unless sooner terminated.

Date of issuance: August 10, 1956.

Dated at Washington, D. C., this 23d day of August 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. The Institute shall operate the reactor in accordance with the procedures described in its application dated May 4, 1955, and supplements transmitted by the Institute on April 4, 1956 and June 5, 1956.

b. The Institute shall not by-pass any control mechanism during the operation of the facility.

c. The Institute shall not operate the reactor at power levels in excess of 1,000 kilowatts without previous authorization from the Commission.

d. The reactor shall be operated in such a manner that all positive reactivity additions by the shim-safety rods are made by manual manipulation only.

[1] Filed as part of the original document.

e. The fuel loading in the reactor shall be such that the excess reactivity will not exceed that required for operation without experiments at 1,000 kilowatts in the particular operating position being utilized.

II. *Records.* In addition to those otherwise required under this license, the Institute shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the Institute as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* The Institute shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 56-6918; Filed, Aug. 28, 1956; 8:46 a. m.]

[Docket No. F-15]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to Aerojet-General Nucleonics, Walnut Creek, California. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

Construction permit; No. CPRR-6. Aerojet-General Nucleonics, Walnut Creek, California (hereinafter "AGN"), on May 28, 1956, filed its application for a Class 104 license defined in § 50.21 of Part 50, 10 CFR, Chapter I, to construct and operate a nuclear reactor (hereafter "the reactor"). Amendments to the application were filed on June 12, 1956, and July 5, 1956. The original application together with said amendments is hereinafter referred to as "the application."

Based on the information submitted by AGN in its application, the Atomic Energy Commission (hereinafter "the Commission") has found that:

(A) The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities."

(B) AGN proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

(C) AGN is financially qualified to construct and operate the reactor in accordance with the regulations contained in 10 CFR, Chapter I; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

(D) AGN is technically qualified to design and construct the reactor.

(E) AGN has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to AGN to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(A) The earliest date for the completion of the reactor is October 1, 1956. The latest date for completion of the reactor is January 1, 1957. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

(B) The site proposed for the location of the reactor is the location in San Ramon, Contra Costa County, California, specified in the "Reactor Hazards Evaluation Report and Site Survey for the AGN-201 Nuclear Reactor" submitted by AGN.

(C) The reactor authorized for construction is a self-contained nuclear reactor designed to operate at a power level of 100 milliwatts, using uranium enriched in the isotope uranium 235 as fuel, and designated as AGN-201. The reactor shall be constructed in accordance with design described in the "AGN Model 201 Nuclear Reactor—Preliminary Design Study, May 1956".

The conversion of this permit to a license is subject to submittal by AGN to the Commission (by amendment of the application) of a complete, final Hazards Summary Report. The final Hazards Summary Report must show that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to AGN pursuant to section 104c of the Atomic Energy Act of 1954, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance: August 16, 1956.

Dated at Washington, D. C., this 23d day of August 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 56-6917; Filed, Aug. 28, 1956; 8:46 a. m.]

[Docket No. F-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on August 20, 1956, the National Advisory Committee for Aeronautics, Washington, D. C., filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a nuclear research reactor designed to operate at 60 megawatts and to be located at a site near Sandusky, Ohio.

Dated at Washington, D. C., this 23d day of August 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 56-6919; Filed, Aug. 28, 1956; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 149]

NATIONAL-BEN FRANKLIN INSURANCE CO. OF PITTSBURGH, PA.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

AUGUST 23, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $813,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

The Certificate of Authority issued this company as of May 1, 1956, to act as a reinsuring company only on Federal bonds under Department Circular No. 297, July 15, 1922, 31 CFR Part 223 is hereby revoked, in view of the company's qualification as a direct writing company.

Name of company, location of principal executive office and State in which incorporated: National-Ben Franklin Insurance Company of Pittsburgh, Pa., Pittsburgh, Pennsylvania.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6950; Filed, Aug. 28, 1956; 8:50 a. m.]

Internal Revenue Service

[Order 37]

CERTAIN OFFICERS AND EMPLOYEES

DELEGATION OF AUTHORITY TO ADMINISTER OATHS AND TO CERTIFY

The following officers and employees are hereby authorized to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations made thereunder:

(a) Assistant Commissioner (Inspection).

(b) Regional Commissioners and District Directors of Internal Revenue.

(c) Assistant Regional Commissioners (Intelligence); Executive Assistants to Assistant Regional Commissioners (Intelligence); Chiefs, Review and Conference Staff, Intelligence Division; and Reviewer Conferees, Intelligence Division.

(d) Assistant Regional Commissioners (Alcohol and Tobacco Tax); Chiefs, Aids to Chiefs, Supervisors in Charge, Assistant Supervisors in Charge, Special Investigators, Investigators, and Inspectors.

(e) Officers and employees of the respective divisions of the Internal Revenue Service designated as follows:

(1) *Collection Division.* Chiefs of the Collection Division, Chiefs of the Delinquent Accounts and Returns Branches, and Group Supervisors.

(2) *Audit Division.* Chiefs of Divisions and Branches, Group Supervisors, all Internal Revenue Agents, and Estate Tax Examiners.

(3) *Intelligence Division.* Chiefs, Assistant Chiefs, Group Supervisors, and all Special Agents.

(4) *Inspection.* Director, Internal Security Division; Assistant Directors, Internal Security Division; Regional Inspectors; and all Internal Security Inspectors.

This Order supersedes Commissioner's Reorganization Order No. 5 (17 F. R. 4587), dated May 15, 1952.

Issued: August 9, 1956.

Effective: August 9, 1956.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 56-6951; Filed, Aug. 28, 1956; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF HIGHWAY PROJECTS

The following delegation of authority is promulgated pursuant to the authority vested in me by subsection 202 (f) of the National Security Act, as amended, 63 Stat. 581; (5 U. S. C. 171a (f)) and Section 5 of Reorganization plan No. 6 of 1953, 67 Stat. 638; (5 U. S. C. 133z-15).

1. There is hereby delegated to the Secretary of the Army full power and authority to act for and in the name of the Secretary of Defense, and to exercise the power and authority of the Secretary of Defense upon any and all matters relating to the certification of highway projects as important to the national defense, on which the Secretary of Defense is authorized to act pursuant to section 308 of the Supplemental Appropriation Act, 1957 (July 27, 1956) Pub. Law 814—84th Cong., 2d session, 70 Stat. 682.

2. All certifications of projects as important to the national defense made pursuant to this delegation shall be deemed to have been made by the Secretary of Defense and with the full power and authority of the Secretary of Defense.

3. The authority delegated herein may be redelegated to the Chief of Transportation, Department of the Army.

Nothing herein shall be construed to change in any respect Department of Defense Directive Number 4500.22 of October 18, 1955.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

AUGUST 22, 1956.

[F. R. Doc. 56-6927; Filed, Aug. 28, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[66480]

CALIFORNIA

CENTRAL VALLEY PROJECT, CALIFORNIA, ORDER OF REVOCATION

AUGUST 22, 1956.

In Federal Register Document 56-6378, appearing at pages 5943-5944 of the issue for Wednesday, August 8, 1956, the name of the State in paragraph No. 6 of the order should read "California."

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-6930; Filed, Aug. 28, 1956; 8:46 a. m.]

Bureau of Reclamation

AMERICAN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 27, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 13 E.,
Sec. 9, N½NE¼SE¼;
Sec. 10, SW¼, W½W½SE¼.

The above areas aggregate 219.3 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71414]

AUGUST 22, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the American River Division of the Central Valley Project, California

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the constructed Sly Park Reservoir, American River Division, Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-6931; Filed, Aug. 28, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List 194]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 30, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN BROADCAST STATIONS

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		600 kilocycles				
XEZ	Merida, Yucatan (increase power)	10 kw	DA-1	U	III	Sept. 30, 1956
		870 kilocycles				
XEMM	Morelia, Michoacan (change frequency from 1580 kc.).	500 w D		D	II	Jan. 30, 1957
XEQL	Zamora, Michoacan (delete assignment—vide 1580 kc.).	1 kw	DA-N	U	II	July 30, 1956
		930 kilocycles				
XEEX	Culiacan, Sinaloa (delete assignment).	5 kw	DA-N	U	III	Do.
		1010 kilocycles				
XEWS	Culiacan, Sinaloa (new)	5 kw D/250 w N	ND	U	II	Jan. 30, 1957
		1520 kilocycles				
XEJL	Montemorelos, Nuevo Leon (change call letters from XEIIW).	100 w N/250 w D		U	IV	July 30, 1956
		1440 kilocycles				
XEIIW	Rosario, Sinaloa (change call letters from XEJL).	250 w		U	IV	Do.
		1580 kilocycles				
XEQL	Zamora, Michoacan (change frequency from 870 kc.).	1 kw D/100 w N		U	II	Jan. 30, 1957
XEMM	Morelia, Michoacan (delete assignment—vide 870 kc.).	500 w D		D	II	July 30, 1956

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-6913; Filed, Aug. 28, 1956; 8:45 a. m.]

[Change List 104]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 13, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
CBG	Gander, Newfoundland	*850 kilocycles* 1 kw	DA-1	U	II	Delete assignment.
CBT	Grand Falls, Newfoundland	*1550 kilocycles* 1 kw	ND	U	III	Do.
CKCL	Truro, Nova Scotia	*1140 kilocycles* 0.25 kw	ND	U	IV	Do.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc 56-6912; Filed, Aug. 28, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4102 etc.]

ALTEX CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

In the matters of The Altex Corporation, Docket No. G-4102; Herman F. Heep, Docket No. G-4112; Warren Petroleum Coroporation, Docket No. G-4141; Herman F. Heep et al., Docket No. G-4412; Oil and Gas Property Management, Inc., Docket Nos. G-4905, G-4906, G-4908; Ed. Hollyfield et al., Docket No. G-5115; Rio Hondo Oil Company, Docket No. G-5116; K. S. Adams, Jr., Docket Nos. G-5117—G-5120, inclusive; Sunray Mid-Continent Oil Company,[1] Docket Nos. G-5123—G-5132, inclusive, G-5134, G-5135, G-5172—G-5179, inclusive; A. S. Megert, d. b. a. Plains Oil and Gas Company, Inc., Docket No. G-5137; The Carter Oil Company, Docket Nos. G-5141—G-5143, inclusive; Imperial Production Corporation, Docket Nos. G-5154—G-5157, inclusive; Hope Producing Company, Docket Nos. G-5166—G-5168, inclusive; Barnett and Hanson, Docket No. G-5189; Tom Vessels, Jr., Docket No. G-5192; Earl C. H. Walker, Docket No. G-5195; Dillard & Waltermire Drilling Co., Docket No. G-5210; Kinney-Coastal Oil Company, Docket No. G-5249; E. L. Green, Jr., Docket No. G-5283; J. Howard Coleman, Docket No. G-5655; Brooks Pierce, d. b. a. Brooks Pierce Drilling Company, et al., Docket No. G-5666; E. C. and R. C. Sidwell, Partners, Docket No. G-5760; Adolph Beren, H. H. Beren and I. H. Beren, Copartners, d. b. a. Okmar Oil Co., a copartnership, Docket Nos. G-5956—G-5959, inclusive, G-5961; William C. Doenges, Docket No. G-6257; B. H. Putnam, Operator, Docket No. G-6695; C. M. Frost, et al., Docket No. G-6880; Oliver Jenkins, Docket No. G-6885; King Gas Company, Docket No. G-6891; J. C. Barnes, Docket No. G-6899; Harlan B. Hogue, Docket No. G-6952; Barbara Oil Company, Docket No. G-7191; N. G. Busch, Docket No. G-7231; Barr Gas Company, P. P. Gunn, Agent, Docket No. G-7280; Maffet Lease, Holly Nester, Agent, Docket No. G-7281; Edwin L. Cox, Docket No. G-7408; John M. Kelly, Docket No. G-7410; Crown Central Petroleum Corporation, Docket No. G-7411; J. C. Dozier et al., Docket No. G-7422; H. M. Gillespie et al., Docket No. G-7423; Garnett Gas Company, Docket No. G-7756; Vance Gas Company, Docket No. G-7757; Laywell Gas Company, Docket No. G-7758; Harris Gas Company, Docket No. G-7759; Licking River Gas and Oil Company, Docket No. G-7807; Aladdin Petroleum Corporation, Docket Nos. G-7808—G-7810, inclusive; Leslie Oil and Gas Company, Docket No. G-7827; Arnold Gas Company, Docket No. G-7861; Paugh Gas Company, Docket No. G-7862; Ted Weiner et al., Docket Nos. G-8008—G-8010, inclusive, G-8012, G-8014, G-3015, G-8017—G-8019, inclusive, G-8021—G-8026, inclusive, G-8028, G-8029, G-8033—G-8035, inclusive; B. L. McFarland, Inc., Docket Nos. G-8011, G-8027; Ted Weiner, Docket Nos. G-8013, G-8020; Ladenberg, Thalmann & Co. et al., Docket Nos. G-8016, G-8030, G-8031; Hubert G. Hohe et al., Docket No. G-8032; Countess Mary Helen de Nicolay (by Ted Weiner, Operator), Docket No. G-8036; Oroco Oil and Gas Company, Docket No. G-8091; Thacker Gas Company, Docket No. G-8251; Clark Curry, Agent, Docket No. G-8252; McLean Gas Company, Docket No. G-8253; De Jarnett Gas Company, Docket No. G-8254; A. N. Henson, Agent, Docket No. G-8255; Humphrey Gas Company, Docket No. G-8258; Wysong Gas Company, Docket No. G-8259; Clark Curry, Trustee, Docket No. G-8260; Shafer Gas Company, Docket No. G-8261; Haines Gas Company, Docket No. G-8263; B. C. and K. Gas Company, Docket No. G-8264; Craddock Gas Company, Docket No. G-8265; Charles W. Campbell, Docket No. G-8306; Edwin Adkins, Docket No. G-8375; B. F. Phillips and A. O. Phillips, Docket No. G-9332.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

4102, 4112; East Alice Area, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

4141; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Company.

4412; West Ace Field, Polk and San Jacinto Counties, Tex.; Tennessee Gas Transmission Company.

4905; Blue Basin, Daboval, Reitz, Twin Basin and West Withers Fields, Wharton County, Tex.; Tennessee Gas Transmission Company.

4906; McCoy, Cleveland and Lick Branch Fields, Liberty and San Jacinto Counties, Tex.; Tennessee Gas Transmission Company.

4908; Cleveland Townsite Field, Liberty County, Tex.; Tennessee Gas Transmission Company.

5115; Lisbon Field, Claiborne Parish, La.; Hassie Hunt Trust.

5116; West Panhandle Field, Gray and Carson Counties, Tex.; Phillips Petroleum Company.

5117; Panhandle Field, Moore County, Tex.; Phillips Petroleum Company.

5118, 5119; Panhandle Field, Moore and Hartley Counties, Tex.; Phillips Petroleum Company.

5120; Hugoton Field, Moore and Sherman Counties, Tex.; Phillips Petroleum Company.

5123; Placedo, Heyser, McFadden and East Placedo Fields, Victoria and Calhoun Counties, Tex.; Tennessee Gas Transmission Company.

5124; Wyrick Field, Refugio County, Tex.; Tennessee Gas Transmission Company.

5125; North Lissie Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

5126, 5130; Karon and North Goebel Fields, Live Oak County, Tex.; Texas Eastern Transmission Corporation.

5127; E. Meyersville Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

5128; Holzmark-Wilcox Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

5129, 5132; Hordes Creek Field, Goliad County, Tex.; Texas Eastern Transmission Corporation.

5131; Hostetter and North Hostetter Fields, Live Oak, McMullen and Duval Counties, Tex.; Texas Eastern Transmission Corporation.

5134; Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

5135; La Gloria Field, Jim Wells County, Tex.; Transcontinental Gas Pipe Line Corporation.

5137; Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

5141, 5142; Katie Field, Garvin County, Okla.; Lone Star Gas Company.

5143; Hugoton Field, Kearny County, Kans.; Northern Natural Gas Company.

5154; Bethany Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

5155; Waskom Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

5156; Minoak Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

5157; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

5166, 5168; Monroe Field, Ouachita and Union Parishes, La.; Olin Gas Transmission Corporation.

5167; Monroe Field, Ouachita and Union Parishes, La.; Southern Natural Gas Company.

5172; Drinkard Field, Lea County, N. Mex.; Permian Basin Pipe Line Company.

5173; Guymon-Hugoton Field, Texas County, Okla.; Northern Natural Gas Company.

5174; Monument Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5175; North McFadden Field, Victoria County, Tex.; United Gas Pipe Line Company.

5176; Hugoton Field, Stevens County, Kans.; Panhandle Eastern Pipe Line Company.

5177; Jal Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5178; Hugoton Field, Kearny County, Kans.; Cities Service Gas Company.

5179; Doyle Field, Stephens County, Okla.; Lone Star Gas Company.

5189; Spraberry Trend Area, Tex.; Phillips Petroleum Company.

5192; Sun Field Areas, Starr County, Tex.; Tennessee Gas Transmission Company.

5195; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

5210; La Sal-Vieja Field, Willacy County, Tex.; Tennessee Gas Transmission Company.

5249; Hugoton Field, Baldridge Gas Unit and Curtis Gas Unit, Stevens County, Kans.; Panhandle Eastern Pipe Line Company; Kansas-Colorado Utilities, Inc.

5283; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

5655; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.

5666; Arbuckle, Dolomite Area, Pawnee County, Kans.; Kansas Nebraska Natural Gas Co., Inc.

5760; Martin Lease, East Panhandle Field, Wheeler County, Tex.; Lone Star Gas Company.

5956; Mannington District, Marion County, W. Va.; South Penn Natural Gas Company.

5957–5959 inclusive; Sherman District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

5961; Sheridan and Center Districts, Calhoun County, W. Va.; Hope Natural Gas Company.

6257; Panhandle Field, Moore and Hutchinson Counties, Tex.; Phillips Petroleum Company.

6695; Putnam Gas Field, Harris District, Wood County, W. Va.; Gas Transport, Inc.

6880; Fig Ridge, Sherman County, Tex.; Texas Gas Corporation.

6885; Pike County, Ky.; Kentucky and West Virginia Gas Company.

6891; Pleasant District, Clay County, W. Va.; Godfrey L. Cabot, Inc.

6899; TXL Field and Yarbrough-Allen Field, Ector County, Tex.; Shell Oil Company; The Texas Company; The Superior Oil Company; El Paso Natural Gas Company.

6952; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

7191; Medicine Lodge Field, Barber County, Kans.; Kansas Power & Light Company; Zenith Gas System, Inc.

7231; Wharton Field, Ritchie County, W. Va.; South Penn Oil Company.

7280, 7281; Lee and Sherman Districts, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7408; Hugoton Field, Morton and Stanton Counties, Kans.; Cities Service Gas Company; Kansas Nebraska Natural Gas Company, Inc.

7410; Eumont and Jalmat Fields, Lea County, N. Mex.; El Paso Natural Gas Company; Permian Basin Pipe Line Company.

7411; Iota Field, Acadia Parish, La.; Louisiana Natural Gas Corporation.

7422; Hugoton Field, Finney County, Kans.; Kansas Nebraska Natural Gas Company.

7423; Hugoton Field, Kearny County, Kans.; Cities Service Gas Company.

7756; Carroll District, Lincoln County, W. Va.; South Penn Natural Gas Company.

7757–7759 inclusive; Curry District, Putnam County, W. Va.; South Penn Natural Gas Company.

7807; Grassy Creek Field, Magoffin County, Ky.; Inland Gas Corporation.

7808; Blanco Largo Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

7809; Liberal-Southeast Field, Seward County, Kans.; Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

7810; Schulte Field, Sedgwick County, Kans.; Cities Service Gas Company.

7827; Cow Creek Field, Floyd County, Ky.; Inland Gas Corporation.

7861, 7862; McComas District, Cabel County, W. Va.; South Penn Natural Gas Company.

8008–8010, inclusive, 8012, 8014, 8015, 8017–8019, inclusive, 8021–8026, inclusive, 8028, 8029, 8033–8035, inclusive; Spraberry Trend Field, Midland, Reagan and Upton Counties, Tex.; Phillips Petroleum Company.

8011; Spraberry Trend Field, Reagan County, Tex.; Phillips Petroleum Company.

8013, 8016, 8020, 8027, 8030, 8031, 8032; Spraberry Trend Field, Midland County, Tex.; Phillips Petroleum Company.

8036; Spraberry Trend Field, Midland and Upton Counties, Tex.; Phillips Petroleum Company.

8091; Rio Area, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

8251; Lincoln County, W. Va.; United Fuel Gas Company.

8252; Putnam County, W. Va.; South Penn Natural Gas Company.

8253, 8254, 8264, 8265; Salt Rock Field, Cabell County, W. Va.; South Penn Natural Gas Company.

8255; Duval District, Lincoln County, W. Va.; South Penn Natural Gas Company.

8258; Putnam County, W. Va.; United Fuel Gas Company.

8259–8261, inclusive, 8263; Lincoln and Putnam Counties, W. Va.; South Penn Natural Gas Company.

8306; Marrowbone Creek Field, Mingo County, W. Va.; United Fuel Gas Company.

8375; Midkiff Field, Lincoln County, W. Va.; United Fuel Gas Company.

9332; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

AUGUST 22, 1956.

[F. R. Doc. 56-6895; Filed, Aug. 28, 1956; 8:45 a. m.]

[1] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company.

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

NOTICE OF INSTITUTION OF PROCEEDING AND OF HEARING THEREIN

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

1. At a meeting of the Board of Governors of the Federal Reserve System held at its offices in the city of Washington, D. C. on the 29th day of June 1956, the reports of examination made by the Federal Reserve Bank of San Francisco of the condition of The Continental Bank and Trust Company of Salt Lake City, Utah, a member bank of the Federal Reserve System, were presented and considered. The Board, having considered the aforesaid reports, which, if correct and true, would appear to indicate that the net capital and surplus funds of The Continental Bank and Trust Company may be inadequate in relation to the character and condition of its assets and to its present and prospective deposit liabilities and other corporate responsibilities, deemed it necessary and appropriate to initiate this proceeding with formal hearing under Section 9 of the Federal Reserve Act (12 U. S. C. sec. 327), and so ordered, for the purpose of determining:

(a) The adequacy or inadequacy of the net capital stock and surplus of The Continental Bank and Trust Company in relation to the character and condition of its assets and to its present and prospective deposit liabilities and its other corporate responsibilitles; and

(b) What net additional amount, if any, of capital funds is needed by The Continental Bank and Trust Company to have an adequate capital structure; and

(c) What is a reasonable period of time to allow The Continental Bank and Trust Company to effect any increase of its capital funds as may be found to be needed to make them adequate before being required by the Board of Governors to surrender its capital stock in the Federal Reserve Bank of San Francisco and to forfeit all its rights and privileges of membership in the Federal Reserve System for failure to do so.

2. Pursuant to this action at the meeting of June 29, 1956, the Board of Governors further ordered:

(a) That a formal, on the record, adjudicatory hearing for the purpose of taking evidence on the questions set forth in paragraph 1 of this notice be held commencing at 10:00 a. m., on September 10, 1956, in room 230, United States Post Office Building, 350 South Main Street, Salt Lake City, Utah.

(b) That the hearing be held before a trial examiner to be appointed or selected by the Civil Service Commission in accord with the provisions of section 11 of the Administrative Procedure Act of 1946, as amended (5 U. S. C. sec. 1010), and that the hearing, and the proceedings following the hearing, be conducted in accord with the applicable requirements of that act and the Rules of Practice for Formal Hearings (12 CFR Part 263), of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR Part 262).

(c) That in accord with Rule III (b) of the aforesaid Rules of Practice (12 CFR 263.3 (b)), the hearing before the trial examiner will be private, attended only by the representatives, counsel and witnesses of The Continental Bank and Trust Company, and of the Board of Governors of the Federal Reserve System, unless The Continental Bank and Trust Company makes a written request to the Board of Governors that other persons be permitted to attend or that the hearing be made public, in which event such request will be granted.

(d) That authority is granted under section 8 (a) of the Rules of Organization of the Board of Governors of the Federal Reserve System (12 CFR 261.3 (a)) to disclose and introduce as evidence in this proceeding all reports of examinations of The Continental Bank and Trust Company made by examiners of the Federal Reserve Bank of San Francisco: provided, neither the names nor the identities of persons indebted to The Continental Bank and Trust Company shall be in any way disclosed or introduced in evidence.

(e) That formal notice of the institution of this proceeding and of the hearing therein be forthwith served upon The Continental Bank and Trust Company by postage prepaid, registered mail, with return receipt.

By order of the Board of Governors.

JUNE 29, 1956.

Statement. The Continental Bank and Trust Company, Respondent herein, has filed with the Board its written request that the formal hearing scheduled to commence in the above-entitled matter on September 10, 1956, be made public.

The Board's Rules of Practice for Formal Hearings (Rule III (b)) (12 CFR 263.3 (b)) provides that all formal hearings before the Board shall be private with the exception noted below. Accordingly, in its "Notice of Institution of Proceedings and of Hearing Therein" to The Continental Bank and Trust Company the Board ordered that the hearing before the trial examiner be private unless the Respondent requested that the hearing be made public, in which event such request would be granted. The aforesaid Notice also authorized all reports of examinations of Respondent made by examiners of the Federal Reserve Bank of San Francisco to be disclosed and introduced as evidence, provided neither the names nor the identities of persons indebted to Respondent shall be in any way disclosed or introduced in evidence.

The exception to Rule III (b) (12 CFR 263.3 (b)) referred to above is that, on the written request of Respondent or counsel to the Board, the Board when not prohibited by law may order the hearing to be public. Since the Respondent has so requested, the Board has issued the following order:

Order. In view of Respondent's request and subject to the above-mentioned limitation that the names or identities of persons indebted to Respondent shall not in any way be disclosed or introduced in evidence, Respondent's request that the hearing be public is granted, and the Board's Secretary is instructed to make the docket in this proceeding available to the public.

By order of the Board of Governors.

JULY 19, 1956.

Order. In view of the unavailability on September 10, 1956, of the trial examiner selected in the manner stated in section 2 of the "Notice of Institution of Proceeding and of Hearing Therein" in this matter, it is hereby ordered that the time designated in said notice for commencing the hearing be, and is hereby, changed to 10:00 a. m. on October 3, 1956.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

AUGUST 9, 1956.

[F. R. Doc. 56-6953; Filed, Aug. 28, 1956; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

PHILIP N. POWERS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Addition since last submission: Prestole Corp.

This amends statement previously published in the FEDERAL REGISTER June 8, 1956 (21 F. R. 3945).

Dated: August 13, 1956.

PHILIP N. POWERS.

AUGUST 1, 1956.

[F. R. Doc. 56-6946; Filed, Aug. 28, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 240-1316]

UTAH MOAB URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 23, 1956.

I. Utah Moab Uranium Corp., a Utah corporation, 47 North University Avenue, Provo, Utah, filed with the Commission on June 28, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 1,200,000 shares of 1 cent par value common stock, at $2\frac{1}{2}$ cents per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has been advised that A. J. Shapiro, principal underwriter named in the filing, is the subject of an order entered in the United States District Court for the Western District of Washington, permanently enjoining him from further violations of the registration requirements of the Securities Act of 1933.

III. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The aggregate amount of securities to be offered by the issuer exceeded the limitation of $300,000 prescribed by Rule 217 (a) of Regulation A.

2. Sales of the company's securities have been effected without there having been previously or concurrently furnished to the purchaser an offering circular required by Rule 219 (a).

3. The notification and offering circular are false and misleading in failing to show contingent liabilities resulting from sales of securities made by the underwriter in violation of the Securities Act.

4. The issuer has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A.

IV. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6934; Filed, Aug. 28, 1956; 8:47 a. m.]

[File No. 24D-1413]

ALBUQUERQUE ELECTRONICS CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 23, 1956.

I. Albuquerque Electronics Corporation, a New Mexico corporation, 2318 Valencia Drive NE., Albuquerque, New Mexico, having filed with the Commission on September 10, 1954, a notification on Form 1-A and statements required by Rule 219 (b), and subsequently having filed amendments thereto, relating to an offering of 5,000 shares of its $10 par value common stock at $10 per share, amounting to aggregate proceeds to the issuer of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been compiled with in that the company has failed to file reports of sales on Form 2-A as is required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having an interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6935; Filed, Aug. 28, 1956; 8:47 a. m.]

[File No. 1-526]

TRUAX-TRAER COAL CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 23, 1956.

In the matter of Truax-Traer Coal Company, common stock; File No. 1-526.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Los Angeles Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock is comparatively inactive on the Los Angeles Stock Exchange. It will remain listed on the New York Stock Exchange and on the Midwest Stock Exchange.

Upon receipt of a request, on or before September 11, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6936; Filed, Aug. 28, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS

[Notice 127]

AUGUST 24, 1956.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 82, filed August 10, 1956, PACIFIC INTERMOUNTAIN EX-

PRESS CO., A Corporation, 299 Adeline Street, Oakland, Calif. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizers* and *fertilizer solutions*, from Walla Walla, Wash., and points within five miles thereof, to points in Oregon on and east of U. S. Highway 97. Applicant is authorized to conduct operations in Idaho, Oregon, Montana, Washington, and California.

No. MC 1441 Sub 14, filed August 9, 1956, MERRILL MOTOR LINE, INC., 2520 NE. 35th Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Fort Worth and Dallas, Tex., to points in Texas, limited to peddler truck service only. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 2484 Sub 33, filed August 13, 1956, E. & L. TRANSPORT COMPANY, a Corporation, 14201 Schaden Avenue, Dearborn, Mich. Applicant's representative: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, truck tractors, automobile chassis, truck chassis*, and *motor vehicle bodies*, in initial movements, in truckaway and driveaway service, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, except on and south of U. S. Highway 24 and except East St. Louis, Ill., Commercial Zone as defined by the Commission, Iowa, Missouri (other than St. Louis, Mo.), Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, except Moffet, Okla., and Texarkana, Tex., to which truckaway service alone will be required. Applicant is authorized to conduct operations throughout the United States.

No. MC 3341 Sub 15, filed August 1, 1956, LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Ind. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of Chrysler Corporation plant located at or near Twinsburg, Ohio, as an off-route point in connection with carrier's authorized regular route operations between Detroit, Mich., and Akron, Ohio, over U. S. Highway 21 and Ohio Highways 8 and 18. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 5111 Sub 8, filed August 13, 1956, TOM SMITH, doing business as SMITH'S FILM SERVICE, 316 West Franklin, White Hall, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers; motion picture films*, and in connection therewith, *advertising matter* and *motion picture theatre supplies*, between St. Louis, Mo., and Fort Madison, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

No. MC 17226 Sub 11, filed August 14, 1956, FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison St., Chicago 24, Ill. Applicant's representative: Eugene L. Cohn, No. 1 North LaSalle St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated household laundry machines* and *parts* and *accessories* thereof, when transported in connection with and intended for installation on said machines, (1) from Benton Harbor, Mich. and St. Joseph, Mich. to Cleveland, Cincinnati, and Dayton, Ohio, Louisville, Ky., St. Louis, Mo., and Milwaukee, Wis.; (2) from Clyde, Ohio, and Marion, Ohio, to Louisville, Ky., Indianapolis, Fort Wayne, and South Bend, Ind., Detroit, Lansing, Flint, and Grand Rapids, Mich., St. Louis, Mo., Milwaukee, Wis., and Chicago, Ill.; *uncrated stoves and ranges* and *parts* and *accessories* thereof when transported in connection with and intended for installation on said stoves and ranges, (1) from Newark, Ohio, and Hamilton, Ohio, to Louisville, Ky., Indianapolis, Fort Wayne, and South Bend, Ind., Detroit, Lansing, Flint, and Grand Rapids, Mich., St. Louis, Mo., Milwaukee, Wis., and Chicago, Ill.; (2) from Kankakee, Ill., to Cleveland, Cincinnati, and Dayton, Ohio, Louisville, Ky., Indianapolis, Fort Wayne, and South Bend, Ind., St. Louis, Mo., Milwaukee, Wis., and Detroit, Lansing, Flint, and Grand Rapids, Mich.; *such commodities as are dealt in by department stores and mail order houses*, from Chicago, Ill., to Bellefontaine, Bucyrus, Cambridge, Chillicothe, Columbus, Dayton, Delaware, Galion, Greenfield, Greenville, Hamilton, Ironton, Kenton, Lancaster, Lima, Logan, Mansfield, Marion, Middletown, Mt. Vernon, Newark, Portsmouth, Sidney, Springfield, Troy, Wapakoneta, Washington Court House, Wooster, and Zanesville, Ohio. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, and Illinois.

No. MC 30022 Sub 80, filed August 20, 1956, PAUL S. CREBS, P. O. Box 111, Northumberland, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Domestic washers, dryers* and *rangees* (crated), from Connersville, Ind., to Allentown, Altoona, Bellefonte, Danville, Lock Haven, State College, Pottsville, and Williamsport, Pa., (2) *Domestic washers* and *dryers* (crated), from Mt. Clemens, Mich., to Allentown, Altoona, Bellefonte, Danville, Lock Haven, State College, Pottsville, and Williamsport, Pa., (3) *Refrigerators, freezers* and *air conditioning units* from Connersville, Ind., to Altoona, Pa., (4) *Water heaters*, (crated), from Middleville, Mich., to Altoona, Pa. Applicant is authorized to conduct operations in Indiana, Pennsylvania, and Michigan.

No. MC 41635 Sub 31 (further amended), published on page 4985, issue of July 4, 1956, filed June 11, 1956, DEALERS TRANSPORT COMPANY, 1368 Riverside Boulevard, P. O. Box 2482, DeSoto Station, Memphis, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, truck tractors, automobile chassis and truck chassis*, in intitial movements, by both the driveaway and truckaway methods, and *motor vehicle bodies*, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, on and north of U. S. Highway 24, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, except Moffett, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, except Texarkana, Utah, Vermont, Washington, Wisconsin, Wyoming, Kentucky, and the District of Columbia. Applicant is authorized to conduct operations in Missouri, Tennessee, Arkansas, Mississippi, Kentucky, Louisiana, Alabama, Oklahoma, Texas, Virginia, West Virginia, Ohio, Indiana, Georgia, Florida, North Carolina, South Carolina, and Illinois.

No. MC 45813 Sub 3, filed July 26, 1956, THE DUMFORD TRUCKING COMPANY, a corporation, 1700 Plum Street, Middletown, Ohio. Applicant's representative: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plastic products* and *plastic articles* (as more fully described in the application), from Franklin, Warren County, Ohio, to points in Indiana, Illinois, and Kentucky, and points in that part of Pennsylvania on and west of U. S. Highway 219, points in that part of West Virginia on and west of U. S. Highway 19, and points in that part of Michigan on and south of a line extending from Ludington along U. S. Highway 10 to Flint and thence along Michigan Highway 21 to Port Huron; and *returned and rejected shipments of the commodities specified* and *skids, pallets* and *containers* used in the transportation of said commodities, from the above-specified destination points, to Franklin, Ohio.

No. MC 52465 Sub 15, filed August 6, 1956, WESTERN EXPRESS, A Corporation, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's representative: Randall Swanberg, 527-529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Great Falls, Mont., and Missoula, Mont., from Great Falls, over combined U. S. Highways 89-91 to Vaughn, Mont., thence over U. S. Highway 89 to Sun River, Mont., thence over Montana Highway 20, over Rogers Pass Route, Mont., to Milltown, Mont., thence over U. S. Highway 10 to Missoula, Mont., serving all intermediate points. Applicant is authorized to conduct operations in Montana.

No. MC 52465 Sub 16, filed August 6, 1956, WESTERN EXPRESS, A Corporation, 2390 Ninth Avenue North, Great Falls, Mont. Applicant's representative: Ray F. Koby, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Helena, Mont., and Spokane, Wash., from Helena over U. S. Highway 10N to junction U. S. Highway 10, thence over U. S. Highway 10 to Spokane, and return over the same route, serving the intermediate points of Clinton, Drummond, Garrison, Avon, Elliston, and Missoula, Mont.

NOTE: Applicant proposes to serve the intermediate point of Missoula, Mont., on eastbound shipments originating at Missoula, and westbound shipments destined to Missoula, Mont. Applicant is authorized to conduct operations in Montana.

No. MC 58937 Sub 9, filed August 15, 1956, H. E. SWEZEY & SON TRANSPORTATION, INC., North Country Road, Eastport, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities in bulk*, but excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between points in Nassau and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, and the Philadelphia Commercial Zone, as defined by the Commission.

No. MC 66562 Sub 1301, filed July 30, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Cincinnati, Ohio, and Morrow, Ohio: (a) from Cincinnati over U. S. Highway 50 to Milford, thence over Ohio Highway 126 to junction unnumbered highway (Madeira-Loveland Road), thence over Madeira-Loveland Road to Madeira, thence over unnumbered highway (Miami Road) to junction U. S. Highway 22, thence over U. S. Highway 22 to Morrow, thence return over U. S. Highway 22 to junction Ohio Highway 48, thence over Ohio Highway 48 to junction unnumbered highway (Grandin Road), thence over Grandin Road to Kings Mills, thence over Ohio Highway 48 to junction Ohio Highway 48, thence over Ohio Highway 48 to Lebanon, Ohio, and return over the same route; (b) from Cincinnati over U. S. Highway 42 to Lebanon, thence over Ohio Highway 48 to junction U. S. Highway 22, thence over U. S. Highway 22 to Morrow, and return over the same route. Service is authorized at the intermediate points of Milford and Kings Mills, Ohio. The proposed extension to be joined, tacked or combined with applicant's authorized regular route operations in MC 66562 Sub Nos. 79, 354 and 642, respectively, between Cincinnati-Lebanon-Waynesville, Ohio. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Cincinnati, Ohio.

No. MC 66562 Sub 1304, filed August 3, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Washington, D. C., and Patuxent River, Md., (1) from Washington over Maryland Highway 5 via Leonardtown, Md., to junction Maryland Highway 246, thence over Maryland Highway 246 to Patuxent River, and (2) from Washington over Maryland Highway 5 to junction Maryland Highway 235, thence over Maryland Highway 235 to junction Maryland Highway 246, thence over Maryland Highway 246 to Patuxent River, and return over the same routes, serving Leonardtown, Md., as an intermediate point. Applicant is authorized to conduct operations throughout the United States. NOTE: Applicant states interchange with rail and air express service will be made at Washington, D. C.

No. MC 73992 Sub 35 (amended), published on page 4698, issue of June 27, 1956, filed June 11, 1956, JOHN J. KLEIMER, doing business as KLEIMER'S VAN LINES, 4762 Sunset Boulevard, Los Angeles, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Road, Palos Verdes Ests., Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Appliances, furnishings, houseware*, and *accessories*, for delivery to apartments, hotels, houses, motels, furniture dealers, offices and commercial and institutional establishments, when such appliances, furnishings, houseware and accessories are transported as an incident to and a part of shipments of uncrated new furniture, (1) from points in California to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; (2) *replaced, defective, returned, damaged*, and *tradeins* of the above named commodities from the above destination points to the above origin points; (3) shipments of the above named commodities, including *furniture*, uncrated, when for renovation or repair, from the above destination points to the above origin points; (4) *New furniture*, uncrated, between points in California. Applicant is authorized to conduct operations in California, Arizona, Oregon, Idaho, Utah, Nevada, Missouri, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Washington.

NOTE: The above application is filed in conjunction with MC 73992 Sub 34, published on page 1216, issue of February 22, 1956.

No. MC 76430 Sub 11, (CORRECTION) filed August 8, 1956, published page 6318, issue of August 22, 1956, MILLER TRANSPORT CO., INC., Philadelphia, Pa. Applicant's address shown as: 342 North 23d Street, Philadelphia, Pa., was in error. The correct address is: 64th and Passyunk Avenue, P. O. Box 7808, Philadelphia 42, Pa. Also, the return movement was not shown in the previous notification. Applicant proposes to transport *damaged, defective* and *returned shipments* of the commodities sought on return movements.

No. MC 77135 Sub 12, filed August 9, 1956, PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Reno and Fallon, Nev., to points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, and Mono Counties, Calif.

No. MC 78118 Sub 4, filed August 10, 1956, WILBUR H. JONES, 327 North Reservoir St., Lancaster, Pa. Applicant's representative: William Livengood, Jr., 227 State Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum products*, in containers, from Warren, Warren County, Pa. and points within 5 miles of said city, to Baltimore, Md., (2) *Empty containers, anti-freeze*, and *petroleum products*, in containers, and *commodities* used or useful in the blending processing and sale of *petroleum products*, from Baltimore, Md., to Warren, Warren County, Pa., and points within 5 miles of the limits of said city, (3) *Anti-Freeze*, in containers, from Wilmington, Del., to Warren, Warren County, Pa. and points within 5 miles of the limits of said city, (4) *Empty containers*, from New York, N. Y., and Philadelphia, Pa., to Warren, Warren County,

Pa., and points within 5 miles of the limits of said city.

No. MC 80430 Sub 83, filed August 16, 1956, GATEWAY TRANSPORTATION CO., 2130–2150 South Avenue, La Crosse, Wis. Applicant's representative: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A & B explosives*, as defined by the Commission, from the Badger Ordnance Works near Baraboo, Wis., to the Roy Cartage lot located near Joliet, Ill., from Badger Ordnance Works over U. S. Highway 12 to the junction of U. S. Highway 14 at Middleton, Wis., thence over U. S. Highway 14 to the junction of Illinois Highway 31 near Crystal Lake, Ill., thence over Illinois Highway 31 to the junction of Illinois Highway 62 at Algonquin, thence over Illinois Highway 62 to the junction of Illinois Highway 59, thence over Illinois Highway 59 to Plainfield, thence over U. S. Highway 30 to Caton Road and to Roys Cartage Co. lot. Applicant is authorized to conduct operations in Iowa and Minnesota.

NOTE: Applicant states that the above transportation is to be for interchange purposes only.

No. MC 83539 Sub 23, filed August 6, 1956, C & H TRANSPORTATION CO., INC., 2135 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipe lines; and (2) *heavy machinery, heavy machinery parts*, and *commodities other than heavy machinery*, the transportation of which because of their size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Illinois, on the one hand, and, on the other, points in Kansas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE: Applicant states it is presently authorized to and engages in the transportation of the above commodities between points in Illinois, on the one hand, and, on the other, points in Kansas, and seeks by this application to eliminate the necessity of conducting such operations through points in Oklahoma as a gateway. Applicant further states that the change in operations is sought as an alternate to the territorial authority contained in Certificate Nos. MC 83539 and Sub 6 and Sub 14.

No. MC 93003 Sub 34, filed August 2, 1956, CARROLL TRUCKING COMPANY, a corporation, 4901 U. S. Highway 60, P. O. Box 5455, Huntington, W. Va. Applicant's representative: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corrugated iron and steel pipe*, including *fittings* therefor, and *returned shipments* of the above-specified commodities between Ashland, Ky., on the one hand, and, on the other, points in Ohio. Applicant is authorized to conduct operations in Kentucky, Tennessee, Virginia, and West Virginia.

No. MC 95540 Sub 275, filed August 13, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to Sioux Falls, S. Dak., Kansas City, Kans., and points in Kansas within 200 miles of Kansas City, Kans., and those in Iowa, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, North Carolina, South Carolina, and Georgia.

No. MC 95922 Sub 10, filed August 16, 1956, JAMES F. LEE, doing business as LEE TRANSPORT, 707 East Fourth St., Muscatine, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glassware*, from Alton, Ill., to Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

No. MC 96489 Sub 21, filed August 13, 1956, BOWEN TRUCKING, INC., Ridge Road, Holley, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Navy night drift signals, Class B explosives:* (2) *Navy depth charge markers (calcium phosphide), Class C explosives:* (3) *Army ordnance time fuse, Class C explosives*, from town of Murray, Orleans County, N. Y., to Railhead in Village of Holley, town of Murray, Orleans County, N. Y., and to Motor Carriers' Freight Terminals in Rochester and Buffalo, N. Y. (for interstate movements beyond, by such carriers).

No. MC 98952 Sub 2, filed August 13, 1956, M. W. CROSBY and C. E. MAXEY, doing business as GENERAL TRANSFER CO., 2800 North Main Street, Decatur, Ill. Applicant's representative: Grover C. Hoff, 611–612 Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from New Goshen, Vigo County, Ind., and points within five miles of New Goshen, to points in Illinois; and *meat, meat products* and *meat by-products, dairy products, articles distributed by meat-packing houses*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Decatur, Ill., and points in Illinois.

NOTE: Applicant requests dismissal of his second proviso filing in Docket No. MC 98952 concurrently with the granting of two temporary authority applications corresponding to the permanent authority applied for herein. Applicant is authorized to conduct operations in Illinois.

No. MC 102298 Sub 8, filed July 27, 1956, PAN AMERICAN VAN LINES, INC., 251–257 Jericho Turnpike, Bellerose, N. Y. Applicant's representative: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Peat moss*, from points in the New York, N. Y., "exempt" zone (that part of the New York, N. Y., Commercial Zone as defined in the fifth supplemental report in the Commercial Zones and Terminal Areas, 53 M. C. C. 451, within which local operations may presently be conducted under the exemption provided by section 203 (b) (8) of the Interstate Commerce Act), to points in New Jersey and Connecticut and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, and Albany Counties, N. Y.

No. MC 103378 Sub 74, filed August 14, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil fatty acids*, in bulk, in tank vehicles, from Charleston, S. C., to Kings Mountain, N. C.

No. MC 103993 Sub 74, filed August 1, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the driveaway method, from the site of the plant of Cree Coaches, Inc., located on U. S. Highway 301 approximately one (1) mile north of the city limits of Dade City, Fla., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106644 Sub 31, filed August 2, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities requiring special equipment*, between points in Wisconsin, on the one hand, and, on the other, points in Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant has contract carrier irregular route authority in Permit No. MC 104724, dated May 25, 1954, section 210 (dual operations) may be involved.

No. MC 106914 Sub 14, filed August 6, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the plant of the Ford Motor Company located in Brownhelm Township, Lorain County, Ohio, on the one hand, and, on the other, Cleveland, Ohio, and points in Pennsylvania on and north of U. S. Highway 322 from the Ohio-Pennsylvania State line to Franklin, and on and west of U. S. Highway 62 from Franklin to the Pensylvania-New York State line, and those in Michigan on and south of U. S. Highway 12 from Detroit to Jackson, and on and east of U. S. Highway 127 from Jackson to the Michigan-Ohio State line. Applicant is authorized to conduct operations in Michigan, Ohio, and Pennsylvania.

No. MC 107002 Sub 103, filed August 13, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, (P. O. Box 687) New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oils* and *lubricating oil compounds*, in bulk, in tank vehicles, from Jefferson, Orleans, Plaquemines, St. Bernard and St. Charles Parishes, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin.

No. MC 107477 Sub 6, filed August 13, 1956, AUTO EXPRESS, INC., Route 1, Box 812, Dinsmore, Fla. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles*, in initial movements, in truckaway service, from Evansville, Ind., to Augusta, Ga., and points in Florida. Applicant is authorized to conduct operations in Florida, Georgia, and Michigan.

No. MC 108473 Sub. 15, filed July 12, 1956, ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Bennington, Vt., and New York, N. Y., as follows: (a) from Bennington over Vermont Highway 9 to the Vermont-New York State line, thence over New York Highway 7 to Troy, N. Y., thence over U. S. Highway 4 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 9, thence over U. S. Highway 9 to junction U. S. Highway 44 at Poughkeepsie, N. Y., thence over U. S. Highway 44 to junction U. S. Highway 9W, thence over U. S. Highway 9W via Newburg, N. Y., to the New York-New Jersey State line, thence continue over U. S. Highway 9W to junction U. S. Highway 9, thence over U. S. Highway 9 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to the Holland Tunnel, thence via the Holland Tunnel to New York, and return over the same route, serving no intermediate points; (b) from Bennington, Vt., to Troy, N. Y., as specified above, thence over New York Highway 7 to junction New York Highway 32, thence over New York Highway 32 to junction U. S. Highway 9W, thence over U. S. Highway 9W to junction U. S. Highway 44, thence over U. S. Highway 44 to junction U. S. Highway 9 at Poughkeepsie, N. Y., thence over U. S. Highway 9 to New York, and return over the same route, serving no intermediate points; and (c) from Bennington to Newburg, N. Y., as specified above, thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to the Holland Tunnel, thence via the Holland Tunnel to New York, and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to operate over the highways outlined above as alternate routes for operating convenience only in connection with its authorized regular route operations between Bennington, Vt., and New York, N. Y., over Vermont Highway 9 to Brattleboro, Vt., over U. S. Highway 5 to New Haven, Conn., and over U. S. Highway 1 to New York;

(2) between Rutland, Vt., and New York, N. Y., as follows: From Rutland over U. S. Highway 4 to the Vermont-New York State line at Fair Haven, Vt., thence continue over U. S. Highway 4 to junction New York Highway 32 north of Hudson Falls, N. Y., thence over New York Highways 32 and 32B to Glens Falls, N. Y., thence over U. S. Highway 9 to Albany, N. Y., thence over New York State Thruway to the New York-New Jersey State line at Suffern, N. Y., thence over U. S. Highway 202 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to the Holland Tunnel, thence via the Holland Tunnel to New York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Rutland, Vt., and New York, N. Y., over U. S. Highway 7, and Vermont Highway 103 to Bellows Falls, Vt., thence over U. S. Highway 5 to New Haven, Conn., and over U. S. Highway 1 to New York; (3) between Burlington, Vt., and New York, N. Y., as follows: from Burlington over U. S. Highway 7 to Vergennes, Vt., thence over Vermont Highway 22A to junction U. S. Highway 4 at Fair Haven, Vt., thence over U. S. Highway 4 to Troy, N. Y., thence over New York Highway 7 to junction New York Highway 32, thence over New York Highway 32 to Albany, N. Y., thence over New York State Thruway to the New York-New Jersey State line at Suffern, N. Y., thence over U. S. Highway 202 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to the Holland Tunnel, thence via the Holland Tunnel to New York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Burlington, Vt., and New York, N. Y., over U. S. Highway 7 to North Clarendon, Vt., thence over Vermont Highway 103 to Bellows Falls, Vt., thence over U. S. Highway 5 to New Haven, Conn., and over U. S. Highway 1 to New York; (4) between New York, N. Y., and Newark, N. J., as follows: From New York over U. S. Highway 1 to Newark, N. J., also from New York via the Holland Tunnel to junction New Jersey Highway 7, thence over New Jersey Highway 7 to junction U. S. Highway 1, thence over U. S. Highway 1 to Newark, and return over the same routes, serving no intermediate points; and (5) between junction New Jersey Highways 17 and 7 at or near North Arlington, N. J., and Newark, N. J., over New Jersey Highway 17, serving no intermediate points, but serving junction New Jersey Highways 17 and 7 for joinder purposes only. Applicant is authorized to conduct regular route operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Rhode Island, and Vermont, and irregular route operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE: Applicant states it has authority to serve Newark, N. J., as an off-route point and is seeking authority to operate over the above-specified connecting routes for operating convenience only in connection with its previously described Vermont-New York, N. Y., service routes.

No. MC 109564 Sub 4, filed August 13, 1956, LYONS TRANSPORTATION CO., A Corporation, 1701 Parade Street, Erie 5, Pa. Applicant's representative: John P. McMahon, 44 East Broad Street, Columbus 18, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Chevrolet Division Plant of General Motors Corporation in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between (1) Erie, Pa., and Youngstown, Ohio, over Ohio Highways 7 and 90, (2) Cleveland, Ohio, and Youngstown, Ohio, over Ohio Highway 18, and U. S. Highways 62 and 422, (3) Youngstown, Ohio, and Pittsburgh, Pa., over Ohio Highway 7, and U. S. Highway 422, and (4) Youngstown, Ohio, and Sharon, Pa., over U. S. Highway 62. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and New York.

No. MC 110698 Sub 78 (Amended), filed July 27, 1956, published in the August 15, 1956, issue on Page 6103, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED (J. ARCHIE CANNON, JR., SUCCESSOR TRUS-

TEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicants representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal oil* and *animal grease*, in bulk, in tank vehicles, from Society Hill, S. C., and points within 15 miles thereof, to points in North Carolina, Georgia, and Tennessee. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 111159 Sub 30, filed August 13, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, P. O. Box 141, 900 Milner Building, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama on and north of U. S. Highway 11; those in Arkansas on and east of U. S. Highway 65; those in that part of Missouri on and east of a line extending along U. S. Highway 65 from the Missouri-Arkansas State Line to Springfield, Mo.; thence along U. S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U. S. Highway 67, thence over U. S. Highway 67 to Farmington, Mo., and thence along Missouri Highway 32 to St. Genevieve, Mo.; those in that part of Illinois on and south of a line extending along Illinois Highway 150 from Chester, Ill., to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U. S. Highway 51, thence along U. S. Highway 51 to Ashley, Ill., and thence along U. S. Highway 460 to the Illinois-Indiana State line; and points in Kentucky on and west of U. S. Highway 231. Applicant is authorized to conduct operations in Mississippi, Louisiana, Tennessee, Alabama, and Georgia.

No. MC 111435 Sub 12, filed August 14, 1956, C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, from Canastota, N. Y., to Southbury, Conn.

No. MC 111435 Sub 13, filed August 15, 1956, C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Whole condensed milk*, in bulk, in tank vehicles, from Canastota, N. Y., to Southbury, Conn.

No. MC 112497 Sub 57, filed August 1, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street (P. O. Box 3096), Istrouma Branch, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Norco, La., to Brookhaven, Natchez and Clarksdale, Miss. Applicant is authorized to conduct operations in Alabama and Florida.

No. MC 112497 Sub 61, filed August 13, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street (P. O. Box 3096), Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fluorine*, in shipper owned trailers, from Baton Rouge, La., to Santa Susana, Calif., Cleveland, Ohio, and Buffalo, N. Y., and *empty shipper owned trailers* from the above-described destination points to Baton Rouge, La., on return.

No. MC 113094 Sub 4, filed April 26, 1955, (REOPENED FOR FURTHER HEARING) R. A. GOULD, INC., P. O. Box 822, Moab, Utah. Applicant's representative: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. This proceeding is REOPENED FOR FURTHER HEARING at a time and place to be hereafter fixed, solely with respect to the proposed transportation of *acids*, in bulk, from Rico (Dolores County), Colo., to Monticello, Utah.

No. MC 113336 Sub 9, filed August 14, 1956, PETROLEUM TRANSIT COMPANY, INC., East Second Street, P. O. Box 921, Lumberton, N. C. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Wilmington, N. C., to points in Clarendon, Georgetown, Kershaw, Lancaster, Lee, Spartanburg, Sumter, Williamsburg, and York Counties, S. C.

No. MC 114091 Sub 12, filed August 13, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hooven, Ohio, and points within two miles thereof to points in Indiana and Kentucky.

No. MC 114546 Sub 2, filed August 13, 1956, MORTON NORTHRUP, doing business as NORTHERN CARTAGE CO., 4860 North Nagle Avenue, Norwood Park, Ill. Applicant's representative: Zeamore A. Ader, 100 North LaSalle Street, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail furniture houses, including household appliances*, between Chicago, Ill., and points in Jasper, Lake, La Porte, Newton, Porter, and Starke Counties, Ind., and points in Kenosha, Racine, Milwaukee, Walworth, Waukesha, Jefferson, and Rock Counties, Wis., and *damaged, defective, returned and repossessed merchandise* from the above-described destinations points to Chicago, Ill., on return. Applicant is authorized to conduct operations in Illinois and Indiana.

NOTE: In Certificate No. MC 114546 Sub 1 applicant is authorized to transport *Used upholstered sofas, chairs and foot stools*, between Chicago, Ill., on the one hand, and, on the other, points in Jasper, Lake, LaPorte, Newton, Porter, and Starke Counties, Ind. Any duplication of the instant application with present authority should be eliminated.

No. MC 114890 Sub 3, filed August 6, 1956, C. E. REYNOLDS, 2209 Range Line, P. O. Box 331, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer solutions*, in insulated stainless steel trailers, from the site of Grace Chemical Company plant at or near Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, and Missouri. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, Arkansas, and Texas.

No. MC 115567 Sub 1, filed August 16, 1956, MAURICE PAQUETTE, Lac des Ecorces, Conte de Labelle, Province de Quebec, Canada. Applicant's representative: Courtemanche et Therrien, Mont Laurier, Province de Quebec, Canada. For authority to operate as a *contract carrier*, over a regular route, transporting: *Granite*, from port of entry on U. S. Highway 7 on the International Boundary between the United States and Canada and Barre, Vt., from said port of entry over U. S. Highway 7 to its junction with U. S. Highway 2, thence over U. S. Highway 2 to junction with U. S. Highway 302, thence over U. S. Highway 302 to Barre, and return over the same route.

No. MC 115965, filed April 27, 1956, RUSSELL STUBBLEFIELD, doing business as SOUTHWEST GARAGE AND AUTO PARTS, Robertsville, Mo. Applicant's representative: A. D. Crenshaw, 3608 South Grand Boulevard, St. Louis 18, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Disabled motor vehicles* (automobiles, trucks and busses), between points in Missouri, Illinois, Indiana, Arkansas, Kansas, Oklahoma, Ohio, Mississippi, and Texas.

No. MC 116023, filed July 27, 1956, AA AUTO DELIVERY, INC., 144 Flatbush Avenue, Brooklyn, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers, not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. The application is accompanied by *motion to dismiss* on the grounds that the operations of the applicant are not such as are subject to the provisions of the Interstate Commerce Act nor within the jurisdiction of the Interstate Commerce Commission.

No. MC 116122, filed July 27, 1956, WALLACE PREZANT, doing business as BILL CASE TRAVEL COMPANY, 181 Seventh Avenue, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. The application is accompanied by *motion to dismiss* on the grounds that the operations of applicant

are not such as are subject to the provisions of the Interstate Commerce Act nor within the jurisdiction of the Interstate Commerce Commission.

No. MC 116126, filed July 27, 1956, HARMON SERVICE CORP., doing business as NATIONAL CAR TRAVEL, 1535 Undercliff Avenue, Bronx, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers, not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. The application is accompanied by *motion to dismiss* on the grounds that the operations of the applicant are not such as are subject to the provisions of the Interstate Commerce Act nor within the jurisdiction of the Interstate Commerce Commission.

No. MC 116135, filed July 27, 1956, NELSON RAPID SERVICE CORP., 15 Park Row, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. The application is accompanied by *motion to dismiss* on the grounds that the operations of applicant are not such as are subject to the provisions of the Interstate Commerce Act nor within the jurisdiction of the Interstate Commerce Commission.

No. MC 116136, filed July 27, 1956, AAKON AUTO DELIVERY, INC., 1 Beekman Street, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers, not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. The application is accompanied by *motion to dismiss* on the grounds that the operations of the applicant are not such as are subject to the provisions of the Interstate Commerce Act nor within the jurisdiction of the Interstate Commerce Commission.

No. MC 116156, filed August 9, 1956, BERNARD AND MILTON JAEGER, 319 East Third Avenue, Bay Shore, Long Island, N. Y. Applicant's representative: Nathan E. Zelby, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* and *house trailers*, between Nassau and Suffolk Counties, N. Y., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Virginia, Maryland, North Carolina, South Carolina, Georgia, and Florida.

No. MC 116158, filed August 10, 1956, ROBERT H. BURNHAM AND LAURENCE M. BURNHAM, doing business as BURNHAM BROS. TRUCKING, 52 Fletcher Street, Ayer, Mass. Applicant's representative: Joseph Levco, 209 Washington Street, Boston, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Automatic mechanical pin setting machines* and *parts thereof* when moving with shipments of the described machines, from Boston, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia. Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1), Interstate Commerce Act, in Massachusetts.

No. MC 116159, filed August 13, 1956, ERNEST HINES, INC., 2600 East 52d Street, Indianapolis, Ind. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, stone, dirt, cement, coal, brick, road building materials, construction materials*, in dump trucks only, between points in Indiana (except Speed, Ind.), and Ohio and those in Kentucky within 50 miles of Milton, Ky., including Milton.

NOTE: Applicant under Permit No. MC 114373 Sub 2 conducts substantially the same operation as proposed herein as a contract carrier. Applicant is desirous that all of his operations be those of a common carrier and if the applied-for authority is granted, will request that Permit No. MC 114373 Sub 2 be cancelled. Applicant is conducting operations in Indiana, Ohio, and Kentucky.

No. MC 116168, filed August 17, 1956, WILLIAM D. MUSSER, doing business as SAFEWAY GARAGE AND TOW SERVICE, 1201 East 11th Street, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (wrecked or disabled) between points in Missouri and Kansas.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 203, filed August 16, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Philadelphia, Pa., and Gloucester, N. J., from Philadelphia over the Walt Whitman Bridge to New Jersey, thence over bridge approach and access roads leading to new New Jersey Highway 42, North-South Freeway, thence over new New Jersey Highway 42, North-South Freeway, to junction U. S. Highway 130 (Crescent Boulevard) in Gloucester, N. J., and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York and to Philadelphia, Pa.

No. MC 108766 Sub 7, filed June 6, 1956, THE GREEN FLYER, INC., doing business as GREEN FLYER, 444 Hillside Avenue, Hillside, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between junction New Jersey Turnpike and the Newark Bay-Hudson County Extension of said Turnpike in Newark, N. J., and New York, N. Y., as follows: From said junction over the Newark Bay-Hudson County Extension (Jersey City Expressway) to junction U. S. Highway 1 in Jersey City, N. J., thence over U. S. Highway 1 to the Holland Tunnel, thence through the Holland Tunnel to New York, and return over the same route, serving no intermediate points, but serving junction New Jersey Turnpike and the Newark Bay-Hudson County Extension for joinder purposes only. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 116138, filed July 13, 1956, J. L. VAILLANCOURT, doing business as EASTERN BUS LINE, 161 St. Jacques Street, Coaticook, Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry located on the International Boundary line between the United States and Canada in Maine, New York, New Hampshire, and Vermont and extending to points in Maine, Massachusetts, New York, New Hampshire, and Vermont.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F 6177, published in the January 18, 1956, issue of the FEDERAL REGISTER on page 350. Supplemental applications filed June 13, 1956, July 2, 1956, and August 15, 1956, to show joinder of VIRGINIA STAGE LINES, INCORPORATED, doing business as VIRGINIA TRAILWAYS, of Charlottesville, Va., TRANSCONTINENTAL BUS SYSTEM, INC., of Dallas, Texas, CONTINENTAL SOUTHERN LINES, INC., of Alexandria, La., CONTINENTAL BUS SYSTEM, INC., of Dallas, Texas, AMERICAN BUS LINES, INC. (RICHARD W. SMITH, TRUSTEE, and W. F. AIKMAN, ADDITIONAL TRUSTEE), of Lincoln, Nebraska, CAROLINA COACH COMPANY, doing business as CAROLINA TRAILWAYS, of Raleigh, N. C., and QUEEN CITY COACH COMPANY, of Charlotte, N. C., as parties in control of vendee.

No. MC-F 6369. Authority sought for purchase by DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver, Colo., of a portion of the operating rights and certain property of HENNEPIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis, Minn., and for acquisition by GEORGE J. KOLOWICH, JR., of Denver, Colo., DETROIT & CLEVELAND

NAVIGATION COMPANY, GRISWOLD BUILDING, INC., and WHITTIER CORPORATION, all of Detroit, Mich., of control of such rights and property through the purchase. Applicants' representatives: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and Robins, Davis & Lyons, Rand Tower, Minneapolis 2, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Detroit, Mich., serving certain intermediate and off-route points; four alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Detroit, Mich., on the one hand, and, on the other, points in Michigan within 20 miles of the intersection of Woodward and Gratiot Avenues, Detroit, Mich. Vendee is authorized to operate as a *common carrier* in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Missouri, Kansas, Arizona, California, New Mexico, New York, Massachusetts, Indiana, Connecticut, Pennsylvania, Nebraska, Ohio, and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6370. Authority sought for control and merger by DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio, of the operating rights and property of CENTRAL FREIGHT SYSTEMS, INC., 415 North May Street, Chicago, Ill., and for acquisition by HAROLD E. KLOPFENSTEIN, also of Toledo, of control of such rights and property through the transaction. Applicant's representatives: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and Cline, Bischoff & Cook, 420 Security Building, Toledo, Ohio. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Chicago, Ill., and Toledo, Ohio, serving all intermediate points and the off-route point of Rossford, Ohio; four alternate routes for operating convenience only. DUNDEE TRUCK LINE, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6371. Authority sought for purchase by WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., of the operating rights of STARK & TODD, INC., 1245 Park Avenue, Canon City, Colo., and for acquisition by GEORGE G. WRIGHT and VIOLA L. WRIGHT, both of Rocky Ford, of control of such rights through the purchase. Applicants' representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Enid and Ponca City, Okla., and Potwin, Liberal, and Great Bend, Kans., to certain points in Colorado, from Arkansas City, Augusta, Wichita, Hutchinson, McPherson, Russell, Shallow Water, and El Dorado, Kans., to certain points in Colorado, from Pampa and Borger, Tex., to Colorado Springs, Colo., from a refinery approximately six miles east of U. S. Highway 287 between Stratford and Dumas, Tex., at a point known as Sheerin Junction, Tex., to certain points in Colorado, and between Augusta, Kans., on the one hand, and, on the other, certain points in Colorado. Vendee is authorized to operate as a *common carrier* in Kansas, Colorado, Oklahoma, South Dakota, Nebraska, Wyoming, Utah, Idaho, Texas, Arkansas, Missouri, New Mexico and Louisiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6372. Authority sought for control by THE PITTSTON COMPANY, 250 Park Avenue, New York 17, N. Y., of BRINK'S, INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's representatives: David Teitelbaum, 2 Wall Street, New York 5, N. Y., and Edward K. Wheeler, Southern Building, Washington, D. C. Operating rights sought to be controlled: *Precious metals, jewelry, precious stones, monies, legal tender, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps, currency, coin*, and *other valuable documents and rare objects*, as a *contract carrier* over irregular routes, from, to and between points and areas, varying with the commodity transported, in Delaware, Illinois, Michigan, Indiana, Iowa, Kentucky, Massachusetts, New Hampshire, Connecticut, Missouri, Kansas, New Jersey, New York, Maryland, Pennsylvania, Ohio, West Virginia, Rhode Island, Virginia, Wisconsin, Georgia, Tennessee, Florida, Alabama, Louisiana, and the District of Columbia. Applicant is not a carrier, but is affiliated with UNITED STATES TRUCKING CORPORATION, which is authorized to operate as a *common and contract carrier* in New York, New Jersey, Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, Maine, New Hampshire, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–6952; Filed, Aug. 28, 1956; 8:51 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32551: *Foodstuffs—within and from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points within the Southwest, between points in southwestern and western trunk-line territories, and from points in official territory to points in southwestern territory.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4221 and two other tariffs.

FSA No. 32552: *Foodstuffs—southwest to official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from points in southwestern territory to points in official territory.

Grounds for relief: Short-line distance formula, truck competition and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4222.

FSA No. 32553: *Substituted service—Motor-rail-motor—N. Y., N. H., and H. RR.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and on behalf of D&N Motor Transportation Co. Rates on freight, in highway truck trailers loaded on railroad flat cars between Boston, Mass., on one hand, and New Haven, Conn., on the other; also between Hartford, Providence, R. I., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Truck competition.

FSA No. 32554: *Perlite mix—Socorro, N. Mex., to Mississippi River crossings.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite mix, carloads, from Socorro, N. Mex., to Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 13 to Agent Kratzmeir's I. C. C. 4157.

FSA No. 32555: *Roofing and building materials to St. Louis, Mo., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building material and roofing slate, carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 152 to Agent Kratzmeir's I. C. C. 4087 and three other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–6944; Filed, Aug. 28, 1956; 8:49 a. m.]

[Rev. S. O. 562, Amdt. 2 to Taylor's I. C. C. Order 70]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 70 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 15, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 15, 1956, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 22, 1956.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56–6945; Filed, Aug. 28, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–104]

FONCIERE INSURANCE CO.

In re: Debt owing to the Fonciere Insurance Company, also known as Fonciere Allgemeine Versicherungs-Anstalt. F–34–1064; F–63–60, Zurich.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $99,746.00, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Fonciere Insurance Company, also known as Fonciere Allgemaine Versicherungs-Anstalt, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–6947; Filed, Aug. 28, 1956; 8:49 a. m.]

[Vesting Order SA–105]

GOVERNMENT OF HUNGARY

In re: Debt owing to the Government of Hungary. F–34–548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Irving Trust Company, Forty-Sixth Street at Madison Avenue, New York 17, New York, arising out of an account entitled "Doctor A. Zentay," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–6948; Filed, Aug. 28, 1956; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated. The number of learners authorized is indicated:

Bar-Bi, Inc., 428 South Seventh Street, Lehighton, Pa.; effective 8–15–56 to 2–14–57; 15 learners for plant expansion purposes. (ladies' blouses).

Carolyn's Fashions, Inc., Daleville Hwy., R. D. No. 3, Moscow, Pa.; effective 8–25–56 to 8–24–57; 5 learners (children's dresses).

Clinton Garment Manufacturing Co., Clinton, Ky.; effective 8–16–56 to 2–15–57; 75 learners for plant expansion purposes (men's and boys' parka jackets, etc.) (supplemental expansion certificate).

Hi-Style Fashions, 23 Everhart Street, Bottonwood, Wilkes-Barre, Pa.; effective 8–16–56 to 2–15–57; 10 learners for plant expansion purposes (ladies' dresses).

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pa.; effective 8–21–56 to 8–20–57; 10 percent of factory production workers (ladies' cotton and rayon dresses).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9–1–56 to 8–31–57; 10 percent of factory production workers (women's slips, petticoats and nightgowns).

Kayler Manufacturers, Inc., 822 Anderson Street, New Kensington, Pa.; effective 8–17–56 to 2–16–57; 35 learners for plant expansion purposes (ladies' cotton blouses) (supplemental expansion certificate).

Klinkerfuss Manufacturing Co., 895–907 East Seventh Street, St. Paul, Minn.; effective 8–16–56 to 8–15–57; 10 percent of factory production workers (men's and boys' jackets, parkas, macklnaws and ladies' jackets).

Gasper La Fata & Co., 14 Bush Avenue, Staten Island, N. Y.; effective 8–15–56 to 2–14–57; 5 learners (pants).

Milbert Fashions, Inc., 1324 Main Street, Peckville, Pa.; effective 8–20–56 to 8–19–57; 10 learners (ladies' dresses).

Mount Holly Dress Co., Murrell and Paxson Streets, Mount Holly, N. J.; effective 8–15–56 to 8–14–57; 5 learners (children's cotton dresses).

Palmer Manufacturing Corp., Whiteville, N. C.; effective 9–1–56 to 8–31–57; 10 learners (men's and boys' denim dungarees).

The Pyke Manufacturing Co., 154 West Second Street, Salt Lake City, Utah; effective 8–14–56 to 2–13–57; 25 learners for plant expansion purposes engaged in the manufacture of ladies' and girls' pedal pushers only (work pants, overall, jeans and coveralls).

Quaker Manufacturing Co., 19–21 St. Louis Street, Lewisburg, Pa.; effective 8–15–56 to 8–14–57; 10 percent of factory production workers (women's nightwear).

Robin Sportswear Co., 1013 Grand Street, Brooklyn, N. Y.; effective 8–15–56 to 2–14–57; 6 learners (women's sportswear).

Sanford Dress Corp., High Street, Sanford, Maine; effective 9–1–56 to 8–31–57; 10 percent of factory production workers (dresses).

Southern Textiles, Inc., Alamo, Tenn.; effective 8–24–56 to 8–23–57; 10 percent of factory production workers (foundation garments).

Standish Manufacturing Corp., 6014 11th Avenue, Brooklyn, N. Y.; effective 8–20–56 to 2–19–57; 10 percent of factory production workers (toddler and juvenile boys' suits).

Wright Manufacturing Co., Toccoa, Ga.; effective 8–20–56 to 8–19–57; 10 percent of factory production workers (cotton work clothing).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

National Cigar Co., 407 North Main Street, Frankfort, Ind.; effective 8–17–56 to 8–16–57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Joseph A. Milstein Co., Inc., 64 Trinity Place, Albany, N. Y.; effective 8–16–56 to 8–15–57; 10 learners for normal labor turnover purposes (wool knit gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Frances Hosiery Mills, Route No. 6, Burlington, N. C.; effective 8–15–56 to 2–14–57; 10 learners for plant expansion purposes (seamless).

Moreland Knitting Mills, Moreland, Ga.; effective 8–17–56 to 8–16–57; five percent of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Carolina Bloomer Co., 209 East Main Street, Elkin, N. C.; effective 8–20–56 to 2–28–57; 5 learners for normal labor turnover purposes (women's, misses, and children's panties) (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Art Cut Glass Shop, 231 North Roosevelt Avenue, Salem, Ohio; effective 8–20–56 to 2–19–57; not less than 85 cents per hour for the first 240 hours and 90 cents per hour for the remaning 240 hours of the 480-hour learning period, for the occupation of glass cutter; authorizing the employment of 2 learners for normal labor turnover purposes (engraved glassware).

C & C Clothing Co., Inc., 1234 Carpenter Street, Philadephia, Pa.; effective 8–20–56 to 2–19–57; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of sewing machine operators, hand sewers and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's wool serge coats, U .S. Army).

Lambert Manufacturing Co., Plant No. 4, Headwear Division, Gallatin, Mo.; effective 8–20–56 to 2–19–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operators; authorizing the employment of 5 learners for normal labor turnover purposes (work, sport and dress caps).

Milford Stitching Co., Inc., South Marshall Street, Milford, Del.; effective 8–17–56 to 2–16–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operators; authorizing the employment of 10 learners for normal labor turnover purposes (mattress and pillow covers, bedspreads and drapes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of August 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 56–6932; Filed, Aug. 28, 1956; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 169

Washington, Thursday, August 30, 1956

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on June 4, 6 and 7, 1956, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than September 1, 1956, this order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Action by that date is necessary to reflect current marketing conditions. At the hearing, proposals were made for revision of the requirements for pool plant status, and it was requested that such revisions be effective this year beginning with the month of September. The order changes which will be effectuated by this amendment are needed to assure an adequate supply of milk for the market for September 1956 and other fall months.

Producer groups also requested that the special 70-cent differential on Class I and Class II milk moved in bulk to places outside the surplus milk manufacturing area be eliminated beginning with September 1956. This change will be effected by this amendment. This is an additional reason why it is necessary that the change in pool plant requirements be made effective September 1, 1956, so as to assure an adequate supply of milk for the market.

The provisions of the said amendatory order are well known to handlers. The public hearing was held on June 4, 6 and 7, 1956. A recommended decision in this matter was issued on July 20, 1956. A final decision in this matter was issued on August 13, 1956. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.30); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

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effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (April 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 941.8 by eliminating the word "or" at the end of paragraph (c), substituting a comma (,) for the period (.) at the end of paragraph (d), adding the word "or" following the comma and adding a new paragraph (e) as follows:

(e) Operates a nonpool plant qualified to supply Class I milk to the marketing area from which milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form, is shipped to a regulated plant.

2. Amend § 941.45 by deleting paragraphs (e), (f), (g), (h), (i), and (j) and substituting therefor the following:

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk, or Class IV milk, the pounds of such other source milk used in Class I milk and Class II milk, respectively, from the remaining pounds in the class of use unless such other source milk is in violation of the applicable health requirements;

(f) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk which is not approved by the applicable health authority for distribution in the marketing area as any Class I milk product or as any Class II milk product required to be made from inspected milk;

(g) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk received at a pool plant which is not engaged in processing and packaging any Class I milk product specified in § 941.41(a)(1) or any Class II milk product required to be made from inspected milk by any health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area;

(h) Subtract from the remaining pounds of milk in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraphs (e), (f) and (g) of this section;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraph (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a) and IV milk are greater than the amount of milk received from producers, the difference shall be considered as other source milk and subtracted from the remaining amount of Class I milk; and

3. Amend § 941.52 by deleting the following:

a. The phrase "except as set forth in subparagraph (3) of this paragraph," from paragraphs (a) (1), (2), (b) (1) and (2),

b. Paragraphs (a) (3) and (b) (3), and

c. Paragraph (e).

4. Delete § 941.61 and substitute therefor the following:

§ 941.61 *Obligation for other source milk.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70, shall:

(a) Add an amount determined by multiplying the pounds of other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f) by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period;

(b) For the delivery periods March through June, inclusive, add an amount computed as follows:

(1) Multiply the pounds of other source milk which is allocated to Class I milk or Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, by the difference between the appropriate class price and the lowest announced class price per hundredweight applicable for the delivery period, and

(2) Subtract therefrom the value obtained by multiplying such Class I milk and the 36 percent cream equivalent of the butterfat in such Class II milk by the rates of location adjustment credit set forth in paragraphs (a) and (b), respectively, of § 941.53.

(c) For the delivery periods July through February, inclusive, add or subtract, as the case may be, an amount computed as follows:

(1) Multiply the pounds of other source milk allocated to Class I and Class II milk pursuant to paragraphs (g), (h) and (j) of § 941.45, and to Class III, Class III (a) and Class IV milk pursuant to paragraph (h) of that section by the appropriate class prices, and add together the resulting amounts.

(2) Subtract therefrom the values obtained by multiplying (i) the pounds of other source milk allocated to Class I milk pursuant to paragraphs (g) and (j) of § 941.45, and the pounds of other source milk received as milk or skim milk in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (a), and (ii) the pounds of 36 percent cream equivalent of the butterfat in other source milk allocated to Class II milk pursuant to paragraph (g) of § 941.45, and the other source milk received as cream in fluid form at a plant which processes and packages any Class I milk specified in § 941.41 (a), or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area by the rate(s) of location adjustment credit set forth in § 941.53 (b).

(3) Multiply the total pounds of milk used in computing the value in subparagraph (1) of this paragraph by the uniform price applicable to milk received from producers during the delivery period, adjusted by the rate(s) of location adjustment specified in § 941.81, and

(4) Subtract the value obtained in subparagraph (3) of this paragraph from the value remaining in subparagraph (2) of this paragraph and any plus difference shall be added to, and any minus difference shall be subtracted from, the handler's net pool obligation.

5. Delete § 941.66 and substitute therefor the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1) or any Class II milk product required to be made from inspected milk by a health authority having jurisdiction in the marketing area, all or a part of which Class I or Class II milk product is disposed of in the marketing area, or;

(b) Ships during the delivery period at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided*, That:

(1) In computing the percentages of milk, skim milk and cream on a product pounds basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during September, October or November, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the foregoing conditions set forth in this paragraph, which are in excess of the minimum quantity which qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives but-

terfat or milk in any of the forms described in this subparagraph from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant;

(3) If, during September, October or November, a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph; and

(4) Any plant which, during the three-month period of September, October and November, ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of, at least 50 percent of the pounds of butterfat in, or at least 50 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers, shall be a pool plant beginning with December of the same year and continuing through August of the following year, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled: *Provided*, That no plant shall acquire pool plant status pursuant to this subparagraph if it fails to ship (or be credited with shipments of) in any one of the months of September, October and November, at least 30 percent of the pounds of butterfat in, or at least 30 percent of the volume of, milk received from dairy farmers at such plant, in the forms and in the manner specified in this subparagraph to a plant(s) which operates in the manner described in paragraph (a) of this section.

6. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Handlers who operate nonpool plants.* No provision of this order shall apply to the milk received at a nonpool plant from which some milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form, meeting the requirements of an applicable health authority in the marketing area, is shipped to a regulated plant, except that the handler operating such nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

7. Amend § 941.70 (b) by inserting after the word "Add" the following phrase: "or subtract, as the case may be,".

8. Amend § 941.86 by deleting the words following "other source milk" and substituting therefor the following: "used in the computations made pursuant to § 941.61".

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of August 1956, to be effective on and after the 1st day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6987; Filed, Aug. 29, 1956; 8:50 a.m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 210]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
WICHITA, KANS. Beech, 1,378'. SBRAZ-DVT-ICT. Procedure No. 2. Effective date: February 18, 1954.	PROCEDURE CANCELED, EFFECTIVE AUGUST 22, 1956										

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
RUSSELL, KANS. Russell, 1,863'. BVOR-RSL. Procedure No. 1. Amendment No. 3. Effective date: September 2, 1956. Supersedes Amendment 2, dated September 1, 1956. Major changes: (1) New courses for final approach and missed approach; (2) columns 5, 6, 7, and 12 revised.	----------	----------	----------	W side of course: 356° outbound. 176° inbound. 3,100' within 10 miles.	2,600	176—0.6	*T-dn C-d *C-n *A-dn	300-1 600-1½ 600-2 800-2	NA NA NA NA	NA NA NA NA	Within 0.6 mile, climb to 3,100' on 176R within 20 miles. *Night operations on N/S runway only. CAUTION: Sod field, except N/S runway paved.
	This procedure amends previous procedure, dated September 1, 1956, incorrectly identified as "Amendment No. 1" instead of Amendment No. 2.										

3. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums				If visual contact not established at TVOR, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR-18. Amendment No. 2. Effective date: September 22, 1956. Supersedes Amendment 1, dated February 5, 1955. Major changes: (1) Minimums raised due to trees grown 1,080' mean sea level in let-down area (flight checked); (2) night circling minimums (2-engine aircraft) reduced to 1 mile; (3) missed approach limited to 20 miles; (4) conversion from statute to nautical miles.	----------	----------	----------	W side of course: 350° outbound. 170° inbound. 2,100' within 10 miles.	1,600	182—0.4	T-dn C-dn S-dn A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2	Climb to 2,500' on 194R within 20 miles.

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BRISTOL, TENN. Tri-City, 1,524'. ILS-ITRI. Procedure No. 1. Amendment No. 5. Effective date: September 22, 1956. Supersedes Amendment 4, July 22, 1954. Major changes: Adds transitions and corrects courses on transitions.	Abingdon Intersection	ILS E course	215—13	5,500	N side of course: 090° outbound. 270 inbound. 3,000'# within 5 miles of OM.	2,800 from within 5 miles of LOM	2,740—4.0	1,750—0.5	T-dn	300-1	300-1	300-1	Climb to 5,000' on W course of ILS within 20 miles. #Flights desiring more than 5 miles for procedure turn maintain 5,500' and complete procedure turn within 10 miles E of Emmett Intersection or MHW. *Final descent not to be initiated until definitely past Emmett Intersection/MHW. Glide slope altitude 5,500' over Emmett. **500-1 required when glide slope not utilized. ©No reduction of any landing ceiling or visibility minimum is authorized. CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas.
	Bristol Intersection	ILS E course or EME MHW.	164—5	5,500					C-dn	700-1	800-1	800-1½	
	Tri-City VOR	ILS E course	352—3	5,500		5,500* from E of EME Intersection or MHW			©**S-dn	700-1½	800-1½	800-2	
	Tri-City LFR	LOM	129—1.5	3,000					27	400-¾	400-¾	400-¾	
	Intersection SW course TRI LFR and E course ILS.	LOM	090—3.2	3,000					A-dn	1,000-2	1,000-2	1,000-2	
		EME MHW or Emmett Intersection.	090—12	5,500									
	Emmett MHW or Emmett Intersection (final).	LOM	270—9	*On glide slope or 2,800									
	Yuma Intersection	EME or Emmett Intersection.	105—24	5,500									
CINCINNATI, OHIO. Greater Cincinnati, 890'. ILS-CVG. (Back course.) Procedure No. 2. Amendment No. 4. Effective date: August 22, 1956. Supersedes Amendment 3, dated August 6, 1955. Major changes: Revises missed approach; change to nautical miles.	Camden Intersection	New Baltimore Intersection.	184—19	2,500	W side of N course: 360° outbound. 180° inbound. 2,400' within 5 miles of Addyston FM.	No glide slope or markers. Descend to authorized landing minimums after passing Addyston FM. Distance and bearing to Runway 18 5.0 180°. Minimum altitude over Addyston FM 1,600'.			T-dn	300-1	300-1	200-½	5 miles after passing Addyston FM, make a right climbing turn to 2,400' on course of 240° from ILS LMM or Cincinnati VOR 240° radial within 15 miles. Alternate missed approach procedure (when directed by ATC) climb to 2,000' on S course ILS to Union Intersection.
	New Baltimore Intersection.	Addyston FM.	180—10.4	2,100 (1,600 final)					C-dn	400-1	500-1	500-1½	
	Union Intersection	Addyston FM.	360—13.7	2,300					S-dn 18	400-1	400-1	400-1	
	Cincinnati VOR	Addyston FM.	012—7.6	2,300					A-dn	800-2	800-2	800-2	
NASHVILLE, TENN. Berry Field, 606'. ILS-BNA. LOM-BN. Combination ILS and ADF. Procedure No. 1. Amendment No. 9. Effective date: September 22, 1956. Supersedes Amendment 8, dated January 7, 1956. Major changes: Add final from Franklin. Revise statute to nautical miles. Delete Fairview FM transition.	Nashville LFR	LOM	213—7.0	1,900	E side of S course: 195° outbound. 015° inbound. 2,500' within 10 miles.	ILS 2,500	2,000—4.9	840—0.7	T-dn	300-1	300-1	200-½	Climb to 2,000' on N course ILS or 4.9 miles after passing LOM (ADF), climb to 2,000' on course of 015° within 20 miles. *400-¾ required when glide slope not utilized. AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 15. #Franklin Intersection BNA-ILS S course GHM-VOR-074.
	Nashville VOR	OM	247—6.0	2,000		ADF 2,000			C-dn	400-1	500-1	500-1½	
	Walter-Hill FM	LOM	284—17.0	2,000					S-dn 2L *ILS	200-½	200-½	200-½	
	Knob Intersection	LOM	195—10.0	1,900					ADF	400-1	400-1	400-1	
	Franklin Intersection # (final).	LOM	015—5.0	2,000					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
WICHITA, KANS. Municipal, 1,332'. ILS-ICT LOM-IC. Combination ILS and ADF. Procedure No. 1. Amendment No. 2. Effective date: September 22, 1956. Supersedes Amendment 1, dated April 23, 1955. Major changes: (1) Transitions revised; (2) ADF altitude added column 7; (3) new form converting to knots; (4) straight-in and alternate minimums revised; (5) column 14 revised and air carrier note deleted as approach lights installed.	ICT-LFR	LOM	234—9.6	2,500	W side of course: 190° outbound. 010° inbound. 2,500' within 10 miles. Procedure turn nonstandard to avoid McConnell Air Force Base.	ILS 2,500	2,559—4.2	1,530—0.6	T-dn	300-1	300-1	200-½	Within 4.2 miles, climb to 3,000' on N course ILS intercept and proceed outbound on NW course of ICT-LFR within 20 miles, or when directed by ATC: (1) Make left turn, climb to 2,900' proceeding outbound on 216R ICT VOR within 20 miles. CAUTION: Simultaneous approaches being conducted on Derby Radiobeacon to McConnell Air Force Base. 2,444' mean sea level tower 7.8 miles NNW of airport. *Procedure turn not required (final transition).
	ICT-VOR	LOM	171—9.0	2,500		ADF 2,000			C-dn	400-1	500-1	500-1½	
	Viola Radiobeacon	SW course ILS	046—10.0	Final ILS 2,500*					S-dn-1 ILS	200-½	200-½	200-½	
	Viola Radiobeacon	LOM	039—11.9	2,500					ADF	400-1	400-1	400-1	
	Clearwater Intersection	LOM	010—8.7	Final 2,500					A-dn ILS	600-2	600-2	600-1	
	Oxford Radiobeacon	LOM	316—23.0	2,500					ADF	800-2	800-2	800-2	
	Derby Radiobeacon	LOM	276—8.1	2,500									
	Mayfield Intersection	LOM	010—19.0	Final 2,500									
WICHITA, KANS. Municipal, 1,332'. ILS-ICT. (Back course approach.) Combination VOR and ILS. Procedure No. 2. Amendment No. 1. Effective date: September 22, 1956. Supersedes Amendment Original, dated December 17, 1954. Major changes: (1) New form converting to knots; (2) column 14 revised.	Intersection N course ICT LFR and N course ILS.	Kechi Intersection.*	190—8.3	Final 2,500	E side of course: 010° outbound. 190° inbound. 3,000' within 10 miles of Kechi Intersection.* Procedure turn nonstandard account of 2,444' mean sea level TV tower W.	No glide slope. *Kechi Intersection: Intersection R065 ICT-VOR and ILS N course 190, 5.1—2,500. Intersection R108 ICT-VOR and ILS N course 190, 3.0—2,000.	No outer marker.	No middle marker	T-dn	300-1	300-1	200-½	Within 5.1 miles after passing Kechi Intersection,* climb to 2,500' on S course ILS within 20 miles, or when directed by ATC: (1) Make right turn climbing to 2,900' and proceed outbound on R216 within 20 miles. CAUTION: 2,049' mean sea level tower 7.8 miles NNE and 2,444' mean sea level tower 8.7 miles NNW of airport. Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
	ICT-VOR	Kechi Intersection.*	065—3.6	3,000					C-dn	400-1	500-1	500-1½	
	Intersection SW course ICT-LFR and S course ILS.	Kechi Intersection.*	010—13.0	3,000					S-dn 19	400-1	400-1	400-1	
	Intersection ICT-VOR R036 and N course ILS.	Kechi Intersection.*	190—4.2	Final 2,500					A-dn	800-2	800-2	800-2	
	Intersection ICT-VOR R051 and N course ILS.	Kechi Intersection.*	190—1.1	2,500									

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

J. M. BEARDSLEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6714; Filed, Aug. 29, 1956; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (1) and (2) is added to § 6.110 as set out below.

§ 6.110 *Department of the Interior.* * * *

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6965; Filed, Aug. 29, 1956; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 4—APPLICATIONS FOR INSPECTION OR EXEMPTION; RETAIL BUTCHERS, RETAIL DEALERS, AND FARMERS

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

PART 24—EXPORT STAMPS AND CERTIFICATES

PART 27—IMPORTED PRODUCTS

MISCELLANEOUS AMENDMENTS

On June 2, 1956, there was published in the FEDERAL REGISTER (21 F. R. 3801) a notice of proposed amendments of the Meat Inspection Regulations (9 CFR, Chapter I, Subchapter A, as amended). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71–91) and Section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) the aforesaid regulations are hereby amended as follows:

1. Section 4.3 is amended by the addition of a new paragraph (d):

(d) A certificate of exemption will be issued only in one name at one location. A certificate will not be issued if any business is transacted at the location in the name of anyone other than the applicant for the certificate of exemption, for example, in the name of a parent company, subsidiary, or tenant of the applicant.

2. Section 16.13 (b) is amended to read as follows:

(b) Meat food products in casings, other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: *Provided,* That such products in casings as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments, and meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings need not be so marked; other products in casings such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products, may bear on each link or piece the true name of the product in lieu of the word "imitation"; and imitation sausage packed in properly labeled containers having a capacity of 1 pound or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied to the product.

3. Section 16.13 (c) is amended by deleting the references to "dried skim milk" wherever they appear and substituting therefor references to "nonfat dry milk."

4. Section 16.13 (e), (f) and (g) is redesignated as § 16.13 (f), (g) and (h), the reference in redesignated paragraph (g) to paragraph (e) is changed to refer to paragraph (f), and a new paragraph (e) is added to read:

(e) When approved antioxidant type preservatives are added to unsmoked dry sausage in casings, the product shall be legibly and conspicuously marked in an approved manner to show the presence and the percentage amount of such ingredients.

5. Redesignated § 16.13 (f) is amended by changing the portion thereof preceding the proviso to read: "A cloth bag, artificial casing, or similar container of sausage or other product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and any other marks required under paragraphs (b) through (e), near each end of the product, so as to be clearly visible to the consumer:"

6. Section 16.15 (a) is amended by changing the portion of the second sentence preceding the illustration of the domestic meat label to read: "The domestic meat label shall be 2¾ by 4 inches in size and shall be in form and substance as illustrated below, except that the name and address of the establishment, or the name only, may be printed on the label, at the bottom thereof:"

Section 16.15 (a) is further amended by adding after said illustration the following sentence: "The domestic meat label shall be printed with black ink on white paper of good quality, except that in the case of fiberboard shipping containers it may be printed directly on such containers in black ink on any color background, except green, which offers sufficient contrast so that it is prominently and informatively displayed."

7. In § 17.2 the following is inserted in paragraph (b) as a new proviso preceding what is now the first proviso: "*Provided,* That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers a domestic meat label may be printed directly on such containers in size, form and substance as provided in § 16.15 (a) for use on fiberboard shipping containers."

Section 17.2 is further amended by the addition of a new paragraph (f):

(f) Meat and meat food products packaged in consumer size impervious film containers which are usually displayed in self-service refrigerated counters shall have a statement such as "Keep Refrigerated" prominently displayed on the principal display panel of the label.

8. Section 17.8 (c) (9) is amended to read as follows:

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

9. Section 17.8 (c) (16), (27), (32), (39), and (48) is amended by deleting the references to "dried skim milk" wherever they appear and substituting therefore references to "non-fat dry milk."

10. Section 17.8 (c) (55) is amended to read as follows:

(55) Product labeled "Chopped Ham," "Pressed Ham," "Chopped Ham With Natural Juices," and "Pressed Ham With Natural Juices," may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

11. Section 17.8 (c) is amended by the addition of a new subparagraph (56):

(56) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in a Solution of Papain," to indicate the use of such enzymes.

12. Section 18.6 (a) (5) is amended to read as follows:

(5) Casings for products shall be carefully inspected by Branch employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

13. Section 18.7 (b) is amended to read as follows:

(b) There may be added to product, with appropriate declaration as required under Parts 16 and 17 of this subchapter, common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpetre) and potassium nitrite.

14. Section 18.7 (g) is amended by deleting the reference to "dried skim milk" and substituting therefor a reference to "non-fat dry milk."

15. Section 18.7 is amended by the addition of new paragraphs (q), (r), (s), and (t).

(q) Corn syrup solids, corn syrup, or glucose syrup shall not be used individually or collectively in an amount exceeding 2 percent (calculated on a dry basis) of all of the ingredients used in preparing such meat food products as sausage, hamburger, meat loaf, luncheon meat, chopped ham, or pressed ham.

(r) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, may be added to the pumping pickle for cured hams and pork shoulder picnics and may be used in the preparation of canned chopped ham, provided such use shall not result in more than ½ of 1 percent of added phosphate in the finished product and provided that the maximum amount of such phosphate which may be so used is as follows:

(1) Pumping pickle shall not contain more than 5 percent of such phosphate. When dissolved in pumping pickle, a small quantity of a crystalline precipitate material may be formed. Such pickle shall be filtered or the precipitate allowed to settle so that only the clear solution is injected into product.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, such phosphate may be used in the preparation of canned chopped ham in an amount not to exceed 8 ounces for each 100 pounds of the fresh uncured comminuted ham.

(s) Ascorbic acid or sodium ascorbate may be used in the preparation of cured pork and beef products and comminuted meat food products as follows:

(1) Pickle used for pumping, curing, or packing pork and beef products shall not contain more than 7½ ounces of ascorbic acid or sodium ascorbate to each 100 gallons of pickle.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid or sodium ascorbate may be used in the preparation of cooked, cured, comminuted meat food products in amounts not to exceed ¾ ounce of ascorbic acid or ⅞ ounce of sodium ascorbate for each 100 pounds fresh meat or meat food product. A solution containing not more than 5 percent ascorbic acid or sodium ascorbate in water or brine may be applied to the outer surface of sliced or unsliced cured pork and beef products and comminuted meat food products prior to packaging. The use of such solution shall not result in the addition of a significant amount of moisture to the product.

(t) With appropriate declaration as required under Parts 16 and 17 of this subchapter, not more than 3/1000 of 1 percent of butylated hydroxyanisole and 1/1000 of 1 percent of citric acid may be used in unsmoked dry sausage which is held during preparation in a drying room for purposes of trichinae treatment for the periods prescribed in this subchapter.

16. Section 18.10 (a) and (b) is amended to read as follows:

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including hearts, pork stomachs and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); frozen breaded pork products over ½ inch in thickness; cured boneless pork loins; boneless back bacon; smoked pork cuts such as hams, shoulders, loins and pork shoulder picnics (excepting smoked hams and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

17. In § 18.10 (c) (2), the fifth and sixth undesignated paragraphs are amended to read as follows:

During the period of refrigeration the product shall be kept separate from other products and in the custody of the Branch. Rooms or compartments equipped for being made secure with Branch lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Branch control to another establishment for preparation in such finished form.

Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Branch seals, and such containers as tierces and kegs shall be held in Branch custody by sealing with wax impressed with a Branch metal brand. Railroad cars, motortrucks, and trailers shall, when necessary, be sealed with Branch car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Containers such as boxes, barrels and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product -- degrees F. -- days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped In Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product -- degrees F. -- days' refrigeration." A duplicate copy shall be retained in the station file.

18. Section 24.4 (b) is amended to read as follows:

(b) *France.* Pork livers which have not been refrigerated at a temperature of 15° below 0° C. for twenty (20) days are eligible for importation into France only when destined to pate de foie factories.

19. Section 24.5 (b) is amended to read as follows:

(b) Form MI 415–5 shall be issued in duplicate for animal casings destined to Australia, Austria, Canada, Poland and the Union of South Africa. Upon the request of the exporter, Form MI 415–5 may be issued to cover animal casings destined to any foreign country if the factual knowledge available justifies such certification.

20. Section 24.5, paragraph (i) is deleted and paragraphs (d), (e), (f), (g) and (h) are redesignated respectively as (e), (f), (g), (i) and (j) and new paragraphs (d) and (h) are added as follows:

(d) *Belgium.* Containers of animal casings destined to Belgium shall be marked with the blue export animal cas-

ing stamp (MI 415–7). Each exportation shall be covered by a "Sanitary Certificate in French" (MI 412–8) with the words "Animal Casings" substituted for the word "Products". The certificate shall bear the serial number of the export animal casings stamps used. Nodular casings shall be described on the certificate as "Nodular (not clear)".

* * * * *

(b) *Ireland.* Containers of animal casings consigned to Ireland shall be marked with the regular export stamp (MI 412–10). Each exportation shall be covered by a certificate in the form of MI 415–5.

21. Part 27 is amended by the addition of a new section reading as follows:

§ 27.21 *Specimens for laboratory examination and similar purposes.* The provisions in this part do not apply to specimens of product for laboratory examination, research or similar purposes when authorized importation by the Chief of the Branch under conditions specified by him, but the Chief of the Branch may not authorize the importation of fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable diseases of rinderpest or foot-and-mouth disease exist.

The foregoing amendments bring into the regulations orders and instructions that have been given to the field operating forces of the Meat Inspection Branch and inspected establishments and in this respect will not impose requirements not now being adhered to by affected persons. The amendments also make formal changes coordinating the provisions of the regulations with recent legislation (Pub. Law 646, 84th Congress) prescribing new nomenclature for the product now referred to in the regulations as dried skim milk. So far as these amendments are concerned good cause is therefore found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for making them effective less than 30 days after publication in the FEDERAL REGISTER. The amendments further make possible the importation of specimens of product for laboratory examination, research and similar purposes, when properly authorized and to this extent they relieve restrictions and may also be made effective under section 4 of the Administrative Procedure Act less than 30 days after publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The amendments shall become effective August 30, 1956.

Done at Washington, D. C., this 24th day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56–6988; Filed, Aug. 29, 1956; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6534]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ISRAEL RETTINGER ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* Maker or seller, etc. Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Maker.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Israel Rettinger et al. doing business as Rettinger Raincoat Mfg. Co., New York, N. Y., Docket 6534, August 17, 1956]

In the Matter of Israel Rettinger and David Rettinger, Individually and as Copartners, Doing Business as Rettinger Raincoat Mfg. Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two individuals engaged in New York City in the manufacture of rainwear, including raincoats and rainsuits, with labeling and branding their products with the word "Goodyear", thereby furnishing jobbers and retailers with means for misleading the public as to the identity of the manufacturer—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision[1] and order to cease and desist which, on August 17, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Israel Rettinger and David Rettinger, as individuals or as copartners trading and doing business as Rettinger Raincoat Mfg. Co., or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Goodyear" unless in immediate connection therewith the name of the person, firm or corporation manufacturing such merchandise and the fact that such person, firm or corporation is the manufacturer thereof, is clearly and conspicuously revealed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Israel Rettinger and David Rettinger, individually and as copartners, doing business as Rettinger Raincoat Mfg. Co., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission, Commissioner Anderson not participating.

Issued: August 17, 1956.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–6973; Filed, Aug. 29, 1956; 8:47 a. m.]

[1] Filed as part of original document.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

RENEWAL OF NATIONAL SERVICE LIFE INSURANCE ON THE 5-YEAR LEVEL PREMIUM TERM PLAN

In § 8.85, the present text is amended and numbered paragraph (a) and a new paragraph (b) is added so that § 8.85 reads as follows:

§ 8.85 *Renewal of National Service Life Insurance on the 5-year level premium term plan.* (a) Pursuant to the provisions of an amendment approved July 23, 1953, amending section 602 (f) of the National Service Life Insurance Act of 1940, as amended (Pub. Law 148, 83d Congress, approved July 23, 1953), all or any part of National Service Life Insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000, which is not lapsed at the expiration of any 5-year level premium term period, shall be automatically renewed without application or medical examination for a successive 5-year period at the 5-year level premium term rate for the then attained age of the insured: *Provided,* That in any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this paragraph, shall be automatically renewed for an additional period of 5 years at the premium rate for the then attained age. The renewal of insurance for any successive 5-year period will become effective as of the day following the expiration of the preceding term period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the policyholder on that day: *Provided further,* That no insurance is subject to renewal if the policyholder has exercised his optional right to change to another plan of insurance.

(b) A 5-year level premium term policy which lapsed for nonpayment of the premium due for the 59th or 60th month and subsequently expired on or after July 23, 1953, while in lapsed status, may be renewed subsequent to the expiration of the old term period provided the insured prior to the expiration of the new term period:

(1) Submits written application for reinstatement of the insurance.

(2) Tenders two monthly premiums, one for the month of lapse at the rate for the expired term and the other for the month of reinstatement at the rate for the new term.

(3) (i) If application for reinstatement is submitted and the premiums tendered within three premium months after lapse, including the premium month for which the unpaid premium was due, insurance will be reinstated provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

(ii) If application for reinstatement is submitted and the premiums tendered after expiration of the 3-month period mentioned in subdivision (i) of this subparagraph, insurance will be reinstated provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes evidence thereof satisfactory to the Administrator.

(70 Stat. 886)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective August 1, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–6979; Filed, Aug. 29, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1958]

PART 193—COAL PERMITS, LEASES AND LICENSES

MISCELLANEOUS AMENDMENTS

On pages 4931 and 4932 of the FEDERAL REGISTER for July 3, 1956, there was published a notice of proposed rule making to implement amendments of certain sections of the coal regulations approved March 27, 1951, as amended September 7, 1955. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No adverse comments having been received, the proposed amended regulations are hereby adopted without change and are set forth below.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 24, 1956.

Sections 193.9 and 193.14 are revised; §§ 193.10 and 193.17 are amended; the present text of § 193.24 is designated as paragraph (a) and a new paragraph (b) added thereto; and paragraph (c) of § 193.25 is amended and new paragraphs (d) and (e) added thereto, as follows:

1. Section 193.9 is revised to read:

§ 193.9 *Lease bond.* A compliance bond, in no event less than $1,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.13 of this subchapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Bureau of Land Management deems it proper to do so.

2. Section 193.10 is amended to read:

§ 193.10 *Minimum production.* Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, except when operation is interrupted by strikes, the elements, or casualties not attributable to the lessee, unless, on application and showing made, operations shall be suspended when market conditions are such that the lease cannot be operated except at a loss or for the other reasons specified in section 39 of the act.[1] Operations under the lease shall be continuous except in the circumstances described or unless the lessee shall pay a royalty, less rent, on the minimum production for one year in advance, in which case operations may be suspended for that year.

3. Section 193.14 is revised to read:

§ 193.14 *Sale; bidding requirements, action by successful bidder.* (a) When the sale is by public auction, before bidding is commenced by those persons present, the Manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of lease offer. The successful bidder at a sale by public auction must on the day of sale deposit with the Manager or other officer conducting the sale and each bidder at a sale by sealed bid must submit with his bid, the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in § 193.11 (a) (2) and (3).

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is surveyed, four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 193.13, and file a bond as required by § 193.9. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with the requirements of this subsection until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder, is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence, such as specified in § 193.24 (b), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

4. Section 193.17 is amended to read:

§ 193.17 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

5. The present text of § 193.24 is designated paragraph (a) and a new paragraph (b) added, as follows:

§ 193.24 *Reward for discovery.* (a) * * *

(b) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittees and are the only heirs or devisees of the deceased.

[1] See showing required under § 191.26 of this subchapter.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 193.11 (a) (2) and (3).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittees and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 193.11 (a) (2) and (3), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 193.11 (a) (2) and (3).

6. Paragraph (c) of § 193.25 is amended and new paragraphs (d) and (e) added, as follows:

§ 193.25 *Transfers, including subleases.*

* * * * *

(c) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(d) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(e) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 193.24 (b).

[F. R. Doc. 56-6963; Filed, Aug. 29, 1956; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 1329]

[1360411]

ALASKA

MODIFYING EXECUTIVE ORDER NO. 5391 OF JULY 8, 1930, WHICH RESERVED CERTAIN PUBLIC LANDS FOR EDUCATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5391 of July 8, 1930, which reserved certain public lands in Alaska for use of the Office of Education, is hereby modified to the extent necessary to permit conveyance of the following tract at Point Hope to the Territory of Alaska under the provisions of the act of May 13, 1946 (60 Stat. 170; 49 U. S. C. 1101):

From a reference point consisting of a 4 in. x 4 in. x 10 ft. wooden stake comprising the northwest corner of property belonging to the Episcopal Mission, proceed N. 43° 43' E. for a distance of 316.36 ft. to the point of beginning comprising the northwest corner to the Point Hope Airport property. From this point proceed N. 78° 29' E. for a distance of 596.34 ft.; thence S. 78° 09' E. for a distance of 507.18 ft.; thence S. 21° 30' W. for a distance of 4,195.00 ft.; thence N. 82° W. for a distance of 1,028.4 ft.; thence N. 21° 30' E. for a distance of 4,025 ft. to the point of beginning.

The area described contains 95.73 acres.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 23, 1956.

[F. R. Doc. 56-6961; Filed, Aug. 29, 1956; 8:45 a. m.]

[Public Land Order 1330]

MICHIGAN

REVOKING EXECUTIVE ORDER OF JUNE 19, 1894 AND PARTIALLY REVOKING EXECUTIVE ORDER OF MARCH 16, 1875, WHICH RESERVED CERTAIN LANDS FOR LIFE-SAVING PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[70005]

1. The Executive Order of June 19, 1894, reserving the following-described public lands in Michigan for life-saving purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 29 N., R. 14 W.,
Sec. 18, lot 2.

The area described contains 55.5 acres.

[69373]

2. The Executive order of March 16, 1875, reserving certain lands in Michigan for life-saving purposes, is hereby revoked so far as it affects the following-described lands:

MICHIGAN MERIDIAN

T. 49 N., R. 11 W.,
Sec. 2, lots 1 and 2.

The areas described aggregate 72.65 acres.

3. The released lands are embraced in forest exchange application, BLM 042116, filed by the State of Michigan under the act of July 31, 1912 (37 Stat. 241), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 24, 1956.

[F. R. Doc. 56-6962; Filed, Aug. 29, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 107—CHIGNIK AREA

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of good escapements of red salmon in the Chignik Bay district, it has been determined that additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 107.3 is amended in paragraph (b) by deleting "Friday" and substituting in lieu thereof "Saturday", effective in 1956 only.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

ROBERT H. JOHNSON,
Acting Director.

AUGUST 29, 1956.

[F. R. Doc. 56-7041; Filed, Aug. 29, 1956; 11:45 a. m.]

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of continuing good runs of pink salmon in certain districts of Southeastern Alaska, it has been determined that some additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Sections 122.4 and 123.3 are amended in text by deleting "August 28" and substituting in lieu thereof "August 30."

2. Section 122.5a is amended in text by deleting "August 28" and substituting in lieu thereof "August 29."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
Director.

AUGUST 28, 1956.

[F. R. Doc. 56-7004; Filed, Aug. 28, 1956; 2:49 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61572]

CALIFORNIA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM YUMA AND COLORADO RIVER STORAGE PROJECT

AUGUST 24, 1956.

An order of the Bureau of Reclamation of April 13, 1951, concurred in by the Acting Director, Bureau of Land Management, May 17, 1951, revoked the Departmental orders of April 2, 1909, February 16, 1918, February 28, 1918, February 11, 1920, October 19, 1920, December 13, 1920, and June 4, 1930, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Yuma and Colorado River Storage Project, California, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands described:

SAN BERNARDINO MERIDIAN

T. 8 S., R. 8 E.,
Secs. 22 and 26.
T. 11 S., R. 9 E.,
Secs. 1, 2, 3, 10 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 12 S., R. 9 E.,
Secs. 1 to 6, inclusive.
T. 7 S., R. 10 E.,
Sec. 8.
T. 11 S., R. 10 E.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 12 E.,
Secs. 1 to 36, inclusive.
T. 9 S., R. 13 E.,
Sec. 24, inclusive.
T. 17 S., R. 11 E.,
Secs. 1 to 36, inclusive.
T. 9 S., R. 14 E.,
Secs. 19 to 22, inclusive.
T. 11 S., R. 15 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 13, inclusive;
Sec. 24.
T. 11 S., R. 16 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 12 S., R. 16 E.,
Secs. 1, 2, 12, and 13;
Secs. 22 to 26, inclusive;
Sec. 36.
T. 13 S., R. 17 E.,
Secs. 1, 2, and 12.
T. 14 S., R. 18 E.,
Secs. 1, 2, 3, 11, 12, 13, and 24.

The areas described aggregate 130,162.32 acres.

1. The following-described lands are included in applications for withdrawal filed by the Department of the Navy (LA 0106066 and LA 0102641). With respect to these lands, applications under the public-land laws will be suspended in accordance with 43 CFR 295.10 until action on the applications for withdrawal has been taken:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 12 E.,
Sec. 34, SE¼SE¼;
Sec. 35, NE¼SW¼, S½SW¼, and SE¼;
Sec. 36, S½ and S½NE¼.
T. 9 S., R. 13 E.,
Sec. 24.
T. 9 S., R. 14 E.,
Secs. 19 to 22, inclusive.
T. 11 S., R. 15 E.,
Secs. 1, 2, 3, and 12.
T. 11 S., R. 16 E.,
Secs. 1 to 18, inclusive; 20 to 28, inclusive, and 34 to 36, inclusive.
T. 12 S., R. 16 E.,
Secs. 1, 2, and 12.

The areas described aggregate approximately 27,600 acres.

2. Sections 2, 4, 6, 8, 10, 14, 22, 26, 34, T. 11 S., R. 10 E., aggregating approximately 5,760 acres, are included in State exchange application, LA 0106793, filed under the provisions of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g) as amended, by which the offered lands will benefit a Federal land program. These lands are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

3. The SW¼, sec. 30, T. 17 S., R. 11 E., is included in allowed Desert Land Entry, LA 039446, and is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

4. The following-described lands are included in other existing withdrawals:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 10 E.,
Secs. 1, 12, 13, and 24.
T. 17 S., R. 11 E.,
Sec. 4, SW¼SW¼;
Sec. 5, S½SE¼ and SE¼SW¼;
Sec. 8, NE¼, E½NW¼, NW¼SW¼, and N½SE¼;
Sec. 9, W½NW¼ and NW¼SW¼;
Secs. 25 to 32, inclusive.
T. 7 S., R. 12 E.,
Secs. 1 to 36, inclusive.

The areas described aggregate approximately 8,320 acres.

5. The remaining lands, aggregating approximately 89,162 acres, are situated in the inland desert region of Southern California. The area comprises lands located in the south-central edge of Riverside County near the Santa Rosa and Orocopia Mountains and in Imperial County. Nearly all of the lands are characterized by rough, irregular, broken or rugged mountain topography. The lands are not valuable for agriculture nor grazing purposes.

6. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 29, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 29, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

CHARLES P. MEAD,
Acting Director.

[F. R. Doc. 56-6976; Filed, Aug. 29, 1956; 8:47 a. m.]

[Doc. 139]

[Classification 53]

ARIZONA

SMALL TRACT CLASSIFICATION

AUGUST 22, 1956.

1. Pursuant to authority delegated to me by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), I hereby open the following described lands, which were classified by Classification Order No. 46, Document No. 71, dated November 7, 1955 (20 F. R. 8503), to application for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,
Sec. 15: W½, SE¼;
Sec. 21: E½, SW¼;
Sec. 22: All;
Sec. 26: S½;
Sec. 27: S½S½;
Sec. 28: N½;
Sec. 35: E½.

aggregating 2,720 acres subdivided into 1,088 small tracts none of which are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. The tracts are situated in Paradise Valley, Maricopa County, approximately 16 miles north of Phoenix, Arizona, and approximately 3½ miles south of Cave Creek, Arizona. The topography is flat to rolling with numerous small shallow washes throughout. Soils are sandy clay loam interspersed with fine gravel. A power line parallels the east line of sections 15, 22, and 27. Culinary water is not available from any presently developed source. Schools, stores, and other public facilities are available in the communities of Sunnyslope and Phoenix. Native vegetation is typical of the Southwestern desert region and consists primarily of creosote, bursage, paloverde, cacti, and mesquite. There is no evidence of metallic or non-metallic minerals.

3. (a) The individual tracts contain 2½ acres and conform to 1/256 of a section. All tracts in the S½S½S½, NE¼SE¼SE¼, E½NE¼SE¼ section 15; N½N½NE¼ section 21; N½N½N½, SE¼NE¼NE¼, E½SE¼NE¼, E½E½SE¼ section 22; W½W½SW¼ section 26; E½SE¼SE¼ section 27, and S½S½SE¼ section 35 are appraised at $375.00 per tract. All remaining tracts are appraised at $300.00 per tract.

(b) The advance three year rental for residence tracts appraised at $375.00 is $56.25. The advance three year rental for those tracts appraised at $300.00 is $45.00. The advance three year rental for a business tract is $60.00. However, if the gross business exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

(c) Rights-of-way 33 feet in width for streets, roads and public utilities will be reserved on all tract boundary lines facing the section lines, quarter, sixteenth and sixty-fourth subdivision lines. All minerals in the lands will be reserved to the United States.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in paragraph 4 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. Each living unit should provide complete living facilities, ordinarily considered to be a permanent home, arranged and completed to provide suitable and desirable living, sleeping and cooking accommodations for year round occupancy. Each living unit should contain not less than 500 square feet of floor space and shall be divided into at least two rooms. The homes must be built in a workmanlike manner out of attractive properly finished materials. They must be of substantial construction to withstand the elements and on a full solid foundation. Adequate disposal and sanitary facilities must be installed.

7. (a) Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

(b) The applications must be accompanied by a filing fee of $10.00 plus the advance rental as specified in paragraph 3. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to the unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications from persons entitled to veterans' preference filed after August 22, 1956 and prior to 10:00 a. m., September 27, 1956, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after August 22, 1956 and prior to 10:00 a. m. December 27, 1956 will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRACITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 56–6964; Filed, Aug. 29, 1956; 8:45 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, CALIFORNIA

ORDER OF REVOCATION

DECEMBER 4, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of April 2, 1909, October 19, 1920, and June 4, 1930, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 7 S., R. 10 E.,
Secs. 7, 15 to 23, inclusive, 25 to 27, inclusive, all;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½ Lot 1 of the NW¼, N½ Lot 2 of the NW¼, NE¼.
T. 7 S., R. 11 E.,
Secs. 27, 28, and 30 to 36, inclusive, all.
T. 8 S., R. 11 E.,
Secs. 1, 2, 6, 12, and 13, all;
Sec. 18, Lots 1 and 2 of the NW¼, E½;
Sec. 20, N½, SE¼;
Sec. 28, NE¼.
T. 9 S., R. 11 E.,
Sec. 14, NE¼;
Sec. 24, NE¼.
T. 8 S., R. 12 E.,
Secs. 5 to 9, inclusive, 16 to 22, inclusive, 24 to 30, inclusive, and 32 to 36, inclusive, all.
T. 9 S., R. 12 E.,
Sec. 1, all;
Sec. 2, Lot 1 of the NE¼, SE¼NE¼NE¼, SW¼NW¼NE¼ (in Lot 2 of NE¼), Lot 1 of NW¼, NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼ (in Lot 2 of NW¼), S½;
Secs. 3, 4, and 12, all.
T. 8 S., R. 13 E.,
Sec. 31, all.
T. 9 S., R. 13 E.,
Secs. 7, 8, 16 to 18, inclusive, 20 to 23, inclusive, 25 to 27, inclusive, and 36, all.
T. 9 S., R. 14 E.,
Secs. 23, 31 and 32, all.
T. 10 S., R. 14 E.,
Secs. 3 to 6, inclusive, 8 to 11, inclusive, 14 to 16, inclusive, 22 to 26, inclusive, and 36, all.
T. 10 S., R. 15 E.,
Secs. 31 and 32, all.

The above area aggregates 60,193.87 acres.

H. F. MCPHAIL,
Acting Commissioner.

[660015]

AUGUST 24, 1946.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Of the lands released from withdrawal by this order, approximately 31,200 acres have been patented without a mineral reservation, 7,640 acres are included in an application for withdrawal by the Department of the Navy (LA–0106066), 5,120 acres are State school lands, 2,320 acres are withdrawn by Public Land Order No. 281 for use of the Department of the Navy, and 1,280 acres are included in allowed desert-land entries, and 280 acres are withdrawn for power purposes in Power Site Reserve No. 530. Approximately 19,994 acres are vacant public domain.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 29, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on December 29, 1956.

The lands are in Imperial and Riverside Counties, between the Salton Sea and the Orocopia and Chocolate Mountains. They range from fairly level to rough, broken and mountainous. There are numerous shallow washes throughout the lower reaches of the area.

Applications for the lands in Navy application LA–0106066 will be suspended in accordance with 43 CFR 295.10 until action has been taken on the withdrawal application.

The lands in Power Site Reserve No. 530 will be opened to mining location pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) at 10:00 a. m. on September 29, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

CHARLES P. MEAD,
Acting Director, Bureau of Land Management.

[F. R. Doc. 56–6977; Filed, Aug. 29, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32556: *Coal—Inner and outer crescent districts in Ohio.* Filed by Louisville and Nashville Railroad Company, for itself and interested rail carriers. Rates on coal, carloads from stations on the Interstate Railroad and Louisville and Nashville Railroad in the inner and outer crescent coal districts described in the schedule listed below to specified points in Ohio on the Erie Railroad Company.

Grounds for relief: Origin rate relations and circuitous routes.

Tariff: Supplement 62 to Agent Spaninger's I. C. C. 1174.

FSA No. 32557: *Aluminum billets, pigs and ingots—Louisiana to Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Chalmette and New Orleans, La., to Columbus and Heath, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 22 to Agent Spaninger's I. C. C. 1509.

FSA No. 32558: *Seeds—Pacific coast to Alabama points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on seeds, carloads from specified points in Pacific coast states to Boylston, Madison Park and Montgomery, Ala.

Grounds for relief: Circuitous routes through higher-rated intermediate destination groups.

Tariff: Supplement 11 to Agent Prueter's I. C. C. 1577.

FSA No. 32559: *Cement—North Paulding, Ohio to Michigan.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, clinker, common, hydraulic, masonry, mortar, natural or portland, carloads from North Paulding, Ohio to points in Michigan in central territory.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 12 to New York Central Railroad Company's tariff I. C. C. 1632.

FSA No. 32560: *Fertilizer solutions—Tuscola, Ill., to Southern Points.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer ammoniating and nitrogen solutions, tank-car loads from Tuscola, Ill., to Birmingham, Ala., Rome, Ga., Hopkinsville, Ky., Memphis and Mt. Pleasant, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 15 to Agent Raasch's tariff I. C. C. 855; Supplement 84 to Agent Raasch's tariff I. C. C. 776.

FSA No. 32561: *Wallboard—South to Western Trunkline Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on wallboard, building, wall or insulating, carloads as described in the application, from points in southern territory to points in zones 2, 3 and 4 of western trunkline territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 55 to Alternate Agent Marque's tariff I. C. C. 427.

FSA No. 32562: *Minimum rates—Floor Covering Between North and South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on linoleum and felt base floor covering, carloads between certain points in official territory and certain points in southern territory.

Grounds for relief: Grouping and circuitous routes.

Tariffs: Supplement 250 to Agent C. W. Boin's I. C. C. A–800; Supplement 334 to Agent H. R. Hinsch's I. C. C. 3636.

FSA No. 32563: *Phosphate rock—Florida to Albany and Cordele, Ga.* Filed by Seaboard Air Line Railroad Company for itself and on behalf of the Albany and Northern Railway Company. Rates on phosphate rock, carloads, as

described in the application from stations on the Seaboard Air Line Railroad in the pebble rock district in Florida to Albany and Cordele, Ga., on the Albany and Northern Railway.

Grounds for relief: Circuitous route.

FSA No. 32564: *Cement—Chicago, Ill., group and Fairborn, Ohio, to Trunk Line Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, common, masonry, mortar, natural, hydraulic or portland, carloads and cement clinker, carloads from Chicago and South Chicago, Ill., Buffington, Ind., and Fairborn, Ohio to District of Columbia and points in Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia, within 700 miles of each origin.

Grounds for relief: Short-line distance formula, truck competition and circuitous routes.

Tariff: Supplement 80 to Agent Hinsch's tariff I. C. C. 3826.

FSA No. 32565: *Latex—Naugatuck, Conn., to Spray, N. C.* Filed by O. E. Swenson and C. W. Boin, Agents, for interested rail carriers. Rates on latex (liquid crude rubber) carloads from Naugatuck, Conn., to Spray, N. C.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 75 to Agent Swenson's tariff I. C. C. 610.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-6978; Filed, Aug. 29, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2815, etc.]

DIRKS BROS. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

AUGUST 23, 1956.

In the matters of Dirks Bros. et al., Docket No. G-2815 et al.; Stanolind Oil and Gas Company, Docket No. G-5713.

Notice is hereby given that the application of Stanolind Oil and Gas Company in Docket No. G-5713 in the above consolidated proceedings and scheduled for a hearing on September 18, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6967; Filed, Aug. 29, 1956; 8:46 a. m.]

[Docket No. G-4280, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

NOTICE OF HEARING

AUGUST 22, 1956.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280; Mid-Continent Petroleum Corporation, Docket No. G-4281; Warren Petroleum Corporation, Docket No. G-4282; Oil Drilling, Inc., et al., Docket No. G-4283; Lone Star Gas Company, Docket No. G-8763.

The Commission on July 26, 1956, issued an order in the above-entitled matters reopening said proceedings for the presentation of further evidence and consolidating for hearing to commence at a time and place to be thereafter fixed.

Notice is hereby given that the hearing referred to will commence at 10:00 a. m., e. d. s. t., October 15, 1956, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6968; Filed, Aug. 29, 1956; 8:46 a. m.]

[Docket No. G-6534 etc.]

HOLLY SUGAR CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-6534; Holly Sugar Corporation; Worland, Big Horn and Washakie Counties, Wyo.; Montana-Wyoming Gas Pipeline Company and Montana-Dakota Utilities Company.

G-6545; Breckenridge Gasoline Company; Rodessa, Cass County, Tex.; Arkansas-Louisiana Gas Company.

G-6605; Rip C. Underwood and Southland Royalty Company; West Panhandle, Hutchinson County, Tex.; Phillips Petroleum Company.

G-6607; John R. LeBosquet; Hugoton, Stevens County, Kans.; H. M. Gillespie.

G-3247; Ralph A. Johnson and William G. Johnson's Estate; Fairbanks, Harris County, Tex.; Texas-Illinois Natural Gas Pipeline Company.

G-3991; Henshaw Brothers, John Armstrong and O. R. Mitchell; Alice, Jim Wells County, Tex.; Altex Corporation.

G-4327; Mid-County Oil and Gas Company and Alden B. Dow; Longstreet, DeSoto Parish, La.; Arkansas-Louisiana Gas Company.

A public hearing will be held on the 17th day of September 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in, and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

AUGUST 23, 1956.

[F. R. Doc. 56-6969; Filed, Aug. 29, 1956; 8:46 a. m.]

[Docket No. G-2503 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-2503, G-9784, G-9785, G-9786; and Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-9787.

The East Ohio Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and Hope Natural Gas Company, of the Consolidated Natural Gas System, on August 17, 1956, filed a request to present oral argument in the above-entitled matters.

The Commission orders:

(A) Oral argument be had before the Commission on September 14, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled consolidated proceedings.

(B) Each party to the proceedings desiring to participate in the oral argument shall notify the Secretary of the Commission, on or before September 4, 1956, of such intention and of the amount of time requested for presentation of their argument.

Issued: August 24, 1956.

By the Commission.

[SEAL] LEON FUQUAY, *Secretary.*

[F. R. Doc. 56-6970; Filed, Aug. 29, 1956; 8:46 a. m.]

[Docket No. G-2864 etc.]

RAY LONDON ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

AUGUST 24, 1956.

In the matters of Ray London and/or D. E. London, et al., Docket No. G-2864 et al.; Stanolind Oil and Gas Company, Docket Nos. G-4066-4068, inclusive, G-4756, G-4874, G-7484, G-7494, G-7499, G-7506, G-7513, G-7517, G-7519, G-7521, G-7523, G-7534.

Notice is hereby given that the applications of Stanolind Oil and Gas Company in Docket Nos. G-4066-G-4068, inclusive, G-4756, G-4874, G-7484, G-7494, G-7499, G-7506, G-7513, G-7517, G-7519, G-7521, G-7523, and G-7534 in the above consolidated proceedings and scheduled for a hearing on September 12, 1956, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6971; Filed, Aug. 29, 1956; 8:46 a. m.]

[Docket Nos. G-10727, G-10729]

ALDEN E. BRANINE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 24, 1956.

In the matters of Alden E. Branine, F. G. Holl, C. B. Edwards, and F. A. Roberts, Docket No. G-10727; Skelly Oil Company, Docket No. G-10729.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas to Northern Natural Gas Company for transportation in interstate commerce for resale from the fields as hereinafter described.

Docket Nos., and Location of Field

G-10727; Various units in the Embry Field and various sections in Edwards County, Kans.

G-10729; Schafer, Watkins, Crawford, and Kingsmill gasoline extraction plants in Hutchinson, Gray and Carson Counties, Tex. (all located within the Panhandle oil and gas fields).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-6972; Filed, Aug. 29, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3504]

PHILADELPHIA CO., AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED RENEWAL OF PROMISSORY NOTE

AUGUST 24, 1956.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Shares, Inc., a registered holding company in the process of conversion into an investment company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9 and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which will mature on September 10, 1956, and which bears interest at the rate of 3¼ percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest payable monthly at the prime interest rate prevailing at the date of the new note for short-term commercial bank loans, and will mature September 10, 1957, with the right of the issuer to anticipate at any time the payment of all or any part of the principal thereof.

It is stated that the expenses, if any, in connection with the proposed transaction will be nominal in amount.

Notice is further given that any interested person may, not later than September 7, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6974; Filed, Aug. 29, 1956; 8:47 a. m.]

[File No. 811-683]

TRI-STATE INVESTMENT CO.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

AUGUST 24, 1956.

Notice is hereby given that Tri-State Investment Company ("Applicant"), a New Jersey corporation and a closed-end, non-diversified investment company registered as such under the Investment Company Act of 1940 ("act") has filed an application and an amendment thereto pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act.

Applicant filed its Notification of Registration on June 30, 1955. On May 11, 1956, the Secretary of State of New Jersey issued a certificate of dissolution of Applicant upon delivery to him of the written consent of all of Applicant's stockholders. Applicant's assets amounting to $28,973.61 have all been distributed to its stockholders.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 14, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after

said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-6975; Filed, Aug. 29, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-106]

ALLGEMEINE WERTVERKEHRSBANK

In re: Debt owing to Allgemeine Wertverkehrsbank. F-34-1692; F-63-60, Zurich.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $1,490.20 as of June 6, 1956, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Allgemeine Wertverkehrsbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended:

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6980; Filed, Aug. 29, 1956; 8:48 a. m.]

[Vesting Order SA-107]

BASLER VERSICHERUNGS-GESELLSCHAFT

In re: Debt owing to Basler Versicherungs-Gesellschaft. F-34-1691; F-63-60, Zurich.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank also known as Credit Suisse New York Agency, 25 Pine Street, New York 5, New York, in the sum of $514.70 as of June 6, 1956, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Basler Versicherungs-Gesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6981; Filed, Aug. 29, 1956; 8:49 a. m.]

[Vesting Order SA-108]

VERSICHERUNGS GENOSSENSCHAFT DER LANDWIRTE

In re: Debt owing to Versicherungs Genossenschaft der Landwirte, also known as Gazdak Biztosito Szovetkezete. F-34-1663, F-63-60, Zurich.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55. November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $24,641.20, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Versicherungs Genossenschaft der Landwrite, also known as Gazdak Biztosito Szovetkezete, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6982; Filed, Aug. 29, 1956; 8:49 a. m.]

[Vesting Order SA-109]

NATIONAL BANK OF RUMANIA

In re: Debt owing to National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei; F-57-85.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of J. P. Morgan Co. Incorporated, 23 Wall Street, New York 8, New York, arising out of an account entitled "Banque Nationale de Roumanie Special Account (C 2087)," maintained at the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6983; Filed, Aug. 29, 1956; 8:49 a. m.]

[Vesting Order SA-110]

NATIONAL BANK OF RUMANIA

In re: Debt owing to National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F-57-85.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, in the sum of $493,735.40, as of February 20, 1956, arising out of an account entitled "Banque Nationale de Roumanie, Bucharest, Rumania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

Is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-6984; Filed, Aug. 29, 1956; 8:49 a. m.]

[Vesting Order SA-111]

NATIONAL BANK OF RUMANIA

In re: Debt owing to the National Bank of Rumania, also known as Banque Nationale de Roumaine and as Banca Nationale a Roumaniei. F-57-85; F-63-2282.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order

No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York, in the sum of $2,157.80, being a portion of an account entitled, "Bank for International Settlements Special Blocked account Sub-Account No. 1," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–6985; Filed, Aug. 29, 1956; 8:49 a. m.]

[Vesting Order SA–112]

NATIONAL BANK OF RUMANIA

In re: Debts owing to the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei; F–57–85.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Roumanie, Bucharest, Roumania, Old Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Roumanie, Bucharest, Roumania, Customers Foreign Currency Deposit," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–6986; Filed, Aug. 29, 1956; 8:49 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and by virtue of the authority vested in me by the Secretary of Agriculture, the United States Standards for Grades of Dried Currants (§§ 52.981 to 52.985) are revised as hereinafter set forth.

The revision provides for an additional style of "Seeded" for Zante type currants.

It is hereby found that notice and public procedure thereon with respect to the revised standards are impracticable, unnecessary and contrary to the public interest; and good cause is found for making these revised standards effective on September 1, 1956, for the reasons that:

(1) The additional style is included in the grade-standards to facilitate operations under the modified Raisin Marketing Order No. 89, as amended;

(2) The processing season for raisins, which includes dried currants, is imminent and it is necessary for purposes of inspection and marketing that these revised standards be effective at the beginning of the packing season; and

(3) Additional time will not be needed for the industry to make preparation for compliance with these amendments.

The revised standards are as follows:

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.981 Product description.
52.982 Types (varieties) and styles of dried currants.
52.983 Grades of dried currants.

EXPLANATIONS AND METHODS OF ANALYSES

52.984 Definitions of terms.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

WORK SHEET

Sec.
52.985 Work sheet for dried currants.

AUTHORITY: §§ 52.981 to 52.985 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.981 *Product description.* Dried currants are dried grapes of such Vinifera varieties as Black Corinth or White Corinth that have been properly processed by removing seeds in Seeded style and by stemming, capstemming, and cleaning to assure a wholesome product.

§ 52.982 *Types (varieties) and styles of dried currants*—(a) *Type I.* Zante Type (Domestic):

(1) Unseeded.
(2) Seeded.

(b) *Type II.* Other than Zante Type (Domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

§ 52.983 *Grades of dried currants.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 24 ounces of dried currants may be present;

(2) Not more than 12 seeds per 16 ounces may be present in seeded dried currants;

(3) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(4) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(5) Not more than 2 percent, by weight, of dried currants may be damaged;

(6) Not more than 5 percent, by weight, of dried currants may be sugared;

(7) Not more than 1 percent, by count, of dried currents may be moldy;

(8) The appearance or edibility of the product may not be affected by dried currants damaged by fermentation; and

(Continued on p. 6557)

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from sunburn, scars, mechanical, or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(e) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystalized fruit sugars in the flesh of the dried currant or on the surface are readily apparent.

(f) "Moldy" currants are those that show mold on more than one-fourth of the surface when ascertained in accordance with the following method:

(1) *Currants showing catalase activity.* (For use on currants where catalase activity has not been destroyed by treatment with lye, oil, or heat.) Count out 100 currants from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NH_4OH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" currants, those in which yeasts also give a reaction with hydrogen peroxide.

(g) "Grit, sand, or silt" means any particle of earthy material.

(h) "Moisture" means the percentage by weight of moisture in dried currants when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

WORK SHEET

§ 52.985 *Work sheet for dried currants.*

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum count	
Pieces of stem	1 per 24 ounces.	1 per 16 ounces.
Seeds (in Seeded style)	12 per 16 ounces.	15 per 16 ounces.
	Maximum (by weight) (percent)	
Currants with capstems	1½	2
Poorly developed, blowovers	1	2
Damaged	2	3
Sugared	5	10
	Maximum (by count) (percent)	
Moldy currants	1	2
Damaged by fermentation	Not affected.	No more than slightly affected.
Grit, sand, or silt	None of any consequence.	None of any consequence.

TABLE I—ALLOWANCES FOR DEFECTS IN DRIED CURRANTS

(4) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(5) Not more than 3 percent, by weight, of dried currants may be damaged;

(6) Not more than 10 percent, by weight, of dried currants may be sugared;

(7) Not more than 2 percent, by count, of dried currants may be moldy;

(8) The appearance or edibility of the product may not be more than slightly affected by dried currants damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

(c) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

Defects	A	B
Size of case or package		
Markings		
Label or brand		
Net weight		
Type		
Moisture content		
Similar varietal characteristics		
Color		
Flavor		
Development		
	Maximum	
Pieces of stem	1 per 24 ounces	1 per 16 ounces
Seeds (in Seeded style)	12 per 16 ounces	15 per 16 ounces
	Maximum (by weight) (percent)	
Currants with capstems	1½	2
Poorly developed, blowovers	1	3
Damaged	2	10
Sugared	5	
	Maximum (by count) (percent)	
Moldy currants	1	2
Damaged by fermentation	Not affected	No more than slightly affected.
Grit, sand, or silt	None of any consequence	None of any consequence.
Grade		

The United States Standards for Grades of Dried Currants (which is the fourth issue) contained in this subpart shall become effective on September 1, 1956 and thereupon will supersede the United States Standards for Grades of

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.984 *Definitions of terms.* (a) A "piece of stem" means a portion of the branch or main stem.

(b) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(c) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(d) "Damaged" currants means currants affected by insect injury or injury

Defects	1	2
	Appearance or edibility may not be affected.	Appearance or edibility may not be more than slightly affected.
	None of any consequence may be present that affects the appearance or edibility of the product.	

Dried Currants (§§ 52.981 to 52.985) which have been in effect since August 26, 1955.

Dated: August 23, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6941; Filed, Aug. 30, 1956; 8:45 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS [1]

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and by virtue of the authority invested in me by the Secretary of Agriculture, the United States Standards for Grades of Processed Raisins (§§ 52.1841 to 52.1851) are revised as hereinafter set forth.

The revision provides for additional types of Uncapstemmed and Soda-dipped Seeded Muscat raisins and Mixed types of raisins; a change in maximum moisture content for Layer Muscat raisins from 21 percent to 23 percent; and a decrease in allowances for pieces of stems in all grades of Thompson Seedless Raisins.

It is hereby found that notice and public procedure thereon with respect to the revised standards are impracticable, unnecessary and contrary to the public interest; and good cause is found for making these revised standards effective on September 1, 1956 for the reasons that:

(1) The changes in these revised grade-standards are made to conform with modifications to provisions of the modified Raisin Marketing Order No. 89, as amended; and they have been discussed with interested members of the affected industry;

(2) The processing season for raisins is imminent and it is necessary for purposes of inspection and marketing that these revised standards be effective at the beginning of the packing season; and

(3) Additional time will not be needed for the industry to make preparation for compliance with these amendments.

The revised standards are as follows:

PRODUCT DESCRIPTION, SUMMARY OF TYPES

Sec.
52.1841 Product description.
52.1841a Product description of Layer (or Cluster) Muscat Raisins.
52.1842 Summary of types (Varieties) of processed Raisins.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

52.1843 Sizes of Thompson Seedless Raisins.
52.1844 Colors of Sulfur Bleached and Golden Seedless Thompson Seedless Raisins.
52.1845 Grades of Thompson Seedless Raisins.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

52.1846 Sizes of Muscat Raisins.
52.1846a Sizes of Layer (or Cluster) Muscat Raisins.
52.1847 Grades of Muscat Raisins.
52.1847a Grades of Layer (or Cluster) Muscat Raisins.

TYPE III—SULTANA RAISINS; SIZES, GRADES

52.1848 Sizes of Sultana Raisins.
52.1849 Grades of Sultana Raisins.

TYPE IV—MIXED TYPES OF RAISINS; GRADES

52.1850 Grades of mixed types.

EXPLANATIONS AND METHODS OF ANALYSES

52.1851 Definitions of terms.

WORK SHEET

52.1852 Work sheet for processed raisins.

AUTHORITY: §§ 52.1841 to 52.1852 issued under sec. 205, 60 Stat., 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, SUMMARY OF TYPES

§ 52.1841 *Product description.* Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed except for cluster or uncapstemmed raisins; and are sorted or cleaned, or both, to assure a wholesome product.

§ 52.1841a *Product description of Layer (or Cluster) Muscat Raisins.* Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1842 *Summary of types (varieties) of processed raisins*—(a) *Type I—Thompson Seedless.* (1) Unbleached (natural).
(2) Sulfur Bleached and Golden Seedless.
(3) Soda Dipped.
(b) *Type II—Muscat.* (1) Seeded (seeds removed).
(2) Unseeded-capstemmed (loose).
(3) Unseeded-uncapstemmed (loose).
(4) Soda-dipped Unseeded-capstemmed (Valencia).
(5) Soda-dipped Unseeded-uncapstemmed (Valencia).
(6) Soda-dipped Seeded (Valencia).
(7) Layer (or Cluster).
(c) *Type III—Sultana.*
(d) *Type IV—Mixed types.* A mixture of two or more different types (varieties) of raisins including sub-types outlined in this section but other than (1) mixtures containing Layer (or Cluster) Muscats, (2) mixtures containing Unseeded-uncapstemmed Muscats, and (3) mixtures of Seeded and Unseeded Muscats.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

§ 52.1843 *Sizes of Thompson Seedless Raisins.* The sizes of Thompson Seedless Raisins are not incorporated in grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) "Select" size raisins means that not less than 35 percent, by weight, but not more than 85 percent, by weight, of all the raisins will pass through round perforations $2\frac{1}{64}$ inch in diameter, but not more than 5 percent, by weight of all the raisins may pass through round perforations $20/64$ inch in diameter.

(b) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $2\frac{1}{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $20/64$ inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet the requirements of "Select" size.

§ 52.1844 *Colors of Sulfur Bleached and Golden Seedless Thompson Seedless Raisins.* The color of Sulfur Bleached and Golden Seedless Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) "Reasonably well-bleached color" (or "fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) "Fairly well-bleached color" (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) "Bleached color" (or "choice color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, or all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Seedless.

(e) "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 *Grades of Thompson Seedless Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 96 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) Not more than 2 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 2 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of raisins may be damaged;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) Not more than 3 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of their raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 4 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers; except that in "Small" (or "midget") size not more than 3 percent, by weight, of raisins may be poorly developed, blowovers.

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) Not more than 4 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	2—Other sizes. 3—"Small" size.
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected...	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

§ 52.1846 *Sizes of Muscat Raisins.* The sizes of Muscat Raisins except for Layer (or Cluster) Muscat raisins, are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $3\frac{1}{64}$ inch in diameter; and the balance will pass through round perforations $3\frac{1}{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $2\frac{3}{64}$ inch in diameter.

(2) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $3\frac{1}{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $2\frac{3}{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $4\frac{2}{64}$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $4\frac{2}{64}$ inch in diameter but will not pass through round perforations $3\frac{1}{64}$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $3\frac{1}{64}$ inch in diameter but will not pass through round perforations $3\frac{1}{64}$ inch in diameter.

(4) "1 Crown" means raisins that will pass through round perforations $2\frac{1}{64}$ inch in diameter.

§ 52.1846a *Sizes of Layer (or Cluster) Muscat Raisins.* The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(a) *"3-Crown size or larger".* "3-Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations $3\frac{1}{64}$ inch in diameter.

§ 52.1847 *Grades of Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-Dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 10 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16

ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 12 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 3 percent, by weight, of raisins may be damaged;

(6) Not more than 5 percent, by weight, of raisins may be sugared;

(7) Not more than 2 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 2 pieces of stems per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 15 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 4 percent, by weight, of raisins may be damaged;

(6) Not more than 10 percent, by weight, of raisins may be sugared;

(7) Not more than 3 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 3 pieces of stems per 32 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 20 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 5 percent, by weight, of raisins may be damaged;

(6) Not more than 15 percent, by weight, of raisins may be sugared;

(7) Not more than 4 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(9) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.1847a *Grades of Layer (or Cluster) Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are reasonably free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight, of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "Substandard" is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

TABLE II—ALLOWANCES FOR DEFECTS IN TYPE II, MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems in other than uncapstemmed types	10	15	20
Seeds in seeded types	12	15	20
Loose capstems in uncapstemmed types	20	20	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	2
Damaged	3	4	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product May not be affected.	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TABLE IIa—ALLOWANCES FOR DEFECTS IN LAYER (OR CLUSTER) MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum (by weight) (percent)	
Poorly developed, blowovers	1	2
Damaged	3	4
Sugared	5	10
	Maximum (by count) (percent)	
Moldy raisins	2	3
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free.	Reasonably free.
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

TYPE III—SULTANA RAISINS; SIZES, GRADES

§ 52.1848 *Sizes of Sultana Raisins.* Size designations are not applicable to Sultana Raisins.

§ 52.1849 *Grades of Sultana Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) Not more than 2 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Tables III of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 45 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of raisins may be damaged;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) Not more than 3 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 65 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) Not more than 4 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Sultana Raisins that fails to meet the requirements of U. S. Grade C or U. S. Standard.

moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" raisins those in which yeasts also give a reaction with hydrogen peroxide.

(2) Bleached raisins and others treated with lye, oil, or heat. Count out 100 raisins from a well-mixed sample. Place them in a 400 ml. beaker, cover with H_2O, heat to boiling and boil approximately 5 minutes. Drain off H_2O, and place raisins in a white pan. Cover completely with H_2O and examine with an ocular loupe or jeweler's eyepiece with magnification of approximately 5X. Count as moldy those that are obviously moldy, and examine microscopically those that are suspected of being moldy to determine the presence or absence of mold filaments.

(h) "Grit, sand, or silt" means any particle of earthy material.

(i) "Moisture" means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results.

WORK SHEET

§ 52.1852 *Work sheet for processed raisins.*

Flavor	A	B	C
Defects	Maximum		
Pieces of stem:			
Thompson Seedless	1 per 90 oz.	2 per 90 oz.	4 per 90 oz.
Other types	1 per 32 oz.	2 per 32 oz.	3 per 32 oz.
	Maximum (per 16 ounces)		
Capstems:			
Thompson Seedless	15	25	35
Muscat	10	15	20
Sultana	25	45	65
Seeds in Muscat Seeded only[1]	12	15	20
Loose capstems: Muscat, uncapstemmed	20	20	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers:			
Thompson Seedless "Small size"	1	2	3
All other raisins	1	2	2
Damaged:			
Thompson Seedless and Sultana	2	3	5
Muscat	3	4	5
Sugared (all raisin types)	5	10	15
	Maximum (by count) (percent)		
	2	3	4
	Practically free.	Reasonably free.	
Moldy (all raisin types)	None of any consequence.	No more than slightly affected.	Not materially affected.
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each	Not affected		
Insect infestation (all raisin types)			
Damaged by fermentation (all raisin types). Affecting appearance or edibility.	None of any consequence.	None of any consequence.	Not more than a trace.
Grit, sand, or silt (all raisin types). Affecting appearance or edibility.			

[1] Not applicable to layer (or cluster) or uncapstemmed muscat raisins.

TABLE III—ALLOWANCES FOR DEFECTS IN TYPE III, SULTANA RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	2
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
	2	3	4
Moldy raisins	Appearance or edibility of product		
Damaged by fermentation	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	Not more than a trace may be present that affects the appearance or edibility of the product.	

TYPE IV—MIXED TYPES OF RAISINS; GRADES

§ 52.1850 *Grades of mixed types.* The grade for a lot of mixed types of processed raisins shall be the lower (or lowest) grade of any varietal type in the mixture based on the respective requirements for each type, except for moisture in accordance with this subpart. Mixed types of processed raisins of U. S. Grade A or U. S. Fancy, U. S. Grade B or U. S. Choice, or U. S. Grade C or U. S. Standard may contain not more than 18 percent, by weight, of moisture. Mixed types of processed raisins that as a mixture exceed 18 percent, by weight, of moisture are "Substandard."

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1851 *Definitions of terms.* (a) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Poorly developed, blowovers" refers to berries that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(e) "Damaged" raisins means raisins affected by sunburn, scars, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the raisins or on the surface are readily apparent.

(g) "Moldy" raisins are those that show mold on more than one-fourth of the surface when ascertained in accordance with whichever of the following methods is applicable:

(1) *Raisins showing catalase activity.* (For use on raisins where catalase activity has not been destroyed by treatment with lye, oil, or heat). Count out 100 raisins from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NH_4OH. The

Color	Maximum by weight (percent)
Thompson Seedless:	
Sulfur bleached and golden:	
Well-bleached (Extra Fancy)	1
Reasonably well-bleached (Fancy)	3
Fairly well-bleached (Extra Choice)	6 Definitely dark berries.
Sulfur bleached: Bleached (Choice)	15
Golden: Bleached (Choice)	20
Grade A	10 Dark reddish brown berries.
Muscat: Soda dipped unseeded and seeded:	
Grade B	15
Grade C	20
Grade	

[1] Not applicable to layer (or cluster) or uncapstemmed muscat raisins.

The United States Standards for Grades of Processed Raisins (which is the fifth issue) contained in this subpart shall become effective on September 1, 1956 and thereupon will supersede the United States Standards for Grades of Processed Raisins (§§ 52.1841 to 52.1851) which have been in effect since August 26, 1955.

Dated: August 23, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-6940; Filed, Aug. 30, 1956; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-10-A21]

PART 903—MILK IN ST. LOUIS, MO. MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than September 1, 1956, so as to reflect current marketing conditions. Any delay beyond September 1, 1956, in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the St. Louis, Missouri, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective September 1, 1956, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the St. Louis, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 903.51 (a) (2) delete the proviso and substitute therefor the following: "*Provided*, That for the months of September, October, and November, 1956 such rate shall be five cents and the maximum amount shall be plus or minus 45 cents."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of August 1956, to be effective on and after September 1, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7037; Filed, Aug. 30, 1956; 8:55 a. m.]

[Docket No. AO-249-A2]

PART 919—MILK IN SOUTHWEST KANSAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 919.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Southwest Kansas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than September 1, 1956, so as to reflect current marketing conditions. Any delay beyond September 1, 1956, in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the Southwest Kansas, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective September 1, 1956, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Southwest Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Change the period at the end of § 919.51 (a) to a colon and add the following: "*Provided*, That during each of the months of September, October, and November 1956, such price should be increased by 25 cents per hundredweight."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of August 1956, to be effective on and after September 1, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7038; Filed, Aug. 30, 1956; 8:55 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.323 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et. seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, etsablished pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 3, 1956, through May 31, 1957, no handler shall ship any potatoes of the round varieties grown in Area No. 1 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a size not less than 2 inches minimum diameter, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from September 3, 1956, through November 1, 1956, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes of the round varieties grown in Area No. 1 if such potatoes are more than "slightly skinned," as such term is defined in said United States Standards, which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered."

(3) Notwithstanding the restrictions of this section, any handler may ship potatoes for livestock feed only if such handler had (i) first made application to the area committee for Area No. 1 for permission to make such shipment and (ii) obtained the committee's permission to make such shipment. Such application to the committee shall be accompanied by a certification from both the handler and the consignee or buyer that the potatoes will in fact be used as livestock feed.

(4) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 29, 1956.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7057; Filed, Aug. 30, 1956; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-216]

PART 242—FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS AND LARGE IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of August 1956.

In its decision in the Large Irregular Air Carrier Investigation, Docket No. 5132, et al, dated November 15, 1955, the Board adopted Order No. E-9744 creating the classification of "supplemental air carriers" and establishing certain policies with regard to the permissible

operations of these carriers. The amendments contained herein are largely designed to make Part 242 applicable to this new classification of carriers and to implement the policy determinations contained in the aforementioned order.

The revised Part 242 requires supplemental air carriers and large irregular air carriers to file flight reports monthly rather than quarterly. This revision also clarifies and expands the definitions now contained in Part 242. Inasmuch as these changes serve merely to implement the Board's order in the Large Irregular Air Carrier Investigation, cited supra, all interested parties have had notice concerning such changes. It should be noted that no objections were raised to those parts of the order upon which these modificatoins are predicated. Furthermore, the Board has informally requested the carriers to submit flight reports on a monthly basis and this request is currently being complied with.

The requirement of this part that the supplemental air carriers and the large irregular air carriers shall file a copy of each agreement with ticket agents is expanded herein to include cargo agents as well. The further provision is included to require these carriers to file with the Board a copy of each type of ticket sold for the transportation of persons by air, as well as the names and addresses of ticket and cargo agents with whom agreements have been concluded by the carriers. Noncertificated cargo carriers have been eliminated from the classification of carriers subject to this part.

Since these changes are relatively minor in nature, and in view of all of the foregoing circumstances, the Board finds that notice and public procedure hereon appear unnecessary and not in the public interest. However, the usual 30-day notice is being provided by making the revised Part 242 effective on October 1, 1956.

Accordingly, the Civil Aeronautics Board hereby amends Part 242 of the Economic Regulations (14 CFR, Chapter I) effective October 1, 1956, to read as follows:

Sec.
242.1 Definitions.
242.2 Statistical and flight reports required.
242.3 Filing of copies of agreements, manifests, and other flight data and publicity material.

AUTHORITY: §§ 242.1 to 242.3 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000 as amended; 49 U. S. C. 487.

§ 242.1 *Definitions.* For the purposes of this part:

(a) "Agreement" means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation or termination thereof.

(b) "Ticket agent" means any person (other than the air carrier actually performing the direct air transportation or one of its bona fide regular employees) who for compensation or profit:

(1) Solicits, obtains, receives, or furnishes directly or indirectly passengers or groups of passengers for transportation upon the aircraft of an air carrier subject to this part, or

(2) Procures or arranges for air transportation of passengers or groups of passengers upon aircraft of an air carrier subject to this part by charter, lease, or any other arrangement.

(c) "Cargo agent" means any person (other than the air carrier actually performing the direct air transportation or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under the exemption authority conferred by any applicable part of the Economic Regulations of the Board) who for compensation or profit:

(1) Solicits, obtains, receives or furnishes directly or indirectly property or consolidated shipments of property for transportation upon the aircraft of an air carrier subject to this part, or

(2) Procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of an air carrier subject to this part by charter, lease, or any other arrangement.

(d) "Supplemental air carrier" means any air carrier classified and defined as such in Board Order No. E-9744, and holding an "Interim Operating Authorization" issued thereunder.

(e) "Large irregular air carrier" means any air carrier which:

(1) Directly engages in air transportation,

(2) Utilizes in such transportation one or more aircraft of more than 12,500 pounds maximum certificated take-off weight (as defined in § 42.1 of this chapter),

(3) Does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and

(4) Does not operate, or hold out to the public expressly or by course of conduct that it operates, one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity, upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. No air carrier shall be deemed to be an irregular air carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points.

§ 242.2 *Statistical and flight reports required.* Each supplemental air carrier, and each large irregular air carrier, shall file with the Board monthly the prescribed number of copies of Schedule F of completed CAB Form 242, entitled "Report of Financial and Operating Statistics for Supplemental Air Carriers" and shall file all other schedules comprising CAB Form 242 in accordance with the instructions accompanying such form. Each such supplemental air carrier and large irregular air carrier shall keep all accounts, records, and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memoranda as relate to statistical reports shall be preserved for three years, and such as relate to flight reports shall be preserved for one year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by the responsible officers of the reporting carriers.

§ 242.3 *Filing of copies of agreements, manifests, other flight data and publicity material.* (a) All supplemental air carriers and large irregular air carriers shall file with the Board, contemporaneously with filing the flight reports under Schedule F of CAB Form 242 as required by § 242.2, one copy of each of the following supplements to Schedule F:

(1) *Agreements and manifests.* All written agreements, memoranda of all oral agreements, and all passenger and cargo manifests covering flights in the following categories:

(i) Each flight on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations), were carried between a point in the United States (as defined by section 1 (33) of the Civil Aeronautics Act) and a point outside thereof.

(ii) Each flight which does not constitute common carriage.

(2) *Other flight data.* A tabulation of the following data for each flight of the categories designated under subdivisions (i) and (ii) of subparagraph (1) of this paragraph (unless the information is available from instruments filed pursuant to said subparagraph):

(i) Name and address of the person for whom the flight was operated.

(ii) Manner in which passengers and cargo transported on such flight were obtained (solicitation, advertising, circular, etc.).

(iii) Nature, terms, and conditions of the arrangements for such flight.

(iv) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(v) Number of persons (other than crew required by applicable Civil Air Regulations) carried on each flight of the category designated by subdivision (i) of subparagraph (1) of this paragraph.

(3 *Agreements with ticket and cargo agents.* If it is pertinent to any of the subjects listed below in subdivision (i), (ii), (iii) or (iv) of this subparagraph, true and complete lists of the names and addresses of each ticket and cargo agent by whom agreements have been made with a supplemental or large irregular air carrier and true and complete copies of all agreements between supplemental or large irregular air carrier and any ticket or cargo agent:

(i) The furnishing of passengers, groups of passengers or cargo for transportation by air.

(ii) The making of arrangements for flights for the accommodation of passengers, groups of passengers or cargo.

(iii) The solicitation or generation of passenger or cargo traffic to be trans-

ported by the supplemental air carrier or large irregular air carrier; or

(iv) The charter or lease of aircraft.

(4) *Publicity material on supplemental air carrier and large irregular air carrier operations.* Each advertisement, circular, pamphlet, brochure, or other publicity material and each announcement or notice issued by a supplemental carrier or large irregular carrier during the preceding period and pertaining to any of its air transportation services for passengers, and information with respect to each such item showing, if published in a newspaper, magazine or other advertising medium, the place and date or dates of issue, and the name of the publication, or if distributed otherwise, (such as through circulars, bulletins, pamphlets, or brochures), the dates, manner and extent of distribution.

(5) *Tickets.* True and complete copies of each type of tickets sold for the transportation of persons by air.

(b) Data reported pursuant to paragraphs (a) (1) and (a) (2) of this section shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in carrying out responsibilities under section 412 of the act.

Effective date. This part shall become effective October 1, 1956.

NOTE: The record keeping and reporting requirements of this amendment have been coordinated with the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-7040; Filed, Aug. 30, 1956; 8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

PART 19—CHEESE; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 45—OLEOMARGARINE, MARGARINE; DEFINITIONS AND STANDARDS OF IDENTITY

NONFAT DRY MILK

Pursuant to Public Law 646, 84th Cong., 2d Sess. (70 Stat. 486; 21 U. S. C. 321c), the name of the article previously designated "nonfat dry milk solids" or "defatted milk solids" was changed to "nonfat dry milk." *Therefore, it is ordered,* That the sections indicated below be amended by changing the term "nonfat dry milk solids" or "defatted milk solids" to read "nonfat dry milk":

Section 14.6 (a) (5).
Section 14.7 (b).
Section 14.8 (a) (1).
Section 16.2 (f).
Section 17.1 (a) (2).
Section 17.3 (c).
Section 18.540: The note at the end of this section should be changed to read:

NOTE: 70 Stat. 486, 21 U. S. C. 321c, provides a statutory definition for this food under the name "nonfat dry milk."

Section 19.500 (e) (1) (two places).
Section 19.505 (c) (1) (two places).
Section 19.510 (c) (1) (two places).
Section 19.515 (b) (3) (two places).
Section 19.520 (b) (3) (two places).
Section 19.525 (b) (2) (two places).
Section 19.535 (c) (1) (two places).
Section 19.545 (c) (1) (two places).
Section 19.550 (c) (1) (two places).
Section 19.555 (c) (1) (two places).
Section 19.565 (c) (3) (two places).
Section 19.567 (c) (3) (two places).
Section 19.569 (c) (two places).
Section 19.575 (c) (1) (two places).
Section 19.580 (c) (1) (two places).
Section 19.590 (c) (1) (two places).
Section 19.591 (c).
Section 19.595 (c) (two places).
Section 19.610 (c).
Section 19.615 (c) (two places).
Section 19.635 (c) (two places).
Section 19.650 (c) (1).
Section 19.655 (c) (1).
Section 19.660 (c) (1).
Section 19.665 (c) (1).
Section 19.670 (c) (1).
Section 19.680 (c).
Section 19.685(c) (two places).
Section 45.1 (a) (2) (iv) (two places).

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996).

Notice and public procedure are unnecessary, since the amendments are necessitated by the terms of Public Law 646, 84th Cong., 2d Sess.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 201c, 58 Stat. 108, as amended 70 Stat. 486; 21 U. S. C. 321c)

Dated: August 24, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6993; Filed, Aug. 30, 1956; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CUMBERLAND RIVER, TENNESSEE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is amended by revision of paragraph (g) (4), governing the operation of the Louisville and Nashville Railroad Company bridge across the Cumberland River at Clarksville, Tennessee, to permit operation of the bridge on advance notice when the existing stage is below 35 feet, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(g) *Ohio River and Upper Mississippi River.* * * *

(4) *Cumberland River, Tenn.* Louisville and Nashville Railroad Company bridge at Clarksville. When the river stage is below 35 feet on the United States Weather Bureau gage at Clarksville, at least 2 hours' advance notice required. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted on Locks B and C, Cumberland River. The owner of or agency controlling the bridge shall arrange for ready telephonic communication with its authorized representative at any time from the bridge or its immediate vicinity, and from Lock B and Lock C.

[Regs. August 10, 1956, 823.01 (Cumberland River, Tenn.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56-6991; Filed, Aug. 30, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1331]

[1783616]

IDAHO

PARTIALLY REVOKING EXECUTIVE ORDER NO. 8397 OF APRIL 23, 1940, WHICH WITHDREW LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8397 of April 23, 1940, so far as it withdrew the public lands in the following-described areas in Idaho (exclusive of the lands described in paragraph 2 of this order) for classification and in aid of pending legislation, is hereby revoked:

BOISE MERIDIAN

T. 46 N., R. 1 E.
Secs. 1 to 18, inclusive;
Sec. 19, N½NE¼, NE¼NW¼, lots 1, 2, 3, and 4;
Sec. 20, N½N½, lots 1, 2, 3, 4, 7, and 10;
Sec. 21, N½N½, SE¼NW¼, lots 1, 2, 3, 4, and 5;
Sec. 22, N½, N½SE¼, lots 1, 2, 6, and 7;
Sec. 23, NW¼, NW¼SW¼, lots 1, 2, 3, 6, 8, and 9;
Sec. 24, SE¼NE¼, N½N½, lots 1, 2, 3, 7, and 8;
Sec. 25, NE¼SE¼, lots 1, 4, 5, and 8.
T. 47 N., R. 1 E.,
Secs. 19 to 36, inclusive.
T. 46 N., R. 2 E.,
Secs. 1 to 30, inclusive;
Sec. 31, E½, NE¼NW¼, lots 1, 4, 5, and 9;
Secs. 32 to 36, inclusive.
T. 47 N., R. 2 E.,
Secs. 19 to 36, inclusive.
T. 46 N., R. 1 W.,
Secs. 1 to 6, inclusive;
Sec. 7, NE¼, E½W½, W½SE¼, NE¼SE¼, lots 1, 2, 3, 4, and 6;
Sec. 8, N½, N½S½, SE¼SE¼, lots 1, 2, and 3;
Sec. 9, N½, SW¼, N½SE¼, lots 1 and 2;
Sec. 10, 11, and 12;
Sec. 13, N½, N½S½, SE¼SE¼, lots 1, 2, and 3;
Sec. 14, N½, NE¼SE¼, lots 1, 2, 3, and 7;
Sec. 15, N½, N½SE¼, SW¼SE¼, lots 1, 2, 5, and 6;
Sec. 16, lots 1, 5, 6, 7, 11, and 12;
Sec. 17, NE¼NE¼, lots 1, 2, 5, 6, 7, and 8;
Sec. 18, NW¼NE¼, lots 1, 2, and 7;
Sec. 22, lot 2;
Sec. 24, lot 1.
T. 47 N., R. 1 W.,
Sec. 20, E½NE¼, SE¼, lots 5, 6, 7, and 8;
Secs. 21 to 28, inclusive;
Sec. 29, E½, E½W½, SW¼NW¼, W½SW¼, lot 2;
Sec. 30, SE¼SE¼, lots 9, 10, and 11;
Sec. 31, NE¼, NE¼SW¼, N½SE¼, lots 5, 6, 7, 8, 9, 10, and 11;
Secs. 32 to 36, inclusive.
T. 46 N., R. 2 W.,
Sec. 1, SW¼SE¼, E½SE¼, lots 1, 2, 3, and 4;
Sec. 12, NE¼, SE¼NW¼, SW¼, SW¼SE¼, N½SE¼, lots 1, 2, and 3;
Sec. 13, N½NW¼, lots 2, 3, 4, 5, and 6.
T. 47 N., R. 2 W.,
Sec. 36, lot 2.

The areas described aggregate 80,274.76 acres of which approximately 46,800 acres have been patented.

2. The following-described lands withdrawn by Executive Order No. 8397 shall remain within the withdrawal created by that order:

BOISE MERIDIAN

T. 46 N., R. 1 W.,
Sec. 1, lot 2 and S½NW¼;
Sec. 2, lots 1, 2, 4, S½NE¼, SW¼NW¼, and N½SE¼;
Sec. 3, lots 1, 2, S½NE¼, and N½SE¼;
Sec. 4, lot 2.
T. 47 N., R. 1 W.,
Sec. 22, SE¼ and E½SW¼;
Sec. 23, S½;
Sec. 24, SW¼SW¼;
Sec. 25, W½, W½SE¼, and SE¼SE¼;
Sec. 26;
Sec. 27;
Sec. 33, E½;
Sec. 34;
Sec. 35, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 36, lots 1, 2, 3, and 4.

The areas described aggregate 4,470.67 acres.

3. Approximately 16,040 acres of the released lands are within the Saint Joe National Forest and shall be opened, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on September 29, 1956.

4. The restored lands are located in the general locality of Saint Maries, Idaho. They are mainly of rough and mountainous topography and are valuable for timber production.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 29, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 29, 1956 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on December 29, 1956.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 24, 1956.

[F. R. Doc. 56-6995; Filed, Aug. 30, 1956; 8:46 a. m.]

[Public Land Order 1332]

[Misc. 68155]

OREGON

POWER SITE RESTORATION NO. 516; PARTIALLY REVOKING THE EXECUTIVE ORDER OF JULY 2, 1910, SO FAR AS IT CREATED POWER SITE RESERVE NO. 126

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of July 2, 1910, so far as it withdrew the following-described lands as Power Site Reserve No. 126, is hereby revoked:

WILLAMETTE MERIDIAN

T. 14 S., R. 42 E.,
Sec. 19, S½N½;
Sec. 20, S½N½, S½;
Sec. 21, N½SW¼;
Sec. 28, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 34, E½, E½W½.
T. 15 S., R. 42 E.,
Sec. 2, W½NW¼, SE¼NW¼, SW¼.

The areas described aggregate 1,720 acres.

The lands are grazing lands located in the northeast corner of Malheur County, Oregon, within the boundaries of Oregon Grazing District No. 3. They lie from 3 to 8 miles northwest of Brogan, Oregon, which is on U. S. Highway No. 28, twenty-four miles northwest of Vale, Oregon, the County Seat of Malheur County. Willow Creek flows through part of the lands, and a road along this creek runs through or near all the lands. They are at an average elevation of 3,000 feet and are rolling to rough. The soil is generally sandy clay, quite often intermingled with rock and gravel. The annual precipitation is ten inches, most of which falls during the nongrowing season. The vegetative cover consists of cheat grass, sage brush, some browse, and weeds.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 29, 1956 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the United States mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The lands released from withdrawal by this order shall be subject, until 10:00 a. m. on December 28, 1956, to application by the State of Oregon, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 24, 1956.

[F. R. Doc. 56–6996; Filed, Aug. 30, 1956; 8:47 a. m.]

[Public Land Order 1333]

[1727093]

OREGON

TRANSFERRING LANDS RESERVED BY EXECUTIVE ORDER NO. 8911 OF SEPTEMBER 27, 1941, FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The public lands within the following-described areas, which were reserved by Executive Order No. 8911 of September 27, 1941, for use of the Secretary of the Interior as an experimental range to provide basic information for the administration of the Taylor Grazing Act, are hereby transferred, together with improvements and appurtenances belonging thereto, from the Department of the Interior to the Department of Agriculture for use by the Agricultural Research Service for research purposes:

WILLAMETTE MERIDIAN

T. 24 S., R. 25 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 24 S., R. 26 E.,
Sec. 6, lots 6 and 7.

The areas described aggregate 14,593.80 acres.

This order shall be effective as of July 1, 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 27, 1956.

[F. R. Doc. 56–6997; Filed, Aug. 30, 1956; 8:47 a. m.]

[Public Land Order 1334]

[New Mexico 018969]

NEW MEXICO

RESERVING LANDS WITHIN SANTA FE NATIONAL FOREST, ADDITIONAL TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 1095 OF MARCH 15, 1955, FOR USE OF FOREST SERVICE AS CAMPGROUND AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Santa Fe National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as additions to the campground and recreation areas hereinafter designated, which were established by Public Land Order No. 1095 of March 15, 1955:

NEW MEXICO PRINCIPAL MERIDIAN

Fishing Hole Campground:
T. 17 N., R. 14 E.,
Sec. 10, S½SE¼SW¼;
Sec. 15, N½SE¼NW¼, N½SW¼NE¼, NE¼NE¼.
The areas described aggregate 100 acres.
Oak Flats-El Code Recreation Area:
T. 17 N., R. 14 E.,
Sec. 14, N½NE¼SW¼.
The tract described contains 20 acres.
Soap Creek Recreation Area:
T. 17 N., R. 14 E.,
Sec. 9, S½SE¼SW¼, S½SW¼SE¼;
Sec. 10, N½SW¼SW¼;
Sec. 15, NW¼NW¼.
The areas described aggregate 100 acres.
Three Falls Forest Camp:
T. 17 N., R. 14 E.,
Sec. 8, S½NE¼SE¼;
Sec. 9, S½NW¼SW¼, SW¼SW¼.
The areas described aggregate 80 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 27, 1956.

[F. R. Doc. 56–6998; Filed, Aug. 30, 1956; 8:47 a. m.]

[Public Land Order 1335]

[BLM 038003]

ARKANSAS

RESERVING PUBLIC LANDS WITHIN OUACHITA NATIONAL FOREST FOR USE OF FOREST SERVICE AS LOOKOUT STATIONS, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Ouachita National Forest in Arkansas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, except for oil and gas, provided that no part of the surface of the lands, not included within existing oil and gas leases, shall be used in connection with prospecting, mining, and removal of the oil and gas, and reserved for use of the Forest Service, Department of Agriculture, as lookout stations, recreation areas, or for other public purposes:

FIFTH PRINCIPAL MERIDIAN

Jack Creek Recreation Area:
T. 4 N., R. 27 W.,
Sec. 2, lot 8.
The tract described contains 39.62 acres.
Knoppers Ford Recreation Area:
T. 4 N., R. 27 W.,
Sec. 10, That portion of the W½SW¼NW¼NW¼ south of Sugar Creek.
The tract described contains 5 acres.
Iron Springs Recreation Area:
T. 1 N., R. 19 W.,
Sec. 6, S½N½SE¼NW¼SW¼, S½SE¼NW¼SW¼.
The tracts described contain 7.5 acres.
Charlton Recreation Area:
T. 2 S., R. 22 W.,
Sec. 32, E½SW¼SW¼, E½W½SW¼SW¼, and W½SE¼SW¼.
The tracts described contain 50 acres.
Bard Springs Recreation Area:
T. 4 S., R. 28 W.,
Sec. 20, E½NE¼NW¼, and W½NW¼NE¼.
The tracts described contain 40 acres.
Collier Springs Recreation Area:
T. 3 S., R. 24 W.,
Sec. 17, W½SE¼NW¼.
The tract described contains 20 acres.
Cold Springs Guard Station:
T. 4 N., R. 27 W.,
Sec. 31, SW¼NE¼, and W½W½SE¼NE¼.
The areas described aggregate 50 acres.
Pigeon Creek Game Warden Station:
T. 4 N., R. 26 W.,
Sec. 30 SW¼NE¼.
The area described aggregates 40 acres.
White Oak Lookout Station:
T. 4 N., R. 28 W.,
Sec. 26, NE¼NE¼NW¼.
The tract described contains 10 acres.
Poteau Mountain Lookout Station:
T. 4 N., R. 32 W.,
Sec. 34, NW¼SE¼SE¼.
The tract described contains 10 acres.
Bear Knob Lookout Station:
T. 4 N., R. 26 W.,
Sec. 28, NW¼NW¼NW¼.
The tract described contains 10 acres.
Allen Peak Lookout Station:
T. 2 N., R. 23 W.;
Sec. 5, N½NW¼SE¼, and S½SW¼NE¼.
The tracts described contain 40 acres.
Dutch Creek Lookout Station:
T. 4 N., R. 24 W.,
Sec. 27, SE¼SW¼SE¼.
The tract described contains 10 acres.
North Fork Pinnacle Lookout Station:
T. 3 N., R. 17 W.,
Sec. 31, SW¼NW¼SE¼.
The tract described contains 10 acres.
Jessieville Guard Station:
T. 2 N., R. 19 W.,
Sec. 30, E½NW¼SE¼.
The tract described contains 10 acres.
Ouachita Pinnacle Lookout Station:
T. 1 N., R. 21 W.,
Sec. 15, SE¼SE¼SW¼.
The tract described contains 10 acres.
Eagle Gap Guard Station:
T. 1 N., R. 31 W.,
Sec. 29, SE¼NE¼.
The area described aggregates 40 acres.
Shady Warehouse:
T. 3 S., R. 29 W.,
Sec. 30, SW¼SE¼NE¼.
The tract described contains 10 acres.
Eagle Mountain Lookout Station:
T. 3 S., R. 29 W.,
Sec. 30, S½SW¼SW¼.
The tract described contains 20 acres.
Bee Mountain Lookout Station:
T. 3 S., R. 31 W.,
Sec. 13, SW¼NW¼SE¼.
The tract described contains 10 acres.
Tall Peak Lookout Station:
T. 4 S., R. 29 W.,
Sec. 24, NE¼NE¼SE¼.
The tract described contains 10 acres.
Slatington Lookout Station:
T. 4 S., R. 27 W.,
Sec. 5, NE¼NE¼NE¼.
The tract described contains 10 acres.
Wolf Pinnacle Lookout Station:
T. 1 S., R. 29 W.,
Sec. 5, SW¼SW¼NW¼.
The tract described contains 10 acres.
Paul Mountain Lookout Station:
T. 4 S., R. 27 W.,
Sec. 35, SW¼SW¼SE¼.
The tract described contains 10 acres.
Oden Ranger Station:
T. 1 S., R. 26 W.,
Sec. 29, SW¼SW¼.
The area described aggregates 40 acres.
Fiddler Creek Game Warden Station:
T. 1 S., R. 26 W.,
Sec. 4, SW¼SW¼.
The area described aggregates 40 acres.
Muddy Mountain Lookout Station:
T. 1 N., R. 25 W.,
Sec. 14, NW¼SW¼SW¼.
The tract described contains 10 acres.
Vanderslice Lookout Station:
T. 1 S., R. 23 W.,
Sec. 18, NW¼SW¼SW¼.
The tract described contains 10 acres.
High Peak Lookout Station:
T. 3 S., R. 24 W.,
Sec. 19, S½NW¼NE¼.
The tract described contains 20 acres.
Hickory Nut Lookout Station:
T. 2 S., R. 23 W.,
Sec. 14, SE¼SE¼SE¼.
The tract described contains 10 acres.

The departmental order of May 7, 1908, reserving the S½S½NW¼NE¼, N½SW¼NE¼, N½S½SW¼NE¼, sec. 31, T. 4 N., R. 27 W., Fifth Principal Meridian, Arkansas, for use of the Forest Service as the Cold Springs Administrative Site, is hereby revoked.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for natural forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 27, 1956.

[F. R. Doc. 56–7019; Filed, Aug. 30, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 172]

DISPOSITION OF SEIZED PERSONAL PROPERTY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in 68A Stat. 917, 62 Stat. 761, as amended; 52 Stat. 1252, 53 Stat. 1292; 26 U. S. C. 7805, 18 U. S. C. 1261, 15 U. S. C. 907, 49 U. S. C. 788.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall, on their effective date, supersede Treasury Decision 5535 (26 CFR Part 171, Subpart E, 1949) and Treasury Decision 5066 (26 CFR Part 468, 1949).

Subpart A—Scope of Regulations

Sec.
172.1 Procedures relating to personal property.

Subpart B—Definitions

172.5 Meaning of terms.
172.6 Appraised value.
172.7 Assistant regional commissioner.
172.8 Carrier.
172.9 Commercial crimes.
172.10 Commissioner.
172.11 Contraband firearm.
172.12 Director, Alcohol and Tobacco Tax Division.
172.13 I. R. C.
172.14 Person.
172.15 Re-appraisal.
172.16 Recognized lien.
172.17 Region.
172.18 Regional commissioner.
172.19 Supervisor in charge.
172.20 U. S. C.

Subpart C—Seizures and Forfeitures

172.25 Personal property subject to seizure.
172.26 Forfeiture of seized personal property.
172.27 Type and conditions of cost bond.
172.28 Corporate surety bonds.
172.29 Deposit of collateral.
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Subpart D—Remission or Mitigation of Forfeitures

172.35 Laws applicable.
172.36 Interest claimed.
172.37 Form of the petition.
172.38 Contents of the petition.
172.39 Time of filing petition.
172.40 Place of filing.
172.41 Discontinuance of Administrative Proceedings.
172.42 Return of defective petition.
172.43 Types of final action.
172.44 Payment of liens.

Sec.
172.45 Re-appraisal of property involved in an allowed petition.

Subpart E—Appraiser's Fees

172.50 Rate of compensation.

Subpart F—Administrative Sale of Personal Property

172.55 Alternative methods of sale.
172.56 All bids on unit basis.
172.57 Conditions of sale.
172.58 Terms of sale.
172.59 Sale of forfeited tobacco materials and products.
172.60 Purchaser entitled to bill of sale.
172.61 Sale on open, competitive bids.
172.62 Sale on sealed, competitive bids.

AUTHORITY: §§ 172.1 to 172.62 issued under 68A Stat. 917, 62 Stat. 761, as amended; 52 Stat. 1252, 53 Stat. 1292; 26 U. S. C. 7805, 18 U. S. C. 1261, 15 U. S. C. 907, 49 U. S. C. 788. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 172.1 *Procedures relating to personal property.* Regulations in this part shall relate to personal property seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, as the case may be, to violate Federal laws.

SUBPART B—DEFINITIONS

§ 172.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 172.6 *Appraised value.* "Appraised value" shall mean the value placed upon seized property by qualified appraisers designated for the purpose of determining whether the property may be forfeited administratively.

§ 172.7 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner.

§ 172.8 *Carrier.* "Carrier" shall mean a vessel, vehicle or aircraft seized for having been used to transport, carry or conceal a contraband firearm.

§ 172.9 *Commercial crimes.* "Commercial crimes" shall be deemed to mean any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; offenses involving gambling or wagering; and attempting to commit, conspiring to comit, compounding or aiding, abetting, counselling, commanding, inducing or procuring the commission of any of the foregoing crimes.

§ 172.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 172.11 *Contraband firearm.* "Contraband firearm" shall mean a firearm with respect to which there has been committed a violation of the National Firearms Act (I. R. C., chapter 53) or any regulation issued thereunder.

§ 172.12 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 172.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 172.14 *Person.* "Person" shall mean and include an individual, trust, estate, partnership, association, company or a corporation.

§ 172.15 *Re-appraisal.* The term "re-appraisal" shall mean an up-to-date statutory appraisal to determine the present value of the property involved in a petition for remission or mitigation of forfeiture, made by qualified appraisers as required by the applicable statute at the specific request of the petitioner whose petition in regard to the property has been allowed and who, for reasonable cause, is not satisfied that the original, statutory appraisal represents the present value of the property.

§ 172.16 *Recognized lien.* The term "recognized lien", as used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that present, recognizable interest which a petitioner has in the personal property or carrier petitioned for at the time of filing of the petition, or at the time of final administrative action on the petition if the said interest has been reduced since filing of the petition, but in either event shall not be considered to include any unearned finance charges, insurance from date of seizure, or attorneys' fees for collection.

§ 172.17 *Region.* "Region" shall mean the area designated by the Secretary, or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 172.18 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 172.19 *Supervisor in Charge.* "Supervisor in Charge" shall mean the Supervisor in Charge, Alcohol and Tobacco Tax, Internal Revenue Service, who is responsible to, and functions under the direction and supervision of, the Assistant Regional Commissioner, Alcohol and Tobacco Tax.

§ 172.20 *U. S. C.* "U. S. C." shall mean the United States Code of 1952.

SUBPART C—SEIZURES AND FORFEITURES

§ 172.25 *Personal property subject to seizure.* Personal property may be seized by duly authorized officers of the Internal Revenue Service for forfeiture to the United States when used or intended to be used, in violation of the internal revenue laws, and certain other laws of the United States which such officers are empowered to enforce, including title 18 U. S. C. chapters 59, 229 (liquor); title 27 U. S. C. section 206 (liquor); title 15 U. S. C. chapter 18 (firearms); title 49 U. S. C. chapter 11 (transportation et cetera of contraband firearms).

§ 172.26 *Forfeiture of seized personal property.* Personal property seized as subject to forfeiture under the internal revenue laws and appraised at a value of $1,000.00 or less, and any carrier appraised at $2,500.00 or less under the customs laws shall be forfeited to the United States in administrative or summary forfeiture proceedings, unless within 30 days from the date of the first advertisement of seizure as required by I. R. C., section 7325, or within 20 days from the date of first publication of notice of seizure of carriers as required by 19 U. S. C., section 1608, a claimant appears and files proper claim supported by a $250.00 cost bond, thereby removing the forfeiture status of the property or carrier in question to the jurisdiction of the Federal court for adjudication, in which event the seizure in question shall be referred to the United States Attorney for appropriate judicial forfeiture proceedings or other disposition.

§ 172.27 *Type and conditions of cost bond.* The cost bond delivered by a claimant to effect removal of the forfeiture status of the property or carrier claimed to the jurisdiction of the Federal court for adjudication shall be a corporate surety bond: *Provided, however,* That upon a showing to the satisfaction of the Supervisor in Charge that the claimant is unable to furnish a corporate surety bond such claimant may deliver a cost bond with individual sureties acceptable to the Supervisor in Charge; provided, further, that in lieu of a cost bond with corporate or individual sureties the claimant may deposit collateral as provided in § 172.29. The cost bond shall be conditioned that in the case of the condemnation of the property the obligors shall pay all costs and expenses of the proceedings to obtain such condemnation.

§ 172.28 *Corporate surety bonds.* Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(61 Stat. 646, 68A Stat. 847; 6 U. S. C. 6, 26 U. S. C. 7101)

§ 172.29 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate sureties in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225): *Provided,* That United States Savings Bonds, Defense Savings Bonds and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 646, 68A Stat. 847; 6 U. S. C. 15, 26 U. S. C. 7101)

§ 172.30 *Bond for return of seized perishable goods.* The proceedings to enforce forfeiture of perishable goods shall be in the nature of a proceeding in rem in the district court of the United States for the district wherein such seizure is made. Whenever such property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof may apply to the Supervisor in Charge to examine it, and, if in the opinion of the Supervisor in Charge, it shall be necessary to sell such property to prevent waste or expense, the Supervisor in Charge shall appraise the property. Thereupon the owner shall have the property returned to him upon giving a corporate surety bond (see § 172.28) in an amount equal to the appraised value of the property, which bond shall be conditioned to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of the appraised value to the Supervisor in Charge, the United States Marshal, or otherwise, as may be ordered and directed by the court, which bond shall be filed by the Supervisor in Charge with the United States Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property the Supervisor in Charge shall request the United States Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(68A Stat. 869, 870; 26 U. S. C. 7322, 7323, 7324)

SUBPART D—REMISSION OR MITIGATION OF FORFEITURES

§ 172.35 *Laws applicable.* Remission or mitigation of forfeitures shall be governed by the applicable customs laws.

(68A Stat. 871, 46 Stat. 756, 757, 53 Stat. 1292; 26 U. S. C. 7327, 19 U. S. C. 1613, 1618, 49 U. S. C. 784)

§ 172.36 *Interest claimed.* Any person claiming an interest in property seized by internal revenue officers as subject to administrative forfeiture may file a petition addressed to the Director, Alcohol and Tobacco Tax Division, for remission or mitigation of the forfeiture of such property.

§ 172.37 *Form of the petition.* There is no set or standardized form provided or required by the Department for use in filing a petition for remission or mitigation of forfeiture. However, it is preferable that the petition be typewritten on legal size paper; and it is necessary that the petition be executed under oath, prepared in triplicate and addressed to the Director, Alcohol and Tobacco Tax Division, and that all copies of original documents submitted as exhibits in support of allegations of the petition be certified as true and accurate copies of originals. Each copy of the petition must contain a complete set of exhibits.

§ 172.38 *Contents of the petition*—(a) *Description of property.* The petition should give such a description of the property and such facts of the seizure as will enable the officers of the Internal Revenue Service concerned to identify the property.

(b) *Statement regarding administrative forfeiture or sale.* If an executive proceeding for summary forfeiture is pending or has been consummated, the petition should state such fact and cite the sections of law under which forfeiture is sought or was accomplished; and if the property has been sold, the petition should also state the date and place of sale, and the gross amount of proceeds derived from the sale. If the property was acquired for official use in lieu of sale the petition should so state.

(c) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 172.39.)

(d) *Statement regarding judicial forfeiture or sale.* If a forfeiture proceeding is pending in court, or has resulted in forfeiture and sale of the property pursuant to court order, the petition should state the style of the case, and the sections of law cited as basis for forfeiture, the court, in which forfeiture is pending or in which the property was ordered forfeited and sold, the docket number, and the fact either that the property has not yet been sold, if forfeited and sold, the date and place of sale and the gross amount received from sale. If the forfeited property was acquired for official use in lieu of sale the petition should so state.

(e) *Interest of petitioner.* The petition should state in clear and concise terms the nature and amount of the present, recognizable interest of the petitioner in the property to be forfeited, or which has been forfeited and sold or otherwise disposed of, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(f) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property would be used in violation of law. The petition should also state the investigation, if any, made of such other person, through principal Federal, State or local law enforcement officers having jurisdiction of the locality in which such other person acquired his right under any contract or agreement, of the locality in which such other person resided and of each locality in which the petitioner made any other inquiry as to the character or financial standing of such other person, prior to parting with the property, to determine whether such other person had either a record or a reputation, or both, as a violator of the laws of the United States or of any State relating, for instance, to intoxicating liquors (in the case of seizures for violation of Federal laws relating to liquor) or to commercial crimes (in the case of seizures of carriers or seizures for violation of internal revenue laws relating to wagering), and the information obtained from said investigation.

(g) *Documents supporting claim.* The petition should also be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators or credit reporting agencies, affidavits, and any other papers or documents that would tend to support the claims made in the petition.

(h) *Costs and expenses.* The petitioner shall undertake to pay all the costs and expenses incurred in seizing and storing the property, as well as the costs borne or to be borne by the United States, the taxes, if any, payable by the petitioner or imposed in respect of the property to which the petition relates, and, if the property has been sold, or is in the course of being sold, the expenses so incurred.

§ 172.39 *Time of filing petition.* A petition may be filed at any time prior to the sale or other disposition of the property involved pursuant to administrative forfeiture, but a petition in regard to property which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale, and must contain the proof defined in § 172.38 (c). Acquisition for official use is equivalent to sale so far as remission or mitigation of any forfeiture is concerned.

(49 Stat. 880; 40 U. S. C. 304k)

§ 172.40 *Place of filing.* The petition should be filed, originally and in triplicate, with the Supervisor in Charge for the State or other territorial jurisdiction in which the seizure was made.

§ 172.41 *Discontinuance of administrative proceedings.* If the petition covers property pending administrative forfeiture or disposition and is filed prior to the administrative sale of the property, or prior to retention of the property for official use, any further proceedings for forfeiture or disposition, as the case may be, will be discontinued.

§ 172.42 *Return of defective petition.* If the petition is defective in some correctible respect, the Supervisor in Charge will return all copies of it by letter to the petitioner for proper corrections, amendments, et cetera, or for the submission of a new petition supplying the deficiencies of the one returned, within a reasonable time in either event.

§ 172.43 *Types of final action.* The Director, Alcohol and Tobacco Tax Division, shall take final action on any petition filed pursuant to these regulations.

Such final action shall consist either of the allowance or denial of a petition. Petitions allowed by the Director, Alcohol and Tobacco Tax Division, will fall generally into the following five classes on the basis of the terms and conditions of allowance:

(a) The property itself is returnable to the petitioner upon payment by him of all costs and storage charges; or

(b) The property is returnable to the petitioner provided he pays the difference between the recognized lien and the appraised value, plus all costs and storage charges, otherwise the property is sold, or acquired for official use by a governmental agency, pursuant to forfeiture, and the petitioner's recognized lien is paid as provided in § 172.44 or out of the proper appropriation of the receiving agency if the property was acquired for official use, less all costs and storage charges in either event; or

(c) The property, if a vehicle, is returnable to the petitioner provided he pays any difference between the amount of his recognized lien and the present appraised value, plus all costs and storage charges, subject, however, to the right of the Internal Revenue Service to pay the petitioner the amount of his recognized lien, less all costs and storage charges, and to acquire the vehicle for official use; or

(d) The property is returnable to the petitioner upon payment by him of a specified sum in mitigation, proposed by him, accepted by the Director, Alcohol and Tobacco Tax Division, and made a condition of allowance, or by the Director, Alcohol and Tobacco Tax Division, on his own initiative made a condition of allowance, in either event the petitioner to pay all costs and storage charges (plus the difference between the recognized lien and the appraised value when that condition is imposed); or

(e) The petitioner's lien is recognized in the amount as established, in the case wherein the property has been sold or acquired for official use, to be paid, less all costs and storage charges, in full, or pro tanto, in conformance with the applicable provisions of § 172.44, or out of the proper appropriation of the receiving agency if the property is acquired for official use.

§ 172.44 *Payment of liens.* In an allowed petition case wherein the petitioner does not elect to pay the difference between his recognized lien and the present appraised value, plus all costs and storage charges, thus necessitating sale of the property or carrier, pursuant to clearance for sale, the petitioner's recognized lien shall be paid as follows:

(a) If the property or carrier involved is forfeitable, or has been forfeited but not sold or otherwise disposed of, the property shall be sold pursuant to forfeiture, the petitioner's recognized lien thereafter to be paid on certification by the regional commissioner's office out of the proper appropriation, in full or pro tanto, to the extent of the gross proceeds of sale, less all costs and storage charges; or

(b) If the property or carrier has been sold, the petitioner's recognized lien shall be paid on certification by the regional commissioner's office out of the proper appropriation, in full or pro tanto, to the extent of the gross proceeds of sale, less all costs and storage charges.

§ 172.45 *Re-appraisal of property involved in an allowed petition.* In determining the nature and extent of the relief to be afforded a petitioner pursuant to allowance of his petition, the value of the property or carrier involved in the allowed petition shall be considered to mean the value placed on said property or carrier pursuant to official appraisal thereof by the qualified appraisers immediately following seizure; provided, however, that if the petitioner desires an up-to-date re-appraisal made of the property or carrier, after notification as to the terms of allowance of the petition, and makes written request therefor, undertaking in said request to pay, or to be liable for, the total costs of such re-appraisal, the property or carrier shall be re-appraised officially in the same manner in which the original appraisal was made, and the terms and conditions of allowance shall stand modified to the extent required by such re-appraisal.

SUBPART E—APPRAISER'S FEES

§ 172.50 *Rate of compensation.* Each appraiser shall receive compensation of $3.00 per day for the performance of his duties in appraising property or carriers seized by the Internal Revenue Service.

(68A Stat. 870; 26 U. S. C. 7325)

SUBPART F—ADMINISTRATIVE SALE OF PERSONAL PROPERTY

§ 172.55 *Alternative methods of sale.* When personal property or a carrier forfeited administratively has been cleared for administrative sale, the Supervisor in Charge shall give 10 days' notice of the sale of the said property or carrier by notice placed in a newspaper of general circulation published in the internal revenue collection district wherein the seizure was made. At the discretion of the Supervisor in Charge, based upon which method in his sound judgment is most advantageous to the best interests of the United States, the forfeited personal property or carrier may be advertised for sale, and sold, at public auction to the highest bidder on open, competitive bids, or to the highest bidder on sealed, competitive bids.

(68A Stat. 870; 26 U. S. C. 7325)

§ 172.56 *All bids on unit basis.* All competitive bids, whether sealed or otherwise, shall be on a unit basis, i. e. if a number of forfeited automobiles are advertised for sale at the same date, hour and place, whether or not in the same notice of sale, there shall be a separate, individual bid required as to each automobile, and it shall not be permissible to accept one blanket bid to cover the entire group of cars offered for sale.

§ 172.57 *Conditions of sale.* All personal property to be sold shall be offered for sale "as is" and without recourse against the United States. No guarantee or warranty, express or implied, shall be given or understood in respect of any forfeited seizure offered for sale.

§ 172.58 *Terms of sale.* The terms of sale shall be cash in the amount of the accepted bid.

§ 172.59 *Sale of forfeited tobacco materials and products.* All tobacco materials, tobacco products and cigarette papers and tubes, shall be sold at a price which will include the tax due and payable thereon; provided, however, that tobacco materials may be sold to the highest bidder, without regard to any tax, whether by sealed bid or otherwise, if such bidder is a manufacturer of tobacco products or a dealer in tobacco materials holding a permit to engage in such business, such materials to be accounted for in records required to be kept by him for internal revenue purposes. Written, timely notice shall be given by the Supervisor in Charge to the manufacturer of any forfeited tobacco product offered for sale.

§ 172.60 *Purchaser entitled to bill of sale.* Each purchaser of administratively forfeited property, including carriers, shall be entitled to receive a suitable and authentic bill of sale on a form to be provided for the purpose.

§ 172.61 *Sale on open, competitive bids.* If the personal property is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour and place of sale.

§ 172.62 *Sale on sealed, competitive bids.* If the property is to be sold to the highest bidder on sealed, competitive bids, the notice of sale shall so specify, and shall state the date, hour and place of sale, and the date, hour and place before the sale when and where the property, including carriers, may be viewed by prospective sealed bidders, and necessary information obtained. All sealed bids must be filed with the Supervisor in Charge before the sale. No bids will be accepted after the sale starts. The United States reserves the right to reject any and all such bids, to declare "no sale", and to re-advertise the property for sale. At the appointed date, hour and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

[F. R. Doc. 56-7023; Filed, Aug. 30, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 876]

[Hearing Clerk Docket No. SH-139]

SUGARCANE; HAWAII

NOTICE OF REOPENING OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on September 14, 1956, at 9:00 a. m.

The Olaa Sugar Company, Ltd., Olaa, Hawaii, T. H., has filed with the Department a formal protest alleging that the fair price determination applicable to the 1956 crop, issued on July 9, 1956, did not establish a fair and reasonable rate for processing sugarcane, delivered to Olaa Sugar Company by other producers. The company states that certain operating costs during the first part of 1956 are higher than the estimates furnished at the original hearing and has requested another hearing to present additional cost data and to review the entire hearing record in the light of current operating conditions.

The purpose of reopening the record and hearing (identified as Hearing Clerk Docket No. SH-139) is to afford an opportunity for the presentation of additional facts to be taken into consideration in reappraising the processing rate which would be fair and reasonable for sugarcane delivered by other producers and processed by the Olaa Sugar Company, Ltd. The scope of such hearing will therefore be limited to the presentation of evidence relative and pertinent to a fair and reasonable rate to be charged by Olaa Sugar Company, Ltd. for processing sugarcane delivered to it by other producers.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

A. A. Greenwood, Will N. King, and Tom O. Murphy are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 27th day of August 1956.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division.

[F. R. Doc. 56-7021; Filed, Aug. 30, 1956; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 406]

AIR NAVIGATION CERTIFICATE AND NOTICES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules which would revise Part 406 of the regulations of the Administrator. Form ACA-115, "Air Navigation Facility Certificate," is no longer used by the Administration to issue lawful authority to operate a true light. Form ACA-114, "Certification and Lawful Authority to Operate a True Light," is now issued for such lawful authority. In addition, a temporary certificate is no longer issued for such lights. The purpose of this amendment is to advise the public of such changes and make minor clarifying corrections in the language of § 406.17.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 26, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Part 406 would be amended as follows:

§ 406.17 *Air navigation certificate and notices.* The following air navigation certificate will be issued by the Administrator to qualified applicants. In addition, the following air navigation notices are required for the construction or alteration of certain structures and landing areas.

(a) *Authorization to operate true light*—(1) *Purpose.* Upon certification by an applicant that a light will be established, maintained and operated as an aid to air navigation in accordance with the applicable requirements of the Administration, the Administrator will issue an authorization to the applicant authorizing him to operate such light as a "true light."

(2) *Application.* The application shall be submitted on Form ACA-114, "Certification and Lawful Authority to Operate a True Light."

(b) *Notice of construction or alteration*—(1) *Purpose.* The purpose of this notice is to advise the Administrator of the construction or alteration of certain structures and landing areas along or near civil airways for which a notice is required under Part 625 of this chapter.

(2) *Submittal of notice.* Notice shall be submitted to the Administrator in accordance with the provisions of Part 625 of this chapter on Form ACA-117, "Notice of Construction or Alteration."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 309, 602-609, 901, 1001-1009, 52 Stat. 1008-1011, 1015, 1017-1025, as amended, sec. 3, 62 Stat. 1217; 49 U. S. C. 552-559, 621, 641-649, 459)

[SEAL] J. M. BEARDSLEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-6992; Filed, Aug. 30, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

DECISION WITH RESPECT TO WAGES IN MANUFACTURE OF HOUSE DRESSES

Pursuant to notice published in the FEDERAL REGISTER (21 F. R. 3230), interested person were given opportunity to submit oral and written data, views, and arguments before Harry Weiss, my authorized representative, on June 5, 1956, in the Department of Labor Building, Washington, D. C., on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of house dresses is necessary in order to prevent curtailment of opportunities for employment. Mr. Weiss has reported his findings to me and recommended that the supplemental learner regulations applicable to the manufacture of house dresses (29 CFR 522.21 (a)) be left unchanged.

Having fully considered all pertinent data available to me, I accept these findings. I have decided not to amend the learner regulations applicable to the manufacture of house dresses, because I have concluded that the regulations as they now stand are necessary and adequate to prevent any curtailment of opportunities for employment flowing from the $1.00 per hour minimum wage requirement in the manufacture of house dresses.

A copy of the findings will be sent to any interested person upon request. All requests should be addressed to the Wage and Hour Division, United States Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington 25, D. C.

Signed at Washington, D. C., this 28th day of August 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-7022; Filed, Aug. 30, 1956; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release 56-24]

ADMISSION TO FLIGHT DECK

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as set forth below.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Nov. 1, 1956. Copies of such communications will be available after Nov. 6, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective § 40.356 of Part 40 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an air carrier. Although it was the intention of the Board to limit admission to the flight deck to the per-

sons specified in this section, it is apparent from comments received from interested observers that there is ambiguity as to whether other persons not expressly authorized to be admitted to the flight deck are prohibited from admission therein. To dispel such ambiguity, it is proposed to amend this section to specifically deny admittance to the flight deck of an airplane to all persons except those authorized in accordance with the provisions of this section.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, it is also proposed to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorizations for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such persons in the cockpit is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly understood that it is not intended by this proposal to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

In order to achieve uniformity in the Civil Air Regulations, it is proposed to make similar amendments to the corresponding sections in Parts 41 and 42 of the Civil Air Regulations which pertain to admission to the flight deck. It is recognized that some aircraft operating pursuant to Part 42 do not have separate pilot compartments. The proposal as finally adopted will be so worded as to take this condition into account.

In view of the foregoing, notice is hereby given that it is proposed to amend §§ 40.356, 41.121, and 42.51 (g) respectively of Parts 40, 41, and 42 of the Civil Air Regulations to read as follows:

Admission to flight deck. No persons, other than crew members, shall be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Aviation Safety Agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with maters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Aviation Safety Agents or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier;

(4) Certificated airmen of another air carrier who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized, in writing, by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., August 22, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56-7025; Filed, Aug. 30, 1956; 8:53 a. m.]

[14 CFR Part 49]

[Draft Release 56-23]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a revision of Part 49 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 1, 1956. Copies of such communications will be available after November 6, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Regulations governing the air transportation of explosives were originally promulgated in 1942 and expanded to cover "other dangerous articles" in 1944. These rules were amended in 1949 to permit the carriage of additional articles as the experience gained by operators had shown that they were capable of handling a greater variety of these materials with safety. The basis used was the then current ICC regulations applicable to shipments by rail express since this type of shipment closely approximated conditions met in air transportation. These requirements were more conservative and provided a greater margin of safety than were required for other means of transportation.

In 1949, Appendices A and B were added which listed those articles prohibited from transportation by air and those articles prohibited from transportation on passenger-carrying aircraft, respectively. The articles listed in Appendix A were derived from those which were not acceptable under the ICC regulations for shipment by rail express. The articles listed in Appendix B were derived from those which were not exempt from the packing, marking, and labeling requirements of the ICC regulations for shipment by rail express.

In promulgating Part 49, the Board envisioned that the commodities listed in the appendices would be examined periodically on the basis of information furnished by the Bureau of Explosives, changes in the ICC regulations, and such other data as became available. On the basis of information furnished by the Bureau of Explosives, the ICC regulations have been amended quarterly. However, the appendices of Part 49 have not been amended since they were adopted in 1949. As a consequence, Part 49 is, and will continue to be, out of date if appropriate amendments are not made. In order to insure that Part 49, without further amendment, is continuously in accord with the ICC regulations as they are amended from time to time, this proposed revision contains references to the appropriate ICC regulations and the appendices have been deleted. This proposed action will obviate the continual amendment of Part 49. However, it should be emphasized that the Board's close working relationship with the Bureau of Explosives, the Interstate Commerce Commission, the Civil Aeronautics Administration, and other organizations expert in this field will be continued. This is particularly significant in the light of the fact that commodities intended for shipment by air typically involve the use of surface carriers for at least some portion of the total shipment.

Present Part 49, as amended by Amendment 49-2, refers to Board action on December 27, 1954, approving, under Section 412 of the Civil Aeronautics Act, IATA Traffic Conference Resolution 608 (as amended) with respect to shippers certification and labeling requirements. Subsequent action was taken by the Board on June 15 and December 16, 1955, approving the IATA Resolutions which contain "IATA Regulations Relating to the Carriage of Restricted Articles." Labels approved by this subsequent Board action may be used in complying with the labeling requirements of this part, since such labels have been adopted by the ICC and are presently specified in the ICC regulations.

Present Part 49 permits the carriage of nitrocellulose base film and nitrocellulose pyroxylin plastics in both passenger and cargo operations. However, interested experts have advised that studies made of nitrocellulose base film indicate that such film deteriorates with age, and that with such deterioration the film becomes more susceptible to spontaneous combustion. The Bureau has been advised also that none of this film has been manufactured in the United States since 1950. It is proposed that nitrocellulose base film be prohibited from shipment in air commerce. In addition, by reference to the ICC regulations certain nitrocellulose pyroxylin plastic products would be permitted to be shipped on cargo aircraft only rather than on both passenger and cargo aircraft, as is presently permitted by Part 49.

The present ICC regulations exempt certain flammable liquids, when packed in inside containers not exceeding one pint capacity each, from the packing, marking, and labeling requirements for shipment by rail express. Present Part 49 permits flammable liquids to be carried when packed in quantities of not more than one quart in inside metal containers, or in quantities of not more than one pint in inside glass or earthenware containers. By reference to the ICC regulations, this proposed revision limits the quantities of such flammable liquids to one pint per inside container when shipped by air on passenger-carrying aircraft. Furthermore, by referencing the ICC regulations, the present requirements in Part 49 prescribing glass or metal containers only will also be eliminated so that other adequate containers may be used.

Part 49 presently permits the carriage of most nonflammable compressed gases. However, there are seven such gases which, according to expert opinion, should continue to be prohibited in passenger-carrying operations. The proposed revision continues such a prohibition. Also safety matches (strike-on-the-box type) are presently listed by Part 49 as flammable solids and are required to be packed in tightly closed metal containers in quantities of not more than 25 pounds in strong outside containers. However, these articles are not presently subject to ICC regulation and, accordingly, will not be regulated under the proposed revision.

Although not specifically covered in this proposed revision, the Board also has under consideration the inclusion of certain categories of infectious biologic agents in the group of dangerous articles prohibited from transportation by air.

In preparing this proposed revision, extensive discussions have been held with representatives of the Civil Aeronautics Administration, the Interstate Commerce Commission, the Bureau of Explosives, industry associations, and other interested persons.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 49 of the Civil Air Regulations be revised as set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560; sec. 902, 52 Stat. 1015, as amended; 49 U. S. C. 622)

Dated at Washington, D. C., August 21, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

APPLICABILITY AND DEFINITIONS

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49.1 Applicability of this part.
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49.21 Cargo location.
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49.23 Damaged or improperly marked articles.
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PASSENGER-CARRYING AIRCRAFT

49.31 Articles which may be carried on passenger-carrying aircraft.

CARGO AIRCRAFT

49.41 Articles which may be carried on cargo aircraft.

APPLICABILITY AND DEFINITIONS

§ 49.1 *Applicability of this part.* Explosives and other dangerous articles, as defined and regulated in Parts 72 through 78 of the ICC regulations (49 CFR Parts 72–78), including but not limited to flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous articles, shall not be loaded in or transported by civil aircraft in the United States, or transported anywhere in air commerce in civil aircraft of United States registry, except as hereinafter provided. Explosives and other dangerous articles listed in Part 72 of the ICC regulations (49 CFR Part 72) as articles not accepted for rail express shall not be carried on aircraft subject to the provisions of this part. The provisions of this part shall not be applicable to aircraft equipment such as signaling devices, aviation fuel and oil carried in tanks complying with the fuel and oil tank installation provisions of the Civil Air Regulations, and other equipment and materials necessary for the safe operation of the aircraft on which they are carried.

NOTE: In addition to other authorized sanctions, section 902 of Title IX of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1015, as amended; 49 U. S. C. 622), provides that any person who knowingly delivers or causes to be delivered to an air carrier or to the operator of any civil aircraft for transportation in air commerce, or who causes the transportation in air commerce of, any shipment, baggage, or property, the transportation of which is prohibited by any rule, regulation, or requirement prescribed by the Civil Aeronautics Board, pursuant to authority under Title VI of the Civil Aeronautics Act of 1938, as amended, relating to the transportation, packing, marking, or description of explosives or other dangerous articles shall, upon conviction thereof for each such offense, be subject to the applicable penalties set forth therein.

§ 49.2 *Special authority.* (a) In emergency situations or where other forms of transportation are impracticable:

(1) Deviations from any of the provisions of this part for a particular flight may be authorized by the Administrator where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo.

(2) Shipments made by the Atomic Energy Commission shall be exempt from quantity limitation prescribed for radioactive materials by § 49.31 (d), provided such shipments are otherwise in accordance with the requirements approved by the Interstate Commerce Commission for shipment by rail express and prior notification of each shipment is given by the Atomic Energy Commission in the form and manner prescribed by the Administrator.

(b) Shipments of radioactive materials made by the Atomic Energy Commission or under its direction or supervision, which are escorted by personnel who are especially designated by the Atomic Energy Commission, shall be exempt from the provisions of these regulations where special arrangements are made and approved by the Administrator.

§ 49.5 *Definitions.* As used in this part terms are defined as follows:

Cargo Aircraft. A cargo aircraft is an aircraft which is not a passenger-carrying aircraft and which is used for the carriage of goods.

Commodities. (As defined in Part 73 of the ICC regulations (49 CFR Part 73)):

Compressed gas.
Corrosive liquids.
Explosives and other dangerous articles.
Flammable liquid.[1]
Flammable solid.[1]
Oxidising material.
Poisonous articles.

ICC regulations. ICC regulations mean the currently effective "Interstate Commerce Commission's Regulations for Transportion of Explosives and Other Dangerous Articles," as amended or revised from time to time.

NOTE: These ICC regulations may be obtained from the Government Printing Office, Washington 25, D. C., or from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

Labeling. Labeling is the display on the container of an appropriate label specified in the ICC regulations for the particular class of article.

Marking. Marking is the display on the outside of the container of the name of the article inside as required by this part.

Operator of aircraft. Operator of aircraft means any person who causes or authorizes the operation of any civil aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of such aircraft.

Passenger-carrying aircraft. A passenger-carrying aircraft is an aircraft carrying any individual other than a flight crew or crew member, company employee, or an authorized Government representative.

Person. Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Quantity. Quantity is that net amount specified in United States liquid measure or in avoirdupois weight, unless otherwise provided in this part.

Unit of radiation. As defined in part 75 of the ICC regulations (49 CFR Part 75).

SHIPPING REQUIREMENTS

§ 49.11 *Packing and marking requirements.* Unless otherwise specifically provided in this part, explosives and other dangerous articles shall be packed and marked in accordance with the requirements prescribed in Parts 72, 73, and 78 of the ICC regulations (49 CFR Parts 72, 73, 78) as are applicable to rail express. Liquids shall be packed only in containers which are securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or pressure during transit, and so filled as to provide adequate outage.

§ 49.12 *Labeling requirements.* Unless otherwise specifically provided in this part, explosives and other dangerous articles shall be conspicuously labeled by the shipper, even though they may be exempted from ICC labeling requirements by virtue of ICC quantity and packing limitations. Explosives and other dangerous articles acceptable under the provisions of this part for transportation in air commerce shall bear the appropriate label specified in the ICC regulations.

§ 49.13 *Shipper's certification for carriage by air.* (a) No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept explosives and other dangerous articles for carriage by air unless the package is accompanied by or shows a clear and plainly visible statement signed by the shipper or his duly authorized agent that the shipment complies with the requirements of this part. No such shipment shall be accepted for transportation by passenger-carrying aircraft unless the shipper's certification includes an additional statement that the shipment is within the limits prescribed by this part for passenger-carrying aircraft. Any air carrier or other operator of aircraft may rely on such a certification as prima facie evidence that the shipment so certified complies with the requirements of this part.

NOTE: The following statement signed by the shipper or his duly authorized agent will be accepted as meeting this requirement: This is to certify that the contents of this package are properly described by name and are packed, marked, and labeled and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board.

For shipment on passenger-carrying aircraft the following must be added to the above: This shipment is within the limitations prescribed for passenger-carrying aircraft.

(b) The shipper's certification of compliance with this part shall be made upon the ICC label affixed to each package containing explosives or other dangerous articles when there is a provision on the face of the label for such certification. When the label used does not so provide, such certification shall be made in duplicate and signed by the shipper or his duly authorized agent for each consignment. One signed copy shall accompany the shipment and the other signed copy shall be retained by the originating carrier. The air carrier or other operator of aircraft may also require the shipper to have the shipper's statement certified by an authority approved by the carrier.

§ 49.14 *Quantity equivalents.* Quantities measured by the metric system or the imperial system may be substituted on the basis of one liter or one imperial quart per quart specified and 500 grams per pound specified up to one gallon for liquids or 10 pounds for solids.

LOADING AND HANDLING REQUIREMENTS

§ 49.21 *Cargo location.* (a) Articles subject to the requirements of this part shall not be carried in the cabins of passenger-carrying aircraft.

(b) Any article aceptable only for cargo aircraft shall be carried in accessible cargo pits or bins or in the cabin.

(c) Articles shall not be placed in the same cargo pit or bin nor placed side by side in cabins so that yellow label material is mixed with white label material.

§ 49.22 *Pilot notification.* When articles subject to the packing, marking, and labeling requirements of this part are carried on aircraft, the operator shall be responsible for notifying the pilot of the name of the article as shown in the commodity list of Part 72 of the ICC regulations (49 CFR Part 72), the type of label, quantity, and the location thereof. The pilot notification requirement may be met by entering the required information on the airplane load manifest.

§ 49.23 *Damaged or improperly marked articles.* If any package subject to the provisions of this part appears to the operator of the aircraft to be damaged, leaking, or improperly marked or labeled, the operator shall remove it from the aircraft and immediately report any indicated violation of the requirements of this part to the nearest representative of the Administrator or the Board.

§ 49.24 *Quantity limitations.* Except as provided below, not more than 50 pounds net weight of any article of the same classification subject to the packing, marking, and labeling provisions of this part may be carried in any cargo pit or bin on passenger-carrying aircraft, or in any inaccessible cargo pit or bin on any aircraft:

(a) Not more than 150 pounds net weight of compressed nonflammable gas may be carried in any single cargo pit or bin on passenger-carrying aircraft or in any inaccessible cargo pit or bin on any aircraft.

(b) Not more than 40 units of radioactive material Groups I or II shall be carried on any aircraft.

§ 49.25 *Special requirements for radioactive materials.* (a) Whenever any shipment of radioactive materials is damaged or appears to the operator of the aircraft to be damaged, the operator shall remove it from the aircraft and segregate it as far as possible from human contact. The operator of the aircraft shall immediately contact the shipper for disposal instructions and notify the Administrator or the Board of the incident.

(b) Whenever there is any actual spillage of radioactive materials of such nature that the materials are no longer contained within their inner containers, no attempt shall be made to remove or clean up the materials until instructions are received from the shipper or other qualified persons, and then only when necessary protective measures have been taken, and qualified persons are present to supervise the handling.

(c) A container or group of containers of radioactive materials shall not be placed closer than the distance specified in the distance table below to any area that may be continuously occupied by crew members or passengers. If more than one such container is present the distance shall be computed from such table by adding together the number of units shown on the label of each package.

TABLE FOR PERSONNEL SEPARATION[1]

Total number of units[2]	Minimum distance to crew members and passengers (feet)[3]	
	Up to 8 hours	Exceeding 8 hours
1 to 10	3	5
11 to 20	4	7
21 to 30	5	9
31 to 40	6	10

[1] This table is designed to afford maximum protection to human beings from the effects of radiation and will not protect X-ray film from such effects under all conditions of exposure. Distance separation required by this table for Groups I and II (red label) radioactive materials is not required for Group III (blue label) radioactive materials.

[2] Total number of units refers to the number found on the red label of a single package entered on the line reading, "Radiation Units from Package No. * * *." For two or more packages stored together, the total of the numbers of all such packages is meant.

[3] Distance means the number of feet from the nearest edge of the nearest radioactive container.

(d) If any aircraft is engaged principally or entirely in the transportation of radioactive materials, it shall be the responsibility jointly of the shipper and the operator of the aircraft to monitor all personnel involved so that the accepted limits of personnel radiation exposure are not exceeded.

PASSENGER-CARRYING AIRCRAFT

§ 49.31 *Articles which may be carried on passenger-carrying aircraft.* No explosives or other dangerous articles shall be carried on passenger-carrying aircraft, other than the following:

(a) Explosives and other dangerous articles which are exempt under the ICC regulations from the specification packing, marking, and labeling requirements of Parts 72, 73, and 78 (49 CFR Parts 72, 73, 78) thereof applicable to rail express.

(b) Class C explosives. The maximum quantity that may be packed in one outside container is 50 pounds.

(c) Nonflammable compressed gases. Such gases may be carried in quantities in excess of those permitted by paragraph (a) of this section in ICC approved cylinders and at pressures not to exceed those permitted by the ICC regulations, except that the following may not be carried: Anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide.

(d) Radioactive materials, Class D, Groups I, II, and III (liquid, solid, or gaseous), may be carried when packed, marked, and labeled in accordance with Parts 72 and 73 of the ICC regulations (49 CFR Parts 72, 73). (See § 49.2 (a) and (b) for deviations and exemptions from the requirements of this part.)

CARGO AIRCRAFT

§ 49.41 *Articles which may be carried on cargo aircraft.* In addition to the articles acceptable for transportation on passenger-carrying aircraft, any article, except photographic film (nitrocellulose base), acceptable under the ICC regulations for transportation by rail express may be carried on cargo aircraft. The maximum quantity in any one outside package or container shall not exceed that prescribed for rail express in the commodity list of Part 72 of the ICC regulations (49 CFR Part 72).

[F. R. Doc. 56-7024; Filed, Aug. 30, 1956; 8:53 a. m.]

[1] Chapter 39, "Explosives and Combustibles," of Title 18 of the U. S. Code, Public Law 772, 80th Congress, 2d sess.; U. S. C. 831 et seq., enacted June 25, 1948, which supersedes the Transportation of Explosives act of March 4, 1921, adopts the term "flammable" in place of the currently used term "inflammable." As used in this part, "flammable" has the same meaning as "inflammable" and "nonflammable" the same meaning as "noninflammable" as used by current ICC regulations.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 11770]

PUBLIC SAFETY RADIO SERVICES

EXTENSION OF TIME FOR FILING STATEMENTS OR BRIEFS

In the matter of amendment of §§ 10.101, 10.103, and 10.255 of the Commission's rules.

On July 10, 1956, the Commission released a notice of proposed rule making in the above entitled matter. The time for filing comments in the proceeding was specified as August 22, 1956, with reply comments due ten days thereafter.

On August 23, 1956, the Aircraft Owners and Pilots Association (AOPA) filed a request for an extension of time in which to file comments in this proceeding.

It appears that the request of the Aircraft Owners and Pilots Association is reasonable, and

Therefore, it is ordered, This 23d day of August 1956, that the date for filing written statements or briefs setting forth comments of the interested parties in this proceeding is extended until August 29, 1956, and the date for filing comments or briefs in reply to the original comments is extended to September 10, 1956.

Released: August 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7027; Filed, Aug. 30, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD Directive Number 5160.18]

SECRETARY OF THE NAVY

DELEGATION OF AUTHORITY WITH RESPECT TO SINGLE MANAGER ASSIGNMENT FOR PETROLEUM

JULY 24, 1956.

REFERENCES: (a) DOD Directive 4000.8, "Basic Regulations for the Military Supply System", November 17, 1952.

(b) DOD Directive 5160.12, "Policies for Implementation of Single Manager Assignments", January 31, 1956.

(c) DOD Directive 7420.1, "Regulations Governing Stock Fund Operations", February 1, 1954.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a single Manager Commodity Assignment is hereby directed within the Department of Defense, with authority, functions, responsibilities and relationships as set forth below, recognizing that the primary mission is to effectively support the military effort of the country.

B. The purposes and objectives of this assignment are:

1. To increase the efficiency of the Armed Services petroleum supply organization.

2. To eliminate duplication and overlapping of effort between and among military services.

3. To apply the basic pattern for all organizations performing a Single Manager support mission, as prescribed in reference (b) above, to the mission of supplying petroleum to the Armed Services.

II. *Scope*—A. The Single Manager Plan will be employed, as appropriate, for the management of petroleum and petroleum products, within the Continental United States, and is extended to include operations outside the Continental United States as provided herein. Further extension will be made only with the approval of the Secretary of Defense.

B. The scope of this commodity assignment is limited to the extent that neither ownership nor funding by a single stcok fund is provided for the management of petroleum and petroleum products. This deviation from the principles established in reference (b) is justified by the characteristics of petroleum and the exceptional conditions encountered in the supply and distribution of this commodity by the military departments.

III. *Definitions*—A. *Single Manager.* The Secretary of the Military Department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment for petroleum.

B. *Executive Director for Petroleum.* The individual designated by the Single Manager to manage the Single Manager operating agency for petroleum.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Petroleum, shall manage, direct, or control all assigned functions of supply management of petroleum for all military services. It shall be titled the Military Petroleum Supply Agency.

D. *Administrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The Committee shall be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the Agency meets the needs of the military services. Its membership shall be as follows:

1. Executive Director-Chairman.

2. A representative from the Army, Navy, Marine Corps, and the Air Force.

3. The Assistant Secretaries of Defense (Comptroller) and (Supply and Logistics), or their representatives.

4. Such technical or professional personnel augmentations from the military services as the Single Manager determines to be necessary and as petroleum supply problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, facilities, equipment and supplies, including the related budgeting, funding, fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning, and other administrative provisions and services, necessary to carry out assigned missions.

F. *Petroleum and petroleum products.* All items listed as petroleum and petroleum products in DOD Instruction 4115.1, dated 12 October 1955, or amendments or changes thereto, and containers therefor, including packaging, preservation and marking; and all other items of related material authorized by the Office of the Secretary of Defense.

G. *Supply management of petroleum.* The exercise of direction and control by the Single Manager of supply operations for petroleum and petroleum products as provided for herein, including the functions of cataloging, standardization, collation of net requirements, procurement and procurement inspection and production; and the coordination of functions related to storage, distribution, transportation and disposal.

H. *Distribution.* An area, terminal, or depot distribution system designed to distribute and issue petroleum in bulk quantities to the post, camp, station, or base level of all services. This distribution system shall employ the facilities best suited to the requirements of the area served, regardless of service ownership.

IV. *Delegation of authorities and responsibilities.* A. The Secretary of the Navy is hereby designated as the Single Manager for Petroleum, subject to overall guidance, policies and programs of the Office of the Secretary of Defense, with the responsibilities and authorities assigned under this Directive. Additions or deletions of specific items from the cognizance of the Single Manager will be authorized only by the Office of the Secretary of Defense. Requests for changes may be initiated by a military service and shall be forwarded through the Single Manager for his recommendation to the Secretary of Defense.

B. As Single Manager for Petroleum, the primary responsibility of the Secretary of the Navy shall be to meet effectively the petroleum supply support requirements of the military services. He shall also be responsible for fulfilling other support responsibilities placed upon the Department of Defense for such items. The Single Manager shall be responsible for the utilization of all applicable portions of reference (b) except where such portions are specifically modified or amplified herein.

C. The Secretary of each military department shall be responsible for the support of all installations and activities under his jurisdiction.

D. The Secretary of each military department shall be responsible for requirements determination; for supply of petroleum, petroleum products and materiel to using elements of his department and for control and ownership of reserve and operating stocks. Departmental planned requirements will be submitted to the Military Petroleum Supply Agency on a cyclical basis, in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics).

E. The Secretary of each military department will initiate action to include all materiel referenced under paragraph IIIF, above, in an appropriate division or category of the respective Departmental Stock Funds.

F. The Secretary of each military department shall be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of reference (b) and the provisions of this Directive.

V. *Authorities and responsibilities of the single manager—A. Organization and management.* 1. Designate an Executive Director for Petroleum, subject to approval by the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Military Petroleum Supply Agency. The Executive Director shall be responsible to the Secretary of the Navy through channels prescribed by that Secretary.

2. Establish and organize the Military Petroleum Supply Agency in accordance with reference (b) above, except as otherwise specifically modified herein.

3. The Agency shall be staffed by civilian personnel employed by the Department of the Navy, and by military personnel from all military services, as appropriate, not necessarily with equal representation. Positions within the Agency staff will be identified as military or civilian, based on criteria established by the Secretary of Defense. Key military staff positions subordinate to the Executive Director shall be subject to rotation on a periodic basis among the military services, as agreed to by the Single Manager and the Secretaries of the other two military departments, with due consideration being given to the qualifications of the individuals concerned and the career program needs of each military service.

4. The Department of the Navy will be responsible for providing the administrative support for the Agency. Initially, however, personnel, personnel spaces, funds, facilities and equipment will be adjusted among the military services for responsibilities assigned to the Agency in order to meet the support requirements of the Single Manager created by this Directive. Such personnel adjustments will be accomplished in accordance with the provisions of DoD Instruction 140.4.4, dated April 19, 1955.

5. Organize the administrative committee in accordance with paragraph III D. above.

B. *Requirements.* 1. Receive from the military services on a cyclical basis statements of peacetime and mobilization requirements, computed and submitted in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics), together with necessary supporting data, including basic assumptions and factors upon which the requirements were premised, to enable review and comment.

2. Receive from the military services and collate reports of net requirements for procurement purposes by the Agency.

3. Receive from the military services the requirements for Mutual Defense Assistance Program and civilian aid programs.

4. Establish slating procedures to be utilized by the Area Petroleum Offices in overseas commands in submission of petroleum requirements.

C. *Procurement.* 1. Conduct or direct procurement, world-wide, pursuant to the provisions of the Armed Services Procurement Act, Armed Services Procurement Regulation (ASPR), and the Navy procurement directives, including contract administration, as a single service purchase assignment to the Single Manager for all petroleum and petroleum products. Designate those items to be procured locally. The designation or redesignation of items from local procurement to central procurement or vice versa will be coordinated with the military services with sufficient time allowed for an orderly adjustment of the affected programs.

2. Obtain and furnish to the military services procurement and production data for use in requirements and supply studies.

3. The secretaries of the respective military departments shall be responsible for accounting and control of government-furnished materiel in the hands of contractors utilizing the services of the Single Manager to maximum feasible extent.

4. Procure petroleum products for Mutual Defense Assistance Program and civilian aid programs to fulfill requirements submitted by the military departments.

5. Purchase petroleum products and related items to the extent authorized by law for other Federal departments and agencies, on the basis of mutual agreements.

6. Administer the priorities and allocation authority, in the purchase of petroleum and petroleum products, delegated by the Assistant Secretary of Defense (Supply and Logistics), in accordance with the Department of Defense Priorities and Allocations Manual, pursuant to Department of Defense Instruction 4410.1, June 8, 1954, and plan for administration in accordance with Department of Defense Emergencies Priorities Allocation Manual (4410.2, August 18, 1955).

D. *Inspection.* Direct the program of procurement inspection world-wide, utilizing established inspection services and facilities of the military departments. Assign responsibilities for making procurement inspections.

E. *Storage.* 1. In collaboration with the military departments, periodically review the requirements for operating and reserve storage in overseas commands and CONUS and make recommendations thereon to the military departments and the Assistant Secretary of Defense (Supply and Logistics) concerning acquisition of storage by Public Works construction and by contracting for commercial storage services.

2. Contract on a world-wide basis for bulk commercial petroleum storage required by the military departments and administer the contracts. The Single Manager may delegate, when desirable, the contracting responsibility for commercial storage in specific overseas areas to overseas commanders concerned through appropriate channels.

F. *Inventory control and distribution.* 1. Coordinate the distribution systems for petroleum and petroleum products for the Department of Defense. Coordinate or direct agreements, as appropriate, to insure the maximum of cross-servicing. Coordinate the redistribution of stocks in CONUS. Redistribute and dispose of stocks in overseas commands only upon the request of or agreement of the commander concerned. This latter action will be coordinated with the interested military departments.

2. Coordinate a program for the positioning of mobilization reserve and operating stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies and the operational needs and wartime missions of the military services.

3. Coordinate a world-wide system of uniform prices and pricing procedures for cross-servicing in accordance with policies as established in reference (c).

4. Coordinate and promulgate the interservice supply support agreements for petroleum and petroleum products supply to oversea areas.

5. Report to General Services Administration, in accordance with Department of Defense policies, those items excess to the Department of Defense requirements.

6. Prepare reports, as required by the military services, for the development of operating and reserve requirements and supply studies.

7. Advise the Assistant Secretary of Defense (Comptroller) and the military departments as to financial and budgetary management data required by the Single Manager.

G. *Research and development.* The Single Manager will be kept informed of all research and development pertaining to his commodity area. He may recommend to the military services research and development into improved materials, items and methods within his commodity jurisdiction, and will recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. The military departments, under the policies and procedures of the Secretary of Defense, are responsible for research and development programs; the Assistant Secretary of Defense (Research and Development) is responsible for reviewing these programs.

H. *Cataloging and standardization.* 1. Responsible for coordinating the cataloging operations of the military services for petroleum and petroleum products in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single Department of Defense submitting activity in the Federal Catalog System for petroleum and petroleum products.

2. Develop and direct a program of standardization and of standards and specification preparation and maintenance for petroleum and petroleum products within over-all Department of Defense policies and guidance.

I. *Transportation.* Coordinate and arrange for required tanker transportation for the movement of military petroleum products in accordance with criteria and procedures established by the Executive Director, Military Sea Transportation Service.

J. *Commercial facilities and services.* 1. Contractually implement approved military programs for expansion of petroleum industrial facilities and administer the contracts therefor.

2. Contract for commercial petroleum services (such as storage and handling service, and into-plane contracts) on a world-wide basis, except that each military service may contract for into-plane refueling service at individual air stations or bases where the fuels are government furnished.

K. *Personnel and training.* 1. In planning the organization and staffing required for the Agency, establish military and civilian career development patterns which shall be coordinated with and supplement programs of the military services. Personnel training requirements peculiar to a particular military service will be considered in the development of the program and incorporated therein by the Single Manager.

2. Coordinate departmental requirements for and implementation of training provided by the petroleum industry. Review training programs of the services and recommend measures to provide for maximum cross-servicing in the training of units and individuals within available departmental facilities in the Continental United States.

3. Assist the military departments in obtaining their needs and requirements for personnel and consulting services through contacts with the petroleum industry and organizations.

L. *General.* 1. Prepare reports as required by the Office of the Secretary of Defense.

2. The Single Manager is authorized and expected to communicate directly on administrative and technical matters with organizational elements of the military services and with the Area Petroleum Offices in overseas commands to carry out the responsibilities assigned in this Directive. Matters concerning petroleum policies affecting the Department of Defense or other governmental agencies and departments will be referred to the Assistant Secretary of Defense (Supply and Logistics).

3. The Single Manager is authorized and expected to maintain close liaison with non-governmental organizations, associations and industry on matters affecting the responsibilities under this Directive, subject to the provisions of Department of Defense Directive 5500.2, 13 September 1954.

4. Direct the submissions, on a periodic basis, of such reports as may be necessary for the accomplishment of the Single Manager's mission.

VI. *Implementation.* A. Implementation of the Single Manager assignment for petroleum will obviate the requirements for any military service to perform the management functions assigned herein to the Single Manager. Thus, all existing organizations within the military services in the Continental United States which perform such functions shall have their missions, status, and manning modified, redefined, and adjusted as early as possible so as to exclude the functions assumed by the Military Petroleum Supply Agency and to reflect their reduced mission status. Thus, the Armed Services Petroleum Purchasing Agency (ASPPA), established by DoD Directive 5154.7, October 7, 1953, and appropriate elements of the military services shall be disestablished as early as their functions can be phased into the Military Petroleum Supply Agency.

B. The operating agency shall be so organized that, as a minimum, it will perform directly within its organization, at one location, the responsibilities designated in paragraphs VB, VC, and VF, above.

C. Within ninety (90) days, regulations, procedures, organizational arrangements, and adjustments among military services as to personnel, personnel spaces and funds, required to implement the provisions of this Directive, will be developed and coordinated with the military services by the Single Manager and transmitted to the Secretary of Defense for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense.

D. Within one year following approval of the measures implementing this Directive, the Single Manager will submit recommendations to the Assistant Secretary of Defense (Supply and Logistics) for modification or extension of appropriate elements of this Directive.

VII. *Annex.* The following Annex is incorporated as a part of this Directive: Annex A—Statement of the related responsibilities of the Single Manager and the military services in connection with this commodity assignment.

VIII. *Effective date.* Development of implementation measures will be commenced immediately.

REUBEN B. ROBERTSON, JR.,
Deputy Secretary of Defense.

ANNEX A—RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY DEPARTMENTS

Single Manager	*Military Departments*
1. *Organization and management.* a. Designate an Executive Director for Petroleum and establish the Single Manager Military Petroleum Supply Agency.	a. Not applicable.
b. Provide all civilian personnel and Navy military personnel as required. Identify positions as military or civilian based on criteria established by the Office of the Secretary of Defense. Determine Agency requirements for officer personnel from other services with Secretaries of the other military departments. Rotate key military staff positions among the military services on a periodic basis, as agreed with the other military departmental secretaries.	b. Furnish officer personnel as required for the staffing of the Agency.
c. Provide administrative support for the Agency.	c. Not applicable. (Initially, there will be a readjustment of personnel, personnel spaces and funds among the military services to provide support requirements of the Single Manager.)
d. Organize the Administrative Committee under the chairmanship of the Executive Director and request such representatives from other agencies, as required.	d. Provide departmental representatives and such augmentation personnel as the Single Manager may request.
2. *Requirements.* a. Receive from the military departments on a cyclical basis, statements of peacetime and mobilization requirements computed and submitted in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics). Collate net requirements for procurement purposes by the Agency.	a. Provide requirements and other data on a cyclical basis as requested and directed by the Single Manager. Also report significant changes as they occur. Furnish necessary data, including basic assumptions and factors upon which the requirements were premised, to the Single Manager to enable him to review and comment on the requirements.
b. Receive from military departments requirements for Mutual Defense Assistance and civilian aid programs.	b. Furnish Mutual Defense Programs and Civilian Aid Program requirements as necessary.
3. *Procurement.* a. Conduct or direct procurement, worldwide, pursuant to the provisions of the Armed Services Procurement Regulation (ASPR), and Navy Purchase Directive, including contract administration, as a single service purchase assignment to the Single Manager for all petroleum and petroleum products. Designate those items to be procured locally.	a. Procure locally those items designated by the Single Manager. Conduct such central purchase as directed by the Single Manager.
b. Obtain and furnish to the military departments procurement and production data for use in requirements and supply studies.	b. Request the Single Manager for any data regarding procurement and production required for use in requirements and supply studies.
4. *Inspection.* a. Direct the program of procurement inspection worldwide, utilizing established inspection services and facilities to the maximum degree. Assign responsibilities for making procurement inspections.	a. Conform with the program of procurement inspection including prescribed standards of inspection and perform such procurement inspections as the Single Manager directs.
5. *Storage.* a. In collaboration with the military departments, review the requirements for operating and reserve storage in overseas commands and in CONUS and make recommendations thereon to the Assistant Secretary of Defense (Supply and Logistics).	a. Collaborate with the Single Manager in the review of requirements for operating and reserve storage in overseas commands and in CONUS.
b. Contract for bulk commercial petroleum storage on a world-wide basis and administer the contracts. This responsibility may be delegated to overseas commanders for specific areas when desirable.	b. Submit requirements to the Agency for bulk commercial petroleum storage contract implementation except when this contracting responsibility has been delegated to appropriate overseas commanders.
6. *Inventory control and distribution.* a. Coordinate the distribution systems of petroleum and petroleum products for the Department of Defense. Coordinate or direct agreements, as appropriate, to insure the maximum of cross-servicing. Redistribute and dispose of stocks in overseas commands only upon request and by agreement of the commander concerned. This latter action will be coordinated with interested military departments. Coordinate the redistribution of stocks in CONUS.	a. Provide such data as required by the Single Manager on distribution and redistribution of stocks so as to permit maximum coordination and cross-servicing.
b. Coordinate program for the positioning of mobilization reserve stocks to obtain maximum availability at minimum loss in the event of enemy attack, in accordance with Department of Defense policies.	b. Collaborate with and provide such data as to departmental programs as required by the Single Manager for coordination purposes.
c. Coordinate a world-wide system of uniform prices and pricing procedures for cross-servicing in accordance with Department of Defense Directive No. 7420.1.	c. Collaborate with the Single Manager in establishment of prices for cross-servicing pursuant to Department of Defense Directive No. 7420.1.
7. *Research and development.* a. Recommend to a military service or services research and development into improved products, items, materials and methods within his commodity jurisdiction. He will be kept informed on research and development in his commodity area. Recommend to the Assistant Secretary of Defense (Research and Development) any changes in the over-all programs he considers desirable.	a. Initiate requirements for research and development, and perform research and development. The services may initiate and perform research and development in areas of peculiar interest to their requirements in accordance with established coordinating procedures.
8. *Cataloging and Standardization.* a. Coordinate the Cataloging operations of the military services for petroleum and petroleum products in accordance with prescribed Department of Defense policies and procedures, and operations established for the Federal Catalog System; operate as a single Department of Defense submitting activity in the Federal Catalog System for petroleum and petroleum products.	a. Perform those functions of the Federal Catalog System for petroleum and petroleum products as prescribed by the Single Manager; utilize Federal Catalog Data as the prime identification data in all supply and logistics operation, consistent with Department of Defense policies.
b. Develop and direct a program of standardization and of standards and specifications preparation and maintenance within over-all Department of Defense policies and guidance.	b. Accomplish such standards and specifications work as is assigned by the Single Manager. Inform the Single Manager of use needs, and recommend or concur in adoption and standardization or rejection of petroleum and petroleum products.
9. *Transportation.* a. Coordinate and arrange for required tanker transportation for the movement of military petroleum products in accordance with criteria and procedures established by the Executive Director, Military Sea Transportation Service.	a. Obtain required transportation or traffic management services in accordance with criteria and procedures established by the Single Managers for Military Traffic Management, Military Sea Transportation Service, and Military Air Transport Service, when appropriate, or as may otherwise be authorized by the Secretary of Defense.
10. *Commercial Facilities and Services.* a. Contract for commercial petroleum services on a world-wide basis, except that each military department may contract for into-plane refueling service at individual air stations or bases where the fuels are government furnished.	a. Forward requirements for commercial petroleum services to the Single Manager.

ANNEX A—RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY DEPARTMENTS—Continued

Single Manager	*Military Departments*
11. *Personnel and training.* a. Provide a civilian personnel program and training standard for all personnel assigned to the Single Manager. Personnel requirements peculiar to a particular military department will be considered in the development of the program and incorporated therein by the Single Manager.	a. Advise the Single Manager of personnel requirements peculiar to the military departments. Existing civilian personnel and training offices of the military services will be utilized in carrying out the civilian personnel and training program.
b. Coordinate departmental requirements for and implementation of training provided by the petroleum industry. Review training programs of the services and recommend measures to provide for maximum cross-servicing in the training of units and individuals within available departmental facilities in CONUS.	b. Submit departmental requirements for training by industry to the Single Manager for coordination and collaborate with the Single Manager to insure implementation of a well integrated industry training program. Provide for maximum cross-servicing in the training of units and individuals within available departmental facilities in CONUS.
c. Assist the military departments in obtaining their needs and requirements for personnel and consulting services through their contacts with the petroleum industry and organizations.	c. Coordinate requirements for personnel and consulting services to be obtained from industry with the Single Manager.
12. *General.* a. Prepare and prescribe such reports as required to perform Single Manager responsibilities or as required by the Office of the Secretary of Defense.	a. Provide such information to the Single Manager as may be required.
b. The Single Manager is authorized and expected to communicate directly with organizational elements of the military departments and with the Area Petroleum Offices in overseas commands to carry out the responsibilities assigned in this Directive. Matters concerning petroleum policies affecting the Department of Defense or other government agencies and departments will be referred to the Assistant Secretary of Defense (Supply and Logistics).	b. Cooperate with the Single Manager in the performance of these operations.

[F. R. Doc. 56-7018; Filed, Aug. 30, 1956; 8:52 a. m.]

DEPARTMENT OF STATE

[Public Notice 147; Delegation of Authority 91]

DEPUTY UNDER SECRETARY FOR POLITICAL AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Pursuant to the authority vested in me by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), I hereby delegate to the Deputy Under Secretary for Political Affairs of the Department of State, or in his absence to the officer designated to act for him, the performance of all the functions which the Secretary of State is authorized to perform pursuant to and under the authority of section 13 (b) (1) and (2) of the National Science Foundation Act of 1950 (64 Stat. 149; 42 U. S. C. 1861–1875).

Dated: August 27, 1956.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-7009; Filed, Aug. 30, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

STOCK DRIVEWAY WITHDRAWAL NO. 57-1

AUGUST 21, 1956.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1114 (43 U. S. C. 300), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315 f), and pursuant to the authority delegated by the Director, Bureau of Land Management, Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

The following described public lands in the State of Oregon are hereby classified as necessary and suitable for stock driveway purposes as an extension of the existing stock driveway withdrawn on April 24, 1918, and, excepting any mineral deposits therein, are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for use of the general public, the reservation to be known as Stock Driveway Withdrawal No. 57-1 (Oregon).

WILLAMETTE MERIDIAN, OREGON

T. 14 S., R. 13 E.,
Sec. 25: SW¼SW¼, E½SW¼, SE¼;
Sec. 35: SE¼NE¼, SE¼SW¼, SE¼.
T. 14 S., R. 14 E.,
Sec. 30: Lots 3, 4, E½SW¼.
T. 15 S., R. 13 E.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: SE¼SE¼;
Sec. 10: E½S½;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: Lot 1, N½, E½SW¼, SE¼SW¼, SE¼;
Sec. 23: E½S½;
Sec. 24: NW¼SW¼, NW¼;
Sec. 26: E½NE¼NW¼NE¼, SE¼NW¼NE¼, S½SW¼NW¼NE¼, SW¼NE¼, SW¼;
Sec. 34: E½;
Sec. 35: W½W½.
T. 16 S., R. 12 E.,
Sec. 25: E½, E½W½, NW¼NW¼, NW¼SE¼.
T. 16 S., R. 13 E.,
Sec. 3: Lots 1, 2, 3, 4, E½NE¼SW¼, S½SW¼;
Sec. 4: Lots 1, 2, SE¼;
Sec. 9: All;
Sec. 10: W½SW¼;
Sec. 15: W½;
Sec. 16: NE¼NE¼, W½NE¼, W½;
Sec. 21: All;
Sec. 22: NW¼, W½SW¼;
Sec. 28: W½NE¼, NW¼, S½;
Sec. 29: All;
Sec. 30: All;
Sec. 31: All;
Sec. 32: NE¼, W½.
T. 17 S., R. 13 E.,
Sec. 6: N½, SE¼;
Sec. 7: NE¼NE¼;
Sec. 8: All;
Sec. 17: NW¼NE¼.

The area described aggregates approximately 13,159.86 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

Notice for filing objections. For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may file their objections in duplicate in the office of the State Supervisor, Bureau of Land Management, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon. In case any are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where the opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 56-6999; Filed, Aug. 30, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

COMMISSIONER OF FOOD AND DRUGS

RESERVATION OF AUTHORITY

Part 10 of the Statement of Organization and Delegations of Authority of the Department (20 F. R. 1996), is amended to read as follows:

SEC. 10.30 *Reservation of authority.* Notwithstanding the provisions of § 2.50

(a) (4) the Commissioner of Food and Drugs is authorized to promulgate necessary rules and regulations except that final rules and regulations pursuant to sections 507 (f) and 701 (e) (3) of the Federal Food, Drug, and Cosmetic Act, as amended, shall be approved by the Secretary.

Dated: August 24, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-6994; Filed, Aug. 30, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8172]

SWISSAIR; SWISS AIR TRANSPORT CO. LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of SWISSAIR, Swiss Air Transport Company Limited for an amendment of its foreign air carrier permit with respect to foreign air transportation between a point or points in Switzerland and the terminal point New York, New York, U. S. A.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 6, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., August 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7026; Filed, Aug. 30, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK

ACREAGE RESERVE PROGRAM

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 5205, 5685, and 5959, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

COLORADO

Counties	Period
Baca, Cheyenne, Elbert, Kiowa, Kit Carson, Las Animas, Lincoln, Prowers, the northeast corner of El Paso County bounded on the south by Highway 94 and on the west by Range 65, and that portion of Yuma County lying south of U. S. Highway 34.	July 3, 1956–Sept. 30, 1956, inclusive.
Bent, Huerfano, Otero and Washington Counties and the non-irrigated area of Crowley County.	Aug. 3, 1956–Sept. 30, 1956, inclusive.

IOWA

Appanoose, Davis, Decatur, Van Buren, and Wayne	July 14, 1956–Aug. 31, 1956, inclusive.
All of Calhoun, Ida, Jasper, Marion, Polk, and Sac Counties; the east three-quarters of Boone County; all of Cherokee County except the north three townships in northwest corner; the east three-quarters of Dallas County; the northwest one-quarter of Keokuk County; the west one-third of Lyon County; the northeast one-quarter of Madison County; all of Mahaska County except the southeast one-quarter; all of Plymouth County except the two north townships in northeast corner; the west one-half of Poweshiek County; the north one-half of the east one-half of Pottawattamie County; south one-third of Shelby County; west one-third of Sioux County; the south three-quarters of Story County; the north three-quarters of Warren County and the east one-half of Woodbury County.	July 31, 1956–Aug. 31, 1956, inclusive.
The remainder of Boone County not heretofore designated; Morgan, Otter Creek and Soldier townships in Crawford County; the remainder of Cherokee County not heretofore designated; the remainder of Dallas County not heretofore designated; Cedar, Highland and Lincoln townships in Green County; Case, Douglas and Washington townships in Harrison County; the south eight townships in Marshall County; Anderson and Ingraham townships in Mills County; Lincoln, Pilot Grove, Sherman and Washington townships in Montgomery County; the remainder of Plymouth County not heretofore designated; the remainder of Pottawattamie County not heretofore designated; the remainder of Poweshick County not heretofore designated; Washington township of Shelby County; Nassau and Sherman townships of Sioux County; Columbia, Highland and Richland townships of Tama County and the west one-half of Woodbury County.	Aug. 3, 1956–Aug. 31, 1956, inclusive.
The remainder of Harrison County not heretofore designated, and Cooper, Maple, St. Clair, and Center townships of Monona County.	Aug. 10, 1956–Aug. 31, 1956, inclusive.

KANSAS

Cheyenne, Comanche, Gove, Greeley, Hamilton, Hodgeman, Kearney, Logan, Morton, Meade, Sherman, Wallace, and Wichita.	July 6, 1956–Sept. 30, 1956, inclusive.
Clark, Ford, Rawlins, Scott, and Thomas	July 12, 1956–Sept. 30, 1956, inclusive.
Finney, Grant, Gray, Haskell, Seward, Stanton and Stevens	July 18, 1956–Sept. 30, 1956, inclusive.

MISSOURI

Contry, Harrison, Mercer, and Putnam	July 14, 1956–Aug. 31, 1956, inclusive.

MONTANA

Dawson, Fallon, and Wibaux	July 14, 1956–Aug. 31, 1956, inclusive.
Carter, Custer, McCone, Powder River, Prairie, Richland and Roosevelt.	July 26, 1956–Aug. 31, 1956.

NEBRASKA

Boone, Butler, Colfax, Greeley, and Polk	July 19, 1956–Aug. 31, 1956, inclusive.
Boyd, Cass, Douglas, Nance, Platte, Sarpy, and Stanton counties; in Cedar County precincts one through eleven; in Knox County townships of East Raymond, West Raymond, Western, Washington, Walnut Grove, Logan, Jefferson, Bohemia, Verdigre, Sparta, Niobrara, Union, Hill, Santee, Serrick-Addison, Eastern, Frankfort, Dolphin, Spade, Harrison and Peoria; and that part of Dixon County lying north of the north line of townships 29 and 30 north.	July 23, 1956–Aug. 31, 1956, inclusive.
Antelope, Clay, Dodge, Fillmore, Franklin, Furnas, Gosper, Harlan, Hamilton, Holt, Howard, Jefferson, Lancaster, Madison, Merrick, Nuckolls, Otoe, Saunders, Seward, Sherman, Wayne and York, and that part of Knox County not heretofore designated.	July 31, 1956–Aug. 31, 1956, inclusive.
All of Buffalo, Custer, Kearney, Phelps, Thayer, Valley, Washington, and Webster counties and the remainder of Cedar County not heretofore designated and the south eighth township of Dixon County.	Aug. 3, 1956–Aug. 31, 1956, inclusive.
Burt, Cuming, Pierce, Thurston, and the non-irrigated portions of Hall Counties.	Aug. 8, 1956–Aug. 31, 1956, inclusive.

NEW MEXICO

Bernalillo, except that area thereof known as the Rio Grande Conservancy District, Catron, Chaves, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Mora, Otero, Quay, Roosevelt, Sandoval, Santa Fe, San Miguel, Sierra, Socorro, Torrance, Union, that part of McKinley County east of the continental Divide, and that part of Valencia County east of the continental Divide.	July 5, 1956–Sept. 30, 1956, inclusive.

NEW MEXICO—Continued

Counties	Period
San Juan and Taos Counties and the west half of Rio Arriba County	July 31, 1956–Sept. 30, 1956, inclusive.

NORTH DAKOTA

Bowman, Golden Valley and Slope	July 14, 1956–Aug. 30, 1956, inclusive.
McKenzie County	Aug. 3, 1956–Aug. 31, 1956, inclusive.

OKLAHOMA

Beaver, Cimarron, Ellis, Harper, Texas and Woods Counties	Aug. 9, 1956–Sept. 30, 1956, inclusive.

SOUTH DAKOTA

Armstrong, Aurora, Beadle, Buffalo, Davison Hard, Hanson, Harding, Hughes, Hyde, Jerauld, Jones, Lyman, Miner, Brule, Sanborn, Stanley, and Sully.	July 12, 1956–Aug. 31, 1956, inclusive.
All that part of Corson and Perkins counties lying south of the south fork of the Grand River and south of the Grand River itself; remainder of Dewey County not heretofore designated on July 12; all that part of Meade and Pennington counties lying east of Hiway 79; all of Haskon, Jackson and Ziebach counties.	July 23, 1956–Aug. 31, 1956, inclusive.
All that part of Lincoln and Turner counties lying south of Hiway 18; all that part of McCook County lying west of Hiway 81; all of Bon Homme, Charles Mix, Clay, Douglas, Hutchinson, Union and Yankton counties.	July 31, 1956–Aug. 31, 1956, inclusive.

TEXAS

Atascoss, Bandera, Bee, Bexar, Borden, Brewster, Caldwell, Coke, Comal, Concho, Crane, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Howard, Hudspeth, Irion, Jeff Davis, Jim Hogg, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Live Oak, Loving, McMullen, Martin, Maverick, Medina, Menard, Midland, Pecos, Presidio, Reagen, Real, Reeves, Runnels, Schleicher, Starr, Sterling, Sutton, Terrill, Tom Green, Upton, Uvalde, Val Verde, Ward, Webb, Wilson, Winkler, Zapata, and Zavala counties.	July 5, 1956–Sept. 30, 1956, inclusive.
Andrews, Bastrop, Blanco, Burnett, Beter, Fisher, Garza, Lavaca, Llano, Mitchell, Nolan, Shackelford, Travis, and Williamson counties.	July 12, 1956–Sept. 30, 1956, inclusive.
Archer, Baylor, Bell, Bosque, Brown, Callahan, Childress, Clay, Coleman, Collin, Collingsworth, Comanche, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Deaf Smith, Denton, Dickens, Eastland, Erath, Foard, Hamilton, Hardeman, Hartley, Haskell, Hemphill, Hill, Hood, Jack, Jones, Kent, King, Knox, Lampasas, Lipscomb, McCulloch, McLennan, Mason, Milam, Mills, Montague, Moore, Motley, Oldham, Palo Pinto, Parker, Potter, San Saba, Scurry, Sherman, Stephens, Stonewall, Tarrant, Taylor, Throckmorton, Wilbarger, Wise and Young Counties.	July 31, 1956–Sept. 30, 1956, inclusive.
Brooks, Colorado, Ellis, Fayette, Henderson, Jackson, Jim Wells, Johnson, Rains, Somervell, Van Zant, Victoria and Woods Counties.	Aug. 3, 1956–Sept. 30, 1956, inclusive.
Camp, Falls, Franklin, Grayson, Hopkins, Hunt, Morris, and Titus Counties.	Aug. 10, 1956–Aug. 31, 1956, inclusive.

UTAH

Washington County	July 5, 1956–Sept. 30, 1956, inclusive.
Emery and Wayne Counties	July 31, 1956–Sept. 30, 1956, inclusive.
San Juan County	Aug. 8, 1956–Sept. 30, 1956, inclusive.

Done at Washington, D. C., this 28th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7020; Filed, Aug. 30, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2815 etc.]

DIRKS BROTHERS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

In the matters of Dirks Brothers, Docket No. G-2815; H. B. Pyle et al., Docket No. G-2846; Jake L. Hamon et al., Docket No. G-2859; J. D. Wrather, Jr., et al., Docket No. G-3193; Haynes B. Ownby Drilling Company, Docket No. G-3211; Argo Oil Corporation, Docket Nos. G-3217, G-3219, G-3220, G-3256, G-3285, G-3287; Johnny Jones Peet, d. b. a. Peet Oil Company, Docket No. G-3252; Francis W. Scott, Docket No. G-3329; F. A. Callery, Inc., et al., Docket No. G-3655, G-3656; McCarthy Oil and Gas Corporation, Docket No. G-3663; Indian Royalty Company, Docket No. G-4078; Edwin L. Cox, Docket No. G-4086; W. J. Riley Company, Docket No. G-4307; R. C. Harris et al., Docket No. G-4318; Hydrocarbon Production Company, Inc., Docket No. G-4423; Henshaw Brothers et al., Docket No. G-4722; Clarence A. Russell, Docket No. G-4790; Mar-Tex Oil and Gas Company, Docket No. G-4806; Rock Hill Oil Company, Docket No. G-4808; Bass and Vessels, Docket No. G-5193; Lars Oil and Gas Company, Inc., et al., Docket No. G-5200; Sohio Petroleum Company, Docket No. G-5668; Walter F. Kuhn et al., Docket No. G-5669; Bond Oil Corporation, Docket No. G-5670; Sarah V. Greathouse Lease, L. B. Carroll, Agent, Docket No. G-5697; Mollie Cain Lease, L. B. Carroll, Agent, Docket No. G-5698; Hagan Barr Lease, L. B. Carroll, Agent, Docket No. G-5699; L. B. Carroll Lease, L. B. Carroll, Agent, Docket No. G-5700; Columbia Shanks Lease, L. B. Carroll, Agent, Docket No. G-5701; Rachel Ferrell Lease, L. B. Carroll, Agent, Docket No. G-5702; Martha Simms Lease, L. B. Carroll, Agent, Docket No. G-5703; Carl J. Knotts Lease, L. B. Carroll, Agent, Docket No. G-5704; Stanolind Oil and Gas Company, Docket No. G-5713; Cabot Carbon Company, Docket No. G-5715; Northern Natural Gas Producing Company, Docket No. G-5716; The Texas Company, Docket No. G-5717; The California Company, Docket No. G-5720; Maracaibo Oil Exploration Corporation, Docket No. G-5721; James F. Breuil, Docket No. G-5725; Kingwood Oil Company, Docket Nos. G-5733, G-5734; F. William Carr et al., Docket No. G-5735; Harbor Oil Company, Inc., Docket No. G-5738; John A. Egan, Docket No. G-5739; Franklin E. Bernsen et al., Docket No. G-5740; L. D. Nutter (C. D. Floyd Lease), Docket No. G-5742; Sweetland, Burns and Lockwood, by E. B. Curry, Manager, Docket No. G-5743; Gibbs Gas Company, by E. B. Curry, Partner, Docket No. G-5744; Sweetland Land and Mineral Company, by E. B. Curry, General Manager, Docket Nos. G-5745, G-5746; Harry C. Schreiber (Agent for Gillispie Lease), Docket No. G-5747; Sweetland, Kingrey and Copeland, by E. B. Curry, Manager, Docket No. G-5748; R. H. Adkins, Trustee for A. M. and S., Docket Nos. G-5749—G-5753, inclusive; Okmar Oil Company, Docket No. G-5960; John M. and Maud R. Hickey, Docket No. G-5968; J. R. McGill et al., Docket No. G-6065; Fred M. Manning, Docket No. G-6283; D. E. and R. J. Whelan, Docket No. G-6304; B. B. M. Drilling Company et al., Docket No. G-6365; Kerr-McGee Oil Industries, Inc., Docket Nos. G-6369, G-6370, G-6373—G-6376, inclusive, G-6379; Mamie Axelrod, Docket Nos. G-6384, G-6699, G-6707, G-6711; Thomas W. Poore, Docket No. G-6396; Farr and Gribble, a partnership, Docket No. G-6411; Smith and Gribble, a partnership, Docket No. G-6412; Empire Oil Company, a partnership, Docket Nos. G-6413—G-6415, inclusive; Gribble and Stinespring, a partnership, Docket No. G-6416; Carolyn E. Farr, Docket No. G-6417; Longhorn Drilling Corporation and Herring and Grimes Oil Company, Docket No. G-6424; A. B. Alkek, Docket No. G-6427; James E. Kemp et al., Docket No. G-6451; Coronet Oil Company, Docket No. G-6526; The Navajo Natural Gas Corporation, Docket No. G-6736; C. G. Glasscock Oil Company, Docket No. G-6819; Barbara Oil Company, Docket No. G-6941; Edwin W. Pauley, Jr., Docket No. G-6955; Standard Oil Company of Texas, Docket Nos. G-7204—G-7210, inclusive, G-7213, G-7214; Ashland Oil and Refining Company, Docket No. G-7663; F. R. Copper, d. b. a. F. R. Copper Associates, Docket No. G-7673; Orville Eberly, Agent, et al.,

Docket Nos. G–7691, G–7694, G–7695; William E. Snee et al., Docket No. G–7692; Rose Scaggs Well No. 1, Docket No. G–7702; Trace Creek Gas Company, Docket No. G–7703; Starcher Gas Company, Docket No. G–7704; North Fork Gas Company, Docket No. G–7707; Cooper Oil and Gas Company, Docket No. G–7708; Curtis Oil and Gas Company, Docket No. G–7709; Evelyn Oil and Gas Company, Docket No. G–7710; Bell Wood Gas Line, Docket No. G–7711; Hartman Vockel Company, Docket No. G–7712; The Swann Gas Company, Docket No. G–7713; Cove Creek Gas Company, Docket No. G–7714; Stinson Gas Company, Docket No. G–7715; Bee Branch Gas Company, Docket No. G–7716; R. H. Adkins, Trustee for McComas, et al., Docket No. G–7717; Eldon Gas Company, Docket No. G–7718; Phillips Gas Company, Docket No. G–7719, Copley Gas Company, Docket No. G–7720; C. A. Wilson Lease, E. C. Hartman, Owner, Docket No. G–7721; J. J. Wise Lease (Parkersburg Oil and Gas Company), E. C. Hartman, Attorney, Docket No. G–7722; Alvin Elder Lease, E. C. Hartman, Owner, Docket No. G–7723; Hartman-Carr Company, E. C. Hartman, Attorney, Docket No. G–7724; Parsner Gas Company, Docket No. G–7725; Burchett and Adkins, Docket No. G–7730; Frank T. Litton, Docket No. G–7733; G. B. Cree, Operator, Docket No. G–7740; Gillispie Run Oil and Gas Company, E. C. Hartman, Attorney in Fact, Docket No. G–7741; Vernon Gas Company, Docket No. G–7742; Wm. Dye Oil and Gas Company, Docket No. G–7845; David Hall Oil and Gas Company, Docket No. G–7846; Bull Creek Gas and Oil Company, Docket No. G–7847; Martin County Gas and Oil Company, Docket No. G–7848; First National Bank and Trust Company of Waynesburg, Pennsylvania, Trustee under will of David G. Braddock, Docket No. G–7879.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

2915; West Cosden Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

2846; Fairbanks Field, Harris County, Tex.; Texas Illinois Natural Gas Pipe Line Company.

2859; Various leases in McMullen County, Tex.; Wilcox Trend Gathering System, Inc.

3193; Gohlke Field, Victoria and De Witt Counties, Tex.; Wilcox Gathering System.

3211; Fairbanks Field, Harris County; Placedo Field, Victoria County, Tex.; Texas Illinois Natural Gas Pipe Line Company; Tennessee Gas Transmission Company.

3217; South Spraberry Trend Area, Reagan County, Tex.; Texas Gas Products Corporation; El Paso Natural Gas Company.

3219; Clayton Field, Live Oak County, Tex.; Texas Illinois Natural Gas Pipe Line Company.

3220; Wasson Field, Yoakum and Gaines Counties, Tex.; Shell Oil Company.

3252; Clayton Field, Live Oak and McMullen Counties, and Greta Field, Refugio County, Tex.; Texas Illinois Natural Gas Pipe Line Company; Transcontinental Gas Pipe Line Corporation.

3256; Harper Field, Ector County, Tex.; Phillips Petroleum Company.

3285; TXL-Tubb Field, Ector County, Tex.; Shell Oil Company; El Paso Natural Gas Company.

3287; La Gloria Field, Brooks County, Tex.; Transcontinental Gas Pipe Line Corporation; Texas Illinois Gas Pipe Line Company.

3329; Carthage Field, Panola County, Texas; Spider Field, De Soto Parish, La.; Tennessee Gas Transmission Company; United Gas Pipe Line Company; Southern Natural Gas Company.

3655, 3656; Lewisberg Field, Acadia Parish, La.; Texas Northern Gas Corporation; United Gas Pipe Line Company.

3663; Hankemer Field, Liberty County, Tex.; Texas Eastern Transmission Corporation.

4078; Wasson Field, Yoakum County, Tex.; Shell Oil Company.

4086; Rhode Branch Field, McMullen County, Tex.; Wilcox Trend Gathering System, Inc.

4307; Refugio-Fox Field, Refugio County, Tex.; Transcontinental Gas Pipe Line Corporation.

4318; West Tuleta Field, Bee County, Tex.; Transcontinental Gas Pipe Line Corporation.

4423; Lacy Field, Hidalgo and Cameron Counties, Tex.; Transcontinental Gas Pipe Line Corporation.

4722; Helen Gohlke Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

4790; El Camp North Field, Wharton County, Tex.; Transcontinental Gas Pipe Line Corporation.

4806, 4808; Greta Field, Refugio County, Tex.; Transcontinental Gas Pipe Line Corporation.

5193; East Sun Field, Starr County, Tex.; Sun Oil Company.

5200; Goree Field, Bee County, Tex.; Transcontinental Gas Pipe Line Corporation.

5668; South Lewisberg Field, Acadia Parish, La.; Texas Northern Gas Company; Texas Gas Transmission Corporation.

5669; Hogoton Field, Finney, Grant, Haskell, Kearny, Morton, Seward, Stevens Counties, Kans.; Panhandle Eastern Pipe Line Company; Northern Natural Gas Company; Cities Service Gas Company; Kansas-Colorado Utilities, Inc.

5670; Goldsmith Field, Ector County, Tex.; Phillips Petroleum Company.

5697–5703, inclusive; Sheridan District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

5704; Washington District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

5713; Woodlawn Field, Harrison and Marion Counties, Tex.; Mississippi River Fuel Corporation.

5715; Spraberry, Glasscock and Midland Counties, Tex.; Guymon-Hugoton Field, Texas County, Okla.; Fulton and Andrews Counties, Tex.; Panhandle Field, Grayson and Hutchinson Counties, Tex.; Yarbrough-Allen Field, Ector County, Tex.; Denton Field, Lea County, N. Mex.; Kansas-Hugoton Field, Seward County, Kans.; Phillips Petroleum Company; Fullerton Oil Corporation; Northern Natural Gas Company; El Paso Natural Gas Company; Panhandle Eastern Pipe Line Company; Texas Gas Products Corp.; Cities Service Gas Company; Hugoton Plains Pipe Line Company.

5716; Hugoton Field; Various Counties in Kansas; McKinney Field, Clark County, Kans.; Panhandle Field, Carson and Gray Counties, Tex.; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company.

5717; Garvin County Plants, Garvin and McClain Counties, Okla.; Oklahoma Natural Gas Company.

5720; Hico-Knowles, North Choudrant and Tremont Fields, Lincoln and Ouachita Parishes, La.; Texas Eastern Transmission Corporation.

5721; North Pettus Field, Bee, Goliad and Karnes Counties, Tex.; United Gas Pipe Line Company.

5725; Delhi and West Delhi Fields, Richland Parish, La.; Sun Oil Company.

5733; North Hoover Field, Garvin County, Okla.; Universal Gasoline Company.

5734; Delhi and West Delhi Fields, Richland and Madison Parishes, La.; Sun Oil Company.

5735; West Portion of George West Field, Live Oak County, Tex.; Wilcox Trend Gathering System, Inc.

5738; Bayou Sale Field, St. Mary Parish, La.; Humble Oil and Refining Company.

5739; South Blanco-Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

5740; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

5742; Salt Lick District, Braxton County, W. Va.; Equitable Gas Company.

5743; Buffalo Creek Field, Lincoln County, W. Va.; South Penn Natural Gas Company.

5744, 5749, 5750, 5751, 5752, 5753; Perrytown Field, Prairie Township, Grant District, Cabell County, W. Va.; South Penn Natural Gas Company.

5745, 5746; Sheridan District, Lincoln County, W. Va.; South Penn Natural Gas Company.

5747; Church Field, Wetzel County, W. Va.; Equitable Gas Company.

5748; Middle Fork of Mud River, Carroll District, Lincoln County, W. Va.; South Penn Natural Gas Company.

5960; Calhoun and Ritchie Counties, W. Va.; Trustees for Penova Interests.

5968; Whitmore Township, McKean County, Pa.; Pennsylvania Gas Company.

6065; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

6283; Golden Trend Area, Garvin County, Okla.; Warren Petroleum Corporation; Cities Service Gas Company; Kerr-McGee Oil Industries, Inc.; Oklahoma Natural Gas Company; The Texas Company.

6304; Whelan Field, Harrison County, Tex.; Texas Eastern Transmission Corporation.

6365; West Bernard Field, Wharton County, Tex.; Texas Illinois Natural Gas Pipe Line Company.

6369, 6375, 6376, 6379; Guymon-Hugoton Field, Texas County, Okla.; Phillips Petroleum Company; Panhandle Eastern Pipe Line Company.

6370; The Breton Island Field, Plaquemines and St. Bernard Parishes, La.; Southern Natural Gas Company.

6373; Various Fields in Garvin and McClain Counties, Okla.; Lone Star Gas Company.

6374; Spider Field, De Soto Parish, La.; Southern Natural Gas Company.

6384; East Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

6396; Karlick Farm, Jefferson County, Okla.; Lone Star Gas Company.

6411; Southwest District, Doddridge County, W. Va.; Equitable Gas Company.

6412, 6416; West Union District, Doddridge County, W. Va.; Empire Oil Company.

6413; Doddridge County, W. Va.; Columbian Carbon Company.

6414; Gnats Run Field, Clay District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

6415; Cabin Run Central District, Doddridge County, W. Va.; Equitable Gas Company.

6417; Hughes River Field, Southwest District, Doddridge County, W. Va.; Equitable Gas Company.

6424; Herring Lease, Clayton Field, Live Oak County, Tex.; Texas Illinois Natural Gas Pipe Line Company.

6427; Fannin Area, Goliad County, Tex.; Trunkline Gas Company.

6451; Unitized Zone Delhi and West Delhi Fields in Franklin, Richland and Madison Parishes, La.; Texas Eastern Transmission Corporation.

6526; Andector, Ellenberger and Goldsmith Clearfork Fields, Ector County Tex.; Phillips Petroleum Company.

6699, 6707, 6711; East Panhandle Field, Tex.; Phillips Petroleum Company.

6736; West Panhandle Field, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

6819; South Robstown Field, Nueces County, and Flores Field, Starr and Hidalgo Counties, Tex.; Tennessee Gas Transmission County; Sun Oil Company.

6941; East Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

6955; Sanford Field, Hutchinson County, Tex.; Frank C. Henderson Trust No. 2; Elizabeth P. Henderson Trust No. 2, for delivery and sale to United Carbon Company, Inc.

7204; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

7205; Reinecke Field, Bordon County, Tex.; El Paso Natural Gas Company.

7206; Eunice-Monument Field, Lea County, N. Mex.; Phillips Petroleum Company.

7207; Eumont, Jalco, Langmat, Tubb and Blineberry Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

7208; Blineberry Field, Lea County, N. Mex.; Skelly Oil Company.

7209; Penrose Skelly Field, Lea County, N. Mex.; Skelly Oil Company.

7210; Eunice-Monument and Cass Fields, Lea County, N. Mex.; Phillips Petroleum Company.

7213; Blineberry and Penrose-Skelly Fields, Lea County, N. Mex.; Skelly Oil Company.

7214; Gist Field, Jasper and Newton Counties, Tex.; Texas Eastern Transmission Corporation.

7663; Various leases in Garvin, Marshall and Oklahoma Counties, Okla.; Richland and Franklin Parishes, La.; Harrison, Glasscock, Midland, Upton and Reagan Counties, Tex.; Lone Star Gas Company; Warren Petroleum Corporation; Cities Service Oil Company; Carter Oil Company; The Texas Company; J. E. Crosbie, Inc.; Kerr-McGee Oil Industries, Inc.; Universal Gasoline Company; Peppers Refining Company; Cities Service Gas Company; Harper Turner Oil Company; Arkansas Louisiana Gas Company; Donnell Drilling Company; Kewanee Oil Company; Magnolia Petroleum Company; Maricaibo Oil Exploration Corporation; Sunray Mid-Continent Oil Company; Skelly Oil Company; Sun Oil Company; Superior Oil Company; Tide Water Associated Oil Company; Stanolind Oil and Gas Company; Texas Gas Producers Corporation; Continental Oil Company; Pecos Company; Phillips Petroleum Company.

7673; Union District, Clay County, W. Va.; Hamilton Gas Corporation.

7691, 7694, 7695; Mountain Lake Park Field, Garrett County, Md.; Cumberland and Allegheny Gas Company.

7692; Accident Pool Field, Garrett County, Md.; Cumberland and Allegheny Gas Company.

7702; Logan District, Logan County, W. Va.; United Fuel Gas Company.

7703, 7713; Cabell County, W. Va.; South Penn Natural Gas Company.

7704, 7707; Lincoln County, W. Va.; United Fuel Gas Company.

7708; Hartley Field, Sheridan District, Calhoun County, W. Va.; Penova Interests.

7709; Gay Field, Roane County, and Washington District, Jackson County, W. Va.; United Fuel Gas Company.

7710; Burnt House Field, Murphy District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

7711; Bellville Field, Harris District, Wood County, W. Va.; Gas Transport, Inc.

7712; Le Roy Field, Ravenswood District, Jackson County, W. Va.; Gas Transport, Inc.

7714; Wayne County, W. Va.; United Fuel Gas Company.

7715, 7716; Lincoln County, W. Va.; South Penn Natural Gas Company.

7717, 7725, 7742; Lincoln County, W. Va.; South Penn Natural Gas Company.

7718, 7719, 7720; Lincoln County, W. Va.; United Fuel Gas Company.

7721, 7724; Pennsboro Field, Clay District, W. Va.; Equitable Gas Company.

7722; Oxford Field, Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

7723; Grantsville-Arnoldsburg Field, Sheridan District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7730; Mingo County, W. Va.; United Fuel Gas Company.

7733, 7740; Elk District, Kanawha District, Boone County, W. Va.; East Panhandle Field, Gray County, Texas; United Fuel Gas Company; Southeastern Gas Company; Hope Natural Gas Company; Phillips Petroleum Company.

7741; Gillispie Run Field, Grant District, Ritchie County, W. Va.; South Penn Natural Gas Company.

7845; Sucker Creek Field, Pike County, Ky.; Kentucky West Virginia Gas Company.

7846; Troublesome Creek Field, Knott County, Ky.; Kentucky West Virginia Gas Company.

7847; Bull Creek Field, Magoffin County, Ky.; Kentucky West Virginia Gas Company.

7848; Wolfe Creek Field, Martin County, Ky.; Kentucky West Virginia Gas Company.

7879; D. C. Braddock Farm, Richhill Township, Greene County, Pa.; Manufacturers Light and Heat Company; Natural Gas Company of West Virginia.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

AUGUST 23, 1956.

[F. R. Doc. 56–6966; Filed, Aug. 30, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN A. CLAUSSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R., 1608:

A. Deletions: No change.
B. Additions: Hevi Duty Electric Company.

This statement is made as of August 23, 1956.

Dated: August 27, 1956.

JOHN A. CLAUSSEN.

[F. R. Doc. 56–7005; Filed, Aug. 30, 1956; 8:49 a. m.]

ROGER F. WAINDLE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 9, 1956, 21 F. R. 1520.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 10, 1956.

Dated: August 10, 1956.

ROGER F. WAINDLE.

[F. R. Doc. 56–7006; Filed, Aug. 30, 1956; 8:49 a. m.]

JOSEPH P. CROSBY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R., 1608.

A. Deletions: Hollinger Consolidated Gold Mines, Fairbanks-Morse Company, Carborundum Company, Copperweld Steel, York Corporation.

B. Additions: Van Camp Sea Food, Howe Sound, Van Norman, Ohio Oil Co., U. S. Life Insurance.

This statement is made as of August 24, 1956.

Dated: August 24, 1956.

JOSEPH P. CROSBY.

[F. R. Doc. 56-7007; Filed, Aug. 30, 1956; 8:49 a. m.]

VICTOR A. MISCIO

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Victor A. Miscio.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 8, 1956.
4. Title of position: Chief, Stainless, Hi-Temp Alloy and Tool Steel Branch.
5. Name of private employer: Jessop Steel Company, 500 Green Street, Washington, Pennsylvania.

Dated: August 23, 1956.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Jessop Steel Company.
Bank Deposits.

Dated: August 21, 1956.

VICTOR A. MISCIO.

[F. R. Doc. 56-7008; Filed, Aug. 30, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1820]

PANHANDLE OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 27, 1956.

In the matter of application by the Philadelphia-Baltimore stock exchange for unlisted trading privileges in Panhandle Oil Corporation, Common Stock, File No. 7-1820.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 12, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7001; Filed, Aug. 30, 1956; 8:48 a. m.]

[File No. 70-3507]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED ACQUISITION BY REGISTERED HOLDING COMPANY OF COMMON STOCK OF A PUBLIC UTILITY COMPANY AND ISSUANCE BY REGISTERED HOLDING COMPANY OF SHARES OF ITS COMMON STOCK TO BE USED IN PAYMENT FOR THIS ACQUISITION

AUGUST 27, 1956.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has made a filing with this Commission designating sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") as applicable to the transactions described therein which are summarized as follows:

American Gas proposes to acquire all of the outstanding shares of common capital stock of Seneca Light and Power Company ("Seneca"), consisting of 1,000 shares, no par value, in exchange for an aggregate total of shares of the common stock of American Gas, par value $10 a share, equal to a market value of $500,000 (subject to adjustment for changes in net current assets up to the date of closing), the exact number of shares being determined on the basis of the average market price from August 15, 1956, the date of the acceptance by the stockholders of Seneca of the offer of American Gas, to the date of closing.

It is represented in the filing that the 1,000 shares of Seneca's common capital stock are held by three individuals in a single family none of whom is affiliated with American Gas or any of its subsidiaries. It is further represented in the filing that the negotiations between Seneca and American Gas have been carried on at arm's length.

The filing states that Seneca is an Ohio corporation which operates an electric power distribution system in the communities of Attica, Carrothers, Chatfield, Siam and adjacent territory, in Seneca and Crawford Counties, Ohio. This service area of Seneca is surrounded by the service areas of subsidiaries of American Gas and Seneca purchases all its electric energy from Ohio Power Company, a subsidiary of American Gas.

American Gas represents in the filing that it is its belief that consummation of the proposed transactions will be of benefit to the consumers of Seneca through contemplated rate reductions to be effectuated after acquisition and will be of benefit to investors through increased earnings by Seneca arising from economies growing out of expected greater efficiency in the operations of Seneca.

The filing also seeks approval of an application by American Gas to issue the number of shares of its common stock (the precise amount of which is not presently determinable) necessary to effectuate this proposed acquisition. The filing indicates that it is presently estimated that the number of shares of common stock to be issued by American Gas will not exceed 13,000 shares and that the precise number of shares will be set forth in the Certificate of Notification to be filed with this Commission pursuant to Rule U-24.

It is stated in the filing that legal fees of counsel for American Gas are estimated not to exceed $1,000, and that miscellaneous expenses, primarily for Federal issuance tax and registration of the American Gas stock on the New York Stock Exchange, estimated not to exceed $500, are to be paid by American Gas. Certain routine services incident to the transaction are to be performed by American Gas and Electric Service Corporation, no estimate in respect to the amount of these fees being set forth in the filing.

American Gas states that it is its belief that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 12, 1956 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7002; Filed, Aug. 30, 1956; 8:48 a. m.]

[File No. 70-3502]

PAVILION NATURAL GAS CO.

NOTICE OF FILING OF APPLICATION REGARDING PROPOSED ACQUISITION FROM PARENT OF CAPITAL STOCK OF ASSOCIATE PUBLIC UTILITY

AUGUST 27, 1956.

Notice is hereby given that The Pavilion Natural Gas Company ("Pavilion"), a public-utility company and an exempt public utility holding company which is a subsidiary of Genesee Valley Gas Company, Inc. ("Genesee") an exempt public utility holding company, has filed with this Commission an application, pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935 ("act"), regarding the proposed acquisition by Pavilion from Genesee of the outstanding capital stock of Churchville Oil & Natural Gas Company ("Churchville"), a direct public utility subsidiary of Genesee.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pavilion, a New York corporation, is engaged in purchasing, producing, distributing and selling, principally at retail, natural gas in the counties of Livingston, Wyoming and Genesee in the State of New York. It owns all of the outsanding capital stock of Valley Gas Corporation, a public utility organized and operating in the State of New York. Pavilion is exempt from the provisions of the act, pursuant to Rule U-2.

Genesee, a New York corporation, is solely a holding company, owning all of the capital stocks of Pavilion and Churchville. Genesee is exempt from the provisions of the act, pursuant to an order issued by the Commission under section 3 (a) (1) of the act on August 2, 1938 (3 S. E. C. 672).

Churchville, a New York corporation, is engaged in purchasing, producing, distributing and selling at retail natural gas in the counties of Genesee and Monroe in the State of New York. Churchville's principal source of natural gas is Pavilion, and the two systems are contiguous and interconnected.

Genesee, whose liquidation and dissolution is contemplated in the relatively near future, proposes to transfer to Pavilion, and Pavilion proposes to acquire, as a capital contribution, all of the outstanding 500 shares of $100 par value common stock of Churchville, and to record such investment on its books at $50,000 which is the cost thereof to Genesee.

In support of the application, it is stated that both Genesee and Pavilion believe that the best interests of both Pavilion and Churchville will be served by their continuance under common ownership and control; and that the proposed acquisition by Pavilion will not change either the intrastate character of the holding company system of which it is a part or Pavilion's status as predominantly an operating company.

It is further stated that the proposed acquisition by Pavilion is subject to the jurisdiction of the Public Service Commission of New York, that a petition has been filed with that commission for approval of the proposed acquisition, and that no other State commission, and no Federal commission other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested persons may, not later than September 12, 1956, at 5:30 p. m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application, as filed or as it may be amended, pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rule U-100 and 20 (a) thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7003; Filed, Aug. 30, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-113]

NATIONAL BANK OF BULGARIA

In re: Debts owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie. F-11-36; F-7-351.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Banque de Bruxelles, Blocked Account, Brussels, Belgium," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgarie, Administration Centrale, Direction Des Devises, Sofia, Bulgaria (Old Blocked Account)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, a national of Bulgaria as defined in said Executive Order, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7010; Filed, Aug. 30, 1956; 8:50 a. m.]

[Vesting Order SA-118]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, Stara Zagora Branch. F-11-36.

Under the authority of Title II of the International Claims Settlement Act of

1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgarie No. 1 Blocked Account Stara Zagora, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, Stara Zagora, Bulgaria, a national of Bulgaria, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7015; Filed, Aug. 30, 1956; 8:51 a. m.]

[Vesting Order SA–115]

NATIONAL BANK OF BULGARIA

In re: Debts owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie. F–11–36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgaria, Free Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgaria, Administration Central," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7012; Filed, Aug. 30, 1956; 8:50 a. m.]

[Vesting Order SA–114]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as Banque Nationale de Bulgarie. F–11–36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York, arising out of an account entitled, "Banque Nationale de Bulgarie," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7011; Filed, Aug. 30, 1956; 8:50 a. m.]

[Vesting Order SA–116]

NATIONAL BANK OF BULGARIA

In re: Debts owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie. F–11–36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgarie, Administration Centrale Direction Des Devises, Sofia, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgarie, Special A/C (old G. L. 32 & 33 Funds), Direction Des Devises, Sofia, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7013; Filed, Aug. 30, 1956; 8:50 a. m.]

[Vesting Order SA–117]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie. F–11–36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Banque Nationale de Bulgarie," maintained at the aforesaid bank, together with all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7014; Filed, Aug. 30, 1956; 8:51 a. m.]

[Vesting Order SA–119]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgarie. F–11–36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, Albany, New York, as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, arising out of a blocked account entitled, "Banque Nationale de Bulgarie," representing a 100% liquidating dividend on an account

payable to the Banque Nationale de Bulgarie as creditor of Banca Commerciale Italiana, New York Agency, maintained by the aforesaid Superintendent of Banks, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7016; Filed, Aug. 30, 1956; 8:51 a. m.]

[Vesting Order SA-120]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as Banque Nationale de Bulgarie. F-11-36, F-63-60 (Zurich).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $1,828,075.50, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Bulgaria, also known as Banque Nationale de Bulgarie, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 24, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7017; Filed, Aug. 30, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32566: *Iron and steel articles—Minnesota and Wisconsin to the South.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Superior, Wis., Duluth, and St. Paul, Minn., and other specified points in the Iron Range and twin cities areas in Minnesota and Wisconsin to specified points in southern territory including Memphis, Tenn., and other Mississippi River Crossings south thereof.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 117 to Agent Prueter's I. C. C. A-3883.

FSA No. 32567: *Ether and carbon residue, from and to points in western trunkline territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on polyoxyethylene ether, tank-car loads, and petroleum carbon residue, carloads from Millsdale, Ill., to Kansas City, Mo. (as to the rates on ether), and from Augusta, Kans., to Columbia, S. C., Johnsville, and Meridian, Miss., Macon Ga., New Orleans, La., and Pensacola, Fla., as to rates on the residue.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32568: *Coal—Clinchfield, Va., to southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from Clinchfield, Va., to destinations in southern territory named or described in the tariffs listed below.

Grounds for relief: Grouping, market competition, and circuitous routes.

Tariffs: Supplement 30 to N. & W. Ry. C&C A-4B, I. C. C. 3374-B, and three other tariffs.

FSA No. 32569: *Blackstrap mixture—Reserve, La., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cane-pith blackstrap mixture, carloads from Reserve, La., to points in Texas on the Texas and Pacific Railroad in Texas including Texarkana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 134 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 32570: *Styrene—Kobuta, Pa., to Williams, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on styrene, liquid, tank-car loads from Kobuta, Pa., to Williams, Tex.

Grounds for relief: Rail carrier competition and circuitous routes.

Tariff: Supplement 154 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 32571: *Substituted service—Motor-rail-motor—Pa. R. R. and N. & W. Ry.* Filed by Southern Motor Carriers Rate Conference, Agent, for interested rail and motor carriers. Rates on freight moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between Winston-Salem, N. C., on the one hand, and Kearny, N. J., or Philadelphia, on the other, originating at or destined to points on and reached by applicant motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

FSA No. 32572: *Wrapping paper—Newport News, Va., to Wellsburg, W. Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on wrapping paper, noibn, carloads from Newport News, Va. (import) to Wellsburg, W. Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Agent R. B. LeGrande's I. C. C. 256.

FSA No. 32573: *Pig iron—Buffalo, N. Y., district to Michigan.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads from Buffalo, Niagara Falls, Suspension Falls, N. Y., and five other named points in New York in the Buffalo district to Adrian, Mich., and twelve other named destinations in Michigan.

Grounds for relief: Circuitous routes.

Tariff: Supplement 74 to Chesapeake and Ohio Railway Tariff I. C. C. 13049, and supplemental schedules of tariffs of other carriers listed in appendix A of the application.

FSA No. 32574: *Liquefied petroleum gas from Doe Run and Louisville, Ky.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, carloads from Doe Run and Louisville, Ky., to points in southern territory.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 279 to Agent Spaninger's I. C. C. 1253.

F. S. A. No. 32575: *Concrete mix in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on concrete mix or concrete mixture and related articles, carloads between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 63 to Agent Kratzmeir's I. C. C. 1447.

FSA No. 32576: *Substituted service—motor-rail-motor—P. R. R. and N. & W.* Filed by Household Goods Carriers Bureau, Agent, for the United Van Lines and interested rail carriers. Rates on freight, loaded in highway trailers and transported on railroad flat cars between Bristol, Va.-Tenn., Roanoke, Va., or Winston-Salem, N. C., on one hand, and Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Truck competition.

FSA No. 32577: *Pig iron and related articles—Alabama to Illinois and Indiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pig iron, salamander iron, and broken iron or steel skulls, carloads from Alabama City, Attalla, Gadsden and Birmingham, Ala., and Birmingham group points to specified points in Illinois and Indiana.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

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INDEX AND TABULAR GUIDES



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FEDERAL REGISTER

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Washington, Saturday, September 1, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3150

NATIONAL DAY OF PRAYER, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, as a people, we are greatly blessed, both materially and spiritually, and it is fitting that we should recognize the hand of God in every matter affecting us individually and as a Nation; and

WHEREAS, with this precept in mind, the Congress, by a joint resolution approved April 17, 1952, provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation"; and

WHEREAS the appointed day is one on which to give solemn thought to the mercies bestowed upon us, to lift up our voices in unified thanks for the spiritual blessings we enjoy, especially the profound blessing of freedom, and to acknowledge in all things the presence of Almighty God:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with the Congressional resolution, do hereby proclaim Wednesday, September 12, 1956, as a National Day of Prayer, on which all of us, in our places of business, in our places of worship, in our homes, and in our hearts, may beseech God to continue to watch over us in our daily lives and in the conduct of our national affairs. Let us also render thanks to Him for the manifold bounties vouchsafed us throughout our history.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-7068; Filed, Aug. 30, 1956; 4:18 p. m.]

PROCLAMATION 3151

CONSTITUTION WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on September 17, 1787, after four months of debate, hindered by sharp differences of view and by wise compromises, the outstanding leaders of our Republic, who were meeting in convention at Philadelphia, signed the Constitution of the United States of America; and

WHEREAS the story of the framing, signing and adoption of that epochal document constitutes one of the most significant chapters in the history of our country; and

WHEREAS it is fitting that every American should reflect upon the vision and fortitude of our forebears in creating a charter designed "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty" for themselves and for the fortunate millions who were to follow them as citizens of this Nation; and

WHEREAS the Congress, by a joint resolution approved August 2, 1956, has requested the President to set aside the week beginning September 17 of each year as Constitution Week, a time for the contemplation and commemoration of the historic acts which resulted in the formation of our Constitution:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period beginning September 17 and ending September 23, 1956, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places. I also urge them at that time to give solemn and grateful thought to that eventful week in September 1787 when our Constitution was signed, delivered to the Continental Congress, and made known to the people of the country, thus laying the foundation for the birth of a new Nation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00), Title 6 ($1.75); Title 7, Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00); Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50), Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00), Title 16 ($1.25), Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00), Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25), Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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DONE at the City of Washington this 29th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F R Doc 56-7099, Filed Aug 31 1956 9 57 a m]

PROCLAMATION 3152

MODIFICATION OF RESTRICTIONS ON IMPORTS OF CERTAIN VIRGINIA-TYPE PEANUTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), I issued Proclamation No. 3019 on June 8, 1953 (67 Stat. C 46), limiting to 1,709,000 pounds (aggregate quantity) the imports of peanuts, whether shelled, not shelled, blanched, salted, prepared, or preserved (including roasted peanuts, but not including peanut butter) which may be entered, or withdrawn from warehouse, for consumption in any 12-month period beginning July 1 in any year, which proclamation was amended by Proclamation No. 3025 of June 30, 1953 (67 Stat. C 54) and by Proclamation No. 3095 of May 16, 1955 (69 Stat. C 32);

WHEREAS the said Proclamation No. 3095 amended the said Proclamation No. 3019 so as to establish thereafter as the quota year for peanuts the 12-month period beginning August 1 in any year;

WHEREAS the total quantity of such peanuts which may be entered, or withdrawn from warehouse, for consumption under the said Proclamation No. 3019, as amended, during the 12-month period beginning August 1, 1956, has already been entered, or withdrawn from warehouse, for consumption;

WHEREAS, pursuant to section 22 (d) of the Agricultural Adjustment Act, as amended, the United States Tariff Commission has made a supplemental investigation to determine whether there is a deficit in the domestic supply of Virginia-type peanuts, shelled (not including peanuts blanched, salted, prepared, or preserved), of sizes averaging in representative samples not more than 40 kernels per ounce, such as to require an increase in the quantity of such peanuts which may be permitted to be entered, or withdrawn from warehouse, for consumption during the early part of the quota year beginning August 1, 1956, to meet essential requirements of domestic users of such peanuts, and, if so, what additional quantity or quantities of such peanuts may be permitted to be so entered or withdrawn without materially interfering with or rendering ineffective the program of the Department of Agriculture with respect to peanuts;

WHEREAS the United States Tariff Commission has submitted to me a report of its findings and recommendation in connection with the said supplemental investigation; and

WHEREAS, on the basis of said supplemental investigation and report of the Tariff Commission, I find that the domestic supply of Virginia-type peanuts is not sufficient to meet the essential requirements of domestic users of such peanuts and that such deficit may be permitted to be supplied from peanuts of foreign origin, but only under the conditions and subject to the fee hereinafter proclaimed, without rendering or tending to render ineffective, or materially interfering with, the said program of the Department of Agriculture with respect to peanuts, or reducing substantially the amount of any product processed in the United States from peanuts with respect to which such program is being undertaken:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the said Proclamation No. 3019, as amended, is hereby modified so as to permit an unlimited quantity of peanuts of the Virginia type, shelled (not including peanuts blanched, salted, prepared, or preserved), of sizes averaging in representative samples not more than 40 kernels per ounce, to be entered, or withdrawn from warehouse, for consumption during the period beginning on the day following the date of this proclamation and ending at the close of business on 10 September 1956, subject to a fee of 7 cents per pound, but not more than 50 per centum ad valorem: *Provided* That the said fee shall be in addition to any other duties imposed on the importation of such peanuts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F R Doc 56-7100, Filed Aug 31 1956, 9 57 a m]

RULES AND REGULATIONS

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 5—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Basis and purpose. By Articles III and V of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936 (50 Stat. 1311), the high contracting parties agreed not to permit the transportation over the American-Mexican border of migratory birds or game mammals, dead or alive, their parts or products, without a permit of authorization provided for that purpose by the Government of each country.

In implementing the convention cited, the Congress of the United States, by the Act of June 20, 1936 (49 Stat. 1555; effective March 15, 1937), amended section 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U. S. C. 705) by adding a new sentence declaring it to be unlawful to import into the United States from Mexico, or to export from the United States to Mexico, any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of the Interior in accordance with such regulations as he shall prescribe having due regard to the laws of the United Mexican States relating to the exportation and importation of such mammals or parts or products thereof and the laws of the State, District, or Territory of the United States from or into which such mammals, parts or products thereof, are proposed to be exported or imported, and the laws of the United States prohibiting the importation of certain live mammals injurious to the interests of agriculture and horticulture.

Section 4 of the Migratory Bird Treaty Act, as amended to implement that portion of the convention between the United States and the United Mexican States restricting the transportation of game mammals to and from Mexico was first implemented by Regulation 12 adopted by the Secretary of Agriculture (predecessor in function to the Secretary of the Interior) and proclaimed by the President in Proclamation 2245, July 30, 1937 (2 F R 1360; see also 50 CFR, 1938 ed., 2.2). In subsequent codifications of Title 50, CFR, the pertinent provisions of this regulation have been included in Part 6—Migratory Birds and Certain Game Mammals and have been carried forward to the present as § 6.7 in substantial conformity with the regulation as originally adopted.

In connection with a concurrent revision of Part 6,[1] it is deemed advisable so to revise that part as to confine its provisions to migratory birds and to codify regulations governing the transportation of game mammals to and from Mexico in a separate part. Since no substantive changes are being made through the co-

[1] See F R Doc. 56-6990, infra.

tion being taken herein, notice and public procedure on this amendment is not required (60 Stat. 238; 5 U. S. C. 1003) and the amendment shall become effective upon publication in the FEDERAL REGISTER.

The following regulations constituting a new Part 5—Transportation of Game Mammals to and from Mexico are adopted.

Sec.
5.1 Definition of game mammals.
5.2 Transportation of game mammals to and from Mexico.

AUTHORITY: §§ 5.1 and 5.2 issued under sec. 4, 40 Stat. 755, as amended; 16 U. S. C. 705. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 5.1 *Definition of game mammals.* The species of game mammals under the terms of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936 (49 Stat. 1311), include antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, and hare.

§ 5.2 *Transportation of game mammals to and from Mexico*—(a) *To Mexico.* Game mammals, or parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia, may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of such State, Territory, or District.

(b) *From Mexico.* Game mammals, dead or alive, their parts or products, may be transported from Mexico into the United States if accompanied by a Mexican export permit, and if alive by such permit as may be required under regulations of the Secretary of the Treasury (19 CFR 12.26) relating to the transportation of wild birds and other animals under humane and healthful conditions: *Provided*, That their possession in any State or Territory or the District of Columbia, shall be subject to the laws of such State, Territory, or District.

NOTE: For Bureau of Animal Industry regulations relating to importation of certain animals and poultry and certain animal and poultry products from Mexico, see 9 CFR Part 92.

Issued at Washington, D. C., and dated August 27, 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56-6989; Filed, Aug. 31, 1956; 8:45 a. m.]

PART 6—MIGRATORY BIRDS

Basis and purpose. By notice of proposed rule making published on June 2, 1956 (21 F. R. 3799), the public was invited to participate in the preparation of amendments to the regulations under section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), by submitting views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington, D. C., within the period of thirty days from the date of such publication.

No written data, views, or arguments have been received in direct response to the notice of proposed rule making. In contemplation, however, of the present revision and republication of Part 6, Title 50, CFR, those provisions of these regulations which are of particular interest to the several States and their hunting populations were reviewed at meetings held in May and June with the four Flyway Councils which represent the game departments of the States in the Atlantic, Mississippi, Central, and Pacific Flyways. All relevant suggestions and recommendations presented at these meetings have received appropriate consideration in the preparation of this revision.

In the interest of improving the format of these regulations, clarifying their provisions, and conforming them to existing administrative practices, certain editorial changes have been made, but changes affecting the substantive text are few in number.

In connection with the present revision of Part 6, it is deemed advisable so to revise the part as to confine its provisions to migratory birds and to codify in a separate part the existing provisions of Part 6 which govern the transportation of game mammals to and from Mexico. Accordingly, by action taken concurrently with this revision of Part 6, all regulations previously included in that part, relating to the transportation of game mammals to and from Mexico, are being codified as Part 5.[1]

The accompanying revision of Part 6 incorporates under new section numbers and section headings schedules prescribing hunting seasons and daily bag and possession limits for the 1956–57 seasons on rails, gallinules, woodcock, and mourning and white-winged doves as previously adopted and published on August 1, 1956 (21 F. R. 5737). It also includes hunting seasons, daily bag and possession limits, and other conditions to govern the taking of waterfowl, coots, and Wilson's snipe during the 1956–57 seasons. The hunting dates for waterfowl, coots, and Wilson's snipe, as prescribed in the schedules for these species, are based upon recommendations submitted by the several State game departments. These hunting dates were supplied by the State game departments in response to an invitation to submit recommendations for hunting seasons conforming to prescribed season lengths and falling within a framework of opening and closing dates as established by this Department.

NOTE: The hunting seasons and bag and possession limits set forth in tabular form in paragraphs (a) and (b) of § 6.41 were originally prescribed through an amendment to former paragraph (4a) of § 6.4 (e) published on August 1, 1956 (21 F. R. 5738), with an effective date thirty days thereafter. Section 6.41 (c) represents a rearrangement, in tabular form without substantive change, of former paragraph 4 (b) of § 6.4 (e) which was added to Part 6 on July 17, 1954 (19 F. R. 4426).

Paragraphs (a), (b), and (c) of § 6.46 constitute redesignations of former paragraphs (1), (2), and (3) of § 6.4 (e), as last amended August 1, 1956 (21 F. R. 5728). Paragraphs (b) and (c) of § 6.46 now prescribe hunting seasons on rails and gallinules in Alabama, Michigan, and North Dakota beginning on November 7 in Alabama, and on October 1 in both Michigan and North Dakota; the fixing of such seasons having been deferred until a later date when former paragraphs (2) and (3) of § 6.4 (e) were last amended. Former paragraph (4) of § 6.4 (e) has been omitted in this revision of Part 6 as being unnecessary and provision has been made for the taking of gallinules with coots in the Pacific Flyway States under paragraph (f) of § 6.51.

Paragraph (a) of § 6.51 is a redesignation of former paragraph (4c) of § 6.4 (e) which was added to Part 6 on July 26, 1955 (20 F. R. 5327). Paragraph (b) of § 6.51 presents in tabular form the substance of footnote 1 to former paragraph (1) of § 6.4 (e) as last amended on August 1, 1956 (21 F. R. 5738). Paragraphs (c), (d), (e), and (f) of § 6.51 constitute redesignations of former paragraphs (5), (6), (7), and (8) of § 6.4 (e), and prescribe open season dates and bag and possession limits on migratory waterfowl, coots, and Wilson's snipe for 1956–1957.

Part 6 is completely revised and republished to read as follows:

GENERAL

Sec.
6.1 Definitions of migratory birds.
6.2 Definitions of terms.
6.3 Hunting methods.
6.4 Open seasons, limits, and other provisions.

NATIVE USE IN ALASKA

6.5 Taking of certain migratory nongame birds by Eskimos and Indians.

TRANSPORTATION AND IMPORTATION

6.6 Transportation into, within, or out of any State.
6.7 Importations from Canada, Mexico, or other foreign country.
6.8 Limitations upon transportation and importation.

RESTRICTIONS APPLICABLE TO POSSESSION

6.9 Possession for purposes of processing, transportation, or storage.
6.10 Termination of possession by hunters.
6.11 Possession of live migratory waterfowl.
6.12 Possession of plumage and skins of migratory game birds.
6.13 Commercial use of feathers.
6.14 Public and institutional use.

PERMITS

6.15 Permits for propagating, scientic collecting, and other purposes.

INSPECTIONS AND REPORTS

6.21 Inspections.
6.22 Reports.
6.23 Records retention period.

STATE LAWS

6.31 State laws for the protection of migratory birds.

SCHEDULES

6.41 Seasons and limits on doves and wild pigeons.
6.46 Seasons and limits on rails, gallinules, and woodcock.

[1] See F. R. Doc. 56-6989, *supra*.

Sec.
6.41 Seasons and limits on waterfowl, coots, and Wilson's snipe.

CONTROL OF DEPREDATING BIRDS

6.61 Depredation permits.
6.62 Depredating blackbirds and grackles.
6.63 Designated species of depredating birds in California.
6.64 Depredating purple gallinules in Louisiana.

WILDLIFE DEVELOPMENT AREAS

6.71 Approval of area development program.
6.72 Revocation of program approval.
6.73 Notice and hearing.

AUTHORITY: §§ 6.1 to 6.73 issued under sec. 3, 40 Stat. 755, as amended, 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

GENERAL

§ 6.1 *Definitions of migratory birds.* Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916 (39 Stat. 1702), and February 7, 1936 (50 Stat. 1311), are as follows:

(a) *Game birds.* (1) Waterfowl (*Anatidae*), including brant, wild ducks, geese, and swans.

(2) Cranes (*Gruidae*), including little brown, sandhill, and whooping cranes.

(3) Rails (*Rallidae*), including coots, gallinules, and sora and other rails.

(4) Shorebirds (*Haematopodidae, Charadriidae, Scolopacidae,* and *Phalaropodidae*), including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(5) Doves and wild pigeons (*Columbidae*).

(b) *Insectivorous birds.* Cuckoos (including road runner and anis), flickers, and other woodpeckers; nighthawks or bullbats, chuckwill's widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks, bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks (including cardinals), finches, sparrows, and buntings (including towhees); tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits, catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; titmice (including chickadees, verdin, and bushtits); kinglets and gnatcatchers; robins and other thrushes.

(c) *Other nongame birds.* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

§ 6.2 *Definitions of terms.* For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(c) *Take.* Pursue, hunt, kill, or capture, or attempt to hunt, kill, or capture.

(d) *Open season.* Time during which migratory game birds may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to standard time in the area affected.

(e) *Closed season.* Time during which migratory game birds may not be taken.

(f) *Transport.* Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

(g) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

NOTE: Section 2 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 703), provides that, unless and except as permitted by regulations adopted by the Secretary of the Interior in the manner prescribed by the Act and included in this part, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migatory bird, or any part, nest or egg of any such birds, included in the terms of the conventions cited in § 6.1.

§ 6.3 *Hunting methods.* The provisions of this section shall govern the methods by which any person may take migratory game birds on which open seasons are prescribed in this part.

(a) *Permitted methods.* Migratory game birds may be taken—

(1) Only with bow and arrow, or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder;

(2) In the open or from a blind or other place of concealment on land or water;

(3) From a floating craft, including a sailboat or a boat or other craft having a motor attached when such sailboat, boat or other craft with motor attached is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind;

(4) On or over properly shocked grain, standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, or grains found scattered solely as a result of normal agricultural harvesting; or

(5) By the aid of a dog, motorboat, sailboat, or other craft when used solely as a means of picking up injured or dead waterfowl, coots, rails or gallinules.

(b) *Prohibited methods.* Migratory game birds may not be taken—

(1) With a trap, snare, net, rifle, swivel gun, or machine-gun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece metal or wooden filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined;

(3) From or by means, aid or use of a sinkbox (battery), motor-driven conveyance, motor vehicle, or aircraft of any kind;

(4) From or by means of a sailboat or other boat or floating craft having a motor attached unless such boat, craft, or sailboat is beached, resting at anchor or fastened within or tied immediately alongside of any type of fixed hunting blind or is used solely as a means of picking up injured or dead waterfowl, coots, rails or gallinules;

(5) By the use or aid of livestock as a blind or means of concealment;

(6) By the use or aid of live ducks or geese as decoys;

(7) By means or aid of any motor-driven land, water, or air conveyance or sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of waterfowl and coots; or

(8) By the aid of salt, or shelled or shucked or unshucked corn, wheat, or other grains, or other feed or means of feeding similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are attempting to take them. As used in the preceding sentence, the terms "shelled or shucked or unshucked corn, wheat, or other grains," or "other feed or means of feeding similarly used," shall not be construed as including properly shocked grain, standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, or grains found scattered solely as a result of normal agricultural harvesting.

(c) *Exceptions.* Nothing contained in this section shall be construed to apply to the taking of migratory nongame birds as permitted in § 6.5, nor to apply to propagating, scientific, depredation-control or other operations in accordance with the terms of permits or other authorizations issued pursuant to this part.

NOTE: Section 1 of the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451; 16 U. S. C. 718a), as last amended by the Act of July 30, 1956 (70 Stat. 722), provides (with certain exceptions not pertinent to the hunting of such birds as permitted in this part) that no person who has attained the age of sixteen (16) years shall take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking he has on his person an unexpired Federal migratory bird hunting stamp (commonly referred to as a Duck Stamp), validated by his signature written across the face of the stamp in ink prior to his taking such birds. Persons who have not reached their sixteenth (16) birthday may take migratory waterfowl as permitted in this part without such stamp. Section 9 of the Act defines the term "take" to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

§ 6.4 *Open seasons, limits, and other provisions.* (a) Migratory game birds may be taken from one-half hour before sunrise to sunset during the open seasons prescribed except as hereinafter provided in this part.

(b) A person may take in any one day during the open seasons prescribed

therefor not to exceed the numbers of migratory game birds permitted in this part which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken such birds may be possessed in the numbers specified in this part, except that no person on the opening day of the season may possess any migratory game birds in excess of the applicable daily limits and no person may possess any freshly killed migratory game bird during the closed season for such bird.

(c) Nothing in this part shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U. S. C. 715), or any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge, or on any area designated as a closed area under the Migratory Bird Treaty Act except so far as may be permitted by the Secretary.

(d) No migratory bird may be taken at any time, by any means, from, on, or across any highway, road, trail, or other right-of-way, whether public or private, within the exterior boundaries of any established national wildlife refuge.

(e) Open seasons only on such migratory game birds as are therein designated, daily bag and possession limits, and exceptions to the hours of hunting stated in paragraph (a) of this section shall be as prescribed annually in §§ 6.41 through 6.51.

(f) Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

NATIVE USE IN ALASKA

§ 6.5 *Taking of certain migratory nongame birds by Eskimos and Indians.* In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

TRANSPORTATION AND IMPORTATION

§ 6.6 *Transportation into, within, or out of any State.* Any person, without a permit, may transport lawfully killed migratory game birds into, within, or out of any State during and after the open seasons in the State where taken, subject to the conditions and restrictions specified in this section.

(a) If such birds are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the place where taken and the location where such birds are to be consumed or refrigerated, smoked, or otherwise preserved.

(b) During any one calendar week the number of such birds permitted to be transported out of or into any State or to a foreign country shall not exceed for one person the number permitted in this part to be in the possession of one person where taken.

(c) Any such birds transported from any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(d) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

(e) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

§ 6.7 *Importations from Canada, Mexico, or other foreign country.* During and after the open seasons where taken any person, without a permit, may enter and transport in any State migratory game birds lawfully killed in and exported from a foreign country, subject to the conditions and restrictions specified in this section.

(a) During any one calendar week, the numbers of such birds permitted to be entered and transported shall be limited as follows:

(1) Not to exceed 10 ducks and 5 geese of any species on which open seasons are prescribed in this part and not to exceed 15 white-winged or mourning doves (singly or in the aggregate of both kinds of such doves).

(2) For species of migratory game birds other than ducks, geese, and white-winged and mourning doves the numbers shall not exceed for one person the greatest number of such species permitted to be possessed by one person in any State not including Alaska.

(b) Shipments from Canada must be accompanied by tags or permits if required by dominion or provincial law.

(c) Shipments from Mexico must be accompanied by a Mexican export permit and if imported from Mexico or any other foreign country (except Canada) such birds must be dressed, drawn, and have the head and feet removed.

(d) Any such birds transported from Canada, Mexico, or other foreign country not later than 5 days following the close of the open season where taken may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(e) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds therein contained clearly and conspicuously marked on the outside thereof.

§ 6.8 *Limitations upon transportation and importation.* Nothing contained in this part shall be construed to permit the transportation of migratory game birds, or parts thereof, from, to, or through any State or to or through Canada, Mexico, or other foreign country contrary to the laws of the place in which taken or from, to, or through which transported; nor shall any such birds be imported from Canada, Mexico, or other foreign country contrary to the laws of the place in which taken or from, to, or through which transported.

RESTRICTIONS APPLICABLE TO POSSESSION

§ 6.9 *Possession for purposes of processing, transportation, or storage.* No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipment, transportation, or storage (including temporary storage at hunting clubs) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds and the date killed. Any commercial cold storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received and to whom such birds are delivered. Such records shall be produced at any reasonable time for inspection by any officer authorized to enforce this part. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of one year following the close of the open season on migratory game birds prescribed for the area in which such cold storage or locker plant is located.

§ 6.10 *Termination of possession by hunters.* For the purposes of this part, the ownership and possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to (a) a post office; (b) a common carrier; or (c) a commercial cold storage or locker plant for transportation to some person other than the hunter.

§ 6.11 *Possession of live migratory waterfowl.* Any person, without a permit, may possess and transport for his own use lawfully acquired live migratory waterfowl.

§ 6.12 *Possession of plumage and skins of migratory game birds.* Any person, without a permit, may possess and transport for his own use the plumage and skins of lawfully taken migratory game birds.

§ 6.13 *Commercial use of feathers.* Any person, without a permit, may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese lawfully killed, or seized and condemned by Federal or State game authorities.

§ 6.14 *Public and institutional use.* Imports from Mexico must be accompanied by Mexican export permits, but otherwise State game departments, State or municipal game farms, or municipal parks, may acquire, possess, dispose of, and transport lawfully obtained live migratory waterfowl without a permit; and public museums, zoological parks and societies, and public scientific and educational institutions may acquire by gift, loan, or purchase and may possess, dispose of, and transport lawfully obtained migratory birds, or parts, nests, or eggs thereof without a permit. No such birds may be sold to, purchased from, or exchanged with any person not authorized pursuant to this part to sell, purchase, or exchange them.

PERMITS

§ 6.15 *Permits for propagating, scientific collecting, and other purposes.* The provisions of this section shall govern the issuance of permits to authorize any person to import, take, sell, purchase, otherwise acquire, possess, and transport migratory birds, or parts, nests, or eggs thereof for specified purposes.

(a) *General authorization.* Permits for the importation, taking, sale, purchase or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase or other acquisition, and possession of migratory birds, or parts, nests, or eggs thereof for scientific and other limited purposes; for the disposition and transportation of such birds, or parts, nests, or eggs and their increase; and for the mounting or other preparation by a taxidermist of such birds, or parts, nests, or eggs thereof may be issued by the Secretary upon such terms and conditions as are consistent with the protection of the species and the general purposes of this part, which terms and conditions may include, among other things, the inspection of premises and records by any person authorized to enforce this part, the keeping of records and the making of reports.

(b) *Importations from Mexico.* Importations from Mexico under this section must be accompanied by a Mexican export permit.

(c) *Limitations.* To insure the preservation of migratory birds, permits to take for scientific and propagating purposes may be denied or they may limit the number and species of such birds, their nests, or eggs to be taken thereunder, the place where they may be taken, and the manner and means of taking.

(d) *Restrictions on purchase, sale, or exchange.* Migratory birds, or parts, nests, or eggs thereof may not be purchased from, sold to, or exchanged with any person not authorized by this section or by a permit issued thereunder to make such sale, purchase, or exchange.

(e) *Compliance with State law.* No permit issued under this section shall authorize the taking, possession, sale, purchase, exchange, or transportation of migratory birds, their nests or eggs unless the permittee also possesses whatever permit may be required for such action pursuant to the laws and regulations of the State concerned.

(f) *Transfer and revocation.* No permit issued under this section shall be transferable. Any permit heretofore or hereafter issued under authority of regulations prescribed pursuant to the Migratory Bird Treaty Act may be terminated by the Secretary for violation of said regulations or failure to comply with the terms and conditions of the permit.

(g) *Marking of packages.* Every package or container in which migratory birds, or parts, nests, or eggs thereof are shipped wholly within a State or in which such birds or parts, nests, or eggs thereof are transported by any means whatever from one State to, into, or through another State, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the names and addresses of the consignor and consignee, the contents of the package or container, the number of the permit under authority of which it is shipped or transported, and the purpose for which the birds, or parts, nests, or eggs are being shipped or transported.

(h) *Applications for permits.* Applications for permits on forms prescribed for such purposes shall be addressed to the Commissioner of Fish and Wildlife, Department of the Interior, Washington 25, D. C.

INSPECTIONS AND REPORTS [1]

§ 6.21 *Inspections.* Any person exercising a privilege granted in a permit issued under this part shall allow any person authorized to enforce this part to enter at all reasonable hours and inspect the premises where operations are being carried on under such permit and to inspect the records relating thereto.

§ 6.22 *Reports.* Unless a different date is stated in the permit, reports of operations required to be submitted by any permit issued under this part shall be filed, on a form furnished for that purpose, with the Commissioner of Fish and Wildlife, Department of the Interior, Washington 25, D. C., on or before the 10th day of January following issuance of the permit. Failure to submit a report as required will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

§ 6.23 *Records retention period.* The records required to be maintained for the purpose of making reports pursuant to the provisions of any permit issued under this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

[1] The record-keeping requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

STATE LAWS

§ 6.31 *State laws for the protection of migratory birds.* Nothing in this part or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State made for the purpose of giving further protection to migratory birds, their nests or eggs when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by this part.

SCHEDULES

§ 6.41 *Seasons and limits on doves and wild pigeons.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed for the period between September 1, 1956 and January 10, 1957, as follows:

(a) *Mourning doves.*

Daily bag and possession limit	8
Seasons in:	
Alabama [1]	Oct. 1–Oct. 25. Dec. 12–Jan. 10.
Arkansas [1]	Sept. 1–Oct. 10. Dec. 1–Dec. 15.
Connecticut	Closed season.
Delaware [1]	Sept. 20–Oct. 31. Nov. 15–Nov. 27.
District of Columbia	Closed season.
Florida [1]	Oct. 13–Oct. 31. Dec. 1–Jan. 5.
Georgia	Sept. 15–Sept 29 Dec. 17–Jan. 10.
Indiana	Closed season.
Illinois	Sept. 1–Oct. 10.
Kentucky [1]	Sept. 1–Oct. 25.
Louisiana [1]	Sept. 21–Oct. 5. Dec. 1–Jan. 9.
Maine	Closed season.
Maryland [1]	Sept. 15–Nov. 8.
Massachusetts	Closed season.
Michigan	Do.
Mississippi [1]	Sept. 15–Oct 5. Nov. 10–Dec. 13.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina [1]	Sept. 10–Oct 6 Dec. 14–Jan. 10.
Ohio	Closed season.
Pennsylvania	Sept. 10–Oct. 19.
Rhode Island	Closed season.
South Carolina [1]	Sept. 15–Oct. 4. Dec. 7–Jan. 10.
Tennessee [1]	Sept. 1–Sept. 10. Oct. 1–Nov. 14.
Vermont	Closed season.
Virginia [1]	Sept. 15–Oct. 27. Dec. 25–Jan. 5.
West Virginia	Oct 12–Nov. 20.
Wisconsin	Closed season.
Puerto Rico	Do.

[1] Shooting hours in the States indicated 12 o'clock noon until sunset.

Daily bag and possession limit	10
Seasons in:	
Arizona [2]	Sept. 1–Oct. 4. Dec. 8–Dec. 23.
California [2]	Sept. 1–Sept. 30.
Colorado	Sept. 1–Oct. 20.
Idaho	Sept. 1–Sept. 15.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 20.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 19.
Montana	Closed season.
Nebraska	Do.
Nevada	Sept. 1–Oct. 20.
New Mexico	Sept. 1–Sept. 25. Oct. 1–Oct. 25.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
South Dakota	Closed season.
Texas [1]	See footnote 3.
Utah	Sept. 1–Sept. 30.
Washington	Do.
Wyoming	Sept. 1–Sept. 10.

[1] Shooting hours in States indicated, 12 o'clock noon until sunset.

[2] In Arizona, the daily bag and possession limit on mourning and white-winged doves is 15, provided such limit contains not more than 10 mourning doves.

In California, the daily bag and possession limit for mourning and white-winged doves is not more than 10 singly or in the aggregate of both kinds.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches and Shelby Counties, and all counties north and west thereof, Sept. 1–Oct. 17. In remainder of State, Oct. 12–Nov. 28.

(b) *White-winged doves.*

Daily bag and possession limit	See footnote 1.
Seasons in:	
Arizona	Sept. 1–Oct. 4. Dec. 8–Dec. 23.
California:	
Counties of:	
Imperial	Sept. 1–Sept. 30.
Riverside	Do.
San Bernardino	Do.
Remainder of State	Closed season.

[1] In Arizona, the daily bag and possession limit for white-winged and mourning doves is 15, provided such limit contains not more than 10 mourning doves. In California, the daily bag and possession limit for white-winged and mourning doves is not more than 10 singly or in the aggregate of both kinds.

(c) *Band-tailed pigeons.*

Daily bag and possession limit	6
Seasons in:	
California:	
Counties of:	
Del Norte, Siskiyou, Modoc, Lassen, Humboldt, Trinity, Shasta, Tehama	Oct. 1–Oct. 31.
Remainder of State	Dec. 1–Dec. 31.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

§ 6.46 *Seasons and limits on rails, gallinules, and woodcock.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species designated in this section are prescribed for the period between September 1, 1956 and February 12, 1957, as follows:

(a) *Atlantic Flyway States.*

	Rails and gallinules: Sora	Rails and gallinules: All others (singly or in aggregate)	Woodcock
Daily bag limits	25	10	4
Possession limits	25	20	8
Seasons in:			
Connecticut	Sept. 1–Oct. 20		Oct. 27–Dec. 5.
Delaware	Sept. 1–Nov. 9		Nov. 15–Dec. 24.
District of Columbia	Closed season		Closed season.
Florida	Sept. 1–Nov. 9		Nov. 20–Dec. 29.
Georgia	Sept. 20–Nov. 28		Dec. 11–Jan. 19.
Maine	do		Oct. 1–Nov. 9
Maryland	Sept. 1–Oct. 20		Nov. 15–Dec. 24.
Massachusetts	Oct. 20–Dec. 28		Oct. 20–Nov. 30.
New Hampshire	Sept. 1–Nov. 9		Oct. 1–Nov. 9
New Jersey	do		Oct. 20–Nov. 28.
New York	do		See footnote 1.
North Carolina	do		Nov. 22–Dec. 31.
Pennsylvania	do		Oct. 8–Nov. 16.
Rhode Island	Oct. 1–Dec. 9		Nov. 1–Nov. 30.
South Carolina	do		Dec. 11–Jan. 19.
Vermont	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Virginia	Sept. 15–Oct. 31		Nov. 19–Dec. 28.
West Virginia	Oct. 12–Dec. 20		Oct. 12–Nov. 20.
Puerto Rico	Dec. 15–Feb. 12		Closed season.

[1] New York: The seasons for hunting woodcock are as follows: In the counties of Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates, and Chautauqua (Area 1)—Oct. 22–Nov. 23, in the counties of Nassau and Suffolk (Area 2)—Nov. 1–Nov. 23, in the remainder of the State (Area 3)—Oct. 15–Nov. 23. The shooting hours during which woodcock may be taken in each of the three areas described shall be from 9 a. m. to 5 p. m. (EST) on the first day of the respective seasons and from 7 a. m. to 5 p. m. (EST) on each day thereafter.

(b) *Mississippi Flyway States.*

	Rails and gallinules: Sora	Rails and gallinules: All others (singly or in aggregate)	Woodcock
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:			
Alabama	Nov. 7–Jan. 10		Dec. 12–Jan. 20.
Arkansas	Sept. 1–Nov. 9		Nov. 17–Dec. 17.
Illinois	Closed season		Oct. 20–Nov. 28.
Indiana	Sept. 1–Nov. 9		Closed season.
Iowa	Closed season		Nov. 19–Dec. 28.
Kentucky	Nov. 19–Jan. 10		Dec. 12–Jan. 20.
Louisiana	Oct. 1–Dec. 9		See footnote 1.
Michigan	do		Oct. 6–Nov. 14.
Minnesota	Sept. 15–Nov. 23		Dec. 10–Jan. 18.
Mississippi	Oct. 6–Dec. 14		Nov. 10–Dec. 19.
Missouri	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Ohio	do		Nov. 22–Dec. 31.
Tennessee	Nov. 2–Jan. 10		Oct. 1–Nov. 9.
Wisconsin	Oct. 1–Dec. 9		

[1] Michigan: The seasons for hunting woodcock in three zones as defined by State law, order, or regulations of the Michigan Department of Conservation, are as follows: Zone 1, Oct. 1–Nov. 1; Zone 2, Oct. 1–Nov. 9, and Zone 3, Oct. 20–Nov. 9.

(c) *Central Flyway States.*

	Rails and gallinules: Sora	Rails and gallinules: All others (singly or in aggregate)	Woodcock
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:			
Colorado	Sept. 1–Nov. 9		Closed season.
Kansas	do		Do.
Montana	Closed season		Do.
Nebraska	do		Do.
New Mexico	Nov. 2–Jan. 10		Do.
North Dakota	Oct. 1–Dec. 9		Do.
Oklahoma	do		Nov. 23–Jan. 1.
South Dakota	Closed season		Closed season.
Texas	Sept. 1–Nov. 9		Dec. 8–Jan. 16.
Wyoming	Closed season		Closed season.

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed for the period between September 1, 1956, and March 10, 1957, as follows:

(d) *Mississippi Flyway States.*[1]

	Ducks (except wood ducks)	Geese	Coots	Wilson's snipe
Daily bag limits	12	5	10	8
Possession limits	24	10	20	16
Seasons in:				
Alabama	Nov. 7–Jan. 15			Dec. 17–Jan. 15.
Arkansas	do			Nov. 16–Dec. 15.
Illinois	Oct. 13–Dec. 21			Oct. 20–Nov. 18.
Indiana	Oct. 27–Dec. 28			Closed season.
Iowa	Nov. 3–Jan. 11			Oct. 6–Nov. 4.
Kentucky	See footnote 4			Nov. 19–Dec. 18.
Louisiana	Oct. 1–Dec. 9			Dec. 13–Jan. 11.
Michigan	Oct. 6–Nov. 29			Oct. 1–Oct. 30.
Minnesota [2]	See footnote 3			Oct. 6–Nov. 4.
Mississippi	See footnote 5			Dec. 7–Jan. 15.
Missouri	See footnote 6			Dec. 26–Jan. 24.
Ohio	Nov. 7–Jan. 15			Oct. 15–Nov. 13.
Tennessee	Oct. 1–Dec. 9			Dec. 1–Dec. 30.
Wisconsin	Oct. 1–Dec. 9			Oct. 1–Oct. 30.

[1] Wood ducks: Closed season. Mergansers: Daily bag and possession limits may include 1 hooded merganser. American and red-breasted mergansers are to be counted in the daily bag and possession limits on other ducks.

[2] Minnesota: Daily bag limit on ducks is 5, possession limit 10.

[3] Geese: Such limit may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[4] Louisiana: Waterfowl and coots, Nov. 1–Nov. 26 and Dec. 7–Jan. 13: *Provided*, That for lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River from the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 7–Jan. 15.

[5] Mississippi: Waterfowl and coots, Nov. 7–Jan. 15: *Provided*, That for lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River from the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 7–Jan. 13.

[6] Ohio: Waterfowl and coots, Oct. 15–Dec. 22: *Provided*, That for Tymochtee Reservoir in Ashtabula County, and ½ mile distant in any direction from said reservoir, the season shall be Oct. 15–Dec. 15 and the shooting hours for the area described shall be one-half hour before sunrise to sunset.

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)	Wilson's snipe
Daily bag limits	15	15	5	8
Possession limits	30	30	10	16
Seasons in:				
Colorado	Oct. 24–Jan. 7		See footnote 3	Oct. 25–Nov. 23.
Kansas	Oct. 7–Dec. 20		Oct. 7–Dec. 5.	Oct. 7–Nov. 5.
Montana [1]	Oct. 6–Dec. 14		Oct. 6–Dec. 4	Oct. 6–Nov. 4.
Nebraska	Oct. 6–Dec. 18		Oct. 5–Dec. 3	Oct. 5–Nov. 3.
New Mexico	Nov. 2–Jan. 15		Nov. 17–Jan. 16	Nov. 2–Dec. 1.
North Dakota	Oct. 19–Dec. 11		Oct. 19–Dec. 17	Oct. 19–Dec. 3.
Oklahoma	Oct. 19–Dec. 11		Oct. 19–Dec. 17	Dec. 3–Jan. 1.
South Dakota	Oct. 1–Dec. 14		Oct. 6–Dec. 4	Oct. 1–Oct. 30.
Texas [1]	Nov. 2–Jan. 15		Nov. 2–Dec 31	Dec. 17–Jan. 15.
Wyoming	Oct. 11–Dec. 24		See footnote 5	Closed season.

[1] Wood ducks and mergansers: Daily bag and possession limits may include 1 wood duck and 1 hooded merganser. American and red-breasted mergansers are to be counted in the daily bag and possession limits on other ducks.

[2] Geese: Such limit may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or its subspecies and 1 white-fronted goose. Closed season on snow geese in Hempstead, Galveston, and Madison Counties in Montana.

[3] Colorado: Geese, Nov. 9–Jan. 7, except in the counties of Routt and Moffat where the season, so far as it affects Canada geese and Canada-like geese, shall be Oct. 25–Jan. 15. Closed season on all species of geese in the counties of Alamosa, Conejos, Costilla, Jackson, Rio Grande, and Saguache.

[4] Texas: Closed season on black-bellied tree ducks.

[5] Wyoming: Geese, Oct. 26–Dec. 24: *Provided*, That in all areas of the State (except Teton and Goshen Counties and that part of Lincoln County within the drainages of the Salt, Grey's, and Snake Rivers), the season on geese, so far as it affects Canada geese and its subspecies only, shall terminate on Dec. 15: *Provided further*, That a closed season shall be in effect on snow geese in Lincoln and Teton Counties.

[1] Except as provided in footnote 7, the shooting hours for waterfowl and coots in these States are one-half hour before sunrise to one-half hour before sunset and for Wilson's snipe one half-hour before sunrise to sunset.

(a) *Alaska.*

	Ducks	Geese	Coots	Brant	Wilson's snipe
Daily bag limits	7	3	15	3	8
Possession limits	14	6	15	6	8
Seasons throughout Alaska [1]	Sept. 1–Nov. 22			Sept. 1–Sept. 30.	

[1] Old-squaw, harlequin, scoter, eider, and American and red-breasted merganser ducks may be taken in the 3rd Judicial Division west of 152° west longitude, and in the 2nd and 4th Judicial Divisions, from Sept. 1–Dec. 7. The daily bag limit for old-squaw, harlequin, scoter, and eider ducks is 7 singly or in the aggregate of these species. The daily bag limit for American and red-breasted merganser ducks is 2 singly or in the aggregate of both kinds with respect to possession limits after the first day of the season.

(b) *Scoter, eider, and old-squaw ducks.*

Daily bag limit	7 Singly or in aggregate.
Possession limit	14
Special seasons in open coastal waters only, beyond outer harbor lines in: [1]	
Connecticut	Oct. 1–Dec. 31.
Maine	Sept. 16–Dec. 31.
Massachusetts	Sept. 15–Dec. 30.
New Hampshire	Sept. 16–Dec. 31.
New York	Oct. 1–Dec. 31.
Rhode Island	Sept. 16–Dec. 31.

[1] In areas other than those beyond outer harbor lines in the States listed, scoter, eider and old-squaw ducks may be taken only during the open seasons for other ducks. [See § 6.51 (e).] The daily bag and possession limits prescribed for scoter, eider and old-squaw ducks are in addition to the limits prescribed for other ducks taken during the regular season.

(c) *Atlantic Flyway States.*

	Ducks	Geese (except Brant)	Coots	Brant	Wilson's snipe
Daily bag limits	14	2	10	6	8
Possession limits	28	4	20	6	8
Seasons in:					
Connecticut	Nov. 3–Jan. 11				Closed season.
Delaware	Nov. 2–Jan. 10				Nov. 2–Dec. 1.
District of Columbia	Closed season.				Closed season.
Florida	Nov. 7–Jan. 15				Dec. 15–Jan. 13.
Georgia	do				Dec. 3–Jan. 1.
Maine	Oct. 5–Dec. 13				Sept. 3–Nov. 14.
Maryland	Nov. 20–Jan. 28				Oct. 20–Nov. 18.
Massachusetts	Oct. 5–Dec. 13				Oct. 8–Nov. 3.
New Hampshire	Nov. 3–Jan. 11				Nov. 3–Dec. 1.
New Jersey	See footnote 2				See footnote 3.
New York	Nov. 2–Jan. 15				Nov. 22–Dec. 21.
North Carolina	See footnote 4				Nov. 17–Dec. 3.
Pennsylvania	Nov. 7–Dec. 15				Nov. 7–Dec. 6.
Rhode Island	Nov. 20–Jan. 15				Dec. 17–Jan. 15.
South Carolina	Closed season.				Closed season.
Vermont	Oct. 5–Dec. 13				Nov. 19–Dec. 18.
Virginia	Nov. 7–Jan. 15				Nov. 5–Dec. 3.
West Virginia	Nov. 5–Jan. 13				Closed season.
Puerto Rico	Dec. 15–Feb. 12				

[1] Wood ducks and mergansers: Daily bag limit may include 1 wood duck, possession limit 2. Daily bag and possession limits may include 1 hooded merganser only. American and red-breasted mergansers are to be counted in the daily bag and possession limits on other ducks.

[2] New York: Waterfowl and coots, Oct. 15–Dec. 23: *Provided*, That on Long Island the season shall be Nov. 3–Jan. 11.

[3] New York: Wilson's snipe, Oct. 15–Nov. 13: *Provided*, That on Long Island the season shall be Nov. 3–Dec. 2.

[4] Pennsylvania: Waterfowl and coots, Oct. 15–Dec. 23: *Provided*, That in the counties of Bucks, Philadelphia and Delaware, and that the Delaware River bordering on such counties where the season shall be Nov. 3–Jan. 11.

(f) *Pacific Flyway States.*

	Ducks	Geese (except Ross's geese)	Coots and Gallinules (singly or in aggregate)	Brant	Wilson's snipe
Daily bag limits	[1] 6	[1] 6	25	3	8
Possession limits	[1] 12	[1] 6	25	3	8
Seasons in:					
Arizona [2]	Oct. 28–Jan. 15	Oct. 28–Feb. 9	Closed season	Closed season	Closed season.
California [3]	See footnotes 3 and [3]	Nov. 17–Mar. 1	Dec. 1–Feb. 10	Dec. 1–Feb. 10	Dec. 1–Dec. 30.
Idaho [4]	Oct. 13–Dec. 31	Oct. 13–Dec. 31	Closed season	Closed season.	Closed season.
Nevada [5]	See footnote 5	Oct. 13–Jan. 25	do	do	Oct. 13–Nov. 11.
Oregon [6]	Oct. 13–Dec. 31	do	Dec. 1–Feb. 10	Dec. 1–Feb. 10	Nov. 17–Dec. 16.
Utah [7]	do	Oct. 13–Dec. 31	Closed season	Closed season	Closed season.
Washington	do	Oct. 13–Jan. 2	Dec. 1–Feb. 10	Dec. 1–Feb. 10	Nov. 3–Dec. 2.

[1] In all States except California, the daily bag limit is 6 and the possession limit is 12. These limits may be increased to 9 and 15, respectively, provided such limits contain not less than 3 pintails, 3 widgeons, or 3 of these species in the aggregate. In California, the daily bag and possession limit is 7, which may be increased to 10, provided such limit contains not less than 3 pintails, 3 widgeons, or 3 of these species in the aggregate. Wood ducks and mergansers: Daily bag and possession limits in all States may include 1 wood duck and 1 hooded merganser. American and red-breasted mergansers are to be counted in the daily bag and possession limits on other ducks.

[2] Geese: Not more than 3 of the dark species of geese may be included in the daily bag and possession limit: *Provided*, That in the counties of Yuma and Mohave, Arizona, the counties of Bear Lake, Caribou, and Bonneville, Idaho, the counties of Yamhill, Polk, Benton, Lane, and Linn, Oregon, and in the entire State of Utah, the daily bag and possession limit may not include more than 2 Canada geese or its subspecies: *Provided further*, That in California Fish and Game District No. 22 (as defined in the California Fish and Game Code) the daily bag and possession limit may not include more than 1 Canada goose or its subspecies: *And provided further*, That in the areas designated the season on geese, so far as it affects Canada geese and its subspecies only, shall close on December 15.

[3] California: The seasons for hunting ducks and geese (except as limited in footnote 2) in three areas of the State are as follows:

Oct. 28–Jan. 15: In those portions of San Bernardino, Riverside, and Imperial Counties, east of U. S. Highway 95 from the Nevada line south of Blythe and east of the paved and graded road extending from Blythe to Ripley, Palo Verde, and Ogilby south to its intersection with U. S. Highway 80, thence east to Yuma.

Oct. 13–Dec. 31: In the area described as: Beginning at a point on the State Line Road between Oregon and California approximately ½ mile east of its intersection with Highway 97; thence south along the west side of Indian Tom Lake on the Lairds Landing Road approximately 1¾ miles; thence east approximately 1 mile; thence south and east approximately 5½ miles to the intersection of the Lairds Landing Road and the Porterfield Ranch Road; thence south and east on the Lairds Landing Road approximately 1 mile; thence north and east to the Oklahoma Flats Community; thence south ½ mile; thence east approximately 1⅞ miles; thence south and east to Lairds Landing; thence east and north along the Chalk Banks road to the northwest corner of Section 30, T. 47 N., R. 3 E.; thence east across Sheepy Ridge on the section line common to sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, approximately 6 miles; thence due east approximately 1 mile across Section 30, T. 47 N., R. 4 E., to the Hill Road along the west side of T. 4; thence south along the Hill Road approximately 6 miles to its intersection with the north boundary of the Lava Beds National Monument; thence east along the north boundary of the Lava Beds National Monument approximately 2½ miles to the northeast corner of the Lava Beds National Monument; thence 150 yards east to the west perimeter road of the Panhandle area; thence south and east along the west Panhandle Perimeter Road approximately 4 miles to the south end of the Panhandle; thence approximately 2 miles north and east along the Panhandle Perimeter Road to its intersection with the Great Northern Railway; thence approximately ⅛ mile north on the Panhandle Perimeter Road to its intersection with the Modoc National Forest boundary; thence along the Modoc National Forest boundary approximately 2.3 miles; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east ½ mile; thence north and east approximately 0.8 mile to the intersection of the Modoc National Forest boundary and the old Alturas-Malin County road near the center of the north line of Section 8, T. 46 N., R. 6 E.; thence north and west along the old Alturas-Malin County road to its intersection with the California-Oregon line in Section 14, T. 48 N., R. 5 E.; thence west along the State line to Highway 97; thence south approximately ¼ mile to the point of beginning.

Oct. 20–Jan. 7: In the remainder of the State.

[4] Idaho: Closed season on snow geese in the counties of Clark, Fremont, Madison, and Teton.

[5] Nevada: Ducks and geese, Oct. 13–Dec. 31: *Provided*, That in that portion of the State lying south and east of a line beginning at a point where Highway 91 intersects the Arizona-Nevada State line, thence following Highway 91 to Las Vegas; thence following Highway 95 to its intersection with the California-Nevada State line, the season shall be Oct. 28–Jan. 15.

CONTROL OF DEPREDATING BIRDS

§ 6.61 *Depredation permits.* Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area, the nature of the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be so abated, permits to kill, frighten, or otherwise herd the birds may be issued by the Secretary. Such permits shall specify the time during which, the means and methods by which, the person or persons by whom the birds may be killed, frightened, or herded, the disposition to be made of the birds killed, and such other restrictions, including a requirement for the submission of reports of operations, as may be deemed necessary and appropriate in the circumstances of the particular case.

§ 6.62 *Depredating blackbirds and grackles.* Any person, without a permit, may kill yellow-headed, red-winged, bicolored red-winged, tri-colored red-winged, and Brewer's blackbirds and all grackles under the conditions and restrictions prescribed in this section when found committing or about to commit serious depredations upon any agricultural crop or ornamental or shade trees.

(a) No birds killed pursuant to this section nor the plumage of such birds shall be sold or offered for sale.

(b) Every person availing himself of the privileges of this section shall permit at all reasonable times, and particularly during any operations thereunder, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall furnish promptly to such officer whatever information regarding said operations the officer may require.

(c) Nothing in this section shall be deemed to permit the killing of any of the aforesaid birds in violation of any State law or regulation, and if a State permit to kill the birds is required, such permit must be procured before the privileges conferred by this section are exercised.

§ 6.63 *Designated species of depredating birds in California.* In any county in California in which meadowlarks; horned larks; Gambel's, Nuttall's, golden-crowned, white-crowned, and other crowned sparrows; goldfinches, and California woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the agricultural commissioner, without a permit, may kill or cause to be killed under his general supervision and direction, such of the aforesaid migratory birds as may be necessary to safeguard from their depredations any agricultural or horticultural crop in such county, subject to the conditions and restrictions prescribed in this section.

(a) No birds shall be killed except when necessary to protect crops from their depredations, and no birds killed pursuant to this section, or the plumage or any other part thereof, shall be sold or removed from the area upon which they have been killed, but such birds shall be totally destroyed on said area, except that such specimens as may be needed for scientific purposes may be salvaged by or under the direction of the agricultural commissioner or on the order of the State Department of Agriculture or the Secretary.

(b) Any commissioner exercising the privileges conferred by this section shall keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each such person, as well as by himself, and shall submit a report thereon to the Secretary whenever requested so to do and in any event on or before December 31 of each year during the continuance of this section.

§ 6.64 *Depredating purple gallinules in Louisiana.* Landowners, sharecroppers, tenants, and their bona fide employees, actually engaged and employed in the production of rice in Louisiana, without a permit, may shoot purple gallinules (*Ionornis martinica*) when found committing or about to commit serious depredations on growing crops of rice on the premises owned or occupied by such persons or on which such persons are employed, subject to the following conditions and restrictions prescribed in this section.

(a) No purple gallinules may be killed under this section except from May 1 to August 15, both dates inclusive.

(b) No purple gallinules killed under this section shall be transported or sold or offered for sale except that they may be transported to such place within the vicinity as may be necessary to bury or otherwise destroy their carcasses: *Provided*, That the Secretary, State agricultural departments, colleges, or other public institutions may requisition such numbers of the birds so killed as may be needed for scientific investigations: *And provided further*, That purple gallinules killed under authority of this section may be donated to charitable institutions for food purposes.

(c) Every person availing himself of the privileges of this section shall permit at all reasonable times, and particularly during any operations thereunder, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall, furnish promptly to such officer whatever information regarding said operations the officer may require.

(d) Nothing in this section shall be deemed to permit the killing of any of the aforesaid birds in violation of any State law or regulation, and if a State permit to kill the birds is required, such permit must be procured before the privileges conferred by this section are exercised.

(e) Any person exercising the privileges conferred by this section shall keep a record of the number of birds killed by him and shall submit a report thereon to the Secretary whenever requested so to do and in any event on or before December 31 of each year during the continuance of this section.

WILDLIFE DEVELOPMENT AREAS

§ 6.71 *Approval of area development program.* With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

§ 6.72 *Revocation of program approval.* Approval of any such program may be revoked by the Secretary upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

§ 6.73 *Notice and hearing.* Prior to any determination by the Secretary that the terms of an approved area development program have been or are being violated by the proponent thereof, a notice shall be sent to said proponent specifying the character, time, and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement of understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of sixty days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon, the provisions of § 6.3 shall be fully applicable to the area in question.

A majority of the seasons prescribed herein are identical, so far as opening date is concerned, with those previously prescribed and in effect immediately prior to the publication of this revision. None of the remaining opening dates prescribed herein, and which amend previously existing opening dates, will begin within a period of less than thirty days from the publication hereof. Since this revision of Part 6 does not materially affect privileges heretofore granted, and as it is desirable that its provisions be uniformly applied throughout the hunting seasons (some of which begin on September 1), it has been determined that the revision may become effective when published under the provisions of the exceptions provided in section 4 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237). Accordingly, this revision shall become effective upon publication.

Issued at Washington, D. C., and dated August 27, 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56-6990; Filed, Aug. 31, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

OFFICIAL UNITED STATES STANDARDS FOR GRADES OF VEAL AND CALF CARCASSES AND FOR GRADES OF VEALERS AND SLAUGHTER CALVES

On July 21, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 5503) regarding the amendment of the official United States standards for grades of veal and calf carcasses and for grades of vealers and slaughter calves, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as amended by Public Law 272, 84th Congress.

After due consideration of all relevant material submitted pursuant to the notice, and under the aforesaid sections of the Agricultural Marketing Act of 1946, the official United States Standards for grades of veal and calf carcasses and for grades of vealers and slaughter calves are amended as specified below.

1. The official United States standards for grades of veal and calf carcasses (7 CFR 53.107–53.111) are amended to read as follows:

§ 53.107 *Differentiation between veal, calf, and beef carcasses.* Differentiation between veal, calf, and beef carcasses is made primarily on the basis of the color of the lean, although such factors as texture of the lean; character of the fat; color, shape, size, and ossification of the bones and cartilages; and the general contour of the carcass are also given consideration. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture and they also have a slightly soft, pliable character of fat and narrow, very red rib bones. By contrast, typical calf carcasses have a grayish red color of lean, a harder, flakier type of fat, and somewhat wider rib bones with less pronounced evidences of red color. Calf carcasses with maximum maturity for their class have lean flesh that is usually not more than moderately red in color, their rib bones usually have a small amount of red and have only a slight tendency toward flatness, and such carcasses are not noticeably "spready" or "barrelly" in contour. Such carcasses, when split, have cartilages on the ends of the chine bones that are entirely cartilaginous, there is cartilage in evidence on all vertebrae of the spinal column and the sacral vertebrae show distinct separation. Carcasses with evidences of more advanced maturity than described in this paragraph are classified as beef.

§ 53.108 *Classes of veal and calf carcasses.* Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially in the case of calf carcasses that are approaching beef in maturity, the differences between the various classes are so slight that accurate description of them is impractical. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

§ 53.109 *Application of standards.* (a) Veal and calf carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts and the proportions of fat, lean, and bone in the carcass and the quality of the lean. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors and there will be carcasses which qualify for a particular grade, some of the characteristics of which may be typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of conformation, finish, and quality and which are also representative of the lower limit of each grade.

(b) The quality of the lean flesh is determined from the development of its color, texture, firmness, and marbling,

as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. In grading carcasses or sides in which direct observation of these characteristics is not possible, quality of the lean is evaluated indirectly from its apparent color and general firmness together with the quantity and quality of certain fat deposits, all in relation to the apparent evidences of maturity. The fat deposits considered in this indirect evaluation of quality, in descending order of their importance, are as follows: (1) The fat intermingled within the lean between the ribs called "feathering", (2) the streaking of fat within and upon the inside flank muscles, (3) the fat covering over the diaphragm muscle or "skirt", (4) the covering of external fat, and (5) the kidney and pelvic fat. The standards for each grade specify only one general level of development of the quality-indicating characteristics described in this paragraph, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, carcasses with evidences of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described. Conversely, carcasses with evidences of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics. Because of the greater range in maturity among calf carcasses, a somewhat greater variation in these evidences of quality is present among carcasses within each grade of that class than is present among carcasses within each grade of veal.

(c) While the standards described rather definite degrees of external finish and of kidney and pelvic fat for each grade of veal and calf, consideration of variations in the quantities of these fats is restricted almost entirely to carcasses of the lower grades which have a development of external and kidney and pelvic fats that is substantially different from their development of feathering, fat streaking in the inside flank muscles and fat covering over the skirt. In such carcasses, variation in the quantities of external fat and of kidney and pelvic fats is given a very limited consideration in the evaluation of quality. In the higher grades, particularly the higher grades of calf, variation in the quantities of these fats is given no consideration. The quality or firmness of the external and kidney and pelvic fats, however, is given consideration as an indicator of quality in all grades.

(d) Inasmuch as all carcasses do not have a comparable development of conformation and quality, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(e) The standards for veal and calf carcasses contained in §§ 53.107–53.111 and those for beef carcasses contained in §§ 53.102–53.106 together provide the basis for grading carcasses within the full range of maturity of the bovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade requirements for a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standards for the kind of carcass (veal, calf or beef) being graded and the standards for the kind of carcass which is most closely adjacent to it in maturity.

§ 53.110 *Specifications for official United States standards for grades of veal carcasses*—(a) *Prime.* (1) A veal carcass possessing typical, minimum qualifications for the Prime grade is blocky and compact and tends to be broad in proportion to its length. It tends to be thickly fleshed and has a rather plump, full, well-rounded appearance. Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breast tend to be thick.

(2) There is usually a thin covering of firm fat over the rump, loin and back which also usually extends over most of the tops of the shoulders and outsides of the legs. There is a modest amount of extensive feathering between the ribs, a modest amount of fat streaking in the inside flank muscles, and a modest covering of fat over the skirt. The flanks are thick, full and firm. Kidney and pelvic fat is firm and usually is moderately abundant. The cut surface of the lean is moderately firm; fine-textured; grayish pink in color; and velvety to sight and touch.

(3) To qualify for the Prime grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) A veal carcass possessing typical, minimum qualifications for the Choice grade is moderately blocky and compact and tends to be moderately broad in proportion to its length. It is slightly thick-fleshed and has a slightly plump appearance. Rounds are slightly thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(2) There is usually a very thin covering of moderately firm fat over the loin and back which also usually partially covers the tops of the shoulders and outsides of the legs. There is a slight amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight covering of fat over the skirt. The flanks are moderately thick, full and firm. There is usually a moderate quantity of kidney and pelvic fat which is moderately firm. The cut surface of the lean is slightly firm; fine-textured; grayish pink in color; and slightly moist to sight and touch.

(3) To qualify for the Choice grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Choice. However, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) A veal carcass possessing typical, minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be slightly thin-fleshed and has little or no evidence of plumpness. Loin, back, and rounds are slightly thin and nearly flat. Shoulders and breast tend to be slightly thin.

(2) There is usually an extremely thin covering of fat over the back and loin but usually practically no fat covering over the tops of the shoulders or outsides of the legs. There are traces of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of fat covering over the skirt. The flanks are slightly thick and firm. There is usually a small amount of kidney and pelvic fat. The cut surface of the lean is fine-textured but slightly soft, slightly dark grayish pink in color, and rather moist to sight and touch.

(3) A carcass that has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Standard grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) A veal carcass possessing typical, minimum qualifications for the Standard grade is thinly fleshed and is rangy, angular, and narrow in relation to its length. Rounds are thin and tapering and slightly concave. Loin and back are depressed. Shoulders and breast are thin.

(2) External fat covering is usually limited to very thin patches over the loin and back and a small quantity of fat around the base of the tail. There is practically no feathering between the ribs, practically no streaking of fat in the inside flank muscles, and practically no covering of fat over the skirt. The flanks are thin and slightly soft. There is usually a slight amount of kidney and pelvic fat. The cut surface of the lean is fine-textured but moderately soft and moist and slightly dark grayish pink in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Standard grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Standard. Also, a development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation which is inferior to that specified for Standard on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Standard grade may have conformation equivalent to the minimum of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* (1) A veal carcass possessing typical, minimum qualifications for the utility grade is very thinly fleshed and is very rangy and angular and very narrow in relation to its length. Rounds are very thin and moderately concave. Loin and back are very depressed. Shoulders and breast are very thin.

(2) There is usually practically no external fat covering except for very small deposits around the base of the tail and over the outsides of the shoulders. There is no feathering between the ribs, no fat streaking in the inside flank muscles, and no covering of fat over the skirt. The flanks are soft and very thin. There is usually only a very slight amount of kidney and pelvic fat. The cut surface of the lean is soft and moist and dark grayish pink in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum of the upper third of the Cull grade and remain eligible for Utility.

(f) *Cull.* (1) A typical Cull grade veal carcass is extremely thin-fleshed and is extremely rangy and angular and extremely narrow in relation to its length. Rounds are concave and extremely thin. Loin and back are extremely depressed. Shoulders and breast are extremely thin.

(2) There is usually no external fat covering and no feathering between the ribs nor streaking of fat in the inside flank muscles. The flanks are extremely thin and very soft. There is usually practically no kidney or crotch fat. The cut surface of the lean is very soft and very moist and dark grayish pink in color.

§ 53.111 *Specifications for official United States standards for grades of calf carcasses*—(a) *Prime.* (1) A calf carcass possessing typical, minimum qualifications for the Prime grade is blocky and compact and tends to be broad in proportion to its length. It is thickly fleshed and has a plump, full, well-rounded appearance. Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breast tend to be thick.

(2) There is usually a slightly thick covering of very firm fat over the back, loin, and rump which also usually completely covers the tops of the shoulders and outsides of the legs. There is a moderate amount of very extensive feathering between the ribs, a moderate quantity of fat streaking in the inside flank muscles, and a moderate covering of fat over the skirt. The flanks are very thick, full, and firm. Kidney and pelvic fat is very firm and usually is abundant. The cut surface of the lean is firm, fine-textured, light grayish red in color, and velvety to sight and touch. There is a small amount of marbling in the rib eye muscle. Calf carcasses which are approaching beef in maturity and development will have a moderate amount of marbling.

(3) To qualify for the Prime grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) A calf carcass possessing typical, minimum qualifications for the Choice grade tends to be moderately blocky and compact and tends to be moderately broad in proportion to its length. It tends to be moderately thick-fleshed and has a moderately plump appearance. Rounds tend to be moderately thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(2) There is usually a moderately thin covering of firm fat over the loin and back which also usually covers most of the tops of the shoulders and outsides of the legs. There is a small amount of rather extensive feathering between the ribs, a small quantity of fat streaking in the inside flank muscles, and a small amount of fat covering over the skirt. The flanks are thick, full and firm. Kidney and pelvic fat is firm and usually is moderately abundant. The cut surface of the lean is moderately firm; fine-textured; and light grayish red in color; and there are traces of marbling in the rib eye. Calf carcasses approaching beef in maturity and development have a slight amount of marbling.

(3) To qualify for the Choice grade a carcass must possess the minimum requirements for evidences of quality regardless of the extent that its conformation may exceed the minimum requirements for Choice. However, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) A calf carcass possessing typical, minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be only slightly thick-fleshed and has a slightly plump appearance. Rounds are slightly thick but have little evidence of plumpness. Loin and back are very slightly full and plump. Shoulders and breast are slightly thick.

(2) There is usually a very thin covering of fat over the loin and back which also partially covers the tops of the shoulders and outsides of the legs. There is a slight amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight amount of fat covering over the skirt. The flanks are moderately thick, full, and firm. There is usually a small amount of kidney and pelvic fat which is moderately firm. The cut surface of the lean is slightly soft; fine-textured; slightly dark grayish red in color; and somewhat moist to sight and touch.

(3) A carcass that has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Standard grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) A calf carcass possessing typical, minimum qualifications for the Standard grade tends to be thinly fleshed, rangy, and angular and tends to be narrow in relation to its length. Rounds are thin and tapering and very slightly concave. Loin and back are slightly shallow and depressed. Shoulders and breast are thin.

(2) There is usually an extremely thin covering of fat over the back and loin but usually practically no fat covering over the tops of the shoulders or outsides of the legs. There are traces of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of fat covering over the skirt. The flanks

are slightly thick and firm. There is usually a slight amount of kidney and pelvic fat. The cut surface is moderately soft and moist and slightly dark grayish red in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Standard grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Standard. Also, a development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation which is inferior to that specified for Standard on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Standard grade may have conformation equivalent to the minimum of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* (1) A calf carcass possessing typical, minimum requirements for the Utility grade is very thinly fleshed and is very rangy and angular and very narrow in relation to its length. Rounds are very thin and moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very thin.

(2) There are usually only a few very thin patches of external fat over the loin and back and very small deposits of fat around the base of the tail and over the outsides of the shoulders. There is practically no feathering, practically no fat streaking in the inside flank muscles, and practically no fat covering over the skirt. The flanks are soft and very thin. There is usually only a very slight amount of kidney and pelvic fat. The cut surface of the lean is soft and moist and dark grayish red in color.

(3) A carcass that has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum of the upper third of the Cull grade and remain eligible for Utility.

(f) *Cull.* (1) A typical Cull grade calf carcass is extremely thin-fleshed and is extremely rangy and angular and extremely narrow in relation to its length. Rounds are concave and extremely thin. Loin and back are extremely depressed. Shoulders and breast are extremely thin.

(2) There is usually no external fat covering and no feathering between the ribs, fat covering over the skirt, nor streaking of fat in the inside flank muscles. The flanks are extremely thin and very soft. There is usually practically no kidney or crotch fat. The cut surface of the lean is very soft and very moist and dark grayish red in color.

2. Paragraph (d) of § 53.123 of the official United States standards for grades of vealers is amended to read as follows:

(d) *Standard.* Vealers possessing the minimum requirements for Standard grade tend to be rangy, upstanding, long and thin of neck, narrow over the back, loin, and rump, and shallow in the twist. They are thin-fleshed, and there is a distinctly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear moderately prominent. There is an extremely thin fat covering over portions of the back and loin that is difficult to detect in the live animal. Such vealers may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness, or they may show the small bones, tight hide, and angularity denoting overrefinement.

3. Paragraph (d) of § 53.124 of the official United States standards for grades of slaughter calves is amended to read as follows:

(d) *Standard.* Calves possessing the minimum requirements for Standard grade tend to be rangy, upstanding, long and thin of neck, narrow over the back, loin, and rump, and shallow in the twist. They tend to be thinly fleshed, and there is a slightly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear somewhat prominent. There is a very thin fat covering that is discernible only over portions of the back and loin. Such calves may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness; or they may show the small bones, tight hide, and angularity denoting over-refinement.

These amendments change the grade name "Commercial" to "Standard" wherever it occurs in the standards conforming them in that respect with the grade names for young slaughter cattle and beef produced therefrom. The changes in phrasing of the veal and calf carcass grade standards will facilitate their interpretation and conform them with color photographs used by the Department of Agriculture to illustrate the minimum requirements of the respective grades. The changes in phrasing will not result in any change in the manner in which the standards will be applied. The amendments correct a typographical error contained in the notice published in the FEDERAL REGISTER of July 21, 1956, in which in referring to permissible compensation by superior quality for inferior conformation the words "conformation" and "quality" were inadvertently reversed in several instances.

The foregoing amendments will become effective on October 1, 1956.

(Secs. 203, 205, 60 Stat. 1087, 69 Stat. 553; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., this 29th day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7058; Filed, Aug. 31, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 84]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.384 *Valencia Orange Regulation 84*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on August 30, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 2, 1956, and ending at 12:01 a. m., P. s. t., September 9, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 31, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7124; Filed, Aug. 31, 1956; 11:23 a. m.]

[Lemon Reg. 657]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.764 *Lemon Regulation 657*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 29, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 2, 1956, and ending at 12:01 a. m., P. s. t., September 9, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 30, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7089; Filed, Aug. 31, 1956; 8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Part 146; 21 F. R. 1417) are amended as indicated below:

Section 146.26 *Animal feed containing penicillin* • • • is amended as follows:

1. Paragraph (a) is amended by adding thereto the following new subparagraph:

(5) Furazolidone 0.00083 percent, 3-nitro-4-hydroxyphenol arsonic acid not less than 0.0025 percent and not more than 0.0075 percent, with or without nitrofurazone 0.0056 percent.

2. Paragraph (b) (1) is amended by adding thereto the following new subdivision:

(v) Furazolidone 0.00083 percent, 3-nitro-4-hydroxyphenol arsonic acid not less than 0.0025 percent and not more than 0.0075 percent, and nitrofurazone 0.0056 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotics and the other drugs specified in these amendments need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they comply with the regulations set forth in § 146.26.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-7036; Filed, Aug. 31, 1956; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950 ——)

COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; FILING OF SINGLE WAGE REPORT WHERE INDIVIDUAL IS JOINTLY EMPLOYED BY MORE THAN ONE EMPLOYER

Correction

In Federal Register Document 56-6585, appearing on page 6129 of the issue for Thursday, August 16, 1956, the following changes should be made:

1. The subject headnote should read as set forth above.

2. The last three lines of § 404.1250 (d) (3) should read: "employed (for provisions relating to the furnishing of wage statements to employees, see § 404.1230)."

3. The approval signature should read "HEROLD C. HUNT".

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 211]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility class and identification procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BRIDGEPORT, CONN. Bridgeport Airport, V. MREWZ-BDR. Procedure No. 2 (Using Stanne Intersection 137° radial ILT. VOR and SW course BDR-LFR) Effective date: September 29, 1956 Amendment: Original.	To Stanne Intersection from Bay Intersection (LFR).	052—6	1,000 (final	Not authorized.....	Over Stanne Intersection 1,000	From Stanne Intersection 019—4	T-dn C-dn S-dn 6 A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	300–1½ 600–1½ 600–1 800–2	Within 4 miles after passing Stanne Intersection climb direct to the Bridgeport LFR at 1,500'. *Descent to landing minimums authorized after Stanne Intersection. This procedure not approved for ADF approach.
CRESTVIEW, FLA. Crestview, 274'. SBRAZ-CEW. Procedure No. 1. Amendment No. 5. Effective date: August 29, 1956 Supersedes Amendment 4, dated June 25, 1954. Major changes: Restricts landing minimums by use of DME. Revises procedure turn.	Crestview VOR	099—8.5	1,100	N side of E course: 084° outbound. 264° inbound. 1,400' within 10 miles.	900	263—2.3	T-dn C-dn S-dn 26 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2	Within 2.3 miles, climb to 1,400' on W course (263°) track within 15 miles. Air carrier use of airport not authorized.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State, airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
CRESTVIEW, FLA. Crestview, 274'. BVOR-CEW. Procedure No. 1. Amendment No. 5 Effective date: August 29, 1956. Supersedes Amendment 4, dated June 25, 1954. Major changes: Nautical distances. Revise straight-in minima. New format.	Crestview LFR	279—8.8	1,400	S side of course: 288° outbound. 108° inbound. 1,400', within 10 miles. Beyond 10 miles not authorized.	900	106—6.1	T-dn C-dn S-dn 9 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2	Within 6.1 miles, climb to 1,400' on course 087° within 15 miles. Air carrier use of airport not authorized.
MORGANTOWN, W. VA. Morgantown, 1,256'. VOR-DME-MGW. Procedure No. 1. Amendment No. 1. Effective date: September 29, 1956. Supersedes Amendment Original, dated March 1, 1954. Major changes: Reduces landing minimums by use of DME. Revises procedure turn.	10 miles fix radial 158° (final).	338—10	3,000	E side of course: 158° outbound. 338° inbound. 4,000' within 10 miles. Procedure turn need not be accomplished with DME.	3,000	338—6.4	With DME T-dn C-d C-n A-dn Without DME T-dn C-d C-n A-dn	300–1 600–1 600–2 800–2 300–1 1,400–1 1,400–2 1,600–3	.....	.....	Within 6.4 miles, climb to 3,000' on radial 338° within 10 miles. #DME mean sea level altitudes after passing MGW VOR on final: 1 mile, 2,800' 2 miles, 2,600' 3 miles, 2,400' 4 miles, 2,200' 5 miles, 2,000' 6 miles, 1,900'

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth in below

City and State, airport name, elevation, facility class and identification procedure No.; effective date	Transition to ILS				Procedure turn (=) side of final approach course (outbound and inbound) altitudes; limiting distances	Minimum altitude at glide slope intercept (on inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
AUSTIN, TEX. Mueller, 631'. ILS—IAUS. LOM—AU. Combination ILS and ADF. Procedure No. 1. Amendment No. 12. Effective date August 29, 1956. Supersedes Amendment 11, dated August 29, 1956. Major changes Revise air carrier takeoff note.	Austin VOR	OM	148—9.8	2,000	E side of SE course 123° outbound, 303° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized	ILS 2,000' ADF 1,200 over LOM	2,120—5.3	820—0.6	#T-dn	300–1	300–1	200–½	Climb to 2,500' on NW course. ILS or within 5.3 miles LOM (ADF) climb to 2,500' on course 305 within 20 miles. When directed by ATC turn right, climb to 2,100' on NE course. AUS–LFR within 20 miles. *Intersection ES course AUS ILS and 240° bearing to "CMK" Radiobeacon. *2,500' will intercept glide slope 0.5 mile after passing OM. 400–1 required when GS not used. No approach lights. All installed components of ILS must be operating or alternate minima of 800–2 apply. #All aircraft are restricted to 300–1 minimums for takeoff on runways 3–21, 16L–34R, and 12L–30R.
									C-dn	500–1	500–1	500–1½	
									S-ln 30L ILS	300–¾	300–¾	300–¾	
	Smithville Radiobeacon	SE course ILS	205—25.0	1,000					ADF	400–1	400–1	400–1	
	Cedar Creek Intersection	LOM	031—10.4	1,700					A-dn ILS	600–2	600–2	600–2	
	Wildervale Intersection (final)	LOM	305—5.2	2,000					ADF	800–2	800–2	800–2	
AUSTIN, TEX. Mueller, 631'. ILS–IAUS. VOR–AUS. NW course ILS. Procedure No. 2. Amendment No. 1. Effective date August 29, 1956. Supersedes Amendment Original, dated August 11, 1956. Major changes Revise air carrier takeoff note.	AUS VOR	Plateau Intersection	260—5.5	2,500	W side of NW course 308° outbound, 128° inbound. 2,500' within 10 miles of Plateau Intersection.		No glide slope Plateau Intersection 2,300'. Burnet Intersection 1,400		#T-dn	300–1	300–1	200–½	Within 2.4 miles, climb to 2,000' on SE course ILS within 20 miles. When directed by ATC turn left, climb to 2,000' on radial 128° within 20 miles. #All aircraft are restricted to minimums of 300–1 for takeoff on runways 3–21, 16L–34R, and 12L–30R.
	Lake Travis Intersection	Plateau Intersection	125—6.1	2,300					C-dn	500–1	500–1	500–1½	
	Plateau Intersection (final)	Burnet Intersection	125—4.0	1,400			Burnet Intersection to Runway 12 2.4 miles		S-ln 12	400–1	400–1	400–1	
									A-dn	800–2	800–2	800–2	
CHARLESTON, W. VA. Kanawha County, 981'. ILS–CHW. LOM–CH. Combination ILS and ADF. Procedure No. 1 Amendment No. 6. Effective date September 29 1956 Supersedes ILS–ADF Amendment 5, dated April 1, 1954. Major changes Transitions from Gay Intersection added.	Intersection NE course ILS and bearing 254° to CHW LFR.	ILS–LOM	230—10	2,500	N side of NE course 050° outbound. 230° inbound 2,300' within 10 miles.	1,800 over LOM	No glide slope 4.3	0.5	T-dn	300–1	300–1	200–½	4.3 miles after passing LOM (ADF), climb to 2,500' proceeding to Charleston LFR, or (when directed by ATC) climb to 2,500' proceeding to CHW VOR Provisions for use with components inoperative are not applicable to this procedure.
									C-dn	600–1	600–1	600–1½	
	CHW LFR	ILS–LOM	092—12	2,500					S-dn 23 ILS	500–1	500–1	500–1	
	CHW VOR	ILS–LOM	059—15	2,500					ADF	600–1	600–1	600–1	
	Gay Intersection	ILS–LOM	173—23	2,500					A-dn	800–2	800–2	800–2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 2 engines or less: 65 knots or less	Precision approach (PAR): 2 engines or less: Over 65 knots	Precision approach (PAR): More than 2 engines: Over 65 knots	Surveillance approach (ASR): 2 engines or less: 65 knots or less	Surveillance approach (ASR): 2 engines or less: Over 65 knots	Surveillance approach (ASR): More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
ATLANTA, GA. Atlanta, 1,024'. Procedure No. 1. Amendment No. 1. Effective date September 29, 1956. Supersedes Amendment Original, dated July 21, 1956. Major changes. Adds alternate minima.	Sectors measured from airport: 0–360, 3,000' within 25 miles. 070–290, 2,200' within 15 miles.	All	T-dn	300–1	300–1	200–½	300–1	300–1	200–½	9R and 3, climb to 3,000' and proceed to Conyers Intersection via E course ILS, or climb to 3,000' on NE course ATL LFR within 20 miles. 15R, climb to 2,200', turn right and proceed to ATL VOR or proceed on SE course of ATL LFR within 20 miles. 27L, 33L, climb to 3,000' and proceed to Campbellton Intersection via W course ILS, or turn left and proceed on SW course of ATL LFR within 20 miles.
		9R, 15R, 27L, 33L, 3	C-dn	400–1	500–1	500–1½	400–1	500–1	500–1½	
		9R	S-dn	200–½	200–½	200–½	400–1	400–1	400–1	
		15R	S-dn				500–1	500–1	500–1	
		27L, 33L, 3	S-dn				400–1	400–1	400–1	
		9R	A-dn	600–2	600–2	600–2				
		9R, 15R, 27L, 33L, 3	A-dn				800–2	800–2	800–2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F R Doc. 56-6892; Filed, Aug. 31, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6502]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CITY SPECIALTY STORES, INC., ETC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur products Labeling Act; § 13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.285 *Value.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation;* § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat 721; 15 U. S. C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, City Specialty Stores, Inc. (New York, N. Y.), etc., Docket 6502, August 17, 1956]

In the Matter of City Specialty Stores, Inc., a Corporation, Doing Business Under the Trade Names of Oppenheim-Collins and Franklin Simon

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation in New York City operating the retail chains of Oppenheim-Collins and Franklin Simon stores in the eastern United States, with violating the Fur Products Labeling Act through failing to disclose in advertisements in newspapers and otherwise the names of animals producing certain fur products, the fact that certain products were artificially colored, and the country of origin of certain furs; setting forth the names of other animals than those producing the fur; misrepresenting prices as reduced from purported regular prices which were in fact fictitious; misrepresenting savings by means of comparative price claims not based on current market values; and misrepresenting value of products—and an agreement between counsel containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on August 17, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, City Specialty Stores, Inc., a corporation,

doing business under the trade names of Oppenheim-Collins or Franklin Simon, or under any other name, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(c) The name of the country of origin of imported furs contained in fur products;

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Products Labeling Act;

3. Represents directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

(b) That fur products are of a certain value or quality unless such representations or claims are true in fact;

4. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent City Specialty Stores, Inc., a corporation, doing business under the trade names of Oppenheim-Collins and Franklin Simon, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order, to cease and desist.

Issued: August 17, 1956.

By the Commission, Commissioner Gwynne not participating.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc 56-7035; Filed, Aug. 31, 1956; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

GLANDS AND ORGANS FOR USE IN PREPARING PHARMACEUTICAL, ORGANOTHERAPEUTIC, OR TECHNICAL PRODUCTS

On July 25, 1956, there was published in the FEDERAL REGISTER (21 F. R. 5594) a notice of a proposed amendment of § 18.15 of the Meat Inspection Regulations (9 CFR 18.15). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71–91) and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), the aforesaid section of the regulations is hereby amended to read as follows:

§ 18.15 *Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products.* (a) (1) Glands and organs which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, and thyroid glands, may be shipped interstate either by establishments operating under inspection or by those which do not operate under inspection: *Provided*, That the containers shall be plainly marked "For pharmaceutical purposes," "For organotherapeutic purposes," or "For technical purposes," without any reference to inspection.

(2) Organs in this category may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers which will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as pancreatic glands, livers, testicles, and thymus, may be shipped interstate or brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U. S. inspected and passed and so identified.

The purpose of the foregoing amendment is to include pancreatic glands in the category of edible products and make this a food material subject to all requirements of the Meat Inspection Regulations.

This amendment shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1260, sec 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 71–91)

Done at Washington, D. C., this 28th day of August 1956.

[SEAL] M. R. CLARKSON, *Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 56-7059; Filed, Aug. 31, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1014]

[AO-287]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held in the District Courtroom, District Courthouse, Edinburg, Texas, at 9:30 a. m., c. s. t., September 24, 1956, with respect to a proposed marketing agreement and order authorizing regulation of the handling of tomatoes grown in the Lower Rio Grande Valley in the State of Texas. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers of the Lower Rio Grande Valley in the State of Texas requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of tomatoes in the proposed production area.

DEFINITIONS

§ 1014.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1014.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1014.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1014.4 *Production area.* "Production area" means all territory in the counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

§ 1014.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 1014.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 1014.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof.

§ 1014.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 1014.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 1014.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1014.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 1014.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 1014.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 1014.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1014.15 *Committee.* "Committee" means the Texas Valley Tomato Committee, established pursuant to § 1014.22.

§ 1014.16 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 1014.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 1014.24 or as reestablished pursuant to § 1014.25.

§ 1014.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 1014.22 *Establishment and membership.* (a) The Texas Valley Tomato Committee, consisting of 9 producer members, is hereby established. For each member of the committee there shall be an alternate.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 1014.23 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1014.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The County of Cameron in the State of Texas;

District No. 2. The County of Hidalgo in the State of Texas;

District No. 3. The County of Starr in the State of Texas; and

District No. 4. The County of Willacy in the State of Texas.

§ 1014.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1014.26 *Selection.* The Secretary shall select initially three members and their respective alternates from District 1; four members and their respective alternates from District 2; one member and his alternate from District 3; and one member and his alternate from District 4.

§ 1014.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1014.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1014.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1014.24 through 1014.26 inclusive.

§ 1014.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1014.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1014.27. If the name of

nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1014.24 through 1014.26, inclusive.

§ 1014.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1014.32 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That when any assembled meeting is held, all votes shall be cast in person.

§ 1014.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1014.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1014.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1014.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 1014.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1014.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

§ 1014.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1014.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1014.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 1014.42.

REGULATION

§ 1014.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1014.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 1014.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1014.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policies of the act.

§ 1014.52 *Issuance of regulations.* (a) The Secretary shall limit by regulation the handling of tomatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act.

(b) Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(2) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of a production area, for different containers, for different markets, for different purposes specified in § 1014.54, or any combination of the foregoing, during any period; or

(3) Limit the shipment of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 1014.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1014.42, 1014.52, 1014.54, or 1014.60, or any combination thereof.

§ 1014.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1014.42, 1014.52, 1014.53, or 1014.60, or any combination thereof, in order to facilitate shipments of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing; or

(d) For other purposes which may be specified.

§ 1014.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1014.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent tomatoes handled pursuant to §§ 1014.53 or 1014.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle tomatoes pursuant to §§ 1014.53 and 1014.54; or

(2) Handlers shall obtain inspection provided by § 1014.60, or pay the assessment levied pursuant to § 1014.42, or both, in connection with shipments made under § 1014.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of tomatoes affected or to be affected under the provisions of §§ 1014.53 and 1014.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 1014.53 and 1014.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1014.60 *Inspection and certification.* (a) During any period in which handling of tomatoes is regulated pursuant to §§ 1014.42, 1014.52, or 1014.54, or any combination thereof, no handler shall handle tomatoes unless such tomatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to §§ 1014.53, or 1014.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that any tomatoes transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 1014.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1014.71 *Granting exemptions.* The committee shall issue certificates of ex-

emption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 1014.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1014.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1014.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1014.70, 1014.71, 1014.72, or 1014.73, or any combination thereof.

REPORTS

§ 1014.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition and of all tomatoes handled pursuant to §§ 1014.53 and 1014.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1014.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 1014.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1014.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1014.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of tomatoes for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1014.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1014.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1014.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1014.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1014.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1014.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1014.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1014.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1014.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1014.94 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1014.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of tomatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: August 29, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7039; Filed, Aug. 31, 1956; 8:46 a. m.]

[1] Applicable only to the proposed marketing agreement.

Commodity Exchange Authority

[17 CFR Part 6]

SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

REPORTS BY ONION SHIPPERS, MERCHANDISERS, PROCESSORS, AND DEALERS WITH ONION FUTURES OPEN CONTRACTS OF SPECIFIED SIZE; NOTICE OF EXTENSION OF TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

On August 16, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6142), a notice that the Secretary of Agriculture is considering the issuance of regulations under the Commodity Exchange Act (7 U. S. C. 1 et seq.) to be designated as §§ 6.16 to 6.19, inclusive, of Part 6, Chapter I, Title 17, Code of Federal Regulations, and the amendment of § 6.21 of said Part 6 (17 CFR 6.21). The notice provides that all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than September 4, 1956. The period during which such data, views, or arguments may be so filed is hereby extended to October 15, 1956.

Done at Washington, D. C., this 30th day of August 1956.

[SEAL] RODGER R. KAUFFMAN,
Administrator,
Commodity Exchange Authority.

[F. R. Doc. 56-7077; Filed, Aug. 31, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11605]

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

EXTENSION OF TIME FOR RECEIVING COMMENTS

In the matter of amendment of Parts 1 and 17 of the Commission's rules and regulations.

The Commission having under consideration a letter filed August 10, 1956, by A. Earl Cullum, Jr., consulting engineer, Dallas, Texas, requesting further extension of time in which to submit comments directed to the Commission's Notice of Proposed Rule Making in the above-captioned matter:

It appearing that the Commission's proposal to encourage the grouping of antenna towers and the multiple use of antenna supporting structures is related to the air hazard criteria for determining antenna height and location presently being developed by the Joint Industry/Government Tall Structures Committee (JIGTSC) of the Air Coordinating Committee (ACC); and

It further appearing that in view of the relationship between the above-captioned proceeding and the continuing work of JIGTSC, the public interest would be served by further extension of the time for reception of comments in this Docket; and

It further appearing that the date on which new criteria will be approved by the JIGTSC, as well as the date on which the Air Coordinating Committee will act thereon, cannot with certainty be estimated at this time;

It is ordered, This 29th day of August 1956, that, pursuant to authority contained in § 0.322 (b) of the Commission's rules, the time for filing comments in the above-captioned matter is hereby extended from September 3, 1956, to November 5, 1956, and that rebuttal comments may be filed within 20 days from the extended closing date for original comments.

Released: August 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7060; Filed, Aug. 31, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

REVISION OF FORM FOR REGISTRATION STATEMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form S-6 (§ 239.16) under the Securities Act of 1933 and that a public hearing on the proposed revision will be held in Room 193 at its offices, 425 Second Street NW., Washington, D. C., on November 15, 1956, at 10:00 a. m.

Form S-6 is used for registration of securities under the above act by unit investment trusts which are currently issuing securities, including periodic payment plan certificates. The revised form would also be used for registering securities of unincorporated management investment companies having a sponsor but not having a board of directors or persons performing similar functions.

A registration statement on Form S-6 consists largely of certain of the information and documents which would be required in a registration statement under the Investment Company Act of 1940 if such a statement were currently being filed. Registrants on this form are thus permitted to base their registration statements under the 1933 act upon the in-

formation and documents filed with the Commission in the original registration statement and in subsequent reports under the 1940 act.

Form S–6 is being revised at this time to bring it into line with a proposed revision and consolidation of Forms N–8B–2 and N–8B–3 (§§ 274.12 and 274.13) under the 1940 Act. These revisions are also being considered in connection with certain proposed changes in the Commission's Statement of Policy relating to investment company sales literature generally.

A copy of the proposed revision of Form S–6 is attached hereto.[1]

Any person interested in presenting his views on the proposed revision of Form S–6 at the public hearing should, not later than 5:30 p. m. on November 12, 1956, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition all other interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 24, 1956.

[F. R. Doc. 56–7045; Filed, Aug. 31, 1956, 8:47 a. m.]

[1] Filed as part of original document.

[17 CFR Part 274]

CONSOLIDATION OF FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision and consolidation of Forms N–8B–2 and N–8B–3 (§§ 274.12 and 274.13) under the Investment Company Act of 1940, and that a public hearing on the proposed revision will be held in Room 193 at its offices, 425 Second Street, NW., Washington, D. C., on November 15, 1956, at 10:00 a. m.

Form N–8B–2 is used for registration statements filed under that Act by unit investment trusts which are currently issuing securities, including those which issue periodic payment plan certificates. Form N–8B–3 is used for registration statements filed by unincorporated management investment companies currently issuing periodic payment plan certificates. The revised form would be used by any unit investment trust which proposes to issue securities, or any unincorporated management investment company which proposes to issue periodic payment plan certificates.

The proposed revision is the first general revision of these forms since they were adopted in 1942. As a result of the experience gained over the intervening years, and in view of the fact that the form is now used chiefly by newly organized companies, the Commission believes that these forms can be simplified and consolidated into a single form for both of the types of companies mentioned above. Much of the historical information relating to the operation of companies which were in existence at the time of the passage of the act is no longer of importance and hence the requirements for furnishing such information have been omitted from the proposed revision.

Registration statements on this form serve as a basis for furnishing the information required for registration statements under the Securities Act of 1933. Accordingly, the proposed new form has been drafted with registration under that act particularly in mind. The proposed form is also being considered in connection with certain proposed changes in the Commission's Statement of Policy relating to sales literature of investment companies generally.

A copy of the proposed form is attached hereto.[1]

Any person interested in presenting his views on the above proposal at the public hearing should, not later than 5:30 p. m. on November 12, 1956, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition, all other interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 24, 1956.

[F. R. Doc. 56–7044; Filed, Aug 31, 1956; 8:47 a. m.]

[1] Filed as part of original document.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of May 2, 1919, and November 22, 1924, insofar as the said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by such orders or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W.,
Sec. 2, lots 1 to 5, inclusive;
Secs. 7, 8, 9, and 12;
Lots 38, 42, 44, 45, 46, 47, 48, 49, 50–A, and 74;
Lot 73, lots 2, 3, 4, 7, 8 and 12.

T. 53 N., R. 94 W.,
Sec. 7, E½SW¼.
T. 52 N., R. 95 W.,
Secs. 2, 3, 4, and 12.
Tracts 51, 54, 55, 57 and 58;
Tract 53 A to H, inclusive, and K to N, inclusive.

The areas described, including both public and non-public lands, aggregate 8,709.58 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71742]

AUGUST 28, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Parts of the released lands are State or privately owned. The minerals in these lands are not reserved to the United States.

The restored lands are grazing lands, located in Bighorn County, Wyoming. They are not suitable for cultivation nor for small tract development. The soil supports a sparse stand of sagebrush, saltsage, and grass. The lands are within Wyoming Grazing District No. 1.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 3, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 2, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 2, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on January 2, 1957.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56–7032; Filed, Aug. 31, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HAMBURG-AMERICAN LINE ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8136 between Hamburg-American Line, North German Lloyd, and Ozean Linie G. m. b. H. and Hugo Stinnes, covers a sailing arrangement in the trade between Gulf ports of the United States and ports in the French Atlantic Hamburg Range. Agreement No. 8136, upon approval, will supersede and cancel Agreement No. 8006, between Hamburg-American Line, North German Lloyd, and Ozean Linie G. m. b. H., Hugo Stinnes, and "Brenntag" Brennstoff-, Chemikalien-und Transport G. m. b. H.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7048; Filed, Aug. 31, 1956; 8:48 a. m.]

FRUCHTEINFUHR UND REEDEREIGESELLSCHAFT ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8126 between Fruchteinfuhr und Reedereigesellschaft mit beschrankter Haftung, Import und Reedereigesellschaft mit beschrankter Haftung, W. Bruns & Co., et al., provides for the establishment and maintenance of a joint cargo and passenger service under the trade name W. Bruns & Co. (German Fruit Line), in the trades between Pacific Coast ports of the United States and British Columbia, and Continental European ports and Great Britain. This agreement was filed to supersede and cancel Agreement No. 8031.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7049; Filed, Aug. 31, 1956; 8:48 a. m.]

PAUL A. BOULO AND KARR, ELLIS & CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8137 between Paul A. Boulo of Mobile, Alabama and Karr, Ellis & Co., Inc. of New York City, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Martime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7050; Filed, Aug. 31, 1956; 8:48 a. m.]

H. L. ZIEGLER, INC., AND BARR SHIPPING CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8112 between H. L. Ziegler, Inc., Houston, Tex., and Barr Shipping Co., Inc. of New York, N. Y.;

(2) Agreement No. 8113 between H. L. Ziegler, Inc. and Bluefries New York, Inc.;

(3) Agreement No. 8114 between H. L. Ziegler, Inc. and Karr, Ellis & Co., Inc., New York City; and

(4) Agreement No. 8115 between H. L. Ziegler, Inc. and Marks & Coyle, Inc., New York, N. Y., are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7051; Filed, Aug. 31, 1956; 8:48 a. m.]

formation and documents filed with the Commission in the original registration statement and in subsequent reports under the 1940 act.

Form S–6 is being revised at this time to bring it into line with a proposed revision and consolidation of Forms N–8B–2 and N–8B–3 (§§ 274.12 and 274.13) under the 1940 Act. These revisions are also being considered in connection with certain proposed changes in the Commission's Statement of Policy relating to investment company sales literature generally.

A copy of the proposed revision of Form S–6 is attached hereto.[1]

Any person interested in presenting his views on the proposed revision of Form S–6 at the public hearing should, not later than 5:30 p. m. on November 12, 1956, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition all other interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 24, 1956.

[F. R. Doc. 56-7045; Filed, Aug. 31, 1956; 8:47 a. m.]

[17 CFR Part 274]

CONSOLIDATION OF FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision and consolidation of Forms N–8B–2 and N–8B–3 (§§ 274.12 and 274.13) under the Investment Company Act of 1940, and that a public hearing on the proposed revision will be held in Room 193 at its offices, 425 Second Street, NW., Washington, D. C., on November 15, 1956, at 10:00 a. m.

Form N–8B–2 is used for registration statements filed under that Act by unit investment trusts which are currently issuing securities, including those which issue periodic payment plan certificates. Form N–8B–3 is used for registration statements filed by unincorporated management investment companies currently issuing periodic payment plan certificates. The revised form would be used by any unit investment trust which proposes to issue securities, or any unincorporated management investment company which proposes to issue periodic payment plan certificates.

The proposed revision is the first general revision of these forms since they were adopted in 1942. As a result of the experience gained over the intervening years, and in view of the fact that the form is now used chiefly by newly organized companies, the Commission believes that these forms can be simplified and consolidated into a single form for both of the types of companies mentioned above. Much of the historical information relating to the operation of companies which were in existence at the time of the passage of the act is no longer of importance and hence the requirements for furnishing such information have been omitted from the proposed revision.

Registration statements on this form serve as a basis for furnishing the information required for registration statements under the Securities Act of 1933. Accordingly, the proposed new form has been drafted with registration under that act particularly in mind. The proposed form is also being considered in connection with certain proposed changes in the Commission's Statement of Policy relating to sales literature of investment companies generally.

A copy of the proposed form is attached hereto.[1]

Any person interested in presenting his views on the above proposal at the public hearing should, not later than 5:30 p. m. on November 12, 1956, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

In addition, all other interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before October 31, 1956. Except where it is requested that such communications not be disclosed, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 24, 1956.

[F. R. Doc. 56-7044; Filed, Aug. 31, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of May 2, 1919, and November 22, 1924, insofar as the said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by such orders or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W.,
Sec. 2, lots 1 to 5, inclusive;
Secs. 7, 8, 9, and 12;
Lots 38, 42, 44, 45, 46, 47, 48, 49, 50-A, and 74;
Lot 73, lots 2, 3, 4, 7, 8 and 12.

[1] Filed as part of original document.

T. 53 N., R. 94 W.,
Sec. 7, E½SW¼.
T. 52 N., R. 95 W.,
Secs. 2, 3, 4, and 12.
Tracts 51, 54, 55, 57 and 58;
Tract 53 A to H, inclusive, and K to N, inclusive.

The areas described, including both public and non-public lands, aggregate 8,709.58 acres.

E. G. NIELSEN, *Assistant Commissioner.*

[71742]

AUGUST 28, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Parts of the released lands are State or privately owned. The minerals in these lands are not reserved to the United States.

The restored lands are grazing lands, located in Bighorn County, Wyoming. They are not suitable for cultivation nor for small tract development. The soil supports a sparse stand of sagebrush, saltsage, and grass. The lands are within Wyoming Grazing District No. 1.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights,

preference rights conferred by existing law or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 3, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 2, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 2, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on January 2, 1957.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

CHARLES P. MEAD, *Acting Director, Bureau of Land Management.*

[F. R. Doc. 56-7032; Filed, Aug. 31, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HAMBURG-AMERICAN LINE ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8136 between Hamburg-American Line, North German Lloyd, and Ozean Linie G m. b. H. and Hugo Stinnes, covers a sailing arrangement in the trade between Gulf ports of the United States and ports in the French Atlantic Hamburg Range. Agreement No 8136, upon approval, will supersede and cancel Agreement No. 8006, between Hamburg-American Line, North German Lloyd, and Ozean Linie G. m. b. H., Hugo Stinnes, and "Brenntag" Brennstoff-, Chemikalien-und Transport G m. b. H.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-7048; Filed, Aug. 31, 1956; 8:48 a. m.]

FRUCHTEINFUHR UND REEDEREIGESELLSCHAFT ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8126 between Fruchteinfuhr und Reedereigesellschaft mit beschrankter Haftung, Import und Reedereigesellschaft mit beschrankter Haftung, W. Bruns & Co., et al., provides for the establishment and maintenance of a joint cargo and passenger service under the trade name W. Bruns & Co. (German Fruit Line), in the trades between Pacific Coast ports of the United States and British Columbia, and Continental European ports and Great Britain. This agreement was filed to supersede and cancel Agreement No. 8031.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-7049; Filed, Aug. 31, 1956; 8:48 a. m.]

PAUL A. BOULO AND KARR, ELLIS & CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8137 between Paul A. Boulo of Mobile, Alabama and Karr, Ellis & Co., Inc. of New York City, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Martime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-7050; Filed, Aug. 31, 1956; 8:48 a. m.]

H. L. ZIEGLER, INC., AND BARR SHIPPING CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8112 between H. L. Ziegler, Inc., Houston, Tex., and Barr Shipping Co., Inc. of New York, N. Y.;

(2) Agreement No. 8113 between H. L. Ziegler, Inc. and Bluefries New York, Inc.;

(3) Agreement No. 8114 between H. L. Ziegler, Inc. and Karr, Ellis & Co., Inc., New York City; and

(4) Agreement No. 8115 between H. L. Ziegler, Inc. and Marks & Coyle, Inc., New York, N. Y., are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-7051; Filed, Aug. 31, 1956; 8:48 a. m.]

WARD GARCIA, S. A., AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8124 between Ward Garcia, S. A. (Ward Line), and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transhipment at New York, Baltimore, or Philadelphia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7052; Filed, Aug. 31, 1956; 8:48 a. m.]

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57-61 between the member lines of the Pacific Westbound Conference, modifies the preamble to the basic agreement of that conference (No. 57) to reflect the present day designations of the countries of destination within the trading area of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7053; Filed, Aug. 31, 1956; 8:49 a. m.]

FEARNLEY & EGER-A. F. KLAVENESS & CO. A/S JOINT SERVICE, ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7655-3 between the carriers comprising the Fearnley & Eger-A. F. Klavenes & Co. A/S joint service, modifies approved joint service Agreement No. 7655 to provide for the admission of Aktieselskabet Standard and Fearnley & Egers Befragtningsforretning A/S as parties to the joint service which operates in various world wide trades.

(2) Agreement No. 7668-1 between the carriers comprising the Barber-West African Line joint service, modifies approved joint service Agreement No. 7668 to provide for the admission of Aktieselskabet Standard and Fearnley & Egers Befragtningsforretning A/S as parties to the joint service, which operates in the trade between Atlantic and St. Lawrence ports of Canada and Atlantic and Gulf of Mexico ports of the United States and West African ports (Dakar to Mossamedes inclusive) and the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes and the Islands of Fernando Po, Principe and San Thome in the Gulf of Guinea.

(3) Agreement No. 7749-1, between the carriers comprising the Barber-Wilhelmsen Line joint service, modifies approved joint service Agreement No. 7749 to provide for the admission of Aktieselskabet Standard and Fearnley & Egers Befragtningsforretning A/S as parties to the joint service, which operates in the trade from the Far East to Hawaii, Panama Canal Zone, and ports on the Pacific and Atlantic Coasts of the United States.

Interested parties may inspect these agremeents and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7054; Filed, Aug. 31, 1956; 8:49 a. m.]

MEMBER LINES OF AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8250-1, between the member lines of the American Great Lakes-Mediterranean Eastbound Freight Conference, modifies the basic agreement of that conference (No. 8250) (1) to clarify the description of the trading area covered by the agreement and to include Marmara and Black Sea ports within its scope, and (2) and to set forth the requirements to be observed by the member lines in fixing vessels for full cargoes.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7055; Filed, Aug. 31, 1956; 8:49 a. m.]

J. W. ALLEN & CO. AND PAUL A. BOULO, JR.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No 8138 between J. W. Allen & Co., New Orleans, Louisiana and Paul A. Boulo, Jr., Mobile, Alabama, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 29, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7056; Filed, Aug. 31, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11776; FCC 56M-788]

LEO JOSEPH THERIOT (KLFT)

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re application of Leo Joseph Theriot (KLFT), Golden Meadow, Louisiana; Docket No. 11776, File No. BP-10482; for construction permit.

It is ordered, This 28th day of August 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., September 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7061; Filed, Aug. 31, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2605, etc.]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 27, 1956.

In the matter of Phillips Petroleum Company, Docket Nos. G-2605-G-2615, inclusive, G-2617, G-2619-G-2625, inclusive, G-2628-G-2635, inclusive, G-2637-G-2647, inclusive, G-3330-G-3332, inclusive, G-3334-G-3336, inclusive, G-3338-G-3366, inclusive, G-3369-G-3391, inclusive, G-3393-G-3439, inclusive, G-3441-G-3448, inclusive, G-3450-G-3453, inclusive, G-3455, G-3457-G-3462, inclusive, G-3465-G-3470, inclusive, G-3472-G-3475, inclusive, G-3479-G-3482, inclusive, G-3486, G-3487, G-3506-G-3509, inclusive, G-3511, G-3512, G-3825, G-3897, G-4108, G-4842, G-4878, G-4879, G-5216, G-7353-G-7355, inclusive.

The above applicant has filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicant to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its respective applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

2605; Fullerton and Shafter Lake Fields, Andrews County, Tex.; El Paso Natural Gas Company.

2606; East Panhandle Field, Gray County, Tex.; Consolidated Gas Utilities Corporation.

2607; Spraberry Trend Field, Upton County, Tex.; Permian Basin Pipe Line Company.

2608; Hope Field, Lavaca County, Tex.; Shell Oil Company.

2609; North Port Neches Field, Orange County, Tex.; Texas Eastern Transmission Corporation.

2610; East Panhandle Field, Gray County, Tex.; Northern Natural Gas Company.

2611; McElroy Field, Crane County, Tex.; El Paso Natural Gas Company.

2612; Longwood Field, Caddo Parish, La., and Harrison County, Tex.; Arkansas Louisiana Gas Company.

2613; South Lucky Field, Matagorda County, Tex.; Tennessee Gas Transmission Company.

2614, 4878; Sand Hills Field, Crane County, Tex.; Gulf Oil Corporation.

2615; West Holly Field, De Witt and Goliad Counties, Tex.; Texas Eastern Transmission Corporation.

2617; Monument Field, Lea County, N. Mex.; El Paso Natural Gas Company.

2619; West Panhandle Field, Moore County, Tex.; El Paso Natural Gas Company.

2620; West Panhandle Field, Moore County, Tex.; Northern Natural Gas Company.

2621; Puckett-Ellenberger Field, Pecos County, Tex.; Permian Basin Pipe Line Company.

2622; Old Ocean Field, Brazoria and Matagorda Counties, Tex.; Texas Illinois Natural Gas Pipe Line Corporation.

2623; Hugoton Field, Hansford County, Tex.; Panhandle Eastern Pipe Line Company.

2624; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.

2625; Goldsmith, Ector and Embar Fields, Ector County, Tex.; El Paso Natural Gas Company.

2628, 2634; Calallen Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

2629; Spraberry Trend Field, Midland County, Tex.; Permian Basin Pipe Line Company.

2630; New Ulm Field, Austin County, Tex.; Tennessee Gas Transmission Company.

2631, 3479, 3509, 4108; Winnie and Stowell Fields, Jefferson and Chambers Counties, Tex.; Texas Gas Corporation.

2632; Shield Field, Nueces County, Tex.; Transcontinental Gas Pipe Line Corporation.

2633; Carthage Field, Panola County, Tex.; Texas Gas Transmission Corporation.

2635; Heinze Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

2637; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

2638; La Rosa Field, Refugio County, Tex.; Tennessee Gas Transmission Company.

2639; Marshall Field, Goliad County, Tex.; United Gas Pipe Line Company.

2640; Carthage Field, Panola County, Tex.; United Gas Pipe Line Company.

2641; Hugoton Field, Hansford County, Tex.; Michigan-Wisconsin Pipe Line Company.

2642; Green Branch Field, McMullen County, Tex.; Tennessee Gas Transmission Company.

2643; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

2644; Keystone Field, Winkler County, Tex.; El Paso Natural Gas Company.

2645, 3335, 3345-3353, inclusive; West Panhandle Field, Moore County, Tex.; Panhandle Eastern Pipe Line Company.

2646; Chocolate Bayou Field, Brazoria County, Tex.; Texas Illinois Natural Gas Pipe Line Corporation.

2647; Donna Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

3330, 3331; Rodessa Field, Cass County, Tex.; L. B. Wood, et al., d. b. a. Breckenridge Gasoline Company.

3332; Rodessa Field, Cass County, Tex.; Arkansas Louisiana Gas Company.

3334; Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Company.

3336; Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Company.

3338; Phoenix Lake Field, Calcasieu Parish, La.; United Gas Pipe Line Company.

3339; Caspinia Field, Caddo Parish, La.; Arkansas Louisiana Gas Company.

3340; Hugoton Field, Texas County, Okla.; Colorado Interstate Gas Company.

3341; West Panhandle Field, Carson County, Tex.; Northern Natural Gas Company.

3342, 3395, 3400, 3405-3407, inclusive, 3413, 3414, 3416, 3418, 3420-3422, inclusive, 3424-3429, inclusive; TXL Field, Winkler and Ector Counties, Tex.; Shell Oil Company; The Texas Company.

3343; West Panhandle Field, Hutchinson County, Tex.; Frank C. Henderson Trust No. 2.

3344, 3375-3383, inclusive, 3385-3387, inclusive, 3393, 3394, 3481; Golden Trend Area, Stephens and Garvin Counties, Okla.; Warren Petroleum Corporation; The Texas Company; Cities Service Oil Company; Kerr-McGee Oil Industries, Inc.; Oklahoma Natural Gas Company.

3354; North Ruskin Field, La.; Arkansas Louisiana Gas Company.

3355; Downsville Field, Union Parish, La.; Arkansas Louisiana Gas Company.

3356; Monument Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3357, 3439; Jal Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3358; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3359; Edmond Field, Oklahoma County, Okla.; Cities Service Gas Company.

3360, 3361; West Edmond Hunton Lime Field, Oklahoma County, Okla.; Cities Service Gas Company.

3362, 3446; Fox Field, Carter County, Okla.; Lone Star Gas Company.

3363, 3365; Oceanic Field, Howard County, Tex.; Reef Fields Gasoline Corporation.

3364; South Von Roeder Field, Borden County, Tex.; Reef Fields Gasoline Corporation.

3366; North Luther Field, Howard County, Tex.; Reef Fields Gasoline Corporation.

3369, 3370, 3374, 3465; North Luther Field, Howard County, Tex.; West Panhandle Field, Hutchinson and Moore Counties, Tex.; Shamrock Oil and Gas Corporation.

3371, 3372; Keystone Field, Winkler County, Tex.; Sid Richardson Gasoline Company.

3373; Kansas Hugoton Field, Finney County, Kans.; Colorado Interstate Gas Company.

3384, 3388, 3389, 3457-3459, inclusive; North Lindsay Area, McClain and Garvin Counties, Okla., Warren Petroleum Corporation; The Texas Company; Cities Service Oil Company; Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company.

3390, 3391, 3487; Monument Field, Lea County, N. Mex.; Warren Petroleum Corporation.

3396, 3402, 3404, 3409, 3411; TXL-Tubb Field, Ector County Tex.; Shell Oil Company; The Texas Company; The Superior Oil Company.

3397, 3399, 3410, 3415, 3466; TXL Field, Ector County, Tex.; Wasson Field, Gaines County, Tex.; Shell Oil Company.

3398; Wasson Field, Gaines County, Tex.; Shell Oil Company; Coltexo Corporation.

3401; Wasson Field, Gaines and Yoakum Counties, Tex.; Shell Oil Company.

3403, 3408, 3412, 3417; Goldsmith Field, Ector County, Tex.; Shell Oil Company; The Texas Company.

3419, 3423; Wheeler Field, Ector County, Tex.; Shell Oil Company; The Texas Company.

3430, 3431, 3434; Golden Trend Area, Garvin County, Okla.; Warren Petroleum Corporation; The Texas Company; Kerr-McGee Oil Industries, Inc.; Oklahoma Natural Gas Company; Cities Service Oil Company.

3432; West Panhandle Field, Moore County, Tex.; Shell Oil Company.

3433; Lewisburg Field, Acadia Parish, La.; Texas Northern Gas Corporation.

3435, 3482; Pegasus Field, Upton and Midland Counties, Tex.; Magnolia Petroleum Company.

3436, 3437; Emperor Field, Winkler County, Tex.; C. V. Lyman.

3438; Chickasha Field, Grady County, Okla.; Consolidated Gas Utilities Corp.

3441, 3442; Doyle Field, Stephens County, Okla.; Universal Gasoline Company.

3443, 3455; Aylesworth Field, Marshall County, Okla.; Universal Gasoline Company.

3444; Doyle Field, Stephens County, Okla.; Lone Star Gas Company.

3445; Cruce Field, Stephens County, Okla.; Lone Star Gas Company.

3447, 3450, 3453; Eunice Field, Lea County, N. Mex.; Skelly Oil Company.

3448; Tunstill Field, Reeves County, Tex.; Pecos Petroleum Corporation.

3451, 3452; Velma Field, Stephens County, Okla.; Skelly Oil Company.

3460, 3474, 3475; Benedum Field, Reagan and Upton Counties, Tex.; The Pecos Company.

3461; Spider Field, De Soto Parish, La.; Southern Natural Gas Company.

3462; Hugoton Field, Seward County, Kans.; Northern Natural Gas Company.

3467; Hobo Field, Howard and Borden Counties, Tex.; Reef Field Gasoline Corporation.

3468; Panhandle Field, Gray and Carson Counties, Tex.; Kerr-McGee Oil Industries, Inc.

3469, 3470; Fox-Graham Field, Carter County, Okla.; Magnolia Petroleum Company.

3472; Calley Lease, Lea County, N. Mex.; El Paso Natural Gas Company.

3473; Sibley Field, Webster Parish, La.; United Gas Pipe Line Company.

3480; Chesterville Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

3486, 3512; Lissie Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

3506–3508, inclusive; Driver Field, Upton and Glasscock Counties, Tex.; Texas Gas Products Corporation.

3511; Beaver Creek Field, Fremont County, Wyo.; Northern Utilities Company.

3825; Jal Field, Lea County, N. Mex.; Permian Basin Pipe Line Company.

3897; West Panhandle Field, Moore and Carson Counties, Tex.; Natural Gas Pipe Line Company of America.

4842; Hico-Knowles Field, Lincoln Parish, La.; Mississippi River Fuel Corporation.

4879; North Pettus Field, Bee County, Tex.; United Gas Pipe Line Company.

5216; Elk Basin Field, Park County, Wyo.; Montana Dakota Utilities Company.

7353–7355, inclusive; Lewisburg Field, Scurry County, Tex.; Fullerton Oil Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 19, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7033; Filed, Aug. 31, 1956; 8:45 a. m.]

[Docket No. G-10707]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 27, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Omaha, Nebraska, filed an application on July 3, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of natural gas facilities as hereinafter described.

Applicant states that it has entered into a gas purchase contract with Skelly Oil Company (Skelly), whereby Applicant will purchase surplus residue gas from three of Skelly's gasoline plants located in the vicinity of Applicant's Skellytown Compressor Station. It is contemplated that delivery of the gas will be made initially at the Schafer and Crawford Plants and future deliveries will also be made at the Kingsmill Plant in accordance with the gas purchase contract. Applicant alleges that the additional volumes proposed to be purchased from Skelly will supplement Applicant's total gas supply.

Applicant proposes to construct and operate the following facilities in the vicinity of Applicant's Skellytown, Texas, Compressor Station for the purpose of receiving and transporting the natural gas purchased from Skelly:

(a) 1.5 miles of 10-inch line from Skelly's Crawford Gasoline Plant to a point on Applicant's present 24-inch line north of Applicant's Skellytown Compressor Station, and related measuring facilities.

(b) 0.16 mile of 8-inch line from Skelly's Schafer Gasoline Plant to a point on Applicant's present 20-inch line southeast of the Skellytown Compressor Station, and related measuring facilities.

(c) A 440-horsepower compressor unit to be located on the line to be constructed from the Schafer Plant to Applicant's 20-inch line.

The cost to construct the proposed facilities is estimated to be $154,700, which Applicant will finance out of funds on hand.

Applicant states that Skelly uses a portion of the residue gas from its gasoline plants for secondary oil recovery operations and has contracted to sell surplus gas to Applicant with the condition that any certificate issued by the Federal Power Commission include satisfactory assurance that Skelly can continue to use the residue gas for these operations.

Applicant estimates that Skelly will deliver an average of 8,700 Mcf per day to Applicant during the first full year of operation. Of this amount, it is estimated that 3,000 Mcf per day will be delivered at the Schafer Plant and the balance at the Crawford Plant. The first deliveries are expected to commence on or about October 1, 1956, and gas will become available at the Kingsmill Plant not earlier than January 1958, when additional volumes will become available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearing will be held on September 24, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc 56-7034; Filed, Aug. 31, 1956; 8:45 a. m.]

[Project No. 2213]

PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR LICENSE

AUGUST 28, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Public Utility District No. 1 of Cowlitz County, Washington (of Longview, Washington), for license for a proposed hydroelectric project (tentatively known as the Swift No. 2 Project), to be located in Skamania and Cowlitz Counties, Washington, on the Lewis River, navigable waters of the United States, in the region of Woodland, Longview and Vancouver in the State of Washington, and Portland, in the State of Oregon. The proposed project would consist of a power canal and forebay on the north side of Lewis River extending from Swift No. 1 Project to Swift No. 2 Project, about 3½ miles long and passing through Sections 28, 29 and 30 T. 7 N., R. 5 E., and Section 25 T. 7 N., R. 4 E., W. M.; an intake structure near the powerhouse; two penstocks; Swift Powerhouse No. 2 at the upper end of the Yale Project (No. 2071) reservoir, to contain two Francis type vertical shaft turbines each rated at 46,000 horsepower at 128 feet of net head (total 92,000 horsepower) and directly connected to a generator with a nameplate rating of 33,750 (0.90 PF; total 67,500 kw); transformers and switchyard; and appurtenant hydraulic, mechanical, and electrical facilities and miscellaneous project works.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is October 11, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7042; Filed, Aug. 31, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

QUARTERLY REPORT

Activities under the Defense Production Act as amended. Quarterly report of purchases under domestic purchase regulations as of June 30, 1956.

Regulation	Termination date	Unit	Quantity		
			Program limitation	Purchases[1] during quarter	Cumulative purchases[1] through end of quarter
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	74	1,499
		Short tons, crude No. 3		109	859
Beryl	June 30, 1957	Short dry tons, beryl ore	1,500	43	957
Chrome	do	Long dry tons, chrome ore and/or chrome concentrates.	200,000	6,971	112,623
Columbium-tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide.	15,000,000	17,243	15,600,461
Manganese:					
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable, manganese.	6,000,000	329,103	2,514,053
Deming	do	do	6,000,000	0	6,205,580
Wenden	do	do	6,000,000	0	6,108,316
Domestic small producers.	do	Long ton units, contained, manganese.	19,000,000	1,394,165	7,568,955
Mercury	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	0	5
Mica	June 30, 1957	Short tons, hand-cobbed mica or equivalent.	25,000	705	8,670
Tungsten	July 1, 1958	Short ton units, tungsten trioxide.	3,000,000	340,306	2,992,634

[1] Quantities represent deliveries.

Dated: August 28, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-7043; Filed, Aug. 31, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3597]

HOUSTON OIL COMPANY OF TEXAS

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 28, 1956.

In the matter of Houston Oil Company of Texas, Common Stock, File No. 1-3597.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stockholders on April 24, 1956, adopted a plan of complete liquidation of the Company, authorized sale of all its properties and assets other than cash and accounts and note receivable as of December 31, 1955, and further authorized dissolution of the Company. By letter dated June 6, 1956, the Company advised stockholders that the sale had been consummated on that date and that a first liquidating distribution of $162 per share would be made commencing June 7, 1956. Dealings on the Exchange were suspended before the opening of the trading session on July 30, 1956. A letter from the applicant indicates possible further liquidating payments of perhaps $4.50 per share.

Upon receipt of a request, on or before September 14, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7046; Filed, Aug. 31, 1956; 8:47 a. m.]

[File No. 24SF-2059]

COMSTOCK URANIUM-TUNGSTEN CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 28, 1956.

I. Comstock Uranium-Tungsten Company, Inc., a Nevada corporation, with its principal office located at 405 Henderson Bank Building, Elko, Nevada, having filed with the Commission on April 8, 1955, a notification and offering circular, and subsequent amendments thereto, relating to an offering of 440,000 shares of its common capital stock, 2 cents par value at 50 cents per share, for an aggregate of $220,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe that the offering is being and will be made in such a manner as to operate as a fraud and deceit upon purchasers and prospective purchasers, in that

(A) The failure of the company appropriately to amend or supplement its offering circular and sales literature, when it knew that certain of its officers, directors and promoters were selling personal shares of the issuer's stock in competition with the Regulation A offering, constitutes a fraud and deceit upon the purchasers.

(B) The failure of the company appropriately to amend or supplement its offering circular and sales literature when it knew:

(1) That it had lost a portion of its interest in "Desert Scheelite," its major property,

(2) That Utah Uranium Brokers were no longer serving as underwriters results in the use of an offering circular and sales literature that contain untrue statements of material facts and omissions to state material facts necessary

to make the statements made, in the light of the circumstances under which they were made, not misleading.

It is ordered, Pursuant to Rules 223 and 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7047; Filed, Aug. 31, 1956; 8:47 a. m.]

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LITTERA SCRIPTA MANET
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OF THE UNITED STATES 1934

VOLUME 21 NUMBER 172

Washington, Wednesday, September 5, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10676

DESIGNATING THE WORLD METEOROLOGICAL ORGANIZATION AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the World Meteorological Organization under the authority of the Convention of the World Meteorological Organization ratified by the President on May 4, 1949, with the advice and consent of the Senate given on April 20, 1949, I hereby designate the World Meteorological Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

The designation of the World Meteorological Organization as a public international organization within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, and immunities which such organization may have acquired or may acquire by treaty or congressional action.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 1, 1956.

[F. R. Doc. 56-7162; Filed, Sept. 4, 1956; 10:26 a. m.]

EXECUTIVE ORDER 10677

AMENDMENT OF EXECUTIVE ORDER NO. 10629,[1] AS AMENDED, TO AUTHORIZE ENLISTMENTS IN THE READY RESERVE OF THE AIR FORCE RESERVE

By virtue of the authority vested in me by subsection (a) of section 262 of the Armed Forces Reserve Act of 1952, as added by section 2 (i) of the Reserve Forces Act of 1955 (69 Stat. 600), it is ordered that Executive Order No. 10629 of August 13, 1955, authorizing enlistments in the Ready Reserve of the Army Reserve and the Marine Corps Reserve, as amended by Executive Order No. 10667 of May 9, 1956, to include the Naval Reserve and the Coast Guard Reserve, be, and it is hereby amended to read as follows:

"WHEREAS I have determined that the enlisted strength of the Ready Reserve of the Army Reserve, Marine Corps Reserve, Naval Reserve, Coast Guard Reserve, and Air Force Reserve cannot be maintained at the level necessary for the national defense:

"NOW, THEREFORE, by virtue of the authority vested in me by subsection (a) of section 262 of the Armed Forces Reserve Act of 1952 as added by section 2 (i) of the Reserve Forces Act of 1955 (69 Stat. 600), I hereby authorize the acceptance of enlistments in units of the Ready Reserve of the Army Reserve, Marine Corps Reserve, Naval Reserve, Coast Guard Reserve, and Air Force Reserve pursuant to the provisions of the said section 262 of the Armed Forces Reserve Act of 1952, as added as heretofore indicated, under such regulations as the Secretary of Defense shall prescribe."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 1, 1956.

[F. R. Doc. 56-7163; Filed, Sept. 4, 1956; 10:26 a. m.]

[1] 20 F. R. 5911; 3 CFR, 1955 Supp., p. 81.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (3) is added to § 6.111 as set out below.

§ 6.111 *Department of Agriculture.*

* * *

(h) *Agricultural Marketing Service.*

* * *

(3) Positions of Cotton Classers, GS-9 and below, and Clerks, GS-2, employed on a seasonal basis in cotton-classing offices outside the Washington, D. C., Metropolitan Area. Employment under this authority shall not exceed 160 working days a year in the case of Cotton Classers or 130 working days a year in the case of Clerks.

(Continued on p. 6627)

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(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–7071; Filed, Sept. 4, 1956; 8:48 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

STUDENT TRAINEE

Section 24.121 is amended to read as follows:

§ 24.121 *Student Trainee, GS–2–4, in the following codes: GS–402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521 or other code covering positions of student trainee for any professional field as follows: any biological science (Group GS–400), any branch of engineering (Group GS–800) any physical science (Group GS–1300), any profession of the Mathematics and Statistics Group (GS–1500), architecture, landscape architecture, patent examining, food and drug inspection, economics, and accounting—*(a) *Educational requirements.* (1) For Student Trainee, GS–2 applicants must have been graduated from an accredited high school upon the successful completion of all the high school courses required for admission to an accredited college or university in a curriculum leading to a bachelor's degree in one of the specialized fields shown in the headnote of this section, and they must have been enrolled or accepted for enrollment in such institution and curriculum, or they must have the intention of enrolling within 4 months of the date of entrance on duty in the Student Trainee positions.

(2) Applicants for grades 3 and 4 must have completed the number of academic years of study specified below, a full academic year of study being defined as a period or combination of periods of study at college (in either cooperative or noncooperative curricula) equal in length to two semesters or three quarters:

For Student Trainee, GS–3: One full academic year of study.

For Student Trainee, GS–4: Two and one-half full academic years of study.

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer curriculum leading to a bachelor's degree with specialization in one of the fields listed in the headnote of this section. For Student Trainee (Engineering) the study must have been in a curriculum accredited by the Engineers' Council for Professional Development or in one equivalent thereto in type, scope, content and quality. The specialized field for which applicants apply and in which they will receive training on the job if appointed, must be consistent with the curriculum they are pursuing in college and the degree of specialization in this field must have been such that at time of graduation the specific course requirements which are specified for eligibility in the U. S. Civil Service Commission's examination for the corresponding GS–5 professional positions can be met. College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(b) *Duties.* The duties of a Student Trainee consist of a combination of (1) on-the-job training in a Federal agency, and (2) scholastic training in a college or university. While on the job in a Federal agency, appointees participate in research or other scientific or engineering work such as development, design, surveys, investigations, computations, laboratory or full experimentation or studies, construction, testing, standardization; or appointees participate in analyzing, summarizing and interpreting of statistical, economic or accounting data.

(c) *Knowledge and training requisite for performance of duties.* Student Trainees are employed for the purpose of training them for advancement to professional positions in the employing agency upon completion of the training program. Since the duties of the position involve, in addition to actual scientific, engineering, or technical work while in training, the pursuance of academic studies of the first, second, third, or fourth year of specified undergraduate college curriculum in order to perform successfully duties at the professional level, applicants must have the specified education in order to enroll in the required year of a standard college curriculum in an accredited college or university.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–7072; Filed, Sept. 4, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect that the interest rate on new loans made by the Federal Land Bank of St. Louis on applications accepted by a national farm loan association on and after September 1, 1956, will be 4½ percent per annum, § 10.54 of Title 6 of the Code of Federal Regulations (21 F. R. 3737, 4709) is hereby amended, effective September 1, 1956, by inserting the line "St. Louis ---- 4½" immediately below "Columbia" therein.

A rate of interest of 4½ percent per annum for loans made through national farm loan associations has also been adopted by the Federal Land Bank of New Orleans, where the application for the loan is signed and dated after September 15, 1956, and by the Federal Land Bank of St. Paul on applications dated on or after September 15, 1956. In order to reflect such interest rates, said § 10.54 of Title 6 of the Code of Federal Regulations is hereby further amended, effective September 15, 1956, to read as follows:

§ 10.54 *Interest rates on loans made through associations.* Notwithstanding such loan interest rates may exceed by more than 1 percent per annum the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans, approval is given to an interest rate of 4 percent per annum on loans made by banks through associations generally, except that higher interest rates are approved for the following banks as indicated:

Federal land bank:	*Interest rate (percent)*
Springfield	5
Baltimore	5
Columbia	5
New Orleans	4½
St. Louis	4½
St. Paul	4½
Berkeley	4½
Spokane	4½

(Sec. 6, 47 Stat. 14, sec. 33 48 Stat. 49, as amended; 12 U. S. C. 665, 1017. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, as amended, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor.

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Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—WHEAT EXPORT PROGRAM—PAYMENT IN KIND (GR 345) TERMS AND CONDITIONS

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AUTHORITY: §§ 483.101 to 483.194 issued under sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; sec. 407, 63 Stat. 1051, 68 Stat. 583, 70 Stat. 6; 7 U. S. C. 1641, 1642; 7 U. S. C. 1427.

GENERAL

§ 483.101 *General statement.* Commodity Credit Corporation (referred to in this subpart as "CCC") pursuant to this subpart will conduct a Wheat Export Program (referred to in this subpart as the "program") under which a person or firm who has exported wheat produced in the United States may apply for payment in the form of a certificate that is redeemable in wheat held in the inventory of CCC. The offer is made to encourage the movement of wheat by the commercial grain trade from points of production into export channels and also to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture and information pertaining to the program may be obtained from any of the CSS offices listed in § 483.180.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.105 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of wheat exported from the United States to a designated country and the net quantity of wheat in customs bond in Canada exported in like manner from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from the Director, Grain Division, Commodity Stabilization Service (referred to in this subpart as the Director), in accordance with § 483.136, subject to the terms and conditions set forth in this subpart. Payment also will be made to an exporter for wheat exported prior to sale and for which the exporter has received a Notice of Registration from the Director, subject to the terms and conditions of this subpart, particularly § 483.109.

(b) Sales to foreign buyers under the International Wheat Agreement, and outside the Wheat Agreement, may be made pursuant to this program. Countries designated as IWA and non-IWA are defined in § 483.106. A sale under the IWA differs from a non-IWA sale only in that the former is recorded under the Wheat Agreement against quotas of the buying country and of the United States, normally pursuant to request of the buyers; and that a sale under the Wheat Agreement is subject to open quota balances and other requirements as set forth in this subpart. Final determination of recordability under the Wheat Agreement is under the jurisdiction of the Wheat Council (see § 483.121), but an exporter's rights under this subpart are not altered by any action of the Wheat Council.

(c) Payment under this subpart will be made only with respect to foreign sales of wheat made on and after September 4, 1956, except that such sales made prior to September 4, 1956, which are registered as provided herein not later than September 7, 1956, and which are in accordance with all other provisions of this subpart, will be eligible to receive payment in kind based on the export payment rate in effect from 12:01 a. m., e. d. t. to 3:30 p. m., e. d. t., September 4, 1956.

(d) A sale which involves wheat produced outside the United States, or a mixture of wheat which is partly derived from wheat produced outside the United States is not eligible for registration under the program. However, in the event the Director determines that such a mixture is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was produced in the United States.

(e) Wheat exported pursuant to any program wherein the CCC sales price reflects an export allowance or on which an export allowance has been obtained under an IWA program, or wheat which is sold by CCC under conditions specifically excluding such wheat from exportation under this program, shall not be eligible for payment under this subpart.

§ 483.106 *Designated countries.* (a) With respect to sales made for recording under the Wheat Agreement, a designated country shall be any country or territory which has been designated in a rate announcement (See § 483.130) as having a quota open for IWA Sales.

(b) With respect to sales not specifically made for recording under the Wheat Agreement, a designated country shall be a destination outside the continental limits of the United States, excluding Alaska, Hawaii or Puerto Rico, and also excluding (1) any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau; (2) Macao unless specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or (3) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.

(c) Exports of wheat under this program shall be made only to the country and buyer named in the Declaration of Sale and the exporter shall not ship, transship or cause to be transshipped to any other country unless the exporter obtains, prior to export, written authority from the Director to export to a designated country or a buyer other than named in the Declaration of Sale.

§ 483.107 *Date of exportation.* (a) Wheat sold for export in a specified export rate period announced by CCC, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained in writing from CCC changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

(b) With respect to sales under the Wheat Agreement, notwithstanding any other provision of this subpart except paragraph (a) of this section, wheat sold for recording against quotas of any IWA crop year must be exported not later than July 31 of such crop year unless later exportation is authorized (1) by announcement issued in connection with a rate announcement (see § 483.130), or (2) in specific cases by prior written approval of the Director.

§ 483.108 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels, cars or truck which exceed the quantity shown on the Declaration of Sale plus any loading tolerance specified in the contract, which loading tolerance shall not exceed 10 percent. A new Declaration of Sale and a new Notice of Registration are required for any additional quantity loaded.

§ 483.109 *Wheat exported prior to sale.* (a) In connection with any quantity of wheat exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat, and not to any other party who buys such wheat and re-sells it to a designated country.

(b) In order to receive export payment on wheat exported prior to sale the exporter must have reported the exportation of such wheat to the Director within seven days after the date of such exportation as defined in § 483.188 unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.
(2) Port of exportation.
(3) Country and port of original destination of wheat.
(4) Name of ocean vessel upon which loaded.
(5) Quantity in bushels.
(6) Class and grade.
(7) The report shall also contain a statement that the vessel contains other wheat sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only wheat which is loaded on a vessel which also carries wheat sold by the same exporter shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat exported.

(d) At such time as the wheat is sold, the exporter shall report the sale to the Director as provided in § 483.135, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the wheat was exported, and (2) to the country shown in the Declaration of Sale.

(f) All other conditions of this subpart, except as modified by this section are applicable to sales described in this section.

§ 483.110 *Evidence of export.* Evidence of export and specified supporting documents, must be submitted in accordance with § 483.147.

§ 483.111 *Reentry or diversion.* If any quantity of wheat shipped under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while enroute, payment may be withheld, or if payment already has been made, the exporter may be required to make refund as deemed apprcpriate by the Vice President, CCC: *Provided*, That if the wheat with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of wheat with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat and any claim he may have in connection with any damage or loss thereto or destruction thereof.

PROVISIONS APPLICABLE EXCLUSIVELY TO IWA SALES

§ 483.120 *Program period—IWA.* With respect to sales under the Wheat Agreement, notwithstanding any other provisions of this subpart, sales transactions for recording against quotas of any IWA crop year must be entered into not later than July 31, of such crop year.

§ 483.121 *Recording in the Wheat Council's records.* (a) The Wheat Agreement provides that a transaction or part of a transaction in wheat-grain between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) Provided (i) it is at a price not higher than the maximum nor lower than the minimum (i. e., the equivalents of the basic maximum and minimum prices) in effect during the crop year in which the loading periods specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the importing and exporting countries concerned have unfilled quantities for the crop year, and (ii) the loading period specified in the transaction falls within that crop year.

§ 483.122 *IWA maximum and minimum prices.* Maximum and/or minimum price equivalents under the Wheat Agreement will be announced from time to time by CCC. The Wheat Agreement provides that to such maximum prices may be added such marketing costs and carrying charges as may be agreed between buyer and seller, and that such carrying charges may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold. (See § 483.135 (b) (5).)

§ 483.123 *Status of IWA quotas.* There will be issued not less often than weekly, a statement as to the status of quotas of importing and exporting countries. Any exporter upon request, addressed to the office indicated in § 483.178 will be furnished with all information that is available as to the status of the fulfillment of quotas under the Wheat Agreement.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.130 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p. m., e. s. t. (see § 483.194), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago, and New Orleans. Different rates of payment for separate coasts or ports, various classes of wheat, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.131 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer, or the time of giving Notice of Sale as required by § 483.135 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483.137 (d), will be the basis for determining the time of sale. The factors which may be determinative of the time of sale, are:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to

sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party, but in such cases, in determining the time of sale, no substantially greater lapse of time for receipt of buyer's confirmation will be recognized than would have elapsed had the exporter been dealing directly with the ultimate foreign buyer. In such a transaction, the evidence of sale required by § 483.137 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established as provided in paragraph (a), (b), or (c) of this section. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 483.135 (a), and present documentary evidence that the sale was consummated at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b) or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

REGISTRATION OF SALES

§ 483.135 *Notice of Sale*—(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after consummation of the sale, (see § 483.178). (In the case of IWA Sales, in order to comply with the terms of the Wheat Agreement, the report of transactions must reach the Wheat Council in London not later than 10 days after date of consummation of the sale).

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting sale must be filed by 3:30 p. m., e. s. t. (or the telephone call must be made by that time), on the expiration date for such rate as shown in the rate announcement.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of Sale.

(2) Whether the sale is IWA or Non-IWA.

(3) If PL–480, the Authorization Number.

(4) Contract quantity in bushels and the contract loading tolerance, if any, in percentage, but not in excess of ten percent.

(5) The sale price must be shown on a f. o. b. vessel bulk basis, except that on exports from West Coast ports the price may be given on an instore basis. In the case of IWA transactions, if, because of marketing costs and carrying charges as provided for in § 483.122, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the instore price shown should include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed out-turn insurance would not be included.

(6) The Coast of Export.

(7) Country of destination.

(8) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others".)

(9) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale should contain one license number and the word "others".)

(10) Delivery period specified in contract.

(11) Class and grade of wheat, and protein content when protein is specified in contract.

(12) If under subparagraph (6) of this paragraph, more than one coast of export is shown, indicate the CSS Commodity Office (Chicago, Dallas or Portland), to which the exporter will submit Application for Wheat Export Payment.

(13) The word "Abroad" for wheat exported prior to sale. (See § 483.109 (d).)

(14) Such additional information in individual cases as may be requested by the Director.

§ 483.136 *Notice of Registration.* (a) Upon receipt of the Notice of Sale, the Director will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A notice of registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.178, whether the sale may be registered, or to condition his sales upon his receiving a notice of registration under this subpart.

(b) In the telegram of registration, the Director may utilize the code letters "PIK" to indicate "Registered for Payment in Kind."

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 483.137), and on the Application for Wheat Export Payment, CCC Form 357, and in all correspondence with reference to the transaction.

§ 483.137 *Declaration of Sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (CCC Form No. 359), and mail or deliver it normally within two days after receipt of CCC's Notice of Registration. (See § 483.178.)

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale normally should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.136 (c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The Registration Number.

(2) Whether sale is IWA or Non-IWA.

(3) If PL–480, the Authorization Number.

(4) Date and time of sale and of filing Notice of Sale.

(5) Name of purchaser, or purchasers.

(6) The number of each import license, buying permit, or similar authorization applicable to the sale for those countries where such are required. All applicable numbers shall be so entered even though such numbers were reported in the Notice of Sale.

(7) Contract quantity in bushels, and if the contract provides for a loading tolerance, the amount of such tolerance but not to exceed ten percent.

(8) Country of destination.

(9) Delivery period specified in the contract.

(10) Class and grade of wheat, and protein content when specified in the contract.

(11) The sales price in the case of bulk wheat must be given on an f. o. b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an instore or f. o. b. vessel, bulk basis, on exports from the West Coast ports. In the case of IWA transactions, if, because of marketing costs and carrying charges as provided for in § 483.122, the sale price of wheat exceeds the IWA maximum price, the declaration shall show the total price and amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the instore price shown should include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(12) Export rate per bushel of wheat in effect as determined by § 483.131.

(13) Coastal area from which it is anticipated exportation will be made.

(14) CSS Commodity Office to which Application for Wheat Export Payment will be submitted.

(15) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who sold the wheat to the foreign buyer. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Grain Company
(Trade Name)
U. S. Grain Company
(s) John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 483.131 (d)), the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

OBLIGATION AND DEFAULT

§ 483.140 *Exporter's agreement with CCC.* The Notice of Sale by the exporter and the Notice of Registration by the Director shall constitute an agreement by the exporter to export the quantity of wheat within the prescribed period stated in the Notice of Sale, in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 483.141 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 483.135, a sale is cancelled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under § 483.140 by making shipment within the prescribed period.

(b) If the Vice President, after affording an exporter the opportunity to present evidence, determines that such exporter has cancelled a sale or failed to export or for other reasons within his control or not attributable to the fault or negligence of the foreign buyer has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe.

WHEAT EXPORT PAYMENT CERTIFICATE

§ 483.145 *Application for Wheat Export Payment.* An original and two (2) copies of Application for Wheat Export Payment, Form CCC357, must be prepared and submitted together with the evidence of exportation, as provided in § 483.147, to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. Exporter should submit application as soon as possible after exportation as the face value of the certificate which will be issued is subject to discount beginning the 61st day after exportation if not applied to purchase of wheat from CCC prior to such 61st day. (See § 483.146 (b).) Supplies of CCC Form 357 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Chicago, Dallas, and Portland (Oregon).

§ 483.146 *Description of certificate.* Upon receipt of an Application for Wheat Export Payment (CCC Form 357) the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Wheat Export Payment Certificate (CCC Form 358) for the amount due. Such certificate is described in this section and will be subject to the provisions embodied in the certificate and the applicable provisions in this subpart.

(a) *Payee.* Except as provided in § 483.176, the certificate will be issued only to the exporter who has filed a Declaration of Sale and has obtained the Registration Number which shall be shown in the space provided in the certificate.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of net bushels of wheat exported by the applicable export payment rate. Certificates will be accepted at face value if applied to the purchase of wheat under contracts with CCC which specify a date of sale not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of wheat under a contract with CCC which specifies a date of sale more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by 1/50 of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 483.183, which shall be deemed to be the date on which the export payment was earned.

(d) *General provisions.* The Wheat Export Payment Certificate will be redeemable in wheat which Commodity Credit Corporation makes available from its stocks. The certificate may be presented to the Chicago, Dallas or Portland offices of Commodity Stabilization Service, as provided in §483.155, for wheat handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms, conditions and restrictions applicable to the person or firm to whom it was originally issued.

§ 483.147 *Documents required as evidence of exportation.* (a) Each Application for Wheat Export Payment (CCC Form 357), must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat is destined for the buyer identified with the Declaration of Sale and supporting evidence, unless otherwise approved by the Director. Where loss, destruction or damage occurs subsequent to loading aboard ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official which identifies the shipment(s) and shows date of clearance into the foreign country. If the final destination of the shipment is a country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination. The application for payment must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector licensed under the United States Grain Standards Act and a copy of the official loading weight certificate. Where shipment is exported from a Canadian port, application for payment also must be supported by one copy each of the following documents:

(1) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(2) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(b) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), covering wheat exported is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Declaration of Sale, nor the consignee identified with the Declaration of Sale, the exporter must submit, in addition to the waiver a certification by such shipper or consignor that he acted only as a freight forwarder,

agent of exporter, or agent of consignee, and not as buyer and seller of the wheat shown on the documents submitted to evidence exportation.

REDEMPTION OF WHEAT EXPORT PAYMENT CERTIFICATE

§ 483.155 *Submission of offers.* Offers to purchase CCC wheat with certificates may be submitted by letter, telegram, or orally to the CSS Commodity Office serving the coastal area in which the offerer desires delivery. The offerer must specify the class, grade, quality and quantity desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities and quantities and point of delivery for which offers will be considered, and to reject any offer.

§ 483.156 *Creation of contracts.* Preliminary negotiations under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the offerer, hereinafter called the purchaser. Such Confirmation of Sale, together with the terms and conditions of this subpart, and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used herein, shall mean the date that the parties concluded their preliminary negotiations, which in the case of a transaction covered by § 483.158 (b) (3) shall be the date of export, and such date will be specified in the Confirmation of Sale.

§ 483.157 *Price.* The price shall be the domestic export price f. o. b. vessel, or instore or track seaboard (without allowance for subsidy) as determined by CCC and shall be specified in the Confirmation of Sale. The price shall be that in effect on the date of purchase, except in cases covered by § 483.158 (b) (3) the price will be the domestic export price as determined by CCC on the date of export.

§ 483.158 *Payment terms and financial arrangements.* (a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed Certificate(s) earned prior to the time of purchase or in the case of simultaneous loading, as provided in paragraph (b) (3) of this section, with certificates earned on such simultaneous loading. If the purchaser does not make payment in such manner, such purchaser may be denied the right to continue participating in the program. If the certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC in connection with the purchase of wheat the amount of the purchase price of the wheat and any discount applicable to the portion of the certificates being applied to the purchase under § 483.146.

(b) Financial arrangements covering the purchase price of any wheat purchased from CCC hereunder shall be made prior to delivery of the wheat by CCC in one of the following ways:

(1) Surrender to the appropriate Commodity Office of certificate(s) sufficient to pay for the wheat.

(2) If a purchaser who has previously earned but who has not received certificate(s), in an amount sufficient to cover the purchase price of wheat, desires delivery prior to receipt of such certificates the purchaser shall make payment in cash, certified check, or cashier's check, or shall establish an irrevocable commercial letter of credit acceptable to CCC, upon which CCC will not draw or realize to the extent that certificates earned prior to date of purchase of the wheat are received by CCC within 30 days after delivery of the wheat to the purchaser. Promptly after CCC receives acceptable certificates, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit or shall make refund to the purchaser of any cash received. Any such reduction or refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(3) If the purchaser desires delivery of CCC wheat simultaneously with the loading of wheat which will serve as the basis for earning certificates to be used as payment for the CCC wheat, the purchaser shall make payment equivalent to the estimated value of certificates(s) to be earned, in cash, certified check, or cashier's check or shall establish an irrevocable commercial letter of credit acceptable to CCC, upon which CCC will not draw or realize to the extent that Certificates earned on such shipment are received by CCC within 30 days after delivery of the wheat to the purchaser. Promptly after CCC receives acceptable certificates, CCC shall notify the bank which issued or confirm the letter of credit that CCC consents to a reduction of such letter of credit or shall make refund to the purchaser of any cash received. Any such reduction or refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(c) The financial arrangements provided in paragraph (b) of this section shall be made:

(1) Prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and

(2) On all other purchases, not less than 5 days prior to delivery of the wheat by CCC, unless CCC consents in writing to a waiver of such period.

(d) If the purchaser fails to make financial arrangements acceptable to CCC in accordance with paragraph (c) of this section CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.159 *Delivery.* (a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the commodity is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. In the case of instore delivery, loading out charges shall be for the account of the purchaser.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery and all warehouse and other charges thereafter accruing shall be for the account of the purchaser; *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the date of delivery, or, if the purchaser fails to take delivery, to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof; *Provided further*, that the purchaser shall not be responsible for such charges accruing after such 30 day period as a result of delay on the part of CCC in making delivery.

(e) If the purchaser fails to take delivery of the commodity within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.160 *Specifications.* (a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the quantity, class, grade and or quality of the wheat stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the quantity, class, grade and or quality of the wheat delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and or quality of the wheat delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser.

If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery, or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. Over and under deliveries in quantity shall be settled for at a price mutually agreed to between CCC and the purchaser. In case of under deliveries a balance certificate shall be issued by CCC or if other financial arrangements were furnished under § 483.158 (b) the value of certificates the purchaser is required to surrender will be reduced. In the case of over deliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of wheat delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 483.161 *Export requirements.* (a) The purchaser shall, within 60 days after delivery of the wheat to him, or within such extension of that period as may for good cause be authorized by CCC in writing before or after expiration of such 60 day period, cause exportation to a designated country as defined in § 483.106 of wheat equal in quantity and of the same class and grade or better, and from the same location, as the wheat delivered by CCC.

(b) The purchaser shall, within 30 days after exportation, furnish to the CSS Commodity Office proof of such exportation, as required in § 483.162. Failure of the purchaser to furnish CCC proof of exportation within 90 days after delivery of the wheat to him, or, in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Wheat Export Payment on the wheat exported will be accepted as proof of export of wheat purchased from CCC if they satisfy the requirements specified in § 483.162, and the Application for Wheat Export Payment is accompanied by a letter in duplicate specifying the documents which are submitted as proof of export and the CCC sales contract number to which they relate.

(c) If the purchaser does not cause exportation to be made in conformity with the requirements of paragraph (a) of this section, or if exportation is made and any of the wheat exported is reentered into the continental United States, Alaska, Hawaii or Puerto Rico, whether or not such reentry is caused by the purchaser, or if any wheat exported is caused to be transhipped by the purchaser to any country excluded by § 483.106, the sales price with respect to the quantity which is not exported, or which is reentered, or transhipped shall be adjusted upward by the amount that such sales price is exceeded by the highest of the following prices in effect during the period between date of purchase and date of default:

(1) CCC's statutory minimum sales price for unrestricted use for the same class, grade and quality of the wheat, as determined by CCC, or (2) the sales price, announced by CCC for sale for unrestricted used of the same class, grade and quality of the wheat, or (3) if no such sales price has been announced, the highest domestic market price as determined by CCC. The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand. Any such upward adjustment in sales price will be waived to the extent that the Vice President of CCC, or his designated representative, finds that the wheat has not been exported or has been reentered or transhipped for causes beyond the control, and without the fault or negligence, of the purchaser, and that the quantity of wheat involved in default (other than wheat transhipped to a country excluded by § 483.106) is, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, or if as the result of its loss, damage, destruction or deterioration, the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations.

§ 483.162 *Proof of exportation.* (a) Proof of exportation shall be furnished within the period specified in § 483.161 and shall consist of:

(1) In the case of wheat exported by water, a non-negotiable copy, certified by the exporter as true and correct, of an on-board ocean carrier bill of lading showing the weight of the wheat or the net weight of the wheat if bagged, the date and place of loading, the name of the vessel, the name and address of the purchaser and the consignee, the destination, and the CCC Sales Contract Number.

(2) In the case of wheat exported by rail or truck, a copy of the bill of lading (railroad or truck) under which the wheat was shipped together with (i) an authenticated landing certificate issued by an official of the Government of the country to which the wheat was exported or (ii) a copy of Shipper's Export Declaration authenticated by the appropriate U. S. Customs official. The bill of lading and supporting export form (landing certificate or Shipper's Export Declaration) must indicate applicability to the same shipment of wheat and such forms or properly authenticated attachments must show the CCC sales contract number, the weight of the wheat or the net weight of the wheat if bagged, exported, the date and place of entry into the country of destination, and the name and address of both the person who exported the wheat and the person to whom it was shipped.

(3) An inspection certificate showing the class and grade of wheat exported.

(4) Such additional proof of exportation as may be required by CCC.

§ 483.163 *Performance guarantee.* CCC reserves the right to require the purchaser to furnish, prior to delivery of the wheat by CCC, a cash deposit, performance bond or performance type letter of credit, acceptable to CCC, to guarantee performance under §§ 483.155 through 483.165, inclusive. If such guarantee is required, the amount thereof and related requirements will be stated in the preliminary negotiations and included in the Confirmation of Sale.

§ 483.164 *Inability to perform.* CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the wheat due to any cause beyond the control of and without the fault or negligence of CCC, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, fires, floods, strikes, and failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes CCC shall make delivery to the contractor as soon as practicable.

§ 483.165 *Covenant against contingent fees.* The purchaser warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

MISCELLANEOUS PROVISIONS

§ 483.175 *Good faith.* If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the government by way of the premises.

§ 483.176 *Assignments.* No exporter shall, without the written consent of the director, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 483.146 (d).

§ 483.177 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.178 *Submission of reports.* The Notice of Sale, Declaration of Sale, and related reports required under this sub-

part to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington, D. C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (MK), Washington, D. C.

The telephone number of this office is Republic 7-4142, Extensions 3261, 3262, 3927, and 3928.

§ 483.179 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.180 *CSS Commodity Offices.* Information concerning this program may be obtained from CSS Commodity Offices listed below:

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

§ 483.181 *Officials not to benefit.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.182 *Amendment and termination.* This offer may be amended or terminated by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 483.183 *Right to waive any requirement.* The Executive Vice President of CCC, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action is in the best interest of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

DEFINITIONS

§ 483.185 *Vice President.* "Vice President" means the Executive Vice President of the Commodity Credit Corporation.

§ 483.186 *Director.* "Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D. C.

§ 483.187 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 483.188 *Export.* "Export" means a shipment from the continental United States to a designated country as specified in § 483.106. Wheat shall be deemed to have been exported on the date which appears on the applicable on-board ocean carrier bill of lading, or, if shipment to the designated country is by truck or rail, the date the shipment clears United States Customs, or the latest date appearing on the Loading Tally sheet or similar documents where loss, destruction or damage occurs subsequent to loading aboard ocean carrier but prior to issuance of on board bill of lading.

§ 483.189 *Exporter.* "Exporter" means any individual, corporation, partnership, association or other business entity, which is located and maintains a business organization within the continental United States, and which is a contracting party in the foreign sale reported under § 483.135.

§ 483.190 *Ocean carrier.* "Ocean carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.191 *United States.* "United States" means the continental United States except as used in § 483.111, "Reentry or Diversion", the term "United States", includes the Territories of Alaska, Hawaii and Puerto Rico.

§ 483.192 *Wheat Agreement.* "Wheat Agreement", or IWA, means the 1956 International Wheat Agreement, ratified by the United States on July 16, 1956.

§ 483.193 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 483.194 *3:31 e. s. t.* "3:31 e. s. t.", as used in this subpart means 3:31 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:31 e. s. t., means 3:31 eastern daylight saving time (2:31 eastern standard time.)

§ 483.195 *Day.* "Day" means calendar day.

Effective time and date. This offer is effective on September 4, 1956, at 12:01 a. m., e. d. t.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation of any commodities under this program to the Soviet Bloc except under license issued by BFC. Those regulations further require that persons exporting under General License to friendly countries commodities which are or are to be subsidized, either by cash payments, payments in kind, or purchases of commodities at reduced prices under any Government export program for surplus commodities (whether or not the exported commodities or products thereof are obtained or manufactured from Government (CCC) stocks), file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the Shipper's Export Declaration and send to BFC, Washington 25, D. C., one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading), for each shipment, regardless of value, involving sales of $100,000 or more.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the $100,000 figure applies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC disposal programs for export which involve no actual purchase of commodities from CCC, the $100,000 figure applies to the sales contract between the U. S. seller and the foreign purchaser. Each of the documents must bear on its face the identifying number assigned by CCC to the contract or transaction. In addition, the notation "FC-2610" must be inserted in the upper right-hand corner of each document. Where the commodities purchased from CCC are to be exported by a party other than the original purchaser from CCC, the original purchaser shall inform the exporter of the requirement for submitting the extra copy of the Shipper's Export Declaration and the bill of lading.

Exporters having reason to believe that shipments of these commodities may be reexported to foreign countries not named in their Shipper's Export Declaration and bills of lading are required to place the following statements on the originals and copies of the covering declaration and bills of lading: "For redistribution to other countries" "None of this merchandise will be shipped to Macao, A Soviet Bloc destination, or a Communist-controlled area in the Far East, and none of these commodities except commodities listed in § 371.23 of the Comprehensive Export Schedule will be shipped to Hong Kong."

[F. R. Doc. 56-7078; Filed, Sept. 4, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed below. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

Acme Bag & Burlap Co., 3200 South Seventh Street, Phoenix.

Advance Seed & Grain Company, 310 South 24th Avenue, Phoenix.

Allen Ranch, Route 5, Box 528, Tucson.

Amado's Consumers Appliance & Fritz's Meats, 4734 East Speedway, Tucson.

Arizona Grain Storage Co., 100 South Nevada, Chandler.

Arizona Stock Farms, Inc., Arlington.

Arlington Cattle Co. (warehouse and mill), Highway 80, Arlington.

Attaway Ranch Market, Box 59, Coolidge.

Annie Black Chicken Yard, 225 West Pastime Road, Tucson.

Box O Ranch, P. O. Box 424, Coolidge.

Claude Brown Farm, Box 1783, Parker (12 miles southeast of Parker on east side of Parker-Poston Road).

Ronald Bruce town residence, P. O. Box 43, Parker.

C-Bar-B Ranch, Bouse (31 miles northeast of Bouse).

Clark Ranch, Box 1327, Coolidge.

Colorado River Trading Company, Parker (six and three-fourth miles southwest of Parker).

Delinting & Seed Treating Co., 3100 South Seventh Street, Phoenix.

Elloc Farm, Route 4, Box 182, Phoenix.

C. H. Espy (town property), 1089 B Avenue, Yuma.

O. B. Francis Farm, P. O. Box 1551, Parker (seven and one-half miles southwest of Parker).

A. R. Hunter Poultry Farm, Route 2, Box 405, Tempe.

International Market (Jimmy Ng), 106 Main Street, Somerton.

Fran Kornegay Farm (storage bins), 10th Street and Avenue D, Yuma.

Long Brothers Hog Feed Yard, Buckeye.

Ray Luster Farm, Box 246, Pima.

McElhaney Cattle Company, cattle feed lot, 44 North Central Avenue, located 1 mile south and 1½ miles east of Tempe, on East Broadway, Phoenix.

Mile Hi Hatchery, P. O. Box 1711, Prescott.

J. H. Munsey town residence, P. O. Box 192, Parker.

W. J. Muse Ranch, Box 1836, Parker.

Myers Feed & Seed, 367 West Coolidge Avenue, Coolidge.

Tom Neilsen Dairy, Route 1, Box 98, Tolleson.

Norton's Used Furniture, 25 East Southern Avenue, Phoenix.

Pablo Franco Ranch, 1764 Avenue B, Yuma.

Lou Park's Ranch, Casa Grande.

Peterson's Feed & Supply, 940 North Stone Avenue, Tucson.

Quick Seed & Feed, 2101 Grand Avenue, Phoenix.

Ranchers Feed & Supply, 264 South Scottsdale Road, Scottsdale.

Shamrock Hill Farm, P. O. Box 5524, Tucson.

Milton P. Smith Ranch, Route 1, Maricopa.

Stribling Egg Ranch, 936 Mountainview Road, Sunnyslope.

J. A. Tabor town residence, P. O. Box 1965, Parker.

R. H. Thompson residence property, P. O. Box 1836, Parker.

Tiemann Feed & Supply Co., 2001 North Stone Avenue, Tucson.

TK Bar Ranch, Kirkland.

Tovrea Land & Cattle Co., 5001 East Washington, Phoenix.

Wilmer Trussel Farm, General Delivery, Wellton.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

Valley Hay Market, 334 West Prince Road, Tucson.

Joe Wiehl Farm, Route 1, Box 127, Gilbert.

CALIFORNIA

Anderson Cattle Co., located at north side of Highway 98, three-quarter mile west of Highway 99. Mail address P. O. Box 1105, Calexico.

Frank Augusta Ranch, Route 2, Box 25, Brawley.

I. V. Bag Company (Nick Robolino, owner), located East A and Road 46, 304 North Ninth Street, Brawley. Mail address P. O. Box 1313, Brawley.

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Hershel Brady Ranch, 1531 East A Street, Brawley.

Brandt Bros. Feed Yard, 563 Main Street, located at County Roads 70 and West C, Brawley.

Fred Brown property, located southwest corner of intersection of Highway 111 and County Road 79. Mail address P. O. Box 11, Calipatria.

C. H. Burns Ranch, located two miles northeast of Shafter at southwest corner of Mettler and Merced Avenue. Mail address Route 1, Box 12, Shafter.

Alice G. Byrne, Route 1, Box 133, Oroville.

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Coachella Valley Feed Yard, east side of Highway 111, south of Avenue 54. Mail address Box 226, Thermal.

J. E. Conrad Ranch, 18782 Livermore Street, Reedley.

Hogan Dillinger Ranch, Route 2, Box 217, Brawley.

T. L. Figueroa Ranch, Route 2, Box 159, Heber.

Harry Finney Ranch, Somerset Road, SW¼ of sec. 24, T. 10 N., R. 3 W., near Hinkley.

Bud Frye Ranch, 72155 Frankwood (2 miles north of Reedley), Reedley.

Ernest Furrer Ranch, northeast corner of intersection of county roads West J and 18, El Centro.

F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxallo Canal, Brawley.

K. H. Henderson property, Route 1, Box 65, Brawley.

Ray J. Hovely Ranch, Old Calipatria Highway, 2½ miles north of Brawley, Brawley.

C. C. Huff Farm, Route 2, Box 46, Imperial.

Jay Farms (John Ohanneson, owner), located at Wasco and Wildwood Avenue, T. 26 S., R. 23 E., sec. 36. Mail address 422 James Street, Shafter.

Johnson & Drysdale Cattle Co., Route 1, Box 143, Calexico.

A. H. Karp Greenfield Ranch, Box 187, Station A, Bakersfield.

Eugene B. Kinnaird Ranch, on Magnolia Avenue, one mile east of Highway 115. Mail address, P. O. Box 681, Holtville.

Henry Kirchener Dairy, on west side of County Road East B, one-fourth mile north of County Road 28, El Centro.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

Joseph Labandera property, located one-fourth mile south of Elkhorn on Westlawn, east side of street. Mail address Box 1B6, Burrel.

Marshall Seed & Feed Co., 126 South Sixth, El Centro.

Milham Farms, Blue Moon Ranch, Lerdo Road, Buttonwillow.

Vernon G. Monte Feed Lot, Route 1, Box 120, Brawley.

Henry Munger Feed Lot, 299 Main Street, El Centro.

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

K. Omlin Ranch, Route 1, Box 60, Calexico.

George L. Pulliam (owner) Ranch, Route 1, Box 116A, Calexico.

Philip E. Ramirez (tenant dealer) property (Florena D. Baca, owner), 1151 N. C. Perry Avenue, mail address Route 1, Box 96A, Calexico.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

Oscar Rudnick property (Soldier Wells Camp), located near junction of Highways 178 and 6, vicinity of Freeman. Mail address P. O. Box 548, Bakersfield.

San Pasqual Land & Cattle Co. property, northwest corner County Roads No. 53 and West E, Westmoreland. Mail address 316 Main Street, Brawley.

Marie L. Scheniman property (Scheniman Stables), located at 362 Ross Avenue. Mail address P. O. Box 520, El Centro.

Snyder's Termite Control, 4428 Magnolia Avenue, Riverside.

Starkey Bros. Dairy, Imperial.

Mrs. Nola Strickland Ranch, Route 1, Box 90, Holtville.

Clayton Taylor Farm, Route 1, Box 24½, El Centro.

Topper Feed Mills, 808 G Street, Fresno.

D & A Wittenberg Ranch, located south side of Tulare Avenue, one-half mile west of Scaroni Avenue, 3 miles west of Shafter, Route 1, Box 238, Shafter.

Wright Feed Yards, Seeley.

William Youtsler Ranch, intersection of West J and Road 58, Route 1, Brawley.

NEW MEXICO

Elgin E. Fowler Farm, Route 1, Floyd.

This revision combines into a single list the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in revised administrative instructions issued as 7 CFR 301.76-2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956, March 14, 1956, April 17, 1956, May 9, 1956, June 7, 1956, July 5, 1956, and August 11, 1956 (21 F. R. 573, 1575, 2463, 3073, 3897, 4943, 5997).

By omitting from the list 4 establishments in Arizona and 19 establishments in California, the revision revokes the designation of these establishments as regulated areas and deletes them from the list. The revision also adds to the list 6 establishments in Arizona and 1 establishment in California, thereby designating them as regulated areas.

This revision shall be effective September 4, 1956, and on that date shall supersede revised administrative instructions effective December 23, 1955, and amendments thereof effective January 26, 1956, March 14, 1956, April 17, 1956, May 9, 1956, June 7, 1956, July 5, 1956, and August 11, 1956 (20 F. R. 9899; 21 F. R. 573, 1575, 2463, 3073, 3897, 4943, 5997).

These instructions supplement khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry

out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-7070; Filed, Sept. 4, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue of August 10, 1956 (21 F. R. 5989), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart–Rules and Regulations; 7 CFR 914.100 et seq.) that are currently in effect pursuant to applicable provisions of the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7, U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

1. Amend § 914.101 *Communications* by deleting therefrom the address shown as the mailing address of the Navel Orange Administrative Committee and inserting in lieu thereof the following: "117 West Ninth Street, Room 105, Los Angeles 15, California."

2. Amend § 914.102 *Nomination procedure* as follows:

a. Delete from the second sentence in paragraph (a) (3) the words "not less than two grower members, two alternate grower members" and insert in lieu thereof "one grower member, one alternate grower member."

b. Delete paragraph (a) (4) and substitute therefor the following:

(4) The name of the person receiving the highest total number of votes, for a particular position, at the meetings held pursuant to subparagraph (3) of this paragraph shall be submitted to the Secretary as the nominee for such position.

3. Amend § 914.110 *Prorate bases and allotments* by redesignating paragraphs (c) and (d) thereof as paragraphs (d) and (e), respectively, and inserting a new paragraph (c) reading as follows:

(c) *Change in control of oranges occasioned by transfer of real property.* In the event a change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control shall request the committee to make the adjustment prescribed in § 914.53 (e). Such request shall set forth the names of the parties to the transfer, and be accompanied by a legal description of the real property transferred, the name of the county, the book, page number, and date showing that such transfer has been duly recorded. The request shall also set forth the name of the person losing control of the oranges. Upon determination by the committee that the change in control of the oranges has been occasioned by such transfer, the quantity of oranges available for current shipment of the person gaining the control shall be adjusted by adding thereto a quantity of oranges equal to the quantity deducted from the oranges available for current shipment of the person losing control of such oranges. Such quantity shall be added during the same periods in which the deductions are effected in accordance with the provisions of paragraph (d) of this section.

4. Amend § 914.111 *Allotment loans* by inserting immediately following paragraph (c) thereof a new paragraph (d) reading as follows:

(d) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 914.57 but not later than 5:00 p. m., Monday of the immediately succeeding week.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this amendment later than its date of publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: (1) This amendment of the rules and regulations implement provisions of the amended marketing agreement and order and should be made effective as soon as possible in order that the committee may be enabled effectively to perform its duties in accordance with the said amended marketing agreement and order; (2) the amendment among other things prescribes a simplified nomination procedure to be used in the selection of nominees, to fill positions on the committee, to represent growers not affiliated with cooperatives; such simplified procedure should be followed in conducting nomination meetings which are required by the amended marketing agreement and order to be concluded in sufficient time to furnish the Secretary with names of prospective nominees who may be selected to serve on the committee; such meetings are to be conducted, as in the past, during the latter part of September, and no useful purpose would be served by postponing such meeting for 30 days after publication hereof; (3) the amendment does not impose any obligations on persons affected thereby with respect to the handling of Navel oranges prior to 30 days after the date of publication hereof; (4) producers and handlers have been notified of the proposed amendment by the Navel Orange Administration Committee; (5) notice that the Department was considering such amendments was published in the FEDERAL REGISTER and interested parties afforded opportunity to file written data, views, or arguments in connection therewith; and (6) the amendment of the rules and regulations does not require any preparation which cannot be completed by the effective time thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of August 1956, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7073; Filed, Sept. 4, 1956; 8:49 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1956–57 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of, and information supplied by the Prune Administrative Committee, the administrative agency for program operations, and other available information, it is hereby found and determined, and it is, therefore, ordered, than the budget of expenses of the Prune Administrative Committee, and the rate of assessment, for the crop year which began on August 1, 1956 shall be as follows:

§ 993.307 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1956–57 crop year*—(a) *Budget of expenses.* Expenses in the amount of $87,437 are reasonable and likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1956, and ending July 31, 1957.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50 (e) of the marketing agreement, as amended, and order, as amended, an assessment of 50 cents for each ton of dried prunes received by him as the first handler thereof during the crop year beginning August 1, 1956 and ending July 31, 1957, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making or postpone the effective date of this document for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because: (1) The rate of assessment hereby fixed is applicable to all dried prunes received by each handler as the first handler thereof during the current crop year; (2) handlers usually begin about August 15 to receive deliveries of dried prunes in volume from producers and dehydrators which receipts are, by the terms of the amended marketing agreement and amended order subject to the assessment set forth hereinabove; (3) the Prune Administrative Committee must be enabled to obtain assessment revenue promptly to defray expenses of administering the program; (4) compliance with the foregoing rules will require no advance preparation by dried prune handlers. It is necessary that this action be made effective as soon as practicable and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 30, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7090; Filed, Sept. 4, 1956; 8:53 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

MISCELLANEOUS AMENDMENTS

Notices were published in the FEDERAL REGISTER issues of July 20 and August 2, 1956 (21 F. R. 5447; 5780), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 1001.110 et seq.; Subpart–Rules and Regulations; 21 F. R. 3413) currently in effect pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

The only written data, views, or arguments received was from Herbert Glass of Herb's Limes, Inc., Coral Gables, Florida, and was concerned with the proposed amendment of paragraph (a) of § 1001.130. Mr. Glass contended that further restricting the quantity of limes that could be handled under exemption to 10 bushels per week would place an undue burden on a lime handler, such as himself, who disposes of limes mainly in 23 pound boxes by railway express to drug stores in small communities. In other words, Mr. Glass has been disposing of limes in a container the use of which would be prohibited if the handling of such limes were not exempted from regulation by the terms of § 1001.130, as now in effect. The said section, as proposed to be amended would prohibit such handling in excess of 10 bushels per week. Experience has shown that the present exemption provisions have been abused by some lime handlers in that they have disposed of considerable quantities of limes free from regulation thereunder by making numerous sales in quantities of a bushel or less, rather than making an occasional sale as was intended, and this has tended to reduce the effectiveness of regulations. Moreover, permitting unlimited quantities of limes to be thus disposed of free from regulation has proved detrimental to the effective administration of the program, and, while it is realized that the imposition of the restriction as proposed may cause some inconvenience to lime handlers such as Mr. Glass, it is believed that the need for such further restrictions is paramount in this instance. It has been reported to us that other lime handlers in order to comply with the lime container regulation (§ 1001.302; 20 F. R. 5627, 8956), have shipped by railway express a unit consisting of two 10-pound containers of limes strapped together at the minimum charge for one package. It would seem that this solution would also be feasible for Mr. Glass, in that he now usually ships in a 23-pound package.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. By revising paragraph (a) § 1001.130 *Limes not subject to regulation* to read as follows:

(a) Any handler may handle limes totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 1001.41, 1001.52, and 1001.55: *Provided*, That the total quantity of limes so handled by a handler shall not exceed 10 bushels during any week.

2. By adding therein two new sections reading as follows:

§ 1001.131 *Limes for processing.* (a) No person shall handle any limes for commercial processing into products unless (1) such limes meet the applicable grade, size, and quality requirements in effect pursuant to § 1001.52; or (2) prior to such handling such person notifies the Florida Lime Administrative Committee of the proposed handling and furnishes such committee with a statement executed by the intended processor that the limes will be used for the stated purpose only; or (3) the processor is an approved manufacturer of lime products, as prescribed in paragraph (b) of this section.

(b) Any person who desires to buy, as an approved manufacturer of lime products, limes for commercial processing shall, prior thereto, submit to the Florida Lime Administrative Committee an application containing the following information: (1) Name and address of applicant; (2) location of processing facilities; (3) proposed type of product or products to be made or derived from limes; (4) description of facilities for processing limes; (5) quantity of limes processed during the previous year and estimate of quantity to be processed during current year; (6) expected source of limes for processing; (7) method of transporting and unloading point; (8) Lime Administrative Committee handler certificate of registration number, if any; (9) a statement that the limes obtained for processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (10) an agreement to submit such reports as are required by the Florida Lime Administrative Committee. Each application shall be investigated by the Florida Lime Administrative Committee. Based upon the results of such investigation and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved the applicant's name shall be placed upon the list of approved manufacturers of lime products.

(c) Each handler registered with the Florida Lime Administrative Committee shall render a report to the committee of the disposition of each lot of noncertified limes removed from the premises of his handling facilities during each week in which any limes are handled subject to the provisions of §§ 1001.41, 1001.52, and 1001.55, or exemptions therefrom pursuant to § 1001.56. Such report shall be on forms prescribed by the committee and shall include (1) the quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the limes were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than the close of business of the Saturday ending the period covered by the report.

§ 1001.140 *Report of interdistrict transfer of noncertified limes.* Each handler shall render a report to the Florida Lime Administrative Committee of each lot of noncertified limes received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (a) The name of the handler; (b) the quantity of limes received; (c) date received; (d) name and address of the person from whom the limes were purchased; (e) the district from which the limes were transferred; and (f) the district to which the limes were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than the close of business of the Saturday ending the period covered by the report.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date hereof later than the date of publication of this document in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: (1) Shipments of limes are now being made and are currently subject to regulations issued pursuant to §§ 1001.51 and 1001.52 of the said marketing agreement and order; (2) limes for certain specified purposes are being handled exempt from such regulations as provided in § 1001.56; (3) the said marketing agreement and order provide for the furnishing of reports and establishment of such rules, regulations, and safeguards as may be deemed necessary to prevent limes handled under the provisions of such section from entering channels of trade for other than authorized purposes; (4) it is necessary that the rules, regulations, and safeguards herein provided be established as soon as possible to enable the Florida Lime Administrative Committee effectively to perform its duties in accordance with provisions of the said marketing agreement and order, and to prevent limes so handled from being used for other than authorized purposes; (5) producers and handlers have been notified of the proposed adoption and recommendation to the Secretary, by the Florida Administrative Committee of the said amendments to the rules and regulations; (6) notice that the Department was considering such amendments was published in the FEDERAL REGISTER and interested parties afforded opportunity to file written data, views, or arguments in connection therewith; and (7) adoption of the said amendments to the rules and regulations will not require any preparation which cannot be completed by the effective time thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of August 1956, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7074; Filed, Sept. 4, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Correction

In Federal Register Document 56-6959, appearing at page 6501, Wednesday, August 29, 1956, §§ 20.131 and 20.135 to 20.137, were inadvertently omitted. These sections read as follows:

§ 20.131 *Renewal and reissuance.* A limited flight instructor certificate shall expire 24 calendar months after date of issuance but may be renewed or reissued upon presentation to the Administrator of a satisfactory flight instruction record or upon a practical demonstration of continued competence.

§ 20.135 *Flight instructor certificates.* A flight instructor certificate with appropriate ratings shall be issued to an applicant who meets the following requirements:

(a) He has held a limited flight instructor certificate for a period of at least one year;

(b) He has trained at least 5 successful candidates for pilot certificates or instrument ratings; and

(c) He has demonstrated his competence in giving flight instruction as evidenced by the ability of his students to maintain a satisfactory level of flight safety while under his supervision and to pass the certification and rating tests for which he has prepared them.

§ 20.136 *Flight instruction records.* A flight instructor or limited flight instructor shall comply with the following:

(a) He shall sign the student pilot's record for each period of flight instruction;

(b) He shall make a record containing the name of each student pilot whose certificate he has endorsed and to whom he has given flight instruction, the type of endorsement, and the date of each endorsement or flight instruction period, such record to be retained so long as he exercises the privileges of his flight instructor's certificate or 3 years, whichever is the shorter period of time.

(c) He shall not endorse a student pilot certificate for sole flight or for flight outside of the local designated area until he has ascertained that the student has met the appropriate instructional requirements and he has personally checked the student and deems him competent to make such flights.

§ 20.137 *Limited flight instructor limitations.* A pilot certificate or instrument rating will be issued to a student trained by the holder of a limited flight instructor certificate only after such student has passed a flight test given by an Aviation Safety Agent.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6519]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

REVLON PRODUCTS CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.825 *Allowances for services or facilities;* [*Discriminating in price under section 2, Clayton Act, as amended*]—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.830 *Furnishing services or facilities;* § 13.835 *"Demonstrators";* § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Revlon Products Corporation, New York, N. Y., Docket 6519, August 17, 1956.]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York manufacturer of cosmetic products, with annual sales volume in excess of $30,000,000, with discriminating in price among its competing customers in violation of sections 2 (d) and 2 (e) of the Clayton Act as amended, through paying money or other things of value or furnishing such services as demonstrators and promotional facilities in varying amounts not proportionally equal by any test to some customers but not to others competing with them—and an agreement between counsel containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on August 17, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Revlon, Inc., a corporation, successor to Revlon Products Corporation, a corporation, and respondent's officers, employees, agents, and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale, of cosmetics, beauty aids, and toilet preparations in commerce, as "commerce" is defined in the Clayton Act is amended, do forthwith cease and desist from:

1. Paying, or contracting to pay to, or for the benefit of, any customer, anything of value as compensation or in consideration for services or facilities furnished by or through such customer in connection with the handling, processing, sale or offering for sale of respondent's products unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

2. Furnishing or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondent Revlon, Inc., a corporation, successor to Revlon Products Corporation, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7067; Filed, Sept. 4, 1956; 8:48 a. m.]

[Docket 6549]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DEX PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clemmie L. Carmichael t. a. Dex Pharmacal Company et al., Birmingham, Ala., Docket 6549, August 18, 1956]

In the Matter of Clemmie L. Carmichael, Trading as Dex Pharmacal Company, and Irving Z. Harris and Pauline B. Harris, Copartners Trading as Veltex Company, United Chemical Company and T-Lax Products Company

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three individuals engaged under various trade names in Birmingham, Alabama, in the sale of a drug preparation designated as "K & K", with representing in advertising, mainly by radio, that said "K & K" would cure colds and prevent pneumonia and was an effective treatment for various nose and throat ailments and their symptoms, among other things, when in fact, its only therapeutic value was in providing temporary relief of coughs due to colds and minor throat irritations—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which by order of August 17 became on August 18 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Clemmie L. Carmichael, trading as Dex Pharmacal Company or under any other name, and respondents Irving Z. Harris and Pauline B. Harris, individually and as copartners trading as Veltex Company, United Chemical Company and T-Lax Products Company, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation known as K & K, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said preparation will cure colds, prevent pneumonia or is of any value in the treatment of sore throat or chest congestion;

(b) That said preparation constitutes a competent or effective treatment for coughs due to colds or throat irritations, except to the extent that it will afford temporary relief for coughs so caused and for minor throat irritations;

(c) That said preparation, used as directed, constitutes a competent or effective treatment for running nose, watery eyes, asthma, hay fever, catarrh, chest congestion, bronchitis, sinus trouble, allergic conditions due to coughs or colds, other nose, throat or chest ailments, or that its use will make one healthy;

(d) That when used as directed, the pyrilamine content in said preparation will provide an antihistamine effect;

(e) That when used as directed, said preparation will, in case of colds:

(1) Open up the bronchial tubes;

(2) Alkalize the system;

(3) Relieve aches or pains or reduce fever;

(4) Make breathing easier;

(5) Soothe the bronchi or the after effects of a cold;

(6) Have any therapeutic value in excess of providing temporary relief of coughs due to colds and of minor throat irritations.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7066; Filed, Sept. 4, 1956; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T. D. 55]

PART 306—SURRENDER OF HEROIN

On August 2, 1956, notice of proposed rule making with respect to regulations under 18 U. S. C. 1402 (Public Law 728, 84th Cong., 2d Session) was published in the FEDERAL REGISTER (21 F. R. 5778). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted.

Dated: September 4, 1956.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

The regulations set forth below are hereby prescribed under 18 U. S. C. 1402 (Pub. Law 728, 84th Cong., 2d Session) and shall be effective upon publication in the FEDERAL REGISTER.

Sec.
306.1 Compensation for surrendered heroin.
306.2 Inventory.
306.3 Forfeiture of heroin.
306.4 Disposition of surrendered and forfeited heroin.
306.5 Heroin for scientific research purposes.

AUTHORITY: §§ 306.1 to 306.5 issued under Pub. Law 728, 84th Cong.

§ 306.1 *Compensation for surrendered heroin.* Within 120 days from the 19th day of July 1956, all heroin (diacetylmorphine) and compounds containing heroin in the lawful possession of a registrant shall be surrendered to the Commissioner of Narcotics. Shipment, charges prepaid (other than by mail), may be made to the narcotic district supervisor of the district in which the heroin is located. Compensation for the heroin or compounds containing heroin, if surrendered within the prescribed period will be made at the rate per ounce for the heroin content as will equal the acquisition cost of the person surrendering it as established by competent proof, such as in invoice, bill of sale or other business record, or at the rate of $100.00 per ounce for the heroin whichever is greater. In the event of lack of proof of cost the latter figure will be used.

§ 306.2 *Inventory.* If the person surrendering the heroin has paid tax in a class under which returns are required to be rendered and the heroin is a part of the stock for such class, an inventory of the heroin shipped shall be prepared in quadruplicate on the form used for detailed reporting of dispositions. The original inventory shall be filed with the return for such class for the month in

which the disposition takes place, the duplicate copy made a part of the retained copy of the return, the triplicate copy forwarded with the heroin when shipped for disposition, and the quadruplicate forwarded to the narcotic district supervisor together with a properly executed voucher, Standard Form 1034. If the person surrendering the heroin is a registrant in a class for which returns are not required, an inventory shall be prepared in quadruplicate on Form 142, the triplicate of which shall be forwarded with the heroin when shipped, the duplicate retained on file by the registrant for a period of 2 years, and the original and quadruplicate forwarded to the narcotic district supervisor together with a properly executed voucher, Standard Form 1034.

§ 306.3 *Forfeiture of heroin.* All heroin heretofore lawfully possessed by any registrant and not surrendered in accordance with §§ 306.1 and 306.2, shall after the 16th day of November 1956, be seized and forfeited to the United States without compensation.

§ 306.4 *Disposition of surrendered and forfeited heroin.* All heroin acquired by the United States pursuant to section 1402 of title 18 of the United States Code shall be disposed of in accordance with the provisions of 4733 of the Internal Revenue Code of 1954.

§ 306.5 *Heroin for scientific research purposes.* Any heroin acquired under the provisions of section 1402 of title 18 of the United States Code, shall be available, in the discretion of the Commissioner of Narcotics, for scientific research purposes in accordance with the provisions of section 4733 of the Internal Revenue Code of 1954.

[F. R. Doc. 56-7065; Filed, Sept. 4, 1956; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6201]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMGER 31, 1953

INSURANCE COMPANIES

On January 19, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under subchapter L of chapter 1 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 388). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below. Since the regulations adopted do not give effect to the amendments made by the Life Insurance Company Tax Act for 1955, such regulations are effective only for taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954. It should be observed that the regulations adopted do not include the rules contained in the notice of proposed rule making with respect to the application of sections 802 (a) and 804 since the amendments made by the Life Insurance Company Tax Act for 1955 make such rules inapplicable. Regulations under the Life Insurance Company Tax Act for 1955 will be published as a notice of proposed rule making at a subsequent date.

PARAGRAPH 1. Section 1.801–1 (a) is revised by adding immediately before the last sentence thereof the following new sentence: "For the purpose of the preceding sentence, the term 'unearned premium' means the amount which will cover the cost of carrying the insurance risk for the period for which the premium has been paid in advance."

PAR. 2. Section 1.802 is deleted and a new § 1.802 (b) is inserted in lieu thereof.

PAR. 3. Section 1.802–1 is revised as follows:

(A) The number of the section is changed from 1.802–1 to 1.802 (b)–1.

(B) By striking paragraph (a) and inserting a new paragraph (a) in lieu thereof.

(C) By striking the last two sentences of paragraph (b).

PAR. 4. Section 1.803 is revised by striking paragraph (d) thereof.

PAR. 5. Sections 1.803–2, 1.803–3, 1.805–1, 1.806–1 are revised in their entirety.

PAR. 6. Sections 1.804 and 1.804–1 are deleted.

PAR. 7. Section 1.821 is revised as follows:

(A) By striking "1956" wherever it appears in subsection (a) (1) (A) (i) and inserting in lieu thereof "1955".

(B) By striking subsection (a) (1) (A) (ii).

(C) By striking "1956" wherever it appears in subsection (b) (1) (A) and inserting in lieu thereof "1955".

(D) By striking subsection (b) (1) (B).

(E) By striking the historical note at the end thereof.

PAR. 8. Section 1.821–1 is revised as follows:

(A) The first sentence of paragraph (a) (1) is revised to read as follows: "For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, all mutual insurance companies, including foreign insurance companies carrying on an insurance business within the United States, not taxable under section 801 or 831 and not specifically exempt under the provisions of section 501 (c) (15), are subject to the tax imposed by section 821 on their investment income or on their gross income, whichever tax is the greater, except interinsurers and reciprocal underwriters which are taxed only on their investment income."

(B) Paragraph (b) (1) is revised in its entirety.

(C) The second sentence of paragraph (b) (3) is revised to read as follows: "The rate applicable in computing the normal tax of such companies is 60 percent."

(D) The first sentence of paragraph (b) (4) is revised to read as follows:

(4) Under section 821 (b) (1), interinsurers and reciprocal underwriters with mutual insurance company taxable income for purposes of the normal tax of over $50,000 and not over $100,000 pay a normal tax computed on that portion of such income in excess of $50,000 at the rate of 60 percent. • • •

PAR. 9. The first sentence of § 1.822–1 (a) is revised to read as follows: "For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, the taxable income of a mutual insurance company subject to the tax imposed by section 821 is its gross investment income, namely, the gross amount of income during the taxable year from interest, dividends, rents, and gains from sales or exchanges of capital assets, less the deductions provided in section 822 (c) for wholly tax-exempt interest, investment expenses, real estate expenses, depreciation, interest paid or accrued, capital losses to the extent provided in subchapter P (sec. 1201 and following) and the special deductions provided in part VIII of subchapter B (except section 248).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 28, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

The following regulations, relating to taxation of insurance companies, are hereby prescribed under subchapter L of chapter 1 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

INSURANCE COMPANIES

LIFE INSURANCE COMPANIES

Sec.
1.801 Statutory provisions; life insurance companies; definition of life insurance company.
1.801–1 Definitions.
1.802 (b) Statutory provisions; life insurance companies; imposition of tax.
1.802 (b)–1 Tax on life insurance companies.
1.803 Statutory provisions; life insurance companies; other definitions and rules.
1.803–1 Life insurance reserves.
1.803–2 Adjusted reserves.
1.803–3 Interest paid or accrued.
1.803–4 Taxable income and deductions.
1.803–5 Real estate owned and occupied.
1.803–6 Amortization of premium and accrual of discount.
1.805 Statutory provisions; life insurance companies; life insurance company taxable income.
1.805–1 Tax on life insurance companies in the case of a taxable year beginning in 1954.
1.805–2 Reserve interest credit.
1.806 Statutory provisions; life insurance companies; adjustment for certain reserves.
1.806–1 Adjustment for certain reserves.
1.807 Statutory provisions; life insurance companies; foreign life insurance companies.
1.807–1 Foreign life insurance companies.

MUTUAL INSURANCE COMPANIES (OTHER THAN LIFE OR MARINE OR FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES)

1.821 Statutory provisions; tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies).

Sec.
1.821–1 Tax on mutual insurance companies other than life or marine or fire insurance companies subject to the tax imposed by section 831.
1.822 Statutory provisions; determination of mutual insurance company taxable income.
1.822–1 Taxable income and deductions.
1.822–2 Real estate owned and occupied.
1.822–3 Amortization of premium and accrual of discount.
1.823 Statutory provisions; other definitions.
1.823–1 Net premiums.
1.823–2 Dividends to policyholders.

OTHER INSURANCE COMPANIES

1.831 Statutory provisions; tax on insurance companies (other than life or mutual), mutual marine insurance companies, and mutual fire insurance companies issuing perpetual policies.
1.831–1 Tax on insurance companies (other than life or mutual), mutual marine insurance companies, and mutual fire insurance companies issuing perpetual policies.
1.832 Statutory provisions; insurance company taxable income.
1.832–1 Gross income.
1.832–2 Deductions.

PROVISIONS OF GENERAL APPLICATION

1.841 Statutory provisions; credit for foreign taxes.
1.842 Statutory provisions; computation of gross income.

AUTHORITY: §§ 1.801 to 1.842 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

INSURANCE COMPANIES

LIFE INSURANCE COMPANIES

§ 1.801 *Statutory provisions; life insurance companies; definition of life insurance company.*

SEC. 801. *Definition of life insurance company.* For purposes of this subtitle, the term "life insurance company" means an insurance company which is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with health and accident insurance), or noncancellable contracts of health and accident insurance, if its life insurance reserves (as defined in section 803 (b)), plus unearned premiums and unpaid losses on noncancellable life, health, or accident policies not included in life insurance reserves, comprise more than 50 percent of its total reserves. For purposes of this section, the term "total reserves" means life insurance reserves, unearned premiums and unpaid losses not included in life insurance reserves, and all other insurance reserves required by law. A burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under section 802 but shall be taxable under section 821 or section 831.

§ 1.801–1 *Definitions*—(a) *Life Insurance company.* The term "life insurance company" as used in subtitle A is defined in section 801. For the purpose of determining whether a company is a "life insurance company" within the meaning of that term as used in section 801, it must first be determined whether the company is taxable as an insurance company under the Internal Revenue Code. For the definition of an "insurance company", see paragraph (b) of this section. In determining whether an insurance company is a life insurance company, the life insurance reserves (as defined in section 803 (b)) plus any unearned premiums and unpaid losses on noncancellable life, health, or accident policies, not included in "life insurance reserves" must comprise more than 50 percent of its total reserves (as defined in section 801). An insurance company writing only noncancellable life, health, or accident policies and having no "life insurance reserves" may qualify as a life insurance company if its unearned premiums and unpaid losses on such policies comprise more than 50 percent of its total reserves. A noncancellable insurance policy means a contract which the insurance company is under an obligation to renew or continue at a specified premium and with respect to which a reserve in addition to the unearned premium must be carried to cover that obligation. For the purpose of the preceding sentence, the term "unearned premium" means the amount which will cover the cost of carrying the insurance risk for the period for which the premium has been paid in advance. A burial or funeral benefit insurance company qualifying as a life insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services will be taxable under section 821 or section 831 as an insurance company other than life.

(b) *Insurance companies.* (1) Insurance companies include both stock and mutual companies, as well as mutual benefit insurance companies. A voluntary unincorporated association of employees formed for the purpose of relieving sick and aged members and the dependents of deceased members is an insurance company, whether the fund for such purpose is created wholly by membership dues or partly by contributions from the employer. A corporation which merely sets aside a fund for the insurance of its employees is not required to file a separate return for such fund, but the income therefrom shall be included in the return of the corporation.

(2) Though its name, charter powers, and subjection to State insurance laws are significant in determining the business which a corporation is authorized and intends to carry on, the character of the business actually done in the taxable year determines whether it is taxable as an insurance company under the Internal Revenue Code. For example, during the year 1954 the M Corporation, incorporated under the insurance laws of the State of R, carried on the business of lending money in addition to guaranteeing the payment of principal and interest of mortgage loans. Of its total income for the year, one-third was derived from its insurance business of guaranteeing the payment of principal and interest of mortgage loans and two-thirds was derived from its noninsurance business of lending money. The M Corporation is not an insurance company for the year 1954 within the meaning of the Code and the regulations thereunder.

§ 1.802 (b) *Statutory provisions; life insurance companies; imposition of tax.*

SEC. 802. *Imposition of tax.* • • •

(b) *Taxable years beginning in 1954.* In lieu of the tax imposed by subsection (a) there shall be imposed, for taxable years beginning in 1954, on the 1954 life insurance company taxable income (as defined in section 805) of every life insurance company a tax equal to the sum of the following:

(1) 3¾ percent of the amount thereof not in excess of $200,000, plus

(2) 6½ percent of the amount thereof in excess of $200,000.

§ 1.802 (b)–1 *Tax on life insurance companies.* (a) For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, section 802 (b) imposes a tax on the 1954 life insurance company taxable income of all life insurance companies (including a foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under section 801). The tax so imposed is equal to 3¾ percent of the amount of such income not in excess of $200,000, plus 6½ percent of the amount of such income in excess of $200,000. For the definition of the term "1954 life insurance company taxable income", see § 1.805–1.

(b) The taxable income of life insurance companies differs from the taxable income of other corporations. See section 803. Life insurance companies are entitled, in computing life insurance company taxable income, to the special deductions provided in part VIII of subchapter B (except section 248). The gross income, the deduction under section 803 (g) (1) for wholly tax-exempt interest, and the deduction under section 242 for partially tax-exempt interest, are decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. See section 803 (i) and § 1.803–6. Such companies are not subject to the provisions of subchapter P (section 1201 and following, relating to capital gains and losses) nor to the provisions of section 171 (amortizable bond premium).

(c) All provisions of the Internal Revenue Code and of the regulations in this part not inconsistent with the specific provisions of sections 801 to 807, inclusive, are applicable to the assessment and collection of the tax imposed by section 802, and life insurance companies are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120L.

(d) Foreign life insurance companies not carrying on an insurance business within the United States are not taxable under section 802, but are taxable as other foreign corporations. See section 881.

§ 1.803 *Statutory provisions; life insurance companies; other definitions and rules.*

SEC. 803. *Other definitions and rules*—(a) *Application of section; gross income*—(1) *Application.* The definitions and rules contained in this section shall apply only in the case of life insurance companies.

(2) *Gross income.* The term "gross income" means the gross amount of income received or accrued during the taxable year from interest, dividends, and rents.

(b) *Life insurance reserves.* The term "life insurance reserves" means amounts which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest, and which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies. Such life insurance reserves, except in the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation and except as hereinafter provided in the case of assessment life insurance, must also be required by law. In the case of an assessment life insurance company or association, the term "life insurance reserves" includes sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained, under the charter or articles of incorporation or association (or bylaws approved by a State insurance commissioner) of such company or association, exclusively for the payment of claims arising under certificates of membership or policies issued on the assessment plan and not subject to any other use.

(c) *Adjusted reserves.* The term "adjusted reserves" means life insurance reserves plus 7 percent of that portion of such reserves as are computed on a preliminary term basis.

* * * * *

(e) *Reserve for deferred dividends.* The term "reserve for deferred dividends" means sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than 5 years from the date of the policy contract.

(f) *Interest paid.* The term "interest paid" means—

(1) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter, and

(2) All amounts in the nature of interest, whether or not guaranteed, paid or accrued within the taxable year on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time of payment or accrual, life, health, or accident contingencies.

(g) *Taxable income.* The term "taxable income" means the gross income less the following deductions:

(1) *Tax-free interest.* The amount of interest received or accrued during the taxable year which under section 103 is excluded from gross income.

(2) *Investment expenses.* Investment expenses paid or incurred during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which taxable income (computed without any deduction for investment expenses allowed by this paragraph, for tax-free interest allowed by paragraph (1), or for partially tax-exempt interest and dividends received allowed by paragraph (5)) exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

(3) *Real estate expenses.* Taxes and other expenses paid or accrued during the taxable year exclusively on or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed on a shareholder of a company on his interest as shareholder, which are paid or accrued by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes.

(4) *Depreciation.* The depreciation deduction allowed by section 167.

(5) *Special deductions.* The special deductions allowed by part VIII of subchapter B (except section 248).

(h) *Rental value of real estate.* The deduction under subsection (g) (3) and (4) on account of any real estate owned and occupied in whole or in part by a life insurance company shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

(i) *Amortization of premium and accrual of discount.* The gross income, the deduction provided in subsection (g) (1), and the deduction allowed by section 242 (relating to partially tax-exempt interest) shall each be decreased to reflect the appropriate amortization of premium and increased to reflect the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined—

(1) In accordance with the method regularly employed by such company, if such method is reasonable, and

(2) In all other cases, in accordance with regulations prescribed by the Secretary or his delegate.

(j) *Double deductions.* Nothing in this part shall permit the same item to be deducted more than once.

§ 1.803–1 *Life insurance reserves.* (a) The term "life insurance reserves" is defined in section 803 (b). Generally, such reserves, as in the case of level premium life insurance, are held to supplement the future premium receipts when the latter, alone, are insufficient to cover the increased risk in the later years. In the case of cancellable health and accident policies and similar cancellable contracts, the unearned premiums held to cover the risk for the unexpired period covered by the premiums are not included in life insurance reserves. Unpaid loss reserves for noncancellable health and accident policies are included in life insurance reserves if they are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest.

(b) In the case of an assessment life insurance company or association, life insurance reserves include sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation or association of such company or association, or bylaws (approved by the State insurance commissioner) of such company or association, exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

(c) Life insurance reserves, except as otherwise provided in section 803 (b), must be required by law either by express statutory provisions or by rules and regulations of the insurance department of a State, Territory, or the District of Columbia when promulgated in the exercise of a power conferred by statute, but such requirement, without more, is not conclusive; for example, life insurance reserves do not include reserves required to be maintained to provide for the ordinary running expenses of a business which must be currently paid by every company from its income if its business is to continue, such as taxes, salaries, and unpaid brokerage; nor do they include the net value of risks reinsured in other solvent companies; liability for premiums paid in advance; liability for annual and deferred dividends declared or apportioned; liability for dividends left on deposit at interest; liability for accrued but unsettled policy claims whether known or unreported; liability for supplementary contracts not involving, at the time with respect to which the liability is computed, life, health, or accident contingencies.

(d) In any case where reserves are claimed, sufficient information must be filed with the return to enable the district director to determine the validity of the claim. Only reserves which are required by law or insurance department ruling, which are peculiar to insurance companies, and which are dependent upon interest earnings for their maintenance will, except as otherwise specifically provided in section 803 (b), be considered as life insurance reserves. A company is permitted to make use of the highest aggregate reserve required by any State or Territory or the District of Columbia in which it transacts business, but the reserve must have been actually held.

(e) In the case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, it is required that reserve funds thereon be based upon recognized mortality or morbidity tables covering disability benefits of the kind contained in policies issued by this particular class of companies but they need not be required by law.

§ 1.803–2 *Adjusted reserves.* For the purpose of determining "required interest" for taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, certain reserves computed on a preliminary term method are to be adjusted by increasing such reserves by 7 percent. The reserves to be thus adjusted are reserves computed on preliminary term methods, such as the Illinois Standard, or the Select and Ultimate methods. Only reserves on policies in the modification period are to be so adjusted. Where reserves under a preliminary term method are the same as on the level premium method, and in the case of reserves for extended or paid-up insurance, no adjustment is to be made. The reserves as thus adjusted, and the rate of interest on which they are computed, should be reported in Schedule A, Form 1120L.

§ 1.803–3 *Interest paid or accrued.* Interest paid or accrued is one of the elements to be used in computing the amount of "required interest" for purposes of determining the reserve interest credit provided in section 805. See § 1.805–1. Interest paid or accrued consists of (a) interest paid or accrued on indebtedness (except indebtedness incurred or continued to purchase or carry tax-exempt securities as set forth in section 803 (f) (1)) and (b) amounts in the nature of interest paid or accrued on certain contracts, as provided in section 803 (f) (2). Interest on indebtedness includes interest on dividends held on deposit and surrendered during the taxable year but does not include interest paid or accrued on deferred dividends. Life insurance reserves as defined in § 1.803–1 are not indebtedness. Dividends left with the company to accumulate at interest are a debt and not a reserve liability. Amounts in the nature of interest include so-called excess-interest dividends as well as guaranteed interest paid or accrued within the taxable year on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which, at the time of payment, do not involve life, health, or accident contingencies. It is immaterial whether the optional mode of settlement specified in the insurance or annuity contract arises from an option exercised by the insured during his or her lifetime or from an option exercised by a beneficiary after the policy has matured, frequently referred to as a supplementary contract not involving life contingencies; for example, a contract to pay the insurance benefit in 10 annual installments. No distinction is made based on the person choosing the method of payment, and the full amount of the interest paid or accrued and not merely the guaranteed interest is considered as interest paid or accrued.

§ 1.803–4 *Taxable income and deductions*—(a) *In general.* The taxable income of a life insurance company is its gross amount of income received or accrued during the taxable year from interest, dividends, and rents, less the deductions provided in section 803 (g) for wholly tax-exempt interest, investment expenses, real estate expenses, depreciation, and the special deductions provided in part VIII of subchapter B (except section 248). In addition to the limitations on deductions relating to real estate owned and occupied by a life insurance company provided in section 803 (h), the limitations on the adjustment for amortization of premium and accrual of discount provided in section 803 (i), and the limitation on the deduction for investment expenses where general expenses are allocated to investment income provided in section 803 (g) (2), life insurance companies are subject to the limitations on deductions relating to wholly tax-exempt income provided in section 265. Life insurance companies are not entitled to the net operating loss deduction provided in section 172.

(b) *Wholly tax-exempt interest.* Interest which in the case of other taxpayers is excluded from gross income by section 103 but included in the gross income of a life insurance company by section 803 (a) (2) is allowed as a deduction from gross income by section 803 (g) (1).

(c) *Investment expenses.* (1) As used in the Internal Revenue Code, the term "general expenses" means any expense paid or incurred for the benefit of more than one department of the company rather than for the benefit of a particular department thereof. Any assignment of such expense to the investment department of the company for which a deduction is claimed under section 803 (g) (2) subjects the entire deduction for investment expenses to the limitation provided in that section. The accounting procedure employed is not conclusive as to whether any assignment has in fact been made. Investment expenses do not include Federal income and excess profits taxes.

(2) If no general expenses are assigned to or included in investment expenses the deduction may consist of investment expenses paid or incurred during the taxable year in which case an itemized schedule of such expenses must be appended to the return.

(3) Invested assets for the purpose of section 803 (g) (2) and this section are those which are owned and used, and to the extent used, for the purpose of producing the income specified in section 803 (a) (2). They do not include real estate owned and occupied, and to the extent owned and occupied, by the company. If general expenses are assigned to or included in investment expenses, the maximum allowance will not be granted unless it is shown to the satisfaction of the district director that such allowance is justified by a reasonable assignment of actual expenses.

(d) *Taxes and expenses with respect to real estate.* The deduction for taxes and expenses under section 803 (g) (3) includes taxes and expenses paid or accrued during the taxable year exclusively upon or with respect to real estate owned by the company and any sum representing taxes imposed upon a shareholder of the company upon his interest as shareholder which is paid or accrued by the company without reimbursement from the shareholder. No deduction shall be allowed, however, for taxes, expenses, and depreciation upon or with respect to any real estate owned by the company except to the extent used for the purpose of producing investment income. See paragraph (c) of this section. As to real estate owned and occupied by the company, see § 1.803–5.

(e) *Depreciation.* The deduction allowed for depreciation is, except as provided in section 803 (h), identical with that allowed other corporations by section 167. The amount allowed by section 167 in the case of life insurance companies is limited to depreciation sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 803 (a) (2).

§ 1.803–5 *Real estate owned and occupied.* The amount allowable as a deduction for taxes, expenses, and depreciation upon or with respect to any real estate owned and occupied in whole or in part by a life insurance company is limited to an amount which bears the same ratio to such deduction (computed without regard to this limitation) as the rental value of the space not so occupied bears to the rental value of the entire property. For example, if the rental value of the space not occupied by the company is equal to one-half of the rental value of the entire property, the deduction for taxes, expenses, and depreciation is one-half of the taxes, expenses, and depreciation on account of the entire property. Where a deduction is claimed as provided in this section, the parts of the property occupied and the parts not occupied by the company, together with the respective rental values thereof, must be shown in a statement accompanying the return.

§ 1.803–6 *Amortization of premium and accrual of discount.* (a) Section 803 (i) provides for certain adjustments on account of amortization of premium and accrual of discount on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such adjustments are limited to the amount of appropriate amortization or accrual attributable to the taxable year with respect to such securities which are not in default as to principal or interest and which are amply secured. The question of ample security will be resolved according to the rules laid down from time to time by the National Association of Insurance Commissioners. The adjustment for amortization of premium decreases, and for accrual of discount increases, (1) the gross income, (2) the deduction for wholly tax-exempt interest, and (3) the deduction for partially tax-exempt interest.

(b) The premium for any such security is the excess of its acquisition value over its maturity value and the discount is the excess of its maturity value over its acquisition value. The acquisition value of any such security is its cost (including buying commissions or brokerage but excluding any amounts paid for accrued interest) if purchased for cash, or if not purchased for cash, then its fair market value. The maturity value of any such security is the amount payable thereunder either at the maturity date or an earlier call date. The earlier call date of any such security may be the earliest call date specified therein as a day certain, the earliest interest payment date if it is callable or payable at such date, the earliest date at which it is callable at par, or such other call or payment date, prior to maturity, specified in the security as may be selected by the life insurance company. A life insurance company which adjusts amortization of premium or accrual of discount with reference to a particular call or payment date must make the adjustments with reference to the value on such date and may not, after selecting such date, use a different call or payment date, or value, in the calculation of such amortization or discount with respect to such

security unless the security was not in fact called or paid on such selected date.

(c) The adjustments for amortization of premium and accrual of discount will be determined—

(1) According to the method regularly employed by the company, if such method is reasonable, or

(2) According to the method prescribed by this section.

A method of amortization of premium or accrual of discount will be deemed "regularly employed" by a life insurance company if the method was consistently followed in prior taxable years, or if, in the case of a company which has never before made such adjustments, the company initiates in the first taxable year for which the adjustments are made a reasonable method of amortization of premium or accrual of discount and consistently follows such method thereafter. Ordinarily, a company regularly employs a method in accordance with the statute of some State, Territory, or the District of Columbia, in which it operates.

(d) The method of amortization and accrual prescribed by this section is as follows:

(1) The premium (or discount) shall be determined in accordance with this section; and

(2) The appropriate amortization of premium (or accrual of discount) attributable to the taxable year shall be an amount which bears the same ratio to the premium (or discount) as the number of months in the taxable year during which the security was owned by the life insurance company bears to the number of months between the date of acquisition of the security and its maturity or earlier call date, determined in accordance with this section. For the purpose of this section, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

§ 1.805 *Statutory provisions; life insurance companies; life insurance company taxable income.*

SEC. 805. *1954 life insurance company taxable income*—(a) *Definition.* For purposes of section 802 (b), the term "1954 life insurance company taxable income" means the taxable income (as defined in section 803 (g)), plus 8 times the amount of the adjustment for certain reserves provided in section 806, and minus the reserve interest credit, if any, provided in subsection (b) of this section.

(b) *Reserve interest credit.* For purposes of subsection (a), the reserve interest credit shall be an amount determined as follows:

(1) Divide the amount of the adjusted taxable income (as defined in subsection (c)) by the amount of the required interest (as defined in subsection (d)).

(2) If the quotient obtained in paragraph (1) is 1.05 or more, the reserve interest credit shall be zero.

(3) If the quotient obtained in paragraph (1) is 1.00 or less, the reserve interest credit shall be an amount equal to 50 percent of the taxable income.

(4) If the quotient obtained in paragraph (1) is more than 1.00 but less than 1.05, the reserve interest credit shall be the amount obtained by multiplying the taxable income by 10 times the difference between the figures 1.05 and such quotient.

(c) *Adjusted taxable income.* For purposes of subsection (b) (1), the term "adjusted taxable income" means the taxable income (computed without the deductions provided in section 803 (g) (1) or (5)) minus 50 percent of the amount of the adjustment for certain reserves provided in section 806.

(d) *Required interest.* For purposes of subsection (b) (1), the term "required interest" means the total of—

(1) The sum of the amounts obtained by multiplying—

(A) Each rate of interest assumed in computing the taxpayer's life insurance reserves by

(B) The means of the amounts of the taxpayer's adjusted reserves computed at that rate at the beginning and end of the taxable year,

(2) 2 percent of the reserve for deferred dividends, and

(3) Interest paid.

§ 1.805–1 *Tax on life insurance companies in the case of a taxable year beginning in 1954.* (a) Section 802 (b) imposes a tax on the "1954 life insurance company taxable income" of all life insurance companies for taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954. See § 1.802 (b)–1 (a).

(b) For purposes of section 802 (b), the term "1954 life insurance company taxable income" means the taxable income (consisting of income computed as provided in § 1.803–4) for the taxable year beginning in 1954 plus eight times the amount of the adjustment for certain reserves computed as provided in section 806 (sec § 1.806–1), and minus the reserve interest credit, if any, provided in section 805 (b) (see § 1.805–2).

§ 1.805–2 *Reserve interest credit.* (a) In computing 1954 life insurance company taxable income, a reserve interest credit is allowed where the "adjusted taxable income" of the company is less than 105 percent of its required interest. For the purpose of computing the reserve interest credit, the term "adjusted taxable income" means the taxable income of the company computed without the deductions provided in section 803 (g) (1) or (5), less 50 percent of the adjustment for certain reserves on contracts other than life insurance or annuity contracts provided in section 806.

(b) The required interest for which a credit may be allowed consists of the total of—

(1) The sum of amounts obtained by multiplying each rate of interest assumed in computing life insurance reserves (see section 803 (b) and § 1.803–1) by the means of the amounts of the adjusted reserves, as defined in section 803 (c), computed at that rate at the beginning and the end of the taxable year;

(2) Two percent of the reserve for deferred dividends; and

(3) Interest paid or accrued.

(c) To determine the amount of the reserve interest credit, it is necessary to divide the amount of the adjusted taxable income by the amount of the required interest. If the adjusted taxable income is 100 percent or less of the required interest, the reserve interest credit is an amount equal to 50 percent of the life insurance company taxable income. If the adjusted taxable income is 105 percent or more of the required interest, the reserve interest credit is zero. If the adjusted taxable income is more than 100 percent and less than 105 percent of the required interest, the reserve interest credit is computed by multiplying the life insurance company taxable income by ten times the difference between 105 percent and the percentage established. Thus, if the adjusted taxable income of a life insurance company for the calendar year 1954 is $103,000 and the required interest for such year is $100,000, the adjusted taxable income is 103 percent of the required interest and the reserve interest, accordingly, is the life insurance company taxable income multiplied by 20 percent (10 times 2 percent, the difference between 105 percent and 103 percent).

(d) In determining the percentage of the adjusted taxable income to required interest for purposes of determining the reserve interest credit, the figures shall be computed to at least the nearest one-tenth of a percentage point.

§ 1.806 *Statutory provisions; life insurance companies; adjustment for certain reserves.*

SEC. 806. *Adjustment for certain reserves.* In the case of a life insurance company writing contracts other than life insurance or annuity contracts (either separately or combined with noncancellable health and accident insurance), the term "adjustment for certain reserves" means an amount equal to 3¼ percent of the unearned premiums and unpaid losses on such other contracts which are not included in life insurance reserves (as defined in section 803 (b). For purposes of this section, such unearned premiums shall not be considered to be less than 25 percent of the net premiums written during the taxable year on such other contracts.

§ 1.806–1 *Adjustment for certain reserves.* (a) For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, a life insurance company writing contracts other than life insurance or annuity contracts (either separately or combined with noncancellable health and accident insurance contracts) must add to its life insurance company taxable income (as a factor in determining 1954 adjusted taxable income) an amount equal to eight times the amount of the adjustment for certain reserves provided in paragraph (b) of this section.

(b) The adjustment for certain reserves referred to in paragraph (a) of this section shall be an amount equal to 3¼ percent of the mean of the unearned premiums and unpaid losses at the beginning and end of the taxable year on such other contracts as are not included in life insurance reserves. If such unearned premiums, however, are less than 25 percent of the net premiums written during the taxable year on such other contracts, then the adjustment shall be 3¼ percent of 25 percent of the net premiums written during the taxable year on such other contracts plus 3¼ percent of the mean of the unpaid losses at the beginning and end of the taxable year on such other contracts. As used in this section, the term "unearned premiums" has the same meaning as in section 832 (b) (4) and § 1.832–1.

§ 1.807 *Statutory provisions; life insurance companies; foreign life insurance companies.*

SEC. 807. *Foreign life insurance companies* (a) *Carrying on United States insurance business.* A foreign life insurance company carrying on a life insurance business within the United States, if with respect to its United States business it would qualify as a life insurance company under section 801, shall be taxable in the same manner as a domestic life insurance company; except that the determinations necessary for purposes of this subtitle shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States busfness of such company on the form approved for life insurance companies by the National Association of Insurance Commissioners.

(b) *No United States insurance business.* Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

§ 1.807–1 *Foreign life insurance companies.* A foreign life insurance company carrying on a life insurance business within the United States, if with respect to its United States business it would qualify as a life insurance company under section 801, is taxable on its income received during the taxable year from interest, dividends, and rents, from sources within and without the United States, pertaining to its United States business. Such a company is taxable in the same manner as a domestic life insurance company except that the determinations necessary for the purposes of subtitle A, such as gross income, the adjustment for certain reserves, deductions and limitations on deductions, amortization of premiums and accrual of discount, and the deductions allowed the company in part VIII of subchapter B, shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States business of such company on the form approved for life insurance companies by the National Association of Life Insurance Commissioners. This statement is presumed to reflect the income, disbursements, assets, and liabilities of the United States business of the company and insofar as it is not inconsistent with the provisions of the Internal Revenue Code will be recognized and used as a basis for that purpose.

MUTUAL INSURANCE COMPANIES (OTHER THAN LIFE OR MARINE OR FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES)

§ 1.821 *Statutory provisions; tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies).*

SEC. 821. *Tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies)*—(a) *Imposition of tax on mutual companies other than interinsurers.* There shall be imposed for each taxable year on the income of every mutual insurance company (other than a life or a marine insurance company or a fire insurance company subject to the tax imposed by section 831 and other than an interinsurer or reciprocal underwriter) a tax computed under paragraph (1) or paragraph (2), whichever is the greater:

(1) If the mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) is over $3,000, a tax computed as follows:

(A) *Normal tax*—(1) *Taxable years beginning before April 1, 1955.* In the case of taxable years beginning before April 1, 1955, a normal tax of 30 percent of the mutual insurance company taxable income, or 60 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser;

• • • • •

(B) *Surtax.* A surtax of 22 percent of the mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000.

(2) If for the taxable year the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders, minus the interest which under section 103 is excluded from gross income, exceeds $75,000, a tax equal to 1 percent of the amount so computed, or 2 percent of the excess of the amount so computed over $75,000, whichever is the lesser.

(b) *Imposition of tax on interinsurers.* In the case of every mutual insurance company which is an interinsurer or reciprocal underwriter (other than a life or a marine insurance company or a fire insurance company subject to the tax imposed by section 831), if the mutual insurance company taxable income (computed as provided in subsection (a) (1)) is over $50,000, there shall be imposed for each taxable year on the mutual insurance company taxable income a tax computed as follows:

(1) *Normal tax*—(A) *Taxable years beginning before April 1, 1955.* In the case of taxable years beginning before April 1, 1955, a normal tax of 30 percent of the mutual insurance company taxable income, or 60 percent of the amount by which such taxable income exceeds $50,000, whichever is the lesser;

• • • • •

(2) *Surtax.* A surtax of 22 percent of the mutual insurance company taxable income (computed as provided in subsection (a) (1)) in excess of $25,000, or 33 percent of the amount by which such taxable income exceeds $50,000, whichever is the lesser.

(c) *Gross amount received, over $75,000 but less than $125,000.* If the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the tax imposed by subsection (a) or subsection (b), whichever applies, shall be reduced to an amount which bears the same proportion to the amount of the tax determined under such subsection as the excess over $75,000 of such gross amount received bears to $50,000.

(d) *No United States insurance business.* Foreign mutual insurance companies (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 831) not carrying on an insurance business within the United States shall not be subject to this part but shall be taxable as other foreign corporations.

(e) *Alternative tax on capital gains.* For alternative tax in case of capital gains, see section 1201 (a).

§ 1.821–1 *Tax on mutual insurance companies other than life or marine or fire insurance companies subject to the tax imposed by section 831*—(a) *In general.* (1) For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, all mutual insurance companies, including foreign insurance companies carrying on an insurance business within the United States, not taxable under section 801 or 831 and not specifically exempt under the provisions of section 501 (c) (15), are subject to the tax imposed by section 821 on their investment income or on their gross income, whichever tax is the greater, except interinsurers and reciprocal underwriters which are taxed only on their investment income. For the alternative tax, in lieu of the tax imposed by section 821 (a) or (b), where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 1201 (a) and the regulations thereunder.

(2) The taxable income of mutual insurance companies subject to the tax imposed by section 821 differs from the taxable income of other corporations. See section 821 (a) (2) and section 822. Such companies are entitled, in computing mutual insurance company taxable income, to the deductions provided in part VIII of subchapter B (except section 248). The gross amount of income during the taxable year from interest, the deduction under section 822 (c) (1) for wholly tax-exempt interest, and the deduction under section 242 for partially tax-exempt interest, are decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821. See section 822 (d) (2) and § 1.822–3.

(3) All provisions of the Internal Revenue Code and of the regulations in this part not inconsistent with the specific provisions of section 821 are applicable to the assessment and collection of the tax imposed by section 821 (a) or (b) and mutual insurance companies subject to the tax imposed by section 821 are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120M.

(4) Foreign mutual insurance companies not carrying on an insurance business within the United States are not taxable under section 821 (a) or (b), but are taxable as other foreign corporations. See section 881.

(5) Mutual insurance companies subject to the tax imposed by section 821, except interinsurers or reciprocal underwriters, with mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) of over $3,000 or with gross amounts of income from interest, dividends, rents, and net premiums (minus dividends to policyholders and wholly tax-exempt interest) in excess of $75,000, are subject to a tax computed under section 821 (a) (1) or section 821 (a) (2) whichever is the greater. Interinsurers and reciprocal underwriters with mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) of over $50,000 are subject to a tax computed under section 821 (b).

(b) *Rates of tax.* (1) The normal tax under section 821 (a) (1) (A) and 821 (b) (1), except as hereinafter indicated, is computed upon mutual insurance company taxable income for purposes of the normal tax at the rate of 30 percent.

(2) The surtax under section 821 (a) (1) (B) and 821 (b) (2), except as hereinafter indicated, is computed on that portion of the mutual insurance company taxable income for purposes of the surtax in excess of $25,000 at the rate of 22 percent. The tax under section 821 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(3) Under section 821 (a) (1) (A) companies with mutual insurance company taxable income for purposes of the normal tax of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of such income in excess of $3,000. The rate applicable in computing the normal tax of such companies is 60 percent.

Under section 821 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000.

(4) Under section 821 (b) (1), interinsurers and reciprocal underwriters with mutual insurance company taxable income for purposes of the normal tax of over $50,000 and not over $100,000 pay a normal tax computed on that portion of such income in excess of $50,000 at the rate of 60 percent.

Under section 821 (b) (2) interinsurers and reciprocal underwriters with mutual insurance company taxable income for purposes of the surtax of over $50,000 and not over $100,000 pay a surtax, at the rate of 33 percent, on that portion of such income in excess of $50,000.

(5) Section 821 (c) provides for an adjustment of the amount computed under section 821 (a) (1), section 821 (a) (2), and section 821 (b) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(c) *Application.* The application of sections 821 (a) to (c) inclusive, may be illustrated by the following examples:

Example (1). The W Company, a mutual casualty insurance company, for the calendar year 1954, has mutual insurance company taxable income for purposes of the surtax of $5,500 and, due to partially tax-exempt interest of $800, has income for purposes of the normal tax of $4,700. The gross amount of income of the W Company from interest, dividends, rents and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $150,000. Its normal tax under section 821 (a) (1) for the calendar year 1954 is 60 percent of $1,700 ($4,700 minus $3,000) or $1,020, since its income subject to normal tax is not over $6,000. It is not liable for surtax for the calendar year 1954 as its mutual insurance company taxable income for purposes of the surtax does not exceed $25,000. It has no surtax and, therefore, its total tax under section 821 (a) (1) (A) is the normal tax of $1,020. The tax under section 821 (a) (2) is 2 percent of $75,000 ($150,000—$75,000), or $1,500. Since the tax under section 821 (a) (2) exceeds the tax under section 821 (a) (1), the tax under section 821 is $1,500, namely, that imposed by section 821 (a) (2).

Example (2). If in the above example the income for purposes of the normal tax were not over $3,000, the income for purposes of the surtax were not over $25,000, the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) were $90,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, were $70,000, the W Company would be required to file an income tax return but due to section 821 (a) no income tax would be imposed.

Example (3). The X Company, a mutual casualty insurance company, for the calendar year 1954 has mutual insurance company taxable income for surtax purposes of $28,000 and, due to partially tax-exempt interest of $5,000, has income for normal tax purposes of $23,000. The gross amount of income of the X Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $1,200,000. Under section 821 (a) (1) its normal tax for the calendar year 1954 is 30 percent of $23,000, or $6,900, and the surtax is 22 percent of $3,000 ($28,000—$25,000), or $660. The combined tax under section 821 (a) (1) is $7,560 ($6,900 plus $660). The tax under section 821 (a) (2) is 1 percent of $1,200,000, or $12,000. Since the tax under section 821 (a) (2) exceeds the tax under section 821 (a) (1), the tax under section 821 (a) is $12,000, namely, that imposed by section 821 (a) (2).

Example (4). The Y Company, a mutual fire insurance company subject to the tax imposed by section 821 for the calendar year 1954, has mutual insurance company taxable income for purposes of the surtax of $35,000 and, due to partially tax-exempt interest of $5,000, has income for purposes of the normal tax of $30,000. The gross amount received from interest, dividends, rents and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 821 (a) (1), without application of section 821 (c), the normal tax would be 30 percent of $30,000, or $9,000, since this is less than $16,200, 60 percent of $27,000 (excess of $30,000 over $3,000); and the surtax would be 22 percent of $10,000 (excess of $35,000 over $25,000), or $2,200. The combined tax of $11,200 ($9,000 plus $2,200) would then be reduced by applying section 821 (c), since the gross receipts are between $75,000 and $125,000. The tax under section 821 (a) (1), as thus adjusted, would be 90 percent of $11,200, or $10,080, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 821 (a) (2), without reference to section 821 (c), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 821 (c) reduces this to $450, or 90 percent of $500. Since $10,080, the tax under section 821 (a) (1), as adjusted, exceeds $450, the tax under section 821 (a) (2), as adjusted, the tax under section 821 (a) (1), as adjusted, is applicable. The Y Company would accordingly pay a combined normal tax and surtax of $10,080.

Example (5). The Z Exchange, an interinsurer, for the calendar year 1954 has mutual insurance company taxable income for purposes of the surtax of $60,000 and, due to partially tax-exempt interest of $12,000, has income for purposes of the normal tax of $48,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,700,000. The Z Exchange is not liable for normal tax under section 821 (b) (1) for the calendar year 1954 as its mutual insurance company taxable income for purposes of the normal tax does not exceed $50,000. Its surtax is 33 percent of $10,000 ($60,000 minus $50,000), or $3,300, since that amount is less than $7,700, 22 percent of $35,000 (excess of $60,000 over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 821 (a) (2), and is not entitled to the adjustment provided in section 821 (c), its total tax under section 821 (a) is $3,300.

§ 1.822 *Statutory provisions; determination of mutual insurance company taxable income.*

SEC. 822. *Determination of mutual insurance company taxable income*—(a) *Definition.* For purposes of section 821, the term "mutual insurance company taxable income" means the gross investment income minus the deductions provided in subsection (c).

(b) *Gross investment income.* For purposes of subsection (a), the term "gross investment income" means the gross amount of income during the taxable year from interest, dividends, rents, and gains from sales or exchanges of capital assets to the extent provided in subchapter P (sec. 1201 and following, relating to capital gains and losses).

(c) *Deductions.* In computing mutual insurance company taxable income, the following deductions shall be allowed:

(1) *Tax-free interest.* The amount of interest which under section 103 is excluded for the taxable year from gross income.

(2) *Investment expenses.* Investment expenses paid or accrued during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which mutual insurance company taxable income (computed without any deduction for investment expenses allowed by this paragraph, for tax-free interest allowed by paragraph (1), or for partially tax-exempt interest and dividends received allowed by paragraph (7)), exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

(3) *Real estate expenses.* Taxes and other expenses paid or accrued during the taxable year exclusively on or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed on a shareholder of a company on his interest as shareholder, which are paid or accrued by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes.

(4) *Depreciation.* The depreciation deduction allowed by section 167.

(5) *Interest paid or accrued.* All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest on which is wholly exempt from taxation under this subtitle.

(6) *Capital losses.* Capital losses to the extent provided in subchapter P (sec. 1201 and following) plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, losses paid, and expenses paid over the sum of interest, dividends, rents, and net premiums received. In the application of section 1211 for purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser;

(A) The mutual insurance company taxable income (computed without regard to gains or losses from sales or exchanges of capital assets or to the deduction provided in section 242 for partially tax-exempt interest); or

(B) Losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders.

(7) *Special deductions.* The special deductions allowed by part VIII (except section 248) of subchapter B (sec. 241 and following, relating to partially tax-exempt interest and to dividends received).

(d) *Other applicable rules*—(1) *Rental value of real estate.* The deduction under subsection (c) (3) or (4) on account of any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by section 821 shall be limited to an amount which bears the same ratio to such deductions (computed without regard to this paragraph) as the rental value of the space not so occupied bears to the rental value of the entire property.

(2) *Amortization of premium and accrual of discount.* The gross amount of income during the taxable year from interest, the deduction provided in subsection (c) (1), and the deduction allowed by section 242 (relating to partially tax-exempt interest) shall each be decreased to reflect the appropriate amortization of premium and increased to reflect the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821. Such amortization and accrual shall be determined—

(A) In accordance with the method regularly employed by such company, if such method is reasonable, and

(B) In all other cases, in accordance with regulations prescribed by the Secretary or his delegate.

(3) *Double deductions.* Nothing in this part shall permit the same item to be deducted more than once.

(e) *Foreign mutual insurance companies other than life or marine.* In the case of a foreign mutual insurance company (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 831), the mutual insurance company taxable income shall be the taxable income from sources within the United States (computed without regard to the deductions allowed by subsection (c) (7)), and the gross amount of income from the interest, dividends, rents, and net premiums shall be the amount of such income from sources within the United States. In the case of a company to which the preceding sentence applies, the deductions allowed in this section shall be allowed to the extent provided in subpart B of part II of subchapter N (sec. 881 and following) in the case of a foreign corporation engaged in trade or business within the United States.

§ 1.822–1 *Taxable income and deductions*—(a) *In general.* For taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954, the taxable income of a mutual insurance company subject to the tax imposed by section 821 is its gross investment income, namely, the gross amount of income during the taxable year from interest, dividends, rents, and gains from sales or exchanges of capital assets, less the deductions provided in section 822 (c) for wholly tax-exempt interest, investment expenses, real estate expenses, depreciation, interest paid or accrued, capital losses to the extent provided in subchapter P (sec. 1201 and following), and the special deductions provided in part VIII of subchapter B (except section 248). In addition to the limitations on deductions relating to real estate owned and occupied by a mutual insurance company subject to the tax imposed by section 821 provided in section 822 (d) (1), the adjustment for amortization of premium and accrual of discount provided in section 822 (d) (2), and the limitation on the deduction for investment expenses where general expenses are allocated to investment income provided in section 822 (c) (2), mutual insurance companies subject to the tax imposed by section 821 are subject to the limitation on deductions relating to wholly tax-exempt income provided in section 265. Such companies are not entitled to the net operating loss deduction provided in section 172.

(b) *Wholly tax-exempt interest.* Interest which in the case of other taxpayers is excluded from gross income by section 103 but included in the gross investment income by section 822 (b) is allowed as a deduction from gross investment income by section 822 (c) (1).

(c) *Investment expenses.* The deduction allowed by section 822 (c) (2) for investment expenses is the same as that allowed life insurance companies by section 803 (g) (2). See § 1.803–4 (c).

(d) *Taxes and expenses with respect to real estate.* The deduction allowed by section 822 (c) (3) for taxes and expenses with respect to real estate owned by the company is the same as that allowed life insurance companies by section 803 (g) (3). See § 1.803–4 (d).

(e) *Depreciation.* The deduction allowed by section 822 (c) (4) for depreciation is the same as that allowed life insurance companies by section 803 (g) (4). See § 1.803–4 (e).

(f) *Interest paid or accrued.* The deduction allowed by section 822 (c) (5) for interest on indebtedness is the same as that allowed other corporations by section 163. See § 1.163–1.

(g) *Capital losses.* (1) The deduction for capital losses under section 822 (c) (6) includes not only capital losses to the extent provided in subchapter P but in addition thereto losses from capital assets sold or exchanged to provide funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Losses in the latter case may be deducted from ordinary income while the deduction for losses under subchapter P is limited to the gains. See section 1211.

(2) Capital assets are considered as sold or exchanged to provide for the funds or payments specified in section 822 (c) (6), to the extent that the gross receipts from the sale or exchange of such assets are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, and losses and expense paid over the sum of interest, dividends, rents, and net premiums received. If, by reason of a particular sale or exchange of a capital asset, gross receipts are greater than such excess, the gross receipts and the resulting loss should be apportioned and the excess included in capital losses subject to the provisions of subchapter P. Capital losses actually used to reduce net income in any taxable year may not again be used in a succeeding taxable year as an offset against capital gains in that year and for that purpose a special rule is set forth for the application of section 1212.

(3) The application of section 822 (c) (6) may be illustrated by the following examples:

Example (1). The X Company, a mutual fire insurance company subject to the tax imposed by section 821, in the taxable year 1954 sells capital assets in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. The gross receipts from the sale are $60,000, resulting in losses of $20,000. It pays dividends to policyholders of $150,000. It sustains losses of $25,000, and pays expenses of $25,000. It receives interest of $50,000, dividends of $5,000, rents of $4,000, and net premiums of $66,000. The excess of the sum of dividends, losses, and expenses paid ($200,000) over the sum of interest, dividends, rents, and net premiums received ($125,000) is $75,000. As the gross receipts from the sale of capital assets ($60,000) do not exceed such excess ($75,000), the losses of $20,000 are allowable as a deduction from gross investment income.

Example (2). If in the above example the gross receipts were $76,000 and the last capital asset sold, for the purpose therein specified, resulted in gross receipts of $2,000 and a loss of $500, the losses allowable as a deduction from gross investment income would be $19,750. The last sale made the gross receipts of $76,000 exceed by $1,000 the excess ($75,000) of the sum of dividends, losses, and expenses paid ($200,000) over the sum of interest, dividends, rents, and net premiums received ($125,000). The gross receipts and the resulting loss from the last sale are apportioned on the basis of the ratio of the excess of $1,000 to the gross receipts of $2,000, or 50 percent. Fifty percent of the loss of $500 is deducted from the total loss of $20,000. The remaining gross receipts of $1,000 and the proportionate loss of $250 should be reported as capital losses under subchapter P.

Example (3). If in example (1), the X Company had mutual insurance company taxable income for purposes of the surtax of $9,750 and, under the provisions of subchapter P, had capital losses of $18,000 and capital gains of $10,000, the net capital loss for the taxable year 1954, in applying section 1212 for the purposes of section 822 (c) (6), would be $8,000. This is determined by subtracting from total losses of $38,000 ($18,000 capital losses under subchapter P plus $20,000 other capital losses under section 822 (c) (6)) the sum of capital gains of $10,000 and losses from the sale or exchange of capital assets

sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders of $20,000. Such losses of $20,000 are added to capital gains of $10,000, since they are less than taxable income for purposes of the surtax, computed without regard to gains or losses from sales or exchanges of capital assets, of $29,750 ($9,750 taxable income for purposes of the surtax plus $20,000 other capital losses under section 822 (c) (6) plus the portion of capital losses allowable under subchapter P of $10,000 minus capital gains under subchapter P of $10,000).

(h) *Special deductions.* Section 822 (c) (7) allows a mutual insurance company the special deductions provided by part VIII (except section 248) of subchapter B (sec. 241 and following, relating to partially tax-exempt interest and to dividends received).

§ 1.822–2 *Real estate owned and occupied.* The limitation in section 822 (d) (1) on the amount allowable as a deduction for taxes, expenses, and depreciation upon or with respect to any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by section 821 is the same as that provided in the case of life insurance companies by section 803 (h). See § 1.803–5.

§ 1.822–3 *Amortization of premium and accrual of discount.* Section 822 (d) (2) makes provision for the appropriate amortization of premium and the appropriate accrual of discount, attributable to the taxable year, on bonds, notes, debentures or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by section 821. Such amortization and accrual is the same as that provided for life insurance companies by section 803 (i) and shall be determined in accordance with § 1.803–6, except that in determining the premium and discount of a mutual insurance company subject to the tax imposed by section 821 the basis provided in section 1012 shall be used in lieu of the acquisition value.

§ 1.823 *Statutory provisions; other definitions.*

SEC. 823. *Other definitions.* For purposes of this part—

(1) *Net premiums.* The term "net premiums" means gross premiums (including deposits and assessments) written or received on insurance contracts during the taxable year less return premiums and premiums paid or incurred for reinsurance. Amounts returned where the amount is not fixed in the insurance contract but depends on the experience of the company or the discretion of the management shall not be included in return premiums but shall be treated as dividends to policyholders under paragraph (2).

(2) *Dividends to policyholders.* The term "dividends to policyholders" means dividends and similar distributions paid or declared to policyholders. For purposes of the preceding sentence, the term "paid or declared" shall be construed according to the method regularly employed in keeping the books of the insurance company.

§ 1.823–1 *Net premiums.* Net premiums are one of the items used, together with interest, dividends, and rents, less dividends to policyholders and wholly tax-exempt interest, in determining tax liability under section 821 (a) (2). They are also used in section 822 (c) (6) in determining the limitation on certain capital losses and in the application of section 1212. The term "net premiums" is defined in section 823 (1) and includes deposits and assessments, but excludes amounts returned to policyholders which are treated as dividends under section 823 (2).

§ 1.823–2 *Dividends to policyholders.* (a) Dividends to policyholders is one of the deductions used, together with wholly tax-exempt interest, in determining tax liability under section 821 (a) (2). They are also used in section 822 (c) (6) in determining the limitation on certain capital losses and in the application of section 1212. The term "dividends to policyholders" is defined in section 823 (2) as dividends and similar distributions paid or declared to policyholders. It includes amounts returned to policyholders where the amount is not fixed in the insurance contract but depends upon the experience of the company or the discretion of the management. Such amounts are not to be treated as return premiums under section 823 (1). Similar distributions include such payments as the so-called unabsorbed premium deposits returned to policyholders by factory mutual fire insurance companies. The term "paid or declared" is to be construed according to the method of accounting regularly employed in keeping the books of the insurance company, and such method shall be consistently followed with respect to all deductions (including dividends and similar distributions to policyholders) and all items of income.

(b) If the method of accounting so employed is the cash receipts and disbursements method, the deduction is limited to the dividends and similar distributions actually paid to policyholders in the taxable year. If, on the other hand, the method of accounting so employed is the accrual method, the deduction, or a reasonably accurate estimate thereof, for dividends and similar distributions declared to policyholders for any taxable year will, in general, be computed as follows:

To dividends and similar distributions paid during the taxable year add the amount of dividends and similar distributions declared but unpaid at the end of the taxable year and deduct dividends and similar distributions declared but unpaid at the beginning of the taxable year.

If an insurance company using the accrual method does not compute the deduction for dividends and similar distributions declared to policyholders in the manner stated, it must submit with its return a full and complete explanation of the manner in which the deduction is computed. For the rule as to when dividends are considered paid, see the regulations under section 561.

OTHER INSURANCE COMPANIES

§ 1.831 *Statutory provisions; tax on insurance companies (other than life or mutual), mutual marine insurance companies, and mutual fire insurance companies issuing perpetual policies.*

SEC. 831. *Tax on insurance companies (other than life or mutual), mutual marine insurance companies, and mutual fire insurance companies issuing perpetual policies*—(a) *Imposition of tax.* Taxes computed as provided in section 11 shall be imposed for each taxable year on the taxable income of every insurance company (other than a life or mutual insurance company), every mutual marine insurance company, and every mutual fire insurance company exclusively issuing either perpetual policies or policies for which the sole premium charged is a single deposit which (except for such deduction of underwriting costs as may be provided) is refundable on cancellation or expiration of the policy.

(b) *No United States insurance business.* Foreign insurance companies (other than a life or mutual insurance company), foreign mutual marine insurance companies, and foreign mutual fire insurance companies described in subsection (a), not carrying on an insurance business within the United States, shall not be subject to this part but shall be taxable as other foreign corporations.

(c) *Alternative tax on capital gains.* For alternative tax in case of capital gains, see section 1201 (a).

§ 1.831–1 *Tax on insurance companies (other than life or mutual), mutual marine insurance companies, and mutual fire insurance companies issuing perpetual policies.* (a) All insurance companies, other than life or mutual or foreign insurance companies not carrying on an insurance business within the United States, and all mutual marine insurance companies and mutual fire insurance companies exclusively issuing either perpetual policies, or policies for which the sole premium charged is a single deposit which, except for such deduction of underwriting costs as may be provided, is refundable upon cancellation or expiration of the policy, are subject to the tax imposed by section 831. As used in this section and §§ 1.832–1 and 1.832–2, the term "insurance companies" means only those companies which qualify as insurance companies under the definition provided by § 1.801–1 (b) and which are subject to the tax imposed by section 831.

(b) All provisions of the Internal Revenue Code and of the regulations in this part not inconsistent with the specific provisions of section 831 are applicable to the assessment and collection of the tax imposed by section 831 (a), and insurance companies are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations.

(c) Since section 832 provides that the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners shall be the basis for computing gross income and since the annual statement is rendered on the calendar year basis, the returns under section 831 shall be made on the basis of the calendar year and shall be on Form 1120. Insurance companies are entitled, in computing insurance company taxable income, to the deductions provided in part VIII of subchapter B.

(d) Foreign insurance companies not carrying on an insurance business within the United States are not taxable under section 831 but are taxable as other foreign corporations. See section 881.

(e) Insurance companies are subject to both normal tax and surtax. The normal tax shall be computed as provided in section 11 (b) and the surtax

shall be computed as provided in section 11 (c). For the circumstances under which the $25,000 exemption from surtax for certain taxable years may be disallowed in whole or in part, see section 1551. For alternative tax where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 1201 (a) and the regulations thereunder.

§ 1.832 *Statutory provisions; insurance company taxable income.*

SEC. 832. *Insurance company taxable income*—(a) *Definition of taxable income.* In the case of an insurance company subject to the tax imposed by section 831, the term "taxable income" means the gross income as defined in subsection (b) (1) less the deductions allowed by subsection (c).

(b) *Definitions.* In the case of an insurance company subject to the tax imposed by section 831—

(1) *Gross income.* The term "gross income" means the sum of—

(A) The combined gross amount earned during the taxable year, from investment income and from underwriting income as provided in this subsection, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners,

(B) Gain during the taxable year from the sale or other disposition of property, and

(C) All other items constituting gross income under subchapter B, except that, in the case of a mutual fire insurance company described in section 831 (a), the amount of single deposit premiums paid to such company shall not be included in gross income.

(2) *Investment income.* The term "investment income" means the gross amount of income earned during the taxable year from interest, dividends, and rents, computed as follows: To all interest, dividends, and rents received during the taxable year, add interest, dividends, and rents due and accrued at the end of the taxable year, and deduct all interest, dividends, and rents due and accrued at the end of the preceding taxable year.

(3) *Underwriting income.* The term "underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred.

(4) *Premiums earned.* The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

(A) From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance.

(B) To the result so obtained, add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year.

For purposes of this subsection, unearned premiums shall include life insurance reserves, as defined in section 806, pertaining to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by section 831 and not qualifying as a life insurance company under section 801.

(5) *Losses incurred.* The term "losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows:

(A) To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year.

(B) To the result so obtained, add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year.

(6) *Expenses incurred.* The term "expenses incurred" means all expenses shown on the annual statement approved by the National Convention of Insurance Commissioners, and shall be computed as follows: To all expenses paid during the taxable year, add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the taxable income subject to the tax imposed by section 831, there shall be deducted from the expenses incurred (as defined in this paragraph) all expenses incurred which are not allowed as deductions by subsection (c).

(c) *Deductions allowed.* In computing the taxable income of an insurance company subject to the tax imposed by section 831, there shall be allowed as deductions:

(1) All ordinary and necessary expenses incurred, as provided in section 162 (relating to trade or business expenses);

(2) All interest, as provided in section 163;

(3) Taxes, as provided in section 164;

(4) Losses incurred, as defined in subsection (b) (5) of this section;

(5) Capital losses to the extent provided in subchapter P (sec. 1201 and following, relating to capital gains and losses) plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders in their capacity as such, losses paid, and expenses paid over the sum of interest, dividends, rents, and net premiums received. In the application of section 1211 for purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser:

(A) The taxable income (computed without regard to gains or losses from sales or exchanges of capital assets or to the deductions provided in section 242 for partially tax-exempt interest); or

(B) Losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders;

(6) Debts in the nature of agency balances and bills receivable which become worthless within the taxable year;

(7) The amount of interest earned during the taxable year which under section 103 is excluded from gross income;

(8) The depreciation deduction allowed by section 167;

(9) Charitable, etc., contributions, as provided in section 170;

(10) Deductions (other than those specified in this subsection) as provided in part VI of subchapter B (sec. 161 and following, relating to itemized deductions for individuals and corporations);

(11) Dividends and similar distributions paid or declared to policyholders in their capacity as such, except in the case of a mutual fire insurance company described in section 831 (a). For purposes of the preceding sentence, the term "paid or declared" shall be construed according to the method of accounting regularly employed in keeping the books of the insurance company; and

(12) The special deductions allowed by part VIII of subchapter B (sec. 241 and following, relating to partially tax-exempt interest and to dividends received).

(d) *Taxable income of foreign insurance companies other than life or mutual and foreign mutual marine.* In the case of a foreign insurance company (other than a life or mutual insurance company), a foreign mutual marine insurance company, and a foreign mutual fire insurance company described in section 831 (a), the taxable income shall be the taxable income from sources within the United States. In the case of a company to which the preceding sentence applies, the deductions allowed in this section shall be allowed to the extent provided in subpart B of part II of subchapter N (sec. 881 and following) in the case of a foreign corporation engaged in trade or business within the United States.

(e) *Double deductions.* Nothing in this section shall permit the same item to be deducted more than once.

§ 1.832–1 *Gross income.* (a) Gross income as defined in section 832 (b) (1) means the gross amount of income earned during the taxable year from interest, dividends, rents, and premium income, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners, as well as the gain derived from the sale or other disposition of property, and all other items constituting gross income under section 61, except that in the case of a mutual fire insurance company described in § 1.831–1 the amount of single deposit premiums received, but not assessments, shall be excluded from gross income. Gross income does not include increase in liabilities during the year on account of reinsurance treaties, remittances from the home office of a foreign insurance company to the United States branch, borrowed money, or gross increase due to adjustments in book value of capital assets. The underwriting and investment exhibit is presumed to reflect the true net income of the company, and insofar as it is not inconsistent with the provisions of the Internal Revenue Code will be recognized and used as a basis for that purpose. All items of the exhibit, however, do not reflect an insurance company's income as defined in the Code. By reason of the definition of investment income, miscellaneous items which are intended to reflect surplus but do not properly enter into the computation of income, such as dividends declared to shareholders in their capacity as such, home office remittances and receipts, and special deposits, are ignored. Gain or loss from agency balances and bills receivable not admitted as assets on the underwriting and investment exhibit will be ignored, excepting only such agency balances and bills receivable as have been allowed as deductions for worthless debts or, having been previously so allowed, are recovered during the taxable year. In computing "premiums earned on insurance contracts during the taxable year" the amount of the unearned premiums shall include (1) life insurance reserves as defined in section 803 (b) and § 1.803–1 pertaining

to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by section 831 and not qualifying as a life insurance company under section 801, and (2) liability for return premiums under a rate credit or retrospective rating plan based on experience, such as the "War Department Insurance Rating Plan," and which return premiums are therefore not earned premiums. In computing "losses incurred" the determination of unpaid losses at the close of each year must represent actual unpaid losses as nearly as it is possible to ascertain them.

(b) Every insurance company to which this section applies must be prepared to establish to the satisfaction of the district director that the part of the deduction for "losses incurred" which represents unpaid losses at the close of the taxable year comprises only actual unpaid losses stated in amounts which, based upon the facts in each case and the company's experience with similar cases, can be said to represent a fair and reasonable estimate of the amount the company will be required to pay. Amounts included in, or added to, the estimates of such losses which, in the opinion of the district director are in excess of the actual liability determined as provided in the preceding sentence will be disallowed as a deduction. The district director may require any such insurance company to submit such detailed information with respect to its actual experience as is deemed necessary to establish the reasonableness of the deduction for "losses incurred."

(c) That part of the deduction for "losses incurred" which represents an adjustment to losses paid for salvage and reinsurance recoverable shall, except as hereinafter provided, include all salvage in course of liquidation, and all reinsurance in process of collection not otherwise taken into account as a reduction of losses paid, outstanding at the end of the taxable year. Salvage in course of liquidation includes all property (other than cash), real or personal, tangible or intangible, except that which may not be included by reason of express statutory provisions (or rules and regulations of an insurance department) of any State or Territory or the District of Columbia in which the company transacts business. Such salvage in course of liquidation shall be taken into account to the extent of the value thereof at the end of the taxable year as determined from a fair and reasonable estimate based upon either the facts in each case or the company's experience with similar cases. Cash received during the taxable year with respect to items of salvage or reinsurance shall be taken into account in computing losses paid during such taxable year.

§ 1.832–2 *Deductions.* (a) The deductions allowable are specified in section 832 (c) and by reason of the provisions of section 832 (c) (10) and (12) include in addition certain deductions provided in sections 161, 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832 (b) (1) and the allowable deductions shall be those allowed by section 832 (c) with the exceptions and limitations set forth in section 172 (d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), insurance companies are allowed a deduction for losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the 5-year capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance ocmpanies subject to the tax imposed by section 821; see section 822 (c) (6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in § 1.831–1, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 823 (2) and the regulations thereunder.

(b) Among the items which may not be deducted are income and profits taxes imposed by the United States, income and profits taxes imposed by any foreign country or possession of the United States (in cases where the company chooses to claim to any extent a credit for such taxes), taxes assessed against local benefits, decrease during the year due to adjustments in the book value of capital assets, decrease in liabilities during the year on account of reinsurance treaties, dividends paid to shareholders in their capacity as such, remittances to the home office of a foreign insurance company by the United States branch, and borrowed money repaid.

(c) In computing taxable income of insurance companies, losses sustained during the taxable year from the sale or other disposition of property are deductible subject to the limitation contained in section 1211. Insurance companies are entitled to the alternative taxes provided in section 1201.

PROVISIONS OF GENERAL APPLICATION

§ 1.841 *Statutory provisions; credit for foreign taxes.*

SEC. 841. *Credit for foreign taxes.* The taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax of a domestic insurance company subject to the tax imposed by section 802, 821, or 831, to the extent provided in the case of a domestic corporation in section 901 (relating to foreign tax credit). For purposes of the preceding sentence, the term "taxable income" as used in section 904 means—

(1) In the case of the tax imposed by section 802, the taxable income (as defined in section 803 (g)),

(2) In the case of the tax imposed by section 831, the taxable income (as defined in section 832 (a)).

§ 1.842 *Statutory provisions; computation of gross income.*

SEC. 842. *Computation of gross income.* The gross income of insurance companies subject to the tax imposed by section 802 or 831 shall not be determined in the manner provided in part I of subchapter N (relating to determination of sources of income).

[P. R. Doc. 56–7030; Filed, Sept. 4, 1956; 8:45 a. m.]

Subchapter C—Employment Taxes

[T. D. 6200]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

SUBPART C—RAILROAD RETIREMENT TAX ACT (CHAPTER 22, INTERNAL REVENUE CODE OF 1954)

On March 15, 1956, notice of proposed rule making with respect to regulations under chapter 22 (Railroad Retirement Tax Act) of the Internal Revenue Code of 1954, as amended, was published in the FEDERAL REGISTER (21 F. R. 1648). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 28, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

TAX ON EMPLOYEES

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31.3201 Statutory provisions; rate of tax.
31.3201–1 Measure of employee tax.
31.3201–2 Rate and computation of employee tax.
31.3202 Statutory provisions; deduction of tax from compensation.
31.3202–1 Collection of, and liability for, employee tax.

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TAX ON EMPLOYERS

31.3221 Statutory provisions; rate of tax.
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31.3231 (d) Statutory provisions; definitions; service.
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31.3231 (f) Statutory provisions; definitions; company.
31.3231 (g) Statutory provisions; definitions; carrier.
31.3232 Statutory provisions; court jurisdiction.
31.3233 Statutory provisions; short title.

AUTHORITY: §§ 31.3201 to 31.3233 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply Chapter 22, 68A Stat. 431; 26 U. S. C. ch. 22.

TAX ON EMPLOYEES

§ 31.3201 *Statutory provisions; rate of tax.*

SEC. 3201. *Rate of tax.* In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to 6¼ percent of so much of the compensation paid to such employee after December 31, 1954, for services rendered by him after such date as is not in excess of $350 for any calendar month.

[Sec. 3201 as amended by sec. 206 (a), Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3201–1 *Measure of employee tax.* The employee tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid to an individual for services rendered as an employee to one or more employers, excluding, however, the amount of compensation in excess of $350 which is paid after 1954 to the employee for services rendered during any one calendar month after 1954. For provisions relating to compensation, see § 31.3231 (e)–1. For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employee tax, see § 31.3231 (e)–1 (a) (4) and (5).

§ 31.3201–2 *Rate and computation of employee tax.* The rate of the employee tax is 6¼ percent. The employee tax is computed by multiplying the amount of the employee's compensation with respect to which the employee tax is imposed by 6¼ percent.

§ 31.3202 *Statutory provisions; deduction of tax from compensation.*

SEC. 3202. *Deduction of tax from compensation*—(a) *Requirement.* The tax imposed by section 3201 shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation after December 31, 1954, by more than one employer for services rendered during any calendar month after 1954 and the aggregate of such compensation is in excess of $350, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1954, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1954, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $350, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1954, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1954, to such employee for services rendered during such month.

(b) *Indemnification of employer.* Every employer required under subsection (a) to deduct the tax shall be made liable for the payment of such tax and shall not be liable to any person for the amount of any such payment.

[Sec. 3202 as amended by sec. 206 (a), Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3202–1 *Collection of, and liability for, employee tax*—(a) *Collection; general rule.* The employer shall collect from each of his employees the employee tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. As to the measure of the employee tax, see § 31.3201–1.

(b) *Collection; aggregate monthly compensation in excess of $350 paid by two or more employers.* (1) If an employee is paid compensation after 1954 by two or more employers for services rendered during any one calendar month after 1954, and if the aggregate compensation paid to such employee after 1954 by all employers for services rendered during such month is in excess of $350, the employee tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 31.3231 (a)–1 (a) (6)), each employer shall deduct the employee tax with respect to that proportion of $350 of compensation which the compensation paid after 1954 by such employer to the employee for the month bears to the total compensation paid after 1954 to such employee by all employers for that month. See example (1) in subparagraph (2) of this paragraph.

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employee tax with respect to that proportion of $350 of compensation which the compensation paid after 1954 by such subordinate unit to the employee for the month bears to the total compensation paid after 1954 to such employee by all such subordinate units for that month.

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after 1954 to the employee by the employer other than a subordinate unit equals or exceeds $350 for the month, then no employee tax shall be deducted by any such subordinate unit from the compensation paid by it after 1954 to such employee for that month, and the employer other than a subordinate unit shall deduct the employee tax with respect to $350 of compensation paid by him after 1954 to such employee for that month. See example (2) in subparagraph (2) of this paragraph.

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by the employers other than a subordinate unit equals or exceeds $350 for the month, then no employee tax shall be deducted by any such subordinate unit from the compensation paid by it after 1954 to such employee for that month, and each employer other than a subordinate unit shall deduct the employee tax with respect to that proportion of $350 of compensation which the compensation paid after 1954 by such employer to the employee for the month bears to the total compensation paid after 1954 to such employee by all such employers other than a subordinate unit for that month. See example (3) in subparagraph (2) of this paragraph.

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by all employers other than the subordinate unit is less than $350 for the month, then each employer other than the subordinate unit shall deduct the employee tax with respect to the full amount of compensation paid by him after 1954 to such employee for that month, and the subordinate unit of a national railway-labor-organization employer shall deduct the employee tax with respect to the remainder of $350 of compensation less the total compensation paid after 1954 to such employee for that month by all other employers. See example (4) in subparagraph (2) of this paragraph.

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by all employers other than the subordinate units is less than $350 for the month, then each employer other than the subordinate units shall deduct the employee tax with respect to the full amount of compensation paid by him after 1954 to such employee for that month, and each subordinate unit of a national railway-labor-organization employer shall deduct the employee tax with respect to that proportion of the remainder of $350 of compensation less the total compensation paid after 1954 to such employee for the month by all employers other than the subordinate units which the compensation paid after 1954 by such subordinate unit to the employee for that month bears to the total compensation paid after 1954 to such employee by all such

subordinate units for that month. See example (5) in subparagraph (2) of this paragraph.

See § 31.3231 (e)–1 (a) (4) and (5) for provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employee tax.

(2) The application of certain of the principles stated in subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A, an employee, renders services during January 1955 for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $100 by X, $100 by Y, and $300 by Z, or an aggregate of $500 for the month. In such case X pays one-fifth of A's aggregate compensation for the month, Y pays one-fifth, and Z pays three-fifths. X and Y, therefore, are each required to deduct the employee tax with respect to one-fifth of $350, or $70, and Z is required to deduct the employee tax with respect to three-fifths of $350, or $210.

Example (2). A, an employee, renders services during January 1955 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $350 by X, $50 by Y, and $25 by Z. Since the compensation paid A for the month by X equals $350, neither Y nor Z is required to deduct any employee tax from the compensation paid by him to A for the month; and X is required to deduct the employee tax with respect to the full $350 paid by him to A for the month.

Example (3). A, an employee, renders services during January 1955 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $200 by W and $300 by X, or an aggregate of $500 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $350, neither Y nor Z is required to deduct any employee tax from the compensation paid by him to A for the month. Of the aggregate compensation of $500 paid A for the month by W and X, W pays two-fifths and X pays three-fifths. W, therefore, is required to deduct the employee tax with respect to two-fifths of $350, or $140, and X is required to deduct the employee tax with respect to three-fifths of $350, or $210.

Example (4). A, an employee, renders services during January 1955 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $250 by X and $200 by Y. In such case X is required to deduct the employee tax with respect to the full $250 paid by him to A for the month; and Y is required to deduct the employee tax only with respect to $100 ($350 minus $250 paid by X).

Example (5). A, an employee, renders services during January 1955 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $190 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employee tax with respect to the full amount paid to A for the month, that is, W with respect to $190 and X with respect to $100; and Y and Z are required to deduct the employee tax with respect to their proportionate share of $60 ($350 minus $290 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employee tax with respect to one-third of $60, or $20, and Z is required to deduct the employee tax with respect to two-thirds of $60, or $40.

(c) *Undercollections or overcollections.* Any undercollection or overcollection of employee tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of Subpart G of this part relating to adjustments, credits, refunds, and abatements.

(d) *When fractional part of cent may be disregarded.* In collecting the employee tax, the employer shall disregard any fractional part of a cent of such tax unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(e) *Employer's liability.* The employer is liable for the employee tax with respect to compensation paid by him, whether or not collected from the employee. If the employer deducts less than the correct amount of employee tax or fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. Until collected from him, the employee is also liable for the employee tax. Any employee tax collected by or on behalf of an employer is a special fund in trust for the United States. See section 7501. An employer is not liable to any person for the amount of the employee tax deducted by him and paid to the district director.

TAX ON EMPLOYEE REPRESENTATIVES

§ 31.3211 *Statutory provisions; rate of tax.*

SEC. 3211. *Rate of tax.* In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 12½ percent of so much of the compensation, paid to such employee representative after December 31, 1954, for services rendered by him after such date as is not in excess of $350 for any calendar month.

[Sec. 3211 as amended by sec. 206 (a), Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3211–1 *Measure of employee representative tax*—(a) *General rule.* Except as provided in paragraph (b) of this section, the employee representative tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid to an individual for services rendered as an employee representative, excluding, however, the amount of compensation in excess of $350 which is paid after 1954 to the employee representative for services rendered during any one calendar month after 1954. See § 31.3231 (e)–1, relating to compensation.

(b) *Aggregate monthly compensation in excess of $350 as employee representative and employee.* (1) If during any one calendar month after 1954 an individual renders services as an employee representative and as an employee and the total compensation paid after 1954 to the individual for services rendered during such month as an employee representative and as an employee exceeds $350, the measure of the employee representative tax for such month shall be $350 minus the compensation paid after 1954 to such individual for services rendered by him during the month as an employee.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A renders services as an employee representative during January 1955 for which he is paid in the month or thereafter $100. During January 1955 A also renders services as an employee for one or more employers and receives during the month or thereafter compensation of $300. Inasmuch as A's total compensation for services rendered during January 1955 as an employee representative and as an employee exceeds $350 ($300 plus $100), the measure of the employee representative tax is $350 minus $300 (A's compensation for services rendered as an employee), or $50.

§ 31.3211–2 *Rate and computation of employee representative tax.* The rate of the employee representative tax is 12½ percent. The employee representative tax is computed by multiplying the amount of the employee representative's compensation with respect to which the employee representative tax is imposed by 12½ percent.

§ 31.3212 *Statutory provisions; determination of compensation.*

SEC. 3212. *Determination of compensation.* The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 3231 (a).

§ 31.3212–1 *Determination of compensation.* See § 31.3231 (e)–1 for regulations applicable to compensation.

TAX ON EMPLOYERS

§ 31.3221 *Statutory provisions; rate of tax.*

SEC. 3221. *Rate of tax.* In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 6¼ percent of so much of the compensation paid by such employer after December 31, 1954, for services rendered to him after December 31, 1954, as is, with respect to any employee for any calendar month, not in excess of $350; except that if an employee is paid compensation after December 31, 1954, by more than one employer for services rendered during any calendar month after 1954, the tax imposed by this section shall apply to not more than $350 of the aggregate compensation paid to such employee by all such employers after December 31, 1954, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1954, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1954, to such employee for services rendered during such month.

[Sec. 3221 as amended by sec. 206 (a), Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3221–1 *Measure of employer tax*—(a) *General rule.* Except as provided in paragraph (b) of this section, the employer tax with respect to compensation paid after 1954 for services rendered after 1954 is measured by the amount of such compensation paid by an employer to his employees, excluding, however, the amount of compensation in excess of $350 which is paid after 1954 by the employer to any employee for services rendered during any one calendar month after 1954. For provisions relating to compensation, see § 31.3231 (e)–1. For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employer tax, see § 31.3231 (e)–1 (a) (4) and (5).

(b) *Aggregate monthly compensation in excess of $350 paid by two or more employers.* (1) If an employee is paid compensation after 1954 by two or more employers for services rendered during any one calendar month after 1954, and if the aggregate compensation paid to such employee after 1954 by all employers for services rendered during such month is in excess of $350, the measure of the employer tax of each employer with respect to the compensation paid by him after 1954 to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 31.3231 (a)–1 (a) (6)), the measure of the employer tax of each employer shall be that proportion of $350 which the compensation paid after 1954 by such employer to the employee for the month bears to the total compensation paid after 1954 to such employee by all employers for that month.

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employer tax of each subordinate unit shall be that proportion of $350 which the compensation paid after 1954 by such subordinate unit to the employee for the month bears to the total compensation paid after 1954 to such employee by all such subordinate units for that month.

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after 1954 to the employee by the employer other than a subordinate unit equals or exceeds $350 for the month, then no subordinate unit shall be liable for any employer tax with respect to the compensation paid by it after 1954 to such employee for that month, and the measure of the employer tax of the employer other than a subordinate unit with respect to the compensation paid by him after 1954 to such employee for that month shall be $350.

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by the employers other than a subordinate unit equals or exceeds $350 for the month, then no subordinate unit shall be liable for any employer tax with respect to the compensation paid by it after 1954 to such employee for that month, and the measure of the employer tax of each employer other than a subordinate unit shall be that proportion of $350 which the compensation paid after 1954 by such employer to the employee for the month bears to the total compensation paid after 1954 to such employee by all such employers other than a subordinate unit for that month.

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by all employers other than the subordinate unit is less than $350 for the month, then the measure of the employer tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after 1954 to such employee for that month, and the measure of the employer tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $350 less the total compensation paid after 1954 to such employee for that month by all other employers.

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer, and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after 1954 to the employee by all employers other than the subordinate units is less than $350 for the month, then the measure of the employer tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after 1954 to such employee for that month, and the measure of the employer tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of $350 less the total compensation paid after 1954 to such employee for the month by all employers other than the subordinate units which the compensation paid after 1954 by such subordinate unit to the employee for that month bears to the total compensation paid after 1954 to such employee by all such subordinate units for that month.

See § 31.3231 (e)–1 (a) (4) and (5) for provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employer tax.

(2) For illustrations of the application of certain of the principles in subparagraph (1) of this paragraph, see the examples, illustrating the analogous principles with respect to the deduction of employee tax, set forth in § 31.3202–1 (b) (2).

(c) *Underpayments or overpayments.* Any underpayment or overpayment of employer tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of Subpart G of the regulations in this part relating to adjustments, credits, refunds, and abatements.

§ 31.3221–2 *Rate and computation of employer tax.* The rate of employer tax is 6¼ percent. The employer tax is computed by multiplying the amount of the compensation with respect to which the employer tax is imposed by 6¼ percent.

GENERAL PROVISIONS

§ 31.3231 (a) *Statutory provisions; definitions; employer.*

SEC. 3231. *Definitions*—(a) *Employer.* For purposes of this chapter, the term "employer" means any carrier (as defined in subsection (g)), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer; except that the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Secretary or his delegate, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this exception. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended (44 Stat. 577; 45 U. S. C., chapter 8), and their State and National legislative committees and

their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitutions and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities.

§ 31.3231 (a)–1 *Who are employers.* (a) Each of the following persons is an employer within the meaning of the act:

(1) Any carrier, that is, any express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act;

(2) Any company—

(i) Which is directly or indirectly owned or controlled by one or more employers as defined in subparagraph (1) of this paragraph, or under common control therewith, and

(ii) Which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with—

(*a*) The transportation of passengers or property by railroad, or

(*b*) The receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad;

(3) Any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any employer as defined in subparagraph (1) or (2) of this paragraph;

(4) Any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspection bureau, collection agency, and any other association, bureau, agency, or organization controlled and maintained wholly or principally by two or more employers as defined in subparagraph (1), (2) or (3) of this paragraph and engaged in the performance of services in connection with or incidental to railroad transportation;

(5) Any railway labor organization, national in scope, which has been or may be organized in accordance with the provisions of the Railway Labor Act; and

(6) Any subordinate unit of a national railway-labor-organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in subparagraph (5) of this paragraph, established pursuant to the constitution and bylaws of such employer.

(b) As used in paragraph (a) (2) of this section, the term "controlled" includes direct or indirect control, whether legally enforceable and however exercisable or exercised. The control may be by means of stock ownership, or by agreements, licenses, or any other devices which insure that the operation of the company is in the interest of one or more carriers. It is the reality of the control, however, which is decisive, not its form nor the mode of its exercise.

(c) The term "employer" does not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation which is operated by any other motive power.

(d) The term "employer" does not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities for such mining or supplying of coal, or in any of such activities.

§ 31.3231 (b) *Statutory provisions; definitions; employee.*

SEC. 3231. *Definitions.* • • •

(b) *Employee.* For purposes of this chapter, the term "employee" means any individual in the service of one or more employers for compensation; except that the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if—

(1) He was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence was established to the satisfaction of the Railroad Retirement Board before July 1947; or

(2) He was in the service of a carrier after August 29, 1935, and before January 1946 in each of 6 calendar months, whether or not consecutive; or

(3) Before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but—

(A) Solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age 65 or until August 1945, or

(B) Solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or

(C) If he was so called he was solely for such reason unable to render service in 6 calendar months as provided in paragraph (2); or

(4) He was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within 1 year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within 10 years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights;

except that an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937 (50 Stat. 312; 45 U. S. C. 228f), or if during the last payroll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such payroll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a). The term "employee" includes an officer of an employer. The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

§ 31.3231 (b)–1 *Who are employees*—(a) *In general.* (1) An individual who is in the service of one or more employers for compensation is an employee within the meaning of the act. (For definitions of the terms "employer", "service", and "compensation", see subsections (a), (d), and (e), respectively, of section 3231.) An individual is in the service of an employer, with respect to services rendered for compensation, if—

(i) He is subject to the continuing authority of the employer to supervise and direct the manner in which he renders such services; or

(ii) He is rendering professional or technical services and is integrated into the staff of the employer; or

(iii) He is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations.

(2) In order that an individual may be in the service of an employer within the meaning of subparagraph (1) (i) of this paragraph, it is not necessary that the employer actually direct or control the manner in which the services are rendered; it is sufficient if the employer has the right to do so. The right of an employer to discharge an individual is also an important factor indicating that the individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of the services. Other factors indicating that an individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of the services are the furnishing of tools and the furnishing of a place to work by the employer to the individual who renders the services.

(3) In general, if an individual is subject to the control or direction of an employer merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not, as to such services, in the service of an employer within the meaning of subparagraph (1) (i) of this paragraph. However, an individual performing services as an independent contractor may be, as to such services, in the service of an employer within the meaning of subparagraph (1) (ii) or (iii) of this paragraph.

(4) Whether or not an individual is an employee will be determined upon an examination of the particular facts of the case.

(5) If an individual is an employee, it is of no consequence that he is designated as a partner, coadventurer, agent, independent contractor, or otherwise, or that he performs services on a part-time basis.

(6) No distinction is made between classes or grades of employees. Thus, superintendents, managers, and other supervisory personnel are employees within the meaning of the act. An officer of an employer is an employee, but a director as such is not.

(7) In determining whether an individual is an employee with respect to services rendered within the United States, the citizenship or residence of the individual, or the place where the contract of service was entered into, is immaterial.

(8) If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which does not conduct the principal part of its business within the United States, such individual shall be deemed to be in the service of such employer only to the extent that he performs services for it in the United States. Thus, with respect to services rendered for such employer outside the United States, such individual is not in the service of an employer.

(9) If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which conducts the principal part of its business within the United States, he is in the service of such employer whether his services are rendered within or without the United States. In the case of an individual, not a citizen or resident of the United States, rendering services in a place outside the United States to an employer which is required under the laws applicable in such place to employ, in whole or in part, citizens or residents thereof, such individual shall not be deemed to be in the service of an employer with respect to services so rendered.

(10) The term "employee" does not include any individual while he is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(b) *Employees of local lodges or divisions of railway-labor-organization employers.* (1) An individual is in the service of a local lodge or division of a railway-labor-organization employer (see § 31.3231 (a)–1 (a) (6)) only if—

(i) All, or substantially all, the individuals constituting the membership of such local lodge or division are employees of an employer conducting the principal part of its business in the United States; or

(ii) The headquarters of such local lodge or division is located in the United States.

(2) (i) An individual in the service of a local lodge or division is not an employee within the meaning of the act unless he was, on or after August 29, 1935, in the service of a carrier (see § 31.3231 (g) for definition of carrier) or he was, on August 29, 1935, in the "employment relation" to a carrier.

(ii) An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (*a*) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence was established to the satisfaction of the Railroad Retirement Board before July 1947; or (*b*) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (*c*) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (*1*) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (*2*) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (*3*) if he was so called he was solely for such reason unable to render service in six calendar months as provided in (*b*) of this subdivision; or (*d*) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within 10 years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last payroll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such payroll period, in the service of an employer (see paragraph (a) of this section).

(c) *Employees of general committees of railway-labor-organization employers.* An individual is in the service of a general committee of a railway-labor-organization employer (see § 31.3231 (a)–1 (a) (6)) only if—

(1) He is representing a local lodge or division described in paragraph (b) (1) of this section; or

(2) All, or substantially all, the individuals represented by such general committee are employees of an employer conducting the principal part of its business in the United States; or

(3) He acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer. In such case, if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only a part of his remuneration for such service shall be regarded as compensation. The part of his remuneration regarded as compensation shall be in the same proportion to his total remuneration as the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to section 1 (c) of the Railroad Retirement Act of 1937 shall be applicable. However, no part of his remuneration for such service shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service.

§ 31.3231 (c) *Statutory provisions; definitions; employee representative.*

SEC. 3231. *Definitions.* • • •

(c) *Employee representative.* For purposes of this chapter, the term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 1937, was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act (44 Stat. 577; 45 U. S. C., chapter 8), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

§ 31.3231 (c)–1 *Who are employee representatives.* (a) An employee representative within the meaning of the act is—

(1) Any officer or official representative of a railway labor organization which is not included as an employer under section 3231 (a) who—

(i) Was in the service of an employer either before or after June 29, 1937, and

(ii) Is duly authorized and designated to represent employees in accordance with the Railway Labor Act.

For railway labor organizations which are employers under section 3231 (a), see § 31.3231 (a)–1 (a) (5) and (6).

(2) Any individual who is regularly assigned to or regularly employed by an employee representative, as defined in subparagraph (1) of this paragraph, in connection with the duties of such employee representative's office.

(b) In determining whether an individual is an employee representative, his citizenship or residence is material only insofar as those factors may affect the determination of whether he was "in the service of an employer" (see § 31.3231 (b)–1 (a)).

§ 31.3231 (d) *Statutory provisions; definitions; service.*

SEC. 3231. *Definitions.* • • •

(d) *Service.* For purposes of this chapter, an individual is in the service of an employer whether his service is rendered within or without the United States, if—

(1) He is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or techni-

cal services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and

(2) He renders such service for compensation;

except that an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States, only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if—

(3) All, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or

(4) The headquarters of such local lodge or division is located in the United States;

and an individual shall be deemed to be in the service of such a general committee only if—

(5) He is representing a local lodge or division described in paragraph (3) or (4) immediately above; or

(6) All, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or

(7) He acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to section 1 (c) of the Railroad Retirement Act of 1937 (50 Stat. 308; 45 U. S. C. 228a) shall be applicable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 percent of his remuneration for such service, no part of such remuneration shall be regarded as compensation;

Provided, however, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date.

§ 31.3231 (d)–1 *Service.* See § 31.3231 (b)–1 for regulations relating to the term "in the service of an employer."

§ 31.3231 (e) *Statutory provisions; definitions; compensation.*

SEC. 3231. *Definitions.* • • •

(e) *Compensation.* For purposes of this chapter—

(1) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 3201. Compensation which is earned during the period for which the Secretary or his delegate shall require a return of taxes under this chapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. For the purpose of determining the amount of taxes under sections 3201 and 3221, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3. Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an "employer" in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this chapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act.

(2) A payment made by an employer to an individual through the employer's payroll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

[Sec. 3231 (e) as amended by section 206 (b), Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3231 (e)–1 *Compensation—(a) Definition.* (1) The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers or as an employee representative. A payment made by an employer to an individual through the employer's payroll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment made by an employee organization to an employee representative through the organization's payroll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

(2) The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization.

(3) The term "compensation" does not include tips or the voluntary payment by an employer of the employee tax without the deduction of such tax from the remuneration of the employee.

(4) If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for purposes of determining the employee tax under section 3201 and the employer tax under section 3221.

(5) Compensation for service as a delegate to a national or international convention of a railway-labor-organization employer shall be disregarded for purposes of determining the employee tax under section 3201 and the employer tax under section 3221 if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act of 1937.

(6) For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 31.3231 (b)–1 (c) (3).

(b) *Items included as compensation.* The following items are included in compensation with respect to employees and in analogous situations with respect to employee representatives:

(1) Salaries, wages, commissions, fees, bonuses, and any other remuneration in money or in something which may be used in lieu of money. The name by which remuneration is designated, the amount, and the basis upon which it is paid are immaterial. It may be paid upon the basis of piece-work, a percentage of profits, or on a daily, hourly, weekly, monthly, annual, or other basis.

(2) Sick pay, vacation allowances, or back pay upon reinstatement after wrongful discharge.

(3) Amounts paid to an employee for an identifiable period of absence from the active service of the employer on account of personal injury. If a payment is made to an employee with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service.

(4) Amounts paid to an employee for loss of earnings during an identifiable period as the result of the displacement of the employee to a less remunerative position or occupation.

(5) Amounts paid as allowance or reimbursement for traveling or other expenses incurred in the business of the employer to the extent of the excess of such amounts, if any, over such expenses actually incurred and accounted for by the employee to the employer.

(6) Generally, premiums paid by an employer on a policy of life insurance covering the life of an employee, if the employer is not a beneficiary under the policy. However, premiums paid by an employer on policies of group life insurance covering the lives of his employees are not compensation, if the employee has no option to take the amount of the premiums instead of accepting the insurance and has no equity in the policy (such as the right of assignment or the right to the surrender value on termination of his employment).

(7) Amounts deducted from the compensation of an employee, including the amount of the employee tax deducted pursuant to section 3202, constitute compensation paid to the employee.

(8) Payments made by an employer into a stock bonus, pension, or profit-sharing fund, if such payments inure to the exclusive benefit of the employee and may be withdrawn by the employee at any time, or upon resignation or dismissal, or if the contract for services requires such payment as part of the remuneration. Whether or not under other circumstances such payments constitute compensation depends upon the particular facts of each case.

(c) *When compensation is earned.* Compensation is earned when an employee, or employee representative, as such, performs services for which he is paid or for which there is a present or future obligation to pay, regardless of the time at which payment is made or is to be made. Remuneration paid for any period of absence from active service shall be deemed to have been earned in the month in which such absence from service occurred. A payment made by an employer or employee organization to an individual through the payroll of the employer or employee organization shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the payroll and, thus, to have been earned in such period.

(d) *When compensation is paid.* Compensation is deemed to be paid—

(1) When it is actually paid; or

(2) When it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition; or

(3) Within the period for which a return of tax is required to be made, if the compensation was earned during such period and is payable during the calendar month following such period. For provisions relating to periods for which a return of tax is required, see the regulations under section 6011 in Subpart G of this part. See also paragraph (c) of this section, relating to when compensation is earned.

Example (1). During September 1955 (which falls in a period for which a return of tax is required to be made), A is employed by employer X at a monthly salary of $200, one-half of which is payable on the 25th of the month in which the services are performed and the other half on the 10th of the following month. Thus on October 10, A is paid $100 which was earned during September. That $100 is deemed to have been paid to A in September and should be included in X's return filed for the period in which September falls.

Example (2). During September 1955 (which falls in a period for which a return of tax is required to be made), A is employed by employer X on the basis of a 6-day week at a weekly salary of $60 payable on Saturday of each week. Thus on Saturday, October 1, 1955, A is paid $60 for services performed during the week September 26, 1955, to October 1, 1955, inclusive. In such case five-sixths of that amount or $50 is deemed to have been paid in September and should be included in X's return filed for the period in which September falls. The balance of A's salary for that week ($10) should be included in the return filed for the period in which October 1955 falls. But see the provisions of the regulations under section 6011 in Subpart G of this part, relating to returns of employers required by State law to pay compensation on a weekly basis.

§ 31.3231 (f) *Statutory provisions; definitions; company.*

SEC. 3231. *Definitions.* • • •

(f) *Company.* For purposes of this chapter, the term "company" includes corporations, associations, and joint-stock companies.

§ 31.3231 (g) *Statutory provisions; definitions; carrier.*

SEC. 3231. *Definitions.* • • •

(g) *Carrier.* For purposes of this chapter, the term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act (49 U. S. C., chapter 1).

§ 31.3232 *Statutory provisions; court jurisdiction.*

SEC. 3232. *Court jurisdiction.* The several district courts of the United States shall have jurisdiction to entertain an application by the Attorney General on behalf of the Secretary or his delegate to compel an employee or other person residing within the jurisdiction of the court or an employer subject to service of process within its jurisdiction to comply with any obligations imposed on such employee, employer, or other person under the provisions of this chapter. The jurisdiction herein specifically conferred upon such Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by such courts to entertain civil actions, whether legal or equitable in nature, in aid of the enforcement of rights or obligations arising under the provisions of this chapter.

§ 31.3233 *Statutory provisions; short title.*

SEC. 3233. *Short title.* This chapter may be cited as the "Railroad Retirement Tax Act."

[F. R. Doc. 56-7029; Filed, Sept. 4, 1956; 8:45 a. m.]

[T. D. 6199]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

SUBPART D—FEDERAL UNEMPLOYMENT TAX ACT (CHAPTER 23, INTERNAL REVENUE CODE OF 1954)

On March 30, 1956, notice of proposed rule making with respect to regulations under chapter 23 (Federal Unemployment Tax Act) of the Internal Revenue Code of 1954, as amended, was published in the FEDERAL REGISTER (21 F. R. 1991). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 28, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

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AUTHORITY: §§ 31.3301 to 31.3308 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply chapter 23, 68A Stat. 439; 26 U. S. C. Ch. 23.

§ 31.3301 *Statutory provisions; rate of tax.*

SEC. 3301. *Rate of tax.* There is hereby imposed on every employer (as defined in section 3306 (a)) for the calendar year 1955 and for each calendar year thereafter an excise tax, with respect to having individuals in his employ, equal to 3 percent of the total wages (as defined in section 3306 (b)) paid by him during the calendar year with respect to employment (as defined in section 3306 (c)) after December 31, 1938.

§ 31.3301-1 *Persons liable for tax.* Every person who is an employer as defined in section 3306 (a) (see § 31.3306 (a)-1) is liable for the tax. Even if an employer is not subject to any State unemployment compensation law, he is nevertheless liable for the tax. However, if he is subject to such a State law, he may be entitled to certain credits against the tax (see §§ 31.3302 (a)-1 to 31.3302 (c)-1, inclusive). For provisions relating to payment of the tax, see Subpart G of the regulations in this part.

§ 31.3301-2 *Measure of tax.* The tax for any calendar year is measured by the amount of wages paid by the employer during such year with respect to employment after December 31, 1938. (See §§ 31.3306 (c)-1 to 31.3306 (c) (17)-1, inclusive, relating to employment, and §§ 31.3306 (b)-1 to 31.3306 (b) (8)-1, inclusive, relating to wages.)

§ 31.3301-3 *Rate and computation of tax.* The rate of tax is 3 percent. The tax is computed by applying the 3 percent rate to the wages paid during the calendar year with respect to employment after December 31, 1938.

§ 31.3301-4 *When wages are paid.* Wages are paid when actually or constructively paid. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition. See Subpart G of the regulations in this part, relating to the return on which wages are to be reported.

§ 31.3302 (a) *Statutory provisions; credits against tax; contributions to State unemployment funds.*

SEC. 3302. *Credits against tax*—(a) *Contributions to State unemployment funds.* (1) The taxpayer may, to the extent provided in this subsection and subsection (c), credit against the tax imposed by section 3301 the amount of contributions paid by him into an unemployment fund maintained during the taxable year under the unemployment compensation law of a State which is certified for the taxable year as provided in section 3304.

(2) The credit shall be permitted against the tax for the taxable year only for the amount of contributions paid with respect to such taxable year.

(3) The credit against the tax for any taxable year shall be permitted only for contributions paid on or before the last day upon which the taxpayer is required under section 6071 to file a return for such year; except that credit shall be permitted for contributions paid after such last day, but such credit shall not exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day.

(4) Upon the payment of contributions into the unemployment fund of a State which are required under the unemployment compensation law of that State with respect to remuneration on the basis of which, prior to such payment into the proper fund, the taxpayer erroneously paid an amount as contributions under another unemployment compensation law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made on the date the return for the taxable year was filed under section 6071.

§ 31.3302 (a)-1 *Credit against tax for contributions paid*—(a) *In general.* Subject to the provisions of paragraphs (b) and (c) of this section and to the provisions of § 31.3302 (c)-1, the taxpayer may credit against the tax for any taxable year the total amount of contributions paid by him into an unemployment fund maintained during such year under a State law which has been found by the Secretary of Labor to contain the provisions specified in section 3304 (a); *Provided, however,* That no credit may be taken for contributions under a State law if such State has not been duly certified for the calendar year to the Secretary of the Treasury by the Secretary of Labor. The contributions may be credited against the tax whether or not they are paid with respect to employment as defined in section 3306 (c). For provisions relating to additional credit against the tax, see § 31.3302 (b)-1.

(b) *Limitation on the taxable year with respect to which contributions are allowable.* In order to be allowable as credit against the tax for any taxable year, the contributions must have been paid with respect to such year.

Example (1). Under the unemployment compensation law of State X, employer M is required to report in his contribution return for the quarter ending December 31, 1955, all remuneration payable for services rendered in such quarter. A portion of such remuneration is not paid to his employees until February 1, 1956. On January 20, 1956, M pays to the State the total amount of contributions due with respect to all remuneration so required to be reported. Such contributions, including those with respect to the remuneration paid on February 1, 1956, may be included in computing the credit against the tax for the calendar year 1955. This is true even though the remuneration paid on February 1, 1956 (if it constitutes "wages") is required to be reported in the Federal return for 1956 and not in the Federal return for 1955.

Example (2). Under the unemployment compensation law of State Y, employer N is required to include in his contribution return for the quarter ending December 31, 1955, certain remuneration paid on December 30, 1955, to an employee for services to be rendered after December 31. On January 20, 1956, N pays to the State the total amount of contributions due with respect to all remuneration required to be reported on the contribution return. Such contributions, including those with respect to the remuneration paid on December 30, 1955, may be included in computing the credit against the tax for the calendar year 1955.

(c) *Limitation on amount of credit allowable based on time when contributions are paid*—(1) *In general.* The amount of credit allowable for contributions paid into a State unemployment fund depends in part on the time of payment of such contributions. Although contributions paid at any time may be credited against the tax (subject to the limitations referred to in subparagraphs (2) and (3) of this paragraph), no refund or credit of the tax based on credit for contributions paid will be allowed unless the contributions are paid prior to the expiration of the period of limitations applicable to refund or credit of the tax. See Subpart G of the regulations in this part.

(2) *Amount of credit allowable when contributions are paid on or before last day for filing return.* Contributions paid into a State unemployment fund on or before the last day upon which the Federal return for the taxable year is required to be filed may be credited against the tax in an amount equal to such contributions, but not, however, to exceed the limit on total credits prescribed in section 3302 (c). (See § 31.3302 (c)-1.) For provisions relating to the time for filing the return see § 31.6071 in Subpart G of this part.

(3) *Amount of credit allowable when contributions are paid after last day for filing return.* Contributions paid into a State unemployment fund after the last day upon which the Federal return for the taxable year is required to be filed may be credited against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into a State unemployment fund on or before such last day. However, see subparagraph (4) of this paragraph relating to the payment of contributions to the wrong State. For provisions relating to refund, credit, or abatement of the tax based on credit with respect to contributions, see Subpart G of the regulations in this part.

Example (1). The Federal return of the M Company for the calendar year 1955 discloses a total tax of $12,000. The company is liable for total State contributions of $8,000 for such year. The due date of the company's Federal return is January 31, 1956, no extension of time for filing the return having been granted. The contributions are not paid until February 1, 1956. If the contributions had been paid on or before January 31, 1956, the entire amount could have been credited against the tax (such amount not exceeding 90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, 1956, the M Company is entitled to a credit of 90 percent of the amount of the contributions ($8,000), or $7,200, the net liability for Federal tax being $4,800 ($12,000 minus $7,200).

Example (2). The facts are the same as in example (1), except that the M Company is liable for and pays total State contributions of $12,000, instead of $8,000. If the contributions had been paid on or before January 31, 1956, the amount allowable as credit would have been $10,800 (90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, 1956, the M Company is entitled to a credit of 90 percent of $10,800, or $9,720, the net liability for Federal tax being $2,280 ($12,000 minus $9,720).

Example (3). The Federal return of the R Company for the calendar year 1955 discloses a total tax of $10,000. The company is liable for total State contributions of $9,000 for such year. The due date of the company's Federal return is January 31, 1956, no extension of time for filing the return having been granted. The R Company pays $8,000 of the total State contributions on or before such date, and the remaining $1,000 on February 1, 1956. If the $1,000 had been paid on or before January 31, 1956, that amount could have been credited against the tax (such amount plus the $8,000 paid on or before January 31, 1956, not exceeding 90 percent of the Federal tax of $10,000). Since the $1,000 was paid after January 31, 1956, the R Company is entitled to a credit of 90 percent of this amount or $900, plus the credit of $8,000 allowable for the contributions paid on or before January 31, 1956. The net liability for Federal tax is thus $1,100 ($10,000 minus $8,900).

(4) *Amount of credit allowable when contributions are paid to wrong State.* Contributions for the taxable year paid into a State unemployment fund which are required under the unemployment compensation law of that State, but which are paid with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed for purposes of the credit to have been paid at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions for such taxable year with respect to services subject to such other law, the payment into the proper fund shall be deemed for purposes of credit to have been made on the date the Federal return for such year was actually filed by the taxpayer under § 31.6011 (a) (3) in Subpart G of this part.

Example. Employer N, whose Federal return for the calendar year 1955 discloses a total tax of $1,000, employs individuals in State X and State Y during the calendar year 1955. N assumes in good faith that the services of his employees are covered by the unemployment compensation law of State Y, and pays as contributions to State Y the amount of $900 based upon the remuneration of the employees. All of the services were in fact covered by the unemployment compensation law of State X, and none by the law of State Y. The payment to State Y was made on January 31, 1956. When the error was discovered thereafter, N paid to State X contributions in the amount of $900 based upon such remuneration. Since the contributions were paid to State Y on January 31, 1956, the contributions to State X are, for purposes of the credit, deemed to have been paid on such date. N is entitled to a credit of $900 against the Federal tax of $1,000, the net liability for Federal tax being $100 ($1,000 minus $900).

§ 31.3302 (a)-2 *Refund of State contributions.* If, subsequent to the filing of the return, a refund is made by a State to the taxpayer of any part of his contribution credited against the tax, the

taxpayer is required to advise the district director of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due.

§ 31.3302 (a)–3 *Proof of credit under section 3302 (a).* Credit against the tax for any calendar year for contributions paid into State unemployment funds shall not be allowed unless there is submitted to the district director:

(a) A certificate of the proper officer of each State (the laws of which required the contributions to be paid) showing, for the taxpayer:

(1) The total amount of contributions required to be paid under the State law with respect to such calendar year (exclusive of penalties and interest) which was actually paid on or before the date the Federal return is required to be filed; and

(2) The amounts and dates of such required payments (exclusive of penalties and interest) actually paid after the date the Federal return is required to be filed.

(b) A statement by the taxpayer that no part of any payment made by him into a State unemployment fund for such calendar year, which is claimed as a credit against the tax, was deducted or is to be deducted from the remuneration of individuals in his employ. Such statement shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(c) Such other or additional proof as the Commissioner or the district director may deem necessary to establish the right to the credit provided for under section 3302 (a).

§ 31.3302 (b) *Statutory provisions; credits against tax; additional credit.*

SEC. 3302. *Credits against tax.* • • •

(b) *Additional credit.* In addition to the credit allowed under subsection (a), a taxpayer may credit against the tax imposed by section 3301 for any taxable year an amount, with respect to the unemployment compensation law of each State certified for the taxable year as provided in section 3303 (or with respect to any provisions thereof so certified), equal to the amount, if any, by which the contributions required to be paid by him with respect to the taxable year were less than the contributions such taxpayer would have been required to pay if throughout the taxable year he had been subject under such State law to the highest rate applied thereunder in the taxable year to any person having individuals in his employ, or to a rate of 2.7 percent, whichever rate is lower.

§ 31.3302 (b)–1 *Additional credit against tax*—(a) *In general.* In addition to the credit against the tax allowable for contributions actually paid to State unemployment funds (see § 31.3302 (a)–1), the taxpayer may be entitled to a credit under section 3302 (b). This additional credit is allowable to the taxpayer with respect to the amount of contributions which he is relieved from paying to an unemployment fund under the provisions of a State law which have been certified for the taxable year as provided in section 3303. Generally, an additional credit is available to an employer, if under the provisions of a State law which have been so certified he is permitted to pay contributions to such State for the taxable year, or portion thereof, at a rate which is both lower than the highest rate applied under such law in such year and lower than 2.7 percent. No additional credit is allowable except with respect to a State law certified by the Secretary of Labor for the taxable year as provided in section 3303 (or with respect to any provisions thereof so certified).

(b) *Method of computing amount of additional credit allowable with respect to a State law*—(1) *Certification of a State law as a whole.* In ascertaining the additional credit for any taxable year with respect to a particular State law which the Secretary of Labor certifies as a whole to the Secretary of the Treasury in accordance with the provisions of section 3303, the taxpayer must first compute the following amounts:

(i) The amount of contributions (whether or not with respect to employment as defined in section 3306 (c)) which the taxpayer would have been required to pay under the State law for such year if throughout the year he had been subject to the highest rate applied under such law in such year, or to a rate of 2.7 percent, whichever rate is lower.

(ii) The amount of contributions (whether or not with respect to employment as defined in section 3306 (c)) he was required to pay under the State law with respect to such year, whether or not paid.

The amount computed under subdivision (ii) of this subparagraph should then be subtracted from the amount computed under subdivision (i) of this subparagraph and the result will be the additional credit for the taxable year with respect to the law of that State.

Example. A employs individuals only in State X during the calendar year 1955. The unemployment compensation law of State X has been certified in its entirety to the Secretary of the Treasury by the Secretary of Labor for such year. The highest rate applied in such year under such State law to any taxpayer is 3 percent. However, A has obtained a rate of 1 percent under the law of such State and is required to pay his entire year's contributions at that rate. The amount of remuneration of A's employees subject to contributions under such State law is $25,000. The amount of wages paid by A during that year with respect to employment under the Federal law likewise is $25,000, the Federal tax at the 3 percent rate being $750. A's additional credit under section 3302 (b) is $425, computed as follows:

Remuneration subject to contributions	$25,000
Contributions at 2.7 percent rate	675
Less:	
Contributions required to be paid at 1 percent rate	250
Additional credit to A	425

Since the 2.7 percent rate is less than the highest rate applied (3 percent), the 2.7 percent rate is used in computing the amount ($675) from which the amount of contributions required to be paid at the 1 percent rate ($250) is deducted in order to ascertain the additional credit ($425).

(2) *Certification with respect to particular provisions of a State law.* If the Secretary of Labor makes a certification to the Secretary of the Treasury with respect to particular provisions of a State law for any taxable year pursuant to section 3303, the additional credit of the taxpayer for such year with respect to such law shall be computed in such manner as the Commissioner shall determine.

(c) *Amount of additional credit allowable to taxpayer with respect to more than one State law.* If the taxpayer is entitled to additional credit with respect to more than one State law in any taxable year, the additional credit allowable with respect to each State law shall be computed separately (in accordance with paragraph (b) of this section) and the total additional credit allowable against the tax for such year shall be the aggregate of the additional credits allowable with respect to such State laws. For limitation on total credits, see § 31.3302 (c)–1.

§ 31.3302 (b)–2 *Proof of additional credit under section 3302 (b).* Additional credit under section 3302 (b) shall not be allowed against the tax for any calendar year unless there is submitted—

(a) To the Commissioner a certificate of the proper officer of each State (with respect to the law of which the additional credit is claimed) showing the highest rate of contributions applied under the State law in such calendar year to any person having individuals in his employ; and

(b) To the district director a certificate of the proper officer of each State (with respect to the law of which the additional credit is claimed) showing for the taxpayer—

(1) The total remuneration with respect to which contributions were required to be paid by the taxpayer under the State law with respect to such calendar year; and

(2) The rate of contributions applied to the taxpayer under the State law with respect to such calendar year.

If under the law of such State different rates of contributions were applied to the taxpayer during particular periods of such calendar year, the certificate shall set forth the information called for in subparagraphs (1) and (2) of this paragraph with respect to each such period.

(c) Such other or additional proof as the Commissioner or the district director may deem necessary to establish the right to the additional credit provided for under section 3302 (b).

§ 31.3302 (c) *Statutory provisions; credits against tax; limit on total credits.*

SEC. 3302. *Credits against tax.* • • •

(c) *Limit on total credits.* (1) The total credits allowed to a taxpayer under this section shall not exceed 90 percent of the tax against which such credits are allowable.

(2) If an advance or advances have been made to the unemployment account of a State under title XII of the Social Security Act, and if any balance of such advance or advances has not been returned to the Federal unemployment account as provided in that title before December 1 of the taxable year, then the total credits (after other reductions under this section) otherwise allowable under this section for such taxable year in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced—

(A) In the case of a taxable year beginning with the fourth consecutive January 1 on which such a balance of unreturned advances existed, by 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; and

(B) In the case of any succeeding taxable year beginning with a consecutive January 1 on which such a balance of unreturned advances existed, by an additional 5 percent, for each such succeeding taxable year, of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State.

For purposes of this paragraph, wages shall be attributable to a particular State if they are subject to the unemployment compensation law of the State, or (if not subject to the unemployment compensation law of any State) if they are determined (under rules or regulations prescribed by the Secretary or his delegate) to be attributable to such State.

§ 31.3302 (c)–1 *Limit on total credits*—(a) *Ninety percent limitation on credits against tax.* The aggregate of the credit under section 3302 (a) and the additional credit under section 3302 (b) shall not exceed 90 percent of the tax against which credit is taken.

(b) *Reduction of amount of total credit otherwise allowable.* (1) Section 3302 (c) (2) provides for a reduction, under certain circumstances, of the amount of the total credits allowable under section 3302 (a), (b), and (c) (1). If any balance of an advance or advances made under title XII of the Social Security Act to the unemployment account of a State remains unpaid on January 1 of 4 consecutive taxable years, the total credits which would be allowable under section 3302 (without regard to the provisions of section 3302 (c) (2)) to a taxpayer subject to the unemployment compensation law of such State shall be reduced for the taxable year beginning with the fourth consecutive January 1, unless prior to December 1 of that taxable year the total amount of any advance or advances made to the account of such State has been fully repaid. The reduction in the total credits allowable under section 3302 (without regard to the provisions of section 3302 (c) (2)) for the taxable year beginning with the fourth consecutive January 1 shall be 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State. In the case of any succeeding taxable year beginning with a consecutive January 1 on which such a balance of an unreturned advance or advances exists, the total credits which would be allowable (without regard to the provisions of section 3302 (c) (2)) shall be reduced unless prior to December 1 of such succeeding taxable year the total amount of any advance or advances made to the account of the State has been fully repaid. The reduction for each such succeeding taxable year beginning with a consecutive January 1 on which such a balance exists shall be a percentage of the tax imposed by section 3301 with respect to the wages paid by the taxpayer during such succeeding taxable year which are attributable to such State. The percentage reduction for any such succeeding taxable year shall be the percentage reduction for the immediately preceding taxable year plus 5 percent.

(2) The computation of the percentage reduction referred to in subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). If an advance is made, under title XII of the Social Security Act, to the unemployment account of State X in 1955 and if such advance is not fully returned before December 1, 1959, a balance of an advance will remain unreturned on January 1 of each of 4 consecutive taxable years (1956 through 1959), and will remain unreturned on December 1, 1959. In such event, the total credits which would be allowable under section 3302 (without regard to section 3302 (c) (2)) will be reduced for the taxable year 1959 in the case of any taxpayer who during such year is subject to the unemployment compensation law of State X. The reduction will be 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during 1959 which are attributable to State X.

Example (2). If an advance made in 1955 to the unemployment account of State Y is fully returned in 1956 but an advance made to the account of such State in 1956 is not fully returned before December 1, 1959, a reduction of 5 percent (as in example (1)) will be imposed for the taxable year 1959 because a balance of advances will remain unreturned on January 1 of each of 4 consecutive taxable years (1956 through 1959) and will remain unreturned on December 1, 1959. If such a balance also exists on January 1, 1960, and all advances made before December 1, 1960, to the unemployment account of State Y are not fully returned before December 1, 1960, the total credits will be reduced for the taxable year 1960. The reduction in the total credits for the taxable year 1960 in the case of any taxpayer who during such year is subject to the unemployment compensation law of State Y will be 10 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during 1960 which are attributable to State Y. If such a balance also exists on January 1, 1961, and if all advances made before December 1, 1961, to the unemployment account of State Y are not fully returned before December 1, 1961, the total credits will be reduced for the taxable year 1961. The reduction in the total credits for the taxable year 1961 in the case of any taxpayer who during such year is subject to the unemployment compensation law of State Y will be 15 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during 1961 which are attributable to State Y.

(3) For purposes of section 3302 (c) (2), wages are attributable to a particular State if they are subject to the unemployment compensation law of the State. If wages are not subject to the unemployment compensation law of any State, the determination as to whether such wages, or any portion thereof, are attributable to the particular State with respect to which the reduction in total credits is imposed shall be made in accordance with rules prescribed by the Commissioner.

§ 31.3303 *Statutory provisions; conditions of additional credit allowance.*

SEC. 3303. *Conditions of additional credit allowance*—(a) *State standards.* A taxpayer shall be allowed an additional credit under section 3302 (b) with respect to any reduced rate of contributions permitted by a State law, only if the Secretary of Labor finds that under such law—

(1) No reduced rate of contributions to a pooled fund or to a partially pooled account is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during not less than the 3 consecutive years immediately preceding the computation date;

(2) No reduced rate of contributions to a guaranteed employment account is permitted to a person (or a group of persons) having individuals in his (or their) employ unless—

(A) The guaranty of remuneration was fulfilled in the year preceding the computation date; and

(B) The balance of such account amounts to not less than 2½ percent of that part of the payroll or payrolls for the 3 years preceding the computation date by which contributions to such account were measured; and

(C) Such contributions were payable to such account with respect to 3 years preceding the computation date;

(3) No reduced rate of contributions to a reserve account is permitted to a person (or group of persons) having individuals in his (or their) employ unless—

(A) Compensation has been payable from such account throughout the year preceding the computation date, and

(B) The balance of such account amounts to not less than five times the largest amount of compensation paid from such account within any 1 of the 3 years preceding such date, and

(C) The balance of such account amounts to not less than 2½ percent of that part of the payroll or payrolls for the 3 years preceding such date by which contributions to such account were measured, and

(D) Such contributions were payable to such account with respect to the 3 years preceding the computation date.

For any person (or group of persons) who has (or have) not been subject to the State law for a period of time sufficient to compute the reduced rates permitted by paragraphs (1), (2), and (3) of this subsection on a 3-year basis, the period of time required may be reduced to the amount of time the person (or group of persons) has (or have) had experience under or has (or have) been subject to the State law, whichever is appropriate, but in no case less than 1 year immediately preceding the computation date.

[Sec. 3303 (a) as amended by sec. 2, Act of Sept. 1, 1954, 68 Stat. 1130]

(b) *Certification by the Secretary of Labor with respect to additional credit allowance.* (1) On December 31 in each taxable year, the Secretary of Labor shall certify to the Secretary of the law of each State (certified with respect to such year by the Secretary of Labor as provided in section 3304) with respect to which he finds that reduced rates of contributions were allowable with respect to such taxable year only in accordance with the provisions of subsection (a).

(2) If the Secretary of Labor finds that under the law of a single State (certified by the Secretary of Labor as provided in section 3304) more than one type of fund or account is maintained, and reduced rates of contributions to more than one type of fund or account were allowable with respect to any taxable year, and one or more of such reduced rates were allowable under conditions not fulfilling the requirements of subsection (a), the Secretary of Labor shall, on December 31 of such taxable year, certify to the Secretary only those provisions of the State law pursuant to which reduced rates of contributions were allowable with respect to such taxable year under conditions fulfilling the requirements of subsection (a), and shall, in connection therewith, designate the kind of fund or account, as defined in subsection (c), established by the provisions so certified. If the Secretary of Labor finds that a part of any reduced rate of contributions

payable under such law or under such provisions is required to be paid into one fund or account and a part into another fund or account, the Secretary of Labor shall make such certification pursuant to this paragraph as he finds will assure the allowance of additional credits only with respect to that part of the reduced rate of contributions which is allowed under provisions which do fulfill the requirements of subsection (a).

(3) The Secretary of Labor shall, within 30 days after any State law is submitted to him for such purpose, certify to the State agency his findings with respect to reduced rates of contributions to a type of fund or account, as defined in subsection (c), which are allowable under such State law only in accordance with the provisions of subsection (a). After making such findings, the Secretary of Labor shall not withhold his certification to the Secretary of such State law, or of the provisions thereof with respect to which such findings were made, for any taxable year pursuant to paragraph (1) or (2) unless, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds the State law no longer contains the provisions specified in subsection (a) or the State has, with respect to such taxable year, failed to comply substantially with any such provision.

(c) *Definitions.* As used in this section—

(1) *Reserve account.* The term "reserve account" means a separate account in an unemployment fund, maintained with respect to a person (or group of persons) having individuals in his (or their) employ, from which account, unless such account is exhausted, is paid all and only compensation payable on the basis of services performed for such person (or for one or more of the persons comprising the group).

(2) *Pooled fund.* The term "pooled fund" means an unemployment fund or any part thereof (other than a reserve account or a guaranteed employment account) into which the total contributions of persons contributing thereto are payable, in which all contributions are mingled and undivided, and from which compensation is payable to all individuals eligible for compensation from such fund.

(3) *Partially pooled account.* The term "partially pooled account" means a part of an unemployment fund in which part of the fund all contributions thereto are mingled and undivided, and from which part of the fund compensation is payable only to individuals to whom compensation would be payable from a reserve account or from a guaranteed employment account but for the exhaustion or termination of such reserve account or of such guaranteed employment account. Payments from a reserve account or guaranteed employment account into a partially pooled account shall not be construed to be inconsistent with the provisions of paragraph (1) or (4).

(4) *Guaranteed employment account.* The term "guaranteed employment account" means a separate account, in an unemployment fund, maintained with respect to a person (or group of persons) having individuals in his (or their) employ who, in accordance with the provisions of the State law or of a plan thereunder approved by the State agency,

(A) Guarantees in advance at least 30 hours of work, for which remuneration will be paid at not less than stated rates, for each of 40 weeks (or if more, 1 weekly hour may be deducted for each added week guaranteed) in a year, to all the individuals who are in his (or their) employ in, and who continue to be available for suitable work in, one or more distinct establishments, except that any such individual's guaranty may commence after a probationary period (included within the 11 or less consecutive weeks immediately following the first week in which the individual renders services), and

(B) Gives security or assurance, satisfactory to the State agency, for the fulfillment of such guaranties, from which account, unless such account is exhausted or terminated, is paid all and only compensation, payable on the basis of services performed for such person (or for one or more of the persons comprising the group), to any such individual whose guaranteed remuneration has not been paid (either pursuant to the guaranty or from the security or assurance provided for the fulfillment of the guaranty), or whose guaranty is not renewed and who is otherwise eligible for compensation under the State law.

(5) *Year.* The term "year" means any 12 consecutive calendar months.

(6) *Balance.* The term "balance", with respect to a reserve account or a guaranteed employment account, means the amount standing to the credit of the account as of the computation date; except that, if subsequent to January 1, 1940, any moneys have been paid into or credited to such account other than payments thereto by persons having individuals in their employ, such term shall mean the amount in such account as of the computation date less the total of such other moneys paid into or credited to such account subsequent to January 1, 1940.

(7) *Computation date.* The term "computation date" means the date, occuring at least once in each calendar year and within 27 weeks prior to the effective date of new rates of contributions, as of which such rates are computed.

(8) *Reduced rate.* The term "reduced rate" means a rate of contributions lower than the standard rate applicable under the State law, and the term "standard rate" means the rate on the basis of which variations therefrom are computed.

(d) *Voluntary contributions.* A State law may, without being deemed to violate the standards set forth in subsection (a), permit voluntary contributions to be used in the computation of reduced rates if such contributions are paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective.

§ 31.3304 *Statutory provisions; approval of State laws.*

SEC. 3304. *Approval of State laws*—(a) *Requirements.* The Secretary of Labor shall approve any State law submitted to him, within 30 days of such submission, which he finds provides that—

(1) All compensation is to be paid through public employment offices or such other agencies as the Secretary of Labor may approve;

(2) No compensation shall be payable with respect to any day of unemployment occurring within 2 years after the first day of the first period with respect to which contributions are required;

(3) All money received in the unemployment fund shall (except for refunds of sums erroneously paid into such fund and except for refunds paid in accordance with the provisions of section 3305 (b)) immediately upon such receipt be paid over to the Secretary to the credit of the Unemployment Trust Fund established by section 904 of the Social Security Act (49 Stat. 640; 52 Stat. 1104, 1105; 42 U. S. C. 1104);

(4) All money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of section 3305 (b); except that—

(A) An amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration; and

(B) The amounts specified by section 903 (c) (2) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices;

(5) Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(6) All the rights, privileges, or immunities conferred by such law or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal such law at any time.

(b) *Notification.* The Secretary of Labor shall, upon approving such law, notify the governor of the State of his approval.

(c) *Certification.* On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision and such finding has become effective. Such finding shall become effective on the 90th day after the governor of the State has been notified thereof, unless the State has before such 90th day so amended its law that it will comply substantially with the Secretary of Labor's interpretation of the provision of subsection (a), in which event such finding shall not become effective. No finding of a failure to comply substantially with the provision in State law specified in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law with respect to which further administrative or judicial review is provided for under the laws of the State.

(d) *Notice of Noncertification.* If, at any time during the taxable year, the Secretary of Labor has reason to believe that a State whose law he has previously approved may not be certified under subsection (c), he shall promptly so notify the governor of such State.

§ 31.3305 *Statutory provisions; applicability of State law.*

SEC. 3305. *Applicability of State law*—(a) *Interstate and foreign commerce.* No person required under a State law to make payments to an unemployment fund shall be relieved from compliance therewith on the ground that he is engaged in interstate or foreign commerce, or that the State law does not distinguish between employees engaged in interstate or foreign commerce and those engaged in intrastate commerce.

(b) *Federal instrumentalities in general.* The legislature of any State may require any instrumentality of the United States (except such as are (1) wholly owned by the United States, or (2) exempt from the tax imposed by section 3301 by virtue of any other provision of law), and the individuals in its employ, to make contributions to an unemployment fund under a State unemployment

compensation law approved by the Secretary of Labor under section 3304 and (except as provided in section 5240 of the Revised Statutes, as amended (12 U. S. C. 484), and as modified by subsection (c)) to comply otherwise with such law. The permission granted in this subsection shall apply (A) only to the extent that no discrimination is made against such instrumentality, so that if the rate of contribution is uniform upon all other persons subject to such law on account of having individuals in their employ, and upon all employees of such persons, respectively, the contributions required of such instrumentality or the individuals in its employ shall not be at a greater rate than is required of such other persons and such employees, and if the rates are determined separately for different persons or classes of persons having individuals in their employ or for different classes of employees, the determination shall be based solely upon unemployment experience and other factors bearing a direct relation to unemployment risk, and (B) only if such State law makes provision for the refund of any contributions required under such law from an instrumentality of the United States or its employees for any year in the event said State is not certified by the Secretary of Labor under section 3304 with respect to such year.

(c) *National banks.* Nothing contained in section 5240 of the Revised Statutes, as amended (12 U. S. C. 484), shall prevent any State from requiring any national banking association to render returns and reports relative to the association's employees, their remuneration and services, to the same extent that other persons are required to render like returns and reports under a State law requiring contributions to an unemployment fund. The Comptroller of the Currency shall, upon receipt of a copy of any such return or report of a national banking association from, and upon request of, any duly authorized official, body, or commission of a State, cause an examination of the correctness of such return or report to be made at the time of the next succeeding examination of such association, and shall thereupon transmit to such official, body, or commission a complete statement of his findings respecting the accuracy of such returns or reports.

(d) *Federal property.* No person shall be relieved from compliance with a State unemployment compensation law on the ground that services were performed on land or premises owned, held, or possessed by the United States, and any State shall have full jurisdiction and power to enforce the provisions of such law to the same extent and with the same effect as though such place were not owned, held, or possessed by the United States.

(e) *Bonneville Power Administrator.* [Repealed, effective with respect to services performed after 1954, by sec. 4 (c), Act of Sept. 1, 1954, 68 Stat. 1135]

(f) *American vessels.* The legislature of any State in which a person maintains the operating office, from which the operations of an American vessel operating on navigable waters within or within and without the United States are ordinarily and regularly supervised, managed, directed and controlled, may require such person and the officers and members of the crew of such vessel to make contributions to its unemployment fund under its State unemployment compensation law approved by the Secretary of Labor under section 3304 and otherwise to comply with its unemployment compensation law with respect to the service performed by an officer or member of the crew on or in connection with such vessel to the same extent and with the same effect as though such service was performed entirely within such State. Such person and the officers and members of the crew of such vessel shall not be required to make contributions, with respect to such service, to the unemployment fund of any other State. The permission granted by this subsection is subject to the condition that such service shall be treated, for purposes of wage credits given employees, like other service subject to such State unemployment compensation law performed for such person in such State, and also subject to the same limitation, with respect to contributions required from such person and from the officers and members of the crew of such vessel, as is imposed by the second sentence (other than clause (B) thereof) of subsection (b) with respect to contributions required from instrumentalities of the United States and from individuals in their employ.

(g) *Vessels operated by general agents of United States.* The permission granted by subsection (f) shall apply in the same manner and under the same conditions (including the obligation to comply with all requirements of State unemployment compensation laws) to general agents of the Secretary of Commerce with respect to service performed on or after July 1, 1953, by officers and members of the crew on or in connection with American vessels—

(1) Owned by or bareboat chartered to the United States, and

(2) Whose business is conducted by such general agents,

As to any such vessel, the State permitted to require contributions on account of such service shall be the State to which the general agent would make contributions if the vessel were operated for his own account. Such general agents are designated, for this purpose, instrumentalities of the United States not wholly owned by it and shall not be exempt from the tax imposed by section 3301. The permission granted by this subsection is subject to the same conditions and limitations as are imposed in subsection (f), except that clause (B) of the second sentence of subsection (b) shall apply.

(h) *Requirement by State of contributions.* Any State may, as to service performed on or after July 1, 1953, and on account of which contributions are made pursuant to subsection (g)—

(1) Require contributions from persons performing such service under its unemployment compensation law or temporary disability insurance law administered in connection therewith, and

(2) Require general agents of the Secretary of Commerce to make contributions under such temporary disability insurance law and to make such deductions from wages or remuneration as are required by such unemployment compensation or temporary disability insurance law.

(i) *General agent as legal entity.* Each general agent of the Secretary of Commerce making contributions pursuant to subsection (g) or (h) shall, for purposes of such subsections, be considered a legal entity in his capacity as an instrumentality of the United States, separate and distinct from his identity as a person employing individuals on his own account.

§ 31.3306 (a) *Statutory provisions; definitions; employer.*

SEC. 3306. *Definitions*—(a) *Employer.* For purposes of this chapter, the term "employer" does not include any person unless on each of some 20 days during the taxable year, each day being in a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was 4 or more.

[Sec. 3306 (a) as amended by sec. 1, Act of Sept. 1, 1954, 68 Stat. 1130, effective with respect to services performed after December 31, 1955. With respect to services performed before 1956, sec. 3306 (a), as set forth below, is applicable.

SEC. 3306. *Definitions*—(a) *Employer.* For purposes of this chapter, the term "employer" does not include any person unless on each of some 20 days during the taxable year, each day being in a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was 8 or more.]

§ 31.3306 (a)–1 *Who are employers*—(a) *Definition*—(1) *For 1956 and subsequent calendar years.* Every person who employs 4 or more employees in employment (within the meaning of section 3306 (c) and (d)) on a total of 20 or more calendar days during any calendar year after 1955, each such day being in a different calendar week, is with respect to such year an employer subject to the tax.

(2) *For calendar year 1955.* Every person who employs 8 or more employees in employment (within the meaning of section 3306 (c) and (d)) on a total of 20 or more calendar days during the calendar year 1955, each such day being in a different calendar week, is with respect to such year an employer subject to the tax.

(3) *General agents of the Secretary of Commerce.* For provisions relating to the circumstances under which an employee who performs services as an officer or member of the crew of an American vessel (i) which is owned by or bareboat chartered to the United States and (ii) whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than for the United States, see § 31.3306 (n)–1.

(b) The several weeks in each of which occurs a day on which the prescribed number of employees are employed need not be consecutive weeks. It is not necessary that the employees so employed be the same individuals; they may be different individuals on each day. Neither is it necessary that the prescribed number of employees be employed at the same moment of time or for any particular length of time or on any particular basis of compensation. It is sufficient if the total number of employees employed during the 24 hours of a calendar day is 4 or more (8 or more for the calendar year 1955).

(c) In determining whether a person employs a sufficient number of employees to be an employer subject to the tax, each employee is counted with respect to services which constitute employment as defined in section 3306 (c) (see § 31.3306 (c)–2). No employee is counted with respect to services which do not constitute employment as so defined. See, however, paragraph (d) of this section.

(d) The provisions of paragraph (c) of this section are subject to the provisions of section 3306 (d), relating to services which do not constitute employment but which are deemed to be employment, and relating to services which constitute employment but which are deemed not to be employment (see § 31.3306 (d)–1). For example, if the services of an employee during a pay period are deemed to be employment under section 3306 (d), even though a portion thereof does not constitute employment under section 3306 (c), the employee is counted with respect to all

services during the pay period. On the other hand, if the services of an employee during a pay period are deemed not to be employment, even though a portion thereof constitutes employment, the employee is not counted with respect to any services during the pay period.

§ 31.3306 (b) *Statutory provisions; definitions; wages.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

§ 31.3306 (b)–1 *Wages*—(a) *Applicable law and regulations*—(1) *Remuneration paid after 1954.* Whether remuneration paid after 1954 for employment performed after 1938 constitutes wages is determined under section 3306 (b). Accordingly, only remuneration paid after 1954 for employment performed after 1938 is covered by this section of the regulations and by the sections relating to the statutory exclusions from wages (§§ 31.3306 (b) (1)–1 to 31.3306 (b) (8)–1).

(2) *Remuneration paid after 1939 and before 1955.* Whether remuneration paid after 1939 and before 1955 for employment performed after 1938 constitutes wages shall be determined in accordance with the applicable provisions of law and of Regulations 107; 26 CFR (1939) Part 403.

(3) *Remuneration paid in 1939.* Whether remuneration paid in 1939 for employment performed after 1938 constitutes wages shall be determined in accordance with the applicable provisions of law and of Regulations 90; 26 CFR (1939) Part 400.

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3306 (b) (see §§ 31.3306 (b) (1)–1 to 31.3306 (b) (8)–1, inclusive) or paragraph (j) of this section.

(c) The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions are wages if paid as compensation for employment.

(d) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually.

(e) Except in the case of remuneration paid for services not in the course of the employer's trade or business (see § 31.3306 (b) (7)–1), the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. Remuneration paid in items other than cash shall be computed on the basis of the fair value of such items at the time of payment.

(f) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as remuneration for employment if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges", however, does not ordinarily include the value of meals or lodging furnished, for example, to restaurant or hotel employees, or to seamen or other employees aboard vessels, since generally these items constitute an appreciable part of the total remuneration of such employees.

(g) Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(h) Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(i) Remuneration paid by an employer to an individual for employment, unless such remuneration is specifically excepted under section 3306 (b), constitutes wages even though at the time paid the individual is no longer an employee.

Example. A is employed by B, an employer, during the month of June 1955 in employment and is entitled to receive remuneration of $100 for the services performed for B during the month. A leaves the employ of B at the close of business on June 30, 1955. On July 15, 1955 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in June. The $100 is wages, and the tax is payable with respect thereto.

(j) In addition to the exclusions specified in §§ 31.3306 (b) (1)–1 to 31.3306 (b) (8)–1, inclusive, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 3306 (c) (§§ 31.3306 (c) (1)–1 to 31.3306 (c) (17)–1, inclusive).

(2) Remuneration for services which are deemed not to be employment under section 3306 (d) (§ 31.3306 (d)–1).

(3) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer.

(k) For provisions relating to the treatment of deductions from remuneration as payments of remuneration, see § 31.3307–1.

§ 31.3306 (b) (1) *Statutory provisions; definitions; wages; $3,000 limitation.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $3,000 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $3,000 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

§ 31.3306 (b) (1)–1 *$3,000 limitation*—(a) *In general.* (1) The term "wages" does not include that part of the remuneration paid within any calendar year by an employer to an employee which exceeds the first $3,000 of remuneration (exclusive of remuneration excepted from wages in accordance with § 31.3306 (b)–1 (j) or §§ 31.3306 (b) (2)–1 to 31.3306 (b) (8)–1, inclusive), paid within such calendar year by such employer to such employee for employment performed for him at any time after 1938.

(2) The $3,000 limitation applies only if the remuneration paid during any one calendar year by an employer to the same employee for employment performed after 1938 exceeds $3,000. The limitation in such case relates to the amount of remuneration paid during any one calendar year for employment after 1938 and not to the amount of remuneration for employment performed in any one calendar year.

Example. Employer B, in 1955, pays employee A $2,500 on account of $3,000 due him for employment performed in 1955. In 1956 employer B pays employee A the balance of $500 due him for employment performed in the prior year (1955), and thereafter in 1956 also pays A $3,000 for employment performed in 1956. The $2,500 paid in 1955 is subject to tax in 1955. The balance of $500 paid in 1956 for employment during 1955 is subject to tax in 1956, as is also the first $2,500 paid of the $3,000 for employment during 1956 (this $500 for 1955 employment added to the first $2,500 paid for 1956 employment constitutes the maximum wages subject to the tax which could be paid in 1956 by B to A). The final $500 paid by B to A in 1956 is not included as wages and is not subject to the tax.

(3) If during a calendar year an employee is paid remuneration by more than one employer, the limitation of wages to the first $3,000 of remuneration paid applies, not to the aggregate remuneration paid by all employers with respect to employment performed after 1938, but instead to the remuneration paid during such calendar year by each employer with respect to employment performed after 1938. In such case the first $3,000 paid during the calendar year by each employer constitutes wages and

is subject to the tax. In connection with the application of the $3,000 limitation, see also paragraph (b) of this section relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.

Example (1). During 1955 employer D pays to employee C a salary of $600 a month for employment performed for D during the first seven months of 1955, or total remuneration of $4,200. At the end of the fifth month C has been paid $3,000 by employer D, and only that part of his total remuneration from D constitutes wages subject to the tax. The $600 paid to employee C by employer D in the sixth month, and the like amount paid in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month C leaves the employ of D and enters the employ of E. Employer E pays to C remuneration of $600 a month in each of the remaining five months of 1955, or total remuneration of $3,000. The entire $3,000 paid by E to employee C constitutes wages and is subject to the tax. Thus, the first $3,000 paid by employer D and the entire $3,000 paid by employer E constitute wages.

Example (2). During the calendar year 1955 F is simultaneously an officer (an employee) of the X Corporation, the Y Corporation, and the Z Corporation, each such corporation being an employer for such year. During such year F is paid a salary of $3,000 by each corporation. Each $3,000 paid to F by each of the corporations, X, Y, and Z (whether or not such corporations are related), constitutes wages and is subject to the tax.

(b) *Wages paid by predecessor attributed to successor.* (1) If an employer (hereinafter referred to as a successor) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the $3,000 limitation set forth in paragraph (a) of this section, any remuneration (exclusive of remuneration excepted from wages in accordance with § 31.3306 (b)–1 (j) or §§ 31.3306 (b) (2)–1 to 31.3306 (b) (8)–1, inclusive), with respect to employment paid (or considered under this provision as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor. Wages paid by a predecessor shall not be considered as having been paid by the successor unless both the predecessor and the successor are employers as defined in section 3306 (a) for the calendar year in which the acquisition occurs (see § 31.3306 (a)–1, relating to who are employers).

(2) The wages paid, or considered as having been paid, by a predecessor to an employee shall, for purposes of the $3,000 limitation, be treated as having been paid to such employee by a successor, if:

(i) The successor during a calendar year acquired substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of the predecessor;

(ii) Such employee was employed in the trade or business of the predecessor immediately prior to the acquisition and is employed by the successor in his trade or business immediately after the acquisition; and

(iii) Such wages were paid during the calendar year in which the acquisition occurred and prior to such acquisition.

(3) The method of acquisition of the property is immaterial. The acquisition may occur as a consequence of a corporate merger or consolidation, the incorporation of a business by a sole proprietor or a partnership, the continuance without interruption of the business of a previously existing partnership by a new partnership or by a sole proprietor, or a purchase or any other transaction whereby substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of one employer is acquired by another employer.

(4) Substantially all the property used in a separate unit of a trade or business may consist of substantially all the property used in the performance of an essential operation of the trade or business, or it may consist of substantially all the property used in a relatively self-sustaining entity which forms a part of the trade or business.

Example (1). The M Corporation which is engaged in the manufacture of automobiles, including the manufacture of automobile engines, discontinues the manufacture of the engines and transfers all the property used in such manufacturing operations to the N Company. The N Company is considered to have acquired a separate unit of the trade or business of the M Corporation, namely, its engine manufacturing unit.

Example (2). The R Corporation which is engaged in the operation of a chain of grocery stores transfers one of such stores to the S Company. The S Company is considered to have acquired a separate unit of the trade or business of the R Corporation.

(5) A successor may receive credit for wages paid to an employee by a predecessor only if immediately prior to the acquisition the employee was employed by the predecessor in his trade or business which was acquired by the successor and if immediately after the acquisition such employee is employed by the successor in his trade or business (whether or not in the same trade or business in which the acquired property is used). If the acquisition involves only a separate unit of a trade or business of the predecessor, the employee need not have been employed by the predecessor in that unit provided he was employed in the trade or business of which the acquired unit was a part.

Example. The Y Corporation in 1955 acquires all the property of the X Manufacturing Company and immediately after the acquisition employs in its trade or business employee A, who, immediately prior to the acquisition, was employed by the X Company. Both the Y Corporation and the X Company are employers, as defined in the Act, for the calendar year 1955. The X Company has in 1955 (the calendar year in which the acquisition occurs) and prior to the acquisition paid $2,000 of wages to A. The Y Corporation in 1955 pays to A remuneration with respect to employment of $2,000. Only $1,000 of such remuneration is considered to be wages. For purposes of the $3,000 limitation, the Y Corporation is credited with the $2,000 paid to A by the X Company. If, in the same calendar year, the property is acquired from the Y Corporation by the Z Company, an employer for such year, and A immediately after the the acquisition is employed by the Z Company in its trade or business, no part of the remuneration paid to A by the Z Company in the year of the acquisition will be considered to be wages. The Z Company will be credited with the remuneration paid to A by the Y Corporation and also with the wages paid to A by the X Company (considered for purposes of the application of the $3,000 limitation as having also been paid by the Y Corporation).

§ 31.3306 (b) (2) *Statutory provisions; definitions; wages; payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • • •

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of—

(A) Retirement, or

(B) Sickness or accident disability, or

(C) Medical or hospitalization expenses in connection with sickness or accident disability, or

(D) Death;

§ 31.3306 (b) (2)–1 *Payments under employers' plans on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.* (a) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(1) An employee's retirement,

(2) Sickness or accident disability of an employee or any of his dependents,

(3) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents, or

(4) Death of an employee or any of his dependents.

(b) The plan or system established by an employer need not provide for payments on account of all of the specified

items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

§ 31.3306 (b) (3) *Statutory provisions; definitions; wages; retirement payments.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

§ 31.3306 (b) (3)–1 *Retirement payments.* The term "wages" does not include any payment made by an employer to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

§ 31.3306 (b) (4) *Statutory provisions; definitions; wages; payments on account of sickness or accident disability, or medical or hospitalization expenses.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of 6 calendar months following the last calendar month in which the employee worked for such employer;

§ 31.3306 (b) (4)–1 *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or accident disability, if such payment is made after the expiration of 6 calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

§ 31.3306 (b) (5) *Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(5) Any payment made to, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401 (a) which is exempt from tax under section 501 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

(B) Under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (a) (3), (4), (5), and (6);

§ 31.3306 (b) (5)–1 *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(a) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6); or

(b) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6).

A payment made to an employee of a trust described in section 401 (a) which is exempt from tax under section 501 (a) for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exclusion from wages.

§ 31.3306 (b) (6) *Statutory provisions; definitions; wages; payment by employer of employee tax under section 3101 or employee contributions under a State law.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(6) The payment by an employer (without deduction from the remuneration of the employee)—

(A) Of the tax imposed upon a employee under section 3101 (or the corresponding section of prior law), or

(B) Of any payment required from an employee under a State unemployment compensation law;

§ 31.3306 (b) (6)–1 *Payment by an employer of employee tax under section 3101 or employee contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either (a) the employee tax imposed by section 3101 or the corresponding section of prior law, or (b) any payment required from an employee under a State unemployment compensation law.

§ 31.3306 (b) (7) *Statutory provisions; definitions; wages; payments other than in cash for service not in the course of the employer's trade or business.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

§ 31.3306 (b) (7)–1 *Payments other than in cash for service not in the course of employer's trade or business.* The term "wages" does not include remuneration paid in any medium other than cash for service not in the course of the employer's trade or business. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, or other goods or commodities, for service not in the course of the employer's trade or business does not constitute wages. Remuneration paid in any medium other than cash for other types of services does not come within this exclusion from wages. For provisions relating to the circumstances under which service not in the course of the employer's trade or business does not constitute employment, see § 31.3306 (c) (3)–1.

§ 31.3306 (b) (8) *Statutory provisions; definitions; wages; payments to stand-by employees.*

SEC. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

§ 31.3306 (b) (8)–1 *Payments to stand-by employees.* The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee after the calendar month in which the employee attains age 65, if—

(a) Such employee does no work (other than being subject to call for the performance of work) for such employer in the period for which such payment is made; and

(b) The employer-employee relationship exists between the employer and employee throughout the period for which such payment is made.

Vacation or sick pay is not within this exclusion from wages. If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages. For example, if employee A, who attained the age of 65 in January 1955, is employed by the X Company on a standby basis and is paid $200 by the X Company for being subject to call during the month of February 1955 and an additional $25 for work performed for the X Company on one day in February 1955, then none of the $225 is excluded from wages under this exception.

§ 31.3306 (c) *Statutory provisions; definitions; employment.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means any service performed prior to 1955, which was employment for purposes of subchapter C of chapter 9 of the Internal Revenue Code of 1939 under the law applicable to the period in which such service was performed, and any service, of whatever nature, performed after 1954 by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

§ 31.3306 (c)–1 *Employment; services performed before 1955.* (a) Services performed after 1938 and before 1955 constitute employment under section 3306 (c) if such services were employment under the law applicable to the period in which they were performed.

(b) The tax applies with respect to remuneration paid by an employer after 1954 for services performed after 1938 and before 1955, as well as for services performed after 1954, to the extent that the remuneration and services constitute wages and employment. See §§ 31.3306 (b)–1 to 31.3306 (b) (8)–1, inclusive, relating to wages.

(c) Determination of whether services performed after 1938 and before 1955 constitute employment shall be made in accordance with the provisions of law applicable to the period in which they were performed and of the regulations thereunder. The regulations applicable in determining whether services performed after 1938 and before 1955 constitute employment are as follows:

(1) Services performed in 1939—Regulations 90; 26 CFR (1939) Part 400.

(2) Services performed after 1939 and before 1955—Regulations 107; 26 CFR (1939) Part 403.

§ 31.3306 (c)–2 *Employment; services performed after 1954*—(a) *In general.* Whether services performed after 1954 constitute employment is determined under section 3306 (c). This section, and §§ 31.3306 (c)–3 to 31.3306 (c) (17)–1, inclusive, apply with respect only to services performed after 1954. (For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 31.3306 (d)–1. For provisions relating to services performed before 1955, see § 31.3306 (c)–1.)

(b) *Services performed within the United States.* (1) Services performed after 1954 within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 3306 (c), constitute employment. Services performed outside the United States, that is, outside the several States, the District of Columbia, and the Territories of Alaska and Hawaii (except certain services performed on or in connection with an American vessel—see paragraph (c) of this section), do not constitute employment.

(2) With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the person employing him are immaterial. Thus, the employee and the person employing him may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent employement.

(c) *Services performed outside the United States.* (1) Services performed after 1954 by an employee for the person employing him "on or in connection with" an American vessel outside the United States constitute employment provided—

(i) The employee is also employed "on and in connection with" such vessel when outside the United States; and

(ii) The services are performed under a contract of service, between the employee and the person employing him, which is entered into within the United States, or during the performance of which the vessel touches at a port within the United States; and

(iii) The services are not excepted under section 3306 (c). (See particularly § 31.3306 (c) (17)–1, relating to fishing.)

(2) An employee performs services on and in connection with the vessel if he performs services on the vessel which are also in connection with the vessel. Services performed on the vessel as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(3) If services are performed by an employee "on and in connection with" an American vessel when outside the United States and the conditions in subparagraph (1) (ii) and (iii) of this paragraph are met, then the services of that employee performed on or in connection with the vessel constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(4) Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding services performed by other members of the crew or other employees on or in connection with the vessel may constitute employment.

(5) A vessel includes every description of watercraft, or other contrivance, used as a means of transportation on water. It does not include any type of aircraft.

(6) For definition of the term "American vessel", see § 31.3306 (m)–1.

(7) With respect to services performed outside the United States, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether a vessel is an American vessel.

§ 31.3306 (c)–3 *Employment; excepted services in general.* (a) Services performed after 1954 by an employee for the person employing him do not constitute employment for purposes of the tax if they are specifically excepted by any of the numbered paragraphs of section 3306 (c). Services so excepted do not constitute employment for purposes of the tax even though they are performed within the United States or are performed outside the United States on or in connection with an American vessel. For provisions relating to the circumstances under which services which are excepted are nevertheless deemed to be employment, and relating to the circumstances under which services which are not excepted are nevertheless deemed not to be employment, see § 31.3306 (d)–1.

(b) The exception attaches to the services performed by the employee and not to the employee as an individual; that is, the exception applies only to the services rendered by the employee in an excepted class.

Example. A is an individual who is employed part time by B to perform services which constitute "agricultural labor" (see § 31.3306 (k)–1). A is also employed by C part time to perform services as a grocery clerk in a store owned by him. While A's services which constitute "agricultural labor" are excepted, the exception does not embrace the services performed by A as a grocery clerk in the employ of C and the latter services are not excepted from employment.

(c) This section, §§ 31.3306 (c) (1)–1 to 31.3306 (c) (17)–1, inclusive (relating to the several classes of excepted services), and § 31.3306 (d)–1 (relating to included and excluded services) apply with respect to services performed after 1954. For provisions relating to services performed before 1955, see § 31.3306 (c)–1.

§ 31.3306 (c) (1) *Statutory provisions; definitions; employment; agricultural labor.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

(1) Agricultural labor (as defined in subsection (k));

§ 31.3306 (c) (1)–1 *Agricultural labor.* Services performed by an employee for the person employing him which constitute "agricultural labor" as defined in section 3306 (k) are excepted from employment. For provisions relating to the definition of the term "agricultural labor", see § 31.3306 (k)–1.

§ 31.3306 (c) (2) *Statutory provisions; definitions; employment; domestic service.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

§ 31.3306 (c) (2)–1 *Domestic service*—(a) *In a private home.* (1) Services of a household nature performed by an employee in or about a private home of the person by whom he is employed are excepted from employment. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is used primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home and the services performed therein are not excepted.

(2) In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobile for family use.

(b) *In a local college club or local chapter of a college fraternity or sorority.* (1) Services of a household nature performed by an employee in or about the club rooms or house of a local college club or of a local chapter of a college fraternity or sorority by which he is employed are excepted for employment. A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purpose of supplying board or lodging to students or the public as a business enterprise, the services performed therein are not within the exception.

(2) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) *Services not excepted.* Services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's private home or in a local college club or local chapter of a college fraternity or sorority, are not within the exception. Services of a household nature are not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs, hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

§ 31.3306 (c) (3) *Statutory provisions; definitions; employment; services not in the course of the employer's trade or business.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(3) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

(A) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or

(B) Such individual was regularly employed (as determined under subparagraph (A)) by such employer in the performance of such service during the preceding calendar quarter;

§ 31.3306 (c) (3)–1 *Services not in the course of employer's trade or business.* (a) Services not in the course of the employer's trade or business performed by an employee for an employer in a calendar quarter are excepted from employment unless—

(1) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in both subparagraphs (1) and (2) of this paragraph are met, the services are excepted from employment.

(b) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for services not in the course of the employer's trade or business, only cash remuneration for such services shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(d) For purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if—

(1) Such individual performs services not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1) of this paragraph) by such employer in the performance of services not in the course of the employer's trade or business during the preceding calendar quarter (including the last calendar quarter of 1954).

(e) In determining whether an employee has performed services not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(1) Any day or portion thereof on which the employee actually performs such services; and

(2) Any day or portion thereof on which the employee does not perform services of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such services, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform services not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such services on that day. For purposes of this exception, a day is a period of 24 hours commencing at midnight and ending at midnight.

(f) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 31.3306 (b) (7)–1.

§ 31.3306 (c) (4) *Statutory provisions; definitions; employment; services on or in connection with a non-American vessel.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(4) Service performed on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

§ 31.3306 (c) (4)–1 *Services on or in connection with a non-American vessel.* (a) In order for services performed within the United States "on or in connection with" a vessel not an American vessel to be excepted from employment under section 3306 (c) (4), the services must be performed by an employee who is also employed "on and in connection with" the vessel when outside the United States.

(b) An employee performs services on and in connection with the vessel if he performs services on the vessel when outside the United States which are also in connection with the vessel. Services performed on the vessel outside the United States by employees as officers or members of the crew, or by employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(c) The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(d) The citizenship or residence of the employee and the place where the contract of service is entered into are immaterial for purposes of this exception, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether the vessel is an American vessel. For definitions of the terms "vessel" and "American vessel", see §§ 31.3306 (c)–2 (c) (5) and 31.3306 (m)–1, respectively.

(e) Since the only services performed outside the United States which constitute employment are those described in § 31.3306 (c)–2 (c) (relating to services performed outside the United States on or in connection with an American vessel), services performed outside the United States on or in connection with a vessel not an American vessel do not constitute employment in any event.

§ 31.3306 (c) (5) *Statutory provisions; definitions; employment; family employment.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(5) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

§ 31.3306 (c) (5)–1 *Family employment.* (a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) Services performed by a father or mother in the employ of his or her son or daughter; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that such son or daughter is under the age of 21.

(c) Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the partners comprising the partnership.

§ 31.3306 (c) (6) *Statutory provisions; definitions; employment; services in employ of United States Government or instrumentality thereof.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(6) Service performed in the employ of the United States Government or of an instrumentality of the United States which is—

(A) Wholly owned by the United States, or

(B) Exempt from the tax imposed by section 3301 by virtue of any other provision of law;

§ 31.3306 (c) (6)–1 *Services in employ of United States or instrumentality thereof.* (a) Services performed in the employ of the United States Government, except as provided in section 3306 (n) (see § 31.3306 (n)–1), are excepted from employment. Services performed in the employ of an instrumentality of the United States are also excepted if the instrumentality is either wholly owned by the United States or exempt from the tax imposed by section 3301 by virtue of any other provision of law.

(b) Services performed in the employ of an instrumentality of the United States which is neither wholly owned by the United States nor exempt from the tax imposed by section 3301 by virtue of any other provision of law are not within the exception. For example, services performed in the employ of a national bank or a State member bank of the Federal Reserve System are not within the exception.

§ 31.3306 (c) (7) *Statutory provisions; definitions; employment; services in employ of States or their political subdivisions or instrumentalities.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(7) Service performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions; and any service performed in the employ of any instrumentality of one or more States or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 3301;

§ 31.3306 (c) (7)–1 *Services in employ of States or their political subdivisions or instrumentalities.* (a) Services performed in the employ of any State, or of any political subdivision thereof, are excepted from employment. Services performed in the employ of an instrumentality of one or more States or political subdivisions thereof are excepted if the instrumentality is wholly owned by one or more of the foregoing. Services performed in the employ of an instrumentality of one or more of the several States or political subdivisions thereof which is not wholly owned by one or more of the foregoing are excepted only to the extent that the instrumentality is with respect to such services immune under the Constitution of the United States from the tax imposed by section 3301.

(b) The term "State" includes the District of Columbia and the Territories of Alaska and Hawaii. (See § 31.3306 (j).)

§ 31.3306 (c) (8) *Statutory provisions; definitions; employment; services in employ of religious, charitable, scientific, literary, or educational organization, community chest, or organization testing for public safety.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

§ 31.3306 (c) (8)–1 *Services in employ of religious, charitable, scientific, literary, or educational organization, community chest, or organization testing for public safety.* Services performed by an employee in the employ of an organization described in section 3306 (c) (8),

that is, a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, are excepted from employment. Any organization which is an organization of a type described in section 501 (c) (3) and which—

(a) Is exempt from income tax under section 501 (a), or

(b) Has been denied exemption from income tax under section 501 (a) by reason of the provisions of section 503 or 504, relating to prohibited transactions and to accumulations out of income, respectively,

is an organization of a type described in section 3306 (c) (8). An organization which would be an organization of a type described in section 501 (c) (3) except for those provisions of section 501 (c) (3) which are not contained in section 3306 (c) (8) (provisions relating to participation or intervention in a political campaign on behalf of a candidate for public office) is also an organization of a type described in section 3306 (c) (8). For provisions relating to organizations of the types described in section 501 (c) (3) and their status as exempt or nonexempt for income tax purposes, see the provisions of the Income Tax Regulations (Part 1 of this chapter) under sections 501 (a) and 501 (c) (3).

§ 31.3306 (c) (9) *Statutory provisions; definitions; employment; services performed by an employee or employee representative as defined in section 1 of the Railroad Unemployment Insurance Act.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • • •

(9) Service performed by an individual as an employee or employee representative as defined in section 1 of the Railroad Unemployment Insurance Act (52 Stat. 1094, 1095; 45 U. S. C. 351);

§ 31.3306 (c) (9)–1 *Railroad industry; services performed by an employee or an employee representative under the Railroad Unemployment Insurance Act.* (a) Services performed by an individual as an "employee" or as an "employee representative", as those terms are defined in section 1 of the Railroad Unemployment Insurance Act, as amended, are excepted from employment.

(b) Section 1 of the Railroad Unemployment Insurance Act, as amended, provides, in part, as follows:

For the purposes of this Act, except when used in amending the provisions of other Acts—

(a) The term "employer" means any carrier (as defined in subsection (b) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies, and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities.

(b) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(c) The term "company" includes corporations, associations, and joint-stock companies.

(d) The term "employee" (except when used in phrases establishing a different meaning) means any individual who is or has been (i) in the service of one or more employers for compensation, or (ii) an employee representative. The term "employee" shall include an employee of a local lodge or division defined as an employer in section 1 (a) only if he was in the service of a carrier on or after August 29, 1935. The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(e) An individual is in the service of an employer whether his service is rendered within or without the United States if (i) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof.

(f) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term employer as defined in section 1 (a) who before or after August 29, 1935, was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

• • • • • •

(l) The term "compensation" means any form of money remuneration, including pay for time lost but excluding tips, paid for services rendered as an employee to one or more employers, or as an employee representative: *Provided, however,* That in computing the compensation paid to any employee with respect to any calendar month before July 1, 1954, no part of any compensation in excess of $300 shall be recognized, and with respect to any calendar month after June 30, 1954, no part of any compensation in excess of $350 shall be recognized. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned.

• • • • • •

(r) The term "Board" means the Railroad Retirement Board.

(s) The term "United States", when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

• • • • • •

[Sec. 1, Railroad Unemployment Insurance Act, as amended by secs. 1 and 2, Act of June 20, 1939, 53 Stat. 845; secs. 1 and 3, Act of Aug. 13, 1940, 54 Stat. 785, 786; sec. 15, Act of Apr. 8, 1942, 56 Stat. 210; secs. 1 and 2, Act of July 31, 1946, 60 Stat. 722; sec. 302, Act of Aug. 31, 1954, 68 Stat. 1040]

§ 31.3306 (c) (10) (A) *Statutory provisions; definitions; employment; services in employ of certain organization exempt from income tax.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • • •

(10) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521, if—

(i) The remuneration for such service is less than $50, or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;

§ 31.3306 (c) (10) (A)–1 *Services in employ of certain organizations exempt from income tax*—(a) *In general.* (1) This section deals with the exception from employment of certain services performed in the employ of any organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521. (See the provisions of the Income Tax Regulations (Part 1 of this chapter) under sections 501 and 521.) If the services meet the tests set forth in paragraph (b), (c), or (d) of this section, such services are excepted.

(2) See also § 31.3306 (c) (8)–1 for provisions relating to the exception of services performed in the employ of a religious, charitable, scientific, literary, or educational organization, community chest, or organization testing for public safety; § 31.3306 (c) (10) (B)–1 for provisions relating to the exception of services performed in the employ of an agricultural or horticultural organization; § 31.3306 (c) (10) (C)–1 for provisions relating to the exception of services performed in the employ of a voluntary employees' beneficiary association; and § 31.3306 (c) (10) (D)–1 for provisions relating to the exception of services performed in the employ of a Federal employees' beneficiary association.

(b) *Remuneration less than $50 for calendar quarter.* Services performed by an employee in a calendar quarter in the employ of an organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521 are excepted from employment, if the remuneration for the services is less than $50. The test relating to remuneration of $50 is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

Example (1). X is a local lodge of a fraternal organization and is exempt from income tax under section 501 (a) as an organization of the character described in section 501 (c) (8). X has a number of paid employees, among them being A who serves exclusively as recording secretary for the lodge, and B who performs services for the lodge as janitor of its clubhouse. For services performed during the first calendar quarter of 1955 (that is, January 1, 1955, through March 31, 1955, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $180. Since the remuneration for the services performed by A during such quarter is less than $50, all of such services are excepted. Thus, A is not counted as an employee in employment on any of the days during such quarter for purposes of determining whether the X organization is an employer (see § 31.3306 (a)–1). Even though it is subsequently determined that X is an employer, A's remuneration of $30 for services performed during the first calendar quarter of such year is not subject to tax. B's services, however, are not excepted during such quarter since the remuneration therefor is not less than $50. Thus, B is counted as an employee in employment during all of such quarter for purposes of determining whether the X organization is an employer. If it is determined that the X organization is an employer, B's remuneration of $180 for services performed during the first calendar quarter is included in computing the tax.

Example (2). The facts are the same as in example (1), above, except that on April 1, 1955, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, April 1, 1955, through June 30, 1955, both dates inclusive), A earns $60. Although all of the services performed by A during the first quarter were excepted, none of A's services performed during the second quarter are excepted since the remuneration for such services is not less than $50. A, therefore, is counted as an employee in employment during all of the second quarter for the purpose of determining whether the X organization is an employer. If it is determined that the X organization is an employer, A's remuneration of $60 for services performed during the second calendar quarter is included in computing the tax.

Example (3). The facts are the same as in example (1), above, except that A earns $120 for services performed during the year 1955, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter is less than $50. In such case, A is not counted as an employee in employment on any of the days during such quarter for purposes of determining whether the X organization is an employer. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year is not less than $50, the services during that quarter are not excepted. In the latter case, A is counted as an employee in employment during all of such quarter and, if the X organization is determined to be an employer, that portion of the $120 attributable to services performed in such quarter is included in computing the tax.

(c) *Collection of dues or premiums for fraternal beneficiary societies, and ritualistic services in connection with such societies.* The following services performed by an employee in the employ of a fraternal beneficiary society, order, or association exempt from income tax under section 501 (a) are excepted from employment:

(1) Services performed away from the home office of such a society, order, or association in connection with the collection of dues or premiums for such society, order, or association; and

(2) Ritualistic services (wherever performed) in connection with such a society, order, or association.

For purposes of this paragraph the amount of the remuneration for services performed by the employee in the calendar quarter is immaterial; the statutory tests are the character of the organization in whose employ the services are performed, the type of services, and, in the case of collection of dues or premiums, the place where the services are performed.

(d) *Students employed by organizations exempt from income tax.* (1) Services performed in the employ of an organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521 by a student who is enrolled and is regularly attending classes at a school, college, or university, are excepted from employment. For purposes of this paragraph, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services, and the place where such services are performed are immaterial; the statutory tests are the character of the organization in whose employ the services are performed and the status of

the employee as a student enrolled and regularly attending classes at a school, college, or university.

(2) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense. For provisions relating to services performed by a student enrolled and regularly attending classes at a school, college, or university not exempt from income tax in the employ of such school, college, or university, see § 31.3306 (c) (10) (E)–1.

§ 31.3306 (c) (10) (B) *Statutory provisions; definitions; employment; services in employ of agricultural or horticultural organization exempt from income tax.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(10) (B) Service performed in the employ of an agricultural or horticultural organization described in section 501 (c) (5) which is exempt from tax under section 501 (a);

§ 31.3306 (c) (10) (B)–1 *Services in employ of agricultural or horticultural organization exempt from income tax.* (a) Services performed by an employee in the employ of an agricultural or horticultural organization which is described in section 501 (c) (5) and which is exempt from income tax under section 501 (a) are excepted from employment.

(b) For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

§ 31.3306 (c) (10) (C) *Statutory provisions; definitions; employment; services in employ of voluntary employees' beneficiary association.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(10) (C) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if—

(i) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(ii) 85 percent or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

§ 31.3306 (c) (10) (C)–1 *Services in employ of voluntary employees' beneficiary association.* (a) Services performed by an employee in the employ of an organization of the character described in section 3306 (c) (10) (C) are excepted from employment.

(b) For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

§ 31.3306 (c) (10) (D) *Statutory provisions; definitions; employment; services in employ of Federal employees' beneficiary association.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(10) (D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if—

(i) Admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and

(ii) No part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

§ 31.3306 (c) (10) (D)–1 *Services in employ of Federal employees' beneficiary association.* (a) Services performed by an employee in the employ of an organization of the character described in section 3306 (c) (10) (D) are excepted from employment.

(b) For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

§ 31.3306 (c) (10) (E) *Statutory provisions; definitions; employment; services of student in employ of school, college, or university not exempt from income tax.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(10) (E) Service performed in the employ of a school, college, or university, not exempt from income tax under section 501 (a), if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

§ 31.3306 (c) (10) (E)–1. *Services of student in employ of school, college, or university not exempt from income tax.* (a) Services performed by a student in the employ of a school, college, or university not exempt from income tax under section 501 (a) are excepted from employment, if the student is enrolled and is regularly attending classes at such school, college, or university.

(b) For purposes of this section, the type of services performed by the employee, the place where the services are performed, and the amount of remuneration for services performed by the employee are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

(c) The status of the employee as a student performing the services shall be determined on the basis of the relationship of such employee with the organization for which the services are performed. An employee who performs services in the employ of a school, college, or university as an incident to and for the purpose of pursuing a course of study at such school, college, or university has the status of a student in the performance of such services.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) For provisions relating to services performed by a student in the employ of an organization exempt from income tax, see § 31.3306 (c) (10) (A)–1 (d).

§ 31.3306 (c) (11) *Statutory provisions; definitions; employment; services in employ of foreign government.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

§ 31.3306 (c) (11)–1 *Services in employ of foreign government.* (a) Services performed by an employee in the employ of a foreign government are excepted from employment. The exception includes not only services performed by ambassadors, ministers, and other diplomatic officers and employees but also services performed as a consular or other officer or employee of a foreign government, or as a nondiplomatic representative thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

§ 31.3306 (c) (12) *Statutory provisions; definitions; employment; services in employ of wholly owned instrumentality of foreign government.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

§ 31.3306 (c) (12)–1 *Services in employ of wholly owned instrumentality of foreign government.* (a) Services performed by an employee in the employ of certain instrumentalities of a foreign government are excepted from employment. The exception includes all services performed in the employ of an instrumentality of the government of a foreign country, if—

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial.

§ 31.3306 (c) (13) *Statutory provisions; definitions; employment; services of student nurse or hospital intern.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law;

§ 31.3306 (c) (13)–1 *Services of student nurse or hospital intern.* (a) Services performed as a student nurse in the employ of a hospital or a nurses' training school are excepted from employment, if the student nurse is enrolled and regularly attending classes in a nurses' training school and such nurses' training school is chartered or approved pursuant to State law.

(b) Services performed as an intern (as distinguished from a resident doctor) in the employ of a hospital are excepted from employment, if the intern has completed a 4 years' course in a medical school chartered or approved pursuant to State law.

§ 31.3306 (c) (14) *Statutory provisions; definitions; employment; services of insurance agent or solicitor.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(14) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

§ 31.3306 (c) (14)–1 *Services of insurance agent or solicitor.* (a) Services performed for a person by an employee as an insurance agent or insurance solicitor are excepted from employment, if all such services performed for such person by such individual are performed for remuneration solely by way of commission.

(b) If all or any part of the remuneration of an employee for services performed as an insurance agent or insurance solicitor for a person is a salary, none of his services performed as an insurance agent or insurance solicitor for such person are excepted from employment, and his total remuneration (for example, salary, or salary and commissions) for such services is included for purposes of computing the tax.

§ 31.3306 (c) (15) *Statutory provisions; definitions; employment; services in delivery or distribution of newspapers, shopping news, or magazines.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(15) (A) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

§ 31.3306 (c) (15)–1 *Services in delivery or distribution of newspapers, shopping news, or magazines*—(a) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted from employment. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under age of 18.

(b) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted from employment. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

§ 31.3306 (c) (16) *Statutory provisions; definitions; employment; services in employ of international organization.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • •

(16) Service performed in the employ of an international organization; or

§ 31.3306 (c) (16)–1 *Services in employ of international organization.* (a) Subject to the provisions of section 1 of the International Organizations Immunities Act, services performed in the employ of an international organization as defined in section 7701 (a) (18) are excepted from employment.

(b) (1) Section 7701 (a) (18) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

• • • • •

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U. S. C. 288–288f).

(2) Section 1 of the International Organizations Immunities Act provides as follows:

SEC. 1. [*International Organizations Immunities Act.*] For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international

organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 31.3306 (c) (17) *Statutory provisions; definitions; employment; fishing services.*

SEC. 3306. *Definitions.* • • •

(c) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

• • • • • •

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except—

(A) Service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and

(B) Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

§ 31.3306 (c) (17)–1 *Fishing services*—(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, services described in this paragraph are excepted from employment. Services performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shell-fish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, the services performed, by such individual in the employ of such person, as an ordinary incident to any such activity are also excepted. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of salmon or halibut, for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) of this section performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

§ 31.3306 (d) *Statutory provisions; definitions; included and excluded services.*

SEC. 3306. *Definitions.* • • •

(d) *Included and excluded service.* For purposes of this chapter, if the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by subsection (c) (9).

§ 31.3306 (d)–1 *Included and excluded services.* (a) If a portion of the services performed by an employee for the person employing him during a pay period constitutes employment, and the remainder does not constitute employment, all the services of the employee during the period shall for purposes of the tax be treated alike, that is, either all as included or all as excluded. The time during which the employee performs services which under section 3306 (c) constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be demed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then all the services of that employee for that person in that pay period shall be deemed to be employment.

(c) If less than one-half of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then none of the services of that employee for that person in that pay period shall be deemed to be employment.

(d) The application of the provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). Employer B, who operates a farm and a store, employs A to perform services in connection with both operations. A's services on the farm are such that they are excepted as agricultural labor and do not constitute employment, and his services in the store constitute employment. He is paid at the end of each month. During a particular month A works 120 hours on the farm and 80 hours in the store. None of A's services during the month are deemed to be employment, since less than one-half of his services during the month constitutes employment. During another month A works 75 hours on the farm and 120 hours in the store. All of A's services during the month are deemed to be employment, since one-half or more of his services during the month constitutes employment.

Example (2). Employee C is employed as a maid by D, a medical doctor, whose home and office are located in the same building. C's services in the home are excepted as domestic service and do not constitute employment, and her services in the office constitute employment. She is paid each week. During a particular week C works 20 hours in the home and 20 hours in the office. All of C's services during that week are deemed to be employment, since one-half or more of her services during the week constitutes employment. During another week C works 22 hours in the home and 15 hours in the office. None of C's services during that week are deemed to be employment, since less than one-half of her services during the week constitutes employment.

(e) For purposes of this section, a "pay period" is the period (of not more than 31 consecutive calendar days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. Thus, if the periods for which payments of remuneration are made to the employee by such person are of uniform duration, each such period constitutes a "pay period". If, however, the periods occasionally vary in duration, the "pay period" is the period for which a payment of remuneration is ordinarily made to the employee by such person, even though that period does not coincide with the actual period for which a particular payment of remuneration is made. For example, if a person ordinarily pays a particular employee for each calendar week at the end of the week, but the employee receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the "pay period" is still the calendar week; or if, instead, that employee is sent on a trip by such person and receives at the end of the third week a single remuneration payment for 3 weeks' services, the "pay period" is still the calendar week.

(f) If there is only one period (and such period does not exceed 31 consecutive calendar days) for which a payment of remuneration is made to the employee by the person employing him, such period is deemed to be a "pay period" for purposes of this section.

(g) The rules set forth in this section do not apply (1) with respect to any services performed by the employee for the person employing him if the periods for which such person makes payments

of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee", or (2) with respect to any services performed by the employee for the person employing him if the period for which a payment of remuneration is ordinarily made to the employee by such person exceeds 31 consecutive calendar days, or (3) with respect to any service performed by the employee for the person employing him during a pay period if any of such service is excepted by section 3306 (c) (9) (see § 31.3306 (c) (9)–1).

(h) If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment, but the rules prescribed in this section are not applicable, the tax attaches with respect to such services as constitute employment as defined in section 3306 (c) (provided such person is an employer as defined in section 3306 (a) and § 31.3306 (a)–1).

§ 31.3306 (e) *Statutory provisions; definitions; State agency.*

SEC. 3306. *Definitions.* • • •

(e) *State agency.* For purposes of this chapter, the term "State agency" means any State officer, board, or other authority, designated under a State law to administer the unemployment fund in such State.

§ 31.3306 (f) *Statutory provisions; definitions; unemployment fund.*

SEC. 3306. *Definitions.* • • •

(f) *Unemployment fund.* For purposes of this chapter, the term "unemployment fund" means a special fund, established under a State law and administered by a State agency, for the payment of compensation. Any sums standing to the account of the State agency in the Unemployment Trust Fund established by section 904 of the Social Security Act, as amended (49 Stat. 640; 52 Stat. 1104, 1105; 42 U. S. C. 1104), shall be deemed to be a part of the unemployment fund of the State, and no sums paid out of the Unemployment Trust Fund to such State agency shall cease to be a part of the unemployment fund of the State until expended by such State agency. An unemployment fund shall be deemed to be maintained during a taxable year only if throughout such year, or such portion of the year as the unemployment fund was in existence, no part of the moneys of such fund was expended for any purpose other than the payment of compensation (exclusive of expenses of administration) and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of section 3305 (b); except that—

(1) An amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration; and

(2) The amounts specified by section 903 (c) (2) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices.

§ 31.3306 (g) *Statutory provisions; definitions; contributions.*

SEC. 3306. *Definitions.* • • •

(g) *Contributions.* For purposes of this chapter, the term "contributions" means payments required by a State law to be made into an unemployment fund by any person on account of having individuals in his employ, to the extent that such payments are made by him without being deducted or deductible from the remuneration of individuals in his employ.

§ 31.3306 (h) *Statutory provisions; definitions; compensation.*

SEC. 3306. *Definitions.* • • •

(h) *Compensation.* For purposes of this chapter, the term "compensation" means cash benefits payable to individuals with respect to their unemployment.

§ 31.3306 (i) *Statutory provisions; definitions; employee.*

SEC. 3306. *Definitions.* • • •

(i) *Employee.* For purposes of this chapter, the term "employee" includes an officer of a corporation, but such term does not include—

(1) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an independent contractor, or

(2) Any individual (except an officer of a corporation) who is not an employee under such common law rules.

§ 31.3306 (i)–1 *Who are employees.* (a) Every individual is an employee if the relationship between him and the person for whom he performs services is the legal relationship of employer and employee. (The word "employer" as used in this section only, notwithstanding the provisions of § 31.3306 (a)–1, includes a person who employs one or more employees.)

(b) Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee. Individuals such as physicians, lawyers, dentists, veterinarians, construction contractors, public stenographers, and auctioneers, engaged in the pursuit of an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees.

(c) Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

(d) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(e) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is considered not to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(f) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, as not to constitute employment (see § 31.3306 (c)–2).

§ 31.3306 (j) *Statutory provisions; definitions; State.*

SEC. 3306. *Definitions.* • • •

(j) *State.* For purposes of this chapter, the term "State" includes Alaska, Hawaii, and the District of Columbia.

§ 31.3306 (k) *Statutory provisions; definitions; agricultural labor.*

SEC. 3306. *Definitions.* • • •

(k) *Agricultural labor.* For purposes of this chapter, the term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, § 3; 12 U. S. C. 1141j), or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; or

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be appli-

cable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

SEC. 15. *Miscellaneous provisions [Agricultural Marketing Act].* • • •

(g) As used in this Act, the term "agricultural commodity" includes • • • crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923 [42 Stat. 1435; 7 U. S. C. 92 (c), (h)].

SEC. 2. [The Naval Stores Act.] That, when used in this act—

• • • • •

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

• • • • •

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

§ 31.3306 (k)–1 *Agricultural labor*—(a) *In general.* (1) Services performed by an employee for the person employing him which constitute "agricultural labor" as defined in section 3306 (k) are excepted from employment by reason of section 3306 (c) (1). See § 31.3306 (c) (1)–1. The term "agricultural labor" as defined in section 3306 (k) includes services of the character described in paragraphs (b), (c), (d), and (e) of this section. In general, however, the term does not include services performed in connection with forestry, lumbering, or landscaping.

(2) The term "farm" as used in this subpart includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms".

(b) *Services described in section 3306 (k) (1).* Services performed on a farm by an employee of any person in connection with any of the following activities constitute agricultural labor:

(1) The cultivation of the soil;

(2) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(3) The raising or harvesting of any other agricultural or horticultural commodity.

(c) *Services described in section 3306 (k) (2).* (1) The following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms constitute agricultural labor, if the major part of such services is performed on a farm:

(i) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(ii) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

(2) The services described in subparagraph (1) (i) of this paragraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged.

(3) Since the services described in this paragraph must be performed in the employ of the owner or tenant or other operator of the farm, services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties, do not constitute agricultural labor.

(d) *Services described in section 3306 (k) (3).* Services performed by an employee in the employ of any person in connection with any of the following operations constitute agricultural labor without regard to the place where such services are performed:

(1) The ginning of cotton;

(2) The hatching of poultry;

(3) The raising or harvesting of mushrooms;

(4) The operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying or storing water for farming purposes;

(5) The production or harvesting of maple sap or the processing of maple sap into maple sirup or maple sugar (but not the subsequent blending or other processing of such sirup or sugar with other products); or

(6) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

(e) *Services described in section 3306 (k) (4).* (1) (i) Services performed by an employee in the employ of a farmer or a farmers' cooperative organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity, other than fruits and vegetables (see subparagraph (2) of this paragraph), produced by such farmer or farmer-members of such organization or group of farmers constitute agricultural labor, if such services are performed as an incident to ordinary farming operations.

(ii) Generally services are performed "as an incident to ordinary farming operations" within the meaning of this paragraph if they are services of the character ordinarily performed by the employees of a farmer or of a farmers' cooperative organization or group as a prerequisite to the marketing, in its unmanufactured state, of any agricultural or horticultural commodity produced by such farmer or by the members of such farmers' organization or group. Services performed by employees of such farmer or farmers' organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of commodities produced by persons other than such farmer or members of such farmers' organization or group are not performed "as an incident to ordinary farming operations".

(2) Services performed by an employee in the employ of any person in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of fruits and vegetables, whether or not of a perishable nature, constitute agricultural labor, if such services are performed as an incident to the preparation of such fruits and vegetables for market. For example, if services in the sorting, grading, or storing of fruits, or in the cleaning of beans, are performed as an incident to their preparation for market, such services may constitute agricultural labor, whether performed in the employ of a farmer, a farmers' cooperative, or a commercial handler of such commodities.

(3) The services described in subparagraphs (1) and (2) of this paragraph do not include services performed in connection with commercial canning or commercial freezing or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in such subparagraphs must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of paragraph (c) of this section.

§ 31.3306 (l) *Statutory provisions; definitions; certain employees of Bonneville Power Administrator.*

SEC. 3306. *Definitions.* • • •

(l) *Certain employees of Bonneville Power Administrator.*

[Repealed, effective with respect to services performed after 1954, by sec. 4 (c), Act of Sept. 1, 1954, 68 Stat. 1135]

§ 31.3306 (m) *Statutory provisions; definitions; American vessel.*

SEC. 3306. *Definitions.* • • •

(m) *American vessel.* For purposes of this chapter, the term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

§ 31.3306 (m)–1 *American vessel.* The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia or the Territory of Alaska or Hawaii). For provisions relating to services performed outside the United States on or in connection with an American vessel, see § 31.3306 (c)–2 (c).

§ 31.3306 (n) *Statutory provisions; definitions; vessels operated by general agents of United States.*

SEC. 3306. *Definitions.* • • •

(n) *Vessels operated by general agents of United States.* Notwithstanding the provisions of subsection (c) (6), service performed on or after July 1, 1953, by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel—

(1) Owned by or bareboat chartered to the United States and

(2) Whose business is conducted by a general agent of the Secretary of Commerce,

For purposes of this chapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such is an employer within the meaning of subsection (a) shall be subject to all the requirements imposed upon an employer under this chapter with respect to service which constitutes employment by reason of this subsection.

§ 31.3306 (n)–1 *Services on American vessel whose business is conducted by general agent of Secretary of Commerce.* (a) Section 3306 (n) and this section of the regulations apply with respect only to services performed by an officer or member of the crew of an American vessel (1) which is owned by or bareboat chartered to the United States, and (2) whose business is conducted by a general agent of the Secretary of Commerce. Whether services performed by such an officer or member of a crew under the above conditions constitute employment is determined under section 3306 (c) and (n), but without regard to section 3306 (c) (6). See § 31.3306 (c) (6)–1, relating to services performed in the employ of the United States and instrumentalities thereof. If, without regard to section 3306 (c) (6), such services constitute employment, they are not excepted from employment by reason of the fact that they are performed on or in connection with an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce, that is, such services are not excepted from employment by section 3306 (c) (6). For provisions relating to services performed within the United States and services performed outside the United States which constitute employment, see § 31.3306 (c)–2.

(b) The expression "officer or member of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. Thus, the expression includes, for example, the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, and deck hands.

(c) An employee of the United States who performs services as an officer or member of the crew of an American vessel which is owned by or bareboat chartered to the United States and whose business is conducted by a general agent of the Secretary of Commerce shall be deemed, under section 3306 (n), to be performing services for such general agent rather than for the United States. Any such general agent of the Secretary of Commerce is considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account. Each such general agent who in his capacity as such qualifies as an employer under section 3306 (a) is with respect to each calendar year for which he so qualifies subject to the tax imposed by section 3301, and to all the requirements imposed upon an employer as defined in section 3306 (a) by the regulations in this part, with respect to services which constitute employment by reason of section 3306 (n) and this section of the regulations.

§ 31.3307 *Statutory provisions; deductions as constructive payments.*

SEC. 3307. *Deductions as constructive payments.* Whenever under this chapter or any act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for purposes of this chapter the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

§ 31.3307–1 *Deductions by an employer from remuneration of an employee.* Any amount deducted by an employer from the remuneration of an employee is considered to be a part of the employee's remuneration and is considered to be paid to the employee as remuneration at the time that the deduction is made. It is immaterial that any act of Congress or the law of any State requires or permits such deductions and the payment of the amount thereof to the United States, a State, or any political subdivision thereof.

§ 31.3308 *Statutory provisions; short title.*

SEC. 3308. *Short title.* This chapter may be cited as the "Federal Unemployment Tax Act."

[F. R. Doc. 56-7028; Filed, Sept. 4, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR BEET GREENS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Beet Greens pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.2860 General.

GRADES

51.2861 U. S. No. 1.

UNCLASSIFIED

51.2862 Unclassified.

APPLICATION OF TOLERANCES

51.2863 Application of tolerances.
51.2864 Basis for calculating percentages.

DEFINITIONS

51.2865 Similar varietal characteristics.
51.2866 Fresh.
51.2867 Fairly clean.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
51.2868 Fairly tender.
51.2869 Well trimmed.
51.2870 Damage.
51.2871 Diameter.
51.2872 Serious damage.

AUTHORITY: §§ 51.2860 to 51.2872 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2860 *General.* The standards contained in this subpart are applicable to beet greens consisting of either plants (with or without attached roots), or cut leaves, but they shall not be applicable to a mixture of plants and cut leaves in the same container. The standards apply only to the common red-rooted table varieties of beets (Beta vulgaris) but not to mangel wurzel varieties primarily grown for stock feed, or to sugar beets (Beta saccarifera).

GRADES

§ 51.2861 *U. S. No. 1.* "U. S. No. 1" consists of beet greens of similar varietal characteristics which are fresh, fairly clean, fairly tender, well trimmed and free from other kinds of leaves, weeds, grass or other foreign material, and decay and which are free from damage caused by discoloration, freezing, disease, insects or mechanical or other means.

(a) In the case of beet greens with roots attached, the roots shall be free from damage by any cause and the maximum diameter of the root shall not be larger than five-eighths inch.

(b) The leaf blades of beet greens shall not be longer than five and one-half inches.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted (see §§ 51.2863 and 51.2864):

(1) *For over-size roots.* 5 percent for beet greens with roots in any lot which are larger than five-eights inch in diameter;

(2) *For over-size leaf blades.* 3 percent for beet leaves in any lot which are longer than five and one-half inches;

(3) *For mixtures of whole plants and leaves.* Not more than 3 percent of the beet greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves;

(4) *For leaves other than beet leaves, weeds, grass or other foreign material.* Not more than 3 pieces in a one-pound sample; and,

(5) *For other defects.* Not more than a total of 10 percent, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than one percent for decay.

UNCLASSIFIED

§ 51.2862 *Unclassified.* "Unclassified" consists of beet greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2863 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerances specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

§ 51.2864 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis, except that the amount of leaves other than beet leaves, blades of grass, weeds or parts of weeds or other foreign material shall be calculated on the basis of count, using one pound of beet greens as the sample. In inspecting the sample, the unit shall be the plant or leaf exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.2865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the beet greens in any container are similar in color and type.

§ 51.2866 *Fresh.* "Fresh" means that the greens are not more than slightly wilted.

§ 51.2867 *Fairly clean.* "Fairly clean" means that the individual leaf or plant is reasonably free from dirt or other foreign material and that the general appearance of the beet greens in the container is not materially affected.

§ 51.2868 *Fairly tender.* "Fairly tender" means that the beet greens are not tough, or excessively fibrous.

§ 51.2869 *Well trimmed.* "Well trimmed" in the case of cut leaf beet greens means that the leaf stem or petiole is not more than the length of the leaf blade.

§ 51.2870 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as a damage:

(a) Discoloration when the appearance of the individual leaf or plant is materially affected by yellowing, spotting, or any other type of discoloration, except that leaves showing a reddish color, often caused by cold weather, shall not be considered as damaged by discoloration. Plants which have small dried, withered, or slightly yellowed leaves at the base of the plant shall not be considered as damaged by discoloration unless the general appearance of the plant or of the plants in the container is materially affected; and,

(b) Mechanical damage when the individual leaf is badly crushed, torn or broken.

§ 51.2871 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line from the center of the crown to the base of the root.

§ 51.2872 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the individual leaf, or plant, is badly discolored;

(b) Insects when the individual leaf or plant is noticeably infested, or when it is seriously damaged by them; and,

(c) Decay.

Dated: August 30, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7092; Filed, Sept. 4, 1956; 8:53 a. m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR SPINACH PLANTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Spinach Plants pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2880 U. S. No. 1.
51.2881 U. S. Commercial.

UNCLASSIFIED

51.2882 Unclassified.

APPLICATION OF TOLERANCES

51.2883 Application of tolerances.

DEFINITIONS

51.2884 Similar varietal characteristics.
51.2885 Well grown.
51.2886 Fresh.
51.2887 Fairly clean.
51.2888 Well trimmed.
51.2889 Damage.
51.2890 Serious damage.

AUTHORITY: §§ 51.2880 to 51.2890 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.2880 *U. S. No. 1.* "U. S. No. 1" consists of spinach plants of similar varietal characteristics which are well grown, fresh, fairly clean, well trimmed, and which are free from decay, and free from damage caused by coarse stalks or seed stems, discoloration, foreign material, second growth, freezing, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by weight, of the spinach plants in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including therein not more than 1 percent for decay.

§51.2881 *U. S. Commercial.* "U. S. Commercial" consists of spinach plants which meet all the requirements for U. S. No. 1 grade except that the spinach plants need only be free from damage by dirt and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by weight, of the spinach plants in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 10 percent, shall be allowed for serious damage, including therein not more than 1 percent for decay.

UNCLASSIFIED

§ 51.2882 *Unclassified.* "Unclassified" consists of spinach plants which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2883 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grades:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

DEFINITIONS

§ 51.2884 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach shall be of one type, such as crinkly leaf type or flat leaf type. No mixture of types shall be permitted which materially affects the appearance of the spinach in the container.

§ 51.2885 *Well grown.* "Well grown" means that the plants are not stunted or poorly developed.

§ 51.2886 *Fresh.* "Fresh" means that the spinach is not more than slightly wilted.

§ 51.2887 *Fairly clean.* "Fairly clean" means that the individual spinach plant is reasonably free from dirt or other adhering foreign matter, and that the general appearance of the spinach plants in the container is not materially affected.

§ 51.2888 *Well trimmed.* "Well trimmed" means that the spinach plant is cut at the crown of the root, or cut so that the root is not longer than 1 inch.

§ 51.2889 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant, or the general appearance of the spinach in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Coarse central stalks or seedstems when causing more than 10 percent waste of the individual plant; or when the flower buds are plainly visible;

(b) Discoloration when materially affecting the general appearance of the plant, except that heart leaves which are yellow or partially blanched shall not be considered as damaging the plant; and,

(c) Foreign material when materially affecting the edible quality, or the general appearance of the spinach in the container. Foreign material means weeds, grass, or any loose material other than spinach.

§ 51.2890 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant, or the general appearance of the spinach in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the plants are badly discolored;

(b) Insects when the plant is noticeably infested, or when it is seriously damaged by them;

(c) Mildew, white rust or similar diseases when seriously affecting the edible quality or appearance of the plant; and,

(d) Decay.

Dated: August 30, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7093; Filed, Sept. 4, 1956; 8:53 a. m.]

[7 CFR Part 922]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 131 and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the growers who, during the period February 1, 1955, through January 31, 1956, (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of Valencia oranges for market to determine whether such growers favor continuation of the said marketing agreement and order. Warren C. Noland and Edward H. Bixby of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the marketing agreement and amended order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing Valencia oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such Valencia oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time such ballots must be received.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire

to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meetings, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing such person or persons as are deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized, by said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements set forth; and shall forward to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of the referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing, and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Warren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential. The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid marketing agreement and amended order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: August 30, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7091; Filed, Sept. 4, 1956; 8:53 a. m.]

[7 CFR Parts 927, 990]

[Docket Nos. AO-71-A-32; AO-264]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

SUPPLEMENTAL NOTICE CONCERNING PROCEDURE

Notice of hearing was issued on May 18, 1956 (21 F. R. 3537) and a supplemental notice on May 29, 1956 (21 F. R. 3799) on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area and on a proposed marketing agreement and order regulating the handling of milk in the Northern New Jersey milk marketing area.

During the hearing thus far held pursuant to such notices, testimony has been submitted (1) regarding proposals for a separate new milk marketing order for Northern New Jersey (together with proposed coordinating amendments to the New York milk marketing order), and (2) with reference to proposals to expand the New York metropolitan milk marketing area to include additional territory within the State of New York as specified in the notices of hearing.

After considering the complexity of the issues and the progress made thereon since the beginning of the hearing on June 18, 1956, it is determined that it is in the interest of orderly and expeditious procedure to separate and give prior consideration to those proposals contained in the May 18 notice of hearing which concern expansion of the present New York metropolitan milk marketing area, together with the proposals in the supplemental notice of hearing, dated May 29, 1956, and such other proposals to amend the New York milk marketing order as may be appropriate or necessary to such proposed expansion of the Order No. 27 marketing area.

Accordingly, notice is hereby given that beginning September 10, 1956, at a hearing place to be designated by the presiding officer, and continuing until the presentation of evidence on these issues has been completed, the hearing will be confined to the reception of evidence on the proposals to expand the New York metropolitan marketing area and the related issues hereinbefore more fully described.

Upon the completion of the evidence relating to such issues the presiding officer will close and certify the record as to such issues and will fix and announce a time for filing briefs thereon. Thereafter, the hearing will continue with the reception of evidence upon the other issues presented by the notices of hearing, and the entire record as theretofore and thereafter made will be the record upon such remaining issues, including, but not limited to, any further amendment of the provisions of Order No. 27, as amended, as may be appropriate or necessary to coordinate Order No. 27 and any milk marketing order that may be issued for a Northern New Jersey milk marketing area.

It is hereby ordered that this notice be filed with the Hearing Clerk, United States Department of Agriculture, and published in the FEDERAL REGISTER.

Done at Washington, D. C., this 29th day of August, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7075; Filed, Sept. 4, 1956; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR PEANUTS AND OF RELATED MATTERS

Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U. S. C. 1301–1393) the Secretary of Agriculture is preparing to formulate and issue regulations governing the establishment of farm allotments and normal yields, the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, the records and reports incident to administration of peanut allotment and marketing quota programs, and related matters for the 1957 and subsequent crops of peanuts. It is proposed that the regulations will be substantially the same as the 1956 crop regulations (20 F. R. 6033, 7583; 21 F. R. 3867, 6057).

The Secretary will, as required by sections 358 (a) and (b) of said act (7 U. S. C. 1358 (a) and (b)), proclaim the national marketing quota for peanuts before December 1, 1956, for the crop to be produced in 1957 and will announce a date, which shall not be later than December 15, 1956, on which a referendum of farmers who were engaged in the production of the 1956 crop of peanuts will be held to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crop of peanuts produced in the calendar years 1957, 1958 and 1959.

Prior to the Secretary taking any such action, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of August 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 56-7094; Filed, Sept. 4, 1956; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 117]

[File No. 21-267]

SCHOOL SUPPLY AND EQUIPMENT INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the School Supply and Equipment Industry (which constitute a proposed revision and extension of the rules for the School Supplies and Equipment Distributing Industry as promulgated by the Commission, on November 12, 1936), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 26, 1956. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., September 26, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution of equipment and supplies (except text books) sold for use by educational institutions and organizations for educational, administrative, recreational, maintenance, or other purposes, or of parts or accessories for such products.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: September 4, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7175; Filed, Sept. 4, 1956; 10:59 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 120]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 480 acres in Washoe County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 20 E.,
Sec. 34, E½, E½NW¼, NW¼NW¼, NE¼SW¼.

2. The classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to lease or application under the Small Tract Act of June 1, 1938 (52 Stat. 609; U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

E. R. GREENSLET,
State Supervisor.

AUGUST 27, 1956.

[F. R. Doc. 56-7064; Filed, Sept. 4, 1956; 8:46 a. m.]

Office of the Secretary

[69356]

MONTANA

RESTORING LANDS TO TRIBAL OWNERSHIP OF CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION

Whereas pursuant to authority contained in the Act of Congress approved June 21, 1906 (34 Stat. L., 354), certain townsites and villa sites were established within the Flathead Indian Reservation, Montana, and

Whereas there are a number of undisposed of lots within the townsites and villa sites referred to which are desired by the Indians and for which there appears to be no public demand, and

Whereas the Tribal Council, the Superintendent of the Flathead Agency, and the Commissioner of Indian Affairs, have recommended restoration of the lands involved to tribal ownership.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. L., 984), I hereby find that restoration to tribal ownership of the lands included in the townsite and villa-site lots listed below will be in the public interest and the said lands are hereby restored to tribal ownership for the use and benefit of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

CAMAS TOWN SITE

Block 1, lot 1;
Block 2, lots 1 and 2;
Block 3, lots 1 and 2;
Block 4, lots 1 and 2;
Block 5, lots 1 to 16, inclusive;
Block 7, lots 1 to 16, inclusive;
Block 8, lots 1 to 8, inclusive;
Block 9, lots 1 to 8, inclusive;
Block 10, lots 7 to 16, inclusive;
Block 11, lots 1 to 16, inclusive;
Block 12, lots 1 to 16, inclusive;
Block 13, lots 1, 2, 3, and 6;
Block 14, lots 1 to 6, inclusive;
Block 19, lots 1, 5, and 6;
Block 20, lots 1 to 6, inclusive, and lots 12 to 16, inclusive;
Block 21, lots 1 to 4, inclusive, and lots 12 to 16, inclusive;
Block 23, lots 1 to 6, inclusive;
Block 26, lot 8;
Block 29, lot 5 and lots 13 to 16, inclusive;
Block 33, lot 14;
Block 34, lots 3 to 5, inclusive, and lots 10 to 16, inclusive.

BIG ARM TOWN SITE

Block 1, lot 9;
Block 6, lot 8;
Block 7, lots 5 to 14, inclusive;
Block 8, lots 5 to 14, inclusive;
Block 9, lots 5 to 12, inclusive;
Block 10, lots 1 to 16, inclusive;

Block 11, lots 1 to 8, inclusive, and lots 11 to 16, inclusive;
Block 12, lots 1 to 16, inclusive;
Block 13, lots 1 to 3, inclusive, and 6 to 8, inclusive and lot 10;
Block 14, lots 13 and 14;
Block 15, lots 1 to 14, inclusive;
Block 16, lots 2 to 15, inclusive;
Block 18, lots 1 to 16, inclusive;
Block 19, lots 2 to 7, inclusive, and lots 10 to 15, inclusive;
Block 20, lots 1 to 7, inclusive, and lots 12 to 15, inclusive;
Block 21, lots 1 to 16, inclusive;
Block 22, lots 5 to 8, inclusive;
Block 25, lots 1 to 15, inclusive;
Black 26, lots 1 to 10, inclusive, and lots 14 to 16, inclusive;
Block 27, lots 1 to 13, inclusive;
Block 28, lots 3 to 16, inclusive;
Block 29, lots 1 to 16, inclusive;
Block 20, lots 1 to 16, inclusive.

ALSON VILLA SITE

Block 2, lot 1.

ARMO VILLA SITE

Block 1, lot 6.

BIG ARM VILLA SITE

Block 10, lots 1 and 2.

BLUE GRADE VILLA SITE

Block 1, lot 4;
Block 2, lot 4;
Block 3, lots 1 to 4, inclusive;
Block 4, lots 1 to 5, inclusive;
Block 5, lots 1 to 4, inclusive;
Block 7, lots 3 and 4;
Block 8, lots 1 to 5, inclusive.

FESTOU VILLA SITE

Block 9, lot 6.

MATTERHORN VILLA SITE

Block 4, lot 5.

ORCHARD VILLA SITE

Block 1, lots 5 and 6;
Block 2, lots 2 to 4, inclusive, and lots 6 to 8, inclusive.

POLLARD VILLA SITE

Block 2, lot 4.

SAFETY BAY VILLA SITE

Block 4, lot 24.

WHITE SWAN VILLA SITE

Block 2, lot 1;
Block 3, lot 8;
Block 4, lots 8 and 10;
Block 5, lots 3 and 12.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 29, 1956.

[F. R. Doc. 56-7063; Filed, Sept. 4, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS, NEW MEXICO, OKLAHOMA, AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; the President determined on February 27, 1956, that major disasters occasioned by drought existed in the States of New Mexico and Oklahoma; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties and parts of counties were determined on the dates indicated to be affected by the above-mentioned major disasters.

KANSAS

Determined on July 18, 1956: Finney, Grant, Gray, Haskell, Seward, Stanton, Stevens.

Determined on August 16, 1956: Cloud, Decatur, Edwards, Lane, Lincoln, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Republic, Russell, Rush, Sheridan.

NEW MEXICO

Determined on July 31, 1956: West half of Rio Arriba: San Juan, Taos.

OKLAHOMA

Determined on August 13, 1956: Atoka, Bryan, Carter, Garvin, Love, McClain, Marshall, Murray, Roger Mills, Woodward.

Determined on August 16, 1956: Alfalfa, Grant, Kay, Noble, Osage, Pawnee, Payne.

TEXAS

Determined on July 1, 1956: Goliad.

Determined on July 31, 1956: Collin, Cooke, Dallas, Deaf Smith, Denton.

Determined on August 3, 1956: Brooks, Colorado, Jackson, Jim Wells, Victoria.

Determined on August 13, 1956: Grayson.

Determined on August 16, 1956: Castro, El Paso, Kaufman, Rockwall, Swisher.

Done at Washington, D. C., this 29th day of August 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7079; Filed, Sept. 4, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

TRANSFER OF ALASKA ROAD COMMISSION TO BUREAU OF PUBLIC ROADS

Pursuant to the authority vested in me by Reorganization Plan No. 5 of 1950 and section 107 (e) of the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Congress, approved June 29, 1956), the Commissioner of Public Roads is hereby authorized to perform and exercise the authority of the Secretary of Commerce under section 107 (a) thereof, and, effective on the transfer of the functions prescribed in section 107 (b) thereof, to exercise and perform the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails and other works in Alaska transferred to the Department of Commerce from the Department of the Interior by section 107 (b) of the Federal-Aid Highway Act of 1956, supra. The authority delegated herein shall remain in effect, unless otherwise amended or revoked, pending the appointment of the Federal Highway Administrator under Public Law 966, 84th Congress, approved August 3, 1956, and thereafter subject to the direction of the Federal Highway Administrator, until such time as the functions and authorities of the Administrator and Commissioner are prescribed as provided by law.

The authority delegated herein may be redelegated by the Commissioner of Public Roads to be exercised subject to the same conditions set forth above.

Dated: August 17, 1956.

L. S. ROTHSCHILD,
Acting Secretary of Commerce.

[F. R. Doc. 56-7062; Filed, Sept. 4, 1956; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

The following description of the organization, functions and procedures, etc. of the Food and Drug Administration is published pursuant to section 3 (a) of the Administrative Procedure Act (60 Stat. 237, as amended; 5 U. S. C. 1002) and § 1.45 (a) of the Federal Register Regulations (1 CFR 1.45 (a)), revoking the description of this agency published in the FEDERAL REGISTER of March 16, 1956 (21 F. R. 1680).

I. Organization.
II. Functions and procedures.
III. Delegations of authority.
IV. Availability of information.

I. *Organization*—A. *Creation and authority.* The name Food and Drug Administration was first provided by the Agricultural Appropriation Act of 1931, approved May 27, 1930 (46 Stat. 392), although the law-enforcement functions had been carried on under different organizational titles since January 1, 1907, when the Food and Drugs Act of 1906 (34 Stat. 3915; 21 U. S. C. 1, secs. 1-15) became effective. The Food and Drug Administration and its functions necessary for the enforcement of the five acts named in II were transferred from the Department of Agriculture to the Federal Security Agency, effective June 30, 1940, in accordance with the provisions of the President's Reorganization Plan IV. With the enactment of Reorganization Plan I of 1953 (67 Stat. 18; note under 5 U. S. C. 623), the Federal Security Agency became the Department of Health, Education, and Welfare.

B. *Washington headquarters.* The central organization of the Food and Drug Administration consists of the Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management and Federal-State Relations, and the following bureaus:

Bureau of Biological and Physical Sciences.
Bureau of Enforcement.
Bureau of Field Administration.
Bureau of Medicine.
Bureau of Program Planning and Appraisal.

The Offices of the Commissioner and Deputy Commissioner, the Division of Administrative Management and Federal-State Relations, and the Bureaus of Enforcement, Field Administration, Medicine, and Program Planning and Appraisal are in the Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D. C. The Bureau of Biological and Physical Sciences and the Divisions functioning under that Bureau are in the South Agriculture Building, Twelfth and C Streets SW., Washington 25, D. C.

C. *Field service.* The field organization of the Food and Drug Administration consists of sixteen inspection districts. The district headquarters and inspection stations are as follows:

Atlanta District: Room 416, Federal Annex, Atlanta 3, Ga.

Inspection stations: Room 231, U. S. Post Office and Courthouse Building, Charlotte 1, N. C. (P. O. Box 1516). Room 447, U. S. Post Office and Customhouse Building, 311 W. Monroe Street, Jacksonville 1, Fla. (P. O. Box 4937). Room 117, U. S. Appraiser's Stores, Platt and Water Streets, Tampa 1, Fla. (P. O. Box 1166).

Baltimore District: Room 800, U. S. Appraiser's Stores, 103 South Gay Street, Baltimore 2, Md.

Inspection stations: Room 319, Federal Building, Capitol Street, Charleston 23, W. Va. (P. O. Box 641). Room 415-B, U. S. Post Office and Courthouse Building, Norfolk 10, Va. (P. O. Box 1222). Room 211, Post Office and Courthouse Building, Roanoke 3, Va. (P. O. Box 437). Room S-127, South Agriculture Building, Food and Drug Administration, Washington 25, D. C.

Boston District: Room 805, 408 Atlantic Avenue, Boston 10, Mass.

Inspection stations: Room 201, U. S. Post Office Building, 135 High Street, Hartford 1, Conn. (P. O. Box 396). Room 401, Main Post Office Building, Providence 3, R. I.

Buffalo District: Room 415, Post Office Building, Buffalo 3, N. Y.

Inspection stations: Room 342, Post Office Building, Albany, N. Y. Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa. Room 417, Federal Building, Rochester, N. Y.

Chicago District: Room 1222, Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection stations: Room 908, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich., Room 305, U. S. Customhouse, 628 East Michigan Street, Milwaukee 2, Wis. (P. O. Box 850).

Cincinnati District: Room 501, U. S. Post Office and Courthouse Building, Cincinnati 2, Ohio.

Inspection stations: Room 428-A, Federal Building, Louisville, Ky. Room 2, New Post Office Building, Cleveland 13, Ohio. Room 305, Old Post Office Building, Columbus 15, Ohio. Room 241, State Board of Health Building, 1330 West Michigan Street, Indianapolis 7, Ind. Room 502, U. S. Courthouse, Broad and 8th Streets, Nashville 3, Tenn.

Denver District: Room 531, New Customhouse, Denver 2, Colo.

Inspection station: Room 206, Federal Building, Salt Lake City 10, Utah.

Kansas City District: Room 323, U. S. Courthouse, Kansas City 6, Mo.

Inspection stations: Room 104, Municipal Building, Oklahoma City, Okla. Room 413, Federal Office Building, Omaha 2, Nebr.

Los Angeles District: Room 514, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 305, Federal Courthouse Building, Phoenix, Ariz.

Minneapolis District: Room 201, Federal Building, Washington and Third Avenue South, Minneapolis 1, Minn.

Inspection station: Room 220, Old Federal Building, Des Moines 9, Iowa.

New Orleans District: Room 224, Customhouse, 423 Canal Street, New Orleans 16, La.

Inspection stations: Room 241, Federal Building, Fifth Avenue and 19th Street, North, Birmingham 1, Ala. (P. O. Box 1649). Room 945; 1114 Commerce Street, Dallas 22, Tex. (P. O. Box 5449). Room 314, Federal Office Building, Franklin and Fannin Streets, Houston 14, Tex. (P. O. Box 4240).

New York District: Room 1200, 201 Varick Street, New York 14, N. Y.

Inspection station: Room B-96, Post Office Building, Newark 1, N. J. (P. O. Box 201).

Philadelphia District: Room 1204, Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

Inspection station: Room 4, Studebaker Building, 201 State Street, Harrisburg, Pa. (P. O. Box 527).

St. Louis District: Room 1007, New Federal Building, 1114 Market Street, St. Louis 1, Mo.

Inspection stations: Room 541, Post Office Building, Little Rock, Ark. (P. O. Box 1658). Room 320, U. S. Customhouse, Memphis 1, Tenn. (P. O. Box 1161). Room 31, Post Office Building, 100 North Munroe Street, Peoria, Ill. (P. O. Box 217). Room 225, Post Office Building, Springfield, Mo. (P. O. Box 267).

San Francisco District: Room 508, Federal Office Building, San Francisco 2, Calif.

Seattle District: Room 501, Federal Office Building, Seattle 4, Wash.

Inspection stations: Room 406, U. S. Customhouse, Portland, Oreg. Room 321, Federal Building, Spokane 8, Wash.

II. *Functions and procedures*—A. *Law enforcement.* The Food and Drug Administration, acting under the supervision of the Secretary of Health, Education, and Welfare, administers the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.), the Tea Importation Act (21 U. S. C. 41 et seq.), the Federal Caustic Poison Act (15 U. S. C. 401 et seq.), the Federal Import Milk Act (21 U. S. C. 141 et seq.), and the Federal Filled Milk Act (21 U. S. C. 61 et seq.). In the enforcement of these acts and related duties, the following procedures have been established:

1. Evidence acquired through examinations and investigations by the Food and Drug Administration of violations of any of the acts listed above, on which criminal, libel for condemnation, or injunction proceedings are contemplated under the authority of such act, is referred by the Secretary of Health, Education, and Welfare to the Department of Justice with recommendation for the institution of such proceedings.

2. Any interested person may propose to the Secretary of Health, Education, and Welfare the issuance, amendment, or repeal of any regulation authorized by any law listed above. The request should describe the representative capacity, if any, of the applicant and set forth the proposal in general terms, and should state reasonable grounds therefor. Reasonable grounds include a description of what the person proposing the action will prove if a hearing is held. Failure to state with reasonable precision the grounds relied upon to support a proposal for the issuance, amendment, or repeal of a regulation will result in denial of the proposal. Denial of the proposal will also result if the grounds relied upon by the person proposing the action would not support the proposed action even if proved at a hearing. Proceedings on proposals with respect to regulations under sections 408 (d) and (e), 507 (f), and 701 (e) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 346a (d) and (e), 357 (f) and 371 (e)) are prescribed in those sections and in the rules of practice for hearings under section 701 (e) which appear in Title 21 of the Code of Federal Regulations (21 CFR 1.701). Proposals with respect to regulations on which no hearing is required are announced for informal public hearings or for the submission of written comments, unless such proposals are clearly noncontroversial, relate solely to the internal management of the Department, or involve interpretative rules, statements of policy, procedure, or practice.

3. Procedure governing imports under the Federal Food, Drug, and Cosmetic Act is prescribed in the Code of Federal Regulations (21 CFR 1.315 et seq.); procedure governing imports under the Federal Caustic Poison Act is prescribed by 21 CFR Part 285. Appeals from decisions under either act of officers of districts are informal and may be made by letter or in person by the importer or his representative.

4. Procedure governing the filing of applications with respect to new drugs pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)) is prescribed by Part 130 of the Code of Federal Regulations. Copies of the form to be followed in preparing applications may be obtained from the Commissioner of Food and Drugs, the Bureau of Medicine, and the districts. A procedure for hearings in relation to removing the prescription limitation from drugs limited to prescription by effective new-drug applications is contained in § 130.101 (b) of the Code of Federal Regulations (21 CFR 130.101 (b)).

5. Procedure governing the importation of merchandise subject to the Tea Importation Act is prescribed in 21 CFR Part 281. Forms may be obtained from the Commissioner of Food and Drugs, the New York and San Francisco Districts and from any Collector of Customs.

6. Procedure governing the importation of milk and cream under the Federal Import Milk Act is prescribed by 21 CFR Part 290. Forms may be obtained from the Commissioner of Food and Drugs and from the Veterinary Director General, Health of Animals Division, Department of Agriculture, Ottawa, Canada. Canadian shippers may obtain from the Veterinary Director General information as to the Canadian officials who are available to supervise tests and examinations.

7. Procedure governing the certification of coal-tar colors under the Federal Food, Drug, and Cosmetic Act is prescribed in 21 CFR Part 9. Specimen forms for use as guides in preparing requests for certification of batches of straight colors, color mixtures, and repacked colors may be obtained from the Commissioner of Food and Drugs, the Division of Cosmetics, Bureau of Biological and Physical Sciences, and the districts.

8. Procedure for the certification under the Federal Food, Drug, and Cos-

metic Act of drugs composed wholly or partly of insulin is prescribed by 21 CFR Part 164. Specimen forms for use as guides in preparing requests for certification of insulin-containing drugs may be obtained from the Commissioner of Food and Drugs and the Division of Pharmacology, Bureau of Biological and Physical Sciences.

9. Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, bacitracin, or chloramphenicol is prescribed in 21 CFR Parts 146, 146a, 146b, 146c, 146d, and 146e. Specimen forms for use as guides in preparing the applications and requests for certification or exemption from certification may be obtained from the Commissioner of Food and Drugs and the Division of Antibiotics, Bureau of Biological and Physical Sciences.

10. Procedure governing the service of inspection of establishments packing seafood under the Federal Food, Drug, and Cosmetic Act and applications therefor is prescribed in the case of processed shrimp and canned oysters by 21 CFR Part 85. Forms for application for such service, its renewal or extension may be obtained from the Commissioner of Food and Drugs and the Atlanta or New Orleans District.

11. Informal conferences may be arranged for discussion of any subject pertaining to the functions of the Food and Drug Administration, although the scope of discussion of pending court cases is necessarily limited. Such conferences are particularly encouraged in connection with the formulation of proposals to issue, amend, or repeal regulations. The Food Standards Committee usually holds informal public hearings, after appropriate notice, on proposals to formulate definitions and standards of identity for food.

12. Procedures governing the establishment of tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities under the Federal Food, Drug, and Cosmetic Act are prescribed in 21 CFR Part 120. Copies of these regulations, including § 120.7, which outlines the data required to be submitted in petitions, may be obtained from the Commissioner of Food and Drugs, and the Director of the Bureau of Biological and Physical Sciences.

13. Procedures governing the issuance of temporary permits for interstate shipment of experimental packs of food varying from the requirements of applicable definitions and standards of identity established pursuant to the authority of the Federal Food, Drug, and Cosmetic Act are prescribed in 21 CFR 3.12. Copies of these regulations, in which are outlined the information to be contained in applications for such permits may be obtained from the Commissioner of Food and Drugs.

III. *Delegations of authority.* A. Final authority vested in the Secretary of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Federal Import Milk Act, the Federal Filled Milk Act, and the Tea Importation Act was delegated to the Commissioner of Food and Drugs by the Secretary in section 10.20 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare, published in the FEDERAL REGISTER of March 30, 1955 (20 F. R. 1996), except the reservations of authority contained in sections 2.50 (Part 2) and 10.30 (Part 10) of the above-referenced statement.

B. Pursuant to section 10.40 of Part 10 of the Statement of Organization and Delegations of Authority promulgated by the Secretary of Health, Education, and Welfare in the FEDERAL REGISTER of March 30, 1955 (20 F. R. 1996), final authority of the Commissioner of Food and Drugs is delegated as set forth below. Unless otherwise specified, the authority contained in section 10.20 of the above-referenced Statement of Organization and Delegations of Authority is retained by the Commissioner of Food and Drugs.

1. *General delegation of authority.* The Deputy Commissioner of Food and Drugs is authorized to perform all the functions of the Commissioner of Food and Drugs.

2. *Designations to hold hearings.* The Director of the Bureau of Field Administration is authorized to designate officers and employees to hold hearings prior to criminal proceedings pursuant to sections 305 and 701 (c) of the Federal Food, Drug, and Cosmetic Act.

3. *Authorization of officials to request samples of imports.* The Director of the Bureau of Field Administration may authorize officials to request, pursuant to section 801 (a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, and cosmetics imported or offered for import, in order to determine whether such articles are in compliance with the act, and to conduct hearings at the request of the owner or consignee.

4. *Certification of true copies and use of Department seal.* The Director of the Bureau of Enforcement may certify true copies of documents and cause the seal of the Department of Health, Education, and Welfare to be affixed to such copies.

5. *Delegation regarding disclosure of official records.* The Director of the Bureau of Enforcement and the Director of the Division of Regulatory Management of that Bureau are authorized to make determination to disclose official records and information in accordance with § 4.1 of Title 21 of the Code of Federal Regulations (21 CFR 4.1; 20 F. R. 9554).

6. *Delegation regarding certification of coal-tar colors.* The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Cosmetics and the Chiefs of the Color Certification Branch and the Special Investigations Branch of that Division are authorized to certify batches of coal-tar colors for use in food, drugs, or cosmetics, pursuant to sections 406 (b), 504, and 604 of the Federal Food, Drug, and Cosmetic Act.

7. *Delegation regarding pesticides.* The Director of the Bureau of Biological and Physical Sciences is authorized to publish notices of the filing of pesticide petitions, pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act.

8. *Delegation regarding certification of insulin.* The Director of the Bureau of Biological and Physical Sciences and the Director of the Division of Pharmacology and the Chief of the Insulin Branch of that Division are authorized to certify batches of drugs containing insulin, pursuant to section 506 (a) of the Federal Food, Drug, and Cosmetic Act.

9. *Delegation regarding certification of antibiotic drugs.* The Director of the Bureau of Biological and Physical Sciences and the Director and Assistant Directors of the Division of Antibiotics are authorized to certify or reject batches of drugs containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of these drugs, pursuant to section 507 (a) of the Federal Food, Drug, and Cosmetic Act.

10. *Delegations regarding acceptance of process and reporting violations to the Department of Justice.* The Assistant General Counsel in charge of the Food and Drug Division is authorized to accept services of process pursuant to sections 505 (h) and 701 (f) (1) of the Federal Food, Drug, and Cosmetic Act, and to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act and section 9 (b) of the Federal Caustic Poison Act.

IV. *Availability of information*—A. *Public records.* Public records pertaining to the functions of the Food and Drug Administration, including records of formal and informal public hearings on proposals to issue, amend, or repeal regulations, are available for inspection at the office of the Hearing Clerk, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C.

B. *Official records.* Disclosure of official records and information on investigations by the Food and Drug Administration pursuant to its law-enforcement program is subject to the procedure described in 21 CFR 4.1.

C. *Making submittals and requests.* 1. The following should be directed to the Secretary of Health, Education, and Welfare and mailed to the Commissioner of Food and Drugs:

a. Applications for the issuance, amendment, or repeal of any regulation authorized by law.

b. Applications with respect to new drugs submitted pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)).

c. Applications for permits under the Federal Import Milk Act.

2. Requests for certification of batches of coal-tar colors, drugs composed wholly or partly of insulin, and drugs composed wholly or partly of penicillin, streptomycin, dihydrostreptomycin, chloramphenicol, chlortetracycline, tetracycline, or bacitracin should be directed to the Commissioner of Food and Drugs or the Bureau of Biological and Physical Sciences.

3. Applications for the granting of seafood inspection service at establishments packing processed shrimp or canned oysters should be directed to the Atlanta District or the New Orleans District.

D. *Inspection of orders and opinions.* 1. Final orders and opinions involving detention of importations under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, and the Tea Importation Act are available for inspection at the offices of the Food and Drug Administration where issued, except those that are designated for good cause to be confidential and not cited as precedents.

2. Final orders and opinions of the Secretary issued under section 505 (d), (e), and (f) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (d), (e), and (f)) involving new-drug matters are available for inspection at the Office of the Commissioner of Food and Drugs, except those that are designated for good cause to be confidential and not cited as precedents.

E. *General information.* General information pertaining to the functions of the Food and Drug Administration may be obtained from any of the offices listed in 1-C. Responses to letters directed to inspection stations are likely to be delayed, since inspectors assigned to such stations are frequently absent on official travel. Earlier responses to inquiries concerning the legality of new products or processes or to suggestions involving change in policy are ordinarily obtained by directing such requests and suggestions to the Commissioner of Food and Drugs.

Dated: August 24, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-7081; Filed, Sept. 4, 1956; 8:51 a. m.]

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

This document supplements the Statement of Organization and Delegations of Authority (20 F. R. 1996) by adding to Part 10 thereof delegations of authority by the Commissioner of Food and Drugs. The amendments published under this heading in the FEDERAL REGISTER of March 16, 1956 (21 F. R. 1683) are revoked, and these amendments are made in place thereof.

SEC. 10-1.10 *Authority.* These delegations are issued pursuant to the provisions of section 10.40 of the Statement of Organization and Delegations of Authority. Unless otherwise specified the authority contained in section 10.20 is retained by the Commissioner.

Sec. 10-1.20 *Terms used.*

Act. Unless otherwise indicated the term "act" refers to the Federal Food, Drug, and Cosmetic Act, as amended.

Section number. Unless otherwise indicated the section numbers used refer to those sections contained in the Federal Food, Drug, and Cosmetic Act, as amended.

Department. Means the Department of Health, Education, and Welfare.

Administration. Means the Food and Drug Administration.

SEC. 10-1.30 *General delegation of authority.* The Deputy Commissioner is authorized to perform all of the functions of the Commissioner.

SEC. 10-1.40 *Designations to hold hearings.* The Director, Bureau of Field Administration, is authorized to designate officers and employees to hold hearings prior to criminal proceedings pursuant to sections 305 and 701 (c) of the act.

SEC. 10-1.50 *Authorization of officials to request samples of imports.* The Director, Bureau of Field Administration, may authorize officials to request, pursuant to section 801 (a) of the act, from the Secretary of the Treasury samples of food, drugs, devices and cosmetics imported or offered for import to determine whether such articles are in compliance with the act and to conduct hearings at the request of the owner or consignee.

SEC. 10-1.60 *Certification of true copies and use of Department seal.* The Director, Bureau of Enforcement, may certify true copies of documents and cause the Seal of the Department to be affixed to such copies.

SEC 10-1.70 *Delegation regarding disclosure of official records.* The officials designated below are authorized to make determinations to disclose official records and information in accordance with 21 CFR 4.1:

Director, Bureau of Enforcement.
Director, Division of Regulatory Management.

SEC. 10-1.80 *Delegation regarding coal-tar colors.* The officials designated below are authorized to certify batches of coal-tar colors for use in food, drugs or cosmetics pursuant to sections 406 (b), 504 and 604 of the act:

Director, Bureau of Biological and Physical Sciences.
Director, Division of Cosmetics.
Chief, Color Certification Branch.
Chief, Special Investigations Branch.

SEC. 10-1.90 *Delegation regarding pesticides.* The Director, Bureau of Biological and Physical Sciences, is authorized to publish notice of filing of pesticide petitions pursuant to section 408 (d) (1) of the act.

SEC. 10-1.100 *Delegation regarding certification of insulin.* The Director, Bureau of Biological and Physical Sciences, the Director, Division of Pharmacology and the Chief, Insulin Branch are authorized to certify batches of drugs containing insulin pursuant to section 506 (a) of the act.

SEC. 10-1.110 *Delegation regarding certification of antibiotics.* The Director, Bureau of Biological and Physical Sciences, the Director, Division of Antibiotics and the Assistant Directors of that Division are authorized to certify or reject batches of drugs containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivatives of these drugs, pursuant to section 507 (a) of the act.

SEC. 10-1.120 *Delegation regarding acceptance of process and reporting violations to the Department of Justice.* The Assistant General Counsel in Charge of the Food and Drug Division is authorized to accept services of process pursuant to sections 505 (h) and 701 (f) (1) of the act and to report apparent violations to the Department of Justice for the institution of criminal proceedings pursuant to section 305 of the act and section 9 (b) of the Federal Caustic Poison Act.

Dated: August 24, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

Concurrence as to section 10-1.120.

PARKE M. BANTA,
General Counsel.

[F. R. Doc. 56-7080; Filed, Sept. 4, 1956; 8:51 a. m.]

Public Health Service

PROMULGATION OF STATE ALLOTMENT PERCENTAGES UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

Pursuant to sections 631 (a) and (b) of Title VI of the Public Health Service Act, as amended, (60 Stat. 1041, 42 U. S. C. 291 i (a) and (b)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the Continental United States, are the years 1953, 1954, and 1955,

The following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands, as determined pursuant to said act and on the basis of said income data, are hereby promulgated for two fiscal years in the period beginning July 1, 1957:

Alabama	69.31	New Hampshire	54.39
Arizona	55.71	New Jersey	37.41
Arkansas	71.90	New Mexico	60.89
California	38.57	New York	39.17
Colorado	51.99	North Carolina	66.92
Connecticut	33.33	North Dakota	64.87
Delaware	33.33	Ohio	44.09
District of Columbia	37.45	Oklahoma	59.18
Florida	55.70	Oregon	49.95
Georgia	64.87	Pennsylvania	48.13
Idaho	59.38	Rhode Island	46.91
Illinois	38.87	South Carolina	69.50
Indiana	48.07	South Dakota	63.76
Iowa	55.65	Tennessee	65.98
Kansas	53.96	Texas	56.16
Kentucky	66.11	Utah	57.56
Louisiana	63.67	Vermont	59.19
Maine	58.40	Virginia	58.36
Maryland	45.15	Washington	45.19
Massachusetts	44.31	West Virginia	65.00
Michigan	42.09	Wisconsin	51.36
Minnesota	53.83	Wyoming	49.90
Mississippi	75.00	Alaska	50.00
Missouri	51.55	Hawaii	50.00
Montana	50.34	Puerto Rico	75.00
Nebraska	55.91	Virgin Islands	75.00
Nevada	33.56	Guam	75.00

Dated: August 28, 1956.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved: August 30, 1956.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-7102; Filed, Sept. 4, 1956; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7382]

FORT WORTH INVESTIGATION

NOTICE OF HEARING

In the matter of the petition of the City and Chamber of Commerce of Fort Worth, Texas, for institution of an investigation under sections 404 (a) and 1002 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 404 (a) and 1002 thereof, that a hearing in the above-entitled proceeding will be held on September 17, 1956, at 10:00 a. m. (local time) in Parlor R of the Hotel Texas, Fort Worth, Texas, before Examiner Leslie G. Donahue.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether any air carrier has failed to provide adequate service, equipment and facilities in connection with air transportation authorized to be furnished Fort Worth, Texas, by the carrier's certificate of public convenience and necessity

2. Whether the Board should issue an appropriate order to compel any such air carrier to comply with the provisions of section 404 (a) of the act.

For further details of the issues involved in this proceeding, interested persons are referred to the application, the Order of Investigation, No. E-10003, dated February 14, 1956, and the Prehearing and Supplemental Prehearing Conference Reports, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before September 17, 1956, a statement setting forth the issues of fact or law upon which he desires to be heard. Such person may then appear and participate in the proceeding in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., August 30, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7095; Filed, Sept. 4, 1956; 8:54 a. m.]

[Docket No. 8178]

LOS ANGELES AIRWAYS, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Los Angeles Airways, Inc. under section 401 of the Civil Aeronautics Act of 1938, as amended for the renewal of its temporary certificate of public convenience and necessity for Route No. 84, for the amendment of its certificate so as to make its duration permanent rather than temporary, and for exemption authority.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 25, 1956, at 10:00 a. m., e. d. s. t., in room 1512, Temporary Building No. 4, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., August 30, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7096; Filed, Sept. 4, 1956; 8:54 a. m.]

[Docket No. 6124]

AERO FINANCE CORP. AND PENINSULAR AIR TRANSPORT; COMPLIANCE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of a complaint against Aero Finance Corporation and Peninsular Air Transport under the provisions of the Board's rules of practice in Economic Proceedings.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for September 5 is postponed to September 6, 1956, at 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 30, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7097; Filed, Sept. 4, 1956; 8:54 a. m.]

[Docket No. 7173]

FOREIGN AIR CARRIER OFF-ROUTE CHARTER SERVICE INVESTIGATION

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended that the oral argument in the above-entitled proceeding now assigned to be held on September 12 is postponed to September 18, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 30, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7098; Filed, Sept. 4, 1956; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 53A-DPAV-56]

ARABIAN AMERICAN OIL CO. ET AL.

REQUEST TO PARTICIPATE IN PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in a plan of action entitled, "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply," dated August 19, 1956, was approved by the Attorney General after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission and the Director of the Office of Defense Mobilization, and was accepted by the companies listed below.

This Plan of Action authorizes the creation of a Middle-East Emergency Committee to help formulate and carry out measures to meet petroleum shortages and dislocations in the event of any substantial Middle-East petroleum transport stoppage. The Plan of Action has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

Contents of request. You are requested to participate in the enclosed Plan of Action which was prepared in accordance with the provisions of section 6 of the previously approved voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as amended." In my opinion, your participation will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Plan of Action under the Voluntary Agreement Relating to Foreign Petroleum Supply and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon advising me in writing of your acceptance of this request. Will you kindly also send a copy of your acceptance to the Director, Office of Oil and Gas, Department of the Interior, Washington 25, D. C. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, as provided in the Defense Production Act of 1950, as amended, will be given upon such acceptance, provided that your acts relative to such participation are within the scope of this Plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

ACCEPTANCES

Arabian American Oil Company, 505 Park Avenue, New York, N. Y.

Caltex Oil Products Company, 380 Madison Avenue, New York, N. Y.

Cities Service Company, 70 Pine Street, New York, N. Y.

Creole Petroleum Corporation 1230 Avenue of the Americas, New York, N. Y.

Getty Oil Company, Pennsylvania Building, Wilmington, Del.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pa.

Sinclair Oil Corporation, 600 Fifth Avenue, New York, N. Y.

Socony Mobil Oil Company, Inc., 26 Broadway, New York, N. Y.

Standard Oil Company of California, 225 Bush Street, San Francisco, Calif.

Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, N. Y.

Standard-Vacuum Oil Company, P. O. Box 1000, White Plains, N. Y.

The Texas Company, 135 East 42d Street, New York, N. Y.

Venezuelan Petroleum Company, 600 Fifth Avenue, New York, N. Y.

(Sec 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: August 30, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7082; Filed, Sept. 4, 1956; 8:52 a. m.]

[ODM (DPA) Request No. 53-DPAV 46 (e)]

CITIES SERVICE CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F. R. 5703, July 28, 1956.

Cities Service Company, 70 Pine Street, New York, N. Y.

(Secs. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: August 30, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7083; Filed, Sept. 4, 1956; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-1811]

ALLIED FINANCE CORP.

ORDER VACATING ORDER OF SUSPENSION

AUGUST 29, 1956.

I. Allied Finance Corporation, a Maryland corporation, with principal offices located at 8025 Georgia Avenue, Silver Spring, Maryland, filed with the Commission on July 8, 1955, a Notification on Form 1-A and an Offering Circular, and subsequently filed an amendment thereto, relating to a proposed offering of 22,000 shares of $2 par 6 percent cumulative convertible preferred stock; 36,668 shares of 25 cent par Class A common; and 628 shares of $100 par 7 percent cumulative non-convertible preferred stock, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 8, 1956, ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that said issuer had failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A and had ignored requests by the Commission's staff for such reports.

III. The issuer, having, subsequent to the action temporarily suspending the exemption under Regulation A, filed reports as required by Rule 224, and having amended the filing to reduce the offering by the amount of the unsold portion of securities under said filing; and

IV. It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

V. *It is ordered*, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7070; Filed, Sept. 4, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 13935, Amdt.]

JEANNE DULTIGEN-VAN VORSTENBERG

In re: Debts owing to Jeanne Dultigen-van Vorstenberg also known as Jeanne Dultgen von Vorstenberg, as J. W. E. Dultgen-van Vorstenberg, as J. W. E. Dultigen-van Vorstenberg, as J. W. E. Rietveld-van Vorstenberg and as Jeanne Dultgen von Vorstenbert; F-28-28597-D-1.

Vesting Order 13935, dated October 11, 1949, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 13935, and substituting therefor the following:

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and evidenced by coupons attached to or detached from said bonds and due on or after June 14, 1941, and any and all rights to demand, enforce and collect the aforesaid debts, together with any and all rights in, to and under the said bonds and coupons.

All other provisions of said Vesting Order 13935 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7086; Filed, Sept. 4, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32578: *Liquefied petroleum gas—Eddins, Ala., to Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, carloads from Eddins, Ala., to specified points in Alabama, Florida, Georgia, North Carolina, and South Carolina named in exhibit A of the application.

Grounds for relief: Circuitous routes.

Tariff: Supplement 280 to Agent Spaninger's I. C. C. 1253.

FSA No. 32579: *Grain and products—Colorado and Kansas to Oklahoma and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, including seeds, carloads from specified points in Colorado and Kansas to specified points in Oklahoma and Texas.

Grounds for relief: Circuitous routes via transit points.

Tariff: Supplement 135 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 32580: *Lumber—Alabama and Mississippi to Illinois territory.* Filed by The Southern Railway Company, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from Birmingham, Ala., and other stations in Alabama and Mississippi, on the Alabama Great Southern Railroad to destinations in Illinois territory on the Southern Railway and connections.

Grounds for relief: Circuitous routes.

FSA No. 32581: *Substituted service—Motor-rail-motor—Pennsylvania and N. & W. Railways.* Filed by Middle Atlantic Conference, Agent, for interested rail and motor carriers. Rates on freight, loaded in highway trailers, and transported on railroad flat cars between tween Bristol, Va.-Tenn., and Roanoke, Va., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Truck competition.

FSA No. 32582: *Coke and products—Milwaukee, Wis., to Michigan.* Filed by Roy S. Kern, Agent, for The Chesapeake and Ohio Railway Company. Rates on coke, coke breeze, coke dust, and coke screenings, straight or mixed carloads

UNIVERSITY OF MICHIGAN

from Milwaukee, Wis., to Grand Rapids, Grand Haven, North Muskegon, Muskegon, Muskegon Heights, Mich., and other destinations in the lower peninsula of Michigan named in exhibit B of the application.

Grounds for relief: Destination group rate relations and circuitous routes.

Tariff: Supplement 7 to Chesapeake and Ohio Railway tariff I. C. C. 13270.

FSA No. 32583: *Substituted service—Motor-rail-motor— P. R. R. and N. & W. Ry.* Filed by Southern Motor Carriers Rate Conference, Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Winston-Salem, N. C., on one hand, and Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Truck competition.

Tariff: Southern Motor Carriers Rate Conference, Agent, I. C. C. No. 30.

FSA No. 32584: *Fertilizer—Medicine Hat, Alberta, to western trunk line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dry fertilizer and fertilizer materials, carloads from Medicine Hat, Alberta, Canada, to points in Colorado, Iowa, Kansas, Michigan (upper peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 17 to Canadian Pacific Railway Company tariff I. C. C. No. W–1045.

FSA No. 32585: *Superphosphate—Southwest to western points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, carloads from specified points in southwestern territory to specified points in Colorado, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief—Short-line distance formula and circuitous routes.

Tariff: Supplement 162 to Agent Kratzmeir's I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7068; Filed, Sept. 4, 1956; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 173

Washington, Thursday, September 6, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3153

NATIONAL FARM-CITY WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is fitting that all citizens should recognize the contribution that American farm families have made to our civilization; and

WHEREAS it is also desirable that the public should understand the needs, problems, and opportunities of all the people of the United States whose main concern is agriculture; and

WHEREAS the productivity of the farms and of urban labor and business continues to provide the food, the tools, the services, and the goods that afford our citizens the highest standard of living in the world; and

WHEREAS the Congress, by a joint resolution approved July 30, 1956, has designated the week of November 16 to 22, 1956, as National Farm-City Week, and has requested the President to issue a proclamation calling for suitable observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people throughout the country to participate fully in the observance of the period from November 16 to November 22, 1956, as National Farm-City Week; and I request the Department of Agriculture, the land-grant colleges, the Agricultural Extension Service, and all other appropriate agencies and officials of the Government, to cooperate with National, State, and local farm organizations and other groups in the several States and counties in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including plans for public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on notable achievements by rural groups and individuals, local, State, and National, and on the enrichment of American country living through adequate cultural, spiritual, educational, recreational, and health facilities for both rural youth and rural adults.

I also request urban groups to join in this observance, along with farm groups, as evidence of our appreciation of all those on the farms and in the cities of this Nation who have worked so well in providing us with the food and the goods that we need and enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of August in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 56–7199; Filed, Sept. 5, 1956; 11:08 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863), §§ 27.56 and 27.98 of the regulations for cotton classification under cotton futures legislation (7 CFR 27.56 and 27.98) are hereby amended as follows, effective upon publication in the FEDERAL REGISTER.

1. In the second sentence of § 27.56 the word "tendered" is changed to "tenderer."

2. The first sentence in § 27.98 is amended to read: "Each such quotation committee shall provide itself with, or have ready access to, a full valid set of the practical forms of the official cotton standards of the United States for grade of upland cotton."

The amendment of § 27.56 corrects a typographical error. The amendment of § 27.98 deletes the reference to the 18 months validity period of practical forms of upland grade standards. Section

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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28.115 (b) of the Regulations under the United States Cotton Standards Act was recently amended (21 F. R. 4904) to change the validity period of such practical forms from 18 to 12 months. These minor changes in the regulations will not require any advance preparation by, or impose any hardship on, affected persons. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to such amendments are unnecessary, impracticable, and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. 4863)

Done at Washington, D. C., this 31st day of August 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-7125; Filed, Sept. 5, 1956; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1957 CROP OF UPLAND COTTON

Sec.
722.801 Basis and purpose.
722.802 Findings and determinations with respect to a national marketing quota for the 1957 crop of cotton.
722.803 Determination of a national acreage allotment for the 1957 crop of cotton.

AUTHORITY: §§ 722.801 to 722.803 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341–348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341–1348.

§ 722.801 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1956, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1957 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.802 and 722.803 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

(1) "Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

(2) "Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

(3) "Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(c) The findings and determinations made by the Secretary are contained in §§ 722.802 and 722.803 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and de-

terminations, notice was published in the FEDERAL REGISTER (21 F. R. 5063) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was July 7, 1956. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.802 *Findings and determinations with respect to a national marketing quota for the 1957 crop of cotton*—(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1956 (in terms of running bales or the equivalent), is 27,550,000 bales, consisting of (1) a carry-over on August 1, 1956, of 14,100,000 bales,[1] (2) estimated production from the 1956 crop of 13,400,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1956, of 50,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1956 (in terms of running bales or the equivalent), is 17,680,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1956, of 9,100,000 bales, (2) estimated exports during the marketing year beginning August 1, 1956, of 4,500,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 4,080,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1956, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1957. It is further determined and proclaimed that the amount of the national marketing quota for the 1957 crop of cotton shall be 11,014,493 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1957 quota shall be the largest of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carry-over at the beginning of the 1957–58 marketing year and (ii) the estimated imports during the 1957–58 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 2,450,412 bales.

(2) The number of bales of cotton (standard bales of 500 pounds gross weight) equal to the smaller of (i) 10,000,000 bales, or (ii) 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending July 31, 1956. The number of bales of cotton determined under subdivision (ii) of this subparagraph would be 10,386,520 bales. Therefore, the smaller of subdivision (i) and (ii) of this subparagraph would be 10,000,000 bales.

(3) The number of bales of cotton (standard bales of 500 pounds gross weight) required to provide a national acreage allotment for the 1957 crop of upland cotton equal to the national acreage allotment for the 1956 crop of upland cotton. The number of bales of cotton determined under this provision is 11,014,493 bales.

§ 722.803 *Determination of national acreage allotment for the 1957 crop of cotton.* It is hereby further determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1957. The amount of such national acreage allotment shall be 17,391,304 acres. The amount of such national acreage allotment has been determined under section 342 of the act, which provides that the national acreage allotment for cotton for 1957 shall be not less than the national acreage allotment for 1956. The national acreage allotment for the 1956 crop of upland cotton was 17,391,304 acres. The 1957 national acreage allotment will be apportioned to the States in the regulations pertaining to acreage allotments for the 1957 crop of upland cotton. Section 722.802 and this section will also contain the additional acreage allotment which each State will receive under the 100,000-acre national acreage reserve provision and the 99 percent minimum State allotment provision which were added to the Agricultural Adjustment Act of 1938 by the Agricultural Act of 1956.

Done at Washington, D. C., this 30th day of August, 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7154; Filed, Sept. 5, 1956; 8:53 a. m.]

[1] Includes 542,000 bales reported by the Bureau of the Census as excess of supply over distribution in 1955–56.

Chapter VIII—Commodity Stabilization Service (Sugar) Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 3]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEBRASKA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop, 20 F. R. 7159, as amended; 20 F. R. 8772; 21 F. R. 986 and 3670, the Agricultural Stabilization and Conservation Nebraska State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 58,816 acres established for Nebraska by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 407, U. S. Post Office and Court House Building, Lincoln, Nebraska, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Nebraska. These bases and procedures incorporate the following:

§ 850.33 *Nebraska*—(a) *Proportionate share areas.* Nebraska shall be divided into four proportionate share areas as served by beet sugar companies. These areas shall be designated "American Crystal", "Great Western", "Holly", and "Utah-Idaho", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954 as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 58,816 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—5,701 acres; Great Western Area—49,518 acres; Holly Area—445 acres; and Utah-Idaho area—3,152 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 1 percent for appeals, and for new producers as follows: Holly Area—10 acres; American Crystal Area—90 acres; Great Western Area—495 acres; Utah-Idaho Area—3,152 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) a farm base shall be computed as follows:

(a) *American Crystal Area.* For each farm in the American Crystal Area, the farm base shall be computed from the applicable planted sugar beet acreage, as defined hereinafter, by giving a 75 percent weighting to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a 25 percent weighting to the largest acreage of the crops of 1950 through 1954, as a measure of "ability to produce", with a minimum of 94 percent of the average 1953–54 acreage. The applicable planted sugar beet acreage shall be determined as follows: For a farm totally owned by the 1956 operator, the applicable planted sugar beet acreage shall be the planted acreage for the farm within the base period; and for a farm for which the 1956 operator is a tenant in any capacity, the applicable planted sugar beet acreage shall be the acreage planted by the operator in the area within the base period; provided that in case both the owner-operator of land and the person who was a tenant on the same land request proportionate shares, the acreage record of such land shall be divided between such owner and tenant on the basis of the effective crop shares.

(b) *Great Western and Holly Areas.* For each farm in the Great Western Area or the Holly Area, the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm, as follows:

	Percent
Planted acreage for all 5 crops	100
Planted acreage only for last 4 crops	88
Planted acreage only for 4 crops other than last 4 consecutive crops	83
Planted acreage only for last 3 crops	72
Planted acreage only for 3 crops other than last 3 consecutive crops	65
Planted acreage only for last 2 crops	58
Planted acreage only for 2 crops other than last 2 consecutive crops	50
Planted acreage only for 1954 crop	40
Planted acreage only for one crop other than 1954 crop	18

(c) *Utah-Idaho Area.* For each farm in the Utah-Idaho Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage for the crops of 1953–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nebraska State Committee for determining farm proportionate shares in Nebraska in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretay of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Nebraska is again divided into four areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 7, 1956.

[SEAL] FRANCIS M. REECE,
Chairman, Agricultural Stabilization and Conservation Nebraska State Committee.

Approved: August 20, 1956.

HERBERT G. FOLKEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7156; Filed, Sept. 5, 1956; 8:53 a. m.]

[Sugar Determination 850.30, Supp. 8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

KANSAS PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop, 20 F. R. 7159, as amended (20 F. R. 8772); 21 F. R. 986 and 3670, the Agricultural Stabilization and Conservation Kansas State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 7,267 acres established for Kansas by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Wareham Building, 417 Humbolt Street, Manhattan, Kansas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Kansas. These bases and procedures incorporate the following:

§ 850.38 *Kansas*—(a) *Proportionate share areas.* Kansas shall be divided into two proportionate share areas, Area I comprising Wichita, Scott, Greeley and Wallace Counties, and Area II the balance of the State. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1955, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1955,

as a measure of "ability to produce". Acreage allotments computed as aforestated are established as follows: Area I—1,802 acres and Area II—5,465 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Area I—18 acres each for new producers and appeals; Area II—300 acres for new producers and 55 acres for appeals.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm, and for each farm whose operator is a tenant in the 1956-crop season, a farm base shall be established from the planted sugar beet acreage record of the farm, or the planted sugar beet acreage record of the producer, whichever gives the higher base. Such farm base shall be computed by giving a weighting of 75 percent to the average acreage of the crops of 1953 through 1955, as a measure of "ability to produce" and 25 percent to the average acreage of the crops of 1950 through 1955, as a measure of "past production."

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Kansas State Committee for determining farm proportionate shares in Kansas in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

Kansas is divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 8, 1956.

[SEAL] BEN C. KIEFER,
Chairman, Agricultural Stabilization and Conservation Kansas State Committee.

Approved: August 20, 1956.

HERBERT G. FOLKEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7155; Filed, Sept. 5, 1956; 8:53 a. m.]

[Sugar Determination 850.30, Supp. 15]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

TEXAS FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop, 20 F. R. 7159, as amended 20 F. R. 8772, 21 F. R. 986 and 3670, the Agricultural Stabilization and Conservation Texas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,631 acres established for Texas by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the U. S. D. A. Building, College Station, Texas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Texas. These bases and procedures incorporate the following:

§ 850.45 *Texas*—(a) *Set-asides of acreage.* From the State allocation there is set aside 49 acres for use in establishing farm proportionate shares for new producers, 16 acres for adjusting individual farm proportionate shares under appeals, and 75.4 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(c) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers proportionate shares shall be established in an equitable manner for farms to be operated during the 1956–crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956–crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955–crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* The farm base for each farm shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce."

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases on a pro rata basis so that the total of the farm shares equals the State allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956–crop season.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Texas State Committee for determining farm proportionate shares in Texas in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is reasonable, considering that the sugar beet producing region of the State is relatively small and only one beet sugar company contracts for acreage in Texas.

Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 13, 1956.

[SEAL] R. G. SHRAUNER,
Chairman, Agricultural Stabilization Conservation Texas Committee.

Approved: August 20, 1956.

HERBERT G. FOLKEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7157; Filed, Sept. 5, 1956; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

REPORTS

Notice is hereby given of the approval of the amendment, as hereinafter set forth, of the rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 21 F. R. 2409) of the Avocado Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

It is hereby found and determined that the said amendment of the rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations are amended as follows:

Delete the provisions of § 969.150 *Reports* and insert in lieu thereof the following:

§ 969.150 *Reports.* Each handler shall file with the Avocado Administrative Committee, on a weekly basis, a report of all avocados received by him. Such report shall be on forms prescribed by the committee and shall include (a) the name and address of the handler; (b) weekly period covered by the report; (c) district in which the avocados were received; and (d) the quantity of each variety of avocados received. Each such report shall be filed with the committee not later than one week after the close of business of the last day of the period covered by the report.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of the current crop of avocados is now in progress, and varieties of avocados are currently subject to maturity regulation under Avocado Order 12, as amended (21 F. R. 3307; 5469; 6329); (2) such maturity regulation is established by varieties and is subject to review and revision as the crop develops, and the data concerning varieties required by this amendment to be filed with the committee is necessary to provide a basis for recommendations by the committee; (3) handlers have been notified of the proposed adoption and recommendation to the Secretary of the said amendment; and (4) the procedures established by such amendment of the rules and regulations will not require any preparation which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 31st day of August 1956, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–7151; Filed, Sept. 5, 1956; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 34—FLIGHT NAVIGATOR CERTIFICATES

REVISION OF PART

This revision of Part 34 is issued for the purpose of bringing the format and language of the part into conformity with more recently revised airman parts and incorporating into one document the recent amendments made to Part 34.

Attention is called to the fact that this revision adds definitions of the terms "Administrator," "Approved," and "Authorized representative of the Administrator." These definitions are identical with those contained in the other airman parts. Two provisions contained in the other airman parts are also added to clarify the procedure for taking examinations and tests and substantiating experience qualifications.

The identification card requirement contained in present Part 34 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it has been deleted from this revision.

Since the changes made herein are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended) as set forth below, effective on September 1, 1956.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

APPLICABILITY AND DEFINITIONS

Sec.
34.1 Applicability of this part.
34.2 Definitions.

CERTIFICATION RULES

34.5 Application for certificate.
34.6 Issuance.
34.7 Duration.
34.8 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

34.21 Citizenship.
34.22 Age.
34.23 Education.
34.24 Examinations and tests.
34.25 Re-examination after failure.
34.26 Substantiation of experience.
34.27 Physical standards.

QUALIFICATIONS FOR A CERTIFICATE

34.31 Experience.
34.32 Knowledge.
34.33 Skill.

OPERATING RULES

34.41 Certificate required.
34.42 Display.
34.43 Medical certificate.
34.44 Operation during physical deficiency.

AUTHORITY: §§ 34.1 to 34.44 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552.

APPLICABILITY AND DEFINITIONS

§ 34.1 *Applicability of this part.* This part establishes certification and general operating rules for flight navigators.

§ 34.2 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

CERTIFICATION RULES

§ 34.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

§ 34.6 *Issuance.* (a) A flight navigator certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary flight navigator certificate to an applicant who meets the requirements of this part.

§ 34.7 *Duration.* (a) A flight navigator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) A temporary flight navigator certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

§ 34.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight navigator, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 34.21 *Citizenship.* An applicant for a flight navigator certificate may be a citizen of any country or a person without nationality.

§ 34.22 *Age.* An applicant shall be at least 21 years of age.

§ 34.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language.

§ 34.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for such examinations and tests shall be at least 70 percent.

§ 34.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period unless he presents a statement signed by a certificated flight navigator, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

§ 34.26 *Substantiation of experience.* An applicant shall present documentary evidence, satisfactory to the Administrator, to substantiate the experience qualifications for a flight navigator certificate.

§ 34.27 *Physical standards.* An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the second class prescribed in Part 29 of this chapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, as would not require the ability to distinguish such aviation signal colors.

QUALIFICATIONS FOR A CERTIFICATE

§ 34.31 *Experience.* (a) An applicant shall:

(1) Have at least 200 hours of satisfactory flight navigation including celestial and radio navigation and dead reckoning: *Provided,* That a pilot who has logged 500 hours of cross-country flight, of which 100 hours shall have been at night, may be credited with not more than 100 hours toward this experience; and

(2) Have satisfactorily determined his position in flight not less than 25 times by night by celestial observations and not less than 25 times by day by celestial observations in conjunction with other aids; or

(b) An applicant shall be a graduate of a flight navigator course approved by the Administrator.

§ 34.32 *Knowledge.* An applicant shall pass a written examination on the following subjects:

(a) Those provisions of the regulations in this subchapter pertinent to the duties of a navigator in the navigation of aircraft;

(b) The fundamentals of flight navigation, including flight planning and cruise control;

(c) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, symbols, and nomenclature;

(d) Types of air navigation facilities and procedures in general use;

(e) The calibration and use of instruments used in air navigation;

(f) Navigation by dead reckoning;

(g) Navigation by celestial means;

(h) Navigation by means of radio aids;

(i) Pilotage and map reading; and

(j) Interpretation of navigational aid identification signals.

§ 34.33 *Skill.* (a) An applicant shall pass a practical examination in the operation of flight navigational equipment.

(b) An applicant shall accomplish practical tests in aircraft navigation by:

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

OPERATING RULES

§ 34.41 *Certificate required.* No individual shall serve as a flight navigator in air commerce on an aircraft of United States registry without, or in violation of the terms of, a certificate issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 34.42 *Display.* A flight navigator shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or by any State or local law enforcement officer.

§ 34.43 *Medical certificate.* No individual shall exercise the privileges accorded by a flight navigator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 34.44 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by a flight navigator certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

[F. R. Doc. 56-7158; Filed, Sept. 5, 1956; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[Eighth Gen. Rev. of Export Regs., Amdt. 7 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States,* paragraph (b) *United States Import Certificate* is amended in the following particulars:

Subdivision (ii) of subparagraph (2) *Where to file* is amended to read as follows:

(ii) (*a*) The Import Certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(*b*) In accordance with international practice, the issuing office upon request will stamp the Import Certificate with a triangular symbol to indicate to the government of the exporting country that the importer is uncertain whether the commodities will be imported into the United States, or knows that the commodities will not be imported into the United States, but they will not be delivered to any destination except in accordance with the United States Export Regulations. The placing of a triangular symbol on a United States Import Certificate is not, in and of itself, an approval by the Bureau of Foreign Commerce to transfer or sell commodities to a foreign consignee. (See § 368.1 (b) (7) for method of obtaining such approval.)

Subparagraph (7) *Approval of shipments to destinations other than the United States* is amended to read as follows:

(7) *Approval of shipment, transfer, or sale of commodities to a foreign consignee.* (i) The written approval of the Bureau of Foreign Commerce is required before commodities covered by a United States Import Certificate whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to a foreign transferee.[2] [3]

(ii) In such cases, a letter requesting approval of the release of the shipment shall be submitted to the Bureau of Foreign Commerce. The letter shall show the United States Import Certificate number, the date issued, the location of the issuing office, and the names, addresses, and identity of all parties to the complete transaction, as well as the quantity, the dollar value, and the description of the commodity. The letter shall be accompanied by an Import Certificate, an ultimate consignee statement, or other documentation as required by the Export Regulations for the country of ultimate destination, as provided for license applications in §§ 373.2, 373.65, 373.66, 373.67, 373.69, and 373.70. Where none of these numbered sections of the Export Regulations apply to the transaction, the letter shall include the intended end-use of the commodities.

(iii) Where the Bureau of Foreign Commerce approves a request supported by a foreign import certificate (other than a Swiss Blue Import Certificate), further approval is not required in order for the purchaser or transferee to resell or again transfer the commodities. However, where the Bureau of Foreign Commerce approves a request which was not supported by a foreign import certificate, the person to whom approval is granted is required to inform the purchaser or transferee in writing that the commodities are to be shipped to the approved destination only and that no other disposition of the commodities is permitted

[1] This amendment was published in Current Export Bulletin No. 768, dated August 30, 1956.

[2] The provisions of this subparagraph do not apply after the commodities have been delivered in accordance with the undertaking set forth in the United States Import Certificate.

[3] The attention of United States purchasers is directed to the Transaction Control Regulations of the U. S. Treasury Department (Title 31 of the Code of Federal Regulations, §§ 505.01 to 505.60). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to any Iron Curtain destination, of merchandise included in the Positive List (Part 399) followed by the letter "A", or of a type prohibited by any of the several regulations referred to in § 370.4.

The attention of purchasers is also directed to the Foreign Assets Control Regulations of the U. S. Treasury Department (Title 31 of the Code of Federal Regulations, §§ 500.101 to 500.808). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof have, or have had, any interest, direct or indirect, since December 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese or North Korean origin, or is Chinese type merchandise specified in the regulations.

without the approval of the Bureau of Foreign Commerce.

(iv) If approval of the transaction is granted by the Bureau of Foreign Commerce, a validated letter of approval will be sent to the United States purchaser for retention in his records. Where a Delivery Verification or other official governmental confirmation of delivery is required, the validated letter from the Bureau of Foreign Commerce will so indicate.

(v) If the commodities covered by a United States Import Certificate have been imported into Canada or into any other ultimate destination other than the United States, and the foreign exporter of the commodities requests a Delivery Verification from the person who obtained the United States Import Certificate, the Import Certificate holder shall obtain a Delivery Verification from the person to whom the goods were delivered in the importing country (or if a Delivery Verification is unobtainable, other official governmental confirmation of delivery), and submit it to the Bureau of Foreign Commerce, together with an explanatory letter showing the United States Import Certificate Number, the date issued and the location of the issuing office. The Bureau of Foreign Commerce will then notify the governmental authorities of the exporting country that the requirements of the government of the United States have been satisfied with respect to the delivery of the commodities.

Subparagraph (8) is added to read as follows:

(8) *Delivery, sale, or transfer of commodities covered by a United States Import Certificate to another United States purchaser.*

(i) Commodities covered by a United States Import Certificate may not be sold, and title to or possession of such commodities may not be transferred to another United States purchaser or transferee, before the commodities are delivered to the United States (or to an approved foreign destination, as provided by § 368.1 (b) (7)) except in accordance with the following provisions.[2]

Resale or transfer to another United States purchaser or transferee requires the prior approval of the Bureau of Foreign Commerce only in cases where the buyer or transferee is listed in § 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, as amended. However, the person who obtained the Import Certificate is required under the terms of the Certificate to notify the Bureau of Foreign Commerce of any changes in facts or intentions relating to the transaction, and in all cases he is held responsible for the delivery of the commodities in accordance with the Export Regulations. In order to carry out this responsibility, the seller or transferor in all cases is required to secure, prior to sale or transfer, and to retain in his files for three years written acceptance by the purchaser or transferee of: (*a*) all obligations undertaken by and imposed under the Export Regulations of the United States upon the holder of the United States Import Certificate; and (*b*) an undertaking that all subsequent sales or transfers will be made subject to the same conditions.

(ii) The responsibility of the United States person or firm executing an Import Certificate for providing the foreign exporter with confirmation of the delivery of the commodities covered includes instances where the commodities resold are transferred to another United States person or firm prior to actual delivery to the United States or to an approved foreign destination. Where such resale or transfer occurs, the person who executed the Import Certificate shall secure in writing from the United States purchaser or transferee, and retain in his files for three years: (*a*) acceptance of the obligation to provide him with either the delivery verification (or other official governmental confirmation of delivery if a Delivery Verification is unobtainable) or assurance that this documentation was submitted to the Bureau of Foreign Commerce, and (*b*) an undertaking that each succeeding United States transferee or purchaser will assume the obligations set forth (*a*) of this subdivision. In each case the seller or transferor shall transmit to the purchaser or transferee the identification number of the United States Import Certificate covering the exportation from the foreign country, and request that they pass it on to any other United States purchasers or transferees.

This part of the amendment shall become effective as of October 1, 1956.

2. Section 368.1 *Import certificate and delivery verification on selected imports into the United States*, paragraph (d) *Delivery verification on imports into the United States*, subparagraph (1) *General*, subdivision (iii) is amended to read as follows:

(iii) Where a United States person or firm is required to provide a delivery verification and does not wish to disclose to his seller or transferor the name of his customer he may obtain the Delivery Verification and send it to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C. The Bureau of Foreign Commerce will then undertake to notify the governmental authorities in the country of the seller or transferor of the satisfactory delivery of the commodities. In notifying the country requesting the Delivery Verification the Bureau of Foreign Commerce will forward an appropriately modified Form FC–956 "Delivery Compliance Notice" signifying the receipt of satisfactory assurances that the commodities were imported into the United States.

This part of the amendment shall become effective as of October 1, 1956.

3. Section 371.13 *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES*, paragraph (b) *General License PLANE STORES*, subparagraphs (1) *Scope* and (2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft* are amended to read as follows:

(1) *Scope.* A general license designated PLANE STORES is hereby established authorizing exportation to any destination except North Korea, subject to the conditions set forth in subparagraph (2) of this paragraph, on aircraft of foreign registry departing from the United States, of usual and reasonable kinds and quantities of (i) fuel; (ii) deck, engine, and steward department stores, provisions, and supplies; (iii) medicinal and surgical supplies; (iv) food stores; and (v) saloon stores or supplies, for use or consumption during the outgoing trip of such aircraft and any immediate return trip scheduled, and not intended for unlading in a foreign country and not exported under a Bill of Lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts when necessary for the proper operation of such aircraft, and not intended for unlading in a foreign country and not exported under a Bill of Lading as cargo.

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in paragraph (a) (3) of this section may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at Macao or any point under Far Eastern Communist control during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft; (ii) will call at Macao or any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft; (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to Macao or any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered or documented in any Subgroup A country or is controlled by, or under charter to, any Subgroup A country or a national of any Subgroup A country.

This part of the amendment shall become effective as of October 1, 1956.

4. Section 371.23 *General License GHK; shipments of certain commodities to Hong Kong*, paragraph (a) *Scope* is amended in the following particulars:

The following commodities are added to the list of commodities:

[2] The provisions of this subparagraph (8) do not apply after the commodities have been delivered in accordance with the undertaking set forth in the United States Import Certificate.

Dept. of Commerce Schedule B No.	Commodity
204100	Druggists' rubber sundries, the following only: Crib sheets, ice bags, medicine droppers, rubber sacs for medicine droppers, sponge bags, surgeon's aprons, water bottles, water cushions, and water pillows.
204300	Clothing of rubber or rubberized cloth, the following only: Waterproof aprons, waterproof sleeves.
206990	Foam rubber pillows; foam rubber stripping; hair, rubberized; mattresses; scraper tips.
384020	Filament yarn (except thrown yarn) or man-made (synthetic) fibers, on cones, bobbins or other winding cones: Viscose and cuprammonium rayon, textile type.
384024	Acetate.
384026	Nylon.
384029	Man-made (synthetic), n. e. c., except: polytetra-fluoroethylene (teflon) fiber and polytetrafluoroethylene (teflon) yarn.
384030–384032	Thrown yarns (crepe, voile and combination twists and plied yarns, n. e. c.) except tire cord (384032).
384040	Thread and handwork yarns of rayon and other manmade (synthetic) fibers (including sewing, embroidery, hand-knitting and crocheting).
384050–384052	Monofilaments, monostrands and extruded bands and strips (not woven) for the manufacture of textiles.
384060–384062	Spun yarns made from short fibers, i. e. staple or waste (including singles and plied).
384070–384079	Staple and tow.
384081–384083	Producers' and low twist mill thread waste.
384087–384089	Noils, garnetts, and shoddy.
384093–384095	Tops; sliver and roving of staple and of waste.
429500	Wood manufacturers, n. e. c., except boat parts, small, machined to shape; docks, portable; gun stock blanks; patterns; portable floats; propellers; propeller blades; trestles; towers, windmill.
489900	Paper, paperboard and products, n. e. c., not specially fabricated for particular machines or equipment; the following only: Christmas wrapping; crepe paper; decorations; gift wrapping papers; labels, printed or unprinted, leather, artificial; leatherette-coated paper; leatherette paper base, except cover; ribbon paper; seals; tapes; tinsel cord and ribbon.
613710	Metal furniture (whether or not upholstered), n. e. c., and specially fabricated parts, n. e. c., except laboratory furniture.
614350–614360	Domestic heating stoves and space heaters.
614510–614560	Domestic water heaters.
709900	Electric lighting fixtures, n. e. c., and specially fabricated parts, n. e. c., including parts for incandescent and fluorescent lighting fixtures and portable lamps, except explosive-proof fixtures; starters; and vapor-proof fixtures.
721510	Asphalt heating kettles and heaters only.
721535	Concrete batching, mixing, placing, paving, finishing and curing units, and auxiliary units, the following only: buggies, cement floor machines; grout mixers; plaster and mortar mixers; rotary finishers; concrete vibrators.
721540	Parts and accessories, n. e. c., specially fabricated for the equipment covered in entries under Schedule B numbers 721510 and 721535 above.
722045	Asphalt cutters, dirt tampers, and tar heating kettles only.
760500	Flour-mill and grist mill machines, n. e. c., and specially fabricated parts, n. e. c.
760900	Rice mill machines, and specially fabricated parts, n. e. c.
761950	Food and beverage processing machines, n. e. c., and specially fabricated parts, n. e. c.
763100–763900	Woodworking machines and parts.
772000	Paint spraying machines, n. e. c., and specially fabricated parts and accessories.
775010	Wrapping, packaging and filling machines, n. e. c., and specially fabricated parts, n. e. c.
775060	Leather-tanning and leather working machines, n. e. c., and specially fabricated parts, n. e. c.
775090	Lubrication equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.
775998	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c., the following only: Abattoir equipment, abrasive circulators, abrasive coating machines; acetylene gas generating apparatus; assembling fixtures, production; BRI (Basic Refractories Inspection guns); battery making and assembling machines; boiler room specialty tools; briquetting presses; broom-making machines, except broom-sewing; broom winding, scraping and shipping machines; brush-making machines; button covering machines; button making machines; casket-lowering devices; centrifly type R W Line Purifiers; chippers; clay guns; cleaning machines, steam; cleaning units, sack; continuous screw fish press; creosoting equipment, for wood products; cutting machines for brick, tile, ceramics, and similar non-metallic materials; debarers (abattoir); dishwashers, commercial; DriAir units, exhaust fume control units; fish presses; fish reduction machines, for the manufacture of fish meal for animal feed; flame arrestors; floor finishers, industrial type; floor sanders, industrial type; floor scrubbing machines; floor surfacers, industrial type; fluorescent lamp disposal units; fumigation chambers; fur-blowing machines; fur-treating machines; garbage burners, industrial and commercial; garbage grinders, industrial and commercial; granulators, shredding type; hat-blocking machines; candle making machines; hat-making machines; ice-crusher slingers; ice saw and drill machines, combination type, engine driven; incinerators, industrial and commercial; jacks, power, general purpose; knife hogs; Koch "Cash X" pistol (slaughterhouse); line-travelling coating and wrapping machines for pipes and tubes; linoleum making machines; measuregraph machines for measuring cloth; nutter; paint markers for marking pavement; paper match assembly (booking machines); permanent magnet ferro filters; pin ticketing machines (tag-to-product applying); pipe line cleaning machines; power sprayer-type cleaning outfits; power sprayers, for cleaning interior of buildings; pressers, n. e. c.; reels, hose and cable, power operated; refrigerant charging apparatus, automatic; shoelace tipping machines; shredders; slaughterhouse machines; smoke generators, except military; stone products manufacturing machines; tankage presses; tank-cleaning machines; tube cleaners; tube expanders, maintenance type; vacuum cleaners, industrial type; vibrating paper joggers; vibrators, hydraulic; wallboard plastic core machines; wash water superheaters; watch-cleaning machines; wax injection presses; waxing machines, industrial, welding rod brushing machines; welding rod feeders, zipper manufacturing machines.
855100	Prepared fertilizer mixtures.
981500	Vinyl floor tiles and vinyl asbestos floor tiles.

This part of the amendment shall become effective as of 12:01 a. m. August 30, 1956.

The following commodity is deleted from the list of commodities:

Dept. of Commerce Schedule B No.	Commodity
384985	Polytetrafluoroethylene (Teflon) fabric.

This part of the amendment shall become effective as of 12:01 a. m., September 6, 1956, except that with respect to any commodities removed from General License GHK, shipments which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 6, 1956, may be exported under the previous General License GHK provisions up to and including October 1, 1956. Any such shipment not laden aboard the exporting carrier on or before October 1, 1956, requires a validated license for export.

5. Section 372.7 *License applications for ship stores, plane stores, supplies and equipment*, paragraph (c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and fuel for planes departing from the U. S.*, subparagraphs (1) and (2) are amended to read as follows:

(1) In the item entitled "Additional Information" (or on an attachment thereto), state the reasons why a general license is inapplicable to the proposed exportation. In addition, supply the following information:

(i) The carrier's call at Macao, or any point under Far Eastern Communist control, and dates of each call, within 180 days prior to date of application (or 30 days in the case of aircraft).

(ii) Submit for each point of call mentioned in subdivision (i) of this subparagraph, a copy of the manifest of cargo loaded or discharged. Also give the destination and anticipated dates of discharge of any cargo still on board the carrier which was laden at such point. The contents of the manifest submitted will be treated as confidential and will not be disclosed to any person other than a party in interest.

(iii) The carrier's proposed calls at Macao or any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.[1]

(iv) If the carrier will call at Macao or a point under Far Eastern Communist control within the period of time shown in subdivision (iii) of this subparagraph or if the carrier is registered in, or under charter to, a Subgroup A country, or if the carrier is under charter to a national of a Subgroup A country, state whether any commodities included on the Positive List of Commodities (§ 399.1 of this subchapter), the United States Munitions List (§ 370.4 (a) of this subchapter), or the United States Atomic Energy List (§ 370.4 (d) of this subchapter), are carried on board the vessel or aircraft and destined directly or indirectly to any of these destinations. If the answer is in the affirmative, indicate where such commodities will be discharged, unless this information has already been supplied in accordance with subdivision (ii) of this subparagraph.

(2) In the case of vessels, state (in the space provided for "end use") the gross registered tonnage (GRT), type of main engines and rated horsepower, with daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days' running supply from the port where additional supplies are requested. In the case of aircraft, state make and model.

This part of the amendment shall become effective as of October 1, 1956.

6. Section 373.7 *Commodities exported for exhibition* is amended to read as follows:

§ 373.7 *Commodities exported for exhibition.* (a) When a person in the United States applies for a license to ex-

[1] If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destinations and areas of operation shall be submitted.

port a commodity for display at a trade fair or other exhibition, with the intention of returning it to the United States, forwarding it for display at another trade fair or exhibition, or selling it abroad to a yet undetermined purchaser during or after exhibition (as distinguished from instances where it is intended to sell the commodities prior to exhibition or where they will be sold during or after exhibition to a known purchaser abroad), the application for an export license does not require the support of an ultimate consignee statement or import certificate, or other documentation issued by the country of ultimate destination. However, such application shall include the following certification:

These commodities are to be exported for exhibition from _____ (Date)
to _____ (Date)
at _____ (Official name of fair or exhibition)
to be held at _____ (Location)
and if they are not returned to the United States at the end of the exhibition they will not be otherwise disposed of without prior authorization of the Bureau of Foreign Commerce.

(b) In addition, since the applicant retains title to the commodities, he shall be shown as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(c) When it is decided that the exhibited commodities are not to be returned to the United States, the request made to the Bureau of Foreign Commerce for authorization to display the commodities at another fair or exhibition or to otherwise dispose of the commodities shall be made by means of a letter setting forth the proposed disposition, the license number, the BFC case number, the ultimate destination, the commodity description, the quantity, and the Schedule B number of the commodity, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to exhibit at another fair or other exhibition, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Bureau of Foreign Commerce will validate and issue Form FC–L–58 "Authorization to Dispose of Commodities Shipped to Trade Fairs" for approved requests. If it is subsequently desired to forward the commodities for display at another fair or other exhibition or to make any other use or disposition of the commodities not authorized by the validated Form FC–L–58, an amendment of the form shall be requested by means of a letter to the Bureau of Foreign Commerce containing the same information and documentation as that described above.

This part of the amendment shall become effective as of August 30, 1956.

7. Section 373.56 *Selenium containing chemical compounds, including pigments* is amended in the following particulars:

Paragraph (a) *General* is amended to read as follows:

(a) *General.* License applications to export selenium containing chemical compounds, including pigments, Schedule B Nos. 829810, 830980, 839750, 839900 and 842900 will be considered for approval in accordance with the licensing policy described below.

Paragraph (d) *Time for submission of applications* is amended to read as follows:

(d) *Time for submission of applications.* Applications for licenses to export selenium containing chemical compounds, including pigments, Schedule B Nos. 829810, 830980, 839750, 839900 and 842900, shall be submitted in accordance with the schedule set forth in § 373.71 *Supplement 1.*

8. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES
THIRD AND FOURTH QUARTERS OF 1956

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Third quarter, 1956	Fourth quarter, 1956
639050	Aluminum scrap (new and old)	Before Sept. 15, 1956.	
639070	Aluminum remelt ingots		
641300	Copper scrap (new and old) containing 40 percent or more copper.[1]		
641900	Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[1]		
641100	Copper-base alloy ingots and other crude forms		
691450	Selenium powder		
622008	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials.		
829810	Selenium-containing rubber compounding agents not of coal tar origin accelerators.	June 1–15, 1956	Sept. 4–18, 1956.
829980	Selenous acid (selenious acid)		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide.		
842900	Selenium-containing pigments		

[1] License applications to export "offshore" copper scrap may be submitted at any time. See § 373.11 (c) (7).

NOTE: 1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)).

3. *Intransit shipments.* Export applications for commodities requiring a validated license wher moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

9. Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars:

The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Frick, Ernst A., 18 Obernstrasse, Bremen, Germany.	8-3-56	8-2-57	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 5944, 8-8-56.
Gyma Laboratories of America, Inc., 83-10 Baxter Ave., Jackson Heights 73, N. Y.	8-21-56	9-21-56 (11-21-56)*	do	21 F. R. 6305, 8-22-56.
Lipton, Rolf, 83-10 Baxter Ave., Jackson Heights 73, N. Y.	8-21-56	9-21-56 (11-21-56)*	do	21 F. R. 6305, 8-22-56.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

The following entry is amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Dühne, Adolf, 41 Ausser der Schleifmuehle and P. O. B. 1135, Bremen, Germany.	2-21-55	2-20-58	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 1188, 2-25-55, 21 F. R. 5944, 8-8-56.

(Sec. 3 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56–7048; Filed, Sept. 5, 1956; 8:45 a. m.]

[Eighth Gen. Rev. of Export Regs., Amdt. P. L. 3 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
744315	Power-driven metalworking machine tools (non-portable), and parts: Accelerated lead-life breaching machines [2]	No.	TOOL	500	RO
766993	Size-measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c.: Machines designed for measuring gas turbine blades, and specially fabricated parts, n. e. c. [2]	No.	TOOL	500	RO
775998	Industrial manufacturing and servicing industries machines, n. e. c., and specially fabricated parts, n. e. c. (except those specified by name): Automatic equipment for controlling the diameter or the eccentricity of extruded dielectric on wires and cables [3]	No.	TOOL	500	RO
839980	Inorganic acids and anhydrides, n. e. c.: Selenious acids (selenious acid) [2]	Lb.	SALT	25	RO
839900	Other chemicals: Lime borate (report crude lime (calcium) borate (e. g., Colemanite, Ulexite) in 839230) [3]	Lb.	SALT	100	RO

[1] This commodity is subject to the IC DV procedure (see § 373.2), effective October 15, 1956.
[2] This commodity (1) is subject to the IC DV procedure (see § 373.2), effective October 15, 1956; (2) is excepted from the Time Limit licensing procedure (see Part 375); (3) may be exported under General License GIT only within the dollar-value limit specified on the Positive List (see § 371.10 (c)), effective September 6, 1956; and (4) is also subject to the special licensing provisions for selenium containing chemical compounds (see Part 376) and under the Foreign Distribution licensing procedure (see Part 378).

This part of the amendment shall become effective as of 12:01 a. m. September 6, 1956, unless otherwise indicated in the footnotes.

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
296000	Tires, tire casings and inner tubes, new and used/export scrap tires, solid and pneumatic, scrap tire casings and scrap inner tubes, cut or uncut, under 2112(0): Pneumatic tires and tire casings:

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

[Amdt. 15]

Subchapter A—Armed Services Procurement Regulations

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART C—GENERAL POLICIES

1. Section 1.300 has been revised as follows:

§ 1.300 *Scope of subpart.* This subpart sets forth general policies with respect to (a) methods of procurement, (b) sources of supply (including governmental and foreign sources), (c) types of contracts, (d) specifications, (e) transportation costs, and (f) responsible prospective contractors.

2. Section 1.306 has been revised to provide expanded coverage with respect to transportation aspects of procurement. In addition to policy in choosing place of delivery, the revised paragraph now covers the effect of such factors as quantity analysis, commodity description, delivery terms, consignment and marking instructions, scheduling of deliveries to permit consolidation of shipments, transit arrangements, rate information, volume shipments, unusually large or heavy shipments, and mode of transportation.

§ 1.306 *Transportation costs.*

§ 1.306–1 *General.* Proper consideration of transportation costs is necessary to insure that procurement is on the basis most advantageous to the Government. Contracting officers shall give consideration to the transportation factors set forth below which may affect such costs.

§ 1.306–2 *Place of delivery*—(a) *Shipments originating within the continental United States for ultimate delivery within the continental United States.* Unless there are valid reasons to the contrary, the procurement of supplies from sources and for delivery within the continental limits of the United States shall be in accordance with the following policy:

(1) when it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be made on the basis of all transportation charges paid to destination.

(2) when it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be either on the basis of:

(i) At the Government's option f. o. b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant; or

(ii) All transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both of the above bases, and bids shall be evaluated on the basis of overall cost to the Government.

In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be approximately 20,000 pounds.

(b) *Shipments originating within the continental United States for ultimate delivery outside the continental United States.* Unless there are valid reasons to the contrary, purchases of supplies within the continental United States for ultimate delivery to destinations outside of the continental United States, regardless of the quantity of the shipment, shall be made on the basis of delivery at the Government's option, f. o. b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant. This policy applies to supplies shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(c) *Shipments originating outside the continental United States.* Selection of place of delivery for shipments originating outside continental limits of the United States shall be in accordance with procedures prescribed by each respective Department.

§ 1.306–3 *Quantity analysis.* When additional quantities of the item being purchased can be transported at no increase in transportation cost or when purchase of carload or truckload quantities will result in lower unit transportation costs, consideration shall be given to the purchase of such additional quantities or of carload or truckload quantities.

§ 1.306–4 *Commodity description.* A complete description of the commodity being purchased, including packing and packaging instructions, is necessary not only to enable the supplier to bid or quote properly on the requirement, but also for subsequent freight classification purposes.

§ 1.306–5 *Delivery terms.* To preclude any misunderstanding by suppliers, delivery terms shall be stated clearly in Invitations for Bids or Requests for Proposals. Contracts for supplies purchased f. o. b. destination shall generally provide that supplies shall be delivered, all transportation charges paid, to the specified destination by the contractor. Contracts for supplies purchased f. o. b. origin shall generally provide for delivery, at the Government's option, f. o. b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near the contractor's plant, in order that military traffic management offices may, in issuing routing instructions, select the mode of transportation which will provide the required service at the lowest cost.

§ 1.306–6 *Consignment and marking instructions.* Complete consignment and marking instructions shall be included in contracts to assist in insuring that supplies will be delivered to proper destinations without delay. Attention shall be given to the fact that receiving activities may have different consignment points for the various transportation media.

§ 1.306–7 *Scheduling of Deliveries to permit consolidation of shipments.* The accumulation of small shipments into carload or truckload lots will result in lower transportation costs. Also, the accumulation of small shipments into less than load shipments may also result in lower transportation costs. Upon review of the purchase requisition, and in conjunction with the requiring or requisitioning activity, consideration shall be given to revising delivery schedules to provide for deliveries in larger quantities. In some cases, delivery schedules for supplies to be delivered to multiple destinations can be consolidated and the stop-off in transit privilege used for partial unloading at one or more points directly en route between the point of origin and the last destination.

§ 1.306–8 *Transit arrangements.* Transit arrangements afford an opportunity to store or process carload or truckload shipments at specific intermediate points en route to the final destination. A single through rate from origin to final destination, plus a transit or other related charge if applicable, is charged in lieu of a combination of rates to and from the transit point which would result in higher costs.

§ 1.306–9 *Rates.* Generally, carriers are required by both Federal and State laws to charge all shippers equally for like services rendered. However, when Government traffic possesses more favorable transportation characteristics (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic between the same origins and destinations, freight rates are often lower for the Government traffic. Rate information shall be obtained from the appropriate military traffic management office.

§ 1.306–10 *Volume shipments.* Procurements involving volume shipments (as defined in Departmental instructions) shall be referred at the earliest practicable time to the appropriate military traffic management office for a determination of the reasonableness of applicable current rates and, when appropriate, for negotiation of adjusted or modified rates.

§ 1.306–11 *Unusually large or heavy shipments.* Prior to purchasing unusually large, heavy, high, wide, or long items, the appropriate military traffic management office shall be consulted in order that any transportation difficulties may be considered. Additional costs, such as the use or special equipment, excess blocking and bracing material, circuitous routing, etc., incident to these shipments shall also be considered, in conjunction with the freight rate, in determining total transportation costs.

§ 1.306–12 *Mode of transportation.* Generally, the military traffic management office is the proper authority to specify the mode and routing of shipments. If urgency in delivery is a factor, the appropriate military traffic management office shall be so informed in order that routing authorities may select the means of transportation consistent with the stated urgency.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART E—QUALIFIED PRODUCTS

The provision to be inserted in invitations for bids involving qualified products has been revised by an amendment of § 2.505–2 to authorize consideration of bids where the products involved have been tested and approved up to the "time set for opening of bids". Previously the cut-off time was the "bid opening date."

§ 2.505–2 *Solicitation of bids.* In formally advertised procurements involving qualified products, the following provision shall be inserted in invitations for bids:

With respect to products requiring qualification, awards will be made only for such products as have, prior to the time set for opening of bids, been tested and approved for inclusion in the Qualified Products List (insert here the title of the applicable Federal or Military Qualified Products List or Lists), whether or not such products have actually been so listed by that date. Manufacturers are urged to communicate with the (insert here the name and address of the applicable office) and arrange to have the products that they propose to offer tested for qualification.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART C—DETERMINATIONS AND FINDINGS

The responsibility for furnishing Determinations and Findings in negotiated coordinated procurements has been clarified by amendment of § 3.306. Generally, the Procuring Department makes the Determinations and Findings, based upon information furnished by the Requiring Department with the MIPR. The Requiring Department will make and furnish Determinations and Findings when the procurement is negotiated under section 2 (c) (13) of the Act; and under section 2 (c) (16) only when the coordinated procurement takes place pursuant to agreement between the Departments.

§ 3.306 *Procedure with respect to determinations and findings.* Each Determination and Findings shall be approved and processed in accordance with procedures prescribed by each respective Department, except that Determinations and Findings for procurement by negotiation with respect to coordinated procurement (§ 4.101–1 of this subchapter) shall be made in accordance with § 4.206–2 of this subchapter.

SUBPART D—TYPES OF CONTRACTS

Section 3.404 has been revised as follows:

§ 3.404 *Cost-reimbursement type contract*—(a) *Description.* The cost-reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of (i) obligation of funds, and (ii) establishing a ceiling which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the contracting officer. A cost-reimbursement type contract may, to the extent authorized by Subpart G of this part, provide for negotiated fixed overhead rates.

(b) *Applicability.* The cost-reimbursement type contract is suitable for use when the nature and complexity of the procurement is such that costs of performance cannot be estimated with reasonable accuracy. In addition, it is essential that (1) the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and (2) appropriate surveillance by Government personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used. While cost-reimbursement contracts are particularly useful for procurements involving substantial amounts, i. e., estimated cost of $25,000 or more, the Contracting Officer may determine in a given case to utilize this type of contract to cover transactions in which the estimated costs are less than $25,000.

(c) *Limitations.* The cost-reimbursement type contract may be used only after a determination, in accordance with the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

SUBPART G—NEGOTIATED OVERHEAD RATES

A new Subpart G to Part 3 prescribes DoD policy and procedure governing the negotiation of overhead rates for use in cost-reimbursement type contracts. Since the Comptroller General has held "predetermined" overhead rates to be illegal (Decision No. B–126794, dated January 27, 1956) use of them shall be discontinued according to the following schedule:

(1) *Commercial contractors.* Predetermined overhead rates are no longer acceptable in proposals, and shall not be incorporated in contracts executed after 30 June 1956.

(2) *Research and development contracts with educational institutions.* Predetermined overhead rates are not acceptable in proposals received after June 30, 1956, and shall not be incorporated in contracts executed after 30 September 1956.

In accordance with the new Subpart G, Part 3, overhead rates may be negotiated only on the basis of historical or after-the-fact costs and when incorporated in contracts will affect only the related historical period. Prospective rates may be used on a provisional basis only, subject to adjustment at the end of an appropriate historical period. It is contemplated that uniform clauses will be available shortly for insertion in applicable contracts.

SUBPART G—NEGOTIATED OVERHEAD RATES

§ 3.700 *Scope of subpart.* This subpart sets forth the policy and procedure governing the negotiation of overhead rates for use in cost-reimbursement type contracts.

§ 3.701 *Definitions.*

§ 3.701–1 *Negotiated final overhead rates.* The term negotiated final overhead rate, as used in this subpart, means a percentage or dollar factor which expresses the ratio(s) mutually agreed upon by the Government and the contractor, at the close of a period (see § 3.704 (i)), of indirect expenses incurred in the period to direct labor, manufacturing cost, cost of sales, or other appropriate base of the same period. Such rate is used as a means of determining the amount of reimbursement under a contract for the applicable indirect costs.

§ 3.701–2 *Provisional overhead rates.* The term provisional overhead rate, as used in this Part, means a tentative overhead rate established for interim billing purposes pending a negotiation of the final overhead rate.

§ 3.701–3 *Overhead (indirect costs).* The term overhead (indirect costs) as used in this part, includes, but is not limited to, the general groups of indirect expenses such as those generated in manufacturing departments, engineering departments, tooling departments, general and administrative departments and, if applicable, indirect costs accumulated by cost centers within these general groups. In the case of contractors using fund accounting systems, the term includes, but is not limited to, the general groups of expenses such as general administration and general expense, maintenance and operation of physical plant, library expenses, and use charges for building and equipment.

§ 3.702 *Purpose.* The major purposes of negotiated final overhead rates are: (a) to effect uniformity of approach in cases where more than one contract or more than one Military Department is involved; (b) to effect economy in administrative effort; and (c) to promote timely settlement of reimbursement claims.

§ 3.703 *Applicability.* Negotiated final overhead rates are authorized for use primarily in cost-reimbursement type contracts for research and development with commercial organizations and nonprofit or educational institutions. They may also be used in other cost-reimbursement type contracts, after a determination is made by the contracting officer that their use is advantageous to the Government and provided general requirements for use of overhead rates set forth in § 3.704 are met. Where it is not apparent that any one of the major purposes enumerated in § 3.702 results or will result by the use of negotiated final overhead rates, the contracting officer will provide for settlement of overhead by audit determination.

§ 3.704 *Contract requirements.* Cost-reimbursement type contracts providing for the use of negotiated final overhead rates shall, among other things, require that—

(a) Overhead rates be established for regularly stated periods (preferably the contractor's fiscal year);

(b) The contractor submit a proposal to the contracting officer or his author-

ized representative setting forth its claimed overhead rates, together with schedules of historical costs to support such proposal. The proposal shall be submitted as soon as practicable but not later than 90 days (6 months for educational institutions) after the expiration of the stated period specified in the contract;

(c) Overhead rate proposals be subject to accounting review and audit of the records of the contractor by any authorized departmental representative;

(d) Part 15 of this subchapter be used as the basis for determining allowability of indirect expenses and acceptability of the methods of allocation used in negotiating final overhead rates;

(e) Provisional payment on account of overhead may be made either on the basis of billing rates not incorporated in the contract or on the basis of negotiated provisional overhead rates incorporated in the contract. In the event that provisional payments are to be made on the basis of billing rates, they shall be subject to the approval of the contracting officer or his authorized representative. Where negotiated provisional overhead rates are incorporated in the contract, to prevent substantial over or under provisional reimbursement, the contract shall provide that, at the request of either of the contracting parties, the provisional rate may be revised by mutual agreement and appropriate amendment to the contract; and,

(f) Overhead rates be negotiated promptly after receipt of the contractor's proposal.

§ 3.705 *Procedure.* The procedure for use of negotiated final overhead rates generally consists of submission by the contractor of an overhead rate proposal, submission of an advisory audit report, review of the contractor's proposal and the advisory audit report, conduct of negotiation, preparation of a negotiation report or summary, and execution of contract amendments or supplemental agreements.

(a) Where only one procurement activity is concerned the proposal shall be submitted to the contracting officer or his authorized representative, with a copy to the cognizant audit activity. Where coordinated negotiations as described under § 3.706 are involved, contractors' overhead rate proposals may be submitted to the cognizant negotiating activity of the Department sponsoring the negotiation, with a copy to the cognizant audit activity.

(b) The determination as to the necessity of an advisory audit report for overhead rate negotiation purposes and the extent of the use of such report is the sole responsibility of the contracting officer. Unless advised to the contrary by the contracting officer, the cognizant audit activity shall submit an audit advisory report to the contracting officer or his authorized representative. Such report shall set forth the findings of the audit activity including the results of discussion of such findings with the contractor. The audit or accounting review will be governed by the provisions of Part 15 of this subchapter.

(c) Where there is a significant difference of opinion between the auditor and the contractor concerning the allowability of indirect costs or the acceptability of the bases used in developing the overhead rates, representatives of the audit activity and the negotiating activity will discuss the areas of disagreement prior to the negotiation conference with the contractor. As a further aid to the negotiating activity, a representative of the audit activity will, upon request, attend the negotiation conference.

(d) The negotiation conference will be conducted by the contracting officer or his authorized representative. Where coordinated negotiation is involved (§ 3.706), the sponsoring negotiating activity will be the authorized representative of those procuring activities not represented. The negotiation shall be governed by Part 15 of this subchapter and shall encompass an agreement on final overhead rates, the specific items to be treated as direct charges, and the provisional overhead rates if such rates are to be specified in the contract.

(e) At the completion of the negotiation, the contracting officer or his authorized representative shall prepare a negotiation report or summary, setting forth the rates negotiated, the reasons for variation from the audit report, if any, the period of rate applicability, the basis for the determination of such rates and, where applicable, the provisional rates agreed upon for application in the succeeding period. Such report or summary shall be the basis for amending the affected contracts; it shall become a part of the contract file; and copies shall be distributed to any interested procurement activities and the audit activity.

(f) Supplemental agreements or contract amendments will incorporate the negotiated final overhead rates, the bases to which they apply, the period of rate applicability, and the agreement with respect to the specific items of direct charges referred to in paragraph (d) of this section.

§ 3.706 *Coordination.* When more than one Military Department contemplates the use of negotiated final overhead rates with the same contractor, the service having the preponderance of cost-reimbursement type work will, generally, sponsor and conduct the negotiation. Each Department having an interest will be notified of the pending negotiation and will be invited to participate in the negotiation. If a Department does not have a representative at the negotiation, the sponsoring Department will represent the absentee Department. The results of the negotiation will be binding upon all Departments. At the completion of the negotiation, the sponsoring Department will prepare and distribute to the other Departments a Negotiation Report or Summary as provided for in § 3.705 (e). Each Military Department shall thereupon amend or supplement the affected contracts in accordance with the rates and other data set forth in the negotiation report or summary.

§ 3.707 *Cost-sharing rates.* Cost-sharing arrangements are frequently made wherein the cost participation by the contractor is evidenced by an agreement to accept overhead rates which are lower than the anticipated actual overhead rates. In such cases, a negotiated fixed-ceiling overhead rate may be used for application prospectively, provided that in the event overhead rates developed by the cognizant audit activity on the basis of actual allowable costs are less than the negotiated rates, the negotiated rates will be reduced. Where reductions are necessary, they will be accomplished in accordance with § 3.705. The Government will not be obligated to pay any additional amounts on account of overhead above the negotiated fixed-ceiling rates.

PART 4—COORDINATED PROCUREMENT

A new § 4.206–2 has been added to § 4.206 clarifying the responsibility for furnishing Determinations and Findings in negotiated coordinated procurements. Generally the Procuring Department makes the Determinations and Findings, based upon information furnished by the Requiring Department with the MIPR. The Requiring Department will make and furnish Determinations and Findings when the procurement is negotiated under section 2 (c) (13) of the act; and under section 2 (c) (16) only when the coordinated procurement takes place pursuant to agreement between the Departments. Section 4.206–2 reads as follows:

§ 4.206 *Purchase authorization.*

* * * * *

§ 4.206–2 *Determinations and findings.* (a) When procurement is by negotiation, the Procuring Department except as provided in paragraphs (b) and (c) of this section, shall make the Determinations and Findings in accordance with Part 3, Subpart C, of this subchapter with respect to coordinated procurement. The Requiring Department shall furnish with the procurement request the information required by the Procuring Department to develop the Determinations and Findings.

(b) With respect to section 2 (c) (13) of the act, the Requiring Department shall make the Determinations and Findings in accordance with Part 3, Subpart C, of this subchapter. Two copies of the Determinations and Findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation under the act, and the Procuring Department need not make further Determinations and Findings.

(c) With respect to section 2 (c) (16) of the act and when the procurement agreements under § 4.002 (as distinguished from single procurement) do not include mobilization planning responsibility, the Requiring Department shall make the Determinations and Findings in accordance with Part 3, Subpart C, of this subchapter. Two copies of the Determinations and Findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation under the act, and the Procuring Department need not make further Determinations and Findings. With respect to single procurement (§ 4.101–2), the Procuring Department shall make the Determinations and Findings.

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

Revision of § 5.504–2 requires that a purchase order be issued when making purchases from institutions for the blind. Previously, it was permissible to issue delivery orders.

§ 5.504–2 *Through national industries for the blind.* When procurement of blind-made supplies is to be effected through the National Industries for the Blind, such procurement shall be made by submitting directly to the National Industries for the Blind, 15 West 16th Street, New York 11, New York, a request, in letter form, for an allocation. Upon receipt of the request, requirements will be allocated by the National Industries for the Blind and the procuring activity will be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a purchase order shall be issued to the designated agency for the blind.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 15—CONTRACT COST PRINCIPLES

SUBPART A—APPLICABILITY

Section 15.101 has been revised as follows:

§ 15.101 *Types of contracts.* Subject to the requirements of § 15.102, the provisions of Subparts B, C, or D of this part (whichever subpart is applicable) shall be followed in connection with all cost-reimbursement type contracts (including cost-reimbursement subcontracts thereunder), except that in the case of such contracts having negotiated overhead rates the applicable provisions of this part shall be used only as a basis for negotiating such rates but shall be followed for all other items of cost. The provisions of Subpart B shall be followed for all cost-reimbursement type contracts other than those covered in Subparts C and D, the provisions of Subpart C shall normally be followed for all research and development cost or cost-sharing contracts with educational or other nonprofit institutions, and the provisions of Subpart D shall normally be followed for all construction contracts (as defined in said Subpart D) and for all contracts for architect-engineer services related to construction; however, when deemed by the head of the procuring activity concerned to be more suitable for a particular contract, Subpart B may be followed in place of Subpart C or of Subpart D. The term "cost-reimbursement type contract," as used throughout this part, includes cost or cost-sharing contracts, cost-plus-a-fixed-fee contracts, and the cost-reimbursement portion of time-and-materials contracts.

SUBPART E—SUBJECTS AFFECTING COST WHICH MAY REQUIRE SPECIAL CONSIDERATION

Section 15.502 has been revised as follows:

§ 15.502 *Examples of subjects requiring special consideration.* The following examples are illustrative of subjects affecting cost which may require special consideration:

(a) Costs incurred incidental to work covered by the contract but prior to the execution of the contract, with specific identification of the types thereof and the period involved.

(b) Government-furnished property, general nature and extent.

(c) Indirect cost basis (1) actual, (2) negotiated rate or amount, or (3) other.

(d) Insurance.

(e) Intracompany and intercompany transactions.

(f) Liability to third persons.

(g) Operation of restaurants and cafeterias.

(h) Overtime compensation.

(i) Patents, purchased designs, and royalty payments.

(j) Personnel movement of a special or mass nature.

(k) Plant facilities fully depreciated or amortized on the contractor's books of account or acquired without cost (possible compensation for utilization in the form of a use or rental charge).

(l) Rearrangement or relocation of facilities or plant sites.

(m) Research programs of a general nature.

(n) Security measures of a special nature.

(o) Sharing of cost of research projects of the type which an educational or other nonprofit institution might undertake as a part of its own educational or research program.

(p) Subcontracting, nature and extent thereof and relation to fee or profit.

(q) Subsistence and housing of employees.

(r) Termination expenses.

(s) Tooling and equipment.

(t) Traveling expenses of a special or unusual nature.

(u) Wages or salaries of partners or sole proprietors.

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, as amended, secs. 2–12, 62 Stat. 21–26, sec. 638, 66 Stat. 537; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–161, 162, E. O. 9001, 6 F. R. 8787, as amended, E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Sup.)

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

AUGUST 29, 1956.

[F. R. Doc. 56–7101; Filed, Sept. 5, 1956; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter G—Water Pollution Control; Hearing Procedures

PART 81—PUBLIC HEARINGS UNDER THE WATER POLLUTION CONTROL ACT OF 1948

On July 10, 1956 a notice of proposed rule making regarding an amendment of Subchapter F of this chapter was published in the FEDERAL REGISTER (21 F. R. 5119) which stated in full the details of the proposed regulations. The enactment of the Water Pollution Control Act Amendments of 1956 (70 Stat. 498) on July 9, 1956 necessitates the addition of a provision making clear that these regulations will apply only to proceedings under the Water Pollution Control Act of 1948, as in effect prior to the enactment of such amendments, which continues to be applicable to certain enforcement proceedings. The regulations previously published in the FEDERAL REGISTER under the notice of proposed rule making have been renumbered and redesignated Part 81 of a new Subchapter G.

The amendments set forth below are hereby adopted and shall become effective 30 days after their publication in the FEDERAL REGISTER.

Sec.

81.1 Applicability.
81.2 Definitions.
81.3 Initiation of proceedings for public hearing; appointment of Board.
81.4 Organization and general procedures of the Board.
81.5 Notice of hearing.
81.6 Service.
81.7 Publication of notice.
81.8 Parties.
81.9 Pre-hearing procedures.
81.10 Presentation of evidence by the Surgeon General.
81.11 Hearing procedure.
81.12 Records of proceedings.
81.13 Oral and written arguments.
81.14 Final findings and recommendations.

AUTHORITY: §§ 81.1 to 81.14 issued under sec. 9, 62 Stat. 1160, as amended, sec. 10, 70 Stat. 506; 33 U. S. C. 466h. Interpret or apply sec. 5, 70 Stat. 49.

§ 81.1 *Applicability.* The provisions of this part apply only to proceedings arising out of any discharge or discharges causing or contributing to water pollution with respect to which the actions by the Surgeon General prescribed under paragraph (2) of section 2 (d) of the Water Pollution Control Act as in effect prior to the enactment of the Water Pollution Control Act Amendments of 1956 (70 Stat. 498) on July 9, 1956, have already been completed prior to such enactment. This does not, however, prevent action with respect to any such pollution under and in accordance with the provisions of the Federal Water Pollution Control Act (70 Stat. 498).

§ 81.2 *Definitions.* As used in this part:

(a) "Act" means the Water Pollution Control Act (62 Stat. 1155 et seq., 33 U. S. C. 466–466j) as in effect prior to the enactment of the Water Pollution Control Act Amendments of 1956 (70 Stat. 498).

(b) "Board" means the board appointed by the Secretary pursuant to section 2 (d) (3) of the act (33 U. S. C. 466a (d) (3)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 2 (d) (1) of the act (33 U. S. C. 466a (d) (1)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of terms contained in section 2d (8) and section 10 of the act (33 U. S. C. 466a (d) (8), 466i) shall be applicable to such terms unless the context otherwise requires.

§ 81.3 *Initiation of proceedings for public hearing; appointment of Board.* (a) In any case where the Surgeon General finds that the conditions precedent to the calling of a public hearing under the act exist, he shall so report to the Secretary together with his recommendation as to further action. If it then appears to the Secretary that a public hearing would contribute to the abatement of the pollution, he will call such a hearing, and may either fix the time and place thereof, or authorize the Surgeon General to do so.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons, as provided in the act, and may designate one of the members as chairman. The Secretary may thereafter revoke appointments to the Board, or the designation of one of its members as chairman and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 *Organization and general procedures of the Board.* (a) The Board shall convene for hearing sessions and for such other meetings as may be necessary.

(b) The chairman designated by the Secretary shall preside at all hearing sessions. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted by the Board in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members and not less than a majority of such members shall be persons other than officers and employees of the Department. Questions of procedure during a hearing shall be determined by majority vote of the members present.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Board may authorize the chairman on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

(f) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(g) The Board shall designate a secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties as the Board may prescribe.

§ 81.5 *Notice of hearing.* (a) The Surgeon General shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Secretary, shall fix such time and place.

(b) The notice of hearing shall identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the interstate waters affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(c) Notice of hearing shall be served on the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution and the water pollution agency or interstate agency, to whom notice or advice, as the case may be, of such pollution has previously been given in accordance with the act.

(2) The water pollution agency or the interstate agency of the State or States, other than that in which the discharge originates, adversely affected by such pollution.

§ 81.6 *Service.* Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or places of business as ascertained by the Surgeon General or the Board, as the case may be.

§ 81.7 *Publication of notice.* Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 81.8 *Parties.* (a) The parties to a hearing shall include the persons and agencies specified in § 81.5 (c).

(b) The Surgeon General shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 81.9 *Prehearing procedures.* (a) Upon request made to the Board within fifteen (15) days after the service of the notice of hearing, any party shall be afforded an opportunity for the submission of facts, arguments, or proposals to secure abatement of the pollution where time, the nature of the proceeding, and the public interest permit, and due consideration shall be given the same by the Board. Such submission shall be in writing. The filing of such request shall not operate to delay the hearing.

(b) The Board may, at any time, prior to the conclusion of the hearing, on its own initiative or at the request of any party, call a conference with any or all parties to consider:

(1) The simplification of the issues,

(2) The possibility of obtaining stipulations, admissions of facts, and documents,

(3) The limitation of the number of expert witnesses,

(4) The scheduling of witnesses,

(5) Proposals to abate the pollution by reasonable and equitable measures, and

(6) Such other matters as may aid in the conduct of the hearing or the determination of the issues.

(c) Any prehearing or other conferences may be held with the full Board, with one or more of its members or with one or more other persons, as the Board may direct.

§ 81.10 *Presentation of evidence by the Surgeon General.* The Surgeon General shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.11 *Hearing procedure.* (a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to cross-examination, presentation of evidence, objection, argument and other fundamental rights.

(e) Rulings of the chairman on the receipt of evidence and other questions relating to the procedure of the hearing may be appealed to the Board.

§ 81.12 *Record of proceedings.* (a) Testimony given and other proceedings had at a hearing shall be reported verbatim by a reporter. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall be marked for identification and upon a showing satisfactory to the Board of their authenticity, relevancy and materiality shall be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Board shall, after satisfying itself of identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.13 *Oral and written arguments.* (a) Oral argument shall be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

(b) The Board shall announce at the hearing a reasonable period within which parties and other interested persons may submit (1) written arguments, and (2) proposed findings, conclusions and recommendations for the abatement of the pollution together with supporting reasons therefor. Such material shall be submitted in such number of copies as the Board may direct and shall be based solely upon the evidence presented at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 81.14 *Final findings and recommendations.* (a) After consideration of the whole record, and all proposed findings, conclusions and recommendations, the Board shall make its final findings, conclusions and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: August 28, 1956.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved: August 30, 1956.

HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-7103; Filed, Sept. 5, 1956; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

TUNGSTEN REGULATION: DOMESTIC TUNGSTEN PURCHASE PROGRAM

Sec.

99.201 Basis and purpose.
99.202 Definitions.
99.203 Participation in the program.
99.204 Tenders and deliveries.
99.205 Packaging.
99.206 Specifications and penalties.
99.207 Access to books and records.
99.208 Duration of the program.

AUTHORITY: §§ 99.201 to 99.208 issued under sec. 4, 70 Stat. 580. Interpret or apply sec. 2, 70 Stat. 579.

§ 99.201 *Basis and purpose.* It is the purpose of this program to provide temporary assistance to tungsten producers for an interim period to enable them to adjust production, largely related to defense programs, to normal competitive market conditions. Sections 99.201 to 99.208 interpret and implement the authority of the Administrator of General Services to purchase tungsten concentrates of domestic origin for the period beginning July 19, 1956, to December 31, 1958, pursuant to authority delegated by the Secretary of the Interior on July 31, 1956 (21 F. R. 5872), and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such tungsten concentrates for the Government. In accordance with the program set forth in §§ 99.201 to 99.208, the Administrator will buy domestically produced tungsten concentrates, at a base price of $55.00 per short ton unit of contained tungsten trioxide (WO_3), less penalties.

§ 99.202 *Definitions.* As used in §§ 99.201 to 99.208:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the terms and conditions set forth in §§ 99.201 to 99.208 pursuant to which the Government will purchase tungsten concentrates.

(c) "Milling point" means plant where ores are processed into specification grade tungsten concentrates.

(d) "Tungsten concentrates" means tungsten concentrates produced in the United States, its Territories and possessions from ores mined in the United States, its Territories and possessions.

(e) "Short ton unit" means one percent of 2,000 pounds avoirdupois dry weight.

(f) "Ferberite" means concentrates containing tungsten primarily as $FeWO_4$ with not more than 20 percent of the tungsten as $MnWO_4$.

(g) "Hubnerite" means concentrates containing tungsten primarily as $MnWO_4$ with not more than 20 percent of the tungsten as $FeWO_4$.

(h) "Wolframite" means concentrates containing tungsten as both $FeWO_4$ and $MnWO_4$ in any proportions from 80 percent $FeWO_4$ and 20 percent $MnWO_4$ to 20 percent $FeWO_4$ and 80 percent $MnWO_4$.

(i) "Scheelite" means concentrates containing, in nature, tungsten as $CaWO_4$.

(j) "Synthetic Scheelite" means chemically precipitated scheelite produced from any natural type of ore, and shall be chemically precipitated scheelite produced from any original type of ore and shall contain not in excess of 0.50 percent free moisture by weight.

(k) "Lot" means the quantity of tungsten concentrates tendered to the Government at one time by a participant.

(l) "Government" means the United States of America.

(m) "Producer of ores" means any person who mines tungsten ores.

(n) "Person" means a natural person or a company.

(o) "Company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any group of persons whether organized or not and whether incorporated or not.

(p) "Concentrating plant" means a tungsten mill or a tungsten processing plant.

§ 99.203 *Participation in the program.* (a) Any producer of ores or operator of a concentrating plant desiring to participate in the program shall apply in writing to the nearest General Services Administration regional office for a certificate of participation. If the applicant is a producer of ores, such application shall provide full information concerning the nature and extent of the applicant's interest in or control over any tungsten mining properties in the mining district or districts for which a certificate is sought by him, and shall be signed and a return address given. Each eligible applicant will promptly be sent a certificate of participation authorizing him to deliver, f. o. b. carrier's conveyance, milling point, tungsten concentrates meeting minimum specifications.

(b) Producers of ores who do not operate concentrating plants may, if they are issued certificates of participation, participate in the program to the extent of the ore produced by them, as follows:

(1) By selling such ore to operators of concentrating plants, in which event the resulting tungsten concentrates meeting specifications may be sold by such operators to the Government under the program; or

(2) By having such ore treated on a toll basis and selling the resulting tungsten concentrates meeting specifications to the Government under the program.

(c) Any operator of a concentrating plant, by applying for a certificate of participation, agrees to purchase or process suitable tungsten contained ores offered to him by participating producers of ores to the limit of the capacity of his plant in excess of that required for his own production and on fair and equitable terms and conditions (including prices). Each operator of a concentrating plant participating in the program shall promptly establish a schedule setting forth his terms and conditions (including prices) for the purchase or processing of tungsten contained ores. Each such operator shall promptly submit a copy of such schedule to the General Services Administration regional office which issued a certificate of participation to him, and shall also submit promptly any changes made in such schedule thereafter. No such operator shall purchase or process for sale to the Government hereunder tungsten contained ores from nonparticipating producers of ores.

§ 99.204 *Tenders and deliveries.* (a) Notice of any tender of tungsten concentrates under the program shall be given by the participant to the General Services Administration regional office which issued the certificate of participation. Such notice shall provide information concerning the approximate quantity proposed to be delivered, the approximate date of delivery and the milling point. Shipping instructions will be issued by the Government. Deliveries shall be made by the participant f. o. b. carrier's conveyance, milling point. Any lot of less than one short ton of tungsten concentrates will not be accepted. Each lot will be weighed, sampled and

analyzed by the Government, or its designee. From the representative sample three pulp samples will be prepared and sealed, one each for the Government and the seller and one for umpire purposes, the umpire sample to be retained by the Government. If there is a difference between the Government's analysis and the participant's analysis of their respective samples resulting in a dispute, the umpire sample shall, at the request of the participant, be analyzed by an analyst satisfactory to both the Government and the participant, and the umpire analysis shall be final and conclusive. The cost of the umpire analysis shall be borne by the party whose analysis is further from that of the umpire. Payment will be made in accordance with the Government's analysis unless there is a dispute, in which case payment will be made in accordance with the umpire analysis.

(b) The Government will not accept offers for delivery in any one calendar month from any one producer of ores in excess of five thousand (5,000) short ton units originating in any one mining district from properties controlled by such producer of ores. Questions concerning the mining district in which any particular property is located will be decided by the Secretary of the Interior. Tungsten concentrates already actually produced which were ready for delivery and offered in the calendar month of July 1956, will be accepted and applied against the July quotas of the producers of ores used in making such tungsten concentrates. Similarly, tungsten concentrates already actually produced which were ready for delivery and offered in the calendar month of August 1956, will be accepted and applied against the August quotas of such producers of ores. In each such case, however, the offeror shall certify that such tungsten concentrates had been already actually produced and that they were ready for delivery in July or August 1956, as the case may be. Tungsten concentrates produced from ores sold a concentrating plant in accordance with this regulation shall not be considered as the production of the owner or operator of the concentrating plant but shall be considered as the production of the producer of such ores.

(c) The properties controlled by a producer of ores shall be considered to include all properties owned or otherwise controlled by such producer of ores. All such properties within a single mining district shall be considered as a single source of production hereunder, regardless of any disposition thereof by sale, lease, or otherwise. Any properties within a single mining district will be considered as a single source of production hereunder if, through relationship, affiliation, common control, or otherwise, the persons owning or otherwise controlling such properties are not in the judgment of the Administrator bona-fide separate and independent producers of ores. Without in any way affecting any other rights which the Government may have, the Administrator may refuse to accept offers hereunder, may refuse to issue certificates of participation hereunder, or may revoke certificates of participation previously issued if he determines such action is necessary to enforce the 5,000 short ton unit limitation specified in paragraph (b) of this section.

(d) Tungsten concentrates not conforming to the specifications, requirements, terms and conditions set forth in §§ 99.201 to 99.208 shall be rejected, and all expenses incurred by the Government in connection with such rejection shall be for the account of the participant tendering such tungsten concentrates.

(e) Each lot tendered the Government hereunder shall be accompanied by a certificate executed by the producer of ores, on a form to be provided by the Administrator, disclosing the source of the tugnsten concentrates.

§ 99.205 *Packaging.* All tungsten concentrates except Synthetic Scheelite shall be packaged in: (a) Steel drums of 20 gauge minimum thickness for 15 gallons or less capacity and 18 gauge or heavier steel drums for larger capacity, or (b) bags of 110 pound capacity made from heavy burlap cloth which has been made waterproof and sift proof by a craped bag liner inserted and laminated with a waterproof adhesive such as asphaltum. Synthetic Scheelite shall be packaged in steel drums of 18 gauge minimum thickness.

§ 99.206 *Specifications and penalties.* (a) The specifications for tungsten concentrates and penalties applicable to deliveries of such concentrates appear below:

(1) Percentage of tungsten trioxide (WO_3) required with respect to each of the following:

	Ferberite	Hubnerite	Wolframite	Scheelite and/or synthetic scheelite
	Percent	*Percent*	*Percent*	*Percent*
Standard	60	60	65	60
Minimum	55	55	60	55

(2) Maximum percentage allowances of the following elements without penalty:

	Ferberite	Hubnerite	Wolframite	Scheelite and/or synthetic scheelite
	Percent	*Percent*	*Percent*	*Percent*
Tin (Sn) max	0.20	0.25	1.50	0.10
Copper (Cu) max	.10	.10	.05	.05
Arsenic (As) max	.15	.10	.25	.10
Antimony (Sb) max	.10	.10	.10	.10
Bismuth (Bi) max	1.00	1.00	1.00	.25
Molybdenum (Mo) max	.50	.50	.40	2.75
Phosphorus (P) max	.07	.05	.05	.05
Sulphur (S) max	.50	.50	.50	.50
Manganese (Mn) max	1.00	(1)	(1)	1.00
Lead (Pb) max	.20	.20	.20	.10
Zinc (Zn) max	.10	.10	.10	.10

[1] Not specified.

(b) The minimum base price shall be subject to the following adjustments:

(1) For each short ton unit of delivered tungsten trioxide (WO_3) the sum of twenty cents ($0.20) shall be deducted from the base price for each one percent of tungsten trioxide (WO_3) below the standard requirements set forth in paragraph (a) of this section. Tungsten concentrates will not be accepted unless they meet the minimum requirements set forth in said paragraph (a) of this section.

(2) For each short ton unit of delivered tungsten trioxide (WO_3) a deduction of twenty-five cents ($0.25) shall be made for each of the following increments in excess of the maximum allowances (paragraph (a) of this section), as to each of the following elements:

	Percent
Copper (Cu)	0.01
Phosphorus (P)	.01
Arsenic (As)	.10
Bismuth (Bi)	.50
Molybdenum (Mo)	.10
Tin (Sn)	.10
Sulphur (S)	.10
Antimony (Sb)	.10
Manganese (Mn)	1.00
Lead (Pb)	.10
Zinc (Zn)	.10

§ 99.207 *Access to books and records.* By participating in the program each participant agrees to permit authorized representatives of the Government, during the duration of the program and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the participant involving transactions related to the program.

§ 99.208 *Duration of the program.* The program is limited to one million two hundred fifty thousand (1,250,000) short ton units of tungsten trioxide and shall terminate when the Administrator determines that approximately that amount has been delivered to and accepted by the Government under the program, or on December 31, 1958, whichever first occurs; provided, however, that until amendment to §§ 99.201 to 99.208 the quantity which the Government shall be obligated to purchase hereunder shall be limited to approximately two hundred eighty-five thousand (285,000) short ton units, which is the approximate quantity that can be purchased with funds presently available. When additional funds are available, notice thereof will be given by amendment to §§ 99.201 to 99.208.

Dated: August 31, 1956.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved: August 31, 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56-7198; Filed, Sept. 5, 1956; 11:10 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 56-35]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350–1356), and March 28, 1956 (21 F. R. 1901, 1902), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council at a public hearing, which was to be held on April 24, 1956, at Washington, D. C. This document is the third of a series of documents covering the regulations considered at this public hearing. The first two documents contain dangerous cargo regulations.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised and others rejected. The following items considered at the public hearing held April 24, 1956, as revised, are adopted and included in this document:

Item IV—Watchman for Tank Vessels.
Item V—Tool Kits for Motor-Propelled Lifeboats.
Item VI—Rails for Passenger, Cargo, and Tank Vessels.
Item VIII—Structural Fire Protection for Passenger Vessels.
Item IX—Rules and Regulations for Cargo Vessels; Miscellaneous Amendments.
Item X—Embarkation-Debarkation Ladders (Flexible) for Merchant Vessels.
Item XVII—Vents on Cargo Tanks of Tank Barges.

The proposals in Items IV, V, VIII, and XVII of the Agenda were not changed. The necessary amendments to the regulations are in this document.

The proposal regarding rails to be in three courses for decks and bridges on tank, cargo, and passenger vessels in Item VI of the Agenda was modified. The major change in the proposal revised this requirement regarding rails to be in three courses by making it applicable to passenger and cargo vessels and to those tank vessels operating on ocean waters. The effective date of these amendments shall be for all vessels contracted for on or after January 1, 1957.

The proposals in Item IX of the Agenda regarding the weight testing of lifeboat installations on cargo vessels and the establishment of minimum standards for the proper stowage of bulk ore and similar cargoes when carried on general cargo vessels are withdrawn for further study. The proposals regarding permits to proceed to another port for repairs for cargo vessels and ventilation for closed spaces in cargo vessels were not changed and the amendments to the regulations are in this document.

The proposals in Item X of the Agenda regarding flexible embarkation-debarkation ladders for merchant vessels were revised. The major changes permit the optional use of both chain and manila rope ladders as pilot's ladders, and after January 1, 1957, the use of wire rope ladders as pilot's ladders is prohibited. With respect to flexible embarkation-debarkation ladders at lifeboat stations, such ladders are to be only chain ladders, but existing approved ladders on board passenger and cargo vessels may be continued in use so long as they are maintained in good condition. In the specification for flexible embarkation-debarkation ladders, the requirements for aluminum spacer ears were removed.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below: *It is ordered,* That:

(a) All the amendments to regulations containing specific dates shall become effective on the dates set forth in the regulations; and,

(b) All the other amendments to regulations (which are not covered by paragraph (a), above) are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER.

Subchapter D—Tank Vessels

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.01—SAFETY REQUIREMENTS

Section 32.01-10 is amended to read as follows:

§ 32.01-10 *Rails—TB/ALL.* (a) All tank vessels, except unmanned tank barges, the construction or conversion of which is started on or after January 1, 1957, shall be fitted with fixed or portable rails on decks and bridges. All rails shall be in at least two courses, including the top, and shall be at least 36 inches high, and in no case shall the clear spaces between the courses exceed 18 inches. However, on tank vessels operating on ocean waters the outboard rails on all decks shall be in at least three courses, including the top, and shall be evenly spaced and shall be at least 36 inches high. All rails shall consist of solid or tubular sections or chains or wire rope or a combination thereof.

(b) For all tank vessels, except those navigating the rivers only, the construction or conversion of which was started after September 11, 1946, and prior to January 1, 1957, rails on decks or bridges, shall be in at least two courses, including the top, and shall be at least 36 inches high.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

1. Section 33.15-5 (a) is amended by revising Table 33.15-5 (a) by redesignating the item identified as "ii" to "jj" and by inserting a new item identified as "ii", and these items read as follows:

§ 33.15-5 *Required equipment for lifeboats—TB/ALL.* • • •

TABLE 33.15-5 (a)

Letter identification	Item	Tank ship			Tank barge—all waters
		Ocean and coastwise	Great Lakes	Inlakes, bays, sounds, and rivers	
ii	Tool kit (motor-propelled lifeboats only)	[4] 1	[4] 1	[4] 1	[2] 1
jj	Water (quarts per person)	3	None	None	[2] 1

[2] Seagoing barges only.
[4] For description of unit see § 33.15-10.

2. Section 33.15-10 is amended by redesignating paragraph (ii) *Water* to paragraph (jj) and by inserting a new paragraph (ii), reading as follows:

§ 33.15-10 *Description of equipment for lifeboats—TB/ALL.* • • •

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 35—OPERATIONS

SUBPART 35.05—OFFICERS AND CREWS

Section 35.05-15 is amended by revising the headnote and paragraph (a) to read as follows:

§ 35.05-15 *Watchman for a tank vessel—TB/ALL.*—(a) *Manned tank vessel.* At least one member of the crew of a manned tank vessel shall be on board at all times except when the vessel is gas free or is moored at a dock or terminal at which watchman service is provided.

SUBPART 35.35—CARGO HANDLING

Section 35.35-60 is amended to read as follows:

§ 35.35-60 *Transportation of other cargo or stores on tank barges—B/ALL.* (a) Tank barges may be permitted to transport deck cargoes directly over bulk cargo spaces when the nature of such deck cargoes and the methods of loading and unloading same do not create an undue hazard. Such tank barges shall have their decks properly dunnaged to prevent chafing between the steel parts of the vessel and the deck cargo.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 72—CONSTRUCTION AND ARRANGEMENT

Part 72 is amended by adding a new Subpart 72.03, consisting of §§ 72.03-1 through 72.03-15, reading as follows:

SUBPART 72.03—GENERAL FIRE PROTECTION

Sec.
72.03–1 Application.
72.03–5 Fire hazards to be minimized.
72.03–10 Woodwork insulated from heated surfaces.
72.03–15 Lamp room construction.

AUTHORITY: §§ 72.03–1 to 72.03–15 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 72.03–1 *Application.* (a) The provisions of this subpart shall apply to all vessels.

§ 72.03–5 *Fire hazards to be minimized.* (a) The general construction of the vessel shall be such as to minimize fire hazards insofar as is reasonable and practicable.

§ 72.03–10 *Woodwork insulated from heated surfaces.* (a) Internal combustion engine exhausts, boiler and galley uptakes and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 72.03–15 *Lamp room construction.* (a) Lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

Section 72.05–55 is amended by revising paragraph (a) (3) and paragraph (c) to read as follows:

§ 72.05–55 *Furniture and furnishings.* (a) • • •

(3) All draperies shall be of approved fire resistant fabrics.

• • • • •

(c) Passageways and stairway enclosures shall contain only fire resistant furnishings. In addition, all upholstery and padding of chairs, sofas, etc., in these areas, shall be of approved fire resistant materials.

SUBPART 72.40—RAILS AND GUARDS

Section 72.40–5 (d) is amended to read as follows:

§ 72.40–5 *Where rails required.* • • •

(d) All other such rails shall be at least 36 inches high and shall be in at least three courses, approximately evenly spaced, except that on vessels contracted for prior to January 1, 1957, the rails may be in two courses.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 75—LIFESAVING EQUIPMENT

SUBPART 75.20—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

1. Section 75.20–10 is amended by revising Table 75.20–10 (a) by redesignating the item identified as "kk" to "ll" and by inserting a new item identified as "kk", and these items read as follows:

§ 75.20–10 *Required equipment for lifeboats.* (a) • • •

TABLE 75.20–10 (a)

Letter identification	Item	Ocean and coastwise	Great Lakes	Lakes, bays, sounds, and rivers
kk	Tool kit (motor-propelled lifeboats only)	1 unit [1]	1 unit [1]	1 unit [1]
ll	Water (quarts per person)	3	None	None.

[1] For description of units, see § 75.20–15.

2. Section 75.20–15 is amended by redesignating paragraph (kk) *Water* to (ll) and by inserting a new paragraph (kk), reading as follows:

§ 75.20–15 *Description of equipment for lifeboats.* • • •

(kk) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

SUBPART 75.50—EMBARKATION AIDS

Section 75.50–5 (a) is amended to read as follows:

§ 75.50–5 *Ladders.* (a) Vessels certificated for ocean and coastwise service as follows:

(1) All ladders required by this paragraph shall be of an approved type, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) All vessels shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved may be continued in service so long as they are maintained in good condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(3) All vessels which normally employ a pilot shall have an approved type ladder for the use of the pilot in addition to the ladders required by subparagraph (2) of this paragraph. On and after January 1, 1957, all pilot ladders shall be approved Type I (rope suspension) or Type II (chain suspension) ladders, and suitable spreaders and man ropes shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.05—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIRS

Section 91.05–10 is amended to read as follows:

§ 91.05–10 *Conditions of permit.* (a) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat, 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 4, 49 Stat. 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

PART 92—CONSTRUCTION AND ARRANGEMENT

SUBPART 92.15—VENTILATION

Section 92.15–10 is amended to read as follows:

§ 92.15–10 *Ventilation for closed spaces.* (a) Except as noted in paragraph (b) of this section, all enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) On unmanned cargo barges not fitted with a fixed bilge system, vents and ventilators may be omitted from void spaces.

SUBPART 92.25—RAILS AND GUARDS

Section 92.25–5 is amended to read as follows:

§ 92.25–5 *Where rails required.* (a) Rails or equivalent protection shall be installed near the periphery of all weather decks accessible to persons on board. Such rails shall be at least 36 inches high and shall be in at least three courses approximately evenly spaced, unless it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable, having regard to the business of the vessel. On vessels contracted for on or after January 1, 1955, and prior to January 1, 1957, the rails may be in two courses and the equal space between rails shall not exceed 18 inches.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 94—LIFESAVING EQUIPMENT

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

1. Section 94.20–10 (a) is amended by revising Table 94.20–10 (a) by redesignating the item identified as "(ii)" to "(jj)" and by inserting a new item identified as "(ii)", and these items read as follows:

§ 94.20–10 *Required equipment for lifeboats.* (a) • • •

TABLE 94.20–10 (a)

Letter identification	Item	Ocean and coastwise		Great Lakes		Lakes, bays, and sounds; and rivers
		Other than seagoing barges	Seagoing barges	Vessels carrying cargo	Other	
(ii)	Tool kit (motor-propelled lifeboat only).	1 unit [1]	1 unit [1]	1 unit [1]	1 unit [1]	1 unit [1]
(jj)	Water (quarts per person)	3	1	None	None	None.

[1] For description of units, see § 94.20–15.

2. Section 94.20–15 is amended by redesignating paragraph (ii) *Water* to (jj) and by inserting a new paragraph (ii), reading as follows:

§ 94.20–15 *Description of equipment for lifeboats.* • • •

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

SUBPART 94.50—EMBARKATION AIDS

Section 94.50–5 (a) is amended to read as follows:

§ 94.50–5 *Ladders.* (a) *Vessels in ocean or coastwise service.* (1) All ladders required by this paragraph shall be of an approved type, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) All vessels shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved may be continued in service so long as they are maintained in good condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(3) All vessels which normally employ a pilot shall have an approved type ladder for the use of the pilot in addition to the ladders required by subparagraph (2) of this paragraph. On and after January 1, 1957, all pilot ladders shall be approved Type I (rope suspension) or Type II (chain suspension) ladders, and suitable spreaders and man ropes shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 484, 475, 481, 489, 367, 526p, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.017—LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Subpart 160.017, consisting of §§ 160.017–1 to 160.017–8, is amended to read as follows:

Sec.
160.017–1 Applicable specifications.
160.017–2 Types.
160.017–3 Materials for Type I ladders.
160.017–4 Materials for Type II ladders.
160.017–5 Construction of Type I ladders.
160.017–6 Construction of Type II ladders.
160.017–7 Performance and workmanship requirements.
160.017–8 Inspections and tests.
160.017–9 Marking.
160.017–10 Procedure for approval.

AUTHORITY: §§ 160.017–1 to 160.017–10 issued under R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 160.017–1 *Applicable specifications.* (a) *Specifications.* The following specifications, of the issue in effect on the date embarkation-debarkation ladders are manufactured, form a part of this subpart:

(1) Federal specifications:

RR–C–271—Chain and Attachments, Welded, Weldless, and Roller Chain.
TT–W–572—Wood Preservative, Water-Repellent.

(2) Military specifications:

MIL–R–16060—Rope, Manila; and Substitutes.

(b) *Plans.* The following plans, of the issue in effect on the date embarkation-debarkation ladders are manufactured, form a part of this subpart:

(1) Drawing No. 160.017–1 (b):

Sheet 1—Type I Embarkation-Debarkation Ladder.
Sheet 2—Type II Embarkation-Debarkation Ladder.

(c) *Copies on file.* Copies of the specifications and reference plans referred to in this section shall be kept on file by the manufacturer, together with a copy of this specification, the approved plans, and the certificate of approval. The Federal specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military Specification may be obtained upon application to the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.017–2 *Types.* (a) Ladders specified by this subpart shall be of two types as follows with materials and construction details in substantial agreements with those specified herein, but alternate arrangements will be given special consideration:

Type I—Rope Suspension Ladders.
Type II—Chain Suspension Ladders.

§ 160.017–3 *Materials for Type I ladders.*—(a) *Suspension members.* Suspension members for Type I ladders shall be not less than 2-inch circumference (approx $\frac{5}{8}$" diameter) mildew-resistant manila rope in accordance with the requirements of specifications MIL–R–16060, and shall have a breaking strength of not less than 4,400 pounds.

(b) *Spacer ears and rungs.* Spacer ears and rungs for Type I ladders shall be made from hickory, oak, ash, maple, beech, or other approved hardwood, which is straight-grained and free from knots, checks, honeycomb, warp or other detrimental defects.

(c) *Thimbles and other hardware.* The rope thimbles, bolts for ears, and any other metal hardware used in the construction of Type I ladders shall be of corrosion-resistant materials or steel protected against corrosion by galvanizing applied by the hot dip process.

§ 160.017–4 *Materials for Type II ladders.*—(a) *Suspension members.* Suspension members for Type II ladders shall be 7–0, single-loop, weldless, lock-link pattern galvanized steel chain in accordance with the requirements of Federal Specification RR–C–271 for Type II, Class I, chain, and shall have a minimum breaking strength of 3,560 pounds.

(b) *Spacer ears.* Spacer ears for Type II ladders may be either steel or wood. Steel ears shall be made from sheet steel not lighter than No. 14 U. S. Standard Gage (0.0747 inch nominal thickness). Wooden ears shall be made of hardwood as specified in § 160.017–3 (b) for Type I ladders.

(c) *Rungs.* Rungs for Type II ladders shall be made of hardwood as specified in § 160.017–3 (b) for Type I ladders.

(d) *Lashing rings.* Lashing rings shall be $\frac{3}{8}$" x 3" galvanized steel rings.

(e) *Miscellaneous metal parts.* Chain clips, rung clips, bolts, rivets, and other miscellaneous metal parts for Type II ladders shall be of adequate size and strength and of materials suitable for the purpose.

§ 160.017–5 *Construction of Type I ladders.*—(a) *General.* Type I ladders shall be constructed in general agree-

ment with the details shown on Drawing No. 160.017–1 (b), Sheet 1, with double rope suspension members, double wooden rungs, and suitably shaped wooden spacer ears. The spacing between steps shall be uniform. The steps shall be 13 to 15 inches apart, and the distance between the thimbles at the top and the first step shall be approximately 24 inches. The suspension members shall be served with a good grade of common tarred marline for a distance of at least 1 inch above and below the spacer ears and for a distance of at least 2 inches below the thimbles. The clear passage width shall be from 15 to 18 inches.

(b) *Spacer ears.* The spacer ears shall be oval-shaped with a major diameter of approximately 8½ inches and a minor diameter of not less than 5 inches. The ears shall be not less than 1¼ inches in thickness and shall be uniform in size and shape. The edges of the ears shall be grooved to take the rope suspension members, and suitable slots shall be milled out to take the rungs as indicated on the drawing. All surfaces of the ears shall be worked down to a smooth finish. Four ⅜-inch diameter holes shall be drilled in each ear at the approximate locations shown on the drawing, and the rope suspension members secured to the ears with two turns of tarred marline as shown. The ears shall also be drilled as indicated on the drawing to take the bolt attaching the rungs to the ears.

(c) *Rungs.* Each step shall consist of two wooden rungs. The rungs shall be rectangular in shape, approximately 2⅛ inches in width and not less than 1 inch in thickness, and all longitudinal edges of the rungs shall be slightly rounded or chamfered. The rungs of each step shall be spaced a uniform distance apart, not less than 1½ inches and not more than 2½ inches, and when the ladder is assembled, the edges of the rungs shall project slightly beyond the edges of the suspension members so that the rope will not rub on the side of the vessel when the ladder is in use. The rungs shall be attached to the ears with ¼-inch carriage bolts, and shall be counterbored so that the bolt heads and nuts do not project into the rope groove. The bolt ends shall be securely peened over.

(d) *Thimbles.* Standard rope thimbles shall be fitted at the top of each suspension member as shown on the drawing.

(e) *Wood preservative.* After forming, finishing, and drilling of all necessary holes, etc., the completed rungs and ears shall be treated with two brush coats, with 24 hours drying time between coats, or with one dip coat of water repellent wood preservative complying with the requirements of Federal Specification TT–W–572 for Type A or B preservative.

§ 160.017–6 *Construction of Type II ladders*—(a) *General.* Type II ladders shall be constructed in general agreement with the details shown on Drawing No. 160.017–1 (b), Sheet 2, with chain suspension members, double wooden rungs, and suitably shaped spacer ears. The spacing between the steps shall be uniform. The steps shall be approximately 15¼ inches apart, and the distance between the top lashing rings and the first step and the bottom lashing rings and the last step shall be approximately 24 inches. The clear passage width shall be from 15 to 18 inches.

(b) *Spacer ears.* The ears shall be uniform in size, and either elliptical or rectangular in shape. Wooden ears shall be not less than 1¼ inches in thickness. Rectangular ears shall be not less than 8½ inches nor more than 10 inches in length and not less than 5 inches in width, with the corners rounded to a 1-inch radius. Elliptical ears shall have a major diameter of approximately 10 inches and a minor diameter of not less than 5 inches. All surfaces of wooden ears shall be worked down to a smooth finish and all edges suitably rounded. Metal ears shall have one or more stamped or formed ribs and the edges of the ears shall be turned or rolled similarly to that indicated on Drawing No. 160.017–1 (b), Sheet 2, with the flange thus formed not less than ⅝ inch in width. Ears shall be attached to chain suspension members by use of bolts or rivets and a clip arrangement as indicated on the drawing, or by other suitable means.

(c) *Rungs.* Each step shall consist of two wooden rungs secured in such a manner that the rungs will not turn within the attachment or on the attached suspension member. The rungs shall be rectangular in shape, not less than 1½ inches in width and not less than 1 inch in thickness, and all longitudinal edges of the rungs shall be slightly rounded or chamfered. The rungs of each step shall be spaced a uniform distance apart, not less than 1½ inches and not more than 2½ inches. The attachment of the rung steps to the ears shall be by one of the following methods:

(1) By channel shaped clips approximately 1⅛ inches in depth by 1¼ inches flange width by not less than 4½ inches in length attached to the rungs, ears, and suspension members by bolts or rivets.

(2) By a section of the ears (steel ears only) stamped out to form a suitable channel clip to hold the rungs and attached to the rungs with bolts or rivets. In ears with stamped out clips, not less than 3/16-inch diameter holes shall be drilled out prior to stamping at the points where the corners of the clips will fall so that the ends of the cuts will terminate in these holes.

(d) *Lashing rings.* A lashing ring shall be attached to the top of each suspension member by a reverse lock-link shackle made from chain of a size and strength not less than the suspension member, which is locked by a button head rivet not less than 3/32 inch in diameter, and with suitable countersunk clinch ring so formed that when the rivet is peened over, the rivet and clinch ring form a rounded surface. A lashing ring shall be attached to the bottom of each chain suspension member by a ¼-inch diameter screw pin anchor shackle with the screw pin securely peened over. A suitable thimble or wear plate shall be fitted between the top chain links and the lashing rings and between the bottom chain links and the anchor shackles.

(e) *Galvanizing of steel parts.* All steel parts shall be treated to resist corrosion by galvanizing applied by the hot dip process after the parts have been formed.

(f) *Wood preservative.* After forming, finishing, and drilling of all necessary holes, etc., all wooden parts shall be treated with two brush coats, with 24 hours drying time between coats, or with one dip coat of water repellent wood preservative complying with the requirements of Federal Specification TT–W–572 for Type A or B preservative.

§ 160.017–7 *Performance and workmanship requirements*—(a) *Strength (steps).* With the assembled ladder supported in such a manner that the test load shall act on both the step and its attachments a total static load of 700 pounds shall be applied separately to each of six steps for a duration of approximately one minute per step. The load shall be uniformly distributed over approximately 4 inches of contact surface at the center of the step. The step shall not fail nor shall there be any cracking, permanent set, or any other sign of weakness in the step or its attachments.

(b) *Strength (ladder).* The assembled, rolled up ladder, of the full length as supplied to the purchaser, shall be dropped freely so that it will fetch up on the secured end. With the ladder suspended full length vertically, a total static load of 2,000 pounds shall be applied to the lower end of the ladder in such manner as to be distributed equally between the two suspension members. There shall be no flaking or peeling of the finish on the component parts, the flexibility of the suspension members shall not be impaired, nor shall there be any other sign of weakness or injury to the ladder.

(c) *Workmanship.* Finished ladders shall be free from splinters, burrs, sharp corners or projections which might be injurious to the hands or feet and other defects materially affecting their appearance or serviceability and workmanship shall be first-class throughout.

§ 160.017–8 *Inspections and tests.* (a) A marine inspector shall examine all ladders at the place of manufacture for compliance with this specification. Samples of materials entering into construction may be taken at random by the inspector and tests made for compliance with the applicable requirements. After satisfying himself that the ladders have been manufactured according to this specification and the manufacturer's drawings and specifications as approved by the Commandant, he shall select indiscriminately from each lot offered for inspection at least one ladder to be tested in accordance with § 160.017–7 (a) and (b). If the specimen ladder passes the tests, the lot shall be acceptable. If the specimen ladder fails any of the tests, the lot shall be rejected. Rejected lots may, when permitted by the inspector, be reworked by the manufacturer to correct the defect causing rejection and be re-submitted for official inspection. A copy of the inspector's report of the tests, including the lot number and serial numbers of ladders passed and rejected, shall be forwarded to the Commandant (MMT).

§ 160.017–9 *Marking.* (a) Each ladder shall be branded or otherwise permanently and legibly marked on the rungs or ears, at intervals of not more than 5 feet, with the name of the manufacturer, the manufacturer's brand or model designation, the serial number of the ladder, the lot number, the Coast Guard Type number, and the Coast Guard approval number. Lots shall be numbered serially by the manufacturer and shall consist of all ladders of the same type and model offered for inspection at one time.

§ 160.017–10 *Procedure for approval.* (a) Embarkation-debarkation ladders for use on merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington 25, D. C. Before any action is taken on any design of embarkation-debarkation ladder, detailed plans covering fully the arrangement and construction of the ladder, material specifications, and a description of the construction methods shall be submitted to the Commandant through the Commander of the Coast Guard District in which the ladder is to be manufactured.

(b) If the drawings and specifications are found satisfactory, the Commander of the Coast Guard District shall be notified in writing when fabrication is to commence. A marine inspector will be assigned to observe the construction in accordance with the plans and specifications and upon completion of a sample ladder at least 40 feet in length, he will conduct the tests described by § 160.017–7 (a) and (b).

(c) After the tests are successfully completed, the manufacturer shall present to the inspector four copies of the plans and specifications, including any changes or additions which may have been found necessary during construction or testing. If the manufacturer desires more than one set of approved plans, additional copies shall be submitted at that time.

(d) The inspector will file a report of the examinations and tests, together with the four copies of the plans and specifications, with the Commander of the Coast Guard District, who will transmit them to the Commandant to determine compliance with the requirements of this subpart and suitability of the ladder for type or brand approval for use on merchant vessels.

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.35—LIFESAVING EQUIPMENT

Section 167.35–65 is amended by revising paragraph (a) and by adding a new paragraph (c), reading as follows:

§ 167.35–65 *Motor lifeboat equipment*—(a) *Equipment required.* In addition to the equipment required by § 167.35–60, the following items shall also be carried:

(1) Two portable fire extinguishers having Coast Guard classification B–I, C–I. (Vaporizing liquid, carbon dioxide, or dry chemical type approved by the Coast Guard or the Navy.)

(2) One tool kit containing at least:

(i) One 12-ounce ball peen hammer.

(ii) One screwdriver with 6-inch blade.

(iii) One pair 8-inch slip joint pliers.

(iv) One 8-inch adjustable end wrench.

* * * * *

(c) *Equipment not required.* A motor-propelled lifeboat need not carry a mast or sails nor more than four rowing oars and one steering oar.

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, 1545, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 463a, 481, 489, 526p, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: August 27, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 56–7145; Filed, Sept. 5, 1956; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 24, 30, 70, 90, 110, 175–186]

[CGFR 56–36]

SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PUBLIC HEARING ON PROPOSED REGULATIONS

1. The Merchant Marine Council will hold a Public Hearing on Tuesday, October 16, 1956, commencing at 9:30 a. m. in the Department of Commerce Auditorium, Fourteenth Street NW., between E Street and Constitution Avenue, Washington, D. C., for the purpose of receiving comments, views, and data on the proposed regulations for small passenger vessels carrying more than six passengers, as set forth in the Merchant Marine Council Public Hearing Agenda, CG–249, dated October 16, 1956. The proposed regulations will consist of a new Subchapter T, entitled "Small Passenger Vessels (Not More Than 65 Feet in Length)," in 46 CFR Chapter I (Shipping). These proposed regulations will give force and effect to the Act of May 10, 1956 (Public Law 519, 84th Congress, 2d Session; 70 Stat. 151–154), which requires the inspection and certification of certain vessels carrying more than six passengers. The proposed effective date for the new requirements will be July 1, 1957.

2. Public Law 519 (84th Congress, 2d Session) will require the inspection and certification of many motorboats, sail vessels, and barges which have not been subject to special Federal rules and regulations before. This Public Hearing is the opportunity for all persons and organizations affected by the proposed regulations for small passenger vessels to express their views to the Coast Guard regarding the feasibility, necessity, or practicality of the proposed regulations and to submit alternate suggestions and views, with reasons therefor, which will carry out the intended purposes of these proposals and the intent of Public Law 519.

3. The proposed regulations for small passenger vessels, together with the statutory authority for such proposals, are generally described in paragraphs 6 to 31, inclusive. The proposed regulations are in the Merchant Marine Council Public Hearing Agenda (CG–249), dated October 16, 1956. Copies of this Agenda have been mailed to persons and organizations who have expressed an interest in this subject and requested that copies be furnished them. Copies will be furnished to those interested so long as they are available and requests should be addressed to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

4. Written and oral comments on the proposed regulations for small passenger vessels described generally in paragraphs 6 to 31 below are invited. Written comments containing constructive criticisms, suggestions, or views are welcomed. Each oral and written comment received is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed regulations, it is accepted and after adoption by the Commandant the revised regulations are published in the FEDERAL REGISTER. Acknowledgment of the comments received and reasons why the suggested changes were or were not adopted are not normally furnished because personnel is not available to perform this work. Comments submitted in writing before or at a Merchant Marine Council Public Hearing will not normally be read at the Public Hearing but such comments will be made a part of the record.

5. Comments, data, or views, regarding the inspection and certification of small passenger vessels carrying more than six passengers may be presented orally or in writing at the Public Hearing before the Merchant Marine Council on October 16, 1956. Any person or organization who desires to submit written comments, data, or views is urged to

submit them so that they will be received prior to October 10, 1956, by the Commandant (CMC), United States Coast Guard, Washington 25, D. C. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulation shall be submitted on Form CG–3287, showing the section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG–3287 is attached to each Agenda and additional copies may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander, or the form may be reproduced by a typewriter or otherwise.

6. The Public Law 519 requires that regulations be issued to give it force and effect. By Treasury Department Order No. 167–20, dated June 18, 1956 (21 F. R. 4894), the Secretary of the Treasury delegated his functions under this law to the Commandant, U. S. Coast Guard. In order to minimize the changes necessary in the regulations in 46 CFR Chapter I, as well as to have all the requirements for small passenger vessels in one group, it was decided to have the length of the vessel as a determining factor, regardless of manner of propulsion. Therefore, it is proposed to add a new Subchapter T to 46 CFR Chapter I, to read as follows: "Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)."

7. It is proposed to add a new part designated 46 CFR Part 175 and entitled "General Provisions." This part describes in general terms the basis and purpose of the regulations and their application to vessels carrying more than six passengers. This part contains the definitions of terms used throughout these regulations. The proposed regulations also include when equivalents may be used under certain conditions, and policies concerning the application of marine engineering and electrical engineering requirements described in 46 CFR Parts 50 to 61 (Subchapter F) and 46 CFR Parts 110 to 113 (Subchapter J), and appeals from decisions or actions of Officers in Charge, Marine Inspection, and District Commanders to the Commandant, whose decision shall be final.

8. It is proposed to add a new part designated 46 CFR Part 176 and entitled "Inspection and Certification." This part provides that no small passenger vessel subject to inspection and certification shall be operated without having a valid certificate of inspection, Form CG–841.

9. The proposed regulations in 46 CFR Part 176 include the procedures and general requirements to obtain certification of inspection, permits to proceed to another port for repairs, the standards followed in performing inspections, reinspections, etc. As provided in the law, the existing small passenger vessels will be subject to an initial inspection and every three years thereafter to a triennial inspection. While the proposed standards are for all new vessels contracted for on or after July 1, 1957, the standards for existing small passenger vessels will be the same as for new vessels insofar as it is determined by the Officer in Charge, Marine Inspection, of the Coast Guard to be feasible and practicable for such existing vessel. The purpose for the inspection is to insure that the vessel and its equipment is in all respects satisfactory and considered seaworthy for the type of operation in which such vessel is engaged, and in compliance with the applicable requirements governing such vessel. In addition to the initial inspection and the triennial inspections, it is proposed that each vessel be reinspected at least once during each year between regular inspections. This reinspection is to determine that the vessel is seaworthy, in compliance with the requirements governing its operation, and no major change has occurred since the last inspection affecting its seaworthiness. The proposed regulations provide that no repairs or alterations affecting the safety of the vessel, that is the vessel's hull, or its machinery or equipment, shall be made without first notifying the nearest Officer in Charge, Marine Inspection. If alterations in a vessel are contemplated, it will be necessary for the owner or builder of the vessel to submit plans and/or specifications covering such alterations for approval to the nearest Officer in Charge, Marine Inspection, before the construction is started.

10. It is proposed to add a new part designated 46 CFD Part 177 and entitled "Construction and Arrangement." This part will provide general requirements affecting the construction of all small passenger vessels which are contracted for on or after July 1, 1957. The proposed requirements in this part will also provide a standard for all such vessels contracted for before July 1, 1957, insofar as it is deemed reasonable and practicable by the Officer in Charge, Marine Inspection, having jurisdiction.

11. The proposed regulations in 46 CFR Part 177 include such requirements as standards for hull structure and fire protection, means of escape, ventilation for closed spaces (other than machinery spaces), ventilation for passenger and crew quarters, accommodations for passengers and crews, hatches, rails and guards, restrictions on cooking and heating facilities, and a prohibition of the use of liquefied petroleum gas and gasoline. With respect to the number of passengers allowed to be carried, restrictions may be determined according to deck area, fixed seating capacity, length of rail, or stability of the vessel.

12. It is proposed to add a new part designated 46 CFR Part 178 and entitled "Watertight Subdivision." This part will provide general requirements for bulkheads for all small passenger vessels contracted for on or after July 1, 1957. For those vessels contracted for before July 1, 1957, it will be necessary for such vessels to meet these requirements insofar as it is deemed reasonable and practicable by the Officer in Charge, Marine Inspection, having jurisdiction.

13. The proposed regulations in 46 CFR Part 178 include general requirements for bulkheads for all vessels. Ferry vessels and all other vessels of more than 75 gross tons or which carry more than 49 passengers are required to have subdivision bulkheads so that the vessel will remain afloat with any one compartment flooded. Damage stability calculations will be required for all such vessels. Proposed requirements for cockpits are also provided.

14. It is proposed to add a new part designated 46 CFR Part 179 and entitled "Stability." This part provides general requirements for determining the stability of vessels carrying passengers. This part applies to all ferry vessels, all vessels carrying more than 49 passengers, all vessels of more than 75 gross tons, all vessels where the number of passengers carried is greater than the number obtained by multiplying the length and breadth of the vessel in feet and dividing the product by 15, and all other vessels whose stability may be questioned by the Officer in Charge, Marine Inspection, having jurisdiction.

15. The proposed regulations in 46 CFR Part 179 describe the stability test required, the stability test procedure, stability standards, and when it is determined that a vessel does not have sufficient stability to meet these requirements ballast shall be installed in the vessel under the supervision of the Officer in Charge, Marine Inspection. There is also provided that a stability letter will be issued to each vessel meeting the requirements in this part and this letter must be posted in the pilothouse or shall be carried on board to be shown on demand.

16. It is proposed to add a new part designated 46 CFR Part 180 and entitled "Lifesaving Equipment." This part contains general requirements regarding the lifesaving equipment required to be carried on small passenger vessels.

17. The proposed regulations in 46 CFR Part 180 include general provisions pertaining to lifesaving equipment, primary lifesaving equipment required, equipment for life floats and buoyant apparatus, requirements for stowage and marking of lifesaving appliances, life preservers, ring buoys and water lights, distress signals, signaling mirror, and distress flags.

18. It is proposed to add a new part designated 46 CFR Part 181, entitled "Fire Protection Equipment." This part will provide general requirements regarding fire protection equipment for all small passenger vessels.

19. The proposed regulations in 46 CFR Part 181 include provisions regarding fire extinguishing equipment required, details of fire main systems, fixed carbon dioxide extinguishing systems, and portable fire extinguishers.

20. It is proposed to add a new part designated 46 CFR Part 182 and entitled "Machinery Installation." This part will provide general requirements for small passenger vessels which are propelled by machinery.

21. The proposed regulations in 46 CFR Part 182 include such requirements as separation of machinery and fuel tank spaces from accommodation spaces, machinery installations using fuels having a flash point of 110 degrees F. or lower (gasoline), machinery installations using fuels having a flash point of over 110 degrees F. (diesel), bilge systems, overboard discharges and shell connections, and steering apparatus. The proposed provisions of this part will be applicable to the machinery installations on vessels contracted for on or after July 1, 1957. Vessels contracted for prior to that date will be required to meet these proposed requirements insofar as it is deemed reasonable and practicable by the Officer in Charge, Marine Inspection, having jurisdiction.

22. It is proposed to add a new part designated 46 CFR Part 183 and entitled "Electrical Installations." This part will provide general requirements regarding electrical installations on all small passenger vessels. Those vessels having electrical installations operating at potentials of 50 volts or over shall comply with the applicable regulations in 46 CFR Parts 110–113 (Subchapter J—Electrical Engineering) in 46 CFR Chapter I. Vessels having electrical installations operating at potentials of less than 50 volts will be subject to the proposed regulations in this part. These proposed regulations will apply to all those vessels contracted for on or after July 1, 1957. For those vessels contracted for before July 1, 1957, the requirements proposed will apply insofar as it is deemed reasonable and practicable by the Officer in Charge, Marine Inspection, having jurisdiction.

23. The proposed regulations in 46 CFR Part 183 include requirements for starting the main auxiliary engines, electrical equipment which may be on board (such as generators, motors, switchboards, batteries, etc.), and wiring.

24. It is proposed to add a new part designated 46 CFR Part 184 and entitled "Vessel Control and Miscellaneous Systems and Equipment." This part will apply to all small passenger vessels.

25. The proposed regulations in 46 CFR Part 184 include a statement regarding the application of regulations in other subchapters in 46 CFR Chapter I to these vessels, and requirements for mooring equipment, navigation lights and shapes, whistles, fog horns, fog bells, compass, radio, and position finding apparatus.

26. It is proposed to add a new part designated 46 CFR Part 185 and entitled "Operations." This part will apply to all small passenger vessels.

27. The proposed regulations in 46 CFR Part 185 include description of penalties for various types of violations, and requirements regarding exhibition of licenses, notice to nearest Officer in Charge, Marine Inspection, of a casualty or accident, compliance with provisions in certificates of inspection, use of searchlights, steering gear tests, closing of hatches while underway, ferries carrying automobiles or other vehicles, preparations for emergencies, reports of accidents to machinery or proposed repairs or alterations to Officer in Charge, Marine Inspection, having jurisdiction, and markings regarding equipment, etc., carried.

28. It is proposed to add a new part designated 46 CFR Part 186 and entitled "Manning and Licensing." This part provides for the complement of personnel required in the operation of small passenger vessels carrying passengers.

29. The proposed regulations in 46 CFR Part 186 include requirements regarding the complement of vessels described by number of passengers carried and method of propulsion used, qualifications for and issuance of various types of operators' licenses, physical examinations of prospective operators, renewal of operators' licenses, issuance of duplicate licenses, suspension and revocation of operators' licenses, and qualifications to obtain master's license for services on vessel operating ocean and/or coastwise waters.

30. For vessels over 65 feet in length and carrying more than six passengers, it is proposed to apply to such vessels the applicable regulations in 46 CFR Parts 70 to 78, inclusive (Subchapter H—Passenger Vessels). To show the proper application of all the regulations in 46 CFR Chapter I to the various types of vessels inspected, the tables and text in 46 CFR 24.05–1, 30.01–5, 70.05–1, 90.05–1, and 110.05–1 will be revised.

31. The authority for the proposed regulation in 46 CFR Parts 175 to 186, inclusive, is the act of May 10, 1956 (70 Stat. 151–154; 46 U. S. C. 390). The authority for the necessary amendments to 46 CFR Parts 24, 30, 70, 90, and 110 is R. S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U. S. C. 375, 391a, 416).

Dated: August 30, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 56–7144; Filed, Sept. 5, 1956; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO–229–A4]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the U. S. Post Office and Courthouse, Cedar Rapids, Iowa, beginning at 10:00 a. m., c. s. t., September 25, 1956, for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Cedar Rapids-Iowa City marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Eastern Iowa Co-operative Dairy Producers, Dows Maniti Dairy, Cedar Valley Dairy, Davis Dairy, Blinder Dairy, Krebs Dutch Girl, Searles Dairy, Home Town Dairies, and Sanitary Farms Dairies:

1. Delete § 931.7 and substitute therefor the following:

§ 931.7 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area", called the "marketing area" in this subpart, means all the territory within the counties of Johnson and Linn, also the Springdale Township in Cedar County and Wapsinonoc Township in Muscatine County, all in the State of Iowa.

2. Delete § 931.8 and substitute therefor the following:

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under regular inspection of, the proper health authority of either Cedar Rapids, Iowa City or the State Health Department of the State of Iowa and (a) from which milk is disposed of on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes milk to a plant described in paragraph (a) of this section.

3. Amend § 931.10 to include producers who meet the requirements of the State Health Department of the State of Iowa for the production of milk for consumption as milk.

4. Delete § 931.11 and substitute therefor the following:

§ 931.11 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk directly from the farms of other producers and who disposes during a delivery period of less than a daily average of 1,000 pounds of Class I milk as defined pursuant to § 931.41 (a) (1).

5. Add a new § 931.14 as follows:

§ 931.14 *Pool plant.* "Pool plant" means any approved plant, other than that of a producer-handler, which during any delivery period disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from producers: *Provided,* That milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted: *Provided further,* That milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

6. Amend § 931.50 (a) by adding the following: "*Provided,* That for any delivery period, the Class I price shall not be less than the price established per hundredweight for Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, minus 10 cents."

7. Add a new § 931.57 as follows:

§ 931.57 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period shall, in lieu of the payments required pursuant to §§ 931.60 through 931.69, pay to the market administrator, for the producer-settlement fund, on or before the 12th day after the end of such delivery period, the amount resulting from the quantity of milk disposed of as Class I milk multiplied by the Class I price, adjusted by the butterfat differential for Class I, and the quantity of such milk multiplied by the Class II price, adjusted by the butterfat differential for Class II milk.

8. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 409 O. R. C. Building, Cedar Rapids, Iowa, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 31, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7152; Filed, Sept. 5, 1956; 8:53 a. m.]

Agricultural Research Service

[9 CFR Part 94]

RINDERPEST AND FOOT AND MOUTH DISEASE AND CERTAIN OTHER DISEASES

NOTICE OF PROPOSED DETERMINATION OF NONEXISTENCE IN SWEDEN AND OF PROPOSED AMENDMENT OF REGULATIONS IMPOSING PROHIBITIONS AND RESTRICTIONS ON IMPORTATION OF SPECIFIED ANIMALS AND ANIMAL PRODUCTS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), it is proposed to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Sweden, and to amend the regulations in 9 CFR Part 94, as amended, imposing prohibitions and restrictions on the importation of specified animals and animal products on account of rinderpest and foot-and-mouth disease and certain other diseases, by removing the word "and" before the words "the Republic of Ireland" and adding ", and Sweden" following the words "the Republic of Ireland", in paragraph (a) (4) of § 94.1.

The proposed determination, notification, and amendment would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled, or frozen beef, veal, mutton, lamb, and pork from Sweden and render the commodities specified in §§ 94.2 to 94.5 of 9 CFR Part 94, as amended, and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief, Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C. this 30th day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 56-7153; Filed, Sept. 5, 1956; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1957 CROP OF EXTRA LONG STAPLE COTTON

NOTICE OF DETERMINATIONS WITH RESPECT TO NATIONAL MARKETING QUOTA, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1388), the Secretary of Agriculture is preparing to determine, as soon as possible after October 8, 1956, whether a national marketing quota is required to be proclaimed for the 1957 crop of extra long staple cotton, to provide for conversion of such quota into a national acreage allotment in accordance with section 344 (a) of the act, and to formulate regulations for apportioning the national acreage allotment to States and the State acreage allotments to counties, and for establishing farm acreage allotments. Pertinent parts of the provisions of the act which are applicable to these determinations and formulations are as follows:

SEC. 347. (a) Except as otherwise provided by this section, the provisions of this part shall not apply to extra long staple cotton which is produced from pure strain varities of the Barbadense species, or any hybrid thereof, or other similar types of extra long staple cotton designated by the Secretary having characteristics needed for various end uses for which American upland cotton is not suitable, and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types.

(b) Whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of cotton described in subsection (a) for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the quantity of cotton described in subsection (a) adequate to make available a normal supply of such cotton, taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national marketing quota for cotton described in subsection (a) for any year shall not be less than the larger of 30,000 bales or a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of such cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

(c) All provisions of this act, except section 342, subsections (h), (k), and (l) of section 344, the parenthetical provisions relating to acreages regarded as having been planted to cotton, and the provisions relating to minimum small farm allotments, shall, insofar as applicable, apply to marketing quotas and acreage allotments authorized by this section • • •

SEC. 301 (b) (16) (C) "Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

SEC. 301 (b) (3) (B) "Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

SEC. 301 (b) (10) (C) The "normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

For purposes of the supply determinations required to be made under section 347 (b) of the act, (1) the term "extra long staple cotton" refers to all American-Egyptian, Sea Island (in both the continental United States and Puerto Rico), and Sealand cotton, and to all similar type cotton imported from Egypt, Anglo-Egyptian Sudan, and Peru, and (2) the term "carry-over" does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act.

In the event the Secretary determines that a national marketing quota for the 1957 crop of extra long staple cotton is required to be proclaimed pursuant to section 347 (b) of the act, such quota will be converted into a national acreage allotment in accordance with section 344 (a) of the act, which reads in pertinent part as follows:

Whenever a national marketing quota is proclaimed • • • the Secretary shall determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

It is expected that the regulations pertaining to the apportionment of the State acreage allotment among counties and farms will be substantially the same as the regulations issued with respect to the 1956 crop of extra long staple cotton, including amendments (20 F. R. 8621 and 8843). The 1957 regulations will prescribe no minimum limitations on the size of the acreages reserved by the State and county committees. The 1957 regulations will contain provisions implementing section 377 of the Agricultural Adjustment Act of 1938, as amended, which provides that a farm owner or operator may preserve the allotment for his farm by complying with certain provisions regarding notice to the county committee. In addition, the regulations for 1957 will implement section 106 (a) of the Agricultural Act of 1956, which provides, in effect, that in the establishment of 1957 farm acreage allotments, any acreage placed in the acreage reserve and conservation reserve programs for 1956 shall be credited to the farm as though such acreage had actually been devoted to the production of cotton in 1956, except that no such acreage credit shall be given to a farm for acreage allotments reapportioned to it under the provisions of the Agricultural Adjustment Act of 1938, as amended, that have been placed in the acreage reserve program.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 347 of the act, the Secretary shall conduct a referendum, by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1957 crop of cotton, it is expected that the Secretary will fix the date of the referendum reasonably close to the final date of December 15, 1956, for holding it, in order to allow maximum time for establishing 1957 farm acreage allotments and issuing notices thereof to farmers. Section 362 of the act provides that notice of the farm acreage allotment established for each farm shown by the record of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national acreage allotment, the apportionment of the national acreage allotment to States and the State acreage allotments to counties, and the formulation of regulations for the measurement of farms and for the establishment of farm acreage allotments for the 1957 crop of extra long staple cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 30 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 30th day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56-7126; Filed, Sept. 5, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[427.32]

LONG LENGTHS OF EXPANDING LINKS READILY SEPARABLE INTO WATCH BRACELETS

NOTICE OF PROSPECTIVE TARIFF CLASSIFICATION

AUGUST 31, 1956.

It appears that certain merchandise made of base metal consisting of expanding links, each about ½ inch long, in 10 or 11 link sections joined together with a short connecting link about ⅛ inch long, which can readily be snapped open, and imported in the piece in various lengths is properly classifiable under paragraph 1527 (c) (2), Tariff Act of 1930, as modified, as unfinished watch bracelets and dutiable at the rate of 55 percent ad valorem if valued over 20 cents but not over $5 per dozen pieces or at the rate of 35 percent ad valorem if valued over $5 per dozen pieces.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing practice of classifying the merchandise described above under paragraph 1527 (d) of the tariff act, as modified, as materials of metal other than gold or platinum suitable for use in the manufacture of jewelry or articles to be carried on the person, such as watch bracelets, and dutiable at the rate of 40 percent ad valorem, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 56-7146; Filed, Sept. 5, 1956; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

AUGUST 30, 1956.

The Fish and Wildlife Service, Department of the Interior, has filed application, Miscl. 62646, for the withdrawal of the land described below, from all form of appropriation, including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land as an addition to the Key Deer Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MONROE COUNTY, FLORIDA

T. 66 S., R. 28 E., Tall. Mer.,
Sec. 27, lot 5 (Island), containing 0.59 acre.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-7104; Filed, Sept. 5, 1956; 8:45 a. m.]

Bureau of Reclamation

SHOSHONE EXTENSIONS UNIT, MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004) I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 50 N., R. 98 W.,
Sec. 6, lots 9, 10, 14, 15, and 16;
Tract 85, lots S, U and V.
T. 51 N., R. 98 W.,
Sec. 1, lots 15, 16 and 25;
Sec. 12, lots 1, 14, and 27;
Sec. 20, lots 12, 21, and 22;
Sec. 21, lot 16;
Sec. 29, lots 4, 13, 18, 28, 29, and 30, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 30, lots 16, 25 and 30;
Sec. 31, lots 25, 26, 28, and 30;
Sec. 32, lots 29 and 31;
Tract 46, lots 2, 23, and 26;
Tract 62, lots A to K, inclusive;
Tract 63, lots B, D, F, H and I to T inclusive;

Tract 64, lots B, D, F, H and I to T inclusive;
Tract 65, lots A to H inclusive, and J to N, inclusive;
Tract 66, lots B, C, and D;
Tract 67, lots A to H inclusive, K, L, and M;
Tract 69, all;
Tract 70, lots B, D, F, H and I to T inclusive;
Tract 71, lots B, D, F, H and I to T inclusive;
Tract 72, all;
Tract 76, lots A to N inclusive;
Tract 77, all;
Tract 78, all;
Tract 79, lots B, D, F, H and I to T inclusive;
Tract 80, lots P, Q, R, S, V, W, X, and Y;
Tract 81, lots A to D, inclusive; G to N, inclusive, and Q to T, inclusive;
Tract 82, lots A to D, inclusive, G to N, inclusive, and Q to T, inclusive;
Tract 83, lots A to D, inclusive, G to N, inclusive, and Q to T, inclusive.
Tract 84, lots A to D, inclusive, G to N, inclusive, and Q to T, inclusive;
Tract 85, lots A to D, inclusive, G to N inclusive, and R, T, and V;
Tract 86, lots A and B;
Tract 87, lot B;
Tract 90, all;
Tract 91, lots B and C;
Tract 75, lots H and I.

T. 52 N., R. 98 W.,
Tract 42, lots I to P, inclusive;
Tract 43, lots I to P, inclusive;
Tract 44, lots I to P, inclusive;
Tract 63, lots A, C, E, and G;
Tract 64, lots A, C, E, and G;
Tract 70, lots A, C, E, and G;
Tract 71, lots A, C, E, and G;
Tract 79, lots A, C, E, and G.

T. 50 N., R. 99 W.,
Sec. 9, all frac. (lots 16, 19, 20, 23, and 24, S½SW¼, SW¼SE¼);
Sec. 10, lots 10, 12, 13, 33, and 36;
Sec. 16, lots 2, 3, 4, and 5;
Tract 72, lots A, B, G, and H;
Tract 73, all;
Tract 75, all;
Tract 76, all (including those lots of Tract in T. 51 N., R. 99 W.);
Tract 77, lots M and N;
Tract 87, lots N, P, R, and T;
Tract 88, lots R and P.

T. 51 N., R. 99 W.,
Tract 81, lots O and P;
Tract 82, lots E, F, O, and P;
Tract 83, lots E, F, O, and P;
Tract 84, lots E, F, O, and P;
Tract 46, lot P;
Tract 47, lots A, E, H, I, and L to P, inclusive;
Tract 48, lots I, J, O, and P;
Tract 58, lots I, O, and P;
Tracts 59, 60, 61, and 62;
Tracts 63, lots A, B, G, H, I, and P;
Tract 87, lots A to M, inclusive, and O, Q, and S;
Tract 88, lots A, H, I, J, O, and Q.

The above areas aggregate 20,622.81 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71707]

AUGUST 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Bureau of Land Management.

Notice for Filing Objections To Order Withdrawing Public Lands for the Shoshone Extensions Unit, Missouri River Basin Project, Wyoming

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the YU Bench Area, Shoshone Extensions Unit, Bighorn Basin Division, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the objection is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-7105; Filed, Sept. 5, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GRACE LINE, INC. AND GULF AND SOUTH AMERICAN STEAMSHIP CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7657-1, between Grace Line, Inc. and Gulf and South American Steamship Co., Inc., modifies approved Agreement No. 7657 covering the interchange of passengers on services by Grace Line between U. S. Atlantic ports and ports of Panama Canal Zone and West Coast of South America and by Gulf and South American Steamship Co. between U. S. Gulf ports and ports of the Panama Canal Zone and West Coast of South America. The purpose of the modification is to extend the scope of the agreement to include the interchange of passengers on services by Grace Line between Pacific ports of the United States, Mexico, Central America and ports of the Panama Canal Zone and West Coast of South America and to exclude the trade between U. S. Gulf ports and ports of the Panama Canal from the services covered by Gulf and South American Steamship Co. under the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 31, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7127; Filed, Sept. 5, 1956; 8:48 a. m.]

FARRELL SHIPPING CO., INC. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8116 between Farrell Shipping Co., Inc., New Orleans, Louisiana, and Atlantic Forwarding Co., Inc., New York, New York;

(2) Agreement No. 8118 between Farrell Shipping Co., Inc. and Godwin Shipping Co., Inc., Mobile, Alabama;

(3) Agreement No. 8119 between Farrell Shipping Co., Inc. and H. S. Thielen, Lake Charles, Louisiana.

The foregoing agreements are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 31, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7128; Filed, Sept. 5, 1956; 8:48 a. m.]

Office of the Secretary

[Dept. Order 46 (Amended)]

DIRECTOR OF OFFICE OF ADMINISTRATIVE OPERATIONS AND HEADS OF CERTAIN PRIMARY ORGANIZATION UNITS

DELEGATION OF CONTRACTING AUTHORITY

The material appearing in 19 F. R. 1730-31 of March 30, 1954 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to delegate contracting authority within the Department of Commerce and to prescribe conditions in the exercise of such authority.

SEC. 2. *Delegation.* .01 Pursuant to the provisions of section 161 R. S. (5 U. S. C. 22), and Reorganization Plan No. 5 of 1950, the Director of the Office of Administrative Operations for those primary organization units served by that office (which include the Office of the Secretary, Office of Business Economics, Business and Defense Services Administration and the Bureau of Foreign Commerce) and the head of each other primary organization unit of the Department of Commerce are hereby authorized, subject to provisions of this order and applicable laws and regulations, to approve and execute:

(1) Advertised contracts and accompanying bonds, including annual bid bonds;

(2) Any contract which is supplemental to an advertised contract; and

(3) Negotiated contracts and accompanying bonds, including annual bid bonds, or any contract supplemental thereto. (For the purpose of this order, a negotiated contract is one entered into without advertising, whether or not it falls within any of the exceptions mentioned in R. S. 3709 (41 U. S. C. 5).)

.02 Any contract and supplement thereto and amendments thereof for services by a management or any other consulting firm shall be approved by the Assistant Secretary of Commerce for Administration, regardless of amount, prior to execution.

.03 The authority delegated by section 2.01 of this order shall not include authority to execute negotiated contracts under Executive Order No. 10210 of February 2, 1951.

.04 The Director of the Office of Administrative Operations and the heads of primary organization units may redelegate the authority granted herein and may impose such additional conditions and limitations as they deem necessary.

SEC. 3. *Responsibility of prospective contractors.* .01 Prior to the award of any contract, contracting officers shall consider whether the prospective contractor satisfies the following requirements:

(1) Qualifies as a supplier, as defined in General Services Administration Regulations;

(2) Has adequate financial resources, or has the ability to secure such resources;

(3) Has the necessary experience, organization, technical qualifications, and facilities, including subcontractor arrangements, to perform the proposed contract;

(4) Can comply with delivery schedule;

(5) Has a satisfactory record for performance, integrity, judgment, and skills; and

(6) Is otherwise qualified and eligible under applicable laws and regulations.

.02 In addition to the application of the criteria set forth above, contracting officers shall make such additional inquiries as may be indicated by the proposed terms of individual contracts.

Effective date: August 10, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-7159; Filed, Sept. 5, 1956; 8:54 a. m.]

[Dept. Order 164]

OFFICE OF AREA DEVELOPMENT

ORGANIZATION AND FUNCTIONS

Section 6 (e) of Department Order No. 152, amendment No. 2, appearing in 20 F. R. 6263-6264 of August 26, 1955, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of Area Development as a primary organization unit of the Department of Commerce, and to prescribe its organization and functions.

SEC. 2. *Establishment and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby established as a primary organization unit of the Department of Commerce the Office of Area Development. The Office of Area Development shall be headed by a Director who shall report to the Assistant Secretary of Commerce for Domestic Affairs.

.02 The Office of Area Development shall consist of the following organization units:

(1) Office of the Director.
Deputy Director.
Assistant to the Director.
Public Information Officer.
Administrative Officer.
(2) State and Community Assistance Division.
(3) Resources Analysis Division.
(4) Products Expansion Division.
(5) Industrial Location Division.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director, Office of Area Development, shall perform those functions and exercise the authorities vested in the Secretary of Commerce under the Act of February 14, 1903 (32 Stat. 826) with reference to promoting the growth of the domestic commerce of the United States by assisting in the development of the industrial potential of areas and communities of the United States.

.02 The Director may redelegate the authorities granted herein to offices or employees of the Office of Area Development as he may select to be exercised in accordance with such conditions and limitations as he may prescribe.

SEC. 4. *Objective.* The principal goal of the Office of Area Development is the improvement of economic and business conditions by furnishing technical assistance directed to (1) expanding and strengthening existing industry, (2) developing new industries based on local resources, and (3) improving community assets for economic growth.

SEC. 5. *Duties and responsibilities.* .01 The Director shall be responsible for developing and coordinating the programs and directing all operations and administrative activities of the Office of Area Development. He shall be assisted by the following officers whose functions are described below:

(1) The Deputy Director who shall be the chief operating aide to the Director and assist in the direction of operations of the office. He shall also perform such other duties as the Director may assign;

(2) The Assistant to the Director, under the general direction of the Director and Deputy Director, shall collaborate in planning and coordinate operations under the assistance programs developed and carried out by the office. In addition, he shall assist in establishing working relations with other Federal, State, and local organizations contributing to the program;

(3) The Public Information Officer shall act as advisor to the Director on informational aspects of the office's programs and services. In collaboration with the operating units of the office, he prepares visual and other educational materials on development programs for use in the field. In addition, he shall conduct regional meetings, in cooperation with Commerce Field Offices, to inform the public, local dispersion committees, and others of changes in dispersion criteria.

(4) *The Administrative Officer* shall perform the budget, personnel and other administrative functions of the office. In so doing, he shall utilize the services of appropriate staff offices of the Office of the Secretary.

.02 *The State and Community Assistance Division* shall provide technical assistance and field consultation to State and local groups who request guidance in organizing and carrying out economic development programs. It will be responsible for mobilizing at the local community level the technical resources and services of the Office and Federal Government to make the most effective contriubtion to the problems of specific areas. Specifically, the Division:

(1) Provides on-the-spot technical area development assistance to organized State and local development groups;

(2) Guides local groups to take advantage of the successful development experiences of other communities;

(3) Assists local groups to plan and undertake area surveys and to fully use Federal programs already available;

(4) Assists local groups in identifying those growth industries most suited to local resources (in collaboration with Resource Analysis Division);

(5) Maintains close liaison with all Federal departments having information and programs useful in area and community development;

(6) Prepares general technical development aids necessary to counseling activities on such subjects as available Federal programs helpful to community development and checklists of community action;

(7) In cooperation with State Planning and Development Agencies helps organize and assists local small industry committees to increase nonfarm job opportunities and income levels in rural areas through identification of small industry possibilities and methods of developing them.

.03 The Resources Analysis Division shall conduct research on the various possible uses for the resources of areas, industrial location advantages of areas, industrial growth trends, successful community experiences, and other resource and development matters useful to area development. Besides the continuing research on subjects of use to all areas, the

Division will do research on specific areas at the request of, and in cooperation with, the State and Community Assistance Division. Specifically, the Division:

(1) Analyzes the industrial location advantages of labor surplus areas and identifies the types of industrial potentially suited to those areas;

(2) Reports on industrial location trends and the location requirements of growth industries;

(3) Prepares and publishes area economic trend studies showing which areas are lagging behind national growth rates and those exceeding these rates;

(4) Collects information on successful community programs for economic development throughout the nation as guides for other communities to follow;

(5) Reports on successful community efforts to use neglected resources to create more jobs;

(6) Acts as clearing house for State and local groups and labor surplus areas on Federal data, programs and information through periodical bulletins, national conferences, visual displays and other means;

(7) Keeps available for use of the office, regional and business groups, specialized statistical information on regional and local areas.

.04 The Products Expansion Division plans, develops, and administers programs of assistance to States, communities, and private area development organizations by stimulating research in and the use of the latest technology on new products and methods especially suitable for helping to strengthen or establish local industries in areas of labor surplus, one-industry communities, and other areas needing diversification. Specifically, the Division:

(1) Assists State, local and private area development organizations in locating, organizing, screening and utilizing new technology which may have possibilities for the areas to be assisted;

(2) Serves as the focal point and clearing house in the Federal Government through which the State and local area development groups may be put in touch with the many Federal agencies who can assist in the development and administration of technological programs designed to stimulate the starting of new business or expansion of existing businesses;

(3) Organizes and coordinates cooperative participation by the Federal Government in locally sponsored technological exhibits and procurement clinics for fostering area development;

(4) Advises and assists local area groups in the development of exhibits to bring new technology into the area;

(5) Reports on methods and experiences of community and area organizations in the field of expanding local employment through product diversification and improvement measures.

.05 The Industries Location Division provides a clearing house of technical and advisory services on industrial location problems for local groups, manufacturers and others. This service includes advice on how to plan and conduct industrial site surveys; information on those critical factors governing industrial location; a catalog of locational data on regions, States, and metropolitan areas; assistance to defense manufacturers in determining the dispersion adequacy of specific sites under the National Industrial Dispersion Program; advice on industrial zoning problems and on the development of planned industrial parks. Specifically, the Division:

(1) Advises on the specific location problems of individual manufacturers and businesses bringing together all applicable government and other data for the purpose as well as data and policies on labor surplus areas;

(2) Prepares technical data and publications of use to community and other groups in planning, financing, and developing planned industrial parks. Upon request, renders on-the-spot technical assistance and guidance in preparing industrial park layout plans and in other area development techniques;

(3) Provides a one-stop service for manufacturers, for the 100 local citizen industrial dispersion committees (voluntarily formed) and others to determine whether specific sites conform to the standards of the National Industrial Dispersion Program, as determined by Office of Defense Mobilization;

(4) Provides technical assistance on industrial dispersion survey preparation and on designation of potential target areas; reviews and certifies local area dispersion reports; and maintains for military, civil defense, and general governmental use a central file of urban area dispersion maps and data developed by the local committees;

(5) Maintains liaison with the Federal Civil Defense Administration in connection with protective construction and reduction of urban vulnerability program; with the Department of Defense with respect to data on major military installations and key facilities; and with the Office of Defense Mobilization on policies, standards and the Program of the Regional Defense Mobilization Committees.

SEC. 6. *Transfer provisions.* The Assistant Secretary for Administration shall arrange for the transfer, which is hereby authorized, of the personnel, funds, records, and equipment now assigned or allocated to the Office of Area Development, Business and Defense Services Administration, to the Office of Area Development created by this order.

Effective date: August 10, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-7160; Filed, Sept. 5, 1956; 8:54 a. m.]

[Dept. Order 85 (Amended), Amdt. 1]

CENSUS BUREAU

ORGANIZATIONS AND FUNCTIONS

The material appearing in 20 F. R. 492–494 of January 1, 1955, is amended by the following:

The purpose of this amendment is to (1) provide authorization for the transfer of certain processing operations from the Business, Foreign Trade, and Industry Divisions into the Economic Operations Division established by this amendment (when the transfer is completed, the functional statements of the affected divisions will be amended to reflect the change), and (2) divide the functions of the Population and Housing Division between the newly created Housing and Population Divisions so as to recognize the current level of importance of the housing area and facilitate program execution. Accordingly, Department Order No. 85 (Amended) of January 1, 1955, is amended as follows:

(1) Subsection 6 of section 5.03 is changed to read as follows:

Economic Operations Division formulates processing plans and procedures and processes statistical data relating to the Censuses of Business, Manufacturers, Transportation, and Mineral Industries and, as required, for the current programs comprising these economic fields and Foreign Trade, and maintains a system of reports to assure adherence to stipulated standards of quality, cost, and progress.

(2) Subsection 2 of section 5.04 is changed to read as follows:

Population Division plans for, compiles, analyzes, and prepares for dissemination statistical data relating to the demographic, social, and economic characteristics of the people of the United States; and conducts special statistical surveys in these areas.

(3) Section 5.04 is expanded to include a subsection 3 which reads as follows:

Housing Division plans for, compiles, analyzes, and prepares for dissemination statistical data relating to housing, including equipment, quality, financial characteristics, and the like, and conducts special statistical surveys in these areas.

(4) All references in the order to the Census Operations Division and the Population and Housing Division should be changed accordingly.

Effective date: July 1, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-7161; Filed, Sept. 5, 1956; 8:54 a. m.]

RICHARD V. FORD

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Richard V. Ford.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 24, 1956.

4. Title of position: Director, Walter and Sewerage Industry and Utilities Division.

5. Name of private employer: The Ford Meter Box Company, Inc., Wabash, Indiana.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 21, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Ford Meter Box Co., Inc.
Ford Brothers Building Fund (a partnership).
Atlantic City Electric Co.
General Water Works Corporation.
Bank Deposits.
American Water Works Corporation.
Loomis Sayles Mutual Fund.
Scudder-Stevens & Clark Common Stock Fund.
Massachusetts Investment Trust.

RICHARD V. FORD.

AUGUST 29, 1956.

[F. R. Doc. 56-7140; Filed, Sept. 5, 1956; 8:50 a. m.]

MARGUERITE M. SAUERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 3, 1956, 21 F. R. 2130.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 29, 1956.

Dated: August 29, 1956.

MARGUERITE M. SAUERS.

[F. R. Doc. 56-7141; Filed, Sept. 5, 1956; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Vocational Rehabilitation

PROMULGATION OF STATE ALLOTMENT PERCENTAGES

Pursuant to section 11 (h) of the Vocational Rehabilitation Act (68 Stat. 661), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the continental United States are the years 1953, 1954 and 1955, the following allotment percentages for the several States, Alaska, the District of Columbia, Hawaii, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said act and on the basis of said income data, are hereby promulgated to be conclusive for each of the two fiscal years in the period beginning July 1, 1957:

Alabama	69.31	New Mexico	60.89
Arizona	55.71	New York	39.17
Arkansas	71.90	North Carolina	66.92
California	38.57	North Dakota	64.87
Colorado	51.99	Ohio	44.09
Connecticut	33.33	Oklahoma	59.18
Delaware	33.33	Oregon	49.95
Florida	55.70	Pennsylvania	48.13
Georgia	64.87	Rhode Island	46.91
Idaho	59.38	South Carolina	69.50
Illinois	38.87	South Dakota	63.76
Indiana	48.07	Tennessee	65.98
Iowa	55.65	Texas	56.16
Kansas	53.96	Utah	57.56
Kentucky	66.11	Vermont	59.19
Louisiana	63.67	Virginia	58.36
Maine	58.40	Washington	45.19
Maryland	45.15	West Virginia	65.00
Massachusetts	44.31	Wisconsin	51.36
Michigan	42.09	Wyoming	49.90
Minnesota	53.83	Alaska	75.00
Mississippi	75.00	District of Columbia	37.45
Missouri	51.55	Guam	75.00
Montana	50.34	Hawaii	50.00
Nebraska	55.91	Puerto Rico	75.00
Nevada	56.56	Virgin Islands	75.00
New Hampshire	54.39		
New Jersey	37.41		

Dated: August 31, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-7139; Filed, Sept. 5, 1956; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-28]

AMF ATOMICS, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on August 20, 1956 AMF Atomics, Inc., 261 Madison Avenue, New York, New York, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a "swimming pool" type nuclear reactor, designed to operate at one (1) megawatt, to the Laboratorium fur Technische Physik der Technischen Hochschule Munchen, Munich, Federal Republic of Germany. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C. this 31st day of August 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 56-7147; Filed, Sept. 5, 1956; 8:52 a. m.]

[Docket No. F-31]

ATOMICS INTERNATIONAL, A DIVISION OF NORTH AMERICAN AVIATION

NOTICE OF APPLICATION FOR LICENSE TO MANUFACTURE, POSSESS AND TRANSFER FOR EXPORT A UTILIZATION FACILITY

Please take notice that on August 27, 1956 Atomics International, A Division of North American Aviation, Canoga Park, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and possess a homogeneous solution type nuclear reactor designed to operate at 50 kilowatts and to transfer said reactor to Marubeni-Iida Co. (New York), Inc., 39 Broadway, New York City, for export to The Japan Atomic Energy Research Institution, Tokyo, Japan.

Dated at Washington, D. C., this 31st day of August 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 56-7148; Filed, Sept. 5, 1956; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[FCDA Delegation 5]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

DELEGATION OF CERTAIN RESPONSIBILITIES FOR CONDUCT OF PROGRAM OF DONATION OF FEDERAL SURPLUS PERSONAL PROPERTY FOR CIVIL DEFENSE PURPOSES

By virtue of the authority vested in me by section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248), and in the interest of the development of the National Civil Defense Program contemplated by the said act, including the operation of a program for the donation of Federal surplus personal property to State and local Civil Defense organizations, established by or pursuant to State law, and in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended by Public Law 655, 84th Congress (70 Stat. 493), I hereby delegate to the Secretary of Health, Education, and Welfare, to be administered in conjunction with the donation of the Federal Surplus Property Program for public health and educational purposes (including research), the following-described responsibilities for the conduct of a program of donation of Federal surplus personal property for civil defense purposes (including research):

1. The promulgation and issuance, upon approval of the Federal Civil Defense Administrator, of minimum standards of operations for State agencies for the acquiring, warehousing, use and transfer of Federal surplus personal property for civil defense purposes.

2. The issuance of regulations, in accordance with the criteria developed by the Federal Civil Defense Administrator,

governing the program for the donation of property for civil defense purposes.

3. The development and issuance of forms and procedures to be utilized in freezing, allocating, requesting, distributing, and retransferring donable surplus personal property for civil defense purposes.

4. The maintaining of liaison, directly with and through State agencies with all Federal installations, for the purpose of locating, inspecting, screening, and freezing reported and non-reported Federal surplus personal property usable and necessary for civil defense purposes.

5. The maintaining of liaison with GSA Regional Offices for the purpose of inspecting, screening, and freezing reported Federal surplus personal property usable and necessary for civil defense purposes.

6. The maintaining of liaison with Headquarters offices of the Executive Branch, and with other Federal agencies, for the purpose of coordinating policy and resolving problems or difficulties encountered in connection with the donation of Federal surplus personal property for civil defense purposes.

7. The allocation in conformance with criteria developed by the Federal Civil Defense Administrator, and based upon state certification of need and usability for civil defense purposes, of Federal surplus personal property.

8. The processing of applications for surplus personal property for civil defense purposes, based upon certification of the State Agency for Surplus Property and under regulations issued by FCDA concerning need and usability of such property for civil defense purposes; and the development of forms of application to incorporate conditions regulating donations for civil defense purposes, and the routing and distribution of these forms.

9. The maintaining of liaison with holding agencies and the General Services Administration for the purpose of assuring prompt removal of property approved for donations, reporting shortages, overages, and resolving difficulties encountered.

10. The inspection of State agency warehouses to insure that property is promptly distributed to eligible civil defense claimants consistent with policies mutually developed by and agreeable to the Federal Civil Defense Administrator and the Secretary of Health, Education, and Welfare.

General provisions. In carrying out his responsibilities hereunder, the Secretary of Health, Education, and Welfare (1) shall report to the Federal Civil Defense Administrator any failure or breach of condition of any donation by State or local civil defense organizations, (2) shall submit such other reports to the Federal Civil Defense Administrator as he may request, and (3) shall be guided and governed by regulations issued by the Federal Civil Defense Administrator and by the following-described functions of the Administrator:

1. The determination of the general classifications of property usable and necessary for civil defense purposes, and needed by State and local civil defense organizations.

2. The establishing of general criteria for determining need and usability of the common use items of a type not included in classifications established in paragraph 1 above, but which can be effectively utilized for civil defense purposes.

3. The establishing of criteria for allocation between FCDA Regions and between States by specific reference to classes of property.

4. The promulgation of regulations governing the care and use of property donated to State and local civil defense organizations for civil defense purposes.

5. The compliance by civil defense organizations with the terms and conditions of the transfer instrument and the promulgation of regulations governing property transferred to State and local civil defense organizations for civil defense purposes.

6. The policies to be observed in the conduct of the civil defense donation program.

The provisions hereof shall become effective upon the date of approval by the President.

Dated: July 27, 1956.

VAL PETERSON,
Federal Civil Defense Administrator.

Approved: September 1, 1956.

DWIGHT D. EISENHOWER

[F. R. Doc. 56-7168; Filed, Sept. 5, 1956; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11776; FCC 56 M-790]

LEO JOSEPH THERIOT (KLFT)

ORDER CONTINUING HEARING

In re application of Leo Joseph Theriot (KLFT), Golden Meadow, Louisiana; Docket No. 11776, File No. BP-10482; for construction permit.

It is ordered, This 30th day of August 1956, on the Hearing Examiner's own motion, that the pre-hearing conference and the hearing presently scheduled herein for September 7, 1956, and September 19, 1956, respectively, be, and the same are hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7150; Filed, Sept. 5, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10088]

RANCHO OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Rancho Oil Company (Applicant), on July 31, 1956, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates are contained in the following designated filings which are proposed to become effective on the dates shown:

Description, Purchaser, Rate Schedule Designation and Effective Date [1]

Supplemental Agreement dated Apr. 15, 1955; Texas Illinois Natural Gas Pipeline Company; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1; Sept. 1, 1956.
Notice of Change (undated); Texas Illinois Natural Gas Pipeline Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1; Sept. 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Part 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until February 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by this Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 30, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7106; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G-10089]

GEM OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Gem Oil Company (Applicant), on July 31, 1956, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

are contained in the following designated filings which are proposed to become effective on the date shown.

Description, Purchaser, Rate Schedule Designation, and Effective Date [1]

Supplemental Agreement dated Apr. 15, 1955; Texas Illinois Natural Gas Pipeline Company; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1; Sept. 1, 1956.
Notice of Change (undated); Texas Illinois Natural Gas Pipeline Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1; Sept. 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Part 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until February 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 30, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R Doc. 56-7107; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G-9545]

UNION OIL AND GAS CORPORATION OF LOUISIANA

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 30, 1956.

Take notice that Union Oil and Gas Corporation of Louisiana (Applicant), a Delaware corporation with principal place of business at Houston Club Building, Houston 2, Texas, filed, on October 24, 1955, an application for permission to abandon service, pursuant to section 7 (b) of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon the sale [1] of natural gas in interstate commerce from production of its Aubey No. 1 well, Hilldebrandt's Bayou Field, Jefferson County, Texas, to Texas Gas Pipe Line Corporation for resale.

In support thereof, Applicant states that the well has ceased producing gas because of salt water encroachment; that pursuant to the requirements of the Texas Railroad Commission, Applicant has plugged the well with cement against the formation and the casing and tubing has been cut and pulled out of the hole; and that the well has been physically and permanently abandoned as a result thereof.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 9, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7108; Filed, Sept. 5, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

[1] The Commission authorized this sale by Applicant under its former corporate name of Union Sulphur and Oil Corporation on December 29, 1954 in Docket No. G-3637.

[Docket No. G-10083]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 30, 1956.

Take notice that The Texas Company (Applicant), a Delaware corporation with principal place of business at P. O. Box 2332, Houston 1, Texas, filed, on March 12, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of its interests in the Anderson-Shrier, Geo. Gano, Garden City "B" and "C", Lee Kisner, Kisner "A" and "B", Meeker, W. Ulrich, W. Ulrich "B" and the O. J. Walters gas units, Hugoton Gas Field, Finney County, Kansas, to Northern Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 9, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7109; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket Nos. G-10207, G-10208]

BELCO PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 30, 1956.

In the matters of Belco Petroleum Corporation and David C. Bintliff, Docket

No. G–10207; Belfer Natural Gas Company, Docket No. G–10208.

Take notice that Belco Petroleum Corporation (Belco), a Delaware corporation with principal place of business at Box 302, Big Piney, Wyoming, and David C. Bintliff (Bintliff), an individual with office address at 812 Rusk Avenue, Houston, Texas, filed in Docket No. G–10207, on April 5, 1956 as amended June 29, 1956, a joint application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (Act), authorizing Belco and Bintliff to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Concurrently therewith Belfer Natural Gas Company (Belfer), a general partnership consisting of Arthur B. Belfer, Rachel Belfer, Selma Ruben, Lawrence Ruben, Anita Saltz, Jack Saltz, and A. B. Belfer as Trustee for Robert Belfer, with principal place of business at P. O. Box 302, Big Piney, Wyoming, filed in Docket No. G–10208, on April 5, 1956 as amended June 29, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Belfer to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Belco, Bintliff and Belfer respectively, hereinafter separately and collectively referred to as Applicant, propose to sell natural gas in interstate commerce from production of their respective interests in certain acreages in the Big Piney Area, Sublette County, Wyoming, to Pacific Northwest Pipeline Corporation for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 9, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7110; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–10647]

GEORGE S. HAMMONDS

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 30, 1956.

Take notice that George S. Hammonds (Applicant), a Texas limited partnership with principal place of business at Fidelity Union Life Building, Dallas, Texas, filed, on June 26, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 746 acre Robbins Lease, Puckett Field, Pecos County, Texas, to Permian Basin Pipeline Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 9, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7111; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–9821]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1956.

Take notice that Texas Eastern Transmission Corporation (Applicant), having its principal place of business at Shreveport, Louisiana, filed an application on December 27, 1955, and amended on April 20, 1956, for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate in its original application two 2-inch main line taps and appurtenances to receive gas produced by Egypt Gas and Gasoline Corporation (Egypt) and Jade Oil and Gas Company (Jade) from the El Dorado Field, Saline County, Illinois.

On April 20, 1956, Applicant filed an amendment to its original certificate application at Docket No. G–9821. Said amendment requests that authorizations for the construction and operation of such proposed facilities necessary to receive gas from Egypt be deleted from the original application.

In support of the above request, Applicant states that the precedent agreement dated July 26, 1955, between Applicant and Egypt covering the purchase of gas from the El Dorado Field was terminated by written agreement between the parties on March 19, 1956, because certain conditions stipulated therein had not been accomplished and consequently no contract or agreement exists between Applicant and Egypt.

Applicant estimates such facilities will cost approximately $550.00 which will be financed from its corporate funds and said gas will be used to supplement its existing supplies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 2, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7112; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–9840]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1956.

Take notice that on January 3, 1956, Texas Eastern Transmission Corporation (Texas Eastern), having its principal place of business at Shreveport, Louisiana, filed at Docket No. G–9840 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Texas Eastern seeks authorization to construct and operate a 2-inch tap and appurtenant facilities at approximate mile post 5.42 on its 20-inch Baytown-Hankamer transmission line. This proposed tap will receive gas from Freedom Minerals, Inc. (Freedom) produced in the Walla-Boyt Field, Chambers County, Texas.

Texas Eastern states that the estimated total cost of the proposed facilities is $675 which is to be financed from corporate funds.

On November 10, 1955, Freedom filed at Docket No. G–9645, an application for a certificate of public convenience and necessity covering the sale of gas to Texas Eastern from the Walla-Boyt Field, Chambers County, Texas, and said certificate was issued February 28, 1956.

Texas Eastern also states that it will transport the gas received from Freedom commingled with its other gas supplies for sale in other states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, and those presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7113; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–10627]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1956.

Take notice that on June 21, 1956, Wilcox Trend Gathering System, Inc. (Applicant), filed at Docket No. G–10627 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Applicant seeks authorization to construct and operate approximately 6.82 miles of 3½-inch O. D. supply lateral pipeline to extend southeasterly from a point in the Warmsley Area, DeWitt County, Texas, to a point of connection with Applicant's existing 14-inch main transmission line in Goliad County, Texas; together with a meter station, a 2-inch main line tap and appurtenant equipment.

Applicant states that these proposed facilities will receive gas produced in the Warmsley Area by Tidewater Oil Company (Tidewater). The estimated total capital cost of the proposed facilities is approximately $84,599. The cost is to be financed from company funds.

Applicant further states that Tidewater was authorized at Docket No. G–3721 to sell gas from the Warmsley Area to Texas Eastern Transmission Corporation (Texas Eastern) assignee of Applicant.

Applicant alleges that it will transport the gas received from Tidewater for redelivery to Texas Eastern at Provident City, Texas, and that Texas Eastern will transport such gas in interstate commerce for resale. It was authorized to build facilities to enable it to take gas from Applicant in Docket No. G–1947.

Estimated salable gas reserves as of January 1, 1956 dedicated to Applicant by Tidewater in the Warmsley Area are estimated by Applicant as totaling 7,041 Mcf at 14.73 psia.

Applicant further alleges that the gas reserves involved herein were investigated and found adequate in the proceedings in Docket No. G–1959.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1956, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7114; Filed, Sept. 5, 1956; 8:46 a. m.]

RYCADE OIL CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1956.

In the matters of Rycade Oil Corporation,[1] Docket No. G–3244; Humble Oil & Refining Company, Dockets Nos. G–5145 and G–8523; Byrd Oil Corporation, Succession of Ed E. Hurley, Deceased, Docket No. G–8542; Humble Oil & Refining Company, Docket No. G–8543; The TXL Oil Corporation, Docket No. G–8892; Midstates Oil Corporation, Docket No. G–8983; Isabel M. Finnup, Docket No. G–9105; John B. Hawley, Jr., Docket No. G–9143; W. A. Clark, Jr., Docket No. G–9246; Schermerhorn Oil Corporation, Kenwood Oil Company, J. Hiram Moore, Docket No. G–9371; Michaelis Drilling Company, Docket No. G–9388; L. M. Lockhart, Docket No. G–9474; Michel T. Halbouty, Docket No. G–9503; Hanley Company, Docket No. G–9531; The Chicago Corporation, Dockets Nos. G–9534 and G–9535; Michaelis Drilling Company, Dockets Nos. G–9618 and G–9637; Kerr-McGee Oil Industries, Inc., Dockets Nos. G–9652, G–9653, G–9654, G–9656,

[1] Substituted for G. V. Lyman as party seller.

G–9657, G–9658, G–9659, G–9660, G–9676, G–9677, and G–9678; The Texas Company, Dockets Nos. G–9691 and G–9705; Robey C. Knight, Docket No. G–9725; Michaelis Drilling Company, Dockets Nos. G–9751 and G–9752; Storm, Hagy & Herrmann, Docket No. G–9764; Kerr-McGee Oil Industries, Inc., Docket No. G–9817; Nay Mining Company, Docket No. G–9836; Kerr-McGee Oil Industries, Inc., Clark M. Clifford, Docket No. G–9841; John D. Todd, Docket No. G–9848; Maurice A. Machris, Docket No. G–9852; J. C. Trahan, Drilling Contractor, Inc., Docket No. G–9856; Columbian Fuel Corporation, Docket No. G–9864; Southwest Natural Production Company, Docket No. G–9865; Marvin E. Pollard, Docket No. G–9868; Tide Water Oil Company,[1] W. J. Hunter, Docket No. G–9882; Frank C. Roper, Docket No. G–9918; Skelly Oil Company, Docket No. G–9920; Gilbert S. Johnson, Docket No. G–9921; Norton F. Wilson, Docket No. G–9922; E. J. Athens, Docket No. G–9939; United Producing Company, Inc., Docket No. G–9947; Carnegie Natural Gas Company, Docket No. G–9959; Hilty & Richards Drilling Co., Docket No. G–9969; T. J. White, Jr., Docket No. G–9975; E. A. Culbertson and Wallace W. Irwin, Docket No. G–9976; Phillips Petroleum Company, Docket No. G–9988; Amerada Petroleum Corporation, Docket No. G–9990; Aylward Drilling Company, Docket No. G–9995; Jim McMurray and B. F. Phillips, Docket No. G–9998; Edwin L. Cox, Docket No. G–10002; W. E. Bakke, Docket No. G–10003; Amerada Petroleum Corporation, Docket No. G–10006; Spencer Oil & Gas Co., Docket No. G–10007; Hunt Oil Company, Docket No. G–10009; Hassie Hunt Trust, Docket No. G–10010; Coastal States Gas Producing Company, Docket No. G–10012; Arnold H. Bruner, Docket No. G–10013; Michaelis Drilling Company, Docket No. G–10016; The Stevens County Oil & Gas Company, Docket No. G–10017; Sunray Mid-Continent Oil Company, Docket No. G–10019; Pan American Production Company, Docket No. G–10022; John D. Pareti, Docket No. G–10023; W. O. Woodward, Trustee, Docket No. G–10024; Schoolcraft Gas & Oil Company, Docket No. G–10025; The Texas Company, Docket No. G–10026; Oil Participations Incorporated, Docket No. G–10027; Skelly Oil Company, Docket No. G–10028; Michaelis Drilling Company, Docket No. G–10032; Petroleum, Inc., Docket No. G–10033; Isidor Sack,[2] Abraham L. Bienstock, Ira Brinkerhoff, George L. Callery, Hugh J. Chisholm, William D. Dana, Henry W. Frost, Jr., William Goetz, Marguerite Hawkins, Harry Hurt, Edward B. McLean, Elizabeth B. Blake, John R. McLean, A. Eugene Pattison, Muriel R. Pershing, Riddell Petroleum Corporation, A. Richard Stern, Lewis Turner, C. A. Wiggins, and Earl G. Bateman, Docket No. G–10035; Skelly Oil Company, Docket No. G–10039; R. Olsen Oil Company, Docket No. G–10040; Clyde Beymer, Jr., Docket No. G–10041; I. C. Wiatt and Arla A. Wiatt, Docket No. G–10042; Rock Island Oil & Refining Co., Inc., Docket No. G–10043; Clyde Beymer, Jr., Docket No. G–10044; Clyde Beymer, Jr., Barbara J. Beymer, C. E. Beymer, and Ethel M. Beymer, Docket No. G–10045; Morris Oil and Gas Company, Inc., Docket No. G–10046; J. M. Huber Corporation, Docket No. G–10048; Anderson-Prichard Oil Corporation, Docket No. G–10049; Kirkwood & Company, Warren Petroleum Corporation, Lazard Freres & Company, W. F. Seeger, J. E. Trainer, and Grant Thomas, Docket No. G–10051; Northern Natural Gas Producing Company, Docket No. G–10053; Lloyd R. Pickrell, Docket No. G–10056; Chester-Miller Gas Company, Docket No. G–10059; J. C. Christopher and Curtis Douglass, doing business as Christopher-Douglass, Docket No. G–10065; Parker Oil and Gas Company, Docket No. G–10066; Fallon Gas Corporation, Docket No. G–10068; Rupert Cox, George A. Musselman, and Karl Streiber, Docket No. G–10071; The Carter Oil Company, Docket No. G–10073; Point Corporation, Docket No. G–10076; Lydle and Lowe, Docket No. G–10084; John E. Lydle and Bruce J. Lowe, Docket No. G–10085; The Atlantic Refining Company, Docket No. G–10087; Dolphin Petroleum Co., Inc., Docket No. G–10089; Hanley Company, Dockets Nos. G–10091, G–10092, G–10093, G–10094, and G–10095; The Atlantic Refining Company, Docket No. G–10097; Kansas Natural Gas, Inc., Docket No. G–10099; South Texas Oil and Gas Company, Docket No. G–10100; The Stevens County Oil & Gas Company, Docket No. G–10104; F. William Carr, William G. Gill, Mrs. Ora R. Kingsley, Mrs. Justine V. R. Milliken, Dr. Kegham Chutjian, East Side Service, Arthur Gardner, Roy Fruehauf, Alfons Landa, Howard Hall, Murray Earle, and Layton Brown Drilling Company, Docket No. G–10106; Mae Gas Company No. 2, Docket No. G–10107; Mrs. Annie Norton and Richard W. Norton, Jr., Docket No. G–10110; Amerada Petroleum Corporation, Docket No. G–10117; Three States Natural Gas Company, Docket No. G–10118; Continental Oil Company, Docket No. G–10125; The Carter Oil Company, Docket No. G–10131; Phillips Petroleum Company, Docket No. G–10153; Skelly Oil Company, Docket No. G–10174; Clyde Beymer, Jr., Docket No. G–10331.

Take notice that the persons as hereinabove captioned (Applicants), filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket proposes to sell natural gas in interstate commerce from production of certain leases, units or acreage located in the area indicated to the respective purchasers as indicated for resale. In addition to these proposed (new) sales, certain Applicants, as indicated by the filing dates, also propose to continue the making of jurisdictional sales which were in existence on June 7, 1954 (old sales).

Docket No., Date Filed, Applicant and Address, Source of Gas, and Purchaser

G–3244; 9–27–54, 3–27–56, Ryeade Oil Corporation, 2310 Esperson Bldg., Houston, Tex.; Hendricks, Kermit, Weiner, Emperor Deep and Emperor Holt Pools, Winkler County, Tex.; El Paso Natural Gas Company.

G–5145; 11–19–54, 1–21–55, 3–2–56, 3–5–56, Humble Oil & Refining Company, Humble Bldg., Houston 1, Tex.; Spraberry Trend Area, Midland, Reagan, Upton and Glasscock Counties, Tex.; All of Section 10, Block E, L & SV RR. Co. Survey, Reagan County, Tex; S–2 Section 34, Block 38, T4S, T. & P. R. Co. Survey, Midland County, Tex.; All of Section 26, Block B, L & SV R. R. Co. Survey, Reagan County, Tex.; El Paso Natural Gas Company.

G–8523; 2–28–55; Humble Oil & Refining Company, Humble Building, Houston 1, Tex.; 10 units, Red Springs Field, Smith County, Tex.; Lone Star Gas Company.

G–8542; 3–4–55; Byrd Oil Corporation, et al., 1110 Tower Petroleum Building, Dallas 1, Tex.; All depths to 6402 feet except Young and Byrd Zones in 580.47 acre Webb Rogers gas unit, Waskom Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

G–8543; 3–4–55; Humble Oil & Refining Company, P. O. Box 2180, Houston 1, Tex.; W. M. Beyly Lease, Plymouth Field, San Patricio County, Tex.; Plymouth Oil Company.

G–8592; 5–11–55, 8–11–55, 4–9–56, 8–1–56; The TXL Oil Corporation, 1309 Main Street, Dallas 2, Tex.; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Company.

G–8983; 5–31–55; Midstates Oil Corporation, Seventh floor, Midstates Building, Tulsa 3, Okla.; Maude Oden Unit No. 1, Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

G–9105; 7–5–55, 3–28–56; Isabel M. Finnup, 119, North Main, Garden City, Kans.; Section 3, T25S, R36W, Hugoton Field, Kearny County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G–9143; 7–18–55, 11–30–55; John B. Hawley, Jr., c/o Northern Pump Company, Columbia Heights P. O., Minneapolis 21, Minn.; Fortenbaugh #1 Gas Unit, Hugoton Field, Morton County, Kans.; Cities Service Gas Company.

G–9246; 8–19–55; W. A. Clark, Jr., 423 Esperson Bldg., Houston, Tex.; Maetze (Frio) Field, Goliad County, Tex.; Trunkline Gas Company.

G–9371; 9–19–55, 5–23–56; Schermerhorn Oil Corporation et al., P. O. Box 287, Tulsa, Okla.; Jal Mat Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9388; 9–22–55; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Emmons No. 1 Unit and Schmidt B. No. 1 Unit, Hugoton Field, Haskell and Seward Counties, Kans.; Colorado Interstate Gas Company.

G–9474; 10–12–55; L. M. Lockhart, P. O. Box 306, Banquette, Tex.; Shary Field, Hidalgo County, Tex.; Trunkline Gas Company.

G–9503; 10–18–55; Michel T. Halbouty, c/o James Noel, Shell Building, Houston 2, Tex.; Lockridge Field, Brazoria County, Tex.; Tennessee Gas Transmission Company.

G–9531; 10–21–55; Hanley Company, 604 Continental Building, Dallas 1, Tex.; Spraberry Trend Field Area, Reagan County, Tex.; El Paso Natural Gas Company.

G–9534; 10–24–55, 3–6–56, 3–29–56; The Chicago Corporation, Continental Life Building, Fort Worth, Tex.; Garcia Lease, Sullivan City Area, Starr and Hidalgo Counties, Tex.; Tennessee Gas Transmission Company.

G–9535; 10–24–55, 3–8–56; The Chicago Corporation Continental Life Bldg., Fort Worth, Tex.; Doss Lease, Sullivan City Area, Starr and Hidalgo Counties, Tex.; Tennessee Gas Transmission Company.

G–9618; 11–4–55; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Hutchinson No. 1 Unit, Hugoton Field, Finney County, Kans.; Northern Natural Gas Company.

G–9637; 11–9–55; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Reimelt No. 1 Unit, Hugoton Field, Haskell County, Kans.; Colorado Interstate Gas Company.

G–9652; 11–14–56; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Fox Graham Field, Carter County, Okla.; Magnolia Petroleum Company.

G–9653; 11–14–56; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Fox Graham Field, Carter County, Okla.; Magnolia Petroleum Company.

G–9654; 11–14–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Big Lake, Reagan County, Tex.; Texon Gas Inc.

G–9656; 11–15–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Wasson Field, Gaines County, Tex.; Shell Oil Company.

G–9657; 11–15–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; East Cushing Field, Creek County, Okla.; Sinclair Prairie Oil Company.

G–9658; 11–15–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Wasson Field, Gaines County, Tex.; Shell Oil Company.

G–9659; 11–15–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Fox Graham Field, Carter County, Okla.; Magnolia Petroleum Company.

G–9660; 11–15–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; Martin (Wolfcamp) Field, Andrews County, Tex.; Martinpool Gasoline Company.

G–9676; 11–18–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; East Cushing Field, Creek County, Okla.; Sinclair Prairie Oil Company.

G–9677; 11–18–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; East Cushing Field, Creek County, Okla.; Sinclair Prairie Oil Company.

G–9678; 11–18–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg. 306 North Robinson, Oklahoma City 2, Okla.; East Cushing Field, Creek County, Okla.; Sinclair Prairie Oil Company.

G–9691; 11–23–55, 8–1–56; The Texas Company, P. O. Box 2332, Houston 1, Tex.; Odem Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.

G–9705; 11–28–55; The Texas Company, P. O. Box 2332, Houston 1, Tex.; North Rincon Field, Starr County, Tex.; Tennessee Gas Transmission Company.

G–9725; 12–1–55; Robey C. Knight, Spencer, W. Va.; W. R. Nester Lease, Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.

G–9751; 12–7–55; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Main Unit, Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G–9752; 12–7–55; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Vanderree Unit, Hugoton Field, Finney County, Kans.; Colorado Interstate Gas Company.

G–9764; 12–12–55; Storm, Hagy & Herrmann, Amarillo Building, Amarillo, Tex.; Sneed Lease, West Panhandle Field, Moore County, Tex.; Colorado Interstate Gas Company.

G–9817; 12–27–55; Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., 306 North Robinson, Oklahoma City 2, Okla.; West Edmond Field, Oklahoma County, Okla.; Phillips Petroleum Company and Continental Oil Company.

G–9836; 1–3–56; Nay Mining Company, RFD 3, Harrisville, W. Va.; Pullman Field, Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

G–9841; 1–3–56; Kerr-McGee Oil Industries, Inc. et al., Kerr-McGee Building, 306 North Robinson, Oklahoma City 2, Okla.; Spraberry Field, Midland County, Tex.; Phillips Petroleum Company.

G–9848; 12–27–55; John D. Todd, 321 Esperson Building, Houston 2, Tex.; Ohio Oil Company Units SE–13 and SE–23, Pistol Ridge-Maxie Field, Forrest County, Miss., United Gas Pipe Line Company.

G–9852; 1–9–56, 1–23–56, 4–13–56; Maurice A. Machris, Room 811, Midland Tower Building, Midland, Tex.; Lips Gas Field, Ochiltree and Roberts Counties, Tex.; Natural Gas Pipeline Company of America.

G–9856; 1–9–56; J. C. Trahan, Drilling Contractor, Inc., 326 Texas Eastern Bldg., Shreveport, La.; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

G–9864; 1–12–56; Columbia Fuel Corporation, 380 Madison Avenue, New York, N. Y.; Hugoton Field, Morton, Seward, and Stevens Counties, Kans.; Northern Natural Gas Company.

G–9865; 1–12–56; Southwest Natural Production Company, 605 Commercial National Bank Bldg., Shreveport, La.; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Company.

G–9868; 1–13–56; Marvin E. Pollard, 622 Johnson Building, Shreveport, La.; Bethany Gas Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

G–9882; 4–30–56; Tide Water Oil Company et al., P. O. Box 1404, Houston 1, Tex.; Rodessa Field, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G–9918; 1–25–56; Frank C. Roper, P. O. Box 1185, San Angelo, Tex.; Ohio Oil Company Units SE–13 and SE–23, Maxie Field, Forrest County, Miss.; United Gas Pipe Line Company.

G–9920; 1–26–56; Skelly Oil Company, Box 1650, Tulsa, Okla.; Emmett Isaac Unit No. 1, Carthage Field Area, Rusk County, Tex.; Tennessee Gas Transmission Company.

G–9921; 1–26–56; Gilbert S. Johnson, 214 Petroleum Bldg., Shreveport, La.; Gulledge and Rice Units, Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

G–9922; 1–26–56; Norton F. Wilson, 114½ Milam Street, Shreveport, La.; Gulledge Unit, Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

G–9939; 1–30–56; E. J. Athens, First National Bank Building, Tulsa, Okla.; NE/4 of Section 27, T15N, R3W, Logan County, Okla.; Cities Service Gas Company.

G–9947; 2–2–56; United Producing Company, Inc., United Carbon Building, Charleston, W. Va.; Camrick Southeast Gas Field, Texas and Beaver Counties, Okla.; Natural Gas Pipeline Company of America.

G–9959; 2–8–56, 4–6–56; Carnegie Natural Gas Company, 1015 Frick Building, Pittsburgh 19, Pa.; Logan and Mingo Counties, W. Va.; Hope Natural Gas Company.

G–9969; 2–15–56; Hilty & Richards Drilling Co., 505 Hancock Ave., Vandergrift, Pa., Benezette Field, Elk County, Pa.; Manufacturers Light and Heat Company.

G–9975; 2–20–56; T. J. White, Jr., 3204 23rd Avenue, Meridian, Miss.; Maxie Field, Forrest County, Miss.; United Gas Pipe Line Company.

G–9976; 2–20–56; E. A. Culbertson and Wallace W. Irwin, Box 1071, Midland, Tex.; Crosby Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9988; 2–23–56; Phillips Petroleum Company, Bartlesville, Okla.; Brysch Unit, West George West Field, Live Oak County, Tex.; Wilcox Trend Gathering System, Inc.

G–9990; 2–23–56; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa 2, Okla.; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9995; 2–24–56; Aylward Drilling Company, 813 First National Bank Bldg., Wichita, Kans.; Donovan and 3 other leases, Driftwood Field, Barber County, Kans.; Cities Service Gas Company.

G–9998; 2–27–56; Jim McMurray and B. F. Phillips, 205 Pioneer Bldg., Kilgore, Tex.; R. A. Jernigan Unit, Bethany Gas Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

G–10002; 2–27–56; Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.; Campbell and Campbell-Sillers Units, Camrick Southeast Gas Field, Texas County, Okla.; Natural Gas Pipeline Company of America.

G–10003; 2–27–56; W. E. Bakke, 1522 Alamo National Bldg., San Antonio 5, Tex.; Sawyer Lease, Wasson Field, Yoakum County, Tex.; Shell Oil Company and Coltexo Corporation.

G–10006; 2–27–56; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa 2, Okla.; San Juan Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G–10007; 2–27–56; Spencer Oil & Gas Co., Harrisville, W. Va.; Ritchie County, W. Va.; Carnegie Natural Gas Company.

G–10009; 2–27–56; Hunt Oil Company, 700 Mercantile Bank Building, Dallas, Tex.; Longstreet Field, DeSoto Parish, La.; Arkansas-Louisiana Gas Company.

G–10010; 2–27–56; Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas, Tex.; Longstreet Field, DeSoto Parish, La.; Arkansas Louisiana Gas Company.

G–10012; 2–28–56; Coastal States Gas Producing Company, 110 Oil Industries Bldg., Corpus Christi, Tex.; Hidalgo Field Area, Hidalgo County, Tex.; Trunkline Gas Company.

G–10013; 2–28–56; Arnold H. Bruner, Meadows Building, Dallas 6, Tex.; Hidalgo Field Area, Hidalgo County, Tex.; Coastal States Gas Producing Company.

G–10016; 2–29–56; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Niquette, Streckeljohn, Brennan, Lemon and Hammer Units, Hugoton Field, Finney and Haskell Counties, Kans.; Northern Natural Gas Company.

G–10017; 2–29–56; The Stevens County Oil & Gas Company, 202 Wheeler Kelly Hagny Bldg., Wichita, Kans.; Roth Unit, Kansas Hugoton Gas Field, Kearny County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G–10019; 2–29–56, 8–23–56; Sunray Mid-Continent Oil Company, P. O. Box 2039, Tulsa, Okla.; 4 Leases, East Victor Field, Lincoln County, Okla.; Jernigan & Morgan Transmission Company.

G–10022; 2–29–56; Pan American Production Company, Esperson Building, Houston 2, Tex.; South Thornwell Field, Jefferson Davis and Cameron Parishes, La.; United Fuel Gas Company.

G–10023; 2–29–56; John D. Pareti, P. O. Box 1000, Lafayette, La.; South Bayou Mallet Field, Acadia Parish, La.; Texas Gas Transmission Corporation.

G–10024; 2–29–56; W. O. Woodward, Trustee, 418 Market St., Suite 600, Shreveport, La.; Greenwood-Waskom Field, Caddo Parish, La.; Texas Eastern Transmission Corporation.

G–10025; 3–1–56; Schoolcraft Gas & Oil Company, 701–03 United Carbon Building, Charleston, W. Va.; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10026; 3–1–56; The Texas Company, P. O. Box 2332, Houston 1, Tex.; Main Pass Block 35 Area and South Pass Block 24 Area, Plaquemines Parish, La.; Tennessee Gas Transmission Company.

G–10027; 3–1–56; Oil Participations Incorporated, San Jacinto Building, Houston 2, Tex.; Thornwell Field, Jefferson Davis and Cameron Parishes, La.; United Fuel Gas Company.

G–10028; 3–1–56; Skelly Oil Company, Box 1650, Tulsa, Okla.; Camrick Southeast Gas Field, Beaver and Texas Counties, Okla.; Natural Gas Pipeline Company of America.

[1] Name changed from Tidewater Associated Oil Company.

[2] By F. A. Callery, Inc., as agent.

G–10032; 3–2–56; Michaelis Drilling Company, 1019 East Second Street, Wichita, Kans.; Keller B No. 1 and Jones Units, Hugoton Field, Finney and Kearny Counties, Kans.; Colorado Interstate Gas Company.

G–10033; 3–2–56; Petroleum, Inc., 311 East Third Street, Wichita, Kans.; Hall Unit and 21 other leases, Boggs Field, Barber County, Kans.; Cities Service Gas Company.

G–10035; 3–2–56; Isidor Sack et al., c/o F. A. Callery, Inc., 520 Bank of Commerce Building, Houston, Tex.; West Barataria Field, Jefferson Parish, La.; Southern Natural Gas Company.

G–10039; 3–2–56; Skelly Oil Company, Box 1650, Tulsa, Okla.; North Columbus Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–10040; 3–2–56; R. Olsen Oil Company, 2805 Liberty Bank Building, Oklahoma City, Okla.; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–10041; 3–2–56; Clyde Beymer, Jr., Lakin, Kans.; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–10042; 3–2–56; I. C. Wiatt and Arla A. Wiatt, Lakin, Kans.; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–10043; 3–2–56; Rock Island Oil & Refining Co., Inc., 321 West Douglas, Wichita 2, Kans.; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–10044; 3–2–56; Clyde Beymer, Jr., Lakin, Kans.; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–10045; 3–2–56; Clyde Beymer, Jr., et al., Lakin, Kans.; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

G–10046; 3–2–56; Morris Oil and Gas Company, Inc., Box 294, Grantsville, W. Va.; Annamoriah Field, Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10048; 3–5–56; J. M. Huber Corporation, P. O. Box 831, Berger, Tex.; Number 2 School Land Gas Unit, Section 4, T4N, R23ECM, Beaver County, Okla.; Natural Gas Pipeline Company of America.

G–10049; 3–5–56; Anderson-Prichard Oil Corporation, Liberty Bank Bldg., Oklahoma City, Okla.; Huston-Burke Unit, Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–10051; 3–5–56; Kirkwood & Company, et al., P. O. Box 1490, Alice, Tex.; 5 Leases, Doehrmann Field, DeWitt County, Tex.; Texas Eastern Transmission Corporation.

G–10053; 3–5–56; Northern Natural Gas Producing Company, 2223 Dodge Street, Omaha 1, Nebr.; 2 Sections, Hugoton Field, Finney County, Kans.; Northern Natural Gas Company.

G–10056; 3–6–56; Lloyd R. Pickrell, 705 Fourth National Bank Building, Wichita, Kans.; 4 Leases in Sections 7 and 18, T32S, R12W, Barber County, Kans.; Cities Service Gas Company.

G–10059; 3–7–56; Chester-Miller Gas Company, Box 148, Hamlin, W. Va.; 25 acres in Big Huff Creek Field, Wyoming County, W. Va.; Godfrey L. Cabot, Inc.

G–10065; 3–8–56; J. C. Christopher and Curtis Douglass, d/b/a Christopher-Douglass, Box 1781, Pampa, Tex.; West Panhandle Field, Hutchinson County, Tex.; Shamrock Oil and Gas Corporation.

G–10066; 3–8–56; Parker Oil and Gas Company, Smithville, W. Va.; Parker Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

G–10068; 3–8–56; Fallon Gas Corporation, Suite 208, Patterson Building, Denver 2, Colo.; 320 acres, Section 7, T5N, R60E, Fallon County, Mont.; Frank A. Warner.

G–10071; 3–8–56; Rupert Cox et al., Alamo National Bldg., San Antonio, Tex.; F. J. Marbach Lease, Cologne Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

G–10073; 3–8–56, 4–30–56; The Carter Oil Company, National Bank of Tulsa Building, Tulsa, Okla.; Hardtner Pool, Barber County, Kans.; Cities Service Gas Company.

G–10076; 3–9–56; Point Corporation, 1922 West Gray, Houston, Tex.; North Willman Field, San Patricio County, Tex.; Gas Gathering company.

G–10084; 3–12–56; Lydle and Lowe, Grantsville, W. Va.; Payton Blake Lease, Annamoriah, W. Va.; Hope Natural Gas Company.

G–10085; 3–12–56; John E. Lydle and Bruce J. Lowe, Box 1308, Akron 9, Ohio; John R. Pell Lease, Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10087; 3–12–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; Meyersville Field, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corporation, Assignee of Wilcox Trend Gathering System, Inc.

G–10089; 3–12–56; Dolphin Petroleum Co., Inc., 2106 Mercantile Bank Building, Dallas, Tex.; Wyrick Field, Refugio County, Tex.; Trascontinental Gas Pipe Line Corporation.

G–10091; 3–12–56; Hanley Company, 604 Continental Building, Dallas 1, Tex.; J. M. Nunn Lease, Spraberry Trend Field Area, Reagan County, Tex.; El Paso Natural Gas Company.

G–10092; 3–12–56; Hanley Company, 604 Continental Building, Dallas 1, Tex.; Wrage-Hendrickson and Wrage-Hendrickson B Leases, Spraberry Trend Field, Glasscock County, Tex.; Phillips Petroleum Company.

G–10093; 3–12–56; Hanley Company, 604 Continental Building, Dallas 1, Tex.; D. C. Reed Lease, Spraberry Trend Field, Glasscock County, Tex.; Phillips Petroleum Company.

G–10094; 3–12–56; Hanley Company, 604 Continental Building, Dallas 1, Tex.; University BC and D Leases, Spraberry Trend Field Area, Upton County, Tex.; El Paso Natural Gas Company.

G–10095; 3–12–56; Hanley Company, 604 Continental Building, Dallas 1, Tex.; University A and E Leases in Sections 30 and 31 of Block 3, University Lands, Upton County, Tex.; Texas Gas Products Corporation.

G–10097; 3–13–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; Block 12 Field, Andrews County, Tex.; Phillips Petroleum Company.

G–10099; 3–13–56; Kansas Natural Gas, Inc., 105 West 13th Street, Box 270, Hays, Kans.; Stevens B–1 Unit, Hugoton Field, Haskell County, Tex.; Colorado Interstate Gas Company.

G–10100; 3–14–56; South Texas Oil and Gas Company, P. O. Box 440, Corpus Christi, Tex.; Schulze Lease, Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

G–10104; 3–15–56; The Stevens County Oil & Gas Company, 202 Wheeler Kelly Hagny Building, Wichita 2, Kans.; Hume Unit, Greenwood (Sparks) Field, Morton County, Kans.; Colorado Interstate Gas Company.

G–10106; 3–15–56; F. William Carr et al., 609 Wilson Tower, Corpus Christi, Tex.; Spartan Field, Odem Area, San Patricio County, Tex.; Gas Gathering Company.

G–10107; 3–16–56; Mae Gas Company No. 2, Branchland, W. Va.; Reford Runyon Lease, Triadelphia District, Logan County, W. Va.; Hope Natural Gas Company.

G–10110; 3–16–56; Mrs. Annie Norton and Richard W. Norton, Jr., P. O. Box 1574, Shreveport, Louisiana, and John S. Ivy, Niels Esperson Building, Houston, Tex.; Rodessa Field, Caddo Parish, Louisiana, United Gas Pipe Line Company.

G–10117; 3–19–56; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa 2, Okla.; Allison Unit, Blanco Field, LaPlata and Archuleta Counties, Colorado and San Juan County, N. Mex., El Paso Natural Gas Company.

G–10118; 3–19–56; Three States Natural Gas Company, 17th floor Corrigan Tower, Dallas 1, Tex.; Jalmat Gas Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

G–10125; 3–20–56; Continental Oil Company, 1300 Main Street, Houston, Tex.; Esch-Chance Unit, Meyersville Field, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Company, Assignee of Wilcox Trend Gathering System, Inc.

G–10131; 3–21–56; The Carter Oil Company, National Bank of Tulsa Building Tulsa, Okla.; Greenwood Field, Morton and Stanton Counties, Kansas, and Baca County, Colo.; Colorado Interstate Gas Company.

G–10153; 3–26–56; Phillips Petroleum Company, Bartlesville, Okla.; Stevens B–1 Unit, Hugoton Field, Haskell County, Kans.; Colorado Interstate Gas Company.

G–10174; 3–29–56; Skelly Oil Company, Box 1650, Tulsa, Okla.; Donovan "B" Unit, Driftwood Field, Barber County, Kans.; Cities Service Gas Company.

G–10331; 4–30–56; Clyde Beymer, Jr., Lakin, Kans.; 25% interest; S9, T23S, R37W; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 2, 1956, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7115; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–10075]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1956.

Take notice that the Wilcox Trend Gathering System, Inc. (Wilcox Trend), filed an application on March 9, 1956, for a certificate of public convenience and necessity to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, and as more fully represented in its application which is on file with the Commission and open for public inspection.

Wilcox Trend seeks authorization to construct and operate approximately 1.69 miles of 6⅝ inch O. D. natural gas transmission line paralleling a portion of its main pipe-line system in Goliad County, Texas.

Wilcox Trend states that it transports gas for and delivers gas to its parent, Texas Eastern Transmission Corporation. Its only other service is the transportation of so-called "wet" gas for and to the Goliad Corporation, a gasoline plant operator.

Wilcox Trend also states that, at present, it maintains a connection between its main 14-inch transmission line and its 6-inch Dial lateral line about 1.69 miles east of its existing Charco Compressor Station in Goliad County, Texas. At this connection, the Dial lateral would normally deliver about 25,000 Mcf per day into Wilcox Trend's main line to be commingled with the main stream. The gas from the Dial lateral is at 1050 psig at the connection with the main line. Under maximum operating conditions, however, gas in the main line flows at about 1190 psig at the Dial lateral connection, thus preventing entrance of the Dial line gas. To remedy this situation, Wilcox Trend alleges that it proposes to construct and operate 1.69 miles of 6-inch loop line from a point on the Dial line near the main-line connection westward to the Charco Compressor Station. Under maximum operating conditions, gas from the Dial line will flow westward through the proposed 6-inch loop to the suction line of the Charco Station, where the suction pressure is about 900 psig and the discharge pressure is about 1200 psig. In this way the gas in the Dial line will be compressed to 1200 psig along with other gas entering the Charco Station.

Wilcox Trend further alleges that the existing Dial connection with the main line will be maintained so that gas from the Dial line could flow directly into the main line without compression at other than maximum operating conditions when pressures allowed.

Wilcox Trend further states that the estimated capital cost of constructing and operating the proposed facilities is approximately $29,544 to be obtained from its funds on hand and that it anticipates constructing and operating the facilities immediately upon certification from the Commission.

Wilcox Trend further alleges that no new or additional sales or services are involved in Applicant's proposal, nor will there be any change in Applicant's gas supply, system operations or rates as a result of the proposed construction.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1956, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7116; Filed, Sept. 5, 1956; 8:46 a. m.]

WILCOX TREND GATHERING SYSTEM, INC., ET AL.

[Docket No. G–10780 etc.]

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1956.

In the matters of Wilcox Trend Gathering System, Inc., Docket No. G–10780; W. H. Appell, et al., Docket No. G–10371; and W. Earl Rowe, et al., Docket No. G–10280.

Take notice that on July 20, 1956, Wilcox Trend Gathering System, Inc. (Wilcox), filed at Docket No. G–10780 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as hereinafter described, subject to the jurisdiction of the Commission, and as more fully described in its application which is on file with the Commission and open for public inspection. Wilcox seeks authorization to construct and operate approximately 5 miles of 4-inch supply lateral pipeline to extend northerly from a point in the Dallas Husky Field, Goliad County, Texas to a point of connection with Wilcox's existing 4-inch lateral line in Goliad County, Texas; together with a meter station and appurtenant equipment. Wilcox states that these proposed facilities will receive gas produced in the Dallas Husky Field by Mark Edwin Andrews (Andrews), W. H. Appell, et al., (Appell) and W. Earl Rowe, et al. (Rowe), and the estimated total cost of the proposed facilities is approximately $61,500, which is to be financed from company funds.

Andrews was authorized at Docket No. G–9847 to sell gas from the Dallas Husky Field to Texas Eastern Transmission Corporation (Texas Eastern), assignee of Wilcox.

On April 19, Rowe, and on May 9, 1956, Appell filed applications at Docket Nos. G–10280 and G–10371, respectively, for certificates of public convenience and necessity covering their sales of gas from the Dallas Husky Field to Texas Eastern, assignee of Wilcox for transportation in interstate commerce for resale.

Wilcox states that it will transport the gas received from the above independent producers for redelivery to Texas Eastern at Provident City, Texas.

Wilcox further states that Texas Eastern will transport such gas in interstate commerce for resale. It was authorized to build facilities to take gas from Wilcox in Docket No. G–1947.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7117; Filed, Sept. 5, 1956; 8:46 a. m.]

[Docket No. G–10270 etc.]

WILCOX TREND GATHERING SYSTEM, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1956.

In the matters of Wilcox Trend Gathering System, Inc., Docket No. G–10270; Durbin Bond & Company, Inc., Docket No. G–10018, and Kirkwood and Company, et al., Docket No. G–10181.

Take notice that on April 16, 1956, Wilcox Trend Gathering System, Inc. (Wilcox), filed at Docket No. G–10270 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain

facilities as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in its application which is on file with the Commission and open for public inspection.

Wilcox seeks authorization to construct and operate approximately 17 miles of 6-inch supply lateral pipeline to extend northerly from a point in the Salem Field, Victoria County, Texas to a point of connection with its existing 16-inch main transmission line in Lavaca County, Texas; together with five meter stations and appurtenant equipment.

Wilcox states that these proposed facilities will receive gas produced in the Salem Field by Kirkwood & Company, et al. (Kirkwood), and Durbin Bond & Co., Inc., (Durbin).

Wilcox further states that the estimated total cost of all proposed facilities is $357,000 and the cost is to be financed from company funds except that possibly $100,000 of the cost may be obtained from bank loans or advances from Texas Eastern Transmission Corporation (Texas Eastern).

On February 29, 1956, Durbin, and on March 30, 1956, Kirkwood filed applications at Docket Nos. G–10018 and G–10181, respectively, for certificates of public convenience and necessity covering their sales of gas from the Salem Field, Victoria County, Texas, to Texas Eastern, assignee of Wilcox, for transportation in interstate commerce for resale.

Wilcox alleges that it will transport the gas received from Durbin and Kirkwood for redelivery to Texas Eastern at Provident City, Texas and that Texas Eastern will transport such gas in interstate commerce for resale.

Remaining recoverable dry gas reserves as of August 1, 1955, dedicated by Durbin and Kirkwood in the Salem Field to Texas Eastern are estimated by Texas Eastern in Docket No. G–9784 as totaling 11,328 MMcf @ 14.73 psia. The initial investment cost to Wilcox of $357,000 for the proposed facilities calculates to a unit investment cost of 3.15¢ per Mcf of reserves, which unit cost is on the high side, however, Wilcox cites in its subject application that the proposed lateral will enable it to acquire additional gas supplies produced from other fields and producing horizons in this area. Because of the potential gas reserves that may become available to Wilcox by virtue of the proposed lateral which otherwise would not, the proposed project appears to be justified.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end;

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1956, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7118; Filed, Sept. 5, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF CALIFORNIA ELECTRIC POWER CO. FOR AUTHORITY TO ADD A POWER FACTOR ADJUSTMENT CLAUSE TO ITS RATE SCHEDULES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of California Electric Power Company for Authority to Add a Power Factor Adjustment Clause to its Rate Schedules, Application No. 37473, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective May 21, 1956.

Dated: August 29, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56–7149; Filed, Sept. 5, 1956; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

GEORGE A. LAMB

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. George A. Lamb, Manager of Business Surveys, Pittsburgh Consolidation Coal Company, Pittsburgh, Pennsylvania, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Lamb's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Pittsburgh Consolidation Coal Company.

Dated: August 16, 1956.

GEORGE A. LAMB.

[F. R. Doc. 56–7129; Filed, Sept. 5, 1956; 8:48 a. m.]

SERGE B. JURENEV

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Serge B. Jurenev, Assistant to President and Chief Economist, Continental Oil Company, New York, New York, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Jurenev's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Continental Oil Company.

Dated: August 15, 1956.

SERGE B. JURENEV.

[F. R. Doc. 56–7130; Filed, Sept. 5, 1956; 8:48 a. m.]

CECIL L. BURRILL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Cecil L. Burrill, Chief Economist, Standard Oil Company (New Jersey), New York, New York, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Burrill's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Standard Oil Company (New Jersey).
Du Pont.

Dated: August 13, 1956.

CECIL L. BURRILL.

[P. R. Doc. 56–7131; Filed, Sept. 5, 1956; 8:49 a. m.]

WILFRED G. DONLEY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Wilfred G. Donley, Economic Counsel, Standard Oil Company of California, San Francisco, California, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Donley's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Standard Oil Company of California.
Contingent ownership of stock in connection with employee stock ownership plan.

Dated: August 20, 1956.

WILFRED G. DONLEY.

[F. R. Doc. 56–7132; Filed, Sept. 5, 1956; 8:49 a. m.]

MINOR S. JAMESON, JR.

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Minor S. Jameson, Jr., Assistant to the President, Independent Petroleum Association of America, Washington, D. C., as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Jameson's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Union Electric Company.
Washington Gas Light Company.
Target Petroleum.
Standard Oil Company of California.
Virginia Electric and Power Company.
The Chesapeake and Ohio Railway Company.
Northern States Power Company.
American Tobacco Company.

Dated: August 13, 1956.

MINOR S. JAMESON, JR.

[F. R. Doc. 56–7133; Filed, Sept. 5, 1956; 8:49 a. m.]

RICHARD J. GONZALEZ

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Richard J. Gonzalez, Director and Treasurer, Humble Oil and Refining Company, Houston, Texas, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Gonzalez's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Humble Oil & Refining Company.
Standard Oil Company (New Jersey).
Pan American Sulphur Company.

Dated: August 13, 1956.

RICHARD J. GONZALEZ.

[F. R. Doc. 56–7134; Filed, Sept. 5, 1956; 8:49 a. m.]

RICHARD G. GETTELL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Richard G. Gettell, Chief Foreign Economist, The Texas Company, New York, New York, as an Advisor to the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Gettell's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

California Eastern Aviation.
Clary Corporation.
Cavitron Corporation.
Equity Corporation.
Beech Aircraft.
General Tire.
Investors Planning Corporation.
Hudson Motors (in liquidation).
Wilshire Oil (in liquidation).
The Texas Company.
Atlantic Acceptance.
Midwest Industrial Gas.
Provo Gas.
New Dickinson Mining.
DeCoursey Brewes Mining.
Kilembe Copper & Cobalt.
Western DeCalta.
Great Northern Gas.
Cree Oil.
Initiative Mining.
Rio Tinto.
Zotox.
Bernstein Shipping.

Dated: August 13, 1956.

RICHARD G. GETTELL.

[F. R. Doc. 56–7135; Filed, Sept. 5, 1956; 8:49 a. m.]

CHARLES J. POTTER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Charles J. Potter, President, The Rochester and Pittsburgh Coal Company, Indiana, Pennsylvania, as a Member of the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Potter's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended,

Rochester & Pittsburgh Coal Company—President and Director.

Kent Coal Mining Company—President and Director.
Lucerne Coke Company—President and Director.
United Eastern Coal Sales Corporation—Director.
Rochester & Pittsburgh Coal Company, Canada, Ltd.—Director.
Vitro Minerals Corporation—President and Director.
Leechburg Mining Company—Director.
Savings & Trust Company—Director.
Josephine Furnace & Coke Company—Treasurer and Director.
Southern Coal & Coke Company—Director.

STOCKS

Mellon National Bank & Trust Company.
Savings & Trust Company.
American Telephone & Telegraph Company.
Westinghouse Electric Company.
Rochester & Pittsburgh Coal.
Truax-Traer Coal.
Westinghouse Air Brake.
Miami Copper.
Revere Copper & Brass.
Hill Top Bank.
Iron & Glass Bank.
Columbia Gas Company.
Basset Press.
Kwikset Locks.
West Tenn. Power.
Townsend Mfg. Co.
Bates Mfg. Company.
Taylor Aircraft.
Hearst Consolidated Publications.
North West Nitrogen.

Dated: August 20, 1956.

CHARLES J. POTTER.

[F. R. Doc. 56-7136; Filed, Sept. 5, 1956; 8:50 a. m.]

ROBERT N. WILKIN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Robert N. Wilkin, Judge, U. S. District Court of the District of Columbia, as a Member of the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Wilkin's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Citizens National Bank of New Philadelphia, Ohio.

Dated: August 20, 1956.

ROBERT N. WILKIN.

[F R. Doc. 56-7137; Filed, Sept. 5, 1956; 8:50 a. m.]

JOHN E. WARREN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. John E. Warren, Vice President, The First National City Bank of New York, New York, New York, as a Member of the Task Force, with the Presidential Advisory Committee on Energy Supplies and Resources Policy in the Office of Defense Mobilization. Mr. Warren's statement of his business interests is set forth below.

Dated: August 28, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

King Warren & Dye (Partnership).
American Smelting.
Burroughs.
Continental Oil.
Crown Zellerback.
Dow Chemical.
First National City Bank of N. Y.
General Electric.
General Motors.
Johns Manville.
National Lead.
Phillips Petroleum.
Radio Corporation.
Sucony Mobil.
Sperry Rand.
Standard Oil of New Jersey.
Union Carbide.
U. S. Steel.
Cuban American Oil Company.
Pathfinder Petroleum (Canadian).
Scurry Rainbow.
Texas Pacific Coal & Oil.
Target Petroleum (Canadian).
Warner Bros. Pictures.

Dated: August 13, 1956.

JOHN E. WARREN.

[F. R. Doc. 56-7138; Filed, Sept. 5, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3495]

HOME GAS CO. AND KEYSTONE GAS CO., INC.

MEMORANDUM OPINION AND ORDER AUTHORIZING ACQUISITION OF GAS PROPERTIES BY NON-UTILITY COMPANY AND DISMISSING APPLICATION OF PUBLIC-UTILITY COMPANY

AUGUST 30, 1956.

Home Gas Company ("Home") and The Keystone Gas Company, Inc. ("Keystone"), wholly-owned subsidiaries of The Columbia Gas System, Inc. ("Columbia"), a registered holding company, have filed a joint application and an amendment thereto pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") requesting such authorizations or exemptions as may be appropriate under the act with respect to the following proposed transactions:

Pursuant to an option dated March 14, 1955, from Harley E. Crandall, Roy S. Crandell, and Lillian A. Wilkinson (doing business as Wayne Gas Company), all non-affiliates of Columbia, to Keystone and a partial assignment of said option from Keystone to Home, the applicants propose to acquire, subject to the necessary regulatory approvals, certain gas properties in the Wayne natural gas field, located in portions of Schuyler, Yates, and Steuben counties, New York, as follows:

Home will acquire, for a cash consideration of $131,500 (with minor adjustment for property additions), the gas production facilities included within the optioned properties and also certain gas rights, leaseholds, and producing wells.

Keystone will acquire, for a cash consideration of $16,500 (with minor adjustment for property additions), the natural gas distribution plant included within the optioned properties.

Home is engaged in the purchase, storage, and transportation of natural gas and the sale thereof at wholesale to various utility companies in the State of New York. Home states that its proposed property acquisitions will assist it in further developing its underground storage field and in meeting its market requirements.

Keystone is engaged in the purchase, distribution, and sale at retail of natural gas in the City of Olean and various other communities in the State of New York, and the additional distribution facilities which it proposes to acquire will merely expand its present service area.

Since the property which Keystone proposes to acquire has heretofore been used and will continue to be used in the transmission and distribution at retail of natural gas, and since the acquisition of such property by Keystone has been expressly authorized by the New York Public Service Commission, the acquisition thereof by Keystone is exempt from the jurisdiction of this Commission pursuant to section 9 (b) (1) of the act. Therefore as to Keystone the instant application must be dismissed.

Since the properties which Home proposes to acquire will not be used in the distribution at retail of natural gas and therefore are not utility assets, the exemption afforded by section 9 (b) (1) is not available to Home; and since such properties constitute an interest in a business within the meaning of section 9 (a) (1) of the act, Home's proposed acquisitions are subject to the jurisdiction of this Commission. It is immaterial that part of the properties was heretofore included within a public utility distribution system under the jurisdiction of the New York commission, and that such commission has approved the transfer thereof to Home.

The fees and expenses of Home in connection herewith are estimated at $9,850, including legal fees of $5,850.

Due notice was given of the filing of said application, and no hearing was requested of or ordered by the Commission.

It appearing to the Commission, with respect to the application of Home, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application of Home be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the application of Keystone be, and hereby is, dismissed for lack of jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7122; Filed, Sept. 5, 1956; 8:47 a. m.]

[File No. 70-3505]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF PROPOSED TRANSFER BY PUBLIC-UTILITY SUBSIDIARY OF ITS TRANSMISSION FACILITIES TO ASSOCIATE COMPANY AS STEP IN SEPARATION OF SYSTEM'S DISTRIBUTION FACILITIES FROM ITS TRANSMISSION FACILITIES

AUGUST 30, 1956.

In the matter of The Columbia Gas System, Inc., Central Kentucky Natural Gas Company, Kentucky Gas Transmission Corporation, File No. 70-3505.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, Central Kentucky Natural Gas Company ("Central Kentucky"), a wholly-owned subsidiary of Columbia, and Kentucky Gas Transmission Corporation ("Transmission"), a newly formed Delaware corporation, which upon consummation of the proposed transactions will also be a wholly-owned subsidiary of Columbia, have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, and 12 thereof and Rules U-42 and U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Columbia and its subsidiaries have evolved a program of corporate simplification designed, among other things, to minimize the problems of rate regulation, the objective being to realign the System properties in such manner that all production, storage and transmission properties used in wholesale operations and subject to the jurisdiction of the Federal Power Commission will eventually be owned by a single operating company, and the retail distribution facilities in each State will be owned by a single company subject to the appropriate State commission. The instant filing covers one step in this program.

Central Kentucky is engaged in the purchase, storage, transmission and sale of natural gas within the State of Kentucky. The company will retain only those assets and properties used for the retail distribution of natural gas within said State; and it will transfer to Transmission its assets and properties used in wholesale operations for the transmission and storage of natural gas, together with the reserves, liabilities and obligations applicable thereto, and a sufficient amount of cash (presently estimated at $300,000) for Transmission's working capital requirements. The properties will be transferred at original cost less applicable reserves.

In payment for the assets and properties transferred, Transmission will issue and deliver to Central Kentucky 4,000 shares of its $25 par value Common Stock, having a book value of $8,269,021, and Installment Promissory Notes in the aggregate amount of $8,270,000, as of December 31, 1955.

Central Kentucky will deliver to Columbia the Installment Promissory Notes received from Transmission in prepayment of an equal principal amount of Central Kentucky's notes now held by Columbia. The notes to be issued by Transmission will have, to the extent practicable, the same terms as the notes of Central Kentucky which are to be repaid. Central Kentucky will also deliver to Columbia the common stock received from Transmission, and in consideration therefor Columbia will surrender for retirement common shares of Central Kentucky having an equal aggregate book value.

Upon consummation of the transfer by Central Kentucky of the facilities used in its wholesale operations, Transmission will become the principal supplier of natural gas to Central Kentucky, receiving the bulk of its supply from United Fuel Gas Company ("United Fuel"), a wholly-owned subsidiary of Columbia which at present is supplying Central Kentucky directly.

The Federal Power Commission has jurisdiction over the proposed acquisition and operation of certificated facilities by Transmission, the proposed abandonment of service through such facilities by Central Kentucky, the proposed abandonment by United Fuel of service to Central Kentucky, the proposed sale and delivery of natural gas by United Fuel to Transmission in lieu of its existing service to Central Kentucky, and the proposed sale of natural gas by Transmission to Central Kentucky after consummation of the transactions. The companies have filed a joint application with the Federal Power Commission seeking its approval of said proposals.

The Public Service Commission of Kentucky has authorized the consummation of the proposed transactions in so far as they affect Central Kentucky.

The fees and expenses to be incurred by the several companies in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than September 17, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary,

[F. R. Doc. 56-7121; Filed, Sept. 5, 1956; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

DRIED FIGS

REPORT OF THE PRESIDENT

AUGUST 30, 1956.

The Tariff Commission today submitted a report to the President on the developments in the trade in dried figs during the marketing year beginning July 1, 1955. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (17 F. R. 9125), which prescribes procedures for periodic review of "escape clause" modifications or withdrawals of trade-agreement concessions. The tariff concession granted on dried figs in the General Agreement on Tariffs and Trade was modified under the "escape clause" procedure and the import duty increased from 2½ cents per pound to 4½ cents per pound, effective August 30, 1952 (Proc. No. 2986; 17 F. R. 7567). The present report is the fourth report with respect to this matter under Executive Order 10401.

The Commission advised the President that the conditions of competition with respect to the trade in imported and domestically produced dried figs do not appear to have so changed during the 1955 marketing year as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. Such a formal investigation is a prerequisite to any action to restore in whole or in part a trade-agreement concession which had been modified or withdrawn under the "escape clause" procedure.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-7123; Filed, Sept. 5, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 128]

MOTOR CARRIER APPLICATIONS

AUGUST 31, 1956.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 52, filed July 30, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Mound Valley, Kans., and Muskogee, Okla., from Mound Valley over Kansas Highway 96 to junction of U. S. Highway 169, thence over U. S. Highway 169 to junction of U. S. Highway 60, thence over U. S. Highway 60 to junction of U. S. Highway 69, thence over U. S. Highway 69 to Muskogee, and return over the same route, serving the intermediate point of Nowata, Okla., (2) between junction of U. S. Highways 60 and 69 and Vinita, Okla., from junction of U. S. Highways 60 and 69 over U. S. Highway 60 to Vinita, and return over the same route, serving the junction of the two highways for purpose of joinder only. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri and Oklahoma.

No. MC 2900 Sub 86, filed August 22, 1956, GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson St., P. O. Box 2408, Jacksonville 3, Fla. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Simpsonville, S. C., as an off-route point in connection with applicant's authorized regular route operations to and from Greenville, S. C. Applicant is authorized to conduct operations in Alabama, Georgia, North Carolina, South Carolina, Florida and Tennessee.

No. MC 3252 Sub 14, filed August 3, 1956, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between Portland, South Portland, and Clayton Lake, Maine, on the one hand, and, on the other, the port of entry on the International Boundary line of the United States and Canada, at or near Jackman, Maine. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, and Rhode Island.

No. MC 4405 Sub 279, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from the site of the Fruehauf Trailer Company manufacturing plant located in San Bernardino County, Calif., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. (2) *Tractors*, other than farm tractors, in secondary driveaway movements, only when drawing trailers moving in initial driveaway movements, from the site of the Fruehauf Trailer Company manufacturing plant located in San Bernardino County, Calif., to points in Arizona, Nevada and Oregon.

NOTE: Applicant states the site location is within the Vina Vista-Ontario area but is in the rural country and that the exact description of the Fruehauf property is that it extends between Haven Avenue on the West and Milliken Avenue on the East and the San Bernardino Freeway on the North and the Southern Pacific Railroad on the South, all of which is within San Bernardino County, Calif.

No. MC 20824 Sub 12, filed August 13, 1956, COMMERCIAL MOTOR FREIGHT, INC., of Indiana, 111 East McCarty Street, Indianapolis, Ind. Applicant's representative: Cowan and Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Dayton, Ohio, and the intersection of U. S. Highway 40 and U. S. Highway 25, at or near Vandalia, Ohio, over U. S. Highway 25, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Richmond, Ind., and Columbus, Ohio, over U. S. Highway 40; and between Eaton, Ohio, and Springfield, Ohio, over U. S. Highway 35 and Ohio Highway 4. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Ohio.

No. MC 24379 Sub 21, filed June 20, 1956, LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: Edward G. Bazelon and Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in New Jersey, on the one hand, and, on the other, points which carrier is authorized to serve on its regular route operations (including off-route points) west of the Pennsylvania-New Jersey State line, with joinder of the irregular route authority proposed and the regular route authority at Harrisburg, Pa. Applicant is authorized to conduct irregular route operations in Ohio, New Jersey, and New York, and regular route operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: By the instant application, applicant states it seeks authority to operate between points authorized to it west of the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in New Jersey, without the necessity in each instance of operating through Newark or a point in New Jersey located within the New York Commercial Zone.

No. MC 28439 Sub 68, filed August 15, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Building, 14th Street at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fabricated aluminum articles*, from Harrisburg, Pa., and points within 10 miles thereof, to points in the United States.

No. MC 30837 Sub 207, filed August 20, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 - 76th St., Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tension wire stringers*, from Santa Clara, Calif., to points in the United States.

No. MC 30867 Sub 66, filed August 20, 1956, CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Dallas, Tex., and Fort Worth, Tex., over Texas Highway 183, serving all intermediate points including all filling stations, stores, and other businesses located on said route, coordinating this service with applicant's existing authority. Applicant is authorized to conduct operations in Texas.

No. MC 30867 Sub 67, filed August 20, 1956, CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houston, Tex., and Port Arthur, Tex., over new Texas Highway 73 via Anahuac, serving no new or additional points, coordinating this service with applicant's existing authority. Applicant is authorized to operate over a portion of Texas Highway 73 in No. MC 30867 Sub 54 which would be duplicated by the applied-for authority. Applicant is authorized to operate in Texas.

No. MC 30897 Sub 9, filed July 18, 1956, CONSOLIDATED FREIGHT COMPANY, a corporation, 100 Carroll Street, Saginaw, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Toledo, Ohio, and the site of the plant of Chrysler Corporation at or near Twinsburg, Summit County, Ohio, and (2) serving the site of the plant of Chrysler Corporation at or near Twinsburg, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Lansing, Mich., and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 31323 Sub 7, filed August 20, 1956, T. L. MYDLAND, 1401 Jefferson Highway (P. O. Box 10086, Jefferson Branch), New Orleans, La. Applicant's representative: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Food, and such merchandise*, as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of all such houses, and *empty containers and such incidental facilities* (not specified) used in transporting the commodities specified in this application, between New Orleans, La., and the commercial zone thereof, on the one hand, and, on the other, Fort Walton Beach, Fla., and points within 10 miles thereof.

NOTE: Applicant states the proposed transportation will be under individual contracts or agreements with persons who operate retail stores.

No. MC 35484 Sub 30, filed August 20, 1956, VIKING FREIGHT COMPANY, a Corporation, 614 South Sixth Street, St. Louis 2, Mo. Applicant's representative: La Tourette & Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contamining to other lading, between junction U. S. Highways 66 and 75 at or near Sapulpa, Okla., and Dallas, Tex., over U. S. Highway 75, serving no intermediate points, as an alternate route for operating convenience and joinder purposes only.

NOTE: Applicant states authority applied for herein is for the purpose of removing restriction presently contained in MC 35484 Sub 27. Applicant is authorized to conduct operations in Illinois, Kentucky, Missouri, Ohio, Oklahoma, Tennessee and Texas.

No. MC 43475 Sub 40, filed August 14, 1956, GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul 14, Minn. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at "K" Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Fargo, N. Dak., and Minot, N. Dak., over U. S. Highway 52, serving no intermediate points, but serving the Jet Air Base near Minot, N. Dak., and points within fifteen (15) miles of Minot as off-route points; and (2) between Grand Forks, N. Dak., and Minot, N. Dak., over U. S. Highway 2, serving no intermediate points, but serving the Jet Air Base near Minot, N. Dak., and points within fifteen (15) miles of Minot as off-route points. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: MC 43475 Sub 40 is directly related to MC-F 6368, published August 22, 1956 on page 6322 of the FEDERAL REGISTER.

No. MC 45656 Sub 7, filed August 21, 1956, ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N. C. Applicant's representative: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, from Cleveland, Crossville, Athens, Greenville, Morristown and Loudon, Tenn. and Toccoa, Ga., to Lenoir, N. C. and points within five miles thereof. Applicant is authorized to conduct operations in North Carolina, Virginia, Georgia, South Carolina, Tennessee, Maryland and the District of Columbia.

No. MC 52405 Sub 3, filed August 16, 1956, SCOTT BROS., INCORPORATED, 1000 South Broad Street, Philadelphia 46, Pa. Applicant's representative: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum* and *aluminum articles*, from Jersey City, to points in that part of New York and Connecticut within 90 miles of Jersey City, N. J.

NOTE: Applicant states under Permit No. MC 52405 Sub 1, it is authorized to transport *steel products*, over irregular routes, from Jersey City, N. J., to points in that part of New York and Connecticut within 90 miles of Jersey City, and the purpose of this application is to include aluminum and aluminum articles within the authorized area under the existing Permit No. MC 52405 Sub 1.

No. MC 59952 Sub 4, filed August 15, 1956, THE J. M. BARBE CO., a corporation, 470 South Street, S. E., Warren, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gas*, (oxygen), in bulk, in shipper-owned tube trailers, from Midland, Pa., to Warren, Ohio, and *shipper-owned tube trailers*, from Warren, Ohio, to Midland, Pa.

No. MC 66562 Sub 1307, filed August 20, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's representative: James E. Thomas, Railway Express Agency, Incorporated, Suite 1220 The Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Dothan, Ala., and Panama City, Fla.: from Dothan over U. S. Highway 231 to Panama City, and return over the same route, serving no intermediate or off-route points. RESTRICTIONS: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement, an immediately prior or immediately subsequent movement by rail or air, except as to shipments originating at or consigned to Dothan, Ala. Such further specific conditions as the Commission in the future may find it necessary to invoke in order to restrict carrier's operations to service which is auxiliary to or supplemental of express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 95649 Sub 1, filed August 8, 1956, NED A. BEEMAN, Laceyville, Pa. Applicant's representative: Paul H. Price, 609 Scranton Lackawanna Trust Build-

ing, Scranton, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured barn cleaners, slab saws, log cleaners* and *stone cutters* (requiring stake body trucks, gross weight 26,000 pounds), from Laceyville, Pa., to points in Pennsylvania, Ohio, New York, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine.

No. MC 96461 Sub 1, filed August 22, 1956, E. G. MENELAUS, doing business as BLOCKTON OIL CO., Blockton, Iowa. Applicant's representative: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from Paola, Kans., to points in that part of Iowa bounded on the north by Iowa Highway 92, and on the east by U. S. Highway 69, serving points on the portions of the highways specified.

No. MC 104340 Sub 126, filed August 21, 1956, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representative: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Dutchess County, N. Y., to point in Connecticut and Massachusetts. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Virginia, West Virginia, and Maryland.

No. MC 105632, filed August 20, 1956, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 W. Broad St., Savannah, Ga. Applicant's representative: Walter C. Scott, Jr., P. O. Box 642, Savannah, Ga. *Petition for reopening and modification* of the report and order of April 24, 1950 and reissuance of certificate dated May 31, 1956 which supersedes certificate dated December 6, 1950, and authorizes operations, among other, as a *common carrier* in the transportation of *general commodities* over regular routes between Albany, Ga., and Hartford, Ala., serving the intermediate points of Holt, Bermuda, Leary, Williamsburg, Commissary Hill, Arlington, Blakely, and Hilton, Ga., and Columbus, Webb, Smyrna, Dothan, Malvern and Slocomb, Ala., and the off-route point of Taylor, Ala., as described on page 3 of Certificate dated May 31, 1956, in service auxiliary to, or supplemental of, rail service of the Central of Georgia Railway and its rail subsidiaries, so as to eliminate that portion of the restrictions applicable to service between Albany, Ga., and Dothan, Alabama, described on page 5 of said certificate, namely, that shipments transported by said carrier between the points shall be limited to those moving under a through bill of lading covering, in addition to movement by said carrier, an immediately prior or immediately subsequent movement by rail.

No. MC 106644 Sub 31, filed August 2, 1956, (Amended), published August 29, 1956 on Page 6528, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E. Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities requiring special equipment*, between points in Wisconsin, on the one hand, and, on the other, points in Tennessee and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant has contract carrier irregular route authority in Permit No. MC 104724, dated May 25, 1954—Section 210 (dual operations) may be involved.

No. MC 107162 Sub 4, filed August 9, 1956, BERNHART H. JOHNSON, 529 Harding Street, Iron Mountain, Mich. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lime* (not in bulk), from Rockwood (Manitowoc County), Wis., to points in the Upper Peninsula of Michigan, (2) *Utility poles*, treated with preservatives, from Chicago, Ill., to points in the Upper Peninsula of Michigan, (3) *Qarried stone*, from points within 10 miles of DePere and Fond Du Lac, Wis., to points in the Upper Peninsula of Michigan, and (4) *Slab wood*, from Slinger, Wis., to Iron Mountain-Kingsford, Mich., and (5) *Rough* and *semi-finished lumber*, from Slinger, Wis., to Menominee, Mich. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 107403 Sub 220, filed August 23, 1956, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's representative: Paul F. Barnes, 811–19 Lewis Tower Building, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum oil additives*, in bulk, in tank vehicles, from Bristol, Pa., to points in Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia.

No. MC 107496 Sub 83, filed August 22, 1956, RUAN TRANSPORT CORPORATION, 408 S. E. 30th St., Des Moines 4, Iowa. Applicant's representative: Rex H. Fowler, 510 Central National Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, in tank vehicles, between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago; *petroleum products*, in bulk, in tank vehicles, (1) from Lockport, Ill. to Stevens Point, Wis.; (2) between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago; (3) from Lockport and Lemont, Ill., and East Chicago, Ind., to points in Illinois north of U. S. Highway 50 other than Chicago, Ill., and those within 125 miles of Chicago, those in Iowa east of U. S. Highway 69, those in Indiana north of a line beginning at Vincennes and extending along Indiana Highway 67 to junction of Indiana Highway 54, thence along Indiana Highway 54 to junction of Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, other than points in Indiana within 125 miles of Chicago, Ill.; those in Michigan south and west of a line beginning at Lake Michigan, and extending along an unnumbered highway via North Muskegon to junction of U. S. Highway 31, thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to Saint Louis, thence along U. S. Highway 27 to Lansing, thence along U. S. Highway 127 to junction of U. S. Highway 223, and thence along U. S. Highway 223 to the Michigan-Ohio State line; and those in Wisconsin east and south of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction of U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, and thence along Wisconsin Highway 23 to Sheboygan, including points on the indicated portions of the highways specified; *rejected petroleum products containers*, from points in the destination territory specified in (2) and (3) above to Lockport and Lemont, Ill. and East Chicago, Ind.; *petroleum and petroleum products*, in bulk, in tank vehicles, (1) from points in the Chicago commercial zone, in Illinois, as defined by the Commission in Chicago, Ill., Commercial Zone, 1. M. C. C. 673, to points in that part of Wisconsin located on, east, and south of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison, Wis., to Fond du Lac, Wis., and on and south of Wisconsin Highway 23; (2) from Niles, Mich., and points within five miles thereof, to points in Indiana on and north of a line commencing at the junction of the Illinois-Indiana State line and U. S. Highway 24, thence along U. S. Highway 24 through Logansport, Peru, and Wabash to Huntington, thence along U. S. Highway 224 through Decatur to the Indiana-Ohio State line; *liquid petroleum asphalt*, in bulk, in tank vehicles, from Lockport, Ill., to points in Lafayette, Iowa, Richland, Sauk, Juneau, Adams, Marquette, Waushara, Green Lake, Calumet, Winnebago, Manitowoc, Wood, Brown, Portage, Waupaca, Outagamie, Kewaunee, Marathon, Shawano, Oconto, and Door Counties, Wis., and those in that part of Green, Dane, Columbia, Dodge, Fond du Lac, and Sheboygan Counties, Wis., west and north of a line beginning at the Wisconsin-Illinois State line, and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, and thence along Wisconsin Highway 23 to Sheboygan, Wis., subject to the condition that the carrier shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation except, and only when such vehicle is at rest and off the highway. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota.

NOTE: Applicant herein is transferee in proceedings in No. MC–F 6373, published this issue, and by this application seeks common carrier certificates in lieu of applicable portions of Permit No. MC 52949 and in lieu of ePrmits No MC 52949 Sub 7, MC 52949 Sub 10, MC 52949 Sub 12, and MC 52949 Sub 13. This application will be processed concurrently with No. MC–F 6373.

No. MC 108298 Sub 22, filed August 23, 1956, ELLIS TRUCKING CO., INC., 430 Kentucky Ave., Indianapolis, Ind. Applicant's representative: Harry E. Yockey, Morris Plan Bldg., Suite 806, 108 E. Washington St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new supply depot of General Motors Corporation located approximately six (6) miles southwest of Flint, Mich., on Michigan Highway 78 near West Bristol and Miller Roads in Flint Township, Otterburn, Mich., as an intermediate and off-route point in connection with applicant's authorized regular route operations to and from Flint, Mich. Applicant is authorized to conduct operations in Michigan, Ohio, Indiana and Illinois.

No. MC 110923 Sub 1, filed August 16, 1956, ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from Kewanee, Ill., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Nebraska and Wisconsin.

No. MC 110940 Sub 13, filed July 30, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oils, fats*, and *greases*, and *products* (cotton seed oil, soya bean oil, peanut oil, cotton seed foots, soya bean foots, and vegetable oil foots), and *blends thereof* (cotton seed oil and soya bean oil), in bulk, in tank vehicles, except petroleum and petroleum products, (1) from points in Alabama, Tennessee, and South Carolina, to Macon, Ga., and (2) from Macon, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Duplication with present authority to be eliminated.

No. MC 111159 Sub 31, filed August 20, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Woodstock, Tenn. to points in Alabama, Arkansas, Kentucky, Louisiana, Missouri and Mississippi. Applicant is authorized to conduct operations in Mississippi, Alabama, Arkansas, Georgia, Louisiana, Tennessee, and Florida.

No. MC 111320 Sub 26, filed August 22, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Carryall* or *Low Boy Trailers*, by towaway method, between Camp Hill, Pa., and points in the United States.

No. MC 111472 Sub 37, filed August 17, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tractors*, with or without attachments (intended to embrace tractors which may have general utility use, and which are not necessarily limited to farm tractors), from Racine, Wis., to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Michigan, Missouri, North Dakota, Ohio, Nebraska and South Dakota. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin and Wyoming.

NOTE: In Certificate No. MC 111472 Sub 4 applicant is authorized to transport among other things, *farm tractors* and *farm machinery*, set up, over irregular routes, from Racine, Wis., to points in Iowa, Illinois, Indiana, Minnesota, Michigan, Missouri, North Dakota, South Dakota, and Nebraska. In Certificate No. MC 111472 Sub 8, applicant is authorized to transport *farm machinery*, over irregular routes, from Racine, Wis., to points in Kansas and Ohio. Duplication of the applied-for authority with present authority should be eliminated.

No. MC 111545 Sub 19, (Correction) filed August 7, 1956, published August 22, 1956, on page 6320, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga.

No. MC 111968 Sub 2, filed August 17, 1956, BUFORD P. McCORD, doing business as McCORD TRANSFER, 2711 Nolensville Road, Nashville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Structural steel*, and *commodities*, the transportation of which because of their size or weight require the use of special equipment and of parts thereof when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, between points in Illinois, on the one hand, and, on the other, points in Kentucky, Tennessee, North Carolina, South Carolina, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

No. MC 112324 Sub 1, filed August 16, 1956, P. TOSCANO & SONS MOVING CO., INC., 2049 Utica Avenue, Brooklyn, N. Y. Applicant's representative: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) from points in New York, New Jersey, Connecticut and Pennsylvania lying within 100 miles of New York, N. Y., to New York, N. Y., and (2) between New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania and Connecticut lying beyond 100 miles from New York, N. Y. Applicant is authorized in Certificate No. MC 112324 to transport *household goods* as defined by the Commission, over irregular routes, from points in the New York, N. Y., Commercial Zone as defined by the Commission, to those points in Connecticut, New Jersey, New York, and Pennsylvania which are within 100 miles of New York, N. Y.

NOTE: Applicant states no duplicating authority is sought and that the purpose of this application is to round out applicant's present one way authority to portions of the four states named and also to procure return authority.

No. MC 112822 Sub 2, filed January 17, 1955, *reopened for further hearing*, EARL BRAY, INC., Linwood and North St., P. O. Box 910, Cushing, Okla. Applicant's representative: Erle W. Francis, Veterans of Foreign Wars Bldg., 214 W. Sixth St., Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paraffine wax* and *petroleum wax*, and *petrolatum and petrolatum products, including petrolatum jelly*, not prepared or represented as a remedy medicine or lubricant for the human body, in bulk, in insulated tanks, and *petroleum lubricating oil*, in bulk, in tank trucks, from Ponca City, Okla., and all points within 20 miles thereof, to all points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska and Tennessee, and *damaged shipments* on return.

NOTE: This proceeding is *reopened for further hearing* at a time and place to be hereafter fixed, solely with respect to the

question of whether the public convenience and necessity require the proposed service in the transportation of paraffin wax and petroleum lubricating oil.

No. MC 113861 Sub 10, filed August 13, 1956, W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Ave., Memphis, Tenn. Applicant's representatives: Richard D. Gleaves, War Memorial Bldg., Nashville, Tenn., and Louis I. Dailey, 2111 Sterick Bldg., Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar* and *coal tar products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Mississippi, Arkansas, Missouri and Kentucky, and *empty containers or other such incidental facilities* (not specified), on return.

No. MC 113861 Sub 11, filed August 13, 1956, W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Ave., Memphis, Tenn. Applicant's representatives: Richard D. Gleaves, War Memorial Bldg., Nashville, Tenn., and Louis I. Dailey, 2111 Sterick Bldg., Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt products*, in bulk, in tank vehicles, from Jackson and Humboldt, Tenn., to points in Alabama, Mississippi, Arkansas, Missouri and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 114091 Sub 13, filed August 14, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *Petroleum products*, in bulk, in tank vehicles, as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 (1) from Dayton, Ohio, to Louisville, Ky., and (2) from Marcus Hook, Pa., to Dayton, Ohio, and Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Tennessee, and Kentucky.

No. MC 114614 Sub 3, filed August 21, 1956, T. T. BROOKS, doing business as T. T. BROOKS TRUCKING CO., 112 Chitwood Avenue, N. E., Fort Payne, Ala. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such businesses, (1) from Akron, Ohio, to Lawrenceburg, and Pulaski, Tenn.; and (2) from Pulaski, Tenn., to Akron, Ohio. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Ohio and Tennessee.

No. MC 116060, filed June 18, 1956, D. L. STIPE, 415 East 9th Street, North Little Rock, Ark. Applicant's representative: Willis V. Lewis, 112 West 2nd Street, Little Rock, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shields steel burial vaults*, wrapped in light paper, and *steel and wood caskets or coffins*, in boxes or wooden crates, (1) over U. S. Highway 167 from Little Rock, Ark., to Alexandria, La., (2) over U. S. Highway 65 from Sedalia, Mo., to Natchez, Miss., (3) over U. S. Highway 70 from Durant, Okla., to Nashville, Tenn., (4) over U. S. Highway 67 from Dallas, Tex., to Festus, Mo., (5) over U. S. Highway 64 from Tulsa, Okla., to Fayetteville, Tenn., (6) over U. S. Highway 72 to junction Alabama Highway 20, thence over Alabama Highway 20 (also over U. S. Highway 72 to junction Alabama Highway 31, thence over Alabama Highway 31), from Memphis, Tenn., to Decatur, Ala., (7) over U. S. Highway 79 from Palestine, Tex., to Clarksville, Tenn., (8) over U. S. Highway 71 from Nevada, Mo., to Alexandria, La., (9) over U. S. Highway 59 from Texarkana, Ark., to Corrigan, Tex., (10) over U. S. Highway 69 from Woodville, Tex., to Fort Scott, Kans., (11) over U. S. Highway 63 from Rolla, Mo., to West Memphis, Ark., (12) over U. S. Highway 169 from Iola, Kans., to Tulsa, Okla., (13) over U. S. Highway 66 from Rolla, Mo., to Oklahoma City, Okla., (14) over U. S. Highway 75 to junction U. S. Highway 169, at Collinsville, Okla., thence over U. S. Highway 169 from Atoka, Okla., to Humboldt, Kans., (15) over U. S. Highway 60 from Ponca City, Okla., to Morganfield, Ky., (16) over U. S. Highway 51 from Hammond, La., to Carbondale, Ill., (17) over U. S. Highway 82 from Gainesville, Tex., to Tuscaloosa, Ala., (18) over U. S. Highway 61 from Festus, Mo., to Natchez, Miss., (19) over Tennessee Highway 13 to the Tennessee-Alabama State line, thence over Alabama Highway 34 from Clarksville, Tenn., to Tuscumbia, Ala., (20) over U. S. Highway 59 from Sallisaw, Okla., to Ottawa, Kans., and (21) over U. S. Highway 62 from Oklahoma City, Okla., to New Madrid, Mo. *Damaged shipments* of the commodities specified in this application from the above-specified destination points to the above-designated origin points.

NOTE: Applicant states the transportation service is to be performed for Jack Barnes, doing business as Barnes Steel Vault Co., 1601 East 9th Street, Little Rock, Ark.

No. MC 116120, filed July 24, 1956, JAMES LUTHER DRAFFEN, doing business as DRAFFEN TRUCK LINES, Calvert City, Ky. Applicant's representative: John C. Lovett, Lovett Bldg., Benton, Ky. For authority to operate as a *contract carrier*, over regular routes, transporting: *Chemicals*, as more fully described in the application, (a) from Calvert City, Ky., to St. Louis, Mo; from Calvert City over Kentucky Highway 95 to junction with U. S. Highway 62, thence over U. S. Highway 62 to Reidland, Ky., thence over U. S. Highways 62 and 68 to Paducah, Ky., thence over U. S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to East St. Louis, Ill., and thence over U. S. Highway 50 to St. Louis (b) Calvert City, Ky., to Nashville, Tenn.: from Calvert City over Kentucky Highway 95 to junction with U. S. Highway 68, thence over U. S. Highway 68 to Hopkinsville, Ky., and thence over U. S. Alternate Highway 41 to Nashville and (c) from Calvert City, Ky., to Memphis, Tenn.: from Calvert City over Kentucky Highway 95 to junction with U. S. Highway 68, thence over U. S. Highway 68 to junction with U. S. Highway 641, thence over U. S. Highway 641 to Paris, Tenn., and thence over U. S. Highway 79 to Memphis, serving no intermediate or off-route points on the above-specified routes. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

No. MC 116134, Sub 1, filed August 8, 1956, H. & M. TRUCKING CO., INC., 2135 Queens Chapel Road, N. E. Washington, D. C. Applicant's representatives: John C. Bradley and Homer S. Carpenter, 618 Perpetual Building, 1111 "E" Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, and *gas and electrical appliances*, including, but not limited to, *refrigerators, T. V. sets, radios, kitchen equipment, phonographs, stoves, washers, dryers, garbage disposals, freezers, hot water heaters, ironers, air conditioners, dehumidifiers, clocks, fans, kitchen cabinets*, and *lawn mowers*, between points in the Washington, D. C., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Loudoun, Fauquier, Fairfax, Arlington, Prince William, and Stafford Counties, Va., and points in Charles, Saint Marys, Prince Georges, Calvert, Anne Arundel, Montgomery, Howard, Frederick, Carroll, and Baltimore Counties, Md. *RESTRICTION:* Restricted to traffic originating at or destined to residences or homes.

No. MC 116142, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *empty containers, and other such incidental facilities* (not specified) used in transporting beverages; and *advertising material* and *premiums*, between Cumberland, Md., and points in New Jersey.

No. MC 116142 Sub 1, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, from Baltimore, Md., and its commercial zone, as defined by the Commission, to points in New York and Pennsylvania, and *empty containers or other such incidental facilities* used in transporting the commodities, on return.

No. MC 116142 Sub 2, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For

authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, from Natick, Mass., and points within 25 miles thereof to points in New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the Commodities, on return.

No. MC 116142 Sub 3, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bank Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, from Newark, N. J., and its Commercial Zone, as defined by the Commission, to points in Ohio, and *empty containers, or other such incidental facilities* (not specified), on return.

No. MC 116142 Sub 4, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *empty containers or other such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, (1) between Lebanon, Pa., and its commercial zone, as defined by the Commission, and Newark, N. J., and its commercial zone, as defined by the Commission, and between Jersey City and Newark, N. J., and their commercial zones, as defined by the Commission, on the one hand, and, on the other, points in New Jersey.

No. MC 116142 Sub 5, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, from Natick, Mass., and its Commercial Zone, as defined by the Commission, to Dover and Wilmington, Del., and Harrisburg, Pa., and points in Pennsylvania on and east of a line drawn north and south from the New York-Pennsylvania State line to the Maryland-Pennsylvania state line through Altoona, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the Commodities, on return.

No. MC 116142 Sub 6, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *such incidental facilities* (not specified) used in transporting beverages; *advertising material* and *premiums*, from Trenton, N. J., and points within 15 miles thereof to points in West Virginia and Ohio, and *empty containers, or other such incidental facilities* (not specified), on return.

No. MC 116148, filed August 6, 1956, HARRY D. WOLF, Box 52, New Bloomfield, Pa. Applicant's representative: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated knocked-down homes*, and *component parts thereof*, and *materials* and *supplies*, incidental to the assemblage thereof, from McDonough, N. Y. to points in Florida, Georgia, South Carolina, North Carolina, Virginia, District of Columbia and Maryland.

No. MC 116149, filed August 7, 1956, GEORGE CAMERON AND RICHARD OLSKI, doing business as SP-DEE WHOLESALE FLOWER SERVICE, 25 Compton Avenue, West Keansburg, N. J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities, as are used or dealt in by florists and floral supply houses, including but not limited to wrapping paper, tinsels, vases, flower pots, ornaments and ornamentations, cases and display cases*, and *horticultural commodities*, when transported on a vehicle on which non-exempt commodities are transported for compensation at the same time, between New York, N. Y., on the one hand, and, on the other, points in Union, Middlesex, Monmouth, Ocean and Somerset Counties, N. J.

No. MC 116161, filed August 13, 1956, LESLIE C. TESCH, 405 South Market Street, Brenham, Tex. Applicant's representative: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverage*, in containers, from St. Louis, Mo., East St. Louis, Ill., and Belleville, Ill., to points in Washington, Brazos, Milam, Williamson, Bell, Falls, Burleson, Travis, McLennan and Harris Counties, Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 116162, filed August 13, 1956, I. D. WALKER AND E. F. MIXSON, doing business as I. D. WALKER AND SONS, P. O. Box 772, Belle Glade, Fla. Applicant's representative: John T. Bond, 1392 Northwest 36th Street, Miami 40, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Raw and semi-fabricated aluminum* and *aluminum products* (as more fully described in the application), and (2) *glass* and *glass products* (as more fully described in the application), between points in the United States, on the one hand, and, on the other, points in Florida.

No. MC 116164, filed August 16, 1956, ARROW TRANSPORTATION, a Corporation, 831 East Broadway, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pipe, pipe arches*, and *pipe sections*, plain or bituminous coated, *corrugated metal flumes, corrugated or plain metal sheets, curved sectional multi-plates, welded or wrought iron, water control headgates* and *highway guard rails*, from Des Moines, Iowa, to points in Kansas, Missouri, Nebraska and South Dakota.

No. MC 116166, filed August 16, 1956, FLUSHING TRUCKING CORP., 131–33 Avery Avenue, Flushing 55, N. Y. Applicant's representative: Dwyer W. Shugrue, 12 East 41st Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel office equipment* (such as desks, chairs, filing cabinets, shelving, coat valets), uncrated, from Avery Avenue, Flushing, N. Y., to shippers' customers at points in Massachusetts, Connecticut, New York, New Jersey and Pennsylvania.

No. MC 116136, (Correction) filed July 27, 1956, published August 29, 1956, on page 6531, AACON AUTO DELIVERY, INC., 1 Beekman St., New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Applicant's correct name is AACON AUTO DELIVERY SERVICE, INC.

No. MC 116170, filed August 1956, SIOUX FREIGHTWAYS, INC., P. O. Box 533, Sioux Falls, S. Dak. Applicant's representative: H. Lauren Lewis, Wilson Terminal Building, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Austin, Minn., Fort Dodge and Sioux City, Iowa, Omaha and Fremont, Nebr., and Mitchell, S. Dak., to Bristol, Tenn., and points in Maine, New Hampshire, Vermont, Massachuetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Indiana, Ohio, and the District of Columbia.

No. MC 116174, filed August 22, 1956, FINIS CHAFEN, doing business as CHAFEN BODY WORKS, 1015 South 10th Street, St. Joseph, Mo. Applicant's representative: Richard D. Duncan, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vehicles*, (damaged, disabled or wrecked) from points in Illinois, Iowa, Kansas, Missouri, Nebraska and Oklahoma to St. Joseph, Mo., for repair in applicant's body shop.

No. MC 116180, filed August 23, 1956, PAUL R. McLAUGHLIN, doing business as McLAUGHLIN TRUCKING CO., Darlington Highway, Florence, S. C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, poles, posts* and *cross ties*, rough, treated and dressed, from Darlington and Florence Counties, S. C., to points in Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, New Jer-

sey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

No. MC 116183, filed August 9, 1956, BERNHART G. JOHNSON, 529 Harding Street, Iron Mountain, Mich. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cinder blocks, concrete blocks*, and *brick*, from Green Bay, Wis., to points in the Upper Peninsula of Michigan. Applicant is authorized to perform common carrier irregular route operations to transport under Certificate No. MC 107162, *Lumber, logs, evergreens, pulpwood* and *wooden posts, piling* and *spars*, from points in the Upper Peninsula of Michigan to points in Wisconsin, and under Certificate No. MC 107162 Sub 2, *dry asphalt* and *black topping material*, in bulk, from points in Marathon County, Wis., to points in the Upper Peninsula of Michigan, and *Lumber*, from Eagle River, Wis., and points in Wisconsin within 50 miles of Eagle River, to points in the Upper Peninsula of Michigan.

NOTE: Section 210, dual operations may be involved.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2353 Sub 5, filed August 10, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in seasonal operations during the period between May 15 and September 15, inclusive, of each year, between Baltimore, Md., and Cape May, N. J., as follows: from Baltimore over U. S. Highway 40 to Malaga, N. J., thence over New Jersey Highway 47 to Millville, N. J., thence over New Jersey Highway 49 to Tuckahoe, N. J., thence over New Jersey Highway 50 to junction U. S. Highway 9 at Seaville, N. J., thence over connecting road to the Garden State Parkway Interchange, thence over the Garden State Parkway to junction New Jersey Highway 585, thence over New Jersey Highway 585 to junction U. S. Highway 9, thence over U. S. Highway 9 to Cape May, and return over the same route, serving all intermediate points, restricted to traffic moving between Baltimore and intermediate points on the route in Maryland, on the one hand, and, on the other, Cape May, N. J., and intermediate points on the route in New Jersey. Applicant is authorized to conduct irregular route operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and regular route operations in Delaware, Maryland, and New Jersey.

NOTE: Applicant states that the authority herein requested will be tacked with authority concurrently sought for a regular route between Baltimore, Md., and Washington, D. C., over U. S. Highways 40 and 29 and Maryland Highways 196 and 97. Applicant further states that no duplicating authority is sought.

No. MC 2353 Sub 6, filed August 10, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Baltimore, Md., and Washington, D. C., as follows: from Baltimore over U. S. Highway 40 to junction U. S. Highway 29, thence over U. S. Highway 29 to junction Maryland Highway 196 (also designated U. S. Highway 29), thence over Maryland Highway 196 (also designated U. S. Highway 29) to junction U. S. Highway 29, near White Oak, Md., thence over U. S. Highway 29 to junction Maryland Highway 97, thence over Maryland Highway 97 to Washington, and return over the same route, serving all intermediate points, except no passengers will be transported between Washington, D. C., on the one hand, and, on the other, points in Maryland along Maryland Highway 97 and U. S. Highway 29 to the intersection of U. S. Highway 29 and Maryland Highway 196 near White Oak, Md. Applicant is authorized to conduct irregular route operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and regular route operations in Delaware, Maryland, and New Jersey.

NOTE: Applicant states that the authority herein requested will be tacked with applicant's authorized regular route operations in Certificate No. MC 2353 Sub 2, dated July 21, 1955, and with the authority concurrently requested between Baltimore, Md., and Cape May, N. J., via Wildwood, N. J., and other intermediate points. Applicant further states that no duplicating authority is sought.

No. MC 108219 Sub 3, filed August 20, 1956, GREY GOOSE BUS LINES, LIMITED, Union Bus Depot, Winnipeg, Manitoba, Canada. Applicant's representative: Alan Foss, First National Bank Bldg., Fargo, N. D. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the international boundary line between the United States and Canada at or near Pine Creek, Minn., and International Falls, Minn., from the International boundary line between the United States and Canada at or near Pine Creek over Minnesota Highway 89 to Fox, thence over U. S. Highway 11 to International Falls, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the purpose of this application is to remove the restriction in MC 108219 and that no duplicate authority is sought. Applicant is authorized to conduct operations in Minnesota, North Dakota, Montana, Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Ohio, Oklahoma, South Dakota, Wisconsin and Wyoming.

No. MC 116096, filed July 11, 1956, LOREN C. BALL AND BARBARA JANE YOUNG, doing business as L. C. BALL TOURS, 5 W. Fourth St., Williamsport, Pa. Applicant's representative: O. William Vanderlin, 433 Market St., Williamsport, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and their *baggage* in the same vehicle with passengers, in special service expense-paid tours beginning and ending at Williamsport, Pa. and points within one hundred (100) miles of Williamsport and extending to points in the United States.

NOTE: Loren C. Ball, doing business as L. C. Ball, Tours, holds License No. MC 12372 authorizing operations as a broker in arranging transportation of passengers and their baggage between Williamsport, Pa. and points within 50 miles thereof, on the one hand, and, on the other, points in the United States. By application assigned No. MC 12649, published this issue, Loren C. Ball and Barbara Jane Ball seek a license in arranging for transportation of passengers and their baggage between all points in the United States.

No. MC 116157, filed August 10, 1956, FRED SHANHOLTZ, doing business as MIDDLE RIVER BUS COMPANY, 2037 Tred Avon Road, Baltimore 21, Md. Applicant's representative: John N. Maguire, 825 Eastern Avenue, Essex 21, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in charter operations, beginning and ending at Essex, Baltimore County, Md., and extending to points in New York, Delaware, New Jersey, Pennsylvania, District of Columbia, Virginia and West Virginia.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12649, filed July 20, 1956, LOREN C. BALL AND BARBARA JANE BALL, doing business as L. C. BALL TOURS, 431 Market St., Williamsport, Pa. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For a license (BMC 5) authorizing operations as a broker at Williamsport, Pa., in arranging for transportation in interstate or foreign commerce by motor vehicle of *passengers* and *their baggage* between all points in the United States. Loren C. Ball, doing business as L. C. Ball Tours, is authorized by License No. MC 12372 to arrange transportation by motor vehicle of passengers and their baggage between Williamsport, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F 5940, published in the March 16, 1955, issue of the FEDERAL REGISTER on page 1601. Application filed August 22, 1956, for temporary authority under section 210a (b).

No. MC–F 6322, published in the July 11, 1956, issue of the FEDERAL REGISTER on page 5155. Application filed August 27, 1956, for temporary authority under section 210a (b).

No. MC–F 6373. Authority sought for purchase by RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa, of a portion of the operating rights and certain property of JAMES A. HANNAH, INC., P. O. Box 89, Lemont, Ill., and for acquisition by JOHN RUAN, also of Des Moines, of control of such rights and property through the purchase. Applicants' representative: Rex H. Fowler, 510 Central National Bldg., Des Moines, Iowa. Operating rights sought to be transferred: *Petroleum*, in tank trucks, as a *contract carrier* over irregular routes, between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago; *petroleum*, in bulk, in tank trucks, from points in the Chicago Commercial Zone in Illinois, as defined by the Commission, to certain points in Wisconsin, and from Niles, Mich., and points within five miles thereof, to certain points in Indiana; *petroleum products*, in bulk, in tank trucks, between points in Illinois and Indiana within 125 miles of Chicago, Ill., including Chicago, from Lockport and Lemont, Ill., and East Chicago, Ind., to certain points in Illinois, Iowa, Indiana, Michigan, and Wisconsin, from points in the Chicago Commercial Zone in Illinois, as defined by the Commission, to certain points in Wisconsin, from Lockport, Ill., to Stevens Point, Wis., and from Niles, Mich., and points within five miles thereof, to certain points in Indiana; *liquid petroleum asphalt*, from Lockport, Ill., to certain points in Wisconsin. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 107496 Sub 83 is a matter directly related.

No. MC–F 6375. Authority sought for purchase by McLEAN TRUCKING COMPANY, P. O. Box 213, Winston-Salem, N. C., of the operating rights of MEREDITH & HITCHCOCK, INC., 134th Street & 12th Avenue, New York, N. Y. Applicant's representative: David G. Macdonald, 1625 K Street, N. W., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N. Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N. J., on the one hand, and, on the other, East Port Chester, Glanville, Greenwich, and Stamford, Conn., and points in Dutchess, Orange, Ulster, Putnam and Westchester Counties, N. Y. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b). By supplemental application M. C. BENTON, JR. and PAUL P. DAVIS, both of Winston-Salem, seek authority as persons in control of vendee to control MEREDITH & HITCHCOCK, INC., as a result of the purchase.

No. MC–F 6376. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg., of the operating rights and property of HARRY F. MARTIN and ANTON J. MARTIN, doing business as MARTIN TRANSFER COMPANY, 1152 - 12th Avenue, Longview, Wash. Applicants' representative: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Longview, Wash., and Portland, Oreg., and between Longview, Wash., and junction U. S. Highway 830 and Washington Highway 12–B, serving certain intermediate and off-route points; *household goods*, as defined by the Commission, over irregular routes, between points in Cowlitz and Wahkiakum Counties, Wash., on the one hand, and, on the other, points in Oregon; *cryolite* and *carbno electrodes* with stub, in bulk, in dump trucks, between Longview, Wash., on the one hand, and, on the other, Troutdale, Oreg., and points within three miles thereof; *groceries, forest products, stevedoring gear, agricultural commodities, machinery, building materials, logging camp equipment and machinery, pot linings, pot lining materials*, and *materials used in the manufacture of plastics*, from, to and between points and areas, varying with the commodity transported, in Washington and Oregon. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Nevada, Minnesota, North Dakota, Montana, Utah, Wisconsin, Illinois, Wyoming and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6379. Authority sought for purchase by KANSAS CITY-ATCHISON-OMAHA BUS LINES, INC., 5628 Wolcott Drive, Wolcott (mail address Bethel), Kans., of a portion of the operating rights and certain property of MISSOURI PACIFIC TRANSPORTATION COMPANY, 1600 Missouri Pacific Bldg., St. Louis, Mo., and for acquisition by C. F. DAWKINS and BERNITA M. DAWKINS, both of Wolcott, Kans., of control of such rights and property through the purchase. Applicants' representative: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Kansas City, Mo., and Omaha, Nebr., and between St. Joseph, Mo., and Topeka, Kans., serving all intermediate points. Vendee is not a carrier, but is affiliated with C. F. DAWKINS and BERNITA M. DAWKINS, doing business as KANSAS CITY-ATCHISON BUS LINE, Bethel, Kans., which is authorized to conduct temporary authority operations in Missouri and Kansas. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–7119; Filed, Sept. 5, 1956; 8:47 a. m.]

[No. MC–C–2001]

REDUCED CLASS AND COMMODITY RATES MIDDLE ATLANTIC TERRITORY

FIRST SUPPLEMENTAL ORDER

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 24th day of August A. D. 1956.

In the original order in this proceeding, the Commission, Board of Suspension, upon its own motion, entered upon an investigation concerning certain class and commodity rates, and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, between points in the New York, N. Y., and northern New Jersey area, on the one hand, and points in Pennsylvania on the other, as set forth in schedules of Middle Atlantic Conference, Agent, named therein, and comparable class and commodity rates published in schedules of Hudson Transportation Company, and the Association of Interstate Motor Carriers, Agent;

It appearing, that the following publications and effective supplements thereto contain class and commodity rates which are similar to, or are in addition to, the rates covered by the original order in this proceeding:

Hudson Transportation Co.: MF–I. C. C. No. 4 (except portions included in original order).

Hudson Transportation Company: MF–I. C. C. No. 6 (except portions contained in original order).

Association of Interstate Motor Carriers, Agent: MF–I. C. C. No. 13 (except portions contained in original order. Applies only from and to points named in the foregoing tariffs of Hudson Transportation Company).

The following publications insofar as they contain class and commodity rates applying between the points named in the foregoing tariffs of Hudson Transportation Company:

Middle Atlantic Conference, Agent: MF–I. C. C. No. A–590; MF–I. C. C. No. A–760.

Harry Hall doing business as Hall's Fast Motor Freight: MF–I. C. C. No. 6.

Jones Trucking Co.: MF–I. C. C. No. 2.

Metropolitan Motor Carriers Conference, Inc., Agent: MF–I. C. C. No. 24.

Paul W. Hively, doing business as Miller's Motor Freight Service: MF–I. C. C. No. 12.

Richards Freight Lines, Inc.: MF–I. C. C. No. 2.

Frank Salta and Benjamin Salta, Jr., doing business as Salta Brothers: MF–I. C. C. No. 8.

Anna Smulovitz, doing business as Smulovitz Bros., MF–I. C. C. No. 11.

Martin F. Voyton, Clem W. Voyton and Charles M. Voyton, a partnership, doing

business as Voyton Brothers: MF–I. C. C. No. 8.

It further appearing, that upon consideration of the tariff schedules shown in the foregoing, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in schedules designated herein, or as the same may be amended or reissued, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact, and the individual carriers, who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY,
Secretary.

[F R. Doc. 56-7120; Filed, Sept. 5, 1956; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17789, Amdt.]

CARL CONRADI

In re: Bonds owned by Carl Conradi, also known as Karl Conradi and as Carlo Conradi; F–28–20012.

Vesting Order 17789, dated May 4, 1951, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Conradi, also known as Karl Conradi and as Carlo Conradi, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Chicago, Milwaukee, St. Paul and Pacific Railroad Company 5 percent Convertible Adjustment Mortgage Gold Bond, Series A, of $1,000.00 face value, in bearer form bearing the number M18269 and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1931, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Central Pacific Railway Company First Refunding 4 percent Mortgage Gold Bond, of $1,000.00 face value, in bearer form bearing the number 80487 and evidenced by coupons attached to or detached from said bond and due on or after February 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond and coupons, and

c. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage Bond, of $1,000.00 face value, in bearer form bearing the number M34564 and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Conradi, also known as Karl Conradi and as Carlo Conradi, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F R. Doc. 56-7142; Filed, Sept. 5, 1956 8:50 a.m.]

[Vesting Order 18262, Amdt.]

ELISABETH ALBRECHT ET AL.

In re: Securities owned by Mrs. Elisabeth Albrecht and others; F–28–4377, D–28–11147–E–1.

Vesting Order 18262, dated August 1, 1951 is hereby amended as follows and not otherwise:

By deleting subparagraph 11 of said Vesting Order 18262, and substituting therefor the following:

11. That certain debt or other obligation, matured or unmatured, evidenced by one (1) St. Louis Southwestern Railway Company, Second Mortgage 4 percent Gold Bond of $500 face value, due 1989, bearing the number 36, and evidenced by coupons attached to or detached from said bond and due on or after January 1, 1936, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights, in to and under said bond,

All other provisions of said Vesting Order 18262 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7143; Filed, Sept. 5, 1956; 8:51 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 174

Washington, Friday, September 7, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 4000 and 5560, and containing the specific requirements of the 1956-crop wheat price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.1645 (a) is amended by deleting subparagraph (2) and inserting a new subparagraph (2) which reads as follows:

§ 421.1645 *Settlement*—(a) *Settlement value.* * * *

(2) The provisions of this subparagraph, together with applicable provisions of the 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat, constitute the regulations applicable to purchase agreement operations under the 1956-crop wheat price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the wheat to CCC. However, he may sell to CCC any quantity of the eligible wheat not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the wheat to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible wheat stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of wheat he elects to sell to CCC. Such wheat will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate determined in accordance with § 421.1618 (d).

(iii) Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his wheat stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the wheat shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the wheat. If the wheat, on the basis of the pre-delivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible wheat to CCC the wheat shall be reinspected, and settlement shall be made at the applicable support rate for the grade and quality of the quantity of wheat eligible for delivery on the basis of such reinspection. Such support rate shall be determined in accordance with § 421.1618 (d). If wheat which was eligible at the time of the pre-delivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible wheat as determined at the

(Continued on next page)

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time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the wheat determined by the pre-delivery inspection and the market price of the wheat delivered, as determined by CCC: *Provided, however*, That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price and: *Provided further*, That if upon delivery, the wheat is of a quality which does not meet sanitation requirements of § 421.1638 (d) (1), the wheat shall be sold for feed, or for industrial uses other than food and beverages, and in the event it does not meet the requirements of § 421.1638 (d) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further*, That if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose wheat stored in other than an approved warehouse is not of a quality eligible for a loan at the time of the pre-delivery inspection, shall be notified in writing by the county committee that his wheat is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the wheat or otherwise take action to make the wheat eligible, and insists upon delivery of the wheat, the county committee will issue delivery instructions and will determine upon delivery of the wheat and before purchase, on the basis of a sample taken at that time, whether or not the wheat is actually of an eligible grade and quality. If the wheat is inadvertently accepted by CCC and is of a grade and quality below the eligibility requirements for obtaining a loan, the settlement value for such wheat shall be the market price as determined by CCC for the quality of the wheat delivered. If, however, the wheat is of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate, determined in accordance with § 421.1618 (d), for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of wheat in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the wheat is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the wheat stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the wheat covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for wheat which was of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the wheat is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the wheat is going out of condition or is in danger of going out of condition and that the wheat cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) The provisions of § 421.1618 (f) shall be applicable in cases where a producer is ordered by the county committee to deliver his wheat to a shipping point of greater distance than his customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 4th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-7193; Filed, Sept. 6, 1956; 8:51 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 4004, 4785, and 5982, and containing the specific requirements of the 1956-crop barley price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.1685 (a) is amended by deleting subparagraph (2) and inserting a new subparagraph (2) which reads as follows:

§ 421.1685 *Settlement*—(a) *Settlement value.* • • •

(2) The provisions of this subparagraph, together with applicable provisions of the 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Barley, constitute the regulations applicable to purchase agreement operations under the 1956-crop barley price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the barley to CCC. However, he may sell to CCC any quantity of the eligible barley not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the barley to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible barley stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of barley he elects to sell to CCC. Such barley will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate determined in accordance with § 421.1618 (d).

(iii) Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his barley stored in other than an approved warehouse under purchase agreement to CCC an inspection of the barley shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the barley. If the barley, on the basis of the pre-delivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible barley to CCC, the barley shall be reinspected, and settlement shall be made at the applicable support rate for the grade and quality of the quantity of barley eligible for delivery on the basis of such reinspection. Such support rate shall be determined in accordance with § 421.1618 (d). If barley which was eligible at the time of the pre-delivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible barley as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the barley determined by the pre-delivery inspection and the market price of the barley delivered, as determined by CCC: *Provided, however*, That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *Provided further*, That if, upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by men or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose barley stored in other than an approved warehouse is not of a quality eligible for a loan at the time of the pre-delivery inspection shall be notified in writing by the county committee that his barley is not eligible for purchase by CCC. If,

nevertheless, the producer informs the county office that he will condition the barley, or otherwise take action to make the barley eligible and insists upon delivery of the barley, the county committee will issue delivery instructions and will determine upon delivery of the barley and before purchase, on the basis of a sample taken at that time, whether or not the barley is actually of an eligible grade and quality. If the barley is inadvertently accepted by CCC and is of a grade and quality below the eligibility requirements for obtaining a loan, the settlement value for such barley shall be the market price as determined by CCC for the quality of the barley delivered. If, however, the barley is of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate, determined in accordance with § 421.1618 (d), for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of barley in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the barley is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the barley stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the barley covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for barley which was of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the barley is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the barley is going out of condition or is in danger of going out of condition and that the barley cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) The provisions of § 421.1618 (f) shall be applicable in cases where a producer is ordered by the county committee to deliver his barley to a shipping point of greater distance than his customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 1447, 1421)

Issued this 4th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7194; Filed, Sept. 6, 1956; 8:51 a. m.]

[1956 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4007, 4792, 5031 and 5566, and containing the specific requirements of the 1956-crop oats price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.1885 (a) is amended by deleting subparagraph (2) and inserting a new subparagraph (2) which reads as follows:

§ 421.1885 *Settlement—(a) Settlement value.* * * *

(2) The provisions of this subparagraph, together with applicable provisions of the 1956 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Oats, constitute the regulations applicable to purchase agreement operations under the 1956-crop oats price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the oats to CCC. However, he may sell to CCC any quantity of the eligible oats not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the oats to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible oats stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of oats he elects to sell to CCC. Such oats will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate for the county in which the oats were produced.

(iii) Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his oats stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the oats shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the oats. If the oats, on the basis of the pre-delivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible oats to CCC the oats shall be reinstated, and settlement shall be made at the applicable support rate for the grade and quality of the quantity of oats eligible for delivery on the basis of such reinspection. Such support rate shall be the rate established for the county in which the oats were produced. If oats, which were eligible at the time of the pre-delivery inspection are upon delivery of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible oats as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the oats determined by the pre-delivery inspection and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *Provided further,* That if, upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, such oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose oats stored in other than an approved warehouse are not of a quality eligible for a loan at the time of predelivery inspection, shall be notified in writing by the county committee that his oats are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the oats, or otherwise take action to make the oats eligible and insists upon delivery of the oats, the county committee will issue delivery instructions and will determine upon delivery of the oats and before purchase, on the basis of a sample taken at that time, whether or not the oats are actually of an eligible grade and quality. If the oats are inadvertently accepted by CCC and are of a grade and quality below the eligibility requirements for obtaining a loan the settlement value for such oats shall be the market price as determined by CCC for the quality of the oats delivered. If, however, the oats are of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate for the county in which the oats were produced and for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of oats in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the oats is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the oats stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the oats covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for oats which were of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the oats are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the oats are going out of condition or are in danger of going out of condition and that the oats cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) If the producer is directed by the county committee to deliver his oats to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the oats any distance greater than the distance from the point where the oats are stored by the producer to the customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421.)

Issued this 4th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President
Commodity Credit Corporation.

[F. R. Doc. 56-7192; Filed, Sept. 6, 1956; 8:51 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT VALUE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 4265 and 4545, and containing the specific requirements of the 1956-crop flaxseed price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.2085 (a) is amended by deleting the second subparagraph (2) and inserting a subparagraph (3) which reads as follows:

§ 421.2085 *Settlement—(a) Settlement value.* * * *

(3) The provisions of this subparagraph, together with applicable provisions of the 1956 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Flaxseed, constitute the regulations applicable to purchase agreement operations under the 1956-crop flaxseed price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the flaxseed to CCC. However, he may sell to CCC any quantity of the eligible flaxseed not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the flaxseed to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible flaxseed stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of flaxseed he elects to sell to CCC. Such flaxseed will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate determined in accordance with § 421.1618 (d).

(iii) Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his flaxseed stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the flaxseed shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the flaxseed. If the flaxseed on the basis of the pre-delivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible flaxseed to CCC the flaxseed shall be reinspected, and settlement shall be made at the applicable support rate for the grade and quality of the quantity of flaxseed eligible for delivery on the basis of such reinspection. Such support rate shall be determined in accordance with § 421.1618 (d). If flaxseed which was eligible at the time of the pre-delivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible flaxseed as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the flaxseed determined by the pre-delivery inspection and the market price of the flaxseed delivered, as determined by CCC: *Provided, however,* That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price; *Provided further,* That if upon delivery the flaxseed contains mercurial compounds or other substances poisonous to man or animals, such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose flaxseed stored in other than an approved warehouse is not of a quality eligible for a loan at the time of the pre-delivery inspection, shall be notified in writing by the county committee that his flaxseed is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the flaxseed, or otherwise take action to make the flaxseed eligible and insists upon delivery of the flaxseed, the county committee will issue delivery instructions and will determine upon delivery of the flaxseed and before purchase, on the basis of a sample taken at that time, whether or not the flaxseed is actually of an eligible grade and quality. If the flaxseed is inadvertently accepted by CCC and is of a grade and quality below the eligibility

requirements for obtaining a loan, the settlement value for such flaxseed shall be the market price as determined by CCC for the quality of the flaxseed delivered. If, however, the flaxseed is of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate, determined in accordance with § 421.1618 (d), for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of flaxseed in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the flaxseed is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the flaxseed stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any lose in quantity or quality of the flaxseed covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for flaxseed which was of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the flaxseed is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the flaxseed is going out of condition or is in danger of going out of condition and that the flaxseed cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) The provisions of § 421.1618 (f) shall be applicable in cases where a producer is ordered by the county committee to deliver his flaxseed to a shipping point of greater distance than his customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 4th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7195; Filed, Sept. 6, 1956; 8:51 a. m.]

Subchapter C—Export Programs

PART 481—WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

SUBPART—TERMS AND CONDITIONS OF 1956–57 PROGRAM

PROGRAM PERIOD

Section 481.731 of the Terms and Conditions of the 1956–57 Wheat and Wheat-Flour Export Payment Program (21 F. R. 4645) issued on June 21, 1956, as amended, is further amended to read as follows:

§ 481.731 *Program period.* Sales entered into after the effective date of this offer and not later than September 3, 1956, with respect to wheat, or not later than July 31, 1957, with respect to flour, for recording against the 1956–57 Wheat Agreement guaranteed quantities are eligible for payment under this offer.

(Secs. 2, 3, 63 Stat. 945, as amended, 946; 7 U. S. C. 1641, 1642)

This amendment shall become effective on September 4, 1956, at 12:01 a. m., e. d. t.

Issued this 31st day of August 1956.

[SEAL] WALTER C. BERGER,
Acting Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7179; Filed, Sept. 6, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 947), regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

a. The provisos in §§ 947.50 and 947.51 and the entire § 947.53 will not tend to effectuate the declared policy of the act for the period after August 31, 1956.

Provisos in §§ 947.50 and 947.51 and entire § 947.53 provide that when rail tariff on milk and cream is increased or decreased the Class I and Class II price for plants located not more than 100 miles from Fall River shall be increased or decreased to the extent of the increase or decrease in the rail tariff for transportation of milk or cream respectively. This provision was based on the concept that any change in the rail tariff on milk and cream would be made only in terms of the rate applying to shipments from specific 10-mile zones via rail mileage. However, New England Joint Tariff M No. 8 effective September 1, 1956, has substituted point-to-point rates in place of the traditional zone rates. The differences between the old and new rates vary considerably from any uniformity of change by 10-mile zones, and by their very nature their effect cannot be uniformly reflected in the order's zone table.

b. Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reason stated under a above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This suspension order does not require persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective September 1, 1956.

It is therefore ordered, That the provisos of §§ 947.50, 947.51, and entire § 947.53 be and they are hereby suspended during the period from September 1, 1956 to the effective date of any amendment made to the order as a result of a public hearing.

Done at Washington, D. C., this 31st day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7177; Filed, Sept. 6, 1956; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 84]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435, 5861), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subdivision (vii) of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, is amended to read:

(vii) That part of the Town of Oxford lying north of Dand Road, south of Federal Hill Road, east of Brown Street, and west of Hudson Street; and that part of the Town of Oxford lying north of Federal Hill Road, south of Depot Road, east of State Route No. 12, and west of Millbury Street.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a certain area in Massachusetts from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such area. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 31st day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-7197; Filed, Sept. 6, 1956; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter E—Air Navigation Regulations

[Amdt. 4]

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

ACCEPTANCE OF RESERVATION MESSAGES PERTAINING TO FLIGHTS SCHEDULED TO DEPART WITHIN 72 HOURS

Under the present provisions of § 612.2 (a) (8), reservation messages originated by aircraft operating agencies to secure the space required in transport aircraft scheduled to depart within 72 hours after the message is filed are accepted for transmission over Government-operated facilities without restriction. This amendment will limit the acceptance of such messages to those cases where adequate non-Government communication facilities are not available. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 612.2 (a) (8) is rescinded.

2. Section 612.2 (c) is amended by deleting in subparagraph (1) the words "and (8)" and by adding a new subparagraph to read:

(11) Reservation messages originated by aircraft operating agencies to secure the space required in transport aircraft.

3. Section 612.3 is amended by deleting the words "(a) (8) or", in the last sentence of the first paragraph.

4. Section 612.5 is amended by deleting the words "(a) (8) and".

(Sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. 425, 1159. Interpret or apply secs. 301, 302, 52 Stat. 985, sec. 606, 56 Stat 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606)

This amendment shall become effective September 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56-7164; Filed, Sept. 6, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraph (e) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* • • •

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (1) are detailed for duty with the Army, Navy, or Coast Guard; (2) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943: *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) perform active service in time of war or of emergency involving the national defense (Pub. Law 492, 84th Cong.) and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945. Hence, on and after the latter date and to and including July 3, 1952, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans Administration: *Provided, however,* That if disability was incurred after July 25, 1947, and prior to May 11, 1951, the rates payable and criteria are those provided by Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A). On and after May 11, 1951, the rates payable and criteria are those provided by Part I, Veterans Regulation 1 (a), as amended, including those who incurred disability after June 26, 1950. Commissioned officers of the Public Health Service retired for any cause during the period from July 29, 1945, to July 3, 1952, inclusive, are in the same category as retired officers of the Armed Forces with respect to benefits payable under the laws administered by the Veterans Administration and are therefore subject to the provisions of § 3.300.

• • • • • •

(Sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, 53 Stat. 813, sec. 4, 54 Stat. 864, as amended, sec. 1,211, 55 Stat. 598, 12, 56 Stat. 730, as amended, 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223, Vet. Reg. 1 (a), as amended, Vet Reg. 10, as amended, 65 Stat. 40, 68 Stat. 360, 789, 70 Stat. 116; 5 U. S. C. 133a, note, 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 855c, 855c–1, 857a, 38 U. S. C. 238, 238c–e, 704, 730, 745, ch. 12A, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592, E. O. 8929, 6 F. R. 5581, 3 CFR 1943 Cum. Supp.; E. O. 9575, 10 F. R. 7895, E. O. 9666, 11 F. R. 1, 3 CFR 1945 Supp.; E. O. 10349, 17 F. R. 8769; E. O. 10356, 17 F. R. 4967, E. O. 10362, 17 F. R. 5413, E. O. 10367, 17 F. R. 5929, 3 CFR 1952 Supp.)

2. In § 3.216, paragraph (c) is amended to read as follows:

§ 3.216 *Application for increase based upon changed physical condition.* • • •

(c) *Physical examination reports, clinical records, and transcripts of records received from State, county, municipal, and recognized private institutions.* Generally, physical examination reports, clinical records, and transcripts of records from State, county, municipal, and recognized private institutions relative to veterans will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is, the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition and records pertaining to veterans hospitalized at Veterans Administration expense must be certified by Chief Medical Officers or their physician designees. Section II of the annual supplement, "Administrators Guide Issue" of "Hospitals —The Journal of the American Hospital Association," contains the only current list of acceptable hospitals located in the United States, its territories and possessions. These hospitals are accredited by the Joint Commission on Accreditation of Hospitals or are recognized as having met eligibility standards for registration established previously by the American Medical Association. However, all acceptable hospitals are not listed inasmuch as this listing is a voluntary procedure and no hospital is required to apply for inclusion. If the hospital in which the veteran was examined or treated is not listed in the most recent issue of this publication, the Chief Medical Officer or his physician designee will be requested to advise whether the hospital is acceptable for the care and treatment of Veterans Administration beneficiaries. Depending upon the advice of the Chief Medical Officer or his physician designee, the report will be accepted or corroborative examination by the Veterans Administration re-

quested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits. Even when submitted for such purpose, where the hospitalization is not at Veterans Administration expense, the effective date of benefits will be the date of receipt by the Veterans Administration of the report of hospitalization constituting the claim for increase or to reopen.

3. In § 3.358, paragraph (a) is amended to read as follows:

§ 3.358 *Public Law 212, 72d Congress, as amended.* (a) Effective July 1, 1932, section 212 of Public Law 212, 72d Congress, as amended, which is permanent legislation, prohibits the concurrent payment of retirement pay (other than that payable under Title III, Public Law 810, 80th Congress (decision Court of Claims—Tanner vs. United States)) and salary from the United States Government or the Municipal Government of the District of Columbia, or any corporation, the majority of the stock of which is owned by the United States, except under certain specified conditions. However, such prohibition is inapplicable if the disability for which retired was incurred in combat with an enemy of the United States. The above restriction is also inapplicable on and after July 15, 1940, if the disability for which retired resulted from an explosion of an instrumentality of war in line of duty and on and after January 1, 1951, if such disability was caused by an instrumentality of war in line of duty. A finding by the Board of Veterans Appeals that a disability is the direct result of the performance of duty, or that on all the evidence of record it is clearly shown that the disability for which retirement was granted was incurred in or aggravated by active service in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, does not of itself meet the requirements of Public Law 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted or a specific finding that the disability resulted from an explosion of an instrumentality of war or was caused by an instrumentality of war in line of duty during enlistment or employment as provided in Part I, paragraph I, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A). If a retired officer is also an employee of the United States within the purview of section 212, Public Law 212, 72d Congress, as amended, and his retired pay is at a rate equal to or in excess of $10,000 per annum, he must elect which form of payment he desires during the period of such incumbency. If the rate of the retired pay and the rate of civilian compensation, when combined, are equal to or less than $10,000 per annum, he is entitled to both. On the other hand, if the civilian compensation is at a rate of less than $10,000 and the retired pay is also at a rate of less than $10,000, he is entitled to the full amount of his civilian pay and to such additional amount from the retired pay as will make a total payment annually of $10,000 (Comptroller General—June 25, 1942, B–24989—Public Law 239, 84th Cong.). If the retired pay is at a rate of less than $10,000 and the civilian pay is at a rate in excess of $10,000, there is no right of election, the civilian pay must be paid, and even though it is a part-time position and the salary actually paid is less than $10,000 per annum, there is no right to any portion of the retired pay (Comptroller General—Aug. 17, 1932, 12 Comp. Gen. 256). The claim of a part-time employee should be adjudicated on the "rate" of pay for the position rather than on the part-time pay received. It is, therefore, necessary to ascertain from the department or establishment where the veteran is employed, the annual rate of pay for the position held. Section 212, Public Law 212, 72d Congress, as amended, is applicable to persons receiving fees from the Federal Government only when such fees are paid in connection with employment in "a civilian office or position, appointive or elective, under the United States Government or Municipal Government of the District of Columbia, or under corporation, the majority of the stock of which is owned by the United States." However, when the fees are based on services furnished under contract, i. e., when the person receiving same is not an "employee," section 212, Public Law 212, 72d Congress, as amended, is not for application. For example, employment by the Veterans Administration of former officers of the Armed Forces retired for disability as consultants upon a fee basis pursuant to section 14 (a) of Public Law 293, 79th Congress, is not in contravention of section 212 of Public Law 212, 72d Congress, inasmuch as such consultants do not occupy an "office or position" within the meaning of those terms as used in the cited statute, notwithstanding that the term "compensation" as used therein is sufficiently broad to include fees (Comp. Gen. B–62616, Jan. 17, 1947).

(Sec. 212, 47 Stat. 406, as amended, sec. 608, 59 Stat. 305, secs. 301–313, 62 Stat. 1087, sec. 2, 69 Stat. 498; 5 U. S. C. 59a, 948, 10 U. S. C. 1036–1036i, 1036 note, 34 U. S. C. 440h–440q, 440h note)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 7, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–7189; Filed, Sept. 6, 1956; 8:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGES FOR VARIOUS INDUSTRIES

On February 29, 1956, a hearing was held to determine what is the prevailing minimum wage in each of several named industries and parts of industries for which there is a prevailing minimum wage determination of less than $1.00 per hour under section 1 (b) of the Walsh-Healey Public Contracts Act. Upon the basis of the record compiled at the hearing, the Secretary of Labor published a proposed determination of prevailing minimum wages (21 F. R. 5696—July 28, 1956), in which prevailing minimum wages for all of those industries and parts of industries are found to be $1.00 per hour. Interested parties were allowed 15 days in which to submit written exceptions to the proposed determination. No exceptions have been received. The findings and conclusions and the reasons and bases therefore are set out in the Notice of Proposed Determination of Prevailing Minimum Wages for Various Industries (21 F. R. 5696), are hereby adopted for the purpose of this determination.

Accordingly, pursuant to authority vested in me by sections 1 (b) and 6 of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35), Part 202 of Title 41, Code of Federal Regulations (41 CFR Part 202) is amended as follows:

1. In §§ 202.2 (b) Cotton Garments, 202.3 (b) Men's Neckwear, 202.4 (b) Rainwear, 202.5 (b) Knitwear and Woven Underwear, 202.6 (b) Seamless Hosiery, 202.8 (b) Shoe Manufacturing, 202.10 (b) Handkerchiefs, 202.16 (b) Vitrified China, 202.19 (b) Luggage and Leather Goods, 202.20 (b) Fireworks, 202.21 (b) Wool Carpet, 202.22 (b) Tags, 202.26 (b) Tobacco, 202.27 (b) Furniture, 202.29 (b) Specialty Accounting, 202.38 (b) Die Casting, 202.40 (b) Evaporated Milk, 202.42 (b) Leather Manufacturing, 202.45 (b) Aviation Textile, 202.46 (b) Gloves and Mittens, delete the number and words "not less than 75 cents per hour" and insert in place thereof the symbol, number and words "$1.00 per hour".

2. Sections 202.2 (c) Cotton Garments, 202.3 (c) Men's Neckwear, 202.4 (c) Rainwear, 202.5 (c) Knitwear and Woven Underwear, 202.6 (c) Seamless Hosiery, 202.8 (c) Shoe Manufacturing, 202.9 (c) Dimension Granite, 202.10 (c) Handkerchiefs, 202.11 (c) Men's Hats, 202.16 (c) Vitrified China, 202.18 (c) Pressed and Blown Glass, 202.19 (c) Luggage and Leather Goods, 202.20 (c) Fireworks, 202.21 (c) Wool Carpet, 202.22 (c) Tags, 202.26 (c) Tobacco, 202.27 (c) Furniture, 202.28 (c) Drugs and Medicine, 202.29 (c) Specialty Accounting, 202.31 (c) Soap, 202.32 (c) Fertilizer, 202.35 (c) Cement, 202.36 (c) Structural Clay, 202.37 (c) Uniform and Clothing, 202.38 (c) Die Casting, 202.39 (c) Dental Goods, 202.40 (c) Evaporated Milk, 202.42 (c) Leather Manufacturing, 202.45 (c) Aviation Textile, 202.46 (c) Gloves and Mittens, and 202.48 (c) Surgical Instruments, are amended to read as follows:

(c) *Tolerances.* Learners and apprentices may be employed at wages less than $1.00 an hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

3. Section 202.11 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the men's hat and cap industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

4. Section 202.18 (b) is amended by deleting the number and words "83½ cents per hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

5. Section 202.28 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drug, medicine, and toilet preparations and cosmetics industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

6. Section 202.31 (b) is amended by deleting the number and words "95 cents per hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

7. Section 202.33 (b) (2) is amended by deleting the number and words "99 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

8. Section 202.33 (c) is amended to read as follows:

(c) *Tolerances.* (1) Beginners (probationary workers) as defined in this paragraph may be employed at hourly wage rates not lower than $1.065 per hour in the paper and pulp industry (other than paper bag branch) arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this determination is an employee who has less than 160 hours experience in the plant in which he is employed.

(2) Learners and apprentices may be employed in the paper bag branch at wages less than $1.00 an hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

9. Section 202.37 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the uniform and clothing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

10. Section 202.39 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

11. Section 202.41 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the paint and varnish industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 an hour arrived at either on a time or piece-rate basis in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and the minimum wage shall be $1.05 per hour arrived at either on a time or piece-rate basis in the remaining States of the United States and the District of Columbia.

12. Section 202.41 (c) is amended to read as follows:

(c) *Tolerances.* (1) Where $1.05 per hour is the minimum wage, beginners or probationary workers as defined in this paragraph may be employed for 480 hours at $1.00 per hour arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this section is a person who has less than 480 hours experience in the plant in which he is employed.

(2) Learners and apprentices may be employed in that part of the paint and varnish industry located in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division, Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

13. Section 202.43 (b) (2) is amended by deleting the number and words "87 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

14. Section 202.43 (c) (1) (ii) is amended to read as follows:

(ii) In the performance of contracts for the products of the cotton, silk, and synthetic textile branch of the textile industry, learners may be paid a subminimum rate of 92 cents per hour, unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers, and earnings, based upon those piece rates, if such earnings are in excess of 92 cents per hour.

15. Section 202.43 (c) (2) is amended to read as follows:

(2) Learners and apprentices may be employed in other than the cotton, silk, and synthetic textile branch of the textile industry at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

16. Section 202.44 (b) (1) is amended to read as follows:

(1) The minimum wage for persons employed in the manufacture or furnishing of products of the industrial and refined basic chemical products branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia, and the minimum wage shall be $1.15 per hour arrived at either on a time or piece-rate basis in the remaining States of the United States.

17. Section 202.44 (b) (2) is amended to read as follows:

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the cleaning and polishing preparations, insecticides and fungicides, and miscellaneous chemical branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in the 48 States and the District of Columbia.

18. Section 202.44 (c) is amended to read as follows:

(c) *Tolerances.* (1) Where $1.15 or $1.40 per hour is the minimum wage, beginners as defined in this paragraph may be employed for 320 hours at a rate not more than 5 cents an hour below the applicable minimum wages. A beginner for the purpose of this section is a person who has less than 320 hours of experience in the industry. Any previous

employment in the industry must be subtracted from the 320-hour period during which beginners may be employed at rates below the minimum.

(2) Where $1.00 per hour is the minimum wage, learners and apprentices may be employed at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

19. Section 202.48 (b) is amended by deleting the number and words "90 cents an hour" and inserting in place thereof the symbol, number and words "$1.00 per hour".

20. Section 202.9 (b) is amended to read as follows:

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the dimension granite industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

21. Section 202.32 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the fertilizer industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

22. Section 202.35 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the cement industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

23. Section 202.36 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the structural clay products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis in each State where the industry has its plants.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interpret or apply sec. 1, 49 Stat. 2036, as amended; 41 U. S. C. 35)

Effective date. These amendments shall be effective and the minimum wages herein established shall apply to all contracts subject to the Public Contracts Act bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

Signed at Washington, D. C., this 31st day of August 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-7191; Filed, Sept. 6, 1956; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 55—GRANTS FOR WATER POLLUTION CONTROL

SUBPART A—GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendment of this part which relates solely to grants.

1. The title of Part 55 is amended to read as set forth above and Subpart A is hereby amended to read as set forth below:

Sec.
55.1 Definitions.
55.2 Basis of allotments to States and interstate water pollution control agencies.
55.3 Allotments; estimates; time of making and duration.
55.4 Plans; content; mode of submittal; time of submittal.
55.5 Amount of Federal grant funds payable.
55.6 Payments to states and interstate agencies.
55.7 Audit.
55.8 Change in status of State water pollution control agency or interstate agency; disposal of balances.

AUTHORITY: §§ 55.1 to 55.8 issued under sec. 10, 70 Stat. 506. Interpret or apply sec. 5 (f) 70 Stat. 500.

§ 55.1 *Definitions.* All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal Act" means the Federal Water Pollution Control Act (70 Stat. 498, et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State water pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means, with respect to any State, the most recent official estimates of the Department of Commerce available on January 1 preceding the fiscal year for which funds are appropriated pursuant to section 5 of the Federal Act.

(i) "Population density" means the population of the State divided by the area of the State in square miles, except that each of the thirteen States having the greatest population density shall be deemed to have a population density equal to the State having the least population density of such thirteen States.

(j) "Per capita income" means, with respect to any State, the average of the per capita income of such State for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that, in the absence of such satisfactory data, the per capita income of Alaska shall be deemed to equal the average per capita income of all the States in the continental United States and the per capita incomes of (1) Puerto Rico and (2) the Virgin Islands shall be deemed to equal the per capita income of the State having the lowest per capita income of the continental United States.

§ 55.2 *Basis of allotments to States and interstate water pollution control agencies.* (a) The funds appropriated pursuant to section 5 of the Federal Act for any fiscal year for expenditures for grants to States to assist them in meeting the cost of establishing and maintaining adequate measures for the prevention and control of water pollution shall be allotted among the several States on the basis of $12,000 for each State, in recognition of the fact that a water pollution control problem exists in every State caused by the discharge of untreated or inadequately treated sewage or other wastes into the waters of such State, and the balance on the basis of the following factors:

(1) ⅔ in the ratio that the product of the population of each State and the reciprocal of its per capita income bears to the sum of the corresponding products for all States.

(2) ⅙ on the basis of the ratio of the population density of a State to the population density of all the States.

(3) ⅙ on the basis of the ratio of the number of industrial establishments discharging industrial wastes in each State to the number of such establishments in all the States. The number of such establishments shall be determined on the basis of the latest available data provided by the Department of Commerce.

(b) The funds appropriated pursuant to section 5 of the Federal Act for any fiscal year for expenditures for grants to

interstate agencies to assist them in meeting the cost of establishing and maintaining adequate measures for the prevention and control of water pollution shall be allotted among the several interstate agencies on the basis of the following factors:

(1) ⅔ in the ratio that the product of the population of the area served by the interstate agency and the reciprocal of the average per capita income of the interstate agency for the three most recent consecutive years bears to the sum of the corresponding products for all the interstate agencies. For this purpose, per capita income of an interstate agency shall mean the total gross income of all the States comprising such interstate agency divided by the total population of all the States comprising such interstate agency.

(2) ⅙ on the basis of the ratio of the average of the population densities of the States comprising each interstate agency area to the sums of the average of the population densities of each interstate agency area.

(3) ⅙ on the basis of the ratio of the number of industrial establishments discharging industrial wastes in the States comprising the interstate agency to the number of such establishments in all the interstate agency areas. The number of such establishments shall be determined on the basis of the latest available data provided by the Department of Commerce.

§ 55.3 *Allotments; estimates; time of making and duration.* (a) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to States and interstate agencies an estimated schedule of the amounts which it is expected will be allotted to each during the fiscal year from estimated appropriations.

(b) Allotments to States and interstate agencies for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable and shall equal not less than 60 per centum nor more than 70 per centum of the total sum determined to be available for allotment during the fiscal year.

(c) At the end of the second quarter, or as soon thereafter as practicable, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States and interstate agencies pursuant to § 55.5 shall become available for reallotment among the States and interstate agencies in the same manner as monies which have not previously been allotted.

(d) Allotments to States and interstate agencies for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The respective State water pollution control agencies and interstate agencies shall be notified of the amounts of allotments and reallotments and of the period for which they are made.

§ 55.4 *Plans; content; mode of submittal; time of submittal.* (a) For each fiscal year each State and interstate agency making application for grants under section 5 of the Federal Act shall submit a plan to the Surgeon General in accordance with procedures and on forms prescribed by the Surgeon General. Such plan shall:

(1) Designate the State water pollution control agency or interstate agency responsible for the administration or supervision of administration of the plan;

(2) Contain a statement that such agency will make such reports in such form and containing such information as the Surgeon General or his designee may from time to time reasonably require to carry out his functions under this Act;

(3) Set forth the policies and methods to be followed in carrying out the plan and its administration, describe the organization and proposals for conducting and extending or improving the State or interstate water pollution control and prevention program and any proposals for training personnel in water pollution control work. State plans shall contain criteria for determining whether the construction of proposed treatment works is in conformity with the plan.

(4) Provide such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan. Such methods will include a description of the procedures which the State will use in determining on the basis of objective criteria the expenditures attributable to water pollution control activities conducted in carrying out the approved plan.

(b) A plan shall be submitted by each State or interstate agency making application for grants under section 5 of the Federal Act prior to the period to which it relates: *Provided*, That exceptions to this provision may be made by the Surgeon General or his designee in the case of plans submitted for the fiscal year 1957 and when necessary to meet emergencies.

§ 55.5 *Amount of Federal grant funds payable.* (a) From the allotment available therefor for each fiscal year, each State and each interstate agency for which a plan has been approved by the Surgeon General, shall be entitled to receive an amount equal to its Federal share of the cost of carrying out its approved plan, including the cost of training personnel for State and local water pollution control work and administering the plan.

(b) For any State the Federal share shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and the Federal share for Hawaii and Alaska shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(c) For any interstate agency the "Federal share" shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the average per capita income of the States comprising such interstate agencies bears to the per capita income of the continental United States (excluding Alaska), except that the Federal share in no case shall be more than 66⅔ per centum or less than 33⅓ per centum and shall be promulgated on the basis of the same data used for determining the "Federal share" for any State.

§ 55.6 *Payments to States and interstate agencies.* (a) Payments from allotments to States and interstate agencies shall be certified to the Secretary of the Treasury only after a plan has been approved. Payments from such allotments shall not exceed the allotment to a State or interstate agency or the total Federal share of the estimated expenditures necessary for carrying out the plan, whichever is less.

(b) Subject to the foregoing limitations, payments to States and interstate agencies shall be made as follows:

(1) Payment shall be made for each quarter based upon an application for funds showing the estimated requirements for such quarter. Such payment shall be decreased or increased by the amount that prior payments exceed or are less than the Federal share of the total expenditures for the program.

(2) Payments shall not be certified unless an application for payment and all plans, reports, and documents required by this part have been received.

(3) Supplemental payment in any quarter may be certified upon submission of an application therefor accompanied by satisfactory justification.

§ 55.7 *Audit.* Audit of the expenditures for the activities described in the plans may be made after prior consultation with the States or interstate agencies. Records, documents and information available to the State water pollution control agencies and interstate agencies pertinent to the audit shall be accessible for purposes of the audit.

§ 55.8 *Change in status of State water pollution control agency or interstate agency; disposal of balances.* In the event that a State water pollution control agency shall cease to qualify as such, the unobligated balance of any amounts paid to the State shall be transferred to such other agency of the State which qualifies and is designated in the approved State plan as the State water pollution control agency, and if an interstate agency ceases to qualify as such the unobligated balance of any amount paid to such interstate agency shall be transferred as determined by the Surgeon General to the successor, if any, of such interstate agency or shall be returned to the Treasury of the United States.

2. Subpart B is hereby revoked.

3. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 22, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: August 31, 1956.

HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-7186; Filed, Sept. 6, 1956; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 113—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES AFTER JUNE 30, 1956, OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

Part 113, is added to 45 CFR, Chapter I, and establishes regulations for the filing and processing of applications for financial assistance for current expenditures, after June 30, 1956, of local educational agencies in areas affected by Federal activities and for the making of arrangements by the Commissioner of Education to provide free public education for certain children residing on Federal property, under Public Law 874, 81st Congress (64 Stat. 1100), as amended by Public Law 170, 83d Congress (67 Stat. 250), Public Law 248, 83d Congress (67 Stat. 530), Public Law 204, 84th Congress (69 Stat. 435), Public Law 221, 84th Congress (69 Stat. 485), Public Law 382, 84th Congress (69 Stat. 713), Public Law 949, 84th Congress (70 Stat. 970), and Public Law 896, 84th Congress (70 Stat. 909).

Subpart A—Definitions

Sec.
113.1 Definitions.

Subpart B—Filing Applications and Reports and Computing and Making Payments to Applicants

113.2 Scope.
113.3 Basis for assistance; administrative policy.
113.4 Applications.
113.5 Final date for filing applications for financial assistance from funds appropriated for the fiscal year 1954 and thereafter.
113.6 Applications under sections 2, 3, and 4 received after deadline not considered for payment.
113.20 Approval of applications.
113.21 Payments.
113.22 Payments of financial assistance under sections 2, 3, and 4 from fiscal year appropriations.
113.23 Interim reports.
113.24 Reports from other Federal agencies.
113.25 Necessity and effect of final reports by applicants under section 2, 3, or 4.
113.50 Determination of most nearly comparable school districts.
113.51 Computation of local contribution rate in continental United States.
113.52 Increase in or special local contribution rate.
113.53 Notice required of changes in boundaries, classification, and governing authority of applicants.
113.54 Provisions not exhaustive of jurisdiction of the Commissioner.

Subpart C—[Reserved]

Subpart D—Arrangements Under Section 6 of the Act

113.75 Proposal for arrangements for certain children residing on Federal property.
113.76 Determination by the Commissioner.
113.77 Arrangements under section 6 (b) and section 6 (c).
113.78 Arrangements.
113.79 Expenditures.
113.80 Reports.
113.81 Termination of arrangements.

AUTHORITY: §§ 113.1 to 113.81 issued under sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interpret or apply secs. 1-6, 8, 9, 64 Stat. 1100-1108, as amended, sec. 10, 67 Stat. 536, as amended; 20 U. S. C. 236-241, 243-245.

SUBPART A—DEFINITIONS

§ 113.1 *Definitions.* All terms used in this part which are defined in the act and not defined in this section shall have the meaning given to them in the act. As used in this part, and for the purposes of this part and determinations under the act, the following terms shall have the meaning indicated in paragraphs (a) to (j) of this section:

(a) *Act.* "The act" means Public Law 874, 81st Congress (64 Stat. 1100); as amended by Public Law 170, 83d Congress (67 Stat. 250); Public Law 248, 83d Congress (67 Stat. 530); Public Law 204, 84th Congress (69 Stat. 435); Public Law 221, 84th Congress (69 Stat. 435); Public Law 382, 84th Congress (69 Stat. 713); Public Law 949, 84th Congress (70 Stat. 970); and Public Law 896, 84th Congress (70 Stat. 909).

(b) *The Commisisoner.* "The Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare, or his delegatee.

(c) *Applicant.* "Applicant" means any local educational agency which files an application for financial assistance under sections 2, 3, or 4 of the act, or any subsection of section 3 or section 4, and this part, but does not include one proposing arrangements under section 6 of the act.

(d) *Application.* "Application" means Form RSF-1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities" properly completed and executed, including amendments thereto, and, to the extent indicated by the applicant, any document or documents in support thereof, filed by or on behalf of an applicant requesting financial assistance under the act and this part.

(e) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State.

(f) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(g) *Financial assistance.* "Financial assistance" means the payments made to an applicant under section 5 (b) of the act by the Department of the Treasury upon authorization of the Commissioner.

(h) *Entitlement.* "Entitlement" means the amount of assistance which, if the appropriations for a fiscal year were adequate to pay all claims, an applicant under sections 2, 3, or 4 would receive under the formulae of the act.

(i) *Most nearly comparable school districts.* The "most nearly comparable school districts" are those so determined by the Commissioner, after consultation with the State educational agency and the applicant.

(j) *Arrangements.* "Arrangements" means the agreement entered into between the Commissioner and a local educational agency or a Federal department or agency for the provision of free public education under section 6 of the act.

SUBPART B—FILING APPLICATIONS AND REPORTS AND COMPUTING AND MAKING PAYMENTS TO APPLICANTS

§ 113.2 *Scope.* The regulations in this part govern the granting of financial assistance under the act to applicants within the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Wake Island, and Guam.

§ 113.3 *Basis for assistance; administrative policy.* Pursuant to the provisions of sections 2, 3, and 4 of the act, assistance will be provided to those applicants upon which the United States has placed financial burdens by reason of the fact that: The United States has acquired real property; or such applicants provide education for children residing on, or whose parents are employed on, Federal property; or Federal activities have caused a substantial increase in school attendance. The Commissioner will consult the State educational agencies in the administration of the law and will utilize the facilities and services of other Federal departments and agencies in carrying out his functions under the act.

§ 113.4 *Applications.* Any local educational agency believing itself to be entitled to assistance under sections 2, 3, or 4 of the act or any subsection thereof, shall, as a condition of entitlement, file with the Commissioner of Education, through the appropriate State educational agency, on Form RSF-1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities under Public Law 874, 81st Cong., as amended," an application for financial assistance, showing basis for entitlement under the terms and conditions of the act. Each applicant shall submit such reports as the Commissioner

may reasonably require to determine the amount which the applicant may be paid under the act and make its records available to the Commissioner upon request for the purpose of examination or audit.

§ 113.5 *Final date for filing applications for financial assistance from funds appropriated for the fiscal year 1957, and thereafter.* (a) The final date for filing applications for financial assistance under sections 2, 3, or 4 of the act, or under any subsection thereof, and this part, out of funds appropriated for any fiscal year shall be March 31st of such fiscal year for all applicants; except that, whenever such date shall fall on a Saturday, Sunday, or other legal holiday, the final date for filing applications shall be the next succeeding week day. An application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner of Education by the final filing date. The applicant, in order to give the State educational agency time in which it may process the application, should file its application with the State educational agency by March 1 of the fiscal year. The final date for filing the application with the Commissioner is subject to the following exceptions:

(1) With respect to an applicant whose eligibility for financial assistance under this act is established by an activity of the United States initiated or reactivated, or by the acquisition of Federal property, during the fiscal year, the filing date shall be extended 60 days beyond the date of such occurrence establishing eligibility, but not beyond the last day of the fiscal year; or

(2) With respect to an applicant whose eligibility for financial assistance is established under or pursuant to an amendment to the act adopted during the fiscal year, the filing date shall be extended 60 days beyond the date of such amendment, but not beyond the last day of the fiscal year: *Provided*, That where an application is filed directly with the Commissioner within the applicable filing date, and a copy is filed within such time with the State educational agency, the application, for good cause shown, will be considered to be timely filed if within fifteen days after the applicable filing date and within the fiscal year the applicant obtains and files with the Commissioner approval, verification, and certification of the application by the State educational agency: *And provided, further*, That an application timely filed may be amended to obtain additional or alternative financial assistance based upon a Federal activity which has been initiated or reactivated, or upon property which has been acquired by the United States after the application was filed, or upon an amendment to the act enacted after the application was filed, or upon a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property" under the act, if such amendment is made within the fiscal year and within 60 days of the occurrence or communication of the Commissioner's ruling to the applicant.

(b) After the applicable filing date an application cannot be amended or modified to assert a basis for financial assistance not clearly stated and supported by data in the application.

§ 113.6 *Applications under sections 2, 3, and 4 received after deadline not considered for payment.* Applications under sections 2, 3, and 4 of the act or any subsection thereof for fiscal year 1957, and for fiscal years thereafter, received by the Commissioner after the filing dates prescribed by this part will not be considered for payment.

§ 113.20 *Approval of applications.* An application will be approved only if it meets the conditions for entitlement under one or more of the sections or subsections of the act and this part. Each applicant will be notified of the initial approval or disapproval of its application and the estimated amount of payment, if any, to be made.

§ 113.21 *Payments.* Payment of the amount which an applicant may receive under the act and this part will be made by the Department of the Treasury upon certification of the amount due at such times as the Commissioner shall designate. The amount so certified for any period will be reduced or increased, as the case may be, by any sum by which the Commissioner finds that the amount paid to the applicant for any prior period, whether or not within the fiscal year, was greater or less than the amount which should have been paid for such prior period.

§ 113.22 *Payments of financial assistance under sections 2, 3, and 4 from fiscal year appropriations.* As prescribed by section 5 (c) of the act, if the funds appropriated for a fiscal year for such purposes are not sufficient to pay in full the total amounts which all applicants whose applications have been considered for payment pursuant to this part are entitled to receive under sections 2, 3, and 4 of the act or any subsection thereof for such fiscal year the Commissioner will reduce the amounts which he certifies under section 5 (b) of the act for such fiscal year for payment to each such applicant by the percentage by which the funds so appropriated are less than the total necessary to pay such applicants the full amount which they are entitled to receive under the act and this part.

§ 113.23 *Interim reports.* No payment after the initial payment shall be made to an applicant for a fiscal year until its final report has been filed, except that an applicant desiring an intermediate payment shall file with the Commissioner an interim report on Form RSF-3.

§ 113.24 *Reports from other Federal agencies.* Pursuant to the deduction requirements of section 3 (e) and other provisions of the act, the Commissioner requires information with respect to certain payments made by other Federal departments and agencies for the same general purposes. Pursuant to the provisions of section 8 (b) of the act other Federal departments and agencies which make expenditures (directly or otherwise) for, or in aid or supplementation of, elementary or secondary education, with respect to which an application has been filed with the Commissioner, are requested to file with the Commissioner on or before January 1 of each fiscal year a report of any commitments for such purposes and on or before July 31 succeeding each fiscal year a final report of such expenditures.

§ 113.25 *Necessity and effect of final reports by applicants under sections 2, 3, or 4—(a) Submission of final reports.* For each fiscal year, each applicant shall submit through the State educational agency on Form RSF-3 a final report to enable the Commissioner to determine the amount to which the applicant is entitled under the act. Such final reports shall be received by the Commissioner on or before the thirtieth day of September following the fiscal year for which payment is requested; except that, whenever such date shall fall on a Saturday, Sunday, or other legal holiday, the final date for filing applications shall be the next succeeding week day. No certification of payment shall be made after the applicable date for filing the final report for any fiscal year until the final report for such fiscal year has been received. Until all such reports for each year for which an applicant has received payment have been received in proper form, no further certification for payment to such applicant shall be made under the provisions of the act for any subsequent fiscal year.

(b) *Failure to submit final report when appropriations insufficient.* Unless the final report, for any year for which the Commissioner is required to reduce the amounts which he certifies for payment because the funds appropriated are insufficient to pay in full the total amounts to which all applicants are entitled, has been received by the Commissioner on or before the applicable date for filing the final report, an applicant, in addition to the provision in paragraph (a) of this section, shall not be entitled to any further certification for payment out of funds available for such fiscal year: *Provided*, That an applicant which has not received the regular initial payment for such year, shall have its application processed for such regular initial payment if a final report is received by the Commissioner within 30 days of the applicable date for filing the final report.

(c) *Excessive entitlement.* The Commissioner may disallow any portion of the entitlement estimated for a fiscal year for which no final report has been received which he may determine to be excessive on the basis of such information as is available. Whether or not a report has been submitted, if an applicant is found, after the applicable date for filing a final report following the close of the fiscal year, on the basis of all available information, to have received funds in excess of its entitlement or prorated portion of its entitlement for such fiscal year, such excess will be

deducted in computing amounts subsequently certified for payment to the applicant for the current or subsequent fiscal year, or, where no payments are due, the applicant will be required to refund such excess to the United States through the Commissioner.

(d) *Information submitted after deadline date.* No effect shall be given to any report or information filed after the applicable date for filing final reports to increase the amount computable on the basis of information on file on such date, except that where data have been requested by the Commissioner for the purpose of processing applications such information may be given such effect if received by the Commissioner on or before the date stated in the Commissioner's request.

§ 113.50 *Determination of most nearly comparable school districts.* (a) The Commissioner may determine for a fiscal year the school districts most nearly comparable to that of an applicant (1) by classification of all school districts in a State into groups based upon a recommendation by the State educational agency made with the consent of all applicants in the State; or (2) by a selection of individual school districts. If the Commissioner has determined that group classifications shall be used in a State no departure therefrom will be permitted in that State for the fiscal year.

(b) The State educational agency for any fiscal year, with the consent of all applicants in the State, may recommend to the Commissioner classification of all school districts in the State into most nearly comparable groups. The State educational agency should initially establish groups based upon legal classifications or justify the use of another factor as the principal factor. Unless the State educational agency can establish to the satisfaction of the Commissioner that the consideration of additional factors will not result in greater comparability, division into further groups will be required and for the purpose of such further division consideration shall be given to grade level, size as measured by total average daily attendance, geographical size, density of population, industrialization, current revenues, aggregate value of property, and any other relevant factors. In making its recommendations to the Commissioner, the State educational agency will furnish such information as he may require, including information justifying the factors used and financial and attendance data necessary for the computation of per pupil expenditure and local contribution rate. On the basis of the recommendation by the State educational agency, the data furnished and other information which he may obtain, and applying the above criteria, the Commissioner shall determine whether all school districts in the State shall be classified into most nearly comparable groups and, if so, shall determine such groups.

(c) In a State for which group classifications of the most nearly comparable school districts are not established pursuant to paragraph (b) of this section, an applicant must submit to the Commissioner in its application the names of districts, preferably five in number, which it deems most nearly comparable to the school district of the applicant with all data requested by the Commissioner. The selection by the applicant of such school districts shall be based upon the criteria set forth in paragraph (b) of this section and shall be submitted through the State educational agency for review and comment. The Commissioner's determination will be based upon such criteria and any other relevant factors. The financial, attendance, and other data of the selected districts must be sufficient to justify the selection of such districts as the most nearly comparable and to determine the per pupil expenditures and the local contribution rates in such districts. On the basis of information and data furnished by the applicant, or information otherwise obtained, and applying the above criteria, the Commissioner shall select those school districts, which in number and identity may be different from those submitted by the applicant, which he determines to be most nearly comparable to the school district of the applicant.

§ 113.51 *Computation of local contribution rate in continental United States.* The local contribution rate for an applicant in the continental United States for any fiscal year shall be computed by the Commissioner, after consultation with the State educational agency and the applicant, in the following manner: He shall divide (a) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of the school districts, determined to be most nearly comparable to that of the applicant, made, from revenues derived from local sources, by (b) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate shall be an amount equal to the quotient so obtained.

§ 113.52 *Increase in or special local contribution rate.* (a) Notwithstanding the provision in § 113.51 and in accordance with the provision in section 3 (d) of the act, if, in the judgment of the Commissioner, the current expenditures in those school districts which he has determined to be the most nearly comparable to that of the applicant are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain in the school district of the applicant a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such applicant by the amount he determines will compensate the applicant for the increase in current expenditures necessitated by such unusual geographical factors.

(b) If the rate computed as provided in § 113.51, or such rate as increased in accordance with paragraph (a) of this section, is less than 50 percent of the average per pupil expenditure for providing free public education during the second preceding fiscal year in the applicable State, or is less than the "national average per pupil local contribution rate," the rate shall be increased to whichever is the greater of the following: (1) 50 percent of the State average per pupil expenditure or (2) the national average per pupil local contribution rate, but not to exceed the "average per pupil expenditure in such State." For the purposes of the preceding sentence, "average per pupil expenditure in such State" and national average per pupil local contribution rate" are defined in the act as follows: "average per pupil expenditure in such State" means "the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in such State (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year"; and "national average per pupil local contribution rate" means "the aggregate amounts to which local educational agencies in the continental United States became entitled under section 3 (c) (1) for such second preceding fiscal year, divided by the aggregate number of children used under section 3 (c) (1) in computing such amounts (counting children under section 3 (b) as one-half those under sec. 3 (a))."

(c) The local contribution rate for any applicant in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Wake Island, or Guam shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of the act and most nearly approximate the policies and principles provided in the act and this part for determining local contribution rates in States of the continental United States.

§ 113.53 *Notice required of changes in boundaries, classification, and governing authority of applicants.* The Commissioner shall be notified without undue delay by all applicants of the effective date for all purposes, the extent and character of, and the legal authority under which, any modifications in school districts that have occurred as a result of merger, consolidation, annexation, deconsolidation, or other similar action, which may affect the boundaries, identity, governing authority, classification, or control of any applicant. This shall include the original applicant and the successor district or districts.

§ 113.54 *Provisions not exhaustive of jurisdiction of the Commissioner.* No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART C [RESERVED]

SUBPART D—ARRANGEMENTS UNDER SECTION 6 OF THE ACT

§ 113.75 *Proposal for arrangements for certain children residing on Federal property.* Any local educational agency or the Federal department or agency administering the Federal property on which part or all of such children reside, believing that the Commissioner should exercise his authority under section 6 (a) of the act to make arrangements to provide free public education for children who reside on Federal property, and being willing to enter into or assist in entering into such arrangements, should file with the Commissioner, on or before March 15 preceding the fiscal year for which such arrangements would be made, a proposal in the form prescribed by the Commissioner and bearing the endorsement of the State and local educational agencies and of the appropriate officials of the Federal department or agency administering the property or properties on which the children reside. Among the details to be included in the proposal are (a) the reasons why the Commissioner should make a determination to enter into such arrangements, (b) the estimated number of children to be educated, (c) financial and educational details necessary for the Commissioner to make the determinations and arrangements required under section 6, and (d) the name of the local educational agency or Federal department or agency which would provide such free public education.

§ 113.76 *Determination by the Commissioner.* If under section 6 (a) the Commissioner determines that he is required to make such arrangements to provide free public education for part or all of the children on whose behalf the request is made or if, acting upon information otherwise received, he makes a determination to provide free public education for children who reside on Federal property, such arrangements shall be made, in accordance with the proposal or such other information or recommendation as he may deem appropriate, with a local educational agency or with the Federal department or agency administering the Federal property on which part or all of the children reside who will be provided education pursuant to the arrangements.

§ 113.77 *Arrangements under section 6 (b) and section 6 (c).* When the Commissioner makes a determination under section 6 (a) that arrangements shall be made to provide free public education with respect to children who reside on Federal property, he will under appropriate circumstances also make arrangements in connection therewith for those children for whose education he is authorized to make provisions under section 6 (b) and section 6 (c).

§ 113.78 *Arrangements.* The arrangements between the local educational agency or the Federal department or agency and the Commissioner shall be as detailed as the circumstances of the individual situations may require.

§ 113.79 *Expenditures.* In making such arrangements the Commissioner shall not make payments (a) for expenditures made prior to his determination that he is required to make such arrangements; or (b) for expenditures made subsequent thereto unless such expenditures are within the definition of "current expenditures" in section 9 (5) of the act and are within the general terms of the arrangements; or (c) for expenditures in excess of the actual or reasonable per pupil expenditure of providing free public education in the applicable State.

§ 113.80 *Reports.* The local educational agency or the Federal department or agency with which such arrangements are made shall make such reports to the Commissioner from time to time as he may require to perform his functions under this act.

§ 113.81 *Termination of arrangements.* Arrangements under section 6 shall be limited to providing free public education for not more than one school year. If the Commissioner determines that the local educational agency or the Federal department or agency with which arrangements have been made has substantially deviated from the terms of the arrangements, he shall so notify the local educational agency or the Federal department or agency concerned. If the local educational agency or the Federal department or agency does not within a reasonable time comply with the terms of the arrangements, the Commissioner may terminate such arrangements without further notice.

[SEAL] WAYNE O. REED,
Acting United States Commissioner of Education.

Approved August 31, 1956.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-7185; Filed, Sept. 6, 1956; 8:49 a. m.]

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

PART 404—ADMINISTRATIVE PROCEDURE

MISCELLANEOUS AMENDMENTS

Sections 401.76 and 401.77 (c) of Part 401 are amended to indicate the extension through June 30 1957, of authority for making grants under section 4 (a) (2) of the Vocational Rehabilitation Act, as amended by 70 Stat. 956. Section 404.11 of Part 404 is amended to reflect changes in the administrative procedures of the Office of Vocational Rehabilitation pertaining to the processing of applications for such grants. The sections are amended to read as follows:

§ 401.76 *Expansion grants; general requirements.* Under section 4 (a) (2) of the act, grants may be made to States and public and other nonprofit organizations and agencies for the purpose of planning, preparing for, and initiating a substantial expansion of vocational rehabilitation programs in the States, during the fiscal years ending June 30, 1955, June 30, 1956, and June 30, 1957. Applications for expansion grants shall be made in the form and detail required by the Director. The approval of the State agency shall be secured by the applicant for the expansion grant, if other than the State agency, for any activity which involves either direct services to handicapped individuals or the establishment of facilities which will render direct services to handicapped individuals of that State. With respect to grants for the use of State or local rehabilitation agencies, such grants shall be made only if the Director is satisfied that the State agency will comply with such conditions concerning the utilization of allotments and the expenditure of State funds as he may find necessary to assure that any available State or local funds will first be used to earn allotments under section 2 of the act. Grants to other public or nonprofit organizations and agencies may be made only on recommendation of a State agency.

§ 401.77 *Federal financial participation.* • • •

(c) The Second Supplemental Appropriation Act, 1957, provides that grants from that appropriation for purposes of expansion activity shall not exceed $2 for every $1 spent by the grantee, or the State and the grantee.

§ 404.11 *Expansion grants.* The authority for special grants for planning, preparing for, and initiating during the three-year period ending June 30, 1957, a substantial nationwide expansion of vocational rehabilitation programs in the States, is described in §§ 401.76 and 401.77. Applications from public or other nonprofit agencies or organizations for such grants are made on a form obtainable from the Regional Representative of the Office of Vocational Rehabilitation. Completed applications are submitted to such Representative who determines the action to be taken and notifies the applicant accordingly.

(Sec. 7, 68 Stat. 658; 29 U. S. C. 37. Interpret or apply sec. 4, 68 Stat. 655, as amended; 29 U. S. C. 34)

Dated: August 31, 1956.

[SEAL] HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 56-7176; Filed, Sept. 6, 1956; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 17th day of August A. D. 1956.

The matter of accounting regulations prescribed for railroad companies being under consideration pursuant to provisions of section 20 (3) of the Interstate Commerce Act, as amended (54 Stat. 917, 49 U. S. C. 20); and,

It appearing, that a notice of proposed rule making was issued June 6, 1956, announcing that rearrangement of the form of general balance sheet statement prescribed for railroad companies was under consideration, such notice being published in the FEDERAL REGISTER issue of July 4, 1956 (21 F. R. 4973) pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and, after consideration of all written views and arguments received on or before August 1, 1956, as provided in such notice,

It is ordered, That:

(1) *Effective date.* Effective January 1, 1957, all carriers by railroad subject to Part I of the act and not independently operated as electric lines, shall comply with the modifications, which are set forth below, and which rearrange the form of general balance sheet statement substantially as proposed in the notice of June 6, 1956.

(2) *Notice.* A copy of this order with the attached modifications shall be served on each carrier by railroad subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

Cancel the provisions in this part covered by § 10.08–9 and by § 10.701 to § 10.790, both inclusive, and substitute for them the provisions detailed below. Changes hereinafter in the number, or in the number and title, of an account shall be understood to require corresponding changes elsewhere in this part where present reference appears to the old number, or old number and title, as detailed in the Appendix hereto.

GENERAL BALANCE SHEET ACCOUNTS

DEBIT

§ 10.701 *Cash.* This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

§ 10.702 *Temporary cash investments.* This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

§ 10.703 *Special deposits.* This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.704 *Loans and notes receivable.* This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments in affiliated companies"; or 722, "Other investments," as may be appropriate.

NOTE B: Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

§ 10.705 *Traffic and car-service balances—Dr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit it shall be included in account 752, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752 (a) Interline freight, balance.
705 and 752 (b) Interline passenger, balance.
705 and 752 (c) Interline baggage, balance.
705 and 752 (d) Equipment interchange, balance.

§ 10.706 *Net balance receivable from agents and conductors.* This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters, and other employees and representatives charged with the collection or custody of current revenues.

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 710, "Working fund advances."

§ 10.707 *Miscellaneous accounts receivable.* This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals, and other similar items.

NOTE: The amount to be entered in this account is not the net balance between this account and account 754, "Miscellaneous accounts payable."

§ 10.708 *Interest and dividends receivable.* This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited. If notes are taken in settlement of amounts included in this account, the amounts thereof shall be charged to account 704, "Loans and notes receivable," or account 741, "Other assets," as may be appropriate, but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 741, "Other assets," shall be credited to account 784, "Other deferred credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be cancelled and account 741, "Other assets," shall be charged with their true values, and a like sum shall be credited to account 784, "Other deferred credits."

§ 10.709 *Accrued accounts receivable.* This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents receivable which are not includible in account 707, "Miscellaneous accounts receivable." See Note C to account 708, "Interest and dividends receivable."

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

§ 10.710 *Working fund advances.* This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE: Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

§ 10.711 *Prepayments.* This account shall include the balances in the accounts representing prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

§ 10.712 *Material and supplies.* This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

NOTE A: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, are provided for in road and equipment account 47, "Unapplied construction material and supplies," or account 59, "Unapplied material and supplies—Equipment."

NOTE B: An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

§ 10.713 *Other current assets.* (a) This account shall include items of current assets not covered by accounts 701 to 712, inclusive.

(b) It shall include asset items not includible in any of the foregoing asset accounts that have been advanced beyond the stage of deferred assets.

§ 10.715 *Sinking funds.* This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund; also amounts deposited with such trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities, and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of live securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

§ 10716 *Capital and other reserve funds.* (a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE B: The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.717 *Insurance and other funds.* This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and special deposits for the retirement of obligations are provided for in accounts 715 and 703, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.721 *Investments in affiliated companies.* This account shall include the ledger value of the accounting company's investment in securities issued ar assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies.

This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741 "Other assets."

NOTE B: The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 703, "Special deposits," 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

§ 10.722 *Other investments.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals.

This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report of the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 721, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

§ 10.723 *Reserve for adjustment of investment in securities-Cr.* This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," or 722, "Other investments." Corresponding charges shall be made to account 621, "Miscellaneous debits."

If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extend of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits." In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits."

§ 10.731 *Road and equipment property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 733, "Acquisition adjustment," and 734, "Donations and grants—Cr.," shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements.

When property is retired from service this account shall be credited with the ledger value of the property retired.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than in actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

§ 10.732 *Improvements on leased property.* This account, except in connection with the acquisition of transportation property as provided for in the accounts 733, "Acquisition adjustment," and 734, "Donations and grants-Cr.," shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements.

When the cost of improvements made by the lessee is to be refunded by the lessor periodically during the term of the lease agreement or at the termination thereof, and provided further that in the meantime the lessor or company does not include the cost of such improvements in account 731, "Road and equipment property," the lessee shall include the cost thereof in this account.

When leased property is retired from service this account shall be credited with the ledger value of any improvements thereto the cost of which has been included in this account, and also with the amount representing the liability of the carrier to the lessor or owner for any property retired that has been used in transportation service and was held under lease or through control of the company owning the property.

The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 731, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

§ 10.733 *Acquisition adjustment.* This account shall be charged with the cost of a railway or portion thereof acquired since January 1, 1938, as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise. If the consideration or a part thereof given for the property acquired consists of securities issued by the accounting carrier, the cash value thereof for the purpose of determining the cost to be charged to this account shall be the sum of the par value of securities having par values and the stated or assigned values of nopar securities as determined and approved by the Commission. Where the consideration given for the property acquired is other than cash or securities issued by the accounting carrier, such consideration shall be valued on a current cash basis.

The accounting for assets acquired and liabilities assumed shall then be as follows:

(a) Assets acquired, except property includible in accounts 731, "Road and equipment property," or 732, "Improvements on leased property," and liabilities assumed shall be recorded in their appropriate accounts in the manner provided for in classification of general balance sheet accounts.

(b) Property includible in primary road and equipment accounts 1, and 2½ to 58, inclusive, and 72 to 77, inclusive, shall be recorded in those accounts at original cost or estimated original cost as found by the Commission for valuation purposes.

(c) In the primary road and equipment account 2, there shall be recorded the original cost of lands owned by predecessor carrier or carriers at basic valuation date as reported under Valuation Order No. 7, dated November 21, 1914, and included in the Commission's basic valuation reports. Any lands so reported without cost except those donated shall be estimated by the accounting company, which will be subject to verification by the Commission. To this shall be added the cost at the time of dedication to public use of any lands acquired since the basic valuation date.

(d) In the primary road and equipment account 71, there shall be recorded the expenditures incident to the organization or reorganization of the accounting company.

(e) The money outlay expended by a predecessor carrier or carriers for additions and betterments to property leased from other companies whose physical properties are not included in the reorganization, shall be transferred to account 732, "Improvements on leased property," in the amounts recorded in that account on the books of the predecessor carrier or carriers.

(f) The amounts thus recorded in primary accounts 1 to 77, inclusive, shall be concurrently charged to balance sheet account 731, "Road and equipment property;" or 732, "Improvements on leased property," as appropriate.

(g) Balances in accounts 735, "Accrued depreciation—Road and equipment," and 785, "Accrued depreciation—Leased property," carried on the books of the predecessor carrier or carriers at date of acquisition shall be recorded in those accounts on the books of the accounting company. To the extent that a credit balance is available in this account, the accounting company shall credit account 735, "Accrued depreciation—Road and equipment," and charge this account with the estimated amount by which the balance in account 735 appears to be deficient with respect to past accrued depreciation on depreciable road property included in account 731, "Road and equipment property."

(h) This account shall concurrently be debited or credited, as appropriate, to offset asset and liability items recorded in accordance with paragraphs (a) to (g) of this section.

(i) To the extent that a credit balance is available in this account, if so authorized upon application to the Commission, retirement of property in existence at the date of acquisition which is not replaced may be charged hereto if the loss is not assignable to operations subsequent to date of acquisition. Other charges to this account may be made upon specific approval by the Commission.

NOTE: The accounting company shall be prepared to furnish the Commission with a full report of the contract of organization and a statement showing in detail the consideration given for the property acquired. It shall procure in connection with the organization all existing records, memoranda, and accounts in possession or control of the grantor relating to construction and improvement of the property acquired and shall preserve such records, memoranda and accounts until authorized by law to destroy or otherwise dispose of them.

Where the records, memoranda, and accounts are so involved with other records, memoranda, and accounts of the grantor as to make this transfer impracticable, certified copies, shall be procured and retained by the accounting company; the verity of the copies should be certified by the custodian of the originals.

§ 10.734 *Donations and grants—Cr.* This account shall be credited with grants obtained from govermental agencies, and with donations from individuals and others in connection with the construction or acquisition of property the cost of which is chargeable to accounts 731, "Road and equipment property," and 732, "Improvements on leased property."

§ 10.735 *Accrued depreciation; road and equipment.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of depreciable road and equipment property. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account 733, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of depreciable property, this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for property. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts.

§ 10.736 *Amortization of defense projects; road and equipment.* This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property," or account 732, "Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired.

The accounting company shall maintain subaccounts separately for accrued amortization of (1) road property and (2) equipment.

§ 10.737 *Miscellaneous physical property.* This account shall include the accounting company's investment in physical property other than property assignable to accounts 731 and 732, including hotels, restaurants, power plants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

§ 10.738 *Accrued depreciation; miscellaneous physical property.* This account shall be credited with amounts charged to income or other accounts to cover the depreciation of property the cost of which is included in account 737, "Miscellaneous physical property."

When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

§ 10.741 *Other assets.* This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; other deferred assets; and assets not otherwise provided for in general balance sheet accounts.

§ 10.742 *Unamortized discount on long-term debt.* This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

§ 10.743 *Other deferred charges.* This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries;" unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

This account also is intended as a suspense account in which may be included deferred amounts for property retired chargeable to operating expenses as follows:

(a) Amounts representing the service value of nondepreciable road property retired which are relatively so large that their inclusion in the accounts for a single year would distort those accounts.

(b) Amounts representing the service value of depreciable road property retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(c) Amounts representing the service value of equipment retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(d) This provision covering property retired is to be used only after permission of the Commission has been asked and given. The carrier in its application to the Commission shall give full particulars concerning the property retired, the amount which it is proposed to charge to operating expenses, and the period over which, in its judgment, the amount of such charge shall be distributed.

CREDIT

§ 10.751 *Loans and notes payable.* This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE: This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 769, "Amounts payable to affiliated companies."

§ 10.752 *Traffic and car-service balances—Cr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 705, "Traffic and car-service balances-Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752 (a) Interline freight, balance.
705 and 752 (b) Interline passenger, balance.
705 and 752 (c) Interline baggage, balance.
705 and 752 (d) Equipment interchanged, balance.

§ 10.753 *Audited accounts and wages payable.* This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

§ 10.754 *Miscellaneous accounts payable.* This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, and other items of the nature of demand liabilities not covered by accounts 751, 752, 753, 755 and 756.

NOTE: The amount to be reported under this account is not the net balance between this account and account 707, "Miscellaneous accounts receivable."

§ 10.755 *Interest matured unpaid.* This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement.

Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on nonnegotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 769, "Amounts payable to affiliated companies."

§ 10.756 *Dividends matured unpaid.* This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

§ 10.757 *Unmatured interest accrued.* This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 781, "Interest in default", unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 781, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 769, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

§ 10.758 *Unmatured dividends declared.* This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

§ 10.759 *Accrued accounts payable.* This account shall include estimates of all unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 754, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

NOTE: Do not include in this account the carrier's estimate of liability in respect of injuries to persons and loss and damage claims. Such estimated liability shall be credited to account 784, "Other deferred credits."

§ 10.760 *Taxes accrued.* This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

§ 10.761 *Other current liabilities.* There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 751 to 760, inclusive.

§ 10.765 *Funded debt unmatured.* There shall be included in this account the total par value of unmatured debt (other than equipment obligations), maturing more than one year from date of issue, issued by the accounting company and not retired or canceled, and the total par value of similar unmatured debt of other companies, the payment of which has been assumed by the accounting company.

The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(a) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(b) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(c) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(d) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 752, "Other liabilities," and account 766, "Equipment obligations," respectively.

(e) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for amounts so paid, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under section 20a of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of that provision of the act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 769, "Amounts payable to affiliated companies," or 751, "Loans and notes payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 761, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Amounts payable to affiliated companies."

NOTE B: For the purposes of the balance-sheet statement funded debt securities are considered to be nominally issued when certified by trustees and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. They are considered to be actually issued when they have been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds them free from all control by the accounting company. All funded debt securities actually issued and not reacquired and held by or for the accounting company are considered to be actually outstanding. If reacquired by or for the accounting company under such circumstances as require them to be considered as held alive and not canceled or retired, they are considered to be nominally outstanding.

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Amounts payable to affiliated companies."

NOTE D: In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

§ 10.766 *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations including those maturing serially or payable in installments over a period of more than one year.

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under section 20a of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of that provision of the Act.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

NOTE: Amounts included in this account which are payable within one year from the date of the balance sheet shall be shown in a footnote thereto.

§ 10.767 *Receivers' and trustees' securities.* When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

§ 10.768 *Debt in default.* This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 761, "Other current liabilities."

§ 10.769 *Amounts payable to affiliated companies.* This account shall include the par value of nonnegotiable notes issued to affiliated companies, matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced, credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements.

This account shall be divided:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A. Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B. No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C. The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

§ 10.771 *Pension and welfare reserves.* This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or surplus, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

§ 10.772 *Insurance reserves.* This account shall include the net credit balance in the accounts to which are credited insurance premiums concurrently charged to operating expenses to cover self-carried risks on fire, fidelity, boiler, casualty, burglar, and other insurance, and to which are charged losses sustained on items protected by such insurance.

§ 10.773 *Equalization reserves.* This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment under a program designed to equalize such expenses by months within a calendar year. The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

§ 10.774 *Casualty and other reserves.* This account shall include reserves created by charges to operating expenses to provide for estimated liability for in-

juries to persons and loss and damage claims; estimated liability for revenue overcharges, such as those covered by reparation claims; and reserves not otherwise provided for in balance sheet accounts.

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

§ 10.781 *Interest in default.* This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

§ 10.782 *Other liabilities.* This account shall include assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks; other deferred liabilities; and liabilities not otherwise provided for in general balance sheet accounts.

NOTE: The amount of assessments for public improvements, if payments are to be made within one year, shall be included in account 761, "Other current liabilities."

§ 10.783 *Unamortized premium on long-term debt.* This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

§ 10.784 *Other deferred credits.* This account shall include the amount of credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds; amounts collected from the sale of damaged, unclaimed and over freight held pending claim; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; unadjusted credit items not otherwise provided for and similar items, the proper disposition of which is uncertain.

§ 10.785 *Accrued depreciation; leased property.* This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. It shall also be credited with depreciation accrued on property the cost of which is included in account 732, "Improvements on leased property." When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 732 by the lessee and the service value of property, the ledger value of which is carried in account 731, "Road and equipment property," by the lessor for which the lessee is liable to the lessor shall be charged to this account.

§ 10.791 *Capital stock issued.* This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

Appropriations of surplus which have been transferred to no par stock account shall also be included. The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock."

When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

The amounts included in this account shall be recorded so as to show:

(a) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and

(b) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 794, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 791, "Capital stock issued," and any amounts resting in the discount account with respect thereto shall be cleared to account 795, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: For the purpose of the balance-sheet statement capital stock is considered to be nominally issued when certificates are signed and sealed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. It is considered to be actually issued when it has been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds it free from all control by the accounting company. All capital stock actually issued and not reacquired and held by or for the accounting company is considered to be actually outstanding. If reacquired by or for the accounting company under such circumstances as require it to be considered as held alive and not canceled or retired, it is considered to be nominally outstanding.

§ 10.792 *Stock liability for conversion.* This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

§ 10.793 *Discount on capital stock.* This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on each subclass of capital stock.

§ 10.794 *Premiums and assessments on capital stock.* This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the

amounts recorded in account 791, "Capital stock issued," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 791, "Capital stock issued," in accordance with the text of that account.

When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

§ 10.795 *Paid-in surplus.* This account shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by the accounting company's stockholders; amounts representing reduction of the par or recorded value of the accounting company's capital stock; amounts of forfeited subscriptions to the accounting company's capital stock; gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and long-term debt of the accounting company forgiven by stockholders.

It shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein.

§ 10.796 *Other capital surplus.* This account shall include all capital surplus not provided for in account 795, "Paid-in surplus."

§ 10.797 *Retained income; appropriated.* This account shall include the total of the net balances of appropriations of income and earned surplus for the acquisition of capital assets; the retirement of debt; sinking and redemption funds; and all other appropriations specifically set aside in the hands of trustees as well as appropriations held in general funds for which no specific investment or segregation of assets has been made. It shall also include accretions to the assets held in such special funds.

A subdivision of this account shall be maintained by classes of appropriations, the titles of which shall indicate the purpose for which the appropriations were made.

§ 10.798 *Retained income; unappropriated.* This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 621, inclusive. It shall not include transfers either to or from accounts 795, "Paid-in surplus," or 796, "Other capital surplus," unless so authorized upon application to the Commission.

The balance of all profit and loss accounts (601 to 621, inclusive) shall be closed into this account at the end of each calendar year.

§ 10.799 *Form of general balance sheet statement.* The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Temporary cash investments.
- 703. Special deposits.
- 704. Loans and notes receivable.
- 705. Traffic and car-service balances—Dr.
- 706. Net balances receivable from agents and conductors.
- 707. Miscellaneous accounts receivable.
- 708. Interest and dividends receivable.
- 709. Accrued accounts receivable.
- 710. Working fund advances.
- 711. Prepayments.
- 712. Material and supplies.
- 713. Other current assets.

Total current assets.

Special funds:
- 715. Sinking funds.
- 716. Capital and other reserve funds.
- 717. Insurance and other funds.

Total special funds.

Investments:
- 721. Investments in affiliated companies.
- 722. Other investments.
- 723. Reserve for adjustment of investment in securities—Cr.

Total investments.

Properties:
- 731. Road and equipment property.
- 732. Improvements on leased property.
- 733. Acquisition adjustment.
- 734. Donations and grants—Cr.

Total transportation property.
- 735. Accrued depreciation—Road and Equipment.
- 736. Amortization of defense projects—Road and Equipment.

Total transportation property less recorded depreciation and amortization.
- 737. Miscellaneous physical property.
- 738. Accrued depreciation—Miscellaneous physical property.

Miscellaneous physical property less recorded depreciation.

Total properties less recorded depreciation and amortization.

Other assets and deferred charges:
- 741. Other assets.
- 742. Unamortized discount on long-term debt.
- 743. Other deferred charges.

Total other assets and deferred charges.

Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 751. Loans and notes payable.
- 752. Traffic and car-service balances—Cr.
- 753. Audited accounts and wages payable.
- 754. Miscellaneous accounts payable.
- 755. Interest matured unpaid.
- 756. Dividends matured unpaid.
- 757. Unmatured interest accrued.
- 758. Unmatured dividends declared.
- 759. Accrued accounts payable.
- 760. Taxes accrued.
- 761. Other current liabilities.

Total current liabilities.

Long-term debt:
- 765. Funded debt unmatured.
- 766. Equipment obligations.
- 767. Receivers' and Trustees' securities.
- 768. Debt in default.
- 769. Amounts payable to affiliated companies.

Total long-term debt (due within one year $).

Reserves:
- 771. Pension and welfare reserves.
- 772. Insurance reserves.
- 773. Equalization reserves.
- 774. Casualty and other reserves.

Total reserves.

Other liabilities and deferred credits:
- 781. Interest in default.
- 782. Other liabilities.
- 783. Unamortized premium on long-term debt.
- 784. Other deferred credits.
- 785. Accrued depreciation—Leased property.

Total other liabilities and deferred credits.

Shareholders' equity:

Capital stock (par or stated value):
- 791. Capital stock issued.
- 792. Stock liability for conversion.
- 793. Discount on capital stock.

Total capital stock.

Capital surplus:
- 794. Premiums and assessments on capital stock.
- 795. Paid-in surplus.
- 796. Other capital surplus.

Total capital surplus.

Retained income:
- 797. Retained income—Appropriated.
- 798. Retained income—Unappropriated.

Total retained income.

Total shareholders' equity.

Total liabilities and shareholders' equity.

APPENDIX

Hereinafter is a list of sections in this part which now include reference to numbers, or to numbers and titles of accounts which should be changed to conform to the modified numbers, or numbers and titles, assigned to those accounts by this order. Where both the number and title of an account have been changed, the old and new number and title are shown. If only a number is changed, the title is omitted.

If reference is made to the same account more than once in the same section or paragraph thereof, a parenthetical number, such as (2) or (3), will indicate the number of such references to be changed.

CFR Section No.	Present reference	Should be changed to read—
Code index	(§ 0.08-9 *Surplus*	(Delete.)
	(§ 10.701 to §10.799)	(As listed in new §10.799.)
§ 10.01-1	Account 701 (2)	Account 731.
	Account 702	Account 732.
	Account 702½A	Account 733.
	Account 702½B	Account 734.
	Account 705 (3)	Account 737.
§ 10.01-2:		
Paragraph (c) (1)	Account 702½B	Account 734.
Paragraph (c) (3)	Account 702½B	Account 734.
§ 10.01-7:		
Paragraph (a) (1)	702½C, "Accrued depreciation—Road".	735, "Accrued depreciation—Road and equipment."
Paragraph (a) (2) (d)	Account 716	Account 712.
	722, "Other deferred assets"	741, "Other assets."
Paragraph (a) (2) (f)	Account 701	Account 731.
	Account 702	Account 732.
	Account 706	Account 721.
	Account 707	Account 722.
	Account 757	Account 769.
§ 10.01-10	Account 705	Account 737.

CFR Section No.	Present reference	Should be changed to read—
§ 10.43b:		
Note B	725, "Discount of funded debt"	742, "Unamortized discount on long-term debt."
§ 10.05-2:		
1st paragraph	Account 779	Account 765.
10.502	Account 705	Account 737.
10.504	Account 712	Account 708.
10.505	Account 715	Account 708.
10.507	Account 717	Account 708.
10.509	Account 717	Account 708.
§ 10.510:		
Note C	Account 705	Account 737.
10.512	Account 705	Account 737.
10.513:		
2d paragraph	Account 717	Account 708.
§ 10.514:		
2d paragraph	Account 717	Account 708.
10.516	Account 705	Account 708.
10.535	Account 705	Account 737.
10.544	Account 705	Account 737.
10.546	Account 755	Account 765.
	Account 755[2]	Account 765.
	Account 757	Account 767.
	Account 759	Account 769.
§ 10.552:		
Note A	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
§ 10.553:		
1st paragraph	751, "Capital stock"	791, "Capital stock issued."
§ 10.554:		
1st paragraph	Account 705	Account 737.
Note B	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
10.555	Account 704	Account 703.
§ 10.556:		
Note B	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
§ 10.07:	786, "Earned surplus—Unappropriated"	798, "Retained income—Unappropriated."
§ 10.097:		
4th paragraph	Account 701	Account 731.
6th paragraph	Account 705	Account 737.
Note A	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
§ 10.614:		
1st paragraph	751, "Capital stock"	791, "Capital stock issued."
§ 10.615:		
1st paragraph	Account 705	Account 737.
Note B	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
§ 10.618:		
Note B	785, "Earned surplus—Appropriated"	797, "Retained income—Appropriated."
§ 10.621:		
4th paragraph	Account 705	Account 737.
6th paragraph	Account 705	Account 737.
7th paragraph	Account 701	Account 731.
§ 10.08-2:		
2d paragraph	Account 754	Account 793.
4th paragraph	Account 753	Account 794.
5th paragraph	Account 754-1	Account 795.
6th paragraph	Account 754	Account 795.
7th paragraph	Account 754-1	Account 795.
	Capital stock	751, Capital stock issued."
	Account 705	Account 737.
	Account 704	Account 703.
	Account 721	Account 717.
	728, "Securities issued or assumed—Unpledged."	(Delete.)
	729, "Securities issued or assumed—Pledged."	(Delete.)
8th paragraph	751, "Capital stock"	791, "Capital stock issued."
	Account 753	Account 794.
	Account 754	Account 795.
	Account 754-1	Account 795.
9th paragraph	Account 754-1	Account 795.
§ 10.08-3:		
1st paragraph	Account 755	742, "Unamortized discount on long-term debt."
5th paragraph	725, "Discount on funded debt"	742, "Unamortized discount on long-term debt."
	772, "Premium on funded debt"	783, "Unamortized premium on long-term debt."

CFR Section No.	Present reference	Should be changed to read—
§ 10.2:		
Note	Account 705 (2)	Account 737.
§ 10.46:		
Note A	702[1]-C (title omitted)	735, "Accrued depreciation—Road and equipment."
§ 10.21:		
Note C	Account 705	Account 737.
§ 10.29:		
Note B	Account 705	Account 737.
§ 10.39:		
Note C	Account 705	Account 737.
Note D	Account 776	Account 761.
§ 10.43:	770, "Other deferred liabilities."	782, "Other liabilities."
Note F	Account 705	Account 737.
§ 10.45:		
Note E	Account 705	Account 737.
§ 10.47:		
Note A	Account 716	Account 712.
Note B	Account 716	Account 712.
§ 10.50:		
4th paragraph	702[1]-D, "Accrued depreciation—Equipment."	735, "Accrued depreciation—Road and equipment."
6th paragraph	Account 716	Account 712.
7th paragraph	729, "Other deferred assets"	741, "Other assets."
	702[1]-D, "Accrued depreciation—Equipment."	735, "Accrued depreciation—Road and equipment."
Note C	Account 716	Account 712.
§ 10.53:		
Note A	Account 716	Account 712.
Note B	Account 716	Account 712.
§ 10.71:		
Note	725, "Discount on funded debt"	742, "Unamortized discount on long-term debt."
§ 10.7:		
Note A	725, "Discount on funded debt"	742, "Unamortized discount on long-term debt."
§ 10.70:		
Note C	Account 755	Account 765.
§ 10.02-3	702[1]-C, "Accrued depreciation—Road"	735, "Accrued depreciation—Road and equipment."
	702[1]-C, "Accrued depreciation—Equipment."	
§ 10.132:		
Note	Account 703	Account 737.
§ 10.04-4:	726, "Property retired chargeable to operating expenses"	743, "Other deferred charges."
§ 10.04-8:		
Par. (a)	702[1]-C, "Accrued depreciation—Road"	735, "Accrued depreciation—Road and equipment."
Par. (l)	702[1]-C, "Accrued depreciation—Road"	735, "Accrued depreciation—Road and equipment."
Par. (k)	726, "Property retired chargeable to operating expenses."	744, "Other deferred charges."
§ 10.04-12:		
Last paragraph	Account 705	Account 737.
10.04-19	Account 773[5] (2)	Account 773.
10.04-25:		
Paragraph (a)	702[1]-D, "Accrued depreciation—Equipment."	735, "Accrued depreciation—Road and equipment."
Paragraph (b)	702[1]-D, "Accrued depreciation—Equipment (2)"	735, "Accrued depreciation—Road and equipment."
Paragraph (f)	726, "Property retired chargeable to operating expenses."	743, "Other deferred charges."
§ 10.208:		
Note	702[1]-G (title omitted)	735, "Accrued depreciation—Road and equipment."
§ 10.267:		
1st paragraph	726, "Property retired chargeable to operating expenses."	743, "Other deferred charges."
2d paragraph	702[1]-F, "Accrued amortization of defense projects—Road."	736, "Amortization of defense projects—Road and equipment."
§ 10.280:	Account 773[5]	Account 773.
10.281:		
1st paragraph	726, "Property retired chargeable to operating expenses."	743, "Other deferred charges."
2d paragraph	702[1]-F, "Accrued amortization of defense projects—Equipment."	736, "Amortization of defense projects—Road and equipment."
	Account 773[5]	Account 773.
§ 10.338:		
10.432:		
Paragraph (b)	760 (title omitted) (3)	771, "Pension and welfare reserves."

CFR Section No.	Present reference	Should be changed to read—
§ 10.05-5:		
Paragraph (c)	Account 706	Account 721.
	Account 707	Account 722.
	707[1]-5, "Reserve for adjustment of investment in securities."	723, "Reserve for adjustment of investment in securities—Cr."
§ 10.05-6	Account 703	Account 715.
	Account 721	Account 717.
§ 10.05-7	785, "Earned surplus—Appropriated".	797, "Retained income—Appropriated."
	Account 708	Account 701.
	Account 719	Account 713.
	722, "Other deferred assets"	741, "Other assets."

[F. R. Doc. 56-7069; Filed, Sept. 6, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

Correction

In Federal Register Document 56-6990, appearing at page 6596 of the issue for Saturday, September 1, 1956, the following changes should be made in § 6.51 (d):

1. In footnote 1 to the paragraph, the reference to "footnote 7" should read "footnote 6".

2. At the end of footnote 5 to the table "Nov. 1-Nov. 23" should read "Nov. 1-Nov. 25".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 923, 972, 1012]

[Docket Nos. AO-251-A1, AO-177-A15, AO-278]

HANDLING OF MILK IN APPALACHIAN, TRI-STATE AND BLUEFIELD MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER FOR APPALACHIAN MARKETING AREA AND PROPOSED MARKETING AGREEMENT AND ORDER FOR THE BLUEFIELD MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Bluefield, West Virginia, February 6-10, 1956, pursuant to notice duly published in the FEDERAL REGISTER on January 21, 1956 (21 F. R. 499).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on August 1, 1956 (21 F. R. 5824) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and notice of oportunity to file written exceptions thereto.

Preliminary statement. A public hearing on the record of which the recommended regulatory provisions set forth below with respect to the Appalachian and Bluefield marketing areas were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed by the Tri-State Milk Producers Association, Inc. The hearing was held at Bluefield, West Virginia, February 6-10, 1956, pursuant to notice duly published in the FEDERAL REGISTER on January 21, 1956 (21 F. R. 499). The period until March 24, 1956, was reserved to interested parties for the filing of briefs on the record.

The hearing gave consideration, among other things, to the alternative possibilities of (1) expanding the present Appalachian marketing area to regulate the handling of milk in all or part of certain counties in Virginia, West Virginia, and Kentucky referred to as the "Bluefield market"; (2) expanding the present Tri-State marketing area (Huntington district) to regulate the handling of milk in all or part of such counties; or (3) issuing one or more separate orders to regulate the handling of milk in all or part of such counties.

In view of the findings and conclusions set forth below with respect to the need for regulation in the proposed Bluefield marketing area and to the location and organization of such market, it is concluded that the marketing of milk in such marketing area and that in the Tri-State marketing area do not warrant regulation on common terms. It is concluded, therefore, that the record of this hearing does not support expansion of the Tri-State marketing area or need for amendment of any other provision of the order for the latter marketing area. The extent of the relationship existing between the Appalachian and Bluefield markets is discussed below.

At the opening of the hearing, certain distributors of milk serving the proposed Bluefield marketing area moved that consideration be given on this hearing only to the evidence concerning the proper marketing area to be regulated, and that any decision on the handling of milk in the Bluefield market made as the result of the hearing be limited to a determination as to what counties or areas should be made subject to regulation. It was further moved that following a decision on the extent of the area to be regulated, the hearing should be reopened to receive evidence as to the specific regulatory terms and provisions which should be applied. These motions were renewed after the receipt of evidence on the marketing area proposals and again in the brief filed on behalf of such handlers.

Careful consideration has been given to the motions. It is concluded, however, in light of the findings and conclusions which follow, that the record provides a basis for appropriate regulation of the Bluefield marketing area as proposed herein. The motions (1) to limit the current decision to a determination of the area to be regulated, and (2) to reopen the hearing for further evidence on other issues following such a determination, are hereby denied.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Proposed amendments to the Appalachian order—Statement of issues. The material issues of record concerning proposals to amend the provisions of the order regulating the handling of milk in the Appalachian marketing area related to:

1. Whether the Appalachian marketing area should be extended so as to regulate a number of additional counties, including those proposed herein for regulation under a separate order for the Bluefield marketing area.

2. Revision of the definition of "fluid milk plant."

3. Modification of the rules relating to inter-plant transfers of milk.

4. Revision of the computation of uniform prices for base milk and excess milk.

5. Inclusion of a provision for "advance" payments to producers who are members of a cooperative association.

6. Revisions concerning the classification of milk, with particular reference to the computation of shrinkage, the allocation of other source milk, and the classification of skim milk and butterfat utilized as livestock feed or dumped.

7. Modification of the price formula for Class II milk.

8. Revision of the base-forming and base-operating periods and of rules governing base transfers.

9. The introduction of a "supply-demand adjustor" in the Class I price formula; also establishment of an appropriate price for Class I milk in the proposed expanded segment of the marketing area, and

10. Review of all other regulatory provisions and possible changes for administrative purposes.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, the following findings and conclusions are hereby made with respect to the proposed amendments to the Appalachian marketing order:

1. *Appalachian marketing area.* Producers proposed that the counties of Dickenson and Russell in Virginia be included within the Appalachian marketing area.

They testified that scheduled power plant construction and improvement in the demand for coal in Russell and Dickenson counties, Virginia, would increase the demand for dairy products in these counties. Also, that an increase in demand for dairy products may encourage unregulated handlers to distribute dairy products in these counties.

One handler testified that the principal competitors for sales in these two counties are regulated currently. He testified further that because of the rural population there is relatively little milk sold in these counties at this time.

These two counties are only sparsely populated and are not a problem area for producers. There are no milk distributing plants located in such counties. Competition between Appalachian handlers and milk distributors from the proposed Bluefield market for sales in these counties may not be considered sufficient, or to have such adverse effect on the distribution of milk by Appalachian handlers, to require regulation of the Bluefield distributors under the Appalachian order. Moreover, in the event an order for the Bluefield marketing area is made effective, distributors from such market operating routes in Russell and Dickenson counties will be subject to price regulation on terms highly comparable to those applicable under the Appalachian order. It is concluded that the Appalachian marketing area should not be expanded, as proposed by producers, to include Dickenson and Russell counties, Virginia.

There is need for clarification of the marketing area definition. In the Virginia section of the marketing area the corporate municipalities are separate from the counties in which they are located. For example; the city of Bristol, Virginia, geographically located in Washington County, Virginia, is a separate corporate municipality and a question arose at the hearing concerning whether the marketing area definition clearly includes such city. In order that the definition of the Appalachian marketing area may be completely clear as to the entire area included, it should be restated to specify that all territory geographically located within the perimeters of the counties of Sullivan, Washington, and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky is included in the marketing area.

2. *Fluid milk plant.* Producers proposed that plants which furnish supplemental supplies of milk to the market be included in the definition of "fluid milk plant" when any such plant supplies a monthly total in excess of 70,000 pounds of milk in any of the months of August through January, inclusive. Producers contended that such plants are a threat to the stability of the market because they are able to deliver large quantities of milk during the low production months from sources without being subject to minimum price regulation under this order.

Handlers objected to this proposal, on the basis that they would be denied the opportunity of procuring supplemental supplies from unregulated sources.

One handler receives supplemental supplies of approximately 400,000 pounds of milk per month from other regulated markets. This handler's supplemental supply of milk represents a substantial portion of the total quantity of all milk received from sources other than producers. He testified that he had not encountered difficulty in obtaining supplemental supplies of milk from regulated sources. Other handlers also receive milk from other regulated markets as well as from unregulated sources.

Three methods of defining a "fluid milk plant" in terms of its association with the market through delivery performance are possible:

(1) Exemption from regulation regardless of quantities delivered,

(2) Full regulation regardless of quantities delivered (except plants already under regulation by another order), or

(3) Partial exemption on the basis of a minimum delivery requirement.

If handlers were permitted to receive milk from outside the order in unlimited quantities a significant percentage of the market supply of milk in the fall months would not be subject in any way to the pricing and payment provisions of the Appalachian order or of any similar regulation. This could result in (1) a portion of the market supply being procured on a "flat price" basis without regard to the use of milk as distinguished from the classified-price plan provided in the order, (2) limiting the effectiveness of the pricing and payment provisions of the order as a means of encouraging farmers to produce a year-round supply of pure and wholesome milk for the Appalachian market, and (3) an incentive to handlers to use milk from sources outside regulation in preference to seeking an adequate supply of producer milk in all months. These factors would create a constant threat to the classified price plan and would not be consonant with the ends sought by the regulation.

Under the second method all plants supplying supplemental supplies of milk, even in small quantities (except those already under regulation by another order) would be regulated. Factors limiting the advisability of this method are as follows:

(1) The Appalachian order might be imposed upon plants with primary attachment to another market.

(2) Plants shipping only small, or incidental, amounts of milk would be brought under regulation, resulting in extra expense to the plant operator and increasing administrative expense without necessity in terms of attaining stabilized marketing conditions for producers' milk.

(3) Local producers of Grade A milk might be forced to share a greater proportion of their Class I market with producers shipping milk not meeting equivalent health requirements.

(4) Administrative problems would be incurred in administering the order with respect to plants located at considerable distances from the market.

In view of the above a partial exemption provision is appropriate. After consideration of the size of the plant operations in the market, the supplemental sources available, the extent to which other source milk must be relied upon to satisfy Class I requirements and the necessity for maintaining an adequate reserve of milk, it is concluded that an exemption allowance of 70,000 pounds of milk (approximately two full tank loads) is reasonable. In this connection official notice is taken of the partial exemption provision of the Tri-State order (§ 972.8) under which a supply plant is regulated if it supplies only 25,000 pounds or more (or an amount of skim milk or butterfat from which 25,000 pounds or more of Class I milk are derived) to the Tri-State market. This limitation has been operative in the Tri-State market since May 1, 1954. It is concluded that any plant should be regulated as a fluid milk plant when it furnishes milk, skim milk, or cream in fluid form in excess of 70,000 pounds for the month during the period August through January, inclusive.

3. *Transfers and diversions of milk.* A revision of the conditions on which milk may be transferred to nonfluid milk plants as Class II milk was proposed by producers. They would extend the distance within which a Class II classification may apply from the present radius of 50 miles to a radius of 100 miles from the marketing area. It was stated that such change would permit movements of milk for Class II use to a nonfluid milk plant 70 miles from Bluefield, West Virginia, that has been used at times as a surplus milk outlet for the Bluefield market and is accessible to the Appalachian market.

Handlers first proposed that a mileage limitation be omitted as a condition necessary to the transfer of milk to nonfluid milk plants for use as Class II milk. After further consideration specific suggestions for mileage limitations of 250 miles and 350 miles from the transferor-plant were offered. Any milk moved beyond the particular distance fixed would become Class I milk automatically. One handler reported an offer to have surplus milk hauled to a company manufacturing plant at Columbia, Tennessee, about 350 miles from Bristol, at rates which, it was stated, would make it feasible for such handler to so move the milk for manufacturing purposes.

The order provides that producer milk will be paid for in accordance with the form in which, or the purpose for which, it is used. Classification based only on the purpose for which producer milk is used would require verification of the receipts and final utilization of milk at nonfluid milk plants regardless of the distance or number of nonfluid milk plants involved. Consideration should be given to the increased administrative cost when it is necessary to verify the final use of milk, skim milk, or cream transferred to plants not under regulation.

When the market in its entirety is considered, the volume of surplus milk, even in the peak production months, is not sufficient to require milk to be moved 350 miles for manufacturing. One handler finds it necessary to import a substantial volume of other source milk for Class I use throughout the entire year. In addition, at least four nonfluid milk plants within a distance of approximately 150 miles of Kingsport, Tennessee, are

available as outlets for surplus milk. In view of the administrative necessity for limiting the area within which milk may be moved for Class II purposes the interplant transfer provisions should be changed so that milk moved to a nonfluid milk plant less than 150 miles from Kingsport, Tennessee, by the shortest hard-surfaced highway distance, may be classified as Class II milk under certain conditions.

4. *Base and excess price computations.* Producers proposed revisions in the methods of computing the uniform prices for "base milk" and "excess milk" to prevent the uniform price of excess milk from exceeding that of base milk. They claimed that an excess price that exceeds the base price is not in accord with the principle, involved in the base-excess plan, of providing returns to producers which are related directly to a producer's ability to deliver additional supplies of milk in the fall and winter months and relatively smaller supplies of milk during the flush production months.

The order presently provides that uniform prices for base and excess milk shall be computed for each handler for certain months of the year. When the total Class I milk of the handler does not exceed his total base milk receipts, the value of excess milk is determined by multiplying the amount of such milk by the Class II price. The value of base milk is then computed by deducting such value of excess milk from the net obligation of the handler. The order further provides that if the value of base milk computed in this manner exceeds an amount computed by multiplying the pounds of base milk by the Class I milk price, such additional amount is added to the value of excess milk.

Handlers with a high percentage of Class I utilization frequently have experienced a shortage of producer milk in relation to Class I sales in this market. In addition, audit adjustments, inventory reclassifications, and overages may increase the total value of producer milk in a given month. As a result, it is possible for the price of excess milk of a handler to increase, under present order provisions, above the level of base milk (at the Class I price level). No particular purpose is served in terms of moderating the seasonality of milk deliveries when the excess price exceeds the base price. It is concluded therefore that whenever the excess price would exceed the base price the base and excess prices should be recomputed so that they are equal to each other.

5. *Advance payments.* It was proposed that handlers, upon request of a cooperative association, be required to make "advance" payments to the association with respect to member milk in addition to the regular monthly payments. The advance payments would be made on the 23rd day of each month on milk received from those member producers who have requested an advance from the cooperative association for their deliveries of milk during the first fifteen days of such month. The rate of payment would not be less than the Class II price per hundredweight for the preceding month. It was testified that an advance payment for milk would assist producers in defraying production costs more promptly.

Handlers suggested that if advance payments are provided for they be made available to all producers, members or nonmembers of an association, on or before the last day of each month, for milk received during the first fifteen days of such month, at a rate not less than the Class II price per hundredweight for the preceding month. One handler testified that in past years his company had made advance payments for the milk received from farmers during the first fifteen days of the month.

Advance payments are customarily made on a voluntary basis in this market. There is no evidence that handlers have refused to make advance payments to producers when requested. There was no request for an advance payment provision which would apply to all producers. It is concluded that an advance payment provision is not necessary at this time.

6. *Classification of milk.* The definition of Class II milk should be revised.

Milk returned to plants from handlers' routes in this market frequently cannot be processed for resale as other dairy products. Some milk and milk products are either dumped or disposed of as animal feed. There is need, for administrative purposes, to specify additional categories of Class II milk since administrative difficulty has been encountered in determining the proper classification of products disposed of as animal feed on the basis of the wording of present class definitions. In some cases where small quantities are involved dumping is the only practical outlet. This may be particularly necessary during April, May, June and July.

It is concluded that skim milk which is dumped during the months of April, May, June, and July, and skim milk disposed of as animal feed, should be included in Class II milk. Because dumping can be verified only at the time the action is taken, the handler should be required to give six hours' advance notice to the market administrator so that the market administrator may arrange for an inspection of the dumping if he believes it advisable.

Handlers proposed that actual shrinkage not in excess of 2 percent of total producer receipts of skim milk and butterfat be allocated to Class II milk. Also, that actual shrinkage of all other source milk be allocated to such class. However, when producer milk was utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage of skim milk and butterfat allocated to producer milk and other source milk would be computed pro rata according to the proportions of skim milk and butterfat received from such sources, respectively, to their total. It was contended that under a classified-price plan shrinkage should be in the lowest-priced class since it has no actual value in usage.

One handler suggested a modified proposal under which (1) actual shrinkage not in excess of 2 percent of total producer receipts (other than receipts from the pool plant of another handler) of skim milk and butterfat would be allocated to Class II milk, and (2) shrinkage of skim and butterfat classified as Class II milk would be prorated between producer and other source milk. Reasons given by the latter handler for the above shrinkage computation and allocation were as follows: (1) Skim milk and butterfat allocated to Class I should include only milk actually used in making sales, (2) the weights of fluid milk received compared with the fluid milk sold as computed from conversion factors (used in changing units such as quarts, etc. to pounds of fluid milk, and "make" factors used in converting manufactured milk products to their equivalent pounds of fluid milk) leave little need for the computation of shrinkage by formula, (3) a reduction in the loss of milk can be achieved only at the sacrifice of other efficiencies in the fluid milk plant operation, (4) health regulations prevent the full use of milk at the beginning or end of a fluid milk operation, and (5) handlers receive no return from shrinkage but producers would receive the Class II price if allocated to Class II milk.

In opposing, producers testified that the allocation of a maximum of 2 percent of all producer receipts to Class II as shrinkage and the proration of this shrinkage between other source milk and producer receipts of milk would reduce returns to producers for their milk deliveries. It was claimed such a provision would permit handlers selling all producer milk in Class I to pay for a portion of their milk at the Class II price even though no shrinkage could be attributed to the manufacture of a Class II product. Producers contended that if the proposal were adopted they could be penalized for the inefficiencies of a plant's operation and for inaccuracies in the handler's accounting procedures. It was suggested that the percentage of skim milk and butterfat in shrinkage allocated to Class II continue to be not greater than that which the actual quantity of producer milk utilized by the handler in Class II bears to his total receipts of producer milk.

The present provisions for the assignment of shrinkage (2 percent maximum) to Class II milk were developed in conjunction with the class price structure currently in effect in the Appalachian market. Any change in the shrinkage allowances in Class II milk would involve correlative adjustments in the class prices if producer returns are not to be affected.

Since handlers experienced approximately 1 percent shrinkage (annual average) of total receipts for 1955 the effect of the proposal, together with appropriate price adjustments, would be so minor that no significant change in the relationship of handler costs one to another would result. In view of the above, the proposal is denied.

One handler proposed that accounting periods of less than a full month be permitted under certain circumstances. It was testified that seasonal changes in supplies and sales necessitate importations of other source milk. Reference was made to the seasonal pattern of local milk production under which considerable quantities of milk are produced in the spring and summer months and sub-

stantially less in the fall and winter; also, that the opening and closing of schools causes rather drastic changes in Class I sales twice a year. In December, there is a characteristic decrease in Class I sales in the closing days of the month.

The primary purpose of the proponent in making this proposal was to provide that when producer milk became short within a period less than a month, and outside supplies were necessary, such supplies could be acquired and assigned to Class I. It was further stated that there are about three months in particular when other source milk is actually used in fulfilling Class I sales but is allocated to Class II milk under the monthly reporting and accounting system. This handler presented percentages to show that at times he needed additional milk during a given month while at other times during the same month he had an excess of producer milk. As a result, it was contended that the producer milk received by such plant was virtually all paid for at the Class I price even though some producer milk was physically disposed of in Class II products. Although supplemental purchases were restricted to a minimum, there was some surplus producer milk in the plant at different times of the month. Proponent contended that to allocate producer milk to Class I, through the monthly accounting method, results in arbitrary and inaccurate classification.

On the other hand, proponent recognized the burden of daily accounting and classification. It was proposed that, as a compromise method, handlers be permitted to report their receipts and utilization on accounting periods consisting of not less than seven days. This privilege to the handler would be applied with respect to any three months of the year. The election by the handler of multiple accounting periods within a month was not intended, however, to alter the present practice of computing his total obligation for the month or the payment of uniform prices for base and excess milk on a monthly basis.

The administrative burden to both the handler and the market administrator of daily reporting and accounting under milk orders is well recognized through the industry. The monthly accounting system has become the standard under this type of regulation and is generally accepted as the most practical method of applying the provision of the act which requires milk to be classified "in accordance with the form in which or the purpose for which it is used * * *". There are administrative limitations involved in accounting for specific "lots" of milk according to actual, or physical, disposition and allocation provisions such as those in question are necessary to distinguish the uses of "producer" and "other source milk" for classification purposes. The latter provisions eliminate the impossible administrative task of ascertaining the particular use of each hundredweight of milk regardless of source and make possible an accounting system of practical application. The extent to which producer milk may be given priority assignment of higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection to producers from the substitution of unregulated (unpriced) milk and thus promote orderly marketing. In any event, the handler is not compelled to pay producers for any greater utilization of milk than he actually makes in the particular class.

To operate a fluid milk distributing business individual handlers must choose either to maintain a sufficient volume of producer milk in reserve to meet fully the needs of their fluid milk (Class I) operation or to buy short from regular producers in the low production months with the intent of procuring supplementary supplies as necessary to fulfill Class I requirements. Although the handler buying supplementary supplies customarily pays a handling charge to the seller and transportation costs, which, when added to the price paid, increase the cost of such milk above the Class II price under the order, the handler carrying sufficient reserves to meet his needs at all times may retain such milk only at a cost, including the expense of moving such milk to manufacturing plants from time to time, which may seem a burden to his total operation, but which he determines is justified to assure himself of an adequate supply of producer milk. In either case the costs involved are not attributable to order regulation. The handler determines which method of operation is most economical in his particular circumstance. A proper method of allocation should not depend upon these relative costs.

The allocation of other source milk through multiple reporting periods would provide an incentive for handlers to use unpriced milk in preference to producer milk priced under the order. Thus, producer returns could be jeopardized and subject to considerable instability when handlers use other source milk for Class I purposes. Handlers could bring in more milk than was absolutely essential in the confidence that it would be credited at the Class I price. Such displacement of producer milk from Class I would mean that producer milk would be sold at a lower class price. As a result, producer returns would decrease resulting in less incentive to milk production, or class prices would have to be increased. Since it would not be feasible to increase Class II price to maintain producer returns, the alternative would be to increase the Class I price. Thus, the cost to consumers of maintaining an adequate and dependable supply of milk would be increased.

It must be recognized further that some handlers would not need to avail themselves of the privilege of reporting more than once a month at any time. A handler may carry in his plant all the necessary reserve of producer milk for Class I milk operations, eliminating the need to import outside milk, or may carry, as in the case of one Appalachian handler, so small a quantity of producer milk in relation to his Class I sales that such a provision would be of no significant benefit. Since the division of a month into two or more reporting and classification periods necessarily implies an accounting method which would permit proof of receipts, sales, inventories, and shrinkage for each such period within a month, the administrative effect is comparable to that involved in the longer period of a full month. The administrative functions of the market administrator's office primarily affected by this proposal are those of report processing and auditing. These are the most time consuming functions associated with order administration. They involve the bulk of the administrative cost. Thus, all handlers, rather than those electing the multiple reporting periods, would be required to bear the additional administrative cost of applying the order on the proposed basis.

In view of the above facts, the proposal for multiple reporting periods is denied. However, since it is necessary at times to allocate both regulated (priced under another Federal order) and unregulated milk from outside sources as "other source milk" in Appalachian plants, it is reasonable to allocate the unregulated milk first to the lowest-valued uses prior to the allocation of priced milk to any such use. The order has been so amended.

7. *Class II pricing formula.* Handlers proposed that the Class II pricing formula should be, in all months, the average of prices paid for milk received from dairy farmers at nine local manufacturing plants. At present this average price is used as the Class II price for the months of March through August only. Handlers noted, in this connection, the proposal of producers for a "supply-demand adjustment" factor to be included in the Class I price formula. It was contended that if such a provision were to develop a full year-round supply for the market there would be reserve quantities of milk in the fall months as well as in the flush production season which necessarily would fall into Class II uses. On this basis, it was argued that Class II milk should be priced in the fall months at the same level as the milk which must be used for manufacturing purposes in the months of March through August.

During the months of below-average production a higher level of prices for Class II milk should be provided so as to encourage the transfer of milk from manufacturing to higher-valued uses. In these months there are available outlets for reserve milk in cottage cheese and ice cream which among surplus uses are considered as preferred outlets. Producer receipts were sufficient in only two months during the flush production season of 1955 to cover Class I sales and to provide reasonable Class I reserves. The months of September through February are the months when substantial volumes of milk are received from sources other than local producers, to supply the Class I needs of the market as well as some Class II milk uses. Supplemental supplies of milk during the short production season are received from areas where the price of milk used in the manufacture of butter and nonfat dry milk solids is an important factor in establishing the prevailing farm values of manufacturing milk. It is concluded that the proposed reduction of Class II prices for the months of September through February is not necessary in order to achieve the orderly marketing of milk in this area.

However, it is noted that for the purpose of computing the butter-nonfat dry milk solids price formula for Class II milk and the butterfat differential for adjusting the Class II price the price of 92-score butter at New York is used in lieu of the Chicago butter price as employed in the basic formula price. Since central market pricing of butter and nonfat dry milk solids at Chicago are basic to the price structure for the Appalachian market, it is consistent to utilize the Chicago butter price in connection with the Class II price and butterfat differential computations also. In order to provide a comparable basis of pricing throughout, the Chicago butter price is substituted for the New York butter price in the Class II price and Class II butterfat differential formulas.

8. *Base and excess plan.* Handlers proposed amendments to the base and excess plan. They would have producers establish bases in the period of August through January as a means of providing the proper incentive to farmers to produce adequate milk for the short production months. In addition, handlers would change the "base-paying" period from the months of April through August to the months of March through July. Producers supported these changes with the exception that they be given sufficient notice of the revised "base-forming" period. They contended that farmers should be given substantial advance notice in order to change breeding programs and suggested that the handlers' proposal be made effective in August 1957.

The flush production season occurs in the months of April, May, June and July. During 1955, the production of milk exceeded the needs for Class I and reasonable Class I reserve requirements only in the months of May and June. One handler finds it necessary to receive substantial volumes of Class I milk in all months of the year. Production and Class I requirements are approximately identical in August, whereas February and March are months of short production as compared to Class I requirements. It would not be in the interest of an improved production pattern to decrease the incentive to farmers for the production of milk in February and March for a probable increased incentive in August in view of these previously stated conditions. Because the market has little surplus milk in August and production is in close balance with Class I requirements, August should be excluded from the "base-paying" period. Therefore, it is concluded that the "base-paying" period should include the months of April through July.

Producers proposed the unqualified transfer of base upon notification in writing to the market administrator on or before the last day of any month. In addition, if the base were held jointly and such joint holding were terminated, the entire base transferable by any joint holder would be his portion of such jointly held base as indicated by the joint holders. Handlers supported the proposal to remove the present limitations on base transfers provided that in each instance the base would accompany transfer of the herd.

The producers' proposal opens the possibility of abuse which could be highly detrimental to the base-excess plan. One handler in this market continuously disposes of all producer milk as Class I milk because of a deficit producer milk supply at his plant. Producers who deliver to this handler would be able, under the proposed plan, to sell or loan their bases to other producers who deliver to other handlers in the market, without loss of the base price (in this instance the Class I price) for all milk delivered during the base-paying period. A producer delivering milk to another handler and who otherwise would be paid for some excess milk as the result of his original base, thus would receive the base price for some, or perhaps all, of this excess milk under the additional base received from the other producer. In order to preserve the effectiveness of the base plan any transfer should be limited, in these circumstances, to situations where changes in the operation of a farm result because of new ownership, the death, retirement or entry into military service of a producer, or changes in partnership or tenant-landlord arrangement occur. Since the base plan is effective in determining producer payments in only four of the twelve months in each year and since all producers must establish a new base each year, other provisions than those contained in the order, and particularly the proposals considered herein, for the transfer of bases are unnecessary.

9. *Supply-demand adjustment.* Producers proposed that a "supply-demand adjustment" factor be included in the Class I price formula to reflect automatically changes in local supply and demand conditions. They contended that a supply-demand adjustment factor is essential in obtaining increased supplies of producer milk to meet market needs and inducing producers to remain with handlers in this market.

Handlers opposed the inclusion of a supply-demand adjustment factor in the Class I price formula. They stated that an increase in milk supplies for Grade A purposes from this production area is doubtful because of the lack of additional dairy farms.

Although a supply-demand adjustment factor in the pricing formula conceived from local data would be desirable and serve a useful purpose, it is concluded that the development of such a factor from the data available at present, would not reflect the Appalachian marketing conditions adequately and should be delayed until the Appalachian market has had additional experience under the order. Adequate market experience under regulation is desirable as a basis for determining with accuracy the seasonal patterns of production and demand for use in connection with such a formula.

In view of the discussion on the regulation of the Bluefield market under a separate order, as set forth in another section of this decision, no further consideration with respect to Class I pricing in the proposed extension of the Appalachian marketing area is necessary in connection with the proposed amendments to the Appalachian order.

10. Certain changes of an administrative nature should be made. Distribution facilities which formerly were receiving, processing, or bottling plants are in certain circumstances regulated as "fluid milk plants." The designation of these distribution facilities as fluid milk plants unnecessarily involves the classification and allocation of milk and milk products received at these facilities in finished form. It is concluded that the fluid milk plant definition should not include those buildings, premises, or facilities the primary function of which is to hold or store bottled milk or milk products in finished form while in transit for wholesale or retail route distribution.

The pricing provisions of the order should be revised so that the reporting period for the Chicago butter and nonfat dry milk solids price will conform with the period used by the reporting agency within the Department. Therefore, the reporting period designated in the order for any given month is revised to include the period from the 26th day of the immediately preceding month through the 25th day of the current month.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Proposed marketing agreement and order for the Bluefield marketing area—Statement of issues. The material issues of record with respect to the proposed marketing agreement and order regulating the handling of milk in the Bluefield marketing area related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, the following findings and conclusions are hereby made with respect to the proposed marketing agreement and order regulating the handling of milk in the Bluefield marketing area:

Commerce in milk. The handling of milk in the Bluefield marketing area, as defined herein, is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The marketing area defined in the proposed order includes the counties of Mercer and McDowell in the State of West Virginia, and Tazewell County in Virginia. There are continuous and substantial movements of milk across state lines both in the procurement of milk from producers supplying this marketing area and the sale of fluid milk and milk products by handlers to consumers.

Milk produced on farms in the States of Kentucky, Ohio, Virginia, and West Virginia is inextricably commingled at a milk distributing plant located at Welch, West Virginia. Milk produced in Virginia and West Virginia is received and commingled at plants located at Bluefield, Virginia and Bluefield, West Virginia. Such milk is bottled and distributed in fluid form throughout the marketing area. Milk from farms in Kentucky and Ohio is sent to a bottling plant in the West Virginia segment of the proposed marketing area and the bottled products then are returned to Kentucky and Ohio for distribution to consumers. Similarly, milk produced on farms in Virginia is sent to a bottling plant at Bluefield, West Virginia, and the bottled products are returned for distribution in Virginia. Milk produced within the State of West Virginia and sold in fluid form within that portion of the marketing area in West Virginia is in direct competition with milk produced in other States. The same situation exists with respect to milk produced within the State of Virginia and sold in fluid form within that portion of the marketing area in Virginia.

Fluid milk bottled in Bluefield, Virginia, is distributed to consumers in Pike County, Kentucky, and in McDowell and Mercer counties in West Virginia. Fluid milk and fluid milk products move from plants in Welch and Bluefield, West Virginia, to wholesale and retail outlets in Boyd, Floyd, and Pike counties, Kentucky; Bland, Buchanan, Giles, and Tazewell counties, Virginia; and Cabell County, Ohio. One handler, who would be regulated under the proposed order receives manufactured milk products from a company-affiliated plant located in the Tri-State market (a federally-regulated area) for distribution in the Bluefield area. On a supplemental supply basis substantial quantities of milk produced in the states of Maryland, Ohio, and Wisconsin are frequently imported by handlers in the Bluefield marketing area to meet a portion of the bottled milk requirements during the low production season of the year.

The seasonal reserve of locally-produced Grade A milk is used in the manufacture of cottage cheese, ice cream, nonfat dry milk solids, and condensed milk. These products, made from producer milk, are manufactured in Virginia and West Virginia plants and are sold in several States within this section of the country.

Need for regulation. The marketing and pricing conditions in the Bluefield marketing area require the issuance of a milk marketing agreement and order to establish and maintain orderly marketing conditions. Such an order will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. For reasons stated in this decision the regulation should be separate from those covering the Appalachian and Tri-State marketing areas.

At least six pricing plans for milk delivered by farmers are operative in the Bluefield market. In addition, the variations in milk classification methods used by handlers affect the relative prices paid to the producers. The pricing and classification plans used have caused wide disparity in returns to producers.

Certain milk distributed in this area is classified for pricing purposes pursuant to the provisions of the Federal milk orders for the Appalachian, Clarksburg, and Tri-State marketing areas. An order issued by the Virginia State Milk Commission applies to milk distributed from a Bluefield, West Virginia, plant into Giles County, Virginia. These regulatory pricing plans which affect milk marketing in this area have varying methods of milk classification for pricing purposes.

Pricing plans devised by handlers (as hereinafter defined) utilize still different methods of classification. One handler, who distributes fluid milk products in this area from a plant located in West Virginia, has established three different classes for pricing purposes, as follows:

(1) Class I—fluid milk products distributed locally (Bluefield, West Virginia and vicinity);

(2) Class I (Kentucky)—fluid milk products distributed in Pike County, Kentucky, and milk separated for buttermilk, chocolate milk drinks, cottage cheese, and for the standardization of fluid milk; and

(3) A class for surplus milk.

This method of pricing has resulted in fluid milk products in Class I distributed by such handler in the proposed marketing area being priced as much as $1.22 above the price for fluid milk products distributed from the same plant to outlets in Kentucky. The Class I (Kentucky) price of this handler is based on, and equivalent to, the Huntington district Class I price under the Tri-State order. Also, this handler purchases milk produced in Virginia and distributes milk in Virginia under the producer and resale price regulations of the Virginia State Milk Commission for the Giles County, Virginia, market. Milk produced under regulation of the Virginia State Milk Commission customarily is priced higher than that sold locally in the Bluefield market.

Another handler, with a plant located in Virginia, has established three classes for pricing purposes, as follows: (1) Class I—fluid milk products distributed in Virginia; (2) Class IA—fluid milk products distributed outside the State of Virginia, buttermilk, and ice cream; and (3) a class for surplus milk. Under this method of pricing fluid milk products in Class I have been priced as high as $6.05 per hundredweight (4.0 percent butterfat basis) when at the same time fluid milk products in Class IA were priced at $4.11 per hundredweight. The Class IA price customarily has been fixed at the level of the Tri-State order Class I price for the Huntington district (adjusted to a 4.0 percent butterfat basis by using the "producer" rather than the "handler" butterfat differential under such order), less 25 cents.

A third handler, with a plant located in West Virginia, prices all his milk as Class I, except for small amounts of seasonal surplus.

The fourth handler in the market is regulated under the provisions of the Tri-State order and thus is required to follow a classification and price plan which differs from the others as described above.

The four local handlers, to which reference has been made, were formerly regulated under a producer price order of the Virginia State Milk Commission which was applicable to the "Southwest Virginia" milk market. They have not been regulated by the Virginia control agency since late 1953, but have continued some aspects of the regulatory pricing program on a voluntary basis. However, the variations in pricing plans for fluid milk distributed in the Bluefield area have resulted in producer returns which vary in excess of $1.00 per hundredweight for milk produced by farmers with farms located in the same production area. In some instances differences in returns per hundredweight occurred among producers delivering to the same handler in the same month.

The "stated Class I prices of such handlers have varied from $4.08 to $6.05 per hundredweight (4.0 percent butterfat basis) for bottled milk products distributed competitively in the same areas during the same periods of time. In addition, different methods of paying for butterfat above and below 4.0 percent are used and there is no uniformity in the computation of producer butterfat differentials. Because of these factors, together with the classification plans used, the stated Class I prices of unregulated handlers do not reflect with accuracy the level of returns actually received by producers for milk used in bottled milk products. This lack of uniformity in pricing and classification techniques has caused inequities among producers.

It is noted further that at least three types of seasonal incentive programs have been incorporated in the prevailing price plans used by those handlers in the market who are not under some regulatory program, notably the following: (1) Variations of "the base and excess" plan, (2) a modified "Louisville" plan, and (3) combination of a modified "Louisville" plan and "base and excess" plan. Such payment plans also have resulted in inequities among producers.

Handlers using the base and excess plan as a means of obtaining a better seasonal pattern of production frequently changed the period designated as the "base-forming months" without prior notification to the producers. One of these plans provides for some producer milk to be priced as "excess" even in the short production season when the market as a whole is customarily short of milk supplies.

The modified "Louisville" plan was instituted by one handler in 1954, when $0.75 per hundredweight was deducted from the producers' price in the months of April, May, and June, and the same amount per hundredweight added to the price in the months of October, November, and December. Order proponents contend that this resulted in an arbitrary net reduction in returns to such handler's producers since the fall rate of milk production normally is less than in April, May, and June. Producers claim it was their understanding that they would receive in the fall months the full amount of money represented by the deductions made in April, May, and June.

In 1955, the plan was changed without prior notification to the producers and deductions from the producers' price of $0.50 per hundredweight in April and May, and $0.55 in June were made. The amounts subsequently added to the producer's price were $0.50 per hundredweight in October, $0.75 in November, and $0.50 in December. In addition, a "base and excess" plan was instituted in the latter year without any prior notification to producers as to the base-forming period to be used. The changes made in 1955 also resulted in arbitrary reductions in returns to the producers delivering to such handler.

Another disruptive aspect of the latter pricing practice was allocation of varying amounts of surplus among individual producers. Some producers were allocated as much as 40 percent surplus while in the case of other producers no milk was so allocated. This disproportionate distribution of surplus caused a high degree of disparity in prices among producers since the difference between such handler's Class I and surplus prices has been as high as $2.50 per hundredweight.

Many producers in the Bluefield marketing area have no effective means of insuring the accuracy of the weights and tests of their deliveries of milk to handlers. The testing programs of the cooperative and handlers seldom agree on tests made of producers' milk. Producers testified that the cooperative's tests are consistently higher, but that they usually have been unable to obtain adjustments based on the differences shown. In addition, those handlers in the market not under any regulatory program do not permit auditing of their records for the purpose of establishing (1) the accuracy of the utilization of producer receipts according to the classification plan in use, and (2) the appropriate volumes of milk to be paid for as base milk and excess milk. One handler has not paid the cooperative the dues deducted from members and has been delinquent in making payments to cooperative members for their milk.

In summary, the proponent cooperative association has been unable to bargain with handlers concerning prices to be paid for milk received from farmers. Prices paid to producers throughout the Bluefield marketing area are generally at the option of the handler. There is no uniform classification plan whereby farmers supplying the Bluefield marketing area are assured of payment for their milk in accordance with its use. Handlers arbitrarily determine producer butterfat differentials for milk above or below 4 percent in butterfat. There is little uniformity in the seasonal incentive programs now used by handlers. As the result of the producers' inability to obtain satisfactory pricing plans for milk in the Bluefield area plants some producers have shifted their deliveries of milk from this market to plants in Winston-Salem, North Carolina; Charleston, West Virginia; and the Appalachian marketing area. Since the Bluefield market is in a deficit milk production area and supplies customarily have been fairly short in relation to the Class I demand any transfer of milk from the market seriously jeopardizes the delivery of the necessary requirements of fluid milk to this market.

The Federal milk marketing order proposed herein for Bluefield will implement the declared Congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handler's records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(f) Uniform rules for the operation of seasonal incentive which will encourage producers to adjust production seasonally in closer alignment with the relatively even monthly needs for inspected milk; and

(g) Market-wide information on receipts, sales, and other data relating to milk marketing in the area.

Marketing area. The Bluefield marketing area should include all the territory within the counties of McDowell and Mercer in West Virginia, and Tazewell in Virginia.

Producers proposed that the counties of Buchanan and Tazewell in Virginia; McDowell and Mercer in West Virginia; and Floyd and Pike in Kentucky be either (1) established as a separate district within the present Appalachian marketing area, or (2) established as a marketing area to be known as the "Bluefield marketing area" for regulation under a separate marketing order.

One handler proposal would enlarge the marketing area to include in addition to the above-named counties, as proposed by producers, the counties of Boone, Fayette, Greenbrier, Kanawha, Logan, Monroe, Raleigh, Summers, and Wyoming, in West Virginia. This handler, upon further consideration, abandoned the request for the addition of Boone, Fayette, Greenbrier, Kanawha, Monroe, Raleigh, and Summers counties. The same proponent further modified his proposal to include Lincoln, McDowell, Mercer, and Mingo counties in West Virginia.

Another proposal submitted by handlers would adopt all of the counties included in the above handler's final proposal and in addition would include Tazewell County, Virginia and Floyd and Pike counties, Kentucky. It was further proposed that this proposed marketing area be given consideration as an addition to the Huntington district of the Tri-State marketing area, as an alternative to the two producer proposals.

The problems complained of by the producer proponents of the order center primarily around the handling of milk in plants which either are located in or serve McDowell and Mercer counties, West Virginia. Plants located in McDowell and Mercer counties also handle a large portion of the fluid milk distributed within Tazewell County, Virginia. These three counties constitute perhaps the most populous area in the entire region under consideration and to a large extent are separated from other counties proposed for regulation by mountains and intervening areas which are only sparsely populated. The principal communities located in these counties are Bluefield, Princeton, and Welch, West Virginia, and the city of Bluefield, Virginia. Because of the numerous smaller communities scattered throughout the counties, it appears that orderly marketing can be best achieved by regulating the counties in their entirety rather than to specify particular communities for regulation.

Milk sold for consumption as Grade A milk within all three counties of McDowell, Mercer, and Tazewell must be approved by local health authorities under ordinances, practices, and procedures patterned after the model milk ordinance of the United States Public Health Service. Reciprocal agreements on farm inspections and on finished Grade A milk products for distributors prevail among the area health authorities. Current ratings of the United States Public Health Service are recognized by health authorities as a basis for acceptance of supplemental, or emergency, supplies of milk from distant plant sources. The degree of similarity of minimum health standards throughout the area justifies the uniform application of prices to all inspected milk marketed in these counties.

As previously stated, producers proposed that Buchanan County, Virginia, and Floyd and Pike counties, Kentucky, also be included in the marketing area. There is little, if any, milk distributed in Buchanan County which would not

be under the regulation of either the Appalachian or Bluefield order, without the inclusion of such county in the marketing area. Sales in this country are quite limited because of its rural character. For these reasons it is not necessary to include Buchanan County within either of the defined marketing areas. The reasons for not including Floyd and Pike counties in Kentucky are discussed below in conjunction with the consideration of other additional territory as proposed by handlers.

The relatively populous counties of Logan, Mingo, and Wyoming and the sparsely populated county of Lincoln, in West Virginia, are in a region where little milk is produced locally for distribution in fluid form. This is a coal mining region and extremely deficit as to its own milk supply. Milk is transported rather long distances from the markets of Huntington, West Virginia; Athens, Ohio; Beckley, West Virginia; Bluefield, West Virginia; and Charleston, West Virginia, to serve local needs for fluid milk. The milk imported into this area from Huntington and Athens is under regulation of the Federal milk order covering those communities (Tri-State Order No. 72), and the milk from Beckley has been under the regulation of a recently issued milk order for the Clarksburg marketing area (Clarksburg Order No. 109). Charleston handlers have limited sales in this area which are of minor competitive importance. The issuance of a Bluefield order for the marketing area as adopted above would bring under regulation nearly all the remaining milk distributed in these counties.

A situation similar to that noted for such four counties in West Virginia, applies also in the case of Floyd and Pike counties, Kentucky. The milk imported into this area from Huntington and Athens is under regulation of the Federal milk order covering these communities. Similarly, milk imported into this area from Big Stone Gap, Virginia, and Kingsport, Tennessee, is under regulation of the Federal milk order covering the Appalachian market. The issuance of a Bluefield order for the marketing area as adopted above would bring under regulation nearly all the remaining milk distributed in these counties.

It should be noted that the inclusion of any of the areas discussed above in addition to the counties of McDowell and Mercer, West Virginia, and Tazewell, Virginia, would have the effect of transferring plants at Huntington, West Virginia, and Athens, Ohio, now regulated under the Tri-State order, to regulation under the Bluefield order unless some modification of the present terms of the Tri-State order were made to prevent such a transfer. Regulation of such plants under the Bluefield order would not be in the interest of orderly marketing within the Tri-State marketing area. As above stated, the inclusion of the additional counties probably also would involve a portion of the Charleston market under regulation, while a greater portion of the milk for this substantial market would remain unregulated. The application of a Bluefield order in this manner would create difficult competitive problems for the regulated milk originating at Charleston plants and is not necessary to achieve orderly marketing for producers who have primary interest in the proposed Bluefield regulation. Handlers testified that if their Class I prices were reasonably aligned with those effective under the Tri-State order no competitive disadvantage resulting from the purchase of milk from producers would result from the omission of such counties from the defined marketing area since the bulk of the milk distributed in these counties, other than that distributed by handlers who would be regulated under the Bluefield order, is at present priced under the Tri-State order. The inclusion of these counties in the defined marketing area is not required to achieve orderly marketing conditions for the producers primarily concerned with the Bluefield market plants.

The milk distributors who would be regulated under a separate Bluefield order are in competition throughout the particular counties to be regulated. In addition, some milk is distributed within this area from plants located outside the defined area at Beckley, West Virginia, and Athens, Ohio. The operator of the Beckley plant might also become a handler under the regulation. Although some milk is distributed in Tazewell County by persons regulated as handlers under the order currently in effect in the Appalachian marketing area, no milk is distributed within the confines of the latter marketing area by persons who would become handlers under a separate order for the Bluefield marketing area. It is noted also that the points outside the defined area where there is some competition between handlers to be regulated by a Bluefield order and those currently regulated under the Appalachian order are not numerous. There is substantially greater competition in outside markets between Bluefield handlers and distributors in the Tri-State market and Beckley. From the standpoint of route competition there is insufficient relationship between the Appalachian and Bluefield markets to indicate the propriety of a single regulation for handlers in both markets. Further support for this view is found in the tendency for Bluefield handlers to seek new markets generally to the west and north of Bluefield, West Virginia, rather than to compete more vigorously in Bristol and other markets to the south regulated under the Appalachian order.

Milk subject to regulation. Provision should be made in the order to designate clearly what milk will be subject to the pricing provisions of the order. For this reason, definitions of "handler", "plant" (various types), "producer", "producer milk" and "other source milk" should be provided.

A "handler" is defined to be the operator of an "approved plant". The handler is the person to whom the provisions of the order are applicable. The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. He is the one responsible for paying producers not less than the specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of approved plants which do not qualify as "fluid milk plants" (as discussed below) should be considered handlers in order that such persons shall report to the market administrator as may be necessary to determine their status at any given time.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk for sale on retail and wholesale routes in the marketing area. Such plants are defined as "fluid milk plants." More specifically, a fluid milk plant under the attached order is any plant from which a volume of Class I milk equal to either an average of more than 1,000 pounds per day, or more than 2.0 percent of the approved milk of such plant, is disposed of during the month on routes (including routes operated by vendors) or through plant stores or retail or wholesale outlets (except other fluid milk plants) located in the marketing area.

The order should provide also delivery performance standards for plants from which no wholesale or retail routes are operated, but which represent sources of supply for the market. There are two broad categories of plants that generally provide supplemental supplies of milk for fluid milk markets. One category includes those plants which constitute regular sources of supply and are closely associated with the market by receiving milk subject to the farm inspection of local health authorities. Although there are no such plants serving the Bluefield marketing area at present some provision should be made for the regulation of plants of this type that might become closely associated with the market in the future. Plants of this type are a normal part of the milk procurement facilities in several adjacent markets, and nothing in this order will preclude any plant wherever located from serving the market in the future should a need for its supplies arise. It is concluded that any plant in this category should be included within the definition of a fluid milk plant throughout the year whenever it may become a regular source of supply for any plant from which wholesale or retail routes are operated.

The second category of supply plants are those receiving milk not under the routine farm inspection of health authorities in the market. The Bluefield market receives supplemental milk supplies from a number of plants of this type. These plants normally provide supplemental milk to plants in various other fluid milk markets as well, and their shipments to the Bluefield area for Class I use are primarily seasonal in nature.

Producers proposed that the latter type of plant be included in the definition of a fluid milk plant when any such plant supplies to the market a monthly total of 70,000 pounds (or more) of milk for each of the months of August through January, inclusive. Producers contended that such plants are a threat to the stability of the market because they are able to deliver large quantities of milk during the low production months from other sources and locations where no minimum price regulations are in effect.

It is quite possible that as a result of handlers receiving milk from outside the order in unlimited quantities a situation could arise in which a significant portion of the market supply of milk would not be subject in any way to the pricing and payment provisions of the order. This could result in (1) a portion of the market supply being procured on a "flat price" basis without regard to use of milk as distinguished from the classified price plan provided in the proposed order, (2) limiting the effectiveness of the pricing and payment provisions of the order as a means of encouraging farmers to produce a year-round supply of pure and wholesome milk for the Bluefield market, and (3) incentive to handlers to use milk from sources outside regulation in preference to seeking an adequate supply of producer milk in all months. These factors would create a constant threat to the entire classified price plan.

It is concluded that such plants should be regulated when they furnish milk, skim milk or cream in fluid form in excess of 70,000 pounds (approximately two full tank loads) per month for the months of August through January, inclusive. In addition, these plants should be brought under regulation and made fully subject to the pricing provisions of the order when any shipments are made to fluid milk plants for the months of February through July, inclusive. This provision is similar to the comparable provision of the Appalachian order and is reasonable in view of the similarity of handler operations in the two markets. Milk subject to other orders issued pursuant to the act should not be made subject to the pricing provisions of the order at any time in order that double regulation may be avoided.

Minor quantities of milk are distributed on wholesale and retail routes from plants located outside the marketing area. Such plants generally are receiving supplies produced at considerable distances from the Bluefield milk production area and are primarily in competition with milk of unregulated handlers in markets outside the Bluefield marketing area. Regulation of such plants might place them in an uneconomic and unfavorable competitive position with respect to sales in their home markets. As long as the limit as to sales such a plant may make in the marketing area are kept relatively low, the volume of unpriced milk in the market would not present a disruptive force. It is concluded that this limit should be placed at 2.0 percent of the Grade A milk received at such plant from all sources, or an average of 1,000 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk equal to more than 1,000 pounds per day, or 2.0 percent of its receipts of Grade A milk, skim milk or cream, is disposed of in the marketing area should be designated as a fluid milk plant and be made fully subject to regulation. This limited exemption is similar to that currently contained in the Appalachian order.

Any plant from which Class I milk is distributed in the marketing area, but which does not meet the standards for a fluid milk plant, should be defined as an "approved plant" and be required to file reports and submit to audits by the market administrator in order that he may verify the status of such plant.

"Producer" should be defined as any person, other than a "producer-handler", who produces milk under a dairy farm inspection permit issued by a duly constituted health authority which is customarily received at a fluid milk plant. Provision should be made, however, so that the milk of producers regularly received at a fluid milk plant may be diverted for the account of a handler to a nonfluid milk plant at any time during April, May, June and July, and on not more than 15 days during other months, and still be permitted to retain status as producer milk under the order. This will permit milk regularly associated with the market to be diverted to manufacturers during periods of flush production and over week-ends and holidays when supply and demand relationships may require some reserve and surplus milk to be manufactured in plants not regulated by the order. Producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

"Producer-handler" should be defined as a person who operates a fluid milk plant but handles no milk from dairy farmers other than milk of his own production. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required and maintain and make available to the market administrator, accounts, records, and facilities, so that the market administrator may verify that such person meets the definition of producer-handler. It appears unnecessary to require under the order that a producer-handler pay any particular price for milk produced on his own farm.

A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. However, the classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Supplemental supplies of milk which may be obtained from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. Any milk which a handler receives from a producer-handler would be "other source milk" and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of a handler after the allocation of shrinkage on producer milk. This method of allocating producer-handler milk will insure producers' priority on Class I sales made by the handler to whom milk is supplied. The producer-handler who, by being exempt, enjoys the full advantage of his fluid milk sales, should not also share in the Class I market of other producers.

"Other source milk" should be defined as all skim milk and butterfat contained in products utilized by the handler in his operations, except milk from producers, inventories, and other Class I products received from other fluid milk plants. This includes any non-fluid milk product from any source, including those produced at the handler's plant during the same or an earlier month which are reprocessed or converted to other products during the month in the plant. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

Classification of milk. Milk received by regulated handlers should be classified on the basis of the form in which, or the purpose for which, it is used, as either "Class I milk" or "Class II milk."

A classification plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve of quality milk may be maintained at all times (and used at prices in line with its value when processed into manufactured dairy products) without disrupting marketing and pricing conditions within the established marketing area.

The products which should be included in Class I milk are those distributed to the consumer in fluid form and required by health authorities in the proposed marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded, or manufacturing, milk price. This higher price should be at such a level that it will yield a uniform (blended) price to producers that will encourage the production of sufficient milk to meet market needs.

Reserve milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products are less perishable, are not required to be made from inspected milk, and must be sold in competition with products made from unapproved milk produced throughout the United States. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain

or flavored), cream (except frozen cream), and any mixture in fluid form of skim milk and cream (except ice cream mix, eggnog, and sterilized products contained in hermetically sealed containers); and (2) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans should not be considered as concentrated milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and cottage cheese, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible to the market administrator to establish the classification of, and to make payments to producers for, such milk. Except for such limited quantities of shrinkage which may under certain conditions (as set forth elsewhere in this decision) be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); non-fat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk.

Cream which is frozen and placed in storage should be classified as Class II milk. Such cream is intended primarily for use in ice cream mixes. Any frozen cream or other Class II products which are used later in a fluid milk plant would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

A handler proposed that Class II milk include all skim milk and butterfat disposed of as livestock feed, and skim milk that is dumped after prior notification to and opportunity for verification by the market administrator. This handler testified that (1) little recovery value is obtained from fluid milk products returned to the handler's plant and sold as livestock feed, and (2) surplus milk is separated and the skim milk dumped for lack of manufacturing facilities to use all surplus milk.

Milk returned to plants from handler routes in this market frequently cannot be processed for resale as other dairy products. Because of the limited facilities in most handler plants for processing manufactured milk products seasonal surplus in small quantities from time to time does not warrant costs associated with disposition to unregulated plants for manufacture. It is concluded that skim milk contained in any product disposed of as animal feed, and skim milk which is dumped during the months of April, May, June and July, should be Class II milk. Because dumping can be verified only at the time the action is taken the handler should be required to give advance notice to the market administrator so that adequate proof of dumping will be possible.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Accounting procedure will be facilitated by providing that ending inventories of all products designated as Class I milk, regardless of whether such products are held in bulk or in packages, be classified in Class II milk. Inventories of such products on hand will then be subtracted from Class II use the following month. If any products which are classified as Class II milk because they are held in inventories or later used in Class I, the higher valued use should be reflected to producers unless producer milk was not available for such use.

Inventories of products designated as Class I milk on hand at a fluid milk plant at the beginning of any month during which such plant becomes a fluid milk plant for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

As in the case of the Appalachian market the question of multiple reporting periods for allocation purposes was considered. The testimony offered primarily with respect to the proposed revision of the Appalachian order is equally applicable to the Bluefield market. The findings and conclusions on this matter, previously set forth in this decision, likewise are applicable in connection with the Bluefield market and therefore are not repeated in this portion of the decision.

The proposals on the amounts of shrinkage to be allowed in Class II milk under a Bluefield order were similar to those previously considered in this decision in connection with proposed amendments to the Appalachian order. For the same reasons presented earlier producers opposed the proposals made by handlers.

As in the Appalachian market fluid milk operations take the bulk of the milk delivered by dairy farmers. A high degree of similarity in plant operations exists between the two markets. The classification, allocation and transfer provisions of the two orders are substantially the same. The class prices adopted for the Bluefield market contemplate similar treatment in accounting for and classifying shrinkage. It is concluded from the above that shrinkage should be determined on the same basis as is provided in the Appalachian order. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. Shrinkage not in excess of 2 percent of total receipts of producer milk and other source milk used to produce a Class II product should be classified as Class II milk, and any shrinkage in excess of this quantity should be classified as Class I milk. None of the shrinkage should be assigned to milk received from other fluid milk plants because shrinkage on such milk is allowed to the transferor-handler.

Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other plants for processing, specific classification procedures should be prescribed for milk transferred between plants.

Milk, skim milk, cream, or other products designated as Class I milk transferred by a handler to the plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers claim in their reports to the market administrator that such milk should be classified as Class II milk. However, in the latter event sufficient Class II utilization must be available at the transferee-plant after prior allocation of shrinkage and other source milk. Furthermore, the assignment to classes must be such as will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These actions will insure that the highest-valued uses should be assigned first to these producers regularly supplying the market.

Producers proposed that milk which is diverted from fluid milk plants to nonfluid milk plants within a range of 100 miles of the marketing area be considered as Class II milk. Reference was made to transfers of surplus milk from a Bluefield plant to a manufacturing milk plant approximately 70 miles away.

One handler proposed that surplus milk which is transported from a fluid milk plant to a nonfluid milk plant within a range of 250 miles of the transferor-plant be considered Class II milk. Surplus milk from this handler's plant has been moved at times to a manufacturing milk plant approximately 190 miles distant.

It is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. This requires verification of the receipts and utilization of milk at nonfluid milk plants which receive producer milk diverted from fluid milk plants. When it is necessary to travel considerable distances to verify the use of milk in nonfluid milk plants, there is excessive administrative expense. At least four nonfluid milk plants within a distance of 200 miles of Bluefield, West Virginia, are available to serve as the major outlets for surplus milk. The costs involved in transporting milk, skim milk, and cream in bulk form are such that generally it would not be economically feasible to move milk in excess of such distance for Class II disposition.

Therefore, it is concluded that milk, skim milk, and cream disposed of to a nonfluid milk plant, including milk which is diverted (sent directly to the nonfluid milk plant from the producer's farm) should be classified as Class I milk, unless the following conditions are met: (1) The operator of a nonfluid milk plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonfluid milk plant, (2) the nonfluid milk plant is located less than 200 miles, by the shortest hard-surfaced highway distance, from Bluefield, West Virginia, (3) the nonfluid milk plant used, during the month, an equivalent amount of skim milk and butterfat in the product use indicated, and (4) in the case of cream the transfer is made without the Grade A certification of any health authority. For reasons previously stated all Class I milk and milk products transferred to a producer-handler should not be subject to the above reclassification.

One handler proposed that a provision be included under which milk custom-bottled by a handler on behalf of an out-of-area plant could be made exempt from the pooling and pricing provisions of the Bluefield order. Specifically, it was requested that, in an emergency, milk moved from Clarksburg, West Virginia, to a plant at Beckley, West Virginia for bottling purposes and then returned to Clarksburg for sale in the Clarksburg marketing area be deducted from Class I milk in allocation at the Beckley plant. Following the classification plan of the present Appalachian order, such a receipt of milk at Beckley (if the Beckley plant were regulated under the Appalachian order) would be handled as a receipt of "other source milk" and allocated in series beginning with the lowest-priced class. The exemption, under the proposal, would apply only to a quantity of milk equivalent to that returned to the Clarksburg market.

In support of the proposal proponent indicated the possibility that its plant located at Clarksburg may be subject to relocation because the land on which it is situated may be purchased by the State of West Virginia for use as a road or highway. The land has been surveyed by the state and appears to be involved in one of two highway routes under consideration. Thus, it may be necessary to process milk at another location pending the erection of a new plant by the company to serve the Clarksburg market.

A custom-bottling provision in the Bluefield order may be an appropriate method of relieving hardship in an emergency situation, as described by proponent, without inequity to other regulated handlers. On the other hand, it has been found necessary in the general application of milk orders to provide stringent rules concerning the receipt and allocation of milk at regulated plants in order to provide a clear basis on which to determine the extent of the handler's responsibility to producers. Any relaxation of an order to the point that some milk received by the regulated handler would not be controlled pricewise by the order and yet displace producer milk in the highest classification should be carefully constructed in light of a specific emergency in order that such a provision may not be utilized to avoid an order restriction in a situation for which it was not intended.

For the most part the testimony was conjectural. There is a real possibility that the potential situation described will not become a fact. In the event the Clarksburg plant is closed at some future time to give way to the new highway, there may be alternative methods under either the Clarksburg order or the Bluefield order of preventing undue hardship to proponent. For example, proponent has a bottling plant at Fairmont, West Virginia. It may be possible for farmers now shipping to the Clarksburg plant to become regular producers at the Beckley plant by securing a change in health permits. A new plant location at Clarksburg may be found. Certainly proponent will receive advance notice to vacate which will provide opportunity to review the problem presented. The necessity and nature of any relief may be more accurately appraised in light of specific facts concerning the extent and time period of the actual emergency. In view of the above, it is concluded that a custom-bottling provision is not appropriate in the present circumstances.

It was proposed further by such handler that milk transferred to any plant regulated by the Bluefield order from a plant under another Federal order be allocated on a basis comparable to the class of utilization of such milk under the marketing order which covers the transferor's plant. Proponent referred particularly to milk which might be received from plants under either the Tri-State or Clarksburg order.

It was contended that such a transfer provision would assist a handler to hold his market against the inroads of milk brought by distributors in other markets for sale on routes since it would be easier for the local handler to obtain supplementary supplies when short of producer milk. Under the proposal any such milk, classified as Class I under an order such as the Clarksburg order, would be deductible from Class I milk in the Bluefield plant.

It is recognized that through the allocation procedure of assigning producer milk under each order to the highest-priced available uses, a quantity of milk may be classified as Class I milk in the exporting market and allocated, as "other source milk", to Class II milk in the receiving market. However, the deduction of the transferred quantity from Class I milk in the transferee-plant while local producer milk remains in Class II would not be justified under the conditions which prevail in the Bluefield area.

The Bluefield market is located in a deficit production area. Likewise, the Appalachian, Tri-State and Clarksburg markets are located in deficit milksheds. Unlike the Chicago market, referred to by proponent, which is relied upon to furnish supplemental supplies to adjacent markets as needed, none of the above-mentioned markets serves as a "balance wheel" to the supply condition of another of such markets. Each market is independent of the others in supply procurement and sources of outside milk vary. Since local producers of the Bluefield market represent the only fully dependable and reasonably near source of milk for most Bluefield handlers, there appears to be no substantial reason to force producer milk into manufacturing uses while temporary, and perhaps, sporadic, supplies from outside sources are assigned to higher-valued uses. Such procedure would not assist the orderly marketing of milk in the Bluefield area.

Bluefield plants, including proponent's plant, have no substantial capacity to manufacture milk products. Milk imported from other areas is intended primarily to supplement local producer milk in Class I uses. If the need for such supplemental milk is real no handler should experience undue hardship from order requirements under which producer milk is first assigned to the highest-priced class since the bulk of the supplemental milk would be deductible from Class I milk in allocation if actually used for fluid purposes.

In view of the above, inter-market transfers should be allocated in the same general manner as any other milk which is received from sources other than producers. However, since it may be necessary at times to allocate both regulated (priced under another Federal order) and unregulated milk from outside sources as "other source milk" in a Bluefield plant, it is reasonable to allocate the unregulated milk first to the lowest-valued uses prior to the allocation of priced milk in such uses. The latter procedure is adopted.

Class prices. Class I prices should be established at a level which, together with appropriate Class II prices, will return to producers a uniform price sufficient to bring forth the required supply of Grade A milk throughout the year. Class prices established too low will result in the production of insufficient quantities of milk to meet the requirement of the market. However, if prices are too high, it will stimulate production and bring to the market more milk than

is needed for Class I and reasonable "reserve" requirements. An overstimulation of production in excess of fluid milk requirements would result in the development of unnecessary and uneconomic surpluses.

Producers included in their proposals for the Bluefield area the same basic price formula now in use under Appalachian Order No. 23. The purpose of a basic price is to reflect the general economic factors underlying the price for milk. The price of milk used in manufactured milk products reflects, to a large extent, changes in general economic conditions affecting supply and demand, because the markets for most manufactured products are nationwide. For these reasons, many fluid milk markets have found it appropriate to use the prices for butter and nonfat dry milk solids, or the prices paid by condenseries (with differentials over these basic manufacturing prices), to establish fluid milk prices.

In the Bluefield market, prices for milk used for fluid purposes are related to prices paid for milk used for manufacturing purposes since the production and marketing of both types of milk are influenced by many of the same economic conditions. Farms producing milk for both fluid milk and manufacturing milk plants are intermingled to some extent in the Bluefield production area. In addition, manufacturing milk plants serve as alternative outlets for milk which is produced to meet fluid milk requirements. The recommended differential added to the basic formula price should, in general, reflect the additional costs required for Grade A milk to be produced and delivered to Bluefield market handlers in the quantities required to meet the needs for fluid milk and cream consumption in the marketing area. The use of alternative components as included in the attached order in the determination of the basic formula price will reflect the basic factors which establish the full farm value of milk for manufacturing uses at any given time.

In view of these facts, it is concluded that the basic price should be the higher of (a) the average of the prices paid by the 13 "Midwestern condenseries", (b) a price computed on the basis of the daily quotations for 92-score butter at Chicago and prices paid for nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area, or (c) the average of the prices paid for milk received from dairy farmers by nine selected manufacturing plants in or near the local milkshed. This basis for pricing, identical to that in the Appalachian market, will assist in maintaining proper price alignment between the markets.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions, and thereby influencing the production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities and the local nature of health regulations and milk distribution systems. Today the technological advances in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities of approving sources of milk derived from a wider supply area under agreement for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production and processing.

These developments have been and are influencing the marketing organization and price structure for producer milk and for fluid milk products in the Bluefield marketing area. Recent highway improvements have made this area accessible from a number of markets. That these developments have affected the level of prices paid for milk in the Bluefield marketing area may be noted from the many references in the record to the need of reasonable alignment of Bluefield marketing area prices with prices in the Appalachian, Clarksburg, and Tri-State markets.

Proponents proposed Class I price differentials (over the basic formula price) for the Bluefield marketing area of $1.35 during the months of April, May, and June; $1.80 during the months of February, March, and July; and $2.25 during all other months which would be added to a basic formula price similar to that used under Appalachian Order No. 23. Producers gave the following reasons for establishing differentials in these amounts: (1) The production area for the Bluefield market overlaps the production areas of Charleston, West Virginia; Winston-Salem, North Carolina; Beckley, West Virginia; Smyth-Wythe, Virginia; Pulaski - Montgomery - Giles, Virginia; Roanoke, Virginia; Galax, Virginia; and the Appalachian market; (2) a proper relationship of prices among markets obtaining fluid milk supplies from the same general production area is of utmost importance; (3) current blend prices have not induced an adequate year-round supply of inspected milk for the market; (4) producers have shifted from the Bluefield market to some of the above-named markets which offer higher returns; (5) increased demand for coal in this area has increased economic activity and the demand for dairy products; and (6) the proposed seasonal variation in price is necessary to encourage a more even production pattern throughout the year.

One handler proposed that the price for Class I milk should be the simple average of the prices established for Class I milk under Appalachian Order No. 23 and under Tri-State Order No. 72 (for the Huntington district). This handler, upon further consideration of this proposal, and his modified marketing area proposal (previously discussed), abandoned this price formula suggestion. Another handler proposed that the Class I price should be equivalent to the Class I price as established by the Tri-State order for the Huntington district. Handlers generally stressed the importance of the proper alignment of Class I prices in the Bluefield and Tri-State marketing areas. They testified that they are in competition with handlers from the Tri-State marketing area in the Logan, Pikeville, Williamson, and Prestonburg markets as to a very large proportion of their fluid milk sales. One handler in the Bluefield market who is regulated by the Tri-State order as to part of his supply bottled at a Bluefield area plant has regularly paid at least 31 cents per hundredweight over the minimum Class I price as required for such plant under the Tri-State order.

Consideration should be given to the need for alignment of Class I prices among the marketing areas of Appalachian, Bluefield, Clarksburg, and Tri-State. In this connection official notice is taken of the price formulas of the Appalachian, Clarksburg, and Tri-State orders. The Appalachian, Bluefield, and Clarksburg markets, and the Huntington district of the Tri-State market are all in deficit milk production areas. Although the Appalachian and Bluefield milk production areas overlap in four counties in Virginia, there is very little if any overlapping of either milkshed with the Tri-State milk production area. The costs of feed, farm labor, hay and dairy ration are quite similar in the production areas of the Appalachian and Bluefield markets. Also, the costs of transporting milk from farms to milk plants are not significantly different in the two markets. The major portion of Bluefield handlers' sales, however, are in direct competition with handlers regulated by the Tri-State order. Handlers from these two areas are the major competitors in the Logan, Williamson, Prestonburg, and Pikeville markets.

Exceptions filed by producers referred to the level of Class I price differentials for months other than April, May and June. Producers stressed particularly a closer alignment of Class I prices with the prices established for the Appalachian marketing area in order not to encourage a shift of producer milk from the deficit Bluefield market. In addition, they pointed to the slightly higher level of Class I price differentials in the Clarksburg marketing area.

The Class I price should be established in the Bluefield order by adding a differential of $1.45 during the months of April, May and June; $1.70 during the months of March and July, and $2.10 during all other months, to the basic formula price. Producer supplies of milk in 1955 showed a marked decrease in both July and August when compared to the immediately preceeding flush production months of April, May and June. The production level in February was not greatly different from that in the short production months of September, October, and November preceding. The seasonal variation in Class I price differentials from months of low production to months of high production and the reverse should be at the same rates of change. Prices should be closely aligned with the Appalachian marketing area in months when supplies are relatively short for both markets in order to prevent unnecessary shifting of producer supplies. However, a wider seasonal pattern of pricing than prevails in the Appalachian market is necessary in view of competition between Bluefield handlers and handlers from the Tri-State market in a common sales area. These markets are more significantly related to the Bluefield market than is Clarksburg as to the major factors affecting the production and marketing of milk.

The average Class I price per hundredweight of 4 percent milk in 1955, f. o. b. market, would have been $5.34 as fixed under the formula. The average Class I price per hundredweight for the same period was $5.40 under the Appalachian order and $5.00 for the Huntington district under the Tri-State order. The formula adopted would have resulted in Class I prices per hundredweight of $5.67 in January and $4.87 in June 1955. The Class I prices per hundredweight in the Appalachian order were $5.67 in January and $5.12 in June, and in the Huntington district under the Tri-State order were $5.53 in January and $4.38 in June. A receiving station which receives milk for shipment to the Appalachian market is located at Rural Retreat in the Virginia segment of the Appalachian milkshed. A location differential of 14.5 cents per hundredweight is deductible from the Class I and uniform prices at this location. At this point, where the Bluefield and Appalachian milksheds overlap, the net returns to producers, after taking into account relative hauling costs, will be, on an annual average basis, in close alinement with those received by Appalachian market producers.

Producers proposed that a "supply-demand adjustment factor" be included in the Class I price formula to further reflect changes in local supply and demand conditions. Although a supply-demand adjustment factor in the pricing formula conceived from local data would be desirable and serve a useful purpose, it is concluded that the development of such a factor from the limited data available at present locally, or from experience in the Appalachian market, would not reflect the Bluefield marketing conditions adequately and should be delayed until the Bluefield market has had experience under the order. Market experience under regulation is desirable as a basis for determining with accuracy the seasonal patterns of production and demand for use in connection with such a formula. The class prices included in this order will be terminated eighteen months after this order becomes effective, providing an opportunity for review of the market situation based on more detailed information.

The Class II price formula should reflect a reasonable value of milk for manufacturing purposes in the production area of the Bluefield market. The price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I requirements may be produced from time to time. However, this price should not be so low that handlers will be encouraged to procure or retain milk supplies solely for the purpose of converting substantial quantities into Class II products when a Class I market exists.

Handlers in the Bluefield market use most of their daily reserves of milk for cottage cheese and ice cream production. The manufacture of limited quantities of producer milk into storable products such as condensed milk and nonfat dry milk solids occurs principally in the flush season of production and at plants not operated by handlers. All products included in Class II may be made from ungraded milk.

Producers provided a tank truck to divert surplus milk from a Bluefield handler's plant to a manufacturing plant during the last surplus production season. A premium over the basic manufacturing milk price was received for such milk.

The level of Class II milk prices in the flush production season should not be below that paid for ungraded milk, since such "pay" prices represent the prevailing value in the milkshed for milk for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the months of flush production.

The production areas of the Appalachian and Bluefield markets overlap. Regulated handlers' outlets for surplus milk during the flush production season from the Appalachian and Bluefield markets are manufacturing plants which are the principal buyers of ungraded milk in the milksheds of the two marketing areas. Official notice is taken of the Class II price formula in Appalachian Order No. 23. The Class II price computed for the Appalachian area during the months of March through August is, and will continue to be, the average of the prices paid for milk received from dairy farmers by nine manufacturing plants in the area. These plants are located at Galax and Abingdon, Virginia; Greenville, Lewisburg, and Murfreesboro, Tennessee; Mayfield and Bowling Green, Kentucky; Statesville, North Carolina; and Chester, South Carolina. It is concluded from the above that the Class II price for the months of March through August at Bluefield plants should be the average of the prices paid for milk received from dairy farmers by the nine manufacturing plants at the above locations.

During the months of below-average production a higher level of prices for Class II milk should be provided in the order so as to encourage the transfer of milk from manufacturing uses to fluid uses during the fall and winter months. In these months there are available outlets for reserve milk in cottage cheese and ice cream which, among manufacturing uses, are preferred outlets. These are also the months when considerable quantities of milk are imported into the market. Supplemental supplies of milk during the short production season are received from areas where the price of milk used in the manufacture of butter and nonfat dry milk solids is an important factor in establishing the prevailing farm values of manufacturing milk. Therefore, it is concluded that the Class II price for the months of September through February, should be the higher of either the price computed pursuant to a butter-nonfat solids formula (4.8 times 92-score Chicago butter price per pound plus 8.2 times price per pound spray process nonfat dry milk for Chicago area, minus 75 cents per hundredweight) or the average of the prices paid by the nine manufacturing plants. This will provide alignment of Class II milk prices with the price of milk for similar uses in the Appalachian market.

As previously pointed out in this decision, it was concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content in each product. The basing point from which such adjustments are to be made should be 4.0 percent butterfat. This is the basis now used in both the Bluefield and Appalachian marketing areas. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and such butter price by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market.

The use of butterfat differentials in this manner follow standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I butterfat differential at the same time that the Class I price is announced.

The Class II price and the Class II butterfat differential will not be announced until after the end of the month. Although handlers will not know precisely the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets. Trends in butter prices may be observed from daily and weekly market reports issued by the Department.

The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

Proponents originally proposed that no location differentials be adopted in pricing Class I milk for the Bluefield marketing area. It was pointed out that at present no milk is transported from receiving stations to processing plants. After further consideration, producers suggested that location adjustments should be computed on the basis of the distance between the receiving station and the Court House of either Mercer County at Princeton, West Virginia, or McDowell County at Welch, West Virginia, whichever point is nearest the receiving station. Producers gave the following reasons for establishing location adjustments in this manner: (1) The marketing area consists mainly of numerous small towns, (2) handlers' plants are not located in any one central community, and (3) the above two counties are the main centers of population in the proposed marketing area.

One handler proposed that the Class I price should be reduced for those plants which are outside the Bluefield marketing area by 10 cents per hundredweight of milk for the first 50 miles, and by 1.5 cents per hundredweight of milk for each additional 10 miles, or fraction thereof, that such plants are located from the City Hall of Bluefield, Virginia. This handler contended that a point representing the geographical center of the marketing area would be a desirable point from which to measure the cost to handlers in transporting milk to the market.

The farm value of milk for use in a market is affected, of course, by the cost of delivery to the place of utilization by the handler. Milk delivered directly to a plant located within the marketing area is worth more, by at least the cost of transportation, than is other milk to be utilized in the market but delivered to a plant located at a considerable distance from the market. Therefore, it is important to recognize the costs of transporting Class I milk from receiving stations that might become regular sources of supply for the Bluefield marketing area. In addition, it is important to establish the Class I price for milk delivered to processing plants at points in the marketing area and then provide a schedule of deductions from the Class I milk price as location differentials, or adjustments to such price.

In order to have equitable pricing of milk throughout this elongated marketing area it is necessary to provide points representative of the major communities in the marketing area from which location adjustments may be computed. This is an extended marketing area with numerous communities, or centers of population. The processing plants distributing fluid milk products in this area are not located in one central community. In addition, all plants serving the marketing area may not be located within its geographical limits. Accordingly, multiple points for fixing location adjustments should be used. These points should be the City Halls of Bluefield, and Welch, or the County Courthouse at Princeton, all in West Virginia, whichever is nearest to the plant. In view of the elongated character of the marketing area and the intermingling of routes of handlers with plants located in rather widely separated communities, equitable pricing may be best achieved by omitting location differentials with respect to any plant located less than 50 miles from the nearest of the respective points referred to above.

It is concluded that the Class I price should be reduced 10 cents for plants located between 50 and 60 miles distant, and by 1.5 per hundredweight of milk for each additional 10 miles, or fraction thereof. Such differentials as established by this decision are the same as those prescribed in the Appalachian milk marketing order and are related to the cost of hauling milk by an efficient means under conditions similar to those in this market.

Because of the low cost per hundredweight of milk involved in transporting manufactured milk products the value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving that milk. Therefore, no adjustment should be made in the Class II price for reasons of location of the plant at which the producer milk is first received.

Type of pool. The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk.

Under this method of pooling the minimum prices will be uniform to all producers delivering their milk to the same handler. The "blend", "base", and "excess" prices, as the case may be, for each producer will depend on the proportions of Class I and Class II milk used by the handler receiving such producer's milk. Although each handler subject to the order will be required to pay uniform minimum prices to all the producers who deliver to him during each month the minimum uniform prices payable to producers by the various handlers will differ according to the variations among handlers in the proportion of milk used in each class.

Handlers in this market are primarily distributors of fluid milk and fluid milk products and receive little, if any, excess milk for the purpose of supplying other handlers with supplemental milk. These handlers process reserve milk and surplus milk in their own plants for sale as ice cream and cottage cheese. Seasonal surpluses of any substantial volume are transported to manufacturing plants outside the marketing area. Because there is relatively little surplus milk and because such milk is more or less proportionate among the major handlers blended returns to producers are not expected to vary widely. The proximity of the Appalachian production area (where an individual-handler pool plan is used) to the Bluefield production area should also be considered. Because of the fact that plants are rather widely separated and the marketing area is extensive geographically, each handler disposes of any excess supplies by his own means. There are no particular plants to be regulated which serve to balance supplies among plants. It is concluded that individual-handler pools in the Bluefield marketing area will result in optimum allocation of producer milk among handlers according to the Class I needs of the handlers and in maximum returns to producers from their milk.

Producer payment plan. A base and excess plan of distributing returns for milk among producers should be employed for this market.

Several handlers in the Bluefield market are now relying on various forms of base-excess plans to provide the incentive needed to induce producers to attain a more even production pattern throughout the year. Handlers have established the rules of these base-excess plans and have controlled the adjustment and transfer of bases. Although these plans performed a much-needed function, their actual operation in many cases leaves much to be desired from the standpoint of equity among producers.

Base and excess plans are effective means of improving the seasonal pattern of milk deliveries because they relate returns for milk directly to the individual producer's ability to deliver additional milk in the short production season and somewhat less milk during the season of flush production. In this market handlers' fluid milk sales customarily decline during the flush production season. In these months handlers have experienced difficulty in utilizing efficiently all seasonal excesses of milk. Distribution of producer returns under a base and excess plan will encourage a production pattern more even throughout the year.

It is concluded, therefore, that a base-excess plan similar to that in use in the Appalachian market, applied to all producers, by being made a part of the attached order, will play a useful role in stabilizing marketing and pricing conditions in the area.

The base and excess plan provided herein would provide for the calculation of the daily base of each producer by the market administrator by dividing the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during those months to the last day of February, inclusive, but by not less than 120 days. On or before April 1st of each year the market administrator would be required to notify each producer, and the handler receiving milk from him, of the daily base established by such producer. Now producers entering the market would not establish a base until they have met the above 120-day requirement in the same manner as other producers.

There are physical limitations, however, to making the reporting sections of the Bluefield order effective September 1, 1956. Therefore, the base of each producer for the appropriate months in 1957 shall be established on his deliveries of milk during the months of October, November, and December 1956, and January and February 1957, provided the producer has shipped milk to the Bluefield market for not less than 90 days in such five-month period.

During the months of August through March all producers would receive the same uniform, or average, price paid by the handler to which they deliver their

milk. For each of the months of April through July, separate uniform prices for "base milk" and "excess milk" would be computed. Class I sales would be allotted first to "base milk." Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days of delivery in the month. The "excess milk" price would be the minimum order Class II price, unless the total Class I sales of the handler exceed the total quantity of base milk received from producers during the month. In this case, the excess milk used for Class I sales would be reflected in the calculation of the excess milk price. Audit adjustments, inventory reclassification, and overages may further enhance the pooled value of "excess milk" from time to time and it is possible that without proper provision the excess milk price might be higher than the base price. As explained in an earlier part of this decision no useful purpose is served in improving the seasonal production pattern when the excess price exceeds the base price. As in the Appalachian order, the uniform prices for base and excess milk should be recomputed whenever the above condition would otherwise occur in order that the two prices may be equal.

Certain rules are necessary in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Any transfer of base should be limited to situations where changes in the operation of a farm result because of (1) new ownership, (2) the death, retirement or entry into military service of a producer, or (3) changes in partnership or tenant-landlord arrangements. Since the base plan is effective in determining producer payments in only four months of each year and since all producers must establish a new base each year, other provisions than those contained herein for the transfer of bases are unnecessary.

Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform prices. If a producer has given a cooperative association written authorization, in the form of a contract, or in any other form, to collect payments for him and association makes a written request for such payments due such producer payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. Therefore, it is concluded that each handler with respect to milk received from a producer for which payment is not made to a cooperative association should pay such producer at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. With respect to the producers whose milk was caused to be delivered by a cooperative association which is authorized to collect payment for such milk, the handler shall remit, if requested in writing by the cooperative association on or before the 13th day after the end of such month, an amount equal to the sum of the individual payments otherwise payable to such producers.

In making such payments for producer milk to a cooperative association the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of the money to the producer-members for whom it makes collections.

Proponents proposed that in addition to the regular monthly payments handlers should be required, upon request, to make advance payments to the producers' cooperative association for member milk. These advance payments would be made on the 23d day of each month for milk received from member producers who have requested an advance from the cooperative association. The payment would be made with respect to milk delivered during the first fifteen days of such month, at not less than the Class II price per hundredweight for the preceding month. Producers indicated that an advance payment for milk would assist in defraying costs more promptly.

Handlers suggested that if advance payments are included they should be made to each producer on or before the last day of each month for milk received from each producer during the first fifteen days of such month, at not less than the Class II price per hundredweight for the preceding month.

One handler makes payments to each producer twice a month on the 4th and 19th days of the month. Other handlers customarily have made advance payments to producers who requested them. The record lacks evidence of any widespread need for the proposed advance payments and, therefore, they are denied.

Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Such other terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order. It is provided that each handler shall report his Class I sales outside the marketing area as a separate figure. In view of the extent of such sales adequate data should be compiled for review in the event the scope of the marketing area should require revision.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a market-wide basis may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers. It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production), (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonfluid milk plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order.

The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including the handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial maximum rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cent per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as verifying tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producers receiving the services. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary the market administrator may accept this in lieu of his own service.

There is a need for a marketing services program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization, and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of the Appalachian market, now under Federal regulation, leads to the conclusion that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and order and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order regulating the handling of milk in the Appalachian marketing area in the manner set forth in the attached amending order is approved or favored by producers as defined in the order, and as proposed hereby to be amended, who during such representative period, were engaged in the production of milk for sale in the marketing area as defined in the order and as proposed hereby to be amended.

The same month (June 1956) is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Bluefield marketing area in the manner set forth in the attached order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Order of the Secretary Directing that a Referendum be Conducted Among the Producers Supplying Milk to the Appalachian Marketing Area and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Appalachian marketing area) who, during the month of June 1956, were engaged in the production of milk for sale in the marketing area specified in the aforementioned order to determine whether such producers favor the issuance of the order amending the order which is filed simultaneously herewith.

Charles S. McDonald is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Bluefield Marketing Area, and Designation of An Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Bluefield marketing area) who, during the month of June 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Andrew T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Marketing agreement and order. Annexed hereto and made a part hereof are documents entitled (1) Marketing Agreement Regulating the Handling of Milk in the Appalachian Marketing Area, (2) Order Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area, (3) Marketing Agreement Regulating the Handling of Milk in the Bluefield Marketing Area, and (4) Order Regulating the handling of Milk in the Bluefield Marketing Area. These documents have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is therefore ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement for each market, respectively, are identical with those contained in the attached order for such marketing area which will be published with this decision.

This decision issued at Washington, D. C., this 31st day of August 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area

§ 923.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Appalachian marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Delete § 923.6 and substitute therefor the following:

§ 923.6 *Appalachian marketing area.* "Appalachian marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeters of the counties of Sullivan, Washington and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

2. Delete § 923.7 (b) and substitute therefor the following:

(b) Any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk, or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and

3. At the end of § 923.7 substitute a colon for the period and add the following proviso: "*And provided further,* That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution."

4. In § 923.17, delete the word "August" and substitute therefor the word "July."

5. In § 923.18, delete the word "August" and substitute therefor the word "July."

6. In § 923.31 (b) (1) delete the word "August" and substitute therefor the word "July."

7. Delete § 923.41 (b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 923.42.

8. In § 923.44 (c), delete the figure "50" and substitute therefor the figure "150". In the same paragraph delete the phrase "nearest point in the marketing area" and substitute therefor "city limits of Kingsport, Tennessee."

9. Delete § 923.46 (a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

10. Delete from § 923.50 (b) the phrase "during the delivery period" and substitute therefor the phrase "for the period from the 26th day of the immediately preceding month to the 25th day of the current month."

11. Delete § 923.51 (b) (2) (i) and substitute therefor the following:

(i) Multiply the Chicago butter price by 4.8.

12. Delete § 923.52 (b) and substitute therefor the following:

(b) *Class II price.* Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

13. In § 923.71, delete the word "September" and substitute therefor the word "August."

14. In § 923.72, delete the word "August" and substitute therefor the word "July."

15. Delete the proviso in § 923.72 (e) and substitute therefor the following: "*Provided,* That if such resulting value is greater than an amount computed by mutiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk."

16. Add to § 923.72 (g) after the word "section," the following phrase "and the proviso of paragraph (e) of this section."

17. In § 923.81, delete the word "August" and substitute therefor the word "July."

18. In § 923.90 (a), delete the words "September through March" and substitute therefor the words "August through March" and in the same paragraph delete the words "April through August" and substitute therefor the words "April through July."

Order[1] Regulating the Handling of Milk in the Bluefield Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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§ 1012.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a tentative marketing agreement and order regulating the handling of milk in the Bluefield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Bluefield marketing area shall be in conformity to and compliance with the following terms and conditions:

DEFINITIONS

§ 1012.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1012.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1012.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1012.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1012.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1012.6 *Bluefield marketing area.* "Bluefield marketing area," hereinafter called the "marketing area," means all the territory geographically located within the perimeters of the counties of Mercer and McDowell, in West Virginia, and Tazewell in Virginia.

§ 1012.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided,* That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section: *And provided further,* That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution.

§ 1012.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 1012.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 1012.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 1012.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of April through July, and (2) on not more than 15 days during any of the months of August through March: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 1012.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 1012.11.

§ 1012.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk, or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 1012.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1012.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1012.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1012.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 1012.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1012.17 *Base milk.* "Base milk" means milk received at a fluid milk plant from a producer during any of the months of April through July which is not in excess of such producer's base for such month computed pursuant to § 1012.81.

§ 1012.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through July, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 1012.80.

MARKET ADMINISTRATOR

§ 1012.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1012.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1012.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1012.95 (1) of the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1012.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1012.30 and 1012.31, or payments pursuant to §§ 1012.90 through 1012.95;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 1012.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1012.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1012.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk, (iii) the days on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1012.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1012.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-

year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1012.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 1012.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1012.41 through 1012.46.

§ 1012.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1012.43 and 1012.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 1012.42.

§ 1012.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 1012.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 1012.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 1012.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1012.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1012.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1012.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1012.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 200 miles by the shortest highway distance, as determined by the market administrator, from the City Hall, Bluefield, West Virginia, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk if transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1012.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1012.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1012.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1012.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1012.42 (d);

(2) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 1012.41 (a) (1), according to its classification as determined pursuant to § 1012.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1012.50 *Basic formula price.* The highest of the prices computed pursuant to paragraph (a) or (b) of this section and § 1012.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Bellesville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, is above 5 cents.

§ 1012.51 *Class prices.* Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* For each month during the eighteen-month period following the effective date of this order the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April, May and June; $1.70 during the months of March and July; and plus $2.10 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department of Agriculture.

§ 1012.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price by 0.12, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

§ 1012.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by shortest hard surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified Class I milk, the price specified in § 1012.51 (a) shall be reduced at the rate of 10 cents per hundredweight for a distance of not less than 50 miles but less than 60 miles, plus 1.5 cents per hundredweight additional for each 10 miles, or fraction thereof, beyond 60 miles, according to the location of the fluid milk plant where such milk is received from producers:

County Courthouse, Princeton, W. Va.
City Hall, Bluefield, W. Va.
City Hall, Welch, W. Va.

Provided, That for the purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1012.46 (a) (1) and (2), and the comparable steps in § 1012.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1012.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1012.60 *Producer-handlers.* Sections 1012.40 through 1012.46, 1012.50 through 1012.53, 1012.70 through 1012.72, 1012.80 through 1012.83, and 1012.90 through 1012.96 shall not apply to a producer-handler.

§ 1012.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1012.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1012.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Bluefield marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1012.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 1012.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 1012.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from

each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1012.46 (a) (3) and (b), whichever is less.

§ 1012.71 *Computation of uniform prices for handlers.* For each of the months of August through March the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions to be made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 1012.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through July, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk.

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the sum of the values obtained pursuant to paragraph (d) and the proviso of paragraph (e) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days: *Provided,* That the daily base of each producer for April, May, June and July 1957 shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the five-month period October 1956 through February 1957 by the number of days from the first day milk is received from such producer during said period to the last day of the period, inclusive, but not less than 90 days.

§ 1012.81 *Computation of base.* The base of each producer to be applied during the months of April through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided,* That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 1012.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February: *Provided,* That a base computed for April, May, June and July, 1957 shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of October 1956 through February 1957.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler regulated under this order.

§ 1012.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1012.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 1012.71 for the months of August through March, and at not less than the uniform price for base milk computed pursuant to § 1012.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 1012.72 with respect to excess milk received from such producer for the months of April through July, subject to the following adjustments: (1) The butterfat differential pursuant to § 1012.91, (2) the location differential pursuant to § 1012.92, (3) marketing service deductions pursuant to § 1012.94, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1012.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 1012.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1012.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1012.92 *Location differential to producers.* In making payment to producers pursuant to § 1012.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate: County Courthouse, Princeton, West Virginia; City Hall, Bluefield, West Virginia; or City Hall, Welch, West Virginia.

Distance in miles	Rate per hundredweight (cents)
50 but not less than 60	10
For each additional 10 miles (or fraction thereof) an additional	1.5

§ 1012.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1012.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1012.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1012.90 (b).

§ 1012.95 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 1012.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1012.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1012.101.

§ 1012.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1012.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final

accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1012.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1012.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1012.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 56-7178; Filed, Sept. 6, 1956; 8:47 a. m.]

Agricultural Research Service

[9 CFR Parts 145, 146]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture has under consideration proposed amendments of the National Poultry Improvement Plan and the National Turkey Improvement Plan recommended by the 1956 Conference of representatives of the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429), it is proposed to amend Parts 145 and 146 of Title 9, Code of Federal Regulations, to incorporate such recommended amendments. Said Parts 145 and 146 would be amended in the following respects:

1. Section 145.1 *Definitions* would be amended by changing paragraphs (i) and (j) to read:

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.20.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 145.21.

2. Section 145.2 would be amended to read:

§ 145.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

3. Section 145.8 *Terminology and classification; general* would be amended by changing paragraph (c) to read:

(c) Participating flocks and the eggs and chicks produced from them may be designated by their strain or trade name. When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (1) birds originating from eggs produced under the direct supervision of the breeder of such strain; or (2) first generation progeny of birds described in subparagraph (1) of this paragraph; or (3) stock purchased from the breeder of the strain and mated, each subsequent generation, only to males secured from the breeder.

4. Section 145.9 would be amended to read:

§ 145.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively.

5. Section 145.10 *Terminology and classification; flocks and products* would be amended by changing paragraphs (a), (b), (c), (d) and (g) to read:

NOTE: Figures 2, 3, 4, 5 and 8 following said paragraphs would remain unchanged.

(a) *U. S. Record of Performance.* Females meeting prescribed standards for performance as individuals or families as provided in § 145.16 or males meeting the pedigree requirements in § 145.17.

(b) *U. S. Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.24.

(c) *U. S. Certified for Eggs.* (1) All males ROP, or (2) all males and females from Performance Tested Parent Stock for egg production mated in the same combination as used in the qualifying parent flock.

(d) *U. S. Certified For Meat.* All males and females from Performance Tested Parent Stock for meat production mated in the same combination as used in the qualifying parent flock.

* * * * *

(g) *U. S. Pullorum–Typhoid Clean.* Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 145.5 (c): *Provided,* That if a reactor or reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or chicks of this classification all hatching eggs and chicks handled must meet these requirements.

6. Section 145.14 *Blood testing* would be amended by changing the last sentence of paragraph (a) to read: "Each lot of antigen used for the whole-blood test shall be approved by the Department and effective July 1, 1957, shall be of the polyvalent type."

7. Section 145.14 would be further amended by changing the last two sentences of paragraph (f) to read: "When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection."

8. Section 145.30 *National random sample performance testing program* would be redesignated as § 145.32.

9. Sections 145.15 through 145.29 would be deleted and the following sections inserted in lieu thereof:

§ 145.15 *USROP; general.* (a) The ROP classification may be attained by the qualification of individual birds through trapnesting and pedigree breeding under the supervision of an Official State Agency.

(b) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for ROP participation.

(c) Candidates may consist of any breed and variety, strain or cross thereof.

(d) Birds trapnested for qualification on the basis of either 10 months or 365 days of trapnesting may be withdrawn within 4 months after the date of the first egg laid by the family, provided the entire (dam) family is withdrawn.

(e) The average egg weight of all birds entered (to be reported in the annual summary) shall be based on the average of not less than the first five and not more than the first ten individual egg weights taken by the breeder and ROP inspector at a time previously agreed upon by the breeder and Official State Agency.

(f) Participants are encouraged to enter central and on-the-farm random sample tests annually as a further measure of the performance of their stock. Entries to be reported in the annual ROP summary in addition to or in lieu of the

candidate report shall be so designated by the participant, to the ROP Supervisor, prior to the beginning of the test.

§ 145.16 *USROP; qualification of females.* (a) Females may qualify as ROP females as follows:

(1) If an individual bird has laid at the rate of 60 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(3) If the members of an entire family of eight or more full sisters have laid at an average rate of 70 percent or more when trapnested a minimum of five days per week and a minimum of 13 consecutive weeks.

(b) The trapnest period for each bird shall start with the first egg laid in a trapnest by such bird.

§ 145.17 *USROP; qualification of males.* A male may qualify as an ROP male provided:

(a) The pedigree record and wing band shall show that he was produced from an ROP sire and an ROP dam in a single-male mating, except that for beginning ROP participants a male may qualify on other bases acceptable to the Official State Agency and the APH Branch, such as having a full sister family meet the requirements of § 145.16 (a) (2) or (3); and

(b) In any event the male shall meet the following physical requirements:

(1) Exhibit health and constitutional vigor and show no evidence of any disease, for example, misshapen pupil or deformed leg indicative of leukosis;

(2) Show no serious physical deformities such as crooked back, wry tail, crooked beak, extremely crooked breast bone or toes; and

(3) Be reasonably representative of the breed and variety and meet the minimum weight standards as currently specified in the Standard of Perfection published by the American Poultry Association.

§ 145.18 *USROP; sale of products.* When products are sold or offered for sale under the ROP classification:

(a) The breeder must have on file evidence that such products are from single male matings of qualified ROP males and ROP females.

(b) A copy of such evidence, including records of egg production, hatching and pedigree, must be submitted routinely to the Official State Agency.

(c) Eggs sold, or set for the sale of chicks or stock, shall weigh at least 1 1/12 ounces each.

(d) Reports of trapnest records shall be in terms of percent production, except that records based on 3-, 4-, 5-, 6-, or 7-day-a-week trapnesting for a 365-day trapnest period, may be reported in number of eggs. Only records which result from trapnesting the same days of each week may be converted to number of eggs. Reports of trapnest records referred to in advertising or in any other way shall show the length of the qualifying period on which such records were based.

§ 145.19 *USROP; annual summary.* The ROP Supervisor shall submit to the APH Branch for publication:

(a) For ROP participants having an entry in a central or on-the-farm egg production test as provided in § 145.15 (f), the report specified in § 145.26 (a).

(b) For ROP participants having no entry in a central or on-the-farm egg production test as provided in § 145.15 (f) and for other participants at their request a report comprised of the following:

(1) Breed and variety of the entry (indicate if the entry is a crossbred or strain cross);

(2) Total number of pullets of this breed and variety on the farm;

(3) Basis of qualifying ROP females as provided in § 145.16:

(i) Individual birds producing 219 eggs in 365 days based on 3 or more days of trapnesting a week;

(ii) Individual birds otherwise meeting the requirement of 60 percent production during at least 10 consecutive months;

(iii) Families of 6 or more meeting the requirement of 65 percent production during at least 10 consecutive months;

(iv) Families of 8 or more meeting the requirement of 70 percent production during at least 13 consecutive weeks;

(4) Number of birds of this breed and variety trapnested;

(5) Number of birds withdrawn;

(6) Number of birds entered in ROP;

(7) Number of birds trapnested which were individually pedigreed;

(8) Number meeting the ROP requirements;

(9) Percentage of birds trapnested meeting the ROP requirements;

(10) Percentage of birds entered meeting the ROP requirements on 365-day basis;

(11) Average egg production of all birds entered for qualification on basis of 10 months or 365 days reported in percentage production and number of eggs, respectively.

(12) Average egg weight of all birds entered;

(13) Average body weight of all birds entered (optional with the breeder).

§ 145.20 *USROP; duties of ROP Supervisor.* The ROP supervisor shall represent the Official State Agency in its supervision of ROP participation. His duties shall include:

(a) Keeping on file in his office for at least five years a record of:

(1) All qualified males, with at least one-generation pedigree showing records of egg production of the female ancestors;

(2) All qualified females with records of their egg production for their qualifying period;

(3) All single-male matings; and

(4) All ROP chicks with at least one-generation pedigree.

(b) Submitting the reports required in § 145.19.

§ 145.21 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor. He shall:

(a) Visit, and inspect the work of, each breeder at least four times a year, his visits to be so timed that each season of the year shall be represented and at least three of these visits shall be unannounced.

(b) Trapnest on each inspection enough pens of ROP candidates to satisfy the Official State Agency as to the accuracy of the breeder's trapnest records;

(c) During the official egg weighing period for the breeder provided under § 145.15 (e), weigh and record the weight of the eggs laid by each bird trapnested;

(d) Examine hens apparently out of production and determine whether they are being credited with eggs;

(e) During the breeding season, examine all birds in single-male matings to see that the birds which constitute these matings are properly listed with the supervisor;

(f) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks reported hatched and wing-banded. (He shall have the authority to examine for fertility the eggs being incubated.);

(g) Make an annual inspection of pedigree-hatching facilities and methods and chick-banding techniques.

§ 145.22 *U. S. Performance Tested Parent Stock; general.* (a) The Performance Tested Parent Stock classification may be attained by the qualification of flocks through the performance of their progeny in a central random sample test, as specified in §§ 145.27 and 145.28, or in any other central random sample test approved for this purpose by the Department.

(b) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for participation.

§ 145.23 *U. S. Performance Tested Parent Stock; entry.* (a) The entry may consist of any breed, variety, strain, cross thereof, or hybrid combination bred for the production of eggs, meat or both.

(b) Candidates for flock qualification as Performance Tested Parent Stock for egg production shall be represented by an entry in a central random sample egg production test.

(c) Candidates for flock qualification as Performance Tested Parent Stock for meat production shall be represented by an entry in a central random sample meat production test.

(d) The entry representing candidates for flock qualification as Performance Tested Parent Stock shall be so designated by the participant to the Official State Agency prior to the beginning of the test.

§ 145.24 *U. S. Performance Tested Parent Stock; flock qualification.* (a) Flocks offered for qualification under §§ 145.22 and 145.23 and for which reports have been made as required by § 145.26 may qualify as:

(1) Performance Tested Parent Stock for egg production when progeny from such stock entered in an officially recognized central random sample egg production test, ranked in the top two-thirds of the entries based upon income above feed and chick costs per pullet chick started. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average rank in all such tests.)

(2) Performance Tested Parent Stock for meat production when progeny from such stock entered in an officially recognized central random sample meat production test (i) laid at an average rate of at least 50 percent on a hen-housed basis and had an average body weight of either at least 3.0 pounds for cockerels and 2.4 pounds for pullets at 8 weeks, or 3.3 pounds for cockerels and 2.7 pounds for pullets at 9 weeks of age; or (ii) ranked in the top third of the entries in rate of lay and rate of growth. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average performance records in all such tests.)

(b) Any entry for which the results have been invalidated and so indicated in the published test report by the test management will not be considered in compiling performance averages for qualification.

(c) Stock classified as Performance Tested Parent Stock may retain that classification for one year after classification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry in a central random sample test as provided in § 145.23 (b) and (c).

§ 145.25 *U. S. Performance Tested Parent Stock; sale of products.* When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are from matings qualified as Performance Tested Parent Stock.

§ 145.26 *U. S. Performance Tested Parent Stock; annual summary.* The Official State Agency shall submit to the APH Branch, for publication, whichever of the following reports are appropriate for each entry:

(a) An egg production test report shall comprise the following:

(1) Name and location of test;

(2) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(3) Breeder's grade designation of chicks entered;

(4) Total number of females in the flock or flocks from which sample was drawn;

(5) Number of pullet chicks started;

(6) Number of pullets housed;

(7) Age at housing (age records started);

(8) Age at which pullets attained 50 percent production;

(9) Average egg weight at 240 days of age;

(10) Average egg production to 500 days of age, hen-housed basis, number and percent;

(11) Average egg production in number of eggs to 500 days of age, hen-day basis;

(12) Adult mortality;

(13) Average egg weight based on one or more weighings at 11 to 13 months of age;

(14) Average body weight based on one or more weighings at 11 to 13 months of age;

(15) Interior egg quality data, if available and requested by breeder;

(b) A meat production test report shall comprise the following:

(1) For the growing phase:

(i) Name and location of test;

(ii) Duration of test (8 or 9 weeks);

(iii) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(iv) Breeder's grade designation of chicks entered;

(v) Total number of females in flock or flocks from which sample was drawn;

(vi) Number of chicks started;

(vii) Mortality;

(viii) Average weight and variability of all pullets;

(ix) Average weight and variability of all cockerels;

(x) Number of cockerels dressed (at least 50 selected at random);

(xi) Average live weight of dressed cockerels;

(xii) Average New York dressed weight before chilling;

(xiii) Average eviscerated weight, if available;

(xiv) Number of Grade A, B, and C carcasses, based on fleshing; finish; and freedom from pinfeathers;[1]

(xv) Number of birds rejected due to crooked or dented keel, hunchback, misshapen bones, calluses and blisters, scabby or discolored backs, black, blue or green color showing through skin; and

(2) For the laying phase:

(i) Name and location of test;

(ii) Breeder's grade designation of entry (female parent stock);

(iii) Total number of females in flock or flocks from which sample was drawn;

(iv) Number of pullets housed;

(v) Adult mortality for 300 days;

(vi) Average egg production in percent for a period of 300 days, hen-housed basis;

(vii) Average egg production in percent for a period of 300 days, hen-day basis;

(viii) Average egg weight;

(ix) Hatchability.

§ 145.27 *Central random sample egg production test.* (a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample to be tested shall consist of a random sample of eggs selected by a representative of the Official State Agency from all mated pullets used to produce the grade of chicks to be tested.

(c) At least 50 pullet chicks, hatched from these eggs, shall be started for each entry.

(d) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(e) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the APH Branch, for publication, including the items specified in § 145.26 (a).

§ 145.28 *Central random sample meat production test.* (a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample shall be selected by a representative of the Official State Agency and (1) for the growing phase shall consist of a random sample of eggs selected from all mated pullets used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4–6 month old pullets selected at random from the female parent stock.

(c) Hatchability shall be based on eggs hatched for the growing phase.

(d) At least 250 straight-run chicks shall be started in the growing phase for each entry.

(e) At least 50 pullets or pullet chicks shall be started in the laying phase for each entry.

(f) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(g) The duration of the growing test shall be either 8 or 9 weeks.

(h) At either 8 or 9 weeks of age individual body weights shall be recorded by sex for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the Official State Agency.

(i) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the APH Branch, for publication, including the items specified in § 145.26 (b).

§ 145.29 *On-the-farm performance tests; general.* (a) These tests shall be conducted under the supervision of the Official State Agency on the breeder's farm or at some other location under his control.

(b) Good but not impractical commercial conditions shall prevail.

(c) The entries shall be selected by a representative of the Official State Agency and each bird shall be identified with an official, sealed and numbered band at the time of selection.

(d) Accurate mortality records shall be kept for the duration of the test, and any bird removed from the test pen shall be considered as a mortality.

(e) Trapnesting of the entry shall be optional with the participant.

(f) There shall be a minimum of six unannounced inspections, with at least two during the period when egg weights and body weights are recorded (11 to 13 months of age).

[1] The grading will be based on United States Classes, Standards and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(g) The inspector shall determine the number of eggs laid on the day of inspection as a check on the accuracy of the breeder's records.

(h) The inspector shall weigh, either individually or as a lot, the eggs laid on the days of inspection during the period when egg weights are taken, and the average egg weight shall be computed from these weights.

(i) The entry shall be housed as a unit in a separate pen or building during the time egg production is being recorded.

(j) At the end of an on-the-farm test a summary for each entry shall be submitted by the Official State Agency to the APH Branch for publication, including for an egg production test the items specified in § 145.26 (a) and for a meat production test the items specified in § 145.26 (b).

§ 145.30 *On-the-farm performance test; egg production.* (a) An entry shall consist of at least 125 pullet chicks selected at random by a representative of the Official State Agency and identified with sealed official wing bands of hatching time.

(b) Pen egg production shall be recorded daily until the birds are 500 days of age.

(c) The inspector shall weight the pullets, either individually or as a lot, on one of the days of inspection during the period when the birds are 11 to 13 months of age, and the average body weight shall be computed from these weights.

§ 145.31 *On-the-farm performance test; meat production.* (a) The entry shall consist of:

(1) 250 or more straight-run chicks of the grade to be tested, selected at random by a representative of the Official State Agency from those produced by all mated pullets used to produce the grade of chicks to be tested; and

(2) 100 or more pullets selected at random at 4 to 6 months of age from the female parent stock of the chicks to be tested.

(b) The duration of the test shall be either 8 or 9 weeks.

(c) The chicks shall be floor brooded for the duration of the test with no more than 1½ square feet of floor space per bird.

(d) The inspector shall weight and record the weight and sex of each bird at the conclusion of the test. At this time a minimum of 50 cockrels shall be selected at random and dressed under the supervision of the inspector.

(e) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(f) Hatchability shall be determined by the inspector by checking at random, the hatchability of at least 1,000 eggs from those produced by all mated pullets used to produce the grade of chicks to be tested.

(g) The entrant shall be disqualified by any misrepresentation, falsification or use of artificial practices (except light) such as plumping, hormones, etc.

10. The redesignated § 145.32 would be amended by changing subparagraph (3), through (13), (15), (16), (18), (20), (22), and (23) of paragraph (c) to read:

(3) The test management of each test shall attempt to provide similar environmental conditions for all entries.

(4) The test management of any central random sample test may rule that the results of one or more entries are invalid. The reason for such invalidation shall be a part of the published report.

(5) The results of both the egg production and meat phase shall be promptly published at the conclusion of each year's test. The publication shall include an interpretation of the statistical validity of the results.

(6) The actual performance of each reportable item shall be published rather than a ranking based on one character or combination of characters.

(7) All entries shall consist of sufficient hatching eggs to produce 125 pullet chicks.

(8) Hatching eggs shall be selected at random by a disinterested person designated by the test management.

(9) Hatching eggs shall be selected from those used to produce a designated commercial grade of the breeder's chicks.

(10) The type of entry shall be designated as: "single-strain purebred" (suitable for use in breeding flocks) or "others".

(11) The eggs shall be set on a date determined by the governing board.

(12) Records shall be kept on the fertility and hatchability of the eggs submitted.

(13) Chicks shall be reared intermingled to housing time. The same number of chicks from each entry to be brooded and reared together.)

* * * * * *

(15) Rearing mortality shall be based on the period from hatching to housing date.

(16) Laying house mortality shall be based on the period from housing to the conclusion of the test.

* * * * * *

(18) Each entry shall be housed not later than 160 days of age and until the end of the test period.

* * * * * *

(20) Production records shall be kept from the date of housing until the conclusion of the test, but in no case less than 500 days of age.

* * * * * *

(22) Body weight shall be determined at housing time and at the conclusion of the test by bulk weighing the pullets.

(23) Egg quality data shall be collected one day a month during the 8th, 10th, 12th and 14th months of age. This shall be based on measurements of all the eggs laid that day and shall include the following:

(i) Egg shape;

(ii) Shell thickness;

(iii) Meat and blood spots; and

(iv) Albumen quality (broken out basis).

11. Section 146.1 *Definitions* would be amended by changing paragraph (q) to read:

(q) *Strain.* Turkey breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

12. Section 146.2 would be amended to read:

§ 146.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

13. Section 146.4 *General provisions for all participants* would be amended by adding a new paragraph (g) to read:

(g) Standard and Broad Breasted turkeys of the same variety may not be kept for commercial production on the same premises or hatched for sale in the same hatchery.

14. Section 146.8 *Terminology and classification; general* would be amended by changing paragraph (c) to read:

(c) Participating flocks and the eggs and poults produced from them may be designated by their strain or trade name.

(1) A breeder's strain name may be used only when the stock is (i) first generation progeny (F_1) of stock originating from eggs produced under the direct supervision of the breeder, or (ii) multiplied by persons designated and so reported, to each Official State Agency concerned, by the breeder.

(2) A breeder's trade name may be used only by persons authorized and so reported, to each Official State Agency concerned, by the breeder.

15. Section 146.9 would be amended to read:

§ 146.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer," respectively.

16. Section 146.10 *Terminology and classification; flocks and products* would be amended by adding a new subparagraph (3) to paragraph (b) to read:

(3) Market quality of U. S. Grade A, except for dressing and handling defects, for at least 90 percent of all birds graded.

17. Section 146.14 *Blood testing* would be amended by changing the last two sentences of paragraph (f) to read: "When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such

other action as is deemed necessary with respect to the infection."

18. Section 146.27 *USROP; duties of ROP Supervisor* would be amended by redesignating present subparagraphs (4), (5), (6), (7), and (8) of paragraph (b) as (5), (6), (7), (8), and (9) respectively and adding a new subparagraph (4) to read:

(4) Mating procedure: (Natural mating, artificial insemination or both);

19. Section 146.29 *Turkey reproduction test* would be amended by redesignating present subparagraphs (2) and (3) of paragraph (d) as (3) and (4) respectively and adding a new subparagraph (2) to read:

(2) Mating procedure: (Natural mating, artificial insemination or both);

20. Section 146.30 *Central turkey meat production* would be amended by changing paragraph (b) to read:

(b) The entry shall consist of at least 100 poults, 50 percent of each sex.

21. Section 146.30 would be further amended by changing paragraph (i) to read:

(i) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of breeder hens in the flock or flocks from which egg sample was drawn;

(4) Mortality to two weeks of age; to eight weeks of age; and to the end of the test. (When feed conversion data are obtained all birds that die shall be weighed at the time of death and such weights used in the computations);

(5) Average live weight (i) of fryer-roaster entry at the end of test; and (ii) of mature marketing entry at 12 weeks of age; 22 weeks of age; and at close of test. (Such average weights shall be based on individual weights and reported by sexes);

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs);

(8) Coefficient of variability of final live and eviscerated weights and body measurements;

(9) The number of birds, by sexes, (expressed in percentage) in each U. S. Grade with all factors considered, except dressing defects; and the number in U. S. Grade A for each of following factors: (i) fleshing; (ii) finish; and (iii) freedom from pinfeathers;[1]

[1] The grading will be based on United States Classes, Standards and Grades for Poultry, as contained in 7 CFR, Part 70, Subpart B.

(10) Other items, such as dressing percentage, feed conversion and defects of economic importance, at the option of the Official State Agency and the APH Branch.

22. Section 146.31 *On-the-farm turkey meat production test* would be amended by changing paragraph (f) to read:

(f) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of hens in the flock or flocks from which poult sample was drawn;

(4) Percentage of poults started that finished the test;

(5) Average live weight, by sexes, based on individual weights of all birds at the close of the test;

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports.);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs.);

(8) Coefficient of variability of all weights and body measurements.

The proposed §§ 145.15 through 145.32 include, in addition to other proposed amendments, the conference recommendation that Performance Tested Parent Stock be established as a program separate from ROP. Due to the complexity of the revisions, additions and redesignations involved by this recommendation, the publication of these sections in their entirety was necessary for clarity.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans may do so by filing them with the Chief, Animal and Poultry Husbandry Research Branch, Agricultural Research Center, Beltsville, Maryland, within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 31st day of August 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-7196; Filed, Sept. 6, 1956; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2816]

DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY TO NEGOTIATE FOR SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS

SECTION 1. *Delegation of authority.* (a) The Director, Office of Territories, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated by the Administrator of General Services (21 F. R. 6425) to the Secretary of the Interior, for the period ending September 1, 1957, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (66 Stat. 594, 41 U. S. C., sec. 252 et seq.), contracts for the services of architectural and engineering firms in connection with construction activities under the Alaska Public Works Program authorized by the Alaska Public Works Act approved August 24, 1949 (63 Stat. 627), as amended by the act of July 15, 1954 (68 Stat. 483, 48 U. S. C. 486j).

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Federal Property and Administrative Services Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration and shall extend beyond September 1, 1957, for such periods as may be covered by subsequent delegations of the Administrator of General Services for the same purposes.

SEC. 2. *Redelegation.* The Director, Office of Territories, may, in writing, redelegate or authorize written redelegation to any officer or employee of the Office of Territories of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Order superseded.* This order shall supersede Order No. 2800 dated August 30, 1955.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 31, 1956.

[F. R. Doc. 56-7166; Filed, Sept. 6, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7707-5, between Matson Navigation Company, Isthmian Lines, Inc. and Tri-Coast Steamship Company (formerly Isthmian Steamship Company), modifies approved Agreement No. 7707, as amended, to record Isthmian Lines, Inc., as a party in place of Isthmian Steamship Company (now Tri-Coast Steamship Company). Agreement No. 7707, as amended, between Matson Navigation Company and Isthmian Steamship Company, covers a pooling and cooperative working arrangement in the trade between the Hawaiian Islands and Atlantic and/or Gulf ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 4, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7165; Filed, Sept. 6, 1956; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than ten percent of the total number of factory production workers as learners for normal labor turnover purposes:

Ashland Shirt Corp., Ashland, Pa.; effective 8-24-56 to 8-23-57 (men's dress and sport shirts).

Dodge Manufacturing Co., Inc., Eastman, Ga.; effective 9-9-56 to 9-8-57 (men's and boys' pajamas).

Fairfield Manufacturing Co., Inc., Winnsboro, S. C.; effective 9-9-56 to 9-8-57 (women's dresses).

Fleetline Industries, Inc., Garland, N. C.; effective 6-20-56 to 8-19-57 (men's sport shirts).

Greenwood Shirt Co., Inc., 145 Maxwell Avenue, Greenwood, S. C.; effective 8-24-56 to 8-23-57 (men's and boys' sport shirts).

Korell Co., Division of Kay Dunhill, Inc., Mechanicville, N. Y.; effective 8-22-56 to 8-21-57 (women's dresses).

Lad'n Dad Slacks, Inc., Cumming, Ga.; effective 9-1-56 to 8-31-57 (boys' and men's slacks).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 8-22-56 to 8-21-57 (men's shirts).

Mac Smith Garment Co., Inc., Gulfport, Miss.; effective 8-22-56 to 8-21-57 (men's dress and sport shirts).

Monleigh Garment Co., Inc., Plant No. 2, Route No. 5, Mocksville, N. C.; effective 9-1-56 to 8-31-57 (ladies' blouses and men's sport shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 8-27-56 to 8-26-57 (men's and boys' woven sport shirts).

Stapleton Garment Co., Inc., Stapleton, Ga.; effective 8-20-56 to 8-19-57 (men's shorts and trousers).

Stapleton Garment Co., Inc., Stapleton, Ga.; effective 8-20-56 to 8-19-57; 10 percent of factory production workers engaged in the manufacture of women's shorts and pedal pushers (women's shorts and pedal pushers).

Weiss Shirt Co., Inc., 520 Lehman Street, Lebanon, Pa.; effective 9-7-56 to 9-6-57 (cotton shirts).

Wilgree Manufacturing Co., Inc., Broad Street, Camilla, Ga.; effective 8-28-56 to 8-27-57 (men's dress and sport shirts).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 5 learners were authorized:

By-More Garment Co., 7 Cortland Street, Homer, N. Y.; effective 8-27-56 to 8-26-57 (children's cotton clothing).

Cory Manufacturing Co., Inc., 405 Warren Street, Hackettstown, N. J.; effective 8-23-56 to 8-22-57 (ladies' blouses and sportswear, children's sportswear).

Crietield Shirt and Pajama Co., Inc., Crietield, Md.; effective 8-23-56 to 8-22-57; 10 learners (boys' shirts).

Dantan Co., Dumas, Ark.; effective 9-1-56 to 8-31-57 (ladies' shorts, bermudas, blouses and pedal pushers).

C. R. Dix, Inc., 7 Augusta Street, Greenville, S. C.; effective 8-27-56 to 8-26-57; 10 learners (junior dresses).

B. F. Moore & Co., Newport, Vt.; effective 8-24-56 to 8-23-57 (men's, misses', and children's ski clothing).

Rosemark Underwear Co., 236 Catherine Street, Bloomsburg, Pa.; effective 8-23-56 to 8-22-57 (ladies' nightgowns and pajamas).

Sherman Manufacturing Co., Lamar, S. C.; effective 8-23-56 to 8-22-57; 10 learners (cotton dresses).

Westway Manufacturing Co., 212 West Main Street, Fredericksburg, Tex.; effective 8-24-56 to 8-23-57 (boys' shirts and jackets).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Ackerman Manufacturing Co., Ackerman, Miss.; effective 9-1-56 to 2-28-57; 30 learners (work shirts).

Allencraft Corp., 217 South Church Street, Murfreesboro, Tenn.; effective 8-23-56 to 2-22-57; 10 learners (men's and boys' sport shirts).

Cowden Manufacturing Co., Woodward, Okla.; effective 9-1-56 to 2-28-57; 30 learners (men's and boys' dungarees).

Helena Garment Co. West Helena, Ark.; effective 9-1-56 to 2-28-57; 75 learners (junior dresses).

Hickman Garment Co., Hickman, Ky.; effective 9-1-56 to 2-28-57; 25 learners (ladies', girls', boys' and men's jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 8-22-56 to 2-21-57; 20 learners (nurses and utility uniforms).

LeNore Garments, Inc., 230 West Fifth Street, Tempe, Ariz.; effective 8-20-56 to 2-19-57; 10 learners (ladies' and children's aprons).

Louisville Garment Co., Inc., Louisville, Miss.; effective 9-1-56 to 2-28-57; 15 learners (men's and boys' pants).

Monleigh Garment Co., Inc., Plant No. 2, Route No. 5, Mocksville, N. C.; effective 9-1-56 to 2-28-57; 10 learners (ladies' blouses and men's sportshirts).

Mount Vernon Garment Co., Mount Vernon, Ga.; effective 9-1-56 to 2-28-57; 30 learners (pants).

Sustan Garments, Inc., Winnsboro, La.; effective 9-1-56 to 2-28-57; 10 learners (sportswear).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Florida Knitting Mills, Inc., 20 North Coburn Avenue, Orlando, Fla.; effective 8-25-56 to 8-24-57; 10 learners for normal labor turnover purposes (gloves and mittens).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 8-25-56 to 8-24-57; 10 learners for normal labor turnover purposes (work gloves).

Picardy Mills, Inc., Sherwood Reeve Street, Dunmore, Pa.; effective 8-25-56 to 8-24-57; 10 learners for normal labor turnover purposes (women's fabric gloves).

Riegel Textile Corp., Brundidge, Ala.; effective 9-1-56 to 2-28-57; 15 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 9-1-56 to 2-28-57; 15 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Aberdeen Hosiery Mills Co., Inc., Aberdeen, N. C.; effective 8-28-56 to 8-27-57; 5 learners for normal labor turnover purposes (full-fashioned and seamless).

Alba Hosiery Mills, Inc., Valdese, N. C.; effective 8-22-56 to 8-21-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Harriman Hosiery Plant, Harriman, Tenn.; effective 9-1-56 to 2-28-57; 50 learners for plant expansion purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Plant, Scottsboro, Ala.; effective 9-1-56 to 2-28-57; 25 learners for plant expansion purposes (seamless).

Hughes Affiliated Mills, Highway No. 70 and 14th Street SW., Hickory, N. C.; effective 8-22-56 to 8-21-57; 5 learners for normal labor turnover purposes (seamless).

Johns Hosiery Mills, Inc., Glen Alpine, N. C.; effective 8-22-56 to 8-21-57; 5 learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Co., Division of Wayne Knitting Mills, Kosciusko, Miss.; effective 8-23-56 to 2-22-57; 50 learners for plant expansion purposes (seamless).

Lorimer Hosiery Mills, Inc., Broad Street, Burlington, N. C.; effective 8-25-56 to 8-24-57; 5 learners for normal labor turnover purposes (seamless).

The Nolde & Horst Co., Division of Chester H. Roth Co., Inc., Pittsboro, N. C.; effective 9-1-56 to 2-28-57; 65 learners for plant expansion purposes (seamless).

Portage Hosiery Co., Portage, Wis.; effective 8-20-56 to 8-19-57; 5 percent of factory

production workers for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 9–1–56 to 2–28–57; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Athens Mills, Inc., 2 South Franklin Street, Athens, N. Y.; effective 8–28–56 to 8–27–57; 5 learners for normal labor turnover purposes (ladies' lingerie and children's wear).

Atlanta Knitting Mills, Inc., 130 West Main Street, Catskill, N. Y.; effective 8–28–56 to 8–27–57; 5 percent of factory production workers for normal labor turnover purposes (ladies' lingerie and children's wear).

Carolina Underwear Co., Forsyth Division, Forsyth Street, Thomasville, N. C.; effective 8–15–56 to 2–14–57; 10 learners for plant expansion purposes (women's, misses' and children's panties).

Centralia Knitting Mills, 1002 West Main Street, Centralia, Wash.; effective 8–22–56 to 8–21–57; 5 learners for normal labor turnover purposes (men's, women's and children's knitted outerwear).

Leininger Knitting Mills, Orwigsburg, Pa.; effective 8–24–56 to 8–23–57; 4 learners for normal labor turnover purposes (knit outerwear and underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Livermore Shoe Co., Livermore Falls, Maine; effective 8–22–56 to 8–21–57; 10 percent of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

J. Capps & Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewing and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits, topcoats, sport coats, and slacks).

Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits).

France Neckwear Manufacturing Corp., 1217 South 13th Street, Wilmington, N. C.; effective 8–27–56 to 2–26–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and presser; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's neckwear).

Grant County Manufacturing Co., Williamstown, Ky.; effective 9–1–56 to 2–28–57; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of hand sewers; authorizing the employment of 10 learners for normal labor turnover purposes (baseballs, softballs).

Grant County Manufacturing Co., Corinth Division, Corinth, Ky.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operators; authorizing the employment of 5 learners for normal labor turnover purposes (baseball uniforms, caps, etc.).

Hardwick Clothes, Inc., Cleveland, Tenn.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period; for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's and boys' tailored garments).

Harvard Clothes, Inc., 211 12th Avenue South, Wisconsin Rapids, Wis.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (men's suits, topcoats, etc.).

MacGregor Sport Products, Inc., Findlay and John Streets, Cincinnati, Ohio; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 18 learners for normal labor turnover purposes (baseball uniforms, etc.).

Mike Mennies and Son, 3163 North Witte Street, Philadelphia, Pa.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of hand sewers; authorizing the employment of 4 learners for normal labor turnover purposes (slipper socks).

Mohawk Lining Co., 804 Broadway, Schenectady, N. Y.; effective 9–1–56 to 2–28–57; not less than 80 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of glove lining sewer; authorizing the employment of 3 learners for normal labor turnover purposes (glove linings).

Merit Clothing Co., Martin, Tenn.; effective 8–24–56 to 2–23–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits, sport coats, slacks, and topcoats).

Ratner Manufacturing Co., 730 13th Street, San Diego, Calif.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operators, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's sportcoats, suits, slacks).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of the Part 522.

Signed at Washington, D. C. this 29th day of August 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–7167; Filed, Sept. 6, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–9933, G–11000]

STANOLIND OIL AND GAS CO.

ORDER PERMITTING CHANGE IN RATES DUE TO REDUCTION IN TEXAS OCCUPATION TAX AND SUSPENDING PROPOSED INCREASE IN RATES

On July 30, 1956 Stanolind Oil and Gas Company (Applicant) submitted for filing proposed changes in its rate schedules presently in effect subject to refund for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filings which are proposed to become effective on the date shown:

Description, Purchaser, Rate Schedule Designation, and Effective Date[1]

Notice of change dated July 24, 1956; Texas Illinois Natural Gas Pipeline Company; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 51; Sept. 1, 1956.

Notice of change dated July 24, 1956; Texas Illinois Natural Gas Pipeline Company; Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 60; Sept. 1, 1956.

By order issued January 31, 1956, in Docket No. G–9933, the Commission suspended the increase in rates and charges proposed by the Applicant in Supplement No. 6 to its FPC Gas Rate Schedule No. 51 and in Supplement No. 9 to its FPC Gas Rate Schedule No. 60. Such increased rates and charges are presently in effect subject to refund if subsequently so ordered by the Commission.

Applicant's July 30 1956, filings propose (1) to give effect in the rates being collected subject to refund to the reduction in the Texas occupation tax as of September 1, 1956; and (2) to reflect as of the same date a periodic increase in the price of gas sold Texas Illinois Natural Gas Pipeline Company. The increased rates and charges proposed by the periodic increase have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

The Commission finds:

(1) It is appropriate and in the public interest that the change in rates proposed in Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 51 and Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 60 to give effect to the change in the Texas occupation tax should be permitted to become effective as of September 1, 1956; provided, however, that such change in rates shall in no way amend, modify or alter the rate suspension proceedings instituted in Docket No. G–9933.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 51 and Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 60 and that said supplements insofar as they pertain to periodic rate increases be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 51 and Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 60, insofar as each provides for a change in rate to give effect to the change in Texas occupation tax, hereby are permitted to become effective as of September 1, 1956, subject to the proviso contained in Finding (1) above.

(B) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 51 and Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 60; and pending such hearing and decision thereon, said Supplements insofar as they relate to the proposed periodic increased rates and charges hereby are suspended in Docket No. G–11000 and the use thereof deferred until February 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 31, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[1] Commissioner Digby dissenting as to suspension.

[F. R. Doc. 56–7169; Filed, Sept. 6, 1956; 8:46 a. m.]

[Docket No. G–10998]

TIDEWATER OIL CO.

ORDER SUSPENDING PROPOSED INCREASE IN RATES

On July 30, 1956, Tidewater Oil Company (Applicant) submitted for filing proposed changes in its rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filings which are proposed to become effective on the date shown.

Description, Purchaser, Rate Schedule Designation; and Proposed Effective Date[2]

Notices of change undated; Texas Illinois Natural Gas Pipeline Company; Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 5 and Supplement 12 to Applicant's FPC Gas Rate Schedule No. 18; Sept. 1, 1956.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 5 and in Supplement No. 12 to Applicant's FPC Gas Rate Schedule No. 18, and that said supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 5 and Supplement No. 12 to Applicant's FPC Gas Rate Schedule No. 18, and pending such hearing and decision thereon, such supplements be and the same hereby are suspended and the use thereof deferred until February 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 31, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[2] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by the Applicant, if later.

[F. R. Doc. 56–7170; Filed, Sept. 6, 1956; 8:46 a. m.]

[Docket No. G–10999]

AMERADA PETROLEUM CORP.

ORDER SUSPENDING PROPOSED INCREASE IN RATES

On July 26, 1956, Amerada Petroleum Corporation (Applicant) submitted for filing a proposed change in its rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing which is proposed to become effective on the date shown.

Description, Purchaser, Rate Schedule Designation, and Proposed Effective Date[1]

Notice of change dated July 21, 1956; Texas Illinois Natural Gas Pipeline Company; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 8; Sept. 1, 1956.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 8 and that said supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 8 and pending such hearing and decision

[1] Acting Chairman Digby dissenting.

thereon, such supplement be and the same hereby is suspended and the use thereof deferred until February 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: August 31, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7171; Filed, Sept. 6, 1956; 8:46 a. m.]

[Docket No. E-6705]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

AUGUST 31, 1956.

Take notice that on August 28, 1956, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by California Electric Power Company (Applicant), a corporation organized and existing under the laws of the State of Delaware, and doing business as a qualified foreign corporation in the States of California and Nevada, with its principal place of business in Riverside, California, for authorization to issue and sell $8,000,000, principal amount, of First Mortgage Bonds, Series due 1986, at competitive bidding.

Applicant proposes to publicly invite sealed written proposals for the purchase or underwriting of the Bonds at least one week prior to entering into any contract or agreement for the issuance or sale thereof. The proceeds to be obtained from the proposed issuance will be used by Applicant to discharge its short-term bank loan obligations, for property acquisitions and to carry on its current construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of September 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest, in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7172; Filed, Sept. 6, 1956; 8:46 a. m.]

[1] Acting Chairman Digby dissenting.

[Project No. 2000]

DEPARTMENT OF PUBLIC UTILITIES OF THE COMMONWEALTH OF MASSACHUSETTS v. POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF POSTPONEMENT OF HEARING

AUGUST 30, 1956.

Upon consideration of the application filed on August 28, 1956, by the Department of Public Utilities of the Commonwealth of Massachusetts, requesting postponement for a period of not less than 30 days of the hearing now scheduled for September 11, 1956, in the above-entitled matter;

Said hearing is postponed to commence at 10:00 a. m., e. d. s. t., on October 15, 1956, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7173; Filed, Sept. 6, 1956; 8:46 a. m.]

[Project No. 2208]

NORTHERN LIGHTS, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 31, 1956.

Public notice is hereby given that Northern Lights, Inc., of Sandpoint, Idaho, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed Project No. 2208 located on the Yaak River in Lincoln County, Montana, and affecting lands of the United States within the Kootenai National Forest, which will consist of two developments; (1) Five Mile Dam at river mile 5 in Section 19, T. 33 N., R. 33 W., P. M. Montana (described in previous notice as Section 19, T. 61 N., R. 33 W., P. M. Montana), creating a reservoir with normal pool elevation of 2,380 feet and 12,000 acre-feet capacity; a powerhouse with installed capacity of about 6,650 KW, operating under an average head of about 300 feet; (2) Yaak Falls Dam at river mile 9 in Section 4, T. 33 N., R. 33 W., P. M. Montana (described in previous notice as Section 19, T. 61 N., R. 33 W., P. M. Montana), creating a reservoir with normal pool elevation of 2,600 feet and 13,000 acre-feet capacity; a powerhouse with installed capacity of about 3,700 KW, operating under an average head of about 200 feet. The power to be developed would be used by the applicant to serve its present and future customers, and will replace power that is now purchased from the Bonneville Power Administration.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is October 15, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7174; Filed, Sept. 6, 1956; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

PROMULGATION OF FEDERAL SHARE FOR THE PURPOSES OF THE LIBRARY SERVICES ACT, AS AMENDED

Pursuant to section 6 (d) of the Library Services Act (70 Stat. 293), as amended by section 25 of Public Law 896, 84th Congress (70 Stat. 911), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the continental United States are the years 1953, 1954, and 1955, the Federal shares for the purposes of such act, as indicated below, for the several States, Alaska, Hawaii, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said act and on the basis of said income data, are hereby promulgated to be effective for the fiscal years ending June 30, 1958 and June 30, 1959:

State	Federal share (percent)	State	Federal share (percent)
Alabama	66.00	New Hampshire	54.39
Arizona	55.72	New Jersey	37.42
Arkansas	66.00	New Mexico	60.91
California	38.59	New York	39.17
Colorado	52.00	North Carolina	66.00
Connecticut	33.00	North Dakota	64.88
Delaware	33.00	Ohio	44.09
Florida	55.72	Oklahoma	59.19
Georgia	64.88	Oregon	49.97
Idaho	59.38	Pennsylvania	48.14
Illinois	38.90	Rhode Island	46.92
Indiana	48.08	South Carolina	66.00
Iowa	55.66	South Dakota	63.77
Kansas	53.97	Tennessee	65.99
Kentucky	66.00	Texas	56.16
Louisiana	63.69	Utah	57.58
Maine	58.41	Vermont	59.19
Maryland	45.17	Virginia	58.36
Massachusetts	44.31	Washington	45.20
Michigan	42.09	West Virginia	65.02
Minnesota	53.83	Wisconsin	51.36
Mississippi	66.00	Wyoming	49.92
Missouri	51.55		
Montana	50.36		
Nebraska	55.91		
Nevada	33.56		

Outlying parts of the United States

Alaska	66.00	Territory of Hawaii	50.00
Guam	66.00	Virgin Islands	66.00
Puerto Rico	66.00		

The foregoing is also promulgated as the Federal share to be effective until July 1, 1957.

S. M. BROWNELL, *Commissioner of Education.*

Approved: August 31, 1956.

HEROLD C. HUNT, *Acting Secretary.*

[F. R. Doc. 56-7188; Filed, Sept. 6, 1956; 8:49 a. m.]

Public Health Service

PROMULGATION OF FEDERAL SHARE FOR EACH STATE UNDER SECTION 5 (h) OF THE FEDERAL WATER POLLUTION CONTROL ACT

Pursuant to section 5 (h) of the Federal Water Pollution Control Act (Public Law 660—84th Congress, 70 Stat-501) and section 4 of the Water Pollution Control Act Amendments of 1956 (70 Stat-507) and having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita income of the States and of the continental United States, are the years 1952, 1953, and 1954.

The following Federal shares for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia and the Virgin Islands, as determined pursuant to said act and on the basis of said income data, are hereby promulgated for the period beginning July 1, 1956, and ending June 30, 1959:

State	Federal share	State	Federal share
Alabama	66⅔	New Hampshire	55.6
Arizona	54.4	New Jersey	37.9
Arkansas	66⅔	New Mexico	61.1
California	38.5	New York	39.5
Colorado	50.4	North Carolina	66⅔
Connecticut	33⅓	North Dakota	66.3
Delaware	33⅓	Ohio	43.6
District of Columbia	35.6	Oklahoma	59.6
Florida	55.9	Oregon	49.2
Georgia	64.8	Pennsylvania	47.8
Idaho	57.8	Rhode Island	48.2
Illinois	39.4	South Carolina	66⅔
Indiana	47.6	South Dakota	63.4
Iowa	54.6	Tennessee	66.2
Kansas	52.1	Texas	56.0
Kentucky	65.5	Utah	57.7
Louisana	63.6	Vermont	60.5
Maine	57.6	Virginia	58.4
Maryland	45.0	Washington	45.0
Massachusetts	45.7	West Virginia	64.1
Michigan	42.4	Wisconsin	50.9
Minnesota	54.3	Wyoming	48.4
Mississippi	66⅔	Alaska	50.0
Missouri	51.2	Hawaii	50.0
Montana	50.2	Puerto Rico	66⅔
Nebraska	54.5	Virgin Islands	66⅔
Nevada	33⅓		

Dated: August 21, 1956.

L. E. BURNEY, *Surgeon General.*

Approved: August 31, 1956.

HEROLD C. HUNT, *Acting Secretary.*

[F. R. Doc. 56-7187; Filed, Sept. 6, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 9200]

RAILWAY MAIL PAY

RAILROADS' APPLICATION FOR INCREASE IN RATES AND COMPENSATION

Upon consideration of the applications of certain railroads (listed in the appendix below), filed July 3, August 1, and August 7, 1956, for reexamination of the rates, rules and compensation for the transportation of the United States Mail over their lines, and the service connected therewith, and for an increase in said rates and compensation; and of the replies of the Postmaster General to said applications, embracing a cross-application for certain relief, alleging that present rates and compensation are in excess of fair and reasonable rates and compensation and requesting certain information with respect to payments received by the respondent railroads for transportation of express matter, as more specifically set forth in the said replies; and upon consideration of the provisions of U. S. Code, title 39, sections 542 to 554, inclusive (Railway Mail Service Pay);

It is ordered, That the said applications be, and they are hereby, assigned for hearing, at such times and places as the Commission may hereafter direct, upon the issues raised by the applications, and by the cross-application of the Postmaster General:

And it is further ordered, That a copy of this order be served upon said applicants and upon the Postmaster General of the United States, and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 31st day of August, A. D. 1956.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX—LIST OF APPLICANT RAILROADS

Application filed July 3, 1956:

The Baltimore and Ohio Railroad Company.
Bangor and Aroostook Railroad Company.
Boston and Maine Railroad.
Canadian National Railway Company.
Canadian Pacific Railway Company.
The Central Railroad Company of New Jersey.
Central Vermont Railway, Inc.
The Chesapeake and Ohio Railway Co.
Chicago & Eastern Illinois Railroad Company.
The Delaware and Hudson Railroad Corp.
The Delaware, Lackawanna and Western Railroad Company.
Erie Railroad Company.
Grand Trunk Western Railroad Company.
Lehigh Valley Railroad Company.
The Long Island Rail Road Company.
Maine Central Railroad Company.
The New York Central Railroad Company.
The New York Central Railroad Company (Lessee, Boston and Albany Railroad).
The New York, Chicago and St. Louis Railroad Company.
The New York, New Haven & Hartford Railroad Company.
Norfolk and Western Railway Company.
The Pennsylvania Railroad Company.
Pennsylvania-Reading Seashore Lines.
The Pittsburgh and Lake Erie Railroad Company.
Reading Company.
Richmond, Fredericksburg & Potomac Railway Company.
Vermont and Province Line Railroad Company.
Western Maryland Railway Company.

Application filed August 1, 1956:

Atlantic Coast Line Railroad Company.
The Alabama Great Southern Railroad Company.
Albany and Northern Railway Company.
Atlanta & Saint Andrews Bay Railway Company.
Atlanta and West Point Rail Road Company.
Carolina, Clinchfield and Ohio Railway, Lessees:
Atlantic Coast Line Railroad Company.
Louisville and Nashville Railroad Company.
Central of Georgia Railway Company.
Charleston & Western Carolina Railway Company.
The Cincinnati, New Orleans and Texas Pacific Railway Company.
Florida East Coast Railway Company.
The Georgia Northern Railway Company.
Georgia Railroad.
Georgia Southern and Florida Railway Company.
Gulf, Mobile and Ohio Railroad Company.
Illinois Central Railroad Company.
Louisville and Nashville Railroad Company.
The Nashville, Chattanooga & St. Louis Railway.
New Orleans and Northeastern Railroad Company.
Seaboard Air Line Railroad Company.
Southern Railway Company.
Tennessee Central Railway Company.
The Western Railway of Alabama.

Application filed August 7, 1956.

New York, Susquehanna and Western Railroad Company.

[F. R. Doc. 56-7180; Filed, Sept. 6, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-121]

FIRST HUNGARIAN GENERAL ASSURANCE CO.

In re: Debt owing to the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft. F-34-1018; F-63-60, Zurich.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $54,681.40, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the First Hungarian General Assurance Company, also known as Erste Ungarische Allgemeine Assecuranz Gesellschaft, Budapest, Hungary, a national of Hun-

gary as defined in said Executive Order 8389, as amended.

2. That the property described is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949 as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949 as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7181; Filed, Sept. 6, 1956; 8:48 a. m.]

[Vesting Order SA-122]

FRANCIA-MAGYAR PAMUTIPAR, R. T.

In re: Debt owing to Francia-Magyar Pamutipar, R. T.; F-34-1689.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Anderson, Clayton & Co., of Houston, Texas, arising out of a running book account entitled "Francia-Magyar Pamutipar R. T.," maintained with said Company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Francia-Magyar Pamutipar, R. T., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7182; Filed, Sept. 6, 1956; 8:48 a. m.]

[Vesting Order SA-123]

PRAGUE CREDIT BANK, SOFIA, BULGARIA

In re: Debt owing to Prague Credit Bank, Sofia, Bulgaria; F-57-1256; F-17-1826.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an account entitled "Prague Credit Bank, Sofia, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States, which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the Prague Credit Bank, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7183; Filed, Sept. 6, 1956; 8:48 a. m.]

[Vesting Order SA-124]

PRAGUE CREDIT BANK, BUCHAREST, RUMANIA

In re: Debt owing to Prague Credit Bank, Bucharest, Rumania. F-57-1256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the State of New York, Department of Audit and Control, Albany, New York, arising out of an account entitled "Prague Credit Bank, Bucharest, Rumania", maintained by the aforesaid Department of Audit and Control, together with any and all rights to demand, enforce, and collect the same,

is property within the United States, which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by The Prague Credit Bank, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7184; Filed, Sept. 6, 1956; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 175

Washington, Saturday, September 8, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3154

AMERICAN EDUCATION WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS since the founding of our Nation, our citizens have zealously worked and sacrificed to provide schools and colleges for the education of our children, our youths, and our adults; and

WHEREAS the White House Conference on Education held in 1955, with delegates from all the States and Territories, representing millions of citizens of all races, faiths, and walks of life, re-emphasized the needs of the Nation for more and better schools and colleges to the end that our people through improved education may make a greater contribution to the progress and future welfare of America, and to the peace and well-being of the world; and

WHEREAS the setting aside of a special education week each year provides a fitting opportunity for parents and educators and the public generally to visit schools and educational institutions, to express their appreciation of the work of our teachers and school officials, and to exchange views upon educational problems and progress:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 11 to November 17, 1956, as American Education Week; and I urge the fullest possible participation in the observance of that week by the people throughout the United States. This week of dedication to education and to the efforts and achievements of teachers, school and college administrators, and others in this important area of public service is especially significant during this first year of appraisal, in terms of local community needs and required action, of the recommendations made by the White House Conference on Education. Let us all stress the need for good schools to keep America strong.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of September in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
The Secretary of State.

[F. R. Doc. 56-7292; Filed, Sept. 6, 1956; 2:28 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Burley, Flue, Fire, Air, Sun-57)-1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

TOBACCO MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 725.811 to 725.828 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66 Stat. 597, as amended; 7 U. S. C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.811 *Basis and purpose.* The regulations contained in §§ 725.811 to 725.828 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1957 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia Sun-cured tobacco. The purpose of the regulations in §§ 725.811 to 725.828 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia Sun-cured tobacco for the 1957–58 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.811 to 725.828, public notice (21 F. R. 5116) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.811 to 725.828, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.812 *Definitions.* As used in §§ 725.811 to 725.828, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State Committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.816 with respect to 1956 harvested acreage.

(f) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.816 with respect to 1956 harvested acreage.

(g) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

(h) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1956 into the total of the 1956 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State

committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(i) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(n) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco types 21, 22, 23, and 24; dark air-cured tobacco types 35 and 36; and Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.813 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

§ 725.814 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.815 *Applicability of §§ 725.811 to 725.828.* Sections 725.811 to 725.828 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1957, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1957 in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.816 *Determination of 1957 preliminary acreage allotments for old farms.* The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (c) of this section) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided*, That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) If the harvested acreage (as that term is explained in paragraph (c) of this section) of burley tobacco on the farm in each of the five years 1952–56 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1957 preliminary allotment shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(c) For the purposes of paragraphs (a) and (b) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case, except involving flue-cured tobacco, in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(d) If the county and State committees determine that a farm has been retired from agricultural production, no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(e) For the purpose of determining 1957 preliminary acreage allotments, the 1956 farm acreage allotment shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1956 farm acreage allotment as referred to in paragraphs (a), (b) and (c) of this section shall mean the 1956 alltoment after any such reduction.

§ 725.817 *1957 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.816 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.818 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1956 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1956 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1956 burley tobacco farm acreage allotment of eight-tenths of an acre or more will be reduced to less than six-tenths of an acre.

§ 725.818 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 725.816, the individual 1957 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1956–57 marketing year.

§ 725.819 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1957 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1956, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1957 farm acreage allotment, provided it can be made no later than (1) April 1, 1957 in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1957 in all other States. If the reduction cannot be so made effective with respect to the 1957 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than corresponding dates to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(e) The amount of reduction in the 1957 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified, or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purpose of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b), or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), or (c) of this section.

§ 725.820 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm (50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco).

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 725.821 *Farms divided or combined.* (a) If land operated as a single farm in 1956 will be operated as two or more farms in 1957, or is otherwise required under the definition of a farm to be divided for 1957, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the 1957 tobacco acreage allotment determined, or which otherwise would have been determined, for the entire farm shall, if the farm to be divided for 1957 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1952–56), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment when combined: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth of an acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated seperately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1957.

(c) If a farm is to be divided in 1957 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.822 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1957 tobacco acreage allotment was established by first obtaining the average of the three highest yields for such farms in any three years during the period 1950–55, or if tobacco was grown in less than three

years of such period the yield for one year or the average yield of two years in such period. If in any case the yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereafter provided) such yield shall be adjusted to the applicable percentage, and any yield may be also adjusted for drought, flood, or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the yield so computed for such farm in 1956 varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided*, That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.823 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.820, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further*, That production of tobacco on a farm in 1955 or 1956 for which, in accordance with applicable law and regulations no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1957–58 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of this part governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1957 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.824 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1957, unless the farm operator was discharged from the armed services subsequent to December 31, 1956, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.825 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.822 for similar farms in the community.

MISCELLANEOUS

§ 725.826 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.811 to 725.825, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1957, or which was returned to agricultural production in 1956 too late for a 1956 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1957 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.822 for similar farms in the community.

§ 725.827 *Approval of determinations made under §§ 725.811 to 725.826, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.811 to 725.826. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or 4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than (1) April 1, 1957, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, or (2) May 1, 1957, in all other States.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year.

§ 725.828 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 5th day of September 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 56-7210; Filed, Sept. 7, 1956; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 11]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

UTAH PROPORTIONATE SPARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 30,614 acres established for Utah by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 222 SW. Temple Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.41 *Utah*—(a) *Proportionate share areas.* Utah shall be divided into seven proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan, Gunnison, Cache, Ogden, Layton and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 98.5 percent of the 1953–54 average acreage and with pro rata adjustments to a total of 30,614 acres. Acreage allotments computed as aforestated are established as follows: Garland Area—7,024 acres; West Jordan Area—8,088 acres; Gunnison Area—6,142 acres; Cache Area—3,758 acres; Ogden Area—2,030 acres; Layton Area—2,826 acres; and Holly Area—746 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows:

(1) *For new producers.* Garland Area—47.0 acres; West Jordan Area—80.9 acres; Gunnison Area—79.8 acres; Cache Area—76.0 acres; Ogden Area—20.3 acres; Layton Area—21.0 acres; and Holly Area—7.5 acres.

(2) *For appeals.* Garland Area—93.4 acres; West Jordan Area—80.9 acres; Gunnison Area—62.4 acres; Cache Area—38.0 acres; Ogden Area—20.3 acres; Layton Area—35.6 acres; and Holly Area—7.5 acres.

(3) *For making adjustments in initial shares.* Garland Area—136.0 acres; West Jordan Area—0 acres; Gunnison Area—0 acres; Cache Area—196.7 acres; Ogden Area—51.5 acres; Layton Area—0 acres; and Holly Area—0 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm, a farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production",

and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm proportionate shares in Utah in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Utah is again divided into seven areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955–crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 16, 1956.

[SEAL] J. TAYLOR ALLEN,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7214; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WYOMING PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 34,745 acres established for Wyoming by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyoming, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.42 *Wyoming*—(a) *Proportionate share areas.* Wyoming shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Lovell, Lyman-Gering, Wheatland, Worland, Torrington, and Sheridan. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 93.8 percent of the 1953–54 average acreage and with pro rata adjustments to a total of 34,745 acres. Acreage allotments computed as aforestated are established as follows: Lovell Area—6,671 acres; Lyman-Gering Area—739 acres; Wheatland Area—2,206 acres; Worland Area—9,570 acres; Torrington Area—14,966 acres; and Sheridan Area—593 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 1 percent each for new producers and appeals. In addition, acreages for making adjustments in initial proportionate shares shall be set aside as follows: Lovell Area—115.0 acres; Lyman-Gering Area—36.8 acres; Wheatland Area—330.1 acres; Worland Area—96.2 acres; Torrington Area—0.8 acre; and Sheridan Area—0 acre.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) the farm base shall be established as follows:

(a) *Lovell and Lyman-Gering Areas.* For each farm in the Lovell or the Lyman-Gering Area, the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm and area, as follows:

	Lovell	Lyman-Gering
	Percent	*Percent*
Planted acreage for all 5 crops	100	98
Planted acreage only for last 4 crops	88	87
Planted acreage only for 4 crops other than last 4 consecutive crops	83	82
Planted acreage only for last 3 crops	74	72
Planted acreage only for 3 crops other than last 3 consecutive crops	72	70
Planted acreage only for last 2 crops	58	58
Planted acreage only for 2 crops other than last 2 consecutive crops	52	50
Planted acreage only for 1954 crop	40	40
Planted acreage only for one crop other than 1954 crop	18	18

(b) *Wheatland, Worland, Torrington and Sheridan Areas.* For each farm in the Wheatland, Worland, Torrington or Sheridan Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the largest acreage of the crops of 1950–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operators shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm proportionate shares in Wyoming in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Wyoming is again divided into six areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 14, 1956.

[SEAL] MARVIN YOUNG,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: August 23, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7213; Filed; Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 14]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OHIO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159)' as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 20,367 acres established for Ohio by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Old Post Office Building, Third and State Streets, Columbus, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.44 *Ohio*—(a) *Proportionate share areas.* Ohio shall be divided into two proportionate share areas or districts comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated "Northern Ohio District" and "Buckeye District", respectively. Acreage allotments for these districts shall be computed by applying to the planted sugar beet acreage record for each district a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a ceiling of 125 percent of the 1954 acreage and prorata adjustments to a total of 20,367 acres. Acreage allotments computed as aforestated are established as follows: Northern Ohio District—14,417 acres and Buckeye District—5,950 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from district allotments as follows: Buckeye District—700 acres for new producers, 59 acres for appeals, and 992 acres for adjustments in initial shares; Northern Ohio District—1,500 acres for new producers, 144 acres for appeals, and 2,596 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share district, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-

crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30) an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* Farm bases shall be established in each proportionate share district by giving a weighting of 50 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 50 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each district on a pro rata basis so that the total of the farm shares equals the district allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share district, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the district by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share district, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share district from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in one district shall be reallotted to the other district wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm proportionate shares in Ohio in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Ohio is again divided into two districts, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under a formula which measures "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 20, 1956.

[SEAL] WALTER E. SOLLARS,
Chairman, Agricultural Stabilization and Conservation Ohio State Committee.

Approved: August 23, 1956.

THOS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7211; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 12,149 acres established for Wisconsin by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. These bases and procedures incorporate the following:

§ 850.46 *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 12,149 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by old producers, second-year producers, and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 15, 1956.

[SEAL] W. R. MERRIAM,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7216; Filed, Sept. 7, 1956; 8:48 a. m.]

[Sugar Determination 850.30, Supp. 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986), and (21 F. R. 3670), the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 2,007 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. These bases and procedures incorporate the following:

§ 850.47 *Illinois*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 2,007 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 16, 1956.

[SEAL] EDMUND C. SECOR,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7215; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 21]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEW MEXICO FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 764 acres established for New Mexico by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1015 Tijeras Avenue NW., Albuquerque, New Mexico, and at the office of the Agricultural Stabilization and Conservation Committee in Estancia, Torrance County, New Mexico. These bases and procedures incorporate the following:

§ 850.51 *New Mexico*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in New Mexico for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 764 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 15, 1956.

[SEAL] H. M. RICKMAN,
Chairman, Agricultural Stabilization and Conservation New Mexico State Committee.

Approved: August 23, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7212; Filed Sept. 7, 1956; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 85]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.385 *Valencia Orange Regulation 85*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22,

as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 6, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 9, 1956, and ending at 12:01 a. m., P. s. t., September 16, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 970,200 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7321; Filed, Sept. 7, 1956; 11:12 a. m.]

[Lemon Reg. 658]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.765 *Lemon Regulation 658*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to eeffctuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 5, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 9, 1956, and ending at 12:01 a. m., P. s. t., September 16, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 232,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 6, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7296; Filed, Sept. 7, 1956; 8:55 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1957

Through the Agricultural Conservation Program, all people share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great.

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1105.643 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.
1105.644 Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.
1105.645 Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.
1105.646 Practice 6: Initial planting of orchards on the contour to help prevent erosion.
1105.647 Practice 7: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.
1105.648 Practice 8: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.
1105.649 Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.
1105.650 Practice 10: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.
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1105.652 Practice 12: Initial application of organic mulch material to any to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.
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1105.654 Practice 14: Construction of permanent artificial watersheds for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.
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1105.659 Practice 19: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.
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1105.661 Practice 21: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation system to conserve water and prevent erosion.
1105.662 Practice 22: Installation of portable sprinklers or gated pipes in reorganizing farm irrigation system to conserve water and prevent erosion.
1105.663 Practice 23: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmland under cultivation or on pastureland.
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1105.667 Practice 27: Shaping or land grading to permit effective surface drainage.
1105.668 Practice 28: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.
1105.669 Practice 29: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.
1105.670 Practice 30: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.
1105.671 Practice 31: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.
1105.672 Practice 32: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.
1105.673 Practice 33: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.
1105.674 Practice 34: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

AUTHORITY: §§ 1105.600 to 1105.674 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1105.600 *Introduction.* (a) The United States Department of Agriculture offers every farmer in the Territory

of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1957 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1957 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.601 *General program principles.* The 1957 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life span.

DEFINITIONS

§ 1105.602 *Definitions.* For the purposes of the 1957 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the Territory of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State Office determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm or ranch, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(g) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.603 *Allocation of funds.* The amount of funds available for conservation practices under this program is $182,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.618.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.604 *Agencies participating in development of State program.* This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers, as well as Government agency representatives from the Extension Service, Soil Conservation Service, Board of Agriculture and Forestry, Farmers Home Administration, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.605 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice.

§ 1105.606 *Section of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.607 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.608 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started. For practices for which (a) approval was given under the 1956 Agricultural Conservation Program, (b) performance was started but not completed during the 1956 program year, and (c) the State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirement of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.609 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from October 1, 1956, through December 31, 1957, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.641, 1105.642, 1105.644, 1105.645, 1105.654, 1105.655, 1105.657 to 1105.663, 1105.665 to 1105.670, 1105.673, and 1105.674 (practices 1, 2, 4, 5, 14, 15, 17 to 23, 25 to 30, 33, and 34). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.643 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.646, 1105.653, and 1105.656 (practices 6, 13, and 16), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.664 (practice 24). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.610 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.643, 1105.647 to 1105.649, and 1105.672 (practices 3, 7 to 9, and 32) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded, or that other needed protective measures be carried out.

§ 1105.611 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.612 and 1105.613, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.612 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1105.613 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1957 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the State Office, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The State Office determines that under the circumstances prevailing on the farm in 1957, completion of that component is a reasonable attainment in 1957 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the State Office, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1105.614 *Initial establishment or installation of practices.* (a) Under the initial establishment principle as it ap-

plies to the 1957 program, cost-sharing may be authorized:

(1) For the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. This will include reestablishment or replacement of (i) practices carried out without cost-sharing, (ii) practices carried out with cost-sharing prior to the 1954 program, and (iii) practices carried out while the land was under the control of a person other than the current operator.

(2) For the reestablishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has served for its normal life span.

(3) For the reestablishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has not served for its normal life span due to conditions other than lack of proper maintenance by the current operator, if both of the following conditions exist:

(i) Reestablishment or replacement of the practice is needed to meet the conservation problem.

(ii) The State Office believes that the reestablishment or replacement of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(4) For the reestablishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has not served for its normal life span due to lack of proper maintenance by the current operator, if all of the following conditions exist:

(i) Reestablishment or replacement of the practice is needed to meet the conservation problem.

(ii) The State Office believes that the reestablishment or replacement of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(iii) The current operator has satisfied all refund demands under the applicable program provisions with regard to failure to maintain practices or practices defeating the purposes of programs arising from lack of proper maintenance of the practice.

(iv) The State Office determines that cost-sharing would be justified under the circumstances.

Cost-sharing may be authorized for the enlargement or restoration of a practice under the conditions set forth in this section.

(b) With normal upkeep and maintenance, practices contained in §§ 1105.641 to 1105.646, 1105.649 to 1105.651, 1105.653 to 1105.672, and 1105.674 (practices 1 to 6, 9 to 11, 13 to 32, and 34) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

(c) The life span of practices contained in §§ 1105.647, 1105.648, and 1105.673 (practices 7, 8, and 33) will be considered to have ended before these practices will be reestablished under the 1957 program.

(d) For the purposes of the 1957 program, the practice contained in § 1105.652 (practice 12) will be considered to have a life span of 2 years.

§ 1105.615 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.617 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1105.618 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.619 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.621 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.622 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1105.623 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1105.624 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1957 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.625 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.626, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.626 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.627 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.628 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.630 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.631 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1958.

APPEALS

§ 1105.633 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.635 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49

Stat. 1148, 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1105.636 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1958.

§ 1105.637 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administred by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.641 *Practice 1: Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out and constructed in accordance with specifications contained in Soil Conservation Service Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour lines and the land surface must be protected during the rainfall season by cover crops, heavy crop residues, or organic mulches. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. No cost-sharing will be allowed for reconstructing old terraces.

Maximum Federal cost-share. (a) $2.50 per 100 linear feet of terrace constructed in clear soil.

(b) $5 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) $10 per 100 linear feet for bench terraces.

(d) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth moved in diversion ditch construction. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.642 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. (See § 1105.641 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. The amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level, or that determined by prior and subsequent sectional surveys. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.25 per cubic yard of material moved. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.643 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacing's, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

Maximum Federal cost-share. (a) $1 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging.

(b) 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for establishment of the cover. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.644 *Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $2 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 50 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.30 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $2 per 1,000 square feet for planting suitable permanent masced vegetative barriers.

§ 1105.645 *Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.* Dams for purposes other than for impounding water for irrigation or for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management are not eligible. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $0.60 per square yard of exposed riprap surface.

§ 1105.646 *Practice 6: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

Maximum Federal cost-share. $5 per acre.

§ 1105.647 *Practice 7: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.648 (practice 8)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	50
(e) Clover:	
Large like Kaimi	10
Small like Alsike	5
(f) Kudzu	8
(g) Crotalaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted.

(b) 50 percent of the cost of the minimum required application of fertilizer, but not in excess of $7 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.648 *Practice 8: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.647 (practice 7) for ratio specifications.

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre actually planted.

(b) 50 percent of the cost of the minimum required application of fertilizer, but not in excess of $7 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.649 *Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. Land cleared must be established in perennial grasses or a legume-grass mixture as soon as practicable and within the program year. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.650 (practice 10).

Maximum Federal cost-share. (a) 75 percent of the cost of seed, but not in excess of $10 per acre, for seeding after land preparation.

(b) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen, for the establishment of the cover, but not in excess of $18 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.650 *Practice 10: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1957 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20–mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum Federal cost-share. 50 percent of the average cost of the minimum required application of liming material delivered to the farm.

§ 1105.651 *Practice 11: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning or hand grubbing.* Costs will be shared for each treatment, but not in excess of three treatments during the year, made according to accepted practices. Receipts or invoices showing purchase of poisons used or grubbing labor employed will be required by inspectors as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as listed below and described in Extension Bulletin 62, University of Hawaii, available at the State Office.

Guava (Psidium guajava).
Opiuma (Pithecellobium dulce).
Emex (Emex spinosa).
Melastoma (Melastoma malabathricum).
Firebush (Myrica faya).
Pepper tree (Schinus molle).
Cactus (Opuntia megaxantha).
Java plum (Eugenia cumini).
Christmas berry (Schinus terebinthifolius).
Cat's claw (Caesalpinia sepiaria).
Aalii (Dodonaea eriocarpa).
Joee (Stachytarpheta cayennensis).
Lantana (Lantana camara).
Waiawi (Psidium cattleianum var. lucidum).
Pamakani (Eupatorium adenophorum).
Puakeawe (Styphelia tamelameiae).
Sacramento bur (Triumfetta semitriloba).
Staghorn fern (Gleichenia linearis).
Apple of Sodum (Solanum sodomeum).
Black wattle (Acacia decurrens).
Gorse (Ulex europaeus).
Blackberry (Rubus penetrans).

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $1 per acre per treatment.

§ 1105.652 *Practice 12: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane, bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with material produced on the farm.

(c) 50 percent of the cost of acceptable organic material grown for the purpose on the farm, but not in excess of $50 per acre.

§ 1105.653 *Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 25 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.654 *Practice 14: Construction of permanent artificial watersheds for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water supplied is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 25 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.655 *Practice 15: Construction of permanent artificial water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water impounded is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 25 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.656 *Practice 16: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 25 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.05 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.657 *Practice 17: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management. This practice is not applicable to new livestock enterprises. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

(e) 50 percent of the cost at site of sealing materials, other than concrete and rubble masonry.

§ 1105.658 *Practice 18: Constructing or sealing dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.659 *Practice 19: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.660 *Practice 20: Lining ditches or reservoirs in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchases of materials used will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.661 *Practice 21: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by inspectors as evidence of installation cost. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.662 *Practice 22: Installation of portable sprinklers or gated pipes in reorganizing farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the average cost of portable pipe and fittings or gated pipe used for reorganized irrigation. The total cost-share for portable pipe or gated pipe shall not exceed $100 per acre of reorganized irrigation.

§ 1105.663 *Practice 23: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmland under cultivation or on pastureland.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting holes in pahoehoe type lava rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

§ 1105.664 *Practice 24: Initial establishment of a stand of trees or shrubs on farmland for wind or water erosion control, watershed protection, or forestry purposes.* Plantings must be protected from fire and grazing. Fencing newly planted trees under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.656 (practice 16) are employed. Recommended species of trees are those listed in table 11 of Board of Agriculture and Forestry Biennial Report, June 30, 1952.

Maximum Federal cost-share. $4 per 100 trees.

§ 1105.665 *Practice 25: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 50 percent of the cost at the farm of all necessary pipe and fittings, but not in excess of $100 per acre irrigated by the installation. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.666 *Practice 26: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by inspectors. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.667 *Practice 27: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.668 *Practice 28: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cuts of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land, if the primary purpose of the leveling is to bring new land into agricultural production. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by inspectors.

Maximum Federal cost-share. 50 percent of the cost of earth moving, but not in excess of $15 per acre.

§ 1105.669 *Practice 29: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost are required.)

§ 1105–670 *Practice 30: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $3 per acre established in contour farming during the year.

§ 1105.671 *Practice 31: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope.

Maximum Federal cost-share. $3 per acre established in cross-slope stripcropping during the year.

§ 1105.672 *Practice 32: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.* Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted to grasses and legumes listed in §§ 1105.657 and 1105.658 (practices 7 and 8). (Receipts, invoices, or other evidence of cost are required.)

(b) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizer, including nitrogen, and liming material for the establishment of the vegetative strip, but not in excess of $7 per acre of area treated. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.673 *Practice 33: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.* No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $3 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.674 *Practice 34: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by inspectors as evidence of material used. Federal cost-sharing will not be allowed for

forms or rebuilding or repair of existing structures.

Maximum Federal cost-share. 50 percent of the cost of material used.

Done at Washington, D. C., this 4th day of September 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-7208; Filed, Sept. 7, 1956; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

DESIGNATION AND USE OF ACREAGE RESERVE

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, are hereby amended as set forth below:

1. The second sentence of § 485.212 is amended to read as follows: "The tract or tracts constituting the acreage reserve for wheat must have been planted to wheat at least one year during the period 1945–1956, inclusive, and be suitable for the production of wheat. Requirements relating to acreage reserve tracts for other commodities will be specified in regulations to be issued at a later date."

(Sec. 124, 70 Stat. 198)

Issued at Washington, D. C., this 5th day of September 1956.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 56-7238; Filed, Sept. 7, 1956; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6529]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SHIPMAN MANUFACTURING CO.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.143 *Opportunities.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1697 *Opportunities in product or service.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 13.2120 *Dealer or seller assistance;* § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2132 *Exclusive territory.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arch V. Shipman et al. t. a. Shipman Manufacturing Company, Los Angeles, Calif., Docket 6529, Aug. 22, 1956]

In the matter of Arch V. Shipman, Robert V. Shipman and Mildred Grosse, copartners trading and doing business as Shipman Manufacturing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three individuals engaged in Los Angeles, Calif., as partners in the manufacture and sale of vending machines and ball point pens dispensed thereby, with representing falsely in advertisements placed in newspapers by their agents and by oral statements of the agents to prospects that they turned over accounts for servicing to purchasers of their machines, to whom large benefits would accrue; that the purchase price of the machines was secured by merchandise; that a tremendous number of repeat purchases of the pens was assured; and that purchasers would be given exclusive sales territory and advantageous locations for the machines—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision[1] and order to cease and desist which became, on August 22, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Arch V. Shipman, Robert V. Shipman and Mildred Grosse, individually and trading and doing business under the firm name of Shipman Manufacturing Company, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pen vending machines, or other similar merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That accounts are turned over to their purchasers for servicing;

2. That large profits will accrue to the purchasers of their vending machines or that the profits are in excess of those usually and ordinarily arising through the use of their vending machines;

3. That the purchase price of their pen vending machines is secured by merchandise, or secured in any other manner that is not in accord with the facts;

4. That any number of repeat purchases of the pens dispensed by their vending machines is assured;

5. That purchasers are allotted exclusive sales territory unless such is the fact;

6. That locations for the pen vending machines will be secured for the use of the purchasers unless such locations are in fact supplied.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7218; Filed, Sept. 7, 1956; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

ORDER ACTING ON PROPOSAL TO ADOPT A DEFINITION AND STANDARD OF IDENTITY FOR CANNED FIGS

In the matter of adopting a definition and standard of identity for canned figs:

A notice of proposed rule making was published in the FEDERAL REGISTER of July 10, 1956 (21 F. R. 5118), setting forth a proposal to adopt a definition and standard of identity for canned figs. No comments were received with respect to the notice of proposal within the 30-day period specified in that notice.

Therefore, after due consideration of the information furnished by the petitioner, together with other relevant information, it is concluded that it will promote honesty and fair dealing in the interests of consumers to adopt the definition and standard of identity proposed for canned figs, and, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 F. R. 6581): *It is ordered,* That Part 27 be amended by adding thereto the following new section:

§ 27.70 *Canned figs; definition and standard of identity; label statement of optional ingredients.* (a) Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which citric acid or lemon juice or concentrated lemon juice is added, if necessary, in such quantity as to reduce the pH of the finished product to 4.9 or below. One or more of the following optional ingredients may be added to flavor, garnish, or season the canned figs:

(1) Spice.
(2) Flavoring, other than artificial flavoring.
(3) A vinegar.
(4) Unpeeled segments of citrus fruits.
(5) Salt.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A fig (whole fig) is one that is whole or only slightly cracked and retains its natural conformation without exposing the interior. A split fig (or broken fig) is one that is open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Light sirup.
(iii) Heavy sirup.
(iv) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (ii) to (iv) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (iv), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	*Brix measurement*
Light sirup	16° or more but less than 21°.
Heavy sirup	21° or more but less than 26°.
Extra heavy sirup	26° or more but less than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless, except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup. The solids of corn sirup and of dried corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(4) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall name the optional fig ingredient used, as specified in paragraph (b) of this section (where combinations of figs and split figs are used, the ingredient present in larger proportion by weight shall be named first), and the name whereby the optional packing medium is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used the label shall bear the words set forth, after the number of such subparagraph:

(a) (1) "Spiced" or "Spice added" or "With added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "With added flavoring" or, in lieu of the word "flavoring" the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "Seasoned with -------- vinegar," the blank being filled in with the name of the vinegar used.

(a) (4) "With added --------," the blank being filled in with the name or names of the citrus segment or segments used.

(a) (5) "Seasoned with salt" or "Salt added."

When the addition of lemon juice (including concentrated lemon juice) or citric acid lowers the pH of the canned figs to less than 4.3, the label shall bear the statement "With added lemon juice" or "With added concentrated lemon juice" (if such is used) or "With added citric acid." When two or more of the optional ingredients specified in paragraph (a) of this section are used, such words may be combined, as for example, "With added spices, orange slices, and lemon juice."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the figs may so intervene.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: August 31, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-7201; Filed, Sept. 7, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

TAMPA BAY, FLORIDA; CHESTER RIVER, MARYLAND

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.193 (a) (3) is hereby amended to provide for the relocation of the quarantine anchorage south of Interbay Peninsula, Tampa Bay, Florida, as follows:

§ 202.193 *Tampa Bay, Fla.*—(a) *The anchorage grounds.* • • •

(3) *Quarantine Anchorage.* South east of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113° 30′ true, 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161° 30′ true, 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 163° 30′ true, 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

• • • • • •

[Regs., August 20, 1956, 800.212 (Tampa Bay)-ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required is hereby amended prescribing paragraph (f) (2–a), to govern the operation of the Maryland State Roads Commission bridge across Chester River at Chestertown, Maryland, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi*

River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required. • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(2-a) Chester River, Md.: Maryland State Roads Commission bridge at Chestertown. From October 1 to March 31, inclusive, and between 6 p. m. and 6 a. m. from April 1 to September 30, inclusive, at least six hours' advance notice required. Between 6 a. m. and 6 p. m. from April 1 to September 30, inclusive, the regulations contained in § 203.240 shall govern operation of this bridge.

• • • • • •

[Regs., August 24, 1956, 823.01 (Chester River, Md.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7200; Filed, Sept. 7, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

EFFECTIVE DATE OF PREMIUM WAIVER

In § 8.41, paragraph (c) is amended to read as follows:

§ 8.41 *Effective date of premium waiver.* • • •

(c) Premiums paid to cover a period during which the waiver is effective shall be refunded in cash, without interest, and no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 10, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-7190; Filed, Sept. 7, 1956; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1336]

[69358 & 72270]

OREGON

POWER SITE RESTORATION NO. 518; PARTIALLY REVOKING THE EXECUTIVE ORDERS OF DECEMBER 12, 1917, WHICH CREATED POWER SITE RESERVES NO. 661 AND NO. 664. POWER SITE CANCELLATION NO. 105; PARTIALLY REVOKING THE DEPARTMENTAL ORDER OF DECEMBER 12, 1917, CLASSIFYING LANDS AS WATER POWER DESIGNATION NO. 14

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive orders of December 12, 1917, creating Power Site Reserves No. 661 and 664, and the departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, are hereby revoked so far as they affect the following-described lands:

POWER SITE RESERVE NO. 661

(Power Site Restoration No. 518)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 17, lot 4;
Sec. 23, lot 1.
T. 9 S., R. 1 W.,
Sec. 13, lot 9;
Sec. 21, lot 6 and NW¼NE¼.

The areas described aggregate 146.36 acres.

POWER SITE RESERVE NO. 664

(Power Site Restoration No. 518)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 W.,
Sec. 13, lot 4.

The area described contains 20.93 acres.

WATER POWER DESIGNATION NO. 14

(Power Site Cancellation No. 105)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 17, lot 4;
Sec. 23, lot 1.
T. 9 S., R. 1 W.,
Sec. 13, lot 9;
Sec. 21, lot 6 and NW¼NE¼.

The areas described aggregate 146.36 acres.

Lot 4, sec. 13, T. 9 S., R. 1 W., is patented land. The remaining lands are O & C lands currently managed for the production of timber on a sustained yield program. Each tract is completely isolated and there is no other Federal land in either of the two townships. The land is not agricultural in character. None of the tracts have value for homesites due to inaccessibility and annual flooding.

No application for the restored lands may be allowed under the homestead, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on October 6, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraph (1) and (2) above, presented prior to 10:00 a. m. on January 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621), the act of April 8, 1948 (62 Stat. 162), and to applications and offers under the mineral-leasing laws.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The restored lands shall be subject until 10:00 a. m. on January 4, 1957, to application by the State of Oregon, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 31, 1956.

[F. R. Doc. 56-7205; Filed, Sept. 7, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-823]

[Docket No. 11611; Rules Amdt. 4-6]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

OPERATION OF TV TRANSLATOR STATIONS IN CONJUNCTION WITH THE PRIMARY TRANSMITTER

1. At a session of the Federal Communications Commission held at its Offices in Washington, D. C., on the 30th day of August, 1956;

2. On May 23, 1956, the Commission released its Report and Order in this proceeding adopting rules governing television broadcast translator stations. These rules provide that translator equipment must be submitted to the Commission for type approval, and specify the requirements which the equipment must meet. The rules also prescribe a method to be used in measuring power output of translator apparatus.

3. Tests performed by the Commission's Laboratory on equipment submitted for type approval reveal that certain requirements relating to spurious emissions and other matters are not fully complied with. It was also learned that the method of measuring power output prescribed by the rules does not accurately reflect the actual power output. Further research and development will be necessary in these regards.

4. TV translators are designed to provide a means of bringing television service to small, isolated communities at the earliest possible date. It would not be desirable, therefore, to delay the inauguration of TV translator service until all of the problems with respect to translator equipment can be fully resolved. TV translators are authorized to operate in the upper portion of the UHF television band, thus keeping the possibility of harmful interference to other stations and services to a minimum. In addition, the reduction of spurious emissions to the extent presently required by the rules can be accomplished more economically over a longer period of development. Accordingly, in the interest of expediting the establishment of TV translators, the Commission has concluded that the effective date of certain requirements for type approval of TV translator equipment should be postponed and that limited type approval should be given to equipment meeting certain minimum requirements.

5. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended.

6. In light of the desirability of bringing television service to small, isolated communities at the earliest possible date, we find that prior notice of rule making in this matter would be impracticable, unnecessary and contrary to the public interest. The amendments herein represent a relaxation of the rules; and in accordance with section 4 of the Administrative Procedure Act, they may be made effective less than 30 days after publication.

7. In view of the foregoing, *It is ordered*, That, effective August 30, 1956, Part 4 of the Commission's Rules is amended as follows:

(1) Section 4.735 (a) is amended by deleting the last sentence concerning power measurement.

(2) Section 4.736 (c) is amended by adding a footnote indicator and the following footnote:

[1] These requirements shall not be applicable to transmitters installed prior to January 1, 1958: *Provided, however*, That in the event that interference is caused to other radio stations, the licensee shall take such steps as may be necessary to eliminate the interference.

(3) Section 4.750 (c) is amended by adding a footnote designator to subparagraphs (2) and (4) and the following footnote:

[2] These requirements shall not be applicable to transmitters installed prior to January 1, 1958: *Provided, however*, That in the event that interference is caused to other radio stations, the licensee shall take such steps as may be necessary to eliminate the interference. Type approvals granted prior to September 1, 1957, will be designated as Limited Type Approval. Such approval will be granted only if it is found that reasonable precautions have been taken in the design of equipment, to minimize interference resulting from spurious emissions.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.)

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7257; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-838]

[Docket No. 11617; Rules Amdts. 7-13 and 8-18]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In the matter of amendment of Parts 7 and 8 of the Commission's Rules to make the frequency 2482 kc (coast)-2430 kc (ship) available conditionally on a 24-hour basis in the Seattle, Washington, area.

1. On January 25, 1956, the Commission adopted a Notice of Proposed Rule Making to amend Parts 7 and 8 of the Rules to make available conditionally on a 24-hour basis the frequency pair 2482 kc (coast)-2430 kc (ship) for use in the Seattle, Washington, area. In view of the comments received, the Commission on May 9, 1956 adopted a Further Notice of Proposed Rule Making in this matter, which, in lieu of the 24-hour use of the frequencies, proposed to make the frequency pair available at Seattle under certain specified daily, seasonal and area limitations designed to minimize interference to current and future Alaskan operations on 2482 kc and 2430 kc under Part 14 of the rules. The Further Notice of Proposed Rule Making was duly published in the FEDERAL REGISTER on May 16, 1956 (21 F. R. 3232), and the period for filing comments has now expired.

2. The only comments filed to the Further Notice were those of The Pacific Telephone and Telegraph Company. Pacific acknowledged that the amendments proposed in the Further Notice, which provided for more than "day only" but less than 24-hour use of the frequency pair 2482-2430 kc, would assist Pacific to a limited extent in alleviating the "serious overload" on the present full-time working channel, 2522-2126 kc. Pacific was not, however, in complete agreement with the proposal and suggested that since, in its view, at the time of the original proposal to extend the use of the frequencies to 24 hours, no objection had been raised to such full time use between October and March 1 annually, the amendment limiting the use of 2482-2430 kc from 6:00 a. m. to 11:00 p. m. annually between October 1 and March 31 be modified to permit 24-hour use of the channel in the Seattle region during that part of each year. Pacific further recommended that the proposed geographic limitation which would be placed on vessels transmitting on 2430 kc to the Seattle coast station be deleted. It was asserted that such a geographic limitation would "unduly restrict the use of the frequency 2430 kc by ships wishing to correspond through KOW". In support of this allegation, Pacific stated that over 20 percent of the calls handled through station KOW in the heaviest traffic month of 1955 (August) were from ships operating north of the 51st parallel (the northern boundary of the proposed geographic limit).

3. In concluding its comments, Pacific stated that during the year 1955, most of the traffic was handled over the present full-time working channel 2522-2126 kc and that relatively little traffic was handled over the "day only" channel 2482-2430 kc. According to Pacific, this uneven distribution of traffic between the two channels is due to the small number of ships in the Seattle region which are equipped to use the daytime channel. In this connection, Pacific said: "Shipowners prefer and in most cases have need of a full-time channel and have therefore equipped their ships for use of the full-time channel, 2522-2126 kc. Most shipowners have not regarded the value of a second working channel which can be used only part time to be worth the additional cost of equipping their ships to correspond on such a channel. We believe that this situation will continue until the second channel is available on a full-time basis."

4. The Commission has fully considered the comments filed by Pacific, but, nevertheless, believes that the amendments should be adopted as proposed in the Further Notice for the following reasons.

5. Although the communication traffic problem at Seattle may not be completely solved by these amendments, the Commission believes that the ship operators themselves are in a position to bring about a more even traffic distribution by a greater use of the frequency pair 2482-

2. Section 7.306 (b)—Table footnote[5] to the frequency table in this section is deleted and the following is substituted therefor:

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1)—That portion of the frequency table dealing with Seattle, Washington is amended to read as follows:

Seattle, Wash.	2126 2430	None Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 8 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.	2522 2482	None. Authorized for use during the following daily periods on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 8 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.

2. Section 8.354 (a) (1)—Table footnote[5] to the frequency table in this section is deleted and the following is substituted therefor:

[5] During certain hours within this time period ship stations (when north of Vancouver, B. C. and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

[F. R. Doc. 56-7242; Filed, Sept. 7, 1956; 8:54 a. m.]

[Docket No. 11701; Rules Amdts. 7-14 and 8-10]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's Rules to make the frequency pair 2490 kc (coast)–2031.5 kc (ship) available on a 24-hour basis in the Miami, Florida area and to make effective certain limitations on the use of the frequency pair 2514 kc (coast)–2118 kc (ship) in the same area.

1. On May 7, 1956, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on May 10, 1956 (21 F. R. 3123) and the time for filing comments has now expired. The proposed rule making had for its purpose the amendment of Parts 7 and 8 of the Commission's Rules to make the frequency pair 2490 kc (coast)–2031.5 kc (ship) available for assignment on a 24-hour basis in the Miami, Florida area and to make 2514 kc (coast)–2118 kc (ship) available for assignment on a 'day only" basis from April 1 to December 15, annually and on a 24-hour basis from December 15 to April 1, annually. In addition, the frequency 2514 kc at Miami would also be subject to the condition that harmful interference not be caused to the service of any coast station located in the vicinity of Miami, Florida, to which the carrier frequency 2490 kc is assigned for transmission.

2. Several comments were received in this proceeding. Almost all of the parties filing comments recommended that the proposal be modified in one respect or another. The essence of each comment is set forth below.

3. The Lorain County Radio Corporation expressed its support of the Commission's proposal on the assumption that the non-interference condition attached to the use of the frequency 2514 kc applied only to the protection of 2490 kc in the Miami area and was not intended to restrict the use of 2514 kc in the Great Lakes area. The assumption is, of course, correct.

4. Radiomarine Corporation of America filed comments stating that the proposed "day only" (April 1–December 15, annually) restriction on the use of the frequency pair 2514–2118 kc might not be adequate to protect operations on the Great Lakes against harmful interference especially during the early morning and late afternoon hours of the day. They proposed, therefore, that during the "day only" period (April 1–December 15, annually) when the frequency pair 2514–2118 kc is to be available at Miami, a further restriction should be imposed making the frequencies subject to the condition that harmful interference is not caused to the opertions of coast stations and ship stations in the Great Lakes area. As a basis for this recommendation, Radiomarine stated that the frequency pair 2514–2118 kc is used not only by United States stations on the Great Lakes, but also by Canadian stations in that area and that stations in the international service should obtain maximum protection from harmful interference. Radiomarine also felt that since coast stations in the Miami area would be able to use the pair 2490–2031.5 kc on an unrestricted basis, such coast stations' use of 2514–2118 kc should be on a secondary basis and subordinated to the use of this frequency pair on the Great Lakes. The Commission has considered Radiomarine's recommendation and has provided for the use of the frequency pair 2514–2118 kc on condition that harmful interference is not caused to the service of any coast station in the Great Lakes area which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

5. The City of San Diego, Department of Public Works, commented that its police radio system utilized the frequency 2490 kc and would continue to do so for at least the next five years. It suggested that the Miami coast station should be required to use an antenna system designed to minimize its radiation pattern in the direction of San Diego, California. It further recommended that the carrier of the cost station at Miami, Florida should be removed from the air except when absolutely necessary for communications or test purposes. These recommendations have been considered by the Commission and an appropriate non-interference condition has been attached to the use of 2490 kv at Miami, Florida which should furnish an adequate basis for the protection of the California police radio system operation in the event interference is experienced.

6. The Lake Carriers Association supported that portion of the Commission's proposal which would limit the use of the frequency pair 2514–2118 kc to "day only" during the Great Lakes shipping season from April 1 to December 15, annually, in the Miami area and stated that the propagation conditions on 2514 kc are such that at night strong signals are received on the Great Lakes from the Miami area.

7. Southern Bell Telephone and Telegraph Company filed comments in support of the Commission's proposal. Southern Bell requested that full time operation on 2490 kc begin on September 1, 1956, and that the day only limitation on 2514 kc begin on April 1, 1957. They felt that such a schedule would afford an adequate transition period in which the necessary changeover to the new full time channel can be effected. The Commission believes that to have a changeover period is reasonable and has made provision for same in the rule amendments. Since several months have passed since Bell offered its suggestion, the date for full time operation to begin on 2490 kc has been set for December 15, 1956.

8. In view of the above and pursuant to Section 303 (f) and (r) of the Communications Act of 1934, as amended, *It is Ordered,* That effective December 15, 1956, Parts 7 and 8 of the Commission's Rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: August 30, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b)—That portion of the frequency table in this section dealing with Miami, Florida, is amended to read as follows:

Miami, Fla.	2490	Available beginning Dec. 15, 1956, on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; and, also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4427.6	None	4122.2	None.

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1)—That portion of the frequency table in this section dealing with Miami, Florida, is amended to read as follows:

Miami, Fla.	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.	2490	Available beginning Dec. 15, 1956, on a 24-hour basis on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	4122.2	None	4427.6	None.

[F. R. Doc. 56-7243; Filed, Sept. 7, 1956; 8:54 a. m.]

[Amdt. 21-1]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

BANDWIDTH AND EMISSION LIMITATIONS

In the matter of amendment of § 21.703 (g) of the Commission's Rules and Regulations to effect an editorial change.

The Commission, having under consideration the desirability of making an editorial change in § 21.703 (g) of its Rules and Regulations to correct an inadvertent typographical omission; and

It appearing, That the amendment adopted herein is editorial in nature, and may be made effective immediately, pursuant to the provisions of section 4 of the Administrative Procedure Act; and

It further appearing, That the amendment adopted herein is made pursuant to authority contained in Sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Rules;

It is ordered, This 5th day of September, 1956, that, effective September 5, 1956, § 21.703 (g) of our rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 21, Rules Governing Domestic Public Radio Services (Other than Maritime Mobile) is amended as follows: Substitute the following text for the present text of § 21.703, Bandwidth and Emission Limitations, paragraph (g):

(g) The maximum bandwidth normally authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band	*Authorized bandwidth*
2450–2500 Mc	20 Mc
3700–4200 Mc	20 Mc
5925–6425 Mc	30 Mc
10,700–11,700 Mc	50 Mc
16,000–18,000 Mc	100 Mc
26,000–30,000 Mc	200 Mc

[F. R. Doc. 56-7244; Filed, Sept. 7, 1956; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A8]

HANDLING OF MILK IN OZARKS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Greene County Court House, Springfield, Missouri, beginning at 10:00 a. m. local time, September 24, 1956.

The public hearing is for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Ozarks marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposal number 3 refers to the standards under which supply plants may qualify as pool plants. And consideration of changes in this provision may involve corresponding changes in the standards under which distributing plants may qualify as pool plants. Accordingly, the hearing will be open to the consideration of all portions of the definition of pool plant and to such corollary provisions as the definitions of handler, producer, producer milk, and other source milk; and the reporting classification, pricing and payment provisions relating thereto.

Amendments to the order, as amended, for the Ozarks marketing area have been proposed as follows:

By the Producers Creamery Company:

1. Amend § 921.7 to read as follows:

§ 921.7 *Producer.* "Producer" means any person other than a producer handler who produces milk (a) under a dairy farm permit issued by a health authority duly authorized to administer regulations governing quality of milk disposed of in the marketing area, or (b) acceptable to agencies of the United States government for fluid consumption in its institutions or bases in the marketing area; which milk is:

(1) Delivered in cans from the farm to a pool plant, or diverted during the months of February through August from a pool plant to a nonpool plant for the account of a handler, or diverted for not more than 10 days during the months September through January from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received by the diverting handler at the pool plant from which it was diverted, or by a qualified cooperative association which is a handler pursuant to § 921.8 (b).

(2) Delivered in bulk form from the farm to a pool plant or diverted during the months of February through August from a pool plant to a nonpool plant for the account of a handler, or diverted for not more than 10 days during the months September through January from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received by the diverting handler at the pool plant from which it was diverted, or by a qualified cooperative association which is a handler pursuant to § 921.8 (c).

This definition shall not include a person who produces milk which is received at the plant of a handler partially exempt from the provisions of this order pursuant to § 921.62 with respect to milk received by such handler.

2. Amend § 921.8 to read as follows:

§ 921.8 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant or a pool plant; or (b) any qualified cooperative association with respect to the milk from any member producer as defined in § 921.7 (b) (1) or (2) of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account; (c) any qualified cooperative association with respect to the milk from any member producer as defined in § 921.7 (b) (2) of such association which is transferred from a pool plant to another pool plant by such cooperative association for its account: *Provided, however,* That such a cooperative association shall notify the market administrator in writing of their intentions of becoming a handler for such milk and shall be deemed to be the handler for such milk for the full delivery period.

3. Amend § 921.11 (b) to read as follows:

§ 921.11 *Pool plant.* • • •

(b) A supply plant from which at least 35 percent of the producer receipts are shipped to an approved plant for Class I use during the month: *Provided, however,* That if such a plant shall ship an average of 20 percent of its producer receipts to an approved plant for Class I use during the months of September, October, November and December it shall upon written application to the Market Administrator be designated as a pool plant until the end of the second succeeding January: *Provided, further,* Such plant shall during each of the months of August through March offer its producer receipts for Class I use by other handlers in the marketing area. Such milk shall be considered to have been offered if the operator of such plant files with the Market Administrator on or before the first day of each of the aforementioned months, a statement specifying the terms and conditions of sale of such milk. Such offer to be posted in the Market Administrator's office.

4. Amend § 921.14 to read as follows:

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 921.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 921.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

5. Amend § 921.15 to read as follows:

§ 921.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from producers or other source milk except in the form of butter, cheese, cottage cheese, aerated cream, ice cream, egg nog, flavored milk, or flavored milk drinks.

6. Amend § 921.41 (b) to read as follows:

§ 921.41 *Classes of utilization.* • • •

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified as Class I in paragraph (a) of this section.

(2) In shrinkage allocated to receipts of milk from producers and in shrinkage allocated to receipts of other source milk but not to exceed an amount computed in accordance with § 921.42.

7. Amend § 921.42 to read as follows:

§ 921.42 *Shrinkage.* The market administrator shall compute the total shrinkage of skim milk and butterfat, respectively, for each handler. Such shrinkage shall not exceed (except with respect to milk diverted to a nonpool plant pursuant to § 921.7) an amount computed as follows:

(a) From the total shrinkage subtract an amount equal to 0.5 percent of milk received in cans or in bulk tanks and disposed of in bulk tank lots of milk, skim milk or cream.

(b) From the amount of shrinkage remaining subtract an amount equal to 1.5 percent of milk received in bulk tanks and disposed of in some form other than bulk tank lots of milk, skim milk or cream.

(c) From the amount of shrinkage remaining subtract an amount equal to 2.0 percent of milk received in cans and disposed of in some form other than bulk tank lots of milk, skim milk or cream.

(d) The amount of shrinkage remaining shall be excess shrinkage. Provided, that shrinkage of skim milk and butterfat is not in excess of percentage specified herein shall be assigned pro-rata pursuant to this subparagraph to skim milk and butterfat, respectively, in approved milk and other source milk.

8. Amend § 921.45 to read as follows:

§ 921.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

9. Amend § 921.46 *Allocation of skim milk and butterfat classified.* by renumbering 921.46 (a) (5), (6) and (7) and adding a new subparagraph (5) as follows:

(5) Subtract from pounds of skim milk remaining in Class II pounds of skim milk contained in inventory of products designated as Class I milk in § 921.41 (a) on hand at the beginning of the month. Provided, that if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

10. Amend § 921.51 (b) (3) to read as follows:

§ 921.51 *Class prices.* • • •

(b) *Class II milk.* • • •

(3) From the sum of the result arrived at under paragraph one and two of this paragraph subtract 81 cents.

11. Amend § 921.84 to read as follows:

§ 921.84 *Payments to the producer settlement fund.* On or before the twelfth day after the end of each month, each handler shall pay to the Market Administrator the amount by which the value of the milk received by such handler as determined pursuant to § 921.70 is greater than the amount computed by multiplying the hundredweight of such handlers milk by the uniform price adjusted by the producer butterfat and location differentials, provided, that to this amount shall be added one-half of one percent of any amount due the Market Administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month in which the obligation occurs.

12. Amend § 921.85 *Payments to the producer-settlement fund* by adding the following proviso: "*Provided, further,* That the Market Administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the Market Administrator from such handler pursuant to §§ 921.86, 921.87 and 921.88."

By Ozarks Grade A Milk Producers Association:

13. Amend § 921.51 (a) to change the words and figures "fifteen cents (15¢)" in the last sentence of that paragraph to "twenty-five cents (25¢)", and to include Boone and Marion counties, Arkansas, in the proviso.

14. Delete § 921.71 (c) and renumber the present 921.71 (d) to (c).

15. Add a new § 921.71 (d) to read as follows:

§ 921.71 *Computation of the uniform price.* • • •

(d) Subtract an amount equal to the total utilization value, adjusted to 3.5 percent at the producer butterfat differential, of the handlers located in Benton, Washington, Boone, and Marion counties, Arkansas;

(1) Add an amount equivalent to the pro rata share (paragraph (e) of this section) and divide the resulting amount by the pounds of producer milk received by such handlers;

(2) Deduct an amount not less than 4 cents or more than 5 cents per hundredweight; the price resulting from this computation shall be the uniform price per hundredweight for 3.5 percent milk delivered by producers to handlers located in the Benton, Washington, Boone, and Carroll counties, Arkansas.

16. Delete § 921.82 (b).

By Lone Oak Dairy:

17. Amend § 921.6 by deleting Boone County, Arkansas.

By Dixie Dairy, Inc.:

18. Delete Benton, Washington, Marion and Boone Counties, Arkansas, from the Ozarks marketing area.

By Dairy Division, Agricultural Marketing Service:

19. In § 921.51 (a) delete the no longer applicable phrase "and for the months of April, May, and June 1956, the price for Class I milk shall be the price for Class I milk computed pursuant to § 903.51 (a) of this chapter, regulating the handling of milk in the St. Louis, Missouri, marketing area for such month minus 10 cents", and reinstate the previously effective phrase, "and for the months of April, May, and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents".

20. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 602 Chouteau Building, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 5, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7209; Filed, Sept. 7, 1956; 8:47 a. m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF PROPOSED AMENDMENT OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 21 F. R. 78; 2409) currently in effect pursuant to the market-

ing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations, which has been recommended by the Avocado Administrative Committee, the agency established under the said marketing agreement and order to administer the provisions thereof, is as follows:

1. Revise paragraph (a) § 969.140 *Avocados not subject to regulation* to read as follows:

(a) Any handler may handle avocados totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 969.41, 969.51, and 969.54: *Provided*, That the total quantity of avocados so handled by a handler shall not exceed 10 bushels during any week.

2. Amend § 969.150 *Reports* as follows: Immediately following the period after the title (§ 969.150 *Reports.*) insert the paragraph designation "(a)"; and add therein, after said paragraph (a), two new paragraphs reading as follows:

(b) Each handler registered with the Avocado Administrative Committee shall render a report to the committee of the disposition of each lot of noncertified avocados removed from the premises of his handling facilities during each week in which any avocados are handled subject to the provisions of §§ 969.41, 969.51, and 969.54, or exemptions therefrom pursuant to § 969.53. Such report shall be on forms prescribed by the committee and shall include (1) the quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the avocados were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

(c) Each handler shall render a report to the Avocado Administrative Committee of each lot of noncertified avocados received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (1) The name of the handler; (2) the quantity of avocados received; (3) date received; (4) name and address of the person from whom the avocados were purchased; (5) the district from which the avocados were transferred; and (6) the district to which the avocados were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

Dated: September 5, 1956.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7236; Filed, Sept. 7, 1956; 8:52 a. m.]

[7 CFR Part 989]

[Docket No. AO 198-A3]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENT OF AMENDED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the rules of practice and procedure governing procedures to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed further amendments of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. The amended marketing agreement and the amended order (hereinafter referred to as the "order") are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any further amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business on the seventh day after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed further amendments of the order are formulated, was held in Fresno, California, on June 18 and 19, 1956, pursuant to a notice thereof which was published in the FEDERAL REGISTER (21 F. R. 3903) on June 7, 1956. The notice of hearing contained proposed further amendments received from the Raisin Administrative Committee (hereinafter referred to as the "committee"), established pursuant to the order as the agency to administer the terms and provisions thereof. The notice also contained further amendments proposed by three raisin producers and one proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) Mail or telegraphic voting;

(2) Reconditioning off-grade raisins, including disposition of residual material, storage of off-grade raisins received for reconditioning, and establishment of necessary rules and procedures;

(3) Exemption of shipments or other dispositions of any packed raisins to which the established or prescribed minimum grade standards are not applicable, and modification of the minimum grade and condition standards for natural condition raisins;

(4) The reporting of inter-plant transfers of raisins;

(5) The recovery of raisins from residual raisins obtained in the processing of standard raisins or from any raisins acquired as standard raisins;

(6) The latest date on which the committee must make its recommendation with respect to the free, reserve, and surplus percentages for any crop year;

(7) The procedure for allocating to handlers offers of surplus tonnage raisins for sale in export;

(8) The price at which reserve tonnage raisins may be offered to handlers, and sale of such raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(9) Sale of surplus tonnage raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(10) Payment to alternate members of the committee for expenses incurred in attending a meeting when the member also attends; and

(11) The making of such other changes in the order as may be necessary to make the entire order conform with the proposed amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The provisions of § 989.52 (a) of the order, relating to voting by the committee, should be amended by deleting the requirement for 14 concurring votes to reach a decision on a mail or telegraphic vote and substituting therefor a provision that a unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on such vote. Since the full committee membership consists of 14 members and their respective alternates, the present requirement for 14 concurring votes prevents the committee from voting by mail or telegraph if vacancies exist in both the member and the respective alternate position. The proposed amendment would enable the committee to vote in that manner when there is no assembled meeting even though vacancies should reduce the committee to less than its full membership. However, a negative vote by any member, or by an alternate acting for a member, would prevent the adoption of a proposition, as is the case under the present provisions regarding mail and telegraphic voting. The proposal would make it clear that the alternate may vote when a member is unavailable, the same as if the action were taken in an assembled meeting. It is intended that voting may be by mail or telegraph only on routine matters where no extended discussion is necessary and the committee is in complete agreement. Failure of any member or alternate to vote within a reasonable time (not to exceed 10 days) as stated in the balloting notice would raise a question as to complete agreement. Hence, such failure to vote should be held to be a dissenting vote.

(2) The provisions of § 989.58 (e) entitled "options as to off-grade natural condition raisins" should be amended by deleting the last two sentences thereof and substituting therefor other provisions which would: (a) Provide that any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed or uses other than for human consumption; (b) require a handler to keep off-grade raisins received by him for reconditioning separate and apart from all other raisins until after the raisins have been reconditioned and the quality of raisins is established by inspection and certification; and (c) require the committee to establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual off-grade raisins from such reconditioning operations.

The present provisions of the order permit a handler to return the residual material from reconditioning to the tenderer (or producer) of the off-grade raisins, or dispose of it without further inspection, for distillation, animal feed, or uses other than for human consumption. In the operation of the order, producers who have tendered off-grade raisins to handlers for reconditioning have not requested the return of the residual material. The producer might use such residual material which consists of extremely low grade raisins, stems, and possibly foreign matter for fertilizer or animal feed. Evidently, the value of this material for such purposes does not warrant the producer taking it back to the farm. If the residual matter should be returned to producers, it is possible that some of them would blend it with above-minimum quality raisins and then be able to deliver the resulting blend to handlers as standard raisins. This would be contrary to good sanitation and could subject the producer to having the raisins condemned or seized by the California State authorities as a violation of State food and sanitary rules and regulations. Therefore, in proposing that return of the residual matter to producers be prohibited, official notice is taken of such State rules and regulations. The proposed amendment would place complete responsibility on the handler for the disposition of the residual matter for use in the prescribed outlets.

It is intended that the handler may employ whatever procedures are necessary in reconditioning, other than blending with raisins received or acquired as standard raisins, to recover all of the raisins that can be properly certified as standard raisins, and that the final residual material be disposed of as stated. It should be made clear that a handler shall dispose of any final residual material in the prescribed outlets during or after the reconditioning process has been completed. He should be permitted to make such disposition during the reconditioning process so as to enable him to maintain desirable sanitation and better utilize available space in his plant.

The proposed amendment would not prevent a handler from returning to the tenderer any lot of off-grade raisins in the same form as received, or the standard raisins from any lot turned over to the handler for reconditioning. Whenever off-grade raisins are turned over to a handler for reconditioning, the handler and the person tendering the raisins would consider the value of the residual material in arriving at the terms of the agreement under which the reconditioning is to be done.

Experience during the past season also has demonstrated that no useful purpose is served by requiring lots of off-grade raisins received for reconditioning to be held by the handler separate and apart from each other, as required in the present provisions of the order. In practice, handlers often find it necessary to group together lots of off-grade raisins having similar defects so as to conserve storage space and provide units large enough so that the raisins can be reconditioned economically. The cost of stopping and starting the machinery for individual lots could make the reconditioning of off-grade raisins unprofitable. In most instances, the handler settles with the producer for off-grade raisins received for reconditioning on the basis of the total standard raisins which may be obtained from the lot as determined by the information disclosed on the inspection certificate. Hence, it is not necessarily required that handlers keep particular lots of off-grade raisins received for reconditioning separate from other lots of similar raisins in order to determine the actual out-turn of standard raisins from the lot. If a producer desires that any lot of off-grade raisins tendered to a handler for reconditioning be kept separate from other lots for any reason, he may make arrangements with the handler for having this done. By relieving the handler from the order requirement of separate storage by lots, control of quality would not be impaired, and the resulting lower cost of reconditioning in the larger units should be reflected in lower reconditioning costs to the producer.

The handler would still be required to keep off-grade raisins received for reconditioning separate and apart from all other raisins until the quality of the reconditioned raisins is established by inspection and certification. This would not preclude a handler from mixing final residual material from the reconditioning of off-grade raisins with similar material from his processing of raisins acquired by him as standard raisins, which are to be disposed of for distillation, animal feed, or uses other than for human consumption.

A provision should be added to § 989.58 (e) requiring the committee to establish, with the approval of the Secretary, such fuels and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual material from such reconditioning operations. Although the order now authorizes the committee to make rules and procedures to effectuate the terms and provisions thereof, the added provision would require the committee to consider and establish, with the Secretary's approval, such rules and procedures as may be necessary in connection with the reconditioning of off-grade raisins.

(3) The provisions of § 989.59 (a) should be amended by adding a provision to make it clear that a handler is not prohibited from shipping or making disposition of any raisins to which the minimum grade standards established by or pursuant to § 989.59 (a) or (b) are not applicable. Section 989.59 (a) prescribes U. S. Grade C, as defined in the effective United States Standards for Grades of Processed Raisins, as the minimum grade standards for packed raisins other than Layer Muscats and Zante Currants. For Layer Muscats and Zante Currant raisins, U. S. Grade B is prescribed. Section 989.59 (b) provides for modification of these minimum grade standards.

During the past season, there were instances of handlers desiring to ship certain new or unusual varietal packs of raisins for which applicable minimum grade standards had not been described. These included, among others, packs of Soda Dipped Seeded (Valencia) raisins, and Unseeded, Uncapstemmed, Loose Muscat raisins. Soda Dipped raisins normally are unseeded, and Loose Muscat raisins normally are capstemmed. Such new or unusual varietal packs of raisins may be prepared to fill a special trade demand requiring raisins of good quality, and, in the absence of appropriate minimum grade standards under which they can be inspected, handlers should not be prevented from shipping them. The proposed amendment would enable handlers to ship such varietal packs of raisins without inspection until appropriate minimum grade standards can be established.

The question was considered at the hearing as to whether it would be desirable to amend § 989.97 (Exhibit B; minimum grade and condition standards for natural condition raisins) to include therein the changes of a relatively permanent nature which have been made in such standards during the 1955–56 crop year or to otherwise modify such standards in light of operations during such crop year. The only desirable change in this connection concerns lots of mixed varietal types. Growers sometimes have two or more varieties of grapes interplanted in the same vineyard. In these

instances, the growers find it difficult or impossible to prevent commingling of different varietal types of raisins in the same container. Except in a few unusual situations, samples of the individual varieties can be drawn from the commingled raisins and the grade of each determined. To provide a basis for inspecting and certifying these commingled raisins, the first paragraph of § 989.97 should be amended by adding a provision that where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type. Since Layer Muscat raisins and Natural (sun-dried) Muscat raisins are not readily distinguishable when commingled within a container, it should be provided that, in the event such raisins are commingled, the entire lot shall be considered as Natural (sun-dried) Muscat raisins and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins. Also, since the moisture content of all of the raisins in a container tends to equalize, it should be provided that, should the requirements with respect to moisture content differ as between two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type.

(4) The provisions of § 989.59 (e) relating to inter-plant and inter-handler transfers of free tonnage raisins should be amended to provide that transfers of raisins between plants owned or operated by the same handler need not be reported to the committee. The present provisions may be interpreted as requiring a handler who transfers raisins from one of his plants to another plant owned or operated by him to report the transfer. Reporting inter-plant transfers is an unnecessary burden to the handler and the information is not needed by the committee.

(5) The first sentence of § 989.59 (f) relating to disposition of off-grade raisins provides that any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption. A question arose in the operation of the order as to whether these provisions preclude a packer from recovering raisins from any of such off-grade raisins, for shipment or disposition in normal trade channels if by further processing or reworking them they were made to meet the prescribed minimum grade standards. To clarify this situation, § 989.59 (f) should be amended by changing the period at the end of the first sentence to a colon and adding *"Provided,* That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions."

Most handlers normally conduct their processing operations so as to pack several grades of raisins, the lowest of which would be equal to or better than the prescribed minimum grade. This is done to provide different trade outlets with the quality they desire. The raisins which remain from the processing to obtain raisins of high quality may fail to meet the prescribed minimum grade standards. By further processing, at least a part of these residual raisins may be made to meet the minimum grade standards. Also, a handler may hold raisins acquired by him as standard raisins, which have become off-grade. They may be raisins which had gone out of condition in trade channels and were returned to the handler, or raisins which were damaged while held by the handler. In his normal operations, the handler will process, reprocess, or rework these off-grade raisins, including the blending of them with standard raisins, if he finds that he can recover enough good raisins to make it profitable for him to do so. Prohibiting such recovery could cause financial hardship for the handler since he purchased such raisins as standard raisins. It is intended that the order should not interfere with a handler's normal operations in these respects. It is intended that a handler may ship in normal trade channels raisins which he obtains or recovers from raisins acquired as standard raisins if, after his final processing of them, they can be properly certified as meeting the prescribed minimum grade standards for shipment or final disposition.

Since food and sanitary regulations of city, county, state, federal or other agencies may apply to the handling of raisins, § 989.59 (f) should be amended also by adding a provision that this paragraph is not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

(6) The provisions of § 989.63 (a) should be amended by changing the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This change is proposed in order to permit the committee to have available more detailed information on which to base such recommendations. During the past year, the committee adopted a formula for arriving at the percentages that should be recommended. Information on production in the form of a raisin lay report normally is expected to be received by the committee from the California Crop and Livestock Reporting Service by October 1 of each year, on the basis of agreements with such agency. Approximately five days are required for the board and the committee to consider the latest available information, including the raisin lay report, and for the committee to formulate and submit to the Secretary its recommendation on free, reserve, and surplus percentages. However, in unusual seasons the grape crop may be so late in maturing that it would be impracticable for a reliable estimate of raisin production to be made by October 1. To provide for such an eventuality, provision should be made for the committee to extend the date for making its recommendation on the fixing of volume percentages not more than five days beyond October 5 if warranted by a late crop.

The date on which the committee makes its recommendation on volume percentages should be the earliest date possible with proper consideration of all available information concerning raisin production. In some years it may be practicable for the committee to make its recommendation before October 5. Only in the most unusual situations would it be necessary for the recommendation to be delayed beyond October 5. The committee's recommendation must be made as soon as practicable because raisin producers and handlers need to know what the free, reserve, and surplus percentages will be for the crop year so that field prices for raisins may be established and the season's trade in raisins begun.

(7) The first sentence of § 989.66 (e) (4) now provides that each handler's share of an offer of surplus tonnage raisins for sale in export shall be determined as the same proportion that the surplus tonnage raisins acquired by him is of the surplus tonnage raisins acquired by all handlers. As set forth in the notice of hearing, it was proposed that this formula be revised so as to change the allocation basis from that of handlers' current acquisitions of surplus tonnage to that of handlers' current acquisitions of free tonnage, and to provide more specific procedure for its application. At the hearing, it was further proposed that another formula based on handlers' acquisitions of free tonnage raisins during the preceding crop year be provided for use in conjunction with the formula as proposed in the notice to take care of an allocation problem which occurs in the first part of the crop year. This and other aspects of allocating surplus tonnage raisins to handlers throughout the crop year was considered at the hearing.

Handlers' acquisitions of free tonnage raisins, rather than their acquisitions of surplus tonnage, should be used in allocating surplus tonnage to them for sale in export. The same free tonnage percentage applies throughout the crop year. Under § 989.67 (c), any reserve tonnage held unsold on July 1 becomes surplus tonnage on that date. Also, any reserve tonnage acquired between July 1 and the end of the crop year becomes surplus tonnage at the time of acquisition. The proposed use of free tonnage acquisitions as a basis for allocating surplus tonnage to handlers would eliminate the apparent change in the base (from the standpoint of relation to total acquisitions) when reserve tonnage becomes surplus on and after July 1. It would not result in any material difference in a handler's share of an offer of surplus tonnage as compared with the use of surplus tonnage acquisitions as an allocation basis, because the quantity of any raisins acquired by handlers after July 1 is extremely small, and by definition (§ 989.17) the quantity of reserve tonnage held on July 1 which becomes surplus would not be an acquisition by reason of the transfer to surplus.

The demand for surplus tonnage raisins for sale in export usually is most active during the fall and early winter months. The respective handlers are concerned, therefore, that they receive their proper allocations of surplus tonnage offered during this period. Also, to the extent that each handler's allocation during this period is proportional to his normal volume of business during the crop year, a larger total quantity of surplus tonnage may be sold. A large cooperative marketing association and some of the other handlers acquire most, or all, of their raisins during the first part of the crop year. Other handlers, because of limited facilities or the effect on income taxes, acquire a substantial part of their raisins after the first of January. Hence, the use of current acquisitions of free tonnage raisins as an allocation basis would not permit some handlers to receive an allocation of surplus tonnage during the period of most active demand which would be proportional to their normal acquisitions of free tonnage raisins over the entire crop year. On the other hand, such basis permits other handlers to obtain, in the early part of the season, shares of surplus which are more than proportional to such acquisitions, and more than they may sell in export at the time. The use of total free tonnage acquisitions of the preceding crop year as an allocation basis prior to February 1, with subsequent adjustments of shares to a basis of current free tonnage acquisitions as set forth below, would overcome this problem and yet keep the allocations on a basis as nearly current as possible.

Therefore, § 989.66 (e) (4) should be amended so as to provide that, except for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. The amendment should provide that subsequent to January 31 of any crop year, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. It should provide also that with respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula, and then his share of the current offer determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. This would have the effect of establishing the shares of all handlers for the crop year on the basis of current acquisitions of free tonnage raisins. Yet, it would provide the necessary flexibility prior to February 1.

To provide for new handlers, provision should be added to § 989.66 (e) (4) that, if any handler did not acquire raisins during the preceding crop year, the basis for his share of surplus tonnage offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all of such handlers should, for the purpose of determining the shares of all handlers, be added to the total acquisitions of free tonnage raisins during the preceding crop year by all handlers. While a new handler's share by this formula would normally be relatively smaller than shares of handlers who acquired raisins during the preceding crop year, his relative share would be brought in line with those of the other handlers by adjustment after January 31, under the amendatory proposal stated above. In the past seven years, only a very few persons have entered the raisin packing business as new members.

Amendment of § 989.66 (e) (4) should provide also that, if prior to February 1 of any crop year a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set-aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Since failure to repay the reserve tonnage would seriously interfere with the operations of the order, and to further insure repayment, it should be provided that any handler who has not repaid all prior loans from the reserve pool by the end of the 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid. Borrowing from the reserve tonnage in this way would eliminate or reduce the cost to the committee of transferring surplus tonnage from one handler to another during the period ending January 31. Most handlers' purchasing of raisins from producers is such that there would be no question of them subsequently acquiring enough surplus to repay any loan. However, if there are indications that a handler will complete his acquisitions early or will not continue in business, thus making it unlikely that he could repay a loan, the committee should obtain a bond from the handler to insure repayment to the reserve pool. The amount of the bond should be sufficient, considering the amount the handler pays the committee for his purchase of the raisins as surplus, to cover necessary expenses and enable the committee to purchase free tonnage raisins and repay the reserve pool. However, in case of recovery under a bond, the committee could, in its discretion, credit the reserve pool with the amount recovered, plus the return from the sale of the borrowed reserve tonnage as surplus.

In some crop years, essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, may have been offered to handlers on a share basis. In this event, some of the handlers probably would not be interested in further offers of any surplus tonnage which then remained unpurchased. To facilitate disposition of the remaining tonnage, amendment of § 989.66 (e) (4) should include a provision that, in such an event, approval of applications may be made in the same order in which the applications are filed with the committee.

Any handler's share or allocation of surplus tonnage raisins, determined in accordance with the conclusions stated above, could be less than or exceed his holdings by a minor quantity. Amendment of § 989.66 (e) (4) should provide that, in such an event, the committee may adjust the handler's share or allocation so as to avoid the cost of physical transfers of raisins. The maximum quantity by which a handler's share or allocation may properly be adjusted to avoid such a transfer of raisins could vary, depending on prevailing conditions, and should not be prescribed in the order. However, it should be provided in the proposed amendment that such maximum quantity shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

The present provisions of § 989.66 (e) (4), other than the first sentence, should remain unchanged, except for desirable clarification.

(8) The provisions of § 989.67 (b), which relate to the price at which reserve tonnage raisins may be sold to handlers, should be amended to provide that where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. This proposal is similar to the present provisions in these respects, except that they do not specifically provide for any downward trend in prices to be determined on the basis of the prices received by handlers for free tonnage packed raisins, or for the field price for free tonnage raisins to be computed. Reserve tonnage is most often offered for sale to handlers during the latter part of the crop year. Usually, handlers' purchasing of raisins from producers is largely completed by February or March, and there may be no prevailing field price or one which is representative when the committee offers reserve tonnage. The committee should

be permitted to use packers' prices for packed raisins for computing a field price or determining whether there has been a downward trend. The prices which handlers pay producers for their free tonnage raisins are determined by the market for packed raisins. Hence, prices received by handlers provide a reasonable basis for determining any downward trend in prices, and for computing a field price.

It was testified at the hearing that the committee should first determine the percentage decline in handler's prices for packed raisins and then apply the same percentage to the field price established earlier in order to arrive at the current field price. It was testified also that this would give a higher computed field price than if it were computed by deducting from handlers' current price for packed raisins the normal margin between the price for packed raisins and the field price. When there has been a downward trend in prices, the computed field price most desirable for use in offering reserve tonnage may vary according to trading conditions, including whether the trend is continuing downward, leveling off, or showing an upturn. Since reserve tonnage becomes surplus (for sale in surplus outlets usually at lower prices) if not purchased by handlers, the offering price for reserve tonnage should be such as to enable handlers to purchase their reasonable requirements and maximize pool returns. The committee would need to use a price which will best achieve that purpose. Therefore, in order to maintain some flexibility in this regard, no particular method of computing the field price should be prescribed in the order.

The provisions of § 989.67 (b) which relate to the review by the Secretary of the committee's offers of reserve tonnage raisins to handlers and his right to disapprove now require the committee to file the necessary information with the Secretary five days (exclusive of Saturdays, Sundays, and holidays) prior to making any offer to sell reserve tonnage raisins. This could be interpreted as preventing the committee from making the offer in less than the five days, even though the committee is advised earlier that the Secretary will not disapprove. Frequently, it is desirable that offers to handlers be made as soon as possible in order for them to have raisins to meet their requirements. If the committee is advised that the Secretary does not disapprove, it is unnecessary that it wait until the end of the five-day period before making the offer. Therefore, the provisions of § 989.67 (b) should be amended to provide that at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(9) Those provisions of § 989.68 (d) and (e), which relate to the Secretary's review of proposals to sell surplus tonnage raisins and subsequent action by the committee if the Secretary does not disapprove, should be amended in the same manner and for the same reasons as specified in issue (8) for offers of reserve tonnage raisins.

(10) Section 989.48 now provides that members of the committee and the board, and alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. This section should be amended to provide that whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings. Some committee meetings, such as the annual marketing policy meeting, are of such importance that both members and alternates are justified in attending. By attending such meetings, the alternates will be better qualified to act when they are later required to serve for members. An alternate member who, upon request, attends a meeting to serve in place of the member, and the member subsequently attends unexpectedly, has acted in good faith and should be reimbursed for the expenses incurred by him in attending. However, there should be only a few meetings which both members and the alternates need to attend. To avoid unnecessary meeting expense, the number of meetings that an alternate may attend and be reimbursed for his expenses when the member also attends should be limited to not more than three in any one crop year.

(11) It was testified at the hearing that changes should be made in any other provisions of the order not directly involved in connection with specific amendments, but which are necessary to make such other provisions conform with any amended provisions which might result from this proceeding. Such changes should be made in §§ 989.79 and 989.54. The necessity for these results from the proposed amendment of § 989.63 (a) which would change the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This proposed amendment is discussed under issue (6).

The provision in § 989.79, which requires the committee to file with the Secretary not later than October 1 of each crop year a proposed budget of expenses for the maintenance of the committee and the board and a proposal as to the assessment rate to be fixed pursuant to § 989.80, should be amended to provide for the filing of such proposed budget and rate of assessment not later than October 5 of each crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. The free, reserve, and surplus percentages when applied to the estimated acquisitions of raisins by handlers during the crop year provide a basis for estimating the committee's budget. They provide a basis also for determining the probable assessable tonnage and the assessment rate. Because of this interrelationship between the percentages and the budget and assessment rate, it would be impracticable to require the committee to file its proposed budget and rate of assessment before the percentages to be recommended to the Secretary had been formulated. They should, in fact, be formulated and recommended at the same time, which is consistent with the existing provisions for dates of filing the respective recommendations with the Secretary.

It is now provided in § 989.54 that not later than August 20 preceding the beginning of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year and shall submit to the Secretary within 10 days a report setting forth its marketing policy for the regulation of the handling of raisins in each crop year. This provision of § 989.54 should be amended to provide that prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which would be not later than October 5 of such crop year unless this date should be extended by the committee not more than five days because of a late crop), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. As discussed under issue (6), a formula has been adopted for arriving at the free, reserve, and surplus percentages and the use of this formula depends upon the accuracy of estimates of raisin production. An official production estimate is expected to be received from a governmental agency, normally not later than October 1 of each year. In most years, volume regulation is the most important consideration in the adoption of a marketing policy. Since an official estimate of production on which volume regulation can be recommended will not be available on August 20, it would be impracticable to require the committee to adopt its marketing policy by that date. In fact, it would be inadvisable for the committee to adopt a policy based on unofficial estimates in view of forthcoming official estimates. Since the volume percentages provide a basis for trading in raisins, producer returns could be affected adversely if the committee used estimates in adopting its marketing policy which were later changed. These difficulties would be overcome by permitting the committee to delay its adoption of a marketing policy until it makes its recommendations for fixing the volume percentages.

Rulings on proposed findings and conclusions. The period during which interested parties might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusions to be drawn therefrom expired July 2, 1956. No briefs were filed.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (14 F. R. 5136) of this marketing agreement and order, as supplemented by the findings and determinations which were made in connection with the amendment of such marketing agreement and order (20 F. R. 6435) which was issued on August 26, 1955, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The amended marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The amended marketing agreement and order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of raisins in the production area covered by this amended marketing agreement and order, as hereby proposed to be further amended, which make necessary different terms applicable to different parts of such area.

Recommended amendments to the order. The following further amendment of the amended marketing agreement and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Amend the provisions of § 989.52 (a) to read as follows:

§ 989.52 *Procedure.* (a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present and a quorum must be present. All votes in an assembled meeting shall be cast in person. The presence of nine members shall be required to constitute a quorum. The committee may vote by mail or telegraph when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully, and identically in a notice by mail or telegraph to all members, or alternates acting in the place and stead of the members. Said notice shall contain a statement of a reasonable time not to exceed 10 days in which a member or alternate must vote by mail or telegraph in order that the vote may be counted. A unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure of any such member or alternate to vote within the prescribed time shall be held to be a dissenting vote. No action to recommend a marketing policy or volume regulation can be taken on the basis of a mail or telegraphic vote.

2. Amend the provisions of § 989.58 (e) to read as follows:

(e) *Options as to off-grade natural condition raisins.* Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade standards may at the option of either the handler or the person making the tender: (1) Be returned to the person tendering the raisins; (2) if storable, be turned over to the handler to be held by him as off-grade natural condition raisins for the account of the committee; or (3) be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins until after the raisins have beeen reconditioned and the quality of the raisins is established by inspection and certification. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual matter from such reconditioning operations.

3. Amend the provisions of § 989.59 (a) to read as follows:

§ 989.59 *Regulation of the handling of raisins subsequent to their acquisition by handlers*—(a) *Regulation.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as modified pursuant to the provisions of paragraph (b) of this section: (i) With respect to all raisins except Layer Muscats and Zante Currants, "U. S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U. S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U. S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants: *Provided*, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins to which the prescribed standards are not applicable.

3 (a). Amend the provisions of the first paragraph of § 989.97 to read as follows:

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type: *Provided*, That, in the event Layer Muscat raisins are commingled within their containers with Natural (Sun-dried) Muscat raisins, the entire lot shall be considered as Natural (sun-dried) Muscat raisins, and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins: *Provided further*, That, should the requirements with respect to the maximum moisture content differ as between any two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

4. Amend the provisions of § 989.59 (e) to read as follows:

(e) *Inter-plant and inter-handler transfers.* Any handler may transfer from his plant to his own or another handler's plant within the State of California any free tonnage raisins without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall transmit promptly to the committee a report of such transfer, except that transfers between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

5. Amend the provisions of § 989.59 (f) to read as follows:

(f) *Off-grade raisins accumulated by handlers.* Any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption: *Provided*, That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure such uses. The provisions of this paragraph are not intended

to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

6. Amend the provisions of § 989.63 (a) to read as follows:

§ 989.63 *Recommendation for designation of percentages.* (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately, for each varietal type. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board, and also shall specify for each varietal type of raisins the outlets which were considered in determining the free and surplus tonnages and the free and surplus percentages. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meetings, relating to the free, reserve, and surplus percentages. The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 5 of such year, but this date may be extended by the committee not more than five days if warranted by a late crop.

7. Amend the provisions of § 989.66 (e) (4) to read as follows:

(4) (i) Except as provided in subdivision (ii) for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to January 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(ii) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purpose of determining the shares of all handlers prior to February 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(iii) If prior to February 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by the end of the required 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

(iv) If prior to the close of any offer of surplus tonnage raisins for sale in export and subsequent to any share reservation period the entire offer has not been purchased, any handler who has purchased his entire share and makes application to the committee shall be allocated additional surplus tonnage raisins from such raisins held by him. In the event such handler no longer holds any surplus tonnage raisins for the account of the committee, the committee shall, subsequent to any period the committee may prescribe for handlers to purchase their holdings, allocate and deliver to the handler, surplus tonnage raisins held by other handlers. In making such allocation, the committee shall, insofar as is practicable, first withdraw surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(v) Whenever essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, have been offered on a share basis, and any unpurchased or unoffered tonnage of surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(vi) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of surplus by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so adjusted shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

8. Amend the provisions of § 989.67 (b) to read as follows:

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided*, That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. No offer to sell reserve tonnage raisins to handler shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

9. Amend the provisions of § 989.68 (d) and (e) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(e) The committee may sell surplus tonnage raisins as provided in paragraph (b) (3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell surplus tonnage raisins to foreign government agencies or foreign importers in any country removed from such list. No agreement to sell surplus tonnage raisins shall be entered into by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price, and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

10. Amend the provisions of § 989.48 to read as follows:

§ 989.48 *Compensation and expenses.* The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings.

11. Amend the provisions of § 989.79 to read as follows:

§ 989.79 *Expenses.* The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than five days if warranted by a late crop. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve, surplus, or off-grade raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66 (f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

11 (a) Amend the provisions of § 989.54 to read as follows:

§ 989.54 *Marketing policy.* Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63 (a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to each varietal type of raisins:

(a) The estimated tonnage of raisins held by producers and handlers;

(b) The estimated tonnage of raisins which will be produced during the crop year;

(c) An appraisal of the quality of raisins of the crop to be produced in such crop year, including the estimated tonnage of standard raisins and off-grade raisins, respectively;

(d) The tonnage of raisins marketed during recent crop years in the domestic market and in Canada;

(e) The tonnage of raisins marketed in recent crop years in foreign markets, segregated to show the quantities marketed from free and surplus tonnage raisins and the countries in which such raisins were marketed;

(f) The current price being received for raisins by producers and handlers;

(g) The estimated trade demand during the crop year for raisins in normal market channels both domestic and foreign;

(h) The trend and level of consumer income in the domestic market;

(i) The estimated probable market requirements for raisins during the crop year in foreign markets segregated by countries or groups of countries;

(j) Such factors, if any, which in the supplying of foreign markets, may tend to directly affect or burden the normal domestic market;

(k) Any other pertinent factors bearing on the marketing of raisins; and

(l) The conditions, including pricing formula, for the sale of surplus tonnage raisins in foreign markets pursuant to the provisions of § 989.68.

Dated: September 5, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7237; Filed, Sept. 7, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[FCC 56-821]

[Docket Nos. 11747, etc.]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations; Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

1. On June 26, 1956 and July 23, 1956 the above-entitled rule making proposals were issued by the Commission proposing to make certain changes in the television Table of Assignments contained in Part 3, §3.606, of the Commission's Rules and Regulations. The Notices of Proposed Rule Making stated that offset carrier designations for the channels proposed would be specified in the final Reports and Orders. However, some parties have indicated that it would be helpful to have this information prior to the submission of comments.

2. Suggested offset carrier designations for the proposals made in the above listed dockets are as follows:

Docket No.	City	Channel No.	
		Present	Proposed
11747	Springfield, Ill	2+, 20+, *66+	20+, 26−, 39, *66+.
	St. Louis, Mo	4−, 5−, *9, 11−, 30, 36−, 42+	2+, 4−, 5−, *9, 11−, 30, 36−, 42+.
11748	Lincoln, Ill	53+	49+.
	Hartford, Conn	3+, 18−, *24	18−, *24, 61.
	Meriden, Conn	65−	
	Easthampton, Mass	61	
11749	Providence, R. I	10+, 12+, 16, *36+	3+, 10+, 12+, 16, *36+.
	Galesburg, Ill	40−	77.
	Peoria, Ill	8, 19, *57−, 43+	19, 25+, 31+,[1] *37−, 43+.
	Rock Island, Ill	(See Davenport, Iowa)	8.
11750	New Bern, N. C	13−	12+.
	Norfolk-Portsmouth-Newport News, Va.	3+, 10+, 15, *21−, 33	3+, 10+, 13−, 15, *21−, 33.
11751	Albany-Schenectady, Troy, N. Y	6, *17+, 23−, 35, 41	6, *17+, 23−, 35, 41, 47.
	Vail Mills, N. Y	10−	
11752	Mobile, Ala	5+, 10+, *42, 48+	4+, 5+, 10+, *48+.
	New Orleans, La	4+, 6+, *8, 20−, 26, 32+, 61	6+, *8, 20−, 26, 32+, 42, 61.
11753	Charleston, S. C	2+, 5+, *13, 17+	2+, 4, 5+, *13, 17+.
11754	Madison, Wis	3, *21−, 27−, 33+	*3, 21−, 27−, 33+.
11755	Duluth, Minn.-Superior, Wis	3, 6+, *8−, 32, 38	3, 6+, 8−, *32, 38.
11756	Miami, Fla	*2, 4, 7−, 10+, 23−, 33	*2, 4, 6, 7−, 10+, 23−, 33.
11757	Evansville, Ind	7, 50−, *56, 62	*7, 50−, 56, 62.

[1] This assignment would require a change in the offset carrier requirement of Channel 31 in Milwaukee, Wis. from Channel 31+ to 31−.

Docket No.	City	Channel No.	
		Present	Proposed
11758	Auburn, N. Y	37−	
	Elmira, N. Y	9, 18+, 24	18+, 24−, 30.
11759	Fresno, Calif	12+, *18−, 24, 47, 53	*18−, 24, 30+, 47, 53.
	Madera, Calif	30+	59.
	Santa Barbara, Calif	3−, 20, 26	3−, 12+, 20, 26.
11799	Columbia, S. C	10−, *19+, 25−, 67+	5,[1] 10−, *19+, 25−, 67+,
	Charleston, S. C	2+, 5+, *13, 17+	2+, 4, *13, 17+. or 2+, 7−, *13, 17+.
	Raleigh, N. C		Ch. 5 even to Ch. 5−.
	Washington, D. C		5− even to Ch. 5+.
	New York, N. Y		5+ even to Ch. 5−.
	Boston, Mass		5− even to Ch. 5+.
	Bangor, Maine		5+ even to Ch. 5 even.

[1] This assignment would require the following offset carrier changes:

Adopted: August 30, 1956.

Released: September 5, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7245; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 3]

[FCC 56-822]

[Docket Nos. 11747, etc.]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina); Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of August, 1956;

On June 26, 1956 the Commission released its Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program to improve the television allocation structure and, at the same time, specifying the bases on which the Commission would consider interim channel changes designed to improve the immediate television situation in individual communities. As a part of this interim program of channel reassignments the Commission instituted the above-entitled separate rule making proceedings proposing channel changes in various communities. The notices of rule making specified that comments should be filed on or before September 10, 1956, with reply comments to be filed within 15 days thereafter.

The Commission requested parties intending to submit comments in the various rule making proceedings to prepare coverage data in accordance with procedures outlined in its Report and Order released in Docket No. 11532. Several questions have been raised concerning the prescribed method for the submission of such data and with respect to the assumptions employed. The Commission believes that further consideration should be given to this aspect of the matter.

Several parties have requested the Commission to extend the time for filing comments in a number of the above-entitled proceedings. The Commission has concluded that additional time should be afforded and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing, *It is ordered*, That the time for filing comments in the above entitled proceedings is extended from September 10, 1956, to November 15, 1956; and that the time for filing reply comments is extended to 15 days thereafter.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7246; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 3]

[FCC 56-845]

[Docket Nos. 11532, etc.]

TELEVISION ALLOCATION

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3 of the Commission's Rules and Regulations Governing Television Broadcast Stations; Docket No. 11532; in the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina); Docket Nos. 11747, 11748, 11749, 11750, 11751 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

1. On June 26, 1956, the Commission issued its Report and Order in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider interim channel changes to improve the immediate television situation in individual communities. As a part of this interim program rule making proceedings were instituted in the above-entitled proceedings to consider channel changes in a number of communities. The time for filing comments in these proceedings was recently extended to November 15, 1956.

2. In order that the Commission might have information with which to evaluate the various assignment proposals, parties were requested to submit coverage data in accordance with procedures set out in Appendix A accompanying the above Report and Order. New propagation data available to the Commission was presented in the form of tables included in Appendix A, and the parties were requested to employ the tables in computing coverage and interference. Although we recognized the limitations in this method, as pointed out in the Appendix, we had hoped that it would be sufficiently accurate to provide comparisons of station coverage in the rule making proceedings. All the information and data upon which these tables are based are available for inspection at the Office of the Commission's Chief Engineer in Washington, D. C.

3. Several parties, including the Association of Federal Communications Commission Engineers, have raised problems concerning the proposed methods for computing coverage data. The Commission believes that it would be helpful in this regard to have the comments of all interested parties. Accordingly, all interested parties are invited to submit written comments with respect to this matter on or before September 15, 1956.

4. The comments should be directed to the engineering methods to be employed in the individual rule making proceedings for estimating coverage of VHF and UHF television stations. It should be emphasized that the coverage data submitted in the proceedings is to be employed by the Commission for the purpose of evaluating proposed changes in channel assignments on an interim basis as outlined in the above Report and Order. Comments should not be directed to the matter of whether the proposed engineering methods are suitable for precise determination of coverage of particular stations under specific conditions.

5. An original and 14 copies of any comments should be supplied.

Adopted: September 4, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7247; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 11]

[FCC 56-837]

[Docket No. 11810]

FOREST PRODUCTS RADIO SERVICE

NOTICE OF PROPOSED RULE-MAKING

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. This Notice is rooted in a petition (filed February 3, 1956) by Rothenbuhler Engineering Company of Sedro-Woolley, Washington looking toward amendment of § 11.554 (b) of the Commission's Rules governing the Low Power Industrial Radio Service. This Section presently reads as follows: "Emission shall be confined to voice radiotelephony only, which is construed as including tone signals or signalling devices whose sole function is to establish or maintain communication between associated stations and receivers: *Provided, however*, That other types of emission may be authorized on the frequency 27.255 Mc upon compliance with the provisions of § 11.103;"

In brief, petitioner requests that the above-quoted Section be amended by specifying the frequency 154.57 Mc as a frequency on which emission other than types A3 or F3 may be authorized upon compliance with the provisions of § 11.103.

3. In advancing the foregoing proposal, petitioner states a need of the logging industry for a radio signalling device "to replace the crude and primitive way of hand and mechanical signals" now used to control a certain phase of log-hauling activity known as "yarding". In this yarding operation, a large winch, commonly called a yarder, is used to pull cut logs to a road where they can be loaded on trucks for further transportation. In order to control this operation, it is necessary to rely upon predetermined signals of a manual-and-visual or mechanical nature. In practice, the rigging crew shouts or hand-signals directions to the signalman; the signalman then passes on the directions to the yarder operator through coded blasts of a horn mounted on the yarder but electrically connected to the signalman's position. Because of noise, terrain, weather and other factors, the directions from the rigging crew are sometimes misunderstood by the signalman, and this contributes to the high accident rate in the logging industry.

4. With an appropriate radio signalling device, contends the petitioner, the uncertainties of the above-described method of communicating could be largely eliminated. Thus, it is urged, the boss of the rigging crew could control the yarder horn, without relaying the information through the signalman, by simply depressing a switch on a transmitter equipped with tone-modulating components; propertly designed, the transmitter could be used for voice communications in situations not describable through the use of the predetermined horn signals.

5. As has been heretofore indicated, emission of the type here sought by petitioner for the frequency 154.57 Mc may be authorized on the frequency 27.255 Mc upon a satisfactory showing under § 11.103. Petitioner points out, however, that the latter frequency is a "catch-all" frequency, available to all Services for a variety of uses; thus, it is claimed, it is not satisfactory for a safety application for the reason that interference conditions could occasion false horn signals, with serious results. In addition, it is contended, the propagation characteristics of the frequency 27.255 Mc are not suitable for the radio purposes here proposed.

6. It appears that the persons who would be interested in using radio facilities of the type contemplated by the petitioner are eligible in the Forest Products Radio Service, where tone emission may be authorized upon satisfactory showings under the above § 11.103. In this connection, however, petitioner urges that the Forest Products frequencies, like the frequency 27.255 Mc, would not be satisfactory from the interference standpoint. Petitioner cites the heavy occupancy of the Forest Products frequencies and states that the only way in which such a frequency could be used for the above-described safety purposes would be to make it exclusively available for such purposes. It is contended that this would be wasteful of valuable spectrum space, and "petitioner neither desires not advocates such a course of action."

7. Petitioner concludes that the frequency 154.57 Mc is "ideally suited" for the proposed type of operation. In support of this proposition, petitioner states that this frequency, which is presently available for assignment only in the Low Power Industrial Radio Service, is being used, primarily, in areas other than those in which the logging operations previously discussed take place. Furthermore, it is argued, the three-watt power limitation prescribed for that Service not only would eliminate interference problems, but also would not pose a coverage problem for the logging operations in question for the reason that the communication distance would not exceed half a mile. Petitioner suggests that because the said logging operations "are concentrated in a clearly defined area" (i. e., the western slopes of the coast ranges from California to Alaska), and because "the need for this type of communications appears to be capable of being limited to the logging industry, there appears to be no danger that permitting this type of communications would result in overloading this frequency and disrupting other communications." Petitioner estimates that there are approximately 7,000 machines that could use the proposed signalling system and states that this number of units could easily be accommodated on 154.57 Mc without creating interference problems.

8. We are persuaded that the above-described petition contains good and sufficient grounds for the institution of a proceeding looking toward the adoption of a rule reflecting the substance of petitioner's overall proposal. However, because we find merit in the suggestion that the proposed usage (if allowed) of the frequency 154.57 Mc be confined to the logging industry, we think it more appropriate that any amendment in the above connections be contained in Subpart H of Part 11 (Forest Products Radio Service) rather than in Subpart L of that Part (Low Power Industrial Radio Service). This intention to limit the use of tone signalling on the frequency in question to Forest Products activities is dictated, primarily, by the fact that these activities appear to be concentrated in areas where the use of voice communication on the frequency by licensees in the Low Power Industrial Radio Service can be expected to remain at its present, comparatively negligible level. Although the above limitation could be written into Subpart L, the Commission foresees an administrative convenience in being able to classify stations resulting from the amendment here proposed as Forest Products rather than Low Power stations. In the foregoing connections, the Commission wishes to stress that it will not permit any deterioration of the Low Power Industrial Radio Service with respect to the purpose originally intended to be served thereby, namely, the establishment of a low power, mobile, voice communication service for industrial and commercial users. Accordingly, in addition to proposing what, in effect, would be a geographical limitation on the above new usage, the Commission also proposes to subject all operation in the Forest Products Radio Service on the frequency 154.57 Mc to the requirement that no harmful interference be caused to any station operating on this frequency in the Low Power Industrial Radio Service.

9. In view of the foregoing, the Commission proposes to amend Subpart H: Forest Products Radio Service of Part 11—Rules Governing the Industrial Radio Services, by the addition of the following section, to be known as § 11.355:

§ 11.355 *Frequency available for mobile stations.* The frequency 154.57 Mc is available for assignment on a secondary basis to Mobile Stations in the Forest Products Radio Service subject to the following limitations and requirements:

(a) The plate power input to the final radio frequency stage of any transmitter shall not exceed three watts.

(b) Without the necessity of the showing specified by § 11.103 (b), and notwithstanding the other provisions of that section, authorizations will be issued

for type 2 emission for tone signalling (or for a combination of such emission and type 3 emission) with a maximum authorized bandwidth of 40 kilocycles.

(c) The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet.

(d) All operation on the frequency 154.57 Mc in the Forest Products Radio Service is subject to the requirement that no harmful interference be caused to the service of any station authorized on this frequency in the Low Power Industrial Radio Service.

The authority for this amendment is contained in sections 4 (i) and 303 (a–h) and (r) of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth above, may file with the Commission, on or before October 17, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all timely filed comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of § 1.764 of the Commission's Rules, any statement, brief or comment filed in the above-entitled proceeding must be accompanied by 14 additional copies thereof.

Adopted: August 30, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7249; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Parts 1, 66]

[FCC 56-826]

[Docket No. 11809]

APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION OR CONTROL OF TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of promulgation of Part 66, rules governing applications filed by telephone companies pursuant to section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more companies to acquire the whole or part of the property of another company or other telephone companies, or the control thereof by the purchase of securities, or in any other like manner.

1. Notice is hereby given of the proposed rule making in the above entitled matter.

2. The purpose of this proceeding is to delete from the present Part 1 of the Commission's Rules § 1.527 thereof which relates to the filing, by telephone companies, of applications pursuant to the provisions of section 221 (a) of the act, and to transfer the provisions of § 1.527, with certain amendments and additions, to a new part designated as Part 66. These amendments and additions are necessitated by a revision in section 221 (a) of the act, which became effective on August 2, 1956 (Public Law No. 914), making mandatory the holding of public hearings with respect to applications filed thereunder only when a request therefor is made by a telephone company, an association of telephone companies, a State commission, or local governmental authority.

3. The proposed rules, authority for which is contained in sections 4 (i) and 221 (a) of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before October 1, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 30, 1956.

Released: September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1. Delete from Part 1 of the Commission's Rules and Regulations, § 1.527 in its entirety.

2. Adopt new Part 66 as set forth hereinafter:

PART 66—APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION, OR CONTROL OF TELEPHONE COMPANIES

Sec.

66.11 Contents of applications.
66.12 Supporting data and exhibits required with application.
66.13 Publication and posting of notices.
66.14 General provisions.
66.15 Procedure.

§ 66.11 *Contents of applications.* Applications under section 221 (a) shall contain the following information:

(a) The exact name and address of each applicant and of each vendor;

(b) A statement as to whether each applicant and each vendor is a carrier subject to the act and what change or changes in status will result from the proposed transaction;

(c) The name, title and post office address of the person to whom correspondence in regard to the application should be addressed;

(d) The government, State, or territory, under the laws of which each corporate applicant and each vendor was organized;

(e) With respect to the property being acquired, a reasonable approximation of the principal plant items being acquired, such as:

(1) Number of poles;
(2) Miles of aerial wire;
(3) Miles of cable by size and type (e. g.—aerial);
(4) Number of telephones;
(5) Type and number of switchboards;
(6) Land and buildings;
(7) Vehicles;
(8) Other property;

(f) Specific information with respect to the proposed acquisition, consolidation or control, including but not limited to the following:

(1) The type of service currently being provided and the number of subscribers by classes of service;
(2) The quality of the service currently being provided;
(3) The adequacy of the service currently being provided;
(4) The condition of the plant;
(5) Criticisms regarding existing services;

(g) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(h) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant;

(i) Statement of action of the stockholders or directors of each applicant and each vendor approving the proposed transaction, giving date and place of each meeting;

(j) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the parties to the transaction;

(k) Statement as to whether applicant has extended any financial aid to the vendor during the past five years;

(l) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(m) Specific reasons why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest, such as:

(1) Improvements in exchange service;
(2) Improvements in toll service;
(3) Improvements in private line service;
(4) Provision of extended area service;

(5) Use of different techniques, such as, conversion from magneto to common battery or manual to dial operation;
(6) Elimination of held orders and provisions for future growth requirements;
(7) Resolution of service criticisms;
(8) Integration with the other operations of the applicant(s);
(9) The approximate time within which the improvements in (1) to (8), above, will be realized;

(n) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, the status thereof;

(o) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement describing the manner by which the respective labor forces will be integrated or merged, and the treatment proposed to be accorded employees of the acquired company or companies by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; location of employment; job assignments; seniority; and other conditions of employment.

(p) Any additional facts or reasons in support of the application.

§ 66.12 *Supporting data and exhibits required with the application.* There shall be filed with and made a part of the original of each application under section 221 (a) the following:

(a) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(b) In applications involving mergers or consolidations, one copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(c) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(d) A recent balance sheet and an income statement of each party involved;

(e) A statement showing the original cost of the plant to be acquired and related reserve amounts with respect to the plant items to be acquired as shown on the books of the vendors, if available; estimated amounts shall be shown if actual amounts are not available and the purchase is in excess of $25,000;

(f) Statement justifying the proposed purchase price of the property to be acquired;

(g) Description of the plant to be acquired, which applicant expects to retire upon acquisition and the approximate date(s) thereof; estimated portion of total purchase price represented by such plant;

(h) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts and traffic agreements, entered into between the parties to the transaction with respect to any of the telephone properties or service included in the proposed transaction;

(i) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be acquired, consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification;

(j) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to § 66.11 (o);

(k) Classes of service currently rendered through the property to be acquired and rates therefor;

(l) Classes of service which applicant proposes to provide and rates therefor, if known, if not known, then estimated, in the following:

(1) Immediately upon acquisition;
(2) After completion of any planned rehabilitation of plant or conversion to dial.

(m) A copy of the action of any regulatory body referred to in § 66.11 (n).

§ 66.13 *Publication and posting of notices.* (a) Immediately upon the filing of an application under this section the applicant shall post a public notice at least twenty inches (20″) by twenty-four inches (24″), with letter of commensurate size, in a conspicuous place at each office where the subscribers, served by the property to be acquired, customarily transact telephone company business, for at least thirty (30) days, which notice shall contain the following information, as may be applicable:

(1) Date of first posting of notice;
(2) Name of applicant;
(3) A statement that application has been filed with the Federal Communications Commission;
(4) A general description of the areas wherein the property to be acquired, merged or consolidated, for which the certificate is being sought, is located;
(5) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be thirty (30) days from the date of first posting of the notice.

(b) Immediately upon the filing of an application of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than four (4) column inches in size containing information listed in paragraph (a) (1) through (5) of this section at least once during each of two consecutive weeks, in some newspaper or newspapers of general circulation in the community or communities to be affected, or in lieu of causing a notice to be published, the applicant shall have the alternative of mailing or delivering by messenger a notification containing information similar to that specified in paragraph (a) (1) through (5) of this section, to each subscriber of telephone service in the areas affected.

(c) When the posting, as required by paragraph (a) of this section, has been completed, applicant shall certify such fact to the Commission, stating the dates and places of posting.

(d) When the publication or notification, as required in paragraph (b) of this section, has been completed, the applicant shall submit to the Commission an affidavit evidencing due publication or notification thereof.

§ 66.14 *General provisions.*—(a) *Copies required.* The original and five copies of the application shall be furnished to the Commission for its use.

(b) *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application.

(c) *Form.* Applications under section 221 (a) of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left-hand margin of at least 1½ inches. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations may be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 66.15 *Procedure.* A public hearing is held with respect to each of these applications where a request therefor is made by a telephone company, an association of telephone companies, a State Commission, or a local governmental authority, or in such other cases as the Commission may determine. Where hearings are to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

[F. R. Doc. 56-7248; Filed, Sept. 7, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 3]

REDELEGATION OF AUTHORITY WITH RESPECT TO INVESTMENT OF FUNDS OF OSAGE INDIANS

Order 1 (20 F. R. 2091), as amended (20 F. R. 10013, 21 F. R. 3086) is further amended as follows:

A new section is added to Part 2 under the heading Functions Relating to Funds and Fiscal Matters to read as follows:

SEC. 2.261 *Investment of Osage funds.* The investment of funds of Osage Indians held in the accounts of the Indian Bureau for individual Indians and Indian associations in any public debt of the United States, bonds, notes, or other obligations, authorized under the act of February 27, 1925 (Ch. 359, 43 Stat. 1008, 1009), provided the principal of any such investment is guaranteed by the United States.

WILL J. PITNER,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7202; Filed, Sept. 7, 1956; 8:45 a. m.]

[Phoenix Area Office Redelegation Order 2, Amdt. 1]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATED CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Order No. 2 (20 F. R. 4926) is revised to read as follows:

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092 and 20 F. R. 5703) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby delegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

F. M. HAVERLAND,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7203; Filed, Sept. 7, 1956; 8:45 a. m.]

[Portland Area Office Redelegation Order 2]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092, 5703; 21 F. R. 2290) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

DAVE FOSTER,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7204; Filed, Sept. 7, 1956; 8:46 a. m.]

Bureau of Land Management

[Order 541, Amdt. 11]

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

SEPTEMBER 4, 1956.

In Part III A—Redelegation of authority to land office managers, section 3.9 (w) is amended to read:

(w) Choctaw-Chickasaw lands.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-7206; Filed, Sept. 7, 1956; 8:46 a. m.]

Bureau of Reclamation

MOUNTAIN HOME PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 6, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 FR 5004), I hereby revoke Departmental Order of April 30, 1951, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 5 E.,
Sec. 17, NE¼SE¼SE¼ and S½SE¼SE¼.

The above areas aggregate 30 acres.

E. G. NIELSEN,
Assistant Commissioner.

[61715]

SEPTEMBER 4, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in an application for withdrawal, Idaho 06742, filed by the Department of the Air Force. They will not be open to application under the public land laws unless the application for withdrawal is rejected or withdrawn and the lands are restored to application by an order of an authorized officer of the Bureau of Land Management.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-7207; Filed, Sept. 7, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR REQUIREMENTS AND QUOTAS; ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

NOTICE NO. 3 OF REQUIREMENT OF CERTIFICATION—1956

Pursuant to § 817.4 (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1956 sugar quota for Cuba, amounting to 2,949,360 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to § 817.4, after the close of business on September 7, 1956, and for the remainder of the calendar year 1956, entry into the continental United States from Cuba of any sugar may not be made unless and until the certification described in §817.4 (a) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847)

Issued this 5th day of September 1956.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 56-7239; Filed, Sept. 7, 1956; 8:52 a. m.]

Office of the Secretary

KANSAS AND OKLAHOMA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; and the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of Oklahoma.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas in the States of Kansas and Oklahoma were determined on the following dates to be affected by the above-mentioned major disasters.

KANSAS

Determined on August 23, 1956:

Rice. Trego.

That part of Jewell County lying South of U. S. Highway 36.

Determined on August 28, 1956:

Clay. Graham.
Geary. Washington.

That part of Jewell County lying North of U. S. Highway 36.

OKLAHOMA

Determined on August 28, 1956:

Choctaw. Major.
Coal. Muskogee.
Cotton. Okfuskee.
Creek. Okmulgee.
Dewey. Pittsburg.
Garfield. Pontotoc.
Haskell. Pottawatomie.
Johnston. Pushmataha.
Kingfisher. Seminole.
Latimer. Tillman.
Lincoln. Tulsa.
McIntosh.

Done at Washington, D. C., this 4th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7217; Filed, Sept. 7, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Richmond Lewis.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 27, 1956.
4. Title of position: Consultant.
5. Name of private employer: The Charles C. Lewis Company, 209 Page Blvd., Springfield, Massachusetts.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 31, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Charles C. Lewis Company.
Lewis Boiler & Iron Works, Inc.
American Mutual Liability Insurance Co.
Flexangle Corporation.
Massachusetts Mutual Life Insurance Co.
Union Trust Company.
Burlington Industries.
Celanese Corporation.
Catalin Corporation.
Electronics Corp. of America.
Steep Rock Mines.
Gas Industries Fund.
Bank Deposits.

RICHMOND LEWIS.

AUGUST 28, 1956.

[F. R. Doc. 56-7219; Filed, Sept. 7, 1956; 8:48 a. m.]

MARVIN S. PLANT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Marvin S. Plant.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 15, 1956.
4. Title of position: Consultant (Scrap).
5. Name of private employer: H. Klaff & Company, Inc., Ostend and Paca Streets, Baltimore 30, Maryland.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 31, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any

other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

H. Klaff & Co., Inc.	Compo Shoe.
Maryland Drydock Co.	Ogden Corp.
Armco Steel Corp.	Food Fair Properties.
Norfolk Southern Railroad.	Walworth Co.
Food Fair Inc.	Riddle Aircraft.
Neptune Meter.	Arnold Realty Co., Inc.
Laurel Raceway.	Maryland Equipment & Supply Co., Inc.
Baltimore Raceway.	Bank deposits.
Calumet & Hecla.	

MARVIN S. PLANT.

AUGUST 27, 1956.

[F. R. Doc. 56-7220; Filed, Sept. 7, 1956; 8:49 a. m.]

LOUIS F. FRAZZA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 20, 1956, 21 F. R. 1736, 1737.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 5, 1956.

Dated: September 5, 1956.

LOUIS F. FRAZZA.

[F. R. Doc. 56-7221; Filed, Sept. 7, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6124]

AERO FINANCE CORP. AND PENINSULAR AIR TRANSPORT; COMPLIANCE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of a complaint against Aero Finance Corporation and Peninsular Air Transport under the provisions of the Board's rules of practice in economic proceedings.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for September 6 is postponed to October 2, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 5, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7240; Filed, Sept. 7, 1956; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Camphor tablets.
Greeting cards and book markers.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-7295; Filed, Sept. 6, 1956; 4:44 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 56M-794; Docket No. 11638]

CAPITAL BROADCASTING CO. (KFNF)

ORDER CONTINUING HEARING

In re application of Capital Broadcasting Company (KFNF) Shenandoah, Iowa For Construction Permit to Change Antenna-transmitter Location and Increase Antenna Height; Docket No. 11638; File No. BP-10222.

It is ordered, This 4th day of September, 1956, on the Chief Hearing Examiner's own motion, that, pending action upon applicant's petition of August 29, 1956, for dismissal of its application without prejudice, hearing upon the said application, which is scheduled to commence September 4, 1956, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7250; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56M-793; Docket Nos. 11773, 11774]

RADIO HUNTSVILLE, INC., AND J. B. FALT, JR.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Radio Huntsville, Incorporated, Huntsville, Alabama, Docket No. 11773, File No. BP-10324; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 11774, File No. BP-10519; for construction permits.

It is ordered, This 30th day of August, 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Friday, September 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7251; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-819, Docket No. 11808]

W. WRIGHT ESCH

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In re application of W. Wright Esch to assign the license of Station WMFJ, Daytona Beach, Florida, from W. Wright Esch to WMFJ, Inc., Docket No. 11808, File No. BAL-2029.

1 The Commission has before it for consideration (a) a "Protest and Petition for Reconsideration" filed on July 28, 1955, pursuant to Sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Theodore Granik and William H. Cook, directed against the Commission's action of June 29, 1955, granting without hearing the above-entitled application; (b) oppositions thereto filed on August 16, 1955, by W. Wright Esch and on August 16, 1955 by WMFJ, Inc.; (c) the Commission's Memorandum Opinion and Order adopted August 29, 1955 (FCC 55-861) dismissing the protest on the grounds that the complainants were not parties in interest or persons aggrieved or adversely affected by the Commission's action; (d) the decision of the United States Courts of Appeals for the District of Columbia Circuit in the case of Theodore Granik and William H. Cook v. Federal Communications Commission, decided May 31, 1956; and (e) letters from all parties concerned dated July 2, 1956, with respect to the stay provisions of Section 309 (c).

2. The factual situation involved in the instant protest and the arguments of the parties are set out in full in the Commission's Memorandum Opinion and Order of August 29, 1955, and need not be repeated herein. In essence, Messrs. Granik and Cook allege that they had entered into an option agreement with W. Wright Esch to purchase Station WMFJ; that they exercised this option; that Esch cancelled the option unilaterally; that Granik and Cook are suing Esch in the Florida courts to enforce the option contract; and that Esch's conduct with respect to said option agreement and his misrepresentation and concealment with respect to his ownership interest in Telrad, Inc., a television permittee, raise a substantial question as to whether he is lacking in the character qualifications necessary for a broadcast licensee and whether the transfer is in the public interest in these circumstances. On the basis of the pleadings before it, the Commission determined that Messrs. Granik and Cook, were not parties in interest or persons

aggrieved or adversely affected within the meaning of Sections 309 (c) and 405 of the Communications Act and accordingly dismissed the July 28, 1955 "Protest and Petition for Reconsideration." Upon appeal the Court of Appeals in its decision of May 31, 1956 stated: "We think Granik and Cook had standing to protest under Section 309 (c) and to petition for reconsideration under Section 405. By contract, they had secured an interest in Esch's ownership of the license . . ."

3. In light of the above, we find that protestants are "parties in interest" and persons "aggrieved or whose interests are adversely affected" within the meaning of Sections 309 (c) and 405 of the Act. Granik, et al., v. FCC, supra. We find further that the protestants have specified with particularity the facts upon which they rely to show that the Commission's grant was not in the public interest. A question is thus presented as to the type of hearing which is required with respect to protestants' issues. Section 309 (c) of the Communications Act of 1934, as amended, states as follows: "The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented."

The instant protest contains allegations of fact, and conclusions drawn therefrom by the protestants. The facts alleged, are, in substance, the same as facts which were alleged in correspondence filed by the protestants prior to the Commission's grant of the above-entitled application. Upon consideration of these facts, the Commission then found that a grant of the application would be in the public interest. We have given further consideration to the facts alleged in the protest and upon such consideration, it appears that even if these facts were proven, no grounds would be presented for setting aside our grant. Therefore, we shall afford the parties an opportunity at oral argument to discuss the question of how the facts alleged may bear upon the public interest in said grant. With respect to the litigation in the Florida Courts, it has been the general policy of the Commission not to deny applications because of the pendency of litigation primarily involving private disputes, and it appears to us, in any event, that the alleged breach of contract, if it occurred, would not warrant a denial of the application for transfer. As to the alleged unauthorized transfer of control, we pointed out in a letter to the protestants, dated April 25, 1956, that the Commission's records indicate that full information regarding Esch's ownership interest in Telrad, Inc., has been continuously on file with the Commisison; that there is no evidence that Esch attempted to conceal from the Commisison any pertinent facts concerning the ownership of the permittee corporation; that although Esch owned only 40 percent of the stock of the permittee and surrendered his rights to subscribe for a majority interest, all of the remaining shares of stock continued to be held by Esch's wife and attorney; and that, consequently, although a technical transfer of control *may* have taken place, there was not a violation of the Communications Act or the Commission's Rules sufficiently serious to warrant designating the application for hearing. These questions should be among those to which the parties should address themselves in the argument, as well as any others they deem relevant.[1]

5. The protest filed by Messrs. Granik and Cook requests, in addition that the Commission stay the effective date of its grant of the assignment application and, if such assignment has been actually consummated, require "that Station WMFJ be returned to the Assignor so that the relief requested above can apply." By letter dated June 22, 1956, the Commission requested all parties to this proceeding to submit their comments with respect to the stay provisions of Section 309 (c) as they apply to the matter in question. In the reply filed by Messrs. Granik and Cook, the protestants adopt the position which, they allege, the assignee WMFJ, Inc. took in its intervention in the Court of Appeals case, namely that Section 309 (c) requires the Commission to stay the effectiveness of the grant and that WMFJ, Inc. would be required to relinquish control of Station WMFJ pending a final hearing. In its reply, WMFJ, Inc. requests that the Commission authorize it to continue operating Station WMFJ pending the outcome of the proceeding.[2] In support of its request WMFJ, Inc. alleges that there is little likelihood that Messrs. Granik and Cook will succeed upon the merits; that they have alleged that Mr. Esch is not fit to be a broadcast licensee and if such is the case it is clear that the public interest would be served by WMFJ, Inc. operating the station, since it is a licensee whose qualifications have not been questioned; and that WMFJ, Inc. would be irreparably injured by the return of the license to Mr. Esch. It is argued that WMFJ, Inc. has changed its position substantially by spending money on the station, by reorganizing the staff and programs of the station, by moving the main studios of the station, and by adding considerable new equipment. It is further argued that the dislocation would impair the quality of the service provided to the public and that there is grave doubt whether Mr. Esch could in fact take over the station since he might not be able to secure a lease for the present WMFJ studios. Finally, it is pointed out that denial of the relief requested will in no way harm Messrs. Granik and Cook since the ultimate relief in the case must come in the Florida courts, which courts refused to enjoin the assignment. The reply filed by W. Wright Esch reiterated the arguments advanced by WMFJ, Inc.

6. Section 309 (c) provides, in part, as follows: ". . . pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

We are of the opinion that the parties herein have not demonstrated that a denial of a stay of the effective date of the Commission's action granting the assignment "is necessary to the maintenance or conduct of an existing service."[3] Mr. Esch operated Station WMFJ for many years and his inability to resume control of the station has not been established, nor has cessation of the broadcast service of WMFJ been shown to be inevitable under the circumstances. We also conclude that a finding cannot be made "that the public interest requires that the grant remain in effect." The change in the position of the parties was a voluntary one, effectuated with full knowledge that an appeal had been filed on September 22, 1955, to the Commission's original denial of the protest. They were on notice that a change in the status quo might result in financial loss, confusion, inconvenience, personnel displacement or other problems. While we appreciate the extent to which private interests will be affected by a stay of our grant, we are of the view that such circumstance was not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay. In re transfer of control of KTSA, 14 Pike and Fischer RR 85.

[1] In a related case involving basically the same issues and the same parties, filed May 21, 1956, the Commisison ordered an oral argument on a protest filed by Messrs. Granik and Cook to the transfer of control of Station WESH-TV from W. Wright Esch to WCOA, Inc. (BTC-2175).

[2] The Commission's files indicate that the assignment of the license for Station WMFJ to WMFJ, Inc. was consummated on October 1, 1955.

[3] In this regard, Messrs. Granik and Cook contend in their letter of July 2, 1956, concerning the stay provisions of Section 309 (c) that the January 20, 1956 amendment to Section 309 (c) is not controlling "since Congress made it quite clear that the amended section was not to be retroactive, and that the provisions of the older Section 309 (c) were to apply to all protests which were filed prior to the adoption of the amendment." We find this contention to be without merit. We have heretofore held that the amendment being remedial or procedural, it is immediately applicable to existing causes of action and not merely to those which may accrue in the future. In re WHEC, Inc., 13 Pike and Fischer RR 500; In re Cherry and Webb Broadcasting Co., FCC 56-731, released July 26, 1956.

7. In view of the foregoing, *It is ordered*, That, the petition for reconsideration filed under Section 405 of the Communications Act is granted to the extent provided for herein and is denied in all other respects; that pursuant to Section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest were to be proven, grounds have been presented for setting aside the grant of said application; and that the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the proceeding described below.

8. *It is further ordered*, That the protestants and the Chief, Broadcast Bureau, are hereby made parties to the proceedings herein and that:

(1) The oral argument shall commence at 10:00 A. M. on the 17th day of September, 1956, and shall be held before the Commission en banc;

(2) The parties intending to participate in the oral argument shall file their appearances not later than September 10, 1956;

(3) The parties to the proceeding have until the date of the oral argument to file briefs or memoranda of law.

9. *It is further ordered*, That the parties to the above-entitled application have until October 1, 1956, to return control of Station WMFJ to W. Wright Esch.

Adopted: August 29, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7252; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-829]

[Amdt. 0-24]

CHIEF, COMMON CARRIER BUREAU

AUTHORIZATION TO ACT UPON CERTAIN APPLICATIONS FILED BY TELEPHONE COMPANIES

In the matter of amendment of section 0.255 of Part O, Statement of Organization, Delegations of Authority and Other Information, to provide authorization for the Chief of the Common Carrier Bureau to act upon applications filed by telephone companies under section 221 (a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is less than $500,000, and where public hearings are not held with respect to such applications.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of August 1956;

The Commission, having under consideration the matter of expediting action on applications filed with it by domestic telephone companies for authority under section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more companies to acquire the whole or part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities, or by lease or in any other like manner; and the requirements of that section, as revised effective August 2, 1956, which provide that public hearings with respect to such applications are mandatory only where a request therefor is made by a telephone company, an association of telephone companies, a State commission or local governmental authority; and

It appearing, that, where public hearings are not held with respect to such applications, it would be conducive to the orderly dispatch of the Commission's business to authorize the Chief of the Common Carrier Bureau to act upon such applications, where the proposed expenditure for consolidation, acquisition or control is less than $500,000;

It further appearing, That Notice of Proposed Rule Making is not required by the provisions of Section 4 of the Administrative Procedure Act since the amendments of the rules herein relate to internal Commission organization and procedure which is not substantive in nature;

It further appearing, that authority for the proposed rule is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended;

It is hereby ordered, That, effective September 6, 1956, section 0.255 of Part O—Statement of Organization, Delegations of Authority and Other Information, is hereby amended to read as follows:

SEC. 0.255 *Authority concerning section 221 (a) of the Act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under Section 221 (a) where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under (a) above or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221 (a) where the proposed expenditure for consolidation, acquisition or control is less than $500,000.

Released: September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7253; Filed, Sept. 7, 1956; 8:54 a. m.]

[Amdt. 0-25]

COMMON CARRIER BUREAU

AMENDMENT OF STATEMENT OF ORGANIZATION

In the matter of amendment of Part 0, Statement of Organization, Delegations of Authority and Other Information, to reflect certain changes in the organization of the Common Carrier Bureau and delegation of authority to the Chief of the Bureau.

The Commission, having under consideration its Order of June 6, 1956, establishing a new Domestic Radio Facilities Division in the Common Carrier Bureau and transferring thereto certain functions of the Telephone Division of such Bureau, and having also under consideration certain other organizational changes heretofore effected in such Bureau, and the need for making appropriate non-substantive editorial amendments to Part 0 so as to set forth such organizational changes, and to clarify the delegation of authority to the Chief of the Bureau in the light of the adoption of Part 21 of our Rules; and

It appearing, that these changes may be made effective immediately, pursuant to the provisions of section 4 of the Administrative Procedure Act;

It is ordered, This 5th day of September, 1956, that, pursuant to the provisions of sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Statement or Organization, Part 0 is amended, effectively immediately, as set forth below.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 0.21 is amended by adding new paragraph (f) to read as follows:

(f) Appraises technological developments in the art and other innovations having applications in the communications common carrier field.

2. Section 0.23 is amended to read as follows:

0.23 *Units in the Bureau.* The Common Carrier Bureau is divided into the following units:

(a) Office of the Bureau Chief
(b) Telegraph Division
(c) Telephone Division
(d) International Division
(e) Domestic Radio Facilities Division

3. Section 0.24 is amended to read as follows:

0.24 *The Office of the Bureau Chief.* The Office of the Chief of the Bureau includes:

(a) Office of Accounting Systems which formulates uniform systems of accounts, regulations for preservation of records, annual report forms, and related rules and regulations, cooperates with Committees of the National Association of Railroad and Utilities Commissioners dealing with the foregoing matters, collects, processes, compiles and publishes common carrier statistical data, and appraises on an across-industry basis technological developments in the art and other innovations having applications in the communications common carrier field. The Office of Acounting Systems includes an Accounting Branch and a Statistical Branch.

(b) Office of the Field Coordinator which supervises and coordinates the work of the Common Carrier Bureau Field Offices located at Room 604, 90 Church Street, New York 7, New York; Room 124, 180 New Montgomery Street, San Francisco, California, and Room 334, 815 Ohio Street, St. Louis, Missouri. The Field Offices are responsible for conducting investigations and studies on any problem assigned by the Office of the Chief of the Bureau; representing the Commission in contacts with the public and the carriers; and conducting compliance activities to assure that there is adherence to the Communications Act and Commission rules and regulations.

(c) Office of the Administrative Assistant which performs the administrative functions of the Bureau.

(d) License Branch which maintains files and records with respect to applications and petitions involving common carrier wire and radio services, and which issues the orders, authorizations, licenses and certificates appropriate thereto after approval of same by the Commission or staff.

4. Delete sections 0.25 and 0.26 and renumber sections 0.27, 0.28 and 0.29 as sections 0.25, 0.26 and 0.27, respectively.

5. Add a new section 0.28 to follow the above renumbered sections to read as follows:

0.28 *Domestic Radio Facilities Division.* The Domestic Radio Facilities Division is responsible for the Bureau's functions pertaining to the regulation of, establishment and implementation of, rules and regulations for, and policies for, and the processing of applications with respect to, the radio services and facilities of the domestic common carriers, including domestic telegraph radio carriers.

6. Section 0.26 (formerly section 0.28 and now renumbered above) is amended to read as follows:

0.26 *Telephone Division.* The Telephone Division is responsible for the Bureau's functions pertaining to telephone matters and telegraph operations of carriers engaged principally in nonrecord communication, including international telephone rate matters, except as delegated herein to the Domestic Radio Facilities Division. The Telephone Division shall include a Wire Services and Facilities Branch, an Accounting Compliance Branch, a Rates and Revenue Requirements Branch, and a Depreciation Rates Branch.

7. Section 0.30 is deleted.

8. Section 0.251 (c) is amended to read as follows:

(c) For developmental stations which render or propose to render a common carrier service.

[F. R. Doc. 56-7254; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-796]

THIRD PARTY MESSAGES BETWEEN AMATEUR STATIONS OF THE UNITED STATES AND THE REPUBLIC OF PANAMA

AUGUST 24, 1956.

In accordance with an official communication from the Department of State, the Commission is today announcing that a bilateral agreement between the United States and the Republic of Panama directly affecting licensed amateurs of the two countries has been concluded by an exchange of notes. Effective as of 12:01 a. m., e. s. t., on September 1, 1956, under the terms of this agreement, amateur radio stations of the Republic of Panama and of the United States may exchange international messages or other communications from or to third parties, provided:

1. No compensation may be directly or indirectly paid on such messages or communications.

2. Such communications shall be limited to conversations or messages of a technical or personal nature for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. To the extent that in the event of disaster, the public telecommunications service is not readily available for expeditious handling of communications relating directly to safety of life or property, such communications may be handled by amateur stations of the respective countries.

3. This arrangement shall apply to all the continental and insular territory of Panama and of the United States including Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands. It shall also be applicable to those cases concerning amateur stations licensed by the United States authorities to United States citizens in other areas of the world in which the United States exercises licensing authority.

4. This arrangement shall be subject to termination by either government on sixty days notice to the other government; by further arrangement between the two governments dealing with the same subject; or by the enactment of legislation in either country inconsistent therewith.

As a matter of related interest, amateur stations licensed by the Federal Communications Commission heretofore have been able, under and in accordance with the terms of previously effected arrangements, to exchange internationally, messages or other communications from or to third parties with amateur stations of Canada, Chile, Cuba, Peru, Ecuador, and Liberia.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7255; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-800; Docket No. 11288]

PONCE DE LEON BROADCASTING CO., INC., OF PUERTO RICO, ET AL.

ORDER CONTINUING HEARING

In re applications of Ponce de Leon Broadcasting Co., Inc. of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, File No. BPCT-2159; For Construction Permits for New Television Stations (Channel 3).

The Hearing Examiner having under consideration a joint petition filed on August 30, 1956, on behalf of Sucesion Luis Pirallo-Castellanos and the Department of Education of Puerto Rico, requesting that the hearing in the above-entitled proceeding, now scheduled to be held on September 7, 1956, be postponed until October 29, 1956; and an opposition thereto, filed on August 31, 1956, on behalf of Ponce de Leon Broadcasting Company, Inc., of P. R.; and

It appearing, that a continuance of the hearing in the said proceeding is necessary in view of the fact that an order of designation has not yet been issued by the Commission defining the issues to be resolved therein, and in order to afford sufficient time to hold pre-hearing conferences and to effect an exchange of exhibits between the parties thereto, in compliance with §§ 1.813 and 1.841 of the Commission's rules; and that therefore sufficient good cause has been shown to warrant a grant of the relief requested herein;

It is ordered, This 5th day of September 1956, that the above petition be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m. on Monday, October 29, 1956, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7258; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-798; Docket No. 11707]

M. F. ELLINOR

ORDER SCHEDULING HEARING

In re application of M. F. Ellinor, Ormond Beach, Florida, For renewal of the license for station KIE 364, a two-way communications facility in the Domestic Public Land Mobile Radio Service, Docket No. 11707, File No. 137-C2-R-56.

It is ordered, this 4th day of September, 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby

scheduled to commence on November 15, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7259; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-797; Docket No. 11775]

RADIO STATION KODY

ORDER SCHEDULING HEARING

In re application of John Alexander, George B. Dent, Jr. and Townsend E. Dent d/b as Radio Station KODY (KODY) North Platte, Nebraska, Docket No. 11775, File No. BP-10333, for construction permit.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on September 24, 1956; and

It appearing that counsel for the applicant, the respondent, North Dakota Broadcasting Company, Inc., and the Chief of the Broadcast Bureau have informally consented to appear at the pre-hearing conference hereinafter ordered; now therefore,

It is ordered, This 4th day of September 1956, pursuant to §§ 1.813 and 1.841 of the Commission's Rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m., on Tuesday, September 11, 1956 for a conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7260; Filed, Sept. 7, 1956; 8:55 a. m.]

MEXICAN BROADCAST STATIONS

NOTIFICATION UNDER THE PROVISIONS OF PART III, SECTION 2 OF THE NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT

List of changes, Proposed changes, and Corrections in Assignments of Mexican Broadcast Stations Modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN LIST NO. 195

AUGUST 15, 1956.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Probable date of change or commencement of operation
		600 kilocycles				
XEXL	Patzcuaro, Michoacan (delete assignment—vide 1370 kc.).	250w	ND	U	IV	Aug. 15, 1956
		920 kilocycles				
XEBH	Hermosillo, Sonora (change call letters from XEQN).	5 kw D/1 kw N	ND	U	III	Do.
XEXV	Veracruz, Veracruz (new)	5 kw D/250 w N		U	IV	Feb. 15, 1957
		1010 kilocycles				
XEDX	El Sauzal, Baja California (increase power).	1 kw D/250 w N		U	II	Nov. 15, 1956
		1360 kilocycles				
XEYS	Nueva Rosita, Coahuila (change in time of operation).	1000 w D/100 w N	ND	U	IV	May 15, 1956
		1370 kilocycles				
XEXL	Patzcuaro, Michoacan (change in freq. from 600 kc.).	10 kw D/0.1 kw N		U	IV	Feb. 15, 1957
		1470 kilocycles				
XERL	Colima, Colima (increase in night power).	1 kw	DA-N	U	III	Nov. 15, 1956
		1540 kilocycles				
XEQN	Hermosillo, Sonora (change in call letters from XEBH).	5 kw	ND	U	II	Aug. 15, 1956

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7256; Filed, Sept. 7, 1956; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18220, Amdt.]

JOHN H. RODE

In re: Estate of John H. Rode, deceased: File No. D-28-13033.

Vesting Order 18220, dated July 23, 1951, is hereby amended as follows and not otherwise:

1. By inserting in Paragraph 1 of said Vesting Order 18220 in lieu of the name "Marie Luehrs, nee Rode", the words "the domiciliary personal representatives, heirs at law, next of kin, distributees and legatees of Marie Luehrs, nee Rode, including but not limited to Hinrich Willi Luehrs and Deidrich Heinrich Luehrs."

2. By inserting in Paragraph 2 of said vesting order immediately following the words "Subparagraph 1 hereof" the words "and the domiciliary personal representatives, heirs at law, next of kin, distributees and legatees of Marie Luehrs, nee Rode."

All other provisions of said Vesting Order 18220 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7241; Filed, Sept. 7, 1956; 8:55 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SIEGFRIED AND MARIE DE KADT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Siegfried and Marie de Kadt, and Wilhelmina Meyers, L. S. Claim No. 361; Norfolk & Western Railway Company 4/96 Bond No. 5686, in the principal amount of $1,000.

Mrs. Marguerite Dentz, L. S. Claim No. 365; Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 3567 and 3568, in the principal amount of $500 each.

Louisa Barrou Nunes da Costa, L. S. Claim No. 402; Kansas City Southern Railway Company 3/50 Bond No. 11933, in the principal amount of $1,000.

Alexander Hendrik and J. B. de Hes, L. S. Claim No. 479; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 72477, in the principal amount of $1,000.

Sophia Meyer, Joseph Vredenburg, Julius Ingisesby, and Juliette and Justus Philips, L. S. Claim No. 646; American & Foreign Power Company 5/2030 Debenture No. 855, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7222; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ROOSJE FREDERICA VAN GENDERINGEN-POLAK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Roosje Frederica van Genderingen-Polak and Arthur Polak, L. S. Claim No. 664; Central Pacific Railway Company 4/49 Bond No. 89119, in the principal amount of $1,000.

Clara Poliakoff and Nora Kan, L. S. Claim No. 667; Southern Pacific Company 4/49 Bond No. 3767, in the principal amount of $500.

Adriana Citroen, L. S. Claim No. 669; Cities Service Company 5/58 Debenture No. 24505, in the principal amount of $1,000.

Serilena Boon and Markus Polak, L. S. Claim No. 700; Cities Service Company 5/69 Debenture No. 31304, in the principal amount of $1,000.

J. L. Sanders and I. Pais, L. S. Claim No. 710; Atchison, Topeka and Santa Fe Railway Company, 4/95 Bond No. 3532, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7223; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MRS. FRIEDERIKA ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Mrs. Friederika Abas, L. S. Claim No. 77; Cities Service Company 5/69 Debenture No. 18671, in the principal amount of $1,000.

Anna and Leopold Vromen, Sophie Meerlo, Dr. Louis and Adolf Schaap, Henriette Kiek, Sophie van Oven, Mirian, Sophie, Nathan, Elkan and Vera Sharp, Louise Pimentel, Beatrice van Hulst, Heleen Querido, Grietje van Dam, Louise Speyer, Herman and Maurits Hijmans, Liena Ali van Genderingen, Estella Hartog, Albert Joachimsthal, Philip, Louise, Samuel and Louis Hartz, and Melanie Hijmans-Menco, L. S. Claim No. 85; Cities Service Company 5/69 Debenture No. 48675, in the principal amount of $1,000.

Adolf, Frans and Jacques Simons, L. S. Claim No. 724; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 7610, in the principal amount of $1,000.

Hazel Possmentier, L. S. Claim No. 726; Southern Pacific Company 4/49 Bond Nos. 3417, 5741, 5742, in the principal amount of $1,000 each; and Southern Pacific Company 4/49 Bond Nos. 6601, 6605, 7940 and 6718, in the principal amount of $500 each.

David Stibbe and Jacoba Wiemer, L. S. Claim No. 753; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 13422, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7224; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ROSETTA DEKKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Rosetta Dekker and Mathilda Cohen, L. S. Claim No. 88; $2,234.86 in the Treasury of the United States.

Mrs. S. C. Kars, Mrs. E. Bildner and Mrs. J. Schalkner (heirs of Johanna Hedwig van Straaten) L. S. Claim No. 89; $2,234.86 in the Treasury of the United States.

Eleazar Cijfer, L. S. Claim No. 91; $5,266.13 in the Treasury of the United States.

Jeannette van den Bergh, L. S. Claim No. 94; $2,314.47 in the Treasury of the United States.

Jeanette Rens, Herman Daniels, Marten Jan Bosma, Frits Tacx, Joseph Brandon and Louisa Bartels, L. S. Claim No. 97; $1,520.50 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7225; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF LEVIE ELTE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Levie Elte, L. S. Claim No. 381; $392.08 in the Treasury of the United States.

Grietje Frank, L. S. Claim No. 405; $784.16 in the Treasury of the United States.

Sientje Leydesdorff and Dr. Maurits Hirschel, L. S. Claim No. 407; $784.16 in the Treasury of the United States.

Rosetta Sons, L. S. Claim No. 420; $392.08 in the Treasury of the United States.

Louise, Reine, Henriette van Gigch, L. S. Claim No. 428; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7226; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF R. AND MISS A. R. APPEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

R. and Miss A. R. Appel, R. A. Worms, E. Messias, J. M. Goudeket, J. Goudeket, R. Goudeket and I. van der Woude, L. S. Claim No. 255; $392.06 in the Treasury of the United States.

Celine Samuels, Max and Maurice Aronowitz, L. S. Claim No. 262; $1,568.32 in the Treasury of the United States.

Atie de Vries, L. S. Claim No. 279; $196.04 in the Treasury of the United States.

Barend Beesemer, L. S. Claim No. 281; $784.16 in the Treasury of the United States.

Henriette Cohen, L. S. Claim No. 452; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7227; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SAMUEL JACQUES BENDIK, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Samuel Jacques Bendik (J. Bendiks), L. S. Claim No. 285; $784.16 in the Treasury of the United States.

Mrs. Kitty Levy, Misses Millie and Fay West, Philip West, Mrs. Clara and Stella Lewis, Mrs. Millie van Amerongen, Jack, Jane, Fay, Sara and Roli Coleman, and Roli Benjamin, L. S. Claim No. 287; $392.08 in the Treasury of the United States.

I. L. Palache and F. I. Hess, L. S. Claim No. 294; $392.08 in the Treasury of the United States.

Mrs. Alice Blauw, L. S. Claim No. 295; $392.08 in the Treasury of the United States.

Betsy Stodel, L. S. Claim No. 313; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7228; Filed, Sept. 7, 1956; 8:50 a. m.]

GERDA CAMPREGHER GEB. MERKLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Camprecher geb. Merkle, Krems a/Donau, Oberelandstr. 33, Austria, $127.55 in the Treasury of the United States. Rudolf Merkle, Krems a/Donau, Oberelanstr. 33, Austria, $127.55 in the Treasury of the United States. Anton Merkle, Krems a/Donau, Oberelandstr. 33, Austria, $127.55 in the Treasury of the United States; Claim No. 45020.

Gertrude Wedl geb. Kaufmann, Furth, No. 130, Austria, $191.32 in the Treasury of the United States. Johann Kaufmann, Furth, No. 8, Austria, $191.33 in the Treasury of the United States; Claim No. 45070; Vesting Order No. 3265.

Executed at Washington, D. C., on August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7229; Filed, Sept. 7, 1956; 8:50 a. m.]

HEINRICH CHRISTENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Heinrich Christensen, Copenhagen S. V., Denmark, Claim No. 36713, Vesting Order No. 664; Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,062,968.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7230; Filed, Sept. 7, 1956; 8:50 a. m.]

HANS LAUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Lauer, Tel-Aviv, Israel, Claim No. 37622, Hellmit Lauer, Tel-Aviv, Israel, Claim No. 40621, to each claimant $2,688.49 in the Treasury of the United States. Vesting Order No. 6066.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7231; Filed, Sept. 7, 1956; 8:51 a. m.]

ABEL LOUIS LUCIEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Abel Louis Lucien, Delavenna, Paris, France; Claim No. 36714; Vesting Order No. 666; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,180,668.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7232; Filed, Sept. 7, 1956; 8:51 a. m.]

PIETER SMIT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pieter Smit, Santpoort, The Netherlands; Claim No. 4622; property described in Vesting Order No. 291 (7 Fed. Reg. 9834, November 26, 1942), relating to Patent Application Ser. No. 359,575; and all right, title and interest in and to Patent Application Ser. No. 587,425, a division of original application Ser. No. 359,575.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7233; Filed, Sept. 7, 1956; 8:52 a. m.]

MARIA LANNUZZI VIGGIANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Lannuzzi Viggiani, Paternopoli Province, Avellino, Italy, Claim No. 57676; Vesting Order No. 1456; $859.68 in the Treasury of the United States. All right, title, interest, and claim of any kind of Maria Iannuzzi Viggiani in and to the trust created under the will of Enrico Viggiani, deceased, and vested by Vesting Order No. 1456.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7234; Filed, Sept. 7, 1956; 8:52 a. m.]

MINORU TAKIGUCHI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Minoru Takiguchi, Makoto Takiguchi, Floyd Takiguchi, Yoshiko Takiguchi, Mas-Ako Takiguchi, Glendale, Arizona, and Yaeko Takiguchi, Fukuoka-shi, Japan, Claim No. 62662; Vesting Orders Nos. 13301 and 13302; to each claimant one-sixth of the following property: $2,486.50 in the Treasury of the United States.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7235; Filed, Sept. 7, 1956; 8:52 a. m.]

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1934

FEDERAL REGISTER

VOLUME 21 NUMBER 176

Washington, Tuesday, September 11, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

DEDUCTIONS FROM ADVANCES; ELIGIBLE PRODUCER

The statement with respect to the tobacco price support loan program for the 1956–57 marketing year (21 F. R. 3863) is hereby amended as follows:

1. Section 464.804 is amended to read as follows:

§ 464.804 *Deductions from advances.* (a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds and such other deductions as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which he will collect such charges and remit to the association. In the non-auction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas for the 1956–57 marketing year will bear the notation "Indebted to U. S." on the front cover thereof and on the County Office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issude by the Secretary, if the producer named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support loans.

2. Section 464.808 is amended to read as follows:

§ 464.808 *Eligible producer.* (a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1956–57 marketing year. (In general, the regulations in this subpart provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco pro-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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duced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly. The regulations further provide that, if any producer on a farm is indebted to the United States, any within-quota marketing card issued for such farm shall bear the notation "Indebted to U. S." and information with respect to such indebtedness provided, that, if the producer objects to the issuance, or after issuance to the use, of the within-quota marketing card bearing such notation and information, an excess marketing card showing "zero percent" penalty shall be issued for such farm.)

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 101, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421)

Issued this 7th day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7357; Filed, Sept. 7, 1956; 4:56 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SWEET PEPPERS[1]

On June 21, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4347) regarding proposed United States Standards for Grades of Frozen Sweet Peppers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Sweet Peppers are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

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52.3012 Score sheet for frozen sweet peppers.

AUTHORITY: §§ 52.3001 to 52.3012 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.3001 *Product description.* "Frozen sweet peppers" is the frozen product prepared from fresh, clean, sound, firm pods of the common commercial varieties of sweet peppers, which have been properly prepared, may or may not be blanched and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3002 *Types of frozen sweet peppers.* (a) Type I, green.

(b) Type II, red.

(c) Type III, mixed (green and red).

§ 52.3003 *Styles of frozen sweet peppers.* (a) "Whole stemmed" means whole unpeeled pepper pods with stem and core removed.

(b) "Whole unstemmed" means whole unpeeled pepper pods with stems trimmed to not more than ½ inch length.

(c) "Halved" means whole stemmed, unpeeled, pepper pods which have been cut approximately in half from stem to blossom end.

(d) "Sliced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into strips.

(e) "Diced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into approximate square pieces measuring ½ inch or less.

(f) "Unit" means a whole unpeeled pepper pod or portion of a pepper pod in frozen sweet peppers.

§ 52.3004 *Grades of frozen sweet peppers.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and symmetry; that are practically free from defects; that possess a good character; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That the frozen sweet peppers may be reasonably uniform in size and symmetry if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size and symmetry; that are reasonably free from defects; that possess a reasonably good character; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided,* That the frozen sweet peppers may be variable in size and symmetry if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen sweet peppers that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.3005 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size and symmetry	20
Defects	30
Character	30
Total score	100

The evaluation of the factors of quality are made immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavor and objectionable odors of any kind.

§ 52.3006 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.3007 *Color*—(a) *General.* The color of frozen sweet peppers has reference to the predominating and characteristic color of the exterior surface of the units of frozen sweet peppers.

(b) (*A*) *classification.* Frozen sweet peppers that possess a good color may be given a score of 17 to 20 points. "Good color" means a good characteristic bright color for the type and with respect to type I and type II variations in color do not materially affect the appearance of the product.

(c) (*B*) *classification.* Frozen sweet peppers that possess a reasonably good color may be given a score of 14 to 16 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a reasonably bright characteristic color for the type and with respect to Type I and Type II variations in color do not seriously affect the appearance of the product.

NOTE: When the appearance of the product is seriously affected by a mixture of Type I and Type II units consider as Type III.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section or are definitely dull or off color for any reason may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3008 *Uniformity of size and symmetry*—(a) *General.* Uniformity of size and symmetry refers to the degree of variation in size and symmetry of the units in the respective styles of frozen sweet peppers.

(b) (*A*) *classification.* Frozen sweet peppers that are practically uniform in size and symmetry may be given a score of 17 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 90 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be practically uniform in size and symmetry.

(2) *Sliced.* The units are practically uniform in size and the aggregate weight of all strips less than 1¼ inches in length

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

does not exceed 30 percent, by weight, of all the units.

(3) *Diced.* The units are practically uniform in size and the aggregate weight of all the units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 10 percent, by weight, of all the units.

(c) (*B*) *classification.* Frozen sweet peppers that are reasonably uniform in size and symmetry may be given a score of 14 to 16 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 80 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be reasonably uniform in size and symmetry.

(2) *Sliced.* The units are reasonably uniform in size and the aggregate weight of all strips less than 1¼ inches in length does not exceed 40 percent, by weight, of all the units.

(3) *Diced.* The units are reasonably uniform in size and the aggregate weight of all units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 20 percent, by weight, of all the units.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded below U. S. Grade B or U. S. Extra Standard regardless of the total score for the product.

§ 52.3009 *Defects*—(a) *General.* The factor of defects refers to the freedom from grit, sand, or silt; the trimming; and damaged and seriously damaged units.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Well trimmed" means that the unit is free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch length and with respect to whole trimmed and halved styles that the stem, core, seeds and placenta tissue are neatly removed so as to retain substantially the appearance of a whole or halved unit.

(3) "Reasonably well trimmed" means that the unit is practically free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch length and with respect to whole trimmed and halved styles the stem, core, seeds and placenta tissue have been removed so as to retain to a reasonable extent the appearance of a whole or halved unit.

(4) "Damage" means any injury or blemish which materially affects the appearance or eating quality of the unit.

(5) "Serious damage" means any injury or blemish which seriously affects the appearance or eating quality of the unit.

(b) (*A*) *classification.* Frozen sweet peppers that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the pods in whole unstemmed, whole stemmed, and halved styles are well trimmed; that no grit, sand, or silt may be present that affects the appearance and eating quality; and that damaged and seriously damaged units do not materially affect the appearance and eating quality of the product.

(c) (*B*) *classification.* Frozen sweet peppers that are reasonably free from defects may be given a score of 21 to 25 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the pods in whole unstemmed, whole stemmed and halved styles are reasonably well trimmed; that no grit, sand or silt may be present that affects the appearance or eating quality; and that damaged and seriously damaged units do not seriously affect the appearance and eating quality of the product.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3010 *Character*—(a) (*A*) *classification.* Frozen sweet peppers that possess a good character may be given a score of 25 to 30 points. "Good character" means that the units are firm, full fleshed and tender.

(b) (*B*) *classification.* Frozen sweet peppers that possess a reasonably good character may be given a score of 21 to 24 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably full fleshed, may lack firmness but are not soft or mushy.

(c) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.3011 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen sweet peppers the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3012 *Score sheet for frozen sweet peppers.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Type		
Style		
Count of peppers (whole, halved)		
Factors	**Score points**	
Color	20	(A) 17–20 (B) [1] 14–16 (SStd.) [1] 0–13
Uniformity of size and symmetry	20	(A) 17–20 (B) 14–16 (SStd.) 0–13
Defects	30	(A) 26–30 (B) [1] 21–25 (SStd.) [1] 0–20
Character	30	(A) 25–30 (B) [1] 21–24 (SStd.) [1] 0–20
Total score	100	
Grade		
Flavor		

[1] Indicates limiting rule.

Effective time. The United States Standards for Grades of Frozen Sweet Peppers (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: September 6, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7298; Filed, Sept. 10, 1956; 8:49 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

Correction

In Federal Register Document 56-4959, appearing in the issue for June 23, 1956, at 21 F. R. 4473, paragraph 6 (a) (1) of the rider in § 420.63-2 should read: "(1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting,".

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Burley, Flue, Fire, Air; and Sun-56)-1, Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1956-57 MARKETING YEAR

The amendment contained herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311-1315) and the provisions of the Agricultural Act of 1949 (63 Stat. 1051). The burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1956-57 marketing year, are amended to provide for listing indebtedness due the United States upon marketing cards issued pursuant to such regulations.

Since farmers are now marketing flue-cured tobacco at auction warehouses and price support advances are being made thereon, it is necessary that the provisions of this amendment become effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and this amendment shall become effective upon filing with the Division of Federal Register.

Section 725.738, paragraph (b) of the burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1956-57 marketing year (21 F. R. 4502) is hereby amended by adding the following new subparagraph (3) at the end thereof:

(3) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card issued for such farm in accordance with subparagraph (1) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided*, That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero percent" penalty shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375)

Done at Washington, D. C., this 7th day of September 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7356; Filed, Sept. 7, 1956; 4:56 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[957.314 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by continuing the current regulation (§ 957.314, 21 F. R. 4910) governing the shipment of potatoes during the period September 20 through October 10, 1956; (iii) in the absence of such continuation, no regulation will be in effect subsequent to September 20, 1956; (iv) compliance with the said regulation during the extended period through October 10, 1956, will not require any special preparation on the part of handlers which cannot be completed by September 20, 1956; (v) a reasonable time is permitted, under the circumstances, for such preparation; (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area and all interested parties were afforded an opportunity to present their views thereon to the committee; and (vii) the extension of the provisions of the present regulation (§ 957.314, 21 F. R. 4910) from September 20 through October 10, 1956, as provided in this amendment, will allow the committee adequate time to meet and reappraise the supply and demand situation for fall crop potatoes grown in the production area in the light of the September 1 crop report of the Department which is to be issued September 11, 1956, and the views of interested parties that may be presented at that meeting, and will tend to continue the benefits accruing from the current regulation beyond the present expiration date of the regulation.

Order, as amended. The provisions of § 957.314 (b) (1) and (2) (FEDERAL REGISTER, July 3, 1956, 21 F. R. 4910) are hereby amended by deleting therefrom the date, "September 20, 1956," and by substituting in lieu thereof the date, "October 10, 1956."

(Sec. 5, 49 Stat 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 6th day of September 1956 to become effective September 20, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7297; Filed, Sept. 10, 1956; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.297]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 40, 41, and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (b) of § 40.2 *Officers authorized to issue diplomatic visas,* is amended to read as follows:

(b) A consular officer assigned to a consular office may issue diplomatic visas if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

2. Section 40.7 *Application for diplomatic visa*, is amended to read as follows:

§ 40.7 *Application for diplomatic visa*—(a) *Application form.* Every alien applying for a diplomatic visa shall make application therefor on Form 257 consisting of an original and three copies, designated 257a, 257b, 257c, and 257d. The application shall be made at a United States diplomatic mission or at a United States consular office which is authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

(b) *Separate application for each alien.* Every alien applying for a diplomatic visa shall make a separate application therefor. In the case of an alien under fourteen years of age, or an alien physically incapable of making an application, such application may be made by the alien's parent or guardian, and if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Application for a diplomatic visa shall be made in person unless this requirement is waived in the discretion of the diplomatic or consular officer. If a waiver of personal appearance is granted, the application form shall be completed by the diplomatic or consular officer from available information relating to the alien. No oath or affirmation shall be required in connection with the execution of an application for a diplomatic visa.

(d) *Photographs.* Except as otherwise provided in this paragraph, every alien applying for a diplomatic visa shall furnish with his application three identical photographs of himself. Each photograph shall be 2'' x 2'' in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien, and shall reflect a reasonable likeness of the alien as of the time it is furnished. Each photograph shall be signed by the person making the application with the full name of the alien in such manner as not to obscure the alien's features. A child under ten years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The requirement of photographs may be waived in the discretion of the diplomatic or consular officer and, if waived, a signed notation to this effect shall be made in the space provided in the application form for the photograph.

3. Section 41.13 *More than one person included in nonimmigrant visa*, is amended to read as follows:

§ 41.13 *More than one person included in nonimmigrant visa.* A single nonimmigrant visa may be issued to include more than one eligible alien, provided each alien executes a separate application and the V-number of each application is inserted in the space provided in the visa stamp. In such a case, the visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State in accordance with the provisions of section 281 of the act and § 41.14.

4. Paragraph (a) of § 41.14 *Fees for nonimmigrant visas*, is amended to read as follows:

(a) The fees for the furnishing and verification of applications for visas made by nonimmigrant nationals or stateless residents of each foreign country and for the issuance of visas to such nationals or residents shall be collected in the same amounts as are prescribed by the Secretary of State and shall correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes or charges assessed or levied against nationals of the United States, in connection with their entry or sojourn, by the foreign countries of which such nonimmigrants are nationals or stateless residents.

5. Paragraph (c) of § 41.16 *Revalidation of nonimmigrant visa*, is amended to read as follows:

(c) In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.12, except that a new Form 257 need not be executed. The visa stamp shall be impressed in the alien's passport and all pertinent data, including the V-number, contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted above the words "Nonimmigrant Visa" in the visa stamp or inserted diagonally across the face of the visa. Following the revalidation of a nonimmigrant visa, an appropriate notation thereof, regardless of where the revalidation occurs, shall be made on the pertinent index card on file at the original visa-issuing office.

6. Part 41 is amended by the addition of the following new section immediately after § 41.20:

§ 41.21 *Transfer of visa to new passport.* (a) A valid nonimmigrant visa, including the V-number and other pertinent data contained therein, may be transferred from a passport which has expired or is about to expire to a new passport where (1) the alien is required to surrender the visaed passport to the foreign-issuing authority in exchange for a new passport, or (2) the alien is permitted to retain the expired or expiring passport containing a valid nonimmigrant visa but, nevertheless, requests a consular officer to transfer such visa to a new valid passport, and (3) the alien is found otherwise eligible to receive such a nonimmigrant visa.

(b) A formal application for the transfer of a nonimmigrant visa from one passport to another need not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien if satisfied that the alien is physically present in the consular district. The issuance of a transferred visa shall, except as provided in § 41.12, be evidenced by placing the regular visa stamp in the alien's passport. The words "Transferred Visa" shall be inserted on the upper margin of the visa stamp.

(c) A transferred visa shall be validated with the same expiration date as the original visa and for the number of unused applications for admission remaining as of the date of the transfer. No visa fee shall be charged for the transfer of a valid nonimmigrant visa to a new passport. The visa in the expired or expiring passport shall be cancelled, if practicable.

7. Part 41 is amended by changing the the heading "Official Visas" which immediately precedes § 41.30 *Officials of foreign governments*, to read "Accredited Foreign-Government Officials."

8. Part 41 is amended by the addition of the following heading and section immediately after § 41.34:

OFFICIAL VISAS

§ 41.35 *Classes of aliens eligible to apply for official visas.* (a) The term "Official Visa" means a nonimmigrant visa which bears the title "Official Visa" or the designation "Official" and which is issued to a nonimmigrant within a class described or referred to in paragraph (b) of this section.

(b) Aliens within any of the following classes who seek to enter the United States as nonimmigrants may make application for an official visa in accordance with § 41.9:

(1) Aliens within a class described in § 40.4 of this chapter, other than paragraph (a) (14) thereof, who are otherwise ineligible to apply for a diplomatic visa by reason of the provisions of § 40.8 (a) of this chapter;

(2) Aliens classifiable under section 101 (a) (15) (A) (i) or (ii) of the act;

(3) Aliens classifiable under section 101 (a) (15) (G) (i), (ii) or (iv) of the act, or under section 101 (a) (15) (G) (iii) of the act if the government of which the alien is an accredited representative is recognized de jure by the United States but is not a member of the international organization to which the alien is destined;

(4) Aliens classifiable under section 101 (a) (15) (C) of the act as nonimmigrants described in section 212 (d) (8) of the act;

(5) Justices of the federal and the highest state tribunals of a foreign country;

(6) Members and members-elect of the national legislature of a foreign country;

(7) Officers of the national legislature of a foreign country;

(8) Members of the immediate family of a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (7), inclusive, of this paragraph;

(9) Any other class of aliens or individual alien in whose cases or case the Department may specifically authorize the consular officer to accept an application for an official visa.

(c) The issuance of an official visa shall be evidenced by placing the regular nonimmigrant visa stamp or an official visa stamp in the alien's passport in accordance with the provisions of § 41.12. The visa shall bear the title "Official Visa" or the word "Official" shall be stamped diagonally across the lower left-hand margin of the visa stamp in such manner as to be partially covered by the impression seal of the issuing diplomatic or consular office. The fee to be charged for an official visa and the validity thereof shall be determined in accordance with the provisions of §§ 41.14 and 41.15.

(d) No alien shall be considered to have acquired, by reason of the provisions of this section, any exemption under the immigration laws or regulations not otherwise specifically granted by such laws or regulations.

9. Section 41.64 *Visa requirement for nonimmigrant crewmen*, is amended by the revocation of paragraph (b) thereof and a rewording of the section to read as follows:

§ 41.64 *Visa requirement for nonimmigrant crewmen.* No crewman shall be considered as having complied with the provisions of section 212 (a) (26) (B) of the act relating to the requirement of valid nonimmigrant visas or border crossing identification cards unless (a) he is in possession of a valid individual nonimmigrant visa or a border crossing identification card, or (b) the requirement of a valid nonimmigrant visa or border crossing identification card has been waived in his case by the Secretary of State and the Attorney General pursuant to the authority contained in section 212 (d) (4) of the act, or (c) his name is included in a crew-list visa issued in accordance with § 41.65.

10. Subparagraph (3) of paragraph (b) of § 41.71 *Burden of proof and evidence of treaty-trader status*, is amended to read as follows:

(3) He is employed or will be employed by a foreign person or organization of the same nationality as the alien, and will be engaged in duties of a supervisory or executive character, or if he is or will be employed in a minor capacity, he has special qualifications which make his services essential to the efficient operations of the employer's enterprise. An alien employed solely in a manual capacity shall not be entitled to classification as a treaty trader.

11. Section 41.90 *Aliens coming to international organizations*, is amended by revising paragraphs (a), (b) and (c) thereof to read as follows, and by the addition of paragraph (m) at the end thereof as follows:

(a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (i) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A designated principal resident representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited resident member of the staff of such representative; or

(3) A member of the immediate family of such a representative, or of an accredited resident member of his staff.

(b) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (ii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative, other than a designated principal resident representative described in paragraph (a) of this section, of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) A member of the immediate family of such representative.

(c) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(3) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(4) A member of the immediate family of a representative as described in subparagraph (1), (2) or (3) of this paragraph.

• • • • •

(m) An alien who applies for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (G) of the act shall not be refused such visa solely on the ground that he is not a national of the country whose government he represents.

12. Paragraph (b) of § 42.3 *Immigrant classification symbols*, is amended by deleting from the chart which sets forth the symbols prescribed for use in issuing nonquota immigrant visas the ninth class listed therein reading as follows:

Person who lost United States citizenship through parent's foreign naturalization	101 (a) (27) (E) and 349 (a) (1)——P–3.

13. Paragraph (a) *Burden of proof* and paragraph (c) *Authority to require supporting documents* of § 42.5 *Returning resident alien*, are amended to read as follows:

(a) *Burden of proof.* An alien shall, regardless of ancestry, be issued an immigrant visa as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act only if he sustains the burden of establishing through the presentation of appropriate evidence that (1) he has the status of an alien lawfully admitted for permanent residence, (2) he is returning to the United States from a temporary visit abroad, and (3) he is otherwise eligible to receive an immigrant visa under the provisions of section 212 of the act and § 42.42.

• • • • •

(c) *Authority to require supporting documents.* The provisions of section 222 (b) of the act requiring an immigrant to furnish with his application for a visa certain records and documents shall be applicable, in the case of an alien who is classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act, to the extent of requiring such alien to furnish those records and documents which relate to the period of his residence in the United States and the period of his temporary visit abroad, unless the consular officer has reason to question the legality of the alien's previous admission into the United States for permanent residence, or his eligibility otherwise to receive an immigrant visa. If any such record or document is not obtainable within the meaning of § 42.35 (c), the consular officer may permit the alien to submit, in lieu thereof, other satisfactory evidence of the fact to which the record or document would, if obtainable, pertain.

14. Paragraph (c) *Children expatriates* of § 42.7 *Former United States citizens*, is revoked.

15. Section 42.20 *Immigrant waiting lists*, is amended by the addition of the following paragraph (b) and by the redesignation of paragraphs (b) and (c) as paragraphs (c) and (d), respectively:

(b) *Place of registration.* Every alien who desires to have his name registered on a quota waiting list shall make application for registration at a United States consular office in the consular district in which he has his residence: *Provided*, That a consular officer shall, at the direction of the Secretary of State, or may in his discretion, accept an application for registration from nonresidents of the consular district, including aliens in the United States who are entitled to have their names entered on a quota or subquota waiting list.

16. Paragraph (b) *Exceptions* of § 42.36 *Passport requirement for immigrants*, is amended by redesignating subparagraph (7) as subparagraph (8), and by the addition of a new subparagraph (7) as follows:

(7) An immigrant who has been preexamined in the United States by the Immigration and Naturalization Service and who is applying for an immigrant visa in Canada;

17. Subparagraph (28) (v) *War criminals* of paragraph (a) of § 42.42 *Classes of aliens ineligible to receive immigrant visas*, is revoked, and subparagraph (29) *Activities relating to espionage, sabotage, public disorder, or other subversive activity*, of paragraph (a) of § 42.42 *Classes of aliens ineligible to receive immigrant visas*, is amended by deleting the text thereof and inserting the word "[Reserved]" immediately after the title of subparagraph numbered 29.

(Sec. 104, 66 Stat. 174; 80 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 103) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: August 29, 1956.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 56–7261; Filed, Sept. 10, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FRESH TOMATOES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Fresh Tomatoes (§§ 51.1855–511876; 18 F. R. 7142) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., so that it will be received not later than October 15, 1956.

The proposed standards are as follows:

GRADES

Sec.
51.1855 U. S. No. 1.
51.1856 U. S. Combination.
51.1857 U. S. No. 2.
51.1858 U. S. No. 3.

UNCLASSIFIED

51.1859 Unclassified.

SIZE REQUIREMENTS

51.1860 Size requirements.

APPLICATION OF TOLERANCES

51.1861 Application of tolerances.

U. S. STANDARD PACKS

51.1862 U. S. Standard Packs.

IRREGULAR PACK

51.1863 Irregular Pack.

COLOR CLASSIFICATION

51.1864 Color classification.

DEFINITIONS

51.1865 Similar varietal characteristics.
51.1866 Mature.
51.1867 Soft.
51.1868 Firm.
51.1869 Clean.
51.1870 Well developed.
51.1871 Fairly well formed.
51.1872 Fairly smooth.
51.1873 Damage.
51.1874 Reasonably well formed.
51.1875 Slightly rough.
51.1876 Serious damage.
51.1877 Misshapen.
51.1878 Very serious damage.

AUTHORITY: §§ 51.1855 to 51.1878 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.1855 *U. S. No. 1.* "U. S. No. 1" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, fairly well formed, fairly smooth, and which are free from decay, freezing injury and sunscald, and free from damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are seriously damaged by any cause, exclusive of soft or decayed tomatoes.

§ 51.1856 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided,* That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That included in this amount not more than the following precentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the required percentage.

§ 51.1857 *U. S. No. 2.* "U. S. No. 2" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, reasonably well formed, which may be slightly rough, and which are free from decay, freezing injury and sunscald and free from serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

§ 51.1858 *U. S. No. 3.* "U. S. No. 3" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, which may be misshapen, which are free from decay and freezing injury and free from

serious damage caused by sunscald and from very serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping points (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are very seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

UNCLASSIFIED

§ 51.1859 *Unclassified.* "Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE REQUIREMENTS

§ 51.1860 *Size requirements.* (a) Tomatoes when packed in Los Angeles lugs, or when packed in other types of containers and the size is specified according to the size arrangements customarily used in Los Angeles lugs, shall be within the ranges of diameters specified in Table I, except when designated as "Irregular sizing."

TABLE I

Los Angeles lug size arrangements	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 5/16	3 15/16
4 x 5	3	3 9/16
5 x 5	2 15/16	3 5/16
5 x 6	2 13/16	3 1/16
6 x 6	2 5/16	2 15/16
6 x 7	2 1/16	2 9/16
7 x 7	2	2 5/16
7 x 8	1 15/16	2 1/16

(b) Size arrangements not listed in the above table but which meet the diameter requirements for one of the above Los Angeles lug size arrangements may be certified as meeting the Los Angeles lug size requirements for the specified size: *Provided,* That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4—4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4—5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(c) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(d) In lieu of specifying size according to the Los Angeles lug size arrangements, the size of tomatoes in any type of container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than thirty-second inch fractions thereof, in accordance with the facts, with reference to Los Angeles lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(e) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.1861 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one tomato which is soft, affected by decay or is otherwise seriously damaged, and one off-size specimen, may be permitted in any package.

U. S. STANDARD PACKS

§ 51.1862 *"U. S. Standard Packs".* (a) U. S. Standard Packs apply only to tomatoes packed in Los Angeles lugs and shall be designated according to the arrangement in the top layer of the lug, as 5 x 5, 5 x 6, etc., in accordance with the facts. The tomatoes shall meet the size requirements for the Los Angeles lug size specified. The tomatoes in all layers shall have a uniform type of arrangement, for example, square, offset or diagonal except as provided in the description of U. S. Straight Pack. The tomatoes shall be fairly tightly packed and, unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. The following terms shall be used to describe U. S. Standard Packs in lugs:

(1) *"U. S. Straight Pack".* When specified as "U. S. Straight Pack", all layers in any lug shall have the same number of tomatoes: *Provided,* That when an offset or a diagonal arrangement of tomatoes issued, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4 - 5 x 9 diagonal pack the tomatoes shall be packed alternately 4 x 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "U. S. Straight Square-Offset Pack" or "U. S. Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper;

(2) *"U. S. Extra Row Pack".* When specified as "U. S. Extra Row Pack", the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper;

(3) *"U. S. Bridge Pack".* When specified as "U. S. Bridge Pack", a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper;

(4) *"U. S. Double Wrap Pack".* When specified as "U. S. Double Wrap Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper; and,

(5) *"U. S. Double Wrap Bridge Pack".* When specified as a "U. S. Double Wrap Bridge Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided,* That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

(b) *Tolerances for Standard Packs.* In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for Standard Pack: *Provided,* That when

there are two or more size arrangements in any lot, not more than 20 percent of the lugs in any one size arrangement may not meet the requirements for Standard Pack: *Provided further*, That the average for the lot does not exceed 10 percent.

IRREGULAR PACK

§ 51.1863 *"Irregular Pack".* Lugs of tomatoes which are not packed in accordance with any of the methods of packing specified for 'Standard Packs" may be designated as "Irregular Pack."

COLOR CLASSIFICATION

§ 51.1864 *Color classification.* (a) The following terms may be used, when specified, in connection with the grade statement in describing the color of any lot of tomatoes which are characteristically red when ripe:

(1) *Turning.* "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink;

(2) *Pink.* "Pink"- means that more than one-half but not more than three-fourths of the surface, in the aggregate, shows pink or red color;

(3) *Hard ripe.* "Hard ripe" means that more than three-fourths of the surface, in the aggregate, shows pink or red color;

(4) *Firm ripe.* "Firm ripe" means that more than three-fourths of the surface, in the aggregate, shows red color characteristic of a reasonably well ripened tomato; and,

(5) *Ripe.* "Ripe" means that practically the entire surface shows a good shade of red color characteristic of a well ripened tomato.

(b) Incident to proper color classification, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, except that any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color": *Provided*, That not more than 5 percent of the tomatoes are green in color.

DEFINITIONS

§ 51.1865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1866 *Mature.* "Mature" means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

§ 51.1867 *Soft.* "Soft" means that the tomato yields readily to slight pressure.

§ 51.1868 *Firm.* "Firm" means that the tomato yields only slightly to moderate pressure.

§ 51.1869 *Clean.* "Clean" means that the tomato is practically free from dirt or other foreign material.

§ 51.1870 *Well developed.* "Well developed" means that the tomato shows normal growth. The following are not considered well developed:

(a) Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar; and,

(b) Tomatoes which have a high proportion of hard core, with little or no pulp, and few, if any, seeds.

§ 51.1871 *Fairly well formed.* "Fairly well formed" means that the tomato is not more than moderately kidney-shaped, lopsided, elongated, angular or otherwise deformed.

§ 51.1872 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1873 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts and broken skins when not shallow (not penetrating into the flesh) and not well healed; or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle three-eighths inch in diameter;

(b) Sunburn when yellow color resulting from sunburn predominates over the green on a sufficient area that the appearance of the tomato is more than slightly affected or when the flesh is affected;

(c) Puffiness when the open space in one or more locules materially affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(d) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle three-eighths inch in diameter;

(e) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter;

(f) Growth cracks when not well healed or when more than one-eighth inch in depth, when radial cracks affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 1 inch in length, measured from the edge of the stem scar, when any radial crack exceeds one-half inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have growth cracks which are not well healed: *Provided*, That such growth cracks are not leaking;

(g) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle three-eighths inch in diameter; and,

(h) Insect injury when the appearance, or the edible or the shipping quality of the tomato is materially affected or when any insect is present in the fruit.

§ 51.1874 *Reasonably well formed.* "Reasonably well formed" means that the tomato is not decidedly kidney-shiped, lop-sided, elongated, angular or otherwise deformed.

§ 51.1875 *Slightly rough.* "Slightly rough" means that the tomato is not decidedly ridged or grooved.

§ 51.1876 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Cuts and broken skins when not shallow (not penetrating into the flesh) and not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle one-half inch in diameter;

(b) Puffiness when the open space in one or more locules seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle five-eighths inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle five-eighths inch in diameter;

(e) Growth cracks when not well healed or when more than one-eighth inch in depth, when radial cracks affect the appearance to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 1½ inches in length measured from the edge of the stem scar when any radial crack exceeds three-fourths inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have growth cracks which are not well healed: *Provided*, That such growth cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle five-eighths inch in diameter; and,

(g) Insect injury when the appearance or the edible shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

§ 51.1877 *Misshapen.* "Misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise deformed: *Provided*, That the shape is not affected to an extent that the appearance or the edible quality of the tomato is very seriously affected.

§ 51.1878 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts and broken skins when fresh, or when healed and extending through the tomato wall, or when the appearance of the tomato is very seriously affected;

(b) Puffiness when the open space in two or more locules very seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter;

(e) Growth cracks when not well healed or when more than one-fourth inch in depth, when radial cracks affect the appearance or the shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 2 inches in length, measured from the edge of the stem scar, when any radial crack exceeds 1 inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have growth cracks which are not well healed: *Provided*, That such growth cracks are not more than one-eighth inch in depth and are not leaking;

(f) Hail injury when fresh or very deep, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle 1 inch in diameter; and,

(g) Insect injury when the appearance or the edible or the shipping quality of the tomato is very seriously affected or when any insect is present in the fruit.

Dated: September 6, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56-7299; Filed, Sept. 10, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

POSTPONEMENT OF HEARING FOR SMALL ELECTRICAL PRODUCTS INDUSTRY

On August 15, 1956, notice was published in the FEDERAL REGISTER (21 F. R. 6091) that interested persons would be given the opportunity to submit oral or written data, views, and arguments before an authorized representative of the Administrator on September 11, 1956, with a view toward amending 29 CFR Part 522 to provide supplemental learner regulations for the small electrical products industry.

Notice is hereby given that the time for making such submittals has been postponed until 10 a. m. on October 16, 1956, at which time data, views, and arguments, submitted pursuant to the terms of the original notice, will be heard before Harry Weiss, an authorized representative of the Administrator, in Room 5222, United States Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C.

Signed at Washington, D. C., this 7th day of September 1956.

NEWELL BROWN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 56-7342; Filed, Sept. 10, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

Correction

In F. R. Doc. 56-7081, appearing at page 6682 of the issue for Wednesday, September 5, 1956, the following change should be made:

In the address for the inspection station of the New York District under item I. C., "P. O. Box 201" should read "P. O. Box 204."

CIVIL AERONAUTICS BOARD

[Docket No. 7782]

EASTERN AIR LINES, INC.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc., enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled matter, last assigned to be held on September 10, 1956, is further postponed at the request of Counsel for the respondent and will be held on September 17, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7293; Filed, Sept. 10, 1956; 8:49 a. m.]

[Docket No. 8055]

RAILWAY EXPRESS AGENCY, INC.; VALUATION CHARGES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the increased valuation and c. o. d. charges proposed by Railway Express Agency, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on September 10, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith, is postponed and reassigned for hearing on September 24, 1956, at 10:00 a. m., e. d. s. t., in Room E-1050, Temporary Building No. 5.

Dated at Washington, D. C., September 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7294; Filed, Sept. 10, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56-804]

MACKAY RADIO AND TELEGRAPH CO., INC. AND ALL AMERICA CABLES AND RADIO, INC.

MEMORANDUM OPINION AND ORDER REOPENING RECORD

In the matter of Mackay Radio and Telegraph Company, Inc. and All America Cables and Radio, Inc., Docket No. 10056; application for modification of

license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico.

1. The Commission has before it for consideration a "Petition to Reopen the Record for Further Hearing" filed on July 2, 1956 by Mackay Radio and Telegraph Company, Inc. (Mackay) and All America Cables and Radio, Inc. (All America); a statement with respect to such petition filed on July 10, 1956 by the Chief of the Commission's Common Carrier Bureau; and an Opposition to said petition filed on July 12, 1956 by RCA Communications, Inc. (RCAC), intervenor herein.

2. Some background remarks are appropriate to an understanding of the history of this proceeding. The instant proceeding arose upon the filing of two applications with the Commission: (1) Mackay requests that the Commission delete from the license of its fixed public radio telegraph station in Brentwood, New York, a condition limiting said station's communication with San Juan, Puerto Rico, to periods when one or more of the normal cable circuits of All America in the Caribbean area are interrupted; and (2) All America seeks the deletion of a similar condition in its license restricting communication with New York by its fixed public radio telegraph station at Sabana Llana, Puerto Rico, and it requests authority for frequency shift-keying and 3 FI emission in connection with the regular or unconditional operation which it proposes. The applications were designated for hearing on September 19, 1951, upon specified issues. RCAC was permitted to intervene in the proceeding. Hearings were held commencing on March 18, 1952; they were concluded on March 28, 1952, with the record being closed on that date. An Initial Decision, proposing that the above-described applications be denied, was released on September 4, 1952. Oral argument in this proceeding was originally scheduled for February 24, 1953. By Memorandum Opinion and Order (FCC 55–852) released July 29, 1955, the Commission scheduled the oral argument herein for September 12, 1955. In said Memorandum Opinion and Order, the Commission denied the petition of Mackay and All America filed on December 10, 1954, for further hearing in this proceeding. Oral argument, in which Mackay and All America, the Common Carrier Bureau and RCAC participated, was held before the Commission en banc on September 12, 1955.

Petition to Reopen the Record for Further Hearing

3. In support of their petition to reopen the record for further hearing, Mackay and All America point out that the record and Initial Decision in this proceeding are based upon conditions existing six years ago. It is stated that a reopening of the record is required so that the Commission may take into account certain changes, since the close of the record, bearing upon matters which were controlling considerations in the Initial Decision. Petitioners assert that material changes have occurred as follows: (a) Substantial increases in telegraph traffic with Puerto Rico and the Caribbean area have occurred which the Examiner found would not result. It is alleged that telegraph traffic to and from Puerto Rico has increased from the 1950 volume of 6,534,526 words to 8,461,846 words in 1955—an increase of 29 percent.[1] The petitioners also allege that traffic to and from four other Caribbean points (Virgin Islands, Dominican Republic, Netherlands West Indies and Venezuela) has increased by 23.6 percent; (b) Substantial increases in trade and commerce with Puerto Rico and the Caribbean area have occurred which the Examiner did not expect to result. In this connection, petitioners allege that accompanying the increase in telegraph traffic with Puerto Rico since the close of the hearing, the dollar volume of trade with the United States has increased by 57.2 percent. It is asserted that with respect to the above-mentioned four Caribbean points the dollar volume of trade has increased by 36 percent; and (c) Petitioners allege the introduction of nonmessage services (leased radio channel service and teletype writer exchange service) with Puerto Rico by RCAC, not rendered at the time of the 1952 hearings, resulting in a monopoly by RCAC without opportunity of petitioners to compete. Several other arguments are advanced by the petitioners in support of the instant pleading which relate to certain policy statements made by the Commission in proceedings not directly related to the one now before us. In view of this, we do not set forth here the nature of those arguments, nor will they be considered further in this document.

4. Petitioners request that the Commission reopen the record and remand the proceedings to a presiding officer to take further testimony or evidence, certifying the record to the Commission without decision, or, in the alternative, to reopen the record and remand the proceeding to a presiding officer to take further testimony or evidence and issue a supplemental Initial Decision, whichever may seem appropriate under the circumstances surrounding this case.

Statement of the Common Carrier Bureau

5. The Common Carrier Bureau asserts that it is of the opinion that the Commission should, in the exercise of its discretion, grant the instant petition and reopen the record herein to take further testimony and evidence before issuing a final decision. The Bureau states that in view of the need for administrative finality petitions to reopen for further hearing after the issuance of an Initial Decision and oral argument thereon should be granted only under unusual circumstances. The Bureau points out that the Commission has recognized that unusual circumstances might arise where the public interest would be served by reopening the record to take further testimony or evidence, and has provided for such procedure in § 1.853 (c) (3) of its rules.[2] It is stated by the Bureau that the facts and considerations set forth in the instant petition encompass unusual circumstances of the type which indicate that the public interest would be served by a reopening of the record herein to take further testimony and evidence. The Bureau asserts that the petitioners have set forth with particularity the facts which tend to indicate that some of the basic premises upon which conclusions in the Initial Decision were based are no longer valid, and that the public interest would be served by affording the petitioners an opportunity to present such facts for the record; to have them subjected to appropriate cross-examination; and to arrive at the conclusions based upon a proper evaluation of these facts in light of all the facts and considerations of record.

6. The Bureau adverts to the lengthy history of this proceeding. It points out that this proceeding arose as the result of applications filed in February, 1951; that hearings were held in March, 1952; and that the Initial Decision was issued by the Hearing Examiner in September, 1952. Thus, the Bureau states, reopening of the record would make available to the Commission data with respect to all developments which have taken place during this relatively long period of time.

7. The Bureau states that it is aware that in December, 1954, before this matter was set for oral argument, petitioners filed a petition similar to the petition now before the Commission. It is pointed out that such petition was denied by the Commission in a Memorandum Opinion and Order released on July 29, 1955. The Bureau states, however, that the Commission did not pass upon the merits of the petition, but instead stated: " • • • Such petition concerns itself only with generalities, and fails to allege any specific facts which demonstrate the necessity or advisability of a further hearing in this matter. Nothing in such petition persuades us that this proceeding should be set down for further hearing. We believe, therefore, that a determination of this matter should be made upon the record as presently constituted." The Bureau urges that in the instant petition the petitioners have remedied the difficulties found by the Commission in their previous petition and have set forth in detail the facts and considerations which were not present in the earlier petition.

8. The Bureau states that in the past it has opposed a grant of petitioners' applications at issue in the basic proceeding herein, and further states that in taking the position that it does in its present statement it does not mean to imply that it is necessarily altering such position. It is the Bureau's position, however, that the Commission should

[1] Traffic statistics not of record in this proceeding were taken by petitioners from Carriers' Responses to the Commission's Order 85.

[2] § 1.853 *Appeal and review of initial decision.* • • •

(c) In any case in which an initial decision is subject to further review in accordance with paragraphs (a) or (b) of this section, the Commission may take any one or more of the following actions:

• • • • •

(3) Prior to or after oral argument or the filing of briefs, reopen the record and remand the proceedings to the presiding officer to take further testimony or evidence;

have before it current facts and considerations in reaching a decision in this matter. The Bureau asserts that if the petition is granted, it will re-examine its position in the light of all the evidence of record and take such position as appears to it to be in the public interest in the light of such evidence, facts, and considerations.

9. The Bureau urges that if the Commission does, in fact, determine that the record herein should be reopened, the Hearing Examiner to whom the proceedings are remanded for the taking of further testimony and evidence, should be instructed to prepare and issue a supplemental Initial Decision as provided in § 1.853 (c) (5) of the Commission's rules. It is asserted that such a course would make available to the Commission the judgment of the Hearing Examiner before whom the additional testimony and evidence are to be adduced, and would be consistent with the purpose and intent of section 409 (b) of the Communications Act, as amended, which requires the preparation and filing of an Initial Decision by the person before whom the matter was heard, except in those instances where the Commission finds that due and timely execution of its functions unavoidably and imperatively require the certification of the record to the Commission for decision.

The opposition of RCAC. 9. RCAC urges that the instant petition is a second request since the issuance of the Initial Decision to hold further hearing. RCAC adverts to the petition filed on December 10, 1954, by Mackay and All America. RCAC points out that again as before the applicants allege that (a) traffic volumes have increased and (b) non-message services have been introduced by RCAC. It is asserted that in denying the applicant's first request for rehearing, the Commission ruled that these allegations do not "demonstrate the necessity or advisability of a further hearing • • • [and] a determination of this matter should be made upon the record as presently constituted." RCAC points out that the applicants did not request the Commission to reconsider this order of July 29, 1955, denying the petition for further hearing, within the thirty day period for filing petitions for reconsideration, and that their failure to make a timely request constitutes a waiver of any right to seek reconsideration. Thus, RCAC urges, it has already been finally determined by the Commission that further hearing should not be held in this proceeding.

10. RCAC urges that, in any event, bare traffic statistics are of little significance where the applicants have not alleged or established that existing facilities are inadequate or insufficient to handle the traffic volume. It is asserted that to contend that facilities are inadequate would have to be rejected as frivolous, in the presence of the evidence showing the facilities of four telegraph carriers already available to serve Puerto Rico. In this connection, RCAC urges that its direct circuits serving this area are operated at only approximately 10 percent of their normal traffic handling potential. It is alleged that additional radio facilities can be placed in operation and normal operating hours extended if necessary or appropriate.

11. RCAC urges that the applicants' claim that non-message services have been introduced by RCAC with Puerto Rico and their claim of "monopoly" similarly do not warrant further hearings. RCAC states that the record of this proceeding already shows that RCAC has been ready and able to provide non-message services with Puerto Rico and that it provides these services with many countries. It is pointed out that the instant petition makes no claim or showing that any unsatisfied demand exists for non-message services, that existing facilities are inadequate, or that presently licensed carriers are unable to fulfill whatever requirement exists for these services.

12. RCAC asserts that it still has only one leased channel customer (15-word per minute channel) and knows of no other customer for this service, and that if any such customers exist, it is willing and able to provide the leased channel service. It is further asserted that demand for TEX service also remains confined to a limited number of calls, and that present facilities are more than ample to provide for whatever demands exist for TEX service. RCAC urges that any claims that it enjoys "a monopolistic" or preferred position with Puerto Rico must also be considered in light of the applicant's general competitive position in telegraph service between the United States and Puerto Rico and with the area involved. RCAC asserts that the applicants enjoy the substantially greater share of the total message telegraph traffic with Puerto Rico, as well as the revenue derived therefrom, and that not only do they occupy a dominant position, but their industry participation has been increasing. RCAC submits that to charge "monopoly" or preferred position in the face of this trend is very surprising, and that the trend assumes added significance when considered in the light of the Initial Decision's conclusion that, in the event of a grant of the applications to establish "joint cable and radio service by the AC and R system between New York and Puerto Rico, which is the practical effect of the instant proposal," the possibilities are that "the position of dominance among the carriers which [the AC & R system] presently occupies may become more severe."

13. With respect to the remainder of the instant petition, i. e., paragraphs 14–32, RCAC states that such matters are an obvious reargument on the merits of the Initial Decision not provided for by the Commission's Rules of Practice and Procedure, and RCAC requests that the Commission dismiss paragraphs 14–32 of the instant petition on the basis that they constitute an unwarranted and untimely reargument on the merits of the Initial Decision. We have considered this matter herein above, and RCAC's request is granted to the extent that we give no consideration herein to the argumentative matters advanced by the petitioners. In view of our disposition of the instant petition, the applicability of general policy statements will, of course, be reserved for discussion by the Hearing Examiner in the conclusions which will be made upon the basis of the supplemented record in this proceeding, and thereafter, if appropriate, by the Commission in its final determination.

14. RCAC submits that, in its opinion, the proceedings should not be reopened for further hearings except under the most unusual and compelling circumstances, and that if some new development should provide a basis to reopen and to remand a proceeding, a final decision can never be reached. In this connection, RCAC cites a decision of the Supreme Court of the United States, Interstate Commerce Commission v. Jersey City, 322 U. S. 503, and cites language therefrom at page 512 as follows:

> Administrative consideration of evidence—particularly where the evidence is taken by an examiner, his report submitted to the parties, and a hearing held on their exceptions to it—always creates a gap between the time the record is closed and the time the administrative decision is promulgated. This is especially true if the issues are difficult, the evidence intricate, and the consideration of the case deliberate and careful. If upon the coming down of the order litigants might demand rehearing as a matter of law because some new circumstance has arisen, some new trend has been observed, or some new fact discovered, there would be little hope that the administrative process could ever be consummated in an order that would not be subject to reopening.

15. We are of the opinion that the record in this proceeding should be reopened for further hearing. We think that this is the appropriate course to follow in view of the present posture of the proceeding, i. e., the matter has reached the point of final decision, with the prospect that such decision would be based upon facts and conditions which obtained as of a period more than four years past. We believe that the ends of justice would be served more appropriately by issuing a final determination which would be based upon facts which are more current in point of time. In reaching this view, we are aware that RCAC presses the point that in July of 1955 we denied a petition for further hearing in this proceeding filed on December 10, 1954, by Mackay and All America, and that in view of their failure to petition within 30 days for reconsideration of such denial it must be said that the Commission has already finally determined that further hearing should not be held in this proceeding. We must disagree with RCAC's position for we are cognizant of no provision of an applicable statute or of our rules which would preclude the filing of a pleading such as that now before us because of the fact that no petition for reconsideration of a denial of a request for further hearing had been filed within 30 days of the date of such denial. In this connection, it is to be noted that our rules[3] expressly provide that prior to or after oral argument or the filing of briefs the Commission may reopen the record and remand the proceeding to the presiding officer to take further testimony

[3] Section 1.853 (c) (3) and (4).

or evidence, or it may remand the proceedings to the presiding officer to make further findings or conclusions.

16. We recognize that it is imperative in the orderly execution of the administrative process that a point of finality be reached. We believe, however, that the history of the present proceeding demonstrates that unusual and compelling circumstances require the reopening of the record herein to permit the record to reflect current data.

17. In view of the foregoing: *It is ordered*, That the petition to reopen the record for further hearing filed on July 2, 1956, by Mackay Radio and Telegraph Company, Inc., and All America Cables and Radio, Inc. is granted; and

It is further ordered, That the above-entitled matter is remanded to the Hearing Examiner,[4] who originally presided at this hearing, with the instructions to reopen the record for the adduction of evidence under the issues which previously controlled this proceeding for the purpose of permitting the record to reflect current data pertinent to the aforesaid issues; and

It is further ordered, That after the appropriate procedural steps have been taken, the Hearing Examiner shall issue a supplemental initial decision herein.

Adopted: August 29, 1956.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7300; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11562, 11807; FCC 56-817]

WARREN L. MOXLEY AND JONES T. SUDBURY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922, and Jones T. Sudbury, Martin, Tennessee, Docket No. 11807, File No. BP-10575; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August 1956;

The Commission having under consideration the above-captioned applications of Warren L. Moxley and Jones T. Sudbury, each for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of 500 watts and one kilowatt, respectively, at Blytheville, Arkansas, and Martin, Tennessee, respectively;

It appearing, that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 29, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each applicant; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7301; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-805]

TRADEWINDS BROADCASTING CO. (WCBQ)

STATEMENT AND ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, for construction permit to replace expired construction permit, Docket No. 11789, File No. BP-10370; and for modification of construction permit, Docket No. 11790, File No. BMP-6920.

1. A prehearing conference was held on September 5, 1956. The transcript of the conference is incorporated by reference. The following schedule was agreed to:

(a) Applicant to furnish his proposed direct case exhibits to the parties and Hearing Examiner by October 8, 1956, 5 p. m.

(b) A further conference to discuss the proposed exhibits and other pertinent matters to be held on October 15, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

(c) Evidentiary hearing to begin on October 22, 1956 at 10:00 a. m., in the offices of the Commission, Washington, D. C. (continued from October 12, 1956).

So ordered, this 5th day of September 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7302; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket No. 11803; FCC 56-814]

BOSQUE RADIO

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George H. Cook tr/as Bosque Radio, Clifton, Texas, Docket No. 11803, File No. BP-10,361; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration the above-captioned application of George H. Cook tr/as Bosque Radio for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, directional antenna, daytime only at Clifton, Texas;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified except as may appear from the issues specified below, to operate the proposed station, but that interference to the proposed operation from Stations KGNB, New Braunfels, Texas (1420 kc, 1 kw, Day) and KFYN, Bonham, Texas (1420 kc, 250 w, Day), may affect more than 10 percent of the population in the proposed primary service area in contravention of § 3.28 (c) of the Commission's rules; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 10, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant replied by letter dated June 29, 1956, and conceded that the loss in population would be 10.41 percent of the population within the normally protected primary service area, but stated that § 3.28 (c) of the rules should be waived and the application should be granted because neither Clifton, Texas, nor Bosque County has a radio station at this time, that the proposed operation will cause no interference to any existing station or pending application and that the area where interference will be received is remote and rural and already served by several stations; and

It further appearing, that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether because of the interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced under the foregoing issues, whether a grant of the subject application would serve the public interest.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7303; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11804, 11805; FCC 56-815]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP-10316 and Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP-10527; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August 1956;

The Commission having under consideration the above-captioned applications of Radio Wayne County, Inc., and Radio Newark, Inc., each for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, daytime only, at Newark, New York; and

It appearing, that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 24, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was received from each subject applicant; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary services to such areas and populations.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7304; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket No. 11806; FCC 56-816]

INDIAN CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr. d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration the above-captioned application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, for a construction permit for a new standard broadcast station at Anadarko, Oklahoma, to operate on 1250 kilocycles with a power of 500 watts, daytime only, File No. BP-10413;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station, but that operation of the station as proposed would cause interference to Stations KWSH, Wewoka, Oklahoma (1260 kc, 1 kw, DA-2, U); KVSO, Ardmore, Oklahoma (1240 kc, 250 w, U); and KFTV, Paris, Texas (1250 kc, 500 w, D); and may receive interference from said stations which would affect more than 10 percent of the population in the proposed station's normally protected primary service area, so that the proposal would not be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 15, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a timely reply was received from the applicant; and

It further appearing, that the Commission is of the opinion that a hearing on the subject application is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve interference with Stations KWSH, Wewoka, Oklahoma; KVSO, Ardmore, Oklahoma; and KFTV, Paris, Texas; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the instant proposal would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience and necessity.

It is further ordered, That Lamar Broadcasting Company, Inc.; Tri-Cities Broadcasting Co., Inc.; and John F. Easley; licensees of Stations KFTV, Paris, Texas; KWSH, Wewoka, Oklahoma; and KVSO, Ardmore, Oklahoma; respectively, are made parties to the proceeding.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7305; Filed, Sept. 10, 1956; 8:50 a. m.]

[4] It is assumed that the Hearing Examiner will schedule this matter on his calendar at the earliest possible time consistent with his hearing schedule.

[Docket No. 11778; FCC 56-818]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER WITH RESPECT TO PATCHOGUE, N. Y., AND NEW YORK, N. Y.

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 11778.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for class B FM Broadcast Stations; and

It appearing, that notice of proposed ruling making (FCC 56-671) setting forth the above amendment was issued by the Commission on July 16, 1956 and was duly published in the FEDERAL REGISTER (21 F. R. 5469), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 10, 1956; and

It further appearing, that no comments were received opposing the reallocation of a channel from New York City to Patchogue, New York; however, an objection was received to reallocation of Channel No. 282 as originally proposed because that channel was being considered for a new concert network station in New York City and that such channel was the most desirable of those available in New York City for the operation. Reallocation of Channel No. 278 to Patchogue was suggested, which channel appears to be equally usable in Patchogue;

It further appearing, that the immediate adoption of the proposed amendment would be desirable;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of New York and Patchogue, New York:

General area	Channels	
	Delete	Add
Patchogue, N. Y.		278
New York City, N. Y.	278	

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7306; Filed, Sept. 10, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1823]

GETTY OIL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Getty Oil Company, common stock; File No. 7-1823.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the San Francisco, New York and Los Angeles Stock Exchanges.

Upon receipt of a request, on or before September 21, 1956 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7270; Filed, Sept. 10, 1956; 8:46 a. m.]

[File No. 7-1822]

KERR-MCGEE OIL INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Kerr-McGee Oil Industries, Inc., common stock; File No. 7-1822.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 21, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7271; Filed, Sept. 10, 1956, 8:46 a. m.]

[File No. 1-2639]

CASCO PRODUCTS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of Casco Products Corporation common stock; File No. 1-2639.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock has been inactive on the Detroit Stock Exchange for the past five years. It will remain listed on the American Stock Exchange.

Upon receipt of a request, on or before September 21, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7272; Filed, Sept. 10, 1956; 8:46 a. m.]

[File No. 70-3503]

OHIO EDISON CO.

ORDER AUTHORIZING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 5, 1956.

Ohio Edison Company ("Company"), a registered holding company, has filed with this Commission an application pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Pursuant to a Sale Agreement dated August 9, 1956 between the Company and the Village of Plain City, Ohio ("Village"), the Company proposes to acquire, for a cash consideration of $410,000 (of which $102,500 has already been paid on account), the Village's generating plant other than land and buildings, and its electric distribution and street lighting systems including land and land rights necessary for the operation of such systems, together with materials and supplies and all related fixtures and appliances. The property includes five diesel engine generators with a total capacity of 1,500 Kw., 15 pole miles of overhead distribution facilities, 111 street lights, and 113 line transformers of 2,716 Kva. aggregate capacity. The property presently serves about 825 customers. The company estimates that operating revenues for the first full year of operation will approximate $110,000.

The Village is situated within the Company's service area and in close proximity to communities presently served by the Company. Upon consummation of the acquisition, the property will be physically connected with the Company's facilities, and integration of the acquired property with the Company's system is expected to result in improvement of the local service and an overall reduction in electric rates.

The Company proposes to record the property on its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of The Public Utilities Commission of Ohio and the Federal Power Commission, which will have jurisdiction with respect thereto.

Due notice of the filing of the application having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted, effective forthwith, subject to the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7273; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3506]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING REGARDING RENEWAL OF GUARANTY OF SUBSIDIARY'S SHORT-TERM NOTE

SEPTEMBER 5, 1956.

Notice is hereby given that Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 7 and 12 (b) thereof and Rule U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Cenpuc proposes to guarantee, for an additional period from September 24, 1956 to January 4, 1957, and thereafter for additional periods not exceeding nine months from September 24, 1956, payment of the renewal promissory note or notes of its wholly owned subsidiary The Islands Gas and Electric Company ("Islands") to the order of The Hanover Bank, New York, New York, in the principal amount of $2,000,000, with interest at the rate of 3½ percent per annum. Cenpuc will pledge to said bank, as security for the due payment of Islands' note or notes, a Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum.

The proposed renewal or renewals represent a further extension of Cenpuc's guaranties of the aforesaid obligation of Islands to said bank, originally authorized by the Commission on December 16, 1955, and renewed at 90-day intervals thereafter. It is stated that, although Islands anticipates the receipt of sufficient moneys to pay its note to the bank before January 4, 1957, Cenpuc seeks authority to extend its guaranty thereafter to a date not later than June 24, 1957, in the event of further delay.

Declarant represents that no other regulatory commission has jurisdiction in the matter. It estimates its expenses in connection with the renewal of its guaranty from September 24, 1956, to January 4, 1957, at not exceeding $400, including attorneys' fees of not more than $350; and in connection with renewals thereafter, if any, at not more than $200 for attorneys' fees and $25 for miscellaneous expenses.

Notice is further given that any interested person may, not later than September 19, 1956 at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as amended or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7274; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3500]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

ORDER REGARDING PROPOSAL TO AUTHORIZE, ISSUE AND SELL SHARES OF NEW SERIES OF PREFERRED STOCK

SEPTEMBER 5, 1956.

Blackstone Valley Gas and Electric Company ("Blockstone"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application-declaration and amendments thereto, pursuant to sections 6 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 thereunder, regarding the following proposed transactions:

Blackstone proposes, subject to appropriate approval of its stockholders, to authorize a new series of redeemable cumulative preferred stock ("new preferred stock"), consisting of 25,000 shares of $100 par value each, and ranking pari passu with the outstanding 4.25 percent preferred stock, except as to number of shares, rate of dividend, date from which such dividends commence to accumulate, and the redemption prices thereof.

Blackstone further proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 25,000 shares of the new preferred stock, of which 1,430 shares will be subject to a subscription offer to be made, on a share for share basis, to the common stockholders other than EUA. EUA, the owner of 99.17 percent of Blackstone's outstanding common stock, has agreed to waive its right to subscribe for the new preferred stock. The dividend rate of the new preferred stock, and the price, exclusive of accumulated dividends, to be paid the company, and the subscription price (which shall be the initial offering price to the public) are to be fixed by the competitive bidding. Blackstone proposes to hold a special meeting of its stockholders to consider and act upon the foregoing proposals, and to solicit proxies to be voted in favor of the proposed authorization, issuance and sale of the new series of preferred stock.

The proceeds from the proposed issue and sale of new preferred stock will be used to retire in part Blackstone's short-term bank notes outstanding in the aggregate principal amount of $3,050,000.

The proposed issue and sale of preferred stock have been authorized by the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island, the appropriate regulatory authority of the State in which Blackstone is organized and doing business.

Blackstone's estimate of the fees and expenses to be incurred and to be paid in connection with the proposed transactions, other than the fees and expenses of accountants and counsel for the company and independent counsel for the underwriters as to which jurisdiction is being reserved herein, is as follows:

Federal stamp tax	$2,750.00
Securities and Exchange Commission fee	257.50
State taxes and fees	3,500.00
Blue Sky Law qualification expense	1,000.00
Printing and engraving costs	10,000.00
Registrar and transfer agent fees and costs	5,000.00
Telephone, telegraph, travel, and miscellaneous	1,992.50
Total	24,500.00

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and it also appearing that the fees and expenses set forth above to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates herein stated; and the Commission finding in respect of the application-declaration that the applicable provision of the act, and, of the rules and regulations thereunder, are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application- declaration be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed by Rules U-24 and U-50 and subject to the further condition that jurisdiction is reserved over the fees and expenses of accountants and counsel for the company and the independent counsel for the underwriters with respect to said transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7275; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3497]

NORWOOD GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER APPROVING INCREASE OF AUTHORIZED CAPITAL STOCK AND RIGHTS OFFERING BY SUBSIDIARY, AND OFFER OF PARENT TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS AND ALL SHARES HELD BY THEM

SEPTEMBER 5, 1956.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidary, Norwood Gas Company ("Norwood"), have filed a joint application-declaration pursuant to sections 6 (a), 6 (b), 7 (e), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

The authorized capital stock of Norwood consists of 3,010 common shares (par value $100 per share), of which 2,810 shares are outstanding. Norwood proposes to reduce its authorized capital stock to the 2,810 shares presently outstanding, and thereupon to increase its capital stock by the issue and sale of 1405 additional shares offering such shares to its stockholders at the price of $100 per share on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days; but only full shares will be issued.

NEES, which now owns 2,791 shares (99.324 percent) of Norwood's outstanding stock, proposes to exercise its rights to subscribe for the 1,395 full shares of additional stock to which it will be entitled. The minority public holders (four in number, owning 19 shares) will be entitled to subscribe for 9 full shares. NEES also proposes, during the subscription period, to offer to purchase the present holdings of the minority stockholders, together with their rights to subscribe for additional shares, on the basis of $120 a share, and at the end of the subscription period to purchase from Norwood all unsubscribed shares at the subscription price. The price of $100 per share for the additional capital stock to be issued by Norwood and the price of $120 per share to be offered by NEES for the present minority holdings together with rights to subscribe for additional shares, are stated to have been determined by the directors of the respective companies after consideration of the earnings and book value of the Norwood stock and other comparable utility company stocks.

NEES will use treasury funds for its proposed acquisitions. Norwood will apply the proceeds from the sale of the additional capital stock, $140,500, to the discharge of a like amount of short-term notes payable to NEES, reducing its note indebtedness to NEES from $590,000 to $449,500.

The Massachusetts Department of Public Utilities has authorized and approved the increase of Norwood's authorized capital stock from 2,810 to 4,215 shares, the issuance of 1,405 additional shares, the acquisition by NEES of any shares unsubscribed by the minority stockholders, and the application by Norwood of the proceeds of the sale.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7276; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3508]

MISSOURI EDISON CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF SHORT-TERM NOTES

SEPTEMBER 5, 1956.

Notice is hereby given that Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis, Missouri amounts not to exceed, in the aggregate, $1,400,000. Such borrowings will be evidenced by promissory notes, which notes will mature not later than August 31, 1957, and which will bear interest at the prime rate effective in St. Louis at the time of the particular borrowing.

Missouri Edison had contemplated that permanent financing, through the issue and sale of additional First Mortgage Bonds, would be effected during the second half of 1956 to repay previous borrowings and obtain additional funds for the continuation of its construction program, but after a review of its present cash position, its requirements to August 31, 1957, and present bond market conditions, has concluded that it would be advisable to defer permanent financing until next year. Accordingly, Missouri Edison has arranged for said $1,400,000 of short-term borrowings, which, together with cash available in its treasury, will be used to repay the $1,000,000 of promissory notes maturing on September 28, 1956, and to finance its necessary construction program. Missouri Edison expects to repay such borrowings and obtain additional funds for the continuation of its construction program through the issue and sale of securities in 1957, the type and amount to depend upon conditions at that time.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions. The declaration further states that no fees, commissions or expenses, other than nominal fees, will be involved.

Notice is further given that any interested person may, not later than September 20, 1956, at 5:30 p. m., request the

Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7277; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 24 NY-4138]

WILLIAM TELL PRODUCTIONS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 5, 1956.

I. William Tell Productions, Inc., a Delaware corporation, 135 Central Park West, New York, N. Y. (formerly known as Telerad Corporation of America), having filed with the Commission on November 4, 1955, a Notification on Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering of 295,000 shares of common stock, par value $.10, at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission having reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

(1) The issuer failed to disclose in Item 4 of Form 1-A that W. T. Clemons Associates was, and is, an affiliate within the meaning of Rule 215 (a) and (b);

(2) The $300,000 maximum aggregate offering price limitations of Rule 217 (a) with respect to the issuer were exceeded in that W. T. Clemons Associates, an affiliate of the issuer and a person as contemplated by Rule 217 (a) (iii), offered and sold securities within the meaning of Rule 217 (a) (3) in an amount which when combined with the issuer's present offering exceeded the above maximum;

(3) The issuer failed to disclose in Item 3 of Form 1-A sales of securities by W. T. Clemons Associates, an affiliate of the issuer, within one year prior to the date of the filing of such Form 1-A;

(4) The issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold securities of the issuer and in connection with such sales failed to give or deliver to the purchasers an offering circular as required by Rule 219 (a) (2);

(5) The issuer, through its underwriter, Rutledge Irvine & Co., Inc. offered and sold its securities prior to the filing of an amended offering circular disclosing information with respect to the underwriting agreement with said Rutledge Irvine & Co., Inc., as required by Rule 219 (c) (4) and (5).

(6) The issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold its securities prior to and during the waiting period, following the filing of amending material to the offering as prescribed by Rule 219 (e).

III. *It is ordered*, Pursuant to Rule 223 (a) and Rule 261 (a) of the general rules and regulations under the Securities Act of 1933 that the exception under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7278; Filed, Sept. 10, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2657 etc.]

JAKE L. HAMON, ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 5, 1956.

In the matters of Jake L. Hamon, et al., Docket No. G-2657, et al., and Stanolind Oil and Gas Company, Docket Nos. G-8612, G-8708.

Notice is hereby given that the applications of Stanolind Oil and Gas Company, Docket Nos. G-8612 and G-8708 in the above consolidated proceedings and scheduled for hearing on September 13, 1956, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7265; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket No. G-2657 etc.]

JAKE L. HAMON ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 5, 1956.

In the matters of Jake L. Hamon, et al., Docket No. G-2657, et al.; and Humble Oil & Refining Co., Docket No. G-9008.

Notice is hereby given that the application of Humble Oil & Refining Co., Docket No. G-9008 in the above consolidated proceedings and scheduled for hearing in September 13, 1956 at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7264; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket No. 4438, as amended, etc.]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name of Applicant; Gas Field; and Purchaser

G–4438, as amended 12–5–55 and 4–5–56; Arkansas Louisiana Gas Company; Ruston, Unionville, Hico-Knowles, Lincoln Parish, La.; Jefferson, Marion County, Texas; Waskom, Harrison County, Texas; East Carthage, Panola County, Texas; Southwest Production Company, Mississippi River Fuel Corporation; Texas Eastern Transmission Corporation; United Gas Pipe Line Company.

G–4510; T. J. Ahern, et al.; Fairbanks, Harris County, Texas; Texas Illinois Natural Gas Pipe Line Company.

G–4531; Curtis Singleton; Odem, San Patricio County, Texas; Tennessee Gas Transmission Company.

G–4543; Western Natural Gas Company; Cleveland Townsite, Liberty County, Texas; Tennessee Gas Transmission Company.

G–4549 and G–4550; Western Natural Gas Company; San Salvador, Hidalgo County, Texas; Tennessee Gas Transmission Company.

G–4642; H. S. Cole, Jr., et al.; West Weesatche, Goliad County, Texas; Texas Eastern Transmission Corporation, assignee of Wilcox Trend Gathering System, Inc.

G–4643; Caroline Hunt Trust Estate; West El Campo Area, Wharton County, Texas; Tennessee Gas Transmission Company.

G–4677; Sinclair Oil & Gas Company; West Edmond, Kingfisher, Logan, Canadian and Oklahoma Counties, Oklahoma; Cities Service Gas Company.

G–4787; Caroline Hunt Sands; West El Campo Area, Wharton County, Texas; Tennessee Gas Transmission Company.

G–4812; Carter-Jones Drilling Co., et al.; Carthage, Panola County, Texas; Lone star Gas Company; Arkansas Louisiana Gas Company.

G–4847; Mercury Drilling Co., Logan County, Oklahoma; Cities Service Gas Company.

G–4881; Western Natural Gas Company, et al.; San Salvador, Hidalgo County, Texas; Chicago Corporation.

G–5133; Sunray Mid-Continent Oil Company; Sheridan, Colorado County, Texas; Iroquois Gas Corporation.

G–5146 and G–6783, as amended 3–14–55; Humble Oil & Refining Company; Yarbrough-Allen Field, Ector County, Texas; Benedum Field, Upton County, Texas; El Paso Natural Gas Company; Pecos Company.

G–5180; Sunray Mid-Continent Oil Company; Floris, Beaver County, Oklahoma; Michigan-Wisconsin Pipe Line Company.

G–5186; C. H. Lyons, Jr., Agent, for himself and others; Logansport and Spider, De Soto Parish, Louisiana; North Ruston, Lincoln Parish, Louisiana; Southern Natural Gas Company; Arkansas-Louisiana Gas Company; Mississippi River Fuel Corporation.

G–5719; The California Company; Coquille Bay, Quarantine Bay, Main Pass, Romere Pass, Grand Bay, Bayou de Fleur, Alliance, W. Barataria and South Barataria, Plaquemines and Jefferson Parishes, Louisiana; Southern Natural Gas Company.

G–5962; The Interstate Pipe & Supply Company; Battelle District, Monongalia County, West Virginia; The Manufacturers Light and Heat Company.

G–5964; Joseph S. Morris and Will Crewes Morris; Tulsita-Wilcox, Bee County, Texas; Stanolind Oil & Gas Company, et al.

G–5975; Trippitt Oil & Gas Company; Sheridan District, Calhoun County, West Virginia; The Manufacturers Light and Heat Company.

G–6007; Palo Duro Oil Company, Margaret Wheatley; Eva B. Freeman; Evelyn Freeman Williams; Matilda L. Lehman; C. A. Fisk and Allene A. Fisk; Marguerite Humphrys; West Panhandle, Hutchinson County, Texas; Phillips Petroleum Company.

G–6025; Mrs. Janie R. Strength; Woodlawn, Harrison County, Texas; Mississippi River Fuel Corporation.

G–6261 to G–6276, inclusive; Tide Water Associated Oil Company; West Edmond, Oklahoma and Kingfisher Counties, Oklahoma; Englehart, Colorado County, Texas; Chickasha, Grady County, Oklahoma; Schalem-Alechem, Carter County, Oklahoma; Hollywood, Terrebonne Parish, Louisiana; Holly Ridge, Tensas Parish, Louisiana; Lewisburg, Acadia Parish, Louisiana; Cruce, Stephens County, Oklahoma; Blinebry, Eumont, Justice, Langlie-Mattix, Langmat and Tubbs, Lea County, New Mexico; Baxterville, Lamar County, Mississippi; Gwinville, Jefferson Davis County, Mississippi; Cities Service Gas Company; Shell Oil Company; Consolidated Gas Utilities Corporation; El Paso Natural Gas Company; Lone Star Gas Company; United Gas Pipe Line Company; Olin Gas Transmission Corporation; Texas Northern Gas Corporation; Southern Natural Gas Company.

G–6280; Fred W. Shield; Levelland, Hockley County, Texas; Spraberry Trend Area, Reagan County, Texas; Tulsita-Wilcox Bee County, Texas; Stanolind Oil and Gas Company; Texas Natural Gasoline Corporation.

G–6281; The Interstate Pipe & Supply Company; Liberty District, Marshall County, West Virginia; The Manufacturers Light and Heat Company.

G–6301 to G–6303, inclusive; Engineering Development Company, Inc. et al.; Joaquin, Shelby County, Texas; Logansport, De Soto Parish, Louisiana; Southern Natural Gas Company; Skelly Oil Company.

G–6421; R. J. St. Germain; Gwinville, Jefferson Davies and Simpson Counties, Mississippi; Southern Natural Gas Company.

G–6430 to G–6433, inclusive; The Veeder Supply and Development Company; Hugoton, Seward County, Kansas; Northern Natural Gas Company; Cabot Carbon Company; Stanolind Oil and Gas Company.

G–6439; Robert Mosbacher; Emil Mosbacher, Jr.; Barbara Smullyn; Gertrude Mosbacher; W. T. Mendell; Thomaston De Witt County, Texas; Texas Eastern Transmission Corporation.

G–6449; Peter N. Petkas, and J. B. Ferguson; Jones Creek, Wharton County, Texas; Tennessee Gas Transmission Company.

G–6454; Ben F. Brack; Hugoton, Kearny County, Kansas; Cities Service Gas Company.

G–6481 and G–6482; J. B. Stoddard, et al.; Columbus, Colorado County, Texas; W. Big Springs, Deuel County, Nebraska; Trunkline Gas Supply Company; Kansas-Nebraska Natural Gas Company.

G–6509; Parsons Brothers; Benezette, Elk County, Pennsylvania; The Manufacturers Light and Heat Company.

G–6528 to G–6531, inclusive; H. W. Klein; Klein and Vaughn; G. H. Vaughn; Spartan Drilling Company; Lisbon, Lincoln Parish, Louisiana; Cotton Valley, Webster Parish, Louisiana; Pegasus, Upton and Midland Counties, Texas; Mississippi River Fuel Corporation; Southwest Gas Producing Company; United Gas Pipe Line Company; El Paso Natural Gas Company.

G–6900; R. A. Burnett; West Panhandle, Hutchinson County, Texas; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.

G–6903; The Preston Oil Company; Washington and Greene Counties, Pennsylvania; Marshall, Wetzel, Calhoun, Clay, Kanawha and Mingo Counties, West Virginia; The Manufacturers Light and Heat Company, South Penn Natural Gas Company; Godfrey L. Cabot; United Fuel Gas Company; Pure Oil Company.

G–6911; Wiegand Brothers Drilling Company; Gaffney, Victoria County, Texas; Tennessee Gas Transmission Company.

G–7020; Harold Kaffie; Seeligson, Jim Wells County, Texas; Tennessee Gas Transmission Company.

G–7202 and G–7203; Deerfield Gas Production Company; Kearney Gas Production Company; Kansas-Hugoton, Kearny County, Kansas; Kansas-Nebraska Natural Gas Company; Northern Natural Gas Company.

G–7256; R. J. Hopkins, Agent; Benezette Township, Elk County, Pennsylvania; The Manufacturers Light and Heat Company.

G–7349 to G–7352, inclusive; Phillips Petroleum Company; West Panhandle, Moore County, Texas; Panhandle Eastern Pipe Line Company.

G–7690, as amended 4–9–56; C. P. Pursley, Ervin Pursley, J. T. Cornutt, Dona Pursley Cornutt, G. B. Cree, C. A. Pollock, E. E. Simmons, H. E. Schwartz, D. E. Williams d. b. a. C. P. Pursley, et al.; East Panhandle, Gray County, Texas; Phillips Petroleum Company.

G–9455; Calvin Clarke, Trustee; Allen and Hunter, Floyd County, Kentucky; United Fuel Gas Company.

A public hearing will be held on the 3d day of October 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

SEPTEMBER 5, 1956.

[F. R. Doc. 56–7267; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G–9635 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PRODUCTION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 5, 1956.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–9635; Texas Eastern Production Corporation, Docket No. G–9023 and G–9634.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed on November 9, 1955, as supplemented on November 22, 1955, and April 6, 1956, in Docket No. G–9635 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to acquire and operate facilities of Texas Eastern Production Corporation (Texas Production) as hereinafter described subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection. Texas Eastern, with approval of the directors and share holders and of both Texas Eastern and Texas Production (a subsidiary of Texas Eastern in which it owns 93 percent of the outstanding common stock) proposes to merge said Texas Production into Texas Eastern; Texas Production an independent producer, is selling gas to Texas Eastern in interstate commerce for resale pursuant to the orders of this Commission issued in Docket No. G–2775, G–2778, and temporary authorization granted in Docket No. G–9023. Said Texas Production is selling gas in interstate commerce for resale to Arkansas-Louisiana Gas Company, pursuant to order of this Commission issued December 23, 1954, in Docket No. G–2776.

Texas Eastern seeks authority to acquire and operate the properties of Texas Production, and to continue to sell to Arkansas-Louisiana Gas Company as Texas Production was authorized to do in Docket No. G–2776. Concurrently with this filing, Texas Production by application docketed No. G–9634 and as more fully hereinafter described, requests authority to abandon all service it proposed and was authorized to perform in Docket Nos. G–2775, G–2776, G–2777, G–2778; and G–9023.

Texas Eastern alleges that the proposed merger is in the interest of the present and future public convenience and necessity since by utilizing its own production of natural gas it will improve flexibility of its pipeline operation, improve its bargaining power, with independent producers in its purchase of additional supplies of natural gas, and reduce overhead expenses by combining the operation of the two corporations under one management.

Take further notice that Texas Production, a Delaware corporation with its principal place of business at Houston, Texas, filed an application pursuant to section 7 (b) of the Natural Gas Act, on November 9, 1955, as supplemented on November 22, 1955, in Docket No. G–9634 requesting authorization to abandon services as hereinafter described and subject to the jurisdiction of the Commission and as more fully represented in the application which is on file with the Commission and open for public inspection.

Pursuant to the plan of the merger filed by Texas Eastern in Docket No. G–9635, as hereinbefore described, Texas Production filed an application for authority to abandon service proposed by it in Docket Nos. G–2775, G–2776, G–2777, G–2778, and G–9023. Texas Production alleges that there will be no interruption of service for the reason that in Docket Nos. G–2775, G–2778 and G–9023, Texas Eastern, under the proposed merger would become operator and take the gas, since it is the buyer named in contracts which were the subject of these proceedings. In Docket No. G–9635 Texas Eastern requests authority to continue to render the service proposed in Docket No. G–2776; that the service proposed in Docket No. G–2777 has been discontinued due to depletion of wells to the extent that there is insufficient pressure to permit delivery into the pipeline.

Texas Production, as an independent producer, filed on June 9, 1955, in Docket No. G–9023, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing it to render services as hereinafter described, or as more fully represented in its application which is on file with the Commission and open for public inspection.

Texas Production in said application is requesting authority to sell natural gas produced by it from the Cherokee Lake area in Rusk, Gregg, and Harrison Counties, Texas, to its parent, Texas Eastern. In Docket No. G–9634, Texas Production requested authority to abandon this service because of its proposed merger into its parent-buyer. On January 6, 1956, this case was consolidated with Docket No. G–9066, and set for hearing on February 15, 1956. On February 6, 1956, W. H. Bryant, et al., co-owners of working interests and parties seller under said contract filed a "Motion of Non-Operators to be Substituted for Texas Eastern Production Corporation (Operator)." By order issued February 29, 1956, Docket No. G–9023 was severed and continued subject to further order of the Secretary, because of the filings in Docket No. G–9634 by Texas Production and in this Docket by W. H. Bryant, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure provided for, under the procedure herein unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7268; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G–10756]

WEST TENNESSEE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 5, 1956.

Take notice that West Tennessee Gas Company (Applicant), a Florida corporation with principal place of business at P. O. Box 611, Jackson, Mississippi, filed, on July 16, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with recently constructed natural gas facilities owned by the Town of Gates (Gates), a municipal corporation located in Lauderdale County, Tennessee, which were leased by Gates to Applicant on May 26, 1956 and which will be operated and maintained by Applicant for the purpose of enabling Applicant to render retail natural gas service in Gates. Applicant will not require any additional allocation of natural gas in order to render this service. The gas supply requested by and allocated to Applicant in Docket No. G–10062 anticipated the instant operation and is adequate to meet the requirements of Gates.

The Gates system consists of approximately 2.2 miles of 3-inch lateral transmission line extending from the 26-inch transmission line of Texas Gas to a regulator station in or near Gates and a distribution system within Gates.

The estimated daily gas requirement for Gates is stated to be 220 Mcf and the estimated annual gas requirements for the first four years of operation are stated to be 9,700 Mcf (1956), 11,650 Mcf, 11,950 Mcf and 12,250 Mcf.

Texas Gas Transmission Company (Texas Gas) filed on August 6, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the aforesaid application wherein it stated that it has no objection to rendering the service requested by Applicant, provided that Texas Gas shall not be obligated to render the proposed service until completion of the facilities authorized in Docket No. G–10062.

The proposed project hereinabove described is more fully represented in the application which is on file with the Commission and open for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7269; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G–9886]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1956.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with principal place of business at Oklahoma City, Oklahoma, filed, on January 19, 1956 as amended March 9, 1956 and June 25, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which

are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver natural gas in interstate commerce to the Gas Service Company (Gas Service) under Applicant's existing F–2, C–2 and I–2 Rates Schedules for resale and distribution by Gas Service via its proposed lateral transmission line and proposed distribution system in the City of Corder (Corder), Lafayette County, Missouri.

The facilities proposed to be constructed and operated by Applicant at an estimated cost of $1,350 for which amount Applicant will be reimbursed in full by Gas Service as a contribution in aid of construction, consist of a meter setting with a metric 250–B meter, together with appurtenant regulator equipment to be located in Lafayette County, Missouri, near Applicant's existing 10 inch line serving Springfield, Missouri.

The estimated peak day and annual requirements for the City of Corder, Missouri, in Mcf at 14.73 psia for the first three years of operation are as follows:

Year	Peak day	Annual
1956	182	20,317
1957	212	23,393
1958	244	25,780

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, October 10, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the preceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7262; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket Nos. G–9981, G–9993]

H. J. CHAVANNE AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 4, 1956.

In the matter of H. J. Chavanne, Trustee, Docket No. G–9981; Texas Eastern Transmission Corporation, Docket No. G–9993.

Take notice that on February 21, 1956, H. J. Chavanne, Trustee (Chavanne) filed at Docket No. G–9981 an application for a certificate of public convenience and necessity covering the sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) for transportation in interstate commerce for resale from the Nada Field under a 20 year contract dated January 27, 1956, between Texas Eastern and Chavanne.

On February 23, 1956, Texas Eastern with its principal place of business located at Shreveport, Louisiana, filed at Docket No. G–9993 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as hereinafter described all as more fully represented in its application, which is on file with the Commission, and open for public inspection.

Texas Eastern seeks authorization to construct and operate a main line tap and appurtenant facilities on its existing 16-inch Provident City transmission line in the vicinity of the Nada Field, Colorado County, Texas. This proposed tap will received gas from Chavanne, produced in the Nada Field, Colorado County, Texas. The estimated total cost of the proposed facilities is $675. The cost is to be financed from corporate funds. No additional markets are proposed to be served by Texas Eastern, other than those previously authorized by the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 18, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7263; Filed, Sept. 10, 1956; 8:45 a. m.]

[Project No 1258]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL; CALIFORNIA

SEPTEMBER 5, 1956.

By Commission's letters of December 11, 1933, May 13, 1939, and October 19, 1942, the General Land Office (now the Bureau of Land Management) was notified of the reservation of approximately 278.66 acres of land of the United States, pursuant to the filing by the Great Western Power Company, now the Pacific Gas and Electric Company, on November 8, 1933, May 21, 1936 and August 12, 1942, of applications for amendment of transmission line licenses, Project No. 1258.

On April 2, 1956, the Licensee filed an application to further amend its license to include revised exhibits showing minor relocations of part of the line and its relation to latest United States Surveys. The revised exhibits showing the transmission line as constructed, indicate that certain additional lands are being occupied for project purposes.

In accordance with the provision of section 24, of the act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands of the United States are included in the aforesaid power project, as licensed.

Under said section 24, these lands are from the date of filing for amendment (April 2, 1956) reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following subdivisions lying within 25 feet of the center line survey of the transmission line location as delineated on maps designated "Exhibits K–1C, K–2Ca, K–2Cb, and K–3C. (FPC Nos. 1258–27 to 1258–30 inclusive) entitled "44 kv transmission line from Big Bend P. H. to Quincy and Walker and U. S. Mines. Pacific Gas and Electric Co." and filed in the office of the Federal Power Commission on April 2, 1956.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 N., R. 5 E.,
Sec. 21, SE¼NW¼;
Sec. 31, Lot 11.
T. 24 N., R. 6 E.,
Sec. 2, Lot. 11.
T. 24 N., R 6 E.,
Tract 37, NW¼, NW¼NE¼, N½SW¼.

T. 25 N., R. 6 E.,
Sec. 23, SW¼SE¼;
Sec. 26, Lot 9;
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, Lots 2, 3.
T. 25 N., R. 7 E.,
Sec. 20, Lot 4;
Sec. 22, S½NE¼.

The area reserved pursuant to the filing of this application for amendment of license is approximately 11.04 acres, wholly within the Lassen or Plumas National Forests, and has been heretofore reserved in connection with either earlier applications for project No. 1391, 1962, Power Site Reserve No. 239 or Power Site Classification No. 179. Of the 11.04 acres now being reserved approximately 4.44 acres consist of portions of lands located within tract 37, T. 24 N., R. 6 E., which was reconveyed to the United States through a donation to the Forest Service.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) is applicable to the aforesaid lands.

This withdrawal does not affect prior notices given to the General Land Office for this project.

Copies of the revised Exhibits J–1C, K–1C, K–2Ca, K–2Cb and K–3C (FPC Nos. 1258–26 to 1258–30 inclusive) which supersede Exhibits J, J–B, K–B sheets 1, 2, 3, 4 and 5, (FPC Nos. 1258–16 insofar as it shows to general location of the line and 1258–17 through 1258–22 inclusive) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7266; Filed, Sept. 10, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 32586: *Sulphur, from West Port Arthur, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur, carloads, from West Port Arthur, Tex., to specified points in southern and western territories.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 24 to Agent Kratzmeir's I. C. C. 4177.

FSA No. 32587: *Caustic soda—Louisiana and Texas to Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Lake Charles, La., Corpus Christi, Houston, and Velasco, Tex., to Chattanooga, North Chattanooga, Boyce, Calhoun, and Lowland, Tenn.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 166 to Agent Kratzmeir's I. C. C. 4087 and one other tariff.

FSA No. 32588: *Coke and products—Birmingham, Ala., group to Chicago, Ill., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust and coke screenings, carloads, from Birmingham, Ala., and points in Alabama grouped with Birmingham, to Chicago, Ill., and points grouped with and taking Chicago rates.

Grounds for relief: Circuitous routes.

Tariff: Supplement 57 to agent Spanginger's I. C. C. 1370.

FSA No. 32589: *Scrap tin plate—Houston, Tex., to Chicago, Ill., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap tin plate, carloads, from Houston, Tex., to Chicago, Ill., and East Chicago, Ind.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 235 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32590: *Cheese in southwestern and western trunk line territories.* Rates on cheese, including cheese foods, carloads, (1) between points in southwestern territory, (2) between points in southwestern territory, on one hand, and specified points in Kansas and Missouri, on the other, (3) between specified points in Missouri and specified points in Kansas.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariffs: Agent Kratzmeir's tariff I. C. C. 4226 and one other tariff.

FSA No. 32591: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, salt cake, fire brick, and creosote oil preservatives, carloads, between and from and to specified points in Texas over interstate routes.

Grounds for relief: Short-line distance formulas, intrastate competition and circuitous routes.

Tariff: Supplement 29 to Agent Brown's I. C. C. 865.

FSA No. 32593: *Lead compounds—Chicago, Ill., to Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lead, red, dry, and litharge, dry, carloads, from Chicago, Ill., to Emporia, Kans., and Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

FSA No. 32594: *Asphalt — Baton Rouge-New Orleans, La., group to Memphis, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on asphalt, tank-car loads, from specified points in the Baton Rouge-New Orleans, La., group, to Memphis, Tenn

Grounds for relief: Barge competition and circuitous routes.

FSA No. 32595: *Trailer-on-flat-car Service—Erie Railroad.* Filed by the Erie Railroad Company, for itself and two other railroads. Rates on freight, loaded in or on semitrailers and transported on railroad flat cars, from New York, N. Y., and grouped origins, to Louisville, Ky., and New Albany, Ind.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 3 to Erie Railroad Co. I. C. C. 21045.

FSA No. 32596: *Magnesium metals and alloys—Velasco, Texas, to New York and New Jersey.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal and alloys, carloads, from Velasco, Tex., to Brooklyn and New York, N. Y., Jersey City and Port Newark, N. J.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 236 to Agent Kratzmeir's I. C. C. 4139.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32592: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, salt cake, fire brick, and creosote oil preservatives, carloads, from and to specified points in Texas, also between points in Texas over interstate routes.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

Tariff: Supplement 29 to Agent Brown's I. C. C 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–7279; Filed, Sept. 10, 1956; 8:48 a. m.]

[No. 32035]

RAILWAY EXPRESS AGENCY

INCREASED EXPRESS CHARGES IN EASTERN TERRITORY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 31st day of August, A. D. 1956.

The Railway Express Agency filed, on August 21, 1956, a petition for authority to increase its less-than-carload charges on shipments moving by express within eastern territory, as described in the appendix hereto, by assessing a surcharge of 15 percent of the charge provided under existing tariffs for such transportation. It requests the Commission to institute an investigation to determine whether such increases will be just and reasonable and will result in rates not in excess of maximum reasonable rates, and to enter a general order modifying outstanding orders of the Commission to the extent necessary to enable the petitioner promptly to make effective, on less than statutory notice, the rates and charges proposed. It further requests that where the establishment of the rates and charges herein proposed would result in departures from section 4 of the Interstate Commerce Act, the Commission authorize such departures. The basis for all the relief sought is more specifically set forth in the said petition.

Upon consideration of the petition:

It is ordered, That an investigation of the matters presented in such petition be, and it is hereby, instituted; and that a copy of this order be served upon the

petitioner and upon the Governors and regulatory bodies of the several States concerned, as listed in the appendix;

It is further ordered, That this proceeding be assigned for hearing at such times and places as hereafter may be designated;

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

1. *Increases requested.* A surcharge of 15 percent of the charges provided under existing tariffs for transportation by express of less-than-carload shipments moving within eastern territory, except on less-than-carload shipments of milk and cream, newspapers and human remains.

2. *Territory involved.* Eastern Group. Includes generally the territory embraced in the following limits: The Atlantic seaboard from the Canadian border to Norfolk, Va.; the main line of Norfolk and Western Railway from Norfolk, Va., to Kenova, W. Va.; the main line of Chesapeake and Ohio Railway from Kenova, W. Va., to Cincinnati, Ohio; the Ohio River to Cairo, Ill.; the Mississippi River to the mouth of the Illinois River at or near Grafton, Ill.; the Illinois River from Grafton, to Pekin, Ill., a line south and east of Atchison, Topeka and Sante Fe Railway from Pekin, through Streator and Joliet, to Chicago, Ill.; a line north from Chicago, to include the southern peninsula of Michigan, and thence following the international boundary to the Atlantic seaboard; and including also (1) carriers operating within that portion of Canada north of the territory described above, or between that area and said territory (2) those portions of Norfolk and Western Railway and of Virginian Railway extending south of the southern boundary, and (3) any other carriers located in the territory designated as Eastern Group over which the Express Company may hereafter operate; but excluding those portions of Southern Railway, Atlantic and Danville Railway, Louisville & Nashville Railroad, Atlantic Coast Line Railroad and Seaboard Air Line Railroad extending north of the southern boundary and that portion of Gulf, Mobile and Ohio Railroad between Cairo, Ill., and St. Louis, Mo.

3. *States involved.* Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

[F. R. Doc. 56-7280; Filed, Sept. 10, 1956; 8:48 a. m.]

[No. MC-C-2020]

FRUIT AND VEGETABLE JUICES BETWEEN LOS ANGELES AND OREGON, WASHINGTON

NOTICE OF INVESTIGATION WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 30th day of August, A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, of fruit and vegetable juices from or to Los Angeles, to or from Salem and Portland, Oreg., and Seattle and Tacoma, Wash., as set forth on 24th revised page 118-B of tariff MF-I. C. C. No. 20 of Pacific Inland Tariff Bureau, Agent, Portland, Oreg., as follows: the rates of 169, 123, 113 and 101 cents from Salem and Portland to Los Angeles; the rate of 146 cents from Los Angeles to Salem and Portland; the rates of 124 and 110 cents from Seattle and Tacoma to Los Angeles; the rates of 212 and 173 cents from Los Angeles to Seattle and Tacoma; also as set forth in Item 630 on original page No. 66 of tariff MF-I. C. C. No. 2 of Exley Produce, Inc., Portland, Oreg., or as the same may be amended or reissued;

It appearing, that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules and regulations or practices that are unjust or unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the FEDERAL REGISTER.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc 56-7281; Filed, Sept. 10, 1956; 8:48 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended in 21 F. R. 5205, 21 F. R. 5685, and 21 F. R. 5959, are hereby further amended as indicated below:

1. Paragraph (b) of § 485.111 is amended to read as follows:

(b) Reduction of the acreage for purposes of the acreage reserve program may be accomplished by plowing the crop under or otherwise physically incorporating it into the soil or by clipping, mowing, or cutting it to prevent maturing, subsequent to May 27, 1956, but not later than August 31, 1956: *Provided,* That (1) if the final disposition date fixed for the area for compliance with allotments for purposes of price support and marketing quotas is on or before May 27, 1956, reduction for purposes of the acreage reserve program may be accomplished at any time subsequent to such final disposition date and on or before August 31, 1956; (2) in those areas where the Secretary, pursuant to the provisions of § 485.112, permits grazing of the acreage reserve beyond August 31, 1956, the crop growing on the acreage reserve, if it will produce grain, shall be disposed of not later than September 15, 1956, either by grazing, or by plowing the crop under or otherwise physically incorporating it into the soil, or by clipping, mowing, or cutting it to prevent the crop from maturing; and (3) in any case, the farm was in compliance with its allotments for purposes of price support and marketing quotas on the final date fixed for the area for compliance with such allotments.

2. The second sentence of subparagraph (1) of paragraph (c) of § 485.112 is amended to read as follows: "Disposition of grain or seed crops, other than grasses and legumes, must be accomplished not later than a date fixed by the State Committee, which date shall not be later than 30 days before harvest of the crop begins in the area, except that it shall not be earlier than August 31, 1956: *Provided,* That in those areas where the Secretary, pursuant to the provisions of this section permits grazing of the acreage reserve beyond August 31, 1956, the crop growing on the acreage reserve, if it will produce grain, shall be disposed of not later than September 15, 1956, either by grazing, or by plowing the crop under or otherwise physically incorporating it into the soil, or by clipping, mowing, or cutting it to prevent the crop from maturing."

3. The fourth sentence of paragraph (d) of § 485.112 is amended to read as follows: "In the case of other crops, disposal must be accomplished on or before August 31, 1956: *Provided,* That in those areas where the Secretary, pursuant to the provisions of this section, permits grazing of the acreage reserve beyond August 31, 1956, the crop growing on the acreage reserve, if it will produce grain, shall be disposed of not later than September 15, 1956, either by grazing, or by plowing the crop under or otherwise physically incorporating it into the soil, or by clipping, mowing, or cutting it to prevent the crop from maturing."

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 7th day of September 1956.

[SEAL] EARL L. BUTZ, *Acting Secretary of Agriculture.*

[F. R. Doc. 56-7349; Filed, Sept. 11, 1956; 8:50 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

ACREAGE RESERVE AGREEMENT

Section 485.210 (b) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, is hereby amended by deleting the date "September 21, 1956," and inserting in lieu thereof the date "October 5, 1956."

(Sec. 124, Public Law 540, 84th Cong. Interpret or apply secs. 101-106, 114-123, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C. this 7th day of September 1956.

[SEAL] EARL L. BUTZ, *Acting Secretary of Agriculture.*

[F. R. Doc. 56-7348; Filed, Sept. 11, 1956; 8:50 a. m.]

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FEDERAL REGISTER

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

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Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES IN GRAINS

Sec.

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485.262 Repayment of price support loans.
485.263 Issuance of balance certificates.
485.264 Grains obtained ineligible for price support.

AUTHORITY: §§ 485.201 through 485.264 issued under sec. 124, Pub. Law 540, 84th Cong. Interpret or apply sec. 105 (a), Pub. Law 540, 84th Cong.

§ 485.251 *Purpose.* The purpose of the regulations in §§ 485.251 to 485.264 is to set forth the terms and conditions under which certificates issued to producers with respect to wheat, corn, and rice for participation in the acreage reserve part of the Soil Bank Program will be redeemed by Commodity Credit Corporation (hereinafter referred to as "CCC") in grains in lieu of cash. Until further notice, the following terms and conditions shall govern the redemption of such certificates in grains. The Secretary reserves the right upon notice to modify, amend or revise any of the provisions of the regulations in §§ 485.251 to 485.264 at any time.

§ 485.252 *Redemption in CCC-owned grains or loan grain.* Certificates will be redeemed in grains either (a) through the delivery of grains owned by CCC, or (b) by accepting the certificates in repayment of price support loans and releasing the grain pledged or mortgaged to secure the loans. The certificates will be accepted in repayment of either warehouse-storage or farm-storage loans, including reseal loans. Interest will be charged on the loan on the same basis as if repayment were made in cash.

§ 485.253 *Redemption in grains limited to producers.* Only a producer to whom a certificate is issued for participating in the acreage reserve program may obtain the redemption of such certificate in grain. Assignees to whom certificates are issued and holders in due course of certificates are not entitled to obtain redemption of such certificates in grain.

§ 485.254 *Grains obtainable in redemption.* (a) (1) Certificates issued with respect to wheat may be redeemed in wheat, oats, rye, barley or grain sorghums.

(2) Certificates issued with respect to corn may be redeemed in corn, oats, rye, barley or grain sorghums.

(3) Certificates issued with respect to rice may be redeemed in rice, oats, barley, rye or grain sorghums.

(b) The right of a producer to obtain redemption of certificates in CCC-owned grain shall be subject to the availability of such grain in the county in which the producer desires delivery. CCC shall not be obligated to make stocks of grain available in any particular county.

§ 485.255 *Value of certificates.* For purposes of redemption in grains hereunder, certificates shall be valued at 105 per centum of the cash value thereof.

§ 485.256 *Value of grains.* CCC-owned grains delivered in redemption of certificates shall be valued at the current price support rate, including premiums and discounts, established for the class, grade and quality of the commodity at the location where delivery is to be made. In the case of wheat, oats, rye, barley and grain sorghums, the price support rate in effect on July 1 of each year shall for purposes of this section remain in effect through June 30 of the following year. In the case of rice, the price support rate in effect on August 1 of each year shall for purposes of this section remain in effect through July 31 of the following year. In the case of corn, the price support rate in effect on October 1 of each year shall for purposes of this section remain in effect through September 30 of the following year.

§ 485.257 *Where to apply.* (a) Producers who wish to obtain redemption of certificates in CCC-owned grain must apply at the County ASC Committee Office of the county in which delivery of the grain is desired.

(b) Producers who wish to obtain redemption of certificates in grain under price support loan must apply at the office of the County ASC Committee which approved the loan.

§ 485.258 *No redemptions during normal harvesting season.* Certificates shall not be redeemable in a grain during the normal harvesting season for such grain in the area where delivery is desired or the area where the grain under price support loan is stored. The normal harvesting season for each area will be published at a later date as Appendix A to the regulations in §§ 485.251 to 485.264.

§ 485.259 *Place of delivery of CCC-owned grain.* Delivery of CCC-owned grain will be made from warehouses where such grain is stored or at CCC bins sites, at the option of CCC. Grain will be delivered at CCC bins sites only if CCC is unable to make delivery from a warehouse.

§ 485.260 *Delivery of CCC-owned grain from warehouses.* (a) If delivery is to be made of warehouse-stored CCC-owned grain, the county committee shall issue a Delivery Order to the producer setting forth the quantity, grade and quality of the commodity to be delivered to the producer, and the warehouse from which the grain is to be delivered. Delivery will be made either "in store" or f. o. b. the producer's conveyance, at the producer's option, as shown on the Delivery Order. The producer may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the producer to whom issued.

(b) CCC shall be responsible for all warehouse charges (except load out charges if the redemption is made on an "in store" basis) accruing through the 15th day following the date of issuance of the Delivery Order unless such 15th day falls on a holiday, in which case CCO shall be responsible for the charges through the next succeeding business day. The producer shall be responsible for all warehouse charges accruing thereafter, except load out charges if the redemption is made on the basis of delivery f. o. b. the producer's conveyance.

(c) In the case of an "in store" delivery, title and risk of loss to the grain specified in the Delivery Order shall pass to the producer upon delivery to him of the Delivery Order. In the case of delivery f. o. b. the producer's conveyance, title and risk of loss to the grain specified in the Delivery Order shall pass to the producer either (1) at the time of load out, or (2) at the time, as specified in paragraph (b) of this section, that the producer becomes responsible for warehouse charges, whichever is earlier.

§ 485.261 *Delivery of CCC-owned grain from CCC bins sites.* (a) Deliveries of CCC-owned grain from CCC bins sites will be made f. o. b. the producer's conveyance.

(b) In the event of the inadvertent delivery to the producer of a quantity of grain in excess of that agreed upon, the producer shall pay CCC for such excess quantity at the price support loan rate applicable to the redemption.

§ 485.262 *Repayment of price support loans.* The release of grain mortgaged or pledged to secure price support loans, in redemption of certificates, shall be handled in the same manner as if repayment were made in cash.

§ 485.263 *Issuance of balance certificates.* In the event that the full amount

of the face value of a certificate is not redeemed in grain, a Balance Certificate shall be issued to the producer for the unused amount, except that if the amount is $3.00 or less no Balance Certificate will be issued unless requested by the producer. Balance Certificates will be redeemed in cash or in grains in the same manner as other certificates.

§ 485.264 *Grains obtained ineligible for price support.* Grains obtained by producers in redemption of certificates shall not be eligible for tender to CCC under the price support program.

Issued this 7th day of September 1956 at Washington, D. C.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7346; Filed, Sept. 11, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Maryland-57)-1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1957–58 MARKETING YEAR

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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AUTHORITY: §§ 727.811 to 727.828 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7. U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.811 *Basis and purpose.* The regulations contained in §§ 727.811 to 727.828 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1957 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.811 to 727.828 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1957–58 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.811 to 727.828, public notice (21 F. R. 5192) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.811 to 727.828, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.812 *Definitions.* As used in §§ 727.811 to 727.828, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State Committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used herein shall include the meaning described in paragraph (b) of § 727.816 with respect to 1956 harvested acreage.

(f) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used herein shall include the meaning described in paragraph (b) of § 727.816 with respect to 1956 harvested acreage.

(g) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

(h) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1956 into the total of the 1956 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(i) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(n) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.813 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 727.814 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.815 *Applicability of §§ 727.811 to 727.828.* Sections 727.811 to 727.828 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1957.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.816 *Determination of 1957 preliminary acreage allotments for old farms.* The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the 1956 farm acreage allotment, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided*, That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to tobacco which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(c) If the county and State committees determine that a farm has been retired from agricultural production, no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(d) For the purpose of determining 1957 preliminary acreage allotments, the 1956 farm acreage allotment shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1956 farm acreage allotment as referred to in paragraphs (a) and (b) of this section shall mean the 1956 allotment after any such reduction.

§ 727.817 *1957 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.816 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for over-looked old farms pursuant to § 727.818 shall not exceed the State acreage allotment.

§ 727.818 *Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for over-looked old farms.* Notwithstanding the limitations contained in § 727.816, the farm acreage allotment for an old farm may be increased if the community and county committees find (with the approval of the State committee) that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for over-looked old farms shall not exceed one-percent of the total acreage allotted to old tobacco farms by the State for the 1956–57 marketing year.

§ 727.819 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1957 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm in 1956, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1957 farm acreage allotment, provided it can be made no later than May 1, 1957. If the reduction canont be so made effective with respect to the 1957 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than a corresponding date

to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violations.

(e) The amount of reduction in the 1957 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be supplied to that portion of the allotment for which a reduction is required under paragraph (a), (b), or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), or (c) of this section.

§ 727.820 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 727.821 *Farms divided or combined.* (a) If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, or is otherwise required under the definition of a farm to be divided for 1957, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1952–56 five-year average acreage of tobacco harvested on each such tract bore to the 1952–56 five-year average acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1957 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 727.822 *Determination of normal yields for old farms.* The county committee will determine by appraisal a normal yield for each farm for which a 1957 tobacco acreage allotment was established on the basis of the best yield information available for the years 1950–55. The yield so appraised shall not exceed 125 percent or be less than 80 percent of the county check yield (to be ascertained as hereafter provided). Any yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yields; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.823 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.820, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further*, That production of tobacco on a farm in 1955 or 1956 for which in accordance with applicable law and regulations no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1957 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1957–58 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of these regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1957 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.824 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1957, unless the farm operator was discharged from the armed services subsequent to December 31, 1956, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.825 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.822 for similar farms in the community.

MISCELLANEOUS

§ 727.826 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.811 to 727.825, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1957 or which was returned to agricultural production in 1956 too late for the 1956 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1957 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.822 for similar farms in the community.

§ 727.827 *Approval of determinations made under §§ 727.811 to 727.826, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 727.811 to 727.826. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1957.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco

acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year.

§ 727.828 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 7th day of September 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56–7353; Filed, Sept. 11, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 942), regulating the handling of milk in the New Orleans, Louisiana, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions in § 942.82 do not tend to effectuate the declared policy of the act, from the effective date hereof to November 1, 1956. Section 942.82 provides for a marketing services deduction. Each handler, in making payments to producers for milk is required to deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight. Such deductions are paid to the market administrator, and used to provide market information and check the accuracy of the testing and weighing of milk for producers who are not receiving such service from a cooperative association. The market administrator, in undertaking a "pilot program" in preparing to effectuate the provisions of § 942.82 (effective August 1, 1956) has advised the Department that unique conditions in the marketing area make it advisable to defer the adoption of a marketing services program until November 1, 1956.

(b) Notice of proposed rulemaking, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reason stated under (a) above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This suspension order does not require persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provisions of § 942.82 are hereby suspended from the effective date hereof to November 1, 1956.

Done at Washington, D. C., this 7th day of September 1956 to be effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56–7351; Filed, Sept. 11, 1956; 8:50 a. m.]

[Lemon Reg. 657, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.764 (Lemon Regulation 657; 21 F. R. 6607) are hereby amended to read as follows:

(ii) District 2: 255,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–7322; Filed, Sept. 11, 1956; 8:47 a. m.]

[959.314 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 959.314 (b) (2) (FEDERAL REGISTER July 4, 1956; 21 F. R. 4945) are hereby amended, effective on and after September 17, 1956, to read as follows:

(2) During the period from September 17, 1956 through June 30, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, the following maturity limitations shall be effective: no handler shall ship any lot of potatoes of any variety grown in Districts 1, 2, and 4, as such districts are defined in Order No. 59, if such potatoes are more than "slightly skinned," as such term is defined in said United States Standards, which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered;" with respect to potatoes grown in District No. 3, as such district is defined in said order, no handler shall ship (i) any lot of potatoes of the round varieties (including, but not limited to Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties) if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, (ii) any lot of potatoes of the White Rose variety if more than 35 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, or (iii) any lot of potatoes of the Netted Gem varieties (including, but not limited to Russet Burbank and Early Gem varieties) if such potatoes are more than "moderately skinned," as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes and each shipment hereunder is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–7355; Filed, Sept. 11, 1956; 8:51 a. m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGE FOR THE 1956–57 CROP YEAR

Notice was published in the August 9, 1956 issue of the FEDERAL REGISTER (21 F. R. 5970) that the Secretary of Agriculture was considering a proposed rule to establish a salable percentage of 80 percent and a surplus percentage of 20 percent for each variety of dried figs which is produced in California and acquired by handlers during the 1956–57 crop year. These percentages were proposed after consideration of the recommendation of the Dried Fig Administrative Committee and other available information, in accordance with the applicable provisions of Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to file written data, views, or arguments with respect thereto.

After consideration of the data, views, or arguments which were submitted, and other available information, it is hereby found and determined that to establish salable and surplus percentages as set forth in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

Therefore, it is hereby ordered, That the salable and surplus percentages for dried figs for the 1956–57 crop year shall be as follows:

§ 964.200 *Dried fig salable and surplus tonnage regulation for the 1956-57 crop year.* The salable percentage of natural condition dried figs acquired by handlers during the crop year beginning August 1, 1956, and ending July 31, 1957, shall be 80 percent, and the surplus percentage of such dried figs for the said crop year shall be 20 percent, and such percentages shall be applicable to each variety separately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 7, 1956, to become effective November 1, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–7345; Filed, Sept. 11, 1956; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

PART 222—BANK HOLDING COMPANIES

FORM TO BE USED IN MAKING APPLICATION FOR PRIOR APPROVAL OF ACQUISITION OF BANK SHARES

Effective immediately, the Board of Governors of the Federal Reserve System has adopted Form F. R. Y-2,[1] to be used by a bank holding company in making application to the Board for prior approval of the acquisition of bank shares pursuant to section 3 (a) (2) of the Bank Holding Company Act of 1956 (70 Stat. 133).

(Sec. 5 (b), 70 Stat. 133)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 56–7307; Filed, Sept. 11, 1956; 8:45 a. m.]

PART 222—BANK HOLDING COMPANIES

FORM TO BE USED IN REGISTERING

Effective immediately, the Board of Governors of the Federal Reserve System has adopted Form F. R. Y–5,[1] to be used by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (70 Stat. 133).

(Sec. 5 (a) and sec. 5 (b), 70 Stat. 133)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 56–7309; Filed, Sept. 11, 1956; 8:45 a. m.]

PART 222—BANK HOLDING COMPANIES

EXTENSION OF TIME FOR FILING REGISTRATION STATEMENT

In connection with adoption of Form F. R. Y–5, to be used by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956, the Board of Governors of the Federal Reserve System, in the exercise of authority conferred upon it by section 5 (a) of that act and in accordance with section 3 of Regulation Y (12 CFR 222.3), has extended the time within which each bank holding company shall register with the Board until not later than January 15, 1957, or 180 days after a company becomes a bank holding company, whichever is later.

(Sec. 5 (a) and sec 5 (b), 70 Stat. 133)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 56–7308; Filed, Sept. 11, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF SALTS OF ANTIBIOTIC DRUGS

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463; 21 U. S. C. 357 (c)) vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), Part 146 of the regulations for the certification of antibiotics and antibiotic-containing drugs (21 CFR Part 146) is amended by adding the following new section:

§ 146.30 *Exemption for the salts of antibiotic drugs for use in teaching, law enforcement, research, and analysis.* The salts of antibiotic drugs subject to section 507 of the act shall be exempt from the requirements of section 502 (l) if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

chemistry, or medicine not involving clinical use; or in law enforcement; or in research not involving clinical use; or in chemical analysis or physical testing, provided they are to be used only for such instruction, law enforcement, research, analysis, or testing, and provided further that their labels bear the statement "Not for drug use."

I find that when salts of antibiotic drugs are distributed and labeled in conformity with this regulation, no question of safety or efficacy of such salts, within the meaning of section 507 (c) of the Federal Food, Drug, and Cosmetic Act, is presented, and they need not comply with sections 502 (l) and 507 of the act. I further find that, since the amendment incorporated in this order provides relief from existing requirements, notice and public procedure thereon are unnecessary.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507 (c), 59 Stat. 463; 21 U. S. C. 357 (c))

Dated: September 6, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-7341; Filed, Sept. 11, 1956; 8:49 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority under sections 3 and 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor has heretofore issued regulations, interpretations and orders (29 CFR Part 4) applicable to the employment of children under the act. A review of this part has indicated a need for several editorial revisions in the portions dealing with interpretations.

Accordingly, Part 4 of Title 29 of the Code of Federal Regulations is amended as follows:

1. In the sixth sentence of § 4.56 (d), after "N. C." delete the comma and words ", or the Minnesota Department of Labor and Industry, St. Paul, Minn."

2. In the sentence preceding the chart "Hazardous Occupations Order No. 4" in § 4.56 (e), delete the date "October 31, 1945" and insert in place thereof the date "November 24, 1951".

3. In the fifth sentence of § 4.120 delete the word "Twelve" and insert in place thereof the word "Thirteen".

4. In § 4.120, after order No. 12, identify a new order as follows:

No. 13. Occupations involved in the manufacture of brick, tile, and kindred products. (Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203, 211)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 6th day of September 1956.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 56-7323; Filed, Sept. 11, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 18]

MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

EXTENSION OF PROVISIONS OF SPECIAL CIVIL AIR REGULATION NO. SR-377—MECHANICAL WORK PERFORMED ON UNITED STATES REGISTERED AIRCRAFT BY CERTAIN CANADIAN MECHANICS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-377 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Oct. 12, 1956. Copies of such communications will be available after Oct. 17, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Special Civil Air Regulation No. SR-377 permits maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of mechanics holding a certificate of competence and appropriate ratings issued by the Canadian Government subject to the condition that such operations be performed in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations be performed in conformance with the requirements of Part 18 of the Civil Air Regulations. This special regulation which was made effective on November 13, 1951, will terminate on November 1, 1956.

The preamble material to SR-377 is still pertinent and is incorporated herein for easy reference.

Under the Civil Aeronautics Act of 1938, as amended, foreign individuals who are directly in charge of inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances are prohibited from serving as such in connection with any civil aircraft of United States registry used in air commerce unless properly certificated by the Administrator of Civil Aeronautics. As this prohibition also applies to work performed in foreign countries, Canadian mechanics fully authorized by the Canadian Department of Transport to serve in connection with transport aircraft would be required to possess appropriate United States mechanic certificates to serve in connection with such United States aircraft.

Section 1 (6) of the Civil Aeronautics Act of 1938, as amended, authorizes the Board to exclude a mechanic employed outside the United States from the definition of "airman" and thus from the necessity of holding a United States airman certificate. The Canadian Government presently recognizes the validity of United States airman certificates issued to mechanics in connection with work performed in the United States on Canadian aircraft.

Since the Canadian Government recognizes the validity of the United States airman certificate in connection with work performed in the United States on Canadian aircraft and is desirous of extending this reciprocal arrangement for the performance of mechanical work on United States registered aircraft by Canadian mechanics, and because the Civil Aeronautics Administration advises that the Canadian standards with respect to maintenance continue to be high and compare favorably with our own, it is proposed to extend this Special Civil Air Regulation for an additional five-year period.

In view of the foregoing, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation to read as follows:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 1 (6) of the Civil Aeronautics Act of 1938, as amended, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations, may perform such operations in connection with United States aircraft in Canada: *Provided*, That in the case of repair, alteration, and maintenance, each operation performed is listed and certified to by him in a manner and on a form prescribed by the Administrator: *And provided further*, That all such repairs, alterations, and maintenance operations shall be performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

It is proposed that this regulation shall supersede Special Civil Air Regulation No. SR-377 and shall be effective for a period of five years.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 1 (6), 601, 602, 605, 610, 52 Stat. 977, 1007, 1008, 1010, 1012; 49 U. S. C. 401, 551, 552, 555, 560)

Dated at Washington, D. C., September 5, 1956.

By the Bureau of Safety Regulation:

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-7344; Filed, Sept. 11, 1956; 8:49 a. m.]

[14 CFR Part 241]

[Draft Release No. 82]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS; PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter which is now set for September 19 is postponed to September 27, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets, NW., Washington, D. C., before the Board.

Attention is directed to the fact that the issues to be argued are limited to the following:

Should the Board, as proposed in Draft Release No. 82, adopt

(a) The general accounting requirement that the depreciable component of the cost of property and equipment be spread, under the straight-line method, on an annual basis; and

(b) The further accounting requirement that a 7-year service life and residual value including 15 percent of cost be used in calculating the depreciation of certain classes of flight equipment.

Dated at Washington, D. C., September 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7343; Filed, Sept. 11, 1956; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES, COPYRIGHTS

REIMBURSEMENT OF COMPENSATION

Notice is hereby given that pursuant to authority contained in sections 161 and 251 of the Revised Statutes, and section 624 of the Tariff Act of 1930, as amended (5 U. S. C. 22; 19 U. S. C. 66, 1624), it is proposed to amend §§ 11.12 and 11.12a of the Customs Regulations relating to the labeling of wool and fur products

Compensation and expenses of customs officers and employees assigned to supervise the marking of country of origin are required to be reimbursed to the Government, section 304 (c) of the Tariff Act of 1930, as amended, and § 11.8 (m) of the Customs Regulations. It is proposed to establish a similar requirement in connection with the labeling of wool and fur products. This is in accord with the sense of the Congress as expressed in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140). Therefore, it is proposed to amend the regulations as tentatively set forth below:

1. Sections 11.12 (b) and 11.12a (b) are amended by adding to each the following sentence: "The compensation and expenses of customs officers and employees assigned to supervise the labeling shall be reimbursed to the Government and shall be assessed in the same manner as in the case of marking of country of origin, § 11.8 (m)."

2. Section 24.17 (a) containing a listing of reimbursable services will be amended to add the above item.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7334; Filed, Sept. 11, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 717]

PEANUTS

HOLDING OF REFERENDA ON MARKETING QUOTAS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, is considering amending the regulations governing the holding of referenda on marketing quotas as published in the FEDERAL REGISTER of June 9 and June 29, 1956 (21 F. R. 3960, 4799) to permit peanut producers who planted more than one acre of peanuts for nuts, but harvested less than one acre for nuts through no neglect on their part to vote by amending subparagraph (6) of § 717.3 (a) to read as follows:

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who engaged in the production of peanuts in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, on a farm on which the acreage of peanuts planted for harvest for nuts in such year is more than one acre. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

Prior to issuance of such amendment, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-7358; Filed, Sept. 11, 1956; 8:51 a. m.]

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1957 NATIONAL MARKETING QUOTA AND APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT TO STATES

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393 and Sups.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the act further provides that the national marketing quota for peanuts shall be converted to a na-

tional acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the act further provides that the national marketing quota established for any year subsequent to 1951 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1957 crop of peanuts will be apportioned to States on the basis of their shares of the 1956 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-7354; Filed, Sept. 11, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

EXTENSION OF TIME FOR SUBMITTING COMMENTS ON PROPOSED AMENDMENTS TO REGULATION A

The Securities and Exchange Commission announced today that it has extended the time for submitting written comments on the proposed amendments to Regulation A from September 15, 1956 to October 15, 1956.

The proposed amendments were published July 23, 1956, in release No. 3664. They would have the effect of making the exemption provided by Regulation A available only to issues and offerings meeting specified standards based either upon the existence of a record of net earnings on the part of the issuer or upon a limitation of the number of securities which might be issued pursuant to the exemption.

The extension has been granted at the request of certain persons who desire further time in which to consider the proposed amendments and also in view of the substantial number of issuers which would be affected by such amendments.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 5, 1956.

[F. R. Doc. 56-7319; Filed, Sept. 11, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

COMMANDER, U. S. FORCES AZORES

DELEGATION OF AUTHORITY TO CONVENE GENERAL COURTS-MARTIAL AND TO REFER FOR TRIAL BY COURTS-MARTIAL CASES OF MEMBERS OF ANY OF THE ARMED FORCES ASSIGNED OR ATTACHED TO OR ON DUTY WITH SUCH COMMAND

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22 (a) (7), I empower the Commander, United States Forces Azores, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17 (a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a (2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

[F. R. Doc. 56-7325; Filed, Sept. 11, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

UMATILLA PROJECT, OREGON

ORDER OF REVOCATION

JANUARY 9, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of August 16, 1905, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 28 E.,
Sec. 3, Lots 2 and 3.
T. 5 N., R. 29 E.,
Sec. 34, NE¼NE¼.

The above areas aggregate approximately 63 acres.

E. G. NIELSEN,
Assistant Commissioner.

[70624]

SEPTEMBER 4, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The land in sec. 34 is situated approximately seven miles from Hermiston and is two miles east of the Cold Springs cutoff road. It is slightly rolling and at an elevation of 600 feet above sea level. The soil is Rupert coarse sand. Precipitation is about 8.2 inches annually. The land is not suitable for agriculture.

2. No application for the land in sec. 34 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the land in sec. 34 is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on October 10, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 9, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on January 9, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Lots 2 and 3 in sec. 3 are embraced in a valid desert land entry, Oregon 0754, and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

6. The lands in sec. 34 have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10 a. m. on January 9, 1957.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-7324; Filed, Sept. 11, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

SEPTEMBER 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in September under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months 3½ percent per annum.

For periods over 6 months up to and including 18 months 4 percent per annum.

For periods over 18 months up to and including 36 months 4½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

SEPTEMBER 1956 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" at storage locations of product. Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate. Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk (in carloads only): spray, 107 million pounds; Roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17.0 cents per pound; in bags (as available), 16.15 cents per pound. Roller Process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed)—Delivered under the terms and conditions of Announcement LD-14 and supplements: In barrels and drums, 11.5 cents per pound; in bags (as available), 10.65 cents per pound. Export, unrestricted use—Under LD-5 and amendments: Spray Process, U. S. Extra Grade: In barrels and drums, 9.9 cents per pound; in bags (as available), 9.05 cents per pound. Roller Process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound. Export, restricted use (animal and poultry feed): Under LD-23 and amendment. Competitive bid on not more than 24 million pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Butter (in carloads only): As available.	Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound. Domestic, restricted use: Under DA-111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 25 cents per pound. Export, unrestricted use: Under LD-7, 39 cents per pound. Export, restricted use: (a) Under DA-111 and supplements. For recombining with U. S. produced nonfat dry milk: To make recombined dairy products, other than evaporated milk, such as fluid milk and ice cream, approved by CCC, 35 cents per pound. To make recombined evaporated milk, 25 cents per pound. (b) Under LD-19 and amendments for specified industrial uses approved by CCC, 25 cents per pound.
Cheddar Cheese: Cheddars, flats, twins, and rindless blocks (Standard moisture basis in carloads only); 224 million pounds.	Domestic: 38 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: Under LD-5 and amendments, 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7 in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-5 as amended, and NO-EX-2 as amended and NO-C-5 as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of NO-C-6. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops) 98 million pounds.	Domestic or export: Limited quantities (not more than 6¼ million pounds in September) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office.
Flaxseed, bulk 1955 crop as available.	Domestic or export (unrestricted use): Market price basis in store, but not less than the 1956 loan rate basis point of production plus 24 cents per bushel. Example of minimum price per bushel: Minneapolis No. 1, $3.63. Available Minneapolis, Chicago, and Portland CSS Commodity Offices.
Corn, bulk	Domestic or export (commercial corn-producing area): Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 32 cents per bushel). Examples of minimum price per bushel, including average paid-in freight: Chicago, No. 3 yellow, $2.06; Minneapolis, No. 3 yellow, $2.00; Kansas City, No. 3 yellow, $2.06; Portland, No. 3 yellow, $2.25. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of the applicable 1955 loan rate, plus 32 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

See footnotes at end of table.

SEPTEMBER 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn, bulk	Corn is also available as follows: (1) Nonstorable corn at the above offices: (2) In flat storage in the Pacific Northwest on competitive bid basis for export.
Wheat, bulk	Domestic (Commercial wheat-producing area): Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate for class, grade, quality, and location, plus 17 cents per bu.) Examples of minimum price per bushel: Chicago, No. 1 RW $2.48; Minneapolis, No. 1 DNS $2.51; Kansas City, No. 1 HW $2.48. Non-commercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus 17 cents per bushel. Export (as wheat): Under Announcement GR-261 revised, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, for specific offerings on competitive bid basis. Disposals under special export program under Announcement GR-345.[2] Export (as flour): Under Announcement GR-212 revised and under GR-262 revised, at prices determined daily.[2] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago and Portland only.
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 8 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.86; Minneapolis, No. 3 oats or better, $0.81. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offering also on competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[2]
Barley, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 11 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 barley $1.35. Available Minneapolis, Kansas City, Chicago, Dallas, and Portland CSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2]
Rye, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 13 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 or better, $1.62. Available Minneapolis, Kansas City, Chicago, Dallas, and Portland CSS Commodity Offices. Export: Price as determined by CCC. Offering also on competitive bid as announced by the Dallas, Chicago, and Portland CSS Commodity Offices.[2]
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality, and location plus 20 cents per 100 pounds). Example of minimum price per hundred weight: Kansas City, No. 2 or better, $2.62. Available Dallas, Portland, and Kansas City CSS Commodity Offices.
Rice, rough	Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices. Domestic (unrestricted use): Market price as determined by CCC, but not less than the legal minimum price (1956 loan rate basis point of production plus 5 percent plus 16 cents per hundredweight). Domestic (restricted use) (for feed only): Competitive bid basis by Dallas and Portland CSS Commodity Offices. Export (unrestricted use): 1956 support rate f. a. s. port (port at option of CCC). Where deliveries are made at points other than ports, appropriate price deductions will be made. Export (restricted use) (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas and Portland CSS Commodity Offices.

See footnotes at end of table.

SEPTEMBER 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rice, milled	Domestic: For U. S. No. 2, the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 18 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U. S. No. 4 or better
Bluebonnet	$11.07	$8.53	$6.50
Zenith	9.09	7.14	6.00

Export: A schedule of prices as announced by Dallas CSS Commodity Office.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC) or for Texas-Mexico border points:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second Heads U. S. No. 4 or better
Bluebonnet	$10.20	$7.80	$4.45
Zenith	8.70	6.49	4.20

Specific prices and quantities may be obtained from Dallas CSS Commodity Office.
Special export: Competitive bid on U. S. No. 5 and better under DL-MR-400. and GR-301 as announced by Dallas CSS Commodity Office.[3]
Special export on "as is" basis: Competitive bid under terms and conditions of DL-MR-53 announced by Dallas CSS Commodity Office.
Domestic (for feed) or export (unrestricted use): Other brokens: Competitive bid under DL-BR-1/56 announced by Dallas CSS Commodity Office.
Domestic (unrestricted use) and for export: Other brokens: Competitive bid under DL-BR-1/56 (minimum price for domestic sales, $6.01 per hundredweight in sacks, $5.86 bulk) as announced by Dallas CSS Commodity Office.

Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1956 support price differentials.
Baby lima beans, 1954 crop, 50,000 hundredweight.	Export: Competitive bid as announced by the Portland CSS Commodity Office.
Great northern beans, 1955 crop 35,000 hundredweight.	Domestic: Market price but not less than $7.22 per 100 pounds Nebraska points of production. Available Kansas City CSS Commodity Office. Export: Competitive bid as announced by Kansas City CSS Commodity Office.
Pinto beans, 1955 crop, 80,000 hundredweight.	Domestic: Market price but not less than $6.44 per 100 pounds points of production, Denver rateareu. Available Kansas City CSS Commodity Office. Export: Competitive bid as announced by the Kansas City CSS Commodity Office.
Small red beans, 1955 crop, 350,000 hundred weight.	Domestic: Market price but not less than $7.31 per 100 pounds points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is," in the stated quantities on the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is," in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[2] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Sales of wheat for export as flour may be made under terms and conditions of Announcement GR-302. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: September 6, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 56-7352; Filed, Sept. 11, 1956; 8:50 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

CERTAIN STATES; CONSENT TO GRAZE LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 21 F. R. 5205, 21 F. R. 5685, and 21 F. R. 5959, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

IOWA	
Counties	*Period*
All of Appanoose, Boone, Calhoun, Cherokee, Dallas, Davis, Decatur, Harrison, Ida, Jasper, Marion, Plymouth, Polk, Pottawattamie, Poweshick, Sac, Van Buren, Wayne, and Woodbury Counties; Pleasant Valley, Richland, and Union townships in Carroll County; Charter Oak, Morgan, Otter Creek, Soldier, and Stockholm townships in Crawford County; Cedar, Highland, and Lincoln townships in Green County; the northwest one-quarter of Keokuk County; the west one-third of Lyon County; the northeast one-quarter of Madison County; all of Mahaska County except the southeast one-quarter; the south eight townships in Marshall County; Anderson and Ingraham townships in Mills County; Cooper, Maple, St. Clair, and Center townships in Monana County; Lincoln, Pilot Grove, Sherman, and Washington townships in Montgomery County; south one-third of, and Washington township in, Shelby County; west one-third of, and Nassau and Sherman townships in, Sioux County; the south three-quarters of Story County; Columbia, Highland, and Richland townships in Tama County; and the north three-quarters of Warren County.	Aug. 16–Dec. 31, 1956, inclusive.
KANSAS	
Butler, Cloud, Cowley, Decatur, Edwards, Ellsworth, Harper, Harvey, Kingman, Kiowa, Lane, Lincoln, McPherson, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Reno, Republic, Rush, Russell, Saline, Sedgwick, Sheridan, and Sumner Counties.	Aug. 16–Oct. 31, 1956, inclusive.
MISSOURI	
Contry, Harrison, Mercer, and Putnam	Aug. 17–Sept. 30, 1956, inclusive.
MONTANA	
Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Roosevelt, and Wibaux.	Aug. 17–Dec. 31, 1956, inclusive.
NEBRASKA	
Counties	*Period*
All of Antelope, Boone, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Custer, Dodge, Douglas, Fillmore, Franklin, Furnas, Gosper, Greeley, Hamilton, Harlan, Holt, Howard, Jefferson, Kearney, Knox, Lancaster, Madison, Merrick, Nance, Nuckolls, Otoe, Phelps, Pierce, Platte, Polk, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties; that part of Dixon County north of the north line of townships 29 and 30 north and the south eighth township of such county; and the nonirrigated portions of Hall County.	Aug. 17–Dec. 31, 1956, inclusive.
NORTH DAKOTA	
Bowman, Golden Valley, Slope, and McKenzie Counties	Aug. 17–Dec. 31, 1956, inclusive.
SOUTH DAKOTA	
All of Armstrong, Aurora, Beadle, Bon Homme, Buffalo, Charles Mix, Clay, Davison, Hand, Dewey, Douglas, Hanson, Harding, Haskon, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Lyman, Miner, Prule, Sanborn, Stanley, Sully, Union, Yankton, and Ziebach Counties; that part of Corson and Perkins Counties lying south of the south fork of the Grand River and south of the Grand River itself; that part of Meade and Pennington Counties lying east of Highway 79; that part of Lincoln and Turner Counties lying south of Highway 18; and that part of McCook County lying west of Highway 81.	Aug. 17–Dec. 31, 1956, inclusive.
TEXAS	
Armstrong, Brazos, Castro, El Paso, Floyd, Freestone, Gray, Grimes, Hansford, Hutchinson, Kaufman, Lee, Leon, Limestone, Madison, Navarro, Ochiltree, Randall, Roberts, Robertson, Rockwall, Swisher, Washington, Wheeler, and Wichita Counties.	Aug. 16–Sept. 30, 1956, inclusive.

Issued at Washington, D. C., this 7th day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7347; Filed, Sept. 11, 1956; 8:50 a. m.]

SOIL BANK; ACREAGE RESERVE PROGRAM

KANSAS AND NEBRASKA; CONSENT TO GRAZE LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 21 F. R. 5205, 21 F. R. 5685, and 21 F. R. 5959, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

KANSAS

Counties	Period
Brown, Clay, Dickinson, Doniphan, Geary, Jewell, Marion, Marshall, Morris, Neosha, Rice, Trego, and Washington.	Aug. 23–Sept. 30, 1956, inclusive.

NEBRASKA

Saline	Aug. 23–Dec. 31, 1956, inclusive.

Issued at Washington, D. C., this 7th day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56–7350; Filed, Sept. 11, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6706]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUE OF FIRST MORTGAGE BONDS

SEPTEMBER 6, 1956.

Take notice that an application was filed on August 30, 1956, and an amendment thereto on September 4, 1956, with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company (Applicant), a corporation organized under the laws of the State of Delaware, and doing business as a qualified foreign corporation in the States of South Dakota and Nebraska, with its principal business office in Huron, South Dakota, seeking an order authorizing the issuance and sale of not to exceed $1,300,000 principal amount of first mortgage bonds, and the issuance of not to exceed $1,500,000 principal amount of short term bank notes (promissory), maturing not more than 360 days from the date of issuance, or in the alternative, for dismissal of its application and amendment for want of jurisdiction.

Applicant requests exemption from the competitive bidding requirements of the Commission's rules with respect to the proposed bond issue, and written authorization to engage in negotiations for the private sale of the bonds prior to Commission action on its application for exemption.

The promissory notes will be issued to evidence a loan or loans from a commercial bank or banks; no underwriter will participate in the transaction, and the notes will not be for resale to the public.

The proceeds obtained from the proposed issuance will be used by applicant to pay $1,200,000 principal amount of bank notes presently outstanding and maturing March 6, 1957; approximately $300,000 will be applied to defray the cost of routine additions to applicant's existing electric system in South Dakota and gas distributing systems in Nebraska; approximately $700,000 will be expended to convert boilers in its electric system generating plants in Aberdeen and Mitchell, South Dakota, for burning either natural gas or coal, and the balance of the proceeds will be applied to convert and extend its existing gas distribution systems in Aberdeen, Huron and Mitchell, South Dakota, and to construct new gas distribution systems in certain other communities in South Dakota, in which it proposes to distribute natural gas when made available to it by Northern Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of September, 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7329; Filed, Sept. 11, 1956; 8:48 a. m.]

[Docket No. G–9811]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 6, 1956.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed, on December 22, 1955, as amended January 3, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to have constructed and to operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described for the purpose of enabling Applicant to take natural gas produced from the Alco-Mag Field and the Aldine Field, Harris County, Texas, for transportation and sales in interstate commerce.

The facilities proposed to be constructed for and operated by Applicant consist of approximately 17 miles of 8-inch pipe line reducing to 3 miles of 6-inch pipe line extending in a northwesterly direction from a point of interconnection with Applicant's existing 20-inch Baytown-Hankamer pipe line to a point within the Alco-Mag Field, Harris County, Texas.

The estimated cost of construction of the proposed facilities is $653,000 which will be financed by Applicant from funds on hand.

Applicant, in seeking the instant authorization, states that no new sales are proposed by the instant application and that it is the policy of Applicant to purchase and add to its gas supply all available gas reserves adjacent to its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, October 11, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7330; Filed, Sept. 11, 1956; 8:48 a. m.]

[Docket No. G–9982]

MEREDITH & CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 6, 1956.

Take notice that Meredith & Company (Applicant), a Texas corporation with business address at 1027 Pioneer American Building, 711 Main Street, Houston 2, Texas, filed, on February 21, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in the Weary Unit No. 1, Weary Unit No. 2, and Gregson Unit, dually completed Weary Unit No. 3 and the Devant Unit, Aldine Field, Harris County, Texas, to Texas Eastern Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Thursday, October 11, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7331; Filed, Sept. 11, 1956; 8:49 a. m.]

[Docket No. G–10151]

N. C. GINTHER ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 6, 1956.

Take notice that N. C. Ginther, H. C. Warren and W. L. Ginther, individuals with principal place of business at 1714 Neils Esperson Building, Houston, Texas, hereinafter separately and collectively referred to as Applicant, filed as operator on March 26, 1956, a joint application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspecttion.

Applicant proposes to sell natural gas in interstate commerce from production of the L. B. Marling et al., Unit No. 1 (7 leases), Aldine Field, Harris County, Texas, to Texas Eastern Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, October 11, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7332; Filed, Sept. 11, 1956; 8:49 a. m.]

[Docket Nos. G–10654, G–10659]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 6, 1956.

In the matters of Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation, and New York State Natural Gas Corporation, Docket No. G–10654; Texas Eastern Transmission Corporation, Docket No. G–10659.

Take notice that on June 27, 1956, Texas Eastern Transmission Corporation (Texas Eastern), Transcontinental Gas Pipe Line Corporation (Transco), and New York State Natural Gas Corporation (New York State) (Applicants) filed a joint application in Docket No. G–10654, as amended on July 11, 1956, for a certificate of public convenience and necessity permitting them to carry out a short-term arrangement to supply off-peak gas to companies of the Consolidated Natural Gas Sytsem [1] for the period ending October 31, 1956.

Applicants state that no additional or new facilities are required or proposed as all the deliveries involved will be made through existing facilities and connections between the companies involved.

Applicants further state that it is proposed that until October 31, 1956, Consolidated Edison Company of New York, an existing customer of Transco, will cut back on its purchases from Transco to the extent of a maximum of 5,000,000 Mcf. This gas would normally be burned under Consolidated Edison's boilers during this period for generating electricity. Transco proposes to sell this gas to companies of the Consolidated Natural system, with deliveries to be made for Transco's account by Texas Eastern to such companies as are customers of Texas Eastern. Transco will deliver the released gas to Texas Eastern under an exchange arrangement through existing interconnections between the two systems or through mutual customers of the two companies. Texas Eastern will return the exchange gas in equivalent volumes to the Consolidated companies for Transco's account.

Applicants also state that the 5,000,000 Mcf delivery will be made by Transco and Texas Eastern at an average rate of 50,000 Mcf per day, subject to Consolidated Edison's right not to release the gas on any day when it finds it will need such gas for its gas consumers.

Applicants allege that the Consolidated Natural system experienced a severe winter in 1955–56 and also did not receive as much gas from Tennessee Gas Transmission Company as it expected to receive in 1955 and early 1956. As a result, its storage balances are far below those required to enable it to meet its estimated requirements next winter. Those requirements include large volumes of industrial gas although boiler fuel is not a substantial portion of the industrial load. Consolidated estimates that at the end of May 1956 its storage balances totalled about 23,000,000 Mcf less than it had anticipated as of that date. The system has requested authorizations for several arrangements, to enable it to receive additional storage gas, that are the subject of various filings before the Commission.

Applicants also allege that during the period between November 16, 1956, and April 15, 1957, New York State Natural proposes to sell to Transco ⅛ of the gas purchased by the Consolidated Natural companies during the period ending October 31, 1956 for resale by Transco to Consolidated Edison. The latter would not agree to the entire proposal unless it receives this return gas. The return gas will be made at the average rate of about 24,000 Mcf per day, for a total maximum of 625,000 Mcf.

Take further notice that in Docket No. G–10659, Texas Eastern filed an application on June 28, 1956, as amended July 12, 1956, proposing to sell to the Consolidated companies 24,000 Mcf per day and a winter contract quantity of 1,812,000 Mcf under its Winter Peaking Service Rate Schedule (50 cents per Mcf) during the period November 16, 1956 to April 15, 1957. This will enable New York Natural to sell 24,000 Mcf per day and a total of 625,000 Mcf to Transco for resale to Consolidated Edison during the same period. Texas Eastern shows that it has the gas supply and capacity available to make this sale without adverse effect to its other customers.

Texas Eastern states that it will deliver the 24,000 Mcf per day to Transco for the account of New York Natural at interconnections between the two companies or through mutual customers. Transco will then deliver and sell equivalent quantities to Consolidated Edison over and above its other authorized de-

[1] Hope Natural Gas Company, East Ohio Gas Company, Peoples Natural Gas Company, and New York State Natural Gas Corporation.

liveries. Texas Eastern states it will file another application to effectuate the arrangement with Transco.

Transco states that it proposes to charge the Consolidated companies 34.23 cents per Mcf for the released gas, which is the present 100% load factor price to Consolidated Edison. These payments by Consolidated Natural will reduce pro tanto the demand charge and minimum bill obligations of Consolidated Edison under its service agreement with Transco.

For the return gas Transco proposes to pay New York Natural 34.23 cents per Mcf and Consolidated Edison would pay Transco 36.23 cents per Mcf, or an additional 2 cents per Mcf for Transco's services.

Texas Eastern alleges that it would make no charge for the service it would render in delivering the released gas to the Consolidated Natural companies and Consolidated Edison shows that by releasing 5,000,000 Mcf to Transco, as proposed, it will bear increased costs of $280,000 for alternate fuel used in generating electricity. However, it expects to recover about $269,000 when it purchases the return gas from Transco because it will save that much in not manufacturing 625,000 Mcf of peaking gas next winter and in paying only 36.23 cents per Mcf for peaking natural gas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 4, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7333; Filed, Sept. 11, 1956; 8:49 a. m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION

FRENCH NATIONALIZATION OF GAS AND ELECTRIC COMPANIES IN 1946

Notice is hereby given that the Department of State wishes to obtain information from nationals of the United States who owned or held shares of stock in certain gas and electric companies which were nationalized by the French Government in 1946. In preparation for discussions with officials of the French Government concerning the settlement of claims of nationals of the United States based upon such nationalization, all persons or corporations affected thereby, are requested to submit, within the next 30 days, information concerning the name and address of the company nationalized, the type, number and value of the shares of stock owned and such additional data as may be helpful in determining the extent of the losses sustained.

This information should be sent to the Department of State, Office of the Assistant Legal Adviser for Economic Affairs, Washington 25, D. C.

For the Commission.

Dated: September 7, 1956.

ANDREW T. MCGUIRE,
General Counsel.

[F. R. Doc. 56-7326; Filed, Sept. 11, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2075]

WING E-E, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Wing E-E, Inc., a Colorado Corporation, 609 Equitable Building, Denver 2, Colorado, filed with the Commission April 10, 1956, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 299,900 shares of common stock, par value 10 cents, at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Wing E-E, Inc.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Wing, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Wing securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered,* Pursuant to Rules 223 (a) and 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Wing E-E, Inc., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7310; Filed, Sept. 11, 1956; 8:45 a. m.]

[File No. 24D-2104]

TETON OIL & MINERALS CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Teton Oil & Minerals Company (Teton), a Colorado corporation, 750 Equitable Building, Denver 2, Colorado, filed with the Commission on May 29, 1956, a notification on Form 1-A and offering circular, relating to a proposed public offering of 3,000,000 shares of common stock, par value 1 cent, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Teton Oil & Minerals Company.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Teton, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises, well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the means of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company.

(d) That the aforesaid notification and offering circular in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Teton securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered,* Pursuant to Rules 223 (a) and 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the conisderation and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Teton Oil & Minerals Company, Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7311; Filed, Sept. 11, 1956; 8:45 a. m.]

[File No. 24SF-2225]

STRATEGIC METALS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Strategic Metals, Inc., a Nevada Corporation, Tungstonia, White Pine County, Nevada, filed with the Commission on January 4, 1956, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 1,200,000 shares of common stock, par value 10 cents, at 25 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. By amendment filed on April 25, 1956, Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as a principal underwriter of the securities proposed to be offered by Strategic Metals, Inc.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Strategic Metals, Inc., is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern Dis-

trict of New York on charges of violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Strategic Metals, Inc. without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Strategic Metals, Inc., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7312; Filed, Sept. 11, 1956; 8:46 a. m.]

[File No. 24D-2002]

NATIONAL LITHIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. National Lithium Corporation (National), a Colorado corporation, 310 Denver Club Building, Denver, Colorado, filed with the Commission on December 27, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 2,999,000 shares of common stock, par value 1 cent, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. By amendment filed May 29, 1956, Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by National.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for National, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises, well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promotors, officers and directors, large blocks of so-called promotor's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of National securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested persons having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this Order and Notice shall be served upon National Lithium Corporation, Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7313; Filed, Sept. 11, 1956; 8:46 a. m.]

[File No. 24D-1850]

IOLA URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Iola Uranium Corporation (Iola), a Colorado corporation, 1414 South Michigan Avenue, Chicago 5, Illinois, filed with the Commission on July 26, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 1,200,000 shares of common stock, 1 cent par value, at 25 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as principal underwriter of the securities to be offered by Iola.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Iola, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers, and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; and

(e) That the offer and sale of Iola securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Iola Uranium Corporation, Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7314; Filed, Sept. 11, 1956; 8:46 a. m.]

[File No. 24D-2126]

DIVERSIFIED RESOURCES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASON THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Diversified Resources, Inc. (Diversified), a Colorado corporation, Suite 16, Uranium Center Building, Grand Junction, Colorado, filed with the Commission on July 5, 1956, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 6,000,000 shares of common stock, par value 1 cent, at 5 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Diversified.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Diversified, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of

violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate Sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporation;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; and

(e) That the offer and sale of Diversified securities without disclosing the facts relating to the aforeasid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said Act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Diversified Resources, Inc., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7315; Filed, Sept. 11, 1956; 8:46 a. m.]

[File No. 24D-2077]

DALMID OIL & URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Dalmid Oil & Uranium, Inc. (Dalmid) a Delaware corporation, 1730 North 7th Street, Grand Junction, Colorado, filed with the Commission on April 16, 1956, a notification on Form 1-A, and subsequently filed an amendment thereto, together with an offering circular relating to a proposed public offering of 2,700,000 shares of common stock, par value 1 cent, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements, of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Dalmid.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Dalmid, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities;

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Dalmid securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Dalmid Oil & Uranium, Inc., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7316; Filed, Sept. 11, 1956; 8:47 a. m.]

[File No. 24D-1750]

CORTEZ URANIUM AND MINING CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Cortez Uranium and Mining Co. (Cortez), a Colorado corporation, 404 University Building, Denver, Colorado, filed with the Commission on May 27, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed offer of 3,000,000 shares of common stock, 1 cent par, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A thereunder. By amendment dated May 22, 1956, Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Cortez.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Cortez, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Dalmid Oil & Uranium, Inc., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7316; Filed, Sept. 11, 1956; 8:47 a. m.]

[File No. 24D-1750]

CORTEZ URANIUM AND MINING CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Cortez Uranium and Mining Co. (Cortez), a Colorado corporation, 404 University Building, Denver, Colorado, filed with the Commission on May 27, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed offer of 3,000,000 shares of common stock, 1 cent par, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A thereunder. By amendment dated May 22, 1956, Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Cortez.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Cortez, is an instrumentality of Arnold L. Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities.

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises, well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promotor's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Cortez securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Cortez Uranium and Mining Co., Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7317; Filed, Sept. 11, 1956; 8:47 a. m.]

[File No. 24D-1746]

BEEHIVE URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 6, 1956.

I. Beehive Uranium Corporation (Beehive), a Utah corporation, 156 Third South Street, Salt Lake City, Utah, filed with the Commission on May 26, 1955, a notification, Form 1-A, and offering circular, and subsequently filed an amendment thereto, relating to a proposed offer of 20,000,000 shares of common stocks, 1 cent par, at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Beehive.

II. The Commission has been advised:

(a) That Columbia Securities Company, the principal underwriter for Beehive, is an instrumentality of Arnold L.

Kimmes, its director, chairman of the board and controlling stockholder;

(b) That said Arnold L. Kimmes was indicted, with certain other persons, on or about August 3, 1956, in the United States District Court for the Eastern District of New York on charges of violating and conspiring to violate the Mail Fraud Statute and violating and conspiring to violate sections 5 and 17 (a) of the Securities Act of 1933, as amended, in connection with the sale of securities.

The indictment alleges among other things that Arnold L. Kimmes and certain other defendants did knowingly, willfully and unlawfully devise and intend to devise a scheme and artifice to defraud the purchasers of certain securities, and did obtain money and property by means of false and fraudulent pretenses, representations and promises, well knowing at the time the pretenses, representations and promises would be false when made;

The aforesaid indictment, in alleging a scheme and artifice to defraud, charges Arnold L. Kimmes and certain other defendants, among other things, with:

(1) Establishing and operating firms engaged in the sale of securities by means of television, radio and newspaper advertising, mail circularization, telephone calls and by salesmen employed under their supervision;

(2) Forming certain corporations for creating a source for securities for distribution to the public and for subsequent trading with the public;

(3) Procuring various men to serve as dummy promoters, officers and directors of said corporations;

(4) Acquiring properties for little or no consideration and having little or no real value and arranging for the transfer of such properties to such corporations and also arranging for the advancing of funds to organize such corporations;

(5) Issuing and causing to be issued to themselves, using the names of dummy promoters, officers and directors, large blocks of so-called promoter's shares, and thereafter causing to be sold through the aforesaid broker-dealer firms such shares; and

(6) Causing an increase in the market price of the shares of said companies far above and beyond any real value thereof, and selling to the public large quantities of so-called promoter's shares for shares exchanged and received therefor through broker-dealer firms and by means of television, radio, newspaper, mail and telephone advertising.

(c) That the aforesaid notification and offering circular have not been amended to reflect the facts with respect to the indictment of said Arnold L. Kimmes and his relationship with Columbia Securities Company;

(d) That the aforesaid notification and offering circular, in omitting to disclose the facts relating to the aforesaid indictment of Arnold L. Kimmes and his control of, and relationship to, Columbia Securities Company omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, and

(e) That the offer and sale of Beehive securities without disclosing the facts relating to the aforesaid indictment and the control of Columbia Securities Company by Arnold L. Kimmes would operate as a fraud or deceit upon purchasers.

It, therefore, appears necessary and appropriate in the public interest and for the protection of investors temporarily to suspend the Regulation A exemption under said act.

III. *It is ordered*, Pursuant to Rules 223 (a) and 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any interested person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time on its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and, that notice of the time and place for said hearing will be given promptly by the Commission.

It is further ordered, That this order and notice shall be served upon Beehive Uranium Corporation, Columbia Securities Company, and Arnold L. Kimmes, personally or by registered mail confirmed by telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7318; Filed, Sept. 11, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 129]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 7, 1956.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 53, filed August 24, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Olathe, Kans., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Joplin, Mo. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 1124 Sub 132, filed July 2, 1956, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Monroe, La., and Opelousas, La., from Monroe over U. S. Highway 165 to Alexandria, La., thence over U. S. Highway 167 to Opelousas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) between El Dorado, Ark., and Opelousas, La., over U. S. Highway 167, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (3) between Memphis, Tenn., and Baton Rouge, La., over U. S. Highway 61, serving no intermediate points, restricted against the handling of traffic over such route between Memphis, Tenn., on the one hand, and, on the other, New Orleans, La., as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Arkansas, Louisiana, Tennessee, and Texas, and irregular route operations in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE: Applicant states it does not seek any duplicating authority.

No. MC 2990 Sub 10, filed August 23, 1956, BLUE ARROW TRANSPORT LINES, INC., 525 Burton SW., Grand Rapids, Mich. Applicant's representative: Carl L. Steiner, 39 South La Salle Street Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dried whey animal feed*, in bulk, from Pinconning, Mich., to Riverdale, Ill.

No. MC 11185 Sub 99, filed August 28, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's representative: Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Airplane parts and equipment* (except airplane engines), which because of their delicate nature require special handling and equipment, from Litchfield Park, Ariz., to Wichita, Kans.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 20207 Sub 29, filed August 28, 1956, CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa. Applicant's representative: Delisi and Wick, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the plant of the Chevrolet Division of General Motors Corporation, located in Lordstown Township, Trumbull County, Ohio, approximately one (1) mile beyond the limit of the Commercial Zone of Warren, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Cleveland, Ohio, over U. S. Highways 19 and 422, also over Pennsylvania Highway 8 and U. S. Highway 422. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 26739 Sub 17, filed August 21, 1956, WAGNER FREIGHT LINES, INCORPORATED, Transport Building, St. Joseph, Mo. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Joseph, Mo., and Chicago, Ill. Applicant is authorized to conduct regular route operations in Iowa, Kansas and Missouri, and irregular route operations in Illinois, Iowa, Missouri, and Nebraska.

NOTE: Applicant states it now holds authorities, among others, to handle general freight between points on its regular routes, including St. Joseph, on the one hand, and, on the other, points in the State of Illinois, by operating through the gateway of Maryville, Mo., or points within ten miles thereof. The purpose of the instant application is to eliminate the necessity of operating through that gateway on movements between St. Joseph and Chicago and other points on its regular routes. Since the gateway will be used in connection with other operations, it is proposed to retain the irregular route authority which applicant now holds between Maryville and points within ten miles thereof, on the one hand, and, on the other, the States of Illinois, Iowa, Kansas and Nebraska. Applicant further states no new service will result from the granting of the application.

No. MC 26739 Sub 18, filed August 21, 1956, WAGNER FREIGHT LINES, INCORPORATED, Transport Building, St. Joseph, Mo. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Contractors machinery and equipment*, from Sprinfigeld, Ill., to points in Kansas west of U. S. Highway 75, (2) *farm implements and machinery*, from Canton, Chicago, Libertyville, Moline and Rock Island, Ill., and Dubuque and Waterloo, Iowa, to points in Kansas west of U. S. Highway 75, and (3) *farm supplies*, from Joliet, Sterling and Rock Falls, Ill., to points in Kansas. Applicant is authorized to conduct regular route operations in Iowa, Kansas, and Missouri, and irregular route operations in Illinois, Iowa, Kansas, Missouri, and Nebraska.

NOTE: Applicant states that it now holds the authority requested above by tacking or combining its operating authorities through the gateway of Maryville, Mo., or points within ten miles thereof. The purpose of the instant application is to eliminate the necessity of operating through this gateway in connection with the transportation described above. Since the gateway will be used in connection with other operations, it is proposed to retain the irregular route authority which applicant now holds between Maryville and points within ten miles thereof, on the one hand, and, on the other, the States of Illinois, Iowa, Kansas, and Nebraska.

No. MC 30310 Sub 2, filed August 29, 1956, TROIANO EXPRESS CO., INC., 42 East Carl Street, Hicksville, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Nassau and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 40269 Sub 34, filed July 30, 1956, COOK TRUCK LINES, INC., 25 East Virginia Street, Memphis, Tenn. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Memphis, Tenn., and Meridian, Miss., from Memphis over U. S. Highway 78 to Tupelo, Miss., thence over U. S. Highway 45 to its junction with Mississippi Highway 45W at or near Shannon, Miss., thence over Mississippi Highway 45W to junction U. S. Highway 45, thence over U. S. Highway 45 to Meridian, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's authorized operations between Memphis, Tenn., and Meridian, Miss.

No. MC 52460 Sub 37, filed August 27, 1956, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from The Texas Company Refinery near Amarillo, Texas, to Fort Smith Municipal Airport near Fort Smith, Ark.

No. MC 52709 Sub 66, filed August 9, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Glen Canyon Dam Site, located on the Colorado River, approximately fifteen (15) miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, and points within ten (10) miles thereof, and construction sites located at points on access roads between U. S. Highway 89 and said dam site, on the one hand, and, on the other, points authorized applicant in Certificate Nos. MC 52709 and Subs thereunder. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Utah, and Wyoming.

No. MC 55896 Sub 4, filed August 29, 1956, RAY WILLIAMS FREIGHT LINES, INC., 13645 Haggerty at Schaefer, Dearborn, Mich. Applicant's representative: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company (Sheet Metal Stamping Plant) located at the intersection of Cottage Grove and U. S. Highway 30 (Lincoln Highway) approximately 2 miles east of the incorporated city limits of Chicago Heights in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., and the Commercial Zone thereof. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 66562 Sub 1309, filed August 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Boston, Mass., and Waltham, Mass., from Boston over city streets to junction U. S. Highway 20, thence over U. S. Highway 20 to Waltham, and return over the same route, serving no intermediate points; (2) between Boston, Mass., and Malden, Mass., from Boston over city streets to junction U. S. Highway 1, thence over U. S. Highway 1 to junction with Middlesex Avenue, and thence over Middlesex Avenue to Malden, and return over the same route, serving no intermediate points; (3) between Boston, Mass., and Medford, Mass., from Boston over city streets to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Massachusetts Highway 16, and thence over Massachusetts Highway 16 to Medford, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, and immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Boston, Mass.

No. MC 66562 Sub 1310, filed August 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Worcester, Mass., and Hudson, Mass., from Worcester over Massachusetts Highway 70 to Clinton, thence over Massachusetts Highway 62 to Hudson, and return over the same route, serving the intermediate point of Clinton, Mass. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Worcester, Mass.

No. MC 66562 Sub 1311, filed August 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Pittsburgh, Pa., and Wheeling, W. Va., from Pittsburgh over U. S. Highway 19 to Washington, Pa. (also from Pittsburgh over Pennsylvania Highway 88 to Finleyville, Pa., thence over unnumbered highways to junction U. S. Highway 19, and thence over U. S. Highway 19 to Washington), thence over U. S. Highway 40 to Wheeling, W. Va., and return over the same route, serving the intermediate points of Washington, Finleyville, and Claysville, Pa., and Elm Grove, W. Va. RESTRICTIONS: The esrvice to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, and immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Pittsburgh, Pa. and Wheeling, W. Va.

No. MC 68618 Sub 24, filed August 27, 1956, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, (1) between Los Angeles, Calif., and San Bernardino, Redlands, Riverside, and Santa Ana, Calif., from Los Angeles over U. S. Highway 66 to San Bernardino; from Los Angeles over combined U. S. Highways 70 and 99 to Redlands; from Los Angeles over U. S. Highway 60 to Riverside; and from Los Angeles over U. S. Highway 101 to its junction with U. S. Highway 101 By-pass, thence over U. S. Highway 101 By-pass to its southern junction with U. S. Highway 101, thence over U. S. Highway 101 to Santa Ana, and return over the above-described routes; (2) between West Covina, Calif., and the junction of California Highway 39 with Alternate U. S. Highway 101, over California Highway 39; (3) between Colton, Calif., and the junction of U. S. Highways 91 and 101, over U. S. Highway 91, serving all intermediate points on the above-described routes, and serving off-route points within five miles of the above-described routes. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC 94265 Sub 57, filed August 30, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Military Highway, Norfolk, Va. Applicant's representative: Wilmer B. Hill, Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats* and *meat products, dairy products*, and *packing house products*, as described by the Commission, (1) from Kansas City, Mo., and Kansas City, Kans. to Norfolk and Richmond, Va.; (2) from St. Joseph, Mo., to Norfolk, Va.; and (3) from Albert Lea, Minn., and Memphis, Tenn., to points in Virginia. Applicant is authorized to conduct operations in Missouri, Iowa, Illinois, Minnesota, Virginia, Nebraska, Wisconsin, Indiana, Tennessee, West Virginia, and the District of Columbia.

No. MC 94265 Sub 58, filed August 30, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057 Broad Creek Station, Military Highway, Norfolk, Va. Applicant's representative: Wilmer B. Hill, Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Virginia and Tennessee. Applicant is authorized to conduct operations in Nebraska, Indiana, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, Florida, Georgia, Kentucky, Tennessee, Wisconsin, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, and Ohio.

No. MC 101280 Sub 9, filed August 13, 1956, FRANCIS BLACK, 1201 South Central, Paris, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, between Paris, Ill., on the one hand, and, on the other, points in Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Tennessee, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. (2) *Feed and fertilizer*, from points in Indiana, to points in Edgar County, Ill. (3) *Corn and corn products*, from points in Edgar and Vermilion Counties, Ill., to points in Indiana, Kentucky, Missouri, and Tennessee.

No. MC 103516 Sub 5, filed August 21, 1956, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, 140 Cedar Street, New York 6, N. Y. Applicant's representative: Richard E. Costello, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, without exceptions, in substituted motor for rail service which is auxiliary to or supplemental of applicant's rail service, (1) between Dover, N. J., and Phillipsburg, N. J., from Dover over U. S. Highway 46 to Hackettstown, thence over New Jersey Highway 57 to junction with New Jersey Highway 24, thence over New Jersey Highway 24 to Phillipsburg, and return over the same route, serving the intermediate points of Hackettstown, Netcong, Kenvil, Washington, Broadway, New Village, and the off route points of Wharton, Port Morris, Lake Junction, Lake Hopatcong, Succusunna, and Stewartsville; (2) between Netcong, N. J., and Branchville, N. J., from Netcong over New Jersey Highway 206 to Augusta, thence over New Jersey Highway 206 to junction with Highway 519, thence over Highway 519 to Branchville, and return over the same route, serving the intermediate points of Andover and Newton, and the off-route point of Lafayette; (3) between Washington, N. J., and East Stroudsburg, Pa., from Washington over New Jersey Highway 69 to Buttzville, N. J., thence over U. S. Highway 46 to Columbia, N. J., thence over New Jersey Highway 94 to junction with U. S. Highway 611, thence over U. S. Highway 611 to Stroudsburg, Pa., thence over U. S. Highway 209 to East Stroudsburg, and return over the same route, serving the intermediate points of Delaware, Bridgeville, Stroudsburg, and Oxford Furnace, and the off-rate points of Port Murray, N. J., and Portland, Pa.; (4) between Columbia, N. J., and Newton, N. J., from Columbia over New Jersey Highway 94 to Newton, and return over the same route, serving the intermediate point of Blairstown, and the off-route points of Greendell and Johnsonburg; (5) between Dover, N. J., and Ledgewood, N. J., from Dover over New Jersey Highway 513 to junction with New Jersey Highway 10, thence over New Jersey Highway 10 to Ledgewood, and return over the same route, and for operating convenience only. RESTRICTION: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, its rail service. Said carrier shall not serve, or interchange traffic at, any point not a station on its rail lines. Shipments transported by said carrier by motor vehicle, shall be limited to those which it receives from or delivers to its rail lines. Shipments transported by said carrier by motor vehicle shall be limited to those which it receives from or delivers to its rail lines under a through bill of lading covering a prior or subsequent movement by rail. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 103993 Sub 75, filed August 30, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements by truckaway service, from the plant site of Guerdian Industries, Inc., located approximately one-half (½) mile north of the city limits of Lake City, Fla., on U. S. Highway 41, to points in the United States. (2) *House trailer undercarriages*, or component parts of such undercarriages, from points in the United States to points in Florida. Applicant is authorized to conduct operations throughout the United States.

No. MC 108473 Sub 14, filed July 12, 1956, ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Keene, N. H., and Manchester, N. H., over New Hampshire Highway 101, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Keene, N. H., and Manchester, N. H., over New Hampshire Highway 10 to Newport, N. H., New Hampshire Highway 103 to Bradford, N. H., New Hampshire Highway 114 to Manchester; (2) between Manchester, N. H., and Portsmouth, N. H., over New Hampshire Highway 101, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Manchester, N. H., and Portsmouth, N. H., over New Hampshire Highway 28 to Salem Depot, N. H., New Hampshire Highway 97 to the New Hampshire-Massachusetts State line, Massachusetts Highway 97 to Haverhill, Mass., Massachusetts Highway 110 to Smithtown, N. H., and U. S. Highway 1 to Portsmouth; (3) between Portsmouth, N. H., and Concord, N. H., over U. S. Highway 4, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Portsmouth, N. H., and Concord, N. H., over U. S. Highway 1 to Smithtown, N. H., Massachusetts Highway 110 to Haverhill, Mass., Massachusetts Highway 97 to Salem Depot, N. H., New Hampshire Highway 28 to junction U. S. Highway 3, U. S. Highway 3 to Concord; (4) between Laconia, N. H., and Alton Bay, N. H., as follows: From Laconia over U. S. Highway 3 to junction New Hampshire Highway 11, thence over New Hampshire Highway 11 to Alton Bay, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Laconia, N. H., and Alton Bay, N. H., over U. S. Highway 3 to junction New Hampshire Highway 28, thence over New Hampshire Highway 28 to junction New Hampshire-Massachusetts Highway 97 to Haverhill, Mass., Massachusetts Highway 110 to Smithtown, N. H., U. S. Highway 1 to Portsmouth, N. H., New Hampshire Highway 16 to Rochester, N. H., and New Hampshire Highway 11 to Alton Bay; and (5) between Meredith, N. H., and junction New Hampshire Highway 25 and New Hampshire Highway 16 near West Ossipee, N. H., over New Hampshire Highway 25, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Meredith, N. H., and West Ossipee, N. H., over U. S. Highway 3 to Twin Mountain, N. H., U. S. Highway 302 to Glen, N. H., and New Hampshire Highway 16 to West Ossipee. Applicant is authorized to conduct regular route operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and irregular route operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC 109451 Sub 61, filed August 31, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's representative: Maurice Bishop, 325 Frank Nelson Building, Birmingham, Ala. For authority to operates as a *contract carrier*, over irregular routes, transporting: *Acids*, and *Chemicals*, in bulk, in tank vehicles, between points in Alabama and points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Mississippi. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin, and Missouri.

No. MC 110190 Sub 39, filed August 23, 1956, PENN–DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Pennsylvania, to points in Georgia, Florida, Alabama, Louisiana and Mississippi.

No. MC 111432 Sub 1, filed August 27, 1956, FRANK J. SIBR & SONS, INC., 4155 South Emerald Avenue, Chicago 9, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline, light oils* and *residual oils*, in bulk, in tank vehicles, from the site of the plant of the Clark Oil & Refining Corporation at Blue Island, Ill., to points in Elkhart, Lake, Porter, La Porte and St. Joseph Counties, Ind., and Allegan, Barry, Berrien, Calhoun, Cass, Eaton, Ingham, Kalamazoo, Kent, Ottawa and Van Buren Counties, Mich.; and *returned and rejected shipments of the commodities specified*, on return movements.

No. MC 111940 Sub 12, filed August 13, 1956, SMITH'S TRUCK LINES, P. O. Box 88, Muncy, Pa. Applicant's representative: John M. Musselman, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Slate, flagstone, building stone*, and *pallets, (new and used)* between Muncy, Pa. and points within 110 miles of Muncy, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, District of Columbia, West Virginia, Ohio, Indiana,

Connecticut, Rhode Island, and Massachusetts.

No. MC 113945 Sub 6, filed July 23, 1956, G. S. ADKINS, 822 Durham Street (P. O. Box 1295), Burlington, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Metal tanks*, requiring special equipment, from Greensboro, N. C., to points in West Virginia on and south of U. S. Highway 60 and points in Tennessee on and east of U. S. Highway 41. Applicant is authorized to conduct operations in North Carolina and Virginia.

No. MC 114045 Sub 33, filed August 20, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 3119 Swiss Avenue, P. O. Box 5842, Dallas, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Salads*, fresh, from Indianapolis, Ind., to points in Alabama, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, New Mexico, and Tennessee; and (2) *Relish*, piccalilli (given by applicant as "picklelilley"), from Pittsford, N. Y., to points in Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, and New Mexico.

No. MC 115830 Sub 3, filed July 30, 1956, BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont. Applicant's representative: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petrolcum* and *petroleum products*, in bulk, in tank vehicles, (1) from points in Big Horn County, Mont., and Sheridan and Johnson Counties, Wyo., to Lodge Grass, Mont., (2) from Lodge Grass, Mont., to points in Wyoming.

No. MC 116089 (Correction) filed July 2, 1956, THOMAS NEVILLE CUNNINGHAM, doing business as T. N. CUNNINGHAM, Paradise Road, Aberdeen, Md., published July 25, 1956, on page 5605. Hartford County, Md., was misspelled. The correct spelling is *Harford County*.

No. MC 116101, filed August 1, 1956, EDWARD L. GROMAND, doing business as QUICK AIR FREIGHT, 948 West Mound Street, Columbus, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, having had a prior or subsequent movement by aircraft, between Columbus, Ohio and points in the Commercial Zone thereof as defined by the Commission, on the one hand, and, on the other, points in Ohio and the Greater Cincinnati Airport in Kentucky, near Cincinnati, Ohio.

No. MC 116105, filed July 16, 1956, S. J. SIMMERMAN, doing business as SID'S SERVICE, 1200 Illinois Street, Sidney, Nebr. Applicant's representative: J. H. McNish, Sidney, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (house trailers, not new), including *household goods* and *personal effects contained therein and belonging to the owners of said mobile homes*, in secondary movements, in truckaway service, (1) between points in Keith, Deuel, Cheyenne, Kimball, Garden, Morrill, Banner, and Scotts Bluff Counties, Nebr., and points in Logan County, Colo.; and (2) between points in Keith, Deuel, Cheyenne, Kimball, Garden, Morrill, Banner, and Scotts Bluff Counties, Nebr., and points in Logan County, Colo., on the one hand, and, on the other, points in Wyoming, Colorado, Arizona, New Mexico, Idaho, Montana, Oregon, and Washington, and points in California on and north of U. S. Highway 40.

No. MC 116167, filed August 16, 1956, B & M AUTO SALES, INC., 10 Northampton Street, Boston, Mass. Applicant's representative: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Disabled motor vehicles*, between points in Middlesex, Suffolk, Norfolk, Essex, Bristol, Plymouth and Worcester Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

No. MC 116169, filed August 20, 1956, N. J. BRASHEAR AND NEAN T. BRASHEAR, doing business as NATIONAL OIL & SUPPLY COMPANY, 2351 North Franklin, Springfield, Mo. Applicant's representative: Joseph N. Brown, Suite 215–216 Holland Building, Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hot liquid animal fat or oil*, and *fish oil compound*, in bulk, in tank vehicles, when such commodities are used for mixing feed for animals and fowls, (1) from Lincoln, Nebr., Kansas City and Joplin, Mo., to points on and within an area bounded by the following line: Commencing at the northeast corner of Missouri at the Mississippi River, thence westwardly along the northern boundary line of Missouri to the northwest corner of Missouri, thence westwardly across the Missouri River to U. S. Highway 75 in Nebraska, thence northwardly along U. S. Highway 75 to the Southern boundary line of Douglas County, Nebr., thence westwardly along said southern county line to the western county line of Douglas County, thence northwardly on the western county line of Douglas County to the northern line of Douglas County, thence eastwardly along said north county line of Douglas County to the Missouri River, thence southwardly along the Missouri River to the southern county line of Douglas County, thence eastwardly along said southern county line of Douglas County to U. S. Highway 75, which said U. S. Highway 75 from said point southwardly, to be Western boundary line of territory to be served from Douglas County, Nebr., southwardly to U. S. Highway 166 at Caney, Kans., thence eastwardly along U. S. Highway 166 to the western boundary line of Missouri, thence southwardly along the western boundary line of Missouri to the northwest corner of Arkansas, thence southwardly along the western boundary line of Arkansas, to and including the southern county line of Sebastian County, Ark., thence eastwardly along the southern county lines of the following counties in Arkansas; Sebastian, Logan, Yell, Perry, Pulaski, Lonoke, Prairie, Monroe, and Phillips, to the Mississippi River, thence northwardly along the eastern boundary lines of the states of Arkansas and Missouri to the point of beginning, and *empty containers or other such incidental facilities* (tank trucks) used in transporting the commodities specified on return; (2) between Springfield, Mo., and points in the area described above.

No. MC 116181, filed August 29, 1956, FRANK A. PECK, Nashville Road Extended, Bethel, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Outboard boats*, ranging in length from 14' to 18' and width from 54'' and 84'', from Cortland, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Virginia, Delaware, Ohio, and the District of Columbia, and such *facilities* as are used in the transportation of the commodity specified in this application, on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 114340 Sub 9, filed August 7, 1956, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT CO., 10715 Colesville Road, Silver Spring, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Ashton, Md., and Washington, D. C., from Ashton over U. S. Highway 29 to junction Maryland Highway 650, thence over Maryland Highway 650 to junction Oakview Drive, thence over Oakview Drive to junction Braddock Road, thence over Braddock Road to junction Dilston Road, thence over Dilston Road to junction Oakview Drive, thence over Oakview Drive to junction Maryland Highway 650, thence over Maryland Highway 650 to junction North Hampshire Drive, thence over North Hampshire Drive to junction South Hampshire Drive, thence over South Hampshire Drive to junction Maryland Highway 650, thence over Maryland Highway 650 to junction Maryland Highway 193, thence over Maryland Highway 193 to junction U. S. Highway 29, thence over U. S. Highway 29 to junction Maryland Highway 97, thence over Maryland Highway 97 to Washington, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

NOTE: Applicant states that no duplicating authority is requested.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F6374. Authority sought for control and merger by HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., of the operating rights and property of THE GREEN TRUCK LINES, INC., Post Office Box 402, Laurel, Miss., and for acquisition by DAVID H. RATNER, also of Springfield, of control of such rights and property through the transaction. Applicant's representatives: David H. Ratner, President of Hayes Freight Lines, Inc., 628 East Adams Street, Springfield, Ill., and M. M. Asmar, President of The Green Truck Lines, Inc., Post Office Box 402, Laurel, Miss. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between New Orleans, La., and Meridian, Miss., serving certain intermediate and off-route points; *agricultural commodities*, over irregular routes, from points in Alabama and Louisiana within 150 miles of Hattiesburg, Miss., to Hattiesburg. HAYES FREIGHT LINES, INC., is authorized to operate as a common carrier in Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6377. Authority sought for purchase by JOHN R. LESOINE, 1870 West Main Street, Stroudsburg, Pa., of the operating rights of IVER O. MASON and ERNEST W. VAN LEUVEN, doing business as MASON AND VAN LEUVEN, Millbrook, N. Y. Applicants' representative: James K. Peck, 811 Scranton Electric Building, Scranton 3, Pa. Operating rights sought to be transferred: *Coal*, as a *common carrier*, over irregular routes, from Tamaqua, Pa., and points within 35 miles of Tamaqua, to the village of Millbrook, N. Y., and points within 10 miles of Millbrook. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Ohio, Rhode Island, Connecticut, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6381. Authority sought for control by DAVID RUKIN, 503 Winthrop Road, West Englewood, N. J., of LIMOUSINE RENTAL SERVICE, INC., Franklin Turnpike, Mahwah, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark, N. J. Authority applied for by LIMOUSINE RENTAL SERVICE, INC., and sought to be controlled by applicant: *Passengers and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof and children under ten years of age who do not occupy a seat or seats, as a *common carrier* over irregular routes, in special operations, in non-scheduled door-to-door service, during the periods extending from May 15 to September 15 both inclusive, from December 20 to January 3, both inclusive, from February 10 to February 14 both inclusive, from February 20 to February 24 both inclusive, and on Thanksgiving day and the two days preceding and the two days following Thanksgiving day, of each year, between points in Pike County, Pa., except Delaware and Lehman Townships, on the one hand, and, on the other, points in Rockland County, Orange County, and New York City, N. Y., and Bergen County, N. J. Applicant holds no authority from this Commission but owns controlling stock interest in HUDSON TRANSIT LINES, INC., a Delaware Corporation, which is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7328; Filed, Sept. 11, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No 32597: *Gravel—Dickason Pit, Ind., to Pittwood, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, carloads from Dickason Pit, Ind., to Pittwood, Ill.

Grounds for relief: Motor truck competition from wayside pit.

Tariff: Supplement 73 to Chicago & Eastern Illinois Railroad Company tariff I. C. C. 144.

FSA No. 32598: *Cottonseed products—Memphis, Tenn., to Gulf Ports.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or meal, soybean oil cake or meal, carloads from Memphis, Tenn., to Gulfport, Miss., New Orleans, La., Mobile, Ala., and Pensacola, Fla., for export.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1418.

FSA No. 32599: *Volume l. c. l. class rates in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on various commodities moving on less-than-carload volume class rates between points in Illinois territory in connection with the Monon Railroad.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 13 to Agent Boin's tariff I. C. C. A–1051.

FSA No. 32600: *Crude rubber—Louisiana and Texas to Eastern and Southern Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Houston, and Port Neches, Tex., to Long Branch, N. J., Attalla, Ala., and Paris, Tenn.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariffs: Supplement 167 to Agent Kratzmeir's I. C. C. 4087. Supplement 238 to Agent Kratzmeir's I. C. C. 4139

FSA No. 32601: *Crude rubber—Louisiana and Texas to Massachusetts and Wisconsin.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, viz.: artificial, synthetic, or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Houston and Port Neches, Tex., to Holyoke, Mass., and Waukesha, Wis.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 168 to Agent Kratzmeir's I. C. C. 4087. Supplement 239 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32602: *Salt cake—Ohio and Mississippi River crossings to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on salt cake, carloads, from Cincinnati, Ohio, Louisville, Ky., East St. Louis, Ill., and St. Louis, Mo., to specified points in Florida, Georgia, and North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 32603: *Gravel—Dickason Pit, Ind., to St. Peter, Ill.* Filed by R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company. Rates on gravel road surfacing, screened, carloads from Dickason Pit, Ind., to St. Peter, Ill.

Grounds for relief: Competition of motor trucks from wayside pit.

Tariff: Supplement 73 to Chicago & Eastern Illinois Railroad tariff I. C. C. 144.

FSA No. 32604: *Hides, pelts and skins—Hickory, N. C., to Endicott, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Hickory, N. C., to Endicott, N. Y.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1539.

FSA No. 32605: *Hides, pelts and skins—Alabama and Tennessee points, to Reading, Pa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Florence, Ala., and Clarksville, Tenn., to Reading, Pa.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1539.

FSA No. 32606: *Soybeans—New Orleans, La., to Pensacola, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soybeans, carloads from New Orleans, La., to Pensacola, Fla.

Grounds for relief: Circuitous route.

Tariff: Supplement 76 to Agent Spaninger's I. C. C. 1353.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7327; Filed, Sept. 11, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 15712, Amdt.]

MARIE LOUISE AUTH ET AL.

In re: Interest in real property owned by Marie Louise Auth and others.

Vesting Order 15712, dated November 16, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 3 thereof and substituting therefor a new subparagraph 3 reading as follows:

3. That the property described as follows:

Real property situated in the City of St. Louis, State of Missouri, particularly described as Lot six (6) of the Russell Real Estate Company's Fifth Subdivision and in Block fifty-two hundred sixty-eight E (5268E) of the City of St. Louis fronting thirty (30) feet in the south line of Oleatha Avenue by a depth Southwardly of one hundred twenty-six (126) feet and ten (10) inches, more or less to an alley, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

All other provisions of said Vesting Order 15712 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7290; Filed, Sept. 10, 1956; 8:49 a. m.]

[Vesting Order 17129, Amdt.]

REBHOLZ BANKIERSKANTOOR

In re: Securities and bank accounts owned by and debts owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, F-28-2558, F-49-1286; A-1; E-1.

Vesting Order 17129 as amended April 11, 1951, is hereby further amended as follows and not otherwise:

By deleting from Exhibit B attached to and by reference made a part thereof:

Name of Corporation, Type of Stock, Certificate No., and Number of Shares

United States Steel Corporation—Common, J-794087, 6.

and substituting therefor the following:

Name of Corporation, Type of Stock, Certificate No., and Number of Shares

United States Steel Corporation—Common, J-794087, 6; common, X-148321, 12; common, X-350568, 12.

All other provisions of said Vesting Order 17129, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on September 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7291; Filed, Sept. 10, 1956; 8:49 a. m.]

PIERRE ANGENIEUX AND ABEL GANCE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pierre Angenieux, Saint-Heand, France; Claim No. 36625; Abel Gance, Paris, France, Claim No. 36626; and undivided one-half (½) interest to each claimant in and to property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,257,676.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7282; Filed, Sept. 10, 1956; 8:48 a. m.]

LOUIS ADRIEN JOSEPH REVEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Adrien Joseph Revel, Cannes, AM., France; property described in Vesting Order No. 667 (8 F. R. 4096, April 17, 1943), relating to United States Letters Patent No. 1,785,494. Claim No. 37114, Vesting Order No. 667.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7283; Filed, Sept. 10, 1956; 8:48 a. m.]

COUNT AND COUNTESS ALFRED AND ANNA AICHELBURG-RUMERSKIRCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Count and Countess Alfred and Anna Aichelburg-Rumerskirch, Arenbergstrasse 10, Salzburg, Austria; $3,000.00 Free State of Bavaria Ext 20 Yr S/F G/ Bds 6½ percent Due August 1, 1945 Nos. 639/40 754/57 and presently in the custody of the Federal Reserve Bank of New York, in equal shares to the claimants. Claim No. 44907, Vesting Order No. 7961.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7285; Filed, Sept. 10, 1956; 8:48 a. m.]

JEAN MARIE ANDRE FAURE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Marie Andre Faure, Department de Haute-Vienne, France; Property described in Vesting Order No. 667 (8 F. R. 4094, April 17, 1943), relating to United States Letters Patent No. 2,282,715. Claim No. 42499.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7284; Filed, Sept. 10, 1956; 8:48 a. m.]

WILHELMINE HEINEN REENTS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelmine Heinen Reents, Breddwarden, Wilhelmshaver, Germany; $457.69 in the Treasury of the United States. Claim No. 61138, Vesting Order No. 14008.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7286; Filed, Sept. 10, 1956; 8:48 a. m.]

ANNA FAULHAMMER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Faulhammer, Neidling No. 8, St. Polten, Austria; $761.28 in the Treasury of the United States. Claim No. 42376, Vesting Order No. 2137.

Emma Vogrin Rothelstein No. 10, Graz, Austria; $761.28 in the Treasury of the United States. Claim No. 42377, Vesting Order No. 2137.

Maria Potzmader, Senftenegg No. 73, Post Ferschnitz, Amstetten, Austria; $761.28 in the Treasury of the United States. Claim No. 42378, Vesting Order No. 2137.

Karl Honisch, Ferschnitz No. 7, Amstetten, Austria; $761.28 in the Treasury of the United States. Claim No. 42379, Vesting Order No. 2137.

Maria Honisch, Purgstall 63, Scheibbs, Austria; $761.28 in the Treasury of the United States. Claim No. 42380, Vesting Order No. 2137.

Marie Reisinger, Ferschnitz, Amstetten, Austria; $761.28 in the Treasury of the United States. Claim No. 42381, Vesting Order No. 2137.

Hubert Honisch, Blindenmarket 4, Austria; $761.28 in the Treasury of the United States. Claim No. 42382, Vesting Order No. 2137.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7287; Filed, Sept. 10, 1956; 8:49 a. m.]

PIETRO GREGORIO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pietro Gregorio, Rudolph Gregorio, Remo Revel-Chion, Iside Negri, 35-35 95th Street, Jackson Heights 72, New York; Armand Riva, 776 N. E. 112th Street, Miami, Florida; Aldo Alberto Brigando, 1529 West 3rd Street, Brooklyn 4, New York; Gino Revel-Chion Iolande Enrione Chiaverano, Torino, Italy. All right, title, interest and claim of any kind or character whatsoever of Pietro Gregorio, Rudolph Gregorio, Remo Revel-Chion, Armand Riva, Aldo Alberto Brigando, Iside Negri, Gino Revel-Chion, and Iolande Enrione in and to the trust created under the will of Louis D. Gregorio, deceased, presently being administered by Maddalena Gregorio and Guaranty Trust Company of New York as trustees, acting under the judicial supervision of the Surrogate's Court of Queens County, New York.

This property was acquired pursuant to Vesting Order No. 2746 by the Attorney General of the United States as successor to the Alien Property Custodian. Claim No. 58800, Vesting Order No. 2746.

Executed at Washington, D. C., on August 31, 1956.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7288; Filed, Sept. 10, 1956; 8:49 a. m.]

VALENTIN ADOLPHE KEGRESSE ET AL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Valentin Adolphe Kegresse, Chatou (Seine-et-Oise), France; Elizabeth Jammes, nee Kegresse Sanary-sur-Mer (Var), France; Regine Kegresse, nee Caboy, Calvi, Corsica, France. To: Regine Kegresse, nee Caboy, an undivided one-fourth part of the property described below and a usufruct (life interest) in another undivided three-sixteenths' part thereof; To each of the other two claimants (Valentin Adolphe Kegresse and Elizabeth Jammes, nee Kegresse): an undivided three-eights' part of the property described below, subject to the aforementioned right of usufruct of Regine Kegresse, nee Caboy. All right, title and interest in and to United States Letters Patent Nos. 2,143,321; 2,163,202; 2,163,203 and 2,199,523, vested by Vesting Order No. 666 (8 Fed. Reg. 5047, April 17, 1943); in and to United States Letters Patent No. 2,386,217, vested as Application Ser. No. 344,826, by Vesting Order No. 299 (7 Fed. Reg. 9836, November 26, 1942); and in and to Patent Application Ser. No. 612,967, a division of Application Ser. No. 344,826, now United States Letters Patent No. 2,386,217. Claim No. 41402.

Executed at Washington, D. C., on August 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7289; Filed, Sept. 10, 1956; 8:49 a. m.]

[Vesting Order SA-125]

INTERCONTINENTALE TRANSPORT & FORWARDING CO., LTD.

In re: Debt owing to the Intercontinentale Transport & Forwarding Company, Ltd., also known as Intercontinentale A. G. fuer Transport & Verkehrswesen. F-34-239.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Wedemann & Godknecht, Inc., 3 State Street, New York 4, New York, appearing on its books as an account payable to Intercontinentale A. G. Budapest, Hungary, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Intercontinentale Transport & Forwarding Company, Ltd., also known as Intercontinentale A. G. fuer Transport & Verkehrswesen, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Set-

tlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7335; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order SA-126]

UNITED INCANDESCENT LAMPS & ELECTRICAL CO., LTD.

In re: Debt owing to United Incandescent Lamps & Electrical Co., Ltd. F-34-494.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, N. Y., in the amount of $7,134.47, arising out of an account entitled "United Incandescent Lamps & Electrical Co., Ltd., Ujpest 4, near Budapest, Hungary" maintained at the aforesaid bank together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by United Incandescent Lamps & Electrical Co., Ltd., Ujpest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7336; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order SA-127]

UNITED INCANDESCENT LAMPS & ELECTRICAL CO., LTD.

In re: Debt owing to and securities owned by United Incandescent Lamps & Electrical Co., Ltd. F-34-494.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: a. That certain debt or other obligation of J. P. Morgan & Co. Incorporated of 23 Wall Street, New York 8, New York, in the amount of $60,597.31 as of August 1, 1956, arising out of a cash account entitled "United Incandescent Lamps & Electrical Co., Ltd. (S3642)" maintained with the aforesaid company, together with any and all rights to demand, enforce and collect the same;

b. Fourteen thousand one hundred seventy-five (14,175) shares of capital stock, no par value, of International Telephone and Telegraph Corporation, New York, N. Y., a corporation organized under the laws of the State of Maryland, registered in the name of United Incandescent Lamps & Electrical Co., Ltd., evidenced by certificates numbered as follows:

Certificate numbers:	*Number of shares*
14407	12,000.
14408	1,500.
52524/52529	100 each.
94687	75.

presently in the custody of J. P. Morgan & Co. Incorporated, 23 Wall Street, New York, N. Y., in the account entitled "United Incandescent Lamps & Electrical Co., Ltd. (90066)", together with all declared and unpaid dividends thereon,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by United Incandescent Lamps & Electrical Co., Ltd., Ujpest 4, near Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7337; Filed, Sept. 11, 1956; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTIONS AND PROCEDURES

WATER CONSERVATION AND UTILIZATION

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237, 238; 5 U. S. C. 1002), and the delegation of authority to me by the Secretary of Agriculture, effective January 2, 1954 (19 F. R. 74), § 600.6 of Chapter VI, Title 7, Code of Federal Regulations, is amended by addition of paragraph (e) to read as follows:

§ 600.6 *Water conservation and utilization.* • • •

(e) Farm units will be sold for cash or credit, at prices determined by appraisal on the basis of the normal earning capacity of the land, with quitclaim deed. In the case of credit sales, a promissory note and real estate mortgage must be executed by the purchaser. Deed, promissory note, and mortgage forms may be inspected at the project or State Office.

(Sec. 32, 50 Stat. 525, as amended; 7 U. S. C. 1011)

Done at Washington, D. C. this 4th day of September 1956.

[SEAL] D. A. WILLIAMS,
Administrator,
Soil Conservation Service.

[F. R. Doc. 56-7381; Filed, Sept. 12, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.303 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 17, 1956, through July 13, 1957, and except as otherwise provided in this section, no handler shall ship: (i) potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter; or (ii) potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes meet the requirements of (*a*) the U. S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, or (*b*) the U. S. No. 2, or better, grade, 5 ounces minimum weight.

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(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, 2 inches minimum diameter and 4 inches maximum diameter, except that U. S. No. 1, Size B, potatoes may also be shipped: *Provided*, That each handler making any such shipments for chipping shall file an application for, and obtain, a Certificate of Privilege pursuant to §§ 970.56 and 970.130 and, at the same time, or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in this subparagraph.

(3) No handler shall ship potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade.

(4) Pursuant to § 970.54, each handler may ship not in excess of thirty (30) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65: *Provided*, That handlers making such shipments report such shipments to the administrative committee on the 16th and last day of each month.

(5) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) For grading or storing in the production area; (ii) for distribution by the Federal Government; (iii) for charitable purposes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for planting within the production area; and (viii) for dehydration.

(6) Each handler making shipments of potatoes for export, charitable purposes, dehydration, potato chipping, canning or freezing, or livestock feed shall: (i) File an application pursuant to § 970.56 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, potato chipping, distribution by the Federal Government, charitable purposes, dehydration, canning, freezing (or livestock feed, shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, potato chipping, charitable purposes, dehydration, or canning or freezing shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification shall be furnished to the administrative committee within 10 days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(7) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 to 970.75, inclusive, and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(8) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(9) The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–7380; Filed, Sept. 12, 1956; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

HEDGING ANTICIPATED REQUIREMENTS FOR PROCESSING OR MANUFACTURING UNDER SECTION 4a (3) OF COMMODITY EXCHANGE ACT

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (7 U. S. C. 1–17a), as amended by Public Law 778, 84th Congress, 2d session, approved July 24, 1956, and pursuant to notice published in the FEDERAL REGISTER of August 2, 1956 (21 F. R. 5780), Part 1 of Chapter I, Title 17, Code of Federal Regulations (17 CFR Part 1), is hereby amended by inserting the following section immediately after § 1.47:

§ 1.48 *Hedging anticipated requirements for processing or manufacturing under section 4a (3) (C) of the Commodity Exchange Act*—(a) *Form and manner of reporting.* Any person who desires to avail himself of the provisions of section 4a (3) (C) of the Commodity Exchange Act, and to acquire a long futures position in any commodity with respect to which trading and position limits established by the Commodity Exchange Commission, pursuant to section 4a of the act, shall be then in effect, shall, at least ten days prior to acquiring any position in excess of any such limit, file with the Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., a statement showing such person's unfilled anticipated requirements for processing or manufacturing for a specified operating period not in excess of one year. Such statement shall set forth in detail such person's unfilled anticipated requirements and explain the method of determination thereof, and shall include, but not be limited to, the following information:

(1) Annual requirements of such commodity for processing or manufacturing for the three fiscal years next preceding;

(2) Anticipated requirements of such commodity for processing or manufacturing for a specified operating period not in excess of one year;

(3) Inventory and forward purchases of such commodity, including quantity in process of manufacture and finished goods and byproducts (in terms of such commodity);

(4) Anticipated unfilled requirements of such commodity for processing or manufacturing for a specified period not in excess of one year.

(b) *Supplemental reports.* Whenever such person's anticipated requirements as set forth in paragraph (a) (2) of this section or any statement supplemental thereto shall change, such person shall immediately file with the Commodity Exchange Authority a supplemental statement reporting and explaining such change. Such person shall also file with the Commodity Exchange Authority, at least once each year, a statement setting forth the information described in paragraph (a) of this section.

(c) *Purchases and liquidation.* All purchases of any commodity for future delivery pursuant to the provisions of section 4a (3) (C) of the act shall be made and liquidated in an orderly manner and in accordance with sound commercial practice. No such purchase shall be made or liquidated in a manner calculated to cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity.

This regulation implements the amendment to section 4a of the Commodity Exchange Act approved July 24, 1956, which becomes effective September 22, 1956. It is being promulgated pursuant to the notice published in the FEDERAL REGISTER on August 2, 1956, affording interested persons an opportunity to present data, views, or arguments with reference thereto, and after consideration of all pertinent matters so presented. It is necessary that this regulation become effective on September 22, 1956, the effective date of Public Law 778, in order for it to be of maximum benefit to processors and manufacturers who trade in commodity futures on or subject to the rules of contract markets. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that other procedure with respect to the regulation is impracticable, unnecessary, and contrary to public interest, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective September 22, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56–7369; Filed, Sept. 12, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54184]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

REIMPORTATION FREE OF DUTY OF CERTAIN DUTY-PAID ARTICLES

In order to consolidate more effectively the several provisions relating to duty-paid articles exported and reimported, § 8.2 of the Customs Regulations is amended by deleting all semicolons and adding at the end of paragraph (a) "(see § 10.17 (a) of this chapter);", by adding at the end of paragraph (b) "(see § 10.15 of this chapter);", by adding at the end of paragraph (c) "(see § 10.42 of this chapter);", by adding at the end

of paragraph (d) "(see § 10.7 (b), (c), (d) and (e) of this chapter);", by adding at the end of paragraph (e) "(see § 10.8 of this chapter);", by adding at the end of paragraph (f) "(see §§ 10.66 and 10.67 of this chapter);", by deleting "or" from paragraph (g) and adding at the end thereof "(see § 10.74 of this chapter);", by redesignating paragraph (h) as paragraph (i) and inserting a new paragraph (h) to read:

(h) Articles exported under lease to a foreign manufacturer (see § 10.108 of this chapter); or

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury

[F. R. Doc. 56-7373; Filed, Sept. 12, 1956; 8:49 a. m.]

[T. D. 54183]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 14—APPRAISEMENT

DECLARATIONS RELATING TO CERTAIN SPECIAL CLASSES OF MERCHANDISE, ELIMINATION OF CONSULAR CERTIFICATION; APPRAISEMENT OF MERCHANDISE

In order to ease the requirements under the Customs Regulations for the conditionally free-entry of certain merchandise, to conform a provision of such regulations with a recently amended provision of the Joint Regulations for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act, and to delete an obsolete provision of the Customs Regulations, the Customs Regulations are amended as follows:

1. Section 10.48 (b) (1) is amended by substituting "declaration in the following form by the artist who produced" for "certificate on foreign service Form 253 by the artist who executed", by changing the period to a colon, and by adding the following material after the colon:

I, _____, do hereby declare that I am the painter or producer of certain works of art, viz:

_____

covered by the annexed invoice dated _____; that the said paintings, pastels, drawings and/or sketches are originals; that the said sculptures or statuary are originals or the first or second replicas; and that the said etchings, engravings, or woodcuts were printed by hand from hand-etched or hand-engraved plates or blocks and are artists' proofs _____

_____ _____
(Place and date) (Signature of artist)

2. Section 10.48 (b) (2) is amended by substituting "declaration" for "certificate".

3. Section 10.48 (c) is amended by substituting "declaration" for "certificate".

(Secs. 201 (par. 1807), 624, 46 Stat. 684, 759; 19 U. S. C. 1201 (par. 1807), 1624)

4. Section 10.50 is amended by substituting the following for all material after "importer shall file": "a declaration of the artist which shall be on or attached to the invoice and shall state:

I, _____, do hereby declare that I am a citizen of the United States of America, and by profession _____;
(Artist or sculptor)
that my place of residence in the United States is _____; that I departed from the United States of America on or about _____, 19__, to take up my temporary residence at _____; and that I have not given up, and that it is not my intention to give up, my residence in the United States, and I intend to return ultimately to the United States. I further declare that the _____ described
(Briefly identify the works of art)
in the invoice herewith were produced by me during my temporary residence abroad at _____, during the year 19__.

The declaration may be made by the artist on customs Form 3307."

(Sec. 201 (par. 1810), 46 Stat. 685; 19 U. S. C. 1201 (par. 1810))

5. Section 10.66 (a) (2) is amended to read:

(2) A declaration by the foreign shipper, irrespective of the value of the shipment, stating:

I, _____, do hereby declare that the merchandise herein described was imported from the United States, and that it was sent to _____ for temporary use at the Exhibition entitled _____, held at _____ on _____, 19__.

_____
(Date and place of signing)

_____
(Signature of exporter or authorized agent)

(29 Stat. 122, 30 Stat. 1372; 19 U. S. C. 194, 195)

6. Section 10.67 (a) (2) is amended to read:

(2) A declaration by the foreign shipper in the same form as that prescribed in § 10.66 (a) (2) but stating that such articles were sent from the United States solely for temporary scientific or educational use and describing the specific use to which they were put while abroad.

(Sec. 201 (par. 1815), 46 Stat. 672, as amended; 19 U. S. C. 1201 (par. 1815))

7. Section 12.2 is amended by placing a period after "shipper" and by deleting the remainder of the section.

(R. S. 161; 5 U. S. C. 22)

8. Section 14.3 is amended by deleting paragraph "(e)", and by redesignating paragraphs "(f)" and "(g)" as "(e)" and "(f)", respectively.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 5, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7356; Filed, Sept. 12, 1956; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATION

NAVAL RESERVATIONS IN CANAL ZONE

CROSS REFERENCE: For material establishing the United States Naval Reservation, Balboa, Canal Zone, and affecting the tabulation in § 21.4, see F. R. Document 56-7383, Canal Zone Order 44, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 44]

ESTABLISHING UNITED STATES NAVAL RESERVATION, BALBOA, CANAL ZONE

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the Act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundary.* The area of land in the Canal Zone hereinafter described as United States Naval Reservation, Balboa, Canal Zone, is hereby set apart and assigned to the uses and purposes of a naval reservation and to be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

UNITED STATES NAVAL RESERVATION, BALBOA CANAL ZONE

Beginning at monument "V", which is an iron rail set in concrete, located on the northwesterly side of a cyclone fence, on the northwesterly boundary of Ft. Amador Military Reservation. The geodetic position of monument "V", referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°56' N. plus 3,602.80 feet and longitude 79°33' W., plus 1,556.90 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 37°39'10" W., 1,314.31 feet, along the northwesterly boundary of the Ft. Amador Military Reservation, through monument "Z", which is an iron rail set in concrete, located on the southeasterly side of a cyclone fence, to monument No. 2, which is a 1½-inch iron pipe set in concrete, located on the northwesterly side of a cyclone fence, at the northeasterly corner of Panama Canal Post No. 1, the American Legion, License No. 756-A, the distances being 765.02 feet and 549.29 feet, successively, from beginning of the course;

Northwesterly and southwesterly, following the boundary of the American Legion, License No. 756-A, through monuments No. 1 and "A", and southwesterly, following the boundary of the Balboa Yacht Club, License No. 756-B, through monuments Nos. 3-A and 3, to unmarked point called "C", as follows:

N. 52°49'00" W., 441.68 feet, to monument No. 1, which is a 1½-inch iron pipe set in concrete;

S. 39°55'30" W., 91.3 feet, more or less, through monument "A", which is a ¾-inch iron rod set in concrete, monuments Nos. 3-A and 3, which are 1½-inch iron pipes set in concrete, to an unmarked point called "C", located at the extreme high water mark on the shore of Balboa Harbor, the distances being 44.96 feet, 13.04 feet, 28.52 feet and 4.8 feet, more or less, successively, from beginning of the course;

Northwesterly, 1,450 feet, more or less, following the extreme high water mark along the shore of Balboa Harbor, to an unmarked point called "D", located 29.00 feet northwesterly and at right angles from the centerline of Navy Pier No. 2, and S. 47°02'30" W., 6.0 feet, more or less, from monument "E";

N. 47°02'30" 68.8 feet, more or less, through monument "E", which is a 2-inch iron pipe, to monument "F", which is a 2-inch iron pipe, located 2.0 feet southwesterly from the face of Balboa Tank Farm cyclone fence, the distances being 6.0 feet, more or less, and 62.79 feet, successively, from beginning of the course;

Southeasterly, northeasterly and northwesterly, along the outside of the Balboa Tank Farm cyclone fence, through monuments "G" to "P", inclusive, as follows:

S. 53°21'45" E., 505.16 feet, through monument "G", which is a 2-inch iron pipe, to monument "H", which is a 2-inch iron pipe, the distances being 86.42 feet and 418.74 feet, successively, from beginning of the course;

N. 45°52'00" E., 380.50 feet, to monument "I", which is a 2-inch iron pipe;

N. 52°06'30" E., 91.53 feet, to monument "J", which is a 2-inch iron pipe;

N. 33°11'30" E., 107.28 feet, to monument "K", which is a 2-inch iron pipe;

N. 11°09'30" E., 387.33 feet, to monument "L", which is a brass plug in a concrete monument;

N. 46°45'30" E., 98.67 feet, to monument "M", which is a 2-inch iron pipe;

N. 21°25'30" W., 1,083.69 feet, through monument "N", which is a bronze plug in a concrete monument, monument "O", which is a 2-inch iron pipe, to monument "P", which is a 1½-inch iron pipe, located on the northwesterly side of the Navy cyclone fence, the distances being 333.41 feet, 370.00 feet and 380.28 feet, successively, from beginning of the course;

N. 68°34'30" E., 400.00 feet, along the northwesterly side of the Navy cyclone fence to monument "Q", which is a brass plug in a concrete monument, located 11.9 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

S. 21°25'30" E., 1,120.33 feet, along the southwesterly side of Amador Road, to monument "R", which is a brass plug in a concrete monument, located 12.2 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

N. 68°34'00" E., 388.2 feet, more or less, through monument "S", which is an iron rail set in concrete, located on the northwesterly side of the Navy cyclone fence, to an unmarked point called "T", located at the extreme high water mark on the shore of Panama Bay, the distances being 353.18 feet and 35.0 feet, more or less, from beginning of the course;

S. 34°58'40" E., 1,080 feet, more or less, to an unmarked point called "U", located at the extreme high water mark on the shore of Panama Bay and N. 37°39'10" E., 63.8 feet, more or less, from monument "V";

S. 37°39'10" W., 63.8 feet, more or less, to monument "V", the point of beginning.

The directions of the lines refer to the true meridian.

The area of the above described tract is 60.50 acres, more or less, and is as shown on Canal Zone Government drawing M-6117-60, entitled "Map Showing United States Naval Reservation, Balboa, Canal Zone," scale 1:2000, dated March 2, 1956, on file in the Office of the Governor of the Canal Zone, Balboa Heights.

GENERAL

The surveys of the boundary were made in February 1931, May 1946, July 1951 and February 1956, and are recorded in notebooks M-21, M-405 and M-478, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company.

Any discrepancies in bearings or distances between this and any previous order, are due to more accurate horizontal control rather than changes in positions of monuments.

SEC. 2. *Conditions and limitations.* The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The Canal Zone Government and the Panama Canal Company, their agents, employees, contractors, licensees, and permittees shall enjoy access to the reserved area in carrying out the operations of such agencies, subject, however, to necessary security measures.

SEC. 3. This order supersedes Executive Order No. 7387 of June 15, 1936 (1 F. R. 601), establishing reservation of Naval Station, Balboa, Canal Zone, as modified by Executive Order No. 7862 of April 7, 1938 (3 F. R. 734).

WILBER M. BRUCKER,
Secretary of the Army.

SEPTEMBER 7, 1956.

[F. R. Doc. 56-7383; Filed, Sept. 12, 1956; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basis and purpose. On the basis of observations and reports of representatives of the Fish and Wildlife Service, it has been determined that additional waterfowl hunting privileges can be authorized without interfering with the primary purpose for which the refuge was established. It has also been determined that there is need to clarify provisions relating to the use of boats, blinds, and decoys as well as certain other features that relate to public hunting.

Since the following amendments are in part relaxations of existing restrictions applicable to hunting on the Tule Lake National Wildlife Refuge and in part definitive of existing administrative control, notice and public procedure are not required (60 Stat. 237; U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 31.346 to 31.350, inclusive, are added, and § 31.342 is revised to read as follows:

§ 31.342 *Shooting areas.* The following are the public hunting areas:

Area I. That part of the refuge, as posted by the refuge officer in charge, north of a line beginning on the east boundary of the refuge at the E¼ corner of section 20, T. 47 N., R. 5 E., M. D. M., thence west along the centerline of sections 20 and 19, T 47 N., R. 5 E., and the centerline of sections 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

Area II. That part of the refuge known as the Panhandle buffer strip as posted by the refuge officer in charge, west of the west bank of the N Canal in the S½N½ Section 16, T. 46 N., R. 5 E., M. D. M., and east of the west perimeter road around the Panhandle area in the S½N½ Section 17.

§ 31.346 *Use of hunting blinds.* Any person may construct and use a hunting blind in the public hunting areas except that entry for the construction of such blind shall not be permitted during the period from September 16 to the opening day of the waterfowl hunting season. Any blind not removed from the refuge on or before January 15 shall be deemed to have been abandoned, and it shall become the property of the United States. Where a blind is constructed in open water, such blind shall be placed at least 200 yards from emergent vegetation. The construction of a blind shall not be deemed to establish priority of use by the person who constructs such blind except that the construction of a blind by any guide under a special permit issued by the refuge officer in charge shall entitle such guide to the exclusive use of such blind. The digging of a pit for use as a hunting blind or for any other purpose is prohibited except in such areas as may be designated by posting by the refuge officer in charge.

§ 31.347 *Use of boats.* The use of boats for the purpose of hunting subject to the provisions of the regulations under the Migratory Bird Treaty Act is permitted only during the period from 2½ hours before sunrise to one hour after sunset, provided that the use of air-thrust and scull boats is prohibited.

§ 31.348 *Use of artificial decoys.* Artificial decoys may be placed on and used in the public hunting areas only during the period from 1½ hours before sunrise to ½ hour after sunset.

§ 31.349 *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting areas or elsewhere on the refuge is prohibited.

§ 31.350 *Access to the hunting areas.* Hunters may not enter the public hunting areas earlier than 2½ hours before sunrise.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: September 6, 1956.

ROBERT H. JOHNSON,
Acting Director.

[F. R. Doc. 56-7359; Filed, Sept. 12, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

Because of the number of outstanding amendments to Part 11 since it was last published in the FEDERAL REGISTER (August 4, 1953, 18 F. R. 4558), Part 11 is recapitulated as of August 15, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

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11.3 Definition of terms.
11.4 General citizenship restrictions.
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AUTHORITY: §§ 11.1 to 11.611 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

SUBPART A—GENERAL INFORMATION

§ 11.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radio communication and control facilities to various industrial enterprises which, for safety purposes or other necessity, require radio transmitting facilities in order to function efficiently.

§ 11.2 *General limitations on use.* The radio facilities authorized under this part shall not be used to render a communications common carrier service or to carry program material of any kind for use in connection with radio broadcasting.

§ 11.3 *Definition of terms.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Treaty Matters; General Rules and Regulations.

(a) *Radio service.* An administrative subdivision of the field of radiocommunication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(b) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(c) *Fixed service.* A service of radiocommunication between specified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the Base Station is pertinent to this part, and the term will be used interchangeably with the term Land Station.)

(e) *Base station.* See Land Station, paragraph (d) of this section.

(f) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For purposes of this part, the term includes hand-carried and pack-carried units.)

(g) *Operational fixed station.* A Fixed Station not open to public correspondence, operated by, and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Aviation or Marine Services. (This term includes all stations licensed in the fixed service under this part.)

(h) *Control station.* An Operational Fixed Station, the transmissions of which are used to control automatically the emissions or operation of another radio station at a specified location.

(i) *Fixed relay station.* An Operational Fixed Station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

(j) *Mobile relay station.* A Base Station in the mobile service, authorized primarily to retransmit automatically on a mobile service frequency communications originated by mobile stations.

(k) *Assigned frequency.* The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

(l) *Carrier frequency.* The frequency of the carrier.

(m) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(n) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

(o) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(q) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(r) *Telemetering.* Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

(s) *Signalling.* Intermittent or periodic transmission (excluding radiotelephony or any type of Morse code) or intelligence by means of prearranged tones, impulses, or combinations thereof, designed to actuate a mechanism at the point of reception.

(t) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

(u) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

(v) *Land radiopositioning station.* A Station in the radiolocation service other than a radionavigation station, not intended for operation while in motion.

(w) *Mobile radiopositioning station.* A station in the radiolocation service other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

(x) *Standard Metropolitan Area.* Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U. S. Census of Population, 1950; Vol. I, Number of Inhabitants; Chapter 1, U. S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on page 1–66.) The publication is sold by the U. S. Government Printing Office, Washington 25, D. C.

§ 11.4 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 11.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest. Requests for authority to assign a station authorization may be submitted in accordance with § 11.56 (b) while a request for authority to transfer control of a corporation, as by sale of controlling stock interest, shall be submitted in accordance with § 11.56 (d).

§ 11.6 *Cooperative arrangements.* (a) Arrangements may be made between two or more persons for the cooperative use of radio station facilities, provided all such persons are eligible to hold station licenses in one of the radio services established under this part, and provided further that all such persons are eligible for the same radio service. Such arrangements shall be governed by the following:

(1) *Mobile service.* A group of persons eligible for a license in the same industrial radio service may share the use of a Base Station licensed to one member of that group in either of the following two ways:

(i) A person who is to receive service from a Base Station licensed to a person other than himself may obtain a license for his own mobile radio units: *Provided, however,* That the application for such license shall be accompanied by an application from the licensee of the base station, for modification of his license, to permit rendition of the desired service. The application for modification of the base station license shall name the persons to be served, shall be notarized, and may be filed either on FCC Form 400 or by letter, in duplicate; or

(ii) A person who is to furnish base station service to mobile radio units installed in vehicles owned and operated by persons other than himself may, if he desires, be licensee of said mobile radio units: *Provided, however,* That each person owning and operating such mobile radio units shall enter into a written agreement giving the licensee thereof the sole right of control over such units, said agreement to be kept as a part of the records of the base station: *And provided further,* That the operator of each vehicle shall operate the radio units subject

to the orders and instructions of the base station operator: *And provided still further*, That the licensee shall at all times have such access to, and control of, the mobile radio equipment as will enable him to discharge his responsibilities under the Communications Act.

(2) *Fixed service.* A group of persons eligible to operate in the same industrial radio service may share the use of a fixed station licensed to one member of that group.

(b) A base station licensee who enters into a cooperative arrangement in accordance with the provisions of paragraph (a) (1) (ii) of this section shall obtain prior approval from the Commission for each person who proposes to enter into said arrangement.

(c) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement may be without charge. If so, the records of the base station or fixed station licensee shall so indicate.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by Commission representatives. An audited financial statement reflecting the non-profit cost-sharing nature of the arrangement shall be submitted annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

§ 11.7 *Relay stations*—(a) *General.* Relay stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of the rules in this part, there are two types of relay stations: Mobile Relay Stations and Fixed Relay Stations. For definitions see § 11.3.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication on the frequency presently assigned, or, in the case of a proposed new radio system, on any available frequency. (Measurements obtained by use of low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the requirements of this subparagraph.)

(2) A Mobile Relay Station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each Mobile Relay Station shall be so designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: *Provided, however*, That this requirement may be waived when both of the following conditions are met:

(i) The radio system is shown to be so designed that the Mobile Relay Station normally is capable of activation only by signals received on frequencies above 50 Mc; and

(ii) The applicant for a mobile relay station authorization either verifies that no person having equal rights to the frequency in question is operating on the mobile station frequency within a radius of seventy-five miles of the proposed mobile relay station location, or, alternatively, obtains and submits with the application the written consent of each such person to installation of the proposed mobile relay station and its operation on a regular basis for a trial period of one year from the date a station license is granted by the Commission.

In any event, a waiver granted under the provisions of this subparagraph may be cancelled after ninety days notice by the Commission if it develops that the mobile relay station is in fact consistently activated by undesired signals and thereby causes harmful interference to other licensees.

(4) Each Mobile Relay Station shall be so designed and installed that it will be deactivated automatically when its associated receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(5) Each Mobile Relay Station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

(6) A Mobile Station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 47.0 Mc which is available for assignment to mobile stations.

(7) An Operational Fixed (control) Station associated with one or more Mobile Relay Stations may be assigned any frequency available for assignment to Operational Fixed Stations or, at the option of the applicant, the mobile service frequency assigned to the associated Mobile Station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(8) In any radio system which employs more than one Mobile Relay Station, where there is a requirement that stations in the vicinity of one Mobile Relay Station be able to communicate automatically with stations in the vicinity of other Mobile Relay Stations, any necessary circuits for interconnection of the Mobile Relay Stations shall be provided by means of wire lines or radio stations operating on fixed service frequencies.

(9) Mobile Relay Stations will not be authorized in the low power industrial radio service.

(10) A Base Station which is used intermittently as an Operational Fixed (control) Station for one or more associated Mobile Relay Station of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated Mobile Relay Station and/or Mobile Station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(c) *Fixed Relay Stations.* Fixed Relay Stations will be authorized to operate only on frequencies available for use by Operational Fixed Stations.

§ 11.8 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned to stations operating in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Each frequency, or band of frequencies, available for assignment to stations in these services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; such use may also be restricted to one or more specified geographical areas.

(b) Each applicant shall use the highest order of frequencies available, compatible with the operational requirements of the particular radio system involved, and the actual channel loading of the bands in each area. Differentials in first cost and maintenance expense are factors which will not be considered as conclusive by the Commission in approving a choice between the ranges 1.6–6.0, 25–50, 152–174, and 450–460 Mc.

(c) The operational requirements of applicants for land mobile radio systems as authorized under this part dictate that the single frequency simplex method of operation be employed, and frequencies have been made available to each of the services largely on that basis. Consequently, in no case will more than one frequency, or band of frequencies, be assigned for the use of a single applicant until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency, or band of frequencies, is essential to the operation of the radio system.

(d) With respect to fixed point-to-point circuits, simultaneous two-way communication will be required in most cases; consequently, it will be customary to assign two frequencies, or bands of frequencies, to such systems and, where possible, with such frequency separation that full duplex operation may be accomplished.

(e) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 152 Mc, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular Services are also

available for assignment to Operational Fixed Stations in the same Service on condition that no harmful interference be caused to mobile service operations.

(f) Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by stations licensed under this part upon appropriate showing by the applicant that such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government, provided the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(g) The following criteria shall govern the authorization and use of frequencies within the band 72–76 Mc to and by fixed stations:

(1) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(2) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(3) Vertical polarization is used.

(4) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if:

(i) There are fewer than 100 family dwelling units[1] located within a circle centered at the location of the proposed fixed stations[2] the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5:

Provided, however, That the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under subdivision (i) of this subparagraph containing 100 or more family dwelling units upon a showing that:

(*a*) The proposed site is the only suitable location.

(*b*) It is not feasible, technically or otherwise, to use other available frequencies.

(*c*) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(*d*) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

[1] As defined by the U. S. Bureau of Census.

[2] Family dwelling units 70 or more miles distant from the TV antenna site are not to be counted.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

§ 11.51 *Station authorization required.* No radio transmitter shall be operated in the Industrial Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 11.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 11.56.

(b) When construction permit only has been issued for a Base, Operational Fixed or Mobile Station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C. an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new Base, Operational Fixed or Mobile Station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a Base Operational Fixed or Mobile Station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

§ 11.53 *Procedure for obtaining special temporary authority.* (a) (1) In cases of emergency found by the Commission involving danger to life or property, or due to damage to equipment, temporary authorization for the construction and operation of a radio station may be granted for the duration of such emergency. Requests for such temporary authorization may be filed without regard to the provisions of § 11.56 in letter form or by telegram, but shall contain the following information:

(i) Name, address, and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency, and explanation why a formal application could not have been submitted in time to get a regular license;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, model number and number of units, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

(2) In cases where an urgent need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules; or

(3) For the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system in some service under this part. In this case, the authority, if issued, will be for developmental operation only, and the applicable sections of Subpart E of this part shall also apply to the grant.

(b) An application for special temporary authority other than that to which paragraph (a) (1) of this section applies may be filed as an informal application in the manner prescribed by § 11.56 and shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number, and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

§ 11.54 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Industrial Radio Services are discussed in § 11.56, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 11.56 should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When one or more individual transmitters are intended to be operated as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations. An application for authority to operate a base station or a fixed station at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, or a state or states. Sufficient data must be submitted to show the need for the proposed area of operation.

(2) When any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for a separate authorization specifying the fixed location, shall be made as soon as possible but not later than 30 days after the expiration of the one year period.

§ 11.55 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.

§ 11.56 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a Base or Operational Fixed Station.

(2) New station authorizations for any required number of mobile units (including hand-carried or pack-carried units) or any required number of units of a base station or fixed station to be operated at temporary locations in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 11.64 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically-designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 11.64 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock ownership, the control of a corporate permittee or licensee.

(e) Informal application. (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) A request for special temporary authorization must include full particulars as to the purpose for which the request is made and such request should be submitted at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reason for the delay in submitting the request. The information necessary for Commission action on requests for Special Temporary Authority is set forth in § 11.53.

(f) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 11.57 [Reserved.]

§ 11.58 *Supplemental information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required.

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of the frequency requested.

(1) Each application for authority to operate on one of the frequencies in the range 1.6–6.0 Mc must be fully justified, and shall be accompanied by: A satisfactory showing that the safety of human life will be jeopardized by failure of the Commission to authorize the use of a frequency in the requested range; a description in detail of the particular activity involved; and the manner in which radio will be used in the activity. The circumstances must be such that the activity, by reason of its nature or location, is hazardous to personnel engaged therein, or to the public in the vicinity thereof; that the radiocommunication facilities requested will materially reduce such hazard; and that it is impossible to use a higher order of frequencies for accomplishment of the same purposes.

(b) Statements justifying the need for more than one frequency, as required by § 11.8.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in triplicate in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations.

(f) Copies of all agreements and statements which may be required under § 11.6 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the rules in connection with developmental operation. See §§ 11.202, 11.203, and 11.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipments Acceptable for Licensing, and designated for use in the Public Safety, Industrial, and Land Transportation Radio Service.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

(j) Data required by the rules in connection with operation of base or fixed stations at temporary locations. See § 11.54 (e) (1).

§ 11.59 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 11.60 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's rules or other requirements will be considered defective and will be returned to the applicant.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct.

§ 11.61 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of, an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 11.62 *Construction period.* (a) Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

§ 11.63 *License term.* (a) For all stations in the Industrial Radio Services, except those engaged in developmental operation and those authorized under § 11.501 (a) (2), the license period shall be as follows:

(1) The initial station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

(b) Instruments of authorization for stations engaged in developmental operation and those issued under § 11.501 (a) (2) will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 11.64 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary:

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 11.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A:

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the overall number of transmitters authorized for mobile use, or for use at base or fixed stations authorized to be operated at temporary locations.

(5) An increase in the overall number of transmitters authorized for mobile use, or for use at base stations or fixed stations to be operated at temporary locations within the authorized area of operation. This form may be used only when adding transmitters which are included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Industrial Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 11.65 *Report of temporary location.* When a Base Station or Operational Fixed Station is authorized to operate in an area encompassing two or more Radio Districts, the following notification procedure shall be followed:

(a) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District involved shall be notified.

(b) When the station is moved from one Radio District to another, the Engineer in Charge of each of the two Radio Districts involved shall be notified.

§ 11.66 *Discontinuance of station operation.* In case of permanent discontinuance of operation of a station licensed under this part, the licensee shall forward the station license to the Washington, D. C. office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in

Charge of the district in which the station is located. For purposes of this section, a station which is not operated for a period of one year is considered to have been permanently discontinued.

SUBPART C—TECHNICAL STANDARDS

§ 11.101 *Frequencies.* The frequencies available for use in these services, in accordance with the policy set forth in § 11.8, are listed in the applicable subpart of the rules in this part. The separation between assignable frequencies in the various bands does not necessarily indicate the actual amount of separation required for the operation of two or more systems within the same geographical area.

§ 11.102 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.01
From 50–220 Mc	.005
Above 220 Mc	(1)

[1] To be specified in the authorization.

(b) For transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less, the frequency may be maintained as shown in the table below in lieu of the requirements in paragraph (a) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.02
From 50–220 Mc	.01

§ 11.103 *Types of emission.* (a) Except as provided in paragraph (b) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 11.104 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kc to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by § 11.103 (a) are listed in the table below:

Type of emission:	Authorized bandwidth (kc)
A-3	8
F-3	40

(c) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage	Attenuation (db)
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 11.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second, and the transmission of higher frequencies is unauthorized.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for telephony, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(d) Each transmitter authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less.

§ 11.106 *Power and antenna height.* (a) The power which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may order a change in power, or antenna height, or both.

(b) Except where the power that may be used on a designated frequency is specifically limited to a lower value, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

Frequency:	Maximum plate power input to the final radio frequency stage (watts)
1.6–6.0 Mc	2,000
25–100 Mc	500
100–220 Mc	600
Above 220 Mc	(1)

[1] To be specified in the authorization.

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

§ 11.107 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 11.108 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, is maintained within the tolerance prescribed in the rules in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, does not exceed the maximum figure specified on the current station authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio frequency stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, does not exceed the limits specified in the rules in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b), and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided,* That the measurements are made under load conditions equivalent to actual operating conditions: *And provided further,* That after installation in the mobile unit the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

§ 11.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on May 16, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under these rules must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 11.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 11.151 *Permissible communications.* (a) Stations licensed under this part may transmit the following types of communications:

(1) Any communication related directly to the safety of life or the protection of property; and

(2) Communications considered essential to the efficient conduct of that portion of the enterprise for which the licensee is eligible to hold a station license under this part, subject to the condition that harmful interference is not caused to safety communications of stations licensed under this part.

(b) A station licensed under this part may communicate with other stations without restriction as to type, service, or licensee when the communications to be transmitted are of the type described in paragraph (a) (1) of this section.

(c) For transmission of all communications other than those described in paragraph (a) (1) of this section, a station licensed under this part shall communicate only as follows:

(1) Each unit of a Mobile Station is authorized primarily to communicate with other units of the Mobile Station, and with associated base stations. Secondarily, each unit of a Mobile Station is authorized to communicate with associated Operational Fixed Stations.

(2) Each Base Station is authorized primarily to communicate with the units of an associated Mobile Station. Secondarily, each Base Station may communicate with an associated Base Station, Operational Fixed Station, or fixed receiver when:

(i) The messages to be transmitted are of immediate importance to mobile units; or

(ii) Wireline communication facilities between such points are inoperative, economically impracticable or unavailable from communications common carrier sources: *Provided, however,* That temporary unavailability due to a busy wireline circuit is not considered to be within the provisions of this subparagraph.

(3) Each Operational Fixed Station is authorized primarily to communicate with associated Operational Fixed Stations and fixed receivers. Secondarily, each Operational Fixed Station is authorized to communicate with units of an associated Mobile Station, and, subject to the limitations of subparagraph (2) of this paragraph, with associated Base Stations.

(4) Subject to the other conditions of this paragraph, stations licensed under this part may communicate with other licensed stations and with U. S. Government stations in those cases which require cooperation or co-ordination of activities: *Provided, however,* That where communication is desired with stations

authorized to operate under the authority of a foreign jurisdiction, prior approval of this Commission must be obtained: *And provided further,* That the authority under which such other stations operate does not prohibit the intercommunication.

(d) All communications, regardless of their nature, shall be restricted to the minimum practicable transmission time, and some type of standard operating procedure shall be employed by each licensee. Continuous radiation of an unmodulated carrier is prohibited, except when necessary for test purposes, or when specifically authorized in writing by the Commission.

(e) The licensee of any station in these services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication without regard to provisions of this section other than the following:

(1) As soon as possible after the beginning of such emergency use, notice be sent to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D. C., and the Engineer in Charge be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

(f) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken "to avoid interference to other stations."

§ 11.152 *Station identification.* (a) Each station in these services which is capable of being identified by transmission of its assigned call signal shall transmit such call signal at the end of each transmission or exchange of transmissions, or once each fifteen minutes of the operating period, as the licensee may prefer.

(b) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a Base Station which transmits on the same frequency may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such Base Station.

(c) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a Base Station which transmits on a different frequency may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such Base Station and the assigned call signal of either the Mobile Station or the Base Station.

(d) A station which is transmitting for telemetering purposes or retransmitting by self-actuating means a radio signal received from another radio station or stations will be considered for exemption from the requirements of paragraph (a) of this section in specific instances, upon request.

(e) A unit designator may be used in addition to the station identification required by this section, to identify an individual unit or transmitter of a base station or a fixed station which is authorized to be operated at temporary locations.

§ 11.153 *Suspension of transmissions required.* The radiation of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 11.154 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service, when transmitting radiotelegraphy by any type of the Morse Code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, Base Stations and Operational Fixed Stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a Base Station or Operational Fixed Station after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission, and who (ii) is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either: (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section, authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or international service. For the purpose of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be

operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 11.155 *Posting of operator license.* (a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

(b) Whenever a licensed operator is required for a Mobile Station, the original license of each such operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his personal possession whenever he performs the duties of an operator at such station: *Provided,* That in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 11.156 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each mobile transmitter or associated control equipment and each transmitter of a base station or fixed station authorized to be used at temporary locations or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station, except those authorized to be used at temporary locations, shall be posted at what the licensee considers to be the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

(c) In lieu of the Transmitter Identification Card, FCC Form 452–C, Revised, as required by paragraphs (a) and (b) of this section, a permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification," and shall clearly display all the information required to be shown on the FCC Form 452–C, Revised, with the exception of the signature.

§ 11.157 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection by an authorized representative of the Commission at any time while the station is in operation, and, when not in operation, shall be made available for inspection upon reasonable request of such representative.

§ 11.158 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 11.159 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 11.160 *Station records.* Each licensee of a station in these services shall maintain records as required elsewhere in this part and in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by § 11.108, and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number, and expiration date of his license: *Provided, however,* That the information called for under subparagraphs (2) and (3) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) For Base Stations and Operational Fixed Stations only, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) For Base Stations only, when they communicate with other Base Stations or with Operational Fixed Stations:

(1) Call sign of other stations; and

(2) Date, time, and approximate duration of each transmission.

(e) When a Base Station or Operational Fixed Station has an antenna structure which is required to be illumi-

nated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 11.158:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(f) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(g) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(h) No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(i) Records required by this part shall be retained by the licensee for a period of at least one year.

SUBPART E—DEVELOPMENTAL OPERATION

§ 11.201 *Eligibility.* An authorization for developmental operation in any of the services under this part will be issued only to those persons who are eligible to operate stations in such service on a regular basis.

§ 11.202 *Showing required.* (a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 11.203 *Limitations on use.* Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided in the instrument of authorization.

§ 11.204 *Frequencies available for assignment.* Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 11.205 *Interference.* The operation of any station engaged in developmental work shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 11.206 *Special provisions.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 11.207 *Required supplementary statement.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 11.208 *Report of operation.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant.

The report shall include comprehensive and detailed information on the following:

(a) The final objective.
(b) Results of operation to date.
(c) Analysis of the results obtained.
(d) Copies of any published reports.
(e) Need for continuation of the program.
(f) Number of hours of operation on each frequency.

SUBPART F—POWER RADIO SERVICE

§ 11.251 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(1) Persons primarily engaged in the generation, transmission or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(2) Persons primarily engaged in the distribution of artificial or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of artificial or natural gas preparatory to such distribution.

(3) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(4) A non-profit corporation or association, organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in the preceding subparagraphs. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit nature of the arrangement shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Power Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (4) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.252 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service only:

Mc.	*Mc.*	*Mc.*	*Mc.*
37.46	47.70	48.14	153.41
37.50	47.74	48.18	153.47
37.54	47.78	48.22	153.53
37.58	47.82	48.26	153.59
37.62	47.86	48.30	153.65
37.66	47.90	48.34	153.71
37.70	47.94	48.38	158.13
37.74	47.98	48.42	158.19
37.78	48.02	48.46	158.25
37.82	48.06	48.50	
37.86	48.10	48.54	

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Power Radio Service on a shared basis with other services:

Frequency (kc)	*Frequency (Mc)*
[1] 2292	[3] 35.06
[1] 2398	[3] 35.10
[1] [4] 4637.5	[3] 35.14
	[3] 35.18

[1] Use of this frequency by stations licensed in the Power Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] The use of these frequencies by stations in the Power Radio Service is subject to causing no harmful interference to the Maritime Mobile Service.

[3] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[4] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Power Radio Service who is engaged in the distribution of natural gas directly to consumers and who has a substantial requirement for mobile service communication with his gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to that supplier: *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas distributor of the frequency or frequencies involved.

(d) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Power Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	*Mc.*
2450–2500 [1]	6425– 6575
3500–3700	11700–12200

[1] Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.253 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Power Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Power Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	*Mc.*
[1] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc.	*Mc.*	*Mc.*
[2] 40.68	171.025	[3] 406.150
169.425	171.075	[3] 406.250
169.475	171.125	[3] 406.350
169.525	171.175	[3] 412.450
169.575	171.825	[3] 412.550
170.225	171.875	[2] 412.650
170.275	171.925	[3] 412.750
170.325	171.975	
170.375	[3] 406.050	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.254 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Power Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational

Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Operational Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART G—PETROLEUM RADIO SERVICE

§ 11.301 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Petroleum Radio Service:

(1) A person who is engaged in prospecting for, producing, collecting, refining, or transporting by means of pipelines, petroleum or petroleum products (including natural gas).

(2) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Petroleum Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.302 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base and Mobile Stations in the Petroleum Radio Service only:

Mc.	*Mc.*	*Mc.*	*Mc.*
25.02	33.18	48.66	48.98
25.06	33.22	48.70	49.02
25.10	33.26	48.74	49.06
25.14	33.30	48.78	49.10
25.18	33.34	48.82	49.14
25.22	33.38	48.86	49.18
25.26	48.58	48.90	
25.30	48.62	48.94	

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Petroleum Radio Service on a shared basis with other services:

Frequency (*kc.*)	*Frequency* (*Mc.*)	*Frequency* (*Mc.*)
1614	30.66	153.23
1628	30.70	153.29
1652	30.74	153.35
1676	30.78	158.31
1700	30.82	158.37
[1] 2292	153.05	158.43
[1] 2398	153.11	
[1] [2] 4637.5	153.17	

[1] Use of this frequency by stations licensed in the Petroleum Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc. and 27.5 Mc. comes into force.

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Petroleum Radio Service who is engaged in the transportation of natural gas by pipeline and who has a substantial requirement for mobile service communication with a public utility company purchasing such gas for distribution to the consumer may be authorized to operate on the Power Radio Service frequency or frequencies assigned to such distributors: *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas distributor which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas supplier of the frequency or frequencies involved.

(d) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Petroleum Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	*Mc.*
[1] 2450–2500	6425– 6575
3500–3700	11700–12200

[1] Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.303 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to fixed stations in the Petroleum Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Petroleum Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	*Mc.*
[1] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc.	*Mc.*	*Mc.*
[1] 40.68	171.025	[1] 406.150
169.425	171.075	[1] 406.250
169.475	171.125	[1] 406.350
169.525	171.175	[1] 412.450
169.575	171.825	[1] 412.550
170.225	171.875	[1] 412.650
170.275	171.925	[1] 412.750
170.325	171.975	
170.375	[1] 406.050	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the States of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.304 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Petroleum Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART H—FOREST PRODUCTS RADIO SERVICE

§ 11.351 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Forest Products Radio Service:

(1) A person who is engaged in tree logging, tree farming, or related woods operations.

(2) A non-profit corporation or association, organized for the purpose of furnishing a radio communication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing, non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Forest Products Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.352 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base and Mobile Stations in the Forest Products Radio Service only:

Mc.	*Mc.*	*Mc.*	*Mc.*
29.73	49.26	49.38	49.50
29.77	49.30	49.42	
49.22	49.34	49.46	

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Forest Products Radio Service on a shared basis with other services:

Frequency (*kc.*)	*Frequency* (*Mc.*)	*Frequency* (*Mc.*)
1676	49.54	153.05
1700	49.58	153.11
[1] 2398	49.62	153.17
	49.66	153.23
		153.29
		153.35
		158.31
		158.37
		158.43

[1] Use of this frequency by stations licensed in the Forest Products Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Forest Products Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 2450–2500	6425– 6575
3500–3700	11700–12200

[1] Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.353 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Forest Products Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Forest Products Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 MC, is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 MC.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc	*Mc*	*Mc*
[2] 40.68	171.025	[1] 406.150
189.425	171.075	[1] 406.250
189.475	171.125	[1] 406.350
189.525	171.175	[1] 412.450
189.575	171.825	[1] 412.550
170.225	171.875	[1] 412.650
170.275	171.925	[1] 412.750
170.325	171.975	
170.375	[2] 406.050	

[1] Primarily for use by Fixed Relay Stations.
[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.354 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Forest Products Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART I—MOTION PICTURE RADIO SERVICE

§ 11.401 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Motion Picture Radio Service:

(1) A person who is engaged in the production or filming of motion pictures.

(2) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Motion Picture Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.402 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Motion Picture Radio Service on a shared basis with other services:

Frequency (*kc.*)	*Frequency* (*Mc.*)	*Frequency* (*Mc.*)
1628	49.70	152.99
1652	49.74	173.225
[1] 2292	49.78	173.275
[1] 2398	49.82	173.325
[1] [2] 4637.5	152.87	173.375
	152.93	

[1] Use of this frequency by stations licensed in the Motion Picture Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.
[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.
[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Motion Picture Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 2450–2500	6425– 6575
3500–3700	11700–12200

[1] Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.403 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Motion Picture Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Motion Picture Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 MC. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 MC.

§ 11.404 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Motion Picture Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a Mobile Service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27,255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART J—RELAY PRESS RADIO SERVICE

§ 11.451 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Relay Press Radio Service:

(1) A person who is engaged in the publication of a newspaper or in the operation of an established press association.

(2) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in subparagraph (1) of this paragraph. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said cost to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Relay Press Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section. In addition, each person licensed under the provisions of paragraph (a) (2) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.452 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base and Mobile Stations in the Relay Press Radio Service on a shared basis with other services:

Mc.	*Mc.*
173.225	173.325
173.275	173.375

(b) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Relay Press Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 2450–2500	6425– 6575
3500–3700	11700–12200

[1] Use of frequencies in the band 2450–2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.453 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Relay Press Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Relay Press Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] 890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

§ 11.454 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Relay Press Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band, in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a mobile station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile (Mc)	*Mobile* (Mc)
451.05	456.05
451.15	456.15
451.25	456.25
451.35	456.35
451.45	456.45
451.55	456.55
451.65	456.65
451.75	456.75
451.85	456.85
451.95	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radiocommunication systems which can contribute materially to the safety and efficiency of the operations involved. The limited number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radiocommunication, particularly in or near large population centers. Accordingly, the Commission has been obliged to adopt strict eligibility limitations on industrial radio usage in such areas and, in addition, other limitations have been placed on the use of licensed stations. Nevertheless, those persons who do qualify for their own radio systems in this service are cautioned that a substantial amount of interference can be expected and are urged to cooperate in the solution of mutual interference problems.

(b) Certain frequencies are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of Fixed Stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located Base Station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a Base Station has been justified.

(c) The initial application from a person claiming eligibility under the provisions of this subpart shall be accompanied by a full description of the type, location and extent of the particular activity in which engaged and the proposed use of radio in connection therewith, together with a full description of any other activities in connection with which the radio-equipped vehicles will be used and the extent of such use.

§ 11.502 *Availability of service.* (a) Authorizations to operate stations in the Special Industrial Radio Service are available only to the extent and for the purposes set forth in this subpart. To the extent that the provisions of this subpart may be at variance with those contained in Subpart A, B, C, D, or E of this part, the provisions of this subpart shall be controlling.

(b) Authorizations to operate stations in the Special Industrial Radio Service are not available to conduct operations for which specific provision is made elsewhere in this chapter.

(c) A subsidiary corporation furnishing a non-profit communications service to its parent corporation or its subsidiaries may be considered eligible in the Special Industrial Radio Service, if the parent or its subsidiaries are engaged in one of the activities set forth in this subpart. The use of any radio system authorized pursuant to this paragraph will be subject to all the limitations and conditions applicable to the particular activity upon which eligibility is predicated.

(d) The classification of certain industries and activities into specified categories for the purposes of this subpart is based upon the general classification of all industrial activities contained in the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Nonmanufacturing Industries, 1949) with certain specific additions to and exclusions from the general categories for the purposes of these rules. To determine whether or not a particular industrial activity falls within one of the categories delineated in this subpart, reference to that manual is recommended. (The manual is available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 11.503 *Agricultural activities*—(a) *Definition.* For the purposes of this part, agricultural activities are defined as the activities directly involved in the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Included as farms are such agricultural enterprises as orchards, vineyards, nurseries, greenhouses, hothouses, fur farms, mushroom cellars, apiaries, cranberry bogs, fish ponds, fish hatcheries, oyster farms and frog farms. The processing (curing, packing, canning, smoking, freezing, etc.) of food or other agricultural products on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm.

(b) *Eligibility.* Persons engaged in agricultural activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the agricultural activities involved.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the standard metropolitan area involved.

§ 11.504 *Heavy construction activities*—(a) *Definition.* For the purposes of this part, heavy construction activities are defined as the activities directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, utility rights-of-way, irrigation projects, flood control projects and marine construction, and miscellaneous types of construction work other than buildings. Not included as heavy construction activities are the functions performed by general contractors engaged in the construction of residential, farm, industrial, commercial, public, or other similar building, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades. Although marine construction is included as a heavy construction activity, dredging solely for the recovery of sand, gravel, fuels, minerals or metals shall be classed as a mining activity.

(b) *Eligibility.* Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project within such Standard Metropolitan Area.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization so issued, for the operations of Base Stations or mobile units within such Standard Metropolitan Areas of 500,000 or more population, will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.505 *Building construction activities*—(a) *Definition.* For the purposes of this part, building construction activities are defined as the functions directly performed by general building contractors primarily engaged in construction (including new work, additions, alterations, and repair) of buildings such as houses; apartment buildings; farm buildings; industrial, commercial, institutional, and public buildings; light and power plants; natural gas compressing stations; oil pumping stations; and refuse disposal plants. Not included as building construction activities are the functions performed by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades.

(b) *Eligibility.* Persons engaged in building construction activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of building construction activities, (2) that the use of radio will be exclusively for on-the-job communications at the site of and between members working on a single project, and (3) that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the building construction activity involved.

(c) *Limitation on station locations.* No Base Station for operation at any location and no Operational Fixed Station of any class shall be authorized in accordance with the provisions of this section. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that not more than one Base Station, to be associated with a specified building construction project and to be located within one quarter mile thereof, is necessary for the conduct of that project; however, each authorization so issued for the operation of a Base Station will be limited in term to one year renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities*—(a) *Definition.* For the purposes of this part, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be within the yard area for mobile service communications within such Standard Metropolitan Area and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

(2) Each Base Station authorized in accordance with the provisions of paragraph (b) (2) of this section shall be permanently located at a point within the yard area to be served by it, and the mobile units associated therewith shall not be operated beyond the boundaries of that yard area except that, upon specific authorization by the Commission after adequate showing that such operation is necessary in the interest of national defense, mobile units may be operated outside of such yard area for the purpose of maintaining plant security only. The term "yard area" as used in this section may include one or more sites, whether contiguous or non-contiguous, on which plant or plants of the applicant are located, if the plant or plants are operated as an integrated manufacturing unit, and if the sites, when physically non-contiguous, lie within close proximity of each other. In determining whether non-contiguous areas lie within such close proximity of each other as to be considered a "yard area", the Commission will consider the extent to which such sites are separated by streets, highways, railroad tracks, rivers or similar obstacles. Where the "yard area" in which the applicant wishes to communicate includes more than one plant, each plant to be included shall be listed on the application and the instrument of authorization.

§ 11.507 *Mining activities*—(a) *Definition.* For the purposes of this part, mining activities are defined as the activities directly involved in the process of recovery of solid fuels, minerals or metals or water, from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar processes. The operations involved in the exploration for and development of mining properties are considered mining activities. The process of crushing, washing, sorting, grading, dressing, or other beneficiation or preparation for delivery as raw material to smelting, refining or other manufacturing processes or to the wholesale market is considered a part of the mining activity only when carried on by the same person who recovers the basic materials from the earth or from the sea. The operations involved in the drilling of disposal wells for the disposal of industrial waste materials are considered mining activities.

(b) *Eligibility.* Persons engaged in mining activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio

will be exclusively in connection with the conduct of the mining activities involved.

(c) *Limitation on station location.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.508 *Specialized industrial service and trade activities*—(a) *Definition.* For the purposes of this part, specialized industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to persons who are themselves eligible in the Industrial Radio Services to use radio in connection with the performance of the same functions. Activities normally classed as building trade or special construction trade activities are not included. Only the following are recognized as specialized industrial service and trade activities in accordance with the foregoing:

(1) Plowing, spraying, dusting, soil conditioning, seeding, fertilizing, or harvesting for agricultural or forestry activities.

(2) Livestock breeding service.

(3) Cleaning and repair of oil, gas, water or other transmission pipe lines, or tank cars.

(4) Acidizing, cementing, logging, perforating, or shooting activities, and services of a similar nature incident to the drilling of new oil or gas wells, or the maintenance of production from established wells.

(5) Activities incident to the drilling of water or industrial waste disposal wells or the maintenance of such wells.

(6) Supplying of chemicals, mud, tools, pipe and other special materials or equipment to the petroleum production industry, other than to refining, cracking or processing plants.

(7) Clearing and maintaining rights-of-way for public utilities.

(8) Crushing, washing, sorting, grading, dressing or other beneficiation or preparation of ores, minerals or solid fuels, when performed by a person who is not engaged in either a mining or a manufacturing activity and when all such operations, including all use of radio in connection therewith, are confined to a single yard area.

(b) *Eligibility.* Persons engaged in specialized industrial service and trade activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such specialized industrial service and trade activities, (2) that every basic industrial activity served would be eligible for a station authorization in the Industrial Radio Services at the station locations proposed by the applicants in this service, (3) that the persons engaged in the specialized industrial service and trade activities are not otherwise eligible under this Part for the use of radio in connection with those activities except in the Low Power Industrial Radio Services, and (4) that the use of the Low Power Industrial Radio Service would not meet the operational requirements of these activities.

(c) *Limitation on station locations.* Except for stations which exclusively serve the Petroleum, Power, Forest Products or Motion Picture Industries, as defined in Subparts F, G, H, or I of this part, each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.509 *General industrial service and trade activities*—(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial or agricultural processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing.

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.510 *Engineering service activities*—(a) *Definition.* For the purposes of this part, engineering service activities are defined as those activities directly involved in the conduct of certain engineering field activities by professional engineers or consulting engineering firms. Only the following are recognized as engineering service activities in accordance with the foregoing:

(1) The conduct of geophysical, geomagnetic, natural resource, topographical, geological or similar surveys.

(2) Surveys and tests in connection with the siting, construction and adjustment of the antennas of commercial, educational, Federal, State or Local Government radio transmitting and receiving stations, including field intensity and proof of performance surveys of such stations.

(b) *Eligibility.* Persons engaged in engineering service activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such engineering service activities, and (2) that the use of radio will be exclusively for on-the-job communications between members of the same engineering field party working on a single project.

(c) *Limitation on station locations.* Except in areas outside of the city limits of cities of 50,000 or more population, no Base Station or Operational Fixed Station shall be authorized in accordance with the provisions of this section for operation at any permanent location.

§ 11.511 *Miscellaneous public service activities*—(a) *Definition.* For the purposes of this part, miscellaneous public service activities are defined as those activities directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classes among those commercial or industrial activities for which other specific provision has been made in the Commission's rules. Only the following are recognized as miscellaneous public service activities.

(1) The servicing and repair of heating or refrigerating equipment.

(2) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipelines or railroad.

(3) The spraying or dusting of insecticides, herbacides or fungicides but not including the fumigation or other treatment of buildings (or other structures) of their contents for the control of rodents, pests, parasites or plant diseases.

(b) *Eligibility.* Persons engaged in miscellaneous public service activities, or in a combination of those activities with general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities which take place exclusively outside the city limits of cities of 50,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times outside the city limits of cities of 50,000 or more population.

§ 11.512 *Permissible communications.* (a) Except for the transmission of communications relating directly to the safety of life or to the protection of property, stations licensed to persons in the Special Industrial Radio Service may be used only for the transmission of communications relating to the specific activity or activities in connection with which eligibility has been established.

(b) Communications relating directly or indirectly to the following shall not be transmitted by any base or mobile stations licensed in the Special Industrial Radio Services:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts, or inventory control; or

(3) Any message or information where the time element is not of immediate importance.

§ 11.513 *Station limitations.* (a) After November 1, 1955, Mobile Relay stations will not be licensed in the Special Industrial Radio Service within the continental limits of the United States, except when such stations and all associated base and mobile stations applied for are proposed to be operated exclusively on frequencies above 450 Mc; *Provided, however,* that the provision of this subjection shall not apply to Mobile Relay stations authorized prior to November 1, 1955.

(b) Where a radio station authorization in the Special Industrial Radio Service is held by a person or organization engaged in activities beyond those indicated in the eligibility provisions of this service, the operation of such station shall be confined to those activities on which eligibility has been established, except for messages relating to the safety of life or to the protection of property.

(c) Except for the transmission of communications relating directly to the safety of life or to the protection of property, or except upon specific authorization by the Commission, no base station in the Special Industrial Radio Service shall be used for the transmission of communications addressed to, or to be relayed by, any other base station. Requests for authority for such nonsafety interbase communications must show either (1) that the nature of the applicant's operations requires an occasional transmission of messages between base stations for the express purpose of communicating with mobile units beyond the communication range of the station originating the call and that such communications will be limited to those of an urgent nature requiring immediate transmission by radio, or (2) that, for each base station involved, the applicant has a need for base-to-base communications in accordance with the provisions of § 11.151 (c) (2) (ii) and that other communication facilities between the points involved are not available and are impractical to construct from an engineering standpoint.

§ 11.514 *Mobile Service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54 of this part, authorization to operate a Base Station in this Service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc: *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located Base Stations operated by the same licensee.

(b) A Mobile Station not associated with one or more Base Stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70 or 152.87 Mc only.

§ 11.515 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service only:

Mc	Mc	Mc	Mc
27.31	30.62	35.94	49.86
27.35	35.74	43.02	49.90
27.39	35.78	43.06	49.94
27.43	35.82	43.10	49.98
27.47	35.86	43.14	154.49
30.58	35.90	43.18	

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services:

kc.	Mc	Mc
[1] 2292	49.54	49.78
[1] 2398	49.58	49.82
[2] [3] 4637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	

[1] Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc	Mc
[1] [2] 2450–2500	[3] 6425–6575
[3] 3500–3700	[3] 11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

[2] Subject to the proceedings in Docket No. 10797.

(d) In addition to the frequencies listed in this section, mobile service frequencies above 152 Mc listed elsewhere in this part as available to the Petroleum, Forest Products, Motion Picture or Relay Press Radio Services also are available for assignment in this Service for use outside the continental limits of the United States and waters adjacent thereto: *Provided, however,* That operation on such frequencies is subject to the condition that harmful interference shall not be caused to licensees operating in the other Services.

§ 11.516 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services:

Mc	Mc	Mc	Mc
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc	Mc
[1] [2] 890–940	6575–6875
952–960	9800–9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

[2] Subject to the proceedings in Docket No. 10797.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations; *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accord-

ance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc.	Mc.	Mc.	Mc.
169.425	171.025	[1] 406.050	[2] 40.68
169.475	171.075	[1] 406.150	
169.525	171.125	[1] 406.250	
169.575	171.175	[1] 406.350	
170.225	171.825	[1] 406.450	
170.275	171.875	[1] 406.550	
170.325	171.925	[1] 406.650	
170.375	171.975	[1] 406.750	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.517 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Special Industrial Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc band in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile		*Mobile*	
Mc.		*Mc.*	
451.05	451.55	456.05	456.55
451.15	451.65	456.15	456.65
451.25	451.75	456.25	456.75
451.35	451.85	456.35	456.85
451.45	451.95	456.45	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 11.518 *License renewals, modifications, assignments and transfers.* No renewal or modification of license or consent to assignment or transfer shall be granted unless the applicant is able to establish eligibility under this subpart: *Provided, however,* That persons eligible and properly authorized to operate in this service prior to November 1, 1955, but unable to meet the eligibility provisions of this subpart, may continue to operate under the term of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

§ 11.519 *Modification of licenses to shift frequencies.* After November 1, 1956, or after the expiration date appearing in any authorization issued prior to November 1, 1955, whichever date occurs later, no licensee shall operate in the Special Industrial Radio Service, except on the frequencies specified in this Subpart for the type of operation involved. Applications for license modification, or for combined modification and renewal shall be made not later than 60 days prior to the date on which this frequency change must be accomplished: *Provided, however,* That the provisions of this section shall not apply to Mobile Relay stations authorized prior to November 1, 1955. The licensees of such stations may continue to operate under the terms of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

SUBPART L—LOW-POWER INDUSTRIAL RADIO SERVICE

§ 11.551 *Eligibility.* Subject to the general restrictions of § 11.4, any person engaged in a commercial activity or an industrial enterprise is eligible for station authorizations in the Low Power Industrial Radio Service for radio facilities to be used in conjunction with such activity or enterprise. For purposes of establishing eligibility under the terms of this section only, persons in the following classifications also are considered to be qualified: Educational or philanthropic institutions; and instrumentalities of State or local governments when the radio facility is to be used primarily for purposes not directly related to public safety.

§ 11.552 *Classification of stations.* Each station authorized for operation in this service will be classified and licensed as a Mobile Station: *Provided, however,* Any station so licensed may be used as a Base Station in the mobile service. Notwithstanding such possible dual use, the only rules in this part applicable to stations in this service are those applying to Mobile Stations.

§ 11.553 *Frequencies available for Mobile Stations.* (a) The following frequencies are available for assignment to Mobile Stations, other than those aboard aircraft, in the Low Power Industrial Radio Service only:

Mc.	Mc.	Mc.
33.14	35.02	42.98

(b) The following frequency is available for assignment to Mobile Stations including those aboard aircraft, in the Low Power Industrial Radio Service only:

Mc.
27.51

(c) The following frequency is available for assignment to Mobile Stations other than those aboard aircraft, in the Low Power Industrial Radio Service on a shared basis with other services:

Mc.
154.57

(d) The following frequency is available for assignment to Mobile Stations including those aboard aircraft, in the Low Power Industrial Radio Service on a shared basis with other services.

Mc.
27.255

§ 11.554 *Special restrictions.* Each radio station authorization issued in the Low Power Industrial Radio Service is subject not only to the applicable requirements appearing in other subparts of this part and on the station authorization, but also to the following:

(a) Plate power input to the final radio frequency stage of each transmitter shall not exceed three watts, nor shall the radio frequency power output of each transmitter exceed the same figure;

(b) Emission shall be confined to voice radiotelephony only, which is construed as including tone signals or signaling devices whose sole function is to establish or maintain communication between associated stations and receivers: *Provided, however,* That other types of emission may be authorized on the frequency 27.255 Mc upon compliance with the provisions of § 11.103;

(c) The maximum distance between the transmitter and the center of the radiating portion of the antenna shall not exceed twenty-five feet: *Provided, however,* That this restriction shall not be applicable to stations aboard aircraft;

(d) When a transmitter licensed in this Service is used as a Base Station, the distance from any transmitter control point to the center of the radiating portion of the antenna shall not exceed twenty-five feet: *Provided, however,* That dispatch points may be installed without regard to this limitation;

(e) An antenna having radiation in any direction greater than the maximum from a simple half wave dipole antenna shall not be used;

(f) No transmitter licensed in this Service shall be used as a Mobile Relay Station, nor shall such transmitter be used as a station in the fixed service for any purpose;

(g) Except as provided in § 11.151 (e), no station licensed in this Service shall be used for communication with stations operating in another service; and

(h) A transmitter licensed in this Service shall not be used as an experimental or demonstration device.

§ 11.555 *Exemption from technical standards.* Transmitters licensed in this Service which have a plate power input to the final radio frequency stage not exceeding 200 milliwatts are exempt from the technical requirements set out in Subpart C of this part: *Provided, however,* That the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kc. or more removed from the assigned frequency is attenuated at least 30 db below the unmodulated carrier.

SUBPART M—INDUSTRIAL RADIOLOCATION SERVICE

§ 11.601 *Nature of service.* The rules in this subpart are designed to facilitate the eventual establishment, on a regular basis, of an Industrial Radiolocation Service to be used primarily in connection with geographical, geological, or geophysical activities. Since there does not appear to be any single radiolocation system which is satisfactory in all respects, all stations licensed under this subpart will be authorized only on a developmental basis. To encourage further development of radiolocation techniques, deviation from the rules in this subpart may be authorized on request where it appears to the Commission that the public interest, convenience or necessity would be served thereby.

§ 11.602 *Eligibility.* The following persons are eligible to hold authorizations to operate radio stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial or industrial enterprise who has a substantial need in connection therewith to establish a position, distance, or direction by means of radiolocation devices for purposes other than navigation.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service to persons eligible under paragraph (a) of this section.

§ 11.603 *Service authorized.* (a) Stations licensed under this subpart to operate on frequencies within the band 1750–1800 kc shall provide service without discrimination to all persons eligible under the provisions of § 11.602 (a).

(b) Stations licensed under this subpart to operate on frequencies in bands other than 1750–1800 kc. may be required by the Commission to provide service without discrimination to all persons eligible under the provisions of § 11.602 (a).

§ 11.604 *Showing required for authorization.* (a) Applications to operate stations in the Industrial Radiolocation Service will be granted only in these cases where it is shown: That the applicant is financially, legally and technically qualified to render the proposed service; and that a grant of the application would serve the public interest, convenience or necessity. A showing with respect to technical qualifications should include information which indicates the applicant's ability to construct and operate the proposed facilities; the availability of qualified operating and maintenance personnel; and complete details as to the manner in which the service will be made available to those seeking it under the provisions of § 11.603.

(b) Each application for a new station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and function of each unit in the system;

(2) A complete technical description of the equipment to be used, including:

(i) Emission bandwidth;

(ii) Modulation;

(iii) Plate power input to final radio frequency stage;

(iv) For equipment employing pulse modulation, the pulse width, pulse repetition rate, and peak power output;

(v) Physical and radiation characteristics of the antenna system; and

(3) A map of the area which it is proposed to serve, showing location of each station.

§ 11.605 *Report of operation.* A report of the results of the operation of developmental stations in this service shall be filed within 60 days of the expiration of such authorization. Matters which the licensee does not wish to disclose publicly may be so labeled and submitted as separate documents; they will be used solely for the Commission's information, and will not be disclosed publicly without permission of the licensee. The report shall include comprehensive and detailed information covering the system and equipment, including the following:

(a) Results of operation to date, including:

(1) Maximum and minimum usable range;

(2) Maximum and average accuracy in various parts of the service area;

(3) Approximate number of hours of operation;

(4) Approximate number of position readings taken;

(5) Emission bandwidth;

(6) Type(s) of modulation;

(7) Minimum practical operating power (input to final stage);

(8) For equipment employing pulse modulation, the pulse width, pulse repetition rate and peak power output;

(9) Physical and radiation characteristics of the antenna systems employed;

(b) Copies of any reports published by the licensee; and

(c) Schedule of charges; reports of revenues received and sums disbursed.

§ 11.606 *Policy governing assignment of frequencies in the band 1750–1800 kc.* (a) Notwithstanding contrary provisions elsewhere in this part, each frequency assignment in the band 1750–1800 kc. will be on an exclusive basis within the daytime primary service area of the station to which assigned. The normal minimum geographical separation between stations of two different radiolocation systems shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc. Any person desiring geographical separations of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 db throughout the daytime primary service area of other stations.

(b) For purposes of this section, the daytime primary service area of an Industrial Radiolocation Service station operating in the 1750–1800 kc. band is defined as the area within which the signal intensities are adequate for satisfactory use by the petroleum industry for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, i. e., the primary service area of the station coincides with the primary service area of the system.

(c) Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears to the Commission that fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc. of the available spectrum space in this band, the applications may be designated for hearing.

§ 11.607 *Frequencies available.* (a) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, excluding speed measuring devices, may be authorized to use frequencies in the band 1750–1800 kc. Such use shall be in connection with petroleum industry activities only and shall be at locations within 150 miles of the shore line of the Gulf of Mexico. These frequencies are shared with the Disaster Communications Service and are subject to a number of special restrictions set forth elsewhere in this subpart.

(b) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc. on the condition that harmful interference will not be caused to the fixed and mobile services. Stations in the Industrial Radiolocation Service operating in this

band also must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

(c) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this Service, excluding speed measuring devices, may be authorized to use frequencies in the following bands on the condition that harmful interference will not be caused to stations in the Radionavigation Service:

2900–3246 Mc.	5460–5650 Mc.
3266–3300 Mc.	9000–9300 Mc.
5250–5440 Mc.	9320–9500 Mc.

(d) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service may be authorized on request to use frequencies allocated exclusively to Federal Government Stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

(e) Land Radiopositioning Stations (SHORAN) and Mobile Radiopositioning Stations (SHORAN) in this service may be authorized the use of the frequencies 230 Mc, 250 Mc and 310 Mc at locations within 150 miles of the shoreline of the Gulf of Mexico and the shoreline of the State of California for radiolocation operations of the petroleum industry only, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations contained in Part 2 ("Rules Governing Frequency Allocations and Radio Treaty Matters") and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in the band 225–328.6 Mc in the same area.

(f) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, including speed measuring devices, may be authorized to use frequencies in the band 10500–10550 Mc, for CW emission only, on a shared basis with stations in other services.

§ 11.608 *Special restrictions applicable to 1750–1800 kc. only.* Each station authorized to operate in the Radiolocation Service on frequencies between 1750–1800 kc. is subject to the following restrictions in addition to the other requirements in this part:

(a) Such stations shall be located within 150 miles of the shore line of the Gulf of Mexico;

(b) Such stations shall be used in connection with petroleum industry activities only;

(c) Plate power input to the final radio frequency stage shall not exceed 500 watts;

(d) In the absence of a satisfactory showing that the public interest, convenience or necessity would be served thereby, stations in this band will be restricted to a maximum authorized bandwidth of 3 kc.; and

(e) Land Radiopositioning Stations will not be authorized for operation at temporary locations.

§ 11.609 *Special exemptions.* Stations licensed under this subpart are exempt from the requirements of §§ 11.8, 11.151, 11.201, 11.202, 11.207, and 11.208.

§ 11.610 *License term.* (a) The license for each station authorized to operate on frequencies below 1800 kc in this service will expire on July 1st of the calendar year following the year in which action is taken on the license application.

(b) The license for each station authorized to operate on frequencies above 1800 kc in this service will expire one year from the date of final action on the license application.

§ 11.611 *Control of interference, 1750–1800 kc. only.*—(a) *Nighttime protection.* Operation of stations in the Industrial Radiolocation Service on frequencies in the 1750–1800 kc. band is subject to the condition that during the hours from sunset to sunrise no harmful interference be caused to any proper operation of stations licensed to operate in the same band under Part 20 of this chapter, Rules Governing Disaster Communications Service.

(b) *Daytime protection.* Operation of stations in the Industrial Radiolocation Service on frequencies in the 1750–1800 kc. band is subject to the condition that during the hours from sunrise to sunset no harmful interference be caused to operation of stations licensed to operate in the same band under Part 20 of this chapter, Disaster Communications Service, when such stations are transmitting during an imminent or actual disaster in any area in connection therewith. (Except during such an imminent or actual disaster, operation of stations in the Disaster Communications Service shall not cause harmful interference during the hours from sunrise to sunset to operation of stations in the Industrial Radiolocation Service. See Part 20 of this chapter.)

(c) *Times of sunrise and sunset.* For purposes of this section, irrespective of the time zones involved, it shall be assumed that the times of sunrise and sunset at each actual station location are the monthly average Central Standard times of sunrise and sunset at New Orleans, Louisiana, as set forth in the following table:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:15	5:30	5:15	5:00
Sunset	5:15	5:45	6:15	6:30	6:45	7:00
	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	5:15	5:30	5:45	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:30	5:00	5:00

(d) *Notification and liaison system.* To carry into effect the requirements of paragraphs (a) and (b) of this section, including a positive means whereby operation in this service can be suspended to protect against harmful interference, there shall be established an adequate and reliable system of notification and liaison between licensees in this service and licensees in the Disaster Communications Service. The extent and division of responsibility for various phases of the notification and liaison system shall be as follows:

(1) Organization and establishment of a system of liaison within the Industrial Radiolocation Service; the devising of a system for the receipt and distribution of notification information; and the installation, operation and maintenance of such a system shall be the responsibility of licensees in the Industrial Radiolocation Service authorized to operate in the band 1750–1800 kc.

(2) Organization and establishment of a system of liaison within the Disaster Communications Service; and the devising of a method for the dispatch of notification information to the person or persons designated by licensees in the Industrial Radiolocation Service shall be the responsibility of licensees in the Disaster Communications Service authorized to operate in the band 1750–1800 kc.

(3) The responsibility for the initiation of liaison between licensees in the Industrial Radiolocation Service and the licensees in the Disaster Communications Service shall be the responsibility of the former.

(4) Once initiated, the maintenance, review and improvement of liaison between licensees in the two Services shall be the joint responsibility of both groups.

(5) Issuance of notification to suspend operation in the Industrial Radiolocation Service due to an impending or actual disaster shall be the responsibility of licensees in the Disaster Communications Service. Such notification shall be by those means which have been mutually agreed upon as sufficiently adequate, prompt and reliable to effectuate the purpose of this section. Any desired communication method or combination of methods may be utilized.

(6) Prompt suspension of operation of the radiopositioning station or stations upon receipt of disaster notification shall be the responsibility of licensees in the Industrial Radiolocation Service.

(7) When stations in the Industrial Radiolocation Service have discontinued transmitting to protect disaster communications in connection with an imminent or actual disaster, and when the point has been reached where there is no reasonable possibility that radiolocation transmissions will cause harmful interference to the disaster communications, it shall be the responsibility of licensees in the Disaster Communications Service to communicate this information promptly to the licensee in the Industrial Radiolocation Service so that they may resume operation at will.

(8) Although the prearranged notification procedure required to be established by the terms of this section shall be the primary means by which licensees in the Industrial Radiolocation Service receive information necessary for compliance with the requirements of this section, it shall be the further responsibility of licensees in this Service to suspend operation upon receipt of any reliable intelligence which indicates a reasonable possibility that harmful interference is being caused to actual disaster transmissions.

(9) The notification and liaison procedure hereby required to be established shall be limited to that geographical area within which there is a reasonable anticipation, determined by actual tests wherever practicable, that harmful interference may be caused by a licensee in the Industrial Radiolocation Service to licensees in the Disaster Communications Service.

(10) All construction permits for radiopositioning stations in this band are granted subject to the condition that the permittee, at the time of filing for station licenses, accompany such applications with a comprehensive plan defining in detail the means of notification which have been agreed upon by the permittee and the licensees of Disaster Communications Service stations in the area. The notification plan shall be kept current by the licensee, through successive modifications as may be necessary, to incorporate stations in the Disaster Communications Service which subsequently may be authorized to operate in the same interference area. A copy of this notification plan and of all subsequent modifications shall be filed at the following points: The Commission's offices at Washington 25, D. C.; the offices of the Engineer in Charge of the Radio District in which the radiopositioning station is located; and the offices of the Engineer in Charge of the Radio District or Districts in which are located the Disaster Communications Service stations involved in the plan.

[F. R. Doc. 56–7371; Filed, Sept. 12, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1956

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.).

Prior to the issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission must be received by the Director not later than the close of business on the next following work day.

Pursuant to the aforesaid agreement and order, the Almond Control Board, which administers the program, transmitted to the Secretary of Agriculture its recommendations regarding the budget of expenses and rate of assessment for the crop year beginning July 1, 1956. The Board's recommendations and other pertinent information and data have been considered by the Department and on the basis of such consideration it is proposed that the budget of expenses be fixed at $28,300. The proposed budget is more than expenses of about $27,000 incurred during the 1955–56 crop year but somewhat less than the cost of program operations in the three preceding years. It is believed that the proposed budget is reasonable and that expenses in such amount are likely to be incurred by the Board.

The Board expects that the quantity of assessable almonds during the 1956–57 crop year will approximate 50 million pounds of edible kernels. An assessment rate of eight hundredths (0.08) of a cent per pound of edible kernels would result in the collection of sufficient funds to meet the budget and provide a reasonable excess to defray expenses during the first four months of the 1957–58 crop year. The proposed rate compares with a rate of twelve and one-half hundredths (0.125) of a cent per pound of edible kernels during the last crop year.

As is provided in the agreement and order, such funds as are collected in excess of expenditures for a crop year may be used temporarily by the Board to defray expenses during the first four months of the succeeding crop year but must be refunded to handlers from whom collected within five months from the beginning of such crop year.

Therefore, the proposed rule is as follows:

§ 909.306 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1956.*—(a) *Budget of expenses.* For the crop year beginning July 1, 1956, expenses in the amount of $28,300 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1956, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, eight hundredths (0.08) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Issued at Washington, D. C., this 7th day of September 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–7370; Filed, Sept. 12, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 139, Correction]

[Classification 53]

ARIZONA

SMALL TRACT CLASSIFICATION

SEPTEMBER 6, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), Document No. 139, Classification Order 53 opened certain lands to application for lease and sale for residence and/or business purposes. Said classification order was published in the FEDERAL REGISTER on August 30, 1956 (21 F. R. 6548).

2. The last sentence in paragraph 6 should be corrected to read: "Disposal and sanitary facilities must be by underground septic tank and/or cesspool."

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 56–7360; Filed, Sept. 12, 1956; 8:45 a. m.]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 7, 1956.

1. Plat of survey of omitted lands described will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on the 35th day after the date of this notice.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 109 N., R. 24 W.,
Sec. 5, Lot 5;
Sec. 8, Lot 5.

The land described is an island in German Lake, containing 24.70 acres.

2. Available information indicates that the outer horseshoe shaped portion of the island is high sandy ground varying from a few feet above lake level on the west side to 30–40 feet above on the east side. The central and southern portion of the island is swamp and bog subject to overflow at times of high water. There is enough high ground present for several cottages. The tract is suitable as a Recreation area. The lake in which it is located is highly developed for recreational purposes.

3. The above-described land is hereby opened to disposal only under the Recreation Act of June 14, 1926 (44 Stat. 741), as amended by the Act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869).

4. Inquiries concerning the above-described land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56–7361; Filed, Sept. 12, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 032838, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for military communications purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ILIAMNA AREA

Parcel 1

Commencing at U. S. C. & G. S. Station "Big Mountain," Latitude 59°23'27.316" N., Longitude 155°13'29.204" W. (North America 1927 datum), East 160 feet to Point of Beginning; thence South 200 feet; thence West 1,100 feet; thence North 500 feet; thence East 1,100 feet; thence South 300 feet to Point of Beginning and containing 12.63 acres, more or less.

Parcel 2

Commencing at U. S. C. & G. S. Station "Big Mountain," Latitude 59°23'27.316" N., Longitude 155°13'29.204" W. (North America 1927 datum) thence West approximately 1,700 feet; thence South approximately 9,650 feet to Point of Beginning at air strip site; thence S. 4° 45' W. 1,750 feet; thence N. 85° 15' W., 8,000 feet; thence N. 4° 45' E., 1,750 feet; thence S. 85° 15' E., 8,000 feet to Point of Beginning, and containing 321.40 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–7362; Filed, Sept. 12, 1956; 8:45 a. m.]

[Montana 022737]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 7, 1956.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 26 N., R. 39 E.,
Sec. 7, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 18, W½NE¼, NW¼SE¼.
T. 4 N., R. 1 W.,
Sec. 4, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 9, E½NW¼.
T. 13 N., R. 12 W.,
Sec. 9, lots 1, 2, 3, 4, SW¼SW¼, N½SE¼;
Sec. 15, all;
Sec. 21, all;
Sec. 23, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 27, all;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Sec. 33, N½, SW¼.

2. The areas described above total 4,707.74 acres of lands. The lands in T. 26 N., R. 39 E., and T. 4 N., R. 1 W., produce grass and other forage that are used for support of livestock and wildlife. The topography of these tracts is rolling to rough and broken. All the tracts in these two townships are classified as grazing lands and are unsuited to more intensive type of agricultural use. The lands in T. 13 N., R. 12 W., produce timber and grass. The topography is rolling to rough and steep. All the tracts in this township are classified as timber land suitable for sustained yield timber production and they are unsuited to intensive use.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described in Sections 4 and 9, T. 4 N., R. 1 W., have been open for location and entry under the general mining laws and mineral leasing laws. The minerals on lands in T. 13 N., R. 12 W., have been acquired by the United States through exchange and will be opened to entry under the general mining laws and mineral leasing laws as provided below in paragraph 5. On lands in T. 26 N., R. 39 E., the minerals have been reserved to the former owner of the land.

5. Subject to any existing rights and the requirements of applicable law, the lands described in paragraph 1, above, are hereby opened to filing of applications and selections in accordance with the following:

(a) Applications and selections under the nonmineral public land laws on all lands described in paragraph 1 and offers under the mineral leasing laws as to lands in T. 13 N., R. 12 W., may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 474; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on October 13, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 12, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on January 12, 1957, will be considered simultaneously filed at that hour.

(b) The lands in T. 13 N., R. 12 W., will be open to location under the United States Mining laws, beginning at 10 a. m. on January 12, 1957.

Persons claiming veterans' preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photo-copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable clams must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 56–7384; Filed, Sept. 12, 1956; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. District 3, New York City, New York, of paragraph (b) *District Offices* of sec. 1.51 *Field Service* is amended by deleting the counties of "Columbia" and "Greene".

2. District No. 14, San Antonio, Tex., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by adding "McAllen, Tex., Miller Municipal Airport".

Dated: September 5, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56–7363; Filed, Sept. 12, 1956; 8:46 a. m.]

Office of Alien Property

[Vesting Order SA–128]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania. F–57–964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Wm. H. Muller & Co., Inc., Special Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56–7338; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order SA–129]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania. F–57–964; F–57–871.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Wm. H. Muller & Co., Inc., 122 East 42nd Street, New York 17, New York, in the sum of $20,532.36, arising out of an account payable entitled, "Servicul Maritim Roman," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56–7339; Filed, Sept. 11, 1956; 8:49 a. m.]

[Vesting Order 8384, Amdt.]

LOUISE BARTELHEIMER

In re: Estate of Louise Bartelheimer, Deceased. File No. D–28–10823.

Vesting Order 8384, dated March 6, 1947, is amended as follows and not otherwise:

Paragraph 1 is amended by inserting after the word "That" the name "Henry Ebeler,".

All other provisions of said Vesting Order 8384 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 7, 1956.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56–7340; Filed, Sept. 11, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS, OKLAHOMA, AND TEXAS

DISASTER ASSISTANCE: DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster

occasioned by drought existed in the State of Kansas; the President determined on February 27, 1956, that major disasters occasioned by drought existed in the State of Oklahoma; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 C. F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters.

KANSAS

Determined on September 5, 1956:	
Barton.	Stafford.

OKLAHOMA

Determined on September 5, 1956:	
Beckham.	Jefferson.
Caddo.	Logan.
Cherokee.	Mayes.
Determined on September 5, 1956:	
Cleveland.	Oklahoma.
Comanche.	Rogers.
Grady.	Stephens.
Hughes.	Wagoner.

TEXAS

Determined on September 5, 1956:	
Delta.	Fannin.

Done at Washington, D. C., this 7th day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7368; Filed, Sept. 12, 1956; 8:47 a. m.]

Soil Conservation Service

STATE CONSERVATIONIST AND PROJECT SUPERVISOR

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION, DEVELOPMENT AND SALE OF LANDS IN EDEN VALLEY PROJECT, ROCK SPRINGS, WYOMING

Pursuant to the delegation of authority to me by the Secretary of Agriculture, effective January 2, 1954 (19 F. R. 74), the authorities listed below are hereby delegated to the State Conservationist, Soil Conservation Service, Casper, Wyoming, and the Project Supervisor, Soil Conservation Service, for the Eden Valley Project, Rock Springs, Wyoming.

The State Conservationist is delegated authority to:

1. Obtain and approve appraisals.
2. Approve the sale price of units and the terms of payment.
3. Execute leases, licenses, permits and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, and other rights of way (but not those power lines licenses for which are required by law to be granted by the Federal Power Commission).
4. Execute, on behalf of the United States of America, all deeds or other instruments necessary in the sale of project lands or interests therein.
5. Execute contracts for development work on private lands and irrigation distribution systems under $20,000.
6. Exercise all rights and privileges of the United States under shares of stock in any company or association organized to provide water, irrigation, drainage, ditch, canal, reservoir, or similar facilities, provided such stock concerns lands of the United States under the administrative jurisdictions of the Soil Conservation Service.
7. Participate in negotiations, sign petitions, vote in elections, and take other action incident to the organization, operation, or dissolution of irrigation, drainage, soil conservation, and weed control districts, or similar types of organizations, insofar as they shall deem necessary for the successful administration of lands of the United States under the administrative jurisdictions of the Soil Conservation Service.

The Project Supervisor is delegated authority to:

1. Execute farm leases and permits.
2. Execute contracts for development and improvement work on private lands, costing $5,000 or less, and paid for in cash upon contract completion, and $500 or less, when payments are made in installments.

Issued at Washington, D. C. August 1, 1956.

[SEAL] D. A. WILLIAMS,
Administrator,
Soil Conservation Service.

[F. R. Doc. 56-7382; Filed, Sept. 12, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6515]

REEVE ALEUTIAN AIRWAYS, INC.; ACQUISITION OF REEVE ALASKA AIRMOTIVE

NOTICE OF HEARING

In the matter of interlocking and control relationships involving Reeve Aleutian Airways, Inc. and Reeve Alaska Airmotive.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on September 25, 1956, at 10 a. m., e. d. t., in Room No. 1851, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented in this proceeding attention will be directed to the following matters:

1. Whether the acquisition of Reeve Alaska Airmotive by Reeve Aleutian Airways, Inc., would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the act?
2. Whether the interlocking relationships that will remain, if any, after the proposed acquisition will not adversely affect the public interest within the meaning of section 409 (a) of the act?

For further details of the issues involved in this proceeding interested persons are referred to the material in Docket No. 6515 on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record desiring to be heard in this proceeding should file with the Board on or before September 25, 1956, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., September 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7379; Filed, Sept. 12, 1956; 8:50 a. m.]

[Docket No. 7887 et al.]

CITY OF PORTSMOUTH SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 3, 1956, at 10 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7378; Filed, Sept. 12, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56M-812]

MACKAY RADIO AND TELEGRAPH CO., INC. AND ALL AMERICA CABLES AND RADIO, INC.

ORDER SCHEDULING HEARING CONFERENCE

In the matter of Mackay Radio and Telegraph Company, Inc. and All America Cables and Radio, Inc., Docket No. 10056; application for modification of license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico.

It is ordered, This 7th day of September 1956, on the Hearing Examiner's own motion, that a hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 2 p. m., Thursday, September 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7376; Filed, Sept. 12, 1956; 8:50 a. m.]

[Docket Nos. 11697, 11698; FCC 56M-813]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

ORDER CONTINUING HEARING

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617, and Maurice Humphrey, Carl L. Benson, Richard W. Lee, and Ralph W. Newland, d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

Pursuant to "Petition of Voice of Berrien County To Dismiss Application" filed herein on September 7, 1956, which matter now is awaiting Commission action: *It is ordered*, This 7th day of September 1956, that the hearing now scheduled herein for September 10, 1956, be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7375; Filed, Sept. 12, 1956; 8:50 a. m.]

[Docket No. 11762; FCC 56M-811]

O. R. MITCHELL MOTORS ET AL.

ORDER CONTINUING HEARING

In re applications of O. R. Mitchell Motors, San Antonio, Texas, Docket No. 11762, File No. BTC-2203; for transfer of control to McLendon Investment Corporation, Dallas, Texas of Sunshine Broadcasting Company (KTSA), San Antonio, Texas.

It is ordered, This 7th day of September 1956, on the Hearing Examiner's own motion, that the hearing of the protest scheduled to begin on September 10, 1956, is continued indefinitely, pending action upon protestant's "Notice of Desire to Withdraw," filed on September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7374; Filed, Sept. 12, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5780 etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-5780,[1] G-5781; Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.

G-5782, G-5783; Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.

G-5784,[1] G-5785; Continental Oil Company; Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G-5786,[1] G-5787; Continental Oil Company; Fullerton, Andrews County, Tex.; Phillips Petroleum Company.

G-5789,[1] G-5790; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.

G-5791,[1] G-5792; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.

G-5793,[1] G-5794; Continental Oil Company; Vacuum, Lea County, N. Mex.; Phillips Petroleum Company.

G-5797,[1] G-5798; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5803,[1] G-5804; Continental Oil Company; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-5821,[1] G-5822; Continental Oil Company; Various fields, Lea County, N. Mex.; Skelly Oil Company.

G-5823,[1] G-5824; Continental Oil Company; Drinkard, Lea County, N. Mex.; Skelly Oil Company.

G-5825,[1] G-5826; Continental Oil Company; Brunson, Lea County, N. Mex.; Skelly Oil Company.

G-5827,[1] G-5828; Continental Oil Company; Hastings, Brazoria County, N. Mex.; Stanolind Oil and Gas Company.

G-5829,[1] G-5830; Continental Oil Company; Arrowhead, Brunson, Drinkard, Hare and Wantz-ABO; Lea County, N. Mex.; Skelly Oil Company.

G-5831,[1] G-5832; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5835,[1] G-8536; Continental Oil Company; Slaughter, Cochran County, Texas; Stanolind Oil & Gas Company.

G-5841,[1] G-5842; Continental Oil Company; Carson-Hutchinson, Hutchinson County, Texas; Shamrock Oil & Gas Corporation.

G-5849,[1] G-5850; Continental Oil Company; Camp, Carter and Stephens counties, Okla.; Eason-Harris, Harris and Fletcher Counties, Okla.; Skelly Oil Company.

G-5851,[1] G-5852; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5853,[1] G-5854; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5855,[1] G-5856; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5885,[1] G-5886; Continental Oil Company; Camp, Carter County Okla.; Skelly Oil Company.

G-5887,[1] G-5888; Continental Oil Company; Eunice, Cass, Monument & Weir, Lea County, N. M.; Phillips Petroleum Company.

G-5889; Continental Oil Company; La Gloria, Jim Wells and Brooks Counties, Tex.; Transcontinental Gas Pipe Line Company.

G-5890; Continental Oil Company; Conoco-Driscoll, Duval County, Tex.; Transcontinental Gas Pipe Line Company.

G-5891; Continental Oil Company; Cold Springs, San Jacinto County, Tex.; Tennessee Gas Transmission Company.

G-5892; Continental Oil Company; North Pettus, Karnes, Gee, and Goliad Counties, Tex.; United Gas Pipe Line Company.

G-5893; Continental Oil Company; St. Martinville, St. Martinville Parish, La.; United Gas Pipe Line Company.

G-5894; Continental Oil Company; Carthage, Panola County, Texas; Texas Gas Transmission Corporation.

G-5895,[1] G-5896; Continental Oil Company; West Panhandle, Moore and Hutchinson Counties, Tex.; Shamrock Oil & Gas Corporation.

G-5897,[1] G-5898; Continental Oil Company; Weiner (Colby), Winkler County, Tex.; C. V. Lyman.

G-5899,[1] G-5900; Continental Oil Company; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-5902; Continental Oil Company; Kittie West, and five other fields in Live Oak County, Tex.; Transcontinental Gas Pipe Line Company.

G-5907; Continental Oil Company; Salt Wells Unit Area, Sweetwater County, Wyo; Mountain Fuel Supply Company.

G-5908,[1] G-5909; Continental Oil Company; Hugoton, Finney County, Kans.; Kansas-Nebraska Natural Gas Company Inc.

G-5910, G-5911; Continental Oil Company; Meyersville, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corporation.

G-5912,[1] G-5913; Continental Oil Company; Willow Springs, Gregg County, Tex.; Arkansas Fuel Oil Corporation.

G-5914; Continental Oil Company; Beckville-Carthage, Panola County, Tex.; Arkansas-Louisiana Gas Company.

G-5915,[1] G-5916; Continental Oil Company; Carthage, Panola County, Tex.; Lyons, McCord & Logan.

G-6211; Continental Oil Company; South La Gloria Unit, Lagloria, Brooks and Jim Wells Counties, Tex.; Texas-Illinois Natural Gas Pipeline Company.

G-5766, G-5767; [1] Continental Oil Company; Langlie-Mattix and Cooper Jal, Lea County, N. Mex.; El Paso Natural Gas Company.

G-6338, G-6340; Continental Oil Company; Milroy and Sholem, Alechem, Stephens and Certer Counties, Okla.; Fox Gasoline Company.

G-6585, G-6586, G-6587; Continental Oil Company; Milroy, Stephens County, Okla.;

[1] All dockets so marked contain petitions for Declaratory Orders.

Fox Gasoline Company, Wheeler, Carter County, Okla.; Fox Gasoline Company.

G–6588; Continental Oil Company; Carthage, Panola County, Tex.; Tennessee Gas Transmission Company.

G–6591; Continental Oil Company; Rincon Area, Starr County, Tex.; Tennessee Gas Transmission Company.

G–6948; Continental Oil Company; Woodlawn, Harrison County, Tex.; Mississippi River Fuel Corporation.

A public hearing will be held on the 3d day of October 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

SEPTEMBER 7, 1956.

[F. R. Doc. 56–7364; Filed, Sept. 12, 1956; 8:46 a. m.]

[Docket No. G–7348]

BARNES TRANSPORTATION CO., INC.

NOTICE OF RECONVENING OF HEARING

SEPTEMBER 7, 1956.

By its order issued June 28, 1956, the Commission ordered that the record herein be reopened for further hearings at a time to be fixed by Notice of the Secretary for the purpose of receiving further evidence pertinent to the subject matter of the application and to enable the Presiding Examiner to determine the jurisdictional status of the Applicant. The jurisdictional status of the Applicant was specifically raised by the Applicant by its filing, on June 29, 1956, of a "Notice of Withdrawal of Application" on the ground that it "makes no sales and performs no transportation subject to the Commission's jurisdiction."

Due notice of the application filed herein was published in the FEDERAL REGISTER on May 10, 1956 (21 F. R. 3135–36). The last day for filing protests or petitions to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) was May 22, 1956.

On August 27, 1956, counsel for Applicant filed a request for resumption of the hearings herein at the same general time as hearings are reconvened on November 27, 1956, in the related case of its parent company, United Carbon Company, Docket No. G–9572.

Take notice that pursuant to the provisions of said Order issued June 28, 1956, and to the authority contained in the Natural Gas Act and to the Commission's rules of practice and procedure, a hearing will be held on Tuesday, November 27, 1956, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the presentation of further evidence pertinent to the subject matter of the application and to the jurisdictional status of the Applicant.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7365; Filed, Sept. 12, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32607: *Sulphuric acid—New Orleans, La., to Albany Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to Albany, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 128 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 32608: *Sugar—Gulf ports to Florence, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from Gramercy, New Orleans, Reserve, and Three Oaks, La., Mobile, Ala., and Gulfport, Miss., to Florence, Ala.

Grounds for relief: Circuitous routes.

FSA No. 32609: *Pipe and tubing—northern and western points to Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on pipe and tubing, wrought iron or steel, carloads from specified points in Illinois, Indiana, Iowa, Missouri, and Wisconsin to Atchison and Leavenworth, Kans., and St. Joseph, Mo.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 67 to Agent Prueter's tariff I. C. C. A–4038.

FSA No. 32610: *Gypsum rock—southwest to southeast.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum, crude or crushed (not ground), in bulk carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 18 to Agent Kratzmeir's tariff I. C. C. 4142.

FSA No. 32611: *Paper and paper articles—Bogalusa, La., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, paper articles, pulpboard or fibreboard, and wallboard, carloads from Bogalusa, La., to Amarillo, Lubbock, and Wichita Falls, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 20 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32612: *Invert molasses in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on invert molasses, tank-car loads from unspecified points in southern territory to unspecified points in southern territory.

Grounds for relief: Competition between applicants.

Tariffs: Supplement 28 to Agent C. A. Spaninger's tariff I. C. C. 1494. Supplement 58 to Alternate Agent J. H. Marque's tariff I. C. C. 435.

FSA No. 32613: *Sugar from, to and between points in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sugar, beet or cane, including liquid or invert sugar, carloads between points in official territory, including Illinois and zone C in Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes.

By the Commission:

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56–7367; Filed, Sept. 12, 1956; 8:47 a. m.]

HOMER C. KING

STATEMENT OF APPOINTMENT AND BUSINESS INTERESTS

Pursuant to subsection 302 (a), Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", the following information is furnished for publication in the FEDERAL REGISTER.

1. Name of appointee: Homer C. King.

2. Name of employing agency: Interstate Commerce Commission.

3. Date of appointment: August 10, 1956.

4. Title of appointee's position: Consultant.

5. Name of appointee's private employer or employers: Retired government employee.

Dated at Washington, D. C. this 6th day of September 1956.

[SEAL] ANTHONY F. ARPAIA,
Chairman,
Interstate Commerce Commission.

Statement of Business Interests

Pursuant to subsection 302 (b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F. R. 8769), "Providing For the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows:

None.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows:

Commonwealth Natural Gas Company.
Woodward and Lothrop.
United Stockyards Company.
United Asbestos Corporation.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest as as follows:

None.

Dated at Washington, D. C. this sixth day of September 1956.

HOMER C. KING.

[F. R. Doc. 56–7366; Filed, Sept. 12, 1956; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 116]

DECLARATION OF DISASTER AREA

UTAH

Whereas it has been reported that on or about July 23, 1956, because of the disastrous effects of a cloudburst, damage resulted to residences and business property located in certain areas in the State of Utah;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the county of San Juan (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colo.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1957.

Dated: September 5, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56–7377; Filed, Sept. 12, 1956; 8:50 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 21 NUMBER 179

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.111 is amended and paragraph (i) (1) is added as set out below.

§ 6.111 *Department of Agriculture*—(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service.

• • • • •

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators. This authority shall also be applicable to positions where the Department of Agriculture's share is less than 40 percent under a current cooperative agreement until such time as the agreement has been renegotiated; but in any event, it will not be applicable in such situations after June 30, 1957.

(R. S. 1753; sec. 2, 22 Stat. 403 as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7413; Filed, Sept. 13, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 4248 and 4790, and containing the specific requirements of the 1956-crop grain sorghums price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.1835 (a) is amended by deleting subparagraph (2) and inserting a new subparagraph (2) which reads as follows:

§ 421.1835 *Settlement*—(a) *Settlement value.* • • •

(2) The provisions of this subparagraph, together with applicable provisions of the 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Grain Sorghums, constitute the regulations applicable to purchase agreement operations under the 1956-crop grain sorghum price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the grain sorghums to CCC. However, he may sell to CCC any quantity of the eligible grain sorghums not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the grain sorghums to CCC, he will have a 30-day period during which he must notify the county committee in writing

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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of his intentions to sell. Such period shall end on the loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible grain sorghums stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehousemen guarantees quality and quantity, for the quantity of grain sorghums he elects to sell to CCC. Such grain sorghums will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate determined in accordance with § 421.1618 (d).

(iii) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his grain sorghums stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the grain sorghums shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the grain sorghums. If the grain sorghums, on the basis of the pre-delivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible grain sorghums to CCC, the grain sorghums shall be reinspected, and settlement shall be made at the applicable support rate for the grade and quality of the quantity of grain sorghums eligible for delivery on the basis of such reinspection. Such support rate shall be determined in accordance with § 421.1618 (d). If grain sorghums which were eligible at the time of the pre-delivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible grain sorghums as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the grain sorghums determined by the pre-delivery inspection and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the grain sorghums contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose grain sorghums stored in other than an approved warehouse are not of a quality eligible for a loan at the time of pre-delivery inspection, shall be notified in writing by the county committee that his grain sorghums are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the grain sorghums or otherwise take action to make them eligible and insists upon delivery of the grain sorghums, the county committee will issue delivery instructions and will determine upon delivery of the grain sorghums and before purchase, on the basis of a sample taken at that time, whether or not the grain sorghums are actually of an eligible grade and quality. If the grain sorghums are inadvertently accepted by CCC and are of a grade and quality below the eligibility requirements for obtaining a loan, the settlement value for such grain sorghums shall be the market price as determined by CCC for the quality of the grain sorghums delivered. If, however, the grain sorghums are of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate, determined in accordance with § 421.1618 (d), for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of grain sorghums in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the grain sorghums is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the grain sorghums stored in other than approved warehouse storage for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the grain sorghums covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for grain sorghums which were of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county committee at any time after such 60-day period that the grain sorghums are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the grain sorghums are going out of condition or are in danger of going out of condition and that the grain sorghums cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on

the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) The provisions of § 421.1618 (f) shall be applicable in cases where a producer is ordered by the county committee to deliver his grain sorghums to a shipping point of greater distance than his customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 10th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7414; Filed, Sept. 13, 1956; 8:50 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 21 F. R. 4040, 4796 and 5031, and containing the specific requirements of the 1956-crop rye price support program are amended to prescribe additional purchase agreement provisions under the program.

Section 421.1985 (a) is amended by deleting subparagraph (2) and inserting a new subparagraph (2) which reads as follows:

§ 421.1985 *Settlement*—(a) *Settlement value.* * * *

(2) The provisions of this subparagraph, together with applicable provisions of the 1956 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Rye, constitute the regulations applicable to purchase agreement operations under the 1956-crop rye price support program.

(i) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the rye to CCC. However, he may sell to CCC any quantity of the eligible rye not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the rye to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(ii) In the case of eligible rye stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of rye he elects to sell to CCC. Such rye will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate determined in accordance with § 421.1618 (d).

(iii) Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his rye stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the rye shall be made and a sample taken and submitted for grade analysis within the 30-day period and, in any event, prior to delivery of the rye. If the rye, on the basis of the pre-delivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. Upon delivery of eligible rye to CCC, the rye shall be reinspected and settlement shall be made at the applicable support rate for the grade and quality of the quantity of rye eligible for delivery on the basis of such reinspection. Such support rate shall be determined in accordance with § 421.1618 (d). If rye which was eligible at the time of the pre-delivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible rye as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the rye determined by the pre-delivery inspection and the market price of the rye delivered, as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: And *provided further,* That if upon delivery the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iv) The producer, whose rye stored in other than an approved warehouse is not of a quality eligible for a loan at the time of the pre-delivery inspection, shall be notified in writing by the county committee that his rye is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the rye or otherwise take action to make the rye eligible and insists upon delivery of the rye, the county committee will issue delivery instructions and will determine upon delivery of the rye and before purchase, on the basis of a sample taken at that time, whether or not the rye is actually of an eligible grade and quality. If the rye is inadvertently accepted by CCC and is of a grade and quality below the eligibility requirements for obtaining a loan, the settlement value for such rye shall be the market price as determined by CCC for the quality of the rye delivered. If, however, the rye is of an eligible grade and quality as determined at the time of delivery, settlement shall be made at the applicable support rate, determined in accordance with § 421.1618 (d), for the grade and quality of the quantity eligible for delivery.

(v) The settlement value on any quantity of rye in excess of that stated in the purchase agreement which is delivered to, and inadvertently accepted by CCC, shall be the market price for the grade and quality of the quantity delivered, as determined by CCC.

(vi) When delivery of the rye is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(vii) The producer may be required to retain the rye stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the rye covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for rye which was of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rye is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rye is going out of condition or is in danger of going out of condition and that the rye cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(viii) The provisions of § 421.1618 (f) shall be applicable in cases where a producer is ordered by the county committee to deliver his rye to a shipping point of greater distance than his customary shipping point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 10th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7415; Filed, Sept. 13, 1956; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54186]

PART 26—DISCLOSURE OF INFORMATION

SUSPENSION OF DISCLOSURE

Certain commercial data relating to imports and exports is made available to accredited representatives of the press under the terms and conditions set forth in §§ 26.5, 26.6, and 26.7 of the Customs Regulations. Section 26.7 provides that upon the written application of an importer or exporter information and data concerning merchandise imported or exported by the applicant shall not be allowed to be copied from vessel manifests. However, applications by masters or owners of vessels for the withholding of information and data contained in manifests of vessels under their control are required to be supported by evidence that the publication of such data has been or will be detrimental to the applicant.

In order that the same conditions shall govern the granting of such applications made by importers or exporters as now apply to applications made by masters or owners of vessels § 26.7 (a) of the Customs Regulations is amended to read as follows:

(a) Upon written application of any importer, exporter, or master or owner of any vessel, the collector of customs shall refuse to permit any person, except as provided for in § 26.4, to copy from manifests any information or data concerning merchandise imported or exported by the applicant, or carried by the vessel or vessels controlled by the applicant, provided in each case that the collector is satisfied by evidence presented to him that publication of the information or data has been or will be detrimental or prejudicial to the applicant.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 6, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7407; Filed, Sept. 13, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 212]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Hiatt LFR instrument approach is contucted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; Weather Bureau office; identification; procedure No.; effective date	Initial approach to facility; from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: 2 engines or less: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing middle marker, or if glide slope is inoperative, or if landing not accomplished
1	2	3	4	5		8	9	10	11	12
SAN JUAN, P. R. Isla Grande, 9'. SHIAZ-8(U). Amendment No. 1. Effective date: October 6, 1956. Supersedes Amendment 4, dated March 26, 1951. Major changes: Raises circling minimums due to new obstacle. Adds approach from Isla Verde and Point Tuna. Variation changes.	Barceloneta F.M.	097-21	1,200	N side of course: 277°-097° outbound. 097°-277° inbound. 1,200' within 15 miles.		800	800-3.6			
	Isla Verde* Intersection	270-9	2,000		T—dn C—dn S—dn 9R A—dn	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1¾ 400-1 800-2	Within 3.6 miles, climb to 1,200' on E course SJU LFR (094°) within 25 miles. CAUTION: 485' tower 2 miles SW of airport. *Isla Verde Intersection: E course SJU LFR and 290 bearing to SJF Radiobeacon.
	Point Tuna	337-32	4,100						

ded to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

ept visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport

llowing instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name; facility name; radio aid; identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Ceiling and visibility minimums				Course and distance from facility to airport	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
						Condition	2 engines or less		More than 2 engines (more than 65 knots)		
							65 knots or less	More than 65 knots			
1	2	3	4	5	6	7	8	9	10	11	12
SAN JUAN, P. R. Isla Grande, 9'. SBRAZ–SJU. Procedure No. 1. Amendment No. 3. Effective date: October 6, 1956. Supersedes Amendment 2, dated July 23, 1951. Major changes: Raises circling minimums due to new tower; changes initial approach points; publishes procedure in Part 609, Regulations of Administration.	Borinquen Radiobeacon	101–53	3,000	N side of course: 277° outbound. 097° inbound. 1,200' within 15 miles.	800	660—3.6	T–dn C–dn S–dn 9R A–dn	300–1 600–1 400–1 800–2	300–1 600–1½ 400–1 800–2	300–1 600–1½ 400–1 800–2	Within 3.6 miles, climb to 1,200' on course of 100° from SJU LFR within 25 miles. Shuttle: 097° outbound, 267° inbound to SJU LFR at 3,000' within 25 miles. CAUTION: 485' tower 2 miles SW of airport. *Privately owned facilities.
	South Cabos Radiobeacon	126–354	3,000								
	Piarco Radiobeacon (Port of Spain).	336–560	4,100								
	St. Croix Radiobeacon*	308–91	5,000								
	St. Thomas Radiobeacon*	282–69	3,000								
	Oscar–7 (Intersection 104° bearing to SJU and 196° to HQN).	164–105	3,000								
	Hronson (Intersection 126° bearing to SJU and 210° to HQN).	126–48	3,000								
	Charley Fox–2 (Intersection 029° bearing to SJU and 236° to HIV).	029–100 –	5,500								
	Linus–5 (Intersection 012° bearing to SJU and 312° to HIV).	012–148	5,500								

These procedures shall become effective on the dates indicated on the proced ures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–7031; Filed, Sept. 13, 1956; 10:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 9]

PART 371—GENERAL LICENSES

SURPLUS AGRICULTURAL COMMODITIES AND MANUFACTURES THEREOF

Section 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (c) *Surplus agricultural commodities and manufactures thereof* is amended to read as follows:

(c) *Surplus agricultural commodities and manufactures thereof*[1]—(1) *Contracts of sale in excess of $10,000.* (i) Prior to or at the time of entering into a contract to sell for export or otherwise dispose of for exportation to other than Group O countries: (*a*) Any commodity obtained directly or indirectly from the Commodity Credit Corporation, either in the form acquired or in processed form; (*b*) any commodity being sold in substitution for a commodity acquired from the CCC under an export disposal program; or (*c*) any commodity which is subsidized for export by the CCC, either by cash payment or payment in kind; an exporter shall, where the contract is entered into prior to exportation of the commodity under this general license, either in the contract of sale or in connection therewith, obtain from the foreign purchaser, where the contract is in excess of $10,000, a written acknowledgement of the purchaser's understanding of (*1*) the prohibition without prior BFC approval against exportation or reexportation by any person set forth in this section and in § 371.4, of any such commodities, to Macao, Hong Kong and destinations in Subgroup A (see § 371.3) and (*2*) the sanction of denial of export privileges which may be imposed for violation of the export regulations. Where a contract of sale involving more than $10,000 is not to be entered into until after exportation under this general license, the exporter shall, either in the contract of sale or in connection therewith, obtain the same type of acknowledgement from the foreign purchaser prior to, or at the time of entering into the contract of sale.

[1] This procedure is also applicable to such shipments under General License GHK (§ 371.23).

(ii) Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgement from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

(2) *Exportations.* (i) Exporters making shipment under this section need not comply with the provisions of paragraph (b) of this section regarding shipments to redistribution points. However, for all exportations of commodities under this paragraph, the following statement shall be placed on all copies of the Shipper's Export Declaration and all copies of bills of lading and commercial invoices.

U. S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Communist controlled areas of Viet Nam and Laos, Macao or Hong Kong, except as authorized by the U. S.

(ii) In connection with any exportation, regardless of value, of the following commodities, the exporter shall file an additional copy of the Shipper's Export Declaration with the Collector of Customs and send one copy of the on-board ocean Bill of Lading (for exportation by rail, one copy of the Railroad Bill of Lading) to the BFC, Washington 25, D. C.:

(*a*) A commodity obtained directly or indirectly from CCC in a purchase from that agency amounting to $100,000 or more;

(*b*) A commodity exported in substitution for a commodity acquired from CCC under an export disposal program in a purchase from that agency amounting to $100,000 or more; or

(c) A commodity which is subsidized for export by the CCC either by cash payment or by payment in kind where such exportation is based on a sales or consignment contract with a foreign party amounting to $100,000 or more, except that for exportations of cotton textiles, other than cotton waste, the sales or consignment contract amounts to $10,000 or more. For exportations of cotton textiles, other than cotton waste, no additional copies of Shipper's Export Declaration or Bills of Lading are required for sales to foreign purchasers located in Group O countries.

(iii) The additional copy of the Shipper's Export Declaration and the copy of the Bill of Lading shall bear the notation FC–2610 in the upper right hand corner. In addition, the Bill of Lading shall show in the lower left hand portion the number of the corresponding Shipper's Export Declaration and the CCC identification number (CCC sales contract number or CCC subsidy registration number).

(3) *Retention of records.* The document of acknowledgment required to be obtained from the foreign purchaser, (subparagraph (1) of this paragraph), and the documents constituting evidence of the contract of purchase and sale must be kept available by the exporter for inspection, upon demand, by the BFC for a period of three years from the date of exportation.

NOTE: Where commodities are to be exported by a party other than the original purchaser of the commodities from the Commodity Credit Corporation, the original purchaser shall inform the exporter in writing of the requirement for (1) obtaining the signed acknowledgment from the foreign purchaser and (2) for submitting the additional copy of the Shipper's Export Declaration and Bill of Lading.

This amendment shall become effective as of September 19, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

[SEAL] LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56–7434; Filed, Sept. 13, 1956; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; 21 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141c) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146c) are amended as indicated below:

1. In § 141c.218 *Tetracycline hydrochloride*, the concluding sentence of paragraph (a) *Potency* is amended by changing the words "for intravenous use" to read "intended for use by injection".

2. Part 141c is amended by adding the following new section:

§ 141c.230 *Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical*—(a) *Potency*—(1) *Dry powder.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, prepare the sample as follows: Using a high-speed blender, blend a 3.0-gram sample in a glass blending jar containing 500 milliliters of 0.01 *N* HCl, or reconstitute in the immediate container as directed in the labeling of the drug. Transfer an appropriate aliquot of 1.0 milliliter to 5.0 milliliters to a 100-milliliter volumetric flask and make to mark with 0.01 *N* HCl. Withdraw an aliquot from the volumetric flask, and if it is chlortetracycline hydrochloride dilute to 0.06 μg. per milliliter, using 0.1 *M* potassium phosphate buffer, pH 4.5, and proceed as directed in § 141c.201 (a). If it is tetracycline hydrochloride, dilute to 0.24 μg. per milliliter, using 0.1 *M* potassium phosphate buffer, pH 4.5, and proceed as directed in § 141c.218 (a). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram or per immediate container that it is represented to contain.

(2) *Powder packaged with inert gases.* Proceed as directed in § 141c.201 (a) if it is chlortetracycline hydrochloride powder or § 141c.218 (a) if it is tetracycline hydrochloride powder, except prepare the sample as follows: Place a representative number of containers in a suitable sharp freezing unit having a temperature not higher than −30° C. After freezing, cut open the containers and transfer the contents of each to a suitable beaker and allow gas to evaporate. After the gas has evaporated, wash the dry residue remaining in the container into the beaker with approximately 400 milliliters of 0.1 *N* HCl, stir vigorously, and after the sample has dissolved wash the entire contents of the beaker into a 500-milliliter volumetric flask and make to mark with 0.1 *N* HCl. Use an appropriate aliquot of each of these solutions and proceed as directed in § 141c.201 (a) if it is chlortetracycline hydrochloride powder, or § 141c.218 (a) if it is tetracycline hydrochloride powder, to determine the total quantity of chlortetracycline hydrochloride or tetracycline hydrochloride in each container. Expel the drug from a like number of containers as directed in its labeling. After all gas (with drug) has been expelled, cut open the containers and place each in a large beaker containing 500 milliliters of 0.01 *N* HCl. Let stand for not less than 15 minutes, with frequent agitation. Remove an aliquot and proceed as directed in § 141c.201 (a) if it is chlortetracycline hydrochloride powder or § 141c.218 (a) if it is tetracycline hydrochloride powder, to determine the quantity of chlortetracycline hydrochloride or tetracycline hydrochloride that remains in each container. The quantity of chlortetracycline hydrochloride or tetracycline hydrochloride expelled is determined by subtracting the average amount of the residue found from the average total amount contained in the containers. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter, except if it is packaged with inert gases proceed as directed in § 141b.117 (c) of this chapter.

3. Section 146a.47 *Procaine penicillin for aqueous injection* is amended in the following respects:

a. In paragraph (a) *Standards of identity* * * *, the second sentence is changed to read: "If it is an aqueous suspension of the drug, it may contain procaine hydrochloride in a concentration

not exceeding 2.0 percent, one or more suitable and harmless stabilizing agents, and, if it is intended solely for veterinary use, it may contain cortisone or a suitable derivative of cortisone."

b. In paragraph (c) *Labeling*, subparagraph (1) (v) is amended to read as follows:

(v) If the drug contains preservatives or added procaine hydrochloride or cortisone or a derivative of cortisone, the name and quantity of each such added ingredient.

c. Paragraph (c) (3) is amended by renumbering subdivision (iii) as (iv) and inserting a new subdivision (iii), reading as follows, between subdivision (ii) and renumbered subdivision (iv):

(iii) If it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

d. Paragraph (c) (4) is amended by changing the period at the end of the first sentence to a comma and adding the following new clause: "unless it contains cortisone or a derivative of cortisone."

e. Paragraph (c) is further amended by adding new subparagraphs (5) and (6), reading as follows:

(5) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, adequate directions and warnings for the veterinary use of such drug by a veterinarian licensed by law to administer it.

(6) On the label and labeling, if it contains cortisone or a derivative of cortisone, after the name "procaine penicillin for aqueous injection," wherever it appears, the words "with ------," in juxtaposition with such name, the blank being filled in with the common or usual name of each such ingredient.

4. In § 146a.86 *Benzathine penicillin G and procaine penicillin for aqueous injection*, paragraph (c) is amended by inserting after the words "18 months" the parenthetical clause, "(except that the blank may be filled in with the date that is 24 months, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for it)".

5a. In § 146c.205 *Chlortetracycline powder* * * *, paragraph (a) *Standards of identity* * * * is amended by inserting the word "and" after the word "colorings," changing the comma after "flavorings" to a period, and deleting the remainder of the sentence.

b. Section 146c.205 (c) (1) (iv) is amended by deleting ", a local anesthetic,".

6. Section 146c.218 *Tetracycline hydrochloride* is amended in the following respects:

a. In paragraph (a) *Standards of identity* * * *, subparagraph (1) is amended by changing the words "for intravenous use" to read "intended for use by injection", and subparagraph (8) is changed to read:

(8) Its extinction coefficient $E^{1\%}_{1\,Cm.}$, and the extinction coefficient of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride intended for use by injection, is 372±15 at 380 millimicrons.

b. In paragraph (b) *Packaging* * * *, subparagraph (2) is amended by changing the words "intravenous use" to read "use by injection".

c. Paragraph (b) (3) is amended by changing the words "for intravenous use" to read "intended for use by injection".

7. Part 146c is amended by adding the following new section:

§ 146c.230 *Chlortetracycline . hydrochloride powder topical; tetracycline hydrochloride powder topical*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride powder topical and tetracycline hydrochloride powder topical are chlortetracycline hydrochloride or tetracycline hydrochloride, with or without suitable and harmless preservatives, diluents, and local anesthetics. The moisture content is not more than 2 percent. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container may contain one or more suitable and harmless inert gases.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram or per immediate container.

(iii) The statement "Expiration date ------," the blank being filled in with the date that is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder topical, except that if it is packaged with inert gases or it is tetracycline hydrochloride powder topical the blank shall be filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) If it contains preservatives or local anesthetics, the name and quantity of each such ingredient.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for prophylactic use by man, or for the veterinary use of such drug. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such drug by practitioners licensed by law to administer it will be sent to such practitioners on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride or tetracycline hydrochloride used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The chlortetracycline hydrochloride or tetracycline hydrochloride used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 containers in the batch, but in no case less than 5 immediate containers (or if it is packaged with inert gases, not less than 7 immediate containers) or more than 12 immediate containers. Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline hydrochloride or tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) § 4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of chlortetracycline hydrochloride powder topical and tetracycline hydrochloride powder topical for veterinary use from certification.* Chlortetracycline hydrochloride powder topical and tetracycline hydrochloride powder topical that conform to the requirements of paragraphs (a), (b), and (c) of this section shall be exempt (unless they are packaged with inert gases) from the requirements of sections 502 (1) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) The labels bear an expiration date that is not more than 48 months, if it is chlortetracycline hydrochloride powder topical, or 24 months, if it is tetracycline hydrochloride powder topical, after the month in which the batch was last assayed and released by the manufacturer.

(3) The circular or other labeling within or attached to the package bears information that the drug is intended solely for the prevention of infection in superficial cuts and abrasions and for the treatment of pinkeye in veterinary animals, and further, bears directions and warnings adequate for such use.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be contrary to public interest to delay providing for the amendments set forth above.

I further find that chlortetracycline hydrochloride powder topical and tetracycline hydrochloride powder topical, intended solely for veterinary use and conspicuously so labeled, need not comply with sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act, in order to ensure their safety and efficacy, provided they are labeled in compliance with the regulations set forth in amendment 6 of this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 7, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-7392; Filed, Sept. 13, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 10]

DMO VII-6—EXPANSION GOALS

RUTILE

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented by transferring the following expansion goal from List III, Open to List I, Closed.

Goal No.	Title	Delegate agency
163	Rutile	Interior.

2. This supplement shall be effective on September 11, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7385; Filed, Sept. 13, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

LOS ANGELES AND LONG BEACH HARBORS, CALIFORNIA

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471) and the provisions of the Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), §§ 202.100 and 202.214 establishing and governing special anchorages and anchorage grounds in Los Angeles and Long Beach Harbors, California, are amended redefining the boundaries to permit other use of certain waters and to conform with recent changes in the harbor lines and other minor revisions, as follows:

§ 202.100 *Los Angeles and Long Beach Harbors, Calif.*—(a) *Area A-1.* North of a line 200 feet from and parallel to the axis of the San Pedro breakwater; bayward of the mean high tide line; southwest of a line bearing 125° from the tall concrete stack south of Fort MacArthur lower reservation; west of the bulkhead line from U. S. 104 through U. S. 102, extended, and northwest of a line extending from U. S. 103 to U. S. 101.

* * * * *

(54 Stat. 150, as amended; 33 U. S. C. 180, 258, 319)

§ 202.214 *Los Angeles and Long Beach Harbors, Calif.*—(a) *The anchorage grounds*—(1) *Commercial and Naval Anchorage B (Los Angeles Harbor).* North of a line 200 feet from and parallel to the axis of the San Pedro Breakwater; southeast of a line ranging from U. S. 101 towards U. S. 115; southwest of a line bearing 125° from the tall concrete stack south of Fort MacArthur lower reservation; south of a line bearing 75° from U. S. 100 (white cross near the west end of the San Pedro Breakwater); and west of a line bearing 172° from Fish Harbor 2 Light and passing through the east white cross on the San Pedro Breakwater.

(i) In this area the requirements of commercial ships will predominate. In case of Navy requirements, see subparagraph (2) (iii) of this paragraph.

(ii) Vessels requiring examination by quarantine, customs, or immigration authorities may anchor in this area when quarantine anchorage F is not available for this purpose.

(iii) Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(2) *Commercial Anchorage C (Los Angeles Harbor).* North of a line 200 feet from and parallel to the axis of the Middle Breakwater; north of a line about 3,000 feet long, bearing 293° from Los Angeles entrance East Light; east of a line bearing 152° from Fish Harbor 2 Light; west of a line bearing 338° from the white cross near the west end of the Middle Breakwater; and bayward of the line of mean high water; excepting therefrom non-anchorage Area I and the Navy restricted area for degaussing ranges.

(i) In this area the requirements of commercial ships will predominate. Vessels requiring examination by quarantine, customs, or immigration authorities may anchor in this area when quarantine anchorage F is not available for this purpose.

(ii) Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(iii) The established anchorages for naval vessels having been found inadequate at times, when an especially large number of naval vessels are gathered in the harbor, a special anchorage chart overlay for naval anchorages superimposed on U. S. Coast and Geodetic Survey Chart No. 5148 (not published in this section) will be prepared showing a numbered series of anchorages in order that a naval vessel may be ordered to proceed to a designated numbered anchorage in the harbor. Those designated anchorages, with the exception of those in naval anchorages D and E, which are primarily for naval vessels, are not set aside for the exclusive use of naval vessels, but permission will be given for naval vessels to use them when available. When the Captain of the Port receives notification

from the proper naval authorities that it is desired to utilize the specially numbered naval anchorages in anchorages B, C, F, or G, he will authorize the use by naval vessels of the required numbers if they can be made available, the commercial conditions at the time being given proper consideration. If, in the opinion of the Captain of the Port, there are sufficient reasons why the numbers first asked for should not be used, he will confer with the naval officer making the request and if other numbers can be agreed upon he will authorize their use.

(3) *Naval Anchorage D.* East of a line bearing 338° from a white cross near the west end of the Middle Breakwater, said line being the easterly boundary line of Commercial Anchorage C; north of a line parallel to and 200 feet from the axis of the Middle Breakwater; southwest of a line bearing 310° from Long Beach entrance West Light and passing through the east end of the Navy Mole; south of the bayward side of the Navy Mole; and south of the south line of the navy restricted area for degaussing ranges.

(i) In this area the requirements of the naval service will predominate. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits. Whenever this area is required for the anchoring of naval vessels, it shall be immediately cleared of commercial vessels by the Captain of the Port upon request of the appropriate naval authority.

(ii) The southeast and southwest portions of this anchorage are reserved for use as Explosives Anchorages Nos. 1 and 2 whenever a necessity arises therefor. See subparagraph (8) (i) and (ii) of this paragraph.

(iii) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited, except those which may be required by the Navy and approved by the Captain of the Port.

* * * * *

(5) *Quarantine Anchorage F.* * * *

(i) Vessels arriving at quarantine and awaiting inspection will anchor in this anchorage, except that if space in this anchorage is not available then any available anchorages in Anchorages B and C may be temporarily occupied for examination. In case of Navy requirements, see subparagraph (2) (iii) of this paragraph.

* * * * *

(6) *Commercial Anchorage G (Long Beach Harbor).* * * *

(i) In this area the requirements of commercial ships will predominate. In case of Navy requirements, see subparagraph (2) (iii) of this paragraph.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended; 33 U. S. C. 471)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.616 establishing and governing the use and navigation of a naval restricted area in Los Angeles and Long Beach Harbors, California, is hereby amended extending the boundaries to include an additional area for installation of a degaussing facility, as follows:

§ 207.616 *Los Angeles and Long Beach Harbors, Calif.; naval restricted area*—(a) *The area.* The waters of Los Angeles and Long Beach Harbors lying westerly of the Naval Base Mole and extending north from the westerly prolongation of the southern side of the mole and east from the eastern side and the southerly prolongation of the eastern side of non-anchorage Area I.

(b) *The regulations.* (1) No vessels, other than vessels operated by or for the United States, shall anchor within the area at any time.

(2) Dredging, dragging, seining, other fishing operations, and other activities not under the direction of the United States which might foul underwater installations are prohibited.

(3) All vessels entering the area, other than vessels operated by or for the United States, shall proceed across the area by the most direct route and without unnecessary delay.

(4) Only naval vessels and seaplanes shall enter the basin lying inside the jetty in front of the Naval Air Station, except as authorized by the enforcing agency.

(5) The regulations in this section shall be enforced by the Commander, U. S. Naval Base Los Angeles, Long Beach, California, and such agencies as he may designate.

[Regs., August 29, 1956, 800.2121 (Los Angeles-Long Beach Harbors, Calif.)-ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7390; Filed, Sept. 13, 1956; 8:46 a. m.]

PART 203—BRIDGE REGULATIONS

FLORIDA COAST LINE CANAL, LAKE MABEL TO BISCAYNE CREEK, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.446a is hereby prescribed to govern the operation of the Hollywood Boulevard bridge across the Intracoastal Waterway at Hollywood, Florida, as follows:

§ 203.446a *Intracoastal Waterway, Fla.; Hollywood Boulevard bridge, Hollywood, Fla.* (a) During the period November 15 to May 15, inclusive, the owner of or agency controlling the Hollywood Boulevard bridge will not be required to open the drawspan between the hours of 10:00 a. m. and 6:00 p. m., except on half-hour intervals, on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) Upon receipt of proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats operating on regular schedules.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

[Regs., August 29, 1956, 823.1 (Jacksonville-Miami, Intracoastal WW)-ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7389; Filed, Sept. 13, 1956; 8:46 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

JAPAN; FOOT-AND-MOUTH DISEASE OR RINDERPEST

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.101a as amended by Governor's Regulations of October 14, 1952, 17 F. R. 10559; October 15, 1953, 18 F. R. 7177; November 13, 1953, 18 F. R. 7192; May 28, 1954, 19 F. R. 3419; January 10, 1955, 20 F. R. 411; and renumbered by Canal Zone Order No. 39, February 26, 1955, 20 F. R. 1392 (35 CFR 24.101a), is hereby further amended by adding Japan to the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, September 4, 1956.

W. E. POTTER,
Governor.

[F. R. Doc. 56-7401; Filed, Sept. 13, 1956; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR AND AUTOMOBILE FEES

EDISON LABORATORY NATIONAL MONUMENT; ADMISSION FEE

Paragraph (a) of § 13.13, entitled *Admission fees; miscellaneous*, is amended by addition of the following area and admission fee therefor:

Edison Laboratory National Monument.. .50

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 10, 1956.

[F. R. Doc. 56-7393; Filed, Sept. 13, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of improved salmon runs in the Taku and Stikine districts of Southeastern Alaska, it has been determined that additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Section 119.3 is amended in paragraph (a) by deleting "Thursday" and substituting in lieu thereof "Friday".

2. Section 120.3a is amended by deleting "Thursday" and substituting in lieu thereof "Friday".

(Sec. 1, 43 Stat. 464, as amended; 460 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

LESTER BAGLEY,
Acting Director.

SEPTEMBER 12, 1956.

[F. R. Doc. 56-7436; Filed, Sept. 12, 1956; 4:15 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 188]

ASPHALT LEASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1944 (58 Stat. 463, 483-485), it is proposed to issue regulations implementing the said act so far as is necessary. One of the provisions of the act permits mineral leasing of asphalt deposits in certain lands situated in Oklahoma which the Choctaw and Chickasaw Nation of Indians in Oklahoma agreed to convey to the United States pursuant to the terms of a contract ratified by the act of June 24, 1948 (62 Stat. 596), under which equitable title to the lands and mineral deposits vested in the United States upon the appropriation of the purchase price by the act of May 24, 1949 (63 Stat. 76, 84).

The proposed regulations and form of lease[1] are set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations or form to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

Dated: September 10, 1956.

FRED A. SEATON,
Secretary of the Interior.

A new Part 188, is added to Chapter 1, Title 43 of the Code of Federal Regulations, reading as follows:

PART 188—ASPHALT LEASES

GENERAL

Sec.
188.1 Authority to lease.
188.2 Lands applicable.
188.3 Definitions.

[1] Filed as part of the original document.

Sec.
188.4 Area and limitation on holdings.
188.5 Qualifications of applicant.
188.6 Leases for lands disposed of with reservation of asphalt deposits.
188.7 Requirements when lands are within a withdrawal.

ASPHALT LEASES

188.8 Form of lease.
188.9 Lease bond.
188.10 Royalty and rental.
188.11 Minimum production.
188.12 Application for lease by competitive bidding.
188.13 Notice of lease offer.
188.14 Bid deposits.
188.15 Award of lease.
188.16 Modification and leasing of additional land or asphalt deposits.
188.17 Renewal leases.
188.18 Relinquishment of lease.
188.19 Cancellation of lease.

TRANSFERS OF LEASES

188.20 Transfers, including subleases.
188.21 Limitation on overriding royalties.

AUTHORITY: §§ 188.1 to 188.21, issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply 58 Stat. 463, 483-485, 63 Stat. 76, 84.

GENERAL

§ 188.1 *Authority to lease.* The act of June 28, 1944 (58 Stat. 463, 483-485), authorizes the Secretary of the Interior to lease asphalt deposits in certain lands situated in Oklahoma, acquired under the provisions thereof.

§ 188.2 *Lands applicable.* The lands or asphalt deposits subject to the regulations in this part are those situated in Oklahoma which were (a) sold to the United States under the terms of a contract executed October 8, 1947, by and between the Secretary of the Interior and officials of the Choctaw and Chickasaw Nations of Indians in Oklahoma, which contract was ratified by the act of June 24, 1948 (62 Stat. 596), and (b) acquired when the purchase price provided in the contract was appropriated by the act of May 24, 1949 (63 Stat. 76, 84).

§ 188.3 *Definitions.* The following terms, as used in this part, or in any lease approved under the regulations in this part, shall have the meanings here given:

(a) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) *Land Office.* The Land Office, Bureau of Land Management, Santa Fe, New Mexico, for lands covered by a lease or application therefor, situated in the State of Oklahoma.

(c) *Manager.* The Manager of the Land Office as defined in paragraph (b) of this section.

(d) *Mining Supervisor.* The Regional Mining Supervisor of the Geological Survey for the State in which the lands under lease or application therefor are situated.

§ 188.4 *Area and limitation on holdings.* Except where the rule of approximation applies, a lease may not include over 640 acres in reasonably compact form. No person, association or corporation may hold, either directly or indirectly, leases for an area that exceeds in the aggregate 2,560 acres.

§ 188.5 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for lease under § 188.12, the successful bidder to whom a lease is awarded under § 188.15, or an assignee or transferee under § 188.20.

(b) Leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and where it is filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold leases for asphalt deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 188.4.

§ 188.6 *Leases for lands disposed of with reservation of asphalt deposits.* Where lands included in a lease have

been or may be disposed of with reservation of the asphalt deposits, rights of surface use are subject to the provisions of the law under which such reservation was made. See the act of February 19, 1912 (37 Stat. 67), and the act of August 3, 1955 (69 Stat. 445), and the regulations thereunder, in Part 119 of this chapter.

§ 188.7 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for asphalt lease is within a withdrawal which does not preclude disposition of the asphalt deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of an asphalt lease. Where he recommends that a special stipulation be required to protect the interest of the United States, an appropriate stipulation may be included in the lease.

ASPHALT LEASES

§ 188.8 *Form of lease.* Leases shall be issued on Form 4–1320.[1]

§ 188.9 *Lease bond.* A compliance bond, in no event less than $1,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.13 of this chapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 188.10 *Royalty and rental.* (a) The rate of royalty shall be fixed prior to the issuance of the lease but in no event shall it be less than 25 cents per ton of two thousand pounds of marketable production.

(b) Beginning with the date of the lease, annual rental payable in advance for each acre or part thereof covered by the lease shall be 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth calendar years, respectively, and $1 for each calendar year thereafter during the continuance of the lease, such rental for any year to be credited against royalties accruing under the lease during the year for which the rental was paid.

§ 188.11 *Minimum production.* (a) Each lease will provide for the mining of asphalt deposits from the lands involved and the payment of royalty thereon to a value of not less than $1 an acre or fraction thereof each year, beginning with the sixth full calendar lease year, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee or unless operations are suspended upon a showing that the lease can not be operated except at a loss because of unfavorable market conditions.

(b) Applications by lessees for relief from the production requirement of leases shall be filed, in triplicate, with the Mining Supervisor, who is authorized to grant such relief. A copy of each application shall be filed in the land office. Complete information must be furnished showing the necessity for such relief.

§ 188.12 *Application for lease by competitive bidding.* (a) An application for lease must be filed in duplicate in the land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivisions of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its asphalt content, with a statement as to the character, extent, and mode of occurrence of the asphalt deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 188.13 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared, and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U. S. C. 1860.

§ 188.14 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 188.5 (c).

§ 188.15 *Award of lease.* (a) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required, within 30 days from receipt thereof, to execute them, pay the balance of the bonus bids, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 188.13, and file a bond as required by § 188.9. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and deposited in the general fund of the Treasury of the United States. (See act of June 28, 1944, 58 Stat. 463, 485). If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease.

(b) If the bidder dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 188.5 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holding similar to that required by § 188.5 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holding of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 188.5 (c) (1) and (4).

§ 188.16 *Modification and leasing of additional lands or asphalt deposits.* A lessee may obtain modification of his lease to include asphalt lands or asphalt deposits contiguous to those embraced in his lease if the Manager shall determine, after consultation with the Mining Supervisor, that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 640 acres, except where the rule of approximation applies. The lessee must file his application for modification in duplicate in the land office describing the additional land desired, the reasons for and the advantage to the lessee of such modification. Upon determination by the Manager that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 188.13. Each application for modification must be accompanied by a filing fee of $10 which will not be returnable.

§ 188.17 *Renewal leases.* An application for a renewal lease must be filed in duplicate in the land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee filed written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a satisfactory bond as prescribed in § 188.9. Each application for renewal must be accompanied by a filling fee of $10 which will not be returnable.

§ 188.18 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rental and royalties and provide for the preservation of any mines or productive works or permanent improvements on the lands relinquished in accordance with the regulations and terms of the lease.

§ 188.19 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF LEASES

§ 188.20 *Transfers, including subleases.* (a) Leases may be transferred in whole or in part. The approval of a transfer of part of the land in a lease will create a new lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the lease, as required by § 188.5 must be submitted simultaneously. Before a transfer of a lease will be approved, the transferee must submit a new bond, or the consent of the surety on the lease bond to the substitution of the transferee as principal thereon, and the lease account must be in good standing. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. A transfer will take effect the first day of the month following its approval, or if the transferee requests, in writing, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a lease or if his bond is insufficient. A minor, except a minor heir or devisee of a lease, is not qualified to hold a lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a lease, to be recognized by the Department as the holder of the lease, agreement or interest, there must be furnished the appropriate showing required under § 188.15 (b).

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 188.21 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

[F. R. Doc. 56–7395; Filed, Sept. 13, 1956; 8:47 a. m.]

[1] A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D. C.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 711, 712, 713]

[Administrative Order 467]

PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF EMPLOYER MEMBER OF INDUSTRY COMMITTEES

James A. Milling, a resident of the State of Indiana, having resigned from Industry Committees Nos. 24–A, 24–B, and 24–C for Puerto Rico, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Ira B. Stiefel, a resident of the State of Pennsylvania, to serve in his stead on such Committees as a representative of employers.

Signed at Washington, D. C. this 8th day of September 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56–7409; Filed, Sept. 13, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of Territories

[Alaska Public Works Memorandum 8]

DIRECTOR, ALASKA PUBLIC WORKS

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS WITH ARCHITECTURAL AND ENGINEERING FIRMS

SECTION 1. The Director, Alaska public Works, Division of Alaskan Affairs, Office of Territories, is hereby authorized for the period ending September 1, 1957, to negotiate, without advertising, under subdivision 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (66 Stat. 594, 41 U. S. C. sec. 252 et seq.) contracts for the services of architectural and engineering firms in connection with the administration of the Alaska Public Works Act (63 Stat. 627, 48 U. S. C., sec. 486 et seq.) as amended (68 Stat. 483).

SEC. 2. The authority granted in Section 1 of this memorandum shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. The Director, Alaska Public Works, Division of Alaskan Affairs, Office of Territories, shall not redelegate or authorize redelegation of the authority granted in section 1 of this memorandum.

SEC. 4. This memorandum shall be effective immediately upon publication in the FEDERAL REGISTER and shall supersede and cancel Alaska Public Works Memorandum No. 6 dated September 23, 1955.

ANTHONY T. LAUSI,
Director.

[F. R. Doc. 56-7394; Filed, Sept. 13, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BOARD OF TRADE OF KANSAS CITY

DESIGNATION AS CONTRACT MARKET FOR SOYBEANS UNDER COMMODITY EXCHANGE ACT

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), I hereby designate The Board of Trade of Kansas City, Missouri, as a contract market for soybeans. The said board of trade has applied for such designation and has complied with the requirements imposed by section 5 of said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of said act. For the purpose of such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on May 5, 1923, designating the said board of trade as a contract market under the provisions of the Grain Futures Act (42 Stat. 998), together with the order issued by the Secretary of Agriculture on September 14, 1936, designating the said board of trade as a contract market for mill feeds under the provisions of the Commodity Exchange Act, as amended, shall constitute a single designation.

[SEAL] TRUE D. MORSE,
Acting Secretary.

SEPTEMBER 10, 1956.

[F. R. Doc. 56-7388; Filed, Sept. 13, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 11]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the description of Organization and Functions of the Civil Aeronautics Administration (20 F. R. 4663) is hereby amended to include the following change in the address of an Airport District Office:

Region 1 is amended by substituting "Columbus, Ohio, New Post Office Building, 85 Marconi Boulevard——" for "Columbus, Ohio, Administration Building, Port Columbus Airport——".

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7391; Filed, Sept. 13, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8172]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

NOTICE OF HEARING

In the matter of the application of SWISSAIR, Swiss Air Transport Company Limited for an amendment of its foreign air carrier permit with respect to foreign air transportation between a point or points in Switzerland and the terminal point New York, New York, U. S. A.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on October 10, 1956, at 1:30 p. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 10, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7411; Filed, Sept. 13, 1956; 8:50 a. m.]

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES; REOPENED DELTA C & S MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding on the question of the proper rate level for the international operations of Chicago and Southern Air Lines for the period December 16, 1950, through July 31, 1952, is assigned to be held on September 24, 1956, at 10 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., September 11, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7412; Filed, Sept. 13, 1953; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11288 etc.; FCC 56-85]

PONCE DE LEON BROADCASTING CO., INC., OF P. R. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ponce de Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis-Pirallo Castellanos, Mayaguez, Puerto Rico, Docket No. 11811, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11812, File No. BPCT-2159; for construction permits for new Television Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1956;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Mayaguez, Puerto Rico; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the three applicants would result in mutually destructive interference; and

It further appearing, that Ponce de Leon Broadcasting Co., Inc. of P. R. is already in hearing status pursuant to an order adopted by the Commission on February 23, 1955; that the applications of Sucesion Luis-Pirallo Castellanos and Department of Education of Puerto Rico were accepted for filing by the Commission pursuant to a Memorandum Opinion and Order adopted July 11, 1956 (FCC 56-654); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that Sucesion Luis-Pirallo Castellanos and Department of Education of Puerto Rico are legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station; that, as found previously, Ponce de Leon Broadcasting Co., Inc., of P. R., is legally, technically and financially qualified to construct, own and operate a television broadcast station, and is otherwise qualified except as to issues "1" and "2" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Sucesion Luis-Pirallo Castellanos and Department of Education of Puerto Rico are designated for hearing and consolidated with the application of Ponce De Leon Broadcasting Co., Inc., of P. R. already in hearing which hearing is presently scheduled to commence at 10:00 a. m. on the 29th day of October 1956 upon the following issues:

1. To determine whether the program service proposed to be rendered by Ponce De Leon Broadcasting Co., Inc., of P. R. would meet the requirements of the community to be served.

2. To determine whether a grant to Ponce De Leon Broadcasting Co., Inc. of P. R. of authority to maintain main studios outside Mayaguez would be consistent with the provisions of § 3.613 of the Commission's rules.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of record made with respect to the significant differences among the applications as to:

a. The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That this hearing order hereby supersedes the order adopted on February 23, 1955 in Docket No. 11288 (FCC 55-235).

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7416; Filed, Sept. 13, 1956; 8:51 a. m.]

[Docket No. 11518 etc.; FCC 56-854]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER AMENDING ISSUES

In the matter of American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with Multiple Private Line Services and Channels, Docket No. 11518; American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with private line services and channels, Docket No. 11645; The Western Union Telegraph Company, charges, classifications, regulations, and practices for and in connection with Domestic Leased Facility Service, Docket No. 11646.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of September 1956;

The Commission having under consideration Transmittal No. 5231 and certain new tariff schedules filed therewith on July 30, 1956, by the American Telephone and Telegraph Company (AT&T), effective September 1, 1956, establishing new rates and regulations for multiple private line services and channels furnished for communication by means of telephone, teletypewriter, or Morse equipment, for transmission of picture material by means of telephotograph equipment provided by the customer, and for operation of remote metering, supervisory control or miscellaneous signaling devices provided by the customer, said tariff schedules being designated as Tariff FCC No. 231; and also having under consideration the record of the proceedings in Docket No. 11518—an investigation of the lawfulness under the Communications Act of 1934, as amended, of AT&T Tariff FCC No. 227 and related tariffs, also providing for new rates and regulations for multiple private line services and channels; the Commission's action of August 30, 1956 granting an application of AT&T for Special Permission to cancel said Tariff FCC No. 227, effective September 1, 1956; a Protest filed on August 17, 1956 by The Western Union Telegraph Company against the new Tariff FCC No. 231 requesting suspension and investigation thereof; and a reply to said protest filed by AT&T on August 24, 1956; and also having under consideration the Commission's Order of March 7, 1956, providing for a general investigation into the lawfulness of effective tariff schedules of AT&T applicable to private line services and channels (Docket No. 11645) and effective tariff schedules of The Western Union Telegraph Company applicable to leased facility services (Docket No. 11646) and directing that the proceedings therein be consolidated with the proceedings in Docket No. 11518;

It appearing that Tariff FCC No. 231 is intended to replace Tariff FCC No. 227, and to make it possible for the public and the Government to receive as soon as practicable the benefit of the reduced charges that the multiple channel offering will provide; that many of the features of the new offering proposed in Tariff FCC No. 231 are the same as those included in Tariff FCC No. 227 and that the information submitted to the Commission in support of the latter tariff applies to a large extent to the filing of Tariff FCC No. 231; that the rates for multiple private line services and channels contained in Tariff FCC No. 231 are related directly to the rates for the individual private line services and channels contained in presently effective tariffs which are subject to investigation in Docket No. 11645; and that in the event that future changes are made in the individual service rates, it is expected that corresponding changes would be made in the multiple channel rates;

It further appearing that questions are presented as to the lawfulness, under the provisions of the Communications Act of 1934, as amended, of AT&T Tariff FCC No. 231 and that such questions, together with the questions raised by the aforementioned protest of The Western Union Telegraph Company, should be resolved as part of and in connection with the aforementioned general investigation of the lawfulness of presently effective tariff schedules applicable to private line services and channels in Dockets Nos. 11645 and 11646;

It further appearing that pursuant to the aforementioned Special Permission issued by the Commission on August 30, 1956, AT&T has cancelled its Tariff FCC No. 227 and, consequently, further proceedings with respect to Docket No. 11518 are unnecessary;

It is ordered, That the proceedings in Docket No. 11518, herein, are hereby terminated and dismissed; and that the record of the proceedings in Docket No. 11518 is hereby made part of the record of the proceedings in Dockets Nos. 11645 and 11646;

It is further ordered, That pursuant to the provisions of sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, the issues in Docket Nos. 11645 and 11646, as specified in the Commission's Order of March 7, 1956, herein, are hereby amended to include consideration and investigation of the lawfulness under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices contained in AT&T Tariff FCC No. 231;

It is further ordered, That the issues in Dockets Nos. 11645 and 11646 are further amended to include the following:

The effects of the tariff schedules subject to investigation herein on competi-

tion in the field of private line communications services and channels, and whether any such effects render any of the charges, classifications, regulations or practices contained in such tariff schedules unjust or unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended, or otherwise unlawful.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7417; Filed, Sept. 13, 1956; 8:51 a. m.]

[Docket No. 11685 etc.; FCC 56-852]

POLK RADIO, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP-10136; Duane F. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; E. D. Covington, Jr., Winter Garden, Florida, Docket No. 11813, File No. BP-10571; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1956;

The Commission having under consideration the above-captioned application of E. D. Covington, Jr. for a construction permit for a new standard broadcast station at Winter Garden, Florida, to operate on 1330 kilocycles with a power of 500 watts, daytime only, File No. BP-10571;

It appearing that the applicant is legally, technically, financially, and otherwise qualified except as may appear from the issues indicated below, to operate his proposed station, but that operation of the station as proposed would involve mutually destructive interference with the above-captioned proposal of Polk Radio, Incorporated, for a new standard broadcast station at Lakeland, Florida, to operate on 1330 kilocycles with a power of 1 kilowatt, daytime only, File No. BP-10136, Docket No. 11685; and

It further appearing that said application of Polk Radio, Incorporated, and the above-captioned application of Duane F. McConnell for a new standard broadcast station at Winter Haven, Florida, to operate on 1320 kilocycles with a power of 500 watts, daytime only, File No. BP-10400, Docket No. 11686 are mutually exclusive and were designated for hearing by an order adopted on April 25, 1956, and released on May 1, 1956; and

It further appearing that the above-captioned application of E. D. Covington, Jr., was filed on May 11, 1956, within ten days of the public notice of the Commission's said order, and is, therefore, entitled to be consolidated in the proceeding in Dockets Nos. 11685 and 11686 pursuant to § 1.724 (b) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, E. D. Covington, Jr., was advised by letter dated July 13, 1956, of the foregoing; and

It further appearing that a timely reply was filed by E. D. Covington, Jr.; and

It further appearing that after consideration of the reply the Commission is of the opinion that a hearing on the application of E. D. Covington, Jr., is necessary and that it should be consolidated in the proceeding in Dockets Nos. 11685 and 11686;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application of E. D. Covington, Jr., is designated for hearing and is consolidated in the proceeding ordered on April 25, 1956, in Dockets Nos. 11685 and 11686, upon the issues specified in said Order, which are as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7418; Filed, Sept. 13, 1956; 8:51 a. m.]

[Docket No. 11791; FCC 56M-831]

RADIO MOUNT KISCO, INC.

ORDER CONTINUING HEARING

In re application of Radio Mount Kisco, Inc., Mt. Kisco, New York, Docket No. 11791, File No. BP-10344; for construction permit.

It is ordered, This 11th day of September 1956, that Herbert Sharfman, in lieu of Thomas H. Donahue, will preside at the hearing in the above-entitled proceeding; *And, it is further ordered*, That the said hearing is continued from September 28, 1956 to October 2, 1956, and will be held in Washington, D. C.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7419; Filed, Sept. 13, 1956; 8:52 a. m.]

[Docket No. 11806; FCC 56M-824]

INDIAN CITY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

It is ordered, This 7th day of September 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1956, in Washington, D. C.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7420; Filed, Sept. 13, 1956; 8:52 a. m.]

[Docket Nos. 11814, 11815; FCC 56-853]

GREAT WESTERN RADIO CO. AND JOHN JACK BENTLEY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George Wayne Inglis and Elvis Leo Roberts, d/b as Great Western Radio Company, Midland, Texas, Docket No. 11814, File No. BP-10466; John Jack Bentley, Stanton, Texas, Docket No. 11815, File No. BP-10613; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1956;

The Commission having under consideration the above-captioned applications of George Wayne Inglis and Elvis Leo Roberts, d/b as Great Western Radio Company, for a construction permit for a new standard broadcast station at Midland, Texas, to operate on 1580 kilocycles with a power of 1 kilowatt, daytime only, File No. BP-10466; and of John Jack Bentley for a construction permit for a new standard broadcast station at Stanton, Texas, to operate on 1600 kilocycles with a power of 1 kilowatt, daytime only, File No. BP-10613;

It appearing that the Great Western Radio Company is financially qualified, and each of the applicants is legally, technically and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference, and that insufficient information has been submitted from which to make a determination of whether John Jack Bentley is financially qualified to construct and operate his proposed station; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 27, 1956, of the aforementioned deficiencies and that the Commission

was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each applicant; and

It further appearing that after consideration of the replies the Commission is of the opinion that a hearing on the applications is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether John Jack Bentley is financially qualified to construct and operate his proposed station.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-described applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether a grant of either of the two applications would serve the public interest, convenience and necessity.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7421; Filed, Sept. 13, 1956; 8:52 a. m.]

[Docket Nos. 11816, 11817; FCC 56-856]

HOWARD C. NIESEN AND SOUTH GATE DEVELOPMENT CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Howard C. Niesen, Sarasota, Florida, Docket No. 11816, File No. 684-C2-P-56; South Gate Development Company, Inc., Sarasota, Florida, Docket No. 11817, File No. 1327-C2-P-56; for construction permits for stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of September 1956;

The Commission having under consideration the above-entitled applications for two-way stations in the Domestic Public Land Mobile Radio Service at Sarasota, Florida; and

It appearing, that, Mr. Niesen and South Gate Development Company, Inc. have each expressed a belief that the authorization of two such facilities at Sarasota, Florida would not serve the public interest, convenience or necessity because it is not economically practical to operate two such services in that area; and

It is further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters as to the reasons why the applications cannot be granted without a hearing; and were given an opportunity to reply; and

It further appearing that, upon due consideration of the above-entitled applications, and the replies to the above letters, the Commission finds that, under section 309 (b) of the Communications Act of 1934, as amended, a hearing is required; and

It further appearing that, each of the above-named applicants in legally, financially and technically qualified to construct, own and operate a two-way station in the Domestic Public Land Mobile Radio Service, as proposed in the instant applications;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to be held at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on the 8th day of November 1956, upon the following issues:

1. To determine the area and population which may be expected to receive service from each of the proposed stations and the need for such service in the area proposed to be served.

2. To determine, in the light of the evidence adduced on Issue No. 1, whether any public benefit or disadvantage will be derived from the establishment of more than one facility in this service in the area proposed to be served.

3. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each of the applicants.

4. To determine, in the light of the evidence adduced on the foregoing issues, whether public interest, convenience or necessity would be served by a grant of one or both of the applications.

It is further ordered, That, the Chief, Common Carrier Bureau, is made a party to the proceeding herein.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7422; Filed, Sept. 13, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2165]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 10, 1956.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2165 to be located on the Black Warrior River and on Sipsey Fork of Black Warrior River in Cullman, Tuscaloosa, Walker, and Winston Counties, Alabama, and to consist of (1) an earth and rock fill dam at the Upper New Hope dam site on Sipsey Fork creating a reservoir with 500,000 acre-feet of usable power storage, and 810,000 acre-feet of flood control storage, a saddle spillway, intake, penstocks, tailrace, substation, powerhouse with initial installation of one unit of 80,000 kilowatts and provision for installation of another similar unit, and appurtenant facilities and (2) a powerhouse at the west end of existing United States Lock and Dam No. 17 on the Black Warrior River with initial installed capacity of one unit of 22,500 kilowatts and provision for installation of another similar unit, together with intake, penstocks, tailrace, substation and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 22, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7396; Filed, Sept. 13, 1956; 8:47 a. m.]

[Docket Nos. G-10588, G-10538]

KANSAS-NEBRASKA NATURAL GAS CO. INC. AND NORTHERN NATURAL GAS CO.

CONSOLIDATING PROCEEDINGS AND DATE OF HEARING

SEPTEMBER 11, 1956.

Take notice that the above related matters should be heard on a consolidated record and disposed of as promptly as possible and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1956 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7403; Filed, Sept. 13, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15

days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32614: *Lumber—Southeastern and Mississippi Valley territories to Kansas.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi and Tennessee to points in Kansas.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 177 to Agent Spaninger's I. C. C. 594.

FSA No. 32615: *Lumber—Southeastern and Carolina territories to Kansas.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia to points in Kansas.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 152 to Agent Spaninger's I. C. C. 1101.

FSA No. 32616: *Fillers, paper, and paper articles—western and northern points to western and southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on egg case fillers or partitions, carloads, also paper and paper articles, carloads from specified points in Illinois and Western trunkline territories to specified points in western trunkline and southern territories.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariffs: Supplement 33 to Agent Prueter's tariff I. C. C. A–4082 and two other tariffs.

FSA No. 32617: *Plaster and related articles—Colorado to W. T. L. territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on plaster, and related articles, carloads and Gypsum wallboard, and related articles, carloads (1) from Adobe, Colo., to points in western trunkline territory, as to rates on plaster, and (2) from Adobe, Loveland, Portland, and Wilds Spur, Colo., to destinations in Colorado, Kansas, Nebraska and Wyoming, as to rates on gypsum wallboard.

Grounds for relief: Short-line distance formulas and circuitous routes—market-truck-water competition.

Tariff: Supplement 67 to Agent Prueter's I. C. C. A–3917.

FSA No. 32618: *Sand—West Virginia to southern points.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sand, ground or pulverized, carloads from Berkeley Springs and Hancock, Md., and Gore, Va., to specified points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 23 to Agent Boin's tariff I. C. C. A–1079.

FSA No. 32619: *Potash—Carlsbad and Loving, N. Mex., to Wateree, S. C.* Filed by The Atchison, Topeka and Santa Fe Railway Company for itself and interested rail carriers. Rates on potash, carloads from Carlsbad and Loving, N. Mex., to Wateree, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 110 to Atchison, Topeka and Santa Fe Ry. Company's tariff I. C. C. 14478.

FSA No. 32620: *Molasses—Spearmint, Utah to Illinois, Missouri and Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on beet sugar final molasses, tank-car loads from Spearmint, Utah to Chicago, Crescent, Crystal Lake, Decatur, Pekin, Peoria, Ill., Milwaukee, Wis., and St. Louis, Mo.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 29 to Agent Prueter's tariff I. C. C. A–4123.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7397; Filed, Sept. 13, 1956; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

AREA DIRECTOR OF URBAN RENEWAL, PUERTO RICO AREA OFFICE

AMENDMENT OF REDELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The redelegation of authority with respect to the slum clearance and urban renewal program effective as of February 18, 1955 (20 F. R. 1061, 2–18–55), is hereby amended in the following respects:

(1) In subparagraph numbered 1, by deleting the term "$4,000" and substituting the term "$10,000".

(2) Subparagraph numbered 3 is amended to read as follows:

3. Approve Preliminary Project Reports and execute Statements of Continued Obligation.

Effective as of the 14th day of September 1956.

[SEAL] R. L. STEINER, *Acting Urban Renewal Commissioner.*

[F. R. Doc. 56–7410; Filed, Sept. 13, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53A—DPAV–56 (a)]

TIDEWATER OIL CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in a plan of action entitled, "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply," dated August 10, 1956. The request and original list of acceptances were published in 21 F. R. 6686, September 5, 1956.

Tidewater Oil Company, 79 New Montgomery Street, San Francisco, California.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: September 11, 1956.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 56–7387; Filed Sept. 13, 1956; 8:45 a. m.]

OTTO L. NELSON, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions

Officer; Vice President, New York Building Congress, Inc.

Stocks; Farmers Cooperative Association.

Deletions

Officer; Treasurer, New York Building Congress, Inc.

This amends statement previously published in the FEDERAL REGISTER January 20, 1956 (21 F. R. 439).

Dated: July 10, 1956.

OTTO L. NELSON, JR.

[F. R. Doc. 56–7404; Filed, Sept. 13, 1956; 8:49 a. m.]

[ODM (DPA) Request No. 53—DPAV 46 (f)]

TIDEWATER OIL CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F. R. 5703, July 28, 1956, and an additional acceptance was published in 21 F. R. 6687, September 5, 1956.

Tidewater Oil Company, 79 New Montgomery Street, San Francisco, California.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: September 11, 1956.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 56–7386; Filed, Sept. 13, 1956; 8:45 a. m.]

JAMES B. FISK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER April 28, 1956 (21 F. R. 2800).

Dated: August 1, 1956.

JAMES B. FISK.

[F. R. Doc. 56–7405; Filed, Sept. 13, 1956; 8:49 a. m.]

CHESTER F. OGDEN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Accessions

General Dynamics, McLouth Steel, General Electric.

Deletions

New Continental Oil Co. of Canada, Ltd.

This supersedes statement previously published in the FEDERAL REGISTER May 4, 1956 (21 F. R. 2995).

Dated: August 1, 1956.

CHESTER F. OGDEN.

[F. R. Doc. 56–7406; Filed, Sept. 13, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3510]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

SEPTEMBER 10, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of ____ percent Debentures, Series G, due 1981 ("New Debentures"). The interest rate to be borne by the New Debentures and the price to the company (to be not less than 99 percent nor more than 101½ percent of the principal amount) will be determined by competitive bidding.

The New Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, as Trustee, dated as of August 1, 1950, as heretofore supplemented and as to be further supplemented by a Sixth Supplemental Indenture, dated as of October 1, 1956.

The proceeds of the New Debentures together with other funds will be applied to Columbia's 1956 construction program, involving total expenditures of approximately $73,000,000. It is estimated that the additional $25,000,000 to be raised by the sale of the New Debentures will enable Columbia to complete this program.

A statement of the fees and expenses paid or to be paid in connection with the proposed transaction will be filed by amendment.

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 25, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7398; Filed, Sept. 13, 1956; 8:48 a. m.]

[File No. 70–3504]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER AUTHORIZING RENEWAL OF PROMISSORY NOTE

SEPTEMBER 10, 1956.

Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and Electric Company ("Standard Gas") and a registered holding company, and Standard Gas, a registered holding company and subsidiary of Standard Shares, Inc., a registered holding company in the process of conversion into an investment company, have filed a joint application-declaration pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which will mature on September 10, 1956 and which bears interest at the rate of 3¼ percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest payable monthly at the prime interest rate prevailing at the date of the new note for short-term commercial bank loans, and will mature September 10, 1957, with the right of the issuer to anticipate at any time the payment of all or any part of the principal thereof.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7399; Filed, Sept. 13, 1956; 8:48 a. m.]

[File No. 7–1824]

NORTHEAST AIRLINES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 10, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Northeast Airlines, Inc., common stock; File No. 7–1824.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before September 26, 1956 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7400; Filed, Sept. 13, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-130]

WILHELM LEIPZIGER SPIRITUS-UND ZUCKERFABRIKS A. G.

In re: Bonds owned by Wilhelm Leipziger Spiritus-und Zuckerfabriks A. G., F-34-526.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by $50,000 principal amount European Mortgage Series "C" Corporation 7 percent Income Bonds due September 15, 1967 bearing the numbers M186/227 @ $1,000 and D28/43 @ $500 registered in the name of Wilhelm Leipziger Spiritus-und Zuckerfabriks A. G., together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States, which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Wilhelm Leipziger Spiritus-und Zuckerfabriks A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 11, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7402; Filed, Sept. 13, 1956; 8:49 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 85, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.385 (Valencia Orange Regulation 85, 21 F. R. 6813) are hereby amended to read as follows:

(ii) District 2: 1,062,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7445; Filed, Sept. 14, 1956; 8:49 a. m.]

[Valencia Orange Reg. 86]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.386 *Valencia Orange Regulation 86*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the cir-

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FEDERAL REGISTER

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cumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 13, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 16, 1956, and ending at 12:01 a. m., P. s. t., September 23, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 970,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7517; Filed, Sept. 14, 1956; 11:34 a. m.]

[Grapefruit Reg. 247]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.799 *Grapefruit Regulation 247*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 17, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until September 17, 1956; the recommendation and supporting information for continued regulation subsequent to September 16, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 11, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 17, 1956, and ending at 12:01 a. m., e. s. t., October 1, 1956, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7446; Filed, Sept. 14, 1956; 8:49 a. m.]

[Lemon Reg. 658, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.765 (Lemon Regulation 658; 21 F. R. 6814, are hereby amended to read as follows:

(ii) District 2: 255,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7423; Filed, Sept. 14, 1956; 8:45 a. m.]

[Lemon Reg. 659]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.766 *Lemon Regulation 659*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable

time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 12, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 16, 1956, and ending at 12:01 a. m., P. s. t., September 23, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7484; Filed, Sept. 14, 1956; 9:06 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE SURPLUS, AND WITHHOLDING PERCENTAGES FOR MERCHANTABLE FILBERTS DURING FISCAL YEAR BEGINNING AUGUST 1, 1956

Pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97, as amended (7 CFR, Part 997) regulating the handling of filberts grown in Oregon and Washington, the salable, surplus, and withholding percentages for the fiscal year beginning August 1, 1956, are herein established.

The Filbert Control Board has estimated net trade demand for inshell filberts certified as merchantable during the 1956–57 fiscal year at 8,634,200 pounds and the supply available to meet such demand at 4,716,800 pounds. These estimates and other information available to the Department indicate that the supply of filberts will not be sufficient to meet anticipated trade demand.

Therefore, after consideration of all relevant information the following administrative rule is issued:

§ 997.206 *Salable, surplus, and withholding percentages for merchantable filberts.* For the fiscal year beginning August 1, 1956, the salable percentage for merchantable filberts shall be 100 percent, the surplus percentage shall be zero percent, and the withholding percentage shall be zero percent.

It is hereby found and determined that notice of proposed rule making, public participation therein, and the delaying of the effective date of this order later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest for the reasons that (1) the harvesting season for filberts is about to begin and it is desirable that the percentages be fixed as early as practicable in the fiscal year, and (2) this order imposes no obligation and compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 11th day of September 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7424; Filed, Sept. 14, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6262]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WILSON TOBACCO BOARD OF TRADE, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.397 *To control or restrict marketing or trading methods, practices and conditions.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wilson Tobacco Board of Trade, Inc. (Wilson, N. C.), et al., Docket 6262, August 23, 1956]

In the Matter of Wilson Tobacco Board of Trade, Inc., a corporation, and James I. Miller, Jr., Ula H. Cozart, Jr., Paul C. Darden, and Alton B. Boswell, individually and as Officers; Banner Warehouse of Wilson, Inc., a corporation, and Herbert H. Harriss, William Cecil Thompson, Joseph C. Eagles, Jr., and Ula H. Cozart, Jr., individually and as officers and directors; Harriss Sales Corporation, a corporation, and Herbert H. Harriss, John R. Harriss, and John M. W. Crute, individually and as officers and directors; Big Dixie Warehouse Company, Inc., a corporation, and Robert P. Dew, William Cecil Thompson, and Alvin B. Hicks, individually and as officers and directors; Wainwright's, Inc., a corporation, and George L. Wainwright, Susan M. Wainwright, and H. S. Askew, individually and as officers and directors; William Boyd Clark, Sr., William Boyd Clark, Jr., and Robert Clark, co-partners trading under the name and style of Clark's Warehouse, a partnership; S. Grady Deans, an individual operating under the name and style of Farmers Warehouse and Boyette & Deans; Bryan W. Carr, Eliza Carr Smith, and Will C. Smith, co-partners trading under the name and style of New Planters Warehouse, a partnership; Joseph C. Eagles, Jr., Ula H. Cozart, Jr., Sydnor M. Cozart, and Fred M. Eagles, co-partners trading under the name and style of Cozart-Eagles and Co., a partnership; Watson Warehouse Company, Inc., a corporation, and Ula H. Cozart, Jr., J. Henry Thompson, Paul C. Darden, H. W. Anderson, D. W. Woodard, Fred M. Eagles, Sydnor M. Cozart, Joseph C. Eagles, Jr., W. S. Lane, Jr., J. R. Edmundson, T. P. Sharpe, G. C. Cobb, J. R. Hunt, S. E. High, M. V. Wilkerson, J. N. Whitley, and N. G. Blackman, Jr., individually and as officers and directors; Growers Cooperative Warehouse, Inc., a corporation, and J. Roy Wilkerson, R. F. Speight, Stephen E. Griffin, W. O. Harrison, H. B. Nichols, Van D. High, Ray B. Williams, F. W. Scott, Robert S. Griffin, L. S. Farmer, Jr., and W. W. Taylor, individually and as officers and directors; James I. Miller Tobacco Co., Inc., a corporation, and Thomas D. Miller, James I. Miller, Jr., T. P. Thomas, and W. B. Waddill, individually and as officers and directors; Wilson Tobacco Company, Inc., a corporation, and Charles P. Lyles, John G. Boatwright, Charles A. Carr, Carl H. Lane, and J. Wilber Turner, individually and as officers and directors; Bryan W. Carr, and Eliza Carr Smith, co-opartners trading under the name and style of Smith-Carr, a partnership; each individually and as a member of the Wilson Tobacco Board of Trade, Inc.; Wilson Warehouse Association, an unincorporated association; and Sydnor M. Cozart, Stephen E. Griffin, and Alton B. Boswell, individually and as officers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an association of dealers in leaf tobacco, including the warehousemen operating the 19 warehouses on the Wilson, North Carolina,

tobacco market, together with its officers and members, with unreasonably restraining trade through collectively (1) allotting selling time for the ensuing year on the basis of the proportion of pounds sold by each warehouse to the total pounds sold by all, instead of on a basket basis; (2) limiting the amount of tobacco which might be resold by speculators or rehandlers other than warehousemen, and restricting the time when tobacco might be so resold; and (3) allotting to a newcomer on the Wilson market for his ensuing first year of operation the same amount of time as the last previous entrant had for that year, providing he built as large a warehouse, otherwise in proportion to the size built.

Following 22 hearings held at intervals in Wilson, N. C., resulting in over 3,000 pages of testimony and numerous exhibits, the hearing examiner made his initial decision, including findings of fact, conclusions, and order to cease and desist, from which both counsel filed cross-appeals.

After hearing the matter on the whole record, including briefs and oral argument, the Commission denied the cross-appeals, and after modifying the preamble so that the order not run against the respondents in their individual capacities, on August 23 adopted the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondents Wilson Tobacco Board of Trade, Inc., a corporation, and James I. Miller, Ula H. Cozart, Paul C. Darden and Alton B. Boswell, as officers; Banner Warehouse of Wilson, Inc., a corporation, and Herbert H. Harriss, William Cecil Thompson, Joseph C. Eagles, Jr. and Ula H. Cozart, as officers and directors; Harriss Sales Corporation, a corporation, and Herbert H. Harriss, John R. Harriss and John M. W. Crute, as officers and directors; Big Dixie Warehouse Company, Inc., a corporation, and William Cecil Thompson and Elvin B. Hicks, as officers and directors; Wainwright's, Inc., a corporation, and George L. Wainwright, Susan M. Wainwright and H. S. Askew, as officers and directors; William Boyd Clark, Sr., William Boyd Clark, Jr. and Robert Clark, co-partners trading under the name and style of Clark's Warehouse, a partnership; S. Grady Deans, an individual operating under the name and style of Farmers Warehouse and Boyette & Deans; Bryan W. Carr, Eliza Carr Smith and Will C. Smith, co-partners trading under the name and style of New Planters Warehouse, a partnership; Joseph C. Eagles, Jr., Ula H. Cozart, Sydnor M. Cozart and Fred M. Eagles, co-partners trading under the name and style of Cozart-Eagles and Co., a partnership; Watson Warehouse Company, Inc., a corporation, and Ula H. Cozart, J. Henry Thompson, Paul C. Darden, H. W. Anderson, D. W. Woodward, Fred M. Eagles, Sydnor M. Cozart, Joseph C. Eagles, Jr., W. S. Lane, Jr., J. R. Edmundson, T. P. Sharpe, G. C. Cobb, J. R. Hunt, S. E. High, M. V. Wilkerson, J. N. Whitley and N. G. Blackman, Jr., as officers and directors; Growers Cooperative Warehouse, Inc., a corporation, and J. Roy Wilkerson, R. F. Speight, Stephen E. Griffin, H. B. Nichols, Van D. High, Ray B. Williams, F. W. Scott, Robert S. Griffin, L. S. Farmer, Jr. and W. W. Taylor, as officers and directors; Bryan W. Carr and Eliza Carr Smith, co-partners trading under the name and style of Smith-Carr, a partnership; Wilson Warehouse Association, an unincorporated association, and H. H. Harriss, W. B. Clark, Jr. and Alton B. Boswell, as officers, directly or through any corporate or other device, in connection with procuring, purchasing, offering to purchase or selling or offering for sale, leaf tobacco, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, participating, continuing, cooperating in, or carrying out, or directing or instigating any planned common course of action, agreement, understanding, combination or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts or practices:

1. Adopting, using, adhering to, or maintaining any system or plan for the allocation of selling time to tobacco auction warehouses on the Wilson tobacco market on a poundage rather than a "basket" basis.

2. Adopting, using, adhering to, or maintaining any system or plan for the allocation of selling time to tobacco auction warehouses on the Wilson tobacco market, which puts any limit, or otherwise restricts the amount of tobacco, which may be resold by speculators or rehandlers, other than warehousemen, or which restricts the time when such tobacco may be so resold.

3. Adopting, using, adhering to, or maintaining, or attempting to adopt, use, adhere to or maintain any plan, system, method, policy or practice, which allots sales time to any new entrant warehouse on the Wilson market on the sole basis of the sales time allotted to any other single warehouse already operating on said market, or on the basis of the latter's size, or sales, or performance, on that market in any given year, or which has the purpose and effect of foreclosing or preventing any such new entrant or prospective entrant from participating in the tobacco business on the Wilson market, on a fair and equitable basis or opportunity.

4. Engaging in any act or practice, the purpose or intention of which is to effectuate any understanding, agreement or combination prohibited herein.

5. Effectuating or accomplishing any act, practice, policy or method, prohibited by any provision, or part of this order, through respondent Board or any other instrumentality, agent, agency, medium or representative.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to James I. Miller Tobacco Company, Inc., a corporation, Thomas D. Miller, James I. Miller, and W. B. Waddill, individually and as officers and directors thereof, and as to Wilson Tobacco Company, Inc., a corporation, and Charles P. Lyles, John G. Boatwright, Charles A. Carr, Carl H. Lane, and J. Wilbur Turner, individually and as officers and directors thereof.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents named in the aforesaid preamble shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: August 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7428; Filed, Sept. 14, 1956; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 213]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course; distance from facility; limiting distances	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
					Condition	2 engines or less		More than 2 engines (more than 65 knots)	
						65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10
BOSTON-BEDFORD, MASS. Hanscom. Procedure No. 1, Amendment No. 5, December 10, 1955.	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE, DATED OCTOBER 13, 1956.								

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course; distance from facility (outbound and inbound); altitudes; limiting distances	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established at authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)		Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
									65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BOSTON-BEDFORD, MASS. Hanscom. ILS 135.4 BED. HW(LOM)-BED. Combination ILS-ADF. Procedure No. 1 Original. Effective date: October 13, 1956. Major changes: ILS returned to operation.	N side of course: 1,600' outbound. 1,200' inbound; altitude 1,600' within 10 miles. Not authorized beyond 10 miles.				N side of course: 1,600' outbound. 1,200' inbound; altitude 1,600' within 10 miles. Not authorized beyond 10 miles.	ILS 1,600	390—0.6	T-dn C-dn	300–1 500–1	300–1 500–1	200–½ 500–1½	3.9 miles after passing HW make a left climbing turn to 2,000' on course of 292° from facility within 10 miles. Alternate missed approach: when directed by ATC, make a climbing left turn. Proceed direct to Lawrence Radio Beacon at 2,000' (3,000' when directed by ATC).
								S-dn ILS*	300–¾	300–¾	300–¾	
								ADF	500–1	500–1	500–1	
								A-dn ILS	600–2	600–2	600–2	
								ADF	800–2	800–2	800–2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 001, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-7320; Filed, Sept. 14, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 8 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports to the United States*, paragraph (b) *United States Import Certificate*, subparagraph (2) *Where to file* is amended by deleting "El Paso" from the list of Department of Commerce field offices.

2. Section 373.40 *Iron and steel*, paragraph (d) *Iron and steel scrap* is amended to read as follows:

(d) *Iron and steel scrap*—(1) *General.* A license application to export iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090, except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap (scrap located in American possessions outside the continental United States) is to be exported, will be considered by the Bureau of Foreign Commerce only where the application contains the certification described in subparagraph (2) of this paragraph.

(2) *Evidence of Availability required.* The following certification shall appear on each application:

I (We) certify that the iron and steel scrap commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than ----------.

(Date)

(3) *Validity period.* A license to export iron and steel scrap, except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap is to be exported, will be issued for a maximum validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on September 15, 1956, would expire on December 31, 1956. All licenses for iron and steel scrap destined for Mexico and all licenses for "offshore" scrap to be exported to any destination shall bear the usual six-month validity period.

(4) *Documentation.* Exporters are advised that in accordance with the provisions of § 372.10, of this subchapter it may be necessary in some instances to require additional documentation in support of license applications. Where this occurs, the applicant will be advised after review of the application by the Bureau of Foreign Commerce.

[1] This amendment was published in Current Export Bulletin No. 769, dated September 13, 1956.

NOTE: In accordance with the provisions of § 379.3 (c) (3) of this subchapter, in all cases where a Shippers Export Declaration is required by the Export Regulations or the Regulations for the collection of Statistics of Foreign Commerce and Navigation of the United States, the shipper shall present to the Collector of Customs an additional copy of the Declaration for exportations of iron and steel scrap, Schedule B Nos. 601010 through 601090.[1] The additional copy shall bear the following notation in the upper right corner: "COMM-8."

This amendment shall become effective as of September 13, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director, Bureau of Foreign Commerce.*

[F. R. Doc. 56-7435; Filed, Sept. 14, 1956; 8:48 a. m.]

[1] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.222 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $1,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-7447; Filed, Sept. 14, 1956; 8:50 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A6]

MILK IN TOPEKA, KANS. MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Topeka, Kansas marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Topeka, Kansas, on July 10 and 11, 1956, pursuant to notice thereof which was issued June 20, 1956 (21 F. R. 4517). The material issues of record related to:

1. Extension of the marketing area;
2. Definition of pool plants;
3. Location adjustments;
4. Base-rating provisions; and
5. The Class II price.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Marketing area.* The Topeka, Kansas, marketing area should be extended to include all of Lyon County, in which Emporia is the county seat and largest city.

There is very extensive competition between Topeka and Emporia handlers in the sale of milk. Two of the three handlers whose plants are located at Emporia have been the successful bidders on contracts within the Topeka marketing area. During the period July 1954 through March 1955, this contract business was so extensive that at each of the plants it accounted for more than 25 percent of their total receipts of Grade A milk (more than 20 percent in March 1955), thus qualifying them as Topeka pool plants during the 9-month period. During the months of April through December 1955, the operators of these two plants still retained sufficient contract business to qualify as handlers under the Topeka order but not as pool plants.

Some Topeka handlers also have extensive sales in Emporia and Lyons Counties. One of them maintains a distributing point in Emporia from which wholesale and retail routes are operated throughout the county and into such additional territory as can more conveniently be served from the Emporia distributing point than from the bottling plant at Topeka.

The two groups of handlers also compete extensively with each other in sales territory outside of Shawnee or Lyon Counties including competitive bidding on the large contracts for Fort Riley, near Manhattan, Kansas.

In view of such extensive direct competition, the two groups of handlers should be on a strictly comparable basis in their purchase of milk from producers. Their supplies of milk should be classified in accordance with use and priced uniformly. A great majority of the producers shipping Grade A milk to the three distributors in Emporia are members of an unincorporated cooperative association. This association actively supported expansion of the order to include Lyon County. The Topeka procurement area almost entirely overlaps the Emporia milkshed and extension of the order would assure producers of the same uniform price regardless of the particular handlers to which they deliver their milk. The producers delivering to Emporia plants would also participate in the same seasonal incentive (the base and excess plan), have the same services of checking weights and tests, and have the same access to complete market information as provided under the present order to producers delivering to Topeka plants.

A proposal that Morris County, Kansas, be included in the marketing area was not supported at the hearing and that county should not be included in the marketing area.

2. *Pool plants.* Under the present Topeka order, only distributing plants are defined as pool plants. Distributing plants are those at which milk is received from producers, pasteurized, and bottled and from which the bottled milk is distributed to wholesale and retail customers. In most of the medium-sized cities of the country these are the only types of milk plants involved in the distribution of fluid milk.

In the larger metropolitan areas, however, the milksheds have become too extensive for farmers to deliver their milk directly to city plants. Instead, it is more economical for the milk to be assembled at country points, cooled, and shipped to the distributing plants in tank truck lots. It is also common for these country supply plants to be equipped with manufacturing facilities. The daily and seasonal surpluses of milk not needed for bottling can then be processed at the country plants instead of being transported into the distributing plants.

There is now such a supply plant serving the Topeka market. It supplies milk to a distributing plant whose supply of direct-delivered milk is far short of its bottling needs. The country supply plant furnishes milk to the distributor whenever it is needed. Commonly, of course, the supply plant milk is called upon most extensively during the late summer and fall months when production is seasonably low. If a substantial volume of such plant's supply of milk is called in by the distributing plant during the fall months, the supply plant should be considered as a regular part of the market supply. Those producers should participate in the equalization pool throughout the year. At the hearing extensive consideration was given to providing objective standards in the order for determining whether a supply plant was sufficiently associated with the market through its performance to become fully regulated under the order and to participate in the marketwide pool. The experience of the supply plant which is already serving the market was described in some detail and furnishes a valuable guide to the development of standards. However, it is essential that the standards accommodate any other supply plant operations which may become closely associated with the market in the future.

A supply plant should qualify as a year-round pool plant if 50 percent of its available supply is shipped to distributing plants in each of the months of August through December. These are the months of shortest supply in the Topeka market and are, therefore, the months in which distributing plants would be most likely to require milk from supply plants. Producers proposed that July be included as one of the qualifying months. It has been a shortage period in recent years, but is still a base-operating month and producers testified that, in their judgment, it should remain in that category. Accordingly, it should not be included in the supply plant qualification period. Since the hearing was not held early enough to permit an amendment to be effective throughout the 1956 shipping period, the requirement should apply only from the effective date of the order through December 31 of 1956 and to the entire August-December period in subsequent years. It was testified that the supply plant presently serving the market would probably ship 70 percent or more of its available supply in each of the specified months. However, the increasingly common practice of bottling milk only 5 or 6 days per week and unforeseeable fluctuations in Class I sales and, more particularly, in receipts from producers would make it exceedingly difficult for a country plant to average so high a rate of shipment in each of the specified months. A 50 percent standard will assure the market that any supply plant which qualifies thereunder will, in fact, be a major supplier to distributing plants.

Any supply plant should qualify as a pool plant in the first month in which it ships 50 percent of its available supply. Commonly, any new supply plant would become associated with the market during one of the fall months, but it is entirely conceivable that rearrangement of receiving facilities could occur even during the months of flush production. It is, therefore, provided that the supply plant qualify for the first and each succeeding month that it ships the 50 percent, but that it would not stay qualified without making shipments during the flush months unless it had been part of the market supply during the preceding short months.

The shipping percentages are computed on the basis of the "available" supply. The operator of the supply plant currently serving the Topeka market with bulk milk also has a sizeable bottling and distribution operation in local areas outside of the Topeka marketing area. The volume of such sales is, of course, fairly constant throughout the year and the quantity of milk so disposed of is not, as a practical matter, available to Topeka distributors. The bottling of milk for local sale is a rather common operation at supply plants. These sales would be reported as Class I utilization and would be fully subject to the order. Such sales should be deducted from the total receipts of milk at a supply plant to determine the total quantity which is available for the Topeka market. The quantities shipped to Topeka distributors should then be divided by the available supply rather than by the total supply to determine whether the 50 percent requirement has been met.

On the other hand, this particular supply plant has also sold bulk supplemental milk to distributors at plants in Texas and other markets outside of Topeka. The purpose of the supply plant definition is to determine whether any given operation is primarily associated with Topeka or with some other market. Obviously, any plant which ships more of its available bulk supply of milk to Texas or other markets than to Topeka cannot logically be considered a part of the Topeka supply and should not be carried in the Topeka pool during the succeeding flush period.

It was further proposed that supply plant shipments be directly related to the need for Class I milk at the distributing plant through an allocation procedure. It appears, however, that the present standards for distributing plants provide a degree of Class I identification. The order now requires that a distributing plant must keep 50 percent of its total receipts in Class I during the months of July through February and 40 percent during the months of March, April, May and June in order to qualify as a pool plant. This requirement should be broadened to include not only the milk received at the distributing plant directly from producers' farms but also that shipped in from supply plants. Another safeguard against the possibility that country plants will ship milk without regard to Class I needs, merely to participate in the marketwide pool, is provided by denying a location adjustment on milk shipped in excess of Class I use.

The addition of a supply plant definition does not significantly affect those provisions of the order relating to unpriced milk. These now provide that if other source milk is received at a pool plant and allocated to Class I, there will be compensatory payments except in circumstances when producer milk is not available. In the past, during the months when supplemental milk has been obtained by handlers, producer milk has not been available, and compensatory payments have not been assessed. The nearby plant which has performed a supply plant function has furnished milk to a distributing plant under these circumstances. If this plant, or others performing similar functions, qualify as pool plants, their total supply of milk will be priced.

Review of the order provisions relating to pool plant definitions and unpriced milk disclose that if supplemental milk was received from a plant regulated under another Federal order and allocated to Class I, it would be subject to any compensatory payments which might apply. Apparently such a situation has not arisen, but it should be provided for. Since such milk would already have been priced under the original order in accordance with use, no further payment should be assessed. This can be accomplished by providing a separate step in the allocation provisions for milk from sources regulated under another order and by specifically exempting from compensatory payments any of such milk as may be classified as Class I under the Topeka order.

At present, the definitions of "approved dairy farmer" and "approved plant" refer both to health standards and to physical operations in the distribution of milk in the marketing area. Further operational requirements are then specified in the "pool plant" and "handler" definitions. In revising these latter definitions, it appears administratively desirable to confine the approved definition to health standards and to cover the standards for physical operations in the handler and pool plant definitions.

3. *Location adjustments.* Location adjustments are not provided for under the present Topeka order. Until recently, the procurement, bottling, and sale of milk was carried on exclusively by distributing plants located in or near the marketing area and location adjustments were not applicable. Only these distributing plants were defined as pool plants.

The development of supply plants makes it necessary to consider location adjustments, since such facilities are commonly located at considerable distances from the market. It is also widely recognized that distributing plants are serving much wider sales territories than they did a few years ago. It is quite possible that milk may be distributed directly in the Topeka marketing area from plants located at substantial distances from the market. If so, a location adjustment should be allowed in order to equalize the cost of such milk, at the marketing area, with the cost of milk to handlers whose plants are physically located in the area.

The location adjustments to handlers should be at the same rates as the location adjustments provided under the Kansas City order. Kansas City is the closest other Federal order market and hauling conditions are approximately the same in the two areas. The Kansas City rates appropriately reflect transportation costs.

One modification which should be made in the Kansas City location adjustment structure is occasioned by extension of the Topeka marketing area to include Lyon County and the City of Emporia. Distances should be measured from the City Hall in Emporia or in Topeka, whichever is closer.

The location adjustment to handlers should apply only on milk utilized for Class I purposes. In the case of bulk milk transferred from a supply plant to a distributing plant, an allocation procedure is necessary to determine what proportion of milk so transferred can be considered as having been used for Class I purposes at the distributing plant. This can be accomplished by deducting from the distributing plant's total Class I use the quantity of milk received at such plant directly from producers' farms. The remaining Class I utilization would be assigned to the milk received from supply plants. In case a distributing plant receives milk from more than one supply plant, the milk received from the nearest location would be assigned first to the Class I use.

The location adjustments to producers should be at the same rates as to handlers, but should apply to all the milk delivered by producers to any plant at which the location adjustments apply. Producers delivering milk to supply plants are pooled throughout the year, even though their milk may physically be received in the market only during the summer and fall months. Whenever the milk is physically needed, transportation charges are incurred for the haul from the distant plant to the marketing area. It follows that its potential value to the market, whether or not it is physically moved, is reduced by the amount of the location adjustment.

4. *Base-rating.* The order should not be amended to provide a base for producers entering the market after the base-setting months of September through December. A handler proposed that producers entering during any of the base-operating months of January through July be provided a base proportionate to the market average percentage of base deliveries.

In all markets where new producers are allowed to establish bases, old producers (those who had established bases during the regular base-setting months) are allowed to relinquish their old bases and establish new ones under the same conditions as apply to new producers. This is done in the interest of equity since old producers may have changed their operations or recovered from some adversity which prevailed during the base-setting period to an extent that they are almost as much new shippers as producers who had not previously been associated with the market. At the Topeka hearing, producers testified that a new producer provision coupled with one for relinquishing old bases would greatly reduce the effectiveness of the base plan in leveling production.

The extensive intermingling of Topeka and Kansas City shippers must also be considered in this connection. The base-rating plans in the two markets are now identical. Any substantial change in the operation of the plan, particularly in the smaller of the two markets, might seriously disrupt competitive relationships and affect the relative supply of milk in the two markets.

The base-rating provisions should be changed, however, to accommodate shippers to any plants which may qualify as supply plants this fall. This can be accomplished in the same fashion as bases were established in the fall of 1954 when these provisions of the order first became effective. Producers shipping to newly qualified supply plants should be permitted either to establish bases on their deliveries during the period from the effective date of the amending order through December 1956 or to have a base computed from verifiable delivery records for the entire period September through December 1956.

5. *Class II price.* Producers testified that they did not consider the present Class II price provisions of the order appropriate to the marketing area as proposed to be extended.

The most obvious deficiency concerns the list of local manufacturing plants on which the Class II price has been based. One of the three plants has discontinued operations entirely. Another plant is operated in conjunction with a Grade A receiving station which is a regulated supply plant under the Kansas City order. The third plant is operated by the major handler under the Topeka order. In addition to its manufacturing plant at Topeka, this handler also maintains a receiving station at Emporia which frequently accepts surplus milk from fluid handlers in that locality in addition to milk from ungraded shippers. This milk is then transported to the Topeka plant for processing.

There are manufacturing plants in Kansas which are not associated with fluid milk operations under Federal orders, and the local plant price should

be based upon a representative number of such plants. Three such plants are already used for similar purposes under other Federal orders. These are the Borden Company plant at Ft. Scott, Kansas; the Pet Milk Company plant at Iola, Kansas; both condenseries; and the Arkansas City Cooperative Milk Association plant at Arkansas City, Kansas, a plant which specializes in the manufacture of butter and nonfat dry milk. Other plants which appear appropriate for this use include the Carnation Company plant at Girard, Kansas, a condensery, and the Swift and Company plant at Parsons, Kansas, which specializes in the manufacture of American cheese.

The Class II price should be strengthened by using a butter-powder formula as an alternative to the local plant price during the months of lowest production, August through January. To date, the Topeka handlers do not appear to have acquired supplies in excess of Class I needs. During 1955, substantial quantities of milk were imported for Class I purposes in the months of September, October, and November. However, either the present handlers or the prospective new ones may in the future be encouraged to build up Grade A supplies in excess of bottling needs if Class II prices are too low in relation to the values of the resulting products.

One indication that the local plant prices are not fully representative of the value of milk for Class II uses during the short season is that they have been substantially lower than those prevailing in nearby markets. The Kansas City Class II price for the 6 months of low production (September through February in that market) are established by the basic formula price. During the period September 1955 through February 1956 they averaged 35.7 cents above the Topeka Class II price. In the Wichita and Southwest Kansas markets, the Class II price is the average price paid at manufacturing plants throughout the United States. In the same 6-month period these averaged 10.5 cents higher than Topeka. For the 12-month period March 1955 through February 1956 the Topeka Class II price averaged 21.6 cents below the Kansas City price and 10.3 cents below Wichita and Southwest Kansas. Clearly, the Topeka Class II prices are substantially below those applying to similar uses in adjacent Federal order markets and below the U. S. average price for manufacturing grade milk.

Another indication that the Class II price does not fully reflect manufacturing values is the payment by manufacturing plants of premiums over the reported prices on which the Class II price is based. A research study by the U. S. Department of Agriculture, cited at the hearing, disclosed that during the years 1951 through 1953 supplemental payments were substantial. They consisted mainly of hauling subsidies and quality payments. It was testified that the latter are still in effect. Also, it was pointed out that these premiums are of such magnitude that producers can gain a price advantage by marketing their excess milk directly at manufacturing plants rather than through their regular handlers.

In the months of August through January, only a comparatively small proportion of Topeka receipts are utilized for Class II purposes. In the period August 1955 through January 1956 the percentage of producer milk in Class II ranged from lows of 2 percent in August and September to a high of 26 percent in January and averaged 16 percent. During these months a substantial portion of such producer milk as is classified as Class II is utilized for cottage cheese or ice cream in the handler's plants. It is commonly recognized that milk for these uses commands a premium over milk for other manufacturing uses. For example, in mid-June 1956, a plant at Emporia was paying 31 cents per hundredweight over the Topeka Class II price for milk for use in the manufacture of ice cream. Moreover, during this period, there is little or no need to incur the expense of transporting surplus milk from handlers' plants to manufacturing plants for processing.

The butter-powder formula should be computed by subtracting 3 cents from the price of 92-score butter at Chicago, adding a 20 percent yield factor, multiplying by 3.8, the standard test of milk, and adding a value of the nonfat portion obtained by deducting 5.5 cents from the average prices of spray and roller process nonfat dry milk at Chicago area plants and multiplying by a yield factor of 7. This formula does not result in as high a level of prices as that proposed by producers. However, from August 1955 through January 1956 it would have increased the Class II price by an average of 21.2 cents per hundredweight. In view of the available outlets for Class II milk, it is concluded that the increases provided herein are appropriate to conditions as they exist in the market at this time.

The local plant price should be used during the months of February through July and the butter-powder alternative should be applied during the remaining months of August through January. The February through July period is the same as that used for operation of the base-excess plan. Producers specifically testified that the base-operating months should not be changed. It is noted, however, that the records of receipts and utilization for recent years shows that July through December are the 6 months of lowest supply in relation to sales and that January through June are the months of highest production. If interested parties in the market consider it likely that July will continue to be one of the short months instead of one of the months of flush production, it would be appropriate to change the months of the base-operating period, those applying to pool plant qualification, and those in which the butter-powder price is part of the Class II formula.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Revise § 980.5 to read as follows:

§ 980.5 *Topeka, Kansas, marketing area.* The "Topeka, Kansas, marketing area," hereinafter called the "marketing area", means the cities of Topeka and Emporia, and all of the territories included within the counties of Shawnee and Lyon, all in the state of Kansas.

2. Revise § 980.6 to read as follows:

§ 980.6 *Approved dairy farmer.* "Approved dairy farmer" means any person who delivers to an approved plant milk:

(a) Approved under a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk; or

(b) Acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1, or Type III, No. 1.

3. Revise § 980.8 to read as follows:

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

4. Revise § 980.9 to read as follows:

§ 980.9 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a producer-handler:

(a) Any approved plant, hereinafter referred to as a "distributing plant", from which during the month the quantity of milk disposed of as Class I milk on a route(s) in the marketing area is equal during April, May, June, or July to 20 percent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or during August through March to 25 percent of such receipts: *Provided,* That the total quantity of milk disposed of as Class I milk on routes from such plants is equal during April, May, June, or July to 40 percent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or during August through March to 50 percent of such receipts; or

(b) Any approved plant, hereinafter referred to as a "supply plant," from which, during the month not less than 50 percent of its supply of milk from approved dairy farmers, less any milk regularly disposed of as Class I on routes other than transfers to other handlers, is moved to a distributing plant(s): *Provided,* That any supply plant which has shipped to a distributing plant(s) the required percentage of its supply of milk from approved dairy farmers during each of the months of October, November, and December 1956, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July.

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

5. Revise § 980.10 to read as follows:

§ 980.10 *Handler.* "Handler" means (a) any person in his capacity as operator of a pool plant, (b) any person who operates an approved plant from which Class I products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

6a. In § 980.46 (a), add the following new subparagraphs (2) and (3) to read as follows:

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

b. In § 980.46 (a) change the designation of the existing subparagraphs "(3)", "(4)", "(5)", and "(6)" to "(4)", "(5)", "(6)" and "(7)", respectively.

7. Revise § 980.50 (b) to read as follows:

(b) *Class II milk.* The price of Class II milk in delivery periods during the months of February through July shall be equal to the price specified in subparagraph (1) of this paragraph and during the months of August through January shall be the higher of the prices specified in subparagraphs (1) and (2) of this paragraph:

(1) The average price ascertained by the market administrator to have been paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants:

Present Operator and Location

Borden Co., Ft. Scott, Kansas;
Carnation Co., Girard, Kansas;
Pet Milk Co., Iola, Kansas;
Arkansas City Cooperative Milk Association, Arkansas City, Kansas;
Swift & Co., Parsons, Kansas; or

(2) A price equal to the sum of the plus values of the following computations:

(i) From the simple average, as computed by the market administration, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, and multiply by 7.

8. Add a § 980.52 as follows:

§ 980.52 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Topeka or Emporia, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 980.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles, but not more than 70 miles from such city hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a supply plant as defined in § 980.9 (b) to a distributing plant as defined in § 980.9 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the distributing plant exceeds receipts of milk from producers' farms: *Provided,* That if milk is received by a distributing plant from more than one supply plant, the milk so classified as Class I shall be deemed to have been transferred from the supply plants in the order of their least distance from the applicable city hall.

9. Delete the proviso in § 980.66 (a) and substitute therefor the following: "*Provided,* That the daily base applicable during the delivery periods of February through July 1957 for producers delivering milk to any plant qualifying as a pool plant pursuant to § 980.9 (b) shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the delivery periods from the effective date hereof through December 1956."

Filed at Washington, D. C. this 12th day of September 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7448; Filed, Sept. 14, 1956; 8:50 a. m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

RHODODENDRONS UNDER POSTENTRY QUARANTINE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), is considering the amendment of § 319.37-19 (c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-19 (c); 21 F. R. 2589) by revising the item therein relating to "Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage)" to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).	Europe (except The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (DC.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants shall be permitted entry in accordance with the provisions of § 319.37–6.)

This amendment would exempt Rhododendron spp. (including azaleas) of the categories designated, imported from The Netherlands, from the list of restricted material that is to be grown under postentry quarantine.

The United States Department of Agriculture has acquired evidence which it considers to be conclusive that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (DC.) Savile, does not occur in The Netherlands and that the rust is being prevented entry therein by adequate plant quarantine measures. Therefore, such Rhododendron spp. would be permitted entry in accordance with the provisions of § 319.37–6.

The acquired evidence that is considered to be conclusive includes negative rust surveys in Holland during 1948, 1955 and 1956 by plant pathologists of the Department. Furthermore, the disease has not been observed by either Federal or State inspectors in any Holland-grown azaleas or rhododendrons grown here under post-entry quarantine. There are no known authentic reports in world literature of occurrence of the rust in The Netherlands, nor has the rust ever been observed in Holland-grown Rhododendron spp. offered for import into the United States. Also, a formal statement has been received from the Phytopathological Service of The Netherlands affirming that this species of rust does not occur in that country and citing the quarantine measures adopted to prevent its entry from other countries. These quarantine measures are deemed adequate.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159 162)

Done at Washington, D. C., this 11th day of September 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56–7425; Filed, Sept. 14, 1956; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6436]

NORTHEASTERN STATES AREA CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference covering the local air service pattern in the Northeastern States Area Case, Docket No. 6436, is assigned to be held on October 15, 1956, at 10 a.m., e. d. s. t., in Conference Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D. C., before Examiner John Cannon.

It is contemplated that this proceeding will cover the local air service pattern in the northeastern states and consideration will be given in this conference to the consolidation for hearing and decision of some or all of the following applications:

Docket No., Applicant, and Description

6346, State of New Hampshire, Service to Keene.

6690, United Air Lines, Delete Bradford, Pa. from Rt. 1.

6706, Mohawk Airlines, Inc., Binghamton/Endicott/Johnson City-Boston.

6869, Allegheny Airlines, Cincinnati-New York.

6941, Mohawk Airlines, Inc., Glens Falls and Keene.

7184, Mohawk Airlines, Inc., Elmira/Corning-Cleveland.

7284, Allegheny Airlines, Cincinnati-Syracuse.

7317, Mohawk Airlines, Inc., Massena-Buffalo via Ogdensburg, Watertown, etc.

7318, Mohawk Airlines, Inc., Plattsburg-Buffalo via Lake Placid.

7377, Mohawk Airlines, Inc., Rochester-New York-Binghamton-Buffalo.

8096, Allegheny Airlines, Harrisburg-Washington.

8099, Mohawk Airlines, Inc., Pittsburgh-Utica-Rome/Syracuse.

8100, Mohawk Airlines, Inc., Cleveland-Utica-Rome/Syracuse.

8101, Mohawk Airlines, Inc., Cleveland-Utica-Rome via intermediate points.

Attention is directed to § 302.12 (b) of the Board's rules of practice which specifies:

A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application.

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before October 5, 1956 a motion for consolidation with Examiner Cannon and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before October 5, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., September 12, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56–7450; Filed, Sept. 14, 1956; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

JOHN S. PFEIL

NOTICE OF APPOINTMENT AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on August 20, 1956, in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently employed by Stone and Webster, Inc., Boston, Massachusetts.

Mr. Pfeil's statement of his personal business interest is set forth below.

Dated: September 11, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

Stone & Webster Realty Corp.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

West Coast Transmission Co.
M. Lowenstein & Sons Co.
Texas Gas Transmission Co.
Massachusetts Investors Trust.
General Motors Corporation.
Texas Gas Transmission Co.
Continental Baking Co.

Hertz Corporation.
New York Omnibus Co.
Eaton & Howard Trust.
Eastern Utilities Associates.
Incorporated Investors Trust.
Bank of America.
Craftsmen Insurance Co.
Guaranty Trust Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: August 20, 1956.

JOHN S. PFEIL.

[F. R. Doc. 56–7426; Filed, Sept. 14, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

IOWA, KANSAS AND NEBRASKA; CONSENT TO GRAZE LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 5205, 5685, 5959, and 6879, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

COUNTY AND PERIOD
IOWA
Liberty and Union Townships in O'Brien County, and that portion of Monona County not heretofore designated.—August 28–December 31, 1956, inclusive.
KANSAS
Barber, Graham, Pratt—August 28–September 30, 1956, inclusive.
NEBRASKA
Non-irrigated land in Dawson County—August 28–December 31, 1956, inclusive.

Issued at Washington, D. C., this 12th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–7449; Filed, Sept. 14, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11562, 11807; FCC 56M–825]

WARREN L. MOXLEY AND JONES T. SUDBURY

ORDER SCHEDULING HEARING

In re applications of Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP–9922; Jones T. Sudbury, Martin, Tennessee, Docket No. 11807, File No. BP–10575; for construction permits.

It is ordered, This 7th day of September 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 5, 1956, in Washington, D. C.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7437; Filed, Sept. 14, 1956; 8:48 a. m.]

[Docket Nos. 11673, 11674; FCC 56M–833]

MISSISSIPPI BROADCASTING CO. (WCOC–TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING

In re applications of Mississippi Broadcasting Company (WCOC–TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT–3213; for modification of construction permit and Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT–2031; for television construction permit (Channel 7).

On the oral request of counsel for the applicants, and without objection by counsel for the Broadcast Bureau: *It is ordered,* This 11th day of September, 1956, that the hearing now scheduled for September 17, 1956, is continued to Monday, October 8, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7438; Filed, Sept. 14, 1956; 8:48 a. m.]

[Docket No. 11786 etc.; FCC 56M–821]

WEST SHORE BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP–9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP–9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP–10500; for construction permits.

Pursuant to §§ 1.813 and 1.841: *It is ordered,* This 11th day of September, 1956, that a prehearing conference is scheduled for Monday, September 17, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7439; Filed, Sept. 14, 1956; 8:48 a. m.]

[Docket No. 11791; FCC 56M–834]

RADIO MOUNT KISCO, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Radio Mount Kisco, Inc., Mt. Kisco, New York, Docket No. 11791, File No. BP–10344; for construction permit.

Pursuant to § 1.813: *it is ordered,* This 11th day of September, 1956, that a prehearing conference is scheduled for Monday, September 17, 1956, at 2 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7440; Filed, Sept. 14, 1956; 8:48 a. m.]

[Docket No. 11803; FCC 56M–822]

BOSQUE RADIO

ORDER SCHEDULING HEARING

In re application of George H. Cook tr/as Bosque Radio, Clifton, Texas, Docket No. 11803, File No. BP–10361; for construction permit.

It is ordered, This 7th day of September 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1956, in Washington, D. C.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7441; Filed, Sept. 14, 1956; 8:48 a. m.]

[Docket Nos. 11804, 11805; FCC 56M–823]

RADIO WAYNE COUNTY, INC. AND RADIO NEWARK, INC.

ORDER SCHEDULING HEARING

In re applications of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP–10316; Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP–10527; for construction permits.

It is ordered, This 7th day of September 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1956, in Washington, D. C.

Released: September 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7442; Filed, Sept. 14, 1956; 8:49 a. m.]

[Docket Nos. 11814, 11815; FCC 56M-835]

GREAT WESTERN RADIO CO. AND JOHN JACK BENTLEY

ORDER SCHEDULING HEARING

In re applications of George Wayne Inglis and Elvis Leo Roberts, d/b as Great Western Radio Company, Midland, Texas, Docket No. 11814, File No. BP-10466; John Jack Bentley, Stanton, Texas, Docket No. 11815, File No. BP-10613; for construction permits.

It is ordered, This 7th day of September 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 5, 1956, in Washington, D. C.

Released: September 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7443; Filed, Sept. 14, 1956; 8:49 a. m.]

[Docket Nos. 11816, 11817; FCC 56M-838]

HOWARD C. NIESEN AND SOUTH GATE DEVELOPMENT CO., INC.

ORDER SCHEDULING HEARING

In re applications of Howard C. Niesen, Sarasota, Florida, Docket No. 11816, File No. 684-C2-P-56; South Gate Development Company, Inc., Sarasota, Florida, Docket No. 11817, File No. 1327-C2-P-56; for construction permits for stations in the Domestic Public Land Mobile Radio Service.

It is ordered, This 7th day of September 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 8, 1956, at 10 a. m., in Washington, D. C.

Released: September 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7444; Filed, Sept. 14, 1956; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ATTORNEY GENERAL OF THE UNITED STATES

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES OF REAL PROPERTY IN SAN DIEGO COUNTY, CALIFORNIA

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), herein called the "act," and in accordance with section 3 of the act of August 27, 1935 (40 U. S. C. 304c), authority is hereby delegated for the period ending June 30, 1957, to the Attorney General of the United States to negotiate, without advertising, under section 302 (c) (9) of the act, for two leases covering necessary real property in San Diego County, California, with improvements, for radio transmitting and receiving purposes, for firm terms not in exess of five years each.

2. The delegation of authority to negotiate under section 302 (c) (9) of the act shall be subject to all provisions of Title III thereof and all other provisions of law.

3. Any such leases shall be executed by June 30, 1957, and may be amended from time to time, and also may be renewed for two additional periods of five years each.

4. The Attorney General of the United States may redelegate this authority to any officer or employee of the Department of Justice.

5. This delegation of authority is effective immediately.

Dated: September 11, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-7432; Filed, Sept. 14, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4280, etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

ORDER AMENDING ORDER REOPENING PROCEEDINGS

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280, Mid-Continent Petroleum Corporation, Docket No. G-4281, Warren Petroleum Corporation, Docket No. G-4282, Oil Drilling, Inc., et al., Docket No. G-4283, Lone Star Gas Company, Docket No. G-8763.

The proceedings in the above matters were reopened by order issued July 26, 1956, upon a joint petition to reopen proceedings in the first three dockets listed for the purpose of allowing petitioners to offer in evidence amendments to their gas purchase contracts entered into subsequent to the conclusion of the hearings thereon. By subsequent notice from the Secretary, the further hearing was scheduled for October 15, 1956, to be held in the hearing room of the Commission, 441 G Street NW.

Question has been raised as to the scope of the further hearing, and the matter should be clarified as hereinafter provided.

The Commission orders:

(A) The proceedings in Docket Nos. G-4280, G-4281, G-4282, G-4283, and G-8763 are hereby reopened for the purpose of allowing the submission in evidence of amendments to those gas purchase contracts entered into subsequent to the conclusion of the hearings thereon.

(B) The hearing heretofore scheduled for October 15, 1956, shall commence instead on October 1, 1956, at 10 a. m. (e. d. s. t.) in a hearing room of the Commission, 441 G Street NW., Washington, D. C.

Issued: September 11, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7427; Filed, Sept. 14, 1956; 8:46 a. m.]

[Docket No. G-11038]

H. L. HUNT

ORDER SUSPENDING PROPOSED CHANGE IN RATES

H. L. Hunt (Applicant) on August 13, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change (undated); Texas Eastern Transmission Corporation; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 7; November 1, 1956.

Applicant states that the proposed change covers a periodic rate increase for gas sold to the purchaser in Bienville Parish, Louisiana. The rate proposed to be increased was suspended by Order issued October 28, 1955, in Docket No. G-9553 and was permitted to become effective subject to refund by Order issued May 4, 1956.

The increased rates and charges proposed by the aforesaid filing of Supplement No. 7 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changed rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 11, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7430; Filed, Sept. 14, 1956; 8:47 a. m.]

[Docket No. G-11039]

MIDSTATES OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Midstates Oil Corporation (Applicant) on August 8, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change dated August 6, 1956; United Fuel Gas Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 36; November 1, 1956.

Applicant states that the proposed change covers a periodic rate increase for gas sold to the purchaser in Acadia Parish, Louisiana. The rate proposed to be increased was suspended by Order issued September 23, 1955 in Docket No. G-9387 and was permitted to become effective subject to refund by Order issued May 10, 1956.

The increased rates and charges proposed by the aforesaid filing of Supplement No. 2 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changed rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 11, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7431; Filed, Sept. 14, 1956; 8:47 a. m.]

[1] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the date proposed by Applicant, if later.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32621: *Cement—North Paulding, Ohio, to Illinois.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, clinker, common, hydraulic, masonry, mortar, natural or portland, carloads, dry building mortar, carloads from North Paulding, Ohio, to specified points in Illinois in central territory.

Grounds for relief: Short-line distance formula and market competition, and circuitous routes.

Tariff: Supplement 14 to New York Central Railroad Company's tariff I. C. C. 1632.

FSA No. 32622: *Carbolic acid—Marietta, Ohio, to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbolic acid (phenol), tank-car loads, from Marietta, Ohio, to Houston, Tex.

Grounds for relief: Barge truck competition, and circuitous routes.

Tariff: Supplement 160 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 32623: *Sugar—Gulf ports to Franklintown, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from Gramercy, New Orleans, Reserve and Three Oaks, La., Mobile, Ala., Gulfport, Miss., and Pensacola, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 322 to Alternate Agent J. H. Marque's I. C. C. 380.

FSA No. 32624: *Clay, kaolin or pyrophyllite to Graceville, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, crude, carloads from Hackleburg, Ala., Crossley, and Edgar, Fla., Toomsboro, Ga., group, Glendon, Kona, Robbins and Staley, N. C., Bath-Langley, S. C. group, and Stephens, S. C., to Graceville, Fla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 45 to Agent Spanninger's I. C. C. 1491.

FSA No. 32625: *Coal—Alabama mines to Panama City, Fla.* Filed by Coal, carloads from Mines in Alabama on the Louisville and Nashville Railroad Company to Panama City, Fla.

Grounds for relief: Competition with fuel oil and circuitous routes.

Tariff: Supplement 49 to Agent Spanninger's I. C. C. 1247.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-7429; Filed, Sept. 14, 1956; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

L. GORDON WALKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in my financial status since the last report.

This amends statement previously published in the FEDERAL REGISTER June 19, 1956 (21 F. R. 4302).

Dated: August 1, 1956.

L. GORDON WALKER.

[F. R. Doc. 56-7433; Filed, Sept. 14, 1956; 8:47 a. m.]

UNIVERSITY
OF MICHIGAN
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 181

Washington, Tuesday, September 18, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—PROHIBITED PRACTICES

STATE AND LOCAL POSITIONS WHICH MAY BE HELD BY FEDERAL OFFICERS AND EMPLOYEES

Paragraph (n) is added to § 4.202 as set out below.

§ 4.202 *State and local positions which may be held by Federal officers and employees.* • • •

(n) Harbormaster, without compensation, under the laws of the State of New Jersey.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633, E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7466; Filed, Sept. 17, 1956; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture*—(a) *General.* • • •

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups (exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local board of U. S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) Allotment checkers of the Commodity Stabilization Service.

(vii) Collectors of the Farmers Home Administration.

(R. S. 1753; sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7467; Filed, Sept. 17, 1956; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.309 is revoked.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7469; Filed, Sept. 17, 1956; 8:48 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMIMISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (n) and (o) are added to § 6.323 as set out below.

§ 6.323 *Federal Civil Defense Administration.* * * *

(n) One Assistant Administrator, Survival Services.

(o) One Deputy Assistant Administrator, Survival Services.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7468; Filed, Sept. 17, 1956; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MINNESOTA

On August 31, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MINNESOTA

County:	Average value
Aitkin	$12,000
Anoka	16,000
Becker	18,000
Beltrami	12,000
Benton	16,000
Big Stone	26,000
Blue Earth	35,000
Carlton	12,000
Carver	32,000
Cass	12,000
Chisago	16,000
Clay	28,000
Clearwater	14,000
Cook	8,000
Crow Wing	12,000

MINNESOTA—continued

County:	Average value
Dakota	$26,000
Douglas	20,000
Fillmore	26,000
Freeborn	30,000
Goodhue	28,000
Grant	25,000
Hennepin	20,000
Houston	26,000
Hubbard	12,000
Isanti	16,000
Itasca	12,000
Jackson	35,000
Kanabec	16,000
Kandiyohi	28,000
Kittson	24,000
Koochiching	12,000
Lac qui Parle	30,000
Lake	8,000
Lake of the Woods	12,000
McLeod	32,000
Mahnomen	16,000
Marshall	24,000
Martin	35,000
Meeker	25,000
Mille Lacs	16,000
Morrison	16,000
Mower	28,000
Nicollet	35,000
Nobles	35,000
Norman	25,000
Otter Tail	25,000
Pennington	16,000
Pine	16,000
Pipestone	30,000
Polk	25,000
Pope	22,000
Ramsey	20,000
Red Lake	16,000
Redwood	34,000
Renville	34,000
Roseau	16,000
Saint Louis	12,000
Scott	25,000
Sherburne	16,000
Sibley	32,000
Stearns	22,000
Swift	22,000
Todd	16,000
Traverse	25,000
Wabasha	26,000
Wadena	14,000
Waseca	30,000
Washington	20,000
Watonwan	35,000
Wilkin	25,000
Wright	20,000

(Sec. 411, 50 Stat. 529, as amended; 7 U. S. C. 1015). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: September 12, 1956.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers' Home Administration.

[F. R. Doc. 56-7464; Filed, Sept. 17, 1956; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Corn Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP CORN PRICE SUPPORT PROGRAM

COMPLIANCE WITH ACREAGE REQUIREMENTS

Sec.
421.1726 Administration.
421.1727 Applicability of §§ 421.1726 through 421.1734.
421.1728 Definitions (other than corn acreage).
421.1729 Definition of corn acreage and provisions relating thereto.
421.1730 Compliance requirements; producers.
421.1731 Effect of unknowingly exceeding farm acreage limitations; method of determination.
421.1732 Appeals.

AUTHORITY: §§ 421.1726 to 421.1732 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 7 U. S. C. 1374.

§ 421.1726 *Administration.* The 1956-crop corn price support program will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice President, Commodity Credit Corporation, and will be carried out in the field by the State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and county committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.1727 *Applicability of §§ 421.1726 through 421.1732.* Sections 421.1726 through 421.1732 state the eligibility requirements of producers of corn under the 1956-crop Corn Price Support Program in the 1956 commercial corn producing area, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.1728 *Definitions (other than corn acreage).* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(b) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable,

a State, political subdivision of a State, or any agency thereof.

(c) "Operator" means the person who is in charge of the supervision and control of the farming operations on the entire farm.

(d) "Producer" means any person having an interest in the corn crop as landowner, landlord, tenant, or sharecropper.

(e) "Corn acreage allotment" means that corn acreage allotment established for the farm under 7 CFR Part 721, as published in the FEDERAL REGISTER under date of January 26, 1956 (21 F. R. 574), and any amendments thereto.

(f) "Soil bank corn base" means that base acreage established for the farm after applying the factor of 117.8 to the 1956 corn acreage allotment under Part 485 of this chapter as published in the FEDERAL REGISTER June 22, 1956 (21 F. R. 4379) and amendments thereto.

(g) The higher level of price support for counties in the commercial corn-producing area means the county price support rate established on the basis of the higher of the $1.50 per bushel minimum national average price support level, or 82½ percent of the parity price for corn as of October 1, 1956, the beginning of the marketing year.

(h) The lower level of price support for counties in the commercial corn-producing area means the county price support rate which is 25 cents per bushel lower than the higher rate.

(i) "Commercial corn-producing area" means the area designated by the Secretary of Agriculture pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended. The designation of the commercial corn-producing area for 1956 appears in 7 CFR 721.702 (20 F. R. 8666).

§ 421.1729 *Definition of corn acreage and provisions relating thereto*—(a) *Corn acreage.* "Corn acreage" means the number of acres of land on which field corn, including sweet corn produced for feed or silage, is planted alone or interplanted with other crops except that acreage planted to field corn, in excess of the corn acreage allotment or in excess of the soil bank corn base if the producer participates in the Soil Bank Program, will not be considered to be corn acreage if, on or before a date established by the county committee and approved by the State committee, the product of such excess acreage (1) is plowed or disced under, or (2) is totally destroyed by causes beyond the control of the operator, unless the operator indicates in writing to the county committee, or an authorized representative thereof, that such destroyed acreage should be classified as corn acreage. Such date to be established by the county committee shall not be later than the date that corn normally starts to tassle in the county or areas within the county. The State committee shall notify the Director, Grain Division, Commodity Stabilization Service, of the date(s) so established.

(b) *Provisions.* (1) The acreage planted to corn shall be measured by the county committee's authorized representatives. Notwithstanding the foregoing, the corn acreage planted to corn may be estimated rather than measured where the operator or his representative has not entered into a Soil Bank agreement, the operator estimates on form CSS–578 the corn acreage to be larger than the farm allotment, the operator indicates in writing on such form that he will not apply for price support at the higher level for the county, and the county office manager determines, after discussion with the operator, that the other producer(s) interested in the 1956 corn crop on the farm will not apply for price support on corn at the higher level for the county. The above measurements or estimates shall be made without cost to the operator or producers.

(2) In the event that corn acreage is estimated, it shall be measured, (i) if the operator or one of the other interested producers, or a representative of either, subsequently enters into a Soil Bank agreement in which event the measurement shall be without cost to the operator, or (ii) if he indicates in writing he will apply for the higher level of price support for the county, adjust the acreage to the corn acreage allotment not later than the date established by the county for adjusting planted acreage to the corn acreage allotment, and if he pays the cost of measurement. The acreage in excess of the allotment must be adjusted to the allotment not later than the above described date, even though the acreage has not been measured by the county committee's authorized representatives or the operator notified of the measured acreage on or before such date. It shall be solely the responsibility of the interested producer to ascertain from the county ASC office the date established by the county committee for adjusting planted acreage and to assure that the acreage is adjusted to the corn acreage allotment. The acreage determined by measurement of the county committee's authorized representatives shall be the corn acreage for the farm. In the event none of the interested producers requests measurement, the corn produced on such farm shall be eligible for price support at the lower level for the county. Subparagraphs (3) and (4) of this paragraph shall not apply in cases covered by this subparagraph and in cases where the producer has entered into a Soil Bank agreement.

(3) If measurement of the acreage planted to corn establishes that the acreage on such farm is in excess of the corn acreage allotment, the operator shall be mailed a written notice on Form CSS–599, showing the measured acreage and the aforementioned final date for adjusting planted acreage at least 15 days in advance thereof: *Provided*, That if such notice is not mailed at least 15 days prior to such established date, the period during which such planted acreage may be adjusted to the corn acreage allotment either by plowing or discing, or by destruction by causes beyond the control of the operator, shall be extended until 15 days from the date the notice is mailed.

(4) The acreage of corn stated on Form CSS–599 shall be deemed to be the corn acreage for the purpose of determining the operator's eligibility for the higher level of price support, except that if the operator or other interested producers notifies the county ASC office on or before the date specified on Form CSS–599 of his intention to adjust the planted acreage to the corn acreage allotment, the acreage determined on remeasurement shall be the corn acreage. The date specified on the Form CSS–599 for notifying the county ASC office of an intention to adjust shall be the last date on which the adjustment may be made.

§ 421.1730 *Compliance requirements; producers*—(a) *Commercial corn-producing area.* (1) A producer shall be eligible for the higher level of price support for the county on corn produced in 1956 on a farm in the commercial corn-producing area—(i) if the county committee determines that the 1956-crop corn acreage on such farm is not in excess of the corn acreage allotment established under the provisions of §§ 721.710 to 722.722 inclusive, of 7 CFR Part 721, or (ii) if the producer during 1956 devotes an acreage of land equal to 15 percent of the farm Soil Bank corn base to the acreage reserve program for corn under the provisions of §§ 485.101 to 485.132 of this chapter (21 F. R. 4379), and amendments thereto or to the conservation reserve program under the provisions of §§ 485.150 to 485.182 of this chapter (21 F. R. 6289) and amendments thereto, or to a combination of the two, and if his 1956 corn acreage does not exceed the farm Soil Bank corn base for 1956.

(2) Any producer in the commercial corn-producing area who does not qualify under subparagraph (1) of this paragraph for the higher level of price support shall be eligible for the lower level of price support for the county on corn produced on a farm in 1956.

(b) *Outside the commercial corn-producing area.* Any producer outside of the commercial corn-producing area shall be eligible for price support at the applicable rate for the respective county.

§ 421.1731 *Effect of unknowingly exceeding farm acreage limitations; method of determination.* The corn acreage on a farm shall not be considered to be in excess of the corn acreage allotment or the farm Soil Bank corn base, whichever is applicable, unless the operator knowingly exceeded such acreage limitation. If the corn acreage limitation is in fact exceeded, it shall be considered as having been knowingly exceeded unless the operator of a farm establishes, to the satisfaction of CCC, any of the following conditions:

(a) Through no fault of the operator, the corn acreage was not measured or he was not notified of the measured acreage(s) in time to dispose of the excess acreage in the manner specified in § 421.1729 (a) on or before the date established pursuant to such section;

(b) The operator received an erroneous notice of his measured acreage and acted in good faith on the basis of such notice, and was not notified of the corrected acreage in time to dispose of the excess acreage in the manner specified in § 421.1729 (a) on or before the date established pursuant to such section, and with respect to both paragraph (a) of this section and this paragraph, the operator made a reasonable effort by measuring or otherwise to comply with the corn acreage allotment or the Soil Bank corn base, whichever is applicable. (Paragraph (a) of this section and this paragraph do not apply to a producer whose corn acreage was first estimated under § 421.1729 (b) and later measured pursuant to the provisions of said section); or

(c) The operator received an erroneous notice of the corn acreage allotment and acted in good faith on the basis of such notice. The operator will be considered to have acted in good faith on the basis of the erroneous notice if the acreage planted to corn on the farm was adjusted to the allotment contained in the erroneous notice within the time limits for adjustment of excess acreage as provided in § 421.1729, and the operator did not have good cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of corn customarily planted, and all other pertinent facts shall be taken into consideration. If the county committee determines that the operator was justified in relying on the erroneous notice of corn acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before the erroneous allotment is used by the county committee to determine the corn acreage for the farm.

§ 421.1732 *Appeals.* Any producer who is dissatisfied with any determination of the county committee respecting his compliance or eligibility, may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the county committee determination is improper.

Done at Washington, D. C. this 12th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7463; Filed, Sept. 17, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar) Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IDAHO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Idaho State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 80,054 acres established for Idaho by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1524 Vista Street, Boise, Idaho, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Idaho. These bases and procedures incorporate the following:

§ 850.32 *Idaho*—(a) *Proportionate share areas.* Idaho shall be divided into five proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Amalgamated, Nampa-Nyssa; Amalgamated, Twin Falls-Burley-Rupert, and Layton; Utah-Idaho; Franklin County; and American Crystal. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage records for each area a weighting of 80 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 20 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 93.3 percent of the 1953–54 average acreage and with pro-rata adjustments to a total of 80,054 acres, except that the 1956-crop allotment for any area shall not be less than the 1955-crop allotment established for the area. Acreage allotments computed as aforestated are established as follows: Amalgamated, Nampa-Nyssa Area—28,854 acres; Amalgamated, Twin Falls-Burley-Rupert, and Layton Area—32,352 acres; Utah-Idaho Area—13,781 acres; Franklin County Area—4,851 acres; and American Crystal Area—216 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 1 percent for new producers and 1 percent for appeals. In addition, acreages for making adjustments in initial proportionate shares shall be set aside as follows: Amalgamated, Nampa-Nyssa Area—0 acres; Amalgamated, Twin Falls-Burley-Rupert and Layton Area—1,116.3 acres; Utah-Idaho Area—260.3 acres; Franklin County Area—171.4 acres; and American Crystal Area—125.3 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) the farm base shall be established as follows:

(*a*) *Amalgamated, Nampa-Nyssa Area.* For each farm in the Amalgamated, Nampa-Nyssa Area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm, and for each farm in such area whose operator is a tenant in the 1956-crop season, a farm base shall be established from the planted sugar beet acreage record of the farm, or the planted sugar beet acreage record of the producer, whichever gives the higher base. Such farm base shall be computed by giving a weighting of 80 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production" and a weighting of 20 percent to the largest acreage of the crops 1950 through 1954, as a measure of "ability to produce".

(*b*) *Amalgamated, Twin Falls-Burley-Rupert, and Layton Area.* For each farm in the Amalgamated, Twin Falls-Burley-Rupert, and Layton Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954 as a measure of "past production" and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(*c*) *Utah-Idaho Area.* For each farm in the Utah-Idaho Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 70 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 30 percent to the average acreage of the crops of 1953–54 as a measure of "ability to produce".

(*d*) *Franklin County Area.* For each farm in the Franklin County Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage of the crops of 1953–54 as a measure of "ability to produce".

(*e*) *American Crystal Area.* For each farm in the American Crystal Area, the farm base shall be established at the average planted sugar beet acreage record of the farm for the crops of 1952

through 1954, as a measure of both "past production" and "ability to produce", except that minimum bases shall be effective as follows: 85 percent of the 1954 acreage, if beets were planted in 1953 and 1954; 80 percent of the 1954 acreage, if beets were planted in 1954 only; and 70 percent of the 1953 acreage if beets were planted in 1953 only.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers, provided that in the Amalgamated, Nampa-Nyssa Area for each farm on which the 1954 acreage was four acres or less, the proportionate share shall be not less than the 1954 acreage.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the exent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from setasides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Idaho State Committee for determining farm proportionate shares in Idaho in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Idaho is again divided into five areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 23, 1956.

[SEAL] JOHN E. BOWEN,
Chairman, Agricultural Stabilization and Conservation Idaho State Committee.

Approved: August 29, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7492; Filed, Sept. 17, 1956; 8:53 a. m.]

[Sugar Determination 850.30, Supp. 5]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MINNESOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Minnesota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 67,263 acres established for Minnesota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 1104, Main Post Office Building, St. Paul, Minnesota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Minnesota. These bases and procedures incorporate the following:

§ 850.35 *Minnesota*—(a) *Proportionate share areas.* Minnesota shall be divided into two proportionate share areas comprising the East Grand Forks-Crookston-Moorhead and the Chaska-Mason City factory districts of the State. These areas shall be designated the "Northwestern Area" and the "Southern Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 90 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 10 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 67,263 acres. Acreage allotments computed as aforestated are established as follows: Northwestern Area—54,355 acres and Southern Area—12,908 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northwestern Area—543.6 acres for new producers, 543.6 acres for appeals; and 331.2 acres for adjustments in initial shares; Southern Area—644 acres for new producers, 129.1 acres for appeals and 0 acre for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30) an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases*—(a) *Northwestern Area.* For each farm in the Northwestern Area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the landowner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 75 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce", with minimum acreages as follows: If sugar beets were planted in all three years of the 1952–54 period, or in 1953 and 1954 only, the larger of 90 percent of the 1953–54 average acreage and 75 percent of the 1954 acreage; and if sugar beets were planted in 1952 and 1954 or 1954 only, 75 percent of the 1954 acreage.

(b) *Southern Area.* For each farm in the Southern Area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 50 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 50 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce", with minimum acreages as follows: If sugar beets were planted in 1952 or 1953 only, 50 percent of the acreage for such one year; and if sugar beets were planted in 1954 only, 75 percent of the acreage for such year.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Minnesota State Committee for determining farm proportionate shares in Minnesota in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Minnesota is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 21, 1956.

[SEAL] FLOYD E. SJOLANDER,
Chairman, Agricultural Stabilization and Conservation Minnesota State Committee.

Approved: August 29, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7491; Filed, Sept. 17, 1956; 8:53 a. m.]

[Sugar Determination 850.30, Supp. 7]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MONTANA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 51,248 acres established for Montana by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 211 North Grand Avenue, Bozeman, Montana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Montana. These bases and procedures incorporate the following:

§ 850.37 *Montana*—(a) *Proportionate share areas.* Montana shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: American Crystal, Great Western and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce," with a minimum of 97.4 percent of the 1954–55 average and pro rata adjustments to a total of 51,248 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—4,707 acres, Great Western Area—24,406 acres, and Holly Area—22,135 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 1 percent each for new producers and appeals, and for making adjustments in initial proportionate shares as follows: American Crystal Area—0 acres, Great Western Area—3,534.3 acres, and Holly area—0 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30) an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) a farm base shall be established at the average planted sugar beet acreage of the farm for the crops of 1950 through 1954 (total planted acreage divided by 5 in each case) as a measure of both "past production" and "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Montana State Committee for determining farm proportionate shares in Montana in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Montana is again divided into three areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 21, 1956.

[SEAL] FRANK A. CLELAND,
Chairman, Agricultural Stabilization and Conservation Montana State Committee.

Approved: August 28, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7485; Filed, Sept. 17, 1956; 8:51 a.m.]

[Sugar Determination 850.30, Supp. 9]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OREGON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Oregon State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 17,805 acres established for Oregon by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Ross Building, 209 S. W. 5th Avenue, Portland, Oregon, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Oregon. These bases and procedures incorporate the following:

§ 850.39 *Oregon*—(a) *Proportionate share areas.* Oregon shall be divided into two proportionate share areas comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated as follows: Nampa-Nyssa and Toppenish. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 99.06 percent of the 1953–54 average acreage and pro rata adjustments to a total of 17,805 acres. Acreage allotments computed as aforestated are established as follows: Nampa-Nyssa Area—15,567 acres and Toppenish Area—2,238 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Toppenish Area—44 acres for new producers, 22 acres for appeals, and 49 acres for adjustments in initial shares; Nampa-Nyssa Area—155.7 acres each for new producers and appeals, and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) For second-year producers. For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases*—(a) *Nampa-Nyssa Area.* For each farm in the Nampa-Nyssa area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm, and for each farm in such area whose operator is a tenant in the 1956-crop season, a farm base shall be established from the planted sugar beet acreage record of the farm, or the planted sugar beet acreage record of the producer, whichever gives the higher base. Such farm base shall be computed by giving a weighting of 80 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production", and a weighting of 20 percent to the largest acreage of the crops of 1950 through 1954, as a measure of "ability to produce".

(b) *Toppenish Area.* For each farm in the Toppenish area whose operator is not a tenant in the 1956-crop season or whose operator is a tenant without a personal sugar beet production record in the 1952–54 period, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1956-crop season with respect to all of the land in the farm, the farm base shall be established from the personal sugar beet acreage production record of the operator. For each farm in such area whose operator for the 1956-crop season is an owner with respect to part of the land in the farm and a tenant with respect to the balance of such land, the farm base shall be established from a combination of farm and personal acreage production records. The farm base shall be one-third of the total of the planted sugar beet acreages for the years 1952, 1953 and 1954, except that: Where there is a planted sugar beet acreage record for each of the years 1952, 1953 and 1954, the farm base shall not exceed 100 percent of the 1954 acreage nor be less than 90 percent of the 1954 acreage; where there is a planted sugar beet acreage record for 1954 and either 1952 or 1953, the farm base shall not be less than 85 percent of the 1954 acreage; and where there is a planted sugar beet acreage record for 1954 only, the farm base shall not be less than 80 percent of the 1954 acreage.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides, except that for each farm in the Toppenish area with a base of 8.0 acres or less, the initial share shall coincide with the base, and for each farm in the Nampa-Nyssa area with 4.0 acres of sugar beets or less in 1954, the initial farm share shall not be less than the 1954 planted acreage.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Oregon State Committee for determining farm proportionate shares in Oregon in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Oregon is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 20, 1956.

[SEAL] E. HARVEY MILLER,
Chairman, Agricultural Stabilization and Conservation Oregon State Committee.

Approved: August 28, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7487; Filed, Sept. 17, 1956; 8:52 a. m.]

[Sugar Determination 850.30, Supp. 10]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WASHINGTON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricul-

tural Stabilization and Conservation Washington State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 30,813 acres established for Washington by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Hutton Building, South 9, Washington Street, Spokane, Washington, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Washington. These bases and procedures incorporate the following:

§ 850.40 *Washington*—(a) *Proportionate share areas.* Washington shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Utah-Idaho, Amalgamated and American Crystal. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1952 through 1954, as a measure of "ability to produce", with a ceiling of 100 percent of the 1954 acreage, a floor of 88.7 percent of the 1954 acreage and pro rata adjustments to a total of 30,813 acres. Acreage allotments computed as aforestated are established as follows: Utah-Idaho Area—29,027 acres, Amalgamated Area—1,692 acres, and American Crystal Area—94 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Utah-Idaho Area—290.0 acres each for new producers and appeals and 461.0 acres for adjustments in initial shares; Amalgamated Area—25.0 acres for new producers, 18.4 acres for appeals and 0 acres for adjustments in initial shares; and American Crystal Area—1.0 acre for new producers, 1.0 acre for appeals and 28.0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* Farm bases shall be established as follows:

(*a*) For each farm whose operator is not a tenant in the 1956-crop season or whose operator is a tenant without a personal sugar beet record in the 1952–54 period, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements; for each farm whose operator is a tenant in the 1956-crop season with respect to all of the land in the farm, the farm base shall be established from the personal sugar beet acreage record of the operator; and for each farm whose operator in the 1956-crop season is an owner with respect to part of the land in the farm and a tenant with respect to the balance of such land, the farm base shall be established from a combination of the farm and personal acreage records for the respective parts of the farm.

(*b*) The farm base shall be one-third of the total of the planted sugar beet acreages for the years 1952, 1953 and 1954, except that: Where there is a planted sugar beet acreage record for each of the years 1952, 1953 and 1954, the farm base shall not exceed 100 percent of the 1954 acreage nor be less than 90 percent of the 1954 acreage; where there is a planted sugar beet acreage record for 1954 and either 1952 or 1953, the farm base shall not be less than 85 percent of the 1954 acreage; and where there is a planted sugar beet acreage record for 1954 only, the farm base shall not be less than 80 percent of the 1954 acreage.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none," and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Washington State Committee for determining farm proportionate shares in Washington in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Washington is again divided into three areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 20, 1956.

[SEAL] A. M. CAMP,
Chairman, Agricultural Stabilization and Conservation Washington State Committee.

Approved: August 28, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7486; Filed, Sept. 17, 1956; 8:52 a. m.]

[Sugar Determination 850.30, Supp. 13]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

SOUTH DAKOTA FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation South Dakota State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 5,478 acres established for South Dakota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 56 Third Street, S. E., Huron, South Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of South Dakota. These bases and procedures incorporate the following:

§ 850.43 *South Dakota*—(a) *Set-asides of acreage.* From the State allocation there is set aside 3 percent for use in establishing farm proportionate shares for new producers and 2 percent for adjusting individual farm proportionate shares under appeals.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(c) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30) an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* The farm base for each farm shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 40 percent to the average acreage for the crops of 1952 through 1954, as a measure of "past production" and a weighting of 60 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases on a pro rata basis so that the total of the farm shares equals the State allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers, so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation South Dakota State Committee for determining farm proportionate shares in South Dakota in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is reasonable considering that the sugar beet producing region of the State is relatively small and only one beet sugar company contracts for acreage in South Dakota. Farm proportionate shares of old producers are established under a formula which measures "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955–crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 22, 1956.

[SEAL] CARL J. SCHAEFER,
Chairman, Agricultural Stabilization and Conservation South Dakota State Committee.

Approved: August 29, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7493; Filed, Sept. 17, 1956; 8:53 a. m.]

[Sugar Determination 850.30, Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MICHIGAN FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Michigan State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 77,803 acres established for Michigan by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Cahill Building, 200 N. Capitol Avenue, Lansing, Michigan, and

at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Michigan. These bases and procedures incorporate the following:

§ 850.49 *Michigan*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Michigan for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 77,803 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Michigan State Committee for determining farm proportionate shares in Michigan in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by old producers, second-year producers, and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 27, 1956.

[SEAL] BRUCE F. CLOTHIER,
Chairman, Agricultural Stabilization and Conservation Michigan State Committee.

Approved: September 5, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7489; Filed, Sept. 17, 1956; 8:52 a. m.]

[Sugar Determination 850.30, Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IOWA FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Iowa State Committee has issued the bases and procedures for establishing individual farm proportionate share from the allocation of 1,485 acres established for Iowa by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Iowa. These bases and procedures incorporate the following:

§ 850.50 *Iowa*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Iowa for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,485 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm proportionate shares in Iowa in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by new producers, second year producers and old producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate share shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 30, 1956.

[SEAL] MAX M. SOETH,
Acting Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: September 5, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7488; Filed, Sept. 17, 1956; 8:52 a. m.]

[Sugar Determination 850.30, Supp. 22]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEVADA FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Nevada State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 500 acres established for Nevada by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1479 Wells Avenue, Reno, Nevada, and at the office of the Agricultural Stabilization and Conservation Committee for Churchill County, in the Federal Building, Fallon, Nevada. These bases and procedures incorporate the following:

§ 850.52 *Nevada*—(a) *Set-aside of acreage.* From the State allocation there is set aside one percent for use in adjusting individual farm proportionate shares under appeals.

(b) *Requests for proportionate shares.* A request for each proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed as provided in § 850.30.

(c) *Establishment of individual farm proportionate shares.* Proportionate shares shall be established from the State allocation of 500 acres in an equitable manner for farms as operated during the 1956-crop year (all producers-operators of such farms will be new producers, as defined in § 850.30, because no sugar beets were produced in Nevada in the crop years 1950–55) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator, except

that no proportionate share shall exceed 20 acres.

(d) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant, adjustments shall be made in farm proportionate shares during the 1956-crop season, but no share shall exceed 20 acres.

(e) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(f) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nevada State Committee for determining farm proportionate shares in Nevada in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The original determination did not establish an allocation for the State of Nevada, since sugar beets were not planted in that State during the period of 1950–55. However, to carry out the intent of paragraph (a) (2) of the determination, an allotment of 500 acres was subsequently established for Nevada by amendment 3 to § 850.30. Under these circumstances, all the farm shares established from the State allocation are new producer shares. The procedure established by the ASC Nevada State Committee meets the related requirements of § 850.30. This procedure provides for a maximum acreage of 20 acres per farm, an acreage which is deemed to be reasonable under the circumstances, and it also provides for the reallotment of unused acreage subject to this maximum.

These bases and procedures are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 25, 1956.

[SEAL] C. A. SEWELL,
Chairman, Agricultural Stabilization and Conservation Nevada State Committee.

Approved: September 5, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7490; Filed, Sept. 17, 1956; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES, CALIF.

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 SEASON

Notice was published in the August 24, 1956, daily issue of the FEDERAL REGISTER (21 F. R. 6394) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1956–57 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.211 *Expenses and rate of assessment for the 1956–57 season*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1956, and ending on March 31, 1957, both dates inclusive, will amount to $27,050.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at six mills ($0.006) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all Tokay grapes shipped during the 1956–57 fiscal period; (2) shipments of such Tokay grapes are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Industry Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ships," "shipped," and "season" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 13th day of September 1956, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–7461; Filed, Sept. 17, 1956; 8:47 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES, CALIF.

APPROVAL OF BUDGET OF EXPENSES OF DATE ADMINISTRATIVE COMMITTEE FOR 1956–57 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Pursuant to Marketing Agreement No. 127 and Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the unanimous recommendation of, and information supplied by the Date Administrative Committee, the administrative agency for program operations, and other available information, it is hereby found and determined, and it is, therefore, ordered, that the budget of expenses of the Date Administrative Committee, and the rate of assessment, for the crop year which began on August 1, 1956, shall be as follows:

§ 1003.301 *Budget of expenses of the Date Administrative Committee and rate of assessment for the 1956–57 crop year*—(a) *Budget of expenses.* Expenses in the amount of $39,225 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1956, and ending July 31, 1957.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of §§ 1003.72 and 1003.73 of the marketing agreement and order, an assessment of 15 cents per hundredweight of dates handled or certified for handling by him during the crop year beginning August 1, 1956, and ending July 31, 1957, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making, or postpone the effective time of this action later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to all dates handled or certified for handling during the current crop year; (2) handlers are beginning to receive deliveries of dates from producers and which receipts are, by

the terms of the marketing agreement and order, subject to the assessment set forth hereinabove; (3) the Date Administrative Committee must be enabled to obtain assessment revenues promptly to defray expenses of administering the program; (4) compliance with the foregoing rules will require no advance preparation by date handlers. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7462; Filed, Sept. 17, 1956; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6545]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OCTA-GANE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:*

§ 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. 45.) [Cease and desist order, Octa-Gane, Inc. (San Gabriel, Calif.), et al., Docket 6545, Aug. 30, 1956]

In the Matter of Octa-Gane, Inc., a Corporation, and Lucile M. Hursh and Fred Ellers, Alexander Hursh and Thelma Moore, Individually and as Officers of Said Corporation, and Ernest J. Newhouse and Don Forrester, Individuals Trading as Newhouse Automotive Industries

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer and its officers and two individual distributors of the "Gane Air Flow Needle", a device intended for use as a replacement for the conventional type of idling pin in the carburetors of gasoline motors, with representing falsely in advertisements in newspapers and periodicals that use of the device would save gas and reduce fuel consumption in gasoline engines, improve engine performance generally, prevent formation of carbon deposits, prevent stalling, etc.—and an agreement between the parties for consent order.

On this basis, the hearing examiner made his initial decision [1] and order to cease and desist which became on August 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Octa-Gane, Inc., a corporation, and its officers, its successor, Gane Economy Club, Inc., a corporation, and its officers, respondents Lucile M. Hursh and Fred Ellers, individually and as officers of either or both of said corporations, Alexander Hursh, individually and as an officer of Octa-Gane, Inc., and as sales manager and as a principal stockholder of Gane Economy Club, Inc., and respondents Ernest J. Newhouse and Don Forrester, individuals trading as Newhouse Automotive Industries, or under any other name or names, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the device designated as "Gane Air Flow Needle" or "Gane Air Jet Needle" or any other substantially similar device, whether sold under the same names or any other name or names, do forthwith cease and desist from representing directly or by implication:

1. That the use of said product in carburetors of gasoline engines will result in any reduction in gasoline consumption, increase the mileage per unit of gasoline, produce smoother or better idling, prevent an over-rich mixture of gasoline and air from entering the engine or improve the gas and air ratio unless such representations are expressly limited to those cases in which the fuel mixture, due to improper adjustment of the carburetor, is excessively rich and a small amount of additional air may serve to lean such mixture only when the carburetor is in idling operation, and unless in immediate conjunction with such representations an affirmative disclosure is made that said product will be of no benefit in those instances where the carburetor is in proper adjustment.

2. That the use of said product in carburetors of gasoline engines will:

(a) Cause engines to start quicker or easier;

(b) Result in faster pickup;

(c) Prevent formation of carbon deposits;

(d) Prevent stalling;

(e) Prevent the oil from being diluted by unburned fuel;

(f) Provide the proper gas and air mixture.

3. That the use of said product in carburetors of gasoline engines will perform any useful service in the carburetion of gasoline in an automobile engine, or in the improvement of engine performance in excess of such effect as it may have in leaning the fuel mixture in those cases referred to in paragraph 1.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Thelma Moore.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Octa-Gane, Inc., a corporation, and its officers, its successor, Gane Economy Club, Inc., a corporation, and its officers, respondents Lucile M. Hursh and Fred Ellers, individually and as officers of either or both of said corporations, Alexander Hursh, individually and as an officer of Octa-Gane, Inc., and as sales manager and as a principal stockholder of Gane Economy Club, Inc., and respondents Ernest J. Newhouse and Don Forrester, individuals trading as Newhouse Automotive Industries, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7479; Filed, Sept. 17, 1956; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6202]

PART 511—FINLAND

General regulations under the income tax convention between the United States and Finland, proclaimed by the President of the United States on December 22, 1952.

On May 25, 1956, notice of proposed rule making regarding the regulations for taxable years beginning on or after January 1, 1952, under the income tax convention between the United States and Finland was published in the FEDERAL REGISTER (21 F. R. 3601). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 13, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

Sec.
511.101 Introductory.
511.102 Applicable provisions of law.
511.103 Scope of the convention.
511.104 Definitions.
511.105 Industrial and commercial profits.
511.106 Control of a United States enterprise by a Finnish enterprise.
511.107 Income from operation of ships or aircraft.
511.108 Dividends.
511.109 Interest.
511.110 Copyright royalties.
511.111 Real property income and natural resource royalties.
511.112 Government wages, salaries, and pensions.
511.113 Private pensions and life annuities.
511.114 Compensation for labor or personal services.
511.115 Dividends and interest paid by a Finnish corporation.
511.116 Visiting professors or teachers.
511.117 Students or apprentices.
511.118 Credit against United States tax for Finnish tax.
511.119 Exchange of information.
511.120 Double taxation claims.
511.121 Beneficiaries of an estate or trust.
511.122 Members of a partnership.
511.123 Withholding regulations.

AUTHORITY: §§ 511.101 to 511.123, incl., issued under secs. 894, 7805, 68A Stat. 356, 917; 26 U. S. C. 894, 7805.

§ 511.101 *Introductory.* The income tax convention between the United States and Finland, signed March 3, 1952, and proclaimed by the President of the United States on December 22, 1952, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1952:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America:

The Federal income tax, including surtaxes and excess profits taxes.

(b) In the case of Finland:

The State (National) income tax.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Finland" means the Republic of Finland.

(c) The term "permanent establishment" means a branch office, factory, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(e) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Finnish enterprise".

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident or partnership of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Finnish enterprise" means an enterprise carried on in Finland by a resident or partnership of Finland or by a Finnish corporation or other entity; the term "Finnish corporation or other entity" means a corporation or other entity created or organized in Finland or under Finnish law.

(h) The term "competent authorities" means, in the case of the United States the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Finland, the Taxation Department of the Ministry of Finance.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under the tax laws of that State.

ARTICLE III

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon the entire income of such enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise. In the determination of the net industrial and commercial profits of the permanent establishment there shall be allowed as deductions all expenses, wherever incurred, reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting State, be deemed to be income from sources within the territory of such other contracting State.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other contracting State.

(2) The present Convention shall be deemed to have superseded, as of the effective date of this Convention, the arrangement between the United States and Finland providing for relief from double income taxation on shipping profits, effected by exchange of notes dated June 6, 1946, and January 7, 1947.

ARTICLE VI

(1) The rate of United States tax on dividends derived from a United States corporation by a resident or corporation or other entity of Finland, not engaged in trade or business in the United States through a permanent establishment therein, shall not exceed 15 percent: provided that such rate of tax shall not exceed 5 percent if such Finnish corporation controls, directly or inidirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) The rate of Finnish tax on dividends derived from a Finnish corporation by a resident or corporation or other entity of the United States, not engaged in trade or business in Finland through a permanent establishment therein, shall not exceed 15 percent: provided that such rate of tax shall not exceed 5 percent if such United States corporation controls, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate. For the purposes of this paragraph the combined Finnish tax on such dividends and the Finnish property tax on the capital stock of a Finnish corporation owned by such resident or corporation of other entity shall not exceed an amount computed at such rates as applied to dividends, if any, so derived.

ARTICLE VII

(1) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State, not having a permanent establishment in the former State, shall be exempt from tax by such former State.

(2) Bonds, bank deposits and trade balances beneficially owned by a resident or corporation or other entity of the United States shall be exempt from the Finnish property tax.

ARTICLE VIII

Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work (but not inclusive of rents or royalties in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State, not engaged in trade or business in the former State through a permanent establishment therein, shall be exempt from tax imposed by such former State.

ARTICLE IX

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation or other entity of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State as if such resident or corporation or other entity were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE X

(1) (a) Wages, salaries and similar compensation and pensions, paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Finnish citizen who is not also a citizen of the United States) shall be exempt from Finnish tax.

(b) Wages, salaries and similar compensation and pensions, paid either directly, or from funds or institutions created, by Finland or by the political subdivisions or communities thereof, to an individual (other than a United States citizen who is not also a citizen of Finland) shall be exempt from United States tax. The term "funds or institutions" shall not be deemed to include a corporation even if such corporation is owned, in whole or in part, by the Government of Finland.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XI

(1) A resident of Finland shall be exempt from United States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for labor or personal services performed as an employee of, or under contract with, a resident, or corporation or other entity of Finland, or

(b) His compensation received for labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply, mutatis mutandis, to a resident of the United States with respect to compensation for such labor or personal services performed in Finland.

(3) The provisions of this Article shall have no application to the income to which Article X (1) relates.

ARTICLE XII

(1) Dividends and interest paid by a Finnish corporation shall be exempt from United States tax except where the recipient is a citizen, resident or corporation or other entity of the United States.

(2) Dividends and interest paid by a United States corporation shall be exempt from Finnish tax except where the recipient is a resident or corporation or other entity of Finland.

ARTICLE XIII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the territory of the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIV

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purpose of his maintenance or studies.

ARTICLE XV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Finnish taxes specified in Article I of this Convention.

(b) Finland in determining its taxes specified in Article I of this Convention in the case of its residents or corporations or other entities may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of Finland as if this Convention has not come into effect. Finland shall, however, deduct from the taxes so calculated that portion of such tax liability which the taxpayer's income from sources in the United States (not exempt from United States tax under this Convention) bears to the taxpayer's entire income but not in excess of the income tax paid to the United States and to the political subdivisions thereof on or with respect to the income so taxable in the United States.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Finnish tax, as the case may be, granted by Article X (1) of this Convention.

ARTICLE XVI

The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other or more burdensome taxes than are the citizens of such other contracting State residing in its territory. As used in this paragraph,

(a) The term "citizens" includes all legal persons, partnerships, and associations created or organized under the laws in the respective contracting States, and

(b) The term "taxes" means taxes of every kind or description whether nation, Federal, state, communal or municipal.

ARTICLE XVII

The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

ARTICLE XVIII

Each of the contracting States may collect taxes, which are the subject of this Convention, imposed by the other contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption or reduced rate of tax granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XIX

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial, or professional secret or trade process.

ARTICLE XX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen, or if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XXI

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXII

(1) The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention. With respect to the provisions of this Convention relating to exchange of information and mutual assistance in the collection of taxes, such authorites may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Helsinki as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period, or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and Finnish languages, the two texts having equal authenticity, this third day of March, 1952.

For the President of the United States of America:

[SEAL] DEAN ACHESON.

For the President of the Republic of Finland:

[SEAL] JOHAN A. NYKOPP.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES DATED DECEMBER 22, 1952

* * * * * *

And whereas the Senate of the United States of America, by their resolution of July 4, 1952, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention:

And whereas the aforesaid convention was duly ratified by the President of the United States of America on July 21, 1952, in pursuance of the aforesaid advice and consent of the Senate, and the aforesaid convention was duly ratified on the part of the Republic of Finland;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Helsinki on December 18, 1952, and a protocol of exchange of instruments of ratification was signed at the place and on that date by the respective Plenipotentiaries of the United States of America and the Republic of Finland;

And whereas it is provided in Article XXIII of the aforesaid convention that the convention shall have effect for the taxable years beginning on or after the first day of January of the year in which the exchange of instruments of ratification takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

* * * * * *

§ 511.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

* * * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

* * * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

* * * * * *

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

* * * * * *

(b) *Internal Revenue Code of 1939.* Any reference in §§ 511.101 to 511.123 to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XXII of the convention, and other provisions of the internal revenue laws, §§ 511.101 through 511.123, are hereby prescribed effective for taxable years beginning on or after January 1, 1952. All regulations inconsistent herewith are modified accordingly.

§ 511.103 *Scope of the convention*—(a) *Purposes of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources in one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income are not included in gross income and are exempt from United States tax for taxable years beginning on or after January 1, 1952, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Finnish enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Finnish enterprise from the operation of ships or aircraft registered in Finland (Article V);

(3) Interest derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VII);

(4) Copyright royalties, and other like amounts (but not including motion picture film rentals or royalties) derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VIII);

(5) Compensation and pensions paid by Finland to an alien individual, and to a citizen of Finland who is also a citizen of the United States (Article X);

(6) Private pensions and life annuities paid to a nonresident alien who is a resident of Finland (Article X);

(7) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien who is a resident of Finland (Article XI);

(8) Dividends and interest paid by a Finnish corporation except where the recipient is a citizen, resident, or corporation or other entity of the United States (Article XII);

(9) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Finland (Article XIII); and

(10) Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Finland, who is temporarily present in the United States under specified circumstances (Article XIV).

(c) *Reduced rates of United States tax.* Dividends derived from a domestic corporation by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, are subject to United States tax at reduced rates, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VI).

(d) *United States citizens, residents, and corporations.* (1) Any citizen of Finland who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled to a credit against United States tax for Finnish tax in accordance with Article XV and is also entitled to the benefits of Articles X (1), XVI, and XXI.

(2) A citizen of the United States, even though resident in Finland, or a domestic corporation, even though engaged in trade or business in Finland through a permanent establishment situated therein, is liable to United States tax as though the convention had not come into effect but is likewise entitled to a credit against United States tax for Finnish tax and, to the extent applicable, to the benefits of Article X (1).

(e) *Other provisions applicable to Finnish residents and corporations.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Finland, or of a Finnish corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

§ 511.104 *Definitions*—(a) *General.* Any term defined in the convention or §§ 511.101 to 511.123 shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in §§ 511.101 to 511.123:

(1) *United States tax.* The term

"United States tax" means the Federal income taxes, including surtaxes and excess profits taxes, and any other income or profits tax of a substantially similar character imposed by the United States after March 3, 1952.

(2) *Finnish tax.* The term "Finnish tax" means the State (National) income tax and any other taxes of a substantially similar character imposed by Finland after March 3, 1952.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Finland.* The term "Finland" means the Republic of Finland.

(5) *Permanent establishment* — (i) *Fixed place of business.* The term "permanent establishment" means a branch office, factory, warehouse, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Finnish enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. The fact that a Finnish enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Agency.* A Finnish enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has, and exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Finnish enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Finnish enterprise, promote the sale of their employer's products in the United States or that a Finnish enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Finnish enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the ordinary course of his business as such.

(iii) *Subsidiary corporation.* The fact that a Finnish corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Finnish parent corporation.

(6) *Enterprise.* The term "enterprise" means any form of commercial or industrial undertaking carried on by an individual, partnership, corporation, or other entity. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence a nonresident alien individual who is a resident of Finland and who performs personal services is not, merely by reason of such services, engaged in a Finnish enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Finnish enterprise.

(7) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States, by a partnership of the United States, or by a United States corporation or other entity.

(8) *United States corporation or other entity.* The term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(9) *Finnish enterprise.* The term "Finnish enterprise" means an enterprise carried on in Finland by a nonresident alien individual who is a resident of Finland, by a partnership of Finland, or by a Finnish corporation or other entity. Thus, an enterprise carried on wholly outside Finland by a Finnish corporation is not a Finnish enterprise within the meaning of the convention.

(10) *Finnish corporation or other entity.* The term "Finnish corporation or other entity" means a corporation or other entity created or organized in Finland or under Finnish law.

(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, merchantile, manufacturing, and like activities of an enterprise. It does not include investment income such as dividends, interests, rents, or royalties, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Finnish enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise. Moreover, in determining such profits of the United States permanent establishment of such enterprise, there shall be allowed as deductions all expenses, wherever incurred, which are reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable. See sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Taxation Department of the Ministry of Finance.* The term "Taxation Department of the Ministry of Finance" means the Taxation Department of the Ministry of Finance of Finland.

§ 511.105 *Industrial and commercial profits*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Finnish enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax, the article has application only to a Finnish enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Finland, or a Finnish corporation or other entity, carrying on an enterprise which is not Finnish, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though it has not had a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Finnish enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if it has not at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Finland by a Finnish corporation were to sell merchandise in the United States through a bona fide commission agent or broker acting in the ordinary course of his business, the profits arising from such sale would not be included in gross income and would be exempt from United States tax, assuming the enterprise does not otherwise have a permanent establishment in the United States. Similarly, if during the taxable year such enterprise were to secure orders in the United States for merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Finland for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Finnish enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise has at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Finnish enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a bona fide commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Finland, the profits arising from such sale would be allocable to the permanent establishment to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(3) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment. Any profits so attributed to such permanent establishment shall, subject to the provisions of the Internal Revenue Code of 1954, be deemed to be income from sources within the United States.

§ 511.106 *Control of a United States enterprise by a Finnish enterprise.* In effect, Article IV of the convention provides that, if a Finnish enterprise, by reason of its control of a United States enterprise, imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Finnish enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 511.107 *Income from operation of ships or aircraft*—(a) *Exempt from tax.* Under Article V of this convention, so much of the income from sources within the United States of a Finnish enterprise as consists of earnings derived from the operation of ships or aircraft documented or registered in Finland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Prior arrangement superseded.* Effective with respect to taxable years beginning on or after January 1, 1952, the convention shall be deemed to have superseded the arrangement between the United States and Finland providing for relief from double income taxation on shipping profits, effected by exchange of notes dated June 6, 1946, and January 7, 1947 [Treaties and Other International Acts Series, No. 1596; 61 Stat. 2671]. Accordingly, while the provisions of Article V are in effect, no exemption from United States tax shall be accorded pursuant to, or by reason of, any agreement effected by the exchange of such notes. This paragraph shall not be construed, however, to restrict any exemption which, without reference to an exchange of notes, is accorded by section 872 (b) and section 883 of the Internal Revenue Code of 1954. See Article XXI (2) of the convention.

§ 511.108 *Dividends*—(a) General. (1) The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from a domestic corporation by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not exceed 15 percent under the provisions of Article VI of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such dividends are derived has engaged in trade or business

(2) If, for example, a nonresident within the United States through a permanent establishment situated therein. alien individual who is a resident of Finland performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from a domestic corporation, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(b) *Dividends paid by related corporation.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from a domestic corporation by a Finnish corporation shall not exceed 5 percent under the proviso of Article VI (1) of the convention if:

(1) The Finnish corporation controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend;

(2) Not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any);

(3) The relationship between the paying corporation and the Finnish corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent; and

(4) The Finnish corporation at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(c) *Dividends received from a foreign corporation.* The reduction in the rate of United States tax granted by Article VI (1) of the convention does not apply to dividends received from a foreign corporation which are treated as income from sources within the United States under the provisions of section 861 (a) (2) (B) of the Internal Revenue Code of 1954. However, see the provisions of § 511.115 for the exemption from United States tax applicable to dividends paid by a Finnish corporation.

§ 511.109 *Interest.* (a) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, which is derived from sources within the United States by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VII of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

(b) Interest on obligations of the United States and instrumentalities thereof, and on mortgages and bonds secured by real property, is included among the items to which this section applies.

§ 511.110 *Copyright royalties.* (a) Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work which are derived from sources within the United States by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VIII of the convention of such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(b) Rents or royalties in respect to motion picture films are not exempt from United States tax under the provisions of Article VIII of the convention.

§ 511.111 *Real property income and natural resource royalties*—(a) *General.* (1) Income of whatever nature derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, from real property situated in the United States (including gains derived from the sale or exchange of real property and rentals therefrom) and royalties in respect of the operation of mines, quarries, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Article IX (1) of the convention.

(2) This paragraph does not apply to interest derived from mortgages and bonds secured by real property. See paragraph (b) of § 511.109.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Finland, or a Finnish corporation or other entity, who during the taxable year derives from sources within the United States any income to which such paragraph applies may elect for such taxable year to be subject to United States tax on a net basis as though such alien, corporation, or other entity were engaged in trade or business in the United States during such year through a permanent establishment situated therein. See Article IX (2) of the convention.

(2) *Manner of electing.* A nonresident alien individual who is a resident of Finland shall signify his election to be subject to tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Finland Electing to File on a Net Basis Pursuant to Article IX of Finnish Income Tax Convention." A Finnish corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Finnish Corporation Electing to File on a Net Basis Pursuant to Article IX of Finnish Income Tax Convention." The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.112 *Government wages, salaries, and pensions*—(a) *General.* Under Article X of the convention, any wage, salary, or similar compensation, or any pension, paid either directly, or from funds or institutions created, by Finland or by the political subdivisions or communities thereof, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Finland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein. Under Article XV (2) of the convention the exclusion from gross income and exemption from United States tax provided in this section shall not be denied despite the provisions of Article XV. See § 511.118.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. The term "funds or institutions" shall not be deemed to include a corporation, even if such corporation is owned, in whole or in part, by the government of Finland.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.113 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Finland shall not be included in gross income and shall be exempt from United States tax, in accordance with Article X of the convention, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 511.114 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article XI of the convention, compensation received by a nonresident alien individual who is a resident of Finland for labor or personal services, including the practice of the liberal and artistic professions, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Finnish employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1952, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1952) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien who is a resident of Finland, or a Finnish corporation or other entity, whether or not such resident, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1952, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1952) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Finland performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definition.* For the purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments or other remuneration of public entertainers, such as stage, motion picture, television, or radio artists, musicians, and athletes. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(c) *Exception.* The provisions of this section have no application to income to which Article X (1) of the convention relates.

§ 511.115 *Dividends and interest paid by a Finnish corporation*—(a) *General*—

(1) *Dividends.* A dividend paid by a foreign corporation constitutes, in whole or in part, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 50 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (2) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954 and the regulations thereunder.

(2) *Interest.* Interest on bonds, notes, and other interest-bearing obligations of resident foreign corporations constitutes, in its entirety, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 20 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (1) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954 and the regulations thereunder.

(b) *Exemption from United States tax.* Notwithstanding the provisions of paragraph (a) of this section, Article XII (1) of the convention provides that dividends and interest paid by a Finnish corporation shall not be included in gross income and shall be exempt from United States tax except where the recipient is a citizen, resident, or corporation or other entity of the United States. The exemption so provided shall apply even though the corporation paying the dividends or interest is a resident foreign corporation at the time of payment and without regard to the percentage of its gross income from sources within the United States.

§ 511.116 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XIII of the convention, a professor or teacher, a nonresident alien who is a resident of Finland, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1952, for such teaching during such period.

(b) *More than two years.* The exemption granted by Article XIII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States and that the requirements of paragraph (a) of this section are otherwise satisfied.

(c) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XIII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.117 *Students or apprentices*—(a) *General.* Under Article XIV of the convention, a student, or apprentice, a nonresident alien who is a resident of Finland, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income and shall be exempt from United States tax with respect to amounts derived by him in taxable years beginning on or after January 1, 1952, and received during such years from without the United States as remittances for the purpose of his maintenance or studies.

(b) *Personal services.* The exemption granted by Article XIV of the convention does not apply to amounts received as compensation for labor or personal services.

§ 511.118 *Credit against United States tax for Finnish tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention, the United States, in determining the United States tax of a citizen or resident of the United States or of a domestic corporation, may, under Article XV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VIII of the convention with respect to a copyright royalty derived from sources within the United States by a resident of Finland, such royalty shall be included in gross income and is subject to United States tax when so derived by a resident of Finland who is a citizen of the United States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income and exemption from United States tax granted by Article X (1) of the convention with respect to wages, salaries, and similar compensation, and pensions, paid by Finland or any political subdivisions or communities thereof shall not be denied. See Article XV (2) of the convention.

(b) *Application of credit*—(1) *General.* For the purpose of mitigating double taxation, Article XV (1) (a) of the convention provides that a citizen of the United States, a citizen of Finland who is a resident of the United States, or a domestic corporation, deriving income from sources within Finland shall be allowed a credit against the United States tax for the amount of Finnish tax paid or accrued during the taxable year. This credit shall be made in accordance with the provisions of section 131 of the Internal Revenue Code of 1939 as in effect on December 18, 1952, but subject to the provisions of Article XXI (2) of the convention.

(2) *Similar credit requirement.* By virtue of the provisions of Article XV (1) (b) of the convention, relating to the credit against Finnish tax, Finland satisfies the similar credit requirement set forth in section 901 (b) (3), Internal Revenue Code of 1954, in the case of Finnish citizens residing in the United States, but only with respect to taxes paid to Finland and not with respect to taxes paid to another foreign country. This subparagraph shall not be construed, however, to prevent Finland from otherwise satisfying the similar credit requirement, in accordance with section 901 of the 1954 Code and the regulations thereunder, with respect to taxes paid to another foreign country. Thus, if pursuant to a convention between Finland and another foreign country, Finland were to exempt from its income taxes the income received from sources within such other foreign country by a United States citizen residing in Finland, or were to allow a credit against its income taxes for the income taxes of the other foreign country on such income, then Finland would, in accordance with such regulations under section 901, satisfy the similar credit requirement of section 901 (b) (3) with respect to income taxes paid to such other foreign country by a Finnish citizen residing in the United States.

§ 511.119 *Exchange of information*—(a) *General.* By Articles XVII, XIX and XXII of the convention, the United States and Finland adopt the principle of exchange of such information as is necessary for carrying out the provisions of the convention, preventing fraud, or for the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the convention, but not including information which would be contrary to public policy or which would disclose any trade secret or trade process. The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Taxation Department of the Ministry of Finance.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVII of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Finland, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partner-

ships) and to nonresident foreign corporations, whose addresses at the time of payment were in Finland, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–FIN or substitute Form 1001–FIN has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVII of the convention, the Commissioner will transmit to the Taxation Department of the Ministry of Finance, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001-FIN, and substitute Form 1001-FIN, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Articles XVII and XIX of the convention and upon request of the Taxation Department of the Ministry of Finance, the Commissioner shall furnish to the Taxation Department information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Finland in any case in which such information is necessary for carrying out the provisions of the convention, preventing fraud, or administering statutory provisions against tax avoidance in relation to the taxes which are the subject of the convention.

§ 511.120 *Double taxation claims*—(a) *General.* Under Article XX of the convention, where the taxpayer shows proof that the action of the revenue authorities of the United States or Finland has resulted in double taxation contrary to the provisions of the convention, he is entitled to lodge a claim with the country of which he is a citizen; or, if he is not a citizen of either country, with the country of which he is a resident; or, if the taxpayer is a corporation or other entity, with the country in which it is created or organized. The article provides that, should the taxpayer's claim be upheld, the competent authority of the country with which the claim is lodged shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Finnish citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Taxation Department of the Ministry of Finance with a view to arranging an agreement of the character contemplated by Article XX.

§ 511.121 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a non-resident alien who is a beneficiary of an estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VI, VII, VIII, and XII of the convention with respect to dividends, interest, and copyright royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 511.122 *Members of a partnership*—(a) *General.* Whether an individual, corporation, or other entity, a member of a partnership, is subject to United States tax upon such person's distributive share of the income of the partnership depends upon both the status of the partnership and the status of the member.

(b) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of a partnership as though the convention had not come into effect, but subject to the provisions of § 511.118; even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of the income.

(c) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership, any member of such partnership who has a permanent establishment in the United States or who is either (1) a nonresident alien not a resident of Finland or (2) a foreign corporation or other entity which is not Finnish is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Finland, or to Finnish corporations or other entities, having no permanent establishment in the United States. Conversely, any member of a partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

§ 511.123 *Withholding regulations.* For regulations pertaining to the release or refund of excess tax withheld, and to exemption from, or reduction in the rate of, withholding of United States tax at source, in the case of dividends, interest, copyright royalties, private pensions, and life annuities received by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, see Treasury Decision 6030, approved July 10, 1953 (26 CFR (1939) 7.700 through 7.710).

[F. R. Doc. 56–7480; Filed, Sept. 17, 1956; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

APPLICATIONS

Immediately following § 8.114, a new centerhead and a new § 8.115 are added as follows:

APPLICATIONS FOR GOVERNMENT LIFE INSURANCE UNDER SECTION 623, NATIONAL SERVICE LIFE INSURANCE ACT, MADE BY PERSON IN ACTIVE SERVICE ON JANUARY 1, 1957, BUT FILED PRIOR TO THAT DATE

§ 8.115 *Applications for National Service Life Insurance and United States Government Life Insurance under section 623 of the National Service Life Insurance Act, which are made by persons in the active service on January 1, 1957, but filed prior to that date.* (a) Applications for reinstatement or issuance of permanent plan National Service Life Insurance or United States Government Life Insurance, under the provisions of section 623 (a) of the National Service Life Insurance Act, which are made on or after August 1, 1956, and prior to January 1, 1957, by persons who are in the active service on January 1, 1957, and who have had continuous indemnity protection since the date they cash surrendered their permanent plan insurance, shall, for the purposes of Public Law 881, 84th Congress, be deemed to have been made as of January 1, 1957. No insurance protection shall be granted under such applications prior to January 1, 1957, and protection shall be granted as of that date only if the applicant is eligible for such insurance and shall have met the monetary requirements for the reinstatement or issuance of insurance under section 623 (a) of the act by that date.

(b) Applications for issuance of National Service Life Insurance or United States Government Life Insurance on the 5-year level premium term plan, under the provisions of section 623 (b) of the National Service Life Insurance Act, which are made on or after August 1, 1956, and prior to January 1, 1957, by persons who are in the active service on January 1, 1957, and who have had continuous indemnity protection since the date their term insurance expired, shall, for the purposes of Public Law 881, 84th Congress, be deemed to have been made as of January 1, 1957. No insurance protection shall be granted under such applications prior to January 1, 1957, and protection shall be granted as of that date only if the applicant is eligible for such insurance and shall have met the monetary requirements for issuance of insurance under section 623 (b) of the act by that date: *Provided,* That if the date of the physical examination (showing the applicant to be in good health) is more than 31 days prior to January 1, 1957, no insurance shall be granted unless the applicant is in as good health on January 1, 1957, as he was on the date of the physical examination.

(c) The effective date of new insurance issued under this section shall be January 1, 1957, with the exception of those cases where the applicant requests that the new insurance be antedated. In such cases, the insurance cannot be antedated more than 6 months prior to January 1, 1957.

(Sec. 501(a), 70 Stat. 880)
(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 18, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–7471; Filed, Sept. 17, 1956; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1337]

[72277]

OREGON

PARTIALLY REVOKING EXECUTIVE ORDER OF APRIL 17, 1926, WHICH CREATED PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 19 S., R. 33½ E.,
Sec. 21, E½NE¼;
Sec. 22, NW¼NW¼.

The areas described aggregate 120 acres.

The land is located in Harney County and is rough and mountainous with no portion being capable of cultivation. The soil consists of a sandy, clay loam and is generally stony. The land supports a sagebrush type association with a scattering of juniper. Annual precipitation is approximately 12 inches. The land is within Grazing District No. 3.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on October 18, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 17, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on January 17, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10 a. m. on January 17, 1957.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Portland, Oregon.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1956.

[F. R. Doc. 56–7453; Filed, Sept. 17, 1956; 8:45 a. m.]

[Public Land Order 1338]

[71791 et al.]

ALASKA

EXCLUDING CERTAIN TRACTS FROM TONGASS NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Tongass National Forest, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

[71791]

U. S. Survey No. 3305, lot 12, 0.15 acre; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1135, Lisianski Group).

U. S. Survey No. 3305, lot 4, 0.22 acre; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1131, Lisianski Group).

U. S. Survey No. 3371, lot 1, 2.507 acres; latitude 57°57'44" N., longitude 136°13'59" W. (Homesite No. 1130, North Pelican Group).

U. S. Survey No. 3305, lot 11, 0.17 acre; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1133, Lisianski Group).

U. S. Survey No. 3305, lot 9, 0.20 acre; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1132, Lisianski Group).

U. S. Survey No. 3305, lot 31 Tract C, 2.08 acres; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1134, Lisianski Group).

[71924]

U. S. Survey No. 3305, lot 17, 0.98 acre; latitude 57°57'25" N., longitude 136°13'01" W. (Homesite No. 1098, Lisianski Group).

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1956.

[F. R. Doc. 56–7454; Filed, Sept. 17, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 32—SOUTHWESTERN REGION

SUBPART—IMPERIAL NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

HUNTING

Basis and purpose. On the basis of observations and reports of representatives

of the Fish and Wildlife Service, it has been determined that a revision of the public hunting areas can be authorized without interfering with the primary purpose for which the Imperial National Wildlife Refuge was established.

Inasmuch as the following regulation is a relaxation of existing restrictions applicable to the Imperial National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 32.102 is revised to read as follows:

§ 32.102 *Area open to hunting.* All the lands of the United States within the following-described areas of the refuge shall be open to hunting:

(a) *Area I.* That part of the refuge between River Station No. 1 and River Station No. 4.

(b) *Area II.* That part of the refuge westward and northward from River Station No. 7.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: September 12, 1956.

LESTER BAGLEY,
Acting Director.

[F. R. Doc. 56-7452; Filed, Sept. 17, 1956; 8:45 a. m.]

PART 32—SOUTHWESTERN REGION

SUBPART—KOFA GAME RANGE, ARIZONA

DEER HUNTING

Basis and purpose. On the basis of a joint investigation by representatives of the Arizona Game and Fisk Commission the Bureau of Land Management, and the Fish and Wildlife Service, it has been determined that in order to safeguard and preserve the limited forage available for bighorn sheep inhabiting the Kofa Game Range, the removal of an overpopulation of competing deer from the range should be accomplished from time to time through public hunting.

Since the following regulation is a relaxation of existing restrictions applicable to the Kofa Game Range, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following subpart is added:

SUBPART—KOFA GAME RANGE, ARIZONA

DEER HUNTING

Sec.
32.211 Deer hunting permitted.
32.212 Joint survey.
32.213 State laws.
32.214 Hunting licenses and permits.
32.215 Entry.
32.216 State cooperation.

AUTHORITY: §§ 32.211 to 32.215 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 32.211 *Deer hunting permitted.* Subject to the conditions and requirements of §§ 32.212 through 32.216, the Regional Director of the Fish and Wildlife Service, after consulting with the Arizona Game and Fish Commission and the Bureau of Land Management, may open to deer hunting from time to time any or all of the lands of the Kofa Game Range by the suitable posting of such lands and by other appropriate notice when he has determined that such action is necessary to safeguard and preserve the limited forage available for bighorn sheep inhabiting the range.

§ 32.212 *Joint survey.* The propriety of permitting deer hunting on the Kofa Game Range in any year shall be determined by joint examination or consultation by and between the Fish and Wildlife Service, the Bureau of Land Management, and the Game and Fish Commission of the State of Arizona. If such annual examination indicates a surplus of deer which should be reduced, the number of deer to be removed shall be determined and agreed upon by the participating agencies.

§ 32.213 *State laws.* Any person who hunts within the Kofa Game Range must comply with all applicable State laws and regulations.

§ 32.214 *Hunting licenses and permits.* Any person who hunts within the Kofa Game Range shall be in possession of a valid State hunting license, if such license is required. Such license shall serve as a Federal permit for deer hunting on the Kofa Game Range and must be carried on the person of the licensee while so hunting. This license must be exhibited upon the request of any representative of the Arizona Game and Fish Commission authorized to enforce the State game laws or of any representative of the United States Department of the Interior, or other authorized official. Upon request of any of the aforesaid representatives, the permittee must present for inspection all deer killed by him or in his possession.

§ 32.215 *Entry.* Entry on and use of the Kofa Game Range for any purpose are governed by Parts 18 and 20 of this chapter, and strict compliance therewith is required.

§ 32.216 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event that such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

Dated: September 12, 1956.

LESTER BAGLEY,
Acting Director.

[F. R. Doc. 56-7477; Filed, Sept. 17, 1956; 8:50 a. m.]

PART 34—SOUTHEASTERN REGION

SUBPART—WHITE RIVER NATIONAL WILDLIFE REFUGE, ARKANSAS

HUNTING

Basis and purpose. On the basis of reports and recommendations of representatives of the Arkansas Game and Fish Commission and on the basis of investigations by representatives of the Fish and Wildlife Service, I have determined that the hunting of upland game may be permitted on certain lands of the White River National Wildlife Refuge without interfering with the primary purpose of the area.

Since the following regulation is a relaxation of the existing restrictions application to the White River National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following sections are added:

HUNTING

Sec.
34.271 Archery hunting permitted.
34.272 State laws.
34.273 Hunting licenses and permits.
34.274 Entry.
34.275 Firearms prohibited.

AUTHORITY: §§ 34.271 to 34.275 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 34.271 *Archery hunting permitted.* The Regional Director of the Fish and Wildlife Service, after an examination of the habitat and a determination of the animal populations, may, if he deems such action to be warranted, open to the hunting of deer, squirrels, rabbits, bobcats, and raccoons by the use only of bow (except crossbow) and arrow such areas of the White River National Wildlife Refuge, Arkansas, as may be designated by suitable posting. Such posting shall be accomplished under the direction of the refuge officer in charge.

§ 34.272 *State laws.* Any person who hunts within the refuge must comply with all applicable State laws and regulations.

§ 34.273 *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on the refuge: *Provided*, That the refuge officer in charge may limit the number of persons hunting on the refuge and may require a special permit in addition to the required State license, which permit may limit the area within which the permittee may hunt and the period for which permission is granted.

§ 34.274 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge.

§ 34.275 *Firearms prohibited.* The use or possession of firearms of any description on the refuge is prohibited.

LESTER BAGLEY,
Acting Director.

[F. R. Doc. 56-7478; Filed, Sept. 17, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR Part 83]

WAIVER OF PATENT RIGHTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules shall send them to the United States Atomic Energy Commission, Washington 25, D. C., attention: General Counsel, within 30 days after publication of this notice.

Sec.
83.1 Waiver.
83.2 Limitations.

AUTHORITY: §§ 83.1 and 83.2 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply sec. 152, 68 Stat. 944; 42 U. S. C. 2182.

§ 83.1 *Waiver.* The Atomic Energy Commission waives its rights under section 152 of the Atomic Energy Act of 1954 (68 Stat. 919) with respect to inventions and discoveries resulting from the use of the following materials and services:

(a) Source materials, special nuclear materials, and heavy water distributed by the Commission in accordance with the "Schedules of Base Charges for Materials Sold or Leased by AEC for Use in Private Atomic Energy Development and Base Prices Which the AEC Will Pay For Certain Products From Private Reactors."

(b) Radioactive and stable isotopes, irradiation services (this waiver does not include inventions or discoveries made by AEC or AEC contractor personnel in the course of or in connection with the performance of an irradiation service), and radioactive material resulting from the performance of an irradiation service sold or distributed by the AEC in accordance with the prices and charges established by:

(1) Oak Ridge National Laboratory Inventory and Price List of electromagnetically enriched and other stable isotopes.

(2) Oak Ridge National Laboratory Catalog and Price List of radioisotopes, special materials, and services.

(3) National Reactor Testing Station Catalog of Price and charges on irradiation services at the materials testing reactor.

(4) Argonne National Laboratory schedule of charges for irradition services at its irradiation facilities.

(5) Brookhaven National Laboratory schedule of prices and charges for irradiation services and radioisotopes.

(c) Radioisotopes distributed in accordance with prices established in Part 37 of this chapter.

§ 83.2 *Limitations.* (a) Nothing contained in this part shall be deemed to waive any rights in inventions or discoveries where a person or a group of persons acting on behalf of the person requesting the irradiation service works at the AEC facility in connection with the irradiation service. In such event, special arrangements are made.

(b) Nothing contained in this part shall be construed to affect the provisions of any written agreement to which the AEC has or may become a party.

Dated at Washington, D. C., this 12th day of September 1956.

R. W. COOK,
Deputy General Manager.

[F. R. Doc. 56-7451; Filed, Sept. 17, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 11822; FCC 56-873]

INDUSTRIAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 11 with respect to the availability of frequencies below 25 Mc in the industrial radio services.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. The Commission proposes to amend Part 11 of its rules so as to stipulate that the selection and assignment of a frequency below 25 Mc, for use by a station to be licensed in the Industrial Radio Services, must necessarily be on a case-by-case basis, and that the individual frequencies in that range now listed in Part 11 are not, in every case, available for assignment, particularly in the territories and possessions of the United States.

3. As a basis for the proposal, it may be noted, that International Telecommunication and Radio Conferences were held in Atlantic City in 1947, at which the radio spectrum was reallocated among the several services. The regulations adopted at Atlantic City provided for the calling of a special Administrative Radio Conference at a later date and, for administrative and allocation purposes, divided the geographical areas of the world into three Regions. With the exception of certain minor dependencies or possessions which are in Region 3, the United States and its territories and possessions are included in Region 2, which embraces North, Central and South America, as well as the Hawaiian Islands, Greenland and the West Indies.

4. As a preliminary to the Extraordinary Administrative Radio Conference, which was held at Geneva, Switzerland, in 1951, an inter-American and a Region 2 Conference were held during 1949. These conferences dealt primarily with the allocation of frequencies below 4000 kc and as a result it became necessary for the Commission to rearrange many frequency assignments in the range or 1605–3500 kc which, under the Atlantic City Radio Regulations, were not in appropriate sub-bands. This was accomplished on a planned basis, first by asking for public comment with respect to the proposed plans of reassignment and second, by coordinating such planned reassignments with other countries in Region 2. These plans were coordinated on a station-by-station basis (1) to ensure that every existing station which was required to change frequency was assigned an appropriate new frequency, and (2) to ensure that those stations which were not required to change frequencies could continue on their existing assignments. This action resulted in the establishment of a Region 2 International Frequency List, which was adopted at the above-mentioned Geneva conference, and which contained all final or permanent assignments in the affected range for stations which were then in existence.

5. As a result of the interference protection accorded existing stations by the Region 2 International Frequency List, it has become necessary that all new assignments of frequencies below 25 Mc be considered on a case-by-case basis, so as to protect those assignments in the List which already exist even though some stations may not yet have been moved to operate thereon. In the case of Part 11 of the Commission's rules, it has not been found practicable to amend the Rules so as to show the particular areas in which the frequencies below 25 Mc listed therein are actually available for assignment or are already assigned in the Region 2 List. Inasmuch as there may be cases in which the old listed frequencies in this range cannot be assigned without creating an interference situation with respect to a co-channel or adjacent channel assignment of some other station, particularly in the territories and possessions, it is considered desirable to provide for the assignment of any frequency in appropriate bands which, on the basis of an engineering analysis, may prove useful to the applicant and will not result in creating or receiving interference to or from other services.

6. The proposed amendments, authority for which is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, are set forth below.

7. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 30, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within ten days from the last day

for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in these matters and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

3. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 11, 1956.

Released: September 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

A. Section 11.252 is proposed to be amended in the following particulars:

1. In paragraph (b), delete the frequencies 2292 kc, 2398 kc, and 4637.5 kc, together with the footnotes 1, 3, and 4 referenced thereto.

2. Add a new paragraph, to read as follows:

(x) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
2292 kc
2398 kc
4637.5 kc

B. Section 11.302 is proposed to be amended in the following particulars:

1. In paragraph (b) delete the frequencies 1614 kc, 1628 kc, 1652 kc, 1676 kc, 1700 kc, 2292 kc, 2398 kc, and 4637.5 kc together with the footnotes 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(x) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies	*Frequencies*
1614 kc	1700 kc
1628 kc	2292 kc
1652 kc	2398 kc
1676 kc	4637.5 kc

C. Section 11.352 is proposed to be amended in the following particulars:

1. In paragraph (b), delete the frequencies 1676 kc, 1700 kc, and 2398 kc, together with the footnote 1 referenced thereto.

2. Add a new paragraph, to read as follows:

(x) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant; *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application also should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
1676 kc
1700 kc
2398 kc

D. Section 11.402 is proposed to be amended in the following particulars:

1. In paragraph (a), delete the frequencies 1628 kc, 1652 kc, 2292 kc, 2398 kc, and 4637.5 kc, together with the footnote 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(x) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands may be unavaible for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely submitted, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
1676 kc
1700 kc
2398 kc

D. Section 11.402 is proposed to be amended in the following particulars:

1. In paragraph (a), delete the frequencies 1628 kc, 1652 kc, 2292 kc, 2398 kc, and 4637.5 kc, together with the footnote 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(x) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands may be unavaible for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely submitted, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
2292 kc
2398 kc
4637.5 kc

[F. R. Doc. 56–7494; Filed, Sept. 17, 1956; 8:54 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 145]

[No. 9999]

FEDERAL SAVINGS AND LOAN SYSTEM OPERATIONS

SALES COMMISSIONS

SEPTEMBER 12, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is proposed that Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) be amended by adding after § 145.4 a new section to be numbered § 145.5 reading as follows:

§ 145.5 *Sales commissions.* A Federal association shall not, directly or indirectly, pay any sales commission except a sales commission or sales commissions not exceeding in the aggregate one quarter of one percent of the amount received and credited by such association upon the opening or increasing of an account or investment (less the amount thereof prior to increase in the case of an account or investment increased). No Federal association shall allow to any salesman, solicitor, or other person, including any investor, any discount or rebate on the opening or increasing of investments or accounts in such institution. As used in this section the term "sales commission" means any commission, fee, or other compensation for soliciting or obtaining investments or accounts in a Federal association, or any commission, fee, or other compensation the amount of which is based in whole or in part upon the opening, increasing, or amount of investments or accounts in a Federal association.

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than the close of business of October 19, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56–7481; Filed, Sept. 17, 1956; 8:51 a. m.]

[24 CFR Part 163]

[No. 10,000]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OPERATIONS

SALES COMMISSIONS

SEPTEMBER 12, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is proposed that § 163.25 of the rules and regulations for Insurance of Accounts (24 CFR 163.25) be amended to read as follows:

§ 163.25 *Sales commissions.* An insured institution shall not, directly or indirectly, pay any sales commission except a sales commission or sales commissions not exceeding in the aggregate one quarter of one percent of the amount received and credited by such institution upon the opening or increasing of an account or investment (less the amount thereof prior to increase in the case of an account or investment increased). No insured institution shall allow to any salesman, solicitor, or other person, including any investor, any discount or rebate on the opening or increasing of investments or accounts in such institution. As used in this section the term "sales commission" means any commission, fee, or other compensation for soliciting or obtaining investments or accounts in an insured institution, or any commission, fee, or other compensation the amount of which is based in whole or in part upon the opening, increasing, or amount of investments or accounts in an insured institution.

Resolved further, That all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than the close of business on October 19, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U. S. C. 1725, 1726)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56–7497; Filed, Sept. 17, 1956; 8:51 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11539, etc.; FCC 56–859]

MUSSER BROADCASTING CO. ET AL.

ORDER AMENDING ISSUES

In re applications of Sam Ferguson Musser and Gloria G. Musser, d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539; File No. BP–9698; Will Groff, tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP–9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage, d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP–9940; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of September 1956;

The Commission having under consideration (1) Petition to Enlarge Issues filed April 24, 1956 by Musser Broadcasting Company; (2) Response to Petition to Enlarge Issues filed May 3, 1956 by the Broadcast Bureau; (3) Opposition to Petition to Enlarge Issues filed by Radio Columbia on May 4, 1956; and (4) Reply to Opposition to Enlarge Issues filed by Musser Broadcasting Company on May 14, 1956;

It appearing, that good cause for the late filing of the instant petition exists for the reason that the contour predictions upon which the petition is based were not made available by Radio Columbia until April 23, 1956, and that petitioner exercised diligence in submitting its petition thereafter on April 24, 1956;

It further appearing, that on the basis of the data submitted by Radio Columbia, the transmitter site proposed by Radio Columbia may fail to satisfy the requirements of § 3.188 (b) (1) of the Commission's Rules;[1]

It further appearing, that the issues should be enlarged to determine whether the requirements of the rule will be satisfied, that the Commission can decide after hearing whether waiver of the rule would be appropriate, and that amendment of the issues to ascertain whether waiver of compliance should be granted is inappropriate at this time;

It is ordered, That the issues in the above-entitled proceeding are enlarged to include the following issue:

To determine whether the transmitter location proposed by Radio Columbia would comply with the requirements of § 3.188 (b) (1) of the Commission's rules.

Released: September 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7495; Filed, Sept. 17, 1956; 8:54 a. m.]

[Docket No. 11737; FCC 56M-840]

LIVINGSTON BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of M. H. Wirth, tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permit.

It is ordered, This 13th day of September 1956, on the Chief Hearing Examiner's own motion, that hearing in the above-entitled proceeding, which is scheduled for this date, is continued to a time which will be specified in a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7496; Filed, Sept. 17, 1956; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the entire State of Texas, except the 57 counties listed in 20 F. R. 7054, production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans may be made in the entire State of Texas, except in the 57 counties listed in 20 F. R. 7054, but after December 31, 1957, such loans may be made only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7465; Filed, Sept. 17, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4102 etc.]

ALTEX CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 12, 1956.

In the matters of The Altex Corporation, et al., Docket No. G-4102, Sunray Mid-Continent Oil Company, Docket Nos. G-5123—G-5132, incl., G-5134, G-5135, G-5172—G-5179, incl.

Notice is hereby given that the applications of Sunray Mid-Continent Oil Company in Docket Nos. G-5123—G-5132, incl., G-5134, G-5135, and G-5172—G-5179, incl., in the above consolidated proceedings and scheduled for a hearing on September 17, 1956, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further order.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7455; Filed, Sept. 17, 1956; 8:46 a. m.]

[Docket No. G-8712 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1956.

In the matters of Arkansas Fuel Oil Corporation, Docket No. G-8712, John W. Mecom, Docket No. G-8714, United Gas Pipe Line Company, Docket No. G-8716.

Take notice that: Arkansas Fuel Oil Cororation (Arkansas), a Delaware corporation with principal place of business in the Slattery Building, Shreveport, Louisiana, filed on April 4, 1955, in Docket No. G-8712, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Arkansas to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

John W. Mecom (Mecom), an individual whose principal place of business is the Gulf Building, Houston, Texas, filed on April 4, 1955, in Docket No. G-8714, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Mecom to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants Arkansas and Mecom propose to sell natural gas in interstate commerce as described below to United Gas Pipe Line Company for resale.

Docket Number; Applicant; Source of Gas

G-8712; Arkansas Fuel Oil Corporation; Southdown Sugars Unit 1, Well No. 1, Crescent Farms Field, Terrebonne Parish, Louisiana; Southdown Sugars No. 2, Crescent Farms Field, Terrebonne Parish, Louisiana; Southdown Sugars Unit 1, Well No. 2 (50 percent interest), Crescent Farms Field, Terrebonne Parish, Louisiana; Southdown Sugars Unit 2, Well No. 1 (50 percent interest), Crescent Farms Field, Terrebonne Parish, Louisiana.

G-8714; John W. Mecom; Southdown Sugars Unit 1, Well No. 2 (50 percent interest), Crescent Farms Field, Terrebonne Parish, Louisiana; Southdown Sugars Unit 2, Well No. 1 (50 percent interest), Crescent Farms Field, Terrebonne Parish, Louisiana; Southdown Sugars No. 1, Hollywood Field, Terrebonne Parish, Louisiana.

United Gas Pipe Line Company (United), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on April 4, 1955, in Docket No. G-8716, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing United to construct and operate as integral parts of its existing natural gas system, certain natural gas facilities as hereinafter described, which are necessary to the transportation and sale of natural gas in interstate commerce, for the purpose of taking natural gas from Arkansas in Crescent Farms Field and Mecom in Crescent Farms and Hollywood Fields, Terrebonne Parish, Louisiana.

The facilities proposed to be constructed and operated by United consist of two purchase meter stations, approximately 2.37 miles of 8-inch line and appurtenant facilities beginning at a point in the Crescent Farms Field and extending in a southwesterly direction to a point of interconnection with United's 24-inch pipe line near M. P. 30.0, all in Terrebonne Parish, Louisiana.

The estimated total cost of all facilities to be installed by United is $141,001, of which $110,974 is for the 8-inch pipe lines, $19,379 is for the meter stations and $10,648 is for separator installation. The cost will be financed from current working funds.

United's application states that the estimated total gas supply available in reserves to United from the Crescent Farms and Hollywood Fields is 93,496,000 Mcf and that connection with these reserves will help to assure the continued and uninterrupted flow of natural gas to United's customers.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, October 17, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7472; Filed, Sept. 17, 1956; 8:49 a. m.]

[Docket Nos. G-10590, G-10591]

ARKANSAS-MISSOURI POWER CO. AND MIDSOUTH GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1956.

Take notice that Arkansas-Missouri Power Company (Ark-Mo) and MidSouth Gas Company (MidSouth), Arkansas corporations having their principal place of business at Blytheville and Little Rock respectively, filed companion applications on June 15, 1956, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, directing physical connection and the sale and delivery of natural gas, and authorizing the transportation of natural gas in interstate commerce and the construction and operation of natural gas facilities as hereinafter described, all as more fully represented in the respective applications now on file with the Commission and open for public inspection.

Ark-Mo proposes to construct and operate approximately 8½ miles of 8⅝ inch transmission line with appurtenances extending from the terminus of its present transmission facilities at Wilson, Arkansas to a proposed juncture with the existing transmission line of MidSouth at Turrell, Arkansas.

Ark-Mo presently serves natural gas at retail in a number of communities in eastern Arkansas and Missouri from its transmission lines in those states. The company receives its gas supply principally from Texas Eastern Transmission Corp. Some gas is also purchased from Texas Illinois Natural Gas Pipe Line Co. for an isolated system at Jackson, Missouri.

Ark-Mo proposes to meet an estimated peak day deficiency for the winter heating season of 1956-57 of 5,077 Mcf of natural gas through purchase of 5,100 Mcf per day from Texas Gas Transmission Corporation. It has included a request in its application for a 7 (a) order against Texas Gas.

Ark-Mo proposes that this gas be delivered by Texas Gas to an existing connection between Texas Gas and MidSouth near Lynchburg, Mississippi, whence MidSouth will transport the gas for Ark-Mo through its existing transmission line to the projected connection with Ark-Mo's proposed facilities at Turrell, Arkansas.

In its application MidSouth requests a certificate of public convenience and necessity to transport a maximum of 5,100 Mcf of Natural gas per day at 14.73 psia for the account of Ark-Mo through that section of its system extending from its point of interconnection with the facilities of Texas Gas at Lynchburg, Mississippi, to Turrell, Arkansas, and to construct and operate the necessary metering facilities to enable it to deliver the gas to Ark-Mo. The estimated total cost of the proposed facilities of MidSouth is $12,714, which MidSouth is capable of supplying from its cash reserves.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 12, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7474; Filed, Sept. 17, 1956; 8:49 a. m.]

[Docket No. G-10698]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 12, 1956.

Take notice that Texas Gas Transmission Corporation (Texas Gas), A Delaware corporation with its principal place of business located at Owensboro, Kentucky, filed, on August 10, 1956, an application for a certificate of public convenience and necessity for the construction, installation and operation of certain facilities hereinafter described and as more fully represented in its application which is on file with the Commission and is open for public inspection.

Texas Gas seeks authorization to construct, install and operate approximately 13 miles of 20-inch O. D. pipeline extending from the end of Texas Gas' East Lake Palourde 20-inch line to the Thibodaux area, Lafourche Parish, Louisiana, and a gas purchase meter station in the Thibodaux area. The facilities will be used to receive additional gas reserves dedicated to Texas Gas. The proposed facilities are estimated to cost $1,459,000 and will be financed by temporary bank loans. Texas Gas does not propose in its application to serve any additional markets.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7473; Filed, Sept. 17, 1956; 8:49 a. m.]

[Docket No. G-10886]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 12, 1956.

Take notice that Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal place of business located at Owensboro, Kentucky, filed, on August 10, 1956, an application for a certificate of public convenience and necessity for the construction, installation and operation of certain facilities hereinafter described and as more fully represented in its application which is on file with the Commission and is open for public inspection.

Texas Gas seeks authorization to construct, install and operate approximately 0.85 mile of 4½-inch O. D. pipe, 2 miles of 8⅝-inch O. D. pipe and 3 gas purchase meters, all in the vicinity of the South Bell City Field, Calcasieu Parish, Louisiana and South Lake Arthur Field, Jefferson Parish, Louisiana. The facilities are to be used to receive additional natural gas reserves dedicated to Texas Gas under contracts with producers in the South Bell City and South Lake Arthur Fields. The estimated cost of the facilities, which will be financed from corporation funds, is $108,500. Texas Gas presently pur-

[1] "• • • (b) The site selected should meet the following conditions: (1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business and factory areas of the city."

chases natural gas in both the South Bell City and South Lake Arthur Fields. No additional markets are proposed to be served by Texas Gas in its application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7475; Filed, Sept. 17, 1956; 8:49 a. m.]

[Docket No. G-10896]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1956.

On August 13, 1956, Cities Service Gas Company (Applicant) filed an application in Docket No. G-10896 for a certificate of public convenience and necessity authorizing the sale of gas to Panhandle Eastern Pipe line Company (Panhandle) in the amount of 40,000 Mcf per day, for a contract period of 10 months only, from September 29, 1956.

Applicant states that the proposed sale is a continuation of a sale of approximately 50,000 Mcf per day initiated August 1, 1956 for a 60-day period without certification, under emergency conditions for which such sales may be made pursuant to § 157.22 of the Commission's rules and regulations.

Applicant also states that the gas for the proposed sale will be supplied from Applicant's sources of supply in the Panhandle Texas Field and the Kansas and Oklahoma portions of the Hugoton Field, and that three meter and regulator settings are involved, located as follows:

NE¼, Sec. 24, Township 33 S., Range 34 W., Seward Co., Kansas; SE¼, Sec. 16, Township 4 N., Range 14 E., Texas Co., Oklahoma; SE¼, Sec. 79, Blk. 5, I&GN Ry. Co. Survey, Carson Co., Texas.

Applicant further states that the estimated cost of the above described facilities is $9,350, which will be paid for out of treasury cash, and that the proposed rate of 14.5 cents per Mcf (14.65 psia) is incorporated in Applicant's proposed Rate Schedule EF-2 filed with the Commission.

Applicant alleges that the necessity for the 60-day emergency sale of 50,000 Mcf per day to Panhandle is to extend to the sale of 40,000 Mcf per day for a 10-month period, for which certification is sought herein.

According to the application Panhandle advised Applicant that it (Panhandle) was over-produced in the Kansas and Oklahoma portions of the Hugoton Field and in the Panhandle Field, and that a shortage of supply for its system exists.

Applicant, on the contrary, was and is under-produced in these fields, has a supply exceeding its present requirements therefrom, and wishes to assist Panhandle in its emergency and help the cognizant state commissions maintain proration. Applicant states that if the excess allowables are not delivered to Panhandle, they may ultimately be cancelled by the respective state commissions, and the amounts represented thereby spread to others in the fields and their benefits lost to Applicant.

Circumstances contributory to Applicant's under-production in Hugoton and to its continuance are the acquisition of substantial reserves along the southern part of its system and the contemplated addition of new supply in the Eureka area adjacent to its Guymon-Blackwell line.[1]

The proposed sale to Panhandle appears to involve no detriment to Applicant's own customers, by reason of its representing only 0.0014 percent of total reserves. Applicant states it is unwilling to continue the proposed sale beyond the 10-month period.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7456; Filed, Sept. 17, 1956; 8:46 a. m.]

[Docket No. G-11060]

UNITED FUEL GAS CO.

ORDER SUSPENDING PROPOSED SERVICE AGREEMENTS AND FIXING DATE OF HEARING

United Fuel Gas Company (United Fuel) on July 25, 1956, initially tendered for filing service agreements dated June 18 and 25, 1956, with The Ohio Fuel Gas Company and The Manufacturers Light and Heat Company, respectively, its affiliates in the Columbia Gas System. Copies of these proposed service agreements were mailed on August 9, 1956, to Portsmouth Gas Company and the nonaffiliated wholesale customers of Atlantic Seaboard Corporation and Central Kentucky Natural Gas Company. The filing was not completed until August 13, 1956.

United Fuel's present service agreements for sales to Ohio Fuel and Manufacturers, which carry a 20-year term expiring January 31, 1970 and effective thereafter on a year-to-year basis, provide for maximum delivery obligations and entitlements of 256,000 Mcf and 204,000 Mcf per day, respectively, under Rate Schedule LS-1 or any superseding rate schedule. Following the Commission's decision on rate form in Docket Nos. G-2451, etc., In the Matter of United Fuel Gas Company, et al., issued May 11, 1956, United Fuel filed, and the Commission accepted, notice of cancellation of Rate Schedule LS-1, effective from the date of that decision. Thus the foregoing "delivery obligations" under the LS-1 schedule became "contract demands" under the superseding CDS-1 rate schedule approved by the aforementioned decision.

United Fuel, under the proposed service agreements (with expiration date of May 11, 1976 and thereafter on a year-to-year basis), seeks to effect reductions in the present maximum "delivery obligations" or "contract demands" from 256,000 Mcf to 225,000 Mcf per day for Ohio Fuel and from 204,500 Mcf to 149,000 Mcf per day for Manufacturers. United Fuel states that the proposed contract demands are determined from the maximum quantities it will have available for delivery to the two purchasers from November 1, 1956 through March 31, 1957 and by the requirements of such purchasers. It further states that any volumes in excess of these contract demands which may be delivered to Ohio Fuel and Manufacturers during the summer months would be billed under Rate Schedule AOS-1, authorized overrun service. Available data indicate that substantial volumes of gas, in excess of the newly proposed contract demands, have been and will be delivered to Ohio Fuel and Manufacturers under Rate Schedule AOS-1 during the summer months for storage purposes.

The use of the "contract demand" as proposed by United Fuel does not appear to be consistent with the industry concept and practice where the contract demand represents the maximum delivery obligation. In addition, the proposal to supply substantial volumes of gas regularly and over extended periods to Ohio Fuel and Manufacturers under Rate Schedule AOS-1 does not appear to be within the intent of the applicability and character of service provisions of that schedule as authorized by the Commission's order issued on May 11, 1956.

Comments and protests on United Fuel's filing have been received from Cincinnati Gas & Electric Company and Washington Gas Light Company.

The reduction in the maximum delivery obligations or contract demands proposed by United Fuel in its filing

[1] Docket No. G-10934.

completed on August 13, 1956, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 5 of such act, concerning the lawfulness of the aforementioned service agreements, sales and operations related thereto as proposed by United Fuel, and as referred to above, and that said service agreements be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing hereby is set to commence on November 5, 1956 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the proposed changes in the contract demands of Ohio Fuel and Manufacturers as contained in the service agreemnts filed by United Fuel on August 13, 1956 and the sales and operations related thereto as proposed by United Fuel: *Provided, however,* That such hearing shall be limited to the issues herein set forth and shall, in no way, constitute a retrial of the matters decided by the Commission's order issued May 11, 1956 in Docket Nos. G-2451, etc., In the Matter of United Fuel Gas Company, et al.

(B) Pending such hearing and decision thereon United Fuel's proposed service agreements for sale of gas to Ohio Fuel and Manufacturers hereby are suspended and the use thereof deferred until November 1, 1956, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f).

Issued: September 12, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7476; Filed, Sept. 17, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3511]

IROQUOIS GAS CORP.

NOTICE OF PROPOSED ACQUISITION OF NATURAL GAS PROPERTIES

SEPTEMBER 12, 1956.

Notice is hereby given that Iroquois Gas Corporation ("Iroquois"), a public-utility subsidiary of National Fuel Gas Company ("National"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a) (1) and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Iroquois proposes to buy, for a cash consideration of $450,000, all of the natural gas properties of Reservation Gas Company and Finance Oil Company, non-affiliates, located in Erie, Cattaraugua, and Chautauqua Counties, New York, consisting primarily of 49 producing wells, approximately 45 miles of 2, 3, 4 and 6-inch pipeline, 2 compressor stations, various parcels of real property, and gas producing and storage leaseholds covering approximately 27,850 acres.

Iroquois states that the purchase price was arrived at by arm's-length bargaining; that it regards the price as fair and reasonable for these assets considered simply as producing properties; that for the immediate future it intends to operate them only as producing properties; that the properties are suitable for eventual conversion into underground storage areas for natural gas, supplementing its existing storage pools in the same locality.

No fees or commissions will be paid in connection with the transaction except legal fees, estimated at $500. In the opinion of the company's counsel, no regulatory commission other than this Commission has jurisdiction in the matter.

Notice is further given that any interested person may, not later than September 27, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7457; Filed, Sept. 17, 1956; 8:46 a. m.]

[File No. 70-3512]

OHIO EDISON CO.

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

SEPTEMBER 12, 1956.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a) (1) and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Pursuant to a Sale Agreement dated August 27, 1956 between the Company and the Village of Huron, Ohio ("Huron"), the Company proposes to acquire, for a cash consideration of $335,000, the Huron municipal electric distribution system, including approximately 26 pole miles of overhead distribution facilities, 314 street lights, and 178 line transformers of approximately 2,424 Kva. aggregate capacity, and serving approximately 1,350 customers.

The Company presently supplies power to Huron for distribution over its system, amounting to 4,963,200 Kwh, with revenue of $74,950, for the 12-month period ended July 31, 1956.

It is stated that Huron is situated within the Company's service area and in close proximity to communities presently served by the Company; that, upon consummation of the acquisition, the property will become a part of the Company's integrated system; that such integration should make it possible to improve the service and increase the sales of electric energy over the acquired facilities; that the rates to be charged will be the Company's regular rates for comparable communities, and that a comparison of such rates with those presently in effect in Huron indicates that there will be an overall reduction in charges for service.

The Company proposes to record the property in its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of The Public Utilities Commission of Ohio and the Federal Power Commission, which will have accounting jurisdiction with respect thereto. It is stated that no commission other than this Commission has jurisdiction over the proposed acquisition.

The Company estimates its fees and expenses in connection with the proposed acquisition as follows:

Commonwealth Associates Inc., for engineering services	$3,000
A. H. Heidenreich, independent consulting engineer	5,000
Winthrop, Stimson, Putnam & Roberts, for legal services	1,000
Company payroll costs and expenses	3,500
Miscellaneous	200
Total	12,700

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than September 27, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed:

Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7458; Filed, Sept. 17, 1956; 8:46 a. m.]

[File No. 812-1926]

EQUITY GENERAL CORP. AND STERLING PRECISION CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

SEPTEMBER 12, 1956.

Notice is hereby given that Equity General Corporation ("Equity General"), a subsidiary of The Equity Corporation, a registered closed-end, nondiversified investment company, and Sterling Precision Corporation ("Sterling") have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act the partial redemption by Sterling of its debentures owned by Equity General.

Equity General, all of whose outstanding stock is owned by The Equity Corporation, owns securities of industrial companies. Sterling, organized under the laws of Delaware, is engaged directly and through subsidiaries in various manufacturing operations. Sterling's consolidated long-term debt as of April 30, 1956, consisted of $3,400,000 of 4½ percent convertible debentures of Sterling due 1971 (each $6 principal amount convertible into one share of common stock) and $877,709 of other long-term debt, principally of subsidiaries. Equity General owned $1,800,000 of the debentures of Sterling, and Schuyler Corporation, which is not affiliated with Equity General or Sterling, owned the balance of $1,600,000. Sterling's outstanding capital stock consisted of 97,286 shares of 5 percent convertible preferred stock, $10 par value, and 4,264,906 shares of common stock, of which 137,640 shares of common stock (3.23 percent) were owned by Equity General. Of the seven directors of Sterling, three are also directors of Equity General and an additional director of Sterling was suggested by Equity General. It is stated that Equity General controls Sterling within the meaning of section 2 (a) (9) of the act.

Sterling and Equity General have entered into a financing agreement pursuant to which short term loans in the net amount of $1,400,000 were made by Equity General to Sterling for the repayment of bank loans and other corporate purposes pending permanent financing through the issuance and sale by Sterling of preferred stock. Sterling will offer 379,974 shares of 5 percent convertible preferred stock, $10 par value (each share convertible into 3 shares of common stock), to the holders of its preferred and common stock at a price of $10 per share through subscription rights and an oversubscription privilege. Equity General will exercise its subscription privileges as a stockholder of Sterling to the extent necessary to assure the purchase by stockholders of an aggragate of 290,000 shares of new preferred stock. Proceeds from the sale of these shares will be used by Sterling to repay the short term loans owing to Equity General and for general corporate purposes.

If more than 290,000 shares of new preferred stock are sold by Sterling to its stockholders pursuant to the subscription offer, Sterling will apply the gross proceeds from such additional number of shares, but not in excess of the proceeds received from the sale of shares to Equity General pursuant to the subscription offer, to the partial redemption of debentures pursuant to their terms. The terms of the debentures provide that voluntary redemptions shall be at the principal amount plus accrued interest, with partial redemptions to be made pro rata on the basis of the principal amount held by each owner. Schuyler Corporation has indicated its desire to retain its holdings of debentures and has waived its right to partial redemption. Accordingly, Sterling will apply the available proceeds from the sale of preferred stock, up to the maximum of approximately $901,000, to the redemption of debentures held by Equity General.

The application states that the proposed transactions will be advantageous to Sterling in that they will result in an increase in its equity capital, the reduction of its indebtedness and the addition of nearly $3,000,000 to its working capital.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since The Equity Corporation, a registered investment company, controls Equity General which, in turn, controls Sterling, the application requests an order pursuant to section 17 (b) of the act exempting from the provisions of section 17 (a) the partial redemption by Sterling of its debentures owned by Equity General.

Notice is further given that any interested person may, not later than September 26, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7459; Filed, Sept. 17, 1956; 8:46 a. m.]

[File No. 812-1029]

MANHATTAN BOND FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

SEPTEMBER 12, 1956.

Notice is hereby given that Manhattan Bond Fund, Inc. ("Manhattan"), a registered open-end investment company, has filed an application pursuant to the provisions of section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by the Applicant of debentures of Peabody Coal Company, during the existence of the underwriting syndicate, as more fully described below.

The application recites that Dick & Merle-Smith, an investment banking firm, expects to be among a group of underwriters of $35,000,000 principal amount of Peabody Coal Company Sinking Fund Debentures, due 1976 ("New Debentures") expected to be offered publicly on or about September 25, 1956. Mr. Julian K. Roosevelt, a partner of Dick & Merle-Smith is a member of the Board of Directors of Manhattan.

The Applicant is the owner of $612,000 principal amount of Peabody Coal Company 4⅞ percent Sinking Fund Debentures, due 1966, which are to be retired in connection with a refunding program that contemplates the issuance of the New Debentures, and, subject to a review of the offering price and the interest rate of the New Debentures, desires to replace the Debentures to be retired with New Debentures and proposes to purchase not exceeding $750,000 principal amount of New Debentures. It proposes to purchase the New Debentures from underwriters or members of the selling group other than Dick & Merle-Smith or any representative of the underwriters for the account of the several underwriters. The Applicant is not permitted under its Certificate of Incorporation to purchase any securities from a partnership with which any of its officers or directors are connected.

The Applicant considers it desirable to be in a position to purchase the New Debentures on the original offering in order to have reasonable assurance of being able to obtain the desired amount and to avoid the possibility of a higher price after the underwriting syndicate has been dissolved. If the Applicant were to purchase $750,000 principal amount of the New Debentures it would acquire less than 2¼ percent of the total offering and the purchase would represent an investment of not more than 3 percent of the Applicant's total assets as of September 10, 1956. The Applicant is advised that Dick & Merle-Smith's expected commitment in the underwriting group will be for $350,000, representing 1 percent of the total offering.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since a partner of Dick & Merle-Smith is a director of the Applicant, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors. The application states that Applicant believes that the requested exemption is consistent with Applicant's stated investment policies and with the protection of investors.

Notice is further given that any interested person may, not later than September 25, 1956, at 12 Noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7460; Filed, Sept. 17, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-131]

GOVERNMENT OF HUNGARY

In re: Debt owing to the Government of Hungary. F-34-408. F-34-548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a deposit account entitled "Hungarian Postal Savings Bank," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7482; Filed, Sept. 17, 1956; 8:51 a. m.]

[Vesting Order SA-132]

GOVERNMENT OF HUNGARY

In re: Bonds owned by the Government of Hungary. F-34-408, F-34-548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by $115,000.00 principal amount European Mortgage Series "C" Corporation 7 percent Income Bonds due September 15, 1967, bearing the numbers M2924/3033 @ $1,000.00 and numbers D236/246 @ $500.00, registered in the name of Royal Hungarian Postal Savings Bank, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7483; Filed, Sept. 17, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS for RELIEF

SEPTEMBER 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-and-SHORT HAUL

FSA No. 32626: *Scrap iron or steel—St. Louis, Mo., Group to Birmingham, Ala., Group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from St. Louis, Mo., Alton, Belleville, Edwardsville, East St. Louis, and Federal, Ill., to Birmingham, Ala., and points in Alabama taking same rates as Birmingham.

Grounds for relief: Circuitous routes.

Tariff: Supplement 122 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 32627: *Fertilizer and materials—Fenwick, S. C., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Fenwick, S. C., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 76 to Agent Spaninger's I. C. C. 1366.

FSA No. 32628: *Tobacco pipes, kits, cleaners and pouches—eastern defined points to Pacific coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on tobacco pipes, kits, cleaners, and pouches, as described, carloads, from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to points in north and south Pacific Coast areas.

Grounds for relief: Circuitous routes operating through higher-rated intermediate origin groups.

Tariff: Supplement 43 to Agent Prueter's tariff I. C. C. 1573.

FSA No. 32629: *Grain and products—Arkansas and Missouri to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads from specified points on the Missouri Pacific Railroad in Arkansas and Missouri to specified points on the Kansas City Southern Railway.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 76 to Agent Kratzmeir's tariff I. C. C. 3940.

FSA No. 32630: *Ties and buckles—Atlanta, Ga., to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton bale ties and buckles, straight or mixed carloads from Atlanta, Ga., to Galveston and Houston, Tex.

Grounds for relief: Rail-barge competition and circuitous routes.

Tariff: Supplement 75 to Agent Kratzmeir's tariff I. C. C. 4170.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-7470; Filed, Sept. 17, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
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VOLUME 21 1934 NUMBER 182

Washington, Wednesday, September 19, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3155

ALEXANDER HAMILTON BICENTENNIAL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

One hundred and sixty-nine years ago today, on Monday, September 17, 1787, the Constitution of the United States was signed by the Founding Fathers, and a crucial nine-month campaign for its adoption was begun. As we celebrate that momentous event, it is fitting that we take notice of Alexander Hamilton, who, at the age of thirty, was recognized as one of the principal architects and leaders of the movement for "a more perfect Union" of the States.

Five years earlier Hamilton's imagination had shown him the noble and magnificent prospect of a great Federal Republic, closely linked in the pursuit of a common interest, tranquil and prosperous at home, and respected abroad. His vision, together with that of other patriots, brought forth the United States of America under the Constitution.

Alexander Hamilton served his country well throughout his life—during the Revolutionary War as aide-de-camp and military secretary to General Washington, as commander of the American columns in the final assault on Yorktown, and, later, as Major General and Senior Officer of the Army; in the Continental Congress, in the Assembly of the State of New York, in the Annapolis Convention of 1786, which led to the momentous meeting in Philadelphia the following year, and in that meeting in 1787 during which the Constitution was framed. During the succeeding months he was untiring in his efforts to secure acceptance of the Constitution by the States, and his subsequent service as first Secretary of the Treasury under the new Government proved him to be one of the boldest and most far-sighted of the founders of our Nation.

The opportunity has now come to our generation to demonstrate our gratitude and our obligation to Alexander Hamilton by a fitting celebration of the two hundredth anniversary of his birth—a happy opportunity for all of us to think afresh of his sincere efforts and inspiring leadership in the work of the men who laid the foundations, raised the structure, and built the sustaining traditions of the Government of the United States.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in accord with the purposes of the Congress, do hereby urge the Governors of the several States, and do call upon all officials and agencies of Federal Government, and upon all citizens, to observe the year commencing January 11, 1957, as the Alexander Hamilton Bicentennial, and to do honor to his memory during that period with appropriate activities and ceremonies commemorative of his inspiring role in our national life.

And I hereby direct that on January 11, 1957, the anniversary of Alexander Hamilton's birth, the flag of the United States be appropriately displayed on all Government buildings in the United States and all offices of this Government abroad.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-7590; Filed, Sept. 18, 1956; 11:27 a. m.]

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FEDERAL REGISTER

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(Revised through June 1)

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RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; ILLINOIS

On August 31, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

ILLINOIS County:	*Average value*
Adams	$28,000
Bond	28,000
Boone	36,000
Brown	30,000
Bureau	40,000
Calhoun	20,000
Carroll	35,000
Cass	32,000
Champaign	40,000
Christian	40,000
Clark	32,000
Clay	25,000
Coles	40,000
Cook	40,000
Crawford	30,000
Cumberland	30,000
De Kalb	40,000
De Witt	40,000
Douglas	40,000
De Page	40,000
Edgar	40,000
Edwards	25,000
Effingham	25,000
Fayette	27,500
Ford	40,000
Fulton	32,000
Gallatin	30,000
Greene	30,000
Grundy	40,000
Hamilton	20,000
Hancock	32,000
Henderson	38,000
Henry	40,000
Iroquois	$40,000
Jasper	30,000
Jersey	30,000
Johnson	20,000
Kane	40,000
Kankakee	40,000
Kendall	40,000
Knox	40,000
Lake	35,000
La Salle	40,000
Lawrence	28,000
Lee	35,000
Livingston	40,000
Logan	40,000
McDonough	35,000
McHenry	35,000
McLean	40,000
Macon	40,000
Macoupin	30,000
Madison	25,000
Marion	25,000
Marshall	35,000
Mason	40,000
Menard	40,000
Mercer	40,000
Monroe	25,000
Montgomery	30,000
Morgan	30,000
Moultrie	40,000
Ogle	35,000
Peoria	40,000
Piatt	40,000
Pike	27,000
Putman	35,000
Richland	25,000
Rock Island	30,000
Saline	25,000
Sangamon	40,000
Schuyler	30,000
Scott	30,000
Shelby	32,000
Stark	40,000
Stephenson	30,000
Tazewell	40,000
Union	20,000
Vermillion	40,000
Wabash	26,000
Warren	40,000
Washington	25,000
Whiteside	36,000
Will	40,000
Winnebago	30,000

Dated: September 13, 1956.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-7542; Filed, Sept. 18, 1956; 8:54 a. m.]

[FHA Instruction 428.1]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEW YORK

On August 31, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.39, Chapter III, Title 6 of the Code of Federal Regulations are hereby superseded by the average values set forth below for said counties.

NEW YORK County:	*Average value*
Allegany	$15,000
Broome	15,000
Cattaraugus	15,000
Cayuga	16,000
Chautauqua	15,000
Chemung	15,000
Chenango	15,000
Clinton	16,000
Columbia	17,000
Cortland	17,000
Delaware	15,000
Dutchess	25,000
Erie	16,500
Essex	15,000
Franklin	16,000
Fulton	12,000
Genesee	15,000
Herkimer	16,000
Jefferson	15,000
Lewis	16,000
Livingston	15,000
Madison	18,000
Monroe	20,000
Montgomery	18,000
Niagara	16,000
Oneida	16,000
Onondaga	20,000
Ontario	17,000
Orange	22,500
Orleans	15,000
Oswego	15,000
Otsego	12,000
Putnam	40,000
Rockland	40,000
St. Lawrence	15,000
Saratoga	14,000
Schenectady	14,000
Schuyler	15,000
Seneca	16,000

NEW YORK—Continued County—Continued	Average value
Steuben	$16,000
Sullivan	18,000
Tioga	15,000
Tompkins	15,000
Ulster	20,000
Warren	11,000
Washington	15,000
Wayne	16,000
Wyoming	15,000
Yates	16,000

Dated: September 13, 1956.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-7543; Filed, Sept. 18, 1956; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 21]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

INTERPRETATION CONCERNING LABELING CLAIMS FOR GERMICIDES, DISINFECTANTS, AND SANITIZERS RECOMMENDED FOR USE IN HARD WATER AREAS

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135–135k), Interpretation 21 concerning labeling claims for germicides, disinfectants, and sanitizers recommended for use in hard water areas is hereby issued as § 362.119 of Part 362, Title 7, Code of Federal Regulations, to read as follows:

§ 362.119 *Interpretation concerning labeling claims for germicides, disinfectants, and sanitizers recommended for use in hard water areas.* (a) There is some evidence which indicates that naturally occurring hard waters can act to slow down the rate of germicidal activity in certain products presently registered under the Federal Insecticide, Fungicide, and Rodenticide Act, such as germicides, disinfectants and sanitizers recommended for dairy and restaurant use, so that they may not perform satisfactorily in all hard water areas when speed of action is a primary requisite to effectiveness. Pending compilation of additional data which will clearly indicate the limiting effects of different naturally occurring hard waters on the various products presently registered, labeling which does not include specific directions for use in hard water areas will continue to be accepted for registration. On the other hand, if a manufacturer or distributor submits labeling which contains specific claims and directions for use in hard water areas, such labeling will be accepted for registration only if adequate experimental data is submitted to justify the claims and representations proposed.

(b) To be acceptable for registration, all claims proposed in this connection must be specific. Broad, general, and indefinite claims are likely to be misleading and cannot be accepted.

(c) Since there is considerable variation in natural hard waters, the precise evaluation of the effects of water hardness on germicides, disinfectants, and sanitizers can best be accomplished by the establishment of acceptable chemical standards of reference for hard water. Therefore, all products for which claims for effectiveness in hard waters are made in connection with registration, and all regulatory samples which may be collected in connection with the enforcement of the act will be evaluated in waters prepared according to the following procedure:

(1) Two stock solutions are prepared. One, solution A, is made by dissolving 31.74 grams of $MgCl_2$ and 73.99 grams of $CaCl_2$ in boiled distilled water and adjusting to a one liter volume. The other, solution B, is made by dissolving 56.03 grams of $NaHCO_3$ in boiled distilled water and adjusting to a one liter volume. Solution A may be heat sterilized. Solution B cannot be heat sterilized, but can be sterilized by filtration. The required amount of solution A is added to a sterile one liter flask and at least 600 mls. of sterile distilled water added. Then 4 mls. of solution D is added and the volume brought to one liter with sterile distilled water. Each ml. of solution A used will give the water a hardness equivalent to approximately 100 p. p. m. of hardness calculated as $CaCO_3$ using the formula:

Total hardness as p. p. m. of $CaCO_3 = 2.495 \times$ p. p. m. of $Ca + 4.115 \times$ p. p. m. of Mg.

(d) In preparing waters in accordance with the procedure mentioned in paragraph (c) of this section, the pH of all test waters up to 2,000 p. p. m. of hardness should fall between 7.6 and 8.0. Chemicals of reagent grade should be employed. If the hydrate of $MgCl_2$ is used, substitutions should be made on an equimolar basis. All synthetic hard waters prepared for use by this procedure should be checked chemically for hardness at the time the tests are made employing a procedure or procedures described in the 10th Edition Standard Methods for The Examination of Water and Sewage.

(e) In evaluating effectiveness claims for products to be used in waters of specified degrees of hardness according to the standard outlined in this section, a bacteriological test, such as the method described by Chambers in the publication Journal Milk and Food Technology, Vol. 19, No. 7, pp. 183–187 (1956), will be employed.

(f) Except as otherwise provided in this section, to be acceptable for registration, label claims relating to dairy, restaurant, and food plant utensil use must be based upon effective results, within 30 seconds, using the test named in paragraph (e) of this section in water of the degree of hardness indicated in the label claims and having a temperature of 70°–75° F. Results, to be considered effective, must meet the standard of effectiveness specified in the Chambers Method; that is, a 99.999 percent reduction in the count of the number of organisms. Results obtained by other testing procedures can be accepted as a basis for registration only after the specific procedure employed has been found to be acceptable by the Department after consultation with the U. S. Public Health Service. Supplemental claims for effectiveness at longer intervals of time or at elevated temperatures in dairy, restaurant, and food plant utensil use, or in other specified applications, will be given consideration, but should not be made in a manner to confuse the basic recommendation by the manufacturer. Labeling bearing any claims relative to effectiveness in hard water in any type of application must bear an equally prominent declaration based on the procedure specified above if any reference whatsoever is made thereon relative to dairy, restaurant, or food plant utensil use.

(g) To avoid misleading the consumer, claims for effectiveness in waters above 100 p. p. m. of hardness should be made in increments no less than 50 p. p. m. of hardness calculated as $CaCO_3$. For example, evidence of effectiveness in waters of 478 p. p. m. of hardness should be construed as supporting a claim for effectiveness in waters of 450 p. p. m. of hardness, and evidence of effectiveness in waters of 510 p. p. m. should be construed as supporting a claim for effectiveness in waters up to 500 p. p. m. of hardness.

(h) Section 362.14 of the regulations defines misbranding to include "any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government." Therefore, any label claims relating to endorsement or recommendation of a specific product by the Department or the U. S. Public Health Service will not be accepted for registration. However, a claim such as "This product fulfills the criteria of Appendix F as revised March 12, 1956, of the Milk Ordinance and Code, 1953 Recommendations of the U. S. Public Health Service in waters up to ____ p. p. m. of hardness calculated as $CaCO_3$ when tested by the Method outlined by Chambers" may be accepted. In all statements of this type, it is necessary to be specific as to titles, dates, and methods upon which the claim is based.

The foregoing interpretation shall become effective upon its publication in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U. S. C. 135d)

Done at Washington, D. C., this 14th day of September 1956.

[SEAL] L. F. CURL,
Acting Chief, Plant Pest Control Branch, Agricultural Research Service.

[F. R. Doc. 56-7539; Filed, Sept. 18, 1956; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 934—MILK IN MERRIMACK VALLEY, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, (7 CFR Part 934), regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of § 934.22 (a) which read: "more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That" do not tend to effectuate the declared policy of the act under current marketing conditions.

These provisions provide for additional requirements on country plants for pool plant status. Because of the wording of § 934.22 (a) of the order, a plant which is currently distributing milk in the Merrimack Valley marketing area finds difficulty in meeting these additional country pool plant requirements. Failure to suspend that part of the provisions quoted above will create undue hardship to a large group of milk producers supplying this plant which is also a supplier of other handlers in the marketing area and will disrupt orderly marketing conditions in the Merrimack Valley marketing area.

The principal cooperative associations representing milk producers, which are engaged in marketing the major portion of the fluid milk distributed by handlers in the marketing area, concur in the suspension.

(b) Notice of proposed rulemaking, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective October 1, 1956.

It is therefore ordered, That the provisions of § 934.22 (a) which read: "more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That," be and they are hereby suspended effective October 1, 1956, until further notice.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of September, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7519; Filed, Sept. 18, 1956; 8:49 a. m.]

[Lemon Reg. 658, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.765 (Lemon Regulation 658; 21 F. R. 6814, as amended, 21 F. R. 6969) are hereby amended to read as follows:

(ii) District 2: 279,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7518; Filed, Sept. 18, 1956; 8:49 a. m.]

[Lime Order 3, Amdt. 3]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based become available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 23, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 3, as amended (§ 1001.303, 21 F. R. 5033, 5821, 6159), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of lime shipments subsequent to September 22, 1956, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on September 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were given an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3, as amended; 21 F. R. 5033, 5821, 6159) are hereby amended to read as follows:

(ii) Any container of limes grown in the State of Florida, except the area west of the Suwannee River, of the group

known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) unless the limes in such container grade at least U. S. Combination Mixed Color, and are of a size not smaller than 1⅝ inches in diameter; *Provided*, That not to exceed 5 percent, by count, of the limes in any container may be smaller than 1⅝ inches in diameter; or

Effective time: The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 23, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7538; Filed, Sept. 18, 1956; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 203—TEST FEE SCHEDULES

VISCOMETERS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

1. Use of the National Bureau of Standards master Saybolt viscometers as standards was discontinued after June 30, 1956 and calibration services for Saybolt viscometers were discontinued thereafter. The Bureau no longer has custody of standards for these instruments and the Saybolt viscosity scales now rest solely on the relations to kinematic viscosity given in ASTM Standards D446 and D666.

2. Calibration of Saybolt viscometers may be made by their owner using oil standards available from the National Bureau of Standards and from the American Petroleum Institute.

3. Accordingly, § 203.401 *Viscometers* is amended to read as follows:

§ 203.401 *Viscometers.* (a) Cannon-Fenske viscometers for transparent liquids, and Ubbelohde suspended level viscometers are accepted for calibration in accordance with the fees below.

(b) Packages of instruments to be tested should be marked "Viscometers for Test", in addition to the usual markings required for shipment.

(c) Viscometers of the suspended level type should be accompanied by a metal holder of the type commonly used with these instruments for mounting them in the test bath.

Item	Description	Fee
203.401a	Calibration of 100° F. of Cannon-Fenske or of Ubbelohde viscometers for transparent liquids, per capillary.	$30.00
203.401z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-7501; Filed, Sept. 18, 1956, 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6569]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DOLCIN CORP.

Subpart—*Cutting off competitors' or others' access to customers or market:* § 13.542 *Contracts restricting customers' handling of competing products.*[1] Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment For Services Or Facilities For Processing Or Sale Under 2 (d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Dolcin Corp., New York, N. Y., Docket 6569, August 31, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation engaged in the sale of "Dolcin" medicinal preparation, intended for the relief of pain accompanying arthritis and rheumatism, with paying cash promotional allowances to certain favored customers but not to others competing with them, and making promotional allowances to customers on conditions restricting their right to enter into promotional agreements with its competitors—and an agreement between the parties for a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on August 31 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Dolcin Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Dolcin" (or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name) in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from paying, or contracting to pay to, or for the benefit of any customer, anything of value as compensation or in consideration for advertising, display, demonstrator, promotional, or other services or facilities furnished by or through such customer in connection with the handling, processing, sale or offering for sale of said preparation unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the resale or distribution of said preparation.

It is further ordered, That respondent Dolcin Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Dolcin" (or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name) in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from taking any course of action, making any agreement, paying, or contracting to pay, any allowance, in the form of money or otherwise, to any customer or purchaser, upon terms or conditions which are intended to cause, will cause or tend to cause said customer or purchaser, or said purchasers' or customers' employees or representatives, to refrain or abstain from accepting or using any promotional activity or allowance offered or paid by a competitor of respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7512; Filed, Sept. 18, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54190]

PART 1—CUSTOMS DISTRICTS AND PORTS

MISCELLANEOUS AMENDMENTS

Section 1.5, Customs Regulations, is amended as follows:

The headquarters shown for Customs Agency District No. 18 is amended to read "Tokyo, Japan".

The area shown for Customs Agency District No. 18 is amended to read "Japan, Hong Kong, British Crown Colony, Republic of the Philippines, Republic of Korea and Okinawa".

The foregoing amendments shall be effective on or after September 15, 1956.

(R. S. 161; sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 13, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7523; Filed, Sept. 18, 1956; 8:50 a. m.]

[1] New.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.298]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

ASSIGNMENT OR REASSIGNMENT OF NUMBER A PREREQUISITE TO ISSUANCE OF VISA

Part 44, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respect:

Paragraph (b) *Assignment of number a prerequisite to issuance* of § 44.9 *Procedure in issuing visa*, is amended to read as follows:

(b) *Assignment or reassignment of number a prerequisite to issuance of visa.* No special nonquota immigrant visa shall be issued under the act until such time as the consular officer shall have received for such purpose an appropriate number from the Department. Numbers which are not used shall be returned to the Department. A number which has been used in issuing a special nonquota immigrant visa to an applicant who for any reason fails to proceed to a port of entry and make application for admission into the United States may be reassigned for the issuance of a special nonquota immigrant visa on or before December 31, 1956, to some other qualified applicant of the same class as the alien who failed to use his visa: *Provided*, That prior to such reassignment the unused visa shall have been surrendered to a consular officer and canceled.

(Sec. 4, 63 Stat. 111; 5 U. S. C. 151c)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 103) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: September 12, 1956.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 56-7545; Filed, Sept. 18, 1956; 8:54 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 82—DETERMINATION OF HEIRS AND PROBATE OF THE ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

MISCELLANEOUS AMENDMENTS

1. In § 82.0, paragraph (c) is amended to read as follows:

§ 82.0 *Definitions.* • • •

(c) "Area director" means the officer in charge of an area office of the Bureau of Indian Affairs, or his duly authorized representative. The term "area director" is substituted for the term "superintendent" wherever the latter term may appear in this part.

2. A new § 82.33 is added to read as follows:

§ 82.33 *Summary distribution.* (a) Where upon preparing an inventory under § 82.1 it is disclosed from the records of the area director that an Indian died seized of no lands or the lands have since been lawfully alienated, and that the restricted estate of the decedent constitutes a sum of money, not exceeding $500, on deposit to the credit of the deceased Indian, such funds may be disbursed on the basis of the requirements stated in this section, and without regard to the other provisions of this part, except where made applicable specifically by the provisions of this section.

(b) Where the decedent's restricted estate consists of the sum of money as stated in paragraph (a) of this section, such funds may be disbursed on proof of death and heirship or bequest satisfactory to the Secretary of the Interior or his authorized representative.

(c) The transfer of funds disbursed under this section shall not be taxable. No claims shall be allowed against restricted estates governed by this section, except for debts owed to the United States.

(d) A copy of the order of distribution of funds shall be mailed to each party who was considered a possible claimant to any portion of the funds, as heir, legatee, or otherwise. Thirty days after the date of mailing of such copies, the order of distribution shall become final, unless within that period the officer by whom the order was signed shall have received a protest or request for reconsideration of the order. Upon receipt of a protest or request for reconsideration, the officer shall withhold distribution, issue an order either affirming or amending the previous order, and mail a copy of the affirming or amending order to each party who was considered a possible claimant. Thirty days after the date of mailing of such copies, the affirming or amending order shall become final, unless within that period the Area Director shall have received an appeal, addressed to the Secretary of the Interior. All protests, requests for reconsideration, and appeals shall state clearly and concisely the reasons upon which they are based. Distribution shall be made as soon as practicable after the order of distribution has become final.

(Sec. 1, 56 Stat. 1080; 25 U. S. C. 375a. Interpret or apply sec. 1, 67 Stat. 558; 25 U. S. C. 375c)

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 13, 1956.

[F. R. Doc. 56-7504; Filed, Sept. 18, 1956; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

NAVIGATION OF AIRCRAFT WITHIN AIRSPACE RESERVATION OVER CERTAIN AREAS OF SUPERIOR NATIONAL FOREST IN MINNESOTA

1. Section 251.28 is hereby amended to read as follows:

§ 251.28 *Low flights.* Any person making a flight within said airspace reservation for reasons of safety or for conducting rescue operations shall inform the Forest Supervisor within seven days after the completion of the flight or the rescue operation as to the date, place, and duration of flight, and the type and registration number of the aircraft.

2. The final sentence of § 251.29 *Permits* is amended to read as follows: "Upon request of the Forest Supervisor the reports, records, and other information as to any flights made pursuant to such permits shall be made available, *Provided*, That no such request shall be made after October 31, 1957."

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100; 16 U. S. C. 551. Interpret or apply E. O. 10092, 14 F. R. 7637, 3 CFR, 1949 Supp.)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 14th day of September, 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-7544; Filed, Sept. 18, 1956; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1339]

UTAH

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 565 OF FEBRUARY 25, 1949, WHICH RESERVED PUBLIC LANDS AND MINERALS IN PATENTED LANDS FOR USE OF ATOMIC ENERGY COMMISSION; REVOKING PUBLIC LAND ORDER NO. 1079 OF FEBRUARY 25, 1955

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[38753]

1. Public Land Order No. 565 of February 25, 1949, withdrawing public lands and reserved minerals in patented lands for use of the Atomic Energy Commission, which was partially revoked by Public Land Order No. 939 of February 8, 1954, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 37 S., R. 21 E.,
Secs. 2, 4, 9, and 11;
Sec. 3, N½, SW¼, N½SE¼, SW¼SE¼, and W½SE¼SE¼;
Sec. 10, E½, N½NW¼, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, E½SW¼, S½NW¼SW¼, and SW¼SW¼.

The areas described aggregate 3,794.64 acres, all of which is public domain.

[Utah 010351]

2. Public Land Order No. 1079 of February 25, 1955, which withdrew the following public lands in Utah for use of the Atomic Energy Commission, is hereby revoked:

SALT LAKE MERIDIAN

T. 37 S., R. 21 E.,
Secs. 1 and 12.

The areas described aggregate 1,278.20 acres, all of which is public domain.

3. The lands are located in an arid part of San Juan County, Utah, and are composed mostly of steep slopes and canyons. None are suitable for agriculture.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already beeen classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on October 19, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 18, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on January 18, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10 a. m. on January 18, 1957.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1956.

[F. R. Doc. 56-7522; Filed, Sept. 18, 1956; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

HUNTING

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined to be necessary to revise the area that has been open to public hunting on the Deer Flat National Wildlife Refuge, Idaho.

Effective 30 days after publication in the FEDERAL REGISTER, § 31.94 is revised to read as follows:

§ 31.94 *Areas open to hunting.* All the lands of the Deer Flat National Wildlife Refuge, Idaho, within the following subdivisions shall be open to hunting:

T. 2 N., R. 3 W., B. M.,
Section 4, all within refuge.

T. 3 N., R. 3 W.,
Section 16, all within refuge;
Sections 17, 19, 20, and 30, all within refuge except the area known as the Military Restricted Area that lies northwesterly of a straight line extending from the northeast corner of the SE¼SE¼ of said section 17 to a point near the center of the NE¼NW¼ of the said section 30;
Sections 21, 28, 29, and 33, all within the refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: September 13, 1956.

ARNIE J. SUOMELA,
Acting Director.

[F. R. Doc. 56-7503; Filed, Sept. 18, 1956; 8:46 a. m.]

PART 31—PACIFIC REGION

SUBPART—LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

HUNTING

Basis and purpose. Observations and reports by representatives of the Fish and Wildlife Service indicate a need for clarification of various phases of public waterfowl hunting and for a specific regulation to authorize and govern the use of boats for the purpose of hunting on the Lower Klamath National Wildlife Refuge.

Since the following amendments are in part relaxations of existing restrictions applicable to hunting on the Lower Klamath National Wildlife Refuge and in part definitive of existing administrative control, notice, and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 31.199 and 31.200 are added and §§ 31.193, 31.194, 31.195, and 31.198 are revised to read as follows:

§ 31.193 *State laws.* Any person hunting within the refuge must comply with the applicable State laws and regulations and must possess a valid State hunting license, if required, and if hunting migratory waterfowl, any such person who has attained the age of 16 years shall possess a properly validated migratory bird hunting stamp. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of any representative of the California Department of Natural Resources or of the Oregon State Game Commission authorized to enforce the State game laws, or of any authorized representative of the Department of the Interior. Upon request of the officer in charge, the licensee must also exhibit for inspection all wildlife killed by him or in his possession.

§ 31.194 *Use of hunting blinds.* Any person may construct and use a hunting blind in the public hunting areas except that entry for the construction of such blind shall not be permitted during the period from September 16 to the opening day of the waterfowl hunting season. Any blind not removed from the refuge on or before January 15 shall be deemed to have been abandoned, and it shall become the property of the United States. Where a blind is constructed in open water, such blind shall be placed at least 200 yards from emergent vegetation. The construction of a blind shall not be deemed to establish priority of use by the person who constructs such blind except that the construction of a blind by any guide under a special permit issued by the refuge officer in charge shall entitle such guide to the exclusive use of such blind. The digging of a pit for use as a hunting blind or for any other purpose is prohibited except in such areas as may be designated by posting by the refuge officer in charge.

§ 31.195 *Use of boats.* The use of boats for the purpose of hunting subject to the provisions of the regulations under the Migratory Bird Treaty Act is permitted only during the period from 2½ hours before sunrise to 1 hour after sunset, provided that the use of air-thrust and scull boats is prohibited.

§ 31.198 *Use of artificial decoys.* Artificial decoys may be placed on and used in the public hunting areas only during the period from 1½ hours before sunrise to ½ hour after sunset.

§ 31.199 *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting areas or elsewhere on the refuge is prohibited.

§ 31.200 *Access to the hunting areas.* Hunters may not enter the public hunting areas earlier than 2½ hours before sunrise.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: September 12, 1956.

LESTER BAGLEY,
Acting Director.

[F. R. Doc. 56-7502; Filed, Sept. 18, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MEASUREMENT OF ACREAGE, MARKETING, COLLECTION OF MARKETING PENALTIES, STORAGE, AND RECORDS AND REPORTS, 1957–58 MARKETING YEAR

A national marketing quota proclamation for the 1957 crop of wheat was issued by the Secretary of Agriculture on May 16, 1956 (21 F. R. 3216), and the quota was approved by wheat producers voting in a referendum on July 20, 1956. Farm acreage allotments were established pursuant to section 334 of the Agricultural Adjustment Act of 1938, as amended, and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended and supplemented (7 U. S. C. 1301, 1331–1340, 1372–1375), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the measurement of farms, the determination of farm normal yields and farm marketing excesses, the issuance of marketing cards, the identification of wheat, the storage and delivery of wheat to avoid or postpone payment of penalties, the collection and refund of penalties, and the records and reports incident thereto with respect to the 1957 crop of wheat.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1956–57 marketing year (20 F. R. 9475, 21 F. R. 1258, 3866, 5130).

Prior to the issuance of such regulations consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 13th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-7541; Filed, Sept. 18, 1956; 8:53 a. m.]

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1957 crop of rice, to determine and proclaim the national acreage allotment for the 1957 crop of rice, to apportion among States and counties the national acreage allotment for the 1957 crop of rice, and to formulate regulations for establishing farm acreage allotments and normal yields for the 1957 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1956 the Secretary determines that the total supply of rice for the 1956–57 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1956, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1957.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national acreage allotment is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Section 353 (c) (6) of the act, as amended, provides that the national acreage allotment of rice for 1957 shall not be less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353 (c) of the act. Under this provision, the national acreage allotment of rice for 1957 will be not less than 1,652,596 acres. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1956.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Subsections (a) and (c) (6) of section 353 of the act require that the national acreage allotment of rice for the 1957 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments

plus the additional acreage allocated to States under section 353 (c) (5) of the act, as amended). Section 353 (b) of the act requires that the State acreage allotment of rice for the 1957 crop, less a reserve not to exceed three per centum thereof for apportionment to farms operated by persons who will produce rice in 1957, but who did not produce rice in any one of the preceding five years, be apportioned to farms owned or operated by persons who have produced rice in any one of the five calendar years, 1952 through 1956, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. Provision is made that if the State Committee recommends such action and the Secretary determines such action will facilitate the effective administration of the act, he may provide for the apportionment of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Section 353 (c) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county allotments shall be apportioned to farms on the basis of applicable factors set forth in subsection (b) of section 353.

Section 301 (b) (13) (D) of the act provides that the "normal yield" of rice for 1957 for any county shall be the average yield per acre of rice for the county during the five calendar years 1952 through 1956 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301 (b) (13) (E) of the act provides that the "normal yield" of rice for 1957 for any farm shall be the average yield per acre of rice for the farm during the five calendar years 1952 through 1956 adjusted for abnormal weather conditions and for trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year, and the yield in years for which data are available.

Section 301 (b) (13) (F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable national cause, the yield for any county or any farm for any year during the years 1952 through 1956 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county or any farm for any year during the years 1952 through 1956 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1957 is less than the 1957 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1957, but only if the owner or operator of the farm notifies the county committee on or before June 1, 1957, of his desire to preserve such allotment. Provision is made therein that if the amount of rice required to be stored to postpone or avoid payment of penalty has been reduced because the 1957 rice acreage allotment for the farm was not fully planted, the owner or operator of the farm will not be permitted to preserve such allotment.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the 1956 acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing 1957 farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

It is expected that the regulations pertaining to farm acreage allotments and normal yields for the 1957 crop of rice will be substantially the same as those for the 1956 crop of rice (20 F. R. 9021), except that (1) as required by the Soil Bank Act, the acreage diverted from the production of rice in 1956 pursuant to the acreage reserve or conservation reserve program will be considered as rice acreage for the purpose of establishing 1957 farm acreage allotments; and (2) as required by section 377 of the Agricultural Adjustment Act of 1938, as amended, provision will be made for the preservation of 1957 farm allotments.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1957 crop of rice, including the sizes of the national and State reserves, and the formulation of regulations for the determination of farm acreage allotments for the 1957 crop of rice, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 13th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-7540; Filed, Sept. 18, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11532, etc.]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations governing television broadcast stations, Docket No. 11532; amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina), Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

1. On September 5, 1956, the Commission issued a notice (FCC 56-845) inviting comments to be submitted on or before September 15, 1956, with respect to proposed methods for computing coverage data in connection with the issues in the above-entitled rule making proceedings. Several parties have submitted requests for extension of time within which to submit such comments.

2. The Commission has concluded that the public interest, convenience, and necessity will be served by extending the time for submitting comments with respect to the submission of coverage data in the above-entitled proceedings to October 1, 1956.

3. In view of the foregoing: *It is ordered*, That the time for filing comments with respect to the submission of coverage data in the above-entitled proceedings is hereby extended from September 15 to October 1, 1956.

Adopted: September 14, 1956.

Released: September 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7534; Filed, Sept. 18, 1956; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR ALASKA RAILROAD; CORRECTION

Notice of the proposed withdrawal and reservation of land for the Alaska Railroad at Whittier, Alaska was published in the FEDERAL REGISTER on Thursday, August 23, 1956 (21 F. R. 6358). The identification of this request is hereby corrected to read Serial No. Anchorage 032627.

The description of the lands involved in the application is clarified to read as follows:

A tract of land lying below the line of ordinary high tide on Passage Canal, Whittier, Alaska, and defined by metes and bounds as follows:

Beginning at Corner No. 2 of P. L. O. 1056, dated January 18, 1955, which bears N. 2° 29¼' E., 630.60 feet and thence N. 11° 09' E., 337.20 feet from U. S. Location Monument No. 2559, Whittier Townsite; thence, from the point of beginning, N. 11° 09' E., 375.0 feet; thence S. 68° 00' 17" E., 713.43 feet to Corner No. 4 of P. L. O. 1056; thence S. 56° 09' W., 500 feet to Corner No. 3 of P. L. O. 1056; thence N. 60° 51' W., 365.0 feet to Corner No. 2 of P. L. O. 1056, the point of beginning.

The above described tract contains 4.88 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 56-7506; Filed, Sept. 18, 1956; 8:46 a. m.]

Office of the Secretary

[Order 2508, Amdt. 14]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY

Section 30, *Authority under specific acts* of Order No. 2508, as amended (14 F. R. 258; 20 F. R. 3834, 5106), is further amended by adding to paragraph (a) thereof the following:

(8) Sec. 1, act of August 12, 1953 (67 Stat. 558, 25 U. S. C. 375 (c)).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-7505; Filed, Sept. 18, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 86, Amended]

CIVIL AERONAUTICS ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The material appearing in sections 1 through 16 and section 31 appearing in 19 F. R. 2098-2100 of April 10, 1954, as amended in 19 F. R. 5633, 20 F. R. 2202, 20 F. R. 8548, and 21 F. R. 1039 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and functions of the Civil Aeronautics Administration.

SEC. 2. *Organization.* .01. The Civil Aeronautics Administration, a primary organization unit of the Department of Commerce, shall be directed by the Administrator of Civil Aeronautics appointed by the President with the advice and consent of the Senate. The Administrator shall report and be responsible to the Under Secretary of Commerce for Transportation.

.02 The Civil Aeronautics Administration shall consist of the following organization units:

(1) Office of the Administrator, which includes:

The Administrator of Civil Aeronautics,
The Deputy Administrator,
Research and Development Coordinator,
Press and Publications Officer,

(2) The Assistant Administrator for Administration;

(3) Program Offices, which include:

Office of Air Traffic Control,
Office of Air Navigation Facilities,
Office of Airports,
Office of Flight Operations and Airworthiness,
Office of International Cooperation,
Technical Development Center;

(4) Staff Offices, which include:

General Counsel's Office,
Program Planning Office,
Personnel Office,
Budget and Finance Office,
General Services Office;

(5) Major Field Organizations:

Regional Offices,
Washington National Airport,
Aeronautical Center.

SEC. 3. Delegation of authority. .01 Subject to such policies and directives as the Secretary of Commerce may prescribe the Administrator of Civil Aeronautics shall carry out the responsibilities and authority of the Secretary with respect to civil aeronautics and air commerce in the United States and abroad more specifically described in, but not limited to, the applicable provisions of the following statutes:

The Air Commerce Act of 1926, as amended, (49 U. S. C. 171),
The Civil Aeronautics Act of 1938, as amended, (49 U. S. C. 401),
The Federal Airport Act, as amended, (49 U. S. C. 1101),
The Internaltonal Aviation Facilities Act, (62 Stat. 450),
Public Law 762, 81st Congress, dated September 7, 1950, (64 Stat. 770) authorizing the construction and operation of a public airport in or in the vicinity of the District of Columbia, except selection of the site which function is reserved to the Secretary of Commerce,
The Alaskan Airport Act, as amended, (62 Stat. 277),
Public Law 867, 81st Congress, dated September 30, 1950, (64 Stat. 1090) authorizing action to promote the development of improved transport aircraft,
Public Law 674, 76th Congress, dated June 29, 1940, (54 Stat. 686) as amended, to provide for the administration of the Washington National Airport,
Public Law 289, 80th Congress, dated July 30, 1947, (61 Stat. 678) as amended by Public Law 311, 81st Congress, dated October 1, 1949, (63 Stat. 700) to expedite the disposition of Government surplus airports, airport facilities and equipment, and to provide for the transfer of compliance functions with relation to such property.

.02 The Administrator of Civil Aeronautics shall also carry out the power and responsibility vested in and delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended, with respect to those portions of the defense production program relating to civil aviation not otherwise reserved or assigned.

.03 The Administrator of Civil Aeronautics may redelegate and authorize the successive redelegation of the authority granted herein to any officer of the Civil Aeronautics Administration and prescribe limitations, restrictions and conditions in the exercise of such authority.

SEC. 4. *General functions.* .01. The Civil Aeronautics Administration fosters and encourages the development of civil aeronautics and air commerce in the United States and abroad. Principal operations are the establishment of a system of airways, including the operation of air navigation facilities and the control of air traffic; technical development work in the field of aeronautics; collection and dissemination of information relative to civil aeronautics; registration of aircraft nationality and recordation of ownership; promotion of safety in flight through inspection and certification of aircraft, airmen, air agencies, and air carriers in accordance with standards prescribed under Civil Air Regulations; planning and coordinating the establishment of a nationwide system of airports suitable to the needs of civil aviation and national security, including the granting of funds necessary to assist in carrying out such a program; and operation of the Washington National Airport and public airports at Anchorage and Fairbanks, Alaska. In the performance of these functions the Civil Aeronautics Administration collaborates with public, military, private, and foreign or international agencies in the development of standards and policies intended to foster and facilitate the use of aircraft in air commerce and civil aviation.

SEC. 5. *Functions of the Office of the Administrator.* .01. The functions of the Office of the Administrator are as follows:

(1) Plans or approves, and promulgates the basic programs, policies, and public rules to accomplish the functions and objectives of the Civil Aeronautics Administration;

(2) Directs, coordinates, and controls the execution of the Administration's programs in accordance with the directives of the Congress, the President, the Secretary of Commerce, and the Under Secretary of Commerce for Transportation;

(3) Prescribes the organization structure and the assignment of responsibilities within the Administration; and

(4) Maintains liaison with other agencies of the Government, the Congress, State aviation officials, the aviation industry, and the public.

.02 The duties and responsibilities of the principal officers of the Office of the Administrator are as follows:

(1) The Administrator of Civil Aeronautics in conformity with the policies and directives of the Secretary of Commerce and other legal requirements determines the policies of the Civil Aeronautics Administration; directs the development of and controls the execution of its programs; promulgates General Orders, policy statements, rules, and such other instructions as he deems necessary for the effective administration of the CAA;

(2) The Deputy Administrator assists the Administrator of Civil Aeronautics in performing the functions and exercising the powers, authorities, and discretions vested in the Administrator; provides general direction to the agency's operations and research activities; exercises general supervision on behalf of the Administrator over all Washington offices and field organizations of the Civil Aeronautics Administration; and performs such other duties and assignments as the Administrator may prescribe;

(a) The Research and Development Coordinator, under the general direction of the Deputy Administrator, coordinates all research and development activities of the Civil Aeronautics Administration; reviews all plans for research and development projects to be conducted by, or under arrangements made by, the Civil Aeronautics Administration; determines the scope, timing, and assignment of research and development projects; coordinates the evaluation of results of such projects and recommendations for their implementation; represents the Administrator of Civil Aeronautics, as directed, in dealing with other research and development organizations both within and outside the Federal Government; and

(b) The Press and Publications Officer, under the direction of the Deputy Administrator, provides staff assistance on press releases and publications; provides service as requested in writing speeches and outlines for radio and television presentations, where professional writing skills are called for; reviews publications for editorial presentation and provides advisory services to Program Offices in respect to publications as requested; and

(3) The Assistant Administrator for Administration assists the Administrator and Deputy Administrator in all matters pertaining to the management planning, coordination, and control of CAA programs and activities, including budgetary and fiscal management, personnel administration, organizational planning and evaluation, supply management, administrative services, and security; directs the formulation of management policies to ensure economy of organization and operations and balanced programing of activities, and evaluates the Administration's progress toward the accomplishment of the objectives to which it is committed, including economy and efficiency in the execution of its programs; exercises direction and supervision over the Security Officer, Administrative Coordination Officer, and Executive Controls Officer; and performs such other duties and assignments as the Administrator may prescribe.

SEC. 6. *Functions of Program Offices.* .01 The functions of the Program Offices are as follows:

(1) The Office of Air Traffic Control plans, directs, coordinates, and controls the operation of air route traffic control centers, airport traffic control towers, radar facilities, interstate airways communication stations, overseas/foreign aeronautical communications stations, combinations of such facilities, and any other air traffic control facilities operated by or under the jurisdiction of the Administrator of Civil Aeronautics; on the basis of operational requirements, plans and determines the need for and priority of facilities and services directly affecting air traffic services; provides for the allocation, utilization and protection of the navigable air space; establishes procedures for the security control of air traffic; provides for the collection and dissemination of meteorological data and other necessary aeronautical information; develops and establishes air traffic control and communications policies, procedures and operational requirements; coordinates air traffic matters within and outside of Government; provides technical advice and assistance on air traffic matters as appropriate; evaluates the effectiveness of air traffic services; and promotes standardization of systems and services on a worldwide basis. The Office of Air Traffic Control has a Planning Division, Operations Division, and Procedures Division;

(2) The Office of Air Navigation Facilities plans, directs, coordinates, and controls the Civil Aeronautics Administration's engineering and technical activities, in accordance with operational requirements, with respect to the design, survey, construction, installation, maintenance, operation, relocation, modernization, and flight testing of integrated air navigation aids, systems, and landing areas in the United States, its Territories and possessions, and in foreign territories; determines the need for, and scope of, development of systems, facilities, equipments, techniques, and engineering procedures for use in these activities; prepares designs and develops technical specifications for the manufacture and procurement of equipment and materiel for such aids and systems; establishes policies, procedures and standards for, and controls the factory inspection, storage, assembly, and distribution of facility equipment and materiel; establishes policies, procedures, and standards for the establishment, maintenance, and flight testing of air navigation facilities and for the procurement of utilities services; determines program requirements for all resources such as manpower, funds, supplies, materiels, equipments, tools used in construction, installation, maintenance, and flight testing activities; inspects and evaluates progress and accomplishment of these activities by all participant segments of CAA in relation to standards; furnishes engineering, scientific, technical, and air navigation aid advisory services. The Office of Air Navigation Facilities has a Systems Engineering Division, Program Engineering Division, Radar Engineering Division, Communications Engineering Division, Navigational Aids Engineering Division, Plant Engineering Division, Maintenance Operations Division, and Flight Inspection Division;

(3) The Office of Airports plans, directs, coordinates, and controls the Civil Aeronautics Administration's activities in the development and maintenance of a national system of airports; develops and maintains the National Airport Plan; develops and recommends regulations governing the administration of the Federal-Aid Airport Program, the transfer of federally owned land for airport purposes, and the disposal of surplus Government airports and equipment; insures compliance with such regulations; maintains liaison within the Civil Aeronautics Administration and with other governmental and private agencies on military use of civil airports and the disposal of Government property for airport purposes; develops and promulgates basic policies and technical standards governing airport planning, design, construction, acquisition and maintenance; directs activities governing compliance with, amendment of, or release from airport operation agreements; insures the availability of adequate and accurate airport facilities data; directs the preparation of plans and specifications for the establishment or improvement of Federal airports constructed, operated, or maintained by the Civil Aeronautics Administration. The Office of Airports has an Airport Engineering Division and an Airport Operations Division;

(4) The Office of Flight Operations and Airworthiness plans, directs, coordinates, and controls the Civil Aeronautics Administration's activities for the examination, inspection, and certification of (a) the flight operations, operating methods and facilities, and aircraft maintenance of United States air carriers engaged in domestic and international operations, other aircraft operators, and air agencies, (b) operations of foreign air carriers over United States territory, (c) technical and physical competence of airmen, and (d) design, testing, manufacturing and airworthiness of civil aircraft and their components; develops, recommends, and enforces regulations relating thereto; registers civil aircraft and records documents affecting title to or interest in United States civil aircraft and their components; investigates, determines probable cause, and prepares public reports of aircraft accidents in categories for which such responsibility has been

delegated by the Civil Aeronautics Board; investigates all accidents, incidents, and violations as necessary to determine factors for which the Administrator of Civil Aeronautics has a remedial or enforcement responsibility. The Office of Flight Operations and Airworthiness has an Air Carrier Safety Division, Aircraft Engineering Division, General Safety Division, and Medical Division;

(5) The Office of International Cooperation plans, recommends, and establishes coordinated policies, plans, and program requirements with respect to the responsibilities of the Administrator of Civil Aeronautics for international aviation; provides for representation by the Administrator of Civil Aeronautics in negotiations with other United States agencies, foreign governments, the International Civil Aviation Organization and other international organizations on international aviation matters; provides technical civil aviation assistance in foreign countries; directs the activities of Civil Aeronautics Administration employees assigned abroad under technical assistance programs; arranges for and coordinates the technical aeronautical training of foreign nationals in the United States; directs the Administrator's program for determining and evaluating deficiencies in air navigation aids and aviation services in international aviation and initiating action to eliminate specific deficiencies. The Office of International Cooperation has a Technical Assistance Division and an ICAO Division.

(6) The Technical Development Center, located at Indianapolis, Indiana, conducts development, applied research, experimentation, evaluation and testing programs and projects on electronic and other aids to air navigation, traffic control and communications, on airport surfacing, drainage, lighting and marking, on aircraft structures, powerplants, instruments, appliances, safety devices, and other aircraft components, and on aircraft flight analysis instrumentation and methods; prepares and issues formal reports on such projects; recommends, for initial procurement and installation on the Federal airways, new or altered air navigation, traffic control and communications equipment after development and evaluation, and furnishes basic technical data for the preparation of procurement specifications for such equipment; arranges demonstrations of newly developed equipment and methods.

SEC. 7. *Functions of Staff Offices.* .01 The functions of the Staff Offices are as follows:

(1) The General Counsel's Office, under the general policy guidance of the General Counsel, Department of Commerce, provides all legal counsel and advice to the Office of the Administrator and the heads of Program Offices, Staff Offices, and Major Field Organizations of the Civil Aeronautics Administration in all matters pertaining to the functions of the agency; develops, establishes, and supervises the administration of plans, policies, and standard operating procedures governing (a) the performance of all legal work of the agency, (b) the legal phases of the enforcement of the laws, rules, and regulations administered by the agency, (c) all phases of the legislative program of the agency developed after consultation with other interested Offices, and (d) the preparation, or examination for legal form and effect, of all documents for which legal clearance is required; evaluates and controls the execution of legal policies and activities; and develops and establishes the basic safety enforcement policies and procedures of the CAA;

(2) The Program Planning Office provides staff assistance to the Office of the Administrator in the development of long-range civil aviation policy and programs; identifies and analyzes basic program policy questions in civil aviation and their relationship to programs and operations of the Civil Aeronautics Administration; conducts studies to provide indices of long-range future trends for use in determining (a) future operational requirements and (b) specific programs, plans and procedures and policies for current needs and orderly transition to new developments designed to meet future needs; coordinates the planning activities of the Program Offices to ensure the development of integrated plans for all of the agency's programs; conducts statistical research and economic studies for the planning and evaluating of the Administration's programs; provides for or directs the collection, analysis, and dissemination of all statistical data for determining the needs of civil aviation, the development of appropriate plans for meeting those needs, and the conduct of the Civil Aeronautics Administration's programs; conducts or coordinates liaison with external planning organizations, such as the Air Coordinating Committee and the program planning staffs of other governmental organizations concerned with aeronautical problems, policies, and programs;

(3) The Personnel Office provides staff assistance to the Office of the Administrator in the development, application, and execution of personnel policies, and within policy decisions made by the Administrator, plans, develops, and provides direction to, and evaluates the execution of, the personnel program of the Administration, which includes recruitment and placement of employees, classification of positions, employee training, and employee-management relations;

(4) The Budget and Finance Office provides staff assistance to the Office of the Administrator in the development, application, and execution of fiscal and budgetary policies and procedures; preparation of regular and supplemental budget estimates, and presentation and justification thereof; allocation of funds for authorized activities controlled by definitive fiscal work programs; development, establishment, and maintenance of a system of accounts throughout the agency; the execution of CAA's financial responsibility under the Federal Airport Act; auditing of concessionaires' accounts at the Washington National Airport; and performs related fiscal and budgetary activities, including the preparation of financial reports, and the provision to Washington offices of accounting, payroll, individual earnings, leave, retirement, and bond purchase services; and

(5) The General Services Office provides staff assistance to the Office of the Administrator on all procurement and property management matters, aviation defense requirements, the control and utilization of CAA aircraft, reproduction and distribution of printed and reproduced material, and mail and telegraphic activities, machine tabulation and similar activities; in connection therewith, formulates policies and programs, establishes standards, and prepares instructions for both Washington and field offices, and performs general service functions for the Washington Office; operates an aeronautical library, prepares visual presentations as requested or directed, and answers general inquiry correspondence from the public; operates a system for the collection of flight facility information for use of airmen and others, and prepares publications containing such information and data.

SEC. 8. *Functions of the major field organizations.* .01 The functions of the major field organizations of the Civil Aeronautics Administration are as follows:

(1) The Regional Offices of the Civil Aeronautics Administration execute the various operations required to carry out the programs and policies established by the Office of the Administrator and the Program and Staff Offices; establish, maintain, and modify landing areas, facility structures, communications systems, electronic devices, air traffic control systems, and other aids to air navigation comprising the Federal Airways System; operate air traffic control and communications stations involved in the facilitation and control of air traffic; conduct activities relating to participation by public sponsors in the Federal-Aid Airport Program and granting of funds for such purposes, advise civic and other public agencies and private enterprises on airport site selection, planning acquisition, development, maintenance, and approach protection; conduct inspection and certification activities relating to airmen, aircraft, air agencies, fixed base operators, and air carriers, and other safety operations as are specifically assigned to the Region; conduct accident and regulation violation investigations; and promote the development of all phases of civil aviation;

(2) The Washington National Airport, located at Gravelly Point, Virginia, provides terminal airport facilities for the Washington, D. C. metropolitan area; provides, maintains and protects space and operating facilities for air carrier and other operations at the Airport; furnishes, or provides through concessionaires, various services required by air carriers, passengers, tenants, governmental agencies and the public using the Airport; and

(3) The Aeronautical Center, located at Oklahoma City, Oklahoma, plans, and conducts such standardization and training courses for Civil Aeronautics Administration employees and other individuals as are required to establish or maintain

personnel proficiency for the various programs of the Civil Aeronautics Administration; modifies, assembles, and distributes equipment and materials for installation or erection of Civil Aeronautics Administration facilities or aids to air navigation; and, in accordance with Washington policies and instructions, provides a central repair and modification service for aircraft owned and operated by the Civil Aeronautics Administration.

SEC. 9. *Effect on other orders.* .01 All orders, regulations, certificates or other actions issued by or relating to the Civil Aeronautics Administration or official thereof shall remain in effect until specifically amended or revoked by proper authority.

Effective date: July 1, 1956.

L. S. ROTHSCHILD,
Acting Secretary of Commerce.

Regional Offices. The location of the regional offices of the Civil Aeronautics Administration and the areas over which they have jurisdiction are as follows:

Region 1, Jamaica, Long Island, New York: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, and Kentucky, and the District of Columbia.

Region 2, Fort Worth, Texas: Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas, and Puerto Rico, Swan Island, the Virgin Islands, and the Canal Zone.

Region 3, Kansas City, Missouri: Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

Region 4, Los Angeles, California: Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

Region 5, Anchorage, Alaska: Territory of Alaska, including the Aleutian Islands, and federally owned public airports at Fairbanks and Anchorage, Alaska.

Region 6, Honolulu, T. H.: Areas contained within the Honolulu, Wake and Guam Flight Information Regions established by the International Civil Aviation Organization; and American Samoa.

[F. R. Doc. 56-7500; Filed, Sept. 18, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 56M-846]

CLAREMORE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, for construction permit, Docket No. 11741; File No. BP-10306.

By order dated June 20, 1956, the above-entitled proceeding which was designated for hearing on June 13, 1956 was scheduled to begin on September 13, 1956. However, the applicant failed to file a timely appearance as required by § 1.387 (a) of the Commission's rules and his application was dismissed by order dated August 2, 1956. On September 5, 1956, the late appearance of the applicant was accepted and the order dismissing his application was set aside. Because of the above events, a new hearing date must be established.

It is ordered, This the 12th day of September 1956, on the Hearing Examiner's own motion, that the above-entitled hearing originally scheduled to begin on September 13, 1956, is continued to November 1, 1956.

It is further ordered, That a pre-hearing conference in the above-entitled proceeding will be held on Friday, October 12, 1956, beginning at 10 a. m., in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7535; Filed, Sept. 18, 1956; 8:52 a. m.]

[Docket No. 11786 etc.; FCC 56M-844]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; For construction permit.

It is ordered, This 13th day of September 1956, that because of the illness of the Examiner assigned to preside in the above entitled proceeding, the hearing conference in the matter, which is presently scheduled for September 17, 1956, is continued to a date which will be specified in a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7536; Filed, Sept. 18, 1956; 8:52 a. m.]

[Docket No. 11821; FCC 56-870]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In the matter of The Good Music Station, Inc. (assignor) and RKO Teleradio Pictures, Inc. (assignee), File Nos. BAPL-114, BALH-236, Docket No. 11821; for assignment of license and construction permit of Station WGMS, Bethesda, Maryland and license of Station WGMS-FM, Washington, D. C.

1. The Commission has before it for consideration (a) a "Protest and Petition for Reconsideration" filed on August 17, 1956, pursuant to section 309 (c) and 405 of the Communications Act of 1934, as amended, by Lawrence M. C. Smith, directed against the Commission's action of July 18, 1956 granting without hearing the above-captioned applications, and (b) separate oppositions thereto filed on August 27, 1956 by RKO Teleradio Pictures, Inc. and The Good Music Station, Inc., respectively.[1]

2. The above-entitled applications seek Commission approval of the proposed sale of the assets and assignment of the license and construction permit of Station WGMS and the license of WGMS-FM, for a total cash consideration of $291,250, plus an amount equal to the net quick assets at closing date. In addition, the applications are accompanied by a copy of a Consulting Agreement entered into on April 14, 1956, between RKO Teleradio Pictures, Inc., and M. Robert Rogers and Teresa Rogers. Mr. Rogers owns 12½ shares out of 30 shares of stock, issued and outstanding, of the licensee corporation. Under the terms of the Consulting Agreement, he and his wife, Teresa Rogers are to be employed by RKO Teleradio Pictures, Inc., for five years as consultants, at an annual salary of $30,000 per year, said Consulting Agreement to be cancellable within the first year upon payment of $70,000 lump sum. The assignee, RKO Teleradio Pictures, Inc., is licensee or permittee of Stations WOR-AM-FM-TV, New York, New York; WNAC-AM-FM-TV, Boston, Massachusetts; KHJ-AM-FM-TV, Hollywood, California; WHBQ-AM-TV, Memphis, Tennnessee; and KFRC, San Francisco, California. In addition, RKO owns 100 percent of the stock of Stations WGTH-TV, Hartford, Connecticut, and of WEAT-AM-TV, West Palm Beach, Florida. The protestant, Lawrence M. C. Smith, is the licensee of Station WFLN (FM), Philadelphia, Pennsylvania, and is an applicant (File No. BP-9633, Docket No. 11566) for a new standard broadcast station in Philadelphia, Pennsylvania. In addition, he is a director, vice-president and 30 percent stockholder of Station WAEB, Allentown, Pennsylvania.

3. In his protest and petition, Lawrence M. C. Smith alleges, in substance, that since 1952 he has been a stockholder of the assignor corporation and his shares represent 16⅔ percent of the outstanding stock thereof; that his wife has been and is a creditor of the assignor, and he has at all times managed and represented her creditor position; that he is also a creditor by virtue of a claim for a portion of funds to be restored to the corporation on account of the illegal diversion, by majority stockholders, including M. Robert Rogers and Pierson Underwood, of a corporate opportunity and assets in connection with a "High Fidelity Fair" and on account of the diversion of profits therefrom, which claim has been recognized by Rogers and Underwood, who have promised to make restitution and have brought suit to obtain restitution from certain former stockholders; that during the period of the transaction described in the protest, Smith was also a director of the assignor, although on July 10, 1956 without legal cause and in disregard of the corporation laws of Delaware, where the assignor was incorporated, M. Robert Rogers, 41⅔ percent stockholder, acting for himself and as proxy for Pierson Underwood, likewise a 41⅔ percent stockholder, purported to remove him as a director; that since its inception, the programming of Stations WGMS and WGMS-FM has been identical and has emphasized serious music; that protestant is the licensee of Station WFLN (FM), the only good music station in Philadelphia, Pennsylvania, and is an applicant for a construction permit to establish an AM good music station in Philadelphia; that protestant is a 50 percent stockholder, vice-president and treasurer of Good Music Broadcasters, Inc., a corporation which arranges for rebroadcasting of good music programs by a number of stations, sells time for some 14 good music stations (including, until their assignment to RKO, Stations WGMS and WGMS-FM) and promotes good music stations generally; that Good Music Broadcasters, Inc., sells time to advertisers on the basis that a group of stations, all with good music format, will broadcast the advertisements contracted for; that advertisers have indicated that they will abrogate their contracts if either WGMS or WGMS-FM alters its good music format, is taken over by RKO and its network subsidiary, Mutual Broadcasting System, Inc., or otherwise becomes unavailable on the basis contracted for; and that the assignment to RKO deprives protestant of his ownership interest in WGMS and WGMS-FM, and of the operating benefits therefrom to the protestant's other enterprises without his consent.

4. The protestant further alleges, in substance, that on April 25, 1955, he was elected to the Board of Directors of The Good Music Station, Inc.; that in accepting the directorship, protestant stipulated, among other things, by an exchange of letters with M. Robert Rogers and Pierson Underwood, that no major policy decision would be made without a directors' meeting, and no action directly or indirectly involving the financial or stock interest or compensation of Rogers, Mrs. Rogers or Underwood would be taken without prior notice to and consultation with the protestant; that at the very time this agreement was being made, and without the knowledge or consent of the petitioner, Rogers and Mrs. Rogers, with the aid and assent of Underwood, in a meeting of the Executive Committee, voted themselves 5 year contracts at $25,500 and $5,200 per year, respectively; that this action was in violation of an express restriction in the delegated powers of the Executive Committee, in violation of the laws of Delaware, in breach of the fiduciary obligations of Rogers, Mrs. Rogers and Underwood as officers and directors, in breach of the express written agreement with the protestant; and that the contracts were thus a fraud upon the protestant and the corporation and were wholly invalid.

5. The protestant further alleges, in substance, that on February 25, 1956, Rogers, acting for himself as an individual and with a power of attorney from Underwood, entered into an agreement with RKO to deliver all of the stock or all of the assets of The Good Music Station, Inc. to RKO for $291,250 plus the excess of current assets over current liabilities at the time of closing and reduced to the extent that certain notes of the corporation were not discharged; that the agreement further provided for the employment of Rogers and his wife by RKO as part-time "consultants" at $30,000 per year for five years, cancellable within the first year upon a lump sum payment of $70,000; that this provision was not a bona fide employment agreement, but a subterfuge; that it was a pay-off to Rogers and his wife for delivering WGMS and WGMS-FM to RKO; that this agreement was made without a stockholders' meeting, without authority from the Board of Directors, in breach of the fiduciary obligations of Rogers and Underwood, without the knowledge or consent of protestant, and in violation of the prior written agreement with the protestant; that the majority stockholders, over protestant's objections, subsequently voted to dissolve the corporation; that on April 11, 1956, before the assignor corporation entered into any contract with RKO, Nathan Straus submitted an independent written offer, subject to certain stated conditions, to purchase 100% of assignor's stock for $400,000 in cash; that said offer amounted to approximately $50,000 more than the RKO offer; that Rogers nevertheless took no action on the Straus offer and made no further effort to negotiate with him; that thereafter, on April 14, 1956, without the knowledge of the protestant, Rogers and Underwood, for themselves and the assignor corporation, entered into a contract with RKO to sell the assignor's assets, and at the same time, Rogers and his wife entered into a "consulting agreement" with RKO; that said "consulting agreement", like the earlier provision therefor in the individual agreement of Rogers and Underwood with RKO, made February 25, 1956, is not a bona fide employment contract, but a subterfuge to cover up a special and improper payment to Rogers to induce the sale to RKO in fraud of The Good Music Station, Inc., and the protestant; that the transparency of the subterfuge is shown by the fact that within a few weeks after the consummation of the sale, Rogers has taken a leave of absence from his position as consultant to undertake an unrelated activity; that in the fall of 1955 and the early part of 1956, a representative of the Dumont radio and television interests sought to negotiate with Rogers for the purchase of WGMS and WGMS-FM and Rogers wrongfully failed to report these overtures to the Board of Directors or to the protestant, and failed to ascertain what advantages might accrue to the corporation and the stockholders through the pursuit of these negotiations; that in April, 1956, the protestant filed a lawsuit in the Delaware Courts to enjoin the sale of WGMS and WGMS-FM to RKO as fraudulent, null and void, and to appoint a receiver or trustee; and that said lawsuit is still pending and is being diligently prosecuted.

6. The protestant further alleges, in substance, that the assignee does not propose to continue to operate Station WGMS as a good music station; that while RKO does propose to operate WGMS-FM as a good music station, less than 50 percent of all radio homes in the area have FM receivers, and if the FM operation should prove unprofitable, there is no assurance that even this limited service would be maintained; that WGMS and WGMS-FM should be preserved as good music stations because of the cultural benefits of their operation in the nation's capital; and that the Commission's action granting the above-entitled application prejudices and frustrates the jurisdiction of the Delaware Court with respect to the protestant's lawsuit, despite the Commission's announced intention not to intervene therein.[2] Finally, protestant requests that the above applications be designated for hearing on the issues specified in the protest; that pending hearing and determination, the Commission stay or rescind the above grant; and that, in the alternative the Commission reconsider and vacate its action of July 18, 1956, and abstain from any further action in the matter pending the determination of the above litigation.

7. In their oppositions to the protest and petition, the applicants allege, in substance, that Smith was legally and properly removed as a Director of the assignor corporation by majority vote of the stockholders for the reason that he had been indicted by a Federal Grand Jury for alleged participation, through his Radio Station WFLM, Philadelphia, Pennsylvania, in an illegal combination in restraint of trade in connection with an agreement to fix rates among otherwise competing radio stations; that the position of Smith's wife as a creditor of the assignor has not been injured by the assignment of Stations WGMS and WGMS-FM to RKO, and in fact, on July 20, 1956, all creditors of The Good Music Station, Inc., were asked to send in their notes so that their claims could be paid; that, in any event, Mrs. Smith has not filed a protest or joined in the instant protest; that Smith's rights in connection with the claim arising from the

[1] On September 7, 1956, the protestant filed a "Reply to Oppositions to Protest and Petition for Reconsideration." Under § 1.730 of the Commission's rules and regulations, the last date to file said reply was September 4, 1956. Accordingly, said reply is untimely. However, we find nothing in the reply which would change the determination made herein.

[2] The protestant herein submitted objections to the above-captioned applications before the Commission acted thereon, which objections set forth substantially the same matters that are contained in the protest. The Commission, in granting the applications, took cognizance of Mr. Smith's objections and, on July 18, 1956, sent him a letter which stated in part that, "in its consideration of said applications, the Commission did not pass upon the matters involved in the pending litigation in the Delaware Courts, and its grant of the applications is not a determination with respect to the merits of the controversy involved in the proceeding."

"High Fidelity Fair" need no further protection at this time, and even if the funds involved are restored to the corporation, Smith will not become a creditor of the corporation and will have no claim against the fund except for his share as a stockholder which will be distributed to him in liquidating dividends as the dissolution of the corporation continues; that protestant's allegations concerning discussions with Rogers on behalf of Dumont, are irrelevant; and that while Mr. Rogers has become Executive Director of the Committee on the Arts and Sciences for Eisenhower, this activity is not inconsistent with the consulting agreement with RKO, and he has informed RKO that he will defer the formal date of starting his consulting duties until December, in accordance with the Agreement, and will, in the meantime, be available for a reasonable amount of advice and consultation without compensation.

8. The applicants further allege, in substance, that WGMS never signed an agreement to become a participating station in Good Music Broadcasters, Inc., so that all advertising it accepted through Good Music Broadcasters, Inc., or any other relationship the station might have had with that organization, was on a case-to-case basis, with no obligation on the part of WGMS to continue the relationship; that Smith cannot claim standing as a "party in interest" on the basis of the profits he might have made had WGMS continued as an exclusively "good music" station, because such profits are too speculative to be determined and the relationships upon which they would have to be predicated are too remote and indirect; that even assuming that Good Music Broadcasters, Inc., has such standing, Smith cannot assert the alleged rights of that corporate entity; that Smith's own station, WFLN, has been offered an affiliation with Mutual's proposed "good music" network, and has refused it; that WFLN now receives only one program from WGMS, which is 90 minutes in length and is broadcast weekly, 30 weeks per year; that since said program is furnished on a gratuity basis and is subject to cancellation at any time, WFLN can have no more standing that any other member of the public who receives programs gratuitously; that this case is not governed by the case of Granik et al. v. FCC, recently decided by the Court of Appeals, in which the Court found that the holder of an option to purchase a station was a party in interest to an application for Commission consent to the sale of the station to another party; that this case differs from the Granik case because there the protestants established prima facie that they had an ownership interest in the license of the station sought to be transferred, and were attempting to enforce a claim for specific performance of the option in the state Courts, whereas in this case, a majority of the stockholders of the assignor have voted to dissolve the corporation and transfer its assets to RKO and Smith can, therefore, have no further interest in the station's authorizations; that the injury Smith complains of in the Delaware Court is one that is fully compensable in damages that the cancellation by advertisers of agreements with stations which are not a party to this proceeding could not confer standing on the protestant; that Smith's damages in the Delaware action, if he was successful, would approximate $8,300 or less, for which the defendants therein could readily respond; and that, by virtue of all of the foregoing, Smith is not a "party in interest" or a "person aggrieved or whose interests are adversely affected" under sections 309 (c) or 405 of the Communications Act.

9. Finally, the applicants allege, in substance, that the pending litigation in the Delaware Courts involves a private dispute concerning the internal affairs of the assignor corporation, and is the type of dispute in which the Commission has held that it cannot and will not intervene; that similarly, with respect to changes in the station's programming, Smith seeks to raise an issue which the Commission should not consider; and that, once the Commission has determined that an applicant's program policy has been found to meet the standards of the public interest, as it has so found with respect to the instant assignee's proposals, it is precluded from giving further consideration as to whether some other type of programming might be preferable.

10. In light of the facts alleged in the protest, we find that the protestant is a "party in interest" and a "person aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled applications, within the meaning of Sections 309 (c) and 405 of the Communications Act, respectively. Granik et al. v. FCC, Docket No. 12909, U. S. App. D. C., decided May 31, 1956; FCC v. Sanders, 309 U. S. 470; In re: General-Times Television Corporation, 13 Pike & Fischer RR 1049; Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F 2d 191. We find further that the protestant has specified with particularity the facts upon which he relies to show that the Commission's grant was not in the public interest. In view of these findings, a question is presented as to the type of hearing which is required with respect to the protestant's issues. In this connection, section 309 (c) of the Communications Act of 1934, as amended, states as follows: "The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented."

The instant protest contains allegations of facts and conclusions drawn therefrom by the protestant. The facts alleged are, in substance, the same as facts which were alleged in pleadings filed by the protestant prior to the Commission's grant of the above-entitled applications. Upon consideration of these facts, the Commission then found that a grant of the applications would be in the public interest. We have given further consideration to the facts alleged in the protest and are not convinced at this point that even if these facts were proven, grounds are presented for setting aside our grant. Accordingly, oral argument will be held as on demurrer.

11. A final question is presented as to whether we should stay the effective date of our grant of the above-entitled applications. In this connection, section 309 (c) of the Communications Act provides that: "pending hearing and decision (of cases arising under this statute) the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

No facts or arguments are set forth in the oppositions to the instant protest to show either that the grant of the above-entitled applications is necessary to the maintenance of the existing service provided by Stations WGMS and WGMS–FM, or that the public interest requires that the grant remain in effect pending determination of the questions raised by the protest. Nor are we able, on the basis of the facts before us, to conclude that we would be warranted in denying a stay in this case. Accordingly, the effective date of the grant must be postponed until a final determination is reached after the oral argument ordered herein.

12. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-entitled applications is postponed pending a determination with respect to the protest of Lawrence M. C. Smith; that the petition for reconsideration herein is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for oral argument at the offices of the Commission in Washington, D. C. on the question whether, if the facts alleged in the protest were to be proven, grounds have been presented for setting aside the grant of said applications.

13. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the proceedings herein and that:

(1) The oral argument shall commence at 10 a. m., on the 1st day of October 1956, and shall be held before the Commission en banc;

(2) The parties intending to participate in the oral argument shall file their appearances not later than September 24, 1956.

(3) The parties to the proceeding have until the date of oral argument to file briefs or memoranda of law.

14. *It is further ordered*, That the applicants shall have until October 12, 1956 to effect a reassignment of the licenses and construction permit to the assignor.

Adopted: September 11, 1956

Released: September 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7537; Filed, Sept. 18, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10281, G-10282]

WESTPAN HYDROCARBON CO., AND SINCLAIR OIL & GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 13, 1956.

Take notice that Westpan Hydrocarbon Co. (Westpan), a Delaware corporation with principal office at 301 Amarillo Building, Amarillo, Texas, filed, on April 19, 1956, an application for permission to abandon service, pursuant to section 7 (b) of the Natural Gas Act (act), authorizing Westpan to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Concurrently therewith, Sinclair Oil & Gas Co. (Sinclair), a Maine corporation with principal office at Sinclair Oil Building, Tulsa 2, Oklahoma, filed, on April 19, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Sinclair to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Westpan proposes to terminate and Sinclair proposes to take over and continue without any interruption in service, the sale of natural gas in interstate commerce from production of Westpan's entire undivided one-half interest in the dry gas operating rights down to and including the Mesa Verde formation under lands in Rio Arriba County, New Mexico, to El Paso Natural Gas Company for resale.[1]

The applications state that on April 18, 1956, the stockholders of Westpan voted to transfer to Jalco, Inc., certain of Westpan's assets and properties, including the aforesaid entire undivided one-half interest; that said transfer is scheduled to occur on April 30, 1956; that simultaneously, on April 30, 1956, Jalco, Inc., will sell and transfer said interest to Sinclair; and that the sale and transfer of the aforesaid interest will be made expressly subject to the existing contract dated March 8, 1954 between Westpan and El Paso.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, October 15, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7507; Filed, Sept. 18, 1956; 8:47 a. m.]

[1] The sale by Westpan to El Paso was authorized by order issued July 13, 1956, in Docket No. G-7001 (lead Docket No. G-6978 et al.). Sinclair is the present owner of the remaining undivided one-half interest and was authorized by order issued December 22, 1954 in Docket No. G-2690 to sell to El Paso.

[Docket No. G-10517]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 13, 1956.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware Corporation, having its principal place of business in Houston, Texas, filed on June 4, 1956 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application now on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a 4-inch tap at a point on its existing 24-inch main transmission line in Refugio County, Texas approximately 110 miles upstream from its existing Compressor station No. 2, in order to receive natural gas to be purchased from and produced by Dolphin Petroleum Company, Inc. from the Wyrick Field, Refugio County, Texas. The estimated total cost of the proposed tap is $2,500 to be financed from company funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 12, 1956, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7508; Filed, Sept. 18, 1956; 8:47 a. m.]

[Project No. 2216]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 13, 1956.

Public notice is hereby given that Power Authority of the State of New York, of New York, New York, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2216 to be located on the Niagara River in Niagara County, New York, and to consist of an intake structure located about 3 miles above the Falls; two covered conduits about 4.5 miles long extending from the intake and around the Falls to a pumping-generating plant and reservoir in the Town of Lewiston, the pumping-generating plant housing twelve generator-motor units rated at 20,000 kilowatts as generators and 28,000 kilowatts as motors, the pump-turbines each having generating capacity of 27,500 horsepower; a step-up substation; a pumped storage reservoir with rolled-fill earth embankment having a capacity of 60,000 acre-feet with maximum water surface at elevation 645 feet; a concrete-lined open canal about one mile long from the pumping-generating plant and reservoir to the main Lewiston power

plant consisting of an intake structure with head gates, forebay and penstocks leading to the Lewiston generating plant with an installation of thirteen 200,000-horsepower turbines, each direct-connected to 150,000-kilowatt generators; a step-up substation; a switchyard; 230-kilovolt feeder lines between Lewiston powerhouse and switchyard; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 18, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7509; Filed, Sept. 18, 1956; 8:47 a. m.]

[Docket No. G-5524 etc.]

CHARLES H. OSMOND ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 13, 1956.

In the matters of Charles H. Osmond, et al., Docket No. G-5524; J. A. Kimmey and Arnold Oil Well Service, Docket No. G-7030; Edwin L. Cox, Docket No. G-8333; Walter Kuhn, et al., Docket No. G-8429; E. B. McFarlin and Ellen P. Ketchum, Docket No. G-8541; Amerada Petroleum Corporation, Docket No. G-8569; Jake L. Hamon, Docket No. G-8680; The Superior Oil Company, Docket No. G-8723; J. K. Wright, Jr., Docket No. G-8727; Sinclair Oil & Gas Company, Docket No. G-8733; Phillips Petroleum Company, Docket No. G-8749; Phillips Petroleum Company, Docket No. G-8750; Sinclair Oil & Gas Company, Docket No. G-8802; Phillips Petroleum Company, Docket No. G-8845; Oil Participations Incorporated, Docket No. G-8920; The North Central Texas Oil Company, Inc., Docket No. G-8999; Emil Mosbacher, Jr., Docket No. G-9004; Champlin Refining Company, Docket No. G-9055; Barbara B. Castleman, Receiver of the Estate of William P. Castleman, Jr., Docket No. G-9074; Shell Oil Company, Docket No. G-9090; Fred Turner, Jr., Docket No. G-9129; Texas Hydrocarbon Company, Docket No. G-9147; Texas Pacific Coal and Oil Company, Docket No. G-9261; Southern Union Gas Company, Docket No. G-9296; Robert Mosbacher, Docket No. G-9384; Skelly Oil Company, Docket No. G-9396; The Atlantic Refining Company, Docket No. G-9466; Midstates Oil Corporation, Docket No. G-9480; Winston L. Stokes, Docket No. G-9485; Amerada Petroleum Corporation, Docket No. G-9614; Amerada Petroleum Corporation, Docket No. G-9615.

Take notice that the persons as hereinabove captioned (Applicants), filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket proposes to sell natural gas in interstate commerce from production of certain leases, units or acreage located in the area indicated to the respective purchasers as indicated for resale:

Docket Number; Date Filed; Applicant and Address; Source of Gas; and Purchaser

G-5524; 11-23-54, 12-7-54; Charles H. Osmond, et al., 1302 Fort Worth National Bank Building, Fort Worth, Tex.; Kennelly Field, Colorado County, Tex.; Texas Eastern Transmission Corporation.

G-7030; 12-3-54; J. A. Kimmey and Arnold Oil Well Service, 501 Driscoll Building, Corpus Christi, Tex.; Blue Basin Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

G-8333; 1-7-55; Edwin L. Cox, 1217 Magnolia Building, Dallas, Tex.; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G-8429; 2-1-55; Walter Kuhn, Operator, for himself and Harry M. McQuigg and Saturn Oil & Gas Company, Inc., Union National Bank Building, Wichita, Kans.; Sections 10 and 15, Township 33, Range 33, Seward County, Kans. (Hugoton Field); Panhandle Eastern Pipe Line Company.

G-8541; 3-4-55; E. B. McFarlin and Ellen P. Ketchum, Milam Building, San Antonio, Tex.; Clara Couch Gas Field, Crockett County, Tex.; El Paso Natural Gas Company.

G-8569; 3-11-55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa 2, Okla.; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G-8680; 3-28-55; Jake L. Hamon, 501 First National Bank Building, Dallas, Tex.; Headlee Field, Ector County, Tex.; El Paso Natural Gas Company.

G-8723; 4-4-55; The Superior Oil Company, 930 Edison Building, Los Angeles, Calif.; Eumont Gas Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G-8727; 4-6-55; J. K. Wright, Jr., P. O. Box 762, Jackson, Miss.; Pistol Ridge & Maxie Fields, Forrest & Pearl River Counties, Miss.; United Gas Pipe Line Company.

G-8733; 4-7-55; Sinclair Oil & Gas Company, P. O. Box 521, Tulsa, Okla.; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

G-8749; 4-11-55; Phillips Petroleum Company, Bartlesville, Okla.; Caylor Lease, Lovington Pool, Lea County, N. Mex.; Otha H. Grimes.

G-8750; 4-11-55; Phillips Petroleum Company, Bartlesville, Okla.; University "C" Lease, Big Lake Field, Reagan County, Tex.; Texon Gas, Inc.

G-8802; 4-26-55; Sinclair Oil & Gas Company, P. O. Box 521, Tulsa, Okla.; Drumright Field, Creek County, Okla.; Cities Service Gas Company.

G-8845; 5-2-55; Phillips Petroleum Company, Bartlesville, Okla.; Kenneth "A" Lease, Permian Basin Area, Reagan County, Tex.; El Paso Natural Gas Company.

G-8920; 5-18-55; Oil Participations, Incorporated, San Jacinto Building, Houston, Tex.; South Headlee Field, Ector and Midland Counties, Tex.; El Paso Natural Gas Company.

G-8999; 6-3-55; The North Central Texas Oil Company, Inc., 407 Commercial National Bank Building, Shreveport, La.; Keyes Field, Texas County, Okla.; Colorado Interstate Gas Company.

G-9004; 6-6-55; Emil Mosbacher, Jr.; Keyes Field, Texas County, Okla.; Colorado Interstate Gas Company.

G-9055; 6-20-55; Champlin Refining Company, 318 West Cherokee Avenue, Enid, Okla.; Dewell Gas Unit "B", Hugoton Field, Morton County, Kans.; Cities Service Gas Company.

G-9074; 6-27-55; Barbara B. Castleman, Receiver of the Estate of Wm. P. Castleman, Jr., 1112 Republic Bank Building, Dallas, Tex.; Headlee Field, Ector County, Tex.; El Paso Natural Gas Company.

G-9090; 6-30-55; Shell Oil Company, 50 West 50th St., New York 20, New York; Elliott Gas Unit, "C"-1, Hugoton Field, Haskell County, Kans.; Cities Service Gas Company.

G-9129; 7-11-55; Fred Turner, Jr., P. O. Box 910, Midland, Tex.; Northeast Noelke Field, Crockett County, Tex.; El Paso Natural Gas Company.

G-9147; 7-18-55; Texas Hydrocarbon Company, P. O. Box 1409, Tulsa, Okla.; Jameson Strawn Sand and Fuller Strawn Sand Fields, Coke, Mitchell and Sterling Counties, Tex.; El Paso Natural Gas Company.

G-9261; 8-26-55; Texas Pacific Coal and Oil Company, Fort Worth National Bank Building, Fort Worth, Tex.; Spraberry Field, Reagan County, Tex.; El Paso Natural Gas Company.

G-9296; 9-2-55; Southern Union Gas Company, Burt Building, Dallas, Tex.; Northeast Noelke Field, Crockett County, Tex.; El Paso Natural Gas Company.

G-9384; 9-21-55; Robert Mosbacher, Operator, 1640 Bank of Commerce Building, Houston, Tex.; Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

G-9396; 9-26-55; Skelly Oil Company, Box 1650, Tulsa, Okla.; San Juan Basin Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G-9396; 5-21-56; Skelly Oil Company, Box 1650, Tulsa, Okla.; Truby Government #1-4 Lease, Section 4-25N-6W, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G-9466; 10-10-55; The Atlantic Refining Company, P. O. Box 2819; Dallas, Tex.; Eumont Field, Lea County, N. Mex.; Phillips Petroleum Company.

G-9480; 10-13-55; Midstates Oil Corporation, Midstates Building, Tulsa, Okla.; Greenwood Field, Caddo Parish, La.; United Gas Pipe Line Company.

G-9485; 10-14-55; Winston L. Stokes, P. O. Box 286, Lafayette, La.; Dry Creek Field, Beauregard Parish, La.; Trunkline Gas Company.

G-9614; [1] 11-2-55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa, Okla.; Federal "D" Lease Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G-9615; [1] 11-2-55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa, Okla.; WE "B" Tract 2 lease, Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 16, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7510; Filed, Sept. 18, 1956; 8:47 a. m.]

[1] Dedication of additional acreage. See Docket No. G-4483.

[Docket No. G-10060]

UNION PRODUCING CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 13, 1956.

Upon consideration of the request, filed September 12, 1956, by Staff counsel for continuance of the hearing now scheduled for September 17, 1956, in the above designated matter;

The hearing now scheduled for September 17, 1956, is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7511; Filed, Sept. 18, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 130]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 14, 1956.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 531 Sub 72, filed September 5, 1956, YOUNGER BROTHERS, INC., 4904 Griggs Road, P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Baton Rouge, La., and points within 10 miles thereof, on the one hand, and, on the other, points in Concordia, Catahoula, Tensas, Franklin, Caldwell, Madison, Richland, Ouachita, East Carroll, West Carroll and Morehouse Parishes, La. Applicant is authorized to conduct operations in Louisiana, Texas, Arkansas, Alabama, Georgia, Mississippi, and Tennessee.

No. MC 730 Sub 83, filed August 14, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street, P. O. Box 958, Oakland, Calif. Applicant's representative: Earl J. Brooks (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, excluding commodities of unusual value, livestock, Class A and B explosives, and household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Glen Canyon Dam Site located on the Colorado River approximately 15 miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, points within 10 miles thereof, and construction sites and supply points located at points on access roads thereto, on the one hand, and, on the other, points which carrier is authorized to serve in regular route operations between Salt Lake City, Utah, and Las Vegas, Nev., including Salt Lake City, and Las Vegas, restricted to movement of traffic in truckloads only.

No. MC 1641 Sub 37, filed August 24, 1956, RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products*, and *petroleum byproducts*, in bulk, in tank vehicles, from Sugar Creek, Mo., to destination points in Iowa, Kansas, Nebraska, and South Dakota authorized in carrier's Certificates Nos. MC 1641 and MC 1641 Sub 27. Applicant is authorized to conduct regular route operations in Kansas and Nebraska, and irregular route operations in Iowa, Kansas, Nebraska, and South Dakota.

No. MC 2202 Sub 150, filed August 31, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW, Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Grand Rapids, Mich., over U. S. Highway 16, serving the intermediate point of Lansing, Mich. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2202 Sub 151, filed September 4, 1956, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Asheville, N. C., and junction of U. S. Highways 29 and 74, near Kings Mountain, N. C., from Asheville over U. S. Highway 74 to the junction of U. S. Highways 29 and 74, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Ohio, Texas, Oklahoma, Indiana, Pennsylvania, Kansas, Missouri, Illinois, Tennessee, Georgia, Alabama, South Carolina, North Carolina, New Jersey, New York, Virginia, Delaware, Maryland, Michigan, West Virginia, and Kentucky.

No. MC 2202 Sub 152, filed September 6, 1956, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Washington, Pa., and junction U. S. Highways 40 and 522 near Hancock, Md., from Washington over U. S. Highway 40 to junction of U. S. Highways 40 and 522 near Hancock, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that service will be made at Washington, Pa., and junction of U. S. Highways 40 and 522 for purpose of joinder only. Applicant is authorized to

conduct operations in Ohio, Texas, Oklahoma, Indiana, Pennsylvania, Kansas, Missouri, Illinois, Tennessee, Georgia, Alabama, South Carolina, North Carolina, New Jersey, New York, Virginia, Delaware, Maryland, Michigan, West Virginia, and Kentucky.

No. MC 2900 Sub 87, filed August 24, 1956, GREAT SOUTHERN TRUCKING COMPANY, A Corporation, 1863 Clarkson Street, P. O. Box 2408, Jacksonville 3, Fla. Applicant's representative: J. Edward Allen, 1863 Clarkson Street, Jacksonville, Fla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between junction U. S. Highway 41 and Georgia Highway 20 at Cass Station, Ga., and Buford, Ga., over Georgia Highway 20, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations between (a) Winston-Salem, N. C., and Birmingham, Ala., and (b) Chattanooga, Tenn., and Atlanta, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

No. MC 3083 Sub 21, filed August 31, 1956, ARMORED MOTOR SERVICE CO., INC., 248 Madison Avenue, Hickman Building, P. O. Box 66, Memphis, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as require special protection by guards in armored vehicles while in transit, from Huntington, W. Va., to Greenup, Ky. Applicant is authorized to conduct operations in West Virginia, Kentucky, Georgia, South Carolina, Tennessee, and Arkansas.

No. MC 3566 Sub 38, filed July 13, 1956, GENERAL EXPRESSWAYS, INC., 221 West Roosevelt Road, Chicago 5, Ill. Applicant's representative: Floyd F. Shields, Title and Trust Building, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Chicago Heights, Ill. and points in Illinois within five (5) miles of Chicago Heights as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Wisonsin, Iowa, Missouri, New Jersey, Massachusetts, Rhode Island, Connecticut, and Minnesota.

No. MC 9914 Sub 5, filed August 16, 1956, WARREN TRUCKING CO., INC., South Roanoke Street, Martinsville, Va. Applicant's representative: Thaxton Richardson, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned shipments of new furniture* due to damage or other reason, from points in Delaware, Maryland, except Baltimore and points within 10 miles thereof, New Jersey, North Carolina, Pennsylvania, except Philadelphia and Delaware Counties, and that part of Montgomery County, on and east of U. S. Highway 202, West Virginia, District of Columbia, and that part of Ohio bounded on the east by a line beginning at Portsmouth, Ohio, and extending along U. S. Highway 23 to Marion, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio, to Martinsville, Va.

NOTE: The purpose of this application is to clear up the present authority of applicant as it applies to returned shipments of new furniture.

No. MC 10761 Sub 60, filed September 10, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Morton, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Kansas City, Mo., over U. S. Highway 66, U. S. Highway 24 and Illinois Highway 29. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New York, Connecticut, Nebraska, Iowa, and Rhode Island.

No. MC 10761 Sub 61, filed September 10, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Studebaker-Packard plant located at Mound Road and 23 Mile Road in Shelby Township, Macomb County, Mich. (near Utica), as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and Chicago, Ill., over U. S. Highway 112, Indiana Highway 19, Indiana Highway 2, U. S. Highway 20 and U. S. Highway 12. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New York, Connecticut, Nebraska, Iowa, and Rhode Island.

No. MC 10955 Sub 8, filed August 23, 1956, RENNER MOTOR LINES, INC., 86 Huston, Barberton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rubber products*, from Wadsworth, Ohio to points in Pennsylvania. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, Maryland, and the District of Columbia.

NOTE: In MC 10955 Sub 3 applicant holds authority to transport rubber soles and heels, from Wadsworth, Ohio to points in Pennsylvania and by this application seeks to transport additional commodities.

No. MC 20783 Sub 32, filed August 16, 1956, TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicant's representative: James Clarence Evans, Third National Bank Bldg., Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts* and *articles distributed by meat packing houses*, as defined by the Commission, from points in Florida to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Louisiana, and Mississippi. Applicant is authorized to conduct operations in Tennessee, Georgia, and Alabama.

No. MC 23986 Sub 10, filed August 27, 1956, BLAIR TRANSIT COMPANY, 142 Davenport Street, Saginaw, Mich. Applicant's representative: Carl H. Smith, Sr., 210–14 Phoenix Building, Bay City, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the junction of Michigan Highways 15 and 81 and Arthur, Mich., from the junction over Michigan Highway 15 to Arthur. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 30319 Sub 74, filed September 4, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including those having a prior or subsequent movement by air*, but excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Falfurrias, Tex., and Alice, Tex., over U. S. Highway No. 281, serving, in addition to the termini, the intermediate points of Torian, Cordova, Ben Bolt, Ella, Seeligson, Mac, Premont, and LaGloria, Tex., which are located on and served by applicant's affiliate, the Texas & New Orleans Railroad Company. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 30319 Sub 75, filed September 4, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including those having a prior or subsequent movement by air*, but excepting commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Wallis, Tex., and Chesterville, Tex., over Farm-To-Market Highway 1093, serving, in addition to the termini, all intermediate stations located on and served by applicant's affiliate, the Texas & New Orleans Railroad Company. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 34870 Sub 4, filed August 14, 1956, ANTHONY H. SANTIAGO AND MARIO CECCHINI, doing business as BISON CITY CARTAGE CO., 500 Niagara Frontier Food Terminal, Buffalo, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are sold or dealt in by wholesale grocers, retail food stores and supermarkets*, from Buffalo, N. Y., to points in Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, Yates, and Broome Counties, N. Y., and Bradford, Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Susquehanna, Tioga, Venango, and Warren Counties, Pa.; *damaged or returned shipments of the above-specified commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities indicated in this application on return. Applicant is authorized to conduct operations in New York.

NOTE: Applicant states that the commodity description is used to describe the commodities proposed to be transported and that it is not intended that the service be restricted to wholesale grocers, retail food stores and supermarkets.

No. MC 44592 Sub 17, filed September 4, 1956, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, serving the site of the General Motors Euclid Division Plant located near Darrowville (Summit County), Ohio, as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Cleveland, Ohio; from Pittsburgh over Pennsylvania Highway 51 to the Pennsylvania-Ohio State Line and thence over Ohio Highway 14 to Cleveland. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 44605 Sub 4, filed July 23, 1956, JOSEPH J. MILNE TRUCK LINE, INC., 205 West First North, St. George, Utah. Applicant's representative: Wood R. Worsley, Suite 1501 Walker Bank Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, but excluding articles of unusual value, between St. George, Anderson, and Cedar City, Utah, on the one hand, and, on the other, Glen Canyon Dam Site (located on the Colorado River approximately fifteen (15) miles upstream from Marble Canyon, Ariz., and points in Utah and Arizona within 25 miles of Glen Canyon Dam Site, (1) from Anderson over Utah Highway 15 to junction U. S. Highway 89, thence over U. S. Highway 89 to Kanab, Utah (also from Cedar City, Utah over Utah Highway 14 to junction to U. S. Highway 89), thence over U. S. Highway 89 to Kanab (also from St. George, Utah, over U. S. Highway 91 to junction Utah Highway 17, thence over Utah Highway 17 to junction Utah Highway 15, thence over Utah Highway 15 to junction U. S. Highway 89, thence over U. S. Highway 89 to Kanab), thence from Kanab over Utah Highway 136 to junction access roads to Glen Canyon Dam Site, Ariz., thence over access roads to Glen Canyon Dam Site (also from Kanab over U. S. Highway 89 to junction access roads to Glen Canyon Dam Site, near Marble Canyon, Ariz.), thence over access roads to Glen Canyon Dam Site, Ariz., and return over the same routes, serving no intermediate points, but serving points in Arizona and Utah within 25 miles of the Glen Canyon Dam Site as off-route points; and (2) from St. George over U. S. Highway 91 to junction Utah Highway 17, thence over Utah Highway 17 to Hurricane, Utah, thence over Utah Highway 59 to junction unnumbered highway, thence over unnumbered highway via Short Creek, and Pipe Spring, Ariz., to Fredonia, Ariz., thence over U. S. Highway 89 to junction access roads to Glen Canyon Dam Site near Marble Canyon, Ariz., thence over access roads to Glen Canyon Dam Site, Ariz., and return over the same routes, serving no intermediate points, but serving points in Arizona and Utah within 25 miles of the Glen Canyon Dam Site as off-route points.

NOTE: Applicant states it proposes to tack this authority with its authorized existing authority in MC 44605 and Sub 1. Applicant further states it does not seek authority herein to serve intermediate points between U. S. Highway 91 as shown above and the Glen Canyon Dam Site and points within 25 miles thereof. Under MC 44605, applicant has irregular route authority for the same commodities as in the regular route portion of such certificate (which are identical to those requested herein) to points in Mohave and Coconino Counties, Ariz., *north* of the Colorado River, which authority would be retained by applicant under this application since the shipping needs of this sparsely populated area in Arizona north of the Colorado River require such service.

No. MC 52322 Sub 1, filed August 13, 1956, M. COOPER AND J. F. McDOWELL, doing business as HALFWAY GARAGE & STAGES, Halfway, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Richland, Oreg., and Hells Canyon Dam Site (near Homestead), Oreg., from Richland over Oregon Highway 86 to Robinette, Oreg., thence over unnumbered highway in a northerly direction to the Brownlee Dam Site, thence in a northerly direction over the same unnumbered highway to the Ox Bow Dam Site, thence in a northerly direction over unnumbered highway to Hells Canyon Dam Site, and return over the same route, serving all intermediate points and off-route points within five (5) miles of the above-described dam sites. Applicant is authorized to conduct operations in Oregon.

NOTE: Duplicating authority is to be eliminated.

No. MC 52657 Sub 489 (amended), filed June 22, 1956, published in the July 4, 1956 issue, page 4985, ARCO AUTO CARRIERS, INC., 91st Street, and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Transit or truck mixers*, and *integral component parts thereof* when moving together with the mixers, from Bryan, Ohio, and points within five (5) miles of Bryan, to Los Angeles, Calif., the District of Columbia, and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; *truck cabs*, (1) from Chicago, Ill. to Los Angeles, Calif. and Bryan, Ohio, and points within five (5) miles of Bryan, and (2) from Bryan, Ohio, and points within five (5) miles of Bryan, to Los Angeles, Calif., (3) from Lansing, Mich., to points in the United States; *trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Bryan, Ohio to points in the United States; *tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Bryan, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 52949 Sub 21, filed July 9, 1956 (amended), published August 1, 1956 on Page 5762, JAMES A. HANNAH, INC., P. O. Box 89, Lamont, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Chicago, Ill. to Los Angeles, Calif. and Bryan, Ohio, and points within five (5) miles of Bryan, and (2) from Bryan, Ohio, and points within five (5) miles of Bryan, to Los Angeles, Calif., (3) from Lansing, Mich., to points in the United States; *trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Bryan, Ohio to points in the United States; *tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Bryan, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 52949 Sub 21, filed July 9, 1956 (amended), published August 1, 1956 on Page 5762, JAMES A. HANNAH, INC., P. O. Box 89, Lamont, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Chicago, Ill. to points in Illinois on the west and north of a line beginning at the Wiscon-

sin-Illinois State line and extending along U. S. Highway 14 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 64, thence along Illinois Highway 64 to the Mississippi River; and (2) from Rockford, Ill., to points in Wisconsin on and south of Wisconsin Highway 60; *mineral solvents*, in bulk, in tank vehicles, from Lamont, Ill., and points within five (5) miles thereof, to points in Iowa on and west of U. S. Highway 69; *anhydrous ammonia, acqua ammonia*, and *nitrate fortified fertilizer solution*, in bulk, in tank vehicles, from Lockport, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; *petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Illinois on and north of U. S. Highway 50, points in Iowa on and east of U. S. Highway 69, points in Indiana on and north of a line beginning at Vincennes, Ind., and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, points in Michigan on and south of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction U. S. Highway 31, thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to Saint Louis, Mich., and on and west of a line beginning at Saint Louis and extending along U. S. Highway 27 to Lansing, Mich., thence along U. S. Highway 127 to junction U. S. Highway 223, thence along U. S. Highway 223 to the Michigan-Ohio State line, and those in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, Wis., and on and south of Wisconsin Highway 23; *waste or used petroleum products*, from Milwaukee, Wis., to Chicago, Ill., and *returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: Duplicating authority to be eliminated.

No. MC 58937 Sub 9 (revision), filed August 15, 1956, published in the August 29, 1956, issue, on page 6527, H. E. SWEZEY & SON TRANSPORTATION, INC., North Country Road, Eastport, N. Y. The exceptions to the general commodities sought, should include *commodities in bulk*.

No. MC 59117 Sub 7, filed August 13, 1956, VINCENT ELLIOTT, doing business as ELLIOTT TRUCK LINES, 433 North Smith Street, Box 1, Vinita, Okla. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing materials* and *fertilizer*, between Dallas and Fort Worth, Tex., and Kansas City, Mo., on the one hand and, on the other, points in Cherokee, Craig, Creek, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Tulsa, Wagoner, and Washington Counties, Okla.

No. MC 59120 Sub 13, filed August 29, 1956, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh, Pa. Applicant's representative: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Creosote, enamel*, and *alcoholic solvents*, in bulk, in tank vehicles, in shipper-owned equipment, from Manor, Pa., to Westinghouse, N. Y. (at or near Cheektowaga, N. Y.); and (2) *shipper-owned equipment* used in the transportation of the above commodities, from Westinghouse, N. Y. (at or near Cheektowaga, N. Y.), to Manor, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 64994 Sub 21, filed September 5, 1956, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's representative: James E. Wilson, Continental Building, 14th at K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Calypso, N. C., and points within 5 miles of Calypso, to Greensboro, N. C.

No. MC 65525 Sub 9, filed September 4, 1956, WHITE BROTHERS TRUCKING CO., a Corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete pipe, concrete pressure pipe*, and *portable concrete plants and equipment* used in the manufacture of concrete pipe, from Hattiesburg, Miss., to points in Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Ohio, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, Kentucky, West Virginia, Pennsylvania, and New York.

No. MC 69116 Sub 26, filed August 10, 1956, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Street, Chicago 8, Ill. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, (1) between Cambridge, Ohio, and junction U. S. Highway 30 and Pennsylvania Highway 148, from Cambridge over U. S. Highway 40 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction Pennsylvania Highway 837, thence over Pennsylvania Highway 837 to the Clairton-Glassport Bridge near Wilson, Pa., thence over said bridge to Pennsylvania Highway 148, thence over Pennsylvania Highway 148 to junction U. S. Highway 30, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations between (a) St. Louis, Mo., and Boston, Mass., and (b) Norwalk, Ohio, and Harrisburg, Pa., and (2) between junction U. S. Highway 40 and Pennsylvania Highway 31 and junction Pennsylvania Highway 31 and the Donegal interchange on the Pennsylvania Turnpike, from junction U. S. Highway 40 and Pennsylvania Highway 31 over U. S. Highway 40 to junction Pennsylvania Highway 71, thence over Pennsylvania Highway 71 to junction Pennsylvania Highway 981, thence over Pennsylvania Highway 981 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 711, thence over Pennsylvania Highway 711 to U. S. Highway 119, thence over U. S. Highway 119 to junction Pennsylvania Highway 982, thence over Pennsylvania Highway 982 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to the Donegal interchange on the Pennsylvania Turnpike, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Norwalk, Ohio, and Harrisburg, Pa., and (b) carrier's applied-for alternate route (1) above. RESTRICTION: The service proposed above is restricted to the transportation, to the extent authorized of traffic moving between points on and east of a line beginning at Buffalo, N. Y., and extending via Scranton and Harrisburg, Pa., to Washington, D. C., on the one hand, and, on the other, points on and west of a line beginning at Elkhart, Ind., and extending via Fort Wayne and Indianapolis, Ind., to Vincennes, Ind. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

No. MC 69116 Sub 27, filed August 30, 1956, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Street, Chicago 8, Ill. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, (1) between Bedford, Pa., and the Bedford toll gate on the Pennsylvania Turnpike, over U. S. Highway 220, serving no intermediate points but serving the junction of the Pennsylvania Turnpike and U. S. Highway 220 for purpose of joinder only, as an alternate route for operating convenience only; (2) between Bedford, Pa., and junction U. S. Highway 30 and Pennsylvania Highway 126, over Pennsylvania Highway 126 for purpose of joinder only, as an alternate route for operating convenience only; (3) between junction U. S. Highway 30 and Pennsylvania Highway 126 and the Breezewood toll gate on the Pennsylvania Turnpike, over U. S. Highway 30, serving no intermediate points but serving the termini for purpose of joinder only, as an alternate route for operating convenience only; (4) between junction U. S. Highway 30 and Pennsylvania Highway 126 and Baltimore, Md., from junction U. S. Highway 30 and Pennsylvania Highway 126 over Pennsylvania Highway 126 to junction U. S. Highway 522, thence over U. S. Highway 522 to junction U. S. Highway 40, thence over U. S. Highway 40 to Baltimore, and return over the same route, serving no intermediate points but serving the junction of U. S. Highway 30 and Pennsylvania Highway 126 as a point of joinder only, as an alternate route for operating convenience only; and (5) between junction U. S. Highways 40 and 240 and Washington, D. C., over U. S. Highway 240, serving no intermediate points but serving the junction of U. S. Highways 40 and 240 for purpose of joinder only, as an alternate route for operating convenience only. Alternate routes 1, 2, 3 and 4 are in connection with applicant's authorized regular route operations (a) between St. Louis, Mo., and Boston, Mass., (b) between Quincy, Ill., and New York, N. Y., and (c) between Norwalk, Ohio, and Harrisburg, Pa., and route 4 is also in connection with authorized regular route operations between Harrisburg, Pa., and Baltimore, Md., and route 5 is in connection with the above applied-for alternate route 4 and applicant's authorized regular route operations between Washington, D. C. and Philadelphia, Pa. RESTRICTION: The applied-for authority to be restricted to the transportation, to the extent authorized, of traffic moving between points on and east of a line beginning at Buffalo, N. Y., and extending via Scranton and Harrisburg, Pa., to Washington, D. C., on the one hand, and, on the other, points on and west of a line beginning at Elkhart, Ind., and extending via Fort Wayne and Indianapolis, Ind., to Vincennes, Ind. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

No. MC 69116 Sub 28, filed August 30, 1956, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Street, Chicago 8, Ill. Applicant's representative: Jack Goodman 39, South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, (1) between junction U. S. Highway 44 and Connecticut Highway 12 and the junction of U. S. Highway 20 and Massachusetts Highway 131 from junction U. S. Highway 44 and Connecticut Highway 12 over Connecticut Highway 12 to its junction with Connecticut Highway 131, thence over Connecticut Highway 131 to its junction with Massachusetts Highway 131, thence over Massachusetts Highway 131 to its junction with U. S. Highway 20, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Boston, Mass.; (2) between junction of U. S. Highway 7 and Massachusetts Highway 23, and the junction of Massachusetts Highway 23 and U. S. Highway 20, over Massachusetts Highway 23, serving no intermediate points but serving the junction of Massachusetts Highway 23 and U. S. Highway 20 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Boston, Mass.; between Hudson, N. Y., and Hartford, Conn.; and between Pittsfield, Mass., and Great Barrington, Mass.; and (3) between Avon, Conn., and Springfield, Mass., from Avon over U. S. Highway 202 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to Springfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Boston, Mass.; between New Haven, Conn., and Springfield, Mass.; between Hudson, N. Y., and Hartford, Conn.; and between Avon, Conn., and Berlin, Conn. RESTRICTION: Proposed operations to be restricted to the transportation, to the extent authorized, of traffic moving between points on and east of a line beginning at Buffalo, N. Y., and extending via Scranton and Harrisburg, Pa., to Washington, D. C., on the one hand, and, on the other, points on and west of a line beginning at Elkhart, Ind., and extending via Fort Wayne and Indianapolis, Ind., to Vincennes, Ind. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

No. MC 70470 Sub 5, filed August 28, 1956, FILM TRANSPORT CO., 1112 Capitol Avenue, Omaha, Nebr. Applicant's representative: C. A. Ross, 1004–05 Trust Building, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between (1) Sioux City, Iowa, and Falls City, Nebr., from Sioux City over U. S. Highway 73 to Winnebago, Nebr., thence over U. S. Highway 73W to Tekamah, Nebr., and thence over U. S. Highway 73 to Falls City, and return over the same route, serving all intermediate points and the off-route points of Bancroft, Pender, Emerson, Humboldt, Table Rock, Pawnee City, Tecumseh, Weeping Water, Peru, and Brownsville, Nebr.; (2) between Omaha, Nebr., and York, Nebr., from Omaha over U. S. Highway 6 to Lincoln, Nebr., and thence over U. S. Highway 34 to York; and return from York over U. S. Highway 81 to junction Alternate U. S. Highway 30, thence over Alternate U. S. Highway 30 to Omaha, serving all intermediate points and the off-route point of David City, Nebr.; (3) between Omaha, Nebr., and Clarinda, Iowa, from Omaha over U. S. Highway 275 to Sidney, Iowa, thence over Iowa Highway 3 to Clarinda; and return from Clarinda over U. S. Highway 71 to Tenville Junction, Iowa, thence over U. S. Highway 34 to junction U. S. Highway 275, and thence over U. S. Highway 275 to Omaha, serving all intermediate points and the off-route point of Malvern, Iowa; (4) between Omaha, Nebr. and Cherokee, Iowa, from Omaha over Alternate U. S. Highway 30 to Missouri Valley, Iowa, thence over U. S. Highway 30 to Denison, Iowa, and thence over U. S. Highway 59 to Cherokee; and return from Cherokee over Iowa Highway 31 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 59, thence over U. S. Highway 59 to junction Iowa Highway 35, thence over Iowa Highway 35 to Mapleton, Iowa, thence over Iowa Highway 141 to Denison, Iowa, and thence as specified above to Omaha, serving all intermediate points and the off-route point of Aurelia, Iowa.

NOTE: In Certificate No. MC 70470 applicant holds authority to transport over the above-described routes general commodities, with the above-stipulated exceptions, in packages not to exceed 200 pounds in weight, and the purpose of this application is solely for the purpose of deleting the restriction, "in packages not to exceed 200 pounds in weight."

No. MC 71827 Sub 3, filed August 16, 1956, I. E. RIDDLE, doing business as RIDDLE TRUCK LINE, 432 North First West, Cedar City, Utah. Applicant's representative: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities requiring special equipment and commodities in bulk*, but excluding petroleum products, in bulk, in tank vehicles, commodities of unusual value, Class A and B explosives, and household goods as defined by the Commission, (1) between points in Utah and Arizona within a radius of seventy-five (75) miles of the junction of U. S. Highway 89 and the Utah-Arizona State line, except those points west of U. S. Highway 89 in Utah; (2) between Williams and Flagstaff, Ariz., on the one hand, and, on the other, the Glen Canyon Dam site located on the Colorado River approximately fifteen (15) miles upstream from Marble Canyon, Ariz., near the Utah-Arizona boundary line, and points within ten (10) miles thereof and construction sites located at points on access roads thereto. Applicant is authorized to conduct operations in Arizona and Utah.

No. MC 87206 Sub 2, filed August 16, 1956, PERKINS TRUCKING CO., INC., 46–25 54th Avenue, Maspeth 78, N. Y.

Applicant's representative: William D. Traub, 60 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission; commodities in bulk, and commodities requiring special equipment, between points in Nassau and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, and Connecticut.

No. MC 89706 Sub 25, filed August 30, 1956, MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, from New York, N. Y., Yonkers, N. Y., Philadelphia, Pa., and Baltimore, Md., to points in West Virginia and that part of Kentucky on and east of a line beginning at Maysville, Ky., extending over Kentucky Highway 11 to junction U. S. Highway 25E near Barboursville, Ky., extending over U. S. Highway 25E to the Kentucky-Tennessee State line, including points on the portions of highways specified, and extending to points in Scioto, Lawrence, Jackson, Gallia, Athens, Meigs, and Washington Counties, Ohio.

No. MC 97776 Sub 4, filed June 14, 1956, EVERETT A. ROGERS, doing business as ROGERS FREIGHT & TRUCKING SERVICE, Winthrop Avenue, Oak Bluffs, Mass. Applicant's representative: George C. O'Brien, 10 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Falmouth, Mass., and Oak Bluffs, Mass., serving Tisbury, Mass., as an intermediate point. Applicant is authorized to conduct operations in Massachusetts.

No. MC 98874 Sub 1, filed August 20, 1956, EDWARD T. MOLITOR, doing business as STANDARD TRUCK LINE, 3570 Sixth Avenue, San Diego, Calif. Applicant's representative: Robert H. Molitor, 1462 Naranca Avenue, El Cajon, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Diego, Calif., and Long Beach Airport, Long Beach, Calif., International Airport, Los Angeles, Calif., and Lockheed Air Terminal, Burbank, Calif., over U. S. Highway 101 and Alternate U. S. Highway 101 serving the intermediate points of Carlsbad, Encinitas, Oceanside, and San Clemente, Calif.

NOTE: Applicant states since about January 1950, and up to December 27, 1955, operations were conducted in the belief that such operations were incidental to transportation by aircraft, and within the purview of section 203 (b) (7a) of the Interstate Commerce Act; that operations were discontinued on December 27, 1955, as a result of conferences and information obtained from representatives of the Interstate Commerce Commission.

No. MC 99580 Sub 1, filed August 31, 1956, GERALD H. BOSTWICK, doing business as BUTTE DILLON FREIGHT LINES, 710 South Pacific Street, Dillon, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including those of unusual value, household goods*, as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, but excluding Class A and B explosives, between Butte, Mont., and Idaho Falls, Idaho, over U. S. Highway No. 91, serving all intermediate points.

NOTE: Applicant states that daily service to following communities in Montana is proposed: Butte, Divide, Melrose, Glen, Dillon, Armstead, Dell, Lima and Monida, and like service to following communities in Idaho, Humphrey, Spencer, Dubois, Roberts, and Idaho Falls.

No. MC 104347 Sub 119 (amended), filed June 25, 1956, published July 11, 1956, on page 5151, LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum paraffin wax*, in bulk, in tank vehicles, from Philadelphia and Marcus Hook, Pa., to points in Indiana and Michigan, and *petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Illinois, Indiana, Michigan, and Ohio.

NOTE: All duplicating authority to be eliminated. Applicant is authorized to conduct operations in New York, Delaware, Maryland, Pennsylvania, New Jersey, and West Virginia.

No. MC 104675 Sub 4, filed September 6, 1956, FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Pennsylvania, New Jersey, and New York to the following ports of entry on the international boundary line between the United States and Canada: Buffalo, Niagara Falls, Alexandria Bay, Rooseveltown, Rouses Point, and Champlain, N. Y. and *unclaimed shipments* of the above mentioned commodities on return. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 106603 Sub 47, filed September 6, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's representative: Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building and roofing material*, from Wilmington, Ill., to points in Michigan, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 106644 Sub 32, filed August 3, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities requiring special equipment*, between points in Virginia, on the one hand, and, on the other, points in Georgia, Charleston, S. C., and points in that part of South Carolina bounded by a line beginning at Charleston, S. C., and extending in a northeasterly direction along U. S. Highway 17 to Georgetown, S. C., thence in a northwesterly direction along Combined U. S. Highways 521 and 17A to junction U. S. Highway 521, thence along U. S. Highway 521 to junction U. S. Highway 301, thence in a southerly direction along U. S. Highway 301 to junction U. S. Highway 15 at or near Summerton, S. C., thence in a southerly direction along Combined U. S. Highways 15 and 301 to junction U. S. Highway 15 south of Santee, S. C., thence in a southerly direction along U. S. Highway 15 to Walterboro, S. C., thence in a southeasterly direction along South Carolina Highway 64 to junction U. S. Highway 17, thence in an easterly direction along U. S. Highway 17 to Charleston, and point of beginning, including points on the highways indicated. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant has contract carrier irregular route authority in Permit No. MC 104724, dated May 25, 1954—section 210 (dual operations) may be involved.

No. MC 108428 Sub 4, filed August 27, 1956, DINO D'AGATA, 805 Tasker Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, (1) from Natick, Mass., to Wilmington, Del., Baltimore, Md., Atlantic City, Camden, Gloucester, Trenton, and Vineland, N. J., Coatesville, Allentown, Easton, Harrisburg, Lancaster, Lebanon, Philadelphia, Reading, and Scranton, Pa., and the District of Columbia, and (2) from New York, N. Y., to Wilmington, Del., Baltimore, Md., Atlantic City, Camden, Gloucester, Trenton, and Vineland, N. J., Coatesville, Allentown, Easton, Harrisburg, Lancaster, Lebanon, Reading, and Scranton, Pa., and the District of Columbia, and *empty malt beverage containers*, from the above-specified destination points to the above-designated origin points. Applicant is authorized to conduct operations in Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

No. MC 109120 Sub 3, filed September 5, 1956, EARL DEL SANTO, doing business as DEL SANTO'S EXPRESS, 50 Pine Street, Poughkeepsie, N. Y. Applicant's representative: J. J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Poughkeepsie, N. Y. and Fishkill, N. Y., and (2) between Poughkeepsie, N. Y. and Hopewell Junction, N. Y. RESTRICTION: The motor carrier service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the New York, New Haven and Hartford Railroad Company, hereinafter called the railroad. Said carrier shall not serve any point not a station on the rail line of the railroad. Shipments to be transported by said carrier shall be limited to less-than-carload shipments which move under railroad bills of lading covering, in addition to the motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order to that they shall be fair and equitable to the parties. Such further specific conditions as the Commission may find it necessary in the future to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to or supplemental of rail service.

No. MC 109451 Sub 61 (amended), published September 12, 1956 issue, page 6905, filed August 31, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's representative: Maurice Bishop, 325 Frank Nelson Building, Birmingham, Ala. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *Chemicals*, in bulk, in tank vehicles, between points in Alabama and Georgia and points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, and Arkansas. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin, and Missouri.

No. MC 109451 Sub 64, filed September 7, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's representative: William Guenther, 1511–14 Fletcher Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Alcohol Solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Wichita, Kans., (2) *Nitric Acid*, in bulk, in tank vehicles, from Sterlington, La., to Terre Haute, Ind., (3) *Acids*, in bulk, in tank vehicles, from Cincinnati, Ohio, and Chicago Heights, Ill., to points in Indiana, Michigan, Illinois, Missouri, Kentucky, Pennsylvania, Wisconsin, and Iowa. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Tennessee, Georgia, Michigan, Wisconsin, and Kentucky.

No. MC 109637 Sub 35 (Amended), filed July 30, 1956, published in the August 15, 1956 issue, page 6103, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. Applicant's representative: Charles W. Dobbins, 310 West Liberty, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Jefferson County, Ky., on the one hand, and, on the other, points in Lucas County, Ohio. Applicant is authorized to conduct operations in Illinois, Kentucky, Indiana, and Tennessee.

No. MC 109680 Sub 2, filed September 7, 1956, LEO BURNS AND EARL BURNS, doing business as BURNS TRUCKING COMPANY, Route 1, Ringle, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed* and *feed concentrates* (animal), in bulk and in bags, from Davenport, Iowa, to points in Langlade, Lincoln, Marathon, Portage, Taylor, and Wood Counties, Wisconsin. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 110190 Sub 40, filed August 24, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in New York State, on the north and west of New York Highway 7, to points in Alabama, Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Maryland, Pensylvania, Alabama, Georgia, Florida, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, New Jersey, Texas, Mississippi, Louisiana, Ohio, New York, and the District of Columbia.

No. MC 110698 Sub 79, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed* and *feed concentrates* (animal), in bulk and in bags, from Davenport, Iowa, to points in Langlade, Lincoln, Marathon, Portage, Taylor, and Wood Counties, Wisconsin. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 110190 Sub 40, filed August 24, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in New York State, on the north and west of New York Highway 7, to points in Alabama, Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Maryland, Pensylvania, Alabama, Georgia, Florida, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, New Jersey, Texas, Mississippi, Louisiana, Ohio, New York, and the District of Columbia.

No. MC 110698 Sub 79, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oils, fats*, and *greases*, and *products and blends thereof*, excepting petroleum and petroleum products, in bulk, in tank vehicles, (1) from points in Alabama, Tennessee, and South Carolina to Macon, Ga.; (2) from Macon, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Georgia, Tennessee, Alabama, Florida, Maryland, and the District of Columbia.

No. MC 110698 Sub 80, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vinegar, cider*, and *cider stock*, in bulk, in tank vehicles, between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Iowa, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.

No. MC 111382 Sub 2, filed September 5, 1956, W. A. HENDERSON, RAYMOND C. HENDERSON, AND JOSEPH W. HENDERSON, a Partnership, doing business as W. A. HENDERSON AND SONS, R. D. 2, Box 312, Jeannette, Pa. Applicant's representative: Paul R. Butler, Plaza Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick, tile* and *clay products*, from Winchester, Va., to points in Pennsylvania, and *damaged or rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Virginia, and New York.

No. MC 111968 Sub 3, filed August 17, 1956, BUFORD P. McCORD, doing business as McCORD TRANSFER, 2711 Nolensville Road, Nashville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities* the transportation of which because of their size or weight require the use of special equipment and of parts thereof when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, between Nashville, Tenn., and points in Tennessee within 130 miles of Nashville, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Kentucky, Missouri, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE: Applicant holds authority between Nashville, Tenn., and points in Tennessee within 50 miles of Nashville to points in the above-named states. No duplicating authority is sought.

No. MC 113168 Sub 4, filed August 22, 1956, PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Buffington, Ind., to points in Illinois on and north of U. S. Highway 30. Applicant is authorized to conduct operations in Illinois and Indiana.

NOTE: Duplication with present authority to be eliminated.

No. MC 113434 Sub 2, filed August 29, 1956, GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vinegar, cider*, and *cider stock*, in bulk, in tank vehicles, between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Iowa, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.

No. MC 113756 Sub 1, filed July 31, 1956, JOSEPH W. GEHR, Big Spring, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New Furniture*, uncrated, from Hagerstown, Md., to Detroit, Mich., Indianapolis, Ind., Chicago, Ill., Atlanta, Ga., Charlotte, Durham, Raleigh, Winston-Salem, Greensboro, Wilmington, and Rocky Mount, N. C., Arlington, Richmond, and Roanoke, Va., and points in West Virginia, and *damaged, defective, rejected, or returned shipments*, of the above-specified commodity, on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, and the District of Columbia.

No. MC 113855 Sub 8, filed September 7, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, and Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors*; and *tractor excavating, grading or loading attachments*, from Wichita and Hutchinson, Kans., to points in Minnesota, North Dakota, and Montana. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Illinois, Iowa, and Wisconsin.

No. MC 113945 Sub 5, filed July 23, 1956 (amended), G. S. ADKINS, 822 Durham Street (P. O. Box 1295), Burlington, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plywood* and/or *wood doors*, in vans equipped with special protective devices, from the sites of the Mengel Company plants in Elizabeth City, N. C., to points within an area bounded by a line beginning at Savannah, Ga., and extending along U. S. Highway 80 to Macon, Ga., thence along U. S. Highway 41 via Atlanta, Ga., and Nashville, Tenn., to Hopkinsville, Ky., thence along U. S. Highway 68 to Paducah, Ky., thence along U. S. Highway 60 to Sikeston, Mo., thence along U. S. Highway 61 to St. Louis, Mo., thence along U. S. Highway 66 to Chicago, Ill., thence along U. S. Highway 12 to Detroit, Mich., thence along the United States shores of Lake Erie to Buffalo, N. Y., thence along New York Highway 5 to junction New York Highway 33, thence along New York Highway 33 to Rochester, N. Y., thence along U. S. Highway 15 to junction New York Highway 5, thence continue along New York Highway 5 to Albany, N. Y., thence along U. S. Highway 4 to Concord, N. H., thence along U. S. Highway 202 to Gorham, Maine, thence along Maine Highway 25 to Portland, Maine, including points on the highways specified.

NOTE: Applicant states that the entire Commercial Zone of any city touching the above area is included in the requested authority.

No. MC 114045 Sub 34, filed September 4, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 3119 Swiss Avenue, P. O. Box 5842, Dallas, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Cleveland and Cincinnati, Ohio, and Indianapolis and Evansville, Ind., to points in Texas. Applicant is authorized to conduct operations in New York, Rhode Island, Massachusetts, Pennsylvania, New Jersey, Kentucky, Maryland, Connecticut, Virginia, West Virginia, Oklahoma, Texas, and the District of Columbia.

No. MC 114939 Sub 5, filed August 23, 1956, BULK CARRIERS LIMITED, P. O. Box 368, Sarnia, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar heavy oil*, in tank vehicles equipped for protection against heat and cold, restricted to traffic destined to points in Canada, from Detroit, Mich., to Ports of Entry on the International Boundary between the United States and Canada located at Detroit and Port Huron, Mich. Applicant is authorized to conduct operations from Michigan points and Tonawanda, N. Y., to Ports of Entry.

No. MC 115890 Sub 7, filed August 24, 1956, A & A TRUCKING, INC., Southwest Boulevard and Big Tree Road, Hamburg, N. Y. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, serving the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Mansfield, Ohio, and New York, N. Y., and between Cleveland, Ohio, and Ebensburg, Pa., over U. S. Highways 42, 422, 20, and 5W, Ohio Highway 84, and New York Highways 78 and 5. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, and New York.

No. MC 115890 Sub 8, filed August 24, 1956, A & A TRUCKING, INC., Southwest Boulevard and Big Tree Road, Hamburg, N. Y. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, serving the site of the Chevrolet Division of General Motors Corporation in Lordstown Township, Trumbull Co., Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Ebensburg, Pa., over U. S. Highway 422. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, and New York.

No. MC 115946 Sub 1, filed August 24, 1956, CHARLES C. GAY, doing business as GAY TRUCKING COMPANY, P. O. Box 4111, Port Wentworth, Ga. Applicant's representative: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

No. MC 116121, filed July 23, 1956, JOHN L. CORLEY, doing business as JOHN L. CORLEY, TRUCKING CONTRACTOR, P. O. Box 146, Winnfield, La. Applicant's representative: James L. Womack, Winnfield, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Forest products, lumber, logs, poles, piling* and *posts*, from points in Louisiana located in the Parishes of Bienville, Caldwell, Grant, Jackson, LaSalle, Lincoln, Natchitoches, Ouachita, Rapides, Red River, Sabine, Vernon, Webster, and Winn, and that portion of the Parish of De Soto south of U. S. Highway 84, to points in Texas; *such incidental facilities (not specified) as are used in transporting the commodities specified in this application* on return.

No. MC 116143, filed August 2, 1956, MELVIN CADLE, R. R. 7, Lafayette, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, and *cement products*, and *haydite*, from Indiana Lock Joint Concrete Pipe Co., Lafayette, Ind., to points in Illinois, and *haydite and raw materials*, from Danville, Ill., to the above indicated plant at Lafayette, Ind.

No. MC 116175, filed August 24, 1956, A. G. PORTERFIELD, doing business as CITY FEED AND PRODUCE COMPANY, 469 East Sullivan Street, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock feed*, in bags and containers, from Cincinnati, Ohio, to points in Sullivan, Carter, Washington, and Unicoi Counties, Tenn., and Scott, Wise, Dickenson, and Russell Counties, Va.

No. MC 116176, filed August 20, 1956, ANDERSON TAYLOR, doing business as ANDY TAYLOR TRUCKING COMPANY, 300 Southeast Sixth Street, Plainview, Tex. Applicant's representative: Graddy Tunnell, Skaggs Building, Plainview, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural irrigation equipment*, between Plainview, Tex., and points within one hundred miles of Plainview, on the one hand, and, on the other, points within an area enclosed by a line beginning at Laredo, Tex., and extending along the International Boundary between the United States and Mexico to Douglas, Ariz., thence along U. S. Highway 80 to Benson, Ariz., thence along Arizona Highway 86 to junction U. S. Highway 666, thence along U. S. Highway 666 to junction New Mexico Highway 78, thence along New Mexico Highway 78 to junction U. S. Highway 260, thence along U. S. Highway 260 to Deming, N. Mex., thence along U. S. Highway 70 to Tularosa, N. Mex., thence along U. S. Highway 54 to Duran, N. Mex., thence along New Mexico Highway 3 to Encino, N. Mex., thence along U. S. Highway 285 to Denver, Colo., thence east along U. S. Highway 36 to Belleville, Kans., thence south along U. S. Highway 81 to Waurika, Okla., thence along Texas Highway 79 to Wichita Falls, Tex., thence along U. S. Highway 277 to Abilene, Tex., thence along U. S. Highway 83 to Laredo, Tex.

No. MC 116179, filed August 23, 1956, ANDREW KOMAR, doing business as KOMAR'S TRUCKING, R. D. 2, Box 164c, Bound Brook, N. J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery* (for the manufacture of paper and cardboard), from Linden, N. J., to points in Georgia, Illinois, Indiana, Michigan, Massachusetts, Missouri, New York, Ohio, and Pennsylvania.

No. MC 116186, filed August 31, 1956, SHUM & MOORE TRUCKING, INC., 2043 Guerneville Road, Santa Rosa, Calif. Applicant's representative: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plywood* and *lumber*, from Roseburg, Merlin and White City, Oreg., and points within three miles of each, to points in California.

No. MC 116188, filed September 4, 1956, LAURIE V. BALTZELL, JR., doing business as BALTZELL TRUCK LINES, 1633 Swift Street, North Kansas City, Mo. Applicant's representative: Wilbur B. Ennis, Suite 1633 Dierks Building, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *component parts thereof* when transported at the same time and in the same vehicles with such buildings, from Kansas City, Kans., and Kansas City, Mo., to points in Iowa, Illinois, Kansas, Missouri, Nebraska, and Wisconsin.

No. MC 116194, filed September 6, 1956, UNION SUPPLY COMPANY, a corporation, 5460 Colorado Boulevard, Denver 16, Colo. Applicant's representative: John W. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore concentrates*, in barrels, packages, or bulk, from Climax, Colo., to Denver, Colo.

No. MC 116200, filed September 12, 1956, UNITED PARCEL SERVICE OF NEW YORK, INC., 331 East 38th Street, New York, N. Y. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between points within the following territory: That part of New Jersey, New York, including Long Island, and Connecticut bounded by an imaginary line commencing with a point beginning at Raritan Bay near Perth Amboy, N. J., and extending along the Raritan River to New Brunswick, N. J., thence along the Raritan River to the boundary line of Middlesex and Somerset Counties, N. J., thence along the boundary line of Somerset and Union Counties, N. J.; thence along the boundary line of Morris and Union Counties, N. J., thence along the boundary line of Morris and Essex Counties, N. J., thence along the boundary line of Morris and Passaic Counties, N. J., to the intersection of that boundary line with U. S. Highway 202, thence along U. S. Highway 202 to its intersection with New York Highway 59, thence east via New York Highway 59 to the Hudson River at Nyack, N. Y., thence across the Hudson River to New York Highway 119, thence via New York Highway 119, thence via New York Highway 119 to its intersection with the Hutchinson River Parkway, thence northeast via the Hutchinson River Parkway and the Merritt Parkway to the Housatonic River, Conn., thence south along the Housatonic River to Long Island Sound, thence across Long Island Sound to a point on Long Island, N. Y., due north of the northern terminus of New York Highway 110, thence south on New York Highway 110 to the southern terminus of New York Highway 110 on Long Island, thence across the Atlantic Ocean to the commencement point; including all points on the aforesaid imaginary line, and New Brunswick, N. J.; (2) from points within the following territory: That part of New Jersey, New York, including Long Island, and Connecticut, bounded by an imaginary line commencing with a point beginning at Raritan Bay near Perth Amboy, N. J., and extending along the Raritan River to New Brunswick, N. J., thence along the Raritan River to the boundary line of Middlesex and Somerset Counties, N. J., thence along the boundary line of Somerset and Union Counties, N. J., thence along the boundary line of Morris and Union Counties, N. J., thence along the boundary line of Morris and Essex Counties, N. J., thence along the boundary line of Morris and Passaic Counties, N. J., to the intersection of that boundary line with U. S. Highway 202, thence along U. S. Highway 202 to its intersection with New York Highway 59, thence east via New York Highway 59 to the Hudson River at Nyack, N. Y., thence across the Hudson River to New York Highway 119, thence via New York Highway 119 to its intersection with the Hutchinson River Parkway, thence northeast via the Hutchinson River Parkway and the Merritt Parkway to the Housatonic River, Conn., thence south along the Housatonic River to Long Island Sound, thence across the Long Island Sound to a point on Long Island, N. Y. due north of the northern terminus of New York Highway 110, thence south on New York Highway 110 to the southern terminus of New York Highway 110 on Long Island, thence across the Atlantic Ocean to the commencement point; including all points on the aforesaid imaginary line, and New Brunswick, N. J., to all points in Sussex, Passaic, Hudson, Essex, Bergen, Middlesex, Morris, Warren, Hunterdon, Somerset, Union, Mercer, and Monmouth Counties, N. J., all points in Connecticut, Massachusetts, Rhode Island, and that part of New York, on east and south of an imaginary line beginning at the intersection of the New York-New Jersey State line and the Hudson River, thence northwest along the New York-New Jersey State boundary line to its intersection with U. S. Highway 209, thence northeast via U. S. Highway 209 to its intersection with the New York State Thruway, thence north via New York State Thruway to its intersection with New York Highway 32, thence via New York Highway 32 to its intersection with New York Highway 145, thence via New York Highway 145 to its intersection with the western boundary line of Albany County north to its intersection with the southern boundary line of Schenectady County, thence via the southern and western boundary line of Schenectady County west and north to its intersection with New York Highway 30, thence via New York Highway 30 to its intersection with New York State Thruway, thence via New York State Thruway west to its intersection with New York Highway 148, thence via New York Highway 148 north to its intersection with New York Highway 349, thence via New York Highway 349 east to its intersection with New York Highway 30, thence via New York Highway 30 southeast to its intersection with New York Highway 29, thence via New York Highway 29 east to its intersection with New York Highway 372, thence via New York Highway 372 southeast to New York Highway 22, thence via New York Highway 22 south to New York Highway 7, thence via New York Highway 7 east to the New York-Vermont State boundary line, thence via the New York-Vermont State boundary line south to the New York-Massachusetts State boundary line, thence via the New York-Massachusetts State boundary line south to the New York-Connecticut State boundary line, thence via the New York-Connecticut State boundary line to its intersection with Long Island Sound, including Westchester, Nassau and Suffolk Counties and New York City, N. Y.; including all points on the aforesaid line; and *return shipments* of the same commodities, which applicant has previously delivered, from the above-described destination points and territory to the origin points and territory; (3) from points within the following part of Massachusetts: That part of Massachusetts within an imaginary line beginning at a point on the Atlantic Ocean east of Scituate, Mass., thence west along Massachusetts Highway 123 to Brockton, Mass., thence west and north along Massachusetts Highway 27 to its intersection with Massachusetts Highway 126, thence north via Massachusetts Highway 126 to its intersection with Massachusetts Highway 62, thence northeast via Massachusetts Highway 62

to the Atlantic Ocean, thence across the Atlantic Ocean to the commencement point; including all points on the aforesaid imaginary line, to points in Connecticut, Massachusetts, and Rhode Island, the Counties of Sussex, Passaic, Hudson, Essex, Bergen, Middlesex, Morris, Warren, Hunterdon, Somerset, Union, Mercer and Monmouth, N. J., that part of New York on, east and south of an imaginary line beginning at the intersection of the New York-New Jersey State line and the Hudson River, northwest along the New York-New Jersey State boundary line to its intersection with U. S. Highway 209, thence northeast via U. S. Highway 209 to its intersection with the New York State Thruway, thence north via New York State Thruway to its intersection with New York Highway 32, thence via New York Highway 32 to its intersection with New York Highway 145, thence via New York Highway 145 to its intersection with the western boundary line of Albany County north to its intersection with the southern boundary line of Schenectady County, thence via the southern and western boundary line of Schenectady County west and north to its intersection with New York Highway 30, thence via New York Highway 30 to its intersection with New York State Thruway, thence via New York State Thruway west to its intersection with New York Highway 148, thence via New York Highway 148 north to its intersection with New York Highway 349, thence via New York Highway 349 east to its intersection with New York Highway 30, thence via New York Highway 30 southeast to its intersection with New York Highway 29, thence via New York Highway 29 east to its intersection with New York Highway 372, thence via New York Highway 372 southeast to New York Highway 22, thence via New York Highway 22 south to New York Highway 7, thence via New York Highway 7 east to the New York-Vermont State boundary line, thence via the New York-Vermont State boundary line south to the New York-Massachusetts boundary line, thence via the New York-Massachusetts State boundary line to the New York-Connecticut State boundary line, thence via the New York-Connecticut State boundary line to its intersection with Long Island Sound, including Westchester, Nassau and Suffolk Counties and New York City, N. Y.; that part of Vermont, New Hampshire, and Maine south of an imaginary line beginning at a point on the New York-Vermont State boundary line, thence east along Vermont Highway 9 to the Vermont-New Hampshire State line, thence along New Hampshire Highway 9 to Concord, N. H., thence east and north along U. S. Highway 202 to its intersection with the Maine Turnpike; thence north along the Maine Turnpike with its intersection with U. S. Highway 202, thence north along U. S. Highway 202 to Augusta, Maine, thence south along Maine Highway 27 to Booth Bay Harbor, Maine, thence south to the Atlantic Ocean, thence to the Massachusetts-New Hampshire State boundary line, thence to point of commencement, including all points on the aforesaid imaginary lines; and *return shipments* of the same commodities, which applicant has previously delivered, from the above-described destination points and territory to the origin points and territory. RESTRICTION: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

NOTE: Applicant holds Permit No. MC 63063 for the transportation of *Such commodities* as are sold by department stores, retail stores, and specialty stores, and Permit No. MC 63063 Sub 1 for the transportation of *Such commodities* as are sold by department stores, both permits authorize irregular routes operations in Connecticut, New Jersey and New York. Dual operations under section 210 may be involved.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 204, filed August 20, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Philadelphia, Pa., and junction of bridge approach roads and new New Jersey Highway 168, from Philadelphia over the Walt Whitman Bridge to New Jersey, thence over bridge approaches and access roads leading to junction with U. S. Highway 130 (Crescent Boulevard), in Camden, N. J., and continuing on bridge approach roads to junction with new New Jersey Highway 168 (Black Horse Pike), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 29890 Sub 19, filed August 31, 1956, ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N. J. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Washington Township, N. J. and River Edge, N. J., from junction of Pascack Road and Ridgewood Road in Washington Township, over Pascack Road to Ridgewood Avenue, in Paramus, N. J., thence over Ridgewood Avenue, to Fairview Avenue, thence over Fairview Avenue to Century Road, thence over Century Road to Spring Valley Road, thence over Spring Valley Road to New Jersey Highway 4, thence over New Jersey Highway 4 to junction access road to and from Kinkerkamack Road in River Edge, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: Applicant states it now operates over those portions of the above described route (1) on Ridgewood Avenue, between Pascack Road and Fairview Avenue, in Paramus, and (2) over Spring Valley Road between Century Road and Howland Avenue, Paramus, and it does not seek any duplication of its present authority.

No. MC 109802 Sub 8, filed August 22, 1956, LAKELAND BUS LINES, INC., Route 46, Dover, N. J. Applicant's representative: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between junction U. S. Highway 46 and New Jersey Highway 10 at Ledgewood, in Roxbury Township, N. J., and Parsippany-Troy Hills, N. J., from junction U. S. Highway 46 and New Jersey Highway 10 at Ledgewood, N. J., over New Jersey Highway 10 to junction U. S. Highway 202 in Littleton, N. J., thence over U. S. Highway 202 to junction U. S. Highway 46 in Parsippany-Troy Hills, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 116189, filed September 4, 1956, PAT & GORDON, INC., P. O. Box 466, Mt. Ephraim, N. J. Applicant's representative: Harry Adler, 143 East Commerce Street, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at Mt. Ephraim and points within 15 miles thereof, and extending to points in Pennsylvania, New York, Delaware, Maryland, District of Columbia, and Virginia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

No. MC–F 6367, published in the August 22, 1956, issue of the FEDERAL REGISTER on page 6322. Supplemental application filed September 4, 1956, to show GEORGE E. POWELL, GEORGE E. POWELL, JR., and HUGH W. COBURN, 1626 Walnut Street, Kansas City, Mo., as the persons in control of vendee.

No. MC–F 6380. Authority sought for control by ROY BARSH, doing business as ROY BARSH TRUCK LINE, 1219½ Main Street, Joplin, Mo., of SHIPPERS SERVICE, INC., 19½ West State Street, Mason City, Iowa. Applicant's representative: Milton W. Hardy, 807 Ritz Building, Tulsa 4, Okla. Authority sought to be controlled: *Butter, dried milk products, frozen foods, canned goods, acids and chemicals* used in the manufacture of drugs, *dairy products, drugs, poultry and livestock drugs and remedies, carbon-black, animal and poultry drugs, tonics*, and *medicines*, as a *contract carrier* over irregular routes, from, to and between points and areas, varying with the commodity transported, in Iowa, Louisiana, Michigan, Georgia,

Florida, Texas, Ohio, Illinois, Missouri, New York, California, West Virginia, and Delaware. Applicant is authorized to operate as a *common carrier* in Oklahoma, Missouri, Wyoming, Arkansas, Texas, New Mexico, Colorado, Kansas, Arizona, Mississippi, Alabama, Georgia, and Florida. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6382. Authority sought for purchase by HART MOTOR EXPRESS, INC., 2600 University Avenue SE., Minneapolis, Minn., of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., and for acquisition by GEORGE A. HART, also of Minneapolis, of control of such rights through the purchase. Applicants' representative: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Culbertson, Mont., and Glasgow, Mont., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Wisconsin, Montana, North Dakota, Iowa, Ohio, Nebraska, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6383. Authority sought for purchase by CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa., of the operating rights and property of CHARLES W. VALLILEE, 134 Chemung Street, Waverly, N. Y., and for acquisition by JOSEPH L. MAGUIRE and JOHN T. MAGUIRE, both of Waverly, of control of such rights and property through the purchase. Applicants' representative: James E. Wilson, 1012 14th Street NW., Washington, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, as a *common carrier* over a regular route between Waverly, N. Y., and Towanda, Pa., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania and Maryland. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6384. Authority sought for purchase by ARMORED MOTOR SERVICE COMPANY, INC. (a Mississippi corporation), 248 Madison Avenue, Memphis, Tenn., of a portion of the operating rights of ARMORED MOTORS SERVICE CO., INC. (a Tennessee corporation), 248 Madison Avenue, Memphis, Tenn., and for acquisition by JULIAN B. BONDURANT, also of Memphis, of control of such rights through the purchase. Applicants' representative: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be transferred: *Such commodities* as require special protection by guards in armored vehicles while in transit, as a *contract carrier* over irregular routes between Augusta, Ga., and the sites of the South Carolina National Bank of Jackson, S. C., and the Savannah River Plant of the Atomic Energy Commission near Jackson, S. C., between Augusta, Ga., and Williston, S. C., and between Augusta, Ga., and Aiken, S. C. ARMORED MOTOR SERVICE COMPANY, INC. (a Mississippi corporation) holds no authority from this Commission, but is affiliated with the vendor which is authorized to operate as a *contract carrier* in West Virginia, Kentucky, Georgia, South Carolina, Tennessee, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6385. Authority sought for purchase by SIMS MOTOR TRANSPORT LINES, INC., 600 West 138th Street, Riverdale, Ill., of the operating rights and property of INDUSTRIAL MOTOR FREIGHT, INC., 53 West Jackson Boulevard, Chicago 4, Ill., and for acquisition by ELMER W. SIMS and MARGARET SIMS, both of Riverdale, of control of such rights and property through the purchase. Applicants' representatives: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill., Harold T. Halfpenny, 111 West Washington Street, Chicago 2, Ill., and Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over irregular routes, between points in White, Carroll, and Tippecanoe Counties, Ind., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., certain points in Ohio, certain points in Michigan, and all points in Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Ohio, Pennsylvania, West Virginia, Michigan, Kentucky, Missouri, New York, New Jersey, Delaware, Kansas, Iowa, Maryland, Virginia, Tennessee, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6386. Authority sought for purchase by VAN STONE, doing business as STONE TRUCKING CO., 1516 West 49th Street, P. O. Box 2014, Tulsa, Okla., of a portion of the operating rights of THE SQUAW TRANSIT COMPANY, 1804 West Phoenix, P. O. Box 9415, Tulsa, Okla. Applicants' representative: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies*, used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, as a *common carrier* over irregular routes, between points in Colorado, Kansas, and Nebraska. Vendee is authorized to operate as a *common carrier* in Oklahoma, Montana, North Dakota, South Dakota, Arkansas, Illinois, Texas, Kansas, New Mexico, Lousiana, and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6387. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, P. O. Box 5976, Dallas, Tex., of a portion of the operating rights of THE SQUAW TRANSIT COMPANY, 1804 West Phoenix, P. O. Box 9415, Tulsa, Okla., and for acquisition by W. O. HARRINGTON, of Coppell, Tex., of control of such rights through the purchase. Applicants' representative: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, as a *common carrier* over irregular routes, between Coffeyville, Kans., Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia, between Coffeyville, Kans., and Tulsa, Okla., on the one hand, and, on the other, points in Missouri, between Houston, Tex., on the one hand, and, on the other, points in Michigan, Missouri, Nebraska, Ohio, and West Virginia, and between Parkersburg, W. Va., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and West Virginia. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Pennsylvania, Montana and Wyoming. Application has not be filed for temporary authority under section 210a (b).

No. MC–F 6388. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif., of the operating rights and certain property of B & M EXPRESS, INC., 275 North Center Street, Birmingham, Ala., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, of control of such rights and property through the purchase. Applicants' representatives: Lee Reeder and W. E. Griffin, both of 1012 Baltimore Building, Kansas City 5, Mo., and Maurice Bishop, Frank Nelson Building, Birmingham, Ala. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Memphis, Tenn., and New Albany, Miss., between New Albany, Miss., and Tupelo, Miss., between

Holly Springs, Miss., and Oxford, Miss., between New Albany, Miss., and Oxford, Miss., between Oxford, Miss., and Pontotoc, Miss., and between Red Bay, Ala., and Memphis, Tenn., serving certain intermediate points; *general commodities*, except articles not suitable for transportation in van-type trailers, including uncrated household goods, and Class A and B explosives, between Tupelo, Miss., and Birmingham, Ala., serving certain intermediate and off-route points; *general commcdities*, except Class A and B explosives, and household goods as defined by the Commission, between Birmingham, Ala., and Atlanta, Ga., between Anniston, Ala., and Sylacauga, Ala., between Winterboro, Ala., and Childersburg, Ala., and between Lincoln, Ala., and Talladega, Ala., serving certain intermediate and off-route points; alternate route for operating convenience only between Douglasville, Ga., and Atlanta, Ga., *general commodities;* except household goods as defined by the Commission, and commodities in bulk, between Atlanta, Ga., and the United States Army Supply Depot near Conley, Ga., between Atlanta, Ga., and Jonesboro, Ga., and between junction unnumbered highway and U. S. Highway 41 over unnumbered highway to the United States Army Supply Depot, near Conley, Ga., serving no intermediate points but the off-route point of United States Army Supply Depot, near Conley (in connection with the route between Atlanta, Ga., and Jonesboro, Ga.); *carbon dioxide*, solidified (dry ice), minimum 8,000 pounds, from Alabaster, Ala., to Leeds, Ala., serving no intermediate points; *groceries, produce, cotton seed, cotton seed meal, cotton seed hulls, seed, feed, farm implements, agricultural commodities*, and *livestock*, over irregular routes between points in Alabama within 25 miles of Red Bay, Ala., on the one hand, and, on the other, Memphis, Columbia, and Nashville, Tenn., and points in Mississippi within 70 miles of Tupelo, Miss. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Oklahoma, New Mexico, Indiana, Texas, California, and Arizona. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6389. Authority sought for control and merger by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., of the operating rights and property of HILL LINES, INC., 1300 Grant Street, Amarillo, Tex., and for acquisition by CHAS. E. HILLIKER, H. STODDARD WHITE and MURRAY M. DICKSON, all of Denver, of control of such rights and property through the transaction. Applicants' representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods but not including commodities in bulk, as a *common carrier* over regular routes between Albuquerque, N. Mex., and El Paso, Tex., and Amarillo, Tex., between Portales, N. Mex., and Tatum, N. Mex., and between Roswell, N. Mex., and Clovis, N. Mex., serving all intermediate and certain off-route points; alternate route for operating convenience only between Plains, Tex., and junction New Mexico State Road 335 and New Mexico Highway 18; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Hobbs, N. Mex., and Carlsbad, N. Mex., between Roswell, N. Mex., and Hobbs, N. Mex., between Roswell, N. Mex., and site of the U. S. Air Training School, approximately five miles south of Roswell, between junction U. S. Highway 66 and New Mexico Highway 41, near Moriarty, N. Mex., and junction U. S. Highways 285 and 60, near Encino, N. Mex., between Lubbock, Tex., and Tatum and Hobbs, N. Mex., and between Lovington, N. Mex., and Artesia, N. Mex., serving certain intermediate and off-route points; *general commodities*, without exception, between Carlsbad, N. Mex., and Pecos, Tex., serving all intermediate points; *government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, from, to, and between all points and over the regular and alternate routes in and through the states of New Mexico and Texas, as authorized in Certificates Nos. MC 76564, MC 76564 Sub 31, MC 76564 Sub 41, MC 76564 Sub 45, and MC 76564 Sub 47, dated June 17, 1954, December 7, 1950, January 4, 1952, June 28, 1954, and June 25, 1954, respectively. ILLINOIS-CALIFORNIA EXPRESS, INC., is authorized to operate as a *common carrier* in California, Wyoming, Colorado, Arizona, New Mexico, Illinois, Iowa, Nebraska, Kansas, Missouri, and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6390. Authority sought for purchase by WARWOOD TRANSFER CO., 2333–41 Warwood Avenue, Wheeling, W. Va., of the operating rights and property of WILLIAM MEWHA AND GWENDOLYN MEWHA (MRS. MARGARET MEWHA, EXECUTRIX), doing business as MEWHA TRUCKING COMPANY, R. D. No. 1, Wellsburg, W. Va., and for acquisition to W. W. KENAMOND, D. WAYNE KENAMOND AND CHAS. F. KENAMOND, all of Wheeling, of control of such rights and property through the purchase. Applicant's representative Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Petroleum products*, in containers, as a *common carrier* over irregular routes from points in Ohio, Pennsylvania, and Maryland, to Wheeling and Wellsburg, W. Va.; *paper and paper products*, and *machinery* used in the manufacture thereof, between Wellsburg, W. Va., on the one hand, and on the other, points in West Virginia, Virginia, Ohio, New Jersey, Pennsylvania, and Maryland; *glass and glass products*, and *machinery* used in the manufacture thereof, between Wellsburg, W. Va., on the one hand, and, on the other, points in Ohio; *building materials*, and *such bulk commodities* as are transported in dump trucks, between Steubenville, Ohio, on the one hand, and on the other, points in Brooke County, W. Va. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, Delaware, Illinois, Wisconsin, Indiana, Kentucky, Maryland, Massachusetts, Virginia, Michigan, New Jersey, New York, North Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6391. Authority sought for purchase by MOTOR EXPRESS, INCORPORATED, of Asheville, N. C., of the operating rights and property of R. FRANK BUCKNER, doing business as BUCKNER TRANSFER COMPANY, 33 Garfield Street, Asheville, N. C., and for acquisition by JAMES E. SMITH, NEMIAH GOLDSTEIN, BERNARD GOLDSTEIN, and MARVIN A. CLARK, all of Asheville, of control of such rights and property through the purchase. Applicants' representative: Robert R. Williams, Jr., Post Office Box 7295, Asheville, N. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Asheville, N. C., and Ramsaytown, N. C., between Marshall, N. C., and junction North Carolina Highway 213 and U. S. Highway 23, between Elk Park, N. C., and junction U. S. Highways 19 (formerly U. S. Highway 23) and 19E, between Red Hill, N. C., and Pensacola and Little Switzerland, N. C., between Micaville, N. C., and Celo, N. C., between Ramsaytown, N. C., and Day Book, N. C., between Ingalls, N. C., and Vilas, N. C., between Zionville, N. C., and Deep Gap, N. C., between Newland, N. C., and Pineola, N. C., and between Burnsville, N. C., and Johnson City, Tenn., serving all intermediate points. Vendee is not a motor carrier, but is affiliated with NEMIAH GOLDSTEIN AND BERNARD GOLDSTEIN, doing business as BLUE RIDGE TRUCKING COMPANY, Asheville, N. C., a *common carrier*, which is authorized to operate in North Carolina. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7520; Filed, Sept. 18, 1956; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

As of August 1, 1956, I owned relatively small holdings of shares of stock in the following corporations:

Addition: The Texas Company.

This amends statement previously published in the FEDERAL REGISTER, June 27, 1956 (21 F. R. 4693).

Dated: August 23, 1956.

THOMAS R. REID.

[F. R. Doc. 56–7521; Filed, Sept. 18, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

OVERTON INVESTMENT COMPANY OF AMERICA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of September 1956.

In the matter of Albert Monroe Overton, a sole proprietor dba The Overton Investment Company of America, 164 Nassau Street, Princeton, New Jersey.

I. The Commission's public official files disclose that Albert Monroe Overton, a sole proprietor, doing business as The Overton Investment Company of America, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 11th day of October 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 27, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 11, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7513; Filed, Sept. 18, 1956; 8:48 a. m.]

[1] Filed as part of the original document.

WALL STREET SECURITIES CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of September, 1956.

In the matter of Robert William McLaughlin, a sole proprietor, dba Wall Street Securities Company, Suite 1808, 19 Rector Street, New York, New York.

I. The Commission's public official files disclose that Robert William McLaughlin, a sole proprietor, doing business as Wall Street Securities Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 11th day of October 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 27, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 11, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rulemaking" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions

of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7514; Filed, Sept. 18, 1956; 8:48 a. m.]

JAY LEE LEVINE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of September 1956.

In the matter of Jay Lee Levine, a sole proprietor, 181-14 Hillside Avenue, Jamaica, New York.

I. The Commission's public official files disclose that Jay Lee Levine, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 11th day of October 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 27, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 11, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7515; Filed, Sept. 18, 1956; 8:49 a. m.]

[File No. 70-3507]

AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION REGARDING ACQUISITION BY REGISTERED HOLDING COMPANY OF COMMON STOCK OF PUBLIC UTILITY COMPANY AND PERMITTING EFFECTIVENESS TO DECLARATION BY REGISTERED HOLDING COMPANY REGARDING ISSUANCE OF ITS COMMON STOCK TO BE USED IN PAYMENT FOR ACQUISITION

SEPTEMBER 13, 1956.

American Gas and Electric Company ("American Gas"), a registered holding company, has filed with this Commission an application-declaration under the Public Utility Holding Company Act of 1935 ("act") pursuant to sections 6, 7, 9, and 10 thereof regarding certain proposed transactions which are summarized as follows:

American Gas proposes to acquire all of the outstanding shares of common capital stock of Seneca Light and Power Company ("Seneca"), consisting of 1,000 shares, no par value, in exchange for an aggregate total of shares of the common stock of American Gas, par value $10 a share, equal to a market value of $500,000 (subject to adjustment for changes in net current assets up to the date of closing), the exact number of shares being determined on the basis of the average market price from August 15, 1956, the date of the acceptance by the stockholders of Seneca of the offer of American Gas, to the date of closing.

The 1,000 shares of Seneca's common capital stock are held by three individuals in a single family none of whom is affiliated with American Gas or any of its subsidiaries. The negotiations between Seneca and American Gas have been carried on at arm's length.

Seneca is an Ohio corporation which operates an electric power distribution system in the communities of Attica, Carrothers, Chatfield, Siam and adjacent territory, in Seneca and Crawford Counties, Ohio. This service area of Seneca is surrounded by the service areas of subsidiaries of American Gas and Seneca purchases all its electric energy from Ohio Power Company, a subsidiary of American Gas.

It is expected that the proposed transactions will be of benefit to the consumers of Seneca through contemplated rate reductions to be effectuated after acquisition and will be of benefit to investors through increased earnings by Seneca arising from economies growing out of greater efficiency in the operations of Seneca.

The filing also embraces a declaration on the part of American Gas to issue the number of shares of its common stock (the precise amount of which is not presently determinable) necessary to effectuate the above described acquisition. On the basis of the current market price of its common stock, American Gas has estimated that the number of shares of common stock to be issued by it will not exceed 13,000 shares. The precise number of shares issued will be set forth in the Certificate of Notification to be filed with this Commission pursuant to Rule U-24.

Notice of the filing of this application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7516; Filed, Sept. 18, 1956; 8:49 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

BERTA VAN TAACK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Berta van Taack, Freiburg im Breisgau, Germany; Claim No. 42059, Vesting Order No. 9799; $808.10 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7524; Filed, Sept. 18, 1956; 8:50 a. m.]

ALMA G. LOVINSOHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alma G. Lovinsohn, Hilversum, Netherlands; Claim No. 37224, Vesting Order No. 10018; $1,710 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7525; Filed, Sept. 18, 1956; 8:50 a. m.]

MAYOR OF TOWN OF ANGRI, ITALY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mayor of the Town of Angri, Italy, Angri, Italy; Claim No. 66678, Vesting Order No. 569; $1,516.29 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7526; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HENRI COSMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Henri Cosman, Samuelzoon; Hartog, Femmetje and Rosa Cosman; Betsy Wolter; Henri Cosman, Simonzoon; Bertha Roote; Bernard Roosebroom; Joseph Brilleman; Roosje Pront; Jeannette Geismar; Louis Gompers and Salomon Bierman, L. S. Claim No. 346; $1,176.24 in the Treasury of the United States. Hetty Rozelaar; Frederick Philips; S. Goudeket; Henriette and Jules Kan, L. S. Claim No. 429; $392.08 in the Treasury of the United States. Catharina Hamburg, L. S. Claim No. 459; $392.08 in the Treasury of the United States. Isaac Hamburger; Abraham and David van Minden, L. S. Claim No. 463; $784.16 in the Treasury of the United States. Leentje, Herman and Heleen Hartog; Henriette van der Rijn and Estelle Tobias, L. S. Claim No. 467; $392.08 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. on September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7527; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SALOMON HEKSCHER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Salomon and Aaltje Hekscher, and Samson Sanders, L. S. Claim No. 476; $1,960.40 in the Treasury of the United States. Helena Hellendall, L. S. Claim No. 477; $784.16 in the Treasury of the United States. Rudolf, Henriette, Herman Jan, Jeanne, Martine, Christine, Herman Jodocus, Therese and Willem Hijmans; Pauline Mouton; Catharina Janssen and Hermana Adriaanse, L. S. Claim No. 486; $1,960.40 in the Treasury of the United States. Bertha and Arnold Hoedemaker, Martijn Frankenhuis, Fanny Wolffberg, Gijsbertha Hirsch-van Voorst, Willem Felleman, Henriette Smit-Polak, Jansje Franken-Vreeland, Anette Vreeland, Jacques and Lena de Jong, and Regina de Jong-Koster, L. S. Claim No. 488; $1,960.40 in the Treasury of the United States. Juda Poppelsdorf, Julie and Ida Sequeira, Denise Lioni, and Maurice Berne, L. S. Claim No. 499; $392.08 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7528; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MOZES BREST ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Mozes Brest, L. S. Claim No. 314; $2,744.56 in the Treasury of the United States. Maurits Jacobs, L. S. Claim No. 323; $392.08 in the Treasury of the United States. Ezechiel and Carel Cohen, L. S. Claim No. 327; $392.08 in the Treasury of the United States. Johan, Magdalena and Frits Cohen, L. S. Claim No. 329; $392.08 in the Treasury of the United States. Mrs. A. Crost, L. S. Claim No. 352; $1,568.32 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7529; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SAARTJE NATHANS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Saartje Nathans and Hartog Goldsteen, L. S. Claim No. 434; $784.16 in the Treasury of the United States. Sara Greebel-Geleerd, Nettie van Collem, Abraham, Maurits, and Dr. Louis Duijzend, Flory Wagenaar-Goudstikker, Morris and Philip Schilt and Rachel de Jong, L. S. Claim No. 447; $392.08 in the Treasury of the United States. Henriette and Bertha de Haan, L. S. Claim No. 453; $784.16 in the Treasury of the United States. Louis Blom, L. S. Claim No. 455; $3,920.80 in the Treasury of the United States. Levie Hakker, L. S. Claim No. 457; $784.16 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7530; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF F. J. BIALLOSTERSKI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: F. J. and A. Biallosterski, B. Hamburger, A. Frank, L. A. Blits, R. and S. and Arnold van Amerongen, H. Labrowski and M. Rabbie, L. S. Claim No. 298; $392.08 in the Treasury of the United States. Mrs. J. D. Kan and E. Stibbe, L. S. Claim No. 299; $392.08 in the Treasury of the United States. Lobel Blumenfrucht, L. S. Claim No. 301; $1,960.40 in the Treasury of the United States. Celine van den Borg-Hartog, L. S. Claim No. 307; $784.16 in the Treasury of the United States; Mrs. G. B. Palm, L. S. Claim No. 319; $392.08 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7531; Filed, Sept. 18, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SANDER VROMEN, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Sander Vromen, Samuel van Dam, and Albert van Haren, L. S. Claim No. 353; $784.16 in the Treasury of the United States. Klara, Mini and Edith van Dam, and Hetty van der Meulen, L. S. Claim No. 356; $784.16 in the Treasury of the United States. Meyer Davidson, L. S. Claim No. 362; $3,920.80 in the Treasury of hte United States. Maurits Duijzend, L. S. Claim No. 369; $1,960.40 in the Treasury of the United States. Elisabeth Loewenstein and Benedictus Geleerd, L. S. Claim No. 424; $2,352.48 in the Treasury of the United States. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7532; Filed, Sept. 18, 1956 8:51 a. m.]

ERNA ACKERMANN AND URSULA THOMSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erna Ackermann and Ursula Thomsen, nee Ackermann, Hamburg, Germany; Claim No. 42304, Vesting Order No. 17740. Four (4) $1,000 Kingdom of Roumania Monopolies Institute (Cassa Autonoma A Monopolurilor Regatulu Romaniei) Guaranteed External Sinking Fund Gold Bonds, Stabilization and Development Loan of 1929, due February 1, 1959, 7%, coupons February 1, 1934, February 1, 1936 and s. c. a., Certificate Nos. M-17733/5 and M-17709, in the principal amount of $1,000 each, presently in the custody of the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on September 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7533; Filed, Sept. 18, 1956; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 183

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TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1340]

[Colorado 014053]

COLORADO

RESERVING PUBLIC LANDS FOR USE OF THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE, FOR RESEARCH PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as part of the Manitou Experimental Forest, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581a–581k) as amended:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 69 W.,
Sec. 23, NE¼NE¼.

The area described contains 40 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 14, 1956.

[F. R. Doc. 56-7550; Filed, Sept. 19, 1956; 8:46 a. m.]

[Public Land Order 1341]

[1960930]

IDAHO

REVOKING PUBLIC LAND ORDER NO. 209 OF FEBRUARY 24, 1944, WHICH WITHDREW PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR A PRISONER OF WAR CAMP AND FOR OTHER PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 209 of February 24, 1944, which withdrew the following-described public lands in Idaho for use of the War Department for a prisoner of war camp, sewage treatment plant, pressure sewer, water line, and access road, is hereby revoked:

BOISE MERIDIAN

T. 9 S., R. 22 E.,
Sec. 29, SE¼;
Sec. 32, NE¼;
Sec. 33.
T. 10 S., R. 22 E.,
Sec 4.

The areas described aggregate 1,600 acres.

The lands were declared excess by the Department of the Army to the War Assets Administration and were transferred to the Bureau of Reclamation for administration and disposal pursuant to the act of July 1, 1946 (60 Stat. 348; 369).

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 14, 1956.

[F. R. Doc. 56-7551; Filed, Sept. 19, 1956; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 85]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884,

(Continued on p. 7053)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435, 5861, 6748), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. New subdivisions (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), and (xix), are added to subparagraph (1) of paragraph (b), relating to Hartford County in Connecticut, to read:

(xi) The Town of Avon;
(xii) The Town of Burlington;
(xiii) The Town of Canton;
(xiv) The Town of Hartford;
(xv) The Town of Hartland;
(xvi) The Town of Newington;
(xvii) The Town of New Britain;
(xviii) The Town of West Hartford; and
(xix) The Town of Windsor Locks.

2. New subdivisions (vii), (viii), (ix), and (x), are added to subparagraph (2) of paragraph (b), relating to New Haven County in Connecticut, to read:

(vii) The Town of Cheshire;
(viii) The Town of Hamden;
(ix) The Town of North Branford; and
(x) The Town of Madison.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Connecticut from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C. this 14th day of September 1956.

[SEAL] W. L. POPHAM,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-7567; Filed, Sept. 19, 1956; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 56-29]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the navigation and vessel inspection regulations was published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350–1356), as Items I through XVI on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on April 24, 1956, at Washington, D. C. This document is the second of a series of documents covering the regulations considered at this hearing. This document also supersedes the miscellaneous amendments contained in Coast Guard Federal Register Document 56–21 published in the FEDERAL REGISTER dated May 25, 1956 (21 F. R. 3535, 3536).

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. This document contains amendments to the regulations which are based on Item XIII in the Agenda.

The various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been necessitated by corresponding changes made in the regulations of the Interstate Commerce Commission governing the land transportation of the same commodities. The provisions of R. S. 4472, as amended (46 U. S. C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. These amendments include provisions for water shipment of new articles of commerce, additional shipping containers, marking and labeling requirements for certain commodities, and editorial changes. These amendments include changes based on the Interstate Commerce Commission change orders Nos. 18 through 20.

A new section designated 46 CFR 146.03–39 defines abbreviations used in descriptions of ammunition.

The amendment to 46 CFR 146.04–5 brings the commodity list up to date and adds the shipping names of new articles of commerce subject to the regulations.

The amendment to 46 CFR 146.05–5 revises the requirements concerning certain ICC specification containers and will permit certain single trip metal drums to be continued in use until further orders are issued by the Interstate Commerce Commission.

The amendment to 46 CFR 146.05–16 (b), regarding labels for mixed packing, is editorial in nature to clarify the requirements.

The amendment to 46 CFR 146.09–6, regarding portable magazine chest and portable magazine containers, changes the section title, and adds a new paragraph (d), which will permit the use of portable magazine containers in the transportation of explosives.

The amendments to 46 CFR 146.09–11, regarding chutes and conveyors for handling explosives, changes the title, designates the present wording as paragraph (a), and adds the new paragraphs (b) and (c) which permit manual and powered conveyors for loading explosives. Powered conveyors before being used must be of a design approved by the Commandant of the Coast Guard.

The amendments to Subpart—Detailed Regulations Governing Explosives (46 CFR 146.20) include a revision of the list regarding prohibited or not permitted explosives (46 CFR 146.20–3 (h), (r)); new definitions for certain classes A, B, and C explosives (46 CFR 146.20–7, 146.20–9, and 146.20–11); revise the stowage chart of explosives and other dangerous articles with respect to detonating fuses (46 CFR 146.20–90); and provide for the shipment of new explosives by water, use of additional shipping containers, marking requirements, and editorial changes in the tables regarding the various classes of explosives (46 CFR 146.20–100, 146.20–200, and 146.20–300).

The amendments to Subpart—Detailed Regulations Governing Inflammable Liquids (46 CFR 146.21) revise the list of certain inflammable liquids which are not subject to exemption (46 CFR 146.21–65), and provide for the shipment by water of new inflammable liquids, use of additional shipping containers, marking requirements, and editorial changes (46 CFR 146.21–100).

The amendments to Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials (46 CFR 146.22) provide for the shipment by water of new inflammable solids and oxidizing materials, use of additional

shipping containers for certain items, and "tween deck readily accessible" stowage for chromic acid (46 CFR 146.22–100).

The amendments to Subpart—Detailed Regulations Governing Corrosive Liquids (46 CFR 146.23) provide for water shipment of new corrosive liquids and the use of additional shipping containers (46 CFR 146.23–100).

The amendments to Subpart—Detailed Regulations Governing Compressed Gases (46 CFR 146.24) revise requirements for exemptions for compressed gases (46 CFR 146.24–20); change requirements regarding valves, fittings, and accessories on tanks carrying anhydrous ammonia in bulk (46 CFR 146.24–85 (b) (1)); and provide for shipment by water of new materials and additional shipping containers (46 CFR 146.24–100).

The amendments to Subpart—Detailed Regulations Governing Poisonous Articles (46 CFR 146.25) provide for exemptions of certain radioactive materials (46 CFR 146.25–25 (b)); additional packing and shielding requirements for radio-active materials (46 CFR 146.25–30); shipment by water of new poisons and additional shipping containers for class B poisons, class C poisons, and radioactive materials (46 CFR 146.25–200 (rewritten), 146.25–300, and 146.25–400). The amendment to 46 CFR 146.25–200 includes the requirements regarding stowage of tank cars containing motor fuel anti-knock compound which is permitted "under deck away from heat."

The amendment to Subpart—Detailed Regulations Governing Combustible Liquids (46 CFR 146.26) provides for the shipment by water on passenger vessels of certain compounds possessing a flash point above 80° F. and below 150° F. (46 CFR 146.26–100).

The amendment to Subpart—Detailed Regulations Governing Hazardous Articles (46 CFR 146.27) permits the carriage of calcium carbide in special type railroad cars on railroad car ferries (46 CFR 146.27–100). This amendment also restates the change regarding water shipment of oakum in fiberboard boxes previously published on May 25, 1956, in the FEDERAL REGISTER.

The amendments to Subpart—Rules and Regulations for Military Explosives (46 CFR 146.29) restate the interim requirements for stowage of chemical ammunition, class II–D, WP or PWP filled (solid), and provide that, except for wooden barrels or boxes and fiberboard containers used for packaging, the stowage of class X, explosive bombs, mines, torpedoes, etc., shall not be in a hold or compartment containing inflammable or combustible material. The interim instructions regarding stowing of chemical ammunition, class II–D, WP and PWP filled (solid), published in the FEDERAL REGISTER of November 5, 1955, were on the agenda considered at the public hearing. No comments were submitted with respect thereto.

No comments were submitted nor appeals taken with respect to the emergency amendment to 46 CFR 146.29–39 (a), permitting the sliding or dragging of heavy containers of military explosives in the holds of vessels when the containers are provided with pulling bar assemblies and skids, published in the FEDERAL REGISTER of March 29, 1956.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

The authority for the regulations in this part is amended to read as follows:

AUTHORITY: §§ 146.01–1 to 146.29–100 issued under R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

SUBPART—DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN THE REGULATIONS IN THIS SUBCHAPTER

Subpart 146.03 is amended by adding a new § 146.03–39 as follows:

§ 146.03–39 *W or W/O.* The abbreviations "w" or "w/o" mean "With" or "Without" (i. e. Ammunition for cannon w/o projectiles).

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label required
Added or amended		
• • • •		
†Allyl Trichlorosilane	Cor. L.	White.
• • • •		
†*Bombs, incendiary or smoke without bursting charges* (see: "Fireworks, special").		
• • • •		
†Cesium 137 (see: "Radioactive materials, groups I and II")	Pois. D.	Poison radioactive materials (red).
• • • •		
†*Coating solution (see: "Cement, leather")	Comb. L.	
†*Coating solution (see: "Cement, leather")	Inf. L.	Red.
• • • •		
†Cobalt 60 (see: "Radioactive materials, groups I and II")	Pois. D.	Poison radioactive materials (red).
• • • •		
†*Compounds, tree or weed killing, liquid	Comb. L.	
†*Compounds, tree or weed killing, liquid	Inf. L.	Red.
†*Compounds, tree or weed killing, liquid	Pois. B.	Poison.
†*Compounds, tree or weed killing, solid	Oxy. M.	Yellow.
• • • •		
†Cyclohexenyl trichlorosilane	Cor. L.	White.
• • • •		
Detonating fuzes, class A radioactive (see: "*Initiating or priming explosives*")	Expl. A.	
Detonating fuzes, class A (see: "*Initiating or priming explosives*")	Expl. A.	
†Detonating fuzes, class C	Expl. C.	
• • • •		
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	Cor. L.	White.
• • • •		
†Ethyl dichlorosilane	Inf. L.	Red.
• • • •		
†Explosive auto alarms	Expl. C.	
• • • •		
†Fire extinguisher actuating cartridges	Expl. C.	
• • • •		
Fuzes, detonating, class A (see: "*Initiating or priming explosives*")	Expl. A.	
Fuzes, detonating, class A radioactive (see: "*Initiating or priming explosives*").	Expl. A.	
†Fuzes, detonating, class C	Expl. C.	
• • • •		
†Iodine monochloride	Cor. L.	White.
• • • •		
†Iridium 192 (see: "Radioactive materials, groups I and II")	Pois. D.	Poison radioactive materials (red).
• • • •		
†Methylhydrazine	Inf. L.	Red.
†Methyl iso-propenyl ketone, inhibited	Inf. L.	Red.
• • • •		
†Nonyl trichlorosilane	Cor. L.	White.
• • • •		
†Oil well cartridges	Expl. C.	
• • • •		
†Radioactive materials N. O. S. (see: "Radioactive materials, groups I and II or group III").	Pois. D.	Poison radioactive materials (blue or red).
• • • •		
†*Resin solution	Comb. L.	
†*Resin solution	Inf. L.	Red.
• • • •		
†Toy propellent devices	Expl. C.	
†Toy smoke devices	Expl. C.	
• • • •		
†Uns-dimethylhydrazine (see: "Methylhydrazine")	Inf. L.	Red.

†Daggers indicate items added.

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

1. Section 146.05–5 is amended by adding a new entry to the table in paragraph (b), and a new paragraph (f) as follows:

§ 146.05–5 *I. C. C. specification containers.* • • •

(b) • • •

6B---------- 20A---------- Metal drum.

• • • • • •

(f) Where the regulations require ICC–37A and 37B single trip metal drums, ICC–37D, 37E, 37F, 37G and 37H single trip metal drums may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Interstate Commerce Commission.

2. Section 146.05–16 is amended to correct a typographical error by deleting the present wording in paragraph (b) and inserting the following in lieu thereof:

§ 146.05–16 *Labels for mixed packing.* (a) • • •

(b) Use white acid (alkaline caustic liquid or corrosive liquid) label only when white acid (alkaline caustic liquid or corrosive liquid) and yellow or poison labels are prescribed or poison labels (class B) are prescribed, except when poison gas label or radioactive materials label is prescribed, then both the white acid label and the poison gas label or white acid and radioactive materials label must be used.

SUBPART—CARGO HANDLING AND STOWAGE DEVICES, U. S. COAST GUARD CONTAINER SPECIFICATIONS

1. Section 146.09–6 is amended by changing the title and adding a new paragraph (d), as follows:

§ 146.09–6 *Portable magazine chest and portable magazine containers.* • • •

(d) Portable magazine containers may be used in the transportation of explosives packaged in specification containers, under such conditions of construction, handling and stowage that meet the approval of the Commandant of the Coast Guard.

2. Section 146.09–11 is amended by changing the title, designating the present wording as paragraph (a), and adding new paragraphs (b) and (c), as follows:

§ 146.09–11 *Chutes and conveyors for handling explosives.* (a) Chutes for loading and unloading explosives shall be constructed as follows: Of smooth planed boards not less than 1" thick. Side guards of the same material 4" high. Assembly shall be with brass screws only. D-shaped wooden strips or runners not more than 6" apart and running lengthwise of the chute shall be fastened to the upper surface of the slide by means of glue and wooden dowels extended through the bottom of the chute. No metallic means of construction shall protrude beyond the inner face of the chute. Four lashing rings shall be provided, one at each outside corner of the chute for purposes of securing during use. No specification marking required.

(b) Roller conveyors constructed of aluminum or other non-sparking material may be used for loading or unloading explosives. The conveyor shall be grounded when in use, and suitable brakes provided when the angle of descent is such as to make them necessary.

(c) Powered conveyors may be used when the design, construction and specifications are approved by the Commandant of the Coast Guard.

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20–3 is amended by changing paragraph (h), and adding a new paragraph (r) as follows:

§ 146.20–3 *Prohibited or not permitted explosives.* • • •

(h) Firecrackers, flash crackers or salutes, the explosive content of which exceeds 12 grains each in weight, or pest control bombs, the explosive content of which exceeds 18 grains each in weight.

• • • • •

(r) Loaded firearms.

2. Section 146.20–7 is amended by changing subparagraph (g) (3) to read as follows:

§ 146.20–7 *Class A explosives.* • • •

(g) *Type 7.* • • •

(3) Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers are classed as class C explosives.

3. Section 146.20–9 is amended by changing paragraph (c) to read as follows:

§ 146.20–9 *Class B explosives.* • • •

(c) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

4. Section 146.20–11 is amended by adding new paragraphs (s), (t), (u), (v), and (w) to read as follows:

§ 146.20–11 *Class C explosives.* • • •

(s) Detonating fuzes, class C, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. They contain a detonator and a quantity of a high explosive. Detonating fuzes, class C, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning.

(v) Oil well cartridges are tubular devices consisting of a thin fiber, metal, or composition shell containing not more than 200 grains of propellant powder and having no ignition device or element.

(w) Fire extinguisher actuating cartridges consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate the valves on remotely controlled fire extinguishers.

5. Section 146.20–90 is amended by changing the descriptions of Items "7" and "14" in the vertical and horizontal columns and footnote 2 to read as follows:

§ 146.20–90 *Stowage and Storage Chart of Explosives and Other Dangerous Articles.* • • •

"7" Detonating fuses, class A, with or without radioactive components.

"14" Time combination, or detonating fuses, class C.

[2] Explosives, Class A, and explosives, Class B, must not be loaded or stowed with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary or white phosphorus may be loaded and stowed together.

6. Section 146.20-100 *Table A—Classification: Class A; dengerous explosives* is amended as follows:

§ 146.20–100 *Table A—Classification: Class A; dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Ammunition chemical, explosive. Includes such explosive ammunition as: gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, and incendiary grenades. Also miscellaneous apparatus, such as: cloud-gas cylinders, smoke generators, etc., used to project chemicals.	Chemical ammunition used in warfare is all kind of explosive chemical projectiles, shells, bombs, grenades, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent; also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals. These articles must be shipped in accordance with the requirements for "*Ammunition—Projectiles, grenades, bombs, mines and torpedoes.*"		When chemical elements of ammunition are shipped assembled with their detonating fuzes or bursting charges, they must be shipped in conformity with the regulations prescribed for "*Ammunition projectiles, grenades, bombs, mines and torpedoes*", Class A. For shipment of these articles assembled with their ignition elements or expelling charges but without detonating or bursting charges see "Fireworks, special," section 146.20-200—Table B—Class B explosives. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see "*Chemical ammunition (containing class A poisons, liquids, or gases.)*" "*Chemical ammunition (containing class B poisons, liquids, or gases.)*" or "*Chemical ammunition (containing class C poisons, liquids, gases, or solids).*"			
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Black powder. Low explosives. May include: Black blasting powder. Black pellet powder. Black rifle powder. *Blasting powder.* *Flash powder cartridges exceeding 72 grains each.* *Flash powder in inner units exceeding 2 ounces each.* *Flash powder sheets in bulk.* Low blasting explosives. *Rifle powder.* *Spreader cartridges exceeding 72 grains each.* *Sporting powder.*	Black powder and low explosives are solid explosives which can be caused to deflagrate by contact with sparks or flame such as produced by a safety fuse or an electric squib, but cannot be detonated by means of a No. 8 test blasting cap. Flash powder sheets in bulk, flash powders packed in inner units exceeding 2 ounces each, and flash powder or spreader cartridges exceeding 72 grains each are classed as low explosives. Observe "This Side Up" stowage of boxes bearing such legend. Each outside package must be plainly marked with the appropriate descriptive name of the contents as "Black powder" or "Low explosives," and may also show "Blasting," "Rifle" etc. as "Black blasting powder," "Black rifle powder," "Low blasting explosive," or "black pellet powder." Boxes with inside containers packed filling holes up must be marked "This Side Up."	No label required.	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not less than 7 inches long and not less than 6¼ lb. net wt. nor over 150 lb. net wt. Bundles of metal kegs (ICC-13) firmly tied together with rope and strong burlap, canvas or similar material, securely sewed and roped, not over 100 lb. net wt. Wooden boxes: (ICC-14) WIC, not over 140 lb. gr. wt. (ICC-15A, 16A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12H, 23F, 23H) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
High explosives (*when containing not more than 75% liquid explosive ingredient*). Also: (*Blasting gelatin*). (*Gelatin dynamite*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous" except ICC-23G which must be so marked on the side or end. The top of boxes (except ICC-23G) must be marked "This Side Up". Observe "This Side Up" stowage.	No label required.	Stowage: Magazine Outside containers: Wooden boxes (ICC-14, 15A, 16A) not exceeding 75 lb. gr. wt. Fiberboard boxes (ICC-12H, 23F, 23G, 23H) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*when containing 10% or less of a liquid explosive ingredient*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC-23G which must be so marked on the side or end. The top of boxes (except ICC-23G) must be marked "This Side Up." Observe "This Side Up" stowage.	No label required.	Stowage: Magazine Outside containers: Wooden boxes (ICC-14, 15A, 16A) not exceeding 140 lb. gr. wt. Fiberboard boxes (ICC-12H, 23F, 23G, 23H) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*containing no liquid explosive ingredient*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC-23G which must be so marked on the side or end. Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous."	No label required.	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 16A) WIC, not over 140 lb. gr. wt. Fiberboard boxes (ICC-12H, 23F, 23G, 23H) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*containing no liquid explosive ingredient nor any chlorate*). *Amatol.* *Shaped charges, commercial.* *Soda amatol.*	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC-23G which must be so marked on the side or end. Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous".	No label required.	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. (not permitted for "Shaped charges commercial)". Wooden boxes (ICC-14, 15A, 16A) WIC, not over 140 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12H, 23F, 23H) not over 65 lb. gr. wt. (ICC-23G) not over 65 lb. gr. wt. (Not permitted for "Shaped charge, commercial.") Amatol when cast in a solid block or column may also be shipped in: Steel barrels or drums (ICC-13A) not over 90 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Blasting caps—more than 1,000. Blasting caps with safety fuse—more than 1,000. Electric blasting caps—more than 1,000.	Blasting caps are small tubes, usually made of an alloy of either copper or aluminum, or of molded plastic, closed at one end and loaded with a charge of initiating or priming explosives, Class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps which have been provided with a means of firing by an electric current, and sealed, are known as electric blasting caps. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time as high explosives are being loaded. Each outside box must be plainly marked with the appropriate descriptive name of the contents as: "(number) Blasting caps—Handle carefully;" "(number) Electric blasting caps—Handle carefully;" "(number) Blasting caps with safety fuse—Handle carefully." In addition each box must bear the marking "Do not stow or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Wooden boxes: (ICC-14, 15A, 16A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12H, 23F, 23H) WIC, not over 75 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boosters (explosive). Bursters (explosive). Detonating fuzes, class A, with or without radioactive components. Detonating fuze parts containing an explosive. Supplementary charges (explosive).	Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents. Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Radiation on the surface of any detonating fuze having a radioactive component shall not exceed 100 milliroentgens per hour. Detonating fuzes that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosives devices, in the same or adjacent containers are classed as class C explosives. Do not stow detonating fuzes with any high explosives; and Do not load at the same time that high explosives are being loaded. Each outside container must be plainly marked "Boosters (Explosive)—Handle Carefully," or "Bursters (Explosive)—Handle Carefully," or "Detonating Fuzes, Class A—Handle Carefully—Do Not Store or Load With Any High Explosives," or "Detonating Fuzes, Class A, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives," or "Supplementary Charges (Explosive)—Handle Carefully," as the case may be.	No label required.	Stowage: Magazine. Outside containers: Strong tight wooden or metal boxes, not over 100 lb. gr. wt. for detonating fuzes. Not over 300 lb. gr. wt. for boosters, bursters and supplementary charges without detonators.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Detonating primers	Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope. The total weight of explosives is more than 150 grains per unit. Do not stow detonating primers with any high explosive. Do not load it the same time as high explosives are being loaded. Each outside container must be plainly marked "Detonating primers—Handle carefully."	No label required.	Stowage: Magazine Outside containers: Wooden boxes: (ICC-14, 15H, 16A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12H, 23F, 23H) WIC, not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Section 146.20-200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

§ 146.20-200 *Table B—Classification: Class B; less dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Fireworks (except those otherwise described herein for which special packing requirements are given).	Fireworks must be in a finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked: "Special fireworks—Handle carefully—Keep fire away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares and fireworks shells).	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." NOTE: Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available. Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares and fireworks shells).	Ferry stowage (AA) Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares and fireworks shells).	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares and fireworks shells).
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Fireworks, special (*Toy torpedoes*).	Each outside package must be marked "Toy Torpedoes" in addition to the regular marking of "Special fireworks—Handle carefully—Keep fire away." Do not pack with other fireworks. Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available.	Special fireworks.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 35 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 35 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 35 lb. gr. wt.	Ferry stowage (BB): Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 35 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Igniters, jet thrust	Devices used to ignite the propelling charge of jet thrust unit. Must not be shipped assembled in the unit unless shipped by, for, or to the Department of the Army, Navy, or Air Force of the U. S. Government. Each outside package must be plainly marked "Igniters, Jet Thrust."	No lable required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes or wooden boxes, fiberboard lined (ICC-14, 15A, 15B, 15E, or 16A) not over 150 lb. gr. wt. Igniters, jet thrust packed in any other manner must be in containers of a type approved by the Bureau of Explosives. Fiberboard boxes: (ICC-23F) WIMC, not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
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Railway torpedoes	Railway torpedoes must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked "Railway Torpedoes—Handle Carefully—Keep Fire Away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A, or 19B) not over 125 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12H, 23F, 23H) not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A or 19B) not over 125 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12H, 23F, 23H) not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A or 19B) not over 125 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12H, 23F, 23H) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A, or 19B) not over 125 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12H, 23F, 23H) not over 65 lb. gr. wt.
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7. Section 146.20-300 *Table C—Classification: Class C; relatively safe explosives* is amended as follows:

§ 146.20-300 *Table C—Classification: Class C; relatively safe explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Blasting caps—1,000 or less. Blasting caps with safety fuse—1,000 or less caps. Electric blasting caps—1,000 or less.	Blasting caps are small tubes, usually made of an alloy of either copper or aluminum, or of molded plastic, closed at one end and loaded with a charge of initiating or priming explosives, Class A—Type 4, either with or or without other suitable explosives. The total weight of explosives shall not exceed 150 grains. Blasting caps which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded. Each outside box must be plainly marked with the appropriate descriptive name of the contents as: "(number) Blasting caps—Handle carefully." "(number) Electric blasting caps—Handle carefully." "(number) Blasting caps with safety fuse—Handle carefully." In addition each box must bear the marking "Do not store or load with any high explosive."	No label required.	Stowage: Portable magazines or metal lockers. Outside containers: Wooden boxes: (ICC-14, 15A, 16A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12H, 23F, 23H) WIC, not over 75 lb. gr. wt. NOTE: Blasting caps in any quantity shall not be stowed in the same magazine with any other explosive or in any locker in which fireworks are stowed. They may be stowed in portable magazines or metal lockers provided such are located in cargo carrying compartments away from all sources of heat and in which no inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases, are stowed.	Not permitted.	Not permitted.	Not permitted.
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Explosive auto alarms.	Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. Do not stow in the same hold or compartment with inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container shall be plainly marked "Explosive Auto Alarms—Handle Carefully".	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiverboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
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Fire extinguisher actuating cartridges.	*Used to actuate the valves on remotely controlled fire extinguishers.* Do not stow in the same compartment with inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked "Fire Extinguisher Actuating Cartridges—Handle Carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
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Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fuzes Percussion fuzes. Combination fuzes. Detonating fuzes, class C. Time fuzes. Tracer fuzes. Tracers.	Percussion fuzes, combination fuzes, and time fuzes are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of the projectiles at night. Detonating fuzes, class C, are used in the military service to detonate high explosives bursting charges of projectiles, mines, bombs, torpedoes and grenades. Do not stow in the same compartment with any inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids, or inflammable compressed gases. Each outside box will be plainly marked with the appropriate descriptive name of the contents as: "Percussion fuzes—Handle carefully." "Combination fuzes—Handle carefully." "Detonating fuzes, class C Handle carefully." "Time fuzes—Handle carefully." "Tracer fuzes—Handle carefully." "Tracers—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C: Strong, tight wooden or metal boxes, not over 100 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C: Strong tight wooden or metal boxes, not over 100 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C: Strong, tight wooden or metal boxes, not over 100 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C: Strong, tight wooden or metal boxes, not over 100 lb. gr. wt.
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Oil well cartridges.	Oil well cartridges are tubular devices consisting of a thin fiber, metal or composition shell containing not more than 200 grains of propellant powder and having no ignition device or element. Do not stow in the same hold or compartment with inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside package shall be plainly marked "Oil well cartridge—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
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Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Toy caps Toy propellant devices Toy smoke devices	Toy paper caps consist of paper cap ammunition for toy pistols, in sheets, strips, rolls or individual caps. Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. Do not stow in the same compartment or hold with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable gases. Each outside container shall be plainly marked: "Toy caps—Handle carefully", "Toy propellant devices—Handle carefully" or "Toy smoke devices—Handle carefully", as the case may be.	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes, metal lined, WIC, not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, metal lined, WIC, not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, metal lined, WIC, not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, metal lined, WIC, not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
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SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

1. Section 146.21-65 is amended by adding new subparagraphs (c) (24) and (c) (25) as follows:

§ 146.21-65 *Limited quantity shipments.* • • • (c) • • •

(24) Methylhydrazine.
(25) Uns-dimethylhydrazine.

2. Section 146.21-100 *Table D—Classification: Inflammable liquids* is amended as follows:

§ 146.21-100 *Table D—Classification: Inflammable liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Box toe gum (when possessing a flashpoint at or below 80° F.).	*A liquid cement-like solution of variable formulae used in the manufacture of shoes. It may consist of nitrocellulose, shellac, or rosin dissolved in a volatile solvent.* *Flashpoint variable, depending upon the solvent used.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cement, leather (When possessing a flashpoint at or below 80° F.)	*These cements are chemical compounds of various ingredients such as: Asphalt with petroleum distillate; cellulose nitrate in acetone; bituminous asphalt and mineral oil; raw rubber solution and gasoline; etc., all possessing similar characteristics and hazards. Vapors highly inflammable and explosive when mixed in correct proportions with air. Sustained inhalation of vapors in unventilated compartments is dangerous.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cement, linoleum		Red.				
Cement, liquid, N. O. S.		Red.				
Cement, pyroxylin		Red.				
Cement, roofing, liquid		Red.				
Cement, rubber (When possessing a flashpoint at or below 80° F.)		Red.				
Cement, tile		Red.				
Cement, wallboard		Red.				
Coating solution		Red.				
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Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. (When possessing a flashpoint at or below 80° F.)	*Compounds which through solvent or detergent action remove old paint from surfaces. Exceptionally slow-drying thinners used with pyroxylin base lacquer or enamels to retard speed of drying. Clear liquid solvents and diluents for the reduction of primers, surfacers, and enamels to proper working consistencies.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap.
Compounds, enamel		Red.				
Lacquer removing, reducing and thinning compounds.		Red.				
Paint, lacquer and varnish removing, reducing or thinning compounds.		Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, tree or weed killing, liquid.	*Flashpoint variable.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars: (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars: (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.
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Ethyl trichlorosilane. Methyl trichlorosilane. Vinyl trichlorosilane. Dimethyl dichlorosilane. Ethyl dichlorosilane. Trimethyl chlorosilane.	*Colorless liquids with acrid odor. Evolves white fumes when exposed to moist air. React violently with water to evolve heat and white, acrid fumes. Fumes extremely corrosive. May form explosive mixtures with air. Flashpoints below 80° F.* Handle carefully to avoid damage to containers and exposure of contents to air.	Red.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17H, 37A) STC, with inside glass containers not over 1 gal. cap., not over 55 gal. total cap. Wooden boxes, WIC (ICC-15A, 16B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted.	Not permitted.	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lacquer base or lacquer chips, plastic (wet with alcohol or solvent). Wet with at least 20% by weight of alcohol or solvent with a flashpoint not lower than 30° F. (When possessing a flashpoint at or below 80° F.)	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and pigments. They are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.* *Involved in fire will give off nitrous fumes which are deep orange in color and extremely poisonous.* *Flashpoint is variable depending upon the solvent used to wet the chips.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.
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Methylhydrazine..... Uns-dimethylhydrazine.	*A colorless liquid with an ammonia like odor.* *Corrosive.* *Vapors may be explosive when exposed to high temperature.* Stow well away from corrosive liquids and organic materials.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Metal barrels or drums: (Stainless steel): (ICC-5, 5A, 5C) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl iso-propenyl ketone, inhibited.	*Nearly colorless, inflammable liquid, with a pleasant odor and sweet taste.* *Sustained inhalation of vapors and unventilated spaces is dangerous.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A).	Not permitted	Not permitted	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid.	*Flash point variable. May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E), STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, over over 5 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber of plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).	Ferry stowage (BB).
Aluminum liquid (or paint).		Red.				
Bronze liquid (or paint).		Red.				
Driers, paint, varnish, enamel, etc.		Red.				
Enamel		Red.				
Furniture or wood stain, liquid.		Red.				
Gold paint		Red.				
Lacquer		Red.				
Lacquer base liquid		Red.				
Leather bleach		Red.				
Leather dressing		Red.				
Mortar stain, liquid		Red.				
Paint driers, liquid		Red.				
Shellac		Red.				
Shellac, liquid		Red.				
Stain		Red.				
Varnish		Red.				
Varnish driers		Red.				
Wood filler		Red.				
Wood stains, liquid (When possessing a flashpoint at or below 80° F.)		Red.				
When the flashpoint of a liquid shipped under this descriptive name is 20° F. or below, the bill of lading or other shipping paper shall bear the following certification: *"This liquid possesses a flashpoint of 20° F. or less."*						
When the flashpoint is above 20° F. and not more than 80° F. the following certification shall appear thereon: *"This liquid possesses a flashpoint of above 20° F. but not more than 80° F."*						
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Polishes, metal, stove, furniture and wood, liquid. (When possessing a flashpoint at or below 80° F.)	*Liquid preparations used to remove film from surfaces and restore and protect polish and finish of such surface. Flashpoint variable. May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E,) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).	Ferry stowage (BB).
Compounds, polishing, liquid.		Red				
Furniture polish		Red.				
Metal polish, liquid		Red.				
Stove polish, liquid		Red.				
Wood polish, liquid (When possessing a flashpoint at or below 80° F.)		Red.				
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Resin solution (when possessing a flashpoint at or below 80° F.).	*Resin dissolved in a volatile solvent. Flashpoint variable, depending upon the solvent used.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars: (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 104A-AL-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA).	Ferry stowage (BB).

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Authorized only for export shipments: Steel barrels or drums: (ICC–17X) STC not over 55 gal. cap. Wooden boxes: (ICC–15X) WIMC not over 10 gal. cap.			Outside Containers—Continued Authorized only for export shipments: Steel barrels or drums: (ICC–17X) STC not over 55 gal. cap. Wooden boxes: (ICC–15X) WIMC not over 10 gal. cap.
Trichlorosilane	*Clear, transparent, volatile, liquid.* *Fumes strongly in moist air.* *Fumes are extremely irritating and corrosive.* *Decomposes with some violence on contact with water to liberate corrosive gas.* *Flashpoint below 20° F.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5A) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17H, 37A) STC, with inside glass containers not over 1 qt. cap. each, not over 55 gal. total cap. Wooden boxes (ICC–15A, 16B) WIC not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose colloided, granular or flake (must contain at least 20% by weight of alcohol or a solvent with flashpoint not lower than 30° F.).	*Formed by the nitration of cotton by treating it with a mixture of nitric and sulfuric acids.* *Involved in a fire will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* *Flashpoint variable, not less than 20° F.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M) not over 450 lb. gr. wt. (ICC–6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC–12B) WIC, not over 65 lbs. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC–21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose (must contain at least 30% by weight of alcohol or a solvent with a flashpoint not lower than 30° F.		Red.				
Wet nitrostarch (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.). Shipping containers on above shall have marked thereon the gross, tare, and net weight of the package.	*Formed by the nitration of starch. Characteristics and hazards similar to those of "Nitrocellulose, wet with or inflammable liquid," which see above.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or one showing signs of having leaked.	Red.				

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Section 146.22–100 *Table D—Classification: Inflammable solids and oxidizing materials* is amended as follows:

§ 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammonium bichromate	*Orange-red odorless crystals.* *Decomposed by heat.* *Will render organic substances easily inflammable.* *Do not breathe air laden with dust of this material.* *Soluble in water.* Do not stow with acids (white label) or combustible materials. Stow well away from living quarters and foodstuffs.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Barium peroxide (*binoxide dioxide*).	*A heavy grayish-white powder.* *Mixed with organic material or finely divided metals, it is dangerously inflammable and may be ignited by friction or may cause spontaneous ignition of such material.* *Poisonous if taken internally.* *Insoluble in water.* Stow away from foodstuffs. Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium chlorite	*A strong oxidizing material in the form of crystals or crystalline powder.* *Mixed with organic material or finely divided metals it is dangerously ignitible and may be ignited by friction or may cause spontaneous ignition of such material.* *Soluble in water.* Do not stow with charcoal, sulfur, sugar, flour, and similar finely divided substances. Do not stow in same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 pounds gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine. Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	*White powder* *Decomposed by moisture.* *If exposed to excessive heat, or to the rays of the sun, it may decompose spontaneously evolving vapor with sufficient pressure to rupture container.* *The vapors from ruptured containers have been known to ignite spontaneously.* *When exposed it gives off pungent vapors (chlorine) that are corrosive.* *May destroy textiles.* Do not stow in the same compartment with corrosive liquids (white label) nor with turpentine. Stow well away from foodstuffs, living quarters, and all sources of artificial heat. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.
Calcium, metallic	*A highly inflammable solid in the form of gray, hard lumps with a lustrous silver-white surface when freshly cut.* *Decomposes water with evolution of hydrogen.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Stow in a well ventilated compartment. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 50 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium peroxide	*White to yellowish, odorless powder.* *Strong oxidizing agent.* *Decomposes on exposure to moist air.* *With acids forms hydrogen peroxide.* *Slightly soluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1400 lb. net wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.	Stowage: "On deck under cover" Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1400 lb. net wt (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1400 lb. net wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt.
Calcium resinate	*Fine white powder with odor resembling rosin.* *Tends to heat spontaneously unless very carefully processed.* *Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Chlorates Barium chlorate. Calcium chlorate. Chlorates, N. O. S. Potassium chlorate. Chlorate of potash. Sodium chlorate. Chlorate of soda. Strontium chlorate. Zinc chlorate.	*Chlorates are in the form of colorless crystals or the powder thereof and are strong oxidizing agents.* *Chlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals.* *Mixtures of chlorates with organic matter or finely divided materials may be ignited by friction.* *All chlorates when brought in contact with sulfuric acid are liable to cause fire or explosion.* *Chlorates mixed with ammonium salts are liable to spontaneous decomposition and ignition.* *Soluble in water.* Chlorates should not be stowed in the same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B), WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 25 lb. net wt. Fiber drums (ICC–21A, 21B), WIMC, not over 220 lb. gr. wt. Plywood drums (ICC–22A, 22B) WIMC, not over 220 lb. gr. wt. Authorized only for chlorate of soda: Tank cars (ICC–103, 103W).	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorate and borate mixtures. Chlorate and magnesium chloride mixtures. NOTE: Such mixtures containing 25% or less chlorate and no other hazardous additives are not subject to the regulations in this part.	*Mixtures of chlorates and borates or magnesium chloride in varying proportions containing no other hazardous additives.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Mixtures containing 50% or more chlorate may be accepted in: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIMC, not over 25 lb. net wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIMC ICC-2F, not over 220 lb. gr. wt. Mixtures containing more than 25% chlorate but less than 50% may also be accepted in: Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIL, not over 600 lb. net wt. Wooden boxes: (ICC-15A, 15B) WIL, not over 250 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A) not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C, 44D) not over 50 lb. net wt.	Not permitted	Not permitted	Not permitted.
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Chromic acid Chromic anhydride. Chromium trioxide.	*An oxidizing material in the form of red flakes, or may be ground. Can irritate skin or mucous membranes.* *Avoid breathing dust or contact with skin.* *Soluble in water.* *Reactive with many organic substances. Reaction generates heat, and ignition may occur.* Do not stow in same compartment with explosives, inflammable liquids (red label), acids (white label), or combustible materials.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B), WIC, not over 250 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, tree or weed killing, solid.	Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA): Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB): Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Cumene hydroperoxide (*strength not exceeding 75% in a nonvolatile solvent*).	*Organic peroxide shipped in a nonvolatile solvent.* *Solution is combustible.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Authorized for 75% or less. Cumene hydroperoxide: Tank cars (ICC-103A, 103A-W).	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Tank cars (ICC-103A, 103A-W).
Dicumyl peroxide (*strength not exceeding 60% in a nonvolatile solvent*). See "Cumene hydroperoxide" for containers and stowage.	do	Yellow.				
Dicumyl peroxide of strength exceeding 50% may be shipped as "Inflammable solids, N. O. S.".						
Tertiary butylisopropyl benzene hydroperoxide (*strength not exceeding 60% in a nonvolatile solvent*). See "Cumene hydroperoxide" for containers and stowage.	do	Yellow.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance, and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. (See § 146.22-25 for exemptions.)	*A unit substance or a compound classified as an inflammable solid or an oxidizing material in accordance with the definitions contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 787 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Hafnium metal powder or sponge, dry. NOTE: Hafnium metal of particle size exceeding 20 mesh is not subject to the regulations in this table.	*An inflammable, amorphous, black powder or grayish brittle, lustrous lumps.* *Insoluble in water.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for hafnium metal sponge (not powder): Metal barrels or drums: (ICC-6A, 6B, 6C) not over 30 gal. cap. (ICC-17H, 37A, 37B) STC, not over 30 gal. cap.	Not permitted	Not permitted	Not permitted.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Inflammable solids, N. O. S. Flammable solids, N. O. S.	*May be any substance classifying as an inflammable solid in accordance with the definitions contained in these regulations, provided such inflammable solid is not otherwise specified by name in these regulations.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. (See Note in columns 5, 6, and 7.)	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21H) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
• • •	• • •	• • •	• • •	NOTE: Specification containers shall be of a design and construction of material that will not react dangerously with nor be decomposed by the chemical packed therein.	• • •	• • •
Lacquer base, or lacquer chips, dry (nitrocellulose base).	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and in the form of thin irregular-shaped pieces. Such chips are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.* *Involved in a fire the products of decomposition, if inhaled, are irritating and poisonous even in small concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F., well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label), other inflammable solids or oxidizing materials (yellow label) or acids (white label).	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." Ontside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lithium aluminum hydride.	*Light porus white powder.* *Decomposes to lithium hydride, aluminum metal and hydrogen above 130° C. without melting.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B), with hermetically sealed metal inside containers not over 1 gal. cap., not over 250 lb. gr. wt. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box.	Not permitted	Not permitted	Not permitted.
Lithium amide, powdered.	*Gray, finely-divided powder having an odor resembling ammonia.* *Develops heat in contact with moisture.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck under cover." "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.
Lithium hydride	*Odorless, gray lumps or powder.* *Combustible, burns quietly.* *Evolves gas when in contact with moisture. The gas forms inflammable mixture with air, over a wide range.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6H, 6C) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Lithium metal	*Very light, soft metal* *Burns with intense white flame.* *Reacts readily with moisture to evolve an inflammable gas.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.	Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt.			
Lithium silicon	*Black, shiny lumps, or powder with sharp irritating odor.* *Reacts readily with water to evolve an inflammable gas.* *Under certain conditions enough heat is generated to ignite the gas mixture in air.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.	Lithium metal immersed in neutral oil may be accepted in wooden boxes (ICC-15A, 15B), WIMC or ICC-37A, 37B STC not over 30 lb. net wt. Lithium metal in cartridges not exceeding 18 grams net weight each may be accepted in strong outside containers, not over 1 lb. net wt. of lithium metal. Lithium metal in cartridges containing more than 18 grams, but not more than 120 grams of lithium must be packed in wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt.			

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lithium peroxide	*Light practically odorless, straw-colored powder.* *Reacts readily with water to form the hydrate.* *Mixed with combustible organic materials it may be ignited by mild friction.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steels barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Magnesium metallic, powder.	*A white metal, in the form of powder.* *It is highly inflammable, burning with intense heat and light.* *In contact with water or acids it develops hydrogen gas (which is highly explosive over a wide range.)* Do not stow with inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Magnesium peroxide, solid.	*White, powdery substance. Decomposes on heating. Insoluble in water; gradually decomposed by it with liberation of oxygen.* Stow separate from all combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Motion-picture film, old and worn out (*nitrocellulose base*).	Old and worn out (not scrap) film, no longer exhibitable and with value only for reclamation of material. Characteristics and hazards are the same as for "Motion-picture film (*nitrocellulose base*)." See above.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6H, 6C, 6J) not over 110 gal. cap. (ICC-37A, 37B) STC, not over 55 gal. cap. Fiber drums (ICC-21A, 21B) not over 55 gal. cap. Metal boxes (ICC-32A, 32B) not exceeding core cap. Metal boxes (ICC-32D) not over 250 lbs. net wt. of film. Wooden boxes (ICC-15A) WIML, not over 450 lb. gr. wt. (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Oxidizing materials, N. O. S.	*May be any substance classifying as an oxidizing material in accordance with the definitions contained in these regulations, provided such oxidizing material is not otherwise specified by name in these regulations. Involved in a fire, will greatly intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B), WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 pounds gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. (See note in columns 5, 6, and 7.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 pounds gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
			NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.			
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Perchlorates: Ammonium perchlorate. Barium perchlorate. Magnesium perchlorate. Perchlorates, N. O. S. Potassium perchlorate.	*Colorless crystals or white crystalline powder; strong oxidizing agents. Perchlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals somewhat the same as chlorates, but to a lesser degree. Soluble in water.* Do not stow in the same compartment with explosives, acids (white label), or combustible material such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Permanganates Ammonium permanganate. Barium permanganate. Calcium permanganate. Permanganates, N. O. S. Potassium permanganate. Sodium permanganate. Zinc permanganate.	*In crystal or powder form, having a metallic sheen in rich colors, purple to reddish-black, violet-brown or black, or dark purple shades.* *A powerful oxidizing material.* *All permanganates mixed with combustible materials are liable to ignition by friction, by spontaneous combustion, or if acted upon by the corrosive liquid acids.* *Such mixtures have been known to react with explosive force.* *Potassium permanganate is known to ignite spontaneously in contact with glycerine (including the anti-freeze glycerin compounds).* *Barium permanganate is also poisonous if taken internally.* *Stow away from foodstuffs.* *Soluble in water.* Do not stow with explosives, acids (white label), glycerin, formaldehyde, organic materials, chalk, charcoal, sulfur or similar substances Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, or with liner not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Phosphoric anhydride	*A finely divided white powder, having a strong affinity for water.* *Rapidly absorbs moisture from the air.* *Mixed with organic matter in the presence of moisture (even moisture in the air) it causes great heat and oft-times the ignition of the material.* *Soluble in water, somewhat slowly, and with evolution of much heat.* Do not stow with combustible materials, explosives, Inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17F, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Phosphorus amorphous, red.	*An inflammable solid in the form of a reddish-brown powder. Readily ignited by friction. Will contaminate foodstuffs.* *In the presence of fire, fumes given off by this substance are irritating and suffocating.* *Insoluble in water.* Do not stow with nitrates, chlorates, perchlorates or permanganates or oxidizing materials (yellow label). Mixtures may result in explosions by friction or shock. Stow well away from all living quarters and foodstuffs. Keep cool	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B) not over 160 lb. gr. wt. (ICC-37A, 37B) STC not over 160 lb. gr. wt Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A, 6B) not over 160 lb. gr. wt. (ICC-37A, 37B) STC not over 160 lb. gr. wt. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A, 6B) not over 160 lb. gr. wt. (ICC-37A, 37B) STC not over 160 lb. gr. wt. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A, 6B) not over 160 lb. gr. wt. (ICC-37A, 37B) STC not over 160 lb. gr. wt. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus pentachloride.	*An inflammable solid in the form of a grayish-yellow crystalline mass with an irritating odor.* *In contact with air, gives off fumes which have a strong irritating effect upon the eyes and mucous tissue.* *Decomposes upon contact with water, with liberation of much heat and formation of hydrochloric acid.* *Will contaminate foodstuffs.* *In the presence of fire, fumes given off by this substance are irritating.* Stow well away from living quarters and foodstuffs. Do not stow with oxidizing materials (yellow label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: "Black Iron" barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) Asphaltum-lined not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11B) WIC, not over 50 lb. net wt. of material. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 50 lb. net wt. of material. Metal-jacketed lead carboys (ICC-28A) not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.
Phosphorus sesquisulfide.	*Yellow crystalline mass generally in finely ground form which is very inflammable.* *Readily ignited by slight friction.* *Involved in a fire will give off fumes that are irritating and suffocating.* *Insoluble in water.* Do not stow with nitrates, chlorates, or other oxidizing materials (yellow label). Stow away from all living quarters and foodstuffs. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 30 gal. cap. (ICC-37A, 37B) STC, not over 425 lb. gr. wt. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Potassium bromate	*Potassium bromate is an oxidizing material in the form of white crystalline salts having properties similar to "potassium chlorate" but less dangerous.* *Highly inflammable.* *Soluble in water.* Do not stow in same compartment with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium, metallic	*Potassium metallic is an inflammable, soft, white metal, with a silvery luster on freshly cut surfaces.* *Reacts violently with water evolving hydrogen which ignites from the intense heat of the reaction; also violently and similarly decomposed by acids.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), or oxidizing materials (yellow label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B), with hermetically sealed metal inside containers not over 250 lb. gr. wt. NOTE: Potassium metallic immersed in neutral petroleum oil may also be accepted in: Wooden boxes (ICC-15A, 15B), WIMC or ICC-37A, 37B STC not over 30 lb. net wt., not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
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Potassium nitrate mixed (fused) with sodium nitrite.	*A mixture of potassium nitrate and sodium nitrite fused solid.* *White, odorless, solid.* *Strong oxidizing materials.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label).	Yellow	Stowage: "On deck protected." "On deck." "On deck under cover." "Under deck." Outside containers: Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Steel barrels or drums. Fiber drums, not over 150 lb. gr. wt. Wooden barrels or kegs. Strong metal cans. Tank cars (ICC-103W).	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Steel barrels or drums. Fiber drums, not over 150 lb. gr. wt. Wooden barrels or kegs. Strong metal cans.	Ferry stowage (AA) Outside containers: Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Steel barrels or drums. Fiber drums, not over 150 lb. gr. wt. Wooden barrels or kegs. Strong metal cans.	Ferry stowage (BB). Outside containers: Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Steel barrels or drums. Fiber drums, not over 150 lb. gr. wt. Wooden barrels or kegs. Strong metal cans. Tank cars (ICC-103W).
Potassium nitrite	*White or slightly yellow granules, or rods.* *Decomposed in contact with acids emitting brown fumes of nitrous anhydride.* *Involved in a fire will intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label). Carefully clean and remove all residue of nitrite remaining in a compartment used for the stowage of this substance.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium peroxide	*Oxidizing agent in the form of a yellow, amorphous mass.* *Decomposes in water, evolving oxygen.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Potassium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*). Sodium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*). Crystallized potassium sulfide, crystallized sodium sulfide, or sodium sulfide fused solid in a metal container is not subject to these regulations. Sodium sulfide containing 35% or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), is not subject to the regulations in this subchapter when packed in steel barrels or drums that are equipped with moisture-tight closures.	Characteristics and hazards as for "Potassium sulfide (fused or concentrated and ground)", see above.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyroxylin plastic scrap.. Motion picture film scrap (*nitrocellulose base*). Photographic film scrap (*nitrocellulose base*). X-ray film scrap (*nitrocellulose base*)	*Consists of trimmings, clippings, and other waste obtained in the manufacture of pyroxylin plastic articles, or the scrap obtained from motion picture film, X-ray film and photographic film.* *Being finely divided, it is more hazardous than the original materials.* Stow well away from all sources of heat. Protect from temperatures exceeding 100° F.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A, 6J) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1760 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 880 lb. gr. wt. Wooden barrels or kegs (ICC-11B) WIL, not over 375 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIL, not over 450 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
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Sodium amide	*White crystalline powder, with odor of ammonia.* *Decomposed by water forming ammonia gas and generating heat.* *Decomposed by moisture in air.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium amide immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B), WIMC or ICC-37A, 37B STC not over 30 lb. net wt., not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium bromate	*An oxidizing material in the form of white crystals or a white crystalline powder.* *Strong oxidizing agent.* *Soluble in water.* Do not stow with combustible materials, explosives or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 70 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Sodium chlorite	*A white crystalline solid usually in flakes.* *Strong oxidizing agent.* *Decomposed by heat evolving oxygen, and will burst containers.* *Reacts violently with acids.* *Mixed with organic material or finely divided metals it is dangerously ignitible and may be ignited by friction or may cause spontaneous ignition of such material.* Do not stow with charcoal, sulfur, sugar, flour and similar finely divided substances. Do not stow in same compartment with explosives, combustible materials, inflammable liquids (red label), or acids (white label). Do not overstow. Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium hydride	*A greyish-white, practically odorless powder.* *Readily ignited and burns steadily.* *Reacts with water or moisture to evolve an inflammable gas.* Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC with hermetically sealed closure not over 6 gal. cap. packed in strong outside wooden boxes. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC with hermetically sealed closure not over 6 gal. cap. packed in strong outside wooden boxes. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC with hermetically sealed closure not over 6 gal. cap. packed in strong outside wooden boxes. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC with hermetically sealed closure not over 6 gal. cap. packed in strong outside wooden boxes. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium metallic	*Sodium, metallic is a light silver-white metal, lustrous when freshly cut.* *Burns with a yellow flame.* *Violently decomposes water forming sodium hydroxide and hydrogen which ignites spontaneously.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Sodium must be fused solid in the container (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium metallic immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B), WIMC (ICC-37A, 37B) STC, not over 30 lb. net wt., or inside glass containers each in a tin container, outside container not over 250 lb. gr. wt. Tank cars (ICC-105A300, 105A300W). Sodium metallic cylindrical, or rectangular blocks not less than 6 in. in length and not less than 2 in. in any other dimension may be accepted in: Metal drums (ICC-17C) STC, not over 300 lb. net wt. (ICC-17H, 37A, 37B) STC, not over 30 lb. net wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium methylate, dry	*An inflammable solid in the form of a white amorphous free-flowing powder.* *Sensitive to oxygen.* *Decomposed by water.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Sodium nitrite	*A yellowish-white salt somewhat moist in appearance.* *It is an oxidizing material which while containing less oxygen than the nitrates, is more readily decomposed, and therefore generally more active.* *When mixed with organic matter, it is more readily ignited than a corresponding mixture of sodium nitrate.* *Sodium nitrite if mixed with ammonium salts decomposes spontaneously and may cause fires.* *Absorbs moisture.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Do not stow with ammonium nitrate. Stow away from all combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).

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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium peroxide	*Yellowish-white granular powder.* *Absorbs water from the air.* *In contact with organic matter or readily oxidizable substances ignition and explosion may take place.* *Soluble in water.* Do not stow in same compartment with explosives or acids (white label). Do not stow with combustible materials or other oxidizing substances (yellow label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium potassium alloys	*Alloys of sodium and potassium.* Stow separate from combustible materials, explosives and acids (white label). Keep dry. Do not overstow with other cargo. Care must be taken to prevent damage to the containers.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC–37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes: (ICC–15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Strontium peroxide	*Practically odorless, white fine powder.* *Active oxidizing material and dangerously accelerates combustion of organic material.* *Sparks are readily produced by mild friction.* *Decomposes on heating.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Titanium metal powder, dry.	*A soft grayish powder.* *May be ignited by spark, flame, or friction when dry.* Do not stow with combustible materials, explosives, acids (white label), or inflammable liquids (red label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–17H, 37A) STC, WIMC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B) WIMC not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose—20% water. Wet nitrocellulose, colloided, granular or flake—20% water. Material must be uniformly wet with at least 20 lb. of water to 80 lb. of dry material. Shipping containers must have marked thereon the gross, tare, and net weight of the package. For export shipment only, the shipping name "Collodion cotton wet with water" may be used when required by the country of destination.	*An inflammable solid consisting of nitrated cotton.* *When wet with not less than 20% water, this substance is classified as an inflammable solid. When dry it is classified as a high explosive.* *Involved in a fire, it will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* Check gross weight of container to be certain no leakage has occurred. Refuse leaking containers or ones that show signs of having leaked. Outside containers must be marked "Wet nitrocellulose—20% water."	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC–17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC–15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC–17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC–15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC–17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC–15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC–17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC–15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.
Zinc ammonium nitrite	*A light brown powder, active and hazardous.* *Decomposes over temperature range of 160° to 200° F., evolving undesirable oxides of nitrogen gas.* *Can be ignited by external source of flame, and burns vigorously.* Do not stow with combustible materials. Stow away from sources of heat.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17E, 17I, 37A, 37B) STC, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.

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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc peroxide	*A fine, white, practically odorless powder.* *Rather active oxidizing material.* *Accelerates combustion of organic materials.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Zirconium metal powder or sponge, dry NOTE: Zirconium metal of particle size exceeding 20 mesh is not subject to the regulations in this table.	*An inflammable, amorphous, black powder or grayish brittle, lustrous lumps.* *Insoluble in water.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for zirconium metal sponge (not powder): Metal barrels or drums (ICC-6A, 6B, 6C) not over 30 gal. cap. (ICC-17H, 37A, 37B) STC, not over 30 gal. cap.	Not permitted	Not permitted	Not permitted.

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

Section 146.23-100 *Table F—Classification: Corrosive liquids* is amended as follows:

§ 146.23-100 *Table F—Classification: Corrosive liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Allyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes: (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Amyl trichlorosilane	*Water-white liquid having a pungent and acrid odor.* *Fumes strongly when exposed to moist air. Vapors are corrosive and irritating.* *Avoid prolonged breathing of fumes.* *In event of spillage flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Batteries, electric storage, wet. NOTE: Electric storage batteries containing electrolyte or corrosive battery fluid of the nonspillable type, protected against short circuits and completely and securely boxed, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Charged electric storage batteries containing electrolyte (acid) or alkaline corrosive battery fluid.* NOTE: Must be completely protected so that short circuit will be prevented. Must not be packed with other articles except electrolyte or corrosive battery fluid, portable searchlight properly cushioned, battery parts or hydrometers, securely packed in a separate container. Observe instructions regarding "This side up" stowage.	White unless exempt from labeling requirements.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements: *Provided*, That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body.

NOTE: Electric storage batteries wet, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery, box type may be packed as follows: 1 to 3 batteries not over 25 lb. each in outside box, gr. wt. not over 75 lb. specification container not required; 1 battery not over 75 lb. in 5 sided slip cover or fiberboard box meeting ICC requirements; 1 to 4 batteries not over 15 lb. each may be packed in a strong outside nonspecification fiberboard or wooden box, when securely cushioned and packed to prevent short circuits, not over 65 lb. gr. wt.

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzoyl chloride Benzyl chloride	*A clear, colorless liquid which even at ordinary temperatures gives off a vapor very irritating to the eyes, nose, and throat.* *Decomposes on contact with water liberating fumes which are irritating to the mucous membrane and in sufficient quantities will be suffocating.* Keep dry. *A colorless liquid possessing a rather unpleasant odor and vapors which are very irritating to the eyes, nose, and throat.* *Combustible. Flash point 140° F.* *Immiscible with water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed; glass (ICC-1D) not over 6½ gal. cap. Carboys in kegs; glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed; glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Benzyl chloride must be stabilized when packed in unlined containers. Steel drums, lead-lined (ICC-5H) not over 55 gal. cap. for benzyl chloride only. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W, 105A300, 105A300W). Benzyl chloride must be stabilized when loaded in unlined tanks. Unstabilized benzyl chloride and benzoyl chloride when anhydrous and free from impurities such as iron may be shipped in Nickel drums (ICC-5K) not over 55 gal. cap. Nickel tank cars (ICC-103A, 103A-W) for benzyl chloride only.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Butyl trichlorosilane	*A water-white liquid with a pungent, irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorosulfonic acid Chlorosulfonic acid sulfur trioxide, mixture.	*A colorless or slightly yellow liquid.* *Fumes in air giving off dense vapor clouds.* *In contact with water reacts violently, forming steam and giving off fumes of hydrochloric acid gas, which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Very caustic to the skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A, 5C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (103A, 103A-W, 103C-W).	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Cyclohexenyl trichlorosilane.	*A water white liquid with a pungent irritating odor.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes: (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Cyclohexyl trichlorosilane.	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B), WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene.	Not permitted	Not permitted	Not permitted.
Diethyl dichlorosilane	*Colorless liquid that fumes strongly in moist air to develop extremely corrosive products.* *Fumes are so intense in air that leaky containers may create an appearance of fire.* *Liquid may be combustible.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Difluorophosphoric acid, anhydrous.	*A clear, colorless liquid.* *Fumes strongly in moist air to evolve irritating and somewhat toxic vapor.* *Extremely corrosive to glass and fabrics.* *Avoid contact with skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Aluminum drums: (ICC-42B, 42C, 42D) not over 55 gal. cap. Carboys in plywood drums, polyethylene (ICC-1F), not over 13 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) WIC, not over 150 lb. gr. wt. For inhibited acids only: Portable tanks (ICC-60) not over 8000 lb. gr. wt. NOTE: Inside containers and packing must comply with special ICC regulations.	Not permitted	Not permitted	Not permitted.
Hexafluorophosphoric acid.	*A clear, colorless liquid.* *Reacts violently with water to develop extremely corrosive products.* Keep dry.	White.				
Monofluorophosphoric acid, anhydrous.	*A clear, colorless, practically odorless liquid.* *Reacts strongly with water to develop corrosive products.* *Avoid contact with the skin.* *Will destroy fabrics and other organic materials.* Keep dry.	White.				
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Diphenyl dichlorosilane.	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Dodecyl trichlorosilane.	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	This designation provides for shipping one battery charger, one radio current supply device or electronic equipment with electrolyte packed within the same outside container, with such electrolyte container closed, cushioned, and separated from the mechanical device by wooden partition.	White	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Ethyl phenyl dichlorosilane.	*A colorless liquid which fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Formic acid Formic acid, solution.	*A colorless liquid with a pungent irritating odor.* *It is combustible and will give off vapors which may form explosive mixtures in air.* *In concentrated form it is dangerously caustic to the skin.* *Solidifies at 35° F.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC-103A-W, 103C-W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC-103A-W, 103C-W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hexadecyltrichlorosilane	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C) not over 55 gal. cap. (ICC-5E) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene.	Not permitted	Not permitted	Not permitted.
Hexyltrichlorosilane	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C) not over 55 gal. cap. (ICC-5E) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrochloric (muriatic) acid. NOTE: See § 146.23-50 for bulk shipments.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC-103B100-W). Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC-103B, 103B-W, 108, 108A). For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. (See Note in columns 5, 6, and 7.) Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5D) rubber lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt lined not over 50 gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums: (ICC-17H, 37A, 37B) STC not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5D) rubber lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums: (ICC-17H, 37A, 37B) STC not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC-103B100-W). Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC-103B, 103B-W, 108, 108A). For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums: (ICC-17H, 37A, 37B) STC not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid (original bill of lading or other shipping paper shall certify as to the strength of this acid).	*A colorless, volatile, fuming corrosive, liquid with a pungent irritating, odor, used primarily for etching glass.* *Dissolves glass and certain metals.* *Produces painful burn when allowed to contact flesh.* *Gives off fumes which are irritating in contact with mucous membrane and caustic in their effects.* *Miscible with water.* Observe special requirements for stowage on board vessels also transporting explosives. Keep cool.	White	Stowage: "On deck protected." Outside containers: Wooden barrels or kegs, WIC of natural rubber, or ceresine (ICC-11A, 11B) not over 200 lb. net wt. Carboys in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Hydrofluoric acid of not over 65% strength may also be accepted in: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums, lead-lined (ICC-5II) not over 55 gal. cap. Wooden barrels or kegs, WIC of natural rubber, ceresine, or lead (ICC-11A, 11B) not over 200 lb. net wt. Wooden boxes, WIC of natural rubber, ceresine, lead, or other hydrofluoric acid-resistant material (ICC-15A, 15B, 15C, 16A, 19A) not over 200 lb. gr. wt. Rubber drums (ICC-43A), not over 30 gal. cap. Fiberboard boxes (ICC-12B) WIC, of natural rubber, lead, polyethylene or other hydrofluoric acid-resistant plastic, not over 65 lb. gr. wt. Hydrofluoric acid of not over 62% strength may also be accepted in: Steel barrels or drums, lined (ICC-5D, not over 55 gal. cap. Hydrofluoric acid of not over 40% strength may also be accepted in: Tank cars, rubber-lined (ICC-103B, 103B-W). Hydrofluoric acid of not over 30% strength may also be accepted in: Wooden barrels or kegs, asphalt-lined (ICC-10A), not over 50 gal. cap. Wooden tank cars (ICC-108, 108A) lined with asphalt or other suitable material which will remain in a plastic condition and not subject to destruction by the lading. Authorized only for hydrofluoric acid of not more than 80% nor less than 60% strength: Steel barrels or drums, unlined (ICC-5A) not over 55 gal. cap. Metal containers must be passified.	Not permitted	Not permitted	Not permitted.

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid—Con.			Outside containers—Continued Tank cars (ICC–103A, 103A–W, 104A, 104A–W, 105A300, 105A400, 105A500, 105A600, 105A300–W, 105A400–W, 105A500–W, 105A600–W, ARA–IVA). Unlined metal cars must be passified or neutralized. Authorized only for hydrofluoric acid of 65% to 81% strength or any other concentration less than 81% which has no greater corrosive effect than that of 70% hydrofluoric acid: (ICC–17C) STC, not over 55 gal. cap.			
Iodine monochloride	*Reddish-brown, oily liquid. In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." Outside containers: Wooden boxes: (ICC–15A, 15B) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Nonyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5H, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes: (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Octadecyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene.	Not permitted	Not permitted	Not permitted.
Octyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, WIC: (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phenyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16H) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Propyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Sulfuric acid (oil of vitriol). NOTE: See § 146.23–35 for bulk shipments.	*Strongly corrosive, dense, oily liquid; colorless to dark brown, depending on purity.* *Ordinary commercial (not pure) acid dissolves all metals, including platinum.* *Concentrated (65%) acid attacks most metals slowly.* *Dilute acid dissolves metals more rapidly, particularly if heated.* *Sulfuric acid rapidly disintegrates wood, textiles and organic materials in general and is extremely corrosive to flesh, producing serious and slow-healing wounds.* *Miscible with water in all proportions with evolution of heat.*	White	Stowage: "On deck protected." "On deck under cover." "Under deck" (Steel drums containing sulfuric acid only). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC–22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.	Stowage: "On deck protected." Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC–22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.	Ferry stowage (AA) Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC–22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.	Ferry stowage (BB). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC–22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.

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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck").	Stow well away from organic materials. Observe containers for any signs of leakage and reject any which are found leaking. In event of spillage, flush with large quantities of water: Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives. Observe special requirements for stowage on board vessels which are also transporting Class C explosives.	White.	Outside containers—Continued For sulfuric acid of concentrations of not less than 100% and not more than 115% (approximate): ("Under deck" stowage not permitted.) Metal barrels or drums (ICC-5C) not over 55 gal. cap. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid. Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars, rubber-lined (ICC-103B, 103B-W).	Outside containers—Continued For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentrations not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid. Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W).	Outside containers—Continued For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid. Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap.	Outside containers—Continued For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid. Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars, rubber-lined (ICC-103B, 103B-W).

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

1. Section 146.24-20 is amended by changing paragraph (c) to read as follows:

§ 146.24-20 *Exemptions for compressed gases.* • • •

(c) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and nonflammable and of capacity not to exceed 21.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

2. Section 146.24-85 is amended by changing paragraph (h) (1) to read as follows:

§ 146.24-85 *Anhydrous ammonia in bulk.* • • •

(h) *Valves, fittings and accessories.* (1) All valves, flanges, fittings and accessory equipment shall be of a type suitable for use with anhydrous ammonia and shall be made of steel, or Grade A malleable iron conforming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter. Valves shall be fitted with non-corrosive material suitable for ammonia service. Valves, flanges, and pipe fittings shall be of the square or round tongue and groove type or raised-face American Standard Association 300-pound standard minimum fitted with suitable soft gasket material. Welded fittings shall be used wherever possible, and the number of pipe joints shall be held to a minimum. Screwed joints are not permitted for pipe diameters exceeding two inches. Nonferrous materials, such as copper, copper alloys, and aluminum alloys shall not be used in the construction of valves, fittings, or accessory equipment. Brazed joints are prohibited.

3. Section 146.24-100 *Table G—Classification: Compressed gases* is amended as follows:

§ 146.24-100 *Table G—Classification: Compressed gases*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Dispersant gas, N. O. S..	*Noninflammable gas.* *A noninflammable gas or mixture of gases such as the freons which are used as propellants, etc.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A500X, 105A300, 105A300W).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-106A500, 106A500X, 105A300, 105A300W).
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Refrigerating machines (*of the self-contained type containing not over 60 lb. of gas in each pressure vessel and containing not more than two charged pressure vessels, or remote control type consisting of separate units shipped separately and each containing not over 85 lb. weight of gas.*) Hydraulic accumulators (containing nonliquefied gas).		No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Ferry stowage (AA). Containers: Wooden, boxes or crates (non-specification).	Ferry stowage (BB). Containers: Wooden boxes or crates (non-specification).
• • •	• • •	• • •	• • •	• • •	• • •	• • •

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SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

1. Section 146.25–25 is amended by changing paragraph (b) to read as follows:

§ 146.25–25 *Exemptions for radioactive materials.* • • •

(b) Manufactured articles other than liquids, such as instrument or clock dials or electronic tubes and apparatus, of which radioactive materials are a component part, and luminous compounds, when securely packed in strong outside containers are exempt from specification packaging, marking other than name of contents and labeling requirements provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

2. Section 146.25–30 is amended by changing the text to read as follows:

§ 146.25–30 *Packing and shielding of radioactive materials.* (a) (1) Not more than 2,000 millicuries of radium, polonium, or other members of the radium family of elements, and not more than 2,700 millicuries (disintegration rate of 100,000 million (10^{11}) atoms per second) of any other radioactive substance may be packed in one outside container for shipment by water except by special arrangements and under conditions approved by the Commandant of the Coast Guard, or except as provided in subparagraph (2) of this paragraph.

(2) Not more than 300 curies of solid cesium 137, cobalt 60 or iridium 192 may be packed in one outside container for shipment by water except by special arrangements and under conditions approved by the Commandant of the Coast Guard.

(3) For the purposes of the regulations of 46 CFR 146, one millicurie is that amount of any radioactive material which disintegrates at the rate of 37 million atoms per second.

(b) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (i. e., radium, plutonium, and radioactive strontium, etc.) must, in addition to the packing prescribed in Section 146.25–400, Table H, be packed in inside metal containers specification 2R, or other container approved by the Bureau of Explosives and authorized by the Commandant of the Coast Guard.

(c) All radioactive materials must be so packed and shielded that the degree of fogging of undeveloped film under conditions normally incident to transportation (24 hours at 15 feet from the package) will not exceed that produced by 11.5 milliroentgens of penetrating gamma rays of radium filtered by ½ inch of lead.

(d) The design and preparation of the package must be such that there will be no significant radioactive surface contamination of any part of the container.

(e) The smallest dimension of any outside shipping container for radioactive materials must be not less than 4 inches.

(f) All outside shipping containers must be of such design that the gamma radiation will not exceed 200 milliroentgens per hour or equivalent at any point of readily accessible surface. Containers must be equipped with handles and protective devices when necessary in order to satisfy this requirement.

(g) Radioactive materials Group I, liquid, solid, or gaseous, must be packed in suitable inside containers completely surrounded by a shield of lead or other suitable material of such thickness that at any time during transportation the gamma radiation at one meter (39.3 inches) from any point on the radioactive source will not exceed 10 milliroentgens per hour. The shield must be so designed that it will not open or break under conditions incident to transportation. The minimum shielding must be sufficient to prevent the escape of any primary corpuscular radiation to the exterior of the outside shipping container.

(h) Radioactive materials Group II, liquid, solid, or gaseous, must be packed in suitable inside containers completely shielded so that at any time during transportation the radiation measured at right angles to any point on the long axis of the shipping container will not exceed the limits specified in subparagraphs (1) to (4) of this paragraph. The shielding must be designed so as to maintain its efficiency under conditions normally incident to transportation and must provide personnel protection against fast or slow neutrons and all other ionizing radiation originating in the radioactive materials or any part of the aggregate constituting the complete package.

(1) Gamma radiation of 10 mrhm.

(2) Electrically charged corpuscular radiation which is the physical equivalent (see note 1 of this paragraph) of 10 mrhm. of gamma radiation.

(3) Neutron radiation which is the physical equivalent (see note 1 of this paragraph) of 2 mrhm. of gamma radiation.

(4) If more than one of the types of radiation named in subparagraphs (1), (2), and/or (3) of this paragraph is present the radiation of each type must be reduced by shielding so that the total does not exceed the equivalent of subparagraphs (1), (2), or (3) of this paragraph.

NOTE 1: For purposes of the regulations in this section the "physical equivalent" of a roentgen is that amount of radiation that would be absorbed in tissue to the extent of approximately 100 ergs per gram (mrhm. is an abbreviation for milliroentgens per hour at 1 meter (39.3 inches)).

(j) Liquid radioactive materials Groups I, II or III must, in addition, be packed in tight glass, earthernware, or other suitable inside containers. The inside containers must be surrounded on all sides and within the shield by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. If the container is packed in a metal container specification 2R or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

(k) Radioactive materials, Group III, liquid, solid or gaseous, must be packed in suitable inside containers completely wrapped and/or shielded with such material as will prevent the escape of primary corpuscular radiation to the exterior of the shipping container, and secondary radiation at the surface of the container must not exceed 10 milliroentgens per 24 hours, at any time during transportation.

3. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended to read as follows:

§ 146.25–200 *Table H—Classification: Class B; less dangerous poisons*

Descriptive name of article	Characteristic properties, contents, tradelines required	Label required	Required exhibition for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Section 146.25–200						
Alcohol, allyl, liquid. Allyl alcohol.	*A clear, colorless liquid having an unpleasant, irritating odor somewhat resembling mustard oil.* *Irritant effect on the eyes.* *Inflammable with a flash point of not over 70° F.* *Mixed in certain proportions with air, its vapors are explosive.* *Incompatible with water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Slow-up. "On deck protected." "Under deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17, 17B) STC, not over 5 gal. cap. (ICC–37A, 37B) STC, not over 10 gal. cap. (ICC–19A, 19B, 19C) not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs. (ICC–19A, 19B, 19C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 16B, 16A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Not permitted.	Not permitted.	Not permitted.
			Stowage: "On deck protected." "Under deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17, 17B) STC, not over 5 gal. cap. (ICC–37A, 37B) STC, not over 10 gal. cap. (ICC–19A, 19B, 19C) not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs. (ICC–19A, 19B, 19C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 16B, 16A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Not permitted.	Not permitted.	Not permitted.
			Stowage: "On deck protected." "Under deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17, 17B) STC, not over 5 gal. cap. (ICC–37A, 37B) STC, not over 10 gal. cap. (ICC–19A, 19B, 19C) not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs. (ICC–19A, 19B, 19C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 16B, 16A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Poison	Not permitted.	Not permitted.	Not permitted.

UNIVERSITY OF MICHIGAN LIBRARIES

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Aldrin mixtures, dry, with more than 65% aldrin. Aldrin mixtures, dry, containing 65% or less aldrin, or aldrin, cast solid, and containing no other material classed as dangerous in 46 CFR 146 are not subject to the regulations of this subpart.	*Poisonous.* *Do not breathe air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Aldrin mixtures, liquid, with more than 60% aldrin. Aldrin mixtures, liquid, containing 60% or less of aldrin and no other material classed as dangerous in 46 C F R 146 are not subject to the regulations of subpart 46 C F R 146.23.	*Poisonous liquid mixtures.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammonium arsenate, solid.	*White crystals, or powder.* *Becomes powder upon exposure to air, giving off ammonia fumes.* *Dangerous. In event of breakage or sifting of containers do not breathe dust given off.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "On deck in open." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Aniline oil, liquid	*A liquid varying in color from almost colorless to brown.* *Its vapors will produce a yellow stain on wood.* *Poisonous by absorption through the skin; through digestive organs; in form of vapor and dust through the respiratory organs; into the digestive canal by contaminated food.* *Will contaminate foodstuffs and damage textiles.* *Slightly miscible with water.* Stow well away from living quarters. Protect from direct rays of the sun and sources of artificial heat. NOTE: Examine packages carefully for signs of leakage and reject any showing such signs. Marking: A returnable package notice will be shellacked in place upon the head of returnable drums.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 915 lb. net wt. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.

UNIVERSITY OF MICHIGAN LIBRARIES

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic acid, liquid	*A concentrated, aqueous solution.* *Has considerable corrosive effect on iron and steel.* *Will contaminate foodstuffs.* *Miscible with water.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.
Arsenic chloride (arsenous), liquid. Arsenic trichloride, liquid.	*Fuming colorless oily liquid.* *Caustic and corrosive.* *Do not breathe fumes.* *Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic acid, solid	*A white, crystalline, powdery material, not inflammable or corrosive, but very hygroscopic.* *Poisonous in the form of vapor or fine powder taken through respiratory organs, or in any form when taken through digestive organs.* *Will contaminate foodstuffs.* *Soluble in water.* Stow away from living quarters. Do not stow with acids (white label).	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C), not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). NOTE: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrels having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ¾ in. thick throughout, with inside sift-proof cloth container.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C), not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. NOTE: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrel having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ¾ in. thick throughout, with inside sift-proof cloth containers.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). NOTE: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrels having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ¾ in. thick throughout, with inside sift-proof cloth containers. Ferry stowage (BB).
Arsenic, solid	*Steel-gray, brittle metal-like crystalline mass. Odorless and tasteless.* *Is poisonous but in this form is not particularly dangerous unless sweated in a fire or brought in contact with strong acids.* *Insoluble in water.* Stow away from acids (white label).	Poison.				
Arsenic trioxide solid. Arsenic, white solid. Arsenous acid solid.	*White, transparent, glassy amorphous lumps or white powder.* *Odorless, tasteless.* *Poisonous if taken internally.* *Care shall be taken not to breathe air laden with fine powder.* *Will contaminate foodstuffs.* *Soluble in water.* Stow away from living quarters.	Poison.				
Arsenic bromide, solid	*Yellowish-white hygroscopic crystals.* *Melts at about 86° F.* *Vapors when inhaled are poisonous.* *Decomposed by water forming Hydrogen Bromide Vapors.* *Care should be taken not to breathe air laden with vapor or the fine powder of this substance.* Stow well away from foodstuffs and living quarters. Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.
Arsenic iodide, solid	*In the form of finely divided orange-red scales or powder.* *Is odorless.* *Decomposed by sunlight.* *Poisonous if taken internally.* *Care should be taken not to breathe the air laden with fine powder of this substance.* *Will contaminate foodstuffs.* Stow away from living quarters.	Poison.				

UNIVERSITY OF MICHIGAN LIBRARIES

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic pentoxide, solid	*Is a white amorphous material not inflammable or corrosive, but highly poisonous.* *Will dissolve gradually and become liquid by absorbing moisture from the air.* *Soluble in water.* Stow well away from living quarters. Do not stow with acids (white label). Keep dry.	Poison.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).
Arsenic sulfide (powder), solid	*May be red, or the yellow arsenic sulfide, in the form of an amorphous powder or solid.* *Will contaminate foodstuff.* *Insoluble in water.* Stow away from living quarters. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lbs. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: 15C, 16A, 19A) WIC, not over 100 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, (15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC–18B) WPL, over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).
Arsenical compounds or mixtures, N. O. S. solid	*In general these substances are in the form of finely divided powder.* *Are poisonous if taken internally.* *Care shall be taken not to breathe air laden with fine powder of this substance.* *Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenical compounds or mixtures, N. O. S. solid—Continued			Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A), not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC–36A, 36B) not over 100 lb. net wt. Paper bags: (ICC–44B) with inside paper bags, ICC–2D, not over 50 lb. net wt. (ICC–44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A), not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC–36A, 36B) not over 100 lb. net wt. Paper bags: (ICC–44B) with inside paper bags, ICC–2D, not over 50 lb. net wt. (ICC–44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC–36A, 36B) not over 100 lb. net wt. Paper bags: (ICC–44B) with inside paper bags, ICC–2D, not over 50 lb. net wt. (ICC–44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W). Ferry stowage (BB).
Arsenical compounds or mixtures, N. O. S. liquid	*These substances are in the form of liquids or liquid paste.* *Poisonous if taken internally.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Arsenical dip, liquid (sheep dip)	*A liquid compound containing arsenic.* *Poisonous.* *Miscible with water.* Stow away from foodstuffs.	Poison.				
Arsenous and mercuric iodide solution, liquid	*Solutions of arsenous iodide and mercuric iodide in water. Also known as "Donovan's solution."* *Poisonous if taken internally.* Stow away from foodstuffs and living quarters.	Poison.				
Bordeaux arsenites, liquid	*Poisonous when taken into the digestive canal as by contaminated food or in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison.				
Beryllium metal powder	*A grey-white metal powder.* *Chemically active, burns in air.* *Poisonous.* *Do not breathe air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIMC, not over 65 lb. gr. wt. Fiber drums: (ICC–21A) WIC, not over 225 lb. net wt. (ICC–21B) WIC, not over 200 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIMC, not over 65 lb. gr. wt. Fiber drums: (ICC–21A) WIC, not over 225 lb. net wt. (ICC–21B) WIC, not over 200 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).

UNIVERSITY OF MICHIGAN LIBRARIES

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Bordeaux arsenites, solid.	*Insecticide.* *Poisonous when taken into the digestive canal as by contaminated food, in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).
Brucine, solid (dimethoxy strychnine).	*White crystalline powder.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison.			Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt. Ferry stowage (AA)	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt. Ferry stowage (BB).
Cacodylic acid, solid (dimethylarsenic).	*Colorless, odorless crystals.* *Will gradually liquefy in air.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Calcium arsenate, solid	*White powder, decomposes on heating.* *Very slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Calcium arsenite, solid	*White, amorphous or granular powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Carbolic acid (phenol) liquid. Phenol, liquid (liquid tar acid containing over 50% benzophenol).	*Dark, viscous liquid having a distinctive odor.* *Will attack and burn skin and flesh.* *Poisonous by absorption through the skin and through the digestive organs.* *Soluble in water.* Stow away from foodstuffs and living quarters.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phenol, liquid—Con.			Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Tank cars (complying with ICC regulations).	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Tank cars (complying with ICC regulations).
Carbolic acid (phenol) solid. Carbolic acid, fused solid. Phenol, solid.	*White crystalline mass which turns pink or red if not perfectly pure or under influence of light.* *Absorbs water from the air and liquefies.* *Sharp burning taste; distinctive odor.* *Strong corrosive poison.* *Melting point 109° F.* *Soluble in water.* *Do not breathe fumes.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H) STC, not over 475 lb. net wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Aluminum barrels or drums (ICC-42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC-15A, 15B, 15C), WIC, not over 250 lb. gr. wt. (ICC-16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 84 lb. gr. wt. (ICC-12D) WIC, not over 75 lb. gr. wt. Tank cars, (ICC-103, 103A, 103W, 103A-W, 103AL-W, 103A-AL-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H) STC, not over 475 lb. net wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Aluminum barrels or drums (ICC-42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC-16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 84 lb. gr. wt. (ICC-12D) WIC, not over 75 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H) STC, not over 475 lb. net wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Aluminum barrels or drums (ICC-42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC-16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 84 lb. gr. wt. (ICC-12D) WIC, not over 75 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H) STC, not over 475 lb. net wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Aluminum barrels or drums (ICC-42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC-16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 84 lb. gr. wt. (ICC-12D) WIC, not over 75 lb. gr. wt. Tank cars (ICC-103, 103A, 103W, 103A-W, 103AL-W, 103A-AL-W).
Chemical ammunition containing Class "B" poisons, liquids or gases, (nonexplosive). NOTE 1: When chemical ammunition is shipped having ignition elements, bursting charges, detonating fuzes or other explosive components, such shipments shall conform to the regulations prescribed for "Ammunition, chemical, explosive" under Class "A" Dangerous Explosives. NOTE 2: For conditions under which this entry was declared inapplicable, see § 146.29-1.	Consisting of projectiles, shells, bombs, grenades, and other containers filled with gases, liquids, or chemicals, class B, without ignition elements, bursting charges, detonating fuzes, or other explosive components. Marking: Packages will be labeled as prescribed by these regulations for gases, liquids, or chemicals contained therein, and marked with the name of the contents.	Poison	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.
Chlorpicrin, absorbed	*Chlorpicrin absorbed in an efficient absorbing material.* *Properties and hazards same as chlorpicrin, liquid.*	Poison	Stowage: "On deck under cover." Outside containers: Wooden boxes metal strapped (ICC-15A) WIC which must be hermetically sealed metal cans of not over 1 quart capacity each. Not over 24 lb. of chlorpicrin in any outside container.	Not permitted	Not permitted	Not permitted.

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorpicrin, liquid	*A colorless, oily liquid. Vapors are very irritating and extremely poisonous.*	Poison	Stowage: "On deck under cover."	Not permitted	Not permitted	Not permitted.
Chlorpicrin, mixtures (containing no compressed gas or poisonous liquid. Class A).	*Mixtures of chlorpicrin with non-poisonous liquids.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and from all sources of artificial heat. Keep cool. Spillage or leakage may be decontaminated by flushing the area with copious quantities of a water solution of a sulfite (i. e., sodium sulfite).		Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A) WIC, not over 24 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 12 lb. of liquid in any outside container. Authorized only for chlorpicrin mixtures, in addition to the above containers: Steel drums (ICC-5A) not over 33 gal. cap. Steel cylinders. Authorized only for chlorpicrin mixtures containing not to exceed 15% chlorpicrin by weight and only authorized for such mixtures not classed as inflammable under the regulations in this table: Metal barrels or drums (ICC-17C, 17E) STC, not over 30 gal. cap.			
Chloro-o-toluidine hydrochloride.	*May be in dry state, a paste or water solution. Absorbed readily through the skin and may produce dangerous internal effects. If contact with skin or clothing occurs, wash affected parts with copious amounts of soap and water.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Metal barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. Metal drums (ICC-17C, 17H) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Cocculus, solid (*fishberry*).	*Dried, ripe fruitberry; used in medicine and as an insecticide.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Ferry stowage (AA)	Ferry stowage (BB).
Copper acetoarsenite, solid.	*Emerald green amorphous powder.*	Poison.				
Paris green, solid.	*Insoluble in water.* Do not stow with acids (white label) or ammonia, liquid or anhydrous. Stow well away from living quarters and foodstuffs.		Outside container: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Copper arsenite, solid.	*Fine light green amorphous powder. Decomposes on heating. Insoluble in water.* Do not stow with acids (white label), stow away from heat. Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Copper arsenite, solid—Continued			Outside containers—Continued Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Outside containers—Continued Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.
Compounds, tree or weed killing, liquid.	Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Tank cars (complying with ICC regulations).	Stowage: "On deck protected." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Tank cars (complying with ICC regulations).
Cyanides or cyanide mixtures, dry.	*When containing the cyanogen equivalent of 10% or more of potassium cyanide. May be powder crystalline or lump in form. Cyanides are deadly poisons if taken internally or if dust or fumes are inhaled. Soluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C, not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Must be hermetically sealed when used for calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lbs. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Must be hermetically sealed when used for calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Must be hermetically sealed when used for calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 475 lb. net wt. Must be hermetically sealed when used for calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.
Barium cyanide solid	*Colorless crystals. Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of calcium, solid. Calcium cyanide solid.	*White or grayish powder. Decomposes on heating. Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of calcium mixtures, solid. Cyanide of potassium, solid. Cyanide of sodium, solid. Potassium cyanide.	*White amorphous or crystalline mass, with an odor of bitter almonds. Gradually liquefies in air. Extremely poisonous. Do not handle with bare hands.*	Poison.				

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium cyanide.	*In the presence of moisture and carbon dioxide will decompose and give off hydrocyanic acid gas which is poisonous and rapidly fatal when present in the air even in small amounts.* *Soluble in water.* Do not stow with acids (white label). Do not stow with carbon dioxide cylinders. Stow away from living quarters and foodstuffs. Keep dry.		Outside containers—Continued Bulk: In water-tight railroad cars. Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.	Outside containers—Continued Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.	Outside containers—Continued Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.	Outside containers—Continued Bulk: In water-tight railroad cars. Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.
Mercuric cyanide, solid. Mercury cyanide, solid.	*White or colorless crystals or powder.* *Decomposes on heating.* *Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Nickel cyanide, solid.	*Apple green plates or powder.* *Decomposes on heating.* *Insoluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of copper.			No restrictions.	No restrictions.	No restrictions.	No restrictions.
Cyanide of lead.			No restrictions.	No restrictions.	No restrictions.	No restrictions.
Cyanide of silver.			No restrictions.	No restrictions.	No restrictions.	No restrictions.
Cyanide of zinc.			No restrictions.	No restrictions.	No restrictions.	No restrictions.
Cyanide of potassium, liquid. Cyanide of sodium, liquid.	*Colorless liquid, extremely poisonous having an odor of bitter almonds.* *Vapors are poisonous. In the event of leakage and exposure to air, hydrocyanic acid gas can be evolved which is poisonous and rapidly fatal when present in the air even in small amounts.* *Do not allow to contact the skin.* Do not stow with acids (white label). Do not stow with carbon dioxide. Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) without galvanizing inside, not over 110 gal. cap. (ICC-17E, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted.	Not permitted.	Not permitted.
Dinitrobenzol, liquid.	*Colorless to pale yellow liquid.* *Flashpoint variable depending on solvent, may be low.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.	Ferry stowage (AA).	Ferry stowage (BB).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dinitrobenzol, liquid—Continued			Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Dinitrobenzol, solid.	*A yellow crystalline solid.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-laden air.* *Slightly soluble in water.* Do not stow with foodstuffs or near living quarters. Do not stow with acids (white label).	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA).	Ferry stowage (BB).
Dinitrochlorbenzol solid (*Dinitrochlorbenzene*).	*A colorless or yellow crystalline solid which melts at about 100° F.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-laden air or vapors.* *Insoluble in water.* Do not stow near living quarters. Do not stow with acids (white label).	Poison.				
Drugs, chemicals, medicines or cosmetics, N. O. S. (liquid). See §146.25-55 regarding "Exemptions for poisons, Class B" for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters, and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).	Ferry stowage (BB).

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines or cosmetics, N. O. S. (solid). See § 146.25-55 regarding "Exemptions for poisons, Class B," for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Ferric arsenate, solid	*Green amorphous powder.* *Decomposes on heating.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Ferric arsenite, solid	*Brownish-yellow powder.* *Decomposes on heating.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison.				
Ferrous arsenate (*Iron arsenate*), solid.	*Greenish or yellowish-brown powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrocyanic acid solutions (solution of not over 5% strength in glass bottles not over 1 pound capacity) (solution of not over 2% strength in glass bottles not over 5 pounds capacity).	*Colorless volatile liquid.* *Vapors intensely poisonous.* *Strong characteristic odor.* *Soluble in water.* Stow well away from living quarters and foodstuffs. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Insecticide dry	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breathe air laden with dust of this substance.* *Do not allow in contact with the skin.* Stow away from foodstuffs and living quarters. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 60 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W.) Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.
Arsenical dust	Hazards and precautions the same as above.	Poison.				
Arsenical flue dust	Hazards and precautions the same as above.	Poison.				
Flue dust, poisonous	Hazards and precautions the same as above.	Poison.				

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Insecticide, liquid	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breathe air containing vapors of this substance.* *Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Lead arsenate, solid Arsenate of lead.	*White crystalline powder* *Highly poisonous.* *Decomposes on heating.* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with fine powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barreles or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt.
Lead arsenite, solid	*White powder* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with fine powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.	(ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC not over 50 lb. net wt.	(ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.		(ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.
London purple, solid	*Arsenic compound in powder form.* *Major constituent arsenic trioxide.* *Do not breathe dust.* *Poisonous if taken internally.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Magnesium arsenate, solid.	*Ivory-colored finely divided powder.* *Do not breathe dust.* *Poisonous if taken internally.* Stow away from living quarters and foodstuffs.	Poison.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tanks cars (ICC-103, 103A, 103W, 103A-W). Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.
Mercuric iodide, solution.	*Colorless to yellow-colored liquid.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Mercury compounds, solid.	*Dangerous if taken internally, or in the form of vapor through the respiratory organs.* *Do not breathe air laden with the dust of these compounds.* *Do not allow excessive contact with the skin.* Stow away from living quarters and foodstuffs. Stow in a cool, dry place. Do not stow with acids (white label). *The following mercury compounds possess generally the same characteristic hazards and the same precautions shall be observed in handling and stowage:*		Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt.

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercuric acetate	*White crystals or crystalline powder. Soluble in water. Decomposes on heating.*	Poison.	Outside containers—Continued Wooden barrels or kegs—Con. (ICC-11A) not over 115 lb. net wt.	Outside containers—Continued Wooden barrels or kegs—Con. (ICC-11A) not over 115 lb. net wt.	Outside containers—Continued Wooden barrels or kegs—Con. (ICC-11A) not over 115 lb. net wt.	Outside containers—Continued Wooden barrels or kegs—Con. (ICC-11A) not over 115 lb. net wt.
Mercuric-ammonium chloride, solid.	*White powder or lumps. Insoluble in water.*	Poison.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Mercuric benzoate, solid	*White crystalline powder. Slightly soluble in water.*	Poison.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.
Mercuric bromide, solid	*White crystals. Slightly soluble in water.*	Poison.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.
Mercuric iodide, solid	*Red or yellow crystals. Insoluble in water.*	Poison.	Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.
Mercuric oleate, solid	*Yellowish to red liquid, semi-solid or solid mass. Insoluble in water.*	Poison.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.
Mercuric oxide (red), solid.	*Heavy, bright, orange-red powder very poisonous. Decomposes on heating. Slightly soluble in water.*	Poison.	Tank cars (ICC-103, 103A, 103W, 103A-W).			Tank cars (ICC-103, 103A, 103W, 103A-W).
Mercuric oxide (yellow), solid.	*Light amorphous, orange-yellow powder. Odorless. Decomposes on heating. Slightly soluble in cold water.*	Poison.				
Mercuric oxycyanide, solid.	*White crystalline powder. Explodes on heating. Moderately soluble in water.*	Poison.				
Mercuric-potassium cyanide, solid.	*Colorless crystals, very poisonous. Soluble in water.*	Poison.				
Mercuric potassium iodide, solid.	*Yellow deliquescent crystals. Decomposes in water.*	Poison.				
Mercuric salicylate, solid.	*White, with yellow or pink tinge powder. Odorless. Almost insoluble in water.*	Poison.				
Mercuric subsulfate, solid.	*Heavy, lemon yellow powder or bright yellow scales. Slightly soluble in water.*	Poison.				
Mercuric sulfate, solid	*White crystalline powder. Insoluble in water. Decomposes on heating.*	Poison.				
Mercuric sulfocyanate, solid.	*White powder. Decomposes on heating. Insoluble in water.*	Poison.				
Mercuricyanamid, solid	*A mixture of an organic mercury compound and cadmium oxide.*	Poison.				
Mercurol (mercury nucleate), solid.	*Colorless or brownish-white powder. Soluble in water.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Ferry stowage (AA)	Ferry stowage (BB).
Mercurous bromide, solid.	*White powder, white fibrous mass or small colorless crystals. Slightly soluble in water.*	Poison.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) nor over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt.
Mercurous gluconate, solid.	*Metal-organic compound in powder form. Slightly soluble in water.*	Poison.				
Mercurous iodide, solid	*Bright yellow, amorphous powder. Odorless. Sublimes at 140° C. Decomposes in light. Insoluble in water.*	Poison.				
Mercurous nitrate, solid	*Short prismatic crystals. Effloresces and becomes anhydrous in dry air. Decomposes in water.*	Poison.				
Mercurous oxide, black solid.	*Black to grayish-black powder. Insoluble in water. Decomposes at 100° C.*	Poison.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.	Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Mercurous sulfate, solid	*White crystalline powder. Almost insoluble in water. Decomposes on heating.*	Poison.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.	Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.
Mercury acetate, solid	*White crystalline powder. Decomposes on heating.*	Poison	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.	Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercury bichloride, solid	*Soluble in water. White crystals or powder. Very poisonous. Soluble in water.*	Poison.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.	Outside containers—Continued Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt.
Mercury bisulfate, solid	*White crystalline powder. Decomposed by water.*	Poison.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.
Mercury compounds, N. O. S. (solid).	*Any compound of mercury that classifies as a Less Dangerous Poison, Class B, in accordance with these regulations.*	Poison.	Tank cars (ICC-103, 103A, 103W, 103A-W).			Tank cars (ICC-103, 103A, 103W, 103A-W).
Methyl bromide, liquid (*bromomethane*).	*Colorless, transparent, volatile liquid. Chloroform-like odor. Noninflammable. Exists as gas under usual temperatures. Liquid form has boiling point of 40° F.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3HT225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Tank cars (ICC-104A, 104A-W, 105A300, 105A300-W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, 106A800). Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Tank cars (ICC-104A, 104A-W, 105A300, 105A300-W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, 106A800). Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.
Methyl bromide and ethylene dibromide mixtures, liquid.	See: Methyl bromide, liquid	Poison.				
Motor fuel antiknock compound.	*A mixture of tetraethyl lead and ethylene dibromide and ethylene dichloride. This liquid is poisonous due to the presence of tetraethyl lead. Absorption of this liquid through the skin or inhalation of its vapors are dangerous. Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-105A300, 105A300W) stenciled on both sides "For Motor Fuel Antiknock Compound Only." In addition to stowages listed, authorized tank cars may be stowed "Under deck away from heat."	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-105A300, 105A-300W) stenciled on both sides "For Motor Fuel Antiknock Compound Only."

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nicotine hydrochloride	*White deliquescent crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Nicotine, liquid	*Water-white oily liquid turning dark brown or black with age.* *Volatile at ordinary temperature.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				
Nicotine sulfate, liquid	*Colorless solution having odor resembling tobacco.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				
Nicotine salicylate	*White, odorless, crystals.* *Melts at about 117° to 118° C.* *Very soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums. (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Nicotine sulfate, solid	*White crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Nicotine tartrate	*White to reddish-white crystals.* *Melts at about 88° to 90° C.* *Very soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrobenzol, liquid (*oil of mirbane*).	*A heavy, oily liquid, yellow or brownish color, having the odor of bitter almonds.* *Ignites at a temperature of about 200° F. Gives off inflammable vapor.* *Is in the form of bright yellow crystals below a temperature of about 48° F.* *The vapors given off by this liquid are poisonous when inhaled.* *Is a powerful narcotic poison when induced into the digestive organs.* *May also be poisonous by absorption into the skin.* *Will contaminate foodstuffs.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) (WIC) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Not permitted	Not permitted	Not permitted.
Nitrochlorbenzene, ortho, liquid.	*A heavy, oily, yellow liquid.* *Immiscible with water.* Hazards and precautions similar to "Nitrobenzol" above.	Poison.				
Nitrochlorbenzene, meta or para, solid.	*Pale yellow crystalline mass.* *Dangerous if taken internally, or in the form of vapors through the respiratory organs.* *Do not breathe air laden with the dust of these substances.* *Do not allow excessive contact with the skin.* *Insoluble in water.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. For paranitraniline, solid only, not over 385 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. For nitrochlorbenzene para and paranitraniline, 400 lb. gr. wt. allowed. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.
Paranitraniline (paranitroaniline) solid.	*Yellow crystalline powder.* *Very slightly soluble in water.* Protect from direct rays of sun and any sources of artificial heat. Keep cool and dry.	Poison.				

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitroxylol	*Colorless or yellow liquid or crystals, becoming reddish brown upon exposure.* Stow away from living quarters and foodstuffs. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Parathion, liquid	*A deep brown to yellow liquid.* *Slightly soluble in water.* *Extremely poisonous.* *May be absorbed through the skin; through digestive organs; or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for "Parathion, liquid" and "Methyl parathion liquid": Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Methylparathion, liquid. Parathion mixtures liquid (*containing more than 50% parathion by weight*). Methyl parathion mixtures, liquid (*containing more than 50% parathion by weight*).	*Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing more than 50% parathion or methyl parathion by weight.* Properties same as those listed above.					

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Parathion mixtures, liquid (*containing not more than 50% parathion by weight*). Methyl parathion mixtures, liquid (*containing not more than 50% methyl parathion by weight*).	*Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 50% parathion or methyl parathion by weight.* Hazards and precautions similar to "parathion, liquid" above. Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap. (See Note in columns 5, 6 and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.
	NOTE: Mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 25% parathion or methyl parathion by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.					
Parathion mixtures, dry	*Parathion mixtures in which the liquid is absorbed in concentrations greater than 2% but not exceeding 25% in a dry inert material so as to form a dry mixture.* *Poisonous.* *Do not breathe air laden with this substance.* *Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt. (See Note in columns 5, 6 and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt.	Ferry stowage (AA) Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt.	Ferry stowage (BB). Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt.
Methyl parathion mixtures, dry	See: Parathion mixtures, dry	Poison.				
	NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.					
Perchloro-methyl-mercaptan.	*An orange-red heavy liquid.* *Volatile when exposed to sun or heat.* *Non-inflammable.* *Gives off vapors that are irritating and suffocating.* *May be poisonous by skin absorption.* *Not affected by light, but fumes on exposure to moist air.* *Insoluble in water.* *Do not breathe vapors or allow liquid to contact the skin.* Stow well away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 100 lb net wt. Steel barrels or drums, lead-lined (ICC-5H) not over 33 gal. cap. Nickel barrels or drums: (ICC-5K) not over 55 gal. cap. Monel barrels or drums: (ICC-5M) not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
Phenyldichlorarsine, liquid.	*A poisonous material used in warfare.* *Irritating to the lungs.* *Do not breathe vapors.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." Outside containers: Steel barrels or drums (ICC-5A) not over 30 gal. cap.	Not permitted	Not permitted	Not permitted.

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous liquids, N. O. S.	*May by any liquid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such liquid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations). (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
			NOTE: Poisonous liquids, N. O. S., must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.			
Poisonous solids, N. O. S.	*May be any solid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such solid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lbs. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W). (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W). NOTE: Poisonous solids, N. O. S., must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium arsenate, solid. Sodium arsenate, solid.	*Colorless crystals* *Poisonous if taken internally.* *Care should be taken not to breathe the air laden with fine dust.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W 103A–W). Ferry stowage (BB).
Potassium arsenite, solid.	*White powder* *Decomposes on exposure to air.* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with fine dust.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Sodium cacodylate, solid (*sodium dimethylarsenate*)	*White, odorless crystals or granular powder.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Strontium arsenite, solid	*White, odorless powder* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Strychnine and salts thereof, solid.	*In the form of small, hard crystals or white crystalline powder.* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with dust.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison.				
Sodium arsenite (solution), liquid.	*Solution of arsenic trioxide and sodium carbonate or hydroxide.* *Poisonous if taken internally.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
Sodium azide	*White hexagonal crystals* *Decomposes when heated.* *Soluble in water.* *In contact with moist air and acids, will give off poisonous gas.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Wooden boxes (ICC–15A) WIC with securely closed paper bag inside ICC–2J. Not over 100 lb. net wt.	Not permitted	Not permitted	Not permitted.

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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl lead, liquid	*Colorless liquid.* *Absorption of this liquid through the skin or inhalation of the vapor is poisonous.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.
Tetraethyl pyrophosphate, liquid. Tetraethyl dithio pyrophosphate, liquid. Hexaethyl tetraphosphate, liquid. Tetraethyl pyrophosphate mixtures, liquid (*containing more than 50% tetraethyl pyrophosphate by weight*). Tetraethyl dithio pyrophosphate mixtures, liquid (*containing more than 50% tetraethyl dithio pyrophosphate by weight*). Hexaethyl tetraphosphate mixtures, liquid (*containing more than 50% hexaethyl tetraphosphate by weight*).	*Water-white to amber colored liquids.* *Miscible with water.* *Very poisonous.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* *Mixtures may be solutions, emulsions or emulsifiable liquids.*	Poison	Stowage: "On deck in open." "On deck under cover." "'Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37A) STC, WIC not over 10 gal cap. Wooden boxes (ICC–15A, 15B) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 54 lb. gr. wt. Fiber drums (ICC–21B) WIC, not over 200 lb. net wt. Authorized only for "Tetraethyl pyrophosphate, liquid", "Tetraethyl dithio pyrophosphate, liquid", and "Hexaethyl tetraphosphate, liquid.". Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Tetraethyl pyrophosphate mixtures, liquid (*containing not more than 50% tetraethyl pyrophosphate by weight*). Tetraethyl dithio pyrophosphate mixtures, liquid (*containing not more than 50% tetraethyl dithio pyrophosphate by weight*). Hexaethyl tetraphosphate mixtures, liquid (*containing not more than 50% hexaethyl tetraphosphate by weight*).	*Solutions, emulsions or emulsifiable liquids containing not more than 50% of the active ingredient by weight.* *Hazards and precautions similar to those under "Tetraethyl pyrophosphate, liquid" above.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC–17E) STC, not over 10 gal. cap. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC–17E) STC, not over 10 gal. cap.	Stowage: Ferry stowage (AA)	Stowage: Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC–17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl pyrophosphate, mixture, dry. Tetraethyl dithio pyrophosphate, mixture, dry. Hexaethyl tetraphosphate, mixture, dry.	*Dry mixtures in which the liquid active ingredient is absorbed in concentrations greater than 5% but not exceeding 25% by weight in a dry inert material* *Poisonous.* *Do not breathe air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5B, 6A, 6C) not over 55 gal. cap. (ICC–17C, 17H) STC, not over 55 gal. cap. (ICC–37A) STC, not over 100 lb. net wt. Wooden boxes (ICC–15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 200 lb. net wt. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC–5, 5B, 6A, 6C) not over 55 gal. cap. (ICC–17C, 17H) STC, not over 55 gal. cap. (ICC–37A) STC, not over 100 lb. net wt. Wooden boxes (ICC–15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 200 lb. net wt. NOTE: Dry mixtures containing not more than 25% by weight of tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl tetraphosphate and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	Ferry Stowage (AA)	Ferry Stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5B, 6A, 6C) not over 55 gal. cap. (ICC–17C, 17H) STC, not over 55 gal. cap. (ICC–37A) STC, not over 100 lb. net wt. Wooden boxes (ICC–15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 200 lb. net wt.
Thallium salts, solid	*In the form of crystals, needles, or powder, some of which are soluble in water, others insoluble.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W 103A–W).
Thallium sulfate, solid	*White or colorless powder or crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Thiophosgene (*thiocarbonylchloride*).	*Red colored liquid with sharp penetrating toxic fumes.* Areas contaminated by leakage should be flushed with copious quantities of water and scrubbed with strong soap. Addition of a small quantity of lye to the wash water is desirable.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc arsenate	*Colorless crystals or powder.* *Decomposes on heating.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W 103A-W).
Zinc arsenite, solid	*Colorless powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

Section 146.25-300 *Table H—Classification: Class C, tear gas or irritating substances* is amended as follows:

§ 146.25-300 *Table H—Classification: Class C; tear gas or irritating substances*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
. . .	. . .	. . .	. . .	. . .	. . .	. . .
Tear gas grenades. Tear gas candles.	*Devices containing lachrymatory (tear producing) substances. These devices are commonly so constructed that when they function, the contents are ejected, but there is no projection of any portion of the grenades which might cause physical injury.* Stow well away from living quarters. Keep cool. NOTE: Grenades or other similar devices may be shipped completely assembled when shipments are made by, for, or to the National Military Establishment of the United States Government, providing the functioning element is so packed that it cannot accidentally function.	Tear gas.	Stowage: "On deck in open." "On deck under cover." Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Metal drums: (ICC-37A) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Functioning devices shall be packed in a separate compartment.	Stowage: "On deck in open." Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Metal drums: (ICC-37A) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Functioning devices shall be packed in a separate compartment.	Ferry stowage (AA) Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Metal drums: (ICC-37A) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Functioning devices shall be packed in a separate compartment.	Ferry stowage (BB). Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Metal drums: (ICC-37A) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Functioning devices shall be packed in a separate compartment.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

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4. Section 146.25-400 *Table H—Classification: Class D; radioactive materials* is amended as follows:

§ 146.25-400 *Table H—Classification: Class D; radioactive materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials groups I and II. Cesium 137. Cobalt 60. Iridium 192. Radioactive materials N. O. S.	Group I: Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays. Group II: Radioactive materials that emit neutrons and either or both gamma and electrically charged corpuscular rays. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials group I or group II: Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA)---------- Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
Radioactive materials, group III. Radioactive materials, N. O. S.	Group III: Radioactive materials that emit electrically charged corpuscular rays only, i. e., alpha or beta etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens per 24 hours at any time during transportation. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials, group III: Blue.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA)---------- Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal enclosed, lead shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.

SUBPART—DETAILED REGULATIONS GOVERNING COMBUSTIBLE LIQUIDS

Section 146.26-100 *Table J—Classification: Combustible liquids* is amended as follows:

§ 146.26-100 *Table J—Classification: Combustible liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Cement, leather. Cement, container, liquid. Cement, linoleum. Cement, liquid, N. O. S. Cement, pyroxylin. Cement, roofing, liquid. Cement, rubber. (When possessing a flash point at or below 150° F. and above 80° F.) Cement, tile. Cement, wallboard. Coating solution.	*These cements are compounded mixtures of various ingredients such as: Asphalt with petroleum distillate; cellulose nitrate in acetone; bituminous asphalt in mineral oil, rosin rubber solution and gasoline, etc., all possessing similar characteristics and hazards.* *Flash point variable.* *Vapors heavier than air and may form inflammable or explosive mixtures with air.* *Sustained inhalation of vapors in an unventilated compartment is dangerous.* *Immiscible with water.* Outside containers shall be marked either with the proper shipping name (as defined in § 146.04-1), or "Combustible liquid".	No label required.	R. S. 4472 not applicable to combustible liquids on board cargo vessels.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Any ICC specification container as shown in the inflammable liquids table (146.21-100) for passenger vessels. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.	Ferry stowage (AA)---------- Outside containers: Any ICC specification container as shown in the inflammable liquids table (146.21-100) for ferry vessels. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations).	Ferry stowage (BB). Outside containers: Any ICC specification container as shown in the inflammable liquids table (146.21-100) for car ferries. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drum (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations).
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Compounds, lacquer, paint, or varnish, etc., removing, reducing, or thinning. Lacquer removing, reducing, and thinning compounds. Paint, lacquer, and varnish removing, reducing or thinning compounds. *Petroleum spirits.* Removing compounds, paint, varnish, lacquer, etc. Reducing compounds, paint, varnish, lacquer, etc. *Solvent, mineral spirits.* Thinning compounds, paint, varnish, lacquer, etc. Varnish remover or varnish reducer. Varnish thinning compounds. (When possessing a flash point at or below 150° F. and above 80° F.)	*Removers: Compounds which through solvent or detergent action remove old paint, etc., from surfaces.* *Reducers: Compounds which consist of exceptionally slow-drying thinners used with pyroxylin-base lacquers or enamels to retard speed of drying.* *Thinners: Compounds which consist of clear liquid solvents and diluents for the reduction of primers, surfacers, and enamels to proper working consistencies.* *Flash points variable.* Outside containers shall be marked either with the proper shipping name (as defined in (§ 146.04-1), or "Combustible liquid".	No label required.	R. S. 4472 not applicable to combustible liquids on board cargo vessels.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Any ICC specification container as shown in the inflammable liquids table (§146.21-100) for passenger vessels. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.	Ferry stowage (AA)---------- Outside containers: Any ICC specification container as shown in the inflammable liquids table (§146.21-100) for ferry vessels. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations.)	Ferry stowage (BB). Outside containers: Any ICC specification container as shown in the inflammable liquids table (§146.21-100) for car ferries. *Also:* Carboys, glass; boxed or in kegs (ICC-1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC-1D) not over 6½ gal. cap. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations.)
Compounds, tree or weed killing, liquid (when possessing a flashpoint at or below 150° F. and above 80° F.).	*Flash point variable.* Outside containers shall be marked either with the proper name or "Combustible liquid".	No label required.				
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Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Plastic solvent, N. O. S. (When possessing a flash point at or below 150° F. and above 80° F.)	*Organic solvents for various plastics.* *Flash point variable.* Outside containers shall be marked either "Plastic solvent, N. O. S." or "Combustible liquid."	No label required.	R. S. 4472 not applicable to combustible liquids on board cargo vessels.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Any ICC specification container as shown in the inflammable liquids table (§ 146.21–100) for passenger vessels. *Also:* Carboys, glass; boxed or in kegs (ICC–1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC–1D) not over 6½ gal. cap. Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) W1C, not over 90 lb. gr. wt.	Ferry stowage (AA) Outside containers: Any ICC specification container as shown in the inflammable liquids table (§ 146.21–100) for ferry vessels. *Also:* Carboys, glass; boxed or in kegs (ICC–1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC–1D) not over 6½ gal. cap. Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) W1C, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations).	Ferry stowage (BB). Outside containers: Any ICC specification container as shown in the inflammable liquids table (§ 146.21–100) for car ferries. *Also:* Carboys, glass; boxed or in kegs (ICC–1A, 1C) not over 13 gal. cap. Carboys, glass; boxed (ICC–1D) not over 6½ gal. cap. Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17C, 17E, 17H, 17X) STC, may be reused for shipment of these combustible liquids. Metal barrels or drums (CFC R 40) not over 110 gal. cap. Fiberboard boxes (CFC R 41) W1C, not over 90 lb. gr. wt. Tank motor vehicles (complying with ICC motor carrier regulations).
Polishes, metal, stove, furniture, and wood, liquid. Compounds, polishing, liquid. Furniture polish. Metal polish, liquid. Stove polish, liquid. Wood polish, liquid. (When possessing a flash point at or below 150° F. and above 80° F.)	*Liquid preparations used to remove film from surfaces and to restore and protect the finish of such surfaces.* *May or may not be miscible with water.* Outside containers shall be marked either with the proper shipping name (as defined in §146.04–1), or "Combustible liquid."	No label required.				
Pyridine (When possessing a flash point at or below 150° F. and above 80° F.)	*A colorless or slightly yellow liquid having a penetrating and offensive odor.* *Flash point variable usually below 80° F.* *Vapors heavier than air, and may form explosive mixtures with air.* *Miscible with water.* *Lighter than water.* Outside containers shall be marked either "Pyridine" or "Combustible liquid."	No label required.				
Pyroxylin solution (When possessing a flash point at or below 150° F. and above 80° F.)	*Pyroxylin dissolved in amyl acetate or other solvent.* *Flash point variable.* *Involved in fire, gives off toxic nitrous fumes.* Outside containers shall be marked either "Pyroxylin solution" or "Combustible liquid."	No label required.				
Pyroxylin solvent, N. O. S. (When possessing a flash point at or below 150° F. and above 80° F.)	*Organic liquid, or mixtures of liquids that act as solvents of pyroxylin.* *Flash point variable.* Outside containers shall be marked either "Pyroxylin solvent, N. O. S." or "Combustible liquid."	No label required.				
Resin solution (when possessing a flash point at or below 150° F. and above 80° F.).	*Resin dissolved in a volatile solvent.* *Flash point variable.* Outside containers shall be marked either "Resin solution" or "Combustible liquid."	No label required.				

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

§ 146.27–100 *Table K—Classification: Hazardous articles*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Calcium carbide	*A grayish-black irregular lump substance. Will absorb moisture from air and in the presence of moisture or water will generate acetylene gas, which forms dangerous mixtures in air.* Keep dry. Examine containers carefully and refuse defective ones. Do not stow with explosives, inflammable liquids (red label), inflammable compressed gases (red label), oxidizing materials (yellow label) or corrosive liquids (white label). Outside containers shall be marked either "Calcium carbide" or "Hazardous article."	No label required.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt. Sealed watertight railroad hopper cars. Sealed watertight metal containers, not over 10 ton net wt., mounted on railroad cars.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Oakum Twisted jute packing (rope) (treated or untreated).	*Oakum is the fiber of hemp or mixtures of hemp with other fibers and impregnated with pine tar or pitch or other similar substances. Marine oakum is usually made from long, soft pure fiber twisted and is the least hazardous of the various grades of oakum. Plumber's oakum is a mixture of hemp, tow and other fibers.* *Principal risk of these fibers in an oiled condition is their ready ignition by sparks.* Do not stow against bulkheads subject to heat or on deck in open in the rays of the sun. Stow bales in a manner to provide circulation of air and thus reduce chances of heating. Boxes shall be marked either "Oakum" or "Hazardous article."	No label required.	Stowage: "On deck under cover." "Tween decks." Outside containers: Wooden boxes. Bales. Bales shall be compressed reasonably tight and bound with wire, metal hoops, rattan, rope or withes. Unbaled or unboxed consignments shall not be accepted. Fiberboard boxes.	Stowage: "On deck under cover." "Tween decks." Outside containers: Wooden boxes. Bales. Bales shall be compressed reasonably tight and bound with wire, metal hoops, rattan, rope or withes. Unbaled or unboxed consignments shall not be accepted. Fiberboard boxes.	Ferry stowage (AA) Outside containers: Wooden boxes. Bales. Bales shall be compressed reasonably tight and bound with wire, metal hoops, rattan, rope or withes. Unbaled or unboxed consignments shall not be accepted. Fiberboard boxes.	Ferry stowage (BB). Outside containers: Wooden boxes. Bales. Bales shall be compressed reasonably tight and bound with wire, metal hoops, rattan, rope or withes. Unbaled or unboxed consignments shall not be accepted. Fiberboard boxes.

SUBPART—DETAILED REGULATIONS GOVERNING THE TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS

Section 146.29–100 is amended as follows:

§ 146.29–100 *Classification, handling and stowage chart.* • • •

1. Amend "Class II–D, Chemical ammunition. WP or PWP filled (solid)", in column 5, "Stowage", by revising the text, including the note dated November 5, 1955, to read as follows:

Ammunition stowage, chemical ammunition stowage, or deep tank stowage

It is important to stow in locations not subject to temperatures above 100° F.

When shipments of Army ammunition cannot be so stowed the following shall be complied with: WP or PWP filled items of ammunition shall be stowed in a nose up position unless other requirements are specified by the Army. The position of the nose end of the item of ammunition is marked on the outside package or container.

Drums or other authorized ICC or Chemical Corps specification containers filled with WP or PWP may be stowed in the same hold or compartment with chemical ammunition Class II–D.

For stowage adjacent to other dangerous articles see § 146.29–59.

When given chemical ammunition stowage, see § 146.29–85 for additional requirements.

2. Amend "Class X, Explosive bombs, mines, torpedoes, etc.," in column 5, "Stowage", by deleting the sixth paragraph, "Except for wooden barrels or boxes etc.", and insert the following in lieu thereof:

Except for wooden barrels or boxes and fiberboard containers, no flammable or combustible material as cargo shall be stowed in a hold or compartment in which this class of ammunition is stowed.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIP'S STORES AND SUPPLIES ON BOARD VESSELS

AUTHORITY NOTE: The authority for the regulations in this part is amended by changing the citation "sec. 5, 55 Stat. 244, 245, as amended" to read "sec. 3, 68 Stat. 675", and by changing the citation "50 U. S. C. App. 1275" to read "50 U. S. C. 198."

Dated: September 14, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 56–7570; Filed, Sept. 19, 1956; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.296]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following September 8, 1956:

1. Paragraph (a) is amended by the deletion of the following:

Aqaba, Jordan.
Bokaro, India.
Cuttack, India.
Hofuf, Saudi Arabia.
Jimma, Ethiopia.
Maithon, India.
Patiala, India.
Patna, India.
Portoviejo, Ecuador.

2. Paragraph (b) is amended by the deletion of the following:

Ecuador, all posts except Guayaquil, Pichilingue, Portoviejo, Quevedo and Quito.
Guercif, Morocco.
India,[1] all posts except Bangalore, Bhopal, Bokaro, Bombay, Calcutta, Chandigarh, Cuddalore, Cuttack, Gwallor, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Maithon, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, Trivandrum and Vellore.
Tiznit, Morocco.

3. Paragraph (c) is amended by the deletion of the following:

Kharagpur, India.
Poona, India.

4. Paragraph (d) is amended by the deletion of the following:

Nairobi, Kenya.

5. Paragraph (a) is amended by the addition of the following:

Ludhiana, India.

6. Paragraph (b) is amended by the addition of the following:

Ecuador, all posts except Guayaquil, Pichilingue, Quevedo and Quito.
India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Cuddalore, Gwallor, Hazaribagh, Hyderabad, Izatnagar, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Simla, Trivandrum and Vellore.

(Sec. 102, Part I. E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary—Controller.

AUGUST 30, 1956.

[F. R. Doc. 56–7554; Filed, Sept. 19, 1956; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.4]

PART 366—PAYMENT IN FULL

PAYMENT OF INSURANCE CHARGE

In order to clarify the procedure for processing final payment of insured Farm Ownership loans held by the insurance fund, § 366.1, Title 6, Code of Federal Regulations (21 F. R. 170) is revised to make reference to the requirement that the borrower shall pay loan insurance charges, and to read as follows:

§ 366.1 *General.* Sections 366.1 to 366.5 set forth the authorizations, policies, and procedures for processing final payments on direct Farm Ownership, Other Real Estate, and Farm Housing accounts which are paid in full at any time after loan closing. For the purpose of this subpart, an insured Farm Ownership loan which has been assigned to, and is held by, the insurance fund will be handled in the same manner as a direct Farm Ownership account, except that the borrower will be required to pay loan insurance charges in accordance with the applicable provisions of § 361.22 (b) of this chapter. In every case where a loan has been closed, including those where the entire principal of the loan is refunded before any of it has been previously disbursed from the supervised bank account, the borrower will be required to pay interest from the date of the note to the date final payment is received by the County Supervisor.

(Sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g))

Dated: September 14, 1956.

[SEAL] D. H. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 56–7568; Filed, Sept. 19, 1956; 8:49 a. m.]

[1] Maithon, India should have appeared as an exception to the India country listings in paragraphs 1 and 5, 20 F. R. 3095, dated May 7, 1955, and in paragraphs 2 and 6, 21 F. R. 2323, dated April 11, 1956, as it was previously added to (a) in paragraph 8, 20 F. R. 291, dated January 13, 1955.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective—
Boston	3	Aug. 28, 1956
New York	3	Aug. 24, 1956
Philadelphia	3	Do.
Cleveland	3	Aug. 27, 1956
Richmond	3	Aug. 24, 1956
Atlanta	3	Aug. 28, 1956
Chicago	3	Aug. 24, 1956
St. Louis	3	Aug. 28, 1956
Minneapolis	3	Apr. 13, 1956
Kansas City	3	Aug. 31, 1956
Dallas	3	Aug. 28, 1956
San Francisco	3	Apr. 13, 1956

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective—
Boston	3½	Aug. 28, 1956
New York	3½	Aug. 24, 1956
Philadelphia	3½	Aug. 24, 1956
Cleveland	3½	Aug. 27, 1956
Richmond	3½	Aug. 24, 1956
Atlanta	3½	Aug. 28, 1956
Chicago	3½	Aug. 24, 1956
St. Louis	3½	Aug. 28, 1956
Minneapolis	3½	Apr. 13, 1956
Kansas City	3½	Aug. 31, 1956
Dallas	3½	Aug. 28, 1956
San Francisco	3½	Apr. 13, 1956

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective—
Boston	4	Aug. 28, 1956
New York	3½	Aug. 24, 1956
Philadelphia	3½	Apr. 13, 1956
Cleveland	4	Aug. 27, 1956
Richmond	4	Aug. 24, 1956
Atlanta	4	Aug. 28, 1956
Chicago	4	Aug. 24, 1956
St. Louis	4	Aug. 28, 1956
Minneapolis	4¼	Apr. 13, 1956
Kansas City	4	Aug. 31, 1956
Dallas	4	Aug. 28, 1956
San Francisco	4	Apr. 13, 1956

4. Section 224.5 is amended to read as follows:

§ 224.5 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	Effective—
Boston	4–5½	Aug. 28, 1956
New York	3½–5½	Aug. 24, 1956
Philadelphia	2½–5	May 20, 1942
Cleveland	3½–5½	Aug. 27, 1956
Richmond	2½–5	May 23, 1942
Atlanta	3½–5½	Aug. 28, 1956
Chicago	3–5½	Apr. 20, 1956
St. Louis	3½–5½	Aug. 28, 1956
Minneapolis	3–5½	Jan. 26, 1953
Kansas City	3½–5½	Aug. 31, 1956
Dallas	3–5½	Jan. 23, 1953
San Francisco	3–5½	Jan. 20, 1953

Federal Reserve Bank of—	On commitments	Effective—
Boston	½–1½	Aug. 13, 1948
New York	½–1¼	Jan. 16, 1953
Philadelphia	½–1¼	May 20, 1942
Cleveland	½–1¼	Aug. 27, 1956
Richmond	½–1¼	May 23, 1942
Atlanta	1–1¼	Aug. 28, 1956
Chicago	¾–1¼	Apr. 20, 1956
St. Louis	½–1¼	Aug. 28, 1956
Minneapolis	½–1¼	Jan. 26, 1953
Kansas City	½–1¼	Aug. 31, 1956
Dallas	½–1¼	Jan. 23, 1953
San Francisco	½–1¼	Jan. 20, 1953

5. Section 224.6 is amended to read as follows:

§ 224.6 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases		On commitments	Effective—
	Portion for which institution is obligated	Remaining portion		
Boston	(1)	(2)	½–1½	Aug. 13, 1948
New York	(1)	(2)	½–1¾	Jan. 16, 1953
Philadelphia	(1)	(3)	½–1¼	May 20, 1942
Cleveland	(1)	(2)	½–1¾	Aug. 27, 1956
Richmond	(1)	(2)	½–1¼	May 23, 1942
Atlanta	(1)	(2)	(4)	Aug. 28, 1956
Chicago	3–5½	3–5½	¾–1¾	Apr. 20, 1956
St. Louis	3–3½	(2)	¾–1¾	Aug. 28, 1956
Minneapolis	(1)	(1)	½–1¾	Jan. 26, 1953
Kansas City	(1)	(1)	½–1¾	Aug. 31, 1956
Dallas	(1)	(1)	1–1¾	Jan. 23, 1953
San Francisco	(1)	----------	1–1¾	Jan. 20, 1953

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower.
[3] Rate charged borrower, but not exceeding 1 percent above rate under § 224.2.
[4] Twenty-five percent of loan rate. Charge of ½ percent per annum is made on undisbursed portion.
[5] Charge of ¾ percent per annum is made on undisbursed portion.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 56–7563; Filed, Sept. 19, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C./ to New York, N. Y.)* is amended by changing the portion which reads: "to the Idlewild, N. Y. omnirange station." to read: "Idlewild, N. Y. omnirange station; intersection of the Idlewild omnirange 359° True and the Wilton omnirange 214° True radials; to the Wilton, Conn. omnirange station."

2. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Me.)* is amended by changing the portion which reads: "Brunswick, Ga. omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 203° True radials;" to read: "Brunswick, Ga. omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 216° True radials;"

3. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all between the Rock River, Wyo. omnirange station and North Platte, Nebr. omnirange station to read: "Rock River, Wyo. omnirange station, including a north alternate; intersection of the Rock River omnirange 108° True and the Sidney omnirange 292° True radials; Sidney, Nebr. omnirange station; North Platte, Nebr. omnirange station, including a north alternate;" and by changing all after the Selinsgrove, Pa. omnirange station to read: "Selinsgrove, Pa. omnirange station; point of intersection of the Selinsgrove omnirange 077° True and the Williamsport, Pa. omnirange 146° True radials; Allentown, Pa. omnirange station, to the point of intersection of the Allentown omnirange 103° True and the Newark, N. J. ILS localizer southwest course."

4. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Akron, Colo. omnirange station, including a north alternate and also a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr. omnirange station, including a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 237° True radials;" to read: "Akron, Colo. omnirange station, including a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr. omnirange station, including a north alternate from the Denver omnirange station to the Imperial omnirange station via the intersection of the Denver omnirange 061° True and the Imperial omnirange 271° True radials and also a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 236° True radials;"

5. Section 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* is amended by changing the portion which reads: "Paducah, Ky., omnirange station; Evansville, Ind., omnirange station;" to read: "Paducah, Ky. omnirange station; intersection of the Paducah omnirange 039° True and the Evansville omnirange 227° True radials; Evansville, Ind. omnirange station;"

6. Section 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended by changing the portion which reads: "Fort Worth, Tex. omnirange station;" to read: "Fort Worth, Tex. omnirange station, including a west alternate from the Waco omnirange station to the Fort Worth omnirange station

via the point of intersection of the Waco omnirange 315° True with the Mineral Wells omnirange 193° True radials, and the Mineral Wells, Tex. omnirange station;"

7. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)* is amended by changing the portion which reads: "Selinsgrove, Pa. omnirange station; to the Allentown, Pa. omnirange station." to read: "Selinsgrove, Pa. omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa. omnirange 211° True radials; Colts Neck, N. J. omnirange station; to the point of intersection of the Colts Neck omnirange 078° True and the Idlewild, N. Y. omnirange 212° True radials."

8. Section 600.6123 is added to read:

§ 600.6123 *VOR civil airway No. 123 (Woodstown, N. J., to New York, N. Y.)*. From the Woodstown, N. J. omnirange station via the point of intersection of the Woodstown omnirange 045° True and the Coyle, N. J. omnirange 354° True radials; point of intersection of the Idlewild, N. Y. omnirange 236° True radial and the La Guardia Airport, N. Y. ILS localizer south course; La Guardia Airport, N. Y. ILS localizer; to the Wilton, Conn. omnirange station.

9. Section 600.6138 is amended to read:

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.)*. From the Rock River, Wyo. omnirange station via the Cheyenne, Wyo. omnirange station, including a north alternate via the Rock River omnirange 108° True and the Cheyenne omnirange 320° True radials; to the Sidney, Nebr. omnirange station, including a south alternate.

10. Section 600.6168 is added to read:

§ 600.6168 *VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.)*. From the Selinsgrove, Pa. omnirange station via the Allentown, Pa. omnirange station; to the Colts Neck, N. J. omnirange station.

11. Section 600.6194 *VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.)* is amended by changing all before the Charlotte, N. C. omnirange station to read: "From the point of intersection of the Royston omnirange 270° True and the Norcross, Ga. omnirange 054° True radials via the Royston, Ga. omnirange station; point of intersection of the Royston omnirange 074° True and the Spartanburg, S. C. omnirange 148° True radials; Charlotte, N. C. omnirange station;"

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 18, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7547; Filed, Sept. 19, 1956; 8:45 a. m.]

[Amdt. 14]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1035 is amended to read:

§ 601.1035 *Control area extension (Little Rock, Ark.)*. That airspace within a 50 mile radius of the Little Rock radio range station, excluding the portion below 9,000 ft. between sunrise and sunset Saturdays and Sundays only which lies within Little Rock restricted area (R-134), and excluding the portion below 15,000 ft. between sunrise and sunset daily which lies within Pine Bluff restricted area (R-135).

2. Section 601.1071 *Control area extension (Burbank, Calif.)*, is amended by changing the name of facility "Canoga Park, Calif., nondirectional radio beacon" to read: "Burbank, Calif., outer marker."

3. Section 601.1170 is added to read:

§ 601.1170 *Control area extension (Owensboro, Ky.)*. That airspace bounded on the north by VOR civil airway No. 4, on the southwest by VOR civil airway No. 7 and on the southeast by a line extending through points at Lat. 38°04'20", Long. 86°41'20" and Lat. 37°22'00", Long. 87°09'40".

4. Section 601.1275 is amended to read:

§ 601.1275 *Control area extension (Fairbanks, Alaska)*. That airspace within a 25 mile radius of Ladd Air Force Base, Fairbanks, Alaska, and within 5 miles either side of the east course of the Fairbanks radio range extending to a point 25 miles east of the Chena, Alaska, nondirectional radio beacon, excluding the portion which overlaps restricted area (R-345).

5. Section 601.1311 is amended to read:

§ 601.1311 *Control area extension (Oscoda, Mich.)*. That airspace within a 30 mile radius of Wurtsmith Air Force Base, Oscoda, Mich., excluding the portions which overlap restricted areas (R-91) and (R-491).

6. Section 601.1358 is amended to read:

§ 601.1358 *Control area extension (Midway Island)*. All of the airspace from 700 ft. upward within a radius of 100 nautical miles of the Midway Naval Station centered at Lat. 28°12'00" N, Long. 177°22'00" W.

7. Section 601.1380 *Control area extension (Johnston Island)*, is revoked.

8. Section 601.1411 is added to read:

§ 601.1411 *Control area extension (Iwo Jima, Volcano Islands.* All of the airspace from 700 ft. upwards within a radius of 100 nautical miles of the Iwo Jima nondirectional radio beacon located at Lat. 24°47'00' N, Long. 141° 18'00" E.

9. Section 601.1983 *Three mile radius zones* is amended by deleting the following airports:

Niagara Falls, N. Y.: Municipal Airport.
Santa Rosa, Calif: Santa Rosa ALF.

10. Section 601.1984. *Five miles radius zones* is amended by deleting the following airports:

Elmira, N. Y.: Chemung County Airport.
Watertown, N. Y.: Watertown Municipal Airport.

11. Section 601.2006 is amended to read:

§ 601.2006 *Buffalo, N. Y., control zone.* Within a five mile radius of the Buffalo Municipal Airport, within 2 miles either side of the northeast corse of the Buffalo radio range extending to the Wolcottsville fan marker, within 2 miles either side of the southwest course of the Buffalo radio range extending to the Angola fan marker, and within 2 miles either side of the 99° True and 279° True radials of the Buffalo omnirange extending to a point 10 miles east of the omnirange station.

12. Section 601.2021 is amended to read:

§ 601.2021 *Rochester, N. Y., control zone.* Within a 5 mile radius of Rochester-Monroe County Airport, within 2 miles either side of the east course of the Rochester radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the ILS localizer front course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 171° True and 278° True radials of the omnirange extending from the omnirange station to points 10 miles south and west of the omnirange station.

13. Section 601.2081 *Geneva, N. Y., control zone*, is revoked.

14. Section 601.2252 is amended to read:

§ 601.2252 *El Toro, Calif., control zone.* Within a 5 mile radius of the El Toro Marine Corps Air Station, within a 3 mile radius of Orange County Airport, Santa Ana, Calif., and within 5 miles either side of a line bearing 355° True extending from the El Toro radio range station to Amber civil airway No. 2 and Green civil airway No. 5.

15. Section 601.2275 is amended to read:

§ 601.2275 *Pensacola, Fla., control zone.* Within a 5 mile radius of the NAAS Saufley Field, Pensacola, Fla., excluding the portion which overlaps Pensacola Municipal Airport control zone (601.2163).

16. Section 601.2392 is added to read:

§ 601.2392 *Elmira, N. Y., control zone.* Within a 5 mile radius of Chemung County Airport, within 2 miles either side of the 55° True and 235° True radials of the Elmira omnirange extending from the five mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the southwest course of the Elmira radio range extending from the radio range station to a point 10 miles southwest.

17. Section 601.2393 is added to read:

§ 601.2393 *Watertown, N. Y., control zone.* Within a 5 mile radius of Watertown Airport and within 2 miles either side of the 215° True radial of the Watertown omnirange extending from the omnirange station to a point 10 miles southwest.

18. Section 601.2394 is added to read:

§ 601.2394 *Niagara Falls, N. Y., control zone.* Within a 5 mile radius of the Niagara Falls Municipal Airport and within 2 miles either side of the ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker.

19. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)*, is amended between Florence, S. C., and Raleigh, N. C., by adding the following reporting points: "the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, N. C., radio range;"

20. Section 601.6123 is added to read:

§ 601.6123. *VOR civil airway No. 123 control areas (Woodstown, N. J., to New York, N. Y.)*. All of VOR civil airway No. 123.

21. Section 601.6138 is amended to read:

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.)*. All of VOR civil airway No. 138 including a north alternate and a south alternate.

22. Section 601.6148 is amended to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Thurman, Colo., to North Platte, Nebr.)*. All of VOR civil airway No. 148.

23. Section 601.6150 is amended to read:

§ 601.6150 *VOR civil airway No. 150 control areas (Sacramento, Calif., to Reno, Nev.)*. All of VOR civil airway No. 150.

24. Section 601.6168 is added to read:

§ 601.6168 *VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.)*. All of VOR civil airway No. 168.

25. Section 601.7001 *VOR Domestic reporting points* is amended by changing the following reporting points to read:

Honea Intersection: The intersection of the Royston, Ga., omnirange 074° True radial and the Greenville, S. C., ILS localizer south course.

Campbell Intersection: The intersection of the San Francisco, Calif., omnirange 141° True radial and a line bearing 048° True toward the Evergreen, Calif., non-directional radio beacon.

White Oaks Intersection: The intersection of the Bakersfield, Calif., omnirange 149° True and the Palmdale, Calif., omnirange 291° True radials.

and by revoking the following reporting point:

Golden Gate Intersection: The intersection of the Oakland, Calif., omnirange 274° True and the San Francisco, Calif., omnirange 304° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 18, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7548; Filed, Sept. 19, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6126]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. F. DREW & CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Oleomargarine amendment to FTC Act; § 13.135 *Nature:* Product or service: *Oleomargarine amendment* to FTC Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 12, 52 Stat. 114; sec. 15, 64 Stat. 20-21; 15 U. S. C., secs. 45, 52, 55) [Order modifying cease and desist order, E. F. Drew & Co., Inc., New York, N. Y., Docket 6126, Aug. 30, 1956]

Order modifying, so as to accord with the decision of the Court of Appeals for the Second Circuit of July 13, 1956, the order to cease and desist of May 5, 1955, by striking therefrom the latter part of the proviso to paragraph One, as requested by the Commission.

The order to cease and desist, as thus modified, is as follows:

It is ordered, That respondent, E. F. Drew & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains:

The terms "churned to delicate, sweet creamy goodness," "country fresh," or "• • • the same day-to-day freshness which characterizes our other dairy products," or any other statement, word, grade designation, design, device, symbol, sound, or any combination thereof which represents or suggests that said product is a dairy product: *Provided, however*, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product any advertisement which contains any of the representations prohibited in paragraph one of this order. By the Commission.

Issued: August 30, 1956.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7569; Filed, Sept. 19, 1956; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.205, paragraph (a) is amended and paragraphs (b) and (c) are revoked as follows:

§ 21.205 *Adjusting the duration of the course.* (a) It is the function and responsibility of the training officer to prescribe and arrange for that course of training to be provided which is necessary to restore employability in the occupation which has been approved through counseling. Although Certificate B, VA Form VB 7-1902a, provides for indicating the estimated length of the course, that estimate will not establish or control the length of the veteran's course. The duration of the course will be that period of training which is generally recognized as necessary to qualify for employment at the entry level for a trained worker in the selected occupation taking into account any applicable previous training or experience in the individual veteran's case. As the veteran proceeds with his course, the training officer, on the basis of a continuing appraisal of the veteran's progress toward satisfactory completion of his training and in accord with the provisions of applicable Veterans Administration regulations, will make any necessary adjustments in the previously planned period of training, i. e., lengthen or shorten the course, to assure that:

(1) The veteran upon completion of such training will be employable at the entry level for a trained worker in the selected occupation; and

(2) The duration of the veteran's course will not exceed the period necessary to make him employable in his objective.

(b) [Revoked.]

(c) [Revoked.]

2. In § 21.236, paragraph (a) (1) is amended to read as follows:

§ 21.236 *Authority to furnish supplies to trainees in training on the job.* (a) • • •

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. Items not on the approved list for the trade or occupation for which the trainee is pursuing training shall not be furnished except under one of the following conditions:

(i) Although not on the approved list, an item required by the training establishment to be owned personally by all trainees may be substituted by the training officer for a corresponding item on the approved list if the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made.

(ii) In the unusual situation where the approved list is not suitable because of the unique characteristics of job operations required by the training establishment, the training officer may authorize the issuance of necessary training supplies which will be suitable provided such items are required by the training establishment to be owned personally by all trainees pursuing the same course and trained workers employed in the occupation at that establishment and the total cost of the supplies furnished does not exceed the total cost of those which appear in the approved list for the particular occupation.

• • • • • •

3. In § 21.237a, paragraph (a) (1) is amended to read as follows:

§ 21.237a *Furnishing supplies to veterans pursuing training in the home.* (a) • • •

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. Items not on the approved list for the trade or occupation for which the trainee is pursuing training shall not be furnished except under one of the following conditions:

(i) Although not on the approved list, an item required by the instructor or institution furnishing the training in the home may be substituted by the training officer for a corresponding item on the approved list if the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made.

(ii) In the unusual situation where the approved list is not suitable because of the unique method followed by the instructor or institution in conducting the course of training in the home, the training officer may authorize the issuance of supplies which will be suitable, provided he determines that such unique method of conducting the training is sound and necessary under the circumstances, the supplies are necessary for training purposes and the total cost of the supplies furnished does not exceed the total cost of those which appear on the approved list for the particular occupation.

• • • • • •

4. In § 21.250, the introductory paragraph immediately preceding paragraph (a), and paragraph (b) are amended to read as follows:

§ 21.250 *Adjustments in the training situation.* The training officer must be continuously aware of the trainee's progress toward satisfactory vocational rehabilitation, i. e., toward becoming employable in the occupation for which he is training, and must determine at frequent intervals whether the trainee is progressing satisfactorily and whether he will be employable upon completion of the course which he is pursuing.

• • • • • •

(b) When a trainee indicates dissatisfaction with his course of vocational rehabilitation or when the training institution recommends a change or discontinuance of the veteran's course, the training officer should contact the instructor or faculty advisor of the veteran and arrange personal discussion with the trainee and/or an appropriate representative of the institution, individually or jointly, and effect, if possible, a satisfactory correction of the difficulty through a minor adjustment in the course or an adjustment on the part of the trainee as to attitude, performance, etc. The training officer should give the institution all possible cooperation toward accomplishing the adjustment of the veteran to the training situation and should assist the trainer or instructor in understanding the need for, and in adopting, any special procedures which may be necessary due to the particular disability of the veteran. If the dissatisfaction or difficulty cannot be corrected through a minor adjustment, the training officer should take action looking toward a change of training institution, a change of the trainee's employment objective, consideration by the Vocational Rehabilitation Board under § 21.256 (c) (1), placing the trainee in discontinued status or other action, as appropriate.

5. In § 21.252, paragraph (a) is amended to read as follows:

§ 21.252 *Change of employment objective.* (a) A veteran once inducted into training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A) (Public Law 16, 78th Cong., or Public Law 894, 81st Cong., as amended), ordinarily will be expected to pursue his training program to completion without changing his employment objective insofar as it is possible for him to do so. Accordingly, except under § 21.286 (b), a change of employment objective will be permitted only under one of the following conditions:

(1) It is determined by the training officer that continuance of the veteran in training for the present objective or to reenter him into training for the previous objective following interrupted or discontinued status will result in failure to accomplish bona fide vocational rehabilitation for reasons not within the veteran's control; or

(2) Although the veteran could continue and complete successfully the training for his present employment objective, the period of time which would be required to complete the training for the employment objective to which he desires to change will not exceed that which would be required to complete the training for his present objective and it is determined through counseling that the desired objective is more in keeping with the veteran's interests and aptitudes; or

(3) Although the veteran could continue and complete successfully the training for his present employment objective and the period of time which would be required to complete the training for the objective to which he desires to change will exceed that which would be required to complete the training for his present objective, the veteran's case meets the conditions of either subdivision (i) or subdivision (ii) of this subparagraph:

(i) The experience of the veteran and his performance in training have demonstrated that his aptitudes and interests or physical capacities are at considerable variance with the evaluation of his aptitudes and interests or physical capacities which was made at the time the present objective was selected and approved, and had current evidence about the veteran then been available the desired objective would have been approved if selected by the veteran: *Provided,*

(*a*) The total period of training time required under Part VII will not exceed a maximum of 48 months, nor will the aggregate amount of training provided under Part VII together with training provided under other laws exceed the maximum amount of training time stipulated in § 21.294, § 21.296, or § 21.2015, where applicable, and

(*b*) The change of objective is approved by a committee composed of the Chief of the Vocational Rehabilitation and Education Division, a designated representative of the education and training activity, and a designated representative of the counseling activity.

(ii) The veteran agrees to pursue independently of the Veterans' Administration a portion of the training for the desired objective sufficient to enable him to complete the training for the desired objective in no greater period of time under Part VII than completion of the training for his present objective would require and it is determined through counseling that the desired objective is more in keeping with the veteran's interests and aptitudes. Where the change of objective is approved under this condition, the veteran will be informed that upon completing the necessary portion of his training independently of the Veterans Administration he will be reentered into training provided in the meantime his disability rating is not reduced to less than compensable, and the service connection of his disability has not been severed.

• • • • • •

6. In § 21.288, paragraph (a) is amended and paragraph (c) is revoked as follows:

§ 21.288 *Reentrance after discontinuance.* (a) When a veteran, whose training was discontinued under one of the conditions set forth in § 21.283 (a) (1), (2), (3), (4), (5), or (7) applies for reentrance into training under Par. VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A) (Public Law 16, 78th Cong., or Public Law 894, 81st Cong., as amended), due consideration will be given to the facts in the individual case and, if the reasons for discontinuance have been removed, and if the veteran's disability rating has not been reduced to less than a compensable degree, and if need for vocational rehabilitation is reestablished, the veteran may be reentered into training: *Provided,* That the veteran may be reentered into training for an employment objective other than the previous employment objective for which he was pursuing training at the time of discontinuance only in accord with the provisions of § 21.252.

• • • • • •

(c) [Revoked.]

7. In § 21.316, paragraphs (a) (introductory text and subparagraph (1)) and that portion of (b) immediately preceding subparagraph (1) are amended to read as follows:

§ 21.316 *Authority to furnish supplies to trainees in training on the job.* (a) Under the authority set forth in § 21.312 and subject to the limitations contained in §§ 21.310 through 21.324a, a designated training officer may furnish a veteran pursuing a course of training on the job with necessary supplies under one of the following conditions:

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. Items not on the approved list for the trade or occupation for which the trainee is pursuing training shall not be furnished except under one of the following conditions:

(i) Although not on the approved list, an item required by the training establishment to be owned personally by all trainees may be substituted by a designated training officer for a corresponding item on the approved list if the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made.

(ii) In the unusual situation where the approved list is not suitable because of the unique characteristics of job operations required by the training establishment, a designated training officer may authorize the issuance of necessary training supplies which will be suitable, provided such items are required by the training establishment to be owned personally by all trainees pursuing the same course and trained workers employed in the occupation at that establishment and the total cost of the supplies furnished does not exceed the total cost of those which appear in the approved list for the particular occupation.

• • • • • •

(b) In addition to supplies furnished under paragraph (a) (1) or (2) of this section, and subject to the limitations in §§ 21.310 through 21.324a, a designated training officer may furnish a veteran pursuing a course of training on the job with minimum necessary textbooks and/or other text material where the following conditions are met:

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12A)

This regulation is effective September 20, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans' Affairs.

[F. R. Doc. 56–7576; Filed, Sept. 19, 1956; 8:50 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 4—SECURITY CLEARANCE PROCEDURES

CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

Effective upon publication in the FEDERAL REGISTER the following amendments are made to Part 4, Title 10, CFR, "Criteria and Procedures for Determining Eligibility for Security Clearance."

1. There is added a new section designated as § 4.5 reading as follows:

§ 4.5 *Definitions.* As used in this part:

(a) "Personnel Security Board" means an advisory board appointed by the Manager of Operations and consisting of four members, one of whom shall be a non-voting member who shall act as counsel to the Board;

(b) "Board" means the three voting members of the Personnel Security Board.

2. The introductory text of paragraph (d) of § 4.10 is amended to read as follows:

(d) In resolving a question concerning the eligibility of an individual for security clearance, the following principles shall be applied by the Board:

3. The heading and paragraphs (a), (c), (e), (f), (g) and (h) of § 4.25 are amended to read as follows:

§ 4.25 *Appointment of Personnel Security Boards.* (a) Upon receipt from the individual of his written answer to the notification letter, signifying his desire to appear before a Personnel Security Board, the Manager shall forthwith appoint a Personnel Security Board consisting of four members, one of whom shall be a nonvoting member who shall act as counsel to the Board in accordance with the provisions of §§ 4.26 and 4.27. One member of the Board shall be designated as the Chairman of the Personnel Security Board;

• • • • • •

(c) The personnel of the Board shall be selected from a panel of individuals possessing the highest degree of integrity, ability, and good judgment. Such panels may include employees of the AEC or its contractors but no AEC employee shall serve as a voting member of a Personnel Security Board hearing the case of an AEC employee, or applicant for AEC employment, and no employee of an AEC contractor shall serve as a voting member of a Personnel Security Board hearing the case of an employee of, or an applicant for employment with, that contractor;

• • • • • •

(e) No person shall serve as a member of a Personnel Security Board who has prejudged the case to be heard; who possesses information that would make it embarrassing to render impartial recommendations or advice; or who for bias or prejudice generated for any reason would be unable to render fair and impartial recommendations or advice;

(f) Immediately upon the appointment of a Personnel Security Board, the Manager will notify the individual of the identity of the members of the Personnel Security Board and of his right to challenge any member for cause, such challenge or challenges, accompanied by the reasons therefor, to be submitted to the Manager within seventy-two hours of the receipt of the notice;

(g) In the event that the individual challenges a member or members of the Personnel Security Board, the justification of the action of the individual shall be determined by the Manager. Where the challenge of the individual is sustained, the Manager shall forthwith appoint such new members as required to constitute a full Personnel Security Board and notify the individual. The individual shall have the right to challenge such new members for cause and such challenge shall be dealt with in the same manner as an original challenge. The Manager shall also notify the individual of his rejection of any challenge. The Personnel Security Board shall convene as soon as is reasonably practicable;

(h) The Manager of Operations shall notify the individual in writing, at least one week in advance, of the date, hour, and place the Personnel Security Board will convene. In the event the individual fails to appear at the time and place specified, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the General Manager on the basis of the existing record. However, the Manager of Operations may for good cause, at the request of the individual, permit the individual to appear before a Personnel Security Board at a newly scheduled date, hour, and place.

4. The heading and paragraphs (a) and (b) of § 4.26 are amended to read as follows:

§ 4.26 *Appointment of Counsel to the Boards.* (a) Managers of Operations shall appoint an attorney as a non-voting member of the Personnel Security Board to serve as counsel to the Board; such attorney shall possess the highest degree of integrity, ability and good judgment and shall have an AEC "Q" clearance. Counsel to the Board may be an employee of the AEC, or he may be an attorney specifically retained to serve as Counsel to the Board;

(b) Counsel to the Board shall not participate in the deliberations of the Board, and shall express no opinion to the Board concerning the merits of the case. He shall advise the Board concerning the meaning and application of these procedures. He shall also advise the individual of his rights under these procedures when the individual is not represented by counsel of his own choosing.

5. Paragraph (a) of § 4.27 is amended to read as follows:

(a) The proceedings shall be presided over by the Chairman of the Personnel Security Board and shall be conducted in an orderly and decorous manner with every effort made to protect the interests of the Government and of the individual and to arrive at the truth. In no case will undue delay be tolerated nor will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing their duties, the members of the Board shall avoid the attitude of a prosecutor and shall always bear in mind and make clear to all concerned that the proceeding is an administrative hearing and not a trial.

6. Paragraph (b) (1) of § 4.29 is amended to read as follows:

(1) Refer the matter to the Personnel Security Board which had been appointed in the individual's case when the Manager of Operations has not yet forwarded his recommendation to the General Manager. The Board receiving the application for the presentation of new evidence shall determine the form in which it shall be received, whether by testimony before the Personnel Security Board, by deposition or by affidavit.

7. Paragraph (g) of § 4.22 is amended to read as follows:

(g) That the individual will have the right to appear personally before a Personnel Security Board, and present evidence in his own behalf, through witnesses, or by documents, or both, and subject to the limitations set forth in § 4.27 (f) and (m), be present during the entire hearing and be represented by counsel of his own choosing.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 12th day of September 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-7498; Filed, Sept. 19, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 194, 195, 216, 220, 221, 225, 230, 235, 240]

ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

RECORDS AND REPORTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order (a) to simplify recordkeeping and reporting requirements, (b) to delete detailed listing of various tax rates, and (c) to eliminate requirements for submission of reports on Form 1686 by storekeeper-gaugers, 26 CFR Parts 194, 195, 216, 220, 221, 225, 230, 235, and 240 are amended as follows:

PARAGRAPH 1. 26 CFR Part 194, "Liquor Dealers," is amended as follows:

(A) Section 194.215, and the headnote thereto, is amended to read:

§ 194.215 *Proprietors.* Wholesale liquor dealer operations conducted by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, internal revenue bonded warehouses, taxpaid bottling houses, and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 637, 652; 26 U. S. C. 5114, 5197, 5285)

(B) Section 194.260, and the headnote thereto, is amended to read:

§ 194.260 *Requirements and procedure.* Wholesale dealers in liquors may package alcohol for industrial purposes in containers in excess of 1 wine gallon and less than 5 wine gallons and shall be governed as to such operations by those provisions of Part 230 of this chapter which are applicable. Form 27 E, properly modified, must be submitted to, and be approved by, the assistant regional commissioner before any packaging operations may be conducted. The provisions of Part 230 of this chapter relating to procuring, accounting for, overprinting as to denomination, and attaching red strip stamps must be followed, except that requisitions on Form 428 for red strip stamps will be submitted to the assistant regional commissioner for approval. The wholesale dealer shall keep records, daily, showing the bulk alcohol received, dumped, packaged, and disposed of, and the name and address of each consignor and consignee. Packaging operations will be carried on without the supervision of a storekeeper-gauger, and the preparation of Forms 230 will not be required. A monthly report of strip stamp transactions on Form 2260, and of alcohol transactions on Form 52 D properly modified, shall be submitted to the assistant regional commissioner, as prescribed in Part 230 of this chapter. Records, documents, or copies of documents supporting such records, and copies of reports submitted to the assistant regional commissioner shall be filed on the wholesale dealer's premises, and shall be retained as prescribed in § 194.234.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

PAR. 2. 26 CFR Part 195, "Production of Vinegar by the Vaporizing Process," is amended as follows:

(A) Section 195.152 is amended by striking the second and third sentences and inserting in lieu thereof the sentence, "The quantities of fermenting and distilling materials received and used must be determined and recorded at the time of receipt and use as provided in § 195.175.".

(B) Section 195.153, and the headnote thereto, is amended to read:

§ 195.153 *Removal of fermenting material from premises.* The removal of fermenting material from the premises shall be recorded in the records required by § 195.175, and reported on the monthly report, Form 1623. The reasons for such removal shall be stated in the record.

(C) Section 195.155 is amended by striking the phrase "Form 1623." and inserting in lieu thereof the phrase "the record required by § 195.175.".

(D) Section 195.159 is amended by striking from the second sentence, which begins, "The receiving tanks", the phrase "on Form 1623, as indicated by the headings of the columns and the instructions printed on the form" and inserting in lieu thereof the phrase "by the proprietor on the records required by § 195.175".

(E) Section 195.160 is amended by striking the words "manufacture of vinegar: *Provided*, That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623" and inserting in lieu thereof, "manufacture of vinegar. The quantity thus removed or used must be determined and recorded by the proprietor on the records required by § 195.175.".

(F) Section 195.161 is amended as follows:

(1) By striking the phrase "reported monthly" and inserting in lieu therof the phrase "reported in the proprietor's monthly report, Form 1623".

(2) By striking the second and third sentences.

(G) Subpart L is amended to read as follows:

SUBPART L—PROPRIETOR'S RECORDS AND REPORTS

§ 195.175 *Daily records.* The proprietor of every vinegar factory shall keep daily records of operations which shall contain all data necessary to enable internal revenue officers to verify and trace each lot of low wines from receipt of material to production of finished vinegar, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the proprietor with records for compiling his monthly report on Form 1623. Such records shall clearly and accurately reflect the following:

(a) The receipt and disposition of each lot of fermenting or distilling material.

(b) The kind and quantity of fermenting material used, the quantity of mash set, and the quantity of distilling material produced (serial numbers of fermenters shall be shown on such records).

(c) The quantity of distilling material used, and the quantity of low wines produced.

(d) The quantity of vinegar produced.

(e) The quantity of vinegar removed (including losses).

In addition to any other information shown therein, the records shall show the date of each transaction or operation and, where applicable, the identity of each consignor and consignee. Quantities of fermenting materials shall be given in terms of pounds of dry measure and wine gallons of liquid measure. Quantities of low wines shall be given in terms of proof gallons. Quantities of vinegar shall be given in terms of gallons of 100-grain strength. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, by the close of the business day next succeeding the day on which the transaction occurs. The assistant regional commissioner may require additional information which he considers necessary.

§ 195.176 *Monthly report, Form 1623.* At the end of each month the proprietor shall prepare a report on Form 1623, in duplicate, showing a monthly summary account of fermenting and distilling materials, low wines, and vinegar. On or before the 10th day of the succeeding month, the proprietor shall forward the original to the assistant regional commissioner and retain the duplicate.

§ 195.177 *Filing and retention of records and reports.* All records required to be maintained by this part, and legible copies of all reports submitted to the assistant regional commissioner, shall be filed and maintained by the proprietor for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(H) Section 195.202 is amended by changing the first sentence to read, "The predecessor shall report on his Form 1623 all fermenting or distilling materials, materials in process, and low wines transferred to his successor, who shall in turn report such items on his Form 1623 as received from his predecessor.".

(I) Section 195.203 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "The fiduciary will make appropriate notation on Form 1623, and the records required by § 195.175, of his succession and the date thereof.".

(J) Section 195.210 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, the original of which must be marked 'Final report, permanent discontinuance of business,' and must be submitted to the assistant regional commissioner.".

PAR. 3. 26 CFR Part 216, "Denaturation of Rum," is amended as follows:

(A) Section 216.211 is amended by placing a period after the phrase "will not be required" and striking the remainder of the section.

(B) Section 216.214 is amended to read:

§ 216.214 *Record of samples.* All samples of denatured rum furnished by the proprietor shall be recorded in the records required by § 216.315.

(C) Section 216.243 is amended by striking the fifth and sixth sentences, which begin, "Upon removal" and "The foreign", respectively, and inserting in lieu thereof the following new sentence, "The proprietor shall record the removal of the denatured rum from the warehouse on the records required by § 216.315.".

(D) Section 216.285 is amended by striking all sentences except the first.

(E) Section 216.297 is revoked.

(F) Subpart X is amended to read as follows:

SUBPART X—PROPRIETOR'S RECORDS AND REPORTS

§ 216.315 *Daily records.* The proprietor shall keep daily records of denaturing operations which shall contain all data necessary to enable internal revenue officers to identify and trace the movement of each lot of rum from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such rum, and to provide the proprietor with records for compiling his monthly report on Form 575. Such records shall clearly and accurately reflect the following:

(a) The receipt of each lot of rum.

(b) The quantities of rum and denaturant used.

(c) The quantity of denatured rum produced.

(d) The quantity of denatured rum packaged.

(e) The quantity of denatured rum removed from the premises (including samples and losses).

In addition to any other information shown thereon, the records shall show the date of the transaction or operation, the number of packages and their serial numbers (identifying pipeline receipts as such), the identity of each consignor and consignee, and, where available, the serial numbers of applications and basic permits. In the case of exportations, the number of the car and the route, or the name of the vessel by which, and the port through which, the denatured rum is to be exported, will be shown. Quantities shall be recorded in wine gallons except that the quantity of rum received shall be recorded in proof gallons and the quantity of rum used for denaturation shall be shown in wine and proof gallons. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, by the close of the business day next succeeding the day on which the transaction occurs. The assistant regional commissioner may require additional information which he considers necessary.

(68A Stat. 681; 26 U. S. C. 5555)

§ 216.316 *Monthly report, Form 575.* At the end of each month the proprietor shall prepare a report on Form 575, in duplicate, showing a monthly summary account of all rum, denaturants, and denatured rum. Form 575 shall be prepared and executed in accordance with the instructions on the form, and as required by this part. The quantities of rum, denaturant, and denatured rum reported as on hand at the end of the month shall be determined by actual inventory: *Provided*, That in the absence of any evidence of casualty or theft, the transfer gauge of packages of rum, and the filling gauge of packages of denatured rum may be used as the inventory of such packages. The actual quantities of rum, denaturant, and denatured rum held in tanks must be ascertained. On or before the 10th day of the succeeding month, the proprietor shall submit both copies of the report to the storekeeper-gauger.

§ 216.317 *Filing and retention of records and reports.* All records required to be maintained by this part, and legible copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the proprietor for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(G) Section 216.325 is amended to read:

§ 216.325 *Entry on Form 575.* Where denatured rum is for any reason returned to the denaturing bonded warehouse by a bonded dealer or manufacturer or by the carrier, as provided in Part 182 of this chapter, the proprietor will maintain a record of the return as required by § 216.315. The total

quantity of such rum, identified as "Denatured rum returned," will be entered as a debit on the monthly report, Form 575. Shipments of such rum will be included in the total of removals for the month.

(H) Section 216.331 is amended to read:

§ 216.331 *Records.* Separate records will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on each record, and on the monthly report, Form 575, the individual or corporate name or the trade names or styles under which operations were conducted during the month, and the dates of operation under each.

(I) Section 216.341 is amended as follows:

(1) By striking the word "enter" in two places in the first sentence and inserting in lieu thereof the word "report".

(2) By striking from the last sentence the phrase "on Form 575 of his succession" and inserting in lieu thereof the phrase "of his succession, and the date thereof, on Form 575 and the records required by § 216.315".

PAR. 4. 26 CFR Part 220, "Production of Distilled Spirits," is amended as follows:

(A) Section 220.367 is amended as follows:

(1) By striking from the first sentence the word "distilling".

(2) By inserting in the first sentence, immediately after the phrase "distillery premises", the phrase "for use in the production of distilled spirits,".

(3) By striking from the second sentence the phrase "or bills of lading" and inserting in lieu thereof the phrase ", bills of lading, or prescribed forms".

(4) By inserting a comma after the phrase "commercial invoices" in the third sentence.

(B) Section 220.369, and the headnote thereto, is amended to read:

§ 220.369 *Determining quantities of materials used.* The distiller shall determine and record the quantity of (a) each lot of materials used in the production of each type of spirits, and (b) each lot of materials capable of producing spirits used in preparing yeast mash. He shall furnish dated, signed quantity reports to the storekeeper-gauger not later than the morning of the business day next succeeding the day on which the materials were weighed or measured. The quantities determined by the distiller shall be reflected in the records of production prescribed by § 220.755. Where materials are to be used for producing spirits, the quantity reports shall show the type of mash being set ("molasses," "wheat," "corn in excess," "rye in excess," etc.) and the serial number of each fermenter being filled. Quantity reports will be filed chronologically, by months, by both the distiller and the storekeeper-gauger.

(68A Stat. 637; 26 U. S. C. 5197)

(C) Section 220.370 is revoked.

(D) Section 220.371 is revoked.

(E) Section 220.373 is revoked.

(F) Section 220.374 is amended by changing the first sentence to read, "The distiller will not be required to prepare weight or quantity slips of materials used in preparing pure yeast cultures or jug yeast which is added to the yeast mash, or to record the same on his records of production.".

(G) Section 220.379 is amended as follows:

(1) By changing the headnote to read "Measurement of fermenters".

(2) By striking the phrase "Form 1598" in the first sentence, and inserting in lieu thereof the phrase "the record of production required by § 220.755".

(3) By striking the remaining sentences of the section.

(H) Section 220.381 is revoked.

(I) Section 220.389 is amended by changing the last sentence to read, "The quantity of finished spirits produced will be determined and recorded daily on the record of production required by § 220.755.".

(J) Section 220.409 is amended as follows:

(1) By striking from the second sentence the word "immediate".

(2) By striking the last sentence.

(K) Section 220.416 is revoked.

(L) Section 220.417 is amended as follows:

(1) By inserting a period after the phrase "removed for denaturation or destroyed" and striking the remainder of the sentence.

(2) By adding at the end of the section the following new sentence, "The distiller shall maintain records of the removal or destruction of such distillates, as required by § 220.756.".

(M) Section 220.420 is amended as follows:

(1) By striking the second sentence, which begins, "Such gauge".

(2) By striking from the fourth sentence, which begins, "The destruction must", the word "immediate".

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "The destruction will be reported by the distiller on Form 1598.".

(N) Section 220.424 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "The distiller shall maintain a record of all removals of distilled water, showing the date of removal, the name and address of the consignee, and the quantity removed.".

(O) Section 220.433 is amended as follows:

(1) By striking the second sentence, which begins, "Such removals".

(2) By adding at the end of the section the following new sentence, "The distiller shall maintain records showing the date of removal, the name and address of the consignee and the quantity removed.".

(P) Section 220.434 is amended as follows:

(1) By striking from the second sentence, which begins, "If the washwater", the phrase "Form 1598 or 1686" and inserting in lieu thereof the phrase "the distiller's records".

(2) By striking the last sentence and inserting in lieu thereof the following new sentence, "The distiller shall maintain records showing the date of destruction and the quantity (proof gallons) destroyed.".

(Q) Section 220.435 is amended as follows:

(1) By striking from the first sentence the phrase "thoroughly washed or scrubbed and purified" and inserting in lieu thereof the phrase "so treated as".

(2) By striking the last sentence and inserting in lieu thereof the following new sentence, "No record need be made of such disposition.".

(R) Section 220.449 is amended as follows:

(1) By striking from the first sentence the phrase "quantity of spirits received will be ascertained by appropriate gauge and immediately transferred" and inserting in lieu thereof the phrase "quantity will be determined and the spirits will be promptly transferred".

(2) By striking from the last sentence the phrase "making or verification of entries in monthly records and reports," and inserting in lieu thereof the phrase "verification of records and reports".

(S) Section 220.451 is amended by changing the third sentence, which begins, "The spirits introduced", to read, "The spirits introduced into the distilling system shall be recorded as materials used (in proof gallons and by class and type) on the proprietor's records of production required by § 220.755.".

(T) Section 220.452 is amended as follows:

(1) By changing the second sentence to read "In any case where the deficiency in redistillation of any particular lot or lots of spirits exceeds that which may be attributed to normal redistillation deficiencies, the distiller will make explanatory statements relative to such deficiencies in the production record required by § 220.755.".

(2) By inserting the following new sentence at the end of the section, "The storekeeper-gauger will make proper inquiry and appropriate investigation to determine the cause of the deficiency, and will make a full report thereof to the assistant regional commissioner.".

(U) Section 220.455 is amended to read, "Spirits removed from a registered distillery to another distillery for redistillation shall be recorded by the distiller on the record of removals required by § 220.756, and shall be reported on Form 1598.".

(V) Section 220.487 is amended to read, "Taxable samples shall be recorded by the distiller on the record of removals required by § 220.756, and shall be included in the report on Form 1598.".

(W) Section 220.541 is amended by striking the last sentence.

(X) Section 220.580 is amended as follows:

(1) By striking from the first sentence the phrase "properly filled out".

(2) By striking the second and third sentences, which begin, "The district director" and "The remaining", respectively.

(Y) Section 220.582 is amended by striking from the last sentence "1697" and inserting in lieu thereof "2260".

(Z) Section 220.585 is amended by striking from the last sentence "1697" and inserting in lieu thereof "2260".

(AA) Section 220.586, and the headnote thereto, is amended to read as follows:

§ 220.586 *Monthly report of distilled spirits stamps.* At the end of each month the distiller shall prepare a report on Form 2260, in duplicate, showing a summary monthly account of distilled spirits excise tax stamps. The original copy shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month. The duplicate copy shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 614; 26 U. S. C. 5061)

(BB) Section 220.624 is amended to read, "The distiller shall maintain records of removals of distilled spirits from the distillery in accordance with the provisions of § 220.756.".

(CC) Section 220.649 is amended to read, "The distiller shall maintain a record showing the nature and extent of any loss of distilled spirits, the date the loss was discovered, and the proof gallons lost, and shall report such losses on Form 1598.".

(DD) Section 220.662 is amended as follows:

(1) By striking from the headnote the word "returns" and inserting in lieu thereof the phrase "Form 1598".

(2) By striking from the first sentence the phrase, "Upon receipt of the distiller's monthly return, Form 1598, Part 3," and inserting in lieu thereof the phrase, "On receipt of Form 1598 from the distiller,".

(EE) Section 220.697 is amended by striking the last two sentences and inserting in lieu thereof the following new sentence, "The removal of finished spirits shall be recorded in the records of the distiller by the trade name or style under which the spirits were finished.".

(FF) Section 220.698 is amended as follows:

(1) By striking from the first sentence the phrase, "Separate record" and inserting in lieu thereof the phrase, "Separate records, and separate reports".

(2) By striking from the first sentence the phrase, "such records" and inserting in lieu thereof the phrase, "his records of operation, and his report on Form 1598,".

(3) By striking the second sentence, which begins, "The storekeeper-gauger".

(GG) Section 220.712 is amended as follows:

(1) By striking from the first sentence the phrase "will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1686, as to" and inserting in lieu thereof the phrase, "shall show on the record of production required by § 220.755 and on Form 1598".

(2) By striking from the second sentence, which begins, "If the distillates", the phrase "Form 1598" and inserting in lieu thereof the phrase "the distiller's records and on Form 1598".

(3) By striking the third sentence, which begins, "The storekeeper-gauger".

(4) By striking from the fourth sentence, which begins "The distiller", the phrase ", and the storekeeper-gauger will continue to maintain a record on Form 1686".

(5) By changing the fifth sentence to read, "Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on one record of production and reported on one Form 1598.".

(6) By adding the following new sentence at the end of the section, "Appropriate notations will be made to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the names under which it was so operated.".

(HH) Section 220.713 is amended as follows:

(1) By changing the first sentence to read, "The succeeding proprietor will record all materials in process received from his predecessor on the appropriate records and reports prescribed by Part 182 of this chapter if the distillery is to be operated as an industrial alcohol plant, or on the appropriate records and reports prescribed by Part 221 of this chapter if the distillery is to be operated as a fruit distillery.".

(2) By striking from the last sentence the phrase ", and the storekeeper-gauger".

(II) Section 220.723 is amended as follows:

(1) By changing the first sentence to read, "The out-going distiller shall show on his record of production, and report on Form 1598, all materials in process and all unfinished spirits outside the cistern room which are transferred to his successor, who shall in turn show such items on his record, and report on Form 1598, as received from his predecessor.".

(2) By striking from the fourth sentence, which begins "Where the distillery", the phrase "keep a separate Form 1598" and inserting in lieu thereof the phrase "maintain separate records and submit separate monthly reports on Form 1598".

(3) By striking from the fifth sentence, which begins "When operations", the phrase "entered on the same" and inserting in lieu thereof the phrase "recorded on the same set of records, and reported on the same".

(4) By striking from the fifth sentence the phrase "on the separating lines".

(5) By striking the sixth sentence, which begins "The storekeeper-gauger".

(6) By striking from the last sentence the figures "220.756" and inserting in lieu thereof the figures "220.757".

(JJ) Section 220.724 is amended by changing the last sentence to read, "In the case of such change, the fiduciary shall make appropriate notations on his records, and on Form 1598, of his succession and the date thereof.".

(KK) Section 220.745 is revoked.

(LL) Section 220.746 is revoked.

(MM) Subpart FF is amended to read as follows:

SUBPART FF—DISTILLER'S RECORDS AND REPORTS

RECORDS AND REPORTS OF DISTILLERY OPERATIONS

§ 220.755 *Record of production.* The distiller shall maintain at his distillery daily records of production which shall include all data necessary to enable internal revenue officers to identify and trace the movement of all materials and spirits through the various processes from the use of materials to the deposit of the finished spirits in receiving cisterns, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such materials and spirits, and to enable the distiller to properly mark and brand packages of distilled spirits, and to provide him with records for compiling the monthly report, Form 1598. Such records shall accurately and clearly reflect the following:

(a) The kind and quantity of materials used, in terms of pounds of dry measure and gallons of liquid measure (giving the sugar content for molasses).

(b) The type and quantity of mash set in each fermenter.

(c) The type and quantity of beer distilled.

(d) The type and quantity of spirits produced.

Where distillates from two or more types of mash are produced, the distiller shall maintain a separate record for each type of distillate, and each such record shall show, by kind, proof, and proof gallons, the deposits in unfinished spirits tanks, charges to the various stills for redistillation, redeposits in unfinished spirits tanks, and other movement of the distillate. Each such record of the movement of distillates shall also show the fermenter number and the date set, or a symbol or lot number which will enable ready identification of the mash from which the spirits were produced. In addition to any other information shown therein, the records required by this section shall show the date of the transaction or operation, and, as applicable, the serial numbers of fermenters, unfinished spirits tanks, and receiving cisterns. The date of production shall be the date of gauge and removal from the receiving cisterns, and the quantity produced shall be the quantity reported on Form 1520 covering such removal.

(68A Stat. 637; 26 U. S. C. 5197)

§ 220.756 *Record of removals.* The distiller shall maintain at his distillery daily records of removals which shall include all data necessary to enable internal revenue officers to identify each lot of distilled spirits destroyed or removed from the premises, and to verify such destruction or removal, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such spirits, and to provide the distiller with records for compiling the monthly report, Form 1598. Such records shall accurately and clearly reflect the following:

(a) The date of the transaction.

(b) The serial number of the cistern (or unfinished spirits tank) from which

the spirits are drawn for destruction or removal from the premises.

(c) The name, address, and registry number of the consignee.

(d) The kind, number, and serial numbers of containers.

(e) The kind of spirits.

(f) The tax gallons removed.

(g) The purpose of the removal, such as taxpayment, transfer to internal revenue bonded warehouse (distinguishing between transfers to warehouses on or contiguous to the distillery premises and all others), transfer to denaturing bonded warehouse or denaturing plant, redistillation, destruction, etc.

All information required to be shown in the daily records required by this section and by § 220.755 shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

(68A Stat. 637; 26 U. S. C. 5197)

§ 220.757 *Monthly report, Form 1598.* At the end of each month the distiller shall prepare a monthly report on Form 1598, in duplicate, and deliver both copies to the storekeeper-gauger on or before the 5th day of the month succeeding that for which the report is rendered. Form 1598 shall be prepared and executed in accordance with the instructions on the form and as required by this part. The storekeeper-gauger will examine the report, execute the certificate of the internal revenue officer on both copies of the form, return the copy to the proprietor, and forward the original to the assistant regional commissioner.

(68A Stat. 637; 26 U. S. C. 5197)

TAXPAID PREMISES

§ 220.758 *Records at taxpaid premises.* Every distiller who maintains taxpaid premises in connection with his distillery shall keep daily records of the receipt and disposition of distilled spirits at such premises. By taxpaid premises is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the distillery, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept at each of such premises. The records shall contain all data necessary to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the distiller with records from which the monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of casualty or theft).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of packages or cases.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding that on which the transaction occurs.

(68A Stat. 619; 26 U. S. C. 5114)

§ 220.759 *Reports from taxpaid premises.* At the end of each month the distiller shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of tax-paid distilled spirits received and disposed of during the moth and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate shall be retained by the distiller. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 220.760 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the distiller for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 5. 26 CFR Part 221, "Production of Brandy," is amended as follows:

(A) Section 221.355 is amended as follows:

(1) By striking from the first sentence the phrase "distilling materials" and inserting in lieu thereof the phrase "materials (fermented or unfermented)".

(2) By inserting in the first sentence, immediately following the phrase "distillery premises", the phrase "for use in the production of brandy".

(3) By striking from the second sentence, which begins "Where commercial invoices," the word "or" and inserting in lieu thereof a comma.

(4) By inserting in the second sentence, immediately following the phrase "bills of lading", a comma and the phrase "or prescribed forms,".

(B) Section 221.357 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 15".

(2) By changing the last sentence to read, "Where wine, or brandy for redistillation, is received the alcohol content thereof will also be entered on the record required by § 221.355.".

(C) Section 221.358 is amended as follows:

(1) By striking from the third sentence, which begins "Where water", the phrase "so entered on Form 15" and inserting in lieu thereof the phrase "will be recorded in the record required by § 221.355".

(2) By striking from the last sentence the phrase "alcohol strength" and inserting in lieu thereof the phrase "alcohol content".

(D) Section 221.360 is amended as follows:

(1) By striking from the first sentence the phrase "Form 15" and inserting in lieu thereof the phrase "the production record required by § 221.770".

(2) By striking from the last sentence the word "form" and inserting in lieu thereof the word "record".

(E) Section 221.361 is amended as follows:

(1) By changing the word "alcoholic" in the headnote and in the first sentence to "alcohol".

(2) By striking from the last sentence the phrase "entries on Form 15" and inserting in lieu thereof the word "records".

(F) Section 221.362 is amended as follows:

(1) By changing the word "alcoholic" to "alcohol" in the first, fourth, eighth, and ninth sentences.

(2) By striking from the ninth sentence, which begins "The kind", the phrase "Form 15" and inserting in lieu thereof the phrase "the production record required by § 221.770".

(3) By striking the tenth and eleventh sentences, which begin "Where two" and "Each page", respectively.

(G) Section 221.363 is amended as follows:

(1) By striking from the first sentence the phrase "Form 15" and inserting in lieu thereof the phrase "the distiller's records".

(2) By striking from the last sentence the word "reporting" and inserting in lieu thereof the word "recording".

(H) Section 221.366 is amended by striking from the last sentence the phrase "recording on Form 15 prior to" and inserting in lieu thereof the phrase "recording on the distiller's records prior to".

(I) Section 221.370 is amended by striking the phrase "such quantity entered" and inserting in lieu thereof the phrase "included in the total of unfinished spirits reported".

(J) Section 221.386 is amended by striking the second and third sentences and inserting in lieu thereof the following new sentence, "The distiller shall maintain records showing the date of removal, kind of material, quantity, and the name and address of each consignee if the material has been disposed of to other persons.".

(K) Section 221.393 is amended by striking from the last sentence the word "entered" and inserting in lieu thereof the word "reported".

(L) Section 221.414 is amended by striking from the second sentence, which begins "The destruction", the word "immediate".

(M) Section 221.420 is amended as follows:

(1) By inserting a period after the phrase "removed from denaturation" in the first sentence and striking the remainder of the sentence.

(2) By inserting, immediately after the first sentence, the following new sentence, "The distiller shall maintain records of the removal or destruction of such distillates as required by § 221.771.".

(N) Section 221.423 is amended as follows:

(1) By striking the second sentence, which begins "Such gauge".

(2) By striking from the fourth sentence, which begins "The destruction", the word "immediate".

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "The destruction will be reported by the distiller on his monthly report, Form 15."

(O) Section 221.425 is amended as follows:

(1) By changing the second sentence, which begins "Distilled water", to read "Under no circumstances may distilled water be drawn off or removed through the receiving room, brandy deposit room, or bonded warehouse.".

(2) By changing the third sentence to read, "Barrels which have been used to package distilled spirits may not be used for the removal of distilled water.".

(3) By adding after the last sentence the following new sentence, "The distiller shall maintain a record of all removals of distilled water, showing the date of removal, the name and address of the consignee, and the quantity removed.".

(P) Section 221.437 is amended as follows:

(1) By striking the first sentence.

(2) By inserting at the end of the section the following new sentence, "The distiller shall maintain records showing the date of removal, the name and address of the consignee, and the quantity removed.".

(Q) Section 221.438 is amended as follows:

(1) By striking from the second sentence, which begins "If the washwater", the phrase "Form 15" and inserting in lieu thereof the phrase "the distiller's records".

(2) By changing the word "alcoholic" in the last sentence to "alcohol".

(3) By inserting a period after the phrase "on Form 1520" in the last sentence and striking the remainder of the sentence.

(4) By adding at the end of the section the following new sentence, "The distiller shall maintain records showing the date of destruction and the quantity (proof gallons) destroyed.".

(R) Section 221.439 is amended as follows:

(1) By striking from the first sentence the phrase "thoroughly washed or scrubbed and purified to" and inserting in lieu thereof the phrase "so treated as to".

(2) By striking the third, fourth, and fifth sentences, which begin "Where the washwater", "Where the washwater", and "An approved", respectively.

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "No record need be made of such disposition.".

(S) Section 221.467 is amended as follows:

(1) By striking from the second sentence, which begins "In any case", the phrase "submit explanatory statements relative to such deficiencies with Form 15" and inserting in lieu thereof the phrase "make explanatory statements relative to such deficiencies in the production record required by § 221.770".

(2) By striking from the last sentence the word "thereof" and inserting in lieu thereof the phrase "of the deficiency and will make a full report thereof to the assistant regional commissioner".

(T) Section 221.470, and the headnote thereto, is amended to read as follows:

§ 221.470 *Record of removals for redistillation.* Brandy removed from a fruit distillery to another distillery for redistillation shall be recorded by the consignor distiller on the record of removals required by § 221.771 and shall be reported by him on Form 15.

(68A Stat. 634, 637; 26 U. S. C. 5194, 5197)

(U) Section 221.580 is amended as follows:

(1) By striking from the first sentence the phrase "properly filled out".

(2) By striking the second and third sentences, which begin "The district director" and "The remaining copy", respectively.

(V) Section 221.582 is amended by changing the phrase "Form 1697" in the last sentence to read "Form 2260".

(W) Section 221.585 is amended by changing the phrase "Form 1697" in the last sentence to read "Form 2260".

(X) Section 221.586, and the headnote thereto, is amended to read as follows:

§ 221.586 *Monthly report of distilled spirits excise tax stamps.* At the end of each month the distiller shall prepare a report on Form 2260, in duplicate, showing a summary monthly account of distilled spirits excise tax stamps. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month. The copy shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 614; 26 U. S. C. 5061)

(Y) Section 221.598 is amended by changing the figures "221.173" in the last sentence to read "221.541".

(Z) Section 221.654 is amended to read, "Where brandy is lost or destroyed, after it has been gauged for removal or for deposit in the brandy deposit room, appropriate notation shall be made by the distiller in the record of removal required by § 221.771, and on Form 15. The loss or destruction of brandy before it has been gauged shall be recorded and explained in the record of production required by § 221.770, and on Form 15.".

(AA) Section 221.667 is amended as follows:

(1) By striking from the headnote the word "returns" and inserting in lieu thereof the phrase "Form 15".

(2) By striking from the first sentence the phrase "Upon receipt of the distiller's return, Form 15, Part 3," and inserting in lieu thereof the phrase "On receipt of Form 15 from the distiller,".

(BB) Section 221.713 is amended as follows:

(1) By inserting in the first sentence, immediately after the phrase "Separate records", the phrase ", and separate reports".

(2) By striking from the first sentence the phrase "such record" and inserting in lieu thereof the phrase "his records of operations and his report on Form 15".

(CC) Section 221.727 is amended as follows:

(1) By changing the first sentence to read, "The outgoing distiller shall show on the record of production required by § 221.770, and on Form 15, the transfer to the successor of materials in process, and the removal from the distillery of all brandy produced by the outgoing distiller.".

(2) By inserting in the second sentence, immediately following the phrase "will be made on", the phrase "the distiller's records and on".

(3) By changing the last sentence to read, "Where the plant is operated as a fruit distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on one record of production, and reported on one Form 15.".

(4) By adding at the end of the section the following new sentence, "Appropriate notations will be made to show the dates the distillery was operated as a registered distillery or an industrial alcohol plant and the names under which it was so operated.".

(DD) Section 221.728 is amended by striking the first and second sentences and inserting in lieu thereof the following new sentence, "The succeeding proprietor will record all materials in process received from his predecessor on the appropriate records and reports prescribed by Part 182 of this chapter if the distillery is to be operated as an industrial alcohol plant, or on the appropriate records and reports prescribed by Part 220 of this chapter if the distillery is to be operated as a registered distillery.".

(EE) Section 221.743 is amended as follows:

(1) By striking from the first sentence the phrase "enter on his Form 15" and inserting in lieu thereof the phrase "show on his record of production, and report on Form 15,".

(2) By striking from the first sentence the phrase "enter such items on his Form 15" and inserting in lieu thereof the phrase "show such items on his records, and report on Form 15,".

(3) By striking from the fourth sentence, which begins "Where the", the

phrase "keep a separate Form 15" and inserting in lieu thereof the phrase "maintain separate records and submit separate monthly reports on Form 15".

(4) By striking from the fifth sentence, which begins "When operations", the phrase "entered on the same Form 15, appropriate notations being made on the separating lines", and inserting in lieu thereof the phrase "recorded on the same set of records and reported on the same Form 15, appropriate notations being made".

(5) By changing the last sentence to read, "At the end of the month, the distiller will submit his report on Form 15 to the assistant regional commissioner in accordance with Subpart HH of this part.".

(FF) Section 221.744 is amended by inserting in the last sentence, immediately following the phrase "notation on" the phrase "the records and on".

(GG) Subpart HH is amended to read as follows:

SUBPART HH—DISTILLER'S RECORDS AND REPORTS

RECORDS AND REPORTS OF DISTILLERY OPERATIONS

§ 221.770 *Record of production.* The distiller shall maintain at his distillery daily records of production which shall include all data necessary to enable internal revenue officers to identify and trace the movement of all materials and brandy through the various processes from the use of materials to the deposit of finished brandy in receiving tanks, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such material and brandy, and to enable the distiller to properly mark and brand packages of brandy, and to provide him with records from which the monthly report, Form 15, may be compiled. Such records shall accurately and clearly reflect the following:

(a) The kind and quantity of fermenting material in each fermenter.

(b) The kind and quantity of distilling material produced.

(c) The kind and quantity of distilling material distilled.

(d) The type and quantity of brandy produced.

Where distillates from two or more types of materials are produced, the distiller shall maintain a separate record for each type of distillate, and each such record shall show, by kind, proof, and proof gallons, the deposits in unfinished brandy tanks, charges to the various stills for redistillation, redeposits in unfinished brandy tanks, and other movement of the distillate. Each such record of the movement of distillates shall also show the fermenter number and the date set, or a symbol or lot number which will enable ready identification of the material from which the brandy was produced. In addition to any other information shown therein, the records required by this section shall show the date of the transaction or operation, and, as applicable, the serial numbers of fermenters, unfinished brandy tanks, and receiving tanks. The date of production shall be the date of gauge and removal from the receiving tanks, and the quantity produced shall be the quantity reported on Form 1520 covering such removal.

(68A Stat. 637; 26 U. S. C. 5197)

§ 221.771 *Record of removals.* The distiller shall maintain at his distillery daily records of removals which shall include all data necessary to enable internal revenue officers to identify each lot of brandy destroyed or removed from the premises, and to verify such removal or destruction, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such brandy, and to provide the distiller with records for compiling the monthly report, Form 15. Such records shall accurately and clearly reflect the following:

(a) The date of the transaction.

(b) The serial number of the receiving tank (or unfinished brandy tank) from which the brandy is drawn for removal from the premises or for destruction.

(c) The name, address, and registry number of the consignee.

(d) The kind, number, and serial numbers of containers.

(e) The kind of brandy.

(f) The tax gallons removed.

(g) The purpose of the removal, such as taxpayment, transfer to internal revenue bonded warehouse (distinguishing between transfers to warehouses on or contiguous to the distillery premises and all others), transfer to bonded wine cellar, redistillation, destruction, etc.

Removals to and from the brandy deposit room shall be recorded in such manner as to provide data necessary to complete the brandy deposit room account on the monthly report, Form 15. All information required to be shown in the daily records required by this section and by § 221.770 shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

(68A Stat. 637; 26 U. S. C. 5197)

§ 221.772 *Monthly report, Form 15.* Immediately after the close of the month the distiller shall prepare a report on Form 15, in duplicate. Form 15 shall be prepared and executed in accordance with the instructions on the form and as required by this part. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month, and the copy shall be retained by the distiller.

(68A Stat. 637, 640; 26 U. S. C. 5197, 5215)

TAXPAID PREMISES

§ 221.773 *Records at taxpaid premises.* Every distiller who maintains taxpaid premises in connection with his fruit distillery shall keep daily records of the receipt and disposition of distilled spirits at such premises. By taxpaid premises is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the distillery, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept at each of such premises. The records shall contain all data necessary to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the distiller with records from which the monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of casualty or theft).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of the cases or packages.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding that on which the transaction occurs.

(68A Stat. 619; U. S. C. 5114)

§ 221.774 *Reports from taxpaid premises.* At the end of each month the distiller shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of taxpaid distilled spirits received and disposed of during the month and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate retained by the distiller. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits, Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 221.775 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the distiller for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 6. 26 CFR Part 225, "Warehousing of Distilled Spirits", is amended as follows:

(A) Section 225.244, and the headnote thereto, is amended to read as follows:

§ 225.244 *Reports.* Upon transfer of the business to the successor, the outgoing proprietor must file with the assistant regional commissioner a final report on Form 52 C, prepared in accordance with Subpart VV of this part, showing such transfer.

(68A Stat. 643, 645; 26 U. S. C. 5231, 5242)

(B) Section 225.255 is amended by striking from the first sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(C) Section 225.287 is amended by striking from the last sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(D) Section 225.586, and the headnote thereto, is amended to read as follows:

§ 225.586 *Proprietor's records and monthly report.* The proprietor shall keep records and render reports of all spirits removed from the warehouse, as provided in Subpart VV of this part.

(68A Stat. 637; 26 U. S. C. 5197)

(E) Section 225.715 is amended by striking from the last sentence the phrase "Form 1697" and inserting in lieu thereof the phrase "Form 2260".

(F) Section 225.718 is amended by striking from the last sentence the phrase "Form 1697" and inserting in lieu thereof the phrase "Form 2260".

(G) Section 225.719, and the headnote thereto, is amended to read as follows:

§ 225.719 *Monthly report of distilled spirits stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, in duplicate, showing a monthly summary account of all distilled spirits excise tax stamps. On or before the 10th day of the succeeding month the original thereof shall be submitted to the assistant regional commissioner in accordance with the instructions printed on the form. The copy shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 599, 614; 26 U. S. C. 5006, 5061)

(H) Section 225.1035 is amended as follows:

(1) By striking the fourth, fifth, and sixth sentences, each of which begins "The district director".

(2) By striking from the seventh sentence the beginning phrase "The proprietor", and inserting in lieu thereof the phrase "Upon receipt of the stamps from the district director, the proprietor".

(3) By striking the last sentence.

(I) Section 225.1040 is amended by striking from the last sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(J) Section 225.1047, and the undesignated centerhead immediately preceding that section, is revoked.

(K) Section 225.1048, and the headnote thereto, is amended to read as follows:

§ 225.1048 *Removal of strip stamps prohibited.* Strip stamps which have been affixed to bottles of distilled spirits shall not be removed therefrom, except in the process of breaking when the bottles are opened. Unused strip stamps may not be requisitioned, transferred, or possessed except as provided by law or regulations, and used strip stamps may not be possessed.

(68A Stat. 602, 645; 26 U. S. C. 5008, 5243)

(L) Subpart VV is amended to read as follows:

SUBPART VV—RECORDS AND REPORTS OF PROPRIETOR

§ 225.1120 *Daily records of removal from warehouse.* The proprietor shall maintain daily records of removals which shall contain all data necessary (a) to enable internal revenue officers to identify each lot of distilled spirits removed from the warehouse, to verify such removal, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (b) to provide the proprietor with records for compiling the monthly report, Form 52 C. Such records, in addition to any other information shown therein, shall show (1) the name and address of the consignee, (2) the date of removal, (3) the kind of spirits, (4) the name and registry number of the producing distiller, (5) the number of packages and cases (identifying tank car, tank truck, or pipeline removals), (6) the tax gallons removed, and (7) the serial numbers of cases or packages and identifying numbers of tank cars and tank trucks. All information required to be shown in the records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the removals are made.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1121 *Monthly report of removals from warehouse, Form 52 C.* At the end of each month the proprietor shall prepare a report on Form 52 C, in duplicate, showing the total quantities of bulk and bottled-in-bond distilled spirits removed from the internal revenue bonded warehouse during the month. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month, and the copy shall be retained by the proprietor. Form 52 C will be provided by users at their own expense, and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1122 *Records at taxpaid premises.* Every proprietor who maintains taxpaid premises shall keep daily records of the receipt and disposition of distilled spirits at such premises. By "taxpaid premises" is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the internal revenue bonded warehouse, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept for each of such premises. The records shall contain all data necessary to enable internal revenue officers to identify and trace the receipt and disposition of each lot of distilled spirits, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the proprietor with records from which his monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of theft or casualty).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of the packages or cases.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the transaction occurs.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1123 *Reports from taxpaid premises.* At the end of each month the proprietor shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of taxpaid distilled spirits received and disposed of during the month and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate shall be retained by the proprietor. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits, Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

§ 225.1124 *Records and reports of off-premises export storage.* The provisions of §§ 225.1122 and 225.1123 relating to records and reports of distilled spirits at taxpaid premises are applicable to distilled spirits which have been bottled or packaged especially for export with benefit of drawback and which are held at the proprietor's contiguous off-premises export storage. The provisions of

Part 194 of this chapter which relate to records and reports of distilled spirits and wines at wholesale liquor dealers' premises are applicable to distilled spirits and wines which have been bottled or packaged especially for export with benefit of drawback and which are held at the proprietor's noncontiguous off-premises export storage. The provisions of Part 194 of this chapter which relate to records of receipt of wine at wholesale liquor dealers' premises are applicable to wine which has been bottled or packaged especially for export with benefit of drawback and which is received at the proprietor's contiguous or noncontiguous off-premises export storage.

(68A Stat. 614; 26 U. S. C. 5062)

§ 225.1125 *Daily memorandum report of strip stamps.* The proprietor shall furnish a daily report of bottled-in-bond strip stamp usage (both domestic and export) to the storekeeper-gauger, which shall show (a) the number of cases of distilled spirits bottled, by number and size of bottles, (b) the serial numbers of such cases, and (c) separate summaries, by denomination, of the domestic and the export bottled-in-bond strip stamps received, used, mutilated in cutting or overprinting, mutilated in bottling, destroyed under supervision, unaccounted for, and on hand at the beginning and end of the day. The report shall be furnished not later than the morning of the business day next succeeding the day on which the strip stamp transactions occur. Reports will not be required for days on which no transactions occur. Reports may be in simple memorandum form, or be a copy of a record or report prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed in § 225.1127.

§ 225.1126 *Monthly report of strip stamps, Form 2260.* At the end of each month the proprietor shall prepare a report (or reports) on Form 2260 showing, separately, a monthly summary account of domestic and export bottled-in-bond strip stamps. Reports shall be prepared in duplicate, and all copies shall be submitted to the internal revenue officer for verification of the monthly inventories of stamps on hand. After such verification the internal revenue officer will return all copies to the proprietor, who will, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the copy for filing in accordance with § 225.1127.

(68A Stat. 602; 26 U. S. C. 5008)

§ 225.1127 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the warehouseman for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises, unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 7. 26 CFR Part 230, "Bottling of Taxpaid Spirits", is amended as follows:

(A) Section 230.197 is amended as follows:

(1) By striking the word "subchapter" from the first sentence and inserting in lieu thereof the word "chapter".

(2) By striking from the ninth sentence, which begins "The proprietor will cancel", the word "subchapter" and inserting in lieu thereof the word "chapter".

(3) By striking from the 19th sentence, which begins "The proprietor shall", the phrase "Form 1697, properly modified", and inserting in lieu thereof the phrase "Form 2260".

(B) Section 230.201 is amended as follows:

(1) By striking from the first sentence the phrase "or to the wholesale liquor dealer premises or placed" and inserting in lieu thereof the phrase "or the wholesale liquor dealer premises, or be placed".

(2) By striking the last sentence.

(C) Section 230.223 is amended to read, "Red strip stamps will be furnished without charge to proprietors of taxpaid bottling houses by the district director of the district in which such bottling houses are located. Except in cases of emergency, they will not be furnished by district directors of other districts. The proprietor, on receipt of the copy of Form 428 and the stamps from the district director, will deliver the form and the stamps to the internal revenue officer for verification of receipt.".

(D) Section 230.231 is amended as follows:

(1) By striking from the headnote the word "Non-usable" and inserting in lieu thereof the word "Mutilated".

(2) By striking the first sentence.

(3) By striking from the second sentence the phrase "supervision of the" and inserting in lieu thereof the phrase "supervision of an".

(4) By changing the last sentence to read, "The proprietor will report on Form 2260 the number of each denomination of stamps so destroyed.".

(E) Subpart V is amended to read as follows:

SUBPART V—PROPRIETOR'S RECORDS AND REPORTS

RECORDS

§ 230.280 *Daily records.* The proprietor shall maintain, at his taxpaid bottling house, daily records which shall include all data necessary to enable internal revenue officers to identify and trace the movement of all distilled spirits and wines from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such distilled spirits and wines, and to provide the proprietor with records from which the monthly report, Form 52 D, may be compiled. Such records must accurately and clearly reflect the following:

(a) The distilled spirits and wines received on the premises (including export storage and the contiguous wholesale liquor dealer room).

(b) The dumping and packaging or original bottling of distilled spirits and wines.

(c) The bottling of spirits previously packaged on the premises.

(d) The rebottling of bottled spirits removed from the case storage room, export storage, or the contiguous wholesale liquor dealer room.

(e) The distilled spirits and wines removed from the premises (including export storage and the contiguous wholesale liquor dealer room).

In addition to any other information shown thereon, such records shall, for each transaction or operation, show the date and the kind and quantity of distilled spirits or wine involved, and, where applicable, the date and serial number of each Form 230, the producer or rectifier of domestic spirits, the country of origin of imported spirits, the alcohol content of wines, the serial numbers of bottling tanks used, the number of cases or packages and their serial numbers, the gains or losses during each operation, and the identity of each consignor for receipts and of each consignee for shipments. Spirits packaged or bottled especially for export with benefit of drawback must be appropriately identified at each operation or transaction. Wines will be recorded in wine gallons only. Distilled spirits must be recorded in both wine and proof gallons, except that the removal of distilled spirits bottled for domestic consumption will be recorded in wine gallons only. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

§ 230.281 *Wholesale liquor dealer room.* A contiguous wholesale liquor dealer room operated by the proprietor in connection with the taxpaid bottling house, whether or not it is used exclusively for the products of such taxpaid bottling house, will be considered a part of the bottling house premises for purposes of records and reports required by this part.

(68A Stat. 619; 26 U. S. C. 5114)

REPORTS

§ 230.282 *Daily memorandum report of distilled spirits bottled and strip stamps used.* The proprietor shall furnish a daily report to the storekeeper-gauger showing:

(a) The number of cases of distilled spirits bottled, by number and size of bottle.

(b) The serial numbers of such cases.

(c) A summary, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day.

The report shall be furnished not later than the morning of the business day next succeeding that on which the strip stamps were used. The report may be in simple memorandum form, or it may be a copy of a record prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed by § 230.285.

§ 230.283 *Monthly report of red strip stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, showing a summary of all red strip stamp transactions which occurred during the month. The report shall be prepared in duplicate, and both copies shall be delivered to the storekeeper-gauger for verification of the monthly inventories of stamps on hand. After such verification both copies shall be returned to the proprietor, who shall, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the duplicate for his files.

(68A Stat. 602; 26 U. S. C. 5008)

§ 230.284 *Monthly summary report.* At the end of each month the bottler shall prepare a report on Form 52 D, in duplicate, of all operations and transactions at the taxpaid bottling house during the month. The original of the report shall be submitted to the assistant regional commissioner not later than the tenth day of the succeeding month, and the duplicate shall be retained by the proprietor.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 230.285 *Filing.* All records required by this part, all auxiliary or supplementary records of individual operations and transactions from which such records are compiled, and copies of all reports submitted shall be filed and maintained by the bottler for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PROCUREMENT OF FORMS

§ 230.286 *Forms to be provided by users at own expense.* Forms 52 D and 230 will be provided by users at their own expense and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 619; 26 U. S. C. 5114)

(F) Section 230.302 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 52 D, or on a separate record with identifying data in accordance with § 230.285" and inserting in lieu thereof the phrase "in the daily records required by § 230.280".

(2) By striking the second sentence.

(G) Section 230.322 is amended to read, "Separate records will not be required for operations under a new individual or corporate name, or under each trade name or style. The proprietor shall, however, note on his daily records and on his monthly reports, Forms 52 D and 2260, the individual or corporate names or the trade names or styles under which operations were conducted during the month. In addition, the dates of operation under each such name shall be shown on Forms 52 D and 2260."

(H) Section 230.332 is amended by striking from the last sentence the phrase "part 2 of Form 182" and inserting in lieu thereof the phrase "Form 2260".

(I) Section 230.333 is amended to read, "Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter in his daily records of disposition and report on his Form 52 D all spirits transferred to his successor, who shall in turn enter in his daily records of receipt and report on his Form 52 D all spirits received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, his daily records and Form 52 D shall reflect such succession."

PAR. 8. 26 CFR Part 235, "Rectification of Spirits and Wines", is amended as follows:

(A) Section 235.418 is amended by striking from the 17th sentence, which begins "The proprietor shall", the phrase "Form 1697, properly modified,", and inserting in lieu thereof the phrase "Form 2260".

(B) Section 235.465 is amended by striking the second sentence.

(C) Section 235.498 is amended by striking from the last sentence the phrase "also make appropriate entries on Form 45 of" and inserting in lieu thereof the phrase "report on Form 45".

(D) Section 235.544 is amended to read, "Section 5041, I. R. C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. All wines which contain more than 24 percent of alcohol by volume are classed as distilled spirits and taxed accordingly.".

(E) Section 235.551 is amended by changing the first sentence to read, "Section 5022, I. R. C., imposes a tax, at the rate prescribed therein, on all liqueurs, cordials, or similar compounds produced in the United States and not sold as wine, which contain more than 2½ percent by volume of wine of an alcohol content in excess of 14 percent by volume (other than bottled cocktails); such tax to be in lieu of the rectification tax imposed by Section 5021, I. R. C.".

(F) Section 235.627 is amended by striking from the last sentence the phrase "and Form 45".

(G) Section 235.720 is amended by changing the last sentence to read, "Report of such transfers of stamps must be made on Form 2260 by the proprietors of both premises.".

(H) Section 235.722 is amended by striking from the last sentence the phrase "Form 45" and inserting in lieu thereof the phrase "the Form 2260".

(I) Section 235.723 is amended as follows:

(1) By changing the headnote to read "Stamp report.".

(2) By striking from the first sentence the phrase "keep a record on Form 45" and inserting in lieu thereof the phrase "make a report on Form 2260".

(3) By striking the remainder of the section.

(J) Section 235.742 is amended by striking the last sentence.

(K) Section 235.747 is amended to read, "Red strip stamps will be furnished without charge to proprietors of rectifying plants by the district director of the district in which such plants are located. Except in cases of emergency, they will not be furnished by district directors of other districts. The proprietor, on receipt of the copy of Form 428 and the stamps from the district director, will deliver the form and the stamps to the storekeeper-gauger for verification of receipt.".

(L) Section 235.755 is amended as follows:

(1) By striking from the headnote the word "Nonusable" and inserting in lieu thereof of the word "mutilated".

(2) By striking the first sentence.

(3) By striking from the last sentence the phrase "enter appropriate credit on Form 182 for" and inserting in lieu thereof the phrase "(report on Form 2260".

(M) Section 235.807 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 45 or Record 52, or on a separate record with identifying data in accordance with § 235.821" and inserting in lieu thereof the phrase "in the daily records as provided in § 235.815".

(2) By striking the second sentence, which begins "Broken cases".

(N) Subpart JJ is amended to read as follows:

SUBPART JJ—RECTIFIER'S RECORDS AND REPORTS

RECORDS

§ 235.815 *Daily records.* The rectifier shall maintain, at his rectifying plant, daily records which shall include all data necessary to enable internal revenue officers to identify and trace the movement of all distilled spirits and wines from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such distilled spirits and wines, and to provide the rectifier with records from which the monthly report, Form 45, may be compiled. Such records must accurately and clearly reflect the following:

(a) The distilled spirits, wines, and alcoholic flavoring materials received on the premises, including export storage and the contiguous wholesale liquor dealer room.

(b) The distilled spirits, wines, and alcoholic flavoring materials dumped for rectification.

(c) The rectification of each batch of distilled spirits and wines.

(d) The packaging or original bottling of each batch of distilled spirits and wines after rectification.

(e) The transfer of rectified products by pipeline to contiguous premises.

(f) The dumping and packaging or original bottling of distilled spirits and wines without rectification.

(g) The bottling of products previously packaged on the premises.

(h) The rebottling of bottled products removed from the finished storage room, contiguous wholesale liquor dealer room, or export storage.

(i) The distilled spirits and wines removed from the premises. Separate records will be made of removals from the receiving room and removals from the finished products room (including export storage and the contiguous wholesale liquor dealer room).

In addition to any other information shown therein, such records shall, for each transaction or operation, show the date and the kind and quantity of distilled spirits or wine (including alcoholic flavoring materials) involved, and, where applicable, the date and serial number of each Form 122, 230, or 237, the producer or rectifier of domestic spirits, the country or origin of imported spirits, the alcohol content of wines and flavoring materials, the serial numbers of bottling tanks used, the serial number of the formula, the number of cases or packages and their serial numbers (identifying tank cars, tank trucks, and pipeline removals as such), the gains and losses during each operation, and the identity of each consignor for receipts and of each consignee for shipments. Products packaged or bottled especially for export with benefit of drawback must be appropriately identified at each operation or transaction. Quantities shall be recorded in both wine and proof gallons, except that the removal of finished products bottled for domestic consumption will be recorded in wine gallons only. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

§ 235.816 *Wholesale liquor dealer room.* A contiguous wholesale liquor dealer room operated by the proprietor in connection with the rectifying plant, whether or not it is used exclusively for the products of such rectifying plant, will be considered a part of such rectifying plant for purposes of records and reports required by this part.

REPORTS

§ 235.817 *Daily memorandum report of distilled spirits bottled and strip stamps used.* The rectifier shall furnish a daily report to the storekeeper-gauger showing (a) the number of cases of distilled spirits bottled, by number and size of bottle, (b) the serial numbers of such cases, and (c) a summary, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day. The report shall be furnished not later than the morning of the business day next succeeding that on which the strip stamps were used. The report may be in a simple memorandum form, or it may be a copy of a record prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed in § 235.821.

§ 235.818 *Monthly report of red strip stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, showing a summary of all red strip stamp transactions which occurred during the month. The report shall be prepared in duplicate, and both copies shall be delivered to the storekeeper-gauger for verification of the monthly inventories of stamps on hand. After such verification, both copies shall be returned to the proprietor, who shall, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the duplicate for his files.

(68A Stat. 602; 26 U. S. C. 5008)

§ 235.819 *Report of rectified spirits stamps (for bottling tanks).* At the end of each month the rectifier shall prepare a summary report on Form 2260, in duplicate, of all operations and transactions in rectified spirits stamps (for bottling tanks) which occurred during the month. He shall submit the original of the report to the assistant regional commissioner not later than the 10th day of the succeeding month, and retain the duplicate for his files.

(68A Stat. 681; 26 U. S. C. 5555)

§ 235.820 *Monthly summary report.* At the end of each month the rectifier shall prepare a report on Form 45, in duplicate, of all operations and transactions at the rectifying plant during the month. He shall submit the original of the report to the assistant regional commissioner not later than the 10th day of the succeeding month, and retain the duplicate for his files.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

FILING AND RETENTION OF RECORDS AND REPORTS

§ 235.821 *Filing.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted shall be filed and maintained by the rectifier for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

PROCUREMENT OF FORMS

§ 235.822 *Forms to be provided by users at own expense.* Forms 45, 122, 230, and 237 will be provided by users at their own expense and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

(O) Section 235.851 is amended to read, "Separate records will not be required for operations under a new individual or corporate name or under each trade name or style. The rectifier shall, however, note on his daily records, and on his monthly reports on Forms 45 and 2260 the individual or corporate name or the trade names or styles under which operations were conducted during the month. In addition, the dates of operation under each such name shall be shown on Forms 45 and 2260.".

(P) Section 235.861 is amended as follows:

(1) By striking from the second sentence, which begins "The form", the phrase "of this part".

(2) By striking from the third sentence, which begins "Upon completion", the phrase "of this part".

(3) By striking from the last sentence the phrase "entries are made in Form 45" and inserting in lieu thereof the phrase "records are prepared as prescribed in § 235.815".

(Q) Section 235.865 is amended to read, "The outgoing rectifier may not transfer any strip stamps to his successor. Where the change of proprietorship of the plant is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor may be retained pending the qualification and resumption of operations by such proprietor, and he will continue to submit a monthly report on Form 2260 of such stamps.".

(R) Section 235.866 is amended as follows:

(1) By striking from the second sentence, which begins "Where the change", the phrase "and proper report will be rendered on Form 45", and inserting in lieu thereof the phrase ", who will continue to submit monthly reports of such stamps as prescribed in § 235.818".

(2) By striking the last sentence.

(S) Section 235.867 is amended to read, "Where there is a change in proprietorship otherwise than by operation of law, the outgoing rectifier shall enter in his daily records of disposition and report on his Form 45, all spirits transferred to his successor, who shall in turn enter in his daily records of receipt and report on his Form 45 all spirits as received from his predecessor.".

(T) Section 235.868 is amended by striking from the last sentence the phrase "Form 182" and inserting in lieu thereof the phrase "Form 2260".

PAR. 9. 26 CFR Part 240, "Wine", is amended by changing § 240.594 to read "Section 5041, I. R. C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid on the quantity of wine marked on the containers as provided in §§ 240.562 and 240.567, or (in case of pipeline removals) on the quantity determined as provided in § 240.597.".

[F. R. Doc. 56-7571; Filed, Sept. 19, 1956; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 711, 712, 713]

[Administrative Order 469]

PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF PUBLIC MEMBER OF INDUSTRY COMMITTEE

John McConnell of Ithaca, New York, having resigned from Industry Committees Nos. 24–B and 24–C, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints James C. Hill of Pelham Manor, New York, to serve in place of Mr. McConnell on such Committees as a representative of the public.

Signed at Washington, D. C., this 15th day of September 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-7577; Filed, Sept. 19, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 140]

ARIZONA

NOTICE OF CLOSING OF ARIZONA LAND OFFICE

SEPTEMBER 14, 1956.

Notice is hereby given that the Arizona Land Office will be closed to the public on October 1 and 2, 1956, and no applications under the public land laws, including those affecting the disposal of minerals, will be received on these dates.

On October 3, 1956, at 10 a. m., this office will open to the public at its new location, 1305 North Central Avenue, Phoenix, Arizona, and all applications received by mail on October 1 and 2, 1956, will be considered as filed simultaneously at 10 a. m., October 3, 1956.

The Arizona State Supervisors Office, Range and Forestry Office, Lands and Minerals Office and Office of the Cadastral Engineer will also be closed to the public on October 1 and 2, 1956. These offices will be opened to the public on October 3, 1956, at the new location, 1305 North Central Avenue, Phoenix, Arizona.

MARTIN W. BUZAN,
Acting State Supervisor.

[F. R. Doc. 56-7552; Filed, Sept. 19, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

CERTAIN STATES; CONSENT TO GRAZE LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 21 F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, and 21 F. R. 6879, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

Counties and Period

IOWA

Hanover Township in Crawford County—September 5, 1956–December 31, 1956, inclusive.

KANSAS

Barton, Chase, Chautauqua, Elk, Greenwood, Stafford and Wilson—September 5, 1956–September 30, 1956, inclusive.

NEBRASKA

Gage, Johnson, Neosha, Pawnee, and Richardson—September 5, 1956-December 31, 1956, inclusive.

TEXAS

Cass, Delta, Fannin, Gregg, Harrison, Marion, Smith and Upshur—September 5, 1956–September 30, 1956, inclusive.

Issued at Washington, D. C., this 17th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7579; Filed, Sept. 19, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF AUTHORITY TO LEASE SPACE AT HONOLULU, TERRITORY OF HAWAII

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and in accordance with the terms of a Delegation of Authority from the Administrator, General Services Administration, dated August 21, 1956, the Administrator of Civil Aeronautics is hereby authorized to procure by lease for a term not in excess of five years, in accordance with section 3 of the act of August 27, 1935, as amended (40 U. S. C. 304c), necessary storage, shops, and related space at Honolulu, Territory of Hawaii.

Any such lease shall be executed by June 30, 1957, and may be amended or renewed from time to time, but any single renewal for longer than one year shall require approval of the Administrator of General Services.

The Administrator of Civil Aeronautics may redelegate the authority granted herein to any officer or employee of the Civil Aeronautics Administration as he deems necessary.

Dated: September 7, 1956.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 56-7549; Filed, Sept. 19, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Carolina Underwear Co., Inc., West Guilford Street, Thomasville, N. C.; effective 9–10–56 to 9–9–57 (ladies', men's, and boys' pajamas).

Darwood Manufacturing Co., 18 Pocasset Street, Fall River, Mass.; effective 8–28–56 to 8–27–57 (boys' outerwear).

M. Fine & Sons Manufacturing Co., Inc., Paducah, Ky.; effective 9–12–56 to 9–11–57 (cotton work shirts).

Formfit Co., Crete, Nebr.; effective 9–1–56 to 8–31–57 (foundation garments).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 8–30–56 to 8–29–57; authorizing the employment of 10 percent of the total number of factory production workers engaged in the manufacture of men's jackets, for normal labor turnover (men's jackets).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 8–30–56 to 8–29–57; authorizing the employment of 10 percent of the total number of factory production workers engaged in the manufacture of children's shorts, pedal pushers, and blouses, for normal labor turnover purposes (children's sportswear).

Hortex Manufacturing Co., Inc., El Paso, Tex.; effective 8-31-56 to 8-30-57 (denim jeans, slacks, jackets, etc.).

Lackawanna Pants Manufacturing Co., corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-56 to 9-7-57 (trousers).

Metro Pants & Sportswear, 29 Bismark Avenue, Staten Island, N. Y.; effective 9-3-56 to 3-2-57 (boys' pants).

Shreveport Garment Manufacturers, 908 McNeil Street, Shreveport, La.; effective 9-2-56 to 9-1-57 (cotton wash pants).

Sylvan Manufacturing Co., Inc., 240 Pennsylvania Avenue, Scranton, Pa.; effective 8-29-56 to 8-28-57. Learners may not be employed at special minimum wage rates in the production of separate skirts and jumpers (children's sportswear).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Formfit Co., Beatrice, Nebr.; effective 9-1-56 to 8-31-57; authorizing the employment of 10 learners (foundation garments).

Fur Products Co., 230 South Broadway, Butler, Ind.; effective 8-31-56 to 8-30-57; authorizing the employment of two learners (leather garments).

Nardi Sportswear, Inc., 146 Court Street, Brockton, Mass.; effective 8-29-56 to 8-28-57; authorizing the employment of five learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Delta Shirt Manufacturing Co., Inc., Deming, N. Mex.; effective 9-1-56 to 2-28-57; authorizing the employment of 25 learners (boys' sport shirts).

Formfit Co., Crete, Nebr.; effective 9-1-56 to 2-28-57; authorizing the employment of 25 learners (foundation garments).

Formfit Co., Beatrice, Nebr.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 learners (foundation garments).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 8-28-56 to 2-27-57; authorizing the employment of 35 learners (infants' cotton apparel).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa.; effective 9-1-56 to 8-31-57, authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of cigar-machine operating for 320 hours; for the occupations of packing (cigars retailing for 6 cents or less), and machine stripping, each 160 hours. All at 80 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated.

Beaver Hosiery Co., Catawba, N. C.; effective 9-1-56 to 8-31-57, authorizing the employment of 5 learners (seamless).

Beaver Hosiery Co., Hickory, N. C.; effective 9-1-56 to 8-31-57; authorizing the employment of five learners (seamless).

Craftsmen Finishers, Inc., 346 North Church Street, Concord, N. C.; effective 9-1-56 to 8-31-57, authorizing the employment of five learners (full fashioned and seamless).

Quitman Hosiery Mills, Inc., Quitman, Miss.; effective 9-1-56 to 8-31-57; authorizing the employment of 5 percent of the total number of factory production workers (full fashioned).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Burlington Industries, Inc., Franklin Hosiery Plant, Franklin (Mason County), N. C.; effective 9-1-56 to 2-28-57; authorizing the employment of 100 learners (seamless).

Burlington Industries, Scottsboro Hosiery Plant, Scottsboro, Ala.; effective 9-1-56 to 2-28-57; authorizing the employment of 75 learners (seamless).

Davenport Hosiery Mills, Inc., Ellijay, Ga.; effective 9-1-56 to 2-28-57; authorizing the employment of 50 learners (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-1-56 to 2-28-57, authorizing the employment of 15 learners (seamless).

The Nolde and Horst Co., Dayton, Tenn.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 learners (seamless).

Independent Telephone Industry Learner Regulations, (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Columbia Utilities Co., Merrill, Oreg., effective 8-28-56 to 8-27-57.

Columbia Utilities Co., White City, Oreg., effective 8-28-56 to 8-27-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Carolina Underwear Co., Inc., West Guilford Street, Thomasville, N. C.; effective 9-10-56 to 9-9-57, authorizing the employment of 5 percent of the total number of factory production workers engaged in the production of men's and boys' shorts and ladies' and misses' panties, for normal labor turnover purposes (panties).

Glen Maid Lingerie, Inc., 387 Third Ave., North Troy, N. Y.; effective 9-1-56 to 2-28-57, authorizing the employment of 10 learners for plant expansion purposes (ladies' rayon tricot panties).

Stratford Knitting Mills, Inc., Linfield, Pa.; effective 8-28-56 to 8-27-57, authorizing the employment of five learners for normal labor turnover purposes (ladies' cotton knit pajamas, rayon underwear, cotton sweaters and men's polo shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number of proportion of learners authorized to be employed are as indicated.

Advertisers Manufacturing Co., 121-131 East Jackson Street, Ripon (Fond du Lac County) Wis.; effective 9-1-56 to 2-28-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours, at 85 cents per hour (caps, aprons, bags, etc.).

American Uniform Co., Plant No. 2, Euclid Avenue, Cleveland, Tenn.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at 85 cents per hour (toweling, napkins, table cloths, etc.).

Bradstone Rubber Co., 501 Adams Avenue, Woodbine, N. J.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of trimmer of rubber heels, for a learning period of 320 hours at rates of not less than 87 cents per hour for the first 240 hours and not less than 93 cents per hour for the remaining 80 hours; and in the occupation of inspector for a learning period of 160 hours at a rate of not less than 87 cents per hour (rubber heels).

DeMoulin Bros. & Co., Greenville, Ill.; effective 9-7-56 to 3-6-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing; each for a learning period of 320 hours at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (academic and Ecclesiastical caps and gowns, uniforms, etc.).

DeMoulin Bros. & Co., Greenville, Ill., effective 9-7-56 to 3-6-57; authorizing the employment of five learners for plant expansion purposes in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing; each for a learning period of 320 hours at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (academic and ecclesiastical caps and gowns, uniforms, etc.).

Fort Wayne Tailoring Corp., 115 East Brackenridge Street, Fort Wayne, Ind.; effective 9-1-56 to 2-28-57, authorizing the employment of 12 learners for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; each for a learning period of 480 hours at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's and boys' clothing).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 9-1-56 to 2-28-57, authorizing the employment of five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at 85 cents per hour (wool and cotton caps).

Malcolm Kenneth Co., 11 Leon Street, Boston, Mass.; effective 9-1-56 to 2-28-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; each for a learning period of 480 hours at rates of 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's topcoats, overcoats, sportcoats).

Modern Upholstered Chair Co., Inc., Morristown, Tenn.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of upholsterer, for a learning period of 480 hours at rates of not less than 80 cents per hour for the first 320 hours and not less than 85 cents per hour for the remaining 160 hours (upholstered furniture).

George E. Mousley, Inc., 129 Brookside Avenue, West Warwick, R. I.; effective 9-1-56 to 2-28-57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 240 hours, at 85 cents per hour (Christmas toys and novelties).

Picariello & Singer, Inc., 183 Orleans Street, East Boston, Mass.; effective 9-1-56 to 2-28-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewing, and final operations involving hand sewing; each for a learning period of 480 hours at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (boys' tailored suits, sportcoats, etc.).

State Coat Front Co., Inc., 90 Wareham Street, Boston, Mass.; effective 9-1-56 to 2-28-57; authorizing the employment of 3 learners for normal labor turnover purposes for a learning period of 480 hours at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours in the occupation of sewing machine operator (canvas coat fronts).

Troy Yarn & Textile Co., 603 Mineral Spring Avenue, Pawtucket, R. I.; effective 9-1-56 to 2-28-57; authorizing the employment of three learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at 85 cents per hour (braided rugs).

Vogue Art Ware & China Co., Uhrichsville, Ohio; effective 9-1-56 to 2-28-57; authorizing the employment of seven learners for normal labor turnover purposes in the occupations of finisher, sponger, inspector, decorator, glass dipper, and kiln placer; each for a learning period of 320 hours at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (art ware pottery).

Wagenvoord & Co., 306 North Grand Avenue, Lansing, Mich.; effective 9-1-56 to 2-28-57; authorizing the employment of five learners for normal labor turnover purposes in the occupation of bindery worker, for a learning period of 320 hours at rates of not less than 80 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the authorized learning period (rebinding library books, textbooks, etc.).

Wagner Bag Co., 144 West Broadway, Salt Lake City, Utah; effective 9-7-56 to 3-6-57; authorizing the employment of five learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at 85 cents per hour (textile bags, burlap bags, etc.).

Wilson Bros, 1008 West Sample Street, South Bend, Ind.; effective 9-1-56 to 2-28-57, authorizing the employment of five learners for normal labor turnover purposes in the manufacture of neckwear only, in the occupations of sewing machine operator, presser, hand sewing, and finishing operations involving hand sewing; each for a learning period of 320 hours, at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (neckties).

Wolverine Hat and Cap Manufacturing Co., Inc., Reform, Ala.; effective 9-1-56 to 2-28-57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 240 hours at 85 cents per hour (wool, cotton and rayon caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of September 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-7553; Filed, Sept. 19, 1956; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on September 11, 1956, Aerojet-General Nucleonics, San Ramon, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate at its San Ramon site three nuclear reactors designed to operate at 100 milliwatts and which, after operational tests, are to be sold or leased to properly licensed institutions. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 14th day of September 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 56-7546; Filed, Sept. 19, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11791; FCC 56M-847]

RADIO MOUNT KISCO, INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of Radio Mount Kisco., Inc., Mt. Kisco, New York, Docket No. 11791, File No. BP-10344; for construction permit.

The Chief Hearing Examiner having under consideration applicant's motion, filed September 14, 1956, requesting that the prehearing conference in the above-entitled proceeding, which is presently scheduled for September 17, 1956; be continued to September 27, 1956;

It appearing that all other parties to the proceeding consent to the continuance sought and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the matter;

It is ordered, This 14th day of September 1956, that the motion is granted and that the prehearing conference herein scheduled for September 17, 1956, is continued to Thursday, September 27, 1956, commencing at 2 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7573; Filed, Sept. 19, 1956; 8:50 a. m.]

[Docket Nos. 11818, 11819; FCC 56-868]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent tr/as Radio Pine Bluff, Pine Bluff, Arkansas, Docket No. 11819, File No. BP-10526; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of September 1956;

The Commission having under consideration the above-captioned applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson d/b as Sepia Broadcasting Company and W. L. Kent tr/as Radio Pine Bluff, each for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with a power of one kilowatt, daytime only, at Little Rock and Pine Bluff, Arkansas, respectively;

It appearing that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and that it has not yet been determined whether the antenna system proposed by Radio Pine Bluff would constitute a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 27, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each applicant; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following isues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other

primary service to such areas and populations.

2. To determine whether the antenna system proposed by Radio Pine Bluff would constitute a hazard to air navigation.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above—captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications would better serve the public interest, convenience and necessity.

Released: September 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7574; Filed, Sept. 19, 1956; 8:50 a. m.]

[Docket No. 11820; FCC 56-869]

WAYNE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of T. O. Collins & Herman Morris, d/b as Wayne Broadcasting Company, Jesup, Georgia, Docket No. 11820, File No. BP-10375; for construction permit for new standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of September 1956;

The Commission has before it for consideration the above-captioned application of T. O. Collins and Herman Morris, d/b as Wayne Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 990 kilocycles, with a power of 1 kilowatt, daytime only, at Jesup, Georgia;

It appearing that the above-captioned application was filed on February 16, 1956; that the applicant is legally and technically qualified to operate the proposed station; that in support of the applicant's financial qualifications, Exhibit No. 2 to the application was filed; and that said Exhibit contains a sworn statement by Mr. Vernon Rogers, dated January 25, 1956, in which he states that he will loan the Wayne Broadcasting Company the sum of twenty-five thousand dollars ($25,000) to be used for the construction and operation of the proposed station; and

It further appearing that on May 9, 1956, the Altamaha Broadcasting Company, licensee of standard broadcast Station, WBGR, Jesup, Georgia, filed a petition requesting that the Wayne Broadcasting Company application be designated for hearing; that said petition contains an affidavit by Mr. Vernon Rogers and a copy of a letter, dated February 14, 1956, addressed to Mr. Rogers from the Wayne Broadcasting Company and signed by a partner therein, Mr. T. O. Collins; that said letter reads as follows:

It is recognized that you have this day stated that you will lend to Wayne Broadcasting Company the sum of Twenty-five Thousand Dollars ($25,000.00) for the purpose of building a radio station in Jesup. It is recognized that the purpose of this statement was to prove the solvency of Wayne Broadcasting Company.

This is to state to you that you are not legally bound to lend Wayne Broadcasting Company Twenty-five Thousand Dollars ($25,000.00) or any sum whatsoever unless you desire to do so on terms to be agreed upon, and we in nowise hold you legally responsible for the statement.

And it further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 18, 1956, of the aforementioned matters and that the Commission was unable to conclude that the application accurately and truely reflects the facts as to its financial qualifications and that a grant of its application for construction permit would serve the public interest; and

It further appearing that the reply filed on August 1, 1956, by the applicant's legal counsel has not resolved the questions raised by the Commission; and

It further appearing that since the information before the Commission indicates that the applicant may have concealed or misrepresented facts as to its financial qualifications, it cannot be found that the applicant is financially and otherwise qualified to construct and operate the proposed station; and

It further appearing that the Commission, after consideration of the above matters, is of the opinion that a hearing is necessary on the above-captioned application;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether T. O. Collins and Herman Morris are financially qualified to construct and operate the proposed station.

2. To determine whether T. O. Collins and Herman Morris concealed or misrepresented facts as to their financial qualifications to the Commission and more particularly to obtain full information as to all negotiations, contracts, agreements or understandings, written or oral, past or present, between T. O. Collins and Herman Morris, on the one hand, collectively or individually, and Vernon Rogers, on the other hand, relating to a proposed loan of twenty-five thousand dollars ($25,000.00) from Vernon Rogers to the applicant to be used in financing the construction of the proposed station.

3. To determine whether T. O. Collins and Herman Morris possess the requisite character qualifications to operate a broadcast station in the public interest, convenience and necessity.

4. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That, William Glenn Thomas, tr/as Altamaha Broadcasting Company, licensee of Station WBGR, Jesup, Georgia, is made a party to the proceeding.

Released: September 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7575; Filed, Sept. 19, 1956; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6594]

REOPENED PAN AMERICAN ACQUISITION OF LACSA CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter with respect to the public interest matters involved in the holding by Pan American of substantial ownership or control of LACSA is assigned to be held on September 28, 1956, at 10 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 14, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7578; Filed, Sept. 19, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9543]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 13, 1956.

Take notice that United Gas Pipe Line Company (United), Applicant, a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. G-9543 on October 24, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application and open for public inspection.

United proposes to construct (1) two 2-inch taps, a meter station and appurtenant facilities near Milepost 277 on its 18-inch pipe line which extends from Webster Compressor Station to Sterlington Compressor Station in Union Parish, Louisiana, and (2) one 4-inch tap, meter station and appurtenant facilities near Milepost 4 on its 12-inch pipe line which extends from Webster Compressor Station to International Paper Company's mill near Springhill, Louisiana. United States in its application that these facilities are needed for the sale of natural gas to Southwest Natural Gas Company (Southwest) to meet the latter's requirements for resale and distribution in the municipalities of Farmerville, Union Parish, and Sarepta and Springhill, Webster Parish, all in Louisiana. Interconnections with Southwest's facilities are proposed to be made at or very near the city limits of said communities.

United further states that Southwest's facilities have been completed and in operation for several years; that the supplies of natural gas available to Southwest are being rapidly depleted; and that through the proposed connections natural gas will be made available for continued use by the residents of said communities.

Southwest has advised United that its estimated peak day requirements for Farmerville will be 1,214 Mcf for the first year and 1,338 Mcf for the third year; the peak day requirements for Sarepta-Springhill (combined) will be 2,772 Mcf for the first year and 3,033 Mcf for the third year. Estimated annual requirements for Farmerville will be 156,835 Mcf the first year and 172,721 Mcf the third year; for Sarepta-Springhill, requirements for the first year are estimated at 270,011 Mcf and for the third year 295,523 Mcf. United believes that the small quantities of gas involved herein will not materially affect its reserves and that the construction and operation of the proposed facilities will in no wise impair the ability of United to serve any of its existing or prospective customers.

United has estimated the cost of constructing the necessary facilities required to provide the proposed service at $12,947, which will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, October 22, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7555; Filed, Sept. 19, 1956; 8:47 a. m.]

[Docket No. G-10594]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 13, 1956.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business located at Owensboro, Kentucky, filed, on June 15, 1956, an application for a certificate of public convenience and necessity authorizing the continued operation of its Dixie Storage located in Henderson County, Indiana, for storage of interstate natural gas, and the operation of the existing pipeline facilities which are utilized for the purpose of connecting the field with its interstate transmission facilities, including the Slaughters-Evansville looped system consisting of approximately 9 miles of 16-inch pipe. The application is now on file with the Commission and open to public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 17, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7556; Filed, Sept. 19, 1956; 8:47 a. m.]

[Docket No. G-10897]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 13, 1956.

Take notice that The Manufacturers Light and Heat Company, Applicant, a Pennsylvania Corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business located at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on August 13, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate an additional 880 horsepower compressor unit at Adaline Compressor Station, Liberty District, Marshall County, West Virginia, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Adaline Compressor Station is located at and utilized in connection with the operation of Applicant's Victory Storage Field. Applicant states that the proposed addition of 880 horsepower to the two 880 horsepower units already installed in the Adaline Compressor Station is necessary in order to enable it to utilize fully the gas to be available from this storage project beginning in the winter of 1956–57 and also to permit the development of the full potential of this storage project beginning in the summer of 1958.

The proposed compressor addition is necessary to handle a total of 56,000 Mcf on the peak day from the Victory Storage Pool. The discharge pressure of 600 psig for the Adaline Station as proposed together with its output will conform pressure-wise with the operation of Applicant's main transmission system supplying markets in western Pennsylvania, the northern panhandle of West Virginia, eastern Ohio and New York. That portion immediately affected is the Trussel Farm Gate Nest in West Finley Township, Washington County, Pennsylvania, near Pittsburgh, where several lines converge. It is planned to increase capacity of lines in this area by operation at higher pressures. The proposed compressor addition will provide means for the Victory Storage Pool to conform to this operation during withdrawals during the coming winter and to expedite input during 1958 when utilization of the two unused sectors of the Victory Storage Pool is initiated.

The estimated total cost of the proposed compressor addition is $352,000, which will be financed by The Columbia Gas System, Inc. The annual operating expense in connection therewith is estimated to be $37,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before October 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7557; Filed, Sept. 19, 1956; 8:47 a. m.]

[Docket No. G-9966 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

NOTICE OF APPLICATIONS, SUPPLEMENTAL NOTICE OF AMENDED APPLICATIONS, ORDER OF CONSOLIDATION, HEARING AND PROCEDURE

In the matters of Natural Gas Pipeline Company of America, Docket No. G-9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G-10103; Colorado Interstate Gas Company, Docket Nos. G-10176, G-10844; Chicago District Pipeline Company, Docket No. G-10214; Pacific Northwest Pipeline Corporation, Docket Nos. G-10455, G-10426.

Colorado Interstate Gas Company, G-10844. Take notice that Colorado Interstate Gas Company (Colorado), a Delaware corporation, address Colorado Springs National Bank Building, Colorado Springs, Colorado, filed on August 1, 1956, an application in the above Docket No. G-10844, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas, as hereinafter described.

Colorado proposes by this application to deliver to Natural Gas Pipeline Company of America (Natural) a maximum of 25,000 Mcf per day of natural gas from the Mocane gas field over and above present sales volume and the additional volumes proposed in Docket No. G-10176. The maximum additional volumes of natural gas as now proposed to be delivered by Colorado to Natural is 375,000 Mcf per day. The facilities to be constructed for this additional sale of 25,000 Mcf will be a meter station at the point of intersection of Colorado's line with Natural's near Mocane, Beaver County, Oklahoma. The total estimated cost of the facilities applied for in this application is $18,302.

Pacific Northwest Pipeline Corporation, G-10426. Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation, address M & M Building, Houston 2, Texas, filed on May 18, 1956, as supplemented on June 21, 1956, and July 11, 1956, an application in the above Docket No. G-10426, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas, as hereinafter described.

Pacific proposes by this application to deliver to Mountain Fuel Supply Company up to a maximum daily volume of 58,750 Mcf of natural gas, at a point where its main line crosses the pipeline of Mountain Fuel Supply Company west of Green River, Wyoming. Also, Pacific proposes by this application to increase its sales of natural gas to Colorado Interstate Gas Company by 17,500 Mcf per day over the presently authorized volume of 100,000 Mcf per day, to enable a total maximum daily delivery of 117,500 Mcf.

The facilities to be constructed for the above sales of natural gas will consist of a metering station, the addition of 5,300 horsepower in existing stations No. 1 and No. 6, the addition of 1,320 horsepower in field compressor units in the Big Piney area of Wyoming and certain other gathering facilities in the Big Piney area and the San Juan Basin. The facilities are estimated to cost $3,149,540.

Natural Gas Pipeline Company of America, G-9966. Take notice that Natural Gas Pipeline Company of America (Natural), a Delaware corporation, address 20 North Wacker Drive, Chicago 6, Illinois, filed on August 1, 1956, an amendment to its applications filed February 14, 1956 in the above Docket No. G-9966 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the sale of natural gas as hereinafter described.

Natural now proposes to increase the sales capacity of its existing system by 460,000 Mcf of natural gas per day, such increase is to meet the additional requirements of its existing customer's present markets and also new service proposed to 14 towns in the State of Illinois by Illinois Power Company, 3 towns in the State of Iowa, by the Iowa Power and Light Company, and by a municipal system in the City of Sigourney, Iowa. The facilities as now proposed to be constructed will consist of 405.3 miles of 36-inch loop pipe line, 135.3 of 30-inch loop pipe line, supercharging existing compressor stations and constructing a new compressor station and other appurtenant facilities. These facilities are to enable Natural to transport to market 350,000 Mcf per day to be received from Colorado Interstate Gas Company at Beatrice, Nebraska, and 110,000 Mcf per day of additional gas to be received from other sources south of Beatrice, of which the 25,000 Mcf above referred to in Docket No. G-10844 is a part. In other respects the application has not been amended.

The estimated cost of the proposed facilities is $87,903,000. Natural tentatively proposes to finance this cost by the issuance of Debt security and the sale of common stock to The Peoples Gas Light and Coke Company.

Texas Illinois Natural Gas Pipeline Company, G-10103. Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, address 20 North Wacker Drive, Chicago 6, Illinois, filed on August 1, 1956, an amendment to its application under sections 7 (b) and 7 (c) of the Natural Gas Act, filed March 15, 1956, in the above Docket No. G-10103 for permission and approval for the abandonment of the sale of natural gas for resale to all of its existing customers other than the Natural Gas Pipeline Company of America (its affiliate), subject to Natural becoming the seller of such gas as applied for in the above Docket No. G-9966. Texas Illinois now proposes to make such sale to Natural on a cost of service basis all as more particularly set forth in the applications. In addition, Texas Illinois proposes to continue the sale of cushion and operational gas to Natural Gas Storage Company of Illinois under a filed rate schedule X-1. The customers affected are: Allied Gas Company, Associated Natural Gas Company, Citizens Gas Company, Illinois Power Company, Monarch Gas Company, City of Nashville, Natural Gas Storage Company of Illinois, Northern Illinois Gas Company, Northern Indiana Public Service Company, City of Salem, Southeastern Illinois Gas Company, City of Sullivan, and The Peoples Gas Light and Coke Company. The amended application requests in addition to a certificate of public convenience and necessity authorizing such sale of natural gas for resale to Natural, authorization to construct and operate two metering and regulating stations for the sale and delivery of gas to Natural for resale to Illinois Power Company. These facilities are estimated to cost $58,200.

On July 25, 1956, the Commission issued Notice of Applications, Order of Consolidation, Hearing and Procedure in the above Docket Nos. G-9966, G-10103, G-10176, G-10214 and G-10455 which was published in the FEDERAL REGISTER on July 31, 1956 (21 F. R. 5727, 5728). The hearing on these consolidated applications was fixed to commence on October 2, 1956, in accordance with the procedure therein set forth.

The Commission finds:

(1) The applications filed by the Colorado Interstate Gas Company in Docket No. G-10844 and by Pacific Northwest Pipeline Corporation in Docket No. G-10426 are related to the aforesaid applications filed in Docket Nos. G-9966, G-10103, G-10176, G-10214 and G-10455, and should be consolidated therewith for hearing to commence at the time and place heretofore fixed on the applications heretofore consolidated for hearing.

(2) It is likewise necessary and appropriate in carrying out the provisions of the Natural Gas Act and in the public interest that the procedure prescribed in the said order issued July 25, 1956 should be followed in the hearing on the applications filed in Docket Nos. G-10844 and G-10426, so as to be conducted with reasonable dispatch.

The Commission orders:

(A) The aforesaid applications in Docket Nos. G-10844 and G-10426 be and the same hereby are consolidated for hearing with the aforesaid applications in Docket Nos. G-9966, G-10103, G-10176, G-10214, and G-10455.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the hearing shall commence on the above said applications on October 2, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications and the procedure at the hearing shall be as set forth in the said Commission order issued July 25, 1956.

(C) Additional protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1956. The applications are on file with the Commission for public inspection.

Issued: September 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7558; Filed, Sept. 19, 1956; 8:47 a. m.]

[Docket No. G-2603, etc.]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 14, 1956.

In the matters of Phillips Petroleum Company, Docket Nos. G-2603, G-2604, G-3392, G-3456; B. F. Phillips, Docket No. G-2865; Murchison Bros. and Denius, a partnership, et al., Docket No. G-3043; Edward J. and James E. Haag, Docket No. G-3166; W. R. Henderson, et al., Docket No. G-3271; Kentucky Ohio Gas Company, Docket Nos. G-3319—G-3323, inclusive; S. D. Hunter, Trustee, et al., Docket No. G-3325; John Trenchard, Docket No. G-3695; J. B. Whisenant, Docket No. G-3696; Natural Gasoline Corporation, Docket Nos. G-3709, G-3793, G-3794, G-3795, G-3797, G-3798; H. R. Smith, Docket No. G-3799; E. L. and C. G. Osborne, a partnership, Docket No. G-3803; Riley and Scott, Trustees for Assignees and Successors of Frank Scott, Docket No. G-3853; Riley and Scott, Trustees for A. G. Osborn and Others, Assignees and Successors of Frank Scott, Docket No. G-3854; Riley and Scott, Agent for Earl Scott and Others as Owners, Docket No. G-3855; Riley and Scott, Trustees for Joe Amick and Others, Assignees and Successors of Frank Scott, Docket No. G-3856; J. J. Smith, Agent for Judson P. Smith, et al., Docket No. G-3877; William F. M. Meadors, Sr., et al., Docket No. G-3878; E. R. Reed, et al., Docket No. G-3984; J. R. Frankel and Berkshire Oil Company, Docket No. G-4011; Earl Hollandsworth and L. L. Travis, Docket No. G-4013; K. D. Owen, et al., Docket No. G-4022; Gulfshore Oil Company, et al., Docket No. G-4023; K. D. Owen, Docket No. G-4025; Algord Oil Company, et al., Docket No. G-4088; Jim McMurrey and T. W. Lee, Docket No. G-4127; Warren Petroleum Corporation, Docket Nos. G-4150, G-4152, G-4153, G-4156, G-4159, G-4161; Sam Sklar, Docket No. G-4171; Sam Sklar, Trustee, Docket No. G-4172; Jack E. Price for Himself and as Agent for Others, Docket No. G-4253; S. H. Killingsworth for Himself and as Agent for Algord Oil Company, Docket No. G-4254; S. H. Killingsworth and Clyde H. Hall, Docket Nos. G-4255, G-4256; Roy B. Siler and E. G. Thompson, Docket No. G-4266; Placid Oil Company, Docket Nos. G-4317, G-5234; Delta Drilling Company, Docket No. G-4343; H. L. Hawkins, et al., Docket No. G-4408; Heep Oil Corporation and Herman F. Heep, Docket No. G-4413; Sol O. Snyder, Docket No. G-4443; Fryer and Hansen Drilling Company, Docket No. G-4807; Thomas J. and L. O. Quigley, Docket No. G-4853; Sunray Mid-Continent Oil Company,[1] Docket Nos. G-4912, G-4914—G-4919, inclusive, G-4944—G-4954, inclusive, G-6044—G-6051, inclusive, G-6053, G-6054, G-6056, G-6057, G-6059; R. G. Piper, Docket No. G-4955; Frank Parkes, Docket No. G-5147; Sohio Petroleum Company, Docket Nos. G-5213, G-5214; Rice Drilling Company, Docket No. G-5215; George T. Abbell, Docket No. G-5227; Fred Goodstein, Docket Nos. G-5229, G-7681; Quinto Creek Production Company, Inc., Docket No. G-5230; Quinto Creek Gas Production Co., Inc., et al., Docket No. G-5231; Bass and Vessels, et al., Docket Nos. G-5232, G-5290; First National Bank in Dallas, as Trustee under the will of Paul P. and Mrs. Clara T. Scott, Docket No. G-5235; Godfrey L. Cabot, Inc., Docket No. G-5236; Calstar Petroleum Company and P. H. Greer Co., Inc., Docket No. G-5237; P. H. Ryan, Docket No. G-5238; Barnett and Ashland, Docket No. G-5245; Donald W. Sidwell, et al., Docket No. G-5246; C. T. Palmer, Docket No. G-5247; Howard H. Sidwell, Docket No. G-5248; J. F. Hamilton, et al., Docket No. G-5250; J. J. Weigel, et al., Docket No. G-5252; Mildred McCutchen, Docket No. G-5253; Mark H. Adams, Docket No. G-5254; Walter L. Sidwell, Docket No. G-5255; The Stevens County Oil and Gas Company, Docket No. G-5256; The Estate of A. T. Spikes, Deceased, Docket No. G-5257; J. L. Stump Lease, Holly Nestor, Agent, Docket No. G-5284; Velta Fiedler Lease, Holly Nestor, Agent, Docket No. G-5285; Ruby Smith Lease, Holly Nestor, Agent, Docket No. G-5286; Harry L. Martin, Docket No. G-5297; Skelly Oil Company, Docket No. G-5317; Shell Oil Company, Docket No. G-5660; Peerless Oil and Gas Company, Docket Nos. G-5679—G-5693, inclusive; Rock Hill Oil Company, Docket No. G-5934; S. W. Richardson, Docket No. G-6252; Fred W. Shield, Docket No. G-6259; Honolulu Oil Corporation, Docket No. G-6330; David G. Baird, Docket Nos. G-6359, G-6360; Dan J. Pulaski, et al., Docket Nos. G-6361, G-6362; B. B. M. Drilling Company, Docket Nos. G-6363, G-6364; James E. Kemp and Ralph R. Gilster, Docket No. G-6383; Papalote Corporation, Docket Nos. G-6385—G-6388, inclusive; James E. Kemp and William M. Barret and H. R. Burden, Docket No. G-6394; King-Liberto, Investments, Docket No. G-6399; Richard A. Hall, Individually, and as Trustee for Charles Layton Hall, et al., Docket No. G-6410; Francis L. Harvey, Docket No. G-6437; Lone Star Gas Company, Docket No. G-6781; Star Gas Company, Docket No. G-6931; The Vickers Petroleum Company, Inc., Docket No. G-7582; Orville Eberly, Agent for William E. Snee, et al., Docket No. G-7583; Republic Natural Gas Company, Docket No. G-7645; Hanley Company, Docket No. G-7651; General Drilling Company, Docket No. G-7662; John C. Robbins, Jr., Docket No. G-7682; H. L. Brown and W. R. Wheeler, Docket No. G-9255.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing applicants to render services as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; Buyer

2603; Waddell Lease, Winkler County, Texas; El Paso Natural Gas Company.

2604; Lissie Field, Wharton County, Texas; Tennessee Gas Transmission Company.

2865; Carthage Field, Panola County, Texas; Lone Star Gas Company.

3043; Edwards Ranch, Victoria County, Texas; Tennessee Gas Transmission Company.

3166; Blanco Field, San Juan and Rio Arriba Counties, New Mexico; El Paso Natural Gas Company.

3271; North Lansing Field, Texas; Arkansas Louisiana Gas Company.[2]

3319; Ashland Field, Boyd County, Kentucky; United Fuel Gas Company.

3320; Elliot County Field, Elliot County, Kentucky; Central Kentucky Natural Gas Company.

3321; Salt Lick Field, Floyd County, Kentucky; Inland Gas Corporation.

3322; Mud Lick Field, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

3323; Brush Creek Field, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

3325; Monroe Gas Field, Morehouse Parish, Louisiana; Columbian Carbon Company.

3392; Northeast Elmore Field, Third Deese Sand Unit, Garvin County, Oklahoma; Warren Petroleum Corporation; The Texas Company; Oklahoma Natural Gas Company; Kerr-McGee Oil Industries, Inc.; Cities Service Oil Company.

3456; North Lindsay Area, McClain County, Oklahoma; Warren Petroleum Corporation; The Texas Company; Oklahoma Natural Gas

[1] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company.

[2] Arkansas Louisiana Gas Company was authorize in Docket No. G-1549 to engage in an exchange of gas produced from the North Lansing Field with Texas Eastern Transmission Corporation; the commingled gas purchased is transported in intrastate by Arkansas Louisiana Gas Company and interstate by Texas Eastern Transmission Corporation.

Company; Kerr-McGee Oil Industries, Inc.; Cities Service Oil Company.

3695, 3696; Worland Field, Big Horn and Washakie Counties, Wyoming; Pure Oil Company.

3709, 3793–3795, inclusive, 3797, 3798, 4150, 4152, 4153, 4156, 4159, 4161, 4343; North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

3799; West Wesatchee Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

3803, 3984; Pleasant District, Clay County, West Virginia; Hamilton Gas Corporation.

3853, 3855; Shelby Creek Field, Pike County, Kentucky; Kentucky West Virginia Gas Company.

3854; Johns Creek Field, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

3856; Little Creek of Shelby Creek, Pike County, Kentucky; Kentucky West Virginia Gas Company.

3877, 3878; East Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

4011; Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

4013, 4253; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

4022, Zim-Ricaby Field, Starr County, Texas; Tennessee Gas Transmission Company.

4023; East Placedo Field, Victoria County, Texas; Tennessee Gas Transmission Company.

4025; Placedo Field, Victoria County, Texas; Tennessee Gas Transmission Company.

4088, 4254; Jefferson Gas Field, Marion County, Texas; Arkansas Louisiana Gas Company.

4127; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

4171; Rodessa Field, Cass County, Texas; Arkansas Louisiana Gas Company.

4172; Panola County, Texas; Arkansas Louisiana Gas Company.

4255, 4256; Rodessa Field, Marion County, Texas; Arkansas Louisiana Gas Company.

4266; Hope Field, Lavaca County, Texas; Shell Oil Company.

4317; Bethany Field, Panola County, Texas; Arkansas Louisiana Gas Company.

4408; Waskom Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

4413; Wallace-Johnson Field, Marion County, Texas; Arkansas Louisiana Gas Company.

4443; Wharton Field, Porter County, Pennsylvania; North Penn Gas Company.

4807; Carthage Field, Panola County, Texas; Benzette Field, Elk County, Pennsylvania; Arkansas Louisiana Gas Company; The Manufacturers Light and Heat Company.

4853; Blanco Field, San Juan County, New Mexico; El Paso Natural Gas Company.

4912, 4917; Mineral and South Mineral Field, Bee County, Texas; Transcontinental Gas Pipe Line Corporation.

4914, 4915, 4918; Panhandle Field, Moore and Hutchinson Counties, Texas; Phillips Petroleum Company.

4916; Bowers Field, Gray County, Texas; Phillips Petroleum Company.

4919; Goebel Field, Live Oak County, Texas; Transcontinental Gas Pipe Line Corporation.

4944–4954, inclusive; Mission River Field, Slick-Wilcox, Burnell, Boyce and Granat, South Weesatche, Hordes Creek, Mustang Island, Red Fish Bay and Marshall Fields, Refugio, Goliad, De Witt, Bee, Karnes and Nueces Counties, Texas; United Gas Pipe Line Company.

4955; Grapeland Field, Houston County, Oklahoma; United Gas Pipe Line Company.

5147; Guymon-Hugoton Field, Texas County, Oklahoma; Cities Service Gas Company.

5213; South Lewisburg Field, Acadia Parish, Louisiana; Texas Northern Gas Corporation.

5214; Holmwood, Bell City, Grant, Chenier, Hog Bayou, and Midland Fields, Calcasieu, Jefferson Davis, Acadia, Lafayette, Vermilion and Cameron Parishes, Louisiana; Tennessee Gas Transmission Company.

5215; Athens Field, Claiborne Parish, Louisiana; Skelly Oil Company.

5227; Grapeland Field, Houston County, Texas; United Gas Pipe Line Company.

5229; Elk Basin Union Field, Park County, Wyoming; Montana Dakota Utilities Company.

5230, 5231; Quinto Creek Field, Jim Wells County, Texas; Transcontinental Gas Pipe Line Corporation.

5232; K–1, Gas Sand Area Field, Starr County, Texas; Tennessee Gas Transmission Company.

5234; Sibley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

5235; Cooper-Jal Field, Lea County, New Mexico; El Paso Natural Gas Company.

5236; Various fields in West Virginia; Benzette Field, Elk County, Pennsylvania; Hope Natural Gas Company; Atlantic Seaboard Corporation; Carnegie Natural Gas Company; The Sylvania Corporation; United Fuel Gas Company.

5237, 6383; South Hallsville Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

5238; Hico-Knowles Field, Lincoln Parish, Louisiana; Mississippi River Fuel Corporation.

5245; Spraberry Trend Area; Texas Gas Products Company; The Pecos Company.

5246–5248, inclusive, 5250–5255, inclusive, 5257; Hugoton Gas Field, Stevens and Morton Counties, Kansas; Panhandle Eastern Pipe Line Company.

5256; Hugoton Gas Field, Stevens, Seward and Morton Counties, Kansas; Panhandle Eastern Pipe Line Company; Northern Natural Gas Company.

5284, 5286; Lee District, Calhoun County, West Virginia; United Fuel Gas Company.

5285; Central District, Calhoun County, West Virginia; United Fuel Gas Company.

5290; East Sun Field, Starr County, Texas; Tennessee Gas Transmission Company.

5297; South Rincon Field, Starr County, Texas; Continental Oil Company.

5317; Fulcher, Kutz and South Blanco Fields, San Juan County, New Mexico; El Paso Natural Gas Company.

5660; McElroy Field, Crane and Upton Counties, Texas; Phillips Petroleum Company.

5679, 5684; Guymon-Hugoton Field, Texas County, Oklahoma; Cities Service Gas Company.

5680, 5682, 5685–5689, inclusive; Langmat Pool Field, Lea County, New Mexico; El Paso Natural Gas Company.

5681; Eumont Pool, Lea County, New Mexico; Permian Basin Pipe Line Company.

5683; Clara Couch Pool, Crockett County, Texas; El Paso Natural Gas Company.

5690, 5692; Guymon-Hugoton Field, Texas County, Oklahoma; Plains Natural Gas Company.

5691; Payton Devonian Pool, Pecos and Ward Counties, Texas; El Paso Natural Gas Company.

5693; West Panhandle Field, Carson County, Texas; Dorchester Corporation.

5934; Calallen Field, Nueces County, Texas; Tennessee Gas Transmission Company.

6044, 6046; West Edmond, Hunton Lime Field, Logan, Canadian and Kingfisher Counties, Oklahoma; Cities Service Gas Company.

6045; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

6047; North McFadden Field, Victoria County, Texas; United Gas Pipe Line Company.

6048; Eagan Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

6049, 6050; Driscoll and Bear Creek Fields, Bienville Parish, Louisiana; Arkansas Louisiana Gas Company.

6051, 6054; Egan and Northwest Branch Field, Acadia Parish, Louisiana; United Gas Pipe Line Company.

6053; Gibson Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

6056; Sentell Field, Bossier Parish, Louisiana; Arkansas Louisiana Gas Company.

6057; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

6059; Iowa Field, Jefferson Davis Parish, Louisiana; United Gas Pipe Line Company.

6252; Gwinville Gas Field, Jefferson Davis and Simpson Counties, Mississippi; Southern Natural Gas Company.

6259; Heard Field, Bee County; Brandt and Boyceville Fields, Goliad County, Texas; Trunkline Gas Company; United Gas Pipe Line Company.

6330; Slaughter Field, Cochrane, Hockley and Terry Counties, Texas; El Paso Natural Gas Company.

6359–6364, inclusive; Spraberry Field Reagan County, Texas; El Paso Natural Gas Company.

6385; Blanco Creek Field, Refugio County, Texas; Tennessee Gas Transmission Company.

6386, 6387; Fagan Field, Refugio County, Texas; United Gas Pipe Line Company.

6388; Heard Field, Refugio County, Texas; Wyrick and Hughes.

6394; South Big Creek Field, Franklin Parish, Louisiana; Texas Eastern Transmission Corporation.

6399; Baxterville Field, Lamar and Marion Counties, Mississippi; United Gas Pipe Line Company.

6437; Pictured Cliffs and Mesa Verde Fields, San Juan County, New Mexico; El Paso Natural Gas Company.

6781; Carthage Field, Panola County, Texas; Texas Eastern Transmission Corporation.

6931; Various fields in West Virginia; Sutton Township and Lebanon Areas, Meigs County, Ohio; United Fuel Gas Company; Virginia Gas and Oil Company; Warfield Natural Gas Company; Hope Natural Gas Company; Godfrey L. Cabot, Inc.; Ohio Fuel Gas Company.

7582; Witcher Field, Oklahoma County, Oklahoma; Peppers Refining Company.

7583; Summit Field, Fayette County, Pennsylvania; Manufacturers Light and Heat Company.

7645; Hugoton Field, Texas County, Oklahoma; Cities Service Gas Company.

7651; TXL Field, Glasscock and Regan Counties, Texas; Phillips Petroleum Company.

7662; Chickasha Field, Grady County, Oklahoma; Consolidated Gas Utilities Company.

7681; East Lindsay Field, Garvin County, Oklahoma; Warren Petroleum Corporation.

7682; North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

8255; La Gloria Field, Jim Wells County, Texas; Texas Illinois Natural Gas Pipe Line Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7559; Filed, Sept. 19, 1956; 8:48 a. m.]

[Docket No. G–11069]

H. L. HUNT

ORDER SUSPENDING PROPCSED CHANGES IN RATES

H. L. Hunt (Applicant) on August 13, 1956, tendered for filing proposed changes in its presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date [1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 4, November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Issued: September 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7560; Filed, Sept. 19, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[Docket No. G–11070]

GENERAL CRUDE OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

General Crude Oil Company (Applicant) on August 23, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date [1]

Notice of change, dated August 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 2; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: September 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7561; Filed, Sept 19, 1956; 8:48 a. m.]

[Docket No. G–11071]

WILLIAM HERBERT HUNT TRUST ESTATE

ORDER SUSPENDING PROPOSED CHANGE IN RATES

William Herbert Hunt Trust Estate (Applicant), on August 22, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date [1]

Notice of change, dated August 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1; November 1, 1956.

Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1 includes a proposed reduction in rate effective September 1, 1956, to reflect the decrease in Texas gas occupation tax, as well as a proposed periodic increase in rates for gas sold.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement, only insofar as the designated supplement pertains to a periodic increase in rates for gas sold, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement, only insofar as it pertains to proposed periodic increase in rates for gas sold, be and the same hereby is suspended and the use thereof deferred until

April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: September 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7562; Filed, Sept. 19, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1030]

PETROLEUM CORPORATION OF AMERICA

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AFFILIATES DURING EXISTENCE OF UNDERWRITING SYNDICATE

SEPTEMBER 14, 1956.

Notice is hereby given that Petroleum Corporation of America ("Petroleum"), a registered closed-end, non-diversified investment company, has filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the proposed purchase by Petroleum of not to exceed 2,000 shares of Cumulative Convertible Second Preferred Stock ("preferred stock") of Tennessee Gas Transmission Company ("Tennessee") during the existence of the underwriting syndicate mentioned below.

The application states that on August 29, 1956, Tennessee filed a registration statement (File No. 2-12748) under the Securities Act of 1933 covering a proposed issue of 200,000 shares of preferred stock. The registration statement states that the preferred stock has a par value of $100 per share, and is convertible into common stock through September 1, 1966. Among the principal underwriters named or to be named in such registration statement are Glore, Forgan & Co. ("Glore, Forgan"), Kuhn, Loeb & Co. ("Kuhn, Loeb"), and E. F. Hutton & Co. ("Hutton"). Mr. Edward F. Hayes, a partner of Glore, Forgan; Mr. Robert E. Walker, a limited partner of Kuhn, Loeb; and Mr. Ruloff E. Cutten, a partner of Hutton, are members of the Board of Directors of Petroleum. By definition under the act, Messrs. Hayes, Walker and Cutten are affiliated persons of Glore, Forgan, Kuhn, Loeb, and Hutton, respectively, and all three are affiliated persons of Petroleum. Petroleum, which had total net assets as of August 31, 1956, of $40,829,487, may determine to purchase not to exceed 2,000 shares, which is 1 percent of the total issue, of the preferred stock being offered after Tennessee's registration statement has become effective, and the price and other terms of such offering have been made public. Such purchase may be made from Glore, Forgan, Kuhn, Loeb, or Hutton, or from any other underwriter of the preferred stock, and will be made at the price at which the preferred stock is offered to the general public, and the underwriter or underwriters selling the preferred stock to Petroleum will receive the same discounts or commissions in connection therewith as in the case of the preferred stock sold to the general public.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since partners of Glore, Forgan, Kuhn, Loeb, and Hutton, all members of the principal underwriting group, are directors of Petroleum, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

In making such findings, the Commission must be satisfied that investment company assets are not being used to further the underwriting efforts of an affiliated underwriter rather than the best interest of the investment company. The Commission, however, does not pass upon the investment merits of the security proposed to be purchased, and the wisdom of the decision to purchase is solely the responsibility of Petroleum's management. Petroleum states in its application that its decision to purchase any of the preferred stock, if made, will be based upon the opinion of its management that purchase of such preferred stock, at the public offering price, will constitute a good investment for Petroleum. The application also states that Petroleum believes that the requested exemption is consistent with Petroleum's stated investment policies and with the protection of investors.

Notice is further given that any interested person may, not later than September 27, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7565; Filed Sept. 19, 1956; 8:48 a. m.]

[File No. 812-1028]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION FOR AN ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

SEPTEMBER 14, 1956.

In the matter of The Equity Corporation, Bankers Security Life Insurance Society and William R. Shipway; File No. 812-1028.

Notice is hereby given that Bankers Security Life Insurance Society ("Security"), 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission granting an exemption from the provisions of section 17 (a) (3) of the act so as to permit William R. Shipway ("Shipway") to borrow money on a mortgage from Security in the proposed transaction hereinafter set forth.

The Equity Corporation ("Equity"), a registered investment company controls Security and the Industrial Bank of Commerce, 56 East 42d Street, New York, New York. Shipway is a vice-president of Industrial Bank of Commerce. Under these circumstances, Shipway is an affiliated person of an affiliated person of Equity and under the provisions of section 17 (a) (3) of the act, it is unlawful for him to borrow money from Security, which is controlled by Equity, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the act, and is consistent with the general purposes of the act.

Following our issuance on September 28, 1951 of an order of exemption pursuant to section 17 (b) of the act, Shipway entered into a renewal loan agreement under which he became obligated to pay Security approximately $8,300 at 4½ percent interest which obligation was secured by a mortgage on residential property owned by him in Lynbrook, New York. Installment payments of principal and interest have reduced the mortgage debt to approximately $4,624. Shipway desires to borrow and Security proposes to lend, subject to the granting of the exemption herein requested, an additional $5,000 at 4½ percent interest, making a total of approximately $9,557, to be repaid in monthly installments of $99.11 over a period of approximately 10 years. The new advance will be consolidated with the existing mortgage debt. The property was appraised for mortgage purposes on August 28, 1956, at $20,108. The making of such loans to individuals secured by mortgages on approved residential property constitutes a portion of the regular business of Security.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than September 28, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. At any time after said date, the application, as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7566; Filed, Sept. 19, 1956; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1956

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowance pursuant to decisions entered by The Tax Court of the United States have been made in forty-nine docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list nine cases in which relief was allowed by the Commissioner and fourteen docketed cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1955. These cases were not included in the list of allowances made during the fiscal year 1955 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follows:

Business in Which Engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominate business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross Reduction in the Excess Profits Tax, Column 7.

Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten percent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forwarded from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a compari-

son of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 percent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	No.	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1956

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Albany:							
General Electric Co., 1 River Rd., Schenectady, N. Y.	Manufacture and sale of electrical apparatus and supplies.	Dec. 31, 1940	$43,969,374.24	$3,508,397.71	$246,875.76	$123,437.88	None
General Electric Co. and affiliated companies, 1 River Rd., Schenectady, N. Y.	do	Dec. 31, 1941	58,366,213.83	10,467,590.37	1,483,786.17	890,271.70	$275,887.20
Vicier Steel Products Corp., 1175 Leggett Ave., New York, N. Y.	Iron and steel products	Dec. 31, 1945	9,639.90	48,209.48	7,317.60	3,665.27	1,111.67
Atlanta:							
Macon Textiles, Inc., Macon, Ga.	Textile manufacturing	Dec. 31, 1941 [3]	16,661.47	65,531.75	16,588.53	4,358.30	1,351.08
		Dec. 31, 1942 [2]	19,641.03	119,808.86	54,221.47	34,590.87	24,899.10
		Dec. 31, 1943 [2]	22,400.64	139,869.90	51,461.86	33,715.21	23,522.66
		Dec. 31, 1945 [2]	37,353.60	124,916.94	36,508.90	34,683.45	14,947.59
Boston:							
American Locker Co., Inc., 211 Congress St., Boston, Mass.	Leasing automatic parcel checking lockers.	Dec. 31, 1941 [3]	72,912.18	388,306.46	9,094.08	3,182.93	986.71
		Dec. 31, 1942 [2]	70,190.10	388,306.46	9,094.08	8,184.67	3,637.63
Sylvania Electric Products, Inc., (formerly Hygrade Sylvania Corp.) 1740 Broadway, New York, N. Y.	Manufacturing electrical products.	Dec. 31, 1941	1,346,263.20	1,184,756.34	102,334.89	43,020.13	13,336.24
		Dec. 31, 1942	1,501,552.57	1,129,844.79	50,051.58	20,020.55	6,206.37
		Dec. 31, 1943	1,722,675.69	1,116,753.83	38,075.43	34,267.90	15,250.17
		Dec. 31, 1944	1,962,376.80	1,116,753.93	38,075.53	72,343.41	30,340.02
		Dec. 31, 1945	2,202,260.73	1,116,753.83	38,075.43	36,171.66	15,230.16
Buffalo:							
National Gypsum Co., 325 Delaware Ave., Buffalo, N. Y.	Manufacture and sale of gypsum and allied products.	Dec. 31, 1940 [3]	1,224,059.86	705,447.02	11,269.10	5,071.10	None
		Dec. 31, 1941 [2]	1,492,322.49	929,665.41	88,703.21	53,221.92	16,408.80
		Dec. 31, 1942 [2]	1,466,669.54	932,391.42	86,537.25	77,883.52	34,614.90
		Dec. 31, 1943 [2]	1,501,992.06	932,391.42	86,537.25	77,883.52	34,614.90
Chicago:							
Chicago Gear Manufacturing Co., 2823 West Fulton St., Chicago, Ill.	Manufacture of industrial gears, machine tools, etc.	Dec. 31, 1940 [3]	8,960.11	35,170.77	8,022.09	2,576.49	None
		Dec. 31, 1941 [2]	11,631.67	41,122.87	9,078.33	4,570.19	1,416.76
		Dec. 31, 1943 [2]	20,705.02	4.98	434.02	860.40	255.73
Gatke Corp., 228 North LaSalle St., Chicago, Ill.	Manufacturer of asbestos friction products.	Dec. 31, 1940 [2]	35,531.29	87,740.32	4,843.71	1,388.45	None
		July 7, 1941 [3]	38,478.28	163,868.62	9,021.72	5,044.40	1,563.78
Cleveland:							
Equipment Digest Publishing Co., 1101 Euclid Ave., Cleveland, Ohio.	Printing and publishing	Dec. 31, 1941 [3]	1,240.00	45,149.45	3,985.00	1,639.28	377.04
		Dec. 31, 1942 [3]	1,240.00	45,149.45	4,460.00	4,448.21	1,466.70
The Penton Publishing Co., 1213 West 3d St., Cleveland, Ohio.	Periodicals	Dec. 31, 1940 [2]	76,431.41	132,480.24	21,516.76	6,185.16	None
		Dec. 31, 1941 [2]	91,235.82	117,675.83	29,396.32	14,539.34	4,507.20
		Dec. 31, 1942 [2]	97,768.71	111,142.94	22,877.81	20,590.02	9,151.12
Columbia:							
Rock Hill Printing and Finishing Co., Rock Hill, S. C.	Bleaching and finishing textile products.	Dec. 31, 1941 [2]	663,228.24	706,470.78	47,371.76	26,054.47	8,076.89
		Dec. 31, 1942 [2]	663,228.24	706,470.78	47,371.76	42,634.58	18,948.70
		Dec. 31, 1943 [2]	663,228.24	706,470.78	47,371.76	42,634.58	18,948.70
		Dec. 31, 1944 [2]	663,228.24	706,470.78	47,371.76	45,003.17	18,948.70
Dallas:							
John L. Ashe, Inc., 814 Main St., Fort Worth, Tex.	Men's clothing and furnishings, retail.	Dec. 31, 1943 [2]	2,748.88	19,454.93	1,553.89	1,439.15	383.29
		Dec. 31, 1944 [2]	4,149.87	18,872.57	971.53	1,170.82	175.61
Denver:							
O. K. Rubber Welding System, 5300 South Santa Fe Dr., Littleton, Colo.	Manufacturing, tire recapping, and repair equipment; wholesale tire repair materials.	Dec. 31, 1942 [2]	19,071.52	70,299.73	13,703.48	12,333.13	7,262.85
		Dec. 31, 1943 [2]	19,071.52	123,428.48	13,703.48	10,773.46	7,040.01
Detroit:							
Detroit Macoid Corp., 12340 Cloverdale Ave., Detroit, Mich.	Manufacturer of plastic products.	June 30, 1941 [3]	14,385.68	103,797.47	32,664.68	11,637.27	None
		June 30, 1944 [3]	22,030.29	137,280.58	35,929.71	82,787.20	35,832.19
		June 30, 1945 [3]	26,544.82	132,159.67	31,755.80	33,408.79	14,066.87
Detroit Steel Products Co., 2250 East Grand Blvd., Detroit, Mich.	Manufacture of steel products, including leaf springs and marine products.	Dec. 31, 1940 [2]	576,961.93	309,594.24	8,742.67	3,497.07	None
		Dec. 31, 1941 [2]	685,570.74	540,269.75	12,118.76	7,271.26	2,254.09
Greensboro:							
Boggs and Havnaer, Inc., West Morehead St., Charlotte, N. C.	Wholesale textile	Dec. 31, 1943	3,161.14	14,746.21	1,113.86	1,152.10	345.63
Hartford:							
The American Thermos Bottle Co., Thermos Ave., Norwich, Conn.	Manufacturing	Dec. 31, 1940	412,098.94	281,876.09	35,896.52	13,931.07	None
		Dec. 31, 1941	501,402.61	557,029.75	60,306.67	36,184.00	11,247.04
		Dec. 31, 1942	501,402.61	823,230.10	60,306.67	54,276.00	24,122.66
		Dec. 31, 1943	501,402.61	823,230.10	60,306.67	54,276.00	24,122.67
		Dec. 31, 1944	501,402.61	823,230.10	60,306.67	57,291.34	24,122.66
		Dec. 31, 1945	501,402.61	823,230.10	60,306.67	57,291.34	24,122.66
Los Angeles:							
California Portland Cement Co., 612 South Flower St., Los Angeles, Calif.	Manufacturer of portland cement.	Apr. 30, 1942 [2]	848,556.67	151,291.30	58,283.33	69,951.99	21,685.12
		Apr. 30, 1943 [2]	864,962.57	529,109.03	12,187.43	10,968.68	4,874.97
		Apr. 30, 1944 [2]	864,962.57	529,109.03	12,187.43	11,170.15	4,874.97
		Apr. 30, 1945 [2]	864,962.58	529,109.02	12,187.42	7,771.57	3,272.23

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1956

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Los Angles—Continued							
The R. J. M. Co., 238 South Mission Rd., Los Angeles, Calif.	Distributors of building commodities, nuts, bolts, and steel.	Dec. 31, 1941 [3]	$26,025.15	$84,102.41	$64,488.95	$33,390.11	$10,350.92
		Dec. 31, 1942 [3]	27,551.88	88,454.22	76,970.92	69,273.83	33,056.62
		Jan. 1, 1943 [3] to July 21, 1943 [3]	27,551.88	88,454.22	76,970.92	38,337.84	19,481.00
Shoshone Mines, Inc., 900 Wilshire Blvd., Los Angeles, Calif.	Mining—Lead	Dec. 31, 1940 [2]	882.77	121,697.95	12,675.68	410.92	None
		Dec. 31, 1941 [2]	2,392.13	120,158.59	40,357.87	19,118.98	5,926.89
		Dec. 31, 1942 [2]	2,576.38	119,984.34	40,173.62	36,156.26	18,800.87
		Dec. 31, 1943 [2]	8,388.16	114,172.56	34,361.84	17,175.38	7,633.50
Nashville:							
Hartselle Theater Corp., Inc., 2208 Elliston Pl., Nashville, Tenn.	Motion picture exhibition	Dec. 31, 1943 [2]	4,533.67	23,014.43	4,966.33	4,469.69	1,340.91
		Dec. 31, 1944 [2]	4,533.67	23,014.43	4,966.33	4,718.02	1,340.91
		Dec. 31, 1945 [2]	4,617.08	22,931.02	4,882.92	4,638.78	1,318.39
Newport Amusements, Inc., 110 Peck Ave., Newport, Tenn.	do	Dec. 31, 1943 [2]	2,092.65	23,406.30	5,507.35	4,703.84	1,486.98
		Dec. 31, 1944 [2]	2,092.65	23,406.30	5,507.35	5,231.98	1,486.98
		Dec. 31, 1945 [2]	3,391.71	22,107.24	4,208.29	3,780.35	1,136.24
New Orleans:							
International Lubricant Corp., P. O. Box 390, Southport, La.	Manufacturers of petroleum products.	Dec. 31, 1941 [2]	52,071.63	108,542.97	22,503.37	19,275.33	5,975.35
		Dec. 31, 1942 [2]	54,438.75	108,542.97	22,503.37	20,253.04	9,001.35
		Dec. 31, 1943 [2]	55,671.63	107,989.83	22,503.37	13,771.02	9,001.35
		Dec. 31, 1944 [2]	56,646.97	108,542.97	22,503.37	21,378.20	9,001.36
		Dec. 31, 1945 [2]	67,421.76	108,542.97	22,503.37	19,519.98	9,001.34
Oklahoma City:							
Warren Petroleum Corp., National Bank of Tulsa Bldg., Tulsa, Okla.	Manufacture and marketing of natural gasoline.	June 30, 1943	664,103.22	668,494.08	134,571.78	121,114.60	53,828.71
		June 30, 1944	664,103.22	668,494.15	134,571.78	199,875.03	86,447.20
		June 30, 1945	664,103.22	668,494.08	134,571.78	127,843.19	53,828.72
Omaha:							
First National Bank of Gordon, Gordon, Nebr.	Commercial banking	Dec. 31, 1943 [2]	11,013.44	14,204.11	3,782.81	3,404.53	1,038.80
J. M. McDonald Co. (formerly the Brown McDonald Co., Inc.), 333 West 2d St., Hastings, Nebr.	Retail merchandising	Jan. 31, 1942 [2]	79,861.52	152,110.56	85,673.58	58,323.29	18,080.22
		Jan. 31, 1943 [2]	86,321.89	148,103.63	81,739.94	95,779.19	45,776.21
Gold and Co., 11th and O Sts., Lincoln, Nebr.	Retail trade, general merchandise store.	Jan. 31, 1942 [2]	99,298.92	101,549.46	24,092.99	3,181.61	986.31
		Jan. 31, 1943 [2]	109,064.55	26,600.17	14,121.40	68,489.95	30,441.75
		Jan. 31, 1944 [2]	98,184.02	30,697.84	24,219.07	25,665.30	11,362.13
		Jan. 31, 1945 [2]	101,578.34	99,793.65	22,337.23	14,362.26	10,292.50
		Jan. 31, 1946 [2]	111,933.31	92,615.16	15,158.69	16,286.08	6,857.55
Philadelphia:							
American Viscose Corp., 1617 Pennsylvania Blvd., Philadelphia, Pa.	Manufacture of rayon	Dec. 31, 1941	9,343,384.45	6,375,050.64	156,615.55	477,295.21	145,869.62
		Dec. 31, 1942	8,371,086.90	11,262,920.89	1,374,482.55	1,640,420.74	728,316.80
		Dec. 31, 1943	8,497,714.85	11,120,004.62	1,231,566.28	2,755,378.93	1,218,410.38
		Dec. 31, 1944	7,265,245.99	12,330,581.89	2,442,143.55	3,020,881.08	1,278,622.90
The Atlas Mineral Products Co. of Pennsylvania, Mertztown, Pa.	Manufacturing pipe jointing compounds and roofing cements, coatings, etc.	Dec. 31, 1940	14,362.32	80,985.89	1,597.68	185.93	None
		Dec. 31, 1941	16,727.60	78,620.61	7,022.40	3,311.25	997.05
		Dec. 31, 1943	28,312.33	70,900.02	None	30.45	17.93
Motor Freight Express, 550 East King St., York, Pa.	Class I motor carrier of freight.	Dec. 31, 1941 [2]	36,277.61	92,980.88	18,822.39	9,408.86	2,916.74
		Dec. 31, 1942 [2]	36,277.61	92,980.88	18,822.39	16,940.15	8,662.87
		Dec. 31, 1943 [2]	36,277.61	33,845.54	18,822.39	16,940.15	8,662.87
		Dec. 31, 1944 [2]	36,277.61	33,845.54	18,822.39	17,881.27	8,012.87
		Dec. 31, 1945 [2]	36,277.61	33,845.54	18,822.39	17,881.27	8,012.87
Pittsburgh:							
Brockway Glass Co., Inc., 1047 7th Ave., Brockway, Pa.	Manufacture and sale of glass containers.	Aug. 31, 1941 [2]	154,031.58	71,114.70	20,392.14	8,277.83	None
		Aug. 31, 1942 [2]	197,816.92	141,507.93	62,826.87	39,080.09	13,011.05
		Aug. 31, 1943 [2]	198,513.41	127,401.75	62,826.87	57,719.91	25,091.16
		Aug. 31, 1944 [2]	200,154.22	155,318.68	62,826.87	36,998.91	25,130.73
		Aug. 31, 1945 [2]	203,890.18	163,492.50	62,826.87	39,906.79	25,130.75
		Aug. 31, 1946 [2]	253,343.54	93,948.49	52,320.45	16,911.49	7,120.51
Richmond:							
Camp Manufacturing Co., Franklin, Va.	Manufacturing lumber and general merchandise.	Dec. 31, 1941 [2]	290,832.59	146,326.55	17,561.38	15,863.13	4,917.56
San Francisco:							
Matmor Canning Co., Inc., P. O. Box 29, Woodland, Calif.	Canning fruits and vegetables.	Dec. 31, 1943 [2]	47,672.10	141,850.27	46,103.19	44,441.32	19,751.70
		Dec. 31, 1944 [2]	66,830.44	125,237.70	29,490.62	34,635.14	14,583.22
		Jan. 1, 1945 to Nov. 30, 1945 [2]	82,546.99	109,521.15	13,774.07	21,651.59	9,132.40
Seattle:							
Harbor Plywood Corp., Box 940, Aberdeen, Wash.	Manufacturers and distributors of plywood doors, building materials.	Dec. 31, 1940 [2]	213,017.86	189,433.01	8,997.14	6,341.88	None
		Dec. 31, 1941 [2]	241,925.80	249,041.07	53,074.20	33,180.01	10,285.80
		Dec. 31, 1942 [2]	295,845.93	301,585.20	49,154.07	46,372.65	20,610.07
		Dec. 31, 1943 [2]	248,900.18	298,530.95	46,099.82	42,531.10	18,902.72
		Dec. 31, 1944 [2]	287,930.69	239,500.43	None	2,959.52	1,246.11
Sick's Seattle Brewing and Malting Co. (formerly Seattle Brewing and Malting Co.), 3100 Airport Way, Seattle, Wash.	Brewery	Dec. 31, 1940 [2]	219,744.42	340,448.19	64,524.54	12,432.11	None
		Dec. 31, 1941 [2]	287,085.34	411,688.06	75,958.06	41,295.75	12,801.68
		Dec. 31, 1942 [2]	287,085.34	411,688.16	75,958.16	68,362.25	30,383.22
		Dec. 31, 1943 [2]	287,085.34	411,688.06	75,958.06	68,362.26	30,383.22
Springfield:							
Kuehne Manufacturing Co., Mattoon, Ill.	Furniture manufacture	Dec. 31, 1943 [1]	109,250.00	None	None	9,928.37	4,412.61
		Dec. 31, 1944	54,602.82	55,217.18	55,217.18	52,450.32	22,086.87
		Dec. 31, 1945	57,296.07	51,953.93	51,953.93	29,790.15	12,507.85
Syracuse:							
Revere Copper and Brass Inc., Rome, N. Y.	Brass and copper products	do	2,120,359.49	3,298,475.66	319,041.08	383,736.30	161,573.18
Upper Manhattan:							
Associated Dry Goods Corp., successor Lord & Taylor, 424 5th Ave., New York, N. Y.	Retail dry goods	Jan. 31, 1944	846,263.66	434,835.09	183,536.34	165,962.27	73,416.13
		Jan. 31, 1945	848,411.38	462,684.37	211,385.62	200,816.35	84,554.24
		Jan. 31, 1946	823,964.42	457,134.33	205,855.58	124,116.26	75,340.93
Celanese Corp. of America, 180 Madison Ave., New York, N. Y.	Manufacture and sale of celanese textiles, plastics, and chemicals.	Dec. 31, 1943	7,148,568.18	34,735,085.64	3,081,596.40	4,074,893.13	1,811,063.60
		Dec. 31, 1944	8,106,340.40	33,777,313.42	2,821,648.82	3,572,028.71	1,594,012.08
Darling Retail Shops Corp. (Delaware), 370 7th Ave., New York, N. Y.	Retail women's wear	Jan. 31, 1942	2,430.90	27,490.47	7,775.62	2,721.47	625.94
		Jan. 31, 1943	3,184.76	25,655.64	7,021.76	6,319.59	1,895.87
Darling Shops Operating Corp. (Delaware), 370 7th Ave., New York, N. Y.	do	Jan. 31, 1942	15,836.39	70,957.65	8,998.31	4,019.24	1,255.27
		Jan. 31, 1943	15,836.39	89,119.43	8,998.31	8,098.48	3,769.84

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1956

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended*	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Upper Manhattan—Continued							
The Darling Stores Corp.(Delaware), 370 7th Ave., New York, N. Y.	Retail women's wear	Jan. 31, 1942	$785.99	$47,996.65	$1,921.35	$768.54	$192.1
		Jan. 31, 1943	2,011.84	48,052.78	695.50	425.35	187.7
Darling Stores, Inc. (Florida), 370 7th Ave., New York, N. Y.	do	Jan. 31, 1942	3,733.82	196,307.01	9,568.44	4,458.66	1,382.1
		Jan. 31, 1943	4,642.28	188,353.07	8,979.08	2,421.51	2,424.7
Darling Stores, Inc. (Tennessee), 370 7th Ave., New York, N. Y.	do	Jan. 31, 1942	13,427.78	36,512.82	2,103.77	776.32	323.5
		Jan. 31, 1943	13,427.78	29,583.56	2,103.77	1,893.39	578.1
The Nicely Corp., 22 East 40th St., New York, N. Y.	Insulation	Dec. 31, 1943	31,060.60	101,325.70	3,810.67	3,429.62	1,524.2
		Dec. 31, 1944	31,060.60	101,325.70	3,810.67	3,620.14	1,524.2
Radio Daily Corp., 1501 Broadway, New York, N. Y.	Publishing	Jan. 31, 1945	1,761.01	21,988.99	5,173.99	5,971.72	1,697.2
		Jan. 31, 1946	1,208.10	22,542.00	5,727.00	4,598.76	1,414.8
Jerry Rossman Corp., 1412 Broadway, New York, N. Y.	Textile converter	June 30, 1942	3,904.65	289,845.59	22,087.35	10,027.05	3,108.8
		June 30, 1943	9,022.46	284,717.78	16,959.54	9,205.84	6,289.0
		June 30, 1944	19,992.31	273,747.93	5,999.69	2,873.28	1,672.8
Royal Frocks, Inc., 463 7th Ave., New York, N. Y.	Manufacturers of ladies' dresses.	June 30, 1946	24,840.39	20,300.61	20,300.61	1,856.26	1,035.1
Rudd Machinery Co., Inc., 100 East 42d St., New York, N. Y.	Machine tool distributors	Apr. 30, 1944	7,322.10	47,340.63	5,027.00	13,752.43	4,691.6
		Apr. 30, 1945	8,577.30	46,121.21	4,473.48	6,310.24	1,854.6
		Apr. 30, 1946	8,291.08	46,371.65	4,723.92	3,627.78	1,071.7
Schenley Import Corp., 350 5th Ave., New York, N. Y.	Importer and wholesaler	Aug. 31, 1944	547,954.43	623,791.71	113,878.77	237,809.09	101,800.7
Schenley Industries, Inc., (formerly Schenley Distillers Corp.) 350 5th Ave., New York, N. Y.	Wholesaler and holding company.	Aug. 31, 1942	7,522,036.32	2,876,362.50	301,300.27	261,119.98	89,213.97

SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1955

Boston:							
Bird Machine Co., South Walpole, Mass.	Manufacture of papermaking and centrifugal machinery.	Dec. 31, 1940[2]	$92,969.50	$139,063.25	$12,352.25	$4,460.97	None
		Dec. 31, 1941[2]	108,539.65	166,991.50	21,372.84	10,686.42	$3,312.8
		Dec. 31, 1942[2]	120,711.33	154,819.83	9,201.17	8,281.05	3,680.4
		Dec. 31, 1943[2]	120,711.33	154,819.83	9,201.17	8,281.05	3,680.4
		Dec. 31, 1944[2]	120,711.63	154,819.53	9,200.87	8,740.83	3,680.3
		Dec. 31, 1945[2]	120,711.63	154,819.53	9,200.87	6,108.73	2,628.7
Morgan Construction Co., 15 Belmont St., Worcester, Mass.	Engineers and manufacturers	Dec. 31, 1941[2]	278,457.35	377,492.13	33,250.00	27,930.00	8,657.8
		Dec. 31, 1942[2]	280,535.12	398,295.76	33,250.00	29,925.00	13,300.0
		Dec. 31, 1943[2]	280,535.12	398,295.76	33,250.00	29,925.00	13,300.0
		Dec. 31, 1944[2]	280,535.12	398,295.76	33,250.00	31,587.50	13,240.1
		Dec. 31, 1945[2]	280,535.12	398,295.76	33,250.00	31,587.50	13,300.0
Chicago:							
Blockson Chemical Co., P. O. Box 1407, Joliet, Ill.	Manufacture of heavy chemicals.	Dec. 31, 1940[2]	82,969.80	251,161.25	33,881.30	10,950.78	None
		Dec. 31, 1941[2]	99,934.46	399,583.29	44,465.54	24,446.05	7,581.3
		Dec. 31, 1942[2]	99,976.67	697,233.35	44,465.53	40,018.98	17,786.2
National Die Casting Co., 3635 West Touhy Ave., Chicago, Ill.	Die casting and light manufacturing.	Dec. 18, 1941 to Sept. 30, 1942[2]	21,022.23	89,358.77	2,727.77	728.62	225.8
Detroit:							
Ainsworth Manufacturing Corp., 2200 Franklin St., Detroit, Mich.	Manufacturer of automobile parts and accessories.	Dec. 31, 1945[3]	735,911.61	173,096.45	71,588.39	68,008.97	28,635.3
Detroit Steel Corp., 1025 South Oakwood Blvd., Detroit, Mich.	Manufacture of cold rolled strip steel.	Dec. 31, 1941	457,390.57	148,629.25	97,409.43	58,445.66	18,118.1
		Dec. 31, 1942	512,698.15	163,274.00	41,861.85	37,675.67	16,744.7
		Dec. 31, 1943	512,698.15	163,274.00	41,861.85	37,675.67	16,744.7
		Dec. 31, 1944	739,002.39	199,310.00	45,813.83	43,551.64	18,337.5
		Dec. 31, 1945	1,145,145.09	298,575.93	37,375.66	35,506.87	14,950.2
Greensboro:							
Carolina Mills, Inc., Malden, N. C.	Manufacturers of cotton yarns.	Dec. 31, 1940[2]	31,769.25	87,175.23	10,177.05	3,053.12	None
		Jan. 1, 1941 to Sept. 30, 1941[2]	38,293.76	114,889.51	12,774.55	5,119.69	1,591.5
		Sept. 30, 1942[2]	38,255.15	114,922.12	12,774.55	6,733.68	3,135.9
		Sept. 30, 1943[2]	38,255.15	114,717.24	12,774.55	8,536.59	5,983.5
		Sept. 30, 1944[2]	44,506.78	108,465.61	6,522.92	6,788.20	4,529.8
American Enka Corp., Enka, N. C.	Rayon yarn manufacturers	Dec. 31, 1941	2,661,108.72	977,280.07	415,957.49	249,571.49	77,368.6
		Dec. 31, 1942	2,799,995.11	1,123,874.19	291,788.35	262,609.52	116,715.3
		Dec. 31, 1943	2,799,992.17	1,123,877.16	291,791.32	525,224.37	233,433.0
		Dec. 31, 1944	2,799,992.17	1,123,877.16	291,791.32	277,391.76	116,716.5
Indianapolis:							
Topps Manufacturing Co., 501 Main St., Rochester, Ind.	Mail order sales; manufacture of work clothing.	Dec. 31, 1943[2]	11,080.00	56,658.18	1,400.00	1,419.61	425.8
		Dec. 31, 1944[2]	11,873.49	56,861.69	606.51	701.21	214.5
Nashville:							
Royal Crown Bottling Co. of Knoxville, 1502 McCalla Ave., Knoxville, Tenn.	Beverages	Oct. 31, 1942[3]	8,142.63	27,502.49	4,307.37	1,701.75	620.2
		Oct. 31, 1943[3]	9,717.01	26,018.11	792.99	1,514.77	454.4
		Oct. 31, 1944[3]	10,408.00	25,039.12	169.77	159.88	60.7
Omaha:							
S. N. Wolbach Sons, Inc., 103 West 3d St., Grand Island, Nebr	General mercantile	Jan. 31, 1941[3]	13,280.04	39,085.41	10,184.96	23,135.75	11,645.4
		Jan. 31, 1945[3]	13,762.70	39,242.80	9,762.80	10,362.36	5,194.8
		Jan. 31, 1946[3]	14,069.48	38,265.97	8,785.92	9,011.92	4,516.0
Portland:							
St. Helens Pulp and Paper Co., St. Helens, Oreg.	Manufacturer of pulp and paper.	Dec. 31, 1940[3]	321,771.42	348,738.41	21,178.58	8,471.43	None
		Dec. 31, 1941[2]	388,023.55	413,755.08	39,476.45	23,685.87	7,342.6
		Dec. 31, 1942[2]	388,023.55	413,755.08	39,476.45	35,528.80	15,790.5
		Dec. 31, 1943[2]	388,023.55	413,755.08	39,476.45	35,528.80	15,790.5
		Dec. 31, 1944[2]	388,023.55	413,755.08	39,476.45	37,502.63	15,790.5
		Dec. 31, 1945[2]	388,023.55	413,755.08	39,476.45	37,502.63	15,790.5
Scranton:							
Capitol Records, Inc., (formerly Scranton Record Co.), 300 Brook St., Scranton, Pa.	Fabrication of phonograph records.	Dec. 31, 1941[2]	13,198.63	111,725.63	16,052.97	15,089.21	4,598.1
		Dec. 31, 1942[2]	21,183.56	269,892.78	41,892.78	40,296.46	20,846.6
		Dec. 31, 1943[2]	23,801.42	267,625.98	39,625.98	31,570.02	20,652.3
Springfield:							
Moorman Manufacturing Co., Walton Heights, Quincy, Ill.	Manufacturers of stock remedies and feeds.	Mar. 31, 1944[2]	146,375.23	57,060.12	16,739.77	14,503.91	6,695.8

[1] Allowance made during fiscal year ended June 30, 1956, represents addition to relief previously allowed and published.

[2] Allowance in accordance with decision of the Tax Court of the United States based on agreed settlement of the parties. No previous allowance by the Commissioner.

[3] Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[F. R. Doc. 56-7408; Filed, Sept. 19, 1956; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 117]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about August 30, 1956, because of the disastrous effects of windstorm and hail, damage resulted to residences and business property located in certain areas in the State of Arkansas;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of:

Johnson and Pope—Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

Yell—Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Arkansas.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1957.

Dated: September 7, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-7572; Filed, Sept. 19, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32631: *Anthracite—Pennsylvania Mines to Malone, N. Y.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on anthracite and anthracite briquettes, carloads from mines in the Pennsylvania anthracite region from mines in the Pennsylvania anthracite region to Malone, N. Y.

Grounds for relief: Circuitous routes.

FSA No. 32632: *Liquefied petroleum gas—Illinois to Kentucky and Tennessee.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Centralia, Chicago, Lawrenceville, Roxana and Wood River, Ill., and grouped points to specified points in Kentucky and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 37 to Agent Raasch's tariff I. C. C. 726.

FSA No. 32633: *Alcoholic liquors—Peoria, Ill., to New Orleans, La.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on alcoholic liquors, noibn, carloads from Peoria, Ill., to New Orleans, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River through Shreveport, La., partial unloading point en route to destination.

Tariff: Supplement 85 to Agent Raasch's tariff I. C. C. 776.

FSA No. 32634: *Phosphate rock—Jacksonville, Fla., to Indiana and Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Jacksonville, Fla., to Butler, Ft. Wayne, Ind., Bucyrus, Findlay, and Lima, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 32 to Agent Spanginger's tariff I. C. C. 1328.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-7564; Filed, Sept. 19, 1956; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 184

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THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

UNIVERSITY OF MICHIGAN

OCT 2 1956

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 1—COVERAGE AND DEFINITIONS

OVERSEAS

Effective November 20, 1956, paragraph (dd) of § 1.102 is amended as set out below.

§ 1.102 *Definitions.* As used in Parts 1 through 11 of the regulations in this chapter, the term: • • •

(dd) "Overseas" means outside the continental limits of the United States, but not in Alaska, Guam, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7615; Filed, Sept. 20, 1956; 8:52 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraphs (e) (1) and (2) and (f) (1) of § 6.103 and paragraph (e) (1), (2), (3), and (4) of § 6.303 are amended as set out below.

§ 6.103 *Treasury Department.* • • •

(e) *Reconstruction Finance Corporation.* (1) Until September 30, 1957, Chief, Public Agency Division.

(2) Until September 30, 1957, five Supervisory Loan Examiners (D. C.) and eight Supervisory Field Representatives (Field).

(f) *Office of Production and Defense Lending.* (1) Until September 30, 1957, one Chief, Loan Administration Division, one Chief, Liquidation Division, and one Assistant Controller (Treasurer), Reconstruction Finance Corporation.

§ 6.303 *Treasury Department.* • • •

(e) *Office of Production and Defense Lending.* (1) Until September 30, 1957, one Staff Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(2) Until September 30, 1957, one Special Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(3) Until September 30, 1957, two Administrative Assistants, Office of the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(4) Until September 30, 1957, the General Counsel, the Director of the Office of Loan Administration and Liquidation, and the Controller (Treasurer), Reconstruction Finance Corporation.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7616; Filed, Sept. 20, 1956; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of corn. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and other commodities produced in 1956, is supplemented as follows:

Sec.
421.1736 Purpose.
421.1737 Availability of price support.
421.1738 Eligible corn.
421.1739 Warehouse receipts.
421.1740 Determination of quantity.
421.1741 Determination of quality.
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FEDERAL REGISTER

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Sec.
421.1743 Determination of support rates.
421.1744 Warehouse charges.
421.1745 Liquidation of loans and delivery under purchase agreements.
421.1746 Settlement.

AUTHORITY: §§ 421.1736 to 421.1746 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1736 *Purpose.* Sections 421.1736 to 421.1746 state additional specific requirements which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956-Crop Corn Price Support Program.

§ 421.1737 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1957: *Provided,* That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing corn in 1956 as a landowner, landlord, tenant, or sharecropper. The level of price support for which a producer is eligible shall be determined in accordance with 1956 CCC Corn Bulletin A, and any amendments thereto. Two or more eligible producers may obtain a joint loan on eligible corn harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1738 *Eligible corn.* Corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1956 by an eligible producer.

(b) The corn must be ear or shelled corn: *Provided,* That ear corn must be shelled before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer.

(c) (1) The beneficial interest in the corn must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(d) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following requirements:

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tested for loan from time of harvest through February 1957; 19.0 percent if tested for loan during March 1957; 17.5 percent if tested for loan during April 1957; and 15.5 percent if tested for loan during May 1957.

(2) For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tested for loan.

(3) Corn placed under loan must not grade "weevily," and must not contain mercurial compounds or other substances poisonous to man or animals.

(e) Corn delivered to CCC under a purchase agreement must meet the following requirements:

(1) The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(2) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(3) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 13.5 percent moisture, and must not grade "weevily."

§ 421.1739 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the corn is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s), when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1744.

§ 421.1740 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan, a warehouse-storage loan, or under a purchase agreement shall be determined by weight.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	*Adjustment factor (percent)*
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5—No loan.	

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.1741 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.1742 *Maturity of loans and delivery.* (a) Loans mature on demand but not later than July 31, 1957.

(b) Corn may be delivered in satisfaction of farm-storage loans after maturity in accordance with § 421.1618 (a) (1). Corn may be delivered under purchase agreement after maturity in accordance with § 421.1745 (b).

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1737 (d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1957. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (For reasons set forth in § 421.1737 (d)), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1957.

(e) Corn under farm-storage loan may be delivered before maturity, upon prior approval of the county committee, for any of the reasons stated in § 421.1618 (a) (1), of if the corn is threatened with damage by flood or other conditions which are beyond the control of the producer.

§ 421.1743 *Determination of support rates.* Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans will be made on the basis of the rate established for the county in which the corn is produced.

§ 421.1744 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1957, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, July 31, 1957.

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to Aug. 3, 1956	17
Aug. 3, 1956–Aug. 24, 1956	16
Aug. 25, 1956–Sept. 15, 1956	15
Sept. 16, 1956–Oct. 7, 1956	14
Oct. 8, 1956–Oct. 29, 1956	13
Oct. 30, 1956–Nov. 20, 1956	12
Nov. 21, 1956–Dec. 12, 1956	11
Dec. 13, 1956–Jan. 3, 1957	10
Jan. 4, 1957–Jan. 25, 1957	9
Jan. 26, 1957–Feb. 16, 1957	8
Feb. 17, 1957–Mar. 10, 1957	7
Mar. 11, 1957–Apr. 1, 1957	6
Apr. 2, 1957–Apr. 23, 1957	5
Apr. 24, 1957–May 15, 1957	4
May 16, 1957–June 6, 1957	3
June 7, 1957–June 28, 1957	2
June 29, 1957–July 31, 1957	1

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through July 31, 1957, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1745 *Liquidation of loans and delivery under purchase agreements*—(a) *Loans.* The provisions of § 421.1618 shall apply to the liquidation of farm-storage and warehouse storage corn loans.

(b) *Purchase agreements.* The producer who files a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of corn to CCC. However, he may sell to CCC any quantity of eligible corn not in excess of the quantity stated in the purchase agreement. If the producer who files a purchase agreement wishes to sell corn to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such periods shall end on the loan maturity date as specified in § 421.1742 (a) or such earlier date as may be prescribed by the Executive Vice President, CCC.

(1) *Delivery from warehouse-storage.* In the case of eligible corn stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of corn he elects to sell to CCC. Such corn will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate for the county in which the corn was produced.

(2) *Delivery from other than approved warehouse storage*—(i) *Pre-delivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than approved warehouse storage under purchase agreement to CCC an inspection of the corn shall be made within the 30-day period, or in any event, prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This pre-delivery inspection shall not be used for settlement. If the corn, on the basis of the pre-delivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.1738 (e) (1) and (2), the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(ii) *Storage after maturity date.* The producer may be required to retain the corn stored in other than approved warehouse storage for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county committee at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the corn is going out of condition or is in danger of going out of condition, and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.1746 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of corn delivered to CCC under farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate shall be for the grade and quality of the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. If upon delivery the corn under farm-storage loan grades sour or heating, or otherwise does not meet the requirements set forth in the "Schedule of Premiums and Discounts," or is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price of the grade and/or quality (except for the factor of moisture) placed under loan and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible corn under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the corn was produced.

(3) *Purchase agreements.* Settlement for corn delivered to and purchased by CCC under a purchase agreement shall be made as provided in this subsection and subject to the provisions of § 421.1745 (b).

(i) *Delivery from other than approved warehouse storage.* Settlement for corn delivered to CCC from other than approved warehouse storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined at the time of delivery in accordance with §§ 421.1740 and 421.1741, except as provided in § 421.1745 (b) (2) (ii). Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 4 on the basis of factors other than test weight and corn grading No. 5, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed on the basis of the applicable basic county support rate applicable for corn grading No. 3 except for moisture, less the difference, if any at the time of delivery, between the market price for No. 3 corn and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(ii) *Delivery from approved warehouse storage.* Settlement for eligible corn delivered to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents and on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn.

(iii) *Corn grading "sample" or "sample weevily" and excess delivery which is inadvertently accepted.* In the event that any corn grading "sample" or "sample weevily," or any corn in excess of the maximum stated in the purchase agreement is delivered to CCC under a purchase agreement and is inadvertently accepted and CCC determines that it is not in a position to reject the corn to the producer, the settlement value shall be the market price of such corn, as determined by CCC on the date of delivery to CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall be not less than the sales price: *And provided further,* That if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored corn under loan or purchase agreement authorized to be delivered to CCC prior to July 31, 1957, or such earlier maturity date as may be established by the State committee in accordance with § 421.1742 (d) except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1744.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on corn under loan or purchase agreement, stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Compensation for hauling.* The provisions of § 421.1618 (f) applicable to farm-storage loans shall also apply in cases where a producer is ordered by the county committee to deliver his corn under purchase agreement to a shipping point of greater distance than his customary shipping point.

(e) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such corn within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the corn to CCC: *Provided, however,* That a storage payment shall be paid a producer whose corn is stored in other than approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the corn to CCC and delivery cannot be accepted within the 60-day period after

maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the applicable maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel a day for the corn accepted for sale or delivery to CCC.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

(g) *Method of payment under purchase agreement settlements.* When delivery of the corn under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 14th day of September 1956.

[SEAL] FRANK R. MCGREGOR,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7592; Filed, Sept. 20, 1956; 8:47 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (21 F. R. 5813) with respect to rice produced in 1956 which contain specific requirements for the 1956-Crop Rice Price Support Program are hereby amended to classify Toro rice into Group III by variety name.

Section 421.1944 (a) is amended to read as follows:

§ 421.1944 *Support rates.* • • •

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice in approved storage and with all accrued charges paid through the applicable maturity date for loans, including all receiving and loading out charges, accrued or to accrue, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	$0.0968	$0.035
II	Blue Bonnet, Nira and Rexark.	.0918	.035
III	Century Patna, Fortuna, R. N., Edith and Toro.	.0852	.035
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.	.0730	.035
V	Pearl, Calrose, Early Prolific, Calady, and other varieties.	.0677	.035

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 18th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-7606; Filed, Sept. 20, 1956; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

ARABIAN AND THOROUGHBRED HORSES

Pursuant to the provisions of section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), paragraph (a) of § 151.9 of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR, 1955 Supp., 151.9), is hereby amended by deleting the name "Registro Genealogico Nacional de Caballos S. P. C." from the list of names of books of record for horses of the Arabian breed and deleting such name from the list of names of books of record for horses of the Thoroughbred breed, and inserting the name "Stud Book Argentino" in lieu thereof, in each instance; and by deleting, in the column "By whom published", in each instance, "Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Enzo Valenti Ferro, Chief, National Genealogical Register for Horses, Buenos Aires, Argentina" and inserting in lieu thereof "Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Departamento de Hipodromos, Ricardo A. Maestri, Chief, Stud Book Argentino, Rivadavia 1655, Buenos Aires, Argentina".

The Department has been advised that the name of the book of record for Arabian and Thoroughbred horses published by the Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Buenos Aires, Argentina, has been changed from "Registro Genealogical Nacional de Caballos S. P. C." to "Stud Book Argentino"; that the name of the publishing agency has been changed as indicated in the amendment; and that Ricardo A. Maestri is now the official in charge of the book. The book, the rules of entry, and the publishing agency are otherwise unchanged. This amendment does not affect the recognition of the book of record published by the agency and does not affect the eligibility of animals registered in the book for certification under the regulations in Part 151 of Title 9 of the Code of Federal Regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 201, Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, Par. 1606)

Done at Washington, D. C., this 18th day of September 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56-7604; Filed, Sept. 20, 1956; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 10]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NICKEL-COPPER ALLOY SCRAP

Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by adding a new paragraph (b) to read as follows:

(b) *Nickel-copper allow scrap.* (1) License applications to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502 will be considered for approval only where the scrap is to be exported under a conversion agreement providing that not less than 90 percent of the nickel content of the nickel-copper scrap exported will be returned to the United States in the form of nickel metal.

(2) Such applications shall include the following certification:

I (we) certify that not less than 90 percent of the nickel content of the scrap exported will be returned to the United States in the form of nickel metal.

(3) A copy of the bill of lading covering each such return shipment of the nickel metal to the United States, shall be forwarded to the Bureau of Foreign Commerce, Att: FC-2630, Washington 25, D. C., no later than 30 days after receipt of the shipments in the United States.

This amendment shall become effective as of September 21, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-7593; Filed, Sept. 20, 1956; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6474]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WOONSOCKET SPINNING CO. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Federal Trade Commission Act; Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Woonsocket Spinning Company et al., Woonsocket, R. I., Docket 6474, Sept. 5, 1956]

In the Matter of Woonsocket Spinning Company, a Corporation, and Theodore Birnbaum, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate manufacturer and its officers with violating the Wool Products Labeling Act and the Federal Trade Commission Act by failing to stamp, tag, or label certain cones of yarn as required, labeling certain of said products falsely as to fiber content, and making misstatements on invoices and shipping memoranda concerning the fiber content of yarns they sold, such as that certain yarns contained 30 percent mink fur fibers and certain others contained 65 percent beaver fur fibers, when in fact the products contained substantially less than such amounts of fur fibers.

Counsel for the parties entered into an agreement containing consent order. On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on September 5, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Woonsocket Spinning Company, a corporation, the officers of said corporation, and said respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of cones of yarn or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain or purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any nonfibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent, Woonsocket Spinning Company, a corporation, the officers of said corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarns or other merchandise, in commerce, do forthwith cease and desist from, directly or indirectly: Misrepresenting in sales invoices, shipping memoranda, or in any other manner the fiber content of said products.

It is further ordered, That the complaint herein, insofar as it relates to Theodore Birnbaum individually, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Woonsocket Spinning Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 5, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7601; Filed, Sept. 20, 1956; 8:49 a. m.]

[Docket 6419]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RUDIN & ROTH ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—*Using misleading name*—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Rudin & Roth et al., New York, N. Y., Docket 6419, Sept. 5, 1956]

In the Matter of Stephen M. Roth and Fred D. Rudin, Individually and as Copartners Trading Under the Firm Name and Style of Rudin & Roth; Jamee Knit Hosiery Mills, Inc., a Corporation; Superbilt Hosiery Mills, Inc., a Corporation, and Stephen M. Roth and Fred D. Rudin, Individually and As Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two individuals, trading as copartners, and two corporations of which they were officers, with common offices in New York City, with misrepresenting the customary retail prices of the men's hosiery they sold to wholesalers, jobbers, supermarkets, and super-market chains by attaching to them tickets bearing fictitious and exaggerated prices, and with representing through use of the word "Mills" in their corporate names, that they manufactured the hosiery they sold.

Following respondents' joint answers and hearings in due course, the hearing examiner rejected proposed findings of fact, conclusions of law, and orders submitted by all parties, and made his own initial decision and order to cease and desist, which became on September 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Jamee Knit Hosiery Mills, Inc., a corporation, Superbilt Hosiery Mills, Inc., a corporation, Stephen M. Roth and Fred D. Rudin, individually, as officers of said corporations, and as co-partners trading under the firm name and style of Rudin & Roth, or under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery in commerce, as "commerce" is defined in the Act, do forthwith cease and desist from:

As to respondents Rudin and Roth:

1. Representing in any manner that certain amounts are the regular and usual retail prices of hosiery when such amounts are in excess of the prices at which such hosiery is usually and regularly sold at retail;

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise; and

As to respondents Jamee Knit Hosiery Mills, Inc., Superbilt Hosiery Mills, Inc. and Messrs. Rudin and Roth, individually and as officers of said corporations:

1. Representing, through the use of the word "mills" or any other word or words of similar import or meaning in their corporate or firm name, or otherwise, that they, or any of them, manufacture the hosiery or other merchandise sold by them.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 5, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7602; Filed, Sept. 20, 1956; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MIAMI RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499, § 203.448 governing the operation of the highway bridges across the Miami River from the mouth to and including the Northwest Fifth Street bridge is hereby amended to include all highway bridges from the mouth to and including Northwest 27th Avenue bridge and to provide for closed periods, as follows:

§ 203.448 *Miami River, Fla.; highway bridges from mouth to and including City of Miami bridge at Northwest 27th Avenue, Miami.* (a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owners of or agencies controlling these bridges shall not be required to open the drawspans for the passage of vessels from 7: 30 a. m. to 9: 00 a. m. and from 4: 30 p. m. to 6: 00 p. m. on all days other than Sundays and the following legal holidays: New Year's Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

• • • • •

[Regs., September 7, 1956, 823.01 (Miami River, Fla.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7580; Filed, Sept. 20, 1956; 8: 45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 214]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
FAIRFIELD, CALIF. Travis, AFB, 58'. SBM-RAZ—DV. Procedure No. 1. Amendment No. 2. Effective date: June 12, 1953.	PROCEDURE CANCELED EFFECTIVE OCTOBER 20, 1956. (NOT AUTHORIZED FOR CIVIL AIRCRAFT.) THIS NOTICE DOES NOT AFFECT THE A-L CHARTS IN THE MILITARY PILOT'S HANDBOOK.										

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
COLUMBUS, OHIO. Port Columbus, 816'. BVOR-CMH. Procedure No. 1. Amendment No. 2. Effective date: July 30, 1955.	PROCEDURE CANCELED EFFECTIVE OCTOBER 20, 1956. (FACILITY SHUT DOWN FOR RELOCATION.)										

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date.	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept-ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BRISTOL, TENN. (Bristol-Johnson City, Kingsport.) Tri-City, 1,524. ILS-I TRI. Procedure No. 1. Amendment 6. Effective date: October 20, 1956 Supersedes Amendment 5, September 22, 1956. Major changes: Adds names of Johnson City and Kingsport.	Abingdon Intersection	ILS E course	215—13	5,500	N side course: 090° outbound. 270° inbound. 3,000# within 5 miles of OM not authorized beyond 5 miles.	2,800 from within 5 miles of LOM. 5,500* from E. of EME Intersection or MHW.	2,740—4.0	1,750—0.5	T-dn %C-d %C-n %**S-dn 27 A-dn	300–1 700–1 700–1½ 400–¾ 1,000–2	300–1 800–1 800–1½ 400–¾ 1,000–2	300–1 800–1½ 800–2 400–¾ 1,000–2	Climb to 5,000' on W course ILS within 20 miles. *Final descent not to be initiated until definitely past Emmett Intersection/MHW. Glide slope altitude 5,500' over Emmett. #Otherwise 5,500' within 10 miles of Emmett MHW.* **500–1 required when glide slope not utilized. %No reduction of any landing ceiling or visibility minimum is authorized. CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas.
	Bristol Intersection	ILS E course or EME MHW.	164—5.5	5,500									
	Tri-City VOR	ILS E course.	352—2.9	5,500									
	Tri-City LFR	LOM	129—1.5	3,000									
	Intersection SW course TRI, LFR, & E course ILS.	LOM	090—3.2	3,000									
		EME MHW or Intersection.	090—12	5,500									
	Emmett MHW or Emmett Intersection (final).	LOM	270—8.7	On GS* or 2,800									
	Yuma Intersection	EME MHW or Emmett Intersection.	105—24	5,500									

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 56-7499; Filed, Sept. 20, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

PERIOD OF OPERATION FOR APPROVAL OF ENROLLMENT

In § 21.2036, subparagraph (5) is added to paragraph (a) as follows:

§ 21.2036 *Period of operation for approval of enrollment.* • • •

(a) *General.* • • •

(5) To any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

• • • • •

(70 Stat. 730)
(Sec. 261, 66 Stat. 663; 38 U. S. C. 971)

This regulation is effective September 21, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-7596; Filed, Sept. 20, 1956; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Miscellaneous amendments to regulations of the Post Office Department are set forth below:

PART 11—PACKAGES

In § 11.1 *Adequacy of packaging standards*, add the following to the present text: "For special conditions governing parcels sent to military post offices overseas, see Part 17 of this chapter."

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 13—ADDRESSES

a. In § 13.1 *General information*, make the following changes:

1. Amend paragraph (f) to read as follows:

(f) See § 13.7 for special instructions on addressing second class mail.

2. Add new paragraph (h) to read as follows:

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1 (b) (2) and 112.2 (d) (1) of this chapter, for addressing international mail.

b. In § 13.2 *Arrangement of address*, insert the following under the illustration appearing in paragraph (c): "See § 29.3 of this chapter, for instructions concerning method of enclosing letters in parcels."

c. In § 13.6 *Delivery zones*, make the following changes:

1. Amend paragraph (d) to read as follows:

(d) *Zone directories.* A postal delivery zone directory may be obtained free from the postmaster of each delivery-zone post office.

2. Amend paragraph (e) to read as follows:

(e) *List of zone offices.* Following is a list of the delivery-zone post offices:

Birmingham, Ala.	Jackson, Miss.
Montgomery, Ala.	Kansas City, Mo.
Berkeley, Calif.	St. Louis, Mo.
Fresno, Calif.	Lincoln, Nebr.
Glendale, Calif.	Omaha, Nebr.
Long Beach, Calif.	Camden, N. J.
Los Angeles, Calif.	Jersey City, N. J.
Oakland, Calif.	Newark, N. J.
Sacramento, Calif.	Paterson, N. J.
San Diego, Calif.	Trenton, N. J.
San Francisco, Calif.	Albany, N. Y.
San Jose, Calif.	Brooklyn, N. Y.
Stockton, Calif.	Buffalo, N. Y.
Denver, Colo.	Far Rockaway, N. Y.
Bridgeport, Conn.	Flushing, N. Y.
Hartford, Conn.	Jamaica, N. Y.
New Haven, Conn.	Long Island City, N. Y.
Waterbury, Conn.	New York, N. Y.
Wilmington, Del.	Rochester, N. Y.
Washington, D. C.	Schenectady, N. Y.
Jacksonville, Fla.	Staten Island, N. Y.
Miami, Fla.	Syracuse, N. Y.
St. Petersburg, Fla.	Charlotte, N. C.
Tampa, Fla.	Akron, Ohio
Atlanta, Ga.	Canton, Ohio
Honolulu, T. H.	Cincinnati, Ohio
Chicago, Ill.	Cleveland, Ohio
Evansville, Ind.	Columbus, Ohio
Indianapolis, Ind.	Dayton, Ohio
South Bend, Ind.	Toledo, Ohio
Des Moines, Iowa	Youngstown, Ohio
Sioux City, Iowa	Oklahoma City, Okla.
Kansas City, Kans.	Tulsa, Okla.
Wichita, Kans.	Portland, Oreg.
Louisville, Ky.	Philadelphia, Pa.
Baton Rouge, La.	Pittsburgh, Pa.
New Orleans, La.	Scranton, Pa.
Baltimore, Md.	Providence, R. I.
Boston, Mass.	Chattanooga, Tenn.
Springfield, Mass.	Knoxville, Tenn.
Worcester, Mass.	Memphis, Tenn.
Detroit, Mich.	Nashville, Tenn.
Flint, Mich.	Austin, Tex.
Grand Rapids, Mich.	Dallas, Tex.
Lansing, Mich.	Fort Worth, Tex.
Duluth, Minn.	Houston, Tex.
Minneapolis, Minn.	San Antonio, Tex.
St. Paul, Minn.	Salt Lake City, Utah
Arlington, Va.	Spokane, Wash.
Norfolk, Va.	Tacoma, Wash.
Richmond, Va.	Charleston, W. Va
Seattle, Wash.	Huntington, W. Va
	Madison, Wis.
	Milwaukee, Wis.

d. Section 13.7 *Second-class publications*, is added to Part 13, to read as follows:

§ 13.7 *Second-class publications.* (a) All publications should be addressed in a legible hand or plain type not smaller than 10 point.

(b) When several unwrapped copies for subscribers at the same post office are sent under one wrapper, each copy should bear the name and address of the subscriber.

(c) The name of the post office and State should be the most prominent part of the address.

(d) Write or print addresses with black ink or ink of some other strongly contrasting color. Addresses should not be written in pencil.

(e) Use white or other light-colored paper for address strips.

(f) When the address is placed on the wrapper, it should appear on the flat side and never on the fold. Addresses, including address strips, must be placed in a visible position either on the wrapper or directly on the copies.

(g) Individually addressed, unfolded periodicals mailed in bundles without separate wrappers should have the addresses placed upside down in the lower right corner of the front cover page. An alternate position on the periodicals is lengthwise along the bound edge, near the top of the publication.

(h) Individually addressed, unwrapped, folded newspapers and periodicals mailed in bundles to a post office should have the addresses in the upper left corner of the publication when grasped with the right hand along the folded edge.

e. Section 13.8 *Overseas military mail*, is added to Part 13, to read as follows:

§ 13.8 *Overseas military mail*—(a) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, APO number and the post office through which the mail is to be routed. Example:

Mr. John Smith 123 6th Street Roanoke, Virginia	Stamp
Pvt. Willard J. Doe, RA 32 000 000 Company F 167th Infantry Regt. APO 801 New York, New York	

Mrs. W. J. Doe 4850 First Street Denver, Colorado	Stamp
A/1C Harold F. Doe, AF 15 000 000 2nd Bomb Squadron APO 236 New York, New York	

(b) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, shore based organizational unit with Navy number, or mobile unit designation, or name of ship, and the fleet post office through which the mail is to be routed. Example:

Mr. J. C. Doe 238 Third Street Akron, Ohio	Stamp
John M. Doe, QMSN, USN USS Lyman K. Swenson (DD729) Fleet Post Office San Francisco, California	

Mrs. R. D. Doe 4687 Second Street Boise, Idaho	Stamp
Maj. John M. Doe, USMCR Staff, Fleet Marine Force, Pacific Fleet Post Office San Francisco, California	

(c) *Geographical address.* Mail showing a foreign city and country in addition to the military address is subject to the rates of postage and conditions for international mail.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 14—NONMAILABLE MATTER

a. Section 14.4 *Libelous matter*, is amended to read as follows:

§ 14.4 *Lotteries, frauds, and libelous matter*—(a) *Lotteries.* (1) Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on lot or chance.

(2) Any lottery ticket or part thereof or substitute.

(3) Any form of payment for a lottery ticket or share.

(4) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prices awarded in such an enterprise.

(b) *Fishing contest exception.* Paragraph (a) of this section does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(c) *Fraudulent enterprises.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mails, by means of false or fraudulent pretenses, representations, or promises.

(d) *Fictitious matter.* Any matter addressed to a person using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, through the mails, any business scheme or device in violation of law. The recipient must appear at the post office of receipt and be identified. If the addressee fails to appear and be identified, after notification, or if the fictitious character of such mail is established to the satisfaction of the Postmaster General, it is forwarded to the dead letter office as fictitious matter or otherwise disposed of as the Postmaster General directs.

(e) *Libelous matter.* Any matter otherwise mailable which has on its outside wrapper or envelope, or any postal card or post card carrying on it:

(1) Any libelous, scurrilous, defamatory, or threatening language, whether written or printed, or which by its manner or style of display is obviously intended to reflect injuriously on the character or conduct of another, or

(2) Any language asking for payment of a bill, which by its manner or style of display is defamatory and reflects injuriously on the character of addressee.

b. Section 14.5 *Lotteries and frauds*, is rescinded.

c. The following sections in Part 14 are redesignated as indicated:

1. Section 14.6 *Intoxicating liquors*, is redesignated as § 14.5.

2. Section 14.7 *Disloyalty and threats to the President*, is redesignated as § 14.6.

3. Section 14.8 *Copyright violations*, is redesignated as § 14.7.

4. Section 14.9 *Certain foreign communications*, is redesignated as § 14.8.

d. Section 14.9 *Certain items to overseas military post offices*, is added to Part 14, to read as follows:

§ 14.9 *Certain items to overseas military post offices.* In addition to other nonmailable items mentioned in this part, the following may not be mailed to military post offices overseas:

(a) Matter likely to decay or spoil.

(b) Penicillin and streptomycin, except when sent in official shipments.

(c) Currency, except where the dollar is the accepted medium of exchange.

(d) Matches.

(R. S. 161, 396, as amended; sec. 3, 25 Stat. 873, 62 Stat. 762, 782, § 29, 65 Stat. 721; 5 U. S. C. 22, 369; 18 U. S. C. 1302, 1717, 1718, 39 U. S. C. 255)

PART 16—BULK MAILINGS

In § 16.1 *Second class publications*, amend paragraph (c) to read as follows:

(c) *Addressing.* See § 13.7 of this chapter.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369).

PART 22—SECOND CLASS

a. In § 22.1 *Second class rates*, make the following changes:

1. Redesignate subparagraph (4) of paragraph (d) as paragraph (e); and amend same to read as follows:

(e) *Bulk weight.* The pound rates are computed on the bulk weight of the mailings of each issue. There is no limit of weight for second-class mail to domestic destinations. See § 111.2 (d) (2) of this chapter for weight limits to other countries.

2. Subparagraph (5) of paragraph (d) is redesignated as paragraph (f).

b. In § 22.3 *Applications for second-class privileges*, amend paragraph (a) (2) by changing Form 3501-B to POD Form 3502.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 24—THIRD CLASS

a. In § 24.4 *Payment of postage*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may:

(1) Use any method of paying postage; and

(2) Mail any number of pieces at one time, unless permit imprints are used. See § 34.5 of this chapter. Authorized nonprofit organizations which mail books and catalogs, seeds, cuttings, bulbs, roots, cions, and plants at the special single piece rate for these articles must mark the articles "Nonprofit Organization" or "Nonprofit Org." in the upper right corner adjacent to the postage.

2. Amend paragraph (b) (2) to read as follows:

(2) A fee of $10 each calendar year is required. Lettershops must pay a fee of $10 for each customer for whom mailings are made, unless the customer pays it. A receipt on Form 3544 is issued for each fee paid. This fee is in addition to the permit imprint application fee. See § 34.1 (a) of this chapter.

b. New § 24.9 *Circulars addressed to APO's*, is added to Part 24, to read as follows:

§ 24.9 *Circulars addressed to APO's.* Circulars mailed at third-class rates may not be sent to Army-Air Force post offices (APO's) overseas. Other articles of the third class are acceptable for mailing to APO addresses. Third-class circular mail addressed to an individual by name or title may be sent to Navy and Marine Corps addressees.

(R. S. 161, 396, as amended; sec. 206 (a), 43 Stat. 1067, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 235, 290a-1)

PART 25—FOURTH CLASS

In § 25.2 *Classification*, amend paragraph (b) (1) to read as follows:

(1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and zone (or distance) to which mailed. Compute postage for articles addressed to military post offices overseas (Army-Air Force and Fleet post offices and naval vessels) at the zone rate applicable between mailing office and post office shown in address.

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 557, sec. 204, 62 Stat. 1262, 67 Stat. 183; 5 U. S. C. 22, 369, 39 U. S. C. 292, 292a)

PART 26—AIRMAIL

a. Section 26.3 *Weight and size limits*, is amended to read as follows:

§ 26.3 *Weight and size limits*—(a) *Weight.* Airmail may weigh up to 70 pounds. See paragraph (c) of this section for articles addressed to APO's and FPO's.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth. See paragraph (c) of this section for articles addressed to APO's and FPO's and see § 25.3 (b) of this chapter for instructions on how to measure parcels.

(c) *Air parcel post to military post offices overseas*—(1) *Unofficial mail*—(i) *Weight.* Not over 2 pounds.

(ii) *Size.* Not over 30 inches in combined length and girth.

(2) *Official mail.* Air parcels addressed to officials by title, such as the "commanding officer," "officer in charge," "supply officer," (of any military or naval installation or base or unit or vessel) and Government agencies or offices served through military post offices are classed as official mail and are subject to the limitations of weight and size shown in paragraphs (a) and (b) of this section.

b. In § 26.6 *Marking, sealing, and depositing*, add new paragraph (d) to read as follows:

(d) Use envelopes printed with special airmail design for airmail only. Their use for mail not intended for air transmission is not permissible.

(R. S. 161, 396, as amended; sec. 2, 60 Stat. 1062, secs. 1, 201, 62 Stat. 1097, 1261; 5 U. S. C. 22, 369, 39 U. S. C. 462a, 463a, 475)

PART 32—PRECANCELED POSTAGE

In § 32.3 *Precancel permit*, amend paragraph (c) (1) to read as follows:

(1) Your permit may be revoked if used in operating any scheme or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the Permit, Form 3620.

(R. S. 161, 396, as amended, 3921, sec. 12, 39 Stat. 162; 5 U. S. C. 22, 369, 39 U. S. C. 365)

PART 47—FORWARDING MAIL

a. In § 47.1 *Order to change address*, amend paragraph (b) (1) to read as follows:

(1) COD mail will not be forwarded to the Canal Zone, and with the exception of official shipments to military agencies, COD mail will not be forwarded to overseas military post offices. See § 53.1 (c) of this chapter.

b. Section 47.4 *Address changes of persons in U. S. service*, is amended to read as follows:

§ 47.4 *Address changes of persons in U. S. service.* Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office Change of Address Due to Official Orders. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service. Exceptions:

(a) Second-class mail will not be forwarded from the United States to overseas APO addresses. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas effective ----------", and returned to the post office for disposition. See § 48.2 (b) of this chapter.

(b) Third-class circulars will not be forwarded to Army or Air Force addresses (APO's) overseas. See § 24.9 of this chapter.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a)

PART 54—PAYMENT FOR LOSSES

In § 54.2 *Payments refused*, amend paragraph (j) to read as follows:

(j) For damage to articles not marked as required by § 11.5 of this chapter.

(R. S. 161, 396, as amended, 3928, as amended, sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 381, 382)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-7600; Filed, Sept. 20, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1959]

PART 195—SODIUM PERMITS AND LEASES; USE PERMITS

MISCELLANEOUS AMENDMENTS

On pages 5585 and 5586 of the FEDERAL REGISTER for July 25, 1956, there was published a notice of proposed rule making to implement amendments of certain sections of the sodium regulations approved December 2, 1954, as amended September 7, 1955. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No adverse comments having been received, the proposed amended regulations are hereby adopted without change and are set forth below.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1956.

1. Section 195.12 is amended by adding thereto new paragraph (c), as follows:

§ 195.12 *Reward for discovery.* • • •

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 195.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 195.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 195.4 (c) (1) and (4).

2. Section 195.19 is amended, as follows:

§ 195.19 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 195.4.

3. Section 195.20 is amended, as follows:

§ 195.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 195.18, and file a bond as required by § 195.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 195.12 (c) must be filed before it can be determined to whom the lease may be issued.

4. Section 195.24 is amended by adding thereto new paragraphs (c) and (d), as follows:

§ 195.24 *Transfers, including subleases.* • • •

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 195.12 (c).

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply secs. 23–25, 41 Stat. 447, as amended; 30 U. S. C. 261–263)

[F. R. Doc. 56–7582; Filed, Sept. 20, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Oranges (California and Arizona) (7 CFR 51.1085–51.1112; 18 F. R. 7110) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1085 U. S. Fancy.
51.1086 U. S. No. 1.
51.1087 U. S. Combination.
51.1088 U. S. No. 2.

UNCLASSIFIED

51.1089 Unclassified.

TOLERANCES

51.1090 Tolerances.
51.1091 U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.
51.1092 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.1093 Application of tolerances.

STANDARD PACK

51.1094 Standard pack.

STANDARD SIZING AND FILL

51.1095 Standard sizing and fill.

STANDARDS FOR EXPORT

51.1096 Standards for export.

DEFINITIONS

51.1097 Similar varietal characteristics.
51.1098 Well colored.
51.1099 Firm.
51.1100 Well formed.
51.1101 Smooth texture.
51.1102 Injury.
51.1103 Fairly smooth texture.
51.1104 Damage.
51.1105 Fairly well colored.
51.1106 Fairly firm.
51.1107 Fairly well formed.
51.1108 Slightly rough texture.
51.1109 Serious damage.
51.1110 Very serious damage.

AUTHORITY: §§ 51.1085 to 51.1110 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1085 *U. S. Fancy.* "U. S. Fancy" consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects, or mechanical or other means. (See § 51.1091.)

§ 51.1086 *U. S. No. 1.* "U. S. No. 1" consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided,* That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See § 51.1091.)

§ 51.1087 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 oranges: *Provided,* That at least 40 percent, by count, meet the requirements of U. S. No. 1 grade. (See § 51.1092.)

§ 51.1088 *U. S. No. 2* "U. S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed, which may be of slightly rough texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1091.)

UNCLASSIFIED

§ 51.1089 *Unclassified.* "Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1090 *Tolerances.* In order to allow for variations incident to proper

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1091 and 51.1092 are provided as specified.

§ 51.1091 *U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the specified grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1092 *U. S. Combination grade.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements of the U. S. No. 2 grade relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the U. S. No. 2 grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(a) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage required.

APPLICATION OF TOLERANCES

§ 51.1093 *Application of tolerances.* (a) Except when applying the tolerances for "Standards for Export", the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged orange may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed orange.

STANDARD PACK

§ 51.1094 *Standard pack.* (a) Oranges shall be fairly uniform in size and shall be packed in boxes or cartons and arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at shipping point.

(c) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the oranges in any container are smaller than the minimum diameters given for various packs in the following table:

TABLE I

Count in box pack	Approximate count in half-box carton pack	Minimum diameter in inches
80	40	3.38
100	50	3.19
126	63	3.00
150	75	2.88
176	88	2.75
200	100	2.63
220	110	2.50
252	126	2.38
288	144	2.25
344	172	2.13

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit expressed in whole inches or whole inches and hundredths thereof.

(d) In order to allow for variations incident to proper packing, when oranges are wrapped not more than 10 percent of the wrapped fruit in any container may fail to meet the requirements pertaining to wrapping; and, not more than 10 percent of the containers in any lot may fail to meet the requirements for standard pack.

STANDARD SIZING AND FILL

§ 51.1095 *Standard sizing and fill.* (a) Containers in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided,* That the oranges in the containers are fairly uniform in size as defined in § 51.1094 and: *Provided further,* That the contents have been properly shaken down and the container is at least level full at shipping point. Oranges which are generally elongated in shape need not meet the size requirements when containers are well filled and the number of oranges in the container does not vary more than 5 percent from the marked count.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

STANDARDS FOR EXPORT

§ 51.1096 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(2) Not more than 3 percent shall have broken skins which are not healed;

(3) Not more than 3 percent shall have growth cracks;

(4) Not more than 5 percent shall be soft;

(5) Not more than 5 percent shall be damaged by creasing;

(6) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(7) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(8) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.1097 *Similar varietal characteristics.* "Similar varietal characteristics" means that the oranges in any container are similar in color and type.

§ 51.1098 *Well colored.* "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

§ 51.1099 *Firm.* "Firm" means that the fruit does not yield more than slightly to moderate pressure.

§ 51.1100 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.1101 *Smooth texture.* "Smooth texture" means that the skin is of fairly fine grain for the variety, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

§ 51.1102 *Injury.* "Injury" means that any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Split, rough, wide, or protruding navels when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts noticeably from the appearance of the fruit;

(b) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(c) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(2) Scars which are dark, rough or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(4) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(d) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(e) Scale when medium or large and more than 5 are present; and,

(f) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

§ 51.1103 *Fairly smooth texture.* "Fairly smooth texture" means that the skin does not feel noticeably rough or coarse for the variety. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

§ 51.1104 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split, rough, wide or protruding navels when there are more than three splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts materially from the appearence of the fruit;

(c) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type;

(1) Scars which are very dark, with slight depth, and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are dark, and rough or deep, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(4) Scars which are dark, and slightly rough or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(5) Scars which are fairly light in color, slightly rough or with slight depth, and which have an aggregate area of more than 5 percent of the fruit surface; and,

(6) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 10 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(f) Scale when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(g) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.1105 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates on the fruit.

§ 51.1106 *Fairly firm.* "Fairly firm" means that the fruit may yield to moderate pressure but is not soft.

§ 51.1107 *Fairly well formed.* "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

§ 51.1108 *Slightly rough texture.* "Slightly rough texture" means that the skin is not decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall be considered as slightly rough.

§ 51.1109 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split or protruding navels when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so badly folded and ridged that it detracts seriously from the appearance of the fruit;

(c) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark, very rough or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark, rough or deep, and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth, and which have an aggregate area of more than 15 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 25 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(f) Scale when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter; selected as the worst infested areas, or if more than 19 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is seriously damaged;

(g) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(h) Growth cracks which are leaking, gummy, or not well healed.

§ 51.1110 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit.

Dated: September 18, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7603; Filed, Sept. 20, 1956; 8:50 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A14]

MILK IN NASHVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on July 24, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 5378), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 23, 1956, issued his recommended decision and notice of opportunity to file written exceptions thereto. Said recommended decision was published in the FEDERAL REGISTER on August 28, 1956 (21 F. R. 6489).

The material issues of record related to:

1. Changes in the months in which the higher seasonal Class I price differential would apply.

2. The rate of adjustment of the Class I price based on utilization.

3. Need for emergency action to amend the order with respect to issues No. 1 and No. 2.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. *Seasonal pricing.* The period in which the higher seasonal Class I price differential should apply should include the months of August through January, except that for the year 1957, the month of February should be included.

A proposal made by producers would change the seasonal pattern of prices for Class I milk by beginning the period with the higher differential over the basic formula price one month earlier than now provided in the order. The Class I price differentials now provided in the order are $1.40 for the months of September through February, and $1.10 for the months of March through August. The producer proposal would make the $1.40 differential regularly apply in the months of August through February.

Producers based the need for including August in the months with seasonally higher prices on the increased cost of milk production in this month compared to earlier months of spring and summer. Another reason given was the desirability of having the higher seasonal prices apply in the months when producers earn their bases. In this connection producer representatives pointed out that an amendment to the order effective July 1, 1956, moved the base-earning period forward one month by changing it from September through February, to August through January, beginning with August 1957.

In the decision issued by the Under Secretary on June 22, 1956 (21 F. R. 4678), it was stated that: "The present base-excess plan for distributing the market returns from milk among producers was established in the order as the result of a hearing held in August 1951. At the time the present base-excess plan was adopted, the months September through February were normally those of relatively low production in relation to fluid sales. Since that time, producer receipts during the month of August have generally been below average deliveries computed for each year. Likewise, deliveries of producer milk during the month of February have increased each year since 1951 to the point where such deliveries during the past two years have been above the average computed for each year. It is concluded that the base-excess plan should be revised to provide that the months August through January should include the base-forming period." It was also noted in that decision that, in view of the evidence presented concerning months of generally high and low production in connection with the base-excess plan, that consideration might need to be given in a further hearing to changing the months in which the seasonal Class I differentials apply. No such change had been considered at the hearing on which the July 1 amendment was based.

In this market, seasonal changes in the Class I price differentials have served as an incentive to producers to adjust their production to the needs of the fluid market. This pattern of prices has served conjointly with the base plan to accomplish such purpose.

In this connection, some consideration needs to be given, also, to seasonal changes in sales of Class I milk of Nashville handlers. The record data indicate that Class I sales, characteristically, are lower during the summer months of June, July and August than during other months of the year. Deliveries by producers, on the other hand, have usually been highest in the month of May, and by the end of summer are in a declining trend.

The relationship of deliveries by producers to handlers' Class I sales during the month of August each year has become closer in recent years. In August 1955, deliveries by producers were 114 percent of Class I sales as compared to 136 percent of Class I sales in August 1953. The relationship of producer deliveries to Class I sales in the month of February each year has varied considerably from year to year. Although the relation of supply to sales in February has shown a decrease in recent years, the supply has remained ample and higher in relation to sales than in August.

The request made by producers that the $1.40 Class I differential apply in the period August through February each year involves the problem of the annual level of the Class I price, since this change would mean that seven months instead of six would be at the higher level. The problem of the general level of the Class I price is dealt with elsewhere in this decision. in connection with the supply-demand adjustment. With respect to seasonal pricing, it does not appear from this record that February needs to be regularly a month with the higher seasonal price. (An exception is made with respect to February 1957.) The record shows that the supply of milk in February has generally been adequate for market needs. Furthermore, inasmuch as February is at the beginning of, or just prior to, the flush production season, it would appear unnecessary to give producers a seasonal incentive to increase their production in this month. It is concluded that the months in which the higher Class I price differentials regularly apply should be August through January.

Following the hearing, an order suspending certain provisions of the Nashville order was issued July 31, 1956. This suspension order made the $1.40 Class I differential effective for August 1956.

With respect to the month of February 1957, however, producer representatives at the hearing stressed that this would be a base-forming month and that, therefore, the seasonal drop in the Class I price should not be changed until the year following. Because of this factor, it is concluded that the change in the seasonal pricing should be made fully effective at the same time as the change in the months of the base-forming period which will begin in August 1957.

2. *Supply-demand adjustment.* The rate of change in the Class I price based on the supply-demand adjustment, should be increased from one cent per percentage change in the utilization ratio, to two cents per percentage point. For the months of October 1956 through January 1957, the order should provide that the supply-demand adjustment will be based only on the utilization in the twelve-month period ending with the second preceding month.

The order provides that the Class I price shall be adjusted each month on the basis of utilization of producer milk in the twelve-month period ending with the second preceding month, plus or minus the change from utilization similarly calculated for the twelve-month period ending with the fifth preceding month. The utilization ratio so calculated, which is in terms of the percentage that producer milk is of Class I sales, results in an increase of one cent per hundredweight in the Class I price for each percentage point that the utilization ratio is less than 125, and results in a decrease at the same rate if the utilization ratio exceeds 130 percent.

The producer association proposed that the rate of price adjustment be increased from one cent per percentage point, to four cents per point, whenever the utilization ratio is less than 125 percent. The association requested that no change be made from the present rate of price adjustment when the utilization ratio is more than 130 percent.

The computation of the supply-demand price adjustment was modified by an amendment to the order effective July 1, 1956. Prior to that time, the computation of the utilization ratio was based entirely on average utilization in the twelve-month period ending with the second preceding month. A further change at that time was the elimination from the supply-demand computation of receipts and sales of plants disposing of less than an average of 1,000 pounds of fluid milk products per day in the marketing area. These changes were designed to make the supply-demand adjustment more representative of market conditions and to make it respond faster to changes in conditions.

No supply-demand adjustment was effective from the time the individual-handler pooling arrangement was instituted (April 1955), through March 1956.

Producer witnesses pointed out that the one cent per percentage point is a relatively low rate of price adjustment compared to the rates of price adjustments in other markets, based on utilization. The record shows that the supply-demand adjustment has had little effect on prices during the period in which it has been effective.

Because of recent changes in computation of the supply-demand adjustment, it is not possible, from the record, to reconstruct precisely a supply-demand adjustment on the basis proposed by producers, for periods prior to July 1956. The record does show, however, that for the twelve-month period ending with February 1956, the average ratio of producer milk to Class I sales (excluding handlers with less than 1,000 pounds daily in the marketing area) was 117.7 percent. If the new type of adjustor had been in effect at that time, the amount of adjustment would have reflected also a decreased supply-sales ratio of the three-month period ending with February 1956, compared to a year earlier. From this it appears that the resulting price adjustment at the rate proposed by producers would have been an addition of at least 32 cents per hundredweight.

The most recent data in the record show that the ratio of producer deliveries to Class I sales (excluding handlers with less than 1,000 pounds daily in the marketing area) during the twelve-month period ending with June 1956, was 120.8 percent. This percentage, which is part of the computation for the August Class I price, is modified by the change from the twelve-month period ending with March 1956, which was 117.8 percent. The increase in the ratio of supply to sales between these two twelve-month periods results in an adjusted utilization ratio of 124 percent, or a price adjustment of one cent added to the August Class I price.

Producer and handler witnesses estimated the supply-sales relationship would be about the same for August and fall months this year as occurred in 1955. If this proves to be true, it may be estimated that, during the late fall and winter period, the supply-demand adjustment (at the current rate) would add about four cents. Furthermore, if the utilization of producer milk in Class I this year in July and months following is higher than a year previous, the amount of price adjustment in fall months would be greater.

It is apparent, from the record, that the rate of price adjustment tends to be relatively slow as presently calculated, even with the modifications of the supply-demand adjustor made effective July 1, 1956. On the other hand, the rate of price adjustment proposed by producers, which would increase the rate of change four times, could result in relatively large price adjustments. Comparison with the rates of price change per percentage point used in other Federal orders, as made in the record, is not a sufficient indication as to the most desirable rate for this market, because of different marketing conditions and because of differences in the types of supply-demand adjustors used. In view of the recent changes in the supply-demand adjustment computation and short experience as to their effect, it appears advisable to make a more moderate change in the rate of adjustment than that proposed by producers. It is concluded that a rate of adjustment of two cents per percentage point of the utilization ratio should be used until further experience is gained. Furthermore, it is concluded that, for a preliminary period, the effect of the increased rate of price adjustment should be based only on the utilization in the twelve-month period ending with the second preceding month. The complete change should become effective in February 1957.

Producers also proposed that when the ratio exceeds 130 percent, the present rate of price adjustment should be retained, so that the producers who have entered the market or increased their production at a time when the market needs additional milk do not suffer financial loss if the market subsequently becomes over-supplied. It was contended that a producer cannot readily reduce his level of production in response to price changes, and that, therefore, a higher rate of price decline does not benefit the market.

It is here concluded that this proposal should be denied, since such a pattern of price adjustments could result in serious misalignment of prices with the supply and demand situation.

3. *Emergency action.* A price adjustment for the month of August 1956 was effected by the Assistant Secretary in an order suspending certain provisions, issued July 31, 1956. It is concurred that no further emergency action concerning the proposed amendments was necessary.

Ruling on exceptions. Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of July 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and Order, amending the Order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL

REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 17th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating Handling of Milk in Nashville, Tennessee, Marketing Area

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity and pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 978.51 (a) (1) (ii), add the following words: "except that such amount shall not be added or subtracted in computing prices for the months of October 1956 through January 1957, inclusive, and".

2. In § 978.51 (a), delete subparagraph (2) and substitute the following:

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents.

3. In § 978.51 (a), delete subparagraph (3).

4. In § 978.51 (e), delete the language before the proviso, and substitute the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of August through January, except that for the year 1957, the month of February shall be included; and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

[F. R. Doc. 56-7591; Filed, Sept. 20, 1956; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2665, Amdt. 2]

ALASKA

RIGHTS-OF-WAY FOR HIGHWAYS

SEPTEMBER 15, 1956.

1. Section 2 (a) (1) is amended by adding to the list of public highways designated as through roads; the Fairbanks-International Airport Road, the Anchorage-Fourth Avenue-Post Road, the Anchorage International Airport Road, the Copper River Highway, the Fairbanks-Nenana Highway, the Denali Highway, the Sterling Highway, the Kenai Spur from Mile 0 to Mile 14, the Palmer-Wasilla-Willow Road, and the Steese Highway from Mile 0 to Fox Junction; by re-designating the Anchorage-Lake Spenard Highway as the Anchorage-Spenard Highway, and by deleting the Fairbanks-College Highway.

2. Section 2 (a) (2) is amended by deleting from the list of feeder roads the Sterling Highway, the University to Ester Road, the Kenai Junction to Kenai Road, the Palmer to Finger Lake to Wasilla Road, the Paxson to McKinley Park Road, and the Steese Highway, from Mile 0 to Fox Junction, and by adding the Kenai Spur from Mile 14 to Mile 31, the Nome-Kougarok Road, and the Nome-Teller Road.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-7583; Filed, Sept. 20, 1956; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED CARPETING

MARKING OF COUNTRY OF ORIGIN

SEPTEMBER 17, 1956.

The Bureau of Customs has ruled that imported carpeting which is to be cut prior to or at the time of sale to ultimate purchasers, unless otherwise excepted from individual marking pursuant to one or more of the exceptions set forth in section 304 (a) (3) of the Tariff Act of 1930, as amended (19 U. S. C. 1304 (a) (3)), shall be legibly and conspicuously marked with the name of the country of origin by stenciling, labeling, or other reasonable method, such marking to begin at the outermost edge of the roll and continue at intervals of approximately 5 feet in close proximity to one edge and extending the entire length of the roll.

This requirement applies only to such carpeting entered for consumption or for warehouse after 90 days after the date of publication of an abstract of that decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 56-7594; Filed, Sept. 20, 1956; 8:47 a. m.]

[363.2]

CONTAINERS

MARKING OF COUNTRY OF ORIGIN

SEPTEMBER 17, 1956.

The Bureau by its letter to the collector of customs at New York, August 24, 1956, ruled that the imported container in which an article is imported and sold to the ultimate purchaser shall be marked to indicate the name of the country of origin of the imported article contained therein when practice shows that the ultimate purchaser of the imported article does not usually have an opportunity to remove the article from the container prior to purchase.

This requirement insofar as it represents a change in practice applies only with respect to merchandise entered for consumption or for warehouse after 90 days after the date of the publication of an abstract of that decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 56-7595; Filed, Sept. 20, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

SEPTEMBER 1956 MONTHLY SALES LIST; AMENDMENT

The price listing for the September 1956 Monthly Sales List is amended as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669). The September 1956 Sales List is amended by deleting the offerings of (1) rough rice for unrestricted use for domestic and export sale, effective September 7, 1956, (2) rough rice for restricted use for domestic and export sale, and of "other brokens" for export sale, effective as announced by the Dallas and Portland CSS Commodity Offices, and (3) all export offerings of butter for restricted use, effective September 12, 1956. The list is further amended by changing the price of butter for domestic restricted use (as cocoa butter extender) from 25 cents to 39 cents per pound, effective September 12, 1956, and by adding the Portland CSS Commodity Office as an available source for California Pearl milled rice.

Issued: September 18, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-7605; Filed, Sept. 20, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BARBER-WILHELMSEN AND UNITED FRUIT CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8143 between the carriers comprising the Barber-Wilhelmsen Line joint service and United Fruit Company, covers the transportation of cargo under through bills of lading from the Far East to New York or New Orleans, with transshipment at Cristobal, Canal Zone. Agreement No. 8143, upon approval, will supersede and cancel approved transshipment Agreement No. 7842.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7611; Filed, Sept. 20, 1956; 8:52 a. m.]

SKIBSAKTIESELSKAPET NORDHEIM ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8141, between Skibsaktieselskapet Nordheim, Skibsaktieselskapet Vito, Skibsaktieselskapet Kirkoy and Skibsaktieselskapet Skagerak, operating under the management of Ditlev-Simonsen Lines, provides for the establishment and maintenance of a joint cargo service (with limited passenger accommodations) in the trade between United States Pacific Coast ports and ports in Japan, Korea, Formosa, Okinawa, China and the Philippine Islands under the trade name Pacific Orient Express Line. Agreement No. 8141, upon approval, will supersede and cancel approved joint service agreement No. 7599, between the above-named carriers and Transatlantic Steamship Company, Ltd., in the trade between Pacific Coast ports of the United States and Japan, China and the Philippine Islands.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7612; Filed, Sept. 20, 1956; 8:52 a. m.]

MITSUBISHI KAIUN KAISHA, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7995–C, between Mitsubishi Kaiun Kaisha, Ltd., and Iino Kaiun Kaisha, Ltd., and Kokusai Kaiun Kaisha, Ltd., provides for the concellation of Agreement No. 7995, between Mitsubishi and Iino, covering the operation of a joint cargo service (with limited passenger accommodations) in various worldwide trades under the trade name. Kokusai Line and management of Kokusai Kaiun Kaisha, Ltd. Although not a party to the joint service, Kokusai Kaiun Kaisha, Ltd., signed Agreement No. 7995–C as managing agent.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7613; Filed, Sept. 20, 1956; 8:52 a. m.]

MEMBER LINES OF MIDDLE EAST MEDITERRANEAN WESTBOUND FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7880–2, between the member lines of the Middle East Mediterranean Westbound Freight Conference, modifies the basic agreement of that conference to eliminate the reference to ports in Palestine from the trading area thereof. Agreement No. 7880, as amended, presently covers the trade from Egyptian, Palestinian, Syrian, Lebanese, Latakian, Grecian, Turkish, Russian (Black Sea), Bulgarian, Roumanian ports, and from the Islands in the Eastern Mediterranean to United States Atlantic ports in the Charleston, S. C./Portland, Maine, range.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-7614; Filed, Sept. 20, 1956; 8:52 a. m.]

REGULAR MEMBER LINES OF TRANS-PACIFIC PASSENGER CONFERENCE

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 131–222, between the Regular Member Lines of the Trans-Pacific Passenger Conference, covers a modification of said agreement to provide for the holding of meetings by Associate Members.

(2) Agreement No. 131–223, between the Regular Member Lines of the Trans-Pacific Passenger Conference, covers a modification of said agreement to provide for rules to govern the holding of Informal Meetings by the Associate Members.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7607; Filed, Sept. 20, 1956; 8:50 a. m.]

[Docket No. S–68]

MATSON ORIENTAL LINE, INC.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held under section 605 (c) and section 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Matson Oriental Line, Inc., for an operating-differential subsidy contract for operation on Trade Route No. 12, described as follows:

U. S. Atlantic/Far East—Between United States Atlantic Ports (Maine-Atlantic Coast Florida to but not including Key West), and ports in the Far East (Japan, Formosa, the Philippines, and Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive), with the privilege of calling in the Hawaiian Islands.

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the application with respect to operations from United States Atlantic ports (Maine to but not including Key West, Florida) to ports in the Far East, with the privilege of calling in the Hawaiian Islands, is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service or services and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act, additional vessels should be operated thereon; (2) Whether the application covering the aforesaid operations is one with respect to a vessel or vessels operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry and, if so, whether the effect of such a contract would be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operation of vessels in competitive services, routes or lines; and (3) Whether it is necessary to enter into a contract covering the aforesaid operations from ports in the United States Atlantic Coast to the Far East ports in order to provide adequate service by vessels of the United States registry.

The purpose of the hearing under section 805 (a) is to receive evidence relevant to whether the granting of such application (a) will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the act.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7609; Filed, Sept. 20, 1956; 8:51 a. m.]

NORTHERN PAN AMERICAN LINE AND WATERMAN STEAMSHIP CORP.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8078, between The Northern Pan American Line, A/S (Nopal Line) and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at New Orleans, Louisiana or Mobile, Alabama.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56–7608; Filed, Sept. 20, 1956; 8:51 a. m.]

[Docket No. S–69]

UNITED STATES LINES CO.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of United States Lines Company for an operating-differential subsidy agreement on the following described service:

During the Great Lakes navigation season, four sailings per month with dry cargo vessels, between United States and Canadian ports on the Great Lakes and St. Lawrence River ports and ports in the United Kingdom, Ireland and Atlantic Europe (Germany to Northern Border of Portugal).

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the application with respect to operations from United States Great Lakes and St. Lawrence River ports is one with respect to a vessel or vessels to be operated on a service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and in the accomplishment of the purposes and policy of the act, additional vessels should be operated thereon; (2) whether the application covering the aforesaid operations from United States Great Lakes ports and St. Lawrence River ports is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of the subsidy would be to give undue advantage or be unduly prejudicial as between citizens of the United States, in competitive services, routes, or lines; and (3) whether it is necessary to enter into a contract covering the aforesaid operations from United States Great Lakes and St. Lawrence River ports in order to provide adequate service by vessels of the United States registry.

The hearing will be before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: September 18, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7610; Filed, Sept. 20, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–6464 etc.]

MOULTER GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 17, 1956.

In the matters of Moulter Gas Company (Partnership), Docket No. G–6464; Bowen Gas Company (Partnership), Docket No. G–6465; Musgrave Gas Company (Partnership), Docket No. G–6466; Willowwood Gas Company (Partnership), Docket No. G–6467; Wilson Gas Company (Partnership), Docket No. G–6468; Wilks Gas Company (Partnership), Docket No. G–6469; Hayes Gas Company (Partnership), Docket No. G–6470; Townsend Gas Company (Partnership), Docket No. G–6471; Symmes Creek Gas Company (Partnership), Docket No. G–6472; Cowden Gas Company (Partnership), Docket No. G–6473.

Take notice that ten West Virginia partnerships as hereinabove captioned (Applicants), with principal place of business at 1614 7th Avenue, Huntington, West Virginia, filed, in the docket numbers hereinabove captioned, on November 29, 1954, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicants to render service subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Applicants propose to continue selling natural gas in interstate commerce, produced from wells in Lawrence County, Ohio, to The Ohio Fuel Gas Company for resale.

On April 4, 1955, Applicants submitted to the Commission a letter dated March 25, 1955, from The Ohio Fuel Gas Company advising that all gas purchased from Applicants in Lawrence County, Ohio, is sold and consumed within the State of Ohio.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 23, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7584; Filed, Sept. 20, 1956; 8:45 a. m.]

[Docket No. G–10997]

UNITED GAS IMPROVEMENT CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1956.

Take notice that The United Gas Improvement Company, a Pennsylvania corporation (Applicant), having its principal place of business at 1401 Arch Street, Philadelphia, Pennsylvania, filed on August 30, 1956, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its natural gas transportation facilities with certain proposed facilities of Applicant for the purpose of supplying, transmitting and delivery of natural gas to Applicant for resale to customers of Readings' Boyertown District, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Boyertown Gas and Fuel Company is presently serving the 325 customers of Boyertown with manufactured gas, and it has entered into an agreement to sell its gas properties to Applicant.

Applicant proposes to discontinue the gas manufacturing plant at Boyertown and to supply the public in that borough (as a part of the service area of Reading, Pennsylvania) with natural gas which it proposes to purchase from Manufacturers. Applicant proposes that a connection be made to Manufacturers' 14-inch transmission main near the point where Manufacturers' main crosses the County Road running between Limerick, located on U. S. Highway No. 422, and the Borough of Boyertown. Applicant also proposes to build and install, at an estimated cost of $164,000, five miles of 4-inch steel gas main and two miles of 6-inch steel gas main to connect the transmission main of Manufacturers with the gas distribution system in the Borough of Boyertown.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 3, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7585; Filed, Sept. 20, 1956; 8:45 a. m.]

[Docket No. G-11081]

MIDSTATES OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Midstates Oil Corporation, (Applicant) on August 8, 1956, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates are contained in the following designated filings which are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date [1]

Notice of Change dated August 6, 1956; Texas Eastern Transmission Corp.; Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 4; November 1, 1956.

Notice of Change dated August 6, 1956; Texas Eastern Transmission Corp.; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 52; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Part 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 17, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7586; Filed, Sept. 20, 1956; 8:45 a. m.]

[Docket No. G-2815 etc.]

DIRKS BROTHERS ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 14, 1956.

In the matters of Dirks Brothers, et al., Docket No. G-2815, et al.; C. G. Glasscock Oil Company, Docket No. G-6819.

Notice is hereby given that the application of C. G. Glasscock Oil Company, Docket No. G-6819, in the above consolidated proceedings and scheduled for a hearing on September 18, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7587; Filed, Sept. 20, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAULS

FSA No. 32635: *Rubber tires and parts—Memphis, Tenn., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber tires and parts, carloads from Memphis, Tenn., to points in official territory.

Grounds for relief: Circuitous routes.

Tariffs: Supplements Nos. 226 and 229 to Agent Spaninger's I. C. C. 1351. Supplement No. 1 to Agent Spaninger's I. C. C. 1539.

FSA No. 32636: *Superphosphate—Southern points to western trunk line territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), carloads from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee to destinations in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 19 to Agent Spaninger's I. C. C. 1522.

FSA No. 32637: *Coal—Alabama and Tennessee mines to Georgia points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on bituminous fine coal, screened, carloads from specified stations in Alabama and Tennessee to Mitchell and McManus, Ga.

Grounds for relief: Competition of fuel oils.

Tariffs: Supplement 37 to C. A. Spaninger's tariff I. C. C. 231 and two other tariffs.

FSA No. 32638: *Grain—Tifton, Ga., to Gulf ports.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on grain, namely, barley, corn, oats, rye, soybeans and wheat, in bulk, straight carloads from Tifton, Ga., to Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Circuitous route

Tariff: Supplement 154 to Agent Spaninger's I. C. C. 1325.

FSA No. 32639: *Iron pipe and fittings—to Marvell, Ark.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from specified points in Alabama, Georgia, Tennessee and Virginia to Marvell, Ark.

Grounds for relief: Short-line distance formula and circuitous route.

Tariff: Supplement 98 to Agent Spaninger's I. C. C. 1374.

FSA No. 32640: *Moulding Sand—Glencoe, Ala., to Swan and Tyler, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on moulding sand, naturally bonded, carloads from Glencoe, Ala., to Swan and Tyler, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 75 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 32641: *Lumber from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from specified points in Arkansas and Louisiana to specified points in Texas.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 36 to Agent Kratzmeir's I. C. C. 4007.

FSA No. 32642: *Roofing and building material to Alton, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials and roofing slate, carloads from specified points in Arkansas, Louisiana, Oklahoma and Texas to Alton, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 170 to Agent Kratzmeir's I. C. C. 4087 and three other tariffs.

FSA No. 32643: *Crude rubber—Louisiana and Texas to Whippany, N. J.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, viz.: artificial, synthetic, or neoprene, carloads from specified points in Louisiana and Texas to Whippany, N. J.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 171 to Agent Kratzmeir's I. C. C. 4087. Supplement 244 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32644: *Crude rubber—Louisiana and Texas to Neosho, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, namely, artificial, synthetic or neoprene, carloads from specified points in Louisiana and Texas to Neosho, Mo.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement No. 172 to Agent Kratzmeir's I. C. C. 4087. Supplement No. 245 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32645: *Iron and steel articles—Southern points to Ohio River crossings and north.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from specified points in southern territory to Ohio River crossings and points in official territory north thereof.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

FSA No. 32646: *Paper articles—Mobile, Ala., to Cairo, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on facial cleansing tissues, toilet paper, paper napkins and paper towels, straight or mixed carloads from Mobile, Ala, to Cairo, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32647: *Grain and products—Springfield, Ill., to Omaha, Nebr.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and other related articles, carloads from Springfield, Ill., to Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 43 to Missouri Pacific Railroad tariff I. C. C. A-10238. Supplement 76 to Union Pacific Railroad tariff I. C. C. 5166.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-7588; Filed, Sept. 20, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 50-48]

BRADDOCK HEIGHTS WATER CO. AND POTOMAC EDISON CO.

ORDER GRANTING EXEMPTION WITH RESPECT TO DISSOLUTION OF NON-UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY

SEPTEMBER 17, 1956.

The Potomac Edison Company ("Potomac Edison"), a registered holding company and a public utility company and a wholly-owned subsidiary of The West Penn Electric Company, also a registered holding company, and The Braddock Heights Water Company of Frederick County, Maryland ("Braddock Heights"), a non-utility subsidiary of Potomac Edison, have filed an application pursuant to Rule U-100 (a) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

Potomac Edison owns all of the outstanding capital stock of Braddock Heights, consisting of 170 shares of the par value of $50 per share.

The assets of Braddock Heights consist solely of cash and accounts receivable. It is now inactive and has no business other than that related to the winding up of its affairs, and there appears to be no need for its continued existence.

Braddock Heights proposes to dissolve by filing appropriate Articles of Dissolution in Maryland, the State of its incorporation. In connection with its dissolution, it will distribute to Potomac Edison all of its assets, subject to all of its liabilities, and there will be surrendered to it by Potomac Edison for cancellation the certificate for all of its outstanding capital stock.

It appearing to the Commission that the dissolution of Braddock Heights is, or may be, subject to the provisions of Rules U-42, U-43 and U-46, and that its dissolution will not be detrimental to the public interest or the interests of investors or consumers; and the Commission finding that it is not necessary or appropriate in the public interest or the interests of investors or consumers that the dissolution of Braddock Heights be subject to the requirements of said rules:

It is ordered, Pursuant to the provisions of Rule U-100 (a), that the dissolution of Braddock Heights be, and hereby is, exempted from the provisions of Rules U-42, U-43 and U-46.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7589; Filed, Sept. 20, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-133]

NATIONAL BANK OF BULGARIA

In re: Debt owing to the National Bank of Bulgaria, also known as the Banque Nationale de Bulgaria. F-11-36, F-63-2748, (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $6,651.00, being a portion of an account entitled, "Swiss Bank Corporation, Zurich, Switzerland, ordinary blocked account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States, which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the National Bank of Bulgaria, also known as Banque Nationale de Bulgaria, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7597; Filed, Sept. 20, 1956; 8:48 a. m.]

[Vesting Order SA-134]

NATIONAL BANK OF HUNGARY

In re: Debt owing to the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank. F-34-11, F-63-60 (Zurich), SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $548.17, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7598; Filed, Sept. 20, 1956; 8:48 a. m.]

[Vesting Order SA-135]

UNKNOWN NATIONAL OF HUNGARY

In re: Debt owned by unknown national of Hungary, F-34-1693, F-63-2748, (Basle).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $126.70, being a portion of an account entitled, "Swiss Bank Corporation, Basle, Switzerland, ordinary blocked account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by a corporation organized under the laws of Hungary, name unknown, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–7599; Filed, Sept. 20, 1956; 8:48 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 21 NUMBER 185

Washington, Saturday, September 22, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10678

ADMINISTRATION OF THE FUNCTIONS OF THE RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION

By virtue of the authority vested in me by section 20 of the Rubber Producing Facilities Disposal Act of 1953, 67 Stat. 414, as amended or modified (50 U. S. C. App. 1941r), and by section 6 (d) of the act of March 21, 1956, 70 Stat. 53, and as President of the United States, it is ordered as follows:

SECTION 1. Subject to the provisions of section 2 of this order, the Federal Facilities Corporation (hereinafter referred to as the Corporation) is hereby designated as the agency to administer the contracts of sale or lease of the Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of 1953, as amended, and to administer other matters involving the Rubber Producing Facilities Disposal Commission, including all powers and authority conferred upon the said Commission by sections 4, 5, and 6 of the said act of March 21, 1956, and also including the winding up of the affairs of the Commission. The said contracts are hereby transferred to the Corporation.

SEC. 2. The administration of the national-security clause contained in such contracts of sale, including any contract of sale made under the act of March 31, 1955, 69 Stat. 15, or under the said act of March 21, 1956, and the administration of the national-security clause (including the recapture clause) contained in any lease of the unsold facilities made under any of the aforesaid acts shall be carried out in accordance with the needs and requirements of the national defense as determined by the Secretary of Defense.

SEC. 3. The records, property, liabilities, employees, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, of the Rubber Producing Facilities Disposal Commission are hereby transferred to the Corporation, for use or employment by the Corporation in connection with the administration or performance of its functions and duties under section 1 of this order, or for other disposition as determined, consonant with law, by the Corporation.

SEC. 4. All matters placed under the administration or jurisdiction of the Corporation by sections 1 and 3 of this order shall be subject to direction and control by the Secretary of the Treasury.

SEC. 5. This order shall become effective on September 24, 1956.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 20, 1956.

[F. R. Doc. 56–7702; Filed, Sept. 20, 1956; 12:34 p. m.]

EXECUTIVE ORDER 10679

WITHHOLDING OF COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE ARMY NATIONAL GUARD AND THE AIR NATIONAL GUARD FOR STATE EMPLOYEE RETIREMENT SYSTEM PURPOSES

By virtue of the authority vested in me by the act of June 15, 1956, 70 Stat. 283, and section 301 of title 3 of the United States Code, and as President of the United States, I hereby prescribe the following regulations governing agreements to be entered into between the Secretary of Defense and States or Territories, pursuant to the provisions of the said act of June 15, 1956, with respect to withholding of compensation of certain civilian employees of the Army National Guard and the Air National Guard for State or Territorial employee-retirement system purposes:

1. Such an agreement shall be entered into by the Secretary of Defense within one hundred and twenty days of the receipt of a request therefor by the Secretary from the Governor or any other proper official of any State or Territory: Provided, (a) that the law of such State or Territory provides for the payment of employee contributions to such State or Territorial employee-retirement systems by withholding sums from the compensation of such State or Territorial employees and making returns of such

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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sums to officials of such State or Territory; (b) that civilian employees of the Army National Guard and the Air National Guard, other than those employed by the National Guard Bureau, are eligible for membership in a State or Territorial employee-retirement system; and (c) that each such agreement shall be consistent with the provisions of the said act of June 15, 1956, and of rules and regulations issued thereunder, and shall be subject to any amendments of the said act, including amendments occurring after the effective date of any such agreement.

2. Each such agreement (a) shall provide that the Secretary of the Army with respect to such employees of the Army National Guard, and the Secretary of the Air Force with respect to such employees of the Air National Guard, shall comply with the requirements of such State or Territorial law in the case of employees subject to the said act of June 15, 1956, who are eligible for membership in such retirement system for State or Territorial employees, (b) shall specify when the withholding of sums from the compensation of such State or Territorial employees shall commence, and (c) shall provide for procedures for the withholding, the filing of the returns, and the payment of the sums withheld from compensation to the State or Territory which conform, so far as practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force, respectively.

3. The Secretary of the Army with respect to Army National Guard employees, and the Secretary of the Air Force with respect to Air National Guard employees, shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold sums from compensation, file required returns, and direct the payment of such sums withheld, in accordance with the terms of the agreements entered into between the Secretary of Defense and the States or Territories.

4. Nothing in this order, or in rules or regulations issued thereunder, or in any agreement entered into pursuant thereto, shall be construed as giving consent to the application of any provision of law of any State or Territory which has the effect of imposing more burdensome requirements upon the United States than it imposes upon the departments, agencies, or political subdivisions of the State or Territory concerned with respect to employees thereof who are members of the State or Territorial retirement system, or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability.

5. As used in this order, the term "employees" means civilian employees of the Army National Guard or Air National Guard of a State or Territory who are employed pursuant to section 709 of title 32 of the United States Code, and paid from Federal, appropriated funds.

6. I hereby delegate to the Secretary of Defense authority to prescribe such rules and regulations not inconsistent herewith as may be necessary to further effectuate the provisions of the said act of June 15, 1956, or of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 20, 1956.

[F. R. Doc. 56-7701; Filed, Sept. 20, 1956; 12:34 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Part 27—Exclusion From Provisions of the Federal Employees Pay Act of 1945, as Amended, and the Classification Act of 1949, as Amended, and Establishment of Maximum Stipends for Positions in Government Hospitals Filled by Student or Resident Trainees

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; PSYCHIATRIC NURSE STUDENTS

1. Effective September 15, 1956, the following time is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Psychiatric Nurse Students, Saint Elizabeths Hospital, Department of Health, Education, and Welfare, approved training, undergraduate level.

2. Effective September 15, 1956, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* * * *

Psychiatric Nurse Students, Saint Elizabeths Hospital, Department of Health, Education, and Welfare.

Approved training, undergraduate level, per month---------- $125

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7640; Filed, Sept. 21, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Cigar-Filler and Binder-57)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

GENERAL

Sec.
723.811 Basis and purpose.
723.812 Definitions.
723.813 Extent of calculations and rule of fractions.
723.814 Instructions and forms.
723.815 Applicability of §§ 723.811 to 723.828.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.816 Determination of 1957 preliminary acreage allotments for old farms.
723.817 1957 old farm tobacco acreage allotment.
723.818 Adjustment of acreage allotments for old farms, corrections of errors made in acreage allotments for old farms, and allotments for overlooked old farms.
723.819 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
723.820 Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-filler and binder (types 42–44, 51–55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.
723.821 Farms divided or combined.
723.822 Determination of normal yields for old farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.823 Determination of acreage allotments for new farms.
723.824 Time for filing application.
723.825 Determination of normal yields for new farms.

MISCELLANEOUS

723.826 Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-filler and binder tobacco (types 42–44, 51–55) tobacco.
723.827 Approval of determinations made under §§ 723.811 to 723.826, and notices of farm acreage allotments.
723.828 Application for review.

AUTHORITY: §§ 723.811 to 723.828 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.811 *Basis and purpose.* (a) The regulations contained in §§ 723.811 to 723.828 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1957 farm acreage allotments and normal yields for cigar-filler and binder tobacco. The purpose of the regulations in §§ 723.811 to 723.828 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-filler and binder tobacco for the 1957–58 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.811 to 723.828, public notice (21 F. R. 5114) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.811 to 723.828 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments as early as possible prior to the referendum, it is essential that the regulations in §§ 723.811 to 723.828 inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 723.812 *Definitions.* As used in §§ 723.811 to 723.828, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State Committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in §§ 723.811 to 723.828 shall include the meaning described in paragraph (b) of § 723.816 with respect to 1956 harvested acreage.

(f) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in §§ 723.811 to 723.828 shall include the meaning described in paragraph (b) of § 723.816 with respect to 1956 harvested acreage.

(g) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

(h) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1956 into the total of the 1956 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(i) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(n) "Tobacco" means:

(1) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.813 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 723.814 *Instructions and forms.* The director, Tobacco Division Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out §§ 723.811 to 723.828. The forms and instructions shall be issued by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.815 *Applicability of §§ 723.811 to 723.828.* Sections 723.811 to 723.828 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1957. The applicability of §§ 723.811 to 723.828 is contingent upon the proclamation of a national marketing quota for tobacco for the three marketing years beginning October 1, 1957, by the Secretary of Agriculture and approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.816 *Determination of 1957, preliminary acreage allotments for old farms.* The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided*, That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to tobacco which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(c) If the county and State committees determine that a farm has been retired from agricultural production, no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm; *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(d) For the purpose of determining 1957 preliminary acreage allotments, the 1956 farm acreage allotment shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1956 farm acreage allotment as referred to in paragraphs (a) and (b) of this section shall mean the 1956 allotment after any such reduction.

§ 723.817 *1957 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.816 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.818 shall not exceed the State acreage allotment.

§ 723.818 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 723.816, the individual 1957 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one percent of the total acreage allotted to all tobacco farms in the State for the 1956–57 marketing year.

§ 723.819 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1957 shall be reduced as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator established to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1956, the acreage allotment for the farm shall be reduced as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1957 farm acreage allotment, provided it can be made no later than May 1, 1957. If the reduction cannot be so made effective with respect to the 1957 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than a corresponding date to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(e) The amount of reduction in the 1957 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduciton, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b) or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b) or (c) of this section.

§ 723.820 *Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-filler and binder (types 42–55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be place in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm, or due to a false acreage report.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-filler and binder (types 42–44, 51–55) tobacco but which will be used in 1957 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.826 (b).

§ 723.821 *Farms divided or combined.* (a) If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, or is otherwise required under the definition of a farm to be divided for 1957, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested parties in writing, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts (1) in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1952–56 bore to the five-year average acreage of tobacco harvested on the entire farm during 1952–56 or (2) if the farm to be divided in 1957 consists of two or more tracts which were separate and distinct farms, or distinct portions of such farms, before being combined for 1956, in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1957 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.822 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1957 tobacco acreage allotment was established by first obtaining the average of the two highest yields for such farms in the three years 1951, 1953 and 1954, or if tobacco was grown in less than two of such years the yield for the one year will be used in lieu of the average yield of two years. If in any case the yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereafter provided) such yield shall be adjusted to the applicable percentage, and any yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided*, That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the two highest yields in the county in the three years 1951, 1953 and 1954 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the two highest yields in the State in the three years 1951, 1953 and 1954, but not to exceed 125 percent or be less than 80 percent of the average of the two high year averages of all States which grow the type of tobacco indicated in each of the following groups: (a) Types 51–52, (b) Types 42–44, and (c) Types 54 and 55.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.823 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.820, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during one of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further*, That production of tobacco on a farm in 1955 or 1956 for which in accordance with applicable law and regulations no 1955 or 1956 tobacco acreage allotment respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-filler and binder (types 42–44, 51–55) tobacco allotment is established for the 1957–58 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of these regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One half of one percent of the 1957 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.824 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office

not later than March 11, 1957, unless the farm operator was discharged from the armed services subsequent to December 31, 1956 in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.825 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.822 for similar farms in the community.

MISCELLANEOUS

§ 723.826 *Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-filler and binder (types 42–44, 51–55) tobacco.* (a) Notwithstanding the foregoing provisions of §§ 723.811 to 723.825, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1957 or which was returned to agricultural production in 1956 too late for the 1956 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1957 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) Notwithstanding the foregoing provisions of §§ 723.811 to 723.825, an allotment may be established by the county and State committees for a farm which in 1956 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-filler and binder (types 42–44, 51–55) tobacco will be produced in 1957. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.820 (b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county and State committees so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.818.

(c) The normal yield for any such farm under paragraph (a) or (b) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.822 for similar farms in the community.

§ 723.827 *Approval of determinations made under §§ 723.811 to 723.826, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.811 to 723.826. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1957.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957-58 marketing year.

§ 723.828 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 18th day of September 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7630; Filed, Sept. 21, 1956; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar) Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

PRORATION OF DEFICITS IN QUOTA OF "FULL-DUTY" COUNTRIES AND INCREASE IN DIRECT-CONSUMPTION PRORATION TO PUERTO RICO

Basis and purpose. This amendment, issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "act", is made for the purposes of (1) prorating among foreign countries other than Cuba and the Republic of the Philippines, pursuant to sections 204 (b) and 411 of the act, that part of the basic quota for all such foreign countries which will not be filled as originally prorated, and (2) increasing the portion of the 1956 sugar quota for Puerto Rico that may be filled by direct-consumption sugar, pursuant to sections 207 (b) of the act, and in accordance with the increase in such 1956 quota established in Sugar Regulation 811, Amendment 4 (21 F. R. 6009).

In order to afford adequate opportunity to ship the sugar as authorized by this amendment, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein made shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.84 and 811.85 of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709, 6009), are further amended to read as hereinafter set forth.

1. Section 811.84 (a) is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations and apportionment of deficits.* Pursuant to section 202 (c) of the Act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is prorated; pursuant to section 204 (b) it is found that El Salvador and Nicaragua are unable to utilize their prorations of such quota in the respective quantities of 4,141 and 3,293 short tons, raw value, and such deficits are apportioned; and pursuant to section 411 adjustments are made and the following adjusted prorations are established:

Country:	*Prorations as adjusted short tons, raw value*
Dominican Republic	35,008
El Salvador	------
Haiti	3,388
Mexico	14,515
Nicaragua	4,530
Peru	59,305
Unspecified countries	6,144
Total	122,890

2. Paragraph (a) of § 811.85 is amended to read as follows:

§ 811.85 *Direct-consumption portion of quota or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such areas:

Area:	*Short tons, raw value*
Hawaii	59,616
Puerto Rico	127,638
Virgin Islands	0

Of the quantity for Puerto Rico which may be filled by direct-consumption sugar, 125,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

STATEMENT OF BASES AND CONSIDERATIONS

This apportionment of deficits in prorations and the adjusted prorations herein established have been made in accordance with the provisions of section 204 (b) of the act which provides that whenever the Secretary finds that any country will be unable to fill the proration to such country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) he may apportion such unfilled amount on such basis and to such countries as he determines is required to fill such proration.

El Salvador has informed the Department that it will not utilize any of its proration of the "full duty" quota, amounting to 4,141 short tons, raw value, nor has any sugar been entered from this country since 1949.

Nicaragua has informed the Department that it will be able to supply only direct-consumption sugar. This country thus can utilize only 4,530 short tons, raw value, of its proration of 7,823 short tons, raw value, leaving a deficit of 3,293 short tons, raw value.

All other countries receiving specific prorations have either filled their quota by September 1 or indicated their intention and ability to do so by December 31.

The deficit occurs with respect to countries which are not members of the International Sugar Agreement. Inasmuch as the proration effected by previous orders limited the prorations to all specified non-member countries to a total of 63,835 tons, the prorations to member countries already have been increased by quantities larger than would result from proportional participation in the deficit now declared. Accordingly, the entire deficit must be apportioned within the non-member group and, therefore, is assigned to Peru as the only specified country in the group which can supply additional sugar. In view of the limitations imposed by section 411 of the act, section 204 (c) is inapplicable with respect to the prorations originally made to El Salvador and Nicaragua.

Section 207 (h) of the act provides that not more than 126,033 short tons, raw value, of the quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar which shall be principally of crystalline structure, plus an amount equal to the same percentage of 126,033 short tons, raw value, that the increase in the quota for Puerto Rico under section 202 is of 1,080,000 short tons, raw value, which latter amount may be filled by direct-consumption sugar whether or not principally of crystalline structure. Under section 202 of the act, the quota for Puerto Rico has been increased from 1,080,000 short tons, raw value, to 1,093,750 short tons, raw value (21 F R. 6009). Accordingly, this amendment increases the direct-consumption portion of the quota for Puerto Rico by 1,605 short tons, raw value, and provision is made for this additional quantity to be brought in as sugar principally of either crystalline or non-crystalline structure.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 202, 204; 61 Stat. 924, as amended, 925, as amended; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 18th day of September, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7632; Filed, Sept. 21, 1956; 8:49 a. m.]

[Sugar Reg. 814.15, Amdt. 2]

[Sugar Reg. 814.16, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION PUERTO RICO, 1956

Basis and purpose. These amendments are issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulations 814.15, as amended, and 814.16 (20 F. R. 9901; 21 F. R. 105, 5819) which established allotments of the 1956 mainland quota for Puerto Rico totaling 1,080,000 short tons, raw value, and established allotments of the direct-consumption portion of the quota amounting to 126,033 short tons, raw value. These amendments are necessary to allot the increase in mainland quota for the area established by Sugar Regulation 811, Amendment 4 (21 F. R. 6009), to allot the increase in the direct-consumption portion of the mainland quota established by Sugar Regulation 811, Amendment 5,[1] and to allot to the specified allottees, as provided for in § 814.16, 50 short tons, raw value, of the 200 tons of the direct-consumption portion of the mainland quota allotted in § 814.16 to "All other persons".

Omission of recommended decision and effective date. On the basis of the record of the reopened hearing held in this proceeding it is found and determined that a delay in the issuance of the allotments would be a detriment to orderly marketing of the additional quantity of sugar to be allotted and thus the orders should be issued at the earliest possible date (R. 45). It is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding and that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER. To the extent that findings and conclusions proposed by interested

[1] See F. R. Doc. 56-7632, Part 811 of this chapter, *supra*.

persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Preliminary statement. Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et. seq.), the 1956 mainland quota of 1,080,000 short tons, raw value, and the direct-consumption portion thereof amounting to 126,033 short tons, raw value, for Puerto Rico as established by Sugar Regulation 811 (20 F. R. 9848) and the local quota of 100,000 short tons, raw value, for Puerto Rico as established in Sugar Regulation 812 (20 F. R. 9850) were allotted in Sugar Regulation 814.15, Amendment 1 (21 F. R. 5819) and 814.16 (20 F. R. 9901; 21 F. R. 105). The act was amended by Public Law 545, 84th Congress, approved May 29, 1956, which provided, among other things, for increases in the mainland and direct-consumption quotas for Puerto Rico above the previously fixed levels when total sugar requirements exceed 8,650,000 short tons, raws value. In accordance therewith, the 1956 mainland quota for Puerto Rico was increased by 13,750 short tons, raw value, to total 1,093,750 short tons, raw value, by Sugar Regulation 811, Amendment 4, and the 1956 direct-consumption portion of the quota for Puerto Rico was increased by 1,605 short tons, raw value, to total 127,638 by Sugar Regulation 811, Amendment 5.

Pursuant to the rules of practice and procedure, as amended (21 F. R. 4251), a notice was issued August 21, 1956 (21 F. R. 6277), reopening the hearing in this proceeding in Room 2W, Administration Building of the Department at 9:30 a. m., e. d. s. t., on August 31, 1956, to permit presentation of evidence relating to the allotment of the increase in quota for Puerto Rico established by Sugar Regulation 811, Amendment 4, or any subsequent change arising from actions taken pursuant to sections 201 and 202 of the act, as amended. The reopened hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. In the reopened hearing the Government witness proposed that (1) the increase of 13,750 short tons, raw value, in the 1956 mainland sugar quota for Puerto Rico be allotted in the same manner used in determining local and mainland allotments as established in S. R. 814.15, Amendment 1, and (2) the increase of 1,605 short tons, raw value, in the portion of the quota for Puerto Rico which may be filled by direct-consumption sugar be allotted in the same manner used in determining allotments established in S. R. 814.16 (R. 42, 46) and (3) any further increases or decreases in the mainland quota, the direct-consumption portion thereof, or the local quota, also be allotted by the method applied in allotting 1,080,000 short tons, raw value, 126,033 short tons, raw value, and 100,000 short tons, raw value, respectively, in S. R. 814.15, Amendment 1 and S. R. 814.16, without further notice or hearing.

To deal with cases of succession of interest in allotments, which require review of facts not available in the record, the Government witness proposed that provision be made for dealing with any succession in interest in allotments without further notice or hearing (R. 44).

No exceptions were taken to the proposals made either in testimony or briefs.

Findings and conclusions. In addition to the findings and conclusions made in S. R. 814.15, Amendment 1 thereto, and 814.16, and on the basis of the record of the hearing (including the reopened portion), I hereby further find and conclude that in regard to:

A. *Allotment of mainland and local quotas.* (1) Allotting any 1956 mainland and local quota established for Puerto Rico in the same manner as provided for the distribution of 1,080,000 short tons, raw value, of mainland quota and 100,000 short tons, raw value, of local quota, in S. R. 814.15, Amendment 1, is fair, efficient and equitable and meets the requirements of section 205 (a) of the act.

(2) This order shall be revised without further notice or hearing to adjust allotments to take account of any change in the quota due to actions pursuant to sections 201 and 202 (a) of the act, on the same basis as the mainland and local quotas were allotted in Sugar Regulation 814.15, Amendment 1.

(3) In order that appropriate and proper utilization of allotments may be made, it is necessary that the allotment order provide that the Director of the Sugar Division, Commodity Stabilization Service, may permit marketings of sugar for local consumption in Puerto Rico and bringing sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee, upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

B. *Allotment of direct-consumption portion of the mainland quota.* (1) Allotting any direct-consumption portion of the 1956 quota established for Puerto Rico in the same manner as provided for the distribution of 126,033 short tons, raw value, in S. R. 814.16 is fair, efficient and equitable and meets the requirements of section 205 (a) of the act.

(2) This order shall be revised without further notice of hearing to adjust allotments to take account of any change in the direct-consumption portion of the 1956 quota for Puerto Rico due to actions pursuant to secs. 201 and 202 (a) of the Act, on the same basis as the 126,033 short tons, raw value, was alloted in Sugar Regulation 814.16.

(3) In order that appropriate and proper utilization of allotments may be made, it is necessary that the allotment order provide that the Director of the Sugar Division, Commodity Stabilization Service, may permit bringing direct-consumption sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee, upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(4) The finding heretofore made to reserve 200 short tons, raw value, of the mainland quota, finding B (8) (20 F. R. 9901), is revised to read: A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. One hundred and fifty short tons, raw value, should be reserved for this purpose.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That § 814.15, as amended, be further amended by amending paragraph (a) and adding a paragraph (f), and that § 814.16 be amended by amending paragraph (a) and by adding a subparagraph (3) to paragraph (b) and a new paragraph (c). The amended and added paragraphs shall read as follows:

§ 814.15 *Allotment of 1956 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

Processor	Raw value	
	Mainland allotment (short tons) (1)	Local allotment (2)
Antonio Roig, Sucesores, S. en C.	28,303	21,608
Asociacion Azucarera Cooperativa	32,888	.....
Central Aguirre Sugar Co., a trust	111,412	1,608
Central Coloso, Inc.	61,309	551
Central Eureka, Inc	40,101	606
Central Guanani, Inc.	12,833	.....
Central Igualdad, Inc.	27,986	16,971
Central Juanita, Inc.	43,527	2,217
Central Mercedita, Inc.	63,409	23,472
Central Monserrate, Inc.	26,189	97
Central San Francisco	8,519	2,129
Central San Vicente, Inc	62,736	55
Compania Azucarera del Camuy, Inc	14,564	.....
Compania Azucarera del Toa	31,980	.....
Cooperativa Azucarera Los Canos	40,802	.....
Eastern Sugar Associates, a trust	108,013	14,084
Fajardo Sugar Company	110,790	14
Land Authority of Puerto Rico	77,331	.....
Mario Mercado e Hijos	32,017	501
Mayaguez Sugar Co., Inc.	8,669	120
Plata Sugar Company	53,083	278
Soller Sugar Company	13,048	.....
So. Porto Rico Sugar Co. of Puerto Rico	84,244	15,697
All other persons	.....	.....
Total	1,093,750	100,000

* * * * *

(f) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the Act, permit marketing of sugar for local consumption in Puerto Rico and bringing sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

§ 814.16 *Allotment of the direct-consumption portion of 1956 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1956 sugar quota for Puerto Rico, amounting to 127,638 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment short tons, raw value
Central Aguirre Sugar Co., a trust	6,629
Central Roig Refining Company	19,782
Central San Francisco	1,271
Porto Rican American Sugar Ref., Inc	79,626
Western Sugar Refining Co	20,180
All other persons (raw sugar only)	150
Total	127,638

(b) * * *

(3) During the calendar year 1956 no person shall bring into the continental United States direct-consumption sugar from Puerto Rico which is principally not of crystalline structure after 1,605 short tons, raw value, of such sugar has been brought in within the allotments established in paragraph (a) of this section.

(c) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act, permit bringing direct-consumption sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Issued at Washington, D. C., this 18th day of September, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary

[F. R. Doc. 56-7631; Filed, Sept. 21, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 87]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.387 *Valencia Orange Regulation 87*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 20, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 23, 1956, and ending at 12:01 a. m., P. s. t., September 30, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7733; Filed, Sept. 21, 1956; 11:20 a. m.]

[Lemon Reg. 660]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.767 *Lemon Regulation 660*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in

the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 19, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 23, 1956, and ending at 12:01 a. m., P. s. t., September 30, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton," have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 20, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7709; Filed, Sept. 21, 1956; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 8]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.202 *Red Civil Airway 2* is amended to read in part:

From Ucross INT, Wyo.; to Wright INT, Wyo.; MEA 7,000.

Section 610.237 *Red Civil Airway 37* is amended to read in part:

From Roanoke, Va. LFR; to Lynchburg, Va. LFR; MEA 5,000.
From Goodes INT, Va.; to Lynchburg, Va. LFR, eastbound only; MEA 3,000.

Section 610.246 *Red Civil Airway 46* is amended to read in part:

From U. S.-Canadian Border; to Minot, N. D. LFR; MEA 4,000.

Section 610.261 *Red Civil Airway 61* is amended to read in part:

From Butler, Pa. LF/RBN; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN, eastbound.

Section 610.268 *Red Civil Airway 68* is amended by adding:

From Duncanville, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.

Section 610.287 *Red Civil Airway 87* is amended to read in part:

From 100 miles W of Port Allen, T. H., LFR; to *Port Allen, T. H., LFR; MEA 7,000. *7,000—MCA Port Allen LFR, westbound.

Section 610.287 *Red Civil Airway 87* is amended by adding:

From Makal INT, T. H.; to *Honolulu, T. H. LFR; MEA 2,000. *6,000—MCA Honolulu LFR, eastbound.
From Kuku Point INT, T. H. to Hilo, T. H. LFR; northbound, MEA 3,000; southbound, MEA 4,000.

Section 610.605 *Blue Civil Airway 5* is amended to read in part:

From Ardmore, Okla., LF/RBN; to South Side INT, Okla.; MEA 2,700.

Section 610.611 *Blue Civil Airway 11* is amended to read in part:

From Erie, Pa., LFR; to Dunkirk, N. Y. LF/RBN; MEA 2,500.

Section 610.626 *Blue Civil Airway 26* is amended to read in part:

From *Nenana, Alaska, LFR; to Nenabank INT, Alaska; MEA 2,600. *6,000—MCA Nenana LFR, southbound.

Section 610.648 *Blue Civil Airway 48* is amended to read in part:

From Gulfstream INT, Fla.; to Cutler INT, Fla.; MEA 1,100.
From Cutler INT, Fla.; to Miami, Fla. LFR; MEA 1,200.

Section 610.654 *Blue Civil Airway 54* is amended to read in part:

From Evergreen, Calif., LF/RBN; to San Francisco, Calif. LFR; MEA 3,000.

Section 610.1001 *Direct Routes, U. S.* is amended by adding:

From Marengo INT, Wash., to Pine City, Wash. LF/RBN; MEA 5,000.
From McChord, Wash., LFR; to Rolling Bay INT, Wash.; MEA 2,600.
From Olympia, Wash., VOR; to Seattle, Wash. VOR; MEA 3,000.
From Salinas, Calif., VOR; to Monterey, Calif. LF/RBN; MEA 4,000.

Section 610.6001 *VOR Civil Airway 1* is amended by adding:

From Idlewild, N. Y., VOR; to New Rochelle INT, N. Y.; MEA 1,500.
From New Rochelle INT, N. Y.; to Wilton, Conn., VOR; MEA 2,000.

Section 610.6002 *VOR Civil Airway 2* is amended to read in part:

From Helena, Mont., VOR; to Bozeman, Mont. VOR; MEA 11,000.

Section 610.6003 *VOR Civil Airway 3* is amended to read in part:

From Jacksonville, Fla., VOR; via W alter.; to Callahan INT, Fla.; via W alter.; MEA 1,200.
From Callahan INT, Fla. via W alter.; to Brunswick, Ga., VOR via W alter.; MEA *1,300. *1,200—MOCA.
From Savannah, Ga., VOR; to *Burton INT, S. C.; MEA 1,400. *5,500—MRA.
From Burton INT, S. C.; to *Adams Run INT, S. C.; MEA 1,400. *2,000—MRA.
From Adams Run INT, S. C.; to Charleston, S. C., VOR; MEA 1,400.

Section 610.6004 *VOR Civil Airway 4* is amended by adding:

From Thurman, Colo., VOR; to Goodland, Kans., VOR; MEA 5,800.

Section 610.6005 *VOR Civil Airway 5* is amended to read in part:

From Belle Glade INT, Fla.; to *Dixie Ranch INT, Fla.; MEA **10,000. *4,000—MRA. **1,300—MOCA.
From Jacksonville, Fla., VOR to Folkston INT, Ga.; MEA 1,300.
From Folkston INT, Ga.; to *Waycross INT, Ga.; MEA 1,600. *1,800—MRA.
From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

Section 610.6006 *VOR Civil Airway 6* is amended to delete:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.
From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.
From Rock River, Wyo., VOR; to Cheyenne, Wyo., VOR, via N alter.; MEA 10,500.
From *Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR, via N alter.; MEA 7,300. *8,500—MCA Cheyenne VOR, westbound.

Section 610.6006 *VOR Civil Airway 6* is amended by adding:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 4,000.
From Allentown, Pa., VOR; to Amboy INT, N. J.; MEA 2,500.
From Rock River, Wyo., VOR; to Bushnell INT, Wyo.; MEA 10,500.
From Bushnell INT, Wyo.; to Sidney, Nebr. VOR; MEA 7,300.

Section 610.6008 *VOR Civil Airway 8* is amended to delete:

From Denver, Colo., VOR, via N alter.; to Akron, Colo. VOR, via N alter.; MEA 6,600.

Section 610.6008 *VOR Civil Airway 8* is amended by adding:

From Denver, Colo., VOR, via N alter.; to Imperial, Nebr., VOR, via N alter.; MEA 9,000

Section 610.6010 *VOR Civil Airway 10* is amended to read in part:

From Dodge City, Kans., VOR, via N alter.; to Great Bend INT, KANS., via N alter.; MEA *4,500. *3,600—MOCA.
From Great Bend INT, Kans., via N alter.; to Sterling INT, Kans., via N alter.; MEA *4,500. *3,300—MOCA.
From Sterling INT, Kans., via N alter.; to Hutchinson, Kans., VOR, via N alter., northwestbound; MEA 4,000. Southeastbound; MEA 3,000.

From Selinsgrove, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 4,000.

Section 610.6011 *VOR Civil Airway 11* is amended to delete:

From Memphis, Tenn., VOR, via W alter.; to Dyersburg, Tenn., VOR, via W alter.; MEA 2,300.

Section 610.6012 *VOR Civil Airway 12* is amended to delete:

Terre Haute, Ind., VOR, via N alter.; to Indianapolis, Ind., VOR, via N alter.; MEA 2,200.

Section 610.6012 *VOR Civil Airway 12* is amended by adding:

From Winslow, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 10,000.

Section 610.6015 *VOR Civil Airway 15* is amended to read in part:

From Dallas, Tex., VOR; to Prosper INT, Tex.; MEA *2,100. *1,900—MOCA.
From Prosper INT, Tex.; to Ardmore, Okla., VOR; MEA 2,200.
From Waco, Tex., VOR; to De Soto INT, Tex.; MEA 2,000.
From De Soto INT, Tex.; to Fair Park INT, Tex.; MEA *2,600. *2,000—MOCA.
From Fair Park INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.
From Sioux City, Iowa, VOR, via E alter.; to Sioux Falls, S. D., VOR, via E alter.; MEA 3,400.

Section 610.6016 *VOR Civil Airway 16* is amended to read in part:

From Abilene, Tex., VOR, via N alter.; to Breckenridge INT, Tex., via N alter.; MEA *3,500. *3,100—MOCA.
From Breckenridge INT, Tex., via N alter.; to Mineral Wells, Tex., VOR, via N alter.; MEA *3,500. *3,000—MOCA.
From Little Elm INT, Tex., via N alter.; to *McKinney INT, Tex., via N alter.; MEA **4,300. *4,300—MRA. **2,100—MOCA.

Section 610.6017 *VOR Civil Airway 17* is amended to read in part:

From Waco, Tex., VOR, via W alter.; to *Mill INT, Tex., via W alter.; MEA **3,500. *3,500—MRA. **2,500—MOCA.
From Mill INT, Tex., via W alter.; to Mineral Wells, Tex., VOR, via W alter.; MEA *3,500. *2,400—MOCA.
From Mineral Wells, Tex., VOR, via W alter.; to Ft. Worth, Tex., VOR, via W alter.; MEA 2,500.

Section 610.6017 *VOR Civil Airway 17* is amended by adding:

From San Antonio, Tex., VOR; to Austin, Tex., VOR; MEA 2,600.

Section 610.6023 *VOR Civil Airway 23* is amended to read in part:

From Sacramento, Calif., VOR; to *Grimes INT, Calif.; MEA 2,000. *4,000—MCA Grimes INT, northbound.
From Grimes INT, Calif.; to Red Bluff, Calif., VOR; MEA 4,000.

Section 610.6027 *VOR Civil Airway 27* is amended by adding:

From Camarillo, Calif., LFR; to Santa Barbara, Calif., VOR; MEA 6,000.

Section 610.6030 *VOR Civil Airway 30* is amended to delete:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.

Section 610.6030 *VOR Civil Airway 30* is amended to read in part:

From Wellington, Ohio, VAR; to Fairlawn INT, Ohio; MEA 2,500.
From Fallawn INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6030 *VOR Civil Airway 30* is amended by adding:

From Selinsgrove, Pa., VOR; to *E. Texas INT, Pa.; MEA **10,000. *10,000—MRA. **4,000—MOCA.
From E. Texas INT, Pa.; to Ringoes INT, N. J.; MEA *6,000. *2,500—MOCA.
From Ringoes INT, N. J.; to Colts Neck, N. J., VOR; MEA 2,000.
From Colts Neck, N. J., VOR; to Red Bank INT, N. J.; MEA 2,000.

Section 610.6033 *VOR Civil Aairway 33* is amended to read in part:

From Bradford, Pa., VOR; to Buffalo, N. Y., VOR; MEA 4,500.

Section 610.6037 *VOR Civil Airway 37* is amended to read in part:

From Turnpike INT, Pa.; to *Hadley INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Hadley INT, Pa.; to Meadville INT, Pa.; MEA *4,000. *3,000—MOCA.
From Meadville INT, Pa.; to Erie, Pa., VOR; MEA 3,000.

Section 610.6047 *VOR Civil Airway 47* is amended to read in part:

From Cincinnati, Ohio, VOR; to Dayton, Ohio, VOR; MEA 3,000.
From Hamilton INT, Ohio; to Cincinnati, Ohio, VOR, southbound only; MEA 2,300.
From Cincinnati, Ohio, VOR, via W alter; to Dayton, Ohio, VOR, via W alter; MEA 2,500.

Section 610.6051 *VOR Civil Airway 51* is amended to read in part:

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA 1,300.
From Folkston INT, Ga.; to *Waycross INT, Ga.; MEA 1,600. *1,800—MRA.
From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

Section 610.6053 *VOR Civil Airway 53* is amended to read in part:

From Tri-City, Tenn., VOR; to Hilton INT, Va.; MEA 5,500.
From Hilton INT, Va.; to Daley INT, Ky.; MEA 6,200.
From *Daley INT, Ky.; to Lexington, Ky., VOR; MEA 3,500. *5,000—MCA Daley INT, southeast-bound.

Section 610.6055 *VOR Civil Airway 55* is amended to read in part:

From Dayton, Ohio, VOR, via W alter.; to *Dawn INT, Ohio, via W alter.; MEA 2,200. *3,500—MRA.
From Dawn INT, Ohio, via W alter.; to Ft. Wayne, Ind., VOR, via W alter.; MEA 2,200.

Section 610.6073 *VOR Civil Airway 73* is amended to read in part:

From Tulsa, Okla., VOR; to Pawhuska INT, Okla.; MEA 2,200.
From Pawhuska INT, Okla.; to *Cambridge INT, Kans.; MEA 3,000. *3,000—MRA.

Section 610.6077 *VOR Civil Airway 77* is amended to read in part:

From Wichita Falls, Tex., VOR, via E alter.; to Bray INT, Okla., via E alter.; MEA *2,800. *2,500—MOCA.

Section 610.6091 *VOR Civil Airway 91* is amended to read in part:

From Albany, N. Y., VOR; to Keesville INT, N. Y.; MEA 6,000.
From *Keesville INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 3,000. *4,000—MCA Keesville INT, southbound.
From Glens Falls INT, N. Y.; to Albany, N. Y., VOR, southbound only; MEA 3,000.

Section 610.6093 *VOR Civil Airway 93* is amended by adding:

From Eddy INT, N. Y.; to Albany, N. Y., VOR; MEA 5,500.

Section 610.6097 *VOR Civil Airway 97* is amended to read in part:

From Cross City, Fla., VOR, via E alter.; to Lobster INT, Fla., via E alter.; MEA *2,000. *1,500—MOCA.
From Lobster INT, Fla., via E. alter.; to Tallahassee, Fla., VOR, via E alter.; MEA 1,500.
From La Crosse, Wis., VOR; to *Wabasha INT, Wis.; MEA 2,600. *3,000—MRA.
From Wabasha INT, Wis.; to Diamond Bluff INT, Wis.; MEA 2,600.

Section 610.6107 *VOR Civil Airway 107* is amended to read in part:

From Coalinga, Calif., VOR; to *Oakland, Calif., VOR; MEA 7,000. *2,500—MCA Oakland VOR, southeastbound.
From Oakland, Calif., VOR; to *Geyserville INT, Calif.; MEA 6,000. *8,500—MRA.
From Geyserville INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

Section 610.6114 *VOR Civil Airway 114* is amended to read in part:

From Clayton INT, Tex.; to Dalhart, Tex., VOR, northbound, MEA *10,000; southbound, MEA *7,200. *6,200—MOCA.

Section 610.6123 *VOR Civil Airway 123* is added to read:

From Woodstown, N. J., VOR; to Echelon INT, N. J.; MEA 1,500.
From Echelon INT, N. J.; to Highstown INT, N. J.; MEA *2,500. *1,500—MOCA.
From Highstown INT, N. J.; to Walling INT, N. J.; MEA *3,500. *1,500—MOCA.
From Walling INT, N. J.; to Coney Island INT, N. Y.; MEA *2,500. *1,500—MOCA.
From Coney Island INT, N. Y.; to La Guardia, N. Y., ILS loc.; MEA 1,500.
From La Guardia, N. Y., ILS loc.; to New Rochelle INT, N. Y.; MEA 1,500.
From New Rochelle INT, N. Y.; to Wilton, Conn., VOR; MEA 2,000.

Section 610.6128 *VOR Civil Airway 128* is amended by adding:

From Cincinnati, Ohio, VOR; to York, Ky., VOR; MEA 2,500.

Section 610.6132 *VOR Civil Airway 132* is amended to read in part:

From Goodland, Kans., VOR; to Great Bend INT, Kans.; MEA *8,500. *5,000—MOCA.

Section 610.6137 *VOR Civil Airway 137* is amended to read in part:

From *Palmdale, Calif., VOR; to Victory INT, Calif., northwestbound, MEA 10,000; southeastbound, MEA 6,000. *11,000—MCA Palmdale VOR, southeastbound. *8,000—MCA Palmdale VOR, northwestbound.
From Victory INT, Calif.; to White Oaks INT, Calif.; MEA 10,000.
From Coalinga, Calif., VOR; to Benito INT, Calif.; MEA *8,500. *7,500—MOCA.
From Benito INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6138 *VOR Civil Airway 138* is amended to read:

From Rock River, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500.
From *Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR; MEA 7,300. *8,500—MCA Cheyenne VOR, westbound.
From Rock River, Wyo., VOR, via N alter.; to Cheyenne, Wyo., VOR, via N alter.; MEA 10,500.

From Cheyenne, Wyo., VOR, via S alter.; to Sidney, Nebr., VOR, via S alter.; MEA 7,300.

Section 610.6144 *VOR Civil Airway 144* is amended to read in part:

From Mansfield, Ohio, VOR; to *Briar Hill INT, Ohio; MEA 2,500. *4,000—MRA.
From Briar Hill INT, Ohio; to Baltic INT, Ohio; MEA 2,500.
From Baltic INT, Ohio; to *Moorefield INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.

Section 610.6148 *VOR Civil Airway 148* is amended to read in part:

From Thurman, Colo., VOR; to Int. 077 rad. Akron, Colo., VOR & 224 rad. Imperial, Nebr., VOR; MEA 5,900.
From Int. 077 rad. Akron, Colo. & 224 rad. Imperial, Nebr., VOR; to Imperial, Nebr., VOR; MEA 5,600.

Section 610.6163 *VOR Civil Airway 163* is amended to delete:

From Waco, Tex., VOR; to Mill INT, Tex.; MEA *3,500. *2,500—MOCA.
From Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA *3,500. *2,400—MOCA.

Section 610.6165 *VOR Civil Airway 165* is amended to read in part:

From *Palmdale, Calif., VOR; to Victory INT, Calif., northwestbound, MEA 10,000; southeastbound, MEA 6,000. *8,000—MCA Palmdale VOR, northwestbound. *9,000—MCA Palmdale VOR, southbound.
From Victory INT, Calif.; to White Oaks INT, Calif.; MEA 10,000.

Section 610.6166 *VOR Civil Airway 166* is amended to read in part:

From Parkton INT, Md.; to West Chester, Pa., VOR; MEA 2,000.

Section 610.6168 *VOR Civil Airway 168* is added to read:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.
From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6169 *VOR Civil Airway 169* is amended to read in part:

From Chadron, Nebr., VOR; to Rapid City, S. D., VOR, via E alter.; MEA 5,600.

Section 610.6185 *VOR Civil Airway 185* is amended to read in part:

From Augusta, Ga., VOR; to *Laurens INT, S. C.; MEA 2,300. *2,700—MRA.
From Laurens INT, S. C.; to Spartansburg, S. C., VOR; MEA 2,300.
From Spartansburg, S. C., VOR; to Asheville, N. C., VOR; MEA 6,000.

Section 610.6194 *VOR Civil Airway 194* is amended to read in part:

From Royston, Ga., VOR; to Honea INT, S. C.; MEA 2,200.
From Honea INT, S. C.; to *Laurens INT, S. C.; MEA **2,700. *2,700—MRA. **2,000—MOCA.
From Laurens INT, S. C.; to Union INT, S. C.; MEA *3,000. *1,900—MOCA.
From Union INT, S. C.; to Charlotte, S. C., VOR; MEA 2,000.

Section 610.6195 *VOR Civil Airway 195* is amended to read in part:

From Oakland, Calif., VOR, via W alter.; to Rio INT, Calif., via W alter.; MEA 4,000.
From Rio INT, Calif., via W alter.; to Williams, Calif., VOR, via W alter.; MEA 5,000.

From Bay Point, Calif., FM, via W alter.; to Rio INT, Calif., northeastbound only, via W alter.; MEA 2,000.

Section 610.6210 *VOR Civil Airway 210* is amended to read:

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif., northeastbound, MEA 12,000; southwestbound, MEA 8,000. *9,000—MCA Los Angeles, VOR, northeastbound.
From Alhambra INT, Calif.; to Hawkins INT, Calif., northeastbound, MEA 12,000; southwestbound, MEA 9,000.
From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

Section 610.6212 *VOR Civil Airway 212* is amended to read in part:

From *Ft. Ross INT, Calif.; to **Geyserville INT, Calif.; MEA 10,500. *10,500—MCA Ft. Ross INT, northeastbound. **8,500—MRA.

Section 610.6242 *VOR Civil Airway 242* is amended to read in part:

From Mobile, Ala., VOR; to *Bon Secour INT, Ala.; MEA 1,600. *2,000—MRA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall became effective October 18, 1956.

[SEAL] JAMES T. PYLE
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7581; Filed, Sept. 21, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES FROM FUMIGATION WITH ETHYLENE DIBROMIDE

No objections have been filed to the proposed tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide published in the FEDERAL REGISTER on August 11, 1956 (21 F. R. 6046), and no request has been received for referral of the proposal to an Advisory Committee. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 514; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 5620) be amended by changing § 120.146 to read as follows:

§ 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.* (a) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(b) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melon (Mormodica charantia), Cavendish bananas, citrus fruits, cucumbers, guavas, mangoes, papayas, peppers (bell), pineapples, Zuccini squash.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 18, 1956.

[SEAL] ROBERT S. ROE,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 56-7626; Filed, Sept. 21, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54192]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

DEPOSIT OF ESTIMATED DUTIES BASED ON FULL COST OR FAIR MARKET VALUE OF REPAIRS, ALTERATIONS, OR PROCESSING OF ARTICLES ABROAD

In order to appraise customs officers and importers of the proper basis for arriving at the reasonable cost or fair value which is to be set forth in the invoice and entry papers of the repairs, alterations, or processing of articles abroad for the purposes of paragraph 1615 (g) (4) of the Tariff Act of 1930, as amended, § 10.8 (m) of the Customs Regulations is amended by inserting the following after the first sentence: "The cost or fair market value, as the case may be, of the repairs, alterations, or processing outside the United States which is to be set forth in the invoice and entry papers as the basis for the assessment of duty under paragraph 1615 (g), as amended, shall be limited to the cost or value of the repairs, alterations, or processing actually performed abroad and shall not include any of the expenses incurred in this country, whether by way of engineering costs, preparation of plans or specifications, furnishing of tools or equipment for doing the repairs, alterations or processing abroad, or otherwise."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies par. 1615, sec. 201, 46 Stat. 674, as amended; 19 U. S. C. 1201, par. 1615)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 14, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7644; Filed, Sept. 21, 1956; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 24 is amended in the following respects:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. In § 221.4, paragraph (c) (2) is amended to read as follows:

§ 221.4 *Approval of other institutions.* • • •

(c) • • •

(2) That, except with the prior approval of the Commissioner, it will segregate all periodic payments under mortgages insured by the Commissioner, received by it on account of ground rents, taxes, assessments and insurance premiums, and will deposit such funds in a special account or accounts with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.

2. In § 221.17, paragraph (a) (6) is amended to read as follows:

§ 221.17 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) • • •

(6) The percentages referred to in subparagraphs (4) and (5) of this paragraph shall be each reduced by 2 percent as long as this subparagraph shall remain in effect: *Provided*, That such percentage reduction shall not apply in the case of any mortgage covering property having an appraised value of $9,000 or less: *And provided further*, That with respect to properties having an appraised value in excess of $9,000 but not in excess of $9,250, the percentage reduction shall not reduce the mortgage amount below $8,550 for mortgage amounts computed pursuant to subparagraph (4) of this paragraph or $8,100 for mortgage amounts computed pursuant to subparagraph (5) of this paragraph.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

In § 232.28, paragraph (b) is amended to read as follows:

§ 232.28 *Rehabilitation projects.* • • •

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or 90 percent of the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

1. In § 268.1, paragraph (a) is amended by adding to the listed provisions the following:

§ 268.1 *Incorporation by reference.* (a) • • •

§ 232.28 Rehabilitation projects.

• • • • • •

2. In § 268.6, paragraph (b) (2) is amended to read as follows:

§ 268.6 *Maximum mortgage amounts.* • • •

(b) • • •

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; and (ii) such portion of the outstanding indebtedness which does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation; or

3. Section 268.7a is amended to read as follows:

§ 268.7a *Mortgage maturity.* The mortgage must have a maturity satisfactory to the Commissioner, not to be more than forty years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.

4. Part 268 is amended by adding a new § 268.9b as follows:

§ 268.9b *Rehabilitation projects.* In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either paragraph (a) or (b) of § 232.26 of this chapter and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the applicable statutory percentage of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U. S. C. 1715*l*)

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 292a.18 is amended to read as follows:

§ 292a.18 *Prepayment privilege.* The mortgage must contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay: *Provided*, That no additional charge or penalty for prepayment shall be payable at any time on or after the date which is fifteen years from the date of the first payment by the mortgagor on the mortgage note.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., September 20, 1956.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-7740; Filed, Sept. 21, 1956; 12:05 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Because of the number of outstanding amendments to Part 12 since it was last published in the FEDERAL REGISTER (November 28, 1953, 18 F. R. 7587), Part 12 is recapitulated as of September 11, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DEE W. PINCOCK,
Acting Secretary.

Subpart A—Amateur Radio Stations and Operators

Sec.
12.0 Basis and purpose.

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3—Classification of emissions.
4—Convention between the United States of America and Canada.

AUTHORITY: §§ 12.0 to 12.257 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—AMATEUR RADIO STATIONS AND OPERATORS

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharging of passengers or cargo.

AMATEUR OPERATORS

LICENSES, PRIVILEGES

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra, class.
Advanced class (previously class A).
General class (previously class B).
Conditional class (previously class C).
Technician class.
Novice class.

§ 12.21 *Eligibility for license.* Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who either (1) at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April, 1917.

(b) *Advanced class.* New Advanced Class amateur operator licenses will not be issued; however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

§ 12.23 *Classes and privileges of amateur operator licenses*—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and Conditional classes.* All authorized amateur privileges.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency band 50 to 54 Mc and in the amateur frequency bands above 220 Mc.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kc, radiotelegraphy using only type A1 emission.

(ii) 7150–7200 kc, radiotelegraphy using only type A1 emission.

(iii) 21.10 to 21.25 Mc, radiotelegraphy using only type A1 emission.

(iv) 145 to 147 Mc, radiotelegraphy or radiotelephony using types of emission as set forth in § 12.111.

§ 12.25 *Availability of operator license.* The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this section shall be construed to prohibit the photocopying for other purposes of any amateur radio operator license.

§ 12.26 *Duplicate license.* Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destroyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Commission.

§ 12.27 *Renewal of amateur operator license.*[1] (a) An amateur operator license except the Novice Class, may be

[1] Until further order of the Commission, the showing that the applicant actually operated an amateur radio station or stations for the periods of time specified in § 12.27 will not be required in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States or was duly enrolled as an employee of an agency of the Federal Government and in the course of such employment was on duty in a foreign country continuously during the last year of the license term: *Provided*, That any such employee of the Federal Government shall submit with his application for renewal of license a statement signed by his agency head, or the chief of the Bureau or Division in which he is employed attesting to such employment.

renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate licenses shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

§ 12.30 *Order of suspension.* No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

EXAMINATIONS

§ 12.41 *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46.

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *General class.* Elements 1 (B), (2) and 3 (B).

(c) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(d) *Technician class.* Elements 1 (A), 2 and 3 (B).

(e) *Novice class.* Elements 1 (A) and 3 (A).

EXAMINATIONS

§ 12.44 *Manner of conducting examinations.* (a) The examinations for Extra and General Classes of amateur operator licenses will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, will be conducted in accordance with the provisions of paragraph (c) of this section. The examinations for Conditional Class will be available only under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 75 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a Conditional, Technician, or Novice Class, license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 75 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class amateur operator license; or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission, or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age. Examinations for Conditional Class will be available only under special conditions set forth in paragraph (a) (1), (2), or (3) of this section.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

(b) Whenever the holder of a conditional class amateur operator license is required by the Commission to restrict the operation of his amateur station, in accordance with the provisions of §§ 12.152, 12.153 and 12.154, the necessity for those restrictions shall be considered sufficient grounds to require the holder of the Conditional Class license to appear for the General Class examination.

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within five years prior to the receipt of his application by the Commission he held a commercial radiotelegraph operator license or permit issued by the Federal Communications Commission.

(c) An applicant for Amateur Extra Class operator license will be given credit for examination elements 1 (C) and 4 (B) if he so requests and submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April 1917, and qualifies for or currently holds a valid amateur operator license of the General or Advanced Class.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 *Grading.* (a) Code tests for sending and receiving are graded separately. Failure to pass the required code test for either sending or receiving will terminate the examination.

(b) Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than element 4 (B), required in qualifying for a particular license will be considered a single examination, and element 4 (B), will be considered as a separate examination.

§ 12.49 *Eligibility for reexamination.* An applicant who fails examination for an amateur operator license may not take another examination for the same or a higher class amateur operator license within 30 days, except that this limitation shall not apply to an examination for a General Class license following an examination conducted by a volunteer examiner for a Novice, Technician, or Conditional Class license.

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43 shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes counting five characters to the word, each numeral or punctuation mark counting as two characters.

AMATEUR RADIO STATIONS

LICENSES

§ 12.60 *Limitations on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its overall height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form 401–A (revised), in triplicate.

(b) In cases where FCC Form 401–A (revised) is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Construction, Marking and Lighting of Antenna Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17 of this chapter.

§ 12.61 *Eligibility for amateur station license.* A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator who has made a satisfactory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

§ 12.63 *Application for amateur station license.* (a) Each application for an amateur station license shall comply with the Commission's rules and regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C. office. If the application also contains application for any class of amateum operator license, it shall be filed in accordance with the provisions of § 12.22.

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Rules Governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with subparagraphs (1) through (5) of this paragraph. Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in paragraph (b) (1) through (5) of this section.

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.* (a) Application for renewal of station license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license and issuance of cease and desist orders.* (a) Whenever it appears that a station license should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act of 1934, as amended, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the act, the Commission will issue an order directing the licensee to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of matters with respect to which the Commission is inquiring and will call upon the licensee to appear before the Commission at a time and place stated in the order, but in no event less than thirty

(30) days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, in person or by his attorney, shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life and property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) The hearing on the matter specified in the order to show cause, and the practice and procedure in connection therewith, shall accord with the provisions of Subparts F and G of Part 1 of this chapter, except that in all such hearings the burden of proof shall be upon the Commission.

(e) If the licensee does not desire to appear before the Commission and give evidence upon the matter specified in the show cause order, he shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee believes that the order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee fails timely to respond to an order to show cause or fails to appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee waives a hearing in accordance with the provisions of paragraph (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of paragraph (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to paragraph (e) of this section but a written statement as to why an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be: *Provided*, That where the written statement contains factual allegations contrary to those upon which the show cause order was based, the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this paragraph shall have the same effect as an initial decision, and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure (see §§ 1.853–1.857 of this chapter).

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order, and shall be served on said licensee.

§ 12.70 *Modification of station license.* (a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 *Assignment of call signs.* (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call sign" (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign the prefix of which consisted of not more than a single letter.

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

No.
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2. New York, New Jersey.
3. Pennsylvania, Delaware, Maryland, District of Columbia.
4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
6. California, Hawaii and Pacific possessions except those included in area 7.
7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
8. Michigan, Ohio, West Virginia.
9. Wisconsin, Illinois, Indiana.
0. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 *Transmission of call signs.* (a) (1) The operator of an amateur station shall transmit the call sign of the station or stations (or may transmit the generally accepted identification of the network) being called or communicated with, or shall identify appropriately any other purpose of a transmission, followed by the authorized call sign of the station transmitting:

(i) At the beginning and end of each single transmission or;

(ii) At the beginning and end of a series of transmissions between stations having established communication, each transmission of which is of less than three minutes duration (the identification at the end of such a series may be omitted when the duration of the entire series is less than three minutes), and;

(iii) At least once every ten minutes or as soon thereafter as possible during a series of transmissions between stations having established communication, and;

(iv) At least once every ten minutes during any single transmission of more than ten minutes duration.

(2) The required identification shall be transmitted on the frequency or frequencies being employed at the time and, in accordance with the type of emission authorized thereon, shall be by either telegraphy using the International Morse Code, or telephony. In addition to the foregoing, when a method of communication other than telephony or telegraphy using the International Morse Code is being used or attempted, the prescribed identification shall also be transmitted by that method.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character (DN) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station: W1ABC W1ABC W1ABC DE W2DEF DN 3 W2DEF DN 3 W2DEF DN 3 AR.

Example 2. Fixed amateur station answers the portable or mobile amateur station: W2DEF W2DEF W2DEF DE W1ABC K.

Example 3. Portable or mobile amateur station calls a portable or mobile amateur station: W3GHI W3GHI W3GHI DE W4JKL DN 4 W4JKL DN 4 W4JKL DN 4 AR.

When telephony is used, the call sign of the station shall be preceded by the

words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

Example 4. Portable or mobile amateur radiotelephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international flight, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) Mobile operations aboard a vessel.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile" to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel, and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) Mobile operations aboard aircraft.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. Additional advanced written notice shall also be given, in accordance with the foregoing, whenever such operation away from the fixed station location designated in the station license exceeds one month, and for each additional month of such operation.

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, expressed authority granted to the licensee by such foreign government.

(2) Operation may be conducted only in the amateur frequency bands 21.0 to 21.45 Mc and 28.0 to 29.7 Mc: *Provided,* That this limitation shall not be construed to prevent the use of other amateur frequency bands where operation is within the jurisdiction of a foreign government which permits United States amateurs to operate within such foreign territory. (See Appendix 4 of this part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(3) Whenever portable or mobile operation is, or is likely to be, away from the territorial limits of the United States for a period in excess of 48 hours, the licensee shall give prior written notice thereof to the Engineer in Charge of the radio inspection district having jurisdiction of the authorized fixed transmitter site of the station; *Provided,* That only one such notice shall be required during any one continued absence.

§ 12.93 *Special provisions for nonportable stations.* The specific provisions of these rules relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed station location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may use the station at such temporary location under the following conditions:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and, for each month of such operation, to the Engineer in Charge of the radio inspection district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in such temporary location, for the return of the station to the former permanent location, or for the establishment of a new permanent location: *Provided,* That additional monthly notices to the Engineer in Charge shall not be required when such operation takes place at the fixed station location designated in the station license held by the licensee.

(3) The notice of operation at a temporary location, as required under the preceding provisions of this paragraph, shall clearly identify the station call-sign and licensee or licensee-trustee, shall indicate both the permanent and the temporary station locations, shall indicate the address at which the licensee or licensee-trustee can be readily reached during such temporary operation, and shall show the reason why operation at that location is considered temporary rather than a change of permanent location.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) The operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) The amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 *Points of communications.* An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 *No remuneration for use of station.* An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 *Broadcasting prohibited.* Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

§ 12.104 *Radio telephone tests.* The transmission of music by an amateur station is forbidden. However, single audio-frequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radio telephone equipment.

§ 12.105 *Codes and ciphers prohibited.* The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

§ 12.106 *One-way communications.* In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

§ 12.107 *Special provisions regarding radio teleprinter transmissions.* The following special conditions shall be observed during the transmission of radio teleprinter signals on authorized frequencies by amateur stations:

(a) A single channel five-unit (start-stop) teleprinter code shall be used which shall correspond to the International Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar) but special signals may be employed for the remote control of receiving printers, or for other purposes, in "figures" positions not utilized for numerals. In general, this code shall conform as nearly as possible to the teleprinter code or codes in common commercial usage in the United States.

(b) The nominal transmitting speed of the radio teleprinter signal keying equipment shall be adjusted as nearly as possible to the standard speed of 60 words per minute and, in any event, within the range 55 to 65 words per minute.

(c) When frequency shift keying (type F1 emission) is utilized, the deviation in frequency from the mark signal to space signal, or from the space signal to the mark signal, shall be less than 900 cycles per second.

(d) When audio frequency shift keying (type A2 or type F2 emission) is utilized, the highest fundamental modulating audio frequency shall not exceed 3000 cycles per second, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be less than 900 cycles per second.

ALLOCATION OF FREQUENCIES

§ 12.111 *Frequencies and types of emission for use of amateur stations.* Subject to the limitations and restrictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation:

(a) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900, 1900–1925 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Only type A1 or A3 emission shall be employed.

(4) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Authorized bands (kc)	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these, including the District of Columbia.	1800–1825 1875–1900	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington).	1900–1925 1975–2000	500	200
State of Washington	1900–1925 1975–2000	200	50
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W. or North of 32° N.).	1800–1825 1875–1900	200	50
Hawaiian Islands	1900–1925 1975–2000	500	200
Texas (East of 99° W. and South of 32° N.), Louisiana, Mississippi, Alabama, Georgia, Florida, Puerto Rico, Virgin Islands, Alaska, Guam, and other Territories and possessions of the U. S. not listed above.	None	No operation	No operation.

(5) The provisions of this subparagraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(b) 3500 to 4000 kc, using type A1 emission, and on frequencies 3500 to 3800 kc, using type F1 emission, and on frequencies 3800 to 4000 kc, using type A3 emission and narrow band frequency or phase modulation for radiotelephony; except that frequencies 3900 to 4000 kc are not available to stations located within the following United States possessions in Region 3, as defined in the Atlantic City, 1947, Radio Regulations: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

(c) 7000 to 7300 kc, using type A1 emission and, on frequencies 7000 to 7200 kc, using type F1 emission and, on frequencies 7200 to 7300 kc, using type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(d) 14,000 to 14,350 kc, using type A1 emission, 14,000 to 14,200 kc and 14,300 to 14,350 kc using type F1 emission and on frequencies 14,200 to 14,300 kc, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(e) 21.00 to 21.45 Mc, using type A1 emission; 21.00 to 21.25 Mc, using type F1 emission; 21.25 to 21.45 Mc, using type A3 emission and narrow band frequency or phase modulation for telephony.

(f) 26.960 to 27.230 Mc using AØ, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120 Mc.

(g) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(h) 50.0 to 54.0 Mc using types A1, A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony, 51.0 to 54.0 Mc using type AØ emission, and on frequencies 52.5 to 54.0 Mc special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(i) 144 to 148 Mc, using types AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(j) 220 to 225 Mc[1] using types AØ, A1, A2, A3 and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques).

(k) 420 to 450 Mc, using types AØ, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts.

(l) 1215 to 1300 Mc, using types AØ, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(m) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types AØ, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

§ 12.114 *Types of emission.* (a) Type AØ emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type AØ emission is specifically designated.

(b) Whenever code practice, in accordance with § 12.106 (d), is conducted in bands authorized for A3 emission, tone modulation of the radiotelephone transmitter may be utilized when interspersed with appropriate voice instructions.

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

EQUIPMENT AND OPERATION

§ 12.131 *Maximum authorized power.* Except on frequencies within the band 420 to 450 megacycles (where the maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts), each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter.* The license of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.96 to 27.23 Mc, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 51 Mc unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, which shall include the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once, provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 *Second notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 *Third notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent or an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 *Operation in emergencies.* In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communication within or with such affected area or

[1] In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Engineer in Charge of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements hereinafter set forth, but such requirements shall in nowise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

(a) All transmissions within all designated amateur emergency comunication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio networks for the handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within these bands.

(b) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn noncomplying stations observed, to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this section by number (§ 12.156) and shall specify, briefly and concisely, the date of the Commission's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section.

(c) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

§ 12.157 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 12.162 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

CONELRAD

NOTE: These rules apply to Continental U. S. only.

§ 12.190 *Scope and objective of CONELRAD.* Control of Electromagnetic Radiation applies to all radio stations in the Amateur Radio Service and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of air attack or imminent threat thereof. The objective is to minimize the navigational aid that may be obtained by an enemy from the electromagnetic radiations emanating from radio stations in the Amateur Radio Service while simultaneously providing for a continued service under controlled conditions when such operation is essential to the public welfare.

§ 12.191 *CONELRAD Radio Alert.* The CONELRAD Radio Alert is the term applied to the Military Warning that an air attack is probable or imminent and which automatically orders the immediate implementation of CONELRAD procedures for all radio stations. The CONELRAD Radio Alert is distinct from the military or Civil Air Defense Warnings Yellow or Red, but may be coincidental with such warnings.

§ 12.192 *Reception of Radio Alert.* (a) The licensee of a station in the Amateur Radio Service is required to provide a means for reception of the CONELRAD Radio Alert or a means for the determination that such alert is in force.

(b) All operators of stations in the Amateur Radio Service will be responsible for the reception of the CONELRAD Radio Alert or indication that such alert is in force by:

(1) Reception of a CONELRAD Radio Alert message which will be broadcast by each standard, FM and TV broadcast station on its regular assigned frequency before they leave the air; or

(2) Reception of standard broadcast stations operating under CONELRAD requirements during the period of the alert on 640 or 1240 kc; or

(3) Determining that an alert is in force by lack of normal broadcast station operation (observations made before amateur station operation is begun and at least once every ten minutes during operation thereafter will be considered as sufficient for compliance with this section); or

(4) Other means if so authorized by the Federal Communications Commission.

§ 12.193 *Operation during an alert.* During a CONELRAD Radio Alert the operation of all amateur radio stations, except stations in the Radio Amateur Civil Emergency Services (RACES) and stations specifically authorized otherwise, will be immediately discontinued until the Radio All Clear is issued. Stations in the RACES and such others as are specifically authorized to operate during the alert will conduct operation under the following restrictions.

(a) No transmission shall be made unless it is of extreme emergency affecting the national safety or the safety of life and property.

(b) Transmissions shall be as short as possible.

(c) No station identification shall be given, either by transmission of call letters or by announcement of location (if station identification is necessary to carry on the service, tactical calls or other means of identification will be utilized in accordance with § 12.246).

(d) The radio station carrier shall be discontinued during periods of no message transmission.

§ 12.194 *Special operation.* In certain cases, the Federal Communications Commission may authorize specific stations to operate during a CONELRAD Radio Alert in a manner not governed by §§ 12.190 to 12.196, provided, such operation is determined to be necessary in the interest of National Defense or the public welfare.

§ 12.195 *Resumption of normal operation.* At the conclusion of a CONELRAD Radio Alert, each standard, FM and TV broadcast station will broadcast a CONELRAD Radio All Clear Message. Unless otherwise restricted by order of the Federal Communications Commission, normal operation of stations in the Amateur Radio Service may be resumed upon reception of the CONELRAD Radio All Clear. Only the CONELRAD Radio All Clear will authorize termination of the CONELRAD Radio Alert.

§ 12.196 *CONELRAD tests.* So far as practicable, tests and practice operation will be conducted at appropriate intervals.

SUBPART B—RADIO AMATEUR CIVIL EMERGENCY SERVICE

GENERAL

§ 12.200 *Temporary nature of this service.* (a) The Radio Amateur Civil Emergency Service provides a temporary phase of amateur operation for Civil Defense communications purposes only, and the rules are limited in their force and effect to the period of the present national emergency, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

(b) Pursuant to the provisions of section 4 (j) of the Communications Act of 1934, as amended, records relating to the Radio Amateur Civil Emergency Service shall not be open to general public inspection.

§ 12.201 *Definitions.* For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A temporary radio-communication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands under the direction of authorized local, regional, or federal civil defense officials pursuant to an approved civil defense communications plan.

(b) *Radio Amateur Civil Emergency Station.* An amateur radio station which is authorized to operate in the Radio Amateur Civil Emergency Service for the purpose of transmitting and receiving civil defense communications.

(c) *Civil defense communications.* Communications or signals essential to the conduct of civil defense activities of duly authorized civil defense organizations, including communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need and dissemination of warnings of enemy attack to the civilian population in case of actual or impending armed attack or in any disaster or other incident endangering the public welfare. Such communications may also include transmissions necessary to establishment and maintenance of the radio system and communications essential to the training of civil defense personnel.

(d) *Civil defense authority.* The legally appointed Director of Civil Defense, or his authorized alternate or representative, for the particular geographical area (city, county, etc.) which a proposed radio station is intended to serve, and who is responsible to local governmental authority for protection and aid to the civilian population in the event of armed attack or of any disaster or other incident endangering public safety.

(e) *Civil Defense Communications Officer.* The official of any duly constituted civil defense organization having direct responsibility under the Director of that organization for the provision, organization, maintenance, readiness, and utilization of all means of communication to be used by such civil defense organization in the performance of its lawful functions.

(f) *Civil Defense Radio Officer.* The duly designated official of a legally constituted civil defense organization who is directly responsible either to the Communications Officer or to the Director of such civil defense organization for the provision, organization, maintenance, readiness, and utilization of radio communications facilities for civil defense use.

(g) *Radio Amateur Civil Emergency Network.* All radio amateur civil emergency stations intended to be included in the civil defense communications plan of the area concerned and which operate, or are to operate, in conjunction with a single control station. Such network may be made up of several separately authorized radio amateur civil emergency stations or units of such stations, or may be made up of several units of the same station operated at different locations. In addition, the same radio amateur civil emergency station or any unit of such station may be a part of more than one network; e. g., the control station of one network may also be the control station or a member station of another network operated in conjunction therewith.

(h) *Control station.* The term "control station" or "net control station" means any authorized Radio Amateur Civil Emergency Station unit designated by the civil defense radio officer, with the approval of the Director of Civil Defense or the Civil Defense Communications Officer, to direct the use and operation of other station units of the same Radio Amateur Civil Emergency Network.

(i) *Civil defense communications plan.* A civil defense communications plan is the plan under which communications facilities are provided to all branches and phases of the civil defense organization in the area concerned and for all of its activities. Such plan may be drawn up in accordance with the needs of the particular area affected and the facilities, including licensed radio operators and stations, available in that particular area. Plans need not be uniform, but to be acceptable to the Commission they must comply with the following:

(1) The plan must be clearly described in writing, and it may include diagrams and sketches. It must include a general description of the facilities and personnel available to provide communications for civil defense purposes and the expected usage to be made thereof.

(2) The plan must have been approved by the state or territorial and federal civil defense authorities having jurisdiction of the area affected.

(3) The plan must include the name, address, official title, and a statement of the qualifications of the Civil Defense Radio Officer (and of any and all alternate Radio Officers) responsible for the organization, training, and utilization of the radio amateur civil emergency station networks under that plan, and the name, address, and official title of the civil defense official responsible for the coordination of all civil defense activities of the area concerned.

(4) The plan must include a general description of each radio amateur civil emergency station network under the jurisdiction of each respective Civil Defense Radio Officer, showing location of fixed installations, purpose, area of activity to be served, an estimate of the number of radio amateur stations and independent operating units of such stations intended to be used in the network, and a description, including the location and call sign, of its control station and any alternate control station or stations.

(5) The plan must include a general statement as to the frequency bands to be used by the radio amateur civil emergency station networks and the approximate number of stations, or units of such stations, to be operated in each such band, together with a description of the method which has been adopted for liaison and coordination of frequency usage with other similar networks in the same and adjacent areas.

(6) The plan must include a statement setting forth the facilities available to the area and the procedures to be followed in determining the loyalty and general reliability of all civil defense Radio Officers, amateur radio station licensees and radio operators intended to be utilized in the implementation of that plan. (See §§ 12.214 (b), 12.215 (c) and 12.241 (a).)

§ 12.202 *Applicability of rules governing amateur radio stations and operators.* In all cases not specifically covered by the regulations contained in this subpart, licensed amateur stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A of this part) which are not in conflict herewith. In any case of conflict, the rules governing the Radio Amateur Civil Emergency Service shall govern in respect to any station operated in that service.

ORGANIZATION

§ 12.211 *Organization of networks.* To supplement or extend other means of communication available to the civil defense organization or to provide necessary communications for which no other means exist, local radio amateur civil emergency station networks shall be organized by the civil defense authority of the area concerned and under the immediate direction of the Civil Defense Radio Officer. Such networks shall include all licensed amateur radio stations which are intended to be included in the civil defense comunications plan of the area concerned. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, all such networks must share, under a single civil defense communications plan, the available frequencies in an efficient and orderly manner. The various networks in adjacent areas shall establish proper liaison and a description of the arrangements made shall become a part of their

respective civil defense communications plans. Such arrangements shall provide for the efficient sharing of frequencies, plans for operating procedure designed to avoid mutual interference, and the exchange of communications facilities upon an inter-area basis where need for such exchange may arise.

§ 12.212 *Approval of civil defense communications plans.* (a) All civil defense communications plans which provide for the utilization of radio amateur civil emergency stations for civil defense purposes must be submitted to and approved by the responsible state (or territorial) and federal civil defense authorities before the licensed amateur stations intended to be used will be authorized to operate in the radio amateur civil emergency service.

(b) Material changes or modifications in such civil defense communications plans which alter the basic information required shall be submitted for approval in the same manner as the original plans.

(c) Written certification of approval by the competent state (or territorial) and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications, which are submitted to the Commission in accordance with the provisions of this part.

§ 12.213 *Certification of Civil Defense Radio Officer.* (a) Certification of the Civil Defense Radio Officer shall be made on FCC Form 482. Such form shall be executed by the civil defense authority responsible for the coordination of all civil defense activities of the area concerned and show: (1) The name, address, and area of responsibility of such civil defense radio officer, (2) statement by him that he has accepted such appointment and agrees to perform faithfully the duties of that office, including those prescribed by this subpart, (3) a certification by the responsible civil defense authority that he has satisfied himself that the named civil defense radio officer is fully qualified in accordance with the provisions of § 12.214, and (4) the effective date of the appointment of the civil defense radio officer and the name of any previous civil defense radio officer whose appointment is terminated.

(b) FCC Form No. 482, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state (or territorial) and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

§ 12.214 *Qualifications of Civil Defense Radio Officer.* No person shall be considered qualified as a civil defense radio officer until he shall have been found to satisfy the following minimum requirements:

(a) He shall hold either (1) a valid commercial radio operator's license of either first or second class (radiotelegraph or radiotelephone) issued by the Commission, or (2) a valid amateur operator license issued by the Commission, other than the Technician or Novice Class.

(b) A determination shall have been made as to his loyalty to the United States and his general reliability, in accordance with the procedures provided in the approved civil defense communications plan of the area concerned.

(c) It shall have been determined that his technical and administrative qualifications are adequate for the proper performance of his duties.

§ 12.215 *Duties of Civil Defense Radio Officer.* The duties of the Civil Defense Radio Officer shall include among such other duties as may be assigned or as may be required in accordance with the provisions of this subpart.

(a) The direction and supervision of all radio stations forming the radio amateur civil emergency networks in accordance with the approved civil defense communications plan for the area involved.

(b) Provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against improper use of the radio stations and intentional or inadvertent transmissions which might jeopardize the defense or security of the United States.

(c) The recommendation to the Commission for the granting of authorizations to individual amateurs for operation in this service, and certification to the Commission as to the loyalty to the United States and reliability of such individuals and the certification required in accordance with § 12.223.

(d) The recommendation to the Commission for cancellation of any authorization previously recommended or certified whenever subsequent investigation or circumstances indicate that the original recommendation or certification should not have been made.

STATION AUTHORIZATIONS

§ 12.221 *Station authorization required.* No radio station may be operated in the Radio Amateur Civil Emergency Service except pursuant to an authorization for such operation issued by the Federal Communications Commission.

§ 12.222 *Eligibility for station authorization.* An authorization to operate a station in the Radio Amateur Civil Emergency Service will be issued only to a person who holds an amateur radio operator license, other than Technician or Novice Class, and an appropriate amateur radio station license.

§ 12.223 *Filing of application.* Each application for a station authorization or for renewal thereof shall be submitted on FCC Form 481–1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

§ 12.224 *Additional data required.* Each application for a station authorization in the Radio Amateur Civil Emergency Service shall be accompanied by the following data unless such material has already been submitted to the Commission, in which case the application shall clearly identify the material previously submitted:

(a) A copy of the approved communications plan (as defined in this part) for the civil defense communications network in which the station will operate, together with a copy of each approved amendment, change or modification of that plan.

(b) The official certification of the Civil Defense Radio Officer as provided in this subpart.

§ 12.225 *Single application for all equipment under one amateur station license.* Only one application need be filed for any one amateur station, including all transmitting equipment under the control of the licensee of that station, even though individual units of such station are capable of being operated and are intended to be operated independently at different locations, or as portable or mobile stations with no fixed locations. No distinction need be made between those units which are personally owned by the amateur station licensee and those units which are otherwise under his technical control for operation in this service.

§ 12.226 *Issuance of station authorization.* An authorization to operate in this service, will be issued in the discretion of the Commission upon satisfactory completion of all requirements of this subpart and proper certification that the requirements of the civil defense organization for which the station will be used have been or are being complied with. The station authorization (Form 481–2) will be forwarded to the Civil Defense Radio Officer for delivery to the applicant. Such authorization will be accompanied by a stub (Form 481–3) which may be retained by the civil defense radio officer for his records.

§ 12.227 *Term of station authorization.* (a) Authorization to operate an amateur station in the Radio Amateur Civil Emergency Service will be issued for a term running concurrently with the term of the amateur radio station license. Application for renewal of such authorization shall be filed concurrently with application for renewal of the basic amateur radio station license.

(b) Whenever, under rules contained in Subpart A of this part, modification of the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for a license in this service, application for modification of the Radio Amateur Civil Emergency station license shall be submitted concurrently therewith.

(c) Nothing in this section shall be construed to alter or amend the temporary nature of a station authorization in the Radio Amateur Civil Emergency Service and the Commission's authority to cancel or amend it in accordance with the applicant's agreement as indicated on the initial application for station authorization.

§ 12.228 *Cancellation of station authorization.* (a) Each authorization for operation in the Radio Amateur Civil Emergency Service shall be issued with the express provision that such authorization is subject to revocation or cancellation without hearing whenever, in the opinion of the Commission, the security of the United States or the proper functioning of the Radio Amateur Civil Emergency Service would be served thereby, or termination of the national emergency makes it unnecessary to continue the operation of stations in this service.

(b) The station authorization shall be submitted to the Commission (via the Civil Defense Radio Officer) for cancellation under the following circumstances:

(1) The station for which the authorization was issued becomes inactive for a period of three months or it is not planned to use the station in the radio amateur civil emergency network for a period of at least three months.

(2) The basic amateur radio station license of the station has expired and has not been renewed.

(3) In cases where the amateur radio station license and the radio amateur civil emergency station authorization have both been modified, the original authorization of the latter shall be submitted to the Commission immediately upon receipt by the licensee of a new or modified authorization.

TECHNICAL REQUIREMENTS

§ 12.231 *Frequencies available.* (a) The following tabulation indicates the frequency bands, within the regularly allocated amateur frequency bands, which are available for use by stations in the Radio Amateur Civil Emergency Service. These frequency bands may be used, on a non-exclusive basis, by the classes of radio amateur civil emergency stations or units of such stations indicated, and only with the types of emission shown in the right-hand column.

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency band:	*Authorized emission*
1800–1825 kc [1]	0.1A1, 6A3.
1875–1900 kc [1]	0.1A1, 6A3.
1900–1925 kc [1]	0.1A1, 6A3.
1975–2000 kc [1]	0.1A1, 6A3.
3500–3510 kc	0.1A1, 1.1F1.
3990–4000 kc	0.1A1, 1.1F1, 6A3, 6F3.

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(2) For use by all authorized stations:

Frequency band:	*Authorized emission*
28.55–28.75 Mc	0.1A1, 6A3, 6A4, 6F3.
29.45–29.65 Mc	0.1A1, 1.1F1, 6A3, 6A4, 40F3.
50.35–50.75 Mc	0.1A1, 6A2, 6A3, 6A4, 6F3.
53.35–53.75 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
145.17–145.71 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
146.79–147.33 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
220–225 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.

(b) The selection and use of specific frequencies within the authorized frequency bands by stations in the Radio Amateur Civil Emergency Service shall be in accordance with a coordinated local area and adjacent area civil defense communications plan and applicable rules of this part.

(c) At such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

§ 12.232 *Classification of emissions.* (a) For the purposes of this subpart, the authorized emissions, as contained in the table of § 12.231, are defined as follows:

0.1A1—Continuous wave telegraphy.
1.1F1—Frequency shift telegraphy.
6A2—Telegraphy amplitude modulated at audio frequency.
6F2—Telegraphy frequency modulated at audio frequency.
6A3—Commercial quality amplitude modulated telephony.
6F3—Narrow band frequency or phase modulated telephony.
40F3—Wide band frequency or phase modulated telephony.
6A4—Amplitude modulated facsimile.

(b) On frequencies where wide band frequency or phase modulated telephony (40F3) is authorized, narrow band frequency or phase modulated telephony (6F3) may also be employed; similarly, where commercial quality amplitude modulated telephony (6A3) is authorized, single or double sideband amplitude modulated telephony, with or without carrier or with reduced carrier, may also be employed.

§ 12.233 *Transmitter power.* The transmitting equipment of a radio station in this service shall be adjusted in such manner as to produce the minimum radiation necessary to carry out the communications desired. No station operating in this service shall use a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of that permitted to be used by a licensed amateur radio station when operated on the same frequencies or in the same frequency bands in accordance with the provisions of the rules governing amateur radio stations and operators (Subpart A of this part).

§ 12.234 *Equipment requirements.* (a) Except under the conditions specified in paragraph (b) of this section, all stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be capable of receiving on the same frequencies or frequency bands utilized for transmission.

(b) When a station in this service is operated only on a single frequency or frequency band for cross-band operation in communication with a station or stations operating on another frequency or in another frequency band, or in other services, such station shall be capable of receiving the station with which it is communicating.

(c) The direct modulation of an oscillator with a frequency stability less than that obtainable with crystal control, or the radiation of a signal having simultaneous amplitude and frequency or phase modulation, is prohibited on frequencies below 220 Mc.

§ 12.235 *Alleviation of harmful interference.* (a) When emissions of stations in the Radio Amateur Civil Emergency Service, other than those necessary to carry on the desired communications, cause harmful interference to stations in this or any other service, the Commission may, in its discretion, require appropriate technical changes in the equipment to alleviate the interference.

(b) When the emissions of stations in the Radio Amateur Civil Emergency Service that are necessary to carry on the desired communications cause harmful interference to stations in other radio services, appropriate action shall be taken to alleviate such interference including, if necessary, the suspension (except during times of an actual state of civil emergency) of such emissions as cause the interference.

OPERATING REQUIREMENTS

§ 12.241 *Operator requirements.* (a) No person shall operate a station in the Radio Amateur Civil Emergency Service unless (1) that person holds a valid radio operator license of the proper grade, as described in this section, and (2) that person holds a valid written certification by the chief of the local, regional, or state Civil Defense organization of the area in which he serves that he has satisfied all federal, state, and local requirements for enrollment in the Civil Defense organization as a radio operator and is actually enrolled therein. Such certification shall clearly indicate that a determination has been made as to his loyalty to the United States and general reliability in accordance with the procedures described

in the approved civil defense communications plan for the area concerned. (See §§ 12.201 (l) and 12.212.)

(b) The person manipulating the key of a manually operated radio-telegraph transmitter of a station authorized to operate in this service shall hold either (1) any class of amateur operator license issued by the Commission, other than the Technician or Novice Class, or (2) any class of commercial radiotelegraph operator license issued by the Commission other than the Temporary Limited Radiotelegraph Second Class Operator License, together with the certification required in accordance with the provisions of paragraph (a) of this section.

(c) Except as specifically provided in paragraphs (a) and (b) of this section, any station in the Radio Amateur Civil Emergency Service may be operated by the holder of any class of amateur or commercial radio operator license issued by the Commission other than a Temporary Limited Radiotelegraph Second Class Operator License or an Aircraft Radiotelephone Operator Authorization: *Provided*, That, when such operation is performed by the holder of a Novice Class amateur operator license or by the holder of a commercial radiotelephone or radiotelegraph third class operator license or restricted operator permit; (1) such operator shall be prohibited from making any adjustments that may result in improper transmitter operation, (2) the equipment shall be so designed and installed that none of the operations necessary to be performed during the course of the normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station shall be regularly made by or under the immediate supervision and responsibility of the holder of either an amateur operator license other than the Novice Class or a commercial radiotelephone or radiotelegraph first or second class operator license.

(d) All adjustments or tests during or coincident with the installation, servicing or maintenance of the transmitting equipment of a station in this service shall be made only by or under the immediate supervision and responsibility of the holder of either (1) an amateur operator license other than the Novice Class or (2) a commercial radiotelephone or radiotelegraph first or second class operator license issued by the Commission, who in addition holds the certification required in accordance with the provisions of paragraph (a) of this section.

§ 12.242 *Operation at other than licensed location.* A station in this service, or any unit thereof, may be operated at any location in accordance with the approved civil defense communications plan for the area concerned, in the discretion of and as directed by the Civil Defense Radio Officer, without notice to the Commission and without limitation as to the length of time within which such operation takes place: *Provided*, That nothing in this section shall be construed to waive the necessity for modification of the authorization of a station in this service when the address of the licensee or the basic location of the station is changed, or for any other reason where, because of a change of the communications plan or other reason, the information heretofore furnished the Commission with the original application may be materially altered or changed.

§ 12.243 *Availability of station authorizations and operator licenses.* (a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located at a place other than the transmitter location, it may be posted at the control position: *Provided*, That, whenever a photocopy of the station authorization is utilized in compliance with the foregoing requirement, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758–F) in the case of the holder of a commercial radio operator license of the diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241 (a), shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station: *Provided*, That, whenever a verification card (FCC Form 758–F) is utilized in compliance with the foregoing requirement, the original operator license shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(c) When a licensed amateur station, or an independent unit of such station, is operated at a location other than that shown in its license in compliance with the provisions of this subpart, the basic amateur station license required by Subpart A of this part need not be readily available at the station or unit location, but shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

§ 12.244 *Radio station log.* (a) Except as otherwise expressly provided in this subpart, there shall be maintained at each radio amateur civil emergency station, or unit of such station, an accurate log of all operations. The following information shall be recorded in such station log:

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items, but the original entry and each change shall show the date on which the entry was made.

(2) The date and time of beginning and end of each period during which the station was operated, the purpose of such operation, and the frequencies or bands of frequencies on which the operation took place.

(3) The call signs or other identification of all stations or units of such stations with which communications are established or attempted during such period of operation.

(4) The signature of the licensed operator on duty and in charge of the operation of the station or unit of such station during each period of operation, and the signature of each licensed operator who manipulated the key of any manually operated radiotelegraph transmitter of such station or unit. The signature of the operator shall be entered with the date and time at the beginning and end of each period during which he performed the foregoing duties, and at least once on each page additional to the first page, covering the period for which he was the responsible operator. The signatures of any additional operators who operate the transmitter(s) during the regular watch of another operator and details to indicate the periods during which they operated the transmitter(s) shall be entered in the proper form.

(5) Upon completion of each period of operation for any purpose, there shall be entered in the log a summary of such operation describing the nature thereof and, if message traffic or other record communications were exchanged with other stations, an estimate of the amount of such traffic handled together with a report on any unusual delays which were experienced in the delivery of such messages.

(6) There shall be no erasure, obliteration, or destruction of any part of the log of any station or station unit. Corrections shall be made by striking out the erroneous portion and initialing and dating the corrections.

(b) Mobile radio amateur civil emergency stations or station units, and portable radio amateur civil emergency stations or station units, where not being operated at pre-determined fixed locations, shall be exempt from the requirements of maintaining a log to the extent that the entries required under the preceding paragraph of this section are substantially contained in the log of another station or stations operating in the same radio amateur civil emergency networks. All stations or station units operating in accordance with the provisions of this subpart shall be exempt from the requirements concerning station logs contained in Subpart A of this part whenever it is shown that compliance with these requirements would interfere with the expeditious handling of civil defense communications or communication drills.

(c) The current portion of the log shall be kept at the location of the operating or control position of the station or unit. Other portions of the log shall be retained by the licensee for a period of one year, at a place determined by the civil defense Radio Officer to be appropriate and advisable: *Provided*, That the logs of a station in this service shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That those portions of any log covering operation of a station in this service in connection with any actual condition jeopardizing the public safety or affecting the national defense or security shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

§ 12.245 *Station identification.* (a) Stations operating in the Radio Amateur Civil Emergency Service shall identify themselves in the same manner and under the same conditions as prescribed in the rules governing Amateur Radio Stations and Operators (Subpart A of this part), except that:

(1) Additional designators to indicate portable or mobile operation, or to indicate operation at a location other than that specified in the station license, shall not be used.

(2) When engaged in network operation, after a station or unit has been fully identified at least once, further identification by that station or unit may be accomplished by the use of abbreviated call signs or other distinctive signals prescribed by the civil defense Radio Officer in lieu of the call signs otherwise required to be transmitted by that station or unit. A record of such abbreviated call signs or other distinctive signals shall be maintained by the Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government.

(b) When two or more separate units of a station, which is authorized to be operated in the Radio Amateur Civil Emergency Service, are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign. When transmitting by telegraphy such additional identification shall immediately follow the basic call sign and to avoid confusion with portable or mobile indicators, shall not be separated therefrom by the use of the "slant" or fraction bar, or other punctuation mark or symbol.

§ 12.246 *Tactical call signs.* Stations operating in this service, and independent units of such stations, may be assigned tactical or secret call signs by the Commission or by competent civil defense authority, and may utilize such tactical call signs in lieu of the call signs appearing on the station licenses when such use is directed by competent civil defense authority: *Provided*, That a list of all such tactical call signs assigned stations under his direction shall be maintained by the civil defense Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That when such tactical call signs are intended to be used at times other than during communications in connection with actual or impending conditions which appear to jeopardize the defense or security of the United States, a list of such tactical call signs and the stations or units to which assigned shall be furnished the Commission prior to such use.

USE OF STATIONS

§ 12.251 *Limitations on use of stations.* (a) No station authorized to be operated in this service, other than a control station as defined in this subpart, shall be operated for the purpose of transmitting any signal, message, or other communications except with the permission and under the operational control of the control station of the network in which it is operating: *Provided*, That nothing in the foregoing shall be construed to prohibit the transmission by any station or unit of a station of such signals as may be necessary for the purpose of alerting or making contact with the control station of the network, or for the purpose of transmitting actual emergency civil defense communications if the control station is disabled or is otherwise inoperative.

(b) Nothing in this section shall be construed to prevent the operation of a station which is authorized to be operated in this service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Provided*, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(c) No station in this service shall be used to transmit or to receive messages for hire, nor to transmit comunications for material compensation, direct or indirect, paid or promised.

§ 12.252 *Hours of operation.* Stations in this service may be operated at such times and under such conditions as may be prescribed by the Communications Officer or other responsible official of the civil defense organization having jurisdiction over the area which the station will serve: *Provided*, That the communications of such stations shall at all times be in accordance with the permissible communications authorized in this subpart.

§ 12.253 *Points of communication.* Stations in this service may communicate with each other, with stations in the Disaster Communications Service, and with stations of the United States Government which are authorized to exchange communications with stations in this service by the particular agency having control. In addition, stations in this service may communicate, for the purpose of exchanging civil defense communications, with any other station in any service provided by the Commission's rules, whenever such station is authorized to communicate with stations in the Radio Amateur Civil Emergency Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 12.254 *Permissible communications.* Stations in this service are authorized to transmit only the following types of civil defense communications:

(a) Communications for training purposes: Necessary drills and tests to insure establishment and maintenance of orderly and efficient operation of the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith for the conduct of civil defense communications, including communications directly concerned with the conduct of practice alerts, practice blackouts, practice mobilization, and other comparable situations as may be ordered or initiated by competent civil defense authority or by the United States governmental or military authority charged with the defense of the area concerned. All messages which are transmitted in connection with such drills and tests shall be clearly identified as such by the use of the words "Drill" or "Test" in the body of such messages.

(b) Communications when there is an impending or actual condition jeopardizing the public safety or affecting the national defense or security:

(1) Communications directly concerning the activation of the radio amateur civil emergency station networks or such other radio stations and networks as may be associated with the networks for the conduct of civil defense communications.

(2) Communications directly concerning the conduct of service by the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need, and combating of armed attack or sabotage.

(4) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other authorized governmental or relief agencies.

(5) Communications directly concerning the transaction of business essential to public welfare

§ 12.255 *Use of codes and ciphers.* Any station in this service is authorized to transmit messages in codes and ciphers and to utilize any method of secret or coded authentication of its transmissions when such method of concealing the contents of messages or such authentication procedure is prescribed by the competent civil defense authority of the area served by the station and is approved by the cognizant federal civil defense authorities.

§ 12.256 *Priority of communications.* The order of priority of communications by stations in this service, when there is an impending or actual condition jeopardizing the public safety or affecting the defense or security of an area, shall be determined by the cognizant civil defense authority of the area concerned or his authorized representative.

§ 12.257 *Operating procedure.* The operating procedure, and the method of circuit control by the control station of each network, shall be determined by the responsible civil defense authority of the area concerned and shall, in general, conform as nearly as possible to the operating procedure normally followed in other services in the expeditious handling of message traffic by the method of transmission in use.

APPENDIX 1

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Tampa, Fla.	Mobile, Ala.
Juneau, Alaska.	Savannah, Ga.
Anchorage, Alaska.	San Diego, Calif.

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Nashville, Tenn.
Charleston, W. Va.	Oklahoma City, Okla.
Cincinnati, Ohio.	Omaha, Nebr.
Cleveland, Ohio.	Phoenix, Ariz.
Columbus, Ohio.	Pittsburgh, Pa.
Corpus Christi, Tex.	St. Louis, Mo.
Davenport, Iowa.	Salt Lake City, Utah.
Des Moines, Iowa.	San Antonio, Tex.
Fort Wayne, Ind.	Schenectady, N. Y.
Fresno, Calif.	Sioux Falls, S. Dak.
Grand Rapids, Mich.	Syracuse, N. Y.
Indianapolis, Ind.	Tulsa, Okla.
Knoxville, Tenn.	Williamsport, Pa.
Little Rock, Ark.	Winston-Salem, N. C.
Memphis, Tenn.	
Milwaukee, Wis.	

SEMIANNUAL

Albuquerque, N. Mex.	Louisville, Ky.
Bakersfield, Calif.	Portland, Maine.
Boise, Idaho.	Roanoke, Va.
Hartford, Conn.	Spokane, Wash.
Jackson, Miss.	Tucson, Ariz.
Jacksonville, Fla.	Wichita, Kans.
	Wilmington, N. C.

ANNUAL

Amarillo Tex.	Jamestown, N. Dak.
Bangor, Maine.	Klamath Falls, Oreg.
Billings, Mont.	Lihue, Kauai, T. H.
Butte Mont.	Marquette, Mich.
El Paso Tex.	Rapid City, S. Dak.
Hilo, Hawaii, T. H.	Wailuku, Maui, T. H.

Arrangements have also been made, including cooperation of other Federal agencies, for General Class examinations in outlying areas as follows:

Alaska: United States Signal Corps stations.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

Canal Zone: By the Engineer in Charge, District 22 (San Juan, P. R.).

RADIO DISTRICTS

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Counties
1	1600 Customhouse, Boston 9 Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Room 1005, New United States Customhouse, 2nd and Chestnut Sts., Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	500 McCawley Bldg., 400 East Lombard St., Baltimore 2, Md.	Delaware	Kent and Sussex.
		Maryland	All except district 24.
		Virginia	Clarke, Fairfax except district 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shennandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina	All except district 6.
		Virginia	All except districts 4 and 24.
6	718 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga.	Alabama	All except district 8.
		Georgia	All counties.
	Suboffice, P. O. Box 77, 214 Post Office Bldg., York and Bull Sts., Savannah, Ga.	North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except district 8.
	Suboffice, 410 P. O. Bldg., Florida Ave., Tampa 2, Fla.		
8	608 Federal Office Bldg., 600 South St., New Orleans, La.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
	324 U. S. Appraisers Stores Bldg., 7300 Wingate St., Houston 11, Tex.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Suboffice, P. O. Box 1527, 329 Post Office Bldg., 300 Willow St., Beaumont, Tex.		
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg., Houston, and Jackson Sts., Dallas 2, Tex.	Oklahoma	All counties.
		Texas	All except district 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.
	Suboffice, 15-C U. S. Customhouse Bldg., Union and "F" Sts., San Diego 1, Calif.	Nevada	Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except district 11.
		Nevada	All except Clark.
13	433 New U. S. Courthouse, 620 Southwest Main St., Portland 5, Oregon.	Idaho	All except district 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	802 Federal Office Bldg., First Ave. and Marion St., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except district 13.
15	521 New Customhouse, 19th St. between California and Stout Sts., Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington.
		New Mexico	All counties.

RADIO DISTRICTS—Continued

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Counties
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All except district 15.
		North Dakota	All counties.
		Wisconsin	All except district 18.
17	3100 Federal Office Building, 911 Walnut Street, Kansas City 6e, Mo.	Iowa	Do.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except district 15.
18	826 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn Louisa, Muscatine, Scott Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	All except district 19.
		Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford.
		Ohio	All counties.
		Michigan	All except district 16.
		West Virginia	All except district 4.
20	328 Post Office Bldg., Ellicott and Swan Streets, Buffalo 3, N. Y.	New York	All except district 2.
		Pennsylvania	All except district 3.
21	502 Federal Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico. Virgin Islands.	
23	P. O. Box 644, 53 U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.	Alaska.	
	Sub-office: P. O. Box 1421, 6 Shattuck Bldg., Juneau, Alaska.		
24	104 Briggs Bldg., 415 22d St., NW., Washington 25, D. C.	District of Columbia	
		Maryland	Within 10 miles of the District of Columbia boundary.
		Virginia	Do.

APPENDIX 2

EXTRACTS FROM RADIO REGULATIONS

ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

(Atlantic City, 1947)

ARTICLE 42—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmissions between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, resource to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

SEC. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

SEC. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

SEC. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

APPENDIX 3

CLASSIFICATION OF EMISSIONS

For convenient reference the tabulation below is extracted from the "Classification of Emissions" tables in Part 2 of the Commission's Rules and Regulations and in the Atlantic City (1947) Radio Regulations, and it includes only those general classifications which appear most applicable to the Amateur Radio Service.

Type of modulation or emission	Type of transmission	Symbol
1. Amplitude	Absence of any modulation	A0
	Telegraphy without the use of modulating audio frequency (on-off keying).	A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).	A2
	Telephony	A3
	Facsimile	A4
	Television	A5
2. Frequency (or phase) modulated.	Absence of any modulation	F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).	F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).	F2
	Telephony	F3
	Facsimile	F4
	Television	F5
3. Pulsed emissions.		P

APPENDIX 4

Convention Between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country (Effective May 15, 1952)

ARTICLE III

It is agreed that persons holding appropriate amateur licenses issued by either country may operate their amateur stations in the territory of the other country under the following conditions:

(a) Each visiting amateur may be required to register and receive a permit before operating any amateur station licensed by his government.

(b) The visiting amateur will identify his station by:

(1) *Radiotelegraph operation.* The amateur call sign issued to him by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

(2) *Radiotelephone operation.* The amateur call sign in English issued to him by the licensing country followed by the words, "fixed," "portable" or "mobile", as appropriate, and the amateur call sign prefix and call area number of the country he is visiting.

(c) Each amateur station shall indicate at least once during each contact with another station its geographical location as nearly as possible by city and state or city and province.

(d) In other respects the amateur station shall be operated in accordance with the laws and regulations of the country in which the station is temporarily located.

[F. R. Doc. 56-7622; Filed, Sept. 21, 1956; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File 21–332]

PART 136—PAINT AND VARNISH BRUSH MANUFACTURING INDUSTRY

PROMULGATION OF INDUSTRY COMMITTEE PROVISION

Due proceedings having been held by the Federal Trade Commission pursuant to an application filed on behalf of the Paint and Varnish Brush Manufacturing Industry for addition to the trade practice rules for the industry promulgated January 14, 1939, of the standard committee provision heretofore approved and promulgated by the Commission:

It is now ordered, That the said committee provision, as so approved by the Commission and now appearing as Part 16 (F. R. 1174, February 21, 1956) be added to the rules for the above-named industry, and to this end that the following be promulgated and become effective on publication as an additional provision to the rules:

COMMITTEE ON TRADE PRACTICES

§ 136.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Issued: September 19, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56–7638; Filed, Sept. 21, 1956; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS RELATIVE TO CERTAIN INDUSTRIES IN PUERTO RICO

On June 6, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 463 (21 F. R. 3970–1) appointed, convened, and gave notice of the hearings of industry committees Nos. 22–A for the fabric and leather glove industry in Puerto Rico, 22–B for the handerchief, square scarf, and art linen industry in Puerto Rico, 22–C for the children's dress and related products industry in Puerto Rico, 22–D for the women's and children's underwear industry in Puerto Rico, and 22–E for the needlework and fabricated textile products industry in Puerto Rico. Each committee was directed to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation, and a hearing, conducted pursuant to the notice, each committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of Secretary (15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective October 8, 1956, as set out below, Title 29 is amended by revoking Part 655 and by adding Parts 715, 716, 717, 718, and 719 to read as follows:

PART 715—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Sec.
715.1 Definition of the industry.
715.2 Wage rates.
715.3 Notices.

AUTHORITY: §§ 715.1 to 715.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 715.1 *Definition of the industry.* The fabric and leather glove industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: *Provided, however*, That the definition shall not include the manufacture of knit or crocheted gloves and mittens, athletic gloves and mittens, or rubber gloves and mittens.

§ 715.2 *Wage rates.* (a) Wages at a rate of not less than 24 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabric and leather glove industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the handsewing on fabric gloves classification, which is defined as the operations of hand-sewing, hand embroidering, hand-embellishing, ornamental stitching, and hand-drawing of threads and similar hand operations involving decorative effects in the manufacture of gloves or mittens from woven or knitted fabrics: *Provided, however*, That mending, repairing, sewing of labels, tacking, and similar operations on gloves which are wholly or chiefly machine sewn, shall not be included.

(b) Wages at a rate of not less than 33 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabric and leather glove industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-sewing on leather gloves classification, which is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and hand-drawing of threads and similar hand operations involving decorative effects in the manufacture of gloves or mittens from leather, alone or in combination with other material: *Provided, however*, That mending, repairing, sewing of labels, tacking, and similar operations on gloves which are wholly or chiefly machine sewn, shall not be included.

(c) Wages at a rate of not less than 67½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabric and leather glove industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the machine operation classification, which is defined as machine sewing and other operations performed by machine, cutting, laying off, pressing, sizing, banding, and packaging.

(d) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification, which is defined as all operations in the fabric and leather glove industry in Puerto Rico, other than those in the hand-sewing on fabric gloves, hand-sewing leather gloves, and machine operations classifications of this industry.

§ 715.3 *Notices.* Every employer subject to the provisions of § 715.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 715.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 716—THE HANDKERCHIEF, SQUARE SCARF AND ART LINEN INDUSTRY IN PUERTO RICO

Sec.
716.1 Definition of the industry.
716.2 Wage rates.
716.3 Notices.

AUTHORITY: §§ 716.1 to 716.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 716.1 *Definition of the industry.* The handkerchief, square scarf and art linen industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of plain, scalloped or ornamental handkerchiefs and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other material.

§ 716.2 *Wage rates.* (a) Wages at a rate of not less than 25 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the handkerchief, square scarf, and art linen industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-embroidery classification which is defined as the operation of hand-embroidering, hand-embellishing, ornamental stitching and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 49 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations of the handkerchief, square scarf, and art linen industry in Puerto Rico other than those operations in the hand-embroidery classification of this industry.

§ 716.3 *Notices.* Every employer subject to the provisions of § 716.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 716.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 717—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
717.1 Definition of the industry.
717.2 Wage rates.
717.3 Notices.

AUTHORITY: §§ 717.1 to 717.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 717.1 *Definition of the industry.* The children's dress and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture from woven or knit fabric of the following garments: dresses, blouses, shirts and similar garments for girls; shirts and blouses for boys, size 6x and under; dresses, rompers, creepers, sportswear and play apparel for infants three years of age or under; and clothing and accessories for dolls.

§ 717.2 *Wage rates.* (a) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-embroidery classification, which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification, which is defined as all operations in the children's dress and related products industry in Puerto Rico, other than those operations in the hand-embroidery classification of this industry.

§ 717.3. *Notices.* Every employer subject to the provisions of § 717.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 717.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 718—WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY IN PUERTO RICO

Sec.
718.1 Definition of the industry.
718.2 Wage rates.
718.3 Notices.

AUTHORITY: §§ 718.1 to 718.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 718.1 *Definition of the industry.* The women's and children's underwear industry in Puerto Rico, to which this part shall apply, is defined as follows: The knitting, or manufacture from woven or knit fabric, of women's misses', girls', boys' size 6x and under, and infants' underwear and nightwear, including, but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles.

§ 718.2 *Wage rates.* (a) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the women's and children's underwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-sewing classification, which is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching and similar operations involving decorative effects: *Provided, however*, That mending, repairing, sewing of labels, tacking, and similar operations on garments which are wholly machine-sewn or machine-knit shall not be included.

(b) Wages at a rate of not less than 56 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the women's and children's underwear industry in Puerto Rico, other than those operations in the hand-sewing classification of this industry.

§ 718.3 *Notices.* Every employer subject to the provisions of § 718.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 718.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 719—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
719.1 Definition of the industry.
719.2 Wage rates.
719.3 Notices.

AUTHORITY: §§ 719.1 to 719.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 719.1 *Definition of the industry.* The needlework and fabricated textile products industry, to which this part shall apply is defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other process; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however*, That the definition shall not cover products or activities included in the following industries in Puerto Rico: the children's dress and related products industry; the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the women's and children's underwear industry; the artificial flower industry; the button, buckle and jewelry industry; the corset, brassieres and allied garments industry, the handicraft products industry; the hooked rug industry; the hosiery industry; the men's and boys' clothing and related products industry; the shoe manufacturing and related products industry; and the textile and textile products industry.

§ 719.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-embroidering on blouses and neckwear classification which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching and other hand-sewing operations involving decorative effects in the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves).

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the other operations on blouses and neckwear classification which is defined as all operations in the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves), other than those in the hand-embroidering on blouses and neckwear classification of this industry.

(c) Wages of not less than 77½ cents an hour shall be paid under section 6 of

the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the sweater and knit swimwear classification which is defined as the manufacture of men's, women's, misses', boys' and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses' and girls' knit swimwear.

(d) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the knit glove, crocheted slipper and leather handbag classification which is defined as the manufacture of knit or crocheted gloves and mittens; slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process; and women's, misses' and girls' leather handbags and purses.

(e) Wages at a rate of not less than 40 cents an hour shall be paid under the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-crocheting and hand-embroidering on crocheted hats and infants bootees classification which is defined as the operations of hand-crocheting, hand-knitting, hand embroidering, hand-embellishing, ornamental stitching, and other hand operations involving decorative effects in the manufacture of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, and crocheted or knitted bootees for infants.

(f) Wages of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the other operations on crocheted hats and infants bootees classification which is defined as all operations in the manufacture of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, and crocheted bootees for infants, other than those operations in the hand-crocheting and hand-embroidering of crocheted hats and infants bootees classification of this industry.

(g) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employee to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification which is defined as the manufacture from any material of all apparel and apparel furnishings and accessories, and all textile products and like articles in which a synthetic material in sheet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry provided in paragraphs (a) to (f) of this section; the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnas embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto.

§ 719.3 *Notices.* Every employer subject to the provisions of § 719.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 719.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C. this 17th day of September 1956.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 56-7650; Filed, Sept. 21, 1956; 8:51 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

[Schedule 13D]

PART 11—SELF-CONTAINED BREATHING APPARATUS

There was published in the FEDERAL REGISTER of June 29, 1956 (21 F. R. 4821), a notice and text of proposed amended regulations in Part 11 of Subchapter B of Title 30 Code of Federal Regulations, prescribing requirements for tests and investigations leading to approval of Self-Contained Breathing Apparatus.

After consideration of all relevant material submitted pursuant to the notice as published in the FEDERAL REGISTER of June 29, 1956, the amended regulations as proposed are adopted without change.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 18, 1956.

Preliminary statement. The Bureau of Mines is prepared, at its Central Experiment Station, Pittsburgh, Pa., to conduct tests to determine the permissibility of self-contained breathing apparatus for use in irrespirable and poisonous gases.

The authority for conducting such tests and investigations is contained in the act of May 16, 1910, as amended (36 Stat. 370, 30 U. S. C. 3, 5, 7), and in Executive Order No. 6611, February 22, 1934. The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

(These regulations constitute Schedule 13D and supersede all schedules heretofore issued by the Bureau of Mines relating to the testing and approval of self-contained breathing apparatus.)

Sec.
11.1 Definition of "permissible."
11.2 Conditions under which apparatus will be tested.
11.3 Fees for testing.
11.4 General requirements.
11.5 Construction.
11.6 Character and general description of tests.
11.7 Detailed procedure of tests.
11.8 Approval of regenerators.
11.9 Notification of approval or disapproval.
11.10 Approval plates and markings for permissible apparatus and for approved supplemental parts.
11.11 Changes subsequent to approval.
11.12 Withdrawal of approval.

AUTHORITY: § 11.1 to 11.12 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U. S. C. 3, 5. E. O. 6611, Feb. 22, 1934.

§ 11.1 *Definition of "permissible."* The Bureau of Mines considers a self-contained breathing apparatus to be permissible for use in irrespirable and poisonous gases if all the details of construction and materials are the same in all respects as those of a self-contained breathing apparatus that has passed the tests for safety, practicability, and efficiency in accordance with standards established by the Bureau and hereinafter described.

§ 11.2 *Conditions under which apparatus will be tested.* The conditions under which the Bureau of Mines will examine and test a self-contained breathing apparatus to establish its permissibility follow:

(a) (1) Application for inspection, examination, and testing shall be made in duplicate to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., and shall be accompanied by (i) a check, bank draft, or money order (see § 11.3) payable to the order of the United States Bureau of Mines; (ii) a complete written description of the apparatus in duplicate; and (iii) a set of drawings in duplicate showing full details of construction of the apparatus. If an apparatus operates with a regenerator, the application shall be accompanied by a complete written description of the regenerator and a set of drawings showing full details of its construction, all in duplicate. The application shall state, among other things, whether the apparatus is ready to be marketed.

(2) Applicants, manufacturers, or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., to obtain criticism of proposed designs or to discuss the requirements covering the approval of self-contained breathing apparatus. No charge is made for such consultation.

(b) The examination, inspection, and test shall be made at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa.

(c) The applicant, submitting the self-contained breathing apparatus for inspection, examination, and test, will be required to provide two sets of apparatus, prepaid to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa. If the apparatus successfully passes all the tests and requirements hereinafter specified, one set of the apparatus will be retained by the Bureau of Mines as a laboratory exhibit and the other set will be returned to the applicant. If the apparatus does not pass all of the Bureau's tests or requirements, both sets of apparatus will be returned to the applicant at his expense.

(d) Each self-contained breathing apparatus submitted for test shall have marked on it in a distinct manner the name and address of the manufacturer and the name, letter, or number by which the apparatus is designated for trade purposes.

(e) (1) For tests of self-contained oxygen breathing apparatus utilizing a supply of compressed gaseous oxygen, the oxygen will be supplied by the Bureau of Mines and will be of the purity specified in contracts by the Bureau for use in its own self-contained breathing apparatus, namely, at least 98 percent oxygen and the remainder nitrogen. The applicant shall supply such regenerators or regenerating materials as are necessary to operate the apparatus during the tests as hereinafter described.

(2) For tests of self-contained breathing apparatus utilizing a supply of compressed air, the applicant shall supply the compressed air (in suitable containers) necessary in making the hereafter described tests. The compressed air shall not contain any amount of gaseous, liquid, or solid substance that is harmful to a wearer of the apparatus under any condition of use. The applicant shall furnish a written statement setting forth the method used to compress the air and the controls used to prevent contamination of the compressed air by any gaseous, liquid, or solid substance that is harmful to a human being.

(3) For tests of self-contained breathing apparatus utilizing a supply of oxygen that is generated by a chemical reaction when using the apparatus, the applicant shall supply the oxygen-generating chemicals (in suitable containers) in amounts necessary to conduct the hereafter described tests. The oxygen shall not contain any amount of gaseous, liquid, or solid substance that is harmful to a wearer of the apparatus under any condition of use. The applicant shall furnish a written statement setting forth the method by which the oxygen is generated and the chemical reaction involved for this purpose during the use of the apparatus. Furthermore, this statement shall set forth how the chemicals in the oxygen generator have been manufactured so as to prevent contamination of the oxygen by any gaseous, liquid, or solid substance in amounts or proportions harmful to a human being.

(f) On receipt of the self-contained breathing apparatus for which application has been made for examination, inspection, or test, the applicant will be notified whether the apparatus meets the requirements of these regulations and whether additional spare parts are necessary to facilitate making a proper test of the apparatus. The applicant will be required to provide additional parts, if needed, and also to alter the apparatus, if necessary.

(g) No self-contained breathing apparatus will be tested unless it is in the complete form in which it is to be marketed.

(h) As soon as possible after the formal application for the test and the apparatus to be tested have been received, the applicant will be notified of the date on which the test will begin and if any additional material is required.

(i) Tests will be made in the order of receipt of application, provided that the applicant has furnished the necessary apparatus and material.

(j) Self-contained breathing apparatus in course of development may be submitted by manufacturers and inventors for preliminary test or inspection to ascertain defective construction or misapplication of safety principles. The Bureau will determine the nature of such test or inspection and the fee, if any. If a fee is to be charged, it shall be paid before the test or inspection is undertaken.

(k) No one shall be present during any part of the formal investigation, conducted by the Bureau, that leads to approval except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. When a self-contained breathing apparatus is approved as permissible, the Bureau will announce that such approval has been granted and may thereafter conduct from time to time, in its discretion, public demonstrations of the tests of approved self-contained breathing apparatus. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. The results of chemical analyses and all information contained in the drawings, specifications, and instructions shall be deemed confidential, and the Bureau will appropriately safeguard them against disclosure.

(l) Breathing apparatus will be tested for manufacturers or accredited agents of manufacturers and for inventors.

(m) The Bureau of Mines will make public from time to time a list of permissible self-contained breathing apparatus and data on tests of such equipment.

§ 11.3 *Fees for testing.*

	Apparatus with separate regenerator	Oxygen generating apparatus	Demand-type apparatus
Complete 2-hour self-contained breathing apparatus inspection and tests	$1,500	$1,500	$1,500
Complete 1-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Complete ¾-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Complete ½-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Separate preliminary 2-hour apparatus inspection and tests	230	230	230
Separate preliminary 1-hour apparatus inspection and tests	230	230	230
Separate preliminary ¾-hour apparatus inspection and tests	230	230	230
Separate preliminary ½-hour apparatus inspection and tests	230	230	230
Separate supplementary facepiece assembly	230	230	----------
Separate regenerator 2-hour apparatus inspection and tests	165	----------	----------
Separate regenerator 1-hour apparatus inspection and tests	165	----------	----------
Separate regenerator ¾-hour apparatus inspection and tests	165	----------	----------
Separate regenerator ½-hour apparatus inspection and tests	165	----------	----------
Special reducing valve inspection and tests, all models	165	165	165
Separate auxiliary parts inspection and tests, each part	110	110	110

Fees for testing unusually complicated types of self-contained breathing apparatus and for extensions of approval will be based on the actual cost of testing, as determined by the Bureau of Mines in advance; the applicant will be notified and the fees paid before the tests are begun.

§ 11.4 *General requirements.* To receive approval of the Bureau of Mines for any type of self-contained breathing apparatus described under types A, B, C, or D in the following, the apparatus must comply with the requirements specified. Four general types of self-contained breathing apparatus will be tested—type A, ½-hour; type B, ¾-hour; type C, 1-hour; and type D, 2-hour. To be approved each type of breathing apparatus must pass satisfactorily all of the tests specified for the respective type in § 11.7. The Bureau considers that the A, ½-hour, and B, ¾-hour, types are suitable for mine rescue and recovery work as auxiliary equipment only.

(a) The amount of oxygen or air supplied by the apparatus must meet the needs of the wearer at all times.

(b) The apparatus shall be free from mechanical obstructions so that the wearer can breathe freely at all times.

(c) The temperature of the inspired atmosphere shall not exceed 110° F.

when the temperature of the atmosphere external to the apparatus does not exceed 85° F. The Bureau will not test self-contained breathing apparatus when the temperature external to the apparatus exceeds 85° F. or is less than 60° F.

(d) The apparatus shall be durable in construction, and all vital parts shall be so protected as to prevent damage or excessive wear during the tests to which it will be subjected.

(e) (1) For an apparatus, equipped with a mouth-breathing device in which the expired atmosphere is recirculated and which utilizes a supply of compressed oxygen and a regenerator, the regenerating material (absorbent) shall absorb carbon dioxide from the expired atmosphere. Samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(2) For an apparatus, equipped with a facepiece, in which the expired atmosphere is recirculated and which utilizes a supply of compressed oxygen and a regenerator, the regenerating material (absorbent) shall absorb carbon dioxide from the expired atmosphere. Samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. Samples of the atmosphere within the apparatus shall be taken from the inhalation side of the apparatus as near as possible to the facepiece; the average carbon dioxide content of such samples shall not exceed 1 percent during the test. Samples of the atmosphere within the apparatus also shall be taken from within the facepiece as near as practicable to the nose and mouth of the wearer; the average carbon dioxide content of such samples shall not exceed 2 percent during the test.

(3) For an oxygen-generating apparatus, equipped with a mouth-breathing device, in which the expired atmosphere is recirculated and in which a chemical change is effected so that carbon dioxide is absorbed concurrently with the generation of oxygen, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(4) For an oxygen-generating apparatus, equipped with a facepiece, in which the expired atmosphere is recirculated and in which a chemical change is effected so that carbon dioxide is absorbed concurrently with the generation of oxygen, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(5) For an apparatus, equipped with a mouth-breathing device, in which the expired atmosphere is not recirculated, as in open-circuit (demand) apparatus, and which utilizes a supply of compressed oxygen or compressed air, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(6) For an apparatus, equipped with facepiece, in which the expired atmosphere is not recirculated, as in open-circuit (demand) apparatus, and which utilizes a supply of compressed oxygen or compressed air, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. Samples of the atmosphere within the apparatus shall be taken from the inhalation side of the apparatus as near as possible to the facepiece; the average carbon dioxide content of such samples shall not exceed 1 percent during the test. Samples of the atmosphere within the apparatus also shall be taken from within the facepiece as near as practicable to the nose and mouth of the wearer; the average carbon dioxide content of such samples shall not exceed 2 percent during the test.

(f) All parts of a self-contained breathing apparatus, including the source of the breathed atmosphere, shall be carried on the body of the wearer.

§ 11.5 *Construction.* (a) When worn in irrespirable air, the apparatus shall, without recharging, meet the needs of the wearer for not less than the number of minutes for which it was designed.

(b) The mechanical construction of the apparatus shall be such that every part can be tested, inspected, and repaired by persons that are skilled in such work, and all parts that require sterilizing shall be readily accessible for this purpose.

(c) All parts of the apparatus subject to or liable to be subjected to pressures in excess of 5 pounds per square inch shall be so constructed and equipped with safety devices that the safety of the wearer shall be assured, as determined by the 15 tests described in § 11.7.

(d) In apparatus equipped with a breathing bag or bags, or their equivalent, the inhalation and exhalation compartments shall have a combined capacity of at least 8 liters. If a single breathing bag is used, it shall have a capacity of at least 5 liters.

(e) In apparatus equipped with a breathing bag that is used in conjunction with operation of an oxygen- or air-admission valve, the bag shall have a capacity of at least 3 liters after the admission valve is closed. After 3 liters of oxygen or air is introduced into the breathing bag, the water-gage pressure shall not exceed 3 inches.

(f) All parts enclosing the breathed atmosphere of a self-contained breathing apparatus shall consist of material that will exclude gases external to the apparatus and be impervious to gasoline vapor for at least a 2½-hour period. The material shall be of good strength and be flexible, and the joints or seams shall be either cemented and sewed or vulcanized or bound in such manner that the part or parts will not become separated at the joints or seams when the apparatus is in use. Such part or parts may be made in one piece without joints or seams.

(g) The apparatus shall not have in its circulatory system any zone of constant negative pressure, or a positive pressure at the mouthpiece or facepiece of more than 3 inches water gage after a 2½-liter exhalation.

(h) A self-contained breathing apparatus in which the expired atmosphere is recirculated shall be provided with a release valve that is operated manually or automatically and is placed at some point in the circulatory system of the apparatus. The function of this valve shall be to permit the escape to the outside atmosphere of a part of the atmosphere in the circulatory system of the apparatus. The valve shall be so designed that the outside atmosphere cannot be drawn into the apparatus.

(i) When apparatus is equipped with high-pressure gas container(s) the applicant shall furnish therewith a certificate of test required by the Interstate Commerce Commission under Specifications No. 3–A or equivalent specifications or shall give evidence satisfactory to the Bureau that such high-pressure gas container(s) were tested in accordance with Interstate Commerce Commission Specifications No. 3–A or equivalent specifications.

(j) (1) When an apparatus is equipped with a high-pressure gas container charged with compressed oxygen or compressed air to a pressure 10 percent in excess of its marked service pressure, the container shall be equipped with a perforated safety cap attached to the main closing valve. The perforated safety cap shall contain a frangible disk, without fusible metal backing, and the disk shall have a bursting pressure of 2,650 to 3,000 pounds per square inch.

(2) When an apparatus is equipped with a high-pressure gas container charged with compressed oxygen or compressed air at a pressure not in excess of its marked service pressure, the container shall be equipped with a perforated safety cap attached to the main closing valve. The perforated safety cap shall contain a frangible disk, without fusible metal backing, having a bursting pressure of 2,650 to 3,000 pounds per square inch. As an alternate, when the high-pressure gas container is charged at a pressure not in excess of its marked service pressure, the container may be equipped with a perforated safety cap attached to the main closing valve and the safety cap provided with a plain copper disk and fiber gasket and filled with a metal (such as Rose's metal) having a fusing temperature of approximately 94° C. Such fusible metal shall not be forced from the perforated safety cap by a pressure less than 2,250 pounds per square inch.

(k) (1) The closing valve of the high-pressure gas container shall be provided with a device to prevent the wearer of the apparatus from screwing the stem entirely out of the valve. The closing valve shall also be provided with a device to enable the wearer to lock the valve stem open when the valve has been opened to the desired point. The valve-closing device shall be operable by hand without use of wrenches or external levers.

(2) Main and bypass valves that control the flow of compressed oxygen or compressed air from the source of supply shall be so located that they can be manipulated readily by the wearer when the apparatus is being worn.

(l) When an apparatus is equipped with a gage for recording time or pressure of compressed-oxygen or compressed-air supply, the Bureau of Mines will test such a gage for accuracy of calibration. A variation of 3 atmospheres (approximately 45 pounds per square inch) will be allowed in comparison with the pressure shown by the Bureau of Mines standard pressure gage.

(m) (1) Apparatus having a separate pressure-gage connection shall be equipped with a valve to shut off the compressed-oxygen or compressed-air supply from the gage. The gage-connection valve shall be so placed that it can be manipulated readily by the wearer without interfering with the flow of compressed oxygen or compressed air from the high-pressure gas container to the circulatory system of the apparatus.

(2) An oxygen-generating, self-contained breathing apparatus shall be equipped with a timing device that will indicate accurately the number of minutes a person may continue to wear the apparatus with safety.

(n) Any pressure gage or timing device shall be so located that it can be read easily by the wearer.

(o) Apparatus equipped with a reducing valve giving a constant or automatic flow of oxygen or air shall be provided with a bypass valve that will permit compressed oxygen or compressed air to flow freely from the high-pressure gas container to the circulatory system of the apparatus, independent of the reducing valve.

(p) When the compressed-oxygen or compressed-air supply of the apparatus is controlled by automatic devices, such devices shall adjust themselves readily to the needs of the wearer.

(q) Apparatus in which the expired atmosphere is recirculated and which is equipped with either a mouth-breathing device or a facepiece shall be provided with an adequate saliva or moisture trap and release valve at the exhalation side of the inhalation and exhalation valve assembly and shall be so designed that, while the saliva or moisture trap and release valve are functioning, any atmosphere that may be external thereto cannot be drawn into the apparatus.

(r) Apparatus equipped with a mouth-breathing device shall be provided with a suitable nose clip properly attached to the apparatus. The suitability of the nose clip will be determined by the tests to which the apparatus will be subjected.

(s) Self-contained breathing apparatus submitted for testing and approval shall not weigh more than 40 pounds when completely assembled and fully charged.

(t) Apparatus equipped with a facepiece shall meet the following requirements:

(1) The facepiece shall be so constructed as to assure quick, gastight fit on persons of widely varying facial dimensions and contours.

(2) The eyepiece(s) of the facepiece shall be of the nonshatter type and be so designed as to provide a satisfactory field of vision for persons of widely varying facial dimensions and contours. Air or oxygen shall enter the facepiece in such manner as will prevent excessive accumulation of moisture on the eyepiece(s). If fog-preventing solutions or other substances are applied to or furnished for application to the lenses of the eyepiece(s), such solutions or substances shall be nonirritating, odorless, and nonflammable.

(3) A facepiece shall be provided with elastic headbands that are adjustable and replaceable.

(4) If a facepiece is equipped with an exhalation valve, the valve shall be guarded to prevent distortion and injury.

(5) For self-contained breathing apparatus, approved before the effective date of this part and for which a facepiece is approved as supplemental equipment, the facepiece shall weigh not more than 3 pounds complete with inhalation and exhalation valve assembly, breathing tubes, and fittings.

(6) A facepiece approved as supplemental equipment shall be distinctively and permanently marked to identify it as a supplemental part of a specific type of self-contained breathing apparatus.

§ 11.6 *Character and general description of tests.* (a) After the self-contained breathing apparatus to be tested for permissibility has been thoroughly inspected for adequacy of its mechanical principles, a series of 15 tests will be made, as described in § 11.7. At the beginning of the series of tests, if a high-pressure gas container is used on the apparatus, it shall first be charged with oxygen or air to a pressure of 10 atmospheres (approximately 150 pounds per square inch) and the oxygen or air permitted to escape into the atmosphere. Any high-pressure gas container used in the tests shall be fully charged at the beginning of each test at a pressure prescribed by the applicant or manufacturer of the apparatus.

(b) If an apparatus using compressed oxygen or compressed air is equipped with one or more breathing bags, the breathing bag or bags shall be deflated at the beginning of each test to expel any contained nitrogen.

(c) A single test must be continuous, without removal of the apparatus from the wearer during the test.

(d) Samples of the atmosphere from an apparatus in which the atmosphere is recirculated and which is equipped with a mouth-breathing device or a facepiece shall be taken from the inhalation side of the circulatory system as near as possible to the mouthpiece or facepiece, as the case may be. Samples of the atmosphere from a regenerating- or recirculating-type apparatus equipped with a facepiece also shall be taken from the interior of the facepiece as near as practicable to the nose and mouth of the wearer of the apparatus and shall be taken only when the wearer is inhaling. Samples of the atmosphere from an apparatus in which the atmosphere is not recirculated, such as in open-circuit (demand) equipment, and which is equipped with a mouth-breathing device shall be taken from the inhalation side of the apparatus as near as possible to the mouthpiece. Samples of the atmosphere from an apparatus in which the atmosphere is not recirculated, such as in open-circuit (demand) equipment, and which is equipped with a facepiece shall be taken from the interior of the facepiece as near as practicable to the nose and mouth of the wearer and shall be taken only when the wearer is inhaling. The first sample shall be taken from the source of supply of compressed oxygen or compressed air immediately before the beginning of the test. The second sample shall be taken after the apparatus has been adjusted to the wearer and compressed oxygen or compressed air has been turned on and after the wearer has inhaled at least three

(f) *Test 5.*

TABLE 2—DURATION OF SPECIFIC ACTIVITIES FOR TEST 5

Activity	Self-contained breathing apparatus			
	½-hour A type	¾-hour B type	1-hour C type	2-hour D type
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Wearer walks at 3 miles per hour	2 minutes	2 minutes	6 minutes	10 minutes.
Carries 50-pound weight over overcast	3 times in 4 minutes.	3 times in 6 minutes.	4 times in 8 minutes.	5 times in 10 minutes.
Walks at 3 miles per hour	2 minutes	4 minutes	4 minutes	10 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Carries 45-pound weight and walks at 3 miles per hour	2 minutes	3 minutes	4 minutes	8 minutes.
Raises 45-pound weight 5 feet vertically	30 times in 2 minutes.	45 times in 3 minutes.	60 times in 4 minutes.	75 times in 5 minutes.
Saws wood as indicated	2 minutes	6 minutes	10 minutes	15 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Carries 50-pound weight over overcast	3 times in 6 minutes.	4 times in 8 minutes.	5 times in 10 minutes.	10 times in 20 minutes.
Walks at 3 miles per hour	2 minutes	4 minutes	6 minutes	8 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour				24 minutes.
Sampling and readings				2 minutes.
Total	30 minutes	45 minutes	60 minutes	120 minutes.

(g) *Tests 6, 7, and 8.* The work schedule for Test 5, give in Table 2, is repeated for each of these tests.

(h) *Test 9.*

TABLE 3—DURATION OF SPECIFIC ACTIVITIES FOR TEST 9

Activity	Self-contained breathing apparatus			
	½-hour A type	¾-hour B type	1-hour C type	2-hour D type
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Wearer walks at 3 miles per hour	3 minutes	4 minutes	8 minutes	5 minutes.
Crawls as indicated	25 feet in 3 minutes.	40 feet in 4 minutes.	60 feet in 6 minutes.	100 feet in 10 minutes.
Lies on his side	1 minute	2 minutes	3 minutes	5 minutes.
Lies on his back	1 minute	2 minutes	3 minutes	5 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour	2 minutes	2 minutes	6 minutes	10 minutes.
Runs at 6 to 8 miles per hour	300 feet in 1 minute.	400 feet in 2 minutes.	600 feet in 3 minutes.	1,000 feet in 5 minutes.
Walks at 3 miles per hour	3 minutes	4 minutes	7 minutes	15 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour	2 minutes	3 minutes	6 minutes	10 minutes.
Carries 50-pound weight over overcast	3 times in 4 minutes.	4 times in 6 minutes.	5 times in 8 minutes.	5 times in 10 minutes.
Walks at 3 miles per hour	2 minutes	3 minutes	4 minutes	6 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour				24 minutes.
Sampling and readings				2 minutes.
Total	30 minutes	45 minutes	60 minutes	120 minutes.

(i) *Tests 10 and 11.* The work schedule for Test 3, given in Table 3, is repeated for each of these tests.

§ 11.7 *Detailed procedure of tests.* (a) The tests are designed to represent conditions and work to which the wearer of a self-contained breathing apparatus may be subjected while wearing apparatus under actual conditions in a mine or plant.

(b) The distances specified for walking, running, crawling, and carrying material, with the exception of the distance when carrying material over the overcast, are to be over a level, measured course free from obstructions.

(c) Atmospheric samples and temperature readings from within the apparatus and the pulse and respiration of the wearer of the apparatus will be taken during a 2-minute period at the beginning and at the end of each test. In addition, atmospheric samples and readings of temperature, pulse, and respiration will be taken during 2-minute periods, indicated in Tables 1–5, inclusive, as "Sampling and readings," for each type of apparatus.

(d) *Test 1.*

TABLE 1—DURATION OF SPECIFIC ACTIVITIES FOR TEST 1

Activity	Self-contained breathing apparatus			
	½-hour A type	¾-hour B type	1-hour C type	2-hour D type
Sampling and readings	*Minutes* 2	*Minutes* 2	*Minutes* 2	2
Wearer walks at 3 miles per hour	8	13	18	28
Sampling and readings	2	2	2	2
Wearer walks at 3 miles per hour	8	13	18	28
Sampling and readings	2	2	2	2
Wearer walks at 3 miles per hour	8	12	17	28
Sampling and readings	2	2	2	2
Wearer walks at 3 miles per hour	6	12	17	28
Sampling and readings	2	2	2	2
Wearer walks at 3 miles per hour				26
Sampling and readings				2
Total	30	45	60	120

(e) *Tests 2, 3, and 4.* The work schedule for Test 1, given in Table 1, is repeated for each of these tests.

times and has exhaled to the atmosphere outside of the apparatus. Samples shall be taken as indicated in Tables 1–5, inclusive, of § 11.7 for ½-hour, A types; ¾-hour, B types; 1-hour, C types; and 2-hour, D types; respectively. The physiological effects of the apparatus on the wearer will be noted during each test; they include the comfort of the wearer, ease of breathing, and lack of interference with normal body functioning, as determined by questioning the wearer of the apparatus during and after testing.

(e) Not more than 1 test of 2 hours' duration will be made on any day. The tests will be completed within 60 days from date of beginning, unless prevented by conditions that are beyond the control of the Bureau.

All tests of apparatus will be conducted in a specially equipped gallery filled with an irrespirable atmosphere, at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa.

(f) Before each test is begun, the apparatus shall be examined and tested to make certain that no leakage is present under working conditions.

(g) The apparatus under test will be worn during each and all of the periods of the 15 tests by qualified Bureau of Mines personnel assigned to such test work. Immediately before participation in any of these tests the prospective wearer of the apparatus being tested shall pass, satisfactorily, a physical examination by a qualified physician. If it is impossible to complete any one of these tests solely because of the poor physical condition of the wearer, when such condition has been brought about through no fault of the apparatus being tested, such test shall be disregarded, and the apparatus shall not be penalized or disqualified thereby.

(h) At the conclusion of each test a record shall be made of the general physical condition of the wearer and of the apparatus and of the amount of compressed oxygen or compressed air, if any, remaining in the container. The schedule of work to be performed by the wearer of the apparatus in each of the 15 tests is described in § 11.7.

(j) *Test 12.*

TABLE 4—DURATION OF SPECIFIC ACTIVITIES FOR TEST 12

Activity	Self-contained breathing apparatus			
	½-hour A type	¾-hour B type	1-hour C type	2-hour D type
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Wearer walks at 3 miles per hour	1 minute	2 minutes	2 minutes	8 minutes.
Runs at 6 to 8 miles per hour	300 feet in 1 minute.	300 feet in 1 minute.	600 feet in 2 minutes.	600 feet in 2 minutes.
Raises 45-pound weight 5 feet vertically	30 times in 2 minutes.	45 times in 3 minutes.	60 times in 4 minutes.	75 times in 5 minutes.
Carries 45-pound weight as indicated	200 feet in 1 minute.	400 feet in 2 minutes.	400 feet in 2 minutes.	1,000 feet in 5 minutes.
Carries 50-pound weight over overcast	2 times in 4 minutes.	2 times in 4 minutes.	4 times in 8 minutes.	5 times in 10 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour	2 minutes	2 minutes	4 minutes	8 minutes.
Carries 50-pound weight over overcast	2 times in 3 minutes.	6 times in 9 minutes.	8 times in 12 minutes.	10 times in 15 minutes.
Raises 45-pound weight 5 feet vertically	30 times in 2 minutes.	45 times in 3 minutes.	60 times in 4 minutes.	75 times in 5 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour	2 minutes	3 minutes	4 minutes	8 minutes.
Raises 45-pound weight 5 feet vertically	30 times in 2 minutes.	45 times in 3 minutes.	60 times in 4 minutes.	75 times in 5 minutes.
Walks at 3 miles per hour	2 minutes	5 minutes	6 minutes	15 minutes.
Sampling and readings	2 minutes	2 minutes	2 minutes	2 minutes.
Walks at 3 miles per hour				24 minutes.
Sampling and readings				2 minutes.
Total	30 minutes	45 minutes	60 minutes	120 minutes.

(k) *Tests 13 and 14.* The work schedule for Test 12, given in Table 4, is repeated for each of these tests.

(l) *Test 15.*

TABLE 5—DURATION OF SPECIFIC ACTIVITIES FOR TEST 15

Activity	Self-contained breathing apparatus			
	½-hour A type	¾-hour B type	1-hour C type	2-hour D type
Sampling and readings	*Minutes* 2	*Minutes* 2	*Minutes* 2	*Minutes* 2
Wearer sits quietly	8	13	18	28
Sampling and readings	2	2	2	2
Wearer sits quietly	8	13	18	28
Sampling and readings	2	2	2	2
	(1)	(1)	(1)	(1)

1 Continue sitting quietly and take samples and readings at the same listed intervals until the supply of compressed oxygen or compressed air is exhausted; record the time when the supply is exhausted.

(m) Test 15 is made to determine the maximum length of time that the apparatus will supply the needs of the wearer when in a quiescent state. The wearer will remain as far as possible in a sitting posture throughout the test and perform no work. He will be allowed to manipulate the devices controlling the compressed-oxygen or compressed-air supply to conserve such compressed-oxygen or compressed-air supply to the greatest advantage.

§ 11.8 *Approval of regenerators.* (a) The Bureau will, on application, make separate tests, identical with the foregoing tests, of regenerators manufactured for use with any breathing apparatus that it has approved under the regulations of this part.

(b) Regenerators that fulfill the requirements of the foregoing tests will be approved for use only with that particular type of apparatus for which they are designed and that has previously been approved by the Bureau.

§ 11.9 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the investigation and suitable drawings and specifications have been placed on file, it will supply the applicant with a formal written notification of approval or disapproval of the self-contained breathing apparatus. If the breathing apparatus meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the apparatus fails to meet any requirements of this part, the notification will be accompanied by details of the failure, with a view to possible remedying of the defect or defects in self-contained breathing apparatus submitted for testing and approval in the future. Results of tests of self-contained breathing apparatus that fail to meet the requirements will not be made public by the Bureau.

(b) When an application for testing an apparatus is received and within a period not exceeding 10 days one or more additional applications for testing apparatus are received from sources different from the first application, the Bureau will not announce approval of the first apparatus unless approval can be announced for the other apparatus within a period not exceeding the interval of time between receipt of the first and subsequent applications. This exception is contingent upon the apparatus submitted with each application successfully meeting all of the requirements prescribed in this part. If an apparatus does not meet all of the requirements prescribed in this part it will not delay announcement of approval of such apparatus as have met the requirements.

(c) When an applicant or manufacturer receives formal notification of approval, he shall be free to advertise the type of successfully tested self-contained breathing apparatus as "permissible" and to use the approval inscription described in § 11.10.

§ 11.10 *Approval plates and markings for permissible apparatus and for approved supplemental parts.* (a) Manufacturers of self-contained breathing apparatus that has been approved by the Bureau as permissible and is to be offered for sale as such are required to attach to each apparatus a plate or marking bearing the following inscription:

Permissible Breathing Apparatus, United State Bureau of Mines Approval No. ———.

(b) When a supplemental part, such as a facepiece, is approved for use with an approved self-contained breathing apparatus, it shall be plainly and permanently marked to identify the apparatus for which it is a supplemental part, substantially as follows:

U. S. B. M. Approval No. ——— for use with ——————— Breathing Apparatus
(Trade name)
U. S. B. M. Approval No. ———.

The inscription shall be stamped, cast, or molded into the supplemental part of the breathing apparatus or shall be on a plate attached to the supplemental part.

§ 11.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make the approved self-contained breathing apparatus according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved apparatus, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., requesting an extension of the original approval and stating the change or changes desired. He shall send 2 sets of revised drawings and specifications showing the changes in detail, and 1 each of the apparatus parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be notified formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be notified of the fee and material required.

§ 11.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

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TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

APPOINTMENTS

Sections 561.2–561.8, 561.13, 561.14, 561.16, 561.17, 561.19 and 561.20 are revised, and §§ 561.9, 561.10, and 561.21 are added, as follows:

§ 561.2 *Purpose.* The regulations of §§ 561.2 to 561.21 provide a basis for the systematic procurement of male and female Reserve commissioned officers for service in the Army Reserve and establish the requirements and procedures for appointment.

§ 561.3 *Procurement.* Procurement of Reserve commissioned officers for service in the Army Reserve will be from the following sources:

(a) Former officers of any component of the Armed Forces of the United States and former officers of the Army of the United States, without component (§ 561.14).

(b) Qualified warrant officers and noncommissioned officers of the Army who are in the active military service and qualified Reserve enlisted members and Reserve warrant officers of the Army.

(c) Professional and technical personnel.

(1) For the Chaplains Branch (§ 561.16).

(2) For The Judge Advocate General's Corps Branch (§ 561.17).

(3) For the Women's Army Corps Branch (§ 561.19).

(4) For the Army Medical Service Branches. See § 561.18.

(5) For the Civil Affairs/Military Government Branch (§ 561.21).

(6) For the Staff Specialist Branch.

(7) For other professional and technical personnel (§ 561.20).

(d) Graduates of Senior ROTC Units.

(e) Graduates of officer candidate schools.

§ 561.4 *Members of reserve components of other Armed Forces and Public Health Service.* (a) Appointments may be tendered to members of the reserve components of the Air Force, Navy, Marine Corps, Coast Guard, or the Public Health Service who are not on active duty with their parent Armed Force or service if consent has been obtained by such member from his parent Armed Force or service for separation therefrom prior to acceptance of appointment as a Reserve officer of the Army.

(b) Officers of the Air Force Reserve who are on any retired list of the Army (other than the Officers Honorary Retired List) may be appointed in the same grade held in the Air Force Reserve. If such officer is in the Air Force Retired Reserve, he may be appointed and concurrently transferred to the Retired Reserve of the Army Reserve. Appointments under this paragraph may be made without regard to physical qualifications, vacancy, age, or examination by a board of officers.

§ 561.5 *Availability.* Appointments are tendered with the expectation that the person appointed will be available for service in the event of emergency or mobilization. Applicants must have full knowledge of this requirement when submitting applications for appointment.

§ 561.6 *Ineligibles.* The following persons are not eligible for appointment:

(a) Conscientious objectors, except that waiver will be granted by the appointing authority in cases of those who by reason of religious training and belief are conscientiously opposed to combatant training and service in the Armed Forces but who volunteer for noncombatant service in the Chaplains Branch and the branches of the Army Medical Service except the Veterinary Corps, with concurrent call to active duty. Such persons will be required to certify to their conscientious objection to combatant service and their willingness to perform full and unqualified military medical service or services as a Chaplain, as appropriate. A former conscientious objector who is applying for the Veterinary Corps or other branch not mentioned in this paragraph will be required to furnish an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his unwillingness to bear arms and to give full and unqualified military service to the United States.

(b) Those who have a record of conviction by any type of military or civil court for other than a minor traffic violation. The area commander may grant waivers for conviction for minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. Waivers in the case of any individual who has been convicted of a crime involving moral turpitude will be granted only by the Department of the Army. All requests for waivers will be submitted with applications and evaluated in connection with the National Agency Check.

(c) Those dropped from the rolls of the Army and those who have been or are being relieved from active duty or separated from the service for one of the following reasons:

(1) Under other than honorable conditions, except as provided in paragraph (1) of this section.

(2) For unsatisfactory service.

(3) By reason of resignation in lieu of court martial, reclassification, any form of corrective or disciplinary action, or elimination for the good of the service.

(4) Having been passed over twice for promotion, or otherwise discharged because of failure to be promoted to a higher grade.

(5) Having been separated from any component of any of the Armed Forces of the United States as a security risk or for other than security reasons while undergoing investigation.

(6) For failure to maintain eligibility for retention in an active reserve status except that after the elapse of 1 year, if conditions which contributed to inability to maintain such eligibility are changed, the individual may be considered for appointment, if the obstacles to active participation have been removed. The burden of establishing the fact that there was a valid reason to prevent his participation with the reserve forces and that such reason has been removed, rests on the individual and he will be required to state clearly that he will actively participate if reappointed.

(d) Those who are, or have been, members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means, and whose case has not been adjudicated favorably by the Department of the Army.

(e) Members of the Regular component of the Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or the Coast and Geodetic Survey, including those listed on the retired lists. See § 561.4 regarding members of the reserve components of the other Armed Forces.

(f) Cadets, United States Military Academy; cadets, United States Air Force Academy; midshipmen, United States Naval Academy; and cadets, United States Coast Guard Academy.

(g) Those who are in the military service of a foreign government, or those employed by a foreign government unless approval is obtained from the Department of the Army.

(h) Active or retired officers of the Regular Army.

(i) Retired warrant officers and retired enlisted personnel of the Regular Army, except that such personnel who are former commissioned officers may be considered for appointment as Reserve commissioned officers.

(j) Female personnel who have any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including step-children or foster children under 18 years of age.

(k) Applicants will not be eligible whose appointment would cause them to hold simultaneously more than one reserve status. This does not preclude appointment when separation from the current reserve status can be accomplished. For example, a reservist on active duty as such cannot be separated from his current status as long as he is to remain on active duty in that status. His appointment to another reserve status will not be made unless he is to be placed on active duty under the new reserve status.

(l) An individual whose discharge, upon appeal under section 301, act 22 June 1944 (58 Stat. 286; 38 U. S. C. 693h), was changed to separation "under honorable conditions" is not eligible for appointment solely because of such change, since the action characterizing the service as honorable is determinative only of the type or nature of the discharge. Appointment will be tendered or refused, based upon the facts and merits of the individual case, after examination and evaluation of the entire record of prior service. Appointment will not be made until verification of the applicant's eligibility for such appointment and approval thereof have been received from The Adjutant General.

(m) Those individuals denied retired pay or annuities under the act of 1 September 1954 (68 Stat. 1142).

§ 561.7 *Foreign residence.* United States citizens who reside in a foreign country are eligible for appointment if they meet one of the following requirements:

(a) Reside in a country in which the United States has troops stationed and with the consent of the country concerned.

(b) Reside in a country in which the United States is furnishing, at the time, a military mission, advisory group, or a similar group of military personnel.

(c) Are employed by the United States Government and are on duty with an embassy, legation, or consular office of the United States Government.

(d) Can furnish evidence of having obtained the official consent of the country in which they reside to accept appointment as a Reserve officer in the Army of the United States; application for such consent will be made through diplomatic channels.

(e) Reside in an occupied area.

§ 561.8 *Eligibility.* The following are basic requirements for appointment as Reserve commissioned officers for service in the Army Reserve.

(a) *Minimum age requirements.* (1) Male applicants must be at least 18 years of age for initial appointment.

(2) Female applicants must be at least:

(i) 20 years of age for initial appointment for assignment to the Women's Army Corps branch.

(ii) 21 years of age for initial appointment for assignment to other branches.

(b) *Branch assignment restrictions for males and females.* (1) Female applicants for appointment as Reserve commissioned officers are eligible for assignment in the following branches only: Army Nurse Corps, Dental Corps, Medical Corps, Veterinary Corps, Medical Service Corps, Army Medical Specialist Corps, and Women's Army Corps.

(2) Male applicants are not eligible for assignment in the Women's Army Corps.

(c) *Citizenship requirements.* (1) A male applicant must be a citizen of the United States, its territories, or possessions, or have made a declaration of intention to become a citizen thereof, except that a noncitizen, other than an applicant for a commission in the Army Nurse Corps or Army Medical Specialist Corps, who had prior service in the Armed Forces of the United States or who is serving in the active military service of the Army is eligible for appointment subject to the following requirements:

(i) Must be residing or serving in the Army, within the continental United States.

(ii) Must lawfully have entered the United States for permanent residence, except that an individual in the active military service of the Army who entered such service outside the United States and was ordered to the United States by competent authority for military duty is exempt from this requirement.

(iii) Must not be barred from citizenship by reason of having applied for and having been relieved or discharged from the Armed Forces by reason of alienage.

(2) A female applicant must be a citizen of the United States, its territories, or possessions, except that for assignment to the Army Nurse Corps and Army Medical Specialist Corps an individual who has made a declaration of intent to become a citizen of the United States is eligible.

(d) *Mental requirements.* Applicant will be administered the Armed Forces Qualification Test AFQT–1 or –2, by the examining board, and must achieve a percentile score of 74 or higher thereon except for the following:

(1) Those who have a previously recorded standard score of 115 or higher on AFQT–1 or –2, the Army General Classification Test (AGCT), the general classification test (GCT), Aptitude Area I, or General Technical Aptitude Area (GT).

(2) Those who have evidence of satisfactory completion of 120 credit hours at a nationally or regionally accredited college or university.

(3) Former officers and warrant officers.

(4) Applicants for appointment for assignment to the Army Nurse Corps and Army Medical Specialist Corps.

(e) *Educational requirements.* (1) Each applicant must be a graduate of a high school or school of similar level, or must pass the General Educational Development Test (high school level or higher) of the United States Armed Forces Institute. Additional educational requirements for various branches are shown as special requirements under the governing sections or regulations.

(2) Demonstrated understanding of, and proficiency in the English language is a prerequisite for appointment. Foreign born applicants whose mother tongue is other than English will be carefully examined by the board to insure that their command of the English language is sufficient to enable them to understand the necessary technical information.

(f) *Moral requirements.* Each applicant must have high moral character and personal qualifications.

(g) *Leadership requirements.* Each applicant must have qualifications for potential leadership and ability to deal with people. Such qualifications may be evaluated in terms of such factors as the applicant's background and experience.

§ 561.9 *Limitations on appointments.* (a) Appointments will be limited to those necessary to:

(1) Fill existing vacancies in the Ready Reserve troop program units when there are no qualified officers of appropriate or lower grade available to fill such vacancies. For assignment to the WAC Branch under § 561.19, appointment to fill such vacancies will be made only when:

(i) The applicant is considered qualified to perform the normal duties of the position vacancy.

(ii) Assignment of WAC personnel is authorized by AR 140–140 (Army regulations pertaining to assignments and attachments).

(2) Fill mobilization designation position vacancies within authorized ceilings when the individual has been approved by the ID proponent agency for designation to fill such position.

(3) Meet the need for officers for active duty when qualified Reserve officers are not available.

(4) Meet the need for Ready Reserve reinforcements under quotas announced by The Adjutant General, subject to the following:

(i) For officers, former officers and professional and technical personnel, appointments for Ready Reserve reinforcements will not be made in grade above captain.

(ii) Appointments for WAC branch assignment under § 561.19 will not be made for Ready Reserve reinforcements.

(b) The restrictions in paragraph (a) of this section do not apply to warrant officers and enlisted personnel in the active military service of the Army, or to a Reserve officer in a grade above colonel who ceases to occupy a position commensurate with his grade and who upon discharge applies for appointment in the grade held as a Reserve officer prior to appointment in a general officer grade.

§ 561.10 *Vacancies, active duty quotas, and submission of applications.* (a) Individuals interested in appointment may secure information from chiefs of military districts, senior army advisors or unit commanders. Information regarding quotas for active duty may be secured from the appropriate area commander.

(b) Applications for appointment will be submitted to the area commander in whose jurisdiction the applicant is residing, or in case of personnel on active duty with the Army, to the area commander in whose jurisdiction they are serving, through channels as indicated or through the comparable responsible officer in oversea commands.

§ 561.13 *Applications and allied papers.* Blank forms may be obtained from any Army Reserve adviser, the chief of any military district, or commanding officer of any military installation.

§ 561.14 *Appointment of officers and former officers as reserve commissioned officers*—(a) *General.* (1) Officers and former officers who meet the requirements of §§ 561.2 to 561.9 may apply under this section for appointment as Reserve commissioned officers of the Army based upon their prior service. Applications will be processed in accordance with § 561.10.

(2) Appointments under this section will not be in:

(i) General officer grades.

(ii) Chaplains branch.

(iii) Judge Advocate General's Corps branch.

(iv) Army Medical Service branches.

(v) Civil Affairs/Military Government branch.

(b) *Grades for appointment and personnel eligible.* (1) The following personnel, if otherwise qualified, may be appointed in grades as indicated, subject to the limitations contained in subparagraphs (2) and (3) of this paragraph and in § 561.9.

(i) Former commissioned officers of the Regular Army, the Officers' Reserve Corps, the Army Reserve, the National Guard of the United States, and the Army of the United States without component, in highest grade satisfactorily held, or in the last grade held if reduced from a higher grade under the provisions of AR 605–200 (Army regulations pertaining to demotion and elimination), reclassification proceedings, or similar action (subdivision (v) of this subparagraph).

(ii) Former commissioned officers of the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, and the United States Public

Health Service, including reserve and temporary officers thereof, in the Army grade comparable to the last grade held by them.

(iii) Officers of reserve components of other Armed Forces of the United States, and United States Public Health Service, in the Army grade comparable to the last grade held by them.

(iv) Former second lieutenants who upon appointment would be eligible for promotion to first lieutenant will be appointed as first lieutenants.

(v) Former officers who were discharged as Reserve officers of the Army in the grade of second lieutenant because of failure to qualify for promotion may be appointed only for vacancies indicated in § 561.9 (a) (1). Upon appointment as a second lieutenant such officers will be credited with 2 years' service in an active status in accordance with paragraph 5*a*, AR 135–155 (Army regulations pertaining to promotion of commissioned officers). If again discharged because of failure to qualify for promotion such officer will not be eligible for appointment.

(vi) Officers and former officers of the Army Reserve whose 5-year term appointments have or have not expired will be tendered indefinite term appointments in the grade currently held, or highest grade satisfactorily held if a former officer, under the following conditions:

(*a*) Officers currently holding 5-year appointments who, having been tendered appointment for an indefinite term declined to accept, will be tendered an indefinite term appointment between 120 to 90 days prior to expiration of his 5-year appointment, if otherwise eligible.

(*b*) Former officers discharged from their 5-year appointment because of expiration thereof, may be appointed if otherwise eligible, without formal application, board action, physical examination except a certificate by the individual of physical condition, or vacancy, if it is determined that discharge was effected because of inability to complete indefinite term appointment processing due to mitigating circumstances beyond control of commanders or officers concerned. Retroactive appointments are not authorized.

(*c*) Officers and former officers indicated in (*a*) and (*b*) of this subdivision will not be tendered indefinite term appointments unless they are qualified under security, loyalty and suitability standards, including execution of DD Form 98 and a favorable National Agency Check.

(2) The following are restricted to the grades indicated:

(i) *Male officers.* Up to and including colonel.

(ii) *Women's Army Corps.* Up to and including lieutenant colonel, except that a former director of the WAC may be appointed in the grade of colonel.

(3) The grades in which appointed to fill vacancies in troop program units or mobilization designations (§ 561.9) will not exceed the grades authorized in subparagraph (1) of this paragraph, and will not be higher than that authorized for the position to be filled.

(c) *Maximum ages.* Applicants must not have reached the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is authorized but such increase is not authorized if the applicant would have less than 2 years to serve before being removed from an active status. Previous service includes active duty in the Army, in the federally recognized National Guard, and/or active reserve status.

Grade:	Age
Second lieutenant	28
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(d) *Branches.* Except as provided in paragraph (a) (2) of this section, appointments under this section will be made for assignment in the branches listed in § 561.1, subject to the following:

(1) Former commissioned officers of any of the Armed Forces of the United States on active duty in the Army in a warrant officer or enlisted status, if qualified, will be given the option of accepting appointment for assignment in the:

(i) Branch in which they have been assigned or detailed, provided they are qualified therefor, or

(ii) Branch in which they have formerly held an appointment, or

(iii) Staff Specialist branch if they meet the requirements set forth in SR 140–5–3 (special regulations pertaining to Staff Specialist branch).

(2) For qualified applicants who are not on actvie duty, the branches for assignment will be determined by their qualifications and the vacancies which they are to fill (§ 561.9) or in accordance with subparagraph (1) of this paragraph.

§ 561.16 *Appointment as Reserve commissioned officers of the Army for assignment to the Chaplains Branch*—(a) *General.* (This section prescribes the special requirements and procedures for the appointment of qualified individuals as Reserve officers of the Army for assignment to the Chaplains Branch, Army Reserve. Sections 561.2–561.10 will apply except as otherwise provided in this section.

(b) *Grade.* Appointments under this section will not be made in the grade of second lieutenant except as provided in subparagraph (3) of this paragraph or in general officer grades.

(2) Appointment of qualified individuals may be made in grades as follows:

(i) Applicants who have had no prior commissioned service will be appointed initially in the grade of first lieutenant only.

(ii) Former chaplains of any of the Armed Forces of the United States other than the Army may be appointed in a grade corresponding to the last grade held.

(iii) Former chaplains of any component of the Army or of the Army of the United States without component may be appointed in the highest grade held.

(iv) Former officers of any of the Armed Forces of the United States, including the Army, who have had no service as chaplains may be appointed in a grade not above that of captain.

(v) Chaplains of reserve components of other Armed Forces of the United States may be appointed in a grade corresponding to the last grade held.

(3) Within authorized quotas qualified individuals who meet the requirements in paragraph (c) (3) of this section may be appointed as Reserve officers of the Army in the grade of second lieutenant and with assignment to the Staff Specialist Branch until such time as they become eligible for assignment to the Chaplains branch. An individual so appointed will be credited with an amount of service in an active status equal to 3 years less whatever period it is anticipated will be required for him to become eligible for assignment to the Chaplains branch.

(c) *Special requirements.* (1) Applicants with prior service as chaplains in any of the Armed Forces of the United States must meet the requirements in subparagraph (2) (ii) and (iii) of this paragraph.

(2) Applicants for initial appointment in the grades above second lieutenant and former officers who have had no prior service as chaplains must meet the following requirements:

(i) *Education.* (*a*) Applicants must possess a consolidated transcript of 120 semester hours of undergraduate credit obtained at a recognized college or university, and a consolidated transcript of 90 semester hours of credit obtained at a recognized theological school or equivalent credits in the fields of religion and the social sciences performed in a recognized university or other graduate school. The Secretary of the Army will consider requests for waiver of the graduate requirement upon specific recommendation of the Chief of Chaplains.

(*b*) A senior seminary student of a recognized theological school who desires appointment and call to active duty is not required to have completed graduate study as described above at the time of application, which may be initiated 120 days prior to graduation and ordination, but must submit transcripts of graduate work at the theological school which will include seminary courses or a statement of the registrar of the hours earned to date of application and also the hours which will be credited upon completion of the school year. The Department of the Army will verify successful completion of graduate study prior to appointment.

(ii) *Maximum ages.* (*a*) Applicants must not have reached the birthday indicated below prior to appointment in the grade indicated. (For grade of second lieutenant see subparagraph (3) (v) of this paragraph.)

Grade:	Age
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(*b*) Age limits shown in (*a*) of this subdivision may be increased for former officers of any component of the Army and of the Army of the United States without component by an amount not to exceed previous length of service in the grade in which appointment is authorized, except that such increase is not authorized if the applicant would have less than 2 years to serve before being removed from an active status.

(*c*) The secretary of the Army, upon recommendation of the Chief of Chaplains, will consider granting waiver of age limitation for initial appointment and concurrent active duty in the grade of first lieutenant for certain individuals who have not attained their 39th birthday and who are otherwise qualified.

(iii) *Ecclesiastical indorsement.* Applicants must present an ecclesiastical indorsement from their recognized denominational indorsing agency certifying that the applicant is accredited by and in good standing in a recognized religious denomination or organization; that he is fully ordained or accredited priest, rabbi, or minister of religion; that he is actively engaged in the pursuit of his religious vocation, and that he is recommended as being qualified spiritually, intellectually, and emotionally for the Army Chaplaincy. In lieu of ecclesiastical indorsement, senior theological students who desire active duty may submit a conditional ecclesiastical indorsement from their respective denominational agency indicating that they receive full indorsement upon ordination (subdivision (i) (*b*) of this subparagraph). The Department of the Army will verify ecclesiastical qualifications and indorsements prior to appointment.

(3) Applicants for initial appointment in the grade of second lieutenant must meet the following special requirements:

(i) Present transcript of 120 undergraduate hours completed in a recognized college or university.

(ii) Present ecclesiastical approval from the applicant's recognized denominational indorsing agency.

(iii) Present statement from the registrar of a recognized theological seminary that the applicant is either enrolled as a full-time student or has been accepted for the next entering class.

(iv) Applicants must make the following statement in the section of remarks (item 31) on DA Form 61 (Application for Appointment): "If appointed in the grade of second lieutenant, USAR, for assignment to the Staff Specialist Branch, I agree to accept a commission as first lieutenant, USAR, with assignment to the Chaplain Branch, if tendered, upon graduation from seminary and upon ordination. I further agree to serve a minimum period of 2 full years on active duty upon appointment as first lieutenant if the Department of the Army requires my services."

(v) Applicants must not have reached their 30th birthday prior to appointment as second lieutenant.

(d) *Unit vacancies and active duty quotas.* See § 561.10. Information regarding quotas for active duty may be secured also from the Chief of Chaplains, Department of the Army, Washington 25, D. C.

§ 561.17 *Appointment as Reserve commissioned officers of the Army for assignment to the Judge Advocate General's Corps Branch*—(a) *General.* This section prescribes the special requirements for appointment of qualified male personnel for assignment to the Judge Advocate General's Corps Branch.

(b) *Grade.* (1) Appointments of individuals under this section will not be made in the grade of second lieutenant or in general officer grades.

(2) Subject to the restrictions set forth in subparagraph (1) of this paragraph and paragraph (c) of this section and in § 561.9, appointment of qualified individuals may be made in grades as follows:

(i) Applicants who have had no prior commissioned service may be appointed initially in the grade of first lieutenant only (paragraph (c) (2) of this section).

(ii) Former officers of any of the Armed Forces of the United States, who served in an assignment corresponding to an assignment in the Judge Advocate General's Corps may be appointed in a grade corresponding to the last grade held (paragraph (c) (2) of this section).

(iii) Former officers of any component of the Army and of the Army of the United States without component who held appointment in or assignment to the Judge Advocate General's Corps may be appointed in the highest grade held (paragraph (c) (1) of this section).

(iv) Former officers of any component of the Army and of the Army of the United States without component who have not held appointment in or assignment to the Judge Advocate General's Corps may be appointed in the highest grade held (paragraph (c) (2) of this section).

(v) Officers of reserve components of other Armed Forces of the United States, and the United States Public Health Service, who are serving in an assignment corresponding to an assignment in the Judge Advocate General's Corps may be appointed in a grade corresponding to the grade currently held (paragraph (c) (2) of this section).

(vi) See § 561.14 (b) (1) (vi) for procedures for appointment of officers and former officers whose 5-year term appointments have or have not expired.

(c) *Special requirements.* (1) Former Judge Advocate General's Corps officers of any component of the Army or of the Army of the United States without component must meet the requirements outlined in §§ 561.2 to 561.9 and in subparagraph (2) (i) (*b*) and (ii) of this paragraph.

(2) Applicants for initial appointment and former officers who have not held prior appointment in or assignment to the Judge Advocate General's Corps must meet the following requirements in addition to those shown in §§ 561.2 to 561.9, except that consideration will be given by the Department of the Army to waiver of subdivision (i) (*c*) and (*d*) of this subparagraph in the case of outstanding applicants who were admitted to practice before the highest court of a State of the United States or a Federal Court subsequent to 1950, and whose services are desired for immediate active duty:

(i) *Professional qualifications.* Applicants must:

(*a*) Have been graduated from an approved law school with a professional degree.

(*b*) Have been admitted to practice, and have membership in good standing of the bar of the highest court of a State of the United States or a Federal Court.

(*c*) Be presently engaged in the private practice of law, teaching of law, or hold judicial office.

(*d*) Meet the following practice requirements:

First lieutenants	Actively engaged in practice.
Captains	4 years.
Majors	11 years.
Lieutenant colonels	18 years.
Colonels	25 years.

(ii) *Maximum age.* (*a*) Applicants must not have attained the birthday indicated in this subdivision, prior to appointment in the grade indicated.

	Age
First lieutenant	33
Captain	39
Major	48
Lieutenant colonel	51
Colonel	55

(*b*) Age limits shown in (*a*) of this subdivision may be increased for former officers of the Army by an amount not to exceed previous length of service in the grade to which appointment is authorized, except that such increase is not authorized if the applicant would have less than 2 years to serve before being removed from an active status.

§ 561.19 *Appointment as Reserve commissioned officers of the Army for assignment to Women's Army Corps Branch*—(a) *General.* This section provides for the appointment of eligible women as Reserve commissioned officers of the Army for assignment to the Women's Army Corps and service in the Army Reserve to:

(1) Fill vacancies in Ready Reserve troop program units.

(2) Meet current requirements for WAC officers for active duty.

(b) *Grade*—(1) *For appointment to fill vacancies in the Ready Reserve troop program unit.* Initial appointments normally will be in the grade of second lieutenant. However, where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. If the application is approved the grade of appointment will be that authorized for the appointment of male applicants of similar qualifications for assignment to the branch in which the detail is to be made.

(2) *For appointment and concurrent order to active duty.* Appointments may be made in the grades of second lieutenant and first lieutenant for qualified applicants whose services are desired for active duty to meet basic branch (WAC) requirements.

(c) *General requirements.* Applicant must meet the requirements of §§ 561.2 to 561.9.

(d) *Special requirements.* (1) Applicant must have a baccalaureate degree from an accredited college or university recognized by the Department of Health, Education, and Welfare, Office of Educa-

tion, as listed in part 3. Education Directory, Higher Education, except that:

(i) Students applying for concurrent order to active duty may submit applications prior to date of graduation. The anticipated date of graduation will be given under "Remarks" in the application, and a statement by an official of the university or college verifying date will accompany the application. Upon graduation, each applicant will submit a certificate of graduation signed by an appropriate official of the university or college direct to the commander of the major command concerned who will forward it to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPR–AA.

(ii) Waivers of educational requirements may be considered as follows:

(*a*) Area commanders may grant a waiver of the educational requirements of a college degree for individuals having 120 or more satisfactory semester hours gained through attendance at an accredited college or university. The waiver will be made part of the individual's application.

(*b*) The Department of the Army will consider requests for a waiver of the college degree in the case of individuals who are oustanding in career fields requiring leadership and supervision of personnel, and who have completed a minimum of 2 years toward a baccalaureate degree or its equivalent, provided the individual's services are desired for concurrent orders to active duty.

(2) Applicant must be within the age group as follows:

Grade	*Must have attained age—*	*Must not have attained age—*
Second lieutenant	20	28
First lieutenant	28	33

(3) Applicants must meet these additional requirements:

(i) For appointment and concurrent detail to an appropriate branch, as indicated in paragraph (b) (1) of this section, the applicant must meet the requirements prescribed for assignment to the branch to which detail is requested.

(ii) For appointment and concurrent active duty in grade of first lieutenant, the applicant must have a background of experience in teaching, business, recreation, personnel administration, advertising or other fields requiring leadership and supervision of personnel.

§ 561.20 *Appointment of professional and technical personnel as Reserve commissioned officers of the Army*—(a) *General.* This section prescribes the requirements, in addition to those in §§ 561.2 to 561.9, whereby qualified professional and technical experts or specialists of the categories indicated in paragraph (g) of this section may be appointed as Reserve commissioned officers of the Army for service in the Army Reserve.

(b) *Branch.* (1) Appointment of individuals under this section will not be made for assignment in the following branches; Armor, Artillery except Guided Missile Specialists, Infantry, Chaplains, Judge Advocate General's Corps, Army Medical Service branches, Women's Army Corps, Staff Specialist, or Civil Affairs/Military Government Branch.

(2) Subject to the restrictions of subparagraph (1) of this paragraph, the branch in which assignment is to be made will be determined by the authority tendering appointment, based upon the qualifications of the applicant and the needs of the service.

(c) *Grade.* Initial appointments are authorized under this section in recognition or advanced professional or technical experience and training, in accordance with the grades indicated in paragraph (d) of this section. However, when specifically authorized by the Department of the Army, appointment up to and including the grade of colonel may be made in cases of outstanding personnel for whom a critical shortage exists in the active military service, provided qualified Reserve personnel are not available.

(d) *Special requirements.* (1) In addition to the requirements of §§ 561.2 to 561.9, the applicant must possess professional or technical ability as required to perform the duties appropriate to the grade to which appointed and branch to which assigned.

(2) For appointment to fill vacancies, the applicant's services must be required for a particular vacancy, and there must be no qualified Reserve commissioned officer of the appropriate grade or lower grade available to fill the vacancy.

(3) For appointment and concurrent active duty, the applicant's services must be required for active duty when qualified Reserve personnel are not available.

(4) Except for the provisions of subparagraph (5) of this paragraph, applicants for appointment must have graduated from a recognized college or university, preferably with major field of study closely related to the specialty for which applying, must have at least the minimum number of years of qualifying experience indicated in this subparagraph, and must not have attained the birthday shown below prior to appointment in the grade indicated:

Grade	Age	*Years experience*
Second lieutenant	28	1
First lieutenant	33	3
Captain	39	7

(5) Each year of graduate education in the field for which the applicant is being considered may be counted as a year of qualifying experience. Experience in an allied field of specialization acceptable to the administrative or technical service concerned may be considered in computing minimum qualifying experience.

(i) For service in Military Railway Service units and for service as postal specialists, 4 years of qualifying experience may be substituted in lieu of graduation from a recognized college.

(ii) For service in harbor craft units, the following may be substituted in lieu of graduation from a recognized college:

(*a*) The possession by the applicant of a license, which is required in the case of a civilian ship officer in the American Merchant Marine and issued in accordance with the general rules and regulations of the Board of Supervisory Inspectors of the Merchant Marine Inspection Service, the United States Coast Guard, or the Bureau of Marine Inspection and Navigation.

(*b*) A diploma or record of graduation from the Merchant Marine Academy.

(*c*) A certificate as senior navigator from the Coast Guard Auxiliary; or

(*d*) A United State Power Squadron Certificate as a navigator.

(iii) For appointment for assignment as postal specialist, the following is required:

(*a*) Experience in an administrative, executive, or supervisory capacity in the United States Post Office Department, or

(*b*) Experience in the Military Postal Service as a warrant officer or in one of the first three noncommissioned officer grades. A minimum of 1 year of such experience is required for the grade of second lieutenant, 3 years for the grade of first lieutenant, and 5 years for the grade of captain.

(6) The Department of the Army will consider on an individual basis requests for waiver of age, education, and/or experience. Requests for waivers will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPR–AA.

(e) *Supplementary military training.* (1) Applicants appointed under this section will be required to complete the appropriate extension course series within 2 years of date of appointment, except when the applicant is ordered to active duty at time of appointment or when the area commander evaluates the applicant's prior military service, where applicable, and determines that such service is the equivalent of the subject matter of the appropriate Army extension course or courses. Determination of extension courses to be completed will be made at the time the individual's application for appointment is approved. The following statement will be added to the letter of appointment: "Army Extension Courses (designated number of series and branch) will be completed within 2 years following date of appointment." Necessary records will be maintained to determine whether the individual satisfactorily completed the required courses. Those failing to comply with this requirement are subject to discharge as provided for in paragraph (f) of this section.

(2) The requirements in subparagraph (1) of this paragraph may be fulfilled at any time by the successful completion of an appropriate associate basic course.

(f) *Discharge.* Area commanders may discharge Reserve officers who fail to comply with paragraph (e) of this section. Board action will not be required if discharge is effected prior to officer's attaining 3 years of commissioned service. Discharge will be under the provisions of this paragraph and the applicable paragraph of AR 140–175 (Army regulations pertaining to officer separations).

(g) *Specialist categories.* The specialists categories for appointment under this section are as follows:

Aeronautical engineering.
Automotive engineering.
Bacteriology.
Biochemistry.
Biological sciences.
Business administration.
Chemical engineering and chemistry.
Civil engineering.
Education specialists.
Electrical accounting machine specialists.
Electrical engineering, including radio, television, and wire communications.
Entomology.
Fire prevention and firefighting.
Food technology (inspection, procurement, testing, research, and related subjects).
Geographers.
Geology, geophysics, and meteorology.
Geopolitical and area specialists.
Guided missile specialists.
Harbor craft specialists.
Highway engineering and traffic.
Archivists.
Military historians.
Industrial specialists (engineering, management, and security).
Language and foreign liaison.
Law enforcement officials, administrators, and allied investigative specialists.
Legal.
Marine engineering.
Mathematicians, statisticians, and physicists.
Mechanical engineering.
Metallurgical engineering.
Mining engineering.
Naval architectural.
Nuclear specialists (nuclear physicists and radiological chemists).
Parasitology.
Penology.
Petroleum and natural gas engineering.
Pharmacology and toxicology.
Photographic (still, motion picture, television, and related subjects).
Postal.
Printing and reproduction.
Psychology.
Psychological warfare (journalism, international relations, psychology, and related subjects).
Public information, including field press censorship.
Purchasing, storage, and distribution (logistics).
Radar engineering.
Railway service.
Safety engineering.
Submarine diving.
Traffic management.

§ 561.21 *Appointment as Reserve commissioned officers of the Army for assignment to the Civil Affairs/Military Government Branch*—(a) *General.* This section prescribes the special requirements for appointment of qualified personnel for assignment to the Civil Affairs/Military Government Branch (CA/MG).

(b) *Grade.* Initial appointments are authorized under this section in recognition of advanced professional or technical experience and training in accordance with the grades indicated in paragraph (c) (1) (ii) (*a*) of this section. However, when specifically authorized by the Department of the Army, appointments up to and including the grade of colonel may be made in cases of outstanding personnel.

(c) *Special requirements.* (1) In addition to the requirements of §§ 561.2 to 561.9, the applicant must:

(i) Qualify for an MOS (military occupational specialty) listed below by education, civil employment or previous military or civil experience in CA/MG functional responsibilities or possess or have the capability of acquiring the necessary professional or technical qualifications required to perform the duties of such MOS.

Labor relations officer	MOS 2330
Public education officer	MOS 5503
Public welfare officer	MOS 5900
Public finance officer	MOS 6010
Public works and utilities officer	MOS 7020
Public communications officer	MOS 7899
Civil affairs military government economics officer	MOS 8000
Civil affairs/Government economics officer	MOS 8104
Public safety officer	MOS 9000

(ii) Have the education, experience and not have reached the age, for the grades shown:

(*a*) Except for the provisions of (*b*) of this subdivision, applicants for appointments must have graduated from a recognized college or university preferably with a major field of study closely related to the MOS for which applying, must have at least the minimum number of years of qualifying experience and must not have attained the birthday shown below prior to appointment in the grade indicated:

Grade	*Age*	*Minimum years experience*
Second lieutenant	28	1
First lieutenant	33	3
Captain	39	7
Major	48	14

(*b*) Each year of graduate education in the field for which the applicant is being considered may be counted as a year of qualifying experience. Experience in an allied field may be considered in computing minimum qualifying experience. Four years of qualifying experience may be substituted in lieu of graduation from a recognized college.

(iii) Be a citizen of the United States in accordance with AR 140–108 (Army regulations pertaining to the Civil Affairs/Military Government Branch).

(iv) Not be serving on active duty.

(2) The Department of the Army will consider on an individual basis requests for waiver of age, education and/or experience. Requests for waivers will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPR–AA.

[AR 140–100, 17 May 1956] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7618; Filed, Sept. 21, 1956; 8:45 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

MISCELLANEOUS AMENDMENTS

Paragraph (c) is added to § 590.307 and new §§ 592.403–4 and 596.153 are added, as follows:

§ 590.307 *Responsible prospective contractor.* * * *

(c) The problems of security and possible unauthorized release of classified information do not arise under unclassified scientific research contracts. The major consideration regarding the individuals involved should be their scientific integrity and ability. The only consideration relating to the loyalty of individual scientists engaged in work under Government contracts is the principle, that it would appear to be against the national interest to give aid and comfort to a person disloyal to the United States. In conformance with this principle, the following policy has been adopted:

(1) In considering proposals for contracts in support of unclassified research not involving security considerations is to assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence, and integrity are always taken carefully into account. Procuring activities will not knowingly award or continue a contract in support of research for a person who:

(i) Is an acknowledged Communist or established as being a Communist by a judicial proceeding, or anyone who advocates change in the United States Government by other than constitutional means, or

(ii) Has been convicted of sabotage, espionage, sedition, subversive activity under the Smith Act, or a similar crime involving the Nation's security.

(2) Where procuring activities receive information indicating that a potential or actual researcher may have violated a Federal statute relating to the national security, such information will be forwarded, on a priority basis, to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

§ 592.403–4 *Fixed-price incentive contract*—(a) *Description.* Fixed-price incentive contract clauses are set forth in § 596.153. The primary objective of the incentive provisions in fixed-price contracts is to bring about a lower price to the Government by stimulating efficiencies in the contractor's performance. This type contract does not offer as great incentive for cost reductions as the firm fixed-price type and shall not be used when circumstances permit the negotiation of a firm fixed-price contract. Incentive is provided by permitting the contractor's profit to increase as costs decrease and to decrease as costs increase in relation to a target cost established by negotiation. Terms used in this paragraph relative to fixed-price incentive contracts are defined in the text of the clauses set forth in § 596.153 of this subchapter.

(b) *Applicability.* Incentive type contracts should be used only when a reasonable opportunity exists for the contractor to reduce his costs. For instance, if purchased raw materials and parts comprise a high percentage of total cost there may be little possibility of cost reduction, and any contractual incentive to reduce costs would be pointless.

(c) *Limitations.* In addition to the provisions of § 3.403–4 (c) of this title, fixed-price incentive contracts are subject to the same provisions regarding audit as contracts providing for price

redetermination (§ 606.207 (c) of this subchapter). Incentive price revision clauses set forth in § 596.153 (a) and (b) of this subchapter may be used in negotiated fixed-price contracts under the circumstances outlined in this section. The incentive contract shall not be used as a substitute for firm fixed-price contracting, but may be used to encourage efficiency and at the same time provide some degree of protection for both contracting parties where a firm fixed-price contract is not feasible. The objective is to permit reasonable pricing and still preserve enough flexibility in pricing so that, within agreed limits, a contractor's profit may vary in accordance with a negotiated formula. The use of an incentive price revision clause must be premised on the ability of the contractor to maintain accounting records in accordance with generally accepted accounting principles and practices, to the extent and in such detail as is necessary for establishment of costs applicable to the contract. Such clauses are appropriate for use primarily in those contracts which require quantity production over an extended period of time, but are not intended to preclude the use of other types of price redetermination provisions.

(d) *Instructions*—(1) *General.* (i) The items which are subject to incentive price revision should be indicated in the appropriate blanks of paragraph (b) (i) of the clauses. Those items which are subject to pricing in accordance with the provisions of a document incorporated in the contract by reference, or which are priced in some manner other than that set forth in the clause, should be indicated in the appropriate blanks of paragraph (b) (ii). The items, if any, which are not subject to incentive price revision and which will be paid for on a fixed-price basis should be indicated in the appropriate blanks of paragraph (b) (iii).

(ii) Provision may be made for separate formulas applicable to specified articles or services. In the clause entitled "Items, Priced, Pursuant to Established Repair Parts, Procurement Procedures," the prices of items of articles or services added by amendment or supplemental agreement shall ordinarily be target prices. Billing prices may, however, be negotiated when, in the opinion of the contracting officer, sufficient information is not available on which to negotiate reasonable target prices, in which event the amendment or supplemental agreement shall provide a definitive cutoff point or date during the course of deliveries under the contract for conversion of such billing prices to target prices. In either case, the target price when established shall indicate the target cost and target profit included therein, and the contract target cost shall be adjusted to reflect the cumulative effect thereof at the time of final price revision. In those instances where articles or services so added are priced on a fixed-price basis, they shall be paid accordingly, and the elements of cost and profit involved shall be excluded from the costs and profits considered in final price revision. Fixed-price items shall be added only when the costs thereof can be segregated from all other contract costs.

(iii) Prices established for contract changes shall be target prices. Such prices shall indicate the target cost and target profit included therein. The contract target cost shall be at the time of final price revision be adjusted to reflect the net effect of increases and decreases in target cost resulting from such changes.

(iv) The paragraphs of the clauses entitled "Adjustment of Billing Price" (§ 596.153 (a) and (b) of this subchapter) make possible the negotiation and adjustment of prices at which the articles delivered are being billed under invoices submitted by the contractor either upward or downward as production progresses under the contract. If it appears at any time that the final unit price or final contract price will be substantially less than the billing or target price, it will be desirable to adjust the billing price downward. In like manner, if it appears at any time that the final unit price or final contract price will be substantially greater than the billing price or target price, it will be desirable to increase the price at which articles are being billed. Any such change in billing price shall not affect either ceiling or target price.

(v) Fixed-price incentive contracts will be treated the same as contracts which provide for price redetermination for the purpose of determining audit requirements and of following procedures set forth in § 606.207 of this subchapter.

(2) *Price revision clause with initially firm target data.* (i) The clause set forth in § 596.153 (a) of this subchapter, should be used where there is sufficient and pertinent cost and production experience to establish fair and reasonable target prices at the time the contract is negotiated, and there is reason to believe that the cost of production may be substantially reduced by providing an incentive to encourage efficiency. The prices originally negotiated and set forth in the contract will be target prices.

(ii) The incentive formula establishing the percentages for the target profit, the contractor's participating share in excess costs or in savings, and the maximum contract price for all items subject to price revision, in the case of those contracts where target costs are set at the outset of the contract, shall be negotiated and made a part of the contract prior to its execution.

(3) *Price revision clause with delayed firm target data.* (i) The clause set forth in § 596.153(b) of this subchapter should be used only where fair and reasonable target prices cannot be established at the time the contract is negotiated because of a lack of sufficient and pertinent cost or production experience, but can be determined after production of a reasonable quantity. The prices originally negotiated and set forth in the contract will be billing prices. This clause provides for the submission of data upon which to base the negotiation of target prices after delivery or shop completion of a designated number of articles. The date for submission of the data must be early in the course of deliveries under the contract. In those cases where the Government has currently in production, with the same contractor, articles of a type similar to those subject to incentive price revision and the Government and the contractor do not have adequate cost or production experience upon which to negotiate target prices at the time the new contract is negotiated, the time for negotiation of target prices and submission of the data will be premised on the delivery of a designated number of the articles to be delivered under the previous production contract. Pending establishment of a target price, the Government's obligation to make payment, whether through progress payments, deliveries, termination, or otherwise, shall be limited to the amount set forth in subparagraph (c) of the clause, which amount shall reflect the contractor's anticipated expenditures, its commitments to its subcontractors and vendors and such allowance for profit on delivered items as is permitted pursuant to the payment provisions of the contract during the period prior to establishment of the target price.

(ii) In those cases where, due to insufficient data, it is necessary to establish target costs during the course of the contract, the incentive formula establishing such percentages shall be negotiated and made a part of the contract at the time target costs are set.

(iii) Under the clause in § 596.153 (b) the target prices of any changes directed prior to the establishment of the contract target price may be established at the time of negotiation of the contract target price.

(4) *Termination.* In the event the entire contract is terminated, prices for completed items or services shall be subject to negotiation, and such prices, within the provisions of the contract, shall be revised as may be equitable under the circumstances. In the event of a partial termination such revision should include an adjustment of target costs, target profits, contract ceiling, and other contract provisions effected by the partial termination.

§ 596.153 *Incentive price revision clauses.* When in accordance with the provisions of § 3.403–4 of this title and § 592.403–4 of this subchapter, the fixed-price incentive contract is used, one of the following clauses, as appropriate, will be made a part of the contract.

(a) *Price revision clause with initially firm target data.*

PRICE REVISION

(a) *Definitions.* As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "billing price" means the stated prices which the contractor may receive upon delivery of any articles or completion of services pending final price revision.

(ii) The term "target price" means any price deemed equitable at the time of negotiation that is subject to adjustment in accordance with the final price revision provisions of this clause.

(iii) The term "target cost" means that portion of any target price which, at the time of negotiation thereof, was deemed to be the estimated cost of the articles or services being procured under this contract.

(iv) The term "target profit" means that portion of any target price agreed upon as being a reasonable profit for furnishing any articles or services if such articles or services were produced for a cost equal to the target cost.

(v) The term "contract target price" means the sum of the target prices of articles and services being procured from time to time under this contract.

(vi) The term "contract target cost" means the sum of the target costs of articles and services being procured from time to time under this contract.

(vii) The term "contract target profit" means the sum of the target profits of articles and services being procured from time to time under this contract.

(viii) The term "adjusted total contract cost" means the final negotiated cost of all items under this contract which are subject to price revision.

(ix) The term "final contract price" means the adjusted total contract cost plus an allowance for profit, if any, determined in accordance with the applicable provisions of the contract.

(x) The term "contract ceiling" means the maximum amount of money (stated in dollar amounts and determined with respect to a definite percentage of the total contract target cost involved) which the Government is obliged to pay the contractor for those articles and services being procured under the terms of this contract, and under change orders and amendments thereto, the prices of which are subject to price revision in accordance with the provisions of this clause.

(b) *General.* (i) The prices of items _____ under this contract are both target and billing prices until revised in accordance with the provisions of this clause and include a total target profit of _____% of total target cost.

(ii) The prices of items _____ shall, when established in accordance with paragraph (f) hereof, be both target and billing prices until revised in accordance with the provisions of this clause.

(iii) The prices of items _____ are fixed prices and not subject to revision in accordance with any of the provisions of this clause.

(c) *Submission of data.* Within ____ days after the end of the month in which the contractor has delivered the last unit referred to in those items listed in paragraphs (b) (ii) above, the contractor shall forward to the contracting officer, in such form as the contracting officer may require, (i) a statement of all costs incurred by the contractor in performing all work under the items of this contract subject to price revision as of the date of said delivery, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work and obligations under such items. The contractor shall include as a separate entry in the statement of costs to be submitted hereunder, an amount to be agreed upon by the contractor and the contracting officer representing the difference between (i) the cost of materials, supplies, and subassemblies purchased for, but not allocated to, the performance of the contract by the contractor which may be reasonably expected to remain on hand or which are on hand as excess materials at the conclusion of the contract, and (ii) the value of such materials, supplies, and subassemblies at the conclusion of the contract.

(d) *Accounting procedures.* Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract to the extent and in such detail as will properly reflect the net costs, direct and indirect, of all labor, materials, equipment supplies, services, and other costs and expenditures of whatever nature necessary for the establishment of costs under the provisions of this contract, and further agrees to permit the Government to make, at reasonable times, such examination or audit thereof as the contracting officer may deem necessary. The contractor shall segregate the costs of any item, change or service, the price of which is fixed and not subject to revision in accordance with the provisions of this clause.

(e) *Certification.* An officer or other responsible official of the contractor authorized by it to do so, shall certify on each statement of costs forwarded to the contracting officer in accordance with the requirements of this clause, that the incurred costs are based upon the accounting records of the contractor, that such records have been kept in accordance with generally accepted accounting principles and practices normally followed by the contractor, that such incurred costs are correct to the best of his knowledge and belief and that the estimate of costs to complete is considered reasonable.

(f) *Items priced pursuant to established repair parts procurement procedures.* (i) Item _____, Repair Parts. The unit prices of repair parts shall be determined in accordance with _____, which document is incorporated herein by reference. The aggregate target price for such repair parts shall thereupon be established by negotiation on the basis of information submitted in accordance with this paragraph. Repair parts unit target prices need not be revised until contract completion and final price revision. As prices are established pursuant to this paragraph, they shall be added to the contract by amendment which shall also indicate the target cost and target profit for such repair parts, the increase in the contract target cost, and the increase in the contract target profit. Failure to agree on any of the matters set forth in this paragraph (f) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) Item _____, _____
(Other Items)
_____
(Any special provisions applicable)

(g) *Final price revision.* Upon submission of the information required by paragraph (c) above, the contractor and the contracting officer shall promptly establish a final contract price of the items subject to revision in accordance with the provisions of this clause in the following manner:

(i) On the basis of the information required by paragraph (c) above, together with the results of such other investigation, as the contracting officer may deem appropriate, there shall be established by negotiation the adjusted total contract cost of those items subject to the provisions of this clause. Failure to agree on any of the matters set forth in this subparagraph (i) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) The final contract price of such items shall be established by adding to the adjusted total contract cost, as negotiated under subparagraph (i) above, an allowance for profit determined in accordance with the instructions set forth in subparagraph (iii) below, provided, however, that in no event shall the final contract price exceed ___% of the contract target cost.

(iii) The allowance for profit with respect to such Items shall be determined in accordance with the following schedule:

When the adjusted total contract is:	The allowance for profit is:
Equal to the contract cost	Contract target profit.
Greater than contract cost	Contract target profit less ___% of the amount by which the adjusted total contract cost exceeds the contract target cost.
Less than the contract target cost	Contract target profit plus ___% of the amount by which the adjusted total contract cost is less than the contract target cost.

(h) *Adjustment of payment.* Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in item (ii), above, differs from the applicable target costs. Within 45 days after the end of each quarter of the contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954 shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(i) *Termination.* In the event this contract is terminated, in whole or in part, settlement shall be made in accordance with the provisions of the clause hereof entitled "Termination for the convenience of the Government" or the provisions of the clause hereof

entitled "Default", whichever is applicable, subject to the following:

(i) If this contract is terminated in its entirety at any time prior to agreement upon revised prices hereunder, the contractor and the contracting officer shall, if the termination settlement is to be negotiated on an inventory basis, negotiate to establish such prices for completed articles and services, the price of which was subject to revision hereunder, as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) If this contract is partially terminated the contractor and the Contracting officer shall agree upon such revisions in the target price and in the contract target price as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(j) *Adjustment of billing price.* If at any time it appears that the final unit prices will be substantially greater or less than the unit prices at which units under this contract are being billed, the contracting officer may adjust such unit billing prices. The establishment of adjusted prices for billing purposes only shall in no way limit or affect the price revision to be computed in accordance with the provisions of this clause.

(k) *Subcontracts.* The contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis. The contractor further agrees that all subcontracts, other than those on a firm fixed-price basis, which as modified or amended exceed the total cost of $25,000, shall contain provisions (i) reserving to the Government the right to have the books and records of such subcontractor inspected and audited by a Government representative and (ii) requiring such subcontractors to reserve in their subcontracts a similar right for the Government to have a representative inspect and audit the books and records of lower tier subcontracts extending below a cost-reimbursement type, revision price incentive type subcontract in a chain unbroken by firm fixed-price subcontracts.

(b) *Price revision clause with delayed firm target data.*

PRICE REVISION

(a) *Definitions.* As used in this clause the following terms shall have the meanings set forth below:

(i) The term "billing price" means the stated prices which the contractor may receive upon delivery of any articles or completion of services pending final price revision.

(ii) The term "target price" means any price deemed equitable at the time of negotiation that is subject to adjustment in accordance with the final price revision provisions of this clause.

(iii) The term "target cost" means that portion of any target price which, at the time of negotiation thereof, was deemed to be the estimated cost of the articles or services being procured under this contract.

(iv) The term "target profit" means that portion of any target price agreed upon as being a reasonable profit for furnishing any articles or services if such articles or services were produced for a cost equal to the target cost.

(v) The term "contract target price" means that the sum of the target prices of articles and services being procured from time to time under this contract.

(vi) The term "contract target cost" means the sum of the target costs of articles and services being procured from time to time under this contract.

(vii) The term "contract target profit" means the sum of the target profits of articles and services being procured from time to time under this contract.

(viii) The term "adjusted total contract cost" means the final negotiated cost of all items under this contract which are subject to price revision.

(ix) The term "final contract price" means the adjusted total contract cost plus an allowance for profit, if any, determined in accordance with the applicable provisions of the contract.

(x) The term "contract ceiling" means the maximum amount of money (stated in dollar amounts and determined with respect to a definite percentage of the total contract target cost) which the Government is obligated to pay the contractor for those articles and services being procured from time to time under this contract, the prices of which are subject to price revision in accordance with the provisions of this clause.

(b) *General.*

(i) The prices of items_____under this contract are billing prices until revised in accordance with the provisions of this clause.

(ii) The prices of items_____shall, when established in accordance with paragraph (i) hereof, be both target and billing prices until revised in accordance with the provisions of this clause.

(iii) The prices of items_____are fixed prices and not subject to revision in accordance with any of the provisions of this clause.

(c) Pending establishment of the target price in accordance with paragraph (h) hereof, the Government shall in no event be obligated to make payment to the contractor in an amount in excess of $_____ or such other amount as may be authorized in writing by the contracting officer.

(d) *Submission of data for establishment of target price.* Within_____days after the end of the month in which the_____unit of items_____(to be manufactured hereunder) or (to be manufactured under contract_____) is (delivered) (shop completed), or at such other time as the contracting officer may direct, the contractor shall forward to the contracting officer (i) a statement of all costs incurred to the date of such (delivery) (shop completion) or such other time as directed by the contracting officer under this contract (and under the above contract_____), (ii) an estimate of costs to be incurred by the contractor to complete performance of all work and obligations under items subject to price revision, and (iii) data to support the accuracy and reliability of such estimate.

(e) *Submission of data for final price revision.* Within ____ days after the end of the month in which the contractor has delivered the last unit referred to in those items listed in paragraphs (b) (i) and (b) (ii) above, the contractor shall forward to the contracting officer in such form as the contracting officer may require (i) a statement of all costs incurred by the contractor in performing all work under the contractor in performing all work under the items of this contract subject to price revision as of the date of said delivery, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work and obligations under such items. The contractor shall include as a separate entry in the statement of costs to be submitted hereunder, an amount to be agreed upon by the contractor and the contracting officer representing the difference between (1) the cost of materials, supplies, and subassemblies purchased for but not allocated to the performance of the contractor which may be reasonably expected to remain on hand or which are on hand as excess materials at the conclusion of the contract, and (ii) the value of such materials, supplies and subassemblies at the conclusion of the contract.

(f) *Accounting procedures.* Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract to the extent and in such detail as will properly reflect the net costs direct and indirect, of all labor, materials, equipment, supplies, services and other costs and expenditures of whatever nature necessary for the establishment of costs under the provisions of this contract, and further agrees to permit the Government to make, at reasonable times, such examination or audit thereof as the contracting officer may deem necessary. The contractor shall segregate the costs of any item, change or service, the price of which is fixed and not subject to revision in accordance with the provisions of this clause.

(g) *Certification.* An officer or other responsible official of the contractor authorized by it to do so, shall certify on each statement of costs forwarded to the contracting officer, in accordance with the requirements of this clause, that the incurred costs are based upon the accounting records of the contractor, that such records have been kept in accordance with generally accepted accounting principles and practices normally followed by the contractor, that such incurred costs are correct to the best of his knowledge and belief and that the estimate of costs to complete the contract is considered reasonable.

(h) *Establishment of target price.* Items enumerated in subparagraph (b) (i) above. Upon submission of the information required by paragraph (d) above and such other information as the contracting officer may require, the contractor and the contracting officer shall promptly negotiate the target costs and the target profit applicable to each of said items. The total of such negotiated target costs and target profit shall constitute both the target prices and the revised billing prices of such items and shall be evidenced by amendment to this contract. In addition to the foregoing, the parties shall, after agreeing upon the target price, negotiate the contract ceiling (see subparagraph (j) (ii) below) and the percentage or percentages (see subparagraph (j) (iii) below) of the adjusted total contract cost by which the contract target profit shall be increased or decreased in the event the adjusted total contract cost is less than or greater than the contract target cost. Such negotiated percentage or percentages shall be evidenced by amendment to this contract. Failure to agree on any of the matters set forth in this paragraph (h) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(i) Items priced pursuant to established repair parts procurement procedures.

(i) Item_____. Repair parts. The unit prices of repair parts shall be determined in accordance with_____, which document is incorporated herein by reference. If any repair parts list is received by the Contracting officer from the contractor prior to establishment of the target prices of those items set forth in subparagraph (b) (i) above, the aggregate billing prices for repair parts set forth therein shall be established by negotiation. In the event that billing prices for such repair parts lists have been so established prior to the establishment of the target prices, the aggregate target prices for repair parts under such list or lists shall be established by negotiation at the same time and in the same manner as for those items set forth in subparagraph (b) (i) above. If any repair parts list is received by the contracting officer from the contractor subsequent to the establishment of the target prices of those items set forth in subparagraph (b) (i) above, the aggregate target prices for repair parts thereunder shall be similarly established by negotiation. Repair parts unit target prices need not be revised until contract completion and final price revision. The target prices established pursuant to this paragraph shall be added to the contract by amendment which shall also indicate the target cost and profit for such repair parts, the increase in the contract target cost and the increase in the contract target profit.

(ii) Item _____,
_____,
(Other items)
_____
(Any special provisions applicable)

(j) *Final price revision.* Upon submission of the information required by paragraph (e) above, the contractor and the contracting officer shall promptly establish a final contract price of the items subject to revision in accordance with the provisions of this clause in the following manner:

(i) On the basis of the information required by paragraph (e) above, together with the results of such other investigation, as the contracting officer may deem appropriate, there shall be established by negotiation the adjusted total contract cost of those items subject to the provisions of this clause. Failure to agree on any of the matters set forth in this subparagraph (i) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) The final contract price of such items shall be established by adding to the adjusted total contract cost, as negotiated under subparagraph (i) above, an allowance for profit determined in accordance with the instructions set forth in subparagraph (iii) below, provided, however, that in no event shall the final contract price exceed such percent of the contract target cost as has been negotiated pursuant to paragraph (h) hereof.

(iii) The allowance for profit with respect to such items shall be determined in accordance with the following schedule:

When the adjusted total contract cost is:	The allowance for profit is:
Equal to the contract cost	Contract target profit.
Greater than the contract cost	Contract target profit less such percent of the amount by which the adjusted total contract cost exceeds the contract target cost as has been negotiated pursuant to paragraph (h) hereof.
Less than the contract target cost	Contract target profit plus such percent of the amount by which the adjusted total contract cost is less than the contract target cost as has been negotiated pursuant to paragraph (h) hereof.

(k) *Adjustment of payments.* Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall exceed the sum of the following items as reported by the contractor from time to time as hereinafter provided: (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in item (ii) above differs from the applicable target costs. Within 45 days after the end of each quarter of the contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954 shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the contractor to the Government or credited against existing unpaid billings covered by such statement: provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(l) *Termination.* In the event this contract is terminated, in whole or in part, settlement shall be made in accordance with the provisions of the clause hereof entitled "Termination for the convenience of the Government" or the provisions of the clause hereof entitled "Default" whichever is applicable, subject to the following:

(i) If this contract is terminated in its entirety at any time prior to agreement upon revised prices hereunder, the contractor and the contracting officer shall if termination settlement is to be negotiated on an inventory basis, negotiate to establish such prices for completed articles or services, the price of which was subject to revision hereunder, as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) If this contract is partially terminated the contractor and the contracting officer shall agree upon such revision in the target prices and the contract target prices as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(m) *Adjustment of billing price.* If at any time it appears that the final unit prices will be substantially greater or less than the unit prices at which units under this contract are being billed, the contracting officer may adjust such unit billing prices. The establishment of adjusted prices for billing purposes only shall in no way limit or affect the price revision to be computed in accordance with the provisions of this clause.

(n) *Subcontracts.* The contractor agrees that no subcontract placed under this contract shall provide for payment on cost-plus-a-percentage-of-cost basis. The contractor further agrees that all subcontracts, other than those on a firm fixed-price basis, which as modified or amended exceed the total cost of $25,000, shall contain provisions (i) reserving to the Government the right to have the books and records of such subcontractor inspected and audited by a representative and (ii) requiring such subcontractors to reserve in their subcontracts a similar right for the contracting officer to have a Government representative inspect and audit the books and records of lower tier and subcontracts extending below a cost reimbursement type, redeterminable-price type or incentive type subcontract in a chain unbroken by firm fixed-price subcontracts.

[C 23, APP, July 27, 1956] (62 Stat. 21; 41 U. S. C. 151–162)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56–7639; Filed, Sept. 21, 1956; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter Q—Specifications

[CGFR 56–41]

PART 164—MATERIALS

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS; MISCELLANEOUS AMENDMENTS

This specification contains the requirements for incombustible materials and substances used in the construction of merchant vessels. In establishing this specification certain naturally incombustible substances are permitted without test. However, since there are hundreds of such substances this specification contained only those which are normally used as structural fire-proofing materials. Since the promulgation of this specification in 1949 experience has indicated that additional substances may be accepted without test. Therefore, 46 CFR 164.009–2 (b) (1) and (3) are amended to include such items as clay, ceramics, uncoated glass fibers, and Portland cement, gypsum, or magnesite concretes with aggregates of perlite or pumice.

In the testing of incombustible substances the tolerance for temperature rise specified in the test procedure is relaxed to agree with tolerances permitted by the testing laboratory. In the amendment to 46 CFR 164.009–3 (b) (4) (iii) the temperature rise of "10 degrees C." is changed to "20 degrees C." The method for handling remittances and charges for testing of incombustible substances has been changed. The size of the samples to be submitted and the cost of tests conducted by the National Bureau of Standards depend upon many variable factors. Therefore, the provisions of 46 CFR 164.009–4 (b) and (c) are revised by deleting the specific fee which will be charged from the specification and pro-

viding that the manufacturer will be informed.

Because the amendments in this document are relaxations from previous requirements or changes in Coast Guard procedures it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 24, 1954 (19 F. R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments in this document are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. Section 164.009–2 (b) is amended by revising subparagraphs (1) and (3) to read as follows:

§ 164.009–2 *Material.* • • •

(b) • • •

(1) Sheet glass, block glass, clay, ceramics, or uncoated glass fibers.

(3) Portland cement, gypsum, or magnesite concretes with aggregates of only sand, gravel, asbestos fibers, expanded vermiculite, expanded or vesicular slags, diatomaceous silica, perlite, or pumice.

2. Section 164.009–3 (b) (4) (iii) is amended to read as follows:

§ 164.009–3 *Inspection and testing.* • • •

(b) *Heated tube test.* • • •

(4) • • •

(iii) The internal temperature of the specimen shall not exceed the heating tube temperature by more than 20 degrees C.

3. Section 164.009–4 (b) and (c) is amended to read as follows:

§ 164.004–4 *Procedure for approval.* • • •

(b) The information furnished pursuant to paragraph (a) of this section will be submitted by the Coast Guard to the National Bureau of Standards for consideration. If the material appears to be suitable, the manufacturer will be so advised. The size of the samples to be submitted for testing and the cost of the test will be specified at this time.

(c) If the material is indicated as being suitable, the manufacturer shall submit the following to the Coast Guard:

(1) Samples of the material as specified.

(2) If the manufacturer desires to witness the test, he should so indicate at this time.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544 as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: September 17, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–7641; Filed, Sept. 21, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 2, 31, 33, 34, 38, 39, 91, 94, 111, 146]

[CGFR 56–37]

VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Monday, October 15, 1956, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, 13th and E Streets NW., Washington D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the vessel inspection regulations as generally described in Items I to III, inclusive, below.

2. The proposed changes in the vessel inspection regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 5 to 16, inclusive. The Merchant Marine Council Public Hearing Agenda (CG–249), dated October 15, 1956, has been prepared. In this Agenda the specific changes proposed and the present regulations are, where practicable, set forth in comparison form, together with reasons for the changes. Copies of this Agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies will be furnished to those interested so long as they are available and requests should be addressed to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. After the extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Written and oral comments on the proposed vessel inspection regulations described generally in Items I to III, inclusive, are invited. Written comments containing constructive criticisms, suggestions, or views are welcomed. Each oral and written comment received is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed regulations, it is accepted and after adoption by the Commandant the revised regulations are published in the FEDERAL REGISTER. Acknowledgment of the comments received and reasons why the suggested changes were or were not adopted are not normally furnished because personnel is not available to perform this work. Comments submitted in writing before or at the public hearing will not normally be read at the public hearing, but such comments will be made a part of the record.

4. Comments, data, and views, regarding the proposed vessel inspection regulations may be presented orally or in writing at the public hearing before the Merchant Marine Council on October 15, 1956. Any person or organization who desires to submit written comments, data, and views in connection with these proposed regulations is urged to submit them so that they will be received prior to October 10, 1956, by the Commandant (CMC), United States Coast Guard, Washington 25, D. C. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations shall be submitted on Form CG–3287, showing the section number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG–3287 is attached to each Agenda and additional copies may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander, or the form may be reproduced by a typewriter or otherwise.

ITEM I—BIENNIAL INSPECTION OF CARGO AND TANK VESSELS

5. The act of June 4, 1956 (Public Law 549, 84th Congress, 2d Session; 70 Stat. 223–226), amended sections 4417, 4418, 4453, and 4454 of the Revised Statutes (46 U. S. C. 391, 392, 435, 436), and section 10 of the act of May 28, 1908 (46 U. S. C. 395). This law authorizes the Secretary of the Treasury to prescribe regulations permitting the biennial inspection of the hulls and boilers of certain types of vessels. By a Treasury Department order dated July 24, 1956, the Secretary of the Treasury delegated to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under this law and provided that the Commandant shall have final action on appeals made in accordance with R. S. 4417, as amended. Field forces of the Coast Guard were instructed on June 28, 1956, that all certificates of inspection issued to cargo vessels (including tank vessels) and to all other inspected vessels (except passenger vessels) and all safety equipment certificates issued under the provisions of the International Convention for Safety of Life at Sea, 1948, should thereafter be issued for a two-year period from date of issue. However, in the case of vessels equipped with river type lap-seam boilers, inspection shall be made on a yearly basis. This limitation also applies to those vessels, which in the judgment of the Officer in Charge, Marine Inspection, are in such condition as to require inspection at intervals of less than two years. In such cases, the certificates of inspection shall be issued for a period of one year only from date of issuance.

6. To accomplish the necessary changes in the vessel inspection regulations to give force and effect to the act of June 4, 1956, it is proposed to revise those regulations in 46 CFR Parts 2, 31, 33, 34, 38, 39, 91, and 111, which presently require that certificates of inspection shall be valid for a period of one year and be issued after completion of satisfactory annual inspections, to permit certificates of inspection to be valid for a period of two years after the completion of biennial inspections. Where necessary annual inspections will be changed to biennial inspections.

7. The proposed amendments to 46 CFR 2.20–1, 91.01–10, and 31.05–10 provide that certificates of inspection issued to certain cargo vessels, seagoing vessels, and tank vessels may be valid for a period of two years.

8. The proposed amendments to 46 CFR 91.20–20, 91.25–1, 91.25–5, 91.25–10, 91.25–15, 91.25–20, 91.25–25, 91–25–40, 91.25–45, 31.01–1, 31.01–15, 31.10–15, 33.01–1, 33.25–20, 33.35–10, 34.05–1, 34.15–20, 34.20–10, 34.25–15, 38.25–1, 39.25–10, and 111.05–10 provide for the biennial inspection of certain cargo vessels, seagoing barges, and tank vessels.

9. The regulations with respect to the biennial inspection of cargo vessels, seagoing vessels, and tank vessels are issued under R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 346, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 391a, 392, 404, 435, 395, 363, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM II—LIFESAVING EQUIPMENT FOR VESSELS ENGAGED IN OFFSHORE DRILLING OPERATIONS

10. It is proposed to amend 46 CFR 94.10–20, regarding lifeboats and life rafts on cargo and miscellaneous vessels, to provide that such vessels engaged in operations for the purpose of exploring for, developing, removing and transporting the resources of the Outer Continental Shelf of the United States in the Gulf of Mexico, the Pacific Ocean, and the Atlantic Ocean south of the thirty-third parallel of north latitude, may use a combination of approved life floats and approved work boats in lieu of the standard lifeboats presently required.

11. The authority to issue regulations respecting cargo and miscellaneous vessels is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM III—DANGEROUS CARGO REGULATIONS; MISCELLANEOUS AMENDMENTS

12. Requests for changes in the Dangerous Cargo Regulations have been received, and due to the nature of these proposals, it is not considered desirable to delay action until the regularly scheduled Merchant Marine Council Public Hearing in the spring of 1957. It is proposed to amend 46 CFR 146.02–11, regarding import shipments and transshipments, to provide for trans-shipment of dangerous cargo at domestic ports under certain specified conditions. The proposed amendment to 46 CFR 146.23–35 (h) (2), regarding transportation of sulfuric acid in bulk, will permit 3/16 inch rubber lining for gravity type acid tanks (sulfuric acid below 1.408 specific gravity) instead of the presently required ¼ inch lining.

13. The transportation of small arms ammunition without explosives loaded bullets (ICC and Coast Guard Class C explosives) has been safe. However, complaints have been made regarding the requirement of 46 CFR 146.27–25 (d) (1) that the engine room and boiler spaces or one hatch shall intervene between explosives of all types and cotton being unnecessarily stringent with respect to the transportation of this type of ammunition. It is, therefore, proposed to amend 46 CFR 146.27–25 (d) (1) to permit this type of explosives to be stowed in holds adjacent to and in holds above and below those containing cotton provided the 'tween deck hatches are closed off with hatch covers, then covered with asbestos paper, tarpaulins and dunnage.

14. In view of the practice to have automobiles in more than one color, it is proposed to amend 46 CFR 146.27–100, Table K—Classification: Hazardous articles, to permit the shipment of one pint each of two colors of touch up paint with the export shipment of each automobile in lieu of the one pint presently authorized.

15. It is proposed to amend 46 CFR 146.29–100, regarding classification, handling, and stowage chart for military explosives, to permit shipment of certain types of fuzes as Class III military explosives and to permit the overstowing of Class IV–B military explosives with nondangerous cargo and permitted military explosives.

16. The authority for dangerous cargo regulations in 46 CFR Part 146 is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. These regulations interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Dated: September 17, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–7643; Filed, Sept. 21, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO–247 A3]

MILK IN UPSTATE MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Traverse City, Michigan, on May 24, 1956, pursuant to notice thereof issued on May 8, 1956 (21 F. R. 301).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 15, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opoprtunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 18, 1956, (21 F. R. 161).

The material issues and the findings and conclusions of the recommended decision (21 F. R. 161; F. R. Doc. 56–6707) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of June 1956, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Upstate Michigan marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the upstate Michigan marketing area," and "Order amending the order, as amended, regulating the handling of milk in the upstate Michigan marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as

amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] *Amending Order Regulating Handling of Milk in Upstate Michigan Marketing Area*

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Traverse City, Michigan, on May 24, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as set forth below:

1. Amend § 916.22 (l) (1) by deleting "§§ 916.51 and 916.52" and substituting therefor "§ 916.51" and further deleting "§ 916.53" and substituting therefor "§ 916.52".

2. Delete § 916.41 and substitute therefor the following:

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, and half-and-half or other mixtures of cream and milk containing less than 18 percent butterfat; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraphs (a) or (c) of this section; (2) disposed of as fluid cream; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce butter, dry milk (either whole or non-fat) or cheese in any form except cottage cheese; (2) disposed of for livestock feed or in skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of other source milk.

3. Delete § 916.43 and substitute therefor the following:

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a fluid milk plant to another handler in the form of milk or skim milk shall be Class I utilization, unless utilization in another class is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided,* That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a fluid milk plant to a person not a handler shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in such class or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in such class.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer handler shall be Class I utilization.

4. Delete § 916.45 and substitute therefor the following:

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, Class II, and Class III utilization for such handler.

5. Amend § 916.50 (c) by deleting "Beatrice Foods Co., Cadillac, Mich." and "Kraft Cheese Co., Clare, Mich." and substituting therefor "Kraft Foods Co., Cadillac, Mich." and "Kraft Foods Co., Clare, Mich."

6. Delete §§ 916.51, 916.52, 916.53, and 916.54 and substitute therefor the following:

§ 916.51 *Class prices.* Subject to the provisions of §§ 916.52 and 916.53 the prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 916.6 for milk received from producers or from cooperative associations, during the months, shall be as follows:

(a) *Class I milk.* Through June 30, 1958 the Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

(b) *Class II milk.* The Class II milk price shall be the basic formula price.

(c) *Class III milk.* The Class III milk price shall be the basic formula price less 20 cents.

§ 916.52 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to § 916.51, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.71.

§ 916.53 *Handler location adjustments.* For milk which is received from producers at a fluid milk plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the courthouse in either Grayling or Manistee, whichever is closer, and utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant), the price shall be the price effective pursuant to § 916.51 (a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

7. Amend § 916.61 (b) by deleting the term "Class II" and substituting therefor "Class III".

8. Amend § 916.70 (c) (1) by deleting the terms "Class II" and "§ 916.52" and substituting therefor "Class III" and "§ 916.51 (c)".

9. Amend § 916.72 by deleting the terms "Gaylord or Traverse City" and "§ 916.54" and substituting therefor "Grayling or Manistee" and "§ 916.53".

[F. R. Doc. 56-7629; Filed, Sept. 21, 1956; 8:48 a. m.]

[7 CFR Part 957]

[AO-150A-2]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

DETERMINATIONS ON BASIS OF RESULTS OF REFERENDUM

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on January 19-21, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F. R. 9825), upon proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended, regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the Counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho and all of the counties in Idaho lying south of the aforesaid counties. The recommended decision (21 F. R. 3421) of the Deputy Administrator, Agricultural Marketing Service, and the decision (21 F. R. 4761) of the Acting Secretary of Agriculture setting forth the proposed amendments to the marketing agreement and order, as amended, were published in the FEDERAL REGISTER on May 23, 1956, and June 28, 1956, respectively. The Acting Secretary also issued an Order (21 F. R. 4767) directing that a referendum be conducted among producers of potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, to determine whether the requisite majority of such producers favor or approve issuance of the proposed amendments to Order No. 57, as amended.

It is hereby determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed amendments to Order No. 57, as amended, regulating the handling of potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, is not approved or favored (a) by at least two-thirds of the producers of potatoes who participated in such referendum and who, during the determined representative period (July 1, 1955, through June 30, 1956), were engaged within the aforesaid designated counties in Idaho and Malheur County, Oregon, in the production for market of potatoes grown in such production area, or (b) by producers of potatoes who participated in the aforesaid referendum and who, during the aforesaid representative period of July 1, 1955, through June 30, 1956, produced for market at least two-thirds of the volume of potatoes produced for market within the aforesaid production area within such period.

It is hereby further determined that the proposed amendments set forth in the Acting Secretary's decision of June 25, 1956 (21 F. R. 4761), will not be made effective.

Done at Washington, D. C., this 18th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7627; Filed, Sept. 21, 1956; 8:47 a. m.]

[7 CFR Part 987]

[Docket No. AO-252-A2]

MILK IN THE CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO PROPOSED TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Jackson, Mississippi, on December 15-21, 1955 (20 F. R. 8756), upon a proposed tentative marketing agreement and order, as amended, regulating the handling of milk in the Central Mississippi marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 8, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 11, 1956 (21 F. R. 6040).

Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions of the recommended decision (21 F. R. 6040, Doc. 56-6500) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Order of the Secretary Directing that a Referendum be Conducted Among the Producers Supplying Milk to the Central Mississippi Marketing Area: Determination of a Representative Period and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted. The month of July, 1956, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Central Mississippi marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

John D. Nord is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement regulating the handling of Milk in the Central Mississippi Marketing Area", and "Order amending the Order, as amended, regulating the handling of Milk in the Central Mississippi Marketing Area",

which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 18th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] *Amending Order, as Amended, Regulating Handling of Milk in Central Mississippi Marketing Area*

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 987.6 and substitute therefor the following:

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne, all in the State of Mississippi.

2. Delete § 987.51 (a) and substitute the following:

(a) *Class I milk price.* During an 18-month period following the effective date of this subpart, the minimum price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85 during the months of March, April, May and June, and plus $2.25 during all other months.

3. Delete § 987.51 (b) and substitute the following:

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March, April, May and June plus 20 cents during all other months.

4. Amend § 987.81 by deleting all of the section following the colon and inserting in lieu thereof the following "multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month."

5. Amend § 987.82 (b) by deleting the entire paragraph and inserting in lieu thereof the following:

(b) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

6. Amend § 987.53 to read as follows:

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Provided: That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.

7. Amend § 987.92 to read as follows:

§ 987.92 *Location differential to producers.* In making payments to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

[F. R. Doc. 56-7628; Filed, Sept. 21, 1956; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 56-38]

PORT ISABEL, TEXAS

ADDRESS AND DESCRIPTION OF CAPTAIN OF THE PORT OFFICE AND PORT AREA

For the information of those affected by the requirements in 33 CFR Part 124 (Control over Movement of Vessels) to file advance notice of time of arrival with the local Captain of the Port or the Coast Guard District Commander, the addresses and descriptions of Coast Guard Districts, as well as Captain of the Port Offices and port areas, were published in the FEDERAL REGISTER dated March 12, 1955 (20 F. R. 1537-1539), as Coast Guard Document CGFR 55-7 and Federal Register Document 55-2100. The "Captain of the Port Office and Port Area" for Port Isabel, Texas, has been revised as follows:

Eighth Coast Guard District. • • •

Captain of the Port Office, Coast Guard Lifeboat Station, Box 38, Port Isabel, Texas. All navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 97°00'00" W. meridian, on the south the Rio Grande River, on the west the 97°50'00" meridian, and on the north the 26°34'09" N. parallel.

Dated: September 17, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56-7642; Filed, Sept. 21, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-105, Amdt.]

GOVERNMENT OF HUNGARY

In re: Debt owing to the Government of Hungary. F-34-548.

Vesting Order SA-105, dated August 24, 1956, is hereby amended as follows and not otherwise:

1. By deleting from paragraph 1 of said Vesting Order SA-105 the title "Doctor A. Zentay" and substituting therefor the title "Dr. Agoston Zentay".

All other provisions of said Vesting Order SA-105 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 18, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7617; Filed, Sept. 21, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-040577]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 040577, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6th Principal Meridian,

WYOMING

Big Horn National Forest.

BIG GOOSE ADMINISTRATIVE SITE

T. 53 N., R. 86 W.,
Sec. 3: lot 8;
Sec. 4: lot 5;
Tract 37.
T. 54 N., R. 86 W.,
Sec. 34: lot 4, S½SE¼SE¼.

RALPH T. CARPENTER,
Acting State Supervisor.

[F. R. Doc. 56-7620; Filed, Sept. 21, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BOARD OF PORT COMMISSIONERS, OAKLAND, CALIF. AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8095-1, between the Board of Port Commissioners, City of Oakland, California, and Encinal Terminals, modifies Agreement No. 8095, between the parties, covering the lease of the City of Oakland's Ninth Avenue Terminal, the term of which expires January 31, 1957, by extending the term of such agreement for a further period of one year to January 31, 1958.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: September 19, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-7687; Filed, Sept. 21, 1956; 8:55 a. m.]

[Docket No. M-69 (Sub. No. 2)]

PACIFIC FAR EAST LINE, INC., ET AL.

NOTICE OF FUTHER HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that this proceeding has been reopened, and that a further public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on October 4, 1956, at 9:30 a. m., e. d. s. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Pacific Far East Line, Inc., and others, to bareboat charter vessels owned by the Government for the carriage of Government-sponsored bulk cargoes and other approved bulk cargoes. All applications to charter such vessels for such purpose which are received before the close of business on October 3, 1956, will be considered in this proceeding.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately-owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

Dated: September 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-7732; Filed, Sept. 21, 1956; 11:10 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-4]

NAVAL RESEARCH LABORATORY

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the facility license set forth below to the Naval Research Laboratory, Washington, D. C. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

LICENSE

No. R-5

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the Naval Research Laboratory, Washington, D. C. (hereinafter referred to as "the Laboratory");

a. Pursuant to Section 104 c. of the Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), and Title 10, C. F. R., Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

b. Pursuant to the Act and Title 10, C. F. R., Chapter 1, Part 70, "Special Nuclear Materials Regulations," to receive, possess and use:

(1) 5.0 kilograms of contained uranium 235 in fuel element assemblies as fuel for operation of the facility;

(2) 6 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility.

c. Pursuant to the Act and Title 10, C. F. R., Chapter 1, Part 30, "Licensing of By-Product Material," to possess, but not to separate from the fuel, such special nuclear and by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor which is owned by the Laboratory and located in Washington, D. C., and described in the Laboratory's application dated April 5, 1955.

3. This license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50 and Section 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, including the proposed "Standards for Protection Against Radiation" regulation (10 CFR Part 20) published in the FEDERAL REGISTER July 15, 1955; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, April 29, 1975, unless sooner terminated.

Date of issuance: September 14, 1956.

Dated at Washington, D. C. this 17th day of September 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. The Laboratory shall operate the reactor in accordance with the procedures described in its application dated April 5, 1955, and supplements thereto dated December 28, 1955, January 18, 1956, and July 6, 1956.

b. The Laboratory shall not by-pass any control mechanism during the operation of the facility.

c. The Laboratory shall not operate the reactor at power levels in excess of 100 kilowatts.

d. The reactor shall be operated in such a manner that the positive rate of change of reactor power level will not result in a positive reactor period less than 10 seconds.

e. The reactor shall not be operated with an excess reactivity value exceeding that of the delayed neutron fraction above cold critical for any experimental loading. Reactivity losses associated with xenon, increasing reactor temperature, and fuel burn-up following adjustment of the core loading must be included in this excess reactivity limitation.

f. The reactivity of all configurations of the core loadings to be utilized in operating the reactor must be determined using clean fuel elements.

g. The reactor core shall not be moved from one position to another unless the core loading is less than 2 kilograms of U-235 and all control and safety rods are fully within the core.

II. *Records.* In addition to those otherwise required under this license, the Laboratory shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the Laboratory as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* The Laboratory shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 56-7619; Filed, Sept. 21, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6515]

REEVE ALEUTIAN AIRWAYS; ACQUISITION OF REEVE ALASKA AIRMOTIVE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding is postponed from September 25, 1956 to October 9, 1956 at 1:30 p. m., e. d. t., in Room No. 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C. before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C. September 17, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7653; Filed, Sept. 21, 1956; 8:51 a. m.]

RAILWAY EXPRESS AGENCY, INC.; INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation of the authority of Railway Express Agency, Inc. to operate, pursuant to sections 1 (2), 205 (a), 412 and 1002 (b) of the act.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 2, 1956, at 10 a. m., e. d. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW, Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., September 19, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7652; Filed, Sept. 21, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56M-849]

MACKAY RADIO AND TELEGRAPH CO., INC., AND ALL AMERICAN CABLES AND RADIO, INC.

ORDER SCHEDULING HEARING

In the matter of Mackay Radio and Telegraph company, Inc. and All American Cables and Radio, Inc., application for modification of license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico; Docket No. 10056.

It is ordered, This 13th day of September 1956, that hearing in the above-entitled proceeding will commence on Wednesday, October 31, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56 7645; Filed, Sept. 21, 1956; 8:51 a. m.]

[Docket No. 11775; FCC 56M-859]

RADIO STATION KODY (KODY)

ORDER AFTER PREHEARING CONFERENCE

In re application of John Alexander, George B. Dent, Jr., and Townsend E. Dent d/b as Radio Station KODY (KODY), North Platte, Nebraska, for construction permit; Docket No. 11775, File No. BP-10333.

Appearances. Appearances by counsel, all of Washington, D. C., were as follows: Mr. Frank U. Fletcher on behalf of the applicant, Radio Station KODY (KODY); Mr. D. F. Prince on behalf of the named respondent, Radio Station KSJB; and Mr. Webster P. Maxon on behalf of the Chief, Broadcast Bureau, Federal Communications Commission. In addition to these named parties, Mr. Dwight Doty of Washington, D. C. was present as attorney for Meredith WOW, Inc., the licensee of Station WOW, which has petitioned for leave to intervene and for enlargement of the issues in this proceeding.

1. Pursuant to prior order, and on September 11, 1956, a prehearing conference in this proceeding was held and was attended by counsel for the parties and persons as indicated in the statement of appearances above. The transcript of that conference, Volume 1, pages 1 through 29, is made a part of the record, and the matters determined at the conference are hereinafter stated.

2. Counsel for Meredith WOW, Inc., hereinafter called petitioner, attended the conference and was permitted to take part in the discussions of procedural matters then under consideration. Petitioner has heretofore filed a petition for leave to intervene and for enlargement of the issues in this proceeding. The petition has been opposed by separate pleadings on behalf of the applicant and Bureau. The matters presented by these pleadings have not yet been decided by the Commission. Accordingly, the Hearing Examiner could not accord to petitioner recognition as a party in this proceeding, the initial judgment upon that matter and the enlargement of the issues being reserved to the Commission under § 1.741 of the rules. Nevertheless, some consideration was given to the views and requests upon procedural matters expressed by counsel for petitioner, as hereinafter indicated.

3. At the conference a copy of the applicant's engineering exhibit, hereinafter discussed, was supplied to petitioner's counsel. A request for postponement of the hearing made by petitioner's counsel and opposed by the applicant and by Bureau, was not granted. Upon inquiry by its counsel, petitioner was advised of the Hearing Examiner's tentative view that at the hearing petitioner will not be allowed to offer evidence or to cross-examine witnesses or otherwise to participate unless it then shall have become a named party to the proceeding; this question will be re-examined at the hearing upon request by petitioner and in the light of such precedents, authorities, and arguments as may then be urged. Finally, it was recognized that if this matter proceeds to and through hearing as now contemplated, the hearing record may have to be reopened to adapt the procedures to the requirements of the Commission's action upon the pending pleadings.

4. Counsel for the named respondent, Radio Station KSJB, stated on the record early in the conference that that respondent does not desire either to press objections to a grant here or to participate further in the proceeding. Upon request of respondent's counsel he was thereupon excused from further attending the hearing conference and he then left the hearing room.

5. By agreement of counsel for the applicant and for Bureau and with the approval of the Hearing Examiner it was determined that the hearing will be commenced at 9 a. m. on Monday, September 24, 1956. Applicant exchanged its exhibit upon all matters at issue with counsel for Bureau and for Meredith WOW, Inc. It is expected that engineers for the applicant and for Bureau will confer and thus insure that the engineering exhibit will fully and correctly provide the essential facts upon the matters at issue. The parties expect that the evidence will be offered in written form at the hearing and without oral verification or examination of any supporting witness.

Accordingly, it is ordered, This 18th day of September 1956, that the terms and provisions and conditions hereinabove stated shall govern the course of the further proceeding herein to the extent indicated, unless this order be modified by the Hearing Examiner or by the Commission upon a review thereof; and

It is further ordered, That the hearing in this proceeding shall be commenced at 9 a. m. on Monday, September 24, 1956, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7646; Filed, Sept. 21, 1956; 8:51 a. m.]

[Docket Nos. 11818, 11819; FCC 56M-854]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER SCHEDULING HEARING

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent tr/as Radio Pine Bluff, Pine Bluff, Arkansas, Docket No. 11819, File No. BP-10526; for construction permits.

It is ordered, This 14th day of September 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1956, in Washington, D. C.

Released: September 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7647; Filed, Sept. 21, 1956; 8:51 a. m.]

[Docket No. 11820; FCC 56M-855]

WAYNE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of T. C. Collins & Herman Morris, d/b as Wayne Broadcasting Company, Jesup, Georgia, for construction permit for new standard broadcast station; Docket No. 11820, File No. BP-10375.

It is ordered, This 14th day of September 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1956, in Washington, D. C.

Released: September 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7648; Filed, Sept. 21, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10458]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1956.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with principal place of business at Oklahoma City, Oklahoma, filed on May 23, 1956, an application (1) for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act (act) and (2) for permission to abandon certain existing natural gas facilities and service rendered thereby, pursuant to section 7 (b) of the act, authorizing Applicant to construct and operate certain natural gas facilities in a new location as substantial replacement for the facilities and service proposed to be abandoned as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The facilities proposed to be constructed and operated by Applicant at an estimated total cost of $146,000 consist of:

(1) Approximately 6.5 miles of 8-inch lateral transmission line extending primarily North thence East from a point of interconnection with Applicant's existing 12-inch Ottawa-Sedalia transmission line in the NW4, S19, T45N, R30W, to the Ralph Green (electric generating) power plant of Missouri Public Service Company in the NE4, S19, T46N, R30W, all in Cass County, Missouri.

These facilities will be used in part to transport and deliver natural gas to the Gas Service Company for resale and distribution by said company in Pleasant Hill, Cass County and in Lone Jack, Jackson County, Missouri, in lieu of the facilities now used to serve these towns which are proposed to be abandoned. In addition, these facilities will be used to transport and deliver on an interruptible basis the partial requirements, viz. the excess over 1,000 Mcf per day at 14.73 psia, of the Ralph Green power plant, a new industrial customer of Applicant.

(2) As a continuation of (1) above, approximately 3 miles of 4-inch lateral transmission line extending almost equidistant North thence East from the aforesaid Ralph Green power plant to a point of interconnection with Applicant's existing Pleasant Hill-Lone Jack lateral transmission line near the Southern terminus thereof in SW4, S8, T46N, R30W, Cass County, Missouri.

These facilities will be used to transport and deliver natural gas to The Gas Service Company for resale and distribution by said company in Pleasant Hill, Cass County and in Lone Jack, Jackson County, Missouri, in lieu of the facilities now used to serve these towns which are proposed to be abandoned.

(3) Approximtaely 1.25 miles of 2-inch lateral transmission line extending North from a point of interconnection with Applicant's existing 12-inch

Ottawa-Sedalia transmission line in the NE4, S12, T45N, R29W, to the present town border of Kingsville, Missouri, in the SE4, S36, T46N, R29W, all in Johnson County, Missouri.

These facilities will be used to transport and deliver natural gas to The Gas Service Company for resale and distribution by said company in Kingsville, Johnson County, Missouri, in lieu of the facilities now used to serve this town which are proposed to be abandoned.

(4) Approximately .75 mile of 4-inch lateral transmission line extending South from a point of interconnection with Applicant's existing 12-inch Ottawa-Sedalia transmission line in the SE4, S3, T45N, R28W, to the present town border of Holden, Missouri, in the NW4, S11, T45N, R28W, all in Johnson County, Missouri.

These facilities will be used to transport and deliver natural gas to The Gas Service Company for resale and distribution by said company in Holden, Johnson County, Missouri, in lieu of the facilities now used to serve this town which are proposed to be abandoned.

The facilities proposed to be abandoned and reclaimed by Applicant consist of approximately 17.2 miles of 6-inch lateral transmission line extending northwesterly from Holden, Johnson County, Missouri, (NW4, S11, T45N, R28W) to a point of cross connection with Applicant's existing 12-inch Ottawa-Sedalia transmission line; thence to Kingsville, Johnson County, Missouri; thence through Strasburg, Jackson County, Missouri; and thence curving North to a point of interconnection with and near the midpoint of Applicant's existing Pleasant Hill-Lone Jack lateral line.

The application states that no change in service is involved in this project except as to eight individual resale tap consumers located along the facilities proposed to be abandoned, which consumers will be such a distance from Applicant's facilities after the proposed rearrangement as to render reconnecting said consumers impracticable. Applicant proposes to abandon the service now rendered these eight consumers.

Applicant states that practically all of the facilities to be reclaimed will be used again and have an estimated salvage value of $41,000. The total cost of reclaiming these facilities is estimated to be $35,000. The net salvage value is $6,000.

The estimated total cost of the complete project is estimated to be $140,000 which will be financed by Applicant out of treasury cash.

The application further states that it is the policy of Applicant to expand its system to meet the increasing peak day firm demands of its existing customers; that the facilities listed above constitute only enlargements to serve increased firm demands of existing jurisdictional customers of Applicant; that no new sales or service are contemplated except the proposed direct industrial sale to Ralph Green power plant; that the proposed sale by Applicant would have no substantial over-all effect on Applicant's gas reserves and would not reduce the life index of Applicant's gas reserves by a period of one year or more; that the proposed sale would not impair service to any existing customers of Applicant; that the proposed sale by Applicant would assist in maintaining Applicant's over-all system load factor and particularly on the Ottawa-Sedalia-Carrollton portion of its system where peak day firm demands are increasing at a faster rate than on the balance of Applicant's system, thus making it extremely important for Applicant to fill in the "valleys" created by such peak day firm demands during off-peak periods by sales of the kind and character involved herein in order to maintain rates to firm customers at the lowest reasonable level; that the proposed sale would result in substantial economies to Missouri Public Service Company in its cost of fuel at said plant as against the cost of another competitive fuel now being used; that by reason of the age and condition of the facilities sought to be abandoned Applicant is incurring excessive losses of gas (presently around 30 percent) due to leakage along the entire length thereof and incurring excessive maintenance costs which render the continued future operation of such facilities inefficient; and that it is not economical to undertake the extensive repairs required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7623; Filed, Sept. 21, 1956; 8:46 a. m.]

[Docket No. G-10588, G-10638]

KANSAS-NEBRASKA NATURAL GAS CO., INC. AND NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATIONS

SEPTEMBER 17, 1956.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to the Natural Gas Act authorizing the construction and operation of facilities and the sale and delivery of natural gas as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the applications, now on file with the Commission and open to public inspection.

Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) filed on June 14, 1956 at Docket No. G-10588, an application for a certificate of public convenience and necessity authorizing the sale of gas to Northern Natural Gas Co. (Northern) and the construction and operation of such facilities described in the application as require certifications. The proposed facilities involved in the sale and delivery to Northern by Kansas-Nebraska are approximately 29.7 miles of 12¾ inch pipeline described as a main gathering line, extending from the Camrick Field in Texas County, Oklahoma to a point of delivery at Northern's Liberal Station, in Stevens County, Kansas, together with approximately 31.6 miles of lines in the Camrick Field varying in diameter from 4 to 10 inches which will collect gas at the wells and transport it to the 12¾ inch line, surface equipment for 27 wells and measuring equipment at the point of delivery.

On June 22, 1956 Northern filed at Docket No. G-10638 an application for a certificate of public convenience and necessity authorizing the installation of a side valve connection on the discharge side of its Liberal Station into the Liberal-Sublette 20 inch line.

The above entitled matters have been consolidated and scheduled for hearing on October 15, at 10 a. m., e. d. s. t., by notice dated September 11, 1956.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7624; Filed, Sept. 21, 1956; 8:47 a. m.]

[Docket No. G-10730]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1956.

Take notice that Natural Gas Company of West Virginia, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business in Pittsburgh, Pennsylvania, Applicant, filed on July 11, 1956, an application, and on August 2, 1956, a supplement thereto, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct 5,200 feet of 5½ inch O. D. pipe line extending from Line 6015 to a regulating and measuring station to be installed by Applicant on the premises of the Malvern Flue Lining, Inc., in Brown Township, Carroll County, Ohio, together with valves, piping, and incidental facilities necessary for practical operation.

The prospective customer, Malvern Flue Lining, Inc., wishes to substitute natural gas for coal in firing clay products in its 23 periodic kilns and in related operations. It is estimated that gas requirements will be 600 Mcf per day and 180,000 Mcf per year under normal operating conditions. Peak deliveries are estimated at 60 Mcf per hour.

Applicant has estimated the cost of the proposed facilities at $24,000 to be paid out of cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Tuesday, October 22, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7625; Filed, Sept. 21, 1956; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY AUTHORIZING NEGOTIATION OF CONTRACTS WITH FIRMS, INSTITUTIONS AND ASSOCIATIONS FOR PROFESSIONAL ENGINEERING AND ACCOUNTING SERVICES AND RESEARCH SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the Act, authority is hereby delegated for the period ending June 30, 1959, to the Secretary of Commerce to negotiate, without advertising, certain contracts required by the Bureau of Public Roads in the administration of its highway program, viz., contracts for professional engineering and accounting services and for research work under sections 302 (c) (4) and 302 (c) (10) of the act, respectively.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated under section 302 (c) (10) of the act may be redelegated only to a chief officer of the Department of Commerce responsible for procurement and only with respect to contracts which will not require expenditure of more than $25,000, as provided by section 307 (b) of the act.

4. This delegation shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 17, 1956.

[F. R. Doc. 56-7636; Filed, Sept. 21, 1956; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 32648: *Asphalt—Mid Continent and Southwest to Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-products or petroleum (other than paint, stain or varnish), tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to local and common points in Iowa on the Fort Dodge, Des Moines & Southern Railway.

Grounds for relief: Carrier and market competition and circuitous routes.

Tariff: Supplement 294 to Agent Kratzmeir's I. C. C. 3825.

FSA No. 32649: *Magnesium anodes—Velasco, Tex., to Listerhill, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal and magnesium alloy anodes, straight or mixed carloads from Velasco, Tex., to Listerhill, Ala.

Grounds for relief: Short-line distance formula, competition of barge-truck lines and circuitous routes.

Tariff: Supplement 246 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32650: *Anhydrous ammonia—Canada to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Calgary and Fort Saskatchewan, Alta., Canada to class rate base points taking same rates in Colorado, Iowa, Kansas, Michigan (upper peninsula), Minnesota, North Dakota, South Dakota, Wisconsin and Wyoming.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Canadian National Railways tariff I. C. C. W. 681. Canadian Pacific Railway Company's I. C. C. W. 1048.

FSA No. 32651: *Fertilizer solutions—Canada to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer solutions, namely, nitrogen fertilizer solution or fertilizer ammoniating solution, carloads, and phosphate fertilizer solution, tank-car loads from Calgary and Fort Saskatchewan, Alta., and Warfield, B. C., Canada to base points and points grouped therewith in Colorado, Iowa, Kansas, Michigan (upper-peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Canadian National Railways tariff I. C. C. No. W. 681. Canadian Pacific Railway Company's I. C. C. No. W. 1048.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-7635; Filed, Sept. 21, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah, and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters:

UTAH

Determined on September 7, 1956:

Beaver	Millard
Garfield	Piute
Iron	Sevier
Kane	

TEXAS

Determined on September 12, 1956:

Austin	Calhoun
Briscoe	Dawson

Done at Washington, D. C., this 19th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7686; Filed, Sept. 21, 1956; 8:55 a. m.]

UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties in the State of Utah were determined on July 31, 1956, to be affected by the above-mentioned major disaster.

UTAH

Emery Wayne

Done at Washington, D. C., this 19th day of September 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-3633; Filed, Sept. 21, 1956; 8:49 a.m.]

CERTAIN STATES

DISASTER ASSISTANCE: DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; the President determined on February 27, 1956, that major disasters occasioned by drought existed in the States of New Mexico and Oklahoma; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters:

KANSAS

Determined on September 12, 1956:

Brown Smith
Nemaha Marshall
Ellis

NEW MEXICO

Determined on September 10, 1956:

McKinley Valencia
Rio Arriba

OKLAHOMA

Determined on September 12, 1956:

Blaine Kiowa
Jackson Harmon
Canadian

TEXAS

Determined on September 12, 1956:

Fort Bend Wharton
Waller Parmer
Lynn

Done at Washington, D. C., this 18th day of September 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-7634; Filed, Sept. 21, 1956; 8:49 a. m.]

Rural Electrification Administration

[Administrative Order 5497]

UTAH

LOAN ANNOUNCEMENT

AUGUST 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Utah 6Z Garfield	$410,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7654; Filed, Sept. 21, 1956; 8:51 a. m.]

[Administrative Order 5498]

TENNESSEE

LOAN ANNOUNCEMENT

AUGUST 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 34F Hardin	$845,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7655; Filed, Sept. 21, 1956; 8:51 a.m.]

[Administrative Order 5499]

ARIZONA

LOAN ANNOUNCEMENT

AUGUST 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 22K Kingman	$25,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7656; Filed, Sept. 21, 1956; 8:51 a. m.]

[Administrative Order 5500]

KENTUCKY

LOAN ANNOUNCEMENT

AUGUST 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 37U Owen	$720,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7657; Filed, Sept. 21, 1956; 8:51 a.m.]

[Administrative Order 5501]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 33C Bryan Public	$1,350,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-7658; Filed, Sept. 21, 1956; 8:51 a.m.]

[Administrative Order 5502]

INDIANA

AMENDMENT TO LOAN ANNOUNCEMENT

AUGUST 8, 1956.

I hereby amend: (a) Administrative Order No. 2663, dated May 11, 1950, by reducing the loan of $10,000 therein made for "Indiana 47M Orange" by $4,544 so that the reduced loan shall be $5,456.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7659; Filed, Sept. 21, 1956; 8:51 a.m.]

[Administrative Order 5503]

WISCONSIN

AMENDMENT TO LOAN ANNOUNCEMENT

AUGUST 8, 1956.

I hereby amend: (a) Administrative Order No. 232, dated April 1, 1938, by reducing the allocation of $10,000 therein made for "Wisconsin 8014W1 Oconto" by $11.91 so that the reduced allocation shall be $9,988.09;

(b) Administrative Order No. 444, dated March 23, 1940, by reducing the allocation of $10,000 therein made for "Wisconsin 0014W2 Oconto" by $6,009.72 so that the reduced allocation shall be $3,990.28; and

(c) Administrative Order No. 675, dated February 19, 1942, by rescinding the allocation of $10,000 therein made for "Wisconsin 2014S3 Oconto".

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7660; Filed, Sept. 21, 1956; 8:51 a.m.]

[Administrative Order 5504]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 65U Rusk	$255,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7661; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5505]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 42P Toombs	$265,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-7662; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5506]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 13Z Johnson	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-7663; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5507]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 41X Panola	$90,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7664; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5508]

LOUISIANA

LOAN ANNOUNCEMENT

AUGUST 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 15R Pointe Coupee	$100,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7665; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5509]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 55N Craven	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7666; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5510]

PENNSYLVANIA

LOAN ANNOUNCEMENT

AUGUST 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 12M Sullivan	$170,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7667; Filed, Sept. 21, 1956; 8:52 a. m.]

[Administrative Order 5511]

ILLINOIS

LOAN ANNOUNCEMENT

AUGUST 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 23T Sangamon	$184,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7668; Filed, Sept. 21, 1956; 8:52 a.m.]

[Administrative Order 5512]

WYOMING

LOAN ANNOUNCEMENT

AUGUST 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 3 P Freemont	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7669; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5513]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 10AA Haywood	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-7670; Filed, Sept. 21, 1956; 8:53 a.m.]

[Administrative Order 5514]

NORTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 40C Burleigh	$729,114.18

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-7671; Filed, Sept. 21, 1956; 8:53 a.m.]

[Administrative Order 5515]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 22U Fairfield	$515,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7672; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5516]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26AC Fulton	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7673; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5517]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 96T Beltrami	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56-7674; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5518]

OHIO

LOAN ANNOUNCEMENT

AUGUST 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 75N Williams	$330,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56-7675; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5519]

DELAWARE

LOAN ANNOUNCEMENT

AUGUST 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Delaware 27 Sussex	$590,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56-7676; Filed, Sept. 21, 1956; 8:53 a. m.]

[Administrative Order 5520]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 115R Grimes	$385,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7677; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5521]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 16S Edgecombe	$500,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7678; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5522]

ALASKA

LOAN ANNOUNCEMENT

AUGUST 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alaska 6H Golden Valley	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7679; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5523]

NORTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 36G Cavalier	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7680; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5524]

NEBRASKA

LOAN ANNOUNCEMENT

AUGUST 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 64M York District Public	$2,050,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7681; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5525]

NEBRASKA

LOAN ANNOUNCEMENT

AUGUST 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 101 A Dundy District Public	$1,185,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-7682; Filed, Sept. 21, 1956; 8:54 a. m.]

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VOLUME 21 NUMBER 186

Washington, Tuesday, September 25, 1956

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER TERMINATING SUSPENSION OF GRADE AND SIZE REGULATIONS

The grade and size regulation (§ 994.102; 19 F. R. 6785) which was in effect pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, Part 994), effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), was suspended on August 26, 1955. This action was taken when it became apparent that prices received by growers would average above parity for the 1955–56 crop year.

The 1956–57 pecan crop in the five-State area is presently estimated at 101,400,000 pounds as compared with 39,100,000 last season and producers and handlers have recommended that shipments of inshell pecans from the area be subject to grade and size regulation. Information available to the Department indicates that such regulation of inshell pecans shipped from the area would tend to promote the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, in that it now appears that the average price for pecans for the coming season will be below parity. Therefore, suspension of the following grade and size regulation is hereby terminated, effective as of October 1, 1956:

§ 994.102 *Grade and size regulation.* (a) In lieu of the initial grade and size regulation contained in § 994.74 of the marketing agreement and order, no person shall handle, except as provided in § 994.77 (e) of the marketing agreement and order, any unshelled pecans:

(1) Unless such pecans have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100 nut sample weigh at least 1.5 ounces;

(2) In addition, meet requirements of the U. S. Commercial grade as established in the U. S. Standards for Pecans in the Shell §§ 51.1400 to 51.1416 of this title, to read, as modified for the purposes of this grade and size regulation with respect to the minimum percentage of kernels required to meet the requirements of the U. S. No. 1 grade and the maximum tolerance for kernels which may be very seriously damaged, as set forth in subparagraph (3) of this paragraph: *Provided,* That pecans of the Mahan variety shall be required only to meet the requirements of the U. S. Commercial grade, as set forth in the aforesaid U. S. Standards for Pecans in the Shell, including the tolerances set forth therein;

(3) The pecans, other than those of the Mahan variety, shall consist of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 75 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of the U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration, or other means. In order to allow for variations incident to proper grading and handling, the following tolerance for pecans other than those of the Mahan variety shall be permitted:

(i) For external defects (defects of the shell) not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade; and

(ii) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided,* That no more than three-fifths of this amount, or 9 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce, for the lot, the 75 percent of kernels required to meet the U. S. No. 1 grade.

Notice of proposed rule making, public participations therein, and delay in making this order effective later than October 1, 1956 (see section 4 of the Administrative Procedure Act; 5 U. S. C.

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FEDERAL REGISTER

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1001 et seq.), is impracticable, unnecessary and contrary to the public interest because: (1) The marketing season for pecans begins October 1; and (2) it is necessary that all shipments of pecans within the marketing season be subject to the inspection and grading requirements in order to promote the objectives of the act.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Dated: September 20, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7711; Filed, Sept. 24, 1956; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

APPLICATIONS FOR SPECIFIC LICENSES; ELIMINATION OF REQUIREMENT FOR SIGNATURE UNDER OATH OR AFFIRMATION

This amendment to Title 10, Part 30, Licensing of Byproduct Material, eliminates the requirement that applications for specific licenses must be signed under oath or affirmation. Because this amendment merely eliminates a present procedural requirement, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary and would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary 30-day period of notice.

Paragraph (c) of § 30.22 is amended by deleting the words "under oath or affirmation."

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 17th day of September 1956.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-7688; Filed, Sept. 24, 1956; 8:45 a. m.]

PART 55—OPERATORS' LICENSES

APPLICATIONS FOR SPECIFIC LICENSES AND STATEMENTS; ELIMINATION OF REQUIREMENT FOR SIGNATURE UNDER OATH OR AFFIRMATION

This amendment to Title 10, Part 55, Operators' Licenses, eliminates the requirement that applications for specific licenses and statements must be signed under oath or affirmation. Because this amendment merely eliminates a present procedural requirement, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary and would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary 30-day period of notice.

Paragraph (d) of § 55.10 is amended by deleting the words "under oath or affirmation" from the second sentence thereof. Paragraph (a) of § 55.33 is amended by deleting the words "under oath or affirmation" from the first sentence thereof.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 17th day of September 1956.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56 7639; Filed, Sept. 24, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-418]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

REQUIREMENTS FOR PILOT ROUTE QUALIFICATIONS IN SCHEDULED INTERSTATE AIR CARRIER OPERATIONS AND SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of September 1956.

Section 40.303 (c) of Part 40 of the Civil Air Regulations requires in part that each pilot in command make an entry into each regular, provisional, and refueling airport into which he is scheduled to fly. Section 41.50 of Part 41 of the Civil Air Regulations provides in part that a pilot in qualifying over a route shall make at least one round trip or two one-way trips over the route, including a familiarization flight at each regular, provisional, or refueling airport, with one of the air carrier's check pilots.

The Board, on September 23, 1955, promulgated Special Civil Air Regulation No. SR-413 and on December 23, 1955, promulgated Special Civil Air Regulation No. SR-414. These regulations permit air carriers, with the approval of the Administrator, to qualify their pilots at airports by means other than physical entry. SR-413 is applicable to scheduled air carrier operations outside the continental limits of the United States, whereas SR-414 is applicable to scheduled domestic air carrier operations. Both SR-413 and SR-414 terminate September 23, 1956.

The history of these special regulations began with the publication of Civil Air Regulations Draft Release No. 55-3 on January 20, 1955. This draft release was concerned with the over-all problem of pilot airport and route qualification. Therein considerable emphasis was placed in particular on recent developments of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for insuring pilot airport qualification. The Board expressed the view that the regulations should be amended in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, the Board stated that it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following publication of Draft Release No. 55-3, the Board received petitions from several air carriers requesting permission to qualify their pilots on certain routes and at specified airports by means other than those presently required by §§ 40.303 (c) and 41.50 of Parts 40 and 41 as appropriate, of the Civil Air Regulations. These air carriers based their requests upon, among other things, the consideration that each had developed a comprehensive training program based on the use of color motion pictures or slides showing clear daylight views of the complete physical layout of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to the pilot. Furthermore, it appeared that certain precautionary procedures would be employed to assure that the training programs would be effective and the operations would be conducted safely.

The Board considered that the programs developed by these air carriers would provide a timely opportunity for evaluating the use of pictorial means of airport and route qualification by industry and the Government, and that a Special Civil Air Regulation was the appropriate vehicle for permitting the controlled introduction of the new techniques. Accordingly, the Board promulgated SR-413 for air carriers conducting operations pursuant to Part 41 and SR-414 for those air carriers conducting their operations under Part 40. The Board made clear, however, that nothing in SR-413 and SR-414 was to be construed to prejudice final action by the Board on the proposals presented originally in Draft Release No. 55-3.

In view of the fact that Special Civil Air Regulations Nos. SR-413 and SR-414, will terminate on September 23, 1956, the Board, on June 15, 1956, requested the views of the Civil Aeronautics Administration (CAA), the Air Transport Association (ATA), and the Air Line Pilots Association (ALPA) with respect to the effectiveness of SR-413 and SR-414 and asked for any recommendations they might have concerning these special regulations.

In consideration of an evaluation made of the views and recommendations received from the CAA, ALPA, and ATA, the Board believed that the controlled introduction of new techniques of pilot airport qualification should be permitted to continue for another year. This would enable industry and the Government alike to obtain additional information and experience with respect to improving pilot airport qualifications and procedures.

Accordingly, the Bureau of Safety Regulation circulated Civil Air Regulations Draft Release No. 56-21 on August 13, 1956 (21 F. R. 6278). In this release the Bureau proposed to combine the authority presently contained in SR-413 and SR-414 into one Special Civil Air Regulation, the provisions of which would be uniformly applicable to Parts 40 and 41 air carriers desiring to employ means of pilot airport qualification other than those presently required by §§ 40.303 (c) and 41.50 of Parts 40 and 41, respectively. The substance of the proposal was essentially the same as that contained in SR-413, with certain modifications and additions. This action was taken in cognizance of the Board's policy

that the same standards should be applied to scheduled international and domestic operations, except where the inherent differences in the types of operations require differentiation.

In Draft Release 56–21 it was proposed that a pilot should be permitted to make an initial entry at an airport under day VFR without being accompanied by a pilot qualified at the airport only when such entry had the approval of the Administrator. The Board is of the opinion after evaluation of the comment received in response to this proposal and other information that such a procedure would be administratively burdensome. Furthermore, such a procedure appears to be unnecessary in view of assurance given the Board that VFR minimums, both day and night, established by the Administrator for airports used by air carriers, including those minimums established for airports located in mountainous areas, are sufficiently high to permit a pilot to make a safe initial entry under VFR weather conditions unaccompanied by a pilot qualified at the particular airport involved. Accordingly, this reguation permits a qualifying pilot to make his initial entry without being accompanied by a pilot qualified at the airport when such entry is made under VFR weather conditions. This procedure is essentially the same as that authorized in Part 41 and SR–413.

It was further proposed to clarify the meaning of the words "other means" which the record showed had had significance only in two respects: (1) To permit pilot airport qualification by approved pictorial means and (2) to authorize the Administrator to find, on the basis of certain factors, that in the conduct of an air carrier's operations into an airport in close proximity to one at which the pilots are qualified, that the pilots involved are adequately qualified at the new airport even though they have not made an actual entry. Therefore, in this special regulation, the words "other means" are omitted and the two aforementioned situations are clearly spelled out as those to be covered by this regulation.

Various interested persons submitted additional suggestions for further revision of the special regulations or final amendment of § 40.303 (c). The Board is of the opinion, however, that an additional experimental period, particularly with respect to the use of pictorial means of airport qualification, would be in the public interest. It is believed that final amendments of Parts 40 and 41 or additional changes to the special regulations at this time would be premature.

It should be clearly understood that this temporary regulation will not relieve any air carrier of the responsibility of showing that each pilot in command is thoroughly qualified for the routes and airports which he is scheduled to serve. Furthermore, nothing in this regulation should be construed to prejudice final action by the Board on the proposals presented in Draft Release No. 55–3.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it would not be in the public interest to permit existing authority to lapse for 30 days, and since this regulation is permissive and imposes no burden on any person, the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective September 24, 1956:

Contrary provisions of Parts 40 and 41 of the Civil Air Regulations notwithstanding, an air carrier conducting scheduled interstate operations or scheduled operations outside the continental limits of the United States may, subject to the approval of the Administrator, comply with the following provisions in lieu of the applicable provisions of §§ 40.303 and 41.50:

(a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), (d), and (e) of this regulation and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment. He shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this regulation when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualifications can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilots involved are presently qualified by entry, and the Administrator finds that such pilots are adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

This regulation supersedes Special Civil Air Regulations Nos. SR–413 and SR–414 and shall terminate September 23, 1957, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–7712; Filed, Sept. 24, 1956; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 11]

PART 371—GENERAL LICENSES

SURPLUS AGRICULTURAL COMMODITIES AND MANUFACTURES THEREOF; CONTRACTS OF SALE

Section 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (c) *Surplus agricultural commodities and manufactures thereof*,[1] subparagraph (1) *Contracts of sale in excess of $10,000* is amended to read as follows:

(1) *Contracts of sale amounting to $10,000 or more.* (i) Prior to or at the time of entering into a contract to sell for export or otherwise dispose of for exportation to other than Group 0 countries:

(*a*) Any commodity obtained directly or indirectly from the Commodity Credit Corporation, either in the form acquired or in processed form;

(*b*) Any commodity being sold in substitution for a commodity acquired from the CCC under an export disposal program; or

(*c*) Any commodity which is subsidized for export by the CCC, either by cash payment or payment in kind;

(ii) An exporter shall, where the contract is entered into prior to exportation of the commodity under this general license, either in the contract of sale or in connection therewith, obtain from the foreign purchaser, where the contract amounts to $10,000 or more, a written acknowledgment of the purchaser's understanding of (*a*) the prohibition without prior BFC approval against exportation or reexportation by any person set forth in this section and in § 371.4, of any such commodities, to Macao, Hong Kong and destinations in Subgroup A (see § 371.3) and (*b*) the sanction of denial of export privileges which may be imposed for violation of the export regulations. Where a contract of sale involving $10,000 or more is not to be entered into until after exportation under this general license, the exporter shall, either in the contract of sale or in connection therewith, obtain the same type of acknowledgment from the foreign purchaser prior to, or at the time of entering into the contract of sale.

(iii) Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

The effective date of Amendment 9 (21 F. R. 6952) of September 19, 1956 is amended to read October 1, 1956.

[1] This procedure is also applicable to such shipments under General License GHK (§ 371.23).

(No effective date on this amendment.)

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director,*
Bureau of Foreign Commerce.

[F. R. Doc. 56–7700; Filed, Sept. 24, 1956; 8:47 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 4]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rails, trackwork, and track accessories:				
605110	Standard T rails, used (over 60 pounds per yard) (report relaying rails in 605300).[1]	S. ton	STEE	100	RO (BG)
605210	Carbon steel rails, used, except standard T rails (report relaying rails in 605300).[1]	S. ton	STEE	100	RO (BG)
605300	Relaying rails (report rerolling rails in 601170, rail scrap in 601080).[1]	S. ton	STEE	100	RO (BG)

[1] This Commodity may be exported under General License GLV only within the Dollar-value limit specified on the Positive List (see § 371.10(c) of this subchapter). In addition, the letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is exempt from the Time Limit licensing procedure (see Part 377 of this subchapter), effective October 25, 1956

2. The revised entries set forth below are substituted for entries presently on the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
610070	Rerolling rails (report relaying rails in 605300) [1]	S. ton	STEE	100	RO (ABC)
610170	Other rerolling material [1]	S. ton	STEE	100	RO (AG)

[1] Two entries are substituted for the single entry presently on the Positive List under Schedule B No. 601170. In addition, the letter "B" is added to the first entry in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is exempt from the Time Limit licensing procedure (see Part 377 of this subchapter), effective October 25, 1956.

This amendment shall become effective as of September 25, 1956, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R and Country Group O destinations as a result of changes set forth in this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 25, 1956, may be exported under the previous general license provisions up to and including October 25, 1956. Any such shipment not laden aboard the exporting carrier on or before October 25, 1956, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56–7742; Filed, Sept. 24, 1956; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6538]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STONE & STONE, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1255 *Manufacture or preparation:* Fur Products Labeling Act.[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f)

[1] New.

[Cease and desist order, Stone & Stone, Inc., et al., New York, N. Y., Docket 6538, September 7, 1956]

In the Matter of Stone & Stone, Inc., a Corporation; and Max Stone, Individually and as President and Treasurer of Said Corporation; and Jerome Magnus, Individually and as Production Manager for Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York City furrier with violating the Fur Products Labeling Act through failing to disclose on labels showing the name of the fur the fact that the particular fur product was dyed, failing to label certain fur products as required by the act, and invoicing certain products falsely to show the fur composing them as natural when its was artificially colored—and an agreement between counsel containing a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on September 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Stone & Stone, Inc., a corporation, and its officers; and Max Stone, individually and as President and Treasurer of said corporation; and Jerome Magnus, individually and as Production Manager for said corporation; and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to such fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country or origin of any imported furs contained in a fur product;

C. Falsely and deceptively invoicing fur products as being made of "natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

By "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondents Stone & Stone, Inc., a corporation; and Max Stone, individually and as President and Treasurer of said corporation; and Jerome Magnus, individually and as Production Manager for said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 7, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-7705; Filed, Sept. 24, 1956; 8:48 a. m.]

[Docket 6439]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

EVANS FUR CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.90 *History of product or offering;* § 13.130 *Manufacture or preparation:* Fur Products Labeling Act; [1] § 13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.205 *Scientific or other relevant facts;* § 13.235 *Source or origin:* Place: *Foreign, in general;* § 13.280 *Unique nature or advantages;* § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Evans Fur Company et al., Chicago, Ill., Docket 6439, September 8, 1956]

In the Matter of Evans Fur Company, a Corporation, Evans Apparel Company, a Corporation, and Abraham L. Meltzer, Herman H. Meltzer, and Minerva M. Meltzer, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two Chicago corporate furriers and their common officers with violating the Fur Products Labelling Act, through labeling fur products falsely, failing to label them with the information required by the act, invoicing them deceptively, and false advertising in newspapers and by radio and television, as set forth in detail in the order below—and an agreement for a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which by order of September 7 became on September 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Evans Fur Company, a corporation, and Evans Apparel Company, a corporation, and their officers, and Abraham L. Meltzer, and Herman H. Meltzer, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails or flanks, when such is a fact;

(d) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(e) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form;

(b) Non-required information mingled with required information;

(c) Required information in handwriting;

(d) Required information in a sequence different from that required by Rule 30 (a) of the rules and regulations (§ 301.30 (a)).

5. Failure to show on labels attached to fur products: An item number or mark assigned to fur products in violation of Rule 40 (a) of the rules and regulations (§ 301.40 (a)).

6. Failure to affix labels in a conspicuous place on fur products in violation of Rule 27 of the rules and regulations (§ 301.27).

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails or flanks, when such is a fact;

(d) The name and address of the person issuing such invoices;

(e) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(c) The name of the country of origin of imported furs contained in fur products or the statement permitted by Rule 38 (b) of the regulations (§ 301.38 (b)) if applicable.

2. Makes use of comparative prices or percentage saving claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

3. Represents directly or by implication: (a) That respondents' regular price of any fur product is any amount which is in excess of the price at which the respondents have regularly or customarily sold or offered for sale in good faith fur products of like grade and quality in the recent regular course of their business;

(b) That fur products are of a certain value or quality unless such representations or claims are true in fact;

(c) That any such product is of a higher grade, quality, or value than is the fact, by means of illustrations or depictions of higher priced or more valuable products than those actually available for sale at the advertised selling price;

(d) That any of such products are:

1. Manufactured by respondents when in truth and in fact said fur products are not so manufactured;

2. Unique or otherwise unavailable to purchasers when in truth and in fact similar fur products of like grade and quality can be purchased from reputable retail outlets;

3. Composed of furs from pedigreed animals when in truth and in fact such claims and representations are untrue and false;

4. That fur products are not being carried over from season to season when in truth and in fact such claims and representations are untrue and false.

It is further ordered, That the complaint as to respondent Minerva M. Meltzer individually and as an officer of respondents Evans Fur Company and Evans Apparel Company, be and hereby is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Evans Fur Company, a corporation, Evans Apparel Company, a corporation, Abraham L. Meltzer, and Herman H. Meltzer, individually and as officers of said corporations, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 7, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-7706; Filed, Sept. 7, 1956; 8:48 a. m.]

[1] New.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6203]

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PENSION, PROFIT SHARING, STOCK BONUS AND ANNUITY PLANS

On September 1, 1955, notice of proposed rule making regarding the regulations under sections 401 to 404, inclusive, of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 6455). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are hereby prescribed subject to the following changes. Such regulations are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided.

PARAGRAPH 1. Section 1.401 is changed by striking the word "excluded" from the first sentence of section 401 (a) (5) and inserting in lieu thereof the word "excludes".

PAR. 2. Section 1.401–1 is changed in the following respects:

(A) By striking the word "share" from paragraph (a) (2) (ii) and from the second sentence of paragraph (a) (2) (iii) thereof and inserting in lieu thereof in both places the word "participate".

(B) By inserting at the end of paragraph (b) (1) (i) the following: "A pension plan may provide for the payment of a pension due to disability and may also provide for the payment of incidental death benefits through insurance or otherwise. However, a plan is not a pension plan if it provides for the payment of benefits not customarily included in a pension plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses."

(C) By inserting in the second sentence of paragraph (b) (1) (ii) thereof the word "layoff," immediately before the word "illness".

(D) By inserting at the end of paragraph (b) (1) (ii) thereof the following: "A profit-sharing plan within the meaning of section 401 is primarily a plan of deferred compensation, but the amounts allocated to the account of a participant may be used to provide for him or his family incidental life or accident or health insurance."

(E) By striking subdivision (iv) from paragraph (b) (1) thereof and redesignating subdivision (v) as (iv).

(F) By inserting after the fourth sentence of paragraph (b) (2) thereof the following: "In the case of a profit-sharing plan, it is not necessary that the employer contribute every year or that he contribute the same amount or contribute in accordance with the same ratio every year. However, merely making a single or occasional contribution out of profits for employees does not establish a plan of profit sharing. To be a profit-sharing plan, there must be recurring and substantial contributions out of profits for the employees."

(G) By revising the eighth sentence of paragraph (b) (3) thereof to read as follows: "The law is concerned not only with the form of a plan but also with its effects in operation."

(H) By revising paragraph (b) (5) (ii) thereof to read as follows:

(ii) Where the trust funds are invested in stock or securities of, or loaned to, the employer or other person described in section 503 (c), full disclosure must be made of the reasons for such arrangement and the conditions under which such investments are made in order that a determination may be made whether the trust serves any purpose other than constituting part of a plan for the exclusive benefit of employees. The trustee shall report any of such investments on the return which under section 6033 it is required to file and shall with respect to any such investment furnish the information required by such return. See § 1.6033-1.–

(I) By revising paragraph (d) thereof to read as follows:

(d) *Plan of several employers.* A trust forming part of a plan of several employers for their employees will be qualified if all the requirements are otherwise satisfied.

(J) By revising paragraph (e) thereof to read as follows:

(e) *Returns.* A trust which qualifies under section 401 (a) and which is exempt under section 501 (a) must file a return in accordance with section 6033 and the regulations thereunder. See § 1.6033–1. In case such a trust realizes any unrelated business taxable income, as defined in section 512, such trust is also required to file a return with respect to such income. See § 1.6012–2.

PAR. 3. Section 1.401–3 is changed in the following respects:

(A) By redesignating paragraphs (c), (d), (e), and (f) thereof as paragraphs (d), (e), (f), and (g) respectively, and by inserting the following new paragraph (c) immediately after paragraph (b) thereof:

(c) Since, for the purpose of section 401, a profit-sharing plan is a plan which provides for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, layoff, or severance of employment, employees who receive the amounts allocated to their accounts before the expiration of such a period of time or the occurrence of such a contingency shall not be considered covered by a profit-sharing plan in determining whether the plan meets the coverage requirements of section 401 (a) (3) (A) and (B). Thus, in case a plan permits employees to receive immediately the amounts allocated to their accounts, or to have such amounts paid to a profit-sharing plan for them, the employees who receive the shares immediately shall

not, for the purpose of section 401, be considered covered by a profit-sharing plan.

(B) By inserting immediately before the period in the second sentence of paragraph (e) (2) thereof the following: "and the Social Security Amendments of 1956".

(C) By striking "1955" from the third sentence of paragraph (e) (2) thereof and inserting in lieu thereof "1956".

(D) By revising paragraph (e) (2) (vi) thereof to read as follows:

(vi) Benefits payable in case of retirement or severance of employment before normal retirement age cannot exceed the actuarial equivalent of that proportion of the maximum normal retirement benefits, which might be provided in accordance with subdivisions (i) through (v) of this subparagraph, earned to the date of actual retirement or severance, where such proportion is determined by the ratio that the actual number of years of service of the employee at retirement or severance bears to the total number of years of service he would have had if he had remained in service until normal retirement age.

(E) By revising the phrase "benefits on contributions" in the second sentence of the flush material in paragraph (e) (2) thereof to read "benefits or contributions".

(F) By inserting immediately after the second sentence of the flush material in paragraph (e) (2) thereof the following: "In the case of a profit-sharing or stock bonus plan which is limited to employees whose compensation is in excess of a stated level, or which bases contributions on compensation in excess of a stated level, similar principles will govern in determining whether the plan is discriminatory, provided that the employer does not also have in existence a pension or annuity plan which is integrated with old-age and survivor insurance benefits and which provides for employer contributions or benefits based upon all or part of the same compensation considered under the profit-sharing or stock bonus plan."

PAR. 4. Section 1.401–4 is changed in the following respects:

(A) Subdivision (ii) of paragraph (a) (1) thereof is redesignated (iii), and the following new subdivision (ii) is inserted immediately after paragraph (a) (1) (i) thereof:

(ii) Since, for the purpose of section 401, a profit-sharing plan is a plan which provides for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, layoff, or severance of employment, any amount allocated to an employee which is withdrawn before the expiration of such a period of time or the occurrence of such a contingency shall not be considered in determining whether the contributions under the plan discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees. Thus, in case a plan permits employees to receive immediately the whole or any part of the amounts allocated to their accounts, or to have the whole or any part of such amounts paid to a profit-sharing plan for them, any amounts which are received immediately shall not, for the purpose of section 401, be considered contributed to a profit-sharing plan.

(B) By revising the last sentence of paragraph (a) (1) (iii) to read as follows: "With respect to forfeitures in a pension plan, see § 1.401–1 (b) (1) (i)."

(C) By striking from the second sentence of paragraph (a) (2) (iii) thereof the words "a distribution" and inserting in lieu thereof the words "an allocation".

PAR. 5. Section 1.402 (a)–1 is changed in the following respects:

(A) By inserting at the end of paragraph (a) (1) (ii) thereof the following: "Furthermore, the exclusion provided by section 105 (d) is applicable to a distribution from a trust described in section 401 (a) and exempt under section 501 (a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness (see section 105 and the regulations thereunder)."

(B) By redesignating subdivisions (iii) and (iv) of paragraph (a) (1) thereof as (iv) and (v) respectively, and inserting the following new subdivision (iii) immediately after paragraph (a) (1) (ii) thereof:

(iii) Except as provided in paragraph (b) of this section, a distribution of property by a trust described in section 401 (a) and exempt under section 501 (a) shall be taken into account by the distributee at its fair market value. For example, where a United States savings bond which was purchased by a trustee in its own name later is distributed by such trust, it shall be taken into account at its redemption value at the time of distribution and such redemption value shall be the distributee's basis for the bond for the purpose of determining the extent to which income is realized upon its ultimate redemption.

(C) By revising the second sentence of paragraph (a) (2) thereof to read as follows: "If, however, the contract distributed by such an exempt trust is a retirement income, endowment, or other life insurance contract and is distributed after October 26, 1956, the entire cash value of such contract at the time of distribution must be included in the distributee's income in accordance with the provisions of section 402 (a), except to the extent that, within 60 days after the distribution of such contract, all or any portion of such value is irrevocably converted into a contract under which no part of any proceeds payable on death at any time would be excludable under section 101 (a) (relating to life insurance proceeds)."

(D) By revising subparagraphs (3), (4), (5), and (6) of paragraph (a) thereof to read as follows:

(3) (i) If a trust described in section 401 (a) and exempt under section 501 (a) purchases under the plan retirement income, endowment, or other contracts providing life insurance protection, payable upon the death of the employee participants, and either—

(*a*) The proceeds of such life insurance are payable to a beneficiary of the employee participant, other than the trust, or

(*b*) In case such proceeds are payable to the trust, by the terms of the plan the trustee is required to pay over all of such proceeds to a beneficiary of the employee participant,

then, the portion of the premiums paid for the life insurance protection provided under such contracts from either the contributions of the employer or earnings of the trust will constitute income to the employee for the year or years in which the contributions or earnings are applied toward the purchase of such life insurance. If the amount payable upon death at any time during the year exceeds the cash value of the insurance policy at the end of the year, the entire amount of such excess will be considered current life insurance protection. The cost of such insurance will be considered to be a reasonable net premium cost, as determined by the Commissioner, for such amount for the appropriate period. The amount thus to be included in the gross income of the employee under this subdivision shall be considered as premiums or other consideration paid or contributed by the employee only with respect to any benefits attributable to the contract providing the life insurance protection.

(ii) The determination of the cost of life insurance protection may be illustrated by the following example:

Example. A policy purchased under a qualified plan for an employee provides an annuity of $100 per month upon retirement at age 65, with a minimum death benefit of $10,000. The insurance payable if death occurred in the first year would be $10,000. The cash value at the end of the first year is 0. The net insurance is therefore $10,000 minutes 0, or $10,000. Assuming that the Commissioner has determined that a reasonable net premium for the employee's age is $5.85 per $1,000, the premium for $10,000 of life insurance is therefore $58.50, and this is the amount to be reported as income by the employee for the year. The balance of the premium is the amount contributed for the annuity, which is not taxable to the employee under a plan meeting the requirements of section 401 (a), except as provided under section 402 (a). Assuming that the cash value at the end of the second year is $500, the net insurance would then be $9,500 for the second year. With a net 1-year term rate of $6.30 for the employee's age in the second year, the amount to be reported as income to the employee would be $59.85.

(iii) This subparagraph shall not apply if the trust has a right under any circumstances to retain any part of the proceeds of the life insurance contract. But see subparagraph (4) (iv) of this paragraph relating to the taxability of the distribution of such proceeds to a beneficiary.

(4) (i) In case a trust described in section 401 (a) and exempt under section 501 (a) either—

(*a*) Has purchased a retirement income, endowment, or other life insurance contract, and the employee either paid the cost of the insurance or was taxable on the cost of the insurance under subparagraph (3) of this paragraph, or

(*b*) Has purchased an annuity contract, the amounts payable under any such contract by reason of the death of the employee are taxable under the rules of subdivision (ii) of this subparagraph, except in the case of a joint and survivor annuity.

(ii) (*a*) In the case of an annuity contract, the death benefit is the accumulation of the premiums (plus earnings thereon) which is intended to fund pension or other deferred benefits under a pension or profit-sharing plan. Such death benefits are not in the nature of life insurance and are not excludable from gross income under section 101 (a).

(*b*) In the case of a retirement income, endowment, or other life insurance contract under which there is a reserve accumulation which is intended to fund pension or other deferred benefits under a pension or profit-sharing plan, such reserve accumulation constitutes the source of the cash value of the contract and approximates the amount of such cash value. The portion of the proceeds paid upon the death of the insured employee which is equal to the cash value immediately before death is not excludable from gross income under section 101 (a). The remaining portion, if any, of the proceeds paid to the beneficiary by reason of the death of the insured employee—that is, the amount in excess of the cash value—constitutes current insurance protection and is excludable under section 101 (a).

(*c*) The death benefit under an annuity contract, or the portion of the death proceeds under a retirement income, endowment, or other life insurance contract which is equal to the cash value of the contract immediately before death, constitutes a distribution from the trust consisting in whole or in part of deferred compensation and is taxable to the beneficiary in accordance with section 402 (a) and the provisions of this paragraph, except to the extent that the limited exclusion from income provided in section 101 (b) is applicable.

(*d*) In the case of a retirement income, endowment, or other life insurance contract under which the benefits are paid at a date or dates later than the death of the employee, section 101 (d) is applicable only to the portion of the benefits which is attributable to the amount excludable under section 101 (a). The portion of such benefits which is attributable to the cash value of the contract immediately before death is taxable under section 72 (relating to annuities), and in such case, any amount excludable under section 101 (b) is treated as additional consideration paid by the employee in accordance with section 101 (b) (2) (D).

(iii) The application of the rules under subdivision (ii) of this subparagraph with respect to the taxability of proceeds of a retirement income, endowment, or other life insurance contract paid by reason of the death of an insured employee who has paid no contributions under the plan is illustrated by the following examples:

Example (1).

Total face amount of the contract payable in a lump-sum at time of death	$25,000
Cash value of the contract immediately before death	11,000
Excess over cash value, excludable under section 101 (a)	14,000
Cash value subject to limited exclusion under section 101 (b)	11,000
Excludable under section 101 (b) (assuming that there is no other death benefit paid by or on behalf of any employer with respect to the employee)	5,000
Balance taxable in accordance with section 402 (a) (2) (assuming a total distribution in one taxable year of the distributee)	6,000
Portion of premiums taxed to employee under the provisions of subparagraph (3) of this paragraph and considered as contributions of the employee	940
Balance taxable as long-term capital gain	5,060

Example (2). The facts are the same as in example (1), except that the contract provides that the beneficiary may elect within 60 days after the death of the employee either to take the $25,000 or to receive 10 annual installments of $3,000 each, and the beneficiary elects to receive the 10 installments. In addition, the employee's rights to the cash value immediately before his death were forfeitable at least to the extent of $5,000. Section 101 (d) is applicable to the amount excludable under section 101 (a), that is, $14,000. The portion of each annual installment of $3,000 which is attributable to this $14,000 is determined by allocating each installment in accordance with the ratio which this $14,000 bears to the total amount which was payable at death ($25,000). Accordingly, the portion of each annual installment which is subject to section 101 (d) is $1,680 (14/25 of $3,000), of which, $1,400 (1/10 of $14,000) is excludable under section 101 (a), and the remaining $280 is includible in the gross income of the beneficiary. However, if the beneficiary is a surviving spouse as defined in section 101 (d) (3), the exclusion provided by section 101 (d) (1) (B) is applicable to such $280. The remaining portion of each annual $3,000 installment, $1,320, is attributable to the cash value of the contract and is treated under section 72, as follows:

Amount actually contributed by the employee	00
Amount considered contributed by employee by reason of section 101 (b)	$5,000
Portion of premiums taxed to employee under the provisions of subparagraph (3) of this paragraph and considered as contributions of the employee	940
Investment in the contract	5,940
Expected return, 10×$1,320	13,200
Exclusion ratio, $5,940÷$13,200	.45
Annual exclusion .45×$1,320	594

Accordingly, $594 of the $1,320 portion of each annual installment is excludable each year under section 72, and the remaining $726 is includible. Thus, if the beneficiary is not a surviving spouse, a total of $1,006 ($280 plus $726) of each annual $3,000 installment is includible in income each year. If the beneficiary is a surviving spouse, and can exclude all of the $280 under section 101 (d) (1) (B), the amount includible in gross income each year is $726 of each annual $3,000 installment.

(iv) If an employee neither paid the total cost of the life insurance protection provided under a retirement income endowment, or other life insurance contract, nor was taxable under subparagraph (3) of this paragraph with respect thereto, no part of the proceeds of such a contract which are paid to the beneficiaries of the employee as a death benefit is excludable under section 101 (a). The entire distribution is taxable to the beneficiaries under section 402 (a) except to the extent that a limited exclusion may be allowable under section 101 (b).

(5) If pension or annuity payments or other benefits are paid or made available to the beneficiary of a deceased employee or a deceased retired employee by a trust described in section 401 (a) which is exempt under section 501 (a), such amounts are taxable in accordance with the rules of section 402 (a) and this section. In case such amounts are taxable under section 72, the "investment in the contract" shall be determined by reference to the amount contributed by the employee and by applying the rules of sections 72 (c), 72 (f), 101 (b) (2) (D), and subparagraph (3) of this paragraph. In case the amounts paid to, or includible in the gross income of, the beneficiaries of the deceased employee or deceased retired employee constitute a distribution to which subparagraph (6) of this paragraph is applicable, the extent to which the distribution is taxable is determined by reference to the contributions of the employee, by reference to any prior distributions which were excludable from gross income as a return of employee contributions, and by applying the rules of sections 72 (f), 101 (b), and subparagraph (3) of this paragraph.

(6) (i) If the total distributions payable with respect to any employee under a trust described in section 401 (a) which in the year of distribution is exempt under section 501 (a) are paid to, or includible in the gross income of, the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or death after such separation from service, the amount of such distribution, to the extent it exceeds the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The total distributions payable are includible in the gross income of the distributee within one taxable year if they are made available to such distributee and the distributee fails to make a timely election under section 72 (h) to receive an annuity in lieu of such total distributions. For rules relating to the treatment of such total distributions in the case of a nonresident alien individual, see sections 871 and 1441 and the regulations thereunder. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72 (f), 101 (b), and subparagraph (3) of this paragraph, reduced by any amounts theretofore distributed to him which were excludable from gross income as a

return of employee contributions. See, however, paragraph (b) of this section for rules relating to the exclusion of amounts representing net unrealized appreciation in the value of securities of the employer corporation.

(ii) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service or on account of his death after separation from the service. Thus, distributions made before a total distribution (for example, annuity payments received by the employee after retirement) will not defeat application of the capital gains treatment with respect to the total distributions received by a beneficiary upon the death of the employee after retirement. However, a distribution on separation from service will not receive capital gains treatment unless it constitutes the total amount in the employee's account at the time of his separation from service. If the total amount in the employee's account at the time of his death or other separation from the service or death after separation from the service is paid or includible in the gross income of the distributee within one taxable year of the distributee, such amount is entitled to the capital gains treatment notwithstanding that in a later taxable year an additional amount, attributable to the last year of service, is credited to the account of the employee and distributed.

(iii) If an employee retires and commences to receive an annuity but subsequently, in some succeeding taxable year, is paid a lump sum in settlement of all future annuity payments, the capital gains treatment does not apply to such lump sum settlement paid during the lifetime of the employee since it is not a payment on account of separation from the service, or death after separation, but is on account of the settlement of future annuity payments.

(iv) If the "total distributions payable" are paid or includible in the gross income of several distributees within one taxable year on account of the employee's death or other separation from the service or on account of his death after separation from the service, the capital gains treatment is applicable. The total distributions payable are paid within one taxable year of the distributees when, for example, a portion of such total is distributed in cash to one distributee and the balance is used to purchase an annuity contract which is distributed to the other distributee. However, if the share of any distributee is not paid or includible in his gross income within the same taxable year in which the shares of the other distributees are paid or includible in their gross income, none of the distributees is entitled to the capital gains treatment, since the total distributions payable are not paid or includible in the distributees' gross income within one taxable year. For example, if the total distributions payable are made available to each of two distributees and one elects to receive his share in cash while the other makes a timely election under section 72 (h) to receive his share in installment payments from the trust, the capital gains treatment does not apply to either distributee.

(v) For regulations as to certain plan terminations, see § 1.402 (e)–1.

(E) By striking from the first sentence of the flush material in paragraph (b) (1) (i) thereof the phrase "subdivisions (*a*) and (*b*) of this subparagraph" and inserting in lieu thereof the phrase "(*a*) and (*b*) of this subdivision".

PAR. 6. Section 1.402 (b)–1 is changed in the following respects:

(A) By revising paragraph (a) (1) thereof to read as follows:

(1) Except as provided in section 402 (d), any contribution made by an employer on behalf of an employee to a trust during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 501 (a), shall be included in income of the employee for his taxable year during which the contribution is made if the employee's beneficial interest in the contribution is nonforfeitable at the time the contribution is made. If the employee's beneficial interest in the contribution is forfeitable at the time the contribution is made even though his interest becomes nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee at the time his interest becomes nonforfeitable.

(B) By inserting ", 403 (b)," immediately after "sections 402 (b)" in the first sentence of paragraph (a) (2) (i) thereof.

(C) By striking the first sentence of paragraph (b) thereof and inserting in lieu thereof the following: "Any amount actually distributed or made available to any distributee by an employees' trust which is not exempt under section 501 (a) for the taxable year of the trust in which the distribution is made shall be taxable in the year in which so distributed or made available, under section 72 (relating to annuities), except that section 72 (e) (3) shall not apply. If, for example, the distribution from such a trust consists of an annuity contract, the amount of the distribution shall be considered to be the entire value of the contract at the time of distribution, and such value is includible in the gross income of the distributee at the time of the distribution to the extent that such value exceeds the investment in the contract determined by applying sections 72 and 101 (b)."

PAR. 7. Section 1.402 (c)–1 is revised to read as follows:

§ 1.402 (c)–1 *Taxability of beneficiary of certain foreign situs trusts.* Section 402 (c) has the effect of treating, for purposes of section 402, the distributions from a trust which at the time of the distribution is located outside the United States in the same manner as distributions from a trust which is located in the United States. If the trust would qualify for exemption from tax under section 501 (a) except for the fact that it fails to comply with the provisions of § 1.401–1 (a) (3) (i), which restricts qualification to trusts created or organized in the United States and maintained here, section 402 (a) and § 1.402 (a)–1 are applicable to the distributions from such a trust. Thus, for example, a total distribution from such a trust is entitled to the long-term capital gains treatment of section 402 (a) (2), except in the case of a nonresident alien individual (see sections 871 and 1441 and the regulations thereunder). However, if the plan fails to meet any requirement of section 401 and the regulations thereunder in addition to § 1.401–1 (a) (3) (i), section 402 (b) and § 1.402 (b)–1 are applicable to the distributions from such a trust.

PAR. 8. Section 1.403 (a)–1 is changed in the following respects:

(A) By revising paragraph (a) (3) thereof to read as follows:

(3) The annuity contract is purchased by an employer which is an organization described in section 501 (c) (3) and exempt under section 501 (a) provided the purchase of the annuity is merely a supplement to past or current compensation. For the purpose of this subparagraph, whether the purchase of an annuity contract is merely a "supplement to past or current compensation" is to be determined by all the surrounding facts and circumstances. One of the pertinent facts to be taken into consideration is the ratio of the consideration paid by the employer for an employee's contract to the amount of his past or current compensation. For example, if the annual premium paid for an employee's contract is $1,000 and his annual salary is $10,000, the ratio indicates that the premium paid for the contract is merely a supplement to the employee's current compensation. If, however, an employee receives no current compensation, or the annual premiums paid for his annuity contract approximate his annual salary, the amount paid for his contract will be considered to be current compensation and taxable to the employee in the year in which it is paid by the employer. Other pertinent considerations are whether the annuity contract is purchased as a result of an agreement for a reduction of the employee's annual salary, or whether it is purchased at his request in lieu of an increase in current compensation to which he otherwise might be entitled. In such cases, the amount paid for the contract shall also be considered to be current compensation.

(B) By revising the third sentence of paragraph (d) thereof to read as follows: "Section 403 (a) is not applicable to premiums paid after October 26, 1956, for individual contracts providing life insurance protection for employees."

PAR. 9. Section 1.403 (a)–2 is revised to read as follows:

§ 1.403 (a)–2 *Capital gains treatment for certain distributions.* (a) If the total amounts payable with respect to any employee for whom an annuity contract has been purchased by an employer under a plan which—

(1) Meets the requirements of section 401 (a) (3), (4), (5), and (6), and

(2) Requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan,

are paid to, or includible in gross income of, the payee within one taxable year of the payee by reason of the employee's death or other separation from the service, or death after such separation from the service, such total payments, to the extent they exceed the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72 (f), 101 (b), and § 1.403 (a)–1 (d), reduced by any amounts theretofore distributed to him which were excludable from his gross income as a return of employee contributions. For example, if under an annuity contract purchased under a plan described in this section, the total distributions payable to the employee's widow are paid to her in the year in which the employee dies, in the amount of $8,000, and if $5,000 thereof is excludable under section 101 (b), and if the employee made contributions of $600 and had received no payments, the remaining amount of $2,400 will be considered a gain from the sale or exchange of a capital asset held for more than six months.

(b) (1) The term "total amounts" means the balance to the credit of an employee with respect to all annuities under the annuity plan which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service. If an employee commences to receive annuity payments on retirement and then a lump sum payment is made to his widow upon his death, the capital gains treatment applies to the lump sum payment, but it does not apply to amounts received before the time the "total amounts" become payable. However, if the total amount to the credit of the employee at the time of his death or other separation from the service or death after separation from the service is paid or includible in the gross income of the payee within one taxable year of the payee, such amount is entitled to the capital gains treatment notwithstanding that in a later taxable year an additional amount is credited to the employee and paid to the payee.

(2) If more than one annuity contract is received under the plan, the capital gains treatment does not apply to any amount received on the surrender thereof unless all contracts under the plan with respect to a particular employee are surrendered either at the time of the employee's death or other separation from the service or death after separation from the service. Thus, if an employee receives two contracts on separation from the service and surrenders one of them in the year of separation and receives payments under the other until his death, the capital gains treatment is applicable to the balance paid to his beneficiary on his death if paid within one taxable year of the beneficiary. The amount received by the employee on surrender of the contract in the year of his separation from the service, however, would not receive capital gains treatment since the balance to the credit of the employee with respect to all amounts under the plan did not become payable at that time.

(3) If an employee retires and commences to receive an annuity but subsequently in some succeeding taxable year, he is paid a lump sum in settlement of all future annuity payments, the capital gains treatment does not apply to such lump sum settlement paid during the lifetime of the employee since it is not a payment on account of separation from the service, or death after separation, but is on account of the settlement of future annuity payments.

(4) If the "total amounts" payable under all annuity contracts under the plan with respect to a particular employee are paid or includible in the gross income of several payees within one taxable year on account of the employee's death or other separation from the service or on account of his death after separation from the service, the capital gains treatment is applicable. Thus, if the balance to the credit of a deceased employee under all annuity contracts provided under an annuity plan becomes payable to two payees, the capital gains treatment is applicable provided the "total amounts" payable are received by or includible in the gross income of both payees within the same taxable year. However, if the "total amounts" payable are made available to each payee and one elects to receive his share in cash while the other makes a timely election under section 72 (h) to receive his share as an annuity, the capital gains treatment does not apply to either payee.

PAR. 10. Section 1.403 (b)–1 (a) is changed by striking the first three sentences thereof and inserting in lieu thereof the following: "Except as provided in section 402 (d), if an employer purchases an annuity contract and if the amounts paid for the contract are not subject to § 1.403 (a)–1 (a), the amount of such contribution shall be included in the income of the employee for the taxable year during which such contribution is made if, at the time the contribution is made, the employee's rights under the annuity contract are nonforfeitable, except for failure to pay future premiums. If the employee's rights under the annuity contract in such a case were forfeitable at the time the employer's contribution was made for the annuity contract, even though they become nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee at the time his rights under the contract become nonforfeitable. As to what constitutes nonforfeitable rights of an employee, see § 1.402 (b)–1."

PAR. 11. Section 1.404 (a)–1 is changed in the following respects:

(A) By revising paragraph (a) thereof to read as follows:

(a) (1) Section 404 (a) prescribes limitations upon deductions for amounts contributed by an employer under a pension, annuity, stock bonus, or profit-sharing plan, or under any plan of deferred compensation. It is immaterial whether the plan covers present employees only, or present and former employees, or only former employees. Section 404 (a) also governs the deductibility of unfunded pensions and death benefits paid directly to former employees or their beneficiaries (see § 1.404 (a)–12).

(2) Section 404 (a) does not apply to a plan which does not defer the receipt of compensation. Furthermore, section 404 (a) does not apply to deductions for contributions under a plan which is solely a dismissal wage or unemployment benefit plan, or a sickness, accident, hospitalization, medical expense, recreation, welfare, or similar benefit plan, or a combination thereof. For example, if under a plan an employer contributes 5 percent of each employee's compensation per month to a fund out of which employees who are laid off will be paid benefits for temporary periods, but employees who are not laid off have no rights to the funds, such a plan is an unemployment benefit plan, and the deductibility of the contributions to it is determined under section 162. As to the deductibility of such contributions, see § 1.162–9.

(3) If, however, the contributions to a pension, profit-sharing, stock bonus, or other plan of deferred compensation can be used to provide any of the benefits referred to in subparagraph (2) of this paragraph, then, except as provided in section 404 (c), section 404 (a) applies to the entire contribution to the plan. Thus, if in the example described in subparagraph (2) of this paragraph, the employer's contribution on behalf of each employee is set up as a separate account, and if any amount which remains in an employee's account at the time of retirement is paid to him at such time, the deductibility of the contributions to the plan is determined under section 404 (a). For the rules for determining whether the benefits referred to in subparagraph (2) of this paragraph can be included in a qualified pension or profit-sharing plan, see § 1.401–1 (b).

(4) As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 7701 (a) (20).

(B) By revising paragraph (c) thereof to read as follows:

(c) Deductions under section 404 (a) are generally allowable only for the year in which the contribution or compensation is paid, regardless of the fact that the taxpayer may make his returns on the accrual method of accounting. Exceptions are made in the case of overpayments as provided in paragraphs (1), (3), and (7) of section 404 (a), and, as provided by section 404 (a) (6), in the case of payments made by a taxpayer on the accrual method of accounting not later than the time prescribed by law for filing the return for the taxable year of accrual (including extensions

thereof). This latter provision is intended to permit a taxpayer on the accrual method to deduct such accrued contribution or compensation in the year of accrual, provided payment is actually made not later than the time prescribed by law for filing the return for the taxable year of accrual (including extensions thereof), but this provision is not applicable unless, during the taxable year on account of which the contribution is made, the taxpayer incurs a liability to make the contribution, the amount of which is accruable under section 461 for such taxable year. See section 461 and the regulations thereunder. There is another exception in the case of certain taxpayers who are required to make additional contributions as a result of Public Law 74 (Eighty-fourth Congress) approved June 15, 1955, and the regulations thereunder.

PAR. 12. Section 1.404 (a)–2 is changed by inserting immediately after the word "information" in the first sentence of paragraph (a) thereof the following: "(unless such information has been previously filed in accordance with the regulations under section 23 (p) of the Internal Revenue Code of 1939)".

PAR. 13. Section 1.404 (a)–3 is changed in the following respects:

(A) By inserting immediately after the word "organized" in the third sentence of paragraph (a) thereof the words "and maintained".

(B) By striking the words "disability, withdrawal," from the fifth sentence of paragraph (a) thereof and inserting in lieu thereof the words "disability pension,".

(C) By striking paragraph (c) thereof and inserting in lieu thereof the following:

(c) The amount of a contribution to a pension or annuity plan that is deductible under section 404 (a) (1) or (2) depends upon the methods, factors, and assumptions which are used to compute the costs of the plan and the limitation of section 404 (a) (1) which is applied. Since the amount that is deductible for one taxable year may affect the amount that is deductible for other taxable years, the methods, factors, and assumptions used in determining costs and the method of determining the limitation which have been used for determining the deduction for a taxable year for which the return has been filed shall not be changed for such taxable year, except when the Commissioner determines that the methods, factors, assumptions, or limitations were not proper, or except when a change is necessitated by reason of the use of different methods, factors, assumptions, or limitations for another taxable year. However, different methods, factors, and assumptions, or a different method of determining the limitation, if they are proper, may be used in determining the deduction for a subsequent taxable year. In any case, see subparagraphs (7) and (8) of paragraph (a) and subparagraphs (1) and (3) of paragraph (b) of § 1.404 (a)–2 for the information which must be submitted regarding the methods, factors, assumptions, and limitations.

PAR. 14. Section 1.404 (a)–4 is changed by revising the first sentence of paragraph (b) thereof to read as follows: "For the first taxable year following the first year to which the initial 5-percent limitation applies, and for every fifth year thereafter, or more frequently where preferable to the taxpayer, the taxpayer shall submit with his return an actuarial certification of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan with a statement explaining all the methods, factors, and assumptions used in determining such amount."

PAR. 15. Section 1.404 (a)–9 is changed by inserting immediately after the word "organized" in the fourth sentence of paragraph (a) thereof the words "and maintained".

PAR. 16. Section 1.404 (a)–10 is changed by striking the entire section except for the example and inserting the following immediately preceding such example:

§ 1.404 (a)–10 *Profit-sharing plan of an affiliated group; application of section 404 (a) (3) (B).* (a) Section 404 (a) (3) (B) allows a corporation a deduction to the extent provided in paragraphs (b) and (c) of this section for a contribution which it makes for another corporation to a profit-sharing plan or a stock bonus plan under which contributions are determined by reference to profits, provided the following tests are met:

(1) The corporation for which the contribution is made and the contributing corporation are members of an affiliated group of corporations as defined in section 1504, relating to the filing of consolidated returns, and both such corporations participate in the plan. However, it is immaterial whether all the members of such group participate in the plan.

(2) The corporation for which the contribution is made is required under the plan to make the contribution, but such corporation is prevented from making such contribution because it has neither current nor accumulated earnings or profits, or because its current and accumulated earnings or profits are insufficient to make the required contribution. To the extent that such a corporation has any current or accumulated earnings or profits, it is not considered to be prevented from making its required contribution to the plan.

(3) The contribution is made out of the current or accumulated earnings or profits of the contributing corporation.

(b) The amount that is deductible under section 404 (a) (3) (B) is determined by applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 as if the contribution were made by the corporation for which it is made. For example, the primary limitation described in § 1.404 (a)–9 (c) is determined by reference to the compensation otherwise paid or accrued to the employees of the corporation for which the contribution is made, and the secondary limitation described in § 1.404 (a)–9 (d) and the contribution carryover described in § 1.404 (a)–9 (e) are determined by reference to the prior contributions and deductions of such corporation. The contributing corporation may deduct the amount so determined subject to the limitations contained in paragraph (c) of this section. The contributing corporation shall not treat such amount as a contribution made by it in applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 either for the taxable year for which the contribution is made or for succeeding taxable years. The corporation for which the contribution is made shall treat the contribution as having been made by it in applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 for succeeding taxable years.

(c) The allowance of the deduction under section 404 (a) (3) (B) does not depend upon whether the affiliated group does or does not file a consolidated return. If a consolidated return is filed, it is immaterial which of the participating corporations makes the contribution and takes the deduction or how the contribution or the deduction is allocated among them. However, if a consolidated return is not filed, the contribution which is deductible under section 404 (a) (3) (B) by each contributing corporation shall be limited to that portion of its total current and accumulated earnings or profits (adjusted for its contribution deductible without regard to section 404 (a) (3) (B)) which the prevented contribution bears to the total current and accumulated earnings or profits of all the participating members of the group having such earnings or profits (adjusted for all contributions deductible without regard to section 404 (a) (3) (B)). For the purpose of this section, current earnings or profits shall be computed as of the close of the taxable year without diminution by reason of any dividends during the taxable year, and accumulated earnings or profits shall be computed as of the beginning of the taxable year.

(d) The application of section 404 (a) (3) (B) may be illustrated by the following example in which the affiliated group does not file a consolidated return:

PAR. 17. Section 1.404 (a)–11 is revised to read as follows:

§ 1.404 (a)–11 *Trusts created or organized outside the United States; application of section 404 (a) (4).* In order that a trust may constitute a qualified trust under section 401 (a) and be exempt under section 501 (a), it must be created or organized in the United States and maintained at all times as a domestic trust. See § 1.401–1 (a). Paragraph (4) of section 404 (a) provides, however, that an employer which is a resident, a corporation, or other entity of the United States, making contributions to a foreign stock bonus, pension, or profit-sharing trust, shall be allowed deductions for such contributions, under the applicable conditions and within the prescribed limits of section 404 (a), if such foreign trust would qualify for exemption under section 501 (a) except for the fact that it is a trust created, organized, or maintained outside the United States. Moreover, if a nonresident alien individual, foreign corporation, or other entity is engaged in trade or business within the United States and makes contributions to a foreign

stock bonus, pension, or profit-sharing trust, which would qualify under section 401 (a) and be exempt under section 501 (a) except that it is created, organized, or maintained outside the United States, such contributions are deductible subject to the conditions and limitations of section 404 (a) and to the extent allowed by section 873 or 882 (c).

PAR. 18. Section 1.404 (a)–12 is revised to read as follows:

§ 1.404 (a)–12 *Contributions of an employer under a plan that does not meet the requirements of section 401 (a); application of section 404 (a) (5).* Section 404 (a) (5) covers all cases for which deductions are allowable under section 404 (a) but not allowable under paragraphs (1), (2), (3), (4), or (7) of such section. No deduction is allowable under section 404 (a) (5) for any contribution paid or accrued by an employer under a stock bonus, pension, profit-sharing, or annuity plan, or for any compensation paid or accrued on account of any employee under a plan deferring the receipt of such compensation, except in the year when paid, and then only to the extent allowable under section 404 (a). See § 1.404 (a)–1. If payments are made under such a plan and the amounts are not deductible under the other paragraphs of section 404 (a), they are deductible under paragraph (5) of such subsection to the extent that the rights of individual employees to, or derived from, such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid. If unfunded pensions are paid directly to former employees, their rights to such payments are nonforfeitable, and accordingly, such amounts are deductible under section 404 (a) (5) when paid. Similarly, if amounts are paid as a death benefit to the beneficiaries of an employee (for example, by continuing his salary for a reasonable period), and if such amounts meet the requirements of section 162 or 212, such amounts are deductible under section 404 (a) (5) in any case when they are not deductible under the other paragraphs of section 404 (a). As to what constitutes nonforfeitable rights of an employee in other cases, see § 1.402 (b)–1. If an amount is accrued but not paid during the taxable year, no deduction is allowable for such amount for such year. If an amount is paid during the taxable year to a trust or under a plan and the employee's rights to such amounts are forfeitable at the time the amount is paid, no deduction is allowable for such amount for any taxable year.

PAR. 19. There is inserted immediately after § 1.404 (d)–1 the following new sections:

§ 1.6033 (a) *Statutory provisions; returns by exempt organizations; general.*

SEC. 6033. *Returns by exempt organizations*—(a) *General.* Every organization, except as hereinafter provided, exempt from taxation under section 501 (a) shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the provisions of subtitle A as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations, as the Secretary or his delegate may from time to time prescribe, except that, in the discretion of the Secretary or his delegate, an organization described in section 401 (a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization. No such annual return need be filed under this subsection by any organization exempt from taxation under the provisions of section 501 (a)—

* * * * * *

§ 1.6033–1 *Returns by exempt organizations*—(a) *General.* (1) [Reserved.]

(2) [Reserved.]

(3) Every employees' trust described in section 401 (a) which is exempt from taxation under section 501 (a) shall file an annual return on Form 990–P. The return shall include the information required by § 1.401–1 (b) (5) (ii). The trust must also file the information required by § 1.404 (a)–2, unless the employer has notified the trustee that he has or will timely file such information. If the trustee has received such notification from the employer, then the trust must file a copy thereof with its return and the other information required by the return.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner.

Approved: September 13, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary in Charge of Tax Policy.

Sec.
1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.
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1.401–2 Impossibility of diversion under the trust instrument.
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1.402 (c)–1 Taxability of beneficiary of certain foreign situs trusts.
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1.402 (d)–1 Effect of section 402 (d).
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1.402 (e)–1 Certain plan terminations.
1.403 (a) Statutory provisions; taxation of employee annuities; qualified annuity plan.
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1.403 (b)–1 Taxability of beneficiary under a nonqualified annuity.
1.404 (a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.
1.404 (a)–1 Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan; general rule.
1.404 (a)–2 Information to be furnished by employer claiming deductions.
1.404 (a)–3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401 (a); application of section 404 (a) (1).
1.404 (a)–4 Pension and annuity plans; limitations under section 404 (a) (1) (A).
1.404 (a)–5 Pension and annuity plans; limitations under section 404 (a) (1) (B).
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1.404 (a)–8 Contributions of an employer under an employees' annuity plan which meets the requirements of section 401 (a); application of section 404 (a) (2).
1.404 (a)–9 Contributions of an employer to an employees' profit-sharing or stock bonus trust that meets the requirements of section 401 (a); application of section 404 (a) (3) (A).
1.404 (a)–10 Profit-sharing plan of an affiliated group; application of section 404 (a) (3) (B).
1.404 (a)–11 Trusts created or organized outside the United States; application of section 404 (a) (4).
1.404 (a)–12 Contributions of an employer under a plan that does not meet the requirements of section 401 (a); application of section 404 (a) (5).
1.404 (a)–13 Contributions of an employer where deductions are allowable under section 404 (a) (1) or (2) and also under section 404 (a) (3); application of section 404 (a) (7).
1.404 (b) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; method of contributions, etc., having the effect of a plan.
1.404 (b)–1 Method of contribution, etc., having the effect of a plan; effect of section 404 (b).
1.404 (c) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; certain negotiated plans.

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1.404 (c)–1 Certain negotiated plans; effect of section 404 (c).
1.404 (d) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; carryover of unused deductions.
1.404 (d)–1 Carryover of unused deductions; effect of section 404 (d).
1.6033 (a) Statutory provisions; returns by exempt organizations; general.
1.6033–1 (a) (3) Returns by exempt organizations; exempt employees' trusts.

AUTHORITY: §§ 1.401 to 1.6033–1 (a) (3) issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 401–404, 6033, 68A Stat. 134–138, 741; 26 U. S. C. 401–404, 6033.

§ 1.401 *Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.*

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans*—(a) *Requirements for qualification.* A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this section—

(1) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under section 404 (a) (3) (B) (relating to deduction for contributions to profit-sharing and stock bonus plans), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either—

(A) 70 percent or more of all the employees, or 80 percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding 5 years, employees whose customary employment is for not more than 20 hours in any one week, and employees whose customary employment is for not more than 5 months in any calendar year, or

(B) Such employees as qualify under a classification set up by the employer and found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees;

and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(5) A classification shall not be considered discriminatory within the meaning of paragraph (3) (B) or (4) merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 3121 (a) (1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 3121 (a) (1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

(6) A plan shall be considered as meeting the requirements of paragraph (3) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(b) *Certain retroactive changes in plan.* A stock bonus, pension, profit-sharing, or annuity plan shall be considered as satisfying the requirements of paragraphs (3), (4), (5), and (6) of subsection (a) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

(c) *Cross reference.* For exemption from tax of a trust qualified under this section, see section 501 (a).

§ 1.401–1 *Qualified pension, profit-sharing and stock bonus plans*—(a) *Introduction.* (1) Sections 401 through 404 relate to pension, profit-sharing, stock bonus, and annuity plans, and compensation paid under a deferred-payment plan. Section 401 (a) prescribes the requirements which must be met for qualification of a trust forming part of a pension, profit-sharing, or stock bonus plan.

(2) A qualified pension, profit-sharing, or stock bonus plan is a definite written program and arrangement which is communicated to the employees and which is established and maintained by an employer—

(i) In the case of a pension plan, to provide for the livelihood of the employees or their beneficiaries after the retirement of such employees through the payment of benefits determined without regard to profits (see paragraph (b) (1) (i) of this section);

(ii) In the case of a profit-sharing plan, to enable employees or their beneficiaries to participate in the profits of the employer's trade or business, or in the profits of an affiliated employer who is entitled to deduct his contributions to the plan under section 404 (a) (3) (B), pursuant to a definite formula for allocating the contributions and for distributing the funds accumulated under the plan (see paragraph (b) (1) (ii) of this section); and

(iii) In the case of a stock bonus plan, to provide employees or their beneficiaries benefits similar to those of profit-sharing plans, except that such benefits are distributable in stock of the employer, and that the contributions by the employer are not necessarily dependent upon profits. If the employer's contributions are dependent upon profits, the plan may enable employees or their beneficiaries to participate not only in the profits of the employer, but also in the profits of an affiliated employer who is entitled to deduct his contributions to the plan under section 404 (a) (3) (B) (see paragraph (b) (1) (iii) of this section).

(3) In order for a trust forming part of a pension, profit-sharing, or stock bonus plan to constitute a qualified trust under section 401 (a), the following tests must be met:

(i) It must be created or organized in the United States, as defined in section 7701 (a) (9), and it must be maintained at all times as a domestic trust in the United States;

(ii) It must be part of a pension, profit-sharing, or stock bonus plan established by an employer for the exclusive benefit of his employees or their beneficiaries (see paragraph (b) (2) through (5) of this section);

(iii) It must be formed or availed of for the purpose of distributing to the employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with the plan;

(iv) It must be impossible under the trust instrument at any time before the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be used for, or diverted to, purposes other than for the exclusive benefit of the employees or their beneficiaries (see § 1.401–2);

(v) It must be part of a plan which benefits prescribed percentages of the employees, or which benefits such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of certain specified classes of employees (see § 1.401–3); and

(vi) It must be part of a plan under which contributions or benefits do not discriminate in favor of certain specified classes of employees (see § 1.401–4).

(b) *General rules.* (1) (i) A pension plan within the meaning of section 401 (a) is a plan established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to his employees over a period of years, usually for life, after retirement. Retirement benefits generally are measured by, and based on, such factors as years of service and compensation received by the employees. The determination of the amount of retirement benefits and the contributions to provide such benefits are not dependent upon profits. Benefits are not definitely determinable if funds arising from forfeitures on termination of service, or other reason, may be used to provide increased benefits for the remaining participants instead of being used to reduce the amount of contributions by the employer. A plan designed to provide benefits for employees or their beneficiaries to be paid upon retirement or over a period of years after retirement will, for the purposes of section 401 (a), be considered a pension plan if the employer contributions under the plan can be determined actuarially on the basis of definitely determinable benefits, or, as in the case of money purchase pension plans, such contributions are fixed without being geared to profits. A pension plan may provide for the payment of a pension due to disability and may also provide for the payment of incidental death benefits through insurance or otherwise. However, a plan is not a pension plan if it provides for the payment of benefits not customarily included in a pension plan such as layoff benefits or benefits for sickness, accident, hospitalization, or medical expenses.

(ii) A profit-sharing plan is a plan established and maintained by an employer to provide for the participation in his profits by his employees or their beneficiaries. The plan must provide a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as layoff, illness, disability, retirement, death, or severance of employment. A formula for allocating the contributions among the participants is definite if, for example, it provides for an allocation in proportion to the basic compensation of each participant. A plan (whether or not it contains a definite predetermined formula for determining the profits to be shared with the employees) does not qualify under section 401 (a) if the contributions to the plan are made at such times or in such amounts that the plan in operation discriminates in favor of officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. For the rules with respect to discrimination, see §§ 1.401–3 and 1–401–4. A profit-sharing plan within the meaning of section 401 is primarily a plan of deferred compensation, but the amounts allocated to the account of a participant may be used to provide for him or his family incidental life or accident or health insurance.

(iii) A stock bonus plan is a plan established and maintained by an employer to provide benefits similar to those of a profit-sharing plan, except that the contributions by the employer are not necessarily dependent upon profits and the benefits are distributable in stock of the employer company. For the purpose of allocating and distributing the stock of the employer which is to be shared among his employees or their beneficiaries, such a plan is subject to the same requirements as a profit-sharing plan.

(iv) As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 7701 (a) (20).

(2) The term "plan" implies a permanent as distinguished from a temporary program. Thus, although the employer may reserve the right to change or terminate the plan, and to discontinue contributions thereunder, the abandonment of the plan for any reason other than business necessity within a few years after it has taken effect will be evidence that the plan from its inception was not a bona fide program for the exclusive benefit of employees in general. Especially will this be true if, for example, a pension plan is abandoned soon after pensions have been fully funded for persons in favor of whom discrimination is prohibited under section 401 (a). The permanency of the plan will be indicated by all of the surrounding facts and circumstances, including the likelihood of the employer's ability to continue contributions as provided under the plan. In the case of a profit-sharing plan, it is not necessary that the employer contribute every year or that he contribute the same amount or contribute in accordance with the same ratio every year. However, merely making a single or occasional contribution out of profits for employees does not establish a plan of profit-sharin. To be a profit-sharing plan, there must be recurring and substantial contributions out of profits for the employees. In the event a plan is abandoned, the employer should promptly notify the district director, stating the circumstances which led to the discontinuance of the plan.

(3) If the plan is so designed as to amount to a subterfuge for the distribution of profits to shareholders, it will not qualify as a plan for the exclusive benefit of employees even though other employees who are not shareholders are also included under the plan. The plan must benefit the employees in general, although it need not provide benefits for all of the employees. Among the employees to be benefited may be persons who are officers and shareholders. However, a plan is not for the exclusive benefit of employees in general if, by any device whatever, it discriminates either in eligibility requirements, contributions, or benefits in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or the highly compensated employees. See section 401 (a) (3), (4), and (5). Similarly, a stock bonus or profit-sharing plan is not a plan for the exclusive benefit of employees in general if the funds therein may be used to relieve the employer from contributing to a pension plan operating concurrently and covering the same employees. All of the surrounding and attendant circumstances and the details of the plan will be indicative of whether it is a bona fide stock bonus, pension, or profit-sharing plan for the exclusive benefit of employees in general. The law is concerned not only with the form of a plan but also with its effects in operation. For example, section 401 (a) (5) specifies certain provisions which of themselves are not discriminatory. However, this does not mean that a plan containing these provisions may not be discriminatory in actual operation.

(4) A plan is for the exclusive benefit of employees or their beneficiaries even though it may cover former employees as well as present employees and employees who are temporarily on leave, as, for example, in the Armed Forces of the United States. A plan covering only former employees may qualify under section 401 (a) if it complies with the provisions of section 401 (a) (3) (B), with respect to coverage, and section 401 (a) (4), with respect to contributions and benefits, as applied to all of the former employees. The term "beneficiaries" of an employee within the meaning of section 401 includes the estate of the employee, dependents of the employee, persons who are the natural objects of the employee's bounty, and any persons designated by the employee to share in the benefits of the plan after the death of the employee.

(5) (i) No specific limitations are provided in section 401 (a) with respect to investments which may be made by the trustees of a trust qualifying under section 401 (a). Generally, the contributions may be used by the trustees to purchase any investments permitted by the trust agreement to the extent allowed by local law. However, such a trust will be subject to tax under section 511 with respect to any "unrelated business taxable income" (as defined in section 512) realized by it from its investments. Furthermore, the tax-exempt status of the trust will be forfeited if the investments made by the trustees constitute "prohibited transactions" within the meaning of section 503. See also the regulations under such sections.

(ii) Where the trust funds are invested in stock or securities of, or loaned to, the employer or other person described in section 503 (c), full disclosure must be made of the reasons for such arrangement and the conditions under which such investments are made in order that a determination may be made whether the trust serves any purpose other than constituting part of a plan for the exclusive benefit of employees. The trustee shall report any of such investments on the return which under section 6033 it is required to file and shall with respect to any such investment furnish the information required by such return. See § 1.6033–1.

(c) *Portions of years.* A qualified status must be maintained throughout the entire taxable year of the trust in order for the trust to obtain any exemption for such year. But see section 401 (a) (6) and § 1.401–3.

(d) *Plan of several employers.* A trust forming part of a plan of several employers for their employees will be qualified if all the requirements are otherwise satisfied.

(e) *Returns.* A trust which qualifies under section 401 (a) and which is exempt under section 501 (a) must file a return in accordance with section 6033 and the regulations thereunder. See § 1.6033–1. In case such a trust realizes any unrelated business taxable income, as defined in section 512, such trust is also required to file a return with respect to such income. See § 1.6012–2.

§ 1.401–2 *Impossibility of diversion under the trust instrument*—(a) *In general.* (1) Under section 401 (a) (2) a trust is not qualified unless under the trust instrument it is impossible (in the taxable year and at any time thereafter before the satisfaction of all liabilities to

employees or their beneficiaries covered by the trust) for any part of the trust corpus or income to be used for, or diverted to, purposes other than for the exclusive benefit of such employees or their beneficiaries.

(2) As used in section 401 (a) (2), the phrase "if under the trust instrument it is impossible" means that the trust instrument must definitely and affirmatively make it impossible for the nonexempt diversion or use to occur, whether by operation or natural termination of the trust, by power of revocation or amendment, by the happening of a contingency, by collateral arrangement, or by any other means. Although it is not essential that the employer relinquish all power to modify or terminate the rights of certain employees covered by the trust, it must be impossible for the trust funds to be used or diverted for purposes other than for the exclusive benefit of his employees or their beneficiaries.

(3) As used in section 401 (a) (2), the phrase "purposes other than for the exclusive benefit of his employees or their beneficiaries" includes all objects or aims not solely designed for the proper satisfaction of all liabilities to employees or their beneficiaries covered by the trust.

(b) *Meaning of "liabilities".* (1) The intent and purpose in section 401 (a) (2) of the phrase "prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust" is to permit the employer to reserve the right to recover at the termination of the trust, and only at such termination, any balance remaining in the trust which is due to erroneous actuarial computations during the previous life of the trust. A balance due to an "erroneous actuarial computation" is the surplus arising because actual requirements differ from the expected requirements even though the latter were based upon previous actuarial valuations of liabilities or determinations of costs of providing pension benefits under the plan and were made by a person competent to make such determinations in accordance with reasonable assumptions as to mortality, interest, etc., and correct procedures relating to the method of funding. For example, a trust has accumulated assets of $1,000,000 at the time of liquidation, determined by acceptable actuarial procedures using reasonable assumptions as to interest, mortality, etc., as being necessary to provide the benefits in accordance with the provisions of the plan. Upon such liquidation it is found that $950,000 will satisfy all of the liabilities under the plan. The surplus of $50,000 arises, therefore, because of the difference between the amounts actuarially determined and the amounts actually required to satisfy the liabilities. This $50,000, therefore, is the amount which may be returned to the employer as the result of an erroneous actuarial computation. If, however, the surplus of $50,000 had been accumulated as a result of a change in the benefit provisions or in the eligibility requirements of the plan, the $50,000 could not revert to the employer because such surplus would not be the result of an erroneous actuarial computation.

(2) The term "liabilities" as used in section 401 (a) (2) includes both fixed and contingent obligations to employees. For example, if 1,000 employees are covered by a trust forming part of a pension plan, 300 of whom have satisfied all the requirements for a monthly pension, while the remaining 700 employees have not yet completed the required period of service, contingent obligations to such 700 employees have nevertheless arisen which constitute "liabilities" within the meaning of that term. It must be impossible for the employer (or other nonemployee) to recover any amounts other than such amounts as remain in the trust because of "erroneous actuarial computations" after the satisfaction of all fixed and contingent obligations. Furthermore, the trust instrument must contain a definite affirmative provision to this effect, irrespective of whether the obligations to employees have their source in the trust instrument itself, in the plan of which the trust forms a part, or in some collateral instrument or arrangement forming a part of such plan, and regardless of whether such obligations are, technically speaking, liabilities of the employer, of the trust, or of some other person forming a part of the plan or connected with it.

§ 1.401–3 *Requirements as to coverage.* (a) (1) In order to insure that stock bonus, pension, and profit-sharing plans are utilized for the welfare of employees in general, and to prevent the trust device from being used for the principal benefit of shareholders, officers, persons whose principal duties consist in supervising the work of other employees, or highly paid employees, or as a means of tax avoidance, a trust will not be qualified unless it is part of a plan which satisfies the coverage requirements of section 401 (a) (3). The percentage requirements in section 401 (a) (3) (A) refer to a percentage of all the active employees, including employees temporarily on leave, such as those in the Armed Forces of the United States, if such employees are eligible under the plan.

(2) The application of section 401 (a) (3) (A) may be illustrated by the following example:

Example. An employer adopts a plan at a time when he has 1,000 employees. The plan provides that all full-time employees who have been employed by him for a period of two years and have reached the age of 30 shall be eligible to participate. The plan also requires participating employees to contribute 3 percent of their monthly pay. At the time the plan is made effective 100 of the 1,000 employees had not been employed for a period of two years. Fifty of the employees were seasonal employees whose customary employment did not exceed five months in any calendar year. Twenty-five of the employees were part-time employees whose customary employment did not exceed 20 hours in any one week. One hundred and fifty of the full-time employees who had been employed for two years or more had not yet reached age 30. The requirements of section 401 (a) (3) (A) will be met if 540 employees are covered by the plan, as shown by the following computation:

(i) Total employees with respect to whom the percentage requirements are applicable (1,000 minus 175 (100 plus 50 plus 25))	825
(ii) Employees not eligible to participate because of age requirements	150
(iii) Total employees eligible to participate	675
(iv) Percentage of employees in item (i) eligible to participate	81+%
(v) Minimum number of participating employees to qualify the plan (80 percent of 675)	540

If only 70 percent, or 578, of the 825 employees satisfied the age and service requirements, then 462 (80 percent of 578) participating employees would satisfy the percentage requirements.

(b) If a plan fails to qualify under the percentage requirements of section 401 (a) (3) (A), it may still qualify under section 401 (a) (3) (B) provided always that (as required by section 401 (a) (3) and (4)) the plan's eligibility conditions, benefits, and contributions do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or the highly compensated employees.

(c) Since, for the purpose of section 401, a profit-sharing plan is a plan which provides for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, layoff, or severance of employment, employees who receive the amounts allocated to their accounts before the expiration of such a period of time or the occurrence of such a contingency shall not be considered covered by a profit-sharing plan in determining whether the plan meets the coverage requirements of section 401 (a) (3(A) and (B). Thus, in case a plan permits employees to receive immediately the amounts allocated to their accounts, or to have such amounts paid to a profit-sharing plan for them, the employees who receive the shares immediately shall not, for the purpose of section 401, be considered covered by a profit-sharing plan.

(d) Section 401 (a) (5) sets out certain classifications that will not in themselves be considered discriminatory. However, those so designated are not intended to be exclusive. Thus, plans may qualify under section 401 (a) (3) (B) even though coverage thereunder is limited to employees who have either reached a designated age or have been employed for a designated number of years, or who are employed in certain designated departments or are in other classifications, provided the effect of covering only such employees does not discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees. For example, if there are 1,000 employees, and the plan is written for only salaried employees, and consequently only 500 employees are covered, that fact alone will not justify the conclusion that the plan does not meet the coverage requirements of section 401 (a) (3) (B). Conversely, if a contributory plan is offered to all of the employees but the contributions required of the employee participants are so burdensome as to make the plan acceptable only to the highly paid employees, the classification will be considered discriminatory in favor of such highly paid employees.

(e) (1) Section 401 (a) (5) contains a provision to the effect that a classification shall not be considered discriminatory within the meaning of section 401 (a) (3) (B) merely because all employees whose entire annual remuneration constitutes "wages" under section 3121 (a) (1) (for purposes of the Federal Insurance Contributions Act) are excluded from the plan. A reference to section 3121 (a) (1) for years after 1954 shall be deemed a reference to section 1426 (a) (1) for years before 1955. This provision, in conjunction with section 401 (a) (3) (B), is intended to permit the qualification of plans which supplement the old-age and survivor insurance benefits under the Social Security Act. Thus, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121 (a) (1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from wages under section 3121 (a) (1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in making his determination with respect to discrimination in classification under section 401 (a) (3) (B), the Commissioner will consider whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401 (a). If, therefore, a classification of employees under a plan results in relatively or proportionately greater benefits for employees earning above any specified salary amount or rate than for those below any such salary amount or rate, it may be found to be discriminatory within the meaning of section 401 (a) (3) (B). If, however, the relative or proportionate differences in benefits which result from such classification are approximately offset by the old-age and survivor insurance benefits which are provided by the Social Security Act and which are not attributable to employee contributions under the Federal Insurance Contributions Act, the plan will be considered to be properly integrated with the Social Security Act and will, therefore, not be considered discriminatory.

(2) In determining whether a plan is properly intergrated with the Social Security Act, the total old-age and survivor insurance benefits with respect to an employee are considered to be 150 percent of the employee's old-age insurance benefits under such Act, and the proportion of such total benefits which is attributable to employee contributions is considered to be approximately 20 percent of such total benefits. These assumptions take into consideration the changes made by the Social Security Amendments of 1954 and the Social Security Amendments of 1956. Thus, for example, a classification of employees under a noncontributory pension or annuity plan established in 1956 which is limited to employees earning in excess of $4,200 a year will not be considered discriminatory within the meaning of section 401 (a) (3) (B), if:

(i) Normal annual retirement benefits for any employee cannot exceed 37½ percent of his average annual compensation in excess of $4,200, where average annual compensation is defined to mean the average annual compensation over the highest five consecutive years.

(ii) There are no benefits payable in case of death before retirement.

(iii) The normal form of retirement benefit is a straight life annuity, and if there are optional forms, the benefit payments are adjusted so that the total value of the optional form is the same as the value of the normal form of retirement benefits.

(iv) Normal retirement benefits for employees who reach normal retirement age before completion of 15 years of service with the employer cannot exceed 2½% of average annual compensation in excess of $4,200 for each year of service.

(v) Normal retirement age is not lower than age 65 for men and not lower than age 60 for women.

(vi) Benefits payable in case of retirement or severance of employment before normal retirement age cannot exceed the actuarial equivalent of that proportion of the maximum normal retirement benefits, which might be provided in accordance with subdivisions (i) through (v) of this subparagraph, earned to the date of actual retirement or severance, where such proportion is determined by the ratio that the actual number of years of service of the employee at retirement or severance bears to the total number of years of service he would have had if he had remained in service until normal retirement age.

In the case of a plan limited to employees earning over $4,200 a year but providing different benefits, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under which the employees contribute, or providing a combination of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in the example. Similar principles will govern in determining whether a plan is properly integrated if it is limited to employees whose compensation exceeds a stated level other than $4,200 a year, or if it bases benefits or contributions on compensation in excess of such a level, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age and survivor insurance benefits. In the case of a profit-sharing or stock bonus plan which is limited to employees whose compensation is in excess of a stated level, or which bases contributions on compensation in excess of a stated level, similar principles will govern in determining whether the plan is discriminatory, provided that the employer does not also have in existence a pension or annuity plan which is integrated with old-age and survivor insurance benefits and which provides for employer contributions or benefits based upon all or part of the same compensation considered under the profit-sharing or stock bonus plan. In the case of a plan which is properly integrated with old-age and survivor insurance benefits as in effect before the Social Security Amendments of 1954, and which is limited to employees earning in excess of a stated level, no adjustment is required merely because of the changes made by such Amendments.

(3) A plan supplementing the Social Security Act and excluding all employees whose entire annual remuneration constitutes "wages" under section 3121 (a) (1) will not, however, be deemed discriminatory merely because, for administrative convenience, it provides a reasonable minimum benefit not to exceed $20 a month.

(4) Similar considerations, to the extent applicable in any case, will govern classifications under a plan supplementing the benefits provided by other Federal or State laws. See section 401 (a) (5).

(f) An employer may designate several trusts or a trust or trusts and an annuity plan or plans as constituting one plan which is intended to qualify under section 401 (a) (3), in which case all of such trusts and plans taken as a whole may meet the requirements of such section. The fact that such combination of trusts and plans fails to qualify as one plan does not prevent such of the trusts and plans as qualify from meeting the requirements of section 401 (a).

(g) It is provided in section 401 (a) (6) that a plan will satisfy the requirements of section 401 (a) (3), if on at least one day in each quarter of the taxable year of the plan it satisfies such requirements. This makes it possible for a new plan requiring contributions from employees to qualify if by the end of the quarter-year in which the plan is adopted it secures sufficient contributing participants to meet the requirements of section 401 (a) (3). It also affords a period of time in which new participants may be secured to replace former participants, so as to meet the requirements of either subparagraph (A) or (B) of section 401 (a) (3).

§ 1.401–4 *Discrimination as to contributions or benefits.* (a) (1) (i) In order to qualify under section 401 (a), a trust must not only meet the coverage requirements of section 401 (a) (3), but, as provided in section 401 (a) (4), it must also be part of a plan under which there is no discrimination in contributions or benefits in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated

employees as against other employees whether within or without the plan.

(ii) Since, for the purpose of section 401, a profit-sharing plan is a plan which provides for distributing the funds accumulated under the plan after a fixed number of years, the attainment of a stated age, or upon the prior occurrence of some event such as illness, disability, retirement, death, layoff, or severance of employment, any amount allocated to an employee which is withdrawn before the expiration of such a period of time or the occurrence of such a contingency shall not be considered in determining whether the contributions under the plan discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees. Thus, in case a plan permits employees to receive immediately the whole or any part of the amounts allocated to their accounts, or to have the whole or any part of such amounts paid to a profit-sharing plan for them, any amounts which are received immediately shall not, for the purpose of section 401, be considered contributed to a profit-sharing plan.

(iii) Funds in a stock bonus or profit-sharing plan arising from forfeitures on termination of service, or other reason, must not be allocated to the remaining participants in such a manner as will effect the prohibited discrimination. With respect to forfeitures in a pension plan, see § 1.40–1 (b) (1) (i).

(2) (i) Section 401 (a) (5) sets out certain provisions which will not in and of themselves be discriminatory within the meaning of section 401 (a) (3) or (4). See § 1.401–3. Thus, a plan will not be considered discriminatory merely because the contributions or benefits bear a uniform relationship to total compensation or to the basic or regular rate of compensation, or merely because the contributions or benefits based on that part of the annual compensation of employees which is subject to the Federal Insurance Contributions Act differ from the contributions or benefits based on any excess of such annual compensation over such part.

(ii) The exceptions specified in section 401 (a) (5) are not an exclusive enumeration, but are merely a recital of provisions frequently encountered which will not of themselves constitute forbidden discrimination in contributions or benefits.

(iii) Variations in contributions or benefits may be provided so long as the plan, viewed as a whole for the benefit of employees in general, with all its attendant circumstances, does not discriminate in favor of employees within the enumerations with respect to which discrimination is prohibited. Thus, benefits in a stock bonus or profit-sharing plan which vary by reason of an allocation formula which takes into consideration years of service, or other factors, are not prohibited unless they discriminate in favor of such employees.

(b) A plan which excludes all employees whose entire remuneration constitutes wages under section 3121 (a) (1) (relating to the Federal Insurance Contributions Act), or a plan under which the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" under such Act differs from the contributions or benefits based on that part of the employee's remuneration which is not so excluded, or a plan under which the contributions or benefits differ because of any retirement benefit created under State or Federal law, will not be discriminatory because of such exclusion or difference, provided the total benefits resulting under the plan and under such law establish an integrated and correlated retirement system satisfying the tests of section 401 (a).

(c) Although a plan may provide for termination at will by the employer, this will not of itself prevent a trust from being a qualified trust. However, in certain cases that fact may necessitate some provision in the plan which will preclude such termination from effecting the prohibited discrimination. This may occur where, for example, certain officers or highly compensated employees are at the inception of the plan within a few years of retirement age and the operation of the plan will fund and vest their benefits in a short period, thus resulting in such discrimination in favor of such officers or hightly compensated employees.

§ 1.401–5 *Period for which requirements of section 401 (a) (3), (4), (5), and (6) are applicable.* A pension, profit-sharing, stock bonus, or annuity plan shall be considered as satisfying the requirements of section 401 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all the provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. Thus, if an employer in 1954 adopts such a plan as of January 1, 1954, and makes a return on the basis of the calendar year, he will have until March 15, 1955, to amend his plan so as to make it satisfy the requirements of section 401 (a) (3), (4), (5), and (6) for the calendar year 1954 provided that by March 15, 1955, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1954, the effective date of the plan. If an employer is on a fiscal year basis, for example, April 1 to March 31, and in 1954 adopts such a plan effective as of April 1, 1954, he will have until June 15, 1955, to amend his plan so as to make it satisfy the requirements of section 401 (a) (3), (4), (5), and (6) for the fiscal year beginning April 1, 1954, provided that by June 15, 1955, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to April 1, 1954, the effective date of the plan. It should be noted that under section 401 (b) the period in which a plan may be amended to qualify under section 401 (a) ends before the date on which taxpayers other than corporations are required to file income tax returns. See section 6072.

§ 1.402 (a) *Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.*

SEC. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust*—(1) *General rule.* Except as provided in paragraph (2), the amount actually distributed or made available to any distributee by any employees' trust described in section 401 (a) which is exempt from tax under section 501 (a) shall be taxable to him, in the year in which so distributed or made available, under section 72 (relating to annuities) except that section 72 (e) (3) shall not apply. The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Capital gains treatment for certain distributions.* In the case of an employees' trust described in section 401 (a), which is exempt from tax under section 501 (a), if the total distributions payable with respect to any employee are paid to the distributee within 1 taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee (determined by applying section 72 (f)), which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months. Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

(3) *Definitions.* For purposes of this subsection—

(A) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(B) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in section 421 (d) (2) and (3)) of the employer corporation.

(C) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

§ 1.402 (a)–1 *Taxability of beneficiary under a trust which meets the requirements of section 401 (a)—(a) In general.* (1) (i) Section 402 relates to the taxation of the beneficiary of an employees' trust. If an employer makes a contribution for the benefit of an employee to a trust described in section 401 (a) for the taxable year of the employer which ends within or with a taxable year of the trust for which the trust is exempt

under section 501 (a), the employee is not required to include such contribution in his income except for the year or years in which such contribution is distributed or made available to him. It is immaterial in the case of contributions to an exempt trust whether the employee's rights in the contributions to the trust are forfeitable or nonforfeitable either at the time the contribution is made to the trust or thereafter.

(ii) The provisions of section 402 (a) relate only to a distribution by a trust described in section 401 (a) which is exempt under section 501 (a) for the taxable year of the trust in which the distribution is made. The distribution from such an exempt trust when received or made available is taxable to the distributee to the extent provided in section 72 (relating to annuities), except that section 72 (e) (3) (relating to the treatment of certain lump sums) shall not apply, and except that certain total distributions described in section 402 (a) (2) are taxable as long-term capital gains. For the treatment of such total distributions, see subparagraph (6) of this paragraph. Under certain circumstances, an amount representing the unrealized appreciation in the value of the securities of the employer is excludable from gross income for the year of distribution. For the rules relating to such exclusion, see paragraph (b) of this section. Furthermore, the exclusion provided by section 105 (d) is applicable to a distribution from a trust described in section 401 (a) and exempt under section 501 (a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness (see section 105 and the regulations thereunder).

(iii) Except as provided in paragraph (b) of this section, a distribution of property by a trust described in section 401 (a) and exempt under section 501 (a) shall be taken into account by the distributee at its fair market value. For example, where a United States savings bond which was purchased by a trustee in its own name later is distributed by such trust, it shall be taken into account at its redemption value at the time of distribution and such redemption value shall be the distributee's basis for the bond for the purpose of determining the extent to which income is realized upon its ultimate redemption.

(iv) If a trust is exempt for the taxable year in which the distribution occurs, but was not so exempt for one or more prior taxable years under section 501 (a) (or under section 165 (a) of the Internal Revenue Code of 1939 for years to which such section was applicable), the contributions of the employer which were includible in the gross income of the employee for the taxable year when made shall, in accordance with section 72 (f), also be treated as part of the consideration paid by the employee.

(v) If the trust is not exempt at the time the distribution is received by or made available to the employee, see section 402 (b) and § 1.402 (b)–1 (b).

(2) If a trust described in section 401 (a) and exempt under section 501 (a) purchases an annuity contract for an employee and distributes it to the employee in a year for which the trust is exempt, the contract containing a cash surrender value which may be available to an employee by surrendering the contract, such cash surrender value will not be considered income to the employee unless and until the contract is surrendered. If, however, the contract distributed by such an exempt trust is a retirement income, endowment, or other life insurance contract and is distributed after October 26, 1956, the entire cash value of such contract at the time of distribution must be included in the distributee's income in accordance with the provisions of section 402 (a), except to the extent that, within 60 days after the distribution of such contract, all or any portion of such value is irrevocably converted into a contract under which no part of any proceeds payable on death at any time would be excludable under section 101 (a) (relating to life insurance proceeds).

(3) (i) If a trust described in section 401 (a) and exempt under section 501 (a) purchases under the plan retirement income, endowment, or other contracts providing life insurance protection, payable upon the death of the employee participants, and either—

(*a*) The proceeds of such life insurance are payable to a beneficiary of the employee participant, other than the trust, or

(*b*) In case such proceeds are payable to the trust, by the terms of the plan the trustee is required to pay over all of such proceeds to a beneficiary of the employee participant,

then, the portion of the premiums paid for the life insurance protection provided under such contracts from either the contributions of the employer or earnings of the trust will constitute income to the employee for the year or years in which the contributions or earnings are applied toward the purchase of such life insurance. If the amount payable upon death at any time during the year exceeds the cash value of the insurance policy at the end of the year, the entire amount of such excess will be considered current life insurance protection. The cost of such insurance will be considered to be a reasonable net premium cost, as determined by the Commissioner, for such amount for the appropriate period. The amount thus to be included in the gross income of the employee under this subdivision shall be considered as premiums or other consideration paid or contributed by the employee only with respect to any benefits attributable to the contract providing the life insurance protection.

(ii) The determination of the cost of life insurance protection may be illustrated by the following example:

Example. A policy purchased under a qualified plan for an employee provides an annuity of $100 per month upon retirement at age 65, with a minimum death benefit of $10,000. The insurance payable if death occurred in the first year would be $10,000. The cash value at the end of the first year is 0. The net insurance is therefore $10,000 minus 0, or $10,000. Assuming that the Commissioner has determined that a reasonable net premium for the employee's age is $5.85 per $1,000, the premium for $10,000 of life insurance is therefore $58.50, and this is the amount to be reported as income by the employee for the year. The balance of the premium is the amount contributed for the annuity, which is not taxable to the employee under a plan meeting the requirements of section 401 (a), except as provided under section 402 (a). Assuming that the cash value at the end of the second year is $500, the net insurance would then be $9,500 for the second year. With a net 1-year term rate of $6.30 for the employee's age in the second year, the amount to be reported as income to the employee would be $59.85.

(iii) This subparagraph shall not apply if the trust has a right under any circumstances to retain any part of the proceeds of the life insurance contract. But see subparagraph (4) (iv) relating to the taxability of the distribution of such proceeds to a beneficiary.

(4) (i) In case a trust described in section 401 (a) and exempt under section 501 (a) either—

(*a*) Has purchased a retirement income, endowment, or other life insurance contract, and the employee either paid the cost of the insurance or was taxable on the cost of the insurance under subparagraph (3) of this paragraph, or

(*b*) Has purchased an annuity contract, the amounts payable under any such contract by reason of the death of the employee are taxable under the rules of subdivision (ii) of this subparagraph, except in the case of a joint and survivor annuity.

(ii) (*a*) In the case of an annuity contract, the death benefit is the accumulation of the premiums (plus earnings thereon) which is intended to fund pension or other deferred benefits under a pension or profit-sharing plan. Such death benefits are not in the nature of life insurance and are not excludable from gross income under section 101 (a).

(*b*) In the case of a retirement income, endowment, or other life insurance contract under which there is a reserve accumulation which is intended to fund pension or other deferred benefits under a pension or profit-sharing plan, such reserve accumulation constitutes the source of the cash value of the contract and approximates the amount of such cash value. The portion of the proceeds paid upon the death of the insured employee which is equal to the cash value immediately before death is not excludable from gross income under section 101 (a). The remaining portion, if any, of the proceeds paid to the beneficiary by reason of the death of the insured employee—that is, the amount in excess of the cash value—constitutes current insurance protection and is excludable under section 101 (a).

(*c*) The death benefit under an annuity contract, or the portion of the death proceeds under a retirement income, endowment, or other life insurance contract which is equal to the cash value of the contract immediately before death, constitutes a distribution from the trust consisting in whole or in part of deferred compensation and is taxable to the beneficiary in accordance with section 402 (a) and the provisions of this paragraph, except to the extent that the

limited exclusion from income provided in section 101 (b) is applicable.

(*d*) In the case of a retirement income, endowment, or other life insurance contract under which the benefits are paid at a date or dates later than the death of the employee, section 101 (d) is applicable only to the portion of the benefits which is attributable to the amount excludable under section 101 (a). The portion of such benefits which is attributable to the cash value of the contract immediately before death is taxable under section 72 (relating to annuities), and in such case, any amount excludable under section 101 (b) is treated as additional consideration paid by the employee in accordance with section 101 (b) (2) (D).

(iii) The application of the rules under subdivision (ii) of this subparagraph with respect to the taxability of proceeds of a retirement income, endowment, or other life insurance contract paid by reason of the death of an insured employee who has paid no contributions under the plan is illustrated by the following examples:

Example (1).

Total face amount of the contract payable in a lump-sum at time of death	$25,000
Cash value of the contract immediately before death	11,000
Excess over cash value, excludable under section 101 (a)	14,000
Cash value subject to limited exclusion under section 101 (b)	11,000
Excludable under section 101 (b) (assuming that there is no other death benefit paid by or on behalf of any employer with respect to the employee)	5,000
Balance taxable in accordance with section 402 (a) (2) (assuming a total distribution in one taxable year of the distributee)	6,000
Portion of premiums taxed to employee under the provisions of subparagraph (3) of this paragraph and considered as contributions of the employee	940
Balance taxable as long-term capital gain	5,060

Example (2). The facts are the same as in example (1), except that the contract provides that the beneficiary may elect within 60 days after the death of the employee either to take the $25,000 or to receive 10 annual installments of $3,000 each, and the beneficiary elects to receive the 10 installments. In addition, the employee's rights to the cash value immediately before his death were forfeitable at least to the extent of $5,000. Section 101 (d) is applicable to the amount excludable under section 101 (a), that is, $14,000. The portion of each annual installment of $3,000 which is attributable to this $14,000 is determined by allocating each installment in accordance with the ratio which this $14,000 bears to the total amount which was payable at death ($25,000). Accordingly, the portion of each annual installment which is subject to section 101 (d) is $1,680 ($^{14}/_{25}$ of $3,000), of which, $1,400 ($^{1}/_{10}$ of $14,000) is excludable under section 101 (a), and the remaining $280 is includible in the gross income of the beneficiary. However, if the beneficiary is a surviving spouse as defined in section 101 (d) (3), the exclusion provided by section 101 (d) (1) (B) is applicable to such $280. The remaining portion of each annual $3,000 installment, $1,320, is attributable to the cash value of the contract and is treated under section 72, as follows:

Amount actually contributed by the employee	00
Amount considered contributed by employee by reason of section 101 (b)	$5,000
Portion of premiums taxed to employee under the provisions of subparagraph (3) of this paragraph and considered as contributions of the employee	940
Investment in the contract	5,940
Expected return, 10×$1,320	13,200
Exclusion ratio, $5,940÷$13,200	.45
Annual exclusion, .45×$1,320	594

Accordingly, $594 of the $1,320 portion of each annual installment is excludable each year under section 72, and the remaining $726 is includible. Thus, if the beneficiary is not a surviving spouse, a total of $1,000 ($280 plus $726) of each annual $3,000 installment is includible in income each year. If the beneficiary is a surviving spouse, and can exclude all of the $280 under section 101 (d) (1) (B), the amount includible in gross income each year is $726 of each annual $3,000 installment.

(iv) If an employee neither paid the total cost of the life insurance protection provided under a retirement income, endowment, or other life insurance contract, nor was taxable under subparagraph (3) of this paragraph with respect thereto, no part of the proceeds of such a contract which are paid to the beneficiaries of the employee as a death benefit is excludable under section 101 (a). The entire distribution is taxable to the beneficiaries under section 402 (a) except to the extent that a limited exclusion may be allowable under section 101 (b).

(5) If pension or annuity payments or other benefits are paid or made available to the beneficiary of a deceased employee or a deceased retired employee by a trust described in section 401 (a) which is exempt under section 501 (a), such amounts are taxable in accordance with the rules of section 402 (a) and this section. In case such amounts are taxable under section 72, the "investment in the contract" shall be determined by reference to the amount contributed by the employee and by applying the rules of sections 72 (c), 72 (f), 101 (b) (2) (D), and subparagraph (3) of this paragraph. In case the amounts paid to, or includible in the gross income of, the beneficiaries of the deceased employee or deceased retired employee constitute a distribution to which subparagraph (6) of this paragraph is applicable, the extent to which the distribution is taxable is determined by reference to the contributions of the employee, by reference to any prior distributions which were excludable from gross income as a return of employee contributions, and by applying the rules of sections 72 (f), 101 (b), and subparagraph (3) of this paragraph.

(6) (i) If the total distributions payable with respect to any employee under a trust described in section 401 (a) which in the year of distribution is exempt under section 501 (a) are paid to, or includible in the gross income of, the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or death after such separation from service, the amount of such distribution, to the extent it exceeds the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The total distributions payable are includible in the gross income of the distributee within one taxable year if they are made available to such distributee and the distributee fails to make a timely election under section 72 (h) to receive an annuity in lieu of such total distributions. For rules relating to the treatment of such total distributions in the case of a nonresident alien individual, see section 871 and 1441 and the regulations thereunder. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72 (f), 101 (b), and subparagraph (3) of this paragraph, reduced by any amounts theretofore distributed to him which were excludable from gross income as a return of employee contributions. See, however, paragraph (b) of this section for rules relating to the exclusion of amounts representing net unrealized appreciation in the value of securities of the employer corporation.

(ii) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service or on account of his death after separation from the service. Thus, distributions made before a total distribution (for example, annuity payments received by the employee after retirement), will not defeat application of the capital gains treatment with respect to the total distributions received by a beneficiary upon the death of the employee after retirement. However, a distribution on separation from service will not receive capital gains treatment unless it constitutes the total amount in the employee's account at the time of his separation from service. If the total amount in the employee's account at the time of his death or other separation from the service or death after separation from the service is paid or includible in the gross income of the distributee within one taxable year of the distributee, such amount is entitled to the capital gains treatment notwithstanding that in a later taxable year an additional amount, attributable to the last year of service, is credited to the account of the employee and distributed.

(iii) If an employee retires and commences to receive an annuity but subsequently, in some succeeding taxable year, is paid a lump sum in settlement of all future annuity payments, the capital gains treatment does not apply to such lump sum settlement paid during the lifetime of the employee since it is not a payment on account of separation from the service, or death after separation, but is on account of the settlement of future annuity payments.

(iv) If the "total distributions payable" are paid or includible in the gross income of several distributees within one taxable year on account of the employee's death or other separation from the service or on account of his death after separation from the service, the capital gains treatment is applicable. The total distributions payable are paid within one taxable year of the distributees when, for example, a portion of such total is distributed in cash to one distributee and the balance is used to purchase an annuity contract which is distributed to the other distributee. However, if the share of any distributee is not paid or includible in his gross income within the same taxable year in which the shares of the other distributees are paid or includible in their gross income, none of the distributees is entitled to the capital gains treatment, since the total distributions payable are not paid or includible in the distributees' gross income within one taxable year. For example, if the total distributions payable are made available to each of two distributees and one elects to receive his share in cash while the other makes a timely election under section 72 (h) to receive his share in installment payments from the trust, the capital gains treatment does not apply to either distributee.

(v) For regulations as to certain plan terminations, see § 1.402 (e)-1.

(b) *Distributions including securities of the employer corporaton*—(1) *In general.* (i) If a trust described in section 401 (a) which is exempt under section 501 (a) makes a distribution to a distributee, and such distribution includes securities of the employer corporation, the amount of any net unrealized appreciation in such securities shall be excluded from the distributee's income in the year of such distribution to the following extent:

(*a*) If the distribution constitutes a total distribution to which the rules of paragraph (a) (6) of this section are applicable, the amount to be excluded is the entire net unrealized appreciation attributable to that part of the total distribution which consists of securities of the employer corporation; and

(*b*) If the distribution is other than a total distribution to which paragraph (a) (6) of this section is applicable, the amount to be excluded is that portion of the net unrealized appreciation in the securities of the employer corporation which is attributable to the amount considered to be contributed by the employee to the purchase of such securities. The amount of net unrealized appreciation which is excludable under the rules of (*a*) and (*b*) of this subdivision shall not be included in the basis of the securities in the hands of the distributee at the time of distribution for purposes of determining gain or loss on their subsequent disposition. In the case of a total distribution the amount of net unrealized appreciation which is not included in the basis of the securities in the hands of the distributee at the time of distribution shall be considered as a gain from the sale or exchange of a capital asset held for more than six months to the extent that such appreciation is realized in a subsequent taxable transaction. However, if the net gain realized by the distributee in a subsequent taxable transaction exceeds the amount of the net unrealized appreciation at the time of distribution, such excess shall constitute a long-term or short-term capital gain depending upon the holding period of the securities in the hands of the distributee.

(ii) For purposes of section 402 (a) and of this section, the term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in section 421 (d) (2) and (3), relating to employee stock options) of the employer corporation.

(2) *Determination of net unrealized appreciation.* (i) The amount of net unrealized appreciation in securities of the employer corporation which are distributed by the trust is the excess of the market value of such securities at the time of distribution over the cost or other basis of such securities to the trust. Thus, if a distribution consists in part of securities which have appreciated in value and in part of securities which have depreciated in value, the net unrealized appreciation shall be considered to consist of the net increase in value of all of the securities included in the distribution. For this purpose, two or more distributions made by a trust to a distributee in a single taxable year of the distributee shall be treated as a single distribution.

(ii) For the purpose of determining the net unrealized appreciation on a distributed security of the employer corporation, the cost or other basis of such security to the trust shall be computed in accordance with whichever of the following rules is applicable:

(*a*) If a security was earmarked for the account of a particular employee at the time it was purchased by or contributed to the trust so that the cost or other basis of such security to the trust is reflected in the account of such employee, such cost or other basis shall be used.

(*b*) If as of the close of each taxable year of the trust (or other specified period of time not in excess of 12 consecutive calendar months) the trust allocates among the accounts of participating employees all securities acquired by the trust during the period (exclusive of securities unallocated under a plan providing for allocation in whole shares only), the cost or other basis to the trust of any securities allocated as of the close of a particular allocation period shall be the average cost or other basis to the trust of all securities of the same type which were purchased or otherwise acquired by the trust during such allocation period. For purposes of determining the average cost to the trust of securities included in a subsequent allocation, the actual cost to the trust of the securities unallocated as of the close of a prior allocation period shall be deemed to be the average cost or other basis to the trust of securities of the same type allocated as of the close of such prior allocation period.

(c) In a case where neither (*a*) nor (*b*) of this subdivision is applicable, if the trust fund, or a specified portion thereof, is invested exclusively in one particular type of security of the employer corporation, and if during the period the distributee participated in the plan none of such securities has been sold except for the purpose of paying benefits under the trust or for the purpose of enabling the trustee to obtain funds with which to exercise rights which have accrued to the trust, the cost or other basis to the trust of all securities distributed to such distributee shall be the total amount credited to the account of such distributee (or such portion thereof as was available for investment in such securities) reduced by the amount available for investment but uninvested on the date of distribution. If at the time of distribution to a particular distributee a portion of the amount credited to his account is forfeited, appropriate adjustment shall be made with respect thereto in determining the cost or other basis to the trust of the securities distributed.

(*d*) (*1*) In all other cases, there shall be used the average cost (or other basis) to the trust of all securities of the employer corporation of the type distributed to the distributee which the trust has on hand at the time of the distribution, or which the trust had on hand on a specified inventory date which date does not precede the date of distribution by more than twelve calendar months. If a distribution includes securities of the employer corporation of more than one type, the average cost (or other basis) to the trust of each type of security distributed shall be determined. The average cost to the trust of securities of the employer corporation on hand on a specified inventory date (or on hand at the time of distribution) shall be computed on the basis of their actual cost, considering the securities most recently purchased to be those on hand, or by means of a moving average calculated by subtracting from the total cost of securities on hand immediately preceding a particular sale or distribution an amount computed by multiplying the number of securities sold or distributed by the average cost of all securities on hand preceding such sale or distribution.

(2) These methods of computing average cost may be illustrated by the following examples:

Example (1). A, a distributee who makes his income tax returns on the basis of a calendar year, receives on August 1, 1954, in a total distribution, to which paragraph (a) (6) of this section is applicable, ten shares of class D stock of the employer corporation. On July 1, 1954 (the specified inventory date of the trust), the trust had on hand 80 shares of class D stock. The average cost of the 10 shares distributed, on the basis of the actual cost method, is $100 computed as follows:

Shares	Purchase date	Cost per share	Total cost
20	June 24, 1954	$101	$2,020
40	Jan. 10, 1953	102	4,080
20	Oct. 20, 1952	95	1,900
80			8,000

Example (2). B, a distributee who makes his income tax returns on the basis of a calendar year, receives on October 31, 1954, in a total distribution, to which paragraph (a) (6) of this section is applicable, 20 shares of class E stock of the employer cor-

poration. The specified inventory date of the trust is the last day of each calendar year. The trust had on hand on December 31, 1952, 1,000 shares of class E stock of the employer corporation. During the calendar year 1953 the trust distributed to four distributees a total of 100 shares of such stock and acquired, through a number of purchases, a total of 120 shares. The average cost of the 20 shares distributed to B, on the basis of the moving average method, is $52 computed as follows:

	Shares	Total cost	Average cost
On hand Dec. 31, 1952	1,000	$50,000	$50
Distributed during 1953 at average cost of $50	100	5,000	
	900	45,000	
Purchased during 1953	120	8,040	
On hand Dec. 31, 1953	1,020	53,040	52

(3) *Unrealized appreciation attributable to employee contributions.* In any case in which it is necessary to determine the amount of net unrealized appreciation in securities of the employer corporation which is attributable to contributions made by an employee:

(i) The cost or other basis of the securities to the trust and the amount of net unrealized appreciation shall first be determined in accordance with the rules in paragraph (b) (2) of this section;

(ii) The amount contributed by the employee to the purchase of the securities shall be solely the portion of his actual contributions to the trust properly allocable to such securities, and shall not include any part of the increment in the trust fund expended in the purchase of the securities;

(iii) The amount of net unrealized appreciation in the securities distributed which is attributable to the contributions of the employee shall be that proportion of the net unrealized appreciation determined under the rules of subparagraph (2) of this paragraph which the contributions of the employee properly allocable to such securities bear to the cost or other basis to the trust of the securities;

(iv) If a distribution consists solely of securities of the employer corporation, the contributions of the employee expended in the purchase of such securities shall be allocated to the securities distributed in a manner consistent with the principles set forth in subparagraph (2) (ii) (a), (b), (c), or (d) of this paragraph, whichever is applicable. Thus, the amount of the employee's contribution which can be identified as having been expended in the purchase of a particular security shall be allocated to such security, and the amount of such contribution which cannot be so identified shall be allocated ratably among the securities distributed. If a distribution consists in part of securities of the employer corporation and in part of cash or other property, appropriate allocation of a portion of the employee's contribution to such cash or other property shall be made unless such allocation is inconsistent with the terms of the plan or trust.

(v) The application of this subparagraph may be illustrated by the following example:

Example. A trust distributes ten shares of stock issued by the employer corporation each of which has an average cost to the trust of $100, consisting of employee contributions in the amount of $60 and employer contributions in the amount of $40, and on the date of distribution has a fair market value of $180. The portion of the net unrealized appreciation attributable to the contributions of the employee with respect to each of the shares of stock is $48 computed as follows:

(1) Value of one share of stock on distribution date	$180
(2) Employee contributions	60
(3) Employer contributions	40
(4) Total contributions	100
(5) Net unrealized appreciation	80
(6) Portion of net unrealized appreciation attributable to employee contributions, $^{60}/_{100}$ (amount of employee contributions (item 2) over total contributions (item 4) of $80 (item 5))	48

(vi) For the purpose of determining gain or loss to the distributee in the year or years in which any share of stock referred to in the example in subdivision (v) of this subparagraph is sold or otherwise disposed of in a taxable transaction, the basis of each such share in the hands of the distributee at the time of the distribution by the trust will be $132 computed as follows:

(a) Employee contributions	$60
(b) Employer contributions (taxable as ordinary income in the year the securities were distributed)	40
(c) Portion of net unrealized appreciation attributable to employer contributions (item (5) minus item (6)) (taxable as ordinary income in the year the securities were distributed)	32
(d) Basis of stock	132

(4) *Change in exempt status of trust.* For principles applicable in making appropriate adjustments if the trust was not exempt for one or more years before the year of distribution, see paragraph (a) of this section.

§ 1.402 (b) *Statutory provisions; taxability of beneficiary of employees' trust; non-exempt trust.*

SEC. 402. *Taxability of beneficiary of employees' trust.* * * *

(b) *Taxability of beneficiary of non-exempt trust.* Contributions to an employees' trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt from tax under section 501 (a) shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under section 72 (relating to annuities) except that section 72 (e) (3) shall not apply.

§ 1.402 (b)-1 *Treatment of beneficiary of a trust not exempt under section 501 (a)—(a) Taxation by reason of employer contributions.* (1) Except as provided in section 402 (d), any contribution made by an employer on behalf of an employee to a trust during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 501 (a), shall be included in income of the employee for his taxable year during which the contribution is made if the employee's beneficial interest in the contribution is nonforfeitable at the time the contribution is made. If the employee's beneficial interest in the contribution is forfeitable at the time the contribution is made even though his interest becomes nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee at the time his interest becomes nonforfeitable.

(2) (i) An employee's beneficial interest in the contribution is nonforfeitable within the meaning of sections 402 (b), 403 (b), and 404 (a) (5) at the time the contribution is made if there is no contingency under the plan which may cause the employee to lose his rights in the contribution. For example, if under the terms of a pension plan, an employee upon termination of his services before the retirement date, whether voluntarily or involuntarily, is entitled to a deferred annuity contract to be purchased with the employer's contributions made on his behalf, or is entitled to annuity payments which the trustee is obligated to make under the terms of the trust instrument based on the contributions made by the employer on his behalf, the employee's beneficial interest in such contributions is nonforfeitable.

(ii) On the other hand, if, under the terms of a pension plan, an employee will lose the right to any annuity purchased from, or to be provided by, contributions made by the employer if his services should be terminated before retirement, his beneficial interest in such contributions is forfeitable.

(iii) The mere fact that an employee may not live to the retirement date, or may live only a short period after the retirement date, and may not be able to enjoy the receipt of annuity or pension payments, does not make his beneficial interest in the contributions made by the employer on his behalf forfeitable. If the employer's contributions have been irrevocably applied to purchase an annuity contract for the employee, or if the trustee is obligated to use the employer's contributions to provide an annuity for the employee provided only that the employee is alive on the dates the annuity payments are due, the employee's rights in the employer's contributions are nonforfeitable.

(b) *Taxation of distributions from trust not exempt under section 501 (a).* Any amount actually distributed or made available to any distributee by an employees' trust which is not exempt under section 501 (a) for the taxable year of the trust in which the distribution is made shall be taxable in the year in which so distributed or made available, under section 72 (relating to annuities), except that section 72 (e) (3) shall not apply. If, for example, the distribution from such a trust consists of an annuity contract, the amount of the distribution

shall be considered to be the entire value of the contract at the time of distribution, and such value is includible in the gross income of the distributee at the time of the distribution to the extent that such value exceeds the investment in the contract determined by applying sections 72 and 101 (b). The distributions by such an employees' trust shall be taxed as provided in section 72, whether or not the employee's rights to the contributions were nonforfeitable when the contributions were made or at any time thereafter. For rules relating to the treatment of employer contributions to a non-exempt trust as part of the consideration paid by the employee, see section 72 (f). For rules relating to the treatment of the limited exclusion allowable under section 101 (b) (2) (D) as additional consideration paid by the employee, see the regulations under that section.

§ 1.402 (c) *Statutory provisions; taxability of beneficiary of employees' trust; certain foreign situs trusts.*

SEC. 402. *Taxability of beneficiary of employees' trust.* * * *

(c) *Taxability of beneficiary of certain foreign situs trusts.* For purposes of subsections (a) and (b), a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under section 501 (a) except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under section 501 (a).

§ 1.402 (c)-1 *Taxability of beneficiary of certain foreign situs trusts.* Section 402 (c) has the effect of treating, for purposes of section 402, the distributions from a trust which at the time of the distribution is located outside the United States in the same manner as distributions from a trust which is located in the United States. If the trust would qualify for exemption from tax under section 501 (a) except for the fact that it fails to comply with the provisions of § 1.401-(a) (3) (i), which restricts qualification to trusts created or organized in the United States and maintained here, section 402 (a) and § 1.402 (a)-1 are applicable to the distributions from such a trust. Thus, for example, a total distribution from such a trust is entitled to the long-term capital gains treatment of section 402 (a) (2), except in the case of a nonresident alien individual (see sections 871 and 1441 and the regulations thereunder). However, if the plan fails to meet any requirement of section 401 and the regulations thereunder in addition to § 1.401-1 (a) (3) (i), section 402 (b) and § 1.402 (b)-1 are applicable to the distributions from such a trust.

§ 1.402 (d) *Statutory provisions; taxability of beneficiary of employees' trust; annuities under agreements entered into prior to October 21, 1942.*

SEC. 402. *Taxability of beneficiary of employees' trust.* * * *

(d) *Certain employees' annuities.* Notwithstanding subsection (b) or any other provision of this subtitle, a contribution to a trust by an employer shall not be included in the gross income of the employee in the year in which the contribution is made if—

(1) Such contribution is to be applied by the trustee for the purchase of annuity contracts for the benefit of such employee;

(2) Such contribution is made to the trustee pursuant to a written agreement entered into prior to October 21, 1942, between the employer and the trustee, or between the employer and the employee; and

(3) Under the terms of the trust agreement the employee is not entitled during his lifetime, except with the consent of the trustee, to any payments under annuity contracts purchased by the trustee other than annuity payments.

The employee shall include in his gross income the amounts received under such contracts for the year received as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply. This subsection shall have no application with respect to amounts contributed to a trust after June 1, 1949, if the trust on such date was exempt under section 165 (a) of the Internal Revenue Code of 1939. For purposes of this subsection, amounts paid by an employer for the purchase of annuity contracts which are transferred to the trustee shall be deemed to be contributions made to a trust or trustee and contributions applied by the trustee for the purchase of annuity contracts; the term "annuity contracts purchased by the trustee" shall include annuity contracts so purchased by the employer and transferred to the trustee; and the term "employee" shall include only a person who was in the employ of the employer, and was covered by the agreement referred to in paragraph (2), prior to October 21, 1942.

§ 1.402 (d)-1 *Effect of section 402 (d).* (a) If the requirements of section 402 (d) are met, a contribution made by an employer on behalf of an employee to a trust which is not exempt under section 501 (a) shall not be included in the income of the employee in the year in which the contribution is made. Such contribution will be taxable to the employee, when received in later years, as provided in section 72 (relating to annuities), except that section 72 (e) (3) shall not apply. See § 1.403 (b)-1 (b). The intent and purpose of section 402 (d) is to give those employees, covered under certain non-exempt trusts to which such section applies, essentially the same tax treatment as those covered by trusts described in section 401 (a) and exempt under section 501 (a), except that the capital gains treatment referred to in section 402 (a) (2) does not apply.

(b) Every person claiming the benefit of section 402 (d) must be able to demonstrate to the satisfaction of the Commissioner that all of the provisions of such section are met. The taxpayer must produce sufficient evidence to prove:

(1) That, before October 21, 1942, he was employed by the particular employer making the contribution in question and was at such time definitely covered by a written agreement, entered into before October 21, 1942, between himself and the employer, or between the employer and the trustee of a trust established by the employer before October 21, 1942, and that the contribution by the employer was made pursuant to such agreement. The fact that an employee may have been potentially covered is not sufficient. Evidence that the employment was entered into, or the agreement executed, "as of" a date before October 21, 1942, or that the agreement or trust instrument which did not theretofore meet the requirements of section 402 (d) was modified or amended after October 20, 1942, so as to come within the provisions of such section, will not satisfy the requirements of section 402 (d).

(2) That such contribution, pursuant to the terms of such agreement, was to be applied for the purchase of an annuity contract for the taxpayer. In the case of a contribution by the employer of an annuity contract purchased by such employer and transferred by him to the trustee of the trust, evidence should be presented to prove that such contract was purchased for the taxpayer by the employer pursuant to the terms of a written agreement between the employer and the employee or between the employer and the trustee, entered into before October 21, 1942.

(3) That under the written terms of the trust agreement the taxpayer is not entitled during his lifetime, except with the consent of the trustee, to any payments other than annuity payments under the annuity contract or contracts purchased by the trustee or by the employer and transferred to the trustee, and that the trustee may grant or withhold such consent free from control by the taxpayer, the employer, or any other person. However, such control will not be presumed from the fact that the trustee is himself an officer or employee of the employer. As used in section 402 (d) the phrase "if * * * under the terms of the trust agreement the employee is not entitled" means that the trust instrument must make it impossible for the prohibited distribution to occur, whether by operation or natural termination of the trust, whether by power of revocation or amendment, other than with the consent of the trustee, whether by the happening of a contingency, by collateral arrangement, or any other means. It is not essential that the employer relinquish all power to modify or terminate the trust but it must be impossible, except with the consent of the trustee, for any payments under annuity contracts purchased by the trustee, or by the employer and transferred to the trustee, to be received by the taxpayer, directly or indirectly, other than as annuity payments.

(4) The nature and amount of such contribution and the extent to which income taxes have been paid thereon before January 1, 1949, and not credited or refunded.

(5) If it is claimed that section 402 (d) applies to amounts contributed to a trust after June 1, 1949, the taxpayer must prove to the satisfaction of the Commissioner that the trust did not, on June 1, 1949, qualify for exemption under section 165 (a) of the Internal Revenue Code of 1939. Where an employer buys an annuity contract which is transferred to the trustee, the date of the purchase of the annuity contract and not the date of the transfer to the trustee is the controlling date in determining whether or not the contribution was made to the trust after June 1, 1949.

§ 1.402 (e) *Statutory provisions; taxability of beneficiary of employees' trust; certain plan terminations.*

SEC. 402. *Taxability of beneficiary of employees' trust.* • • •

(e) *Certain plan terminations.* For purposes of subsection (a) (2), distributions made after December 31, 1953, and before January 1, 1955, as a result of the complete termination of a stock bonus, pension, or profit-sharing plan of an employer which is a corporation, if the termination of the plan is incident to the complete liquidation, occurring before the date of enactment of this title, of the corporation, whether or not such liquidation is incident to a reorganization as defined in section 368 (a), shall be considered to be distributions on account of separation from service.

§ 1.402 (e)–1 *Certain plan terminations.* Distributions made after December 31, 1953, and before January 1, 1955, as a result of the complete termination of an employees' trust described in section 401 (a) which is exempt under section 501 (a) shall be considered distributions on account of separation from service for purposes of section 402 (a) (2) if the employer who established the trust is a corporation, and the termination of the plan is incident to the complete liquidation of the corporation before August 16, 1954, regardless of whether such liquidation is incident to a reorganization as defined in section 368.

§ 1.403 (a) *Statutory provisions; taxation of employee annuities; qualified annuity plan.*

SEC. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan*—(1) *General rule.* Except as provided in paragraph (2), if an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under section 404 (a) (2), or if an annuity contract is purchased for an employee by an employer described in section 501 (c) (3) which is exempt from tax under section 501 (a), the employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply.

(2) *Capital gains treatment for certain distributions*—(A) *General rule.* If—

(i) An annuity contract is purchased by an employer for an employee under a plan which meets the requirements of section 401 (a) (3), (4), (5), and (6);

(ii) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(iii) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee (determined by applying section 72 (f)), which employee contributions shall be reduced by any amounts theretofore paid to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months.

(B) *Definition.* For purposes of subparagraph (A), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service.

§ 1.403 (a)–1 *Taxability of beneficiary under a qualified annuity plan.* (a) An employee or retired or former employee for whom an annuity contract is purchased by his employer is not required to include in his gross income the amount paid for the contract at the time such amount is paid, whether or not his rights to the contract are forfeitable, if—

(1) The annuity contract is purchased under a plan with respect to which the amounts paid by the employer are deductible under section 404 (a) (2), or

(2) The annuity contract is purchased under a plan which meets the requirements of section 404 (a) (2) although the employer does not deduct the amounts paid for the contract under such section, or

(3) The annuity contract is purchased by an employer which is an organization described in section 501 (c) (3) and exempt under section 501 (a) provided the purchase of the annuity is merely a supplement to past or current compensation. For the purpose of this subparagraph, whether the purchase of an annuity contract is merely a "supplement to past or current compensation" is to be determined by all the surrounding facts and circumstances. One of the pertinent facts to be taken into consideration is the ratio of the consideration paid by the employer for an employee's contract to the amount of his past or current compensation. For example, if the annual permium paid for an employee's contract is $1,000 and his annual salary is $10,000, the ratio indicates that the premium paid for the contract is merely a supplement to the employee's current compensation. If, however, an employee receives no current compensation, or the annual premiums paid for his annuity contract approximate his annual salary, the amount paid for his contract will be considered to be current compensation and taxable to the employee in the year in which it is paid by the employer. Other pertinent considerations are whether the annuity contract is purchased as a result of an agreement for a reduction of the employee's annual salary, or whether it is purchased at his request in lieu of an increase in current compensation to which he otherwise might be entitled. In such cases, the amount paid for the contract shall also be considered to be current compensation.

(b) The amounts received by or made available to any employee referred to in paragraph (a) of this section under such annuity contract shall be included in gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply, and except that certain total distributions described in section 403 (a) (2) are taxable as long-term capital gains. For the treatment of such total distributions, see § 1.403 (a)–2.

(c) If upon the death of an employee or of a retired employee, the widow or other beneficiary of such employee is paid, in accordance with the terms of the annuity contract relating to the deceased employee, an annuity or other death benefit, the extent to which the amounts received by or made available to the beneficiary must be included in the beneficiary's income under section 403 (a) shall be determined in accordance with the rules presented in § 1.402 (a)–1 (a) (5).

(d) If under a qualified annuity plan a group contract providing group permanent life insurance protection is purchased for the employees, the same rules which are applicable when contracts providing life insurance protection are purchased by a trust described in section 401 (a) and exempt under section 501 (a), shall be applicable in the case of such a contract. For such rules, see § 1.402 (a)–1 (a) (2), (3), and (4). Section 403 (a) is not applicable to premiums paid after October 26, 1956, for individual contracts providing life insurance protection for employees.

(e) As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 7701 (a) (20).

§ 1.403 (a)–2 *Capital gains treatment for certain distributions.* (a) If the total amounts payable with respect to any employee for whom an annuity contract has been purchased by an employer under a plan which—

(1) Meets the requirements of section 401 (a) (3), (4), (5), and (6), and

(2) Requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan,

are paid to, or includible in gross income of, the payee within one taxable year of the payee by reason of the employee's death or other separation from the service, or death after such separation from the service, such total payments, to the extent they exceed the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72 (f), 101 (b), and § 1.403 (a)–1 (d), reduced by any amounts theretofore distributed to him which were excludable from his gross income as a return of employee contributions. For example, if under an annuity contract purchased under a plan described in this section, the total distributions payable to the employee's widow are paid to her in the year in which the employee dies, in the amount of $8,000, and if $5,000 thereof is excludable under section 101 (b), and if the employee made contributions of $600 and had received no payments, the remaining amount of $2,400 will be considered a gain from the sale or exchange of a capital asset held for more than six months.

(b) (1) The term "total amounts" means the balance to the credit of an employee with respect to all annuities under the annuity plan which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service. If an employee commences to receive annuity payments on retirement and then a lump sum payment is made to his widow upon his death, the capital gains treatment applies to the lump sum payment, but it does not apply to amounts received before the time the "total amounts" become payable. However, if the total amount to the credit of the employee at the time of his death or other separation from the service or death after separation from the service is paid or includible in the gross income of the payee within one taxable year of the payee, such amount is entitled to the capital gains treatment notwithstanding that in a later taxable year an additional amount is credited to the employee and paid to the payee.

(2) If more than one annuity contract is received under the plan, the capital gains treatment does not apply to any amount received on the surrender thereof unless all contracts under the plan with respect to a particular employee are surrendered either at the time of the employee's death or other separation from the service or death after separation from the service. Thus, if an employee receives two contracts on separation from the service and surrenders one of them in the year of separation and receives payments under the other until his death, the capital gains treatment is applicable to the balance paid to his beneficiary on his death if paid within one taxable year of the beneficiary. The amount received by the employee on surrender of the contract in the year of his separation from the service, however, would not receive capital gains treatment since the balance to the credit of the employee with respect to all amounts under the plan did not become payable at that time.

(3) If an employee retires and commences to receive an annuity but subsequently in some succeeding taxable year, he is paid a lump sum in settlement of all future annuity payments, the capital gains treatment does not apply to such lump sum settlement paid during the lifetime of the employee since it is not a payment on account of separation from the service, or death after separation, but is on account of the settlement of future annuity payments.

(4) If the "total amounts" payable under all annuity contracts under the plan with respect to a particular employee are paid or includible in the gross income of several payees within one taxable year on account of the employee's death or other separation from the service or on account of his death after separation from the service, the capital gains treatment is applicable. Thus, if the balance to the credit of a deceased employee under all annuity contracts provided under an annuity plan becomes payable to two payees, the capital gains treatment is applicable provided the "total amounts" payable are received by or includible in the gross income of both payees within the same taxable year. However, if the "total amounts" payable are made available to each payee and one elects to receive his share in cash while the other makes a timely election under section 72 (h) to receive his share as an annuity, the capital gains treatment does not apply to either payee.

§ 1.403 (b) *Statutory provisions; taxation of employees annuities; nonqualified annuity.*

SEC. 403. *Taxation of employee annuities.* • • •

(b) *Taxability of beneficiary under a nonqualifier annuity.* If an annuity contract purchased by an employer for an employee is not subject to subsection (a) and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply.

§ 1.403 (b)–1 *Taxability of beneficiary under a nonqualified annuity.* (a) Except as provided in section 402 (d), if an employer purchases an annuity contract and if the amounts paid for the contract are not subject to § 1.403 (a)–1 (a), the amount of such contribution shall be included in the income of the employee for the taxable year during which such contribution is made if, at the time the contribution is made, the employee's rights under the annuity contract are nonforfeitable, except for failure to pay future premiums. If the employee's rights under the annuity contract in such a case were forfeitable at the time the employer's contribution was made for the annuity contract, even though they become nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee at the time his rights under the contract become nonforfeitable. As to what constitutes nonforfeitable rights of an employee, see § 1.402 (b)–1. The amounts received by or made available to the employee under the annuity contract shall be included in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply. For rules relating to the treatment of employer contributions as part of the consideration paid by the employee, see section 72 (f). See also section 101 (b) (2) (D) for rules relating to the treatment of the limited exclusion provided thereunder as part of the consideration paid by the employee.

(b) If an employer has purchased annuity contracts and transferred the same to a trust or if an employer has made contributions to a trust for the purpose of providing annuity contracts for his employees as provided in section 402 (d) (see § 1.402 (d)–1 (a)), the amount so paid or contributed is not required to be included in the income of the employee, but any amount received by or made available to the employee under the annuity contract shall be includible in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities), except that section 72 (e) (3) shall not apply. In such case the amount paid or contributed by the employer shall not constitute consideration paid by the employee for such annuity contract in determining the amount of annuity payments required to be included in his gross income under section 72 unless the employee has paid income tax for any taxable year beginning before January 1, 1949, with respect to such payment or contribution by the employer for such year and such tax is not credited or refunded to the employee. In the event such tax has been paid and not credited or refunded the amount paid or contributed by the employer for such year shall constitute consideration paid by the employee for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under section 72.

§ 1.404 (a) *Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.*

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.* If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income) but if they satisfy the conditions of either of such sections, they shall be deductible under this section, subject, however, to the following limitations as to the amounts deductible in any year:

(1) *Pension trusts.* In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 501 (a), in an amount determined as follows:

(A) An amount not in excess of 5 percent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the Secretary or his delegate upon periodical examinations at not less than 5-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(B) Any excess over the amount allowable under subparagraph (A) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Secretary or his delegate, but if such remaining unfunded cost with respect to any 3 individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or

(C) In lieu of the amounts allowable under subparagraphs (A) and (B) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Secretary or his delegate, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Secretary or his delegate, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or

annuity credits are completely funded or purchased.

(D) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

(2) *Employees' annuities.* In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of section 401 (a) (3), (4), (5), and (6), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

(3) *Stock bonus and profit-sharing trusts*—(A) *Limits on deductible contributions.* In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under section 501 (a), in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust", as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in paragraph (1). If the contributions are made to 2 or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this subparagraph.

(B) *Profit-sharing plan of affiliated group.* In the case of a profit-sharing plan, or a stock bonus plan in which contributions are determined with reference to profits, of a group of corporations which is an affiliated group within the meaning of section 1504, if any member of such affiliated group is prevented from making a contribution which it would otherwise have made under the plan, by reason of having no current or accumulated earnings or profits or because such earnings or profits are less than the contributions which it would otherwise have made, then so much of the contribution which such member was so prevented from making may be made, for the benefit of the employees of such member, by the other members of the group, to the extent of current or accumulated earnings or profits, except that such contribution by each such other member shall be limited, where the group does not file a consolidated return, to that proportion of its total current and accumulated earnings or profits remaining after adjustment for its contribution deductible without regard to this subparagraph which the total prevented contribution bears to the total current and accumulated earnings or profits of all the members of the group remaining after adjustment for all contributions deductible without regard to this subparagraph. Contributions made under the preceding sentence shall be deductible under subparagraph (A) of this paragraph by the employer making such contribution, and, for the purpose of determining amounts which may be carried forward and deducted under the second sentence of subparagraph (A) of this paragraph in succeeding taxable years, shall be deemed to have been made by the employer on behalf of whose employees such contributions were made.

(4) *Trusts created or organized outside the United States.* If a stock bonus, pension, or profit-sharing trust would qualify for exemption under section 501 (a) except for the fact that it is a trust created or organized outside the United States, contributions to such a trust by an employer which is a resident, or corporation, or other entity of the United States, shall be deductible under the preceding paragraphs.

(5) *Other plans.* In the taxable year when paid, if the plan is not one included in paragraph (1), (2), or (3), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(6) *Taxpayers on accrual basis.* For purposes of paragraphs (1), (2), and (3), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(7) *Limit of deduction.* If amounts are deductible under paragraphs (1) and (3), or (2) and (3), or (1), (2), and (3), in connection with 2 or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 percent of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 30 percent of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

§ 1.404 (a)–1 *Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan; general rule.* (a) (1) Section 404 (a) prescribes limitations upon deductions for amounts contributed by an employer under a pension, annuity, stock bonus, or profit-sharing plan, or under any plan of deferred compensation. It is immaterial whether the plan covers present employees only, or present and former employees, or only former employees. Section 404 (a) also governs the deductibility of unfunded pensions and death benefits paid directly to former employees or their beneficiaries (see § 1.404 (a)–12).

(2) Section 404 (a) does not apply to a plan which does not defer the receipt of compensation. Furthermore, section 404 (a) does not apply to deductions for contributions under a plan which is solely a dismissal wage or unemployment benefit plan, or a sickness, accident, hospitalization, medical expense, recreation, welfare, or similar benefit plan, or a combination thereof. For example, if under a plan an employer contributes 5 percent of each employee's compensation per month to a fund out of which employees who are laid off will be paid benefits for temporary periods, but employees who are not laid off have no rights to the funds, such a plan is an unemployment benefit plan, and the deductibility of the contributions to it is determined under section 162. As to the deductibility of such contributions, see § 1.162–9.

(3) If, however, the contributions to a pension, profit-sharing, stock bonus, or other plan of deferred compensation can be used to provide any of the benefits referred to in subparagraph (2) of this paragraph, then, except as provided in section 404 (c), section 404 (a) applies to the entire contribution to the plan. Thus, if in the example described in subparagraph (2) of this paragraph, the employer's contribution on behalf of each employee is set up as a separate account, and if any amount which remains in an employee's account at the time of retirement is paid to him at such time, the deductibility of the contributions to the plan is determined under section 404 (a). For the rules for determining whether the benefits referred to in subparagraph (2) of this paragraph can be included in a qualified pension or profit-sharing plan, see § 1.401–1 (b).

(4) As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 7701 (a) (20).

(b) In order to be deductible under section 404 (a), contributions must be expenses which would be deductible under section 162 (relating to trade or business expenses) or 212 (relating to expenses for production of income) if it were not for the provision in section 404 (a) that they are deductible, if at all, only under section 404 (a). Contributions may therefore be deducted under section 404 (a) only to the extent that they are ordinary and necessary expenses during the taxable year in carrying on the trade or business or for the production of income and are compensation for personal services actually rendered. In no case is a deduction allowable under section 404 (a) for the amount of any contribution for the benefit of an employee in excess of the amount which, together with other deductions allowed for compensation for such employee's services, constitutes a reasonable allowance for compensation for the services actually rendered. What constitutes a reasonable allowance depends upon the facts in the particular case. Among the

elements to be considered in determining this are the personal services actually rendered in prior years as well as the current year and all compensation and contributions paid to or for such employee in prior years as well as in the current year. Thus, a contribution which is in the nature of additional compensation for services performed in prior years may be deductible, even if the total of such contributions and other compensation for the current year would be in excess of reasonable compensation for services performed in the current year, provided that such total plus all compensation and contributions paid to or for such employee in prior years represents a reasonable allowance for all services rendered by the employee by the end of the current year. A contribution under a plan which is primarily for the benefit of shareholders of the employer is not deductible. Such a contribution may constitute a dividend within the meaning of section 316. See also §§ 1.162–6 and 1.162–8. In addition to the limitations referred to above, deductions under section 404 (a) are also subject to further conditions and limitations particularly provided therein.

(c) Deductions under section 404 (a) are generally allowable only for the year in which the contribution or compensation is paid, regardless of the fact that the taxpayer may make his returns on the accrual method of accounting. Exceptions are made in the case of overpayments as provided in paragraphs (1), (3), and (7) of section 404 (a), and, as provided by section 404 (a) (6), in the case of payments made by a taxpayer on the accrual method of accounting not later than the time prescribed by law for filing the return for the taxable year of accrual (including extensions thereof). This latter provision is intended to permit a taxpayer on the accrual method to deduct such accrued contribution or compensation in the year of accrual, provided payment is actually made not later than the time prescribed by law for filing the return for the taxable year of accrual (including extensions thereof), but this provision is not applicable unless, during the taxable year on account of which the contribution is made, the taxpayer incurs a liability to make the contribution, the amount of which is accruable under section 461 for such taxable year. See section 461 and the regulations thereunder. There is another exception in the case of certain taxpayers who are required to make additional contributions as a result of Public Law 74 (Eighty-fourth Congress) approved June 15, 1955, and the regulations thereunder.

§ 1.404 (a)–2 *Information to be furnished by employer claiming deductions.* (a) For the first taxable year for which a deduction from gross income is claimed under section 404 (a) (1), (2), (3), or (7), the employer must file the following information (unless such information has been previously filed in accordance with the regulations under section 23 (p) of the Internal Revenue Code of 1939) for each plan involved to establish that it meets the requirements of section 401 (a) or 404 (a) (2), and that deductions claimed do not exceed the amount allowable under paragraphs (1), (2), (3), and (7) of section 404 (a), as the case may be:

(1) Verified copies of all the instruments constituting or evidencing the plan, including trust indentures, group annuity contracts, specimen copy of each type of individual contract, and specimen copy of formal announcement and comprehensive detailed description to employees, with all amendments to any such instruments.

(2) A statement describing the plan which identifies it and which sets forth the name or names of the employers, the effective date of the plan and of any amendments thereto, the method of distribution or of disbursing benefits (whether by trustee, insurance company, or otherwise), the dates when the instruments or amendments were executed, the date of formal announcement and the dates when comprehensive detailed description of the plan and of each amendment thereto were made available to employees generally, the dates when the plan and when the trust or the contract evidencing the plan and of any amendments thereto were put into effect so that contributions thereunder were irrevocable and a summary of the provisions and rules relating to—

(i) Employee eligibility requirements for participation in the plan,

(ii) Employee contributions,

(iii) Employer contributions,

(iv) The basis or formula for determining the amount of each type of benefit and the requirements for obtaining such benefits and the vesting conditions,

(v) The medium of funding (e. g., self-insured, unit purchase group annuity contract, individual level annual premium retirement endowment insurance contracts, etc.) and, if not wholly insured, the medium of contributions and the kind of investments, and

(vi) The discontinuance or modification of the plan and distributions or benefit payments upon liquidation or termination.

(3) A tabulation in columnar form showing the information specified below with respect to each of the 25 highest paid employees covered by the plan in the taxable year, listed in order of their nondeferred compensation (where there are several plans of deferred compensation, the information for each of the plans may be shown on a single tabulation without repetition of the information common to the several plans):

(i) Name.

(ii) Whether an officer.

(iii) Percentage of each class of stock owned directly or indirectly by the employee or members of his family.

(iv) Whether the principal duties consist in supervising the work of other employees.

(v) Year of birth.

(vi) Length of service for employer to the close of the year.

(vii) Total nondeferred compensation paid or accrued during the taxable year with a breakdown of such compensation into the following components:

(*a*) Basic compensation and overtime pay,

(*b*) Other direct payments, such as bonuses and commissions,

(c) Compensation paid other than in cash, such as goods, services, insurance not directly related to the benefits or provided from funds under the plan, etc.

(viii) Amount allocated during the year for the benefit of the employee or his beneficiary (including any insurance provided thereby or directly related thereto), less the employee's contributions during the year, under each other plan of deferred compensation.

(ix) Amount allocated during the year for the benefit of the employee or his beneficiary (including any insurance provided thereby or directly related thereto), less the employee's contributions during the year, under the plan. If a profit-sharing or stock bonus plan, also a breakdown of such amounts into the following components:

(*a*) Amounts originally allocated in the year, and

(*b*) Amounts reallocated in the year.

(x) Amounts of employee contributions during the year under the plan,

(xi) If a pension or annuity plan,

(*a*) The retirement age and date and the form of the retirement benefit,

(*b*) The annual rate or amount of the retirement benefit, and

(c) The aggregate of all of the employee's contributions under the plan,

all based, in the case of an employee who is not on retirement benefit under the plan, upon the assumption of his continued employment at his current rate of compensation until his normal retirement age (or the end of the current year if later) and retirement on such date with the normal form of retirement benefit under the plan.

(4) The following totals:

(i) Total nondeferred compensation paid or accrued during the taxable year for all employees covered under the plan and also for all employees of the employer.

(ii) Total amount allocated during the year for the benefit of employees, former or retired employees, or their beneficiaries (including any insurance provided thereby or directly related thereto), less employee contributions during the year under the plan and, if a profit-sharing or stock bonus plan, also a breakdown of such total into the following components:

(*a*) Amount originally allocated in the year, and

(*b*) Amount reallocated in the year.

(5) A schedule showing the total number of employees as of the close of the year for each of the following groups, based on reasonable estimates:

(i) All employees ineligible for coverage under the plan because of requirements as to employment classification, specifying the reasons applicable to the group (as, for example, temporary, seasonal, part time, hourly pay basis, etc.).

(ii) All employees ineligible for coverage under the plan because of requirements as to length of service and not included in subdivision (i) of this subparagraph.

(iii) All employees ineligible for coverage under the plan because of requirements as to minimum age and not in-

cluded in subdivision (i) or (ii) of this subparagraph.

(iv) All employees ineligible for coverage under the plan solely because of requirements as to minimum rate of compensation.

(v) All employees ineligible for coverage under the plan other than those employees included in subdivision (i), (ii), (iii), or (iv) of this subparagraph, specifying the reason applicable to the group.

(vi) All employees ineligible for coverage under the plan for any reasons, which should be the sum of subdivisions (i) to (v), inclusive, of this subparagraph.

(vii) All employees eligible for coverage but not covered under the plan.

(viii) All employees covered under the plan.

(ix) All employees of the employer, which should be the sum of subdivisions (vi), (vii), and (viii) of this subparagraph.

If it is claimed that the requirements of section 401 (a) (3) (A) are satisfied, also the data and computations necessary to show that such requirements are satisfied.

(6) In the case of a trust, a detailed balance sheet and a detailed statement of receipts and disbursements during the year; in the case of a nontrusteed annuity plan, a detailed statement of the names of the insurers, the contributions paid by the employer and by the employees, and a statement as to the amounts and kinds of premium refunds or similar credits made available and the disposition of such credits in the year.

(7) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held. Also a summary of the resulting costs or liabilities and adjustments for the year under the pension or annuity plan in sufficient detail to permit ready verification of the reasonableness thereof.

(8) A statement of the applicable limitations under section 404 (a) (1), (2), (3), or (7) and an explanation of the method of determining such limitations and a summary of the data and computations necessary to determine the allowable deductions for the taxable year.

(9) A statement of the contributions paid in the taxable year, showing the date and amount of each payment. Also a summary of the deductions claimed for the taxable year for the plan with a breakdown of the deductions claimed into the following components:

(i) For contributions paid in the taxable year before giving effect to the provisions of paragraph (7) of section 404 (a).

(ii) For contributions paid in prior taxable years beginning after December 31, 1941, in accordance with the carryover provisions of paragraphs (1) and (3) of section 404 (a), before giving effect to the provisions of paragraph (7) thereof, and in accordance with the carryover provisions of section 404 (d).

(iii) Any reductions or increases in the deductions in accordance with the provisions of paragraph (7) of section 404 (a).

(b) For taxable years subsequent to the year for which all of the applicable information under paragraph (a) of this section (or corresponding provisions of prior regulations) has been filed, information is to be filed only to the following extent:

(1) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in subparagraph (1), (2), or (7) of paragraph (a) of this section are based, a detailed statement explaining the change and its effect is to be filed only for the taxable year in which the change is put into effect. However, if there is no such change, unless otherwise requested by the district director, merely a statement that there is no such change is to be filed.

(2) The information specified in subparagraph (3) of paragraph (a) of this section which has been filed for a taxable year, unless otherwise requested by the district director and so long as the plan and the method and basis of allocations are not changed, is to be filed for subsequent years only to the extent of showing in the tabulation such information with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

(3) The information specified in subparagraphs (4), (5), (6), (8), and (9) of paragraph (a) of this section.

(c) If a deduction is claimed under section 404 (a) (5) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other paragraphs of section 404 (a), that the amount paid is an ordinary and necessary expense or an expense for the production of income, and that the employees' rights to, or derived from, such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid.

(d) For the purpose of the information required by this section, contributions paid in a taxable year should include those deemed to be so paid in accordance with the provisions of section 404 (a) (6) and should exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section, "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the district director, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year with respect to which deductions are being claimed provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. All the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed except that, unless sooner requested by the district director, such information, other than that specified in subparagraphs (4) (i) and (9) of paragraph (a) of this section, may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

(e) In any case all the information and data required by this section must be filed in the office of the district director in which the employer files his tax returns and identified for association with the appropriate returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 401 (a). The district director may, in addition, require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401 and may waive the filing of such information required herein which he finds unnecessary in a particular case.

(f) Records substantiating all data and information required by this section to be filed must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

§ 1.404 (a)–3 *Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401 (a); application of section 404 (a) (1).* (a) If contributions are paid by an employer to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404 (a)–1), the contributions are deductible under section 404 (a) (1) or (2) if the further conditions provided therein are also satisfied. As used here, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. This section is also applicable to contributions to a foreign situs pension trust which could qualify for exemption under section 501 (a) except that it is not created or organized and maintained in the United States. For the meaning of "pension plan" as used here, see § 1.401–1 (b) (1) (i). Where disability pensions, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 404 (a) (1) or (2). See § 1.402 (a)–1 (a) (3) as to taxability to employees of cost of incidental insurance pro-

tection. In order to be deductible under section 404 (a) (1), contributions to a pension trust must be paid in a taxable year of the employer which ends with or within a year of the trust for which it is exempt under section 501 (a). In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with section 404 (a) (1) (D), the succeeding year also must end with or within a taxable year of the trust for which it is exempt under section 501 (a). See § 1.404 (a)–8 as to conditions for deductions under section 404 (a) (2) in the case of an annuity plan. In either case, the deductions are also subject to further limitations provided in section 404 (a) (1). The limitations provided in section 404 (a) (1) are, with an exception provided for certain years under subparagraph (A) thereof (see § 1.404 (a)–4), based on the actuarial costs of the plan.

(b) In determining costs for the purpose of limitations under section 404 (a) (1), the effects of expected mortality and interest must be discounted and the effects of expected withdrawals, changes in compensation, retirements at various ages, and other pertinent factors may be discounted or otherwise reasonably recognized. A properly weighted retirement age based on adequate analyses of representative experience may be used as an assumed retirement age. Different basic assumptions or rates may be used for different classes of risks or different groups where justified by conditions or required by contract. In no event shall costs for the purpose of section 404 (a) (1) exceed costs based on assumptions and methods which are reasonable in view of the provisions and coverage of the plan, the funding medium, reasonable expectations as to the effects of mortality and interest, reasonable and adequate regard for other factors such as withdrawal and deferred retirement (whether or not discounted) which can be expected to reduce costs materially, reasonable expenses of operation, and all other relevant conditions and circumstances. In any case, in determining the costs and limitations, an adjustment shall be made on account of any experience more favorable than that assumed in the basis of limitations for prior years. Unless such adjustments are consistently made every year by reducing the limitations otherwise determined by any decrease in liability or cost arising from experience in the next preceding taxable year which was more favorable than the assumptions on which the costs and limitations were based, the adjustment shall be made by some other method approved by the Commissioner.

(c) The amount of a contribution to a pension or annuity plan that is deductible under section 404 (a) (1) or (2) depends upon the methods, factors, and assumptions which are used to compute the costs of the plan and the limitation of section 404 (a) (1) which is applied. Since the amount that is deductible for one taxable year may affect the amount that is deductible for other taxable years, the methods, factors, and assumptions used in determining costs and the method of determining the limitation which have been used for determining the deduction for a taxable year for which the return has been filed shall not be changed for such taxable year, except when the Commissioner determines that the methods, factors, assumptions, or limitations were not proper, or except when a change is necessitated by reason of the use of different methods, factors, assumptions, or limitations for another taxable year. However, different methods, factors, and assumptions, or a different method of determining the limitation, if they are proper, may be used in determining the deduction for a subsequent taxable year. In any case, see subparagraphs (7) and (8) of paragraph (a) and subparagraphs (1) and (3) of paragraph (b) of § 1.404 (a)–2 for the information which must be submitted regarding the methods, factors, assumptions, and limitations.

(d) Any expenses incurred by the employer in connection with the plan, such as trustee's and actuary's fees, which are not provided for by contributions under the plan are deductible by the employer under section 162 (relating to trade or business expenses), or 212 (relating to expenses for production of income) to the extent that they are ordinary and necessary.

(e) In case deductions are allowable under section 404 (a) (3) as well as under section 404 (a) (1) or (2), the limitations under section 404 (a) (1) and (3) are determined and applied without giving effect to the provisions of section 404 (a) (7) but the amounts allowable as deductions are subject to the further limitations provided in section 404 (a) (7). See § 1.404 (a)–13.

§ 1.404 (a)–4 *Pension and annuity plans; limitations under section 404 (a) (1) (A).* (a) Subject to the applicable general conditions and limitations (see § 1.404 (a)–3), the initial limitation under section 404 (a) (1) (A) is 5 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the pension or annuity plan. This initial 5-percent limitation applies to the first taxable year for which a deduction is allowed for contributions to or under such a plan and also applies to any subsequent year for which the 5-percent figure is not reduced as provided in this section. For years to which the initial 5-percent limitation applies, no adjustment on account of prior experience is required. If the contributions do not exceed the initial 5-percent limitation in the first taxable year to which this limitation applies, the taxpayer need not submit actuarial data for such year.

(b) For the first taxable year following the first year to which the initial 5-percent limitation applies, and for every fifth year thereafter, or more frequently where preferable to the taxpayer, the taxpayer shall submit with his return an actuarial certification of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan with a statement explaining all the methods, factors, and assumptions used in determining such amount. This amount may be determined as the sum of (1) the unfunded past service cost as of the beginning of the year, and (2) the normal cost for the year. Such costs shall be determined by methods, factors, and assumptions appropriate as a basis of limitations under section 404 (a) (1) (C). Whenever requested by the district director, a similar certification and statement shall be submitted for the year or years specified in such request. The district director will make periodical examinations of such data at not less than 5-year intervals. Based upon such examinations the Commissioner will reduce the limitation under section 404 (a) (1) (A) below the 5-percent limitation for the years with respect to which he finds that the 5-percent limitation exceeds the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan. Where the limitation is so reduced, the reduced limitation shall apply until the Commissioner finds that a subsequent actuarial valuation shows a change to be necessary. Such subsequent valuation may be made by the taxpayer at any time and submitted to the district director with a request for a change in the limitation.

(c) For the purpose of limitations under section 404 (a) (1) (A), "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 401 (a), including a plan that qualifies under section 404 (a) (2). Where two or more pension or annuity plans cover the same employee, under section 404 (a) (1) (A) the deductions with respect to each such plan are subject to the limitations applicable to the particular plan and the total deductions for all such plans are also subject to the limitations which would be applicable thereto if they constituted a single plan. Where, because of the particular provisions applicable to a large class of employees under a plan, the costs with respect to such employees are nominal in comparison with their compensation, after the first year to which the initial 5-percent limitation applies, deductions under section 404 (a) (1) (A) are subject to limitations determined by considering the plan applicable to such class as if it were a separate plan. Deductions are allowable to the extent of the applicable limitations under section 404 (a) (1) (A) even where these are greater than the applicable limitations under section 404 (a) (1) (B) or section 404 (a) (1) (C).

§ 1.404 (a)–5 *Pension and annuity plans; limitations under section 404 (a) (1) (B).* (a) Subject to the applicable general conditions and limitations (see § 1.404 (a)–3), under section 404 (a) (1) (B), deductions may be allowed to the extent of limitations based on costs determined by distributing the remaining unfunded cost of the past and current service credits with respect to all employees covered under the trust or plan as a level amount or level percentage of compensation over the remaining service of each such employee except that, as to any three individuals with respect to

whom more than 50 percent of such remaining unfunded cost is attributable, the remaining unfunded cost attributable to such individuals shall be distributed evenly over a period of at least five taxable years.

(b) The statutory limitation for any taxable year under section 404 (a) (1) (B) is any excess of the amount of the costs described in paragraph (a) of this section for the year over the amount allowable as a deduction under section 404 (a) (1) (A).

(c) For this purpose, such excess, adjusted for prior experience, may be computed for each year as follows, all determinations being made as of the beginning of the year:

(1) Determine the value of all benefits expected to be paid after the beginning of the year for all employees, any former employees, and any other beneficiaries, then covered under the plan.

(2) If employees contribute under the plan, determine the value of all contributions expected to be made after the beginning of the year by employees then covered under the plan.

(3) Determine the value of all funds of the plan as of the beginning of the year.

(4) Determine the amount remaining to be distributed as a level amount or as a level percentage of compensation over the remaining future service of each employee by subtracting from subparagraph (1) of this paragraph the sum of subparagraphs (2) and (3) of this paragraph.

(5) Determine the value of all compensation expected to be paid after the beginning of the year to all employees then covered under the plan.

(6) Determine an accrual rate for each employee by dividing subparagraph (5) of this paragraph into subparagraph (4) of this paragraph.

(7) Compute the excess under section 404 (a) (1) (B) for the year by multiplying the compensation paid to all employees covered under the plan during the year by any excess of subparagraph (6) of this paragraph over 5 percent. In general, where this method is used, the limitation under section 404 (a) (1) (B) will be equal to the excess so computed without further adjustment on account of prior favorable experience, provided all the factors and assumptions used are reasonable in view of all applicable considerations (see § 1.404 (a)–3) and provided subparagraph (5) of this paragraph is not less than five times the annual rate of compensation in effect at the beginning of the year.

(d) Instead of determining the excess deductible under section 404 (a) (1) (B) by the method shown in paragraph (c), such excess may be based upon cost determined by some other method which is reasonable and appropriate under the circumstances. Thus, such excess may be based on the amounts necessary with respect to each individual covered employee to provide the remaining unfunded cost of all his benefits under the plan distributed as a level amount over the period remaining until the normal commencement of his retirement benefits, in accordance with other generally accepted actuarial methods which are reasonable and appropriate in view of the provisions of the plan, the funding medium, and other applicable considerations.

§ 1.404 (a)–6 *Pension and annuity plans; limitations under section 404 (a) (1) (C).* (a) Subject to the applicable general conditions and limitations (see § 1.404 (a)–3), in lieu of amounts deductible under the limitations of section 404 (a) (1) (A) and section 404 (a) (1) (B), deductions may be allowed under section 404 (a) (1) (C) to the extent of limitations based on normal and past service or supplementary costs of providing benefits under the plan. "Normal cost" for any year is the amount actuarially determined which would be required as a contribution by the employer in such year to maintain the plan if the plan had been in effect from the beginning of service of each then included employee and if such costs for prior years had been paid and all assumptions as to interest, mortality, time of payment, etc., had been fulfilled. Past service or supplementary cost at any time is the amount actuarially determined which would be required at such time to meet all the future benefits provided under the plan which would not be met by future normal costs and employee contributions with respect to the employees covered under the plan at such time.

(b) The limitation under section 404 (a) (1) (C) for any taxable year is the sum of normal cost for the year plus an amount not in excess of one-tenth of the past service or supplementary cost as of the date the past service or supplementary credits are provided under the plan. For this purpose the normal costs may be determined by any generally accepted actuarial method and may be expressed either as (1) the aggregate of level amounts with respect to each employee covered under the plan, (2) a level percentage of payroll with respect to each employee covered under the plan, or (3) the aggregate of the single premium or unit costs for the unit credits accruing during the year with respect to each employee covered under the plan, provided, in any case, that the method is reasonable in view of the provisions and coverage of the plan, the funding medium, and other applicable considerations. The limitation may include one-tenth of the past service or supplementary cost as of the date the provisions resulting in such cost were put into effect, but it is subject to adjustments for prior favorable experience. See § 1.404 (a)–3. In any case, past service or supplementary costs shall not be included in the limitation for any year in which the amount required to fund fully or to purchase such past service or supplementary credits has been deducted, since no deduction is allowable for any amount (other than the normal cost) which is paid in after such credits are fully funded or purchased.

§ 1.404 (a)–7 *Pension and annuity plans; contributions in excess of limitations under section 404 (a) (1); application of section 404 (a) (1) (D).* Where contributions paid by an employer in a taxable year to or under a pension or annuity plan exceed the limitations applicable under section 404 (a) (1) but otherwise satisfy the conditions for deduction under section 404 (a) (1) or (2), then in accordance with section 404 (a) (1) (D), the excess contributions are carried over and are deductible in succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the limitation applicable to such year under section 404 (a) (1) (A), (B), or (C). The provisions of section 404 (a) (1) (D) are to be applied before giving effect to the provisions of section 404 (a) (7) for any year. The carryover provisions of section 404 (a) (1) (D), before effect has been given to section 404 (a) (7), may be illustrated by the following example for a plan put into effect in a taxable year ending December 31, 1954:

Taxable year ending Dec. 31, 1954:	
Amount of contributions paid in year	$100,000
Limitation applicable to year	60,000
Amount deductible for year	60,000
Excess carried over to succeeding years	40,000
Taxable year ending Dec. 31, 1955:	
Amount of contributions paid in year	25,000
Carried over from previous years	40,000
Total deductible subject to limitation	65,000
Limitation applicable to year	50,000
Amount deductible for year	50,000
Excess carried over to succeeding years	15,000
Taxable year ending Dec. 31, 1956:	
Amount of contributions paid in year	10,000
Carried over from previous years	15,000
Total deductible subject to limitation	25,000
Limitation applicable to year	45,000
Amount deductible for year	25,000
Excess carried over to succeeding years	None

§ 1.404 (a)–8 *Contributions of an employer under an employees' annuity plan which meets the requirements of section 401 (a); application of section 404 (a) (2).* (a) If contributions are paid by an employer under an annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404 (a)–1), the contributions are deductible under section 404 (a) (2) if the further conditions provided therein are satisfied. For the meaning of "annuity plan" as used here, see § 1.404 (a)–3. In order that contributions by the employer may be deducted under section 404 (a) (2), all of the following conditions must be satisfied:

(1) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, or survivorship benefits incidental and directly related to such annuities) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries. See § 1.401–1 (a).

(2) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements with respect to discrimination set out in section 401 (a) (3), (4), (5), and (6). In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with section 404 (a) (1) (D), the succeeding year also must end with or within a taxable year of the plan for which it meets such requirements. See §§ 1.401–3 and 1.401–4. These requirements are considered to be satisfied for the period beginning with the date on which an annuity plan was put into effect and ending with the fifteenth day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. See section 401 (b) and § 1.401–5. It should be noted that the period in which a plan may be amended to qualify under section 401 (b) ends before the date taxpayers, other than corporations, are required to file income tax returns.

(3) There must be a definite written arrangement between the employer and the insurer that refunds of premiums, if any, shall be applied within the taxable year of the employer in which received or within the next succeeding taxable year toward the purchase of retirement annuities (or for disability, severance, insurance, or survivorship benefits incidental and directly related to such annuities) under the plan. For the purpose of this condition, "refunds of premiums" means payments by the insurer on account of credits such as dividends, experience rating credits, or surrender or cancellation credits. The arrangement may be in the form of contract provisions or written directions of the employer or partly in one form and partly in another. This condition will be considered satisfied where—

(i) All credits are applied regularly, as they are determined, toward the premiums next due under the contracts before any further employer contributions are so applied, and

(ii) Under the arrangement,

(*a*) No refund of premiums may be made during continuance of the plan unless applied as aforesaid, and

(*b*) If refunds of premiums may be made after discontinuance of the plan on account of surrenders or cancellations before all retirement annuities provided under the plan with respect to service before its discontinuance have been purchased, such refunds will be applied in the taxable year of the employer in which received, or in the next succeeding taxable year, to purchase retirement annuities for employees by a procedure which does not contravene the conditions of section 401 (a) (4).

(b) Where the above conditions are satisfied, the amounts of deductions under section 404 (a) (2) are governed by the limitations provided in section 404 (a) (1). See §§ 1.404 (a)–3 to 1.404 (a)–7, inclusive.

§ 1.404 (a)–9 *Contributions of an employer to an employees' profit-sharing or stock bonus trust that meets the requirements of section 401 (a); application of section 404 (a) (3) (A).* (a) If contributions are paid by an employer to a profit-sharing or stock bonus trust for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 1.404 (a)–1), the contributions are deductible under section 404 (a) (3) (A) if the further conditions provided therein are also satisfied. In order to be deductible under section 404 (a) (3) (A) the contributions must be paid in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 501 (a) and the trust must not be designed to provide retirement benefits for which the contributions can be determined actuarially. In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with the third sentence of section 404 (a) (3) (A), the succeeding year also must end with or within a taxable year of the trust for which it is exempt under section 501 (a). This section is also applicable to contributions to a foreign situs profit-sharing or stock bonus trust which could qualify for exemption under section 501 (a) except that it is not created or organized and maintained in the United States.

(b) The amount of deductions under section 404 (a) (3) (A) for any taxable year is subject to limitations based on the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. For this purpose "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 401 (a), including a plan that qualifies under section 404 (a) (2). The limitations under section 404 (a) (3) (A) apply to the total amount deductible for contributions to the trust regardless of the manner in which the funds of the trust are invested, applied, or distributed, and no other deduction is allowable on account of any benefits provided by contributions to the trust or by the funds thereof. Where contributions are paid to two or more profit-sharing or stock bonus trusts satisfying the conditions for deduction under section 404 (a) (3) (A), such trusts are considered as a single trust in applying these limitations.

(c) The primary limitation on deductions for a taxable year is 15 percent of the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. So long as the contributions do not in any year exceed the primary limitation, this is the only limitation under section 404 (a) (3) (A) which has any effect.

(d) In order that the deductions may average 15 percent of compensation otherwise paid or accrued over a period of years, where contributions in some taxable year are less than the primary limitation but contributions in some succeeding taxable year exceed the primary limitation, deductions in each succeeding year are subject to a secondary limitation instead of to the primary limitation. The secondary limitation for any year is equal to the lesser of (1) twice the primary limitation for the year, or (2) any excess of (i) the aggregate of the primary limitations for the year and for all prior years over (ii) the aggregate of the deductions allowed or allowable under the limitations provided in section 404 (a) (3) (A) for all prior years.

(e) In any case where the contributions in a taxable year exceed the amount allowable as a deduction for the year under section 404 (a) (3) (A), the excess is deductible in succeeding taxable years, in order of time, in which the contributions are less than the primary limitations. However, the total deduction for any such succeeding year cannot exceed the lesser of (1) the primary limitation for such year, or (2) the sum of the contributions in such year and the excess contributions not deducted under the limitations of section 404 (a) (3) (A) for prior years.

(f) In case deductions are allowable under section 404 (a) (1) or (2), as well as under section 404 (a) (3) (A), the limitations under section 404 (a) (1) and (3) (A) are determined and applied without giving effect to the provisions of section 404 (a) (7), but the amounts allowable as deductions are subject to the further limitations provided in section 404 (a) (7). See § 1.404 (a)–13.

(g) The provisions of section 404 (a) (3) (A) before giving effect to section 404 (a) (7), may be illustrated as follows:

under section 404 (a) (3) (B) does not depend upon whether the affiliated group does or does not file a consolidated return. If a consolidated return is filed, it is immaterial which of the participating corporations makes the contribution and takes the deduction or how the contribution or the deduction is allocated among them. However, if a consolidated return is not filed, the contribution which is deductible under section 404 (a) (3) (B) by each contributing corporation shall be limited to that portion of its total current and accumulated earnings or profits (adjusted for its contribution deductible without regard to section 404 (a) (3) (B)) which the prevented contribution bears to the total current and accumulated earnings or profits of all the participating members of the group having such earnings or profits (adjusted for all contributions deductible without regard to section 404 (a) (3) (B)). For the purpose of this section, current earnings or profits shall be computed as of the close of the taxable year without diminution by reason of any dividends during the taxable year, and accumulated earnings or profits shall be computed as of the beginning of the taxable year.

(d) The application of section 404 (a) (3) (B) may be illustrated by the following example in which the affiliated group does not file a consolidated return:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A	($10,000)	($140,000)	($150,000)	$200,000	1/5	$6,000				
B	(5,000)	105,000	100,000	300,000	2/5	9,000	$9,000	$91,000	6/326 × 91,000	$1,674.85
C	75,000	175,000	250,000	500,000	1/5	15,000	15,000	235,000	6/326 × 235,000	4,325.15
Total	60,000	140,000	200,000	1,000,000	------	30,000	24,000	326,000	----------	6,000.00

Column
(1) Member.
(2) Earnings and profits of the taxable year.
(3) Accumulated earnings and profits at beginning of taxable year.
(4) Total current and accumulated earnings and profits (column 2 plus column 3).
(5) Consolidated taxable income for taxable year.
(6) Contribution formula: 50 percent of consolidated earnings and profits, allocated among participating members in proportion of covered payroll of each to covered payroll of consolidated group.
(7) Individual contribution had it not been prevented.
(8) Individual contribution made by each employer for its own employees.
(9) Remainder of consolidated earnings and profits (column 4 minus column 8).
(10) Proportion of make-up contribution.
(11) Make-up contribution.

§ 1.404 (a)–11 *Trusts created or organized outside the United States; application of section 404 (a) (4).* In order that a trust may constitute a qualified trust under section 401 (a) and be exempt under section 501 (a), it must be created or organized in the United States and maintained at all times as a domestic trust. See § 1.401–1 (a). Paragraph (4) of section 404 (a) provides, however, that an employer which is a resident, a corporation, or other entity of the United States, making contributions to a foreign stock bonus, pension, or profit-sharing trust, shall be allowed deductions for such contributions, under the applicable conditions and within the prescribed limits of section 404 (a), if such foreign trust would qualify for exemption under section 501 (a) except for the fact that it is a trust created, organized, or maintained outside the United States. Moreover, if a nonresident alien individual, foreign corporation, or other entity is engaged in trade or business within the United States and makes contributions to a foreign stock bonus, pension, or profit-sharing trust, which would qualify under section 401 (a) and be exempt under section 501 (a) except that it is created, organized, or maintained outside the United States, such contributions are deductible subject to the conditions and limitations of section 404 (a) and to the extent allowed by section 873 or 882 (c).

§ 1.404 (a)–12 *Contributions of an employer under a plan that does not meet the requirements of section 401 (a); application of section 404 (a) (5).* Section 404 (a) (5) covers all cases for which deductions are allowable under section 404 (a) but not allowable under

ILLUSTRATION OF PROVISIONS OF SECTION 404 (a) (3) (A) FOR A PLAN PUT INTO EFFECT IN THE TAXABLE YEAR (CALENDAR) YEAR 1954, BEFORE GIVING EFFECT TO SECTION 404 (a) (7)

[All figures represent thousands of dollars]

	Taxable (calendar) years						
	1954	1955	1956	1957	1958	1959	1960
1. Amount of contributions:							
(i) In taxable year	$65	$10	$15	$100	$70	$40	$20
(ii) Carried over from prior taxable years	0	8	0	0	4	6	2
2. Primary limitation applicable to year: 15 percent of covered compensation in year [1]	67	54	81	48	45	42	39
3. Secondary limitation applicable to year:							
(i) Twice primary limitation	----	----	----	96	90	84	----
(ii) (a) Aggregate primary limitations (see item 2)	----	----	----	210	255	297	----
(b) Aggregate prior deductions (see item 4 (iii))	----	----	----	90	158	255	----
(c) Excess of (a) over (b)	----	----	----	120	69	42	----
(iii) Lesser of (i) or (ii)	----	----	----	96	69	42	----
4. Amount deductible for year on account of:							
(i) Contributions in year	57	10	15	96	69	40	20
(ii) Contributions carried over	0	8	0	0	0	2	2
(iii) Total	57	18	15	96	69	42	33
5. Excess contributions carried over to succeeding years	8	0	0	4	6	3	0

[1] Compensation otherwise paid or accrued during the year to the employees who are beneficiaries of trust funds accumulated under the plan in the year.

§ 1.404 (a)–10 *Profit-sharing plan of an affiliated group; application of section 404 (a) (3) (B).* (a) Section 404 (a) (3) (B) allows a corporation a deduction to the extent provided in paragraphs (b) and (c) of this section for a contribution which it makes for another corporation to a profit-sharing plan or a stock bonus plan under which contributions are determined by reference to profits, provided the following tests are met:

(1) The corporation for which the contribution is made and the contributing corporation are members of an affiliated group of corporations as defined in section 1504, relating to the filing of consolidated returns, and both such corporations participate in the plan. However, it is immaterial whether all the members of such group participate in the plan.

(2) The corporation for which the contribution is made is required under the plan to make the contribution, but such corporation is prevented from making such contribution because it has neither current nor accumulated earnings or profits, or because its current and accumulated earnings or profits are insufficient to make the required contribution. To the extent that such a corporation has any current or accumulated earnings or profits, it is not considered to be prevented from making its required contribution to the plan.

(3) The contribution is made out of the current or accumulated earnings or profits of the contributing corporation.

(b) The amount that is deductible under section 404 (a) (3) (B) is determined by applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 as if the contribution were made by the corporation for which it is made. For example, the primary limitation described in § 1.404 (a)–9 (c) is determined by reference to the compensation otherwise paid or accrued to the employees of the corporation for which the contribution is made, and the secondary limitation described in § 1.404 (a)–9 (d) and the contribution carryover described in § 1.404 (a)–9 (e) are determined by reference to the prior contributions and deductions of such corporation. The contributing corporation may deduct the amount so determined subject to the limitations contained in paragraph (c) of this section. The contributing corporation shall not treat such amount as a contribution made by it in applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 either for the taxable year for which the contribution is made or for succeeding taxable years. The corporation for which the contribution is made shall treat the contribution as having been made by it in applying the rules of section 404 (a) (3) (A) and § 1.404 (a)–9 for succeeding taxable years.

(c) The allowance of the deduction

paragraph (1), (2), (3), (4), or (7) of such section. No deduction is allowable under section 404 (a) (5) for any contribution paid or accrued by an employer under a stock bonus, pension, profit-sharing, or annuity plan, or for any compensation paid or accrued on account of any employee under a plan deferring the receipt of such compensation, except in the year when paid, and then only to the extent allowable under section 404 (a). See § 1.404 (a)–1. If payments are made under such a plan and the amounts are not deductible under the other paragraphs of section 404 (a), they are deductible under paragraph (5) of such subsection to the extent that the rights of individual employees to, or derived from, such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid. If unfunded pensions are paid directly to former employees, their rights to such payments are nonforfeitable, and accordingly, such amounts are deductible under section 404 (a) (5) when paid. Similarly, if amounts are paid as a death benefit to the beneficiaries of an employee (for example, by continuing his salary for a reasonable period), and if such amounts meet the requirements of section 162 or 212, such amounts are deductible under section 404 (a) (5) in any case when they are not deductible under the other paragraphs of section 404 (a). As to what constitutes nonforfeitable rights of an employee in other cases, see § 1.402 (b)–1. If an amount is accrued but not paid during the taxable year, no deduction is allowable for such amount for such year. If an amount is paid during the taxable year to a trust or under a plan and the employee's rights to such amounts are forfeitable at the time the amount is paid, no deduction is allowable for such amount for any taxable year.

§ 1.404 (a)–13 *Contributions of an employer where deductions are allowable under section 404 (a) (1) or (2) and also under section 404 (a) (3); application of section 404 (a) (7).* (a) Where deductions are allowable under section 404 (a) (1) or (2) on account of contributions under a pension or annuity plan and deductions are also allowable under section 404 (a) (3) for the same taxable year, on account of contributions to a profit-sharing or stock bonus trust, the total deductions under these sections are subject to the provisions of section 404 (a) (7) unless no employee who is a beneficiary under the trusts or plans for which deductions are allowable under section 404 (a) (1) or (2) is also a beneficiary under the trusts for which deductions are allowable under section 404 (a) (3). The provisions of section 404 (a) (7) apply only to deductions for overlapping trusts or plans, i. e., for all trusts or plans for which deductions are allowable under section 404 (a) (1), (2), or (3) except (1) any trust or plan for which deductions are allowable under section 404 (a) (1) or (2) and which does not cover any employee who is also covered under a trust for which deductions are allowable under section 404 (a) (3), and (2) any trust for which deductions are allowable under section 404 (a) (3), and which does not cover any employee who is also covered under a trust or plan for which deductions are allowable under section 404 (a) (1) or (2). The limitations under section 404 (a) (7) for any taxable year are based on the compensation otherwise paid or accrued during the year to all the employees who are beneficiaries under the overlapping trusts or plans in the year. For this purpose "compensation, otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 401 (a), including a plan that qualifies under section 404 (a) (2). The employees who are beneficiaries under overlapping trusts or plans in a year include all the employees who, in the year, are beneficiaries of the funds accumulated under one or more of the overlapping trusts or plans.

(b) Under section 404 (a) (7), any excess of the total amount otherwise deductible for the taxable year under section 404 (a) (1), (2), or (3) as contributions to overlapping trusts or plans over 25 percent of the compensation otherwise paid or accrued during the year to all the employees who are beneficiaries under such trusts or plans, is not deductible for such year but is deductible for succeeding taxable years, in order of time, so that the total deduction for contributions to such trusts or plans for a succeeding taxable year is equal to the lesser of—

(1) 30 percent of the compensation otherwise paid or accrued during the taxable year to all the employees who are beneficiaries under such trusts or plans in the year, or

(2) The sum of (i) the smaller of (*a*) 25 percent of the compensation otherwise paid or accrued during the taxable year to all the employees who are beneficiaries under such trusts or plans in the year, or (*b*) the total of the amounts otherwise deductible under section 404 (a) (1), (2), or (3) for the year for such trusts or plans and (ii) any carryover to the year from prior years under section 404 (a) (7), i. e., any excess otherwise deductible under section 404 (a) (1), (2), or (3), but not deducted for a prior taxable year because of the limitations under section 404 (a) (7).

(c) The limitations under section 404 (a) (7) are determined and applied after all the limitations, deductions otherwise allowable, and carryovers under section 404 (a) (1), (2), and (3) have been determined and applied, and, in particular, after effect has been given to the carryover provision in section 404 (a) (1) (D) and in the second and third sentences of section 404 (a) (3) (A). Where the limitations under section 404 (a) (7) reduce the total amount deductible, the excess deductible in succeeding years is treated as a carryover which is distinct from, and additional to, any excess contributions carried over and deductible in succeeding years under the provisions in section 404 (a) (1) (D) or in the third sentence of section 404 (a) (3) (A). The application of the provisions of section 404 (a) (7) and the treatment of carryovers for a case where the taxable years are calendar years and the overlapping trusts or plans consist of a pension trust and a profit-sharing trust put into effect in 1954 and covering the same employees may be illustrated as follows:

ILLUSTRATION OF APPLICATION OF PROVISIONS OF SECTION 404 (a) (7) AND OF TREATMENT OF CARRYOVERS FOR OVERLAPPING PENSION AND PROFIT-SHARING TRUSTS PUT INTO EFFECT IN 1954 AND COVERING THE SAME EMPLOYEES

[All figures represent thousands of dollars]

	Taxable (calendar) years			
	1954	1955	1956	1957
BEFORE GIVING EFFECT TO SECTION 404 (a) (7)				
Pension trust contributions and limitations, deductions, and carryovers under section 404 (a) (1):				
1. Contributions paid in year	$215	$85	$140	$60
2. Contributions carried over from prior years	0	5	0	20
3. Total deductible for year subject to limitation	215	90	140	80
4. Limitation applicable to year	210	175	120	85
5. Amount deductible for year	210	90	120	80
6. Contributions carried over to succeeding years	5	0	20	0
Profit-sharing trust contributions and limitations, deductions, and carryovers under section 404 (a) (3):				
7. Contributions paid in year	200	125	105	65
8. Contributions carried over from prior years	0	35	10	0
9. Total deductible for year subject to limitation	200	160	115	65
10. Limitation applicable to year	165	150	135	[1] 110
11. Amount deductible for year	165	150	115	65
12. Contributions carried over to succeeding years	35	10	0	0
APPLICATION OF SECTION 404 (a) (7)				
Totals for pension and profit-sharing trust:				
13. Amount deductible for year under section 404 (a) (7):				
(1) 30 percent of compensation covered in year [2]	([3])	300	270	180
(2) (i) (a) 25 percent of compensation covered in year [2]	275	250	225	150
(b) Total amount otherwise deductible for year: item 5 plus item 11	375	240	235	145
(c) Smaller of (a) or (b)	275	240	225	145
(ii) Carryover from prior years under section 404 (a) (7)	0	100	40	10
(iii) Sum of (i) (c) and (ii)	275	340	265	155
(3) Amount deductible: Lesser of (1) or (2) (iii)	275	300	265	155
14. Carryover to succeeding years under section 404 (a) (7): item 13 (2) (ii) plus item 13 (2) (i) (b) minus item 13 (3)	100	40	10	0

[1] Includes carryover of 20 from 1956.
[2] Compensation otherwise paid or accrued during the year to the employees who are beneficiaries under the trusts in the year.
[3] 30 percent limitation not applicable to first year of plan.

§ 1.404 (b) *Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; method of contributions, etc., having the effect of a plan.*

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* • • •

(b) *Method of contributions, etc., having the effect of a plan.* If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, subsection (a) shall apply as if there were such a plan.

§ 1.404 (b)–1 *Method of contribution, etc., having the effect of a plan; effect of section 404 (b).* Section 404 (a) is not confined to formal stock bonus, pension, profit-sharing, and annuity plans, or deferred compensation plans, but it includes any method of contributions or compensation having the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation. Thus, where a corporation pays pensions to a retired employee or employees or to their beneficiaries in such amounts as may be determined from time to time by the board of directors or responsible officers of the company, or where a corporation is under an obligation, whether funded or unfunded, to pay a pension or other deferred compensation to an employee or his beneficiaries, there is a method having the effect of a plan deferring the receipt of compensation for which deductions are governed by section 404 (a). If an employer on the accrual basis defers paying any compensation to an employee until a later year or years under an arrangement having the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, he shall not be allowed a deduction until the year in which the compensation is paid. This provision is not intended to cover the case where an employer on the accrual basis defers payment of compensation after the year of accrual merely because of inability to pay such compensation in the year of accrual, as, for example, where the funds of the company are not sufficient to enable payment of the compensation without jeopardizing the solvency of the company, or where the liability accrues in the earlier year, but the amount payable cannot be exactly determined until the later year.

§ 1.404 (c) *Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; certain negotiated plans.*

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* • • •

(c) *Certain negotiated plans.* If contributions are paid by an employer—

(1) Under a plan under which such contributions are held in trust for the purpose of paying (either from principal or income or both) for the benefit of employees and their families and dependents at least medical or hospital care, and pensions on retirement or death of employees; and

(2) Such plan was established prior to January 1, 1954, as a result of an agreement between employee representatives and the Government of the United States during a period of Government operation, under seizure powers, of a major part of the productive facilities of the industry in which such employer is engaged,

such contributions shall not be deductible under this section nor be made nondeductible by this section, but the deductibility thereof shall be governed solely by section 162 (relating to trade or business expenses). This subsection shall have no application with respect to amounts contributed to a trust on or after any date on which such trust is qualified for exemption from tax under section 501 (a).

§ 1.404 (c)–1 *Certain negotiated plans; effect of section 404 (c).* (a) Section 404 (a) does not apply to deductions for contributions paid by an employer under a negotiated plan which meets the following conditions:

(1) The contributions under the plan are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees and their families, at least medical or hospital care, and pensions on retirement or death of employees; and

(2) Such plan was established before January 1, 1954, as a result of an agreement between employee representatives and the Government of the United States during a period of Government operation, under seizure powers, of a major part of the productive facilities of the industry in which such employer is engaged.

If these conditions are met, such contributions shall be deductible under section 162, to the extent that they constitute ordinary and necessary business expenses.

(b) The term "as a result of an agreement" is intended primarily to cover a trust established under the terms of an agreement referred to in paragraph (a) (2). It will also include a trust established under a plan of an employer, or group of employers, who are in competition with the employers whose facilities were seized by reason of producing the same commodity, and who would therefore be expected to establish such a trust as a reasonable measure to maintain a sound position in the labor market producing the commodity. Thus, for example, if a trust was established under such an agreement in the bituminous coal industry, a similar trust established about the same time in the anthracite coal industry would be covered by this provision.

(c) If any such trust becomes qualified for exemption under section 501 (a), the deductibility of contributions by an employer to such trust on or after the date of such qualification would no longer be governed by section 404 (c), even though the trust may later lose its exemption under section 501 (a).

§ 1.404 (d) *Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; carryover of unused deductions.*

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* • • •

(d) *Carryover of unused deductions.* The amount of any unused deductions or contributions in excess of the deductible amounts for taxable years to which this part does not apply which under section 23 (p) of the Internal Revenue Code of 1939 would be allowable as deductions in later years had such section 23 (p) remained in effect, shall be allowable as deductions in taxable years to which this part applies as if such section 23 (p) were continued in effect for such years. However, the deduction under the preceding sentence shall not exceed an amount which, when added to the deduction allowable under subsection (a) for contributions made in taxable years to which this part applies, is not greater than the amount which would be deductible under subsection (a) if the contributions which give rise to the deduction under the preceding sentence were made in a taxable year to which this part applies.

§ 1.404 (d)–1 *Carryover of unused deductions; effect of section 404 (d).* Contributions for taxable years which began before January 1, 1954, (or ended before August 17, 1954, regardless of when they began) in excess of the deductible limits of section 23 (p) of the Internal Revenue Code of 1939 which would have been available as carryovers and deductible in succeeding taxable years, in order of time, had such section 23 (p) remained in effect, are allowable as deductions for taxable years beginning after December 31, 1953, and ending after August 16, 1954, to the same extent that such deductions would have been allowable had such section 23 (p) remained in effect. This provision, however, does not increase a deduction for a taxable year beyond the applicable limits of section 404 (a) had the carryover constituted part of the contribution for such year. Thus, for example, if a pension plan had been put into effect as of January 1, 1953, when the past service liability was $1,000,000, and the employer contributed $500,000 in 1953, only $100,000 would be deductible in 1953 under section 23 (p) (1) (A) (iii) of the 1939 Code, and $400,000 was available as a carryover to 1954 under section 23 (p) (1) (A) (iv). If the employer made a contribution of the remaining $500,000 in 1954, it would not result in allowable deductions of $200,000 for past service funding in that year (i. e., $100,000 under section 404 (a) and another $100,000 under section 404 (d)). The total allowable deduction for such funding would be only $100,000 for 1954 (10 percent of the initial past service liability of $1,000,000), and the carryover to 1955 would be $800,000. Also, unused deduction carryovers which arose under the second sentence of section 23 (p) (1) (C) of the 1939 Code are continued for years beginning after December 31, 1953, as though arising under the second sentence of section 404 (a) (3) (A).

§ 1.6033 (a) *Statutory provisions; returns by exempt organizations; general.*

SEC. 6033. *Returns by exempt organizations.*—(a) *General.* Every organization, except as hereinafter provided, exempt from taxation under section 501 (a) shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the provisions of subtitle A as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations, as the Secretary or his delegate may from time to time prescribe, except that, in the discretion of the Secretary or his delegate, an organization described in section 401 (a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization. No such annual return need be filed under this subsection by any organization exempt from taxation under the provisions of section 501 (a)—

• • • • •

§ 1.6033–1 *Returns by exempt organizations.*—(a) *General.* (1) [Reserved.]

(2) [Reserved.]

(3) Every employees' trust described in section 401 (a) which is exempt from taxation under section 501 (a) shall file an annual return on Form 990–P. The return shall include the information required by § 1.401–1 (b) (5) (ii). The trust must also file the information required by § 1.404 (a)–2, unless the employer has notified the trustee that he has or will timely file such information. If the trustee has received such notification from the employer, then the trust must file a copy thereof with its return and the other information required by the return.

[F. R. Doc. 56–7649; Filed, Sept. 24, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 71]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

STANDBY RESERVE FOLDERS

Section 1690.6 of the Selective Service Regulations is amended to read as follows:

§ 1690.6 *Standby Reserve Folder (SSS Form No. 90).* The local board shall open an individual file for each reservist by preparing a Standby Reserve Folder (SSS Form No. 90) which file hereafter in this part is referred to as the "standby reserve folder". Every paper and document pertaining to the determination of the availability of the reservist for order to active duty, except such papers and documents as may be designated by the Director of Selective Service, shall be filed in his standby reserve folder.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interprets or applies sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 20, 1956.

[F. R. Doc. 56–7708; Filed, Sept. 24, 1956; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

POLICY

In § 7.21, the introductory paragraph immediately preceding paragraph (a) is amended to read as follows:

§ 7.21 *The policy.* The term "policy" includes any contract of life insurance on a life or endowment or term plan, and any benefit contract in the nature of life insurance arising out of membership in any fraternal or beneficial association, which was made and on which a premium was paid before date of approval of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (October 6, 1942), or not less than 30 days before the date the insured entered into the military service. On applications for benefits of article IV of the Soldiers' and Sailor's Civil Relief Act which are made after July 11, 1956, the contract of insurance must be made and a premium paid thereon not less than 180 days before the date the insured entered into the military service. A policy is not eligible for protection under the act if it contains any provision excluding or restricting liability for death arising from or in connection with military service, or any activity which the insured may be called upon to perform in connection with his military service, or requires the payment of an additional premium because of military service. The provisions of the act are not applicable to policies of United States Government Life Insurance and National Service Life Insurance.

• • • • •

(Sec. 407, 54 Stat. 1185, as amended; 70 Stat. 528; 50 U. S. C. App. 547)

This regulation is effective September 25, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–7703; Filed, Sept. 24, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1342]

[Idaho 05778]

IDAHO

RESERVING PUBLIC LANDS WITHIN THE NEZPERCE NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Nezperce National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreational areas:

BOISE MERIDIAN

North Fork of Slate Creek Recreation Area:
T. 27 N., R. 3 E.,
sec. 31, E½NE¼NE¼;
sec. 32, W½NW¼NW¼.

The areas described aggregate 40 acres.

Red River Hot Springs Recreation Area:
T. 28 N., R. 10 E., Unsurveyed

A tract of land described by metes and bounds as follows:

Beginning at corner No. 8 of H. E. S. No. 242, thence S. 1° 01' E. 396 feet, thence N. 52° 00' E. 3118.5 feet, thence N. 32° 00' E. 2062.5 feet, thence North 820 feet, thence West 329 feet, thence S. 51° 00' W. 1740 feet, thence S. 43° 00' W. 3393 feet, thence S. 20° 00' E. 686.4 feet, thence S. 66° 50' E. 33 feet, more or less, to the point of beginning.

The area described contains 142.13 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 19, 1956.

[F. R. Doc. 56–7693; Filed, Sept. 24, 1956; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL REGULATIONS

AIRCRAFT

SEPTEMBER 18, 1956.

Paragraph (a) (3) (i) of § 1.61 *Aircraft,* is revoked and (ii) is renumbered (i).

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56–7695; Filed, Sept. 24, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter I—Northwest Atlantic Commercial Fisheries

PART 155—HADDOCK PROVISIONS

Experience gained since the initial adoption of regulations effective May 31, 1953 (18 F. R. 2414), prescribing restrictions on trawling nets used in the taking of haddock in the Northwest Atlantic Ocean, has demonstrated a need for further revisions in the regulations to make the same more effective.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, proposed amendments to the regulations

were submitted to the Advisory Committee to the United States Commissioners on the International Commission of the Northwest Atlantic Fisheries on March 26, 1956, at which time the proposed revised regulations received the approval, in principle, of the Advisory Committee.

By notice of proposed rule making published on June 12, 1956 (21 F. R. 4015) the public was invited to participate in the adoption of proposed amendments to these regulations by submitting data, views, or arguments to the Director, Fish and Wildlife Service, Washington 25, D. C., within a period of thirty days from the publication of the notice. Consideration having been given to all pertinent data received in response to the notice, the regulations appearing below are adopted to replace Part 155—Haddock Provisions:

Sec.
155.1 Meaning of terms.
155.2 Haddock registration certificates.
155.3 Restrictions on fishing gear.
155.4 Temporary suspension of haddock registration certificates.
155.5 Certain persons and vessels exempted.

AUTHORITY: § 155.1 to 155.5 issued under sec. 7, 64 Stat. 1067; 16 U. S. C. 986.

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the context otherwise requires, terms shall have the meanings ascribed hereinafter in this section.

(a) *Regulatory area.* The words "regulatory area" mean that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the Meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66° west longitude; thence along a rhumb line in a southeasterly direction to a point in 42° north latitude 65°40′ west longitude; thence due south to the parallel of 39° north latitude; thence due west to the Meridian of 71°40′ west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(b) *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

(c) *Haddock fishing.* The words "haddock fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species Melanogrammus aeglefinus; and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(d) *Fishing vessel.* The words "fishing vessel" denote every kind, type or description of watercraft or vessel subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(e) *Trawl net.* The words "trawl net" means any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(f) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Haddock registration certificates.* (a) After the fifteenth day following the effective date of this part, no person shall engage in haddock fishing within the regulatory area nor shall any person possess, transport or deliver by means of any fishing vessel haddock taken within such area except under a haddock registration certificate issued and in force in conformity with the regulations in this part.

(b) The owner or operator of a fishing vessel may obtain without charge a haddock registration certificate by furnishing, on a form to be supplied by the Fish and Wildlife Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the haddock registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Fish and Wildlife Service, Department of the Interior, Boston, Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The haddock registration certificate so issued by the Fish and Wildlife Service shall be carried on board the vessel for which it is issued at all times and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection by officers authorized to enforce the regulations in this part.

§ 155.3 *Restrictions on fishing gear.* (a) No person shall possess at any time on board a vessel for which a haddock registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches as defined in this section.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean (1) with respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized employee of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal.

Twine	*Average mesh size*
4-ply 45-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 50-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 75-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 80-yard manila, double strand.	5.500 inches (5½″).
120-thread cotton.	4.250 inches (4¼″).

(e) The alteration, defacement or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(f) The repair, alteration or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for haddock fishing. Nothing contained in this paragraph shall preclude the continued use at the option of the user, of a cod end having an invalidated seal affixed thereto: *Provided*, That such cod end after repair, alteration or other modification shall continue to have a mesh size of not less than four and one-half inches as defined in paragraph (b) of this section.

(g) The use in haddock fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That a protective covering may be attached to the underside only of the cod end alone of the net to reduce and prevent damage thereto.

§ 155.4 *Temporary suspension of haddock registration certificates.* (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than haddock, may obtain a temporary suspension of the haddock registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of haddock registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of one of the following agencies: Fish and Wildlife Service, Coast Guard, Bureau of Customs, and Post Office Department, and by an authorized officer of the States of Maine and Massachusetts. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 155.5 *Certain persons and vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any person who or vessel which, in the course of taking fish other than haddock, takes and possesses a quantity of haddock not exceeding five thousand pounds, or ten percent of all fish on the vessel from which the fishing is conducted, whichever is the greater.

(b) Any person or vessel authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

These regulations shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: September 18, 1956.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 56-7692; Filed, Sept. 24, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1066]

IRISH POTATOES

IMPORTATION

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grade, size, quality and inspection regulations that are to be made applicable to the importation of Irish potatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable general regulations (7 CFR Part 1060).

The regulations under consideration are to apply to all imports of Irish potatoes on the same basis as regulations imposed upon handlers of (1) round white or red skin varieties of Irish potatoes grown in the State of Maine pursuant to regulations issued under Marketing Agreement No. 122 and Order No. 70 (§ 970.303; 21 F. R. 6911), and (2) long varieties of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, pursuant to regulations issued under Marketing Agreement No. 98 and Order No. 57, as amended (§ 957.314; 21 F. R. 4910, 6859).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1066.9 *Potato Regulation No. 3.* (a) During the period from October 22, 1956, through July 13, 1957, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety) such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum quantities.* Any importation which, in aggregate, does not exceed 500 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on potatoes under the Plant Quarantine Act of 1912.

(d) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(e) *Designation of Governmental Inspection Service.* The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title; 20 F. R. 4842). The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(g) *Findings and determinations with respect to imports of Irish Potatoes.* (1) Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 907, 1047), it is hereby found and determined that during the effective time hereof (i) imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 57 (Part 957 of this chapter; designated counties in Idaho and Malheur County, Oregon) and (ii) imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varie-

ties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(2) It is hereby determined that the grade, size, and quality regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(h) *Definitions.* (1) The terms "U. S. No. 1", "U. S. No. 2", "fairly clean", and "Size A", mean the U. S. No. 1 grade, U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title), including the tolerances set forth therein. For the purposes of this section, the following United States Potato Standards and Canadian Potato Standards are determined to be equivalent; U. S. No. 1 grade and Canada No. 1 grade; U. S. No. 2 grade and Canada No. 2 grade except that the tolerances for size, as set forth in the said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: September 19, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–7710; Filed, Sept. 24, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service; Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 150]

MICHIGAN SURETY CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

SEPTEMBER 20, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $115,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Michigan Surety Company, Lansing, Michigan.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7704; Filed, Sept. 24, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 17, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 014643, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as recreation areas within the Rio Grande National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

Palisade Recreation Area:
T. 40 N., R. 2 E.,
Sec. 3: SW¼NW¼;
Sec. 4: Lots 2, 3 and 4 and S½NE¼, SE¼NW¼; N½SE¼.
T. 41 N., R 2 E.,
Sec. 32: NE¼SE¼, S½SE¼;
Sec. 33: S½SW¼.
River Hill Recreation Area:
T. 40 N., R 3 W.,
Sec. 8: S½SW¼;
Sec. 17: N½NW¼;
Sec. 18: Lots 1, 2, 3 and 4, NE¼, E½NW¼, NE¼SW¼.
Thirty Mile Recreation Area:
T. 40 N., R. 4 W.,
Sec. 13: S½NE¼, S½SE¼NW¼, E½NE¼SW¼, SE¼, and 13.19 acres more or less, in the N½SW¼, covered under supplemental survey made by G. L. O. August 5, 1927.
Reservoir Recreation Area:
T. 40 N., R. 4 W.,
Sec. 14: N½SW¼.
Marshall Park Recreation Area:
T. 41 N., R. 1 W.,
Sec. 21: Lots 8 and 9.
Rio Grande Recreation Area:
T. 41 N., R. 1 W.,
Sec. 32: SW¼.
South Clear Creek Recreation Area:
T. 41 N., R 2 W.,
Sec. 18: Lots 1 and 2, W½NE¼, E½NW¼.
T. 41 N., R. 3 W.,
Sec. 13: E½NE¼.
North Clear Creek Recreation Area:
T. 41 N., R. 3 W.,
Sec. 1: SW¼.
South Clear Creek Falls Recreation Area:
T. 41 N., R. 3 W.,
Sec. 12: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
Crooked Creek Recreation Area:
T. 41 N., R. 3 W.,
Sec. 23: SE¼SW¼, S½SE¼;
Sec. 26: N½NE¼, NE¼NW¼.
Lost Trail Recreation Area:
T. 41 N., R. 4 W.,
Sec. 31: Lots 5, 6, 7 and 8, N½NE¼, SE¼NE¼, NE¼NW¼.

Total area: 2,958.58 acres.

WARREN J. GRAY,
Acting State Supervisor.

[F. R. Doc. 56–7694; Filed, Sept. 24, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5526]

IOWA

LOAN ANNOUNCEMENT

AUGUST 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 53P Linn	$451,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–7683; Filed, Sept. 21, 1956; 8:54 a. m.]

[Administrative Order 5527]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 31, 1956.

I hereby amend: (a) Administrative Order No. 4164, dated May 6, 1953, by reducing the loan of $50,000 therein made for "Kentucky 57M Bell" by $41,155.29 so that the reduced loan shall be $8,844.71.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–7684; Filed, Sept. 21, 1956; 8:55 a. m.]

[Administrative Order 5528]

MISSOURI

LOAN ANNOUNCEMENT

AUGUST 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 33 AD Butler	$1,400,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–7685; Filed, Sept. 21, 1956; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

NEW YORK & CUBA MAIL STEAMSHIP CO. ET AL.

NOTICE OF CANCELLATION OF AGREEMENTS

Notice is hereby given that the Board by order dated September 17, 1956, approved the cancellation of the following described agreements pursuant to Section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7772 between New York & Cuba Mail Steamship Co. and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

(2) Agreement No. 7983 between New York & Cuba Mail Steamship Co. and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York or Baltimore.

(3) Agreement No. 7984 between New York & Cuba Mail Steamship Co. and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transhipment at New York, Baltimore or Philadelphia.

Dated: September 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7715; Filed, Sept. 24, 1956; 8:50 a. m.]

CALDWELL & CO. INC. AND H. L. ZIEGLER, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8134 between Caldwell & Company, Inc., New York, and H. L. Ziegler, Inc., Houston, Texas, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7716; Filed, Sept. 24, 1956; 8:50 a. m.]

Office of the Secretary

BENCHIMOL & CO., AND HOLLYWOOD ENTERPRISES

APPEALS BOARD ORDER

In the matter of Jose Benchimol, and Eliezner Benchimol, copartners, doing business under the firm names and styles of Benchimol & Company and Hollywood Enterprises, 8 East 52d Street, New York 22, New York; Appeals Board Docket No. FC–38; B. F. C. Case No. 218.

Appellants, by letter to the Appeals Board dated September 14, 1956, have withdrawn their appeal from an Order Revoking Export Licenses and Denying Export Privileges as to these appellants for a period of one month commencing September 23, 1956 (21 F. R. 6495, August 28, 1956.)

By order of the Appeals Board dated September 6, 1956, appellants were granted an extension of the effective date of the aforesaid order from September 23, 1956 to October 19, 1956.

In view of appellants' withdrawal of their appeal, the Appeals Board order of September 6, 1956 is no longer appropriate.

Therefore, it is ordered, That the Appeals Board order dated September 6, 1956 be and hereby is vacated, and that the Order Revoking Export Licenses and Denying Export Privileges as to these appellants for a period of one month commencing September 23, 1956 (21 F. R. 6495, August 28, 1956) be and hereby is reinstated in its original form.

GRISWOLD FORBES,
Deputy Chairman, Appeals Board.

SEPTEMBER 18, 1956.

[F. R. Doc. 56–7699; Filed, Sept. 24, 1956; 8:47 a. m.]

CURT L. OHEIM

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Curt L. Oheim.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 18, 1956.

4. Title of position: Consultant (Agricultural Equipment).

5. Name of private employer: Deere and Company, Moline, Illinois.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 18, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Deere & Company
Leece-Neville Company
Giant Portland Cement Company
Federated Department Stores
Safeway Stores
Bank Deposits

Dated: September 18, 1956.

CURT L. OHEIM.

[F. R. Doc. 56–7690; Filed, Sept. 24, 1956; 8:45 a.m.]

GEORGE E. HARDING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 10, 1956, 21 F. R. 2303.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of September 19, 1956.

GEORGE E. HARDING.

[F. R. Doc. 56–7691; Filed, Sept. 24, 1956; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended;

29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR, Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Alabama Textile Products Corp., Crestview, Fla.; effective 9–14–56 to 9–13–57 (men's pajamas).

Chester Manufacturing Co., Inc., By-Pass 72, Chester, S. C.; effective 9–4–56 to 9–3–57 (men's dress shirts).

Fortex Manufacturing Co., Inc., 51 Miller Street, Ft. Deposit, Ala.; effective 9–6–56 to 9–5–57 (men's and boy's pajamas).

Hesteco Manufacturing Co., Inc., 443 West High Street, Elizabethtown, Pa.; effective 9–7–56 to 9–6–57 (children's dresses).

Hesteco Manufacturing Co., Inc., 40 South John Street, Hummelstown, Pa.; effective 9–7–56 to 9–6–57 (children's dresses).

P & M Dress Co., Turkey Run, Shenandoah, Pa.; effective 9–4–56 to 9–3–57 (ladies' dresses).

Prevore-Sanford, Inc., 7 Mill Street, Sanford, Springvale, Maine; effective 9–1–56 to 8–31–57 (cotton housedresses, dusters, etc.).

Boris-Smoler & Sons, Inc., 600–620 Crawford Avenue, Elkhart, Ind., effective 9–19–56 to 9–18–57 (dresses).

Winchendon Fashions, Inc., 61 Railroad Street, Winchendon, Mass.; effective 9–10–56 to 9–9–57 (dresses).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated.

Andrea Garment Co., 56 Penn. Street, Quincy, Mass.; effective 9–10–56 to 9–9–57, authorizing the employment of 5 learners (ladies' housecoats).

Arlene Sportswear Co., 2950 Fulton Street, Brooklyn, N. Y.; effective 8–6–56 to 1–10–57, authorizing the employment of 6 learners (bathing suits, play suits, etc.). (Replacement certificate.)

Bobby Dress Co., 1716 Main Street, Dickson City, Pa., effective 9–4–56 to 9–3–57, authorizing the employment of 10 learners for normal labor turnover purposes (dresses).

Favorite Overall Co., Inc., 77 Bedford Street, Boston, Mass.; effective 9–3–56 to 9–2–57; authorizing the employment of 3 learners for normal labor turnover purposes (work pants and overalls).

Miller Western Wear, Inc., Baxley, Ga., effective 9–4–56 to 9–3–57; authorizing the employment of 10 learners for normal labor turnover purposes (children's western type shirts).

Morris Sportswear Co., 219 Arch Street, Nanticoke, Pa.; effective 9–18–56 to 9–17–57; authorizing the employment of 5 learners for normal labor turnover purposes (ladies' sportswear).

Portland Dress Co., 155 Brackett Street, Portland, Maine; effective 9–3–56 to 9–2–57, authorizing the employment of 10 learners for normal labor turnover purposes (dresses).

Boris Smoler & Sons, Inc., 507 Jefferson, LaPorte, Ind., effective 9–19–56 to 9–18–57, authorizing the employment of 10 learners for normal labor turnover purposes (dresses).

Stylecraft Sportswear, Inc., 75 Kneeland Street, Boston Mass.; effective 9–4–56 to 9–3–57, authorizing the employment of 5 learners for normal labor turnover purposes (ladies' blouses).

Victory Dress Manufacturing Co., 311 Mountain Road, Union City, N. J.; effective 9–5–56 to 9–4–57; authorizing the employment of 5 learners for normal labor turnover purposes (misses and juniors' dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Albany Manufacturing Co., Albany, Ky.; effective 9–6–56 to 3–5–57; authorizing the employment of 25 learners (sport and dress shirts).

Bayly Manufacturing Co., 1120 North Santa Fe Avenue, Visalia, Calif.; effective 9–3–56 to 3–2–57, authorizing the employment of 40 learners (work pants).

Bocar Manufacturing Corp., Putman Street, Tuckbannock, Pa.; effective 9–5–56 to 3–4–57, authorizing the employment of 10 learners (women's dresses).

Crisfield Shirt & Pajama Co., Inc., Crisfield, Md.; effective 9–6–56 to 3–5–57, authorizing the employment of 20 learners (boys' shirts).

New Era Shirt Co., Arcadia, Mo.; effective 9–6–56 to 3–5–57, authorizing the employment of 15 learners (men's and boys' sport shirts).

Prevore-Sanford, Inc., 7 Mill Street, Sanford, Springvale, Maine; effective 9–1–56 to 2–28–57, authorizing the employment of 50 learners (cotton housedresses, dusters, etc.).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; effective 9–5–56 to 3–4–57, authorizing the employment of 70 learners (men's and boys' coats and jackets).

Superior Garment Contractors, Inc., Middlesex, N. C.; effective 9–3–56 to 3–2–57, authorizing the employment of 30 learners (pedal pushers, shorts, blouses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 9–14–56 to 9–13–57, authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of hand stripping and machine stripping, each for a learning period of 160 hours, at 80 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Wells Lamont Corp., McGehee, Ark.; effective 9–1–56 to 2–28–57, authorizing the employment of 15 learners for plant expansion purposes (leather work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9–5–56 to 3–4–57, authorizing the employment of 10 learners for plant expansion purposes (leather palm work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9–5–56 to 9–4–57, authorizing the employment of 10 percent of the total number of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Acca Hosiery Mills (finishing plant), Yadkin Street, Henderson, N. C.; effective 9–4–56 to 9–3–57, authorizing the employment of 5 learners for normal labor turnover purposes. (dying and finishing of men's seamless hosiery).

The Batesville Co., Batesville, Miss.; effective 9–10–56 to 12–27–56, authorizing the employment of 25 learners for plant expansion purposes. (seamless) (replacement certificate).

Brown Bros. Hosiery Mills, Inc., 529 Eighth Avenue, NE., Hickory, N. C.; effective 9–10–56 to 9–9–57, authorizing the employment of 5 learners for normal labor turnover purposes (seamless).

Brown Manufacturing Co. of the Carolinas, Inc., 529 Eigth Avenue, NE., Hickory, N. C.; effective 9–10–56 to 9–9–57, authorizing the employment of 3 learners for normal labor turnover purposes (seamless).

Paramount Hosiery Mills, Inc., 2004 Thomas Street, Hollywood, Fla.; effective 9–5–56 to 9–4–57, authorizing the employment of 5 learners for normal labor turnover purposes (seamless).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 9–5–56 to 9–4–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. (seamless).

Ruby Hosiery Mills, Inc., 529 Eighth Avenue, NE., Hickory, N. C.; effective 9–10–56 to 9–9–57, authorizing the employment of 5 learners for normal labor turnover purposes. (seamless).

Se-Ling Mills Corp., 505 North Third Street, Quincy, Ill., effective 9–10–56 to 3–9–57, authorizing the employment of 10 learners for plant expansion purposes. (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Salisbury Undergarment Co., Inc., Salisbury, Pa.; effective 9–14–56 to 9–13–57, authorizing the employment of 5 learners for normal labor turnover purposes (ladies' knitted underwear).

Strutwear, Inc., Clarksdale, Miss.; effective 9–1–56 to 2–28–57, authorizing the employment of 5 learners for normal labor turnover purposes in the occupations listed below for the learning periods indicated: Machine knitter, 480 hours; machine stitcher, presser, looper, topper, tacking, hand sewing each for 320 hours; winder, dyeing machine operator, brush machine operator, and dryer operator each for 240 hours (replacement certificate) (women's underwear and sweaters).

Strutwear, Inc., Clarksdale, Miss.; effective 9–1–56 to 2–28–57, authorizing the employment of 20 learners for plant expansion purposes in the occupations listed below for the learning periods indicated: Machine knitter 480 hours; machine stitcher, presser, looper, toppers, tacking, and hand sewing each for 320 hours; and winder, dyeing machine operator, brush machine operator, and dryer operator each for 240 hours (women's underwear and sweaters).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.65, as amended March 1, 1956, 21 F. R. 1195).

Farmington Shoe Co., Division of Tread Sandal Co., Farmington, Me., effective 9–21–56 to 3–30–57; authorizing the employment of 150 learners for plant expansion purposes (women's novelty shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Braymer Stuffed Toys, Inc., Braymer, Mo., effective 9–1–56 to 2–28–57, authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operator, for 160 hours learning period, at 90 cents per hour (stuffed toys).

Carroll Manufacturing Co., Westminster, Md., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's sack coats and pants).

Crisfield Manufacturing Co., Crisfield, Md., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's pants and slacks).

Coventry Ware, Inc., 96 Robinson Avenue, Barberton, Ohio, effective 9–1–56 to 2–28–57, authorizing the employment of 6 learners for normal labor turnover purposes in the occupations of finisher and decorator, each for 320 hours learning period, at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (Giftware, novelties).

Ellsworth Mills, Ellsworth, Maine, effective 9–1–56 to 2–28–57, authorizing the employment of 3 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of mule piecer, drawer in, percher, gill box tender, cap spinner, ring spinner, twister, spooler, and sewer; each for a learning period of 320 hours; and in the occupations of chain builder, burler, drop wire hand, winder, and reeler, each for a learning period of 240 hours; all at 90 cents per hour (worsted yarns).

Fit Rite Sports Headwear, 313 North Capitol Avenue, Indianapolis, Ind., effective 9–10–56 to 3–9–57, authorizing the employment of 4 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 200 hours at 85 cents per hour (cloth headwear).

Friedman-Marks Clothing Co., 1400 West Marshall Street, Richmond, Va., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator; final presser, hand sewer, and finishing operations involving hand sewing; each for a learning period of 480 hours at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's suits, coats, and sportswear).

Milo S. Goldberg & Co., 41 West 25th Street, New York, N. Y., effective 9–10–56 to 3–9–57, authorizing the employment of 2 learners for normal labor turnover purposes in the occupation of combination turner-presser-sewer, for a learning period of 320 hours at rates of not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours (men's bow ties).

Robt. Hall Manufacturing Co., Inc., 60 Broadway, Brooklyn, N. Y., effective 9–10–56 to 3–9–57, authorizing the employment of 100 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's suits, topcoats, and sport coats).

Hampstead Clothing Division, Webster Clothes, Inc., Hampstead, Md., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's sack coats).

Hart Schaffner & Marx, 726 West Jackson Boulevard, Chicago, Ill., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's and boys' clothing only, in the occupations of sewing machine operator, hand sewing, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's suits, topcoats, overcoats, etc.).

Lion Manufacturing Co., Everett Pa., effective 9–1–57 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's suits, topcoats, and topcoats).

Meister Candies, Inc., Madison Street, Cambridge, Wis., effective 9–9–56 to 3–8–57, authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of candy coater and wrapping machine operator, each for a learning period of 240 hours, at rates of not less than 90 cents per hour for the first 120 hours and not less than 95 cents per hour for the remaining 120 hours (candies).

Middleburg Manufacturing Co., Hanover, Pa., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's pants, slacks and vests).

Mount Union Manufacturing Co., Mount Union, Pa., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's suits, coats, and sportswear).

Palm Beach Co., Roanoke, Ala., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of not less than 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's sack coats and topcoats).

Pattonsburg Manufacturing Co., Pattonsburg, Mo., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing; each for a learning period of 240 hours, at 85 cents per hour (leather garments).

Shell Arts Co., 246 Wilmington Boulevard, Wilmington, Calif., effective 9–11–56 to 3–10–57, authorizing the employment of 7 learners for normal labor turnover purposes in the occupations of blank button cutting and finished button sorting, each for a learning period of 480 hours at rates of 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours (ocean pearl buttons).

Staunton Manufacturing Co., Staunton, Va., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of at least 85 cents per hour for the first 280 hours and at least 90 cents per hour for the remaining 200 hours (men's sack coats).

Stewartstown Manufacturing Co., Stewartstown, Pa., effective 9–1–56 to 8–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of at least 85 cents per hour for the first 280 hours and at least 90 cents per hour for the remaining 200 hours (men's sack coats and topcoats).

Westminster Manufacturing Division, Webster Clothes, Inc., 54 East Main Street, Westminster, Md., effective 9–1–56 to 2–28–57, authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of at least 85 cents per hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours of the authorized learning period.

M. Wile & Co., Inc., 77 Goodell Street, Buffalo, N. Y., effective 9–1–56 to 2–28–57, authorizing the employment of 14 learners for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing; each for a learning period of 480 hours, at rates of at least 85 cents per hour for the first 280 hours and at least 90 cents per hour for the remaining 200 hours (men's suits, sportcoats, etc.).

Winsor Manufacturing Co., 44 Hazel Street, Woonsocket, R. I., effective 9–1–56 to 2–28–57, authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of sewing machine operator and presser; each for a learning period of 320 hours, at rates of at least 85 cents per hour for the first 160 hours and at least 90 cents per hour for the remaining 160 hours (handkerchiefs).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Adelphian Academy, Holly, Mich., effective 9-1-56 to 12-31-56, authorizing the employment of 40 student-workers in the woodworking industry (trellises, bird houses, etc.), in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations for a learning period of 400 hours at rates of 80 cents an hour for the first 200 hours and 85 cents an hour for the remaining 200 hours.

Atlantic Union College, Main Street, South Lancaster, Mass., effective 9-1-56 to 8-31-57, authorizing the employment of 15 student-workers in the print shop in the occupations of compositor, pressman, bindery worker, and related skilled and semiskilled occupations for a learning period of 1,000 hours at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours; and in the bindery industry the employment of 20 student-workers in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours.

Auburn Academy, Auburn, Wash., effective 9-1-56 to 8-31-57, authorizing the employment of 60 student-workers in the woodworking industry (furniture), in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky., effective 9-1-56 to 8-31-57, authorizing the employment of 10 student-workers in the woodworking industry (furniture and handiwork "do-it-yourself" kits), in the occupations of woodworking machine operator, veneer machine operator including glue reel, assembler, furniture finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; and the employment of 10 student-workers in the metalworking industry in the occupations of machine tool operator, lathe, milling, planer, shaper, drill press, die casting, and related skilled and semiskilled occupations, for a learning period of 850 hours at rates of 80 cents per hour for the first 425 hours and 85 cents per hour for the remaining 425 hours.

Cedar Lake Academy, Cedar Lake, Mich., effective 9-1-56 to 8-31-57, authorizing the employment of 35 student-workers in the woodworking industry (Redwood lawn furniture), in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop; for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours.

Clear Creek Mountain Preachers Bible School, Pineville, Ky., effective 9-1-56 to 8-31-57, authorizing the employment of 45 student-workers in the furniture manufacturing industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations, including incidental clerical work in the furniture shop; for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours.

Emmanuel Missionary College, Berrien Springs, Mich., effective 9-1-56 to 8-31-57, authorizing the employment of: (1) In the bookbindery industry 40 student-workers, in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; (2) in the print shop industry 12 student-workers, in the occupations of pressman, compositor, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours; (3) in the furniture industry 65 student-workers, in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; and (4) clerical occupations of bookkeeper, typist, and related skilled and semiskilled occupations, 5 student-workers for a learning period of 480 hours, at rates of 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, T. H., effective 9-1-56 to 8-31-57, authorizing the employment of: (1) In the print shop industry 5 student-workers, in the occupations of compositor, pressman, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1,000 hours, at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours; and (2) 1 student-worker in the clerical occupations of typist, bookkeeper, and related skilled and semiskilled occupations for a learning period of 480 hours, at rates of 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours.

La Sierra College, Arlington, Calif., effective 9-1-56 to 8-31-57, authorizing the employment of 5 student-workers in the print shop industry in the occupations of pressman, compositor, linotype operator, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1,000 hours, at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours.

Maplewood Academy, Hutchinson, Minn., effective 9-1-56 to 8-31-57, authorizing the employment of: (1) In the bookbindery industry, 25 student-workers in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; (2) in the woodworking industry (furniture), 40 student-workers in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semiskilled occupations for a learning period of 600 hours, at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; and (3) 6 student-workers in the clerical occupations of typist, bookkeeper, and related and semiskilled occupations for a learning period of 480 hours, at rates of 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 200 hours.

Plainview Academy, Redfield, S. Dak.; effective 9-1-56 to 8-31-57, authorizing the employment of 10 student-workers in the broom shop in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations for a learning period of 360 hours, at rates of 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9-1-56 to 8-31-57, authorizing the employment of: (1) In the print shop, 27 student-workers in the occupations of compositor, pressman, and related skilled and semiskilled occupations for a learning period of 1,000 hours, at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours; (2) in the broom shop, 53 student-workers in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations for a learning period of 360 hours, at rates of 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours; and (3) 20 student-workers in the clerical occupations of typist, stenographer, and related skilled and semiskilled occupations for a learning period of 480 hours, at rates of 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours.

Thunderbird Academy, Scottsdale, Ariz.; effective 9-1-56 to 8-31-57, authorizing the employment of 30 student-workers in the woodworking industry (furniture), in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semiskilled occupations including incidental clerical work in the shop for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours.

Union College, Lincoln, Neb.; effective 9-1-56 to 8-31-57, authorizing the employment of: (1) In the print shop, 6 student-workers in the occupations of compositor, pressman, and related skilled and semiskilled occupations for a learning period of 1,000 hours, at rates of 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours; (2) in the bookbindery industry, 10 student-workers in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations for a learning period of 600 hours, at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; (3) in the broom industry, 5 student-workers in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations for a learning period of 360 hours at rates of 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours; (4) in the furniture industry, 30 student-workers in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semiskilled occupations for a learning period of 600 hours, at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours; and (5) 5 student-workers in the clerical occupations of bookkeeper, business machines operator, and related skilled and semiskilled occupations for a learning period of 480 hours, at rates of 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours.

Upper Columbia Academy, Spangle, Wash., effective 9-1-56 to 8-31-57, authorizing the employment of 52 student-workers in the furniture manufacturing industry (upholstered furniture), in the occupations of woodworking machines operator, springer sewer, upholsterer, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at rates of 80 cents per hour for the first 300 hours and 85 cents per hour for the second 300-hour period.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 14th day of September 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-7707; Filed, Sept. 24, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7299]

INVESTIGATION OF FULL ADULT FARES FOR UNACCOMPANIED CHILDREN

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 10, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 20, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7713; Filed, Sept. 24, 1956; 8:50 a. m.]

[Docket Nos. 5770-6024]

NORTH CENTRAL-LAKE CENTRAL ACQUISITION OF CONTROL AND INTERLOCKING DIRECTORATE PROCEEDING

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 17, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 20, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7714; Filed, Sept. 24, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 56-895]

FCC REQUESTS COMMENTS ON REQUIREMENTS FOR A CURRENT SHIP RADIO STATION LIST

SEPTEMBER 20, 1956.

The International Telecommunication Union, Geneva, Switzerland, promulgates an international "List of Coast and Ship Stations," which is distributed to member countries every nine months. Radio-equipped vessels navigating international waters are in general required to carry this List aboard as a ship station document, as provided by international agreement.

Data concerning U. S. ship radio stations licensed since July 1950 is, with few exceptions, not available from that list, resulting in many individual requests for information being made to the Commission. Requests have also been received from the International Telecommunication Union on behalf of other member countries requiring data concerning U. S. ship radio stations, as well as from U. S. Government agencies, private operating companies and the general public.

In view of such requests, the Commission is desirous of investigating the possibility of compiling and publishing such data on a current and regular basis. Aside from the information which must be included to meet the requirements of the International Telecommunication Union, it is essential that the Commission receive some indication of any additional needs of U. S. Government and private users, before a final determination can be made of specific information to be included in a listing of U. S. ship radio stations. In addition, there are limitations imposed by the use of machine facilities (which appear to be the most economical and expeditious manner of producing such a list) and such limitations make it necessary to consider each item of data from the standpoint of its meeting (a) the requirements of the ITU; (b) essential operating requirements of U. S. Government and private users or (c) desirable operating requirements of such users.

It is requested that interested persons advise the Commission by December 12, 1956, of the specific data considered worthy of inclusion in a listing of licensed U. S. ship radio stations, itemized under the following categories: (1) essential; and (2) desirable. A brief description should also be included to show the needs which would be served by such a list. The frequency with which the list should be republished to incorporate changes also should be indicated, together with a preliminary estimate of the number of copies desired.

Adopted: September 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7718; Filed, Sept. 24, 1956; 8:51 a. m.]

[Docket Nos. 11588, 11777; FCC 56M-865]

JOSEPH M. RIPLEY, INC. AND ROBERT HECKSHER

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP-10255; for construction permits.

It is ordered, This 19th day of September 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., September 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7719; Filed, Sept. 24, 1956; 8:51 a. m.]

[Docket No. 11687 etc.; FCC 56-875]

ROBERT A. MENSEL ET AL.

ORDER AMENDING ISSUES

In re applications of Robert A. Mensel, Willimantic, Connecticut, Docket No. 11687, File No. BP-10074; Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, Docket No. 11688, File No. BP-10147; The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 11689, File No. BP-10194; for construction permits.

At a session of the Federal Communications Commission at its offices in Washington, D. C., on the 19th day of September 1956;

The Commission having under consideration a motion to enlarge issues filed on May 17, 1956, by Conant Broadcasting Company (WHIL); and an opposition to that motion filed on May 23, 1956, by Wilson Broadcasting Corporation (WAAB);

It appearing that Conant, licensed on 1430 kc at Medford, Massachusetts, filed an application to increase its power from 1 kw to 5 kw and was designated for hearing partly because there is a possibility of adjacent channel interference (10 kc removed) by Conant to WAAB, Worcester, Massachusetts;

It further appearing that Conant moves the issues to be enlarged to include:

(a) To determine the type and character of program service proposed to be rendered by the applicant, Conant Broadcasting Company, Inc., and whether it would meet the needs of the populations and areas proposed to be served.

(b) To determine the type and character of program service rendered by Station WAAB, Worcester, Massachusetts, and whether this service meets the needs of the populations and areas proposed to lose such service as the result of interference from Station WHIL's proposed operation.

(c) To determine the type and character of other services available to the population which would lose WAAB's service, upon a grant of the Conant Broadcasting Company, Inc. application.

It further appearing, that a substantial percentage of the population within WAAB's normally protected contour may receive objectionable interference from Conant operating as proposed;

It further appearing, that pursuant to the provision of § 3.24 (b) of the Commission's rules and in accordance with the opinion of the United States Court of Appeals in Democrat Printing Company v. FCC, 91 App. D. C. 72, inclusion of the proposed issues (a) and (b), above, is appropriate;

It further appearing, that no adequate showing has been made in support of an

inquiry as broad as that contemplated by proposed issue (c), above;

It is ordered, That the subject motion of Conant Broadcasting Company, Inc. (WHIL) to enlarge the issues is granted to the extent that the issues are enlarged by the addition of the above listed new Issues (a) and (b), to be designated Issues 3 (a) and 3 (b), respectively; that the burden of proceeding with the introduction of evidence concerning new Issue No. 3 (a) is placed on Conant and concerning new Issue No. 3 (b) is placed on WAAB; and that in all other respects the petition is denied.

Released: September 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7720; Filed, Sept. 24, 1956; 8:51 a. m]

[Docket No. 11706; FCC 56M-868]

DAY-NITE RADIO MESSAGE SERVICE CORP.

ORDER CONTINUING HEARING

In re application of Day-Nite Radio Message Service Corporation, Philadelphia, Pennsylvania, Docket No. 11706, File No. 731-C2-R-56; for renewal of the license for station KGA593, a two-way communications facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a petition filed September 14, 1956, by the applicant requesting a continuance of the above-entitled proceeding from October 2, 1956, to an undetermined date and in support of such petition invited attention to the fact that simultaneuosly there was being submitted a petition requesting the Commission to reconsider its order designating the application for hearing and to grant the application without hearing; and

It appearing that there are no objections to the request for continuance and good cause for granting the same has been shown;

It is ordered, This the 19th day of September 1956, that the petition for continuance of the above-entitled proceeding be and the same is hereby granted and the hearing now scheduled to begin on October 2, 1956, is continued until 21 days after the Commission has acted on the presently pending petition requesting the Commission to reconsider and grant the above-entitled application without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7721; Filed, Sept. 24, 1956; 8:51 a. m.]

[Docket No. 11787; FCC 56M-861]

M. F. ELLINOR

ORDER CONTINUING HEARING

In re application of M. F. Ellinor, Ormond Beach, Florida, Docket No. 11787, File No. 137-C2-R-56; for renewal of the license for station KIE 364, a two-way communications facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration an implied request for continuance of the hearing now scheduled for November 15, 1956, contained in a letter of M. F. Ellinor to the Commission dated September 11, 1956; and the oral assertion of counsel for the Common Carrier Bureau that the Bureau has no objection to a continuance to May 1, 1957;

It is ordered, This 18th day of September 1957, that the hearing of November 15, 1956 is continued to May 1, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7722; Filed, Sept. 24, 1956; 8:51 a. m.]

[Docket No. 11786 etc.; FCC 56M-869]

WEST SHORE BROADCASTING CO., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 19th day of September 1956, that the prehearing conference now under indefinite continuance is rescheduled for Friday, September 28, 1956, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7723; Filed, Sept. 24, 1956; 8:51 a. m.]

[Docket No. 11806; FCC 56M-867]

INDIAN CITY BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

Pursuant to §§ 1.813 and 1.841: *It is ordered*, This 19th day of September 1956, that a prehearing conference is scheduled for Wednesday, October 3, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7724; Filed, Sept. 24, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10749]

MARSHALL COUNTY GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 19, 1956.

Take notice that Marshall County Gas Company (Applicant), a Kentucky corporation with principal place of business at 101 East 11th Street, Benton, Kentucky, filed, July 13, 1956 as amended August 15, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution in and adjacent to the City of Benton (Benton), Marshall County, Kentucky, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 7.5 miles of 4-inch lateral transmission line extending in a general southerly direction from a point of interconnection (tap) at U. S. Highway No. 641 with the transmission line of Texas Gas to a master regulator station at the corporate limits of Benton together with a distribution system within Benton for the purpose of supplying the natural gas requirements of Applicant's proposed distribution system in Benton and customers adjacent to said lateral.

The application states that the estimated total cost of this project is $298,000 which will be financed through the issuance of $200,000 of 5 percent First Mortgage Bonds and $98,000 of common stock. The estimated annual gas requirements and peak day gas requirements in Mcf at 15.025 psia for the first 5 years of operation are as follows:

Year	Annual	Peak day
1	43,849	469.9
2	78,829	673.8
3	95,597	877.5
4	108,175	994.2
5	112,834	1,036.4

Texas Gas filed on August 6, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the aforesaid application wherein it states that it has no objection to rendering the service requested by Applicant: *Provided*, (1) That Applicant satisfies the Commission as to the present and future economic feasibility of the proposed project on the basis of Applicant's estimated third year requirements for said project (pointing out that Texas Gas filed on June 15, 1956 in Docket No. G-10751 a revised tariff providing a rate exceeding that used by Applicant in its estimates); (2) that the maximum daily delivery obligation of Texas Gas to Applicant does not exceed the 3d year requirements of 878 Mcf at 15.025 psia (895 Mcf at 14.73 psia); (3) that Texas Gas be not obligated to render the proposed service until completion of its facilities authorized in Docket No. G-10062; (4) that the facilities of Applicant necessary to receive, transport, and distribute the gas as proposed are completed not later than July 1, 1957; and (5) that Applicant executes a service agreement acceptable to Texas Gas within 45 days after the issuance of any Commission order authorizing the requested service to be effective upon the commencement of deliveries.

By amendment filed August 15, 1956 to its application, Applicant states, inter alia, that all of the conditions requested by Texas Gas are acceptable to Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7696; Filed, Sept. 24, 1956; 8:47 a. m.]

[Docket No. G-11106]

GULF OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Oil Corporation (Applicant) on August 20, 1956, submitted for filing a proposed change in its rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Proposed Effective Date

Notice of change dated August 14, 1956; Texas Gas Pipe Line Corp.; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 41; June 1, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

Justification has not been given for the requested, retroactive effective date of June 1, 1956, and this request will, therefore, be denied.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 41; and, pending such hearing and decision thereon, said supplement be and is hereby suspended and the use thereof deferred until February 19, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: September 19, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary,

[F. R. Doc. 56-7697; Filed, Sept. 24, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 20, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32652: *Motor-ocean and motor-ocean-motor rates — Pan-Atlantic Steamship.* Filed by Pan-Atlantic Steamship Corporation, Agent, for itself and interested motor carriers. Rates on commodities moving on less truckload and volume class rates via motor-ocean, ocean-motor, and motor-ocean-motor routes, between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and points in Texas, on the other, in connection with the Pan-Atlantic Steamship between the ports of Jersey City, N. J., and Houston, Tex., and motor lines to and from these ports.

Grounds for relief: Competition with rail-water, water-rail, and rail-water-rail carriers, and circuitous routes.

Tariff: Supplement 9 to Pan-Atlantic Steamship Corporation tariff I. C. C. 253.

FSA No. 32653: *Grain and grain products—Belleville and East St. Louis, Ill., to the East.* Filed by H. R. Hinch, Agent, for interested rail carriers. Rates on grain and grain products, and related commodities, carloads and less carloads from Belleville and East St. Louis, Ill., on the St. L. B. & E. Ry., to points in trunkline and New England territories named or described in the application.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 82 to Agent Hinsch's tariff I. C. C. 4403.

FSA No. 32654: *Demountable trailer body service—Missouri Pacific Railroad.* Filed by Missouri Pacific Railroad Company, for itself and interested rail carriers. Rates on freight loaded in demountable trailer bodies and transported in open-top railroad cars between points in Arkansas, Louisiana, Memphis, Tenn., and Texas.

Grounds for relief: Motor truck competition.

Tariff: Missouri Pacific Railroad Company tariff I. C. C. 25.

FSA No. 32655: *Door and window frames—Southwest to central and eastern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on door and window frames, carloads from specified points in southwestern territory to specified points in central, trunkline and New England territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 173 to Agent Kratzmeir's I. C. C. 4087 and three other tariffs.

FSA No. 32656: *Motor-ocean and motor-ocean-motor rates—Pan-Atlantic.* Filed by Pan-Atlantic Steamship Corporation, Agent, for itself, and interested motor carriers. Rates on various commodities, moving on commodity rates in specified minimum volume truckloads between specified points on motor carriers in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and points on motor carriers in Texas, on the other, in connection with the Pan-Atlantic Steamship between the ports of Jersey City, N. J., and Houston, Tex.

Grounds for relief: Competition with rail-ocean and rail-ocean-rail carriers and circuitous routes of applicants.

Tariff: Supplement 2 to Pan-Atlantic Steamship Corporation tariff I. C. C. No. 257.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-7698; Filed, Sept. 24, 1956; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 187

Washington, Wednesday, September 26, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3156

GENERAL PULASKI'S MEMORIAL DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a grateful Nation has enshrined in its heart the memory of those selfless men who came from across the seas and aided in the achievement of our independence during the Revolutionary War; and

WHEREAS October 11, 1956, marks the one hundred and seventy-seventh anniversary of the death of Count Casimir Pulaski, one of those heroes who left his homeland to fight in our cause, and who for that cause laid down his life; and

WHEREAS the story of his valiant assault upon the city of Savannah at the head of the Pulaski Legion, where he received a mortal wound, has long stirred the imagination and evoked the admiration of all who hold liberty dear; and

WHEREAS this distinguished Pole, who had achieved the rank of Brigadier General before his untimely death at the age of 31 years, left to posterity an inspiring example of fidelity to principle which we should cherish and emulate:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the people of this Nation to observe Thursday, the eleventh day of October, 1956, as General Pulaski's Memorial Day with suitable commemorative ceremonies; and I direct that the flag of the United States be displayed on all Government buildings on that day as a mark of respect to the memory of General Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-7820; Filed, Sept. 25, 1956; 11:44 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, as amended in 21 F. R. 6824 and F. R. 6879, are hereby further amended as follows:

1. Paragraph (b) of § 485.210 is amended to read as follows:

(b) In the event that a farm is one on which wheat is normally planted in the fall and on which no wheat was planted in the spring of 1954, 1955 or 1956, and the producers wish to participate in the 1957 acreage reserve program for wheat, the agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must be filed with the county committee not later than October 5, 1956, except as provided in paragraph (e) of this section.

2. Paragraph (c) of § 485.210 is amended to read as follows:

(c) (1) In the case of farms other than those specified in paragraph (b)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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of this section, if the producers wish to participate in the 1957 acreage reserve program for wheat, an agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided by paragraph (e) of this section, be filed with the county committee before any wheat is planted on the farm in the spring of 1957, and not later than a date fixed by the State committee for the county or area in which the farm is located, which date shall be not later than the date planting of spring wheat begins generally in the county or area. Information as to the date fixed for the county or area shall be available in the office of the county committee. Subject to the maximum acreage limitations specified in § 485.209 (a), the acreage for wheat which may be placed in the acreage reserve under an agreement filed after October 5, 1956 (except (1) in instances where an agreement is initially filed on or before such date and a new agreement is filed after such date pursuant to paragraph (d) of this section, or (2) in instances where an agreement signed by the operator is filed on or before such date and an additional period of time is given pursuant to paragraph (e) of this section to obtain the signature of another person) shall be limited to the allotment for the farm less (i) the number of acres, if any, on the farm planted to wheat in the fall of 1956 and (ii) the number of acres, if any, which the producer has previously agreed to place in the acreage reserve.

(2) In the case of commodities other than wheat, an agreement signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided by paragraph (e) of this section, be filed with the county committee before any acreage of the 1957 crop of the commodity is planted on the farm, and not later than a date fixed by the State committee for the county or area in which the farm is located, which date shall be not later than the date planting of the commodity begins generally in the county or area. Information as to the date fixed for the county or area shall be available in the office of the county committee.

(Sec. 124, 70 Stat. 188)

Issued at Washington, D. C. this 21st day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7760; Filed, Sept. 25, 1956; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

New Part 17—Conditions Applicable to Parcels Addressed to Certain Military Post Offices Overseas, is hereby added to Title 39, Chapter I, the same to read as follows:

§ 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas.*

Military APO No.	Post office Navy No.*	Cigarettes and tobacco products other than cigars prohibited	Coffee prohibited	Other prohibited items	Weight restricted to 50 pounds	Customs declaration on Form 2976-A or 2976 required
1		X	X			
10		X		X		X
11		X		X		X
12		X	X			
13		X	X			
16		X		X		X
17		X		X		X
19		X				
21		X		X		X
22		X		X	X	X
26		X	X			
28		X	X			
29		X	X			
30		X		X		X
34		X	X			
35		X	X			
36		X	X			
39		X	X			
42		X	X			
44		X		X		X
46		X	X			
55		X		X		X
57		X	X			
58		X		X		X
61		X	X			
63		X	X			
65		X	X			
66		X	X			
69		X		X		X
78		X		X		X
79		X	X			
80		X	X			
82		X	X			
83		X		X		X
84		X		X		X
87		X		X		X
	100	X		X	X	X
107		X	X			
108		X	X			
109		X	X			
110		X		X		X
111		X	X			
112		X	X			
113		X		X		X
114		X	X			
115		X		X		X
116		X		X		X
117		X		X		X
118		X		X		X
119		X		X		X
120		X		X	X	X
	121	X				X
	122	X				X
122		X		X		X
123		X	X			
124		X		X		X
126		X		X		X
126		X		X		X
127		X		X	X	X
128		X		X		X
129		X		X	X	X
130		X	X			
131		X	X			
132		X	X			
133		X		X	X	X
139		X	X			
147		X		X	X	X
151		X	X			
162		X	X			
163		X		X		X
164		X	X			
165		X	X			
166		X	X			
167		X		X	X	X
168		X	X			
169		X	X			
170		X	X			
171		X	X			
172		X	X			
173		X	X			
175		X	X			
176		X	X			
177		X	X			
178		X	X			
179		X		X	X	X
180		X	X			
183		X	X			
185		X	X			
186		X		X	X	X
	188					X
189		X	X			
190		X		X	X	X
191		X	X			
192		X		X	X	X
193		X		X	X	X
194		X		X	X	X
195		X		X	X	X
196		X		X	X	X
197		X		X	X	X
198		X		X	X	X
199		X		X	X	X
202		X		X	X	X
203		X		X	X	X
204		X		X	X	X
205		X		X	X	X
206A		X		X	X	X
207		X		X	X	X
208		X	X			
210		X		X	X	X
211		X		X	X	X
212		X		X	X	X
213		X		X	X	X
214		X		X	X	X
	214	X				X
215		X		X	X	X
216		X		X	X	X
217		X		X	X	X
218		X		X	X	X
219		X		X	X	X
	220	X				X
221		X		X	X	X
225		X	X			
227		X	X			
230		X		X	X	X
232		X		X	X	X
233		X		X	X	X
234		X		X	X	X
236		X		X	X	X
237		X		X	X	X
238		X		X	X	X
	240	X				X
240		X		X	X	X
241		X		X	X	X
242		X		X	X	X
243		X		X	X	X
245		X	X			
247		X		X	X	X
249		X	X			
251		X				
252		X	X			
253		X		X	X	X
255		X		X	X	X
256		X		X	X	X
257		X		X	X	X
258		X		X	X	X
259		X		X	X	X
287		X		X	X	X
288		X		X	X	X
289		X		X	X	X

See footnotes at end of table.

Military APO No.	Post office, Navy No.*	Cigarettes and tobacco products prohibited	Coffee prohibited	Other prohibited items	Weight restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
290		X		[1] X		[1] X
292						[1] X
293		X	X			
294						
305		X	X			
377		X		[1] X		[1] X
403		X	X			
407		X	X			
	510	X				
	[1] 525					
616						[1] X
633		X	X			
696		X	X			
	720					[1] X
742		X	X			
743		X	X			
751		X	X			
755		X		[1] X	X	[1] X
757		X	X			
794		X				
800		X	X			
807		X	X			
825						[1] X
826						[1] X
827						[1] X
828						[1] X
829						[1] X
832						[1] X
834						[1] X
837						[1] X
843		X				
872		X	X			
	913	X	X			

*Mail addressed to personnel attached to Commander in Chief, U. S. Naval Forces, Eastern Atlantic and Mediterranean, or CINCNELM, Fleet Post Office, New York, is subject to limitations applicable to Navy No. 100.

[1] Parcels may not contain: (a) Medicines and vaccines not conforming to French laws; (b) nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; (c) monies, currencies, gold and silver bullion; (d) securities.

[2] Parcels may not contain securities, precious metals, or currency.

[3] Customs declaration tags are not required for parcels which: (a) Contain official matter from Government agencies and are addressed to a military organization or to military personnel; (b) contain materials or supplies sent by contractors for Government use and bear the endorsement Contents for Official Use—Exempt From Customs Requirements.

[4] Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet these requirements, the mailer should place a certification similar to the following on the customs form under the heading—Description of Contents: Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof. The following articles may not be accepted: (a) Securities; (b) precious metals; (c) currency.

[5] Parcels may not exceed the following dimensions:

Length (inches)	Not over
42	72 inches length and girth combined.
Over 42 to 44	24 inches girth.
Over 44 to 46	20 inches girth.
Over 46 to 48	16 inches girth.

Maximum length 48.

(R. S. 161, 396, 398, as amended; 5 USC 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-7637; Filed, Sept. 25, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations (17 F. R. 8416; 18 F. R. 3631, 6988; 19 F. R. 5602; 20 F. R. 5054) the following counties have been designated for insurance for the 1956 crop year.

Minnesota:
Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk, East.
Polk, West.
Pope.
Redwood.
Renville.
Rock.
Roseau.
Traverse.
Minnesota—Con.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Emmons.
Foster.
Logan.
McIntosh.
McLean.
Nelson.
Pembina.
Ramsey.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-7762; Filed, Sept. 25, 1956; 8:51 a. m.]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations, as amended, (17 F. R. 10531; 18 F. R. 3632, 6989; 19 F. R. 5602; 20 F. R. 5255), the following counties have been designated for insurance for the 1956 crop year.

Illinois:
Adams.
Carroll.
Livingston.
McDonough.
Montgomery.
Sangamon.
Tazewell.
Indiana:
Carroll.
Clinton.
Decatur.
DeKalb.
Delaware.
Huntington.
Jackson.
Johnson.
Marshall.
Miami.
Wayne.
Iowa:
Adair.
Boone.
Buena Vista.
Cass.
Cerro Gordo.
Chickasaw.
Iowa—Con.
Clayton.
Clinton.
Crawford.
Fayette.
Floyd.
Fremont.
Guthrie.
Hancock.
Jones.
Linn.
Lyon.
Madison.
Mitchell.
Osceola.
Pottswattamie, West.
Poweshiek.
Sioux.
Story.
Washington.
Webster.
Kansas:
Atchison.
Brown.
Jackson.
Marshall.
Kansas—Con.
Nemaha.
Washington.
Maryland:
Kent.
Michigan:
Monroe.
Minnesota:
Blue Earth.
Brown.
Cottonwood.
Jackson.
Martin.
Meeker.
Mower.
Murray.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Wabasha.
Watonwan.
Missouri:
Atchison.
Bates.
Henry.
Jasper.
Johnson.
Lafayette.
Lawrence.
Marion.
Nodaway.
Pettis.
Saline.
Vernon.
Nebraska:
Boone.
Butler.
Cass.
Cedar.
Cuming.
Pierce.
Richardson.
Saunders.
Stanton.
Wayne.
Ohio:
Hancock.
Hardin.
Medina.
Preble.
Seneca.
Van Wert.
Wayne.
Pennsylvania:
Chester.
South Dakota:
Brookings.
Clay.
Lincoln.
Minnehaha.
Moody.
Union.
Yankton.
Wisconsin:
Columbia.
Dane.
Grant.
Iowa.
Lafayette.
Pierce.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-7763; Filed, Sept. 25, 1956; 8:51 a. m.]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002, 2123), the following counties have been designated for insurance for the 1956 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

State and county	Type(s) of tobacco
Connecticut:	
Hartford	51, 52
Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Berrien	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Irwin	14
Jeff Davis	14
Lowndes	14
Mitchell	14

State and county	Type(s) of tobacco
Georgia—Continued	
Pierce	14
Tattnall	14
Tift	14
Toombs	14
Wheeler	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Barren	31
Bourbon	31
Breckenridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Daviess	31, 36
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lincoln	31
Logan	22, 31, 35
Mason	31
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Owen	31
Pendleton	31
Pulaski	31
Russell	31
Simpson	31, 35
Todd	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Massachusetts:	
Hampshire	52
North Carolina:	
Alamance	11
Beaufort	12
Brunswick	13
Buncombe	31
Caswell	11
Columbus	13
Duplin	12
Forsyth	11
Franklin	11
Granville	11
Greene	12
Guilford	11
Harnett	11
Jones	12
Lenoir	12
Moore	11
Nash	12
Person	11
Pitt	12
Robeson	13
Rockingham	11
Stokes	11
Surry	11
Vance	11
Wake	11
Wilson	12
Yadkin	11
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Georgetown	13
Horry	13
Marion	13
Sumter	13
Williamsburg	13
Tennessee:	
Claiborne	31
De Kalb	31
Tennessee—Continued	
Dickson	22
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
Macon	31, 35
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Williamson	31
Wilson	31
Virginia:	
Appomattox	11, 21
Brunswick	11, 21
Campbell	11, 21
Charlotte	11, 21
Cumberland	11, 21, 37
Dinwiddie	11, 21
Halifax	11
Lee	31
Lunenburg	11
Mecklenburg	11
Pittsylvania	11
Prince Edward	11, 21, 37
Russell	31
Scott	31
Washington	31
Wisconsin:	
Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-7764; Filed, Sept. 25, 1956; 8:51 a. m.]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 418.201 (formerly § 418.151) of the above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222; 19 F. R. 469, 3017, 5603, 8233; 20 F. R. 5054, 8071), the following counties have been designated for insurance for the 1956 crop year.

California:
Kern.
Los Angeles.
San Luis Obispo.
Tulare.
Colorado:
Adams
Arapahoe.
Cheyenne.
Elbert.
Kit Carson.
Larimar.
Lincoln.
Logan.
Colorado—Con.
Phillips.
Sedgwick.
Washington.
Yuma.
Idaho:
Benewah.
Bonneville.
Camas.
Cassia.
Idaho.
Kootenai.
Latah.
Lewis.
Idaho—Con.
Nez Perce.
Oneida.
Power.
Teton.
Illinois:
Adams.
Bond.
Christian.
Clinton.
Effingham.
Fayette.
Greene.
Jefferson.
Jersey.
Macoupin.
Madison.
Marion.
Mason.
Monroe.
Montgomery.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Vermilion.
Washington.
Indiana:
Allen.
Boone.
Clinton.
Dearborn.
Decatur.
DeKalb.
Howard.
Johnson.
Kosciusko.
Madison.
Montgomery.
Noble.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Wayne.
Whitley.
Kansas:
Atchison.
Barber.
Barton.
Cheyenne.
Clark.
Clay.
Cloud.
Cowley.
Decatur.
Dickinson.
Edwards.
Ellis.
Ellsworth.
Finney.
Ford.
Gove.
Graham.
Grant.
Gray.
Greeley.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Kearney.
Kingman.
Kiowa.
Lane.
Lincoln.
Logan.
McPherson.
Marion.
Marshall.
Meade.
Mitchell.
Morris.
Nemaha.
Ness.
Norton.
Osborne.
Kansas—Con.
Ottawa.
Pawnee.
Phillips.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wallace.
Washington.
Wichita.
Maryland:
Kent.
Michigan:
Calhoun.
Clinton.
Eaton.
Hillsdale.
Huron.
Ingham.
Ionia.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.
Minnesota:
Becker.
Big Stone.
Clay.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail, West.
Polk, East.
Polk, West.
Traverse.
Wilkin.
Missouri:
Barton.
Bates.
Buchanan.
Carroll.
Cass.
Chariton.
Cooper.
Franklin.
Henry.
Holt.
Jasper.
Lafayette.
Lawrence.
Marion.
Perry.
Pettis.
Pike.
St. Charles.
Saline.
Vernon.
Montana:
Blaine.
Cascade.
Chouteau.
Daniels.
Dawson.
Fergus.
Hill.
Judith Basin.
Liberty.
McCone.
Petroleum.

Montana—Con.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Teton.
Valley.
Nebraska:
Banner.
Box Butte.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Fillmore.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Morrill.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
York.
North Dakota:
Adams.
Benson.
Billings.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grant.
Griggs.
Hettinger.
Kidder.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Renville.
Rolette.
Sheridan.
Sioux.
Slope.
Stark.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Allen.
Auglaize.
Clinton.
Erie.
Fayette.
Franklin.
Greene.
Ohio—Con.
Hardin.
Henry.
Highland.
Knox.
Marion.
Mercer.
Montgomery.
Morrow.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Kay.
Kingfisher.
Kiowa.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.
Oregon:
Baker.
Gilliam.
Jefferson.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Chester.
Lancaster.
South Dakota:
Beadle.
Bennett.
Brown.
Campbell.
Clark.
Codington.
Corson.
Dewey.
Edmunds.
Faulk.
Grant.
Hand.
Jones.
Lyman.
McPherson.
Marshall.
Mellette.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.
Texas:
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Knox.
Lipscomb.
Potter.
Stonewall.
Utah:
Box Elder.
Cache.
Utah.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas
Franklin.
Washington—Con.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-7765; Filed, Sept. 25 1956; 8:52 a. m.]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (20 F. R. 7984, 10020), the following counties have been designated for insurance for the 1956 crop year.

Alabama:
Blount.
Cherokee.
Colbert.
Cullman.
De Kalb.
Etowah.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona:
Pinal.
Arkansas:
Chicot.
Craighead.
Crittenden.
Cross.
Desha.
Jefferson.
Lee.
Lincoln.
Mississippi.
Monroe.
Phillips.
Poinsett.
Saint Francis.
California:
Fresno.
Louisiana:
Avoyelles.
Caddo.
East Carroll.
Franklin.
Morehouse.
Natchitoches.
Rapides.
Richland.
Saint Landry.
Mississippi:
Alcorn.
Bolivar.
Conhoma.
DeSoto.
Hinds.
Holmes.
Humphreys.
Jefferson Davis.
Mississippi—Con.
Lee.
Leflore.
Madison.
Marion.
Marshall.
Monroe.
Panola.
Quitman.
Sharkey.
Sunflower.
Tallahatchie
Tate.
Tunica.
Washington.
Yazoo.
New Mexico:
Chaves.
Dona Ana
Eddy.
North Carolina:
Cleveland.
Lincoln.
Mecklenburg.
Robeson.
Rutherford.
Oklahoma:
Beckham.
South Carolina:
Anderson.
Chesterfield.
Clarendon.
Darlington.
Greenville.
Marion.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Carroll.
Fayette.
Gibson.
Hardeman.
Haywood.
McNairy.
Madison.
Shelby.
Tipton.
Texas:
Bailey.
Brazos.
Bell.
Texas—Con.
Castro.
Collin.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt.
Lamar.
Texas—Con.
Lamb.
Limestone.
Lubbock.
McLennan.
Milam.
Navarro.
Nueces.
San Patricio.
Swisher.
Travis.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-7766; Filed, Sept. 25, 1956; 8:52 a. m.]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The following riders, issued pursuant to § 420.7 of the above-identified regulations (20 F. R. 3526, 5765, 3071; 21 F. R. 49, 1381, 4473, 5883, 6858), are hereby published:

A Rider No. 1 for the 1957 and succeeding crop years to the Multiple Crop Insurance Policy for the following counties:

Indiana—§ 420.62
Dearborn—§ 420.62-2
Indiana—§420.62
Delaware—§ 420.62-7
Indiana—§420.62
Jackson—§420.62-8
Indiana—§420.62
Marshall—§ 420.62-9
Michigan—§ 420.70
Monroe—§ 420.70-3
Missouri—§ 420.73
Calloway—§ 420.73-5
Missouri—§ 420.73
Carroll, St. Charles—§ 420.73-6
Missouri—§ 420.73
Franklin—§ 420.73-7
Pennsylvania—§ 420.86
Chester—§ 420.86-3

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager.
Federal Crop Insurance Corporation.

§ 420.62 *Indiana.*

§ 420.62-2 *Dearborn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dearborn County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Tobacco, type 31.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other

small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, tobacco, or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and tobacco.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1058 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than February 28 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop, except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract, in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn or tobacco from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.
Cancellation date: July 31.
Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(c) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62-7 *Delaware County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following des-

ignated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective: *Provided, however,* Corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30, of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance until later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62–8 *Jackson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jackson County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective: *Provided, however,* Corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amout shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62–9 *Marshall County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Marshall County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured

crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less that the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70 *Michigan.*

§ 420.70–3 *Monroe County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Monroe County, Michigan beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or

(ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–5 *Calloway County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Calloway County, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with resepct to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73–6 *Carroll and St. Charles.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Carroll and St. Charles Counties, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (11) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73–7 *Franklin County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Franklin County, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, wheat or corn may be added as an insurable crop under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (11) October 31 in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel detemined by the Corporation.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price; *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsurable causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.86 *Pennsylvania.*

§ 420.86–3 *Chester County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Chester County, Pennsylvania beginning with the 1957 crop year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted in the fall for harvest as grain, excluding barley planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 15 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain, excluding oats planted with other small grains.

(d) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 15 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to October 15, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after October 15, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, oats or wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period, and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded in an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: October 15 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, oats or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 56–7761; Filed, Sept. 25, 1956; 8:51 a. m.]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 421.1 of the above-identified regulations (20 F. R. 10020), the following counties have been designated for insurance for the 1956 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	Class(es) of beans insured
Colorado:	
Dolores	Pinto.
Montezuma	Do.
Idaho:	
Cassia	Great Northern, Pinto, Small Red.
Gooding	Do.
Jerome	Do.
Minidoka	Do.
Twin Falls	Do.
Michigan:	
Bay	Pea and Medium White.
Huron	Do.
Saint Clair	Do.
Sanilac	Do.
Shiawassee	Do.
Nebraska:	
Morrill	Great Northern, Pinto.
Scotts Bluff	Do.
Washington:	
Grant	Great Northern, Pinto, Small Red
Wyoming:	
Goshen	Great Northern, Pinto

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
Federal Crop Insurance Corporation.

[F. R. Doc. 56–7767; Filed, Sept. 25, 1956; 8:52 a. m.]

PART 423—SOYBEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1955 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 423.1 of the above-identified regulations, as amended (19 F. R. 7473, 9365; 20 F. R. 1068, 5626), the following counties have been designated for insurance for the 1956 crop year.

Illinois:	Minnesota:
Macoupin.	Renville.
Iowa:	Ohio:
Hancock.	Putnam.
Webster.	Mercer.
Cerro Gordo.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
Federal Crop Insurance Corporation.

[F. R. Doc. 56–7768; Filed, Sept. 25, 1956; 8:52 a. m.]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 424.1 of the above-identified regulations, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164), the following counties have been designated for insurance for the 1956 crop year.

Minnesota:	North Dakota:
West Polk.	Cass.
Montana:	Pembina.
Chouteau.	Traill.
Fergus.	South Dakota:
Oregon:	Clark.
Umatilla.	Washington:
	Whitman.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
Federal Crop Insurance Corporation.

[F. R. Doc. 56–7769; Filed, Sept. 25, 1956; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

CALIFORNIA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 182,530 acres established for California by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 2020 Milvia Street, Berkeley, California, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of California. These bases and procedures incorporate the following:

§ 850.34 *California*—(a) *Proportionate share areas.* California shall be divided into two proportionate share areas, one of which shall comprise all of California except Imperial County and the other shall be Imperial County. These areas shall be designated the "Northern Area" and the "Imperial Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a minimum of 107.19 percent of the 1955-crop planted acreage and with pro rata adjustments to a total of 182,530 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—

142,799 acres, and Imperial Area—39,731 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—2 percent each for new producers and appeals and 4 percent for adjustments in initial shares: Imperial Area—1.5 percent for new producers, 2 percent for appeals and 2 percent for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares.*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers.*—(i) *Farm bases.* For each farm whose operator is not a tenant in the 1956-crop season, a farm base will be computed from the planted sugar beet acreage record of the farm accruing to the landowner under the effective cropping arrangements by giving a weighting of 75 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage for the crops of 1952 through 1954, as a measure of "ability to produce". For each farm whose operator is a tenant in the 1956-crop season, the farm base shall be obtained by applying the aforestated weightings to the planted sugar beet acreage record of the operator, except that for a tenant-operator without a personal sugar beet production record in the 1950–54 period, the farm base shall be computed from the sugar beet acreage record accruing to the owner or owners of the land under the effective cropping arrangements.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such adjustments shall be made in the following order of precedence and subject to limitations as indicated: (i) Shares for growers with five years or less of production history in the 1950–54 period whose farm bases do not constitute fair representations of their past operations, such as where a former tenant becomes an owner-operator in 1956 on a farm with less history than his personal history), provided that the final share after adjustment shall not exceed that for a similar farm in the area on the basis of either personal or full land history; (ii) shares for growers with less than five years of production history in the 1950–54 period, provided that the final share after adjustment shall be limited generally to 85 percent of the average of the four-year plantings, 70 percent of the average of the three-year plantings, 55 percent of the average of two-year plantings, and 40 percent of single-year planting; provided further that these limits may be exceeded in special cases such as those involving a rotation plan, too small an acreage for economic operations or where a grower had one or more years of low plantings due to causes beyond his control; however, no grower's share may exceed his highest acreage in any one year during the base period; (iii) shares for growers with five years of production history in the 1950–54 period to correct for low plantings during one or more years of the base period, to fill out fields, and for other similar reasons, provided that the final share after adjustment shall not exceed the highest acreage in any one year of the base period; (iv) shares for second-year producers, to give consideration to the acreage of beets planted in 1955 and to establish final shares which are fair and equitable as compared to the farms operated by old producers in the area.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm proportionate shares in California in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. California is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955–crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: September 5, 1956.

[SEAL] GLEN R. HARRIS,
Chairman, Agricultural Stabilization, and Conservation California State Committee.

Approved: September 14, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division Commodity Stabilization Service.

[F. R. Doc. 56–7757; Filed, Sept. 25, 1956; 8:50 a. m.]

[Sugar Determination 850.30, Supp. 6]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NORTH DAKOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159), as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 35,006 acres established for North Dakota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 304 de Lendrecie Building, Fargo, North Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.36 *North Dakota*—(a) *Proportionate share areas.* North Dakota shall be divided into two proportionate share areas comprising the separate sugar beet producing regions of the State, one of which is served by the American Crystal Sugar Company and the other by the Holly Sugar Corporation. These areas shall be designated the "Eastern Area" and the "Western Area," respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 85 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 15 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce," with pro rata adjustments to a total of 35,006 acres. Acreage allotments computed as aforestated are established as follows: Eastern Area—31,034 acres and Western Area—3,972 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern Area—310 acres for new producers, 322.4 acres for appeals and 774.2 acres for adjustments in initial shares; Western Area—40 acres for new producers, 33 acres for appeals and 106.1 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases*—(a) *Eastern Area.* For each farm in the Eastern Area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 75 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce", with minimum acreages as follows: If sugar beets were planted in all three years of the 1952–54 period, 90 percent of the 1953–54 average acreage; if sugar beets were planted in 1953 and 1954 only, 85 percent of the 1953–54 average acreage; and if sugar beets were planted in 1952 and 1954 or 1954 only, 75 percent of the 1954 acreage.

(b) *Western Area.* For each farm in the Western Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage, of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm proportionate shares in North Dakota in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. North Dakota is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares

for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 31, 1956.

[SEAL] PALMER LEVIN,
Chairman, Agricultural Stabilization and Conservation North Dakota State Committee.

Approved: September 14, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7759; Filed, Sept. 25, 1956; 8:50 a. m.]

[Sugar Determination 850.30, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 64 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 215 E. New York Street, Indianapolis, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. These bases and procedures incorporate the following:

§ 850.48 *Indiana*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 64 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by old producers, second-year producers, and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930, 7 U. S. C. Sup. 1132)

Dated: August 28, 1956.

[SEAL] REED W. WILSON,
Chairman, Agricultural Stabilization and Conservation Indiana State Committee.

Approved: September 14, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7758; Filed, Sept. 25, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Correction

In F. R. Document 56-6759, appearing in the issue for Wednesday, August 22, 1956, at page 6300 make the following change:

In § 957.209 (a), line 8, between the words "perform" and "agreement" insert "its functions pursuant to the provisions of the aforesaid marketing".

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 55—ENROLLMENT APPEALS

PURPOSE AND SCOPE OF REGULATIONS

Section 55.1 *Purpose and scope of regulations,* is amended to include the following acts of Congress:

August 1, 1956 (70 Stat. 893).
August 2, 1956 (70 Stat. 937).
August 3, 1956 (70 Stat. 963).

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 20, 1956.

[F. R. Doc. 56-7738; Filed, Sept. 25, 1956; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PROVISIONAL REGULATIONS, STATUTORY AWARDS TO VETERANS SUFFERING ANATOMICAL LOSS

A new § 3.1524 is added as follows:

§ 3.1524 *Instructions relating to the granting of statutory awards to veterans suffering the anatomical loss or loss of use of both buttocks.* (a) Public Law 969, 84th Congress, reads as follows:

That subparagraphs (sic) (k) of paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by inserting after the words "or one hand" each place they appear therein the following: ", or both buttocks".

SEC. 2. This act shall become effective on the first day of the second month following the date of its enactment.

(b) The effective dates of awards will be in accordance with the provisions of controlling Veterans Administration regulations: *Provided,* That in no event will benefits under Public Law 969, 84th Congress, be awarded for any period prior to October 1, 1956. In new claims filed on or after August 3, 1956, and prior to October 1, 1956, the new benefit will be effective October 1, 1956. (Instruction 1, Public Law 969, 84th Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 26, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-7743; Filed, Sept. 25, 1956; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 1—GENERAL RULES OF PRACTICE

REVISION OF PART

The general rules of practice before the Commission adopted July 31, 1942, as amended by numerous orders of the Commission, are hereby reissued with all amendments which will be in effect on October 1, 1956.

Attention is particularly called to §§ 1.15, 1.21 (b), 1.22 (b), and 1.23, the most recent amendments of these sections having been effected by two orders of the Commission entered September 4, 1956, and order of the Commission entered September 12, 1956, which amendments have not previously been published in the FEDERAL REGISTER. The changes made by the three referred to orders in general liberalize the Commission's former requirements.

Editorial changes, some of which were occasioned by codification of the material, have been made. The code of ethics, formerly printed as an appendix to § 1.13, now appears as Appendix A, and the approved forms, formerly included in the single appendix to this part, now appear in Appendix B.

[SEAL] HAROLD D. MCCOY,
Secretary.

SEPTEMBER 12, 1956.

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Appendix A—Code of ethics for practitioners before the Interstate Commerce Commission.
Appendix B—Approved forms.

AUTHORITY: §§ 1.1 to 1.241 issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003.

GENERAL INFORMATION

§ 1.1 *Scope of rules.* The rules in this part govern procedure before the Interstate Commerce Commission in proceedings under the Interstate Commerce Act and related acts, unless otherwise directed by the Commission in any proceeding.

§ 1.2 *Liberal construction.* The rules in this part shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

§ 1.3 *Information; special instructions.* Information as to procedure under the rules in this part, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission, Washington, D. C.

§ 1.4 *Communications and pleadings generally*—(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he rep-

resents, and how response should be sent to him if not by first class mail.

(b) *Timely filing required.* Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the Commission's offices at Washington, D. C., within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

(c) *Disposition of; when defective.* In any proceeding when upon inspection the Commission is of the opinion that a pleading, document, or paper tendered for filing does not comply with this part or, if it be an application, does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the pleading, document, or paper for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) *Objectionable matter.* The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it.

§ 1.5 *Definitions.* As used in this part:

(a) The terms "act" and "part" mean the Interstate Commerce Act and the several parts thereof, respectively. The term "act" also means, unless the context otherwise indicates, any other statute which the Commission administers in whole or in part.

NOTE: References to parts designated by Roman numerals refer to the Interstate Commerce Act. References to "this part," "the rules in this part or to parts designated by Arabic numerals," refer to this Code.

(b) The term "proceeding" shall include: (1) An informal or formal "complaint" alleging violation of any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, including petitions on the special docket; (2) an "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, or (ii) the consideration of any submission required by law to be made to the Commission; and (3) an "investigation" instituted or requested to be instituted by the Commission, including, among other, matters on the valuation and investigation-and-suspension dockets.

(c) The term "complainant" means a person filing a complaint; "defendant" means a carrier or other person against whom complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to a tentative valuation, to the granting of an application, or to any tariff or schedule becoming effective; "intervener" means a person permitted to intervene as provided in § 1.72 and "petitioner" means any other person seeking relief otherwise than by complaint or application.

(d) The term "pleading" means a complaint, answer, reply, application, protest, motion (other than motion orally made at hearing or argument), petition, document supplementing oral hearing as described in § 1.86 and all documents filed under modified and shortened procedure.

(e) The term "practitioner" means a person authorized by the Commission to appear before it in a representative capacity.

(f) The term "officer," except as a different meaning is indicated in §§ 1.17 (b), 1.57 to 1.66, inclusive, 1.71 (a), and 1.78 (civil and corporate functionaries), includes: (1) a Commissioner, a board of employees (called an "employee board" in this part), an examiner, or special board composed of State representatives (called a "joint board" in this part), to which a proceeding (called "referred matter" in this part) is by order assigned or referred for hearing, consideration, or recommendation of an appropriate order thereon pursuant to provisions of law;[1] and (2) a Commissioner, an examiner, or other Commission employee before whom, without entry of an order of reference, a proceeding is assigned for hearing. The term "board" means either an employee board or a joint board as the context requires.

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

(i) The term "officer's report" or "board's report" means a proposed report or report and recommended order.

(j) The term "shortened procedure" means the procedure specified in § 1.44 and rules therein mentioned. Such rules provide, upon written consent of the parties, and upon the Commission's initiative or its approval of a request therefor made prior to hearing by any party, for the filing and serving of pleadings in proceedings with a view to avoiding an oral hearing.

(k) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

§ 1.6 *Use of gender and number.* Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

[1] Such as sections 17 and 205 of the Interstate Commerce Act.

PRACTITIONERS

§ 1.7 *Register of practitioners.* A register is maintained by the Commission in which are entered the names of all persons entitled to practice before the Commission. Corporations and firms will not be admitted or recognized.

§ 1.8 *Practitioners' qualifications and classes.* The following classes of persons whom the Commission finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.* Attorneys at law who are admitted to practice before the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.* Any person not an attorney at law who is a citizen or resident of the United States and who shall satisfy the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission, and that he is otherwise competent to advise and assist in the presentation of matters before the Commission.

§ 1.9 *Applications for admission to practice.* An application under oath for admission to practice shall be addressed to the Commission, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or the nature of his qualifications. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney, or whether his right to practice has ever been revoked by any court, commission, or administrative agency, in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or by a certificate signed by three or more practitioners as sponsors for the applicant, which certificate shall recite that applicant possesses all the requisite qualifications under this section, and the sponsors shall incorporate in their certificate a recommendation and motion that applicant be admitted to practice under this section.

§ 1.10 *Additional certificates by practitioner's sponsors; hearing; abandonment of application.* The Commission in its discretion may call upon the practitioners making such certificate for a full statement of the nature and extent of their knowledge of the qualifications of the applicant. If upon consideration of the papers filed by the applicant and the statements submitted by his sponsors, or otherwise, the Commission is not satisfied as to the sufficiency of the applicant's qualifications under these rules, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents such request, the Commission will accord him a hearing. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

§ 1.11 *Application fee.* An application filed after this section becomes effective must be accompanied by a fee of $10. Payment must be made either in cash or by New York draft, certified check, express or postal money order payable to the order of the Treasurer of the United States. The fee will be returned if applicant is not admitted to practice.

§ 1.12 *Practitioner's oath.* No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and according to law; and that he will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1.13 *Denial of admission, censure, suspension, or disbarment of practitioners.* The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in Appendix A to this part.

SPECIAL RULES RESPECTING BOARDS

§ 1.14 *Special rules respecting boards*—(a) *Organization.* After a joint board has been created it shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of the joint board the members attending shall select one of such members, except as provided in paragraph (b) of this section, temporarily to act as chairman.

(b) *Waiver by absence of a joint-board member.* The failure of a duly appointed member of a joint board to participate in any hearing after notice thereof on a matter referred to such joint board shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.

(c) *Procedural rulings in case of disagreement.* If the members of a board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) of the board shall decide the question and rule or order accordingly.

(d) *Form of board's report; service.* For the sake of uniformity the board's report shall conform as nearly as may be practicable to the form of report issued by the Commission in similar cases. The board's report will be served by the Commission.

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event of: (1) service of a report as provided in paragraph (d) of this section; (2) submission of the board's conclusions without written report; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree; or (6) entry of order vacating the order of reference to the joint board. Except where a report is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in § 1.96 and subsequent sections, a referred matter, after termination of joint-board jurisdiction, will be decided by the Commission or be made the subject of another officer's report on the record theretofore made or after such hearing or further hearing as may be required.

PLEADING SPECIFICATIONS GENERALLY

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.38 (a)), exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by offset press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less in size than Elite type shall be used. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by offset press will be accepted: *Provided*, That the type used is not reduced in size smaller than that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper. Failure to observe these specifications will result in rejection.

§ 1.16 *Copies*—(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission, except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38 (b) and 1.40 (c)); complaints; formal (§§ 1.26 and 1.37) and informal (§§ 1.24 (a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84 (c) and 1.86); modified and shortened procedure (§§ 1.44 (c) and 1.52); petitions in intervention (§ 1.72 (d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42 (c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpenas (§ 1.56 (a)); time modification (§ 1.21 (b)), and transcript correction (§ 1.90 (b)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (§ 1.38) and respecting exhibits (§1.84 (c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

§ 1.17 *Attestation*—(a) *Practitioner's signature.* If a party is represented by a practitioner each pleading, document, or paper of such party shall be signed in ink by one such practitioner whose address shall be stated. The signature of a practitioner constitutes a certificate by him that he has read the pleading, document, or paper; that he is authorized to file it; that to the best of his knowledge, information, and belief there is good ground for it; that it is not interposed for delay; and that with respect to a complaint he files it with the distinct knowledge and specific consent of complainant. A pleading document, or paper thus signed need not be verified or accompanied by affidavit except as otherwise provided respecting applications (§ 1.38), modified and shortened procedure (§§ 1.44 (c) and 1.50), and statements of claimed damages (§ 1.100).

(b) *When no practitioner's signature.* A pleading, document, or paper not signed by a practitioner must be signed in ink, the address of the signer shall be stated, and the facts alleged in a pleading must be verified under oath by the person in whose behalf it is filed. Signature and verification in such manner must be by at least one complainant if the pleading is a complaint. A pleading document, or paper filed on behalf of a corporation or other organization authorized to make complaint under the act, which is not signed by a practitioner must be signed in ink, and the facts alleged in a pleading must be verified by an executive officer of such corporation or organization.

§ 1.18 *Affirmation in lieu of oath.* Whenever under this part an oath is required, an affirmation in judicial form will be accepted in lieu thereof.

§ 1.19 *Pleadings part of record.* Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if

request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material.

§ 1.20 *Amendments.* Leave to file amendments to any pleading will be allowed or denied as a matter of discretion.

§ 1.21 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause, be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days. The original only of the request and certificate of service need be filed with the Commission. If granted, the party making the request shall promptly so notify all parties to the proceeding and so certify to the Commission.

(c) *Five days additional.* If the general office of a person party to a proceeding, or office of the practitioner representing him, is located at or west of El Paso, Tex., Salt Lake City, Utah, or Helena, Mont., five days shall be added for all parties to the time periods specified in the rules in this part when such rules are applied in any proceeding in which such person is a party.

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38 (b)), formal complaints (§ 1.34), and informal complaints (§ 1.24 (b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however,* That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letter.* Copies of letters to the Commission relating to oral argument (§ 1.98) and subpenas (§ 1.56 (a)) need not be served upon other parties to the proceeding.

§ 1.23 *Replics*—(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided in paragraph (b) of this section and respecting answers (§ 1.35 (c)), modified and shortened procedure (§§ 1.44 (c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

(b) *Replies to petitions under rule 101 and exceptions.* A reply to a petition filed under rule 101 seeking a change in a decision, order, or requirement may be filed and served within 20 days after the final date for filing such petitions, and a reply to exceptions filed under rule 96 may be filed and served within 20 days after the final date for filing such exceptions.

(c) *Copies.* The original of the reply should be accompanied by the same number of copies as required respecting the pleading to which the reply is responsive.

COMMENCEMENT OF PROCEEDINGS

§ 1.24 *Informal complaints not seeking damages*—(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

(b) *Correspondence handling.* If the informal complaint appears to be susceptible of informal adjustment, a copy or a statement of the substance thereof will be transmitted by the Commission to each person complained of in an endeavor to have it satisfied by correspondence and thus obviate the filing of a formal complaint.

(c) *Discontinuance without prejudice.* A proceeding thus instituted on the informal docket is without prejudice to complainant's right to file and prosecute a formal complaint, in which event the proceeding on the informal docket will be discontinued.

§ 1.25 *Informal complaints seeking damages*—(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages, when permitted under the act, must be filed within the statutory period, and should contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of which damages are sought. Such complaint should state: (1) that complainant makes claim for damages, (2) the name of each individual claimant seeking damages, (3) the names of defendants against which claim is made, (4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne, (5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery, (6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement, and (7) the nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* If a complaint filed under paragraph (b) or (e) of this section contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint must be given.

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

(e) *Special-docket proceedings.* Where the act provides for an award of damages for violation thereof and a carrier is willing to pay them, or to waive collection of undercharges, petition for appropriate authority should be filed by the carrier on the special docket in the form prescribed by the Commission. If the petition is granted an appropriate order will be entered. Such petition, when not filed in connection with an informal complaint pending before the Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer thereto admitting the matters stated in the petition. If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a statement setting forth the facts may be filed by the carrier within the statutory period. Such statement will be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute.

(f) *Six months' rule.* If an informal complaint seeking damages cannot be disposed of informally, or is denied, or is withdrawn by complainant from further consideration, the parties affected will be so notified in writing by the Commission. The matter in such complaint will not be reconsidered unless, within six months after the date such notice is mailed, either a formal complaint as to such matter is filed, or it is informally resubmitted on an additional fact basis.

Such filing or resubmission will be deemed to relate back to the date of the original filing, but reference to that date and the Commission's file number must be made in such resubmission or in the formal complaint filed. If the matter is not so resubmitted, or included in a formal complaint, as provided in this section, complainant will be deemed to have abandoned the complaint and no complaint seeking damages based on the same cause of action will thereafter be placed on file or considered unless itself filed within the statutory period.

§ 1.26 *Formal complaints; copies*—(a) *Generally.* The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, must be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain six copies in addition to the original.

(b) *Provision for State authorities.* If complaint is made under part II, or respecting State-made rates (§ 1.30 (b)), sufficient copies in addition to those required under paragraph (a) of this section shall be furnished to permit the Commission to supply one to the appropriate authority in each of the States included in the scope of the complaint.

§ 1.27 *Formal complaints; joinder*—(a) *Causes of action.* Two or more grounds of complaint concerning the same principle, subject, or state of facts may be included in one complaint, but should separately be stated and numbered.

(b) *Complainants.* Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and concern substantially the same alleged violation of the act and a like state of facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the act participating therein, and against which an order is sought, should be made defendants. If complaint is made of a classification or any provision thereof, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination.

(d) *Correct designation of parties.* The unabbreviated names of all parties complainant and defendant must be stated correctly.

§ 1.28 *Formal complaints; allegations generally.* A formal complaint should be so drawn as fully and completely to advise the parties defendant and the Commission in what respects the provisions of the act have been or are violated or will be violated, and should set forth briefly and in plain language the facts claimed to constitute such violation. If two or more sections or subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement should be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done by reference or otherwise without undue repetition.

§ 1.29 *Formal complaints; when damages sought.* A formal complaint that includes a request for an award of damages should contain the information specified for an informal complaint seeking damages (§ 1.25, paragraphs (b) and (c)).

§ 1.30 *Formal complaints; discrimination, preference, and prejudice*—(a) *Generally.* A complaint that alleges the act is violated because of an undue or unreasonable preference or advantage, undue or unreasonable prejudice or disadvantage, or unjust discrimination should specify clearly the particular elements stated in the act[1] as constituting such violation, and the facts which complainant relies upon to establish it.

(b) *State-made rates.* A complaint that brings in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, upon the ground that it violates provisions of the act which prohibit undue or unreasonable advantage preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce, should bring in issue the justness and reasonableness of the rate, fare, charge, classification, regulation, or practice applicable to the interstate or foreign commerce involved in such complaint. Such complaint should also bring in issue the question as to what should be the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice that should be established so as to remove any such advantage, preference, prejudice, or such unjust discrimination.

§ 1.31 *Formal complaints; other specifications*—(a) *Tariff or schedule references.* The several rates, fares, charges, schedules, classifications, regulations, or practices on which complaint is made should be set out by specific reference to the tariffs or schedules in which they appear, whenever that is practicable.

(b) *States in which transportation occurs.* A formal complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

(c) *Hearing place.* A formal complaint should be accompanied by a statement of the place at which hearing is desired.

§ 1.32 *Formal complaints; prayers for relief*—(a) *Generally.* A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Specific prayer for damages.* Except under unusual circumstances, and for good cause shown, damages will not be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1.33 *Amended and supplemental formal complaints.* An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

§ 1.34 *Service of formal and cross complaints.* The Commission will serve formal complaints. It will also serve supplemental, amended, and cross complaints when it has granted leave to file such pleadings. Such service will be made personally upon a carrier or freight forwarder or upon an agent thereof designated for purposes of service, or by mail addressed to the carrier or freight forwarder or to the agent thereof at the address filed. If no agent has been designated, service may be made by posting in the office of the Secretary of the Commission, and if the defendant be a carrier subject to part II of the act, by also posting in the office of the secretary or clerk of the motor-carrier regulatory board of the State wherein the motor carrier maintains headquarters. If the complaint involves only the lawfulness of rates, fares, charges, classifications, or practices, service in the manner indicated in the third sentence of this section may be made upon an attorney in fact of a carrier or freight forwarder who has filed a tariff or schedule in behalf of such carrier or freight forwarder, but such service will not be made upon a carrier subject to part I unless such carrier has failed to designate an agent for service in the city of Washington.

§ 1.35 *Answers and cross complaints to formal complaints*—(a) *Generally.* An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4 (1) of the act is involved, the number of the particular application or order, if any, which protects such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detailed statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which

[1] Special rate, rebate, drawback, or other device; and particular person, company, firm, corporation, association, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic.

event the answer must show clearly the names of all defendants joining therein, and their concurrence.

(b) *Cross complaints.* A cross complaint alleging that other persons, parties to the proceeding, have violated the act or requirements established pursuant thereto, or seeking relief against them under the act, may be tendered for filing by a defendant with its answer.

(c) *Time for filing; copies.* Unless otherwise directed by the Commission, an answer to a complaint should be filed within 20 days after the day on which the complaint to which answer is filed was served. The original and six copies of an answer shall be filed with the Commission.

(d) *When issue joined.* If any defendant answers or fails to file and serve answer within the period specified in paragraph (c), issue thereby is joined as to such defendant.

§ 1.36 *Motions to dismiss or to make more definite and certain*—(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

(b) *As to answer.* No replication to the answer shall be filed, but any party may file, within 10 days after the filing of an answer, or, in the case of modified or shortened procedure, complainant may file with his statement in reply, a motion that the answer, or defendant's statement, as the case may be, be made more definite and certain, such motion to point out the defects complained of and the details desired.

§ 1.37 *Satisfaction of complaint.* If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.38 *Applications*—(a) *Forms and instructions.* An application filed with the Commission shall be prepared in accord with and contain the information called for in the form of application, if any, prescribed by the Commission, or any instructions which may have been issued by the Commission with respect to the filing of an application.

(b) *Copies; service.* Copies of an application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form or instruction.

§ 1.39 *Applications; notice.* Appropriate notice of the filing of an application will be given by the applicant or by the Commission to the States, to State authorities, or to other persons as may be required by the form or instruction or by the act.

§ 1.40 *Protests against applications*—(a) *Content.* A protest against the granting of any application shall set forth specifically the grounds upon which it is made and contain a concise statement of the interest of protestant in the proceeding.

(b) *When filed.* Any protest shall be filed with the Commission promptly after the application is filed. If the proceeding be one respecting which the Commission has issued a notice advising the public of the filing of the application, the protest shall be filed within the time specified in such notice. Failure to file a protest shall not prejudice subsequent participation in the proceeding.

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

(d) *When rule disregarded.* An application may be set for hearing without awaiting the filing of a protest or of a reply thereto, and also may be disposed of without regard to the prior paragraphs of this section unless the act provides that the particular application may be granted only upon hearing.

§ 1.41 *Valuation proceedings; protests.* A protest of a tentative valuation shall contain a concise statement of the essential elements of protest with particular reference to the matters in the tentative valuation concerning which protest is made and shall include a statement of the changes therein desired by protestant. When practicable each object of protest should be set up as a separate item in a separately numbered paragraph. Each item of protest against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When protestant claims that property owned or used has been omitted, a full description of such property and its location must be included in the protest.

§ 1.42 *Petitions for suspension of tariffs or schedules*—(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D. C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

(c) *Copies; service.* Seven copies of each protest or reply filed under this section must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed under this section should be filed and served promptly.

§ 1.43 *Service of investigation order; default where failure to comply.* An order instituting an investigation will be served by the Commission upon respondents. If within a time period stated in that order a respondent fails to comply with any requirement specified therein respondent shall be deemed in default and to have waived any further hearing. Thereafter the investigation may be decided without further proceedings.

SHORTENED AND MODIFIED PROCEDURE

§ 1.44 *Shortened procedure*—(a) *Consent; notice.* In shortened procedure (see § 1.5 (j)) the Commission will request all the parties thereto to advise the Commission within a time to be specified by it whether they consent to presentation under shortened procedure. Such advice should include, if the party is to be represented by a practitioner, the name and address of such practitioner. If all parties consent to the procedure, they will be advised that it will be followed.

(b) *Declination; hearing.* If any party declines to consent to shortened procedure, such declination shall not affect or prejudice the right or interest of such party. The proceeding will thereupon be conducted under modified procedure or be set for oral hearing as the Commission may direct. At the request of any party, received prior to service of an officer's report in a proceeding being conducted under shortened procedure, the Commission in its discretion may set the proceeding for oral hearing.

(c) *Other applicable rules.* The provisions for modified procedure in §§ 1.46 (a), 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, and 1.54 shall also apply to shortened procedure. The time periods specified in § 1.51 shall begin to run from the date the Commission advises the parties that shortened procedure will be followed.

§ 1.45 *Modified procedure; how initiated*—(a) *Petition on Commission's initiative.* Modified procedure (see § 1.5 (k)) will be ordered in a proceeding upon the Commission's initiative or upon its approval of a petition filed by any party that the modified procedure shall be observed.

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules. As used in §§ 1.49, 1.51, and 1.53 (a) the term "complainant" shall comprehend the term "respondent" or "applicant," and the term "defendant" shall include the term "protestant," according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding.

§ 1.46 *Modified procedure; effect of order*—(a) *Relief from answer rule.* Issuance of an order directing modified procedure shall relieve defendant from the obligation of answering as provided in § 1.35.

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.47 *Modified procedure; intervention.* Persons permitted to intervene under modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

§ 1.48 *Modified procedure; joint pleadings.* Parties having common interests shall arrange for joint preparation of pleadings filed under modified procedure.

§ 1.49 *Modified procedure; content of pleadings*—(a) *Generally.* A statement filed under the modified procedure after that procedure has been directed shall state the facts and include the exhibits upon which the party relies. In addition, defendant's statement and complainant's statement in reply shall specify those statements of fact of the opposite party to which exception is taken, and include a statement of the facts constituting the basis for such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with paragraphs (a) and (b) of § 1.84, an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) ----------, Exhibit No. ----------, Witness ----------."

(c) *Damages.* If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1.50 *Modified procedure; attestation.* The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally to substantiate the facts asserted should hearing become necessary. The original of any pleading filed under modified procedure must show the signature, capacity, and impression seal, if any, of the person administering the oath, and the date thereof.

§ 1.51 *Modified procedure; when pleadings filed and served.* Within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1.52 *Modified procedure; copies of pleadings.* The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.53 *Modified procedure; hearings*—(a) *Request for cross examination or other hearing.* If cross examination of any witness is desired the name of the witness and the subject matter of the desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be.

(b) *Hearing issues limited.* The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

§ 1.54 *Modified procedure; subsequent procedure.* Procedure subsequent to that provided in the modified-procedure rules shall be the same as that in proceedings not handled under modified procedure.

NOTICE OF HEARING; SUBPENAS; DEPOSITIONS

§ 1.55 *Notice of hearing*—(a) *Assignment; service and posting of notice; requests for postponement.* In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

(b) *Change of assignment.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

§ 1.56 *Subpenas*—(a) *Request; particularity.* Unless directed by the Commission upon its own motion, a subpena to compel a witness to produce documentary evidence will be issued only upon petition, which must specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby. A request for issuance of a subpena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record at a hearing.

(b) *Issuance.* A subpena will issue only upon signature by the Secretary or a member of the Commission.

(c) *Service.* The original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be delivered to him by the officer or person making service.

(d) *Return.* If service of subpena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. The written acceptance of service of a subpena by the person named therein shall be sufficient without other evidence of return. The original subpena, bearing or accompanied by the required return, affidavit, statement, or acceptance of service, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the officer presiding at the hearing at which the person subpenaed is required to appear.

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States, such fee to be paid by the party at whose instance the testimony is taken at the time the subpena is served.

§ 1.57 *Depositions; preliminary*—(a) *When permissible.* The Commission will either upon its own initiative, or for good cause shown by a party to a proceeding, issue an order to take a deposition.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the do-

minion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the assigned date of the hearing in such proceeding, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date of hearing.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

§ 1.58 *Depositions; petitions.* A petition requesting an order to take a deposition shall be filed with due regard to the time periods specified in § 1.57 (c) and shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken.

§ 1.59 *Depositions; order; interrogatories*—(a) *Order.* If the petition requesting an order to take a deposition is granted which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order which will name the witness whose deposition is to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(b) *Interrogatories.* In lieu of participating in the oral examination, parties served with the order for the taking of a deposition may promptly transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim, but it is not necessary that such interrogatories be served upon the party at whose instance the deposition is taken.

§ 1.60 *Depositions; recordation of testimony.* The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (§ 1.71 (a)), and typographical specifications (§ 1.15), put the witness on oath, and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

§ 1.61 *Depositions; objections.* All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

§ 1.62 *Depositions; deponent's signature.* When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall state at the foot thereof the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission finds that the reasons given for the refusal to sign are sufficient to require rejection of the deposition in whole or in part.

§ 1.63 *Depositions; officer's attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event of the proceedings.

§ 1.64 *Depositions; return to Commission.* The officer shall securely seal the deposition in an envelope endorsed with the title of the proceeding, and shall promptly send the original and one copy thereof, together with the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. The deposition must reach the Commission not later than 5 days before the date of the hearing at which it is to be offered as evidence.

§ 1.65 *Depositions; notice of filing.* The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 1.66 *Depositions; copies.* Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1.67 *Depositions; inclusion in record.* At the oral hearing, if one is held, the deposition shall be offered in evidence by the party at whose instance it was taken. If not offered by such party, it may be offered in whole or in part by the adverse party. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it, which is relevant to the part introduced, and any party may introduce any other parts. Such deposition shall be admissible in evidence subject to such objections as to competency of the witness, or to the competency, relevancy, or materiality of the testimony as were noted at the time of taking of said deposition, or are made at the time it is offered in evidence.

HEARINGS

§ 1.68 *Prehearing conferences*—(a) *Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an officer, parties or their attorneys may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of formulating issues and considering:

(1) The simplification of issues;

(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(4) The procedure at the hearing;

(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

(7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

(c) *Recordation and order.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and defining the issues, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the order; subsequent proceedings.* If an order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter the terms of the said order or modification thereof, the written stipulation, or statement of the officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

§ 1.69 *Stipulations.* Apart from the procedure contemplated by the prehearing provisions (§ 1.68), and upon permission granted, the parties may in the discretion of the officer, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. It is desired that the facts be thus agreed upon so far as and whenever practicable.

§ 1.70 *Authority of officers.* An officer may grant leave to amend or to file any pleadings, or to intervene, upon request tendered at the hearing, but in no event shall an officer grant such leave if thereby the issues would be so narrowed as to make a referred matter one which should properly be referred to a different officer. An officer shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding. The officer shall regulate the procedure in the hearing before him and take all measures necessary or proper for the efficient performance of the duties assigned him.

§ 1.71 *Appearances; standard of conduct; absence from hearing*—(a) *Who may appear.* Any individual may appear for himself, and any member of a partnership which is a party to any proceeding may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Appearances.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. When a practitioner enters an appearance at a hearing he will be expected to represent his client faithfully until the completion of the proceeding in which he has been retained, or until the completion of the part of the proceeding for which he has specially appeared. A practitioner who has entered his appearance at the hearing shall not be permitted to withdraw from the hearing, or wilfully to absent himself therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

(c) *Standard of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

§ 1.72 *Intervention; petitions*—(a) *Content generally.* A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(b) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after except for good cause shown.

(c) *Broadening issues; filing.* If the petitioner seeks a broadening of the issues and shows that they would not thereby by unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in season to permit service upon and answer by the parties in advance of the hearing.

(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

(e) *Disposition.* Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

§ 1.73 *Participation without intervention.* In an investigation proceeding, in a proceeding for the issuance of a certificate of convenience and necessity for the abandonment of a line of railroad or its operation, in an application proceeding involving a motor carrier filed under section 5 of the act, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.74 *Witness examination; order of procedure.* Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1.75 *Evidence; admissibility generally.* Any evidence which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United States, shall be admissible in hearings before the Commission. The rules of evidence shall be applied in any proceeding to the end that needful and proper evidence shall be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1.76 *Evidence; cumulative restriction.* It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

§ 1.77 *Evidence; prepared statements.* With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.78 *Evidence; official records.* An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the

foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. This section does not prevent the proof of official records or of entry or lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1.79 *Evidence; entries in regular course of business.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1.80 *Evidence; documents containing matter not material.* When material and relevant matter offered in evidence is in a document containing other matter not material or relevant, the offering party shall produce the document at the hearing, shall plainly designate the matter so offered, and shall accord to the officer and to participating counsel an opportunity to inspect it. Unless it is desired to read such matter into the record, and the officer so directs, true copies in proper form of the material and relevant matter taken from the document may be received as an exhibit, but other parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant. The document itself will not be received.

§ 1.81 *Evidence; documents in Commission's files*—(a) *In general.* If any matter contained in a report or other document, not a tariff or schedule, open to public inspection in the files of the Commission is offered in evidence such report or other document need not be produced, but in other respects the provisions of § 1.80 will apply.

(b) *Tariffs and schedules; official notice in investigation proceedings.* If any matter contained in a tariff or schedule on file with the Commission is offered in evidence, such tariff or schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff or schedule. Official notice will be taken without offer or production of that portion of any tariff or schedule which is the subject matter of an order of investigation and suspension.

§ 1.82 *Evidence; records in other Commission proceedings.* If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to paragraphs (a) and (b) of this section; and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

§ 1.83 *Evidence; abstracts of documents.* When documents, such as freight bills or bills of lading, are numerous, the officer may refuse to receive in evidence other than a limited number of such documents said to be typical. Instead he may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1.100. If the proffer be for other purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1.84 *Evidence; exhibits*—(a) *Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of fact, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedules as provided by this section.

(c) *Copies.* Unless the officer shall otherwise direct, the original and one copy of each exhibit of a documentary character shall be furnished for the use of the Commission—original to be delivered to the reporter, and the copy to the officer. If the hearing be before a board, a copy of the exhibit shall be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies shall be furnished to counsel in attendance at the hearing. Unless the officer shall otherwise direct, in proceedings under the Uniform Bankruptcy Act, the original and three copies of every exhibit of a documentary character shall be furnished for use of the Commission—original to be delivered to the reporter, and the three copies to the officer.

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

(e) *When excluded how treated.* In case an exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1.85 *Record in referred matter unaffected by a second reference.* If for any reason an order referring a matter to a particular officer is vacated and the matter referred to a different officer, any testimony already taken in such proceeding shall be part of the record along with any testimony which thereafter may be taken.

§ 1.86 *Evidence; filing of subsequent to hearing; copies.* Except as provided below or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence

supplementary to the existing record, within a stated period of time. Documentary evidence thus to be furnished will not be assigned an exhibit number at the hearing, but the document will be given an exhibit number at the time of filing and the parties accordingly advised. Unless otherwise directed by the officer, the original and one copy of such submission shall be filed with the Commission.

§ 1.87 *Evidence; objections to.* Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.88 *Oral argument before officer.* If oral argument before the officer is desired, he should be so notified at or before the hearing and may arrange to hear the argument at the close of the testimony within such limits of time as he may determine, having regard to other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

§ 1.89 *Continuance for further hearing.* A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 *Transcript of record*—(a) *Filing.* After the close of the hearing the complete transcript of testimony taken and the exhibits shall be filed with the Commission.

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

(c) *No free copies.* No free copies of transcript will be furnished to any party to any proceeding.

BRIEFS; REPORTS; ORAL ARGUMENT

§ 1.91 *Briefs; content and arrangement*—(a) *Due date.* The due date of each brief must appear on its front cover or title page.

(b) *Table of contents; citations.* A brief of more than 20 pages shall contain on its front flyleaves a table of contents and points made with page references, the table of contents to be supplemented by a list of citations, alphabetically arranged, with references to the pages where they appear.

(c) *Sketch or chart.* In proceedings wherein misrouting or undue prejudice or preference are alleged, the complainant should include as part of the brief a small sketch or chart adequately reflecting the situation.

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(e) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(f) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may, if desired, be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

§ 1.92 *Briefs; when officer's report is served.* In a proceeding which has been the subject of hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs. Reply briefs are not permitted at this stage.

§ 1.93 *Briefs; when officer's report is not served.* If no officer's report is to be prepared and served, which fact will be stated by the officer, in a proceeding which has been the subject of hearing the officer may, subject to variation for cause shown, fix times for filing and serving the respective briefs as follows: for the opening brief, 30 days from the close of hearing; for the brief of any opposing party, 15 days after the date fixed for the opening brief; for reply brief, 10 days after the date fixed for the brief of the opposing party; or he may fix the same time for filing and serving of briefs of all parties. Where the same time is fixed, within 15 days after expiration of the time so fixed reply briefs may be filed, and such briefs must be confined strictly to reply and contain no new matter: *Provided, however,* That no reply brief may be filed in an investigation-and-suspension proceeding.

§ 1.94 *Briefs of interveners.* Briefs of interveners shall be filed and served within the time fixed for the brief of the party in whose behalf the intervention is made or as may be otherwise directed by the officer.

§ 1.95 *Officer's report; when and how served.* After expiration of the time set for filing briefs, if the proceeding be one in which a hearing has been held, the officer's report will be prepared and served by mailing a copy to each party. An officer's report prepared in a proceeding in which a hearing has not been held will be served by mailing a copy to each party of record and to any other persons not parties to the proceeding who are believed to have an interest in the proceeding.

§ 1.96 *Exceptions to officer's report*—(a) *Generally.* Exceptions to the officer's report with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. When exception is taken to a statement of fact contained in the report, reference also must be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated.

(b) *When filed.* Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

(c) *Exceptions and request for hearing by person not party.* If the proceeding is one in which no oral hearing has been held, any person not a party to the proceeding, but having an interest therein, may file and serve upon applicant, or complainant, as the case may be, exceptions to the officer's report and reasons in support thereof. A request for hearing may be included therein but the exceptions need not include a request for hearing if none is deemed necessary.

§ 1.97 *Effect of exceptions or absence thereof*—(a) *Upon report and recommended order.* The filing of exceptions to a recommended order operates to stay the effectiveness of the order and thereafter decision by the Commission will be made in due course. If no exception is filed to the recommended order and the Commission does not stay it, the recommended order becomes the order of the Commission upon expiration of the period for filing exceptions provided in § 1.96 (b), or of any postponement of such period, or postponement of the effective date of such order, and a notice stating that the recommended order has, giving the date, become the order of the Commission will be mailed to the parties by the Commission.

(b) *Upon proposed report.* A proposed report will not become the decision of the Commission through failure to file objections, but in the absence of exceptions or of ascertained error the officer's statement of the issues and of

the facts ordinarily will be taken by the Commission as the basis of its decision.

§ 1.98 *Oral argument before Commission*—(a) *Request; how made.* If no officer's report is to be served, request for oral argument before the Commission must be made at hearing or by letter (original only need be filed with the Commission) within 10 days after the hearing. If an officer's report is to be served, the request for oral argument must be included as part of the exceptions brief or reply thereto.

(b) *Request for time allotment.* If the petition is granted a notice will be served by the Commission upon the parties setting the date for the oral argument. At least 10 days before that date any party desiring to participate in the oral argument must make request by letter (original only need be filed with the Commission) for an allotment of time. Only those making request in this manner will be permitted to participate.

ORDER COMPLIANCE; DAMAGE STATEMENTS

§ 1.99 *Compliance with Commission's orders.* When in consequence of proceedings under the act, the Commission has by its order directed a defendant or a respondent to do or desist from doing a particular thing, such defendant or respondent must notify the Commission on or before the date upon which such order becomes effective whether or not compliance has been made therewith. If a change in rates or schedules is required the notification must be given in addition to the filing of proper tariffs or schedules, and must specify the Interstate Commerce Commission numbers of the tariffs or schedules so filed.

§ 1.100 *Statements of claimed damages based on Commission findings.* When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the form No 5. (See Appendix B.) The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not field with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and correct agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

REHEARING; REARGUMENT; OR RECONSIDERATION

§ 1.101 *Petitions for rehearing, reargument, or reconsideration*—(a) *In general.* A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(b) *Rehearing or further hearing.* When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(c) *Modification of effective date.* A petition under this section seeking only modification of the effective date of a decision, order, or requirement, or in the period of notice, or other period or date prescribed therein, must be filed seasonably, except that, in case of unforeseen emergency satisfactorily shown by petitioner, such relief may be sought informally by telegram or otherwise, provided like notice is simultaneously communicated to all parties of record.

(d) *Reconsideration.* If relief under this section other than under paragraphs (b) and (c) is sought, the matters claimed to have been erroneously decided and the alleged errors or relief sought must be specified with the particularity respecting exceptions as outlined in § 1.96 (a), as should also any substitute finding or other substitute requirement desired by petitioner.

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this rule must be filed within 30 days after the date of service of a decision or order.

(f) *Successive petitions on same grounds, not entertained.* A successive petition under this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

(g) *Petitions for reconsideration of appellate division decisions on review of board decisions.* When an appellate division has denied a petition seeking a reversal, change, or modification of an original determination by a board of employees, any further petition for reconsideration by the same party or parties upon substantially the same grounds will not be entertained. If in the consideration of such a petition, however, by the appellate division, the previous determination of the board of employees has been reversed, changed, or modified, a further petition may be filed by any party to the proceeding adversely affected by the decision of the appellate division, within the time specified in paragraph (e) of this section, and the petition will be considered and disposed of by the same appellate division which passed upon the initial petition.

§ 1.102 *Petitions not otherwise covered.* When the subject matter of any desired relief is not specifically covered by the rules in this part, a petition seeking such relief and stating the reasons therefor may be served and filed.

SPECIAL RULES OF PRACTICE

§ 1.200 *Special rules of practice governing the procedure of the Board of Suspension and Fourth Section Board.* (a) The proceedings of the Board of Suspension and the Fourth Section Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Board of Suspension when tariffs or schedules have been suspended, and petitions for reconsideration of any action taken by the Fourth Section Board, may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following receipt of notice of such action. The original and six copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission. In all other respects, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) When the Board of Suspension has declined to suspend a proposed tariff or schedule, or any part thereof, a petition in writing by any protestant or protestants may be filed with the Commission for reconsideration by the designated appellate division provided it reaches the Commission at least two work-days prior to the effective date of the tariff or schedule in question. For the purposes of this section, a work-day shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a work-day within the meaning of this section.) Petitions submitted under this section shall be filed with the Secretary of the Commission by 4:00 p. m., United States Standard Time (or by 4:00 p. m., Local Daylight Saving Time if that time is observed in the District of Columbia). Telegraphic notice or the equivalent thereof must be given by the petitioners to the respondent or respondents. As no replies to the petitions for reconsideration are contemplated under this rule, petitioners will be expected, except in unusual circumstances, to rely wholly on the information previously filed with the Board of Suspension. Written or telegraphic communication in intelligible form requesting reconsideration will be sufficient. Such request shall contain the following prefatory statement: "This matter requires expedited handling under the Commission's Special Rules of Practice." A petition not timely filed shall be rejected by the Secretary.

§ 1.225 *Special rules of practice governing the procedure of the Motor Carrier Board, as amended April 18, 1955.* (a) The proceedings of the Motor Carrier Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Motor Carrier Board may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following service of notice of such action. In all other respects, except as otherwise provided by paragraph (c) of this section, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) The original and four copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

§ 1.240 *Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for temporary authority respecting the transportation of property or passengers under section 210a (b) of the act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of this part. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(3) In addition to other requirements of § 1.40 of the general rules of practice, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(4) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(6) Except when circumstances require immediate action, an application for approval under section 210a (b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

§ 1.241 *Special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206, 209, and 211 of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER.

(b) *Notice to interested persons.* (1) Notice to interested persons of the filing of such applications shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority sought.

(2) If an oral hearing or a prehearing conference is to be held, the date, hour, and place of the hearing or prehearing conference, together with the name of the examiner or number of the joint board before whom the matter is assigned, shall be made a part of the notice. Notice of a change in the time or place of hearing will be given as provided in paragraph (e) of this section, and may or may not be published in the FEDERAL REGISTER.

(3) If the Commission, acting upon request of an applicant for handling without oral hearing or upon its own motion, determines that an oral hearing is not necessary, that fact shall be made a part of the notice. Such a proceeding is hereinafter referred to as a "no oral hearing proceeding."

No other notice by applicants to interested persons of the filing of the applications is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are a part of the prescribed form of application.

(c) *Protests to applications assigned for hearing.* (1) Any person opposed to an application assigned for oral hearing need not file a formal protest, but may become a party protestant at the oral hearing provided he has notified the applicant and the Commission of his intention to protest the application. Such notification shall be made by letter or telegram dispatched so as to reach applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission.

(2) No person who fails to notify the applicant of his intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with Rule 72 of the general rules of practice.

(3) Any person opposed to an application assigned for prehearing conference may become a party protestant at the prehearing conference.

(4) Rule 73 of the general rules of practice relating to participation without intervention is inapplicable to proceedings subject to this paragraph.

(d) *Handling of applications without oral hearing.* (1) An applicant who believes his application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made, the applicant shall submit with his application verified statements of the facts to which his witnesses would testify at an oral hearing if one were held. Applicant shall furnish copies of his verified statements to interested persons upon request from such interested persons.

(2) Protests to the granting of an application in a no oral hearing proceeding shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(3) Failure seasonably to file a protest in a no oral hearing proceeding will be construed as a waiver of opposition and participation in the proceeding except as hereinafter provided in paragraph (d) (6) of this section.

(4) A protest in a no oral hearing proceeding shall include a request for an oral hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(5) The Commission will determine whether an assignment for oral hearing should be made.

(6) If it is determined that an oral hearing should be assigned, notice thereof (except as otherwise provided in paragraph (d) (8) of this section respecting hearings limited to cross-examination) will be published in the FEDERAL REGISTER. Subsequent participation in such proceeding will be governed by the provisions of paragraph (c) of this section.

(7) If the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with Rules 45 (b), 46 (b), 47, 48, 49, 50, 51, 52, 53, and 54 of the general rules of practice.

(e) *Notice of changes in time or place of hearing.* Those who file notice of opposition to an application and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

APPENDIX A—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

PREAMBLE

No rules of conduct can be framed which will particularize all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethern, but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a practitioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncracies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner; agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring news-

paper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commisison for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

APPENDIX B—APPROVED FORMS

[These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary. Before using such forms the pertinent rules, particularly those referred to in the footnotes, should carefully be studied.]

No. 1. COMPLAINT [1]

Before the Interstate Commerce Commission

COMPLAINT

_____

v.

_____

[Insert without abbreviation the names of complainant and defendant (including each of the receivers, operating trustees, or other legal representatives of defendant), and whether a corporation, firm, or partnership, specifying the individual names of the parties composing the partnership; and the postoffice address of any motor-carrier defendant.]

The Complaint of the above-named complainant respectfully shows:

I. That [complainant should here state nature and place of business, also whether a corporation, firm, or partnership, and if a firm or partnership, the individual names of the parties composing the same.]

II. That the defendant above named is [here state whether: (a) carrier by railroad, express, motor vehicle (common or contract), water (common or contract), a freight forwarder, or otherwise; (b) the transportation is of property or passengers, or both; and (c) the transportation involves a freight forwarder or more than one type of carrier, specifying particulars] between points in the State of_____ and points in the State of_____ [a complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed] and as such defendant is subject to the provisions of the Interstate Commerce Act.

III. That [state in this and subsequent paragraphs to be numbered IV, V, etc., the matter or matters intended to be complained of, naming every rate, fare, charge, classification, regulation, or practice the lawfulness of which is challenged, and also, if practicable, the points between which the rates, etc., complained of are applied. Where it is impracticable to designate each point, describe clearly the rate territory or rate group involved. Whenever practicable tariff or schedule reference should be given.]

[Where unlawful discrimination, preference, or prejudice is alleged the particular elements specified in the act as constituting such violation (see sections 2, 3, 4, 13, 216, 217, 218, 305, and 406) and the facts upon which complainant relies to establish the violation should be stated clearly. Where any provision of the act other than those just mentioned, or any requirement established pursuant to the act, is alleged to be violated, the pertinent statutory provision, or established requirement, together with the facts which are alleged to constitute the violation, should be stated. If two or more subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one subsection, or requirement, should be stated separately from those claimed to constitute a violation of another subsection, or requirement, wherever that can be done by reference or otherwise without undue repetition.]

X. That by reason of the facts stated in the foregoing paragraphs complainant has been subjected to the payment of rates [fares or charges, etc.] for transportation which were when exacted and still are (1) unjust and unreasonable in violation of section _____ of the Interstate Commerce Act, and (2) unjustly discriminatory in violation of section_____, and (3) unduly preferential or prejudicial in violation of section_____, and (4) in violation of the long-and-short haul [or aggregate of intermediate rates] provision of section 4 thereof. [Use one or more of the allegations numbered (1), (2), (3), (4), or other appropriate allegation according to the nature of the complaint.] That [if recovery of damages is sought] complainant has been injured thereby to his damage in the sum of $_____.

Wherefore complainant prays that defendant be required to answer the charges herein; that after due hearing and investigation an order be made commanding said defendant [and each of them] to cease and desist from the aforesaid violations of said act, and establish and put in force and apply in future to the transportation of_____ between the origin and destination points named in paragraph_____hereof, in lieu of the rates [fares, or charges, etc.], named in said paragraph, such other rates [fares, or charges, etc.], as the Commission may deem reasonable and just [and also, if recovery of damages is sought, pay to complainant by way of reparation for the unlawful charges hereinbefore alleged the sum of $_____, or such other sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to an award of damages under the provisions of said act for violation thereof], and that such other and further order or orders be made as the Commission may consider proper in the premises.

Dated at_____, 19____.

_____
(Complainant's signature [3])

_____
(Office and post-office address)

_____
(Signature of practitioner)

_____
(Post-office address)

VERIFICATION [3]

STATE of_____ }
*County of*_____ } *ss:*

_____, being duly sworn, deposes and says: that he is the complainant (or, one of the complainants; or, is the (insert title of the affiant if complainant is a corporation) of the _____ company, complainant) in the above-entitled proceeding; that he has read the foregoing complaint, and knows the contents thereof; that the same are true as stated, except as to matters and things if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

_____

Subscribed in my presence, and sworn to before me, by the affiant above named, this _____ day of _____, 19____.

[USE AN L. S. IMPRESSION SEAL]

_____
[Title of Officer]

Commission expires _____

No. 2. ANSWER [4]

Before the Interstate Commerce Commission

ANSWER

Docket No. _____

_____

v.

_____

The above-named defendant, for answer to the complaint in this proceeding, respectively states:

I. [Here set forth appropriate and responsive admissions, denials, and averments, specifically answering the complaint paragraph by paragraph.]

Wherefore defendant prays that _____

Dated _____, 19____.

_____
[Name of defendant]

By [5] _____

_____
[Title of officer]

_____
[Office and post-office address]

_____
[Signature of practitioner]

_____
[Post-office address]

No. 3. CERTIFICATE OF SERVICE [6]

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 22).

Dated at _____, this ____ day of _____, 19__.

(Signature) _____

No. 4. PETITION FOR LEAVE TO INTERVENE [7]

Before the Interstate Commerce Commission

PETITION

_____ }
v. } Docket No. _____
_____ }
[or state other title]

Comes now your petitioner, _____, and respectfully represents that he has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That [petitioner should here state nature and place of business, and whether a corporation, firm, or partnership, etc., as in form No. 1].

II. [Petitioner should here set out specifically his position and interest in the proceeding.]

III. [If affirmative relief is sought see paragraphs III and X and prayer in form No. 1]

Wherefore said _____ prays leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought insert appropriate prayer here.]

Dated at _____, 19____.

[See forms Nos. 1 and 3 as to subscription, verification, and certificate of service.]

No. 5.—FORM OF REPARATION STATEMENT UNDER § 1.100

Claim of _____ under decision of the Interstate Commerce Commission in Docket No. _____

Date of shipment	Date of delivery or tender of delivery	Date charges were paid	Car [1] initials	Car [2] number	Origin	Destination	Route	Commodity	Weight	As charged		Should be		Reparation on basis Commission's decision	Charges paid by [3]
										Rate	Amount	Rate	Amount		

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any other person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

_____
Claimant

By _____
Practitioner

_____
Address

_____
Date

Total amount of reparation $_____

The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date _____ Concurred [4] in: _____ Company

_____, Company, Defendant Collecting Carrier, Defendant.[4]

_____, Auditor. By _____, Auditor.

By [4] _____

[1] Substitute "Vessel" if water carrier involved. [2] Substitute "Voyage No." if water carrier involved.

[3] Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

[4] If not a defendant, strike out word "defendant."

[5] For concurring certificate in case collecting carrier is not a defendant.

[1] See §§ 1.26 to 1.33, inclusive.

[2] See footnote to Verification.

[3] Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See § 1.17.

[4] See §§ 1.35 to 1.37, inclusive.

[5] See § 1.17.

[6] See § 1.22.

[7] See § 1.72.

[F. R. Doc. 56-7741; Filed, Sept. 25, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Part 504 is revised to read as follows:

Sec.
504.1 Definitions.
504.2 Authority and responsibilities.
504.3 Public information operations in the field; objective.
504.4 Visits requested by media representatives.
504.5 Travel of news media representatives to and from oversea areas at Government expense.
504.6 Authorization to witness tests or photograph classified material.
504.7 Army theme in commercial advertising.
504.8 Army cooperation in commercial motion picture, radio, and television productions.
504.9 Visits of media representatives to military installations and facilities of Department of Defense contractors.
504.10 Release of information on non-battle losses (accidents) occurring within the Continental United States.
504.11 Release of information on casualties and non-battle losses in oversea areas.
504.12 Release of aerial photographs.
504.13 Release of information concerning activation, reactivation, or inactivation of military installations.
504.14 Use by Department of the Army of personal letters or communications.
504.15 Release of information regarding travel by very important persons (VIPs).
504.16 Photography at courts-martial.

AUTHORITY: §§ 504.1 to 504.16 issued under R. S. 161; 5 U.S.C. 22.

SOURCE: AR 360-5, June 21, 1956.

§ 504.1 *Definitions.* (a) The term "public information" pertains to information concerning the Army which is released to the public. Such information is disseminated to provide the people of the United States with a factual report of Army activities, missions, and objectives, so as to create public understanding of the Army.

(b) A public information release is defined as any material, spoken, pictorial, or written, released to the general public to accomplish public information objectives of the Department of the Army.

§ 504.2 *Authority and responsibilities.* (a) The American public has the right of access to all unclassified information concerning the objectives and activities of the Army, the release of which is not prohibited by appropriate service regulations. The provision of such information is in the national interest and is an important function of command. The policy of the Department of the Army is that the discharge of this responsibility will be accomplished in a positive and anticipatory manner.

(b) Coordination and clearance of public information activities and material with appropriate agencies within the Army Establishment is the responsibility of all persons, commands, and agencies engaged in public information activities or proposing the public release of material subject to review. Where the material to be released consists of information from Department of the Army records, coordination will be effected with those agencies charged with responsibility for taking final action on behalf of the Secretary of the Army upon requests for information from, access to, or copies of such records. Material falling within the following broad categories is subject to additional clearance or coordination with the Department of Defense by the Chief of Information and Education, Department of the Army:

(1) Information concerning interservice activities and missions.

(2) Information concerning the foreign or military policy of the United States Government.

(3) Information concerning atomic energy; chemical, biological, or radiological warfare; guided missiles; or new developments in general.

(4) Discussions of the military policy of another service, or information pertaining to any activity under joint responsibility, or under the separate responsibility of another service.

(5) Information having overriding national defense policy implications.

§ 504.3 *Public information operations in the field; objective.* (a) The United States Army has an obligation to report on its activities to the American people. In order that they may be continuously informed of the activities and accomplishments of the Army, it is essential that, consistent with military security, the American people be given factual information relating to the:

(1) Missions and objectives of the Army and their support of national aims.

(2) Progress and accomplishments of the Army in the United States and oversea areas.

(3) Utilization of funds appropriated by Congress.

(4) Continuous effort of the Army to provide weapons, weapons systems, training, equipment, methods, and techniques having a margin of superiority which will assure success in battle.

(5) Necessity for maintaining an Army of sufficient strength to meet the requirements of national security, including oversea commitments.

(6) Relationship of the Army to the American people.

(7) Present and future requirements of the Army in men, money, and materials.

(8) Role of the Army in relation to the other services in protecting the nation.

(9) Identification of leaders and accomplishments of individuals and units.

(10) Activities in the public interest, to include resulting public benefits.

(11) Opportunities for advancement, individual development, and financial security afforded by the Army.

(12) The role of the reserve components in national defense and their need for continuous public support, particularly at the community level.

(b) In accomplishing these objectives, sound principles of community relations, press relations, and public relations will be observed. Commanders will take cognizance of the fact that publicity is only one element of any public relations program and will insure that members of their commands fully realize that each member of the Army shares in responsibility for individual maintenance of public confidence and support. Emphasis will be placed on the fact that such things as good human relations, good performance, and an individual code of honorable conduct form the foundation of favorable public opinion.

§ 504.4 *Visits requested by media representatives.* Cooperation with news media representatives requesting permission to visit an installation under Army jurisdiction for the purpose of obtaining information for public release may be given by and at the discretion of the installation commander. Such action may be taken without reference to the Chief of Information and Education, Department of the Army, provided that:

(a) Requests for such permission originate with a responsible editor or executive of the news media concerned.

(b) Requests initiated by a reporter or other representative of comparable status are investigated to the extent necessary to insure that the applicant is a representative of a recognized news agency, or is a bona fide free lance journalist.

§ 504.5 *Travel of news media representatives to and from oversea areas at Government expense.* (a) The general policies of the Department of the Army concerning nonreimbursable transportation of correspondents between the continental United States and oversea areas, including Alaska, via military aircraft or military surface craft are:

(1) News media representatives will not be furnished military transportation between the United States and oversea areas.

(2) The Army will not be placed in a position of competing with United States commercial transportation.

(3) Air transportation will not be provided for news media representatives on any given route if civil air carriers adequate to handle such traffic are in operation on that route.

(b) It is recognized that in unusual circumstances exception may be made to the general policies stated above where the travel is primarily of official concern to the Department of the Army, for compelling reasons such as:

(1) The Department of the Army desires to invite a group of correspondents on a trip to report on a matter of special interest to the Army.

(2) The military travel itself is a vital part of the story or stories to be covered as in air evacuation, maneuvers, or the movement of troops. In such cases the transportation furnished will be limited to the extent and duration of the assignment requiring military travel. All requests for such transportation will be carefully evaluated as to the importance of the coverage and the audience to be reached by the media.

(3) The story or stories to be covered are of an emergency nature and the coverage will be impaired or delayed, to the serious detriment of the national defense establishment, if military transportation is not provided.

(4) The proposed coverage is of unusual importance to the Department of the Army and will bring extraordinary benefits to the Army. The determination will be made, in cases where the coverage is of primary concern to the Army, by the Chief of Information and Education, Department of the Army, with the concurrence of the Deputy, Public Affairs, Office of the Assistant Secretary of Defense (L&PA).

(5) The proposed coverage is in an area not served by commercial transportation from and to the United States.

(c) Except in emergency cases where time or policy does not permit accreditation, no correspondent will be given military transportation until he is accredited to the Department of Defense. No Army agency will commit Government transportation to any requesting news agency or correspondent until the request has been approved by the Chief of Information and Education, Department of the Army.

(d) Correspondents furnished military transportation will be informed that they will be expected to pay for meals, hotel accommodations, or any other personal expenses incidental to the travel.

§ 504.6 *Authorization to witness tests or photograph classified material.* (a) Unless otherwise authorized by the Department of the Army, invitations to witness tests of new or modified arms or equipment of a classified nature, will be limited to those persons (in the military service and civilian technicians) intimately concerned with the research and development, production, adoption, or use of the article in question.

(b) Photographs or other information concerning new or newly modified arms or equipment will not be released without specific authorization by the Department of the Army.

§ 504.7 *Army theme in commercial advertising.* (a) The Army theme may be used in commercial advertisements provided the advertisement does not disclose classified military information, bring discredit on the military service, or express or imply Army approval of or preference for the products advertised over like products of another company. Army personnel on active duty may not indorse such products in such a way to involve the Army uniform, or their title or grade, or express or imply other official Army connotation.

(b) In cooperating with an advertiser, the Department of the Army does not assume responsibility for the accuracy of the advertiser's claims or for his compliance with laws protecting the rights of privacy of military personnel whose photographs, names, or statements appear in the advertisement.

§ 504.8 *Army cooperation in commercial motion picture, radio, and television productions*—(a) *Motion pictures.* (1) Commercial motion picture film scrips are certified for Army cooperation after approval by the Department of the Army and the Department of Defense. When a film script has been approved, agencies of the Department of the Army will cooperate with the company concerned. Cooperation will be at no cost to the Government; arrangements will be made for the reimbursement of any cost incurred. This cooperation may include furnishing technical advisors, access to locations, equipment, weapons, and troops. In the interest of economy, the use of military personnel and facilities will be included as a part of, or in conjunction with, normal training activities to the maximum practicable degree. As a pre-requisite to this cooperation, the Department of the Army is able to require that the film scrip and production reflect the Army's traditions, ideals, and devotion to the public service.

(2) Army cooperation in motion pictures produced by a foreign firm in an oversea command normally will be authorized in the manner outlined in subparagraph (1) of this paragraph. Oversea Army commanders may, however, authorize Army cooperation in such motion pictures when production schedules make proper and accurate portrayal of the Army dependent upon immediate cooperation.

(3) Commanders learning of motion picture projects concerning Army subjects that are being produced without the knowledge of the Department of the Army will report such information to the Department of the Army, ATTN: Chief of Information and Education.

(b) *Radio and television.* (1) Radio and television scripts and productions are certified for Army cooperation in the same manner as are motion pictures when proposed for, or subject to, release on a national scale, or when the subject matter thereof concerns information reserved to the review authority of the Department of the Army or the Department of Defense.

(2) A major commander may authorize Army cooperation in a radio or television production which is regional to his command in public interest and coverage. An installation commander has similar authority in the case of productions that are limited in public interest to his own local area.

(c) *Legitimate stage productions.* (1) Limited Army cooperation may be extended to legitimate stage productions, not classed as "little theater," in the same manner as indicated in certifying cooperation for motion pictures and television.

(2) Since legitimate stage productions for "little theater" normally are restricted to local audiences, commanders of installations in the vicinity of such activities may authorize cooperation in such productions in accordance with authority contained in paragraphs (a) and (b) of this section. Such cooperation normally will consist of technical advice and informational assistance. However, if necessary to assure accuracy of presentation, commanders may provide necessary items of equipment, etc.

§ 504.9 *Visits of media representatives to military installations and facilities of Department of Defense contractors.* Subject to the provisions of §§ 505.17 to 505.20 of this subchapter and Subchapter E of Chapter I of this title, visits of media representatives, including those representing national media and representatives of advertisers, to military installations and the facilities of contractors engaged in work for the Army, may be authorized by the commanding officers and the Department of Defense contractors concerned.

§ 504.10 *Release of information on nonbattle losses (accidents) occurring within the Continental United States.* The Department of the Army policy is to reduce the minimum overall delay between the time of an accident and the release of information to the press.

(a) In cases of accidents within the confines of installations of the Armed Forces, public release of names and addresses of killed or injured military personnel may be withheld until such times as the next of kin can reasonably be expected to have received the official notification of the accident. In order to allay the anxiety of relatives of other personnel of the installation, however, every effort will be made to release such names and addresses at the same time that the news of the accident itself is released, or as soon thereafter as possible. In cases where the identification of victims of an accident involving more than one person introduces a delay in notifying some of the nearest of kin concerned, the names and addresses of individuals killed or injured will be released separately as notification is accomplished.

(b) In case of accidents outside the confines of installations of the Armed Forces:

(1) If military personnel figure in accidents involving civilian or military automobiles, trains, commercial or private aircraft, or in any other types of accidents with the exception of subparagraph (3) of this paragraph, the names and addresses of the military personnel should be released immediately upon positive identification.

(2) If the accidents involve military aircraft which crash in or upon the borders of cities or towns, or which cause civilian deaths or injuries or appreciable damage to property, the names and addresses of the military personnel should be released immediately upon positive identification.

(3) If the accidents involve military aircraft which crash in localities remote from populated areas involve no civilian deaths or injuries and cause no appreciable property damage, names and addresses of military personnel may be withheld until such time as the next of kin can reasonably be expected to have received notification of the accident.

(4) For the purpose of this section, an aircraft chartered by the Department of the Army for the exclusive use of the military, or by individual members of the Army for their exclusive use, will be considered to be military aircraft and the releasing of information relative to casualties will be governed accordingly.

(c) When circumstances permit, one-story coverage of accidents is desirable. Normally, information released will be substantially as follows:

(1) Statement that the accident has occurred.

(2) Location of the accident and the time.

(3) Names and addresses of the deceased or injured persons.

(4) In answer to questions on the cause of the accident, the customary reply will be that a board of officers will investigate and determine the exact cause. Unclassified information based upon approved finding of such boards may be made available to media.

(d) In all accidents, prompt action will be taken to safeguard items of Government property or projects which are classified.

This responsibility should be discharged with due consideration for reporters and photographers in the performance of their duties. Harmony and cooperation between public information officers and members of the press usually will promote fair and unsensational reporting of accident stories.

(e) Information regarding line of duty or misconduct status of individuals will not be released to the public except with the express approval of the Secretary of the Army or The Adjutant General.

§ 504.11 *Release of information on casualties and nonbattle losses in oversea areas.* The policy of the Department of the Army is to release information to news media on casualties (except missing in action, paragraph (a) (3) (iii) of this section) and nonbattle losses as soon as possible after the emergency addressees have been officially notified. Information will be released as follows:

(a) *Casualties.* (1) Immediately, if notification has been made by the oversea commander to the emergency addressee, or next of kin, residing within the oversea command.

(2) In all other cases, not less than 72 hours after dispatch of notification telegram by The Adjutant General.

(3) Casualties will be identified according to type, except missing in action, in news releases and the term "casualty" itself will be avoided in order to correct a popular tendency to construe "casualties" to mean "killed." News releases will identify casualties as:

(i) Total deaths.

(*a.*) Killed in action.

(*b*) Died of wounds received in action.

(ii) Wounded in action (with a subparagraph indicating percentage of wounded returned to duty based on medical records).

(iii) Missing in action—Notification will be made to next of kin only and should disclose no information other than the fact that the man is missing.

(4) In all cases pertaining to casualties, notification of the emergency addressee takes precedence over the release of such information to the public.

(5) The Adjutant General will furnish information concerning casualties to the Chief of Information and Education for dissemination to news media.

(b) *Nonbattle losses.* (1) Immediately, if notification has been made by the oversea commander to the emergency addressee, or next of kin, residing within the oversea command.

(2) In all other cases (except subparagraph (3) of this paragraph) not less than 48 hours after dispatch of report to The Adjutant General by the oversea commander, unless definite information is available that notification to the emergency addressee or next of kin has been accomplished.

(3) In those cases where local civil authorities have released the names of deceased personnel, theater commanders of military assistance advisory groups, military missions, or other Army organizations not under theater commands, may authorize release or confirmation. Such action will be taken only when necessary to preserve good press relations, and must be simultaneously reported to the Chief of Information and Education, Department of the Army.

§ 504.12 *Release of aerial photographs.* (a) Even though unclassified, official aerial photographs of military installations and other possible target areas will not be publicly released except as authorized by appropriate Department of the Army or Department of Defense authority. Requests for exceptions to this policy will be referred to the Chief of Information and Education, Department of the Army. In addition to this restriction on the release of such official aerial photographs, commanders will, when called upon for such advice by media, recommend against the taking or publishing by news media of aerial photographs of military installations and other possible target areas, stressing that compliance with this recommendation is voluntary but desirable in the interests of national security.

(b) The photographing of vital (classified) military installations without the permission of the commander of the installation concerned is punishable by law. The reproduction, publication, or sale of an aerial photograph of such installations is also an offense punishable by law unless such a photograph indicates it has been reviewed and cleared for release by the authority competent to accomplish the security review thereof (see Title 18, United States Code, Sections 795, 796, and 797, as implemented by Executive Order No. 10104, February 1, 1950, 15 F. R. 597). Where recourse to legal authority becomes necessary in connection with such requests, guidance should be obtained from the staff judge advocate or other legal officer of the command or installation concerned.

§ 504.13 *Release of information concerning activation, reactivation, or inactivation of military installations.* As security restrictions permit, accurate and timely information concerning activation, reactivation, or inactivation of military installations will be released at Department of the Army level. Release to Members of Congress will be made by the Chief of Legislative Liaison in advance of release to the public. After the Congress has been notified, the releases will be made through normal public information channels through the Office of Public Information, Department of Defense.

§ 504.14 *Use by Department of the Army of personal letters or communications.* Generally the writer of a personal letter or communication expects that the contents will be treated in a personal and confidential manner, or at least not released to the public. Therefore, in every case where it is proposed to release a letter or communication to the public, the consent of the writer thereof will be obtained in writing in advance of the release. In the event the writer is deceased, the written consent of the personal representative or the nearest of kin, as appropriate, will be obtained. In those cases where compliance with this policy is impracticable, request for exception will be submitted to the Department of the Army for determination.

§ 504.15 *Release of information regarding travel by very important persons (VIPs).*—(a) *Definition.* A very important person (VIP) is defined as an individual (civilian official, ranking member of an armed service, foreign government head, etc.) whose position is of such importance that his travels are of especial interest to public information media representatives.

(b) *General.* Normally there is no reason to classify the movement of VIPs. Unnecessary classification of the movement of VIPs, traveling in military aircraft, vessels, or other conveyances, or arriving at military bases results in conflicts with media representatives with consequent embarrassment to the Department of Defense and the military departments.

(c) *Policy.* (1) The movement of VIPs will not be classified, except where required in the interest of national security, or where it is deemed that adverse foreign reaction will result if information regarding the movement is released. Classification is authorized only when directed by the Secretary of the Army or the Secretaries of other military departments concerned, the Secretary of State or the Secretary of Defense, or higher authority.

(2) Itineraries of VIPs will be released in advance to commanders of installations and activities concerned, and normal media relations will be observed.

(3) Where the movement is not classified but the VIP does not desire media coverage, every effort will be made to comply with his wishes.

§ 504.16 *Photography at courts-martial.* (a) Department of the Army policy prohibits the photographing of prisoners, except for official purposes. Disregard of this policy could subject the Army to criticism on grounds of defamation, embarrassment, mental anguish, and similar charges.

(b) In cases of national public interest in matters of a nonclassified nature, certain photography in connection with court-martial is permitted.

(c) On receipt of requests from news media for permission to take photographs during the period of a trial by court-martial, commanders will be guided by the following:

(1) Photography of the interior of the courtroom may be permitted when personnel involved in the proceedings are not physically present therein.

(2) During the period of the trial, photography of the accused may be permitted at such times as he is out-of-doors in public view. At their option, members of the court or the accused, may be photographed in the room or rooms assigned to the press. Any photography of the accused will be accomplished only under appropriate circumstances, never in a courtroom, cell, cellblock, prison yard, or like area. A military prisoner will not be photographed when other prisoners are present nor be forced to pose for photographs, except for official purposes. Any photography permitted will not impede or interfere with the progress of the trial.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-7725; Filed, Sept. 25, 1956; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

ASBESTOS REGULATION: NONFERROUS CHRYSOTILE ASBESTOS PURCHASE PROGRAM

Sec.
99.301 Basis and purpose.
99.302 Definitions.
99.303 Participation in the program.
99.304 Specifications.
99.305 Tenders and deliveries.
99.306 Price.
99.307 Access to books and records.
99.308 Duration of the program.

AUTHORITY: §§ 99.301 to 99.308 issued under sec. 4, 70 Stat. 580; Pub. Law 733, 84th Cong. Interpret or apply sec. 2, 70 Stat. 579; Pub. Law 733, 84th Cong.

§ 99.301 *Basis and purpose.* It is the purpose of this program to provide temporary assistance to asbestos producers for an interim period to enable them to adjust production, largely related to defense programs, to normal competitive market conditions. Sections 99.301 to 99.308 interpret and implement the authority of the Administrator of General Services to purchase nonferrous chrysotile asbestos pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (Public Law 733, 84th Congress), and the delegation of authority thereunder to the Administrator of General Services by the Secretary of the Interior (21 F. R. 5872). In accordance with the program set forth in §§ 99.301 to 99.308 the General Services Administration will buy nonferrous chrysotile asbestos produced from ores mined in the United States, its Territories and possessions.

§ 99.302 *Definitions.* As used in §§ 99.301 to 99.308:

(a) "Government purchase depot" means the depot established and maintained by the General Services Administration at Globe, Arizona, for the purchase of nonferrous chrysotile asbestos.

(b) "Asbestos" means soft or semisoft, nonferrous chrysotile asbestos produced from ores mined in the United States, its Territories and possessions.

(c) "Program" means the terms and conditions set forth in §§ 99.301 to 99.308 pursuant to which the Government will purchase asbestos.

§ 99.303 *Participation in the program.* Any person or firm desiring to participate in the program shall apply in writing to the Regional Commissioner, General Services Administration, San Francisco 3, California, for a certificate of participation. The application shall state the name and location of the mine or mines from which the applicant proposes to obtain asbestos for delivery under the program, and shall be signed and a return address given. Each eligible applicant will promptly be sent a certificate of participation authorizing him to deliver asbestos to the General Services Administration pursuant to the terms and conditions of §§ 99.301 to 99.308.

§ 99.304 *Specifications.* Purchase of asbestos under the program shall be restricted to the following grades and specifications:

(a) Grades:

(1) *Grade No. 1.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ¾ inch or longer; 85 percent of the fibre by weight shall be ¾ inch or longer.

(2) *Crude No. 2.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ⅜ inch or longer; 85 percent of the fiber by weight shall be ⅜ inch or longer.

(3) *Crude No. 3.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ¼ inch or longer; 85 percent of the fibre by weight shall be ¼ inch or longer.

(b) Hygroscopic water shall not exceed 2 percent by weight.

(c) Foreign matter such as grit, particles of serpentine and other extraneous matter shall not exceed 5 percent by weight. Pieces of wood shall be cause for rejection.

(d) All fibre shall have sufficient tensile strength to permit its use singly or in combination with other fibre in the production of asbestos tape, cloth, corded fibre or other textiles.

§ 99.305 *Tenders and deliveries.* (a) Asbestos offered to the General Services Administration under the program shall be delivered by the participant to the Government purchase depot, Globe, Arizona, and unloaded by the participant at that point, such delivery and unloading to be at the expense of the participant.

(b) Crude No. 1 and Crude No. 2 will be purchased separately or together in any ratio. Crude No. 3 will be purchased only when offered with Crude No. 1 or Crude No. 2, or both, at a ratio of not in excess of one ton of Crude No. 3 to one ton of Crude No. 1 or to one ton of Crude No. 2 or to one ton of Crude No. 1 and Crude No. 2 combined.

(c) Each lot of asbestos offered to the General Services Administration under the program shall contain not less than 100 pounds of Crude No. 1 or Crude No. 2, or a combination of both.

(d) Asbestos failing to meet the specifications provided herein will be rejected and shall be removed at the expense of the participant tendering such asbestos.

(e) All asbestos shall be delivered to the Government in packages of the type and size customarily used in the trade, and each package shall have legible markings showing (1) the grade or grades, and (2) the name and location of the mine from which the asbestos was obtained.

(f) Inspection of each lot of asbestos offered to the General Services Administration under the program will be made by a representative of said Administration at the Government purchase depot or at such place as may be mutually agreeable to the participant and the General Services Administration: *Provided, however,* That such inspection will not be made beyond a 150-mile radius of the Government purchase depot.

(g) Notice of each proposed delivery of asbestos hereunder shall be given by the participant to the Regional Commissioner, General Services Administration, San Francisco 3, California. Delivery shall be made only upon and in accordance with instructions issued to the participant by said Regional Commissioner.

§ 99.306 *Price.* Payment for asbestos accepted under the program shall be made on the basis of the following price schedule:

Grade	Per short ton
Crude No. 1	$1,500
Crude No. 2	900
Crude No. 3	400

§ 99.307 *Access to books and records.* By participating in the program, each participant agrees to permit authorized representatives of the United States Government, during the duration of the program and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the participant involving transactions related to the program.

§ 99.308 *Duration of program.* The program is limited to 2,000 tons of Crude No. 1 and Crude No. 2 combined and shall terminate when the Administrator of General Services determines that approximately that amount has been delivered to and accepted by the General Services Administration under the program, or on December 31, 1958, whichever first occurs: *Provided, however,* That the quantity which the Government shall be obligated to purchase hereunder at any time shall be limited to the quantity which can be purchased with funds currently available.

Dated: September 21, 1956.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved: September 24, 1956.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 56-7790; Filed, Sept. 25, 1956; 8:53 a. m.]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

FLUORSPAR REGULATION: ACID GRADE FLUORSPAR PURCHASE PROGRAM

Sec.
99.401 Basis and purpose.
99.402 Definitions.
99.403 Purchases.
99.404 Specifications and price.

AUTHORITY: §§ 99.401 to 99.404 issued under sec. 4, 70 Stat. 580; Pub. Law 733, 84th Cong. Interpret or apply sec. 2, 70 Stat. 579; Pub. Law 733, 84th Cong.

§ 99.401 *Basis and purpose.* The purpose of this program for the purchase of acid grade fluorspar is to provide temporary assistance to fluorspar producers for an interim period to enable them to adjust production, largely related to defense programs, to normal competitive market conditions. This regulation interprets and implements the authority of the Administrator of General Services to purchase acid grade fluorspar pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (Public Law 733, 84th Congress), hereinafter referred to as the "act", and the delegation of authority thereunder to the Administrator of General Services by the Secretary of the Interior (21 F. R. 5872). The act authorizes the purchase, during the period ending on December 31, 1958, of not to exceed 250,000 short tons of newly mined acid grade fluorspar produced from ores mined in the United States, its Territories and possessions.

§ 99.402 *Definitions.* As used in §§ 99.401 to 99.404:

(a) "Fluorspar" means acid grade fluorspar.

(b) "Newly mined acid grade fluorspar" means acid grade fluorspar produced from ores mined subsequent to July 19, 1956.

§ 99.403 *Purchases.* Any person or firm desiring to participate in the program for the purchase of acid grade fluorspar pursuant to the act should make a request in writing to the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C. The purchase of fluorspar will be made under contracts negotiated with individual persons or firms by the Defense Materials Service, General Services Administration. Limited funds presently available for the purchase of fluorspar pursuant to the act will require that such contracts be made initially only for such quantities as can be purchased with such funds. As additional funds become available, further contracts will be negotiated.

§ 99.404 *Specifications and price.* The following requirements of the act are applicable in the negotiation of contracts to be executed under this program:

(a) Fluorspar to be purchased shall meet chemical and physical requirements which are not less favorable to producers (sellers) than those set forth in the National Stockpile Material Specifications P-69a, dated February 13, 1952, copies of which may be obtained by writing to the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C.

(b) The base price of fluorspar to be purchased shall be $53 per short dry ton f. o. b. carrier's conveyance at producer's (seller's) milling point for base quality fluorspar containing 97 percent calcium fluoride and 1 percent silica on a dry weight basis. The base price shall be adjusted by premiums or penalties which are not less favorable to producers than the following:

(1) The price shall be increased 1.1 percent for each 1 percent calcium fluoride above 97 percent, fractions pro rata, and, or

(2) The price shall be increased 4.2 percent for each 1 percent silica below 1 percent, fractions pro rata, and or

(3) The price shall be decreased 1.1 percent for each 1 percent calcium fluoride below 97 percent, fractions pro rata, and/or

(4) The price shall be decreased 4.2 percent for each 1 percent silica above 1 percent, fractions pro rata.

(c) For the purpose of determining the number of short dry tons (or fractions) upon which payment will be based, the dry weight, in pounds, shall be increased by one (1) per centum and the result divided by 2,000. Dry weight shall be determined by deducting from the delivery weight (out-turn U. S. Railroad Scale Weights) all moisture, as established by the certificates of analysis of the General Services Administration's sample.

Dated: September 21, 1956.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved: September 24, 1956

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 56-7791; Filed, Sept. 25, 1956; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11784; FCC 56-889]

[Rules Amdt. 3-26]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (BISHOP, CALIFORNIA)

1. The Commission has under consideration its notice of proposed rule making issued in this proceeding on July 16, 1956 (FCC 56-682) and published in the FEDERAL REGISTER on July 20, 1956 (20 F. R. 5451) proposing to assign Channel 19 or 23 to Bishop, California in response to a petition for rule making filed by the Inyo Broadcasting Company.

2. No comments were filed opposing the proposed amendment. In support of the proposal petitioner stated that there are no television assignments in the community of Bishop; that such an assignment would make possible television service to this community of about 3000 persons; and that either Channel 19 or 23 can be assigned in full conformance with the rules. The Commission is of the view that making a first television channel available to Bishop would serve the public interest.

3. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective October 25, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended by adding the following:

City	*Channel No.*
Bishop, California	19

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 19, 1956.

Released: September 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7745; Filed, Sept. 25, 1956; 8:48 a. m.]

[Docket No. 11435; FCC 56-894]

[Rules Amdt. 11-1]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. By notice of proposed rule making of June 29, 1955 (FCC 55-737), the Commission proposed to amend its rules governing operation in the Power Radio Service to provide therein for the eligibility of communications common carriers having requirements for radio in connection with the performance of construction and maintenance activities. An order and further notice of proposed rule making in the above-entitled matter was adopted on September 7, 1955 (FCC 55-933). The date for filing comments was subsequently extended to December 8, 1955.

2. Of a total of fifty-nine comments received in this proceeding, the great majority are in opposition to the Commission's proposal. One (that of the Administrator, Rural Electrification Administration) favors it only if additional frequencies are allocated to the Power Radio Service. The United States Independent Telephone Association (USITA) generally favors the proposal; it states, however, that it has need for three two-frequency channels on a primary basis. The American Telephone and Telegraph Company (AT&T) comments, in part, that "should the telephone companies be made eligible in the Power Radio Service, we believe that frequencies should be designated specifically for their use to permit operation on an interference-free basis with respect to the utilities presently eligible in this service". AT&T further comments that "one frequency pair in the 40 Mc range and two frequency pairs in the 450 Mc range should be common throughout the United States in order to facilitate large area use in the construction, maintenance, and repair of long haul toll circuits as well as provide a common meeting ground for radio equipped vehicles which may be dispatched from the various telephone companies to a particular area of the country which has been subjected to floods, hurricanes or major disaster. Frequencies of the remaining channels need not be the same in all areas, but should, if possible, be common within a state area".

3. The National Committee for Utilities Radio (NCUR) concludes, in its comments, that the communications common carriers should not be made eligible under the Power Radio Service Rules. Its main objections to the proposal are encompassed in the following: (1) Incompatibility of the communications companies and the power utilities for purposes of effective coordination of frequency usage, and (2) impracticability of providing for the eligibility of additional persons without, simultaneously, remedying the frequency congestion problems which will result therefrom. Virtually all of the objections expressed in the remaining adverse comments can be reduced to one or both of the above generalizations.

In connection with the contention that the addition of such a large body of potential radio users to the Power Radio Service would result in overcrowding, it is emphasized that only by the most careful and cooperative coordination in the matter of frequency assignments have present licensees been able to accomplish even a moderately effective usage of the frequencies currently available in the Power Radio Service. Additionally, it is urged that, based on the number of power utilities which have not yet applied for authorizations, projection of potential future usage by persons already eligible for radio in the Power Radio Service indicates that the problem of overcrowding will become even greater. In the same regard, it is contended that the communications common carrier operations would closely parallel the areas and peak periods of present power radio users and that this could possibly result in chaotic conditions during periods of emergency.

4. Comments relative to the problem of effective frequency coordination between the power companies and the communications common carriers emphasize that coordination and effective usage have thus far been achieved by the combining of intensive urban type licensees with a relatively large number of limited-area, small usage licensees, all of which operate under the same fundamental concepts and purposes. It is stressed that those areas wherein coordination problems presently exist are those areas wherein the greatest concentration of common carrier usage can be expected to take place. It is also contended that the area-type coordination presently used is incompatible with the requirements of the communications common carriers, whose operations frequently spread over several states. This, it is alleged, along with the diversity of basic interests between the two groups, makes for incompatibility in the matter of cooperative and coordinated use of frequencies.

5. That the common carriers have need for radio facilities to be used in connection with construction and maintenance and repair operations, there is little doubt, and this need was expressly recognized in the Commission's proposed report and order in Docket 9703, released on October 29, 1954. Because the communications common carriers are engaged in industrial-type operations similar, in many respects, to the types of operation presently contemplated by the rules governing the Power Radio Service, the Commission retains its view (more fully expressed in its order and further notice of September 7, 1955) that their requirements can most properly be provided for by making them eligible in this Service. It was the Commission's original intention that, should the communications common carriers be ultimately made eligible in the Power Radio Service, all of the frequencies presently allocated to that Service would be available to them without immediate reservation. Thus, in the above order and further notice of proposed rule making, the Commission stated: "Further, the notice of proposed rule making goes only to the point of making the communications common carriers eligible in the Power Radio Service. The saturation of some existing Power Radio Service assignments and the degradation which might result from additional assignments are separate matters which are under active study and will not be prejudiced by the proceedings in this docket." However, because of the serious problems posed by the large number of adverse comments filed in this proceeding, the Commission feels that departure from its original proposal is here justified. Accordingly, the Commission is modifying the original proposal to the extent that it is presently making available to the communications common carriers only a selected number of frequencies; these frequencies have been selected with a view to providing for the carrier's immediate requirements and with a view to maintaining a status quo with respect to those frequencies which currently appear to be the most heavily loaded from the usage standpoint. The Commission is reserving judgment with respect to these most heavily loaded frequencies for the purpose of determining the saturation and degradation which might result were they also to be made available to the carriers. Not unrelated are the matters under consideration in the proceeding (Docket 11253) proposing reduced separations between certain of the Commission's presently assignable frequencies.

6. Consistent with the foregoing, a total of three two-frequency pairs (six frequencies) in the 450 Mc Industrial bands are being made available for assignment to the common carriers at this time. For the present, these frequencies will be shared with the other Industrial Radio Services, with further consideration to be given the matter in connection with the above-mentioned proceedings in Docket 11253. Admittedly, the number of frequencies being made available does not meet the stated requirements of the common carriers, and it does not satisfy their requests for the allocation of frequencies on a primary basis. The Commission believes, however, that the three frequency-pairs will meet the present requirements of the carriers; furthermore, these frequencies will permit of an interchange of equipment for the reason that they appear to be little used for mobile service operation and, consequently, readily available in most areas of the country.

It is anticipated that a large portion of the operational requirements of the communications common carriers will continue to be handled by means of wire line facilities. This consideration is a determining factor in the Commission's decision to limit availability, at this time, to 450 Mc frequencies only. The propagation characteristics of this frequency band make it readily adaptable for multiple receiver-transmitter operation to obtain wide area coverage. With this type of operation, extensive use of wire line or fixed radio facilities is mandatory; considering the extensive wire facilities of the common carriers, it is expected that multiple base stations and remote receivers can be installed to effect coverage which might otherwise dictate the use of frequencies located lower in the spectrum.

Because of the present, light, mobile service loading on the six 450 Mc frequencies being made available, it is expected that the problem of frequency coordination will not be particularly difficult. In any event, the Commission can see no reason why coordination between a gas company and a telephone company should be any more difficult to achieve than between the same gas company and a power company or city water department.

7. Comments from the Central Committee on Radio Facilities of the American Petroleum Institute, the Special Industrial Radio Service Association and the Texas Eastern Transmission Corporation are directed, in whole or in part, to the matter of proposed eligibility to conduct point-to-point operations in the Power Radio Service. The Commission is presented with no requirement for point-to-point use by the communications common carriers in this proceeding and, accordingly, is not providing for such use.

8. Comments of the Administrator, Rural Electrification Administration, in addition to giving qualified support to the Commission's original proposal, also request that sharing of frequencies and equipment be permitted between telephone and electric organizations. In connection therewith, the Administrator has attached to his comments a petition (already on file with the Commission) containing the details and rationale of this request. To consider the petition at this juncture would be to unnecessarily prolong the instant proceeding, with a resultant delay in satisfying the immediate requirements of the communications common carriers. In this connection, the Commission's decision to limit the number of frequencies available to the communications common carriers has increased the complexity of the problems presented by the petition. In view of the above, the Commission is defer-

ring final action on the petition, and so much of the Administrator's comments as relates thereto, until a later date.

9. In view of all of the foregoing: *It is ordered*, Pursuant to the authority contained in §§ 303 (c), (f) and (r) of the Communications Act of 1934, as amended, that effective October 29, 1956, Part 11 of the Commission's rules governing the Industrial Radio Services is amended as set forth below.

Adopted: September 19, 1956.

Released: September 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 11, rules governing the Industrial Radio Services as follows:

1. In § 11.251 (a), redesignate subparagraph (4) as paragraph subparagraph (5) and substitute a new paragraph subparagraph (4) to read as follows:

(4) Persons primarily engaged in offering a communications common carrier service by means of radio or wire line, for use by the general public or by the members of a cooperative organization.

2. In § 11.252 amend paragraph (a) preceding the frequency table to read as follows:

(a) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) only:

3. In § 11.252, amend paragraph (b) preceding the frequency table to read as follows:

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services:

4. In § 11.252, amend paragraph (d) preceding the frequency table to read as follows:

(d) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services, under the terms of a developmental grant only: The exact frequency and the authorized bandwidth will be specified in the authorization.

5. In § 11.253, amend paragraph (a) preceding the frequency table to read as follows:

(a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services:

6. In § 11.253, amend paragraph (b) preceding the frequency table to read as follows:

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services, under the terms of a developmental grant only. The exact frequency and the authorized bandwidth will be specified in the authorization.

7. Amend paragraph (a) of § 11.254 to read as follows:

(a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) for developmental operation only (see Subpart E of this part), and are shared with other radio services.

8. Add a new § 11.255 to Subpart F to read as follows:

§ 11.255 *Frequencies available for Base and Mobile Stations of communications common carriers.* (a) The following frequencies are available for assignment to communications common carriers in the Power Radio Service for Developmental Operation (see Subpart E of this part) and are shared with other radio services:

Frequency pairs

Base and mobile	*Mobile only*
Mc	*Mc*
451.75	456.75
451.85	456.85
451.95	456.95

(b) Not more than one pair of frequencies listed in paragraph (a) of this section will ordinarily be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 56-7746; Filed, Sept. 25, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54196]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA FOR QUOTA YEAR BEGINNING SEPTEMBER 15, 1956

SEPTEMBER 20, 1956.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), for the 12-month period beginning September 15, 1956, is 1,000,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1956, made by the United States Department of Agriculture as of September 1, 1956, was 389,460,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, the 1,000,000 bushels prescribed in the second proviso are not increased since the estimated production is greater than 350,000,000 bushels.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 56-7750; Filed, Sept. 25, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CASPER SALES PAVILION

DEPOSTING OF STOCKYARD

It has been ascertained that the Casper Sales Pavilion, Casper, Wyoming, originally posted on June 26, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 20th day of September 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-7734; Filed, Sept. 25, 1956; 8:46 a. m.]

Office of the Secretary

SOIL BANK PROGRAM; COMMODITY STABILIZATION SERVICE

RESERVATION OF FUNCTIONS

Pursuant to authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Acting Secretary's order dated December 24, 1953 (19 F. R. 74), as amended by the Acting Secretary's order of June 13, 1956 (21 F. R. 4260) to include the assignment of functions to the Commodity Stabilization Service with respect to the Soil Bank Program, is further amended to reserve to the Secretary the function of designating grazing areas, and to read as follows:

SEC. 1101. *Reservations—a. Reservations to the Secretary.* • • •

(5) Designation of areas in which grazing is permitted under Soil Bank Program (70 Stat. 189, 192).

Done at Washington, D. C., this 21st day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7736; Filed, Sept. 25, 1956; 8:46 a. m.]

FARMERS HOME ADMINISTRATION AND COMMODITY STABILIZATION SERVICE

TRANSFER AND RESERVATION OF CERTAIN FUNCTIONS WITH EMERGENCY LIVESTOCK FEED PROGRAMS

Pursuant to the authority contained in section 42 (d) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1016 (d)), Reorganization Plan No. 2 of 1953, and the delegation from the Administrator, Federal Civil Defense Administration, as amended (18 F. R. 4609; 19 F. R. 2148, 5364); sections 1100 and 1400 of the Acting Secretary's Order of December 24, 1953 (19 F. R. 74) are further amended to transfer from the Commodity Stabilization Service to the Farmers Home Administration certain additional functions and responsibilities with respect to the Emergency Livestock Hay and Roughage Feed Programs. Sections 1101 and 1401 of that Acting Secretary's Order are also amended to reserve to the Secretary certain functions with respect to such programs. The amendments read as follows:

SEC. 1100. *Assignment of functions.* • • •

d. Emergency Livestock Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 875, 81st Congress, Public Law 38, 81st Congress, as amended, and section 301 of Public Law 480, 83d Congress; except (1) the Emergency Livestock Hay and Roughage Feed Programs, and (2) the establishment of rules and regulations for determining eligibility, and certification of eligibility, of farmers, ranchers, and stockmen for assistance under Emergency Livestock Feed Programs.

SEC. 1101. *Reservations—a. Reservations to the Secretary.* • • •

(4) Designation of areas in which Emergency Livestock Feed Programs may be carried on, and entering into cooperative agreements with the several States with respect to such programs.

SEC. 1400. *Assignment of functions.* • • •

o. Emergency Livestock Hay and Roughage Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 875, 81st Congress, Public Law 38, 81st Congress, as amended; and the establishment of rules and regulations for determining the eligibility of farmers, ranchers, and stockmen for assistance under other Emergency Livestock Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 875, 81st Congress, Public Law 38, 81st Congress, as amended, and section 301 of Public Law 480, 83d Congress, and the certification of eligible applicants pursuant to such rules and regulations by county committees established under the Bankhead-Jones Farm Tenant Act, as amended.

SEC. 1401. *Reservations—a. Reservations to the Secretary.* • • •

(9) Designation of areas in which Emergency Livestock Hay and Roughage Feed Programs may be carried on, and entering into cooperative agreements with the several States with respect to such programs.

Done at Washington, D. C., effective August 24, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

SEPTEMBER 21, 1956.

[F. R. Doc. 56-7737; Filed, Sept. 25, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 24]

SPECIFIC LEGISLATION

REDELEGATION OF AUTHORITY

Order 551 (16 F. R. 2939) as amended (16 F. R. 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 6590, 5442; 21 F. R. 222, 503, 1455, 1905, 2896) is further amended by adding a new section 362 under the heading Functions Relating to Specific Legislation, to read as follows:

SEC. 362. *Authority under act approved August 12, 1953 (67 Stat. 558).* The taking of action with respect to those matters provided for in section 1 of said act. Appeals from determinations made by the Area Director under this section shall be taken directly to the Secretary of the Interior or his authorized representative, notwithstanding the provisions of section 1 of this order.

W. BARTON GREENWOOD,
Acting Commissioner.

SEPTEMBER 20, 1956.

[F. R. Doc. 56-7726; Filed, Sept. 25, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

VERN I. MCCARTHY, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Vern I. McCarthy, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 14, 1956.

4. Title of position: Deputy Director, Containers & Packaging Division.

5. Name of private employer: Vulcan Containers, Inc., P. O. Box 161, Bellwood, Illinois.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 4, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bendix Aviation Corp.
Century Printing Ink Co.
Commonwealth Edison Co.
Continental Can Co.
Cudahy Packing Co.
Filtrol Corp.
First National Bank, Maywood, Ill.
Ford Motor Co.
International Minerals.
National Malleable & Steel Castings.
Northern Illinois Gas Co.
Portsmouth Steel Co.
Schenley Industries.
Sperry Rand Corp.
Sun Chemical Corp.
U. S. Hoffman Machinery Corp.
Vulcan Containers, Inc.
Vulcan Steel Container Co.
Bank Deposits.

Dated: September 19, 1956.

VERN I. MCCARTHY, JR.

[F. R. Doc. 56-7744; Filed, Sept. 25, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 56M-881]

CLAREMORE BROADCASTING CO.

ORDER RESCHEDULING PREHEARING CONFERENCE

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, file No. BP-10306; for construction permit.

By order dated September 12, 1956, a pre-hearing conference in the above-entitled proceeding was scheduled for Friday, October 12, 1956, and the commencement of the formal hearing was scheduled for November 1, 1956. The Hearing Examiner's present schedule will permit the advancement of the date for the pre-hearing conference and the Hearing Examiner is advised informally that an earlier date will be satisfactory to the counsel involved.

It is ordered, This the 20th day of September 1956, that the pre-hearing conference in the above-entitled proceeding now scheduled to begin on Friday, October 12, 1956, be and the same is rescheduled and will be held on Monday, October 1, 1956, beginning at 2 p. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7747; Filed, Sept. 25, 1956; 8:48 a. m.]

[Docket Nos. 11763, 11764; FCC 56M-875]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

The Hearing Examiner having under consideration a Motion for Continuance of the hearing in the above-entitled proceeding filed on September 18, 1956, by Crawfordsville Broadcasters, Inc.;

It appearing that all parties to this proceeding have consented to a grant of the Motion and to its immediate consideration;

It is ordered, This 20th day of September, 1956, that the Motion for Continuance filed by Crawfordsville Broadcasters, Inc. on September 18, 1956 is granted, and the hearing is continued from September 25, 1956, to October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7748; Filed, Sept. 25, 1956; 8:48 a. m.]

[Docket No. 11765; FCC 56M-879]

BABYLON-BAY SHORE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

The hearing in the above-entitled proceeding is presently scheduled to begin at 10 a. m. on September 25, 1956, in the offices of the Commission. The Hearing Examiner's schedule is such that the formal hearing cannot be held on such date.

The Hearing Examiner is advised informally that the parties would welcome a further pre-hearing conference on Tuesday, September 25, 1956.

It is ordered, This the 20th day of September 1956, on the Hearing Examiner's own motion, that a further pre-hearing conference in the above-entitled proceeding will be held on Tuesday, September 25, 1956, beginning at 9:30 a. m. in the offices of the Commission, Washington, D. C.;

It is further ordered, That the formal hearing in this proceeding presently scheduled to begin on September 25, 1956, is continued to Monday, October 1, 1956, beginning at 10 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7749; Filed, Sept. 25, 1956; 8:48 a. m.]

FEDERAL FACILITIES CORPORATION

ALCOHOL BUTADIENE PLANT, LOUISVILLE, KENTUCKY

INVITATION FOR PROPOSALS FOR LEASE

The existence of the Rubber Producing Facilities Disposal Commission terminated on September 23, 1956. By Executive Order 10678, effective September 24, 1956, the President has designated Federal Facilities Corporation to administer all matters involving the Commission, including the powers and authority conferred by Public Law 433, 84th Congress, 2nd Session (70 Stat. 51) relative to the leasing of the alcohol butadiene plant at Louisville, Kentucky.

Pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 408) (Act), and Public Law 433, 84th Congress, 2nd Session (70 Stat. 51), Federal Facilities Corporation invites written proposals for the lease of the Government-owned alcohol butadiene plant, Louisville, Kentucky.

This facility, designated Plancor 1207, produces butadiene from ethyl alcohol. It has an annual capacity of 87,000 short tons, and is presently leased from the Government by Publicker Industries Inc. This lease will expire April 4, 1958. Copies of the lease are available upon application to Federal Facilities Corporation. Proposals shall be made subject to the existing lease.

Proposals shall be in writing and may be submitted at any time through October 31, 1956, at the office of Federal Facilities Corporation, 811 Vermont Avenue NW., Washington 25, D. C.

Proposals shall be accompanied by a deposit of $2,500. Deposits shall be made by certified check payable to the order of Federal Facilities Corporation and will be refunded without interest at the conclusion of negotiations.

Any lease shall contain a "National Security Clause" and shall also contain provisions for the recapture of the facility and the termination of the lease if the President determines that the national interest so requires. Any lease shall be for a term of not less than 5 years nor more than 15 years from the date of termination of the existing lease; the precise term desired should be specified in the proposal.

Upon receipt of proposals, Federal Facilities Corporation will enter into lease negotiations for a period of not less than 30 days from October 31, 1956, with those submitting proposals. The date of termination of negotiations will be determined by Federal Facilities Corporation and announced to all eligible bidders.

A detailed descriptive brochure relating to the Louisville facility may be obtained upon application to Federal Facilities Corporation.

The act and Public Law 433 prescribe in detail, as well as generally, procedural and substantive standards pursuant to which lease of the Louisville facility is to be effected. To facilitate compliance with these standards, Federal Facilities Corporation has prepared Instructions for the Submission of Proposals which set forth the requirements for such proposals. Copies of the Instructions will be available upon application to Federal Facilities Corporation.

Dated: September 25, 1956.

FEDERAL FACILITIES CORPORATION,
[SEAL] LAURENCE B. ROBBINS,
Administrator.

[F. R. Doc. 56-7717; Filed, Sept. 25, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3250]

THEO. HAMM BREWING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1956.

Take notice that Theo. Hamm Brewing Co. (Applicant), a Minnesota corporation with principal place of business at 217 Hamm Building, St. Paul 2, Minnesota, filed, on September 27, 1954 as amended October 3, 1955 and December 19, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas in interstate commerce from production of 381.5 acres, North Louise Field, Wharton County, Texas, to Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Tuesday, October 23, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7727; Filed, Sept. 25, 1956; 8:46 a. m.]

[Project No. 2217]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 18, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Pacific Power & Light Company, of Portland, Oregon, for preliminary permit for proposed water power Project No. 2217 to be located on the South Fork of Coquille River in the region of Coos Bay, Myrtle Point, and Powers in Coos County, Oregon, affecting lands of the United States within the Siskiyou National Forest. The proposed project would consist of an earth and rock fill dam about 170 feet high with crest at elevation 2200 feet at the Eden Ridge dam site (approximately river mile 23) creating a reservoir with usable storage of about 23,000 acre-feet; a tunnel about 11,000 feet long; a steel penstock about 4,100 feet long; a powerhouse located at about river mile 11.5 having an installation of about 67,500 kilowatts; and appurtenant facilities. The energy generated would be distributed through the applicant's transmission system to its customers and to the Northwest Power Pool. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 5, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7728; Filed, Sept. 25, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3506]

CENTRAL PUBLIC UTILITY CORP.

ORDER AUTHORIZING LIMITED RENEWALS OF GUARANTY BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY

SEPTEMBER 20, 1956.

Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed a declaration and an amendment thereto pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder regarding the following proposed transactions:

Cenpuc proposes to guarantee, for an additional period from September 24, 1956 to January 4, 1957, and thereafter for additional periods not exceeding nine months from September 24, 1956, payment of the renewal promissory note or notes of its wholly-owned subsidiary The Islands Gas and Electric Company ("Islands") to the order of The Hanover Bank, New York, New York, in the principal amount of $2,000,000, with interest at the rate of 3½ percent per annum. Cenpuc will pledge to said bank, as security for the due payment of Islands' note or notes, a Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum.

The proposed renewal or renewals represent a further extension of Cenpuc's guaranties of the aforesaid obligation of Islands to said bank, originally authorized by the Commission on December 16, 1955, and renewed at 90-day intervals thereafter. Although anticipating that Islands will receive sufficient moneys to pay its note to the bank before January 4, 1957, Cenpuc seeks authority to extend its guaranty to a date not later than June 24, 1957 in the event of further delay.

Due notice having been given of the filing of said declaration as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act are satisfied:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7729; Filed, Sept. 25, 1956; 8:46 a. m.]

[File No. 7-1825]

BENGUET CONSOLIDATED, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 20, 1956.

In the matter of application by the Cincinnati Stock Exchange for unlisted trading privileges in Benguet Consolidated, Incorporated, Capital Stock; File No. 7-1825.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 5, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7730; Filed, Sept. 25, 1956; 8:46 a. m.]

DRESSER INDUSTRIES, INC. (DELAWARE)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 20, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in Dresser Industries, Inc. (Delaware), Common Stock; File No. 7-1827.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading

privileges in the specified security, which is listed and registered on the New York Stock Exchange and Los Angeles Stock Exchange.

Upon receipt of a request, on or before October 5, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7731; Filed, Sept. 25, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 131]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 21, 1956.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 217 Sub 1, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road SE, Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation in Lordstown Township, Trumbull County, Ohio as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Akron, Ohio, over Pennsylvania Highways 88 and 51, Ohio Highways 7 and 14, and U. S. Highway 224. Applicant is authorized to conduct operations in Pennsylvania, Ohio, and West Virginia.

No. MC 217 Sub 2, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road SE, Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Chrysler Corporation Plant located on or near Ohio Highway 82 in Twinsburg Township, Summit County, Ohio as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Akron, Ohio, over Pennsylvania Highways 88 and 51, Ohio Highways 14 and 7, and U. S. Highway 224. Applicant is authorized to conduct operations in Pennsylvania, Ohio, and West Virginia.

No. MC 873 Sub 27, filed September 4, 1956, SOONER FREIGHT LINES, A Corporation, 3000 West Reno, Box 2488, Oklahoma City, Okla. Applicant's representative: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Liberal, Kans., and junction U. S. Highways 83, 64 and 270, ten miles south of Liberal, over U. S. Highways 270 and 83, serving all intermediate points, and (2) between Liberal, Kans., and Hooker, Okla., over U. S. Highway 54, serving all intermediate points. Applicant is authorized to conduct operations in Kansas, Oklahoma, and Texas.

No. MC 1366 Sub 2, filed September 12, 1956, HERMAN CONDIT, doing business as CONDIT TRUCKING CO., 20 Edgewood Road, Denville, N. J. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pumps* and *pump materials*, from Rockaway, N. J., to points in Ohio and West Virginia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

No. MC 7663 Sub 2, filed September 12, 1956, LAPP EXPRESS CO., INC., 410 East Center Street, Medina, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Navy Night Drift Signals, Class B Explosives;* (2) *Navy Depth Charge Markers (Calcium Phosphide), Class C Explosives;* (3) *Army Ordnance Time Fuse, Class C Explosives*, from the town of Murray, Orleans County, N. Y., to railhead in Village of Holley, Town of Murray, Orleans County, N. Y., and to motor carriers' freight terminals in Rochester and Buffalo, N. Y.

No. MC 8948 Sub 36, filed August 30, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Class A, B and C explosives*, as defined by the Commission, *ammunition and component parts* not included in Class A, B and C explosives, and *component parts of Class A, B and C explosives*, between El Paso, Tex., and points in Arizona authorized to be served in the transportation of General Commodities, with the usual exceptions, as described in Certificate No. MC 8948 and subs thereunder, serving the territory in Arizona authorized under irregular-route operations and all intermediate points located on the regular routes authorized therein and all off-route points authorized therefrom, including Fort Huachuca, Ariz. Applicant is authorized to conduct operations in Texas, California, Nevada, and Arizona.

No. MC 10928 Sub 30, filed August 29, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Houston, Tex., as follows: from Chicago, over Illinois Highway 50 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 45, thence over U. S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U. S. Highway 51, thence over U. S. Highway 51 to Cairo, Ill., thence over U. S. Highway 60 to Poplar Bluff, Mo., thence over U. S. Highway 67 to Texarkana, Tex.-Ark., thence over U. S. Highway 59 to Houston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 17091 Sub 4, filed August 20, 1956, ISAAC JONES, JR., 321 Lexington Avenue, Pitman, N. J., Applicant's representative: G. A. Bruestle, President, Motor Carriers Service Bureau, Inc., southeast corner Broad and Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Coke*, in dump vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, and New Jersey, and (2) *Sulphate of Ammonia*, in bulk, in dump vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, and New York. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 23976 Sub 7, filed August 21, 1956, BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving to and from the Pelton Damsite, near Warm Springs, Oreg., and points within seven (7) miles thereof, as intermediate and off-route points in connection with applicant's authorized regular route operations between Portland, Oreg., and Burns, Oreg. Applicant is authorized to conduct operations in Oregon.

NOTE: Applicant has regular route authority in Certificate No. MC 23976, dated October 12, 1956, which describes the highway from Portland to junction U. S. Highway 97 as being Oregon Highway 50. The destination of this highway was changed by the Oregon Highway Commission from Oregon Highway 50 to U. S. Highway 26.

No. MC 28813 Sub 18, filed September 4, 1956, MOTOR EXPRESS, INC., OF INDIANA, 701 Illinois Building, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, from Aurora, Ind., to points in Indiana. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, and Wisconsin.

No. MC 29886 Sub 90, filed September 10, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, moving and road building equipment, cranes, straddle trucks, fork lift trucks, tractors, tow-motors, trucks* (with or without bodies or machinery attached thereto), *trailers* (except those designed to be drawn by passenger automobiles) and *parts thereof*, when such parts move with the unit being transported, and *such commodities in need of repair or rebuilding*, on return, from Portland, Oreg., to points in the United States.

No. MC 30387 Sub 208, filed September 6, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, Kenosha Auto Transport Corporation (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Los Angeles, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 31600 Sub. 413, filed September 13, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 24, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products*, and *cocoa butter*, in bulk, in tank vehicles, from New York, N. Y., to Bryan, Ohio. Applicant is authorized to conduct operations in Massachusetts, Connecticut, New Hampshire, Rhode Island, Vermont, Maine, New York, New Jersey, and Pennsylvania.

No. MC 36144 Sub 3, filed September 4, 1956, LAW & INGHAM TRANSPORTATION COMPANY, INC., 118½ Amherst Street, Nashua, N. H. Applicant's representative: Thomas J. O'Loughlin, Jr., 18 Baker Street, Hudson, N. H. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over a REGULAR ROUTE, between Nashua, N. H., and Lowell, Mass., over U. S. Highway 3, serving all intermediate points; and over IRREGULAR ROUTES, between points in Hillsboro County, N. H., on the one hand, and, on the other, points in that part of Franklin County, Mass., on and east of Massachusetts Highway 63 and points in Worcester, Middlesex, Essex, Suffolk, and Norfolk Counties, Mass. Applicant is authorized to conduct regular and irregular operations in Massachusetts and New Hampshire.

No. MC 37830 Sub 6, filed August 6, 1956, COHENNO INC., 57 Lambert Avenue, Stoughton, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from New Bedford, Mass., to points in Massachusetts and Rhode Island, and from Providence, R. I. to Boston, Mass. and points in Massachusetts within a 50-mile radius of Boston. Applicant is authorized to conduct operations in Rhode Island, New Hampshire, and Massachusetts.

No. MC 40663 Sub 5, filed August 27, 1956, M & H TRANSPORT SERVICE COMPANY, a corporation, 3403 Detroit Avenue, Toledo, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Toledo, Ohio, and Detroit, Mich., over the Detroit-Toledo Expressway, serving the intermediate point of Monroe, Mich., (2) *empty containers or other such incidental facilities* (not specified) from Detroit, Mich., to Toledo, Ohio, over the Detroit-Toledo Expressway, serving the intermediate point of Monroe, Mich. (3) Serving the site of the Ford Motor Company plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's authorized regular route operations to and from Detroit, Mich., and the Commercial Zone thereof.

No. MC 42329 Sub 126, filed September 10, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Clayton and Lambert Manufacturing Company plant near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations (a) between Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42, and (b) between Cincinnati, Ohio, and Fulton, Ky., over U. S. Highways 25, 60, and 51.

No. MC 42487 Sub 319, filed August 27, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Los Angeles, Calif., on the one hand, and, on the other, San Bernardino, Redlands, Riverside, and Santa Ana, Calif., as follows: (a) From Los Angeles over U. S. Highway 66 to San Bernardino; (b) from Los Angeles over U. S. Highways 70 and 99 to Redlands; (c) from Los Angeles, over U. S. Highway 60 to Riverside; and (4) from Los Angeles over U. S. Highways 101 and By-Pass 101 to Santa Ana; (2) between West Covina, Calif., and junction California Highway 39 and U. S. Highway 101, over California Highway 39; and (3) between Colton, Calif., and junction U. S. Highways 91 and 101, over U. S. Highway 91, and return over the above routes, serving all intermediate points, and off-route points within five (5) miles of the above-specified routes. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that the above transportation is to be in connection with applicant's authorized regular route operations to and from Los Angeles, Calif.

No. MC 42487 Sub 320, filed September 4, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in tank vehicles, from Kellogg, Idaho and points within five miles thereof, to points in that part of Washington on and east of U. S. Highway 97 and on and north of U. S. Highway 2.

No. MC 45893 Sub 9, filed September 7, 1956, FINIS ROSS, doing business as ROSS TRUCK LINES, 204 South Diamond, P. O. Box 249, Paola, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Household goods, emigrant movables*, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, from Parker, Kans., to Osawatomie, Kans., from Parker over unnumbered highway to junction of Kansas Highway 7, thence over Kansas Highway 7 to junction U. S. Highway 169, thence over U. S. Highway 169 to Osawatomie, Kans., and return over the same route, serving intermediate and off-route points within 25 miles of Parker, Kans., not including Ottawa, Paola and Hillsdale, Kans.

NOTE: This application to obtain same authority northbound between Parker and Osawatomie, Kans., as now exists southbound between the same points, under authority Docket No. MC 45893 Sub 6.

No. MC 48880 Sub 6, filed August 28, 1956, HARRY C. GOODWIN AND GENIO D. ARCIPRETE, doing business as GOODWIN & COMPANY, 675 Concord Avenue, Cambridge, Mass. Applicant's representative: George C. O'Brien, Ten State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum products*, generally handled in warehouse stock, as more fully described in the application, from Boston and Cambridge, Mass., and points within ten (10) miles of Boston and Cambridge, to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, and points in Vermont on and south of a line beginning at the New York-Vermont State line and extending through Orwell, Brandon, Bethel, and Thetford, Vt., to the Vermont-New Hampshire State line.

No. MC 52657 Sub 496, filed August 27, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: Glenn W. Stephens, 121 West Doty, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Motor vehicles including trailers, and parts thereof*, when moving with such vehicles, in initial movements, in truckaway and driveaway service, from Cortland, N. Y., and points within five miles of Cortland, to points in the United States, and (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cortland, N. Y., and points within five miles of Cortland, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

No. MC 52869 Sub 47, filed August 27, 1956, NORTHERN TANK LINE, 8 South Seventh Street, Miles City, Mont. Applicant's representative: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from points in Wibaux County, Mont. to points in Wyoming, South Dakota, and North Dakota; (2) from Billings, Mont., and Laurel, Mont. to points in North Dakota and South Dakota; (3) from Miles City, Mont., and Glendive, Mont. and points within five (5) miles of each to points in South Dakota; (4) from Tioga, N. Dak. and Mandan, N. Dak. and points within five (5) miles of each to points in Minnesota; *damaged and returned shipments of petroleum and petroleum products* on return. Applicant is authorized to conduct operations in Montana, Wyoming, South Dakota, North Dakota, and Minnesota.

No. MC 52947 Sub 24, filed August 9, 1956, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Huntington, W. Va., and Aberdeen, Ohio, over U. S. Highway 52, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

No. MC 61438 Sub 12, filed August 20, 1956, KANSAS CITY SOUTHERN TRANSPORT COMPANY, INC., 114 West 11th Street, Kansas City 5, Mo. Applicant's representative: Wm. E. Davis, 114 West 11th Street, Kansas City 5, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Sallisaw, Okla., and Spiro, Okla., over U. S. Highway 59, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations (1) between Siloam Springs, Ark., and Fort Smith, Ark., and (2) between Fort Smith, Ark., and Mena, Ark.; provided that this route shall not be used in connection with the transportation of traffic entirely by motor vehicle in either direction between Shreveport, La., or points south thereof and Joplin, Mo., or points north thereof. RESTRICTIONS: (a) The service to be performed by said carrier is limited to service which is auxiliary to, or supplemental of, rail service of The Kansas City Southern Railway Company or The Arkansas Western Railway, hereinafter called the Railways; (b) Said carrier shall not service any point not a station on a rail line of the Railways; (c) No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to, or from, more than one of said points: Kansas City, Mo.-Kans., Pittsburg, Kans., Joplin, Mo. (except in respect of shipments between Pittsburg and Joplin), Fort Smith, Ark., Shreveport and Lake Charles, La. (except in respect of shipments between Lake Charles, on the one hand, and, on the other, points south of Fort Smith, including Shreveport but not including Fort Smith), and Beaumont, Tex. Nor shall they be transported from Kansas City, Mo.-Kans., to Neosho, Mo.; (d) All contractual arrangements between applicant and the Railways shall be reported to this Commission and shall be subject to revision, if and as it is found necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct regular route operation under Certificate Nos. MC 61438 and Subs 2 and 10, in the transportation of *General commodities* in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, and under Certificate Nos. MC 52666 and Subs 3 and 5 of *Passengers and their baggage*, and of *light express, mail*, and *newspapers*, in the same vehicle with passengers, in Arkansas, Louisiana, Missouri, and Oklahoma.

No. MC 62537 Sub 57, filed August 30, 1956, GREAT LAKES FORWARDING CORPORATION, 1292 Fuhrmann Boulevard, Buffalo, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* and *trucks*, in secondary movements, in truckaway service, from Baltimore, Md., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 69224 Sub 24, filed September 11, 1956, URBAN J. HAAS AND CYRIL H. WISSEL, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Jackson Street, Dubuque, Iowa. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities, including Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, but excluding commodities of unusual value, over the following alternate routes for operating convenience only with no service at intermediate points, and serving the termini for purpose of joinder only, (1) between junction U. S. Highway 52 and Iowa 64 and junction of Iowa Highway 64 and U. S. Highway 61 over Iowa Highway 64; (2) between Marshalltown, Iowa, and Cedar Falls, Iowa, over Iowa Highways 14 and 57; (2) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Iowa City, Iowa, and Mount Vernon, Iowa, from Iowa City over Iowa Highway 261 to Mount Vernon, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, and as an alternate route for operating convenience only; (3) *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following service route, between site of Savanna Proving Grounds (also known as Savanna Ordnance), located near Savanna, Ill. (also known as Proving Grounds, Ill.), and site of Camp McCoy, near Sparta, Wis., from Savanna Proving Grounds over Illinois Highway 80 to the Illinois-Wisconsin boundary line, thence over Wisconsin Highway 80 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to junction U. S. Highway 61, thence over U. S. Highway 61 to junction Wisconsin Highway 27, thence over Wisconsin Highway 27, to junction of Wisconsin Highway 21, thence over Wisconsin Highway 21 to Camp McCoy, and return over the same route, serving no intermediate points. RESTRICTION: To truckload or volume traffic moving on Government Bills of Lading. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, and Minnesota.

No. MC 76032 Sub 105, filed September 14, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's representative: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gallup, N. Mex., and Window Rock, Ariz., from Gallup over U. S. Highway 666 to junction of New Mexico Highway 68, approximately five miles north of Gallup, thence over New Mexico Highway 68 to the Arizona-New Mexico State line, thence over unnumbered highways to Window Rock, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, and Iowa.

No. MC 86687 Sub 43, filed August 23, 1956, SEABOARD AIR LINE RAILROAD COMPANY, A Corporation, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's representative: James S. Cremins, Commerce Attorney, Law Department, Seaboard Air Line Railroad Company, Norfolk 10, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value*, and *Class A and B explosives*, but excluding household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Andrews, S. C., and Charleston, S. C., from Andrews over South Carolina Highway 41 to junction U. S. Highway 17, thence over U. S. Highway 17 to Charleston, and return over the same route, serving the intermediate point of Jamestown, S. C. RESTRICTION: The service by motor vehicle proposed above shall be limited to service which is auxiliary to, or supplemental of, applicant's rail service. Applicant shall not serve any point not a station on its rail line. Shipments to be transported shall be limited to those moving under a through bill of lading or Railway Express receipt. Applicant is authorized to conduct motor carrier operations in Florida, Georgia, North Carolina, South Carolina, and Virginia.

No. MC 87206 Sub 2, filed August 16, 1956 (correction), PERKINS TRUCKING CO., INC., 46–25 54th Avenue, Maspeth 78, N. Y., published on page 7039, issue of September 19, 1956. The docket number shown was incorrect. The correct number is MC 87205 Sub 2.

No. MC 92983 Sub 174, filed August 27, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils*, including *blends and products thereof* (except those derived from petroleum), in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 92983 Sub 177, filed September 13, 1956, ELDON MILLER, INC., 330 East Washington Street, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles equipped for protection against heat and cold, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Mississippi, Louisiana, Missouri, and Kentucky. Applicant is authorized to conduct operations in Illinois, Nebraska, Iowa, Wisconsin, Missouri, Minnesota, Arkansas, Nebraska, and Kansas.

No. MC 95540 Sub 276, filed September 17, 1956, WATKINS MOTOR LINES, INC., Cassidy Road (P. O. Box 785), Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainsville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Nebraska on and east of U. S. Highway 281.

No. MC 97264 Sub 15, filed August 31, 1956, M AND M OIL TRANSPORTATION, INC., 2000 East Yellowstone, P. O. Box 2050, Casper, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from producing, refining and distributing points in Wyoming to points in Jackson County, Colo., and (2) from producing, refining and distributing points in Colorado located on and north of U. S. Highway 40 to points in Wyoming. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, North Dakota, South Dakota and Wyoming.

NOTE: Duplicating authority to be eliminated.

No. MC 98404 Sub 2, filed August 27, 1956, JAMES C. COPE, doing business as COPE TRUCKING COMPANY, Bryson City, N. C. Applicant's representative: T. D. Bryson, Jr., Bryson City, N. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk*, but excepting commodities requiring special equipment, between points in North Carolina: (1) from Murphy, N. C. over U. S. Highway 19 to Asheville, N. C., serving Murphy, Andrews, Topton, Bryson City, Cherokee, Maggie, Waynesville, Lake Junaluska, Clyde, Canton, Enka, and Asheville, N. C.; (2) from Cherokee, N. C. to the North Carolina-Tennessee State line over N. C. Highway 107; (3) from Lauada, N. C. to Franklin, N. C. over North Carolina Highway 28; (4) from Lake Junaluska, N. C. over U. S. Highway 23–19A to Waynesville, Hazelwood, Sylva, Dillsboro, and Franklin, N. C. (5) from Sylva, N. C. to Whittier, N. C. over U. S. Highway 19–A, serving Dillsboro and Ela; (6) from Franklin, N. C. over U. S. Highway 64 to Hayesville and Murphy, N. C.; (7) from Topton, N. C. over U. S. Highway 129 to Robbinsville and Tapoco, N. C. and the North Carolina-Tennessee State line, and over an unnumbered highway to Fontana Village; (8) from Bryson City, N. C. over U. S. Highway 19 to Lauada, N. C., thence over U. S. Highway 19 to junction North Carolina Highway 28, thence over North Carolina Highway 28 to Stecoah, N. C., thence over unnumbered highway to Fontana Village; and return over the aforesaid routes, serving all intermediate points; IRREGULAR ROUTES: between points within a 50-mile radius of Asheville, N. C., and points in North Carolina west of U. S. Highway 1; *caustic soda* from points within a 50-mile radius

of Asheville, N. C. to Plymouth, New Bern, and Fayetteville, N. C.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission.

No. MC 103378 Sub 75, filed August 30, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Foley, Fla., to Savannah, Ga. Applicant is authorized to conduct operations in Florida, Georgia, and South Carolina.

No. MC 103435 Sub 70, filed September 12, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, (a) between Minneapolis, Minn., and Miles City, Mont.; from Minneapolis over U. S. Highway 12 to Miles City, and return over the same route, serving no intermediate points and (b) between Mobridge, S. Dak., and Buffalo, S. Dak.: From Mobridge over South Dakota Highway 8 to Buffalo, and return over the same route, serving no intermediate points, as alternate routes in connection with applicant's authorized regular route operations. Applicant requests that service at Mobridge be restricted to point of joinder with its authorized routes (c) *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities requiring the use of tank vehicles, and currency, over a regular route, between Lusk, Wyo., and Hill Field (near Ogden), Utah: from Lusk over U. S. Highway 20 to Casper, Wyo., thence over Wyoming Highway 220 to junction U. S. Highway 287, thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to junction U. S. Highway 30–S, thence over U. S. Highway 30–S to junction U. S. Highway 89, and thence over U. S. Highway 89 to Hill Field, and return over the same route, serving no intermediate points.

NOTE: The purpose of route (c) is to remove the restriction in Certificate No. MC 103435 Sub No. 23 confining shipments originating at Rapid City, S. Dak., Air Force Base. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

No. MC 103435 Sub 71, filed September 13, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's representatives: Alan Foss, 506 First National Bank Building, Fargo, N. Dak., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission, and points in the Moorhead, Minn.-Fargo, N. Dak. Commercial Zone: from points in the Minneapolis-St. Paul Commercial Zone over U. S. Highway 10 to points in the Moorhead-Fargo Commercial Zone, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

NOTE: This application is directly related to MMC 44 involving Twin City-Fargo Freight, Inc. (purchase), portion of Buckingham Transportation, Inc., MC-F-6392.

No. MC 104654 Sub 105, filed September 7, 1956, COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from Evansville, Ind. and points within 10 miles thereof, to points in Illinois on and south of U. S. Highway No. 36. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Arkansas, Kentucky, and Tennessee.

No. MC 105632 Sub 18, filed August 16, 1956, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, A Corporation, 227 West Broad Street, Savannah, Ga. Applicant's representative: Walter C. Scott, Jr., Commerce Counsel, Law Department, Central of Georgia Railway Company, P. O. Box 642, Savannah, Ga. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities, including Class A and B explosives* (moving in both freight and express service), in service auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway Company, (1) between Irwinton, Ga., and Tennille, Ga., from Irwinton over Georgia Highway 57 to junction Georgia Highway 68, thence over Georgia Highway 68 to Tennille, and return over the same route, serving Irwinton for joinder only, and serving the intermediate point of Toomsboro, Ga., and the off-route points of McIntyre and Oconee, Ga., and (2) between Bartow, Ga., and junction Georgia Highway 24 and U. S. Highway 221 west of Louisville, Ga., over U. S. Highway 221, serving said junction for joinder only and serving no intermediate or off-route points. RESTRICTION: The service proposed in (1) above is subject to the conditions provided in the last RESTRICTION on pages 5 and 6 of Certificate No. MC 105632, dated March 31, 1956 as follows: (a) The service by motor carrier vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway Company, hereinafter called the railway. (b) Said carrier shall not serve any point not a station on the lines of the railway. (c) Shipments transported by said carrier shall be limited to those moving under a through bill of lading or express receipt, covering, in addition to movement by said carrier, a prior or subsequent movement by rail to or from either Macon or Tennille. (d) All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to revision if and as the Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties. (e) Such further conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, the rail service of the railway. The service proposed in (2) above is subject to the same restrictions as now apply on applicant's Millen-Tennille, route as authorized on Sheets 1 and 2 of Certificate No. MC 105632 issued May 31, 1956. (If the authority herein sought is granted, applicant requests that its operations over U. S. Highway 441 between Irwinton and Milledgeville, Ga., via McIntyre, Ga., be revoked, which operations are a portion of its authorized regular route between Macon and Milledgeville, Ga., and that its operations between Wadley, Ga., and junction Georgia Highway 24 and U. S. Highway 221, over U. S. Highway 1 and Georgia Highway 24 via Louisville, Ga., be revoked, which operations are a portion of its authorized regular route between Millen and Tennille, Ga.)

No. MC 107002 Sub 104, filed September 12, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt compounds*, in bulk, in tank vehicles, from Memphis, Tenn., to (a) points in Alabama on and north of U. S. Highway 11; (b) points in that part of Missouri on and east of a line extending along U. S. Highway 65 from the Missouri-Arkansas State line to Springfield, Mo., thence along U. S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U. S. Highway 67, thence along U. S. Highway 67 to Farmington, Mo., and thence along Missouri Highway 32 to St. Genevieve, Mo.; (c) points in that part of Illinois on and south of a line extending along Illinois Highway 150 from Chester, Ill., to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U. S. Highway 51, thence along U. S. Highway 51 to Ashley, Ill., and thence along U. S. Highway 460 to the Illinois-Indiana State line; and (d) points in Kentucky on and west of U. S. Highway 231; except, no authority is sought to that part of Alabama on, west and north of a line extending from the Tennessee-Alabama State line over U. S. Highway 31 to Cullman, Ala., thence over Alabama Highway 69 to Jasper, Ala., thence over Alabama Highway 18 to the Alabama-Mississippi State line, and to that part of Missouri bounded by a line beginning at the Missouri-Arkansas State line and extending along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Mississippi River, and thence along the Mississippi River to the Missouri-Arkansas State line. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Missouri, Alabama, Florida, Georgia, Kentucky, North Carolina, Texas, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 107107 Sub 80, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office: 2424 NW. 46th Street., Mailing: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Illinois, Indiana, Kansas, and South Dakota.

No. MC 107515 Sub 234, filed September 7, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products, articles distributed by meat packing-houses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, from Montgomery and Birmingham, Ala., to points in Illinois, Ohio, Indiana, Missouri, Michigan, and Wisconsin.

No. MC 107515 Sub 235, filed September 10 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy* and *frozen foods*, from Loring, Kans., to points in Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia, and Florida.

No. MC 108736 Sub 6, filed September 10, 1956, A. H. VIETOR, doing business as ALBERT LEA TRANSFER CO., 423 Adams Avenue, Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Eggs*, shelled (egg albumen, whites or yolks), *poultry*, (dessiccated (dry) or frozen and dressed), from points in Faribault and Freeborn Counties, Minn., to points in Illinois, Indiana, Kentucky, Michigan (Lower peninsula), Missouri, New York, New Jersey, Ohio, Pennsylvania, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application.

No. MC 109141 Sub 20, filed September 7, 1956, WYOMING BUTANE GAS COMPANY, a corporation, 3739 Montana Avenue, Billings, Mont. Applicant's representative: Jerome Anderson, 415 Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in pressurized tank vehicles, from points in Township 11 North, Range 57 East, in Wibaux County, Mont., to points in North Dakota, South Dakota, and Wyoming, and *contaminated shipments* of liquefied petroleum gas on return. Applicant is authorized to conduct operations in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

No. MC 110252 Sub 42, filed August 27, 1956, JAMES J. WILLIAMS, INC., North 1106 Pearl Street, Spokane, Wash. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizers* and *fertilizer solutions*, in bulk, in tank vehicles, between points in Washington on and east of U. S. Highway 97, on the one hand, and, on the other, points in Oregon on and west of U. S. Highway 97 and those in Idaho south of the southern boundary of Idaho County, Idaho.

No. MC 110841 Sub 6, filed August 29, 1956, PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, clay*, and *pitch*, in bulk and in bags, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N. J., to points in Massachusetts, Rhode Island and Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 111320 Sub 27, filed September 4, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment*, and *parts thereof*, by driveaway and truckaway method, between Hudson, Ohio and points within five (5) miles thereof, and points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 111320 Sub 28, filed September 14, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile unit consisting of tractor and semi trailer*, containing training school equipment and facilities to operate and maintain road building and earth moving equipment, in driveaway, truckaway and towaway service, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 111812 Sub 29, filed August 27, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in California, Oregon, and Washington, and to Denver, Colo., and Salt Lake City, Utah. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, Oregon, South Dakota, Utah, and Washington.

No. MC 112020 Sub 22, filed September 4, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oils, fish solubles, fish sediments*, and *liquid fish products*, in bulk, in tank vehicles, from points in Mississippi, Louisiana and Texas, to points in Illinois, Indiana, and Wisconsin.

No. MC 112223 Sub 32, filed August 30, 1956, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, and *all derivatives* thereof, in bulk, in tank vehicles, between points in Minnesota, Wisconsin and Upper Michigan. Applicant is authorized to conduct operations in Iowa, Minnesota, Michigan and Wisconsin.

NOTE: Applicant states no authority is sought between points in any one state and all duplicating authority is to be eliminated.

No. MC 113440 Sub 2, filed August 22, 1956, GUY E. BARTHOLOMEW, doing business as BARCO TRANSPORTATION COMPANY, Perry, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, uncrated*, and *new furniture in fiberboard cartons*, in mixed shipments with uncrated new furniture, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Iowa, Rhode Island, North Carolina, and South Carolina; *damaged and returned shipments* of the above indicated on return. Applicant is authorized to conduct operations from Mahoning County, Ohio to points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, and the District of Columbia.

No. MC 114364 Sub 20, filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas, those in Missouri on and south of U. S. Highway 66 (except St. Louis, Mo.), Memphis, Tenn., and Texarkana, Tex., to points in Colorado, Wyoming,

those in Kansas and Nebraska on and west of U. S. Highway 183, those in New Mexico on and north of U. S. Highway 66, and those in San Juan County, Utah, excluding duplications. Applicant is authorized to conduct operations in Arkansas, Colorado, and Texas.

No. MC 114364 Sub 21, filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned and used empty containers for petroleum products*, (1) from points in Wyoming, and those in Nebraska on and west of U. S. Highway 281, to Ponca City, Okla.; (2) from points in Texas east of U. S. Highway 281 to Kansas City and Eldorado, Kans.; (3) from points in New Mexico on and north of U. S. Highway 66, to Kansas City, Kans.; and (4) from points in Idaho and Utah, and those in Nebraska on and west of U. S. Highway 281, to Houston, Tex. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

No. MC 114803 Sub 1, filed September 14, 1956, JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 2505 North Water Street, Decatur, Ill. Applicant's representative: W. L. Jordan, 201 National Building, Terre Haute, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Compressed gases* (other than poison), such as acetylene, air, argon, helium and oxygen, in shipper owned tank vehicles, from Tuscola (Ficklin) Ill., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NOTE: Applicant states that Tuscola is the mailing address while the loading plant of National Petro Chemical Company is located at Ficklin, 4 miles west of Tuscola.

No. MC 115437 Sub 1, filed August 27, 1956, and amended September 10, 1956, MONTERREY FREIGHT FORWARDING CORPORATION, P. O. Box 1170, Brownsville, Tex. Applicant's representative: Maynard F. Robinson, Frost Nation Bank Building, San Antonio, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass*, and *glassware* as defined by the Commission, for the Mex-Cal Glass Corporation, from points in Cameron and Hidalgo Counties, Tex., to points in Michigan, Illinois, Indiana, Missouri, Arkansas, California, Wisconsin, Georgia, Alabama, Mississippi, Louisiana, Arizona, New Mexico, Colorado, Tennessee, and Ohio, (2) *Mirror chemical solutions* (silver solution and copper sulphate) for the Monterrey Sales Corporation, from points in California to points in Cameron and Hildalgo Counties, Tex., (3) *Cotton gin machinery*, new and used; *waste paper* and *waste burlap* for export only, for the Monterrey Sales Corporation, from points in Georgia, Alabama, Mississippi, and Louisiana, to points in Cameron and Hildalgo Counties, Tex., (4) *Waste paper; waste burlap; citrus pulp; citrus concentrates*, frozen and canned; *citrus juices*, frozen and canned; *machinery* and *motors*, new and used; when moving other than oil field equipment, for export only, for the Monterrey Sales Corporation, from points in Florida to points in Cameron and Hildalgo Counties, Tex., and (5) *Aluminum and steel windows and door frames, aluminum building surfaces* (shins), *aluminum furniture and aluminum bathroom fixtures*, new, for the Monterrey Sales Corporation, from points in Florida, to points in Cameron and Hildalgo Counties, Tex.

NOTE: Dual operations may be involved as applicant has a pending application for *common carrier* authority in MC 115436.

No. MC 115841 Sub 9, filed September 10, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Avenue North, P. O. Box 2169, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531-34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food* and *food products*, requiring refrigeration in transit, from points in Arkansas, to points in Wisconsin, Minnesota, Indiana, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, Delaware, and Arkansas.

No. MC 115873 Sub 2, filed August 24, 1956, HAROLD WAGGONER, doing business as HAROLD WAGGONER & CO., 1208 Niedringhaus, Granite City, Ill. Applicant's representative: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission, to points in Maryland.

No. MC 115964 Sub 1, filed August 24, 1956, M. C. BRYAN, doing business as BRYAN TRANSFER & STORAGE CO., 770 Fifth Street, Macon, Ga. Applicant's representative: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat products, meat byproducts* and *articles distributed by meat-packing houses*, in refrigerated equipment, from Macon, Ga., to points in that part of Georgia bounded by a line beginning at Macon and extending north along U. S. Highway 129 to Gray, thence along Georgia Highway 22 to Milledgeville, thence along U. S. Highway 441 to junction Georgia Highway 117, thence along Georgia Highway 117 to Eastman, thence along U. S. Highway 341 to Fort Valley, thence along Georgia Highway 49 to junction with U. S. Highway 41, and thence along U. S. Highway 41 to point of beginning, serving all points on the portions of the highways specified.

No. MC 115999 Sub 1, (Amended), filed July 25, 1956, published in the August 8, 1956 issue, on page 5956, DAVIS BROS. MOTOR TRANSPORT, INC., 656 Hamphill Avenue NW., Atlanta, Ga. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *forest products*, between points in Florida and Georgia, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 116053 Sub 1, filed September 14, 1956, W. B. NEW, 48 53d Street, Gulfport, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Treated* and *untreated poles, piling* and *lumber*, from Gulfport and Gautier, Miss., to points in Louisiana and Alabama.

No. MC 116094, filed July 11, 1956, ELMER JACOBSON, Dell Rapids, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry feeds*, and *livestock*, when transported on the same vehicle with non-exempt commodities, from Council Bluffs, Iowa and Sioux City, Iowa to points, except municipalities, within 35 miles of Dell Rapids, S. Dak.

No. MC 116158 (amended) filed August 10, 1956, published in the August 29, 1956 issue, page 6531, ROBERT H. BURNHAM AND LAURENCE M. BURNHAM, doing business as BURNHAM BROS. TRUCKING, 52 Fletcher Street, Ayer, Mass. Applicant's representative: Joseph Levco, 209 Washington Street, Boston, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Automatic mechanical pin setting machines* and *parts thereof* when moving with shipments of the described machines, from Boston, Mass. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia; *damaged and returned shipments of automatic mechanical pin setting machines and parts* on return. Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1), Interstate Commerce Act, in Massachusetts.

No. MC 116173, filed August 21, 1956, LAKELAND BUS LINES, INC., Route 46, Dover, N. J. Applicant's representative: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, except articles of a corrosive, poisonous, inflammable or explosive nature, in packages, not exceeding 80 pounds in weight and not exceeding 12 cubic feet in dimension, between the Borough of Manhattan, New York, N. Y., on the one hand, and, on the other, applicant's authorized regular route operations contained in Certificate Nos. MC 109802 and Sub 5, with the restriction that all traffic be delivered or picked up at the carriers' terminals or delivered to or received from applicant's motor busses.

No. MC 116187, filed September 4, 1956, ILLINOIS TERMINAL RAILROAD COMPANY, 710 North 12th Boulevard, St. Louis, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, fodder, hay, straw and green hides, between Alton, East Alton, Federal, Wood River, Hartford, Roxana, Edwardsville, and East St. Louis, Ill., and St. Louis, Mo. Applicant states that no less than truck load traffic will be handled.

No. MC 116192, filed September 6, 1956, JAMES F. McBALL, 123 Garfield Avenue, West Chester, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Innerspring units and accessories for mattresses and furniture*, and *materials, equipment* and *supplies* used or useful in the manufacture and sale of such commodities, between West Chester, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

No. MC 116193, filed September 6, 1956, LEE L. MONROE, 850 North Clark, Los Angeles 46, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Wearing apparel*, on hangers, between Los Angeles, Calif., and Tucson, Ariz., from Los Angeles over U. S. Highway 70 to Phoenix, Ariz., thence over U. S. Highway 80 to Tucson, and return over the same route, serving no intermediate points, but serving Corona, Calif., as an off-route point.

No. MC 116195, filed September 10, 1956, NALON COMPANY, a corporation, Thomas Avenue and Lafferty Street, Jeannette, Pa. Applicant's representative: Charles F. McKenna, 508 Grant Street, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Corrugated paper containers*, from Pittsburgh, Pa., to Whippany, Salem, Rutherford and Clifton, N. J., Glendale and Newell, W. Va., Elyria, East Palestine, Youngstown, Martins Ferry, Steubenville and East Liverpool, Ohio, and La Pelle and Terre Haute, Ind., (2) *Scrap*, from Pittsburgh, Pa., to Whippany, Salem, Rutherford, and Clifton, N. J. and La Pelle and Terre Haute, Ind. (3) *Sheets, Roll stock paper*, and *Chipboard paper*, from Whippany, Salem, Rutherford, and Clifton, N. J. and La Pelle and Terre Haute, Ind., to Pittsburgh and Jeannette, Pa.

No. MC 116198, filed September 12, 1956, DON'S TRUCKING, INC., Georgetown, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Alabama, Arkansas, Louisiana and Mississippi to points in Benton, Boone, Clay, Clinton, Daviess, Dubois, Fountain, Gibson, Greene, Hendricks, Jasper, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Newton, Owen, Parke, Pike, Pulaski, Putnam, Sullivan, Tippecanoe, Vigo, Warren and White Counties, Ind., and Champaign, Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Ford, Gallatin, Grundy, Hamilton, Iroquois, Jasper, Jefferson, Kankakee, La Salle, Lawrence, Livingston, Macon, Marion, McLean, Montgomery, Piatt, Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White, and Williamson Counties, Ill. Applicant, as a contract carrier under Permit No. MC 114668, is authorized to perform operations between certain territory in Illinois, Indiana, Kentucky, and Ohio, transporting fertilizer and fertilizer materials. Dual operations under section 210 may be involved.

No. MC 116204, filed September 14, 1956, VAN E. HAMLETT, 1224 Greenfield Avenue, Nashville 6, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, and *hardened materials, bursted bags and over stocked materials of fertilizer*, between points in Tennessee, and points in that part of Kentucky west of U. S. Highway 25–E, starting at Middlesboro, to U. S. Highway 25 at Corbin, then to U. S. Highway 150 at Mt. Vernon to Danville and Constitution Square to U. S. Highway 68, then points southwest of U. S. Highway 68 to Lebanon, then over Kentucky Highway 84 to Hodgenville, then over Kentucky Highway 61 to Elizabethtown, then over U. S. Highway 62 to Leitchfield, then over Kentucky Highway 65 to Harned, thence over U. S. Highway 60 to Cloverport at Indiana State line westward.

No. MC 116211, filed September 18, 1956, JESSE D. LENHART, doing business as LENHART TRAILER SERVICE, 304 East Nelson Avenue, Alexandria, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers* and *boat trailers*, in initial and secondary movements, between points in Maryland, Virginia and the District of Columbia, on the one hand, and, on the other, points in Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, Michigan, Indiana, Illinois, and the District of Columbia.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1504 Sub 129, filed August 21, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between junction Old and Relocated U. S. Highways 421 near Guthrie, N. C., and junction Old and Relocated U. S. Highways 421 near Kernersville, N. C., over Relocated U. S. Highway 421, serving all intermediate points. Carrier presently operates between Guthrie and Kernersville, N. C., over old U. S. Highway 421 in connection with its regular route between Abington, Va., and Greensboro, N. C.

No. MC 1504 Sub 130, filed August 21, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW, Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between junction Old and Relocated U. S. Highways 52 southeast of Mt. Airy, N. C., and junction Old and Relocated U. S. Highways 52 southeast of Pilot Mountain, N. C., over Relocated U. S. Highway 52, serving all intermediate points. Carrier presently operates between Mt. Airy and Pilot Mountain, N. C., over Old U. S. Highway 52 in connection with its regular route between Fort Chiswell, Va., and Atlanta, Ga.

No. MC 2353 Sub 7, filed September 7, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–734 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the racing seasons, between points on U. S. Highway 40 in New Jersey, except Atlantic City, N. J. on the one hand, and, on the other, the sites of the Bowie, Laurel, and Pimlico racetracks in Maryland, and the Delaware Park racetrack in Delaware. Applicant is authorized to operate in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Maine Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 3647 Sub 205, filed September 10, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Moorestown, N. J. and Gloucester, N. J., from junction West Main Street, Camden Avenue and Kings Highway, Moorestown, N. J., over Kings Highway to junction Market Street, Mt. Ephraim, N. J., thence over Market Street to junction New Jersey Highway 42, North-South Freeway, Gloucester, N. J., and return over same route, serving all intermediate points.

No. MC 5038 Sub 3, filed September 17, 1956, J. T. FUQUA, doing business as FUQUA'S BUS LINES, 651½ East Twelfth Street, Bowling Green, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express*, in the same vehicle with passengers, between Bowling Green, Ky., and Scotts-

ville, Ky., from Bowling Green over U. S. Highway 231 to Scottsville and return over the same route, serving all intermediate points.

No. MC 102299 Sub 6, filed September 19, 1956, THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, a corporation, 100 South Howard Street, Baltimore, Md. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Friendship International Airport, Md., and Washington, D. C., from Friendship International Airport over Maryland Highway 170 to junction Maryland Highway 176, thence over Maryland Highway 176 to junction Maryland Highway 713, thence over Maryland Highway 713 to junction Maryland Highway 175, thence over Maryland Highway 175 to Fort George G. Mead, Md., thence over unnumbered highways within Fort George G. Mead to Maryland Highway 602, thence over Maryland Highway 602 to Maryland Highway 32, thence over Maryland Highway 32 to the Baltimore-Washington Parkway to Maryland Highway 602, thence over Maryland Highway 602 to U. S. Highway 1, thence over U. S. Highway 1 to Washington, D. C., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland.

No. MC 113418 Sub 1, filed August 23, 1956, DEWEES BUS LINES, a corporation, 28 First Avenue SE., Oelwein, Iowa. Applicant's representative: Erwin Larson, Ellis Block, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Oelwein, Iowa, and points within sixty (60) miles thereof, and extending to points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE: Applicant states that transportation will be limited to charter groups only, but not limited to Schools and Colleges. Applicant further states that the purpose of this application is to extend its present operations to all of the other states in the United States and to remove the restrictions imposed in Certificate No. MC 113418 as to starting points.

No. MC 115420 Sub 5, filed August 29, 1956, MERLE E. MARTIN, doing business as SUPERIOR BUS SERVICE, P. O. Box 169, Harrisburg, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Strasburg, Va., and Mathias, W. Va., from Strasburg over Virginia Highway 55 to the Virginia-West Virginia State line, thence over West Virginia Highway 55 to Wardensville, W. Va., thence continue on West Virginia Highway 55 to junction West Virginia Highway 259 at Baker, W. Va., thence over West Virginia Highway 259 to Mathias, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 116140, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main Street, Concord, N. H. Applicant's representative: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *mail, express*, and *newspapers* in the same vehicle with passengers, between Manchester, N. H. and Plymouth, N. H., from Manchester over U. S. Highway 3 to Plymouth, and return over the same route, serving all intermediate points (also, from Manchester over U. S. Highway 3 to junction unnumbered highway, thence over unnumbered highway via Hooksett and Suncook to junction U. S. Highway 3 and thence over U. S. Highway 3 to Concord, and return over the same route, serving all intermediate points); (also between Manchester, N. H. and Concord, N. H., from Manchester over U. S. Highway 3A to Concord, and return over the same route, serving all intermediate points); (also from Manchester over U. S. Highway 3A to Hooksett, N. H. and thence over unnumbered highway to Hooksett Village, and return over the same route, serving all intermediate points).

NOTE: The authority sought is subject to restrictions that no passengers shall be picked up for transportation in either direction wholly within the following areas: (1) On that portion of the routes authorized in the City of Manchester south of the intersection of Beech and Webster Streets, and between points in Manchester south of the intersection of Front Street and Dunbarton Road; (2) between the underpass formerly on U. S. Highway 3, south of Franklin, and a point one-half mile north of Tilton on U. S. Highway 3; (3) between a point on U. S. Highway 3 one mile south of Pearl Street and Court Street in the City of Laconia and The Weirs, except that passengers may be picked up and discharged at Laconia, Lakeport, and The Weirs on vehicles operating schedules to connect with trains leaving Concord for Boston in the afternoon or evening, and with trains leaving Concord for points in the north in the afternoon or evening.

No. MC 116140 Sub 1, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main Street, Concord, N. H. Applicant's representative: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at Allenstown, Andover, Ashland, Belmont, Boscawen, Bow, Bradford, Bristol, Canterbury, Chichester, Concord, Contoocook, Danbury, Dunbarton, Epsom, Franklin, Gilmanton, Gilmanton Iron Works, Henniker, Hooksett, Hopkinton, Laconia, Loudon, Meredith, New Hampton, New London, North Sanbornton, Pembroke, Penacook, Pittsfield, Plymouth, Potter Place, Salisbury, Sanbornton, Suncook, Sutton, The Weirs, Tilton, Warner, Webster, West Andover, Wilmot Flat, and Winnisquam, N. H., and extending to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12650, filed September 11, 1956, OLYMPIC TRAVEL SERVICE, INC., 1118 Cortelyou Road, Brooklyn 18, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For a license as a *broker* (BMC 5) at Brooklyn, N. Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of groups of *passengers and their baggage* in the same vehicle with passengers, in special or charter service, in round-trip all-expense tours between New York City, N. Y., points in Westchester, Nassau and Suffolk Counties, N. Y., Bergen, Passaic, Essex, Hudson and Union Counties, N. J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Application indicates that applicant proposes to act as ticket and sales agent for motor carriers and other carriers in arranging packaged tours for groups of people, either church or other religious organizations, or recreational organizations to places of interest, amusement, or recreation.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6370, published in the August 29, 1956, issue of the FEDERAL REGISTER on page 6532. Application filed September 17, 1956, for temporary authority under section 210a (b).

No. MC–F 6392. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 Eighth Street SE., Minneapolis, Minn., of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, of control of such rights through the purchase. Applicants' representatives: Van Osdel & Foss, 506 First National Bank Building, Fargo, N. Dak., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Fargo, N. Dak., and junction U. S. Highway 10 and Minnesota Highway 32, between Fargo, N. Dak., and Little Falls, Minn., and between St. Paul, Minn., and Little Falls, Minn., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6393. Authority sought for purchase by CROSS TRANSPORTATION, INC., Carll's Corner, Bridgeton, N. J., of a portion of the operating rights and certain property of NATIONAL FREIGHT, INC., 122 Wood Street, Vineland, N. J., and for acquisition by JOHN J. CROSS, also of Bridgeton, of control of such rights and property through the purchase. Applicants' representatives: Brodsky and Lieberman, 1776 Broadway, New York, N. Y. and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Building materials* other than those ordinarily transported in dump trucks, as a *common carrier*, over irregular routes, between points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, South Carolina, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Maryland, Delaware, Virginia, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6395. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of KENNETH POORMAN COMPANY, 1835 Southeast Grand Avenue, Portland 14, Oreg. Applicants' representative: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *Plywood, forest products, lumber mill products*, and *building materials*, in quantities of not less than 10,000 pounds, and *construction materials*, and *construction and contractor's equipment*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related parts, materials, equipment, and supplies* when their transportation is incidental to the transportation by applicant of the aforementioned articles, as a *common carrier*, over irregular routes, between certain points in Washington on the one hand, and, on the other, points in Oregon; *steel and cast iron pipe*, and *fittings* therefor when transported incidentally to the movement of such commodities, *wooden tanks, pumice blocks, brick, structural and reinforcing steel, steel tanks*, and *contractors' machinery and related machinery parts* when transported incidentally to the shipments of contractors' machinery, between Portland, Oreg., and Vancouver and Longview, Wash., on the one hand, and, on the other, points in that part of Idaho south of and including Idaho County; *lumber*, between points in Oregon, on the one hand, and, on the other, points in that portion of Idaho south of and including Idaho County, and between points in Oregon on and west of U. S. Highway 97 on the one hand, and, on the other, certain points in Oregon and Vancouver and Longview, Wash.; *machinery and equipment*, incidental to, or used in general construction work, between points in Oregon and Washington; *materials and supplies*, incidental to or used in general construction work, from Portland, Oreg., and points within 25 miles of Portland, to certain points in Washington; *cement* and *lime*, from Lime, Oreg., to points in Idaho; *perlite ore (rock)*, between points in Idaho, Oregon, and Washington; *processed perlite and perlite products*, between certain points in Oregon, Washington, and Idaho on the one hand, and, on the other points in California on and north of U. S. Highway 50 and points in Idaho, Oregon and Washington. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Nevada, Minnesota, North Dakota, Montana, Utah, Wisconsin, Illinois, Wyoming, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6396. Authority sought for purchase by POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va., of the operating rights and property of COOPER TRANSFER COMPANY, 401 Second Avenue, Beckley, W. Va., and for acquisition by HARLEY H. HARTLEY, VITUS HARTLEY, SR., WILLIAM P. FINNERAN, ART E. HARTLEY, VITUS HARTLEY, JR., AND PAUL YOUNGBLOOD, all of Charleston, of control of such rights and property through the purchase. Applicants' representative: John C. White, 400 Union Bldg., Charleston 1, W. Va. Operating rights sought to be transferred: *General commodities*, with no exceptions, as a *common carrier* over regular routes, between Beckley, W. Va., and Mabscott, Raleigh, and Cranberry, W. Va., between Raleigh, W. Va., and Cranberry and Mabscott, W. Va., and between Mabscott, W. Va., and Cranberry, W. Va., serving certain intermediate points; *packing-house products*, between Charleston, W. Va., and Beckley, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods and commodities in bulk, over irregular routes, between Beckley, W. Va., on the one hand, and, on the other, points in West Virginia within 35 miles of Beckley, and between Beckley, W. Va., on the one hand, and, on the other, Bluefield, Va., and points in Virginia within five miles of Bluefield; *household goods*, as defined by the Commission, between Beckley, W. Va., and points within 25 miles thereof, on the one hand, and, on the other, points in West Virginia, Kentucky, Ohio, Virginia, North Carolina, Maryland, Pennsylvania, the Lower Peninsula of Michigan, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6397. Authority sought for purchase by J. T. FUQUA, doing business as FUQUA'S BUS LINE, 651½ East 12th Street, Bowling Green, Ky., of a portion of the operating rights of BOWLING GREEN - HOPKINSVILLE BUS CO., INC., Russellville, Ky. Applicants' representative: J. T. Fuqua, Owner, Fuqua's Bus Line, 651½ East 12th Street, Bowling Green, Ky. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Bowling Green, Ky., and Glasgow, Ky., and between Glasgow, Ky., and Somerset, Ky., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6399. Authority sought for control by DENNIS TRUCKING COMPANY, INC., 2519 Morris Street, Philadelphia, Pa., of JOHNSONS TRANSFER, INC., 1251 South 28th Street, Philadelphia, Pa., and for acquisition by DENNIS J. McNICHOL, JR., also of Philadelphia, of control of JOHNSONS TRANSFER, INC., through the acquisition by DENNIS TRUCKING COMPANY. Applicant's representative: Beverley S. Simms, 1624 Eye Street NW., Washington, D. C. Operating rights sought to be controlled: *Lumber, lath* and *shingles*, as a *common carrier* over regular routes from Baltimore, Md., to Washington, D. C., serving certain intermediate and off-route points; *scrap metal* and *rags*, from Washington, D. C., to Baltimore, Md., serving no intermediate points; *building materials, cranberries, fruit, vegetables, canned goods, sugar*, and *such camp equipment* as is used or useful in boy scout jamborees, over irregular routes, from, to and between points and areas, varying with the commodity transported, in Maryland, Virginia, Pennsylvania, West Virginia, New Jersey, New York, and the District of Columbia. Applicant is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6401. Authority sought by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, to merge the operating rights and property of MEEKS MOTOR FREIGHT, 3636 Follett Avenue, Cincinnati 23, Ohio, and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ and S. DAVID SHOR, all of Cincinnati, of control of such rights and property through the transaction. Applicant's representative: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Louisville, Ky., and Evansville, Ind., Cincinnati, Ohio, and Harlan, Ky., and Nashville, Tenn., between Lexington, Ky., and Manchester, Ky., between Bowling Green, Ky., and Hopkinsville, Ky., between New Albany, Ind., and Dale, Ind., between Jeffersonville, Ind., and Versailles, Ind., and between junction Indiana Highway 62 and Indiana Highway 56 and Paoli, Ind., serving certain intermediate and off-route points. WILSON FREIGHT FORWARDING COMPANY is authorized to operate as a *common carrier* in Indiana; Ohio, Penn-

sylvania, New York, Maryland, Kentucky, New Jersey, Massachusetts, Virginia, North Carolina, Tennessee, West Virginia, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-7739; Filed, Sept. 25, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HATSUTARO KANEKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hatsutaro Kaneko, Tokyo, Japan, Claim No. 44658; $868.75 in the Treasury of the United States.

Vesting Order No. 14238.

Executed at Washington, D. C., on September 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7751; Filed, Sept. 25, 1956; 8:49 a. m.]

ANNA PINCUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Pincus, London, England, Claim Number 45721; $779.74 in the Treasury of the United States.

Vesting Order No. 7925.

Executed at Washington, D. C., on September 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7752; Filed, Sept. 25, 1956; 8:49 a. m.]

GWLADYS ELVIRA THOMPSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gwladys Elvira Thompson, London, England, Claim No. 63253; $747.50 in the Treasury of the United States;

$100.00 Conversion Office for German Foreign Debts 3 percent dollar bond due January 1, 1946 with January 1, 1941, S. C. A., evidenced by Certificate No. 73656;

$50.00 Conversion Office for German Foreign Debts 3 percent Bonds, Series B, represented by Certificates Nos. 285,811 and 285,812, each of the face value of $20.00, and No. 122,482 of the face value of $10.00.

The Certificates are presently in the custody of the Federal Reserve Bank in New York.

Vesting Orders Nos. 8567 and 9068.

Executed at Washington, D. C., on September 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7753; Filed, Sept. 25, 1956; 8:49 a. m.]

W. E. ZOELLNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

W. E. Zoellner, London, England, Claim No. 59710; $264.38 in the Treasury of the United States.

Vesting Order No. 8711.

Executed at Washington, D. C., on September 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7754; Filed, Sept. 25, 1956; 8:49 a. m.]

HERMINE HERZIG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hermine Herzig, Nuremberg, Germany, Claim No. 66656; $1,000 German Central Bank for Agriculure 6 Percent Farm Loan Secured Gold Sinking Fund Bond, Second Series of 1927, due October 15, 1960, evidenced by Certificate No. M-9317. The October 15, 1938, coupon and subsequent coupons and a Validation Certificate are attached. The property is in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 17128.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7755; Filed, Sept. 25, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ELLA GOUDSMIT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Ella Goudsmit, Wilhelmina van Kerckhof, Elisabeth van Strien and Diana Pimentel, L. S. Claim No. 647, $784.16 in the Treasury of the United States.

Salomons Pimentel L. S. Claim No. 648, $1,176.24 in the Treasury of the United States.

Mietje, Hans and Ernst Pino, Robert Goedsmit and Lina Noach, L. S. Claim No. 649, $392.08 in the Treasury of the United States.

Philip Rintel, L. S. Claim No. 682, $1,176.24 in the Treasury of the United States.

Henny de Vries, L. S. Claim No. 784, $784.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7756; Filed, Sept. 25, 1956; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

EXCLUSIONS FROM RETIREMENT COVERAGE

Effective October 1, 1956, § 29.17 is added.

§ 29.17 *Exclusions from retirement coverage.* (a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

(1) Employees serving under appointments limited to one year or less.

(2) Part-time, when actually employed, or intermittent employees having no regular tour of duty.

(3) Employees whose salary, pay or compensation on an annual basis is $12 a year or less.

(4) Member or patient employees in Government hospitals or homes.

(5) Employees paid on a contract or fee basis.

(6) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(7) Intermittent alien employees engaged on work outside the continental limits of the United States.

(8) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.

(9) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(10) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946 (Public Law 724, 79th Congress).

(11) Employees serving under emergency-indefinite appointments not exceeding 5 years.

(12) United States citizens given "overseas limited appointments."

(13) Employees serving under nonpermanent appointments made pursuant to section 1 of Executive Order 10180 of November 13, 1950.

(14) Employees serving under nonpermanent appointments, designated as indefinite, made after January 23, 1955, the effective date of the repeal of Executive Order 10180.

(b) The exclusions in paragraph (a) of this section do not operate to deny retirement coverage in any case in which (1) employment in an excluded category follows employment subject to the act without a break in service or after a separation from service of three days or less, (2) the employee is granted competitive civil service status under legislation, Executive order, or the Civil Service Rules and Regulations, while he is serving in a position in the competitive service, or (3) the employee previously had a competitive civil service status and such status is restored to him by action of reinstatement.

(Sec. 17, 46 Stat. 478, as amended; 5 U. S. C. 709. Interprets or applies sec. 2, 70 Stat. 745)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-7793; Filed, Sept. 26, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 923—MILK IN APPALACHIAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 923.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of

(Continued on next page)

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FEDERAL REGISTER

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marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1956. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order

amending the order, as amended, is known to handlers. The public hearing was held February 6–10, 1956, and the recommended decision was issued August 1, 1956 (21 F. R. 5824). The final decision was issued by the Assistant Secretary on August 31, 1956 (21 F. R. 6767). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Appalachian marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum thereon, and who, during the determined representative period (June 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Appalachian marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 923.6 and substitute therefor the following:

§ 923.6 *Appalachian marketing area.* "Appalachian marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeters of the counties of Sullivan, Washington and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

2. Delete § 923.7 (b) and substitute therefor the following:

(b) Any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk, or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and

3. At the end of § 923.7 substitute a colon for the period and add the following proviso: "*And provided further,* That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution."

4. In § 923.17, delete the word "August" and substitute therefor the word "July."

5. In § 923.18, delete the word "August" and substitute therefor the word "July."

6. In § 923.31 (b) (1) delete the word "August" and substitute therefor the word "July."

7. Delete § 923.41 (b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 923.42.

8. In § 923.44 (c), delete the figure "50" and substitute therefor the figure "150". In the same paragraph delete the phrase "nearest point in the marketing area" and substitute therefor "city limits of Kingsport, Tennessee."

9. Delete § 923.46 (a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

10. Delete from § 923.50 (b) the phrase "during the delivery period" and substitute therefor the phrase "for the period from the 26th day of the immediately preceding month to the 25th day of the current month."

11. Delete § 923.51 (b) (2) (i) and substitute therefor the following:

(i) Multiply the Chicago butter price by 4.8.

12. Delete § 923.52 (b) and substitute therefor the following:

(b) *Class II price.* Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

13. In § 923.71, delete the word "September" and substitute therefor the word "August."

14. In § 923.72, delete the word "August" and substitute therefor the word "July."

15. Delete the proviso in § 923.72 (e) and substitute therefor the following: "*Provided,* That if such resulting value is greater than an amount computed by mutiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk."

16. Add to § 923.72 (g) after the word "section," the following phrase "and in the proviso of paragraph (e) of this section."

17. In § 923.81, delete the word "August" and substitute therefor the word "July."

18. In § 923.90 (a), delete the words "September through March" and substitute therefor the words "August through March" and in the same paragraph delete the words "April through August" and substitute therefor the words "April through July."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of September 1956 to be effective on and after October 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–7797; Filed, Sept. 26, 1956; 8:50 a. m.]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND RATE OF ASSESSMENT FOR 1956–57 FISCAL PERIOD

Notice was published in the August 29, 1956, daily issue of the FEDERAL REGISTER (21 F. R. 6517) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1956–57 season under the marketing agreement, as amended and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.209 *Expenses and rate of assessment for the 1956–57 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the

provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive, will amount to $28,657.50.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at 6 mills ($0.006) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1956–57 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, terms shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 24th day of September 1956, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–7795; Filed, Sept. 26, 1956; 8:49 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue of September 8, 1956 (21 F. R. 6831), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 21 F. R. 78; 2409; 6695) currently in effect pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Revise paragraph (a) § 969.140 *Avocados not subject to regulation* to read as follows:

(a) Any handler may handle avocados totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 969.41, 969.51, and 969.54: *Provided*, That the total quantity of avocados so handled by a handler shall not exceed 10 bushels during any week.

2. Amend § 969.150 *Reports* as follows: Immediately following the period after the title (§ 969.150 *Reports.*) insert the paragraph designation "(a)"; and add therein, after said paragraph (a), two new paragraphs reading as follows:

(b) Each handler registered with the Avocado Administrative Committee shall render a report to the committee of the disposition of each lot of noncertified avocados removed from the premises of his handling facilities during each week in which any avocados are handled subject to the provisions of §§ 969.41, 969.51, and 969.54, or exemptions therefrom pursuant to § 969.53. Such report shall be on forms prescribed by the committee and shall include (1) the quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the avocados were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

(c) Each handler shall render a report to the Avocado Administrative Committee of each lot of noncertified avocados received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (1) The name of the handler; (2) the quantity of avocados received; (3) date received; (4) name and address of the person from whom the avocados were purchased; (5) the district from which the avocados were transferred; and (6) the district to which the avocados were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date and good cause exists for making the provisions hereof effective not later than the date of publication of this document in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of the current crop of avocados is now in progress, and varieties of avocados are currently subject to maturity regulation under Avocado Order 12, as amended (21 F. R. 3307; 5469; 6329); (2) this amendment revises the provisions of the section which permits the handling of avocados not subject to regulation, and should be made effective as soon as possible to enable the Avocado Administrative Committee to effectively carry out its regulatory functions; (3) producers and handlers have been notified of the proposed adoption, and recommendation to the Secretary, by the committee of the said amendment to the rules and regulations; (4) notice that the department was considering such amendment was published in the FEDERAL REGISTER and interested parties afforded opportunity to file written data, views, or arguments in connection therewith; and (5) the new procedure established by such amendment of the rules and regulations will not require any preparation which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interpret or apply 68 Stat. 906, 1047)

Issued this 24th day of September to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–7794; Filed, Sept. 26, 1956; 8:49 a. m.]

[Docket No. AO–184–A15]

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced

at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1956. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Nashville marketing area. Any delay beyond October 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Nashville marketing area.

The changes effected by this order amending the order, as amended, no not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on July 24, 1956, the recommended decision having been issued on August 23, 1956 (21 F. R. 6489) and the final decision having been isued on September 17, 1956. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective October 1, 1956 (sec. 4(c), Administrative Procedure Act, 5 U. S. C. 1003(c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by this order, amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (July 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order as amended, is hereby further amended, as follows:

1. In § 978.51 (a) (1) (ii), add the following words: "except that such amount shall not be added or subtracted in computing prices for the months of October 1956 through January 1957, inclusive, and".

2. § 978.51 (a), delete subparagraph (2) and substitute the following:

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents.

3. In § 978.51 (a), delete subparagraph (3).

4. In § 978.51 (a), delete the language before the proviso, and substitute the following:

(a) *Class I milk price.* The Class I milk price shall be basic formula price for the preceding month, plus $1.40 during the months of August through January, except that for the year 1957, the month of February shall be included; and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of September, 1956, to be effective on and after the 1st day of October 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–7799; Filed, Sept. 26, 1956; 8:51 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

TERMINATION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 987), regulating the handling of milk in the Central Mississippi marketing area, hereinafter referred to as the "Order", it is hereby found and determined that:

(a) The provision, "Brookhaven Creamery, Brookhaven, Mississippi", contained in § 987.50 (c) does not tend to effectuate the declared policy of the act.

Section 987.50 (c) of the Federal Order No. 87, as amended, regulating the handling of milk in the Central Mississippi marketing area contains a list of five milk plants located in the State of Mississippi. Each month, the market administrator of Federal Order No. 87, computes a Class II milk price, pursuant to § 987.51 (b) of the order, on the basis of reports received from the operators of milk plants listed under § 987.50 (c) of the order. From the inception of the order the prices reported pursuant to § 987.50 (c) have exclusively reflected the value of "manufacturing grade" milk used in the production of dairy products. By including these milk plants in the list contained in § 987.50 (c) of the order, the Department intended that such value be used as the basis for computing the Class II milk price pursuant to § 987.51 (b) of the order.

The Department has been advised that effective September 1, 1956, the Brookhaven Creamery, Brookhaven, Mississippi, discontinued receiving "manufacturing grade" milk. Only "Grade A" milk is being received. It is understood that this "Grade A" milk must be paid for under the classification system provided by the Mississippi State Milk Audit Law. Therefore, effective September 1, 1956, the only price quoted by said Creamery will be a "blend" price reflecting the value of milk utilized for fluid purposes, and milk utilized for manufacturing purposes.

A "blend" price of this type does not reflect the value of milk for manufacturing purposes only; consequently it is deemed necessary that the Brookhaven Creamery, Brookhaven, Mississippi, be deleted from the list contained in § 987.50 (c) of the Federal order, as amended, regulating the handling of milk in the Central Mississippi marketing area.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reason stated under (a) above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This termination order does not require persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provision, "Brookhaven Creamery, Brookhaven, Mississippi", contained in § 987.50 (c) of the order, as amended, regulating the handling of milk in the Central Mississippi marketing area is hereby terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608 c)

Done at Washington, D. C., this 24th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7798; Filed, Sept. 26, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 21—AIRLINE TRANSPORT PILOT RATING

RULES, POLICIES, AND INTERPRETATIONS

This supplement provides an applicant for an airline transport pilot rating with the following rules, policies, and interpretations of the Administrator pertaining to the application for, and issuance of, an airline transport pilot rating:

1. The method of substantiating aeronautical experience (§ 21.16–2); and the crediting of copilot time (§ 21.16–3);

2. The contents of the written examination (§ 21.15–1), and the maneuvers required for the demonstration of aeronautical skill for various type and class ratings (§§ 21.17–1, 21.20–1);

3. The form and procedure for an application, or an amendment to the application (§§ 21.21–1 and 21.21–2);

4. The manner in which temporary or permanent certificates are issued (§ 21.22–1);

5. Procedure for reexamination after failure of an examination, and the persons qualified to give additional instructions (§§ 21.28–1 and 21.28–2);

6. The aircraft to be used in the flight test (§ 21.33–1); and

7. The retention of existing pilot ratings (§ 21.40–1).

The rule prescribed in § 21.16–1 specifies those persons having aeronautical experience equivalent to a commercial pilot certificate for the purpose of issuing an airline transport pilot rating. This rule was published as a notice of proposed rule making on June 16, 1956, in 21 F. R. 4259. Interested persons have been afforded an opportunity to submit written views, data, or comments. Consideration has been given to all relevant data presented concerning this rule.

1. The following new section is added to read:

§ 21.15–1 *Written examination (CAA policies which apply to § 21.15)*—(a) *Eligibility.* The airline transport pilot rating written examination will be given to any person who meets the eligibility requirements of §§ 21.9 through 21.14 and 21.16.

(b) *Contents.* The examination consists of four sections: (1) Civil Air Regulations, (2) meteorology, (3) radio navigation, and (4) radio operations and procedures; each of which is graded separately. A minimum grade of 70 percent is required to pass each section.

(c) *Substitution of credit.* An applicant may be credited with the successful completion of the meteorology section of the airline transport pilot rating written examination if he possesses a currently valid flight navigator's certificate or an instrument rating or if, within the last 2 years he has successfully completed the meteorology section of either the flight navigator or instrument rating examination. An applicant may be credited with successful completion of the radio navigation section of the airline transport pilot examination if he possesses a currently valid flight navigator's certificate or if, within the last 2 years, he has successfully completed the air navigation section of the flight navigator examination. If, however, the applicant has previously taken the airline transport pilot examination and failed to pass these sections, he may not substitute such credit for the written examination.

(d) *Examination procedures.* The examination consisting of the four sections mentioned in paragraph (b) of this section should be completed within one 6-hour session, except that the supervising agent may, at his discretion, allow extra time in special circumstances. No examination may be started unless sufficient time remains to complete the examination before the end of regular office hours.

(e) *Report of grades.* A report of grades received, Form ACA–578A, will be mailed direct to the applicant. Form ACA–578A will be accepted within a period of 24 months from the date of the examination as evidence of the applicant's having successfully completed the knowledge requirements for an airline transport pilot rating. A Form ACA–578A, acceptable on September 1, 1956, will be accepted by the Administrator until September 1, 1958.

EXCEPTION: Form ACA–578A will be accepted by the Administrator from an applicant during the applicant's period of employment with an air carrier or operator, provided the applicant has been continuously employed since taking the examination, as a pilot with an air carrier or operator, and during this period of employment actively participates in a pilot training program conducted by the air carrier or operator.

2. The following sections are revised to read:

§ 21.16–1 *Aeronautical experience (CAA rules which apply to § 21.16).* (a) The following shall be considered to hold the equivalent of a United States Commercial Pilot Rating Certificate:

(1) Pilots of the U. S. armed services whose military experience qualifies them for commercial certificates under § 20.55 (b) of this subchapter.

(2) Holders of foreign airline transport pilot or commercial pilot licenses without limitations issued by member states of ICAO.

(b) The holding of the equivalent of a commercial pilot rating shall permit the holder thereof to meet the requirements of § § 21.17 (a) (1) through (7) and 21.18 (b)

§ 21.16–2 *Evidence of flight experience (CAA policies which apply to § 21.16).* (a) Flight experience required by § 21.16 should be substantiated by a logbook maintained in accordance with the requirements of § 43.43 of this subchapter.

3. The following new sections are added to read:

§ 21.16–3 *Copilot experience (CAA policies which apply to § 21.16 (a)).* A copilot employed by a certificated air carrier may credit "as copilot actually performing the duties and functions of a pilot-in-command under the surveillance of the pilot-in-command" that time during which he perfoms all the functions of the pilot-in-command [1] including landings and takeoffs, en route flying, low approaches, and ground functions.

(a) Flight time credited in this manner is subject to the provisions of § 43.44 (b) (2) of this subchapter.

(b) The actual flight time should be recorded and certified by the pilot-in-command under whose supervision the functions were accomplished.

§ 21.17–1 *Aeronautical skill (CAA policies which apply to § 21.17).* (a) An applicant will satisfactorily demonstrate the following maneuvers to an Aviation Safety Agent or a designated airline transport pilot examiner by means of a flight check.[2] This flight check may not be taken until the written examination has been satisfactorily completed and the applicant has complied with the requirements of § 21.31.

(b) The following list of maneuvers will be specifically required for airline transport rating in multiengine aircraft:

Equipment examination (oral).
Preflight check.
Taxiing, or sailing and docking.
Runups.
Takeoffs.
Climbs and climbing turns.[3]
Maneuvering at slow speed.
Approaches to stalls.
Airport traffic pattern.
Landing technique.
Cross-wind takeoff and landing.
Traffic control procedure.
Steep turns (instruments only).
Timed turns.[3]
Recovery from unusual attitudes.
Use of radio equipment.
Orientation.
Beam bracketing.
Cone (station) identification.
Instrument approach procedures.
Missed approach procedures.
Use of directional radio.
Rapid descent and pull-up.
Engine(s) out procedure.
Maneuvering with engine(s) out.
Maneuvering for landing at weather minimums.
Takeoff and landing with engine(s) failure.
Emergencies.
Smoothness and coordination.
Judgment.

(c) The following list of maneuvers will be specifically required for airline transport pilot rating in single-engine aircraft:

Equipment examination (oral).
Preflight check.
Taxiing, or sailing and docking.
Runup.
Takeoffs.
Climbs and climbing turns.[3]
Maneuvering at slow speed.
Stalls.
Airport traffic pattern.
Accuracy approaches and spot landings.
Landing technique.
Cross-wind takeoff and landing.
Traffic control procedures.
Steep turns (instrument only).
Timed turns.[3]
Recovery from unusual attitudes.
Use of radio equipment.
Orientation.
Beam bracketing.
Cone (station) identification.
Instrument approach procedures.
Missed approach procedures.
Use of directional radio.
Rapid descent and pull-up.
Maneuvering for landing at weather minimums.
Emergencies.
Smoothness and coordination.
Judgment.

(d) The following list of maneuvers will be specifically required of ATR multiengine pilots who apply for additional type ratings:

Equipment examination (oral).
Preflight check.
Taxiing, or sailing and docking.
Runups.
Takeoffs.
Maneuvering at slow speed.
Approaches to stalls.
Airport traffic pattern.
Landing technique.
Cross-wind takeoff and landing.
Traffic control procedures.
Steep turns (instrument only).
Recovery from unusual attitudes.
Use of radio equipment.
Instrument approach procedures.
Missed approach procedures.
Rapid descent and pull-up.
Engine(s) out procedure.[3]
Maneuvering with engine(s) out.[3]
Maneuvering for landing at weather minimums.
Takeoff and landing with engine(s) failure.
Emergencies.
Smoothness and coordination.
Judgment.

[1] An air carrier should determine that a copilot has had sufficient time and experience and has demonstrated his ability to perform efficiently the duties of a copilot before permitting him to perform the functions of a pilot-in-command for the purpose of logging "pilot-in-command time".

[2] The examiner or agent will determine the order in which the maneuvers are to be accomplished. See Appendix A for detailed information relating to the required maneuvers. Appendix A not filed with Federal Register Division.

[3] Not required if applicant holds instrument rating.

Application for an amendment to the Airline Transport Pilot Rating Certificate will be made in accordance with procedures set forth in § 21.21–1.

§ 21.22–1 *Issuance (CAA policies which apply to § 21.22 (a)).* After the applicant has satisfactorily completed both the written examination and flight test, he will be issued a temporary certificate, Form ACA–1710T. This certificate may be issued by an Aviation Safety Agent only. Hence, if the flight test has been given by a designated examiner, the applicant must obtain a properly endorsed Form ACA–342A from him for presentation to an Aviation Safety Agent who will issue the Form ACA–1710T. Permanent certificates will be issued from Washington, D. C.

§ 21.28–1 *Reexamination (CAA policies which apply to § 21.28 (b)).* (a) An applicant who has failed any maneuver (or maneuvers) will be issued a Form ACA–666 which will list specifically the maneuvers which he failed. In a reexamination only the maneuvers failed [5] need be repeated.

(b) Form ACA–666 must be submitted to the agent or examiner prior to reexamination, together with satisfactory evidence that the additional flight time requirements required in § 21.28 (b) have been met.

§ 21.28–2 *Instrument flight instruction (CAA policies which apply to § 21.28 (a) (3)).* An instructor employed by an air carrier or by a certificated flying school to instruct in courses pertinent to the theory of instrument flight will be considered to qualify under this section.

§ 21.33–1 *Aircraft used in tests (CAA interpretations which apply to § 21.33).* (a) Aircraft used to accomplish flight tests for airline transport pilot ratings may be (1) properly certificated aircraft of U. S. registry; or (2) at the discretion of the agent or examiner, aircraft of foreign registry properly certificated by the authorities of the country in which it is registered; or (3) at the discretion of the agent or examiner, military aircraft on operational status if permission of the appropriate military authority is obtained.

(b) A suitable hood must be provided by the applicant for the aircraft used. The hood must completely exclude from the applicant all outside forward visual reference and yet not unduly restrict the vision of the agent or examiner.

§ 21.40–1 *Retention of existing ratings upon issuance of a pilot certificate of a higher rating (CAA policies which apply to § 21.40).* (a) The holder of a commercial pilot certificate who qualifies for an airline transport pilot certificate may retain all of his commercial pilot certificate ratings. However, when such ratings are endorsed on his airline transport pilot certificate, he may exercise only the privileges of a commercial pilot in respect to such ratings. In order to exercise such privileges, he must hold a first class medical certificate issued within the past 12 calendar months.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective October 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7772; Filed, Sept. 26, 1956; 8:45 a. m.]

[4] Not required if applicant holds instrument rating.

[5] See Appendix B for various type ratings. Appendix B not filed with Federal Register Division.

[6] The number and relative importance of the maneuvers specified in § 21.17–1 which have been failed will be used as a guide in determining how many hours of flight time are required prior to reexamination.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6271]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN BROADLOOM CARPET CO., ET AL.

Subpart—*Advertising falsely or misleadingly:*

§ 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller; retailer as wholesaler, jobber or factory distributor; § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Using misleading name*—Vendor; § 13.2460 *Retailer as wholesaler, jobber or distributor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jacob Hauptman t. a. American Broadloom Carpet Company, etc., Philadelphia, Pa., Docket 6271, September 10, 1956]

In the Matter of Jacob Hauptman, an Individual Trading as American Broadloom Carpet Company, American Floor Covering Company, and American Mills Outlet Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual, engaged under several trade names in the retail sale of rugs and carpets in Philadelphia, with representing falsely in advertisements in newspapers, periodicals, and other advertising media that certain carpetings had been "Woven to sell for $19.95" or were "Orig. $12.95" or other prices which were greatly in excess of the usual price he charged for the merchandise offered; that such advertised prices provided a substantial saving to purchasers; and through use of the words "Mills Outlet" in one of his trade names and otherwise in his said advertisements, that he had been especially selected by manufacturers to dispose of their rugs and carpets at greatly reduced prices—and hearings in due course.

On this basis, the hearing examiner made his initial decision and order to cease and desist, from which respondent appealed. The Commission, having heard the matter upon briefs of counsel, on September 10 issued its opinion denying the appeal and modifying the order, and adopting the initial decision as modified as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Jacob Hauptman, an individual, trading as American Broadloom Carpet Company, American Floor Covering Company, or American Mills Outlet Co., or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of carpets, rugs, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as the customary and usual prices of said products any price which is in fact in excess of the price at which such products are customarily offered for sale and sold by respondent in the usual course of business.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondent's products.

3. Using the words "mills outlet," or any other word or words of similar import or meaning, as a part of a trade name, or in any other manner; or otherwise representing that respondent has been especially designated or selected by any manufacturer of rugs and carpets to dispose, sell or distribute in any manner the products of said manufacturer.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the initial decision as modified.

Issued: September 10, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-7780; Filed, Sept. 26, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

DENTAL ATTENDANCE

Sections 577.40 to 577.46 are revoked and the following substituted therefor:

Sec.
577.40 General.
577.41 For whom authorized.
577.42 Dental care by civilian dentists.

AUTHORITY: §§ 577.40 to 577.42 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 40-180, Aug. 8, 1956.

§ 577.40 *General*—(a) *Definition.* The term "dental care" as used in §§ 577.40 to 577.42 embraces the science of dentistry as commonly practiced by the dental profession.

(b) *Precedence in treatment.* Persons requiring emergency treatment will receive first consideration. Persons on active military duty will have precedence over others authorized treatment under § 577.2.

(c) *Maintenance of professional standards.* Dental treatment rendered in Army facilities will conform to the highest professional and ethical standards. All practical means for maintaining such standards will be encouraged, including the following:

(1) Membership of dental officers in appropriate professional societies and the fostering of contracts with the civilian profession where such is practical.

(2) Regular professional staff meetings, the organization of study groups, or other means for the mutual stimulation of professional improvement when the size of the dental facility warrants such action.

(3) Maintenance of adequate reference libraries.

(4) Utilization of training aids available from the Department of the Army or other sources.

(5) Rotation of general duty dental officers among different sections of dental services, or other means for increasing their experience and knowledge in all aspects of dentistry.

(6) Improvement in the qualifications of auxiliary personnel through planned and supervised on-the-job training and attendance at appropriate school courses.

§ 577.41 *For whom authorized.* Dental care is authorized for the same persons and under the same conditions as medical care (§§ 577.1, 577.2, 577.5 and 577.15), except as provided in § 577.40 to 577.42.

§ 577.42 *Dental care by civilian dentists*—(a) *For whom authorized.* Subject to the conditions and limitations specified herein, dental care by civilian dentists at the expense of Army Medical Service funds is authorized for the following personnel and none other when the required care cannot be procured from available dental facilities of the Department of Defense or other Federal agencies outside the Department of Defense: *Provided*, That this authorization will not apply to personnel who obtain elective dentistry from civilian dentists:

(1) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy when on a duty status or when absent on any authorized leave or pass. Charges incurred for civilian dental care when absent without leave are the sole responsibility of the individual concerned.

(2) Officers, warrant officers, and enlisted personnel of the Army Reserve; the federally recognized National Guard of the several States, Territories, and the District of Columbia; the National Guard of the United States; and the Army without specification as to component when ordered or called into active Federal service, when ordered to active duty for training, or while performing reserve duty training.

(3) Members of the Reserve Officers' Training Corps en route to, or from, or during their attendance at camps of instruction under section 47a, National Defense Act.

(4) Applicants for enlistment or reenlistment and registrants under the Universal Military Training and Service Act (62 Stat. 604) as amended (50 U. S. C. App. 451 et seq.) (limited to necessary dental examination except as provided in subparagraphs (5) and (6) of this paragraph).

(5) Applicants for enlistment or registrants whose physical fitness for military service cannot be determined without hospital study.

(6) Applicants for enlistment who suffer acute illnesses and injuries while awaiting or undergoing enlistment processing at recruiting main stations or at Armed Forces Examining Stations (limited to emergency dental care, including hospitalization).

(7) Prisoners.

(8) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(9) Civilian seamen in the service of vessels operated by the Department of the Army.

(b) *Emergency dental care.* Prior approval of higher authority is not required for the employment of a civilian dentist for emergency dental treatment, which is defined as dental treatment for the relief of pain, or acute conditions, or of dental injuries caused by direct violence. Such care will be confined to the relief of the immediate emergency.

(c) *Routine dental care.* Routine dental care will include all preventive, therapeutic, restorative and oral surgical measures, other than those of an emergency nature which are necessary to maintain dental health and function, but will not include those measures required primarily for cosmetic reasons or for correction of minor nonprogressive defects. Civilian dentists may not be employed at public expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific approval for such employment has been received from the approving authority: *Provided*, That in the case of military personnel on detail without troops in foreign countries, dental service of this character which is urgently necessary may be procured at reasonable rates without prior approval of higher authority.

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 56-7770; Filed, Sept. 26, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 11]

DMO VII-6—EXPANSION GOALS

COPPER

1. Defense Mobilization Order-VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented by transferring the following expansion goal from List III, Open to List I, Closed.

Goal No., Title, and Delegate Agency
56; copper; Interior.

2. This supplement shall be effective on September 24, 1956.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 56-7783; Filed, Sept. 26, 1956; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHRISTINA RIVER, DELAWARE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.235 governing the operation of drawbridges across Christina River is hereby amended to prescribe closed periods for the Delaware State Highway Department bridges at Third Street and Market Street, Wilmington, Delaware, and other minor changes, as follows:

§ 203.235 *Christina River, Del.; bridges.* • • •

(b) Except as otherwise provided in paragraphs (g) and (h) of this section, the bridge tender upon hearing or perceiving the prescribed call signal shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided*, That the draw of a railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within 5 minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than 5 minutes in the case of a highway bridge, nor more than 10 minutes in the case of a railroad bridge.

• • • • • •

(f) The foregoing general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) and (h), of this section, prescribed to provide for closed or open periods when land or water traffic predominates and for the operation of a particular bridge on advance notice.

• • • • • •

(h) *Closed periods.* The Third Street and Market Street bridges shall not be required to open for the passage of vessels between 7 a. m. and 8 a. m. and between 4:30 p. m. and 5:30 p. m., except on Sundays and legal holidays: *Provided*, That any vessel which has passed through either bridge immediately prior to a closed period and will require passage through the other bridge in order to continue to its destination shall be passed through the draw without delay. *Provided further*, That in time of flood or other emergency the closed periods may be suspended or modified by the District Engineer, Corps of Engineers.

[Regs., September 13, 1956, 823.01 (Christina River, Del.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 56-7771; Filed, Sept. 26, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-22]

MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.

2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; and accounting and payments for nonpool milk received at a pool plant.

3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.

4. Revision of price differentials to producers in nearby zones.

5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.

6. Expansion of the surplus milk manufacturing area.

7. Classification of malted milk.

8. "Reload point" as a type of pool plant.

In addition to the issues here listed, certain other matters were referred to in proposals included in the hearing notice, but were either abandoned or not specifically mentioned at the hearing. These matters included the price level for Class II milk, expansion of the marketing area to include all of Lake County, Illinois, advance payments to producers, new producer bases, and accounting for own-farm production. It is concluded that no action with respect to these matters should be taken on this record.

This decision deals only with issues Nos. 1, 4, 5, 6, 7 and 8. The other issues, No. 2 and No. 3, have been dealt with in a previous decision.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence contained in the record of the hearing:

1. *Class I price.* No change should be made in the Class I price differential or supply-demand adjustor.

Several producer organizations requested that the Class I price differential, which is added to the basic formula price, be changed to $1.10 per hundredweight for each month of the year. One producer group requested that the supply-demand adjustment be deleted from the order.

The Class I price differentials now provided in the order are $1.10 for the months of August through November, 90 cents for December, January, February and July, and 70 cents in other months. The annual average of these differentials is 90 cents.

The testimony in favor of making the Class I differential $1.10 for every month was based on the following reasons: (1) Increased costs of milk production; (2) loss of producers from the market; (3) low level of price compared with prices in other markets; and (4) a long-term upward trend in sales in the past ten years.

A representative of the largest producer organization in the market explained that his request for a price increase was not based on a need for more milk in the market, or to effect less seasonal variation in pricing, but rather to increase returns to producers on the present volume of milk.

A witness for handlers opposed the price increase and the elimination of seasonal pricing, as proposed by producers, on the basis that these would be harmful to the competitive position of handlers, particularly with respect to out-of-market sales, which are a substantial part of the Chicago handlers' business.

Record data do not show there is as yet any substantial reduction in seasonal variation in total producer deliveries from the range of variation for years prior to operation of the base plan. When the base plan was made effective in September 1954, seasonal price changes were retained in the order as an additional incentive to producers to even out production. Moreover, substantial amounts of milk approved for Chicago distribution are sold in packaged form as Class I milk in a number of markets outside the defined marketing area. Some of this milk is sold at resale prices which vary from those which prevail in the marketing area and in markets where seasonal adjustments of producer prices take place in the flush production season. To eliminate seasonal pricing under present conditions could result in competitive disadvantage to handlers which, if it proved substantial, would mitigate the presumed gain to producers from elimination of seasonal pricing.

In view of the lack of substantial evidence of a basis for eliminating seasonal pricing, it is concluded that no change should be made in the order in this respect.

The proposal to increase the annual average of the Class I price should be examined in the light of price levels in recent years, and of changing supply and demand conditions. The proposed price increase of 20 cents per hundredweight is substantial in relation to the present level of the differentials, and is greater than the total increase in the differentials since 1951. At the time when the Chicago and suburban orders were combined on July 1, 1951, the annual average of the Class I differentials was 75 cents per hundredweight. Effective July 1, 1952, an amendment to the order increased the average of the differentials to 89.2 cents. The average of the differentials included in the December 1, 1954, amendment was 90 cents.

Since July 1, 1952, the Class I price has also been subject to a supply-demand adjustment based on the relationship of the volume of producer milk to utilization in Class I and Class II in the most recent 12-month period. This automatic price adjustment has served to keep the level of order prices in line with changing market conditions.

Data in the record for the years 1951 to date show a fairly steady increase in Class I sales, with the largest increases occurring after mid-1953. Sales of Class II milk in 1955 were slightly less than in 1951. The combined increase in both classes of milk was about 9 percent. Milk supplies from producers, on the other hand, increased about 20 percent in this period. Although producer numbers declined from an average of 23,005 in 1951 to 22,050 in 1955, this was compensated by a 25 percent increase in production per dairy.

For the first four months of 1956, production was about 5.1 percent higher than a year previous. Increased sales of Class I and Class II milk resulted in about the same level of utilization as in the same months of 1955.

The fall months are normally the critical period as to whether the market is adequately supplied. The percentage of producer milk used in Class I and Class II in the shortest production month of 1955, which was September, was 86.8 percent. In August, the percentage was 82.2 percent; in October, 80.2 percent; in November, 78.3 percent; and in December, 72.0 percent. Some testimony given in support of a proposal to change the requirements for pool plant status stressed the need to make milk available to the market in the fall months of short production. An amendment to the order on the basis of this record and effective September 1, 1956, makes modifications in pool plant requirements similar to those proposed.

It is concluded, on the basis of the preceding considerations, that the market supply in recent periods has been adequate, but not excessive, and that the price levels in the order since 1951 have resulted in an adequate response of supply to meet the needs of the market.

The testimony with respect to the proposal to eliminate the supply-demand adjustment contended that this factor has reduced prices in periods when surplus utilization in the market is not excessive. The testimony cited the situations in the fall months of 1954 and 1955, when the supply-demand formula reduced the price for milk in these classes although utilization in Class I and Class II ranged from 79 to 84 percent in the former, and from 78 to 87 percent in the latter instance. The witness pointed out that when utilization in fall months of 1952 was at a similar level, the supply-demand adjustment was adding 12 to 15 cents per hundredweight to the Class I price.

Official notice is taken here of the decision of the Secretary dated June 16, 1952 (17 F. R. 5526), in which it was decided that the supply-demand adjustment should be based on a twelve-month moving average of utilization. This type of adjustor was made effective July 1, 1952. Prior to that time the adjustment had been based on a six-month moving average of utilization. The latter type of adjustor had proved unsatisfactory in that it had resulted in some price variation contrary to the current supply-demand situation. At the hearing on which the June 16, 1952, decision was based, testimony generally indicated a preference for a type of adjustment which would reflect secular trend rather than a forecast of conditions immediately ahead.

Inasmuch as a twelve-month moving average is generally indicative of the secular trend of market utilization, and obscures variations of utilization in individual months, it is possible for negative price adjustments to continue through periods of a few months when the market is no more than adequately supplied. Furthermore, in periods covering several months when there is a general change in the level of utilization, it must be expected that the 12-month average will move more slowly than changes in recent months. However, effective August 1, 1955, the supply-demand adjustment was modified to reflect any change of the most recent twelve-month utilization figure from the similar utilization figure calculated three months previously. This change made the supply-demand adjustment more responsive to the situation in recent months. No proposal was made on the record as to how the supply-demand adjustor could be further revised to forecast with greater precision the prospective supply-demand situation. There is no basis in this record for the conclusion that deletion of an automatic price adjustor would result in a pricing system more adequately reflective of changing supply and demand conditions.

4. *Revision of price differentials to producers in nearby zones.* Location adjustments to producers with farms located near the marketing area should be revised so that location payments from the pool are made according to the location of the producer's farm rather than on the basis of the location of the plant where his milk is received. The rate of payment should be adjusted.

The order provides that uniform prices to producers are subject to location adjustments. The monthly announced uniform price per hundredweight applies to milk of 3.5 percent butterfat content received at pool plants located in the 55–70 mileage zone from the City Hall in Chicago. The price to producers for milk delivered at plants beyond this zone is reduced by 2 cents per hundredweight for each 15 miles, or fraction thereof that the plant location exceeds 70 miles. Milk delivered to plants located between the outer perimeter of the marketing area and a distance of 55 miles from Chicago City Hall, and milk delivered to plants located within the marketing area, is priced at the announced 55–70 mile zone uniform price plus 2 cents and 10 cents, respectively. The handler who receives the milk from producers pays the 2 cents additional for milk received at plants located between the marketing area and 55 miles, and 4 cents of the payment applicable at plants located in the marketing area, with the remaining 6 cents being paid out of the pool as a handler credit.

A major producer group proposed that the payment out of the pool be made on the basis of the location of the farm, rather than the present basis, which is the location of the plant where milk is received. According to this proposal, producers whose farms are in the townships within a radius of approximately 70 miles of the Chicago City Hall would be eligible for the nearby differentials. The townships would be grouped into two zones, which for convenience in this connection are designated as "Zone A" and "Zone B." Zone A would include all townships located within a radius of approximately 55 miles from the Chicago City Hall, and the Zone B would include all remaining townships located within the area encompassed by the approximate 70-mile radius. As a corollary to the zoning of nearby producer farms, it was proposed to change the rate of credit out of the pool from 6 cents per hundredweight on all milk received at a marketing area pool plant, to 4 cents per hundredweight on all milk received from producers with farms located in Zone A, and 2 cents per hundredweight on milk received from producers with farms located in Zone B. A handler would be given the pool credit on all milk received from these two groups of producers regardless of the receiving plant's location.

The 6-cent pool payment for milk received at plants located in the marketing area was incorporated in Order 41, July 1, 1951, when Orders 41 and 69 were combined. In this connection official notice is taken of the decision of the Secretary issued June 12, 1951 (16 F. R. 5777). Under Order 69, which regulated the handling of milk in suburban Chicago, uniform prices were computed on an individual-handler basis, and a wide variation in uniform prices existed between different handlers. In addition, the Order 69 uniform prices were generally higher than the Order 41 uniform prices for the same month. For all milk received by Order 69 handlers, the uniform prices had averaged about 17 cents per hundredweight higher than the Order 41 uniform prices. Since many Order 41 and Order 69 producers were interspersed, differences in prices tended to disrupt the orderly marketing of milk. Although most Order 41 producers with farms located near the marketing area had been receiving premiums above the announced uniform price, these were not uniform and were disturbing to the orderly marketing of milk produced on farms in or near the marketing area. It was proposed by the sponsors of the consolidation of Orders 41 and 69 that all those producers shipping milk to marketing area plants should share in the high utilization value contributed to the combined pool by the suburban handlers in the consolidation. In the decision of June 12, 1951, it was concluded that this amounted to about 6 cents per hundredweight on all milk shipped directly to plants located in the enlarged marketing area, and handlers who have received such milk have been given a pool credit at this rate from July 1, 1951, to date.

It was contended at this hearing, and at hearings on proposed amendments to Order 41 in April 1952, June 1954 and July 1955, that this pool credit has resulted in problems to certain handlers in the procurement of milk, and that handlers with plants located in the marketing area had a 6-cent per hundredweight price advantage over those with plants located outside the marketing area. This allegedly resulted in the unnecessary shifting of producers among plants, additional costs to some handlers in purchasing milk, and instability in the procurement of milk.

As the handling of milk in farm tanks became more prevalent the effect of the 6-cent pool credit extended further into the milkshed. Milk which had formerly been received at country plants was hauled directly from farms to the marketing area in tank trucks. In many instances milk was transferred from a bulk tank pickup truck to a larger truck, and then hauled to a city plant. As a result, the amount of money taken out of the pool to pay farmers shipping to marketing area plants increased.

Proposals to amend Order 41 to wholly or partially eliminate some of the effects of the 6-cent pool payment were considered at the previously mentioned hearings held in 1952, 1954 and 1955. Included in these proposals were extensions of the marketing area to include adjacent townships so that additional handlers would receive the 6-cent credit, elimination of the credit entirely, and proposed changes in the pricing points for some bulk tank milk. The last mentioned of these proposed amendments was adopted. Effective March 1, 1956, bulk tank milk transferred from one truck to another was priced at the point of transfer, with a consequent reduction of credit payments out of the pool. However, many people in the industry consider that the 6-cent pool credit results in substantial inequities between producers and handlers.

The major producer and handler groups contended at the hearing that changing the basis of the pool credit to handlers from the location of the plant to the location of the farms where milk was produced, would eliminate the procurement advantages of handlers with plants located in the marketing area. Under the proposal, each plant, regardless of location, would be given the same pool credit for milk received from farms located in Zone A, and similarly for farms located in Zone B. To illustrate, a plant located in the 55–70 mile zone would be given the same pool credit of 2 cents per hundredweight of milk received from a farm located in Zone B as would be given to a plant located in the marketing area and receiving milk from a farm in the same zone. At the present time, no credit would be given the plant in the 55–70 mile zone whereas a plant in the marketing area would receive a 6-cent credit. Under the proposal, the uniform prices to producers would continue to reflect the location of the plant to the extent of 2 cents per hundredweight per zone, and these amounts would be paid by the handlers operating the plants. These differences in prices would be paid to any producer regardless of farm location. The differences approximate the cost of hauling milk from different locations.

There was no testimony in opposition to the proposal.

The proposed revision of the basis of payment for nearby differentials may be expected to result in about the same total amount of money to producers for such differentials as has been paid in recent years. The proposed zoning and change in rates would result in approximately the same area distribution of the money as was the case when the orders for Chicago and the suburban area were combined. The zoning of farms in two groups also has the advantage of providing a gradation in prices according to distance from a central location. Further, the payments out of the pool to producers would be limited to those whose milk supplies have historically commanded premiums over more distant milk by more than the actual difference in transportation cost on the principal grounds that such supplies are better adjusted to the requirements of the fluid milk market, are more readily accessible, and are less subject to weather and transportation hazards.

The proposed zone arrangement of the nearby area and the rates of payment are reasonable in view of the past market practices and should be adopted.

5. *Changes in accounting for milk.* No change should be made in the method of accounting for milk utilization, except as provided under Issue No. 7.

Two proposals were made to change the method of accounting for utilization of milk by handlers. One proposal was to adopt a method of accounting for utilization of all skim milk and butterfat. This is the same proposal as was made at hearings held in June 1954, and July 1955. The other proposal at this hearing with respect to accounting for utilization would call for separate accounting for skim milk and butterfat used for ice cream, ice cream mix and frozen desserts. Substantially the same proposal was considered at the July 1955 hearing. In this connection official notice is taken of decisions of the Secretary issued November 26, 1954 (19 F. R. 7693), and February 13, 1956 (21 F. R. 1070).

The testimony at this hearing on these proposals did not present any substantial new evidence which would require a different conclusion than on the basis of the previous hearings. In fact, much of the evidence with respect to one of the proposals was given principally by reference to testimony at the pervious hearings.

It is concluded that this record does not provide a basis for conclusions different from conclusions made on these issues on records of the previous hearings, and that the proposals should be denied.

6. *Expansion of surplus milk manufacturing area.* No change should be made in the surplus milk manufacturing area.

A handler proposed that Dubuque County, Iowa, be included in the surplus milk manufacturing area. The reason given for this request was to change the classification of milk moving from a plant regulated under this order to a plant in Dubuque, Iowa, which is outside the surplus milk manufacturing area.

Under the Federal order regulating the handling of milk in the Dubuque marketing area, such movements of milk are treated as other source milk and allocated to the lowest class. Under this order, such shipments of milk to plants regulated under another order are classified as Class I milk pursuant to § 941.40 (a) to the extent of Class I utilization in the plant to which transferred.

It was the contention of the proponent that extension of the surplus milk manufacturing area would allow classification of such milk under this order in the same class to which it is assigned under the Dubuque order. This is not in conformance with order provisions, since §941.40 (a) states the basis for classification of milk moving to plants regulated under other orders, wherever located, and takes precedence over paragraphs (c) and (d) of such section which deal with classification of milk moved to

plants within the surplus milk manufacturing area.

The surplus milk manufacturing area has been established under the order as an area in which handlers may economically dispose of surplus milk for manufacturing uses. The reasons given for this proposal to enlarge the area are not consistent with this purpose. It is concluded the proposal should be denied.

7. *Classification of malted milk.* Malted milk should be classified as a Class III (a) milk product.

Under the present provisions of Order 41, any milk the butterfat from which is used in the production of a product not specifically named in the Class I, Class II or Class IV milk definitions, is classified as Class III milk. The Class III milk definition, in turn, specifies that the butterfat in milk used in condensed milk disposed of to commercial food processors located within the surplus milk manufacturing area, and sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids and condensed skim milk, shall be referred to as Class III (a) milk. The price for Class III (a) milk is at all times the condensery pay-price, whereas the price for the balance of the Class III milk is the condensery pay-price or the Class IV price, whichever is the higher.

It was proposed that malted milk be included as a Class III (a) product. Malted milk production, nationally, represents a large proportion of the dry whole milk solids production. Malted milk is processed in essentially the same manner as other Class III (a) milk products, and its composition is similar except for added ingredients. Competing unregulated plants base their prices to farmers on the midwest condensery price. In view of the close similarity in form and use between malted milk and other Class III (a) products, it should be included in that classification.

8. *Reload points.* The order should be amended to clarify the definition of "reload point."

In the recommended decision on this record issued by the Deputy Administrator July 20, 1956 (21 F. R. 5590), and the decision of the Secretary issued August 13, 1956 (21 F. R. 6136), the matter of "reload points" as a type of pool plant was inadvertently listed as part of Issue No. 2. No findings or conclusions were made with respect to reload points in those decisions. This matter should be considered as a separate issue as provided in this decision.

Effective March 1, 1956, Order 41 was amended to include as a "pool plant" any location at which milk moved from the farm in a tank truck is reloaded into another truck before entering a plant. Such a location is designated as a "reload point." This amendment was made in an effort to deal with certain problems that arise in the pooling and pricing of milk because of the increasing use of bulk tank milk assembly. These problems center around the question as to the point at which such milk should become subject to regulation and where it should be priced. Prior to this March 1, 1956 amendment, all milk was regulated and priced under Order 41 upon receipt at a plant.

Three proposals were made at this hearing to eliminate the reload point concept from the order. In support of two of these proposals, it was pointed out that the milk of some can shippers is reloaded from one truck to another in the country and shipped to the plant in the marketing area, so that the shipper receives the marketing area price. It was contended that the bulk shippers should be treated in the same manner, and that prices received by some bulk tank producers had been adversely affected by the March 1, 1956 amendment. The third proposal to eliminate reload points was offered as a corollary to the proposed change in the method of applying location differentials to producers located near or in the marketing area. This proposal was based on the assumption that the designation of reload points as pool plants served only to prevent handlers from receiving substantial amounts of money as pool credits to pay to some producers located considerable distances from the market whose milk was being picked up in tank trucks for movement directly to marketing area plants. It was contended that the proposed change in the basis of payments to nearby producers would accomplish such a purpose equally well, and that therefore the concept of reload points could be eliminated from the order.

The complaint against establishing prices at reload points is that farmers in zones well beyond the 70-mile zone do not receive prices established for delivery to the marketing area. Reload points were made the point of pricing under the order, by amendment March 1, 1956, for milk handled at such facilities, so that the price would be established for reloaded milk at country points in a manner similar to the pricing of other milk received at plants in the same locality. This record does not show that such a system of pricing at reload points is unsound or inequitable, and it is unnecessary here to repeat in detail the basis for establishing reload points. In this connection the order should be clarified, however, with respect to reloading performed at plant locations. By administrative practice such operations have been treated as part of the plant's operations, and this should continue to be so. No purpose is served with respect to pricing or administration by separation of these operations, and it would be impractical to consider the operations as separate. In the attached amending language the definition of reload point is modified to indicate that reloading on plant premises is considered part of the plant's operations.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendments to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 941.6 and substitute therefor the following:

§ 941.6 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

2. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk, malted milk, and condensed skim milk (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

3. Delete § 941.70 (d) and substitute therefor the following:

(d) Subtract the amount of any location adjustment to producers allowable pursuant to paragraphs (d) and (e) of § 941.81.

4. Delete § 941.71 (b) and substitute therefor the following:

(b) Add the aggregate of location adjustments to producers allowable pursuant to § 941.81 (a).

5. Delete § 941.80 and substitute therefor the following:

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53, or to the location adjustments to producers allowable pursuant to paragraphs (b) and (c) of § 941.81, whichever is applicable at the plant where the milk is received by the cooperative association and to a butterfat differential computed pursuant to § 941.82.

(b) On or before the 18th day after the end of each of the delivery periods of July through February each handler shall pay to each producer per hundredweight of milk received from him during such delivery period, respectively, not less than the uniform price, for such delivery period, subject to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

(c) On or before the 18th day after the end of each of the delivery periods March through June each handler shall pay to each producer per hundredweight of base milk received from him during such delivery period, respectively, not less than the uniform price for base milk, and for excess milk received from such producer the handler shall pay not less than the uniform price for excess milk, subject in the case of both base milk and excess milk to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

6. Delete § 941.81 and substitute therefor the following:

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b) and (c), each handler shall:

(a) Deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles;

(b) Add 2 cents per hundredweight of milk received from producers at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago;

(c) Add 4 cents per hundredweight of milk received from producers at a pool plant located within the marketing area;

(d) Add 4 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Kenosha, the townships of Pleasant Prairie, Bristol and Salem in Kenosha County, all in the State of Wisconsin; the townships of Richmond, Burton, Greenwood, McHenry, Seneca, Dorr, Nunda, Coral, Grafton and Algonquin in McHenry County, Lake County, Kane County, Cook County, Du Page County, Kendall County, Will County; the townships of Saratoga, Aux Sable, Goose Lake and Felix in Grundy County; and the townships of Rockville, Manteno, Sumner, Yellowhead, Bourbonnais, Ganeer and Momence in Kankakee County, all in the State of Illinois; and Lake County, and Porter County, except Pleasant Township all in the State of Indiana, which territory shall be known as Zone A; and

(e) Add 2 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Racine, the townships of Raymond, Caledonia, Burlington, Dover, Yorkville and Mount Pleasant in Racine County; the townships of Brighton, Paris, Somers, Wheatland and Randell in Kenosha County; the townships of Lyons, Linn and Bloomfield, of Walworth County, all in the State of Wisconsin; the townships of Chemung, Alden, Hebron, Dunham, Hartland, Marengo and Riley in McHenry County; the townships of Boone, Bonus and Spring in Boone County, DeKalb County, the townships of Earl, Adams, Northville, Serena, Mission, Dayton, Rutland, Miller and Manlius, in LaSalle County; the townships of Nettle Creek, Erienna, Norman, Morris, Wauponsee, Vienna, Mazon, Maine, Braceville, Good Farm, Garfield and Greenfield in Grundy County; the townships of Essex, Salina, Limestone, Kankakee, Norton, Pilot, Otto, Aroma, St. Anne, and Pembroke, in Kankakee County; the townships of Chebanse, Papineau and Beaverville in Iroquois County, all in the State of Illinois; the townships of Lake, Lincoln, McClellan, Colfax, Beaver and Jackson in Newton County; the townships of Keener, Union, Wheatfield, Walker and Kankakee in Jasper County; Pleasant township in Porter County; the townships of Dewey, Prairie, Cass, Hanna, Clinton, Noble, New Durham, Scipio, Coolspring, Center, Kankakee, Michigan, Springfield and Galena in LaPorte County, all in the State of Indiana; and the townships of New Buffalo, Three Oaks and Chikaming in Berrien County in the State of Michigan, which territory shall be known as Zone B.

Filed at Washington, D. C., this 24th day of September 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R Doc. 56-7800; Filed, Sept. 26, 1956; 8:51 a. m.]

[7 CFR Part 946]

[Docket No. AO-123-A18]

MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Louisville, Kentucky, on February 27-28, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 955), upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville, Kentucky, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on August 3, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 8, 1956 (21 F. R. 5932).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Acting Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaning thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues relate to:

1. A change in the classification and pricing of skim milk and butterfat used for cottage cheese, aerated cream, ice cream, ice cream mix, frozen desserts, in fluid milk products disposed of to soda fountains, restaurants and food manufacturing establishments and in inventory of fluid milk products at the end of the month.

2. A change in the time of announcement of basic and Class I milk prices, and the Class I butterfat differential and in the list of condenseries used in computing the basic formula price.

3. Revision of the dates for filing reports by handlers, payments, and for announcement of the uniform price by the market administrator.

4. A provision for partial payments to producers for milk delivered during the first 15 days of the month.

5. Provision for written authorization by producer relative to hauling deductions.

6. Revision and clarification of certain definitions and of other provisions relating to the classification, reporting and accounting for milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record:

1. The provisions of the order relative to the classification and pricing of milk should be revised.

Producers proposed to change the classification from Class II milk to Class I milk all skim milk and butterfat used to produce cottage cheese, aerated cream and cream mixtures and fluid milk products disposed of to soda fountains, restaurants, bakeries, candy and soup manufacturers. They also proposed that skim milk and butterfat used to produce ice cream and ice cream mix be priced on a year-round basis by the butter-nonfat solids pricing formula which now determines prices for Class II milk during the months of September through December. Handlers on the other hand, argued that no change should be made in the present classification scheme and proposed that the Class II price be lowered by determining such price on the basis of the average paying price of seven local manufacturing plants each month of the year.

It is concluded that the pricing of skim milk and butterfat used to produce products presently included in the Class II milk classification should be refined. This should be accomplished by providing for Class II and Class III milk. Class II milk should include skim milk and butterfat (1) used to produce cottage cheese, aerated cream, ice cream, ice cream mix, frozen desserts, and eggnog; and (2) contained in inventory of fluid milk products on hand at the end of the month. Class III milk should include all skim milk and butterfat (1) used to produce any dairy product not specified in Class I or Class II milk; (2) disposed of in bulk to food manufacturing establishments which do not dispose of fluid milk products; (3) disposed of for livestock feed and (4) plant shrinkage. No change should be made in the present Class I definition, however; the proposed change in the other classes will result in classifying as Class I milk all fluid milk products disposed of by handlers to soda fountains, restaurants and other food establishments which use or dispose of fluid milk products for fluid consumption.

The method of pricing skim milk and butterfat in the new Class II milk (cottage cheese, aerated cream, ice cream, eggnog and frozen desserts) should be based on butter-spray process nonfat dry milk for human consumption on a year-round basis with butterfat differentials equal to the Chicago butter price times .118 for the months of January through August and .120 for the months of September through December. The present method of pricing skim milk and butterfat in other manufacturing uses, for livestock feed and shrinkage should continue to apply to such uses (redefined as Class III milk).

All fluid milk products disposed of by handlers to soda fountains, restaurants and other food establishments which dispose of fluid milk products to consumers should be priced at the Class I price the same as other fluid products disposed of on retail or wholesale routes. Such milk for fluid consumption must meet the "Grade A" health requirements. It is not administratively feasible to verify classification of milk in accordance with the use of particular lots of milk at such establishments which may be permitted by health regulations to use both Grade A and ungraded milk. Milk disposed of to food processing establishments which are permitted to use ungraded milk in their operations and from which no milk is disposed of for fluid consumption, should be classified as Class III milk.

Class II milk as herein proposed is comprised of milk and milk products which have common characteristics from the standpoint of perishability and competitive factors, which are somewhat different from the products included in either Class I milk or Class III milk. Most of the Class II milk products may be stored somewhat longer than the items which constitute Class I milk but are more perishable than the products included in Class III milk. The products included in this class provide a preferred, or higher-valued outlet for milk as compared with products included in Class III milk. A high quality raw milk or milk product is necessary for all Class II uses.

The Jefferson County, Kentucky Health Department requires (beginning with July 1956) cottage cheese and aerated cream mixtures to be made from inspected milk. Effective January 1957, this will also be true for cottage cheese for sale in the New Albany and Jeffersonville, Indiana, communities of the marketing area. Therefore, those Class II milk products should contribute with other fluid milk products, to the extent that competitive conditions will permit, to the increased coast of getting the year-round supply of inspected milk produced for the market.

A Class I classification and pricing, as proposed by producers, for milk used for cottage cheese, however, is not justified on the basis of the record evidence. Although inspected milk generally is being used for this product and will be required to be used, it has to compete with nonfat dry milk or cheese curd from more distant Grade A sources. Because of the concentrated nature of cottage cheese as compared with milk supplied for fluid use, outlying plants that are qualified from a health standpoint to supply inspected milk to the marketing area can ship cottage cheese into the market at a considerable saving under the cost of shipping whole milk which would be required for the processing of such product. The classification and pricing of milk used in cottage cheese as Class I milk would increase the price appreciably above the level at which it can be, and sometimes is, obtained elsewhere in processed form. To do so would place an undue burden upon the marketing of producer milk at this time with possible disruptive effects upon the market.

Handlers need a reserve supply of Grade A milk to meet day to day fluctuations in receipts of milk and sales of fluid milk products. This necessary reserve supply which normally must be transported to the market is used by handlers in their city plants in products requiring high quality milk, primarily cottage cheese and ice cream.

Except for the inspected milk requirement applying to skim milk and butterfat used for cottage cheese and aerated cream for disposition within certain parts of the marketing area, similar factors relating to competitive conditions, requirement of high quality milk, and a preferred, or high-valued outlet, for milk on a year-round basis, also applies to skim milk and butterfat used for ice cream, eggnog and frozen desserts.

For the foregoing reasons, it is concluded that producer milk used in these products should be priced somewhat higher than the seasonal reserve and distress milk disposed of to outlets for other manufacturing uses (Class III). Review of exceptions filed, in conjunction with the record evidence, shows, however, that considerable weight should be given to the fact that substantial sales of items previously recommended to be included in Class II milk and Class III–A milk are made by handlers in areas outside of the Louisville marketing area. Sales of such products in a number of these areas must compete with products made from ungraded milk. Such minute differentiation in the prices for skim milk and butterfat for these various uses, as might be made, would have little significance insofar as the cost of milk to handlers and returns to producers are concerned. Also, in the interest of keeping the number of classes of milk to a minimum, it is concluded that all products previously recommended to comprise Class II and Class III–A milk should be combined in a single class as Class II milk. It is further concluded that Class II milk should be priced at the order basic formula price modified by the application of price quotations for spray process dry milk in the alternate "butter-powder" formula. Butterfat differentials of .120 during the months of September through December and .118 during the months of January through August should be applied. The application of prices for spray process dry milk rather than the average of prices for spray and roller process will be more nearly representative of the competitive prices for the nonfat solids used in cottage cheese, ice cream and other Class II items. The seasonal butterfat differential decided upon conforms with the present seasonal aspects of the differential provided for Class III milk and will provide reasonable prices to handlers for skim milk and butterfat in Class II uses in view of competitive sales conditions and cost of products or ingredients delivered to Louisville plants from alternative sources. The proposed pricing for Class II milk will reflect to producers the competitive value for their milk in such uses. Producers will receive slightly higher returns for their reserve supplies of milk than at present and such milk will contribute somewhat to the additional cost of getting inspected milk produced and delivered to the market.

Based upon prices in the record for the year 1955, the change in pricing of producer milk used in Class II milk products will result in an increase of about 34 cents per hundredweight for milk of 3.8 percent butterfat during the period January through August. Since the butterfat differential is increased from 1.15 to 1.18 during this period, the proposed change will result in increasing the price for skim milk in such uses approximately 27 cents per hundredweight and butterfat .18 cents per point as the average test of Class II milk varies from 3.8 percent. During the period September through December, there will be an increase of between 7 and 8 cents per hundredweight in the price of 3.8 percent milk and skim milk and no change in the price of butterfat.

2. The time for announcement of the Class I milk price and butterfat differential should be advanced one month and the list of condenseries used in computing the basic formula price should be revised.

Handlers proposed that Class I milk prices should be based on the basic formula price for the preceding month. This would permit the announcement of the minimum Class I milk price early in the month and handlers would know what their Class I milk would cost a month earlier than under the current order provision. Producers, likewise, would have advance information on Class I milk prices. This procedure of announcing Class I prices is followed in a large number of the markets under Federal orders. It is concluded, therefore, that the price for Class I milk per hundredweight should be the basic formula price for the preceding month plus the present differential of $1.25.

The list of condenseries used in determining the basic formula price should be revised to include prices reported for those plants currently operating. Since the order was last amended, operations at two of the plants previously listed have been terminated. The following plants, therefore, should be eliminated from the list in § 946.50 (c): Carnation Company, Berlin, Wisconsin and Carnation Company, Chilton, Wisconsin.

3. The date for filing reports by handlers and the dates for announcement of the uniform price and for notifying handlers of their pool obligations should be delayed two days.

Handlers proposed changing the dates for the filing of reports from the "5th" to the "7th" of the month. Corresponding changes were also proposed in the dates for announcement of the uniform price by the market administrator, for notification to handlers of their pool obligations and for the payment of handler obligations under the order. Handlers now have difficulty in completing and filing their reports with the market administrator by the 5th of the month, particularly for those months when the last day falls on a week-end. The market administrator likewise has difficulty in computing the pool and announcing the uniform price and in notifying handlers of their pool obligations by the 10th and 11th of the month, respectively. It is concluded that handlers' suggestions with respect to reports, announcement of the uniform price, and notification of pool obligations be adopted. These changes are necessary to accommodate the problems which now are being encountered. The other changes proposed and adopted herein are primarily conforming changes, and are necessary to provide a workable schedule for price announcements, reports and payments under the order.

4. Provision should be made for partial payment to producers for their deliveries of milk during the first 15 days of the month. Producers proposed that handlers be required to make partial payments by the end of the month for milk received from producers during the first 15 days of the month. At present, many producers do not get paid for their deliveries of milk until as much as six weeks later. One handler opposed the proposal for partial payments on the basis that more capital would be required to conduct his business. His testimony showed that other suppliers of goods and services such as his labor force are paid weekly. A number of his producers are presently advanced money prior to the final payment for their milk. Producers of ungraded milk in the Louisville area generally are paid for their milk twice a month. It is not unreasonable to expect handlers to pay producers of Grade A milk twice a month. Dairying is becoming more specialized in the Louisville area. The average production per farm has continued upward for a number of years. This trend calls for the use of additional capital in financing production and marketing operations. A provision for partial payments would provide uniform payment methods for all producers and would assist producers in meeting their current obligations.

It is concluded, therefore, that handlers should make partial payments by the end of the month for receipts of producer milk during the first 15 days of the month. To provide a relatively simple and efficient method of payment, such partial payments should be made at the Class III price for the preceding month with no adjustment for butterfat differentials or for the cost of hauling the milk. Partial payments should not be required on milk received from producers who discontinue shipments during the month. Such accounts should be determined at the time of final payment.

5. Specific provision should be made for written authorization in the case of deductions for hauling.

Hauling costs properly chargeable to a producer include only the cost of transporting the producer's milk from his farm to the pool plant of the handler at which the minimum class prices apply. It has been a common practice for handlers to deduct such charges from amounts otherwise payable to the producer and to remit amounts so deducted to the hauler for the account of the producer. This is a voluntary service done by the handler irrespective of whether it is done because the producer so requests or whether he acquiesces in the practice. Since the obligation is that of the individual producer and the payment when made to the hauler is for the account of the producer and not of the handler, this practice, to the extent that it continues, should be strictly in accord with authorization of the person having the obligation, i. e., the producer. And if there should be a disagreement as to the amount to be paid for hauling or whether the hauler will continue to haul the milk, it is a matter to be worked out between the producer or his agent, and the hauler.

A necessary corollary to the sanction of such a practice under a milk order is that the obligation of the handler to the producer in the amount of any and all deductions made from payments at the uniform price pursuant to a producer's authorization is that the sums so deducted are actually paid over to the person in whose favor the authorization is made. A deduction made without proper remittance to the assignee would constitute an underpayment by the handler.

Producers proposed that the rate per hundredweight, or other method of computing hauling charges, should be authorized in writing by each producer, and all other charges should be supported by records in such form as to permit proper verification thereof. Producers testified that changes in hauling rates of deduction had been made to which producers had never agreed. They stated that provision for a signed authorization by each producer would eliminate changes in the hauling rate without prior approval of the producer. It also would assist the market administrator in verifying authorized hauling deductions in connection with payments to producers under the terms of the order.

It is concluded that to facilitate verification of authorized hauling deductions and assure proper payments to producers, provision should be made to require each handler to have, and make available to the market administrator for audit purposes, written authorizations from his producers regarding the rate per hundredweight or other method for computing hauling charges on such producer milk.

6. In view of the proposed changes heretofore discussed and the need for a number of additional definitions and other changes in order language to set forth more explicitly the reporting and accounting techniques of the order, it is concluded that the entire order should be redrafted and reissued. This will involve the inclusion of a new definition of "fluid milk product", and "route", and changes in the definitions of "producer", "producer milk" and "other source milk".

"Fluid milk product" should be defined to mean milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except eggnog, storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). Such definition is useful in defining other categories of milk and is a short, convenient term for referring to a category of milk in drafting other definitions and the classification, allocation, and transfer provisions of the order.

The definition of "producer" and "producer milk" should be clarified to set forth explicitly the intent of these definitions to exclude the milk of a producer-handler and to limit the term "producer milk", only to milk received directly from a producer at a pool plant or diverted by the operator of a pool plant or a cooperative association for their own accounts.

A "route" definition should be included in the order to facilitate the drafting of other definitions and to make it clear that the term refers not only to disposition of milk from fluid milk plants,

directly through retail and wholesale outlets, but also includes sales by milk distributors through vendors.

"Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his pool plant operation, except producer milk and fluid milk products and Class II milk products received from other pool plants. Thus, other source milk as such would represent skim milk and butterfat which is not subject to the pricing provisions of the order. It will include all fluid milk products and all manufactured dairy products from plants other than pool plants which are repackaged, reprocessed or converted into another product during the month. It will include also those Class III manufactured products from another pool plant or from the pool plant's own production which are made and are reprocessed or converted into another product in the plant during the same or a later month. It will not include transfers of fluid milk products or Class II milk and milk products between pool plants. The proposed change in the definition of other source milk is necessary to set forth more specifically in the order the milk products which handlers are required to report each month and enters into the accounting and classification of current receipts of producer milk. This method of defining other source milk will clarify the application of the transfer and allocation provisions of the order so as to insure the intent of the order to allocate current receipts of producer milk to the highest valued class usage available at the pool plant(s) of the handler during the month.

By incorporating the above definitions and some minor changes in the reporting sections of the order; the order will be clear in providing categories of milk which are required to be reported and handled separately to arrive at the classification and pricing of current receipts of producer milk. Thus, milk will be dealt with in the following four categories: producer milk, other source milk, milk from other handlers, and inventories of fluid milk products.

Inventories of fluid milk products must be taken into account in establishing the classification of producer milk. The present order makes no reference to inventories in the classification provisions. Inventories on hand at the end of the month should be classified in Class II milk as heretofore stated. It would make no difference in costs to handlers or returns to producers under the provisions of the proposed order if inventory were handled in some other class; however, the accounting and reclassification procedure will be simplified by accounting for inventory in Class II milk. Inventory should be limited to stocks on hand of fluid milk products such as bulk milk, skim milk and cream, and bottled milk and other fluid milk products which are finally disposed of as Class I milk. Processed products in Class II and Class III milk should not be included in inventory since the milk used to produce such products will have been accounted for in the proper class when such products were made. Handlers, however, will need to maintain adequate records on the stocks of such products and make such reports as are required by the market administrator to verify their use by the handler and to facilitate the market administrator's auditing program.

Because inventories of fluid items are to be accounted for in Class II, as a temporary classification, it is necessary to provide a method for handling milk from inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. Handlers frequently use other source milk in their operations. The procedure for accounting for inventories should provide that producer milk from inventory should have prior claim on Class I milk over receipts of other source milk in the same manner as current receipts of producer milk. This should be accomplished through the accounting procedure by considering the opening inventory of a month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. Other source milk from inventory allocated to Class I milk should be subject to the reclassification charge at the same rate as the compensatory payment on current receipts of other source milk allocated to Class I milk. These inventory provisions will result in equality of cost of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

Producers proposed that classification of shrinkage on other source milk in the lowest priced class be limited to two percent. They contended that the present provisions of the order result in an unjustified amount of shrinkage in the lowest priced class and is inconsistent with the method of determining allowable shrinkage on producer milk. To allow unlimited shrinkage on other source milk and limit shrinkage on producer milk, provides a basis for inequality in the cost of milk among handlers who use other source milk and those who do not. Under the present accounting procedure, the use of other source milk may result in a lower classification of some producer milk under circumstances where substantial amounts of milk are unaccounted for and the handler has received other source milk. For these reasons, the provisions for shrinkage and unaccounted for skim milk and butterfat should be revised to limit shrinkage on other source milk that may be classified as Class III milk to two percent of receipts of other source fluid milk products consistent with that pertaining to producer milk. The entire unaccounted for milk provision also should be rewritten to clarify and simplify the order language.

The present order, under § 946.22 (j), provides authorization for the market administrator to report to each cooperative association the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. To accomplish such reports, provision is made for assigning such milk in each class in the same ratio as milk received from all producers by such handler during the month. The producers proposed that the present report provisions be expanded to include the relationship of total producer receipts in each handler's plant(s) to his total Class I sales, excluding transfers or diversions of milk to other pool plants and to nonpool plants.

Handlers stated on the record that they had no objections to the inclusion of such additional information.

It is concluded that § 946.22 (j) should be revised to provide for the additional information requested by the producers' association. Such a provision is needed to provide the producers' association more information on the utilization of producer milk in particular plants and will assist the association in supplying producer milk to the plants which are in need of additional milk to supply the Class I needs of the market. This will promote the orderly marketing of producer milk.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreements regulating the handling of milk in the Louisville, Kentucky, marketing area," and "Order amending the Order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 24th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 946.1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville, the Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used during the month in the receipt of milk from dairy farmers who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the months of April through September from which more than 50 percent of its combined receipts from dairy farmers, who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area, during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plan from the pool for the months of April through September next following.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant used during the month for the processing and packaging of milk any portion of which is disposed of in the marketing area as Class I milk from delivery routes or plant stores.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (as used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area, which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted from a pool plant to another pool plant or a nonpool plant: *Provided,* That such milk so diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further,* That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided,* That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant in accordance with the conditions set forth in § 946.12.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) except Class II products from pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamy butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) the percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided,* That milk diverted to a pool plant as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat the utilization of which is established as used to produce (1) cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraphs (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, and (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a) (3) and (c) (4) shall be known as unaccounted for skim milk and butterfat and classified as follows:

(a) Adjust such handler's receipts of producer milk by (1) deducting the pounds of skim milk and butterfat in producer milk diverted by such handler to a nonpool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, (2) adding the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler;

(b) Prorate the quantities of unaccounted for skim milk and butterfat, respectively, between such handler's receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (a) of this section and in other source milk received in the form of fluid milk products in bulk;

(c) That portion of the quantities of unaccounted skim milk not to exceed five percent during the months of April through July and two percent during other months, and the quantities of butterfat not to exceed two percent in each month, of the skim milk and butterfat, respectively, in receipts of producer milk and other source milk applied pursuant to paragraph (b) of this section shall be known as "shrinkage" and classified as Class III milk: *Provided,* That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products are not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of producer milk pursuant to paragraph (b) of this section shall be classified as Class I milk;

(d) That portion of the quantities of unaccounted for skim milk and butterfat which is in excess of the quantities of skim milk and butterfat, respectively, classified pursuant to paragraph (c) of this section shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted

to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located less than 185 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in another class on the basis of a utilization indicated in his report submitted to the market administrator pursuant to § 946.30 on or before the 7th day after the end of the month;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided*, That if upon inspection of the records of the nonpool plant it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remainder shall be classified in the highest valued use classification (as described in § 946.41) in the nonpool plant; and

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 185 miles or more from the City Hall at Louisville, Kentucky, by shortest hard surface highway distance as determined by the market administrator.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42 (c);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in Class III milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II and Class I milk, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 946.44 (a);

(8) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraph (1) of § 946.51 (c).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price for the preceding month rounded to the nearest tenth of a cent plus $1.25.

(b) *Class II milk.* The price for Class II milk shall be the higher of the basic formula price pursuant to § 946.50 or that computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent:

(1) Multiply the Chicago butter price by 4.56;

(2) Add an amount computed as follows: from the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(c) *Class III milk.* The price of Class III milk for the months of September through December shall be the price per hundredweight computed pursuant to § 946.50 (a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher; and for the months of January through August the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Operator and Location

Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Lawrenceburg, Ky.
Kraft Foods Co., Paoli, Ind.
Salem Cheese and Milk Co., Salem, Ind.
Red 73 Creameries, Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption, f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 6.5 cents and multiply by 8.2.

§ 946.52 *Price adjustments to handlers*—(a) *Butter differentials.* If the weighted average butterfat content of milk received from producers allocated to Class I, Class II, or Class III, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class II milk.* For the months of September through December, multiply the Chicago butter price by 0.120, and for the months of January through August, multiply by 0.118.

(3) *Class III milk.* For the months of September through December, multiply the Chicago butter price for the month by 0.12, and for the months of January through August, multiply the Chicago butter price for the month by 0.115.

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville.

Mileage zone:	Rate (cents per cwt.)
Not more than 25 miles	0
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differentials; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this part, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II and Class III products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 *Plants subject to other orders.* In the case of any plant from which a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Louisville marketing area, the provisions of this part shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46 (a) (2) and the corresponding step of § 946.46 (b) and pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; and

(2) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and

rounding the resultant figure to the nearest one-tenth cent.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.85 (a), and less the aggregate of the amounts held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment for producer milk.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 946.71 subject to the butterfat differential computed pursuant to § 946.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed either by such producer or by the cooperative association marketing the producer's milk: *Provided,* That if such handler has not received full payment for such month pursuant to § 946.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80 (b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 (b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided,* That payments due any handler shall be offset by payments due from such handler.

§ 946.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 *Payments out of the producer-settlement fund.* (a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (d) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided,* That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.86 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calender month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 946.91.

§ 946.91 *Suspension or termination.* Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If upon the suspension of termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 946.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 946.101 *Separability of provisions.* If any provision of this part, or its application to any person, or circumstances, is held invalid, the application

of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 56-7796; Filed, Sept. 26, 1956; 8:50 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-A14]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order amending the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the findings and conclusions and the proposed marketing agreement and order hereinafter set forth were formulated, was conducted at Dayton, Ohio, on June 19-20, 1956, pursuant to notice thereof issued on June 4, 1956 and published in the FEDERAL REGISTER on June 7, 1956 (21 F. R. 3902).

The material issues relate to:

(1) A change in the classification of skim milk and butterfat disposed of in fluid cream;

(2) A change in the Class I price differential, revision of the supply-demand adjustment provision and advancing the date for announcing Class I prices;

(3) A change in the computation of class prices to provide prices on a hundredweight basis for milk of 3.5 percent butterfat content with appropriate butterfat differentials;

(4) A change in the provisions for the classification of milk transferred or diverted to nonpool plants;

(5) Revision in the months and amount of payments under the fall incentive payment plan; and

(6) A revision and reissuance of the entire order to add a number of new definitions, provide more specific provisions with respect to the accounting for milk and to incorporate a number of conforming and clarifying changes in the order language.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of hearing:

(1) The provisions relating to classification of milk should be revised.

Producers proposed inclusion of skim milk and butterfat disposed of in sweet or sour cream in Class I milk and the redesignation of the present Class III milk classification as Class II milk. No testimony was presented in opposition to this proposal.

Fluid cream, sweet or sour, which is disposed of for fluid consumption in the marketing area must be made from milk which must meet the same inspection requirements as milk for fluid disposition. Fluid cream and cream mixtures provide a regular year-round market outlet for inspected milk similar to other Class I products. It is important and economically sound that they should contribute equally with other fluid milk products to the increased cost of obtaining the year-round supply of inspected milk for the market. In most neighboring markets under Federal orders, skim milk and butterfat disposed of as fluid cream is priced the same as other fluid milk products which must be made from inspected milk. Skim milk and butterfat used in mixtures which are not required to be made from inspected milk, such as, eggnog and aerated cream should be included in Class II milk.

It is concluded that skim milk and butterfat disposed of in products included in the present Class II classification should be included in Class I milk and the present Class III classification should be redesignated as Class II milk. Other changes should be made in the language in the class definitions so as to incorporate the terms provided by new definitions hereinafter discussed.

The references in the class definitions with respect to milk dumped or disposed of for livestock feeding should be clarified. Handlers, at times, have small quantities of milk, such as unusable returns from routes, which may be disposed of for livestock feed. Also, handlers at times, find is uneconomical to process or transport to processing plants small quantities of reserve supplies of skim milk and this milk may be disposed of by dumping down the sewer. Butterfat in such milk may be separated from the skim milk prior to dumping. The present dumpage provisions should specifically apply to skim milk only.

2. The supply-demand provisions of the order should be revised to reflect changes in the seasonal relationship of producer milk receipts to Class I sales. The Class I price in each month should be based on the basic formula price for the preceding month. No change should be made in the Class I price differential added to the basic formula price.

Producers proposed that the Class I price differential which is added to the basic formula price be increased from $1.20 to $1.30 per hundredweight. They also proposed changing the base period ratios applied in the supply-demand adjuster to reflect 1955 seasonality relationships and levels and the elimination of supply-demand adjustments of less than 20 cents per hundredweight.

In support of the 10-cent increase in the Class I differential, producers argued that Dayton-Springfield blend prices were lower than those in surrounding Federal order markets and that producers were shifting to other markets, particularly to the Cincinnati, Ohio, market. The regulated Columbus, Ohio and Fort Wayne, Indiana markets also draw milk from the Dayton-Springfield milkshed.

The additional value above basic or manufacturing milk prices which must be paid to producers in the form of a blend or uniform price to get inspected milk produced and delivered to the market must be contributed primarily by that portion of the producer milk which is sold as fluid milk products for fluid consumption (Class I milk). Reserve supplies of milk over and above the fluid milk requirements must be priced at levels which reflect competitive prices for manufacturing milk or costs of alternative milk products for manufactured milk products such as ice cream, cottage cheese, condensed, evaporated milk and the like. Prices for milk in such usage as does not require inspected milk are at manufacturing levels in all the markets. Consequently, increases in blend or uniform prices to producers in a particular market with a given pattern of utilization must be derived from an increase in the Class I price. Because of the competitive relationship of the Dayton-Springfield market with these other regulated markets both in the procurement of milk and in the sales of fluid milk products, there must be a reasonable and "normal" alignment of Class I prices over a period of time among these markets which are affected by common or similar economic influences. It is not economically sound or appropriate under the standards of the act to approach the problem of price alignment from the viewpoint of blend prices paid to producers. To do so would mean that as more milk is attracted to a particular market and the proportion of producer milk used for fluid disposition decreases, further increases in Class I prices would be necessary to maintain the same blend price. It is apparent therefore, that proper price alignment between neighboring markets must be achieved by establishing the proper Class I differentials over the basic formula prices in each market. The resulting sales and production responses afford the tools for appraising the appropriateness of such alignment.

Given the goal of attracting an adequate supply of inspected milk to meet market sales including the necessary reserve, changes in sales-supply relationships in an individual market require adjustments in the basic or longer term alignment of prices to reflect these changed local conditions. It is only through such adjustments of Class I prices in the individual markets that available supplies of milk will be attracted through the orders to the various markets in accordance with their needs.

The basic formula price in the Dayton-Springfield order and those in orders in neighboring markets are very similar. The Class I differential which is added to basic formula prices is $1.20 per hundredweight as compared with $1.30 for the Cincinnati market and $1.10 for the Columbus market. This or similar differences in the annual level of the Class I price differentials have been maintained for several years and upon the basis of the evidence contained in this record, there is no reason to change this establishment relationship.

In each of these markets, a supply-demand adjustment factor has been incorporated in the orders to immediately and automatically reflect in Class I prices, changes in the supply-demand relationships in the local market. During 1955, the supply-demand adjuster reduced Class I prices under the Dayton-Springfield order an average of 5 cents per hundredweight while the adjuster in the Cincinnati order increased Class I prices about 10 cents per hundredweight. In Columbus, Class I prices were increased slightly more than 5 cents per hundredweight. For the first five months of 1956, Class I prices in Dayton-Springfield were reduced by approximately 12 cents per hundredweight as compared with an addition of about 23 cents in Cincinnati and a reduction of 4 cents for Columbus. The differences in adjustments between the Cincinnati and Dayton-Springfield order prices has encouraged no doubt the shifting of some producers from supplying the Dayton-Springfield market to supplying the Cincinnati market. The resulting distribution of available supplies of milk among the markets, through the operation of the supply-demand adjusters, operates to improve supply-demand relationships in each market. The issue at this hearing is whether or not the Dayton-Springfield adjuster is operating effectively in forecasting the longer run conditions in the Dayton-Springfield marketing area.

Over the past several years, receipts of producer milk in the Dayton-Springfield marketing area have kept pace with increases in sales of fluid milk products. From 1952 to 1955 average monthly producer receipts increased 33 percent as compared with an increase of 28 percent in fluid milk sales. From 1953 to 1955 both receipts and sales increased 17.7 percent and from 1954 to 1955 both increased 10.6 percent. Average monthly producer receipts in 1955 were about 34 percent in excess of the milk disposed of in fluid milk products compared with about 27 percent in 1952 when receipts of producer milk were hardly adequate to fulfill such sales during the short production season. During the short production months of September through November in both 1954 and 1955 producer receipts were approximately 21 percent above Class I sales. During September of 1955, receipts were only 18 percent in excess of Class I sales (as redefined). These quantities of reserve supplies of milk are necessary in the market to equalize day to day and month to month variations between producer receipts and handlers' needs of milk for fluid milk products and the current annual level of producer receipts to sales should be maintained.

There has been a shift seasonally in deliveries of the annual supply of milk for this market. A relatively greater increase in production has occurred in the fall months than in the spring months which, in turn, has improved the month to month relationship of receipts to sales. The present base ratios contained in the supply-demand adjuster were incorporated in the order on the basis of a hearing held in January 1954 and necessarily were developed on the basis of marketwide data prior to that time. With the decided trend toward more even production and the tendency for the peak and low production periods to occur earlier in the year, the base ratios in the supply-demand adjuster have become obsolete.

During the first five months of 1956 Class I sales increased 10 percent above the corresponding period a year ago while receipts of milk from producers increased only 7 percent. Some part of the relatively smaller increase in producer receipts can be attributed to the trend toward more even production. However, the action of the present supply-demand adjustment which resulted in decreasing Class I prices an average of 10 cents per hundredweight during the first six months of this year, at the same time that fluid milk sales increased relatively faster than producer milk receipts, raises a further question as to the reliability of the base period ratios to reflect supply-demand conditions in the market.

The present base ratios in the supply-demand adjuster resulted in minus Class I adjustment in six spring and summer months and plus adjustments in three fall months of 1955 and minus adjustments in the first six months of 1956. The effect of a minus 10-cent adjustment in January and February of 1956 based on receipts-sales ratios during October through December conflicts with the fall incentive program of the order to encourage increased production during this latter period.

Based upon the above stated considerations, the base period ratios contained in a revised supply-demand adjuster should be established at the same average level as the ratios contained in the present order (between 75 and 76 percent). The seasonal pattern of base period ratios should be changed to reflect the more recent improved seasonal supply-demand relationships as set forth in the schedule below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	81
February	November and December	81
March	December and January	79
April	January and February	77
May	February and March	76
June	March and April	74
July	April and May	69
August	May and June	64
September	June and July	69
October	July and August	74
November	August and September	86
December	September and October	81

Producers also proposed that the supply-demand adjustment provisions be modified to eliminate price adjustments of less than 20 cents per hundredweight. This would be accomplished by providing no adjustment until the current supply-demand ratio varied from the base ratio by at least 6 percentage points. This would have the effect of doubling the present tolerance which is provided before prices are adjusted. The purpose of the supply-demand adjuster is to provide automatically, timely changes in Class I prices in accordance with indications of a change in the trend in the relationship of sales of fluid milk products to producer receipts without entailing the delay and expense associated with the public hearing procedure. It is essential that price changes be reflected as quickly as possible to bring about appropriate sales and production responses in accordance with changes in the market situation. The widening of the brackets to provide no price adjustment until the current ratio varies by 6 points from the base ratio would slow down and partly nullify the effectiveness of the supply-demand adjustment factor and therefore is denied.

Handlers proposed advancing the date for announcing the Class I price and butterfat differential by basing them on the previous month's basic formula price information. Similar changes have been made in recent revisions of several Federal orders. Class I prices would be known by both producers and handlers in advance of the delivery and sale of their milk. The total amount of money charged handlers and paid producers for milk over a period of a year would not be changed. Producers opposed a change on the basis that seasonal variations in basic formula prices would tend to cause discrepancies between the Dayton-Springfield uniform prices and the uniform prices for competing markets.

During the past two years, as the result of the price support program for dairy products, little change occurred from month to month in basic formula prices. Changes in uniform prices resulting from other factors, such as differences in the fall production incentive payment plans and supply-demand adjusters have been more important in causing such differences. For example, in 1955 between March and April the basic formula price varied 1 cent per hundredweight as compared with a variation of 10 cents in the "set aside" under the fall incentive program between the Dayton-Springfield and Cincinnati market. Likewise, from August to November 1955, the basic formula price changed about 1 cent while the supply-demand adjuster under the two orders accounted for a change of approximately 15 cents. Handlers' proposal should be adopted.

The list of condenseries used in determining the basic formula price should be revised to include only those plants currently operating. Since the order was last drafted, operations have been terminated at five of the plants previously listed. The names of the plants listed for the following locations should be eliminated: Black Creek, Wisconsin;

Berlin, Wisconsin; Jefferson, Wisconsin; Clifton, Wisconsin, and Greenville, Wisconsin.

3. Class prices for milk should be determined and announced by the market administrator on the basis of a hundredweight of milk containing 3.5 percent butterfat.

Changes were proposed in the order to provide for the application and announcement of class prices on a per hundredweight basis for milk of 3.5 percent butterfat content with appropriate adjustments of prices for milk of other tests by a butterfat differential. Under the present order, separate hundredweight prices are established for skim milk and butterfat in each class. In most markets, milk is priced on a hundredweight basis of a specified butterfat content. The proposed method of establishing prices would simplify the determination of prices for milk of a specified butterfat test and would facilitate comparisons of prices over a period of time and with other markets. The intent of the proposed change was not to alter the cost of milk to handlers as compared with the present method of computing prices.

In order to adopt this pricing method, prices should be announced for milk containing 3.5 percent butterfat with appropriate butterfat differentials. The average test of milk utilized in Class I, representing approximately three-fourths of the total market utilization, is only slightly above 3.5 percent. The present method of pricing Class I milk has the effect of applying a butterfat differential to Class I milk for each tenth of a percentage variation in the test of such milk equivalent to the Class I price per hundredweight for butterfat less the Class I price per hundredweight for skim milk, divided by 1000. During 1955, this was equal to .127 times the price of 92-score butter on the Chicago market. Handlers did not oppose producers' proposal for this change in the method of computing and announcing Class I prices for 3.5 percent milk; however, they proposed a butterfat differential of 0.130 times the price of butter. It is concluded that the ratio of 0.127 should be used.

There are wide differences in the butterfat and nonfat solids content among the various products included in Class II milk. Also, there is a more direct relationship between the open market prices of most of such manufactured products to prices either for butter or for nonfat dry milk, as the case may be, than is the case of most Class I milk products. It is concluded therefore, that the butterfat differential for Class II milk should result in maintining the same relative prices between butterfat and skim milk regardless of the butterfat test of the finished product. This can be accomplished through a butterfat differential determined by subtracting the value of a pound of skim milk from the value of a pound of butterfat computed under the butter-nonfat dry milk formula used in determining Class II prices for 3.5 percent milk, and dividing the remainder by 10.

The present order provides a lower price for butterfat used in the production of butter than for other proposed Class II uses. In order to elimnate mechanical difficulties in the application of the allocation provisions of the order, the lower price to handlers on such butterfat may be accomplished in the computation of value of milk for each handler as a credit entry. The rate of the credit per hundredweight of butterfat should be the same as the difference in prices provided by the present order.

The lower price for butterfat should be limited to butterfat used to produce butter in the pool plant of the handler and to butterfat transferred in the form of bulk fluid cream to other pool plants and nonpool plants and used in the production of butter. This latter provision is necessary to safeguard the classified-pricing plant of the order. Butterfat moved in the form of whole milk can readily be used in the manufacture of the higher-valued regular Class II uses and producers should receive a return for such butterfat accordingly.

4. The provisions with respect to the transfer and diversions of milk from pool plants should be modified.

Transfer provisions are provided in the order to supplement the class definitions in the classification of milk disposed of from pool plants. The primary function of the provisions relating to the transfer of fluid milk products between pool plants is to remove any impediments to the movement of milk between such plants and at the same time assure that the producer milk in such plants is assigned to the available Class I utilization to the fullest extent possible. It is customary to transfer or divert bulk and packaged products between regulated plants in the Dayton-Springfield market. It is possible to carry out the intent of the classification procedure by providing for the transfer of such fluid milk products on an agreed-upon basis so long as producer milk is not displaced by other source milk in Class I in either handler's plant(s). It is concluded that the provisions for the classification of milk transferred or diverted between pool plants should be continued in the present form and in addition provision should be made that, if either or both handlers receive other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced utilization possible to producer milk in both plants.

The primary function of transfer and diversion provisions applying to milk transferred from pool plants to nonpool plants is to facilitate the disposal of reserve supplies of milk and at the same time return to producers a value for the milk in accordance with its usage. If transfer provisions are properly drawn, they will also serve to afford a degree of protection to the market against shortages caused by withdrawals of milk by other fluid milk markets and at the same time remove any price incentive for the handler to dump reserve supplies of milk on other markets for fluid disposition at surplus milk prices. The classification of milk transferred or diverted between fluid milk markets also affects the amount of necessary reserve supplies of milk associated with each market and, consequently, the method used for such classification affects relative returns among producers serving the markets.

Several proposals were made at the hearing to modify the transfer provision applying to milk moved to nonpool plants. One proposal would prohibit the diversion of milk directly from the producer's farm by the handler to a nonpool plant. Another proposal would change the method of classifying milk which is transferred or diverted to a nonpool plant. The question of diversion is dealt with under issue No. 6.

Under the present order, milk transferred or diverted to a nonpool plant is classified at the plant in the highest priced use remaining after subtracting in series, beginning with Class I milk, receipts of milk at the plant directly from dairy farmers who, the market administrator determines, constitute the regular source of supply for such plant.

In the Dayton-Springfield market, substantial quantities of milk are, at times, transferred or diverted to nonpool plants. A substantial portion of such diversions are to plants located in or near the milkshed. Some of these plants are combination plants wherein both Grade A and ungraded milk are received and processed. At least one of these plants engages in substantial disposition of fluid milk to retail and wholesale outlets along with the production of manufactured products. All bottled milk and some bulk milk is disposed of from this plant as Grade A milk. A substantial portion of the total receipts at this plant is received from producers of ungraded milk. In the case of combination plants of this type, it is necessary for the market administrator to determine the total receipts and classification of all of the milk received in the plant. Under the provisions of the current order, the total receipts of milk received directly from dairy farmers (both Grade A and ungraded) are given prior claim on Class I disposition over the Dayton-Springfield milk transferred or diverted to such plant. This leaves the way open for receipts of ungraded milk from dairy farmers to be allocated to the Class I sales at such plant prior to the allocation of Grade A producer milk from the Dayton-Springfield market. Thus, the present order provisions permit the classification of Grade A milk from this market in the manufacturing classes even though such milk is disposed of as Grade A milk for fluid consumption. It is concluded, therefore, that the Class I sales, determined pursuant to the classification provisions of the order applied at the nonpool plant, which are assigned to the local dairy farmers at such plant should be limited to the receipts of milk from those farmers who hold permits to supply Grade A milk. Any additional Class I sales should be credited to the Grade A producer milk which is received from the regulated market.

In order to preclude undue administrative problems and expense in the application of the transfer provisions of the order, provision should be made that skim milk and butterfat transferred in the form of milk or skim milk in bulk to a nonpool plant located more than 100 miles from either Dayton or Springfield, whichever is nearest, should be Class I milk. More than adequate facilities for handling reserve supplies of milk are located within this designated area. Milk which is moved greater distances is used for fluid disposition (Class I).

At least one nonpool plant to which milk is transferred or diverted from the Dayton-Springfield market, milk is received from other markets which are regulated by other orders issued pursuant to the act. Milk also may be transferred to the same plant by more than one handler under the Dayton-Springfield order. The "net" Class I sales (the amount over and above the receipts of skim milk and butterfat in Grade A milk received from local dairy farmers at such plant) should not be used as a basis for duplicating the Class I classification of milk received from plants regulated by this and other orders. In the classification of milk transferred from the Dayton-Springfield pool plants, consideration should be given, therefore, to milk received at the nonpool plant which is classified as Class I milk for other handlers under this order and under the other orders. It is economically sound and reasonable that the amount of milk at such plant classified as Class I milk for any one regulated market be not less than that market's pro rata share of the "net" Class I sales in such nonpool plant. It is concluded, therefore, that milk which is transferred or diverted by Dayton-Springfield handlers to a nonpool plant should be classified as Class I milk to the extent of the "net" Class I disposition of such plant less receipts of milk at such plant classified as Class I milk during the month pursuant to another Federal order issued under the act; but, in no event should the amount of such milk classified as Class I milk pursuant to the Dayton-Springfield order be less than its pro rata share of such "net" Class I sales at the plant. The pro rata share should be based on the total receipts of milk at such nonpool plant during the month from all plants subject to the pricing and payment provisions of an order issued pursuant to the act. The adoption of this method of classifying milk will not conflict with the transfer provisions of the other orders presently involved, namely Fort Wayne, Indiana, and Lima and Columbus, Ohio. This method of classification will safeguard the primary functions of the transfer provisions of the Dayton-Springfield order. It will assure that transfers of milk to nonpool plants will be classified in accordance with the utilization of the milk. It will provide a degree of protection to the market against shortages caused by withdrawals of milk and at the same time remove any undue price incentive for the handler to dump reserve supplies of milk on other markets for fluid disposition at less than the order Class I prices. The proposed provision provides for equality of treatment of handlers both within the Dayton-Springfield market and in other nearby regulated markets in the classification of milk transferred to the same nonpool plant. Because under the present order all packaged fluid milk products disposed of to nonpool plants are classified as Class I milk, the same as such milk disposed of on a route, pursuant to the Class I milk definition, the transfer provisions need to apply only to fluid milk products in bulk transferred to nonpool plants. All transfers of fluid milk products to producer-handlers are Class I milk as provided by the present order.

5. The schedule for payments to producers under the fall production incentive payment plan should be modified.

Producers proposed adding the month of September to the months of October through December as the period for payments out of the producer-settlement fund to effectuate the fall production incentive program. They also proposed changing the distribution of these funds, set aside each year during the April–July period, from the present plan for equal amounts for each of the months of October, November and December, to 20 percent of the fund in September, 30 percent in each of the months of October and November, and 20 percent in December.

Distribution of the funds under the fall production incentive payment plan should provide encouragement for seasonal production more in accord with market needs than is provided at present. September has become one of the months when producer receipts are relatively short in relation to fluid milk sales. An inducement should be given to producers to produce more of their milk during September. The proposed change has been discussed widely among producers and has their support. September 1, 1957 was proposed as the effective date for the proposed change. All producers supplying the market would be given ample opportunity thereby to adjust their production in accordance with the proposed new payment period. Producers proposal should be adopted.

6. The entire order should be redrafted to add a number of new definitions, provide more specific provisions with respect to accounting for milk, and to incorporate a number of conforming and clarifying changes in the order language.

A number of changes should be made in the order to designate more clearly what milk and what persons would be subject to regulation and the application of the order provisions to them. This can best be done by providing a number of new definitions which set forth the categories of persons, plants, and milk products for the purpose of applying the other order provisions. New definitions should be added for "fluid milk plant", "pool plant", "nonpool plant", "route", "fluid milk product", "producer-handler", "producer milk" and the definitions of "producer", "handler", and "other source milk" should be modified accordingly.

The term "fluid milk plant" should include a bottling or distributing plant which is approved by the appropriate health authority for the processing or packaging of Grade A milk and other fluid products which are disposed of on routes in the marketing area. It should include also plants which supply milk to a distributing plant and the producers of such milk who hold dairy farm inspection permits or equivalent certification issued by the appropriate health authority in the marketing area to supply milk for fluid distribution.

The "pool plant" definition should include all fluid milk plants which are to be fully subject to regulation under the order and whose producer milk will participate in the marketwide pool. Provision should be made for the exclusion of fluid milk plants which would be subject to the classification and pricing provisions of another order issued pursuant to the act, if a lesser volume of fluid milk products classified as Class I milk is furnished from such plant for disposition in the Dayton-Springfield marketing area than in the marketing area regulated pursuant to such other order. Plants which dispose of fluid milk products in more than one marketing area should not be subject to duplicate regulation. It is reasonable and economically sound to regulate such a plant under the order in the market where the largest proportion of Class I sales are made.

"Producer-handler" should be defined to include any person who operates a dairy farm and a fluid milk plant from which milk is distributed on routes in the marketing area, but who receives no milk from other dairy farmers. Under the present provisions of the order, plants operated by producer-handlers are not subject to regulation and are not included under the marketwide pool. Producer-handlers, therefore, should continue to be exempt from all but the reporting provisions of the order. The operators of all fluid milk plants which are not pool plants, producer-handlers and operators of plants subject to another order, should be defined as a "handler" and should be required to file reports, as requested by the market administrator, in order to determine their status under the order.

A "nonpool plant" should be defined to include any milk manufacturing, processing or bottling plant other than a pool plant.

The inclusion of the foregoing definitions is necessary to clarify the order language and will assist in drafting other provisions of the order. The proposed new definitions will not extend the regulation to milk, persons or plants not now subject to the order.

The essential features of the present producer definition should not be changed. The term "producer" should include any person, except a producer-handler, who produces milk, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, which is received at a pool plant or is diverted by the operator of a pool plant or a cooperative association to a nonpool plant on not more than one-third of the days of delivery during any month. The question of diversion is discussed later in this decision.

"Producer milk" should include that skim milk and butterfat contained in milk received from producers at a pool plant or diverted from a pool plant to another pool plant or a nonpool plant. In case of diversion to a nonpool plant, milk will lose its identity as producer milk after being diverted for more than one-third of the days of delivery during any month. It was proposed by the producers' association that the present pro-

ducer definition be modified to exclude the deliveries of milk by a producer which are diverted by operators of pool plants to nonpool plants and to provide for such diversion by a cooperative association only in the case of an emergency.

Proponents allege that the advent of the farm bulk tank method of assembling milk and the consequent case of transferring milk to other markets and outlets make it extremely difficult for the cooperative association to maintain control over its members' milk supply for the market. It was alleged that milk may be temporarily transferred to other markets during periods of shortages or more favorable prices in competing markets and disrupt the orderly marketing of milk for the Dayton-Springfield market. It was further alleged that some handlers are abusing the privilege of diversion under the order. Producer milk is being diverted on a continuous basis to nonpool plants and it was alleged that this was being done at the expense of the market-wide pool. Considerable discussion on the record was had also on problems associated with bulk tank assembling of milk in connection with testing, weighing, accounting and fixing the responsibility for the receipt of such milk.

It was argued by proponents that it had been customary prior to bulk tank pickup, for handlers to receive all milk at their plants in the marketing area and such method of handling milk if continued would eliminate many of the problems with which they are concerned. As one means of encouraging this, producers supported the elimination of the privilege of diversion of milk directly from the farm to nonpool plants.

In this market, it has been customary to divert milk between pool plants. Such practice promotes efficiency in receiving and handling milk in the market and should be continued.

Efficiency in the marketing of milk can be accomplished also by permitting the diversion of reserve supplies of milk temporarily not needed in the market directly from the farm to manufacturing plants located in or near the production area. The privilege of diverting milk by operators of pool plants and the cooperative association to nonpool plants will tend to promote the orderly marketing of market reserves, particularly during the flush production months. It is concluded, therefore, that the provision of the order with respect to diversion to nonpool plants should be continued. The provisions with respect to the classification of milk which is transferred or diverted to nonpool plants should be modified as heretofore discussed. Also, some limitation should be placed on the length of time that milk may be delivered to nonpool plants and remain as producer milk in the marketwide pool. It is reasonable to permit the diversion of a producer's milk to a nonpool plant on not more than one-third of the days of delivery during any month and have such milk remain in the pool. Based on the receipts—Class I sales relationships in this market, it is concluded that if milk of a producer is moved to a nonpool plant more than one-third of the days of delivery, such producer's milk is not sufficiently associated with the market to participate under the regulation. The order should be clarified with respect to the responsibility for the receipt of milk in the case of farm tank pick-up trucks which deliver milk to more than one plant. This should be accomplished by considering that all the milk on a truck is received at the first pool plant where any of the milk is withdrawn.

The record evidence is not sufficient to form an adequate basis for formulating formal provisions to deal with the other problems discussed in connection with farm bulk tank delivery of milk. Some of these concern the control of the milk of producer members by the cooperative association. Several are of such nature that they can be more appropriately handled by the industry itself through cooperation of the producers' association, handlers and haulers of milk. In those cases dealing with administrative matters in the application of the order, such determinations can be formulated more appropriately by the market administrator based on particular circumstances after soliciting, when necessary, views of the industry.

The definition of "other source milk" should be modified to clarify its meaning and to extend the definition to include all skim milk and butterfat utilized by the handler in his operations except milk received from producers, fluid milk products received from other pool plants and inventory of fluid milk products on hand at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of the order during the month. It will include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a regulated plant's own production which are reprocessed or converted into another product during the same or a later month. By incorporating this definition of other source milk, the method of accounting for such milk by all handlers will follow identical accounting procedures whether or not the manufactured products which are reused in a handler's plant were converted from producer milk or purchased from outside sources. The skim milk and butterfat used to produce manufactured (Class II) products should be considered as disposed of when so utilized and therefore will not enter into the classification procedure again unless reused. Records of sales and stocks of manufactured products, however, must be maintained by the handler to facilitate the auditing program of the market administrator and substantiate current usage of such products. This change in the definition of other source milk will assure uniformity among handlers in the application of the allocation and pricing procedure of the order. Any other source milk, including that derived from manufactured products, will continue to be allocated first to the available Class II utilization. The new definition will continue to provide for the allocation of producer milk to Class I to the extent that such milk is available from current receipts or beginning inventory.

By incorporating the proposed new definitions and by making conforming changes in other order provisions, receipts of milk under the order will fall within four categories as follows:

(1) Producer milk;
(2) Milk from pool plants;
(3) Inventory of fluid milk products; and
(4) Other source milk.

The reporting and accounting provisions of the order should be changed to incorporate these terms.

Some handlers in the market produce condensed milk, nonfat dry milk and other manufactured milk products. Some of these products are reused in the pool plant where produced or are disposed of to other handlers. Operators of other pool plants may purchase some solids from outside sources. Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be calssified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I milk. There appears to be no reason why one portion of the solids nonfat contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be considered as an amount equal to the nonfat milk solids contained in such product plus the water content reasonably associated with such solids in the form of whole milk. To promote uniformity in the cost of milk among handlers and to effectuate the established principle of allocating current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in other source milk in the form of a manufactured product must likewise be accounted for on the basis of the nonfat solids plus the water reasonably associated with such solids in the form of whole milk. The effect of this accounting procedure in conjunction with the change in the definition of other source milk will have no effect on the net classification of other source milk used in Class II milk. The marketwide effect of this change will be minor because it has been the practice under the present order to account for such solids allocated to Class I milk on a skim milk equivalent basis. It is desirable, however, that specific language be provided in the order for accounting for such products.

Handlers have inventories of milk and milk products on hand at the beginning and end of each month which must enter into the accounting for current receipts and utilization of producer milk. Inventory variations are now classified in Class II milk but the order is silent in this respect. Month-end inventories of fluid milk products whether in bulk or packaged form should continue to be classified as Class II milk.

Manufactured milk products (Class II) will not be included in the fluid milk inventory accounting because the skim milk and butterfat used in such products are accounted for in the month that such products are manufactured.

Handlers frequently use other source milk in their operations. The inventory accounting procedure should provide for producer milk from inventory to have prior claim on Class I utilization over receipts of other source milk in the same manner as current receipts of producer milk. Because inventories of fluid milk items are to be accounted for at the end of the month in Class II milk, as a temporary classification, it is necessary, therefore, to provide a method for handling milk from inventory which is allocated to Class I milk in the current month but which the handler accounted for in Class II milk at the end of the preceding month. The higher use value of any fluid milk product from beginning inventory of producer milk which is used in Class I milk should be reflected in returns to producers. Such milk should be priced the same as a current receipt of producer milk. These goals may be accomplished through the accounting procedure by considering the opening inventory as a receipt in that month and subtracting such receipts, under the allocation procedure, in series, starting with Class II milk, following the subtraction of other source milk and receipts from other pool plants. To the extent that the opening inventory is allocated to Class I milk and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating allowable producer milk shrinkage and other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. This method of accounting for inventory will result in equality in the cost per hundredweight of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

To incorporate the additions and changes recommended herein, it is necessary to make clarifying and conforming changes in nearly every section of the order. The entire order, therefore, should be redrafted and reissued.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered by the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the proposed amended order.

DEFINITIONS

§ 971.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 971.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 971.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 971.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 971.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 971.6 *Dayton-Springfield, Ohio, marketing area.* "Dayton-Springfield, Ohio, marketing area" hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

§ 971.7 *Fluid milk product.* "Fluid milk product" means milk, including reconstituted milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk and sterilized products in hermetically sealed containers).

§ 971.8 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a plant which processes milk.

§ 971.9 *Fluid milk plant.* "Fluid milk plant" means: (a) A plant approved by the appropriate health authority for the processing or packaging of Grade A milk and from which a fluid milk product is disposed of during the month on a route(s) in the marketing area or (b) a plant from which milk is shipped during the month to a plant described in paragraph (a) of this section and which milk is produced under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area for distribution as Grade A milk.

§ 971.10 *Pool plant.* "Pool plant" means a fluid milk plant other than: (a) A fluid milk plant which would be subject to the clasification and pricing provisions of another order issued pursuant to the act and a lesser volume of fluid milk products is disposed of from such plant as Class I milk in the Dayton-Springfield marketing area than in the marketing area regulated pursuant to such other order; and (b) a fluid milk plant operated by a producer-handler.

§ 971.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 971.12 *Producer.* "Producer" means any person, except producer-handler, who produces, under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association or not more than one-third of the days of delivery during any month: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at a pool plant.

§ 971.13 *Handler.* "Handler" means any person in his capacity as the operator of one or more fluid milk plants or pool plants and any cooperative association with respect to producer milk diverted to a nonpool plant pursuant to § 971.12.

§ 971.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a fluid milk plant pursuant to § 971.9 (a) but who receives no milk from other dairy farmers.

§ 971.15 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to another pool plant, or from a pool plant to a nonpool plant in accordance with the conditions set forth in § 971.12. With respect to milk caused by the operator of a pool plant to be delivered directly from the producer's farm to the pool plant of another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator. Milk delivered in a farm tank pick-up truck to more than one milk plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 971.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from a pool plant, (2) inventory at the beginning of the month, or (3) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 971.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 971.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 971.21 *Powers.* The market administrator shall have the power:

(a) To administer this part in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this part;

(c) To make rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 971.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 971.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 971.78, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclosed to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within two days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 971.30, or (2) payments pursuant to §§ 971.70, 971.71, 971.74 and 971.76;

(f) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

(h) On or before the 6th day of each month notify all handlers and publicly announce the minimum price for Class I milk pursuant to § 971.51 and the Class I butterfat differential pursuant to § 971.53 (a) both for the current month and the minimum price for Class II milk pursuant to § 971.52 and the Class II butterfat differential pursuant to § 971.53 (b) both for the preceding month.

(i) On or before the 12th day after the end of each month notify all handlers and publicly announce the uniform price computed pursuant to § 971.62 and the butterfat differentials computed to § 971.72 for such month.

(j) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 971:70.

REPORTS, RECORDS AND FACILITIES

§ 971.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator for his pool plant(s):

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may request.

§ 971.31 *Other reports.* (a) Each producer-handler and each handler who operates a fluid milk plant not a pool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 22nd day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for such month, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of the deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 971.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 971.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which

such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 971.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 971.30 shall be classified each month by the market administrator in the classes set forth in § 971.41, subject to the provisions of §§ 971.42 through 971.46.

§ 971.41 *Classes of utilization.* Subject to the conditions set forth in § 971.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except that disposed of and used for livestock feed and skim milk dumped) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; and skim milk dumped; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) plant shrinkage as computed pursuant to § 971.45.

§ 971.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 971.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) As Class I milk if transferred or diverted in the form of fluid milk products to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 971.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 100 miles or more from the City Hall of Dayton or Springfield, Ohio, whichever is nearest;

(d) As Class I milk if transferred or diverted to a nonpool plant in the form of cream in bulk or in the form of milk or skim milk in bulk to a nonpool plant located less than 100 miles from the City Hall of Dayton or Springfield, Ohio, whichever is nearest, unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 971.30 and submits a statement which is signed by the handler and the buyer that such skim milk and butterfat was used in a product in Class II milk;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation;

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the pool plant of a handler other than such cooperative association shall be considered as a transfer from the cooperative association to the handler if the cooperative association and the handler operating the pool plant to which such other source milk was caused by the cooperative association to be delivered both so indicate in their reports filed pursuant to § 971.30.

§ 971.44 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 971.45 *Shrinkage.* Subject to paragraph (a) of this section, the quantities of skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 971.41 (b) (4) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 971.41 (b) (4);

(b) Determine gross shrinkage of skim milk and butterfat, respectively, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) from the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30;

(c) Prorate the quantities of gross shrinkage of skim milk and butterfat, respectively, which are not in excess of 2.5 percent of the sum of the quantities of skim milk and butterfat, respectively, used in the following computation, between:

(1) The skim milk and butterfat, respectively, contained in producer milk at such pool plant less the skim milk and butterfat, respectively, in fluid milk products transferred in bulk form to other pool plants;

(2) The skim milk and butterfat, respectively, in fluid milk products transferred in bulk to other pool plants, multiplied by .6;

(3) The skim milk and butterfat, respectively, in fluid milk products received in bulk from other pool plants, multiplied by .4; and

(4) The skim milk and butterfat, respectively, in other source milk received in the form of fluid milk products.

(d) The sum of the quantities of skim milk and butterfat, respectively, com-

puted pursuant to paragraph (c) of this section shall be classified as Class II milk.

§ 971.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 971.44 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 971.45 (c) (1) (2) and (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 971.43 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 971.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight as determined by the market administrator pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest tenth of a cent:

(a) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within such month as published by the Department;

(3) Divide by 7 and to the resulting amount add 30 percent; and

(4) Multiply the amount computed in subparagraph (3) of this paragraph by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2; and

(2) From the simple average, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month, deduct 5.5 cents and multiply the result by 8.2.

§ 971.51 *Class I milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his pool plant for producer milk which is classified as Class I milk during the month shall be computed by the market administrator as follows:

(a) Add $1.20 to the basic formula price for the month immediately preceding, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less Class I transfers of fluid milk products between pool plants and less bulk sales of Class I milk in excess of 1,000 pounds during each month by each handler to nonpool plants) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the current supply-demand percentage.

(2) Compute a net deviation percentage by subtracting from the current supply-demand percentage computed pursuant to subparagraph (1) of this paragraph, the base period ratio shown below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	81
February	November and December	81
March	December and January	79
April	January and February	77
May	February and March	76
June	March and April	74
July	April and May	69
August	May and June	64
September	June and July	69
October	July and August	74
November	August and September	80
December	September and October	81

(3) Determine the amount of the supply-demand adjustment from the following schedule:

If net deviation percentage is—	*Supply-demand adjustment is—*
+12 or over	+38
+9 or +10	+29
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−29
−12 or under	−38

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 971.52 *Class II milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his plant for producer milk which is classified as Class II milk during the month shall be computed by the market administrator as follows:

(a) Multiply the Chicago butter price by 4.2 for each of the months of March through August and by 4.27 for each of the other months of the year.

(b) Add the value of skim milk computed as follows: (1) Subtract 5.5 cents, from the arithmetic average of the carlot prices per pound of roller process nonfat dry milk solids for human consumption, at Chicago, as reported by the Department for the weeks ending within such month, (2) multiply the result by 8.2, and (3) subtract therefrom 20 cents for each of the months of March through August.

§ 971.53 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to §§ 971.51 and 971.52 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.127.

(b) *Class II price.* (1) Divide the value computed for butterfat pursuant to § 971.52 (a) by 3.5, (2) subtract the value computed for skim milk pursuant to § 971.52 (b), divided by 96.5, and (3) divide the remainder by 10.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 971.60 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 971.46 (a) (5) and the corresponding step of (b) by the applicable class prices;

(c) Subtract, for each hundredweight of butterfat contained in producer milk which was classified in Class II milk pursuant to § 971.46 and which was used to produce butter during the month in a pool plant or transferred in the form of bulk fluid cream to a pool plant or a nonpool plant and used to produce butter in such plant, the difference between the value computed for butterfat pursuant to § 971.52 (a) divided by .035 and the Chicago butter price multiplied by 120, less $5.00 for each of the months of March through August and less $3.60 for each of the other months of the year;

(d) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 971.46 (a) (4) and the corresponding step of § 971.46 (b), whichever is less; and

(e) Add or subtract, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

§ 971.61 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with § 971.60 and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.70.

§ 971.62 *Computation of uniform prices.* For each month the market administrator shall compute the uniform price per hundredweight for producer milk, of 3.5 percent butterfat content, at pool plants as follows:

(a) Combine into one total the values computed pursuant to § 971.60 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 971.70 through 971.74 for the preceding month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by 20 cents in April, 35 cents in May and June, and 30 cents in July;

(c) Add for the month of September 20 percent of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on August 31, immediately preceding, add for each of the months of October and November 30 percent of the fund and add for the month of December the remaining 20 percent of the fund, except in 1956, add for each of the months of October, November and December an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on September 20, 1956 by three;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Substract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 971.72;

(f) Divide by the hundredweight of pooled milk; and

(g) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 971.70 *Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month to each producer for all milk received from such producer during such month at not less than the uniform price computed pursuant to § 971.62, subject to the butterfat differential computed pursuant to § 971.72 and less the amount of the payment made pursuant to § 971.71: *Provided,* That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 16th day after the end of such month.

§ 971.71 *Partial payments.* On or before the 27th day of each month each handler shall make payment to each producer, except as set forth in paragraph (b) of this section, for all milk received from such producer during the first 15 days of such month. Prices at which such payment shall be made shall be computed quarterly to be applicable to payments to be made in January through March, April through June, July through September, and October through December on the basis of the uniform price for the month immediately preceding the beginning of the quarter as follows:

If the uniform price for the preceding month is—	*Partial payment per hundredweight shall be—*
Under $1.00	$0.00
$1.00–$1.99	.50
$2.00–$2.99	1.00
$3.00–$3.99	2.00
$4.00–$4.99	3.00
$5.00–$5.99	4.00
$6.00–$6.99	5.00
$7.00 or over	6.00

Provided, That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 26th day of such month.

§ 971.72 *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the Chicago butter price by 0.12.

§ 971.73 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to § 971.74 shall be deposited in this fund, and all payments made to handlers pursuant to § 971.75 shall be made out of this fund: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler;

(b) All amounts subtracted pursuant to § 971.62 (b) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 971.62 (c); and

(c) The difference between the amount added pursuant to § 971.62 (d) and the total amounts resulting from the subtraction pursuant to § 971.62 (g) shall be deposited in, or withdrawn from, this fund, as the case may be to effectuate § 971.62 (d) and (g).

§ 971.74 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 971.70.

§ 971.75 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 971.70 is greater than the total value of the milk of such handler for such month: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this section shall be deemed to be in violation of § 971.70 if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

§ 971.76 *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to § 971.70 or § 971.71, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to § 971.70 or § 971.71 next following such disclosure.

§ 971.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.22 (c), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Producer milk (including such handler's own production); and

(b) Other source milk allocated to Class I milk pursuant to § 971.46 (a) (2).

§ 971.78 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.70, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

MISCELLANEOUS PROVISIONS

§ 971.90 *Application of provisions.* Sections 971.50 through 971.94 shall not apply to a producer-handler.

§ 971.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 971.92.

§ 971.92 *Suspension or termination.* The Secretary may suspend or terminate this part of any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate, the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 971.93 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 971.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 971.96 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (a) of the act, a petition claiming such money.

Filed at Washington, D. C. on this 24th day of September 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7801; Filed, Sept. 26, 1956; 8:51 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A6]

MILK IN TOPEKA, KANS., MARKETING AREA

DECISION WITH RESPECT TO TENTATIVE MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act, of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Topeka, Kansas, on July 10 and 11, 1956, pursuant to notice thereof which was issued on June 20, 1956 (21 F. R. 4517).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 12, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 15, 1956 (21 F. R. 6973).

Issues considered. The material issues considered at the hearing were concerned with the following:

1. Extension of the marketing area;
2. Definition of pool plants;
3. Location adjustments;
4. Base-rating provisions; and
5. The Class II price.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Marketing area.* The Topeka, Kansas, marketing area should be extended to include all of Lyon County, in which Emporia is the county seat and largest city.

There is very extensive competition between Topeka and Emporia handlers in the sale of milk. Two of the three handlers whose plants are located at Emporia have been the successful bidders on contracts within the Topeka marketing area. During the period July 1954 through March 1955, this contract business was so extensive that at each of the plants it accounted for more than 25 percent of their total receipts of Grade A milk (more than 20 percent in March 1955), thus qualifying them as Topeka pool plants during the 9-month period. During the months of April through December 1955, the operators of these two plants still retained sufficient contract business to qualify as handlers under the Topeka order but not as pool plants.

Some Topeka handlers also have extensive sales in Emporia and Lyons Counties. One of them maintains a distributing point in Emporia from which wholesale and retail routes are operated throughout the county and into such additional territory as can more conveniently be served from the Emporia distributing point than from the bottling plant at Topeka.

The two groups of handlers also compete extensively with each other in sales territory outside of Shawnee or Lyon Counties including competitive bidding on the large contracts for Fort Riley, near Manhattan, Kansas.

In view of such extensive direct competition, the two groups of handlers should be on a strictly comparable basis in their purchase of milk from producers. Their supplies of milk should be classified in accordance with use and priced uniformly. A great majority of the producers shipping Grade A milk to the three distributors in Emporia are members of an unincorporated cooperative association. This association actively supported expansion of the order to include Lyon County. The Topeka procurement area almost entirely overlaps the Emporia milkshed and extension of the order would assure producers of the same uniform price regardless of the particular handlers to which they deliver their milk. The producers delivering to Emporia plants would also participate in the same seasonal incentive (the base and excess plan), have the same services of checking weights and tests, and have the same access to complete market information as provided under the present order to producers delivering to Topeka plants.

A proposal that Morris County, Kansas, be included in the marketing area was not supported at the hearing and that county should not be included in the marketing area.

2. *Pool plants.* Under the present Topeka order, only distributing plants are defined as pool plants. Distributing plants are those at which milk is received from producers, pasteurized, and bottled and from which the bottled milk is distributed to wholesale and retail customers. In most of the medium-sized cities of the country these are the only types of milk plants involved in the distribution of fluid milk.

In the larger metropolitan areas, however, the milksheds have become too extensive for farmers to deliver their milk directly to city plants. Instead, it is more economical for the milk to be assembled at country points, cooled, and shipped to the distributing plants in tank truck lots. It is also common for these country supply plants to be equipped with manufacturing facilities. The daily and seasonal surpluses of milk not needed for bottling can then be processed at the country plants instead of being transported into the distributing plants.

There is now such a supply plant serving the Topeka market. It supplies milk to a distributing plant whose supply of direct-delivered milk is far short of its bottling needs. The country supply plant furnishes milk to the distributor whenever it is needed. Commonly, of course, the supply plant milk is called upon most extensively during the late summer and fall months when production is seasonably low. If a substantial volume of such plant's supply of milk is called in by the distributing plant during the fall months, the supply plant should be considered as a regular part of the market supply. Those producers should participate in the equalization pool throughout the year. At the hearing extensive consideration was given to providing objective standards in the order for determining whether a supply plant was sufficiently associated with the market through its performance to become fully regulated under the order and to participate in the marketwide pool. The experience of the supply plant which is already serving the market was described in some detail and furnishes a valuable guide to the development of standards. However, it is essential that the standards accommodate any other supply plant operations which may become closely associated with the market in the future.

A supply plant should qualify as a year-round pool plant if 50 percent of its available supply is shipped to distributing plants in each of the months of August through December. These are the months of shortest supply in the Topeka market and are, therefore, the months in which distributing plants would be most likely to require milk from supply plants. Producers proposed that July be included as one of the qualifying months. It has been a shortage period in recent years, but is still a base-operating month and producers testified that, in their judgment, it should remain in that category. Accordingly, it should not be included in the supply plant qualification period. Since the hearing was not held early enough to permit an amendment to be effective throughout the 1956 shipping period, the requirement should apply only from the effective date of the order through December 31 of 1956 and to the entire August-December period in subsequent years. It was testified that the supply plant presently serving the market would probably ship 70 percent or more of its available supply in each of the specified months. However, the increasingly common practice of bottling milk only 5 or 6 days per week and unforeseeable fluctuations in Class I sales and, more particularly, in receipts from producers would make it exceedingly difficult for a country plant to average so high a rate of shipment in each of the specified months. A 50 percent standard will assure the market that any supply plant which qualifies thereunder will, in fact, be a major supplier to distributing plants.

Any supply plant should qualify as a pool plant in the first month in which it ships 50 percent of its available supply. Commonly, any new supply plant would become associated with the market during one of the fall months, but it is entirely conceivable that rearrangement of receiving facilities could occur even during the months of flush production. It is, therefore, provided that the supply plant qualify for the first and each succeeding month that it ships the 50 percent, but that it would not stay qualified without making shipments during the flush months unless it had been part of the market supply during the preceding short months.

The shipping percentages are computed on the basis of the "available" supply. The operator of the supply plant currently serving the Topeka market with bulk milk also has a sizeable bottling and distribution operation in local areas outside of the Topeka marketing area. The volume of such sales is, of course, fairly constant throughout the year and the quantity of milk so disposed of is not, as a practical matter, available to Topeka distributors. The bottling of milk for local sale is a rather common operation at supply plants. These sales would be reported as Class I utilization and would be fully subject to the order. Such sales should be deducted from the total receipts of milk at a supply plant to determine the total quantity which is available for the Topeka market. The quantities shipped to Topeka distributors should then be divided by the available supply rather than by the total supply to determine whether the 50 percent requirement has been met.

On the other hand, this particular supply plant has also sold bulk supplemental

milk to distributors at plants in Texas and other markets outside of Topeka. The purpose of the supply plant definition is to determine whether any given operation is primarily associated with Topeka or with some other market. Obviously, any plant which ships more of its available bulk supply of milk to Texas or other markets than to Topeka cannot logically be considered a part of the Topeka supply and should not be carried in the Topeka pool during the succeeding flush period.

It was further proposed that supply plant shipments be directly related to the need for Class I milk at the distributing plant through an allocation procedure. It appears, however, that the present standards for distributing plants provide a degree of Class I identification. The order now requires that a distributing plant must keep 50 percent of its total receipts in Class I during the months of July through February and 40 percent during the months of March, April, May and June in order to qualify as a pool plant. This requirement should be broadened to include not only the milk received at the distributing plant directly from producers' farms but also that shipped in from supply plants. Another safeguard against the possibility that country plants will ship milk without regard to Class I needs, merely to participate in the marketwide pool, is provided by denying a location adjustment on milk shipped in excess of Class I use.

The addition of a supply plant definition does not significantly affect those provisions of the order relating to unpriced milk. These now provide that if other source milk is received at a pool plant and allocated to Class I, there will be compensatory payments except in circumstances when producer milk is not available. In the past, during the months when supplemental milk has been obtained by handlers, producer milk has not been available, and compensatory payments have not been assessed. The nearby plant which has performed a supply plant function has furnished milk to a distributing plant under these circumstances. If this plant, or others performing similar functions, qualify as pool plants, their total supply of milk will be priced.

Review of the order provisions relating to pool plant definitions and unpriced milk disclose that if supplemental milk was received from a plant regulated under another Federal order and allocated to Class I, it would be subject to any compensatory payments which might apply. Apparently such a situation has not arisen, but it should be provided for. Since such milk would already have been priced under the original order in accordance with use, no further payment should be assessed. This can be accomplished by providing a separate step in the allocation provisions for milk from sources regulated under another order and by specifically exempting from compensatory payments any of such milk as may be classified as Class I under the Topeka order.

At present, the definitions of "approved dairy farmer" and "approved plant" refer both to health standards and to physical operations in the distribution of milk in the marketing area. Further operational requirements are then specified in the "pool plant" and "handler" definitions. In revising these latter definitions, it appears administratively desirable to confine the approved definition to health standards and to cover the standards for physical operations in the handler and pool plant definitions.

3. *Location adjustments.* Location adjustments are not provided for under the present Topeka order. Until recently, the procurement, bottling, and sale of milk was carried on exclusively by distributing plants located in or near the marketing area and location adjustments were not applicable. Only these distributing plants were defined as pool plants.

The development of supply plants makes it necessary to consider location adjustments, since such facilities are commonly located at considerable distances from the market. It is also widely recognized that distributing plants are serving much wider sales territories than they did a few years ago. It is quite possible that milk may be distributed directly in the Topeka marketing area from plants located at substantial distances from the market. If so, a location adjustment should be allowed in order to equalize the cost of such milk, at the marketing area, with the cost of milk to handlers whose plants are physically located in the area.

The location adjustments to handlers should be at the same rates as the location adjustments provided under the Kansas City order. Kansas City is the closest other Federal order market and hauling conditions are approximately the same in the two areas. The Kansas City rates appropriately reflect transportation costs.

One modification which should be made in the Kansas City location adjustment structure is occasioned by extension of the Topeka marketing area to include Lyon County and the City of Emporia. Distances should be measured from the City Hall in Emporia or in Topeka, whichever is closer.

The location adjustment to handlers should apply only on milk utilized for Class I purposes. In the case of bulk milk transferred from a supply plant to a distributing plant, an allocation procedure is necessary to determine what proportion of milk so transferred can be considered as having been used for Class I purposes at the distributing plant. This can be accomplished by deducting from the distributing plant's total Class I use the quantity of milk received at such plant directly from producers' farms. The remaining Class I utilization would be assigned to the milk received from supply plants. In case a distributing plant receives milk from more than one supply plant, the milk received from the nearest location would be assigned first to the Class I use.

The location adjustments to producers should be at the same rates as to handlers, but should apply to all the milk delivered by producers to any plant at which the location adjustments apply. Producers delivering milk to supply plants are pooled throughout the year, even though their milk may physically be received in the market only during the summer and fall months. Whenever the milk is physically needed, transportation charges are incurred for the haul from the distant plant to the marketing area. It follows that its potential value to the market, whether or not it is physically moved, is reduced by the amount of the location adjustment.

4. *Base-rating.* The order should not be amended to provide a base for producers entering the market after the base-setting months of September through December. A handler proposed that producers entering during any of the base-operating months of January through July be provided a base proportionate to the market average percentage of base deliveries.

In all markets where new producers are allowed to establish bases, old producers (those who had established bases during the regular base-setting months) are allowed to relinquish their old bases and establish new ones under the same conditions as apply to new producers. This is done in the interest of equity since old producers may have changed their operations or recovered from some adversity which prevailed during the base-setting period to an extent that they are almost as much new shippers as producers who had not previously been associated with the market. At the Topeka hearing, producers testified that a new producer provision coupled with one for relinquishing old bases would greatly reduce the effectiveness of the base plan in leveling production.

The extensive intermingling of Topeka and Kansas City shippers must also be considered in this connection. The base-rating plans in the two markets are now identical. Any substantial change in the operation of the plan, particularly in the smaller of the two markets, might seriously disrupt competitive relationships and affect the relative supply of milk in the two markets.

The base-rating provisions should be changed, however, to accommodate shippers to any plants which may qualify as pool plants this fall. This can be accomplished in the same fashion as bases were established in the fall of 1954 when these provisions of the order first became effective. Producers shipping to newly qualified pool plants should be permitted either to establish bases on their deliveries during the period from the effective date of the amending order through December 1956 or to have a base computed from verifiable delivery records for the entire period September through December 1956.

5. *Class II price.* Producers testified that they did not consider the present Class II price provisions of the order appropriate to the marketing area as proposed to be extended.

The most obvious deficiency concerns the list of local manufacturing plants on which the Class II price has been based. One of the three plants has discontinued operations entirely. Another plant is operated in conjunction with a Grade A receiving station which is a regulated supply plant under the Kansas City order. The third plant is operated by the major handler under the Topeka order.

In addition to its manufacturing plant at Topeka, this handler also maintains a receiving station at Emporia which frequently accepts surplus milk from fluid handlers in that locality in addition to milk from ungraded shippers. This milk is then transported to the Topeka plant for processing.

There are manufacturing plants in Kansas which are not associated with fluid milk operations under Federal orders, and the local plant price should be based upon a representative number of such plants. Three such plants are already used for similar purposes under other Federal orders. These are the Borden Company plant at Ft. Scott, Kansas; the Pet Milk Company plant at Iola, Kansas; both condenseries; and the Arkansas City Cooperative Milk Association plant at Arkansas City, Kansas, a plant which specializes in the manufacture of butter and nonfat dry milk. Other plants which appear appropriate for this use include the Carnation Company plant at Girard, Kansas, a condensery, and the Swift and Company plant at Parsons, Kansas, which specializes in the manufacture of American cheese.

The Class II price should be strengthened by using a butter-powder formula as an alternative to the local plant price during the months of lowest production, August through January. To date, the Topeka handlers do not appear to have acquired supplies in excess of Class I needs. During 1955, substantial quantities of milk were imported for Class I purposes in the months of September, October, and November. However, either the present handlers or the prospective new ones may in the future be encouraged to build up Grade A supplies in excess of bottling needs if Class II prices are too low in relation to the values of the resulting products.

One indication that the local plant prices are not fully representative of the value of milk for Class II uses during the short season is that they have been substantially lower than those prevailing in nearby markets. The Kansas City Class II price for the 6 months of low production (September through February in that market) are established by the basic formula price. During the period September 1955 through February 1956 they averaged 35.7 cents above the Topeka Class II price. In the Wichita and Southwest Kansas markets, the Class II price is the average price paid at manufacturing plants throughout the United States. In the same 6-month period these averaged 10.5 cents higher than Topeka. For the 12-month period March 1955 through February 1956 the Topeka Class II price averaged 21.6 cents below the Kansas City price and 10.3 cents below Wichita and Southwest Kansas. Clearly, the Topeka Class II prices are substantially below those applying to similar uses in adjacent Federal order markets and below the U. S. average price for manufacturing grade milk.

Another indication that the Class II price does not fully reflect manufacturing values is the payment by manufacturing plants of premiums over the reported prices on which the Class II price is based. A research study by the U. S. Department of Agriculture, cited at the hearing, disclosed that during the years 1951 through 1953 supplemental payments were substantial. They consisted mainly of hauling subsidies and quality payments. It was testified that the latter are still in effect. Also, it was pointed out that these premiums are of such magnitude that producers can gain a price advantage by marketing their excess milk directly at manufacturing plants rather than through their regular handlers.

In the months of August through January, only a comparatively small proportion of Topeka receipts are utilized for Class II purposes. In the period August 1955 through January 1956 the percentage of producer milk in Class II ranged from lows of 2 percent in August and September to a high of 26 percent in January and averaged 16 percent. During these months a substantial portion of such producer milk as is classified as Class II is utilized for cottage cheese or ice cream in the handler's plants. It is commonly recognized that milk for these uses commands a premium over milk for other manufacturing uses. For example, in mid-June 1956, a plant at Emporia was paying 31 cents per hundredweight over the Topeka Class II price for milk for use in the manufacture of ice cream. Moreover, during this period, there is little or no need to incur the expense of transporting surplus milk from handlers' plants to manufacturing plants for processing.

The butter-powder formula should be computed by subtracting 3 cents from the price of 92-score butter at Chicago, adding a 20 percent yield factor, multiplying by 3.8, the standard test of milk, and adding a value of the nonfat portion obtained by deducting 5.5 cents from the average prices of spray and roller process nonfat dry milk at Chicago area plants and multiplying by a yield factor of 7. This formula does not result in as high a level of prices as that proposed by producers. However, from August 1955 through January 1956 it would have increased the Class II price by an average of 21.2 cents per hundredweight. In view of the available outlets for Class II milk, it is concluded that the increases provided herein are appropriate to conditions as they exist in the market at this time.

The local plant price should be used during the months of February through July and the butter-powder alternative should be applied during the remaining months of August through January. The February through July period is the same as that used for operation of the base-excess plan. Producers specifically testified that the base-operating months should not be changed. It is noted, however, that the records of receipts and utilization for recent years shows that July through December are the 6 months of lowest supply in relation to sales and that January through June are the months of highest production. If interested parties in the market consider it likely that July will continue to be one of the short months instead of one of the months of flush production, it would be appropriate to change the months of the base-operating period, those applying to pool plant qualification, and those in which the butter-powder price is part of the Class II formula.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July 1956, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, Marketing Agreement Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area, and Order Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area.

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Topeka, Kansas, on July 10 and 11, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not resonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of expense, 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from approved dairy farmers.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Revise § 980.5 to read as follows:

§ 980.5 *Topeka, Kansas, marketing area.* The "Topeka, Kansas, marketing area", hereinafter called the "marketing area", means the cities of Topeka and Emporia, and all of the territories included within the counties of Shawnee and Lyon, all in the State of Kansas.

2. Revise § 980.6 to read as follows:

§ 980.6 *Approved dairy farmer.* "Approved dairy farmer" means any person who delivers to an approved plant milk:

(a) Approved under a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk; or

(b) Acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1, or Type III, No. 1.

3. Revise § 980.8 to read as follows:

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

4. Revise § 980.9 to read as follows:

§ 980.9 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a producer-handler:

(a) Any approved plant, hereinafter referred to as a "distributing plant", from which during the month the quantity of milk disposed of as Class I milk on a route(s) in the marketing area is equal during April, May, June, or July to 20 percent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or during August through March to 25 percent of such receipts: *Provided*, That the total quantity of milk disposed of as Class I milk on routes from such plants is equal during April, May, June, or July to 40 percent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or during August through March to 50 percent of such receipts; or

(b) Any approved plant, hereinafter referred to as a "supply plant," from which, during the month not less than 50 percent of its supply of milk from approved dairy farmers, less any milk regularly disposed of as Class I on routes moved to a distributing plant(s): *Provided*, That any supply plant which has shipped to a distributing plant(s) the required percentage of its supply of milk from approved dairy farmers during each of the months of October, November, and December 1956, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July.

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

5. Revise § 980.10 to read as follows;

§ 980.10 *Handler.* "Handler" means (a) any person in his capacity as operator of a pool plant, (b) any person who operates an approved plant from which Class I products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

6a. Delete § 980.46 (a) (2) and substitute therefor the following:

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

b. In § 980.46 (a) change the designation of subparagraphs "(3)", "(4)", "(5)", and "(6)" to "(4)", "(5)", "(6)" and "(7)", respectively.

7. Revise § 980.50 (b) to read as follows:

(b) *Class II milk.* The price of Class II milk in delivery periods during the months of February through July shall be equal to the price specified in subparagraph (1) of this paragraph and during the months of August through January shall be the higher of the prices specified in subparagraphs (1) and (2) of this paragraph:

(1) The average price ascertained by the market administrator to have been paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants:

Present Operator and Location

Borden Co., Ft. Scott, Kansas
Carnation Co., Girard, Kansas
Pet Milk Co., Iola, Kansas
Arkansas City Cooperative Milk Association, Arkansas City, Kansas
Swift & Co., Parsons, Kansas; or

(2) A price equal to the sum of the plus values of the following computations:

(i) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, and multiply by 7.

8. Add a § 980.52 as follows:

§ 980.52 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Topeka or Emporia, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 980.50 (a) shall be reduced by 16 cents if such plant is located more than 50 miles, but not more than 70 miles from such city hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a supply plant as defined in § 980.9 (b) to a distributing plant as defined in § 980.9 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the distributing plant exceeds receipts of milk from producers' farms: *Provided*, That if milk is received by a distributing plant from more than one supply plant, the milk so classified as Class I shall be deemed to have been transferred from the supply plants in the order of their least distance from the applicable city hall.

9. Delete the proviso in § 980.66 (a) and substitute therefor the following: "*Provided*, That the daily base applicable during the delivery periods of February through July 1957 for producers delivering milk to any plant qualifying as a pool plant pursuant to § 980.9 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the delivery periods from the effective date hereof through December 1956."

10. In § 980.81 delete the words "and subject to the butterfat differential set forth in § 980.82" and substitute therefor the following, "and subject to the butterfat and location differentials set forth in § 980.82."

11. Revise § 980.82 to read as follows:

"§ 980.82 *Producer butterfat and location differentials*—(a) *Butterfat differential.* In making payments pursuant to § 980.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of milk received from the producer is above or below 3.8 percent, an amount computed by adding four cents to the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, dividing the resulting sum by 10 and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance as determined by the market administrator, from the city hall in either Topeka or Emporia (whichever is closer), there shall be deducted 16 cents per hundredweight of milk if such plant is located more than 50 miles but not more than 70 miles from such city hall plus an additional ½ cent for each 10 miles or fraction thereof if such distance exceeds 70 miles.

Order of the Secretary Directing That a Referendum be Conducted Among the Producers Supplying Milk to the Topeka, Kansas, Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Topeka, Kansas marketing area) who, during the month of July 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of July 1956 is hereby determined to be the representative period for the conduct of such referendum.

Edward L. St. Clair is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 24th day of September 1956.

[F. R. Doc. 56-7802; Filed, Sept. 26, 1956; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 989]

[Docket No. AO 198-A3]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 18 and 19, 1956, upon proposed further amendments to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. Said amended marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Deputy Administrator, Marketing Services, United States Department of Agriculture, on September 5, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (21 F. R. 6832) on September 8, 1956. No exception to said recommended decision was filed.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) Mail or telegraphic voting;

(2) Reconditioning off-grade raisins, including disposition of residual material, storage of off-grade raisins received for reconditioning, and establishment of necessary rules and procedures;

(3) Exemption of shipments or other dispositions of any packed raisins to which the established or prescribed minimum grade standards are not applicable, and modification of the minimum grade and condition standards for natural condition raisins;

(4) The reporting of inter-plant transfers of raisins;

(5) The recovery of raisins from residual raisins obtained in the processing of standard raisins or from any raisins acquired as standard raisins;

(6) The latest date on which the committee must make its recommendation

with respect to the free, reserve, and surplus percentages for any crop year;

(7) The procedure for allocating to handlers offers of surplus tonnage raisins for sale in export;

(8) The price at which reserve tonnage raisins may be offered to handlers, and sale of such raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(9) Sale of surplus tonnage raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(10) Payment to alternate members of the committee for expenses incurred in attending a meeting when the member also attends; and

(11) The making of such other changes in the order as may be necessary to make the entire order conform with the proposed amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The provisions of § 989.52 (a) of the order, relating to voting by the committee, should be amended by deleting the requirement for 14 concurring votes to reach a decision on a mail or telegraphic vote and substituting therefor a provision that a unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on such vote. Since the full committee membership consists of 14 members and their respective alternates, the present requirement for 14 concurring votes prevents the committee from voting by mail or telegraph if vacancies exist in both the member and the respective alternate position. The proposed amendment would enable the committee to vote in that manner when there is no assembled meeting even though vacancies should reduce the committee to less than its full membership. However, a negative vote by any member, or by an alternate acting for a member, would prevent the adoption of a proposition, as is the case under the present provisions regarding mail and telegraphic voting. The proposal would make it clear that the alternate may vote when a member is unavailable, the same as if the action were taken in an assembled meeting. It is intended that voting may be by mail or telegraph only on routine matters where no extended discussion is necessary and the committee is in complete agreement. Failure of any member or alternate to vote within a reasonable time (not to exceed 10 days) as stated in the balloting notice would raise a question as to complete agreement. Hence, such failure to vote should be held to be a dissenting vote.

(2) The provisions of § 989.58 (e) entitled "options as to off-grade natural condition raisins" should be amended by deleting the last two sentences thereof and substituting therefor other provisions which would: (a) Provide that any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed or uses other than for human consumption; (b) require a handler to keep off-grade raisins received by him for reconditioning separate and apart from all other raisins until after the raisins have been reconditioned and the quality of raisins is established by inspection and certification; and (c) require the committee to establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual off-grade raisins from such reconditioning operations.

The present provisions of the order permit a handler to return the residual material from reconditioning to the tenderer (or producer) of the off-grade raisins, or dispose of it without further inspection, for distillation, animal feed, or uses other than for human consumption. In the operation of the order, producers who have tendered off-grade raisins to handlers for reconditioning have not requested the return of the residual material. The producer might use such residual material which consists of extremely low grade raisins, stems, and possibly foreign matter for fertilizer or animal feed. Evidently, the value of this material for such purposes does not warrant the producer taking it back to the farm. If the residual matter should be returned to producers, it is possible that some of them would blend it with above-minimum quality raisins and then be able to deliver the resulting blend to handlers as standard raisins. This would be contrary to good sanitation and could subject the producer to having the raisins condemned or seized by the California State authorities as a violation of State food and sanitary rules and regulations. Therefore, in proposing that return of the residual matter to producers be prohibited, official notice is taken of such State rules and regulations. The proposed amendment would place complete responsibility on the handler for the disposition of the residual matter for use in the prescribed outlets.

It is intended that the handler may employ whatever procedures are necessary in reconditioning, other than blending with raisins received or acquired as standard raisins, to recover all of the raisins that can be properly certified as standard raisins, and that the final residual material be disposed of as stated. It should be made clear that a handler shall dispose of any final residual material in the prescribed outlets during or after the reconditioning process has been completed. He should be permitted to make such disposition during the reconditioning process so as to enable him to maintain desirable sanitation and better utilize available space in his plant.

The proposed amendment would not prevent a handler from returning to the tenderer any lot of off-grade raisins in the same form as received, or the standard raisins from any lot turned over to the handler for reconditioning. Whenever off-grade raisins are turned over to a handler for reconditioning, the handler and the person tendering the raisins would consider the value of the residual material in arriving at the terms of the agreement under which the reconditioning is to be done.

Experience during the past season also has demonstrated that no useful purpose is served by requiring lots of off-grade raisins received for reconditioning to be held by the handler separate and apart from each other, as required in the present provisions of the order. In practice, handlers often find it necessary to group together lots of off-grade raisins having similar defects so as to conserve storage space and provide units large enough so that the raisins can be reconditioned economically. The cost of stopping and starting the machinery for individual lots could make the reconditioning of off-grade raisins unprofitable. In most instances, the handler settles with the producer for off-grade raisins received for reconditioning on the basis of the total standard raisins which may be obtained from the lot as determined by the information disclosed on the inspection certificate. Hence, it is not necessarily required that handlers keep particular lots of off-grade raisins received for reconditioning separate from other lots of similar raisins in order to determine the actual out-turn of standard raisins from the lot. If a producer desires that any lot of off-grade raisins tendered to a handler for reconditioning be kept separate from other lots for any reason, he may make arrangements with the handler for having this done. By relieving the handler from the order requirement of separate storage by lots, control of quality would not be impaired, and the resulting lower cost of reconditioning in the larger units should be reflected in lower reconditioning costs to the producer.

The handler would still be required to keep off-grade raisins received for reconditioning separate and apart from all other raisins until the quality of the reconditioned raisins is established by inspection and certification. This would not preclude a handler from mixing final residual material from the reconditioning of off-grade raisins with similar material from his processing of raisins acquired by him as standard raisins, which are to be disposed of for distillation, animal feed, or uses other than for human consumption.

A provision should be added to § 989.58 (e) requiring the committee to establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual material from such reconditioning operations. Although the order now authorizes the committee to make rules and procedures to effectuate the terms and provisions thereof, the added provision would require the committee to consider and establish, with the Secretary's approval, such rules and procedures as may be necessary in connection with the reconditioning of off-grade raisins.

(3) The provisions of § 989.59 (a) should be amended by adding a provision to make it clear that a handler is not prohibited from shipping or making

disposition of any raisins to which the minimum grade standards established by or pursuant to § 989.59 (a) or (b) are not applicable. Section 989.59 (a) prescribes U. S. Grade C, as defined in the effective United States Standards for Grades of Processed Raisins, as the minimum grade standards for packed raisins other than Layer Muscats and Zante Currants. For Layer Muscats and Zante Currant raisins, U. S. Grade B is prescribed. Section 989.59 (b) provides for modification of these minimum grade standards.

During the past season, there were instances of handlers desiring to ship certain new or unusual varietal packs of raisins for which applicable minimum grade standards had not been prescribed. These included, among others, packs of Soda Dipped Seeded (Valencia) raisins, and Unseeded, Uncapstemmed, Loose Muscat raisins. Soda Dipped raisins normally are unseeded, and Loose Muscat raisins normally are capstemmed. Such new or unusual varietal packs of raisins may be prepared to fill a special trade demand requiring raisins of good quality, and, in the absence of appropriate minimum grade standards under which they can be inspected, handlers should not be prevented from shipping them. The proposed amendment would enable handlers to ship such varietal packs of raisins without inspection until appropriate minimum grade standards can be established.

The question was considered at the hearing as to whether it would be desirable to amend § 989.97 (Exhibit B; minimum grade and condition standards for natural condition raisins) to include therein the changes of a relatively permanent nature which have been made in such standards during the 1955–56 crop year or to otherwise modify such standards in light of operations during such crop year. The only desirable change in this connection concerns lots of mixed varietal types. Growers sometimes have two or more varieties of grapes interplanted in the same vineyard. In these instances, the growers find it difficult or impossible to prevent commingling of different varietal types of raisins in the same container. Except in a few unusual situations, samples of the individual varieties can be drawn from the commingled raisins and the grade of each determined. To provide a basis for inspecting and certifying these commingled raisins, the first paragraph of § 989.97 should be amended by adding a provision that where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type. Since Layer Muscat raisins and Natural (sun-dried) Muscat raisins are not readily distinguishable when commingled within a container, it should be provided that, in the event such raisins are commingled, the entire lot shall be considered as Natural (sun-dried) Muscat raisins and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins. Also, since the moisture content of all of the raisins in a container tends to equalize, it should be provided that, should the requirements with respect to moisture content differ as between two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type.

(4) The provisions of § 989.59 (e) relating to inter-plant and inter-handler transfers of free tonnage raisins should be amended to provide that transfers of raisins between plants owned or operated by the same handler need not be reported to the committee. The present provisions may be interpreted as requiring a handler who transfers raisins from one of his plants to another plant owned or operated by him to report the transfer. Reporting inter-plant transfers is an unnecessary burden to the handler and the information is not needed by the committee.

(5) The first sentence of § 989.59 (f) relating to disposition of off-grade raisins provides that any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption. A question arose in the operation of the order as to whether these provisions preclude a packer from recovering raisins from any of such off-grade raisins, for shipment or disposition in normal trade channels if by further processing or reworking them they were made to meet the prescribed minimum grade standards. To clarify this situation, § 989.59 (f) should be amended by changing the period at the end of the first sentence to a colon and adding "*Provided*, That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions."

Most handlers normally conduct their processing operations so as to pack several grades of raisins, the lowest of which would be equal to or better than the prescribed minimum grade. This is done to provide different trade outlets with the quality they desire. The raisins which remain from the processing to obtain raisins of high quality may fail to meet the prescribed minimum grade standards. By further processing, at least a part of these residual raisins may be made to meet the minimum grade standards. Also, a handler may hold raisins acquired by him as standard raisins, which have become off-grade. They may be raisins which had gone out of condition in trade channels and were returned to the handler, or raisins which were damaged while held by the handler. In his normal operations, the handler will process, reprocess, or rework these off-grade raisins, including the blending of them with standard raisins, if he finds that he can recover enough good raisins to make it profitable for him to do so. Prohibiting such recovery could cause financial hardship for the handler since he purchased such raisins as standard raisins. It is intended that the order should not interfere with a handler's normal operations in these respects. It is intended that a handler may ship in normal trade channels raisins which he obtains or recovers from raisins acquired as standard raisins if, after his final processing of them, they can be properly certified as meeting the prescribed minimum grade standards for shipment or final disposition.

Since food and sanitary regulations of city, county, state, federal or other agencies may apply to the handling of raisins, § 989.59 (f) should be amended also by adding a provision that this paragraph is not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

(6) The provisions of § 989.63 (a) should be amended by changing the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This change is proposed in order to permit the committee to have available more detailed information on which to base such recommendations. During the past year, the committee adopted a formula for arriving at the percentages that should be recommended. Information on production in the form of a raisin lay report normally is expected to be received by the committee from the California Crop and Livestock Reporting Service by October 1 of each year, on the basis of agreements with such agency. Approximately five days are required for the board and the committee to consider the latest available information, including the raisin lay report, and for the committee to formulate and submit to the Secretary its recommendation on free, reserve, and surplus percentages. However, in unusual seasons the grape crop may be so late in maturing that it would be impracticable for a reliable estimate of raisin production to be made by October 1. To provide for such an eventuality, provision should be made for the committee to extend the date for making its recommendation on the fixing of volume percentages not more than five days beyond October 5 if warranted by a late crop.

The date on which the committee makes its recommendation on volume percentages should be the earliest date possible with proper consideration of all available information concerning raisin production. In some years it may be practicable for the committee to make its recommendation before October 5. Only in the most unusual situations would it be necessary for the recommendation to be delayed beyond October 5. The committee's recommendation must be made as soon as practicable because raisin producers and handlers need to know what the free, reserve, and surplus percentages will be for the crop year so that field prices for raisins may be

established and the season's trade in raisins begun.

(7) The first sentence of § 989.66 (e) (4) now provides that each handler's share of an offer of surplus tonnage raisins for sale in export shall be determined as the same proportion that the surplus tonnage raisins acquired by him is of the surplus tonnage raisins acquired by all handlers. As set forth in the notice of hearing, it was proposed that this formula be revised so as to change the allocation basis from that of handlers' current acquisitions of surplus tonnage to that of handlers' current acquisitions of free tonnage, and to provide more specific procedure for its application. At the hearing, it was further proposed that another formula based on handlers' acquisitions of free tonnage raisins during the preceding crop year be provided for use in conjunction with the formula as proposed in the notice to take care of an allocation problem which occurs in the first part of the crop year. This and other aspects of allocating surplus tonnage raisins to handlers throughout the crop year was considered at the hearing.

Handlers' acquisitions of free tonnage raisins, rather than their acquisitions of surplus tonnage, should be used in allocating surplus tonnage to them for sale in export. The same free tonnage percentage applies throughout the crop year. Under § 989.67 (c), any reserve tonnage held unsold on July 1 becomes surplus tonnage on that date. Also, any reserve tonnage acquired between July 1 and the end of the crop year becomes surplus tonnage at the time of acquisition. The proposed use of free tonnage acquisitions as a basis for allocating surplus tonnage to handlers would eliminate the apparent change in the base (from the standpoint of relation to total acquisitions) when reserve tonnage becomes surplus on and after July 1. It would not result in any material difference in a handler's share of an offer of surplus tonnage as compared with the use of surplus tonnage acquisitions as an allocation basis, because the quantity of any raisins acquired by handlers after July 1 is extremely small, and by definition (§ 989.17) the quantity of reserve tonnage held on July 1 which becomes surplus would not be an acquisition by reason of the transfer to surplus.

The demand for surplus tonnage raisins for sale in export usually is most active during the fall and early winter months. The respective handlers are concerned, therefore, that they receive their proper allocations of surplus tonnage offered during this period. Also, to the extent that each handler's allocation during this period is proportional to his normal volume of business during the crop year, a larger total quantity of surplus tonnage may be sold. A large cooperative marketing association and some of the other handlers acquire most, or all, of their raisins during the first part of the crop year. Other handlers, because of limited facilities or the effect on income taxes, acquire a substantial part of their raisins after the first of January. Hence, the use of current acquisitions of free tonnage raisins as an allocation basis would not permit some handlers to receive an allocation of surplus tonnage during the period of most active demand which would be proportional to their normal acquisitions of free tonnage raisins over the entire crop year. On the other hand, such basis permits other handlers to obtain, in the early part of the season, shares of surplus which are more than proportional to such acquisitions, and more than they may sell in export at the time. The use of total free tonnage acquisitions of the preceding crop year as an allocation basis prior to February 1, with subsequent adjustments of shares to a basis of current free tonnage acquisitions as set forth below, would overcome this problem and yet keep the allocations on a basis as nearly current as possible.

Therefore, § 989.66 (e) (4) should be amended so as to provide that, except for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. The amendment should provide that subsequent to January 31 of any crop year, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. It should provide also that with respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula, and then his share of the current offer determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. This would have the effect of establishing the shares of all handlers for the crop year on the basis of current acquisitions of free tonnage raisins. Yet, it would provide the necessary flexibility prior to February 1.

To provide for new handlers, provision should be added to § 989.66 (e) (4) that, if any handler did not acquire raisins during the preceding crop year, the basis for his share of surplus tonnage offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all of such handlers should, for the purpose of determining the shares of all handlers, be added to the total acquisitions of free tonnage raisins during the preceding crop year by all handlers. While a new handler's share by this formula would normally be relatively smaller than shares of handlers who acquired raisins during the preceding crop year, his relative share would be brought in line with those of the other handlers by adjustment after January 31, under the amendatory proposal stated above. In the past seven years, only a very few persons have entered the raisin packing business as new members.

Amendment of § 989.66 (e) (4) should provide also that, if prior to February 1 of any crop year a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set-aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Since failure to repay the reserve tonnage would seriously interfere with the operations of the order, and to further insure repayment, it should be provided that any handler who has not repaid all prior loans from the reserve pool by the end of the 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid. Borrowing from the reserve tonnage in this way would eliminate or reduce the cost to the committee of transferring surplus tonnage from one handler to another during the period ending January 31. Most handlers' purchasing of raisins from producers is such that there would be no question of them subsequently acquiring enough surplus to repay any loan. However, if there are indications that a handler will complete his acquisitions early or will not continue in business, thus making it unlikely that he could repay a loan, the committee should obtain a bond from the handler to insure repayment to the reserve pool. The amount of the bond should be sufficient, considering the amount the handler pays the committee for his purchase of the raisins as surplus, to cover necessary expenses and enable the committee to purchase free tonnage raisins and repay the reserve pool. However, in case of recovery under a bond, the committee could, in its discretion, credit the reserve pool with the amount recovered, plus the return from the sale of the borrowed reserve tonnage as surplus.

In some crop years, essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, may have been offered to handlers on a share basis. In this event, some of the handlers probably would not be interested in further offers of any surplus tonnage which then remained unpurchased. To facilitate disposition of the remaining tonnage, amendment of § 989.66 (e) (4) should include a provision that, in such an event, approval of applications may be made in the same order in which the applications are filed with the committee.

Any handler's share or allocation of surplus tonnage raisins, determined in accordance with the conclusions stated above, could be less than or exceed his holdings by a minor quantity. Amendment of § 989.66 (e) (4) should provide that, in such an event, the committee

may adjust the handler's share or allocation so as to avoid the cost of physical transfers of raisins. The maximum quantity by which a handler's share or allocation may properly be adjusted to avoid such a transfer of raisins could vary, depending on prevailing conditions, and should not be prescribed in the order. However, it should be provided in the proposed amendment that such maximum quantity shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

The present provisions of § 989.66 (e) (4), other than the first sentence, should remain unchanged, except for desirable clarification.

(8) The provisions of § 989.67 (b), which relate to the price at which reserve tonnage raisins may be sold to handlers, should be amended to provide that where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. This proposal is similar to the present provisions in these respects, except that they do not specifically provide for any downward trend in prices to be determined on the basis of the prices received by handlers for free tonnage packed raisins, or for the field price for free tonnage raisins to be computed. Reserve tonnage is most often offered for sale to handlers during the latter part of the crop year. Usually, handlers' purchasing of raisins from producers is largely completed by February or March, and there may be no prevailing field price or one which is representative when the committee offers reserve tonnage. The committee should be permitted to use packers' prices for packed raisins for computing a field price or determining whether there has been a downward trend. The prices which handlers pay producers for their free tonnage raisins are determined by the market for packed raisins. Hence, prices received by handlers provide a reasonable basis for determining any downward trend in prices, and for computing a field price.

It was testified at the hearing that the committee should first determine the percentage decline in handler's prices for packed raisins and then apply the same percentage to the field price established earlier in order to arrive at the current field price. It was testified also that this would give a higher computed field price than if it were computed by deducting from handlers' current price for packed raisins the normal margin between the price for packed raisins and the field price. When there has been a downward trend in prices, the computed field price most desirable for use in offering reserve tonnage may vary according to trading conditions, including whether the trend is continuing downward, leveling off, or showing an upturn. Since reserve tonnage becomes surplus (for sale in surplus outlets usually at lower prices) if not purchased by handlers, the offering price for reserve tonnage should be such as to enable handlers to purchase their reasonable requirements and maximize pool returns. The committee would need to use a price which will best achieve that purpose. Therefore, in order to maintain some flexibility in this regard, no particular method of computing the field price should be prescribed in the order.

The provisions of § 989.67 (b) which relate to the review by the Secretary of the committee's offers of reserve tonnage raisins to handlers and his right to disapprove now require the committee to file the necessary information with the Secretary five days (exclusive of Saturdays, Sundays, and holidays) prior to making any offer to sell reserve tonnage raisins. This could be interpreted as preventing the committee from making the offer in less than the five days, even though the committee is advised earlier that the Secretary will not disapprove. Frequently, it is desirable that offers to handlers be made as soon as possible in order for them to have raisins to meet their requirements. If the committee is advised that the Secretary does not disapprove, it is unnecessary that it wait until the end of the five-day period before making the offer. Therefore, the provisions of § 989.67 (b) should be amended to provide that at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(9) Those provisions of § 989.68 (d) and (e), which relate to the Secretary's review of proposals to sell surplus tonnage raisins and subsequent action by the committee if the Secretary does not disapprove, should be amended in the same manner and for the same reasons as specified in issue (8) for offers of reserve tonnage raisins.

(10) Section 989.48 now provides that members of the committee and the board, and alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. This section should be amended to provide that whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings. Some committee meetings, such as the annual marketing policy meeting, are of such importance that both members and alternates are justified in attending. By attending such meetings, the alternates will be better qualified to act when they are later required to serve for members. An alternate member who, upon request, attends a meeting to serve in place of the member, and the member subsequently attends unexpectedly, has acted in good faith and should be reimbursed for the expenses incurred by him in attending. However, there should be only a few meetings which both members and the alternates need to attend. To avoid unnecessary meeting expense, the number of meetings that an alternate may attend and be reimbursed for his expenses when the member also attends should be limited to not more than three in any one crop year.

(11) It was testified at the hearing that changes should be made in any other provisions of the order not directly involved in connection with specific amendments, but which are necessary to make such other provisions conform with any amended provisions which might result from this proceeding. Such changes should be made in §§ 989.79 and 989.54. The necessity for these results from the proposed amendment of § 989.63 (a) which would change the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This proposed amendment is discussed under issue (6).

The provision in § 989.79, which requires the committee to file with the Secretary not later than October 1 of each crop year a proposed budget of expenses for the maintenance of the committee and the board and a proposal as to the assessment rate to be fixed pursuant to § 989.80, should be amended to provide for the filing of such proposed budget and rate of assessment not later than October 5 of each crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. The free, reserve, and surplus percentages when applied to the estimated acquisitions of raisins by handlers during the crop year provide a basis for estimating the committee's budget. They provide a basis also for determining the probable assessable tonnage and the assessment rate. Because of this interrelationship between the percentages and the budget and assessment rate, it would be impracticable to require the committee to file its proposed budget and rate of assessment before the percentages to be recommended to the Secretary had been formulated. They should, in fact, be formulated and recommended at the same time, which is consistent with the existing provisions for dates of filing the respective recommendations with the Secretary.

It is now provided in § 989.54 that not later than August 20 preceding the beginning of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year and shall submit to the Secretary within 10 days a report setting forth its marketing policy for the regulation of the handling of raisins in each crop year. This provision of § 989.54 should be amended to provide that prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which would be not later than

October 5 of such crop year unless this date should be extended by the committee not more than five days because of a late crop), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. As discussed under issue (6), a formula has been adopted for arriving at the free, reserve, and surplus percentages and the use of this formula depends upon the accuracy of estimates of raisin production. An official production estimate is expected to be received from a governmental agency, normally not later than October 1 of each year. In most years, volume regulation is the most important consideration in the adoption of a marketing policy. Since an official estimate of production on which volume regulation can be recommended will not be available on August 20, it would be impracticable to require the committee to adopt its marketing policy by that date. In fact, it would be inadvisable for the committee to adopt a policy based on unofficial estimates in view of forthcoming official estimates. Since the volume percentages provide a basis for trading in raisins, producer returns could be affected adversely if the committee used estimates in adopting its marketing policy which were later changed. These difficulties would be overcome by permitting the committee to delay its adoption of a marketing policy until it makes its recommendations for fixing the volume percentages.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Agreement Further Amending the Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Raisin Variety Grapes Grown in California," and "Order Further Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Raisin Variety Grapes Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the agreement further amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement further amending the amended marketing agreement are identical with those contained in the attached order further amending the amended order which will be published with this decision.

Dated: September 21, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Further Amending the Order, as Amended, Regulating the Handling of Raisins Produced From Raisin Variety Grapes Grown in California

§ 989.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations set forth below in this section are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of this marketing order (14 F. R. 5136) and related marketing agreement, as supplemented by the findings and determinations which were made in connection with the amendment of such marketing order (20 F. R. 6435) and marketing agreement which were issued on August 26, 1955, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 18 and 19, 1956, upon proposed amendments of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989; 20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said amended marketing order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended marketing order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(3) There are no differences in the production and marketing of raisins in the production area covered by this amended marketing order, as hereby proposed to be further amended, which make necessary different terms applicable to different parts of such area.

It is therefore ordered, That, on and after the effective date hereof, all handling of raisins produced from raisin variety grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby further amended as follows:

1. Amend the provisions of § 989.52 (a) to read as follows:

§ 989.52 *Procedure.* (a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present and a quorum must be present. All votes in an assembled meeting shall be cast in person. The presence of nine members shall be required to constitute a quorum. The committee may vote by mail or telegraph when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully, and identically in a notice by mail or telegraph to all members, or alternates acting in the place and stead of the members. Said notice shall contain a statement of a reasonable time not to exceed 10 days in which a member or alternate must vote by mail or telegraph in order that the vote may be counted. A unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure of any such member or alternate to vote within the prescribed time shall be held to be a dissenting vote. No action to recommend a marketing policy or volume regulation can be taken on the basis of a mail or telegraphic vote.

2. Amend the provisions of § 989.58 (e) to read as follows:

(e) *Options as to off-grade natural condition raisins.* Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade standards may at the option of either the handler or the person making the tender: (1) Be returned to the person tendering the raisins; (2) if storable, be turned over to the handler to be held by him as off-grade natural condition raisins for the account of the committee; or (3) be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins until after the raisins have been reconditioned and the quality of the raisins is established by inspection and certification. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual matter from such reconditioning operations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

3. Amend the provisions of § 989.59 (a) to read as follows:

§ 989.59 *Regulation of the handling of raisins subsequent to their acquisition by handlers*—(a) *Regulation.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as modified pursuant to the provisions of paragraph (b) of this section: (i) With respect to all raisins except Layer Muscats and Zante Currants, "U. S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U. S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U. S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants: *Provided,* That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins to which the prescribed standards are not applicable.

3a. Amend the provisions of the first paragraph of § 989.97 to read as follows:

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type: *Provided,* That, in the event Layer Muscat raisins are commingled within their containers with Natural (Sun-dried) Muscat raisins, the entire lot shall be considered as Natural (sun-dried) Muscat raisins, and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins: *Provided further,* That, should the requirements with respect to the maximum moisture content differ as between any two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

4. Amend the provisions of § 989.59 (e) to read as follows:

(e) *Inter-plant and inter-handler transfers.* Any handler may transfer from his plant to his own or another handler's plant within the State of California any free tonnage raisins without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall transmit promptly to the committee a report of such transfer, except that transfers between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

5. Amend the provisions of § 989.59 (f) to read as follows:

(f) *Off-grade raisins accumulated by handlers.* Any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption: *Provided,* That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure such uses. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

6. Amend the provisions of § 989.63 (a) to read as follows:

§ 989.63 *Recommendation for designation of percentages.* (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately, for each varietal type. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board, and also shall specify for each varietal type of raisins the outlets which were considered in determining the free and surplus tonnages and the free and surplus percentages. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meeting or meetings, relating to the free, reserve, and surplus percentages. The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 5 of such year, but this date may be extended by the committee not more than five days if warranted by a late crop.

7. Amend the provisions of § 989.66 (e) (4) to read as follows:

(4) (i) Except as provided in subdivision (ii) of this subparagraph, for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to January 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(ii) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purpose of determining the shares of all handlers prior to February 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(iii) If prior to February 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by the end of the required 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

(iv) If prior to the close of any offer of surplus tonnage raisins for sale in export and subsequent to any share

reservation period the entire offer has not been purchased, any handler who has purchased his entire share and makes application to the committee shall be allocated additional surplus tonnage raisins from such raisins held by him. In the event such handler no longer holds any surplus tonnage raisins for the account of the committee, the committee shall, subsequent to any period the committee may prescribe for handlers to purchase their holdings, allocate and deliver to the handler, surplus tonnage raisins held by other handlers. In making such allocation, the committee shall, insofar as is practicable, first withdraw surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(v) Whenever essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, have been offered on a share basis, and any unpurchased or unoffered tonnage of surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(vi) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of surplus by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so adjusted shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

8. Amend the provisions of § 989.67 (b) to read as follows:

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided*, That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. No offer to sell reserve tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

9. Amend the provisions of § 989.68 (d) and (e) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(e) The committee may sell surplus tonnage raisins as provided in paragraph (b) (3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell surplus tonnage raisins to foreign government agencies or foreign importers in any country removed from such list. No agreement to sell surplus tonnage raisins shall be entered into by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price, and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

10. Amend the provisions of § 989.48 to read as follows:

§ 989.48 *Compensation and expenses.* The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings.

11. Amend the provisions of § 989.79 to read as follows:

§ 989.79 *Expenses.* The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than five days if warranted by a late crop. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve, surplus, or off-grade raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66 (f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

11a. Amend the provisions of § 989.54 to read as follows:

§ 989.54 *Marketing policy.* Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63 (a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to each varietal type of raisins:

(a) The estimated tonnage of raisins held by producers and handlers;

(b) The estimated tonnage of raisins which will be produced during the crop year;

(c) An appraisal of the quality of raisins of the crop to be produced in such crop year, including the estimated tonnage of standard raisins and off-grade raisins, respectively;

(d) The tonnage of raisins marketed during recent crop years in the domestic market and in Canada;

(e) The tonnage of raisins marketed in recent crop years in foreign markets, segregated to show the quantities marketed from free and surplus tonnage raisins and the countries in which such raisins were marketed;

(f) The current price being received for raisins by producers and handlers;

(g) The estimated trade demand during the crop year for raisins in normal market channels both domestic and foreign;

(h) The trend and level of consumer income in the domestic market;

(i) The estimated probable market requirements for raisins during the crop year in foreign markets segregated by countries or groups of countries;

(j) Such factors, if any, which in the supplying of foreign markets, may tend to directly affect or burden the normal domestic market;

(k) Any other pertinent factors bearing on the marketing of raisins; and

(l) The conditions, including pricing formula, for the sale of surplus tonnage raisins in foreign markets pursuant to the provisions of § 989.68.

Order Directing That a Referendum Be Conducted; Designating Agents To Conduct Such Referendum; and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1955 through June 30, 1956 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production for market, of raisin variety grapes to determine whether such producers approve or favor the issuance of an order further amending the order, as amended, regulating the handling of raisins produced from raisin variety grapes grown in California. The order further amending the amended order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

W. Allmendinger, W. B. Blackburn, David B. Fitz, Eugene C. Holly, and M. G. Young, of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35), except that subparagraph (6) of paragraph (c) thereof is hereby amended, for the purposes of this referendum, to read as follows:

(6) Cause copies of the text of the proposed further amendments to the amended order (regulating the handling of raisins produced from raisin variety grapes grown in California), instructions on voting, and appropriate ballot and other necessary forms to be mailed to each such cooperative association, and each producer of raisin variety grapes who produced raisins during the representative period, whose name and address is on record with the Raisin Administrative Committee, established under Marketing Agreement No. 109 and Marketing Order No. 89 (20 F. R. 6435); and such agents shall make copies of the ballot, and other necessary forms and instructions available in the office of Farm Advisor, County Director of Agricultural Extension, in each county in California in which raisin variety grapes are produced for market.

Copies of the aforesaid annexed order, the aforesaid referendum procedure, and this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C.

Any producer of raisin variety grapes for market who does not receive a ballot, a copy of the proposed further amendments to the amended order, and other necessary forms and instructions for use in the referendum by mail, may obtain them from the appropriate Farm Advisor, County Director of Agricultural Extension, or from W. Allmendinger, Oakland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3529 East Tulare Street, Fresno 2, California.

[P. R. Doc. 56-7782; Filed, Sept. 26, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 657, 673, 706]

[Administrative Order 468]

PUERTO RICO; ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY; FOOD AND RELATED PRODUCTS INDUSTRY; TOBACCO INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 25–A for the alcoholic beverage and industrial alcohol industry in Puerto Rico, Industry Committee No. 25–B for the food and related products industry in Puerto Rico, and Industry Committee No. 25–C for the tobacco industry in Puerto Rico.

Industry Committee No. 25–A is composed of the following representatives:

For the Public: Maynard Persig, Chairman, Minneapolis, Minnesota; Reed Tripp, Madison, Wisconsin; Pedro Munoz Amato, Rio Piedras, Puerto Rico.

For the Employees: Mario Azpeitia, Washington, D. C.; Karl F. Feller, Cincinnati, Ohio; Hipolito Marcano, San Juan, Puerto Rico.

For the Employers: Hiram S. Hall, New York, New York; Jesus F. Diaz-Hernandez, San Juan, Puerto Rico; Antonio Escudero Torruellas, Santurce, Puerto Rico.

For the purpose of this order the alcoholic beverage and industrial alcohol industry in Puerto Rico is defined as follows:

The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, whisky, brandy, cordials, liqueurs, wines, ale, beer and similar malt beverages with or without alcohol, other alcoholic beverages, industrial alcohol (such as ethyl alcohol, butyl alcohol, and acetone), anti-freeze, and any related by-product resulting from the manufacture of any of the foregoing products.

Industry Committee No. 25–B is composed of the following representatives:

For the Public: Maynard Persig, Chairman, Minneapolis, Minnesota; Reed Tripp, Madison, Wisconsin; Pedro Munoz Amato, Rio Piedras, Puerto Rico.

For the Employees: Mario Azpeitia, Washington, D. C.; Karl F. Feller, Cincinnati, Ohio; Hipolito Marcano, San Juan, Puerto Rico.

For the Employers: Hiram S. Hall, New York, New York; Norman E. Parkhurst, Bayamon, Puerto Rico; Antonio J. Bennazar, Santurce, Puerto Rico.

For the purpose of this order the food and related products industry in Puerto Rico is defined as follows:

The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products. The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life. *Provided, however,* That the definition shall not include any product or activity included in the Sugar Manufacturing Industry, as defined in the wage order for that industry in Puerto Rico, or in the Chemical, Petroleum, Rubber, and Related Products Industry, as defined in Administrative Order No. 464 appointing Industry Committee No. 23–A for Puerto Rico, or in the Alcoholic Beverage and Industrial Alcohol Industry, as defined in Administrative Order No. 468 appointing Industry Committee 25–A for Puerto Rico.

Industry Committee No. 25–C is composed of the following representatives:

For the Public: Maynard Persig, Chairman, Minneapolis, Minnesota; Reed Tripp, Madison, Wisconsin; Pedro Munoz Amato, Rio Piedras, Puerto Rico.

For the Employees: Mario Azpeitia, Washington, D. C.; Karl F. Feller, Cincinnati, Ohio; Hipolito Marcano, San Juan, Puerto Rico.

For the Employers: Hiram S. Hall, New York, New York; Serafín Inclan, Jr., Caguas,

Puerto Rico; Francisco Verdiales, Caguas, Puerto Rico.

For the purpose of this order the tobacco industry in Puerto Rico is defined as follows:

The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 25–A shall commence its hearing on October 22, 1956, at 2:00 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 25–A, Industry Committees Nos. 25–B and 25–C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 25–A will meet at 10:00 a. m. on October 22, 1956, and Industry Committee Nos. 25–B and 25–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956, (21 F. R. 3678). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than October 12, 1956.

Signed at Washington, D. C. this 21st day of September 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56–7805; Filed, Sept. 26, 1956; 8:52 a.m.]

THE RENEGOTIATION BOARD

[32 CFR Part 1467]

MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

NOTICE OF PROPOSED RULE MAKING

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, Public Law No. 9, 82d Congress, as amended by Public Law No. 764, 83d Congress, Public Law No. 216, 84th Congress, and Public Law No. 870, 84th Congress, proposes to issue the following regulations not less than thirty days after the date of this publication in the FEDERAL REGISTER. The Board intends to make such changes in these proposed regulations as it considers appropriate in the light both of recommendations made by interested persons for changes and improvements therein and of its own further study.

Interested persons are hereby notified that, in order for recommendations for changes and improvements in the proposed regulations to be considered, they must be presented, in writing, to The Renegotiation Board, Washington 25, D. C., within thirty days from the date of this publication in the FEDERAL REGISTER.

Dated: September 24, 1956.

THOMAS COGGESHALL,
Chairman.

Part 1467 is amended in the following respects:

1. The heading "Subpart A—Fiscal Years Ending On Or Before June 30, 1956" is inserted before § 1467.1.

2. Section 1467.1 *Statutory provision* is amended by deleting "section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954) exempts the following:" and inserting in lieu thereof the following: "With respect to fiscal years ending on or before June 30, 1956, section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954, as limited by Pub. Law 870, 84th Cong., approved August 1, 1956) exempts the following:".

3. Section 1467.1 is further amended by deleting the matter in brackets at the end of such section and inserting in lieu thereof the following:

[The statutory provision set forth above applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953 in a fiscal year ending on or before June 30, 1956. Matter in italics added by Pub. Law 216, 84th Cong., approved August 3, 1955. By Pub. Law 870, 84th Cong., approved August 1, 1956, section 106 (a) (8) of the act was stricken out with respect to fiscal years ending after June 30, 1956.]

4. Subpart B, consisting of new §§ 1467.21 to 1467.37, is added to read as follows:

SUBPART B—FISCAL YEARS ENDING AFTER JUNE 30, 1956

Sec.
1467.21 Statutory provision.
1467.22 Application of exemption.
1467.23 Waiver of exemption.
1467.24 The term "article".
1467.25 Exemption of standard commercial articles.
1467.26 Exemption of "like articles".
1467.27 Exemption of standard commercial classes of articles.
1467.28 The term "service".
1467.29 Exemption of standard commercial services.
1467.30 Exemption of like services.
1467.31 Application for Commercial Exemption.
1467.32 Duty to furnish additional information.
1467.33 Effect of filing Application for Commercial Exemption.
1467.34 Grant of exemption.
1467.35 Accrual of exemption by failure of Board to act.
1467.36 Denial of exemption.
1467.37 Exemption not applicable to related subcontracts.

AUTHORITY: §§ 1467.21 to 1467.37 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219. Interpret or apply sec. 106, 65 Stat. 17, as amended; 50 U. S. C. App. 1216.

§ 1467.21 *Statutory provision.* With respect to fiscal years ending after June 30, 1956, section 106 (e) of the act (added by Pub. Law 870, 84th Cong., approved August 1, 1956) provides as follows:

(e) *Mandatory exemption for standard commercial articles and services*—(1) *Articles and services.* The provisions of this title shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service (with respect to such fiscal year) is—

(A) A standard commercial article;

(B) An article which is identical in every material respect with a standard commercial article; or

(C) A service which is a standard commercial service or is reasonably comparable with a standard commercial service.

(2) *Classes of articles.* The provisions of this title shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article which (with respect to such fiscal year) is an article in a standard commercial class of articles.

(3) *Applications.* Paragraph (1) (B) or (C) and paragraph (2) shall apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service only if—

(A) The contractor or subcontractor at his election files, at such time and in such form and detail as the Board shall by regulations prescribe, an application containing such information and data as may be required by the Board under its regulations for the purpose of enabling it to make a determination under the applicable paragraph, and

(B) The Board determines that such article or service is, or fails to determine that such article or service is not, an article or service to which such paragraph applies, within the following periods after the date of filing such application:

(i) In the case of paragraph (1) (B) or (C), three months;

(ii) In the case of paragraph (2), six months; or

(iii) In either case, any longer period stipulated by mutual agreement.

(4) *Definitions.* For the purposes of this subsection—

(A) The term "article" includes any material, part, component, assembly, machinery, equipment, or other personal property;

(B) The term "standard commercial article" means, with respect to any fiscal year, an article—

(i) Which either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor, and

(ii) From the sales of which by the contractor or subcontractor at least 35 percent of the receipts or accruals in such fiscal year, or of the aggregate receipts or accruals in such fiscal year and the preceding fiscal year, are not (without regard to this subsection and subsection (c) of this section) subject to this title;

(C) An article is, with respect to any fiscal year, "identical in every material respect with a standard commercial article" only if—

(i) Such article is of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications) as a standard commercial article from sales of which the contractor or subcontractor has receipts or accruals in such fiscal year,

(ii) Such article is sold at a price which is reasonably comparable with the price of such standard commercial article, and

(iii) At least 35 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from sales of such article and sales of such standard commercial article are not (without regard to this subsection and subsection (c) of this section) subject to this title;

(D) The term "service" means any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person;

(E) The term "standard commercial service" means, with respect to any fiscal year, a service from the performance of which by the contractor or subcontractor at least 35 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection) subject to this title;

(F) A service is, with respect to any fiscal year, "reasonably comparable with a standard commercial service" only if—

(i) Such service is of the same or a similar kind, performed with the same or similar materials, and has the same or a similar result, without necessarily involving identical operations, as a standard commercial service from the performance of which the contractor or subcontractor has receipts or accruals in such fiscal year, and

(ii) At least 35 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are not (without regard to this subsection) subject to this title; and

(G) The term "standard commercial class of articles" means, with respect to any fiscal year, two or more articles with respect to which the following conditions are met:

(i) At least one of such articles either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

(ii) All of such articles are of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications),

(iii) All of such articles are sold at reasonably comparable prices, and

(iv) At least 35 percent of the aggregate receipts or accruals in the fiscal year by the contractor or subcontractor from sales of all of such articles are not (without regard to this subsection and subsection (c) of this section) subject to this title.

(5) *Waiver of exemption.* Any contractor or subcontractor may waive the exemption provided in paragraphs (1) and (2) with respect to his receipts or accruals in any fiscal year from sales of any article or service by including a statement to such effect in the financial statement filed by him for such fiscal year pursuant to section 105 (e) (1), without necessarily waiving such exemption with respect to receipts or accruals in such fiscal year from sales of any other article or service. A waiver, if made, shall be unconditional, and no waiver may be made without the permission of the Board for any receipts or accruals with respect to which the contractor or subcontractor has previously filed an application under paragraph (3).

(6) *Nonapplicability during national emergencies.* Paragraphs (1) and (2) shall not apply to amounts received or accrued during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956.

§ 1467.22 *Application of exemption*—(a) *Effective date.* The exemption provided in section 106 (e) of the act, and the regulations contained in this subpart, are applicable only with respect to fiscal years ending after June 30, 1956. The exemption applies to amounts received or accrued in any such fiscal year under prime contracts with the Departments and subcontracts, without regard to whether such prime contracts or subcontracts were made before or during such fiscal year.

(b) *Scope.* Section 106 (e) of the act exempts amounts received or accrued under any contract or subcontract for any of the following:

1. A standard commercial article;

2. An article which is identical in every material respect with a standard commercial article (hereinafter in this subpart referred to as a "like article");

3. An article in a standard commercial class of articles;

4. A standard commercial service;

5. A service which is reasonably comparable with a standard commercial service (hereinafter in this subpart referred to as a "like service").

The exemption of item 1 is applied by the contractor itself, without application to the Board, or it may be waived. With respect to items 2, 3, 4 and 5, the contractor must file an application with the Board in order to obtain exemption. The contractor is not required to file an application for exemption of any of these items, but may elect to do so; or the contractor may waive the exemption expressly with respect to all or any of such items. The contractor shall not be entitled to claim exemption for any like articles, standard commercial services, or like services, to which the 3-month period prescribed in section 106 (e) (3) (B) (i) of the act is applicable, and in the same application to claim exemption for articles in one or more standard commercial classes of articles, to which the 6-month period prescribed in section 106 (e) (3) (B) (ii) of the act is applicable, unless the contractor consents and agrees that such 6-month period shall apply with respect to all of the articles, or all of the articles and services, for which exemption is claimed in such application.

(c) *Effect.* (1) When the contractor does not waive the exemption with respect to amounts received or accrued in a fiscal year from the sale of a standard commercial article, such receipts or accruals are exempt and may not be included as renegotiable sales in the financial statement filed by the contractor for such fiscal year.

(2) When the contractor files an application for exemption of amounts received or accrued in a fiscal year from the sale of a like article, or a standard commercial, service, or a like service, such receipts or accruals are exempt for such fiscal year if within three months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(3) When the contractor files an application for exemption of amounts received or accrued in a fiscal year from sales of an article in a standard commercial class of articles, such receipts or accruals are exempt if within six months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(d) *Procedure.* When a contractor files an application, pursuant to section 106 (e) (3) of the act, for exemption of some of its receipts or accruals for a fiscal year, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year.

(e) *Initial treatment.* (1) If the amounts received or accrued under prime contracts with the Department and subcontracts during the fiscal year by the contractor and all related contractors, including receipts or accruals for which exemption may be obtained

only by application to the Board under section 106 (e) (3) of the act, aggregate less than the minimum amount for renegotiation prescribed in section 105 (f) (1) of the act, the contractor shall not file the Application for Commercial Exemption set forth in § 1467.31. An Application for Commercial Exemption filed under such circumstances will be returned to the contractor without action by the Board thereon.

(2) Except as stated in subparagraph (1) of this paragraph, every contractor who claims that the exemption provided in paragraph (1) (B) or (C) or paragraph (2) of section 106 (e) of the act is applicable to any of its receipts or accruals for a fiscal year shall file the Application for Commercial Exemption as provided in § 1467.31.

(3) If, in addition to receipts or accruals for which the contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals which in themselves aggregate more than the minimum amount prescribed in section 105 (f) (1) of the act, the contractor shall also file the Standard Form of Contractor's Report with respect to such other receipts or accruals (see § 1470.3 of this subchapter). Unless before the Standard Form of Contractor's Report is filed the Board shall have determined that the exemption is not applicable to the receipts or accruals for which exemption has been claimed by the contractor in its Application for Commercial Exemption, such receipts or accruals shall be excluded from the Standard Form of Contractor's Report.

(4) If, in addition to receipts or accruals for which the contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals which in themselves do not aggregate more than the minimum amount prescribed in section 105 (f) (1) of the act, the contractor shall not be entitled to file the Statement of Non-Applicability prescribed in § 1470.91 (b) of this subchapter until the Board has completed its action upon the Application for Commercial Exemption. A Statement of Non-Applicability filed before such time will be returned to the contractor, and will not constitute the filing of a financial statement under section 105 (e) (1) of the act and will not commence the running of the one-year period of limitations prescribed in section 105 (c) of the act.

§ 1467.23 *Waiver of exemption*—(a) *Scope.* Under section 106 (e) of the act, the contractor may waive the exemption therein granted by including a statement to such effect in the Standard Form of Contractor's Report filed by the contractor pursuant to section 105 (e) (1). If the Board agrees to accept a waiver of the exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such report was filed. The exemption may be waived with respect to the receipts or accruals of the contractor in the fiscal year from sales of all articles or services within the scope of section 106 (e) of the act; or the contractor may waive the exemption with respect to receipts or accruals in the fiscal year from sales of any of such articles or services, without necessarily waiving the exemption with respect to receipts or accruals in such fiscal year from sales of any other of such articles or services. The exemption may be waived either individually or by class with respect to any articles or services. For this purpose, articles or services may be grouped into such product or service classes as the contractor uses regularly in its own accounting system.

(b) *Limitations.* (1) A waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year.

(2) The exemption may not be claimed with respect to receipts or accruals under certain prime contracts or subcontracts for an article or service, and waived with respect to receipts or accruals in the same fiscal year under other prime contracts or subcontracts for the same article or service.

(3) A waiver of the exemption, to be effective, must be unconditional. The contractor shall not be entitled to state in its Standard Form of Contractor's Report or in its Application for Commercial Exemption that, if the Board denies the exemption with respect to certain articles or services, or classes thereof, the exemption is waived with respect to any or all other articles or services, or classes thereof.

(4) No waiver may be made without the permission of the Board for any receipts or accruals with respect to which the contractor has previously filed an Application for Commercial Exemption.

(5) Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board.

§ 1467.24 *The term "article".* Section 106 (e) (4) (A) of the act defines the term "article" to include any material, part, component, assembly, machinery, equipment, or other personal property. For the purposes of this exemption, the term "article" will be given a narrow meaning. When two products differ only in dimensions or size, or in such nonfunctional respects as color or markings, and are sold at the same price, it will be considered that such products are a single article. If such products are sold at different prices, each will be considered a separate article. Similarly, if two products differ in any respects other than those indicated above, each will be considered a separate article, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

Example. If copper tubing is quoted and sold at a stated price per lineal foot, sales of such tubing are considered to be sales of a single article, although different customers may buy it in different lengths. On the other hand, and ignoring volume or other discounts, if 1-foot lengths of copper tubing are quoted and sold at one stated price, and 2-foot lengths are quoted and sold at a price other than exactly double, a difference in price exists and each such length of tubing is considered a separate article.

§ 1467.25 *Exemption of standard commercial articles*—(a) *Scope.* Section 106 (e) (1) (A) exempts all "standard commercial articles," as that term is defined in section 106 (e) (4) (B) of the act. This exemption is self-executing; it may be availed of by the contractor without application to the Board. However, the exemption does not apply and will not be allowed to the contractor in any fiscal year unless both of the two conditions prescribed in section 106 (e) (4) (B) are met with respect to such fiscal year. These conditions are explained in the succeeding paragraphs of this section.

(b) *Stock or catalog sales.* (1) The first requisite of a standard commercial article, as provided in section 106 (e) (4) (B) (i) of the act, is that the article must be customarily maintained in stock by the contractor, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor.

(2) An article is "customarily maintained in stock" if it is customarily kept in continuing inventory on a maximum-minimum or other acceptable inventory basis, and if sales orders are customarily filled from such supply.

(3) The expression "offered for sale in accordance with a price schedule regularly maintained by the contractor" means that the prices and terms at which the article is customarily sold by the contractor are made known to customers generally, by either a published catalog, a posted price list, or any other acceptable means. The price schedule need not state separately the price of every article, but may show the prices of certain basic articles and extra charges for other articles containing specific variations. The fact that seasonal or other general price adjustments are made in a price schedule does not necessarily mean that it is not regularly maintained. When the contractor customarily offers an article for sale in accordance with daily or other periodically published market quotations, such quotations will be considered to be a price schedule maintained by the contractor.

(c) *The 35 percent test.* (1) The second requisite of a standard commercial article, as provided in section 106 (e) (4) (B) (ii) of the act, is that the non-renegotiable receipts or accruals of the contractor from sales of the article must aggregate at least 35 percent of the contractor's total receipts or accruals from such sales in the fiscal year under review, or in such fiscal year and the preceding fiscal year. The purpose of this requirement is to establish the existence of a commercial market for the article. The requirement is met if at least 35 percent of the contractor's sales of the article in the fiscal year under review are non-renegotiable. If this is not the case, the contractor may still satisfy the requirement if at least 35 percent of its aggregate sales of the article in the fiscal year under review and the preceding fiscal year are non-renegotiable.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act shall be disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

Example. A contractor manufactures and sells typewriters to order. Its catalog lists a standard office model in either a black or gray finish, with no difference in price, but $10.00 higher if equipped with elite type rather than pica type. In the fiscal year under review, the contractor has $80,000 of renegotiable sales and $20,000 of non-renegotiable sales of black standard office typewriters with elite type. Of the gray typewriter with elite type, the contractor has renegotiable sales of $60,000 and non-renegotiable sales of $40,000 in the fiscal year under review. Of total sales of $200,000, only 30 percent are non-renegotiable. Thus, the exemption does not apply unless, by including its sales in the preceding fiscal year, the contractor attains the qualifying percentage. Assume that in the preceding fiscal year the contractor had renegotiable sales of $10,000 and non-renegotiable sales of $90,000 of the black typewriter with elite type, and had no renegotiable sales and $50,000 of non-renegotiable sales of the gray typewriter with elite type. Now, of aggregate sales of $350,000 for the two years, the contractor's sales of typewriters with elite type are well above 35 percent, and thus that article qualifies for exemption as a standard commercial article in the fiscal year under review. Since the typewriter with pica type is sold at a different price, it is a different article (see § 1467.23) and the sales thereof must be considered separately for purposes of the exemption.

§ 1467.26 *Exemption of "like articles"*—(a) *In general.* Section 106 (e) (1) (B) exempts an article which is "identical in every material respect with a standard commercial article", as that term is defined in section 106 (e) (4) (C), and whether or not the contractor has waived the exemption with respect to such standard commercial article. The statute contemplates that such an article, although not itself a standard commercial article, is sufficiently like a standard commercial article to warrant similar treatment for renegotiation purposes. The exemption of such "like articles" is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (C) exist. If any of such conditions is not present, the article is not identical in every material respect with a standard commercial article, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitations.* (1) This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(2) The standard commercial article selected for comparison must be one sold by the contractor itself in the fiscal year under review. The requirements of the statute cannot be satisfied by comparing like articles with standard commercial articles sold by other contractors in the fiscal year under review, or with standard commercial articles sold by the contractor or by other contractors in any fiscal year other than the fiscal year under review.

(c) *"Of the same kind".* (1) Section 106 (e) (4) (C) (i) provides that a like article must be "of the same kind" as the standard commercial article selected for comparison. In determining whether articles are of the same kind, the Board will consider both their generic and their specific qualities or attributes. The articles need not be of identical specifications. The uses made or to be made of the respective articles will be taken into consideration, but such uses need not be identical.

(2) The term "of the same kind" will be narrowly construed to exclude unreasonable deviations from the standard commercial article selected for comparison. For example, an ultra-precision bearing manufactured to extremely close tolerances is not considered to be an article of the same kind as a bearing manufactured of the same materials but to much wider tolerances. Also, a capacitor for an aircraft electronic assembly, having an estimated reliability ratio of 1 unit in 20,000 units and requiring 40 hours to manufacture, is not considered to be an article of the same kind as a capacitor for a commercial radio, having an estimated reliability ratio of 1 unit in only 200 units and requiring only 2 hours to manufacture.

(3) The term "of the same kind" will also be construed to exclude obviously unlike articles which, for accounting or other purposes, are sometimes grouped together by the contractor in a single general classification. For example, ordinary commercial plate and armor plate are not considered to be articles of the same kind although both may be carried by the contractor under the single accounting classification of "plate".

(d) *"Same or substitute materials."* (1) Section 106 (e) (4) (C) (i) provides that a like article must be "manufactured of the same or substitute materials" as the standard commercial article selected for comparison. This requirement may be satisfied without the two articles necessarily being of identical specifications.

(2) The term "same or substitute materials" will be construed to exclude materials having substantially different combinations of elements or ingredients. For example, aluminum sheet made of an alloy containing 5 percent zinc is not an article manufactured of "the same or substitute materials" as aluminum sheet of the same dimensions but made from an alloy containing 4 percent copper and having significantly different performance characteristics, such as melting temperature, strength, etc. Because of these differences, and because one of these alloys is used predominantly in high-speed airplane construction and users are willing to pay a considerably higher price for it, these two types of aluminum sheet would also not be considered to be articles of the same kind under paragraph (c) of this section.

(e) *"Reasonably comparable" price.* (1) Section 106 (e) (4) (C) (ii) provides that a like article must be sold at a price which is "reasonably comparable" with the price of the standard commercial article selected for comparison. As so used, the term "reasonably comparable" means that such differences as exist between the prices of the two articles are attributable to measurable characteristics and, without resort to cost analyses, are explainable in terms of market-tested differentials shown in the contractor's established commercial pricing pattern for articles of the same kind. This does not include price differences which are not reflected in the contractor's commercial price schedules, even though such differences are alleged to be and can be proved to be consistent with the cost differences between the articles. The Board will disregard price differences which it considers to be of negligible importance.

Example. Assume that the contractor sells pipe in the following sizes only, listed in its catalog at the following prices:

Inside diameter	Wall thickness (Price per linear foot) 0.15 in.	0.20 in.	0.25 in.
1 inch	$0.10	$0.14	$0.18
2 inches	.15	.21	.27
3 inches	.19	.27	.35

Assume also that all of the pipe sizes are articles of the same kind and manufactured of the same materials.

(i) Assume further that the Army is the sole purchaser of the contractor's 2-inch pipe of .15-inch wall thickness, and that all of the other articles listed are sold by the contractor in substantial quantities to commercial customers. It is evident that the price of the pipe bought by the Army is consistent with the market-tested relationships shown in the contractor's catalog for pipe of different diameters and different wall thicknesses, and hence is reasonably comparable with the prices of such other articles.

(ii) Assume now that the contractor makes only negligible sales of pipe of 3-inch diameter. The catalog relationship between price increases and pipe diameter increases would thus be without market-tested support. In such case the contractor's price of 15 cents for the 2-inch pipe sold to the Army would not be considered reasonably comparable with the 10-cent price for 1-inch pipe of the same wall thickness.

(iii) Assume now that the contractor customarily makes substantial commercial sales of all of the articles listed above, and fills a special order from the Navy for 5-inch pipe. With no market-tested price record to offer for pipe in diameters above 3 inches, the contractor would be unable to establish that its price to the Navy for 5-inch pipe is reasonably comparable with its prices for the other pipe sizes.

(f) *The 35 percent test.* (1) Section 106 (e) (4) (C) (iii) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of a like article and the standard commercial article selected for comparison must be non-renegotiable. Under this provision, unlike that relating to the exemption of standard commercial articles (see § 1467.25 (c)), recourse may not be had to sales in the preceding fiscal year; the like article must qualify on the basis of the contractor's sales in the fiscal year under review only.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act shall be disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.27 *Exemption of standard commercial classes of articles*—(a) *In general.* Section 106 (e) (2) of the act exempts an article in "a standard commercial class of articles", as that term is defined in section 106 (e) (4) (G). Under this provision, a group of articles may be exempted even though the contractor does not maintain sales records on the individual articles comprising the group and is thus unable to qualify any individual article in the group as a standard commercial article. This exemption is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (G) exist. If any of such conditions is not present, the group containing the articles for which exemption is sought does not constitute a standard commercial class of articles, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitation.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(c) *Stock or catalog sales.* Section 106 (e) (4) (G) (i) of the act provides that at least one of the articles in a standard commercial class of articles must be customarily maintained in stock, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor. For the purposes of this section, these terms shall have the meanings given to them in § 1467.25. The contractor will be required to identify the article or articles which are alleged to meet this requirement.

(d) *"Of the same kind" and "same or substitute materials".* Section 106 (e) (4) (G) (ii) of the act provides that all of the articles in a standard commercial class of articles must be of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications). For the purposes of this section, these terms shall have the meanings given to them in § 1467.26.

(e) *"Reasonably comparable" prices.* Section 106 (e) (4) (G) (iii) of the act provides that all of the articles in a standard commercial class of articles must be sold at reasonably comparable prices. For the purposes of this section, this term shall have the meaning given to it in § 1467.26. However, since it is recognized that a standard commercial class of articles will often include articles for which separate sales records are not available, the contractor will not be required to furnish market-tested support for the price of each separate article in the class.

(f) *The 35 percent test.* (1) Section 106 (e) (4) (G) (iv) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of all the articles in a standard commercial class of articles must be non-renegotiable. Sales of any of such articles in the preceding fiscal year are not relevant to this computation and shall not be included therein.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act is disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.28 *The term "service".* Section 106 (e) (4) (D) of the act defines the term "service" to mean any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person. For the purposes of this exemption, the term "service" will be given a narrow meaning. When two operations differ in non-essential respects only, and are sold at the same price, it will be considered that such operations are a single service. If such operations are sold at different prices, each will be considered a separate service. Similarly, if two operations differ in any essential respects, each will be considered a separate service, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

§ 1467.29 *Exemption of standard commercial services*—(a) *In general.* Section 106 (e) (1) (C) exempts a "standard commercial service", as that term is defined in section 106 (e) (4) (E) of the act. This exemption is not self-executing; it may be obtained only by application to the Board.

(b) *Interpretation.* This exemption is not limited to services performed on articles which qualify for exemption under section 106 (e) of the act. A service may qualify as a standard commercial service even though it is performed on an article which does not itself qualify for exemption. For example, if a contractor produces aircraft parts and furnishes them to a subcontractor for plating, the subcontractor is not precluded from obtaining the exemption merely because the aircraft parts are not exempt under section 106 (e) of the act.

(c) *The 35 percent test.* To qualify as a standard commercial service, a service must be one from the performance of which by the contractor at least 35 percent of the receipts or accruals in the fiscal year under review are non-renegotiable. In computing non-renegotiable receipts or accruals for this purpose, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable.

(d) *Limitation.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

§ 1467.30 *Exemption of like services*—(a) *In general.* Section 106 (e) (1) (C) exempts a service which is "reasonably comparable with a standard commercial service", as that term is defined in section 106 (e) (4) (F) of the act, and whether or not the contractor has waived the exemption with respect to such standard commercial service. The Statute contemplates that such a service, although not itself a standard commercial service, is sufficiently like a standard commercial service to warrant similar treatment for renegotiation purposes. The exemption of such "like services" is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (C) exist. If any of such conditions is not present, the service is not reasonably comparable with a standard commercial service, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitations.* (1) This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(2) The standard commercial service selected for comparison must be one performed by the contractor itself in the fiscal year under review. The requirements of the statute cannot be satisfied by comparing like services with standard commercial services performed by other contractors in the fiscal year under review, or with standard commercial services performed by the contractor or by other contractors in any fiscal year other than the fiscal year under review.

(c) *Qualitative requirements.* Section 106 (e) (4) (F) (i) of the act provides that a like service must be of the same or a similar kind, must be performed with the same or similar materials, and must have the same or a similar result as a standard commercial service from the performance of which the contractor has receipts or accruals in the fiscal year under review. In determining whether two services meet these requirements, the Board will consider both their generic and their specific characteristics. These requirements may be satisfied without the two services necessarily involving identical operations.

(d) *The 35 percent test.* (1) Section 106 (e) (4) (F) (ii) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of a like service and the standard commercial service selected for comparison must be non-renegotiable. Sales of the contractor in the preceding fiscal year are not relevant to this computation and shall not be included therein.

(2) In computing non-renegotiable receipts or accruals for the purposes of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable.

§ 1467.31 *Application for Commercial Exemption*—(a) *Form.* No printed form is prescribed for the filing of an application for exemption under section 106 (e) (3) of the act. However, the information and data prescribed in paragraph (b) of this section will be known as the "Application for Commercial Exemption". This application shall be furnished in writing, shall be entitled "Application for Commercial Exemption", and shall consist of numbered paragraphs corresponding with the numbers in paragraph (c) of this section. Attention is called to the fact that the submission of this application is subject to the penalty provisions of section 105 (e) (1) of the act.

(b) *Use.* Except as provided in § 1467.22 (e) (1), the Application for Commercial Exemption shall be filed by every contractor who claims exemption under section 106 (e) of the act for any articles or services, except standard commercial articles (see § 1467.22 (b)). A separate application must be filed by every contractor claiming the exemption; affiliated or related contractors may not file consolidated applications.

(c) *Contents.* The Application for Commercial Exemption shall contain the information and data prescribed in the following instructions:

(1) *Description of articles or services.* Set forth a description of the articles or services claimed to be exempt, including representative catalogs or brochures, if available. State clearly whether exemption is being claimed for (i) like articles—i. e., articles which are identical in every material respect with a standard commercial article or articles; (ii) articles in a standard commercial class or classes of articles; (iii) standard commercial services; or (iv) like services—i. e., services which are reasonably comparable with a standard commercial service or services. If it is desired in a single application to claim exemption for any like articles, standard commercial services, or like services, as well as for articles in one or more standard commercial classes of articles, a statement in substantially the following form must be included: "The contractor hereby consents and agrees that the 6-month period prescribed in section 106 (e) (3) (B) (ii) of the act shall apply with respect to all of the articles (or: all of the articles and services) for which exemption is claimed in this application."

(2) *Like articles.* With respect to each like article described separately in subparagraph (1) of this paragraph, set forth a description of the standard commercial article with which such like article is claimed to be identical in every material respect; set forth information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Like article claimed to be exempt	Standard commercial article compared	Total sales		Renegotiable sales		Nonrenegotiable sales (like and standard combined)	
		Like	Standard	Like	Standard	Amount	Percent of total
(1)							
(2)							
(3)							
(4)							

The above figures must be actual, not estimated. If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales listed above should be stated before application of such exemption.

(3) *Standard commercial classes of articles.* With respect to any standard commercial class of articles described in subparagraph (1) of this paragraph, identify at least one article in the class which either is customarily maintained in stock by the contractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor; set forth information sufficient to establish that all of the articles in the class are of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Standard commercial class of articles	Total sales	Sales claimed to be exempt	Nonrenegotiable sales	
			Amount	Percent of total
(1)				
(2)				
(3)				
(4)				

The above figures must be actual, not estimated. If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales listed above should be stated before application of such exemption.

(4) *Standard commercial services.* With respect to each standard commercial service described in subparagraph (1) of this paragraph, state the total amount of sales of such service in the fiscal year under review, and the amount and percent of the nonrenegotiable portion of such sales.

(5) *Like services.* With respect to any like service described in subparagraph (1) of this paragraph, describe the standard commercial service with which such like service is claimed to be reasonably comparable; set forth information sufficient to establish that both of such services are of the same or a similar kind, are performed with the same or similar materials, and have the same or a similar result; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Like service claimed to be exempt	Standard commercial service compared	Total sales		Renegotiable sales		Non-renegotiable sales (like and standard combined)	
		Like	Standard	Like	Standard	Amount	Percent of total
(1)							
(2)							
(3)							
(4)							

The above figures must be actual, not estimated.

(d) *Time for filing.* Except as set forth in § 1467.22 (e) (1), every contractor who claims that the exemption provided in paragraph (1) (B) or (C) or paragraph (2) of section 106 (e) of the act is applicable to any of its receipts or accruals in a fiscal year, under prime contracts with the Departments or subcontracts, shall file an Application for Commercial Exemption as soon as practicable after the close of such fiscal year, but in no event later than the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year. If the Application for Commercial Exemption is filed before the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year, the contractor shall not be required to file the Standard Form of Contractor's Report until the date prescribed in § 1470.3 (d) (1) of this subchapter for the filing thereof or until the thirtieth day after the Board sends to the contractor written notice of the action of the Board on the claim for exemption, whichever occurs

later. If, as a result of such action of the Board, the renegotiable receipts or accruals of the contractor and all related contractors in such fiscal year aggregate less than the minimum amount for renegotiation prescribed in section 105 (f) (1) of the act, the contractor shall not be required to file the Standard Form of Contractor's Report but shall be entitled, if it elects so to do, to file the Statement of Non-Applicability with respect to such fiscal year.

§ 1467.32 *Duty to furnish additional information.* The filing of an Application for Comercial Exemption in accordance with the provisions of this section will not relieve any prime contractor or subcontractor of the duty to furnish any other information, records or data which are determined by the Board to be necessary to carry out its responsibilities under section 106 (e) of the act.

§ 1467.33 *Effect of filing Application for Commercial Exemption*—(a) *In general.* When the Application for Commercial Exemption is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (3) of section 106 (e) of the act, and the applicable 3-month or 6-month period prescribed in said paragraph will thereupon begin to run, except as provided in the succeeding paragraphs of this section.

(b) *When application is defective.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written notice that such application is in the opinion of the Board incomplete or otherwise defective in any material respect, and that exception has been taken thereto in such respect, the filing of such application will not be considered to be the filing of the information and data prescribed in paragraph (3) of section 106 (e) of the act, sufficient to start the running of the applicable 3-month or 6-month period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected by the filing of the information or data specified in the notice of the Board. If the contractor fails to correct the defect within a reasonable time after such notice, the Board may deny the application of the contractor for exemption.

(c) *When additional information is required.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written request to furnish specific additional information or data to support the claim for exemption, the filing of such application will not be considered to be a filing of information and data sufficient to start the running of the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, and such period will not begin to run until a complete and satisfactory filing of the additional information or data so requested has been made. Any such additional information or data, when filed, will be deemed a part of the Application for Commercial Exemption. If such additional filing is complete and satisfactory, the Board as soon as possible thereafter will send to the contractor a written notice that the additional information and data is complete and satisfactory and that the applicable 3-month or 6-month period began to run on the date of such additional filing. If the contractor fails to furnish the additional information or data within a reasonable time after the request therefor, the Board may deny the application of the contractor for the exemption.

(d) *When material mis-statement occurs.* If the Application for Commercial Exemption filed by any contractor contains a mis-statement of a material fact, the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act will not begin to run until such mis-statement has been corrected, with or without any notice or request from the Board, and notwithstanding that the Board previously may have notified the contractor that such application had been accepted as complete and satisfactory.

§ 1467.34 *Grant of exemption.* If, within the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, computed in accordance with the provisions of § 1467.33, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are not exempt under section 106 (e) of the act.

§ 1467.37 *Exemption not applicable to related subcontracts.* The exemption provided in section 106 (e) of the act is limited to prime contracts and subcontracts meeting the conditions prescribed in said subsection (e). It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established. Section 106 (a) (7) of the act, which exempts subcontracts under certain exempt prime contracts or subcontracts, does not apply to subcontracts under prime contracts or subcontracts exempted under section 106 (e) of the act (see § 1453.6 of this subchapter).

[F. R. Doc. 56-7806; Filed, Sept. 26, 1956; 8:53 a. m.]

longer period stipulated by mutual agreement, the Board fails to determine that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the sales of such article or service in the fiscal year under review shall be exempt under section 106 (e) of the act and, except as provided in § 1467.33 (d), such exemption shall be fixed and final.

§ 1467.36 *Denial of exemption.* If, within the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, computed in accordance with the provisions of § 1467.33, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are not exempt under section 106 (e) of the act.

§ 1467.37 *Exemption not applicable to related subcontracts.* The exemption provided in section 106 (e) of the act is limited to prime contracts and subcontracts meeting the conditions prescribed in said subsection (e). It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established. Section 106 (a) (7) of the act, which exempts subcontracts under certain exempt prime contracts or subcontracts, does not apply to subcontracts under prime contracts or subcontracts exempted under section 106 (e) of the act (see § 1453.6 of this subchapter).

[F. R. Doc. 56-7806; Filed, Sept. 26, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF OAKLAND, CALIF. AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8155, between the City of Oakland, California and Encinal Terminals, covers the lease to Encinal of certain terminal property in the Outer Harbor Terminal Area, Oakland, designated as Building C-107, Building B-101, and the open area between and adjacent to said buildings, subject to the terms and conditions set forth in the agreement, dated September 1, 1956, for a term of one year beginning on the first day of the month next succeeding 30 days after approval by the Board.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 24, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-7803; Filed, Sept. 26, 1956; 8:52 a. m.]

FREDERIC HENJES, JR., INC. AND KENNEDY-WHITE & CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8145 between Frederic Henjes, Jr., Inc., New York, New York, and Kennedy-White & Co., Inc., Baltimore, Maryland, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 24, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-7804; Filed, Sept. 26, 1956; 8:52 a. m.]

Office of the Secretary

CARL M. VUCKEL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 21 F. R. 2666, April 25, 1956.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of September 16, 1956.

Dated: September 18, 1956.

CARL M. VUCKEL.

[F. R. Doc. 56-7792; Filed, Sept. 26, 1956; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 141]

[Classification 54]

ARIZONA

SMALL TRACT CLASSIFICATION

SEPTEMBER 19, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955, (20 F. R. 3514-15), I hereby classify the following described land, totalling approximately 240 acres in Maricopa County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 2 E.,
Sec. 35: NW¼, W½SW¼.

2. Classification of the above described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the land to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to February 9, 1949 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT, *State Lands and Minerals, Staff Officer.*

[F. R. Doc. 56-7774; Filed, Sept. 26, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8222]

LAURENTIDE AVIATION LTD.

NOTICE OF HEARING ON APPLICATION FOR EXTENSION OF FOREIGN AIR CARRIER PERMIT

In the matter of the application of Laurentide Aviation Limited for an extension of its foreign air carrier permit to perform operations of a casual, occasional, or infrequent nature, in common carriage into the United States.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on October 2, 1956, at 10:00 a. m., e. d. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 21, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-7773; Filed, Sept. 26, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2453]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

The Commission, by order issued June 4, 1954, in this docket, suspended the FPC Gas Tariff, Third Revised Volume No. 1 filed by The Manufacturers Light and Heat Company proposing an increase in rates and charges for the sale in interstate commerce of natural gas for resale to each of its fifteen wholesale customers.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proceeding in this docket be set for hearing as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations including rules of practice and procedure (18 CFR, Chapter I), public hearing hereby is set to commence on October 15, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the above-entitled proceeding.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f).

Issued: September 20, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7777; Filed, Sept. 26, 1956; 8:46 a. m.]

[Docket Nos. G-9383, G-11112]

C. N. HOUSH, ET AL.

ORDER PERMITTING CHANGE IN RATES DUE TO REDUCTION IN TEXAS OCCUPATION TAX AND SUSPENDING PROPOSED INCREASE IN RATES

On August 24, 1956, C. N. Housh, et al., (Applicant) submitted for filing proposed changes in Applicant's rate schedules presently in effect. The proposed changes and proposed effective date are as follows:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change undated; Texas Illinois Natural Gas Pipeline Company; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1.

By order issued September 22, 1955 in Docket No. G-9383, the Commission suspended the increased rates and charges previously proposed by Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1. On August 24, 1956, concurrently with the present filing, Applicant moved to place in effect such suspended Supplement No. 5, and, by order in Docket No. G-9383 issued concurrently herewith, the Commission has allowed such increased rates and charges to become effective as of August 24, 1956,

[1] Applicant proposes and the Commission hereinafter prescribes September 1, 1956 as the effective date for the change in rates due to reduction in Texas Occupation Tax. Applicant also proposes September 1, 1956 as the effective date for the proposed increase in rates; however, the effective date of this portion of the filing is the first day after expiration of the 30-days' notice required by sec. 4 (d) of the Natural Gas Act, or September 6, 1956.

subject to refund if subsequently so ordered by the Commission.

The present filing perfects an original tender for filing made August 6, 1956, covering the present subject matter, which omitted to take into account the prior suspension above-mentioned.

Applicant here proposes by said Supplement No. 6 (1) to give effect in the rates being collected subject to refund (pursuant to the above-mentioned order issued concurrently herewith) to the reduction in the Texas occupation tax as of September 1, 1956; and (2) to reflect as of the same date a periodic increase in the price of gas sold to Texas Illinois Natural Gas Pipeline Company. The increased rates and charges proposed by the periodic increase have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 30-day notice period provided in section 4 (d) of the Natural Gas Act be waived with respect to the change in rates proposed in Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1 to give effect to the change in the Texas occupation tax, and it is appropriate and in the public interest that such change should be permitted to become effective as of September 1, 1956; provided, however, that such change in rates in no way amends, modifies, or changes the rate suspension proceedings involved in Docket No. G-9383.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1 and that said supplement insofar as it pertains to a periodic rate increase be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 30-day notice period provided in section 4(d) of the Natural Gas Act is hereby waived with respect to Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1, insofar as it provides for a change in rate to give effect to the change in Texas occupation tax, and such Supplement, to that extent, hereby is permitted to become effective as of September 1, 1956, subject to the proviso contained in Finding (1) above.

(B) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1; and pending such hearing and decision thereon, said supplement insofar as it relates to the proposed periodic increased rates and charges hereby is suspended in Docket No. G-11112 and the use thereof deferred until February 6, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 21, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7778; Filed, Sept. 26, 1956; 8:46 a. m.]

[Project No. 2218]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASH.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 21, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Public Utility District No. 1 of Klickitat County, Washington, of Goldendale, Washington, for preliminary permit for proposed water power Project No. 2218, known as the John Day Project, to be located on the Columbia River in the region of Boardman, Castle Rock, Irrigon, Arlington, and Umatilla, Oregon, and Alderdale, Roosevelt, Luzon, Plymouth, and Patterson, Washington, and in Gilliam and Morrow Counties, Oregon, and Klickitat and Benton Counties, Washington, affecting United States Government lands and navigable waters of the United States. The proposed project would comprise a concrete gravity dam having a gated spillway section 1,310 feet long, an intake and powerhouse section 1,298 feet long, and several connecting non-overflow gravity sections aggregating 1,192 feet in length, creating a reservoir with normal pool at elevation 255 feet extending 75 miles upstream to McNary Dam; a navigation lock; fishways; a powerhouse with initial installation of 13 units; each turbine rated at 134,000 horsepower and direct connected to a generator rated at 85,000 kilowatts at 93 feet rated head and provisions for expansion of the powerhouse for ultimate installation of 18 units; and appurtenant facilities. The power generated would be used to serve the applicant's customers and to meet the requirements of an expected industrial growth. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 8, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7779; Filed, Sept. 26, 1956; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

CERTAIN GOVERNMENT OFFICIALS

DELEGATION OF AUTHORITY TO MAKE CERTAIN ADVANCE PAYMENTS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, and in the interest of carrying out Recommendation No. 6 of the First Progress Report of the Cabinet Committee on Small Business with respect to advance payments, authority is hereby delegated to the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Postmaster General, the Chairman of the Atomic Energy Commission and the Administrator of Veterans Affairs to make certain advance payments in accordance with section 305 of the act, in connection with contracts negotiated without advertising. This authority applies to contracts negotiated under the Federal Property and Administrative Services Act of 1949, as amended, or under any other law.

2. Contracts employing the authority herein delegated shall be subject to applicable limitations and requirements in the act, particularly sections 304 and 307, and shall be exercised in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. This authority may not be redelegated but may be exercised in accordance with the provisions of section 309 (a) of the act.

4. This delegation shall be effective as of the date hereof.

Dated: September 25, 1956.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-7838; Filed, Sept. 26, 1956; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32657: *Fluorspar—Norfolk and Newport News, Va., to northern points.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fluorspar, carloads from Norfolk and Newport News, Va., to specified points in Pennsylvania, Ohio, and West Virginia.

Grounds for relief: Circuitous route.

Tariff: Supplement 194 to Agent LeGrande's tariff I. C. C. 253.

FSA No. 32658: *Commodities from, to and between the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads, as described in exhibit A of the application.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32659: *Coal—Alabama mines to Panama City, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fine bituminous coal, screened, carloads from specified points in Alabama to Panama City, Fla.

Grounds for relief: Competition with fuel oil and circuitous routes.

Tariffs: Gulf, Mobile and Ohio Railroad Company I. C. C. 231, St. Louis-San Francisco Railway Company, A-580.

FSA No. 32660: *Logs—Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on native wood logs, carloads from Amoco, Oriana, Oyster Point, and Reservoir, Va., to Cleveland, High Point, Lenoir, Liberty, Statesville, and Thomasville, N. C.

Grounds for relief: Truck and truck-rail competition.

Tariff: Supplement 131 to Agent Spanginger's I. C. C. 1297.

FSA No. 32661: *Liquefied chlorine gas—Evans City, Ala., to West Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied chlorine gas, tankcar loads from Evans City, Ala., to Charleston, Belle and Nitro, W. Va.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 230 to Agent Spanginger's I. C. C. 1351.

FSA No. 32662: *All freight—Atlanta, Ga., group to St. Louis, Mo., and East St. Louis, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, all kinds, in mixed carloads from Atlanta, Ga., and points in Georgia in the Atlanta group taking same rates to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 51 to Agent Spanginger's I. C. C. 1458.

FSA No. 32663: *Crushed stone—Alabama and Georgia to Kentucky.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crushed stone, carloads from Brownson, Gantt's Quarry, Cartersville, Tate, and Whitestone, Ga., to Dorton, Louisa, Paintsville and White House, Ky.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 78 to Agent Spanginger's I. C. C. 1469.

FSA No. 32664: *Grain and products to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products and related articles, including seeds, carloads from points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, Nebraska and Oklahoma, also Memphis, Tenn., to specified points in Texas.

Grounds for relief: Circuitous routes.

Tariff: Suplement 139 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 32665: *Barite—Valles Mines, Mo., to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes), ground, carloads from Valles Mines, Mo., to Crowley, Franklin, New Iberia, Lake Charles, and Thibodaux, La., and other stations in Louisiana.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 32666: *Barite—Valles Mines, Mo., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ground barite (barytes), carloads from Valles Mines, Mo., to New Orleans, La.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 32667: *Paper winding cores—east of the Rocky Mountains.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on cores, newsprint paper winding, old or reused, iron or steel, as more fully described in the application, carloads, within and between points in official (including Illinois), Canadian, southern, southwestern, and western trunkline territories.

Grounds for relief: Short-line distance formula and circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-7781; Filed, Sept. 26, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF GERSON MULLER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Gerson Muller (Geoffrey McMurray), L. S. Claim No. 500; $784.16 in the Treasury of the United States.

Martha Smit, Martha Ruinen, Benedictus van Baren and Betje de Vries, L. S. Claim No. 539; $1,960.40 in the Treasury of the United States.

Martin Levie, J. L. Zeckel and E. S. van Goor, L. S. Claim No. 576; $784.16 in the Treasury of the United States.

Salomon de Miranda, L. S. Claim No. 614; $1,176.24 in the Treasury of the United States.

Theofila Morgendorff, L. S. Claim No. 628; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7785; Filed, Sept. 26, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF VERONICA SIMONS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Veronica Simons, L. S. Claim No. 95; $2,293.67 in the Treasury of the United States.

Karel Spanjaard, L. S. Claim No. 264; $1,850.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7784; Filed, Sept. 26, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ENOCH ITALIE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Enoch Italie, Rachel and Dwojre Wurm, L. S. Claim No. 711; $392.08 in the Treasury of the United States.

Aron de Smitt, L. S. Claim No. 730, $2,352.48 in the Treasury of the United States.

Atie Wiesebron, L. S. Claim No. 782, $2,744.56 in the Treasury of the United States.

Mrs. E. de Vries, L. S. Claim No. 788; $1,176.24 in the Treasury of the United States.

Salomon de Winter, Vrouwtje Boas and Mouris Veskraper, L. S. Claim No. 808; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7783; Filed, Sept. 26, 1956; 8:48 a. m.]

Geertruida Keizer-Hijmans and Alfred and Frederik van Emden, L. S. Claim No. 483; $1,035.09 in the Treasury of the United States.

Johanna de Jong, L. S. Claim No. 510; $1,117.43 in the Treasury of the United States.

Daniel Jo da Silva, Jacobus Pinedo, and Cornelia Schoenmakers, L. S. Claim No. 598; $1,104.38 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7788; Filed, Sept. 26, 1956; 8:46 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF DINA JUDELS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Mrs. Dina Judels and Frits Kaplan, L. S. Claim No. 350; $1,013.66 in the Treasury of the United States.

Mrs. Henriette van Dam, L. S. Claim No. 357; $1,540.00 in the Treasury of the United States.

Hans, Clara and Sonja van Es, L. S. Claim No. 390; $780.00 in the Treasury of the United States.

Jeannette Gans, Louis and Judith Sibeyn, L. S. Claim No. 417; $506.83 in the Treasury of the United States.

Gerardina Korthals, L. S. Claim No. 544; $1,000.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7787; Filed, Sept. 26, 1956; 8:48 a. m.]

GIOVANNI GUERCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Giovanni Guerci, Turin, Italy, Claim No. 42899; Vesting Order No. 94; property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942) relating to Patent Application Serial No. 320,199 (now United States Letters Patent No. 2,342,801) and Patent Application Serial No. 320,200 (now United States Letters Patent No. 2,348,433); subject, however, to a royalty-free nonexclusive license agreement dated June 24, 1944 (License No. 854) by and between the Alien Property Custodian and Globe Roofing Products Co., Inc., Whiting, Indiana, relating to United States Letters Patent No. 2,348,433.

Executed at Washington, D. C., on September 20, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7789; Filed, Sept. 26, 1956; 8:48 a. m.]

MAURICE JEAN PAUL ROUMAZEILLES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Maurice Jean Paul Roumazeilles, Vincennes (Seine), France, Claim No. 38701; Vesting Order No. 2621; $1,961.47 in the Treasury of the United States and all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in this claimant by virtue of an agreement entered into on or about September 1, 1938 (including all modifications thereof and supplements thereto, if any), by and between Albert Emile Pierre Girard, Maurice Jean Paul Roumazeilles, and Freydberg Bros., Inc., which agreement relates, among other things, to Patent No. 1,776,073, to the extent owned by Maurice Jean Paul Roumazeilles immediately prior to vesting by Vesting Order No. 2621 (8 F. R. 17243 (December 22, 1943)).

Rene Cecile Madeleine Provost and Jacqueline Cecile Jeanne Mertz, Paris, France, Claim No. 38702; Vesting Order No. 2621; $1,961.47 in the Treasury of the United States and all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the above agreement, together with the right to sue therefor) created in Albert Jean Pierre Girard by virtue of the above agreement, to the extent owned by Albert Jean Pierre Girard immediately prior to Vesting by Vesting Order No. 2621 (8 F. R. 17243 (December 22, 1943)).

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7789; Filed, Sept. 26, 1956; 8:48 a. m.]

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VOLUME 21 NUMBER 189

Washington, Friday, September 28, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3157

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS opportunity for employment should not be denied any qualified person because of a physical handicap; and

WHEREAS there is a community responsibility for developing local understanding and local acceptance of handicapped persons seeking employment; and

WHEREAS there is a need for sound planning, organization, and concerted action if this responsibility is to be met; and

WHEREAS there is also a need for increased community efforts to overcome misconceptions among employers and co-workers concerning the handicapped, who, when properly placed, make efficient, reliable, and loyal employees and fellow workers; and

WHEREAS 1956 marks the twelfth observance of a week wherein Nation-wide attention is focused on the problems of rehabilitation and placement of the physically handicapped; and

WHEREAS the observance of National Employ the Physically Handicapped Week each year, as authorized by the joint resolution of the Congress approved August 11, 1945 (59 Stat. 530), emphasizes the desirability of a year-round program for the utilization and conservation of the abilities of our handicapped citizens:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 7, 1956, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in carrying out the aforementioned resolution of the Congress.

I also urge the governors of States, mayors of municipalities, other public officials, leaders of industry and labor, and members of religious, civic, veterans', agricultural, women's, handicapped persons', and fraternal organizations to participate actively in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of September in the year of our Lord nineteen hundred and
[SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, JR.,
Acting Secretary of State.

[F. R. Doc. 56-7877; Filed, Sept. 27, 1956; 10:15 a. m.]

PROCLAMATION 3158

IMMIGRATION QUOTA—TUNISIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 (a) of the said act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202 (e) of the said act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political change requiring a change in the list of quota areas or the territorial limits thereof; and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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WHEREAS the country of Tunisia has heretofore constituted a subquota area within the immigration quota established for France and has, therefore, been subject to the limitation provided in section 202 (c) (1) of the Immigration and Nationality Act (66 Stat. 177–178); and

WHEREAS the country of Tunisia was granted its independence on March 20, 1956, and has been recognized as an independent country by the United States; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said act; and have fixed, in accordance therewith, an immigration quota for Tunisia as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota area hereinafter enumerated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
87	Tunisia	100

The provision of an immigration quota for any quota area is designed solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, is amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of September in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56–7878; Filed, Sept. 27, 1956; 10:15 a.m.]

PROCLAMATION 3159

COLUMBUS DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS four hundred and sixty-four years ago Christopher Columbus, seeking a short route to Asia, fearlessly set sail from Spain, crossed an uncharted and unknown sea, and found instead a vast new world; and

WHEREAS the passing of the centuries has not dimmed the glory of his exploits, which continue to inspire and encourage all of us who are his heirs to seek broader fields of endeavor and new ways of understanding our planet and its peoples; and

WHEREAS, in recognition of the vision, the daring, and the achievements of Christopher Columbus, the Congress, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Friday, October 12, 1956, as Columbus Day, and I invite the people of this Nation to observe the day with ceremonies commemorative of the sighting of land by Columbus and his crew on their westward voyage in 1492. I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all Government buildings on Columbus Day in honor of the great discoverer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56–7900; Filed, Sept. 27, 1956; 11:19 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.1]

PART 361—ROUTINE

NOTIFICATION OF APPLICATION OF PAYMENTS

Section 361.5, Title 6, Code of Federal Regulations (20 F. R. 9294, 21 F. R. 6053), is amended to add a new paragraph (e) prescribing regulations with respect to notifying borrowers of the application of payments to accounts, and to read as follows:

§ 361.5 *Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loan accounts coded J), Farm Housing, and Other Real Estate loan accounts.* * * *

(e) *Notifying borrowers of application of payments.* For those borrowers who desire to be notified of the application of each payment for which Form FHA–37 is issued, Form FHA–180, "Application of Payment on Real Estate Account," will be sent to the borrower. For a direct loan, Form FHA–180 will be sent when the yellow copy of Form FHA–37 is returned from the Finance Office showing the application to interest and principal. For an insured loan, Form FHA–180 will be sent when the copy of Form FHA–282 is received from the Finance Office showing the application to interest and principal provided any amount was applied to the note account. If no amount was applied to the note account on Form FHA–37, Form FHA–180 will be sent to the borrower as soon as it is evident that no reapplication of the amount to be applied to the loan insurance account will be

made by the Finance Office if only the payment of the loan insurance charge is involved; if an advance has been made from the insurance fund, Form FHA–180 will be sent to the borrower upon receipt of the yellow copy of Form FHA–37 from the Finance Office showing the application to interest and principal.

(1) When Form FHA–282 is received from the Finance Office showing that an advance has been made to a lender, for the account of the borrower, out of the insurance fund, those borrowers who desire to be notified of the application of each payment should be notified by letter of the amount and date of the advance and the application of the advance to interest and principal.

(R. S. 161, sec. 6 (3); 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c) 64 Stat. 100, sec. 1 (4), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590W (3), 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c), 16 U. S. C. 590x–3 (a) (7))

Dated: September 24, 1956.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56–7837; Filed, Sept. 27, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

1957 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereafter referred to as "act") the following determination is hereby issued:

§ 850.53 *Proportionate shares for farms in the domestic beet sugar area*—(a) (1) *National acreage and State acreage allocations.* A national acreage limitation for 1957-crop sugar beets of 885,000 acres is hereby established and allocated as follows:

State:	*Acres*
California	192,341
Colorado	137,275
Idaho	83,425
Illinois	2,201
Indiana	64
Iowa	1,630
Kansas	7,611
Michigan	77,803
Minnesota	70,095
Montana	53,406
Nebraska	61,292
Nevada	525
New Mexico	796
North Dakota	36,479
Ohio	21,224
Oregon	18,555
South Dakota	5,709
Texas	1,699
Utah	31,903
Washington	32,110
Wisconsin	12,149
Wyoming	36,208
Reserve	500
Total	885,000

(2) Acreage within the reserve of 500 acres may be allocated by the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (hereinafter referred to as "Director") to States not listed in this paragraph for the purpose of establishing proportionate shares for farms having sugar beet production records in the crop period 1950–54 or for new producers (as defined in paragraph (i) (2) of this section) in such States and if necessary to provide acreage for increases in proportionate shares granted by the Director in accordance with paragraph (k) of this section.

(b) *Instructions and forms.* The Director shall cause to be prepared for issuance to Agricultural Stabilization and Conservation State Committees such forms and internal management instructions as are necessary for carrying out the regulations of this section. Such instructions shall be approved and issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture (referred to in this section as "Deputy Administrator").

(c) *Proportionate shares.* The proportionate share of the 1957 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation provided under paragraph (a) of this section for the State in which the base of operations for the farm is located, subject to any increase in acreage granted by the Director in accordance with paragraph (k) of this section.

(d) *Administration of proportionate share program.* In each State the Agricultural Stabilization and Conservation State Committee (hereinafter referred to as "State Committee") shall establish individual farm proportionate shares in accordance with paragraph (i) of this section. In carrying out the proportionate share program within the State, the State Committee may utilize the services of members of Agricultural Stabilization and Conservation county committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate the standards and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such standards and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall be subject to the approval of the Director, and shall be available for public inspection in State and county offices. The basic standards and procedures for each State shall become effective when published in the FEDERAL REGISTER.

(e) *Requests for proportionate shares.* Any operator (the producer who controls and directs the operations on the farm) or owner (or his representative) of a farm for the 1957-crop season desiring a proportionate share shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraph (i) (1) or (2) of this section, a request shall be filed on or before the date set forth below for the State; *Provided,* That a request may be accepted after such date for consideration with respect to available acreage, if the State Committee determines that the farm operator or owner was prevented from filing before such date because of absence, illness or other reason beyond his control, and provided, further, that requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers (all producers except new producers (as defined in paragraph (i) (2) of this section)) is less than the acreage available for distribution to old producers:

State	*Date*
California:	
Northern area	Oct. 26, 1956
Imperial area	Mar. 29, 1957
Colorado	Feb. 1, 1957
Idaho	Jan. 18, 1957
Illinois	Mar. 15, 1957
Indiana	Do.
Iowa	Mar. 1, 1957
Kansas	Feb. 1, 1957
Michigan	Feb. 15, 1957
Minnesota	Feb. 1, 1957
Montana	Do.
Nebraska	Do.
Nevada	Feb. 15, 1957
New Mexico	Do.
North Dakota	Feb. 1, 1957
Ohio	Mar. 1, 1957
Oregon:	
Amalgamated area	Jan. 18, 1957
Utah-Idaho area	Dec. 14, 1956
South Dakota	Feb. 15, 1957
Texas	Jan. 25, 1957
Utah	Feb. 1, 1957
Washington	Dec. 14, 1956
Wisconsin	Feb. 15, 1957
Wyoming	Feb. 1, 1957

(f) *Waiver of requirements.* If the requested and planted acreages in any State are less than the acreage available for distribution in such State, the requirements of paragraphs (g), (h), (i) and (k) of this section shall not apply and the proportionate shares for individual farms in such State shall be established within the State allocation so as to coincide with the acreages of 1957-crop sugar beets planted on each farm.

(g) *Set-aside acreage for new producers, appeals and adjustments.* Not less than two percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers and not less than one percent shall be set aside for adjustments under appeals. Any acreage required to supplement the acreage available from initial proportionate shares in excess of requested acreages in making adjustments in initial proportionate shares pursuant to paragraph (i) (1) of this section may also be set aside.

(h) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State

acreage allocation into allotments for areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the inclusion of one or both of the 1955 and 1956 crop years would provide a more representative period, one or both of such crop years may be included upon prior approval of the Director. "Ability" shall be measured by the area's largest planted acreage during any of the crop years used to measure "past production" or by a combination of planted acreages for any such years. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (i) (3) of this section, unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(i) *Establishment of individual proportionate shares*—(1) *Old producers.* In establishing proportionate shares for farms operated by old producers from area allotments, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be given effect by establishing 1957-crop farm bases so that in an allotment area the farm base for each such farm will equal the proportionate share established for the farm for the 1956 crop pursuant to § 850.30, as amended, including adjustments made under appeals but not including adjustments made to offset underplanting and failure to plant, or in an allotment area the farm base for each such farm will be determined by applying a formula to the acres of sugar beets planted on the farm during not less than three crop years in the period 1950 through 1954: *Provided,* That the 1957 crop base for any farm operated by a producer who was a new producer on such farm in the 1955 or 1956 crop years shall equal the initial 1956-crop share established for such farm pursuant to § 850.30, as amended. If the State Committee determines that the inclusion of one or both of the 1955 and 1956 crop years in the effective base period would provide a more representative base period, one or both of such years may be included upon prior approval of the Director. However, if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, production may be measured by the personal sugar beet production record of the farm operator within the State or allotment area in the years selected by the State Committee during the period 1950–56, or by a combination of farm and such personal production records. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or in the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant. In case 1956-crop shares are extended as 1957-crop bases and requests for shares are filed by old producers with respect to farms for which 1956-crop shares were not established, farm bases shall be established for such farms on the basis of the 1956-crop shares which would have been established, pursuant to § 850.30, as amended, if requested. In any allotment area in which the total of farm bases is smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases is in excess of the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be computed by prorating to the farms in accordance with their respective bases the area allotment less such set-asides. Initial proportionate shares shall then be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *New producers.* Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (g) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares shall be established in an equitable manner for farms which are to be operated by new producers during the 1957-crop year. In determining proportionate shares for farms which are to be operated by new producers, the State Committee shall take into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. For the purposes of this section, the term "new producer" shall mean a farm operator on a farm which has no record of sugar beet production for the period of years selected by the State Committee for establishing proportionate shares, or for the 1955 or 1956 crop years, except that such term shall not include a tenant (including an owner who is also a tenant) whose personal sugar beet production record will be considered under subparagraph (1) of this paragraph. The entire acreage set aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new producers would then be allotted shares out of proportion to the shares established for old producers and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused shall be available for distribution to other farms.

(3) *Redistribution of unused proportionate share acreage.* Adjustments in proportionate shares may be made within the State acreage allocation in accordance with procedures established by the State Committee to offset underplanting and failure to plant: *Provided,* That in case of a disagreement between producers and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares established for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective proportionate shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause.

(4) *Small producers, cash tenants, share tenants, and sharecroppers.* In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants, or sharecroppers.

(j) *Notification of proportionate shares.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the proportionate share established in response to his request, even if the acreage established is "none" and such notice shall inform him of his right to appeal under paragraph (k) of this section. In any State to which the provisions of paragraph (f) of this section apply, producers may be furnished a general notice informing them that their proportionate shares will coincide with their respective planted acreages, notwithstanding any prior notices to the contrary.

(k) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date shown on the notification of proportionate share, as established by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be

reviewed and forwarded with recommendations to the State Committee. The State Committee shall review the appeal, and any increase in the proportionate share approved by the State Committee by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (g) of this section and any other acreage remaining unused within the State allocation. The State Committee shall notify the operator in writing as soon as possible regarding its decision in the case. If the farm operator is dissatisfied with the decision of the State Committee, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by such Committee in the establishment of the farm proportionate share to be reviewed.

(l) *Compliance with the proportionate share.* For any producer on the farm to be eligible for Sugar Act payments with respect to the requirements of section 301 (b) of the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the extraction of sugar, except sugar for livestock feed or for the production of livestock feed, shall not exceed the farm proportionate share. If sugar beets are marketed (or processed) from the farm from an acreage in excess of the proportionate share for the extraction of sugar for livestock feed, or for the production of livestock feed, the operator-producer on the farm shall obtain from the processor and furnish to the county committee such evidence as may be required by the State Committee establishing that such sugar beets were sold (or processed) by him for the extraction of sugar for livestock feed or the production of livestock feed, and if so sold were purchased by the processor for such purpose.

(m) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugar beets planted on a farm for harvest during the 1957-crop season shall be made on form SU–110 by the producer on the farm, or his legal representative, who must sign the form and file it in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than December 31, 1959.

(n) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee. Determinations by the county committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case. Within 15 days after notice of such a determination is forwarded to or made available to a producer, he may request the county committee in writing to reconsider such determination. The county committee shall notify him of its decision in writing. If he is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify him of its decision in writing within 30 days after the submission of his appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final.

(o) *Obtaining information regarding eligibility for payment.* For the purposes of obtaining information, where necessary, to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for payment authorized under Title III of the act, the facts constituting the basis for any such payment, or the amount thereof, or for the purposes of assisting, where necessary, the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any employees of the county committee designated by the county office manager to be qualified to carry out the duty of ascertaining such information, or any employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties, shall visit any farm with respect to which application for such payment is made and enter thereon if such entry will facilitate the acquisition of the required information. Where measurement by an employee of the county committee or State Office is required with respect to the extent of sugar beet acreage growing, harvested, abandoned, or otherwise disposed of on any farm for which application is made for any payment authorized under Title III of the act, the employee of the county committee or the State Office as the case may be, designated as provided in this paragraph, shall measure such acreage by identification of fields or parts of fields by use of a map, aerial photography, or by use of a steel or metallic tape, or by a combination of these methods. In this connection, remeasurements, rechecks and spot checks thereof may be made by the county office manager, county performance supervisor, district performance supervisor or any other employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties. If the operator (or his representative) of any farm, with respect to which application is made for any payment authorized under Title III of the act, prevents the county committee from obtaining information necessary to determine compliance with the conditions for any such payment or to determine the facts constituting the basis for any such payment or the amount thereof, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator (or his representative) permits such information to be obtained.

STATEMENT OF BASIS AND CONSIDERATIONS

Sugar act requirements. As a condition for payment, section 301 (b) of the act provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an acreage of sugar beets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. In the domestic beet sugar area, the term "proportionate share" is the individual farm's share of the total acreage of sugar beets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on a farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share established for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

General. Restrictive proportionate shares are required when the indicated sugar supply for an area will be greater than the quantity needed to fill the quota and provide a normal carryover inventory for such area.

The sugar extracted from each crop in the beet sugar area is normally marketed during two calendar years. Since the processing of the crop in most of the beet sugar factory districts usually begins in the month of October, only a minor portion of the total sugar extracted from a crop is marketed during the balance of the calendar year.

Because of the relatively high production from the 1953 and 1954 crops, a larger-than-average carryover of beet sugar existed on January 1, 1955. The 1955 crop, which was limited to 850,000 acres, yielded about 1,730,000 tons of sugar, which was 96 percent of the 1955 quota for the beet sugar area. Current estimates of the 1956 crop, also limited to 850,000 acres, indicate a production of approximately 1,900,000 tons, an amount which is slightly in excess of the current quota. In view of the substantial carryover of beet sugar and the keen interest in the production of 1957-crop sugar beets, the limitation of that crop is required.

Public hearing. A public hearing was held by the Department in Denver, Colorado, on June 19, 1956, to consider 1957-crop proportionate shares. The Department requested recommendations concerning the desirable level of acreage to be allocated for the 1957 crop and presented a proposal for allocating that acreage to individual States and to farms. The most significant items of that proposal provided for the following:

(a) Extending the general plan effective for the 1955 and 1956 programs with respect to establishing State, area and farm allotments with major responsibilities within States delegated to ASC State Committees;

(b) Establishing State allocations by using as bases the recomputed 1956-crop allocations including reduction for States in which 1955-crop allocations were underplanted 5 percent or more and with larger reductions for 1956-crop underplantings;

(c) Increasing the required minimum set-aside of acreage for new producers from one percent to two percent;

(d) Allowing ASC State Committees the option of using 1956-crop farm shares as bases for alloting 1957-crop acreage or proceeding under formulas to set up farm bases recognizing "past production" and "ability to produce" sugar beets within the crop years 1950 through 1956; and

(e) Giving no special consideration to "prevented production" as provided in the recent amendments to section 302 (b) of the Sugar Act, in allocating the national acreage to States, but permitting ASC State Committees to recognize prevented plantings at area and farm levels.

The statements made by industry representatives at the hearing and included in briefs filed subsequently favored the allocation of a national acreage within the limits of 875,000 to 925,000 acres, with a consensus of opinion favoring a limitation of somewhat less than 900,000 acres. These statements strongly favored the general plan of operation followed for the previous two crops and the optional method of establishing farm bases. The other proposals met with general opposition. Except for a few representatives of areas wherein there is great demand for expansion of acreage, opposition was expressed to increasing the set-aside of acreage for new producers. The chief objection to the proposed method of establishing State allocations related to the reduction based on failure to fully plant State allocations in one year. Moreover, questions were raised concerning the fact that prevented plantings were not recognized in the State allocations.

With respect to prevented plantings, the Department requested each ASC State Office in the sugar beet area early this spring to develop information relative to the extent of prevented plantings in the 1950–55 period. This survey resulted in claims of more than 200,000 acres. The claims and the justifications therefor were too inconclusive for use in establishing State allocations, particularly since the lines between economic causes and natural disasters were not clearly drawn and serious questions arose as to what constituted normal conditions. Moreover, a review of the problem showed that the operation of the basic formula used in establishing State allocations had counteracted in large part the effect of prevented plantings in the base period. At the hearing, representatives of the industry suggested that further study be given to this matter and that an industry committee be established for this purpose. Following the hearing, a Committee consisting of four producer and three processor representatives was named by the industry. At the request of the industry, a representative of the Department met with the Committee for the purpose of furnishing information. After reviewing the problem, the committee unanimously adopted a resolution stating that it is not practicable for the Department to give special recognition to prevented plantings of the 1950–54 crops in establishing 1957-crop State allocations, that failure to fully plant 1955 or 1956 State allocations should be disregarded except in States where there was lack of interest among the farmers generally or lack of ability to produce, and that the Department should develop prevented planting records for the 1955, 1956 and subsequent crops for possible use in establishing shares for the 1958 or subsequent crops.

Determination. Prior to the approval of Public Law 545 on May 29, 1956, the beet sugar area was limited to a fixed quota of 1,800,000 tons of sugar. That law provides that commencing with the current calendar year, the beet area will participate in supplying U. S. sugar requirements in excess of 8,350,000 tons. In addition, the area will share in supplying any unfilled portions of quotas for other domestic areas resulting from market growth. The current quota is 1,884,975 tons.

In consideration of the carryover of beet sugar, the probable quota, the recommendations made at the hearing or filed subsequently and other available data, this determination establishes a limitation for the 1957 crop of 885,000 acres. Although, it is expected that a somewhat smaller acreage will be planted, the resultant production, together with inventories, should enable the area to meet its quota and carryover requirements.

The 1957-crop acreage less the reserve of 500 acres and less the acreages specified for three States, is prorated to the other States in accordance with their recomputed 1955-crop allocations, as set forth in the Statement of Bases and Considerations of the Determination of Proportionate Shares—1956 Crop (20 F. R. 7159) except that for Nevada, which had no 1955 allocation, the 1956 allocation of 500 acres is used as a basis of proration. For Indiana, Michigan, and Wisconsin—the only States in which the plantings for both the 1955 and 1956 crops were less than 90 percent of the respective allocations—the 1957 allocations coincide with their 1956 allocations. For these States, the 1956 allocations had been reduced to 95.7 percent of their recomputed 1955 allotments.

The 1955-crop allocations were accepted generally as representing reasonable divisions of 850,000 acres. For the past two years, industry representatives have objected strongly to reductions in State allocations based on underplantings of a single crop. While this basic position was supported by the committee which considered prevented plantings, it expressed an exception for those States where underplantings are clearly the result of lack of interest among the farmers generally or of other reasons showing lack of ability to produce. Although unfavorable weather may have had some effect on plantings in Indiana, Michigan and Wisconsin, the failure to plant as much as 90 percent of the effective allocations for two successive crops is significant in considering past production and evidences lack of ability to produce. The Department plans to develop records of prevented plantings for the 1955, 1956 and subsequent crops. Pending the development of such records, the 1956 allocations for these three States are extended without change.

The determination increases from one percent to two percent the required minimum set-aside of acreage for new producers, although approval for the use of a lesser amount may be obtained if the full two percent is not requested or if the allotment thereof to new producers would provide them with shares out of proportion when compared with shares established for old producers. Since the 1956-crop shares for a large majority of old producers exceeded their average plantings during the base period and since the national acreage for the 1957 crop is increased significantly, it appears reasonable, for the 1957 crop, to provide for some increase for new producers.

As was provided for the 1955 and 1956 crops, this determination grants ASC State Committees considerable discretion in the use of industry advisory committees, in the establishment of proportionate share areas, in the development of detailed procedure, and in the adjustment of individual farm shares to achieve equitable results.

New provisions of this determination relate to such procedural matters as appeals from the determination of compliance with conditions for payment, filing of applications for payment, and the right of entry on farms to permit the measurement and verification of acreages, to estimate potential production and to obtain information pertaining to facts constituting the basis for payments and the amounts thereof. In view of the recent amendment to section 301 (b) of the act by Public Law 545, 84th Congress, 2nd Session, approved May 29, 1956, regarding sugar for livestock feed, the determination permits the use of sugar beets from an acreage in excess of the proportionate share for the farm for the extraction of sugar for livestock feed or for the production of livestock feed. Since the sugar beet producers who are not processor-producers do not control the processing of sugar beets, the responsibility of such pro-

ducers regarding the disposition of sugar beets from excess acreage for such use will be considered as having been fulfilled upon the submission of satisfactory evidence that the sugar beets were sold by them and purchased by the processor for the extraction of sugar for livestock feed or for the production of livestock feed.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932, 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 25th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-7835; Filed, Sept. 27, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-247-A3]

MILK IN UPSTATE MICHIGAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than October 1, 1956. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Upstate Michigan marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held on May 24, 1956; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on August 15, 1956, and a final decision was issued on September 18, 1956. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective October 1, 1956.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Upstate Michigan marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as set forth below:

1. Amend § 916.22 (l) (1) by deleting "§§ 916.51 and 916.52" and substituting therefor "§ 916.51" and further deleting "§ 916.53" and substituting therefor "§ 916.52".

2. Delete § 916.41 and substitute therefor the following:

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, and half-and-half or other mixtures of cream and milk containing less than 18 percent butterfat; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraphs (a) or (c) of this section; (2) disposed of as fluid cream; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce butter, dry milk (either whole or non-fat) or cheese in any form except cottage cheese; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of other source milk.

3. Delete § 916.43 and substitute therefor the following:

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a fluid milk plant to another handler in the form of milk or skim milk shall be Class I utilization, unless utilization in another class is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided*, That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a fluid milk plant to a person not a handler shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in such class or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in such class.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer handler shall be Class I utilization.

4. Delete § 916.45 and substitute therefor the following:

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, Class II, and Class III utilization for such handler.

5. Amend § 916.50 (c) by deleting "Beatrice Foods Co., Cadillac, Mich." and "Kraft Cheese Co., Clare, Mich." and substituting therefor "Kraft Foods Co., Cadillac, Mich." and "Kraft Foods Co., Clare, Mich."

6. Delete §§ 916.51, 916.52, 916.53, and 916.54 and substitute therefor the following:

§ 916.51 *Class prices.* Subject to the provisions of §§ 916.52 and 916.53 the prices per hundredweight to be paid by each handler, f. o. b. his plant as described in § 916.6 for milk received from producers or from cooperative associations, during the month, shall be as follows:

(a) *Class I milk.* Through June 30, 1958 the Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

(b) *Class II milk.* The Class II milk price shall be the basic formula price.

(c) *Class III milk.* The Class III milk price shall be the basic formula price less 20 cents.

§ 916.52 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to § 916.51, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.71.

§ 916.53 *Handler location adjustments.* For milk which is received from producers at a fluid milk plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the courthouse in either Grayling or Manistee, whichever is closer, and utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant), the price shall be the price effective pursuant to § 916.51 (a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles.

7. Amend § 916.61 (b) by deleting the term "Class II" and substituting therefor "Class III".

8. Amend § 916.70 (c) (1) by deleting the terms "Class II" and "§ 916.52" and substituting therefor "Class III" and "§ 916.51 (c)".

9. Amend § 916.72 by deleting the terms "Gaylord or Traverse City" and "§ 916.54" and substituting therefor "Grayling or Manistee" and "§ 916.53".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of September 1956, to be effective on and after the first day of October 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7819; Filed, Sept. 27, 1956; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6556]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. SILBERMAN & SONS, INC. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition;* § 13.1295 *Quality or grade.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, L. Silberman & Sons, Inc., et al., Philadelphia, Pa., Docket 6556, Sept. 13, 1956]

In the Matter of L. Silberman & Sons, Inc., a Corporation, and Benjamin Silberman, Individually and as an Officer of Said Corporation.

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its controlling officer, engaged in the sale and distribution at wholesale from their offices in Philadelphia, of shoe findings, with stamping or labeling with the words "ASMC Horsehair" and "ASMC Pure Horsehair" shoebrushes which contained various quantities of palma, a vegetable fiber, or fibers other than horsehair—and an agreement between the parties for a consent order.

On this basis, the hearing examiner made his initial decision,[1] including order to cease and desist, which became, on September 13, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent L. Silberman & Sons, Inc., a corporation, and its officers, and respondent Benjamin Silberman, individually and as an officer of said corporation, and said respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of shoe brushes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Branding or labeling said brushes with the legend, word, or words "Horsehair" or "Pure Horsehair" unless and until the same, exclusive of the handle, is composed entirely of horsehair.

(2) Representing in any manner that said brushes are composed of "horsehair" or "pure horsehair" unless and until the same, exclusive of the handle, is actually composed entirely of horsehair.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission,

Issued: September 13, 1956.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7821; Filed, Sept. 27, 1956; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETBACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CAPSULES TETRACYCLINE AND OLEANDOMYCIN

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as indicated below.

1. Part 141c is amended by adding the following new section:

§ 141c.231 *Capsules tetracycline and oleandomycin*—(a) *Potency*—(1) *Tetracycline content by turbidimetric assay*—(i) *Test culture and media.* Maintain the test organism *Escherichia coli* (ATCC 10536) on the agar described in § 141a.1 (b) (1) of this chapter. For use in the assay, prepare a suspension of the organism every 2 weeks, as follows: Transfer the organism to a fresh agar slant and incubate at 37° C. overnight. Wash the growth from the slant with the aid of 2 milliliters of sterile distilled water and sterile glass beads into a Roux bottle containing 300 milliliters of the maintenance medium. Incubate overnight at 37° C. and then harvest the growth with 50 milliliters of sterile distilled water and sterile glass beads. Standardize this suspenson by determining the dilution that

will permit 40-percent light transmission in a photoelectric colorimeter using a 650-millimicron filter and an 18-millimeter diameter test tube as an absorption cell. Prepare the daily inoculum by adding 10 milliliters of that dilution to each liter of nutrient broth, prepared as directed in § 141a.1 (b) (3) of this chapter, needed for the test.

(ii) *Working standard and solutions.* Dissolve an appropriate amount of the working standard in sufficient 0.01 *N* HCl to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept in the refrigerator for 1 week. Make daily dilutions of the stock solution with 0.1 *M* potassium phosphate buffer (pH 4.5) to obtain concentrations of 0.16, 0.20, 0.24, 0.28, and 0.32 microgram per milliliter. Add 1.0 milliliter of each such concentration to each of three 16 millimeters x 125 millimeters test tubes.

(iii) *Preparation of sample.* Dissolve the contents of a representative number of capsules in sufficient 0.01 *N* HCl to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1 *M* potassium phosphate buffer (pH 4.5 to obtain a final concentration of 0.24 microgram per milliliter (estimated). Add 1.0 milliliter of this dilution to each of three 16 millimeters x 125 millimeters test tubes.

(iv) *Procedure.* To each of the 16 millimeters x 125 millimeters test tubes prepared in subdivisions (ii) and (iii) of this subparagraph, add 9.0 milliliters of the inoculated nutrient broth described in subdivision (i) of this subparagraph and place immediately in a 37° C. water bath for 3 to 4 hours. After incubation, add 0.5 milliliter of a 12-percent formaldehyde solution to each tube and read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear uninoculated broth prepared as described in § 141a.1 (b) (3) of this chapter.

(v) *Estimation of potency.* Plot the average values for each concentration of the standard on arithmetic graph paper with absorbance values on the ordinate and tetracycline concentrations on the abscissa. Construct the best straight line through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = absorbance value for the lowest concentration of the standard curve,
H = absorbance value for the highest concentration of the standard curve,
a, b, c, d, e = average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance values for the sample and read the tetracycline concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the tetracycline content of the sample. Its content of tetracycline is satisfactory if it is not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Oleandomycin content.* Proceed as directed in paragraph (c) (1) of this section, except prepare the sample as follows: Dissolve the contents of a representative number of capsules in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a stock solution of convenient concentration. Further dilute with 0.1 *M* potassium phosphate buffer (pH 8.0) to obtain a final concentration of 5.0 micrograms of oleandomycin base per milliliter (estimated). Its content of oleandomycin is satisfactory if it is not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Oleandomycin used in making the capsules*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described in § 141a.1 (a) of this chapter.

(ii) *Culture media.* (*a*) Use the nutrient agar described in § 141a.1 (b) (1) of this chapter for the seed layer and for maintaining the test organism.

(*b*) Use the nutrient agar described in § 141a.1 (b) (2) of this chapter for the base layer.

(iii) *Working standard.* Dissolve a suitable weighed quantity of the working standard (obtained from the Food and Drug Administration) in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a concentration of 1,000 micrograms of oleandomycin base per milliliter. This stock solution may be kept in the refrigerator for 3 days.

(iv) *Preparation of sample.* Dissolve the sample in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a convenient stock solution. Further dilute in 0.1 *M* potassium phosphate buffer (pH 8.0) to give a final concentration of 5.0 micrograms per milliliter (estimated).

(v) *Preparation of test organism.* The test organism is *Micrococcus pyogenes* var. *albus* (ATCC 12228), which is maintained on slants of agar described under subdivision (ii) (*a*) of this subparagraph. Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in subdivision (ii) (*a*) of this subparagraph. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 32° C. and then wash the resulting growth from the agar surface with about 30 milliliters of sterile physiological saline solution. Standardize the suspension by determining the dilution that will give 80-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of the diluted suspension (usually 1.5 milliliters) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(vi) *Preparation of plates.* Add 21 millimeters of the agar prepared as described in subdivision (ii) (*b*) of this subparagraph to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Melt a sufficient amount of the agar described in subdivision (ii) (*a*) of this subparagraph, cool to 48° C., add the proper amount of the test organism as described in subdivision (v) of this subparagraph, and mix thoroughly. Add 4 milliliters of this inoculated agar to each Petri dish. Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(vii) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 micrograms per milliliter stock solution in 0.1 *M* potassium phosphate buffer (pH 8.0) to obtain concentrations of 3.2, 4.0, 5.0, 6.25 and 7.81 micrograms per milliliter. Use 3 plates for the determination of each point on the curve, except the 5.0 micrograms per milliliter concentration, a total of 12 plates. On each of 3 plates fill 3 cylinders with the 5.0 micrograms per milliliter standard, and the other 3 cylinders with the concentration under test. Thus, there will be 36 five-microgram determinations and 9 determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition in the plates. Average the readings of the 5.0 micrograms per milliliter concentration and the readings of the point tested for each set of 3 plates and average also all 36 readings of the 5.0 micrograms per milliliter concentration. The average of the 36 readings of the 5.0 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 5.0 micrograms per milliliter reading for that set of 3 plates were the same as the correction point. Thus, if in correcting the 4.0-microgram concentration, the average of the 36 readings of the 5.0-microgram concentration were 20.0 millimeters, and the average of the 5.0-microgram concentration of this set of 3 plates were 19.8 millimeters, the correction would be +0.2 millimeter. If the average reading of the 4.0-microgram concentration of these same 3 plates were 19.0 millimeters, the corrected value would be 19.2 millimeters. Plot these corrected values, including the average of the 5.0 micrograms per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = corrected zone diameter for the lowest concentration of the standard curve,
H = corrected zone diameter for the highest concentration of the standard curve,
c = average zone diameter of 36 readings of the 5.0 micrograms per milliliter standard,
a, b, d, e = corrected average values for the 3.2, 4.0, 6.25, and 7.81 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(viii) *Assay.* Use 3 plates for each sample. Fill 3 cylinders on each plate with the standard 5.0 micrograms per milliliter solution and 3 cylinders with the 5.0 micrograms per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the 3 plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 5.0 micrograms per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 5.0 micrograms per milliliter value on the curve. From the standard curve, read the potencies corresponding to these corrected values of zone sizes.

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 8 milligrams per milliliter.

(3) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution containing 100 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 141a.5 (c) of this chapter.

2. Part 146c is amended by adding the following new section:

§ 146c.231 *Capsules tetracycline and oleandomycin phosphate*—(a) *Standards of identity, strength, quality, and purity.* Capsules tetracycline and oleandomycin phosphate are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline capsules, except that:

(1) Each capsule contains not less than 100 milligrams of oleandomycin as the phosphate salt. The oleandomycin used is the crystalline phosphate salt of a kind of oleandomycin, produced by the growth of *Streptomyces antibioticus*. Its potency is not less than 800 micrograms per milligram; it is nontoxic; its moisture content is not more than 5.0 percent; its pH in a solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 6.0.

(2) The moisture content of the capsule is not more than 5 percent.

(3) In addition to the labeling prescribed for tetracycline capsules, each package shall bear on its label and labeling the number of milligrams of oleandomycin (as phosphate) in each capsule of the batch. The expiration date of the drug shall be 24 months.

(4) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the oleandomycin phosphate used in making the batch for potency, toxicity, moisture, pH, and crystallinity. He shall also submit in connection with his request a sample consisting of not less than 30 capsules and (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the oleandomycin used in making the batch.

(b) The fee for the services rendered with respect to each container in the samples of oleandomycin submitted in accordance with the requirements prescribed by paragraph (a) (4) of this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 21, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-7809; Filed, Sept. 27, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter D—Miscellaneous Excise Taxes

[T. D. 6204]

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

FLOOR STOCKS TAXES ON CERTAIN VEHICLES AND TIRES AND ON TREAD RUBBER AND GASOLINE

The following regulations, effective on and after July 1, 1956, are hereby prescribed under section 4226 of the Internal Revenue Code of 1954, as added by section 207 (a) of the Highway Revenue Act of 1956 (70 Stat. 391):

Sec.
40.4226 Statutory provisions; floor stocks taxes.
40.4226-1 Scope of tax.
40.4226-2 Application of tax.
40.4226-3 Rates of tax.
40.4226-4 Inventory.
40.4226-5 Requirements with respect to return.
40.4226-6 Time for filing return and paying tax.
40.4226-7 Credit or refund.
40.4226-8 Records.

AUTHORITY: §§ 40.4226 to 40.4226-8, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 40.4226 *Statutory provisions; floor stocks taxes.*

SEC. 4226. *Floor stocks taxes*—(a) *In general*—(1) *1956 tax on trucks, truck trailers, buses, etc.* On any article subject to tax under section 4061 (a) (1) (relating to tax on trucks, truck trailers, buses, etc.) which, on July 1, 1956, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 2 percent of the price for which the article was purchased by such dealer. If the price for which the article was sold by the manufacturer, producer, or importer is established to the satisfaction of the Secretary or his delegate, then in lieu of the amount specified in the preceding sentence, the tax imposed by this paragraph shall be at the rate of 2 percent of the price for which the article was sold by the manufacturer, producer, or importer.

(2) *1956 tax on tires of the type used on highway vehicles.* On tires subject to tax under section 4071 (a) (1) (as amended by the Highway Revenue Act of 1956) which, on July 1, 1956, are held—

(A) By a dealer for sale,

(B) For sale on, or in connection with, other articles held by the manufacturer, producer, or importer of such other articles, or

(C) For use in the manufacture or production of other articles, there is hereby imposed a floor stocks tax at the rate of 3 cents a pound. The tax imposed by this paragraph shall not apply to any tire which is held for sale by the manufacturer, producer, or importer of such tire or which will be subject under section 4218 (a) (2) or 4219 to the manufacturers excise tax on tires.

(3) *1956 tax on tread rubber.* On tread rubber subject to tax under section 4071 (a) (4) (as amended by the Highway Revenue Act of 1956) which, on July 1, 1956, is held by a dealer, there is hereby imposed a floor stocks tax at the rate of 3 cents a pound. The tax imposed by this paragraph shall not apply in the case of any person if such person establishes, to the satisfaction of the Secretary or his delegate, that all tread rubber held by him on July 1, 1956, will be used otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072 (c)).

(4) *1956 tax on gasoline.* On gasoline subject to tax under section 4081 which, on July 1, 1956, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 1 cent a gallon. The tax imposed by this paragraph shall not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor to gasoline held for sale by a producer or importer of gasoline.

(b) *Overpayment of floor stocks taxes.* Section 6416 shall apply in respect of the floor stocks taxes imposed by this section, so as to entitle, subject to all provisions of section 6416, any person paying such floor stocks taxes to a credit or refund thereof for any of the reasons specified in section 6416.

(c) *Meaning of terms.* For purposes of subsection (a), the terms "dealer" and "held by a dealer" have the meaning assigned to them by section 6412 (a) (3).

(d) *Due date of taxes.* The taxes imposed by subsection (a) shall be paid at such time after September 30, 1956, as may be prescribed by the Secretary or his delegate.

[Sec. 4226 as added by sec. 207 (a), Highway Revenue Act of 1956.]

§ 40.4226–1 *Scope of tax*—(a) *General.* Floor stocks taxes are imposed on any article subject to tax under (1) section 4061 (a) (1) of the Internal Revenue Code of 1954 (relating to trucks, buses, etc., hereinafter referred to as "vehicles"), (2) section 4071 (a) (1) of the Code (relating to tires of the type used on highway vehicles, hereinafter referred to as "highway tires"), (3) section 4071 (a) (4) of the Code (relating to tread rubber), and (4) section 4081 of the Code (relating to gasoline) which are held for sale or other specified disposition at the first moment of July 1, 1956, by a dealer or certain other persons (see § 40.4226–2, relating to application of tax). The taxes do not apply to articles held by the manufacturer, producer, or importer of such articles. The taxes are imposed on articles held for sale or for other specified disposition, and not on their sale or disposition.

(b) *Dealer.* A dealer for purposes of the floor stocks taxes includes a wholesaler, jobber, distributor, or retailer.

(c) *Held by a dealer.* (1) An article subject to floor stocks tax is regarded as held by a dealer if title to the article has passed to the dealer (whether or not delivery has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer. For example, the tax applies to a vehicle mortgaged by the dealer to a finance company as security for a loan even though title or possession as of July 1, 1956, has been transferred to the lender.

(2) If the dealer has title to an article, the article is considered to be held by him even though it is in transit, in storage, or at a distribution point. Where title does not pass until delivery, articles in transit at the first moment of July 1, 1956, are regarded as held by the shipper at that time.

§ 40.4226–2 *Application of tax*—(a) *Vehicles.* (1) The floor stocks tax applies to the following vehicles taxable under section 4061 (a) (1) of the Code (including parts or accessories therefor sold by the manufacturer, producer, or importer of the vehicle on or in connection with the vehicle or with the sale of the vehicle) held at the first moment of July 1, 1956, by a dealer for sale:

(i) Automobile truck and bus chassis and bodies;

(ii) Truck and bus trailer and semitrailer chassis and bodies; and

(iii) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

(2) The tax does not apply to second-hand vehicles or vehicles which will not be offered for sale.

(3) Motor driven machines of the type designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations, as distinguished from automotive vehicles used on highways and roads, are illustrative of vehicles which are not taxable under section 4061 (a) (1) of the Code and thus are not subject to the floor stocks tax.

(b) *Highway tires.* (1) The floor stocks tax applies to tires of the type used on highway motor vehicles, such as automobiles, trucks, buses, highway tractors, and motorcycles, and on vehicles such as trailers (including house trailers) and semitrailers of the type used in connection with highway motor vehicles. Highway tires are subject to the tax if held at the first moment of July 1, 1956, (i) by a dealer for sale; (ii) by a manufacturer, producer, or importer for sale on, or in connection with, other articles manufactured, produced, or imported by him and held by him; or (iii) for use in the manufacture or production of other articles. Thus, a manufacturer, producer, or importer of vehicles incurs liability for the tax on highway tires which are on vehicles held by him for sale or which are held by him in inventory for use in the manufacture or production of vehicles.

(2) The tax does not apply to tires which at the first moment of July 1, 1956, are actually mounted on a vehicle held for sale by a person who is not the manufacturer, producer, or importer of the vehicle. The tax does not apply to used tires as such, nor to recapped tires, unless the recapping has been from bead to bead so that the original tire has lost its identity. The tax also does not apply to bicycle tires. Likewise, the tax does not apply to tires which are neither of the type used on highway motor vehicles nor of the type used on vehicles of the type used in connection with highway motor vehicles. The tax does not apply to tires held for sale by the manufacturer, producer, or importer of such tires. Nor does the floor stocks tax apply to any tires which will be subject under section 4218 (a) (2) or 4219 to the manufacturers excise tax on tires.

(3) The tax applies to tires which are made wholly or in part of rubber, including synthetic or substitute rubber.

(4) The tax is computed on the total weight of the tire, including fractional parts of a pound, but excluding metal rims or rim bases.

(5) Any person liable for the floor stocks tax on tires may be guided by schedules furnished by the manufacturer, producer, or importer of such tires as to which tires manufactured, produced, or imported by him are subject to floor stocks tax and the taxable weight of such tires, provided such schedules are based upon the latest method of classification and determination of weight of tires as approved by the Commissioner.

(c) *Tread rubber.* (1) The floor stocks tax applies to tread rubber held at the first moment of July 1, 1956, by any person (other than the manufacturer, producer, or importer of the tread rubber) for either sale or use.

(2) The term "tread rubber" means any material which is commonly or commercially known as tread rubber or camelback, or which is a substitute for such material and is of a type used in recapping or retreading tires.

(3) Any person (other than the manufacturer, producer, or importer of the tread rubber) who holds tread rubber for sale or use at the first moment of July 1, 1956, incurs liability for the tax on such tread rubber and must report and pay the tax thereon unless he can show that all the tread rubber held by him at such time will be used for a purpose other than the recapping or retreading of highway tires. If any of the tread rubber held by such person is to be used in the recapping or retreading of highway tires, the tax applies to all the tread rubber held by him at the first moment of July 1, 1956. However, credit or refund of the tax may be claimed, as provided in sections 4226 (b) and 6416 of the Code, by the person paying the tax with respect to tread rubber which is used or resold for use other than in the recapping or retreading of highway tires. See § 40.4226–7, relating to credit or refund of floor stocks tax.

(d) *Gasoline.* (1) The floor stocks tax applies to gasoline held at the first moment of July 1, 1956, by a dealer for sale.

(2) The term "gasoline" means all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline).

(3) The tax does not apply to retail stocks of gasoline held in those tanks from which it is delivered direct through gasoline pumps to the ultimate consumer. However, the tax applies to gasoline held in bulk storage tanks for replenishment of the supply in the tanks serving the retail gasoline pumps, even though such gasoline may be held in storage tanks or in tank cars on premises occupied by a retail establishment.

(4) The tax does not apply to gasoline held by any person for his own use rather than for sale, nor does the tax apply to gasoline held by a producer or importer of gasoline.

§ 40.4226–3 *Rates of tax.* The rates of the floor stocks taxes are:

(a) *Vehicles.* (1) 2 percent of the price at which the vehicle was purchased. In determining the price at which the vehicle was purchased, there shall be included any separate charge made for parts or accessories sold by the manufacturer, producer, or importer of the vehicle on or in connection with the vehicle or with the sale of the vehicle. The price at which the vehicle was purchased shall include also any cost to the holder of the floor stocks in obtaining delivery of the vehicle to him.

(2) The tax may be computed at 2 percent of the price at which the vehicle was sold by the manufacturer, producer, or importer, if the holder of the floor stocks is able to identify the manufacturer, producer, or importer and establishes to the satisfaction of the district director of internal revenue the price at which the vehicle was sold by the manufacturer, producer, or importer. Section 4216 of the Code contains the rules for determining the price at which the vehicle was sold by the manufacturer, producer, or importer. In determining the price at which the vehicle was sold by the manufacturer, producer, or importer on which to base the floor stocks tax, the pertinent provisions of the manufacturers excise tax regulations shall apply. In general, this consists of the manufacturer's, producer's, or importer's actual price at the point of distribution or sale. In determining the price there shall be included any charge incident to placing the vehicle in condition packed ready for shipment. There shall be excluded (i) the amount of the manufacturers excise tax under section 4061 (a) (1) of the Code, whether or not billed as a separate item, and (ii) transportation, delivery, insurance, installation, or other charges (not required by the preceding sentence to be included).

(b) *Highway tires.* 3 cents per pound on the total weight of the highway tire. See § 40.4226–2 (b) (4) for determining total weight.

(c) *Tread rubber.* 3 cents per pound on the total weight of the tread rubber.

(d) *Gasoline.* 1 cent per gallon.

§ 40.4226–4 *Inventory.* (a) Every person liable for the floor stocks tax on vehicles, highway tires, tread rubber, or gasoline shall prepare an inventory of such articles held at the first moment of July 1, 1956. Persons holding articles subject to the tax at more than one location shall prepare a separate inventory, in duplicate, for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be kept at the address shown on the return for the floor stocks tax. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made, and the address shown on the tax return. The inventories shall not be filed with the return but shall be retained by the taxpayer at the address shown on his return.

(b) The inventory shall consist of the following information with respect to articles subject to tax:

(1) (i) A description of each vehicle, including serial number or other manufacturer's number, in sufficient detail to permit positive identification of the vehicle and (ii) the price at which the vehicle was purchased by the person liable for the tax, or the price at which the vehicle was sold by the manufacturer, producer, or importer, if that can be established.

(2) The trade name, grade, size, number of plies, and weight of highway tires.

(3) The crown width, gauge, and weight of tread rubber.

(4) The total number of gallons of gasoline.

§ 40.4226–5 *Requirements with respect to return*—(a) *Form.* Every person liable for the floor stocks tax on vehicles, highway tires, tread rubber, or gasoline shall make a return of such tax on Form 2265.

(b) *Place for filing returns by persons other than corporations.* The return of a person other than a corporation shall be filed with the district director of internal revenue for the district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland.

(c) *Place for filing returns by corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If the corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland.

§ 40.4226–6 *Time for filing return and paying tax.* The return with remittance of the tax due, shall be filed on or before October 15, 1956. The tax is due and payable without assessment or notice from the district director. For additions to the tax for failure to file a return within the prescribed time, see section 6651 of the Code and the regulations thereunder.

§ 40.4226–7 *Credit or refund.* A claim on Form 843 for credit or refund may be filed by any person who makes an overpayment of the floor stocks tax. Any person who has paid a floor stocks tax may be entitled, subject to all the provisions of section 6416 of the Code, to a credit or refund of the tax for any of the reasons specified in section 6416, such as where the price of the vehicle on which the tax was based is readjusted, as provided in section 6416 (b) (1). Likewise, subject to the conditions provided in section 6416 (a), where the vehicle, highway tire, tread rubber, or gasoline is used or resold for use for any of the purposes specified (a) in section 6416 (b) (2) (A), relating to resale for the exclusive use of a State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia; (b) in section 6416 (b) (2) (B), relating to use or resale for use of certain supplies for vessels and aircraft; (c) in section 6416 (b) (2) (H), relating to use of gasoline in the production of special motor fuels; or (d) in section 6416 (b) (2) (M), relating to use or resale for use of tread rubber otherwise than in the recapping or retreading of tires of the type used on highway vehicles.

§ 40.4226–8 *Records*—(a) *Inventories.* Every person liable for floor stocks taxes shall maintain records of the separate inventories required by § 40.4226–4.

(b) *Copies of returns and other relevant papers and material.* Every person liable for floor stocks taxes shall keep a duplicate copy of the return, together with other relevant papers and material.

(c) *Records of claimants.* Every person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax or assessible penalty, shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* (1) All records required by the regulations in this section shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(2) Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) of this section which relates to a claim) shall be maintained for a period of at least 3 years after the date the claim is filed.

Because this Treasury decision relates to floor stocks taxes imposed on certain vehicles and tires, and on tread rubber and gasoline, held at the first moment of July 1, 1956, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: September 24, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7826; Filed, Sept. 27, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of the Renegotiation Board regulations is amended in the following respects:

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

This part is amended in the following respects:

1. Section 1451.14 *"Department"* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1451.14 *"Department".* (a) To and including December 31, 1956, the term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the General Services Administration, the Atomic Energy Commission, the Reconstruction Finance Corporation, the Canal Zone Government, the Panama Canal Company, the Housing and Home Finance Agency, the Federal Civil Defense Administration, the National Advisory Committee for Aeronautics, the Tennessee Valley Authority, the United States Coast Guard, the Defense Materials Procurement Agency, the Bureau of Mines, the (United States) Geological Survey, the Bonneville Power Administration, the Bureau of Reclamation, the Federal Facilities Corporation, and such other agencies of the Government exercising

functions having a direct and immediate connection with the national defense as the President shall designate.

(b) After December 31, 1956, the term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, the Atomic Energy Commission, and any other agency of the Government exercising functions having a direct and immediate connection with the national defense which is designated by the President during a national emergency proclaimed by the President, or declared by the Congress, after August 1, 1956; but any such designation shall cease to be in effect on the last day of the month during which such national emergency is terminated.

2. Section 1451.15 *"Secretary"* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1451.15 *"Secretary".* (a) To and including December 31, 1956, the term "Secretary" means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Commerce, the Administrator of General Services, the Atomic Energy Commission, the Administrator of the Reconstruction Finance Corporation, the Governor of the Canal Zone, the President of the Panama Canal Company, the Housing and Home Finance Administrator, the Administrator of Federal Civil Defense, the Chairman of the National Advisory Committee for Aeronautics, the Chairman of the Board of Directors of the Tennessee Valley Authority, the Commandant of the United States Coast Guard, the Administrator of the Defense Materials Procurement Agency, the Director of the Bureau of Mines, the Director of the (United States) Geological Survey, the Administrator of Bonneville Power, the Commissioner of Reclamation, the Administrator of the Federal Facilities Corporation, and the head of any other agency of the Government which the President shall designate pursuant to section 103 (a) of the act.

(b) After December 31, 1956, the term "Secretary" means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Commerce (with respect to the Maritime Administration), the Federal Maritime Board, the Administrator of General Services, the Atomic Energy Commission, and the head of any other agency of the Government which the President shall designate as a Department pursuant to section 103 (a) of the act.

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

This part is amended in the following respects:

1. Section 1452.1 *General coverage of the act* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Coverage through December 31, 1956* — (i) *Statutory provisions.* (i) Section 102 (a) of the act, as effective through December 31, 1956, provides as follows:

In general. The provisions of this title shall be applicable (1) to all contracts with the Departments specifically named in section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day; but the provisions of this title shall not be applicable to receipts or accruals attributable to performance, under contracts or subcontracts, after December 31, 1953. ["1953" changed to "1954" by Sec. 1, Pub. Law 764, 83d Cong., approved September 1, 1954; changed to "1956" by Sec. 1, Pub. Law 216, 84th Cong., approved August 3, 1955.]

(ii) Section 103 (a) of the act, as effective through December 31, 1956, provides as follows:

Department. The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the General Services Administration, the Atomic Energy Commission, the Reconstruction Finance Corporation, the Canal Zone Government, the Panama Canal Company, the Housing and Home Finance Agency, and such other agencies of the Government exercising functions having a direct and immediate connection with the national defense as the President shall designate.

2. Section 1452.1 *General coverage of the act* is further amended by redesignating paragraph (b) as subparagraph (2); by renumbering subparagraphs (1), (2), (3), (4) and (5) thereof as subdivisions (i), (ii), (iii), (iv), and (v); and by adding a new paragraph (b) to read as follows:

(b) *Coverage after December 31, 1956*—(1) *Statutory provisions.* (i) Section 102 (a) of the act, as amended by Pub. Law 870, 84th Cong., approved August 1, 1956, effective December 31, 1956, provides as follows:

In general. The provisions of this title shall be applicable (1) to all contracts with the Departments specifically named in section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day.

(ii) Section 103 (a) of the act, as amended by Public Law 870, 84th Cong., approved August 1, 1956, effective December 31, 1956, provides as follows:

Department. The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, and the Atomic Energy Commission. Such term also includes any other agency of the Government exercising functions having a direct and immediate connection with the national defense which is designated by the President during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956; but such designation shall cease to be in effect on the last day of the month during which such national emergency is terminated.

(iii) Section 102 (c) of the act, as amended by Pub. Law 870, 84th Con., approved August 1, 1956, effective December 31, 1956, provides as follows:

(c) *Termination*—(1) *In general.* The provisions of this title shall apply only with respect to receipts and accruals, under contracts with the Departments and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the termination date, shall be considered as having been received or accrued not later than the termination date. For the purposes of this title, the term "termination date" means December 31, 1958.

(2) *Termination of status as Department.* When the status of any agency of the Government as a Department within the meaning of section 103 (a) is treminated, the provisions of this title shall apply only with respect to receipts and accruals, under contracts with such agency and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the status termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the status termination date, shall be considered as having been received or accrued not later than the status termination date. For the purposes of this paragraph, the term "status termination date" means, with respect to any agency, the date on which the status of such agency as a Department within the meaning of section 103 (a) is terminated.

3. Section 1452.2 *Application of the act to prime contracts* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1452.2 *Application of the act to prime contracts.* Except as exempted pursuant to section 106 of the act (see Parts 1453, 1454 and 1455 of this subchapter), and except as set forth in § 1457.3 of this subchapter, all contracts with the following Departments are subject to renegotiation under the act to the extent of amounts received or accrued on or after the applicable date, indicated below, and attributable to performance before the close of the termination date of the act or the status termination date indicated below (see section 102 (c) of the act):

Department, Applicable Date, and Status Termination Date
Department of Defense, January 1, 1951.
Department of the Army, January 1, 1951.
Department of the Navy, January 1, 1951.
Department of the Air Force, January 1, 1951.
General Services Administration, January 1, 1951.
Atomic Energy Commission, January 1, 1951.
Department of Commerce, January 1, 1951, December 31, 1956 (except Maritime Administration and Federal Maritime Board).
Reconstruction Finance Corporation, January 1, 1951, December 31, 1956.
Canal Zone Government, January 1, 1951, December 31, 1956.
Panama Canal Company, January 1, 1951, December 31, 1956.
Housing and Home Finance Agency, January 1, 1951, December 31, 1956.
Federal Civil Defense Administration, July 1, 1951, December 31, 1956.
National Advisory Committee for Aeronautics, July 1, 1951, December 31, 1956.
Tennessee Valley Authority, July 1, 1951, December 31, 1956.
United States Coast Guard, July 1, 1951, December 31, 1956.
Defense Materials Procurement Agency, October 1, 1951, December 31, 1956.
Bureau of Mines, October 1, 1951, December 31, 1956.
(United States) Geological Survey, October 1, 1951, December 31, 1956.
Bonneville Power Administration, November 1, 1951, December 31, 1956.
Bureau of Reclamation, July 1, 1952, December 31, 1956.
Federal Facilities Corporation, October 1, 1954, December 31, 1956.

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

SUBCONTRACTS UNDER EXEMPT CONTRACTS AND SUBCONTRACTS

This part is amended by deleting in its entirety § 1453.6 *Subcontracts under exempt contracts and subcontracts* and inserting in lieu thereof the following:

§ 1453.6 *Subcontracts under exempt contracts and subcontracts*—(a) *Statutory provision.* Section 106 (a) (7) of the act exempts the following:

(7) any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of *any paragraph, other than paragraph* (1), (5), or (8) *of this subsection;* [Matter in italics added by sec. 5 (a) of Pub. Law 764, 83d Cong., approved September 1, 1954, as amended by sec. 8 (a), Pub. Law 870, 84th Cong., approved August 1, 1956. The latter amendment added the reference to paragraphs (1) and (5) and applies only with respect to subcontracts made after June 30, 1956.]

(b) *Interpretation and application.* (1) The foregoing exemption applies only when the subcontract is under a prime contract or subcontract exempted by any paragraph of section 106 (a) of the act, other than paragraph (1), (5), or (8). Thus, a subcontract under a prime contract or subcontract for a standard commercial article or service exempted under paragraph (8) is not exempt under paragraph (7); a subcontract made after June 30, 1956, under a prime contract with, for example, a State or municipal corporation exempted under paragraph (1), is not exempt under paragraph (7); and a subcontract made after June 30, 1956, under a prime contract or subcontract with, for example, a tax-exempt charitable institution exempted under paragraph (5), is not exempt under paragraph (7). The exemption in paragraph (7) does not apply to subcontracts under prime contracts or subcontracts for (i) standard commercial articles or services exempted under section 106 (c), or (ii) new durable productive equipment partially exempted under section 106 (c) of the act.

(2) Subcontracts for the furnishing of packaging materials and containers in which there are delivered materials or products pursuant to prime contracts or subcontracts which are exempt under any paragraph of section 106 (a) of the act, except paragraph (1), (5), or (8) thereof, are subcontracts under exempt contracts, and are exempt from renegotiation.

(3) Certain subcontracts related to prime contracts which the Board has exempted pursuant to section 106 (d) of the act, have also been exempted by the Board. (See § 1455.7 of this subchapter.)

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

1. Section 1455.2 *Prime contracts and subcontracts to be performed outside of the United States* is amended in the following respects:

(1) Paragraph (b) is amended by deleting *"Exemption.* Subject to the limitation provided in paragraph (c) of this section, the Board has exempted from the provisions of the act:" and inserting in lieu thereof *"Exemption through June 30, 1956.* Subject to the limitation provided in paragraph (c) of this section, the Board has exempted from the provisions of the act, with respect to amounts received or accrued to and including June 30, 1956, the following:".

(2) A new paragraph (c–1) is inserted after paragraph (c) to read as follows:

(c–1) *Exemption after June 30, 1956.* (1) The Board has exempted from the provisions of the act, with respect to amounts received or accrued after June 30, 1956, all prime contracts and subcontracts wholly performed outside the United States by any person who is not engaged in a trade or business in the United States and is—

(i) An individual who is not a national of the United States;

(ii) A partnership or joint venture in which individuals who are not nationals of the United States or corporations which are not domestic corporations are entitled to more than 50 percent of the profits; or

(iii) A corporation (other than a domestic corporation) more than 50 percent of the voting stock of which is owned directly or indirectly by persons described in subdivisions (i) and (ii) of this subparagraph.

For the purposes of this paragraph, the term "United States", when used in a geographical sense, includes the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Canal Zone, and the term "domestic corporation" means a corporation organized under the laws of the United States or of any State, any Territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Canal Zone.

(2) Interpretation and illustrations: The exemption provided in this paragraph will not apply unless all of the requirements described in subparagraph (1) of this paragraph are met at all times during the performance of the contract. If the contractor fails to meet any of these requirements at any time during the performance of the contract, the entire amount received or accrued under the contract will be subject to renegotiation. For example:

(i) The exemption will not apply to any prime contract or subcontract for sea or air transportation or cargo carriage from any point in the United States to a point outside the United States, or vice versa.

(ii) An individual who is not a national of the United States enters into a prime contract with the Navy requiring three years to perform. The contract is wholly performed outside the United States, but during the last month of performance the contractor becomes a national of the United States. The exemption does not apply and the entire receipts or accruals under the contract, if not otherwise exempt, are subject to renegotiation.

(iii) A partnership in which one member is a national of the United States and two members are nationals of Canada enters into a prime contract with the Navy. If at any time during the performance of the contract the United States national becomes entitled to more than 50 percent of the profits, the exemption does not apply and the entire receipts or accruals under the contract, if not otherwise exempt, are subject to renegotiation.

(iv) A corporation, all of the shares of which are owned by nationals of the United States, is incorporated in Canada. The corporation forms a wholly owned Canadian subsidiary. Any prime contract or related subcontract wholly performed by the subsidiary outside the United States is exempt under this paragraph.

(v) A corporation, all of the shares of which are owned by Canadian nationals, is incorporated in Canada. All of the property of the corporation is located in Canada and all of its business is conducted in Canada, with the exception of a sales office in the United States. The exemption does not apply to any prime contract or related subcontract of the corporation, even though wholly performed in Canada.

2. Section 1455.3 *Contracts under which profits can be determined at time contract price is established* is amended by striking out paragraph (b) (6) in its entirety and inserting in lieu thereof the following:

(6) *Subcontracts for architectural, design or engineering services.* Subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services is or was related to the

effecting or procuring of a contract with a Department or a subcontract, if the aggregate renegotiable business of the subcontractor holding such subcontracts and all persons under control of or controlling or under common control with such subcontractor during a fiscal year of 12 months is not more than $250,000, in the case of a fiscal year ending before June 30, 1953, or $500,000, in the case of a fiscal year ending on or after June 30, 1953, or $1,000,000, in the case of a fiscal year ending after June 30, 1956, or, during a fiscal year which is a fractional part of 12 months, is not more than the same fractional part of $250,000, $500,000, or $1,000,000, as the case may be: *Provided, however,* That such subcontractor is not exempted from the provisions of the first sentence of section 105 (e) (1) of the act which require the filing of the Standard Form of Contractor's Report prescribed in § 1470.3 (a) of this subchapter, if such provisions are otherwise applicable to such subcontractor.

3. Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

(1) Paragraph (b) is amended by deleting from the caption the words "January 1, 1957" and inserting in lieu thereof the words "January 1, 1958."

(2) Paragraph (b) is further amended by deleting the date "January 1, 1957" and inserting in lieu thereof the date "January 1, 1958".

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

This part is amended by inserting in § 1456.3 *How to determine receipts or accruals subject to renegotiation; generally,* in the seventh sentence of paragraph (b) (1) thereof, after "section 106 (a) (8)" the following: "or (e)".

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

This part is amended in the following respects:

1. Section 1457.8 *Profit or loss in other years* is amended as follows:

(a) The heading of the section is changed to read as follows: "*Losses on renegotiable business in other years: extent allowable in fiscal years ending before December 31, 1956*".

(b) In paragraph (a), "Section 103 (f) of the act provides in part as follows:" is deleted and the following is inserted in lieu thereof: "With respect to fiscal years ending before December 31, 1956, section 103 (f) of the act provides in part as follows:".

(c) The first sentence of the statutory provision set forth in paragraph (a) is deleted in its entirety; and in the second sentence, "any fiscal year," is deleted and "any fiscal year *ending before December 31, 1956,*" is inserted in lieu thereof.

(d) At the end of paragraph (a), the following is added: "[Matter in italics added by Pub. Law 870, 84th Cong., approved August 1, 1956.]"

(e) In paragraph (b), the first sentence is deleted in its entirety and the following is inserted in lieu thereof: "Except as provided in this section, any loss sustained by the contractor on renegotiable business in years other than the year under review shall not be used as an accounting offset or adjustment in the determination of excessive profits for the year under review."

2. A new § 1457.9 is added to read as follows:

§ 1457.9 *Losses on renegotiable business in other years: extent allowable in fiscal years ending on or after December 31, 1956*—(a) *Statutory provision.* With respect to fiscal years ending on or after December 31, 1956, section 103 (m) of the act provides as follows:

(m) *Two-Year Loss Carryforward*—(1) *Allowance.* Notwithstanding any other provision of this section, the renegotiation loss deduction for any fiscal year ending on or after December 31, 1956, shall be allowed as an item of cost in such fiscal year, under regulations of the Board.

(2) *Definitions.* For the purposes of this subsection—

(A) The term "renegotiation loss deduction" means, for any fiscal year ending on or after December 31, 1956, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding two fiscal years.

(B) The term "renegotiation loss" means for any fiscal year, the excess, if any, of costs (computed without the application of this subsection and the third sentence of subsection (f)) paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor.

(3) *Amount of carryforwards.* A renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") shall be a renegotiation loss carryforward to the first fiscal year succeeding the loss year. Such renegotiation loss, after being reduced (but not below zero) by the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year, shall be a renegotiation loss carryforward to the second fiscal year succeeding the loss year. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year shall be computed as follows:

(A) If such first fiscal year ends on or after December 31, 1956, such profits shall be computed by determining the amount of the renegotiation loss deduction for such first fiscal year without regard to the renegotiation loss for the loss year.

(B) If such first fiscal year ends before December 31, 1956, such profits shall be computed without regard to any renegotiation loss for the loss year or any fiscal year preceding the loss year.

[This subsection (m) added by Pub. Law 870, 84th Cong., approved August 1, 1956.]

(b) *In general.* Except as provided in this section, losses on renegotiable business in years other than the one under review shall not be used as an accounting offset or adjustment in the determination of excessive profits for the year under review.

(c) *Interpretation.* (1) Any amount carried forward to the fiscal year under review from a preceding fiscal year is a "renegotiation loss carryforward" to the fiscal year under review. The sum of the renegotiation loss carryforwards to the fiscal year under review is the "renegotiation loss deduction" for such fiscal year and is the amount which, under these regulations, is allowed as an item of cost in the fiscal year under review. If the contractor sustains renegotiation losses in two consecutive years, the losses of both years are allowed as a cost in the third year and thus offset against any renegotiable profits in such third year. If the contractor has a renegotiation loss in the first year, renegotiable profits in the second year, and renegotiable profits in the third year, the loss of the first year is reduced by the profits of the second year before being carried forward and applied against the profits of the third year.

(2) Once a renegotiation loss has been carried forward into a later year and allowed as a cost therein, thereby reducing the profits of such later year, the profits as so reduced will be the amount by which a renegotiation loss for the fiscal year immediately preceding such later year is reduced before being carried forward to the fiscal year immediately succeeding such later year. This is of significance only when two consecutive loss years have been followed by two consecutive profit years, and the renegotiation loss deduction for the fourth year is being computed, as illustrated in paragraph (e) (2) of this section.

(d) *Limitations.* (1) The renegotiation loss deduction provided in section 103 (m) of the act is not allowable as a cost in any fiscal year ending before December 31, 1956. Accordingly, if the fiscal year intervening between a loss year and the year under review is one which ends before December 31, 1956, the profits of such intervening year will be computed without any deduction for any renegotiation losses sustained in the loss year or in any fiscal year preceding the loss year. This is illustrated in paragraph (e) (3) of this section.

(2) In computing the amount of a renegotiation loss carryforward, the renegotiation loss for any fiscal year is not reduced below zero by the profits of the first fiscal year succeeding the loss year. This means that the loss is reduced only to the point where the full amount of the loss is eliminated—i. e., the zero point. For example, assume a loss of 20 in 1955 and profits of 30 in 1956. The loss of 20 is reduced only to the zero point; the remaining 1956 profits of 10 are not used.

(3) In computing the amount of an over-all renegotiation loss, any losses resulting from gross inefficiency of the contractor or subcontractor will be excluded.

(4) Any prime contractor claiming allowance of a renegotiation loss deduction must show that it has reasonably pursued all remedies afforded by any agency of the Government for obtaining relief from such loss.

(e) *Application.* The operation of the two-year loss carryforward provision of the act may be illustrated by the following examples (figures in parentheses indicating losses):

(1) *Example.*

Item	Fiscal year ending Dec. 31—		
	1954	1955	1956
Renegotiable receipts	300	200	275
Cost (without carryforward)	220	230	200
Profit or loss (without carryforward)	(20)	(30)	75
Carryforward of 1954 loss	-----	(20)	(30)
Carryforward of 1955 loss	-----	-----	(30)

Explanation. The losst of 20 in 1954 is first carried forward to 1955. Since that year is also a loss year, the entire amount of the 1954 loss is still available as a carryforward to 1956. The loss of 30 in 1955 is also carried forward to 1956. The sum of such two carryforwards, aggregating 50, represents the renegotiation loss deduction for 1956 and is allowed as a cost in that year, thereby reducing renegotiable profits in 1956 from 75 to 25.

(2) *Example.*

Item	Fiscal year ending Dec. 31—			
	1954	1955	1956	1957
Renegotiable receipts	100	100	100	100
Costs (without carryforward)	120	125	70	80
Profit or loss (without carryforward)	(20)	(25)	30	20
Carryforward of 1954 loss	-----	(20)	(20)	-----
Carryforward of 1955 loss	-----	-----	(25)	(15)

Explanation. The loss of 20 in 1954 and the loss of 25 in 1955, aggregating 45, are both carried forward to 1956 and allowed as a cost in that year, thereby completely eliminating renegotiable profits in 1956. With respect to 1957, the renegotiation loss deduction for that year is computed as follows: The loss of 25 in 1955 is first carried forward to 1956, and is reduced by the profits in that year before being carried forward to 1957. For this purpose, in computing 1956 profits, the loss in 1955 is ignored but the 1954 loss of 20 is taken into consideration (see paragraph (c) (2) of this section), thus reducing the 1956 profit of 30 to 10. It is by this amount that the 1955 loss of 25, when carried forward to 1957, is reduced. Since 1956 is not a loss year, no additional amount is carried forward from that year to 1957. Accordingly, the renegotiation loss deduction for 1957 is 15.

(3) *Example.*

Item	Fiscal year ending Dec. 31—			
	1953	1954	1955	1956
Renegotiable receipts	100	100	100	100
Costs (without carryforward)	120	125	70	80
Profit or loss (without carryforward)	(20)	(25)	30	20
Carryforward of 1953 loss	-----	-----	-----	-----
Carryforward of 1954 loss	-----	-----	(25)	-----

Explanation. This example illustrates the limitation described in paragraph (d) (1) of this section. It will be observed that the basic figures are the same as those in the example set forth in subparagraph (2) of this paragraph, but that the 1953 loss is not carried forward. The loss of 25 in 1954 is carried forward to 1955 and is completely absorbed by the profits of 30 in that year, so that no part of such loss remains to be carried forward to 1956. The renegotiation loss deduction for 1956 is, therefore, zero.

(4) *Example.*

Item	Fiscal year			
	July 1 to Dec. 31, 1954	Jan. 1 to Dec. 31, 1955	Jan. 1 to Dec. 31, 1956	Jan. 1 to Dec. 31, 1957
Renegotiable receipts	100	100	100	100
Costs (without carryforward)	120	125	70	80
Profit or loss (without carryforward)	(20)	(25)	30	20
Carryforward of July-Dec. 1954 loss	-----	(20)	(20)	-----
Carryforward of 1955 loss	-----	-----	(25)	(15)

Explanation. In this example, all of the basic figures and results are the same as those in the example set forth in subparagraph (2) of this paragraph, but the first loss shown occurs in a fiscal year running only from July 1 to December 31, 1954. Since the renegotiation loss deduction for 1956 is limited to the sum of the loss carryforwards from the preceding two fiscal years only, no account is taken of loss, if any, sustained in the first half of 1954.

(f) *Proration of renegotiation loss among fiscal years.* When the 24 months immediately following the close of the fiscal year in which an over-all renegotiation loss was sustained are included in more than two consecutive fiscal years of the contractor, such loss will be prorated over such 24 months and a prorata share of such loss will be allowed as a cost in each of such fiscal years which includes any part of such 24 months if, in the opinion of the Board, the allowance of such cost in more than two such fiscal years is necessary to avoid inequity and undue hardship.

(g) *Allowance upon acquisition of business.* When a contractor acquires the business of another contractor within 24 months after the close of a fiscal year in which such other contractor sustained an over-all renegotiation loss, the acquiring contractor will be allowed to charge such loss as a cost if, in the opinion of the Board, such allowance is necessary to avoid inequity and undue hardship. Acquisitions within the scope of this paragraph include those effected by inheritance, transfer or exchange, either inter vivos or by operation of law, including transfer or exchange of physical assets or of rights of ownership. The principles of paragraph (f) of this section will be applied in an equitable manner in prorating the amount of any such loss between the contractor which sustained the loss and the acquiring contractor. In determining whether the acquiring contractor would suffer inequity and undue hardship in the case of acquisitions other than by inheritance or by operation of law, the primary consideration will be whether, during the fiscal year with respect to which such cost is claimed, the acquiring contractor is owned, directly or indirectly, by the same individual or substantially the same individuals who, as shareholders, partners or otherwise, owned such other contractor during the fiscal year in which the over-all loss was sustained.

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

This part is amended in the following respects:

1. Section 1458.1 *Statutory provision* is amended as follows:

(a) After "*after June 30, 1953,*" wherever appearing in paragraph (1) set forth therein, the following is inserted: "*or $1,000,000, in the case of a fiscal year ending after June 30, 1956,*".

(b) In the first sentence of paragraph (3) set forth therein, "for the purposes of paragraphs (1) and (2)" is deleted and the following is inserted in lieu thereof: "for the purposes of paragraph (1)".

(c) In the second sentence of said paragraph (3), after "*the $500,000 amount,*" the following is inserted: "*the $1,000,000 amount,*".

(d) The following is added at the end of said paragraph (3): "*In the case of a fiscal year beginning on or before the termination date and ending after the termination date, the $1,000,000 amount and the $25,000 amount shall be reduced to an amount which bears the same ratio to $1,000,000 or $25,000, as the case may be, as the number of days in such fiscal year before the close of the termination date bears to 365.*"

(e) The period in the brackets at the end of said paragraph (3) is changed to a comma, and the following is added: "as amended by sec. 6 (a) and (b) and section 7 (a) of Public Law 870, 84th Cong., approved August 1, 1956. The latter amendment added the references to $1,000,000 for fiscal years ending after June 30, 1956; and, in paragraph (3), changed 'for the purposes of paragraphs (1) and (2)' to 'for the purposes of paragraph (1)', effective only with respect to fiscal years ending on or after June 30, 1956, and added the last sentence."

2. Section 1458.2 *Computation of aggregate receipts and accruals* is amended as follows:

(a) In paragraph (a) (1), after "after June 30, 1953" the following is inserted: ", or $1,000,000, in the case of a fiscal year ending after June 30, 1956".

(b) In paragraph (b), the last sentence is deleted in its entirety and the following is inserted in lieu thereof: "In making such computation for the purposes of paragraph (1) of section 105 (f) of the act, there shall also be excluded all 'inter-company sales'—i. e., all amounts received or accrued by the contractor from related contractors and all amounts received or accrued by each such related contractor from the contractor and from each other such related contractor. However, in making such computation for the purposes of paragraph (2) of section 105 (f) of the act (relating to subcontracts described in section 103 (g) (3) of the act, held chiefly by brokers and manufacturers' agents), inter-company sales shall be included. This means that whenever a broker, manufacturers' agent, or other person holding a subcontract described in section 103 (g) (3) of the act receives commissions or other compensation from its parent or other related principal, all such amounts which are referable to renegotiable prime contracts or subcontracts must be included in computing the aggregate renegotiable receipts or accruals of such broker, agent or other person for the purpose of applying the $25,000 'floor'."

3. Section 1458.3 *No reduction by refund below statutory minimum* is amended by changing the period at the end of paragraph (a) thereof to a comma, and adding the following: "or $1,000,000, in the case of a fiscal year ending after June 30, 1956."

4. Section 1458.4 *Proration of statutory minimum* is amended by deleting in paragraph (a) "$250,000 and $500,000" and inserting in lieu thereof "$250,000, $500,000 and $1,000,000", and by adding a new paragraph (d) to read as follows:

(d) In the case of a fiscal year beginning on or before the termination date and ending after the termination date (see § 1466.2 of this subchapter), the $1,000,000 amount and the $25,000 amount will be reduced to an amount which bears the same ratio to $1,000,000 or $25,000, as the case may be, as the number of days in such fiscal year before the close of the termination date bears to 365.

5. Section 1458.5 *Statutory minimum not an exemption* is amended by inserting after "$500,000", wherever it appears in paragraphs (a) and (b), the following: ", $1,000,000".

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

This part is amended in the following respects:

1. Section 1459.1 *Statutory provisions and general regulations* is amended by deleting "any fiscal year" in the third sentence of the statutory provision set forth in paragraph (a) and inserting in lieu thereof "any fiscal year *ending before December 31, 1956,*", and by adding at the end of paragraph (a) the following: "[Matter in italics added by Pub. Law 870, 84th Cong., approved August 1, 1956; and see section 103 (m) of the act (§ 1457.9 of this subchapter) for allowance of losses incurred in fiscal years ending on or after December 31, 1956.]"

2. Section 1459.5 *Losses* is amended by deleting the third and fourth sentences of paragraph (a) and inserting in lieu thereof the following: "Under certain circumstances, however, (1) there will be allowed as a cost in a fiscal year ending before December 31, 1956, the amount of a loss sustained on renegotiable business in the preceding fiscal year, and (2) there will be allowed as a cost in a fiscal year ending on or after December 31, 1956, the sum of the 'renegotiation loss carryforwards' to such fiscal year from the preceding two fiscal years. (See §§ 1457.8 and 1457.9 of this subchapter.)"

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

1. Section 1460.10 *Reasonableness of costs and profits* is amended by adding at the end of paragraph (b) (1) thereof the following: "Under no circumstances, except as provided in § 1457.8 or § 1457.9 of this subchapter, will the contractor's profits or losses on renegotiable business in years other than the year under review be used as an accounting offset or adjustment in the determination of excessive profits for the year under review."

2. Section 1460.14 *Character of business* is amended by deleting paragraph (b) (3) in its entirety and inserting in lieu thereof the following:

(3) (i) Defense production needs and the policy of Congress require that subcontracting, particularly to small business concerns, be used to the maximum extent practicable. Although a contractor who subcontracts work may not reasonably expect to be allowed as large a profit thereon as if it had done the work itself, subcontracting of the kind described in this subparagraph, especially the extent to which subcontracts are placed with small business concerns, will be given favorable consideration in the renegotiation of the contractor.

(ii) A contractor will be given favorable treatment when, by subcontracting, it utilizes in the defense effort facilities and services, particularly of small business concerns, which might otherwise have been overlooked or passed by; when it has demonstrated its efficiency and ingenuity in finding appropriate opportunities for subcontracting; when the amount of subcontracting so accomplished is substantial; when the amount or complexity of technical, engineering and other assistance rendered by the contractor to the subcontractor is substantial; and when the price negotiated with the subcontractor is reasonable in view of the character of the components produced.

(iii) The portion of the renegotiable business of the contractor which is subcontracted will be a part of its total sales, and separate consideration must be given in applying to this portion the factors of risks assumed, capital employed, and reasonableness of costs and profits.

(iv) The subcontractor, of course, will receive favorable consideration in renegotiation for the successful employment of its own facilities and production skill.

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

Section 1461.2 *Recovery of refund pursuant to agreement* is amended by relettering paragraph (c) as paragraph (b).

PART 1465—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

This part is deleted in its entirety and the following is inserted in lieu thereof:

Sec.
1465.1 Statutory provision.
1465.2 Commencement of renegotiation proceedings.
1465.3 Completion of renegotiation proceedings.

AUTHORITY: §§ 1465.1 and 1465.3 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1465.1 *Statutory provision.* Section 105 (c) of the act provides as follows:

Periods of limitations. In the absence of fraud or malfeasance or willful misrepresentation of a material fact, no proceeding to determine the amount of excessive profits for any fiscal year shall be commenced more than one year after *a financial statement* under subsection (e) (1) of this section is filed with the Board with respect to such year, and, *in the absence of frauds or malfeasance or willful misrepresentation of a material fact,* if such proceeding is not commenced prior to the expiration of one year following the date upon which such statement is so filed, all liabilities of the contractor or subcontractor for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits is not made within two years following the commencement of the renegotiation proceeding, then, *in the absence of fraud or malfeasance or willful misrepresentation of a material fact,* upon the expiration of such two years all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (1) if an order is made within such two years pursuant to a delegation of authority under subsection (d) of section 107, such two-year limitation shall not apply to review of such order by the Board, and (2) such two-year period may be extended by mutual agreement. [Matter in italics added by Pub. Law 870, 84th Cong., approved August 1, 1956, which also deleted "the financial statement required" before "under".]

§ 1465.2 *Commencement of renegotiation proceedings.* (a) Under section 105 (a) of the act, renegotiation proceedings are commenced by the mailing of a notice to that effect, by registered mail, to the contractor or subcontractor. Except as provided in paragraph (b) of this section, unless renegotiation proceedings are commenced within one year after a financial statement under section 105 (e) (1) of this act is filed with the Board with respect to a fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. In cases described in section 1470.3 (d) (2) of this subchapter, the filing of that portion of the Standard Form of Contractor's Report entitled RB–1 is considered for the purposes of this section to be the filing of the financial statement required in such cases under section 105 (e) (1) of the act.

(b) The financial statement prescribed in section 105 (e) (1) of the act provides the information upon the basis of which it is determined whether the contractor or subcontractor will or will not be renegotiated under the act. If, in the opinion of the Board, any fraud or malfeasance or willful misrepresentation of a material fact has occurred in or in connection with the filing of a purported financial statement by a contractor or subcontractor, the filing of such purported statement will not be regarded as a filing of a financial statement pursuant to section 105 (e) (1) of the act, sufficient to start the one-year period of limitations running as prescribed in section 105 (c) of the act, and even if renegotiation proceedings are not commenced by the Board within one year after the filing of such purported statement, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved will not be regarded as discharged.

§ 1465.3 *Completion of renegotiation proceedings.* Except as provided in the succeeding sentence, unless an agreement or order determining the amount of excessive profits (see Parts 1474 and 1475 of this subchapter) is made within two years after the commencement of renegotiation proceedings with respect to a fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. If, in the opinion of the Board, any fraud or malfeasance or willful misrepresentation of a material fact has occurred in or in connection with such proceedings, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved will not be regarded as discharged even if renegotiation is not completed by the Board within two years after the commencement of such renegotiation proceedings.

PART 1466—TERMINATION OF RENEGOTIATION

This part is deleted in its entirety and the following is inserted in lieu thereof:

Sec.
1466.1 Statutory provision.
1466.2 Definition of "termination date".
1466.3 Definition of "status termination date".
1466.4 Renegotiability of amounts received or accrued and allowability of costs paid or incurred after "date of termination".
1466.5 Fiscal year proceedings in which amounts received or accrued and costs paid or incurred after date of termination will be considered.
1466.6 Proration of statutory minimum for fiscal years which include the termination date.

AUTHORITY: §§ 1466.1 to 1466.6 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219. Interpret or apply sec. 102, 65 Stat. 8; 50 U. S. C. App. Sup. 1212.

§ 1466.1 *Statutory provision.* Section 102 (c) of the act provides as follows:

(c) *Termination*—(1) *In general.* The provisions of this title shall apply only with respect to receipts and accruals, under contracts with the Departments and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the termination date, shall be considered as having been received or accrued not later than the termination date. For the purposes of this title, the term "termination date" means December 31, 1958.

(2) *Termination of status as Department.* When the status of any agency of the Government as a Department within the meaning of section 103 (a) is terminated, the provisions of this title shall apply only with respect to receipts and accruals, under contracts with such agency and related subcontracts, which are determined under regulations prescribed by the Board to be reasonably attributable to performance prior to the close of the status termination date. Notwithstanding the method of accounting employed by the contractor or subcontractor in keeping his records, receipts or accruals determined to be so attributable, even if received or accrued after the status termination date, shall be considered as having been received or accrued not later than the status termination date. For the purposes of this paragraph, the term "status termination date" means, with respect to any agency, the date on which the status of such agency as a Department within the meaning of section 103 (a) is terminated.

§ 1466.2 *Definition of "termination date".* "Termination date" means December 31, 1958.

§ 1466.3 *Definition of "status termination date".* "Status termination date" means, with respect to any agency of the Government, the date on which the status of such agency as a Department within the meaning of section 103 (a) of the act is terminated.

§ 1466.4 *Renegotiability of amounts received or accrued and allowability of costs paid or incurred after "date of termination"—*(a) *Definition of "date of termination".* The terms "termination date" and "status termination date" are referred to in this part collectively as the "date of termination".

(b) *In general.* The act applies only to amounts received or accrued which are determined under regulations prescribed by the Board to be reasonably attributable to performance before the close of the date of termination. It is immaterial whether the contracts under which such amounts are derived are completed before or after the date of termination. The purpose of this section is to state the circumstances under which amounts received or accrued and costs paid or incurred after the date of termination from prime contracts or subcontracts performed in whole or in part before the close of the date of termination will be considered to be reasonably attributable to performance before the close of the date of termination.

(c) *Amounts received or accrued—*(1) *Completed contract method of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed a completed contract method of accounting for the fiscal year of the contractor which included the date of termination, there will be considered as attributable to performance on or before the date of termination an amount of receipts or accruals which bears the same relationship to the total income derived from the contract as the amount of work performed under the contract on or before the date of termination bears to the total amount of work performed under the contract.

(2) *Cash receipts and disbursements method of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed a cash receipts and disbursements method of accounting for the fiscal year of the contractor which included the date of termination, only those amounts received on or before the date of termination will be considered to be attributable to performance on or before the date of termination.

(3) *Other methods of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed for the fiscal year of the contractor which included the date of termination a method of accounting other than one of the methods described in subparagraphs (1) and (2) of this paragraph, only those amounts accrued or properly accruable on or before the date of termination will be considered to be attributable to performance on or before the date of termination.

(4) *When accounting method does not properly reflect renegotiable receipts.* The Board may determine that additional amounts received or accrued by a contractor after the date of termination are attributable to performance on or before the date of termination when, in the opinion of the Board, the amounts received or accrued on or before the date of termination are disproportionate to the performance of the contractor on or before such date. For example, if a manufacturer's representative employs a cash receipts and disbursements method of accounting and if his receipts on or before the date of termination are substantially out of proportion to services performed by him on or before the date of termination, amounts received after the date of termination which are referable to such services will be determined to be attributable to performance on or before the date of termination.

(d) *Costs paid or incurred.* Costs paid or incurred after the date of termination will be allowed in renegotiation in accordance with the provisions of Part 1459 of this subchapter to the extent that they are paid or incurred in respect of receipts or accruals to which the act applies. Costs paid or incurred on or before the date of termination will not be allowed in renegotiation to the extent that they are paid or incurred in respect of receipts or accruals to which the act does not apply by virtue of section 102 (c) thereof and this part.

§ 1466.5 *Fiscal year proceedings in which amounts received or accrued and costs paid or incurred after the date of termination will be considered.* Generally, amounts received or accrued and costs paid or incurred which, on the basis of the method of accounting employed by the contractor pursuant to § 1459.1 (b) of this subchapter, are received or accrued or paid or incurred after the close of the date of termination, but which, pursuant to these regulations, are attributable to performance before the close of the date of termination, will be deemed to have been received or accrued or paid or incurred on the date of termination. The provisions of this section are not intended to eliminate the necessity of allocating excessive profits to the taxable year or years in which the Board determines that such excessive profits were reported by the contractor as income for Federal income tax purposes (see § 1462.8 of this subchapter).

§ 1466.6 *Proration of statutory minimum for fiscal years which include the termination date.* In the case of a fiscal year beginning on or before the termination date and ending after the termination date, the $1,000,000 amount prescribed in section 105 (f) (1) of the act, and the $25,000 amount prescribed in section 105 (f) (2) thereof, will be reduced to an amount which bears the same ratio to $1,000,000 or $25,000, as the case may be, as the number of days in such fiscal year before the close of the

termination date bears to 365 (see § 1458.4 (d) of this subchapter).

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

This part is amended in the following respects:

1. The title of the part is deleted in its entirety and a new title is inserted to read as set forth above.

2. Section 1470.1 *Scope of part* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1470.1 *Scope of part.* This part deals with the filing of financial statements required of contractors or elected to be filed by contractors, and other information.

3. Section 1470.2 *Statutory provision* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1470.2 *Statutory provision.* Section 105 (e) (1) of the act provides as follows:

Furnishing of financial statements, etc. Every person who holds contracts or subcontracts, to which the provisions of this title are applicable, shall, in such form and detail as the Board may by regulations prescribe, file with the Board, on or before the first day of the fifth calendar month following the close of his fiscal year, a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this title. [In addition to the statement required under the preceding sentence, every such person shall at such time or times and in such form and detail as the Board may by regulations prescribe, furnish the Board any information, records, or data which are determined by the Board to be necessary to carry out this title. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both.] *The preceding sentence shall not apply to any such person with respect to a fiscal year if the aggregate of the amounts received or accrued under such contracts and subcontracts during such fiscal year by him, and all persons under control of or controlling or under common control with him, is not more than the applicable amount prescribed in subsection (f) (1) or (2) of this section; but any person to whom this sentence applies may, if he so elects, file with the Board for such fiscal year a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this title. The Board may require any person who holds contracts or subcontracts to which the provisions of this title are applicable (whether or not such person has filed a financial statement under this paragraph) to furnish any information, records, or data which are determined by the Board to be necessary to carry out this title and which the Board specifically requests such person to furnish. Such information, records, or data may not be required with respect to any fiscal year after the date on which all liabilities of such persons for excessive profits received or accrued during such fiscal year are discharged. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any statement, information, records, or data pursuant to this subsection containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both.* [Matter in brackets deleted by Pub. Law 870, 84th Cong., approved August 1, 1956, which also added matter in italics.]"

4. Section 1470.3 *Filing of financial statement* is amended as follows:

(a) Paragraph (b) is amended by deleting "required to be filed by every person" and inserting in lieu thereof "which may be filed, if he so elects, by any person".

(b) Paragraph (d) is amended by inserting after "this subchapter" in subparagraph (1) thereof the following: "with respect to fiscal years ending on or before June 30, 1956".

(c) Paragraph (e) is amended by inserting after "Standard Form of Contractor's Report" the following: "and the Statement of Non-Applicability".

(d) Paragraph (f) is amended by inserting after "Standard Form of Contractor's Report" the following: "and the Statement of Non-Applicability".

(e) Paragraph (g) is amended by inserting after "Standard Form of Contractor's Report" the words "or a Statement of Non-Applicability", and by adding at the end thereof the following: "If the Board specifically requests any prime contractor or subcontractor to furnish any information, records, or data which are determined by the Board to be necessary to carry out the provisions of the act, such prime contractor or subcontractor will be required to furnish such information, records, or data whether or not he has filed a Standard Form of Contractor's Report or a Statement of Non-Applicability. The Board will not exercise this authority with respect to a prime contractor or subcontractor who has made no filing or who has filed a Statement of Non-Applicability, except where the Board has reason to believe that such prime contractor or subcontractor is required to file the Standard Form of Contractor's Report for the fiscal year in question. The Board will not require any prime contractor or subcontractor to furnish any information, records, or data, for the purpose of enabling the Board to determine excessive profits for a fiscal year, after the date on which all liabilities of the prime contractor or subcontractor for excessive profits received or accrued during such fiscal year have been discharged (see Part 1465 of this subchapter)."

(f) Paragraph (h) is amended by inserting after the first sentence thereof the following: "If each member of an affiliated or related group is entitled to file a Statement of Non-Applicability pursuant to the second sentence of section 105 (e) (1) of the act, such group may, if it so elects, file a consolidated Statement of Non-Applicability."

(g) Paragraph (i) is deleted in its entirety.

5. Section 1470.91 *Statement of Non-Applicability of the Renegotiation Act of 1951, as amended,* is amended as follows:

(a) The following is inserted immediately after the heading: "(a) *For fiscal years ending on or before June 30, 1956.*"

(b) Under the heading "Instructions", after "*For fiscal years ending after December 31, 1953*" in the third paragraph, the following is inserted: "*but not later than June 30, 1956*".

(c) At the end of the section, a new paragraph (b) is inserted to read as follows:

(b) *For fiscal years ending after June 30, 1956.*

(This form to be used only for fiscal years ending after June 30, 1956)

To: The Renegotiation Board LPI No. __

STATEMENT OF NON-APPLICABILITY OF THE RENEGOTIATION ACT OF 1951, AS AMENDED

(Contractors are not required to file this form but may elect to do so)

1. We hereby declare that our aggregate receipts or accruals (together with those of all below-listed persons, firms or corporations under control of or controlling or under common control with the undersigned) under contracts and subcontracts subject to the Renegotiation Act of 1951, as amended, hereinafter referred to as the Act, did not exceed $---------- for our fiscal year (Insert amount)

ended ---------- (Fill (Insert month, day, and year)

in amount of $1,000,000 unless fiscal year is less than 12 months, in which event prorate this amount and state beginning and ending dates). We estimate that such receipts or accruals aggregated $---------- (Insert amount)

In computing such receipts or accruals we have excluded brokerage commissions and other income under subcontracts described in section 103 (g) (3) of the act (*Brokers and manufacturers' agents: Disregard this paragraph. See paragraph 2 below*).

2. We declare that brokerage commissions and other income, if any, received or accrued by us (together with those of all below-listed persons, firms or corporations under control of or controlling or under common control with the undersigned), under subcontracts described in section 103 (g) (3) of the act, did not exceed $25,000, or the prorated amount thereof, for our fiscal year ended ---------- We (Insert Month, day, and year)

estimate that such receipts or accruals aggregated $---------- (Insert amount)

3. We represent that we do not expect to receive or accrue any further amounts subject to renegotiation which will bring total receipts or accruals, for the fiscal year involved, above the $1,000,000 floor or the $25,000 floor, or the prorated amount thereof.

4. The following persons, firms or corporations, and no others, controlled or were under control of or under common control with the undersigned during such fiscal year (if none, write "None"; do not insert your own name):

Name of person, firm, or corporation	Address	Renegotiable business Yes	No
----------	----------	(☐)	(☐)
----------	----------	(☐)	(☐)
----------	----------	(☐)	(☐)

5. Our gross sales or gross receipts reported for Federal income tax purposes were $----------.

6. The Standard Commercial Article Exemption: Is not applicable (☐) has been applied by us (☐) in the estimated amount of $---------- An Application for Commercial Exemption was approved (☐) was denied (☐). Date of action ----------, 19__. See instructions on reverse side.

7. In submitting this statement, we are aware that Section 105 (e) (1) of the Act provides in part as follows: "• • • Any person who willfully fails or refuses to furnish any statement, information, records, or data required of him under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both."

---------- Exact name of contractor (not abbreviated)

---------- State of incorporation

---------- Mailing address (Street, City, and State)

---------- Date of incorporation

Signature: ---------- Principal officer, partner, or proprietor

---------- Title

Date of this report: ----------

---------- If a proprietorship or partnership give date business established.

INSTRUCTIONS

(Read with particular reference to Item 7, Standard Commercial Article Exemption)

The Renegotiation Act of 1951, as amended, under certain conditions exempts amounts received or accrued in fiscal years ending after June 30, 1956 (other than brokerage commissions or other similar income), under contracts or subcontracts for any of the following:

1. A standard commercial article;
2. An article which is identical in every material respect with a standard commercial article;
3. An article in a standard commercial class of articles;
4. A standard commercial service;
5. A service which is reasonably comparable with a standard commercial service.

The exemption of Item 1 above may be applied by the contractor itself, without application to the Board. With respect to the other 4 items above, the contractor's sales thereof are not exempt unless the contractor has filed an Application for Commercial Exemption with The Renegotiation Board and such application has been granted. (The terms used herein are defined in section 106 (e) of the act).

In determining whether you are entitled to use the form on the reverse side, the following rules should be observed (see RBR 1467.22 (e)):

(a) If renegotiable receipts or accruals are $1,000,000 or less (including sales of Items 1 through 5 above), you may use this form but do not submit an Application for Commercial Exemption.

(b) If renegotiable receipts or accruals are $1,000,000 or less only when sales of Item 1 above are excluded, you may use this form but do not submit an Application for Commercial Exemption.

(c) If renegotiable receipts or accruals are $1,000,000 or less only when sales of Items 2 through 5 above are excluded, you may submit an Application for Commercial Exemption to support claim for exemption, but you may not file this form until the Board has completed action on such application.

(d) If renegotiable receipts or accruals are more than $1,000,000 (exclusive of sales of Items 2 through 5 above), do not use this form but use Standard Form of Contractor's Report (RB Forms 1 and 1B) for such receipts or accruals, and file an application for Commercial Exemption to support claim for exemption.

(e) In addition to the foregoing, in computing renegotiable receipts or accruals, amounts received or accrued under all other prime contracts or subcontracts exempted by the act or by The Renegotiation Board should be excluded in all cases. If an Application for Commercial Exemption has previously been submitted and denied, sales covered thereby should be included.

If each member of an affiliated or related group is entitled to file a Statement of Non-Applicability pursuant to Section 105 (e) (1) of the act, such group may, if it so elects, file a consolidated Statement of Non-Applicability. This means that a consolidated Statement of Non-Applicability may be filed when the sum of the renegotiable sales of all members of the group is less than the applicable minimum amount prescribed in Section 105 (f) (1) or (2) of the act.

(If used, this form should be filed in duplicate with The Renegotiation Board, Washington 25, D. C.)

(A separate statement should be filed for each fiscal year or period for which this form is used)

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

Section 1471.1 *When assignment is made* is amended by deleting the second sentence and "However, no" in the third sentence and inserting in lieu thereof "No".

PART 1472—CONDUCT OF RENEGOTIATION

Section 1472.5 *Filing of information and requests by contractor* is amended in the following respects:

1. Paragraph (b) (1) is deleted in its entirety and the following is inserted in lieu thereof:

(1) *Information.* Every prime contractor or subcontractor who is required by the first sentence of section 105 (e) (1) of the act to file a financial statement with the Board for a fiscal year is required to file the information prescribed by Part 1470 of this subchapter to be contained in the Standard Form of Contractor's Report. Any prime contractor or subcontractor who elects to file a financial statement with the Board for a fiscal year pursuant to the second sentence of section 105 (e) (1) of the act may file the Statement of Non-Applicability. Any prime contractor or subcontractor, whether or not he has filed a Standard Form of Contractor's Report or a Statement of Non-Applicability, may be required by the Board to file any information, records or data which are determined by the Board or a Regional Board to be necessary to carry out the provisions of the act.

2. In paragraph (d) (2), after "Report", the following is inserted: "or the Statement of Non-Applicability, if such latter form is appropriate and the contractor elects to file the same,".

PART 1476—REVIEW BY THE COURT

This part is amended by inserting "only" after "section 105" in § 1476.1 *Statutory provision.*

PART 1490—BROKERS AND MANUFACTURERS' AGENTS

1. Section 1490.2 *Statutory provisions* is amended by adding a new paragraph (c) to read as follows:

(c) *Computation of aggregate receipts or accruals.* Under section 105 (f) (3) of the act, in computing its aggregate receipts or accruals for any fiscal year ending after June 30, 1956, a broker, agent or other person holding a subcontract described in section 103 (g) (3) of the act must include all commissions or other compensation from its parent or other related principal which are referable to renegotiable prime contracts or subcontracts. See § 1458.2 (b) of this subchapter.

2. Section 1490.3 *Limited exemption of subcontracts for architectural, design or engineering services* is amended by inserting, in the second sentence, "or $1,000,000, in the case of a fiscal year ending after June 30, 1956," after "after June 30, 1953", and by striking out "$250,000 or $500,000" and inserting in lieu thereof "$250,000, $500,000, or $1,000,000".

3. Section 1490.5 *Filing of financial statement* is amended by striking out the third sentence in its entirety and inserting in lieu thereof the following: "Every such person, if required by the first sentence of section 105 (e) (1) of the act to file a financial statement with the Board for a fiscal year, shall adapt the Standard Form of Contractor's Report to his particular needs. Any such person who elects to file a financial statement with the Board for a fiscal year pursuant to the second sentence of section 105 (e) (1) of the act may file the Statement of Non-Applicability."

4. Section 1490.6 *Determination of renegotiable business under section 103 (g) (3) of the act* is amended by striking out paragraph (e) in its entirety and inserting in lieu thereof the following:

(e) Receipts and accruals under subcontracts described in section 103 (g) (3) of the act are exempt from renegotiation to the extent that such receipts or accruals are referable to prime contracts or subcontracts which are exempted from the provisions of the act by section 106 (d) thereof, or, for fiscal years ending on or before June 30, 1956, by any paragraph, other than paragraph (8), of section 106 (a) thereof. Receipts or accruals under subcontracts described in section 103 (g) (3) of the act, if such subcontracts are made after June 30, 1956, are not exempt from renegotiation to the extent that such receipts or accruals are referable to prime contracts or subcontracts which are exempted from the provisions of the act by paragraph (1) or (5) of section 106 (a) thereof. See §§ 1453.6 or 1455.7 of this subchapter. Receipts or accruals under subcontracts described in section 103 (g) (3) of the act are not exempt from renegotiation to the extent that such receipts or accruals are referable to prime contracts or subcontracts which are exempt from the provisions of the act by section 106 (e) thereof.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: September 25, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-7839; Filed, Sept. 27, 1956; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-2, Amdt. 1]

ESTABLISHMENT OF A TITANIUM ADVISORY COMMITTEE

1. Defense Mobilization Order V-2, dated February 17, 1954, is hereby amended by striking paragraph 1 and substituting therefor, the following:

1. There is established in the Office of Defense Mobilization a Titanium Advisory Committee. The Committee shall consist of the Assistant Secretary for Mineral Resources, Department of the Interior, the Assistant Secretary of Defense (Supply and Logistics), the Assistant Secretary of Defense (Research and Development), Assistant Secretary of the Air Force (Materiel), or their Deputies, and two other members selected by the Director of the Office of Defense Mobilization, one of whom he shall designate as Chairman, and an Executive Officer appointed from the Office of Defense Mobilization staff.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7807; Filed, Sept. 27, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.443, paragraph (a) is amended to read as follows:

§ 21.443 *Basis of payments for residence courses*—(a) *Tuition and fees.* Contracts where required or statement of charges, VA Form VB 7-1957, covering courses of vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), shall provide for payments on the following basis:

(1) *"Customary cost of tuition."* Where the institution has a "customary cost of tuition" as defined by § 21.467 (a) (1), payment will be made for Part VII trainees on the same basis as the "customary cost of tuition" authorized for payment for Part VIII trainees, or on the same basis as the institution charges similarly circumstanced nonveteran students, or Public Law 550 veterans.

(2) *Special services.* The full agreed cost of any special services or courses furnished at the request of the Veterans Administration may be paid. Included in the term "special services" are all services over and above those customarily required by the institution for similarly circumstanced nonveterans and Public Law 550 veterans which are considered by the Manager to be necessary for the vocational rehabilitation of the trainee.

* * * * *

2. Section 21.471 *Payments of tuition and fees to nonprofit educational institutions for courses of 30 weeks or more* is revoked.

3. Section 21.472 is revised to read as follows:

§ 21.472 *Tuition on the basis of customary cost of tuition to nonprofit educational institutions for courses of 30 weeks or more.* Where an educational institution has a customary cost of tuition as defined in § 21.467 (a) (1), the Veterans Administration will pay such customary tuition as is charged to other students pursuing the same or comparable courses, as set forth in the published catalogs or bulletins of the school or college, subject to the limitations contained in Veterans Administration regulations. In the event an institution does not publish a bulletin, the Manager of the Veterans Administration regional office within whose territory the institution is located may accept the certification of a responsible official of the institution as to the customary tuition for the courses offered. All customary fees will be paid to an educational institution where the institution is receiving payment on the basis of the customary cost of tuition as defined in § 21.467 (a) (1), or where the institution does not charge a tuition as such but elects to be paid on the basis of customary fees only.

4. Section 21.478 *Request for adjusted tuition (see limitations in § 21.479)* is revoked.

5. In § 21.479, paragraph (c) is amended to read as follows:

§ 21.479 *Limitations on payment of adjusted compensation to nonprofit educational institutions.* * * *

(c) It has been administratively determined that the considerations under which adjusted compensation was authorized and paid on behalf of Part VIII veterans will cease to exist as a basis for payment to institutions for veterans enrolled in any period of instruction commencing subsequent to September 28, 1956, except where authorized by a contract entered into prior to September 28, 1956. Accordingly, no new contracts or authorizations of adjusted compensation will be issued, and payments for periods of enrollment beginning after September 28, 1956, will be limited to the customary charges established by the institution for similarly circumstanced nonveteran students except that where a contract entered into prior to September 28, 1956, authorizes prospective payment of adjusted compensation, the limitation restricting payments to the customary charges will not become operative until the first period of enrollment subsequent to the termination of the contract.

6. Section 21.570 is revised to read as follows:

§ 21.570 *Determination when contract or statement of charges is required.* (a) Except for the conditions referred to in paragraph (b) of this section, payment of customary charges will upon the expiration of existing contracts be authorized on the basis of a statement of charges, VA Form VB 7-1957.

(b) A contract will be negotiated under Public Law 16, 78th Congress, as amended, and Public Law 346, 78th Congress, as amended, for payments for tuition, fees, books, supplies, equipment, and other necessary expenses to the institution for the training of veterans under the following circumstances:

(1) With institutions providing training to veterans under conditions requiring adjustments for surplus or deficit, see §§ 21.530 (a) (5) (iii), and 21.613 through 21.619.

(2) With institutions offering courses of instruction by correspondence, see §§ 21.625 through 21.627.

(3) With institutions authorized to provide training to veterans enrolled under Public Law 16, 78th Congress, as amended, for whom special services are furnished at the request of the Veterans Administration. (See § 21.443 (a) (2).)

(c) In all cases where a contract on VA Form 7-1903 is not required, the benefits and facilities activity will notify the Finance Officer, in writing, of the charges for the courses to be offered, including the rate of tuition, fees and separate charges, if any, for books, supplies, and equipment, school calendar, schedule of classes and hours of training, absence policy, refund policy, and such other provisions as are required to determine proper payment for the training of veterans. Such information as described in this paragraph will be obtained from the institution on VA Form VB 7-1957 which will provide appropriate details.

7. Section 21.572 is revised to read as follows:

§ 21.572 *Renewals or supplements to contracts.* Renewals of contracts in lieu of making new contracts where required may be accomplished by the completion of renewal agreements when no change is made in existing contractual provisions. Supplements to contracts will be negotiated when any provisions of existing contracts are to be changed.

8. Section 21.606 is revised to read as follows:

§ 21.606 *Contracts required.* Subject to § 21.605, the Managers are authorized to approve the payment of customary charges without requiring the submission of cost data or negotiation of a formal contract for one or all of the unit flight courses, provided the majority of the enrollment in the unit course or courses no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), and the charges are not more than those made to other students, including veterans enrolled under Public Law 550, 82d Congress, as amended. Upon the expiration of existing contracts, provisions for payment of the customary rates approved by the Manager will be set forth on a statement of charges, VA Form VB 7-1957.

9. Section 21.613 is revised to read as follows:

§ 21.613 *Payments for institutional on-farm training.*—(a) *Contract required.* Except as provided in § 21.570 (b) (1), payment for institutional on-farm training provided to Part VIII veterans will be made on the basis of the customary rates as set forth on a statement of charges, VA Form VB 7-1957, for instruction furnished in accordance with the provisions of Public Law 346, 78th Congress, as amended by Public Law 377, 80th Congress.

(b) *Basis for payment.* Contracts where required will be prepared on VA Form 7-1903 and will provide for payment for institutional on-farm training at a fixed monthly rate per student to include the cost of instruction in the classroom, individual instruction on the farm, and supervision, which has been determined to be fair and reasonable by the regional office in accordance with the formula and criteria set forth in § 21.614.

10. The following sections are revoked:

§ 21.657 *Advance payment of tuition and other allowable charges to nonprofit colleges and universities under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A).* [Revoked.]

§ 21.658 *Advance payment of tuition and other allowable charges to States for instruction under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A).* [Revoked.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12A)

This regulation is effective September 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-7834; Filed, Sept. 27, 1956; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1960]

PART 194—POTASSIUM PERMITS AND LEASES

MISCELLANEOUS AMENDMENTS

On page 4758 of the FEDERAL REGISTER for June 28, 1956, there was published a notice of proposed rule making to implement amendments of certain sections of the potassium regulations approved May 6, 1955, as amended August 25, 1955. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No adverse comments having been received, the proposed amended regulations are hereby adopted without change and are set forth below.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1956.

1. Section 194.13 is amended by adding thereto new paragraph (c) as follows:

§ 194.13 *Reward for discovery.* * * *

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 194.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 194.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 194.4 (c) (1) and (4).

2. Section 194.19 is amended, as follows:

§ 194.19 *Bid deposits.* The successful bidder at a sale by public auction must on the date of sale deposit with the Manager of the Land Office, or other officer conducting the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 194.4.

3. Section 194.20 is amended, as follows:

§ 194.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 194.18, and file a bond as required by § 194.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 194.13 (c) must be filed before it can be determined to whom the lease may be issued.

4. Section 194.24 is amended by adding thereto new paragraphs (c) and (d), as follows:

§ 194.24 *Transfers, including subleases.* * * *

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 194.13 (c).

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply secs. 1-7, 44 Stat. 1057, 1058, as amended, 47 Stat. 151; 30 U. S. C. 281-287)

[F. R. Doc. 56-7811; Filed, Sept. 27, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11769; FCC 56-893]

[Rules Amdt. 31-7]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

ACCOUNTING FOR STATION APPARATUS, INSTALLATIONS AND WIRING

1. On July 5, 1956, the Commission adopted a notice of proposed rule making proposing to amend Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies), of the Commission's rules and regulations. This notice was published in the FEDERAL REGISTER on July 14, 1956 (21 F. R. 5296), in accordance with section 4 (a) of the Administrative Procedure Act. Interested persons were given until August 22, 1956, to file comments on the proposed amendments and twenty days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The amendments are designed to simplify the presently prescribed accounting for station apparatus by including the investment in most equipment on subscribers' premises in a telephone plant in service account from the time such equipment is purchased with a view to use on subscribers' premises until its final disposition by the telephone company, ignoring for purposes of plant investment accounting, movements out of and back into active service during its overall life. Costs of intallation of equipment on subscribers' premises and of wiring directly associated therewith will become depreciable. In addition to requesting comments on the two general proposals, comments were particularly solicited in the Notice regarding the advisability of excluding teletypewriters and other telegraph equipment from the accounting treatment proposed for other equipment on subscribers' premises and of providing special accounting treatment therefor.

3. The time for filing comments regarding the above-mentioned proposed rule making has expired. The Commission received timely comments from the American Telephone and Telegraph Company in behalf of the Bell System Telephone Companies, the United States Independent Telephone Association, and The Western Union Telegraph Company. While comments were not filed by the National Association of Railroad and Utilities Commissioners, the Accounting and Statistics Committee of that body reviewed and approved the proposed amendments in principle prior to the issuance by the Commission of the notice of proposed rule making. No comments or briefs in reply to the original comments were received.

4. The United States Independent Telephone Association state that members of their Accounting and Plant Committees consider the proposed amendments desirable from an accounting as well as a plant standpoint and indicate no objection to their adoption. Comments were not submitted regarding the possible exceptional accounting treatments which might be accorded teletypewriters and other telegraph equipment.

5. The American Telephone and Telegraph Company favors adoption of the proposed amendments, urging that they be permitted to be made effective January 1, 1957, for the Bell System Telephone Companies, rather than as of January 1, 1958, in order that annual savings of millions of dollars should not be deferred. Several suggested changes in the text of the proposed amendments, mostly of an editorial or minor nature, were submitted as an attachment to the comments of the American Company in the interest of clarity and to assure future understanding of the current intent of the accounting proposed. Specific comments were also included favoring adoption of the amendments as proposed with respect to the accounting to be accorded record communications equipment. In substance, the American Company is of the definite opinion that "cradle-to-grave" accounting is appropriate for teletypewriters (Bell System investment in telegraph station equipment other than teletypewriters is alleged to be inconsequential) in account 231, "Station apparatus," for the following reasons:

(a) Establishment of a single account for all inside plant used exclusively in record communications service or for all such plant on customers' premises is objectionable because it is desirable to continue to include such equipment in the appropriate station equipment accounts as well as in the central office equipment account, where applicable, in order to reflect properly the usage and location of such equipment;

(b) To a considerable extent, the same installation forces install and service both telephone and teletypewriter station plant. Exclusion of the latter type of equipment from "cradle-to-grave" accounting would require the workmen to switch from one set of internal reporting rules for telephone equipment to a different set for teletypewriter station equipment with an accompanying loss in simplification;

(c) While teletypewriters are fewer in number and their cost greater than regular telephone instruments, the former have a behavior in plant very similar to that of other station apparatus in that the degree of reuse is approximately the same and from the standpoint of the desirability of eliminating multiple fixed capital lives, "cradle-to-grave" accounting is as necessary and appropriate for teletypewriters as for telephones;

(d) "Cradle-to-grave" treatment for teletypewriter station equipment would involve less of a change from present practices than for general telephone instruments in that the former are more nearly on such basis today. Under present accounting, Bell's general practice is "direct-to-code" accounting for teletypewriters and for this reason the average teletypewriter spends a smaller proportion of its total life in the material and supplies account than the average telephone; and

(e) Data maintained under the present accounting will be equally available under the proposed accounting and any pertinent related data required on occasion by regulatory authorities can be furnished as readily.

6. The American Company suggested language changes in the proposed amendments, all of which are being adopted, which may be briefly summarized. American company believes that the term "minor items" in the system of accounts should be limited to classes of plant for which there are "retirement units," since these are used together as complementary terms to establish the accounting for replacements, which will not apply to station apparatus and station connections. Adoption of this suggestion calls for a slight change in wording in paragraph (r) of § 31.01–3, in § 31.2–25 (b) (2), and in paragraph (b) of account 231. The American Company suggests the insertion of commas in paragraph (a) of accounts 100:2 and 100:3. Instead of adding a fourth subparagraph (b) (10) (iv) to § 31.2–22 the suggestion is made that a clause be added to paragraph (b) (10) (i) of that section for a clearer statement regarding the accrual of interest during construction Rewording of note D to account 231 was suggested to eliminate the "specially segregated" clause. Certain revised language for the text of account 232 was suggested in order to use the same terminology in three paragraphs and to add certain intended flexibility regarding retirements. A small change was suggested in the second item in the list under account 605. A small deletion was suggested in subsection 231 of § 31.8.

7. The Western Union Telegraph Company in its comments stated that it "does not object to the 'cradle-to-grave' concept in principle." Western Union did not state specifically whether or not it agreed with the proposal to treat the costs of installation and of wiring directly associated with equipment on subscribers' premises as depreciable plant. It noted, however, that in the telegraph system of accounts to which it is subject all costs of installation and wiring are depreciable so that adoption of this proposed amendment will bring about a new area of conformity between the telephone and telegraph systems of accounts. Western Union summarized its position by stating that it interposed no objection to the adoption of the proposed revisions as outlined in the Notice of Proposed Rule Making insofar as they "relate to telephone plant." This statement was followed with an expression of opinion that since the record communications services of telephone companies are offered in competition with like services of Western Union, the purposes of regulation might better be served by a high degree of comparability in the accounting for telegraph plant. Western Union added, in part, that this can only be accomplished by the segregation, in the accounts of the telephone companies, insofar as possible, of all plant used in record communications services. It is not clear whether or not Western Union intended to object formally to telephone company station apparatus used for record communications services being accounted for on the "cradle-to-grave" basis. It appears, at least, that it would be better satisfied if no change in the present life-cycle basis were made. For us to deny herein "cradle-to-grave" treatment for record communications-station apparatus would still leave Western Union short of its stated goal of obtaining a high degree of comparability in the accounting for all telegraph plant by telephone companies and telegraph companies. Western Union's comments raise questions far broader in scope than those embraced in the instant rule making proceeding. For this reason as well as the arguments advanced by the American Company, we have concluded that we should not take any steps herein toward denying "cradle-to-grave" treatment for teletypewriters and other telegraph equipment in account 231, or toward placing such equipment in a separate plant account.

8. Since issuing the notice of proposed rule making herein the Commission has noted that, while the language of accounts 231, "Station apparatus," and 234, "Large private branch exchanges," makes a clear and sharp dividing line as to what private branch exchanges are includible in each, the line of demarcation is not nearly so satisfactory with respect to teletypewriter switching equipment. In an effort to remedy this deficiency the item "Teletypewriter equipment" in the items list under account 231 has been expanded to read "Teletypewriter equipment, including switching equipment. (See also accounts 221 and 234.)"

9. The effective date of the amendments being adopted to the system of accounts is January 1, 1958. This is because the Commission is directed by section 220 (g) of the Communications Act to give at least six months notice of alterations in the required manner or form of keeping accounts, and it is believed that alterations of the type being made should become effective only at the beginning of a calendar year. It is provided, however, that those companies desiring to do so may place the amendments into effect as of January 1, 1957. The Commission understands that many telephone companies intend to take advantage of this option of a January 1, 1957, effective date and it would seem that benefits would accrue to companies, regulatory bodies, and the public if it were possible for all Class A and B telephone companies to achieve a January 1, 1957, effective date.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of the Commission's accounting rules for Class A and B telephone companies in substantially the form proposed;

It is ordered, That under authority contained in sections 4 (i) and 220 (a) of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations is amended as set forth below effective January 1, 1958; *Provided, however*, That any company may if it so desires place these amendments into effect as of January 1, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Adopted: September 19, 1956.

Released: September 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1a. Delete present paragraph (r) of § 31.01–3 and substitute the following in lieu thereof:

(r) "Minor items," as applied to depreciable telephone plant, means any part or element of such plant, other than station apparatus and station connections, which is not designated as a retirement unit in § 31.8.

b. In paragraph (bb) of § 31.01–3 change the period to a comma and add the following words "or other appropriate account." Paragraph (bb), as amended, reads as follows:

(bb) "Salvage value" means the amount received for property retired, if sold, or if retained for reuse, the amount at which the material recovered is chargeable to account 122, "Material and supplies," or other appropriate account.

2. Add the following two sentences at the end of paragraph (c) of § 31.02–80: "For purposes of the records required to be kept under this paragraph no costs of removal or disconnection shall be associated with account 231, 'Station apparatus.' Any such costs shall be recorded as applicable to account 232, 'Station connections.'" Paragraph (c), as amended, reads as follows:

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable telephone plant. For purposes of the records required to be kept under this paragraph no costs of removal or disconnection shall be associated with account 231, "Station apparatus." Any such costs shall be recorded as applicable to account 232, "Station connections."

3. In § 31.02–82, beneath the words "Station apparatus (account 231).", insert the words "Station connections (account 232)."; change the words "Private branch exchanges" to read "Large private branch exchanges"; and delete the words "Booths and special fittings (account 235)." Section 31.02–82, as amended, reads as follows:

§ 31.02–82 *Classes of depreciable telephone plant.* The classes of depreciable telephone plant and the accounts covering such plant are as follows:

Right of way (account 207).
Buildings (account 212).
Central office equipment (account 221).
Station apparatus (account 231).
Station connections (account 232).
Large private branch exchanges (account 234).
Pole lines (account 241).
Aerial cable (account 242:1).
Underground cable (account 242:2).
Buried cable (account 242:3).
Submarine cable (account 242:4).
Aerial wire (account 243).
Underground conduit (account 244).
Furniture and office equipment (account 261).
Vehicles and other work equipment (account 264).

NOTE: When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

4. Delete paragraph (a) of § 31.100:2 and substitute the following in lieu thereof:

§ 31.100:2 *Telephone plant under construction.* (a) This account shall include the original cost (note § 31.01–3 (x)) of construction of telephone plant, other than station apparatus, that is not completed ready for service. It shall include interest during construction, taxes during construction, and all other elements of cost of such construction work. (Note also §§ 31.2–20 to 31.2–22 and account 231.)

5. In § 31.100:3, paragraph (a), add the words "other than station apparatus," between the words "property" and "owned." Paragraph (a), as amended, reads as follows:

§ 31.100:3 *Property held for future telephone use.* (a) This account shall include the original cost (note § 31.01–3 (x)) of property, other than station apparatus, owned and held for imminent use in telephone service under a definite plan for such use.

6. Amend § 31.122 as follows:

a. In paragraph (a), after the words "held in stock," insert "(see also Note E to this account)". Paragraph (a), as amended, reads as follows:

§ 31.122 *Material and supplies.* (a) This account shall include the cost of unapplied material and supplies held in stock (see also Note E to this account), including plant supplies, tools, fuel, stationery, directory paper stock, and other supplies; and material and articles of the company in process of manufacture for supply stock.

b. In the first sentence of paragraph (b), after the word "charges," insert the words "and sales and use taxes,". Delete the second sentence of paragraph (b). Paragraph (b), as amended, reads as follows:

(b) Transportation charges and sales and use taxes, so far as practicable, shall be included as a part of the cost of the particular material to which they relate.

c. Following Note D, add a new note as follows:

NOTE E: This account shall not include items in stock which are includible in account 231, "Station apparatus." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Repairs of station equipment," if company-held, and in this account if in stocks held by others.

7. Amend paragraph (b) of § 31.171 as follows:

a. In the first sentence, delete the words "(except the cost of removal of station apparatus)". Insert the following as a new second sentence: "(With respect to entries relating to station apparatus and station connections, see accounts 231 and 232.)" Change present second sentence to read: "This account shall also be credited with amounts chargeable to account 138, 'Extraordinary maintenance and retirements,' as provided in § 31.02–83."

b. Paragraph (b), as amended, reads as follows:

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost (note § 31.01–3(x)) of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus and station connections, see accounts 231 and 232.) This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83. (Note also § 31.2–25.)

8a. In the last sentence of paragraph (b) of § 31.2–20 delete the words "or account 607, 'Station removals and changes,' as appropriate." As amended, that portion of paragraph (b) preceding Note A reads as follows:

(b) The telephone plant accounts shall not include the cost or other value of telephone plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of telephone plant shall be credited to the accounts charged with the cost of such construction. Amounts of initial non-recurring charges based on the cost of plant or equipment furnished in rendering service to a customer, other than as provided in § 31.5–50 (b) (2) shall be credited to the accounts charged with the cost of the plant or equipment. Amounts of initial charges based on the estimated cost of removal of such plant or equipment shall be credited to account 171, "Depreciation reserve."

b. In paragraph (d) of § 31.2–20 change "$10" to read "$25". Paragraph (d), as amended, reads as follows:

(d) The cost of individual items of equipment, such as tools and office equipment of small value (for example, costing $25 or less) or short life, shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

9. a. At the end of paragraph (b) (10) (i) of § 31.2–22 delete the period and add the following words: ", except, however, that such interest shall be only on amounts in account 100.2, 'Telephone plant under construction'."

b. Paragraph (b) (10) (i), as amended, reads as follows:

(i) Reasonable amounts for interest during the construction period (before the property is received or is completed ready for telephone service) on general funds expended for the acquisition or construction of telephone plant shall be charged to the telephone plant accounts and credited to account 313, "Interest income," except, however, that such interest shall be only on amounts in account 100.2, "Telephone plant under construction."

10. Amended § 31.2–25 as follows:

a. In the first sentence of paragraph (a) delete the words "(except as provided in paragraph (b) (2) of this section)" and substitute the words "(except as provided in paragraph (b) (2) of this section and in account 231)".

b. In the first sentence of paragraph (b) (2), after the word "element" insert the words "of plant, other than station apparatus and station connections (see § 31.01–3 (r)),".

c. At the beginning of the third sentence of paragraph (b) (2), delete the words "Except as provided in the note under account 231, 'Station apparatus,' in § 31.8," and capitalize the first letter of the word "if".

d. After paragraph (b) (2) add new subparagraphs as follows:

(3) Station apparatus: The accounting to be performed upon the disposition of station apparatus shall be as provided in account 231. (Note also § 31.02–80 (c).)

(4) Station connections: The accounting to be performed upon the retirement of station connections shall be as provided in account 232. (Note also § 31.02–80 (c).)

e. Delete present paragraphs (c) and (d) and substitute the following in lieu thereof:

(c) Leaseholds: The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

f. In the third sentence of paragraph (e) change the word "installations" to "connections".

g. Section 31.2–25, as amended, reads as follows:

§ 31.2–25 *Telephone plant retired.* (a) To the end that the telephone plant accounts (note §§ 31.2–20, 31.2–21) shall at all times disclose the original cost (note § 31.01–3 (x)) of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b) (2) of this section and in account 231), shall be credited to the account or accounts in this classification to which such cost was charged. Normally, these retirement credits with respect to such plant as entire buildings, entire central offices, large private branch exchanges, all plant abandoned, and any large sections of plant withdrawn from service with knowledge that they will not be physically removed during the following month shall be entered in the accounts for the month in which use of the property ceased and no later than the next succeeding month with respect to other plant: *Provided*, That when literal compliance with this provision for timing of entries with respect to the property amounting to less than $5,000 retired under any one project would involve an unreasonable amount of record keeping and estimating of quantities, original costs, and salvage, such entries may be deferred until physical removal of the property or decision to abandon it in place if there is assurance that such removal or decision will not be unduly delayed. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surrendered upon lapse of title, becomes permanently unserviceable, is withdrawn, or for any other reason is retired from service, the amount in the plant accounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(b) Depreciable telephone plant: For the purpose of avoiding undue refinement in accounting for the replacement of small items of property, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

(2) Minor items: This group includes any part or element of plant, other than station apparatus and station connections (see § 31.01–3 (r)), which is not designated as a retirement unit. The original cost of any minor item of property retired and not replaced shall be credited to the plant account and charged to account 171 (note also paragraph (b) of the text of that account), except that if the original cost of a minor item of property is included in the specific or average cost for a retirement unit of which the minor item is a part, no separate credit to the telephone plant account is required when such a minor item is retired. If minor items of property are replaced (apart from the retirement unit of which they form a part or with which they are associated) no adjustment shall be made in account 171. The cost of the replacement shall be charged to the account appropriate for the cost of repairs of the property, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operation) the excess cost of (i) such a replacement over (ii) the estimated cost at the then current prices of replacing without betterment the minor items being retired, shall be charged to the appropriate telephone plant account.

(3) Station apparatus: The accounting to be performed upon the disposition of station apparatus shall be as provided in account 231. (Note also § 31.02–80 (c).)

(4) Station connections: The accounting to be performed upon the retirement of station connections shall be as provided in account 232. (Note also § 31.02–80 (c).)

(c) Leaseholds: The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

(e) Determination of the cost of property to be retired: The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost to be assigned to such items when retired: *Provided*, That the method used in determining average cost gives due regard to the quantity, size, and kind of items, the area in which they were installed and their classification in other respects, as called for by the rules of the Commission regarding continuing property records and by the system of continuing property records accepted by the Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, bell boxes, station connections, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards. Any company may use average cost of property installed in a year or band of years. It should be understood, however, that the use of average costs shall not relieve the company of the requirement for maintaining its continuing property records in such manner as to show, where practicable, dates of installation and removal so as to provide these data for purposes of mortality studies.

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property, shall be as provided for in the texts of account 172, "Amortization reserve," account 413, "Miscellaneous debits to earned surplus," account 613, "Amortization of intangible property," and account 100:4, "Telephone plant acquisition adjustment."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a debit, in account 410, "Debits for telephone plant sold," and if a credit, in account 401, "Credits for telephone plant sold." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in paragraph (b) of account 171, "Depreciation reserve."

11. Delete § 31.231 and substitute the following in lieu thereof:

§ 31.231 *Station apparatus.* (a) This account shall include the original cost (note § 31.01–3 (x)) of station apparatus, including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, as distinguished from items normally used for repair purposes. Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until used in such manner as to be includible in other accounts.

(b) Each company shall prepare a list of items of station apparatus which shall be used as its list of disposition units for this account the cost of which when finally disposed of shall be credited to this account and charged to the depreciation reserve. Two copies of such list shall be submitted to the Commission not later than the date it is to be made effective for use by the company, together with the company's plan for determining disposition unit costs and the methods to be used to insure that an equitable portion of the cost of other items, supply expense, and other amounts included in this account will be credited hereto and charged to account 171, "Depreciation reserve," upon the ultimate disposal of any disposition unit. Revisions made during any year to the effective list of disposition units shall be submitted in duplicate to the Commission not later than March 1 of the following year.

ITEMS

(Note § 31.01–8)

Amplifying equipment.
Answering equipment.
Attendants' cabinets.
Attendants' desks.
Backboards.
Battery boxes.
Booths.
Code call units.
Code sending sets.
Coin collectors.
Desk sets, hand sets, wall sets, and combined sets, including those used at main, extension, private branch exchange, and private line stations, etc. This includes such sets used as operators' sets at large private branch exchanges and in central offices and operators' schools. (See also Note C to this account.)
Directory stands or shelves.
Distributing frames.
Extension bells.
Hand-set mountings.
Messenger, and similar signaling devices.
Mobile telephone equipment.
Operators' chairs.
Operators' head sets and breastplate transmitters. (See also Note C to this account.)
Order receiving tables.
Order turrets.
Power equipment.
Printer-telegraph equipment.
Private branch exchange equipment—nonmultiple manual and cordless switchboards and dial equipment of types designed for not more than two digit operation.
Program supply equipment.
Public telephone signs.
Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and other devices used as parts of intercommunicating systems.
Subscriber sets.
Telegraph equipment.
Teletypewriter equipment, including switching equipment. (See also accounts 221 and 234.)

NOTE A: The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections."

NOTE B: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242.1, "Aerial cable."

NOTE C: Operators' head sets and breastplate transmitters in central offices and at large private branch exchanges, and test sets such as those used by wire chiefs, linemen, and others, shall be included in account 221, "Central office equipment," account 234, "Large private branch exchanges," or account 264, "Vehicles and other work equipment," as appropriate.

NOTE D: Items of station apparatus in stock for which no further use in the ordinary conduct of the business is contemplated, or which as a precautionary measure, are held for possible future contingencies instead of being junked, shall be excluded from this account and included in account 122, "Material and supplies."

NOTE E: An annual inventory shall be taken of all telephones in stock that are included in this account. The number of such telephones as determined by this inventory, together with the number of all other telephones included in this account, shall be compared with the corresponding number of telephones as shown by the respective control records. The original cost of any unreconciled differences thereby disclosed shall be adjusted through account 171, "Depreciation reserve." Appropriate verifications shall also be made at suitable intervals and necessary adjustments between this account and account 171 shall be made for all other station apparatus included in this account.

12. Delete § 31.232 and substitute the following in lieu thereof:

§ 31.232 *Station connections.* (a) This account shall include the original cost (note § 31.01–3 (x)) of installing or connecting items of station apparatus and the original cost of inside wiring and cabling and of drop and block wires. (See also account 605, "Repairs of station equipment.")

(b) When station apparatus is installed, the cost of installation shall be charged to this account. The original cost (actual or estimated average unit cost) of any portion of the station connections which is thereby returned to service shall also be charged to this account and credited to account 171, "Depreciation reserve."

(c) When a left-in station is reconnected, the cost of reconnection shall be charged to this account. The original cost (actual or estimated average unit cost) of the portion of the station connections associated with the left-in station which is retired as a result of the reconnection work shall be credited hereto and charged to account 171, "Depreciation reserve."

(d) When a station (or other item of station apparatus with which station connections are associated in the company's retirement practices) is physically removed, the original cost (actual or estimated average unit cost) of the associated station connections carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve." In the event of the replacement of a small private branch exchange or booth, if the cost of installation of the replacement is charged to this account, an appropriate retirement shall be made from this account for the station connections associated with the plant replaced.

ITEMS

(Note § 31.01–8)

The wires (or small cables) from the station apparatus to the point of connection with the general overhead or underground system or to the junction boxes where the house cable or other cable terminates. This includes circuits, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system.

The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems.

The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building.

The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames to switchboard.

The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent house or outside cables or wires.

Connecting blocks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used in the installation of station apparatus and inside wiring and cabling.

Labor and other costs incurred in connection with station apparatus and station connection installations or additions thereto.

Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; trimming trees and other costs incurred in the installation of such wires; pipes or other protective covering for underground service connections; and permits and privileges for construction.

NOTE A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing large private branch exchanges is chargeable to account 234, "Large private branch exchanges." The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.

NOTE C: The cost of disconnecting or removing station apparatus and station connections shall be charged to account 171, "Depreciation reserve." However, provisional denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

13. Delete § 31.233.

14. Delete § 31.234 and substitute the following in lieu thereof:

§ 31.234 *Large private branch exchanges.* This account shall include the original cost (note § 31.01–3 (x)), including cost of installation, of multiple manual private branch exchanges, and of dial system private branch exchanges of types designed for more than two digit operation (types designed to accommodate normally 100 or more extensions) installed either for customers' or the company's use. (See also account 231.)

ITEMS

(Note § 31.01–8)

Cables or wires from distributing frame to switchboard.

Dial system private branch exchanges of types designed for more than two digit operation, including any nonmultiple manual switchboards used as attendants' positions in connection with such dial system exchanges.

Distributing frames.

Multiple manual switchboards.

Operators' chairs.

Operators' head sets and breastplate transmitters.

Power equipment, including special foundations.

Switching equipment at automatic switching centers of private line teletypewriter systems.

Wires (or small cables used instead of wires) installed specifically to serve as trunk, battery, or generator circuits from a large private branch exchange to the point of connection with the permanent house or outside cables or wires.

NOTE A: The cost of riser and distributing cables in buildings other than central offices, which by their physical characteristics, method of installation, and permanence constitute regular house cables shall be charged to account 242:1.

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire, and cable accounts.

NOTE C: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242:1.

15. Delete § 31.235.

16. In the last sentence of Note A to § 31.242:1, change the words "account 234." to read "account 232 or account 234, as appropriate." Note A, as amended, reads as follows:

NOTE A: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232, or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 234, as appropriate.

17. Delete Note B to § 31.242:2 and substitute the following:

NOTE B: The cost of small cables used in station installations or as drop wires shall be charged to account 232.

In the second sentence of Note D to § 31.242:2, change the words "account 234." to read "account 232 or account 234, as appropriate." Note D, as amended, reads as follows:

NOTE D: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232, or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 234, as appropriate.

18. In the note to § 31.243, change the words "account 233." to read "account 232." The note, as amended, reads as follows:

NOTE: The cost of drop and block wires shall be included in account 232.

19. In Note B to § 31.244, change the words "account 233." to read "account 232." Note B, as amended reads as follows:

NOTE B: The cost of pipes or other protective covering for underground drop and block wires or service connections shall be included in account 232.

20. In § 31.261, delete the words "(Note also accounts 221, 234, and 235 and § 31.2–20 (d).)" and substitute the words "(Note also § 31.2–20 (d) and accounts 221 and 234.)". Section 31.261, as amended, reads as follows:

§ 31.261 *Furniture and office equipment.* This account shall include the original cost (note § 31.01–3 (x)) not provided for in other accounts, of furniture and equipment in offices, storerooms, shops, and other quarters. (Note also § 31.2–20 (d) and accounts 221 and 234.)

ITEMS

(Note § 31.01–8)

Beds, cots, and couches.
Bins, counters, and shelves.
Bookcases.
Cabinets and filing cases.
Cages, cashiers'.
Chairs, carpets, and rugs.
Clocks.
Davenports.
Desks.
Equipment in rest, dining, recreation and medical rooms.
Fans, electric, portable.
Fire-extinguisher equipment, portable.
Floor-scrubbing and polishing machines.
Gas and electric fixtures, portable.
Lockers and wardrobes, portable
Mirrors, portable.
Motion-picture equipment.
Office devices, including addressing, billing, blueprinting, computing, dating, duplicating, mailing, photostat and recording machines, cash registers, check writers, postage meter machines, typewriters, etc.
Pianos and phonographs.
Radio sets.
Racks—magazine, newspaper, umbrella, and clothing.
Refrigerators, portable
Safes.
Sewing machines.
Stoves.
Switchboards, special type public demonstration.
Tables.
Vacuum sweepers.
Vending machines.
Water coolers.

NOTE: The cost of fixtures attached to and constituting a part of buildings shall be charged to account 212.

21. Following Note F to § 31.305, add a new note as follows:

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

22. Delete paragraph (b) (2) of § 31.5–50 and substitute the following in lieu thereof:

(2) Amounts of initial nonrecurring charges for plant or equipment, furnished in rendering service to a customer, includible in accounts 231, 232, and 234, except initial charges based on the cost of specially assembled private branch exchanges includible in account 234. (Note paragraph (b) and Note A of § 31.2–20.).

23. In paragraph (b) of § 31.6–61 delete the words "except as provided in account 605, 'Repairs of station equipment,' for labor and incidental costs in the replacement of station apparatus". Paragraph (b), as amended reads as follows:

(b) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also § 31.2–25.)

24. In paragraph (a) of § 31.603, delete the words "station reconnections, reinstallations, inside moves and rearrangements of station equipment" and substitute the words "inside moves and rearrangements of station apparatus, including service regrades". Paragraph (a), as amended, reads as follows:

§ 31.603 *Test desk work.* (a) This account shall include the costs incurred by forces located in central offices and engaged in the work of receiving and recording reports of trouble from subscribers and others; testing from test desks to determine the nature and location of trouble; dispatching repairman from test desks; testing from test desks with repairmen during the course of their work or upon its completion and making other tests from test desks to determine the condition of the plant; and testing from test desks in the course of inside moves and rearrangements of station apparatus, including service regrades.

* * * * *

25. Delete § 31.605 and substitute the following in lieu thereof:

§ 31.605 *Repairs of station equipment.* (a) This account shall include the cost of repairing station apparatus, station connections and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts) and the cost of replacing station connections where service discontinuance is not involved.

(b) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which, under conditions provided in § 31.6–64, have been included in account 138, "Extraordinary maintenance and retirements."

ITEMS

(Note § 31.01–8)

Changing type of telephone, such as from desk set to hand set, wall set to desk set, magneto to common battery, or nondial to dial.

Changing inside and drop and block wires.

Cleaning station apparatus and large private branch exchange equipment.

Disconnecting and reconnecting customers' lines at customers' premises to deny service provisionally for nonpayment and to restore service in cases of provisional denials which have not become final. (See also Note C to account 232.)

Inside moves (moves or relocations on the same premises or at the same address) of items of station apparatus. (See also Note A to this account.)

Inspecting, testing, and reporting on condition of equipment to determine the need for repairs or replacements. (See also account 603.)

Materials normally used as repair parts for station apparatus.

Number plate changes not incident to station connections.

Removing sediment from and cleaning batteries.

Repainting and other repairs of booths, including those owned by others.

Repairing used station equipment for reuse.

Replacing dry-cell batteries.

Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Replacing one small private branch exchange by another of the same capacity and type. (See paragraph (d) of account 232.)

Routine work to prevent trouble, such as trimming trees to protect existing drop and block wires.

Supply expense applicable to station apparatus being reused.

Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

NOTE A: The accounting for station connections in cases of customers' moves to different premises or to a different address shall be on the basis of a retirement or a disconnection at the old location and an installation or a reconnection at the new location.

NOTE B: Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

26. Delete § 31.607.

27. In § 31.632, add the following new item after the fifth item in the item list: "Repairs of furniture and office equipment used at public telephone locations and cost and repairs of individual items of small value or short life. (Note also § 31.2–20 (d).)"

28. Delete paragraph (b) of § 31.704 preceding "Items" and substitute the following in lieu thereof.

(b) This account shall be cleared by equitably distributing the total expense on the basis of material and supplies and items of station apparatus.

29. Amend § 31.8 as follows:

a. In sub-section 221 Central office equipment, after the words "Teletypewriter sets:", delete the words "Units specified under account 231." and substitute the words "The disposition units maintained by each company for account 231 in accordance with the provisions of that account."

b. Delete sub-section 231 *Station apparatus* in its entirety and substitute the following in lieu thereof:

231 *Station apparatus.* None, but each company shall maintain its own list of station apparatus disposition units for account 231 in accordance with the provisions of that account.

c. Delete sub-section 232 *Station installations* in its entirety and substitute the following in lieu thereof:

232 *Station connections.* (See § 31.2–25 and accounts 232 and 605.)

d. Delete sub-section 233 *Drop and block wires* in its entirety.

Delete sub-section 234 *Private branch exchanges* in its entirety and substitute the following in lieu thereof:

234 *Large private branch exchanges.* Units specified under sub-section 221 *Central office equipment* of this section.

e. Delete sub-section 235 *Booths and special fittings* in its entirety.

30. In Case 6–R–2 of Appendix A, delete paragraph (h) and substitute the following in lieu thereof:

(h) All the central office equipment, station apparatus, station connections, large private branch exchanges, furniture and office equipment, or vehicles and other work equipment situated in or utilized in a single exchange area, central office area, or other extensive area, without additional classes of associated plant.

31. In the last sentence of the answer in Case 9–R–1 of Appendix A, delete the words "see account 233, 'Drop and block

wires.'" and substitute the words "see account 232, 'Station connections.'". The answer, as amended, reads as follows:

Answer: With respect to both the basic structure and the conductor serving as a ground (except when, constituting underground dips, which may be viewed as a virtual part of the adjoining conductor structure), the cost shall be included in account 242:3, "Buried cable," [1] unless protected by a structure reusable in place for other cable, in which event the cost of these wires shall be included in account 242:2, "Underground cable," [1] and the cost of the protective structure shall be included in account 244, "Underground conduit" [1] (see account 244, note A). (The foregoing does not apply to drop wires, even if buried, extending from the point of connection with the general overhead or underground system to the subscribers' premises—see account 232, "Station connection." [2])

32. In the first sentence of paragraph 4 (a) of Appendix B, delete the words "station installations" and substitute the words "station connections". Paragraph 4 (a), as amended, reads as follows:

4. *Average costs.* (a) In the development of average costs for plant consisting of a large number of similar units, such as telephones, bell boxes, station connections, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards, units of similar size and type within each specified accounting area and plant account may be grouped without regard to year of construction. Each such average cost shall be set forth in the continuing property record or in records supplemental thereto and in support thereof.

In the second sentence of paragraph 5 of Appendix B, delete the words "station apparatus, station installations, and drop and block wires)" and substitute the words "station apparatus and station connections)". Paragraph 5, as amended, reads as follows:

5. *Identification of property-record units.* There shall be shown in the continuing property record or in records supplemental thereto and in support thereof, a complete description of the property-record units in such detail as to identify plainly such units. The description (except for classes of plant for which it is impracticable, such as station apparatus and station connections) shall include the identification of the work order under which constructed, the year of installation (unless not determinable at reasonable expense with respect to past acquisitions or installation), the specific location of the property within each accounting area in such manner that it can be readily spot-checked for proof of physical existence, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings.

[F. R. Doc. 56-7814; Filed, Sept. 27, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 250, 251]

LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS; IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order (a) to simplify recordkeeping and reporting requirements, and (b) to delete the detailed listing of various tax rates, 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH 1. 26 CFR Part 250, "Liquors and Articles from Puerto Rico and the Virgin Islands," is amended as follows:

(A) Section 250.127 is amended to read:

§ 250.127 *Report of red strip stamps used.* The insular internal revenue agent will record and report the use of red strip stamps on taxpaid spirits bottled for sale to tourists in Puerto Rico as provided in § 250.146.

(B) Section 250.146, and the headnote thereto, is amended to read as follows:

§ 250.146 *Record and report of red strip stamps.* Insular internal revenue agents having custody of red strip stamps will keep a daily record, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day. No form is prescribed for the daily records but such records shall be retained to support the monthly report. At the close of the month, or within 10 days thereafter, the insular internal revenue agent will prepare a report, in quadruplicate, of the strip stamps received and used during the month on Form 2260, properly modified. The agent will retain one copy and forward three copies to the treasurer; the treasurer will retain one copy, forward one copy to the United States Internal Revenue Service office, and one copy to the assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

(C) Subpart H is amended to read as follows:

SUBPART H—RECORDS AND REPORTS OF LIQUORS FROM PUERTO RICO

§ 250.163 *General requirements.* Except as provided in § 250.164, every person, other than a tourist, bringing liquors into the United States from Puerto Rico shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided,* That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 250.164 *Proprietors of taxpaid premises.* Transactions involving the bringing of liquors into the United States from Puerto Rico by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

PROCUREMENT OF FORMS

§ 250.165 *Forms to be provided by users at own expense.* Forms 52A, 52B, and 338 shall be purchased by users from commercial printers and must be in the form prescribed: *Provided,* That, with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

(D) The title of Subpart N is amended to read, "Records and reports of liquors from the Virgin Islands".

(E) Section 250.274, and the headnote thereto, is amended to read as follows:

§ 250.274 *General requirements.* Except as provided in § 250.275, every person, other than a tourist, bringing liquors into the United States from the Virgin Islands shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided,* That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

(F) Section 250.275 and the headnote thereto is amended to read as follows:

§ 250.275 *Proprietors of taxpaid premises.* Transactions involving the bringing of liquors into the United States from the Virgin Islands by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

(G) Section 250.276 is revoked.
(H) Section 250.277 is revoked.
(I) Section 250.278 is revoked.
(J) Section 250.279 is revoked.
(K) Section 250.280 is revoked.
(L) Section 250.281 and the undesignated centerhead immediately preceding that section are revoked.
(M) Section 250.282 is revoked.
(N) Section 250.283 is revoked.
(O) Section 250.284 is amended as follows:

(1) By striking from the first sentence the phrase "Form 52 F, Record 52, and".

(2) By striking from the first sentence the phrase: ": *Provided, further,* That where the form is printed in book form (including loose-leaf books), the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form."

PAR. 2. 26 CFR Part 251, "Importation of Distilled Spirits, Wines, and Beer," is amended as follows:

(A) Section 251.40 is amended as follows:

(1) By striking from the first sentence the phrase "of $10.50 per" and inserting in lieu thereof the phrase "prescribed by law on each".

(2) By striking the last sentence.

(B) Section 251.41 is amended as follows:

(1) By striking from the first sentence the phrase "of $10.50 per wine gallon" and inserting in lieu thereof the phrase "prescribed by law on each wine gallon,".

(2) By striking the last sentence.

(C) Section 251.42 is amended as follows:

(1) By placing the phrase "including imitation, substandard, or artificial wine, and compounds sold as wine, having not in excess of 24 percent of alcohol by volume" in the first sentence within parenthesis.

(2) By striking from the first sentence the phrase "rates shown below, such taxes to be" and inserting in lieu thereof the phrase "rates prescribed by law; such tax to be".

(3) By inserting in the third sentence, which begins "Fractions of less", immediately after the phrase "converted to the next", the word "full".

(4) By striking paragraphs (a), (b), (c), (d), and (e).

(5) By striking the paragraph designation only from paragraph (f).

(D) Section 251.45 is amended as follows:

(1) By striking from the first sentence the phrase "an internal revenue tax of $9.00" and inserting in lieu thereof the phrase "the internal revenue tax prescribed by section 5051, I. R. C.,".

(2) By striking the second sentence, which begins "On and after".

(E) Subpart I is amended to read as follows:

SUBPART I—IMPORTER'S RECORDS AND REPORTS

RECORD AND REPORT OF RED STRIP STAMPS

§ 251.130 *Daily record, part I, Form 96.* Importers shall keep a daily record on part I of Form 96 of red strip stamps procured and used. A separate page in single copy is required for each denomination of stamps.

(68A Stat. 612, 619; 26 U. S. C. 5008, 5114)

§ 251.131 *Monthly report, parts II and III, Form 96.* At the close of the month, importers shall prepare parts II and III of Form 96, in triplicate, reporting on part II the red strip stamps procured and used during the month, and on part III the stamps shipped abroad to importer's agents. On or before the 10th day of the succeeding month, one copy shall be forwarded to the assistant regional commissioner of the region in which the business of the importer is conducted, and one copy shall be forwarded to the collector of customs who approved the importer's requisitions. The remaining copy shall be retained for filing in accordance with § 251.136.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.132 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (parts II and III) shall also be rendered for each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record for each importer on part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (parts II and III) shall be rendered by the agent in the name of each importer to the assistant regional commissioner of the region in which the stamps are procured.

(68A Stat. 602, 681; 26 U. S. C. 5008, 5555)

RECORD AND REPORT OF IMPORTED LIQUORS

§ 251.133 *General requirements.* Except as provided in § 251.134, every importer who imports distilled spirits, wines, or beer shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Privided,* That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 251.134 *Proprietors of taxpaid premises.* Importing operations conducted by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 251.135 *Forms to be provided by users at own expense.* Forms 52A, 52B, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided,* That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

FILING AND RETENTION OF RECORDS AND REPORTS

§ 251.136 *Filing.* If the importer maintains looseleaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy", and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part and legible copies of all reports submitted to the assistant regional commissioner shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided,* That upon application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, bills of lading, etc., or exact copies thereof, may be filed in accordance with the importer's customary practice. Documents supporting records of disposition shall have noted thereon the serial numbers of the records of disposition to which they refer.

(68A Stat. 619, 661; 26 U. S. C. 5114, 5555)

§ 251.137 *Retention.* All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted to the assistant regional commissioner shall be preserved for a period of not less than two years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies

thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

[F. R. Doc. 56-7827; Filed, Sept. 27, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 185]

GENERAL MINING REGULATIONS

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS OF THE UNITED STATES CLASSIFIED OR KNOWN TO BE VALUABLE FOR COAL

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 11, 1955 (69 Stat. 679; 30 U. S. C. 521–531), and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said act of August 11, 1955, supra, so far as is necessary. The primary purpose of the act is to permit entry and location of valuable source material on public lands of the United States classified or known to be valuable for coal, unless embraced within a coal permit or lease, and also provides for the recordation of location notices for such material in the United States Land Office of the land district in which the claim is located.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 24, 1956.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

The title of Subpart C is amended to read: Areas Subject to Special Laws; Fissionable Sources Material in Coal.

The following new §§ 185.87 to 185.99, inclusive, are added at the end of Subpart C of Part 185. The present §§ 185.35 and 185.36 are renumbered 185.100 and 185.101.

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS VALUABLE FOR COAL

Sec.
185.87 Purpose and authority.
185.88 Public lands known or classified as coal land, containing source material opened to location; exception.
185.89 Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.
185.90 Claimant to report annually to Mining Supervisor, Geological Survey.
185.91 Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.
185.92 Mineral patents not to include lignite; exception.
185.93 Lodes do not include extralateral rights.
185.94 Source material not in leasing minerals, right to remove lignite filing of description.
185.95 Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.
185.96 Holder of coal lease entitled to exclusive right to locate source material; exception.
185.97 Definitions.
185.98 Expiration of act; exception.
185.99 Appeals.

AUTHORITY: §§ 185.87 to 185.99, inclusive, issued under the act of August 11, 1955 (69 Stat. 679), 30 U. S. C. 541–541 (1), inclusive, and R. S. 2478 (43 U. S. C. 1201).

§ 185.87 *Purpose and authority.* The act of August 11, 1955 (69 Stat. 679) was enacted:

To provide for entry and location, on discovery of a valuable source material, upon public lands of the United States, classified as or known to be valuable for coal, and for other purposes.

The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior.

§ 185.88 *Public lands known or classified as coal land, containing source material opened to location; exception.* The act in section 1 provides in part as follows:

That, subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of the act of August 13, 1954 (68 Stat. 708), unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands.

§ 185.89 *Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.* (a) The act in section 1 provides in part as follows:

• • • a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the land office of the Bureau of Land Management for the State in which the claim is situated within ninety days after the date of its location.

(b) The act in section 2 provides as to mining claims located prior to May 25, 1955:

That the locator or locators of such a mining claim shall, not later than one hundred and eighty days from and after the date of this Act, post on the claim and file for record in the office where the notice or certificate of location is of record, an amended notice of the mining location stating that such amended notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof; and that a copy of said amended notice is, within the said one-hundred-and-eighty-day period, filed in the land office of the Bureau of Land Management for the State in which the mining location is situated • • •[1]

[1] In this connection, the Land Office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming; and that for Arkansas, Florida, Louisiana, and Mississippi, at Washington 25, D. C.

(c) The act in section 3 provides in part as follows:

• • • upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(d) Any location notice filed under the above-quoted sections should clearly state that the claim was located for uranium or other source material contained in a bed, seam, or deposit of lignite pursuant to the act of August 11, 1955 (69 Stat. 679). The notice should describe the lands included therein by subdivision, section, township and range, if covered by a public land survey, for a placer claim, and if unsurveyed, or if the location is a lode claim, by a metes and bounds description tied to a corner of the public land survey, or to a mineral monument.

§ 185.90 *Claimant to report annually to Mining Supervisor, Geological Survey.* (a) The act in section 1 provides in part as follows:

That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon • • • subject to the recording and payment requirements • • •

(b) Payments shall be by check, draft or money order, payable to the United States Geological Survey, accompanied by a report of the tons of lignite mined or stripped, whether disposed of or not, in recovering the source material as defined in § 185.94. Each report should show the name of the claim, identify the location, the calendar year for which payment is made and address of claimant. A suggested form of report as shown in Appendix A to the regulations in this part may be used for this purpose.

(c) Tonnage reports and remittances for claims in Montana, North Dakota, South Dakota, and Northern Wyoming should be sent to the Regional Mining Supervisor, U. S. Geological Survey, Billings, Montana. As to claims in other states, the address of the Regional Mining Supervisor may be obtained from the Director, U. S. Geological Survey, Washington 25, D. C.

§ 185.91 *Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.* (a) The act in section 1 provides in part as follows:

Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material.

(b) Under this section, all debts due the United States on account of coal mined under the location must be paid, before a patent will issue.

§ 185.92 *Mineral patents not to include lignite; exception.* (a) The act in section 1 provides in part as follows:

Mining claims located and mineral patents issued under the provisions of this Act shall not include rights to lignite not containing valuable source material except to the extent it may be necessary to mine or strip such lignite in order to mine the source material • • •

(b) The reservation of leasing act minerals including lignite that do not contain valuable source material which will be inserted in every patent issued under the Act, will be subject to the right of the patentee to remove such lignite when necessary to mine source material subject to the provisions of the Act.

§ 185.93 *Lodes do not include extralateral rights.* (a) The act in section 1 provides in part as follows:

• • • lode claims, shall not include extralateral rights.

(b) The act in section 2 provides in part as follows:

That no extralateral rights shall attach to any mining location validated under this section.

(c) The right of all locators under the Act are therefore limited to the extraction of unreserved minerals within the exterior boundaries of the claim extended vertically downward.

§ 185.94 *Source material not in leasing minerals, right to remove lignite, filing of description.* (a) The act in section 3 provides in part as follows:

SEC. 3. Subject to the provisos of section 2 of this Act, any mining location made under the mining laws of the United States, including the Act of August 13, 1954, on lands of the character described in section 1 of this Act, except locations made for lands within the exterior boundaries of a prior coal prospecting permit or lease, if based upon a discovery of valuable source material in deposits other than deposits of Leasing Act minerals, shall include the right to mine, remove, and dispose of lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of source material contained in lignite, subject to the reporting and payment requirements of section 1 of this Act, and subject to the provisions of the Atomic Energy Act of 1954 (68 Stat. 919), and upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(b) For description under this section, see § 185.89 (d).

(c) The act in section 3 also provides in part as follows:

That nothing in this section shall be construed to limit or restrict the rights acquired by virtue of a mining claim heretofore or hereafter located, under the 1872 mining act, as amended, or to impose any additional obligation with respect to mining and removal of source material which does not occur within any seam, bed, or deposit of lignite.

(d) Under these provisions, as to locations which were made under the act of August 13, 1954, at a time when the land was known to contain lignite and was not then in a coal permit or lease, or application for permit or lease, the locator would have a right to mine the lignite containing source material and to mine other lignite only after he had complied with the reporting and payment provisions of section 1 of the act with respect thereto. The owner of such a location, who chooses not to comply with these payment and reporting requirements, may mine and remove any mining law minerals in the location, except such minerals contained in lignite, under authority of the act of August 13, 1954. If such a locator damages or destroys any lignite in connection with his mining operations his liability therefor to the United States will be determined under applicable laws. A location made solely under the 1872 Mining Act would not be subject to the provisions of either the August 13, 1954 Act, or of this act, but unless made upon land not then known to contain lignite it would be invalid.

§ 185.95 *Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.* (a) The act in section 4 provides as follows:

The entryman or owner of any land or the assignee of rights therein, including lands granted to States, with respect to which the coal deposits have been reserved to the United States pursuant to the provisions of the act of March 3, 1909 (35 Stat. 844), or the act of June 22, 1910 (36 Stat. 583), excepting lands embraced within a coal prospecting permit or lease, upon the discovery of valuable source material in lignite situated within such entered, granted, or patented lands, who, except for the reservation of coal to the United States would have the right to mine and remove such source material, shall have the exclusive right to mine, remove, and dispose of lignite containing such source material and lignite necessary to be stripped or mined in the recovery of such material, subject to the reporting and payment requirements of section 1 of this act, and subject to the provisions of the Atomic Energy Act of 1954, upon filing in the land office designated in section 1 hereof, an adequate description sufficient to identify the land containing such lignite.

(b) The description under this section should be by the legal subdivision of the public land survey which contains the deposits.

§ 185.96 *Holder of coal lease entitled to exclusive right to locate source material; exception.* (a) The act in section 5 provides as follows:

The holder of coal leases issued under the provisions of the mineral leasing laws, including the Act of August 7, 1947 (61 Stat. 913), prior to the date of this Act, or thereafter if based upon a prospecting permit issued prior to that date, upon the discovery during the term of such lease of valuable source material in any bed or deposit of lignite situated within the leased lands, shall have the exclusive right to locate such source material under the provisions of this Act but the mining and disposal of such source material shall be subect to the operating provisions of the lease and to the provisions of the Atomic Energy Act of 1954: *Provided*, That the provisions of this section shall not apply to coal prospecting permits or leases on lands embraced within entered, granted, or patented lands described in section 4 of this Act.[2]

[2] As of August 11, 1955, there were no outstanding coal permits or leases issued under the act of August 7, 1947, in areas containing lignite as defined in the act of August 11, 1955, subject to the mining laws. Consequently, reference to the act of August 7, 1947 will not result in any mining claims being made for source material on acquired lands.

(b) The coal lessee for lands not entered, granted, or patented, who desires to obtain the benefits of this section must make a mining location and comply with the Act and these regulations with respect thereto, and must also comply with the operating regulations (30 CFR Part 211).

§ 185.97 *Definitions.* (a) The act in section 6 provides in part as follows:

• • • "lignite" shall mean coal classified as ASTM designation: D 388–38, according to the standards established in the American Society for Testing Materials on Coal and Coke under standard specifications for Classification of coals by Rank, contained in public-land deposits considered as valuable under the coal-land classification standards established by the Secretary of the Interior and prescribed in section 30, Code of Federal Regulations, part 201; and "source material" shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of section 61 of the Atomic Energy Act of 1954 to be source material.

(b) The act applies only to deposits of coal coming within the definition set out in the above quotation from the act, and other types of coal deposits are not subject to location under the act, even though found to contain source material.

§ 185.98 *Expiration of act; exception.* (a) The act in section 10 provides as follows:

Twenty years after the effective date of this act, all lands subject to the provisions of section 1 shall be withdrawn from all forms of entry under this act. All claims made pursuant to the provisions of this act shall expire at that time, except for (1) claims for which patent has already been issued, and (2) claims on which application for patent has already been made and on which patent is subsequently issued: *Provided*, That, if the President shall so provide by Executive Order, the provisions of this section shall not become effective until thirty years after the effective date of this act.

(b) Under this section, no location will be recognized on and after a date 20 years after the date of the act or the expiration of any extension of such period by the President, unless prior to that date an application for a patent has been filed and no patent will issue for any such claim in the absence of evidence of full compliance with the law made prior to that date.

§ 185.99 *Appeals.* A party aggrieved by any official action taken pursuant to this part may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

APPENDIX A

Name of Claim
BLM Serial No.
Located in Sec. __, T. __, R.
County
State

REGIONAL MINING SUPERVISOR,
U. S. Geological Survey,
Billings, Montana.

Enclosed is check (draft or money order) payable to the United States Geological Survey for lignite mined or stripped under the above mining claim during the year ending

December 31, ____, in accordance with Public Law 357, 84th Congress.

Tons of lignite---------- ____
Payment at 10 cents per ton----- $____
Name----------
Address----------

NOTE: If section, township, and range are not known, claim should be described as shown in the certificate of location.

[F. R. Doc. 56-7812; Filed, Sept. 27, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO AMEND MARKETING QUOTA REGULATIONS FOR 1956 CROP OF PEANUTS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U. S. C. and Sup. 1301, 1358–1359, 1372–1375; 70 Stat. 205), the Secretary of Agriculture is preparing to formulate and issue an amendment to the Marketing Quota Regulations previously issued for the 1956 crop of peanuts (21 F. R. 3867, 6057). The amendment, as proposed, will change § 729.758 by revising the method of determining when peanut marketing quota penalties become due and incorporating a lien provision and reads as follows:

§ 729.758 *Payment of penalty.* (a) A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par. With respect to penalties which were due and unpaid on May 28, 1956, the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from such date until paid; with respect to other penalties the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from the date the penalty becomes due until the date of payment of such penalty. For purposes of this section such other penalties become due as follows:

(1) Within two calendar weeks following the week in which peanuts are marketed on an excess penalty card. If the buyer of such peanuts does not remit the penalty within this period interest shall begin to accrue on the Monday of the third calendar week following the week in which the peanuts were marketed;

(2) Two weeks from the date of written notice to the producer of the amount of any penalty owed by him including (i) penalties resulting from violation of a Form MQ-92 agreement, and (ii) penalties determined on the basis of normal yield (cases involving failure to account for disposition or false identification of peanuts).

(b) Until the amount of penalty due under this section is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest shall be in effect in favor of the United States.

Prior to issuance of the proposed amendment, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 24th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56-7836; Filed, Sept. 27, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 11824; FCC 56-900]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

RADIOTELEPHONE INSTALLATIONS ON BOARD CERTAIN VESSELS CARRYING MORE THAN SIX PASSENGERS FOR HIRE

In the matter of amendment of Part 8 of the Commission's rules for the purpose of implementing Title III, Part III of the Communications Act with regard to radiotelephone installations required to be installed on board certain United States vessels carrying more than six passengers for hire.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The rules proposed to be adopted are set forth below. This proposed amendment of Part 8 of the Commission's rules is for the purpose of implementing Public Law 985—84th Congress—which will become effective on March 1, 1957. For ready reference a copy of Public Law 985 is attached hereto as Appendix 1.[1]

3. Public Law 985 added a new Part III to Title III of the Communications Act, requiring essentially that United States vessels transporting more than six passengers for hire, when navigated in the open sea or on any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, be equipped, on and after March 1, 1957, with radiotelephone installations meeting Commission requirements. The new law does not apply to vessels compulsorily equipped with radio installations for the purpose of complying with Title III, Part II of the Communications Act.

4. The proposed rules call for 2 Mc radiotelephone installations similar to those already prescribed in Part 8 of the Commission's rules for cargo vessels of between 500 and 1600 gross tons subject to Title III, Part II of the Communications Act. However, they differ in several respects principally because of the following considerations:

(a) The size and construction of the vessels subject to the new part of the act will vary within wide limits from ships of substantial size to relatively small vessels. The size of the vessel will to some degree affect the practicability of providing and the need for certain equipment associated with a ship radiotelephone installation.

(b) The navigation of some of the vessels will be within relatively confined areas. In such instances VHF may adequately serve the safety needs of the vessels when a suitable VHF coast station watch is provided in the vicinity.

5. The most significant requirements of the proposed rules are as follows:

(a) An AM radiotelephone installation capable of at least 25 watts antenna power would be required under the usual circumstances. The equipment would be capable of operating on 2182 kc, 2638 kc, and a ship-shore working frequency or frequencies in the 2 Mc band necessary to provide communication with public coast station(s) in the area. Under special circumstances an FM VHF radiotelephone installation of at least 25 watts antenna power capable of operating on 156.8 Mc, 156.3 Mc and a ship-shore VHF frequency or frequencies necessary to provide communication with public coast station(s) in the area would be acceptable. The VHF equipment would be accepted in lieu of the AM equipment in the above-mentioned special circumstances provided the vessel is at all times not more than 20 nautical miles from a VHF public coast station having adequate hours of service and is at all times capable of communicating with such station.

(b) In the case of new vessels of more than 100 gross tons an independent emergency power supply would be required to be located in the upper part of the ship unless the main power supply is so located. The emergency source of energy would be required to have sufficient reserve capacity for 3 hours operation of the radiotelephone installation.

(c) In the case of vessels of more than 100 gross tons the required transmitter, receiver, and controls would have to be located in the upper part of the ship. A communication system between the principal operating location and the wheel house would be required in cases where the principal operating location is not in the wheel house. In new installations the principal operating location would be required to be in the wheel house.

(d) The operator and listening watch requirements would be similar to those now applicable to ocean-going cargo ships between 500 and 1600 gross tons compulsorily equipped with radiotelephone installations. At least one qualified operator, holding a Radiotelephone Third Class Operator Permit or higher class of operator license will have to be available on board the vessel while navigated, and a listening watch, essentially continuous, on the frequency 2182 kc or 156.8 mc as applicable, would be required to be maintained while the vessel is being navigated.

[1] Filed as part of the original document.

(e) The law specifically provides that the Commission shall make such inspections as may be necessary to insure compliance with the requirements. Accordingly, the rules would require that the radiotelephone installation be inspected by the Commission at least once during each 24-month period upon application by the shipowner, the ship operating agency, the station licensee, or the master of the vessel for a detailed inspection of the vessel's radiotelephone installation. Upon passing such an inspection, the vessel would be issued an appropriate radiotelephone certificate indicating that the vessel was found in compliance. After March 1, 1958 a valid certificate to this effect would be required to be posted in the vessel.

6. Section 383 of the amended Communications Act requires that "the Commission shall exempt from the provisions of this part (Part III) any vessel, or class of vessels, in the case of which the route or conditions of the voyage, or other conditions or circumstances, are such as to render a radio installation unreasonable, unnecessary, or ineffective, for the purposes of this act". The proposed rules provide for filing of applications for exemption on an appropriate form. It is expected that such application forms will be used primarily for requesting exemption of individual vessels. Since the law provides for exemption of classes of vessels as well as individual vessels, interested parties are invited to comment with regard to the classes of vessels that should be included in any general exemption that may be granted by the Commission under the provisions of section 383 of this act, together with reasons therefor.

7. The proposed amendments are issued under authority contained in sections 303 (n) and (r) of Part I and in Part III of Title III of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 22, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. The Commission will consider all such comments prior to taking final action in the matter.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: September 19, 1956.

Released: September 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.46 is amended by designating the existing text thereof as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) Pursuant to section 385 of the Communications Act [and in accordance with § 8.501 (b)], a ship of the United States which, by reason of the provisions of Part III of Title III of the Communications Act is required to be fitted with a radiotelephone installation for safety purposes shall, at least once in each 24-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radiotelephone installation. A formal application, FCC Form 812, "Application for Periodical Inspection (Title III, Part III of the Communications Act)", for such inspection and issuance of a Communications Act Safety Radiotelephony certificate shall be filed with the Commission's Engineer in Charge of the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. The application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster.

2. Section 8.49 (a), is amended to read as follows:

(a) In accordance with the provisions of section 352, subsection (b) or (c), or section 383 of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II or Part III of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

3. Section 8.152 is amended by the addition of a new paragraph (e) to read as follows:

(e) Each vessel of the United States transporting more than six passengers for hire, which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under Part 13 of this chapter.

4. Section 8.202 is amended by adding a new paragraph (d) to read as follows:

(d) Each vessel of the United States transporting more than six passengers for hire which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission shall, while being navigated in waters specified by section 381 of Part III of Title III, keep a continuous and efficient listening watch on the frequency 2182 kc for the reception of class A3 emission if fitted with equipment for operation in the 2000–3500 kc band for the purpose of meeting radiotelephone requirements of law, or on the frequency 156.8 Mc for the reception of class F3 emission if fitted with equipment for operation in the 152–162 Mc band for this purpose, whenever the radiotelephone installation is not being used to transmit on the listening channel as herein designated or to transmit or receive on any other channel authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who, if not the master, has been designated by the master to perform this listening watch. The master or the person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of this listening watch.

5. Section 8.501 is amended by redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) and inserting a new paragraph (b) as follows:

(b) In accordance with § 8.101 (a) and pursuant to section 385 of the Communications Act, every vessel of the United States subject to Part III of Title III of said Act shall have a periodical inspection by the Commission of the equipment and apparatus prescribed therein not less than once every 24 months. If after such inspection the Commission determines that all relevant provisions of Part III of Title III of the Communications Act, the rules of the Commission made pursuant thereto, and the station license, are complied with in an efficient manner, a Communications Act Safety Radiotelephony certificate will be issued. The issuance date of Communications Act Safety Radiotelephony certificates shall be the date the installation is found by the Commission to be in compliance, or not later than one business day following such in-compliance date. Such certificates shall be issued for a period of not more than 24 months.

6. Immediately following § 8.541 insert the following subtitle and sections:

RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART III OF TITLE III OF THE COMMUNICATIONS ACT

§ 8.543 *Radiotelephone installations.* A radiotelephone installation required to be provided on a vessel of the United States by reason of the provisions of Part III of Title III of the Communications Act, shall comply in an efficient manner with §§ 8.544, 8.545, 8.546, 8.547 and 8.548 in addition to all other applicable requirements of this part.

§ 8.544 *Certificates.* Each vessel of the United States to which Part III of Title III of the Communications Act is applicable shall, not later than March 1, 1958, have on board and posted in a prominent and accessible place in the vessel a valid Communications Act Safety Radiotelephony certificate as prescribed by § 8.501 (b).

§ 8.545 *General technical requirements.* (a) The components and assembly of each radiotelephone instal-

lation required by Title III, Part III of the Communications Act, shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity, and temperatures encountered on shipboard. In particular, the components named hereunder shall meet specific requirements as follows:

(1) *Medium frequency transmitter and receiver.* Except under special circumstances as set forth in subparagraph (2) of this paragraph, the radiotelephone installation shall meet the following requirements:

(i) It shall be capable of being used for the effective transmission and reception of class A3 emission on the international calling and distress frequency 2182 kc, the ship-to-ship working frequency 2638 kc, and at least one ship-shore working frequency within the band 1600–3500 kc enabling communication with a public coast station serving the region in which the ship is operated, during the entire time the vessel is navigated in waters specified by section 381 of Title III, Part III of the Communications Act.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 per cent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(iii) The radiotelephone transmitter shall have a power output of at least 25 watts, when no modulation is present. The transmitting apparatus shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting requirements of this section and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 25 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance; *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(2) *Very high frequency transmitting and receiving equipment.* If a vessel is within communication range of a public coast station operating in part or entirely on frequencies within the band 152–162 Mc which is in service and maintains an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc at all times while the vessel is navigated in waters specified by section 381 of Part III of Title III, and the vessel while so navigated is never more than 20 nautical miles from a 156.8 Mc receiving location of such station, such vessel may alternatively employ very high frequency transmitting and receiving equipment in lieu of the medium frequency equipment specified in subparagraph (1) of this paragraph. Such alternative equipment shall meet the following requirements:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc, 156.8 Mc, and on the frequency or frequencies in the 152–162 Mc band necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits. The frequency deviation with 100 percent modulation applied shall not exceed 15 kc.

(iii) The radiotelephone transmitter shall have a power output of at least 25 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 25 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 Mc, 156.3 Mc, and either of the frequencies 157.3 Mc or 157.4 Mc. *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(3) *Power supply.* (i) There shall be readily available for use at all times under normal load conditions while the vessel is navigated in waters specified by section 381 of Part III of Title III and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power, and the required receiver. At all times hereinabove specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels the construction of which is completed on or after March 1, 1958, nor more than 15 percent on vessels completed before that date. In the case of a vessel of more than 100 gross tons, the keel of which was laid after March 1, 1957, an emergency source of energy independent of the vessel's normal electrical system shall be provided and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case an emergency source of energy is not required. The emergency source of energy, when required, shall be located as near to the radiotelephone transmitter and receiver as is practicable. A source of energy shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck.

(ii) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 3-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph, or by such other means as may be deemed necessary.

(iii) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 3-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph.

(iv) The electrical load to be supplied by a main or an emergency source of energy under the provisions of subdivision (ii) or (iii) of this subparagraph shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to 1½ hours.

(v) At the conclusion of the test specified in subdivisions (ii) and (iii) of this paragraph, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(vi) Means shall be provided on board the vessel for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(vii) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(viii) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short circuits which could damage any component thereof.

(ix) Use of the emergency source of energy, when such emergency source is required by subdivision (i) of this subparagraph, shall be available within one minute after any need arises for its use.

(4) *Radiating system.* In each radiotelephone installation an antenna shall be provided in accordance with the applicable requirements of § 8.107 which is as nondirectional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(5) *Electric light.* Unless the vessel is navigated during daylight hours only, a reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

(6) *Loudspeaker.* One or more loudspeakers capable of effective operation at all speech frequencies from 300 to 2500 cycles per second shall be provided so as to permit telephone reception at the principal operating location and at any other location where listening required by § 8.202 (d) is performed.

(7) *Antenna radio frequency indicator.* Transmitters installed after June 1, 1958, and all transmitters after June 1, 1960 regardless of installation date, shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio frequency power to the antenna, either directly or through the medium of a transmission line.

(8) *Protective devices.* The radiotelephone installation shall be adequately protected by suitable devices, such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to the components thereof.

(9) *Nameplate.* A durable nameplate shall be mounted on the radiotelephone transmitting and receiving equipment or shall be made an integral part thereof. When the transmitter and receiver comprise a single unit, one nameplate shall be sufficient. The nameplate shall show at least the following:

(i) The name of the manufacturer;

(ii) The type or model number.

§ 8.546 *Sensitivity of receiving equipment.* Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity on any required reception frequency of at least 50 microvolts in the case of medium frequency equipment and 1 microvolt in the case of very-high-frequency equipment. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis (c) shall be furnished upon request of a Commission representative.

§ 8.547 *Location of radiotelephone installation.* (a) The requirements set out in this section apply only to vessels of more than 100 gross tons.

(b) The radiotelephone transmitter, receiver, and all controls necessary for their proper use and operation, shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. If the principal operating location is not in the room from which the vessel is normally steered or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signalling system shall be provided between such room and the principal operating location. In the case of radiotelephone installations fitted on board a vessel after March 1, 1957, the principal operating location shall be in the room from which the vessel is normally steered.

§ 8.548 *Control of radiotelephone installations.* (a) The provisions of paragraph (b) of this section apply only to vessels of more than 100 gross tons. The provisions of paragraph (c) of this section apply to all vessels subject to Title III, Part III of the Communications Act, regardless of tonnage.

(b) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(1) Except as provided in subparagraph (2) of this paragraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive, and independent of action by any person who is not at the principal operating location.

(2) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby is reliable, effective immediately, available at all times, and is usable independently of any other interior communication circuit; *Provided*, That in the case of radiotelephone installations first placed in service on or after March 1, 1957, the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(c) The radiotelephone installation shall be so designed that, when a qualified operator is present at the principal operating location, switching between required frequencies from such location may be performed within a period of five seconds and changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds under circumstances which do not require a change in operating radio channel at the same time. The receiver shall be capable of accurate and convenient selection of the required frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies. This shall not preclude the use of a separate manually tunable receiver if provided for maintaining the required watch.

§ 8.549 *Test of the radio telephone installation.* Unless the normal use of the radiotelephone installation required by Title III, Part III of the Communications Act demonstrates that the equipment is in proper operating condition for an emergency, a test communication for the purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

[F. R. Doc. 56-7815; Filed, Sept. 27, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 4]

CHIEF, BRANCH OF PROPERTY AND SUPPLY

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS.

Order 566 (19 F. R. 3971), as amended (20 F. R. 2092, 5703; 21 F. R. 2290) is further amended by designating the present text of sec. 1 as paragraph (a) and adding paragraph (b) to read as follows:

(b) The Chief, Branch of Property and Supply is authorized to enter into contracts for supplies, equipment and services, irrespective of the amount involved, and perform the duties of Contracting Officer in regard to such contracts.

W. BARTON GREENWOOD,
Acting Commissioner.

SEPTEMBER, 24, 1956.

[F. R. Doc. 56-7810; Filed Sept. 27, 1956; 8:45 a. m.]

Bureau of Land Management

[W-043373]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 043373, for the withdrawal of the lands described below, from all forms of appropriation under the United States mining laws, but not the mineral leasing laws.

The applicant desires the land for recreational areas and administrative sites.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

KELLY ADMINISTRATIVE SITE

T. 26 N., R. 117½ W.,
Sec. 1, lot 4;
Sec. 12, lot 1.
T. 26 N., R. 118 W.
Sec. 1, NW¼SE¼, SE¼NE¼.

ELK CREEK RANGER STATION ADMINISTRATIVE SITE

T. 26 N., R. 117 W.,
Sec. 16, E½SW¼NE¼, W½SE¼NE¼.

DEADLINE RIDGE ADMINISTRATIVE SITE

T. 28 N., R. 115 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 5, SE¼SE¼SE¼;
Sec. 8, NE¼NE¼NE¼.
Sec. 9, NW¼NW¼NW¼.

LABARGE SCALER CABIN ADMINISTRATIVE SITE

T. 28 N., R. 116 W.,
Sec. 10, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 11, SW¼SW¼NW¼,
NW¼NW¼SW¼.

SNIDER BASIN ADMINISTRATIVE SITE

T. 29 N., R. 115 W.,
Sec. 15, SW¼.

LABARGE MEADOWS ADMINISTRATIVE SITE

T. 29 N., R. 116 W.,
Sec. 7, lot 1, N½NE¼.

SMITH FORK ADMINISTRATIVE SITE

T. 29 N., R. 118 W. (unsurveyed),
Sec. 24, S½SE¼, S½SE¼SW¼.

SWEETWATER ADMINISTRATIVE SITE

T. 30 N., R. 102 W.,
Sec. 18, SW¼SE¼.

MIDDLE PINEY PASTURE ADMINISTRATIVE SITE

T. 30 N., R. 115 W.,
Sec. 3, E½SW¼NW¼, W½SE¼NW¼.

CORRAL CREEK, GREYS RIVER ADMINISTRATIVE SITE

T. 31 N., R. 116 W.,
Sec. 16, W½NW¼.

SOUTH FORK ADMINISTRATIVE SITE

T. 33 N., R. 105 W. (unsurveyed),
Sec. 15, NW¼.

BOULDER LAKE ADMINISTRATIVE SITE

T. 33 N., R. 107 W. (unsurveyed),
Sec. 3, SW¼SW¼, S½NW¼SW¼;
Sec. 10, N½NW¼NW¼.

FREMONT LAKE ADMINISTRATIVE SITE

T. 34 N., R. 109 W.,
Sec. 23, lot 2, NW¼SW¼, S½SW¼.

SHERMAN ADMINISTRATIVE SITE

T. 34 N., R. 113 W.,
Sec. 6, lot 5, SE¼NW¼.
T. 34 N., R. 114 W.,
Sec. 1, lot 1, SE¼NE¼.

PROSPECT LOOKOUT ADMINISTRATIVE SITE

T. 34 N., R. 114 W.,
Sec. 19, W½SW¼NE¼, E½SE¼NW¼.

MEADOWS ADMINISTRATIVE SITE

T. 34 N., R. 116 W.,
Sec. 20, lots 4, 5, W½W½SE¼, E½SW¼,
SE¼NW¼SW¼.

ELKHEART PARK ADMINISTRATIVE SITE

T. 35 N., R. 108 W.,
Sec. 16, E½NW¼, E½NW¼NW¼, E½
SW¼NW¼.

WILLOW CREEK ADMINSTRATIVE SITE

T. 36 N., R. 109 W.,
Sec. 19, SE¼SE¼, E½NE¼SE¼, SW¼
NE¼SE¼;
Sec. 30, N½NE¼NE¼.

DEER CREEK ADMINISTRATIVE SITE

T. 36 N., R. 117 W.,
Sec. 29, S½SW¼SW¼;
Sec. 32, W½NE¼NW¼, NW¼NW¼.

BOULDER CREEK ADMINISTRATIVE SITE

T. 37 N., R. 109 W.,
Sec. 19, SW¼NE¼, SW¼SE¼NE¼.

GREYS RIVER FORK ADMINISTRATIVE SITE

T. 37 N., R. 117 W.,
Sec. 27, NW¼SW¼.

ELK CREEK RECREATION AREA

T. 26 N., R. 117 W.,
Sec. 16, NE¼NW¼, E½NW¼NW¼.

LAKE ALICE RECREATION AREA

T. 28 N., R. 117 W.,
Sec. 20, lots 9, 10, 11, 12.

UPPER LAKE ALICE RECREATION AREA

T. 28 N., R. 117 W.,
Sec. 9, lots 8, 9, S½N½NW¼.

SPRING LAKE CREEK RECREATION AREA

T. 28 N., R. 117½ W.,
Sec. 24, SE¼SW¼NE¼, SW¼SE¼NE¼,
NE¼NW¼SE¼, NW¼NE¼SE¼.

ALLRED FLAT RECREATION AREA

T. 29 N., R. 119 W.,
Sec. 23, W½NE¼.

LARSON PARK RECREATION AREA

T. 30 N., R. 103 W.,
Sec. 12, NE¼NE¼NW¼.

MIDDLE PINEY LAKE RECREATION AREA

T. 30 N., R. 115 W.,
Sec. 8, lots 1, 2, 3.

SACAJAWEA RECREATION AREA

T. 30 N., R. 115 W.,
Sec. 4, SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼NE¼.

MUD LAKE RECREATION AREA

T. 31 N., R. 104 W.,
Sec. 8, N½N½.

COTTONWOOD LAKE RECREATION AREA

T. 31 N., R. 117 W.,
Sec. 30, SW¼.

SWIFT CREEK RECREATION AREA

T. 32 N., R. 118 W. (unsurveyed),
Sec. 29, SE¼, NE¼SE¼SW¼.

BOUSMAN RECREATION AREA

T. 33 N., R. 107 W. (unsurveyed),
Sec. 3, SW¼SW¼NE¼, SE¼SE¼NW¼, the unpatented portions of NW¼SE¼, E½SW¼.

FOREST PARK RECREATION AREA

T. 33 N., R. 116 W.,
Sec. 16, W½SE¼;
Sec. 21, W½NE¼.

GROVER PARK RECREATION AREA

T. 33 N., R. 118 W.,
Sec. 26, SW¼SW¼;
Sec. 27, E½SE¼SE¼.

CAMP WILDERNESS RECREATION AREA

T. 35 N., R. 108 W. (unsurveyed),
Sec. 7, SE¼.

MOOSE FLAT RECREATION AREA

T. 35 N., R. 117 W.,
Sec. 35, E½NW¼SW¼, NE¼SW¼SW¼,
N½SE¼SW¼, NE¼SW¼.

SURVEYOR PARK RECREATION AREA

T. 35 N., R. 108 W.,
Sec. 20, N½SE¼, W½SW¼SE¼, S½S½
NE¼, unsurveyed NE¼NE¼SW¼;
Sec. 21, SW¼NW¼SW¼, S½SW¼;

Sec. 28, W½SW¼NW¼, NW¼NW¼SW¼, N½NW¼;
Sec. 29, N½NE¼SE¼, S½NE¼NE¼, SE¼NE¼, NE¼NW¼NE¼.

STUMP LAKE RECREATION AREA

T. 36 N., R. 117 W.,
Sec. 32, SW¼NE¼, SE¼NW¼.

MURPHY CREEK RECREATION AREA

T. 36 N., R. 117 W.,
Sec. 30, E½E½SE¼.

GREYS RIVER BRIDGE RECREATION AREA

T. 37 N., R. 118 W. (unsurveyed),
Sec. 34, SW¼SE¼.

FORKS OF GREYS RIVER RECREATION AREA

T. 37 N., R. 117 W. (unsurveyed),
Sec. 28, NE¼SE¼.

KENDALL WARM SPRINGS RECREATION AREA

T. 38 N., R. 110 W.,
Sec. 2, E½E½SW¼SW¼, SE¼SW¼, SW¼SE¼, W½SE¼SE¼, S½NE¼SW¼, S½NW¼SE¼, SW¼NE¼SE¼.

GREEN RIVER LAKES RECREATION AREA

T. 39 N., R. 108 W.,
Sec. 29, S½SW¼ (unsurveyed);
Sec. 30, lots 6, 7, 8, 9, SW¼SE¼;
Sec. 31, lots 1, 2, 3, 4, 5, NW¼SE¼, E½NW¼SE¼, E½SE¼SE¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-7775; Filed, Sept. 27, 1956; 8:45 a. m.]

[Classification Order 489]

CALIFORNIA

SMALL TRACT CLASSIFICATION

SEPTEMBER 17, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, for lease and sale for residence purposes only, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tracts of public land in San Bernardino County described below:

SAN BERNARDINO BASE AND MERIDIAN

T. 1 S., R. 11 E., S. B. M.,
Sec. 2, N½NW¼;
Sec. 3, N½N½;
Sec. 4, N½N½;
Sec. 5, N½N½;
Sec. 6, N½N½.
T. 1 S., R. 12 E., S. B. M.,
Sec. 5, N½N½;
Sec. 6, SE¼NW¼, N½N½.
T. 1 N., R. 12 E., S. B. M.,
Sec. 3, SW¼;
Sec. 4, E½NE¼, E½W¼NE¼, SW¼SW¼ NE¼, SE¼;
Sec. 9, E½, E½SW¼, SW¼SW¼.
Sec. 10, W½NW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼, N½SW¼;
Sec. 17, S½S½, NE¼SE¼;
Sec. 18, S½SW¼, SW¼SE¼;
Sec. 19, N½NW¼, NW¼NE¼;
Sec. 20, N½NE¼, NE¼NW¼;
Sec. 31, S½S½.

The lands comprise 594 small tracts and contain a total of 2,970 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The lands in T. 1 S., R's 11 and 12 E. are accessible from Twentynine Palms via asphalt-paved road to within 6 miles. The road then continues in an easterly direction as a graded unsurfaced road. The distance from Twentynine Palms is 9 miles to the near point and 17 miles to the eastern boundary.

The lands in T. 1 N., R. 12 E., are accessible from Twentynine Palms via the Amboy road, which passes along the south line of Sections 17 and 18. It then curves north through Section 16. This township is approximately 15 miles due east of Twentynine Palms, California. An unimproved road crosses the top of Sections 16, 17 and 18 and joins the Amboy Highway. An unimproved road crosses Sections 3 and 10 in a southeasterly direction to the Dale Chemical Company.

The lands involved are level to moderately sloping. The elevation ranges from 1,200 to 1,600 feet above sea level.

The vegetation consists of a creosote bush aspect with an understory of galleta grass, bur-sage, smoke trees, cacti, annual grasses and forbs.

No fresh water wells have been drilled in the vicinity of the area examined. The annual precipitation is 5'' or less per annum.

4. The lands will be leased and sold in rectangular tracts of 5 acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way and to rights-of-way for public roads and utilities as described below. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located or by any agency thereof. The tracts having highway frontage are subject to a setback of 75 feet from the center line of said highway in accord with County Regulations.

T. 1 S., R. 11 E., S. B. M.,
Sec. 2, 33 feet along the interior boundary of the west line of the N½NW¼; 16½ feet along the south line of the N½NW¼.
Sec. 3, 33 feet along the interior boundary of the east line of the NE¼NE¼ and the west line of the NW¼NW¼; 16½ feet along the south line of the N½N½.
Sec. 4, 33 feet along the interior boundary of the east line of the NE¼NE¼ and the west line of the NW¼NW¼; 16½ feet along the south line of the N½N½.
Sec. 5, 33 feet along the interior boundary of the east line of the NE¼NE¼ and the west line of the NW¼NW¼; 16½ feet along the south line of the N½N½.
Sec. 6, 33 feet along the interior boundary of the east line of the NE¼NE¼ and the west line of the NW¼NW¼; 16½ feet along the south line of the N½N½.
T. 1 S., R. 12 E., S. B. M.,
Sec. 5, 33 feet along the interior boundary of the east line of the NE¼NE¼ and the west line of the NW¼NW¼; 16½ feet along the south line of the N½N½.
T. 1 N., R. 12 E., S. B. M.,
Sec. 3, 33 feet along the interior boundary of the west and south lines of the SW¼; 16½ feet along the east line of the W½SW¼, the west line of the E½SW¼, and the east and north lines of the SW¼.
Sec. 4, 33 feet along the interior boundary of the east line of the section, the north line of the NE¼NE¼, the north line of the NE¼NW¼NE¼, and the south line of the SE¼; 16½ feet along the west line of the E½E½, the east line of the W½E½, and the west line of the SE¼.
Sec. 9, 33 feet along the interior boundary of the east and south lines of the section and the north line of the NE¼; 16½ feet along the west line of the E½E½, the east line of the W½E½, the west line of the SE¼, the east line of the SW¼, the west line of the E½SW¼, the east line of the SW¼SW¼, and the west line of the NE¼.
Sec. 10, 33 feet along the interior boundary of the west line of the NW¼, the north line of the NW¼NW¼, and the west line of the NW¼SW¼; 16½ feet along the south line of the NW¼NW¼, the north line of the S½NW¼, the south line of the NW¼, the north line of the SW¼, the south line of the N½SW¼, the north and south lines of the SW¼NE¼, and the north and south lines of the NW¼SE¼.
Sec. 17, 33 feet along the interior boundary of the east and south lines of the SE¼ and the west line of the SW¼SW¼; 16½ feet along the north line of the S½SW¼, the north line of the S½SE¼, and the north line of NE¼SE¼.
Sec. 18, 33 feet along the interior boundary of the west line of SW¼SW¼; 16½ feet along the north lines of the S½SW¼ and SW¼SE¼, the east line of the SE¼SW¼, and the west line of the SW¼SE¼.
Sec. 19, 33 feet along the interior boundary of the west line of NW¼NW¼; 16½ feet along the south line of the N½NW¼, the south line of the NW¼NE¼, the east line of the NE¼NW¼, and the west line of the NW¼NE¼.
Sec. 20, 33 feet along the interior boundary of the east line of the NE¼NE¼; 16½ feet along the south line of the N½NE¼, the south line of the NE¼NW¼, the east line of the NE¼NW¼, and the west line of the NW¼NE¼.
Sec. 31, 33 feet along the interior boundary of the west line of the SW¼SW¼ and the east line of the SE¼SE¼; 16½ feet along the north lines of S½SW¼ and S½SE¼, the east line of the SE¼SW¼, and the west line of the SW¼SE¼.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the tracts is $200. The advance rental is $30. Therefore, before leases can be issued, an additional payment for advance rental in the amount of $15 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sani-

tation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, cement slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file with the Manager, Land Office, 5th floor, Bartlett Building, 215 West 7th Street, Los Angeles, California, application form 4–776 in duplicate, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The application must be accompanied by a filing fee of $10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now open to filing of drawing-entry cards (form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who have served in the armed forces of the United States for a period of at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty. Drawing-entry cards (form 4–775) are available, upon request, from the Manager, Land Office, 5th floor, Bartlett Building, 215 W. 7th Street, Los Angeles 14, California.

Drawing entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., January 22, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the application for lease forms (form 4–776) with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to 10:00 a. m., September 17, 1956, will be granted the preference right provided for by 43 CFR 257.5 (a) if the preference-right applicants conform to the provisions of this order.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group, Los Angeles.

[F. R. Doc. 56–7776; Filed, Sept. 27, 1956; 8:45 a. m.]

Bureau of Reclamation

MILK RIVER PROJECT, MONTANA

ORDER OF REVOCATION

SEPTEMBER 6, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, (19 F. R. 5004), I hereby revoke Departmental Order of September 28, 1916, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 21 E.,
Sec. 30, SW¼NE¼, SE¼NW¼, NE¼SW¼.

The above area aggregates 120 acres.

E. G. NIELSEN,
Assistant Commissioner.

[642871]

SEPTEMBER 24, 1956.

I concur. The lands will be disposed of by the Bureau of Reclamation under the provisions of the act of March 31, 1950 (64 Stat. 39; 43 U. S. C. 375b).

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56–7813; Filed, Sept. 27, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

IDAHO

DESIGNATION OF LANDS ACQUIRED BY THE UNITED STATES IN CERTAIN AREAS TO BE ADMINISTERED AS PARTS OF SPECIFIC NATIONAL FORESTS

Whereas, lands situate within the State of Idaho have been or may hereafter be acquired by the United States under authority of the act of March 1, 1911 (36 Stat. 961), as amended and supplemented by the acts of June 7, 1924 (43 Stat. 653), and March 3, 1925 (43 Stat. 1215), and

Whereas, pursuant to the provisions of section 11 of the act of March 1, 1911, the Secretary of Agriculture may, from time to time, divide the lands acquired under the aforementioned acts into such specific national forests and so designate the same as he may deem best for administrative purposes, and

Whereas, lands acquired under the aforesaid acts within the hereinafter described areas are so situated that the public interest and economy will be served best by having them administered as parts of the Coeur d'Alene, Clearwater, Kaniksu and St. Joe National Forests, respectively;

Now, therefore, I, E. L. Peterson, Assistant Secretary of Agriculture, by virtue of the authority vested in me by section 11 of the act of March 1, 1911, do hereby order that lands heretofore or hereafter acquired under the above-mentioned acts, which are situated within the areas described in the attachments hereto, be administered as parts of the indicated national forests.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 13th day of September 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

T. 38 N., R. 2 E.,
Sec. 25, Lots 6, 7, 8, E½SW¼, SE¼;
Sec. 29, S½S½;
Sec. 30, Lots 5, 8, E½SW¼, SW¼SE¼.
T. 35 N., R. 3 E.,
Sec. 25, N½SW¼, SE¼SW¼, and that part of SW¼SW¼ in Clearwater County.
T. 36 N., R. 3 E.,
Sec. 26, S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 33, N½NE¼;
Sec. 34, NE¼, N½NW¼, E½SE¼;
Sec. 35, NW¼NW¼, SW¼SW¼.
T. 38 N., R. 3 E.,
Sec. 13, NE¼SE¼, S½SE¼;
Sec. 23, NW¼NE¼, NE¼NW¼;
Sec. 24, NE¼NE¼;
Sec. 26, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 30, Lots 9, 10, E½SW¼;
Sec. 34, N½;
Sec. 35, W½W½, W½E½.
T. 34 N., R. 4 E.,
Sec. 13, NW¼NE¼, N½NW¼, SE¼NW¼, and that part of N½S½ in Clearwater County;
Sec. 14, That part of N½SE¼ in Clearwater County.
T. 35 N., R. 4 E.,
Sec. 4, Lots 3, 4, S½NW¼, N½SW¼.
T. 36 N., R. 4 E.,
Sec. 33, SE¼SW¼.
T. 37 N., R. 4 E.,
Sec. 25, SW¼, W½SE¼;
Sec. 26, SE¼SE¼;
Sec. 35, NE¼NE¼.
T. 38 N., R. 4 E.,
Sec. 2, W½SW¼;
Sec. 3, E½E½;
Sec. 17, S½S½;
Sec. 18, the E ¾ of Lot 3, Lot 4, SE¼SW¼;
Sec. 19, Lots 1, 2, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 20, N½NE¼;
Sec. 21, NW¼NW¼, N½SE¼, SW¼SE¼;
Sec. 24, N½N½;
Sec. 28, NW¼NE¼;
Sec. 29, NE¼;
Sec. 30, SE¼SE¼;
Sec. 31, Lots 1, 2, NE¼NE¼, E½NW¼;
Sec. 33, NW¼.
T. 39 N., R. 4 E.,
Sec. 18, Lots 7, 8, 12, SW¼SE¼;
Sec. 19, SE¼NE¼, NE¼SE¼;
Sec. 20, NE¼, N½NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 21, NE¼, NE¼NW¼, S½NW¼, S½SW¼, N½SE¼, SE¼SE¼;
Sec. 28, NE¼NE¼, NW¼NW¼, S½NW¼, NW¼SW¼;
Sec. 29, N½NE¼, E½SW¼NE¼, SE¼NE¼, NE¼NW¼, W½SE¼NW¼, W½NE¼SW¼, S½SW¼, NE¼SE¼, E½NW¼SE¼, S½SE¼;
Sec. 30, Lots 1, 2, 6, 11;
Sec. 32, N½;
Sec. 33, S½N½.
T. 40 N., R. 4 E.,
Sec. 33, E½SW¼, S½SE¼;
Sec. 35, E½NW¼, NE¼SW¼.
T. 34 N., R. 5 E.,
Sec. 3, Lots 1, 2;
Sec. 13, N½SE¼, and that part of S½SE¼ in Clearwater County;
Sec. 18, That part of SE¼ in Clearwater County;
Sec. 21, That part of NE¼SE¼ in Clearwater County;
Sec. 22, NW¼ and that part of N½SW¼ in Clearwater County;
Sec. 24, That part of W½SE¼ in Clearwater County.
T. 35 N., R. 5 E.,
Sec. 34, SW¼SE¼.
T. 37 N., R. 5 E.,
Sec. 2, SW¼, W½SE¼;
Sec. 3, Lot 2, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, E½SE¼;
Sec. 10, E½NE¼, NW¼SE¼;
Sec. 11, NW¼;
Sec. 14, S½;
Sec. 15, SE¼NW¼, NE¼SE¼, S½SE¼;
Sec. 22, S½SE¼;
Sec. 27, NE¼, NW¼NW¼, E½SW¼, SE¼;
Sec. 28, E½NE¼NE¼, W½W½NE¼, E½NW¼;
Sec. 34, N½N½, SW¼NE¼.
T. 38 N., R. 5 E.,
Sec. 32, N½S½, SE¼SE¼.
T. 39 N., R. 5 E.,
Secs. 1 and 2;
Sec. 5, Lot 4;
Sec. 6, Lot 1;
Secs. 11 to 15, inclusive;
Secs. 22 to 27, inclusive;
Sec. 33, E½;
Secs. 34, 35 and 36.
T. 40 N., R. 5 E.,
Sec. 1;
Sec. 15, NW¼NE¼, S½NE¼, N½NW¼;
Sec. 19, NE¼NE¼;
Secs. 25 and 26;
Sec. 29, NE¼NE¼;
Sec. 31, SW¼SE¼;
Secs. 35 and 36.
T. 37 N. R. 6 E.,
Sec. 17, NW¼NE¼;
Sec. 23, E½NE¼, SE¼SW¼, N½SE¼;
Sec. 28, N½NE¼.
T. 39 N., R 6 E.
T. 40 N., R 6 E.

COEUR D'ALENE NATIONAL FOREST

T. 47 N., R. 1 E.,
Sec. 6, N½SW¼;
Secs. 21 to 25, inclusive;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½N½.
T. 48 N., R. 1 E.,
Sec. 3, W½SW¼;
Sec. 6, S½;
Sec. 7, NE¼;
Sec. 21, SW¼, E½SE¼;
Sec. 22, SW¼NW¼, W½SW¼;
Sec. 27, W½W½;
Sec. 28, E½E½, W½NE¼, E½NW¼;
Sec. 29, N½NW¼;
Sec. 30, N½N½, SW¼NW¼, NW¼SW¼;
Sec. 31, W½W½;
Sec. 32, W½E½, E½W½;
Sec. 33, S½NE¼, NW¼NW¼, S½NW¼, SW¼;
Sec. 34, W½NW¼.
T. 49 N., R. 1 E.,
Sec. 22, S½.
T. 47 N., R. 2 E.,
Secs. 19, 20, 21 and 30.
T. 47 N., R. 4 E.,
Sec. 2, Lots 1, 2, S½NE¼.
T. 47 N., R. 1 W.,
Sec. 2, N½SW¼;
Sec. 3, S½;
Sec. 5, W½W½;
Sec. 6;
Sec. 7, NW¼;
Sec. 10, N½;
Sec. 18, SW¼NW¼.
T. 48 N., R. 1 W.,
Sec. 4, Lots 3, 4, 5, 14, SW¼NW¼, SE¼SE¼;
Sec. 5, Lots 1, 8, SE¼NE¼;
Sec. 8, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 9, E½NE¼, SW¼NE¼, W½SE¼;
Sec. 11, NE¼SE¼;

Sec. 19, SW¼NW¼, S½;
Sec. 27, SE¼SW¼, SW¼SE¼;
Sec. 29, SW¼NE¼, S½NW¼, N½S½;
Sec. 30, SE¼NE¼, N½NW¼.
T. 49 N., R. 1 W.,
Sec. 28, W½NE¼, NW¼SE¼;
Sec. 31, NE¼NE¼, S½NE¼, E½SW¼, W½SE¼;
Sec. 32, SE¼SE¼;
Sec. 33, Lot 9.
T. 47 N., R. 2 W.,
Sec. 2, W½, SE¼;
Sec. 10, N½;
Sec. 11, NE¼;
Sec. 12, W½, NW¼SE¼;
Sec. 13, NE¼;
Sec. 14, SE¼SE¼.
T. 48 N., R. 2 W.,
Sec. 11, N½NE¼;
Sec. 14, Lots 4, 5, 6;
Sec. 15, Lot 3, N½SE¼, SE¼SE¼;
Sec. 19, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 22, Lots 6, 7;
Sec. 24, S½NE¼, NE¼SE¼;
Sec. 27, Lots 1, 4;
Sec. 28, Lots 9, 10, SE¼NE¼, NE¼SE¼;
Sec. 30, NW¼NE¼.
T. 48 N., R. 3 W.,
Sec. 5, Lot 1, north 27 acres of Lot 2;
Sec. 20, Lots 2, 3, 4, NE¼SW¼, SW¼SE¼;
Sec. 26, SE¼SW¼, SW¼SE¼;
Sec. 28, E½SW¼, N½SE¼;
Sec. 35, Lots 1, 2, 3, NE¼NW¼.
T. 49 N., R. 3 W.,
Sec. 9, Lot 7, NE¼SW¼;
Sec. 15, SW¼NE¼;
Sec. 33, SW¼SW¼.
T. 52 N., R. 3 W.,
Sec. 10, E½2NW¼, SE¼.
T. 48 N., R. 4 W.,
Sec. 13, SW¼SW¼, SE¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼, SW¼NE¼;
Sec. 25, SW¼NW¼;
Sec. 27, Lot 1, W½NW¼.
T. 53 N., R. 4 W.,
Sec. 4, E½;
Sec. 10, NW¼, SE¼;
Sec. 20, NE¼NE¼, S½NE¼, NW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 27, N½.
T. 51 N., R. 5 W.,
Sec. 17, N½NE¼SW¼, SE¼NE¼SW¼, E½SW¼SW¼, SE¼SE¼SW¼.
T. 52 N., R. 5 W.,
Sec. 1, N½SE¼, SE¼SE¼;
Sec. 11, Lot 3, north 660 feet of the east 198 feet of Lot 4;
Sec. 18, E½SW¼;
Sec. 22, N½NE¼, SE¼NE¼;
Sec. 24, W½SE¼;
Sec. 25, NW¼SW¼.
T. 53 N., R. 5 W.,
Sec. 1, W½ Lot 4, SW¼NW¼, S½SW¼;
Sec. 2, Lots 1, 2, SE¼NE¼, E½SW¼;
Sec. 5, S½SW¼;
Sec. 6, Lot 7, E½SW¼;
Sec. 7, NE¼SE¼;
Sec. 8, N½NW¼, SW¼NW¼;
Sec. 9, NE¼, N½NW¼;
Sec. 10, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 21, SE¼SW¼, SW¼SE¼;
Sec. 22, SW¼NW¼, NW¼SW¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼;
Sec. 30, Lots 3, 4.
T. 53 N., R. 6 W.,
Sec. 12, NW¼NE¼, S½NE¼.

KANIKSU NATIONAL FOREST

T. 56 N., R. 1 E.,
Sec. 6, Lot 3, tax numbers 2 and 4, E½NW¼SW¼;
Sec. 11, E½ Lot 1;
Sec. 12, Lot 1.
T. 57 N., R. 1 E.,
Sec. 17, NE¼NE¼;
Sec. 26, SE¼NE¼, NE¼SE¼, S½SE¼.
T. 58 N., R. 1 E.,
Sec. 2, Lots 3, 4, S½NW¼;
Sec. 4, Lot 1;
Sec. 14, SE¼SW¼;
Sec. 20, E½W½;
Sec. 24, SW¼NE¼, W½, N½SE¼, SW¼SE¼.
T. 59 N., R. 1 E.,
Secs. 20 to 24 inclusive;
Secs. 26, 28 and 30.
T. 60 N., R. 1 E.,
Secs. 7, 8 and 18.
T. 62 N., R. 1 E.,
Sec. 4, Lot 4, SW¼NW¼;
Sec. 9, N½NW¼, SE¼NW¼.
T. 55 N., R. 2 E.,
Sec. 11, Lot 5.
T. 56 N., R. 2 E.,
Sec. 17, N½NE¼.
T. 59 N., R. 2 E.,
Sec. 17, S½;
Sec. 18, All
Sec. 20, All.
T. 62 N., R. 2 E.,
Sec. 8, W½NW¼;
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 18, SW¼SE¼;
Sec. 22, Lot 9, SW¼SW¼.
T. 55 N., R. 3 E.,
Sec. 4, SW¼NW¼, E½SW¼;
Sec. 5, S½NE¼, SE¼NW¼;
Sec. 8, SE¼;
Sec. 16, SE¼;
Sec. 20, W½NE¼, NW¼, N½SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, Lots 1, 2.
T. 61 N., R. 3 E.,
Sec. 5, Lots 1, 5;
Sec. 9, Lots 1, 4, 5, N½NE¼, SE¼NE¼;
Sec. 22, Lot 1.
T. 62 N., R. 3 E.,
Sec. 9, SW¼SE¼;
Sec. 10, NW¼NE¼, NE¼NW¼;
Sec. 31, Lots 5, 6, 7, 8, S½;
Sec. 34, Lots 1, 2.
T. 56 N., R. 1 W.,
Secs. 5 to 8 inclusive.
T. 57 N., R. 1 W.,
Secs. 30, 31, 32 and 34.
T. 59 N., R. 1 W.,
Secs. 1, 2, 5, 6, 7, and 12;
Sec. 14, N½NE¼;
Sec. 26.
T. 60 N., R. 1 W.,
Secs. 12, 13, 14, 15, 17, 18, 20 and 22;
Sec. 28, SW¼SW¼, S½SE¼;
Sec. 28, S½NW¼;
Secs. 31 and 32.
T. 61 N., R. 1 W.,
Sec. 11, S½;
Sec. 24, NW¼NW¼, NW¼SW¼;
Sec. 25, NE¼;
Sec. 26, SW¼NW¼, N½SW¼;
Sec. 35, NE¼SW¼.
T. 62 N., R. 1 W.,
Sec. 23, NE¼NW¼, S½W½NW¼, NW¼SW¼.
T. 64 N., R. 1 W.,
Sec. 8, SE¼NE¼, NE¼SE¼;
Sec. 9, SW¼.
T. 54 N., R. 2 W.,
Sec. 6, Lots 1, 2, S½NE¼;
Sec. 8, NW¼, S½;
Sec. 18, NE¼;
Sec. 30, Lots 3, 4, W½SW¼.
T. 55 N., R. 2 W.,
Sec. 9, Lots 3, 4, S½NW¼, SW¼;
Sec. 30, SW¼NE¼.
T. 56 N., R. 2 W.,
Sec. 12, E½NE¼;
Sec. 29, N½NW¼.
T. 57 N., R. 2 W.,
Sec. 4, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 5, SW¼;
Sec. 18, Lots 3, 4, E½SW¼;
Sec. 19, Lots 3, 4, NE¼NW¼;
Sec. 20, E½SW¼SW¼;
Sec. 25, E½NE¼.
T. 58 N., R. 2 W.,
Sec. 2, Lot 4, SW¼NW¼;
Sec. 6, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼NE¼, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼;
Sec. 20, S½NW¼, N½SW¼;

Sec. 22, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 26, W½NW¼, NW¼SW¼;
Sec. 27, All;
Sec. 34, NW¼.
T. 59 N., R. 2 W.,
Secs. 1, 2 and 5;
Sec. 8, NW¼NE¼, N½NW¼;
Sec. 10, SE¼;
Secs. 11, 12, 14, 15, 22, 23, 26 and 27;
Sec. 28, NE¼NE¼;
Sec. 30, SW¼NE¼, SE¼;
Sec. 32, E½;
Sec. 34, N½, SW¼.
T. 54 N., R. 3 W.,
Sec. 2, SE¼SW¼;
Sec. 6, Lot 2;
Sec. 14, W½NW¼;
Secs. 26, 27, 28, 29, 31, 32 and 35.
T. 55 N., R. 3 W.,
Secs. 1, 2 and 3;
Sec. 5, Lot 8, SE¼NW¼, E½SW¼;
Sec. 6, SE¼SW¼;
Secs. 9 to 13, inclusive;
Secs. 17 to 22, inclusive;
Sec. 25, SW¼SW¼;
Secs. 27, 28, 29, 32 and 34.
T. 56 N., R. 3 W.,
Sec. 6, Lot 6, E½SW¼;
Secs. 11 to 14, inclusive;
Sec. 18, S½NE¼;
Sec. 22, N½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 24, Lot 7, E½SW¼, W½SE¼;
Sec. 26, N½NE¼, SE¼NE¼, NE¼SE¼.
T. 57 N., R. 3 W.,
Sec. 2, S½NE¼;
Sec. 17, NE¼NE¼SW¼, S½NE¼SW¼, NW¼SW¼, S½SW¼;
Sec. 19, Lot 4, E½NE¼, E½SW¼, NE¼SE¼, S½SE¼;
Sec. 20, SW¼;
Sec. 24, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 30, E½, E½W½;
Sec. 31, Lots 1, 2, NE¼, E½NW¼.
T. 59 N., R. 3 W.,
Sec. 2, Lots 1, 2, S½NE¼;
Sec. 11, All;
Sec. 12, S½S½;
Sec. 25, N½NE¼, SW¼.
T. 61 N., R. 3 W.,
Sec. 13, E½W½, SW¼SW¼;
Sec. 23, S½NE¼, N½SW¼;
Sec. 27, W½E½.
T. 54 N., R. 4 W.,
Sec. 3, Lots 1, 2, 3, 4, 5, 7, 9, S½NE¼, N½SE¼, SE¼SE¼;
Secs. 5 and 6;
Sec. 8, SE¼SE¼;
Sec. 10, Lots 1, 2 and tax numbers 1 and 6;
Sec. 24, Lots 5, E½ Lot 6;
Sec. 26, Lots 3, 4, 5, 6, 7, NW¼, N½SW¼, NW¼SE¼;
Sec. 30, SE¼.
T. 55 N., R. 4 W.,
Sec. 2, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 3, Lot 5 less right-of-way;
Sec. 5, Lots 2, 3, S½NW¼, SW¼;
Sec. 8, NW¼;
Sec. 11, NW¼;
Sec. 12, SW¼NW¼SW¼;
Sec. 18, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, SE¼;
Sec. 20, E½W½;
Sec. 24, NW¼NE¼, S½NE¼, NW¼, N½SE¼, SE¼SE¼;
Sec. 26, NW¼, SW¼SE¼;
Sec. 28, S½SW¼;
Secs. 30, 31 and 32;
Sec. 35, S½NW¼, SW¼.
T. 56 N., R. 4 W.,
Sec. 2, SW¼NW¼, W½SW¼;
Sec. 10, Lots 1, 2, E½NW¼;
Secs. 22, 23 and 26;
Sec. 34, Lots 3, 4.
T. 57 N., R. 4 W.,
Sec. 35, S½SE¼.
T. 58 N., R. 4 W.,
Sec. 2, SE¼;
Sec. 21, N½NE¼.
T. 62 N., R. 4 W.,
Sec. 3, All
Sec. 9, Lots 1, 2.
T. 54 N., R. 5 W.,
Secs. 1 and 2;
Sec. 6, Lots 5, 6, 7, SE¼SW¼;
Sec. 7, N½SE¼, SE¼SE¼;
Secs. 10 to 14, inclusive;
Sec. 35, S½NE¼, N½SE¼.
T. 55 N., R. 5 W.,
Sec. 6;
Sec. 8, NW¼NW¼, S½NW¼;
Secs. 10 to 15, inclusive;
Sec. 18, Lots 1, 2, 3, 4, NE¼, E½W½;
Sec. 20, NW¼, N½SE¼, SW¼SE¼;
Secs. 23 to 28, inclusive;
Sec. 30, Lot 1, S½S½SE¼;
Secs. 32 to 35, inclusive.
T. 56 N., R. 5 W.,
Sec. 6, Lot 7, E½SW¼, SE¼;
Secs. 8, 9 and 10;
Sec. 12, N½NE¼, SW¼NE¼;
Secs. 14 and 15;
Sec. 20, E½NE¼SW¼, N½SE¼;
Secs. 32 to 35, inclusive.
T. 54 N., R. 6 W.,
Sec. 12, Lots 3, 4.
T. 55 N., R. 6 W.,
Sec. 12, Lots 1, 2, 3, 4, SW¼NE¼NE¼, NW¼NE¼, NE¼SW¼NE¼, SE¼NE¼.

ST. JOE NATIONAL FOREST

T. 38 N., R. 1 E.,
Sec. 35, SE¼;
T. 39 N., R. 1 E.,
Secs. 1 to 13, inclusive;
Sec. 18, Lot 2, E½SW¼, W½SE¼;
Sec. 19, Lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 35, W½NE¼, S½NW¼, W½SE¼.
Tps. 40, 41 and 42 N., R. 1 E.
T. 43 N., R. 1 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 36, inclusive.
T. 44 N., R. 1 E.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 45 N., R. 1 E.
T. 46 N., R. 1 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.
T. 47 N., R. 1 E.,
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, S½, S½N½;
Secs. 33 to 36, inclusive.
T. 38 N., R. 2 E.,
Sec. 6, Lots 4, 5, 6, 7;
Sec. 8, SE¼SW¼, SW¼SE¼;
Sec. 17, NW¼NE¼, NE¼NW¼.
T. 39 N., R. 2 E.,
Secs. 1 to 28, inclusive;
Sec. 29, NE¼NE¼;
Sec. 31, Lots 3, 4, NE¼, SE¼NW¼, E½SW¼, N½SE¼;
Secs. 33 to 36, inclusive.
Tps. 40, 41, 42, 43, 44, 45, and 46 N., R. 2 E.
T. 47 N., R. 2 E.,
Secs. 22 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 38 N., R. 3 E.,
Sec. 2, Lot 2, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 17, SW¼SW¼;
Sec. 20, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼.
T. 39 N., R. 3 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 27 to 33, inclusive.
T. 40 N., R. 3 E.,
Sec. 2, S½NW¼, NE¼SW¼;
Sec. 3, SE¼NE¼;
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive;
Sec. 35, S½NE¼.
T. 41 N., R. 3 E.,
Sec. 14, E½E½, SW¼NW¼, N½SW¼, SW¼SW¼;
Secs. 17 to 20;
Secs. 29 to 32;
Sec. 33, NE¼.
T. 43 N., R. 3 E.
T. 44 N., R. 3 E.,
Secs. 1 to 12, inclusive.
T. 45 N., R. 3 E.
T. 38 N., R. 4 E.,
Sec. 6, Lot 5.
T. 39 N., R. 4 E.,
Sec. 4, Lots 4, 5, 8;
Sec. 5, Lot 1, S½NE¼, E½SE¼.
T. 40 N., R. 4 E.,
Sec. 1, Lots 1, 8;
Sec. 12, NW¼NE¼, NE¼NW¼;
Sec. 28, W½NW¼, NW¼SW¼;
Sec. 29, NE¼NE¼, S½.
T. 43 N., R. 4 E.
T. 45 N., R. 4 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 40 N., R. 5 E.,
Sec. 6, Lot 2.
T. 39 N., R. 1 W.,
Secs. 1 to 4, inclusive;
Sec. 6, Lots 4, 5;
Sec. 12, NE¼NE¼;
Sec. 22, Lots 7, 8;
Sec. 27, W½NE¼;
Sec. 29, N½NW¼;
Sec. 30, Lots 5, 6.
T. 40 N., R. 1 W.,
Secs. 1 to 16, inclusive;
Secs. 21 to 28, inclusive;
Sec. 31, Lot 3, S½SE¼;
Secs. 33 to 36, inclusive.
T. 41 N., R. 1 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 36, inclusive.
T. 44 N., R. 1 W.,
Secs. 1, 2 and 3;
Sec. 25, S½NE¼, N½SE¼;
Sec. 29, SW¼;
Sec. 30, SE¼NE¼, E½SE¼;
Sec. 31, E½E½;
Sec. 32, SE¼NE¼, S½SW¼, SE¼;
Sec. 33, E½;
Sec. 34, N½SW¼, SW¼SW¼.
T. 45 N., R. 1 W.,
Sec. 6, SE¼SW¼, SW¼SE¼;
Sec. 7, Lot 4;
Secs. 23 to 26, inclusive;
Sec. 33, E½;
Secs. 34, 35 and 36.
T. 46 N., R. 1 W.,
Sec. 4, W½W½;
Sec. 5, NE¼, NE¼NW¼, W½W½, W½SE¼;
Sec. 6, NE¼NE¼, SW¼NE¼, SE¼.
T. 47 N., R. 1 W.,
Sec. 22, SE¼SE¼;
Sec. 23, S½SW¼;
Sec. 26, W½NE¼, W½, NW¼SE¼;
Sec. 27, NE¼NE¼, S½NE¼, N½SE¼;
Sec. 32, W½NE¼.
T. 40 N., R. 2 W.,
Secs. 1 to 4, inclusive;
Secs. 10, 11 and 12.
T. 41 N., R. 2 W.,
Secs. 20, 21 and 22;
Sec. 23, NW¼NE¼, NW¼, NW¼SW¼, SE¼SW¼;
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 45 N., R. 2 W.,
Sec. 26;
Sec. 28, W½SW¼;
Sec. 34, N½NW¼, SE¼NW¼.
T. 46 N., R. 2 W.,
Sec. 12, N½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 34.
T. 40 N., R. 3 W.,
Sec. 5, Lots 1, 2, 7, 12, N½SW¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, NE¼SW¼, N½SE¼;
Sec. 10, S½NW¼, N½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 16, Lot 4, SE¼SW¼.
T. 41 N., R. 3 W.,
Sec. 11, S½NE¼, N½SW¼, SW¼SW¼, SE¼;
Sec. 12, S½NW¼, SW¼.
T. 42 N., R. 3 W.,
Sec. 28, N½NW¼, SE¼NW¼, SW¼SW¼;
Sec. 29, E½, N½SW¼;
Sec. 36, S½SE¼NE¼, NE¼SE¼.
T. 41 N., R. 4 W.,
Sec. 31, S½SE¼SE¼.
T. 43 N., R. 4 W.,
Sec. 7, E½NW¼.
T. 40 N., R. 5 W.,
Sec. 11, Lot 2, N½SW¼, NW¼SE¼.

[F. R. Doc. 56-7735; Filed, Sept. 27, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Delegation 1 (formerly NPA Delegation 1), Supp. 1, as amended September 25, 1956]

SECRETARY OF DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

Supplement 1 (as amended October 23, 1952) to BDSA Delegation 1 (formerly NPA Delegation 1) is hereby further amended to authorize the Secretary of Defense to reschedule deliveries of materials required in support of the Guided Missiles Systems Program (A2) of the Department of Defense.

1. This amended supplement to BDSA Delegation 1 (formerly NPA Delegation 1) is issued pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F. R. 4939), as amended, Defense Mobilization Order I-7 (18 F. R. 5366), as amended, and Department of Commerce Order 152 (18 F. R. 6503), as amended. The Secretary of Defense has been delegated certain authority under BDSA Delegation 1 (formerly NPA Delegation 1). In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

(*a*) To reschedule deliveries of materials which are required in support of the following Department of Defense programs: (1) Aircraft Program (A1), (2) Guided Missiles Systems Program (A2), (3) Ships Program (A3), and (4) Tank-Automotive Program (A4): *Provided, however,* (1) That such authority shall be applicable only to the rescheduling of deliveries among rated orders or authorized controlled material orders bearing the same program identification, except that such rescheduling of deliveries shall be permissible between the Aircraft Program (A1) and the Guided Missiles Systems Program (A2); and (2) That such authority shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries.

(*b*) To schedule or reschedule the production and delivery of any Class B product assigned to Aircraft Production Resources Agency (Department of Defense) under Product Class Code No. 9500 in the BDSA (formerly NPA) Official Class B Product List (said B products being hereinafter referred to as "APRA B products") and which are required to be delivered pursuant to any rated order heretofore or hereafter accepted by a manufacturer or producer: *Provided, however,* That such authority shall be exercised only upon the following conditions:

(1) The consent of the manufacturer or producer of any APRA B product proposed to be scheduled or rescheduled is first obtained; and

(2) In providing for such scheduling or rescheduling, the manufacturer or producer is not required or authorized to displace the production of, or delay the delivery of, any product other than an APRA B product; and

(3) In any case where such scheduling or rescheduling is effected pursuant to such authority, the Secretary of Defense shall require the manufacturer or producer whose production or delivery has been so rescheduled to notify immediately in writing all customers whose deliveries have been changed as a result of such rescheduling.

The authority in this subparagraph (*b*) does not extend to the rescheduling of the production or delivery of materials or products furnished by suppliers to manufacturers of APRA B products, and required in the manufacture of APRA B products.

(*c*) To require a copy of an order board or in lieu thereof the necessary scheduling data, covering APRA B products only, from a manufacturer of any such products which are in critically short supply and the lack of which products is seriously interfering with the fulfillment of other aircraft component or aircraft end-item schedules.

2. The Secretary of Defense may redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

This supplement, as amended, shall take effect September 25, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 56-7829; Filed, Sept. 27, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9966 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 20, 1956.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G-10103; Colorado Interstate Gas Company, Docket No. G-10176; Chicago District Pipeline Company, Docket No. G-10214; Pacific Northwest Pipeline Corporation, Docket No. G-10455.

Take notice that the hearing now scheduled for October 2, 1956 in the above-entitled matters is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7816; Filed, Sept. 27, 1956 8:47 a. m.]

[Docket Nos. G-5145, G-8543]

HUMBLE OIL & REFINING CO.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

SEPTEMBER 24, 1956.

Upon consideration of the request of Counsel for Humble Oil & Refining Company, (Humble) filed September 19, 1956, for postponement of the hearing upon the applications of said company for certificates of public convenience and necessity in Docket Nos. G-5145 and G-8543 now scheduled for October 2, 1956 in the consolidated matters of Rycade Oil Corporation, et al., in Docket No. G-3244, et al.:

The applications of Humble in Docket Nos. G-5145 and G-8543 are hereby severed from said consolidated matters and the hearing presently scheduled for October 2, 1956 in Docket Nos. G-5145 and G-8543 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7817; Filed, Sept. 27, 1956; 8:47 a. m.]

[Docket Nos. G-5146, G-6783]

HUMBLE OIL & REFINING CO.

NOTICE OF SEVERANCE AND POSTPONEMET OF HEARING

SEPTEMBER 24, 1956.

Upon consideration of the request of Counsel for Humble Oil & Refining Company (Humble), filed September 19, 1956, for postponement of the hearing upon the applications of said company for certificates of public convenience and necessity in Docket Nos. G-5146 and G-6783 now scheduled for October 3, 1956 in the consolidated matters of Arkansas Louisiana Gas Company, et al. in Docket Nos. G-4438, et al.:

The applications of Humble in Docket Nos. G-5146 and G-6783 are hereby severed from said consolidated matters and the hearing presently scheduled for October 3, 1956, in Docket Nos. G-5146 and G-6783 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7818; Filed, Sept. 27, 1956; 8:48 a. m.]

[Docket No. G-4280 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 25, 1956.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280;

Mid-Continent Petroleum Corporation, Docket No. G–4281; Warren Petroleum Corporation, Docket No. G–4282; Oil Drilling, Inc., et al., Docket No. G–4283; Lone Star Gas Company, Docket No. G–8763.

Take notice that the hearing now scheduled for October 1, 1956 in the above-entitled matters is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7822; Filed, Sept. 27, 1956; 8:48 a. m.]

[Docket No. E-6707]

INTERSTATE POWER CO. ET AL.

NOTICE OF APPLICATION

SEPTEMBER 24, 1956.

In the matter of Interstate Power Company, Northwestern Illinois Gas & Electric Company, Fred D. Ellis and Edmund J. Haugh, Docket No. E–6707.

Take notice that on September 19, 1956, a joint application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company ("Interstate"), Northwestern Illinois Gas & Electric Company ("Northwestern") and Fred D. Ellis and Edmund J. Haugh ("Ellis and Haugh"), seeking an order authorizing the issuance of not exceeding 136,500 shares of Common Stock by Interstate, the proposed assumption by Interstate of liabilities of Northwestern and of certain liabilities of Ellis and Haugh and for an order pursuant to section 203 authorizing the sale of the Sabula area electric facilities by Ellis and Haugh to Interstate and a statutory merger of Northwestern, into Interstate.

Interstate is a corporation organized under the laws of the State of Delaware and domesticated in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at Dubuque, Iowa. Northwestern is a corporation organized under the laws of the State of Illinois and doing business in said State with its principal business office at Savanna, Illinois. Ellis and Haugh are individuals with their principal business office at Chicago, Illinois. Interstate proposes to issue 132,150 shares of said Common Stock to the stockholders of Northwestern in exchange for 2,000 shares, without par value, constituting all of the capital stock of Northwestern. The acquisition of capital stock of Northwestern is for the purpose of acquiring public utility property and assets of Northwestern and merging same with the property of Interstate. Interstate proposes to issue 4,350 shares of said Common Stock to Ellis and Haugh in exchange for the conveyance by the latter to Interstate of the Sabula area electric utility properties owned by Ellis and Haugh. The Sabula area facilities proposed to be sold by Ellis and Haugh to Interstate serve electric energy at wholesale to the Village of Sabula, Iowa and at retail to approximately 300 electric customers in Andover, Iowa and its vicinity and in the vicinity of Sabula and Teeds Grove, Iowa. The electric energy for said Sabula area facilities is generated at the Savanna, Illinois power plant of Northwestern and delivered to the Sabula area facilities over an electric circuit owned by Ellis and Haugh extending from said power plant over the Savanna-Sabula Bridge across the Mississippi River into Iowa. Interstate proposes to acquire the facilities of Northwestern presently used to serve gas and electricity which consists of facilities serving electric service in and around Savanna, Galena, Mount Carroll, Elizabeth, Menominee, Woodbine, Chadwick, Thomson, and Schapville, all in Illinois. Combined gas and electric service is supplied to Savanna. One community (Hanover, Illinois) is supplied electricity at wholesale. The property includes a steam electric generating plant at Savanna, a steam and diesel generating plant at Galena, a transmission line between Savanna and Galena and sub-transmission lines connecting the former communities. The gas system is located at Savanna. After the acquisition by Interstate of the facilities hereinbefore described, said facilities will be merged with the facilities of Interstate and their operation will be continued by Interstate. The application is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 12th day of October 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7823; Filed, Sept. 27, 1956; 8:49 a. m.]

[Docket No. G–10609]

TOWN OF OLIVE BRANCH, MISS.

NOTICE OF APPLICATION

SEPTEMBER 24, 1956.

Take notice that Town of Olive Branch, DeSoto County, Mississippi (Applicant), a Mississippi municipal corporation with address at Olive Branch, Mississippi, filed, on June 18, 1956, as amended July 23, 1956, August 13, 1956 and August 27, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution in and adjacent to Olive Branch and the unincorporated community of Maywood as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 5.36 miles of 3-inch high pressure lateral transmission line extending in a southeasterly direction from a point of interconnection with the 26-inch main transmission line of Texas Gas near its crossing at U. S. Highway No. 78 to Applicant's Maywood Regulator Station, thence reducing to approximately 1.25 miles of 4-inch low pressure lateral transmission line extending to the corporate limits of Olive Branch, together with distribution systems within Olive Branch and Maywood for the purpose of supplying the natural gas requirements of Applicant's proposed distribution systems in Olive Branch and Maywood and customers adjacent to the 3-inch portion of the lateral transmission line.

The estimated total cost of this project is $160,000 which will be financed by Applicant through the sale of bonds. The estimated annual gas requirements and peak day gas requirements in Mcf at 14.73 psia for the first 3 years of operation are as follows:

Year; Annual; and Peak Day

1 (1957)	22,933	276
2	30,640	377
3	36,634	457

Texas Gas timely filed on August 17, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an Answer to the aforesaid application wherein it states that it has no objection to rendering the service requested by Applicant; *Provided:* (1) That Applicant satisfies the Commission as to the present and future economic feasibility of the proposed project on the basis of Applicant's estimated third year requirements for said project (pointing out that Texas Gas filed on June 15, 1956 in Docket No. G–10751 a revised tariff providing a rate exceeding that used by Applicant in its estimates); (2) that the maximum daily delivery obligation of Texas Gas to Applicant does not exceed the 3d year requirements of 448 Mcf at 15.025 psia (457 Mcf at 14.73 psia); (3) that Texas Gas be not obligated to render the proposed service until completion of its facilities authorized in Docket No. G–10062; (4) that the facilities of Applicant necessary to receive, transport, and distribute the gas as proposed are completed not later than July 1, 1957; and (5) that Applicant executes a service agreement acceptable to Texas Gas within 45 days after the issuance of any Commission order authorizing the requested service to be effective upon the commencement of deliveries.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7824; Filed, Sept. 27, 1956; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[File 21–472.]

TRADE PRACTICE CONFERENCE PROCEEDINGS FOR ENVIRONMENTAL EQUIPMENT INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Environmental Equipment Industry will be held by the Federal Trade Commission in the Park Sheraton Hotel, New York City, on October 19, 1956, commencing at 10 a. m. e. d. s. t. The conference will be under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for establishment of trade practice rules for the industry.

Rules suggested and considered at the conference will be such as are designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Environmental testing equipment is used for testing the reaction of products to varying degrees of temperature, humidity, and air pressure, and to sand, dust vibration, combustion, breakage, and other conditions. All persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution in commerce of such equipment are cordially invited to attend or to be represented at the conference and to take part in the proceedings. Any such persons, firms, corporations, or organizations may submit suggested trade practice rules for consideration at the conference as well as take part in the consideration and discussion of proposals or suggestions for rules presented by others.

After the conference on October 19th, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will become available to all interested or affected parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the proposed rules and to be heard at a public hearing to be announced by the Commission.

Issued: September 25, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56–7828; Filed, Sept. 27, 1956; 8:50 a. m.]

FEDERAL HOUSING ADMINISTRATION

CERTAIN MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1956.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞ and 3 percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1957, on which date interest on such debentures shall cease:

2½ 2⅝ 2¾ 2⅞ and 3 percent Mutual Mortgage Insurance Fund Debentures, Series AA

Denomination:	*Serial numbers (all numbers inclusive)*
$50	63 to 269
100	238 to 893
500	78 to 273
1,000	171 to 627
5,000	105 to 110
	112 to 345
10,000	70 to 117

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1956. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1956, and provision will be made for the payment of final interest due on January 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1956, to December 31, 1956, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON, *Commissioner.*

Approved: September 24, 1956.

W. RANDOLPH BURGESS, *Acting Secretary of the Treasury.*

[F. R. Doc. 56–7825; Filed, Sept. 27, 1956; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

ERNEST A. TUPPER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of February 1, 1956.

This amends statement previously published in the FEDERAL REGISTER April 28, 1956 (21 F. R. 2800).

Dated: August 1, 1956.

ERNEST A. TUPPER.

[F. R. Doc. 56–7808; Filed, Sept. 27, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11787; FCC 56M–861]

M. F. ELLINOR

ORDER CONTINUING HEARING

Correction

In F. R. Doc. 56–7722 appearing in the issue for Tuesday, September 25, 1956, make the following change in the third paragraph: In the second line, the year "1957" following the word "September", should read "1956".

THE RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52–1774; 17 F. R. 1400), as heretofore amended, is hereby revised to read as follows:

ORGANIZATION AND FUNCTIONS OF THE RENEGOTIATION BOARD

Sec.
1. Creation and authority.
2. Purpose.
3. Organization.
4. Activities.
5 Official copies.
6. Copies of the Renegotiation Board regulations.

SECTION 1. *Creation and authority.* The Renegotiation Board was created by the Renegotiation Act of 1951 (65 Stat. 7, 50 U. S. C. App. 1211) as an independent establishment in the executive branch of the Government and was organized on October 3, 1951 to administer such act. The Renegotiation Act of 1951 transferred to The Renegotiation Board certain powers, functions and duties conferred upon the War Contracts Price Adjustment Board by the Renegotiation Act (58 Stat. 78, as amended; 50 U. S. C. App. 1191). In addition, the Secretary of Defense delegated to The Renegotiation Board, effective January 20, 1952 (17 F. R. 736), all powers, functions and duties conferred upon the Secretary of Defense by the Renegotiation Act of 1948 (62 Stat. 259, as amended and extended; 50 U. S. C. App. 1193).

SEC. 2. *Purpose.* The objective of the Renegotiation Act of 1951 and the previous renegotiation statutes is to eliminate excessive profits derived by contractors and subcontractors in connection with the national defense program.

SEC. 3. *Organization.* (a) The Renegotiation Board is composed of five members. Each is appointed by the President by and with the advice and consent of the Senate. The Secretaries of the Army, the Navy and the Air Force, subject to the approval of the Secretary of Defense, and the Administrator of General Services each recommend to the President for his consideration one person from civilian life to serve as a member of the Board. The President designates one member to serve as Chairman. The principal office of the Board is located in Temporary Building S, 6th Street and Jefferson Drive, SW., Washington, D. C.

(b) The Board maintains four regional boards with authority to conduct renegotiation proceedings in cases assigned to them. Each of the regional boards is composed of a chairman and additional board members as appointed by the Board. After the Board determines that a contractor should be assigned for renegotiation, the case is assigned to a regional board selected according to its proximity, its relative work load, and its experience and special skills. The locations of the regional boards are as follows:

Location

(1) Chicago Regional Renegotiation Board, 219 South Clark Street, Chicago 4, Ill.

(2) Detroit Regional Renegotiation Board, David Broderick Tower Building, 10 Witherell Street, Detroit 26, Mich.

(3) Los Angeles Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

(4) New York Regional Renegotiation Board, 110 East 45th Street, New York 17, N. Y.

SEC. 4. *Activities.* (a) The Renegotiation Act of 1951 is applicable to contracts with the military departments and certain other agencies of the Government named in the act, and to related subcontracts. As originally enacted, the act applied also to contracts with such other agencies of the Government exercising functions having a direct and immediate connection with the national defense as the President might designate. Various additional agencies were designated by the President in Executive Orders 10260, June 27, 1951 (16 F. R. 6271); 10294, September 28, 1951 (16 F. R. 9927); 10299, October 31, 1951 (16 F. R. 11135); 10369, June 30, 1952 (17 F. R. 5932); and 10567, September 29, 1954 (19 F. R. 6361).

(b) By amendment to the act effective December 31, 1956, all agencies so named or designated ceased to be "Departments" for the purposes of the act, except the Departments of Defense, Army, Navy, and Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, and the Atomic Energy Commission. The President was given the power, during a national emergency proclaimed by the President or declared by the Congress after the date of such amendment, to designate as a Department any other agency of the Government exercising functions having a direct and immediate connection with the national defense, any such designation ceasing in be in effect on the last day of the month during which such emergency is terminated.

(c) For fiscal years ending on or before June 30, 1956, every contractor is required to file an annual report with respect to its receipts or accruals from renegotiable prime contracts and subcontracts during its fiscal year. For fiscal years ending after June 30, 1956, this report is required to be filed only by those contractors whose renegotiable sales exceed the minimum amount prescribed in the act, but it may be filed by any other contractor. The mandatory filing includes detailed financial and other information. Additional pertinent information is accumulated by the Board in the course of meetings with contractors whose renegotiable sales exceed the statutory minimum. If the Board and the contractor are unable to agree upon the amount of excessive profits, if any, to be refunded by the contractor for such fiscal year, the Board issues and enters an order determining such amount. The order is reviewable in The Tax Court of the United States.

(d) Cases are normally assigned in the first instance to one of the regional boards, to which the Board has delegated authority to make determinations of excessive profits in cases involving a net profit on renegotiable business not in excess of $800,000 for a fiscal year and to make recommended determinations to the Board of excessive profits in cases exceeding that amount, for final determination by the Board.

(e) The administration of renegotiation agreements and orders under the Renegotiation Act of 1951 is carried out by the heads of the agencies whose contracts are subject to such act; the administration of renegotiation agreements and orders under the Renegotiation Act of 1948 has been delegated to the Secretary of Defense, who in turn has redelegated such function to the Secretaries of the Army, the Navy, and the Air Force; the administration of renegotiation agreements and orders under the Renegotiation Act has been delegated to the heads of the agencies whose contracts were subject to that act.

(f) The Board maintains liaison with the various agencies whose contracts are subject to the Renegotiation Act of 1951, and with the Department of Justice, the Internal Revenue Service, and other agencies whose jurisdiction or activities relate to the functions of the Board. The Board also disseminates renegotiation results and information to Government procurement personnel for use in reprocurement, forward pricing and price redetermination proceedings, as a means of avoiding excessive profits to contractors and excessive costs to the Government in the execution of the national defense program.

SEC. 5. *Official copies.* Official copies of the statutes referred to herein may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Official copies of Executive orders cited herein are set out in the FEDERAL REGISTER, which may also be procured from the Superintendent of Documents.

SEC. 6. *Copies of the Renegotiation Board regulations.* The Renegotiation Board regulations and current supplements thereto may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

Dated: September 25, 1956.

THOMAS COGGESHALL,
Chairman, The Renegotiation Board.

[F. R. Doc. 56-7859; Filed, Sept. 27, 1956; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18360, Amdt.]

ESTATE OF EMIL RAPP

In re: Estate of Emil Rapp, deceased (File F-28-5782; E. T. Sec. 17154).

Vesting Order 18380 dated August 30, 1951, is hereby amended as follows:

By inserting in paragraph 2 thereof, immediately following the name "Emil Rapp, deceased", the following: "including, but not limited to, the real property located at 883 Cauldwell Avenue, Bronx, New York,"

All other provisions of said Vesting Order 18380 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on September 25, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56-7830; Filed, Sept. 27, 1956; 8:50 a. m.]

[Vesting Order 18433, Amdt.]

OKURA & CO.

In re: Bonds and debentures owned by Okura & Company. F-39-995.

Vesting Order 18433, dated September 7, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Okura & Company, the last known address of which is Tokyo, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All those certain debts or other obligations matured or unmatured of the corporations whose names and addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, evidenced by the bonds and debentures described opposite said names in Exhibit A, and evidenced by coupons attached to or detached from said bonds and debentures and due on or after the respective dates set forth in said Exhibit A, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and together with any and all rights in, to and under the aforesaid bonds and debentures, and coupons, and

b. Those certain debts or other obligations matured or unmatured evidenced by the United States Treasury bonds described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and together with any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Okura & Company, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on September 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

EXHIBIT A

BONDS AND DEBENTURES

Description of issue	Bond numbers	Coupons	Face amount
Southern Bell Telephone & Telegraph Co. 40-year 3% debentures due July 1, 1979.	M7680/5	Jan. 1, 1941	[1] $1,000
	M13560	----do----	1,000
	M14055	----do----	1,000
	M14975	----do----	1,000
Pennsylvania Railroad Co. General Mortgage 5% series B bonds due Dec. 1, 1968.	2782	June 1, 1941	1,000
	3087	----do----	1,000
	11044	----do----	1,000
	11050	----do----	1,000
	2566X9	----do----	[1] 1,000
The Texas Corp. 3% debentures due 1965	14042/44	May 15, 1941	[1] 1,000
	14053/59	----do----	[1] 1,000
Louisville and Nashville Railroad Co. extended unified mortgage series A 4½% bonds due 1950.	A2213/22	July 1, 1941	[1] 1,000
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co. general mortgage 4½% series C bonds due July 1, 1977.	19773	Jan. 1, 1941	1,000
	19775	----do----	1,000
United States Steel Corp. 2.15% serial debentures due May 1, 1950	47501/10	May 1, 1941	[1] 1,000
Union Pacific Railroad Co. refunding mortgage series A 3½% bonds due June 1, 1980.	19716/25	June 1, 1941	[1] 1,000

[1] Each.

EXHIBIT B

5 United States Treasury 4¼% bonds, due 10/15/1952-47 of $1,000 face value each, and bearing the numbers: H00110758, B00110762, E00275545, G00042807, and B00046932.

1 United States Treasury 2% bond, due 12/15/1947 of $5,000 face value, and bearing the number: 6176.

1 United States Treasury 2¾% bond, due 3/15/1951-48 of $5,000 face value, and bearing the number: 2 B.

5 United States Treasury 2% bonds, due 12/15/1950-48 of $1,000 face value each, and bearing the numbers: 37893 C, 37894 D, 37895 E, 37896 F, and 37897 H.

[F. R. Doc. 56-7831; Filed, Sept. 27, 1956; 8:50 a. m.]

[Vesting Order 18759, Amdt.]

SERAFINA STEINIKE

In re: Bond owned by the personal representatives, heirs, next of kin, legatees and distributees of Serafina Steinike, deceased. F-28-31811.

Vesting Order 18759, dated February 7, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Serafina Steinike, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation matured or unmatured evidenced by One (1) 4% St. Louis Southwestern Railway Company First Mortgage Gold Bond, due 1989, numbered 8735 and of $1,000.00 face value, and evidenced by coupons attached to or detached from said bonds and due on or after November 1, 1940, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond and coupons,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Serafina Steinike, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-7832; Filed, Sept. 27, 1956; 8:51 a. m.]

[Vesting Order 18784, Amdt.]

SECURITIES OWNED BY GERMANY

In re: Securities owned by Germany. F28-13594.

Vesting Order 18784, dated February 25, 1952, is hereby amended as follows and not otherwise:

By deleting subparagraph 1 (c) and 1 (d) of said Vesting Order 18784 and substituting therefor the following:

(c) That certain debt or other obligation, matured or unmatured, evidenced by One (1) Cities Service Company 5 percent Gold Debenture due March 1, 1969, in bearer form, of $1,000.00 face value, bearing the number 48068, and evidenced by coupons attached to or detached from said debenture and due on or after September 1, 1940, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond and coupons,

(d) That certain debt or other obligation, matured or unmatured, evidenced by One (1) Southern Railway Company Development and General Mortgage 4

percent Bond, due April 1, 1956 in bearer form, of $1,000.00 face value, bearing the number 61209 and evidenced by coupons attached to or detached from said bond and due on or after October 1, 1940, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond and coupons, and

All other provisions of said Vesting Order 18784 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7833; Filed, Sept. 27, 1956; 8:51 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956-crop of soybeans. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956, is supplemented as follows:

Sec.
421.2026 Purpose.
421.2027 Availability of price support.
421.2028 Eligible soybeans.
421.2029 Warehouse receipts.
421.2030 Determination of quantity.
421.2031 Determination of quality.
421.2032 Maturity of loans.
421.2033 Support rates.
421.2034 Warehouse charges.
421.2035 Liquidation of loans and delivery under purchase agreements.
421.2036 Settlement.

AUTHORITY: §§ 421.2026 to 421.2036 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.2026 *Purpose.* Sections 421.2026 to 421.2036 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997; §§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956-Crop Soybean Price Support Program.

§ 421.2027 *Availability of price support.*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the continental United States, except that farm-storage loans will not be available in areas where the State Committee determines that soybeans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such final date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing soybeans in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible soybeans harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.2028 *Eligible soybeans.* Soybeans, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

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(a) The soybeans must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the soybeans are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the soybeans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Soybeans, at the time they are placed under loan, and soybeans under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(2) Soybeans grading Garlicky or Weevily, or containing mercurial compounds or other substances poisonous to man or animals will not be eligible.

(3) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

(d) Soybeans under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee. Soybeans which do not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions specified in § 421.2035 (b) (2) (i) and the soybeans on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.2029 *Warehouse receipts.* Ware-house receipts representing soybeans in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the soybeans are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. For soybeans grading Nos. 3 or 4, the percentage of splits, total damage, heat damage and foreign material, if any, must also be shown. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.2034.

§ 421.2030 *Determination of quantity.* (a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans placed under a warehouse-storage loan or delivered under a loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 2 percent. If the total weight of foreign material is in excess of 2 percent, the excess shall be deducted from the total quantity of soybeans in the determination of the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing:	Percent
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 421.2031 *Determination of quality.* The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.2032 *Maturity of loans.* Loans mature on demand but not later than May 31, 1957.

§ 421.2033 *Support rates*—(a) *Basic county support rates.* (1) Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreements are set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases under purchase agreements, will be made on the basis of the support rate established for the county in which the soybeans are produced.

(2) Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2 or better, and containing from 13.8 to 14.0 percent moisture, are set forth below:

ALABAMA

County	Rate per Bushel
All counties	$2.09

ARIZONA

All counties	$2.01

ARKANSAS

All counties	$2.13

DELAWARE

All counties	$2.10

FLORIDA

All counties	$2.09

GEORGIA

All counties	$2.10

County	Rate per bushel	County	Rate per bushel
Adams	$2.18	Lee	$2.18
Alexander	2.15	Livingston	2.20
Bond	2.19	Logan	2.20
Boone	2.19	McDonough	2.18
Brown	2.18	McHenry	2.20
Bureau	2.18	McLean	2.20
Calhoun	2.18	Macon	2.20
Carroll	2.18	Macoupin	2.19
Cass	2.18	Madison	2.18
Champaign	2.20	Marion	2.19
Christian	2.20	Marshall	2.19
Clark	2.19	Mason	2.18
Clay	2.19	Massac	2.16
Clinton	2.18	Menard	2.19
Coles	2.20	Mercer	2.18
Cook	2.22	Monroe	2.16
Crawford	2.18	Montgomery	2.19
Cumberland	2.20	Morgan	2.19
De Kalb	2.20	Moultrie	2.20
De Witt	2.20	Ogle	2.18
Douglas	2.20	Peoria	2.19
Du Page	2.21	Perry	2.16
Edgar	2.20	Piatt	2.20
Edwards	2.17	Pike	2.18
Effingham	2.20	Pope	2.16
Fayette	2.20	Pulaski	2.15
Ford	2.20	Putnam	2.18
Franklin	2.16	Randolph	2.16
Fulton	2.18	Richland	2.19
Gallatin	2.16	Rock Island	2.18
Greene	2.18	St. Clair	2.17
Grundy	2.20	Saline	2.16
Hamilton	2.17	Sangamon	2.20
Hancock	2.18	Schuyler	2.18
Hardin	2.16	Scott	2.18
Henderson	2.18	Shelby	2.20
Henry	2.18	Stark	2.19
Iroquois	2.20	Stephenson	2.18
Jackson	2.16	Tazewell	2.19
Jasper	2.19	Union	2.15
Jefferson	2.17	Vermillion	2.20
Jersey	2.18	Wabash	2.17
Jo Daviess	2.18	Warren	2.18
Johnson	2.15	Washington	2.17
Kane	2.20	Wayne	2.17
Kankakee	2.20	White	2.16
Kendall	2.21	Whiteside	2.18
Knox	2.19	Will	2.21
Lake	2.21	Williamson	2.16
La Salle	2.20	Winnebago	2.18
Lawrence	2.18	Woodford	2.19

INDIANA

Adams	$2.15	Carroll	$2.16
Allen	2.16	Cass	2.15
Bartholomew	2.14	Clark	2.13
Benton	2.19	Clay	2.16
Blackford	2.14	Clinton	2.16
Boone	2.16	Crawford	2.13
Brown	2.14	Daviess	2.15

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Dearborn	$2.13	Montgomery	$2.17
Decatur	2.14	Morgan	2.15
De Kalb	2.16	Newton	2.19
Delaware	2.14	Noble	2.16
Dubois	2.14	Ohio	2.13
Elkhart	2.15	Orange	2.14
Fayette	2.14	Owen	2.15
Floyd	2.13	Parke	2.17
Fountain	2.18	Perry	2.13
Franklin	2.14	Pike	2.15
Fulton	2.15	Porter	2.19
Gibson	2.16	Posey	2.15
Grant	2.14	Pulaski	2.17
Greene	2.16	Putnam	2.16
Hamilton	2.15	Randolph	2.14
Hancock	2.14	Ripley	2.13
Harrison	2.13	Rush	2.14
Hendricks	2.15	St. Joseph	2.16
Henry	2.14	Scott	2.13
Howard	2.15	Shelby	2.14
Huntington	2.15	Spencer	2.13
Jackson	2.14	Starke	2.17
Jasper	2.18	Steuben	2.16
Jay	2.14	Sullivan	2.17
Jefferson	2.13	Switzerland	2.13
Jennings	2.13	Tippecanoe	2.17
Johnson	2.14	Tipton	2.15
Knox	2.16	Union	2.14
Kosciusko	2.15	Vanderburgh	2.15
Lagrange	2.16	Vermillion	2.18
Lake	2.20	Vigo	2.17
La Porte	2.17	Wabash	2.14
Lawrence	2.15	Warren	2.18
Madison	2.14	Warrick	2.14
Marion	2.15	Washington	2.13
Marshall	2.16	Wayne	2.14
Martin	2.15	Wells	2.15
Miami	2.14	White	2.17
Monroe	2.15	Whitley	2.16

IOWA

Adair	$2.13	Ida	$2.13
Adams	2.12	Iowa	2.16
Allamakee	2.13	Jackson	2.16
Appanoose	2.14	Jasper	2.16
Audubon	2.13	Jefferson	2.15
Benton	2.16	Johnson	2.16
Black Hawk	2.15	Jones	2.16
Boone	2.14	Keokuk	2.15
Bremer	2.14	Kossuth	2.13
Buchanan	2.15	Lee	2.15
Buena Vista	2.13	Linn	2.16
Butler	2.14	Louisa	2.15
Calhoun	2.13	Lucas	2.14
Carroll	2.13	Lyon	2.12
Cass	2.13	Madison	2.13
Cedar	2.16	Mahaska	2.15
Cerro Gordo	2.13	Marion	2.15
Cherokee	2.12	Marshall	2.16
Chickasaw	2.13	Mills	2.12
Clarke	2.13	Mitchell	2.12
Clay	2.13	Monona	2.12
Clayton	2.14	Monroe	2.14
Clinton	2.16	Montgomery	2.12
Crawford	2.13	Muscatine	2.16
Dallas	2.14	O'Brien	2.12
Davis	2.15	Osceola	2.12
Decatur	2.13	Page	2.12
Delaware	2.15	Palo Alto	2.13
Des Moines	2.15	Plymouth	2.12
Dickinson	2.12	Pocahontas	2.13
Dubuque	2.15	Polk	2.15
Emmet	2.12	Pottawattamie	2.12
Fayette	2.14	Poweshiek	2.16
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Hardin	2.15	Union	2.13
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Henry	2.15	Wapello	2.15
Howard	2.12	Warren	2.14
Humboldt	2.13	Washington	2.15

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Wayne	$2.14	Woodbury	$2.12
Webster	2.14	Worth	2.12
Winnebago	2.12	Wright	2.14
Winneshiek	2.13		

KANSAS

Allen	$2.09	Lyon	$2.08
Anderson	2.10	McPherson	2.06
Atchison	2.10	Marion	2.07
Barber	2.04	Marshall	2.08
Barton	2.04	Miami	2.10
Bourbon	2.09	Mitchell	2.06
Brown	2.09	Montgomery	2.06
Butler	2.07	Morris	2.08
Chase	2.07	Nemaha	2.09
Chautauqua	2.06	Neosho	2.08
Cherokee	2.08	Osage	2.09
Clay	2.08	Osborne	2.05
Cloud	2.07	Ottawa	2.07
Coffey	2.09	Phillips	2.04
Cowley	2.06	Pottawatomie	2.08
Crawford	2.08	Pratt	2.04
Dickinson	2.07	Reno	2.05
Doniphan	2.10	Republic	2.07
Douglas	2.10	Rice	2.05
Elk	2.07	Riley	2.08
Ellsworth	2.05	Rooks	2.04
Franklin	2.10	Russell	2.05
Geary	2.08	Saline	2.06
Greenwood	2.08	Sedgwick	2.06
Harper	2.05	Shawnee	2.10
Harvey	2.06	Smith	2.05
Jackson	2.09	Stafford	2.04
Jefferson	2.10	Sumner	2.05
Jewell	2.06	Wabaunsee	2.09
Johnson	2.10	Washington	2.08
Kingman	2.05	Wilson	2.07
Labette	2.07	Woodson	2.08
Leavenworth	2.10	Wyandotte	2.10
Lincoln	2.06	All other counties	2.04
Linn	2.10		

KENTUCKY

All counties $2.14

LOUISIANA

All counties $2.13

MARYLAND

All counties $2.10

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.10	Lapeer	$2.10
Arenac	2.08	Lenawee	2.14
Barry	2.10	Livingston	2.12
Bay	2.08	Macomb	2.12
Berrien	2.13	Mecosta	2.08
Branch	2.13	Midland	2.08
Calhoun	2.12	Monroe	2.14
Cass	2.12	Montcalm	2.09
Clare	2.08	Muskegon	2.08
Clinton	2.10	Newaygo	2.08
Eaton	2.11	Oakland	2.12
Genesee	2.10	Oceana	2.08
Gladwin	2.08	Ottawa	2.09
Gratiot	2.09	Saginaw	2.09
Hillsdale	2.14	St. Clair	2.11
Huron	2.08	St. Joseph	2.12
Ingham	2.12	Sanilac	2.09
Ionia	2.10	Shiawassee	2.10
Isabella	2.08	Tuscola	2.09
Jackson	2.13	Van Buren	2.11
Kalamazoo	2.11	Washtenaw	2.13
Kent	2.09	Wayne	2.13

MINNESOTA

Aitkin	$2.05	Cottonwood	$2.10
Anoka	2.10	Crow Wing	2.05
Becker	2.04	Dakota	2.11
Benton	2.08	Dodge	2.11
Big Stone	2.07	Douglas	2.06
Blue Earth	2.11	Faribault	2.11
Brown	2.10	Fillmore	2.11
Carver	2.10	Freeborn	2.11
Chippewa	2.08	Goodhue	2.11
Chisago	2.10	Grant	2.06
Clay	2.04	Hennepin	2.11

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Houston	$2.11	Polk	$2.04
Hubbard	2.04	Pope	2.07
Isanti	2.09	Ramsey	2.11
Jackson	2.10	Red Lake	2.04
Kanabec	2.08	Redwood	2.09
Kandiyohi	2.08	Renville	2.09
Kittson	2.04	Rice	2.11
Lac Qui Parle	2.08	Rock	2.09
Le Suer	2.11	Roseau	2.04
Lincoln	2.09	Scott	2.11
Lyon	2.09	Sherburne	2.09
McLeod	2.10	Sibley	2.10
Mahnomen	2.04	Stearns	2.08
Marshall	2.04	Steele	2.11
Martin	2.11	Stevens	2.07
Meeker	2.09	Swift	2.08
Mille Lacs	2.07	Todd	2.06
Morrison	2.06	Traverse	2.06
Mower	2.11	Wabasha	2.11
Murray	2.09	Wadena	2.05
Nicollet	2.10	Waseca	2.11
Nobles	2.10	Washington	2.11
Norman	2.04	Watonwan	2.11
Olmsted	2.11	Wilkin	2.05
Otter Tail	2.05	Winona	2.11
Pennington	2.04	Wright	2.10
Pine	2.07	Yellow Medicine	2.08
Pipestone	2.09		

MISSISSIPPI

All counties $2.13

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.14	Laclede	$2.11
Andrew	2.11	Lafayette	2.11
Atchison	2.11	Lawrence	2.09
Audrain	2.15	Lewis	2.15
Barry	2.09	Lincoln	2.14
Barton	2.09	Linn	2.13
Bates	2.11	Livingston	2.12
Benton	2.11	McDonald	2.09
Bollinger	2.14	Macon	2.14
Boone	2.14	Madison	2.13
Buchanan	2.11	Maries	2.12
Butler	2.14	Marion	2.15
Caldwell	2.11	Mercer	2.12
Callaway	2.14	Miller	2.12
Camden	2.12	Mississippi	2.14
Cape Girardeau	2.14	Moniteau	2.13
Carroll	2.12	Monroe	2.15
Carter	2.13	Montgomery	2.14
Cass	2.11	Morgan	2.12
Cedar	2.10	New Madrid	2.14
Charlton	2.13	Newton	2.09
Christian	2.10	Nodaway	2.11
Clark	2.15	Oregon	2.12
Clay	2.11	Osage	2.13
Clinton	2.11	Ozark	2.11
Cole	2.13	Pemiscot	2.14
Cooper	2.13	Perry	2.14
Crawford	2.13	Pettis	2.12
Dade	2.09	Phelps	2.12
Dallas	2.11	Pike	2.15
Daviess	2.11	Platte	2.11
De Kalb	2.11	Polk	2.11
Dent	2.12	Pulaski	2.12
Douglas	2.11	Putnam	2.13
Dunklin	2.14	Ralls	2.15
Franklin	2.14	Randolph	2.14
Gasconade	2.13	Ray	2.11
Gentry	2.11	Reynolds	2.12
Greene	2.10	Ripley	2.13
Grundy	2.12	St. Charles	2.14
Harrison	2.11	St. Clair	2.11
Henry	2.11	St. Francois	2.14
Hickory	2.11	St. Louis	2.14
Holt	2.11	St. Genevieve	2.14
Howard	2.13	Saline	2.12
Howell	2.12	Schuyler	2.14
Iron	2.12	Scotland	2.15
Jackson	2.11	Scott	2.14
Jasper	2.09	Shannon	2.12
Jefferson	2.14	Shelby	2.15
Johnson	2.11	Stoddard	2.14
Knox	2.15	Stone	2.10
		Sullivan	2.13

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Taney	$2.11	Wayne	$2.13
Texas	2.12	Webster	2.11
Vernon	2.10	Worth	2.11
Warren	2.14	Wright	2.11
Washington	2.13		

NEBRASKA

Adams	$2.05	Kearney	$2.04
Antelope	2.06	Knox	2.06
Boone	2.06	Lancaster	2.09
Box Butte	2.04	Madison	2.06
Boyd	2.05	Merrick	2.06
Brown	2.04	Nance	2.06
Buffalo	2.04	Nemaha	2.09
Burt	2.09	Nuckolls	2.06
Butler	2.09	Otoe	2.09
Cass	2.09	Pawnee	2.09
Cedar	2.07	Phelps	2.04
Clay	2.06	Pierce	2.06
Colfax	2.08	Platte	2.07
Cuming	2.08	Polk	2.07
Custer	2.04	Richardson	2.09
Dakota	2.08	Saline	2.08
Dawson	2.04	Sarpy	2.09
Dixon	2.08	Saunders	2.09
Dodge	2.09	Scotts Bluff	2.04
Douglas	2.09	Seward	2.08
Fillmore	2.07	Sherman	2.04
Franklin	2.04	Stanton	2.07
Furnas	2.04	Thayer	2.07
Gage	2.08	Thurston	2.08
Gosper	2.04	Valley	2.04
Hall	2.05	Washington	2.09
Hamilton	2.06	Wayne	2.07
Harlan	2.04	Webster	2.05
Howard	2.04	York	2.07
Jefferson	2.08	All other counties	2.04
Johnson	2.09		

NEW JERSEY

All counties $2.11

NEW MEXICO

All counties $2.01

NEW YORK

All counties $2.10

NORTH CAROLINA

All counties $2.10

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$2.02	Sargent	$2.03
Cass	2.04	Steele	2.03
Grand Forks	2.03	Traill	2.04
Griggs	2.02	Walsh	2.02
Nelson	2.02	All other counties	2.02
Ransom	2.03		
Richland	2.04		

OHIO

Adams	$2.13	Gallia	$2.13
Allen	2.16	Geauga	2.16
Ashland	2.15	Greene	2.13
Ashtabula	2.16	Guernsey	2.15
Athens	2.14	Hamilton	2.13
Auglaize	2.15	Hancock	2.16
Belmont	2.14	Hardin	2.15
Brown	2.13	Harrison	2.15
Butler	2.13	Henry	2.17
Carroll	2.15	Highland	2.13
Champaign	2.14	Hocking	2.14
Clark	2.13	Holmes	2.15
Clermont	2.13	Huron	2.16
Clinton	2.13	Jackson	2.13
Columbiana	2.15	Jefferson	2.15
Coshocton	2.15	Knox	2.15
Crawford	2.16	Lake	2.16
Cuyahoga	2.16	Lawrence	2.13
Darke	2.14	Licking	2.15
Defiance	2.17	Logan	2.15
Delaware	2.15	Lorain	2.16
Erie	2.17	Lucas	2.17
Fairfield	2.15	Madison	2.14
Fayette	2.13	Mahoning	2.15
Franklin	2.15	Marion	2.16
Fulton	2.17	Medina	2.16

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Meigs	$2.13	Ross	$2.13
Mercer	2.15	Sandusky	2.17
Miami	2.14	Scioto	2.13
Monroe	2.13	Seneca	2.17
Montgomery	2.13	Shelby	2.15
Morgan	2.14	Stark	2.15
Morrow	2.16	Summit	2.16
Muskingum	2.15	Trumbull	2.16
Noble	2.14	Tuscarawas	2.15
Ottawa	2.17	Union	2.15
Paulding	2.17	Van Wert	2.16
Perry	2.15	Vinton	2.14
Pickaway	2.14	Warren	2.13
Pike	2.13	Washington	2.13
Portage	2.16	Wayne	2.15
Preble	2.13	Williams	2.17
Putnam	2.17	Wood	2.17
Richland	2.16	Wyandot	2.16

OKLAHOMA

All counties $2.06

PENNSYLVANIA

All counties $2.10

SOUTH CAROLINA

All counties $2.10

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.04	Jerauld	$2.04
Beadle	2.04	Kingsbury	2.05
Bon Homme	2.06	Lake	2.06
Brookings	2.06	Lincoln	2.06
Brule	2.04	McCook	2.06
Charles Mix	2.05	Marshall	2.03
Clark	2.03	Miner	2.05
Clay	2.07	Minnehaha	2.07
Codington	2.04	Moody	2.06
Davison	2.05	Roberts	2.04
Day	2.03	Sanborn	2.04
Deuel	2.05	Turner	2.07
Douglas	2.05	Union	2.08
Grant	2.05	Yankton	2.07
Hamlin	2.04	All other counties	2.03
Hanson	2.05		
Hutchinson	2.06		

TENNESSEE

All counties $2.14

TEXAS

All counties $2.06

VIRGINIA

All counties $2.10

WEST VIRGINIA

All counties $2.10

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.12	Dunn	$2.10
Barron	2.09	Eau Claire	2.10
Brown	2.11	Fond du Lac	2.14
Buffalo	2.11	Grant	2.14
Burnett	2.08	Green	2.16
Calumet	2.12	Green Lake	2.13
Chippewa	2.09	Iowa	2.14
Clark	2.09	Jackson	2.11
Columbia	2.14	Jefferson	2.12
Crawford	2.13	Juneau	2.12
Dane	2.15	Kenosha	2.18
Dodge	2.15	Kewaunee	2.10
Door	2.10	La Crosse	2.11
Douglas	2.08	Lafayette	2.15

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Langlade	$2.09	Rock	$2.17
Lincoln	2.08	Rusk	2.08
Manitowoc	2.12	St. Croix	2.10
Marathon	2.09	Sauk	2.13
Marinette	2.09	Sawyer	2.08
Marquette	2.13	Shawano	2.10
Milwaukee	2.16	Sheboygan	2.14
Monroe	2.11	Taylor	2.08
Oconto	2.10	Trempealeau	2.11
Oneida	2.08	Vernon	2.12
Outagamie	2.11	Walworth	2.18
Ozaukee	2.15	Washburn	2.08
Pepin	2.11	Washington	2.15
Pierce	2.11	Waukesha	2.16
Polk	2.09	Waupaca	2.11
Portage	2.11	Waushara	2.12
Price	2.08	Winnebago	2.12
Racine	2.18	Wood	2.11
Richland	2.13		

(3) Where the State committee determines that State or district weed control laws affect the soybean crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If, upon delivery of the soybeans to CCC the producer supplies a certificate indicating that the soybeans comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(b) *Discounts and premiums.*—(1) *Farm-storage.* In the case of eligible soybeans placed under farm-storage loan the applicable cumulative discounts contained in this paragraph shall be applied to the basic rate at the time the loan is completed. Premiums for low moisture content shall not be applied until time of settlement. In the case of eligible soybeans delivered from farm-storage under purchase agreement, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable discounts and premiums for eligible soybeans shall be applied to the basic rate at the time the loan is completed. In the case of eligible soybeans represented by warehouse receipts tendered to CCC under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(3) *Classification discount.* The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(4) *Discounts for test weight per bushel, splits, and damaged kernels.* The following discounts are applicable to all classes of soybeans:

Test weight per bushel	Discount	Splits	Discounts	Damaged kernels		Discount
				Heat	Total	
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½
52.0–52.9	1	25.1–30.0	1	0.8–1.0	4.1–5.0	1
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½

[1] The figures in these columns are inclusive.

(5) *Premiums for low moisture content.* The following premiums are applicable to all classes of soybeans.

Moisture (percent):	Premium (cents per bushel)
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

§ 421.2034 *Warehouse charges.* (a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1957, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through May 31, 1957:

Amount of deduction (cents per bushel)	Area I [1] Date of deposit (all dates inclusive)	Areas II and III [2 3] Date of deposit (all dates inclusive)	Area IV [4] Date of deposit (all dates inclusive)	Area V [5] Date of deposit (all dates inclusive)
18			Prior to May 29, 1956	Prior to June 15, 1956.
17		Prior to June 3, 1956	May 29-June 18, 1956	June 15-July 4, 1956.
16	Prior to June 9, 1956	June 3-June 24, 1956	June 19-July 9, 1956	July 5-July 24, 1956.
15	June 9-July 1, 1956	June 25-July 16, 1956	July 10-July 30, 1956	July 25-Aug. 13, 1956.
14	July 2-July 24, 1956	July 17-Aug. 7, 1956	July 31-Aug. 20, 1956	Aug. 14-Sept. 2, 1956.
13	July 25-Aug. 16, 1956	Aug. 8-Aug. 29, 1956	Aug. 21-Sept. 10, 1956	Sept. 3-Sept. 22, 1956.
12	Aug. 17-Sept. 8, 1956	Aug. 30-Sept. 20, 1956	Sept. 11-Oct. 1, 1956	Sept. 23-Oct. 12, 1956.
11	Sept. 9-Oct. 1, 1956	Sept. 21-Oct. 12, 1956	Oct. 2-Oct. 22, 1956	Oct. 13-Nov. 1, 1956.
10	Oct. 2-Oct. 24, 1956	Oct. 13-Nov. 3, 1956	Oct. 23-Nov. 12, 1956	Nov. 2-Nov. 21, 1956.
9	Oct. 25-Nov. 16, 1956	Nov. 4-Nov. 25, 1956	Nov. 13-Dec. 3, 1956	Nov. 22-Dec. 11, 1956.
8	Nov. 17-Dec. 9, 1956	Nov. 26-Dec. 17, 1956	Dec. 4-Dec. 24, 1956	Dec. 12-Dec. 31, 1956.
7	Dec. 10, 1956-Jan. 1, 1957.	Dec. 18, 1956-Jan. 8, 1957.	Dec. 25, 1956-Jan. 14, 1957.	Jan. 1-Jan. 20, 1957.
6	Jan. 2-Jan. 24, 1957	Jan. 9-Jan. 30, 1957	Jan. 15-Feb. 4, 1957	Jan. 21-Feb. 9, 1957.
5	Jan. 25-Feb. 16, 1957	Jan. 31-Feb. 21, 1957	Feb. 5-Feb. 25, 1957	Feb. 10-Mar. 1, 1957.
4	Feb. 17-Mar. 11, 1957	Feb. 22-Mar. 15, 1957	Feb. 26-Mar. 18, 1957	Mar. 2-Mar. 21, 1957.
3	Mar. 12-Apr. 3, 1957	Mar. 16-Apr. 6, 1957	Mar. 19-Apr. 8, 1957	Mar. 22-Apr. 10, 1957.
2	Apr. 4-Apr. 26, 1957	Apr. 7-Apr. 28, 1957	Apr. 9-Apr. 29, 1957	Apr. 11-Apr. 30, 1957.
1	Apr. 27-May 31, 1957	Apr. 29-May 31, 1957	Apr. 30-May 31, 1957	May 1,-May 31, 1957.

[1] Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through May 31, 1957, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.2035 *Liquidation of loans and delivery under purchase agreements*—(a) *Loans.* The provisions of § 421.1618 of 1956 C. C. C. Grain Price Support Bulletin 1 shall apply to the liquidation of farm-storage and warehouse-storage soybean loans.

(b) *Purchase agreements.* The producer who files a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of soybeans to CCC. However, he may sell to CCC any quantity of eligible soybeans not in excess of the quantity stated in the purchase agreement. If the producer who files a purchase agreement wishes to sell soybeans to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the loan maturity date or such earlier date as may be prescribed by the Executive Vice President, CCC.

(1) *Delivery from warehouse-storage.* In the case of eligible soybeans stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of soybeans he elects to sell to CCC. Such soybeans will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(2) *Delivery from other than approved warehouse storage*—(i) *Pre-delivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his soybeans stored in other than an approved warehouse under purchase agreement to CCC, an inspection of the soybeans shall be made and a sample taken and submitted for grade analysis within the 30-day period, or in any event, prior to delivery of the soybeans. If the soybeans, on the basis of the pre-delivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county committee will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. The producer, whose soybeans stored in other than an approved warehouse under purchase agreement are not of a quality eligible for a loan at the time of the pre-delivery inspection, shall be notified in writing by the county committee that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans, or otherwise take action to make the soybeans eligible and insists upon delivery of the soybeans, the county committee will issue delivery instructions. The producer shall be further informed that if such soybeans, upon delivery and before purchase, do not meet the eligibility requirements of § 421.2028 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the soybeans shall not be accepted for purchase by CCC.

(ii) *Storage after maturity date.* The producer may be required to retain the soybeans stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were determined to be of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county committee at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the soybeans are going out of condition or are in danger of going out of condition and that the soybeans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.2036 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible soybeans delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.2033 and 421.1618 (e). The support rate shall be for the grade and quality of the total quantity of soybeans eligible for delivery. If, upon delivery, the soybeans under farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under the loan and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible soybeans under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with § 421.2033 and 421.1618 (e).

(3) *Purchase agreements*—(i) *Delivery from other than approved warehouse storage.* Settlement for soybeans delivered to CCC from other than approved warehouse storage meeting the eligibility requirements of § 421.2028 (c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with § 421.2033. If soybeans, which were determined to be eligible at the time of the pre-delivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible soybeans as determined at the time of the pre-delivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the soybeans determined by the pre-delivery inspection and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* Settlement for eligible soybeans delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with § 421.2033.

(iii) *Soybeans ineligible for delivery inadvertently accepted by CCC.* If soybeans which were of an ineligible grade or quality *both* at the time of the pre-delivery inspection and at the time of delivery as determined by a reinspection, or if soybeans in excess of the maximum stated in the purchase agreement are delivered to CCC under a purchase agreement and are inadvertently accepted and CCC determines that it is not in a position to reject the soybeans to the producer, the settlement value for the quantity of ineligible soybeans delivered shall be the market price for the grade and quality of the soybeans delivered as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value if any, as determined by CCC, as of the date of delivery.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored soybeans under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.2034.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on soybeans under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the soybeans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the soybeans accepted for delivery or sale to CCC:

Area I, $0.00043; Area II, $0.00045; Area III, $0.00046; Area IV, $0.00047; Area V, $0.00049.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on soybeans delivered to CCC on track at a country point.

(f) *Compensation for hauling.* The provisions of § 421.1618 (f) of 1956 CCC Grain Price Support Bulletin 1 applicable to farm-storage loans shall also apply in cases where a producer is ordered by the county committee to deliver his soybeans under purchase agreement to a shipping point of greater distance than his customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of soybeans under purchase agreements is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 25th day of September, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-7844; Filed, Sept. 28, 1956; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 88]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.388 *Valencia Orange Regulation 88*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 27, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 30, 1956, and ending at 12:01 a. m., P. s. t., October 7, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 28, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7941; Filed, Sept. 28, 1956; 11:29 a. m.]

[Orange Reg. 300]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.800 *Orange Regulation 300*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 1, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 1, 1956; the recommendation and supporting information for continued regulation subsequent to September 30, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 1, 1956, and ending at 12:01 a. m., e. s. t., October 15, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1, or (*b*) are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(ii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 2 Russet, or (*b*) are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order, and the terms "U. S. No. 1," "U. S. No. 2 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7865; Filed, Sept. 28, 1956; 8:49 a. m.]

[Grapefruit Reg. 248]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.801 *Grapefruit Regulation 248*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 1, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 1, 1956; the recommendation and supporting information for continued regulation subsequent to September 30, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 25, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 1, 1956, and ending at 12:01 a. m., e. s. t., October 15, 1956, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7864; Filed, Sept. 28, 1956; 8:49 a. m.]

[Lemon Reg. 661]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.768 *Lemon Regulation 661*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 26, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 30, 1956, and ending at 12:01 a. m., P. s. t., October 7, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 27, 1956.

[SEAL] ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-7922; Filed, Sept. 28, 1956; 8:53 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.315 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; (ii) the current limitation of shipments regulation (§ 957.314; 21 F. R. 4910, 6859) will, unless sooner terminated or superseded, continue only through October 10, 1956; (iii) commencing on or about October 1, 1956, the rate of harvesting the fall crop of potatoes in the production area will increase in volume substantially and appropriate requirements should be in effect with respect to the handling of the largest portion of such fall crop; (iv) more orderly marketing conditions in the public interest than would otherwise prevail will be promoted by the issuance of this regulation to become effective at the time hereinafter set forth, and supersede the current regulation at that time, governing the shipment of potatoes from such effective time through June 30, 1957; (v) in the absence of the issuance of a regulation governing potato shipments made subsequent to October 10, 1956, such shipments of potatoes would be free from grade, size, quality, and maturity requirements; (vi) the issuance of this regulation, to become effective at the time hereinafter set forth and thereupon to supersede the current limitation of shipments regulation, will tend to continue beyond October 10, 1956, the benefits accruing from the current limitation of shipments regulation; (vii) information regarding the committee's recommendation has been made available to producers and handlers in the production area and all interested parties were afforded an opportunity to present their views thereon to the committee at its meeting of September 22, 1956, held with respect to such recommendation; (viii) this regulation should be made effective at the time hereinafter set forth, and notice of the regulation including its effective time should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; and (ix) compliance with this regulation will not require any special preparation on the part of handlers which cannot be completed by such effective time.

(b) *Order.* (1) During the period from October 8, 1956, through June 30, 1957, no handler shall ship potatoes of any variety unless such potatoes (i) are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean" and (ii) meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from October 8, 1956, through June 30, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes of any variety if such potatoes are more than "slightly skinned" as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirement: *Provided further,* That, in addition to the above, any lot of potatoes may be handled for any producer without regard to the aforesaid skinning requirement if (i) such lot of potatoes previously failed, upon inspection by a Federal-State inspector, to meet grade and size requirements but met the aforesaid skinning requirement applicable to such lot of potatoes, (ii) such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes, and (iii) such potatoes failing to meet the aforesaid skinning requirement are not in excess of 100 hundredweight in any such lot. Prior to each shipment of potatoes except from the above skinning requirement, the handler thereof shall report the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(3) Each handler may make one shipment of not in excess of 5 hundredweight per week without regard to the regulatory, assessment, and inspection requirements of this part.

(4) For the purpose of determining who shall be entitled to the exemption set forth in the skinning requirement: (i) "Producer" means any individual, partnership, corporation, association, landlord-tenant crop sharing relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; (ii) it is intended that each 100 hundredweight exemption to the aforesaid skinning requirement shall apply only to the potatoes grown on each farm of a producer.

(5) The grade, size, and skinning limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2 or better grade, $1\frac{1}{2}$ inch minimum diameter; (iii) canning, freezing, dehydration or manufacture or conversion into starch, flour, meal, or alcohol, and (iv) charity.

(6) Each handler making shipments of potatoes pursuant to subparagraph (5) of this paragraph shall with respect to such shipments other than certified seed potatoes: (i) Obtain a Certificate of Privilege; (ii) have each of such shipments inspected; (iii) pay assessments on such shipments; (iv) with respect to each shipment furnish a copy of the bill of lading or appropriate record of movement in case of trucks, applicable thereto, to the committee; (v) with respect to each shipment for export, include in his application for the Certificate of Privilege therefor, the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, or in the event no export license is required on such shipment, the handler shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipment; and (vi) accompany each application for a Certificate of Privilege to ship potatoes (except for shipment for export) with the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application.

(7) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of September 1956, to become effective October 8, 1956, and thereupon supersede the provisions in § 957.314 (21 F. R. 4910, 6859).

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division.

[F. R. Doc. 56-7942; Filed, Sept. 28, 1956; 11:29 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION OF ORDER, AS AMENDED

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 975), regulating the handling of milk in the Cleveland, Ohio, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 975.61 (a) (1) of the order will not tend to effectuate the declared policy of the act for the delivery period of October 1956:

(1) The phrase "and add or subtract a 'supply-demand adjustment' computed as follows:" appearing immediately following the table of delivery periods and amounts appearing therein; and

(2) Subdivisions (i), (ii) and (iii) thereof.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market, and handlers of most of the milk have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area;

(4) The effect of this action will be to prevent the possibility of contra-seasonal price adjustment by assuring continuance for October 1956 of the zero supply-demand adjustment prevailing for August and September 1956 until a public hearing can be held on proposals to change supply-demand adjustment provisions of the order; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore good cause exists for making this order effective October 1, 1956.

It is therefore ordered, That the following provisions of § 975.61 (a) (1) of the order be and hereby are suspended for the delivery period of October 1956:

(1) The phrase "and add or subtract a 'supply-demand adjustment' computed as follows:" appearing immediately following the table of delivery periods and amounts appearing therein; and

(2) Subdivisions (i), (ii) and (iii) thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7903; Filed, Sept. 28, 1956; 8:53 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce, or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight, or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe, with respect to (i) receipts of producer milk, including such handler's own production, (ii) other source milk received at a pool plant and which is classified as Class I milk, and (iii) Class I milk disposed of from nonpool plants during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except pool plants) located in the marketing area.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1956. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on December 15–21, 1955, and the recommended decision was issued August 8, 1956 (21 F. R. 6040). The final decision was issued by the Acting Secretary on September 18, 1956 (21 F. R. 7253). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Central Mississippi marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, participated in a referendum thereon, and who during the determined representative period (July 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 987.6 and substitute therefor the following:

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the

following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne, all in the State of Mississippi.

2. Delete § 987.51 (a) and substitute the following:

(a) *Class I milk price.* During the 18-month period following October 1, 1956, the minimum price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85 during the months of March, April, May and June, and plus $2.25 during all other months.

3. Delete § 987.51 (b) and substitute the following:

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March, April, May and June plus 20 cents during all other months.

4. Amend § 987.81 by deleting all of the section following the colon and inserting in lieu thereof the following "multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month."

5. Amend § 987.82 (b) by deleting the entire paragraph and inserting in lieu thereof the following:

(b) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

6. Amend § 987.53 to read as follows:

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Provided: That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.

7. Amend § 987.92 to read as follows:

§ 987.92 *Location differential to producers.* In making payments to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of September to be effective on and after October 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7902; Filed, Sept. 28, 1956; 8:53 a. m.]

PART 1012—MILK IN THE BLUEFIELD MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec.

1012.0 Findings and determinations.

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1012.100 Effective time.
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AUTHORITY: §§ 1012.0 to 1012.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1012.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a tentative marketing agreement and order regulating the handling of milk in the Bluefield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend

to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all butterfat and skim milk contained in (a) producer milk (including such handler's own production), (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said order are well known to handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 1012.0 through 1012.22; §§ 1012.30 through 1012.46; § 1012.60; §§ 1012.80 through 1012.83; and §§ 1012.95 through 1012.111 effective on October 1, 1956 and the entire order (§§ 1012.0 through 1012.111) effective November 1, 1956. It would be contrary to the public interest to delay such effective dates of this order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Bluefield marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area;

(3) The issuance of this order is approved or favored by at least three-fourths of the producers, who participated in a referendum thereon, and who, during the determined representative period June 1955, were engaged in the production of milk for sale in the said marketing area;

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Bluefield marketing area shall be in conformity to and compliance with the following terms and conditions:

DEFINITIONS

§ 1012.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1012.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1012.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1012.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1012.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1012.6 *Bluefield marketing area.* "Bluefield marketing area," hereinafter called the "marketing area," means all the territory geographically located within the perimeters of the counties of Mercer and McDowell, in West Virginia, and Tazewell in Virginia.

§ 1012.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which ships (1) any milk or skim milk during the months of February through July, or (2) an amount of milk, skim milk or cream in fluid form in excess of 70,000 pounds for the month during the months of August through January, to a plant qualified pursuant to paragraph (a) of this section, and (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided,* That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section: *And provided further,* That this definition shall not be deemed to include any building, premises or facilities the primary function of which is to hold or store bottled milk or milk products in finished form in transit for wholesale or retail route distribution.

§ 1012.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 1012.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 1012.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 1012.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of April through July, and (2) on not more than 15 days during any of the months of August through March: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 1012.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 1012.11.

§ 1012.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk, or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 1012.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1012.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1012.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1012.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 1012.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1012.17 *Base milk.* "Base milk" means milk received at a fluid milk plant from a producer during any of the months of April through July which is not in excess of such producer's base for such month computed pursuant to § 1012.81.

§ 1012.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through July, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 1012.80.

MARKET ADMINISTRATOR

§ 1012.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1012.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1012.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1012.95 (1) of the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1012.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1012.30 and 1012.31, or payments pursuant to §§ 1012.90 through 1012.95;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 1012.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1012.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1012.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk, (iii) the days on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1012.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1012.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1012.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 1012.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1012.41 through 1012.46.

§ 1012.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1012.43 and 1012.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in (skim milk only) any product disposed of for livestock feed; (3) dumped (skim milk only) during the months of April, May, June or July: *Provided,* That the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (4) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (5) in shrinkage assigned to Class II pursuant to § 1012.42.

§ 1012.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 1012.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 1012.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 1012.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1012.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1012.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1012.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1012.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 200 miles by the shortest highway distance, as determined by the market administrator, from the City Hall, Bluefield, West Virginia, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk if transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1012.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1012.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1012.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1012.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1012.42 (d);

(2) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in other source milk (that derived from milk priced under another Federal order to be subtracted last): *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk

the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 1012.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 1012.41 (a) (1), according to its classification as determined pursuant to § 1012.42 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1012.50 *Basic formula price.* The highest of the prices computed pursuant to paragraph (a) or (b) of this section and § 1012.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Bellesville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, is above 5 cents.

§ 1012.51 *Class prices.* Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* For each month during the eighteen-month period following the effective date of this order the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April, May and June; $1.70 during the months of March and July; and plus $2.10 during all other months.

(b) *Class II milk price.* For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department of Agriculture.

§ 1012.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price by 0.12, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply the Chicago butter price by 0.11, and round to the nearest one-tenth cent.

§ 1012.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by shortest hard surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 1012.41 (a) (1) and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified Class I milk, the price specified in § 1012.51 (a) shall be reduced at the rate of 10 cents per hundredweight for a distance of not less than 50 miles but less than 60 miles, plus 1.5 cents per hundredweight additional for each 10 miles, or fraction thereof, beyond 60 miles, according to the location of the fluid milk plant where such milk is received from producers:

County Courthouse, Princeton, W. Va.
City Hall, Bluefield, W. Va.
City Hall, Welch, W. Va.

Provided, That for the purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1012.46 (a) (1) and (2), and the comparable steps in § 1012.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1012.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1012.60 *Producer-handlers.* Sections 1012.40 through 1012.46, 1012.50 through 1012.53, 1012.70 through 1012.72, 1012.80 through 1012.83, and 1012.90 through 1012.96 shall not apply to a producer-handler.

§ 1012.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1012.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1012.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Bluefield marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1012.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 1012.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 1012.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1012.46 (a) (3) and (b), whichever is less.

§ 1012.71 *Computation of uniform prices for handlers.* For each of the months of August through March the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions to be made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 1012.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through July, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1012.70 the total of the location differential deductions made pursuant to § 1012.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk.

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the sum of the values obtained pursuant to paragraph (d) and the proviso of paragraph (e) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days: *Provided*, That the daily base of each producer for April, May, June and July 1957 shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the five-month period October 1956 through February 1957 by the number of days from the first day milk is received from such producer during said period to the last day of the period, inclusive, but not less than 90 days.

§ 1012.81 *Computation of base.* The base of each producer to be applied during the months of April through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 1012.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February: *Provided*, That a base computed for April, May, June and July, 1957 shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of October 1956 through February 1957.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler regulated under this order.

§ 1012.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1012.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 1012.71 for the months of August through March, and at not less than the uniform price for base milk computed pursuant to § 1012.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 1012.72 with respect to excess milk received from such producer for the months of April through July, subject to the following adjustments: (1) The butterfat differential pursuant to § 1012.91, (2) the location differential

pursuant to § 1012.92, (3) marketing service deductions pursuant to § 1012.94, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1012.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 1012.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1012.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1012.92 *Location differential to producers.* In making payment to producers pursuant to § 1012.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the nearest of the following listed places, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate: County Courthouse, Princeton, West Virginia; City Hall, Bluefield, West Virginia; or City Hall, Welch, West Virginia.

Distance in miles	*Rate per hundredweight (cents)*
50 but not less than 60	10
For each additional 10 miles (or fraction thereof) an additional	1.5

§ 1012.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1012.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1012.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1012.90 (b).

§ 1012.95 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

§ 1012.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1012.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1012.101.

§ 1012.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1012.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1012.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1012.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1012.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of September 1956, to be effective as follows: §§ 1012.0 through 1012.22; §§ 1012.30 through 1012.46; § 1012.60; §§ 1012.80 through 1012.83; and §§ 1012.95 through 1012.111 shall be effective on and after the 1st day of October 1956, and the entire order (§§ 1012.0 through 1012.111) shall be effective on and after the 1st day of November 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R Doc. 56-7901; Filed, Sept. 28, 1956; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-386D]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of September 1956.

Special Civil Air Regulation No. SR-386C which expires September 30, 1956, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

The Civil Aeronautics Administration has advised the Board that the regulation has not been abused and favors its continuation. The proposed revision of Part 41 of the Civil Air Regulations, recently released for discussion purposes, does not contain any provisions concerning flight time limitations because of the necessity for seeking the resolution of certain outstanding questions in a separate rule making action. It is expected that this separate rule making will be completed in the near future and thereafter amendments to existing regulations will be made where appropriate. Pending the resolution of outstanding questions relating to flight time limitations, the Board considers that it is advisable to extend the authority granted by SR-386C for another year rather than to incorporate this authority in currently effective Part 41.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 5805), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation effective October 1, 1956:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation supersedes Special Civil Air Regulation No. SR-386C and shall terminate September 30, 1957, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-7867; Filed, Sept. 28, 1956; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 576—WATER, ELECTRIC POWER, SEWERAGE AND COMMUNICATIONS SERVICES AT CANTON AND WAKE ISLANDS

Under section 10 (a) of the International Aviation Facilities Act, the Administrator of Civil Aeronautics is empowered and directed to do and perform all acts and things necessary or incident to the operation, protection, maintenance, improvement, and administration of airport property in territory outside the continental limits of the United States which he has acquired pursuant to the act or any other provision of law. Among other things, section 10 (a) specifically authorizes the furnishing on a reimbursable basis facilities and services necessary or desirable for the operation and administration of such airport property.

Acting pursuant to the foregoing authority, and in accordance with section 3 (a) (3) of the Administrative Procedure Act, Part 576 is hereby adopted. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Subpart A—Introduction

Sec.
576.1 Basis and purpose.
576.2 Definitions.

Subpart B—Provision of Service

Sec.
576.3 Services available.
576.4 Applications.
576.5 Connections to systems.
576.6 Extensions to systems.

Subpart C—Rates of Payment

576.7 Rates.
576.8 Rate adjustment.
576.9 Measurement.

Subpart D—General

576.10 Government liability.
576.11 Billing.

AUTHORITY: §§ 576.1 to 576.11 issued under sec. 10, 62 Stat. 453; 49 U. S. C. 1159.

SUBPART A—INTRODUCTION

§ 576.1 *Basis and purpose*—(a) *Basis.* The basis of this part is section 10 of the International Aviation Facilities Act (62 Stat. 453, 49 U. S. C. Sup. 1159) as amended by sections 1 and 2 of Reorganization Plan No. 5 (15 F. R. 1374).

(b) *Purpose.* The purpose of this part is to establish the policy of the Civil Aeronautics Administration on providing water, electric power, sewerage and communications services at Wake and Canton Islands to agencies of the United States Government and to organizations or individuals engaged directly or indirectly in an aeronautical activity.

§ 576.2 *Definitions.* As used in this part:

(a) "CAA" shall mean the Civil Aeronautics Administration.

(b) "Regional Administrator" shall mean the Regional Administrator, Civil Aeronautics Administration, P. O. Box 4009, Honolulu, Hawaii.

(c) "Facilities Chief" shall mean the Chief, Facilities Division, Civil Aeronautics Administration, P. O. Box 4009, Honolulu, Hawaii.

SUBPART B—PROVISIONS OF SERVICE

§ 576.3 *Services available.* The services provided is limited to that in excess of the needs of the Civil Aeronautics Administration and within the capacities of the installed services. Where additional service is desired, permission may be given to construct additional complementary facilities or extensions to the system involved.

§ 576.4 *Applications.* Applications for service shall be made in writing to the Regional Administrator, Civil Aeronautics Administration, P. O. Box 4009, Honolulu, Hawaii, and shall set forth in detail the type, location and amount of service desired, maximum demand, and other pertinent data, including, for electric power applications, data on all motor loads in excess of two horsepower.

§ 576.5 *Connections to systems*—(a) *Water and sewerage.* Connections to the existing power and water systems shall be made by the user, upon obtaining written approval from the Facilities Chief. Method of making connection and workmanship shall be subject to inspection and approval of the Island Structural Maintenance Engineer. Extensions to the existing sewer and water systems include additional lateral or trunk sewers, manholes or sewage disposal facilities and water mains, water collection, production, storage, or pumping facilities as distinguished from connections to the systems to provide service to an individual user. Meters where required will be furnished, installed and serviced by the CAA. The CAA will also maintain the fresh water connection between the main and the building, but maintenance of the sewer connection between the building and the lateral sewer shall be the responsibility of the user, all work thereon being subject to inspection and approval of the Island Structural Maintenance Engineer.

(b) *Electric power.* Connections to the existing power system will be made by and at the expense of the CAA. Connection is limited to the provision of a meter, installation and connection of the meter to the service drop, and connection of service drop to power supply lines. The user shall provide, install and maintain a safety switch, a meter socket, a one-span service drop and such work and materials as are required to distribute the power from the service drop. Any other work or materials over and beyond those mentioned above that are required to provide the user with power shall be considered as extensions to the existing system. All workmanship, materials and equipment employed by the user shall be in accordance with CAA Technical Standard Order N–17A.

(c) *Communications.* Connections to the existing system will be made only by the CAA. Connection is limited to the provision and installation of all telephones and lines from the service drop, the addition or removal of any telephone extensions on either private or party lines, and the changing of location of any authorized telephone. Any other work or materials over and beyond those mentioned above that are required to provide the user with communications service shall be considered as extensions to the existing system. Title to the system in its entirety shall be vested in the Government. The responsibility for its maintenance will rest with authorized CAA personnel.

§ 576.6 *Extensions to systems.* Extensions to the existing electric power, water, sewerage and communications systems shall be made only with the written approval of the Facilities Chief. Dependent upon the circumstances and as determined by the Facilities Chief, all extensions shall be made by the user at his expense or by the CAA. Extensions made by the user shall become the property of the Government upon incorporation into the system.

SUBPART C—RATES OF PAYMENT

§ 576.7 *Rates*—(a) *Electric power.* Electric power is provided at Wake Island at the rate of $0.060 per kilowatt-hour and at Canton Island at $0.085 per kilowatt-hour.

(b) *Water and sewerage*—(1) *Wake Island.* Fresh water is provided at the rate of $0.02 per gallon and brackish water at the rate of $150 per annum per building connection except that the Facilities Chief may impose a higher brackish water charge, based on the number of exterior hose bibbs, water closets and usage, for buildings with more than two exterior hose bibbs or one water closet. Sewerage service is provided at the rate of $60 per annum per family residence and $210 per annum for structures other than family residences except that the Facilities Chief may impose a higher rate, based on the number of connections, for sewerage service to structures having more than ten sewerage fixture connections.

(2) *Canton Island.* Fresh water is provided at the rate of $0.04 per gallon. No additional or separate charge to users of fresh water will be made for brackish water, salt water or for sewerage disposal, where such facilities are available.

(c) *Communications.* Individual line service is provided at the rate of $8.75 per month and two-party line service at the rate of $7.75 per month. Extensions to the existing telephone system or relocation of existing telephone connections shall be provided at the rate of $10 per extension or relocation. If another instrument connection is made to an existing line connection, there shall also be a monthly charge of $5 per each additional connection.

§ 576.8 *Rate adjustment.* Rates are subject to equitable adjustment as circumstances warrant. Users of services will be advised 30 days in advance of any adjustment in the rate.

§ 576.9 *Measurement.* Fresh water and electric power usage will be measured by meters, but may in exceptional cases be based upon estimates mutually agreed upon between the user and Facilities Chief.

SUBPART D—GENERAL

§ 576.10 *Government liability.* The Government shall not be liable nor responsible in any way for any loss, damage, or injury sustained by any user of the utility or third person by reason of any partial or complete failure or shutdown of the utility except where such loss, damage or injury is caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such loss, damage, or injury in accordance with the law of the place where the act or omission occurred.

§ 576.11 *Billing.* A monthly statement is submitted to each user based upon the applicable rates. These bills are payable in accordance with previous arrangements between the user and the Regional Administrator.

This part shall become effective October 1, 1956.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–7840; Filed, Sept. 28, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54201]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

STAINED OR PAINTED GLASS WINDOWS FOR HOUSES OF WORSHIP

To indicate more clearly that stained or painted glass windows and window glass valued $15 or more per square foot imported for use in houses of worship are not entitled to free entry under paragraph 1810, Tariff Act of 1930, unless they are works of art, § 10.52, Customs Regulations, is amended to read as follows:

§ 10.52 *Stained or painted glass windows for houses of worship.* When stained or painted glass windows or window glass which are works of art valued at $15 or more per square foot are claimed to be free of duty under paragraph 1810, Tariff Act of 1930, the importer shall file in connection with the entry a declaration on customs Form 3321, declaring that the importation is a work of art made for use in a house of worship, and a certificate of delivery on customs Form 3337.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies par. 1810, sec. 201, 46 Stat. 685; 19 U. S. C. 1201, par. 1810)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 21, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7855; Filed, Sept. 28, 1956; 8:48 a. m.]

[T. D. 54197]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

CUSTOMS CIGAR STAMPS

As the cost of printing the customs stamps required to be affixed to boxes containing cigars manufactured in bonded warehouses has increased considerably, it is necessary to increase the sales prices of such stamps. Accordingly, the second sentence of § 19.16 (e) of the Customs Regulations is hereby amended to read as follows: "These stamps shall be sold to manufacturers by collectors of customs at the following prices: $1.60 per thousand for the small stamp, 4" x 1½" in size, and $2.00 per thousand for the large stamp, 8" x 1½" in size."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 311, 46 Stat. 691, as amended, 19 U. S. C. 1311)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 21, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7852; Filed, Sept. 28, 1956; 8:48 a. m.]

[T. D. 54198]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

OVERPRINTING OF VARIOUS SALABLE CUSTOMS FORMS

As the practice of overprinting various salable customs forms of entries, etc., for importers, brokers, carriers, and others, to include their names and addresses, numbers and names of the customs districts in which they transact business, etc., has been discontinued, § 24.14 of the Customs Regulations is amended by deleting the designation "(a)" from the first paragraph and by deleting paragraph (b).

(R. S. 161, 251; 5 U. S. C. 22, 19 U. S. C. 66)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 20, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7853; Filed, Sept. 28, 1956; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–23, Amdt. 1]

DMO I–23—CREATING AN INTERAGENCY HEALTH ADVISORY BOARD

PROVIDING FOR A REPRESENTATIVE OF THE SELECTIVE SERVICE SYSTEM TO BE INCLUDED IN MEMBERSHIP

1. Paragraph 1 of Defense Mobilization Order I–23, effective May 31, 1956, which established the Interagency Health Advisory Board, is hereby amended by adding to the list of agencies represented on the Board the following:

Selective Service System.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–7847; Filed, Sept. 28, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

DRIED FIGS PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed further amendment, as set forth hereinafter, of the administrative rules and procedures (20 F. R. 7186, 10095), issued pursuant to the applicable provisions of Marketing Agreement No. 123 and Marketing Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California, effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the amendment hereinafter set forth which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the eighth day after the date of publication of this notice in the FEDERAL REGESTER, except that, if said eighth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The provisions of the proposed amendment are those submitted by the Dried Fig Administrative Committee for approval, with modifications believed to be necessary or desirable for conformance with and practical administration of the volume control provisions of the marketing agreement and order.

The proposed amendment is as follows:

1. Add, immediately following § 964.151 of the administrative rules and procedures, as amended, a new heading and new §§ 964.157 and 964.158 reading as follows:

VOLUME REGULATION

§ 964.157 *Surplus tonnage of dried figs generally*—(a) *General requirement.* Surplus tonnage acquired by each handler shall be held by him for the account of the committee and subject to the applicable restrictions of the order and this subpart. Total net acquisitions of a handler shall be determined on the basis of secondary certificates issued by the inspection agency pursuant to § 964.50 (d). The surplus obligation of a handler will be determined by applying the surplus percentage to the total net weight of dried figs acquired as evidenced by secondary certificates.

(b) *Holding and delivery.* (1) Each handler shall store separate and apart from other dried figs and from each other each varietal type of surplus tonnage dried figs held by him for the account of the committee. Dried figs shall be considered as stored separate and apart from other dried figs when they are identifiable from them. Handlers shall store surplus tonnage dried figs in sweat boxes, picking boxes, sacks or other suitable containers under conditions which will maintain the dried figs in the same condition as they were acquired except for normal and natural deterioration and shrinkage. Whenever the effective date of a surplus percentage regulation is the date on which it is published in the FEDERAL REGISTER, a handler

shall be allowed five business days thereafter in which to meet his obligations with respect to the holding and identification of surplus tonnage dried figs.

(2) The committee may, after giving reasonable notice, require a handler to deliver to it or anyone designated by it, at such handler's warehouse or at such other place as surplus tonnage dried figs may be stored, part or all of the surplus dried figs held by him. The committee may require that such delivery consist of natural condition dried figs or it may arrange for such delivery to consist of processed dried figs.

(3) For each crop year each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one and one-half percent of the original natural condition weight on those surplus tonnage dried figs acquired by him during the crop year and held by him for the account of the committee on March 1 of the same crop year. The handler shall be entitled to no other allowance for normal or natural shrinkage in weight for any of such dried figs acquired during the crop year: *Provided,* That the committee shall grant an additional allowance for any normal and natural shrinkage in weight of any such dried figs held for the account of the committee beyond the end of the crop year of acquisition upon submission by the handler of satisfactory proof of such shrinkage during the period the dried figs were so held.

(c) *Surplus obligation and deferment thereof.* (1) Subject to the provisions of paragraph (b) of this section, each handler shall have in his possession or under his control at all times a quantity of dried figs, by variety, equal to the quantity of surplus tonnage referable to his acquisitions of dried figs less any quantity of surplus tonnage dried figs delivered by him pursuant to instructions of the committee, any quantity of such tonnage acquired by him but subsequently sold to him by the committee and, during the period of any deferment granted pursuant to provisions of this paragraph, the quantity of dried figs covered by such deferment.

(2) Any handler who desires to defer the meeting of his surplus tonnage obligations pursuant to § 964.57 (c) shall file with the committee on a form furnished by it a certified application for deferment of his surplus tonnage obligations containing: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total surplus tonnage on which deferment is requested segregated as to his current holdings and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(3) The committee may grant such an application upon a showing by the handler that he has a need for the deferment and meets the requirements as to the written undertaking and bond which are prescribed in § 964.57 (c). The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of § 964.57 (c). The amount of said bond for a varietal type of dried figs shall be the product obtained by multiplying the quantity for which deferment is granted by the average field price for the season, to date, of salable tonnage dried figs of the same varietal type. At any time during the period for which a deferment has been granted, the handler may request the committee to increase or decrease the quantity of dried figs covered by the deferment and the committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond. Also at the request of the handler, the committee may extend the deferment beyond the original period (not beyond December 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(4) No handler shall use any of such surplus tonnage dried figs as salable tonnage dried figs until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(5) Except as provided otherwise in connection with a deferment granted pursuant to § 964.57 (c) and this paragraph, a handler who fails to deliver to the committee, upon request, any surplus tonnage dried figs in the quantity or of a quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made), shall compensate the committee for the amount of the loss that is occasioned by his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of surplus tonnage dried figs not delivered by the latest weighted average price per ton received by producers during the particular crop year for salable tonnage dried figs of the particular varietal type or types, plus any charges already paid or credited to the handler and any costs to the committee which are caused by the handler's failure to deliver. Sales by producers, on which such weighted average price is computed, shall include those during the particular crop year up to the time such compensation is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the committee for any surplus tonnage dried figs which have deteriorated in quality during storage for reasons within his control, shall be the weighted average price to date received by the committee for the particular varietal type of surplus pool dried figs, less the amount received by the committee in the disposition of the dried figs delivered by the handler (or the reasonable value of such dried figs, as determined by the committee, if not sold). Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the proceeds of the surplus tonnage pool. The remedies provided in this paragraph shall be in addition to and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

(d) *Payment for services.* (1) Each handler shall, beginning with the crop year which began August 1, 1956, be compensated at the rate of $16.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling surplus tonnage dried figs acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

(2) Each handler shall, beginning with August 1, 1956, be reimbursed by the committee for inspection costs applicable to the surplus pool dried figs received and held by him for the account of the committee. Such payment shall made on a monthly basis, when pool funds are available, at the applicable rate per ton paid by such handler to the inspection agency, and on the quantity for the particular month reported by the handler. The committee shall pay the cost of any inspection required by it of any surplus pool dried figs while they are being held for its account or are delivered in accordance with its request: *Provided,* That the cost of inspection of any dried figs which a handler exchanges for dried figs of the same crop year in the surplus pool, or surplus tonnage dried figs which he receives by transfer from another handler and on which he requests inspection shall be borne by the handler.

(3) Each handler shall, beginning with August 1, 1956, be paid an allowance for fumigation of 75 cents per ton for surplus tonnage dried figs received during the crop year between August 1 and March 1, and each handler shall be paid an additional allowance of 15 cents per month or any portion of a month for the fumigation of dried figs held for the account of the committee after March 1.

(4) In addition to the foregoing payments, handlers shall also be compensated for the following services when required: (i) The committee may arrange with any handlers for transporting surplus tonnage dried figs. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required; and (ii) a handler who accepts an offer by the committee to pack surplus tonnage dried figs for its account shall be compensated for such packing in an amount determined by or acceptable to the committee. In considering the amount of compensation to be paid, the committee shall take into account, among other factors, the particular varietal type of dried figs to be packed, the particular pack or package required, and the quantity and quality of the dried figs to be packed.

§ 964.158 *Disposition of surplus tonnage—*(a) *Offers of surplus tonnage dried figs to handlers for purchase or for contract processing or packing.* (1) Whenever the committee offers surplus tonnage dried figs to handlers for purchase, pursuant to § 964.58 (a), it shall specify, among other terms of the offer: (i) The period within which each handler shall be given the opportunity to purchase his share of the offer; and (ii) the additional period during which, if any of the offer then remains unpurchased, each handler who purchased all of his share of the offer may purchase his share of a reoffer of such unpurchased quantity. The committee shall fix the length of each of the two periods so as to facilitate disposition of surplus tonnage dried figs. Should any quantity of surplus tonnage dried figs remain unsold after a reoffer, any sales of such dried figs to any handler or handlers after the withdrawal of such quantity from the offer shall be made in the order in which any handler or handlers notify the committee of his or their desire to purchase all or part of such unsold quantity.

(b) *Sales for animal feed, certain manufacturing uses and export.* The committee may sell direct to any person, whether or not he is a handler under the order and without regard to the provisions of § 964.58 (a), if the committee determines that the use of such provisions would be impracticable in liquidating the surplus pool, or sell to handlers for resale pursuant to the provisions of § 964.58 (a), any surplus tonnage dried figs for animal feed, botanicals, distillation, or for any manufacturing uses or for export at negotiated prices pursuant to § 964.58 (c).

Dated: September 26, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7866; Filed, Sept. 28, 1956; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO, BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO, AND MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR 1957-58 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for cigar-filler and binder tobacco, for each of the three marketing years beginning October 1, 1957; (b) determine and announce the amount of the national marketing quota for such kind of tobacco, and for burley tobacco, flue-cured tobacco, fire-cured tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1957-58 marketing year; (c) apportion the national marketing quotas for such kinds of tobacco for the 1957-58 marketing year among the several States; and (d) convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary shall, not later than December 1 of any marketing year with respect to flue-cured tobacco, and February 1 of any marketing year with respect to other kinds of tobacco, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco that such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. Certain other conditions and provisions are included in the act stating the circumstances under which the Secretary is required to proclaim a national marketing quota, but such conditions and provisions do not affect the circumstances under which the Secretary is required to proclaim national marketing quotas as outlined above for the 1957-58 marketing year.

The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising types 21, 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

The act (7 U. S. C. 1312 (b)) provides that the Secretary shall also determine and announce not later than the first day of December with respect to flue-cured tobacco and not later than the first day of February with respect to other kinds of tobacco the amount of the national marketing quota which is in effect for the 1957-58 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1957-58 national marketing quota may, not later than March 1, 1957, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (c)) requires that within 30 days after a national marketing quota is proclaimed for the 1957-58, 1958-59 and 1959-60 marketing years for cigar-filler and binder tobacco,

the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1956 crop of such kind of tobacco to determine whether such farmers are in favor of or opposed to such quota for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no wise affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the act, of a national marketing quota.

Burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco growers favored marketing quotas for the 1957–58 marketing year in referenda held pursuant to the act as follows: Burley tobacco, 21 F. R. 668; flue-cured tobacco, 20 F. R. 6543; fire-cured tobacco, 20 F. R. 809; dark air-cured tobacco, 20 F. R. 809; Virginia sun-cured tobacco, 21 F. R. 668; and Maryland tobacco, 21 F. R. 668.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The act (7 U. S. C. A. 1313 (g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments. The act (sec. 307, Public Law 540, 84th Congress, 2d Session) provides further that in any case in which, during any year within the period 1956 to 1959, inclusive, for which acreage planted to tobacco on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to such commodity in such year, if the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment; the act further provides that the allotment may not be so preserved if the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Public Law 540, 84th Congress, 2d Session, also provides that the acreage withdrawn or diverted from the production of tobacco under the Acreage Reserve Program and Conservation Reserve Program shall for allotment purposes be considered devoted to the production of tobacco.

The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 25th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 56–7845; Filed, Sept. 28, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

BARBER-WILHELMSEN LINE AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8146, between the carriers comprising the Barber-Wilhelmsen Line joint service and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Japan and the Philippine Islands to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8146, upon approval, will supersede and cancel approved transhipment Agreement No. 7762.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 26, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7876; Filed, Sept. 28, 1956; 8:52 a. m.]

PACIFIC WESTBOUND CONFERENCE AND PHILIPPINE NATIONAL LINES

NOTICE OF AGREEMENT FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57–62 between the member lines of the Pacific Westbound Conference and Philippine National Lines, provides for the admission of that company as an associate member of that conference (No. 57). As an associate member Philippine National Lines will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts; and will be exempt from posting the usual surety bond.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 26, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–7875; Filed, Sept. 28, 1956; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OHIO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Ohio a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Ashtabula	Mahoning
Geauga	Portage
Lake	Trumbull

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–7846; Filed, Sept. 28, 1956; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54199]

HARDBOARD FROM SWEDEN

ANTIDUMPING

SEPTEMBER 21, 1956.

After due investigation, I find, as of September 21, 1956, that the following exporter of hardboard from Sweden is no longer selling, or likely to sell, hardboard to the United States at less than its fair value:

Mo Och Domsjo Treetex A/B

The finding of dumping made August 26, 1954, as modified by T. D. 54168, is further modified accordingly.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7854; Filed, Sept. 28, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order 6]

MANAGER OF OUTER CONTINENTAL SHELF, NEW ORLEANS, LA.

DELEGATION OF AUTHORITY WITH RESPECT TO RIGHTS OF WAY FOR PIPE LINES

SEPTEMBER 25, 1956.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541, as amended, the Manager of the Outer Continental Shelf Office at New Orleans, Louisiana, in his geographical area of jurisdiction, and in accordance with existing policies, regulations and procedures of this Bureau and under the general supervision of the Supervisor, Eastern States Office, is authorized to perform the functions of the Director, Bureau of Land Management, with respect to rights of way for pipe lines on the Outer Continental Shelf, 43 CFR Part 202, except the granting of advance permission to commence construction contained in § 202.11.

L. T. HOFFMAN,
Supervisor,
Eastern States Office.

Approved: September 25, 1956.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56–7856; Filed, Sept. 28, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8222]

LAURENTIDE AVIATION, LTD.

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding is postponed from October 2, 1956, to October 3, 1956, at 9:15 a. m., e. d. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 24, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56–7869; Filed, Sept. 28, 1956; 8:50 a. m.]

[Docket No. 8157; Order No. E–10639]

TRANS-PACIFIC AIRLINES, LTD.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 26th day of September 1956.

In the matter of the application of Trans-Pacific Airlines, Ltd., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Trans-Pacific Airlines, Ltd. (Trans-Pacific) on August 8, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Trans-Pacific a certificate of public convenience and necessity of indefinite duration for route No. 99 authorizing air transportation of persons, property and mail.

Section 401 (e) (4) of the Act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory, between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Trans-Pacific alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Trans-Pacific in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Trans-Pacific further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Hawaii authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Hawaii, and that all such service between all points and, for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Trans-Pacific so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Trans-Pacific on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Trans-Pacific to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Trans-Pacific's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Trans-Pacific and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

1. Trans-Pacific is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Trans-Pacific was an air carrier, furnishing service within the Territory of Hawaii authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Hawaii, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered, That:

1. Trans-Pacific is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A;

2. Trans-Pacific and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Trans-Pacific, the Mayor of each city served by Trans-Pacific on route No. 99 on July 20, 1956 and on every certificated air carrier serving a point served by Trans-Pacific on route No. 99 on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Trans-Pacific Airlines, Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Honolulu, Oahu; the intermediate points Hoolehua, Molokai; Lanai City, Lanai; Maalaea, Maui; Upolu Point, Hawaii; Kailua, Hawaii; and the terminal point Hilo, Hawaii;

2. Between the terminal point Honolulu, Oahu; and the terminal point Island of Kauai,

to be known as Route No. 99.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate, and may continue to maintain regularly scheduled nonstop service between any two points not consecutively named herein if nonstop service was regularly scheduled by the holder between such points prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein expressly prescribed, regularly serve a point named herein through any airport convenient thereto, and may render scheduled nonstop service between any two points not consecutively named herein between which service is authorized hereby.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ------ ----------, 1956: *Provided, however,* That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ---------- 1956 (Order No. E-------), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ---------- ----------,

[SEAL] ---------- ----------,
Chairman.

Attest:

---------- ----------,
Secretary.

[F. R. Doc. 56-7868; Filed, Sept. 28, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11711, 11712; FCC 56M-887]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER CONTINUING HEARING

In re applications of Al H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP-9969; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP-10195; for construction permits.

The Hearing Examiner having under consideration an informal request for a continuance of the prehearing conference from October 4 to October 15, 1956;

It appearing that representations from the parties indicate a possibility of reaching a solution of conflicts without the necessity of going to hearing; and

It further appearing that a prehearing conference was scheduled for October 4 but the parties require additional time for conferences among themselves and that no objection has been interposed to the requested continuance;

It is ordered, This 25th day of September 1956, that the prehearing conference is continued from October 4 to October 15, 1956, and the hearing date is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7870; Filed, Sept. 28, 1956; 8:50 a. m.]

[Docket No. 11827; FCC 56-905]

PRAIRIE BROADCASTING CO. (WPRE)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien, Wisconsin, Docket No. 11827, File No. BP-10155; for construction permit.

1. The Commission has before it for consideration a "Protest And Petition For Reconsideration," filed on August 20, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by the State of Wisconsin, University of Wisconsin, licensee of Station WHA, Madison, Wisconsin (hereinafter referred to as WHA), and directed against the Commission's action of July 18, 1956, in granting without hearing the above-captioned application of the Prairie Broadcasting Company (hereinafter referred to as WPRE) for a construction permit to change the frequency of Station WPRE, Prairie du Chien, Wisconsin, from 1280 kilocycles to 980 kilocycles and to increase the height of the antenna (500 watts, daytime only), File No. BP-10,155; and an opposition thereto filed by Prairie Broadcasting Company on August 29, 1956.

2. In a letter dated January 6, 1956, and a petition filed on February 10, 1956, WHA requested that the above-captioned application of WPRE be set for hearing on the ground that the proposed operation of WPRE would cause interference to Station WHA in an area (though beyond its normally protected contour) with regard to which WHA claimed special protection pursuant to the provision of § 3.182 (c) of the Commission's rules. On July 18, 1956, the Commission granted the subject WPRE application and, in a letter of the same date, dismissed WHA's petition to designate the WPRE application for hearing because it had failed to make the requisite showing under § 3.182 (c) of the rules that primary service to approximately 90 percent of the population in the alleged WHA interference area is not supplied by any other station or stations carrying the same general program service. It is against this Commission action in granting the WPRE application that the subject protest is directed. WHA requests the Commission to reconsider its action in granting the WPRE application, to designate said application for hearing, to name WHA as a party to the proceeding, and to postpone the effective date of the WPRE grant to the effective date of the Commission's final decision following the hearing on the application.

3. Station WHA, a Class III daytime station operating on the frequency 970 kilocycles with power of 5 kilowatts, is operated on a noncommercial, educational basis. WHA claims that it is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its "Protest And Petition For Reconsideration" on the grounds that the proposed operation of WPRE would cause objectionable interference to the service of Station WHA in an extensive area in southwestern Wisconsin, which, although outside of WHA's 0.5 mv/m or normally protected contour, presently receives a primary, interference-free service from WHA, a service area which "should be protected from interference under the so-called 'individual merit standard' of (§ 3.182 (c) of the Commission's rules)." This section provides:

> When it is shown that primary service is rendered by any station, beyond the normally protected contour, and when primary service to approximately 90 percent of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration.

4. In its supporting engineering affidavit, WHA claims that it provides primary, interference-free service to its 0.10 mv/m ground wave contour and that interference within this area from the authorized operation of WPRE would affect a rural population of 35,346 in southwestern Wisconsin.[1] WHA alleges that this primary service "is heard, used, and relied upon" by people in the intereference area; that 18 other standard broadcast stations render primary service to some portion of the interference area in question but that none of these stations provides the same general program service as WHA's to 90 per cent of the population of the area in question; that WHA is operated as a noncommercial, educational station; and that in its last application for renewal of license, filed on August 25, 1955, it proposed to devote the following percentages of time to these categories of programs:

	Percent
Entertainment	36
Religious	1
Agriculture	7
Educational	42
News	10
Discussion	2
Talks	3

5. In another Exhibit, to support its claim of unique programming, WHA submitted the following type analysis for programs broadcast by WHA in a "typical week" in 1955:

Program type	Amount of time	Percent of total
Wisconsin School of the Air	2 hours 5 minutes	2.8
Children's (out of school)	2 hours	2.7
College of the Air, and Adult Education	14 hours 28 minutes	19.5
Farm	3 hours 57 minutes	5.3
Homemakers	3 hours	4.1
News, Current Affairs, and Special Features	9 hours 47 minutes	13.2
Music	34 hours 13 minutes	46.3
Drama and Literature	4 hours 30 minutes	6.1
	74 hours	100.0

6. WHA cites the following programs as characteristic of its "extraordinary program service":

> Wisconsin School of the Air: In-school listening programs for use in elementary and secondary schools as part of regular classroom work.
>
> Wisconsin College of the Air: Lecture courses for youth and adult education.
>
> Homemaker Programs; Informational and inspirational material for housewives and business women.
>
> Farm Service: Agricultural information. Live coverage of major farm events in the State.
>
> Political Education Forum: Forum for qualified parties and candidates for statewide elective offices.
>
> Wisconsin Legislative Forum: Daily quarter hour program featuring State legislators.

7. WHA places great emphasis on its program, "Wisconsin School of the Air," contending that "one-room rural schools, city elementary and secondary schools in Grant, Crawford, and Vernon counties" rely upon the availability of this program. In support of this contention, WHA submitted a letter from the Assistant Superintendent of the State of Wisconsin Department of Public Instruction and "sample comments from teachers in the area." WHA also claims that it renders "exceptional and outstanding" service in regard to news, special events, discussion of timely controversial subjects, news interpretation and analysis; that it has an extensive schedule of serious music; and that "the program sources of the University of Wisconsin, which operates WHA, offer additional assurance of a program service, of an educational and informational nature, different from that to be provided by a commercial station."

8. In a further Exhibit, WHA tabulates information taken from the respective applications for renewal of licenses of the 18 stations serving all or part of the alleged interference area (three of these stations, WMAQ and WGN, Chicago, Illinois, and WHO, Des Moines, Iowa, provide primary service to 100 percent; one station, WLS, Chicago, Illinois, provides primary service to 95 percent), setting forth, in terms of percentages, the types and sources of programs these stations proposed to broadcast. On the basis of this tabulation, WHA contends that "none of the other stations serving the [interference] area [in question] carries the same general program service as WHA • • • because WHA is the only non-commercial, educational station rendering a primary, interference-free service to the potential area of interference"; and that "the WHA service consists entirely of sustaining, public service programming, essentially of an educational and informational nature, whereas the service of the other stations consists, in large majority, in entertainment programming, of a commercial nature, and with relatively small portions of time devoted to other categories of programs, particularly programming of an educational nature."

9. On the basis of the matters set forth in paragraphs 4 to 8 supra, WHA contends that it has made a prima facie showing that it is entitled to protection beyond its normally protected contour pursuant to the "individual merit standard" of § 3.182 (c) of the rules; and that if the Commission has any question as to whether WHA should be afforded protection beyond its normally protected contour, such a question must be resolved in a formal, evidentiary hearing on issues specified by WHA in its subject pleading.

10. Under the circumstances of this case, WHA's status as a party in interest rests on its showing of providing a unique program service in the interference area outside its normally protected contour. WHA has attempted to show its unique program service by a description of some of its programs and a quantitative analysis of the programs of other stations serving the crucial area. Since the WHA programs cited are similar to those that we have previously found did not justify a conclusion of uniqueness, See Mid-State Broadcasting Co., 5 Pike & Fischer, R. R. 250, and since we cannot determine the nature of the other program service to the area by the quantitative analysis provided by WHA, we cannot find, as a matter of fact, that protestant is a party in interest. However, we think the allegations contained in the protest are sufficient to warrant the matter being set for hearing on the issues specified by the protestant—the second of which, in effect, will place in issue, at this hearing, the basic question upon which protestant's standing or lack of standing must rest. But the Commission is not adopting the issues; and, therefore, the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on WHA. Furthermore, we are adding an issue to determine whether or not WHA is a party in interest within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended.

11. Station WPRE is an existing station, and the grant in question authorizes a change of frequency. We find no reasons why the public interest requires that the grant remain in effect pending the Commission's decision in the hearing hereinafter ordered on the WPRE application.

12. *Accordingly, it is ordered,* That the subject Protest And Petition For Reconsideration is granted to the extent provided for below and is denied in all other

[1] The distribution of this rural population among the Wisconsin counties involved is as follows:

County:	Population
Crawford	8,550
Grant	11,300
LaCrosse	4,335
Richland	1,298
Vernon	9,863
	35,346

respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the operation of Station WPRE as proposed would involve objectionable interference with Station WHA, Madison, Wisconsin, or with any other existing station, and, if so, the nature and extent of such interference.

2. To determine whether Standard Broadcast Station WHA, Madison, Wisconsin, renders primary service beyond its normally protected contour in any area or areas within the State of Wisconsin within which the operation of Station WPRE as proposed may involve interference and if so, whether 90 percent of the population (population served with adequate signal) in those areas is supplied with primary service by any other standard broadcast station or stations carrying the same general program service as Station WHA.

3. To determine whether, in light of the evidence adduced pursuant to Issue 2, Station WHA has standing as a party in interest to protest or seek reconsideration within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended.

4. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WPRE as proposed and the availability of other primary services to such areas and populations.

5. To determine the type and character of program service proposed by WPRE.

6. To determine what program service is being rendered by Station WHA to the area to be affected by the proposed operation of Station WPRE.

7. If Issue 3 is determined in the affirmative, to determine whether the operation of Station WPRE as proposed would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues is to commence at 10 a. m. on November 13, 1956, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than October 1, 1956.

It is further ordered, That the effective date of the Commission's grant of the above-captioned application is postponed pending a decision in the above hearing.

Adopted: September 19, 1956.

Released: September 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7871; Filed, Sept. 28, 1956; 8:51 a. m.]

[Docket No. 11823; FCC 56-888]

WILLIAM E. WALKER ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of William E. Walker, et al. (transferor), and Guild Films Company, Inc., (transferee), Docket No. 11823, File No. BTC-2255; for transfer of control of M & M Broadcasting Company, licensee of Station WMAM, Marinette, Wisconsin, and permittee of Station WMBV-TV, Marinette, Wisconsin.

1. The Commission has before it for consideration (a) a "Protest and Petition for Reconsideration" filed on August 20, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Valley Telecasting Company, directed against the Commission's action of July 18, 1956, granting without hearing the above-entitled application; (b) an opposition thereto filed on August 30, 1956, by the applicants; and (c) a reply to said opposition filed on September 7, 1956, by Valley Telecasting Company.

2. The petitioner, Valley Telecasting Company, is the licensee of Station WFRV-TV, Green Bay, Wisconsin. Green Bay (population 52,735) is located approximately 45 miles from Marinette, Wisconsin (population 35,748), and Station WMBV-TV, Marinette, serves the Green Bay city limits with a principal city signal. The above-captioned application requests Commission consent to the proposed sale of all of the outstanding stock of the permittee of Station WMBV-TV to Guild Films Company, Inc., a Colorado corporation. The agreement of sale submitted with the application indicates that the purchase consideration for this stock will amount to $287,500, of which $5,000 was paid at the time of execution of said agreement, $145,000 is payable at the closing date, and the balance is represented by three secured 4 percent promissory notes, two of which, in the amount of $45,000 each, are payable six and 12 months, respectively, after closing date, and the third of which, for $47,500, is payable 18 months after closing date. The sale price may be reduced from $287,500 to $247,500 if the total consideration is paid within 90 days after grant. With respect to the citizenship of its stockholders, the transferee showed in an amendment to the application that the corporation chose at random 100 names from its ownership lists; that these 100 stockholders, who held varying amounts of stock, were mailed letters on June 19, 1956 with a self-addressed postcard enclosed; and that as of July 3, 1956, replies had been received from 58 of these persons of which 57 stated they were United States citizens and one stated that he was no longer a stockholder. All of the transferee's officers and directors, owning 15.2 percent of the stock, are United States citizens.

3. In its protest Valley Telecasting Company alleges, in substance, that Station WMBV-TV has not been a financial success; that the licensee thereof, M & M Broadcasting Company, is not in good financial condition; that the transferee, Guild Films Company, Inc., is the fourth largest of the companies specializing in the production and distribution of film for television; that WMBV-TV has persistently and continuously sought to establish itself as a Green Bay station relying upon Green Bay business; that WMBV-TV is represented to be a Green Bay station in its efforts to secure national and regional business destined for the Green Bay market; that WMBV-TV has constructed studios in Green Bay, purporting to be auxiliary studios, but which are in fact new and complete and which WMBV-TV has advertised as being so good that they are "second to none"; that WMBV-TV has employed a larger staff in Green Bay than in Marinette, and the station's motor vehicles identify it as a Green Bay station; that WMBV-TV has, in its newspaper advertising, advertising in trade publications and in its own station identification practices, emphasized its operation as a Green Bay facility, and minimized or disregarded the Marinette aspect of its operation; that in its advertising, selling and station identification practices, WMBV-TV uses the phrase "Green Bay Packerland" in an effort to associate itself with Green Bay; that the transfer requested herein will result in an improved financial condition for the station, and will place in control of the station Guild Films Company, Inc., an organization purporting to have assets in excess of $5,000,000; that the transfer will make it possible for WMBV-TV to more advantageously secure films, because of the nature of its parent company, and to thereby strengthen its competitive position; that in its competition for Green Bay business, WMBV-TV is already predicating its argument upon the representation that the added capital available through the transfer herein assures its entry into Green Bay with "full force"; that, as a result, protestant has already suffered increased difficulty in securing Green Bay business; that the permittee of WMBV-TV has taken definite steps looking toward the relocation of the station closer to Green Bay; that the transfer will result in financial injury to the protestant; and that protestant is therefore a "person aggrieved or whose interests would be adversely affected" by the grant with standing to petition for reconsideration under Section 405 of the Communications Act, and is a "party in interest" with standing to protest under section 309 (c) of the Communications Act.

4. The protestant further alleges, in substance, that a public interest question exists as to whether Guild proposes to operate WMBV-TV as a Marinette station, or whether the application herein is intended as a device for establishing a Green Bay operation; that the program plans of the transferee, as set forth in the application, show virtually a complete lack of attention to Marinette and its area; that the transferee has not made a sufficient showing that it will serve the needs of Marinette; that the past operation of Station WMBV-TV has not conformed to the representations made in the original application for the station's construction permit, and the station has failed to serve, or endeavor to serve, the Marinette area; that there is doubt from available data whether the Green Bay studio of WMBV-TV is in fact an auxiliary studio rather than a main studio; that the showing submitted by the transferee with respect to the citizenship of its stockholders fails to meet the burden of establishing its qualifications with respect to the requirements of section 310 of the Communications Act; and that Guild has not made a sufficient showing in the application with respect to its financial qualifications for meeting the payments required under the agreement of sale.

Finally, protestant requests that the grant of the above-entitled application be reconsidered and set aside by the Commission and that the application be designated for hearing upon the issues requested by protestant, or that the effectiveness of the grant be postponed and the application be designated for hearing upon such issues in accordance with section 309 (c) of the Communications Act.

5. In their opposition to the protest and petition, the applicants concede that the protestant has standing to protest under section 309 (c) of the Communications Act. However, the applicants allege, in substance, that the protest is legally deficient for failure to "specify with particularity the facts relied upon by the protestant as showing that the grant was improperly made or would otherwise not be in the public interest"; that even if certain matters warrant some sort of "hearing," such matters should be set for oral argument only; that the protestant's charges regarding Guild's future plans are too speculative and conjectural, are lacking in substance, or are entirely incompetent; that WMBV-TV advertises the truth in an effort to obtain advertising—namely, it advertises that it serves Green Bay; that Green Bay is the largest concentration of population in the general area and provides an important source of revenue and a source of program fare; that because Green Bay falls within its service area, WMBV-TV has an affirmative obligation to serve Green Bay's needs; that it is in the public interest for WMBV-TV to provide a reception service to as many persons as is practical and efficient and to provide conveniently located studio facilities; that while WMBV-TV has no specific plans to increase coverage, it has attempted, in the past, and will in the future if the circumstances warrant, attempt to improve its coverage; that WMBV-TV now provides a program service to Marinette, as illustrated by several programs involving Marinette news, activities or guests; that there is a full-time newsman in Marinette and none in Green Bay; that even assuming it could be established that the present owners of WMBV-TV had not complied with the requirements of having the station properly fulfill Marinette's needs, this would not be a basis for denying the transfer since it would not raise a sufficiently serious question concerning the transferor's qualifications; that a substantially larger staff is maintained by WMBV-TV in Marinette than in Green Bay, and it originates a substantially larger number of programs from Marinette than from Green Bay; that the protestant has not alleged sufficient facts and matters to warrant a hearing on the issue of whether the Green Bay studio is really the main studio; that Valley has alleged no facts showing the lack of United States citizenship by the stockholders of Guild, or showing that the data submitted by Guild was false or erroneous, and Valley has, therefore, made no allegations justifying an inquiry into the citizenship of Guild Films; and that the protest fails to state any grounds justifying a hearing on the issue of financial qualifications.

6. The applicants also argue that in the event the protest is granted, the effective date of the transfer should not be postponed so as to prevent Guild Films from taking over the control and operation of the station in the interim period. In support of this position, it is alleged, in substance, that there are 11 present stockholders of M & M Broadcasting Company; that at the time television construction commenced there were 400 shares of stock outstanding with a par value of $100 each; that stockholders subscribed proportionately to 400 additional shares at a price of $275 each, making a total of $110,000 of new capital, $40,000 of which was credited to the capital stock account and $70,000 to donated surplus; that stockholders also loaned the company an additional $98,866.67; that later, William E. Walker loaned the company $10,000; that therefore, the existing stockholders put up a total of $218,866.67 in new capital and loans; that equipment was purchased from RCA on the deferred payment plan in the amount of $188,754.46, of which $170,292.50 is still due and payable; that the Green Bay studio building was mortgaged in the amount of $36,000, of which $33,981.90 is still owing; that almost all of the loans are still outstanding and total more than $300,000; that there are no other substantial assets which could be pledged or mortgaged; that current liabilities exceed current assets by a ratio of approximately two to one; that the station has incurred a total net operating deficit of $69,025.75 since it commenced operation in September 1954, and the net operating loss during July 1956 was $7,980.50; that the payments due on the RCA contract will increase in the future due to a stepped-up repayment rate provided for in the contract; that M & M cannot borrow further from institutional lenders; that the station's President and 50 percent stockholder and the station's Secretary-Treasurer and 23.33 percent stockholder are unable to advance further funds to the company; that none of the minor stockholders are willing to advance further funds; that without new capital, the company will be forced to drastically reduce operation or cease operation altogether; that the agreement with Guild provides that, pending Commission approval of the subject application, the company will not incur "unusual indebtedness," will not authorize issuance or increase in stock, declare any dividends or do anything adversely affecting the operation of the station; and that by reason of the foregoing, the grant of the instant application is "necessary to the maintenance or conduct of an existing service." Moreover, applicants argue, the Commission can and should affirmatively find that the public interest requires that the grant remain in effect. They allege, in substance, that the likelihood of success on the merits of the instant protest is extremely remote; that, in such circumstances, the Congress, in amending section 309 (c) of the Communications Act, intended that the Commission should not be precluded from permitting the protested grant to remain in effect; and that the transferee will improve the service rendered to the public.

7. In its reply to the opposition, the protestant alleges, in substance, that definite steps have been taken looking towards the relocation of WMBV-TV much closer to Green Bay, in order to operate as a Green Bay station; that the applicants have not satisfactorily answered the charge that the transferee will operate Station WMBV-TV as a Green Bay station and move the station closer to Green Bay; that the applicants have not satisfactorily answered the charges made by Valley with respect to the past and proposed future programming of WMBV-TV, and the question of whether WMBV-TV's main studio is actually located in Marinette; that the applicants have failed to demonstrate fundamental legal qualifications, and there may have been a failure to provide full financial data; that the allegations made by Valley require an evidentiary hearing, and an oral argument will not suffice; that the applicants have not alleged inability to advance funds for the continued operation of Station WMBV-TV, but have alleged, at most, an unwillingness of current stockholders to advance funds; that the grant in question is not necessary to the maintenance or conduct of an existing service; and that the Commission should, therefore, postpone the effective date of its grant of the subject application, pending resolution of the matters raised by the protest.

8. In light of the facts alleged in the protest, we find that the protestant is a "party in interest" and a "person aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled application, within the meaning of sections 309 (c) and 405 of the Communications Act, respectively. Granik, et al., v. FCC, Docket No. 12909, U. S. App. D. C., decided May 31, 1956; FCC v. Sanders, 309 U. S. 470; In re General-Times Television Corporation, 13 Pike & Fischer R. R. 1049; Camden

Radio, Inc., v. FCC, 94 U. S. App. D. C., 312, 220 F. 2d 191. We find further that the protestant has specified with particularity the facts upon which it concludes that the Commission's grant was not in the public interest. Accordingly, it is necessary to designate the above-entitled application for further proceedings.

9. A question is presented as to whether we should stay the effective date of our grant of the application. In this connection, section 309 (c) of the Communications Act provides as follows:

> * * * pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

We are of the opinion that the applicants herein have not demonstrated that a denial of a stay "is necessary to the maintenance or conduct of an existing service." The transferor's inability to continue operation of the stations has not been established, nor has cessation of broadcast service been shown to be inevitable under the circumstances. We also conclude that a finding cannot be made "that the public interest requires that a grant remain in effect." While we appreciate the extent to which the private interests of the parties may be affected by a stay of our grant, we are of the view that such circumstance was not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay. In re transfer of control of KTSA, 14 Pike & Fischer R. R. 85.

10. In view of the foregoing, *It is ordered*, That, the petition for reconsideration filed under section 405 of the Communications Act is granted to the extent provided for herein and is denied in all other respects; that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for further proceedings at a time and place to be specified in a subsequent order of the Commission; and that the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the proceedings to be ordered herein.

11. *It is further ordered*, That, in the event the transfer herein has been consummated, the parties to the above-entitled application shall have until October 19, 1956 to return control of M & M Broadcasting Company to the transferor.

Adopted: September 19, 1956.

Released: September 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7872; Filed, Sept. 28, 1956; 8:51 a. m.]

[Docket Nos. 11826, 11825; FCC 56-881]

ALKEK TELEVISION CO. AND VICTORIA TELEVISION CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Albert B. Alkek d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; O. L. Nelms d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1956;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 19 at Victoria, Texas; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Albert B. Alkek d/b as Alkek Television Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that O. L. Nelms d/b as Victoria Television Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issue:

(1) To determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in the light of the record made with respect to significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed by each of the above applicants.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the respective applications will be effectuated.

Released: September 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7873; Filed, Sept. 28, 1956; 8:51 a. m.]

[Docket No. 11519; FCC 56M-885]

GREENVILLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519; File No. BP-9522; for construction permit.

The Hearing Examiner having under consideration the petition filed on September 21, 1956, by the applicant, Greenville Broadcasting Corporation, requesting a ten-day continuance of the hearing presently scheduled for September 24, 1956; and

It appearing that the applicant plans to seek dismissal without prejudice of its application, but the executed affidavit with respect to no consideration required under the provisions of § 1.366 of the rules has not yet been received and that a continuance of the above-styled hearing for a ten-day period will afford time for the receipt of such affidavit and the filing of a petition for dismissal of the application; and

It further appearing that counsel for the other parties, including the Broadcast Bureau, waive the proyisions of § 1.745 (so-called four-day rule) of the rules and interpose no objection to a grant of this petition;

It is therefore ordered, This September 21, 1956, that the hearing in the above-styled proceeding be and it is hereby continued to October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7874; Filed, Sept. 28, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2657 etc.]

JAKE L. HAMON ET AL.

FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND SEVERING PROCEEDINGS

In the matters of Jake L. Hamon, et al., Docket No. G-2657; Warren Petroleum Corporation, Docket No. G-2682; Associated Oil and Gas Company for itself and as Agent for Huskey Oil Company,

E. W. Ogden and L. B. Herring, Docket No. G-2683; Sultex Oil and Gas Corporation [1], Docket No. G-2718; Phillips Petroleum Company, Docket Nos. G-2811, G-2857, G-6808, G-8725, G-8739, G-9191, G-9300, G-9708; J. B. Dial, R. C. Oberthier and W. H. Oberthier, Docket No. G-3020; Lynn Drilling Company, Docket No. G-3152; Burdette Graham, Operator, Docket No. G-4026; Sunray Mid-Continent Oil Company [2], Docket Nos. G-4268, G-4416, G-8663, G-8791, G-8825, G-9530, G-9782; H. F. Sears, Docket No. G-4507; San Salvador Development Company, Inc., Docket No. G-4534; The Hefner Production Company, Docket No. G-4684; Carl V. Benz, et al., Docket No. G-4794; The Carter Oil Company, Docket No. G-4988; La.-Tex Petroleum Products Corporation, Docket No. G-5233; The Sharples Oil Corporation, Docket No. G-6079; John M. Hickey, et al., Docket No. G-6520; Hawn Bros., et al., Docket No. G-6806; Phillips Chemical Company, Docket No. G-6809; Big "6" Drilling Company, Docket No. G-6874; Claud B. Hamill, Docket No. G-6945; Ralph R. Gilster, et al., Docket No. G-7099; H. W. Perritt, Docket No. G-7316; John C. Robbins, Jr., Individually and as Independent Executor of the Estate of John C. Robbins, Sr., Deceased, and Dorothy Robbins Sage, Docket No. G-7683; L. B. Hatch, et al., Docket No. G-7880; Veva L. Borton, Docket No. G-7916; Aurora Gasoline Company, Docket No. G-8152; Gulf Oil Corporation, Docket No. G-8155; Foster Petroleum Corporation, Docket No. G-8239; Utah Oil Refining Company, Docket No. G-8291; John B. Hawley, Jr., Docket No. G-8294; Northern Pump Company, et al., Docket No. G-8476; William Graham Oil Company, Docket No. G-8486; The Atlantic Refining Company, Docket Nos. G-8521, G-9393, G-9484, G-9625; Placid Oil Company, Docket No. G-8586; Walter Kuhn, Operator, Docket No. G-8761; Acme Oil Corporation, Docket No. G-8917; Aylward Drilling Company, filing for itself and on behalf of Harry Beren, et al., Docket No. G-9006; John R. LeBosquet, Docket No. G-9028; Otto C. Neumann, et al., Docket No. G-9032; Davis-Wharton Drilling Company, Docket Nos. G-9050, G-9051; Pennowa Oil and Gas Company, Docket No. G-9075; Simon Lebow, et al., Docket No. G-9192; North American Petroleum Company, Docket No. G-9252; Amerada Petroleum Corporation, Docket No. G-9314; W. H. Helmrich III, et al., Docket No. G-9495; G. N. McDaniel, Jr., and/or Power Petroleum Company, Docket No. G-9582.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below. Applicants are hereinafter referred to as Applicant.

Docket No. G-; Location of Field; and Buyer

2657; N. E. Roady Field, Garvin County, Oklahoma; Lone Star Gas Company.

2682, 2683; Trans-Tex Field, Wharton County, Texas; Tennessee Gas Transmission Company.

2718; So. Rincon Field (Barbacoas) Starr County, Texas; Tennessee Gas Transmission Company.

2811; Ivan Field, Bossier Parish, Louisiana; Arkansas Louisiana Gas Company.

2857; Lazy "J" Pennsylvania Field, Lea County, New Mexico; Warren Petroleum Corporation.

3020; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

3152; Big Mineral Creek Field, Grayson County, Texas; Texas Natural Gasoline Corporation; H. W. Bass and Sons, Inc.

4026; Robstown Field, Nueces County, Texas; Tennessee Gas Transmission Company.

4268; Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

4416; Tubb Gas and Blineberry Fields, Lea County, New Mexico; El Paso Natural Gas Company.

4507; West Panhandle Field, Hutchinson County, Texas; Colorado Interstate Gas Company.

4534; San Salvador Field, Hidalgo County, Texas; Tennessee Gas Transmission Company.

4684; Keyes Field, Cimarron and Texas Counties, Oklahoma; Colorado Interstate Gas Company.

4794; Lissie Field, Wharton County, Texas; Tennessee Gas Transmission Company.

4988; Cedar Creek Field, Bowman County, North Dakota; Montana Dakota Utilities Company.

5233; South Crowley Field, Acadia Parish, Louisiana; also gas purchased from Phillips Petroleum Company, et al.; Tennessee Gas Transmission Company.

6079; Barnhart Field, Reagan County, Texas; Barnhart Hydrocarbon Corporation.

6520; Millcreek Township, Clarion County, Pennsylvania; United Natural Gas Company.

6806; Scott and Hopper Fields, Brooks County, Texas; Tennessee Gas Transmission Company.

6808, 6809; South Crowley Field, Acadia Parish, Louisiana; La.-Tex Petroleum Products Corporation.

6874; Calallen Field, Nueces and San Patricio Counties, Texas; Tennessee Gas Transmission Company.

6945; Nada Field Area, Wharton County, Texas; Tennessee Gas Transmission Company.

7099; South Hallsville Area, Harrison County, Texas; Tennessee Gas Transmission Company.

7316; Ivan Field, Webster and Bossier Parishes, Louisiana; Arkansas Louisiana Gas Company.

7683; Willow Springs Field, Gregg County, Texas; Arkansas Louisiana Gas Company.

7880; Panhandle Field, Hutchinson County, Texas; Phillips Petroleum Company.

7916; Leases in Nowata County, Oklahoma; Cities Service Gas Company.

8152; Leases in Barber County, Kansas; Cities Service Gas Company.

8155; West Panhandle Field, Hutchinson County, Texas; Phillips Petroleum Company.

8239; West Panhandle Field, Moore County, Texas; Phillips Petroleum Company.

8291; Powder Wash Area, Moffat County, Colorado; Mountain Fuel Supply Company.

8294; Hugoton Field, Haskell County, Kansas; Cities Service Gas Company.

8476; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

8486; Hugoton Field, Stanton County, Kansas; Cities Service Gas Company.

8521; Hobbs Field, Lea County, New Mexico; Phillips Petroleum Company.

8586; Bethany Field, Panola County, Texas; Tennessee Gas Transmission Company.

8663; Beauriine Field, Hidalgo County, Texas; Tennessee Gas Transmission Company.

8725; Fox Pool, Carter County, Oklahoma; Signal Oil and Gas Company.

8739; West Panhandle Field, Hutchinson County, Texas; Northern Natural Gas Company.

8761; Kansas-Hugoton Field, Stevens County, Kansas; Northern Natural Gas Company.

8791; Rincon and Flores Fields, Starr and Hidalgo Counties, Texas; Tennessee Gas Transmission Company.

8825; El Panal Field, Starr County, Texas; Tennessee Gas Transmission Company.

8917; Hugoton Field, Haskell County, Kansas; Northern Natural Gas Company.

9006; Whelan Oil and Gas Field, Barber County, Kansas; Cities Service Gas Company.

9028; Nurse Field, Barber County, Kansas; Cities Service Gas Company.

9032; Acreage in Barber County, Kansas; Cities Service Gas Company.

9050, 9051; Mayflower Field, Grant County, Oklahoma; Consolidated Gas Utilities Corporation.

9075; Panhandle Field, Hutchinson County, Texas; Phillips Petroleum Company.

9191; Jal Field, Lea County, New Mexico; Gulf Oil Corporation.

9192; Borger Area, Hutchinson County, Texas; Phillips Petroleum Company.

9252; North Merrick Field, Logan County, Oklahoma; Gas Transmission Company.

9300; Brahaney Field, Yoakum County, Texas; Shell Oil Company; Coltexo Corporation.

9314; Greenwood Field, Morton County, Kansas, Baca County, Colorado; Colorado Interstate Gas Company.

9393; Hardtner Area, Barber County, Kansas; Cities Service Gas Company.

9484; East Lovington Field, Lea County, New Mexico; Skelly Oil Company.

9495; Hugoton Field, Haskell County, Kansas; Northern Natural Gas Company.

9530; North Hostetter Field, McMullen County, Texas; Tennessee Gas Transmission Company.

9582; Texas Panhandle Field, Hutchinson County, Texas; Shamrock Oil and Gas Corporation.

9625; Riverton Dome Field, Fremont County, Wyoming; Northern Utilities Company.

9708; West Panhandle Field, Moore and Hutchinson Counties, Texas; Shamrock Oil and Gas Corporation.

9782; Hugoton Field, Kearny County, Kansas; Kansas Colorado Utilities, Inc.

Pursuant to due notice, a public hearing was held in Washington, D. C., on September 13, 1956, respecting the matters involved in and the issues presented by the application. No petition to intervene or protest in opposition to the granting of the application has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and the Commission render a decision herein pursuant to § 1.30 (c) (1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Applicant, an independent producer of natural gas, upon commencement of the sale authorized herein will

[1] Sultex Oil and Gas Corporation was changed from Sotex Oil and Gas Corporation by charter amendment dated April 18, 1955.

[2] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company.

be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) Sunray Mid-Continent Oil Company in Docket Nos. G–4268, G–4416, G–8663, G–8791, G–8825, G–9530, and G–9782, and Phillips Chemical Company in Docket No. G–6809 have requested that their respective applications in the dockets herein named be severed from this proceeding and continued at a date to be set by further notice for various reasons as outlined in said requests.

(3) The sale of natural gas hereinbefore described, as more fully described in the application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(5) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) A request during the public hearing by Staff Counsel for omission of the intermediate decision procedure under § 1.30 (c) of the Commission's rules of practice and procedure was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30 (c) (1) of said rules.

The Commission orders:

(A) A certificate of public convenience and necessity be and is hereby issued, upon the terms and conditions of this order, authorizing the sale by Applicant of natural gas in interstate commerce for resale, together with the construction and operation of any facilities, subject to the jurisdiction of the Commission, used for the sale of natural gas in interstate commerce, as hereinbefore described and as more fully described in the application and exhibits in this proceeding.

(B) The applications filed by Sunray Mid-Continent Oil Company in Docket Nos. G–4268, G–4416, G–8663, G–8791, G–8825, G–9530, and G–9782, and Phillips Chemical Company in Docket No. G–6809 are hereby severed from this proceeding and continued at a date to be set by further notice.

(C) The certificate issued herein shall be deemed and accepted and of full force and effect, unless refused in writing and under oath by Applicant within 30 days from issuance of this order.

(D) The certificate is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act, and the applicable rules, regulations and orders of the Commission.

(E) The grant of the certificate herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or of section 154 of the Commission's rules and regulations thereunder requiring the filing of rate schedules for the service herein authorized, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objection relating to the operation of any price or related provision in the gas purchase contracts herein involved.

Issued: September 24, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7841; Filed, Sept. 28, 1956; 8:45 a. m.]

[Docket No. G–11123]

HASSIE HUNT TRUST

ORDER SUSPENDING PROPOSED CHANGES IN RATES

On August 22, 1956, Hassie Hunt Trust (Applicant) submitted for filing proposed changes in its rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filings which are proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Proposed Effective Date[1]

Notice of change dated August 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 4; November 1, 1956.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed in Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 4, and that said supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 4, pending such hearing and decision thereon, such supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7860; Filed, Sept. 28, 1956; 8:49 a. m.]

[Docket No. G–11124]

HUNT OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hunt Oil Company (Applicant) on August 27, 1956, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates are contained in the following designated filings which are proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated August 23, 1956; United Gas Pipe Line Company; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 5; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR 1, Chapter 1) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7861; Filed, Sept. 28, 1956; 8:49 a. m.]

[Docket No. G–11125]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant) on August 27, 1956, tendered for filing proposed changes in its presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated 8–24–56; Arkansas Louisiana Gas Company; Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 31; September 27, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Issued: September 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7862; Filed, Sept. 28, 1956; 8:49 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by the Applicant, if later.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1493]

HUNT FOODS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 24, 1956.

In the matter of Hunt Foods, Inc., common stock, File No. 1–1493.

Los Angeles Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As the result of an exchange offer by Ohio Match Company which expires on August 15, 1956, there remain outstanding only 6,523½ shares in the names of 175 holders of record according to advices from the issuer. The stock has been suspended from trading on the Exchange since September 4, 1956.

Upon receipt of a request, on or before October 10, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–7857; Filed, Sept. 28, 1956; 8:48 a. m.]

[File No. 1–1493]

HUNT FOODS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 24, 1956.

In the matter of Hunt Foods, Inc., Common Stock, File No. 1–1493.

San Francisco Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As the result of an exchange offer by Ohio Match Company which expired on August 15, 1956, there remain outstanding only 6,523½ shares in the names of 175 holders of record according to advices from the issuer. The stock has been suspended from trading on the Exchange since September 4, 1956.

Upon receipt of a request, on or before October 10, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–7857; Filed, Sept. 28, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 55, Amdt. 1]

TEXAS

TRANSPORTATION OF LIVESTOCK AND LIVESTOCK FEED AT REDUCED RATES; EXTENSION OF EXPIRATION DATE

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon a consideration of a request by the Governor of the State of Texas, dated September 24, 1956, to extend the expiration date of this order:

It is ordered, That the order of April 2, 1956, be, and it is hereby, amended (a) to extend the expiration date from September 30, 1956, to and including March 31, 1957, and (b) to provide that agents or agencies of said State shall designate the class of persons entitled to the reduced rates.

It is further ordered, That notice to the affected railroads and the general public shall be given by depositing copies of this order in the office of the Secretary of the Commission and by filing copies with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association — Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 26th day of September 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-7883; Filed, Sept. 28, 1956; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32668: *Crude petrolatum to Sayville, N. Y.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum from points in southwestern and Kansas-Missouri territories to Sayville, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 72 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 32669: *Common salt—Southwest to Blacksburg, Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on common salt, carloads from specified points in Kansas, Louisiana and Texas to Blacksburg, Va.

Grounds for relief: Modified short-line distance formula basis and circuitous routes.

Tariff: Supplement 77 to Agent Kratzmeir's I. C. C. 3903.

FSA No. 32670: *Aluminum billets—Texas points to Detroit, Mich., and Cleveland, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, etc., carloads, from Dallas and Ft. Worth, Tex., to Detroit, Mich., and Cleveland, Ohio.

Grounds for relief: Short-line distance formulas and circuity.

Tariff: Supplement 1 to Agent Kratzmeir's I. C. C. 4225.

FSA No. 32671: *Phosphatic clay—Florida to Kentucky, Virginia, and West Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphatic clay, carloads from Dunnellon, Fla., and fourteen other origins in south Florida to points in Kentucky, Virginia, (except Newport News), and West Virginia on the Chesapeake and Ohio Railway Company.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 43 to Agent Spaninger's I. C. C. 1320.

FSA No. 32672: *Skids or platforms—Minneapolis, Minn., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on empty returned skids or platforms, carloads from Minneapolis, Minn., on the Minneapolis, Northfield and Southern Railway to specified points in southern territory from which rates are in effect on paper and paper articles to Minneapolis, Minn.

Grounds for relief: Circuitous routes.

FSA No. 32673: *Wooden poles—South to Missouri.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on wooden poles, creosoted or not creosoted, carloads from specified points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee and Virginia, to specified points in Missouri.

Grounds for relief: Grouping and circuitous routes.

Tariffs: Supplement 179 to Agent Spaninger's I. C. C. 594. Supplement 155 to Agent Spaninger's I. C. C. 1101.

FSA No. 32674: *Alcoholic liquors to Shreveport, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alcoholic liquors and related articles, carloads, from Cincinnati, Ohio, Lawrenceburg, Ind., Cliffside, Frankfort, Elsinore, Louisville and Owensboro, Ky., and Pekin and Peoria, Ill., to Shreveport, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 121 to Agent Kratzmeir's I. C. C. 4049.

FSA No. 32675: *Substituted service—motor-rail-motor—M. K. T. and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor and rail carriers. Rates on freight of various commodities loaded in highway truck trailers and transported aboard railroad flat cars between Houston and San Antonio, Tex., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other, or destined to or originating at points beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. No. 11.

FSA No. 32676: *Substituted service—motor-rail-motor—N. Y. N. H. & H. and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight of various commodities loaded in highway truck trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Boston, Mass., on the other, originating at or destined to points beyond the named points reached by motor carriers.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. No. 11.

FSA No. 32677: *Substituted service—motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for the Pennsylvania Railroad and interested motor carriers. Rates on freight of various commodities, loaded in highway truck trailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and Kearny, N. J., on the other, originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. No. 11.

FSA No. 32678: *Plaster and related articles—Iowa to Illinois territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on plaster and related articles, also gypsum wallboard, carloads from Ft. Dodge, Gypsum and Kalo, Iowa to destinations in Illinois territory.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 68 to Agent W. J. Prueter's tariff I. C. C. A-3917.

FSA No. 32679: *Scrap Paper—Chicago, Ill., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap or waste paper, carloads from Chicago, Ill., to Houston, Tex.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 162 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 32680: *Latex—Louisiana and Texas points to National, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), carloads from Baton Rouge, North Baton Rouge and Velasco, Tex., to National, Ark.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 175 to Agent Kratzmeir's I. C. C. 4087. Supplement 248 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32681: *Roofing and building material—Shreveport, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building material and slate roofing, carloads from Shreveport, La., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 176 to Agent Kratzmeir's I. C. C. 4087.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-7842; Filed, Sept. 28, 1956; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SOCIETE ANONYME DES ACIERIES ET FORGES DE FIRMINY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme des Acieries et Forges de Firminy, 79 rue de Monceau, Paris VIII, France; Claim No. 41222; property described in Vesting Order No. 1187 (8 F. R. 7036, May 27, 1943), relating to Patent Application Serial No. 470,630 (now United States Letters Patent No. 2,369,598) and Patent Application Serial No. 470,621.

Executed at Washington, D. C., on September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7848; Filed, Sept. 28, 1956; 8:47 a. m.]

PAOLO DE LA FELD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paolo de la Feld, Maria Luisa de la Feld, married Ruesch, Martha de la Feld, married Klingenberg, Naples, Italy, Claim No. 35293; Antonio di Serracapriola, Stefano Maresca di Serracapriola, Anna Margherita di Serracapriola, Rome, Italy, Claim No. 35295; Margaret de la Feld, married Vissochi Ricardo de la Feld, Gloria de la Feld, Arthur de la Feld, Maximo de la Feld, Rome, Italy, Claim No. 35308; all right, title, interest and claim of any kind or character whatsoever of Paolo de la Feld, Maria Luisa de la Feld, married Ruesch, Martha de la Feld, married Klingenberg, Antonio di Serracapriola, Stefano Maresca di Serracapriola, Anna Margherita di Serracapriola, Margherita de la Feld, married Vissochi, Ricardo de la Feld, Gloria de la Feld, Arthur de la Feld, and Maximo de la Feld in and to trusts established pursuant to Subdivision 22 of Article 4 of the Will of Richard Delafield, deceased, presently in the process of administration by the Chase Manhattan Bank, successor to the Chase National Bank of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, Orange County, New York. Vesting Order No. 2753.

Executed at Washington, D. C., on September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7849; Filed, Sept. 28, 1956; 8:47 a. m.]

ELSA ETELKA M. RIEDL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

1. Elsa Etelka M. Riedl, Eferding, Austria; 2. Elsa Etelka M. Riedl, as guardian of her minor son, Hans Theodor Riedl; 3. Maja Maria Reichsthaler, Steyregg, Austria; Claim No. 28593; $486.13 in the Treasury of the United States and an undivided one-eighth interest in securities hereinafter listed, located in the Office of Alien Property, Department of Justice, 101 Indiana Ave., N. W., Washington, D. C., to the claimants in the following proportions:

¼ thereof.
⅜ thereof.
⅜ thereof.

500 shares Butte Copper Consolidated Mines capital stock par value 50 cents per share, or 62½ of the remaining 375 shares represented by Certificate No. 25771.

2. Units Cameron-Anderson Interesta-par value $25.00 per unit. Certificate No. 420 for 2 units.

200 shares Evangeline Oil Company capital stock—par value 50 cents per share. Certificate Nos. 16074 for 80 shares, 3782 and 7687 for 50 shares each and 11360 and 15184 for 10 shares each.

250 shares The Evangeline Petroleum Company capital stock—par value 50 cents per share. Certificate Nos. 1499 for 150 shares and 6068 for 100 shares.

325 shares Lorrain Consolidated Mines, Limited, capital stock—par value $1.00 per share. Certificate No. O-3984 for 325 shares.

2 units Slents Smackover Holding Syndicate—par value $15.00 per unit. Certificate No. 283 for 2/1500ths beneficial interest in oil and gas leases.

2 units Smackover Membership Lease Pool—par value $20.00 per unit. Certificate Nos. 245 and 283 for one unit each.

50 units Smackover Five Gusher Pool—par value $1.00 per unit. Certificate Nos. 371 for 40 units, 795 for 8 units and 652 for 2 units.

2 units Cameron-Anderson Archer-Baylor Protection Leases. Certificate No. 339 for 2/900ths interest in oil and gas leases.

1 unit Cameron-Anderson Free Fifty-Acre Lease Pool. Certificate No. 580 for 2/1000ths interest in oil and gas leases.

1 unit Cameron-Anderson Free 160 Acre Reagan County Leases. Certificate No. 130 for 25/15000ths interest in oil and gas leases.

2 units Cameron-Anderson Interests preorganization receipt Certificate No. 177 for 2 units.

1 unit Cameron-Anderson Free Twenty-Acre Seay Lease. Certificate No. 835 for 50/1860000ths interest in oil and gas leases.

25 shares Apple Radio Corporation capital stock—par value $5.00 per share. Certificate No. 119 for 25 shares.

200 shares The Atlantic Fruit & Sugar Company common stock—par value $1.00 per share. Certificate Nos. 19407 and 19408 for 100 shares each.

40 shares Atlantic United Petroleum Company capital stock—par value $1.00 per share. Certificate Nos. 1037 and 1217 for 20 shares each.

550 shares Blue Bird Oil Corporation capital stock—par value 10 cents per share. Certificates Nos. 9769 for 500 shares and 5425 for 50 shares.

150 shares Bush Consolidated Gold Mines Inc., capital stock—par value 50 cents per share. Certificate No. 170 for 150 shares.

1 share Cape May Golf Development Company capital stock—par value $100.00 per share. Certificate No. 14 for 1 share.

12 95/100ths shares the Gold Dirt Mining Company capital stock—par value $1.00 per share. Certificate Nos. 2540 for 4 20/100ths shares and 1988-B for 8 75/100ths shares.

25 shares Hapgood Production Company capital stock—par value $1.00 per share. Certificate No. 467 for 25 shares.

350 shares Intercontinent Petroleum Corporation capital stock—par value $5.00 per share. Certificate Nos. N-4648, N-4649 and N-4650 for 100 shares each and NO-424 for 50 shares.

5 shares Mid-Colombia Oil and Development Company capital stock—without par value. Temporary Certificate No. T. O. 74 for 5 shares.

500 shares The Pearless Consolidated Copper Company capital stock—par value 1 cent per share. Certificate No. 842 for 500 shares.

350 shares The Rose-City Ore Company capital stock—par value 5 cents per share. Certificate No. 3542 for 350 shares.

160 Shares Seafoam Mines Corporation stock—without par value. Certificate No. (not legible) for 160 shares.

200 shares Sunstar Oil Company capital stock—par value $1.00 per share. Certificate No. 497 for 200 shares.

500 shares Unity Mines Corporation capital stock—par value $1.00 per share. Certificate Nos. 2425/2429, inclusive, for 100 shares each.

2 units Vitek Oil & Refining Company—par value $10.00 per unit. Trustee's Certificate No. 30169 for 5 units.

$165.00 The Blue Bird Oil Corporation Production Bond Series "A". Certificate No. 5539 for $15.00 and Certificate No. 7245 for $150.00.

Executed at Washington, D. C., on September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7850; Filed, Sept. 28, 1956; 8:47 a. m.]

[Vesting Order 18502, Amdt.]

OKURA & Co.

In re: Bond owned by Okura & Company. F-39-995.

Vesting Order 18502, dated September 20, 1951 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law after investigation, it is hereby found:

1. That Okura & Company, the last known address of which is Tokyo, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Pennsylvania Railroad Company, 1846 Broad Street Station Building, 1617 Pennsylvania Boulevard, Philadelphia 4, Pennsylvania, arising out of one (1) Pennsylvania Railroad Company General Mortgage, 5 percent, Series "B" Bond, No. 43271, of $1,000 face value, and arising out of coupons attached to or detached from said bond and due on or after June 1, 1941, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same and together with any and all rights in, to and under the aforesaid bond and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Okura & Company, the aforesaid national of a designated enemy country (Japan); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7851; Filed, Sept. 28, 1956; 8:47 a. m.]